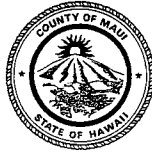


KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

April 4, 2022

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of April 1, 2022:

BILL:

No. 66 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.02, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"

No. 67 (2022) - "A BILL FOR AN ORDINANCE FOR A CHANGE IN ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049"

Also transmitted for your convenience are copies of communications received from the Planning Director pertaining to the bills.

Respectfully,

A handwritten signature in black ink that reads "Kathy L. KaoHu".

KATHY L. KAOHU
County Clerk

/jym
Enclosures
cc: Director of Council Services

RECEIVED
2022 APR -4 PM 12:51
OFFICE OF THE
COUNTY CLERK

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

March 11, 2022

RECEIVED
2022 MAR 15 AM 10:01
OFFICE OF THE
COUNTY CLERK

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 3-15-22
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Councilmembers:

SUBJECT: DIGITAL ZONING MAP (4) FOR MAUI ISLAND

Attached please find attached a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI" (Exhibit 1). The bill's purpose is to adopt an amended digital zoning map as the official zoning map for the Island of Maui. The map provides a graphical portrayal of zoning designations established by ordinance. We note that the attached draft bill updates the map from (2) to (4). We anticipate that Digital Zoning Map (3) will be adopted by the Maui County Council before or when this bill is scheduled for eventual full council review and adoption, and as such, a revision of Map (4) will likely be necessary to include the Map (3) changes.

As many are now aware, beginning in the early 2000's, the Planning Department gathered together a team of staff to create digital zoning maps for the county. Affectionately known as DSSRT (Dead Sea Scroll Replacement Team), the team has spent many years creating digital zoning maps for each island. These digital zoning maps were created after reviewing all known associated hardcopy and digital information available to the Department (including State land use designation maps and layers, District Boundary Amendments, community plan maps, current zoning designations and maps, Change in Zoning ordinances, and boundary interpretations). Utilizing Geographical Information System (GIS) tools, the team digitized this information collectively, rectified the applicable information into geospatial data, and, finally, examined each of these parameters at the parcel level in a digital zoning map.

As the team conducted its analysis to create the digital maps, it became clear that there were other facets of zoning that needed to be addressed: opportunities to zone properties consistent with their use, their community plan designation, and state land use designation. Due to the complexity of these issues and the effort involved to propose amendments, the project morphed from a single goal of making an “as is” digital zoning map for each island to several goals and phases.

As part of this third phase of the digital mapping project, which addresses zoning consistency, the Department is recommending changing zoning of 13 parcels to P-2 Public/Quasi Public District (P-2 District). All of these parcels have a community plan designation of Public/Quasi-Public.

When the P-2 District was adopted by the Maui County Council (Council) in 2013, the Department stated at the time that the DSSRT would be returning with a list of recommended parcels for the P-2 District for those parcels that had existing uses and structures that met the standards. The creation of this district was designed to streamline development and address the problematic 40-foot height limit of the P-1 District. There are many projects with P-1 zoning such as Kamehameha Schools, UH Maui College, Wailea Fire Station and the Kihei Police Station, that were all required to seek variance approvals because of the height limitation. The Council at the time unanimously supported and approved the P-2 District, recognizing that limiting height to 40 feet for all public and quasi-public facilities was not reasonable nor practical.

The proposed Maui Digital Zoning Map (4) implements a portion of phase 3 of the digital mapping project and demonstrates the importance of having a 90-foot height limit in the P-2 District. We note that there are many other public/quasi-public facilities that would also benefit with a rezoning to the P-2 District, however due to their current State Land Use District designation (ex. Agriculture) or community plan designation, other land use entitlements are needed in order to be consistent with a proposed P-2 rezoning.

