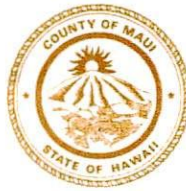


MICHAEL P. VICTORINO
Mayor

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

April 13, 2020

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

APPROVED FOR TRANSMITTAL

Michael P Victorino 4/14/20
Mayor Date

OFFICE OF THE
COUNTY CLERK

2020 APR 14 PM 1:21

RECEIVED

For Transmittal to:

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

Dear Chair Lee and Members:

**SUBJECT: CONDITIONAL PERMIT TO ESTABLISH AND OPERATE
THE HALEAKALA UPCOUNTRY MARKET AND FOOD
TRUCK IN THE R-0.5 RURAL ZONING DISTRICT
(CP 2018/0003)**

The Department of Planning (Department) is transmitting for your review and action the Conditional Permit (CP) application filed by Trina T. Pinsky. A summary of the application is as follows:

SUMMARY OF APPLICATION	
Application:	Conditional Permit
Applicant:	Trina T. Pinsky
Tax Map Key:	(2) 2-3-013:025-0001
Address:	16155 Haleakala Highway (also known as Crater Road), Kula, Island of Maui, Hawaii
Owner:	Trina Pinsky
Area:	2.530 acres

COUNTY COMMUNICATION NO. 20-273

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice Lee, Chair
April 13, 2020
Page 2

SUMMARY OF APPLICATION	
Land Use Designations:	State Rural District Makawao, Pukalani & Kula Community Plan: Rural Title 19, Zoning: RU 0.5 Rural District Other: Outside the Special Management Area (SMA)
Brief Description:	The Applicant proposes to establish a retail market in an existing 976 square foot single-family dwelling built on the property in 1982, according to the Real Property Tax Division. The market will sell flowers, vegetables and made on Maui products. Also proposed is a permanent food truck. Food for the food truck will be prepared in a permitted commercial kitchen owned and operated by the Applicant, known as Stewz Maui Burgers, located at the Kukui Mall in Kihei. The Applicant initially planned to offer craft workshops, but has withdrawn this portion of the request.
Public Hearing:	A public hearing was held by the Maui Planning Commission (Commission) on December 10, 2019.
Testimony:	One member of the public testified in support of the project; no one testified in opposition. Three letters in support were received prior to public hearing and are included in the Staff Report; no letters were received in opposition to the project.
Recommendation:	The Commission recommended approval subject to conditions listed below.

The Commission recommended approval of the CP to the Maui County Council (Council) subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the CP shall be valid for a period of three years from the effective date of this ordinance, provided that an extension of this permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the CP shall be nontransferable unless the Council approves the transfer by ordinance.

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice Lee, Chair
April 13, 2020
Page 3

4. 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 CP and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the County of Maui as an additional insured, insuring and defending the permittee and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this CP, 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 CP. A copy of the certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within 90 calendar days from the date of approval of this CP. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
5. That the Applicant shall develop the property in substantial compliance with the representations made to the Council in obtaining the CP. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, Maui County Code.
6. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.
7. That the Applicant shall provide one ADA accessible restroom for customers and employees and a separate hand washing station, prior to operation of either the market or the food truck.

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

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice Lee, Chair
April 13, 2020
Page 4

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO TRINA T. PINSKY TO ESTABLISH AND OPERATE THE HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS, VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16155 HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA, ISLAND OF MAUI, HAWAII";
2. CP Application dated October 24, 2018;
3. Department's Report, Recommendation, and Agency Comments to the Commission dated December 10, 2019;
4. Department's PowerPoint Presentation, dated December 10, 2019;
5. Commission's Recommendation to the Council dated January 2, 2019;
6. Commission's Revised Recommendation to the Council dated March 5, 2020; and
7. Adopted Minutes of the December 10, 2019 Commission meeting.

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

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Honorable Michael P. Victorino, Mayor

For Transmittal to:

Honorable Alice Lee, Chair

April 13, 2020

Page 5

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator

Livit U. Callentine, AICP, Staff Planner

Maui Planning Commission Members

Trina Pinsky

Project File

MCM:LUC:lak

K:\WP_DOCS\Planning\CP\2018\0003_HaleakalaUpcountryMarket\County Council\TransmitToCouncil.docx

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT
TO TRINA T. PINSKY TO ESTABLISH AND OPERATE THE
HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS,
VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO
OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF
LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16155
HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA,
ISLAND OF MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit (CP) is hereby granted to Trina T. Pinsky (the “Applicant”) to establish and operate the Haleakala Upcountry Market to sell flowers, vegetables and made-on-Maui products and to operate a food truck on land in the State and County Rural District. The site is identified for real property tax purposes by Tax Map Key Number: (2) 2-3-013:025-0001, comprising approximately 2.53 acres of land situated at Kula, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That full compliance with all applicable governmental requirements shall be rendered.

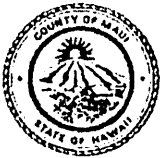
2. That the Conditional Permit shall be valid for a period of three years from the effective date of this ordinance; provided, that an extension of this Conditional Permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. 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 Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending the Applicant Haleakala Upcountry Market 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 nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance.
5. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. The low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.

7. That the Applicant shall provide one ADA accessible restroom for customers and employees and a separate hand washing station, prior to operation of either the market or the food truck.

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

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper
MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2020-0306
2020-03-25 Ordinance
CP Haleakala Upcountry Market



COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205 FAX: (808) 270-7634

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

OCT 24 2018

RECEIVED

APPLICATION TYPE: CONDITIONAL PERMIT

DATE: October 22, 2018

PROJECT NAME: Haleakala Uplcountry Market VALUATION: \$ 0

PROPOSED DEVELOPMENT: Retail Market selling flowers

vegetables and made in Maui products. Steuz Maui Burgers food

TAX MAP KEY NO.: 230130250001 CPR/HPR NO.: _____ LOT SIZE: 2.524 Acres trail

PROPERTY ADDRESS: 16155 Haleakala Hwy, Kula, HI. 96790

OWNER: Trina Pinsky PHONE: (B) 280-0707 (H) _____

ADDRESS: 16157 Haleakala Hwy, Kula, HI. 96790

CITY: Kula STATE: HI ZIP CODE: 96790

OWNER SIGNATURE: Trina Pinsky

APPLICANT: Trina Pinsky

ADDRESS: 16157 Haleakala Hwy

CITY: Kula STATE: HI ZIP CODE: 96790

PHONE (B): 280-0707 (H): _____ FAX: _____

APPLICANT SIGNATURE: Trina Pinsky

AGENT NAME: n/a

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE (B): _____ (H): _____ FAX: _____

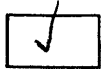
EXISTING USE OF PROPERTY: Dwelling

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Urban/Rural

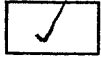
COMMUNITY PLAN DESIGNATION: Rural area ZONING DESIGNATION: P-1 / R40.5 Rural

OTHER SPECIAL DESIGNATIONS: _____

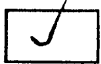
CONDITIONAL PERMIT APPLICATION
REQUIRED SUBMITTALS



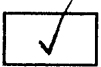
1. Evidence that the applicant is the owner or lessee of record of record of the real property to be reclassified.



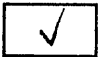
2. A notarized letter of authorization from the legal owner if the applicant is not the owner.



3. List of landowners and recorded lessees of real property within a 500-foot radius of the subject parcel. This list should be obtained from the most current available list at the Maui County Department of Finance, Real Property Division. This list should include the tax map key numbers and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the 500 feet notification boundary and the parcels affected.



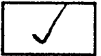
4. Original + 1 copy of the completed Application Form.



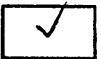
5. Reasons justifying the request (original + 1 copy).



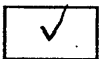
6. Original + 1 set of a plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structure(s), (architectural plans to include elevation, sections, floor plan, etc.), driveway access, parking area, etc.



7. Photographs (preferably slides) of the project site.



8. **Non-refundable filing fee** (see Fee Schedule, Table A), payable to *County of Maui, Director of Finance*.



9. **Zoning & Flood Confirmation form** (pg 7) completed and signed by Planning Department.

An original + 1 collated copy of Items 4-6 should be submitted for Planning Department's review as to completeness for agency review. When the application is deemed complete for agency review, the Planning Department will contact the applicant to submit the number of copies needed for agency transmittal.

Date: 10/24/2018

TO: Owner/Lessee

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Conditional Permit at the following parcel(s):

1. Tax Map Key: (2) 2-2-3-013:025
2. Location: In the vicinity of Kula, Maui
3. Zoning Designation: RU 05 Rural District
4. Proposed Use: Retail Market selling made in Hawaii products, flowers and vegetables grown on farm, as well as a Food Truck on location.

