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Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
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Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Sandy K. Baz

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

OFFICE OF THE COUNTY CLERK
County of Maui

AUG 30 2017 10:04am *dm*

August 29, 2017

Mr. Danny A. Mateo, County Clerk
Office of the County Clerk
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Mateo:

SUBJECT: STATE LAND USE DISTRICT BOUNDARY CLASSIFICATION, CHANGE IN ZONING AND COMMUNITY PLAN AMENDMENT FOR THE HUI NOEAU VISUAL ARTS CENTER (PAF 17-179)

May I request that the attached proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS AMENDING THE STATE LAND USE DISTRICT CLASSIFICATION, CHANGE IN ZONING, AND AMENDING THE PAIA-HAIKU COMMUNITY PLAN DESIGNATION FOR THE HUI NO'EAU VISUAL ARTS CENTER FOR PROPERTY SITUATED AT 2841 BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike White".

MIKE WHITE
Council Chair

paf:grs:17-179f

Attachments

cc: Rob Cole, Planner, Hawaii Land Use Group

COUNTY COMMUNICATION NO. 17-363

Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS AMENDING THE STATE LAND USE DISTRICT CLASSIFICATION, CHANGE IN ZONING, AND AMENDING THE PAIA-HAIKU COMMUNITY PLAN DESIGNATION FOR THE HUI NO`EAU VISUAL ARTS CENTER FOR PROPERTY SITUATED AT 2841 BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

WHEREAS, the Council is considering a change in the boundary of the State Land Use District from Agricultural to Rural and a change in the County zoning districts from Interim and Agricultural District to Public/Quasi-Public for property containing an area of 14.775 acres, more or less, situated at Makawao, Maui, Hawaii and identified for real property tax purposes as tax map keys (2) 2-4-002:011 and (2) 2-4-002:006 (por.), hereinafter the "property"; and

WHEREAS, the Council is considering the amendment of the Paia-Haiku Community Plan designation from Agricultural to Public/Quasi-Public for a portion of the property containing an area of 4.306 acres, more or less, situated at Makawao, Maui, Hawaii identified for real property tax purposes as tax map key (2) 2-4-002:006 (por.); and

WHEREAS, the property is the location of the nonprofit Hui No`eau Visual Arts Center (the "Hui") in Makawao, also known as the Kaluanui Estate, 2841 Baldwin Avenue, Makawao, Hawaii; and

WHEREAS, the current land use designations of the property do not allow the actual, longstanding use of the property as an arts and educational center without a Special Permit, which is both extremely costly and time-consuming for the Hui; and

WHEREAS, complying with land use and zoning requirements are not only costly to the Hui, but also may jeopardize funding from grants if the permits are not obtained in a timely manner; and

Resolution No. _____

WHEREAS, the Council, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended (“Charter”), may propose amendments to land use ordinances and revisions to the General Plan including community plans; and

WHEREAS, pursuant to the Charter, proposed land use ordinances initiated by the Council are required to be referred by resolution to the appropriate planning commission for review; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

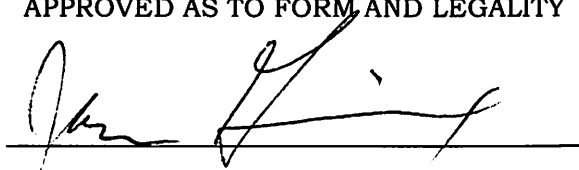
1. That it hereby refers a proposed bill, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.),” a copy of which is attached hereto as Exhibit “1” and made part hereof, to the Maui Planning Commission for appropriate action pursuant to Section 8-8.4 and 8.8-6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it hereby refers a proposed bill, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.),” a copy of which is attached hereto as Exhibit “2” and made part hereof, to the Maui Planning Commission for appropriate action pursuant to Section 8-8.4 and 8.8-6 of the Revised Charter of the County of Maui (1983), as amended; and
3. That it hereby refers a proposed bill, entitled “A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:006 (POR.),” a copy of which is attached hereto as Exhibit “3” and made part hereof, to the Maui Planning Commission for appropriate action pursuant to Section 8-8.4 and 8.8-6 of the

Resolution No. _____

Revised Charter of the County of Maui (1983), as amended;
and

4. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendation to the Council as expeditiously as possible; and
5. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Maui Planning Commission, and Rob Cole, Planner, Hawaii Land Use Group.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui

paf:grs:17-179d

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Rural for that certain real property situated at Makawao, Maui, Hawaii identified for real property tax purposes as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006 comprising of 14.775 acres, more or less, and more particularly described in "Exhibit A", attached hereto and made part hereof, and on District Boundary Amendment Map No. DB-____, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part thereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:grs:17-179a

EXHIBIT 1

LAND DESCRIPTION

Tax Map Key (2) 2-4-002:006(Portion) and 011

Land situated between Baldwin Avenue and Kaluanui Road at Haliimaile, Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii.

