RICHARD T. BISSEN, JR. Mayor

KATE L. K. BLYSTONE Director

ANA LILLIS
Deputy Director



DEPARTMENT OF PLANNING COUNTY OF MAUI ONE MAIN PLAZA 2200 MAIN STREET, SUITE 315 WAILUKU, MAUI, HAWAI'I 96793

May 22, 2025



APPROVED FOR TRANSMITTAL

Mul Juny 5-25-25

Honorable Richard T. Bissen Jr., Mayor County of Maui 200 South High Street Wailuku, Hawai'i 96793

For Transmittal to:

Honorable Alice L. Lee, Chair and Members of the Maui County Council 200 South High Street Wailuku, Hawai'i 96793

Dear Chair Lee and Members:

SUBJECT: APPLICATION FOR A CHANGE OF ZONING FOR A PROPERTY LOCATED AT 1550 NUKUNA PLACE,

WAILUKU, MAUI, HAWAI'I; TMK: (2) 3-6-007:010

(CIZ20210002)

The Department of Planning (Department) is transmitting for your review and action the Change of Zoning (CIZ) for a property located at 1550 Nukuna Place in Wailuku. The property is a 0.7099 acre lot located in the County Agricultural District. The CIZ will change the Zoning District from Agricultural to R-2 Residential and bring the property into conformance with its current use and Community Plan designation of Single Family.

The Maui Planning Commission (MPC) has reviewed this CIZ application and recommends that the Maui County Council (Council) approve the CIZ subject to no conditions.

A summary of the application is as follows:

Honorable Richard T. Bissen Jr., Mayor For Transmittal to: Honorable Alice L. Lee, Chair May 22, 2025 Page 2

, , , , , , , , , , , , , , , , , , ,	APPLICATION SUMMARY					
Application - CIZ	Change of Zoning					
	TMK	Maui County Zoning MA		MAP#		
		Existing	Proposed			
	(2) 3-6-007:010	Agricultural	R-2 Residential	L-427		
Applicant	Dr. Robyn M. Garner					
Owner	Dr. Robyn M. Garner					
Tax Map Key	(2) 3-6-007:010					
Address	1550 Nukuna Place, Wailuku, Maui, Hawai'i					
Area	0.7099 acres					
Land Use	State Land Use District - Urban					
Designations	Maui Island Plan – Small Town (Outside Protected Areas)					
	Community Plan Single Family Maui County Zoning - Proposed R-2 Residential to match the Community Pla					
<u> </u>	designation. (Currently Agricultural)					
Brief Description	Brief Description The Applicant is requesting a CIZ of 0.7099 acres from the Agricu District to R-2 Residential District that would bring the property					
		current use and its Community Plan Designation of				
Public Hearing	Single Family.					
Testimony	Held by the MPC on November 12, 2024					
resumony	Time for verbal testimony was offered during the hearing. There was one testifier in support of the project, and no one opposed.					
Recommendation	The MPC recommended approval of the proposed CIZ application by a vote					
Recommendation	of five ayes with two Commissioners excused.					
	i involuyes with two commissioners enoused.					
	The MPC recommended that the Maui County Council approve					
	subject to no conditions.					

In as much as Council approval is required for the CIZ, the Department transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 1550 NUKUNA PLACE, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-007:010.

Honorable Richard T. Bissen Jr., Mayor For Transmittal to: Honorable Alice L. Lee, Chair May 22, 2025 Page 3

- 2. Letter from Kate L. K. Blystone, Planning Director to Dr. Robyn Garner, dated November 21, 2024, with the Maui Planning Commission's recommendation for Council approval of the CIZ.
- 3. Department's Staff Report and Recommendation to the MPC, dated November 12, 2024.
- 4. MPC minutes of the November 12, 2024, meeting.
- 5. Application for the CIZ.

Thank you for your attention to this matter. Should you have any questions, please transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely

KATE L. K. BLYSTONE

Director

Attachments: Proposed Bill

Letter dated November 21, 2024

Department's Staff Report and Recommendation

November 21, 2024 MPC minutes

CIZ Application

cc: Danny Dias, Planning Program Administrator (PDF)

Carolyn Cortez, Interim Planning Program Administrator (PDF)

Kurt F. Wollenhaupt, Land Use Planning Supervisor (PDF)

Aliki Biniaris, Planner (PDF)

Dr. Robyn M. Garner, Applicant/Owner (PDF)

KLKB:DAD:AB:lp

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RICHARD T. BISSEN, JR. Mayor

KATE L. K. BLYSTONE Director

ANA LILLIS
Deputy Director





DEPARTMENT OF PLANNING

COUNTY OF MAUI ONE MAIN PLAZA 2200 MAIN STREET, SUITE 315 WAILUKU, MAUI, HAWAI'I 96793

November 21, 2024

CERTIFIED MAIL: #9589 0710 5270 1030 7904 63

Ms. Robyn Garner 1550 Nukuna Place Wailuku, Hawai'i 96793

Dear Ms. Garner:

SUBJECT: MAUI PLANNING COMMISSION RECOMMENDATION OF APPROVAL FOR A CHANGE IN ZONING FOR A PROPERTY LOCATED AT 1550 NUKUNA PLACE, WAILUKU, HAWAI'I, IDENTIFIED AS MAUI TAX MAP

KEY NUMBER (TMK): (2) 3-6-007:010 (CIZ20210002)

At its regular meeting on November 12, 2024, the Maui Planning Commission reviewed the above application and recommended that the Maui County Council (Council) approve Change in Zoning (CIZ) subject to no conditions. The application will be forwarded to the Council for final review and action.

Thank you. If additional clarification is required, please contact Staff Planner Aliki Biniaris at <u>aliki.biniaris@mauicounty.gov</u> or at (808) 270-5570.

Sincerely,

KATE L. K. BLYSTONE

Planning Director

Copy To: Danny A. Dias, Planning Program Administrator (PDF)

Jordan E. Hart, Planning Program Administrator (PDF) Kurt F. Wollenhaupt, Staff Planning Supervisor (PDF)

Aliki Biniaris, Staff Planner (PDF) Robyn Garner, Applicant/Owner (PDF)

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAI'I

In the Matter of the Application of

ROBYN GARNER

To obtain a Change in Zoning from Agricultural District to R-2 Residential District for a substandard agricultural lot, approximately 30,922 square feet in size (0.7099 acres), located at 1550 Nukuna Place, Wailuku, Maui, Hawai'i, TMK: (2) 3-6-007:010.

DOCKET NO. CIZ 2021/0002

ROBYN GARNER

(A. Biniaris)

DEPARTMENT OF PLANNING REPORT AND RECOMMENDATION NOVEMBER 12, 2024 MEETING

Change in Zoning

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAI'I

In the Matter of the Application of

DOCKET NO. CIZ 2021/0002

ROBYN GARNER

ROBYN GARNER

To obtain a Change in Zoning from Agricultural District to R-2 Residential District for a substandard agricultural lot, approximately 30,922 square feet in size (0.7099 acres), located at 1550 Nukuna Place, Wailuku, Maui, Hawai'i, TMK: (2) 3-6-007:010.

(A. Biniaris)

DESCRIPTION OF THE PROJECT

This matter arises from an application for a Change in Zoning filed by Robyn Garner (Applicant and Owner) on November 26, 2021. The property is a 30,922 square foot (0.7099 acre) lot located in the County Agricultural District. The Change in Zoning from Agricultural District to R-2 Residential District would bring the property into conformance with its current use and its Community Plan designation of Single Family.

The existing main dwelling was built in 1952, and the Applicant plans to renovate it and add an additional 400 sf. The main dwelling has a garage and carport. There are three housing units, two of which have carports, that are used as long-term rentals. The property also has a pavilion, a Quonset hut, a shed, two shipping containers, and another building that is labeled as a utility shed in the architectural plans for the house addition labeled as a utility shed. A location map, site survey, site photographs and architectural plans for the future house addition, are attached (Exhibits 1-4).

With the proposed new zoning of R-2 Residential, the potential build out of the lot would be four main dwellings and two accessory dwellings. This would be contingent on meeting all State and County requirements. If the property were to be subdivided, the potential build out with regards to zoning would be four dwellings and eight accessory dwelling units.

HISTORY OF APPLICATION

The Change in Zoning application was submitted on November 26, 2021, requesting a change in zoning from Agricultural District to R-2 Residential to conform with the Community Plan designation and current use. The property has a long-standing use as a residential property. The four dwellings were built in 1930, 1952, and two in 1970.

DESCRIPTION OF THE PROPERTY

1. The Property, which is approximately 30,922 square feet, is located at 1550 Nukuna Place, Wailuku, Maui, Hawai'i, at Tax Map Key (TMK) (2)3-6-007:010. The property is lot 7 of Waikapū Tract Subdivision, (Subdivision file no. 3.535).

2. Land Use Designations:

- a. State Land Use District.....Urban
- b. Maui Island Plan.....Small Town (Outside Protected Areas)
- c. Community PlanSingle Family
- d. County ZoningAgricultural District

3. Surrounding Uses:

NorthR-2 Residential

EastAgricultural District

SouthAgricultural District

WestWaikapū Country Town

4. The parcel is located in Flood Zone X and AE (431'). The parcel is outside of the tsunami hazard zone, SMA and outside of the 3.2-foot sea level rise exposure area. (See, **Exhibit** 5 for Zoning and Flood Confirmation Form and **Exhibit** 6 for flood map).

The applicant has plans for a house addition which will involve some grading work.

5. The property has a main dwelling with a garage and a carport (built against the property line). There are three housing units, two of which have carports, and are used as long-term rentals. The property also has a pavilion, a Quonset hut, a shed, two shipping containers, and a utility shed. Given the size of the lot, (0.7099 acres), and the structures existing on the property, there is little area for agricultural activities. (See, **Exhibit 2** for the site survey).

APPLICABLE REGULATIONS FOR A CHANGE IN ZONING

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Chapter 19.510.020 Applications which require a public hearing and Section 19.510.040 Change of zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change of zoning if all the following criteria are met:

- 1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
- 2. The proposed request is consistent with the applicable community plan land use map of the county;
- 3. The proposed request meets the intent and purpose of the district being requested;
- 4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage,

roadway and transportation systems, or other public requirements, conveniences and improvements;

- 5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
- 6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

In the case in which the owners or lessees of 40 percent or more of the land located within a fivehundred-foot distance from the boundaries of the subject parcel have filed written protests, the ordinance which grants the application shall not become effective unless approved by a vote of at least six members of the County Council.

Pursuant to Title 19, Chapter 19.510, Section 19.510.050 Conditional zoning of the Maui County Code, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety, convenience and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land use and shall meet the following criteria:

- 1. That the public shall be protected from the potentially deleterious effects of the proposed use; and
- 2. That the need for public services created by the proposed use shall be fulfilled.

PROCEDURAL MATTERS

- 1. On October 15, 2021, the Applicant mailed a "Notice of Application" to all owners and recorded lessees within 500 ft. of the subject property notifying them of the applicant's intent to file the application with the County of Maui. A copy of the Notarized Affidavit of Mailing of "Notice of Application" is on file in the Maui Planning Department.
- 2. On September 18, 2023, the Maui County Planning Department sent a request for comment to appropriate state and county agencies.
- 3. The project was sent to the State Historic Preservation Division (SHPD) architecture and archeology, who determined "No historic properties affected." (See, **Exhibit 7**).
- 4. On October 8, 2024, the Applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the application and notifying them of the scheduled hearing date, time and place by certified mail, return receipt requested. Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts are on file in the Planning Department.
- 5. The June 20, 27 and July 4, 2024, the Applicant published a Notice and location map in the Maui News once a week for three consecutive weeks prior to the date of the hearing. Due to Maui Planning Commission scheduling conflicts, the Applicant's initial hearing date

was moved. As such, the County paid for the noticing requirement for the applicant's new hearing date. The ad was placed in the Honolulu Star Advertiser on October 11, 18, and 25, 2024.

- 6. On October 11, 2024, a notice of hearing on the application was published in the Honolulu Star Advertiser by the Maui County Planning Department.
- 7. The subject application for a Change in Zoning does not trigger review under Chapter 343, Hawai'i Revised Statutes, relating to Environmental Impact Statements.

REVIEWING AGENCIES

State Agencies:	Comment	Exhibit Number
Department of Land and Natural Resources, State Historic	Comments	7
Preservation, Archeology and Architecture		
Department of Land and Natural Resources – SHPD – DLNR	No Response	8
Land Division		
Department of Transportation, Maui Highways	No Comments	9
HI- Department of Transportation - Highways	No Response	10
Department of Health	Comments	11

County Agencies & Commissions:	Comment	Exhibit Number
Department of Fire & Public Safety	Comments	12
Department of Environmental Management	Comments	13
Police Department	Comments	14
Department of Public Works	No Response	15
Department of Water Supply	No Comment	16

Applicant's response to agency comments. See Exhibit 17.

ANALYSIS

LAND USE

- 1. The proposed project is in conformance with the goals, objectives and policies of the Hawai'i State Plan.
- 2. The subject property is in the State Urban District. The proposed uses are consistent with the Urban designation of the property.
- 3. As stated in the Maui County Charter, as amended in 2002:

The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental

consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future.

The following Countywide Policy Plan goals, objectives, policies, and/or implementing actions are relevant to the proposed project;

THEME: Expand Housing Opportunities for Residents

Goal: Quality, island-appropriate housing will be available to all residents

Objective (2): Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small-town character.

Policies:

d. Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.

Analysis: The property currently has three dwellings that the owners rent out as long-term rentals. The change in zoning would allow potentially more long-term dwelling units to be built and remove additional hardships for the applicant should they decide to further improve the existing dwellings.

Objective (3): Increase and maintain the affordable housing inventory.

Policies:

h. Encourage long-term residential use of existing and future housing to meet residential needs.

Analysis: The property currently has three dwellings that the owners rent out as long-term rentals. The change in zoning would allow potentially more long-term dwelling units to be built and remove additional hardships for the applicant should they decide to further improve the existing dwellings.

THEME: Promote Sustainable Land Use and Growth Management

Goal: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective (1): Improve land use management and implement a directed-growth strategy.

Policies:

e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farmland and open-space resources.

Analysis: The purpose of the CIZ is to establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. The property has a long-standing residential use, rather than the agricultural use of the County zoning. Standard agricultural lots according to the Maui County Code are typically a minimum of two acres. This lot is 0.7099 acres. The CIZ would potentially allow further residential development on the property assuming there is adequate infrastructure available.

4. The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The Plan looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the Plan also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The Plan is intended by the County Council, Planning Department, and Maui Planning Commission as a policy foundation for day-to-day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The subject parcel is in the MIP Small Town Growth Boundary (Outside Protected Areas). The following MIP goals, objective, policies, implementing actions and/or Chapter 5 provisions are relevant to the proposed project.

Chapter 5, Housing

Goal: 5.1 Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

Objective: 5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age.

Policies:

- **5.1.1.c** Discourage gated communities.
- **5.1.1.e** Use planning and regulatory approaches to provide higher housing densities.

Analysis: The property currently has three dwellings that the owners rent out as long-term rentals. The change in zoning would allow potentially more long-term dwelling units to be built and remove additional hardships for the applicant should they decide

to further improve the existing dwellings. This is not a gated community and is in close proximity the Kehalani Village Center.

5. According to the **Wailuku-Kahului Community Plan** the property is identified as Single Family and is consistent with the land use map of the Community Plan. The following Community Plan subjects, goals, objectives, policies, and implementing actions are relevant to the proposed action:

Land Use

Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

10. All zoning applications and/or proposed land uses and developments shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.

Analysis: The Change in Zoning will establish consistency between the property's zoning designation and the current Community Plan designations and the existing use of the property. This action will help streamline future requests for improvements to the existing dwellings on the property, since the land use designations will be consistent. The Change in Zoning will also allow for potential future residential development.

6. **Zoning.** The applicant proposes to change the zoning from Agricultural District to R-2 Residential. Maui County Code Section 19.08 Residential Districts would then dictate zoning requirements for the property. R-2 has a minimum lot area of 7,500 square feet. Should the property be subdivided into four 7,500 square foot lots, each would be allowed one single-family dwelling and two accessory dwelling units (Chapter 19.35 Accessory Dwellings). That would make for a total build out potential of four single-family dwellings and eight accessory dwelling units. However, R-2 requires a minimum lot width of 65 ft and if easements are needed, full build out of the lot that might be difficult to achieve. There are other State and County requirements that might also impede subdivision.

Information about Residential zoning is as follows:

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Chapter 19.510.020 Applications which require a public hearing and Section 19.510.040 Change of zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change of zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;

Analysis: The community plan designation is single family and thus, the change in

zoning will be in conformance with the community plan.

2. The proposed request is consistent with the applicable community plan land use map of the county;

Analysis: The community plan land use map shows the property as single family residential.

3. The proposed request meets the intent and purpose of the district being requested;

Analysis: The proposed request meets the intent and purpose of the district.

4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;

Analysis: The application, if granted, would not adversely affect or interfere with public requirements, conveniences and improvements as the applicant is currently not proposing to construct additional dwellings on the property. Any future build out of the lot would be assessed for any infrastructure upgrades or fees at the time of the building permit application.

5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and

Analysis: The application, if granted, would not adversely impact the social, cultural, economic environmental, and ecological character and quality of the surrounding area. Wailuku is composed of older residential areas, intermixed with business uses, varying lot sizes, and street patterns representative of older subdivision practices.

6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

Analysis: The application does not involve the establishment of an agricultural district.

Assuming all State and County requirements are met, the Change in Zoning would allow for four main dwellings and two accessory dwelling units to be built on the lot.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

SHPD reviewed the subject permit application. The proposed ground disturbances include excavations for concrete footings (max. 2 ft. deep).

The existing main dwelling was built in 1952 and it is not listed in the Hawai'i or National Register of Historic Places. HRS § 6E-42.2 exempts all projects involving privately-owned, single-family detached dwelling units or townhouses that are 50 years or older, not listed in or nominated for inclusion in the Hawai'i or National Registers of Historic Places, or not located in a listed historic

district. The building envelope for this one-story, main dwelling unit is exempt from HRS § 6E review.

An archaeological inventory survey (AIS) has not been conducted for the project area or the parcel. However, in 2013, Archaeological Services Hawai'i, LLC (ASH) conducted an AIS of 503-acres adjacent to the current project area. The AIS report (Guerriero et al., September 2017) indicates the field work included a pedestrian survey and the excavation of 141 backhoe test trenches. The AIS identified five historic properties consisting of a complex of irrigation features (SIHP # 50-50-04-07881), a remnant L-shaped wall (SIHP # 50-50-0407882), a World War II bunker (SIHP # 50-50-04-07883), three historic scatters (SIHP # 50-50-04-07884), and the historic Waihe'e Ditch (SIHP # 50-50-04-05197). The nearest historic properties include the Waihe'e Ditch (SIHP Site 50-50-04-05197), a historic refuse scatter (SIHP Site 50-50-04-07884), a remnant L-shaped retaining wall (SIHP Site 50-50-04-07882), and plantation era ditches (SIHP Site 50-50-04-07881). None of these historic properties will be impacted by the current project.

Based on the information provided, SHPD's determination is "No historic properties affected" for the subject project. Additionally, SHPD has no objections to the change in zoning. (See, **Exhibit 7**).

SHPD requests the construction plans be annotated as follows: "In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 652-1510."

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

- 1. **Water**. The subject property is currently on the County water system. The current water usage on the site supports four dwellings and onsite landscaping. The CIZ request was sent to the Water Department but they had no comments. (See, **Exhibit 16**).
- 2. **Sewers**. The County does not have sewer services to the property. Each home has its own separate cesspool located at the side of each house. R-2 zoning would have a maximum development potential for up to four single-family homes and up to eight ADUs. This would represent up to eight additional units on the site compared to what currently exists. A civil engineer was not retained to conduct a sewage disposal analysis. Any future development of additional homes would require provision of necessary infrastructure improvements, including wastewater infrastructure, either by individual wastewater systems or potential connection to the County wastewater system. The details of such infrastructure connection would be developed in conjunction with plans for additional units. The Department of Health (See, **Exhibit 11**) allows Individual Wastewater Systems (IWS) as no sewer is available in the area.

According to Wastewater Reclamation Division (WWRD) the property is currently in a non-sewered area near the Maui Tropical Plantation business. The property has three cesspools (priority 2) per the state database. An expansion of the sewer system to this area is proposed to commence once the Central Maui Wastewater Treatment Facility is constructed in Waikapū. This expansion is currently targeted for about 2030. Once this sewer expansion is completed the owner will have six months to connect to the County system. WWRD has no objection to the proposed zoning change. (See, **Exhibit 13**).

- 3. **Drainage**. There is no grading proposed with the change in zoning. The applicant is in the process of applying for a building permit to expand and renovate the main dwelling which will require some grading work but that will be reviewed during the building permit process. The flood zone is X and AE. Most of the property is in Zone X and only a small portion, where there are no structures is in AE. (See, **Exhibit 6**).
- 4. **Roadways, Curbs, Gutters and Sidewalks.** This is an older neighborhood. The Waikapū Tract 3.535 subdivision was approved in 1969. There are no sidewalks or gutters on Nukuna place, which is a dead-end road with little traffic aside from those who live on the street.

The project was sent to the Department of Fire and Public Safety who had the following comments. The Fire Prevention Bureau recommends meeting the subdivision land use requirements for water supply and access for parcel frontage and any proposed internal roads. (See, **Exhibit 12**).

For R-2 townhouse land use the requirements are:

- Service roads to proposed properties shall have a clear width of 20 feet, with an all-weather surface relative to grade. Any dead-end roads if greater that 150 feet in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall meet the Department of Public Works standards.
- 2. Water supply for fire protection shall have a minimum flow of 1500 gallons per minute for a two-hour duration with hydrant spacing a maximum of 250 feet between hydrants. Dead-ends shall have a hydrant within 125 feet. Once construction of buildings are planned, there shall be at least one hydrant within 400 feet of any building to be constructed.

Lastly, the Department of Fire & Public Safety will provide formal review comments in response to the subdivision and/or building permit applications.

The Applicant's response can be found in Exhibit 17. The applicant states that the current fire hydrant is on Lehuapueo Place and is about 236.86 ft from the dead end and 385.15 ft to the end of the last house on the property.

The Police Department had the following comments and/or recommendations.

- The project will need to meet minimal standards set forth by county codes and state laws.
- If any roads will be temporarily closed for alternating traffic, we request the
 project manager utilize flag men to conduct traffic control and have proper
 signage posted along the routes during construction. (See, Exhibit 14).

The applicant reported that there will be no impact to traffic as they have no plans to build new housing on the property. However, as a result of rezoning, this property will have the possibility of building an additional eight dwelling units. This may increase traffic by the number of future tenants that may reside there, should the property ever be built to capacity. The request for a change in zoning was sent to the Department of Transportation

Maui Highways and they had no comments for this application. (See, Exhibit 9).

- 5. **Electrical and Telephone**. Maui Electric services the property and Hawaiian Telecom has fiber and phone lines to the property.
- 6. **Parks**. The Waikapū area has the Waikapū Community Center and Park. The proposed use is not of a scope or in a location that would affect this facility.
- 7. **Schools**. The region is served by the Hawai'i Department of Education. The change in zoning will create a potential to build an additional eight dwelling units whose residents may in the future be served by neighborhood schools, however no significant impacts are anticipated.
- 8. **Solid Waste**. The nearest landfill site is Central Maui Landfill. The solid waste generated by the existing houses is accounted for.
- 9. **Public Services**. The property is served by the Wailuku Fire Station, approximately 2.9 miles away from the property. The applicant states that the current fire hydrant is on Lehuapueo Place and is about 236.86 ft from the dead end and 385.15 ft to the end of the last house on the property.

The site is served by Wailuku Public Library.

The site is served by the Wailuku Police Station.

The nearest hospital facility is Maui Memorial Hospital Medical Center.

SOCIO ECONOMIC IMPACTS

The effect of rezoning the subject property on Waikapū's population will be negligible. The CIZ offers potential for more long-term residential housing to be developed assuming infrastructure and other State and County requirements are met.

Community services are characterized as social services for the young or elderly, those needing help with paying rent, vocational training, schools, shelter needs, healthcare, etc. Changing the zoning of this property is not anticipated to either increase or decrease the demand for community services to a substantial effect. The Community Plan has designated this area as single-family.

ENVIRONMENTAL IMPACTS

There should be no environmental impacts with the change in zoning. Future construction on the property due to the change in zoning will be short term noise and air quality impacts during the construction phases of future projects. Best management practices should be incorporated in accordance with Federal, State and County standards. The property is located in flood zones X and AE. However, the AE portion is only a small corner of the property that does not have any buildings.

The nearest historic properties include the Waihe'e Ditch (SIHP Site 50-50-04-05197), a historic refuse scatter (SIHP Site 50-50-04-07884), a remnant L-shaped retaining wall (SIHP Site 50-50-04-07884).

07882), and plantation era ditches (SIHP Site 50-50-04-07881). None of these historic properties will be impacted by the current project.

There are no impacts to scenic resources with this project.

The property is far from the shoreline and no impacts to marine resources are anticipated with the rezoning of this property. The site is already developed with four dwellings and as a result there will be no loss of open space resources. If the property is built out to its full potential it has the possibility to increase the housing density by eight units.

Short term impacts may occur with the planned renovation of the main buildings and improvements to the site.

For further information, see **Exhibit 18** for the change in zoning application and revisions in **Exhibit 19**.

OTHER GOVERNMENTAL APPROVALS, REGULATIONS, POLICIES, PLANS

The change in zoning to use the site for residential purposes will require review by the Maui Planning Commission, and ultimately the passing of an ordinance by the Maui County Council.

Building permits will need to be obtained in accordance with Maui County Code for renovations to the existing structures and construction of any new structures.

TESTIMONY

As of October 18, 2024, the Planning Department has received no testimony regarding this application.

ALTERNATIVES

- **Deferral**. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
- Recommend Approval With No Conditions. The Commission may recommend to the Maui County Council, approval of the request without any conditions.
- Recommend Approval With Conditions. The Commission may recommend to the Maui County Council, approval of the request with conditions.
- **Recommend Denial**. The Commission may recommend to the Maui County Council, denial of the request.

CONCLUSIONS OF LAW

Pursuant to Sections 19.510.040 and 19.510.050 of the Maui County Code, the proposed request meets the criteria for a Change in Zoning as follows: 19.510. Section 19.510.040

- 1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
- 2. The proposed request is consistent with the applicable community plan land use map of the county;
- 3. The proposed request meets the intent and purpose of the district being requested;
- 4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
- 5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

Conclusion: The Title 19 Change in Zoning will change the zoning from Agricultural District to R-2 Residential. The Applicant's proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to, Maui County Code, Title 19, Chapter 19.510, Section 19.510.040, Change in Zoning.

RECOMMENDATION

CHANGE IN ZONING

The Planning Department recommends that the Maui Planning Commission recommend "approval" to the Maui County Council for the CIZ from Agricultural District to R-2 Residential.

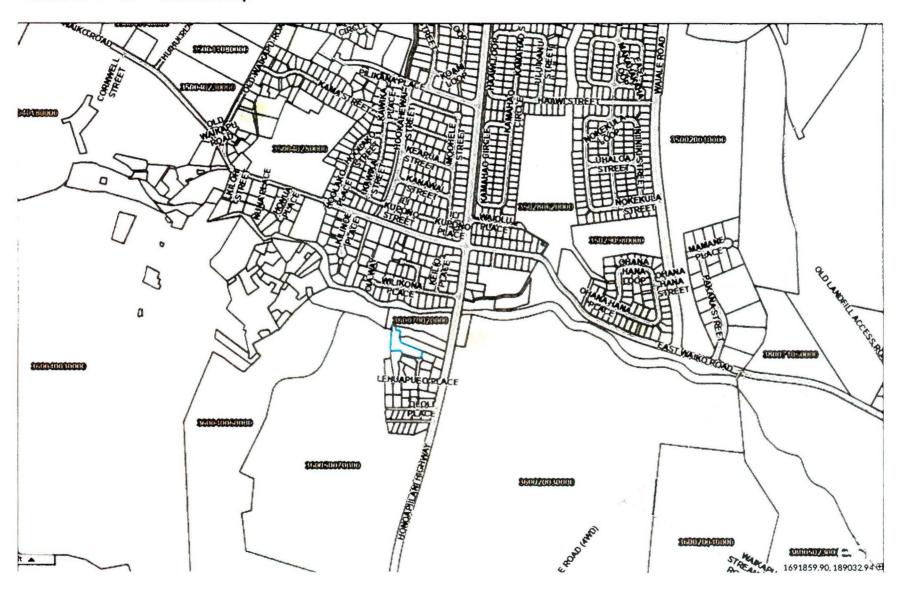
In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the November 12, 2024, meeting as the Findings of Fact, Conclusion of Law and Decision and Order and authorize the Director of Planning to transmit said Report and Recommendation to the Maui County Council.

APPROVED:

KATE L. K. BLYSTONE Planning Director

Exhibit 1
Location Maps

Attachment A: D5 - Location Map



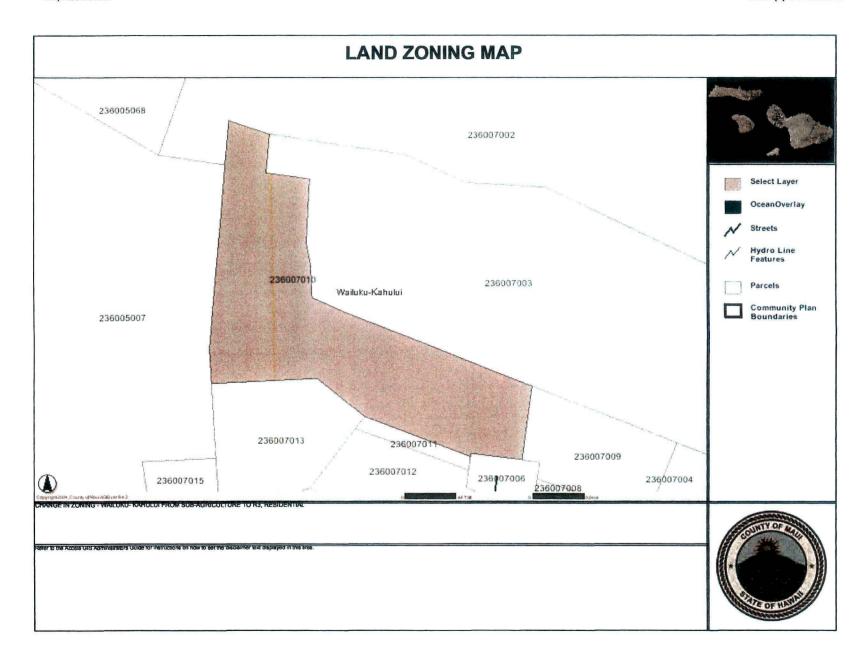


Exhibit 2 Site Survey

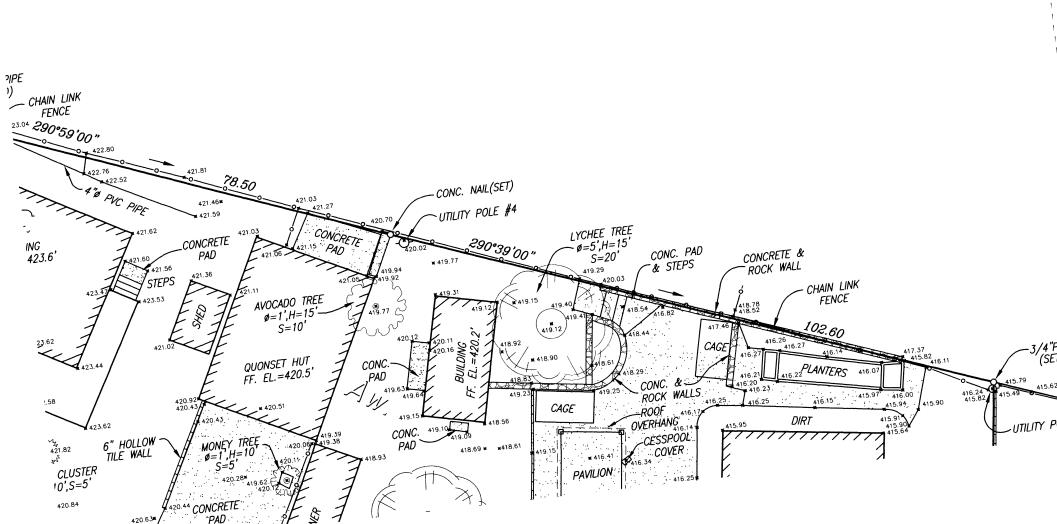


Exhibit 3 Site Photographs

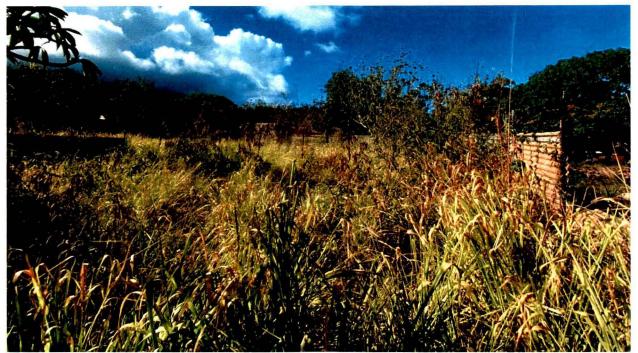
D19. Dated photographs of site structure.



1. Photo taken from Nukuna Place facing the main house. Photo taken 12 September 2021.



2. Photo taken at end of private road facing the three Ohana units. Nukuna place is behind the photographer. Photo taken 12 September 2021.



3. Photo taken at the far end of the property facing the end of the property. The three Ohana units are behind the photographer. Photo taken 12 September 2021.



4. Photo taken from corner of property facing the private road. Ohana Unit B, behind photographer, Ohana Unit A on the left of the picture. Photo taken 12 September 2021.

Attachment E: D19 -- Additional Photo of the Property

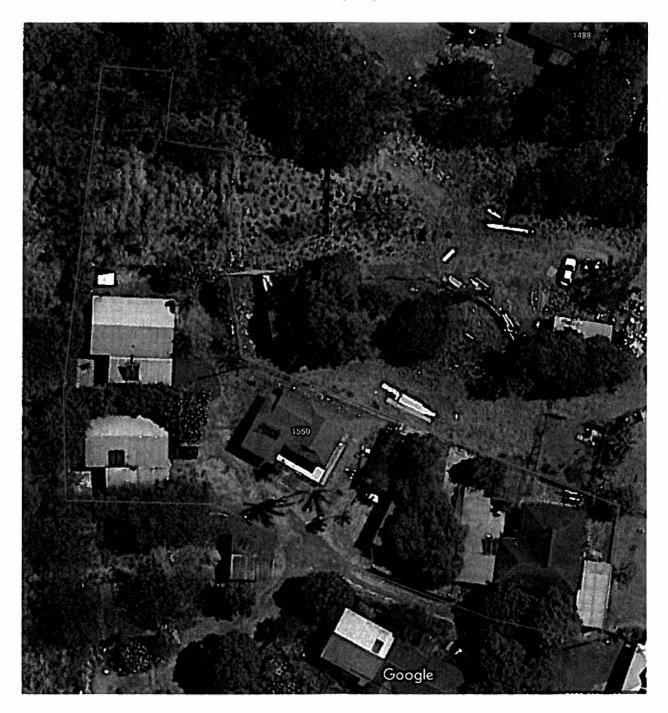


Exhibit 4 Architectural Plans

CONSTRUCTION DRAWINGS FOR:

GARNER RESIDENCE

1550 NUKUNA PLACE WAILUKU, HI 96793 TMK: (2) 3 - 6 - 007:010 LOT AREA 30922 S.F.

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3. SUBMIT A FRIAL SIGNED REPORT.

INSPECTION NOTES:

- LALL MAU! COUNTY COURSE OF CONSTRUCTION INSPECTIONS SHALL BE DONE IN A TIMELY MANNER. IT IS THE RESPONSIBILITY OF THE OWNER TO CALL FOR THESE NISPECTIONS.
- IN ADDITION TO THE COUNTY OF MAIL COURSE OF CONSTRUCTION INSPECTIONS, SHEAR DIAPHRASH AND LOAD PATH SPECIAL INSPECTIONS ARE REQUIRED.
- BEPORE CONSTRUCTION BEGINS IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT CUA, INC. 6 808-870-3214 TO VERIFY THE INSPECTIONS REQUIRED FOR THIS PROJECT.
- 4. DAID INSPECTIONS ARE NOT WITHIN THE SCOPE OF THE ARCHITECT'S BERVICES AND SHALL BE PROVIDED BY THE GENERAL CONTRACTOR UNDER A SEPARATE CONTRACT WITH A QUALIFIED ROPECTOR OF HIGHER CHOICE.