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

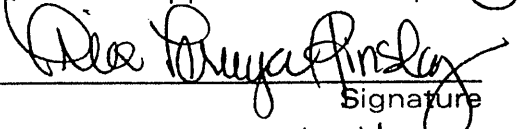
PLANNING COMMISSION: _____
PUBLIC HEARING DATE: _____
TIME: _____
PLACE: _____

Attached please find a map identifying the location of the specific parcel(s) being considered in the above-referenced request.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 19 of the Maui County Code and the appropriate Planning Commission Rules.

Testimony relative to this request may be submitted in writing to the appropriate Planning Commission, c/o the Maui Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii; Telephone: (808) 270-8205; toll free from Molokai 1-800-272-0117, Extension 8205; and toll free from Lanai 1-800-272-0125, Extension 8205.

Trina Teruya Pinsky
Name of Applicant/Please print

Signature
116155 Haleakala Hwy
Kula, HI. 96790
Address
(808) 280-0707
Telephone

ATTACHMENT E

NOTARIZED AFFIDAVIT OF MAILING OF
NOTICE OF PUBLIC HEARING

Trina Teruya Pinsky, being first duly sworn, on oath, deposes and says:

1. Affiant is the applicant for a Conditional Permit
for land situated at 16155 Haleakala Hwy, Kula 96790
TMK: (2) 2-2-3-013: 025
2. Affiant did on _____, _____, deposit in the United States
mail, postage prepaid, by certified or registered mail, return receipt requested, a copy of a
Notice of Hearing with location map, a copy of which is attached hereto as "Exhibit A" and
made a part here of, addressed to each of the persons identified in the list of recorded
owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.
3. Thereafter, there was returned to the office of Affiant the United States Post Office certified
or registered mail receipts and return receipts which are attached hereto as "Exhibit C" and
made a part hereof.

Further, Affiant sayeth naught:

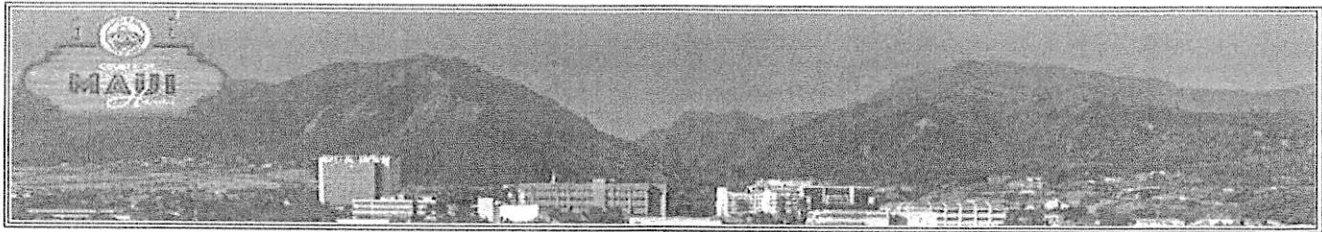
Subscribed and sworn to before me this

_____ day of _____, _____.

Notary Public, State of Hawaii

My commission expires: _____





500

Feet

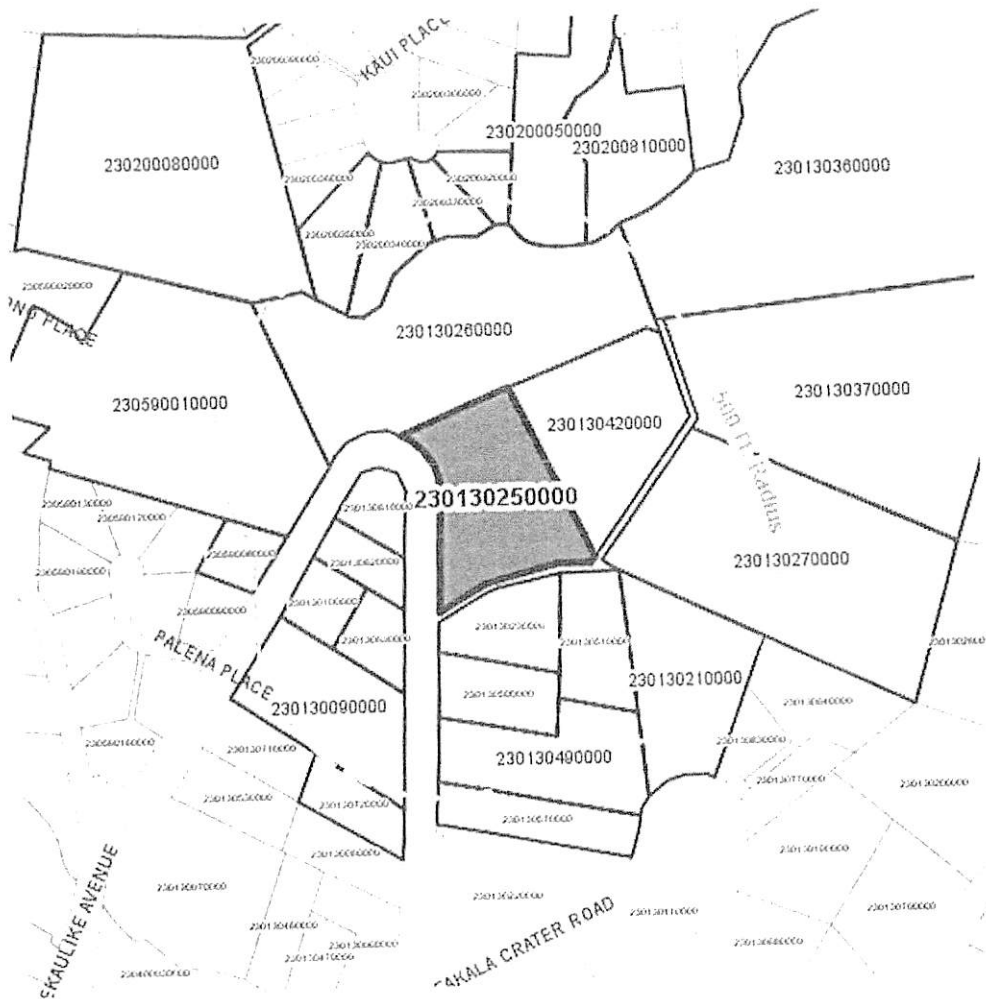
Refresh With New Distance

Print Mailing Labels at 500 Feet

Count	Parcel #	Owner	Address
1	230130090000	TAVARES, CLARENCE A TRUST	16250 HALEAKALA HWY KULA HI 96790
2	230130100000	BONNELL, BRENT T	94-1139 KAPEHU ST WAIPAHU HI 96797
3	230130210000	PATNODE, JOHN A	16547 HALEAKALA HWY KULA HI 96790
4	230130230000	SAMANG, SAILHAMO	16197 HALEAKALA HWY KULA HI 96790
5	230130250000	PROTEA ACRES CONDOMINIUM - CONDO MASTER	BLUE, GREGG 265 W KUIAHA RD HAIKU HI 96708
6	230130250001	PINSKY, TRINA	PO BOX 225 WAILUKU HI 96793
7	230130250002	BLUE, GREGG	265 W KUIAHA RD HAIKU HI 96708
8	230130250002	KARCEY, JON	16155 HALEAKALA HWY KULA HI 96790
9	230130260000	SAKAE, JEAN H REVOC LIVING TRUST	SAKAE, JEAN H TRS P O BOX 1175 WAILUKU HI 96793
10	230130260000	KAWADA, ALLAN G	1326 7TH AVE HONOLULU HI 96816
11	230130260000	KIYONAGA, STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
12	230130260000	NAKASHIMA, JOANNE Y	541 S ALU RD WAILUKU HI 96793
13	230130260000	ONO, JILL ANNE S TR	619 MAALAH I ST WAILUKU HI 96793
14	230130270000	SAKAE, JEAN H REVOC LIVING TRUST	SAKAE, JEAN H TRS P O BOX 1175 WAILUKU HI 96793
15	230130270000	KAWADA, ALLAN G	1326 7TH AVE HONOLULU HI 96816
16	230130270000	KIYONAGA, STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
17	230130270000	NAKASHIMA, JOANNE Y	541 S ALU RD WAILUKU HI 96793
18	230130270000	ONO, JILL ANNE S TR	619 MAALAH I ST WAILUKU HI 96793
19	230130360000	BOND, STEVEN R	PO BOX 329 KULA HI 96790
20	230130370000	EZAKI, GEORGE TRUST	C/O KEN S EZAKI 227 NAKOA DR WAILUKU HI 96793
21	230130420000	SAKAE, JEAN H REVOC LIVING TRUST	SAKAE, JEAN H TRS P O BOX 1175 WAILUKU HI 96793
22	230130420000	KAWADA, ALLAN G	1326 7TH AVE HONOLULU HI 96816
23	230130420000	KIYONAGA, STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
24	230130420000	NAKASHIMA, JOANNE Y	