Being portion of Lot 1 of Maui Pineapple Co., Ltd Lease, L.U.C.A. File No. 2.393 and all of Lot 2-A-1-A of H. A. Baldwin "Kaluanui: House Lots, Subdivision File No. 2.2242, being portions of Royal Patent 7512, Land Commission Award 11,216, Apana 27 to Kehaunohi.

Beginning at a found 1/2 inch pipe at the northernmost corner of this parcel of land, along the south side of Kaluanui Road coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 7,513.72.4 feet North and 4,062.59 feet West and running by azimuths measured clockwise from true South (meridian of said "PIIHOLO"),

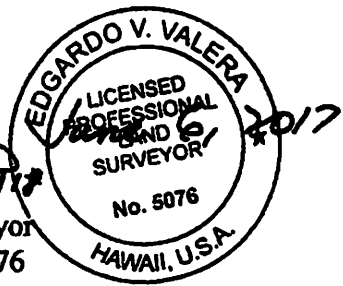
1. 301° 54' 32" 375.50 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41. feet along Lot 2-A-1-C of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
4. 347° 20' 162.00 feet along the same to a ½ inch pipe; thence,
5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2..2214 to a ½ inch pipe; thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80` feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle of 21° 31' 51", the chord azimuth and distance being
131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

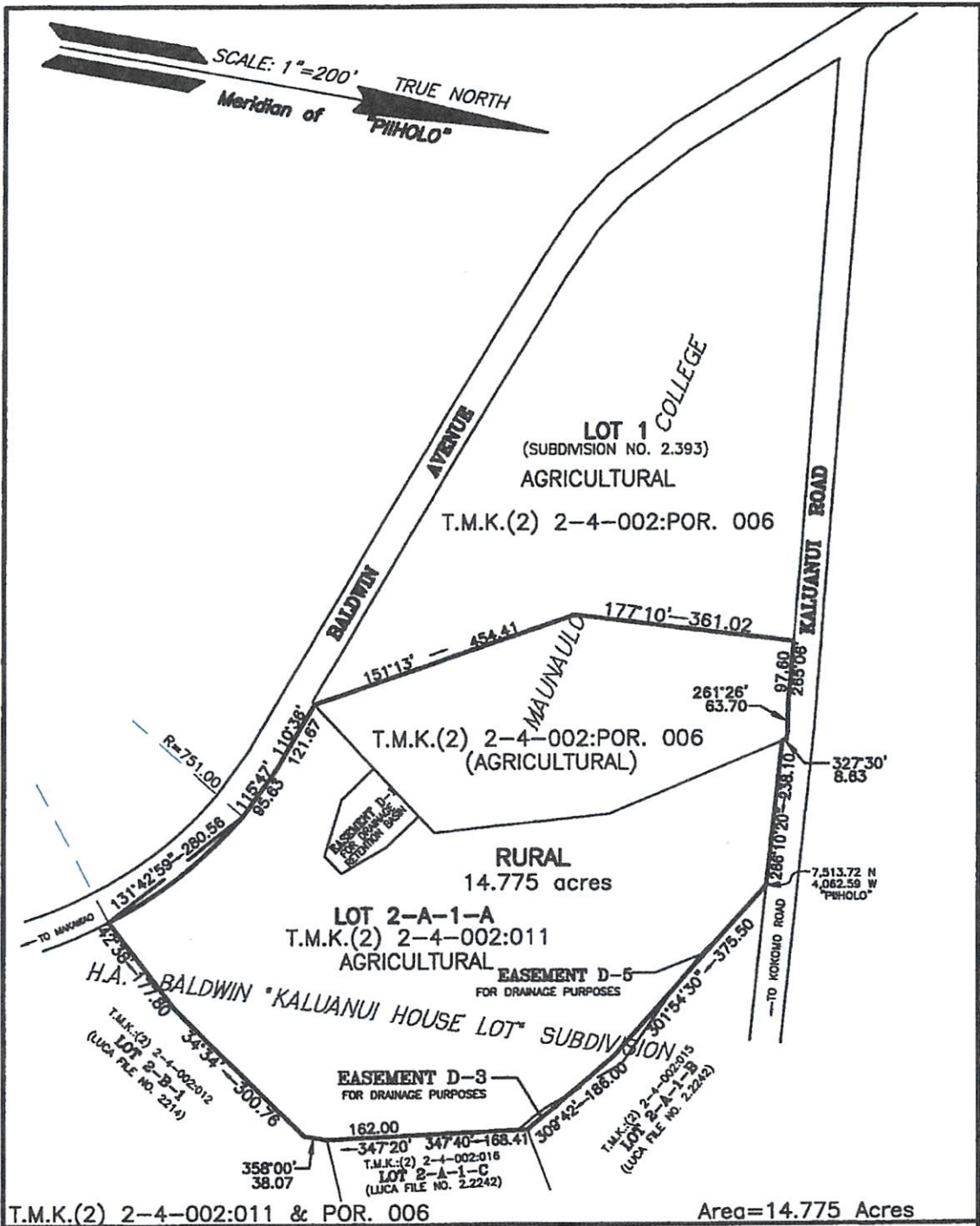
- 9. 115° 47' 95.63 feet along thje same to a ½ inch pipe; thence,
- 10. 110° 36' 121.67 feet along the same to a ½ inch pipe; thence,
- 11. 151° 13' 454.41 feet along portion of Lot 1 of Maui Pineapple Co., Ltd. Lease, L.U.C.A. File No. 2.393 to a point; thence,
- 12. 177° 10' 361.02 feet along the remainder of Lot 1 of Maui Pineapple Co., Ltd. Lease, L.U.C.A. File No. 2.393 to a point; thence,
- 13. 265° 06' 97.60 feet along the south side of Kaluanui Road to a point; thence,
- 14. 261° 26' 63.70 feet along the same to a point; thence,
- 15. 327° 30' 8.63 feet along the same to a ½ inch pipe; thence,
- 16. 266° 06'' 238.10 feet along the same to the point of beginning and containing an area of 14.775 acres, more or less.