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Đ	MASONRY CONSTRUCTION	(SITE WALLS, HOUSE, COTTAGE, STORAGE and POOL)	
4	WOOD CONSTRUCTION	(HOUSE COTTAGE and STORAGE!	
14	COMPLETE LOAD PATH and UPLET TIES	(-loube, COTTAGE and STORAGE)	

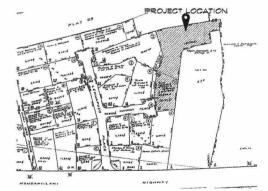


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- B. THE OWNER SHALL OBTAIN ALL CINERA ASSOCIATION IN SIRRET AND INC. RESPONSIBLE TO CONSTRUCT HOME PER THEIR APPROVAL



VICINITY MAP



CONSTRUCTION DRAWING FOR: GARNER RESIDENCE

> 1550 NUKUNA PLACE WAILUKU, HI 96793 TMK 3 - 6 - 07 : 010





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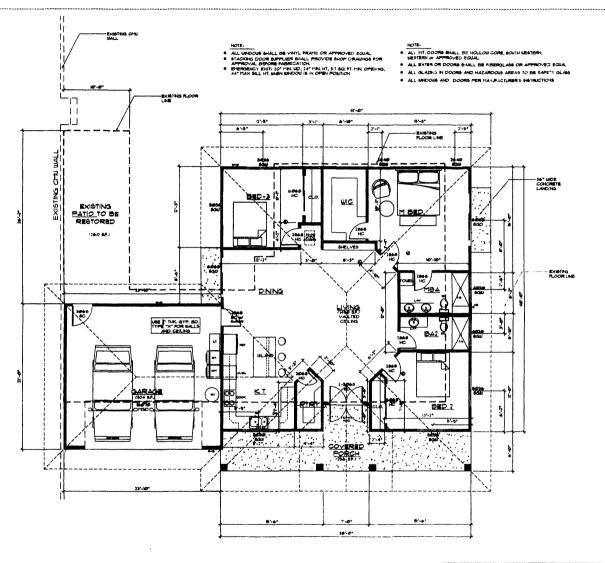
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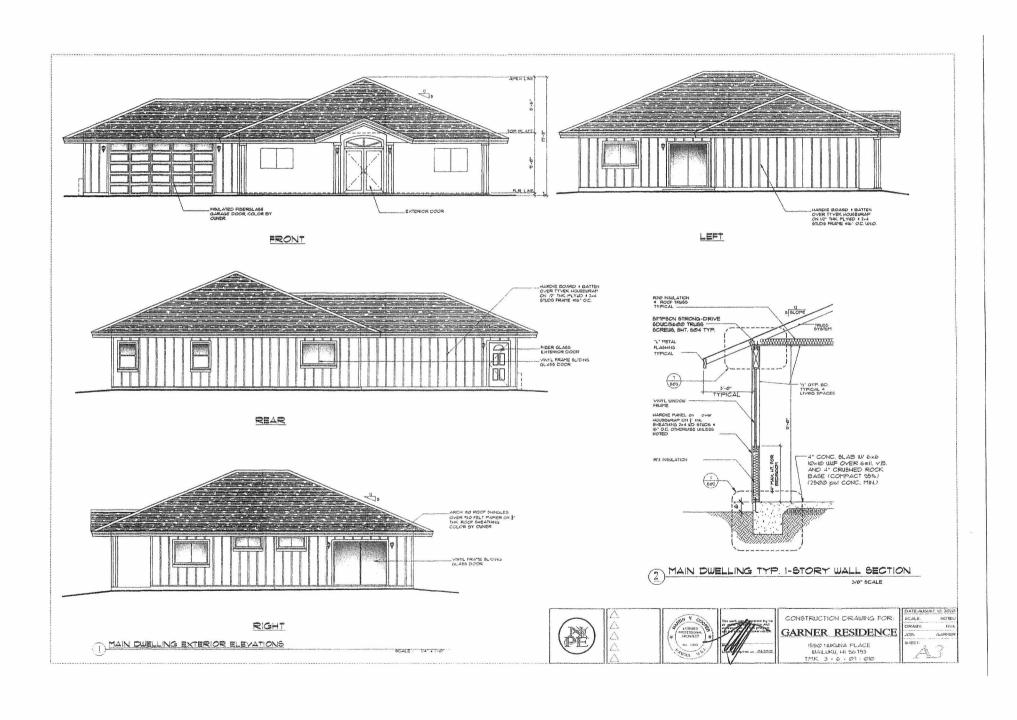


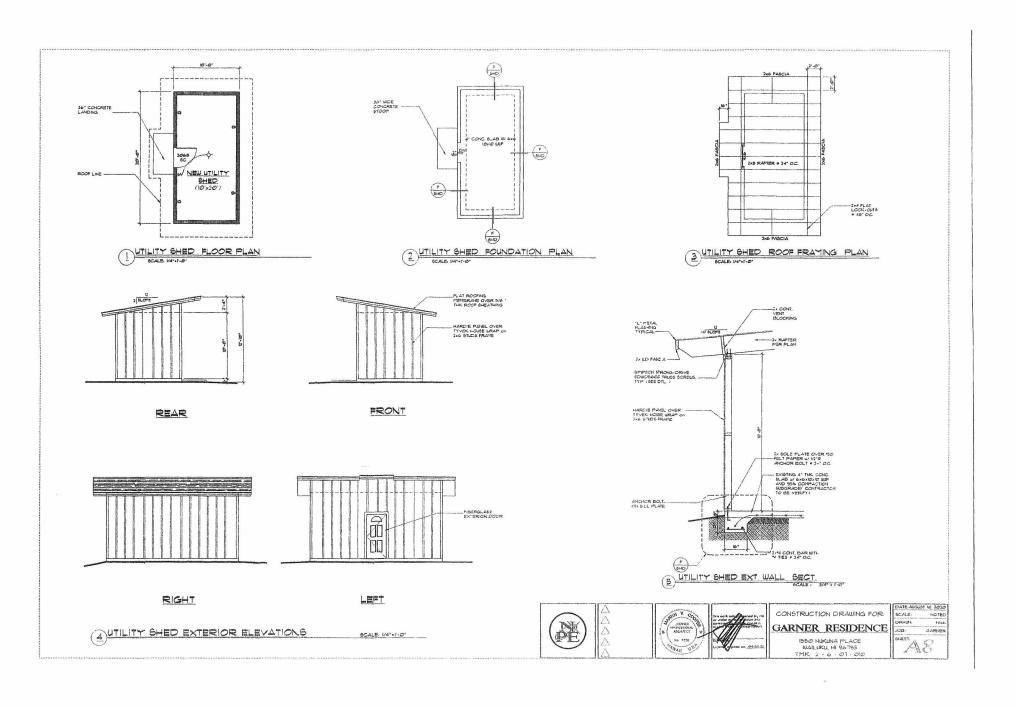
CONSTRUCTION DRAWING FOR

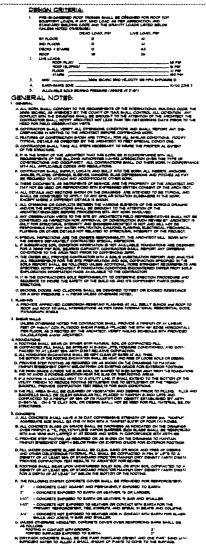
GARNER RESIDENCE

1990 NUKUNA PLACE WAILJKU HI 96793 TMK 3 - 6 - 07 : 010









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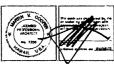
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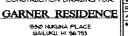


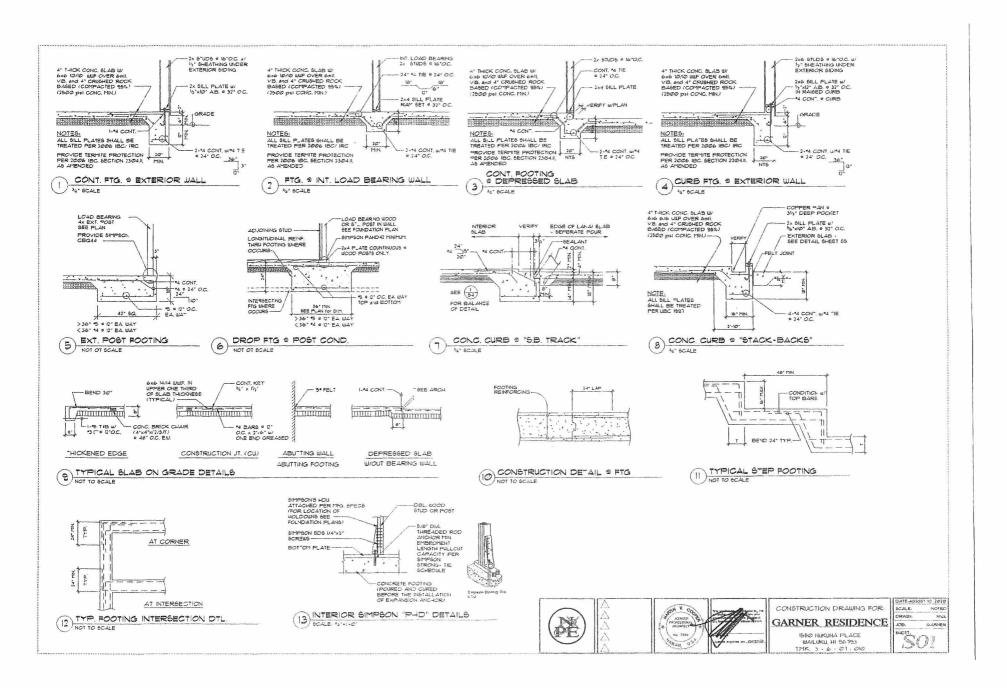
DATE AUGUST 10, 2020 CONSTRUCTION DRAWING FOR

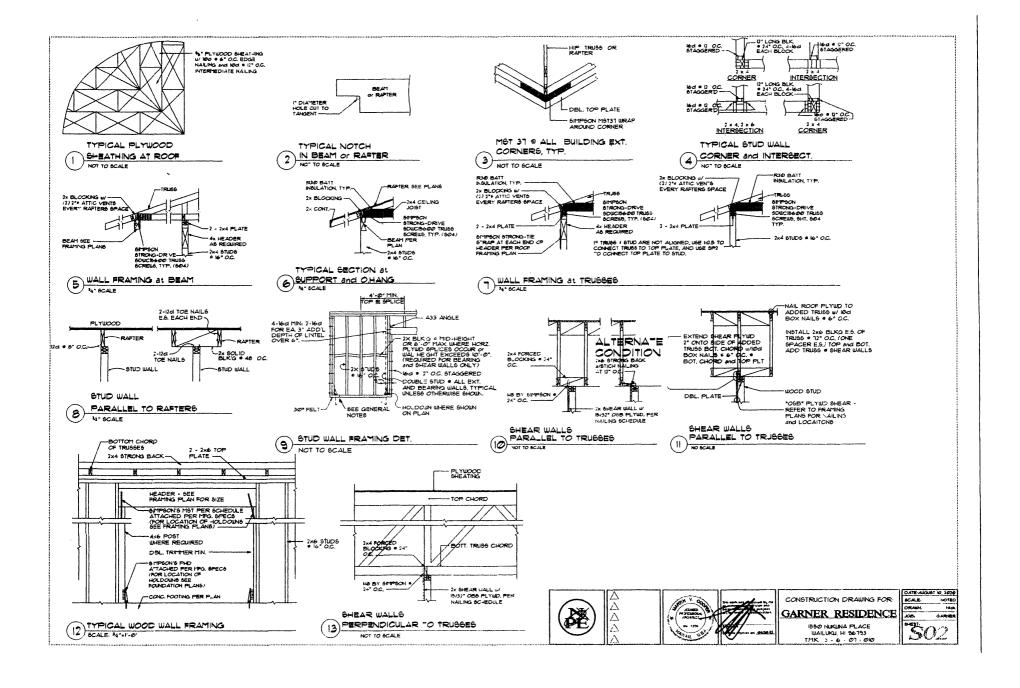
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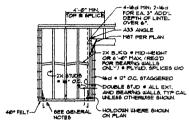
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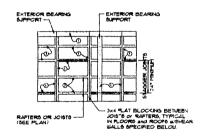








STUD WALL PRAMING DET.



AB GIVEN FOR NAILS.

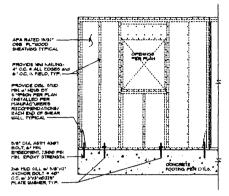
A''x 3" FLYWOOD CLEATS

ALTERNATE PLYNCOD EDGE

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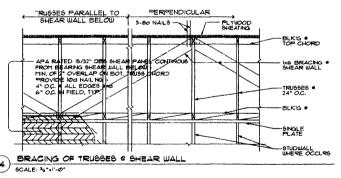
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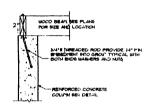
NOT TO SCALE



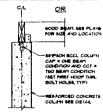
SINGLE STORY SHEAR

2 WALL DETAILS









SIMPSON CONNECTOR

TYP. CONC. COLUMN 4

BEAMS CONN. DTLS.
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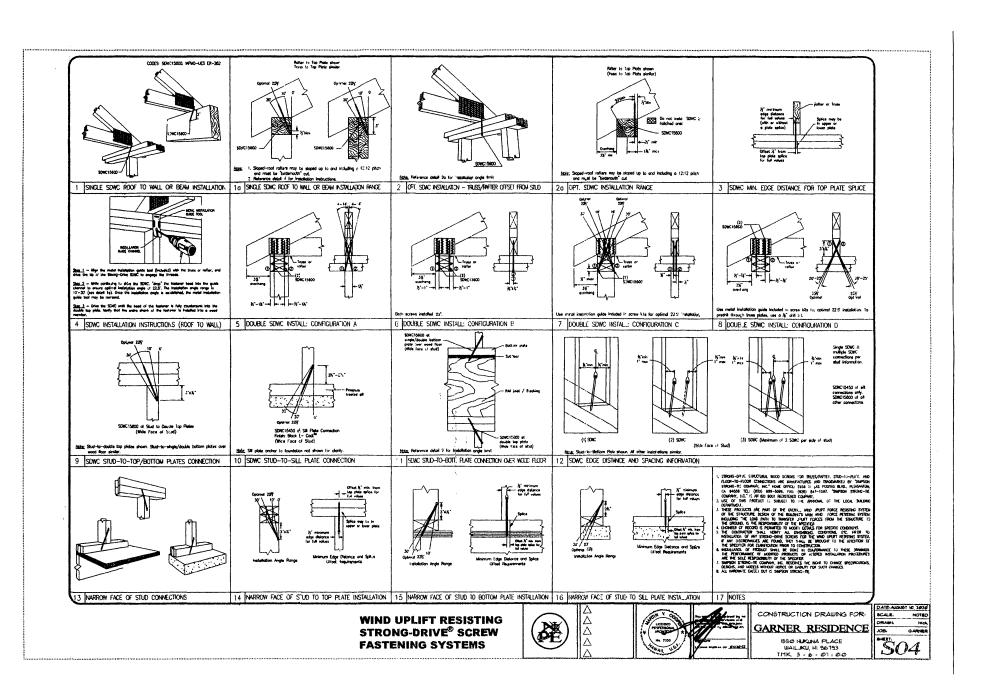




CONSTRUCTION DRAWING FO

GARNER RESIDENC

1550 NUKUNA PLACE WAILUKU, HI 96793 TMK 3 - 6 - 07 1 010





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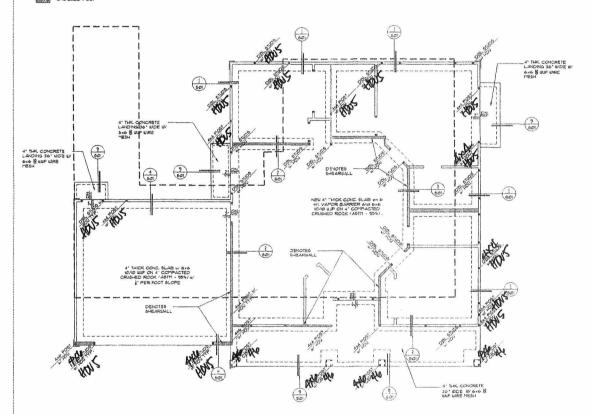
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CHUWALL/ POST

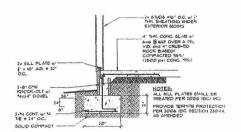








A.B., CBS and HDU TYPICAL INSTALLATION



ALTERNATE CONT. PTG. 9 EXTERIOR WALL NOT TO SCALE

MAIN DWELLING FOUNDATION PLAN

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SCALE, V4".F.C"

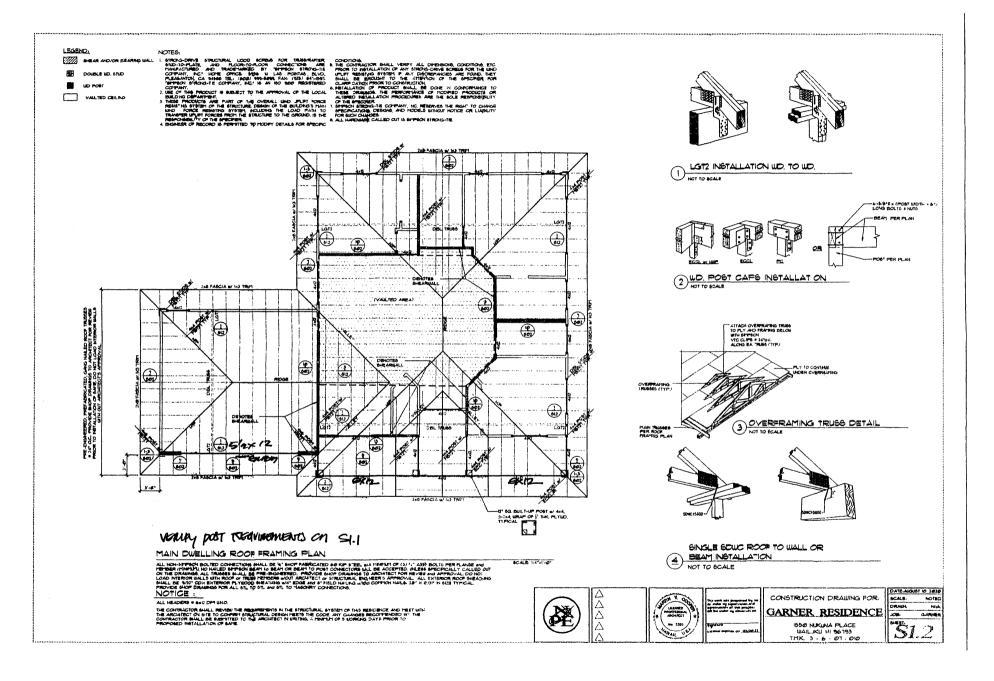




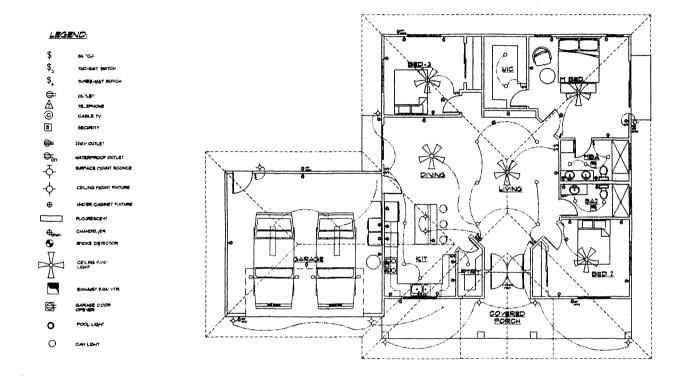
CONSTRUCTION DRAWING FOR GARNER RESIDENCE

1550 NUKUNA PLACE WAILJKU, HI 96153 TMK. 3 · 6 · 07 · 010





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ACTUATION OF ONE ALLAST BLILL ACTIVATE ALL OF THE ALLASTS IN THE
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OWER BLOOGRACION ON SER HIT ALL INTERMENTS COORS CLOSED.



MAIN DWELLING ELECTRICAL FLOOR PLAN

6CALE.V4". F.C"









CONSTRUCTION DRAWING FOR:

GARNER RESIDENCE 1950 NUKUNA PLACE WAILUKU, HI 96193 TMK 2 - 6 - 01 : 010

Exhibit 5 Zoning and Flood Confirmation Form

alport

COUNTY OF MAUL DEPARTMENT OF PLANNING One Main Plaza Building 2200 Main Street, Suite 315 Wailuku, Hawaii 96793



Zoning Administration and **Enforcement Division (ZAED)** Telephone: (808) 270-7253 FEB 22

Facsimile: (808) 270-7634

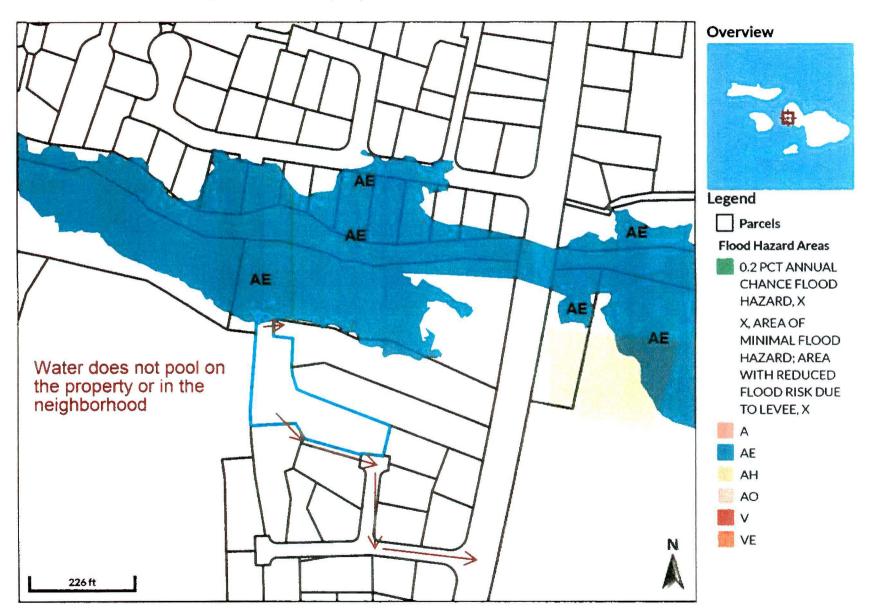
E-mail: planning@mauicounty.gov MTY20 PAUL LEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)	
APPLICANT NAME Robyn M. Garner TELEPHONE 808-497-6	219
PROJECT NAME CIZ 20210002 - Garner Residence E-MAIL robynmgarner@	gmail.com
PROPERTY ADDRESS 1550 Nukuna Place (Main, A, B, C) TAX MAP KEY 3600701	00000
☐ Yes ☐ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application? IF YES, answer questions A and B below and comply with instructions 2 & 3 below:	
A) Yes No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC? IF YES, which exemption? (No. 1, 2, 3, 4 or 5)	
B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses	allowed by law):
1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number. If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts. If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.	
(This section to be completed by ZAED)	
LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1	(SMA)
STATE DISTRICT: X Urban Rural Agriculture Conservation	Special Management Area
MAUI Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries	
PLAN Protected Area: Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas	
COMMUNITY PLAN:2 SIME tamily	(<u>PD</u>)
COUNTY ZONING: AQUICULTURE DIXTIC	Planned Development
OTHER/COMMENTS:	□ (<u>PH</u>)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is	Project District
designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	See Additional
ELOOD HAZARD AREA ZONES 3 ZONES X, AE(431') & BASE FLOOD ELEVATIONS:	Comments (Pg.2)
FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH:	See Attached LUD Map
SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitte	
Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).	
(Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).	
Consistent, (LUDs appear to have ALL permitted uses in common).	
Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.	
Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).	
NOTES:	
 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land. Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel. 	
 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves. Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions 	
associated with a unilateral agreement [Section 18.04.030.D, Maui County Code]. REVIEWED ACCONFIRMED BY:	
For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforce	ment Division

Exhibit 6 Flood Map

Attachment D: D17 - Drainage Pattern on Property



Agency Comments

Exhibit 7 SHPD Letter

JOSH GREEN, M.D.

SYLVIA LUKE LIEUTENANT GOVERNOR I KA HOPE KIA AINA





STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96 '07

October 5, 2023

Kathleen Aoki, Director County of Maui Planning Department 2200 Main Street One Main Plaza, Suite 315 Wailuku, HI 96793 co Aliki Biniaris

Email: aliki.biniaris@mauicounty.gov

DAWN N.S. CHAING CHAIRPERSON BOARD OF LAND AND NATURAL RESOUR: ES COMMISSION ON WATER RESOURCE MANAGEMEN

LAURA H.E. KAAKUA FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR WATER

AQUATIC RESOURCES
BOATING AND DCEAN RECREATION
BURGAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILLD HEE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVATION
LAND
STATE PARKS

IN REPLY REFER TO:

Doc. No.: 2310IK03

Project No.: 2023PR01137

Archaeology, Architecture

Dear Kathleen Aoki:

SUBJECT:

Chapter 6E-42 Historic Preservation Review -

County of Maui Permit Application - CIZ20210002

Garner Residence - Change in Zoning from Agricultural to Residential (R-2)

Applicants: Brian and Robyn Garner

Waikapū Ahupua'a, Pū'ali Komohana District, Island of Maui

TMK: (2) 3-6-007:010

This letter provides the State Historic Preservation Division's (SHPD) review of the subject permit application for a change in County zoning from Agricultural District to R-2 Residential and proposed main dwelling expansion at 1550 Nukuna Place. SHPD received the submittal on September 20, 2023, which included a County of Maui letter initiating the HRS §6E-42 historic preservation review process, construction plans, an HRS 6E Submittal Form, and permit applications. The project area comprises the entire 30,922-sq.-ft. parcel. The proposed ground disturbances include excavations for concrete footings (max. 2 ft. deep)

The existing main dwelling was built in 1952 and it is not listed in the Hawaii or National Registers of Historic Places. HRS §6E-42.2 exempts all projects involving privately-owned, single-family detached dwelling units or townhouses that are 50 years or older not listed in or nominated for inclusion in the Hawaii or National Registers of Historic Places or not located in a listed historic district and require a County permit from SHPD review. The building envelope for this one-story, main dwelling unit is exempt from HRS §6E review.

Our records indicates that an archaeological inventory survey (AIS) has not been conducted for the project area or parcel. However, in 2013, Archaeological Services Hawaii, LLC (ASH) conducted an AIS of 503-acres adjacent to the current project area. The AIS report (Guerriero et al., September 2017) indicates the field work included a pedestrian survey and the excavation of 141 backhoe test trenches. The AIS identified five historic properties consisting of a complex of irrigation features (SIHP # 50-50-04-07881), a remnant L-shaped wall (SIHP # 50-50-04-07882), a World War II bunker (SIHP # 50-50-04-07883), three historic scatters (SIHP # 50-50-04-07884), and the historic Waihe'e Ditch (SIIIP # 50-50-04-05197). The nearest historic properties include the Waihe'e Ditch (SIHP Site 50-50-04-07884), a remnant L-shaped retaining wall (SIHP Site 50-50-04-07882), and plantation era ditches (SIHP Site 50-50-04-07881). None of these historic properties will be impacted by the current project.

Kathleen Aoki October 5, 2023 Page 2

Based on the information provided, SHPD's determination is "No historic properties affected" for the subject project. Additionally, SHPD has no objections to the change in zoning. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence, and the historic preservation review ends. The HRS 6E historic preservation review process is ended. The permit issuance process may continue.

Please annotate the construction plans: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 652-1510.

Please contact Mary Kodama, Historic Architect, at Mary.Kodama@hawaii.gov for any concerns regarding architectural resources, and 'lolani Kauhane, Historic Preservation Archaeologist III, at Iolani.Kauhane:a'hawaii.gov for any matters regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy State Historic Preservation Officer

cc: County of Maui, <u>public.works@mauicounty.gov</u>
Janet Six, County of Maui, <u>janet.six@co.maui.hi.us</u>
Robyn Garner, Landowner, <u>robynmgarner@gmail.com</u>

Exhibit 8 SHPD - DLNR Land Division

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: DLNR Land Division

Assigned Reviewer:

Date Completed in MAPPS:

Overall Comments: No Response

I sent the first request for review and comment on 9/18/23.

I sent an email with the second request on 12/15/23.

I received no response to my requests.

Exhibit 9
Department of
Transportation,
Maui Highways

Aliki Biniaris - FW: [EXTERNAL] Agency Review for - CIZ20210002 - GARNER RESIDENCE

From: "Krueger, Joseph K" <joseph.k.krueger@hawaii.gov>

To: "aliki.biniaris@co.maui.hi.us" <aliki.biniaris@co.maui.hi.us>

Date: 9/18/2023 1:23 PM

Subject: FW: [EXTERNAL] Agency Review for - CIZ20210002 - GARNER RESIDENCE

See below.

Joe

From: DOT HWYM Permits

Sent: Monday, September 18, 2023 1:19 PM

To: aliki.biniaris@co.maui.hi

Cc: Takahashi, Derek T <derek.t.takahashi@hawaii.gov>

Subject: FW: [EXTERNAL] Agency Review for - CIZ20210002 - GARNER RESIDENCE

Hi Aliki,

We have no comment for this application. Let me know if you have any question. Thank you, Joe Krueger, $\operatorname{CE} V$

From: MAPPS@co.maui.hi.us < MAPPS@co.maui.hi.us >

Sent: Monday, September 18, 2023 11:20 AM

To: <u>Aliki.Biniaris@co.maui.hi.us</u>; DLNR.CO.PublicDLNR < <u>dlnr@hawaii.gov</u>>; DOT HWY_esign < <u>DOT.HWY esign@hawaii.gov</u>>; DOT HWYM Permits < <u>DOT.HWYM.Permits@hawaii.gov</u>>;

Fire.PlanReview@co.maui.hi.us; jennifer.rivera@co.maui.hi.us; Jordan.K.Molina

< <u>Jordan.K.Molina@co.maui.hi.us</u>>; <u>lisa.tomita@mpd.net</u>; <u>robert.schmidt@co.maui.hi.us</u>; <u>Tejano</u>, <u>Roland C.</u>

<<u>Roland.Tejano@doh.hawaii.gov</u>>

Subject: [EXTERNAL] Agency Review for - CIZ20210002 - GARNER RESIDENCE

Within 30 days of this notification please provide your agency's comments, clarifications or recommended conditions of approval on the referenced application(s). All County of Maui agencies, please provide your response within the County of Maui Automated Planning and Permitting System (MAPPS). Please upload a letter or memo response within MAPPS and be sure to change the "Update Item Review" Status to "Review Completed" after you have attached the file of your letter or memo response. All other agencies, please provide your response to Biniaris, Aliki, at Aliki.Biniaris@co.maui.hi.us. A letter or memo response attached to an email is preferred, but if the response is very short such as "no comment" a simple email response can also suffice. You can view the application through the County's Customer Self Service (CSS) for MAPPS: https://mapps.co.maui.hi.us/EnerGov_Prod/SelfService#/home. Once on the CSS page click "Search" and enter CIZ20210002. Click on the "Plan Number", then "Attachments". The text of the application is the most recent of any attachments whose name starts with "CoM_CP_ApplicationReport" or similar. All its exhibits and other materials are in the most recent of any attachments whose name starts with "ApplicationMaterials" or similar.

Exhibit 10 HI DOT HWYs

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: HI DOT HWYs

Assigned Reviewer:

Date Completed in MAPPS:

Overall Comments: No Response

I sent the first request for review and comment on 9/18/23. I sent an email with the second request on 12/15/2023.

I received no response to my requests.

Exhibit 11 Department of Health

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: Hawaii State Department of Health – Maui District Health Office

Assigned Reviewer:

Date Completed in MAPPS: 9/29/23

Overall Comments: Approved

Comments:

IWS are allowed as no available sewer on the area 9/28/23

Exhibit 12 Department of Fire and Public Safety

RICHARD T. BISSEN, JR.

Mayor

KEKUHAUPIO R. AKANA

Acting Managing Director

BRADFORD K. VENTURA

Fire Chief.

GAVIN L.M. FUJIOKA

Deputy Fire Chief





200 DAIRY ROAD KAHULUI, MAUI, HAWAI'I 96732

www.mauicounty.gov

September 26, 2023



VIA EMAIL: Aliki.Biniaris@co.maui.hi.us

SUBJECT: CIZ20210002 Garner Residence

Dear Aliki,

Fire Prevention Bureau recommends meeting the subdivision land use requirements for water supply and access for parcel frontage and any proposed internal roads.

For R-2 townhouse land use the requirements are:

- 1. Service roads to proposed properties shall have a clear width of 20 feet, with an allweather surface relative to grade. Any dead-end roads if greater than 150 feet in length. shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall meet Dept of Public Works standards.
- 2. Water supply for fire protection shall have a minimum flow of 1500 gallons per minute for a two-hour duration with hydrant spacing a maximum of 250 feet between hydrants. Deadends shall have a hydrant within 125 feet. Once construction of buildings are planned, there shall be at least one hydrant within 400 feet of any building to be constructed.

Formal review comments will be provided in response to the subdivision and/or building permit application.

For any questions or comments, please feel free to contact us at (808) 876-4690 or by email at fire.prevention@mauicounty.gov.

Sincerely,

Plans Review - Fire Prevention Bureau

Exhibit 13
Department
of Environmental
Management
WWRD

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: Dept of Environmental Management

Assigned Reviewer: Robert Schmidt

Date Completed in MAPPS: 12/18/2023

Overall Comments: Approved with Conditions

WWRD Comments:

1. Property is currently in a non-sewered area near the Maui Tropical Plantation business.

2. The property has three cesspools (priority 2) per the state database. An expansion of the sewer system to this area is proposed to commence once the Central Maui Wastewater Treatment Facility is constructed in Waikapu and on line. This is currently targeted for about 2030. Once this sewer expansion is completed the owner will have 6 months to connect to the County system.

3. WWRD has no objection to the proposed zoning change.

Exhibit 14 Police Department

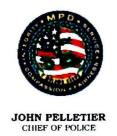


POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET WAILUKU, MAUI, HAWAII 96793

TEI EPHONE: (808) 244-6400 FAX: (808) 244-6411



WADE M. MAEDA DEPUTY CHIEF OF POLICE

MAYOR
OUR REFERENCE

YOUR REFERENCE

November 29, 2023

MEMORANDUM

TO: ALIKI BINIARIS, STAFF PLANNER

DEPARTMENT OF PLANNING

FROM : JOHN PELLETIER, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CIZ 20210002 TMK : (2) 3-6-007:010

Project : Garner Residence

Applicant : Robyn & Brian Garner

No comments or recommendations to offer at this time.

- X Refer to below comments and/or recommendations.
- The project will need to meet minimal standards set forth by county codes and state laws.
- If any roads will be temporarily closed for alternating traffic, we request the project manager utilize flag men to conduct traffic control and have proper signage posted along the routes during construction.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Keola Tom for: JOHN PELLETIER

Chief of Police

Exhibit 15 Department of Public Works

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: Dept of Public Works

Assigned Reviewer:

Date Completed in MAPPS:

Overall Comments: No Response

I sent the first request for review and comment on 9/18/23.

Comment in MAPPS: Pending RC review. Sent an email to John Smith for RC review.

I received no response to my requests.

Exhibit 16 Department of Water Supply

AGENCY COMMENTS:

(Viewable in MAPPS Workflow)

Commenting Agency: Dept of Water Supply

Assigned Reviewer: Benjamin Buttaro

Date Completed in MAPPS: 11/16/23

Overall Comments: No Comments

Comment:

Eva Blumenstein signed November 9, 2023

Exhibit 17 Applicant's Response to Agency Comments

Aliki Biniaris - Re: Change of Zoning

From: Robyn Garner <robynmgarner@gmail.com>
To: Aliki Biniaris <Aliki.Biniaris@co.maui.hi.us>

Date: 4/13/2024 10:23 AM Subject: Re: Change of Zoning

Cc: Brian Garner <bri> brianegarner@gmail.com>

Attachments: Fire and Public Safety.pdf; MPD.pdf; Dept Environmental Management.docx

Aloha Aliki,

Please find the requested responses below:

Planning Commission Questions

- 1. Are you on the county water system? How many and what size water meters do you have?
 - a. Yes, we are on the county water system.
 - b. There are four (4) Tier 1 = 3Kgal meters.
- 2. Electrical and Telephone information: How is power provided to the site?
 - a. Electric: Maui Electric services the property.
 - b. Telephone: Hawaiian Telecom has Fiber and Phone Lines to the property.
- 3. Do any endangered or threatened plant species or their habitat exist on the site?
 - a. No.

Department of Fire & Public Safety

- 1. Does Kukuna Place have a clear width of 20 ft with an all-weather surface relative to grade? Is the dead-end road greater than 150 ft in length? If so, does it meet the standards to provide an approved fire apparatus turn-around? All turns and required turnarounds shall have an outside turning radius of 40.5 feet. Maximum grade for the service road shall meet Dept. of Public Works standards. What are the dimensions of the t-shaped turn around at the end of your road? Does it have a 40.5 ft outside turn radius? Does it meet those requirements? Are there any fire hydrants and how far are they from your property?
 - a. Correction It's Nukuna place, not Kukuna place
 - b. I believe the answer to the questions above are "yes". The reason I believe we are in compliance is because on 08 August 2023 there was a fire on the property. The Fire Department was able to drive their rig past the dead-end road, hook the fire hose to the hydrant on Lehuapueo place, pull the hose to the end of the last house on the property, and save South Waikapu from becoming another potential disaster that evening. Thus, there is an all-weather surface relative to grade, the fire apparatus can turn-around, and there is a fire hydrant near the property. Police report 23-04675 can verify the incident and provide evidence of compliance with fire and public safety.
- 2. Please provide enough information to address all the requirements mentioned in their comment letter including the following:
 - a. Water supply for fire protection shall have a minimum flow of 1500 gallons per minute for a two-hour duration with hydrant spacing a maximum of 250 feet between hydrants. Dead-ends shall have a hydrant within 125 feet. Once

- construction of buildings are planned, there shall be at least one hydrant within 400 feet of any building to be constructed.
- b. The current fire hydrant on Lehuapueo place is about 236.86ft from the end of the dead end and 385.15ft to the end of the last house on the property.

Please respond to the following agency comments with a letter and be sure to send the Planning Department a copy of your letter so it can be added as an exhibit in the report.

Police Department

- 1. Understood.
- 2. No roads will need to be closed.

Department of Environmental Management

- 1. Understood on potential requirements in 2030.
- 2. Correction there are four (4) cesspools on the property per the state database.

Please let me know if you need additional information. Thank you.

Very Respectfully, Robyn "Tenacious-G" Garner

Dr. Robyn Misaye Garner, DM, MBA, PMP Owner | Kamasaki-Garner Properties, LLC robynmgarner@gmail.com

On Apr 4, 2024, at 11:58 AM, Aliki Biniaris < Aliki Biniaris@co.maui.hi.us > wrote:

Aloha,

There is a bit more information I would like to add to the report for Maui Planning Commission. Please provide the following information, as the Planning Commission will expect these items to be addressed prior to reviewing the project.

- Are you on the county water system? How many and what size water meters do you have?
- Electrical and Telephone information: How is power provided to the site?
- Do any endangered or threatened plants species or their habitat exist on the site?

Please address the comments provided by the Department of Fire & Public Safety:

 Does Kukuna Place have a clear width of 20 ft with an all-weather surface relative to grade? Is the dead-end road greater than 150 ft in length? If so, does it meet the standards to provide an approved fire apparatus turn-around? All turns and required turnarounds shall have an outside turning radius of 40.5 feet. Maximum grade for the service road shall meet Dept. of Public Works standards. What are the dimensions of the t-shaped turn around at the end of your road? Does it have a 40.5 ft outside turn radius? Does it meet those requirements? Are there any fire hydrants and how far are they from your property?

- These questions come from trying to see if you meet the requirements for R-2 land use as stated in the Department of Fire & Public Safety's letter providing agency comments. See attached letter.
- Please provide enough information to address all the requirements mentioned in their comment letter including the following:
 - Water supply for fire protection shall have a minimum flow of 1500 gallons per minute for a two-hour duration with hydrant spacing a maximum of 250 feet between hydrants. Dead-ends shall have a hydrant within 125 feet. Once construction of buildings are planned, there shall be at least one hydrant within 400 feet of any building to be constructed.
- Please respond to the following agency comments with a letter and be sure to send the Planning Department a copy of your letter so it can be added as an exhibit in the report.
 - Dept. of Environmental Management, Fire and Public Safety, and Maui Police Department
 - I have attached the comments from the above agencies for your reference.

Best Regards, Aliki Biniaris Small Town Planner direct line: 808.270.5570

Department of Planning
Current Division
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
www.mauicounty.gov

Exhibit 18 Application

CHANGE IN ZONING APPLICATION (R2, RESIDENTIAL)

Garner Residence TMK: (2) 3-6-007:010

Applicants: Robyn & Brian Garner

Owner

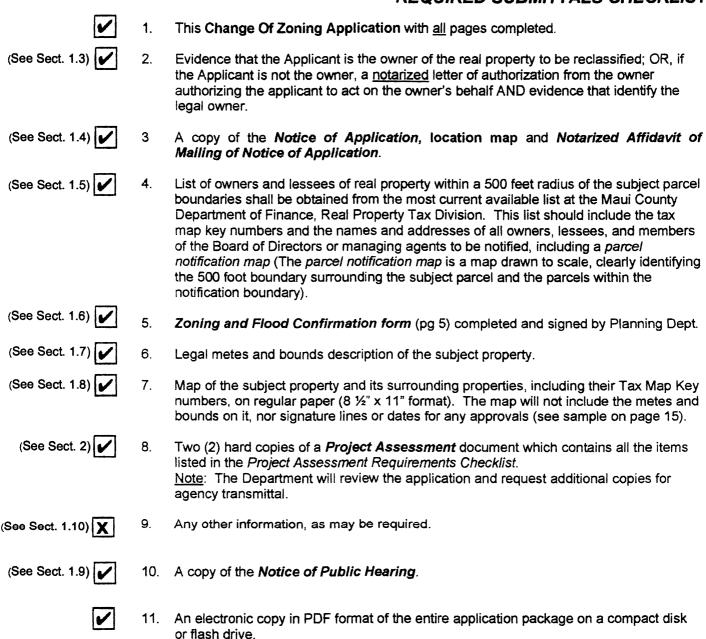
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1. Change in Zoning Application – Required Submittals

1.1 Required Submittals Checklist

REQUIRED SUBMITTALS CHECKLIST



After reviewing the application packet and certifying that it is ready for processing the Applicant will be notified of the number of additional hard and digital copies to be provided for agency review.