			541 S ALU RD WAILUKU HI 96793
25	230130420000	ONO,JILL ANNE S TR	619 MAALAH ST WAILUKU HI 96793
26	230130490000	MACAHELEG,WENDY G TRUST	36 HOOLALEI WAY KIHEI HI 96753
27	230130500000	MATSUSHIMA FAMILY PROPERTY TRUST	90 NANILOA DR WAILUKU HI 96793
28	230130510000	TANAKA,MARVIN M	PO BOX 392 WAILUKU HI 96793
29	230130570000	MACAHELEG,WENDY G TRUST	36 HOOLALEI WAY KIHEI HI 96753
30	230130610000	ENRIQUEZ,RICK A	16156 HALEAKALA HWY KULA HI 96790
31	230130620000	NOLAN,ROBERT ANDREW	12375 WOODMONT DR COLORADO SPRINGS CO 80921
32	230130630000	HOLL,TERRY ANN	16200 HALEAKALA HWY KULA HI 96790
33	230130720000	EVOLUTION DEVELOPMENT LLC	415 DAIRY RD STE 215 KAHULUI HI 96732
34	230200050000	NEITZEL,KAREN TRUST	712 UPPER KIMO DR KULA HI 96790
35	230200080000	H L HOLT FAMILY LTD PTNRSH	P O BOX 367 KULA HI 96790
36	230200320000	CHANG-YUEN,TANYA K	91 KAUI PL KULA HI 96790
37	230200330000	LAU,FRANCIS K H TRUST	2318 AHAANA WAY HONOLULU HI 96821
38	230200340000	LAU,FRANCIS K H TRUST	2318 AHAANA WAY HONOLULU HI 96821
39	230200350000	TENDO,TROY LEIMANA	70 KAUI PL KULA HI 96790
40	230200810000	MICHELS,ROY	716 UPPER KIMO DR KULA HI 96790
41	230590010000	KING,ALAN B REVC TR	PO BOX 400 KALAHEO HI 96741
42	230590080000	MAEDA,CHERYL NAOMI TRUST	16007 HALEAKALA HWY KULA HI 96790







ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Trina Teruya Pinsky TELEPHONE 280-0707
PROJECT NAME Haleakala Upcountry Market E-MAIL trinadream@yahoo.com
PROPERTY ADDRESS 16155 Haleakala Highway, Kula 96790 TAX MAP KEY (2) 2-2-3-013:025

- ☐ Yes ☐ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law): _____

- INSTRUCTIONS:
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

STATE DISTRICT: ☐ Urban ☒ Rural ☐ Agriculture ☐ Conservation ☐ (SMA) Special Management Area

MAUI ISLAND Growth Boundary: ² ☐ Urban ☐ Small Town ☒ Rural ☐ Planned Growth Area ☐ Outside Growth Boundaries

PLAN Protected Area: ² ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: ² Rural

COUNTY ZONING: RU 0.5 Rural District

OTHER/COMMENTS:

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES ³ Zone X
& BASE FLOOD ELEVATIONS:

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

- ☐ (PD) Planned Development
☐ (PH) Project District
☐ See Additional Comments (Pg.2)
☐ See Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent, (LUDs appear to have NO permitted uses in common).

☐ Not Applicable, (Due to processing under consistency exemption No. ☐1, ☐2, ☐3, ☐4, ☐5).

(Signature) ☐ Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ ⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

☐ ⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ ⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
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- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030 D, Maui County Code]

REVIEWED & CONFIRMED BY:

(Signature) John S. Rapacz

(Date) 2/11/19

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

Haleakala Upcountry Market & Flower Farm

My hope is to continue the legacy that Mr. John Hirashima started over a generation ago, cultivating more beauty with floral blooms and maintaining the agriculture use of the property as a small floral and vegetable farm production. The market and food truck is a key supporter of the flower farm and vegetables by promoting and the selling of flowers and produce grown on the farm. By having the market and food truck it allows the opportunity to generate income which will substantially help grow and maintain the flower & vegetable farming operation. I believe that the Haleakala Upcountry Market, Food Truck & Flower Farm is an added value to our vibrant farming community on Maui with the message, buy local from a family farm. There by supporting a local sustainable economy.

The Market:

Is a gathering place where locals and visitors can enjoy a botanical boutique filled with farm grown flowers, locally sourced and hand crafted goods made on Maui . Our desire is to share the culture of Maui to all those who visit and appeal to the buy local audience.

The existing kitchen area will be primarily used as a work station to wash and prepare flowers for hand tied bouquets and floral arrangements and vegetables available for purchase. No commercial kitchen is needed as all food items will be prepared in a health approved commercial kitchen. The Market will include the following Hawaiiana made on Maui goods to be available to buy.

- Locally sourced planters, vases, stationary + gifts
- Artisanal + Vintage Hawaiiana home goods
- Floral bouquets, single flowers, floral arrangements
- Native starter plants
- Maui Grown Pineapples
- Farm vegetables
- Made on Maui Jams & Jellies
- Maui grown coffee beans

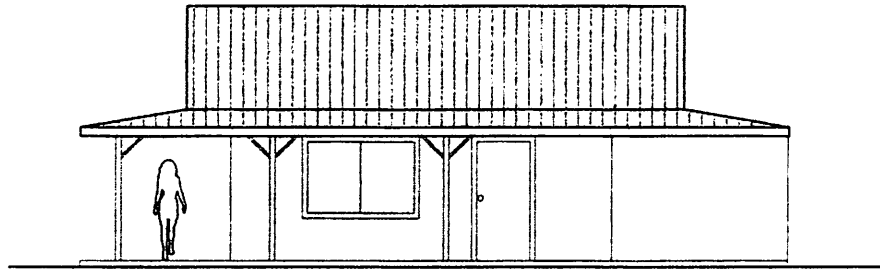
Workshops :

A small intimate gathering of hands on instruction inspired by the rich Native Hawaiian Culture and Traditions. The first two workshops will include the art of making a Haku Lei and Lauhala Bracelets. It's our desire to connect people with the beauty of the Hawaiian culture and creating a unique and memorable Maui experience.

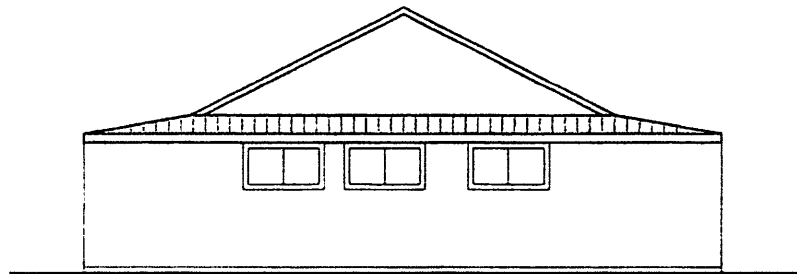
- Haku Lei
- Lauhala Bracelets

The HUM { Haleakala Upcountry Market} Food Truck

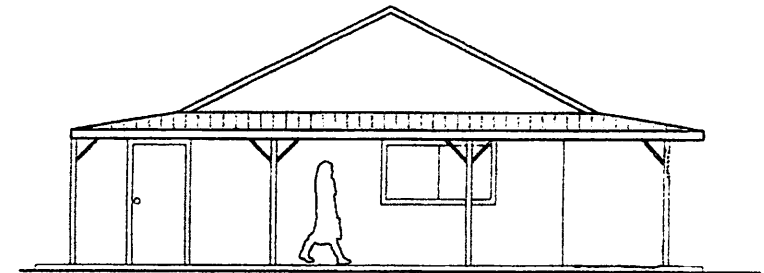
The eat local food movement continues to rise in popularity. People are aware that locally grown and in season produce taste better and is fresher. They are eager to support the local economy and community by choosing local ingredients in their meals. The HUM Food Truck will present a farm to table experience by using the vegetables grown on the farm, namely lettuce, onions, herbs, pumpkins and tomatoes in it's menu selections. We believe in being a good neighbor and partnering with other farmers in the upcountry area by buying their fresh and organic produce and products to use as part of our menu ingredients.