Note: This metes and bounds description has been prepared for change in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only.

This work was prepared by me
or under my direct supervision.
VALERA, INC.

Edgardo V. Valera
Edgardo V. Valera *Exp 4/17*
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
8178Kaluanui





**LAND USE DISTRICT BOUNDARY
AMENDMENT MAP NO.**

MAKAWAO, MAUI
FROM: AGRICULTURAL DISTRICT
TO: RURAL DISTRICT

APPROVED: COUNTY CLERK _____ DATE _____	PUBLIC HEARING: ADOPTED - COUNCIL: ADOPTED - MAYOR: ORDINANCE:
APPROVED: PLANNING DIRECTOR _____ DATE _____	DATE: _____
SCALE: 1" = 200'	

OFFICE OF THE COUNTY CLERK
200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793 **DB-**

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

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

SECTION 1. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to Public/Quasi-Public District and from Agricultural District to Public/Quasi-Public District is hereby granted for that certain real property situated at Makawao, Maui, Hawaii identified for real property tax purposes as tax map keys (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006, respectively, comprising of 14.775 acres, more or less, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and on Land Zoning Map No. L-_____, which is on file in the Office of the County Clerk of the County of Maui, and by reference made part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:grs:17-179b

EXHIBIT 2

LAND DESCRIPTION

Tax Map Key (2) 2-4-002:006(Portion) and 011

Land situated between Baldwin Avenue and Kaluanui Road at Haliimaile, Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii.

Being portion of Lot 1 of Maui Pineapple Co., Ltd Lease, L.U.C.A. File No. 2.393 and all of Lot 2-A-1-A of H. A. Baldwin "Kaluanui: House Lots, Subdivision File No. 2.2242, being portions of Royal Patent 7512, Land Commission Award 11,216, Apana 27 to Kehaunohi.

