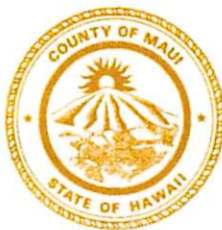


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



RECEIVED
2019 APR 24 PM 3:19

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

April 24, 2019

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

RECEIVED
2019 APR 25 AM 11:44
OFFICE OF THE
COUNTY CLERK

For Transmittal to:

Honorable Kelly T. King, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 4/25/19
Acting Mayor Date

Dear Chair King and Members:

**SUBJECT: COUNCIL RESOLUTION 17-151 (CPA 2017/0003,
DBA 2017/0003, CIZ 2017/0004)**

The Department of Planning (Department) is transmitting for your review and action the Community Plan Amendment (CPA), District Boundary Amendment (DBA) and Change in Zoning (CIZ) applications submitted on behalf of Hui No'eau. A summary of the application is as follows:

APPLICATION SUMMARY	
Application	CPA, DBA, CIZ
Applicant	Not applicable (the matter was initiated by Former Council Chair Michael White)
Owner	Hui No'eau
Tax Map Key	(2) 2-4-002:006 (POR.) and (2) 2-4-002:011
Address	2841 Baldwin Avenue, Makawao, Island of Maui, Hawaii
Area	Approximately 14.775 acres

COUNTY COMMUNICATION NO. 19-198

Honorable Michael P. Victorino, Mayor
 For Transmittal to:
 Honorable Kelly T. King, Chair
 April 24, 2019
 Page 2

APPLICATION SUMMARY	
Current Land Use Designations	State Agricultural District (both parcels) Maui Island Plan: Rural and Outside Protected Areas Makawao-Pukalani-Kula Community Plan: Agriculture (Parcel 6), Public/Quasi-Public (Parcel 11) Title 19, Zoning: Agricultural (Parcel 6), Interim (Parcel 11) Other: Outside Special Management Area (SMA)
Brief Description	Hui No'eau has historically maintained a Land Use Commission Special Permit, since its structures are all located on Parcel 11, which has a State Land Use District designation of Agricultural. The use has been consistent with the Community Plan designation of Public Quasi-Public, the Maui Island Plan designation of Rural and County Zoning of Interim. Land Use entitlements are being sought so that there would be no need for a Special Permit. In order to operate without the need for a Special Permit, the Applicant is seeking a District Boundary Amendment from Agricultural to Rural for Parcel 11 and a portion of Parcel 6. In addition, for future land uses, the Applicant is seeking a Community Plan amendment from Agriculture to Public/Quasi-Public on Parcel 6, and a Change of Zoning from the Interim and Agricultural Districts on Parcel 11 and a portion of Parcel 6. Current development objectives include an improvement of accessibility, construction of a new 2,976 square foot woodworking facility, reconstruction of the stables and tack shed, and the construction of a new outdoor pavilion.
Public Hearing	Held by Maui Planning Commission (Commission) on January 22, 2019 in Wailuku, Maui, Hawaii.
Testimony	Five people provided oral testimony in support of the project, including one board member, a former board member and the Director of Hui No'eau
Recommendation	The Commission recommended approval of the subject proposed bill.

The Commission reviewed the subject application at its January 22, 2019 public meeting and recommended approval of the CPA (CPA 2017/0003), DBA (2017/0003) and CIZ (2017/0004) with one condition on the zoning to the Maui County Council (Council):

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly T. King, Chair
April 24, 2019
Page 3

- 1) That plans for any new building shall be reviewed by the Urban Design Review Board and the State Historic Preservation Division, whose comments shall be considered by the Planning Department prior to approving any building permit for any new building.

As Council approval is required, the Department respectfully transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bills entitled, "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)"; "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"; and "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)";
2. Department's Recommendation to the Commission dated January 22, 2019;
3. Department's Report and Agency Comments to the Commission dated January 22, 2019;
4. Adopted Minutes of the January 22, 2019 Commission meeting; and
5. Letter dated March 5, 2019 regarding Amended Recommendation of Approval by Maui Planning Commission.

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Kelly T. King, Chair
April 24, 2019
Page 4

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

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Ann T. Cua, Supervising Staff Planner (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Maui Planning Commission Members (PDF)
Caroline Killhour, Executive Director, Hui No'eau Visual Arts Center (PDF)
Robb Cole, Consultant, Hawaii Land Use Group (PDF)

MCM:TKF:lak

Project File

K:\WP_DOCS\Planning\Cpa\2017\0003_HuiNoeauVisualArtsCtr\StaffReporttoDecision\TransmittalToCouncil.doc

ORDINANCE NO. _____

BILL NO. _____ (2019)

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

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Makawao-Pukalani-Kula Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for that certain parcel of land situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as portion of tax map key (2) 2-4-002:006, comprised of approximately 4.306 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. 618, attached hereto as Exhibit "B" and made a part hereof.

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

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF2019-0444
2019-04-16 Ordinance CPA Hui No'eau

LAND DESCRIPTION

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

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

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

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

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

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

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


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



ORDINANCE NO. _____

BILL NO. _____ (2019)

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

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural to Rural for that certain parcel of land situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006, comprised of approximately 14.775 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Use District Boundary Amendment Map No. 625, attached hereto as Exhibit "B" and made a part hereof.

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

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
LF2019-0444
2019-04-16 Ordinance DBA Hui No'eau

LAND DESCRIPTION

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

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

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

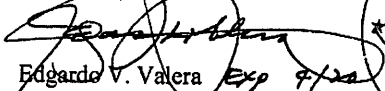
Beginning at a found 1/2point at the northernmost corner of this parcel of land, along the south side of Kaluanui Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 7,513.72 feet North and 4,062.59 feet West and running by azimuth measured clockwise from true South (meridian of said "PIIHOLO"),

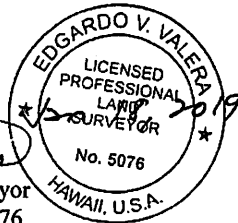
1. 301° 54' 30" 375.50 feet along Lot 2-A-1-B of H. A. Baldwin, "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41 feet along Lot 2-A-1-C of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
4. 347° 20' 162.00 feet along the same to a ½ inch pipe; thence,
5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2214 to a ½ inch pipe, thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80 feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle° of 21°31' 51", the chord azimuth and distance being
131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

- | | | |
|-----|--------------|---|
| 9. | 115° 47' | 95.63 feet along the same to a ½ inch pipe; thence, |
| 10. | 110° 36' | 121.67 feet along the same to a ½ inch pipe; thence, |
| 11. | 151° 13' | 454.41 feet along portion of Lot 1 of Maui Pineapple Co., Ltd.,
Lease, LUCA File No. 2.393 to a point; thence, |
| 12. | 177° 10' | 361.02 feet along the remainder of Lot 1 of Maui Pineapple Co., Ltd. Lease, LUCA File No. 2.393 to a point; thence, |
| 13. | 265° 06' | 97.60 feet along the south side of Kaluanui Road to a point; thence, |
| 14. | 261° 26' | 63.70 feet along the same to a ½ inch pipe; thence, |
| 15. | 327° 30' | 8.63 feet along the same to a ½ inch pipe; thence, |
| 16. | 266° 10' 20" | 238.10 feet along the same to the point of beginning and containing an area of 14.775 acres, more less. |

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

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


Edgardo V. Valera *Exp 9/22*
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
8178ACPKaluanui



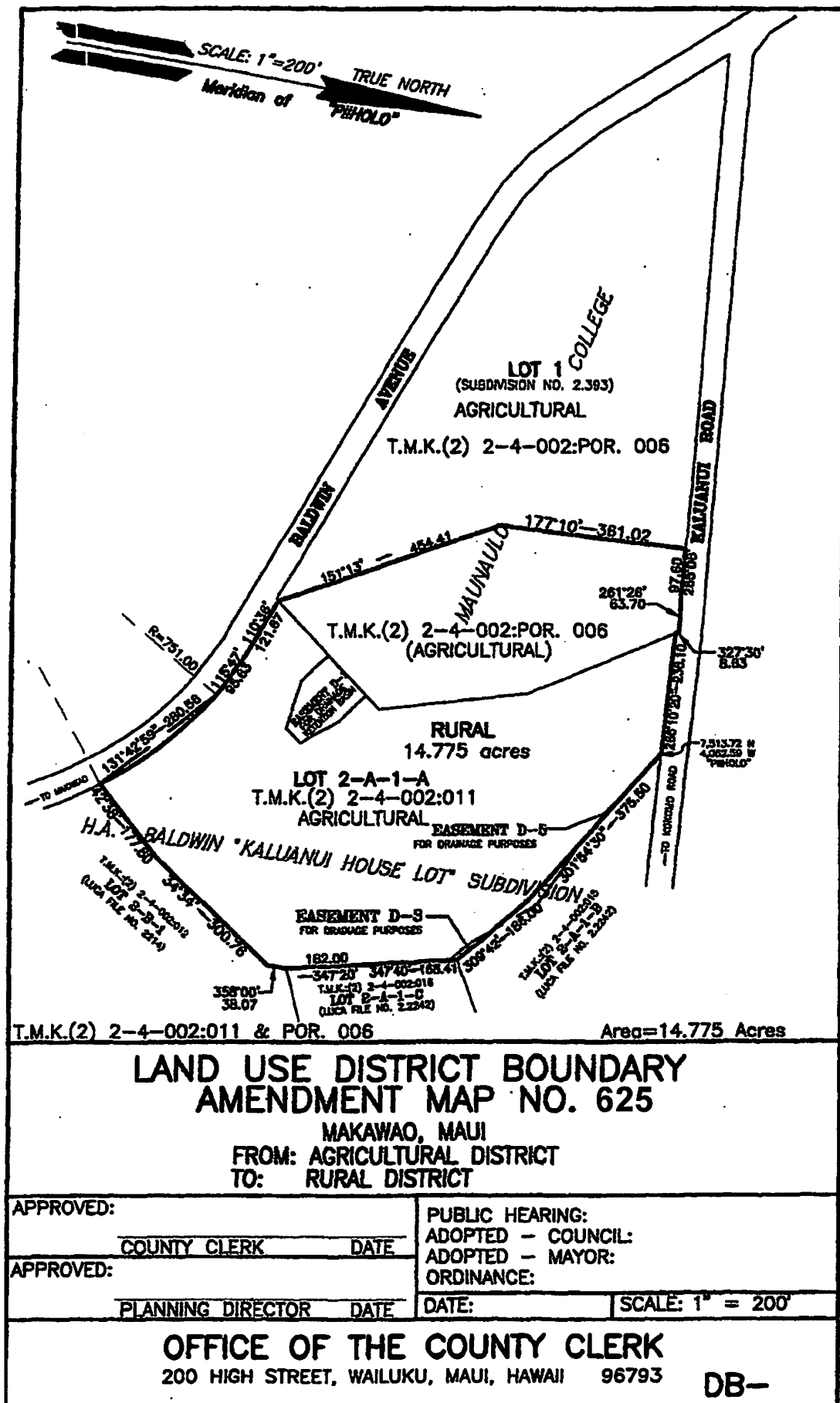


EXHIBIT "B"

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND
AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT
FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII,
TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

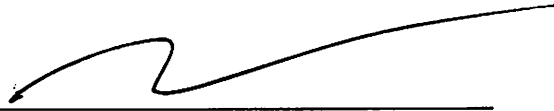
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Interim District to P-1 Public/Quasi-Public District and from Agricultural 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 as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006, respectively, comprised of approximately 14.775 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-1091, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the condition set forth in Exhibit "C", attached hereto and a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "D".

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

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

MICHAEL J. HOPPER
Deputy Corporation Counsel
LF2019-0444
2019-04-16 Ordinance CIZ Hui No'eau

LAND DESCRIPTION

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

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

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

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1. 301° 54' 30" 375.50 feet along Lot 2-A-1-B of H. A. Baldwin, "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41 feet along Lot 2-A-1-C of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
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5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2214 to a ½ inch pipe, thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80 feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle° of 21°31' 51", the chord azimuth and distance being
131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

Page 1 of 2

EXHIBIT "A"

- | | | |
|-----|--------------|---|
| 9. | 115° 47' | 95.63 feet along the same to a ½ inch pipe; thence, |
| 10. | 110° 36' | 121.67 feet along the same to a ½ inch pipe; thence, |
| 11. | 151° 13' | 454.41 feet along portion of Lot 1 of Maui Pineapple Co., Ltd., Lease, LUCA File No. 2.393 to a point; thence, |
| 12. | 177° 10' | 361.02 feet along the remainder of Lot 1 of Maui Pineapple Co., Ltd. Lease, LUCA File No. 2.393 to a point; thence, |
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| 14. | 261° 26' | 63.70 feet along the same to a ½ inch pipe; thence, |
| 15. | 327° 30' | 8.63 feet along the same to a ½ inch pipe; thence, |
| 16. | 266° 10' 20" | 238.10 feet along the same to the point of beginning and containing an area of 14.775 acres, more less. |

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

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

[Signature]
Edgardo V. Valera *Exp 9/22*
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
8178ACPKaluanui

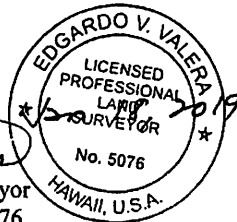


EXHIBIT "C"

CONDITIONS OF ZONING

1. That plans for any new building shall be reviewed by the Urban Design Review Board and the State Historic Preservation Division, whose comments shall be considered by the Planning Department prior to approving any building permit for any new building.

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council Resolution
No. 17-151 for

HUI NO'EAU

To Obtain a Community Plan Amendment for
Parcel 6 from Agriculture to Public/Quasi-Public,
District Boundary Amendments for Parcels 6
and 11 from Agricultural to Rural, and Changes
of Zoning for Parcel 6 from Agricultural to P-1
Public/Quasi-Public and Parcel 11 from Interim
to P-1 Public/Quasi-Public on approximately
14.775 acres of land located in Makawao, Maui,
Hawaii, TMK(s): (2) 2-4-002:006 (por.) and (2) 2-
4-002:011.

DOCKET NO. CPA 2017/0003, DBA
2017/0003, CIZ 2017/0004

Hui No'eau

(T. Furukawa)

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION
TO THE PLANNING COMMISSION
JANUARY 22, 2019 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 Main Street, Suite 315
WAILUKU, MAUI, HI. 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council Resolution
No. 17-151 for

HUI NO'EAU

To Obtain a Community Plan Amendment for
Parcel 6 from Agriculture to Public/Quasi-Public,
District Boundary Amendments for Parcels 6
and 11 from Agricultural to Rural, and Changes
of Zoning for Parcel 6 from Agricultural to P-1
Public/Quasi-Public and Parcel 11 from Interim
to P1 Public/Quasi-Public on approximately
14.775 acres of land located in Makawao, Maui,
Hawaii, TMK(s): (2) 2-4-002:006 (por.) and (2) 2-
4-002:011.

DOCKET NO. CPA 2017/0003, DBA
2017/0003, CIZ 2017/0004

Hui No'eau

(T. Furukawa)

CONCLUSIONS OF LAW

State Land Use Commission District Boundary Amendment (DBA)

State Land Use Commission District Boundary Amendments are reviewed pursuant to Chapter §205-3.1 Hawaii Revised Statutes (HRS) and is stated accordingly:

§205-3.1 Amendments to district boundaries.

(a) *District boundary amendments involving lands in the conservation district, land areas greater than fifteen acres, or lands delineated as important agricultural lands shall be processed by the land use commission pursuant to section 205-4.*

(b) *Any department or agency of the State, and department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified may petition the appropriate county land use decision-making authority of the county in which the land is situated for a change in the boundary of a district involving lands less than fifteen acres presently in the rural and urban districts and lands less than fifteen acres in the agricultural district that are not designated as important agricultural lands.*

(c) *District boundary amendments involving land areas of fifteen acres or less, except as provided in subsection (b), shall be determined by the appropriate county land use decision-making authority [Maui County Council] for the district and shall not require consideration by the land use commission pursuant to section 205-4; provided that such boundary amendments and approved uses are consistent with this chapter. The appropriate county land use decision-making authority may consolidate proceedings to amend state land use district boundaries pursuant to this subsection, with county proceedings to amend the*

general plan, development plan, zoning of the affected land, or such other proceedings. Appropriate ordinances and rules to allow consolidation of such proceedings may be developed by the county land use decision-making authority.

Conclusion: The State Land Use Commission District Boundary Amendment (DBA) will change the land use designations for Parcel 11 and a portion of Parcel 6 from "Agricultural" to "Rural." The proposed action is consistent with and is supported by the above listed criteria of a DBA to "Rural" pursuant to Chapter §205-3.1 HRS as stated in the accompanying Department Report.

Hawaii Administrative Rules (HAR)

There are three "Rural" district rules that must be met when reviewing a DBA to "Rural." These standards are found under HAR Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, 15-15-21. These rules are:

- (1) *Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the areas;*
- (2) *Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low-density residential lots; and*
- (3) *It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.*

Conclusion: The Applicant's proposed action is consistent with and is supported by the above listed criteria of a DBA pursuant to HAR Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, §15-15-21 as stated in the accompanying Department Report.

Maui Planning Commission and County Council

The DBA is also processed at the county level: Maui County Code (MCC) Title 19 Zoning, Chapter 19.68, State Land Use District Boundaries, states: "*certain responsibilities for the administration of boundary amendments are delegated to the Maui Planning Commission*" including conducting the public hearing on the petition and making a recommendation to the Council.

Further, pursuant to MCC Section 19.68.040, the County Council, prior to the enactment of an ordinance affecting any reclassification/boundary change, may impose conditions upon the applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to council action on the reclassification/change of boundary or be enforceable by the County after Council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the Bureau of Conveyances or filed with the assistant registrar of the Land Court. Conditions shall be imposed only if the Council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of the proposed land use in the following respects:

1. *Protection of the public from the potentially deleterious effects of the proposed use; or*
2. *Fulfillment of the needs for public service demands created by the proposed use.*

Conclusion: The Department is not recommending any conditions for the District Boundary Amendment. The proposed action is consistent with the above listed criteria of a DBA, pursuant to MCC Chapter 19.68, State Land Use District Boundaries as stated in the accompanying Department Report.

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to MCC Section 2.80B.100, Non-decennial amendments to community plans proposed by the planning director or the council. Applications shall follow the procedures set forth out in MCC sections 19.510.010 and 19.510.020.

2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.

- A. *Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*
- B. *Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- C. *Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.*

Conclusion: The Community Plan Amendment is to reclassify a portion of Parcel 6 on the Makawao-Pukalani-Kula Community Plan Land Use Map from "Agriculture" to "Public/Quasi-Public" and is following the appropriate procedures.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to MCC Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if 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, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The CIZ will change the zoning for a portion of Parcel 6 from "Agricultural" to "P-1 Public/Quasi-Public" and Parcel 11 from "Interim" to "P-1 Public/Quasi-Public." The Applicant's proposed action is consistent with and is supported by the above listed criteria for a CIZ. In 2015, condition number nine of the approved Special Permit amendment was that plans for any new building shall be reviewed by the Urban Design Review Board and State Historic Preservation Division to assure the maintenance of the historic character of the property.

RECOMMENDATION

COMMUNITY PLAN AMENDMENT

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the Community Plan Amendment for a portion of Parcel 6 from "Agriculture" to "Public/Quasi-Public."

STATE LAND USE COMMISSION DISTRICT BOUNDARY AMENDMENT

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the DBA for a portion of Parcel 6 and Parcel 11 from "Agricultural" to "Rural."

CHANGE OF ZONING

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the CIZ for a portion of Parcel 6 from "Agricultural" to "P-1 Public/Quasi-Public" and Parcel 11 from "Interim" to "P-1 Public/Quasi-Public," subject to the following condition:

- 1) That plans for any new building shall be reviewed by the Urban Design Review Board and the State Historic Preservation Division, whose comments shall be considered by the Planning Department prior to approving any building permit for any new building.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission recommend approval of the District Boundary Amendment, Community Plan Amendment and Change of Zoning requests and adopt the Department of Planning's Report and Recommendation prepared for the January 22, 2019, meeting and authorize the Planning Director to transmit said Report and Recommendation statements to the Maui County Council.

APPROVED:



MICHELE MCLEAN, AICP
Acting Planning Director

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council
Resolution No. 17-151 for

HUI NO'EAU

To Obtain a Community Plan Amendment for
Parcel 6 from Agriculture to Public/Quasi-
Public, District Boundary Amendments for
Parcels 6 and 11 from Agricultural to Rural,
and Changes of Zoning for Parcel 6 from
Agricultural to P-1 Public/Quasi-Public and
Parcel 11 from Interim to P-1 Public/Quasi-
Public on approximately 14.775 acres of land
located in Makawao, Maui, Hawaii, TMK(s):
(2) 2-4-002:006 (por.) and (2) 2-4-002:011.

DOCKET NO. CPA 2017/0003, DBA
2017/0003, CIZ 2017/0004

Hui No'eau

(T. Furukawa)

MAUI PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
JANUARY 22, 2019 MEETING

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

Community Plan Amendment, District Boundary Amendment and Change in Zoning
K:\WP_DOCS\PLANNING\Cpa\2017\0003_HuiNoeauVisualArtsCtr\StaffReporttoDecision\Report.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council
Resolution No. 17-151 for

HUI NO'EAU

To Obtain a Community Plan Amendment for Parcel 6 from Agriculture to Public/Quasi-Public, District Boundary Amendments for Parcels 6 and 11 from Agricultural to Rural, and Changes of Zoning for Parcel 6 from Agricultural to P-1 Public/Quasi-Public and Parcel 11 from Interim to P-1 Public/Quasi-Public on approximately 14.775 acres of land located in Makawao, Maui, Hawaii, TMK(s): (2) 2-4-002:006 (por.) and (2) 2-4-002:011.

DOCKET NO. CPA 2017/0003, DBA
2017/0003, CIZ 2017/0004

Hui No'eau

(T. Furukawa)

DESCRIPTION OF THE PROJECT

This matter arises from Resolution No. 17-151 adopted by the Maui County Council on October 20, 2017 and received by the Department of Planning on October 24, 2017 (**Exhibit 1**). The Resolution refers to the Maui Planning Commission a proposed bill to change land use designations for two properties in Makawao, located at Tax Map Keys (TMKs) (2) 2-4-002:006 (por.) and 011 that total 14.775 acres and are owned by the Hui No'eau. A tax map, location map and aerial photograph are included as **Exhibits 2-4**. The Resolution is for a State Land Use District Boundary Amendment for Parcel 11 and a portion of Parcel 6 from Agricultural to Rural (Refer to **Exhibit 5**), a Community Plan Amendment for a portion of Parcel 6 from Agriculture to Public/Quasi-Public (**Exhibit 6**), as well as a Change of Zoning for a portion of Parcel 6 from Agricultural to P-1 Public/Quasi-Public and Parcel 11 from Interim to P-1 Public/Quasi-Public (**Exhibit 7**). The Resolution was filed pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983) as amended, Chapter 19.510.020B, and Chapter 19.510.060 of the Maui County Code (MCC).

Since 1934, the Hui No'eau has been operating with the mission of serving the Maui County community through visual arts education at the historic Kaluanui Estate. The 25-acre estate was built in 1917 for Harry and Ethel Baldwin, who founded the Hui No'eau Visual Arts Society. When Ethel Baldwin died, the property was owned by the Maui Land and Pineapple Company, which leased the estate to the Hui No'eau, which was a private non-profit. The Hui No'eau would evolve into a visual arts center, with classrooms, exhibition galleries, a gift shop, administrative offices and studios for drawing, printmaking, photography, digital media, ceramics and jewelry design. In 2005, the Hui purchased the property. In 2017, the Hui No'eau served approximately 23,942 students, artists and educators, ages 2.5 to adult. Approximately 87 percent of the Hui's users were on-island residents and approximately 13 percent were from the neighbor islands, the mainland or abroad.

The grounds and exhibition spaces are open to the public seven days a week, and admission is free. The Hui offers scholarships that enable student to participate in classes, camps, field trips and outreach programs year-round. In addition, the Hui serves at risk and special needs youth or those without arts education funding. The Hui also hosts teacher workshops so that they can learn new skills and techniques for their arts programs at their campus.

Existing uses at the Hui include: the use of the Baldwin House as an arts exhibition gallery; event space for public receptions and arts fundraisers; arts classes; a garage; a guest house; a caretaker's cottage, stables and four modern buildings; art studios for photography, print making, ceramics, glass-blowing, jewelry-making, metalsmithing and woodworking; a gallery shop and a visiting artist program; a museum; tours; private events; a caretaker's residence; administrative offices; grounds maintenance storage space; parking; and the Haleakala Waldorf High School.

PROJECT NEED

The Hui's structures are all located on Parcel 11, which has a State Land Use District designation of Agricultural. Because the use is not agricultural, the Hui has had to maintain a Land Use Commission Special Permit. The use has been considered to be consistent with the Community Plan designation of Public/Quasi-Public, the Maui Island Plan designation of Rural and County zoning of Interim. The land use entitlements are being sought so that the present and future uses on Parcel 11 would be consistent with the State Land Use District Rural designation, and there would be no need for a Special Permit. In addition, the zoning for Parcel 6 would be consistent with its current and future use. It should be noted that rather than expand their programs, the Hui is attempting to refine and optimize existing programs to better serve people. For example, currently, there is a woodworking program; however, because there is no dedicated space, tools must be set-up and taken down. Once there is a dedicated space, more specialized equipment can be made available for use by program participants.

Current development objectives, referred to as the Hui's Master Plan, which are included in the Project Assessment Report (See portions provided in **Exhibit 8**), are as follows:

- Improvement of accessibility – to provide ADA compliant parking stalls in the upper campus area and connecting pathways to the existing ceremonial driveway; create pathways between the upper and lower campuses; provide an ADA-compliant restroom in the historic Baldwin House
- Construction of a new woodworking facility - an approximately 2,976 square foot building would be built adjacent to the multi-use classrooms approved in 1998; parking fronting the ceramics studio would be reconfigured to accommodate the woodworking facility.
- Reconstruction of stables and tack shed – the structure would return to full use from limited use for ceramics firing and storage and landscape maintenance storage only; the framing and roof would be replaced; the North-South wing would be reconstructed to include three classrooms and additional storage space; a new accessible, covered walkway and lanai with seating would be built

- Construction of a new outdoor pavilion – an approximately 2,400 square foot accessible, open-wall pavilion would be built, with approximately 1,500 square feet of uncovered lanai, approximately 2,000 square feet of food service and restroom space; the 40 stall parking area to the southwest would be relocated and more stalls would be included; and landscape planting, a garden and connecting pathway

BRIEF PERMIT HISTORY

1. The original State Special Permit for the Hui was granted by the Maui Planning Commission on February 13, 1990 for one year, until February 13, 1991.
2. On February 26, 1991, the Maui Planning Commission granted approval of a one year time extension, until February 13, 1992. The Department's report noted that Conditions 6, 7 and 10 were still outstanding, and the Hui was given six months to come into compliance.
3. The Maui Planning Commission granted a five-year time extension from February 13, 1991 to February 13, 1996. While efforts were being made toward compliance, Condition 7 was still outstanding.
4. In May of 1996, the management of the facility changed, and due to a lack of communication, the permit lapsed.
5. On May 12, 1998, the Maui Planning Commission approved the Land Use Commission Special Permit for the visual arts center and construction of a new multi-use classroom and restroom for a period of five years, or until May 31, 2003.
6. On November 10, 2003, the Maui Planning Commission voted to approve the permit until April 30, 2015. In addition to the visual arts center, the permit was to cover the construction of a new art studio.
7. In June 2005, Hui No'eau purchased the title to Parcel 11. Also in June 2005, Hui No'eau purchased title to Parcel 6. With this purchase, Hui No'eau was able to relocate its driveway on Kaluanui Road to a safer location on Parcel 6. The Hui now utilizes a 1.11-acre section of Parcel 6 for this driveway access and parking; the remaining 13+ acres of fallow pineapple lands have been beautified and are being maintained in horse pasture and open space.
8. In June 2009, Hui No'eau obtained administrative approval from the Planning Department that permitted minor modifications to the classroom building authorized in the 2003 permit renewal. The approval also authorized repairs and renovation of sections of the Baldwin House, studio cottages, printmaking studio, and authorized safety improvements at the formal entry located on Baldwin Avenue.
9. On September 24, 2013, the Maui Planning Commission approved a permit amendment to include demolition of the caretaker's garage for storage and work space, the addition of a classroom/storage space and to include the Waldorf Maui Pilot High School Program. The permit was valid until June 30, 2016.
10. The Maui Planning Commission approved another amendment of the permit on October 27, 2015 (See **Exhibit 9**). The permit amendment included a time extension for 20

years, until June 30, 2036; an increase in the permit boundaries from 11.64 acres to 14.07 acres to include open space, parking area and education-related agricultural activities; an amendment to the Waldorf Pilot High School Program for 100 students, instead of 50 as originally approved, until June 30, 2021; the construction of three portable structures to include two classrooms and one administrative building and associated improvements; a new access road that connects to the existing gravel road that connects the Hui's driveway on Kaluanui Road and a gravel parking lot.

DESCRIPTION OF THE PROPERTY

The project area consists of two parcels, a portion of TMK (2) 2-4-002:006 and (2) 2-4-002:011, located where Kaluanui Road connects with Baldwin Avenue. The surrounding area consists of the Montessori School, residential and agricultural lots.

Land Use Designations

State Land Use DistrictAgricultural (both parcels)
 Maui Island PlanRural and Outside Protected Areas
 Makawao-Pukalani-Kula
 Community PlanAgriculture (Parcel 6), Public/Quasi-Public (Parcel 11)
 County ZoningAgricultural (Parcel 6), Interim (Parcel 11)
 OtherNot within Special Management Area (SMA)
 FloodZone "X"

Surrounding Uses

NorthAgricultural Lots/Residential Lots
 EastMontessori School/Residential Lots
 SouthMontessori School/Baldwin Avenue/Agricultural Lots
 WestResidential

APPLICABLE REGULATIONS

Land Use Commission District Boundary Amendment

Pursuant to Hawaii Revised Statutes (HRS) Section 205-3.1 (c), Amendments to district boundaries, pertaining to petitions for boundary amendments involving land areas of fifteen acres or less, except in conservation districts, shall be determined by the appropriate county land use decision-making authority (County Council). Pursuant to MCC Chapter 19.68, State Land Use District Boundaries, certain responsibilities for the administration of boundary amendments are delegated to the Maui Planning Commission (Commission). The Commission is relegated to making a recommendation to the County Council.

