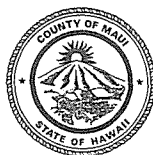


DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

June 23, 2014

Honorable Robert Carroll, Chair  
Land Use Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Carroll:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of June 20, 2014:

COUNTY COMMUNICATIONS:

- No. 14-161 - William Spence, Planning Director
- No. 14-162 - William Spence, Planning Director

Respectfully,

A handwritten signature in black ink, appearing to read "Danny A. Mateo".

DANNY A. MATEO  
County Clerk

/lks

Enclosures

cc: Director of Council Services

RECEIVED  
2014 JUN 23 PM 1:59  
OFFICE OF THE  
COUNTY COUNCIL

Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 2, 2014

RECEIVED

2014 JUN -2 AM 10:08

OFFICE OF THE MAYOR

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Gladys C. Baisa, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

RECEIVED  
2014 JUN -5 AM 9:47  
OFFICE OF THE  
COUNTY CLERK  
APPROVED FOR TRANSMITTAL  
6/4/14  
Mayor Date

Dear Chair Baisa and Members:

**SUBJECT: LUMERIA MAUI CHANGE IN ZONING (CIZ 2013/0003)**

The Department of Planning (Department) is transmitting for your review and action the Change in Zoning (CIZ) application filed by Mr. Xorin Balbes of Soulspace Ranch, LLC. A summary of the application is as follows:

APPLICATION SUMMARY	
Application(s)	CIZ – Change in Zoning
Applicant	Xorin Balbes of Soulspace Ranch, LLC.
Tax Map Key(s)	(2) 2-5-004:007
Address	1813 Baldwin Avenue, Makawao, Hawaii
Area	Approximately 5.66 acres of land
Land Use Designations	State Rural District Community Plan: P (Public/Quasi-Public) Title 19, Zoning: Interim District Other: None
Brief Description	CIZ in order to comply with condition No. 5 of Ordinance no. 3990.
Public Hearing	Held by the Maui Planning Commission (Commission) on November 26, 2013.
Testimony	No written or oral public testimony was provided.
Recommendation	The Commission recommended approval of the subject proposed bill.

The Commission reviewed the subject proposed bill at its November 26, 2013 meeting, and recommended approval of the CIZ with no conditions to the Maui County Council (Council).

**COUNTY COMMUNICATION NO. 14-162**

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634  
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

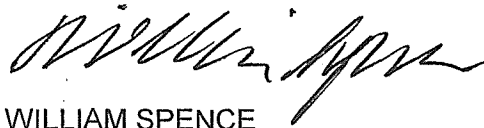
Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Gladys C. Baisa, Chair  
June 2, 2014  
Page 2

Inasmuch as Council approval is required for the CIZ, the Department respectfully 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 INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED 1813 BALDWIN AVENUE, TAX MAP KEY NO. (2) 2-5-004: 007, MAKAWAO, MAUI, HAWAII";
2. Land Zoning Map No. L-1089;
3. Department's Recommendation to the Commission, dated November 26, 2013;
4. Department's Report and Agency Comments to the Commission, dated November 26, 2013; and
5. Minutes of the November 26, 2013 Commission meeting.

Thank you for your attention to this matter. Should further clarification be necessary, please contact Staff Planner Danny Dias at Ext. 7557.

Sincerely,



WILLIAM SPENCE  
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Danny A. Dias, Staff Planner (PDF)  
Maui Planning Commission Members  
Jordan Hart, Chris Hart & Partners, Inc.

WRS:DAD:njm

Project File  
General File

K:\WP\_DOCS\PLANNING\CIZ\2013\0003\_LumeriaMaui\Council Transmittal.doc

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2014)


A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM  
DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY  
SITUATED AT 1813 BALDWIN AVENUE,  
TAX MAP KEY NO. (2) 2-5-004:007, MAKAWAO, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Interim District to P-1 Public/Quasi-Public District is hereby granted for that certain parcel of land situated at Makawao, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-5-004:007, comprising approximately 5.66 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-1089, which is on file at 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

A handwritten signature in black ink, appearing to read 'JAG', followed by the word 'for' written in a smaller, cursive script.

JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

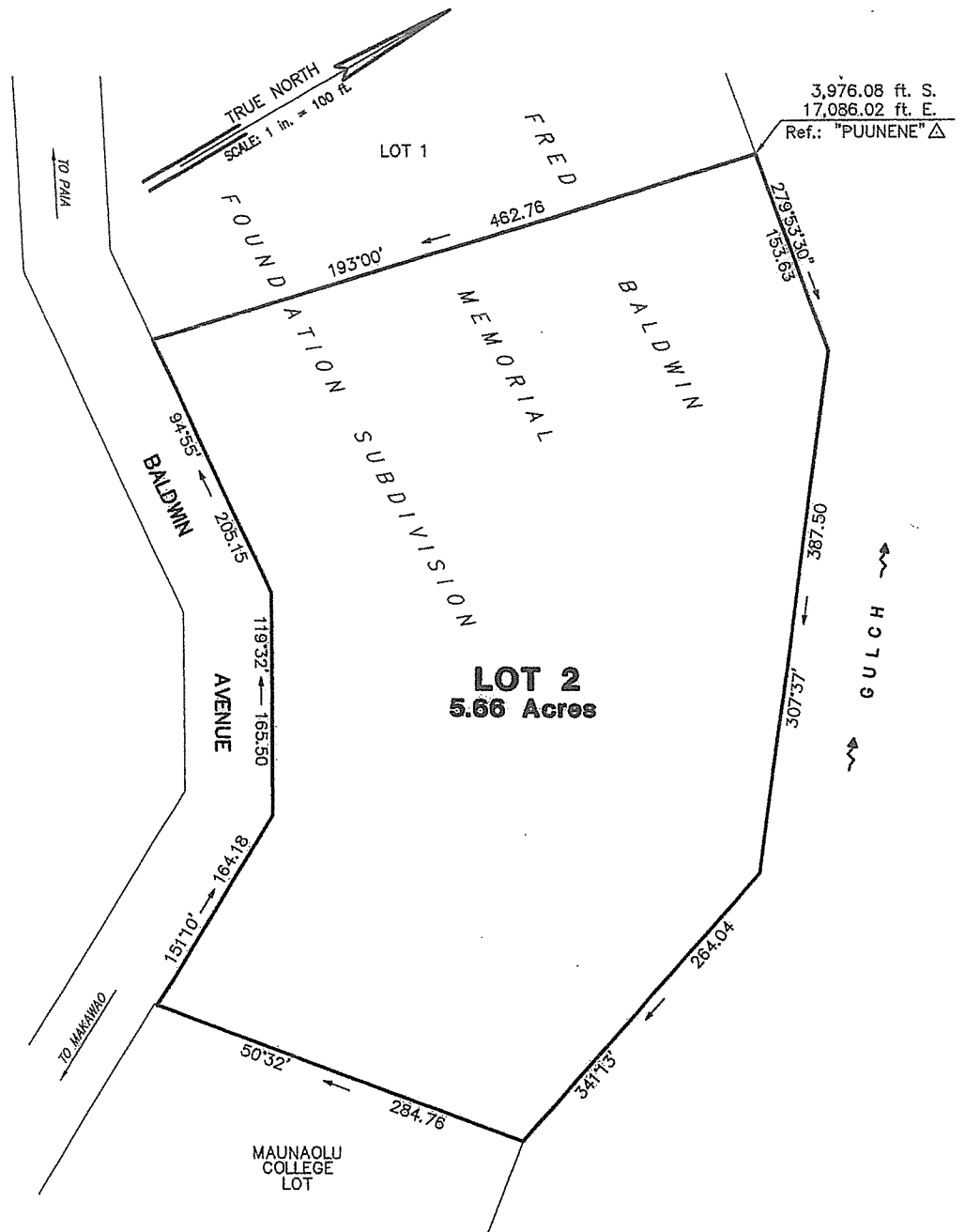
S:\CLERICAL\LJN\ORD\CIZ\25004007ciz.doc

EXHIBIT "A"

ALL of that certain parcel of land situate, lying and being at Sunnyside, Hamakuapoko, District of Makawao, Island and County of Maui, State of Hawaii, being LOT NUMBER 2, being a portion of the land deeded by the Board of Education to the Trustees of Oahu College as recorded January 30, 1860, in Liber 12 at Page 403, being also a portion of the Fred Baldwin Memorial Home Lot, and thus bounded and described:

Beginning at a pipe at the Northwesterly corner of this lot, being also the Easterly corner of Lot 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE" being 3,976.08 feet South and 17,086.02 feet East, and running thence by azimuths measured clockwise from true South:

1. 279° 53' 30" 153.63 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Alexander & Baldwin, Inc. to a pipe;
2. 307° 37' 387.50 feet along same to a pipe;
3. 341° 13' 264.04 feet along same to a pipe;
4. 50° 32' 284.76 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Mauna Olu College, et al to a point;
5. 151° 10' 164.18 feet along the Northerly side of Baldwin Ave. to a point;
6. 119° 32' 165.50 feet along same to a point;
7. 94° 55' 205.15 feet along same to a point;
8. 193° 00' 462.76 feet along Lot 1 to the point of beginning and containing an area of 5.66 acres, more or less.



(Zoning) Z:\DRAWING\2009\09-021\Land Use Map - Lot 2.dwg 16-MAY-2013 : Revised BY:Nancy

**Tax Map Key: (2) 2-5-004: 007**

**AREA: 5.66 Acres**

**LAND ZONING MAP No. L-1089**  
**CHANGE IN ZONING - HAMAKUAPOKO, MAKAWAO, MAUI**  
**FROM: INTERIM**  
**TO: P-1, PUBLIC / QUASI-PUBLIC**

**APPROVED:**

\_\_\_\_\_  
County Clerk

**APPROVED:**

*[Signature]* 11-13-13  
\_\_\_\_\_  
Planning Director

PUBLIC HEARING: November 26, 2013  
 ADOPTED COUNCIL:  
 ADOPTED MAYOR:  
 ORDINANCE No.

DATE:

SCALE: 1" = 100'

**OFFICE OF THE COUNTY CLERK**  
 200 So. HIGH ST., WAILUKU, MAUI, HAWAII - 96793

**L - 1089**

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

SOULSPACE RANCH, LLC  
(MR. XORIN BALBES)

To Obtain a Change in Zoning to Rezone a  
Property from Interim District to Public/Quasi-  
Public District to Comply with a Condition of  
County Council Ordinance No. 3990 at 1813  
Baldwin Avenue on Approximately 5.66 Acres  
of Land at Maui Tax Map Key (2) 2-5-004:007,  
Makawao, Maui, Hawaii

DOCKET NO. CIZ 2013/0003

SoulSpace Ranch, LLC  
Mr. Xorin Balbes

(JMP)

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION  
TO THE MAUI PLANNING COMMISSION  
NOVEMBER 26, 2013 MEETING

DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HI 96793

(Change in Zoning)

k:\wp\_docs\planning\ciz\2013\0003\_lumeriamau\staff report to approval\recommend\_publichearing.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

SOULSPACE RANCH, LLC  
(MR. XORIN BALBES)

To Obtain a Change in Zoning to Rezone a  
Property from Interim District to Public/Quasi-  
Public District to Comply with a Condition of  
County Council Ordinance No. 3990 at 1813  
Baldwin Avenue on Approximately 5.66 Acres  
of Land at Maui Tax Map Key (2) 2-5-004:007,  
Makawao, Maui, Hawaii

DOCKET NO. CIZ 2013/0003

Soulspace Ranch, LLC  
Mr. Xorin Balbes

(JMP)

---

**CONCLUSIONS OF LAW**

The application complies with the applicable standards for a Change in Zoning as found in Sections 19.510.010, 19.510.040 and 19.510.050 as listed in the accompanying Department Report for this project.

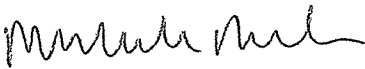
---

**RECOMMENDATION**

The Maui Planning Department recommends that the Maui Planning Commission recommend to the Maui County Council approval of the change in zoning from Interim District to Public/Quasi-Public District to comply with a condition of County Council Ordinance No. 3990.

In consideration of the foregoing, the Maui Planning Department recommends that the Maui Planning Commission adopts the Maui Planning Department's Report and Recommendation Memorandums prepared for the November 26, 2013 meeting as its Finding of Fact, Conclusion of Law, and Decision and Order and further, to authorize the Planning Director to transmit said recommendations to the Maui County Council.

APPROVED:



fr WILLIAM SPENCE  
Planning Director



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

SOULSPACE RANCH, LLC  
(MR. XORIN BALBES)

To Obtain a Change in Zoning to Rezone a  
Property from Interim District to Public/Quasi-  
Public District to Comply with a Condition of  
County Council Ordinance No. 3990 at 1813  
Baldwin Avenue on Approximately 5.66 Acres of  
Land at Maui Tax Map Key (2) 2-5-004:007,  
Makawao, Maui, Hawaii

DOCKET NO. CIZ 2013/0003

Soulspace Ranch, LLC  
Mr. Xorin Balbes

(JMP)

MAUI PLANNING DEPARTMENT'S REPORT  
TO THE MAUI PLANNING COMMISSION  
NOVEMBER 26, 2013 MEETING

DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HI. 96793

Change in Zoning

K:\WP\_DOCS\PLANNING\CIZ\2013\0003\_LumeriaMaui\Staff Report to Approval\Report\_PublicHearing.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

SOULSPACE RANCH, LLC  
(MR. XORIN BALBES)

To Obtain a Change in Zoning to Rezone a Property from Interim District to Public/Quasi-Public District to Comply with a Condition of County Council Ordinance No. 3990 at 1813 Baldwin Avenue on Approximately 5.66 Acres of Land at Maui Tax Map Key (2) 2-5-004:007, Makawao, Maui, Hawaii

DOCKET NO. CIZ 2013/0003

SoulSpace Ranch, LLC  
Mr. Xorin Balbes

(JMP)

**DESCRIPTION OF THE PROJECT**

The applicant proposes to change the zoning of a property located at 1813 Baldwin Avenue in Makawao from Interim District to Public/Quasi-Public District. The property is approximately 5.66 acres and is developed with a dormitory and a non-profit school of yoga, metaphysics, water sports training, agriculture and Hawaiian culture (See **Exhibit #1**). Currently, the Applicant is operating under Ordinance No. 3990 for a District Boundary Amendment (DBA 2010/0001) that was approved by County Council on December 10, 2012 (See **Exhibit #2**).