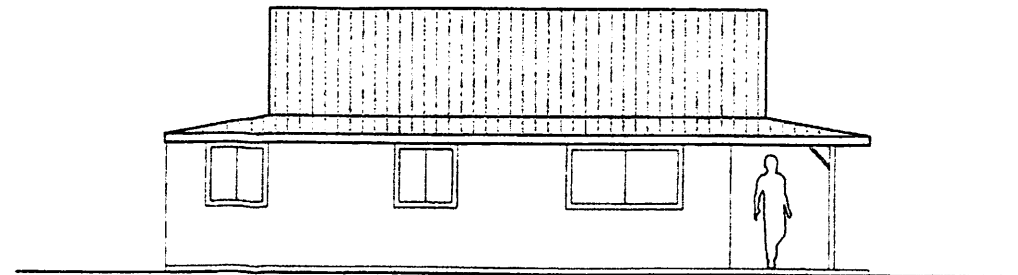
FRONT



RIGHT



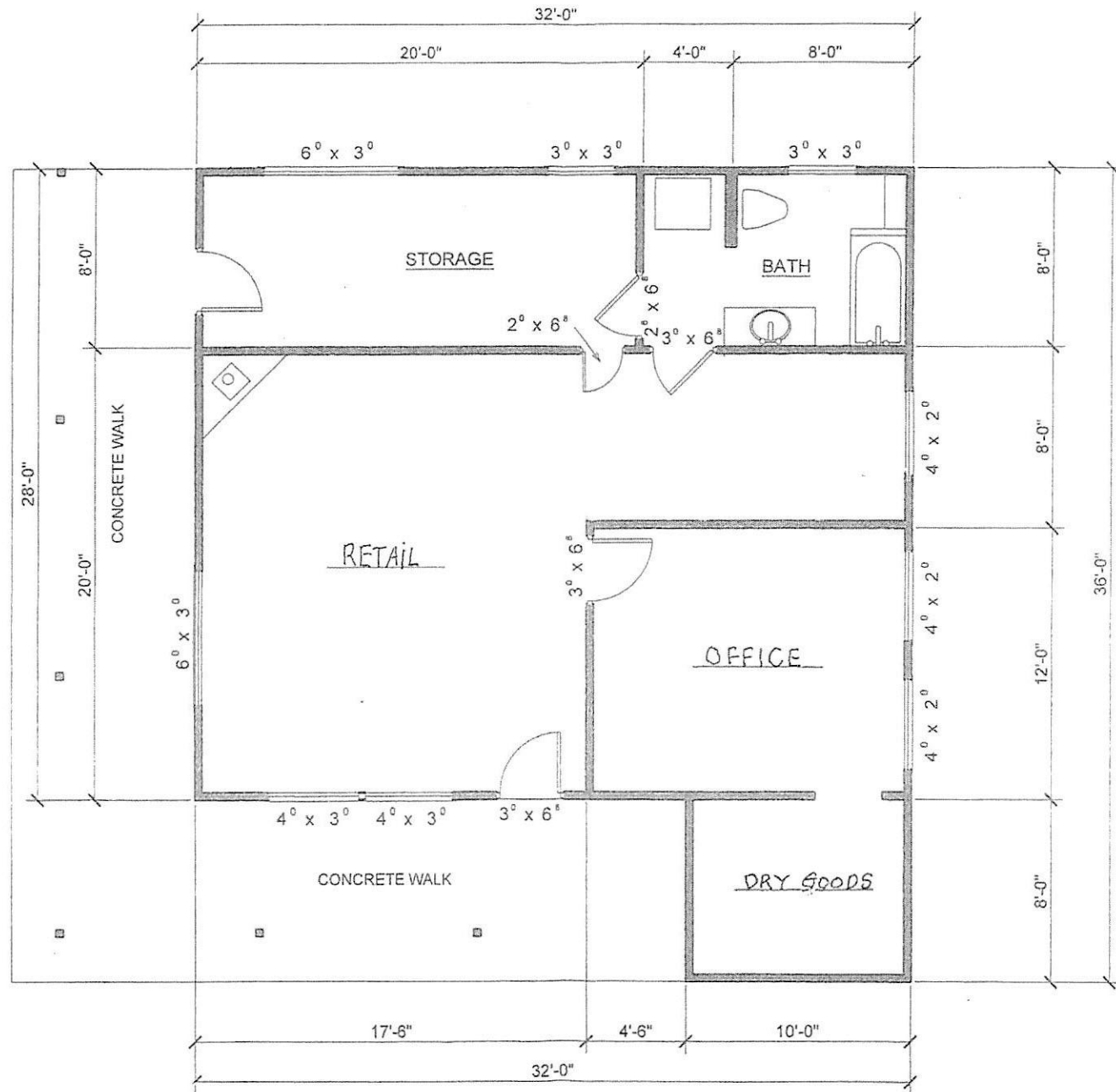
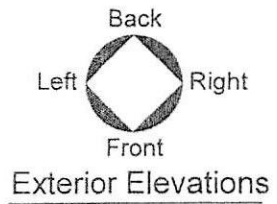
LEFT