Further, pursuant to Section 19.68.040, the County Council, prior to the enactment of an ordinance effecting any reclassification/boundary change, may impose conditions upon the Applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to Council action on the reclassification/change of boundary or be enforceable by the County after Council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the Bureau of Conveyances or filed with the

assistant registrar of the Land Court. Conditions shall be imposed only if the council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of the proposed land use in the following respects:

1. Protection of the public from the potentially deleterious effects of the proposed use; or
2. Fulfillment of the needs for public service demands created by the proposed use.

Rural Districts

Standards for reviewing a Land Use Commission Urban District Boundary Amendment are found under Title 15, Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 2, § 15-15-21 of the Hawaii Administrative Rules as follows:

- (1) Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the areas;
- (2) Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low-density residential lots; and
- (3) It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.

Community Plan Amendment

Pursuant to the Maui County Charter (Charter), Section 8-8.4 Planning Commissions, the Commission shall "review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one-hundred eighty (180) days after the final public hearing."

Pursuant to Charter Section 8-8.6 Adoption of General Plan and Other Land Use Ordinances, "revisions to the general plan proposed by the planning director shall be reviewed and acted upon by the council no later than one (1) year after receipt of the transmittal from the planning director."

Pursuant to MCC Chapter 2.80B General Plan and Community Plans, Section 2.80B.100 Non-decennial amendments to community plans proposed by the director of planning or the council, "all proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for non-decennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter." Applications shall follow the procedures set out in MCC sections 19.510.010 and 19.510.020. Although HRS Chapter 343 states that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) shall be submitted along with the application for a community plan amendment, the preparation of an EA or EIS is not triggered for community plan amendments initiated by the County, whether by Council or Administration.

Change in Zoning

A Change in Zoning is reviewed pursuant to MCC Chapter 19.510, Section 19.510.040, Change in Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The 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, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.

Pursuant to MCC Section 19.510.050 Conditional Zoning, 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 October 20, 2017, the Council of the County of Maui adopted Resolution No. 17-151 proposing to change the State Land Use District designation from Agricultural to Rural for Parcel 11 and a portion of Parcel 6, the Community Plan designation from Agriculture to Public/Quasi-Public for a portion of Parcel 6, and the zoning designation from Agricultural to P-1 Public/Quasi-Public for a portion of Parcel 6 and from Interim to P-1 Public/Quasi-Public for Parcel 11.
2. On October 24, 2017, the Maui Planning Department received the Resolution from the Office of the County Clerk.
3. In July 2018, the Department received the Project Assessment Report from the Consultant for review and agency transmittal.

4. On October 3, 2018, the Maui Planning Department transmitted the Resolution to various Federal, State and County agencies for review and comment.
5. On December 5, 2018, the Maui Planning Department emailed the Applicant and consultant, notifying them of the scheduled public hearing.
6. On December 21, 2018, a notice of public hearing on the proposed community plan amendment, district boundary amendment and change in zoning was published in the Maui News by the Maui Planning Department.

A Community Plan Amendment is normally a trigger for an Environmental Assessment, pursuant to HRS Chapter 343, however; actions initiated by the County are exempt from the requirement.

REVIEWING AGENCIES)

County

Dept. of Public Works (No Comments).....	Exhibit 10
Dept. of Transportation (No Comments).....	Exhibit 11
Dept. of Water Supply.....	Exhibit 12
Environmental Mgmt. (No Comments)	Exhibit 13
Fire Dept.....	Exhibit 14
Response to Fire Dept.....	Exhibit 15
Police Dept. (No Comments)	Exhibit 16

State

Dept. of Education-Maui (No Comments).....	Exhibit 17
Dept. of Health Maui District Office	Exhibit 18
Response to Dept. of Health Maui District Office.....	Exhibit 19
Response from Dept. of Health Maui District Office.....	Exhibit 20
Dept. of Transportation (No Comments)	Exhibit 21
Land Use Commission (No Comments)	Exhibit 22
Office of Environmental Quality Control (No Comments).....	Exhibit 23
Office of Planning (No Comments).....	Exhibit 24

Federal

U.S. Dept. of Agriculture NRCS (No Comments).....	Exhibit 25
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Other

Montessori School of Maui.....	Exhibit 26
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ANALYSIS

LAND USE

1. The proposed land use entitlements are in conformance with the goals, objectives and policies of the Hawaii State Plan.

- A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.
- A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- Physical, social, and economic well-being for individuals and families in Hawaii that nourishes a sense of community responsibility, of caring and of participation in community life.

Objectives and Policies of the Hawaii State Plan

The proposed reclassification is in conformance with the following objectives and policies of the Hawaii State Plan:

Chapter 226-12, HRS, Objectives and Policies for Physical Environment-scenic, natural beauty and historic resources.

To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

1. Promote the preservation and restoration of significant natural and historic resources.
2. Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

Chapter 226-21, HRS, Objectives and Policies for Socio-Cultural Advancement-education.

To achieve the education objective, it shall be the policy of this State to:

1. Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups.
2. Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.
3. Provide appropriate educational opportunities for groups with special needs.

Chapter 226-23, HRS, Objectives and Policies for Socio-Cultural Advancement-leisure.

To achieve the leisure objective, it shall be the policy of this State to:

1. Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.
2. Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.
3. Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.
6. Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.
8. Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk, and traditional art forms.
9. Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.

Chapter 226-25, HRS, Objectives and Policies for Socio-Cultural Advancement-culture.

To achieve the culture objective, it shall be the policy of this State to:

1. Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.
2. Support activities and conditions that promote cultural values, customs, and arts that enrich the life styles of Hawaii's people and which are sensitive and responsive to family and community needs.
3. Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community life styles in Hawaii.

The State Office of Planning did not have any comments on the proposed land use entitlements. Refer to **Exhibit 24**.

2. **State Land Use Designation.** The subject project requires State Land Use District Boundary Amendments from the State Agricultural District to the Rural District. The proposed uses are consistent with the Rural District. The proposed reclassification of the 14.775-acre project site from the Agricultural to the Rural District has been analyzed with respect to the following criteria, as discussed below.

Chapter 15-15-21, HAR

- (1) Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the areas;

Comment: The Hui No'eau is located on properties amidst small farms on agricultural lots, as well as rural lots. There should be no alteration of general characteristics of the area, as the Hui has no plans for a change in use.

- (2) Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single-family dwelling per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low-density residential lots; and

Comment: As mentioned previously, the Hui No'eau is located amidst rural and low-density residential lots. The area is lacking "(c)ity-like" concentrations of people, structures, streets, and urban level of services."

- (3) It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.

Comment: The Hui is located on a parcel that is contiguous to a property, upon which the Montessori School is located, that has a State land use district boundary designation of 'Rural.' The subject property is ill-suited for low-density residential uses in that a majority of the site has not historically been in residential use. There are also no plans to change the use. The property has also not been utilized for agriculture. Because it does not a permitted or accessory use, a Land Use Commission Special Permit needed to be maintained.

As previously mentioned, the State Office of Planning did not have any comments on the proposed land use entitlements. Refer to **Exhibit 24**. The State Land Use Commission (LUC) did not have any comments on the proposed District Boundary Amendments. Refer to **Exhibit 22**.

3. The **County of Maui 2030 General Plan Countywide Policy Plan**, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002.

The Countywide Policy Plan 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:

- Protect the Natural Environment
- Preserve Local Cultures and Traditions
- Improve Education
- Strengthen Social and Healthcare Services
- Expand Housing Opportunities for Residents
- Strengthen the Local Economy
- Improve Parks and Public Facilities
- Diversify Transportation Options
- Improve Physical Infrastructure
- Promote Sustainable Land Use and Growth Management
- 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:

Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

- Foster teaching opportunities for cultural practitioners to share their knowledge and skills.
- Support the development of cultural centers.
- Broaden opportunities for public art and the display of local artwork.
- Foster the Aloha Spirit by celebrating the Hawaiian host culture and other Maui County cultures through support of cultural-education programs, festivals, celebrations, and ceremonies.
- Support the perpetuation of Hawaiian arts and culture.
- Support the development of repositories for culture, history, genealogy, history, film, and interactive learning.

Objective:

Preserve and restore historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.

Policies:

- Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place.
- Protect and preserve lands that are culturally or historically significant.
- Perpetuate the authentic character and historic integrity of rural communities and small towns

C. Improve Education

Goal:

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

Objective:

Provide nurturing learning environments that build skills for the 21st century.

Policies:

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

Objective:

Provide all residents with educational opportunities that can help them better understand themselves and their surroundings and allow them to realize their ambitions.

Policies:

- Ensure teaching of the arts to all ages.

Objective:

Maximize community-based educational opportunities.

Policies:

- Support the development of a wide range of informal educational and cultural programs for all residents.
- Attract learning institutions and specialty schools to diversify and enhance educational opportunities.
- Support community facilities such as museums, libraries, nature centers, and open spaces that provide interactive-learning opportunities for all ages.

F. Strengthen the Local Economy

Goal:

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

Objective:

Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- Promote lifelong education, career development, and technical training for existing and emerging industries.
- Support and promote locally produced products and locally owned operations and businesses that benefit the local communities and meet local demand.

Objective:

Expand economic sectors the increase living-wage job choices and are compatible with community values.

Policies:

- Support emerging industries, including the following: Arts and culture 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:

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

Policies:

- Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities.

Objective:

Improve the quality and adequacy of community facilities.

Policies:

- Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.

J. Promote Sustainable Land Use and Growth Management

Goal:

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

Objective:

Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

- Protect and enhance the unique architectural and landscape characteristics of each Community Plan Area, small town, and neighborhood.
- Ensure that adequate recreational areas, open spaces, and public-gathering places are provided and maintained in all urban centers and neighborhoods.
- Support small-town revitalization and preservation.

The proposed project is consistent with the policies in the Countywide Policy Plan.

The Maui Island Plan (MIP) is applicable to the island of Maui only. The MIP provides more specific policy-based strategies for population, land use, transportation, public and

community facilities, water and sewage, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

Additionally, an essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (SRB) and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

According to the *Maui Island Plan* (MIP), both properties, which lie within the Rural Growth Boundary and are located outside of Protected Areas.

The proposed actions has been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of these policy statements are provided below:

Goal 2.1 Our Community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.

Objective 2.1.1 An island and lifestyle that is healthy and vibrant as measured by the ability of residents to live on Maui, access and enjoy the natural environment, and practice Hawaii customs and traditions in accordance with Article XII, Section 7, Hawaii State Constitution, and Section 7-1, Hawaii Revised Statutes.

Policy:

2.1.1.d Support the education of visitors and new residents about the customs and etiquette of the Hawaiian culture, as well as other cultures.

Objective 2.3 Enhance the island's historic, archaeological, and cultural resources.

Policy:

2.1.3.d Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures.

Goal 4.4 A diverse array of emerging economic sectors.

Objective 4.4.1 Support increased investment and expanded activity in merging industries.

Policy:

4.4.1.c Support new industries that are environmentally and culturally sensitive such as health and wellness, sports and outdoor activities, cultural activities, the arts, film-making, entertainment, and digital media

Goal 7.2 Maui will have a rural landscape and lifestyle where natural systems, cultural resources and farm lands are protected and development enhances and compliments the viability and character of rural communities.

Objective 7.2.2 More appropriate service/infrastructure standards to enhance and protect the island's rural character and natural systems.

Policy:

7.2.2.b Protect and support the character, economic viability and historic integrity of Maui's small towns.

Goal 8.2 Maui will maintain opportunities for agriculture and rural communities through sound planning and clearly defined development expectations.

Policy:

8.2.b New development shall be consistent with RGB and all other applicable policies and requirements of the MIP. Public, quasi-public, civic, and limited commercial or industrial uses may be allowed in the RGB when the proposed uses demonstrate a public need and are consistent with the Community Plan and zoning.

8.2.j The unique character and function of existing small towns and rural communities shall be protected to retain and preserve their sense of place.

According to the *Makawao-Pukalani-Kula Community Plan*, Parcel 11 is designated Public/Quasi-Public; but, Parcel 6 is identified for Agriculture. Refer to **Exhibit 6**. Therefore, a Community Plan Amendment is needed to change the designation to Public/Quasi-Public. The proposed action is in keeping with the following Makawao-Pukalani-Kula Community Plan goals, objectives and policies:

Economic Activity

Goal: A stable and diverse economic environment which supports a level of community prosperity in order to provide social services and environmental amenities and which respects the region's rural and agricultural lifestyle, open space and natural resources.

Objectives and Policies:

5. Recognize the rural, open space character of the Upcountry region as an economic asset of the island.

Land Use

Goal: The maintenance and enhancement of Upcountry's unique and diverse rural land use character with sensitivity to existing land use patterns, natural resource values, and economic and social needs of the region's residents.

Objectives and Policies:

8. Preserve and enhance the "country" atmosphere in all communities by maintaining the small-scale, unique and independent character of each of the three sub-regions. "Country" atmosphere is defined by building style, a low density mix of residences, ranches, open spaces, greenways, plantings and cultivated lands.
16. Recognize the four (4) semi-urban centers of Makawao Town, Pukalani, Haliimaile and Waiakoa Village. Within them, support the following land use and circulation patterns:
 - a. Within Makawao Town:
 - Public use to support public and quasi-public needs.
18. Where appropriate, support the reclassification of State Land Use districts to ensure consistency between State Land Use designations and land use designations defined by the Makawao-Pukalani-Kula Community Plan land use map.
31. Support the establishment of religious institutions and other community-oriented centers near growing population centers.

Environment

Goal: Protection of Upcountry's natural resources and environment as a means of preserving and enhancing the region's unique beauty, serenity, ecology, and productivity, in order that future generations may enjoy and appreciate an environment of equal or higher quality.

Objectives and Policies:

6. Preserve the existing visual, noise, odor and air quality characteristics found in agricultural/rural neighborhoods of the Makawao-Pukalani-Kula region.

Cultural Resources

Goal: The identification, preservation and where appropriate, restoration and promotion of cultural resources and practices which reflect the rich and diverse heritage found in the Upcountry region.

Objective and Policies:

1. Recognize the importance of historically and archaeologically sensitive sites, both known and undiscovered, and encourage their preservation and protection.
3. Promote community awareness of the Makawao-Pukalani-Kula region's cultural and historic backgrounds through the establishment of museums, cultural centers and educational programs.
7. Promote distinct cultural resources as an identifying characteristic of the region.

Social Infrastructure

Goal: An efficient and responsive system of people-oriented public services which enable residents to live a safe, healthy and enjoyable lifestyle, and offer the youth and adults of the region opportunities and choices for self and community improvement.

Education and Family Services

Objectives and Policies:

4. Provide adequate school facilities to ensure an effective, efficient and comfortable learning environment for the region's children.

The land use entitlements for the Parcels are consistent with the Makawao-Pukalani-Kula objectives and policies of said plan.

Parcel 6 is zoned Agricultural and Parcel 11 is zoned Interim. Refer to **Exhibit 7**. The CIZ requests will change the zoning to P-1 Public/Quasi-Public for Parcel 11 and a portion of Parcel 6. In the Agricultural District, a public/quasi-public use i.e. the Hui, is not permitted as an allowable or special use; hence, the need for a CIZ. In the Interim District, the children's and adult programs are similar to art classes taught in public schools and universities, which are a permissible use. The zoning change is being sought so that the zoning will be consistent with the community plan designation, which is also public/quasi-public. Information about public/quasi-public zoning is as follows:

Public/Quasi-Public Districts: Section §19.31.010, "Purpose and intent" reads as follows:

Public/quasi-public districts provide for public, nonprofit or quasi-public uses (Ord. 1597 § 1 (part), 1986).

19.31.020 Permitted uses.

A. The following uses and structures shall be permitted in the P-1 public/quasi-public 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.*

2. Accessory Uses and Structures.

B. Development Standards. The following development standards shall apply:

- 1. Minimum lot area, fifteen thousand square feet;*
- 2. Minimum lot width, one hundred feet;*
- 3. Minimum building setback:*
 - a. Front yard, fifteen feet,*
 - b. Side yard, ten feet,*
 - c. Rear yard, fifteen feet;*
- 4. Maximum height, two stories not to exceed thirty-five feet.
(Ord. 1597, § 1 (part), 1986)*

The CIZ from Agricultural and Interim to the P-1 Public/Quasi-Public District will not only establish consistency between zoning and the community plan designations; but, it will also establish consistency for existing uses on the two parcels.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

Although the estate is considered historic because it is more than 50 years old, the property is not listed in either the Hawaii or National Register of Historic Places. A field check was conducted of the property in January, 1997, when the Hui proposed construction of the new multi-use classroom. In 1988, the staff archaeologist noted that the property had been subjected to considerable alteration due to modern agriculture, landscaping and residential construction, so it was unlikely that the proposed construction would have any impact on significant historic sites. See **Exhibit 27**.

A Cultural Impact Assessment was conducted by Scientific Consultant Services (SCS) in January 2008. An Archaeological Inventory Survey was conducted in February 2009. The studies were reviewed and accepted by the State Historic Preservation Division (SHPD). The

Cultural Impact Assessment noted that the property was completely developed and that there was no evidence of the use of the property for access or resource collection.

An Archaeological Inventory Survey (AIS) was also conducted and findings were accepted by SHPD. The AIS involved subsurface testing to gain an overview of subsurface stratigraphy. Ten trenches were excavated within the Kaluanui Estate, Site 50-50-06-6599, which consists of ten documented historic features within the estate. The ten historic features include: the Baldwin house, the carriage house, the guest house, the caretaker's house, the stable, a shed, another shed, a tennis court, the green house pad and the horse pasture. As a result of the testing, historic artifacts related to historic agriculture, such as plastic and irrigation hose were found; however, there was no evidence of traditional life-ways, traditional artifacts or human remains.

Eight historic features were also documented as Site 50-50-06-6381. The features were associated with the East Maui Plantation Mill, which was operational from the mid to late 1800s, prior to construction of the Estate. The features include a square enclosed area, a planting area with walkway, a wall with planting area, a Portuguese oven, a wall with the Portuguese oven, a wall, a terrace wall with soil-filled area and wall that surrounds the entire site.

In 2013, an amendment to the State Special Permit was approved to demolish the dilapidated caretaker cottage garage/former maid's quarters and replace it with a new classroom. The SHPD Architecture Section requested that the Applicant document the building per Historic American Building Survey-Level III standards prior to demolition and reconstruction. See **Exhibit 28**. SHPD accepted the HABS documentation. See **Exhibit 29**.

In 2015, an amendment to the State Special Permit was approved to construct two classrooms and an office, with related improvements, including construction of the gravel parking lot on the former tennis court. The SHPD Archaeology Section commented that the Applicant should submit a site-wide preservation plan prior to future approvals. See **Exhibit 30**. It should be noted that SHPD was unaware that an AIS was conducted previously. SHPD's letter was later revised to allow for construction of the new structures without further review or completion of a preservation plan. Suggested mitigation included: consideration of historic structures when construction staging, the use of construction fencing around historic structures during construction and treatment options for the historic concrete stairway. The Applicant complied with the request and it was determined that no historic properties would be affected. See **Exhibit 31**.

The proposed land use entitlements are being sought for the modification of two existing historic structures, the construction of two new structures, and the alteration of parking and drainage. The Applicant intends to utilize the Secretary of the Interior's Standards for Rehabilitation as guidelines throughout its efforts.

For the ADA improvements to the residence, the door and door jamb between the restroom and history room will need to be removed and replaced with a wider 34" door. The door has lost its original finish and been repainted for exhibitions. The restroom will need to be expanded and the external covered walkway will need to be enclosed. The wall between the spaces will need to be removed. A new wall can be located just inside the existing stairway framing. The restroom will need to be reconfigured to include fixtures and grab-bars. A new diaper-changing station will also be installed. It should be noted that surfaces and equipment have already been changed from the historic period. The toilet and faucets are modern. Product dispensers have also been installed.

The stable and tack room is being proposed to be reconstructed over its existing foundation. It should be noted that the structure was utilized for ceramics firing and storage because the supports and rafters are so significantly compromised and have begun to collapse. The siding and trim are deteriorated and show erosion. In order to resurrect the structure for art production and instruction, for which it has been utilized the past 50 years, the east-west open-air wing will be returned to its current form. The north-south wing will be reconstructed so that it is accessible and can be used for classroom instruction. The siding will be changed to board and batten. Two enclosed spaces of the north-south wing will be reconstructed to provide a 621 square foot workspace and a 989 square foot classroom space on the slab of the former tack room. The roof line will be elevated and styles will be consolidated to create a 644 square foot classroom above the lower-elevation workspace. There will be interior and exterior stairs to the new space. A lanai will be constructed for access to the west side of the building and the roof will extend over the walkway. All classrooms will have sliding and glass doors with windows and louvered vents. There will also be a shade arbor and seating area at the wing's southern terminus. It should be noted that the stable and tack room were not part of the original architectural design. The roof form and siding suggests that they were built at different times. The stable has concrete slab flooring, wood framing and rafters, three large box stalls and a corrugated metal roof. There is a gable roof with post and beam roof support. The construction materials utilized suggest that it was built around 1920. The roofline transitions to a shed roof over the tack shed and the roof surface was replaced, as it contrasts with the material covering the gabled portions of the structure.

The new woodworking facility is proposed in the lower campus amidst classroom buildings constructed in 1998 and 2008. The new development is out of sign of the historic upper campus. The event pavilion will likely replace the existing 430 stall parking lot constructed in 2016. The parking will be relocated to an abutting section of open lawn.

The proposed accessibility improvements are consistent with the guidelines for historic preservation through rehabilitation. Character-defining elements will be maintained and existing spatial and design measures will be respected, consistent with Federal Standards for Rehabilitation. Stables reconstruction will involve some change in form and materials for adaptive re-use; however, they will retain the same architectural character, form and footprint. For mitigation associated with proposed reconstruction, the Applicant proposes architectural recordation, which is required prior to any demolition or alteration. The landowner will also consult with SHPD. New features will be differentiated, as per the Federal standards. The Applicant also plans to redirect use from the historic structures to the modern buildings located in the lower campus. In addition, the Hui imposes a site use agreement with third parties renting the site. The contract includes restrictions on event size, requirements for an event coordinator for events with more than 50 people, parking and restroom requirements and the Hui's pre-approval of vendors. The agreement includes restrictions on in-house dancing, flame source, smoking, decorations and supplemental lighting. (See **Exhibit 8**)

The Project Assessment Report was transmitted to SHPD, as well as other agencies on October 3, 2018, with a comment deadline of October 26, 2018. The Department has not yet received a response; but, has been responding to any questions from SHPD and following up on the status of the Department comment letter. Condition number 9 of the Special Permit amendment in 2015 states that plans for any new building shall be reviewed by the Urban Design Review Board (UDRB) and SHPD to assure that the maintenance of the historic character of the property. Refer to **Exhibit 9**. For the CIZ, the Department is recommending that a project specific condition be imposed so that any new buildings shall be reviewed by the UDRB and SHPD prior to building permit approval.

INFRASTRUCTURE, PUBLIC FACILITIES, AND SERVICES

Water – The proposed land use entitlements will not be associated with a change in use, so there should be no adverse impacts to existing conditions. The only future improvement that may require water fixtures is the event pavilion, which may include sinks for food service and restrooms. Current use averages about 1,336 gallons per day (gpd), with some months averaging 3,705 gpd. The site overlies the Makawao Aquifer, which has a sustainable yield of 7 million gallons per day. The Rural designation will require a minimum fire flow of 1,000 gallons per minute for a two hour duration with fire hydrants at a maximum spacing of 500 feet. Currently, domestic water and fire flow is provided via the Department of Water Supply's (DWS) Upcountry System. There are 8-inch water lines adjacent to the property on Kaluanui Road, Baldwin Avenue and one bisecting the two parcels. The campus is served by two ¾ -inch water meters on Parcel 11. Fire hydrants and standpipes are located along the project frontage. Over the past 20 years, fire lines and hydrants have been installed around the campus. In addition, in 2013 and 2015, additional fire lines and roads were constructed to accommodate the Waldorf High School use. The Department of Water Supply did not have any comment on the proposed land use entitlements at this time. They stated that water meter adequacy would be determined during the building permit phase for each master plan improvement proposed. Refer to **Exhibit 12**.

Sewers – There is no County wastewater collection system that serves the campus. The historic residential buildings connect to a cesspool. There is a 700 sf restroom facility that connects to two individual wastewater systems with a capacity of 2,250 gallon per day. There is adequate space should another individual wastewater system be required. None of the short-range projects will require a change in fixture count. Therefore, there should be no adverse impacts associated with the proposed master plan improvements. The Department of Environmental Management did not have any comment on the proposed land use entitlements. Refer to **Exhibit 13**. The Department of Health Maui District Health Office requested further information on the wastewater disposal method and the project consultant provided the information, as requested. Refer to **Exhibits 18-20**.

Drainage – There should be no adverse impact to existing drainage conditions. Currently, runoff flows northwest into the flatter areas of Parcel 6 and is intercepted by two detention basins. There are no existing County drainage systems near the project area. Future drainage improvements will be sized to accommodate any increase in surface runoff such that no additional runoff sheet flows from the project site to adjacent properties as a result of the master plan improvements. The Department of Public Works did not have any comment on the proposed entitlements. Refer to **Exhibit 10**.

Roadways, Curbs, Gutters, and Sidewalks – The Hui's formal entrance driveway is located off of Baldwin Avenue, a two-way County road that extends in a north-south direction. The driveway was improved around 2008 per recommendation of the Department of Public Works. Baldwin Avenue connects to Haliimaile Road, a two-way road that leads to Haleakala Highway, a four-lane State highway.

There is also another entrance off of Kaluanui Road, a two-lane road that runs in an east-west direction. The entrance was moved westward in approximately 2008 to improve safety and ensure better sight distance. There are no curbs, gutters or sidewalks on either road. There is a sidewalk along the frontage of the Montessori of Maui School.

Three traffic analyses were conducted between 2013 and 2019. The 2013 study, conducted by Phillip Rowell and Associates was conducted in association with the proposed Waldorf high school program. The Department of Public Works requested site distance information and estimated distribution along Kaluanui Road. The study found that there would be negligible impact to traffic at neighboring intersections; hence, no mitigation measures were proposed. In 2015, the traffic impact analysis was updated to account for the possible addition of 50 more students. The study found that there would be negligible impact associated with the proposed expansion; hence, no mitigation measures were proposed. Because the same firm was not available to study traffic in consideration of the master plan improvements, Austin Tsutsumi & Associates, Inc. were contracted to work on a traffic study. The study found that with the new 3,000 sf woodworking building, traffic may increase; however, since private art classes occur outside of peak traffic periods, no impacts are anticipated. Current art classes range from eight to 12 people per class and additional classes should have negligible impacts. The Department of Public Works and the State Department of Transportation did not have any comment on the proposed entitlements. Refer to **Exhibit 10** and **Exhibit 11**. The County Department of Transportation also did not have any comment. Refer to **Exhibit 11**.

Electrical, Telephone, and Cable – The parcels currently have electrical, telephone and cable service. Electrical service has recently been expanded in preparation for the stables reconstruction and woodworking building. The needs for the event pavilion will be determined closer to construction. There should be no adverse impact to electrical, telephone or cable service associated with the proposed entitlements.

Solid Waste – The Hui has private refuse collection service and there is onsite recycling of art supplies. Landscape trimmings are composted and/or disposed of on site. There should be no adverse impact to solid waste as a result of the proposed land use entitlements. The Department of Environmental Management did not have any comment with regard to the proposed entitlements. Refer to **Exhibit 13**.

Public Services – Police protection is provided by the Maui Police Department headquartered at the Wailuku Station, approximately 12 miles away from the Hui. There is an existing substation at the Eddie Tam Memorial Center, approximately two miles away from the Hui. There should be no adverse impact to police service as a result of the proposed land use entitlements. The Police Department did not have any comment on the proposed entitlements. Refer to **Exhibit 16**.

Fire prevention, suppression, and protection services for the region are provided by the Department of Fire and Public Safety's Makawao Station located in Makawao Town about three miles from the project site. Additional support is also available from the Paia Fire Station, located approximately five miles away, the Kula Fire Station, which is located approximately eight miles away, and the Kahului Fire Station, which is located approximately ten miles away from the Hui. There should be no adverse impact to fire services as a result of the proposed land use entitlements. The Department of Fire and Public Safety did not have any objections to the proposed entitlements; however, they did note that water supply requirements are based on land use designations. Because the designations are being changed from Agricultural to Rural, the Rural designation will require a minimum fire flow of approximately 1,000 gallons per minute, which is 500 gallons per minute greater than with the Agricultural land use designation. The Fire Department would comment on access, fire protection water supply and fire and life safety requirements when building permits are submitted. Refer to **Exhibits 14-15**.

Maui Memorial Medical Center, the only major medical facility on the island, is located near the Maui Police Department, approximately 12 miles away from the Hui. Acute, general, and emergency care services are provided by this facility, which is licensed for approximately 231 beds. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

No adverse impact to public services will occur as a result of the proposed land use entitlements.

SOCIO-ECONOMIC IMPACT

The Hui is located in rural Makawao, which had a population of 7,184, according to the 2010 United States Census. It should be noted that in 2017, the Hui served 23,942 people, ages 2.5 to adult and this included residents artists, students and educators. Approximately 87 percent of the Hui's users were on-island residents and approximately 13 percent were from the neighbor islands, the mainland or abroad. The Upcountry area can be characterized as consisting of service related jobs, including ranching and agriculture. Currently, an increase in the amount of users is anticipated, given population growth and the Hui's desire to better service; however, the increase should be modest. Thus, there should be no adverse impact to the population or economy associated with the proposed land use entitlements.

ENVIRONMENTAL IMPACTS

Topography – The properties lie on gentle sloping land. The elevation ranges from approximately 1,325 feet above mean sea level at the upper parking lot at the eastern edge of the property to approximately 1,245 at the western corner of Parcel 6, near the intersection of Baldwin Avenue and Kaluanui Road. The woodworking studio, event pavilion and additional parking are planned at elevations below the historic Baldwin House, along the border of Parcel 6 and 11. The grade will likely need to be adjusted for construction of the woodworking facility, event pavilion and future parking; however, modifications will be minor because the existing contours are relatively flat. The proposed new lower parking area will follow the existing grade. Because the future development will be sited to minimize grade alteration, there should be no adverse impact associated with reclassification of the properties.

Soil Conditions – The soils underlying the properties are Haiku Clay (HbC), 7 to 15 percent slopes, Haliimaile silty clay (HhB), 3 to 7 percent slopes, Makawao silty clay (MfB), 3 to 7 percent slopes and Hamakuapoko silty clay (HIC2), 7 to 15 percent slopes, according to the United States Department of Agriculture Natural Resources Conservation Service (NRCS) website. Haiku clay, Makawao silty clay and Hamakuapoko silty clay have medium runoff. Haliimaile silty clay has low runoff. All of the soils have slight erosion hazard. The NRCS did not have any comment on the proposed land use entitlements. Refer to **Exhibit 25**.