**BRIEF HISTORY OF APPLICATION**

1. By letter on November 9, 2010, the Fred Baldwin Memorial Home (consisting of eight (8) historic buildings) was placed on the Hawaii Register of Historic Places.
2. On December 1, 2011, the Fred Baldwin Memorial Home (consisting of eight (8) historic buildings) was placed on the National Register of Historic Places.
3. On January 19, 2012, a State Land Use Commission Special Use Permit (SUP2 2010/0010) was issued by the Maui Planning Commission (Commission) to operate a non-profit school of yoga, metaphysics, water sports training, agriculture and Hawaiian culture.
4. On January 19, 2012, a District Boundary Amendment (DBA 2010/0001) was recommended for approval by the Maui Planning Commission to change the State designation from Agriculture to Rural.
5. On December 10, 2012, a District Boundary Amendment (DBA 2010/0001) was approved by the Maui County Council by Ordinance No. 3990. With approval of the DBA to Rural, the SUP2 permit became unnecessary.

6. Condition No. 5 of Ordinance o. 3990 stated "That within one (1) year of the effective date of the Ordinance, Soulspace Ranch, LLC shall apply for a change in zoning from Interim to P-1 Public/Quasi-Public District."
7. The Applicant applied for a Change in Zoning on March 28, 2013.

### DESCRIPTION OF THE PROPERTY

1. The parcel is approximately 5.66 acres in size and located along Baldwin Avenue in Makawao (see **Exhibit #3**). The Property is located adjacent to the Maui Youth and Family Services administrative facility at 1931 Baldwin Avenue, and is developed with several buildings and accessory structures. The most prominent feature is an approximately 14,333 square foot dormitory facility consisting of five buildings connected by an overhead lanai, known as the "Fred Baldwin Memorial Home" (FBMH). FBMH was constructed between 1910 and 1911 to honor a deceased son, Fred Baldwin, and served from 1911 to 1958 as a home for elderly male plantation retirees of European descent who were either indigent or had no family to care for them. During World War II the home was commissioned by the military for housing; in the late 1950s to 1960s it was used as dormitory housing for the nearby Mauna 'Olu campus, and after that until 2009 by Maui Land & Pineapple (MLP) to house as many as 144 employees (migrant agricultural workers.)

There are two existing duplex dwellings on the property, totaling 3,030 square feet, and a separate laundry facility of 1,000 square feet. Photographs of the Property and buildings are included as **Exhibit 12**. The Applicant proposed to construct a classroom facility, pool facility and additional parking after approval of a change in zoning (see Exhibit #1).

2. Land Use Designations --

State Land Use District..... Rural  
Paia-Haiku Community Plan... Public/Quasi-Public  
County Zoning ..... Interim  
Other ..... Not within SMA  
Flood Hazard Zone ..... Zone "X" (area of minimal flooding)  
Maui Island Plan (2030) ..... Within the "Rural Service Center Growth Boundary"

3. Surrounding Uses --

North ..... 2,438-acre agricultural parcel (Agriculture zoning)  
East..... Maui Youth & Family Services, Hawaii Job Corps, Maunaolu  
College and Maunaolu Plantation Subdivision (Agriculture zoning)  
South..... 337-acre agricultural parcel (Agriculture zoning)  
West..... Parcels ranging from 1.22 to 4+ acres, and an 816-acre  
agricultural parcel, Makawao Cemetery, Rainbow Park and Makawao  
Union Church (Interim and Agriculture zoning)

4. Various edible and ornamental crops are planted throughout the property. The property is approximately 822-feet above mean sea level (msl). The parcel slopes slightly in a south to north direction at a slope of approximately 4.6%.

## **APPLICABLE REGULATIONS**

Pursuant to Title 19, Chapter 19.510, General Application Procedures, Section 19.510.010(C), the Planning Director has determined that the application and Department Report meets the requirements of Section 19.510.010(D).

Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change in 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 in 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.

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 and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land 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 April 23, 2013, 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 "Notice of Application" is on file in the Maui Planning Department.

2. On October 11, 2013, 46 days prior to the hearing, the Maui Planning Department mailed a notice to the applicant and appropriate state and county agencies notifying them of the scheduled public hearing.
3. On October 25, 2013, 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 either certified or registered mail receipt (Return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts (if required) are on file in the Planning Department.
4. On November 5, 12 and 19, 2013, 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.
5. On October 25, 2013, a notice of hearing on the application was published in the Maui News by the Maui Planning Department.
6. The subject application does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

### **REVIEWING AGENCIES**

<u>County Agencies:</u>	Comment	Exhibit Number
Department of Water Supply	Yes	4
-- Applicant's Response		4A
Department of Public Works	Yes	5
-- Applicant's Response		5A
Department of Transportation	No	6
Department of Fire & Public Safety	No	7
Police Department	No	8
Department of Environmental Management	No	9

<u>State Agencies:</u>	Comment	Exhibit Number
Department of Health, Maui Office	Yes	10
-- Applicant's Response		10A
Office of Planning	No	11

### **ANALYSIS**

#### **LAND USE**

1. The proposed project is in conformance with the goals, objectives and policies of the **Hawaii State Plan**. It will provide additional opportunities for employment and economic growth.
2. The subject property is located in the **State Rural District**. The proposed uses are consistent with the Rural designation of the property and in conformity with HRS, Chapter 205.

- 3 **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 provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. This includes: (1) a vision statement and core values for the County to the year 2030; (2) an explanation of the plan-making process; (3) a description and background information regarding Maui County today; (4) identification of guiding principles; and (5) a list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

- A. Protect the Natural Environment
- B. Preserve Local Cultures and Traditions
- C. Improve Education
- D. Strengthen Social and Healthcare Services
- E. Expand Housing Opportunities for Residents
- F. Strengthen the Local Economy
- G. Improve Parks and Public Facilities
- H. Diversify Transportation Options
- I. Improve Physical Infrastructure
- J. Promote Sustainable Land Use and Growth Management
- K. Strive for Good Governance

The proposed action is in keeping with the following Countywide Policy goals, objectives, policies and actions:

**B. Preserve Local Cultures and Traditions**

*Goal:* Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

*Objective 4:* Preserve and restore significant historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.

*Policies:*

- b. Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place.
- l. Foster partnerships to identify and preserve or revitalize historic and cultural sites.

**C. Improve Education**

*Goal:* Residents will have access to lifelong formal and informal educational options enabling them to realize their ambitions.

*Objective 2:* Provide nurturing learning environments that build skills for the 21<sup>st</sup> century.

*Policies:*

- d. Promote development of neighborhood schools and educational centers.
- n. Encourage alternative learning and educational opportunities.

*Objective 4:* Maximize community-based educational opportunities.

*Policies:*

- c. Support the development of a wide range of informal educational and cultural programs for all residents.
- f. Attract learning institutions and specialty schools to diversify and enhance educational opportunities.

**F. Strengthen the Local Economy**

*Goal:* Maui County's economy will be diverse, sustainable, and supportive of community values.

*Objective 4:* Expand economic sectors that increase living-wage job choices and are compatible with community values.

*Policy:*

- a. Support emerging industries, including health and wellness industry and education and training industry.

**G. Improve Parks and Public Facilities**

*Goal:* A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

*Objective 1:* Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

*Policy:*

- c. Assist communities in developing recreational facilities that promote physical fitness.

4. The **Maui Island Plan** 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 property is located within an urban growth boundary. The change in zoning request is in conformance with the following goals, objectives, and policies:

## **Economic Development**

### *Goal*

4.2. A healthy visitor industry that provides economic well being with stable and diverse employment opportunities.

### *Objective*

4.2.1 Increase the economic contribution of the visitor industry to the island's environmental well-being for the island's residents' quality of life.

### *Policies*

4.2.1.a Engage the visitor industry in the growth of emerging sectors where practicable.

4.2.1.d Provide a rich visitor experience, while protecting the island's natural beauty, culture, lifestyles, and aloha spirit.

4.2.1.e Diversify the tourism industry by supporting appropriate niche activities such as ecotourism, cultural tourism, voluntourism, ag-tourism, health and wellness tourism, educational tourism, medical tourism, and other viable tourism related businesses in appropriate locations.

4.2.1.f Recognize the important economic contributions that the visitor industry makes and support a healthy and vibrant visitor industry.

### *Objective*

4.2.3 Maximize residents' benefits from the visitor industry.

## **Land Use**

### *Goal*

7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

### *Objective*

7.3.4 Strengthen planning and management of the visitor industry to protect resident quality of life and enhance the visitor experience.

5. According to the **Paia-Haiku Community Plan** the property is identified for public/quasi-public use and is consistent with the land use map of the Community Plan. The proposed action is in keeping with the following Paia-Haiku Community Plan goals, objectives and policies:

## **Land Use**

### *Goal*

A well-planned community with land that preserves the region's small town ambiance and rural character, coastal scenic vistas, and extensive agricultural land use, and accommodates the future needs of residents at a sustainable rate of growth and in harmony with the region's natural environment, marine resources, and traditional uses of the shoreline and mauka lands.



*Objectives and Policies*

9. Maintain and expand areas desirable for public recreational uses.
16. Require Special Use Permits for public/quasi-public uses in the State Rural District.

**Cultural Resources**

*Goal*

Identification, protection, preservation, enhancement and appropriate use of cultural resources, cultural practices and historic sites that provide a sense of history and define a sense of place for the Paia-Haiku region.

*Objectives and Policies*

4. Foster an awareness of the diversity and importance of cultural resources and of the history of Paia-Haiku. Promote distinct cultural resources as an identifying characteristic of the region.
  6. Encourage community stewardship of historic sites.
  9. Encourage the ongoing state and national register nomination process, by government and private property owners, to increase awareness and protection of sites and districts.
6. According to Title 19 of the **Maui County Code**, the subject property is zoned Interim.

**Interim District**

Section 19.02A.020, "Title and Purpose" of the Maui County Code reads as follows:

The ordinance codified in this title shall be known as the "Interim Zoning Ordinance" for the various districts of Maui as defined in this chapter for the purpose of providing interim regulations pending the formal adoption of a comprehensive zoning ordinance and map which are deemed as necessary in order:

1. To encourage the most appropriate use of land;
  2. To conserve and stabilize the value of property;
  3. To prevent certain uses that will be detrimental to existing uses;
  4. To promote the health, safety and the general welfare of the respective districts.
- (Ord. No. 3661, Section 2, 7-7-2009)

Section 19.02A.030, Permitted uses.

No land or building shall be used and no building shall be erected or structurally altered or maintained within the districts of Wailuku, Makawao, Lahaina, Hana, Lanai, and Molokai except for one or more of the following uses, subject to the referenced development standards:

1. One single-family dwelling per six thousand square feet of land. There may be the usual necessary accessory buildings, as defined in section 19.04.040 of this code, in connection with any such dwelling;
2. Duplex dwellings;

3. Hospitals and/or sanitariums, and/or convalescent homes, day care facilities, museums, churches, libraries, kindergartens, elementary schools., intermediate schools, high schools, universities, publicly owned buildings, public utility uses, and tower structures in support of a utility;
4. The construction of new, or the expansion of existing, parks, playgrounds, community centers or public/quasi-public facilities, owned or operated by private or governmental agencies, and tower structures in support of a utility, provided that the utility services the new or expanded park, playground, community center or public/quasi-public facilities;
5. Agricultural uses, and
6. Bed and breakfast homes subject to chapter 19.64 of this code

Because the Fred Baldwin Memorial Home has been utilized as a dormitory by various organizations throughout its history, it was determined by the Director of Planning to be a quasi-public facility.

#### Public/Quasi-Public District

Section 19.31.010 Purpose and intent, of the Maui County Code, states that public/quasi-public districts shall provide for public, nonprofit or quasi-public uses.

According to Section 19.31.020 P-1 Public/quasi-public district, the following uses are listed as permitted uses within the P-1 district:

##### 1. Principal uses:

- a. Churches;
- b. Community centers;
- c. Fire and police stations;
- d. Government buildings and facilities;
- e. Hospitals;
- f. Kindergartens, elementary schools, high schools, colleges, and libraries;
- g. Nursery schools and day care centers;
- h. Offices for nonprofit charitable organizations;
- i. Private parking lots or structures serving public purposes;
- j. Public parking lots or structures; and
- k. Public utility substations, which will not be hazardous or a nuisance to the surrounding areas.

The dormitory and educational facility uses proposed by the Applicant are similar to community centers and schools listed above. The Planning Director did determine that the historic use of the property was quasi-public. Furthermore, the Planning Commission approved a Special Use Permit and later the County Council approved a District Boundary amendment permitting the proposed uses as described.

7. The subject property is not located within the Special Management Area of the Island of Maui.

## **ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES**

Since 2009, the existing non-conforming dormitory and accessory structures have undergone extensive renovation and rehabilitation by the current owner in order to historically preserve and adaptively reuse them.

By letter on November 9, 2010, the Department of Land and Natural Resources, State Historic Preservation Division stated that the Fred Baldwin Memorial Home (consisting of eight (8) historic buildings) was placed on the Hawaii Register of Historic Places. On April 12, 2011, the National Parks Service stated via email that the proposed studio building would have no effect on historic properties. According to the Planning Department's Cultural Resources Planner, the project was placed National Register of Historic Places on December 1, 2011.