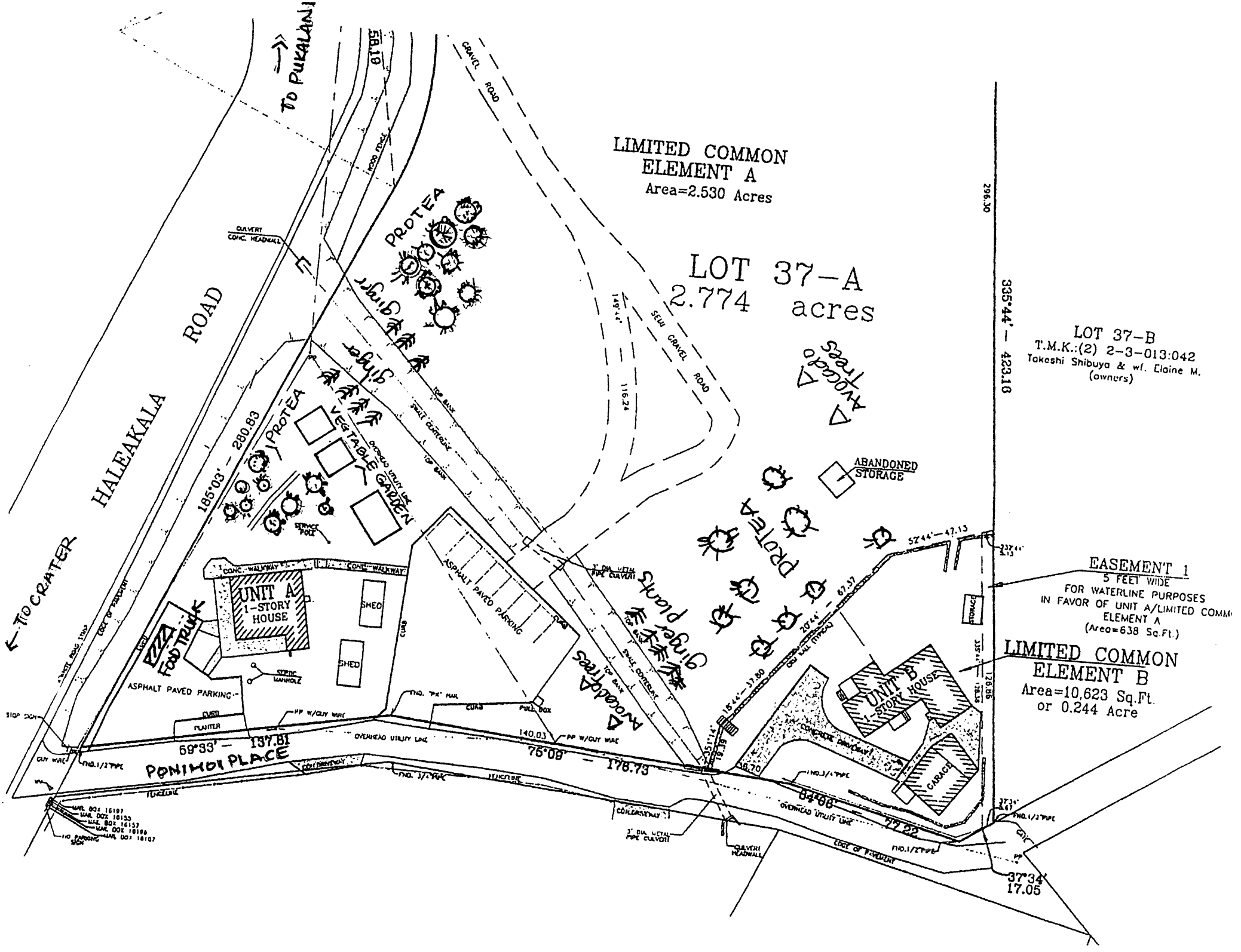
BACK

ELEVATIONS
SCALE: $\frac{1}{8}" = 1'-0"$

DOCUMENTS



FLOOR PLAN
SCALE: $\frac{3}{16}" = 1'-0"$



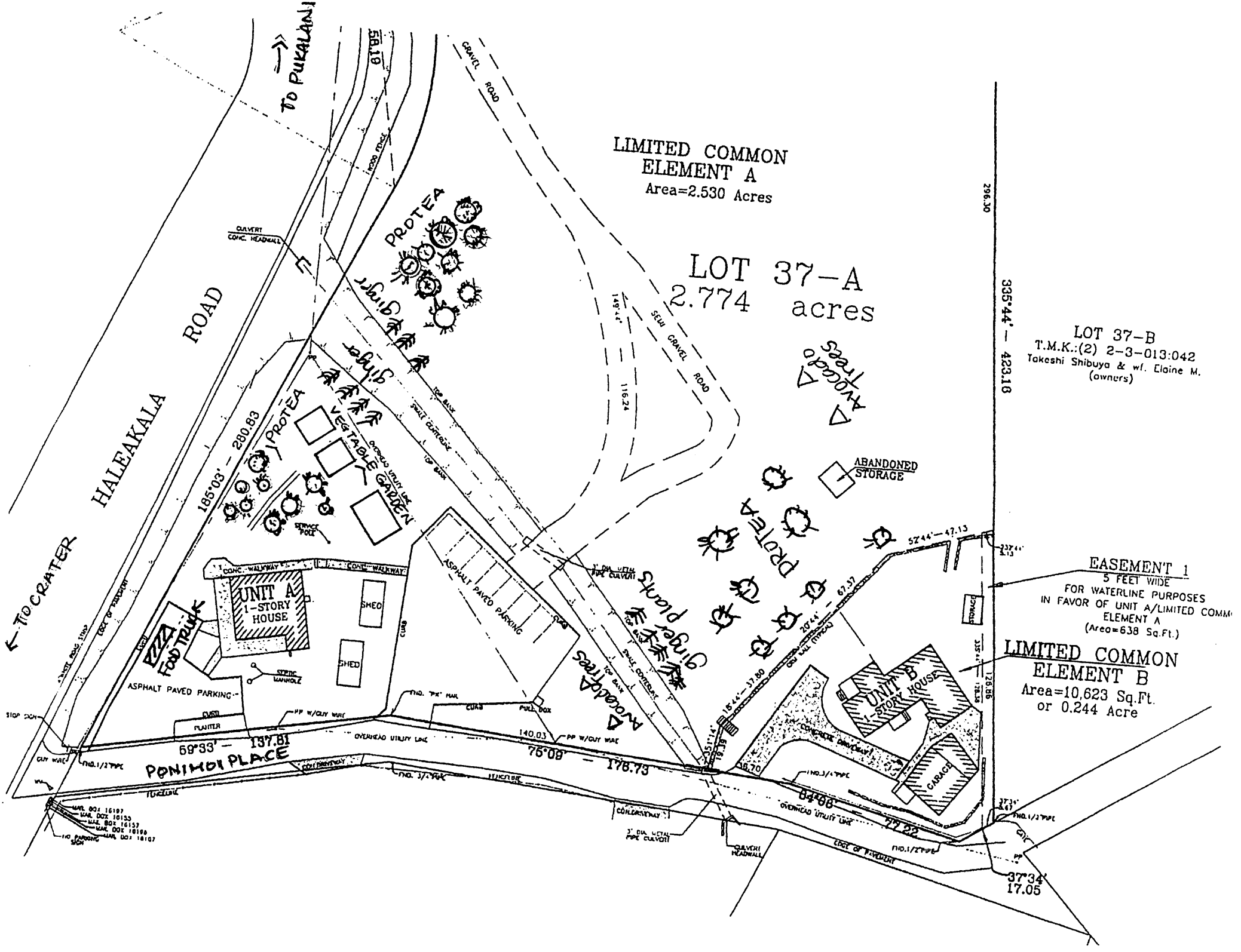
LIMITED COMMON
ELEMENT A
Area=2.530 Acres

LOT 37-A
2.774 acres

LOT 37-B
T.M.K.:(2) 2-3-013:042
Takeshi Shibuya & w/ Elaine M.
(owners)

EASEMENT 1
5 FEET WIDE
FOR WATERLINE PURPOSES
IN FAVOR OF UNIT A/LIMITED COMM
ELEMENT A
(Area=638 Sq.Ft.)

LIMITED COMMON
ELEMENT B
Area=10.623 Sq.Ft.
or 0.244 Acre



February 15, 2019

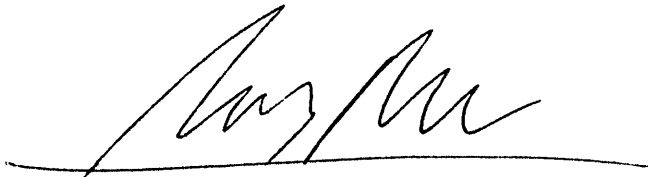
To: Maui Planning Department,

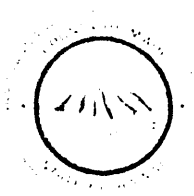
I am looking forward to the re-opening of the Market on the property I sold to Trina Pinsky at 16155 Haleakala Highway.

My long time tenant Jon Karcey and I both have encouraged them to go through the process to get the commercial permits needed.

Based on their plans there should not be any negative impact on the neighbors.
We will both support them at the Planning Commission when it comes up.

Gregg Blue
Haiku
Phone 575-9477

A handwritten signature in black ink, appearing to read 'Gregg Blue', written over a horizontal line.



COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, HI 96793
(Office) 270-8205 (Fax) 270-1775
email:

Application packet for
LAND USE COMMISSION
SPECIAL PERMIT
(SUP2)

I. SOURCES OF AUTHORITY

Sources of authority for a **Land Use Commission Special Permit (SUP2)** are listed below:

- Chapter 205, Hawaii Revised State Land Use Commission Rules of Practice and Procedure and District Regulation, as amended
- For Molokai applications, Molokai Planning Commission Rules for Special Uses in State Agricultural and Rural District.
- For Lanai applications, Lanai Planning Commission Rules for Special Uses in State Agricultural and Rural District.

Copies can be obtained at the Department of Planning at 2200 Main Street, Suite 619 in Wailuku. A PDF fillable version of this application may also be downloaded from the [County of Maui Department of Planning website](#), portion of the County's website at, [http://www.co.maui.hi.gov/planning](#).

II. PURPOSE

The purpose of the Land Use Commission Special Permit is to allow for "unusual and reasonable" uses that are other than those which are classified as permitted within the Agricultural and Rural State Land Use Districts, provided that certain criteria are met.

III. APPLICATION CONTENTS

This application packet contains the following documents:

1. Required Submittals Checklist (pg 2)
2. Land Use Commission Special Permit Application (pg 3)
3. Notice of Public Hearing (pg 4)
4. Notarized Affidavit of Mailing of Notice of Public Hearing (pg 5)
5. Zoning and Flood Confirmation Form completed and signed by Planning Dept. (pg 6)
6. Subchapter 12, Special Permits Ordinance (pg 7-8)

IV. PROCESSING PROCEDURES

Upon submittal of a Land Use Commission Special Permit Application, the Department of Planning (Department) will review it for completeness. Provided that the application is adequate and no additional information is required, the application will be transmitted to other agencies for comment. Once the comment period has ended, a public hearing will be scheduled with the appropriate Planning Commission to review and act upon the request. At least 30 days prior to the public hearing date, the applicant must mail the Notice of Public Hearing and a location map to surrounding owners and lessees via certified mail. The Department will draft a report on the application and transmit to the Planning Commission. On the date of public hearing, the Planning Commission will review and act upon the application.

REQUIRED SUBMITTALS CHECKLIST

- ☒ 1. Completed application form.
- ☒ 2. Completed Notice of Public Hearing.
- ☒ 3. Notarized Affidavit of Mailing of Notice of Public Hearing.
- ☒ 4. Zoning and Flood Confirmation Form, completed and signed by Planning Department.
- ☒ 5. Evidence that the applicant is the owner or lessee of record of the real property.
- ☒ 6. A notarized letter of authorization from the legal owner if the applicant is not the owner.
- ☒ 7. Location map identifying the site, adjacent roadways and identifying landmarks (8 1/2" x 11" format)
- ☒ 8. List of landowners and recorded lessees of real property abutting the subject parcel and across the street. This list should be obtained from the most current available list at the . This list should include the Tax Map Key number and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the adjacent parcels affected.
- ☒ 9. Photographs of the project site.
- ☒ 10. Plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structures (architectural plans to include elevation, sections, floor plans, etc.), driveway access, parking area, etc.
- ☒ 11. Reason(s) justifying the proposed use.
- ☒ 12. A report identifying reasons proposal is a "reasonable and unusual use" pursuant to
- ☒ 13. Two hard copies of entire application packet, including one original.
- ☒ 14. An electronic copy in PDF format of the completed application packet on a compact disk or flash drive.
- ☒ 15. Non-refundable filing fee (see), payable to 'County of Maui, Director of Finance.'