12. A **non refundable** filing fee payable to *County of Maui, Director of Finance*. (see <u>Fee Schedule, Table A</u> found on the Maui County website)

1.2 Change in Zoning Application Form

CHANGE OF ZONING APPLICATION

Please print legibly or	type the foli		Permit Number(s): CIZ			
		PROPERTY A		INFORMATIO	N	
Project Name: Garner Residence			Tax Map K	(2)3-6-00	07:010	
Total Area: 0922 SF			Valuation*	: ~\$600,000		
Physical Address/Loc 550 Nukuna Place, Wailuk		ject:	•			
* Total cost or fair market	value, as esti				the State of Hawaii Dept. of	
Commerce and Consume		PTION OF PROP				
Describe the existing	C. A 49/4 (47/42) VIII SCHOOL DESCRIPTION OF ST					
lesidential Main House, Re	sidential Oha	na-A, Residential Ohar	na-B, Resident	ial Ohana-C		
Describe the proposed	d use:					
he Applicant proposes to r	estore and e	xpand the main dwellin	g and keep a	temporary storage st	ructure. The purpose of the perty and the existing Commi	
lan Designation.		,				
LAND USE DESIGNAT			Isting	No Change	Proposed	
<u>State Land Use Distric</u> Maui Island Plan	t Boundary	Small Town, Outside F	Protected Area			
Community Plan		Single Family		No Change		
County Zoning		Agricultural District			R2, Residential	
Other (i.e. SMA)		N/A				
		CONTA	CT INFOR	RMATION		
APPLICANT INFORMA	TION		Participant of the second			
Name(s): Robyn & Brian	Garner		Email:	obynmgarner@ gmail	I.com	
Mailing Address: 1550	Nukuna Plac	e, Wailuku, Hawaii 967	793			
Phone Number(s	(bus)	(hm)		(cell) 7-6219/3781	(fax)	
Signature(s):	6/6	- Bragan	Date: //	Suprember 30	∍ /	
CONSULTANT INFOR	MATION	II		- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	alistica palenti espailiterra esperimento de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición dela composición de la composición dela composición de	
Name(s): √A		V	Email: N/A			
Malling Address:						
Phone Number(s	(bus) N/A	(hm)	N/A	(cell)	N/A (fax)	
Signature(s):			Date:N/A			
OWNER INFORMATIO	Na Santa Santa					
Name(s): Robyn & Bria			Email:	robynmgarner@ gr	mail.com	
Mailing Address: 1550 Nu	kuna Place. V	Vailuku, Hawaii 96793				
Phone Number(s	(bus)	(hm)	(808) 40	(cell) 7-6219/3781	(fax)	
Signature(s):/	7	()	Date: //	1-02 10/0101	14/5	

1.3 Land Ownership Documentation

2

ORIGINAL

STATE OF HAWAII BUREAU OF CONVEYANCES RECORDED September 27, 2019 3:29 PM Doc No A72090776 CONVEYANCE TAX: \$0

/s/ LESLIE T. KOBATA, Registrar KEO 11

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY: MAIL (X) PICKUP ()

TO: Rhonda M. Fosbinder, Attorney

Island Legal Group LLLC 24 N. Church St., Suite 307 Wailuku, Hawaii 96793 Tel: 808-242-4956

TYPE OF DOCUMENT:

CORRECTION DEED

GRANTOR: CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-

Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, having all powers under said Trust Agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the

trust estate and interests therein

GRANTEE: BRIAN E. GARNER and ROBYN M. GARNER, husband and wife

ADDRESS: 1550 Nukuna Place, Wailuku, Hawaii 96793

AFFECTS TAX MAP KEY: (2) 3-6-007-010

This document has ______ pages

CORRECTION DEED

THIS CORRECTION DEED, made this 26 day of September, 2019, by and between CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, having all powers under said Trust Agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the trust estate and interests therein, whose respective mailing addresses are 1550 Nukuna Place, Wailuku, Hawaii 96793, and 117 Woodward Avenue, Lowell, MA 01854, hereinafter called the "Grantor", and BRIAN E. GARNER and ROBYN M. GARNER, husband and wife, mailing address is 1550 Nukuna Place, Wailuku, Hawaii 96793, hereinafter called the "Grantee",

RECITALS:

- 1. By Limited Warranty Deed dated May 18, 2018, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 67250788, Grantor CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, conveyed to Grantee BRIAN E. GARNER And ROBYN M. GARNER all of the property described in Exhibit "A" which is attached to said Limited Warranty Deed.
- 2. On Page 7 of said Limited Warranty Deed, which is the first page of Exhibit "A" of said Limited Warranty Deed, the subject real property being conveyed was incorrectly described, in relevant part, as: "All of Grantor's portion of the property described herein, being only the property on which Grantor's single family dwelling sits, ..." The subject real property being conveyed should have been described as "All of grantor's right, title and interest in and to that certain parcel of land..." Therefore, Grantor and Grantee seek to correct the Limited Warranty Deed as hereinafter set forth:

AGREEMENT:

IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED that in consideration of the foregoing, Grantor and Grantee do hereby correct and amend the Limited Warranty Deed by DELETING Exhibit "A" in its entirety and SUBSTITUTING in the place thereof Exhibit "A" which has been revised and is attached hereto.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that except as expressly corrected and amended hereby, the Limited Warranty Deed as recorded as aforesaid, is hereby ratified and confirmed and shall remain in full force and effect.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto,

"Grantee

notwithstanding all of the parties are not signatory to the original or the same counterpart. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded, and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned have executed these presents on the day and year first written.

By:

CLAIRE S. KAMASAKI

Its Co-Trustee

"Grantor"

EVELYN N. KAMASAKI 2012 GIFT TRUST

3

notwithstanding all of the parties are not signatory to the original or the same counterpart. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded, and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned have executed these presents on the day and year first written.

DATED JULY 6, 2012
By:CYNTHIA ANN MCCARTHY Its Co-Trustee
By: Claire S. KAMASAKI Its Co-Trustee
"Grantor"
BRIAN E. GARNER
ROBYN M. GARNER "Grantee

STATE OF HAWAII						
COUNTY OF MAUI) SS.						
the person described in and/or satisfa described in and who executed the fo	On this 26 day of					
Second Circuit of Hawaii No. of Pag Document Description: Correction De	ges: 8 Date of Document: 9/26/19					
,	May Doty					
L-5-	Dorothy L. Guazzo, Notary Public Maui County, Hawaii					
	My commission expires 10/29/2022					
STATE OF MASSACHUSETTS)	SS.					
COUNTY OF MIDDDLESEX)						
appeared CLAIRE S. KAMASAKI, Co-Ti N. KAMASAKI 2012 GIFT TRUST DATE person described in and/or satisfactor	rustee under that certain unrecorded EVELYN ED JULY 6, 2012, to me known to be the ily proved to me to be the person described in ument, and acknowledged that she executed is Co-Trustee.					
	Name: Notary Public, State of Massachusetts My commission expires					

STATE OF HAWAII	
COUNTY OF MAUI) SS.	
On this day of appeared CYNTHIA ANN MCCARTHY, Co-Trustee under EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY the person described in and/or satisfactorily proved to described in and who executed the foregoing instruments she executed the same as her free act and deed, as Company of the control	6, 2012, to me known to be me to be the person ent, and acknowledged that
Document Description: Correction Deed Dorothy Maui Co	of Document: C. Guazzo, Notary Public punty, Hawaii mission expires 10/29/2022
STATE OF MASSACHUSETTS)) SS. COUNTY OF MIDDDLESEX)	
On this 13th day of September, appeared CLAIRE S. KAMASAKI, Co-Trustee under the N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012 person described in and/or satisfactorily proved to me and who executed the foregoing instrument, and acknowledge the same as her free act and deed, as Co-Trustee.	at certain unrecorded EVELYN , to me known to be the e to be the person described in
Notary Pub	anne M. Rhy lic, State of Massachusetts sion expires
Common	IANNE M. ROY Notary Public wealth of Massachusetts Commission Expires ecember 3, 2021

STATE OF HAWAII	00
COUNTY OF MAUI	SS.
appeared BRIAN E. GARNE persons described in and/o	day of September, 2019, before me personally R and ROBYN M. GARNER, to me known to be the restricted by satisfactorily proved to me to be the persons described by regoing instrument, and acknowledged that they refree act and deed.
Second Circuit of Hawaii Document Description: Co	No. of Pages: 8 Date of Document: 9/26/19 rrection Deed
L.S.	Dorothy L. Guazzo, Notary Public Maui County, Hawaii My commission expires 10/29/2022

EXHIBIT "A"

All of grantor's right, title and interest in and to that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 102, Land Commission Award Number 432, Apana 1 to A. Sylva) situate, lying and being at Lehuapueo, Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 7-A and thus bounded and described as per survey of Robert T. Tanaka, Registered Professional Land Surveyor, dated June 2, 1969, to-wit:

Beginning at a pipe at the Southwest corner of this lot, being also the Northwest corner of Parcel 13-A of this Subdivision, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,156.81 feet South and 3,150.06 feet West and running by azimuth measured clockwise from true South:

1.	177°	05′	29.65	feet along Grant 1146;
2.	184°	14'	160.90	feet along the same to a "+" cut on a stone;
3.	184°	14′	39.08	feet along the land owned by Tokuichi Sakamoto Estate;
4.	288°	32′	35.67	feet along the same;
5.	2°	58′	33.60	feet along land owned by Kazuo Kamasaki and wife Shimoyo;
6.	276°	43′	38.65	feet along the same to a pipe;
7.	2°	20′	56.50	feet along the same;
8.	350°	18′	17.85	feet along the same;
9.	355°	37′	29.65	feet along the same;
10.	293°	47′	26.50	feet along the same;
11.	290°	59'	78.50	feet along the same;
12.	290°	39'	102.60	feet along the same;
13.	6°	53′	64.44	feet along Lot 6 of Waikapu Tract Subdivision;
14.	96°	53′	45.00	feet along Lehuapueo Road;
15.	6°	53′	2.72	feet along the same;

16.	109°	04′	98.92	feet along Lot 20 of Waikapu Tract Subdivision;
17.	128°	00'	53.00	feet along Parcel 13-A of this Subdivision;
18.	87°	05′	92.41	feet along the same to the point of beginning and containing an area of 30,922 square feet, more or less.

Together with the free use of the twelve (12) feet Right-of-Way, designated as Lot 20 of the Waikapu Tract Subdivision owned by Russel Newton and wife Helen and described as follows:

Beginning at a pipe at the northwest corner of this lot, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE", being 10,184.74 feet south and 3,016.01 feet west and running by azimuth measured clockwise from true South:

1.	289°	04'	98.92	feet along Lot 7-A of this Subdivision;
2.	6°	53′	12.28	feet along Lehuapueo Road;
3.	109°	04′	105.54	feet along Lot 8 of Waikapu Tract Subdivision;
4.	217°	36′	12.66	feet along Parcel 13-A of this Subdivision to the point of beginning and containing an area of 1,227 square feet, more or less.

Together with a Right-of-Way designated as Easement "A" upon Lot 13-A of this Subdivision and described as follows:

Beginning at a pipe at the northeast corner of this Easement, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,184.74 feet south and 3,016.01 feet west, and running by azimuth measured clockwise from true South:

1.	37°	36′	12.66	feet along Lot 20 of Waikapu Tract Subdivision;
2.	128°	00'	17.00	feet;
3.	180°	00'	16.06	feet;
4.	308°	00′	26.80	feet along Lot 7-A of this Subdivision to the point of beginning and containing an area of 277 square feet, more or less.

Together with a perpetual non-exclusive easement and right of access for ingress and egress purposes, over and across all of that certain parcel of land, situate at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, known as Lehuapueo Place and Nukuna Place, being LOT 18 of the Waikapu Tract Subdivision, containing an area of 20,809 square feet, and identified on the Tax Map of the Second Taxation Division as Tax Map Key 3-6-07-6, as granted by instrument dated July 29, 1992, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-154221.

Being all of the property conveyed by the following:

Limited Warranty Deed

Grantor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Grantee : Brian E. Garner and Robyn M. Garner, husband and wife, as

Tenants by the Entirety

Dated : May 18, 2018 Recording Date : May 31, 2018 Recording No. : A67250788

SUBJECT, HOWEVER, to the following:

1. Real property taxes not yet required by law to be paid.

2. Mineral and water rights of any nature in favor of the State of Hawaii

3. An agreement, upon and subject to all of the provisions contained therein.

By and : Teruo Kamasaki and Evelyn Kamasaki, husband and wife,

Between and County of Maui, Department of Water Supply

Dated : October 28, 1985
Recording Date : November 4, 1985
Recording No. : Liber 19054, Page 635.

4. Lease

Lessor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Lessee : Evelyn N. Kamasaki, widow of Teruo Kamasaki

.8 14 Dated : July 6, 2012 Recording Date : July 24, 2012 Recording No. : A-45881176

Said Lease was amended by Amended Lease dated September 26, 2019, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A72090773.

5. All liens, mortgage, encumbrances, assessments, easements, terms, conditions, covenants, restrictions, reservations, and/or other matters affecting title of the said property presently of record, if any.

END OF EXHIBIT "A" TAX MAP KEY: (2) 3-6-007-010

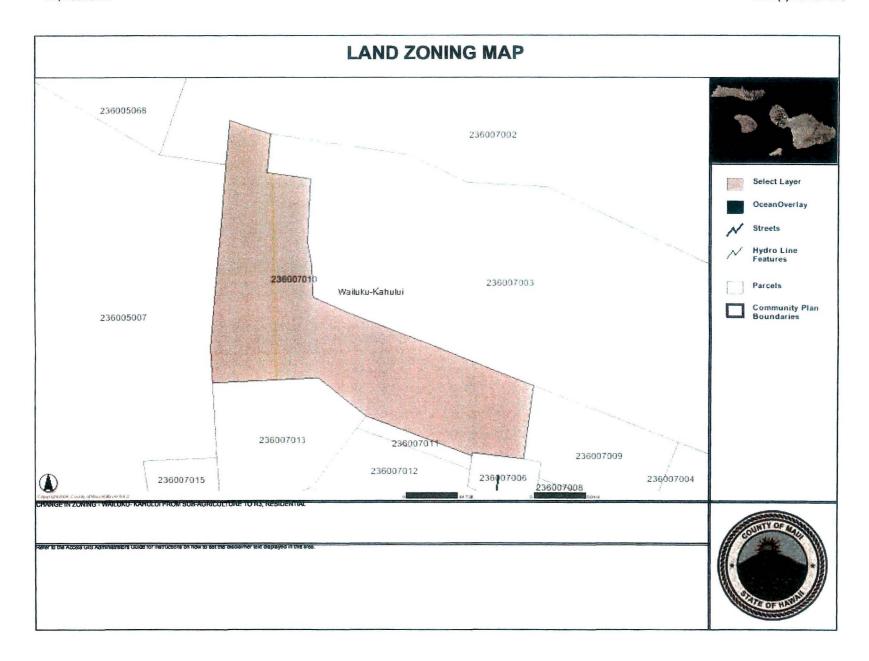
1.4 Copy of Notice of Filing of Application, Location Map, & Notarized Affidavit of Mailing of Notice of Application

NOTICE OF APPLICATION

TO:	OWNERS/LESSEES		
		rsigned has filed an applicatio text) for the following parcel:	n for a Change Of Zoning to change the land
1. Tax Map Key Number: (2) 3-6-007:010			
2.	Location (street address):	1550 Nukuna Place	
3.	Change of Zoning from:	Agriculture	
	to:	R-2, Residential	
	Other (i.e. SMA):		
4.	Description of the existing understand Main House, Residential Main House, Res	ises on the Property: ential Ohana-A, Residential Ohan	a-B, Residential Ohana-C
5.		ore and expand the main dwelling blish consistency between the zo	g and keep a temporary storage structure. The purpose of aning and the existing uses on the property and the
	Applicant is responsible for e	ensuring accuracy of the inform	nation.
Own	ner/Applicant	Appl Russ Former	icant (if not also Owner)
0	vature Nukuna Place	Sign N/A	ature
	ing Address, No. & Street or ku, Hawaii, 96793	PO Box Maili N/A	ng Address, No. & Street or PO Box
	State, Zip Code 97-6219	City, N/A	State, Zip Code
Tele	phone	Tele	phone

15 October 2021

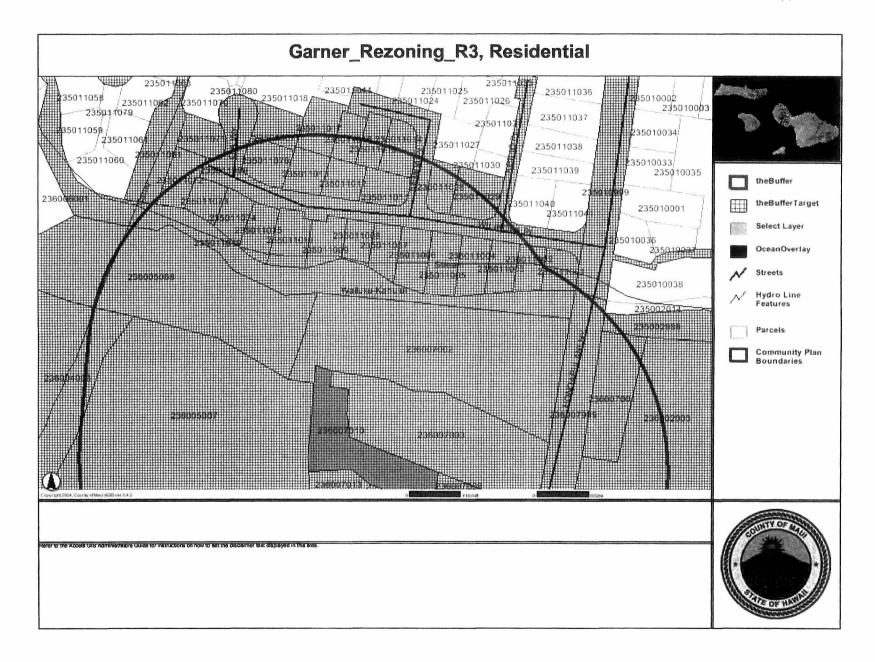
Date:

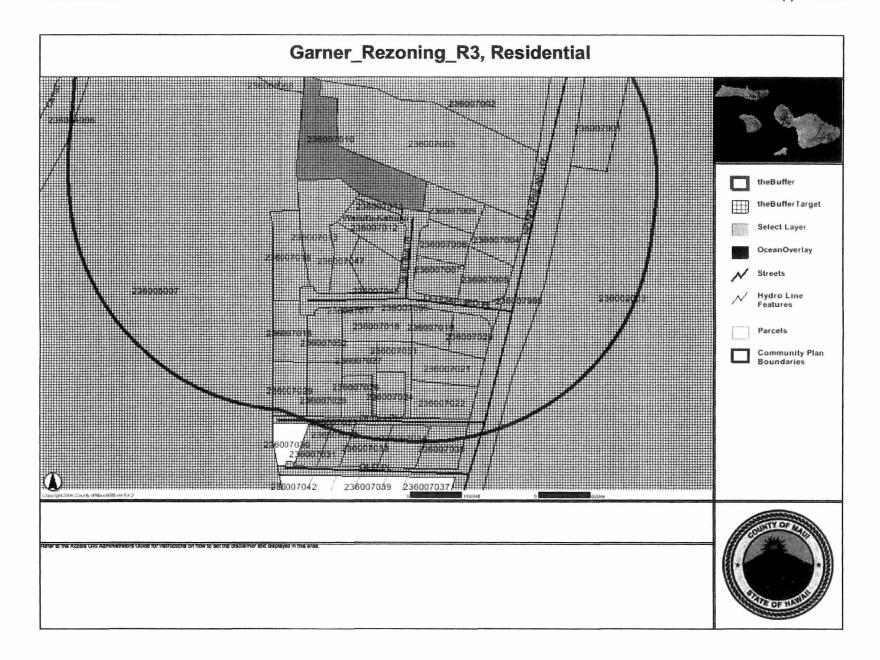


NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF APPLICATION

I, Roby	n Garner	, being first duly sworn on oath, deposes			
and says t	hat:				
1.	Affiant is the applicant for a Change Of Zoning	for land situated at			
	1550 Nukuna Place, Wailuku , TMK (2	2): 3-6-007:010			
2. Affiant did on October 15, 2021 deposit in the United State postage prepaid, a copy of a Notice of Filing of Application with a location map, a which is attached hereto as "Exhibit A" and made a part hereof, addressed to eac persons identified in the list of recorded owners and lessees identified as "Exhibit attached hereto and made a part hereof. Further, Affiant sayeth naught.					
subscribed	d and sworn to before me this				
15th	day of October , 20 21 .				
See South Million Control of the Con	tamp or Seall Notary Public, S Print Name:	expires: 10/15/2024			
	NOTARY PUBLIC CERTIF	ICATION			
Doc. Date	10/15/21	# Pages: 10			
Notary Na	Tracy Noukamoto	Judicial Circuit: Second			
Doc. Desc	9				
Notary Signate: 101		NAKAMONINI PUBLIS No. 2000-515.			
		E OF FEMALIA			

1.5 List of Owners and Lesees Within 500 Feet of Subject Parcel





TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	ТМК	NAME	MAILING ADDRESS	CITY, STATE, ZIP
1	2350028880000	NO MATCH (LOOKS LIKE THE WAIKAPU RIVER)	NO TMK LISTED ON RPT WEBSITE	
2	2350109990000	NO MATCH (LOOKS LIKE HONOAPIILANI HWY)	NO TMK LISTED ON RPT WEBSITE	
3	2350110010000	CABEBE, ROGELIO RUDY JR ETAL	5 WILIKONA PL	WAILUKU, HI, 96793
4	2350110020000	EVANGELISTA, ELIAS A TR ETAL	582 S PAPA AVE	KAHULUI, HI, 96732
5	2350110030000	ALVARADO, ALBERT ETAL	17 WILIKONA PL	WAILUKU, HI, 96793
6	2350110040000	VERTIDO, ANTHONY SCOTT ETAL	23 WILIKONA PL	WAILUKU, HI, 96793
7	2350110040000	HOOPAI,CHERYL ANN	875 KUHIO PL	WAILUKU HI 96793
8	2350110040000	VERTIDO,MEGAN DELOSO	1462 KALOTE PL	HILO HI 96720
9	2350110050000	SENTANI, ERIC	31 WILIKONA PL	WAILUKU, HI, 96793
10	2350110060000	OLIVEIRA FAMILY TRUST	35 WILIKONA PL	WAILUKU, HI, 96793
11	2350110070000	SENTANI, ROGERS ETAL	41 WILIKONA PL	WAILUKU, HI, 96793
12	2350110080000	SMITH, SCOTT HAL	2486 W VINEYARD ST	WAILUKU, HI, 96793
13	2350110080000	LEWIS, HANNAH ALLYSON	47 WILIKONA PL	WAILUKU, HI, 96793
14	2350110090000	SERRANO, HAROLD SABUGO ETAL	125 HAMAU PL	LAHAINA, HI, 96761
15	2350110090000	MONTENEGRO, VIRGINIA SERRANO	4394 252ND PL SE	SAMMAMISH WA 98029
16	2350110100000	ODIORNE FAMILY TRUST	59 WILIKONA PL	WAILUKU, HI, 96793
17	2350110110000	VICENTE, ELIZABETH TRUST	54 WILIKONA PL	WAILUKU, HI, 96793
18	2350110120000	VICENTE, ELIZABETH TRUST	54 WILIKONA PL	WAILUKU, HI, 96793

Change of Zoning Application R2, Residential

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
19	1	DEUTSCHE BANK NATIONAL TRUST CO TTEE	1661 WORTHINGTON RD STE	WEST PALM BEACH, FL,
20		ATTN:OCWEN LOAN SERVICING LLC	100	33409
20	2350110140000	SANCHEZ, LEONA	1455 KEMOA PL	WAILUKU, HI, 96793
21	2350110150000	RACOMA, VICTORIA R TRUST	1437 KEMOA PL	WAILUKU, HI, 96793
22	2350110160000	CHONG KEE, GREG R TR	1782 KAAHUMANU AVE	WAILUKU, HI, 96793
23	2350110170000	ORIFON, TIMOTEO L JR ETAL	1431 KEMOA PL	WAILUKU, HI, 96793
24	2350110280000	ROLA, DINO ROJAS REVOC TRUST ETAL	1460 KEMOA PL	WAILUKU, HI, 96793
25	2350110290000	KINZLE, CHRISTIAN SAMUEL	PO BOX 2826	WAILUKU, HI, 96793
26	2350110490000	WAIKAPU PARTNERS	NO MAILING ADDRESS LISTED ON RPT WEBSITE	
27	2350110710000	MOORE, ROBERTA L ETAL	15 OIA WAY	WAILUKU, HI 96793
28	2350110720000	HELLE, BARRY ETAL	105 WILIKONA PL	WAILUKU, HI, 96793
29	2350110730000	STRONA, KORY KAIKOA ETAL	95 WILIKONA PL	WAILUKU, HI, 96793
30	2350110740000	SUTHERLAND, LUCAS HILTON ETAL	85 WILIKONA PL	WAILUKU, HI, 96793
31	2350110750000	PALOMA, ARLENE LABOT	721 EDGEWATER DR UNIT D	CHULA VISTA, CA, 91913
32	2350110760000	SOTO, ROBERT J ETAL	10 OIA WAY	WAILUKU, HI, 96793
33	2350110770000	TOYAMA, JARRET ISOKICHI ETAL	30 OIA WAY	WAILUKU, HI, 96793
34	2350110810000	WAIKAPU PARTNERS	PO BOX 130	KIHEI, HI, 96753
35	2350119990000	NO MATCH (LOOKS LIKE WILIKONA PL)	NO TMK LISTED ON RPT WEBSITE	
36	2360020030000	WAIALE 905 PARTNERS LLC	PO BOX 1870	MANTECA, CA, 95336

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
37	2360040060000	WAIKAPU PROPERTIES, LLC	PO BOX 1870	MANTECA, CA, 95336
38	2360050070000	MTP LAND PARTNERS LLC ETAL	PO BOX 1870	MANTECA, CA, 95336
39	2360050680000	HAWAII TROPICAL PLANTAION - CONDO MASTER	NO MAILING ADDRESS	
40	2360050680001	FORDYCE, JENNIFER M	P O BOX 1612	WAILUKU HI 96793
41	2360050680002	MAYER,KYLE	PO BOX 385	WAILUKU HI 96793
42	2360070010000	EISENBURGER, MAXIMILIAN H ETAL	PO BOX 6304	KAHULUI, HI, 96733
43	2360070020000	OCEANAS HUI LLC	62 UAHAA PL	WAILUKU, HI, 96793
44	2360070030000	BUMANGLAG, MANUEL/MILAGROS TRUST	1510 HONOAPIILANI HWY	WAILUKU, HI, 96793
45	2360070040000	ROMAN CATHOLIC MISSION C/O FIRST HAWAIIAN BANK - AGENT FOR RCCH	PO BOX 1550 - TRUST REAL ESTATE SVC	HONOLULU, HI 96806
46	2360070050000	UDARBE, MOIRA	6 LEHUAPUEO PL	WAILUKU, HĪ, 96793
47	2360070060000	NO MATCH (LOOKS LIKE THE NUKUNA PL)	NO TMK LISTED ON RPT	
48	2360070070000	ECHALAS, CLAVELINA R TRUST	WEBSITE 12 LEHUAPUEO PL	WAILUKU, HI, 96793
49	2360070080000	KOZAKI, EDWIN Y ETAL	PO BOX 49	WAILUKU, HI, 96793
50	2360070090000	KOZAKI, EDWIN Y ETAL	PO BOX 49	WAILUKU, HI, 96793
51	2360070100000	GARNER, BRIAN E ETAL	1550 NUKUNA PL	WAILUKU, HI, 96793
52	2360070110000	VERTIDO, ANTHONY S ETAL	NO MAILING ADDRESS LISTED	
53	2360070120000	YOSHIOKA, IRENE MAPUANA TR - ESTATE	ON RPT WEBSITE PO BOX 330434	KAHULUI, HI, 96733
54	2360070130000	C/O LATU,IRIS TRS NEW DIRECTION IRA INC FBO D T TING ATTN DONNA P TING	1962 WELLS ST	WAILUKU, HI, 96793

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

Garner Residence TMK: (2) 3-6-007:010

MAP # 55	TMK	NAME HOOPAI, DAVID K TRUST	MAILING ADDRESS 44 LEHUAPUEO ST	CITY, STATE, ZIP
56		PAULS, ANSELM	PO BOX 1693	MAKAWAO, HI 96768
57	2360070170000	SAIKI, DORIS S TRUST	25 LEHUAPUEO PL	WAILUKU, HI, 96793
58	2360070180000	SAIKI, DORIS S TRUST ETAL	25 LEHUAPUEO PL	WAILUKU, HI, 96793
59	2360070190000	KOZAKI, JAYSON M & SANDY S TR	15 LEHUAPUEO PL	WAILUKU, HI, 96793
60	2360070200000	KOZAKI, JAYSON M & SANDY S TR	15 LEHUAPUEO PL	WAILUKU, HI, 96793
61	2360070210000	SUEHIRO, DEREK K ETAL	PO BOX 1815	WAILUKU, HI, 96793
62	2360070220000	LAU, HENRY HING TONG ETAL	PO BOX 341	WAILUKU, HI, 96793
63	2360070230000	VARIOUS OWNERS	NO MAILING ADDRESS LISTED	
64	2360070240000	COCKETT, EDMUND KALOI TRUST ETAL	ON RPT WEBSITE 18 OLOLI PL	WAILUKU, HI, 96793
65	2360070260000	HELGE, JOEL	26 OLOLI PL	WAILUKU, HI, 96793
66	2360070270000	DELOS REYES, COLIN W ETAL	24 OLOLI ST	WAILUKU, HI, 96793
67	2360070280000	ORIKASA, WARREN K/HELEN M TRUST	32 OLOLI PL	WAILUKU, HI, 96793
68	2360070290000	VAN RITCHIE, KIM TRUST	40 OLOLI PL	WAILUKU, HI, 96793
69	2360070310000	GARCIA, ROBERT KAIPO ETAL	33 OLO PL	WAILUKU, HI, 96793
70	2360070320000	MILLER, NICHOLAS WAYDE ETAL	28 OLO PL	WAILUKU, HI, 96793
71	2360070330000	AWEAU, NORMAN TOBY PAAHANA ETAL	466 MIKIOI PL	KIHEI, HI, 96753
72	2360070340000	MCCLURE, NOELE D	12 OLO PL	WAILUKU, HI, 96793

Change of Zoning Application R2, Residential

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

Garner Residence TMK: (2) 3-6-007:010

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
73	2360070350000	HENRY, JOHN F & GWEN H FAMILY TRUST	4 OLO PL	WAILUKU, HI, 96793
74	2360070450000	RAMOS, KIM ETAL	PO BOX 12966	LAHAINA, HI, 96761
75	2360070470000	KAPLAN, LINDA DARNEL	32 LEHUAPUEO PL	WAILUKU, HI, 96793
76	2360070510000	ANDERSEN, DANE KAMUELA ETAL	22 OLOLI PL	WAILUKU, HI, 96793
77	2360070520000	YOSHIZAWA, HELEN K TRUST	35 LEHUAPUEO PL	WAILUKU, HI, 96793
78	2360079990000	NO MATCH (LOOKS LIKE HONOAPIILANI HWY)	NO TMK LISTED ON RPT WEBSITE	

1.6 Zoning and Flood Confirmation

39/1820

COUNTY OF MAUI DEPARTMENT OF PLANNING One Main Plaza Building 2200 Main Street, Suite 315 Wailuku, Hawaii 96793



Zoning Administration and CEVE
Enforcement Division (ZAED) NOV
Telephone: (808) 270-7253

9 2020

Facsimile: (808) 270-7634 COUNTY OF MAUI
E-mail: planning@mauicounty.apviment of PLANNIN(

ZONING AND FLOOD CONFIRMATION FORM

APPLICANT NAME Robyn M. Garner TELEPHONE 8084976219 PROJECT NAME B T2020 1150-1154 Garner Residence E-MAIL robynmgamer@gmail.com PROPERTY ADDRESS 1550 Nukuna Place (Main, A, B, C) TAX MAP KEY 360070100000	(This section to be completed by the Applicant)	
PROJECT NAME B T2020 1150-1154 Garner Residence PROPERTY ADDRESS 1550 Nukuna Place (Main, A, B, C)		219
Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application? FYES, answer questions A and B below and comply with instructions 2 & 3 below. A) Yes No Will the processed under a consistency exemption from Section 18.04.030(B), MCC? IF YES, which exemption? (No. 1, 2, 3, 4 or 5)		
F YES, answer questions A and B below and comply with instructions 2 & 3 below: A	PROPERTY ADDRESS 1550 Nukuna Place (Main, A, B, C) TAX MAP KEY 360070	100000
IF YES, which exemption? (No. 1, 2, 3, 4 or 5)		plication?
(This section to be completed by ZAED) LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1 STATE DISTRICT: Urban Rural Agriculture Conservation Management Area MAUI Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries PLAN Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Development Development Development Permit is required if any portion of a parcel is designated V. VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES ABASE FLOOD ELEVATIONS: See Additional Comments (Pg.2) SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common). Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5). (Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided). 4 Consistent, (LUDs appear to have ALL permitted uses in common). 4 Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning. 4 Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2). The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land. Please review the Mau Island Pan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.	A) Yes No Will it be processed under a consistency exemption from Section 18.04.0	030(B), MCC?
(This section to be completed by ZAED) LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1 STATE DISTRICT: Urban Rural Agriculture Conservation Management Area MAUI Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries PLAN Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Action Area Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas Planned Growth Boundary Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas Planned Growth Boundary Protected Areas Planned Growth Area Outside Growth Boundary Area Community Plan Area Community Plan Area Protected Areas Planned Growth Boundary Plan Area Community Plan Area Planned Growth Boundary Plan Area Protected Areas COMMUNITY Plan Area Protected Areas Protected Areas Planned Growth Boundary Planned Development Permit is required if any portion of a parcel is Community Plan Area Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Protected Areas Protected Areas Protected Areas Protected Areas Protected Areas Protected Areas Prot	B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses	s allowed by law):
(This section to be completed by ZAED) LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1 STATE DISTRICT: Urban Rural Agriculture Conservation Management Area MAUI Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries PLAN Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Action Area Outside Protected Areas COMMUNITY PLAN: Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas Planned Growth Boundary Sensitive Land Outside Protected Areas COMMUNITY PLAN: Protected Areas Planned Growth Boundary Protected Areas Planned Growth Area Outside Growth Boundary Area Community Plan Area Community Plan Area Protected Areas Planned Growth Boundary Plan Area Community Plan Area Planned Growth Boundary Plan Area Protected Areas COMMUNITY Plan Area Protected Areas Protected Areas Planned Growth Boundary Planned Development Permit is required if any portion of a parcel is Community Plan Area Protected Areas COMMUNITY PLAN: Protected Areas COMMUNITY PLAN: Protected Areas Protected Areas Protected Areas Protected Areas Protected Areas Protected Areas Prot	1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number. 2) If this will be used with a subdivision application AND the subject property contains multiple districts (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Design Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a license the metes & bounds of the subject parcel and of each district/designation including any subdistricts (3) If this will be used with a subdivision application AND the subject property contains multiple State submit an approved District Boundary Interpretation from the State Land Use Commission.	tricts/designations of lations, or (4) County ld surveyor, showing cts. e Land Use Districts;
Special Management Area MAUI SLAND Growth Boundary. Urban Rural Agriculture Conservation Management Area Management Area		
STATE DISTRICT: Urban Rural Agriculture Conservation Management Area MAUI SLAND Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries PLAN Protected Area: Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY Planed Development Protected Areas COMMUNITY Planed Development Project District and/or a previous subdivision, may affect building permits, subdivision, and uses on the land. Please eview the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect bits parcel.	LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1	
SLAND Protected Area. Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Planned Growth Area Outside Protected Areas COMMUNITY PLAN: Single Greenbelt Greenway Sensitive Land Outside Protected Areas COMMUNITY PLAN: Planned Pla	STATE DISTRICT: Urban Rural Agriculture Conservation	10.00
COUNTY ZONING: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES 3	ISLAND Growth Boundary: Urban Small Town Rural Planned Growth Area Outside	
COUNTY ZONING: OTHER/COMMENTS: FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES 3 & BASE FLOOD ELEVATIONS: FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common). Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5). (Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided). 4 Consistent, (LUDs appear to have ALL permitted uses in common). 4 Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning. 4 Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2). NOTES: The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land. Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.	PLAN Protected Area: Preservation Park Greenbelt Greenway Sensitive Land Ou	utside Protected Areas
OTHER/COMMENTS: FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES 3	COMMUNITY PLAN:2 STOGIL TO MILL	(Manager)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES 3 & BASE FLOOD ELEVATIONS: FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common). Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5). (Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided). 4 Consistent, (LUDs appear to have ALL permitted uses in common). 4 Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning. 4 Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2). NOTES: The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land. Project District See Additional Comments (Pg.2) See Attached LUD Map	COUNTY ZONING: Agriculture Districe	Development
designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. FLOOD HAZARD AREA ZONES 3 & BASE FLOOD ELEVATIONS: See Additional Comments (Pg.2) See Attached LUD Map		
Additional Comments (Pg.2) & BASE FLOOD ELEVATIONS: FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: Attached LUD Map		1
& BASE FLOOD ELEVATIONS: See		1 5
FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: Attached LUD Map BUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common). Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5). (Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided). 4 Consistent, (LUDs appear to have ALL permitted uses in common). 4 Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning. 4 Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2). NOTES: The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land. Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.		
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	Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions	s, and uses on the land.
		and the same of th
development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.		
Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions	4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement require	-
associated with a unilateral agreement [Section 18.04.030.D, Maui County Code]. REVIEWED & CONFIRMED BY:	associated with a unilateral agreement [Section 18.04.030.D, Maui County Code]. REVIEWED & CONFIRMED BY:	Management
MODS Train I whose was	MODIC Trail I Jakobasian - Williams	Management
(Signature) John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division		

1.7 Metes and Bounds Description

NUKUNA PLACE

781 W 4 9704

On Ay

Anson.

LOT 7 OF WAIKAPU TRACT SUBDIVISION (SUBDIVISION FILE NO. 3.535)

Being portions of Royal Patent 102, Land Commission Award 432 to Anthony Sylva and Grant 3041 to Heirs of Antone Sylva Senior

SCALE: 1" - 16"

AKAMAI LAND SURVEYING, INC.

P 2. ROL 1740

MARINAD. MAIN BRIBE SUPER
(READ-SUPER-CUTY)

PROPERTY OFFICE & ADDRESS:
UNION E & RAFFI & CAMPER
LING TRUES FACE
BALLEY, IN SATER



-

T.M.K: (2) 3-6-07: 10

24

Garner Residence TMK: (2) 3-6-007:010

EXHIBIT "A"

All of grantor's right, title and interest in and to that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 102, Land Commission Award Number 432, Apana 1 to A. Sylva) situate, lying and being at Lehuapueo, Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 7-A and thus bounded and described as per survey of Robert T. Tanaka, Registered Professional Land Surveyor, dated June 2, 1969, to-wit:

Beginning at a pipe at the Southwest corner of this lot, being also the Northwest corner of Parcel 13-A of this Subdivision, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,156.81 feet South and 3,150.06 feet West and running by azimuth measured clockwise from true South:

1.	177°	05′	29.65	feet along Grant 1146;
2.	184°	14'	160.90	feet along the same to a "+" cut on a stone;
3.	184°	14′	39.08	feet along the land owned by Tokuichi Sakamoto Estate;
4.	288°	32 ⁷	35.67	feet along the same;
5.	2°	58′	33.60	feet along land owned by Kazuo Kamasaki and wife Shimoyo;
6.	276°	43′	38.65	feet along the same to a pipe;
7.	2°	20′	56.50	feet along the same;
8.	350°	18′	17.85	feet along the same;
9.	355°	37'	29.65	feet along the same;
10.	293°	47′	26.50	feet along the same;
11.	290°	59′	78.50	feet along the same;
12.	290°	39'	102.60	feet along the same;
13.	6°	53′	64.44	feet along Lot 6 of Waikapu Tract Subdivision;
14.	96°	53 '	45.00	feet along Lehuapueo Road;
15.	6°	53'	2.72	feet along the same;

16.	109°	04'	98.92	feet along Lot 20 of Waikapu Tract Subdivision;
17.	128°	00′	53.00	feet along Parcel 13-A of this Subdivision;
18.	87°	05′	92.41	feet along the same to the point of beginning and containing an area of 30,922 square feet, more or less.

Together with the free use of the twelve (12) feet Right-of-Way, designated as Lot 20 of the Waikapu Tract Subdivision owned by Russel Newton and wife Helen and described as follows:

Beginning at a pipe at the northwest corner of this lot, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE", being 10,184.74 feet south and 3,016.01 feet west and running by azimuth measured clockwise from true South:

1.	289°	04'	98.92	feet along Lot 7-A of this Subdivision;
2.	6°	53'	12.28	feet along Lehuapueo Road;
3.	109°	04'	105.54	feet along Lot 8 of Waikapu Tract Subdivision;
4.	217°	36'	12.66	feet along Parcel 13-A of this Subdivision to the point of beginning and containing an area of 1,227 square feet, more or less.