## **INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES**

1. **Water** -- The property is served by an existing 1-1/2-inch water meter, connected to a four-inch diameter waterline which is connected to a 12-inch waterline along Baldwin Avenue. The 12-inch waterline is connected to the 0.3 million gallon Maunaolu tank located at the Kamole water treatment plant, approximately 1.1-miles southeast of the project site.

The Department of Water Supply commented that building permits were obtained by the Applicant and plans for the required water system improvements have been approved.

The Department of Fire and Public Safety had no comments.

The proposed change in zoning will not have any water impacts above and beyond those currently existing with the existing structures and the approved new construction.

2. **Sewers** -- There is no public sewer facility in the vicinity of the property. There is an onsite individual wastewater system (IWS) serving the project site. The Department of Health (DOH) commented that the IWS for the property was not approved for use. However, the Applicant responded and provided five Certificates of Occupancy for each dorm room building (see Exhibit #9A). It is understood by the Applicant that any future buildings on the site will require DOH approval.
3. **Drainage** -- The subject property is fully developed and has been used for about 100 years. The existing onsite drainage flow pattern is generally characterized by surface sheet flows that cross the project site in a northerly direction discharging to lower properties and sugar cane fields, and into a gully and eventually the ocean.

Precipitation sheet flows across the project site in a South to North direction at a slope of approximately 4.6%. There are no gulches within the project site. There are no areas prone to flooding within the project site. There have not been, nor are there currently any drainage or flooding problems resulting from the existing structures and impervious surfaces on site.

The proposed 7,090 square foot classroom building will increase the existing runoff, and will be accounted for through drainage improvements.

According to the Preliminary Drainage Report dated March 10, 2010, prior to acquisition of the site by the current owner, existing runoff from the property was estimated to be 13.7 cubic feet per second (cfs). According to the project's Civil Engineer, in 2010 the current owner made site improvements consisting primarily of construction of a gravel driveway, landscaping, and flattening of the site, all of which reduced runoff from the site to 3.3 cfs. After construction of the proposed classroom building and a 2,500 cubic foot drywell, approximately 130% of the increase in runoff resulting from development will be accommodated.

4. **Roadways, Curbs, Gutters and Sidewalks** -- Access to the property is via Baldwin Avenue, a two-lane, two-way roadway, owned and maintained by the County of Maui, with a northwest-southeast orientation. The project site is midway between Hana Highway to the northwest and Makawao Avenue to the southeast. The width of Baldwin Avenue pavement fluctuates from 18 to 20 feet, and has varying right-of-way widths of 35 to 40 feet. There are no curbs, gutters or sidewalks along Baldwin Avenue in the vicinity of the project site.

The proposed change in zoning will not adversely affect roadways, curbs, gutters and sidewalks in the vicinity of the project site.

5. **Electrical and Telephone** -- Electrical, telephone and cable TV distribution systems on Baldwin Avenue exist on overhead poles, provided by Maui Electric Company, Hawaiian Telecom, and Oceanic Time-Warner Cable of Hawaii, respectively. As such, electrical and telephone services for the project is readily available and the proposed change in zoning will not affect the availability of said services.
6. **Parks** -- The proposed change in zoning is not anticipated to result in an increase in usage of park facilities. The project will not result in a substantial increase in the amount of people living in Maui's north shore. The Maui Department of Parks and Recreation operates and maintains a total of 11 facilities in the Paia-Haiku region including parks, ball fields, beach parks, and community centers. The proposed project will not adversely affect recreational facilities in the area.
7. **Schools** -- The Haiku region is serviced by both private and public schools, which provide education from preschool through high school. Public schools in the region include Haiku Elementary School, Kalama Intermediate School in Makawao, and King Kekaulike High School in Pukalani. The proposed action is a change in zoning to allow an educational facility where specialized courses in yoga, metaphysics and water sports training will be offered to the local population and guest alike. The proposed change in zoning will not adversely affect school facilities in the area.
8. **Solid Waste** -- Weekly residential solid-waste collection in the area is provided by the County of Maui, Department of Environmental Management. Commercial solid waste is accepted at the county landfill. The Central Maui Landfill, which is located in the Wailuku-Kahului Community Plan region, receives residential solid waste from the Haiku area, as well as green waste and used motor oil. Plastic, glass, metal, cardboard, and newspaper can be recycled at various drop-boxes throughout the County. The nearest recycling area is located next to Haiku Elementary School. Construction and demolition waste is accepted for disposal at the Maui Demolition and Construction Landfill in Maalaea.

The Department of Environmental Management (DEM) provided no comments. The proposed project will not adversely affect solid waste facilities in Maui County.

9. **Public Services** -- The County of Maui's Police Department is headquartered at its Wailuku Station, which provides service to Paia-Haiku residents. The nearest police substation (unmanned) is located at the Haiku Community Center, approximately 6-miles away by road. Fire prevention, suppression, and protection services are provided by the County Department of Fire Control's Paia Fire Station located at 179 Hana Highway in Paia, approximately 3.75 miles away. The Makawao Fire Station is about 6.7 miles from the project site.

Medical services are provided by the Maui Memorial Medical Center (MMMC) located in Wailuku. MMMC contains approximately 231 beds and provides acute and emergency health care services for the County of Maui. In addition, American Medical Response (AMR) provides 24-hour emergency medical on the island of Maui.

No adverse impacts on police, fire, and medical services are anticipated. The project application was sent to both the police and fire departments with neither agency providing comments.

### **SOCIO-ECONOMIC IMPACTS**

On a short term basis, the project will support construction and construction related employment when new facilities are developed at the site. In the long term, the educational facility will continue to provide employment in the fields of yoga, metaphysics and water sports training, while the dormitory will provide for housekeeping and upkeep employment.

### **ENVIRONMENTAL IMPACTS**

There may be some short term noise and air quality impacts from the project site as new facilities are constructed. Continued use of the property as an educational facility will have no impacts on wetlands, flora, fauna, dune ecosystems, stream ecosystems, marine ecosystems, natural features, open space, view corridors, etc.

### **OTHER GOVERNMENTAL APPROVALS**

Building permits and various other permits related to those building permits will be required for the proposed new facilities. No other discretionary permits are required to operate the educational facility.

### **TESTIMONY**

As of November 7, 2013, the Department has no letters supporting or opposing this change in zoning request.

### **ALTERNATIVES**

1. **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.

2. Approve With No Conditions. The Commission may take action to approve the permit request without imposing any conditions.

3. Approve With Conditions. The Commission may take action to approve the permit request with conditions.

4. Denial. The Commission may take action to deny the permit requests

APPROVED:



for

WILLIAM SPENCE  
Planning Director

Approximate Location
Classroom Facility Approved via Ord. 3990

Approximate Location  
Additional Parking Approved via Ord. 3990

Approximate Location  
Pool Facility Approved via Ord. 399

Fred Baldwin Memorial Ho  
Figure No. 7

## Site Plan

1 PROPOSED SITE PLAN  
02/16/17

EXHIBIT 7

ORDINANCE NO. 3990

BILL NO. 87 (2012)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE  
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT  
TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT)  
FOR PROPERTY SITUATED AT 1813 BALDWIN AVENUE,  
TAX MAP KEY NO. (2) 2-5-004:007, MAKAWAO, MAUI, HAWAII

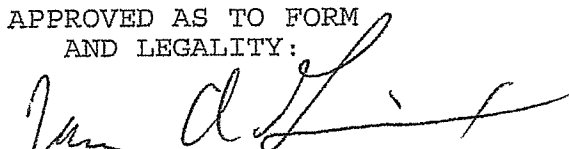
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

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 the Agricultural District to the Rural District (Conditional Boundary Amendment) for that certain parcel of land situated at 1813 Baldwin Avenue, Makawao, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 2-5-004:007, comprising approximately 5.66 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-630, 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. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

  
JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

S:\CLERICAL\LJN\ORD\Oha\2012 05 01 25004007dba .wpd

EXHIBIT 2



EXHIBIT "A"

ALL of that certain parcel of land situate, lying and being at Sunnyside, Hamakuapoko, District of Makawao, Island and County of Maui, State of Hawaii, being LOT NUMBER 2, being a portion of the land deeded by the Board of Education to the Trustees of Oahu College as recorded January 30, 1860, in Liber 12 at Page 403, being also a portion of the Fred Baldwin Memorial Home Lot, and thus bounded and described:

Beginning at a pipe at the Northwesterly corner of this lot, being also the Easterly corner of Lot 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE" being 3,976.08 feet South and 17,086.02 feet East, and running thence by azimuths measured clockwise from true South:

1. 279° 53' 30" 153.63 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Alexander & Baldwin, Inc. to a pipe;
2. 307° 37' 387.50 feet along same to a pipe;
3. 341° 13' 264.04 feet along same to a pipe;
4. 50° 32' 284.76 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Mauna Olu College, et al to a point;
5. 151° 10' 164.18 feet along the Northerly side of Baldwin Ave. to a point;
6. 119° 32' 165.50 feet along same to a point;
7. 94° 55' 205.15 feet along same to a point;
8. 193° 00' 462.76 feet along Lot 1 to the point of beginning and containing an area of 5.66 acres, more or less.

## EXHIBIT "B"

### CONDITIONS

1. That there shall be a prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. That notification shall be provided to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.
3. That all overnight lodgers in the dormitory units shall enroll in and attend on-site educational programs and may participate in off-site educational programs coordinated by Soulspace Ranch, LLC, as represented to the Department of Planning, the Maui Planning Commission, and the Maui County Council. Substantive changes to the educational curriculum shall be presented to the Department of Planning for review and approval prior to being implemented.
4. That an annual report shall be submitted to the Department of Planning each year no later than 30 days after the anniversary date of the effective date of this ordinance. The annual report shall provide sufficient information on the number and types of classes offered, the number of students enrolled in classes, and the number of classes attended by overnight lodgers in the dormitory units, so that the property's primary public/quasi-public use can be verified. This reporting requirement shall cease upon the establishment of P-1 Public/Quasi-Public District zoning for the property.
5. That within one (1) year of the effective date of this ordinance, Soulspace Ranch, LLC shall apply for a change in zoning from Interim District to P-1 Public/Quasi-Public District.
6. That Soulspace Ranch, LLC shall obtain State Historic Preservation Division ("SHPD") approval for the proposed studio/classroom building, and shall provide a copy of SHPD approval to the Department of Planning, prior to issuance of a grading or building permit for the proposed structure.

7. That Soulspace Ranch, LLC shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the State District Boundary Amendment.
8. That the dormitories shall not be advertised by Soulspace Ranch, LLC as a transient vacation rental or hotel.
9. That the two existing on-site duplex dwellings shall be used for faculty and staff and not offered to students.

THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII  
BUREAU OF CONVEYANCES  
DOCUMENT NO. \_\_\_\_\_ Doc A-46960798  
DATE - TIME \_\_\_\_\_ November 9, 2012 8:02 AM

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ( ) To:

Office of the County Clerk  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Affects Tax Map Key: (2) 2-5-004:007

Total Number of Pages: 7

UNILATERAL AGREEMENT AND DECLARATION OF CONDITIONS  
FOR STATE LAND USE DISTRICT BOUNDARY AMENDMENT

THIS INDENTURE, made this 11th day of October, 2012, by Soulspace Ranch, LLC, whose principal place of business is located in Makawao, island of Maui, State of Hawaii, and whose mailing address is 1813 Baldwin Avenue, Makawao, Hawaii, 96768, hereinafter referred to as "Declarant", and who is the owner of that certain parcel located at Makawao, Maui, Hawaii, comprised of approximately 5.66 acres and identified for real property tax purposes by Tax Map Key No. (2) 2-5-004:007, hereinafter referred to as "Parcel" (or "Property").

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering the Declarant's Petition for a State land use district boundary amendment for the Parcel, comprised of approximately 5.66 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in District Boundary Amendment Map No. DB-630, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Land Use Committee Report No. 12-123, that the State Land Use District Boundary Amendment be approved for passage on first reading subject to certain conditions, pursuant to Section 19.68.040, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the State land use district boundary amendment provisions of Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.68.040, Maui County Code, relating to State land use district boundary amendments;
2. That, until written release by the County of Maui, the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which shall be effective as to and shall run with the land as to the Parcel, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform all of the covenants, conditions and restrictions of this Declaration;
3. That this Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the Declarant notifies the appropriate County Department that any of said covenants, conditions and restrictions are satisfied by the Declarant, and the appropriate County Department verifies the satisfaction and provides a written release of the covenant, condition or restriction;
4. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors and assigns;
5. That the Declaration shall become fully effective on the effective date of the ordinance approving the establishment of the Rural State land use district boundary amendment and that this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the State land use district boundary amendment ordinance;

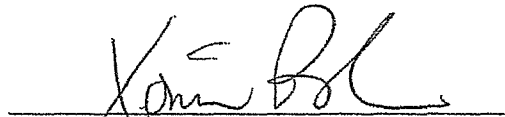
7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that, until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons.

IN WITNESS WHEREOF, the undersigned has executed this Agreement the day and year first above written.

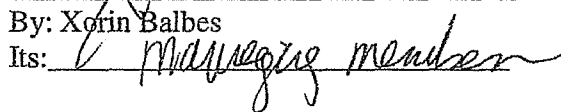
DECLARANT:

SOULSPACE RANCH, LLC



By: Xorin Balbes

Its:



APPROVED AS TO FORM AND LEGALITY:



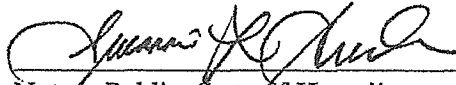
JAMES A. GIROUX

Corporation Counsel

County of Maui

STATE OF HAWAII       )  
                                  )SS.  
COUNTY OF MAUI       )

On October 11, 2012, before me personally appeared, XORIN BALBES, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.




Notary Public, State of Hawaii

Print Name: Terianne L. Arreola

My commission expires: August 15, 2014

V.S.