According to the University of Hawaii Land Study Bureau, the properties are designated "C" on a scale of "A" to "E," reflecting land productivity characteristics. Land designated "A" have highest productivity and "E" have the lowest.

The State Department of Agriculture has established three categories of Agricultural Lands of Importance to the State of Hawaii (ALISH) with land rated as "Prime," "Unique," or "Other," based on their underlying soils. Parcel 11 is designated "Unclassified." Parcel 6 is "Prime," which means that it is of Statewide or local agricultural importance.

The subject properties are not designated as "Important Agricultural Lands (IAL)." They are not abutting or near any properties with an IAL designation.

Flood & Tsunami – As previously mentioned, according to the Federal Emergency Management Agency's Flood Insurance Rate Map, the properties are located within Flood Zone X, an area of minimal flooding. Because the properties are located upland, they are out of the tsunami evacuation zone. No adverse impact to flooding or tsunami is anticipated.

Flora & Fauna – The Hui has pockets of landscape planting. Trees onsite include Norfolk Island pines, mature monkey pod trees along Baldwin Avenue, ironwood, jacaranda, silver oak, palm, eucalyptus, bamboo, mango and avocado. Landscape plantings include ti, ginger, hibiscus, plumeria, bird of paradise, sago palm and bougainvillea. There is also pasture grass along Baldwin Avenue. In the lower campus, there are kukui, kamani, koa and ohia that provide shade to parking lots. There are no known endangered or threatened species at the Hui. To accommodate the woodworking studio, shade trees may need to be relocated or replaced; however, there should be no adverse impacts to flora and fauna.

Air Quality – Ambient air quality in the area is within the state and national ambient air quality standards. There are trade winds in the area that prevail approximately 80 to 85 percent of the time and contribute toward the excellent air quality. Winds are lighter during the mornings and nights and stronger in the afternoons. There may be short-term impacts due to fugitive dust associated with demolition, grading and construction; however, they should not be significant with the implementation of Best Management Practices (BMPs). BMPs to be utilized include the use of dust fences, watering, covering of graded areas and not conducting any earthmoving activities during high winds, etc. BMPs will be submitted to the Department of Public Works, along with grading and building permits for approval. No adverse impact to air quality is anticipated.

Noise – Background noise in the area can be largely attributed to traffic traveling along local roadways and school activities from the Waldorf, as well as abutting Montessori School. The relocation of uses related to woodworking, ceramics and outdoor events is not anticipated to cause much change in existing noise conditions. The distance between the Hui and its neighbors is large enough that it serves as a buffer to mitigate noise impacts. There have been no noise complaints from activities occurring at the Hui. There may be short-term noise impacts associated with construction; however, hours of use can be limited. Classes typically occur between 9 a.m. and 9 p.m. Hui sponsored events end at 10 p.m. When users sign the Site Use Agreement, shutdown is required by 9:45 p.m. Also, the Hui approves of all entertainment. Any BMPs, such as the use of mufflers, will be submitted when the applicant applies for grading and building permits. In addition, the Hui will apply for a Department of Health noise permit, which will impose a limit on hours of construction. There should be no adverse impact to neighboring properties is anticipated as a result of the proposed land use entitlements.

Scenic and Open Space Resources – There are no significant scenic view corridors. There are pocket views of the Baldwin House from Baldwin Avenue. There are also periodic ocean views when traveling downhill. Views into the property along Kaluanui Road are obstructed because the road lies at a lower elevation. The newly proposed structures will be set approximately 350 to 400 feet away from Baldwin Avenue, so there should be no adverse impacts to scenic and open space resources associated with the proposed entitlement actions.

Streams, Wetlands and Reservoirs – There are no wetlands or rivers on or in the vicinity of the properties.

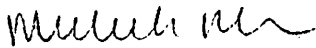
TESTIMONY

As of January 11, 2019, the Department has not received any testimony expressing concerns regarding any aspect of the proposed development.

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. ***Recommend Approval without Conditions:*** The Commission may take action to recommend that the Maui County Council approve the request without imposing any conditions.
3. ***Recommend Approval with Conditions:*** The Commission may take action recommend that the Maui County Council approve the request with conditions.
4. ***Recommend Denial:*** The Commission may take action to recommend that the Maui County Council deny the request.

APPROVED:



MICHELE MCLEAN, AICP
Acting Planning Director

Resolution

No. 17-151

REFERRING TO THE MAUI PLANNING
COMMISSION PROPOSED BILLS TO AMEND
THE STATE LAND USE DISTRICT
CLASSIFICATION, ZONING, AND MAKAWAO-
PUKALANI-KULA COMMUNITY PLAN AND LAND
USE MAP FOR PROPERTY SITUATED AT
MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2)
2-4-002:011 AND (2) 2-4-002:006 (POR.)
(HUI NO`EAU VISUAL ARTS CENTER)

WHEREAS, the Council is considering a proposed bill to amend the State Land Use District classification from Agricultural to Rural and a proposed bill to change the zoning from Interim and Agricultural Districts to P-1 Public/Quasi-Public District for property comprising approximately 14.775 acres, situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006 (collectively, the "Property"); and

WHEREAS, the Council is also considering a proposed bill to amend the Makawao-Pukalani-Kula Community Plan and Land Use Map from Agricultural to Public/Quasi-Public for a portion of the Property comprising approximately 4.306 acres, situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-4-002:006; and

WHEREAS, Hui No`eau Visual Arts Center, also known as the Kaluanui Estate, whose street address is 2841 Baldwin Avenue, Makawao, Maui, Hawaii, is on the Property; and

WHEREAS, the Property's current land use designations do not allow for its actual, longstanding use as an arts and educational center without appropriate permits, which are both costly and time-consuming to obtain; and

WHEREAS, grant funding for the nonprofit corporation, Hui Noeau, may be jeopardized if the appropriate permits are not obtained in a timely manner; and

EXHIBIT |

Resolution No. 17-151

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

WHEREAS, Sections 8-8.4 and 8-8.6 of the Charter require that the appropriate planning commission review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,

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

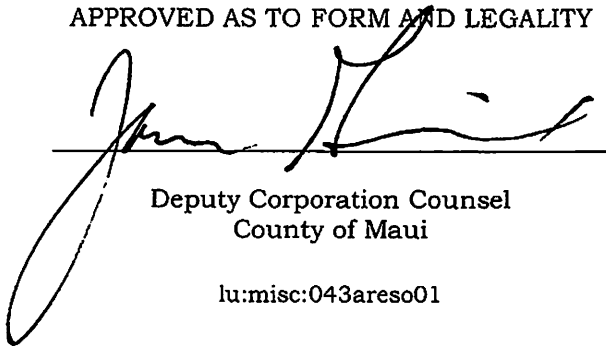
1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended ("Charter"); and
2. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)," a copy of which is attached hereto as Exhibit "2" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Charter; and
3. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)," a copy of which is attached hereto as Exhibit "3" and made a part hereof, to the Maui Planning

Resolution No. 17-151

Commission for appropriate action, pursuant to Sections 8-8.4 and 8.8-6 of the Charter; and

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

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui

lu:misc:043areso01

ORDINANCE NO. _____

BILL NO. _____ (2017)

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

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

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

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

lu:misc:043adbabill01:cmn

EXHIBIT "1"

LAND DESCRIPTION

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

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

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

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

1. 301° 54' 320" 375.50 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41. feet along Lot 2-A-1-C of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
4. 347° 20' 162.00 feet along the same to a ½ inch pipe; thence,
5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2..2214 to a ½ inch pipe; thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80` feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle of 21° 31' 51", the chord azimuth and distance being

131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

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

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

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

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



ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND
AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR
PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII,
TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Interim District to P-1 Public/Quasi-Public District and from Agricultural District to P-1 Public/Quasi-Public District is hereby granted for that certain real property situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006, respectively, comprising approximately 14.775 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-_____, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

lu:misc:043acizbill01

EXHIBIT "2"

LAND DESCRIPTION

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

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

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

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

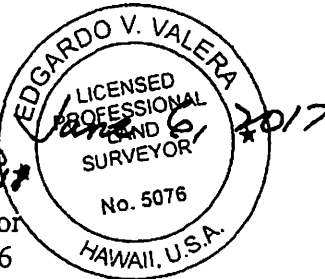
1. 301° 54' 320" 375.50 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
2. 309° 42' 186.00 feet along the same to a ½ inch pipe; thence,
3. 347° 40' 168.41. feet along Lot 2-A-1-C of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
4. 347° 20' 162.00 feet along the same to a ½ inch pipe; thence,
5. 358° 00' 38.07 feet along Lot 2-B-1 of H. A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2214 to a ½ inch pipe; thence,
6. 34° 34' 300.76 feet along the same to a ½ inch pipe; thence,
7. 42° 38' 177.80' feet along the same to a ½ inch pipe; thence,
8. Along Baldwin Avenue on a curve to the left with a radius of 751.00 feet and a central angle of 21° 31' 51", the chord azimuth and distance being
131° 42' 59" 280.56 feet to a ½ inch pipe; thence,

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

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

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

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



ORDINANCE NO. _____

BILL NO. _____ (2017)

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

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

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

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

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

lu:misc:043acpabill01

EXHIBIT "3"

LAND DESCRIPTION

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

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

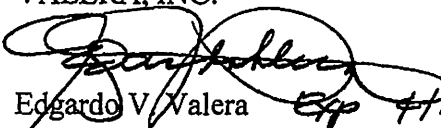
Being portion of Lot 1 of Maui Pineapple Co., Ltd Lease, L.U.C.A. File No. 2.393, being a portion of Royal Patent 7512, Land Commission Award 11,216, Apana 27 to Kehaunohi.

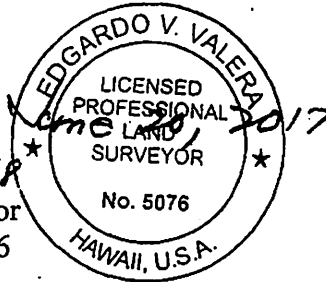
Beginning at a point at the northeast corner of this parcel of land, along the south side of Kaluanui Road coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being 7,505.10 feet North and 4,304.59 feet West and running by azimuths measured clockwise from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

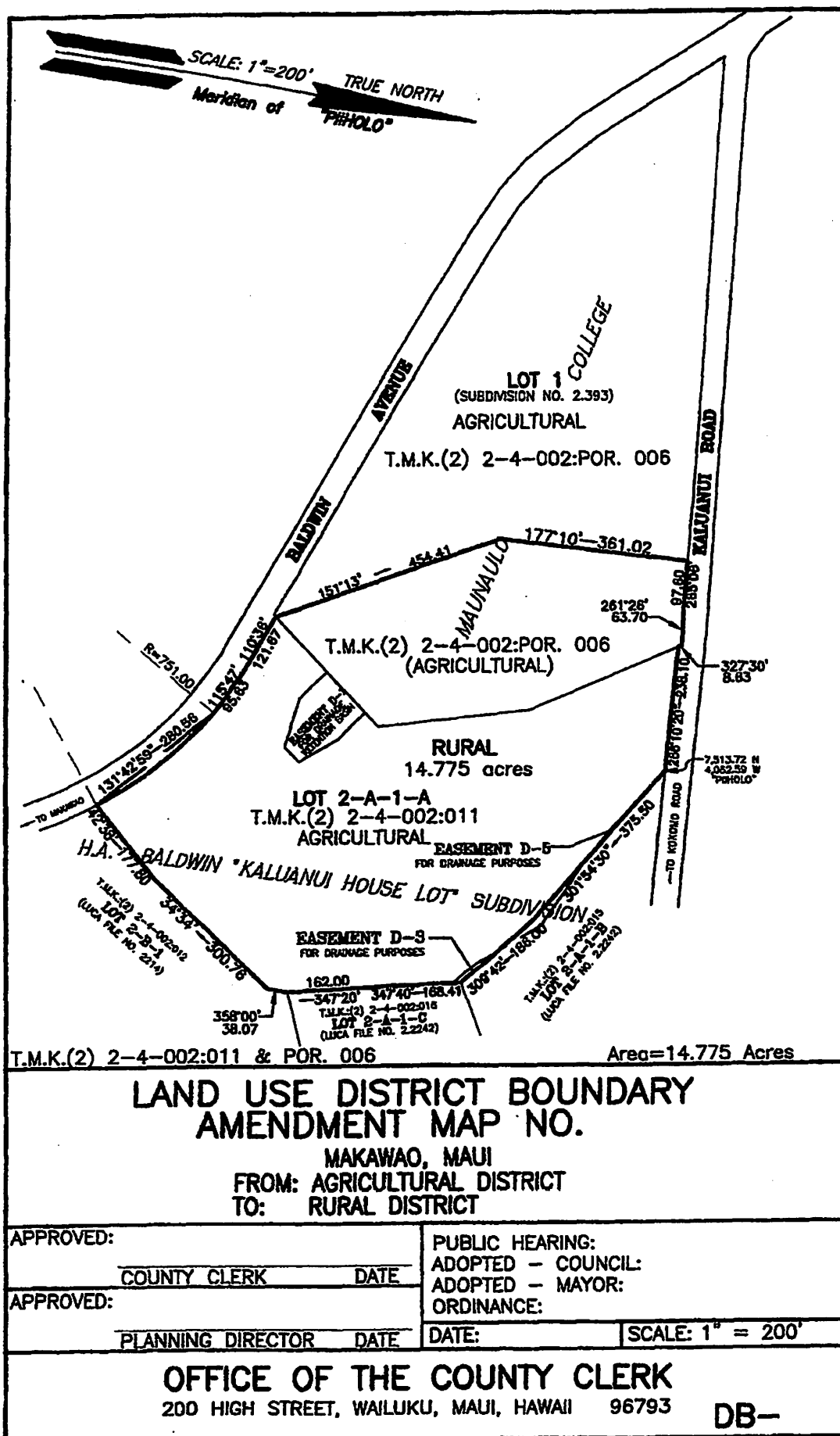
1. 327° 30' 8.63 feet along the southerly side of Kaluanui Road to a ½ inch pipe; thence,
2. 327° 30' 315.00 feet along Lot 2-A-1-B of H.A. Baldwin "Kaluanui" House Lot Subdivision, Subdivision File No. 2.2242 to a ½ inch pipe; thence,
3. 343° 58' 290.00 feet along the same to a ½ inch pipe; thence,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

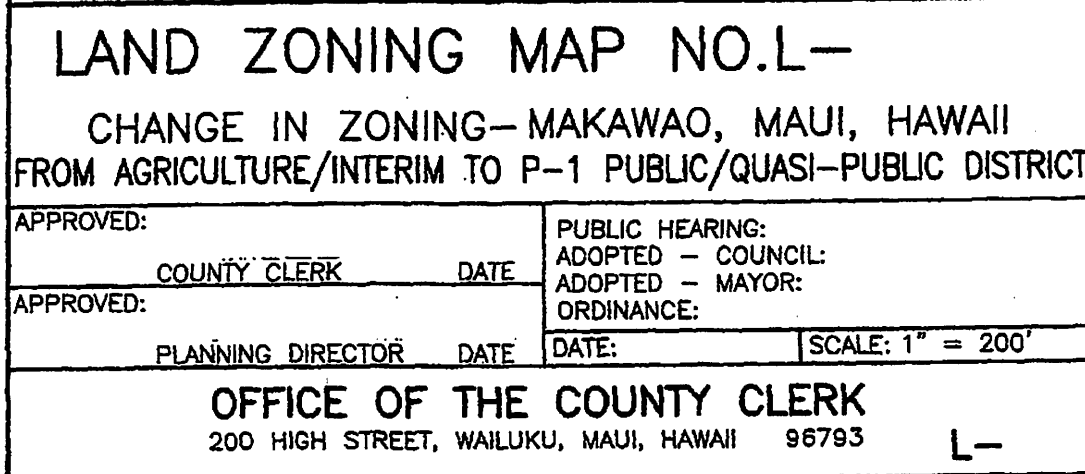
Note: This metes and bounds description has been prepared for change in Zoning and Community Plan Amendment purposes only.

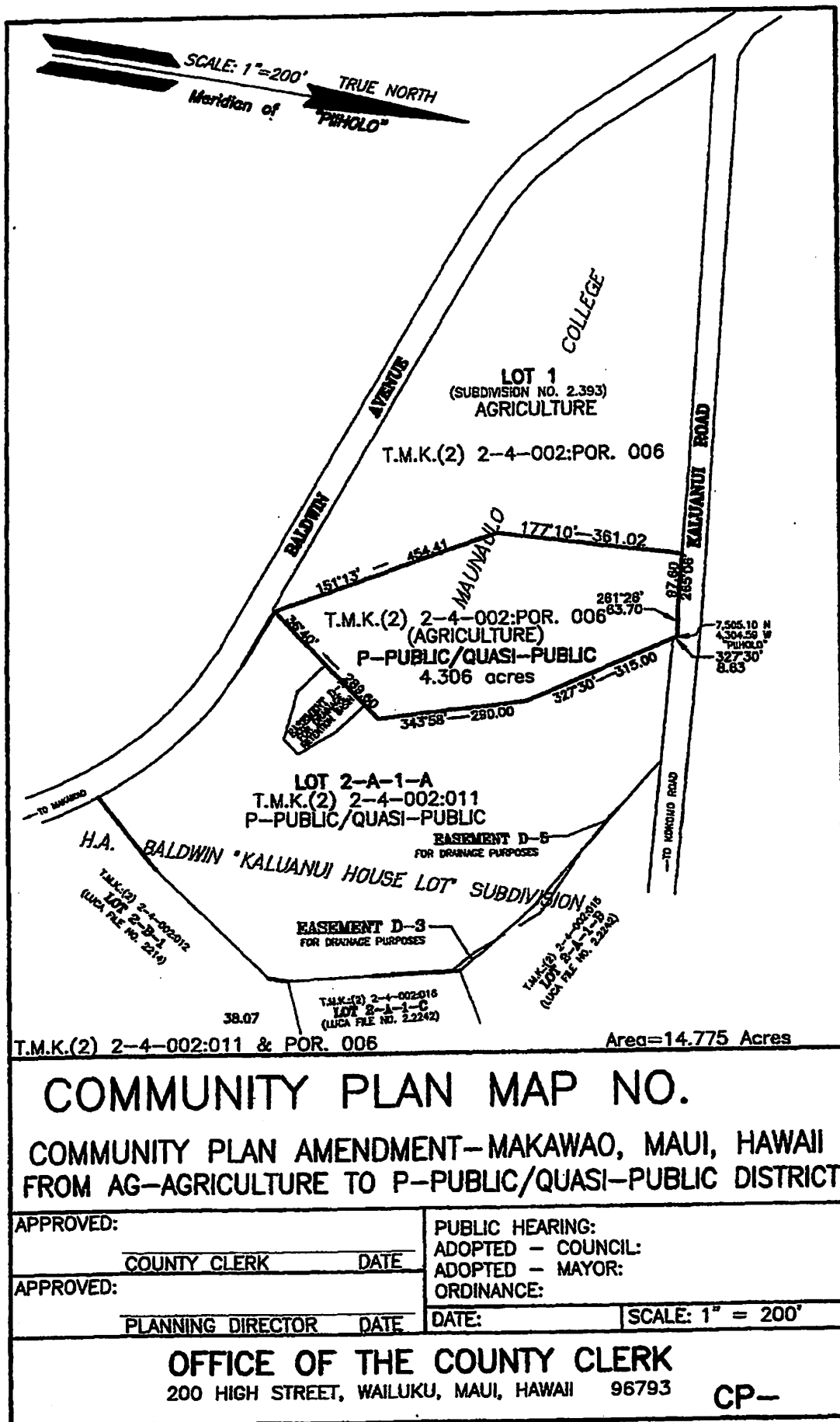
This work was prepared by me
or under my direct supervision.
VALERA, INC.


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









HAWAII LAND USE GROUP LLC
PO BOX 880779 PUKALANI HI 96788

October 3, 2017

TO: Chair Robert Carroll, and Members
Land Use Committee
Maui County Council

Dear Chair Carroll and Committee Members,

RE: LU-43 Land Use Entitlements for Hui No'eau Visual Arts Center (Makawao)
Located on the Historic Kaluanui Estate
Parcels (2) 2-4-002:006 and 011
2841 Baldwin Avenue Makawao, HI 96768

Thank you for the opportunity to testify in support of item (LU-43), entitled "District Boundary Amendment, Community Plan Amendment, and Change in Zoning for Hui No'eau Visual Arts Center".

Your consideration of a council-initiated change of land use controls to better reflect the longstanding educational use occurring at the Hui No'eau Visual Arts Center in Makawao is timely and noteworthy. To support your effort, I have prepared this letter for your information and use.

I've assisted "the Hui" through their last two amendments to their State Special Permit (educational use in the State Agricultural District), and desire to assist you in whatever way I can if this task is undertaken by the Council. It would be extraordinary to have the Council initiate this action on this, the 100th anniversary of the Kaluanui Estate.

I have prepared the following for your information:

I. Overview of the Action

Hui No'eau Visual Arts Center is located on the Historic Kaluanui Estate, approximately 25 acres of land located at the corner of Kaluanui Road and Baldwin Avenue, Makawao. The "corner" of the estate has been used for agricultural activities such as pasture for horses and cultivation of pineapple. The interior of the property contains the 100-year old celebrated residential estate designed by noted architect C.W. Dickey. The Estate section of the property has served many public uses since the passing of its founders, Harry and Ethel Baldwin, and has been formally and exclusively used as the Hui No'eau Visual Arts center for the last 41 years.

The Council's actions will correct what is a conflicting and inappropriate set of Land Use Controls that govern the property. The (~10 acre) agricultural "corner" of the property will retain its consistent agricultural controls, but the interior portion of the property- the Estate

area comprising ~14.775 acres, will have its land use controls amended to reflect the site's rural character and educational use. Specifically, the Estate section will be reconfigured as follows:

- The Maui General Plan's Rural designation will remain
- The State Land Use from District will be changed from Agricultural to Rural
- County Zoning will be changed from Agriculture & Interim to (P-1)Public/Quasi-Public
- The Makawao-Pukalani-Kula Community Plan will be changed from a mixture of Agriculture & Public/Quasi-Public and will become uniformly (P) Public/Quasi-Public

II. Rationale for Council Action

Hui No'eau is an award winning non-profit agency that has preserved the historic Kaluanui Estate for public use and enjoyment, and has been unmatched in its stewardship and educational programs in Maui's Visual Arts community.

The Kaluanui Estate turns 100 this year. This unique, noteworthy property and its deep connection to the arts existed decades before the State or County implemented zoning and related land use controls. Despite managing the site for over 40 years, Hui No'eau is required to amend and extend special (Agricultural) permits with each new project due to the unfortunate set of inappropriate and conflicting land use designations. Satisfying these requirements is not only costly, it is unpredictable, which can jeopardize time-dependent development grants. It would be a timely "recognition" of the nonprofit on this anniversary if the Council elected to straighten out the confusion of land-use controls by employing a set that appropriately reflects the cherished legacy of the Kaluanui Estate and its longstanding role in the development of the arts.

III. The Mission of the Hui No'eau Visual Arts Center

Founded in 1934, the mission of Hui No'eau Visual Arts Center is to serve the Maui County community by unlocking creativity through exceptional visual arts education and to enhance this endeavor through the preservation of the historic Kaluanui Estate. Hui No'eau is situated on the grounds of the 25-acre Kaluanui estate, which was designed by famed Hawai'i architect CW. Dickey and built in 1917 for its original owners Harry & Ethel Baldwin. Now, 100 years later, Kaluanui still stands in its original character as one of Maui's most iconic legacy estates still open for visiting to the public.

As the Hui celebrates Kaluanui's centennial year in 2017, the reach of the organization's mission is greater than ever before. Hui No'eau's year-round visual arts education programs, exhibitions, open studios and community outreach efforts impact over 30,000 artists and other individuals annually including, youth, students, educators, and community members living in Maui County.

Hui No'eau is the only art center of its kind in Maui County. The historic grounds and exhibition spaces are open to the public seven days a week with free admission. In addition to Hui No'eau's regular programming, the Hui collaborates with community organizations, schools and educators to serve at-risk and special needs youth or those without adequate arts education funding.

The Hui also offers a robust scholarship program that enables students in need of financial assistance to participate in Hui classes, camps, field trips, and outreach programs year round. Students range in age from 2.5 years and up. A total of 998 low-income children received financial assistance to attend classes between July 1, 2015 and December 30, 2016.

The Hui's Visiting Artist & Teach the Teacher programs unite Maui educators with local, national & international teaching artists. This program gives Maui teachers the tools they need to create strong arts programs in their own classrooms and also sends artists off Hui grounds and into Maui's public schools to expose students and teachers to new skills and techniques in the visual arts.

IV. History of the Property

Early Development

Makawao's "Kaluanui" Estate was developed by sugar plantation manager Henry A. Baldwin ("Harry") and his wife Ethel during the thriving plantation era of the early 20th century. It was constructed on a 17.5 acre parcel located off Baldwin Avenue that was purchased in 1886 by Harry's father, Henry P. Baldwin. The property was once home to the (1856) East Maui Plantation's sugar mill which had since declined and was in ruins.

Harry and Ethel contracted renowned architect C.W. Dickey (Harry's cousin) to design a residence for the estate. In 1916 and 1917, the Baldwin's constructed an exceptional Mediterranean-style main house with matching guest cottage and carriage house. A practically designed maid's quarters and stable were erected in the following decade. The sculpted grounds of the estate featured flowing grass lawns and terraces, outdoor concrete formed stairs, ornamental trees and rock walls, and a now-iconic reflecting pool set inline with the residence's south yard.

Ethel Baldwin's passion for the arts led to changes in the use of Kaluanui. She invited artists from around the world to stay at Kaluanui in exchange for lessons that she and other artists would attend. Rooms of the residence were periodically converted for use during artistic events and projects and the guest cottage was converted into a studio for jewelry making. In 1934, Ethel founded the arts education and advocacy organization titled the "Hui No'eau Visual Arts Society". In the following decade, the estate hosted various arts-related events, civic-group meetings, and military-staff events during WWII.

Formal Transition to the Arts

The Hui No'eau organization continued to grow, and in 1964 was incorporated as a private non-profit corporation. After the passing of Ethel Baldwin, Kaluanui became property of the Maui Land and Pineapple Company. Ethel's grandson, Colin Cameron, director of the company, offered the estate to Hui No'eau via lease starting in 1976. The decision further transformed Kaluanui and allowed Hui No'eau to evolve into a visual arts center. Mr. Cameron later described the result as "a well maintained, privately-owned, community-used facility with its emphasis primarily on the arts".

Under Hui No'eau's management, the Baldwin Home and ancillary buildings were adapted for use as classrooms, exhibition galleries, a gift-shop, administrative offices, artist studios, and specialty studios used for painting, drawing, jewelry design, printmaking, photography, digital media, and ceramics.

To accommodate growing demand for its education services, and to lessen wear in the historic Baldwin Home, Hui No'eau has expanded its facilities as follows:

- In 1998-2000, a 1080s.f. children's classroom and a 700s.f. central restroom facility were constructed in the vacant sections of the "lower campus", located north and downhill from the Baldwin House.
- In June 2005, Hui No'eau purchased the title to the 25-acre Kaluanui Estate, including parcels TMK (2)2-4-002:parcels 6 and 11. With the ownership of parcel 6, Hui No'eau was able to relocate its driveway on Kaluanui Road to a safer location and create new parking that was shifted away from the estate's architectural core.
- In 2008, a 2448s.f. building was erected in the lower campus to provide new jewelry making and ceramics studios.
- In June 2009, Hui No'eau obtained administrative approval from the Planning Department that permitted minor modifications to the classroom building authorized in the 2003 permit renewal. The approval also authorized repairs and renovation of sections of the Baldwin House, studio cottages, printmaking studio, and authorized safety improvements at the formal entry located on Baldwin Avenue.
- In August 2013, Hui No'eau obtained Maui Planning Commission approval to reconstruct a garage addition to the historic maid's quarters (Matsumoto building) and to utilize the new classroom space and other portions of the campus for a 50-student pilot High School program conducted by Haleakala Waldorf School.
- In October 2015, Hui No'eau obtained Maui Planning Commission approval to expand the Waldorf High School to 100 students. A "Waldorf village" was constructed on the estate's old tennis court, consisting of 4 portable classrooms and an administrative building. A new, 40-stall, low impact parking lot was constructed away from the Baldwin House in parcel 6.

V. Development Planning

Since the community-driven purchase of the Kaluanui estate for Hui No'eau in 2005, the organization has found a stronger commitment from its members, donors, and government funders to attain its mission. Current development objectives of the Hui include:

- Construct a new, purpose-built facility for the Hui's woodworking program
- Sensitively reconstruct the Estate's deteriorating Stables and Tack Shed, which would be used to re-establish ceramics facilities and create a new performance studio
- Improve ADA accessibility at the Kaluanui estate with additional parking, pathways, and restroom facilities.
- Maintain and repair its Historic buildings and campus
- Create an atrium at the Baldwin House's courtyard to preserve usability during wet weather
- Develop an outdoor event space to relocate events that have historically taken place at the Baldwin House's formal yard. This action aims to reduce the wear on the historic structure.

VI. List of Current Uses on Property

Uses supporting Historic Preservation and enjoyment of the Kaluanui Estate

- History Museum
- Free self-guided tours/ for-fee guided site tours
- Hui administered Fundraisers and Events ("Art Affair", etc.)
- Site Rental of house and grounds (special occasions/weddings)

Uses supporting Specialized Arts Education

- Hui staffed Art Programs for children, adults, & teachers
- Hui coordinated, community staffed classes
- Specialized instruction and open hours for equipment-dependent arts (photographic darkroom, print studio, ceramics, glass-blowing kiln, woodshop, 3-D printing, etc.)
- Hui administered Art Exhibitions
- Hui curated Art Gallery
- Gift-Shop
- Artist in Residence program (a residential teaching program initiated by Ethel Baldwin)

Uses supporting High School Education

- Waldorf Pilot Program Classrooms
- Waldorf Administrative office

Administrative Uses

- Hui Administrative offices
- Grounds/Maintenance Facilities

Thank you again for your time and consideration. Please feel free to call me at 298-7622 or email me at RCole@HawaiiLandUseGroup.com with your questions or requests for additional information.