At this time, the following parcels in map (4) are proposed to be rezoned to the P-2 District:

TMK	Property Description	Zoning	Height	Variance
238007125	UH Maui College	R2/M1	68'	Yes
238007040	UH Maui College	R2/M1	68',43' 74',55'9"	Yes
237002011	UH Maui College	R2/M1	various	No
239012036	Kihei Fire Station	PK	~30'	No
238007098	Maui High School	R2	~46'	Unknown
222004034	Kula Hospital	P1	~86'	N/A*
238046013	Maui Memorial Medical Center	P1	81'	Yes
238007004	Baldwin High School	R3	55.4'	Yes

Honorable Alice Lee, Chair
and Members of the Maui County Council
March 11, 2022
Page 3

238046025	Wailuku Police Station	R3	~51' 7"	No
222002070	Kihei Police Station	P1	52'	Yes
239038026	Wailea Fire Station	P1	46'	Yes
222002081	Kihei High School	P1	n/a	No
223008039	Kamehameha School	P1	54', 41', 98' 50.3', 50', 51', 60' 10"	Yes
*Built prior to 1960 Zoning Ordinance (5 stories, year 1937)				

The Maui Planning Commission reviewed the proposed bill on October 12, 2021 and voted unanimously to pass the bill. The Maui Planning Commission memorandum and meeting minutes are attached (Exhibits 2 and 3). All affected property owners were notified of the proposed zoning corrections and the Department received no testimony against the proposed zoning changes.

Thank you for your attention to this matter. Should further clarification be necessary, please feel free to contact Planning Program Manager Kathleen Ross Aoki at kathleen.aoki@mauicounty.gov or at extension 7734.

Sincerely,



For MICHELE CHOUTEAU MCLEAN, AICP
Planning Director

Attachments

xc: Kathleen Ross Aoki, Planning Program Manager (PDF)
Jacky Takakura, Acting Planning Program Administrator (PDF)
Clayton Yoshida, Planning Program Administrator (PDF)
Ann Cua, Planner Supervisor (PDF)
Peter Graves, GIS Analyst

MCM:KRA:rh1

S:\ALL\PID\DSSRT\Maui Map 4_P2 zoning\County Council\Map4_CouncilTrans.docx

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.02, MAUI COUNTY CODE, ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this Ordinance is to adopt the most recently amended digital zoning map (4) as the official zoning map for the Island of Maui. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

“19.06.020 Maps. A. In accordance with section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director must prepare and administer the County’s zoning maps.

B. For the islands of Maui, Lānaʻi, and Molokaʻi, one zoning map for each island must be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are incorporated by reference and are located online at the department of planning, implementation division’s website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file, Maui digital zoning map [(2),] (4), as amended, Lānaʻi digital zoning map (1), and Molokaʻi digital zoning map (1), are in addition to any original “land zoning maps” on file in the office of the county clerk; however, the digital zoning maps must be used to determine zoning boundaries and designations in the event of a conflict. Whenever a change in zoning is approved and the ordinance is filed with the county clerk, the island’s digital zoning map must be amended to reflect the change in zoning.

C. The area of the island of Kaho'olawe shown on the original map entitled "Land Zoning Map," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning maps for the islands of Maui, Lāna'i, and Moloka'i, together with all explanatory materials, are part of this title."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect upon approval.

APPROVED AS TO FORM AND LEGALITY:

Stephanie Chen

STEPHANIE M. CHEN
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
LF 2022-0006
2022-01-26 Ord Amd Ch. 19.06.20

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

October 12, 2021

MEMORANDUM

TO: MAUI PLANNING COMMISSION

FROM: MICHELE CHOUTEAU MCLEAN, AICP 
PLANNING DIRECTOR

SUBJECT: MAUI ISLAND DIGITAL ZONING MAP (4)

Background

Beginning in the early 2000's, the Planning Department gathered together a team of staff to create digital zoning maps for the county. Affectionately known as DSSRT (Dead Sea Scroll Replacement Team), the team has spent many years creating digital zoning maps for each island. These digital zoning maps were created after reviewing all known associated hardcopy and digital information available to the Department (including State land use designation maps and layers, District Boundary Amendments, community plan maps, current zoning designations and maps, Change in Zoning ordinances, and boundary interpretations). Utilizing Geographical Information System (GIS) tools, the team digitized this information collectively, rectified the applicable information into geospatial data, and, finally, examined each of these parameters at the parcel level in a digital zoning map.

