

COUNCIL OF THE COUNTY OF MAUI
PLANNING AND SUSTAINABLE LAND
USE COMMITTEE

September 17, 2021

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on August 19, 2021, makes reference to County Communication 21-124, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT AND OTHER MINOR UPDATES."

The purpose of the proposed bill is to update references to obsolete terms and agencies, and to include buildings or premises used by the Federal, State, or County governments for public purposes as permitted uses in the Airport District, except that permission for facilities on Lānaʻi should first be obtained from the Lānaʻi Planning Commission, and permission for facilities on Molokaʻi should first be obtained from the Molokaʻi Planning Commission.

By correspondence dated August 13, 2021, the Chair of your Committee transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT."

The purpose of the revised proposed bill is to exclude transient accommodations, and buildings or premises used by the Federal government for public purposes, as permitted uses in the Airport District.

Your Committee received a presentation from a representative of the Department of Planning on the Airport District, which covers three areas:

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- Kahului (106 parcels, 1,320 acres);
- Lānaʻi (four parcels, 509 acres); and
- Kapalua (three parcels, 50 acres).

Your Committee notes Molokaʻi's Hoʻolehua Airport and Hāna Airport are designated Interim Zoning and are not affected by the revised proposed bill.

The Department representative said the proposed bill would do the following:

- Allow government agencies to expand existing facilities for public purposes;
- Modernize terms and remove obsolete references used in the Ordinance; and
- Use references to the State Department of Transportation and regulations consistent with the Hawaiʻi Revised Statutes ("HRS") and Hawaiʻi Administrative Rules.

The Department representative provided examples of existing government buildings and premises used for public purposes, including State buildings, National Guard, Transportation Security Administration, Department of Homeland Security, and the United States Postal Service. She said that by removing the reference to "Federal" government, current Federal government buildings and premises would be considered nonconforming uses and future expansion would be prohibited without Council approval.

The Planning Director said the County has authority over permitted uses in the Airport District, but not over airport operations, which are under State or Federal authority.

Your Committee was advised that under Section 262-4, HRS, in the event of conflict between airport zoning regulations and any other

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ordinances or regulations, the more stringent limitation or requirement would prevail.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Paltin, Vice-Chair King, and members Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee members Kama and Molina were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee
RECOMMENDS the following:

1. That Bill _____ (2021), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 21-124 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



TAMARA PALTIN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY
CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT

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

SECTION 1. The purpose of this Ordinance is to establish buildings and premises used by the State and County governments for public purposes as permitted uses in the Airport District. This Ordinance also updates references to obsolete terms.

SECTION 2. Section 19.28.010, Maui County Code, is amended to read as follows:

"19.28.010 Permitted uses. Within [an area designated as an] the airport district, no land, building, structure, or any portion [thereof shall] of a building or structure may be used, and no building or structure [shall] may be erected, constructed, enlarged, or altered, except for the following uses:

A. Runways, taxiways, cleared safety areas, aircraft parking and loading aprons, terminal buildings, control towers, fire stations, airport maintenance shops and warehouses, landscaped areas, vehicular roads, auto parking lots, service stations, transient auto garages, [airport post offices, restaurants and cocktail lounges, soda fountains, flower shops, gift shops, bootblack stands, photo shops, lei stands, newsstands, haberdasheries, drug stores, banks, wireless offices, transient hotels, miscellaneous concessions] general merchandising, general offices, personal and business services, eating and drinking establishments, and retail food and beverage operations to serve the traveling public, postal transfer stations, and bases of operations for airport ground transportation[;].

B. Offices for passenger reservations, ticketing, flight operations, dispatching and communications, flight kitchens,

aircraft maintenance facilities, aircraft servicing facilities, aircraft parking areas, aircraft hangars, air freight facilities and airmail handling facilities[;].

C. Facilities for the processing of passengers arriving from foreign and domestic ports by federal agencies, meteorological facilities for the [United States Weather Bureau] National Weather Service and communication and landing aid facilities for the [United States] Federal Aviation [Agency] Administration[;].

D. Aviation fuel storage and dispensing, freight warehouses, refrigeration facilities for handling of perishable air freight, electroplating shops, flying schools, flying clubs, civil air patrol, aircraft charter operations, aircraft sales, aircraft parts sales, aircraft tool distribution, utility relays or distribution, aeronautical radio facilities, facilities for contract maintenance of aircraft component parts, air freight pickup and delivery service, airline catering, u-drive business, tour operators and agencies, cold storage plants, animal or veterinary hospitals or kennels, agriculture (other than animal husbandry, poultry and fowl hatcheries), housing for airport personnel, parks, aircraft tire service, aircraft show rooms, bowling alleys, insurance offices, international terminal services, [steam bath and massage,] trade schools, truck terminals, warehouse storage, and loft buildings[;].

E. Recreational facilities[; provided, that] if permission for such recreational facilities [shall be] is first obtained from the appropriate planning commission.

F. Buildings or premises used by the state or county governments for public purposes; except that permission for such buildings or premises on Lānaʻi and Molokaʻi must be first obtained from the appropriate planning commission."

SECTION 3. Section 19.28.020, Maui County Code, is amended to read as follows:

"19.28.020 Use [restrictions.] restriction. [Use of land within an airport district shall be subject to the following requirements:

A. Area Regulations. Each lot shall have an area of not less than twenty thousand square feet and an average lot width of not less than one hundred feet.

B. Height Regulations. No building shall exceed the height limitation established by the state airport zoning board for the area in question; provided, however, that heights of buildings

used for airport terminal and accessory uses shall be as prescribed by the Hawaii aeronautics commission.] No structure within the airport district may be constructed, erected, altered, or maintained; and no tree may be maintained to a height that would penetrate the imaginary airspace surface established by the State department of transportation."

SECTION 4. 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 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Stephanie M. Chen

STEPHANIE M. CHEN

Department of the Corporation Counsel
County of Maui

LF2021-0016/2021-0042
PSLU-22-2021-09-02 Ord Amd 19.28 Airport District
pslu:misc:022abill01:wal