Respectfully Submitted

Robb Cole, Planner
Hawaii Land Use Group

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 17-151 was adopted by the Council of the County of Maui, State of Hawaii, on the 20th day of October, 2017, by the following vote:

MEMBERS	Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Alika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Excused	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

Orig. No. 1901
By, N.A. & D.S.C.
Source, Tex. Maps Bureau

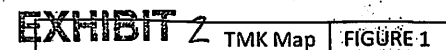




EXHIBIT 3



Exhibit 4



Kaimanui Rd

Haleakala Waldorf
High School

Hui Noleau Visual
Arts Center

2841 BalGooglelue

Map

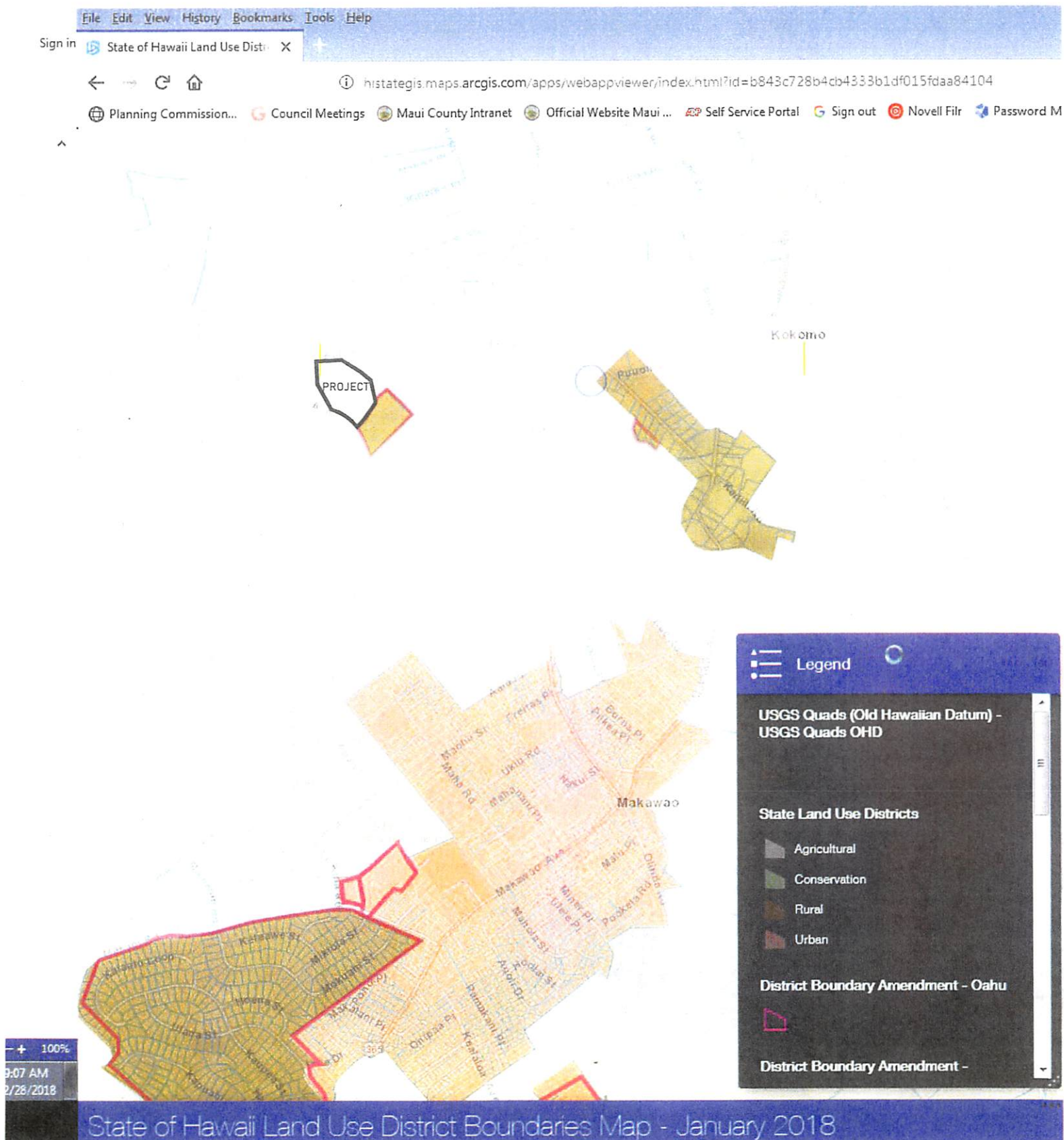


EXHIBIT 5

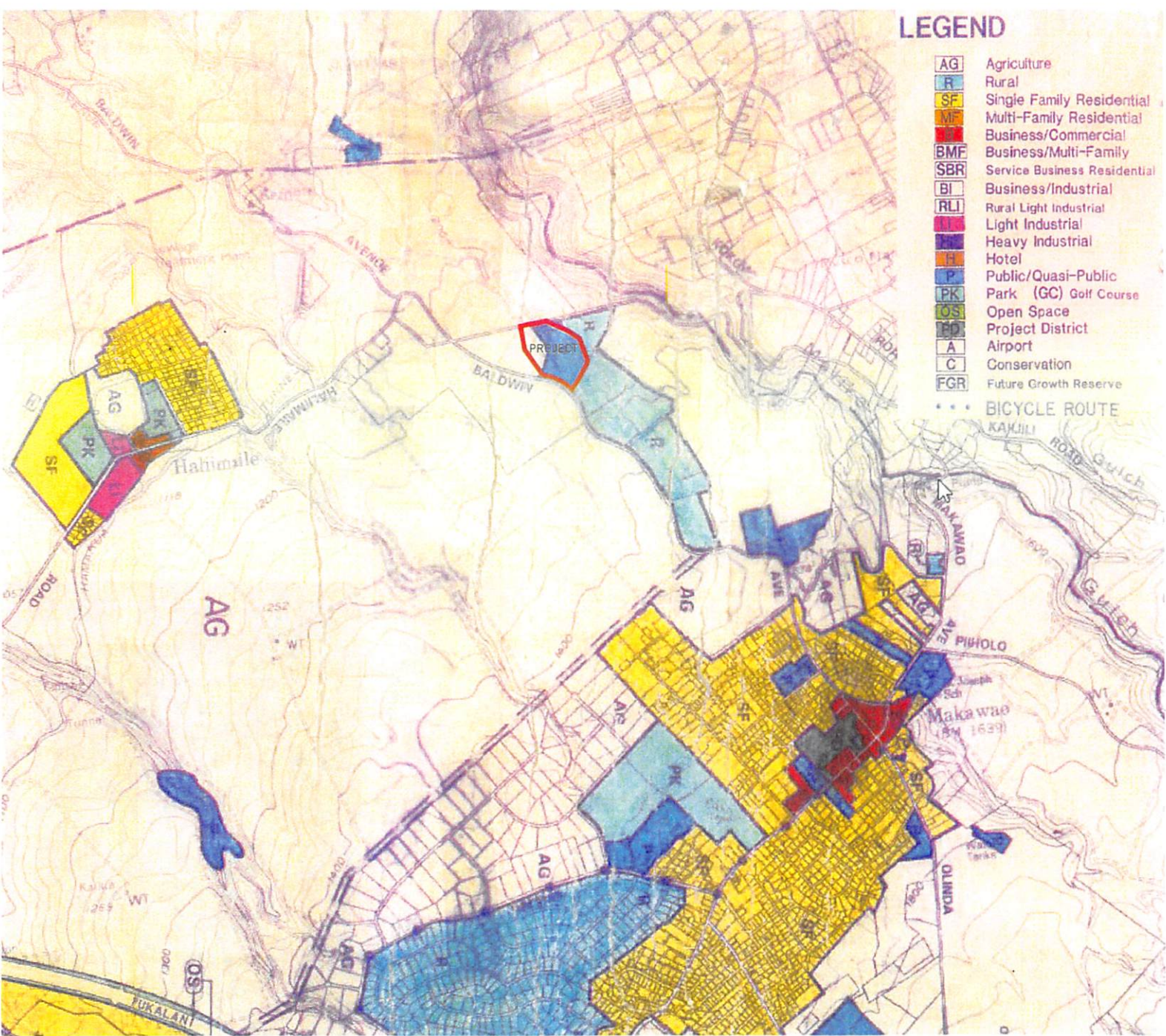
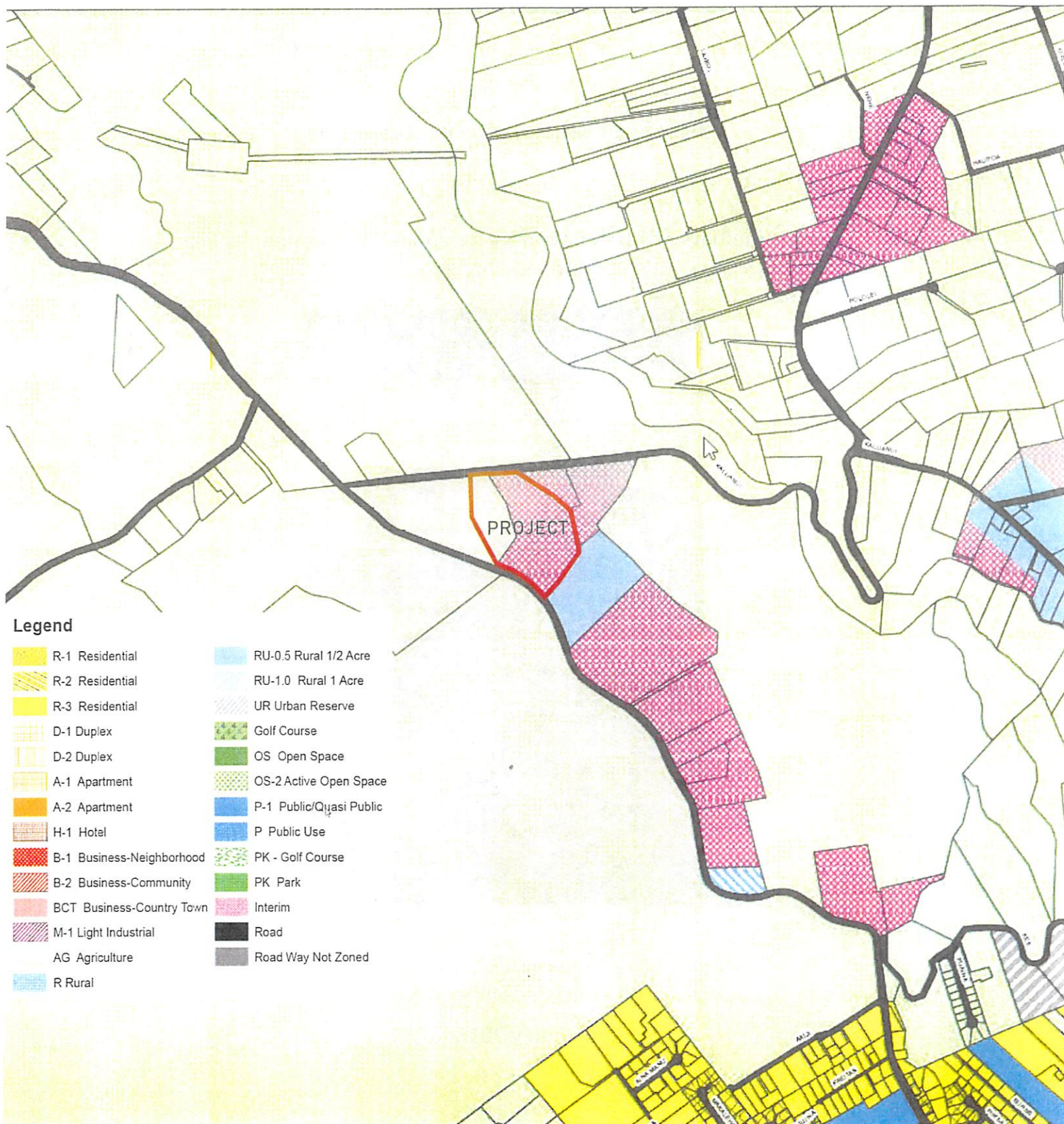


EXHIBIT 6



PROJECT ASSESSMENT REPORT

For the

Hui No`eau Visual Arts Center Master Plan

In support of

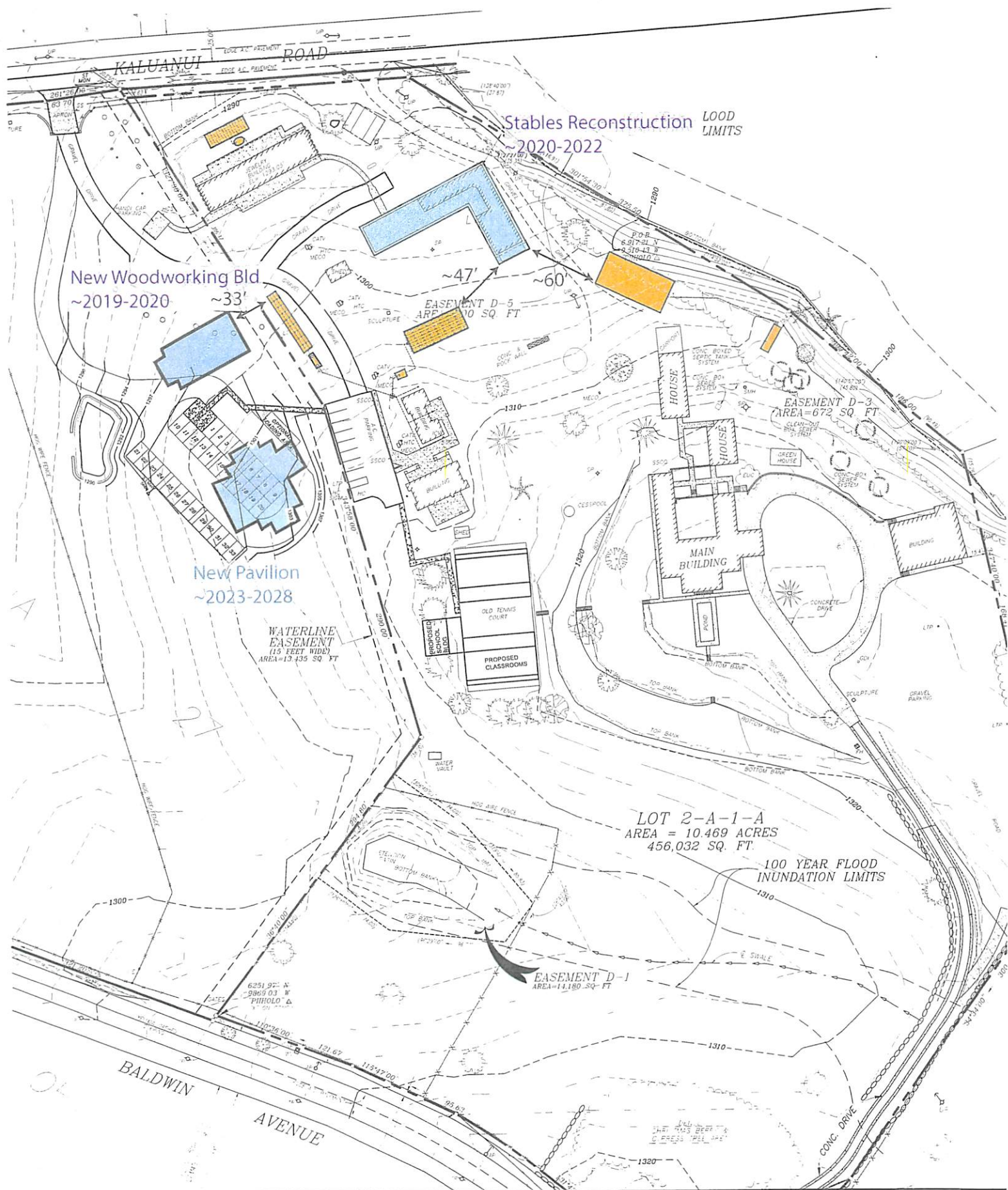
Council-Initiated District Boundary Amendments, Community Plan
Amendment and Changes of Zoning



Prepared by Hawaii Land Use Group
Plans by Donald Bernshouse, Architect

July 2018

EXHIBIT 8



Hui No'eau Visual Arts Center
 2018 Conceptual Development Map w/ proximity to existing Septic Structures, 1"=100'
 Prepared by Hawaii Land Use Group LLC, 12/27/2018
 Information provided by Hunton Conrad & Associates and Don Bernshouse, Architect

Kaluanui Development by Period

East Maui Plantation Mill (ruins)
(circa 1850)



Kaluanui / Baldwin Estate Buildings
(circa 1916-1920)

Estate Hardscape
Including concrete driveway and
gravel/grass parking



Modern Buildings (classrooms, art studios, restrooms)
(circa 1995-2016)

Modern Hardscape
Including gravel parking and driveways,
asphalt parking, concrete ADA parking
stalls and pedestrian pathways



Future Buildings
(estimated 2018-2028)
Including 2 new buildings and the
proposed reconstruction of the stables



Future Hardscape
Including new concrete pedestrian pathways
and new gravel driveways and parking facilities
to replace the existing parking facilities of the
lower campus





Kaluanui Estate, historic Baldwin House (1916-1917)



South elevation of Baldwin House



Former Garage (1916-1917)



Former Guest Cottage (1916-1917)

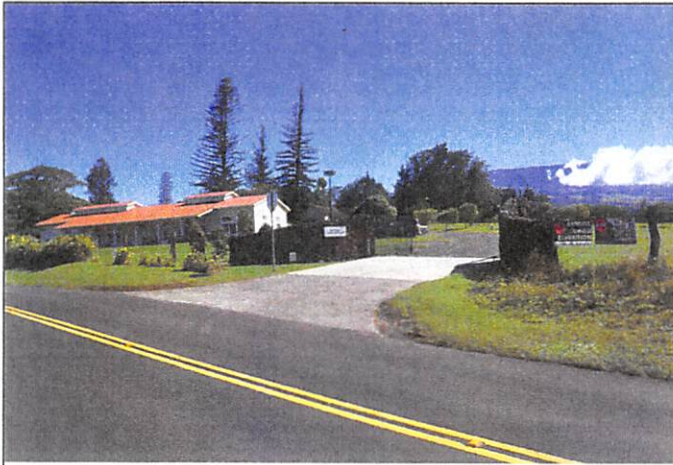


View of Baldwin House and Garage from formal entry along Baldwin Avenue



View of grounds towards Baldwin Avenue From Baldwin House

Photos 1/2013



Driveway along Kaluanui Road
North elevation of Ceramics and
Jewelry Making studio (2008)



South elevation of Ceramics and Jewelry
Making studio



Restrooms and Children's Classroom
(1999)



West elevation of Children's Classroom

Photos 1/2013

South elevation of Former Stables and Tack Shed (1920)





Baldwin House, east elevation. Covered stairway to right near wheelchair ramp



Stables, collapse of roof hip due to compromised wood framing



Baldwin House, north elevation. Covered stairway to be enclosed. Uncovered stairway to left



Stables, rounded rafters, birds mouth cuts. Structural damage stabilized



Baldwin House restroom



Stables, northeast corner. Erosion of siding and partial roof failure

Photos
7/2018

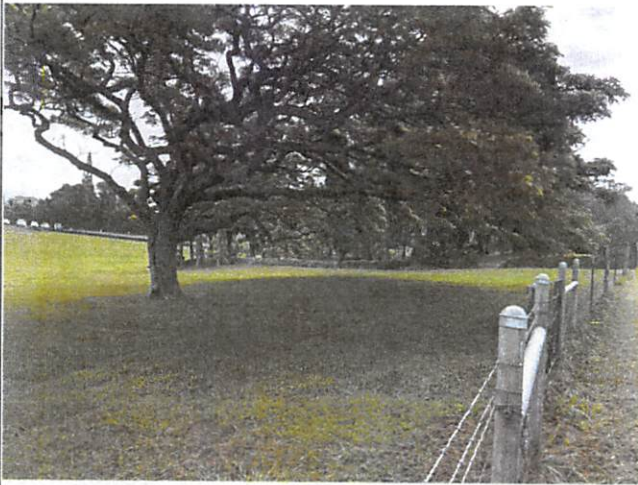
HUI NO'EAU MASTER PLAN ASSESSMENT	
SITE PHOTOS	FIGURE 3C
HAWAII LAND USE GROUP - JULY 2018	



Waldorf Classrooms, built 2016 on former tennis court



2016 gravel parking lot under construction



View along Baldwin Avenue towards historic East Maui Plantation ruins



Photos 7/2018

Upper gravel parking lot

Caretaker's Cottage (2013 photo)

Downhill & Left: Classroom addition (2013)
(replaced garage)

Uphill & right: Original cottage (c 1925)

Far right & behind: Formal guest house

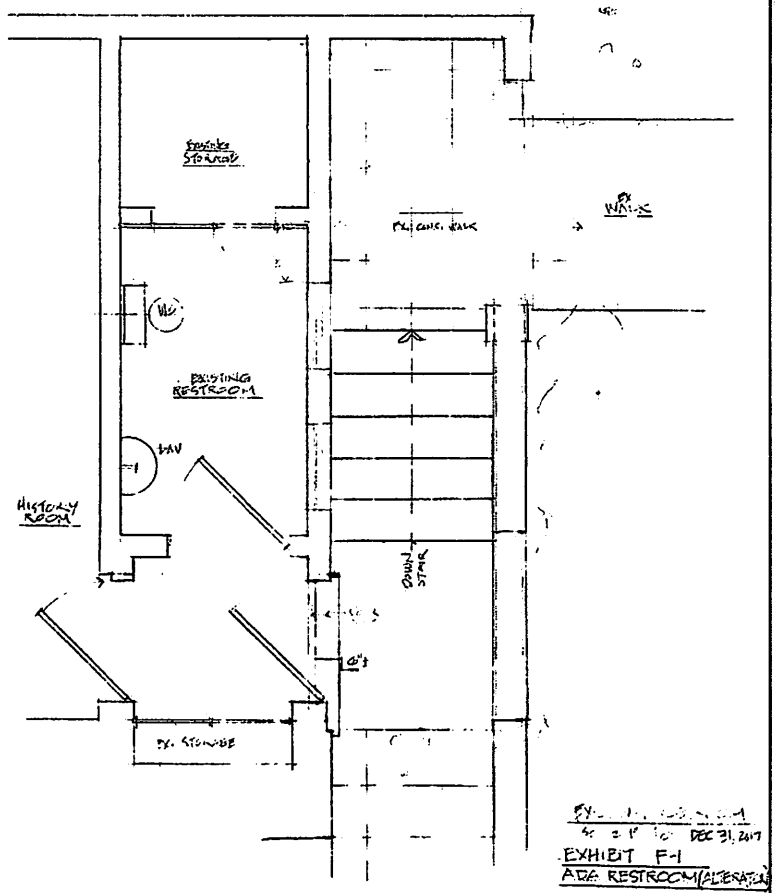
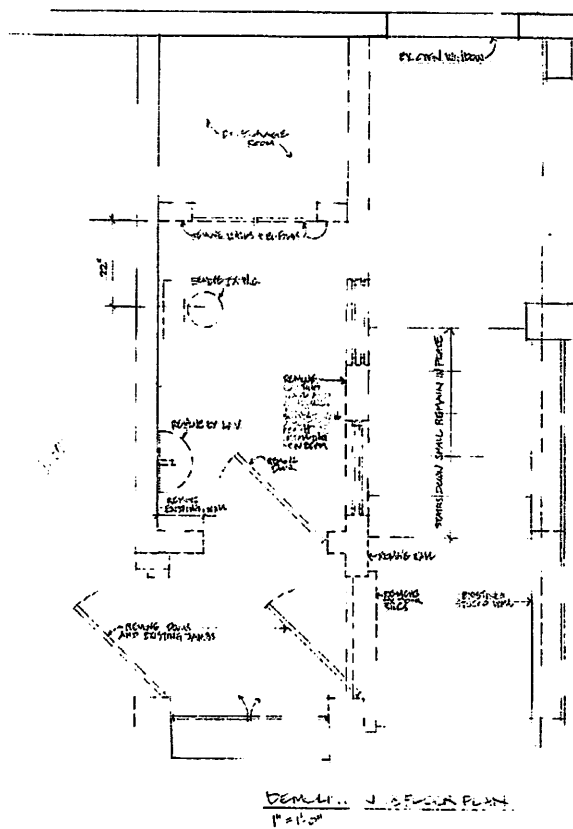




Proposed Master Site Plan	FIGURE 4A
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Master Site Plan - Circulation FIGURE 4C

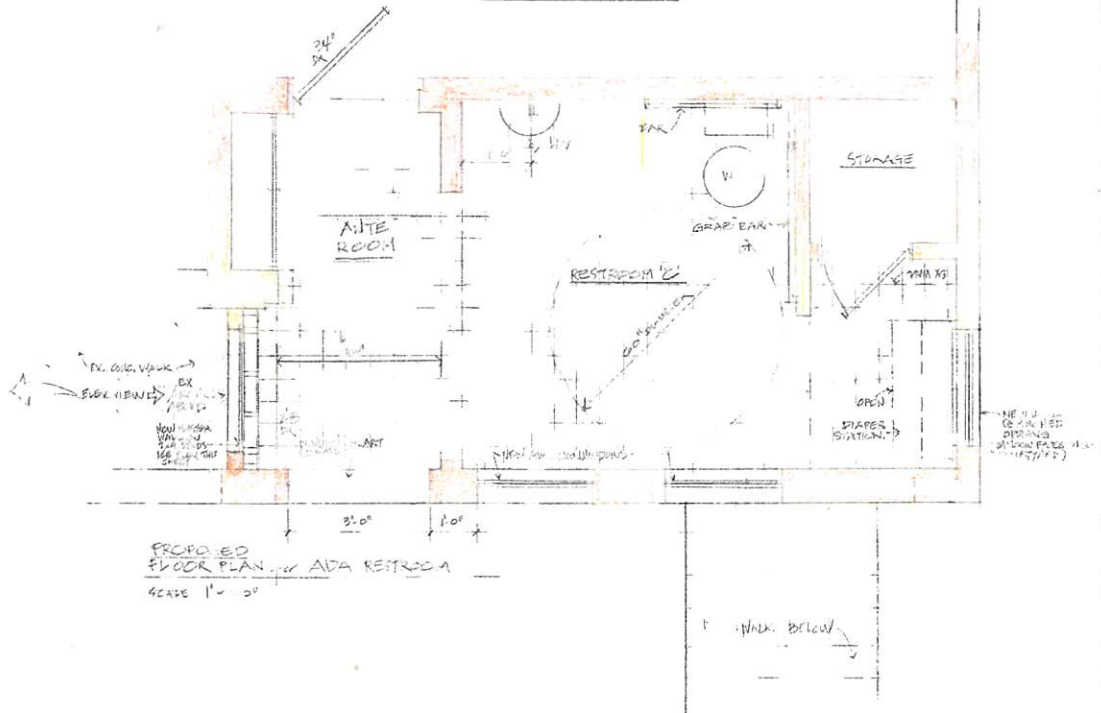


ADA Restroom Plans - Demo/Floor	FIGURE 5A
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HISTORY ROOM



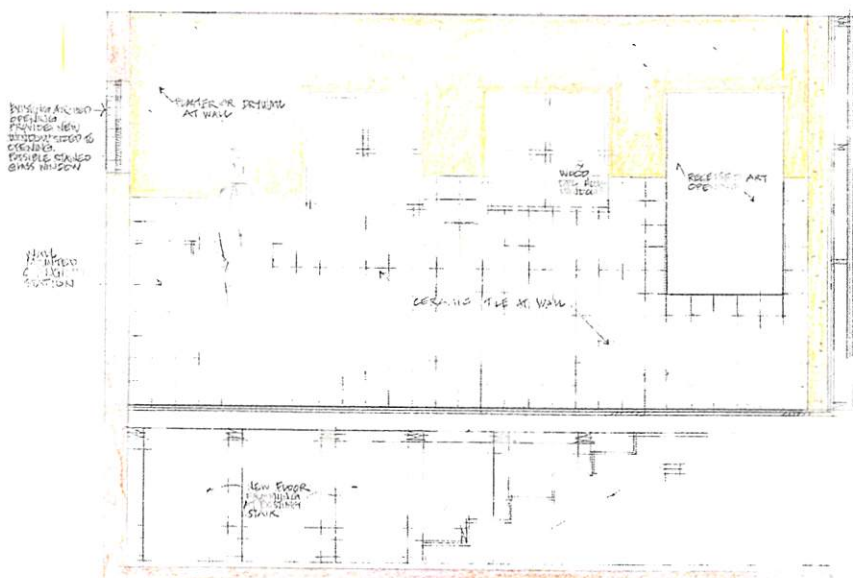
EAST ELEVATION
SCALE 1" = 1'-0"



PROPOSED FLOOR PLAN FOR ADA RESTROOM
SCALE 1" = 1'-0"

FIGURE F-2
ADA RESTROOM (ALTERNATIVE)
DEC 31 2017

HUI RESTROOM	
Date	
Scale	
Drawn	
Job	
Sheet	
Of	



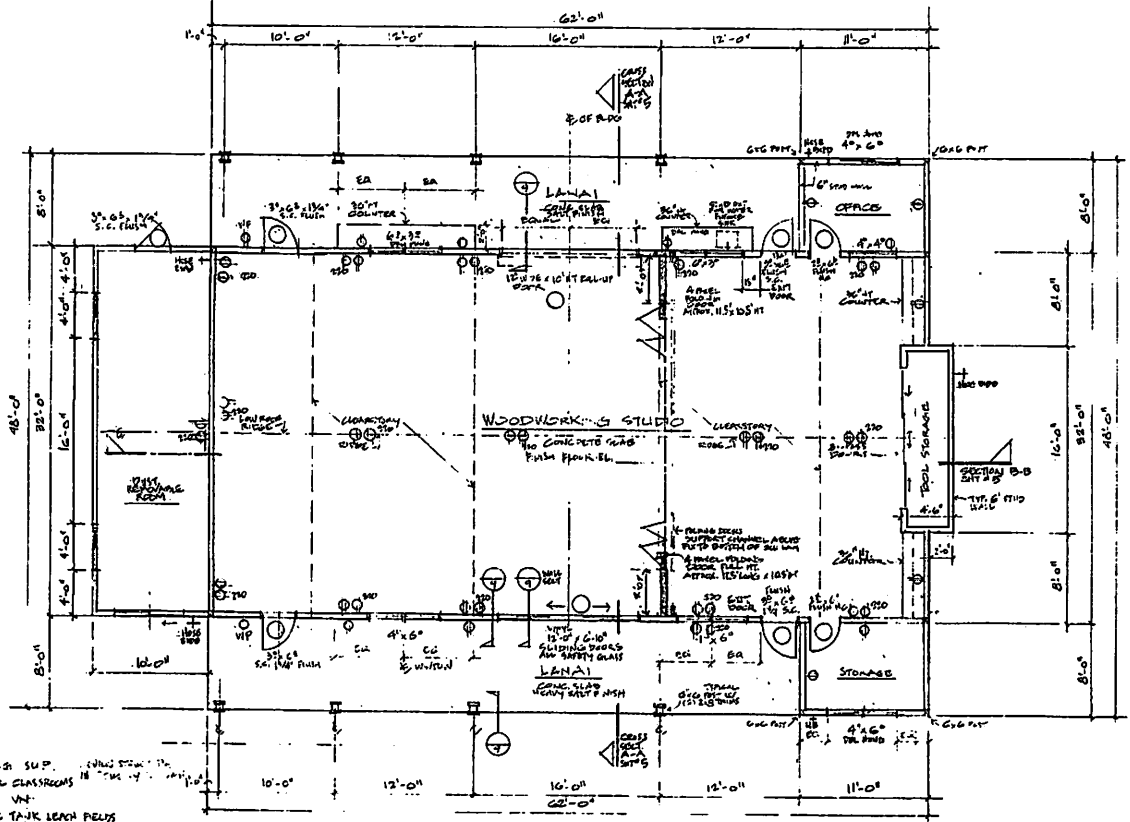
ELEVATION OF WALL LOOKING NORTH
SCALE 1/4" = 1'-0"

