

REQUEST FOR LEGAL SERVICES

Date: July 8, 2019

From: Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY AMENDMENT, AND
CHANGE IN ZONING FOR HUI NO`EAU (PSLU-33)

Background Data: Please review the attached revised proposed bill and if appropriate, approve it as to form and legality. A signed hard copy is requested with your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature <u>Tamara A.M. Paltin</u> Tamara Paltin	Contact Person <u>James Krueger or John Rapacz</u> (Telephone Extension: 7761 or 7886, respectively)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 10, 2019

REASON: For posting on July 12 for the July 19 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)

☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

pslu:misc:033acc01:jgk/jsr

Attachment

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 conditions 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:

Department of the Corporation Counsel
County of Maui

pslu:misc:033abill01:jgk/jsr

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 1/2 point 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,

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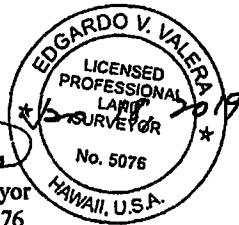
EXHIBIT "A"

- | | | |
|-----|--------------|---|
| 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, |
| 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

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



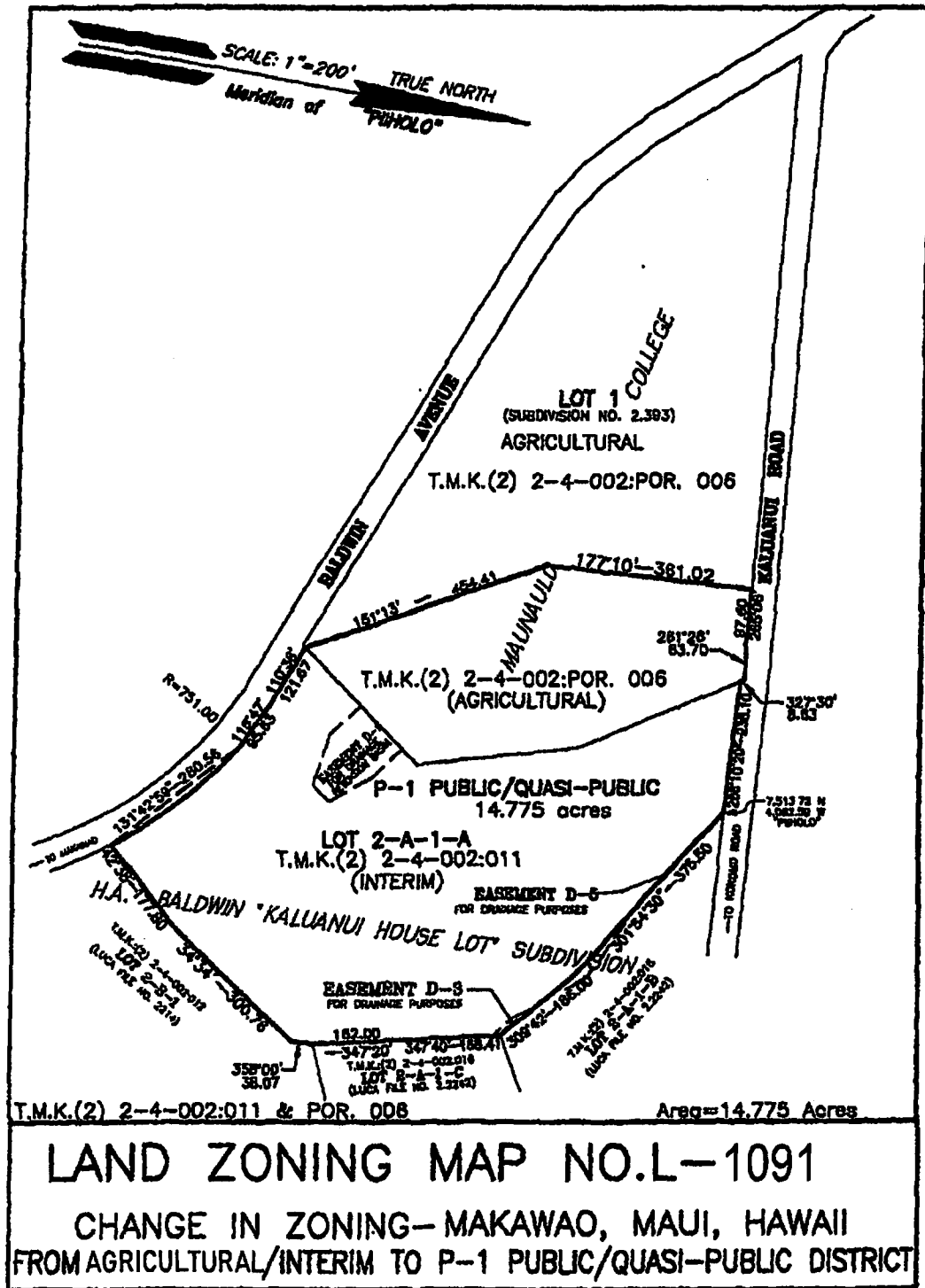


EXHIBIT "B"

EXHIBIT "C"

CONDITIONS OF ZONING

1. Hui No`eau and any future owner or lessee must solicit from the Urban Design Review Board and the State Historic Preservation Division, and provide to the Department of Planning, comments on plans for any new building prior to the Department of Planning recommending approval of a building permit for the new building.
2. Hui No`eau and any future owner or lessee must only develop the property in a manner that protects the rural and agricultural character of the area; supports art and cultural education; and is in substantial compliance with the submittals and representations made to the Maui County Council and the Council's Planning and Sustainable Land Use Committee on June 19, 2019; and prior to the change in zoning to P-1 Public/Quasi-Public District.