Date: October 11, 2012		# Pages: 7
Name: Terianne L. Arreola		Second Circuit
Doc. Description:	Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment	
 Notary Signature		
NOTARY CERTIFICATION		(Seal)

V.S.

EXHIBIT "1"

ALL of that certain parcel of land situate, lying and being at Sunnyside, Hamakuapoko, District of Makawao, Island and County of Maui, State of Hawaii, being LOT NUMBER 2, being a portion of the land deeded by the Board of Education to the Trustees of Oahu College as recorded January 30, 1960, in Liber 12 at Page 403, being also a portion of the Fred Baldwin Memorial Home Lot, and thus bounded and described:

Beginning at a pipe at the Northwesterly corner of this lot, being also the Easterly corner of Lot 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE" being 3,976.08 feet South and 17,086.02 feet East, and running thence by azimuths measured clockwise from true South:

1. 279° 53' 30" 153.63 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Alexander & Baldwin, Inc. to a pipe;
2. 307° 37' 387.50 feet along same to a pipe;
3. 341° 13' 264.04 feet along same to a pipe;
4. 50° 32' 284.76 feet along the remaining portion of land deeded by the Board of Education to the Trustees of Oahu College, along land owned by Mauna Olu College, et al to a point;
5. 151° 10' 164.18 feet along the Northerly side of Baldwin Ave. to a point;
6. 119° 32' 165.50 feet along same to a point;
7. 94° 55' 205.15 feet along same to a point;
8. 193° 00' 462.76 feet along Lot 1 to the point of beginning and containing an area of 5.66 acres, more or less.



## EXHIBIT "2"

### CONDITIONS

1. That there shall be a prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. That notification shall be provided to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.
3. That all overnight lodgers in the dormitory units shall enroll in and attend on-site educational programs and may participate in off-site educational programs coordinated by Soulspace Ranch, LLC, as represented to the Department of Planning, the Maui Planning Commission, and the Maui County Council. Substantive changes to the educational curriculum shall be presented to the Department of Planning for review and approval prior to being implemented.
4. That an annual report shall be submitted to the Department of Planning each year no later than 30 days after the anniversary date of the effective date of this ordinance. The annual report shall provide sufficient information on the number and types of classes offered, the number of students enrolled in classes, and the number of classes attended by overnight lodgers in the dormitory units, so that the property's primary public/quasi-public use can be verified. This reporting requirement shall cease upon the establishment of P-1 Public/Quasi-Public District zoning for the property.
5. That within one (1) year of the effective date of this ordinance, Soulspace Ranch, LLC shall apply for a change in zoning from Interim District to P-1 Public/Quasi-Public District.
6. That Soulspace Ranch, LLC shall obtain State Historic Preservation Division ("SHPD") approval for the proposed studio/classroom building, and shall provide a copy of SHPD approval to the Department of Planning, prior to issuance of a grading or building permit for the proposed structure.
7. That Soulspace Ranch, LLC shall develop the property in substantial compliance with the representations made to the

Maui County Council in obtaining the State District Boundary Amendment.

8. That the dormitories shall not be advertised by Soulspace Ranch, LLC as a transient vacation rental or hotel.
9. That the two existing on-site duplex dwellings shall be used for faculty and staff and not offered to students.

lu:misc:032aconditions:cmn

WE HEREBY CERTIFY that the foregoing BILL NO. 87 (2012)

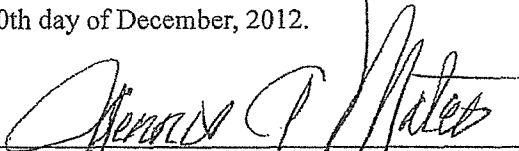
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of December, 2012, by the following vote:

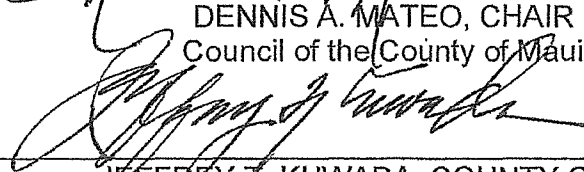
Dennis A. MATEO Chair	Joseph PONTANILLA Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
Aye	Aye	Aye	Aye	No	No	Excused	Excused	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 10th day of December, 2012.

DATED AT WAILUKU, MAUI, HAWAII, this 10th day of December, 2012.

RECEIVED  
2012 DEC 10 PM 1:34  
OFFICE OF THE MAYOR

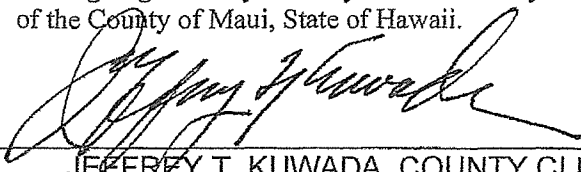
  
DENNIS A. MATEO, CHAIR  
Council of the County of Maui

  
JEFFREY T. KUWADA, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 10 DAY OF December, 2012.

  
ALAN M. ARAKAWA, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3990 of the County of Maui, State of Hawaii.

  
JEFFREY T. KUWADA, COUNTY CLERK  
County of Maui

Passed First Reading on November 2, 2012.  
Effective date of Ordinance December 10, 2012

RECEIVED  
2012 DEC 12 PM 2:23  
OFFICE OF THE  
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3990, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

\_\_\_\_\_  
County Clerk, County of Maui

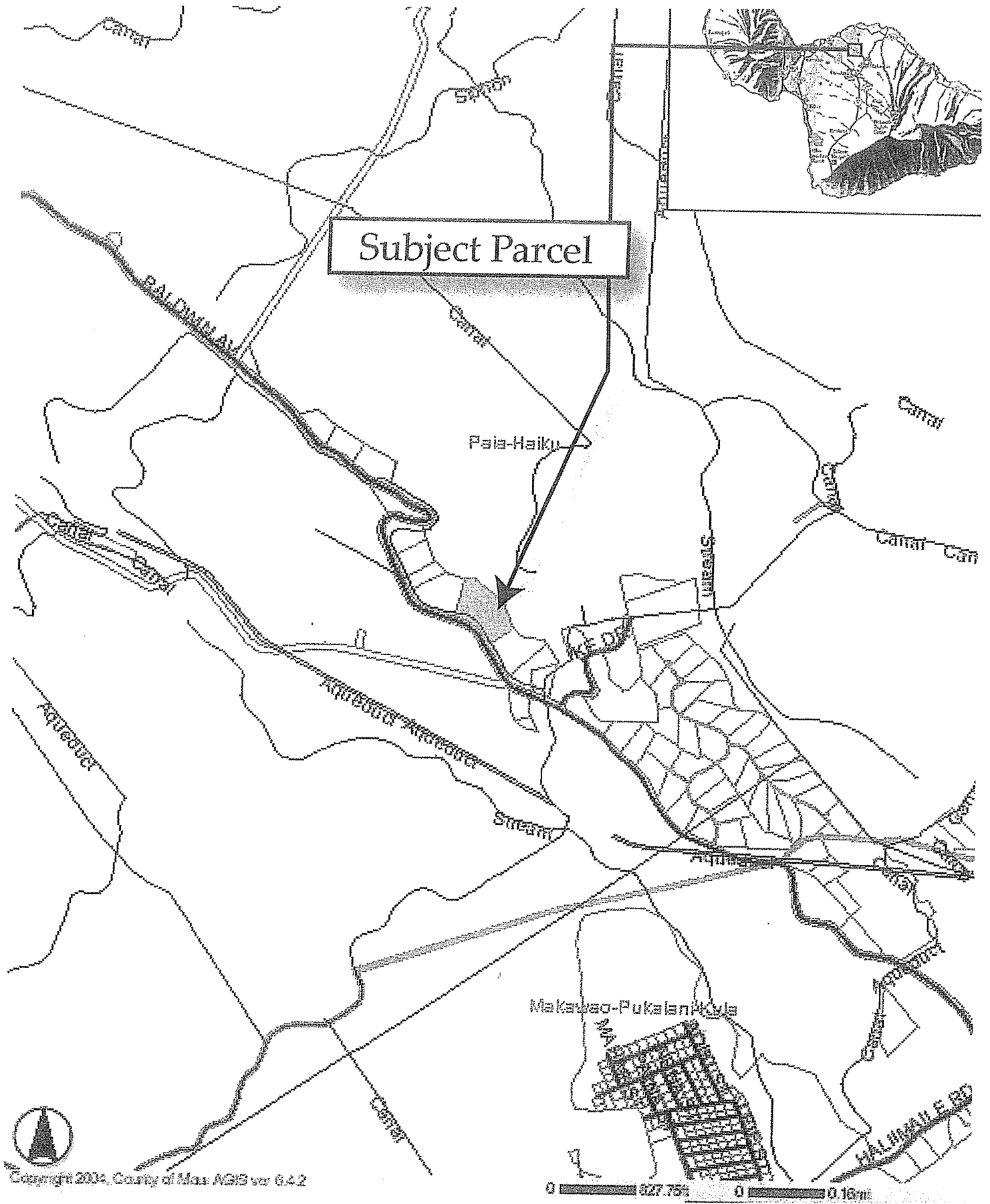


EXHIBIT 3



Subject Parcel



Fred Baldwin Memorial Home  
Figure No. 3

Aerial Photograph



©2009 Google



Mayor



DAVID TAYLOR, P.E.  
Director

PAUL J. MEYER  
Deputy Director

DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2155  
www.mauewater.org

DEPT. OF PLANNING  
COUNTY OF MAUI  
RECEIVED

July 12, 2013

13 JUL 18 PM 2:37

Mr. Joseph M. Prutch, Staff Planner  
Department of Planning, County of Maui  
2200 Main Street, Ste. 315  
Wailuku, HI 96793

Dear Mr. Prutch:

RE: Project: Lumeria Maui  
Applicant: Soulspace Ranch, LLC (Xorin Balbes) – Consultant Chris Hart & Partners  
Address: 1813 Baldwin Avenue, Makawao, Hawaii  
Description: Change in Zoning from Interim to Public/Quasi-Public  
TMK: (2) 2-5-004:007  
Permit No.: CIZ 2013/0003

Thank you for the opportunity to provide the following comments on the referenced project.

The Department of Water Supply (DWS) submitted comments in letters dated February 18, 2011 and June 17, 2011. Building permits have been approved; plans for required water system improvements have also been approved.

Should you have any questions, please contact Arnold Y. Imae, staff planner, at [Arnold.Imae@co.maui.hi.us](mailto:Arnold.Imae@co.maui.hi.us) or at 463-3110.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Taylor".

Dave Taylor, P.E., Director  
ayi

Enclosures: Comment letters dated February 18, 2011 and June 17, 2011  
c: DWS Engineering Division  
DWS WRPD files

*"By Water All Things Find Life"*

EXHIBIT 4



Landscape Architecture  
City & Regional Planning

September 17, 2013

13 OCT -1 10:11

DEPT OF WATER  
SUPPLY  
RECEIVED

Mr. David Taylor, P.E. Director  
Department of Water Supply  
200 High Street  
Wailuku, HI 96793

**SUBJECT: Change in Zoning for Lumeria Maui at 1813 Baldwin Avenue,  
Makawao, Maui, Hawaii. TMK (2) 2-5-004:007 (CIZ 2013/0003)**

Dear Mr. Taylor:

Thank you for your comment letter on the above referenced application dated July 12, 2013.

Respectfully,

Jordan E. Hart, President

Cc: Project file 12-128

Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434, WAILUKU, MAUI, HAWAII 96793  
Telephone: (808) 270-7845 • Fax: (808) 270-7955

July 26, 2013

DEPT. OF PLAN.  
COUNTY OF MAUI

JUL 31 2013

RECEIVED

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

A handwritten signature in black ink, appearing to read "D. Goode", is written over the "FROM:" line.

SUBJECT: **CHANGE IN ZONING FROM INTERIM TO PUBLIC/QUASI-PUBLIC  
FOR LUMERIA MAUI FORMERLY KNOWN AS THE FRED BALDWIN  
MEMORIAL HOME; TMK: (2) 2-5-004:007  
CIZ 2013/0003**

We reviewed the subject application and have the following comment:

1. The owner has requested an extension on Building Permit B2012/1071.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:ls

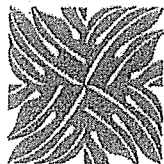
xc: Highways Division

Engineering Division

S:\LUCA\CZM\Lumeria\_maui\_ciz\_25004007\_ls.wpd

EXHIBIT 5





CHRIS  
HART  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning  
September 17, 2013

93 OCT -1 AM 11

DEPT. OF PUBLIC WORKS  
COUNTY OF MAUI  
RECEIVED

Mr. David Goode, Director  
County of Maui  
Director of Public Works  
200 South High Street, Room 434  
Wailuku, HI 96793

**SUBJECT: Change in Zoning for Lumeria Maui at 1813 Baldwin Avenue,  
Makawao, Maui, Hawaii. TMK (2) 2-5-004:007 (CIZ 2013/0003)**

Dear Mr. Goode:

Thank you for your comment letter on the above referenced application dated  
July 26, 2013

Respectfully,

Jordan E. Hart, President


Cc: Project file 12-128

AGENCY NAME	Dept. of Transportation	PHONE	
----------------	-------------------------	-------	--

Agency Transmittal – Lumeria Maui (CIZ 2013/0003)

July 8, 2013

Page 2

NO COMMENT			
Signed:		Dated:	7-12-13
Print Name:	JIM OSTER	Title:	ENGINEER

COMMENT/RECOMMENDATION BOX			
<div style="position: absolute; top: 10px; right: 10px; text-align: center;"> DEPT. OF PLANNING  COUNTY OF MAUI  RECEIVED  13 JUL 16 19:07 </div>			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 6



ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY  
FIRE PREVENTION BUREAU

313 MANEA PLACE + WAILUKU, HAWAII 96793  
(808) 244-9161 + FAX (808) 244-1363

Date : July 12, 2013

RECEIVED

JUL 15 2013

To : Department of Planning  
Attn: Staff Planner,  
Joseph M. Prutch  
220 Main Street, Suite 315  
Wailuku, HI 96793

DEPT. OF PLANNING  
COUNTY OF MAUI

Subject : Lumeria Maui  
1813 Baldwin Avenue, Makawao, Hawaii  
(2) 2-5-004:007  
CIZ 2013-0003

Dear Joseph,

Thank you for allowing the Fire Prevention Bureau the opportunity to comment on the above said project. Our department has no comment on this matter.