EXHIBIT F-3
ADA RESTROOM (ALTERNATIVE)
DEC 31, 2017

PROJECT NO. 15-000000-0000 SHEET NO. 3 OF 3	
HU RESTROOM	
Date Drawn JWB Check 3 OF 3	Status



ADA Restroom Plans - Elevation-North	FIGURE 5D
--------------------------------------	-----------



CODE AND PROJECT DATA

JMK (2) 2-4-02:11
 SITE AREA:
 MAUI COUNTY ZONING A-2 SUP.
 OCCUPANCY B VOCATIONAL CLASSROOMS
 TYPE OF CONSTRUCTION V-1
 SEWER: PRIVATE, SEPTIC TANK LEACH PITS
 FLOOD ZONE: 1C
 OCCUPANCY WOODWORKING STUDIO
 BUILDING SETBACKS: FRONT
 REAR
 RIGHT SIDE
 LEFT SIDE

BUILDING AREA: 3,012 S.F.
 BLOCK 65A 32' x 170' 4" = 11704 SF
 LOTS 12' x 62' = 744 SF
 DIST. 12' x 81' = 972 SF
 SITE 32' x 48' = 1536 SF
 BLOCK 65A 32' x 170' 4" = 11704 SF

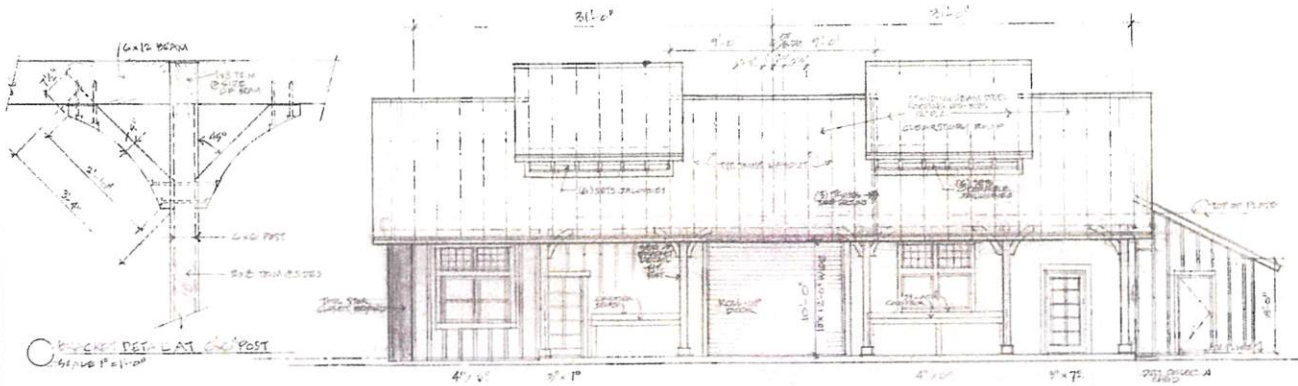
48'-0" NORTH
 62'-0" FLOOR PLAN SCALE 1/4" = 1'-0"

EXHIBIT E-1
 WOODWORKING STUDIO

Woodworking Studio - Floor Plan FIGURE 6A



SOUTH ELEVATION SCALE 1/8" = 1'-0"

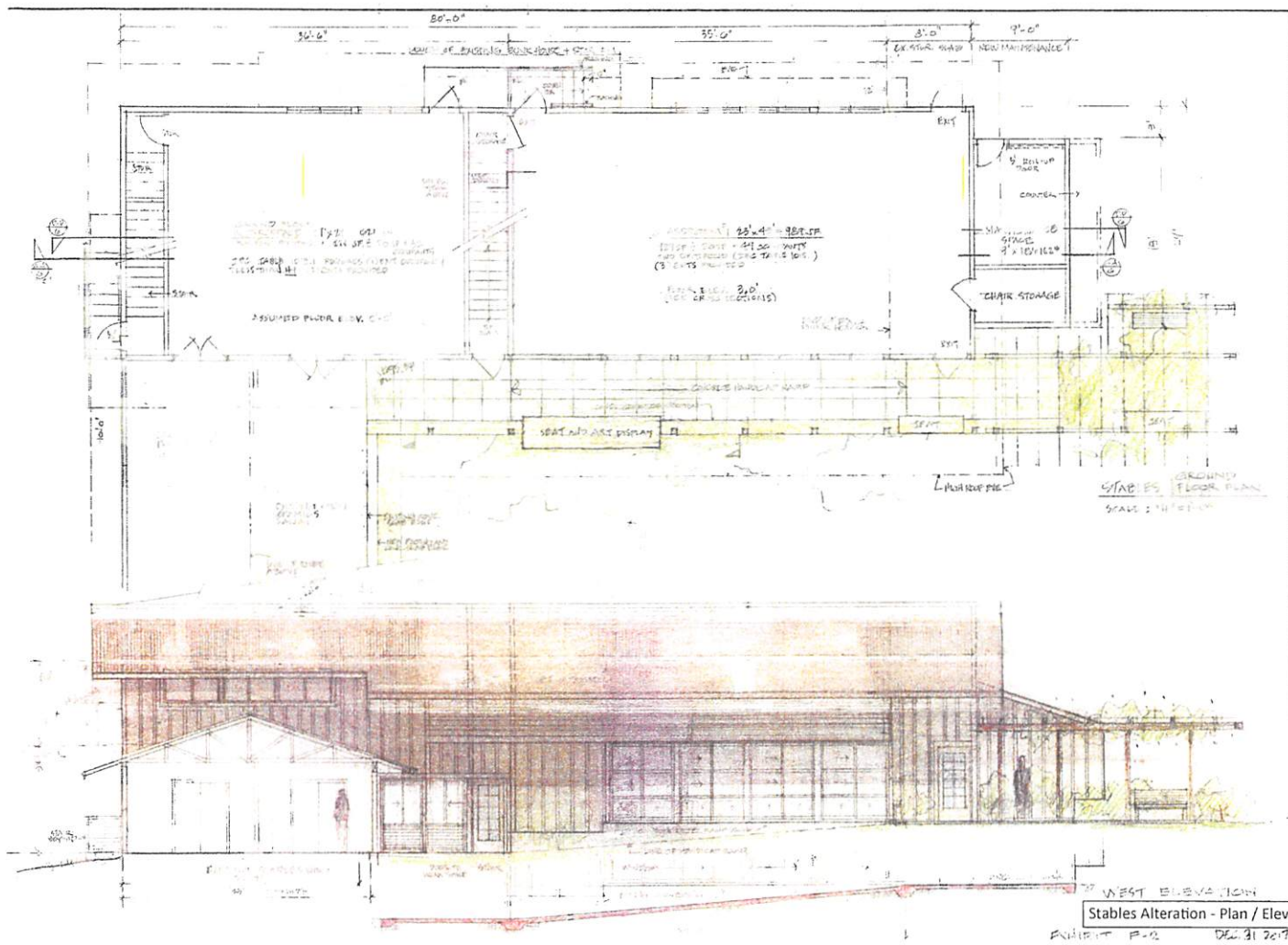


NORTH ELEVATION SCALE 1/8" = 1'-0"

Woodworking Studio - Elevations FIGURE 6B

EXHIBIT E-2
WOODWORKING STUDIO

DEC 31, 2017
PLOT 15 2017



PROJECT ASSESSMENT REPORT

For the

Hui No`eau Visual Arts Center Master Plan

APPENDIX B

Hui No`eau Site Rental Contract

SERVICE CONTRACT

Hui No'eau Visual Arts Center- Site Use Agreement

Event maximum capacity is 250 people. Events over 50 people will require:

- * An approved wedding or party planning coordinator.
- * Portable bathroom units (100 guests +).
- * Parking attendant or valet.

The parties hereto agree as follows:

Please initial next to each item number.

1) **ALL SERVICES PROVIDED AT THE HUI NO'EAU VISUAL ARTS CENTER FOR THIS CONTRACTED EVENT MUST BE PROVIDED BY AN APPROVED CATERER OR EVENT COORDINATOR. AN EVENT COORDINATOR IS REQUIRED FOR PARTIES OVER 50. YOU MAY REQUEST USE OF VENDORS DESIRED, HOWEVER THEY MUST BE APPROVED BY HUI. SHOULD THE VENDOR REQUESTED NOT BE APPROVED BY SAME, AN ALTERNATE OPTION WILL BE SUGGESTED. THERE ARE NO EXCEPTIONS TO THIS POLICY.**

2) **GUEST COUNT:** The number of guests attending any function shall not exceed 250 people unless the Client shall receive the express written approval of the Owner. Client hereby discloses to Owner that the maximum number of people attending the Client's function is 250. In the event more than 250 people attend the event, Client agrees to pay to Owner liquidated damages in an amount equal to \$5,000.00, for unanticipated damages, expenses and liability due to Client exceeding the maximum allowed number of guests.

3) **DEPOSIT(S) and additional costs: An initial deposit for the Rented Property cost in the amount of (half of the total Rented Property cost) \$ shall be paid to Owner upon the execution of this Site Use Agreement. All deposits are non-refundable and non-transferable. The balance of your Rented Property cost deposit, in the amount of \$ shall be due on , plus any charges for added optional amenities or adjusted guest count.** If the balance of your deposit is not received on the date stated herein, Owner reserves the right to cancel Client's booking for the facility, and retain the initial deposit as liquidated damages. Any additional use of the facilities that need to be scheduled (rehearsals, etc.) may result in an additional charge.

Owner requires Client to provide a credit card to be held on file. A credit card authorization form will need to be signed and the credit card will remain on hold until after the event. The credit card shall be retained by Owner to cover any damages to Owner's property, or other extraordinary costs incurred by Owner due to Client's improper use of the facility. Owner shall provide to Client a breakdown of any amounts to be deducted, as allowed hereunder. Please refer to contract item #27.

4) **CANCELLATIONS BY RENTER:** Should you need to cancel your reservation, please notify Hui 45 days prior to event date in writing, a cancellation fee of \$200 will be charged. If no notice is given, full payment is required for contracted booking times by this date. All previous deposits received will be forfeited.

5) CANCELLATIONS BY HUI: The Hui reserves the right to cancel the event if the property is not suitable for the event due to damages beyond the control of the Hui such as an act of God (fire, earthquake, flood, etc.) or due to unforeseeable circumstances. In such a case, all funds and deposits would be refunded. However, if the renter does not comply with terms and conditions of the contract, the Hui may cancel the event without refunding any monies (i.e. not making payments at the due date, disobeying rules, procedures, policies and/or neglecting contractual obligations.)

6) ENTERTAINMENT: All music must be approved by Hui. Limited use of power is available, and Client shall work closely with Owner's staff to determine the proper location, and type of equipment which can be utilized for Client's event. Client shall review the facilities' capabilities and limitations prior to scheduling Client's event, and Owner shall not be liable to Client for any limitations or restrictions in this regard. Extension cords as necessary for Client's function must be provided by Client, or Client's entertainers and are not available at the Hui. All entertainment must cease operations at 9:45 p.m.

7) CATERING: All caterers must be licensed and insured in the State of Hawaii. Catering services must be provided by a caterer approved by Owner. The caterer shall have a valid license to serve food and will obtain and serve any liquor. Alcohol servers must have a license to serve liquor. The caterer shall provide evidence of a valid and enforceable insurance coverage, with liability coverage of not less than \$1,000,000 per occurrence, regarding the food, beverage, and liquor preparation and service, and shall deliver a valid Certificate of Insurance, naming the Owner as an additional insured party, within 48 hours prior to the event, which Certificate shall be approved by Owner. An approved caterers list is available from Owner for your consideration. Flames, BBQ or outdoor cooking are allowed in the specific areas designated by Owner, and Client shall not allow such activities to occur beneath any trees or inside any buildings on Owner's real property. All fires must be at least 20 feet from any structure or tree, and shall be approved in writing, by Owner no less than 48 hours prior to the event.

8) CLEAN UP: Trash removal is the client's/ caterer's responsibility.. No rubbish is to be left on the premises. The property shall be returned to its original condition prior to the event, and Client shall be responsible to remove all of Client's property, trash and debris from the property, including, but not limited to, removing all chairs, tables, tents, garbage, decorations, flower petals and rubbish. All clean up costs (including excess trash costs) incurred to return the Rented Property to its pre-rental condition will be deducted from the deposit provided to Owner, as stated above. Client is responsible for all damages to the Rented Property, its grounds and buildings. **Trash Receptacle Service is available for an additional \$150 for parties over 50 guests and \$100 for parties under 50 guests, to be arranged in advance with your Hui Representative.**

9) PARKING: All parking of vehicles driven by guests shall be placed in the parking area shown on the map attached hereto. A parking attendant and/or valet service are available, for a nominal fee, and Client is encouraged to utilize such services to limit damage to Owner's property. In the event Client desires to utilize a valet service, Owner shall approve such service, in writing, prior to the event. The use of shuttles service to the property is not required, but is recommended, if Client believes the available parking will not be adequate for the function. There is a shuttle entrance and vendor entry on the Kaluanui Road Entrance, as shown on the attached map. Contractors, caterers, entertainers, coordinators, and vendors shall park on the lower parking area (as shown

on the map) to provide adequate parking in the upper lot. A total of 75 cars can be accommodated in the upper lot. No parking along Baldwin Avenue shall be allowed. Emergency lanes shall be provided and monitored during the event, and the porte-cochere to the main building shall remain clear at all times. Please advise your Hui coordinator of any transportation needs.

10) **DECORATIONS AND LIGHTING:** Decorations are allowed as long as they are not attached to the house, railings, or furnishings. Nothing shall be taped or nailed in any way to the house or furnishings on either the interior or exterior, nor which will cause damage to the buildings or grounds. No signage on the exterior of Owner's property (for example "Smith Wedding") or anywhere on roadway shall be allowed without prior written approval from the Owner. Decorative lights or decor may not be strung or attached to trees. Freestanding décor is permitted. No open flames are permitted. Owner recommends using battery operated tea lights, available at the Hui for a nominal fee.

11) **PHOTOGRAPHY:** No pictures, or other photography shall be allowed within the Gallery space nor in the Gallery shop.

12) **SMOKING PROHIBITION:** No smoking shall be allowed inside the house. All smoking shall take place outdoors in specifically designated areas, in accordance with State of Hawaii Law. Ashtrays must be provided by the caterer.

13) **FIREWORKS/ FLAMES/ BBQ/ OUTDOOR COOKING:** No fireworks of any kind are allowed. No flames are allowed under tents or inside buildings, and must be at least 20 feet from any structure or tree. This must be approved in advance. No tiki torches are allowed.

14) **GENERATORS:** Use of a generator must be approved in advance and a fee may be charged.

15) **RAFFLES, AUCTIONS, TICKETS:** No sales of any kind may occur during the event. No money may be exchanged at the Hui including for food and beverages.

16) **DANCING:** Dancing is not allowed inside of the house. You may select to rent a dance floor for the lawn area. To reduce damage to the grass, it would be placed just prior to the event and removed at the completion of the event. No dance floors shall remain over night.

17) **ANIMALS:** Animals are not permitted at the Hui.

18) **RESTROOMS:** Customers will use the public facilities below the main house, as shown on the attached map. Portable restrooms are required for parties over 100. These must be approved in advance.

19) **CHILDREN:** Children are welcome at the Hui but must be attended by a parent at all times.

20) **ADDITIONAL ROOMS** in the house are available at the time of the event upon availability. Please contact your HUI representative.

21) **LIABILITY DISCLAIMER:** Hui shall not be responsible for any damage or theft to vehicles or other property of, and for injury to and claims from, any participant, guest or contractor on the property prior to, during or after Client's event. The client agrees to indemnify and hold harmless the owner and its representatives, agents, officers and

members from any claims of guests or other third parties related in any way to this Event, and agrees to execute the attached release and indemnity agreement.

22) **ALCOHOL:** All alcoholic beverages served by Client under this agreement shall be consumed on Owner's property. No alcoholic beverages may be served to patrons and taken off the premises. Consumption of alcoholic beverages and monitoring of guests will be required of the bartending service provider and/or caterer, however **client** bears all responsibility and liability as to the consumption of beverages. Hui will not be responsible for any negligence in the serving and consumption of alcohol on Owner's property, it being the sole responsibility of Client, and Client's caterer, to abide by all applicable laws, ordinances and rules of the County of Maui or State of Hawaii regarding the serving and consumption of alcohol upon Owner's property. **Client** hereby releases and holds Owner harmless from any and all losses, damages or lawsuits arising out of the use or service of alcohol on the Rented Property, and agrees to pay all attorneys fees and courts costs incurred by Owner in defending any such claims brought against Owner. All bartending services are required to provide a current certificate of liability insurance and servers are to have a license to serve liquor. Hui are to be named as additional insured on policy. No service to minors is allowed. Coolers and contents are to be removed by the bartending service or catering company. **ICE KILLS OUR LAWN**, be sure to dump this off site or in areas designated by Hui. Hui and its representatives reserve the right to refuse service to any guest. We strongly suggest the use of a shuttle service, limousine or other mode of transportation to ensure a safe celebration.

23) **CURFEW:** A curfew of 9:45 p.m. is mandatory to comply with the State of Hawaii noise ordinance. All guests must vacate the property by this time. Caterers and staff may remain on site to quietly clean up and break down event provided this is arranged in advance upon booking.

24) **SITE INSPECTIONS:** The Hui No'eau is open daily from Monday- Sunday. Property previews can be scheduled at your convenience and short notice is usually not a problem. There are active art classes scheduled so an appointment is preferred. Should you need to change these times for any reason, please contact the Hui and we will do our very best to accommodate you.

25) **DELIVERIES/PICKUP:** All delivery and pick-up times will be arranged for by your Hui coordinator in an effort to avoid excessive traffic along the roadway and entrance. Two stall areas in main parking lot and the driveway area shall remain clear at all times and is for delivery purposes only. No use of driveway in front of house is allowed. See "PARKING" for additional details.

26) **ADDITIONAL INFORMATION:** The Hui has exhibits and classes year round and there may be an activity taking place at the same time as the event in another building or location. The Hui may need to change or modify the rules or policies and will notify the renter as soon as possible. The Gallery Shop may be open for guests at an additional charge and art gifts may be arranged with advance notice. Art demonstrations and tours may also be scheduled at an additional fee.

Tents may be installed one day prior to event date, but must be approved by Hui Coordinator. No center poles are allowed to rest in or on Reflection Pond. Tent set-up may be subject to securing a building permit from the County of Maui, which is the responsibility of the Client. **NO CLEAR-TOP TENTS ARE PERMITTED.**

27) SECURITY DEPOSIT: All deposits are non-refundable and not transferable. The property is to be left clean and orderly upon departure. Client will be billed within 14 calendar days post event date for any loss or damages to property interior and/or exterior. Billing shall be applied to client credit card on file. Please refer to contract item #3.

28) PLACE OF SUIT: Any action at law, suit in equity, or other judicial proceeding, which may be filed to enforce the arbitration agreement as set forth in this Agreement or which may be instituted to enforce this Agreement or any portion thereof which is not subject to the arbitration requirement, if any, shall only be instituted in the courts of the Second Circuit, State of Hawaii.

29) BINDING EFFECT: The covenants and conditions contained in this Agreement shall apply to and bind the parties, their heirs, personal representatives, assigns and successors in interest.

30) TIME OF THE ESSENCE: Time is of the essence of this Agreement. In case any party shall fail to perform the agreements on such party's part to be performed, at the time fixed for the performance of such respective agreements by the terms of this Agreement, the other party, at the election of such party, may terminate this Agreement and pursue all other available remedies for breach of contract.

31) CONTRACT AS INCLUDING ENTIRE AGREEMENT: This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This Agreement shall supercede all previous communications, representations or agreements, either verbal or written, between the parties.

32) ATTORNEYS' FEES: In the Event any party hereto shall bring suit, commence an arbitration, or hire an attorney to compel performance of or to recover for breach of any covenant, agreement or condition contained in this Agreement, the prevailing party shall be entitled to recover from the other party his/her/its costs and reasonable attorney fees.

33) LAW GOVERNING: It is the intention of the parties hereto that this Agreement and the performance hereunder, and all suits and special proceedings hereunder, be construed in accordance with, under and pursuant to the laws of the State of Hawaii, and in that action, special proceeding or other proceeding that may be brought arising out of, in connections with, or by reason of this Agreement, the laws of the State of Hawaii shall be applicable and shall govern to the exclusion of the laws of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted.

34) COUNTERPARTS: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

35) NO PARTY TO BE DEEMED DRAFTSMAN: If an ambiguity shall appear in this Agreement, such ambiguity shall not be resolved by interpreting the Agreement against any party as the draftsman. The language of this Agreement shall be interpreted simply according to its fair meaning.

36) RELATIONSHIP OF THE PARTIES: This Agreement shall not be construed as creating a relationship of principal and agent between the parties to this Agreement nor creating a partnership, joint venture or association of any kind between the parties. It

being the purpose and intent hereof to create only a contractual relationship between the parties.

37) ASSIGNMENT: This Contract, and the obligations of each of the parties as set forth herein, shall not be assignable by either party.

38) FACSIMILE AND/OR E-MAILED SIGNATURES: Facsimile and/or e-mail signatures on this Agreement shall be binding and effective for all purposes and treated in the same manner as physical signatures.

39) SUCCESSORS AND ASSIGNS: This Agreement is binding upon and inures to the benefit of the parties hereto and their respective heirs, personal representatives, administrators, successors and permitted assigns.

40) WAIVER OF CLAIMS AND LIABILITIES: To the fullest extent permitted by law, the RENTER or USER shall indemnify defend, and hold harmless the Hui No'eau Visual Arts Center and its directors, officers, trustees, officials, agents, employees, volunteers, attorneys, and members, from and against all claims, suits or causes of action from any cause, including but not limited to a) the use or occupancy or manner of use or occupancy of the buildings or grounds of the Hui, b) any act, error, omission, or negligence of RENTER or USER or of its representatives, agents, employees, vendors, independent contractors, guests, or invitees in, on, or about the buildings and/or grounds of the Hui, c) any alterations, activities, work or things done, omitted, permitted, allowed, or suffered by RENTER or USER in, on, or about the buildings and/or grounds of the Hui, including but not limited to the violation or failure to comply with any applicable laws, statutes, ordinances, standards, rules, regulations or orders. The RENTER or USER obligations to indemnify and hold harmless hereunder shall include the costs and reasonable attorneys fees incurred by the Hui No'eau Visual Arts Center. To the fullest extent permitted by law, the RENTER or USER waives any and all claims, causes of action, suits or rights, whether in law, equity or otherwise, against the Hui arising out of or relating to the applicable Rental Contract. The Hui shall not be liable for any indirect or consequential damages suffered by the RENTER or USER as a result of any breach of the Contract or negligence whether active or passive.

The undersigned has executed this Agreement on this (day)

REQUIRED INFORMATION: (To be completed prior to event date.)

Date of Event:

Client's Name(s):

Bride's Married Name:

Client's Address:

Client Contact Number(s):

Number of Guests:

Event Coordinator (Required for events 50+ people):

Phone number:

Email:

*Will need to supply copy of insurance.

Entertainment Request: (if any)

Phone number:

Email:

Caterer Request:

Phone number:

Email:

A copy of State of Hawaii license and insurance must be provided to the Hui. Please refer to Site Use Agreement item # 7 for details.

Florist:

Phone number:

Email:

TENT Rental Company(s):

Phone number:

Email:

*No clear-top tents are allowed.

Rental Company(s):

Phone number:

Email:

Bar:

Phone number:

Email:

A copy of the liquor license must be provided to the Hui. Please refer to Site Use Agreement item #7 and #22 for details.

Parking Valet or Parking attendants/Volunteers: (Required for events over 100 people):

Phone number:

Email:

Portable bathroom units: (Required for events over 100 people):

Phone number:

Email:

Other:

Phone number:

Email:

PROJECT ASSESSMENT REPORT

For the

Hui No`eau Visual Arts Center Master Plan

APPENDIX C

2018 Traffic Assessment Report



TERRANCE S. ARASHIRO, P.E.
ADRIENNE W.L.H. WONG, P.E. LEED AP
DEANNA M.R. HAYASHI, P.E.
PAUL K. ARITA, P.E.
ERIK S. KANESHIRO, L.P.L.S. LEED AP
MATT K. NAKAMOTO, P.E.
GARRETT K. TOKUOKA, P.E.

July 23, 2018

Mr. Robb Cole
Hawaii Land Use Group
PO Box 880779
Pukalani, HI 96788

Dear Mr. Cole:

**Subject: Traffic Assessment Report for the
Hui Noeau Visual Arts Center Expansion
Tax Map Key: (2) 4-002-006 & 011
Makawao, Maui, Hawaii**

Austin, Tsutsumi & Associates, Inc. (ATA) has conducted a traffic assessment (TA) to evaluate the potential traffic impacts for the Hui Noeau Visual Arts Center proposed expansion (hereinafter referred to as "Project") in Makawao, Maui, Hawaii.

Project Description

The Hui Noeau Visual Arts Center site is currently occupied and being used for the following:

- 45-student High School for the Haleakala Waldorf School, with general start times from 8:00-8:30AM and end times from 3:00-3:15PM.
- Private art classes such as ceramics, painting, sculpting and printmaking. These classes generally occur outside of the peak AM/PM hours of traffic from 9:00AM-12:00PM and 6:00PM-9:00PM.

The Project proposes to expand the following:

- Increase the Haleakala Waldorf School enrollment from 45 students to a maximum of 100 students.
- Construct a new purpose-built classroom with an area of approximately 3,320 SF (2,320 enclosed) to optimize the existing woodworking program
- Reconstruct the existing building (stables) previously used for ceramics classes, which will include an expansion of approximately 644 SF of classroom space and an addition of approximately 162 SF of enclosed storage



Mr. Robb Cole
Hawaii Land Use Group

July 23, 2018

- A new 2,400 SF covered open pavilion will also be constructed, which will be used for special events that currently occurs onsite in the evenings and weekends.

A traffic impact study identifying the Haleakala Waldorf School expansion to 50 students was completed in June 2013 by Phillip Rowell & Associates and accepted by the County of Maui Department of Public Works in a letter dated July 2, 2013. Another traffic impact assessment report was prepared in June 15, 2015 by Phillip Rowell & Associates to expand the student enrollment of Haleakala Waldorf School to 100 students.

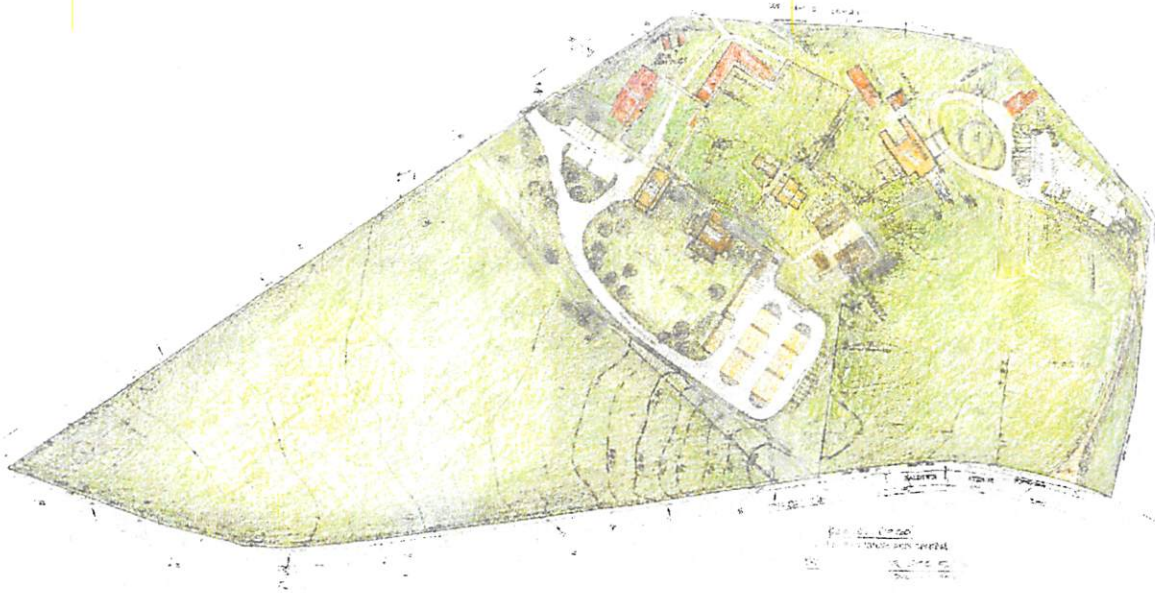
Existing Roadways

The Project is bound by two existing roadways in the location area. Kaluanui Road, which is a two-way, two-lane road that runs east-west and has a posted speed limit of 25 miles per hour (mph) provides direct access to the site. The site is also bound by Baldwin Avenue, which is also a two-way, two-lane road and intersects with Kaluanui Road. The current posted speed limit is 30 miles per hour (mph). The site location for the proposed Project is shown in Figure 1. The proposed Project Plan is shown in Figure 2.