Beginning at a found 1/2 inch pipe at the northernmost corner of this parcel of land, along the south side of Kaluanui Road coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 7,513.72.4 feet North and 4,062.59 feet West and running by azimuths measured clockwise from true South (meridian of said "PIIHOLO"),

1. 301° 54' 32" 375.50 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41. feet along Lot 2-A-1-C of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
4. 347° 20' 162.00 feet along the same to a ½ inch pipe; thence,
5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2..2214 to a ½ inch pipe; thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80` feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle of 21° 31' 51", the chord azimuth and distance being
131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

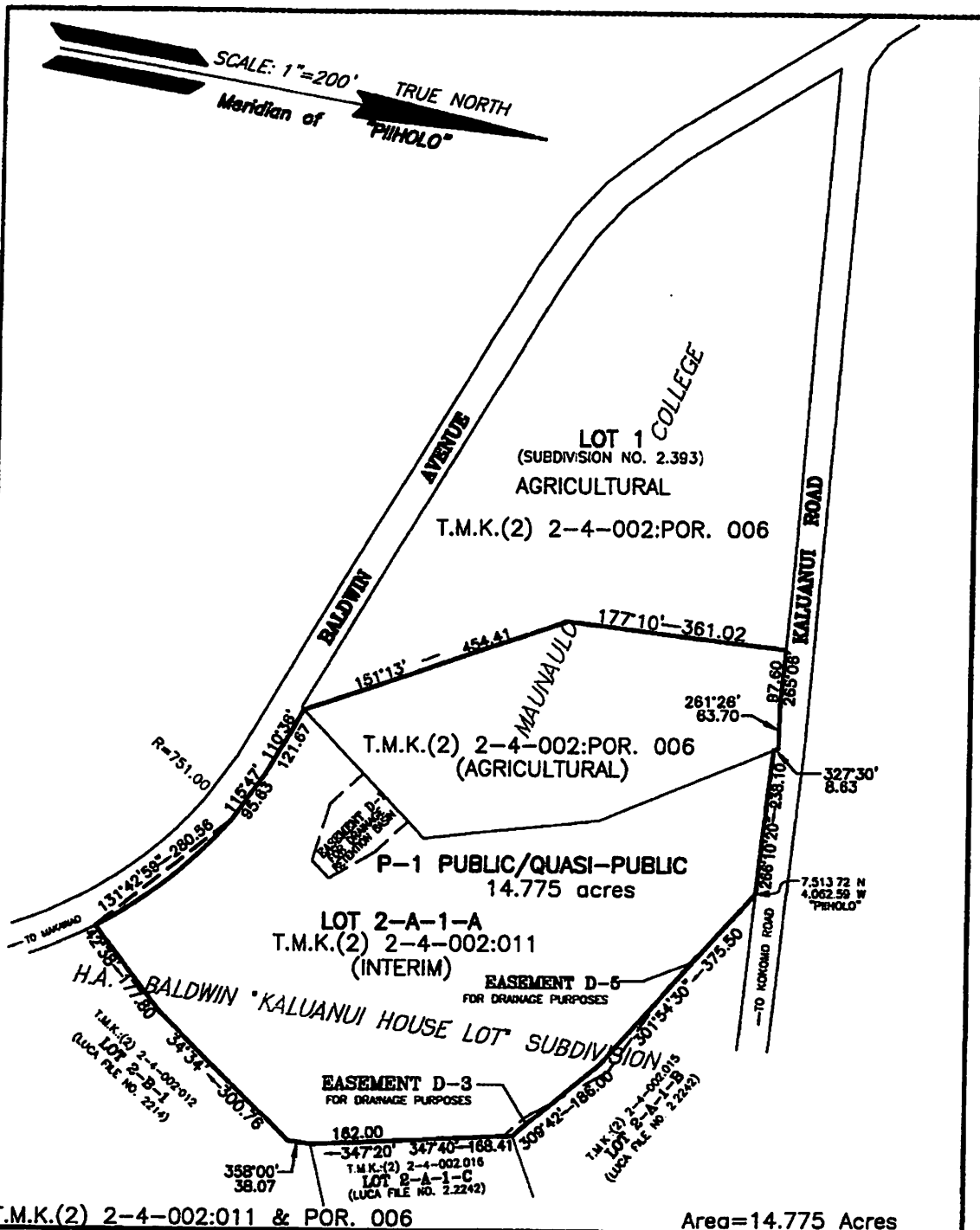
- | | | |
|-----|-----------|---|
| 9. | 115° 47' | 95.63 feet along thje same to a ½ inch pipe; thence, |
| 10. | 110° 36' | 121.67 feet along the same to a ½ inch pipe; thence, |
| 11. | 151° 13' | 454.41 feet along portion of Lot 1 of Maui Pineapple Co., Ltd. Lease, L.U.C.A. File No. 2.393 to a point; thence, |
| 12. | 177° 10' | 361.02 feet along the remainder of Lot 1 of Maui Pineapple Co., Ltd. Lease, L.U.C.A. File No. 2.393 to a point; thence, |
| 13. | 265° 06' | 97.60 feet along the south side of Kaluanui Road to a point; thence, |
| 14. | 261° 26' | 63.70 feet along the same to a point; thence, |
| 15. | 327° 30' | 8.63 feet along the same to a ½ inch pipe; thence, |
| 16. | 266° 06'' | 238.10 feet along the same to the point of beginning and containing an area of 14.775 acres, more or less. |