After the Planning Department has reviewed the application packet for suitability of transmittal to agencies, the Planning Department will contact the applicant to produce the additional sets of the application packet for agency transmittal.

LAND USE COMMISSION SPECIAL PERMIT APPLICATION (SUP2)

Please print legibly or type the following.

County Use Only

Permit Number: SUP2

PROPERTY ADDRESS & INFORMATION

Project Name: Haleakala Upcountry Market		Valuation* 696,900.
Tax Map Key No.: (2)2-2-3-013:025	CPR/HPR No.:	Lot Size: 2.524
Physical Address/Location of Project: 16155 Haleakala Hwy, Kula 96790		
Additional Location Information:		

* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed.

Describe the existing use: **Dwelling / storage**

Describe the proposed use: **Retail Market selling made in Maui Products.**

Agriculture: growing vegetables + florals. Food Truck serving Food

LAND USE DESIGNATIONS

State Land Use District Boundary:
Maui Island Plan: Rual
Community Plan: Rual
Zoning: RU 05 Rual District
Other (i.e. SMA):

CONTACT INFORMATION

APPLICANT INFORMATION			
Name(s): Trina Teruya Pinsky		Email: trinadream@yahoo.com	
Mailing Address: 16157 Haleakala Hwy Kula 96790			
Phone Number(s): (bus)	(hm)	(cell)	(fax)
		280-0707	
Signature(s): Trina Teruya Pinsky		Date: 3/11/19	

CONSULTANT INFORMATION			
Name(s): n/a		Email:	
Mailing Address:			
Phone Number(s): (bus)	(hm)	(cell)	(fax)
Signature(s):		Date:	

OWNER INFORMATION			
Name(s): Trina Teruya Pinsky		Email: trinadream@yahoo.com	
Mailing Address: 16157 Haleakala Hwy Kula 96790			
Phone Number(s): (bus)	(hm)	(cell)	(fax)
		280-0707	
Signature(s): Trina Teruya Pinsky		Date: 3/11/19	

NOTICE OF PUBLIC HEARING

DATE: _____

TO: Trina Teruya Pinsky
(Owner/lessee of record)

Please be informed that the undersigned has applied to the _____ Planning Commission for a Land Use Commission Special Permit:

- a. Tax Map Key No: (2) 2-2-3-013:025 Area of Parcel: 2.524
b. Location: In the vicinity of: Kula, Maui
c. State Land Use Designation: Rural
d. Proposed Use: Agricultural growing vegetables, florals..
Market-Retail: Food truck

TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:

Public Hearing Date: _____

Time: _____

Place: _____

Attached please find a map identifying the location of the specific parcel(s) being considered in the request for a Land Use Commission Special Permit.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 15 of the Hawaii Administrative Rules, and the Planning Commission rules.

Petitions to intervene shall be in conformity with §12-201-20, §12-201-40 and §12-201-43 of the Rules of Practice and Procedure for the Maui Planning Commission; §12-301-16, 12-301-25 and 12-301-28 of the Rules of Practice and Procedure for the Molokai Planning Commission; or §12-401-20, 12-401-40 and 12-401-43 of the Rules of Practice and Procedure for the Lanai Planning Commission. The Petition to Intervene shall be filed with the respective planning commission and served upon the applicant no less than ten (10) business days before the first public hearing date, no later than 4:30 p.m. on the day of _____. Filing of all documents with the Planning Commission shall be in c/o the Maui Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal State holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday or State holiday. When the prescribed period of time is ten days or less, Saturdays, Sundays, or State holidays within the designated period shall be excluded in the computation.

Testimony relative to this request may be submitted in writing prior to the hearing to the appropriate Planning Commission c/o the Maui Planning Department 2200 Main Street, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii; telephone (808) 270-7735; toll free from Molokai 1-800-272-0117 extension 7735; toll free from Lanai 1-800-272-0125, extension 7735.

Trina Teruya Pinsky

Name of Applicant
Trina Teruya Pinsky

Signature
16157 Haleakala Hwy, Kula 96790

Address
(808) 280-0707

Telephone

NOTARIZED AFFIDAVIT OF MAILING OF PUBLIC HEARING

Trina Teruya Pinsky, being first duly sworn, on oath,
deposes and says:

1. Affiant is the applicant for a Land Use Commission Special Permit for land situated at, TMK: (2) 2-2-3-013:025.
2. Affiant did on _____, _____, deposit in the United States mail, postage prepaid, by certified or registered mail, return receipt requested, a copy of a Notice of Public Hearing with location map, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified in the list of recorded owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.
3. Thereafter, there was returned to the Office of Affiant, the United States Post Office certified or registered mail receipts and return receipts which are attached hereto as "Exhibit C" and made a part hereof.

Further, Affiant sayeth naught.

Subscribed and sworn to me before me
this _____ day of _____,
_____.

Notary Public, State of Hawaii

My commission expires: _____

Notary Public Certification

Document Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

Notary Signature: _____

Date: _____

(stamp or seal)



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Trina Teruya Pinsky TELEPHONE 280-0707
PROJECT NAME Haleakala Upcountry Market E-MAIL trinadream@yahoo.com
PROPERTY ADDRESS 16155 Haleakala Highway, Kula 96790 TAX MAP KEY (2) 2-2-3-013:025

- ☐ Yes ☐ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law): _____

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

STATE DISTRICT: ☐ Urban ☒ Rural ☐ Agriculture ☐ Conservation

☐ (SMA)
Special
Management Area

MAUI ISLAND PLAN Growth Boundary: ² ☐ Urban ☐ Small Town ☒ Rural ☐ Planned Growth Area ☐ Outside Growth Boundaries

PLAN Protected Area: ² ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: ² Rural

COUNTY ZONING: RU 0.5 Rural T&E

OTHER/COMMENTS:

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES ³ Zone X
& BASE FLOOD ELEVATIONS:

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

☐ (PD)
Planned
Development
☐ (PH)
Project District
☐ See
Additional
Comments (Pg.2)
☐ See
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent. (LUDs appear to have NO permitted uses in common).

☐ Not Applicable. (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).

(Signature)

☐ Interim Zoning. (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ ⁴ Consistent. (LUDs appear to have ALL permitted uses in common).

☐ ⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ ⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
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- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030 D, Maui County Code]

REVIEWED & CONFIRMED BY:

John S Rapacz
(Signature)

2/11/19
(Date)

For John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division


[Recent Sales in Neighborhood](#)
[Recent Sales in Area](#)
[Previous Parcel](#)
[Next Parcel](#)
[Return to Main Search Page](#)
[Maui Home](#)

Owner and Parcel Information

Owner Name	PINSKY,TRINA Fee Owner	Today's Date	March 12, 2019
Mailing Address	PO BOX 225 WAILUKU HI 96793	Parcel Number	230130250001
Location Address	16155 HALEAKALA HWY	Parcel Map	Show Parcel Map
Neighborhood Code	2322-5	Land Area	0 Acres
Legal Information	UNIT A PROTEA ACRES CM 5530	Parcel Note	

[Generate Owner List By Radius](#)

Assessment Information

[Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2018	APARTMENT	\$ 533,900	\$ 0	\$ 533,900	\$ 163,000	\$ 696,900	\$ 0	\$ 696,900

Homestead Information

PINSKY,TRINA 2019

Current Tax Bill Information

[2018 Tax Payments](#)
[Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

Improvement Information

Building Number	Style	Year Built	Eff Year Built	Percent Complete	Living Area	Construction Type
1	Contemporary	1982	2002	100 %	976	Frame
Heating/Cooling	Exterior Wall	Bedrooms/Full Bath/Half Bath	Roof Material	Fireplace	Building Value	Sketch
	PLYWOOD	2/1/0	Corrugated metal	Yes	\$ 156,300	Sketch Building 1

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1		0x0 336 / 2	1989	100 %	\$ 3,500
1		0x0 180 / 1	1950	100 %	\$ 3,200

Sales Information

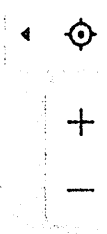
Sale Date	Price	Instrument #	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
01/23/2018	\$ 600,000	A66000033	Fee conveyance	Not open market	Apartment deed	01/26/2018		
04/28/2016	\$ 0	A59690286	Recorded document		Declaration of/Restatement of CPR	05/05/2016		

Permit Information

Date	Permit Number	Reason	Permit Amount
------	---------------	--------	---------------

No permit information associated with this parcel.