Figure 1

Project Location





HUI NOEAU VISUAL
ARTS CENTER
EXPANSION

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
ENGINEERS, SURVEYORS HONOLULU, HAWAII

SITE PLAN

FIGURE

2



Mr. Robb Cole
Hawaii Land Use Group

July 23, 2018

Study Scope

The focus of this traffic assessment will be on the sight distance and adjacent intersections and trip generation potential of the Project to determine whether it meets the minimum trip generation criteria recommended by Institute of Transportation Engineers (ITE). The Manual of Transportation Engineering Studies, dated 2000, published by ITE states:

"... in lieu of other locally established thresholds, a traffic access/impact study should be conducted whenever a proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours."

Trip Generation

Based on existing 2015 trips generated by the Haleakala Waldorf School, Phillip Rowell & Associates derived a trip rate of 0.83 for the AM peak hour and 0.81 for the PM peak hour, based on a 36-student enrollment at the time of the study. These trip rates were used as the basis for the Haleakala Waldorf School expansion to 100 students. Current 2018 enrollment was 45 students. Table 1 shows the projected traffic generated by the student enrollment increase during the AM and PM peak hours of traffic.

Scenario	Student Enrollment	AM				PM (after school 2-3PM)			
		Enter	Exit	Total	Trip Rate	Enter	Exit	Total	Trip Rate
Calculated existing 2018 Trips with 45 students	45	24	14	38	0.83	18	19	36	0.81
Calculated existing 2018 Trips with 100 students	100	53	31	83	0.83	39	42	81	0.81
Total NEW Trip Increase With 100 Students	100	29	17	46		21	23	44	

The Project's Haleakala Waldorf School expansion is anticipated to generate 46(44) new trips during the AM(PM) peak hours of traffic. Since each of the projected AM and PM peak hours resulted in new project traffic increases below the 100 new trip threshold, a Traffic Impact Analysis Report is not needed.

The new 3,000 SF woodworking building for the Hui Noeau Arts Program will slightly increase traffic however, since these private art classes occur outside of the AM and PM peak periods of traffic, no major peak hour impacts are anticipated. Also, current art class sizes only range from 8 to 12 people per class, so the additional woodworking class should have negligible impacts on overall trip generation increases.



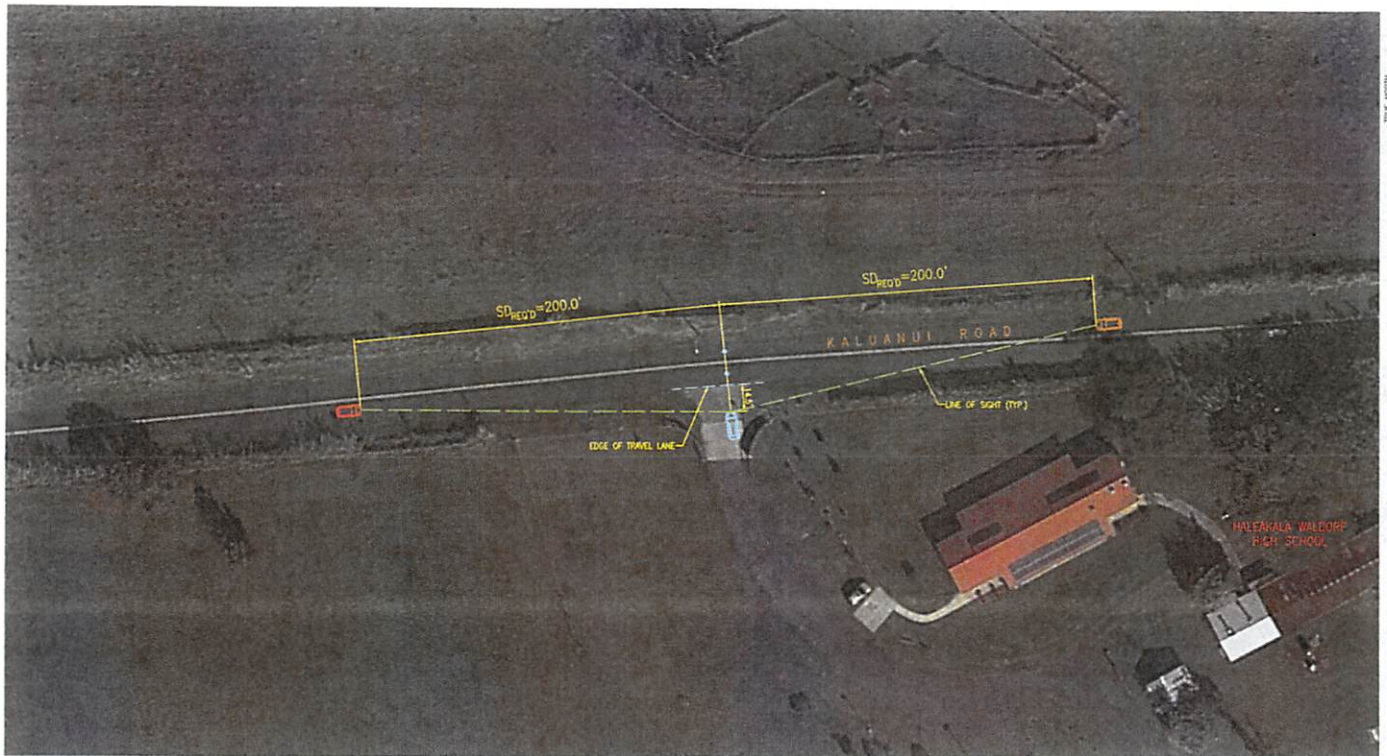
Mr. Robb Cole
Hawaii Land Use Group

July 23, 2018

Site Distance Analysis

Based on A Policy on Geometric Design of Highways and Streets by the American Association of State Highways and Transportation Officials (AASHTO) dated 2011, with a design speed of 30 mph, the recommended minimum horizontal stopping sight distance at the Kaluanui Road/Project Access intersection is 200 feet. Based on observations and in-field measurements done in May 2018, the sight distance exceeds 200 feet in either direction. See Figure 3 for the horizontal sight distance at the Kaluanui Road/Project Access intersection.

At the Baldwin Avenue/Kaluanui Road intersection, with a design speed of 35 mph, the recommended minimum stopping sight distance is 250 feet. Based on observations, just about 250 feet is met on the south sight distance viewpoint. However, tall grass and shrubs along the Hui Noeau Visual Arts Center frontage on Baldwin Avenue should be maintained to further increase sight distance in that direction. North of the Baldwin Avenue/Kaluanui Road intersection, tall trees and grass blocks the sight distance and 250 feet sight distance is not met. However, the frontage along this north sight distance path falls outside of the Hui Noeau Visual Arts Center property. See Figure 4 for the horizontal sight distance at the Baldwin Avenue/Kaluanui Road intersection.



PLAN - DRIVEWAY SIGHT DISTANCE
SCALE 1"=50'

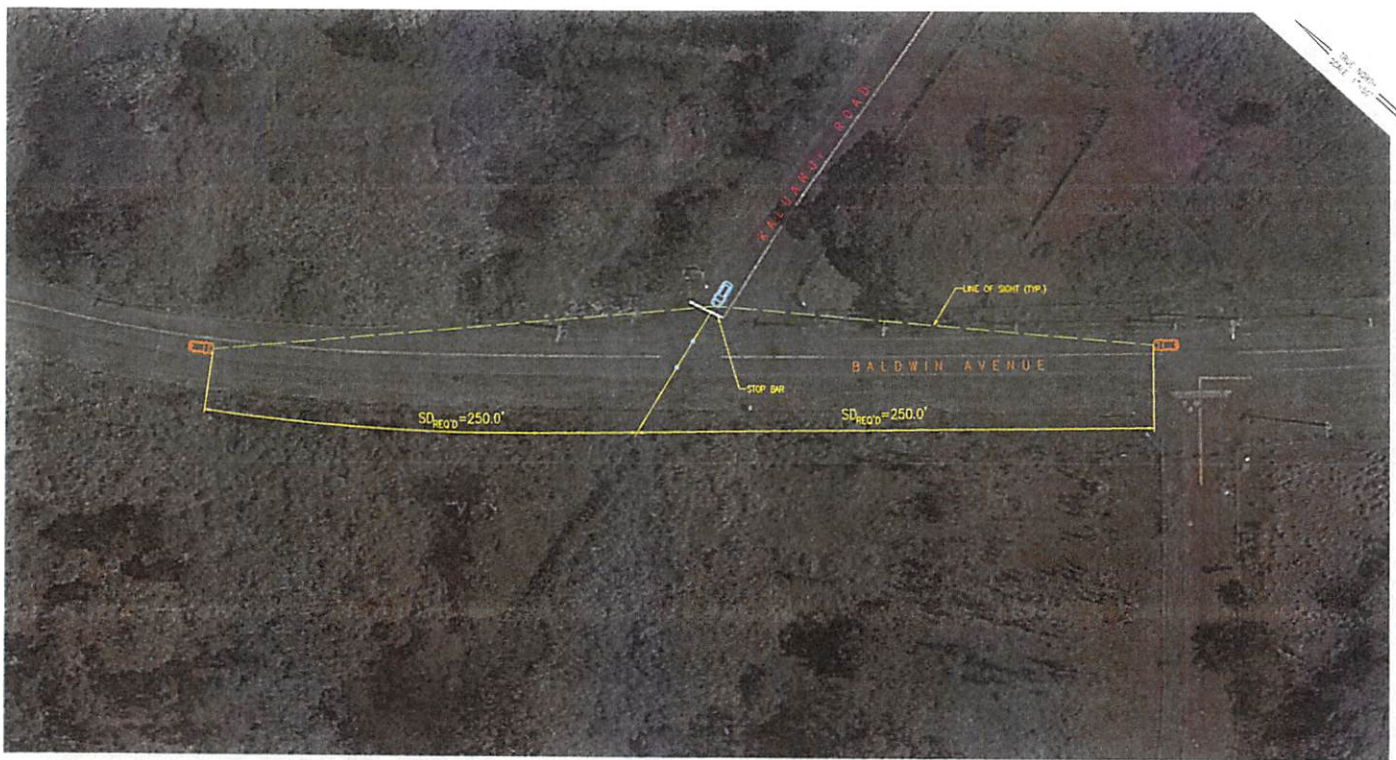
HUI NOEAU VISUAL ARTS CENTER
EXPANSION

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.

HORIZONTAL STOPPING SIGHT DISTANCE ANALYSIS AT KALUANUI ROAD/PROJECT ACCESS

FIGURE

3



PLAN - DRIVEWAY SIGHT DISTANCE
SCALE 1" = 20'

HUI NOEAU VISUAL ARTS CENTER
EXPANSION

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.

HORIZONTAL STOPPING SIGHT DISTANCE ANALYSIS AT BALDWIN AVENUE/KALUANUI ROAD

FIGURE

4



Mr. Robb Cole
Hawaii Land Use Group

July 23, 2018

Conclusions & Recommendations

- The Project proposes to expand the following:
 - Increase the Haleakala Waldorf School enrollment from 45 students to a maximum of 100 students.
 - Construct a new purpose-built classroom with an area of approximately 3,320 SF (2,320 enclosed) to optimize the existing woodworking program
 - Reconstruct the existing building (stables) previously used for ceramics classes, which will include an expansion of approximately 644 SF of classroom space and an addition of approximately 162 SF of enclosed storage
 - A new 2,400 SF covered open pavilion will also be constructed, which will be used for special events that currently occurs onsite in the evenings and weekends.
- Expansion of the Hui Noeau woodworking and ceramic buildings may slightly increase traffic however, since these private art classes occur outside of the AM and PM peak periods of traffic, no major peak hour impacts are anticipated. Also, current art class sizes only range from 8 to 12 people per class, so the expansion of these buildings should have negligible impacts on overall trip generation increases.
- Stopping sight distance along the Project's frontage along Kaluanui Road and Baldwin Avenue currently meets minimum sight distance requirements. Sight distance north of the Baldwin Avenue/Kaluanui Road intersection is not met however, the frontage falls outside of the Hui Noeau Visual Arts Center property.
- Landscape along the Project's frontage on Kaluanui Road and Baldwin Avenue should regularly be maintained to remove tall weeds and grass in order to provide adequate stopping sight distance at the Baldwin Avenue/Kaluanui Road intersection and Kaluanui Road/Project Access intersections.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By 

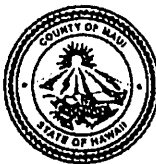
TYLER K. FUJIWARA, P.E.
Chief Transportation Manager - Maui

TF

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 5, 2015

CERTIFIED MAIL #7014 2870 0001 3379 4538

Ms. Caroline Killhour, Executive Director
Hui No'eau
2841 Baldwin Avenue
Makawao, Hawaii 96768

Dear Ms. Killhour:

SUBJECT: AMENDMENT OF THE STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP) FOR THE HUI NO'EAU VISUAL ARTS CENTER (HUI) TO EXTEND THE TIME OF THE HUI'S OVERALL PERMIT FOR TWENTY (20) YEARS UNTIL JUNE 20, 2026, REVISE THE PERMIT BOUNDARY FROM 11.64 ACRES TO 14.07 ACRES AND EXTEND AND EXPAND OPERATIONS OF A HIGH SCHOOL PROGRAM FOR HALEAKALA WALDORF SCHOOL FOR FIVE (5) YEARS IN THE STATE AGRICULTURAL DISTRICT, LOCATED AT 2841 BALDWIN AVENUE, MAKAWAO, ISLAND OF MAUI, HAWAII; TMK: (2) 2-4-002:011 AND POR. OF PARCEL 006 (SUP2 98/0002)

At its regular meeting on October 27, 2015, the Maui Planning Commission (Commission) granted the above State Land Use Commission SUP Amendment which includes the reconstruction of an existing 872 square foot (sq. ft.) garage currently used for storage and work space, adding a 160 sq. ft. patio and a 72 sq. ft. entry, which will be used for classroom/storage for the Waldorf Maui Pilot High School Program, subject to the following conditions:

STANDARD CONDITIONS:

1. That the State Land Use Commission SUP shall be valid until June 20, 2036, subject to extension by the Planning Director (Director) upon a timely request or extension filed at least ninety (90) days prior to its expiration. The Director may forward the time-extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.
2. That the subject State Land Use Commission SUP shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission SUP Amendment, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission SUP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming the County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with the conditions established with the subject SUP. The compliance report shall be reviewed and approved by the Department prior to issuance of a certificate or occupancy for the new classroom and administrative buildings.
6. That the proposed new classroom and administrative buildings, parking, drainage, and wastewater system improvements shall be constructed in substantial compliance with preliminary plans dated April 23, 2015, June 16, 2015, August 21 and 27, 2015 and October 15 and 26, 2015, and as depicted in Exhibits 7-14 and 25-28 of the Department's Report for the October 27, 2015 Commission Meeting.
7. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SUP. Failure to so develop the property may result in the revocation of the permit.

PROJECT SPECIFIC CONDITIONS:

8. That the Waldorf Pilot High School Program, serving a maximum of 100 students, shall be extended until June 30, 2021.
9. That plans for any proposed new building at the Hui shall be reviewed by the Urban Design Review Board and the Department of Land and Natural Resources-State Historic Preservation Division to assure that the historic character of the property is maintained.

Ms. Caroline Killhour, Executive Director
November 5, 2015
Page 3

10. That in the event of any landscape alteration, the Applicant is encouraged to use appropriate native non-invasive species in landscaping in order to conserve water and protect the watershed from degradation due to invasive alien species.
11. The project shall utilize Best Management Practices (BMPs) during project construction.
12. That the construction staging areas shall not be located adjacent to historic buildings.
13. That orange construction fencing shall be installed a minimum of ten feet (10 ft.) from the 1920's stable/tackroom building to protect it during construction.
14. That treatment options be considered for the historic concrete stairway in light of proposed increased use once the high school temporary structures have been installed on the old tennis court.

Thank you for your cooperation. If additional clarification is required, please contact Current Planning Supervisor Ann Cua at ann.cua@mauicounty.gov or at (808) 270-7521.

Sincerely,



 WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Ann T. Cua, Current Planning Supervisor (PDF)
Development Services Administration
State Land Use Commission
Department of Land and Natural Resources-State Historic Preservation Division
Robb Cole, Hawaii Land Use Group
Project File
General File

WS:ATC:ls

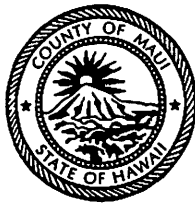
K:\WP_DOCS\PLANNING\SUP2\1998\02_HuiNoeau\2015 Amendment\MPCapproval10272015.doc

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

RECEIVED

2018 NOV 21 P 4:06

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793
COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

November 20, 2018

MEMO TO: MICHELE MCLEAN, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **APPLICATIONS FOR DISTRICT BOUNDARY AMENDMENTS,
COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
FOR HUI NO'EAU; TMK: (2) 2-4-002:011; (2) 2-4-0002: POR. OF 006
CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004**

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

We reviewed the subject application and have no comments at this time.

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

DCG:RMDA:da

xc: Engineering Division

S:\DSA\Eng\CM\Draft Comments\24002011,24002por006_hui_noeau_cpa_dba_ciz.rtf

EXHIBIT 10

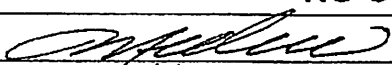
AGENCY NAME	County of Maui Dept. of Transportation	PHONE	210-7511
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Agency Transmittal – HUI NO'EAU VISUAL ARTS CENTER MASTER PLAN (CPA 2017/0003)

(DBA 2017/0003)(CIZ 2017/0004)

October 3, 2018

Page 3

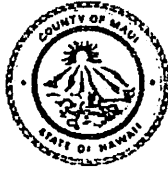
NO COMMENT			
Signed:		Dated:	10/19/18
Print Name:	Don Medeiros	Title:	Director of Transportation

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 11

ALAN M. ARAKAWA
Mayor



GLADYS C. BAISA
Director

SHAYNE R. AGAWA, P.E.
Deputy Director

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

October 25, 2018

Tara K. Furukawa, Staff Planner
County of Maui, Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

RE: Hui No'eau Visual Arts Center Master Plan
Community Plan Amendment (CPA 2017/0003), District Boundary Amendments
(DBA 2017/003), Change in Zoning (CIZ 2017/0004)
TMKs: (2) 2-4-002:011, (2) 2-4-002:006 (Por.)

Dear Ms. Furukawa:

The Department of Water Supply (DWS) thanks you for the opportunity to offer the following comments on the proposed land use designations at Hui No'eau Visual Arts Center Master Plan.

Source, Infrastructure, and Demand

The property overlies the Makawao Aquifer with a sustainable yield of 7 MGD according to the Commission on Water Resource Management (CWRM). DWS infrastructure includes 8-inch water lines adjacent to the property on Baldwin Avenue, Kaluanui Road, and one bisecting the two parcels. An additional 8-inch line lies on the property and a 24-inch force main lies adjacent on Baldwin Avenue. TMK: (2) 2-4-002:011 has two ¾-inch meters. Increased water demand is anticipated with the addition of two new facility structures in the implementation of the master plan. Current use (within one year) averages about 1,336 gallons per day (gpd) with some months having more intensive use averaging about 3,705 gpd. Water meter adequacy will be determined by DWS Engineering Division in the building permit process as each phase of the master plan is constructed.

Pollution Prevention and Conservation

CWRM promotes the protection of ground water and the value of treating storm water as a resource including groundwater recharge capability when contained onsite with its document titled A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawaii.

"By Water All Things Find Life"

EXHIBIT 12

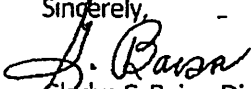
Ms. Furukawa
Page 2

December, 2008 found here: http://files.hawaii.gov/dlnr/cwrm/planning/hsrar_handbook.pdf.
DWS recommends implementing Best Management Practices (BMPs) contained in the document, such as permeable surfaces to reduce storm water loss, bio-retention rain gardens, and the incorporation of native plants in landscaping design to enhance permeability.

DWS recommends preventing pollution of the aquifer by following Best Management Practices (see attached) for parking lots. DWS also recommends the implementation of the attached Construction BMPs in order to protect ground water, and Conservation BMPs for water use reduction (see attached).

Should you have any questions, please contact staff planner Audrey Dack at (808) 463-3109 or audrey.dack@co.maui.hi.us.

Sincerely,



Gladys C. Baisa, Director



apd
cc: DWS engineering division
attachments

"By Water All Things Find Life"

Best Management Practices BMPs

Construction BMPs for Pollution Prevention

In order to protect ground and surface water resources as well as our coastal areas, we recommend that in addition to any required Best Management Practices (BMPs) the following measures designed to minimize infiltration and runoff be implemented during construction:

- Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground. Remove all construction debris and toxic substances daily to prevent entry into the ocean.
- Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.
- Properly install and maintain erosion control barriers such as silt fencing or straw bales.
- Disturb the smallest area possible.
- Retain ground cover until the last possible date. Stabilize denuded areas by sodding or planting as soon as possible. Use high seeding rates to ensure rapid stand establishment. Apply biocides only during dry periods of low rainfall to minimize chemical run-off.
- Keep run-off on site.

Conservation BMPs

Indoor

DWS recommends the following indoor conservation measures be implemented:

- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.
- Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi.

Outdoor

DWS recommends the following outdoor conservation measures be implemented:

- Use Smart Approved WaterMark irrigation products. Examples include evapotranspiration irrigation controllers, drip irrigation, and water saving spray heads.
- After plants are established, avoid fertilizing and pruning to stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible.
- Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.

Parking Lots BMPs

Follow these BMPs to control pollutant discharges. The objectives are: 1) to keep pollutants from contacting rain, and 2) to keep pollutants from being dumped or poured into the storm drains. The goal is "only rain in the storm drain."

- Sweep parking lots frequently: at least weekly, daily is preferable. Small areas can be swept with a broom, whereas larger areas may need a vacuum truck or mechanical sweeper. Dispose of sweepings properly.
- Post signs to control litter and prevent patrons from working with automobile fluids in your parking lot (changing oil, adding transmission fluid, etc.).
- Use absorbent material to clean up automotive fluids on the parking lot. Dispose of absorbent material properly. Hazardous materials must comply with hazardous materials storage and disposal requirements.
- Pick up litter daily: dispose of debris in the garbage.
- Keep dumpster areas free of litter and lids closed.
- Wash water from all cleaning operations must be discharged to the sanitary sewer.
- If cleaning with water and detergent is needed, use a mobile washing unit that is self-contained; do not allow the wash water (whether or not it is soapy) to discharge to the storm drain system.

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
10/19/2018

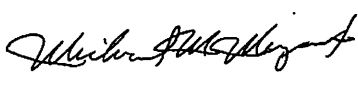
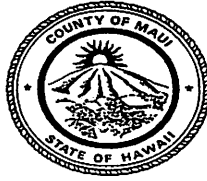
AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Hui No'eau Visual Arts Center Master Plan		
APPLICANT:	Hui No'eau		
STREET ADDRESS:	2841 Baldwin Avenue, Makawao, Hawaii		
PROJECT DESCRIPTION:	Maui County Council-initiated proposal to change land use designations for future improvement of accessibility, reconstruction of the stable and tack shed and construction of a new woodworking facility and outdoor pavilion. The proposed entitlements would change the State Land Use District Boundary for Parcel 11 from Agricultural to Rural and Parcel 6 from Agricultural to Rural. The Community Plan designation would change for Parcel 6 from Agriculture to Public/Quasi-Public. The County Zoning would change for Parcel 11 from Interim to P1 Public/Quasi-Public and for Parcel 6 from Agricultural to P1 Public/Quasi-Public.		
TMK:	(2) 2-4-002:011 (10.58 acres total), (2) 2-4-002:006 (portion, approximately 4.3 acres)		
PERMIT NO.:	CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004		
☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
Signed:			
Print Name:	Michael M. Miyamoto, Deputy Director	Date	10/19/2018

EXHIBIT 13

ALAN M. ARAKAWA
MAYOR



DAVID C. THYNE
FIRE CHIEF

BRAD VENTURA
DEPUTY CHIEF

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

313 MANEA PLACE, WAILUKU, HAWAII 96793
(808) 876-4690, FAX (808) 244-1363

November 23, 2018

Department of Planning
Attn: Tara Furukawa - Staff Planner
2200 Main St. Suite 315
Wailuku, HI 96793

SUBJECT: Hui No'eau Visual Arts Center Master Plan
Makawao, HI
CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004,
TMK: (2) 2-4-002:011 & (2) 2-4-002:006

Dear Tara,

Thank you for allowing our office to provide comment on the proposed project. As per your request, comments are provided below:

- There are no comments or objections in regards to the information provided as part of the CPA and DBA for the subject project.
- In regards to the CIZ, please be advised that the requirements for water supply for fire protection for proposed subdivisions are based on land-use designations. The current Agricultural designation requires a minimum fire flow of 500 gallons per minute for a two hour duration with fire hydrants at a maximum spacing of 500 feet. If new subdivisions are proposed for the subject parcels, infrastructure for fire protection may need to be improved to meet the more stringent requirements for designations other than Agricultural. The next designation up, Rural, requires 1000 gallons per minute. Subsequent land-use designations require greater fire flows and allow for less spacing between fire hydrants.

EXHIBIT 14

Department of Planning
Attn: Tara Furukawa - Staff Planner
2200 Main St. Suite 315
Wailuku, HI 96793

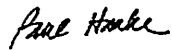
Page 2

- Also, our office reserves the right to comment on proposed structures to these parcels should building permits and plans be routed to our office as part of the building permit review process. At that time, fire department access, water supply for fire protection, and fire and life safety requirements will be addressed.

If there are any questions or comments, please feel free to contact me at (808) 876-4693 or by email at paul.haake@mauicounty.gov.

Sincerely,

Paul Haake



Captain - Fire Prevention Bureau

HAWAII LAND USE GROUP LLC

PO BOX 880779 PUEALANI HI 96788

December 29, 2018

TO: Paul Haake, Captain, Fire Prevention Bureau
Department of Fire and Public Safety
313 Manea Place, Wailuku, HI 96793

CC: Maui Planning Department
Attention of Ms. Tara Furukawa, Staff Planner
2290 Main Street One Main Plaza, Suite 315
Wailuku, HI 96793

Captain Haake

RE: Maui County Council-initiated Change in Land Use Designations
Hui No'eau Visual Arts Center / 2018 Master Plan
2841 Baldwin Avenue, Makawao Hawaii
MKs (2)2-4-002:011 and (2)2-4-002:006 (portion)
Council Res 17-151, CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004

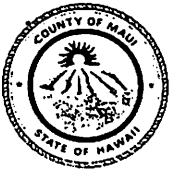
Thank you for your letter dated November 23, 2018 stating you have no comments or objections to the proposed CPA and DBA. On behalf of the landowner, we acknowledge your informational comment that the CPA will affect future subdivision actions in terms of required infrastructure and note that no subdivisions of the subject properties are planned at this time. It is understood that the Fire Prevention Bureau will be one of the agencies that review plans for proposed structures during the building permit process.

Please feel free to contact me at RCole@HawaiiLandUseGroup.com or at (808) 298-7622 should you have any questions about this letter.

Respectfully Submitted

Robb Cole, Planner

EXHIBIT 15



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

October 10, 2018



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

OCT 12 2018

RECEIVED

MEMORANDUM

TO :

DEPARTMENT OF PLANNING

FROM :

TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT :

PERMIT NO.: CPA 2017/0003, DBA 2017/0003,
CIZ 2017/0004
TMKS : (2) 2-4-002:011, (2) 2-4-002:006
Project : Hui No'eau Visual Arts Center Master Plan
Applicant : Hui No'eau

 X No comments or recommendations to offer at this time.

 Refer to enclosed comments and/or recommendations.

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

AC John Jakubczak
Assistant Chief John Jakubczak
For: TIVOLI S. FAAUMU
Chief of Police

EXHIBIT 16

AGENCY NAME	DOE - MAUI	PHONE	934-8000
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Agency Transmittal - HUI NO'EAU VISUAL ARTS CENTER MASTER PLAN (CPA 2017/0003)
(DBA 2017/0003)(CIZ 2017/0004)

October 3, 2018

Page 3

NO COMMENT			
Signed:	<i>E. Stark</i>	Dated:	1-18-18
Print Name:	KEVIN STARK	Title:	BUS MAN

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 17

815621
DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

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 96793-3378

October 16, 2018

Ms. Michele Chouteau McClean
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

DEPT. OF PLANNING
COUNTY OF MAUI

OCT 18 2018

RECEIVED

Attn: Tara Furukawa

Dear Ms. McClean:

Project: HUI NO'EAU VISUAL ARTS CENTER MASTER PLAN
Applicant: Hui No'eau
Permit No.: CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004
TMK: (2) 2-4-002:011 (10.58 acres total), (2) 2-4-002:066 (portion, approximately 4.3 acres)
Address: 2841 Baldwin Avenue, Makawao, Hawaii
Description: Maui County Council-initiated proposal to change land use designations for future improvement of accessibility, reconstruction of the stable and tack shed and construction of a new woodworking facility and outdoor pavilion. The proposed entitlements would change the State Land Use District Boundary for Parcel 11 from Agricultural to Rural and Parcel 6 from Agricultural to Rural. The Community Plan designation would change for Parcel 6 from Agriculture to Public/Quasi-Public. The County Zoning would change for Parcel 11 from Interim to P1 Public/Quasi-Public and for Parcel 6 from Agricultural to P1 Public/Quasi-Public.

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

The wastewater disposal method for the change in land use designation for the existing wastewater system was not properly addressed for review. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.

EXHIBIT

18

Ms. Michele Chouteau McClean
October 16, 2018
Page 2

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

A handwritten signature in black ink that reads "Patti Kitkowski". The signature is written in a cursive, flowing style.

Patti Kitkowski
District Environmental Health Program Chief

HAWAII LAND USE GROUP LLC

PO BOX 880779 PUKALANI HI 96788

December 29, 2018

TO: Patti Kitkowski, District Environmental Health Program Chief
State of Hawaii Department of Health
Attention of Roland Tejano, Environmental Engineer
54 High Street, Wailuku HI 96793-33378

CC: Maui Planning Department
Attention of Ms. Tara Furukawa, Staff Planner
2200 Main Street, One Main Plaza, Suite 315
Wailuku, HI 96793

Chief Kitkowski,

RE: Maui County Council-initiated Change in Land Use Designations
Hui No`eau Visual Arts Center / 2018 Master Plan
2841 Baldwin Avenue, Makawao Hawaii
TMKs (2)2-4-002:011 and (2)2-4-002:006 (portion)
Council Res. 17-151, CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004

Thank you for your letter dated October 16, 2018, which requested that we contact your Maui Office Engineer for additional information. I spoke with Mr. Tejano and he indicated that a map of existing septic systems would be convenient for his review of future development to that his office can ensure that future development does not straddle septic infrastructure and meets building setback requirements. Mr. Tejano noted that official the review of such matters occurs during the building permit process, and not during this review of the "rezoning" or similar changes in land use controls. Nevertheless, we have attached a map for your information which includes the existing septic infrastructure at the site with the conceptual locations of 3 proposed projects planned to be constructed in the next decade.