If there are any questions, please feel free to contact me by mail or at 244-9161 ext. 25.

Sincerely,

Kono Davis  
Lieutenant, Fire Prevention Bureau  
313 Manea Place  
Wailuku, HI 96793

EXHIBIT 7



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

DEPT. OF PLANNING  
COUNTY OF MAUI

July 25, 2013

JUL 30 2013

RECEIVED

### MEMORANDUM

TO : JOSEPH M. PRUTCH, STAFF PLANNER  
DEPARTMENT OF PLANNING

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : PERMIT NO.: VIZ 2013/0003  
TMK : (2) 2-5-004: 007  
Project  
Name : Lumeria Maui  
Applicant : Soulspace Ranch, LLC (Xorin Balbes)

  x   No recommendation or comment to offer.

       Refer to enclosed comments and/or recommendations.

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

Assistant Chief Victor Ramos  
For: GARY A. YABUTA  
Chief of Police

EXHIBIT 8

# AGENCY TRANSMITTAL RESPONSE e-FORM

FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI  
July 9, 2013

DEPT OF PLANNING  
COUNTY OF MAUI  
PHONE: (202) 270-8230

AGENCY NAME	Department of Environmental Mgmt.	
PROJECT:	Lumeria Maui	
APPLICANT:	Soulspace Ranch, LLC (Xorin Balbes)	
PERMIT NO:	CIZ 2013/0003	13 AUG -9 AM 1:43
TMK:	225004007	
STREET ADDRESS:	1813 Baldwin Avenue, Makawao, Hawaii	
PROJECT DESCRIPTION:	Change in zoning from Interim to Public/Quasi-Public	
SECURITY CODE:		
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS		
WASTEWATER RECLAMATION DIVISION COMMENTS		
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS		
SOLID WASTE DIVISION COMMENTS		
Signed:		
Print Name:	Michael M. Miyamoto, Deputy Director	Date

EXHIBIT 9



LORRIN W. PANG, M.D., M.P.H.  
DISTRICT HEALTH OFFICER

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, HAWAII 96793

DEPT. OF PLANNING  
COUNTY OF MAUI  
RECEIVED

July 29, 2013

13 JUL 31 10:00

Mr. William R. Spence  
Director  
Department of Planning  
County of Maui  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793

Attention: Joseph M. Prutch

Dear Mr. Spence:

<b>Subject:</b>	<b>Lumeria Maui</b>
<b>Applicant:</b>	<b>Soulspace Ranch, LLC</b>
<b>Permit No.:</b>	<b>CIZ 2013/0003</b>
<b>TMK:</b>	<b>(2) 2-5-004:007</b>
<b>Project Location:</b>	<b>1813 Baldwin Avenue, Makawao, Hawaii</b>
<b>Project Description:</b>	<b>Change in Zoning from Interim to Public/Quasi-Public</b>

Thank you for the opportunity to review this project. We have the following comments to offer:

The Individual Wastewater System (IWS) for the property was not approved for use. Please contact your engineer and have them submit an IWS Final Report for processing. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.

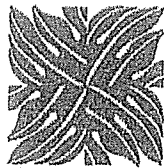
It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230 or E-mail me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

EXHIBIT 10



CHRIS  
HART  
7 PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

September 30, 2013

Ms. Patti Kitkowski,  
District Environmental Health Program Chief  
State of Hawaii  
54 High Street  
Wailuku, HI 96793

13 OCT -1 PM 2:30  
COUNTY OF MAUI  
RECEIVED

**SUBJECT: Change in Zoning for Lumeria Maui at 1813 Baldwin Avenue,  
Makawao, Maui, Hawaii. TMK (2) 2-5-004:007 (CIZ 2013/0003)**

Dear Ms. Kitkowski:

Thank you for your comment letter on the above referenced application dated July 29, 2013 (See Attached: "State Department of Health Comment Letter dated July 29, 2013").

**Your comment states:**

*"The Individual Wastewater System (IWS) for the property was not approved for use. Please contact your engineer and have them submit an IWS Final Report for processing."*

**Our reply is as follows:**

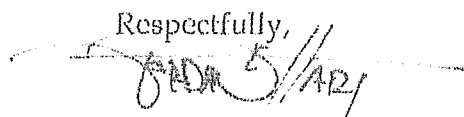
It is our understanding that the IWS serving the property has been reviewed and approved for use, as evidenced by the five (5) separate Certificates of Occupancy approved for the site, each with approvals by the State Department of Health (See Attached: "Certificates of Occupancy, CO 2011-0124 through 0028").

It is our understanding that no change to the structures on site or the IWS have occurred since Certificate of Occupancy Approval.

Additional structures will be proposed for the project site, following the completion of the Change in Zoning process. Those structures and the IWS serving them will be submitted for review by the State Department of Health via the Building Permit Review and Approval process administered by the County of Maui.

Please contact me via email at [jhart@chpmaui.com](mailto:jhart@chpmaui.com) or by phone at (808) 242-1955 for further clarification or documentation.

Respectfully,

A handwritten signature in dark ink, appearing to read "J. Hart", followed by a horizontal line and the date "5/12/13".

Jordan E. Hart, President

Enclosures: (6)

- State Department of Health Comment Letter dated July 29, 2013
- Certificates of Occupancy, (CO 2011-0124 through 0028)

Cc: Project file 12-128





[Help](#)
[Home](#)
[Look Up](#)
[Print](#)
[Genealogy](#)
[Summary](#)
[RFS](#)

## Permit Summary

<b>Permit:</b>	CO 20110124	<b>Flags:</b>	NO
<b>Temporary:</b>	CO T20100232		
<b>Description:</b>	CERTIFICATE OF OCCUPANCY		
<b>Project:</b>	SOUL SPACE DORM SOUL SPACE DORM		
<b>Status:</b>	DONE	<b>Entered:</b>	29-Sep-2010
<b>Issued:</b>	12-Oct-2011	<b>Completed:</b>	12-Oct-2011
<b>Decision:</b>	DONE		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
<b>Address</b>	<b>TMK</b>	
1813 BALDWIN AVE	2250040070000	<b>GIS Parcel</b>

Scope of Work
Project: SOULSPACE DORM BUILDING 1 ONLY *****ORIGINALLY 1 CO FOR ALL 5 BUILDINGS, NOW SPLIT TO 5 CO APPLICATIONS*****RH Scope: Replacement Certificate of Occupancy for Existing Dormatory (Alterations/Repair). Last CO Issued July 14, 1993

Professionals / Contractors	
<b>MELVIN J FIELDING as DESGN</b> P O BOX 1318 MAKAWAO, HI 96768 AR - ARCHITECT <b>License: 5271 Expires: 30-Apr-2014</b>	<b>Phone: 244-0222</b>
<b>IN &amp; OUT BUILDERS, INC. as PRIME</b> 188 WEST KAMAKOI LOOP KIHEI, HI 96753	<b>Phone:</b>

B - GENERAL BUILDING  
License: 30194 Expires: 30-Sep-2014

[QUANTITIES]

Structure Classification			
Initial Value:	\$50,000.00	Calculated Value:	\$600,000.00
Standard Plan:		Public Project:	NO
# of Structures:		# of Res. Units:	
Total Floor Area:	0		
Model:			

Occupancy Group	Construction Type	Structure Class
HOTELS,APT R-1 HOUSES,CONGREGATE RES>10 PERS A-3 ASSEMBLY WITHOUT STAGE & OCC LOAD <300	V-1HR WITH FS, V-1HR SUB SUBSTITUTE 1 HR	COMMERCIAL - 437 (ADD, ALTER, CONVERT)

Inspections						
Inspection	Result	Completed Date	Completed By	Schedule	CORR	
					O	C N
BCO - BLDG-CERTIFICATE OF OCCUPANCY	PASS	14-Sep-2011	RICHIMARU	14-Sep-2011		N
BCO - BLDG-CERTIFICATE OF OCCUPANCY	P2	07-Sep-2011	RICHIMARU	07-Sep-2011		Y
PCO - PLBG-CERTIFICATE OF OCCUPANCY	PASS	17-Aug-2011	LKAMAKA	17-Aug-2011		Y

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
INITIAL REVIEW	PS	1	2	1	30-Sep-2010	30-Sep-2010	A	30-Sep-2010
DSA ENGINEERING	LNAKAMURA	2	3	365	30-Sep-2011	30-Sep-2011	A	26-Aug-2011
Comment: complete grassing, paving and driveway. same for all CO's.								
DEPT OF ENVIRONMENTAL MANAGEMENT	WWRD	2	3	365	30-Sep-2011	30-Sep-2011	P	07-Oct-2010
Comment: FAX CO APPROVAL REQUEST ONLY AFTER DSA PLUMBING INSPECTION HAS BEEN APPROVED.								
DEPT OF ENVIRONMENTAL MGMT - RESUBMIT	WWRD	2	3	0	30-Sep-2010	30-Sep-2010	A	06-Sep-2011
FIRE DEPARTMENT	JBLANDO	2	3	365	30-Sep-2011	30-Sep-2011	P	07-Jun-2011
Comment: construction still underway for this project. Necessary acceptance tests is required for all fire protection equipment installed.								
FIRE DEPT: RESUBMIT	JBLANDO	2	3	10	15-Oct-2010	15-Oct-2010	A	12-Aug-2011



## Permit Summary

<b>Permit:</b>	CO 20110125	<b>Flags:</b>	NO
<b>Temporary:</b>	CO T20110081		
<b>Description:</b>	CERTIFICATE OF OCCUPANCY		
<b>Project:</b>	SOUL SPACE DORM SOUL SPACE DORM		
<b>Status:</b>	DONE	<b>Entered:</b>	03-May-2011
<b>Issued:</b>	12-Oct-2011	<b>Completed:</b>	12-Oct-2011
<b>Decision:</b>	DONE		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
Address	TMK	
1813 BALDWIN AVE	2250040070000	GIS Parcel

Scope of Work
Project: SOULSPACE DORM BUILDING 2 ONLY Scope: Replacement Certificate of Occupancy for Existing Dormitory (Alterations/Repair). Last CO Issued July 14, 1993

Professionals / Contractors	
<b>MELVIN J FIELDING as DESGN</b> P O BOX 1318 MAKAWAO, HI 96768 AR - ARCHITECT <b>License: 5271 Expires: 30-Apr-2014</b>	<b>Phone: 244-0222</b>
<b>IN &amp; OUT BUILDERS, INC. as PRIME</b> 188 WEST KAMAKOI LOOP KIHEI, HI 96753 B - GENERAL BUILDING <b>License: 30194 Expires: 30-Sep-2014</b>	<b>Phone:</b>

QUANTITIES

Structure Classification			
Initial Value:	\$50,000.00	Calculated Value:	\$600,000.00
Standard Plan:		Public Project:	NO
# of Structures:		# of Res. Units:	
Total Floor Area:	0		
Model:			

Occupancy Group	Construction Type	Structure Class
HOTELS.APT R-1 HOUSES, CONGREGATE RES > 10 PERS A-3 ASSEMBLY WITHOUT STAGE & OCC LOAD < 300	V-1HR WITH FS, V-1HR SUB SUBSTITUTE 1 HR	COMMERCIAL - 437 (ADD, ALTER, CONVERT)

Inspections							
Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	N
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	PASS	14-Sep-2011	RICHIMARU	14-Sep-2011			N
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	P2	07-Sep-2011	RICHIMARU	07-Sep-2011			Y
<u>PCO - PLBG-CERTIFICATE OF OCCUPANCY</u>	PASS	17-Aug-2011	LKAMAKA	18-Aug-2011			Y

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
INITIAL REVIEW	PS	1	2	1	04-May-2011	04-May-2011	A	03-May-2011
DSA ENGINEERING	LNAMURA	2	3	365	02-May-2012	02-May-2012	A	07-Sep-2011
DEPT OF ENVIRONMENTAL MANAGEMENT	WWRD	2	3	365	02-May-2012	02-May-2012	P	05-May-2011
Comment: FAX CO APPROVAL REQUEST ONLY AFTER DSA PLUMBING INSPECTION HAS BEEN APPROVED.								
DEPT OF ENVIRONMENTAL MGMT - RESUBMIT	WWRD	2	3	0	03-May-2011	03-May-2011	A	06-Sep-2011
FIRE DEPARTMENT	JBLANDO	2	3	365	02-May-2012	02-May-2012	A	12-Aug-2011
Comment: all acceptance tests were completed								
HEALTH DEPARTMENT	HD	2	3	365	02-May-2012	02-May-2012	A	28-Sep-2011
DSA: BUILDING INSPECTION	BLDG	2	3	365	02-May-2012	02-May-2012	A W/COND	07-Sep-2011
Comment: Const type V-1HR w/FS, Sub 1hr Occ grp R-1/ A-3 nuo 60 day temp CofO until all furniture installed.								