Road



ii
Kamakaou

ity
Lanaihale

Honokowai

Waihee

Paia Haiku

Lahaina

Puu Kukui
Wailuku Kahului

Makawao
Pukalani

Waikapu

Kihei

Maui

Puu Naniou

16155 Haleakala

Hwy, Kula, HI 96790
Haleakala National Park
Haleakala 10,023 ft

Home Land-AG

Kahikinui
Hawaiian
Home Land

Makena

Lua Makika

Kahoolawe

5 miles 10 km
© 2010 HERE

Kula Lodge & Restaurant

Ainakula Rd

Kulalapa Dr

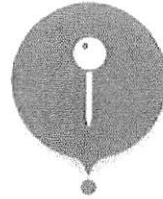
Alanuilili Pt
Meakoho Pt
Upu Pt

Kau'i Pt

Kualono Pt

Haleakala Hwy

Puanani Pt

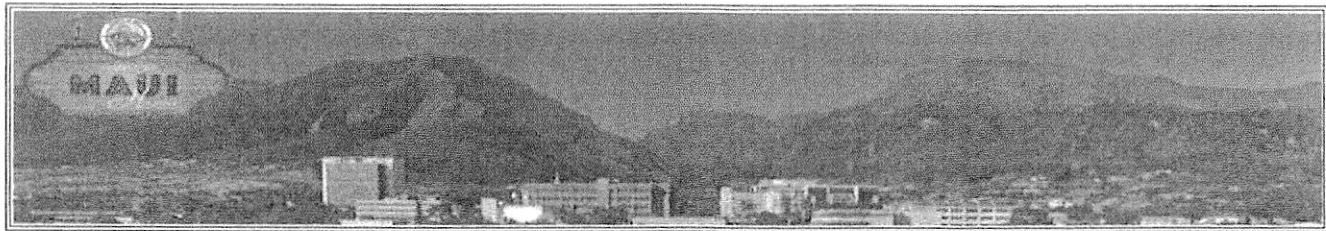


16155 Haleakala Hwy, Kula



Pulehuiki Rd

Napoko Pt



500

Feet

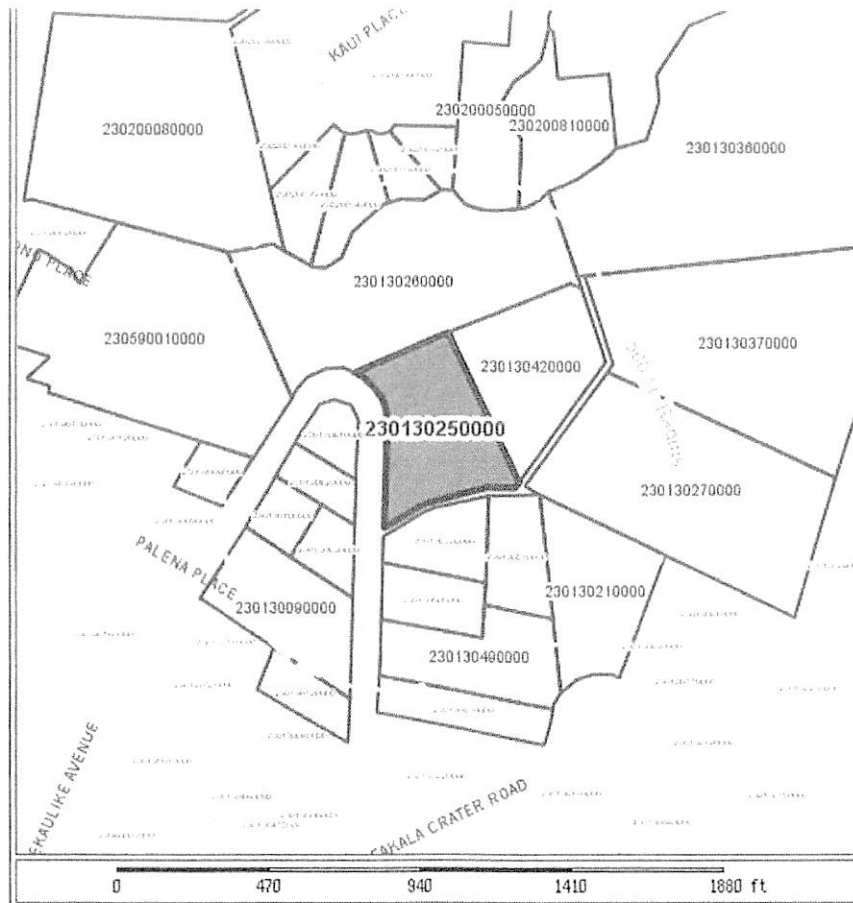
Refresh With New Distance

Print Mailing Labels at 500 Feet

Count	Parcel #	Owner	Address
1	230130090000	TAVARES,CLARENCE A TRUST	16250 HALEAKALA HWY KULA HI 96790
2	230130100000	BONNELL,BRENT T	94-1139 KAPEHU ST WAIPAHU HI 96797
3	230130210000	PATNODE,JOHN A	16547 HALEAKALA HWY KULA HI 96790
4	230130230000	SAMANG,SAILHAMO	16197 HALEAKALA HWY KULA HI 96790
5	230130250000	PROTEA ACRES CONDOMINIUM - CONDO MASTER	BLUE,GREGG 265 W KUIAHA RD HAIKU HI 96708
6	230130250001	PINSKY,TRINA	PO BOX 225 WAILUKU HI 96793
7	230130250002	BLUE,GREGG	265 W KUIAHA RD HAIKU HI 96708
8	230130250002	KARCEY,JON	16155 HALEAKALA HWY KULA HI 96790
9	230130260000	SAKAE,JEAN H REVOC LIVING TRUST	SAKAE,JEAN H TRS P O BOX 1175 WAILUKU HI 96793
10	230130260000	KAWADA,ALLAN G	1326 7TH AVE HONOLULU HI 96816
11	230130260000	KIYONAGA,STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
12	230130260000	NAKASHIMA,JOANNE Y	541 S ALU RD WAILUKU HI 96793
13	230130260000	ONO,JILL ANNE S TR	619 MAALAH I ST WAILUKU HI 96793
14	230130270000	SAKAE,JEAN H REVOC LIVING TRUST	SAKAE,JEAN H TRS P O BOX 1175 WAILUKU HI 96793
15	230130270000	KAWADA,ALLAN G	1326 7TH AVE HONOLULU HI 96816
16	230130270000	KIYONAGA,STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
17	230130270000	NAKASHIMA,JOANNE Y	541 S ALU RD WAILUKU HI 96793
18	230130270000	ONO,JILL ANNE S TR	619 MAALAH I ST WAILUKU HI 96793
19	230130360000	BOND,STEVEN R	PO BOX 329 KULA HI 96790
20	230130370000	EZAKI,GEORGE TRUST	C/O KEN S EZAKI 227 NAKOA DR WAILUKU HI 96793
21	230130420000	SAKAE,JEAN H REVOC LIVING TRUST	SAKAE,JEAN H TRS P O BOX 1175 WAILUKU HI 96793
22	230130420000	KAWADA,ALLAN G	1326 7TH AVE HONOLULU HI 96816
23	230130420000	KIYONAGA,STANLEY/JACQUELINE TRUST	539 NIPO ST WAILUKU HI 96793
24	230130420000	NAKASHIMA,JOANNE Y	

			541 S ALU RD WAILUKU HI 96793
25	230130420000	ONO,JILL ANNE S TR	619 MAALAH ST WAILUKU HI 96793
26	230130490000	MACAHELEG,WENDY G TRUST	36 HOOLALEI WAY KIHEI HI 96753
27	230130500000	MATSUSHIMA FAMILY PROPERTY TRUST	90 NANILOA DR WAILUKU HI 96793
28	230130510000	TANAKA,MARVIN M	PO BOX 392 WAILUKU HI 96793
29	230130570000	MACAHELEG,WENDY G TRUST	36 HOOLALEI WAY KIHEI HI 96753
30	230130610000	ENRIQUEZ,RICK A	16156 HALEAKALA HWY KULA HI 96790
31	230130620000	NOLAN,ROBERT ANDREW	12375 WOODMONT DR COLORADO SPRINGS CO 80921
32	230130630000	HOLL,TERRY ANN	16200 HALEAKALA HWY KULA HI 96790
33	230130720000	EVOLUTION DEVELOPMENT LLC	415 DAIRY RD STE 215 KAHULUI HI 96732
34	230200050000	NEITZEL,KAREN TRUST	712 UPPER KIMO DR KULA HI 96790
35	230200080000	H L HOLT FAMILY LTD PTNRSHIP	P O BOX 367 KULA HI 96790
36	230200320000	CHANG-YUEN,TANYA K	91 KAUI PL KULA HI 96790
37	230200330000	LAU,FRANCIS K H TRUST	2318 AHAANA WAY HONOLULU HI 96821
38	230200340000	LAU,FRANCIS K H TRUST	2318 AHAANA WAY HONOLULU HI 96821
39	230200350000	TENDO,TROY LEIMANA	70 KAUI PL KULA HI 96790
40	230200810000	MICHEL,S,ROY	716 UPPER KIMO DR KULA HI 96790
41	230590010000	KING,ALAN B REVC TR	PO BOX 400 KALAHEO HI 96741
42	230590080000	MAEDA,CHERYL NAOMI TRUST	16007 HALEAKALA HWY KULA HI 96790