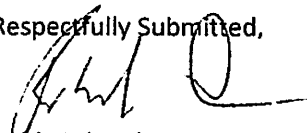
The Hui's first upcoming project will be the construction of a new woodworking building on parcel 6. The nearest septic system is located on parcel 11, with the leach field being approximately 33 feet from the proposed structure. The next anticipated construction projects will be submitted for review in 2-4 years (reconstruction of the stables) and 5-10 years (construction of a pavilion). The Hui will provide maps and information as necessary for your review through the building permit process.

I note that the project assessment states that the historic buildings at Hui No`eau are serviced by legacy cesspool systems. I wish to correct that information now and state that the cesspools were closed, and these buildings are serviced by modern septic systems approved by the DoH in the late 1990s and early 2000s.

EXHIBIT 19

Please feel free to contact me at RCole@HawaiiLandUseGroup.com or at (808) 298-7622 should you have any questions about this letter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robb Cole', with a stylized flourish at the end.

Robb Cole, Planner

Tara Furukawa - Re: Hui No'eau Master Plan TMK (2) 2-4-002:011, 006 (por.)

From: "Kitkowski, Patricia Y" <patricia.kitkowski@doh.hawaii.gov>
To: Robb Cole <robbkcole@gmail.com>, Tara Furukawa <Tara.Furukawa@co.maui.hi...>
Date: 1/7/2019 9:27 AM
Subject: Re: Hui No'eau Master Plan TMK (2) 2-4-002:011, 006 (por.)

Happy New Year everyone!

The Department of Health is satisfied with the information provided. If you have any questions please contact Roland Tejano, Environmental Wastewater Engineer at 808 984-8232.

Mahalo,

Patti

From: Robb Cole <robbkcole@gmail.com>
Sent: Wednesday, January 2, 2019 10:14 AM
To: Tara Furukawa; Kitkowski, Patricia Y; Tejano, Roland C.
Subject: RE: Hui No'eau Master Plan TMK (2) 2-4-002:011, 006 (por.)

Aloha Tara, Patti, and Roland,
Happy New Year.

Roland had asked for a map which could locate the proposed development in relation to existing septic infrastructure. A letter and map are attached for his information, noting that the development siting in this conceptual phase is not final. Conceptually speaking, the closest any new structure is located to a septic system is ~33', so there I believe there are no concerns at this point.

DoH evaluation of siting and setbacks during the building permit review is the "real review" per my understanding after speaking with Roland.

Aloha,
Robb Cole

Sent from Mail for Windows 10

From: Tara Furukawa
Sent: Wednesday, January 2, 2019 7:53 AM
To: Patricia Y Kitkowski; roland.tejano@doh.hawaii.gov
Cc: Robb Cole
Subject: Hui No'eau Master Plan TMK (2) 2-4-002:011, 006 (por.)

EXHIBIT 20

Hi, Robb Cole, the project consultant, has indicated that he has been in contact with you to provide the wastewater disposal method for your review. I'm just checking in to see if your Department is satisfied with the information provided? I am drafting the staff report for the project.

Tara Furukawa, Staff Planner

County of Maui Department of Planning

2200 Main St., Suite 619

Wailuku, HI 96793

(808) 270-7520

Email: tara.furukawa@co.maui.hi.us

DAVID Y. IGE
GOVERNOR



JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
STP 18-120
STP 8.2545

October 25, 2018

Ms. Tara K. Furukawa, Staff Planner
County of Maui
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Ms. Furukawa:

Subject: Hui Noeau Visual Arts Center Master Plan
District Boundary Amendment (DBA 2017/0003), Change in Zoning (CIZ 2017/0004),
and Community Plan Amendment (CPA 2017/0003)
Makawao, Maui, Hawaii
TMK: (2) 2-4-002:011, 006

The Department of Transportation (DOT) understands the future development and uses at the Hui Noeau Visual Arts Center will include: improving accessibility, new woodworking facilities, reconstruction of the stables and new outdoor pavilion. Haleakala Waldorf High School will have the capacity to fill up to 100 students.

Based on the Traffic Impacts Analysis Report, the subject project is not anticipated to have a significant impact to our State highways in the area.

If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at (808) 831-7979 or by email at blayne.h.nikaido@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jade T. Butay", written over a horizontal line.

JADE T. BUTAY
Director of Transportation

DEPT. OF PLAN. '18
COUNTY OF MAUI

NOV 01 2018

RECEIVED

EXHIBIT 21

Tara Furukawa - Hui No'eau Visual Arts Center Master Plan

From: "Agrahari, Rasmi" <rasmi.agrahari@hawaii.gov>
To: "Tara.Furukawa@co.maui.hi.us" <Tara.Furukawa@co.maui.hi.us>
Date: 11/20/2018 12:09 PM
Subject: Hui No'eau Visual Arts Center Master Plan
Cc: "Derrickson, Scott A" <scott.a.derrickson@hawaii.gov>, "Hakoda, Riley K"...

Aloha Ms. Furukawa,

Thank you for your email. LUC doesn't have any comments on Hui No'eau Visual Arts Center Master Plan.

Mahalo,

Rasmi Agrahari

Planner

State of Hawai'i Land Use Commission

Dept. of Business, Economic Development & Tourism

Email: rasmi.agrahari@hawaii.gov

Phone: [\(808\) 587-3923](tel:(808)587-3923)

EXHIBIT 22

Tara Furukawa - FW: Comments on Hui No'eau Visual Arts Center Master Plan

From: "McIntyre, Laura" <Laura.McIntyre@doh.hawaii.gov>
To: "Tara.Furukawa@co.maui.hi.us" <Tara.Furukawa@co.maui.hi.us>
Date: 11/7/2018 8:11 AM
Subject: FW: Comments on Hui No'eau Visual Arts Center Master Plan
Cc: "Eisen, Thomas H." <Thomas.Eisen@doh.hawaii.gov>

Aloha,
We have no comments at this time.
Have a wonderful Wednesday.
Mahalo,
Laura

Laura McIntyre, AICP
Senior Planner,
Office of Environmental Quality Control
State of Hawai'i
(808) 586-4185
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813

NOTE: OEQC's primary role is to facilitate Hawai'i's environmental review process by providing relevant advice to agencies, applicants, consultants and the public. OEQC is not authorized to make determinations on Environmental Assessments, Environmental Impact Statements or exemptions. Pursuant to Chapter 343, Hawai'i Revised Statutes, all such determinations are made by appropriate State or county agencies, county Mayors or the Governor.

From: Tara Furukawa <Tara.Furukawa@co.maui.hi.us>
Sent: Monday, November 05, 2018 3:49 PM
To: DOH webmaster <DOH.webmaster@doh.hawaii.gov>
Subject: Comments on Hui No'eau Visual Arts Center Master Plan

Hi, I'm just checking to see if the OEQC has any comments on the Hui No'eau Visual Arts Center Master Plan?

Tara Furukawa, Staff Planner
County of Maui Department of Planning
2200 Main St., Suite 619
Wailuku, HI 96793

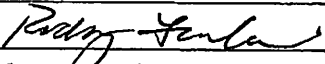
EXHIBIT 23

AGENCY NAME	Office of Planning	PHONE	(808) 587-2885
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Agency Transmittal – HUI NO'EAU VISUAL ARTS CENTER MASTER PLAN (CPA 2017/0003)
(DBA 2017/0003)(CIZ 2017/0004)

October 3, 2018

Page 3

NO COMMENT			
Signed:		Dated:	10/22/18
Print Name:	Rodney Funakoshi	Title:	Planning Prog. Adm.

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

AGENCY NAME	USDA-10	PHONE	214 114
--------------------	---------	--------------	---------

Agency Transmittal - HUI NO'EAU VISUAL ARTS CENTER MASTER PLAN (CPA 2017/0003)
(DBA 2017/0003)(CIZ 2017/0004)

October 3, 2018

Page 3

NO COMMENT			
Signed:	<i>Kahana Stone</i>	Dated:	11-8-18
Print Name:	Kahana Stone	Title:	Acting OC

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 25



BOARD OF TRUSTEES October 29, 2018

OFFICERS Maui County Council
200 S. High Street
Allyson Mattox Wailuku HI 96793

Tess Hanson DeLisa Maui Planning Department
AT: Tara Furukawa, Staff Planner
Dr. Frederick Rawe 2200 Main Street, One Main Plaza, Suite 315
Wailuku, HI 96793
Salma Ansari

TRUSTEES RE: Maui County Council-initiated Change in Land Use Designations
Hui No'eau Visual Arts Center / 2018 Master Plan
2841 Baldwin Avenue, Makawao Hawaii
TMKs (2)2-4-002:011 and (2)2-4-002:006 (portion)
Council Res. 17-151, CPA 2017/0003, DBA 2017/0003, CIZ 2017/0004

To whom it may concern:

The Montessori School of Maui, at 2933 Baldwin Avenue, Makawao, immediately abuts the Hui No'eau Visual Arts Center on the Southeast side.

At the Hui's request, we met with their staff on Monday, October 29, 2018 to discuss the Hui's upcoming development plans and the associated change in land use designations proposed by the County Council.

HONORARY We are in full support of and have no objection to the approval and passage of the
BOARD MEMBERS requests and the proposed improvements at the Hui No'eau Visual Arts Center.

Respectfully,

HEAD OF SCHOOL Eric L Dustman, PhD
Head of School
Montessori School of Maui
2933 Baldwin Avenue
Makawao, Hawaii 96768
808.573.0374o
www.momi.org

EXHIBIT 26



DEPUTIES

GILBERT COLOMA-AGARAN

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION

LAND DIVISION

STATE PARKS

WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

January 26, 1998

Ms. Stephanie Sheppard
Hui No'eau
2841 Baldwin Avenue
Makawao, Hawaii 96768

LOG NO: 20904 ✓
DOC NO: 9801BD42

Dear Ms. Sheppard:

**SUBJECT: Chapter 6E-42 Historic Preservation Review of a Special Use Permit Renewal
for the Proposed Construction of New Studios
Hali'imaile Ahupua'a, Makawao District, Island of Maui
TMK 2-4-02: 11**

This letter is a Historic Preservation review for the renewal of a Special Use Permit for the proposed construction of new studios at the Hui No'eau Visual Arts Center in Hali'imaile Ahupua'a. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division. Staff archaeologist Boyd Dixon conducted a field check of the subject property on January 9, 1997.

The general area seems likely to have once been the location of pre-Contact farming, perhaps with scattered houses. However, the subject property has been subjected to considerable alteration due to modern agriculture, landscaping, and residential construction, so it is unlikely that significant historic sites will be encountered today.

We therefore find the proposed construction to have "no effect" on significant historic sites. As a contingency, should any unrecorded historic sites (i.e. subsurface pavings, artifacts, or human skeletal remains) be inadvertently uncovered during construction, we recommend that all work should cease in the vicinity and the contractor should immediately contact the State Historic Preservation Division.

If you have any questions please contact Boyd Dixon at 243-5169.

Aloha,


DON HIBBARD, Administrator
State Historic Preservation Division

EXHIBIT 27

BD:jen

cc. Ralph Nagamine, Maui County Department of Public Works (fax: 243-7972)
David Blane, Maui County Department of Planning (fax: 243-7634)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
INLAND AND OCEAN RESERVATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENGINEERING
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHILAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DATE: March 4, 2013

LOG: 2013.0431
DOC: 1303MG01

TO: Mr. Donald Bernshouse
PO Box 1170
Makawao HI 96768

SUBJECT: Chapter 6E-42 Historic Preservation Review
Project: Demolition of caretakers cottage on historic Baldwin Estate
Owner: Hui No'Eau Visual Arts Center
Location: 2841 Bladwin Avenue
Tax Map Key: (2) 2-4-002:011

Date Received by SHPD: January 14, 2013

Description of Project/Undertaking: Demolition of a plantation style cottage associated with "Kaluanaui" the former Baldwin estate.

Area of Potential Effect (APE): Former Kalaunui grounds- roughly the current Hui No'eau Visual Arts Center campus

Description of Resource: Plantation craftsman cottage with shingle cladding and clipped gable roof known as the Matsumoto cottage and constructed in 1938.

Eligibility: Based on the documentation received this property appears eligible for the National Register of Historic Places under criterion A, as a contributing resource the historic Baldwin estate.

Documentation Received: Photo, historic resource inventory sheet, Building Permit Application.

SHPD Determination: Based on the information provided SHPD determines that *this project adversely affects a historic resource* and proposes enhanced documentation as mitigation for this impact. This documentation should be completed to the specification of the Historic American Building Survey – Level III. This includes:

- • A sketch plan of the cottage;
- • Photographs of each of the cottage's elevations and interior spaces;
- • A photo key;
- • And a brief history describing the history of the Baldwin Estate, the history of the Matsumoto's and the significance of the caretakers cottage within the estate complex.

→ A sample HABS level III report is enclosed with this letter as guidance. Digital photos of the complex are acceptable and should be at resolution of at least 1600 x 1200 pixels.

Any questions should be addressed to Mike Gushard at (808) 692-8026 or michael.j.gushard@hawaii.gov.

EXHIBIT 28

Mahalo for the opportunity to comment.

A handwritten signature in black ink, appearing to read "Westfall". The signature is fluid and cursive, with the first name "Angie" written in a smaller, more compact script than the last name "Westfall".

Angie Westfall
Architecture Branch Chief, Hawaii Historic Preservation Division

In the event that historic resources, including human skeletal remains, lava tubes, and lava blisters/bubbles are identified during construction activities, all work should cease in the immediate vicinity of the find, the find should be protected from additional disturbance, and the State Historic Preservation Division should be contacted immediately at (808) 692-8015.

CC
County of Maui
Development Services Administration
(808)-270-7972
Department of Planning
(808) 270-7624
(via fax)

NEIL AUERCHOMBIE
CHIEF ENGINEER HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD STE 555
KAPOLEI HI 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
TERRITORY AND OCEANIC CREATION
HAWAIIAN CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES INTERLUDE
ENVIRONMENT
HISTORY AND CULTURE
HISTORIC PRESERVATION
KAIKILAWI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DATE: June 18, 2013

LOG: 2013.3056
DOC: 1306MG25

TO: Mr. Donald Bernhouse
PO Box 1170
Makawao HI 96768

SUBJECT: Section 6E-42 Historic Preservation Review
Project: Demolition of historic maid's quarters on Baldwin Estate
Owner: Hui No 'Eau Visual Arts Center
Location: 2841 Baldwin Avenue
Tax Map Key: (2) 2-4-002:011

We have received the appropriate information pertaining to the building permit application for the above referenced property pursuant to Hawaii Revised Statutes § 6E-42.

Date Received by SHPD: April 22, 2013

Eligibility: This property was previously determined eligible for the National Register under Criterion A, as a contributing resource to the Baldwin estate.

SHPD Determination: *Effect with agreed upon mitigation.* In a letter dated March 4 2013 [L2013 0431 D1303MG01] SHPD suggested HABS Level III documentation to mitigate the maid's quarters. SHPD has received this and accepts this report as adequate mitigation for the loss of the maid's quarters.

Address any questions you may have to Mike Gushard at (808) 692-8026 or michael.j.gushard@hawaii.gov.

Mahalo for the opportunity to comment,

Angie Westfall
Architecture Branch Chief, Hawaii Historic Preservation Division

In the event that historic resources, including human skeletal remains, lava tubes, and lava blisters/bubbles are identified during construction activities, all work should cease in the immediate vicinity of the find, the find should be protected from additional disturbance, and the State Historic Preservation Division should be contacted immediately at (808) 692-8015.

CC

County of Maui
Development Services Administration
(808)-270-7972
Department of Planning
(808) 270-7624
(via fax)

EXHIBIT 29

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

August 4, 2015

Ann T. Cua, Current Planning Supervisor
County of Maui, Department of Planning
Ann.Cua@co.maui.hi.us

Log No: 2015.02805
Doc No: 1508MD05
Archaeology

Aloha Ms. Cua,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Permit Application for the Hui No‘eau Visual Arts Center (SUP2 98/0002)
Hāli‘imaile Ahupua‘a, Makawao District, Island of Maui
TMK (2) 2-4-002:006 (por.) and 011**

Thank you for the opportunity to comment on the aforementioned application which we received on July 22, 2015. The applicant is proposing to construct parking, walkways, landscaping, temporary school buildings, a drainage detention basin, and an individual wastewater system. This application is also associated with a request to extend the existing permit by 20 years.

A search of our records indicates that an archaeological survey has been conducted for the visual arts center. Fieldwork was conducted in 2008; two historic properties, the State Inventory of Historic Places (SIHP) 50-50-06-6381 and 6599 were documented. SIHP includes features of the landscape associated with the East Maui Plantation Mill; with the H.A. Baldwin historic home (also known as Kaluanui) assigned SIHP 6599. Both sites are significant under Hawai‘i Administrative Rule (HAR) §13-276 criterion “d” for their potential to yield information important to history or prehistory; while features 1 through 3 of SIHP 6381 are also significant under criterion “a” for their association with events that have made a significant contribution to the broad patterns of our history related to the East Maui Plantation Mill. SIHP 6599 is also significant under criteria “b” for its association with the lives of persons in our past, and “c” because of its excellent representation of a site type. SHPD concurred with the recommendation for preservation for features 1 and 3 of SIHP 6381 and the entirety of SIHP 6599 (Bassford, *et al.* 2009; *Log No.* 2009.0229, *Doc No.* 0902PC14).

Mitigation for these two sites remains incomplete. We are not yet in receipt of an archaeological preservation plan for SIHP 6599 or SIHP 6381 features 1 and 3 for review and approval pursuant to HAR §13-277. We recommend that an **archaeological preservation plan** be completed in order to determine whether the proposed alterations under this permit will affect historic properties. We encourage the applicant to contact our office in order to prepare an acceptable plan in support of this application, and will copy you on all upcoming correspondence related to the subject area. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

EXHIBIT 30

cc: County of Maui
Department of Planning
Planning@co.maui.hi.us

County of Maui
Department of Public Works – DSA
Renee.Segundo@co.maui.hi.us

County of Maui
Cultural Resources Commission
Annalise.Kehler@co.maui.hi.us

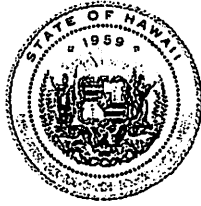
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 18, 2015

Ann T. Cua, Current Planning Supervisor
County of Maui, Department of Planning
Ann.Cua@co.maui.hi.us

Log No: 2015.03232
Doc No: 1509MD27
Archaeology

Aloha Ms. Cua,

SUBJECT: Revised: Chapter 6E-42 Historic Preservation Review –
Permit Application for the Hui No'eau Visual Arts Center (SUP2 98/0002)
Hāli'imaile Ahupua'a, Makawao District, Island of Maui
TMK (2) 2-4-002:006 (por.) and 011

Thank you for the opportunity to comment on the aforementioned application which we originally received on July 22, 2015. The applicant is proposing to construct parking, walkways, landscaping, temporary school buildings, a drainage detention basin, and an individual wastewater system. This application is also associated with a request to extend the existing permit by 20 years. We previously commented in August regarding outstanding mitigation measures (*Log No. 2015.02805, Doc No. 1508MD05*) and have since conducted a site visit to the property on September 9, 2015. This letter replaces our earlier correspondence.

A search of our records indicates that an archaeological survey has been conducted for the visual arts center. Fieldwork was conducted in 2008; two historic properties, the State Inventory of Historic Places (SIHP) 50-50-06-6381 and 6599 were documented. SIHP includes features of the landscape associated with the East Maui Plantation Mill; with the H.A. Baldwin historic home (also known as Kaluanui) assigned SIHP 6599. Both sites are significant under Hawai'i Administrative Rule (HAR) §13-276 criterion "d" for their potential to yield information important to history or prehistory; while features 1 through 3 of SIHP 6381 are also significant under criterion "a" for their association with events that have made a significant contribution to the broad patterns of our history related to the East Maui Plantation Mill. SIHP 6599 is also significant under criteria "b" for its association with the lives of persons in our past, and "c" because of its excellent representation of a site type. SHPD concurred with the recommendation for preservation for features 1 and 3 of SIHP 6381 and the entirety of SIHP 6599 (Bassford, *et al.* 2009; *Log No. 2009.0229, Doc No. 0902PC14*).

Pending development of an archaeological preservation plan, the Hui has agreed to the following:

- To consider the location of historic buildings when construction planning, specifically that the staging areas should not be located adjacent to historic buildings;
- To install orange construction fencing a minimum of 10 feet from the 1920s stable/tackroom building to protect during construction; and to
- Consider treatment options for the historic concrete stairway in light of proposed increased use once the high school temporary structures have been installed on the old tennis court. We see no need to avoid it, but increased use may have a negative effect over time so some sort of protection may be in order.

EXHIBIT

3.1

County of Maui, Department of Planning
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Therefore, we determine that **no historic properties will be affected** by the proposed project. In the event that historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, please cease work in the immediate vicinity of the find, protect the find from disturbance, and contact the State Historic Preservation Division at (808) 243-1285. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,



Morgan E. Davis
Lead Archaeologist, Maui Section

cc:	County of Maui Department of Planning Planning@co.maui.hi.us	County of Maui Department of Public Works – DSA Renee.Segundo@co.maui.hi.us	County of Maui Cultural Resources Commission Annalise.Kehler@co.maui.hi.us
	Robb K. Cole, Planner Hawaii Land Use Group LLC PO Box 880779 Pukalani, Hawaii 96788 rcole@hawaiilandusegroup.com	SHPD Architecture Branch	

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM B.1
JANUARY 22, 2019**

Ms. Mclean: The first item is a request initiated by the Planning Department or excuse me, initiated by the County Council. It's Council Resolution 17-151 referring to you proposed bills to amend the Makawao-Pukalani-Kula Community Plan use designation, State Land Use District Classification and Zoning for property situated at 2-4-002: 011 and 2-4-002: portion of 006. This is for the Hui No'eau Visual Arts Center property in Makawao, and the Tara Furukawa is the project planner.

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **MICHELE MCLEAN, AICP, Acting Planning Director, transmitting Council Resolution No. 17-151 referring to the Maui Planning Commission Proposed Bills to Amend the Makawao-Pukalani-Kula Community Plan Land Use designation, State Land Use District Classification, and Zoning Change for property situated at TMK: (2) 2-4-002: 011 and 2-4-002: por. of 006 (Hui No'eau Visual Arts Center), Makawao, Island of Maui. (T. Furukawa)**
 - a. **Proposed bill to amend the Makawao-Pukalani-Kula Community Plan Land Use designation from Agriculture to Public/Quasi-Public for approximately 4.306 acres at TMK:(2) 2-4-002: 006 (por.). (CPA 2017/0003)**
 - b. **Proposed bill to amend the State Land Use District Boundary Classifications from Agricultural to Rural for approximately 14.775 acres at TMK: (2) 2-4-002: 011 and (2) 2-4-002: 006 (por.).(DBA 2017/0003)**
 - c. **Proposed bills to change the zoning from Interim District to P-1 Public/Quasi-Public District for TMK (2) 2-4-002:011 and from the Agricultural District to P-1 Public/Quasi-Public District for property situated at TMK: (2) 2-4-002: 006 (por.) (CIZ 2017/0004)**

Ms. Tara Furukawa: Good morning Commissioners.

Mr. Robinson: Good morning Tara.

Ms. Furukawa: This item is under your review because the Council initiated the resolution which is a bill to change land use designations for two properties in Makawao that are owned by the Hui No'eau. The land area totals 14.775 acres and the matter's being referred to you because the land acreage is less than 15 acres so pursuant to Hawaii Revised Statutes, Section 205 such decisions shall be determined by the Maui County Council. The Maui Planning Commission must make a recommendation to the Council. Robb Cole of Hawaii Land Use Group is the consultant for the project and he'll present you with a scope of the proposed land use entitlement changes and I'll then come back and present you with the Department recommendation.

Mr. Robb Cole: Thank you Tara. Good morning Chair, Members of the Planning Commission,

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1 Staff, the Planning Department, Public Works. Thank you for volunteering your time today to
2 review this project.

3
4 Mr. Robinson: Please introduce yourself.

5
6 Mr. Cole: Sorry. Robb Cole of Hawaii Land Use Group here on behalf of the Hui No`eau Visual
7 Art Center. Hui No`eau is a nonprofit organization that maintains the Kaluanui Estate in Makawao
8 and runs probably one of the most prolific arts education centers in Hawaii. I'd like to acknowledge
9 in the audience Caroline Killhour, the Executive Director, Ashley Hesjedal, Staff, and a great
10 number of the Hui No`eau Board of Directors, if you'd raise your hand please.

11
12 Today's recommendation is a very important step in a long process. Special permits and
13 Conditional Permits are kind of like training wheels for a project. Hui No`eau is kind of like the
14 adult riding a bike very well with training wheels. Hopefully today the Planning Commission is
15 able to loosen the bolts on these wheels and when we return to Commission they can take them
16 off.

17
18 Unless there's any objections I'd like to quickly mention a few things on the record for
19 housekeeping and then I'd like to give a brief overview regarding the current status of the Hui and
20 what projects are in the pipeline over the next decade. Then I'd like to briefly talk about the action
21 that's proposed and what the implications might be. Staff Planner Tara Furukawa has been very
22 good in providing us with a report, a recommendation and administering the project
23 ...(inaudible)...

24
25 Just for the record I'd like to note that we submitted a revised legal description signed January 18,
26 2019 and that's pertaining to the Change in Zoning and District Boundary Amendment. It replaces
27 the legal description that was on file. And we'd also like to note that six letters of support were
28 transmitted for this project after the mailout was sent to the Commissioners. They include letters
29 of support from the adjacent neighbor, Montessori School, the additional letters include abutting
30 neighbors Labovitz, Conrad and adjacent neighbor Powers. Partnering organizations Awahi
31 Forest Restoration Project, Maui High School, Kekaulike High School, and lastly letter of support
32 Hui No`eau Board Member, Robert Stoner.

33
34 I'd like to point out today we are missing Don Bernshouse our architect. Luckily this action is
35 more about land use controls than it is details about buildings. Purposely the exhibits in your files
36 are conceptual and not detailed, but to the best of our ability we'll describe any technical issues
37 should you have questions.

38
39 Hui No`eau is on the Kaluanui Estate, a century year old estate constructed by Harry and Ethel
40 Baldwin. The estate and its grounds were designed by notable architect and Harry's cousin, C.W.
41 Dickey. It feature a two-story Mediterranean style villa, a carriage house, matching guest house
42 and also a stable to house the horses that occupied the estate at that time. At the time this was
43 built it was interesting Hawaii was a Territory, the world was at war, the sugar boom was feeding
44 construction of large estates while plantation camps existed. There were horses for transportation
45 but also the beginning of the automobile period.

1
2 The Baldwins used their estate in interesting ways. Ethel Baldwin in particular was a notable
3 social advocate. She believed in issues such as equality. She petitioned for racial equality in the
4 hospitals. She was petitioning the Red Cross to fund social and fiscal programs to aid the families
5 of soldiers in the war and she was a woman's...(inaudible)...leader. These qualities lead her to
6 use her estate in very interesting ways. There were a lot of public events that happened. During
7 the war period military was entertained on site and Ms. Baldwin also was instrumental in starting
8 a USO what we know as Casanova's Restaurant.
9

10 Civic groups like the Boy Scouts were allowed to use the property for their events and Ethel in
11 particular was an advocate of the arts and she used the property especially for the promotion of
12 arts. Her and daughter, Francis started what is called the Hui No`eau Art Society in 1934. And
13 way that she used her property differently included converting the guest house to a jewelry making
14 studio. Having gallery events in her solarium and inviting artists in the Hui No`eau collective to
15 paint and conduct art classes on property. Notably she would invite people from abroad to come
16 and teach their particular style and as their rent at staying at the house they would have to teach
17 the members of Hui No`eau.
18

19 After the passing of the Baldwins the property was taken over by Maui Land and Pine but still
20 used for public uses. For a while the property was used as a residence of the President of the
21 Maunaolu College and the property was used for academic debates and talks.
22

23 In the mid-70s Colin Cameron, grandson of the Baldwins and CEO of Maui Land and Pine leased
24 the Hui for...leased the property to the Hui for the crazy rate of a dollar a year and that went on
25 for about 30 years. And I'll start kind of my history of land use starting in the mid-70s.
26

27 This is a aerial map of a particularly dry period but it shows the location of the Hui No`eau
28 compared to Baldwin Avenue and Kaluanui Road. The current Hui No`eau property contains
29 Parcel 011 which is about 10 ½ acres and Parcel 006 which is a little over 14 acres together they
30 comprise about 25 acres of land.
31

32 The primary residence of Hui No`eau has been converted in adaptive reuse for use as a art center.
33 The upper floors are primarily administrative offices and the lower floors are used for a variety of
34 uses including this is the dining rooms which is now part of an art gallery. The living room of the
35 lower floor is now the exhibition gallery, another shot of that, and the solarium is used as part of
36 the gallery and also for certain teaching events. Here is an educator from the Big Island, Dalani
37 who is educating her students on the construction and dye of kapa. Harry Baldwin's office is also
38 located on the ground floor and it is now currently used as a history room and also used for
39 specialty art projects. It currently painted as such by a muralist from Mexico City, Mazatl and he
40 was here in the conjunction with the Awahi Forest Restoration Project and his work is inspired by
41 his work with the organization and he created this mural at the Hui. If you were able to read Art
42 Medeiros' letter he stated that the talks and workshops done in collaboration with the Hui and
43 Mazatl were estimated to have exposed about 13,000 individuals to the expression of Maui's
44 native forest ...(inaudible)... efforts on their way to protect them.
45

1 This is a view of the formal lawn fronting the Hui No`eau Baldwin residence and has a reflecting
2 pool similar to the one at Seabury Hall. This event here is a family day and was proceeded by a
3 hula performance. This is another performance done at the beginning of Malama Wao Akua,
4 another benefit this time to...in conjunction with the East Maui Watershed Partnership. A jewelry
5 art exhibit followed...this is the opening event which the exhibits were geared towards bringing
6 awareness towards the endangered and protected species of Maui.
7

8 This is the guest cottage, as mentioned once converted into a jewelry studio and used on occasion
9 to house artists from abroad who come to teach. This is the carriage house also known as the
10 garage. It currently houses the print making studio of the Hui. Here a junior print maker is learning
11 the skills on small scale and here are some expert print makers using one of the larger print
12 presses.
13

14 The Hui also teaches classes on photography both digital and old school film. Inside the former
15 milk room there is a dark room, development studio. Hawaiian crafts such as leis, weaving and
16 kapa print making are taught. One of the last buildings of the estate I'll talk about is the stables.
17 This building you can see is kind of a collection of old and new construction. Back when there
18 were horses the long section of this building housed the stables for the horses and the section to
19 the right was a tack room. This building was built a little bit different like from the others. It wasn't,
20 it didn't use the same quality materials and it is deteriorating. We'll talk about that in a little bit.
21 This is the guest cottage...or sorry, this is the caretaker's cottage also known as the maid's
22 cottage and sometimes the Matsumoto Building.
23

24 Moving up to about 1995 approximately the same time that the stables were expanded the Hui
25 constructed a glass kiln and studio where glass blowing is performed and taught. Around 2000,
26 1990-2000, a children's studio was constructed. It is the base for the children's programs and the
27 children's summer programs. Adjacent to that is a central restroom facility also built in 1991.
28 Working our way up to 2008, this building was constructed. It originally was designed to contain
29 the woodworking shop. Due to the failure of the stables and the ceramics program inside the use
30 of this building was changed to house the ceramics programs and the metalsmithing program.
31

32 Moving up to 2013, Waldorf Schools of Maui approached the Hui looking for a place to incubate
33 a pilot high school program. Hui strategically located a structure that was an eyesore and a
34 hazard which was an old garage attached to the caretaker's cottage. And we came in here to the
35 Commission in 2013 for a permit to construct a new classroom and that was constructed in 2014.
36 In 2015, we came in because the school was looking at expanding. Waldorf proposed to build
37 two classroom building and an administrative building on the old tennis courts of the property and
38 a new parking lot. That was constructed in 2016 and this is affectionately known as Waldorf
39 Village.
40

41 An earlier plan presented to the Planning Commission showed construction of the woodshop
42 building here and a future pavilion for events. That plan has changed a little bit and I'll kinda walk
43 you through, give a little more detail.
44

45 This is an overview of the two parcels, Parcel 006 and Parcel 011 together they comprise

1 25 acres. Parcel 006 is a little over 14 and Parcel 011 is a little...I'm sorry, Parcel 011 is a little
2 bit over ten acres. The area of rezoning contains about a little over four acres of Parcel 006 and
3 all of Parcel 011. The remaining part of Parcel 006 will remain in Agriculture and is not part of
4 this process.