[Help](#)
[Home](#)
[Look Up](#)
[Print](#)
[Genealogy](#)
[Summary](#)
[RFS](#)

## Permit Summary

<b>Permit:</b>	CO 20110126	<b>Flags:</b>	NO
<b>Temporary:</b>	CO T20110082		
<b>Description:</b>	CERTIFICATE OF OCCUPANCY		
<b>Project:</b>	SOUL SPACE DORM SOUL SPACE DORM		
<b>Status:</b>	DONE	<b>Entered:</b>	03-May-2011
<b>Issued:</b>	12-Oct-2011	<b>Completed:</b>	12-Oct-2011
<b>Decision:</b>	DONE		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
<b>Address</b>	<b>TMK</b>	
1813 BALDWIN AVE	2250040070000	<b>GIS Parcel</b>

Scope of Work
Project: SOULSPACE DORM BUILDING 3 ONLY Scope: Replacement Certificate of Occupancy for Existing Dormatory (Alterations/Repair). Last CO Issued July 14, 1993

Professionals / Contractors	
<b>MELVIN J FIELDING as DESGN</b> P O BOX 1318 MAKAWAO, HI 96768 AR - ARCHITECT License: 5271 Expires: 30-Apr-2014	<b>Phone: 244-0222</b>
<b>IN &amp; OUT BUILDERS, INC. as PRIME</b> 188 WEST KAMAKOI LOOP KIHEI, HI 96753 B - GENERAL BUILDING License: 30194 Expires: 30-Sep-2014	<b>Phone:</b>

[QUANTITIES]

Structure Classification			
Initial Value:	\$50,000.00	Calculated Value:	\$600,000.00
Standard Plan:		Public Project:	NO
# of Structures:		# of Res. Units:	
Total Floor Area:	0		
Model:			

Occupancy Group	Construction Type	Structure Class
HOTELS.APT R-1 HOUSES,CONGREGATE RES>10 PERS A-3 ASSEMBLY WITHOUT STAGE & OCC LOAD <300	V-1HR WITH FS, V-1HR SUB SUBSTITUTE 1 HR	COMMERCIAL - 437 (ADD, ALTER, CONVERT)

Inspections							
Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	N
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	PASS	14-Sep-2011	RICHIMARU	14-Sep-2011			N
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	P2	07-Sep-2011	RICHIMARU	07-Sep-2011			Y
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	SC	29-Jul-2011	JRJOHNSON	29-Jul-2011			Y

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
INITIAL REVIEW	PS	1	2	1	04-May-2011	04-May-2011	A	03-May-2011
DSA ENGINEERING	LNAKAMURA	2	3	365	02-May-2012	02-May-2012	A	07-Sep-2011
DEPT OF ENVIRONMENTAL MANAGEMENT	WWRD	2	3	365	02-May-2012	02-May-2012	P	05-May-2011
Comment: FAX CO APPROVAL REQUEST ONLY AFTER DSA PLUMBING INSPECTION HAS BEEN APPROVED.								
DEPT OF ENVIRONMENTAL MGMT - RESUBMIT	WWRD	2	3	0	03-May-2011	03-May-2011	A	06-Sep-2011
FIRE DEPARTMENT	JBLANDO	2	3	365	02-May-2012	02-May-2012	A	12-Aug-2011
Comment: All acceptance tests were completed.								
HEALTH DEPARTMENT	HD	2	3	365	02-May-2012	02-May-2012	A	28-Sep-2011
DSA: BUILDING INSPECTION	BLDG	2	3	365	02-May-2012	02-May-2012	A W/COND	07-Sep-2011
Comment: Const type V-1HR w/FS, Sub 1hr Occ grp R-1/ A-3 nuo 60 day temp CofO until all furniture installed.								



[Help](#)
[Home](#)
[Look Up](#)
[Print](#)
[Genealogy](#)
[Summary](#)
[RFS](#)

## Permit Summary

<b>Permit:</b>	CO 20110127	<b>Flags:</b>	NO
<b>Temporary:</b>	CO T20110083		
<b>Description:</b>	CERTIFICATE OF OCCUPANCY		
<b>Project:</b>	SOUL SPACE DORM SOUL SPACE DORM		
<b>Status:</b>	DONE	<b>Entered:</b>	03-May-2011
<b>Issued:</b>	12-Oct-2011	<b>Completed:</b>	12-Oct-2011
<b>Decision:</b>	DONE		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
<b>Address</b>	<b>TMK</b>	
1813 BALDWIN AVE	2250040070000	<b>GIS Parcel</b>

Scope of Work
Project: SOULSPACE DORM  BUILDING 4 ONLY  Scope: Replacement Certificate of Occupancy for Existing Dormatory (Alterations/Repair). Last CO Issued July 14, 1993

Professionals / Contractors	
<b>MELVIN J FIELDING as DESGN</b> P O BOX 1318 MAKAWAO, HI 96768 AR - ARCHITECT <b>License: 5271 Expires: 30-Apr-2014</b>	<b>Phone: 244-0222</b>
<b>IN &amp; OUT BUILDERS, INC. as PRIME</b> 188 WEST KAMAKOI LOOP KIHAI, HI 96753 B - GENERAL BUILDING <b>License: 30194 Expires: 30-Sep-2014</b>	<b>Phone:</b>

**[QUANTITIES]**

Structure Classification			
Initial Value:	\$50,000.00	Calculated Value:	\$600,000.00
Standard Plan:		Public Project:	NO
# of Structures:		# of Res. Units:	
Total Floor Area:	0		
Model:			

Occupancy Group	Construction Type	Structure Class
HOTELS.APT R-1 HOUSES, CONGREGATE RES>10 PERS A-3 ASSEMBLY WITHOUT STAGE & OCC LOAD <300	V-1HR WITH FS, V-1HR SUB SUBSTITUTE 1 HR	COMMERCIAL - 437 (ADD, ALTER, CONVERT)

Inspections						
Inspection	Result	Completed Date	Completed By	Schedule	CORR	
					O	C N
BCO - BLDG-CERTIFICATE OF OCCUPANCY	PASS	14-Sep-2011	RICHIMARU	14-Sep-2011		N
BCO - BLDG-CERTIFICATE OF OCCUPANCY	P2	07-Sep-2011	RICHIMARU	07-Sep-2011		Y

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
INITIAL REVIEW	PS	1	2	1	04-May-2011	04-May-2011	A	03-May-2011
DSA ENGINEERING	LNAKAMURA	2	3	365	02-May-2012	02-May-2012	A	07-Sep-2011
DEPT OF ENVIRONMENTAL MANAGEMENT	WWRD	2	3	365	02-May-2012	02-May-2012	P	05-May-2011
Comment: FAX CO APPROVAL REQUEST ONLY AFTER DSA PLUMBING INSPECTION HAS BEEN APPROVED AND WWRD REQUIREMENTS HAVE BEEN SATISFIED.								
DEPT OF ENVIRONMENTAL MGMT - RESUBMIT	WWRD	2	3	0	03-May-2011	03-May-2011	A	07-Sep-2011
FIRE DEPARTMENT	JBLANDO	2	3	365	02-May-2012	02-May-2012	A	12-Aug-2011
Comment: all acceptance tests were completed.								
HEALTH DEPARTMENT	HD	2	3	365	02-May-2012	02-May-2012	A	28-Sep-2011
DSA: BUILDING INSPECTION	BLDG	2	3	365	02-May-2012	02-May-2012	A W/COND	07-Sep-2011
Comment: Const type V-1HR w/FS, Sub 1hr Occ grp R-1/ A-3 nuo 60 day temp CofO until all furniture installed.								
DSA: BUILDING INSPECTION RESUBMIT		2	3	60	02-Jul-2011	02-Jul-2011	A	15-Sep-2011
Comment: Const type V-1HR w/FS, Sub 1hr Occ grp R-1/ A-3 nuo								




[Help](#) [Home](#)
[Look Up](#)
[Print](#)
[Genealogy](#)
[Summary](#)
[RFS](#)

## Permit Summary

<b>Permit:</b>	CO 20110128	<b>Flags:</b>	NO
<b>Temporary:</b>	CO T20110084		
<b>Description:</b>	CERTIFICATE OF OCCUPANCY		
<b>Project:</b>	SOUL SPACE DORM SOUL SPACE DORM		
<b>Status:</b>	DONE	<b>Entered:</b>	03-May-2011
<b>Issued:</b>	12-Oct-2011	<b>Completed:</b>	12-Oct-2011
<b>Decision:</b>	DONE		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

Parcel Information		
<b>Address</b>	<b>TMK</b>	
1813 BALDWIN AVE	2250040070000	<b>GIS Parcel</b>

Scope of Work
Project: SOULSPACE DORM BUILDING 5 ONLY Scope: Replacement Certificate of Occupancy for Existing Dormatory (Alterations/Repair). Last CO Issued July 14, 1993

Professionals / Contractors	
<b>MELVIN J FIELDING as DESGN</b> P O BOX 1318 MAKAWAO, HI 96768 AR - ARCHITECT License: 5271 Expires: 30-Apr-2014	<b>Phone: 244-0222</b>
<b>IN &amp; OUT BUILDERS, INC. as PRIME</b> 188 WEST KAMAKOI LOOP KIHEI, HI 96753 B - GENERAL BUILDING License: 30194 Expires: 30-Sep-2014	<b>Phone:</b>

[\[QUANTITIES\]](#)

Structure Classification			
Initial Value:	\$50,000.00	Calculated Value:	\$600,000.00
Standard Plan:		Public Project:	NO
# of Structures:		# of Res. Units:	
Total Floor Area:	0		
Model:			

Occupancy Group	Construction Type	Structure Class
HOTELS.APT R-1 HOUSES, CONGREGATE RES>10 PERS A-3 ASSEMBLY WITHOUT STAGE & OCC LOAD <300	V-1HR WITH FS, V-1HR SUB SUBSTITUTE 1 HR	COMMERCIAL - 437 (ADD, ALTER, CONVERT)

Inspections							
Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	M
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	PASS	14-Sep-2011	RICHIMARU	14-Sep-2011			N
<u>BCO - BLDG-CERTIFICATE OF OCCUPANCY</u>	P2	07-Sep-2011	RICHIMARU	07-Sep-2011			N
<u>PCO - PLBG-CERTIFICATE OF OCCUPANCY</u>	PASS	18-Aug-2011	LKAMAKA	23-Aug-2011			Y

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
INITIAL REVIEW	PS	1	2	1	04-May-2011	04-May-2011	A	03-May-2011
DSA ENGINEERING	LNAMKAMURA	2	3	365	02-May-2012	02-May-2012	A	07-Sep-2011
DEPT OF ENVIRONMENTAL MANAGEMENT	WWRD	2	3	365	02-May-2012	02-May-2012	P	05-May-2011
Comment: FAX CO APPROVAL REQUEST ONLY AFTER DSA PLUMBING INSPECTION HAS BEEN APPROVED.								
DEPT OF ENVIRONMENTAL MGMT - RESUBMIT	WWRD	2	3	0	03-May-2011	03-May-2011	A	06-Sep-2011
FIRE DEPARTMENT	JBLANDO	2	3	365	02-May-2012	02-May-2012	A	12-Aug-2011
HEALTH DEPARTMENT	HD	2	3	365	02-May-2012	02-May-2012	A	28-Sep-2011
DSA: BUILDING INSPECTION	BLDG	2	3	365	02-May-2012	02-May-2012	A W/COND	07-Sep-2011
Comment: Const type V-1HR w/FS, Sub 1hr Occ grp R-1/ A-3 nuo 60 day temp CofO until all furniture installed.								
DSA: BUILDING INSPECTION RESUBMIT		2	3	60	02-Jul-2011	02-Jul-2011	A	15-Sep-2011

AGENCY NAME	OP	PHONE	587-2885
----------------	----	-------	----------

Agency Transmittal - Lumeria Maui (CIZ 2013/0003)

July 8, 2013

Page 2

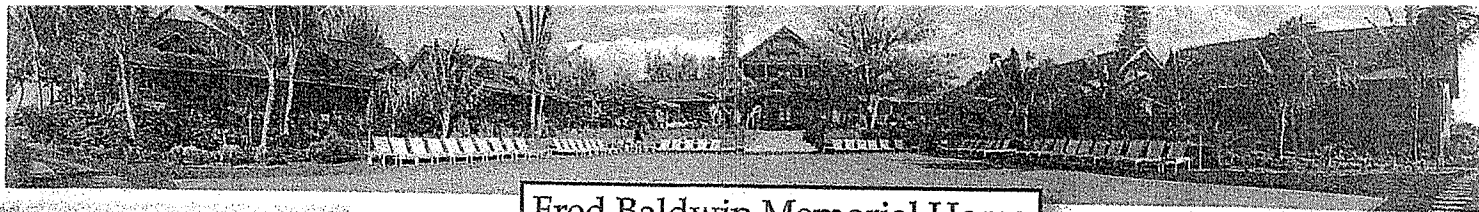
NO COMMENT			
Signed:	<i>Pray Fule</i>	Dated:	<i>7/24/13</i>
Print Name:	<i>Rodney Funa-koshi</i>	Title:	<i>Planning Prog. Admin.</i>

COMMENT/RECOMMENDATION BOX			
Signed:		Dated:	
Print Name:		Title:	