Note: This metes and bounds description has been prepared for change in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only.

This work was prepared by me
or under my direct supervision.
VALERA, INC.

Edgardo V. Valera
Edgardo V. Valera
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
8178Kaluanui





T.M.K.(2) 2-4-002:011 & POR. 006

LAND ZONING MAP NO.L-

CHANGE IN ZONING--MAKAWAO, MAUI, HAWAII

FROM AGRICULTURE/INTERIM TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT

APPROVED:		PUBLIC HEARING:	
COUNTY CLERK	DATE	ADOPTED - COUNCIL:	
APPROVED:		ADOPTED - MAYOR:	
PLANNING DIRECTOR	DATE	ORDINANCE:	
		DATE:	SCALE: 1" = 200'

OFFICE OF THE COUNTY CLERK
200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793

L-

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII TAX MAP KEY (2) 2-4-002:006 (POR.)

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Paia-Haiku Community Plan and Land Use Map is hereby amended from Agricultural to Public/Quasi-Public for that certain real property situated at Makawao, Maui, Hawaii and identified for real property tax purposes as a portion of tax map key (2) 2-4-002:006 comprising of 4.306 acres, more or less, and more particularly described in Exhibit "B", attached hereto and made a part hereof, and on Community Plan Map No. CP-_____, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:grs:17-179c

EXHIBIT 3

LAND DESCRIPTION

Tax Map Key (2) 2-4-002:006(Portion)

Land situated between Baldwin Avenue and Kaluanui Road at Haliimaile, Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii.

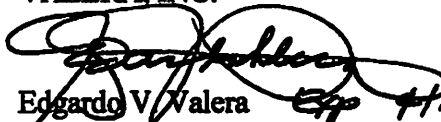
Being portion of Lot 1 of Maui Pineapple Co., Ltd Lease, L.U.C.A. File No. 2.393, being a portion of Royal Patent 7512, Land Commission Award 11,216, Apana 27 to Kehaunohi.

Beginning at a point at the northeast corner of this parcel of land, along the south side of Kaluanui Road coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 7,505.10 feet North and 4,304.59 feet West and running by azimuths measured clockwise from true South (meridian of said "PIIHOLO"),

- 1. 327° 30' 8.63 feet along the southerly side of Kaluanui Road to a ½ inch pipe; thence,**
- 2. 327° 30' 315.00 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,**
- 3. 343° 58' 290.00 feet along the same to a ½ inch pipe; thence,**
- 4. 36° 40' 289.60. feet along the same to a ½ inch pipe to a ½ inch pipe; thence,**
- 5. 151° 13' 454.41 feet along portion of Lot 1 of Maui Pineapple Co., Ltd Lease, L.U.C.A. File 2.393 to a point, thence,**
- 6. 177° 10' 361.02 feet along the remainder of Lot 1 of Maui Pineapple Co., Ltd. Lease, L.U.C.A. File No. 2.393 to a point; thence,**
- 7. 265° 06' 97.60 feet along the south side of Kaluanui Road to the point of beginning and containing an area of 4.306 acres, more or less.**