Together with a Right-of-Way designated as Easement "A" upon Lot 13-A of this Subdivision and described as follows:

Beginning at a pipe at the northeast corner of this Easement, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,184.74 feet south and 3,016.01 feet west, and running by azimuth measured clockwise from true South:

1.	37°	36′	12.66	feet along Lot 20 of Waikapu Tract Subdivision;
2.	128°	00′	17.00	feet;
3.	180°	00'	16.06	feet;
4.	308°	00′	26.80	feet along Lot 7-A of this Subdivision to the point of beginning and containing an area of 277 square feet, more or less.

Together with a perpetual non-exclusive easement and right of access for ingress and egress purposes, over and across all of that certain parcel of land, situate at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, known as Lehuapueo Place and Nukuna Place, being LOT 18 of the Waikapu Tract Subdivision, containing an area of 20,809 square feet, and identified on the Tax Map of the Second Taxation Division as Tax Map Key 3-6-07-6, as granted by instrument dated July 29, 1992, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-154221.

Being all of the property conveyed by the following:

Limited Warranty Deed

Grantor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Grantee : Brian E. Garner and Robyn M. Garner, husband and wife, as

Tenants by the Entirety

Dated : May 18, 2018 Recording Date : May 31, 2018

Recording No. : A67250788

SUBJECT, HOWEVER, to the following:

1. Real property taxes not yet required by law to be paid.

2. Mineral and water rights of any nature in favor of the State of Hawaii

3. An agreement, upon and subject to all of the provisions contained therein.

By and Between Teruo Kamasaki and Evelyn Kamasaki, husband and wife,

and County of Maui, Department of Water Supply

Dated : Oc Recording Date : No Recording No. : Lib

: October 28, 1985 : November 4, 1985

: Liber 19054, Page 635.

4. Lease

Lessor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Lessee : Evelyn N. Kamasaki, widow of Teruo Kamasaki

27

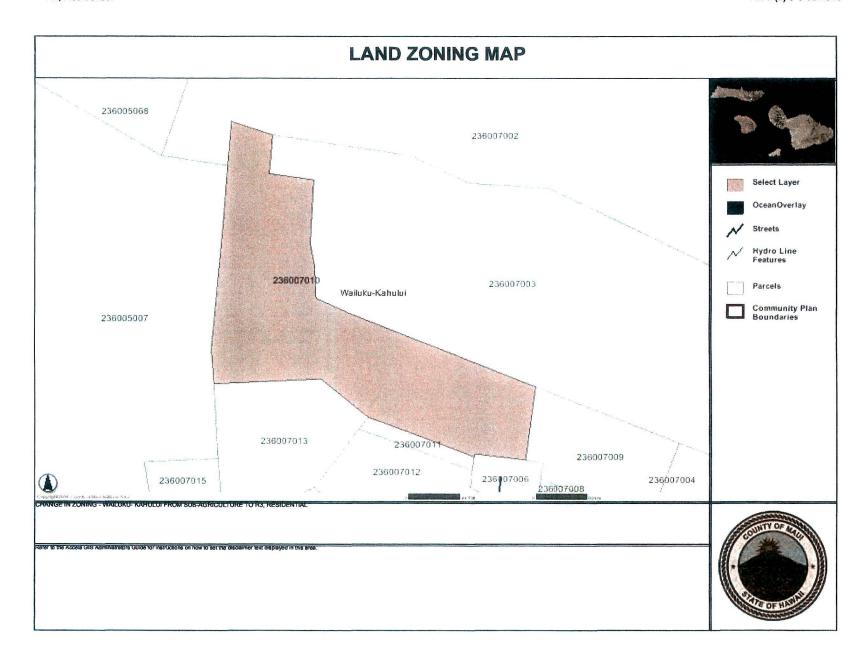
Dated : July 6, 2012 Recording Date : July 24, 2012 Recording No. : A-45881176

Said Lease was amended by Amended Lease dated September 26, 2019, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A72090773.

5. All liens, mortgage, encumbrances, assessments, easements, terms, conditions, covenants, restrictions, reservations, and/or other matters affecting title of the said property presently of record, if any.

END OF EXHIBIT "A" TAX MAP KEY: (2) 3-6-007-010

1.8 Map of Property



1.9 Copy of the Notice of Public Hearing

NOTICE OF PUBLIC HEARING

DATE	Ε:	11 September 2	2021			NOTICE OF	I ODLIO IILAKIN			
For:	Mailing	g To Owners /	Lesse	es and Publication in New	spaper					
				rsigned has applied to the ollowing parcel(s):	Wailuku		Planning Commission			
a.	Tax	Map Key No:		(2) 3-6-007:010		Sq.Ft./Acreage:	30922 SF			
b.	Stree	et Address:		1550 Nukuna Place, Wailuku, I	1550 Nukuna Place, Wailuku, Hawaii 96793					
C.	Land	d Use Designat	tion:							
	Cou	nty Zoning	from	: Agriculture						
		, ,	to:	Residential D 0						
d.	The Ap		s to res	store and expand the main dwe ablish consistency between the gnation.						
то в	E COM	PLETED BY 1	HE DI	EPARTMENT OF PLANNIN	G:					
Public Hearing Date:						Time:				
		Place:								
Attac for a	hed ple Change	ase find a <i>loca</i> e of Zoning .	ation n	nap identifying the location o	f the specifi	c parcel(s) being	considered in the request			
				the authority of Chapter 92 ng Commission rules.	, Hawaii Rev	vised Statutes, Tit	le 19 of the Maui County			
Planr	ning Co	mmission c/o	the Co	uest may be submitted i unty of Maui, Department of erson at the time of the publi	f Planning, 2	orior to the hea 2200 Main Street \$	ring to the appropriate Suite 315, Wailuku, Maui,			
Suite	315, V	Vailuku, Maui,	Hawa	cation is available for revie aii; telephone (808) 270-77 272-0125, extension 7735.						
Rob	yn & Bria	an Garner				808-497-6	219/3781			
Sig	gnature	(/		- Brian Jas	w	Telepho	ne			
		ddress, No. & S	Street	or PO Box						
	_	vaii, 96793		<u></u>						
		, Zip Code								

1.10 Plans for Proposed Renovation of Main Dwelling

CONSTRUCTION DRAWINGS FOR:

GARNER RESIDENCE

1550 NUKUNA PLACE WAILUKU, HI 96793 TMK: (2) 3 - 6- 007:010 LOT AREA 30922 SF

N

PLOT PLAN

8CALE: 1"+28"-@"

GRADE DRIVE

NOTE: A CONTRACTORS AND OR CHARM RESPONSIBILITY TO NOTE: THE SPECIAL NAMEDICS IN ADVANCE OF SHEET THE NAMEDICS HAS ADVANCE OF SHEET THE NAMEDICS HAS RESIDED. THE SOME ADVANCE OF SHEET THE NAMEDICS HAS RESIDED. THE SOME ADVANCE AND PROPERTY SHEET OF THE NAMEDICS OF APPROVED THE SOME OF THE NAMEDICS APPROVED THE SOME

THE SPECIAL INSPECTOR SHALL

- OBSERVE WORK FOR CONFORMANCE WITH APPROVED DESIGN DRAWNGS AND SPECIFICATIONS.
- UNABLY SHALL SECRETARISH ALL DISCREPANCES SHALL BE DROUGHT TO THE PAYED AT ATTENHEN OF THE CONTRACTOR/CONFER FOR CORRECTION 3, SUBHT A FINAL SIGNED REPORT.

INSPECTION NOTES:

- L ALL MAIL COUNTY COURSE OF CONSTRUCTION INSPECTIONS SHALL BE DONE IN A TIMELY MANNER. IT IS THE RESPONSIBILITY OF THE CUMBER TO CALL FOR THESE INSPECTIONS.
- N ADDITION TO THE COUNTY OF MALE COURSE OF CONSTRUCTION INSPECTIONS, SHEAR DIAPHRAGM AND LOAD PATH SPECIAL INSPECTIONS ARE REQUIRED.
- 3. BEFORE CONSTRUCTION BEGINS IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT CIUA, INC. 6 806-810-3374 TO VERFY THE INSPECTIONS REQUIRED FOR THIS PROJECT.
- 4. SAID INSPECTIONS ARE NOT WITHIN THE SCOPE OF THE ARCHITECT'S SERVICES AND SHALL BE PROVIDED BY THE GENERAL CONTRACTOR WIDER A SEPARATE CONTRACT WITH A QUALIFIED INSPECTOR OF HISHER CHOICE.

THE SPEC		CNS DURING CONSTRUCTION FOR THE FOLLOWING
HEM No.	TYPE OF WORK	
		(HOUSE CHLY)
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5	MABONRY CONSTRUCTION	ISITE WALLS HOUSE, COTTAGE, STORAGE and POOL)
	WOOD CONSTRUCTION	(-ICUSE, COTTAGE and STORAGE!

GENERAL CONDITIONS

- A THE CONTRACTOR SHALL PAHILIARIZE UMBELE HITH THE COVENANTS AND COMPLY WITH THEM AS THEY RELATE TO HIS
- ALL DETAILS, SECTIONS, AND NOTES SUCIN ON THE DIRAHINGS ARE TYPICAL . SHALL APPLY TO BIMILAR BITUATIONS ELSEWHERE UNLESS NOTED OTHERWISE.
- 1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS A CONDITIONS AT THE BITE
- 3 ALL CHISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS TO THE LICRICALS DRAWINGS AND/OR THE PRECIPICATION SHALL SE INFOUGHT TO THE ATTENTION OF THE CONSULTANT BEFORE PROCEEDING WITH ANY OF THE WORK
- 4 ALL BORK SHALL CONFORM THE REQUIREMENTS OF THE 1006 INTERNATIONAL BUILDING CODE IN REFECT AT THE TIME WITH LOCAL AMENDMENTS

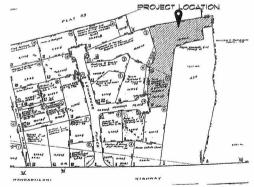
A SUPPLEMENTARY CONDITIONS

CONTRACTOR SHALL CONFINE HIS CONSTRUCTION OPERATION , MATERIALS, POUPMENT, AND APPLIANCES TO WITHIN THE SUBJECT PROPERTY AND TAKE MEASURE TO PROTECT THE PUBLIC FROM NAMEY OR

- 2. TEMPORARY TOLET, MATER AND ELECTRICAL SERVICES, LERANAL FOR TEHPORARY FACILITIES AND SERVICES AND PAY ALL EXPENSES & CONFICTION
- 3. DISCREPAICIES, N THE EVENT OF A DISCREPANCY IN THE DOCUMENTS, PAMEDIATRLY NOTIFY THE CONSULTANT FOR A DECISION BEFORE PROCEEDING WITH THE WORK WORK CARRIED OUT DISREGARDING THESE INSTRUCTIONS, IS SUBJECT TO REMOVAL AND SEER ACEMENT AT THE EXPENSE OF THE CONTRACTOR
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- 5. THE OWNER SHALL OBTAIN ALL APPROVALS FROM ANY CURRENT HOME OWNERS ASSOCIATION IN EFFECT AND INC. RESPONSIBLE TO CONSTRUCT HOME PER THEIR APPROVAL



VERIFY ALL LOT DIMENSIONS FOR IT'S CORRECTIVESS PRIOR TO PROCEEDING IL THE WORK, ALL WORK TOSEDRAMSES CURRENT CODES AND MAIL COUNTY









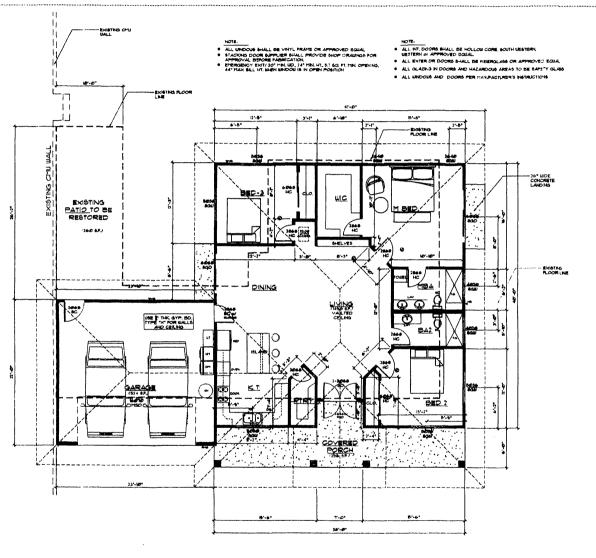


CONSTRUCTION DRAWING FOR: GARNER RESIDENCE

> 1950 NUKUNA PLACE WAILUKU HI 96793 TMK. 3 - 6 - 01 : 010

DATE AUGUST 10, 2010 SCALE NOTE OANNE BANKET. Al





MAIN DUELLING FLOOR AREA CALCULATIONS

LIVNO 1400 6F.
CARPORT 934 6F.
FORCY 196 6F.
TOTAL: 1260 6F.

MAIN DWELLING FLOOR PLAN





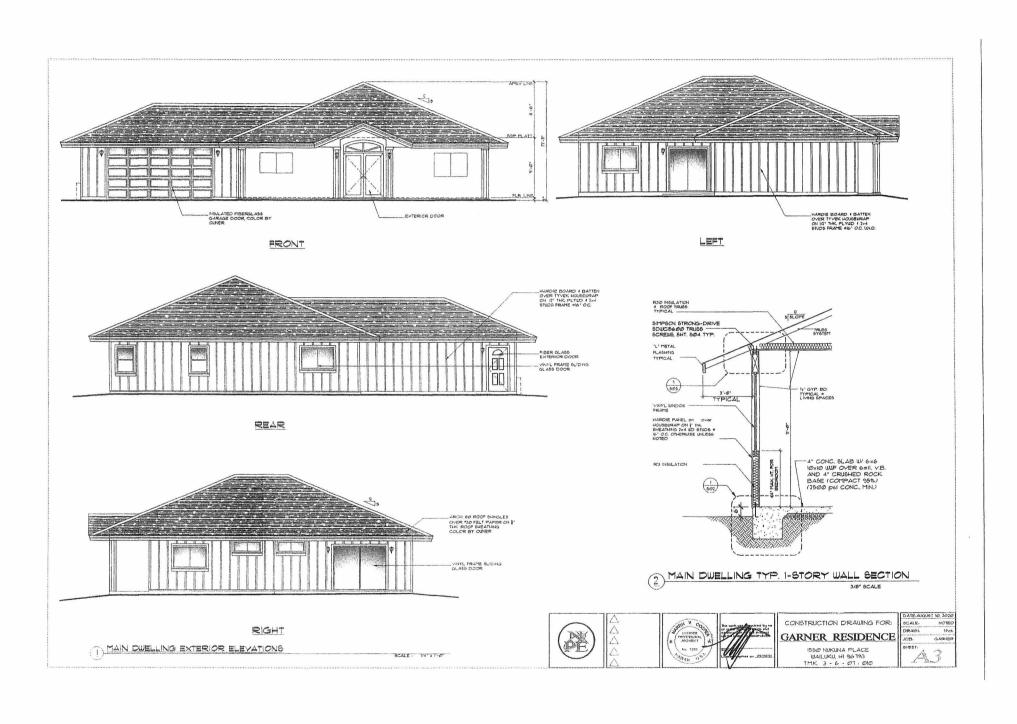


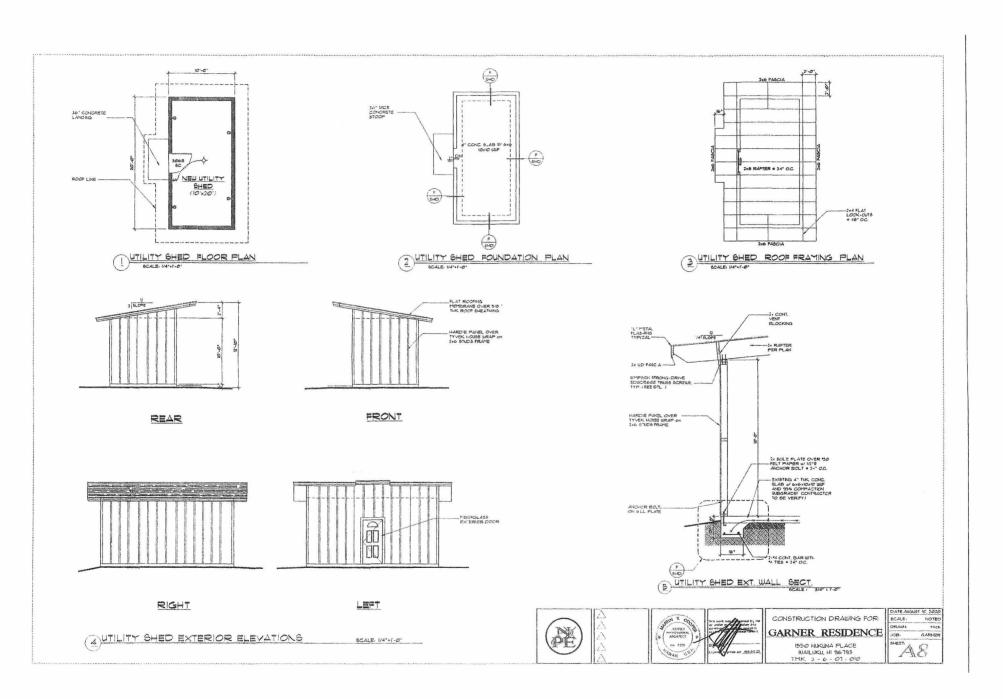


CONSTRUCTION DRAWING FOR:

GARNER RESIDENCE

1980 NUKUNA PLACE WAILJKU, HI 96793 TMK. 3 - 6 - 07 : 010 DATE AUGUST ID 2020 SCALE: NOTED DICAUN, NICA JOB: GARNER SHEET:







DESIGN CRITERIA

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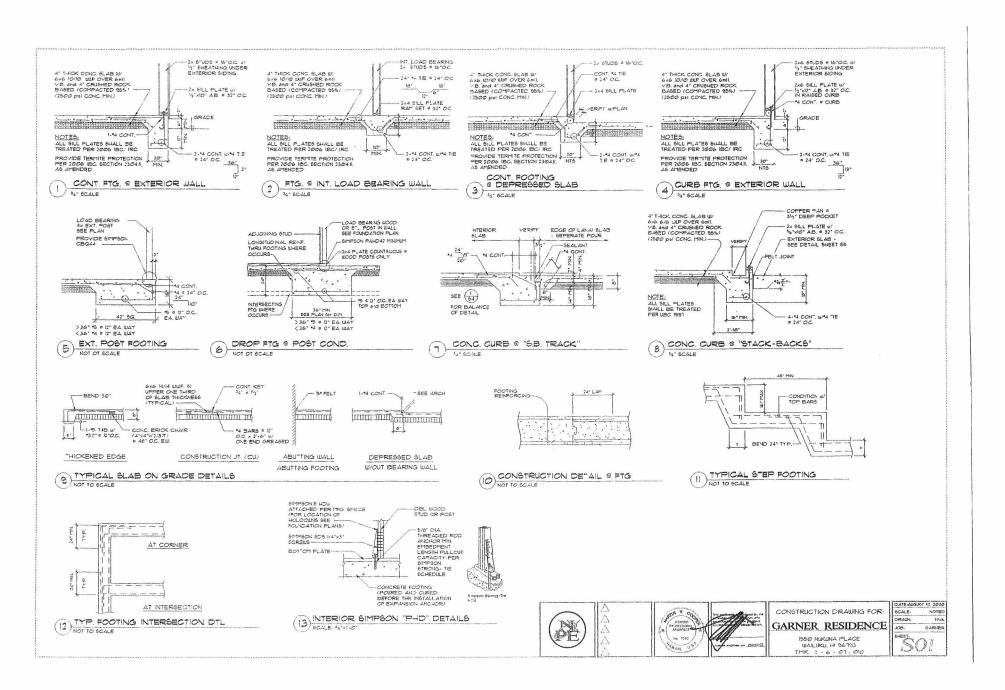


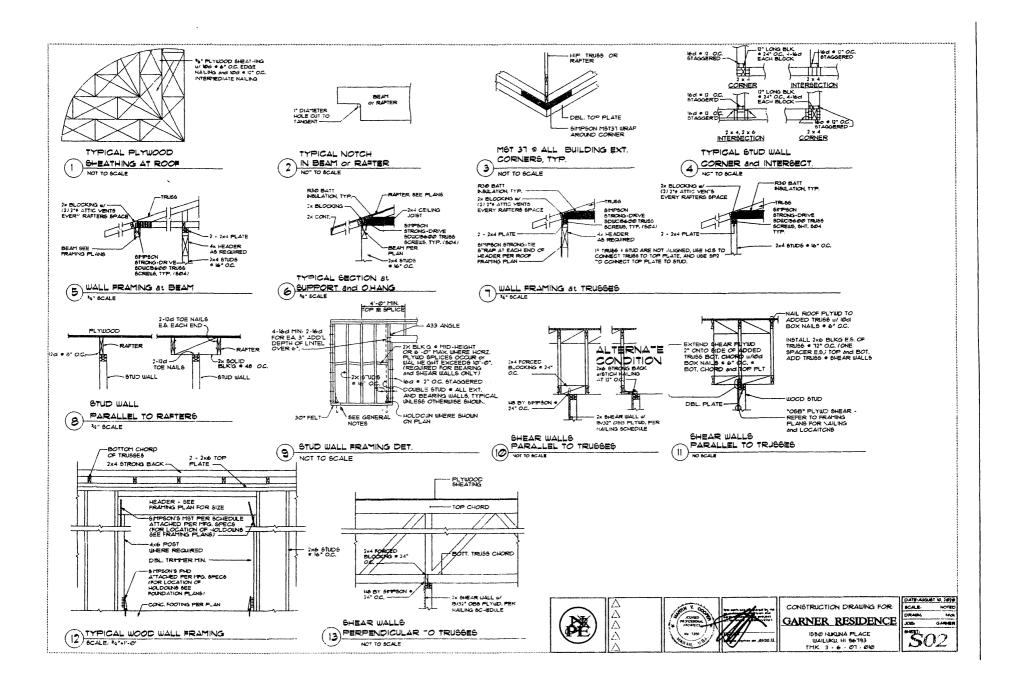


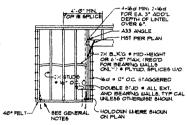
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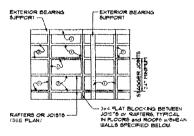
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STUD WALL FRAMING DET. NOT TO SCALE



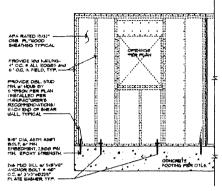
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ALTERNATE PLYUCOD EDGE

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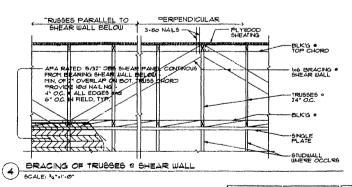
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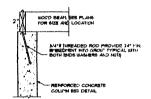
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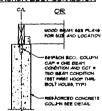
SINGLE STORY SHEAR

WALL DETAILS





ANCHOR BOLT CONNECTOR



SIMPSON CONNECTOR

TYP, CONC. COLUMN 4 BEAMS CONN. DTLS.



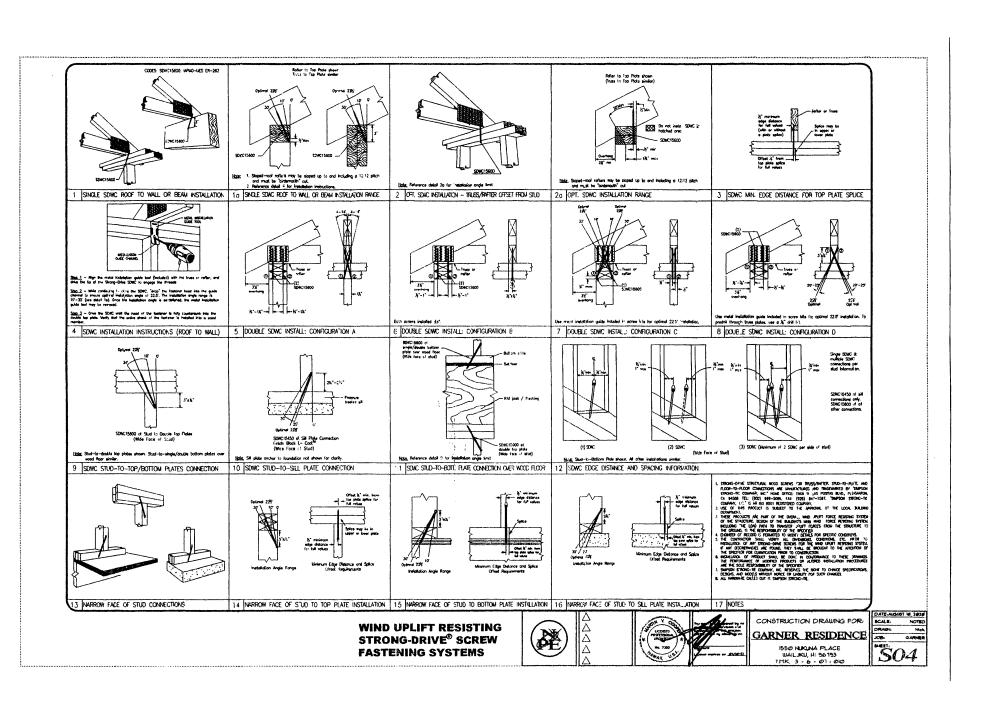
CONSTRUCTION DRAWING FO GARNER RESIDENC

1580 NUKUNA PLACE WAILUKU, HI 96793 TMK 3 - 6 - 01 : 010











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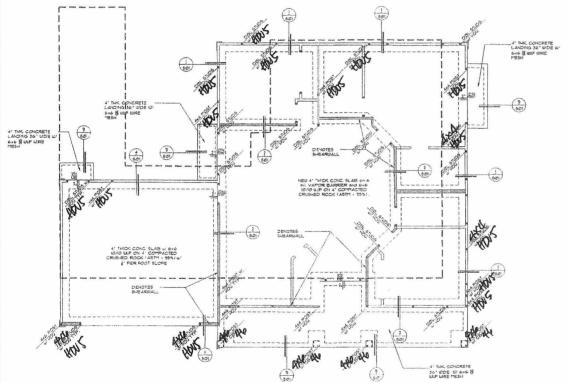
LEGEND

SLEAR AND/OR BEARNS WALL

WD P05"

GIU WALL/ POST

FOTE: SAW CUTS • 20 FT ON CENTERS BOTH WAYS: 4" BITUTHIOUS EXPLANSION J

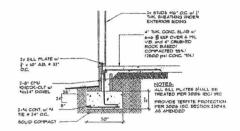








A.B., CBS and HDU TYPICAL INSTALLATION



ALTERNATE CONT. FTG. @ EXTERIOR WALL NOT TO SCALE

MAIN DWELLING FOUNDATION PLAN

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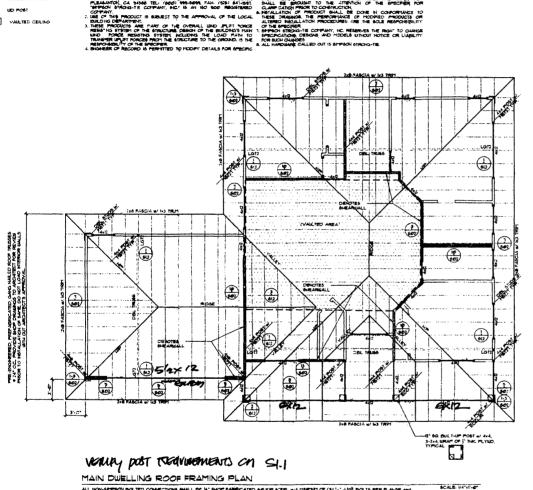


CONSTRUCTION DRAWING FOR:

GARNER RESIDENCE

1550 NUKUNA PLACE WAIL JKU, HI 96793 TMK 3 - 6 - 07 : 010

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2	JOEN	GARNER
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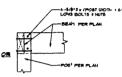




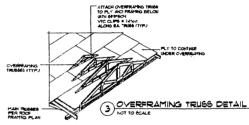
LGT2 INSTALLATION WD. TO WD.







2 NOT TO SCALE







SINGLE SOUC ROOF TO WALL OR BEAM INSTALLATION

NOT TO SCALE

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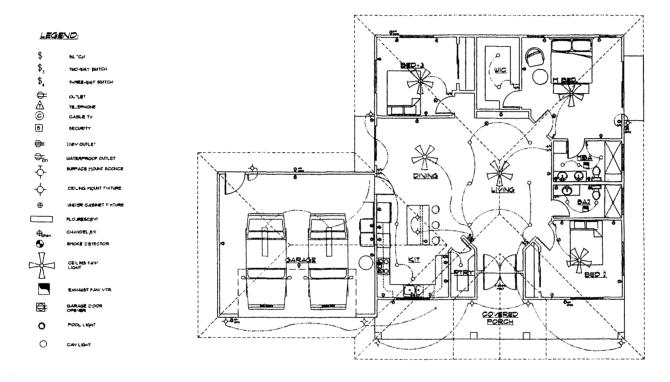


CONSTRUCTION DRAWING FOR:

GARNER RESIDENCE 1850 NUKUNA PLACE WAILJKU HI 96193 TMK 3 - 6 - 07 : 010

SCALE. HOTEL **\$1.2**

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MAIN DWELLING ELECTRICAL FLOOR PLAN

CALE-M4". 1-0"









CONSTRUCTION DRAWING FOR

GARNER RESIDENCE
1950 NIKUNA PLACE
WAILUKU, HI 96193
THK 3 - 6 - 01 - 010



2. Change of Zoning Application – Project Assessment Requirements

2.1 Project Assessment Requirements Checklist

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

Refer to Chapter 19.510, MCC. Compile the items listed below into a Project Assessment document, which may include elements of the Chapter 343, HRS environmental assessment or impact statement. In the "Location" column list the document and page number where each item is found.

D#	Assessment Content Description	Location
D1	Owner identification and signature or written authorization documents.	Section 1
D2	Owner's name, address, and phone number.	Section 1
D3	Agent's name, address, and phone number, if applicable.	N/A
D4	Tax map key and street address, if available.	Section 1
D5	Locational map identifying the site, adjacent roadways, and landmarks (The purpose of locational map is to give an overview depicting the project site in relation to adjacent landmarks and geographic features. Possible formats include marked-up aerial photographs and the location map described on Page 2, among others.).	
D6	List of owners and lessees of record within 500 feet and the parcel notification map (described on Page 5).	Section 1
D7	Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.	Section 2
D8	Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.	Section 2
D9	Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation /mitigation plan approved by DLNR and OHA.	
D10	Analysis of secondary impacts of the proposed use on surrounding uses.	Section 2
D11	Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DOT) and the Department of Public Works (DPW).	
D12	If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from The Department of Agriculture (DOA) and Natural Resources Conservation Service (NRCS).	
D13	Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and DPW.	
D14	Sewage disposal analysis, and comments, if applicable, from the Department of Health (DOH), DLNR, Department of Environmental Management (DEM), and DWS.	Section 2
D15	Solid waste disposal analysis and comments, if applicable, from DOH, DLNR, DEM, and DWS.	Section 2

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

D#	Assessment Content Description	Location				
D16	Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc., and comments, if applicable, from DLNR, US Fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).					
D17	Identification of the existing topographical and drainage patterns and any alterations proposed.					
D18	Identification and summary of all meetings held between Applicant and any community group.					
D19	Dated photographs of site or structure.	Section 2				
D20	Development schedule.					
D21	Schematic site development plans, if applicable, drawn to scale, which identify property lines and easements; location, size, spacing, setback and dimensions of all existing and proposed building, structures, improvements and uses; existing and proposed building elevations, sections, floor plans and site sections; topographic information showing existing features and conditions and proposed grading; existing and proposed landscaping which depicts open spaces, plantings and trees; existing and proposed roadways and accesses to the project and parking layout with dimensions; and shoreline, shoreline setback lines, stream and other setback lines.					
D22	Operations and management of proposed use which may include: number of employees, housing plan, hours of operation, provisions for off-site parking.	Section 2				
D23	Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.	Section 2				
D24	Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DOH, DLNR, USFWS, and US Environmental Protection Agency (USEPA).	Section 2				
D25	Any other information necessary to assess the application.	N/A				

2.2 Project Assessment Requirements Report Addressing Planning and Technical Requirements

2.2. PROJECT ASSESSMENT REQUIREMENTS REPORT ADDRESSING PLANNING AND TECHNICAL REQUIREMENTS

INTRODUCTION

The *Project Assessment Requirements Checklist* included in the *Application for Change of Zoning* (CIZ) instructions lists multiple items to be include in the CIZ application. Line items D7-24 provide a list of assessment parameters which relate to land use, environmental, and infrastructural information which are to be analyzed as part of the CIZ application. This report is intended to satisfy the requirements of the, above, listed line items.

PLANNING AND TECHNICAL ANALYSIS

D7. Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.

The proposed CIZ request has been reviewed with respect to the Countywide Policy Plan. The following goal, objective, and policies of the Countywide Policy Plan are directly applicable to and supported by the proposed CIZ action.

PROMOTE SUSTAINABLE LAND USE AND GROWTH MANAGEMENT

Goal

Community character, lifestyles, economics, and natural assets will be preserved by managing growth and using land in a sustainable manner.

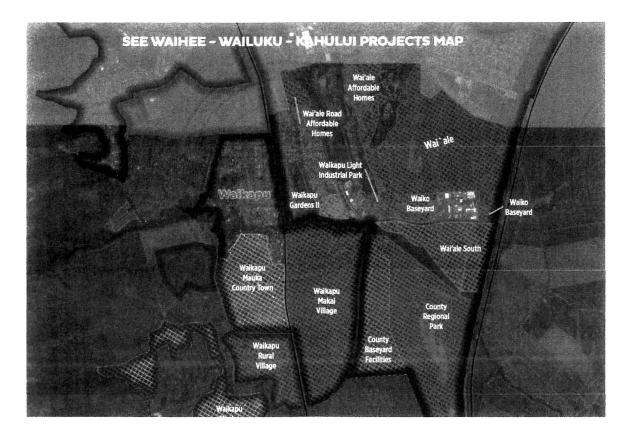
Objective

Improve and increase efficiency in land use planning and management.

Policies

- b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.
- e. Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.

<u>Analysis:</u> The purpose of the CIZ is to establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. By doing so, the land use designations and allowed uses for TMK No. (2)3-6-007:010 will be consistent with each other and remove additional hardship for the Applicant, should they decide to further improve the existing dwellings on the property.



The proposed CIZ request has been reviewed with respect to the Wailuku-Kahului Community Plan. The following goals, objectives, and policies of the Wailuku-Kahului Community Plan are directly applicable to and supported by the proposed CIZ action.

GOVERNMENT

LAND USE

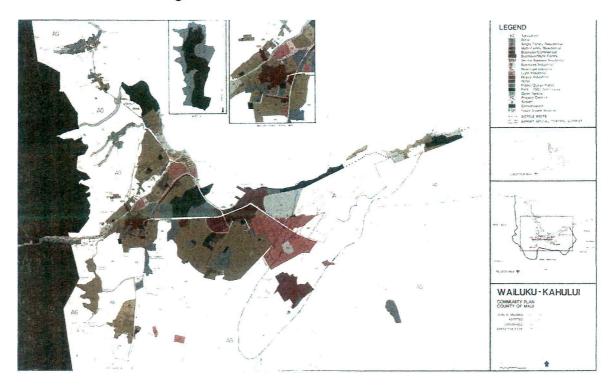
Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

10. All zoning applications and/or proposed land uses and developments shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.

Analysis: As previously mentioned, the CIZ for TMK No. (2)3-6-007:010 will establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. This will action will help streamline future requests for improvements to the existing dwellings on the property, since the land use designations—State, County Zoning, Maui Island Plan, Wailuku-Kahului Community Plan—will be consistent with the existing residential use.



D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.

The parcel involved in the proposed land use request are identified by TMK numbers (2) 3-6-007:010 and owned by Robyn and Brian Garner. The parcel is identified as 1550 Nukuna Place, Wailuku, Hawaii 96793 and is used as a single-family residential property. There are three additional Ohana units which are used as long-term rental properties on the property. The property is designated Urban by the State Land Use Commission and Single-Family Residential by the Wailuku-Kahului Community Plan. Despite these designations and its long-standing use as a single-family residential property, the property is zoned Agricultural by Maui County Zoning. The Agricultural Zoning district has a minimum lot size of two (2) acres. The subject property is less than one (1) acre in size – 30,922 square feet. The property is an existing non-conforming. There are no violations on the property that the owners are aware of. The owners are seeking a R-2, Residential zoning designation to bring consistency with the long-standing use of the property and Community Plan Single-Family designation. The R-2 designation will allow the four (4) existing homes to remain.

D9. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation/mitigation plan approved by DLNR and OHA.

There are no surface archaeological features on the property. Current improvements include three Ohana Units being renovated within their current footprint. Additional improvements will include renovations to the main dwelling but will not require significant excavation in connection with the proposed CIZ request.

D10. Analysis of secondary impacts of the proposed use on surrounding uses.

There will not be any secondary impacts to the property value, surrounding housing, community services and facility needs, secondary jobs and employment, and affordable housing. The property will continue to be used as single-family residential property.

D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DoT) and the Department of Public Works (DPW).

There will not be any impact to traffic. There are no plans to build new housing on the property.

D12. If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from the Department of Agriculture (DoA) and Natural Resources Conservation Services (NRCS).

The property is in an urban, residential area of Wailuku. Therefore, the proposed CIZ request will not impact agricultural uses.

D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and (DPW).

Water demand on the property will not change. Water use will be limited to irrigation of onsite landscaping and normal house-hold usage. No impacts to water system source, transmission of distribution or distribution systems are anticipated with the proposed CIZ request.

D14. Sewage disposal analysis, and comments, if applicable, from the Department of Health (DoH), DLNR, Department of Environmental Management (DEM), and DWS.

There will be no impacts to wastewater collection and treatment services with the proposed CIZ request.

D15. Solid waste disposal analysis and comments, if applicable, from DoH, DLNR, DEM, and DWS.

The property is currently allotted six waste disposal bins, per county ordinance, and has been, consistently using four bins. Since there is no intent to add new housing on the property, there will be no change in solid waste generation characteristics associated with the CIZ request.

D16. Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc. and comments, if applicable, from DLNR, US fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).

There are no environmentally sensitive areas on the project site; the property is located in a residential area in Wailuku. The Waikapu River is within the 500ft radius of the property, but there are no known endangered plants or wildlife, and current residential zoning is located alongside the Waikapu River. Therefore, the proposed CIZ request will not impact any environmentally sensitive areas.

D17. Identification of the existing topographical and drainage patterns and any alterations proposed.

There are no ground disturbing activities associated with the proposed CIZ request. In the future, the existing gravel surfaces of the roadways may be paved. At that time, appropriate storm runoff mitigation measures will be identified and implemented, as applicable.

D18. Identification and summary of all meetings held between Applicant and any community group.

There have been no meetings held between the applicant and any community or residential group. The proposed CIZ does not involve any change in use for the property. The request is intended to establish land use consistency with the existing uses on the property.

D19. Dated photographs of site structure.

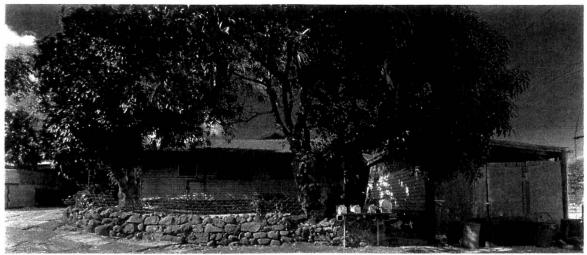


 Photo taken from Nukuna Place facing the main house. Photo taken 12 September 2021.



2. Photo taken at end of private road facing the three Ohana units. Nukuna place is behind the photographer. Photo taken 12 September 2021.



3. Photo taken at the far end of the property facing the end of the property. The three Ohana units are behind the photographer. Photo taken 12 September 2021.



4. Photo taken from corner of property facing the private road. Ohana Unit B, behind photographer, Ohana Unit A on the left of the picture. Photo taken 12 September 2021.

D22. Operations and management of proposed use which may include: number of employees, housing plan, hours of operations, provisions for off-site parking.

The property is self-managed under the Limited Liability Company, Kamasaki-Garner Properties. There are no employees, as the owners manage the property on their own. There will be no changes in operations or management of the property.

D23. Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.