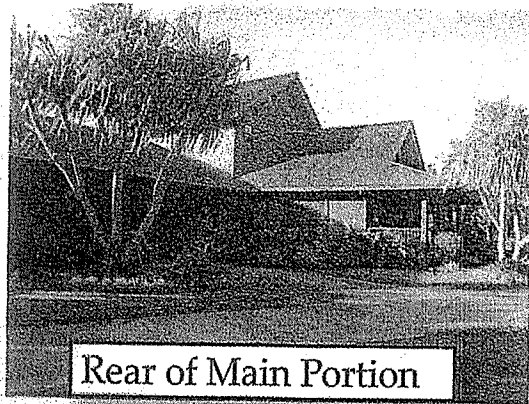
13 AUG -1 P2:42

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

EXHIBIT 11



Fred Baldwin Memorial Home



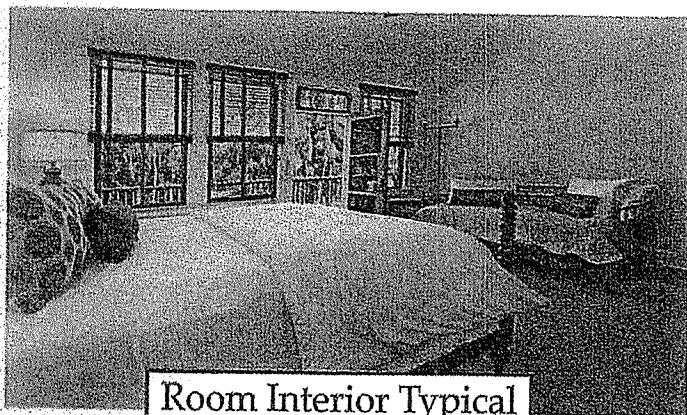
Rear of Main Portion



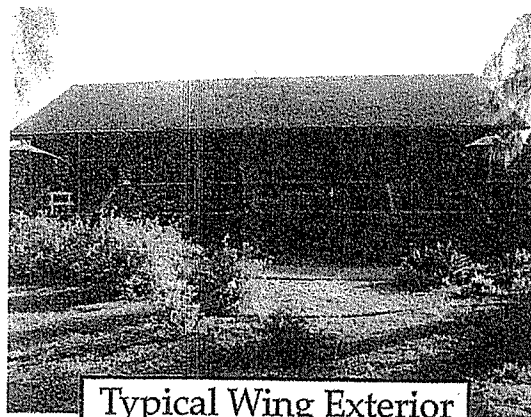
Architecture Detail



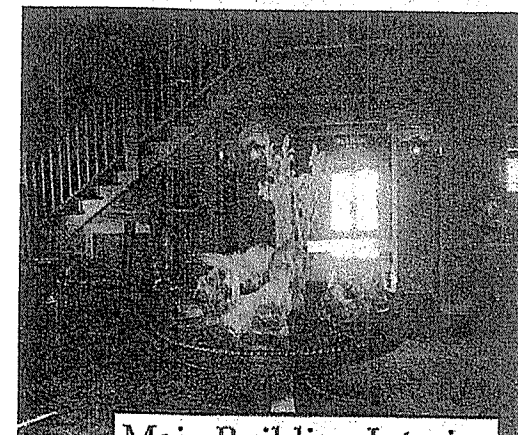
Dining Room



Room Interior Typical



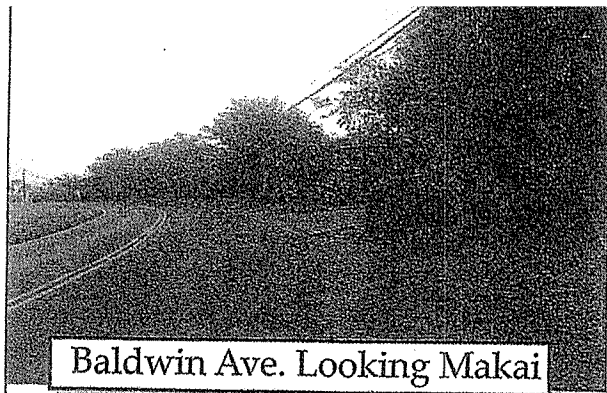
Typical Wing Exterior



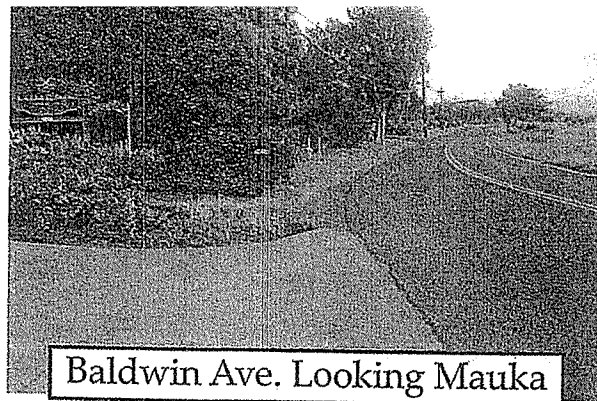
Main Building Interior

Fred Baldwin Memorial Home  
Figure No. 4a  
Site Photographs  
Taken: February 2011

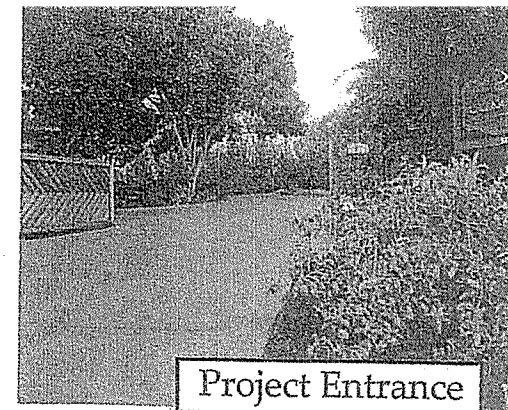
EXHIBIT 12



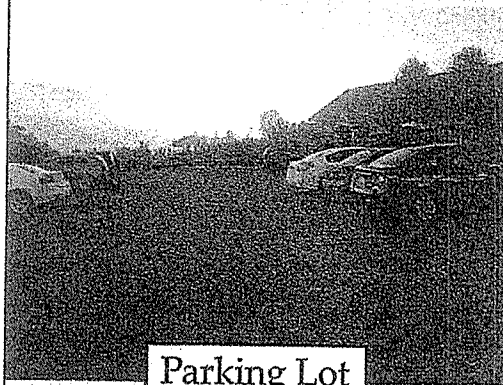
Baldwin Ave. Looking Makai



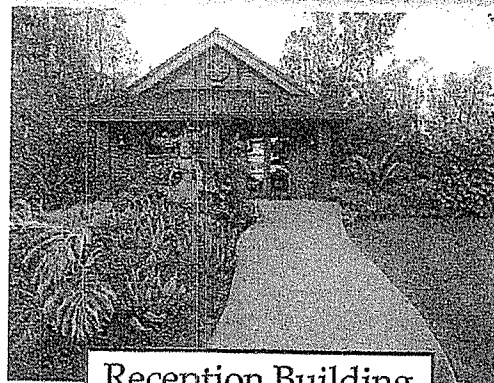
Baldwin Ave. Looking Mauka



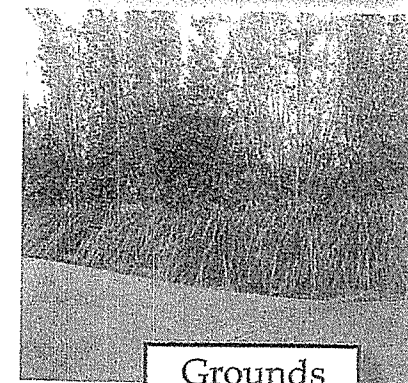
Project Entrance



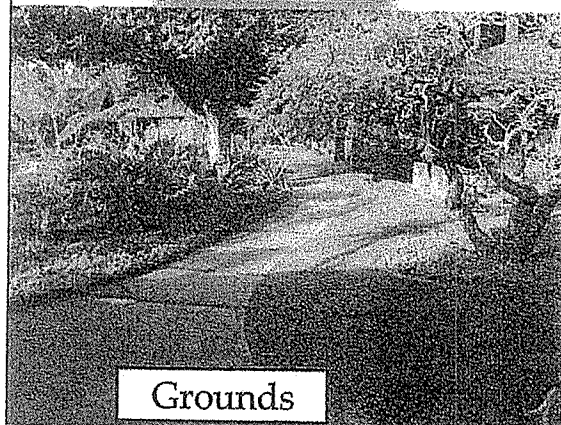
Parking Lot



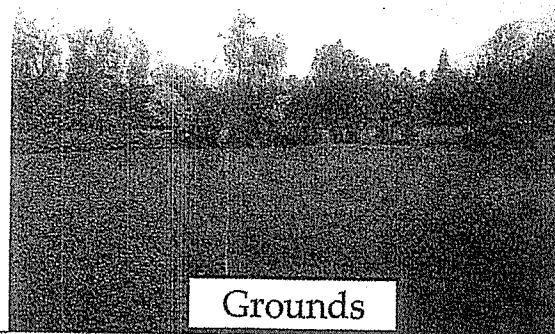
Reception Building



Grounds



Grounds



Grounds



**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
NOVEMBER 26, 2013**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:04 a.m., Tuesday, November 26, 2013, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Chairperson Lay: Commission is now called to order. Today is November 26<sup>th</sup>. Public testimony will be taken at the start of the meeting on any agenda item except for contested cases under Chapter 91 HRS, in order to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits on individual testimony is three minutes. Any person testifying at this time will not be allowed to testify again when the agenda item comes up before the Commission unless any new or additional information will be offered. Please be advised that the applications for community plan amendment, state district boundary reclassification, change in zoning, and conditional permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of County Council Services. At this time we're gonna open up to public testimony. Does anybody wish to testify at this time? Seeing none, public testimony is now closed and our first agenda item?

Mr. Spence: Good morning, Commissioners.

Commission Members: Good morning.

Mr. Spence: Say Happy Thanksgiving before we go even further. Our first public hearing is Mr. Xorin Balbes of Lumeria Maui requesting a Change in Zoning. Staff Planner is Mr. Joseph Prutch.

**B. PUBLIC HEARING** (Action to be taken after each public hearing item.)

- 1. MR. XORIN BALBES of LUMERIA MAUI requesting a Change of Zoning from Interim District to Public/Quasi-Public District in order to comply with a condition of Ordinance No. 3990, District Boundary Amendment for the Lumeria Maui project at 1813 Baldwin Avenue at TMK: 2-5-004: 007, Makawao, Island of Maui. (CIZ 2013/0003) (J. Prutch)**

Mr. Joseph Prutch: Good morning everybody.

Commission Members: Good morning.

Mr. Prutch: So as he mentioned we have the Soul Space Ranch Project before you a change in zoning. It's a property that's about 5.6 acres in size. It's developed with a--if you know the property--it's developed with a dormitory, a duplex, a swimming pool and a nonprofit school of yoga,

metaphysics, water sports training, agriculture, and Hawaiian culture. The applicant is currently operating under an Ordinance County Council No. 3990 for a District Boundary Amendment which was approved by Council in December of 2012. So just two years, no, a year ago, sorry.

Now let me give you a little brief history of the application and the project site. Back in November of 2010 the Fred Baldwin Memorial Home which is the main structure on the site was placed on the Hawaii Register of Historic Places by the applicant. On December 1, 2011, the same building was placed on the National Register of Historic Places, so it's on both registers. In January of 2012, a State Land Use Commission Special Use Permit was issued by the Commission, by your Commission to operate the nonprofit school of yoga, metaphysics, water sports, ag and Hawaiian culture. And then in January of 2012, same day, you guys also approved the District Boundary...or not approved, you recommended approval of a District Boundary Amendment for the same project. And then finally on December 10, 2012, the County Council approved the DBA, by Ordinance No. 3990. And one of the conditions, Condition No. 5 of that ordinance was that within one-year of the effective date of the ordinance, Soul Space Ranch shall apply for a Change of Zoning from Interim to Public/Quasi-Public District. The applicant made their application back in March of this year so they made it in a timely manner.

I'll give you a little brief description of the project site, but the applicant, Mr. Jordan Hart is here and he'll be able to give you a power point presentation to go a little more in depth. But essentially it's developed with several buildings and accessory structures. The most prominent being of course the Fred Baldwin Memorial Home which is about 14,000 square feet dormitory facility. It was constructed between 1910 and 1911. There's also two existing duplex buildings on the property that total about 3,000 square feet. There's a laundry facility at a 1,000 square feet. There's a swimming pool that was just built earlier this year. And in the future the applicant plans to construct a classroom facility and additional parking after approval of a change in zoning.

As far as agencies reviewing this project, sent it out to various agencies. I only received comments from the Water Department, they essentially had no issues. Department of Public Works, they also had no issues, and the Department of Health, they were concerned about the individual wastewater system. They said that it wasn't approved. But in further review of that and consultation between the applicant and the Department of Health, they determined that there were Certificates of Occupancy which is in your exhibit and that they were approved for the existing buildings. My understanding is the Department of Health was confused that there was I guess a building permit outstanding for the school facility, they have a new school facility and there was no IWS for that yet. That's true. So when they get around to building that, they'll have to go through and get their septic and all that.

As far as testimony, the Department has received no letters, well prior to today we've received no letters supporting or opposing this change in zoning request. However, today I was handed a...you were handed this as well, a letter from the neighbor I believe to the south...to the north, an adjacent neighbor that submitted letter saying that they were in support and had no issues or concerns with the zoning change. So that was given to me today.

Other than that, I think for now I will let Chris Hart, I mean, Jordan Hart, I'm sorry, go through and do his presentation and the Xorin Balbes is here as well if there's any questions from the applicant.

Is that okay?

Mr. Jordan Hart: Good morning, Commissioners. My name is Jordan Hart from Chris Hart & Partners. I'm just gonna briefly go through some of the background for the property. I know that some of you have already seen this project two years ago. Project is the Fred Baldwin Memorial Home. The applicant is Xorin Balbes on behalf of Lumeria Maui. The application is for a change in zoning from Interim to Public/Quasi-Public.

Access to the project site is provided off of Baldwin Avenue via private driveway. Project site is 5.66 acres. Facilities are an existing dormitory, pool, and duplex structures. There is a proposed classroom facility. The uses that occur on site are educational uses which include a yoga, metaphysics, water sports training, Hawaiian culture and agricultural educational programs.

The State Land Use District Boundary Amendment was conducted for this project so the property is now in the Rural District. That was what was reviewed by the Planning Commission approximately two years ago. The property is in the Public/Quasi-Public District in the Paia-Haiku Community Plan and that's the change in zoning that we're going for today. The current zoning is Interim. The property is located in Flood Zone C or X.

This is a location map. This is Baldwin Avenue here, Rainbow Park here, Makawao Union Church here, Halimaile Road is up here. Here's an aerial photograph. These are some of the existing Public/Quasi-Public uses that are occurring in the facility or sorry, the vicinity. Maui Farm Inc., Aloha Job Corp., Aloha House, Maui Youth and Family Services, Makawao Union Church. Here's an aerial photograph. This is the Fred Baldwin Memorial Home. This is currently the reception center. These are the two duplex structures. This is the neighbor that provided the letter of support or email in support this morning.