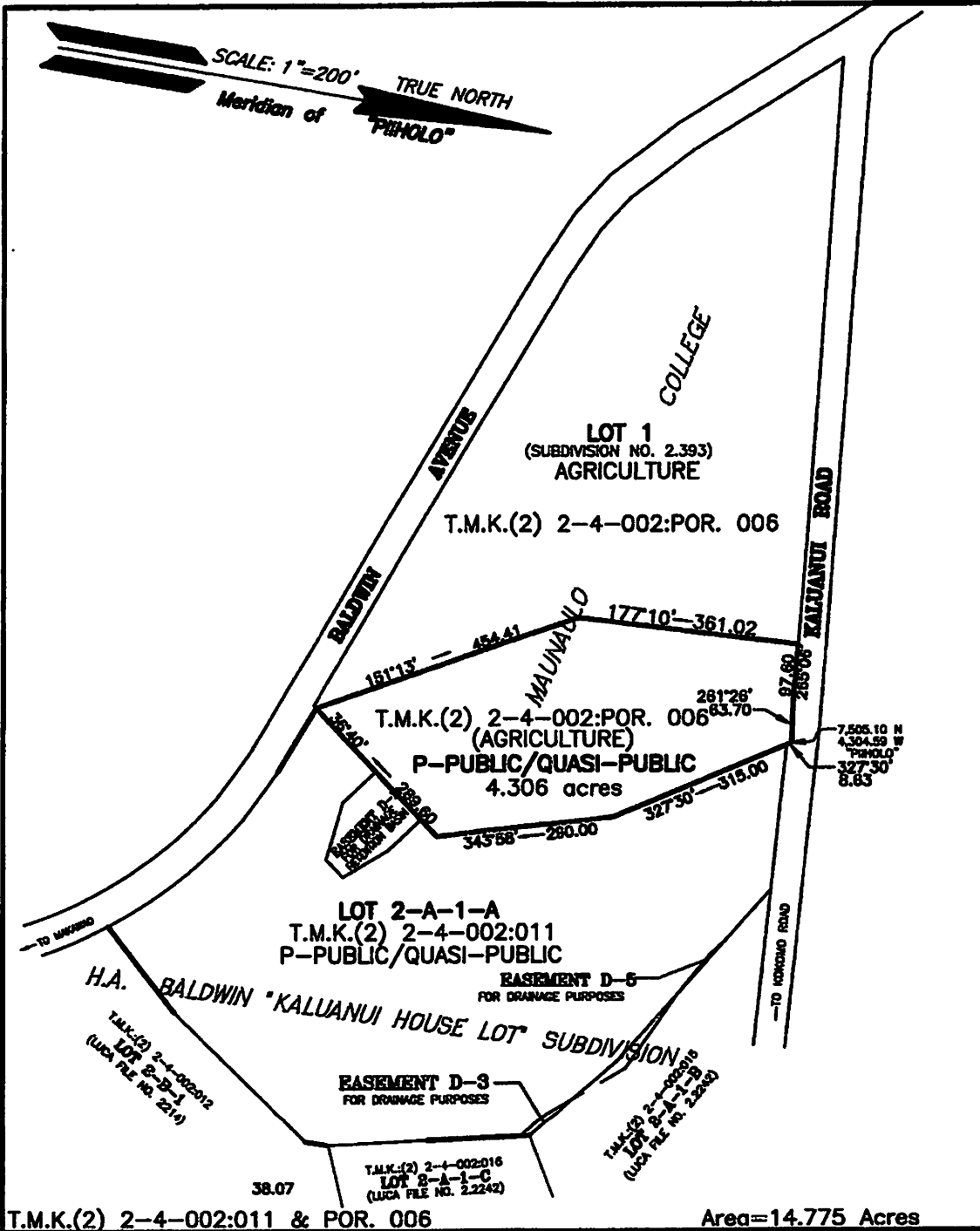
Note: This metes and bounds description has been prepared for change in Zoning and Community Plan Amendment purposes only.

**This work was prepared by me
or under my direct supervision.
VALERA, INC.**



**Edgardo V. Valera
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
8178CPKaluanui**





COMMUNITY PLAN MAP NO.

**COMMUNITY PLAN AMENDMENT—MAKAWAO, MAUI, HAWAII
FROM AG-AGRICULTURE TO P-PUBLIC/QUASI-PUBLIC DISTRICT**

APPROVED:	PUBLIC HEARING:	
COUNTY CLERK	ADOPTED - COUNCIL:	
DATE	ADOPTED - MAYOR:	
APPROVED:	ORDINANCE:	
PLANNING DIRECTOR	DATE:	SCALE: 1" = 200'
<p>OFFICE OF THE COUNTY CLERK 200 HIGH STREET, WAILUKU, MAUI, HAWAII 96793</p>		

CP-