There are no beaches or mountain access trails in the nearby vicinity of the project site. The property is surrounded by other private properties.

D24. Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and s=comments from DoH, DLNT, USFWS, and US environmental Protection Agency (USEPA).

The property is used as single-family residential property. Chemicals and fertilizers are not used on the property. Neighboring properties and surrounding flora and fauna are not affected by the existing use of the property.

3. Long Range Division-Project Database Form

LONG RANGE DIVISION - PROJECT DATABASE

	PROPOS	SED PR	OJECT	DATA	SUM	MARY S	HEE	T
Ap app	plicant: Please complete the plication(s). If you have any qu	nis two (2) estions, plea	sided form. ase contact the	Complete e Long Ra	only th	ose items the nning Division	nat are	e appropriate to your 70-7214.
Da 11 S	te: eptember 2021		Project Na		plicable): er Residence			
Ap	Applicant's Name: What permits are you applying for?							
Rob	yn & Brian Garner			uilding/Ren			,, .	
5	perty Tax Map Key (TMK) nun i-6-007:010	nber:		Please give existing an			of your	project, including the
	ntact Phone Number: 497-6219		N	lo chang	es in la	nd use; pu		is for consistency
	nail Address:					and existing	g use	of the property.
	nmgarner@gmail.com		1	Developer Property O	Name: wner Na	me: ^{Robyn &} B	rian Ga	arner
	Resident	ial Proje	cts: Sing	jle-Fam	ily an	d Multi-F	amil	У
1.	How many single family units	(i.e., individe	ual detached h	nomes) are	you buil	ding?		0
	a. Will accessory dwellings (i	.e., ohanas)	be permitted?	If yes, ho	w many	?		5
2.	How many multi-family units (i.e., condo, a	apartment, or	townhouse) are you	u building?		0
3.	Are you subdividing your prop	erty?						Yes No
	a. If yes, how many buildable	lots are you	requesting to	create?				N/A
4. How many acres, or square feet, are at the project site?						30922 sqft		
5.	If only a portion of the property will be used just for the project	is going to barea?	e used for this	s project, h	ow man	y acres or squ	ıare fe	et ~1400 saft
6. ' a.	Will this project require land us State Land Use District Boundary		nts? Please o No ☐ Not Sur	_	that appl Urban	y and indicate	the p	roposed change No Change
b.		☐ Yes 🗹	No 🗆 Not Sur	e from:	Small To	own	to:	No Change
C.	A CONTRACTOR OF THE PARTY OF TH	Yes 🗹	No ☐ Not Sur	e from:	Single fa	amily	to:	No Change
d.	Zoning	☐ Yes ☐	No 🗷 Not Sur	e from:	Agricultu	ıral District	_ to:	R-2, Residential
	7. Will you be selling any of the units as "affordable" as defined under the Housing and Urban Development guidelines? ☐ Yes ☑ No ☐ Not Sure							
	a. If yes, how many of the un	its, or percei	ntage of units,	will fall un	der this o	category? N	Ά	
	8. From the date of filing the application with the Planning Department, how long do you estimate the project to reach complete build-out? Please check √ one (1) box. □ 11 - 15 years □ 16 - 20 years □ 11 - 15 years □ 121+ years							
Ti-se		Indust	rial/Com	mercial	Proje	cts		
1.	Will this project be used for (please list <u>all</u> that apply by indicating the amount of square footage proposed):							
	a. Retail purposes:						N/A	
T T T T T T T T T T T T T T T T T T T	b. Office space/lease:						N/A	
	c. Industrial purposes:						N/A	
19.15		Charles and Free	San Steeler Land		A Police		conti	nued on next name

LONG RANGE DIVISION - PROJECT DATABASE

	PROPOSED PROJECT DATA SUMMARY SHEET						
	Visitor Accommodations						
Hotels and Timeshares							
 Will this project have hotel units? a. If yes, how many hotel units/rooms are proposed? Will this project have timeshare units? a. If yes, how many timeshare units/rooms are proposed? Will there be "lock-off" units (i.e., a unit which can be partitioned to create two separate units)? □ Yes □ No a. If yes, how many units will have "lock-off units"? 							
Bed and Breakfast (B&B) and Transient Vacation Rentals (TVRs)							
1. 2.	Will (any of) the unit(s) be owner occupied? How many bedrooms are proposed for rental? one (1) bedroom two (2) bedrooms three (3) bedrooms four (4) bedrooms for entire unit (i.e., condo/house/accessory dwelling) Will this project be newly constructed?	Yes No Yes No					

Exhibit 19 Revisions to Application

121/1-



Dr. Robyn M. Garner 1550 Nukuna Pl Wailuku. Hl 96793

'23 SEP 11 P1 :43

11 September 2023

Ms. Ann T. Cua Planning Program Administrator County of Maui Department of Planning 220 Main Street, Suite 315 Wailuku, HI 96793

Dear Ms. Cua,

On February 28, 2023 the Department of Planning requested revisions to my Change of Zoning application. Please find below, the responses, corrections, and additional information as requested on the Project Assessment Requirements Checklist:

D5. Location map identifying the site, adjacent roadways, and landmarks (The
purpose of locational map is to give an overview depicting the project site in
relation to adjacent landmarks and geographic features. Possible formats include
marked-up aerial photographs and the location map described on Page 2, among
others.).

Response:

As required by the Change in Zoning Application — Requirements Submittals list and as noted on the Project Assessment Requirement Checklist (page 59), the original application has maps in Section 1, specifically in Section 1.4, page 22; Section 1.5, page 25 and 26; Section 1.7, page 35; Section 1.8, page 41; Section 1.10 page 45 which include identification of the site, adjacent roadways, and landmarks. The majority of these maps were pulled from the County of Maui's Real Property website:

https://qpublic.schneidercorp.com/Application.aspx?ApplD=1029&LayerID=21689&PageTypeID=1&PageID=9248&Q=387067531&KeyValue=360070100000See Attachment A for an additional map.

2. D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.

Response:

The parcel involved in the proposed land use request are identified by TMK numbers (2) 3-6-007:010 and owned by Robyn and Brian Garner. The parcel is

identified as 1550 Nukuna Place, Wailuku, Hawaii 96793 and is used as a singlefamily residential property. Three additional Ohana units are used as long-term rental properties on the property. The property is designated Urban by the State Land Use Commission and Single-Family Residential by the Wailuku-Kahului Community Plan. Despite these designations and its long-standing use as a single-family residential property, the property is zoned Agricultural by Maui County Zoning. The Agricultural Zoning district has a minimum plot size of (2) acres. The subject property is less than one (1) acre in size – 30,922 square feet. The property is existing and non-conforming to current ordinances since the structures were built in the 1920s, 1950s, and 1970s when set-back requirements were different or not required. There are no cited violations on the property that the owners are aware of since the homes were built prior to the county's permitting laws or when ordinance requirements were less detailed. The owners are seeking a R-2 Residential zoning designation to bring consistency with the long-standing use of the property and Community Plan Single-Family designation. The R-2 designation will allow the four (4) existing homes to remain, the main house to be renovated and add 400-sq.ft., and the temporary storage shed to stay in its current location. The subject property is 30,922 sq. ft. and R-2 zoning requires a minimum lot area of 7,500 sq.ft. per dwelling, for a maximum of 4 main dwellings and 8 additional units on the property.

See Attachment B for a modified site plan. Per the Code of the County of Maui, Hawaii, A Codification of the General Ordinances of the County of Maui, Hawaii the oldest, found recorded date requiring building permitting started in 1980. Therefore, none of the homes on the property will have permits for the structures to prove that they are non-conforming. Per the County of Maui's Real Property website, the only recorded permits are for the current (2022) and ongoing renovations to three of the homes. The current, existing structures are non-conforming because they do not adhere to current set-back requirements for structures on agricultural land, such as the structure built right to the property line with no setback.

3. D9. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation/mitigation plan approved by DLNR and OHA.

Response:

There are no surface archaeological features on the property. Current improvements include three Ohana Units being renovated within their current footprint. Additional improvements will include renovations to the main dwelling. Page 54 (Attachment C) of the submitted application depicts the difference between the current house plan and the future house plan. The additional 400 sqft is being

added to areas of the plot where the ground has already been disturbed by existing driveways and pavements. Therefore, the renovations to the main dwelling will require minimal excavation, if any, in connection with the proposed CIZ request. The applicant understands that as part of the CIZ review process, the Department of Planning may request review but the State Historic Preservation Division (SHPD). The Applicant will comply with review and mitigation requirements outlined by SHPD pursuant to the Chapter 6E, HRS process.

4. D10. Analysis of secondary impacts of the proposed use on surrounding uses

Response:

There will not be any secondary impacts to the property value, surrounding housing, community services and facility needs, secondary jobs and employment, and affordable housing. The property will continue to be used as a single-family residential property. The Code of the County of Maui, Hawaii, A Codification of the General Ordinances of the County of Maui, Hawaii 19.35.050 provides that up to two accessory dwelling units (ADUs) may be developed on lots that are 7.500 sq. ft. or greater. It is noted that the Applicant does not have plans to develop additional homes or ADUs on the property and is simply seeking this rezoning to bring the long-standing residential uses on the land into conformance with zoning requirements. However, it is noted that if the property is rezoned, up to two ADUs could be added to the lot. Further, while the Applicant has no plans to do so if the 30,922 square foot parcel were subdivided into four separate lots, zoning would allow for one single-family home on each lot and two ADUs on each lot. Based on the foregoing, the subject property could support up to four single-family homes and eight ADUs. Any future development of additional homes would require the provision of necessary infrastructure improvement, including potable water service and wastewater infrastructure, either by individual wastewater system or potential connection to the County wastewater system. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available now as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four single-family units and eight ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2. The property is situated amongst an existing residential community and any future residential development would be infill development that would be consistent with surrounding uses and not present secondary impacts to surrounding uses.

5. D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DoT) and the Department of Public Works (DPW).

Response:

There will not be any impact to traffic. There are no plans to build new housing on the property. As noted above, while the Applicant does not have plans to develop additional dwelling units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the long-standing residential uses on the property to continue and does not propose additional units, a traffic engineer was not retained to conduct a traffic assessment. However, it is the Applicant's opinion that the hypothetical addition of up to eight units on the property would not present significant traffic impacts.

6. D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and (DPW).

Response:

Water demand on the property will not change. Water use will be limited to irrigation of onsite landscaping and normal house-hold usage. No impacts to water system source, transmission of distribution or distribution systems are anticipated with the proposed CIZ request. As noted above, while the Applicant does not have plans to develop additional units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the long-standing residential uses on the property to continue and does not propose additional units, a civil engineer was not retained to conduct a water source, supply and distribution analysis. Any future development of additional homes would require provision of necessary infrastructure improvements, including potable water service. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available at the moment as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four (4) single-family units and eight (8) ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2.

 D14. Sewage disposal analysis, and comments, if applicable, from the Department of Health (DoH), DLNR, Department of Environmental Management (DEM), and DWS.

Response:

There will be no impacts to wastewater collection and treatment services with the proposed CIZ requests as the county does not have sewage services to the property.

Each home has its own separate cesspool located to the side of each house. As noted above, while the Applicant does not have plans to develop additional units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the longstanding residential uses on the property to continue and does not propose additional units, a civil engineer was not retained to conduct a sewage disposal analysis. Any future development of additional homes would require provision of necessary infrastructure improvements, including wastewater infrastructure, either by individual wastewater system or potential connection to the County wastewater system. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available at the moment as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four single-family units and eight ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2.

8. D15. Solid waste disposal analysis and comments, if applicable, from DoH, DLNR, DEM, and DWS.

Response:

The property is currently allotted six waste disposal bins, per county ordinance, and has been, consistently using four bins. As previously noted, the Applicant does not have plans to add additional residential units to the property. However, the R2 zoning would allow the addition of up to eight ADUs if the property were to be subdivided. Future residential units, if developed, would secure solid waste disposal services from the County. The addition of up to eight residential units would not present a significant impact to the County's solid waste disposal services or capacity.

9. D17. Identification of the existing topographical and drainage patterns and any alterations proposed.

Response:

There will be no change in existing draining patterns on the site. The drainage pattern currently flows downhill from the property. In the future, the existing gravel surfaces of the roadways may be paved. At that time, appropriate storm runoff mitigation measures will be identified and implemented, as applicable. See Attachment D for drainage patterns on the site.

10. D19. Dated photographs of site structure.

Response:

See Attachment E.

11. D20. Development schedule.

Response:

The proposed improvements to the residential structure on the property will proceed upon receipt of necessary County permits and approvals. The Applicant has no plans for subdivision of the property or development of additional ADUs or other structures.

12. D21. Schematic site development plans, if applicable, drawn to scale, which identify property lines and easements; location, size, spacing, setback and dimensions of all existing and proposed building, structures, improvements and uses; existing and proposed building elevations, sections, floor plans and site sections; topographic information showing existing features and conditions and proposed grading; existing and proposed landscaping which depicts open spaces, plantings and trees; existing and proposed roadways and accesses to the project and parking layout with dimensions; and shoreline, stream and other setback lines.

Response:

The original submission included a topographic survey on page 35 (also included in this response as Attachment B) and two hard copies of the construction drawings (site plan) on page 45, in addition to the CD (also included in this response as Attachment F). The County of Maui Planning Division also has 24"x36" hard copies of the construction drawings on page 45 as they were part of the permitting requirements for the current renovation projects that were approved in 2022. Easements, setbacks, square footage, usage, parking layout, and demolition are all included between both the topographic survey and construction drawings.

Please let me know if you need digital copies of this response.

Thank you for your continued support and consideration.

Sincerely,

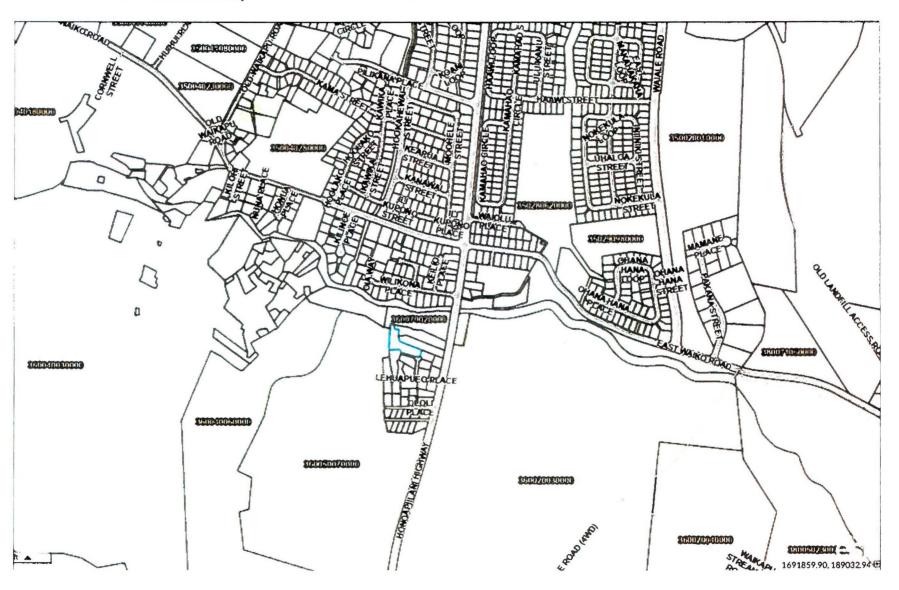
Dr. Robyn M. Garner

Owner | Kamasaki-Garner Properties, LLC

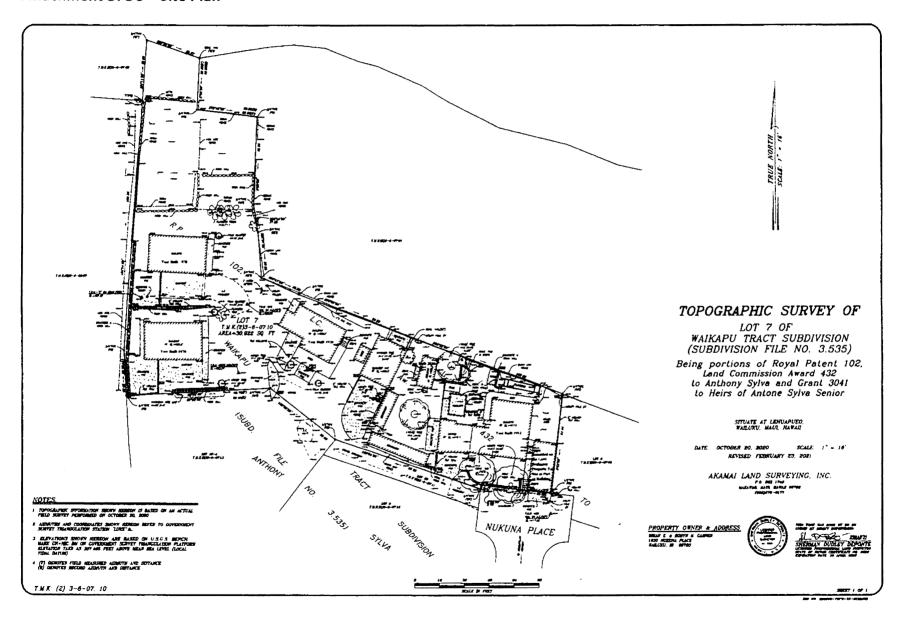
robynmgarner@gmail.com

(808) 497-6219

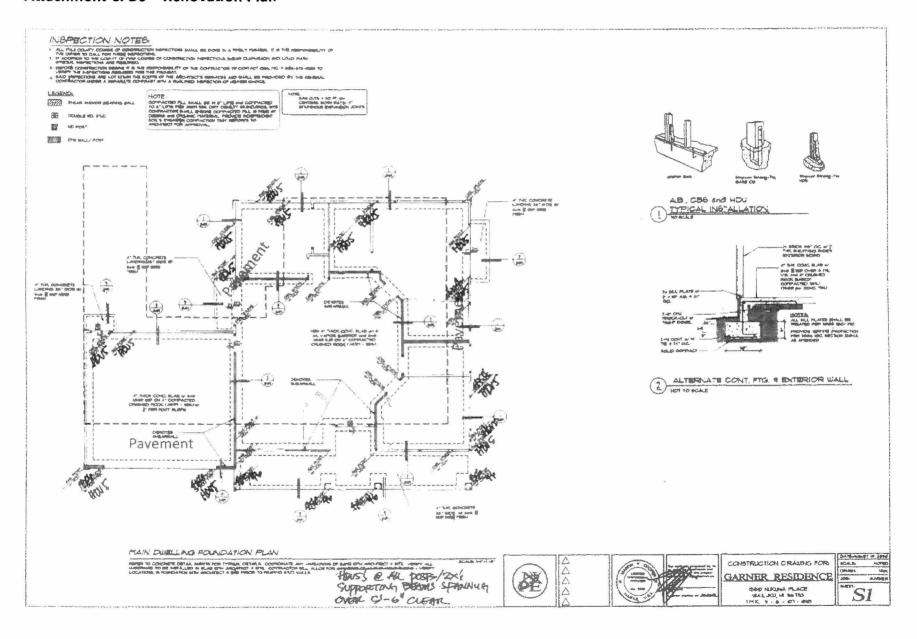
Attachment A: D5 - Location Map



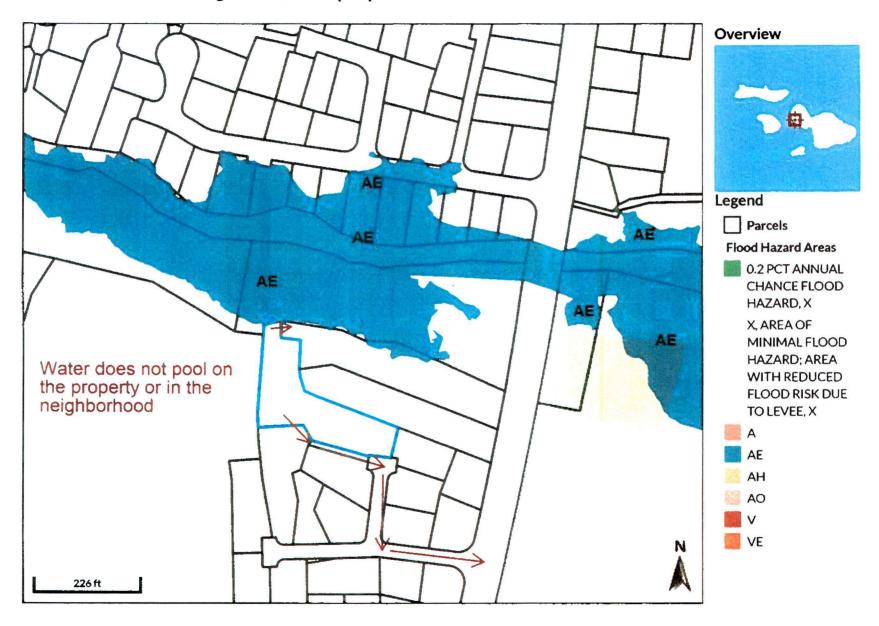
Attachment B: D8 - Site Plan



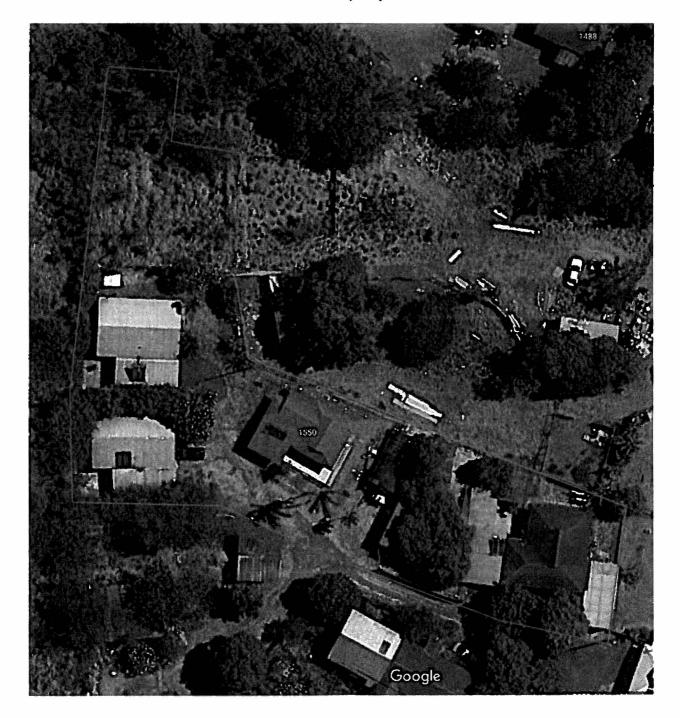
Attachment C: D9 - Renovation Plan



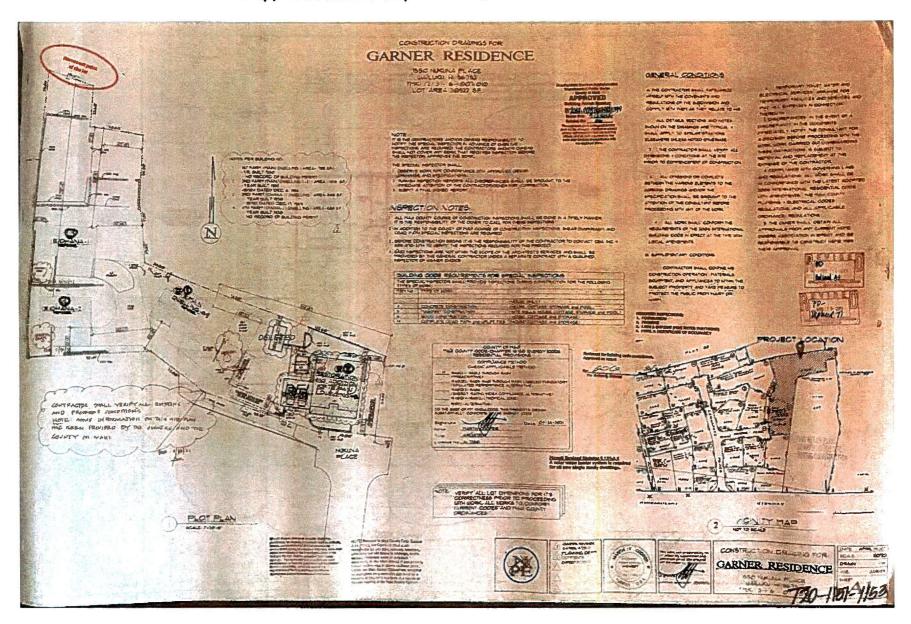
Attachment D: D17 - Drainage Pattern on Property



Attachment E: D19 - Additional Photo of the Property



Attachment F: D21 - Marked and Approved Site Development Plans



MAUI PLANNING COMMISSION PORTION OF REGULAR MINUTES ITEM B.1. NOVEMBER 12. 2024

A. CALL TO ORDER AND ROLL CALL

The regular meeting of the Maui Planning Commission was called to order by Chair Kim Thayer at approximately 9:14 a.m., Tuesday, November 12, 2024, in the Planning Department Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Maui Hawai'i 96793 and online via Webex; Meeting ID: 2663 496 6853 and Password: 111224.

Roll call was taken by Director Kate Blystone. Chair Thayer, Vice-Chair Thompson and Commissioners Kealoha and Ward were in attendance in-person. Commissioner Hipolito Jr. was in attendance via Webex. Excused Absence for Commissioners Deakos and Lindsey.

Ms. Kim Thayer: Aloha. Kakahiaka kakou. Good morning, everybody. Thank you for your patience with us. We had some technical difficulties to work through, but I think we are all good now. So welcome to our Maui Planning Commission of Tuesday, November 12th, 2024. Director, roll call please?

Ms. Kate Blystone: Good morning. Commissioner Hipolito?

Mr. Mel Hipolito, Jr.: Good morning, Chair, Vice Chair, fellow Commissioners, Director. I'm in my office in Kahului, alone.

Ms. Blystone: Mahalo. Commissioner Kealoha?

Dr. Andrea Kealoha: Good morning. Wonderful to see everybody this morning.

Ms. Blystone: Good morning. Commissioner Ward?

Mr. Brian Ward: Good morning, everyone. Good to see everyone.

Ms. Blystone: Good morning. Vice Chair Thompson.

Mr. Dale Thompson: Aloha. Top of the morning to all.

Ms. Blystone: Aloha. Chair Thayer?

Ms. Thayer: Yes, I am here. Good morning, again. Alright, so, just going through our agenda for today, we have one public hearing item, two communications items, and an orientation work workshop. But a note on item C.2., we need six members present to be able to take action on that. So, C.2. is going to get deferred to our next meeting when we hopefully have at least six members present. But for now we will go into our public hearing item B.1. Director, please read us into the record.

B. PUBLIC HEARINGS

1. ROBYN GARNER requesting a Change of Zoning from Agricultural to R-2 Residential for a substandard agricultural lot of 30,922 sf (0.7099 acres), located at 1550 Nukuna Place, Wailuku, Maui, Hawai'i at TMK (2) 3-6-007:010 (CIZ2021-0002) (A. Biniaris)

Ms. Blystone: Robyn Garner requesting a Change of Zoning from Agricultural to R2 Residential for a substandard agricultural lot of 30,922 square feet, 0.7099 acres, located at 1550 Nukuna Place, Wailuku, Maui, Hawaii, at TMK: 2-3-6-007:010. This is CIZ 2021-0002, and Aliki is the planner.

Ms. Thayer: Please go ahead.

Ms. Aliki Biniaris: Good morning, Commissioners. As stated by Director Blystone, the item before you this morning is a Change in Zoning from Agricultural District to R2 Residential District for a substandard agricultural lot, approximately 30,922 square feet in size, which is roughly 0.71 acres located at 1550 Nukuna Place in Walluku, Maui. The subject property is look, located in the County Agricultural District. The Change in Zoning from Agricultural District to R2 Residential District would bring the property into conformance with its current use and its community plan designation of single-family. The existing main dwelling was built in 1952 and the applicant plans to renovate, renovate it and add an additional 400 square feet. The main dwelling has a garage and carport. There are three other housing units on the property, two of which have carports that are used for long-term rentals. The parcel is State Land Use Urban. The Community Plan designation is Single-Family. The Maui Island Plan is Small Town. And the County Zoning is Agricultural. The Change in Zoning application requesting a Change in Zoning from Agricultural District to R2 Residential will conform with the community plan designation and current use. The property has a long-standing use as a residential property. The four dwellings were built in 1930, 1952, and two in 1970. The project will be explained in further detail by the applicant and owner, Robyn Garner. Thank you.

Ms. Thayer: Thank you. Is Ms. Garner here? Online? Oh, there we go. Oh her?

Dr. Robyn M. Garner: Good morning.

Ms. Thayer: Oh, I can --. Yes.

Dr. Garner: Can you hear me?

Ms. Thayer: I think we can hear you.

Dr. Garner: Awesome. Okay, sorry. It's, it is cutting in and out here, so hopefully I can get through the presentation in time before it cuts out. Aloha members of the board. Thank you for the opportunity to present this request today. My name is Dr. Robyn Garner and I am the owner of the property located at 1550 Nukuna Place in Wailuku. My family has lived in Waikapu for about 150 and over 80 of those years on this particular plot of land. So this property is not just land to us, it's part of our legacy, a tangible connection to our ancestors and a cornerstone of our commitment to this community.

Today I'm here to request a zoning change from Agriculture to Residential. This change will bring our property into alignment with its current and intended future use and will allow us to continue improving and maintaining the land for our future generations. Our family has always viewed ourselves as caretakers of this land and the zoning request is part of our ongoing

stewardship of the property ensuring that it will continue to serve our family and the broader community for generations to come.

I have a simple quad chart that's available for this presentation. Are you able to see it?

Ms. Thayer: Oh, we don't see you on screen right now.

Dr. Garner: Okay, let me see if I can share my screen. Is my screen being shared?

Ms. Thayer: Yes.

Dr. Garner: I can see that. You can see everything now, yourselves, with the presentation and my speech.

Ms. Thayer: Yes. Yes.

Dr. Garner: Awesome. Okay, sounds good. So top right quad, the primary goal of the zoning change is not to add new dwellings or increase the overall density of the property.

Ms. Thayer: Sorry, one second.

Dr. Garner: Yes.

Ms. Thayer: It's showing up really small on our screen.

Dr. Garner: Okay.

Ms. Thayer: Do you think --

Dr. Garner: Okay let me try this.

Ms. Blystone: You may want to try just sharing the one application instead of your entire screen because that way it will fill up the whole screen for us. So if you stop share and then just share the one application, it should be better. It is also in the Commissioner's packets as well.

Dr. Garner: It is. It doesn't give me the option to share just the one power point application.

Ms. Blystone: Okay.

Dr. Garner: Would it be better if I not share and reference the package?

Ms. Thayer: I think for everybody online, it's got to be the same.

Ms. Blystone: It is in the packet, so you should be able, for those online, you can take a look at the packet. Candace, do you have a suggestion?

Ms. Candace Thackerson: Yeah, I, I can run it from here or Aliki -- excuse me -- Aliki can run it from here, the presentation. Oh, although look. Oh no, no that was my screen. We can run it. I'm

like, oh, it looks big because that's what I'm looking at. We can share my screen and then the applicant, Dr. Garner, if you just say next for the next slide, then Aliki, staff planner Aliki can click it for you.

Dr. Garner: Perfect. Okay, easy day for her then because there's only one slide. And I'll just go through the different quads. Okay, let me know when you're ready.

Ms. Blystone: She's just loading it. One second.

Dr. Garner: Sounds good. Okay. Awesome. I can see it on my end.

Ms. Thayer: Yep.

Dr. Garner: Alright, is it good to continue?

Ms. Thayer: One second. Okay yes, go ahead.

Dr. Garner: Okay. Sounds good. Okay, so top right quad, the primary goal of the zoning change is not to add new dwellings or increase the overall density of the property, but to improve the existing structures and make the property safer for both my tenants and my family. The land's narrow width combined with the other factors make it physically challenging to accommodate the full build out potential that R2 zoning might allow. So instead I am focusing on enhancing the four existing dwellings that are already on the property. This includes necessary renovations to update and improve safety features as well as addressing some of the infrastructure needs to ensure that the property remains habitable and up to code for the long term. The zoning change will allow me to streamline the permitting process for these improvements and make the necessary upgrades to the property ensuring it continues to serve as a safe and viable residence for everyone living here. It is important to emphasize that the intent is not to add additional units but to enhance the quality of life for the current tenants and maintain the property in a way that aligns with the charter of the surrounding neighborhood.

I'm going to move to the bottom left quad for impact assessments. Currently the property is connected to the County's water system. It supports four existing dwellings and the surrounding landscape. However, there's no County sewer system available at this time. Instead, the property uses individual cesspools. I understand that as part of the zoning change future development could involve the expansion of the wastewater systems and we're planning to connect to that when it's ready. I have been in discussions with the Department of Health and their guidance is clear. Individual wastewater systems will be required for any future construction until the plant sewer expansion is completed, which is expected around 2030. Additionally, the property is located in flood zones X and AE. While that AE zone covers only a small corner of the property in the very back end, there are no structures located in that area, so we don't anticipate significant impact from flooding. But I will ensure that all necessary drainage and flooding management measures are met when developing the property.

I'm going to move over to the bottom right quad, which is community engagement. We understand that the community -- we understand that community impacts such as public safety and infrastructure are important considerations. The property is located in a quiet residential neighborhood that is already served by the Wailuku Fire Station and the Maui County Police

Station, as well as healthcare facilities like the Maui Memorial Hospital. The fire department has provided feedback and recommended ensuring adequate fire protection measures such as access for emergency vehicles and hydrant placement, which I will fully comply with. I'm committed to ensuring that any future construction will meet these and other public safety requirements. We do have an unfortunate example that the fire department is able to service the property well. Unfortunately, on August 8th, we also had a fire at the far end of our property and the fire department did an outstanding job pulling the water from the fire hydrant at the bottom in . . . (inaudible) . . . all the way up to the back corner of our property and was able to put out the fire. So that was a fantastic job on their end.

And then in terms of traffic, this area is already a low traffic, it dead end. It's a residential. And any future development will --. I'm sorry. Go ahead.

Ms. Thayer: Oh, that was somebody else. You can keep going.

Dr. Garner: Thank you. So, any future development will be carefully designed to minimize disruptions while the zoning change would allow for the potential to build up to twelve residential units. I don't see it possible and I don't anticipate any major changes to the traffic patterns or strain on public services out here.

And, I believe I may have actually just, I did actually go over the planning and technical analysis as I was going to the left quad. So, if there are any other questions for the top right quad, I'm happy to address them. Otherwise, I'll conclude and summarize. So, in conclusion the request of the rezone, rezoning of this property from Ag to R2 is about more than just compliance with the zoning regulations. It's about honoring a deeply personal family legacy. This change will allow us to improve the existing dwellings and provide a safer, more livable environment for our tenants and family without subdividing or selling a property.

This project began with the goal of creating a safe space for my grandmother and my mother, both of whom have passed away unfortunately. Their vision was to provide stability and security for the future generations, and the zoning request is a step forward to fulfilling that vision. So as a family, we are committed to staying here, improving the property and ensuring it remains the stable home for years to come. We are invested in this community and want this property to continue to serve positively and sustainably. So, I request, respectfully request your favorable recommendation for the zoning change and I'm happy to answer any questions at this time.

Ms. Thayer: Thank you very much. Clarifying questions from the Commission before we open up public testimony. Commissioner Thompson, Vice Chair.

Mr. Thompson: Thank you. And thanks for coming today or being online and my question for you is how many people reside at that property already?

Dr. Garner: So as of right now, it's actually just me and my husband. When, the renovations are complete, it is able to, it, there's, there will, there will be three, three-bedroom homes available for rent in addition to the three-bedroom main house. But right now, it's just two of us.

Mr. Thompson: Okay, and one other is, did you look at putting a, a septic instead of cesspool?

Dr. Garner: Yes, so there are those considerations. We have one more building permit to go through and I'm working with the Health Department on what's actually required. But the cesspools according to the health department for the three rental units are, are sufficient.

Mr. Thompson: Okay, thank you.

Ms. Thayer: Okay. So, no further questions at this point we can check for public testimony. Has anybody signed up to testify? Okay, last call for testimony. You can sign your name in the chat if you wish to testify. Otherwise, public testimony will be closed. Okay, it looks like we have one person signed up to testify, Mr. Johann Lall. Please go ahead, you have three minutes.

Mr. Johann Lall: Aloha. Johann Lall testifying on behalf of myself, and I support this change of zoning. I don't have any relationship with these folks or, or anything like that, but I think this is kind of what we, we want is renewal and redevelopment of places that are already developed. And if this can result in housing that is a little better for the people who live there and stuff like that. It kind of goes along with all the, the General Plan, the Community Plan, all that kind of stuff. And this is an area that is close to infrastructure, public transit, shops, jobs, so, I am in full support of their change of zoning. Mahalo.

Ms. Thayer: Mahalo for your testimony. Any questions for the testifier? Okay, seeing none, thanks again. Anybody else signed up to testify? None at this point? Okay, public testimony last call closing in three, two, one. Public testimony is closed. Commissioners, any further questions?

Mr. Thompson: . . . (inaudible) . . . to the County?

Ms. Thayer: Vice Chair?

Mr. Thompson: Sure, maybe to . . . (inaudible) . . . or Director. Do we permit cesspools? I thought we went to septic already. Cesspools are supposedly the big no-no thing.

Ms. Blystone: So, I'm only going to address the issue at hand, which is rezoning. So, I, I can't. Maybe the Planning Department doesn't, doesn't deal with that issue, so I can't, I can't speak to that.

Mr. Thompson: Well, thank you.

Ms. Thayer: Any further questions from the Commission?

Dr. Andrea Kealoha: We don't deal with cesspools and septic, can we put it in as a, can we put it in as a condition of the permit?

Ms. Blystone: So just as a reminder, this is a change in zoning. So all you're doing is making a recommendation to the Council to, to either approve or deny it with conditions if need --

Mr. Michael Hopper: Do you want me to comment?

Ms. Thayer: Oh, Mr. Hopper?

Mr. Hopper: Yeah, just I mean, I, I don't think that's an irrelevant question. I mean, I think you can, if you want to find that information, you can. I don't think the Planning Department would necessarily have that. I think the State Department of Health, if they're in correspondence with them, maybe could provide you that information. I don't know if there's anything in the documents.

The Change in Zoning would, allow the property to be used as a residential use rather than an ag use, and if there's existing cesspools, whether you grant the zoning change or not, I think they're going to have to deal with that issue if you're, they're talking about those, those dwellings. But if you want that information or you think Council should have that information. that's something you can, I guess put in your, in your recommendations. But, I think that's going to be a separate issue for them whether or not they get a Change in Zoning because that's just based on the, the residential use. So, I, I think that's going to exist regardless. But I'm not saying that's not an irrelevant thing if you see that that conversion to residential has the potential for different impacts, and you think cesspools are a problem there, I think you can, you can ask that. But hopefully there's a clear answer for that because they're, if they have to deal with that, they're going to need to deal with that, whether there's a Change in Zoning or, or not.

Dr. Kealoha: Yeah, I, yeah, I guess because we need to switch what is it? 2030, we need to switch to septic, so I guess I just was bringing it up now as something that they might consider thinking about if . . . (inaudible) . . .

Ms. Thayer: Um, Ms. Garner, Mrs. Garner, can you tell us a little bit more about your situation with the cesspools switching to IWS and then connecting to the County waterline? I mean, sewer line.

Dr. Garner: So with my conversations with the State Health Department, for the . . . (inaudible) .

Ms. Thayer: Oh, you cut out. Sorry, can you, can you start again? You cut for a few seconds.

Dr. Garner: Sorry, yes. So, for my conversations with the State Health Department regarding the cesspools for the three rental units in the back of the property, they are grandfathered in and sufficient for the size of the home, so they don't need to be changed. For the main house, we are going through the building permit process right now. And, there are discussions on whether or not a septic system does need to be put in place while we wait for the County sewer system to come in, or if, the current use is also grandfathered in since the changes are actually minimal, the renovation changes are minimal. Either way we have been instructed that when the County sewer line comes through in 2030, we are required to connect to the sewer system at that time.

Ms. Thayer: That's good? . . . (inaudible) . . . Vice Chair?

Mr. Thompson: Have you looked into, um, doing leach fields in the septic system there? . . . (inaudible) . . .

Dr. Garner: Our contractor is specifically looking at the leach fields that we have around, the areas that we have around us right now because there are sufficient areas for leach fields to put in septic systems if that's what's required.