This is a State Land Use District Map. Some of this history that was just discussed by Joe, I'll just kinda pass over. This is the Community Plan Map and basically it just shows a concentration of Public/Quasi-Public in the location. Maunaolu College, some of the other Public/Quasi-Public uses I was just mentioning to you. This property, the makai property abutting and Makawao Union Church and the associated facilities. Here's an aerial, not an aerial, site plan of the project. The Fred Baldwin Memorial Home, duplex structures, existing parking lot.

As Joe discussed, Xorin on his own initiated the process of adding the property to the State and National Register of Historic Places and also conducted a comprehensive repair and maintenance program supervised by the State Historic Preservation Division and, you know, we were just looking at site photos, the project site, you know, when he first took it over and it was in really bad shape. It was basically being used as labor housing by Maui Land & Pine. It has as many as 140 people in there at one time and it was, it was in horrendous shape.

Just some of the background. This is Fred Baldwin. Basically Fred Baldwin passed away at an early age and so the facility was built as a memorial to him. It was initially a convalescence home for or I'm sorry, it was initially a rest home for retired plantation workers who had no family locally, then it became a convalescence home for military veterans, it became the dormitory for Maunaolu Women's College and then it was used for ag labor housing.



Harry Livingston Kerr was the architect. He built some of the buildings around Maui. He designed some of the buildings around Maui. He designed the court house that's next door as well as a few others. This is a photo of the early project site. Some photos from the 40's of the interior, exterior, and these kinda were all uncovered in the adding of the property to the National Register.

So the Change in Zoning is for Public/Quasi-Public. Here's just a list of the structures, some more photos. These are interior. This just kinda shows the scale of what was happening at the property. There's three massive rice cookers for all the laborers that were living there, big mixer. This is the current character of the dining facility. These are some exterior shots. These are kinda a little recent after construction. These are some more settled photos of the site.

This is the proposed classroom facility. Because the property is State and National Register there's gonna have to be some intensive review by SHPD, Architecture Branch on the property construction. But this is the preliminary proposed design and it's well-received. It's already been approved.

Okay, so in 1993 and in 1995, the Paia-Haiku Community Plan designated the parcel for Public/Quasi-Public. Public/Quasi-Public uses are permitted in the State Rural District which is what is now the designation for the parcel. In obtaining our State Land Use District Boundary Amendment we were provided with Condition No. 5 which required us to file for this change in zoning and so we're here today. That's the conclusion of my presentation. I do wanna thank Stan Solamilo who is the former Cultural Resource Planner for the County of Maui who provided a lot of that background history and photos for us which was really nice to have. Thank you.

Chairperson Lay: Does the applicant wish to say anything at this time?

**a) Public Hearing**

Chairperson Lay: If not, we're gonna open up for public testimony. Does anyone wish to testify at this time? Seeing none, public testimony is closed. Commissioners, questions? Commissioner Ball?

Mr. Ball: There is a brief statement about the...how the wastewater was used and something about septic? Can you go back to that and explain what's going on with that?

Mr. Hart: Sure. Basically, what happened is the classroom building which I just misspoke on, the permit for that was issued. No groundbreaking activities took place, but Department of Health had on their records the permit was issued so they're expecting to come to review a wastewater system so their reply letter to us was basically that your wastewater system didn't get final review, but no construction has started at this point. So there is no existing system that hasn't had final review.

Mr. Ball: So what is the system currently then?

Mr. Hart: The current system serves the entire facility and that was basically upgraded by Maui Land and Pine immediately prior to their sale and then the applicant has going C.O.s for all the buildings and that includes the updated review of all those systems. So all the operating systems

are operating under C.O.s and there's no, currently, current system under construction that hasn't been reviewed by the State Department of Health.

Chairperson Lay: Commissioners? Commissioner Wakida?

Ms. Wakida: I have, I have a question of the applicant.

Mr. Xorin Balbes: Hello.

Ms. Wakida: Good morning. I've recently, and I apologize I can't put my finger on the source but I recently read an article referencing Paia. And it said that there were no hotels in Paia except, I think it's called Paia Inn and Lumeria. They called your establishment a hotel. Would you like to respond to that?

Mr. Balbes: Sure. We only actually market ourselves as a retreat center, but we can't really control anybody that picks up a story and calls us a hotel. And so it's something I try to control, but there's really nothing I can do about that. You know, some people you know think a retreat and a hotel are the same when they're doing a story or an article and I just don't have power or control over that.

Ms. Wakida: I understand. So I know when you originally came in for an application we had a lot of a questions about the nature of your guests and what the restrictions were. So you're saying it's the same that your guests are connected with the programs that you offer?

Mr. Balbes: Absolutely. If you take a look at our website, you'll see hundreds and hundreds and hundreds of three-day and five-day, and seven-day yoga intensive trainings and teacher training and certificates given and yes, it's very intense educational.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Do you have guests who come and just stay there and don't participate in any programs?

Mr. Balbes: No, in order to stay they do participate in programs. That was one of the conditions.

Ms. Wakida: Okay, thank you very much.

Mr. Balbes: You're welcome.

Chairperson Lay: Commissioners, any more questions? Commissioner Shibuya?

Vice-Chair Shibuya: I was looking through I wanna compliment you for an outstanding job of restoring this historical structure and I've looked at some of your pictures there. I really appreciate you giving us this rundown here. It reflects a lot of personal care and wanting to restore and retain the nature of what was there before and so thank you very much.

Mr. Balbes: Thank you.

Vice-Chair Shibuya: I do have the driveway...because of Baldwin Avenue it's sorta sloping downwards past your driveway, I don't know if you have that growth, it's like a bush or shrub that sorta blocks your view of those folks coming down towards your property. Is that cleared out?

Mr. Balbes: Which one is that? It's at the main entrance?

Vice-Chair Shibuya: Yeah, at your main entrance, yes. Right where your sign is there's a big bush.

Mr. Balbes: Oh, is it a big red bush?

Vice-Chair Shibuya: Yes.

Mr. Balbes: Yeah, I still have that big red bush there. So you're saying that it seems like an impediment?

Vice-Chair Shibuya: I don't know if it is. If you're in a car maybe you can take a look at it and see if does, it's just a safety concern, okay. It's not something that you gotta do right now.

Mr. Balbes: I'll look at it for sure.

Vice-Chair Shibuya: Take a look at it and keep it trimmed and there's bicyclists coming down there.

Mr. Balbes: Sure.

Vice-Chair Shibuya: Yes, a lot of them.

Mr. Balbes: A lot of them.

Chairperson Lay: Public Works wish to comment on that?

Ms. Dagdag-Andaya: You brought up a good point, Commissioner Shibuya and I just wanted to add that as they're going through the building permit process they're gonna be required to do a sight distance analysis anyway. So prior to even getting the plans reviewed they need to do a...the civil engineer needs to do a sight distance analysis for those kinds of things. And at the same time, our Highways Division does periodic checks along our right of way for any sight distance issues. Police Department also has, sometimes they do checks as well, so in working with the applicant, we'll be able to address that concern of yours.

Vice-Chair Shibuya: Okay, thank you.

Chairperson Lay: Commissioners, any more questions? If not, oh...Commissioner Shibuya?

Vice-Chair Shibuya: Just for a quick review. You do have a fire hydrant close by or is that...you can tell me the distance and then also smoke alarms and/or some kind of fire suppression system?

Mr. Balbes: Yes, we did have Fire Department approval. But I can just let you know that we've got sprinkler systems in the attics, we've got sprinkler systems on the main floors, we've got sprinkler systems underneath the...the foundation level, and then we also have wet and dry fire lines on the property and I think two fire hydrants in front of the property.

Vice-Chair Shibuya: Yes, I remember something to that effect.

Mr. Balbes: Yeah.

Vice-Chair Shibuya: Thank you very much.

Mr. Balbes: You're welcome.

Chairperson Lay: Commissioner Ball?

Mr. Ball: Motion to approve the change in zoning to rezone property from Interim to Public/Quasi-Public for the property located at 1813 Baldwin Avenue.

Mr. Medeiros: Second.

Chairperson Lay: There's been a motion and second. Any comments on the motion and recommendation? Or can we get the Department's recommendations also. Jumping the gun there.

Mr. Ball: Like to suspend my motion.

Chairperson Lay: Let's get the Department's recommendation at this time.

**b) Action**

Mr. Prutch: Well, this seems kinda moot point now, but...okay, the Maui Planning Department's recommending that the Maui Planning Commission recommend to the Maui County Council approval of the change in zoning from Interim District to Public/Quasi-Public to comply with the condition of County Council Ordinance No. 3990. The Maui Planning Department recommends that the Commission adopt the Department's report and its recommendation memorandums prepared for the November 26, 2013 meeting as findings of facts, conclusions of law, decision and order and further authorize Mr. Planning Director transmit, to transmit said recommendations to the Maui County Council. Okay, go ahead.

Chairperson Lay: Now, Commissioner Ball? You wanna make a motion on that?

Mr. Ball: So moved.

Mr. Freitas: Second.

Chairperson Lay: Motion by Commissioner Ball, seconded by Commissioner Freitas. Any comments or discussion on it? Commission Tsai?

Mr. Tsai: I'm definitely for the motion and I just wanna add that I had the pleasure to actually visit your establishment and I'm really amazed how good a job you've done in there. It's immaculate, beautiful, it's nice, nice work.

Chairperson Lay: Any more discussion on the motion? If not, call for the vote? All those in favor?

Mr. Spence: That's seven ayes.

Chairperson Lay: Motion carries. Thank you very much. Congratulations.

**It was moved by Mr. Ball, seconded by Mr. Freitas, then**

**VOTED: To Recommend Approval of the Change in Zoning to the County Council, as Recommended by the Department.**  
**(Assenting - K. Ball, J. Freitas, J. Medeiros, M. Tsai, W. Hedani,**  
**P. Wakida, W. Shibuya)**  
**(Excused - S. Duvauchelle)**

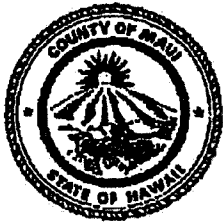
Mr. Spence: Good morning, Commissioners. The next item on your agenda, next public hearing item on your agenda is Mr. Galileo Buzzi Ferraris and Ms. Monica Del Duca requesting a Land Use Commission Special Use Permit in order to operate a short-term rental home in the State Ag District. And our Staff Planner this morning is Ms. Gina Flammer.

- 2. MR. GALILEO BUZZI FERRARIS and MS. MONICA DEL DUCA requesting a State Land Use Commission Special Use Permit in order to operate the Hale Akaula Short-Term Rental Home, a four (4)-bedroom short-term rental home located in the State Agricultural District at 311 Waiama Way, TMK: 2-7-003: 117, Haiku, Island of Maui. (SUP2 2013/0001) (G. Flammer)**

Ms. Gina Flammer: Okay, good morning, Commissioners. I will mention that this a two-acre lot in the subdivision Haiku Hill. I'll just go right into the power point and give you an overview. So here's a regional map that's also included in your staff report. It just shows you where in Haiku that we're talking about. And just to get a little bit closer it shows you where the subdivision is and then the pink is where the proposed, where the lot is. And then I wanted to give you the big picture.

There's a couple applications for the same subdivision and the Department wanted to bring them to you all at the same time. It took quite a bit of coordination, we had to wait, but we thought it for your sake it made the most sense to do that. So after this, we're gonna have two that are also in the same area, but this is in your report, but I wanted to just show you. And I wanted to mark on here too, the different letters of support so you could get a feel for the entire neighborhood. I did put the green 500-foot boundary, but I wanted to let you know that you're only reviewing the State Special Use Permit for these projects today and that's because the Short-Term Rental Home Ordinance had a waiver that anybody that came in during the first year by the end of 2012, they didn't trigger a Maui Planning Commission review of the Short-Term Rental Home Permit so long as they came in before that date if there was another one within 500 feet. The other trigger still

13/1390



COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

APPLICATION TYPE: **CHANGE IN ZONING APPLICATION**

DATE: \_\_\_\_\_ VALUATION: \$ Zero (\$0) <sup>13</sup> MAR 11 10:23

PROJECT NAME: Lumeria Maui, CIZ

PROPOSED DEVELOPMENT: Change In Zoning to comply with condition of Ordinance No. 3990.

No development proposed as part of this action. CIZ from Interim to Public/Quasi-Public.

TAX MAP KEY NO.: (2)2-5-004: 007 CPR/HPR NO.: \_\_\_\_\_ LOT SIZE: 5.66-Acres

PROPERTY ADDRESS: 1813 Baldwin Ave., Makawao, Maui.

OWNER: Soulspace Ranch LLC. PHONE: (B) \_\_\_\_\_ (H) \_\_\_\_\_

ADDRESS: 1813 Baldwin Avenue

CITY: Makawao STATE: HI ZIP CODE: 96793 96768

OWNER SIGNATURE: See: Applicant Signature

APPLICANT: Soulspace Ranch LLC. (Xorin Balbes)

ADDRESS: 1813 Baldwin Avenue

CITY: Makawao STATE: HI ZIP CODE: 96793 96768

PHONE (B): \_\_\_\_\_ (H): \_\_\_\_\_ FAX: \_\_\_\_\_

APPLICANT SIGNATURE: *Xorin Balbes*

AGENT NAME: Chris Hart & Partners, Inc. (Jordan E. Hart) BRD 5/1/14

ADDRESS: 115 North Market Street

CITY: Wailuku STATE: HI ZIP CODE: 96793

PHONE (B): (808) 242-1955 (H): \_\_\_\_\_ FAX: \_\_\_\_\_

EXISTING USE OF PROPERTY: Lumeria Maui, Educational Facility

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Rural

COMMUNITY PLAN DESIGNATION: P/Q-P ZONING DESIGNATION: Interim

OTHER SPECIAL DESIGNATIONS: \_\_\_\_\_