As the team conducted its analysis to create the digital maps, it became clear that there were other facets of zoning that needed to be addressed: opportunities to zone properties consistent with their use, their community plan designation, and state land use designation. Due to the complexity of these issues and the effort involved to propose amendments, the project morphed from a single goal of making an "as Is" digital zoning map for each island to several goals and phases.

As part of this third phase of the digital mapping project, which addresses zoning consistency, the Department is recommending changing zoning of 13 parcels to P-2 Public/Quasi Public District (P-2 District). All of these parcels have a community plan designation of Public/Quasi-Public.

Exhibit 2

When the P-2 District was adopted by the Maui County Council (Council) in 2013, the Department stated at the time that the DSSRT would be returning with a list of recommended parcels for the P-2 District for those that had existing uses and structures that met the standards. The creation of this district was designed to streamline development and address the problematic 40' height limit of the P-1 District. There are many projects with P-1 zoning such as Kamehameha Schools, UH Maui College, Wailea Fire Station and the Kihei Police Station, that were all required to seek variance approvals because of the height limitation. The Council at the time unanimously supported and approved the P-2 District, recognizing that limiting height to 40' for all public and quasi-public facilities was not reasonable nor practical. A recent resolution (Resolution 21-114) adopted by the current Council recommends lowering the height limit from 90' to 45' in the P-2 district, a 5' difference between the two public/quasi-public districts. This would not only be detrimental to many existing facilities, but it would also re-establish the burdensome and pointless variance requirement for new, similar type facilities in the future -- the very process the P-2 District was designed to eliminate.

The proposed Maui Digital Zoning Map (4) implements a portion of phase 3 of the digital mapping project and demonstrates the importance of retaining the 90' height limit in the P-2 District.

The following parcels are proposed to be rezoned to the P-2 District:

TMK	Property Description	Zoning	Height	Variance
238007125	UH Maui College	R2/M1	68'	Yes
238007040	UH Maui College	R2/M1	68', 43' 74', 55'9"	Yes
237002011	UH Maui College	R2/M1		No
239012036	Kihei Fire Station	PK	~30'	No
238007098	Maui High School	R2	~46'	Unknown
222004034	Kula Hospital	P1	~86'	N/A*
238046013	Maui Memorial Medical Center	P1	81'	Yes
238007004	Baldwin High School	R3	55.4'	Yes
238046025	Wailuku Police Station	R3	~51' 7"	No
222002070	Kihei Police Station	P1	52'	Yes
239038026	Wailea Fire Station	P1	46'	Yes
222002081	Kihei High School	P1	n/a	No
223008039	Kamehameha School	P1	54', 41', 98', 50.3', 50', 51', 60'10"	Yes
*Built prior to 1960 Zoning Ordinance (5 stories, yr 1937)				

A proposed bill to adopt a revised digital zoning map for the island of Maui, titled “A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI,” is attached as Exhibit “1”.

Recommendation and Options

The Department recommends and requests the Commission’s favorable recommendation to the Council for this bill.

The Commission has the following options:

1. Recommend approval of the proposed bill as drafted to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Vote to defer action on the bill in order to gather specific additional information.

Attachments

MCM:KRA:rhl

xc: Kathleen Ross Aoki, Planning Program Manager (pdf)
John Rapacz, Planning Program Administrator (pdf)
Jacky Takakura, Administrative Planning Officer (pdf)
Ann Cua, Planner Supervisor (pdf)
Peter Graves, GIS Analyst (pdf)

S:\ALL\PID\DSSRT\Maui Map 4_P2 zoning\Planning Commission\MPCMemo_Oct2021.docx

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (4) AS
THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the most recently amended digital zoning map (4) as the official zoning map for the Island of Maui. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

“19.06.020 Maps. A. In accordance with section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director must prepare and administer the County's zoning maps.

B. For the islands of Maui and Lana`i, one zoning map for each island must be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are incorporated by reference and are located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file, Maui digital zoning map [(2)] (4), as amended, and Lana`i digital zoning map (1), are in addition to any original "land zoning maps" on file in the office of the county clerk; however, the digital zoning maps must be used to determine zoning boundaries and designations in the event of a conflict. Whenever a change in zoning is approved and the ordinance is filed with the county clerk, the island's digital zoning map must be amended to reflect the change in zoning.