Mr. Thompson: So there is room. My concern is about --

Dr. Garner: Yes.

Mr. Thompson: -- that we have a cumulative problem there. And if we change this, then we're going to open it up to what, six houses. And if we have six places running, we got a problem, we got a problem in the, in the soil.

Dr. Garner: Yeah, actually, for our two, it's interesting. It says we can have up to twelve units on this property just due to its size, but I think physically because the property is so narrow, it's not possible to actually put in any more houses already here. We could only keep the four.

Mr. Thompson: Okay. And thank you.

Dr. Garner: Okay.

Ms. Thayer: Further questions? That's good? Any other questions from the Commission? Okay, seeing none, can we have the recommendation from the Department?

Ms. Biniaris: In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the November 12th, 2024 meeting and recommends that the Maui Planning Commission recommend approval to the Maui County Council for the Change in Zoning from Agricultural District to R2 Residential subject to no conditions. Thank you.

Ms. Thayer: Thank you. We can entertain a motion. I guess maybe to, you know, address your concerns, you could potentially put in a condition for only four units as there is now.

Mr. Thompson: Yeah, absolutely.

Ms. Thayer: Director?

Ms. Blystone: Just something for consideration. What the applicant said is that the, the current use and arrangement of, of the number of, sorry, the number of dwelling units that are possible on their property is limited already by their ability to access sewer. So, limiting it further to four, I think, let me just say globally, I think adding conditions to zoning is not a great idea overall, that your zoning is your zoning. The reason we have the zoning code is because it has a series of restrictions already built into it and adding additional conditions on top of it makes it more difficult to administer in the future. So, I just encourage you to consider that. Of course, we'll do whatever you ask, but I wanted to, to make that case here briefly.

Ms. Thayer: Vice Chair?

Mr. Thompson: No, I thought I read it. I was checking here. Isn't there a grading in for another house in here too? Did I read that? They're grading off a lot in here. Was that --?

Mr. Ward: I think it was the, the remodel that was --

Ms. Biniaris: Yeah, there's grading for the --. They're going to add some square footage to the main dwelling, and when you're adding square footage, there's going to have to be some grading of the lot under where they build the addition to the main house.

Mr. Thompson: Okay, that's what it was. Okay, thank you.

Ms. Thayer: Um, further questions or we can entertain a motion? Commissioner Ward?

Mr. Ward: I moved to accept the Planning Department's recommendations as outlined.

Ms. Thayer: Thank you. Is there a second? Second from Vice Chair. Would you like to speak to the motion?

Mr. Ward: Uh, just listening to the testimony for the presentation, I think it's important for us to support the community and maintain the lands and rebuilding on existing properties, specifically with the legacy and the history right there. For that, for that reason specifically, I think it's important that we approve it.

Ms. Thayer: Thank you. From the second?

Mr. Thompson: Nothing to add.

Ms. Thayer: Okay, further discussion from the other Commissioners? Seeing none, I guess I would say that I concur with Commissioner Ward in that this is, you know, a generational family that is trying to do as good as they can with the land that they have. And, you know, given all the conversations we have in our community all the time, even now, this is exactly what we should be enabling, so thank you. I guess there being no further discussion we can call for the vote.

Ms. Blystone: Commissioner Hipolito?

Mr. Hipolito, Jr.: Aye.

Ms. Blystone: Commissioner Kealoha?

Dr. Kealoha: Aye.

Ms. Blystone: Commissioner Ward?

Mr. Ward: Aye.

Ms. Blystone: Vice Chair Thompson?

Mr. Thompson: Aye.

Ms. Blystone: Chair Thayer?

Ms. Thayer: Aye.

It was moved by Mr. Ward, seconded by Vice-Chair Thompson, then unanimously

VOTED: To support the recommendation by the Planning Department to

County Council.

(Assenting: M. Hipolito Jr., A. Kealoha, B. Ward, D. Thompson, K. Thayer)

(Excused: M. Deakos, A. Lindsey)

Ms. Blystone: That's five votes.

Ms. Thayer: Okay, motion carries. Thank you. Temperature check Commissioners? We're only half an hour in, so do you need a break or do we go right into our next item?

Respectfully Submitted by,

LEILANI A. RAMORAN-QUEMADO Secretary to Boards and Commissions II For GENO QUEMADO Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present:

Kim Thayer - in person Dale Thompson - in person Brian Ward - in person Mel Hipolito, Jr. - via Webex Andrea Kealoha - in person

Excused:

Ashley Lindsey Mark Deakos

Others:

Kate Blystone: Planning Director, in person

Danny Dias: Planning Program Administrator, Current Planning Division, in person

Aliki Binaris: Staff Planner, in person Wilton Leauanae: Staff Planner, in person Kurt Wollenhaupt: Staff Planner, in person Candace Thackerson: Staff Planner, in person Brailey Gonsalves: Staff Planner, in person

Brian Bilberry: Deputy Corporation Counsel, in person Michael Hopper: Deputy Corporation Counsel, in person

Geno Quemado: Secretary to Boards and Commissions II, in person

Leilani Ramoran-Quemado: Secretary to Boards and Commissions II, in person

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CHANGE IN ZONING APPLICATION (R2, RESIDENTIAL)

Garner Residence

TMK: (2) 3-6-007:010

Applicants: Robyn & Brian Garner

Owner

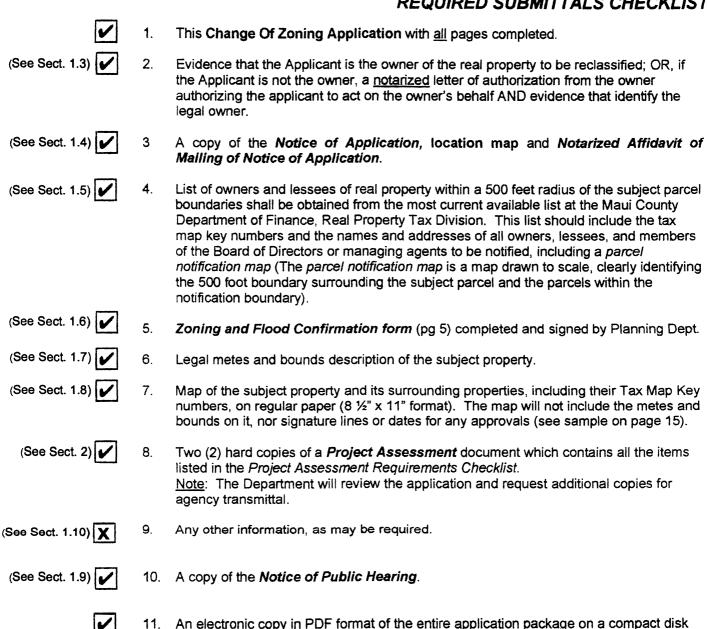
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1. Change in Zoning Application – Required Submittals

1.1 Required Submittals Checklist

REQUIRED SUBMITTALS CHECKLIST



After reviewing the application packet and certifying that it is ready for processing the Applicant will be notified of the number of additional hard and digital copies to be provided for agency review.

A non refundable filing fee payable to County of Maui, Director of Finance. (see Fee Schedule, Table A found on the Maui County website)

or flash drive.

1.2 Change in Zoning Application Form

CHANGE OF ZONING APPLICATION

Please print legibly o	or type the foll	owing.		Permit Number	(s): CIZ	aı	
		PROPERTY A	100 CALC 1007	INFORMATIO	N	ALCONO DE LA CONTRACTOR D	
Project Name:	arner Reside	ence	Tax Map Key No.: (2)3-6-007:010				
Total Area: 30922 SF		Valuation*: ~\$600,000			W-12-10-10-10-10-10-10-10-10-10-10-10-10-10-		
Physical Address/Lo		ject:		φοσο,σοσ			
* Total cost or fair market Commerce and Consum	t value, as estir	mated by an architect,	engineer, or co	ntractor licensed by	the State of	Hawaii Dept. of	
		TION OF PROP					
Describe the existing	use:					T POMO SE	
Residential Main House, P	Residential Oha	na-A, Residential Oha	na-B, Resident	ial Ohana-C			
Describe the propose	ed use:						
The Applicant proposes to Change in Zoning is to est							
LAND USE DESIGNA	TIONS	Ex		Proposed			
State Land Use Distri	ict Boundary		No Change	No Change			
Maui Island Plan		Small Town, Outside Protected Areas		s No Change	No Change		
Community Plan		Single Family		No Change	No Change		
County Zoning		Agricultural District		R2, Reside	R2, Residential		
Other (i.e. SMA)		N/A					
	11.5	CONT	ACT INFOR	RMATION	54.161.51	90 Ku 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
APPLICANT INFORM	ATION		Email:				
Name(s): Robyn & Brid	an Garner			obynmgarner@ gma	il.com		
Mailing Address:	io Nukuna Plac	e, Wailuku, Hawaii 96	3793				
Phone Number(s	(bus)	(hm	(808) 49	(cell) 7-6219/3781		(fax)	
Signature(s):	Wifi.	+ Buarden	Date: //	September 30	э <i> </i>		
CONSULTANT INFOR	RMATION				Louis South and the	ajili ya ta maji na ta	
Name(s): N/A		V	Email: N/A				
Mailing Address:				No. Marie Commission Commission Commission Commission Commission Commission Commission Commission Commission Co			
Phone Number(s	(bus) N/A	(hm	N/A	(cell)	N/A	(fax)	
Signature(s):			Date _{N/A}				
OWNER INFORMATION	ON		and straightful.	。"大道的 _是 是一个	Bender i kans		
Name(s): Robyn & B	rian Garner		Email:	robynmgarner@ g	mail.com		
Mailing Address:	lukuna Place, V	Vailuku, Hawaii 96793	3				
Phone Number(s	(bus)	(hm	1)	(cell) 7-6219/3781	N/A	(fax)	
Signature(s):	Wi	in har	Date: //	Senlember 3	17.7/		

1.3 Land Ownership Documentation

ORIGINAL

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED September 27, 2019 3:29 PM
Doc No A72090776
CONVEYANCE TAX: \$0

/s/ LESLIE T. KOBATA, Registrar KEO 11

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY: MAIL (X) PICKUP ()

TO: Rhonda M. Fosbinder, Attorney

Island Legal Group LLLC 24 N. Church St., Suite 307 Walluku, Hawaii 96793

Tel: 808-242-4956

TYPE OF DOCUMENT:

CORRECTION DEED

GRANTOR:

CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, having all powers under said Trust Agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the

trust estate and interests therein

GRANTEE:

BRIAN E. GARNER and ROBYN M. GARNER, husband and wife

ADDRESS:

1550 Nukuna Place, Wailuku, Hawaii 96793

AFFECTS TAX MAP KEY: (2) 3-6-007-010

This document has ______ pages

CORRECTION DEED

THIS CORRECTION DEED, made this 26 day of September, 2019, by and between CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, having all powers under said Trust Agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the trust estate and interests therein, whose respective mailing addresses are 1550 Nukuna Place, Wailuku, Hawaii 96793, and 117 Woodward Avenue, Lowell, MA 01854, hereinafter called the "Grantor", and BRIAN E. GARNER and ROBYN M. GARNER, husband and wife, mailing address is 1550 Nukuna Place, Wailuku, Hawaii 96793, hereinafter called the "Grantee",

RECITALS:

- 1. By Limited Warranty Deed dated May 18, 2018, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 67250788, Grantor CYNTHIA ANN MCCARTHY and CLAIRE S. KAMASAKI, Co-Trustees of the EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, conveyed to Grantee BRIAN E. GARNER And ROBYN M. GARNER all of the property described in Exhibit "A" which is attached to said Limited Warranty Deed.
- 2. On Page 7 of said Limited Warranty Deed, which is the first page of Exhibit "A" of said Limited Warranty Deed, the subject real property being conveyed was incorrectly described, in relevant part, as: "All of Grantor's portion of the property described herein, being only the property on which Grantor's single family dwelling sits, ..." The subject real property being conveyed should have been described as "All of grantor's right, title and interest in and to that certain parcel of land..." Therefore, Grantor and Grantee seek to correct the Limited Warranty Deed as hereinafter set forth:

AGREEMENT:

IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED that in consideration of the foregoing, Grantor and Grantee do hereby correct and amend the Limited Warranty Deed by DELETING Exhibit "A" in its entirety and SUBSTITUTING in the place thereof Exhibit "A" which has been revised and is attached hereto.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that except as expressly corrected and amended hereby, the Limited Warranty Deed as recorded as aforesaid, is hereby ratified and confirmed and shall remain in full force and effect.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto,

"Grantee

notwithstanding all of the parties are not signatory to the original or the same counterpart. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded, and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned have executed these presents on the day and year first written.

By:

CLAIRE S. KAMASAKI

Its Co-Trustee

"Grantor"

BRIAN E. GARNER

EVELYN N. KAMASAKI 2012 GIFT TRUST

notwithstanding all of the parties are not signatory to the original or the same counterpart. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded, and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned have executed these presents on the day and year first written.

EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012
By: CYNTHIA ANN MCCARTHY Its Co-Trustee
By: CLAIRE S. KAMASAKI Its Co-Trustee
"Grantor"
BRIAN E. GARNER
ROBYN M. GARNER

STATE OF HAWAII									
COUNTY OF MAUI) SS.									
On this 26 day of Systember, 2019, before me personally appeared CYNTHIA ANN MCCARTHY, Co-Trustee under that certain unrecorded EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, to me known to be the person described in and/or satisfactorily proved to me to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed, as Co-Trustee.									
Second Circuit of Hawaii No. of Pages: 8 Date of Document: 9/26/19 Document Description: Correction Deed									
May Day									
Dorothy L. Guazzo, Notary Public Maui County, Hawaii My commission expires 10/29/2022									
, , , , , , , , , , , , , , , , , , ,									
STATE OF MASSAÇHUSETTS)									
COUNTY OF MIDDDLESEX)									
On this 26 day of September, 2019, before me personally appeared CLAIRE S. KAMASAKI, Co-Trustee under that certain unrecorded EVELYN N. KAMASAKI 2012 GIFT TRUST DATED JULY 6, 2012, to me known to be the person described in and/or satisfactorily proved to me to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed, as Co-Trustee.									
Name:									
Notary Public, State of Massachusetts My commission expires									

STATE OF HAWAII)	
COUNTY OF MAUI) SS.	
EVELYN N. KAMASAKI 2012 GIFT TRU the person described in and/or satisfa	regoing instrument, and acknowledged that
Second Circuit of Hawaii No. of Pag Document Description: Correction De	
STATE OF MASSACHUSETTS) COUNTY OF MIDDDLESEX)	SS.
appeared CLAIRE S. KAMASAKI, Co ² T N. KAMASAKI 2012 GIFT TRUST DATE person described in and/or satisfactor	, 2019, before me personally rustee under that certain unrecorded EVELYN ED JULY 6, 2012, to me known to be the rily proved to me to be the person described in ument, and acknowledged that she executed is Co-Trustee.
	Name: Dialine M. Rby Notary Public, State of Massachusetts My commission expires
	DIANNE M. ROY Notary Public Commonwealth of Massachusetts My Commission Expires December 3, 2021

STATE OF HAWAII) SS.	
COUNTY OF MAUI)	
On this 26 day of September day of appeared BRIAN E. GARNER and ROBYN Mersons described in and/or satisfactorily in and who executed the foregoing instrument executed the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as their free act and described in the same as	proved to me to be the persons described nent, and acknowledged that they
Second Circuit of Hawaii No. of Pages:_ Document Description: Correction Deed	8 Date of Document: 9/26/19 1001 1101
L.S.	Dorothy L. Guazzo, Notary Public Maui County, Hawaii My commission expires 10/29/2022

EXHIBIT "A"

All of grantor's right, title and interest in and to that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 102, Land Commission Award Number 432, Apana 1 to A. Sylva) situate, lying and being at Lehuapueo, Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 7-A and thus bounded and described as per survey of Robert T. Tanaka, Registered Professional Land Surveyor, dated June 2, 1969, to-wit:

Beginning at a pipe at the Southwest corner of this lot, being also the Northwest corner of Parcel 13-A of this Subdivision, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,156.81 feet South and 3,150.06 feet West and running by azimuth measured clockwise from true South:

1.	177°	05'	29.65	feet along Grant 1146;
+ •	177	05		-
2.	184°	14'	160.90	feet along the same to a "+" cut on a stone;
3.	184°	14′	39.08	feet along the land owned by Tokuichi Sakamoto Estate;
4.	288°	32′	35.67	feet along the same;
5.	2°	58′	33.60	feet along land owned by Kazuo Kamasaki and wife Shimoyo;
6.	276°	43′	38.65	feet along the same to a pipe;
7.	2°	20′	56.50	feet along the same;
8.	350°	18′	17.85	feet along the same;
9.	355°	37′	29.65	feet along the same;
10.	293°	47′	26.50	feet along the same;
11.	290°	59'	78.50	feet along the same;
12.	290°	39′	102.60	feet along the same;
13.	6°	53′	64.44	feet along Lot 6 of Waikapu Tract Subdivision;
14.	96°	53′	45.00	feet along Lehuapueo Road;
15.	6°	53′	2.72	feet along the same;

16.	109°	04′	98.92	feet along Lot 20 of Waikapu Tract Subdivision;
17.	128°	00'	53.00	feet along Parcel 13-A of this Subdivision;
18.	87°	05′	92.41	feet along the same to the point of beginning and containing an area of 30,922 square feet, more or less.

Together with the free use of the twelve (12) feet Right-of-Way, designated as Lot 20 of the Waikapu Tract Subdivision owned by Russel Newton and wife Helen and described as follows:

Beginning at a pipe at the northwest corner of this lot, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE", being 10,184.74 feet south and 3,016.01 feet west and running by azimuth measured clockwise from true South:

1.	289°	04'	98.92	feet along Lot 7-A of this Subdivision;
2.	6°	53′	12.28	feet along Lehuapueo Road;
3.	109°	04′	105.54	feet along Lot 8 of Waikapu Tract Subdivision;
4.	217°	36′	12.66	feet along Parcel 13-A of this Subdivision to the point of beginning and containing an area of 1,227 square feet, more or less.

Together with a Right-of-Way designated as Easement "A" upon Lot 13-A of this Subdivision and described as follows:

Beginning at a pipe at the northeast corner of this Easement, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,184.74 feet south and 3,016.01 feet west, and running by azimuth measured clockwise from true South:

1.	37°	36′	12.66	feet along Lot 20 of Waikapu Tract Subdivision;
2.	128°	00′	17.00	feet;
3.	180°	00'	16.06	feet;
4.	308°	00′	26.80	feet along Lot 7-A of this Subdivision to the point of beginning and containing an area of 277 square feet, more or less.

Together with a perpetual non-exclusive easement and right of access for ingress and egress purposes, over and across all of that certain parcel of land, situate at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, known as Lehuapueo Place and Nukuna Place, being LOT 18 of the Waikapu Tract Subdivision, containing an area of 20,809 square feet, and identified on the Tax Map of the Second Taxation Division as Tax Map Key 3-6-07-6, as granted by instrument dated July 29, 1992, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-154221.

Being all of the property conveyed by the following:

Limited Warranty Deed

Grantor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Grantee : Brian E. Garner and Robyn M. Garner, husband and wife, as

Tenants by the Entirety

Dated : May 18, 2018 Recording Date : May 31, 2018

Recording No. : A67250788

SUBJECT, HOWEVER, to the following:

1. Real property taxes not yet required by law to be paid.

2. Mineral and water rights of any nature in favor of the State of Hawaii

An agreement, upon and subject to all of the provisions contained

therein.

By and : Teruo Kamasaki and Evelyn Kamasaki, husband and wife,

Between and County of Maui, Department of Water Supply

Dated : October 28, 1985
Recording Date : November 4, 1985

Recording No. : Liber 19054, Page 635.

4. Lease

Lessor : Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Lessee : Evelyn N. Kamasaki, widow of Teruo Kamasaki

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Garner Residence TMK: (2) 3-6-007:010

Dated : July 6, 2012 Recording Date : July 24, 2012 Recording No. : A-45881176

Said Lease was amended by Amended Lease dated September 26, 2019, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A72090773.

5. All liens, mortgage, encumbrances, assessments, easements, terms, conditions, covenants, restrictions, reservations, and/or other matters affecting title of the said property presently of record, if any.

END OF EXHIBIT "A" TAX MAP KEY: (2) 3-6-007-010

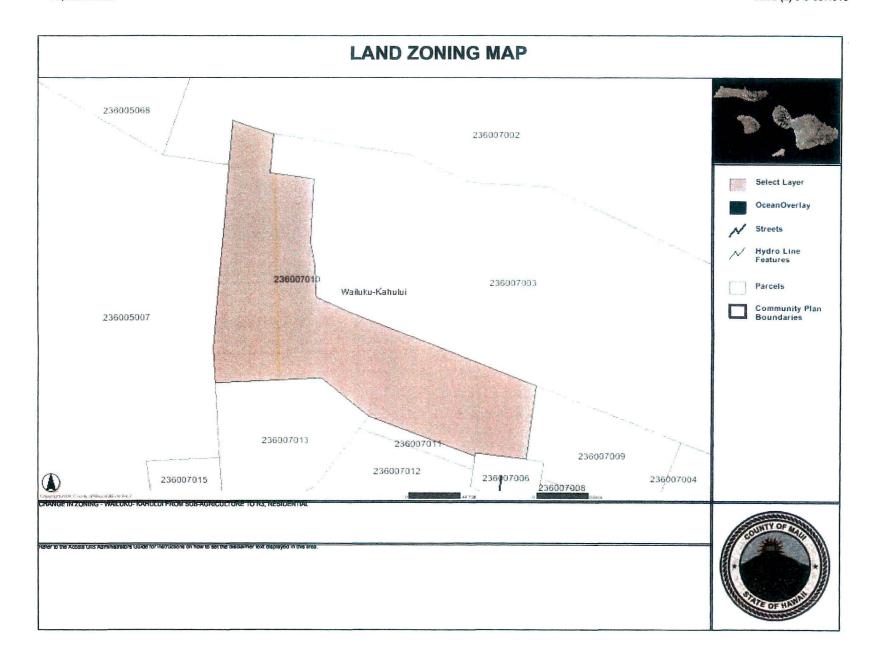
1.4 Copy of Notice of Filing of Application, Location Map, & Notarized Affidavit of Mailing of Notice of Application

NOTICE OF APPLICATION

TO:	OWNERS/LESSEES		
Plea	ase be advised that the unde designation(s) (and/or plain	rsigned has filed an a text) for the following	pplication for a Change Of Zoning to change the land parcel:
1.	Tax Map Key Number: (2)	3-6-007:010	
2.	Location (street address):	1550 Nukuna Place	
3.	Change of Zoning from:	Agriculture	
	to:	R-2, Residential	
	Other (i.e. SMA):		
4.	Description of the existing a Residential Main House, Residential		ntial Ohana-B, Residential Ohana-C
	the Change in Zoning is to esta	ore and expand the main	: n dwelling and keep a temporary storage structure. The purpose of een the zoning and the existing uses on the property and the
	existing Community Plan Desig	nation.	
	Applicant is responsible for a & Brian Garner	ensuring accuracy of t	he information.
1	er/Applicant	his James	Applicant (if not also Owner)
0	ature	1	Signature
550 1	Nukuna Place		N/A
	ng Address, No. & Street or au, Hawaii, 96793	PO Box	Mailing Address, No. & Street or PO Box N/A
	State, Zip Code 97-6219		City, State, Zip Code N/A
Tele	phone		Telephone

15 October 2021

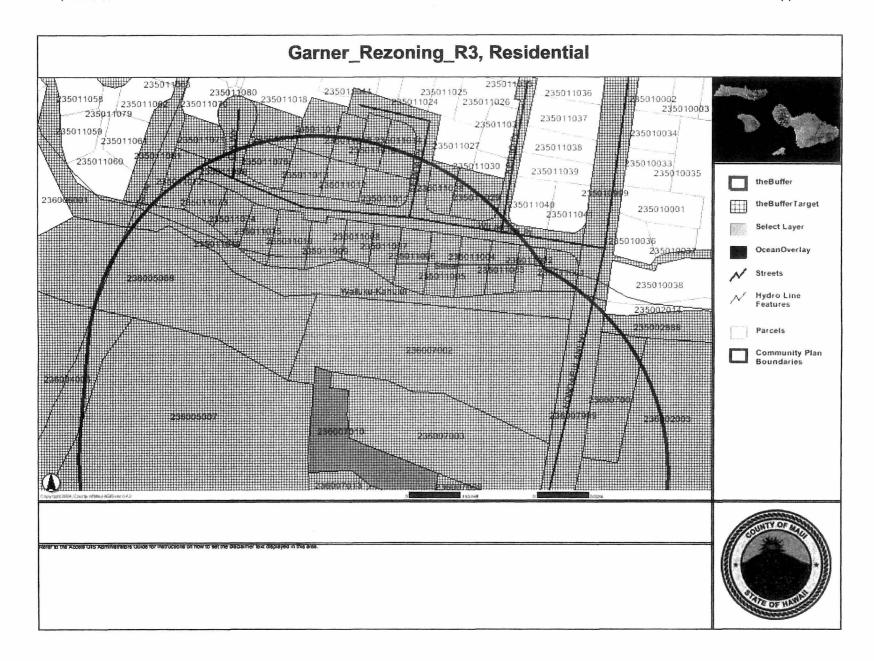
Date:

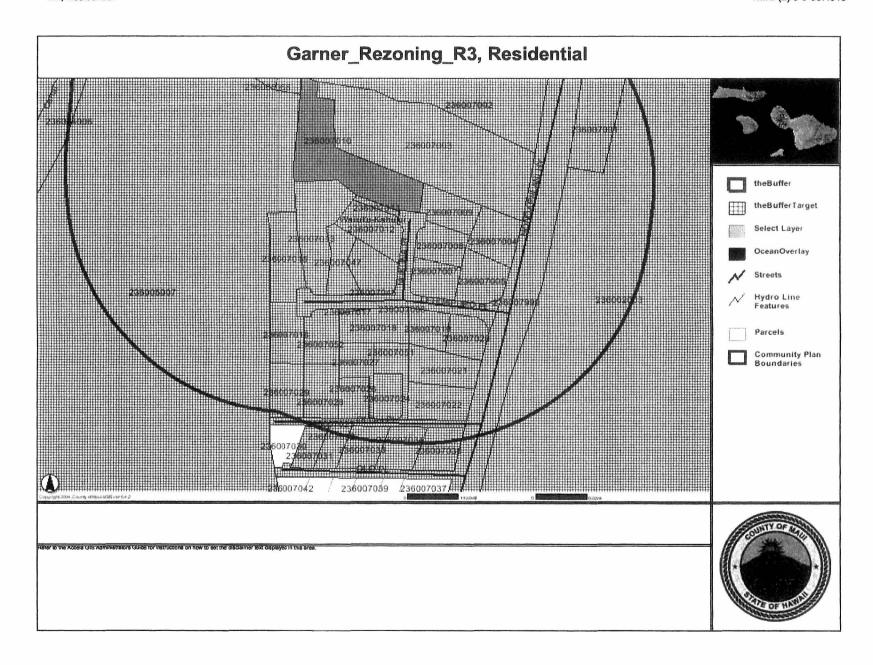


NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF APPLICATION

I, Robyn G	arner	, being first duly sworn on oath, deposes
and says that:		
1. Aff	iant is the applicant for a Change Of Z o	oning for land situated at
_15	550 Nukuna Place, Wailuku ,	TMK (2): 3-6-007:010
pos wh per atta	stage prepaid, a copy of a Notice of Fili ich is attached hereto as "Exhibit A" and	deposit in the United States mail, and of Application with a location map, a copy of d made a part hereof, addressed to each of the wners and lessees identified as "Exhibit B,"
subscribed an	d sworn to before me this	
	y of October, 20 21.	
Staff	3000-014 ZZ	Majcanco for Sublic, State of Hawaii ne: Tracy Nakamoto nission expires: 10/15/2024
	NOTARY PUBLIC C	ERTIFICATION
Doc. Date:	10/15/21	# Pages: 10
Notary Name:	Tracy Nousamoto	Judicial Circuit: <u>Second</u>
Doc. Descript	•	
Notary Signat	() () () () () () () () () ()	PUBLIC No. 2000-515
		THE OF WHITHIN

1.5 List of Owners and Lesees Within 500 Feet of Subject Parcel





TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
1	2350028880000	NO MATCH (LOOKS LIKE THE WAIKAPU RIVER)	NO TMK LISTED ON RPT WEBSITE	
2	2350109990000	NO MATCH (LOOKS LIKE HONOAPIILANI HWY)	NO TMK LISTED ON RPT WEBSITE	
3	2350110010000	CABEBE, ROGELIO RUDY JR ETAL	5 WILIKONA PL	WAILUKU, HI, 96793
4	2350110020000	EVANGELISTA, ELIAS A TR ETAL	582 S PAPA AVE	KAHULUI, HI, 96732
5	2350110030000	ALVARADO, ALBERT ETAL	17 WILIKONA PL	WAILUKU, HI, 96793
6	2350110040000	VERTIDO, ANTHONY SCOTT ETAL	23 WILIKONA PL	WAILUKU, HI, 96793
7	2350110040000	HOOPAI,CHERYL ANN	875 KUHIO PL	WAILUKU HI 96793
8	2350110040000	VERTIDO,MEGAN DELOSO	1462 KALOTE PL	HILO HI 96720
9	2350110050000	SENTANI, ERIC	31 WILIKONA PL	WAILUKU, HI, 96793
10	2350110060000	OLIVEIRA FAMILY TRUST	35 WILIKONA PL	WAILUKU, HI, 96793
11	2350110070000	SENTANI, ROGERS ETAL	41 WILIKONA PL	WAILUKU, HI, 96793
12	2350110080000	SMITH, SCOTT HAL	2486 W VINEYARD ST	WAILUKU, HI, 96793
13	2350110080000	LEWIS, HANNAH ALLYSON	47 WILIKONA PL	WAILUKU, HI, 96793
14	2350110090000	SERRANO, HAROLD SABUGO ETAL	125 HAMAU PL	LAHAINA, HI, 96761
15	2350110090000	MONTENEGRO, VIRGINIA SERRANO	4394 252ND PL SE	SAMMAMISH WA 98029
16	2350110100000	ODIORNE FAMILY TRUST	59 WILIKONA PL	WAILUKU, HI, 96793
17	2350110110000	VICENTE, ELIZABETH TRUST	54 WILIKONA PL	WAILUKU, HI, 96793
18	2350110120000	VICENTE, ELIZABETH TRUST	54 WILIKONA PL	WAILUKU, HI, 96793

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
19		DEUTSCHE BANK NATIONAL TRUST CO TTEE	1661 WORTHINGTON RD STE	WEST PALM BEACH, FL,
20		ATTN:OCWEN LOAN SERVICING LLC SANCHEZ, LEONA	100 1455 KEMOA PL	33409 WAILUKU, HI, 96793
21	2350110150000	RACOMA, VICTORIA R TRUST	1437 KEMOA PL	WAILUKU, HI, 96793
22	2350110160000	CHONG KEE, GREG R TR	1782 KAAHUMANU AVE	WAILUKU, HI, 96793
23	2350110170000	ORIFON, TIMOTEO L JR ETAL	1431 KEMOA PL	WAILUKU, HI, 96793
24	2350110280000	ROLA, DINO ROJAS REVOC TRUST ETAL	1460 KEMOA PL	WAILUKU, HI, 96793
25	2350110290000	KINZLE, CHRISTIAN SAMUEL	PO BOX 2826	WAILUKU, HI, 96793
26	2350110490000	WAIKAPU PARTNERS	NO MAILING ADDRESS LISTED ON RPT WEBSITE	
27	2350110710000	MOORE, ROBERTA L ETAL	15 OIA WAY	WAILUKU, HI 96793
28	2350110720000	HELLE, BARRY ETAL	105 WILIKONA PL	WAILUKU, HI, 96793
29	2350110730000	STRONA, KORY KAIKOA ETAL	95 WILIKONA PL	WAILUKU, HI, 96793
30	2350110740000	SUTHERLAND, LUCAS HILTON ETAL	85 WILIKONA PL	WAILUKU, HI, 96793
31	2350110750000	PALOMA, ARLENE LABOT	721 EDGEWATER DR UNIT D	CHULA VISTA, CA, 91913
32	2350110760000	SOTO, ROBERT J ETAL	10 OIA WAY	WAILUKU, HI, 96793
33	2350110770000	TOYAMA, JARRET ISOKICHI ETAL	30 OIA WAY	WAILUKU, HI, 96793
34	2350110810000	WAIKAPU PARTNERS	PO BOX 130	KIHEI, HI, 96753
35	2350119990000	NO MATCH (LOOKS LIKE WILIKONA PL)	NO TMK LISTED ON RPT	
36	2360020030000	WAIALE 905 PARTNERS LLC	WEBSITE PO BOX 1870	MANTECA, CA, 95336

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
37		WAIKAPU PROPERTIES, LLC	PO BOX 1870	MANTECA, CA, 95336
38	2360050070000	MTP LAND PARTNERS LLC ETAL	PO BOX 1870	MANTECA, CA, 95336
39	2360050680000	HAWAII TROPICAL PLANTAION - CONDO MASTER	NO MAILING ADDRESS	
40	2360050680001	FORDYCE, JENNIFER M	P O BOX 1612	WAILUKU HI 96793
41	2360050680002	MAYER,KYLE	PO BOX 385	WAILUKU HI 96793
42	2360070010000	EISENBURGER, MAXIMILIAN H ETAL	PO BOX 6304	KAHULUI, HI, 96733
43	2360070020000	OCEANAS HUI LLC	62 UAHAA PL	WAILUKU, HI, 96793
44	2360070030000	BUMANGLAG, MANUEL/MILAGROS TRUST	1510 HONOAPIILANI HWY	WAILUKU, HI, 96793
45	2360070040000	ROMAN CATHOLIC MISSION C/O FIRST HAWAIIAN BANK - AGENT FOR RCCH	PO BOX 1550 - TRUST REAL ESTATE SVC	HONOLULU, HI 96806
46	2360070050000	UDARBE, MOIRA	6 LEHUAPUEO PL	WAILUKU, HI, 96793
47	2360070060000	NO MATCH (LOOKS LIKE THE NUKUNA PL)	NO TMK LISTED ON RPT	
48	2360070070000	ECHALAS, CLAVELINA R TRUST	WEBSITE 12 LEHUAPUEO PL	WAILUKU, HI, 96793
49	2360070080000	KOZAKI, EDWIN Y ETAL	PO BOX 49	WAILUKU, HI, 96793
50	2360070090000	KOZÁKI, EDWIŃ Y ETAL	PO BOX 49	WAILUKU, HI, 96793
51	2360070100000	GARNER, BRIAN E ETAL	1550 NUKUNA PL	WAILUKU, HI, 96793
52	2360070110000	VERTIDO, ANTHONY S ETAL	NO MAILING ADDRESS LISTED	
53	2360070120000	YOSHIOKA, IRENE MAPUANA TR - ESTATE	ON RPT WEBSITE PO BOX 330434	KAHULUI, HI, 96733
54	2360070130000	C/O LATU,IRIS TRS NEW DIRECTION IRA INC FBO D T TING ATTN DONNA P TING	1962 WELLS ST	WAILUKU, HI, 96793

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

MAP # 55	TMK 2360070150000	NAME HOOPAI, DAVID K TRUST	MAILING ADDRESS 44 LEHUAPUEO ST	CITY, STATE, ZIP WAILUKU, HI, 96793
56	2360070160000	PAULS, ANSELM	PO BOX 1693	MAKAWAO, HI 96768
57	2360070170000	SAIKI, DORIS S TRUST	25 LEHUAPUEO PL	WAILUKU, HI, 96793
58	2360070180000	SAIKI, DORIS S TRUST ETAL	25 LEHUAPUEO PL	WAILUKU, HI, 96793
59	2360070190000	KOZAKI, JAYSON M & SANDY S TR	15 LEHUAPUEO PL	WAILUKU, HI, 96793
60	2360070200000	KOZAKI, JAYSON M & SANDY S TR	15 LEHUAPUEO PL	WAILUKU, HI, 96793
61	2360070210000	SUEHIRO, DEREK K ETAL	PO BOX 1815	WAILUKU, HI, 96793
62	2360070220000	LAU, HENRY HING TONG ETAL	PO BOX 341	WAILUKU, HI, 96793
63	2360070230000	VARIOUS OWNERS	NO MAILING ADDRESS LISTED ON RPT WEBSITE	
64	2360070240000	COCKETT, EDMUND KALOI TRUST ETAL	18 OLOLI PL	WAILUKU, HI, 96793
65	2360070260000	HELGE, JOEL	26 OLOLI PL	WAILUKU, HI, 96793
66	2360070270000	DELOS REYES, COLIN W ETAL	24 OLOLI ST	WAILUKU, HI, 96793
67	2360070280000	ORIKASA, WARREN K/HELEN M TRUST	32 OLOLI PL	WAILUKU, HI, 96793
68	2360070290000	VAN RITCHIE, KIM TRUST	40 OLOLI PL	WAILUKU, HI, 96793
69	2360070310000	GARCIA, ROBERT KAIPO ETAL	33 OLO PL	WAILUKU, HI, 96793
70	2360070320000	MILLER, NICHOLAS WAYDE ETAL	28 OLO PL	WAILUKU, HI, 96793
71	2360070330000	AWEAU, NORMAN TOBY PAAHANA ETAL	466 MIKIOI PL	KIHEI, HI, 96753
72	2360070340000	MCCLURE, NOELE D	12 OLO PL	WAILUKU, HI, 96793

Change of Zoning Application R2, Residential

TMK LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY GARNER RESIDENCE

Garner Residence TMK: (2) 3-6-007:010

MAP#	TMK	NAME	MAILING ADDRESS	CITY, STATE, ZIP
73	2360070350000	HENRY, JOHN F & GWEN H FAMILY TRUST	4 OLO PL	WAILUKU, HI, 96793
74	2360070450000	RAMOS, KIM ETAL	PO BOX 12966	LAHAINA, HI, 96761
75	2360070470000	KAPLAN, LINDA DARNEL	32 LEHUAPUEO PL	WAILUKU, HI, 96793
76	2360070510000	ANDERSEN, DANE KAMUELA ETAL	22 OLOLI PL	WAILUKU, HI, 96793
77	2360070520000	YOSHIZAWA, HELEN K TRUST	35 LEHUAPUEO PL	WAILUKU, HI, 96793
78	2360079990000	NO MATCH (LOOKS LIKE HONOAPIILANI HWY)	NO TMK LISTED ON RPT WEBSITE	

1.6 Zoning and Flood Confirmation



COUNTY OF MAUI DEPARTMENT OF PLANNING One Main Plaza Building 2200 Main Street, Suite 315 Wailuku, Hawaii 96793



Zoning Administration and Enforcement Division (ZAED) NOV 9 2020 Telephone: (808) 270-7253

Facsimile: (808) 270-7634 COUNTY OF MAUI
E-mail: planning@mauicou@f@agovMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)						
APPLICANT NAME Robyn M. Garner TELEPHONE 8084976						
PROJECT NAME B T2020 1150-1154 Garner Residence E-MAIL robynmgarner	@gmail.com					
PROPERTY ADDRESS 1550 Nukuna Place (Main, A, B, C) TAX MAP KEY 360070	100000					
 Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision April IF YES, answer questions A and B below and comply with instructions 2 & 3 below: A) Yes No Will it be processed under a consistency exemption from Section 18.04.4 IF YES, which exemption? (No. 1, 2, 3, 4 or 5) B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses) 	030(B), MCC?					
Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number. If this will be used with a subdivision application AND the subject property contains multiple dis (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Design Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a license the metes & bounds of the subject parcel and of each district/designation including any subdistrict is this will be used with a subdivision application. AND the subject property contains multiple State submit an approved District Boundary Interpretation from the State Land Use Commission.	nations, or (4) County ed surveyor, showing cts.					
(This section to be completed by ZAED)						
LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: 1	(SMA)					
STATE DISTRICT: Urban Rural Agriculture Conservation	Special Management Area					
MAUI ISLAND Growth Boundary: ² Urban Small Town Rural Planned Growth Area Outside	Growth Boundaries					
PLAN Protected Area: Preservation Park Greenbelt Greenway Sensitive Land	utside Protected Areas					
COMMUNITY PLAN:2 STORE to miles	☐ (<u>PD</u>)					
	Planned					
COUNTY ZONING: Agniculture District	Development					
OTHER/COMMENTS:	(PH) Project District					
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is	☐ See					
designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	Additional					
FLOOD HAZARD AREA ZONES 3	Comments (Pg.2)					
& BASE FLOOD ELEVATIONS:	See					
FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH:	Attached LUD Map					
SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitt	ed uses in common).					
Not Applicable, (Due to processing under consistency exemption No. □1, □]2, 🔲3, 🔲4, 🔲5).					
(Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall	not be subdivided).					
Consistent, (LUDs appear to have ALL permitted uses in common).						
☐ ⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.						
⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Wor	ks (See Pg.2).					
NOTES:	, ,					
1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.						
 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any to development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevation Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement require associated with a unilateral agreement [Section 18.04.030.D, Maui County Code]. 	ype of drainageway; Flood or any type of drainageway as; drainage reserves.					
REVIEWED & SONFIRMED BY: (Cate)						
For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforce	ment Division					

1.7 Metes and Bounds Description

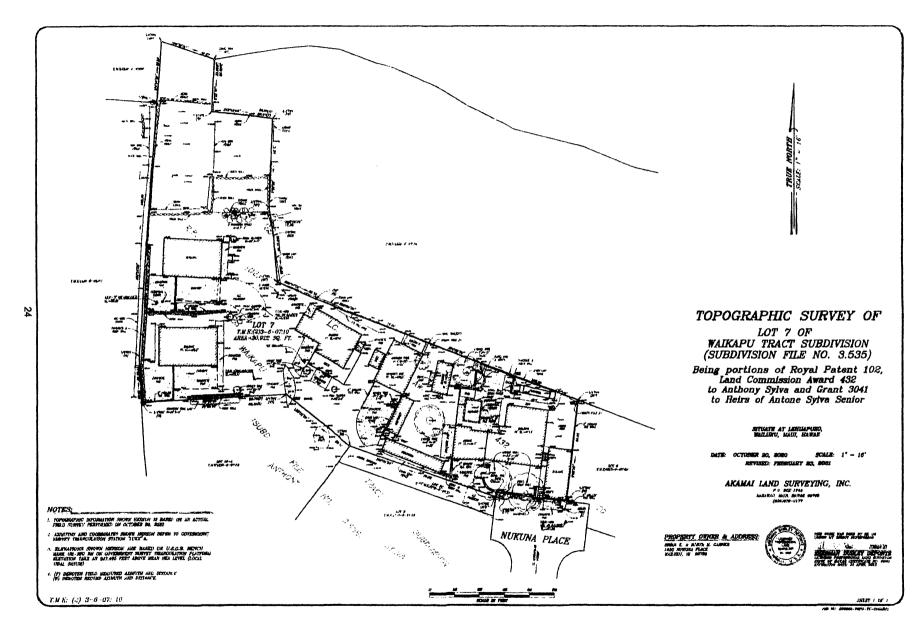


EXHIBIT "A"

All of grantor's right, title and interest in and to that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 102, Land Commission Award Number 432, Apana 1 to A. Sylva) situate, lying and being at Lehuapueo, Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 7-A and thus bounded and described as per survey of Robert T. Tanaka, Registered Professional Land Surveyor, dated June 2, 1969, to-wit:

Beginning at a pipe at the Southwest corner of this lot, being also the Northwest corner of Parcel 13-A of this Subdivision, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,156.81 feet South and 3,150.06 feet West and running by azimuth measured clockwise from true South:

1.	177°	05′	29.65	feet along Grant 1146;
2.	184°	14'	160.90	feet along the same to a "+" cut on a stone;
3.	184°	14′	39.08	feet along the land owned by Tokuichi Sakamoto Estate;
4.	288°	32'	35.67	feet along the same;
5.	2°	58'	33.60	feet along land owned by Kazuo Kamasaki and wife Shimoyo;
6.	2 7 6°	43′	38.65	feet along the same to a pipe;
7.	2°	20′	56.50	feet along the same;
8.	350°	18′	17.85	feet along the same;
9.	355°	37'	29.65	feet along the same;
10.	293°	47′	26.50	feet along the same;
11.	290°	59′	78.50	feet along the same;
12.	290°	39'	102.60	feet along the same;
13.	6°	53′	64.44	feet along Lot 6 of Waikapu Tract Subdivision;
14.	96°	53 ′	45.00	feet along Lehuapueo Road;
15.	6°	53′	2.72	feet along the same;

16.	109°	04'	98.92	feet along Lot 20 of Waikapu Tract Subdivision;
17.	128°	00′	53.00	feet along Parcel 13-A of this Subdivision;
18.	87°	05'	92.41	feet along the same to the point of beginning and containing an area of 30,922 square feet, more or less.