5
6 Zooming in here, this is the main section of Hui No'eau including the formal estate. I'd like to
7 point out a couple things here. In this lower section here which is hard to see kind of an orange
8 color, this historic site actually has a historic site within it. This is remnant of the 1857 East Maui
9 Mill. In the sections that are kind of dark red or brown these are the old...the buildings of the
10 original estate dated to 1917 including the main house, guest house, carriage house, caretaker's
11 house and the stables. Noting the areas in green are more modern including sections of the
12 stables, the aforementioned children's studio and restroom building, the 2008 ceramics and
13 metalsmithing building and the Waldorf Village. The lighter green areas are hardscape associated
14 with parking. The upper red area here is the historic parking for the Hui which is a grass gravel
15 parking lot. This next photo or this next slide shows you the expansion planned over the next
16 decade.

17
18 Additionally I'll point out here we have a number of walkways into increased accessibility of the
19 project. There'll be a number of wheelchair accessible pathways linking the buildings together
20 and linking the upper historic campus with the lower modern campus. Breaks along the pathways
21 will be connected with benches or other places to take in the view. In your packet you have this
22 exhibit here which shows some of the pathways planned. Also planned for accessibility is to
23 create a ADA accessible restroom in the Baldwin House. Fortunately there is a covered exterior
24 walkway that if enclosed would be able...would create enough room to create an accessible
25 restroom without much change to the building. Very fortunately right next to the covered stairway
26 is an uncovered stairway. Some plans in your packet show breaking through the wall to the
27 exterior and creating a new wall on the outside. This will create a restroom that fits ADA standards
28 and also provides sanitary resources for parents with children who are in diapers.

29
30 I'm going to talk about some of the upcoming projects. More significant I've labeled them one,
31 two and three and these are in chronological order. I'm gonna note that items one and three are
32 within portion of Parcel 006 and that's different because Parcel 006 has a different zoning than
33 Parcel 011 so the zoning action is actually gonna allow these projects to occur in their desired
34 locations.

35
36 Parcel 1 I had briefly talked about how this building created in 2008 was originally meant to be
37 part of the woodworking process. And I want to acknowledge a champion of this development,
38 John Hoxie, Jr., standing next to Caroline, here he is receiving an award from the Historic Hawaii
39 Foundation. John passed away last year. He was a former board president, board vice-president,
40 head of many committees including the facilities committee that wants to get all these things built.
41 I got to interact a lot of John over the last year and I know he would want to be here today.

42
43 And kinda a blow up of the lower campus, I'll point out the new woodworking building and the
44 name of the building, the Bud Schafer, John Hoxie Woodworking and Innovation Center. This is
45 gonna allow the Hui's woodworking program to take a new direction. It's gonna borrow some

1 elements from other buildings on the campus. The articulated roof, transom windows, and
2 support details match the 2008 building that it was originally designed to hold the woodworking.
3 Inside, this is part of your packet, there's a large space for woodworking activities and including
4 for safety and also for performance a dedicated dust collection system. It's also, internal storage,
5 dust free and some office space.

6
7 Going back to the map here, I'm going to point out the next item. Woodworking center will
8 probably be submitted for permit within a month or two and of course, we will have to wait until
9 the zoning is complete before the building permit can be accepted.

10
11 The next item is probably in the three to five year range and that's reconstruction of the stables.
12 Once again here's the stable building with new addition on the left, old construction there on
13 the...in the middle of the stables and on the other side here the tack shed. Tack shed and the
14 stables may have been built at different times. They have a different(inaudible)...footprint and
15 they're at different elevations. Both are showing a lot of wear and erosion and termite damage.
16 Sections of the roof of the...this is the hip where the two buildings join. We're seeing collapse
17 and structural damage.

18
19 In its place Hui No'eau is proposing to reconstruct both wings of the stables. The north-south
20 wing will be reconstructed as it is as an enclosed facility with three classrooms. The upper
21 classroom will be a...I would say have a high volume, high ceiling and the lower classroom will
22 actually be two stories. This will add about 650 square feet of usable area to the structure.

23
24 The third structure is probably in the seven to ten-year time frame. It includes a event pavilion
25 and so it will allow the Hui to take advantage of the beautiful westward sunset views and relieve
26 some pressure on the historic Baldwin House. In your packet you can see there is a conceptual
27 drawing of about a 2,000 to 3,000 square foot facility with a lanai, possibly some food service
28 prep area and probably depending on how long Waldorf stays at the school restrooms will be
29 determined at that time whether they are needed. It also shows a new parking area to replace
30 the parking that is displaced by the facility. The parking area will be kind of lower down on the hill
31 hidden away from view from the historic estate.

32
33 To summarize the action there's a Community Plan Amendment and in 1995 the community plan
34 was amended it suggested at about 15 acres was going to be zoned in the community plan or
35 sorry, will be designated in the community plan as Public/Quasi-Public what ended up resulting
36 in the map it was about ten and a half. So about four acres are gonna be added in the community
37 plan.

38
39 For zoning, the property is currently a mix of Interim and Agriculture. The property...the Interim
40 section has never been properly zoned so this will be the first zoning action. The Agricultural side
41 was not deliberately zoned but zoned through the Agricultural Bill which had some auto zoning
42 provision if the community plan and state designation were also Agriculture. In this case, nearly
43 15 acres will be designated to P1, Public/Quasi-Public zoning.

44
45 And then the District Boundary Amendment, the same area will be converted from Ag to Rural.

1 And I know you've looked at Seabury Hall's application. Seabury decided not to go with Rural
2 but with Urban. And in this case, the Hui No'eau knew they could accomplish what they wanted
3 with the Urban...sorry, with the Rural designation and they felt it might alarm some of their
4 neighbors if they were to say they wanted Urban state designation.

5
6 I'm just going to point out on the maps, here's the community plan amendment, the dark blue is
7 the area that's currently zoned or currently designated, sorry, Public/Quasi-Public in 1995 and
8 then additional here that's in Agriculture that will be part of that designation.

9
10 Here's the Change in Zoning. The area in red is currently Interim and the area that is kind of this
11 light green is Agriculture. Once again the entire area will be rezoned to Public/Quasi-Public, P1.
12 And the District Boundary Amendment the entire site is in Agriculture. The abutting Montessori
13 Campus is in Rural and the project will be redesignated to Rural to match Montessori.

14
15 The changes that are resulting from the comprehensive rezoning. One of the things that came
16 up is we had some neighbors that were a little concerned about the Rural zoning. They thought
17 it might lead to greater residential development and after explaining it to them, actually the change
18 to Public/Quasi-Public from Interim restricts the zoning. It doesn't give additional land use abilities
19 it takes them away. So new residential development will not be available to the Hui land use
20 change happens.

21
22 Currently Waldorf High School has some limitations that are established in the State Special
23 Permit. Once the state designation is changed that permit is moot. So unless there are
24 restrictions in the new permit or sorry in the new zoning Waldorf School will be able to continue
25 indefinitely. This is a little bit moot because is, has been actively pursuing their forever home.
26 We know they are looking. It can be a little bit difficult to find a adequately suitable property
27 especially when it comes to water supply. So we think currently Waldorf is there till 2021 by
28 permit. They have a renewable lease with the Hui and we anticipate they will be moving on that
29 time. This rezoning may gave them a little extra time should they need it. There are about four
30 more acres that are available for development. Now these four acres are currently part of the
31 State Special Permit, but since they are zoned Agriculture and not Interim, we have not...the Hui
32 has not been able to develop any buildings on there. So the change in zoning will allow them to
33 construct the woodworking building and the future pavilion in a section of the property they think
34 is most reasonable and protects the historic integrity of the other parts of the site.

35
36 And as far as architectural review the Hui through its permits has always been required to meet
37 with the Urban Design Review Board and get comments from the State Historic Preservation
38 Division. The Planning Department has suggested a comment or suggested a recommendation
39 that this continue, that there be a condition on zoning that requires the Hui to solicit both agencies
40 for comment prior to the approval of building permits. So if you pass that onto the County Council
41 and they move forward with it then architectural review will continue for the project.

42
43 So benefits to the Hui of these changes. First off, it acknowledges the Hui's contribution to the
44 community in historic preservation and arts advocacy and instruction. It also secures the future
45 of the Hui. It relieves the burden of them coming in repeatedly for permits every time they want

1 to construct a new building or to you know amend a permit that is expiring. It helps them move
2 their bottom line because it assures the patrons and the donors and the grant writers that the
3 money that they're giving is going to last. It's going to endure as part of a project. One last thing
4 which I just mentioned it provides flexibility for the Hui to site things where they want them to be
5 which for the purposes of historic preservation is important to be able to relocate certain things
6 that weren't part of the original campus like parking, you know relocate that away from the historic
7 Baldwin House and the historic entry.

8
9 I'm gonna conclude this portion of the presentation by noting that the proposed rezoning actions
10 have been sent to review through the unanimous decision of the Council and during the review of
11 the project we had no agencies that commented, had any concerns about the project. We haven't
12 had any community concerns about the project and you've received a number of letters in support.
13 I apologize for not bringing you something controversial. The biggest controversy the Hui has
14 faced was in 2004 when a private party contracted with Maui Land and Pine and was in agreement
15 to buy the Hui, buy the Kaluanui Estate. And at the time, the resources of the Hui were not in
16 jeopardy. No one was proposing to tear down but the community felt this intangible loss that was
17 about to happen and about 1,800 entities, businesses and persons got together and raised over
18 \$5 million to save the Hui. Since then as an owner of the 25 acres of the property the Hui has
19 done an amazing job in restoring the beauty of the campus and developing its programs.
20 Rezoning this property is an important step in acknowledging the contribution of the Hui's past
21 and ensuring the future. I thank you for your consideration today. I, Caroline, the staff, and board
22 are here to answer any question you have. Thank you very much.

23
24 Mr. Robinson: Thank you. At this time, we'll move onto public testimony. I'd like to call up Keoki
25 Freeland. Good morning. Please introduce yourself, you have three minutes.

26
27 Mr. Keoki Freeland: Good morning Members of the Planning Commission. My name is
28 Keoki Freeland and I'm speaking in regards to the first item on today's agenda Hui No'eau's
29 Visual Arts Center of which I am a member of the Board of Directors. I have been involved in
30 profit, in nonprofits around the island. One stint as Executive Director to the Lahaina Restoration
31 Foundation for 14 years retiring in 2009. Hui No'eau and its arts education and historic
32 preservation mission speak to my heart. I have a daughter that conducts kapa making classes at
33 the Hui. I have a wife who is an oil painting artist who participates regularly in exhibitions at the
34 Hui. On behalf of the Board of Directors, I'd like to say thank you to the Commissioners for
35 volunteering your time to review the project and to the County Staff for your hard work and
36 presence. Also, I'd like to thank Robb for doing a great job in giving you background about the
37 whole project. Today's recommendation is an important step to the rezoning process. Mahalo.

38
39 Mr. Robinson: Thank you. Commissioners any questions? Thank you Keoki. Next
40 Caroline Killhour please.

41
42 Ms. Caroline Killhour: Good morning, I'm Caroline Killhour.

43
44 Mr. Robinson: Good morning.

45

1 Ms. Killhour: I'm the Executive Director of Hui No'eau and I've worked with the Hui for 12 years.
2 Thank you Commissioners for taking the time today to review this issue and thank you to the Staff
3 Planners and Planning Director for your work on this project, and thanks to my awesome Board
4 of Directors here, who are all volunteers and have worked on this project with us.
5

6 As a nonprofit visual arts center, Hui No'eau is a place that fosters creativity and self-expression.
7 The Hui's art studios and the beautiful ground, the Kaluanui inspire 25,000 people a year. We're
8 open seven days a week and we have free access to the grounds and the galleries each day.
9 Our mission unlocking creativity through exceptional visual arts education and enhancing the
10 endeavor through preservation of the historic Kaluanui Estate is near and dear to our hearts and
11 to the community's hearts as Robb pointed out in their series of support for purchasing the estate.
12

13 In addition to Hui No'eau regular programing the Hui collaborates with community organizations,
14 schools and educators to serve at-risk special needs youth and those without adequate arts
15 education funding. The Hui offers a robust scholarship program that enables students in need of
16 financial assistance to participate in Hui classes, camps, fieldtrips, and outreach programs year
17 round. Students range from two and a half on up. A total of 1,115 low income children received
18 financial assistance to attend classes, camps, workshops and art opportunities in 2018. You've
19 heard from Robb our collaboration with the conservationists and other community organizations.
20 We do this on a regular basis. It's part of our programing. They come into the Hui and we go out
21 to the schools. Our Explore and Discover Program brings Maui at-risk and in need youth to the
22 Hui to participate in art projects lead by professional teaching artists like the gentleman that you
23 saw that we brought from Mexico City we had over 150 youth from Maui's different schools come
24 up and work with him and be part of that project. This program serves 500 youth annually from
25 Maui's public schools, preschools and community organizations including Maui Economic
26 Opportunity and Maui Youth and Family Services. Your recommendation is important so that we
27 can spend more time doing what we do and being involved in the community and arts education
28 versus coming to see you folks for our Special Use Permits. So thanks very much and we
29 appreciate your work on this today. Thank you.
30

31 Mr. Robinson: Thank you Caroline. Next on the list we have William Spence, and I know you
32 were first but I thought you could bring it home for us and tell us why we're here and what we're
33 gonna do and kind of tie a bow on it.
34

35 Mr. William Spence: Good morning Mr. Chairman, Commissioners, Director. My name is William
36 Spence and I'm speaking on my own behalf this morning. I first became aware of the Hui No'eau
37 when I was Staff Planner and we were doing the Upcountry Community Plan and there was a lot
38 of discussion about the programs and the arts that was being conducted there but we're talking
39 mid 90's. After we completed the community plan I took a couple classes, became very impressed
40 with the teaching, the facility itself, the historic preservation, the quality and of what this place
41 represents in terms of art.
42

43 The most important, well maybe not most important but the collaboration with the community that
44 this place represents it was quite amazing to the point where they asked me to become a board
45 member and I accepted. I was there, Robb spoke briefly about the...when Maui Pine was trying

1 to sell the property, I was a board member at that time, it was a very tense time so I can attest to
2 the community participation and interest in preserving this institution. Quite an uproar, quite an
3 intense involvement by the community to preserve the Hui No'eau.

4
5 I think one thing towards the zoning of it when I was board member I did, I did approach some
6 foundations. I approached people about not only fundraising to help, you know, let's preserve
7 this place but they were also...were also thinking about not improvements to the Hui but the
8 preservation of the building itself and I had foundations ask me, so you know how does it operate,
9 how does it...well, we operate on Special Use Permit. We've had a whole series of Special Use
10 Permits. And they go, well what's that? And once you explain that it's a temporary permit they're
11 like I'm sorry, we can't risk our foundation's funds on a temporary kind of facility, something that
12 may not be there tomorrow. If you have...if you had a more permanent kind of thing like zoning
13 then we would be more apt to participate and contribute towards this institution and so I think
14 that's really important. This property has been used for the arts for a better part of a century. We
15 want it to remain. We want it to continue and zoning of this property will help bring that about and
16 provide certainly additional financial security for the nonprofit. Members thank you very much.
17 I'm very, very excited about finally getting this place zoned for what it should be. Thank you.

18
19 Mr. Robinson: Thank you. Commissioners any questions? Seeing none...

20
21 Mr. Spence: Okay.

22
23 Mr. Robinson: Thank you Will.

24
25 Mr. Spence: Thank you.

26
27 Mr. Robinson: Tara could we please have the Planning Department's recommendation?

28
29 Ms. Furukawa: Okay, the Department is recommending approval with no conditions for the
30 change in district boundary for both parcels from Agricultural to Rural. The proposed action is
31 consistent with the criteria of a DBA as stated in the Hawaii Administrative Rules, Title 15, Subtitle
32 3.

33
34 The Department is recommending approval with no conditions for the community plan change for
35 the Portion of Parcel 006 from Agriculture to Public/Quasi-Public. It's consistent with Chapter
36 2.80B.100 of the Maui County Code.

37
38 Finally the Department is recommendation approval for the change in zoning for the Portion of
39 Parcel 006 from Agricultural to P1, Public/Quasi-Public and Parcel 011 from Interim to P1,
40 Public/Quasi-Public. The proposed action is consistent with the criteria for a CIZ in Title 19,
41 Chapter 19.510. We're asking for one condition to be imposed and it's as follows: That the plans
42 for any new buildings shall be reviewed by the UDRB and SHPD prior to building permit approval.
43 We want to give the Urban Design Review Board and State Historic Preservation Division an
44 opportunity to provide feedback on the new structures at some point in the future. Typically our
45 Department would have to review the building permit applications for the structures and the

1 Department would consider the feedback provided by UDRB and SHPD prior to our approval on
2 the building permit. Finally we're asking that the Commission authorize the Planning Director to
3 transmit said recommendations and record to the Maui County Council for further action.
4

5 Mr. Robinson: Thank you Tara. I gotta do a little housecleaning here. I didn't close public
6 testimony. Anybody that wasn't signed up on this sheet, did anybody want to testify? One
7 second, I'll call you. Aloha, you have three minutes, please state your name.
8

9 Ms. Francine Aarona: Aloha Planning Commission Members, Mr. Chairman. My name is
10 Francine K. Aarona also known as Auntie Mopsey, Protect Paia and I am for the presentation. It's
11 beautiful the visuals. I just want to, and I'm sorry to throw a curve, I'm particularly interested
12 because I heard financial assistance and scholarships and I wanted to know where that avenue
13 went. If there was a price tag on being a part of this whole venue because I hear Waldorf School
14 and I hear visual arts center and I know that the groups, educational groups come together. My
15 input on the community level is who gets to choose these groups, how do they come about? I
16 know it's a nonprofit, but is there a price tag that is put toward these groups that they have to
17 present something or give something to be a part of this whole thing. And I know you thought
18 about all of it, but just for me hearing what the presentation was about I really would like to know
19 that financial aspect of where our children come and if they have to put out anything to start with.
20 But as far as the project I'm glad that my whole recommendation is to go with what the
21 presentation, it's just that I...sorry like to throw that curve Mr. Spence. Mahalo.
22

23 Mr. Robinson: Thank you and maybe after the meeting they can talk to you after and let them
24 know if there's opportunities.
25

26 Ms. Aarona: Yeah, Okay, aloha.
27

28 Mr. Robinson: Thank you. Next, yes please. Please state your name, you have three minutes.
29

30 Mr. Charles Jencks: The name is Charles Jencks. I was asked by John Hoxie and
31 Johnny Baldwin in about 2003 to spend some time at the Hui to do some master planning work
32 and my recollection is there were a number of people who wanted to invest, wanted to build things
33 on the grounds but we had issues with entitlement, with the community plan, and zoning. And it's
34 great to see finally that this is going to happen because there is a great opportunity to expand and
35 improve the facility but for the entitlement issues on the property, those will be resolved through
36 this action. I think your recommendations are great from the Department and I certainly
37 recommend you guys go ahead with this and make a positive recommendation because it really
38 fulfills that vision that was set out in the early 2000's by the Hui. Thank you.
39

40 Mr. Robinson: Thank you. I believe we have somebody in the back that wanted to testify?
41

42 Unidentified Speaker from Audience: I wanted to testify on another item.
43

44 Mr. Robinson: Another item is that it?
45

1 Unidentified Speaker from Audience: Yes.

2
3 Mr. Robinson: Okay, thank you. Seeing none, public testimony is now closed. Commissioners
4 do we have questions for the applicant? Commissioner Carnicelli.

5
6 Mr. Carnicelli: Thank you Chair. So a couple of questions. I'll direct this at you Robb. Is in the
7 DBA you're leaving that one portion Ag. Why not just make it all Rural now because you can still
8 do ag in Rural. I mean I get that you know real property taxes would be different, water would be
9 different, but other than that is why not just make it all Rural and then you know if you did sometime
10 in the future want to do something you've already got it.

11
12 Mr. Cole: You know I think in the master planning process the Hui did look at you know converting
13 the additional ten acres. Part of the problem is you know there is a resistance to I would say
14 doing exactly what you're asking ahead of time without justification. It would put us in a different
15 category. We would be working Land Use Commission. They typically resist that type of future
16 planning.

17
18 In addition, the area, the ten acres that's being reserved for ag has historically been ag whereas
19 the estate has never really been, you know for a 100 years has not been used for agriculture. So
20 it is miszoned while the front ten acres has historically been horse pasture during the tenure
21 with...I would say in the interim period between the Baldwins and Hui No'eau's purchase it was
22 in pineapple for a while and now it has returned to horse pasture. I think there was some
23 community you know...there was thoughts to you know what the community would like at the time
24 being to do this as well.

25
26 The other consideration was you know could we use this for another school someday but the
27 project doesn't have the water to support something like a other project for Waldorf or another
28 school. So the decision was made to focus on what the Hui is looking at which is kind of a
29 refinement project not an expansion and save the rest for later possibly another agricultural use.

30
31 Mr. Carnicelli: Thank you that makes it clear. Just on a note, Interim zoning can we get rid of all
32 of it please? It's like, oh God, Interim zoning again. You had mentioned the restrictions that
33 currently exist via the Special Use Permits and just as someone that part of what our role is to put
34 conditions on Special Use Permits, you know, because of concerns, things like that is I don't know
35 what those...and maybe this is a question for Tara, you, whatever it is, is you know, is there
36 something 'cause I didn't see it in my packet as far as like what the current SUP is and what those
37 conditions are because if there was something that was put there for a reason and now suddenly
38 goes away...I mean, I don't want to hold up the project because of that but I'm just...you know,
39 as part of what our role is here is to make sure that those things...there's not something that was
40 put there that suddenly just gonna go poof and go away, but had an intent.

41
42 Mr. Cole: Very relevant question. I believe the last permit is in your packet. I wouldn't be able to
43 point it out what page it is on right now.

44
45 Ms. McLean: Exhibit 9.

1
2 Mr. Cole: All right, Exhibit 9. And relating to Waldorf the limitations currently are a time limit, you
3 know which is standard for these type of permits. I believe it's June 2021 in which they are
4 permitted to have the pilot high school on campus until that time. And the other condition I believe
5 is a maximum student enrollment of a hundred students. The Waldorf enrollment has not been
6 growing exponentially, it's been very slow and right now they're under 50. So I think you know at
7 the current rate with the couple years they have left they're not going to exceed the hundred
8 students. And should we move forward and they need a little bit more time, if they do it's probably
9 for a very good reason, they're still probably not gonna get up to a hundred. So as is under the
10 current scenario the two limits are 2021, June as a termination of the existing permit or the
11 expiration I would say of the existing permit and a hundred student cap.
12

13 Mr. Carnicelli: Right. Okay, thank for that and then just one last thing Chair.
14

15 Mr. Robinson: One last thing.
16

17 Mr. Carnicelli: This is it. It's my third thing. Is the recommendation Tara it says that it needs to
18 be reviewed by SHPD and UDRB but it doesn't necessarily say that those recommendations have
19 to be... 'cause you know when SHPD sends us something it's just like oh, this is what we said,
20 but we don't necessarily have to put those in. So I don't know if we want to put more teeth to it
21 other than just saying it has to be sent to them other than you know, if they come back with a
22 recommendation we would advise that those recommendations are followed.
23

24 Mr. Robinson: Commissioners any other questions? Okay so Commissioners I think we can,
25 unless there's anything, any objections I think we can do the CPA, we can do the DBA, and we
26 can do the CIZ all at one time. Do I have any, any objections to that? No? Okay, Director.
27

28 Ms. McLean: Thank you Chair. The recommendation is to recommend approval to the
29 Maui County Council of the Community Plan Amendment, the State Land Use Commission
30 District Boundary Amendment and the Change of Zoning with a condition on the Change of Zoning
31 that reads in its entirety, "That plans for any new buildings shall be reviewed by the Urban Design
32 Review Board and the State Historic Preservation Division whose comments shall be considered
33 by the Planning Department prior to approving any building permit for any new building."
34

35 Mr. Robinson: All those in favor.
36

37 Ms. McLean: Oh, need a motion.
38

39 Mr. Carnicelli: Got to get a motion.
40

41 Mr. Robinson: I'm sorry. I apologize. It's a I guess a motion for recommendation, yeah. And
42 again, and again, is we're not the final party. We're just recommending to Council. Do I have a
43 motion for recommendation?
44

45 Mr. Hudson: So move.

1
2 Mr. Robinson: Okay, second?

3
4 Ms. La Costa: Second.

5
6 Mr. Robinson: Second by Commissioner La Costa. All those in favor of the recommendation?
7 All right, that's six ayes. Thank you.

8
9 It was moved by Mr. Carnicelli, seconded by Ms. La Costa, then

10
11 VOTED: To Recommend Approval of the Community Plan Amendment,
12 District Boundary Amendment, Change of Zoning to the County
13 Council as Recommended by the Department.

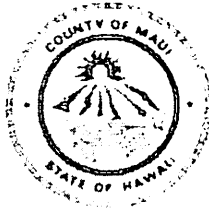
14
15 (Assenting – L. Carnicelli, P. D. La Costa, A. Hill, K. Pali, L. Hudson,
16 C. Tackett)

17 (Excused – S. Castro, T. Gomes)

18
19
20 Respectfully Submitted by,

21
22
23 CAROLYN TAKAYAMA-CORDEN
24 Secretary to Boards and Commissions II

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



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

March 5, 2019

CERTIFIED MAIL - # 7018 1830 0002 1516 9323

Caroline Killhour, Executive Director
Hui No'eau Visual Arts Center
2841 Baldwin Avenue
Makawao, Hawaii 96768

CERTIFIED MAIL - # 7018 1830 0002 1516 9330

Robb Cole, Consultant
Hawaii Land Use Group LLC
P.O. Box 880779
Pukalani, Hawaii 96788

Dear Ms. Killhour and Mr. Cole:

**SUBJECT: AMENDED RECOMMENDATION OF APPROVAL OF A
COMMUNITY PLAN AMENDMENT FROM AGRICULTURE TO
PUBLIC/QUASI-PUBLIC FOR A PORTION OF PARCEL 6, A
DISTRICT BOUNDARY AMENDMENT FROM AGRICULTURAL
TO RURAL FOR PARCELS 6 AND 11 AND A CHANGE OF
ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-
PUBLIC FOR PARCEL 6 AND FROM INTERIM TO P-1
PUBLI/QUASI-PUBLIC FOR PARCEL 11 FOR THE PROPOSED
HUI NO'EAU ON APPROXIMATELY 14.775 ACRES OF LAND,
LOCATED IN MAKAWAO, MAUI, HAWAII AT
TMK: (2) 2-4-002:006 (POR.) AND (2) 2-4-002:011
(CPA 2017/0003) (DBA 2017/0003) (CIZ 2017/0004)**

Subsequent to the issuance of our letter dated January 23, 2019, it was discovered that there is an error in the wording of the condition recommended by the Maui Planning Commission (Commission). Please note that this letter shall supersede the previous version.

At its regular meeting on January 22, 2019, the Commission took public testimony, reviewed the above requests, and after due deliberation, the Commission voted to recommend approval of the Community Plan Amendment (CPA 2017/0003), District Boundary Amendment (DBA 2017/0003) and Change of Zoning (CIZ 2017/0004) to the Maui County Council (Council).

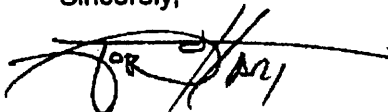
The Change of Zoning recommendation of approval is subject to the following condition:

1. That plans for any new building shall be reviewed by the Urban Design Review Board and the State Historic Preservation Division, whose comments shall be considered by the Planning Department prior to approving any building permit for any new building.

The Commission also adopted the Report and Recommendation prepared by the Planning Department for the January 22, 2019 meeting as its Findings of Fact and Conclusions of Law, and authorized the Planning Director to transmit the Commission's recommendation to the Council on its behalf.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-7520.

Sincerely,



for MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Pam Eaton, Planning Program Administrator (PDF)
Kathleen Aoki, Planning Program Administrator (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Real Property Assessment Division
Department of Public Works
Department of Environmental Management
Department of Water Supply
Department of Fire and Public Safety
Maui Police Department
Project File

MCM:TKF:an

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