C. The areas of the islands of Kaho'olawe and Moloka'i shown on original maps entitled "Land Zoning Maps," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning maps for the islands of Maui and Lana'i, together with all explanatory materials, are part of this title.

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.3
OCTOBER 12, 2021**

Ms. McLean: The first is a bill transmitted by yours truly relating to a digital zoning map for the Island of Maui described as a bill for an ordinance adopting Digital Zoning Map 4 as the official zoning map for the Island of Maui. Purpose of the bill is to adopt the amended digital zoning map for the Island of Maui, Kathleen Aoki is the Division Chief for our Plan Implementation Division.

- 3. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting a proposed bill relating to the digital zoning map for the Island of Maui, respectively described as follows: A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (4) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI." The purpose of the proposed bill is to adopt an amended digital zoning map for the Island of Maui. (K. Aoki)**

Ms. Kathleen Aoki: Kathleen Aoki with Plan Implementation. I also have with me today Peter Graves, a GIS Analyst who always does these wonderful maps. So, I will start off with a presentation. Can you guys see the slide show?

Mr. Tackett: Yeah, looks good.

Ms. McLean: Kathleen, no we just see your blue screen.

Ms. Aoki: Ah, here we go again.

Mr. Tackett: Sorry, I thought that was the presentation.

Ms. McLean: There you go.

Ms. Aoki: Okay.

Ms. McLean: Just maximize it.

Ms. Aoki: It's not going to play, so let's just do this way. We'll just do it like this you guys get to see everything. So, we have here Digital Maui Zoning Map Number 4 and we were just with you back in August with Digital Map 3 which was to go over several corrections that we needed to make in the map. This time we are here today to implement another phase of the DSSRT Project. As you know, DSSRT is the Dead Sea Scroll Replacement Team.

And here I just have a slide that kinda goes over all of the maps that we've been adopting over the past few years. We have several for Maui. We got Lanai adopted. And Molokai was heard by the Planning Committee...well, Planning, Sustainable Land Use Committee and hopefully should be adopted by the end of the month which would be awesome.

So, why are we here today? DSSRT as you know and we've explained, will involve continuous updates to the maps to address corrections and mapping alignments. But we also learned while doing this project over the many...(inaudible)... a lot of other problems and issues that we could correct, and one of those was to zone properties consistent with their use, their community plan

designation and state land use designation. To do the complexities of going through this project we realized that our single goal of just making as is digital maps kind of morphed into all these other goals and phases. ...(inaudible)...third phase today contains recommendations to change zoning for 13 parcels to Public/Quasi-Public, P-2, the P-2 District. And again, as we've always told you, zoning, as you know, has to be consistent with community plan designation, so, all of these parcels that we are recommending have a community plan, designation of public/quasi-public.

These properties were identified because they contain or could likely contain structures that exceed the P-1 District height maximum of 40 feet. The P-2 District has a permitted height of 90 feet and was specifically adopted in 2013 to address sometimes problematic height limit of 35 feet at the time. Many of these parcels that we're going to go through today have variances on them because of the limitation in the height when they were building the facilities that they were building. And I would like to share with you that I have with me the minutes from the Planning Committee, the County Council Planning Committee on May 21, 2013, Joe Alueta, who was the predecessor to Jackie Takakura was at Council, explained that this DSSRT project, one of the things that we would be doing eventually and it has come true, is that we would be coming back one day to recommend rezoning applicable P-1 parcels to the new P-2 District when it was created in order to be consistent with the parcel's existing structures and uses.

So, we are here today to seek your comments and recommendations for these proposed changes. And as you know, these recommendations will be forwarded on to the Maui County Council.

So, now we'll go through the recommended changes. So, here we have the zoning map of today, first we come up to is Baldwin High School. This was the example that we used in a lot of our reports for the DSSRT maps. Baldwin High School is currently zoned R-3, and you can see the top map there is red square. So, we are proposing to change that to P-2. On your report that you were sent on Page 2, I provided you with a table that lists all the parcels and the heights of structures the...the height, the highest height, the tallest buildings, if you will, for these parcels for Baldwin High School, we do know that they received a variance for the new gym that was built. And that gym that you see right off of Kaahumanu Avenue is 55 feet, 4 inches. We also know that there's the auditorium. We suspect the auditorium is taller, but I, I cannot tell you exactly what the height of the auditorium, but it's, it's definitely over 30 feet because the other, the other buildings next to it are two-story.