Together with the free use of the twelve (12) feet Right-of-Way, designated as Lot 20 of the Waikapu Tract Subdivision owned by Russel Newton and wife Helen and described as follows:

Beginning at a pipe at the northwest corner of this lot, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE", being 10,184.74 feet south and 3,016.01 feet west and running by azimuth measured clockwise from true South:

1.	289°	04′	98.92	feet along Lot 7-A of this Subdivision;
2.	6°	53'	12.28	feet along Lehuapueo Road;
3.	109°	04′	105.54	feet along Lot 8 of Walkapu Tract Subdivision;
4.	21 7°	36'	12.66	feet along Parcel 13-A of this Subdivision to the point of beginning and containing an area of 1,227 square feet, more or less.

Together with a Right-of-Way designated as Easement "A" upon Lot 13-A of this Subdivision and described as follows:

Beginning at a pipe at the northeast corner of this Easement, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,184.74 feet south and 3,016.01 feet west, and running by azimuth measured clockwise from true South:

1.	37°	36'	12.66	feet along Lot 20 of Waikapu Tract Subdivision;
2.	128°	00'	17.00	feet;
3,	180°	00'	16.06	feet;
4.	308°	00′	26.80	feet along Lot 7-A of this Subdivision to the point of beginning and containing an area of 277 square feet, more or less.

Together with a perpetual non-exclusive easement and right of access for ingress and egress purposes, over and across all of that certain parcel of land, situate at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, known as Lehuapueo Place and Nukuna Place, being LOT 18 of the Waikapu Tract Subdivision, containing an area of 20,809 square feet, and identified on the Tax Map of the Second Taxation Division as Tax Map Key 3-6-07-6, as granted by instrument dated July 29, 1992, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-154221.

Being all of the property conveyed by the following:

Limited Warranty Deed

Grantor Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees

> of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Brian E. Garner and Robyn M. Garner, husband and wife, as Grantee

Tenants by the Entirety

Dated May 18, 2018 Recording Date : May 31, 2018

Recording No. A67250788

SUBJECT, HOWEVER, to the following:

Real property taxes not yet required by law to be paid. 1.

2. Mineral and water rights of any nature in favor of the State of Hawaii

An agreement, upon and subject to all of the provisions contained therein.

By and

Teruo Kamasaki and Evelyn Kamasaki, husband and wife,

and County of Maui, Department of Water Supply Between

Dated October 28, 1985

November 4, 1985 Recording Date : Liber 19054, Page 635. Recording No.

> 4. Lease

Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees Lessor

> of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

: Evelyn N. Kamasaki, widow of Teruo Kamasaki Lessee

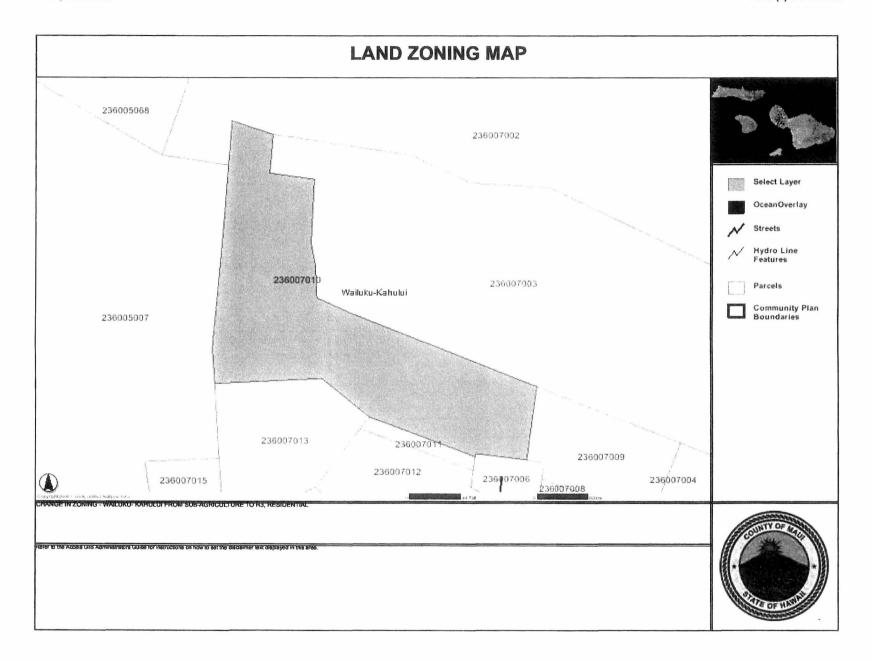
Dated : July 6, 2012 Recording Date : July 24, 2012 Recording No. : A-45881176

Said Lease was amended by Amended Lease dated September 26, 2019, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A72090773.

5. All liens, mortgage, encumbrances, assessments, easements, terms, conditions, covenants, restrictions, reservations, and/or other matters affecting title of the said property presently of record, if any.

END OF EXHIBIT "A" TAX MAP KEY: (2) 3-6-007-010

1.8 Map of Property



1.9 Copy of the Notice of Public Hearing

NOTICE OF PUBLIC HEARING

DAT	E:	11 September 20	21			NOTICE OF	PUBLIC REAKING
For:	Mailin	g To Owners /L	.esse	es and Publication in News	spaper		
				rsigned has applied to the blowing parcel(s):	Wailuku		Planning Commission
a.	Tax	Map Key No:		(2) 3-6-007:010	2) 3-6-007:010 Sq.Ft./Acreage		30922 SF
b.	Stre	et Address:		1550 Nukuna Place, Wailuku, F	lawaii 96793	•	
C.	Lan	d Use Designation			400		
	Cou	inty Zoning	from:	Agriculture			
			to:	Residential R-2			
d.	The A		to res	tore and expand the main dwel	ling and keep	p a temporary stora	ge structure. The purpose of
TOE	BE COM	MPLETED BY TH	HE DE	PARTMENT OF PLANNING	3:		
Pu	blic He	earing Date:				Time:	
		Place:					
		ease find a <i>locat</i> le of Zoning.	tion m	ap identifying the location of	f the specific	c parcel(s) being o	considered in the request
				the authority of Chapter 92, ng Commission rules.	Hawaii Rev	vised Statutes, Tit	le 19 of the Maui County
Plan	ning C	ommission c/o th	ne Co	uest may be submitted in unty of Maui, Department of rson at the time of the public	Planning, 2		
Suite	315,	Wailuku, Maui,	Hawa	cation is available for review iii; telephone (808) 270-773 272-0125, extension 7735.			
		an Garner				808-497-62	219/3781
Sí	gnature	Applicant Applicant Place		- Bria Jass	iil	Telepho	ne
M	ailing A	ddress, No. & St	treet c	or PO Box			
		waii, 96793					
Ci	ity, Stat	e, Zip Code					

1.10 Plans for Proposed Renovation of Main Dwelling

CONSTRUCTION DRAWINGS FOR

GARNER RESIDENCE

1550 NUKUNA PLACE WAILUKU, HI 96793 TMK: (2) 3 - 6- 007:010 LOT AREA 30922 S.F.

NUKUNA

NOTE:

11 S THE CONTRACTORS AND, OR OUTERS RESPONSIBLITY TO NOTE! THE SPECIAL INSPECTOR IN ADVANCE OF BURN THE INSPECTOR'S ARE SEQUIPED, THE CONTRACTORS AND/OR COMES AND VIOLENT BURNEY BURNEY AND REPORTED THE RESPONSE INSPECTOR APPROVED THE MODIFIES APPROVED THE MODIFIES APPROVED THE APPROVED THE MODIFIES APPROVED THE APPROVED THE APPROVED THE APPR

- THE SPECIAL INSPECTOR SHALL
- OBSERVE WORK FOR CONFORMANCE WITH APPROVED DESIGN DRAWINGS AND SPECIFICATIONS.
- 2. FURNISH INSPECTION REPORTS ALL DISCREPANCES SHALL BE DROUGHT TO THE PREED ATE ATTENTION OF THE CONTRACTOR/OWNER FOR CORRECTION 3. SUBST A PHALL SIGNED REPORT.

INSPECTION NOTES:

- LALL MAUL COUNTY COURSE OF CONSTRUCTION INSPECTIONS SHALL BE DONE IN A THELY MANNER. IT IS THE RESPONSIBILITY OF THE OWNER TO CALL FOR THESE INSPECTIONS.
- N ADDITION TO THE COUNTY OF MAUL COURSE OF CONSTRUCTION INSPECTIONS, SHEAR DIAPHRAGM AND LOAD PATH SPECIAL, INSPECTIONS ARE REQUIRED.
- BEFORE CONSTRUCTION BEGINS IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT CIUA, INC. 4 8/08-810-3314 TO VERIFY THE INSPECTIONS REQUIRED FOR THIS PROJECT.
- 4. SAID INSPECTIONS ARE NOT WITHIN THE SCOPE OF THE ARCHITECT'S SERVICES AND SHALL BE PROVIDED BY THE GENERAL CONTRACTOR UNDER A SEPARATE CONTRACT WITH A GUALIFIED INSPECTOR OF HISHING CHOICE.

THE SHED		PECTICAS DURING CONSTRUCTION FOR THE FOLLOWING
ITEM No.	TYPE OF HOSE	
		(HOURE CHLY)
4	CONCRETE CONSTRUCTION	(HOUSE, COTTAGE, STORAGE and POOL)
5,	MASONRY CONSTRUCTION	(SITE WALLS, HOUSE, COTTAGE, STORAGE and POOL)
6	WOOD CONSTRUCTION	(HOUSE, COTTAGE and STORAGE)
14	COMPLETE LOAD PATH and UPLET	TIES (-ICUSE COTTAGE and STORAGE)

GENERAL CONDITIONS

- A THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE COVENANTS AND REGULATIONS OF THE SUBDIVISION AND COMPLY WITH THEM AS THEY RELATE TO HIS
- ALL DETAILS, SECTIONS, AND NOTES SHOUN ON THE DRAWINGS ARE TYPICAL . SHALL APPLY TO SOME AR SITUATIONS ELECUHERE UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS & CONDITIONS AT THE BITE PRIOR TO CONTINUEMENT OF CONSTRUCTION
- 3 ALL OMISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS TO THE WORKING DRAWINGS AND/OR THE SPECIFICATION SHALL BE BROUGHT TO THE ATTENTION OF THE CONSULTANT BEFORE PROCEEDING WITH ANY OF THE WORK
- REQUIREMENTS OF THE 1006 INTERNATIONAL BUILDING CODE IN EFFECT AT THE TIME WITH LOCAL AMENDMENTS.

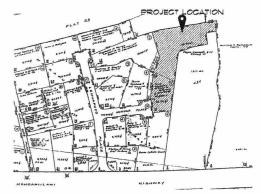
B. SUPPLEMENTARY CONDITIONS

L CONTRACTOR SHALL CONFINE HIS CONSTRUCTION OPERATION . MATERIALS. EQUIPMENT, AND APPLIANCES TO WITHIN THE SUBJECT PROPERTY AND TAKE MEASURE TO PROTECT THE PUBLIC FROM NURT OR

- 2. TEMPORARY TOLLET, WATER AND ELECTRICAL SERVICES: ARRANGE FOR TEMPORARY FACILITIES AND SERVICES AND PAY ALL EXPENSES IN CONNECTION THEREWITH.
- 3. DISCREPANCIES, N THE EVENT OF A DISCREPANCY IN THE DOCUMENTS. PHEDIATELY NOTIFY THE CONSULTANT FOR A DECISION BEFORE PROCEEDING WITH THE WORK WORK CARRIED OUT DISREGARDING THESE INSTRUCTIONS IS SUBJECT TO REMOVAL AND REPLACEMENT AT THE EXPENSE OF THE CONTRACTOR.
- 4. COMPLIANCE WITH GOVERNING LAWS AND REGULATIONS: ALL WORK SHALL BE N CONFORTANCE WITH THE LATEST ADOPTED 2006 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS, THE MAUI COUNTY PLUMPUNG A PLACTRICAL COORS REGULATIONS, AND ALL APPLICABLE ORDINANCE/ REGULATIONS.
- 5. THE OWNER SHALL CREAN ALL APPROVALS FROM ANY CURRENT HOME OUNERS ASSOCIATION IN EFFECT AND INIT RESPONSIBLE TO CONSTRUCT HOME PER THEIR APPROVAL



VERIFY ALL LOT DIMENSIONS FOR IT'S CORRECTNESS PRIOR TO PROCEEDIN IL TH WORK, ALL WORK TOSEMHARDES CURRENT CODES AND MAUI COUNTY













1550 NUKUNA PLACE WAILUKU, HI 96793 TMK 3 - 6 - 07 : 010



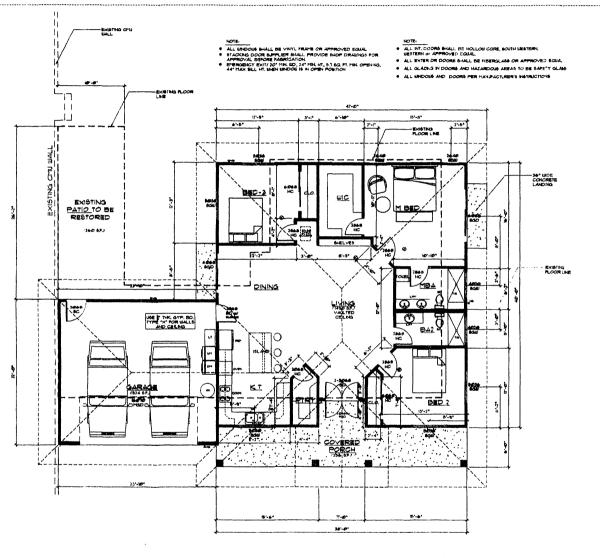


(N)

MAIN

OHAVA-I

OHANA-Z



MAIN DWELLING FLOOR AREA CALCULATIONS

IVNO H99 67. ARPORT 524 6F. ORCH 794 6F. OTAL: 1260 6F.

MAIN DWELLING FLOOR PLAN





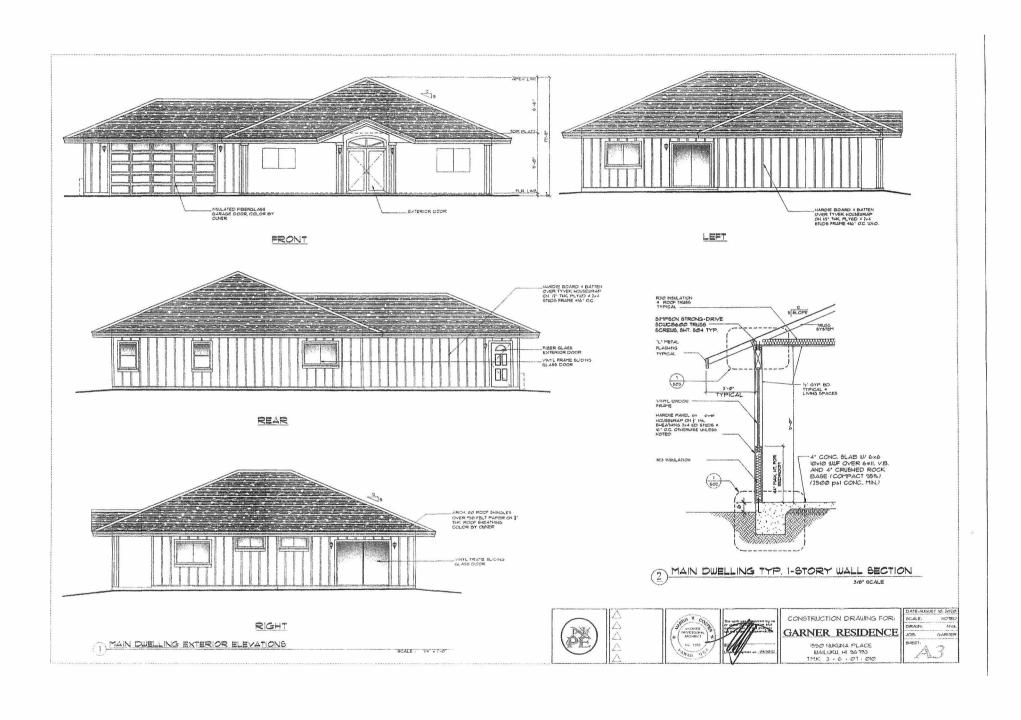


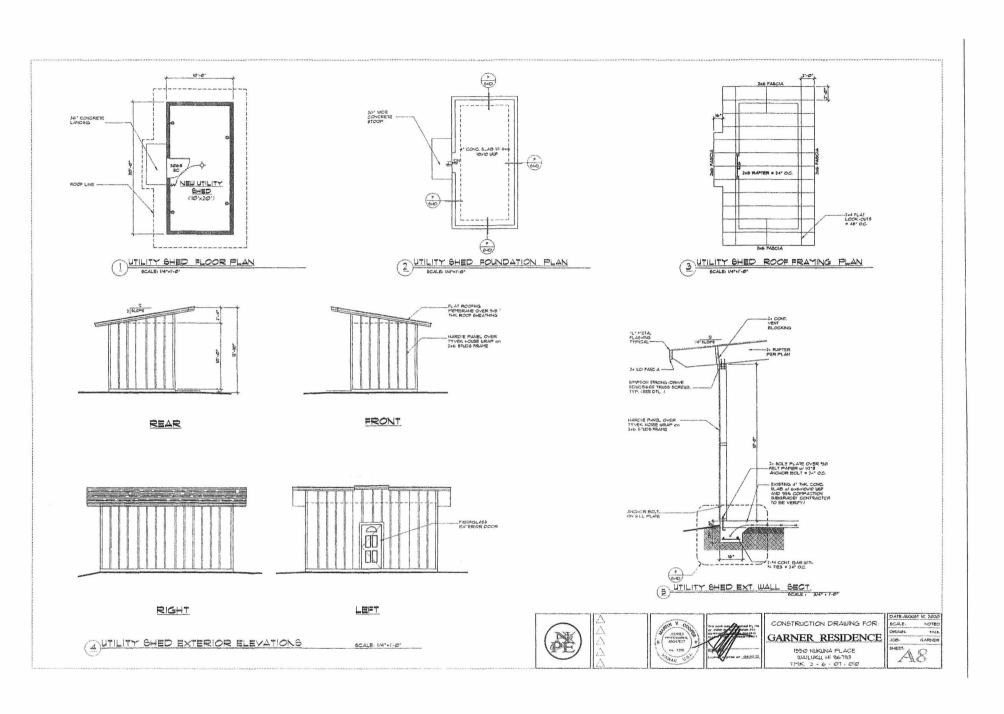


CONSTRUCTION DRAWING FOR

GARNER RESIDENCE

1950 NUKUNA PLACE WAILJKU, HI 96793 TMK 3 - 6 - 07 : 010 DATE ALCHOT IC 1870
SCALE: NOTED
DRAIN NAA
JOB GARGE
BHEET.





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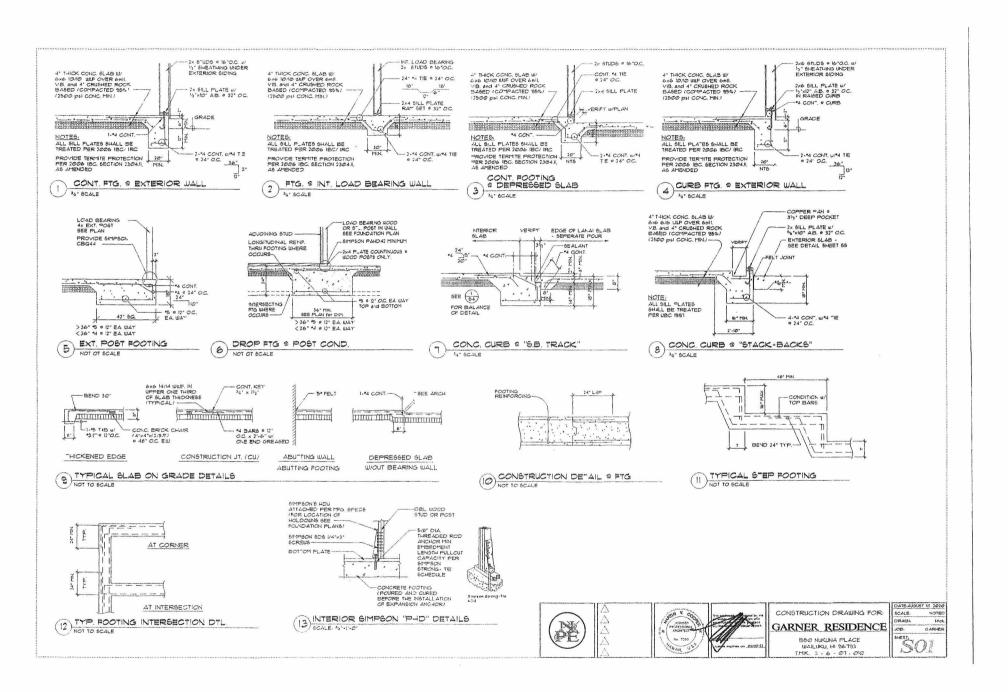
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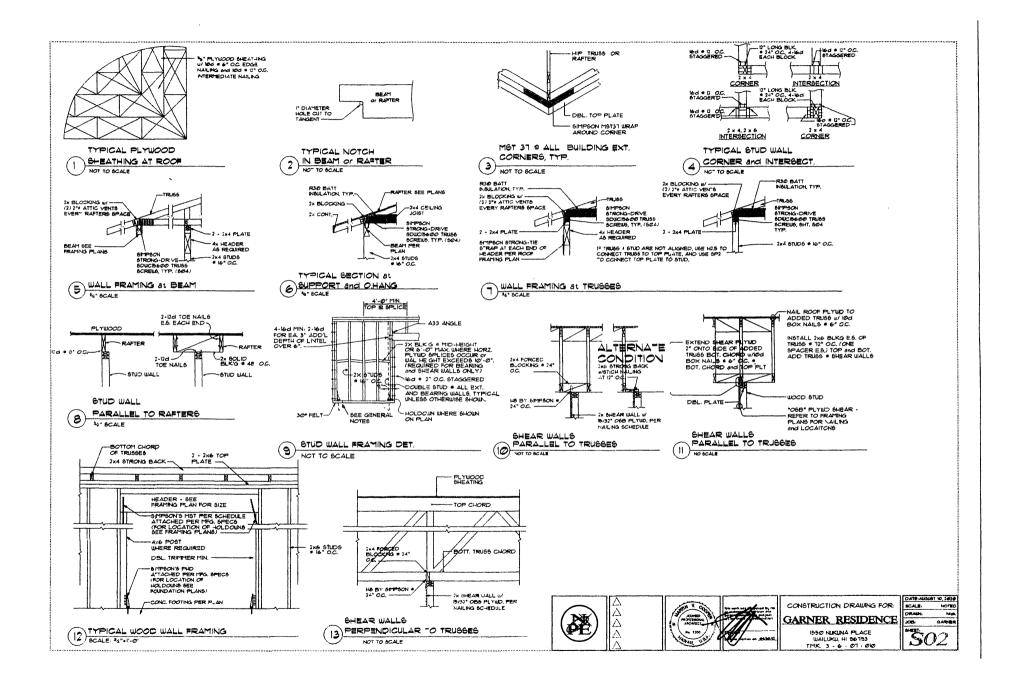
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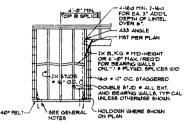




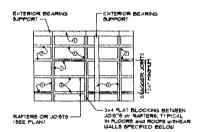








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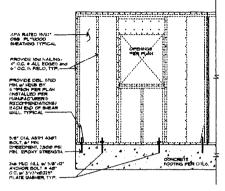
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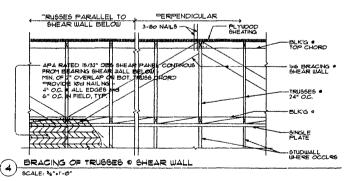
EDGE NAILING AND SHEATH NG REQUIREMENTS (3)

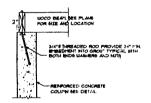
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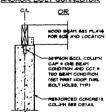
SINGLE STORY SHEAR

WALL DETAILS





ANCHOR BOLT CONNECTOR



SIMPSON CONNECTOR

TYP. CONC. COLUMN 4 BEAMS CONN. DTLS.



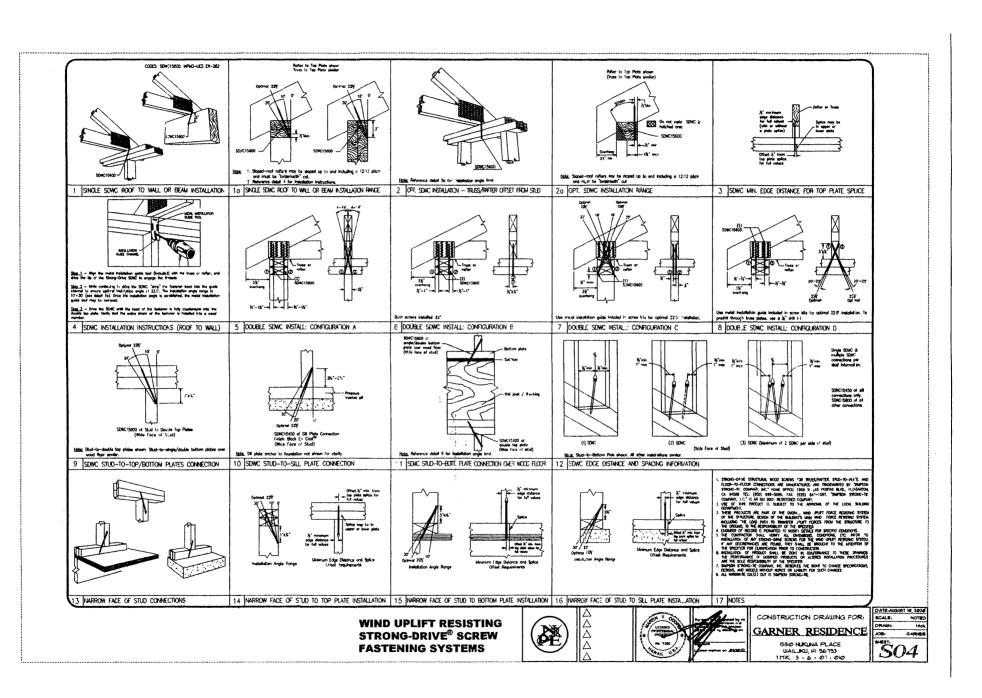






CONSTRUCTION DRAWING FO

GARNER RESIDENCE 1580 NUKUNA PLACE WAILUKU, HI 96793 TMK 3 - 6 - 01 : 010





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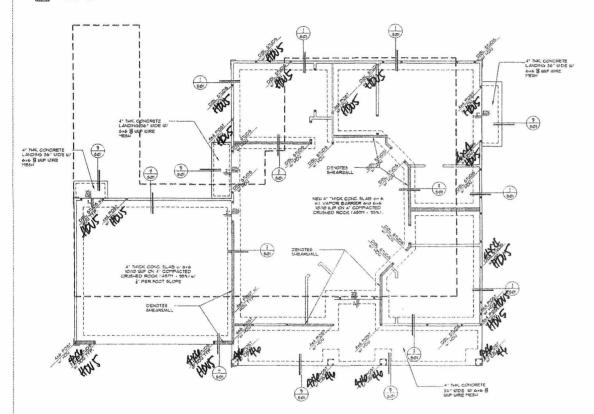
LEGEND

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CITU WALL/ POST

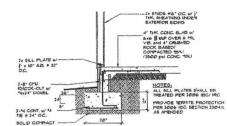








A.B., CBS and HDU TYPICAL INSTALLATION



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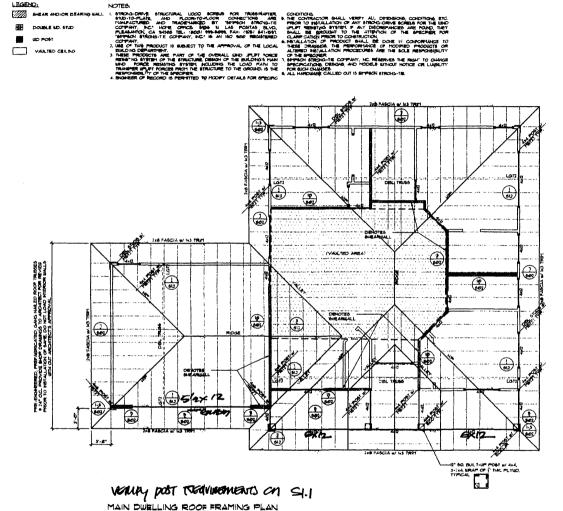


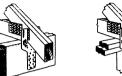
CONSTRUCTION DRAWING FOR:

GARNER RESIDENCE

1550 NUKUNA FLACE WAILJKU, HI 96793 TMK 3 - 16 - 107 : 1010

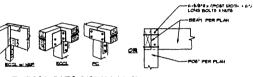
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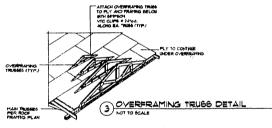




LGTZ INSTALLATION WD. TO WD.



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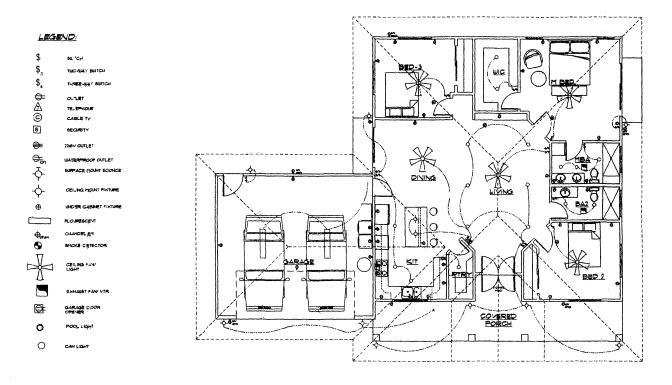
SCALE. GARNER RESIDENCE 1850 NUKUNA PLACE

GARNER **S**1.2 WAILJKU HI 96793 TMK. 3 - 6 - 07 : 010

DATE ANNIET W 1016

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MAIN DWELLING ELECTRICAL FLOOR PLAN

ALBIVA . V.B.









CONSTRUCTION, DRAWING FOR:

GARNER RESIDENCE

1550 NIKLINA PLACE WAILUKU, HI 96193 TMK 3 - 6 - 07 : 010



2. Change of Zoning Application – Project Assessment Requirements

2.1 Project Assessment Requirements Checklist

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

Refer to Chapter 19.510, MCC. Compile the items listed below into a Project Assessment document, which may include elements of the Chapter 343, HRS environmental assessment or impact statement. In the "Location" column list the document and page number where each item is found.

D#	Assessment Content Description	Location
D1	Owner identification and signature or written authorization documents.	Section 1
D2	Owner's name, address, and phone number.	Section 1
D3	Agent's name, address, and phone number, if applicable.	N/A
D4	Tax map key and street address, if available.	Section 1
D5	Locational map identifying the site, adjacent roadways, and landmarks (The purpose of locational map is to give an overview depicting the project site in relation to adjacent landmarks and geographic features. Possible formats include marked-up aerial photographs and the location map described on Page 2, among others.).	
D6	List of owners and lessees of record within 500 feet and the parcel notification map (described on Page 5).	Section 1
D7	Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.	Section 2
D8	Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.	Section 2
D9	Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation /mitigation plan approved by DLNR and OHA.	
D10	Analysis of secondary impacts of the proposed use on surrounding uses.	Section 2
D11	Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DOT) and the Department of Public Works (DPW).	
D12	If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from The Department of Agriculture (DOA) and Natural Resources Conservation Service (NRCS).	
D13	Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and DPW.	Section 2
D14	Sewage disposal analysis, and comments, if applicable, from the Department of Health (DOH), DLNR, Department of Environmental Management (DEM), and DWS.	Section 2
D15	Solid waste disposal analysis and comments, if applicable, from DOH, DLNR, DEM, and DWS.	Section 2

PROJECT ASSESSMENT REQUIREMENTS CHECKLIST

D#	Assessment Content Description	Location
D16	Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc., and comments, if applicable, from DLNR, US Fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).	Section 2
D17	Identification of the existing topographical and drainage patterns and any alterations proposed.	Section 2
D18	Identification and summary of all meetings held between Applicant and any community group.	N/A
D19	Dated photographs of site or structure.	Section 2
D20	Development schedule.	V/A
D21	Schematic site development plans, if applicable, drawn to scale, which identify property lines and easements; location, size, spacing, setback and dimensions of all existing and proposed building, structures, improvements and uses; existing and proposed building elevations, sections, floor plans and site sections; topographic information showing existing features and conditions and proposed grading; existing and proposed landscaping which depicts open spaces, plantings and trees; existing and proposed roadways and accesses to the project and parking layout with dimensions; and shoreline, shoreline setback lines, stream and other setback lines.	
D22	Operations and management of proposed use which may include: number of employees, housing plan, hours of operation, provisions for off-site parking.	Section 2
D23	Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.	Section 2
D24	Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DOH, DLNR, USFWS, and US Environmental Protection Agency (USEPA).	Section 2
D25	Any other information necessary to assess the application.	N/A

2.2 Project Assessment Requirements Report Addressing Planning and Technical Requirements

2.2. PROJECT ASSESSMENT REQUIREMENTS REPORT ADDRESSING PLANNING AND TECHNICAL REQUIREMENTS

INTRODUCTION

The *Project Assessment Requirements Checklist* included in the *Application for Change of Zoning* (CIZ) instructions lists multiple items to be include in the CIZ application. Line items D7-24 provide a list of assessment parameters which relate to land use, environmental, and infrastructural information which are to be analyzed as part of the CIZ application. This report is intended to satisfy the requirements of the, above, listed line items.

PLANNING AND TECHNICAL ANALYSIS

D7. Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.

The proposed CIZ request has been reviewed with respect to the Countywide Policy Plan. The following goal, objective, and policies of the Countywide Policy Plan are directly applicable to and supported by the proposed CIZ action.

PROMOTE SUSTAINABLE LAND USE AND GROWTH MANAGEMENT

Goal

Community character, lifestyles, economics, and natural assets will be preserved by managing growth and using land in a sustainable manner.

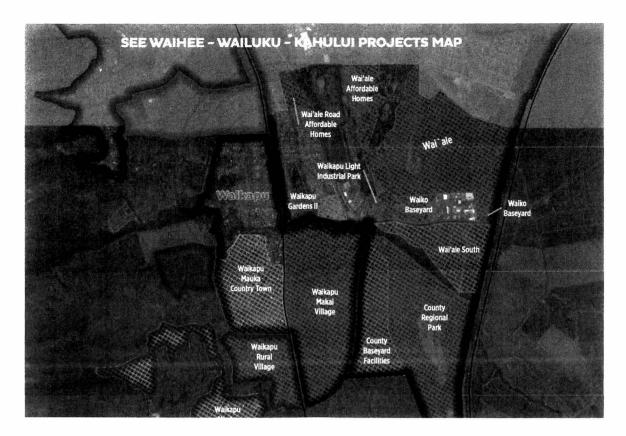
Objective

Improve and increase efficiency in land use planning and management.

Policies

- b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.
- e. Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.

<u>Analysis:</u> The purpose of the CIZ is to establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. By doing so, the land use designations and allowed uses for TMK No. (2)3-6-007:010 will be consistent with each other and remove additional hardship for the Applicant, should they decide to further improve the existing dwellings on the property.



The proposed CIZ request has been reviewed with respect to the Wailuku-Kahului Community Plan. The following goals, objectives, and policies of the Wailuku-Kahului Community Plan are directly applicable to and supported by the proposed CIZ action.

GOVERNMENT

LAND USE

Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

10. All zoning applications and/or proposed land uses and developments shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.