Next one, next we have the Wailuku Police Station. This property is currently zoned R-3. We're proposing again to be P-2. The Wailuku Station we had one of the employees down there measure it with one of their measuring tools and the highest points of the building is 51 feet, 7 inches. It does not have a variance that we're aware of, but we believe that this property, this structure may have met the height definition at the time. The height definition has changed many times over the years. Whatever happened, it got built and it definitely exceeds the 30-foot height limit for R-3.

University of Hawaii, Maui campus. You can see on the top map that there are three TMKs involved with...for UH Maui Campus. One is Light Industrial, the other two have split zonings of

Light Industrial and R-2. We're proposing to change all three to follow the community plan designation to P-2. UH Maui College has...I have here in front of me, five variances that have been issued over the years. They range from 43 feet, 55.9 feet, two at 68 feet, and one at 74 feet, so definitely a lot of variances on these properties.

Maui Memorial Medical Center is our next parcel that we're looking at. It is currently zoned P-1. Obviously, it had to get a variance because the variance that was granted for it is 81 feet. So, we are proposing for P-2. In P-2, the height limit is 90 feet.

Next parcel is Maui High School, again, similar to Baldwin, it is zoned R-2. We propose P-2. For Maui High School we, we know that the gym is likely the highest building on the property and using our GIS tools we measured it at 46 feet approximately. It is unknown if there's a variance on it. It was built somewhere around 1979, but again, it would definitely exceed the 30-foot height limit of R-2 and would exceed the height limit of P-1 which is 40 feet.

Next is Kamehameha Schools, Maui, and their parcel has split zoning with Residential and P-1. We are only proposing to change the area that is zoned P-1 to P-2, again, this aligns with the Public/Quasi-Public community plan designation. Kamehameha Schools is another institution that has a lot of variances. So, while they were building the property, they came in...I have two, four, six, seven variances that they've gotten over the years ranging from 41 feet all the way up to 98 feet. The 98 feet is for light towers so that's kind of unusual, but the buildings...all the buildings that got variances range between 50, 54, 60 feet, so quite a few variances for them.

Next is Kula Hospital, again it's already zoned P-1. From our measurement tools that the tallest structure which would be the elevator shaft is 86 feet. That building was built around 1937, so it probably just got built and didn't need to meet...I don't know what they did in 1937 but there wasn't any zoning code, so...

Let's see Kihei High School. Kihei High School as you know, is being built and the reason why I included it in the recommendation to change P-2 is because based on other high schools, their needs for gyms, their needs for auditoriums, it is obvious and apparent that these buildings, it's very difficult to be, be built under 40 feet, which is what P-1 is limited to. So, we are recommending in line with the other high schools and the facilities that high schools have to grant them a P-2 zoning.

Next is the Kihei Police Station. As you can see, the area that is zoned P-1 is only a portion of the TMK. That area also got to District Boundary Amendment to Urban and it also got a Community Plan Amendment to Public/Quasi-Public when the station was proposed. They also had to come in for a variance even though they changed to P-1, they didn't meet the requirements 'cause at the time P-2 didn't exist. So, they only had, you had P-1 to choose from, so they needed a variance to build their facility which was a 52-foot variance.

Next is the Kihei Fire Station. Right now, it's currently zoned Park, and like I say, community plan it's Public/Quasi-Public, so proposing P-2, and again, this is in line with the fact that other fire stations have had to come in for variances when they built their stations because of the towers. So, we're just being proactive here. And here's an example of that, with the Wailea Fire Station,

it, too, went through the process to get P-1 zoning, but then needed a variance regardless because it didn't...it needed to be the tower was 46 feet, that's what the variance was granted for.

So, those are the 13 TMKs. They make up 11, basically 11 facilities. That's what your zoning map's gonna look like. Again, can't really tell on this scale.