Analysis: As previously mentioned, the CIZ for TMK No. (2)3-6-007:010 will establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. This will action will help streamline future requests for improvements to the existing dwellings on the property, since the land use designations—State, County Zoning, Maui Island Plan, Wailuku-Kahului Community Plan—will be consistent with the existing residential use.



D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.

The parcel involved in the proposed land use request are identified by TMK numbers (2) 3-6-007:010 and owned by Robyn and Brian Garner. The parcel is identified as 1550 Nukuna Place, Wailuku, Hawaii 96793 and is used as a single-family residential property. There are three additional Ohana units which are used as long-term rental properties on the property. The property is designated Urban by the State Land Use Commission and Single-Family Residential by the Wailuku-Kahului Community Plan. Despite these designations and its long-standing use as a single-family residential property, the property is zoned Agricultural by Maui County Zoning. The Agricultural Zoning district has a minimum lot size of two (2) acres. The subject property is less than one (1) acre in size – 30,922 square feet. The property is an existing non-conforming. There are no violations on the property that the owners are aware of. The owners are seeking a R-2, Residential zoning designation to bring consistency with the long-standing use of the property and Community Plan Single-Family designation. The R-2 designation will allow the four (4) existing homes to remain.

D9. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation/mitigation plan approved by DLNR and OHA.

There are no surface archaeological features on the property. Current improvements include three Ohana Units being renovated within their current footprint. Additional improvements will include renovations to the main dwelling but will not require significant excavation in connection with the proposed CIZ request.

D10. Analysis of secondary impacts of the proposed use on surrounding uses.

There will not be any secondary impacts to the property value, surrounding housing, community services and facility needs, secondary jobs and employment, and affordable housing. The property will continue to be used as single-family residential property.

D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DoT) and the Department of Public Works (DPW).

There will not be any impact to traffic. There are no plans to build new housing on the property.

D12. If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from the Department of Agriculture (DoA) and Natural Resources Conservation Services (NRCS).

The property is in an urban, residential area of Wailuku. Therefore, the proposed CIZ request will not impact agricultural uses.

D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and (DPW).

Water demand on the property will not change. Water use will be limited to irrigation of onsite landscaping and normal house-hold usage. No impacts to water system source, transmission of distribution or distribution systems are anticipated with the proposed CIZ request.

D14. Sewage disposal analysis, and comments, if applicable, from the Department of Health (DoH), DLNR, Department of Environmental Management (DEM), and DWS.

There will be no impacts to wastewater collection and treatment services with the proposed CIZ request.

D15. Solid waste disposal analysis and comments, if applicable, from DoH, DLNR, DEM, and DWS.

The property is currently allotted six waste disposal bins, per county ordinance, and has been, consistently using four bins. Since there is no intent to add new housing on the property, there will be no change in solid waste generation characteristics associated with the CIZ request.

D16. Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc. and comments, if applicable, from DLNR, US fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).

There are no environmentally sensitive areas on the project site; the property is located in a residential area in Wailuku. The Waikapu River is within the 500ft radius of the property, but there are no known endangered plants or wildlife, and current residential zoning is located alongside the Waikapu River. Therefore, the proposed CIZ request will not impact any environmentally sensitive areas.

D17. Identification of the existing topographical and drainage patterns and any alterations proposed.

There are no ground disturbing activities associated with the proposed CIZ request. In the future, the existing gravel surfaces of the roadways may be paved. At that time, appropriate storm runoff mitigation measures will be identified and implemented, as applicable.

D18. Identification and summary of all meetings held between Applicant and any community group.

There have been no meetings held between the applicant and any community or residential group. The proposed CIZ does not involve any change in use for the property. The request is intended to establish land use consistency with the existing uses on the property.

D19. Dated photographs of site structure.

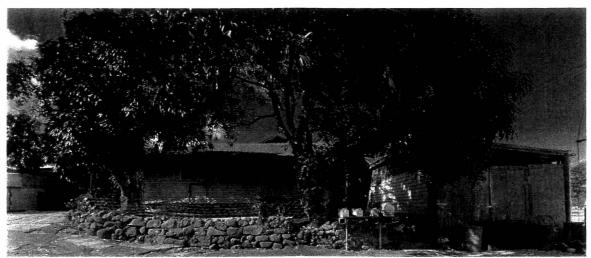


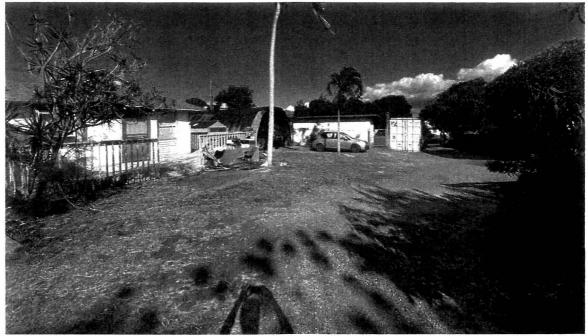
 Photo taken from Nukuna Place facing the main house. Photo taken 12 September 2021.



2. Photo taken at end of private road facing the three Ohana units. Nukuna place is behind the photographer. Photo taken 12 September 2021.



Photo taken at the far end of the property facing the end of the property. The three Ohana units are behind the photographer. Photo taken 12 September 2021.



4. Photo taken from corner of property facing the private road. Ohana Unit B, behind photographer, Ohana Unit A on the left of the picture. Photo taken 12 September 2021.

D22. Operations and management of proposed use which may include: number of employees, housing plan, hours of operations, provisions for off-site parking.

The property is self-managed under the Limited Liability Company, Kamasaki-Garner Properties. There are no employees, as the owners manage the property on their own. There will be no changes in operations or management of the property.

D23. Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.

There are no beaches or mountain access trails in the nearby vicinity of the project site. The property is surrounded by other private properties.

D24. Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and s=comments from DoH, DLNT, USFWS, and US environmental Protection Agency (USEPA).

The property is used as single-family residential property. Chemicals and fertilizers are not used on the property. Neighboring properties and surrounding flora and fauna are not affected by the existing use of the property.

3. Long Range Division-Project Database Form

LONG RANGE DIVISION - PROJECT DATABASE

PROPOSED PROJECT DATA SUMMARY SHEET							
Applicant: Please complete this two (2) sided form. Complete only those items that are appropriate to your application(s). If you have any questions, please contact the Long Range Planning Division at 270-7214 .							
Date: 11 September 2021	Project Name (if applicable): Garner Residence						
Applicant's Name: Robyn & Brian Garner	What permits are you applying for? Building/Renovation Permits						
Property Tax Map Key (TMK) number: (2) 3-6-007:010	Please give us a brief summary of your project, including the existing and proposed uses:						
Contact Phone Number: 808-497-6219	No changes in land use; purpose is for consistency between zoning and existing use of the property.						
E-mail Address: robynmgarner@gmail.com	Developer Name: Property Owner Name: Robyn & Brian Garner						
Residential Projects: Sin	ngle-Family and Multi-Family						
1. How many single family units (i.e., individual detached	d homes) are you building?						
Will accessory dwellings (i.e., ohanas) be permitted	d? If yes, how many?						
2. How many multi-family units (i.e., condo, apartment, o	or townhouse) are you building?						
Are you subdividing your property?	Yes No						
a. If yes, how many <u>buildable</u> lots are you requesting	to create?						
4. How many acres, or square feet, are at the project site	e? 30922 sqft						
5. If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project area? ~1400 sqft							
6. Will this project require land use amendments? Please a. State Land Use District ☐ Yes ☑ No ☐ Not State Boundary	e check √ all that apply and indicate the proposed change						
b. Maui Island Plan ☐ Yes ☑ No ☐ Not Si	Sure from: Small Town to: No Change						
c. Community Plan ☐ Yes ☑ No ☑ Not Si							
d. Zoning Yes No Not Si							
7. Will you be selling any of the units as "affordable" as defined under the Housing and Urban Development guidelines? ☐ Yes ☑ No ☐ Not Sure							
 a. If yes, how many of the units, or percentage of units 	ts, will fall under this category? N/A						
 From the date of filing the application with the Planning long do you estimate the project to reach complete build check √ one (1) box. 							
Industrial/Commercial Projects							
Will this project be used for (please list <u>all</u> that apply by indicating the amount of square footage proposed):							
a. Retail purposes:	N/A						
b. Office space/lease:	N/A						
c. Industrial purposes:	N/A						
	continued on next page						

LONG RANGE DIVISION - PROJECT DATABASE

PROPOSED PROJECT DATA SUMMARY SHEET							
Visitor Accommodations							
Hotels and Timeshares							
· .	Will this project have hotel units? a. If yes, how many hotel units/rooms are proposed?	☐ Yes ☑ No					
2.	Will this project have timeshare units? a. If yes, how many timeshare units/rooms are proposed?	Yes No					
3.	Will there be "lock-off" units (i.e., a unit which can be partitioned to create two separate units)? a. If yes, how many units will have "lock-off units"?	□Yes □No					
Bed and Breakfast (B&B) and Transient Vacation Rentals (TVRs)							
1.	Will (any of) the unit(s) be owner occupied?	Yes No					
2.	How many bedrooms are proposed for rental? one (1) bedrooms two (2) bedrooms three (3) bedrooms entire unit (i.e., condo/house/accessory dwelling)	Yes No					
3.	Will this project be newly constructed?	Yes No					

COUNTY OF MAUL DEPT. OF PLANNING CURRENT DIV RECEIVED

Dr. Robyn M. Garner 1550 Nukuna Pl Wailuku, Hl 96793

23 SEP 11 P1:43

11 September 2023

Ms. Ann T. Cua
Planning Program Administrator
County of Maui
Department of Planning
220 Main Street, Suite 315
Wailuku, HI 96793

Dear Ms. Cua,

On February 28, 2023 the Department of Planning requested revisions to my Change of Zoning application. Please find below, the responses, corrections, and additional information as requested on the Project Assessment Requirements Checklist:

D5. Location map identifying the site, adjacent roadways, and landmarks (The
purpose of locational map is to give an overview depicting the project site in
relation to adjacent landmarks and geographic features. Possible formats include
marked-up aerial photographs and the location map described on Page 2, among
others.).

Response:

As required by the Change in Zoning Application – Requirements Submittals list and as noted on the Project Assessment Requirement Checklist (page 59), the original application has maps in Section 1, specifically in Section 1.4, page 22; Section 1.5, page 25 and 26; Section 1.7, page 35; Section 1.8, page 41; Section 1.10 page 45 which include identification of the site, adjacent roadways, and landmarks. The majority of these maps were pulled from the County of Maui's Real Property website:

https://qpublic.schneidercorp.com/Application.aspx?AppID=1029&LayerID=21689&PageTypeID=1&PageID=9248&Q=387067531&KeyValue=360070100000See Attachment A for an additional map.

2. D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.

Response:

The parcel involved in the proposed land use request are identified by TMK numbers (2) 3-6-007:010 and owned by Robyn and Brian Garner. The parcel is

identified as 1550 Nukuna Place, Wailuku, Hawaii 96793 and is used as a singlefamily residential property. Three additional Ohana units are used as long-term rental properties on the property. The property is designated Urban by the State Land Use Commission and Single-Family Residential by the Wailuku-Kahului Community Plan. Despite these designations and its long-standing use as a single-family residential property, the property is zoned Agricultural by Maui County Zoning. The Agricultural Zoning district has a minimum plot size of (2) acres. The subject property is less than one (1) acre in size – 30,922 square feet. The property is existing and non-conforming to current ordinances since the structures were built in the 1920s, 1950s, and 1970s when set-back requirements were different or not required. There are no cited violations on the property that the owners are aware of since the homes were built prior to the county's permitting laws or when ordinance requirements were less detailed. The owners are seeking a R-2 Residential zoning designation to bring consistency with the long-standing use of the property and Community Plan Single-Family designation. The R-2 designation will allow the four (4) existing homes to remain, the main house to be renovated and add 400-sq.ft., and the temporary storage shed to stay in its current location. The subject property is 30,922 sq. ft. and R-2 zoning requires a minimum lot area of 7,500 sq.ft. per dwelling, for a maximum of 4 main dwellings and 8 additional units on the property.

See Attachment B for a modified site plan. Per the Code of the County of Maui, Hawaii, A Codification of the General Ordinances of the County of Maui, Hawaii the oldest, found recorded date requiring building permitting started in 1980. Therefore, none of the homes on the property will have permits for the structures to prove that they are non-conforming. Per the County of Maui's Real Property website, the only recorded permits are for the current (2022) and ongoing renovations to three of the homes. The current, existing structures are non-conforming because they do not adhere to current set-back requirements for structures on agricultural land, such as the structure built right to the property line with no setback.

3. D9. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation/mitigation plan approved by DLNR and OHA.

Response:

There are no surface archaeological features on the property. Current improvements include three Ohana Units being renovated within their current footprint. Additional improvements will include renovations to the main dwelling. Page 54 (Attachment C) of the submitted application depicts the difference between the current house plan and the future house plan. The additional 400 sqft is being

added to areas of the plot where the ground has already been disturbed by existing driveways and pavements. Therefore, the renovations to the main dwelling will require minimal excavation, if any, in connection with the proposed CIZ request. The applicant understands that as part of the CIZ review process, the Department of Planning may request review but the State Historic Preservation Division (SHPD). The Applicant will comply with review and mitigation requirements outlined by SHPD pursuant to the Chapter 6E, HRS process.

4. D10. Analysis of secondary impacts of the proposed use on surrounding uses

Response:

There will not be any secondary impacts to the property value, surrounding housing, community services and facility needs, secondary jobs and employment, and affordable housing. The property will continue to be used as a single-family residential property. The Code of the County of Maui, Hawaii, A Codification of the General Ordinances of the County of Maui, Hawaii 19.35.050 provides that up to two accessory dwelling units (ADUs) may be developed on lots that are 7.500 sq. ft. or greater. It is noted that the Applicant does not have plans to develop additional homes or ADUs on the property and is simply seeking this rezoning to bring the long-standing residential uses on the land into conformance with zoning requirements. However, it is noted that if the property is rezoned, up to two ADUs could be added to the lot. Further, while the Applicant has no plans to do so if the 30,922 square foot parcel were subdivided into four separate lots, zoning would allow for one single-family home on each lot and two ADUs on each lot. Based on the foregoing, the subject property could support up to four single-family homes and eight ADUs. Any future development of additional homes would require the provision of necessary infrastructure improvement, including potable water service and wastewater infrastructure, either by individual wastewater system or potential connection to the County wastewater system. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available now as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four single-family units and eight ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2. The property is situated amongst an existing residential community and any future residential development would be infill development that would be consistent with surrounding uses and not present secondary impacts to surrounding uses.

5. D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DoT) and the Department of Public Works (DPW).

Response:

There will not be any impact to traffic. There are no plans to build new housing on the property. As noted above, while the Applicant does not have plans to develop additional dwelling units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the long-standing residential uses on the property to continue and does not propose additional units, a traffic engineer was not retained to conduct a traffic assessment. However, it is the Applicant's opinion that the hypothetical addition of up to eight units on the property would not present significant traffic impacts.

6. D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and (DPW).

Response:

Water demand on the property will not change. Water use will be limited to irrigation of onsite landscaping and normal house-hold usage. No impacts to water system source, transmission of distribution or distribution systems are anticipated with the proposed CIZ request. As noted above, while the Applicant does not have plans to develop additional units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the long-standing residential uses on the property to continue and does not propose additional units, a civil engineer was not retained to conduct a water source, supply and distribution analysis. Any future development of additional homes would require provision of necessary infrastructure improvements, including potable water service. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available at the moment as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four (4) single-family units and eight (8) ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2.

7. D14. Sewage disposal analysis, and comments, if applicable, from the Department of Health (DoH), DLNR, Department of Environmental Management (DEM), and DWS.

Response:

There will be no impacts to wastewater collection and treatment services with the proposed CIZ requests as the county does not have sewage services to the property.

Each home has its own separate cesspool located to the side of each house. As noted above, while the Applicant does not have plans to develop additional units on the property, the R-2 zoning would have a maximum development potential of up to four single-family homes and up to eight ADUs if the property were subdivided into four lots. This would represent up to eight additional units on the site compared to what is presently existing. Inasmuch as the Applicant is seeking this rezoning to allow the longstanding residential uses on the property to continue and does not propose additional units, a civil engineer was not retained to conduct a sewage disposal analysis. Any future development of additional homes would require provision of necessary infrastructure improvements, including wastewater infrastructure, either by individual wastewater system or potential connection to the County wastewater system. The details of such infrastructure connection would be developed in conjunction with plans for additional homes and are not available at the moment as the Applicant does not intend to develop additional units. If the property were developed to the maximum density allowed by zoning, with four single-family units and eight ADUs, such development would be deemed consistent with the surrounding residential community, including the adjacent property to the north, which is also zoned R-2.

8. D15. Solid waste disposal analysis and comments, if applicable, from DoH, DLNR, DEM, and DWS.

Response:

The property is currently allotted six waste disposal bins, per county ordinance, and has been, consistently using four bins. As previously noted, the Applicant does not have plans to add additional residential units to the property. However, the R2 zoning would allow the addition of up to eight ADUs if the property were to be subdivided. Future residential units, if developed, would secure solid waste disposal services from the County. The addition of up to eight residential units would not present a significant impact to the County's solid waste disposal services or capacity.

9. D17. Identification of the existing topographical and drainage patterns and any alterations proposed.

Response:

There will be no change in existing draining patterns on the site. The drainage pattern currently flows downhill from the property. In the future, the existing gravel surfaces of the roadways may be paved. At that time, appropriate storm runoff mitigation measures will be identified and implemented, as applicable. See Attachment D for drainage patterns on the site.

10. D19. Dated photographs of site structure.

Response:

See Attachment E.

11. D20. Development schedule.

Response:

The proposed improvements to the residential structure on the property will proceed upon receipt of necessary County permits and approvals. The Applicant has no plans for subdivision of the property or development of additional ADUs or other structures.

12. D21. Schematic site development plans, if applicable, drawn to scale, which identify property lines and easements; location, size, spacing, setback and dimensions of all existing and proposed building, structures, improvements and uses; existing and proposed building elevations, sections, floor plans and site sections; topographic information showing existing features and conditions and proposed grading; existing and proposed landscaping which depicts open spaces, plantings and trees; existing and proposed roadways and accesses to the project and parking layout with dimensions; and shoreline, stream and other setback lines.

Response:

The original submission included a topographic survey on page 35 (also included in this response as Attachment B) and two hard copies of the construction drawings (site plan) on page 45, in addition to the CD (also included in this response as Attachment F). The County of Maui Planning Division also has 24"x36" hard copies of the construction drawings on page 45 as they were part of the permitting requirements for the current renovation projects that were approved in 2022. Easements, setbacks, square footage, usage, parking layout, and demolition are all included between both the topographic survey and construction drawings.

Please let me know if you need digital copies of this response.

Thank you for your continued support and consideration.

Sincerely,

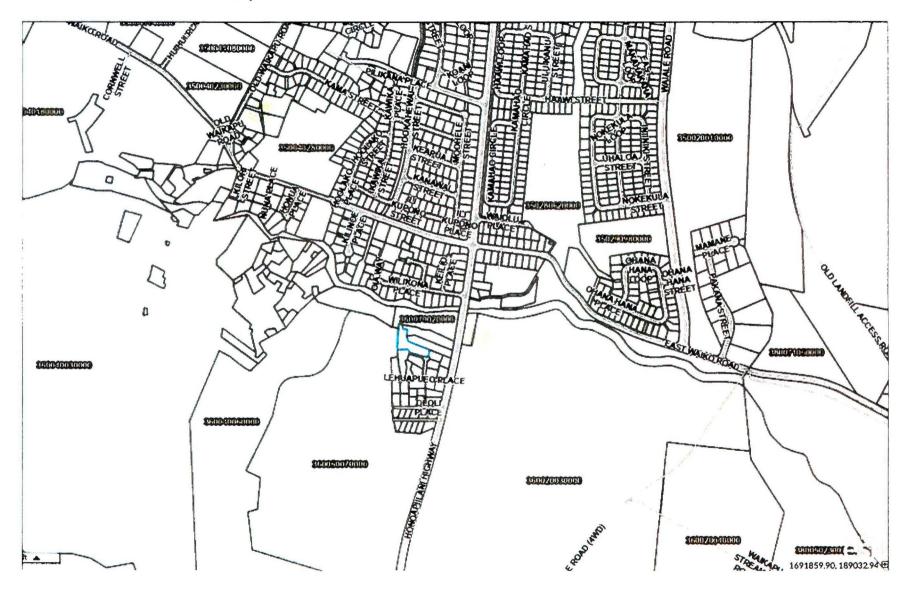
Dr. Robyn M. Garner

Owner | Kamasaki-Garner Properties, LLC

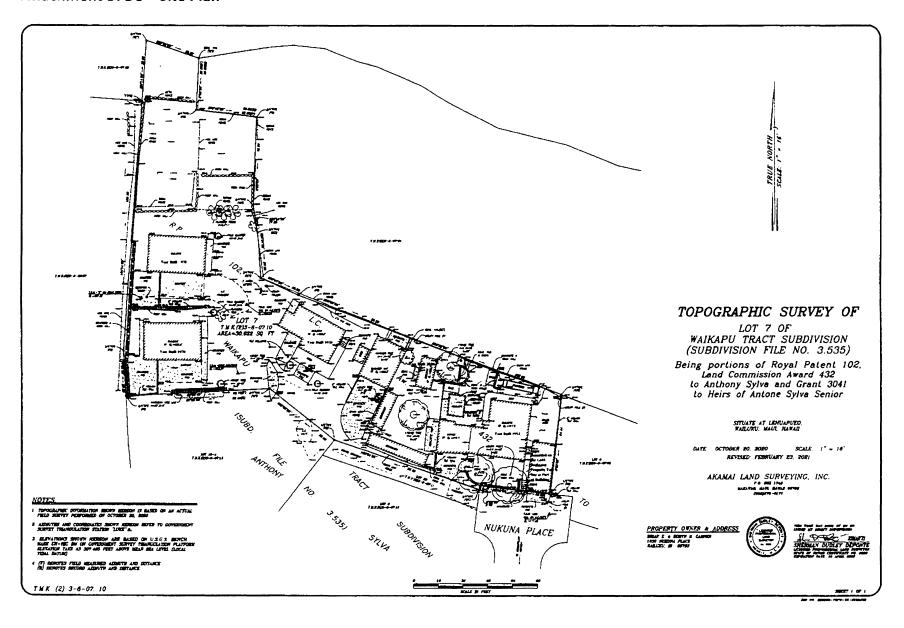
robynmgarner@gmail.com

(808) 497-6219

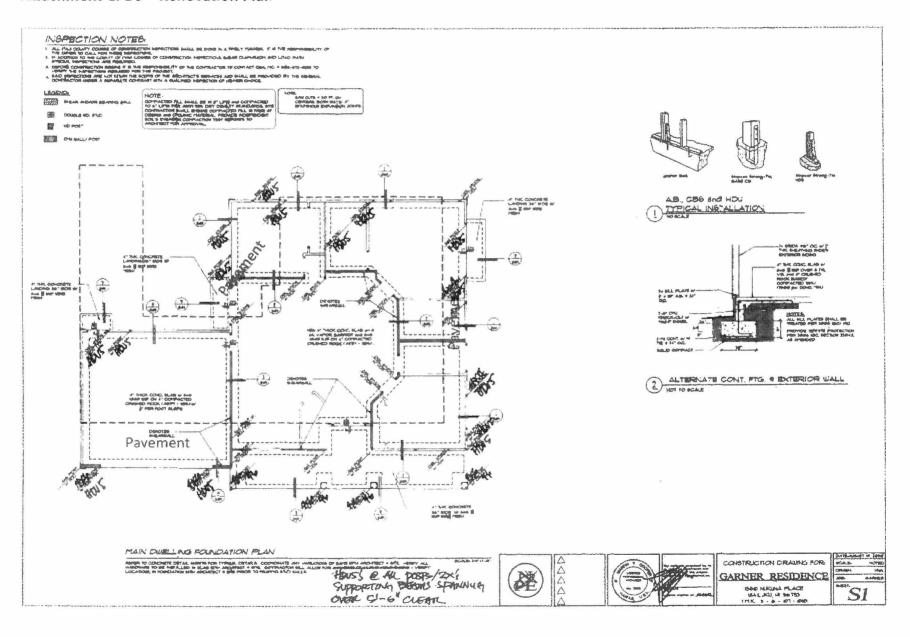
Attachment A: D5 - Location Map



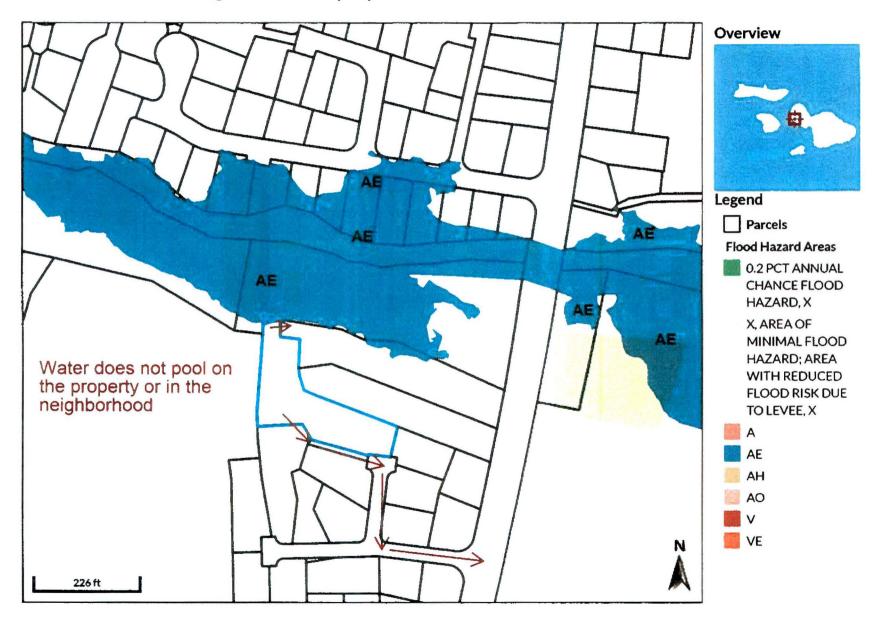
Attachment B: D8 - Site Plan



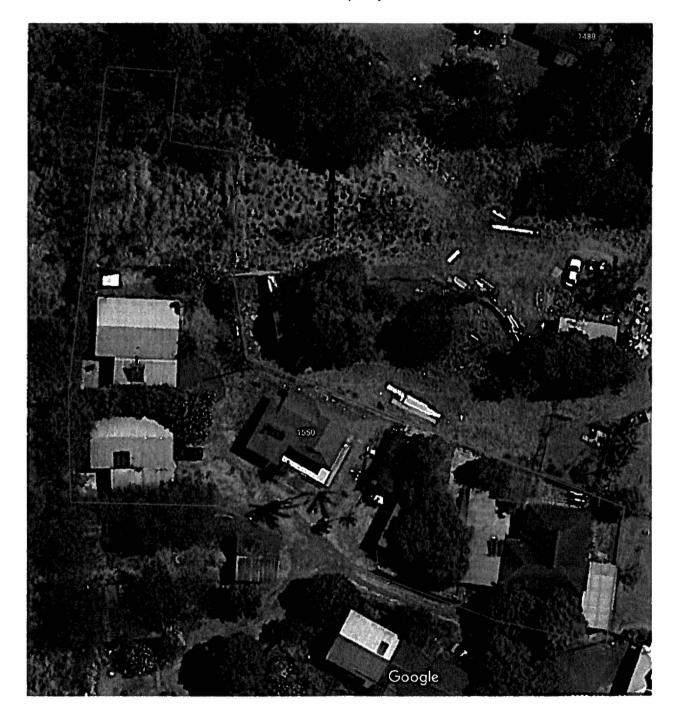
Attachment C: D9 - Renovation Plan



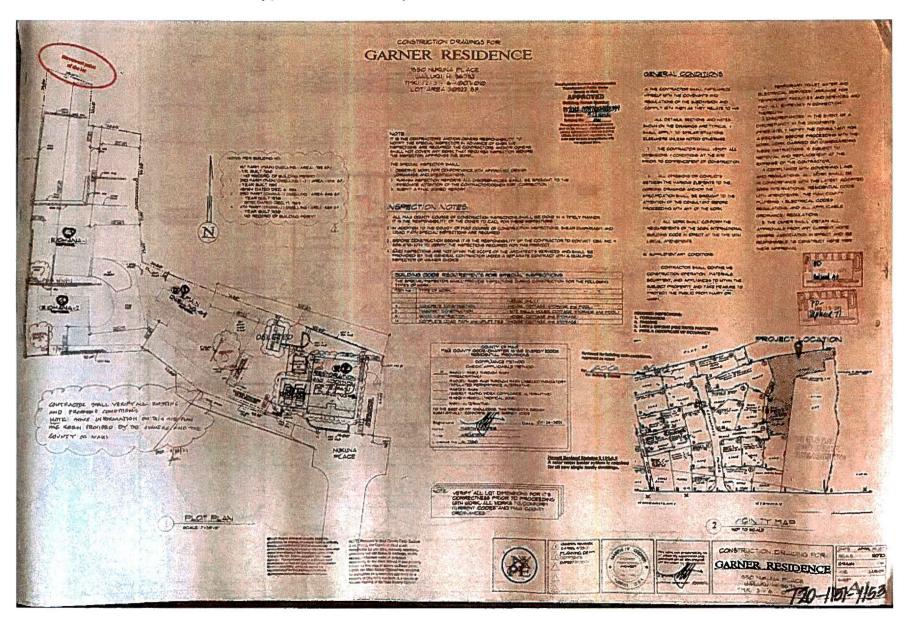
Attachment D: D17 - Drainage Pattern on Property



Attachment E: D19 -- Additional Photo of the Property



Attachment F: D21 - Marked and Approved Site Development Plans



2.2. PROJECT ASSESSMENT REQUIREMENTS REPORT ADDRESSING PLANNING AND TECHNICAL REQUIREMENTS

INTRODUCTION

The *Project Assessment Requirements Checklist* included in the *Application for Change of Zoning* (CIZ) instructions lists multiple items to be include in the CIZ application. Line items D7-24 provide a list of assessment parameters which relate to land use, environmental, and infrastructural information which are to be analyzed as part of the CIZ application. This report is intended to satisfy the requirements of the, above, listed line items.

PLANNING AND TECHNICAL ANALYSIS

D7. Analysis of ways in which application conforms to policies and objectives of General Plan, Community Plan and applicable district.

The proposed CIZ request has been reviewed with respect to the Countywide Policy Plan. The following goal, objective, and policies of the Countywide Policy Plan are directly applicable to and supported by the proposed CIZ action.

PROMOTE SUSTAINABLE LAND USE AND GROWTH MANAGEMENT

Goal

Community character, lifestyles, economics, and natural assets will be preserved by managing growth and using land in a sustainable manner.

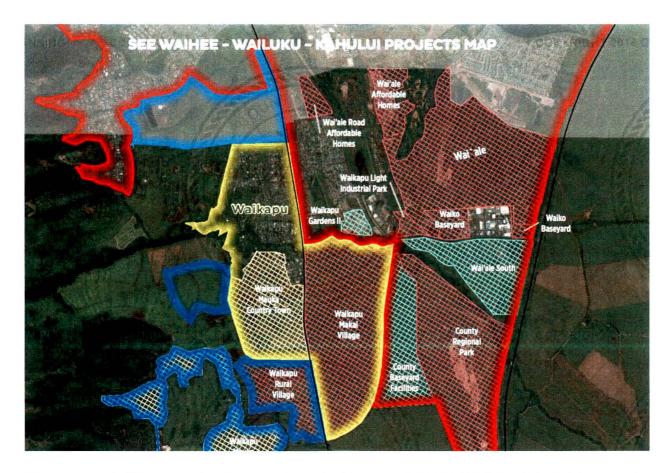
Objective

Improve and increase efficiency in land use planning and management.

Policies

- b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.
- e. Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.

<u>Analysis:</u> The purpose of the CIZ is to establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property to renovate the main house and keep the storage shed beyond what is currently permitted for the existing non-conforming structure. By doing so, the land use designations and allowed uses for TMK No. (2)3-6-007:010 will be consistent with each other and remove additional hardship for the Applicant, should they decide to further improve the existing dwellings on the property.



The proposed CIZ request has been reviewed with respect to the Wailuku-Kahului Community Plan. The following goals, objectives, and policies of the Wailuku-Kahului Community Plan are directly applicable to and supported by the proposed CIZ action.

GOVERNMENT

LAND USE

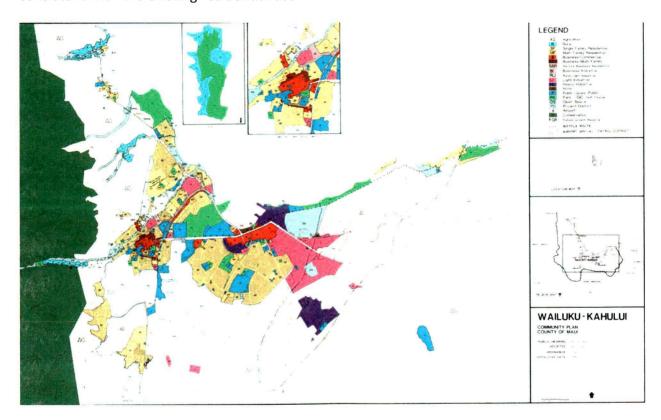
Goal

An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the social and economic well-being of residents and the preservation and enhancement of the region's environmental resources and traditional towns and villages.

Objectives and Policies

10. All zoning applications and/or proposed land uses and developments shall conform with the planned use designations, as specified in the adopted Community Plan Land Use Map, and be consistent with the Community Plan policies.

Analysis: As previously mentioned, the CIZ for TMK No. (2)3-6-007:010 will establish consistency between the property's zoning designation and the current Community Plan designations and existing uses on the property. This will action will help streamline future requests for improvements to the existing dwellings on the property, since the land use designations—State, County Zoning, Maui Island Plan, Wailuku-Kahului Community Plan—will be consistent with the existing residential use.



D8. Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.

The parcel involved in the proposed land use request are identified by TMK numbers (2) 3-6-007:010 and owned by Robyn and Brian Garner. The parcel is identified as 1550 Nukuna Place, Wailuku, Hawaii 96793 and is used as a single-family residential property. There are three additional Ohana units which are used as long-term rental properties on the property. The property is designated Urban by the State Land Use Commission and Single-Family Residential by the Wailuku-Kahului Community Plan. Despite these designations and its long-standing use as a single-family residential property, the property is zoned Agricultural by Maui County Zoning. The Agricultural Zoning district has a minimum lot size of two (2) acres. The subject property is less than one (1) acre in size – 30,922 square feet. The property is an existing non-conforming to current ordinances since the structures were built in the 1920s, 1950s, and 1970s when set-back requirements were different or not required. There are no cited violations on the property that the owners are aware of since the homes were built

prior to the county's permitting laws or when ordinance requirements were less detailed. The owners are seeking a R-2, Residential zoning designation to bring consistency with the long-standing use of the property and Community Plan Single-Family designation. The R-2 designation will allow the four (4) existing homes to remain, the main house to be renovated an added 400sqft, and the temporary storage shed to stay in its current location. The R-2 zoning designation would not allow for additional homes on the property to be added beyond what is existing. The subject property is 30,922 sq. ft. and R-2 zoning requires a minimum lot area of 7,500 per dwelling, for a maximum of four (4) dwellings on the property.

D9. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and Office of Hawaiian Affairs (OHA). If applicable, a preservation/mitigation plan approved by DLNR and OHA.

There are no surface archaeological features on the property. Current improvements include three Ohana Units being renovated within their current footprint. Additional improvements will include renovations to the main dwelling but will not require significant excavation in connection with the proposed CIZ request.

D10. Analysis of secondary impacts of the proposed use on surrounding uses.

There will not be any secondary impacts to the property value, surrounding housing, community services and facility needs, secondary jobs and employment, and affordable housing. The property will continue to be used as single-family residential property; no additional homes can be built on the property under R-2 residential zoning.

D11. Traffic impact analysis and, if applicable, a traffic master plan with comments from the Department of Transportation (DoT) and the Department of Public Works (DPW).

There will not be any impact to traffic. There are no plans to build new housing on the property. R-2 residential zoning will only permit a total off 4 houses on the property.

D12. If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from the Department of Agriculture (DoA) and Natural Resources Conservation Services (NRCS).

The property is in an urban, residential area of Wailuku. Therefore, the proposed CIZ request will not impact agricultural uses.

D13. Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, Department of Water Supply (DWS), and (DPW).

Water demand on the property will not change. Water use will be limited to irrigation of onsite landscaping and normal house-hold usage. No impacts to water system source,

transmission of distribution or distribution systems are anticipated with the proposed CIZ request.

D14. Sewage disposal analysis, and comments, if applicable, from the Department of Health (DoH), DLNR, Department of Environmental Management (DEM), and DWS.

There will be no impacts to wastewater collection and treatment services with the proposed CIZ request as the county does not have sewage services to the property.

D15. Solid waste disposal analysis and comments, if applicable, from DoH, DLNR, DEM, and DWS.

The property is currently allotted six waste disposal bins, per county ordinance, and has been, consistently using four bins. Since there is no intent to add new housing on the property, there will be no change in solid waste generation characteristics associated with the CIZ request.

D16. Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc. and comments, if applicable, from DLNR, US fish and Wildlife Service (USFWS), and US Army Core of Engineers (USACE).

There are no environmentally sensitive areas on the project site; the property is located in a residential area in Wailuku. The Waikapu River is within the 500ft radius of the property, but there are no known endangered plants or wildlife, and current residential zoning is located alongside the Waikapu River. Therefore, the proposed CIZ request will not impact any environmentally sensitive areas.

D17. Identification of the existing topographical and drainage patterns and any alterations proposed.

There are no ground disturbing activities associated with the proposed CIZ request. In the future, the existing gravel surfaces of the roadways may be paved. At that time, appropriate storm runoff mitigation measures will be identified and implemented, as applicable.

D18. Identification and summary of all meetings held between Applicant and any community group.

There have been no meetings held between the applicant and any community or residential group. The community within a 500 ft radius has been notified that the change in zoning application was submitted in October 2021; the applicant has not received any requests for meetings or concerns as of 21 February 2022. The proposed CIZ does not involve any change in use for the property. The request is intended to establish land use consistency with the existing uses on the property.

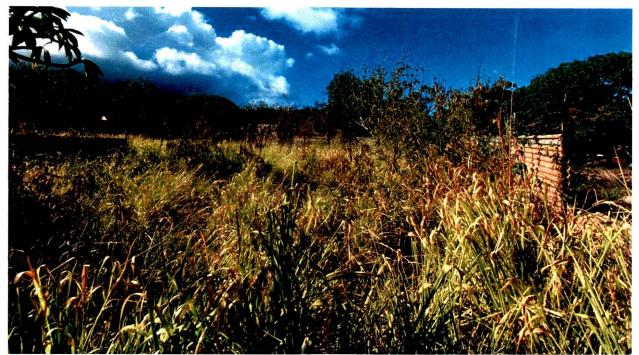
D19. Dated photographs of site structure.



 Photo taken from Nukuna Place facing the main house. Photo taken 12 September 2021.



2. Photo taken at end of private road facing the three Ohana units. Nukuna place is behind the photographer. Photo taken 12 September 2021.



3. Photo taken at the far end of the property facing the end of the property. The three Ohana units are behind the photographer. Photo taken 12 September 2021.



4. Photo taken from corner of property facing the private road. Ohana Unit B, behind photographer, Ohana Unit A on the left of the picture. Photo taken 12 September 2021.

D22. Operations and management of proposed use which may include: number of employees, housing plan, hours of operations, provisions for off-site parking.

The property is self-managed under the Limited Liability Company, Kamasaki-Garner Properties. There are no employees, as the owners manage the property on their own. There will be no changes in operations or management of the property.

D23. Identification of traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.

There are no beaches or mountain access trails in the nearby vicinity of the project site. The property is surrounded by other private properties.

D24. Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DoH, DLNT, USFWS, and US environmental Protection Agency (USEPA).

The property is used as single-family residential property. Chemicals and fertilizers are not used on the property. Neighboring properties and surrounding flora and fauna are not affected by the existing use of the property.