For the bill before you is similar to the bill that we went through back in August. Essentially, we are just asking to change the number of the zoning map for Maui. It's currently two, because three is in transition with the County Council, so that's why it's listed as two there. I can update this as we go through the process if three gets adopted before this one does obviously. So, that's the only correction to Maui County Code, Title 19, 19.060.020 is to change and reflect Maui Digital Map 4. And that is it. And, I'm available for questions.

Mr. Tackett: Commissioners, any questions at this time? Clarifying questions? Director, do we take public testimony of this item?

Ms. McLean: You take testimony Chair, but no one has signed up to testify. Kim, Commissioner Thayer, do you have questions?

Ms. Thayer: I have just a, I guess maybe clarifying for understanding. So, what I gather is that is these changes will make it so whatever work they need to do in the future if they need to add stuff it will bring...it will bring the properties to match the community plan and it will make it so that within reason for what they need to do, they'll be able to do what they need to do without seeking a variance or anything, right?

Ms. Aoki: Absolutely, you nailed it. It's not only implementing the community plans for those parcels that are currently not P-1. So, we'd be doing that and then making them in conformance with the use of the property, and if they want to expand, if they want to do anything, they don't need to go in for the variance and, if I can just go a little bit further, your next item is a resolution that Jacky will be going over from the County Council to reduce the height of P-2 to 45 feet, and the reason why we wanted to come with this map with to you today was specifically to show you that there was a reason why P-2 was created in the first place to be 90 feet, and it was to make it easier and less time consuming and expensive for our...especially for our own, our own facilities to have to go through the variance process. And then you have schools like Kamehameha School and all of our high schools that you know are gonna have facilities that are gonna be higher than 40 feet. They're higher than 45 feet. Reducing the height of P-2 I just...I'm pretty passionate about that, but I, I, it's not a good idea and these 13 properties show you why.

Ms. Thayer: Thank you.

Ms. McLean: Chair, I apologize, we do have one testifier from the Maui Police Department.

Mr. Tackett: Okay. Right after the...right after the questions, I guess we'll go straight to testimony.

Ms. McLean: Okay, thank you, Chair.

Mr. Tackett: Go ahead, Kawika.

Mr. Freitas: Thank you, Chair. Ms. Aoki, the one project that you shared that I have a question about is the Kihei Fire Station because it's so close to the ocean, it... anything that they do will still have to come through us 'cause of a SMA, is that correct?

Ms. Aoki: If it's a major SMA, yes, it would.

Mr. Freitas: Okay.

Ms. Aoki: Absolutely, yeah. And if, if it... if they did some kind of work that triggered, you know, the use of government funds triggers an Environmental Assessment unless it has an... it gets an exemption. So, that could be another reason why it would come before you for comments on the EA if it triggered an EA.

Mr. Freitas: Okay, I just wanna make sure it does come to us 'cause it's near the shore and whatever they build over there they gotta think about the sea level rise, so I think that one is gonna be in trouble soon, they shouldn't be building in ... (inaudible)... So, okay, thank you.

Ms. Aoki: You're welcome.

Mr. Tackett: All right, Commissioners, any other clarifying questions before we move onto testimony? Commissioner Lindsey.

Ms. Lindsey: So, the other schools with gyms or gyms are not in P-2? I guess that would be Seabury, Kekaulike—

Ms. Aoki: Great question.

Ms. Lindsey: Yeah, well can you clarify why we're not –

Ms. Aoki: Sure. So, when Peter and I went through this process of trying to figure out what should be included, we had to look at state land use, we had to look at community plan, and we had to look at through aerial pictometry, the layout of these facilities and see whether or not they were meeting all these criteria to even be included. I'll give you an example, for Lahainaluna High School, we started looking at it, and these schools are so old, there's buildings that are like right up against the property line. And so, they're not quite going to meet the setbacks of P-2. Lahaina Police Station, checked that out, and lo and behold, it's State Land Use Ag. Don't ask me how or why, but it is, so there are... there are properties that don't meet all the criteria that we need them to meet to meet the recommendation to P-2. I am going to give a caveat though, Member Lindsey, that we were sort of rushed to do this because of this resolution, like I really wanted to make that point that P-2 should remain at 90 feet and here's why, I, I... there could be other properties out there. There likely are other properties out there that could be rezoned to P-2, and we could come back to you. There's just Peter and I, and you know, we try to do the best that we can with the time that we have, but this would take a lot more, really a lot more time to go, be super, super thorough, but baby steps. So, we wanna try this. If we can do this for these 13 TMKs, I think

we've done a great service to the schools, to these facilities and I would definitely have no problem continuing on with that process. But great question.

Ms. Lindsey: Thank you for your work. I think my worry would be not putting like a hospital, future hospital into P-2, you know, 'cause we need that obviously, another hospital, but that's for future days.

Mr. Tackett: Commissioners, any other questions or clarifying questions, if not, Director, can we open public testimony?

Ms. McLean: Yes, Chair. We have Assistant Chief Victor Ramos, who has indicated he wishes to testify. Aloha, Chief.

Assistant Chief Victor Ramos: Good afternoon. Good afternoon, Chair, Director, Commissioners. I'll make this brief.

Mr. Tackett: Aloha, Chief. Thank you, go ahead.

Assistant Chief Victor Ramos: The Maui Police Department supports Item No. 3, as you can see on the matrix we have two stations that exceed the current level, the Wailuku Police and the Kihei Police Station. And that's pretty much it, we just, we support this, the changes.

Mr. Tackett: Thank you. Commissioners, anybody have any questions? Thank you, Mr. Ramos. Director, do we have any other testifiers?

Ms. McLean: No, Chair, not at this time.

Mr. Tackett: If not, if we have any testifiers could you please...or any other testifiers that haven't signed up, could you please come forward at this time. Going once, going twice, going three times. Director, could you please close public testimony.

Ms. McLean: Yes, Chair. Testimony is closed.

Mr. Tackett: All right, next is discussion. So, if you guys have anything to discuss on this matter now is the time. If not, then I'm open to...oh, go ahead Commissioner La Costa.

Ms. La Costa: Thank you, Chair. I was just gonna say that the Planning Department has done an amazing job bringing all of these things to us so that things are consistent and it will take a lot of burden off them and off us and off everyone, so kudos to them and Director Michele under her guidance. Thank you.

Mr. Tackett: Commissioners, any other discussion? The only thing I have to say is that it's good that we keep our ability to go vertical especially on these types of structures. Nobody needs a volleyball court with a 45-foot ceiling, you know what I mean, like some things need little bit higher ceilings. Anyways, it's been a long day so I'm gonna, I'm gonna go ahead and open the floor up to the motion. Oh, I believe we have a...sorry, before we do the motion, I'm speeding through, I

believe I need a recommendation, so if we could get a recommendation and then the floor will be open for a motion.

Ms. McLean: Go ahead, Kathleen.

Ms. Aoki: The Department recommends the request the Commission's favorable recommendation to the Council for this bill. We recommend approval of the proposed bill as drafted to the Maui County Council.

Mr. Tackett: Okay, Commissioner Lindsey.

Ms. Lindsey: I move to approve the proposed bill as drafted to the Maui County Council.

Mr. Tackett: Okay, we got a motion on the floor by Lindsey. We got a second by Commissioner Pali. Would you like to speak to your motion Commissioner Lindsey?

Ms. Lindsey: Just this hard work by you, two, planners, mahalo has...is going to make all of our lives easier in the long run, I don't see any downfalls to this. Just clarifying what is where and public uses and things, just generally will be easier for everyone. Thank you for that work.

Mr. Tackett: Nice. Commissioner Pali? No? Okay, discussion on the motion, Commission Members? Hearing none, Director could we have a roll call vote?

Ms. McLean: Chair, do you think we could just do a show of hands?

Mr. Tackett: Outstanding. All those in favor, please raise your hand.

Ms. McLean: Chair, I see nine hands raised.

It was moved by Ms. Lindsey, seconded by Ms. Pali, then

VOTED: To Recommend Approval of the Proposed Bill Adopting Digital Zoning Map 4 as Recommended by the Department to the County Council.
(Assenting – A. Lindsey, K. Pali, K. Freitas, J. Edlao, M. Hipolito, P D. La Costa, K. Thayer, D. Thompson, C. Tackett)

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II