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LIMITED COMMON
ELEMENT A
Area=2.530 Acres

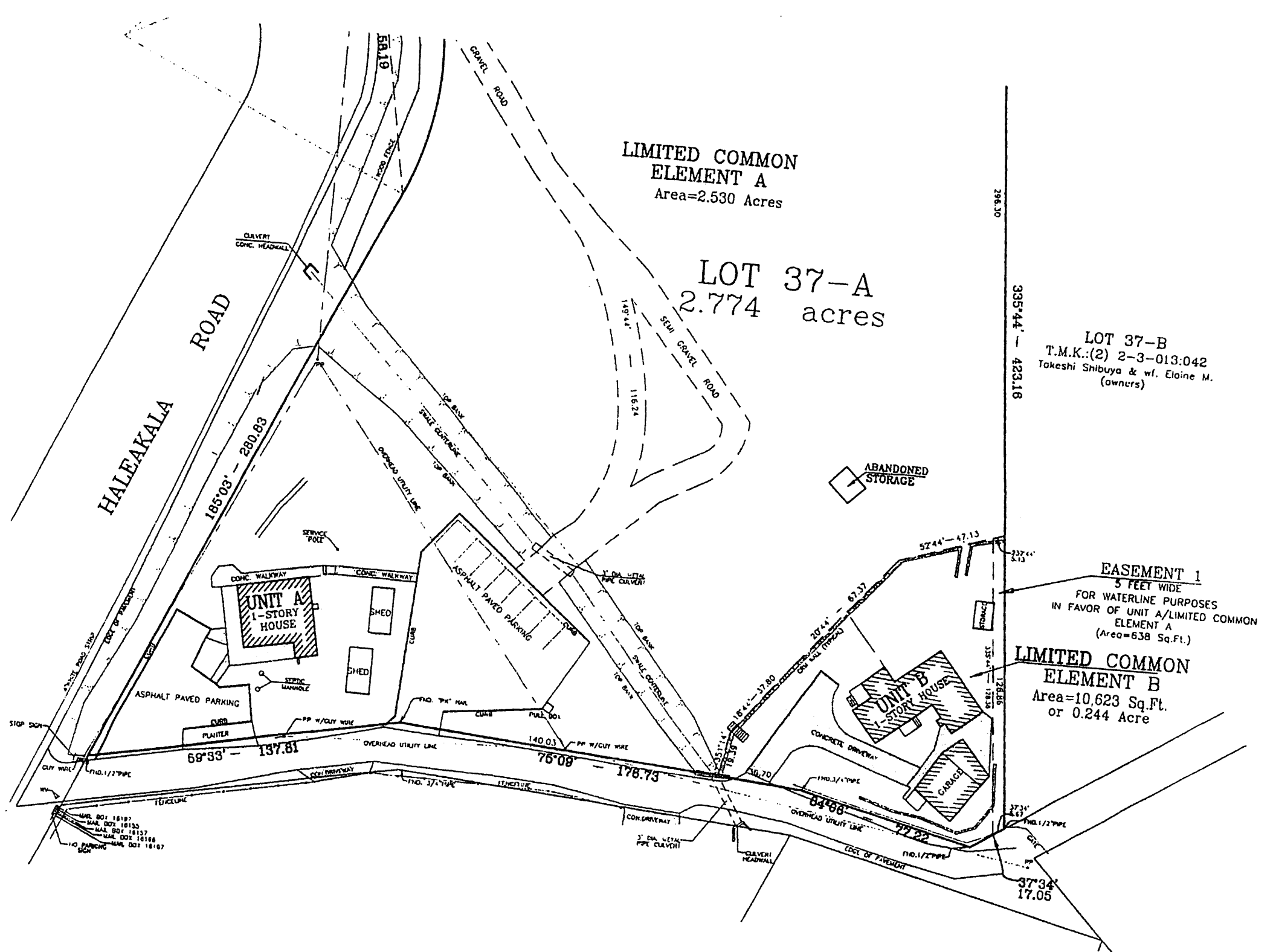
LOT 37-A
2.774 acres

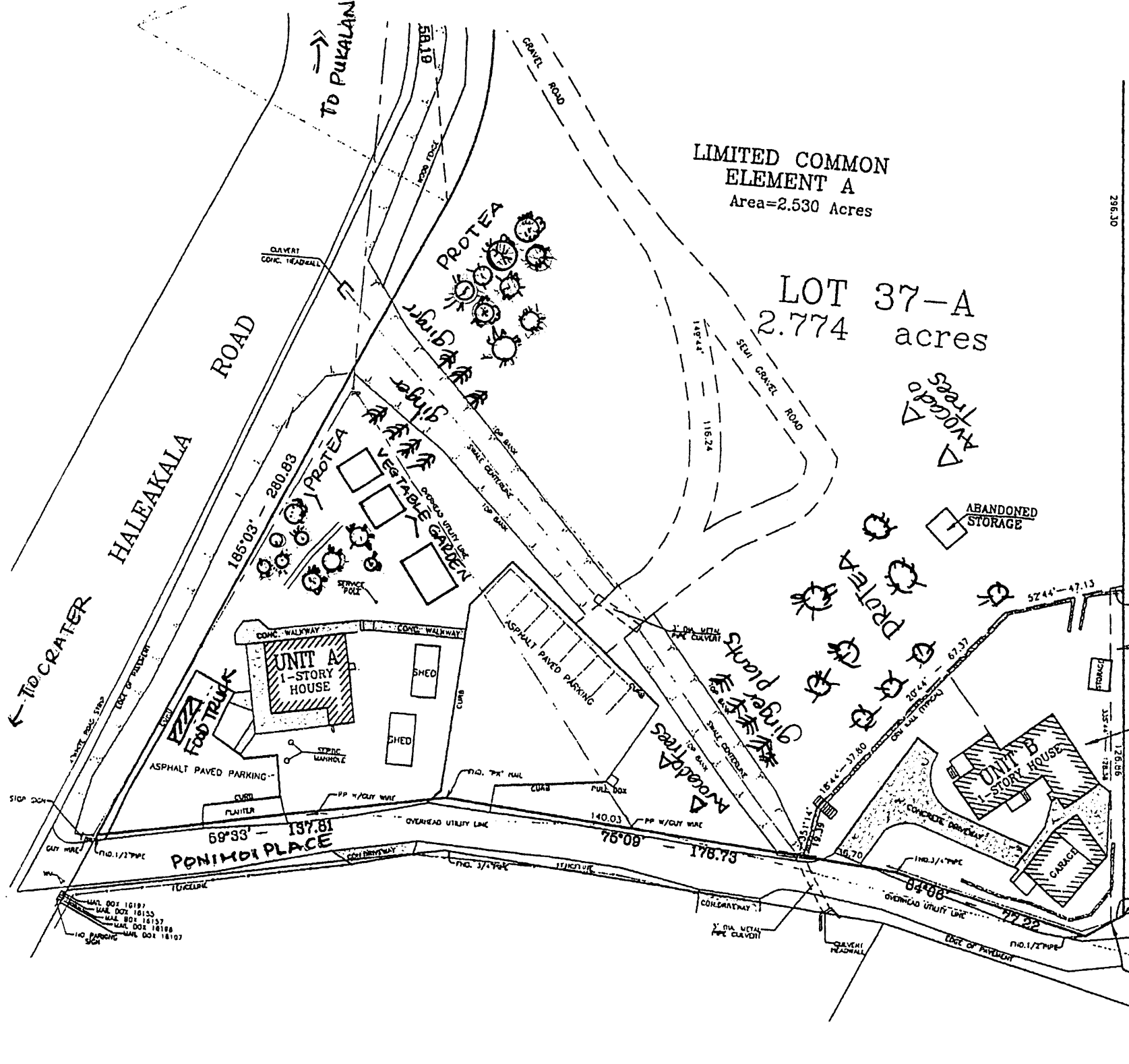
LOT 37-B
T.M.K.:(2) 2-3-013:042
Takeshi Shibuya & wf. Elaine M.
(owners)

EASEMENT 1
5 FEET WIDE

FOR WATERLINE PURPOSES
IN FAVOR OF UNIT A/LIMITED COMMON
ELEMENT A
(Area=638 Sq.Ft.)

**LIMITED COMMON
ELEMENT B**
Area=10,623 Sq.Ft.
or 0.244 Acre





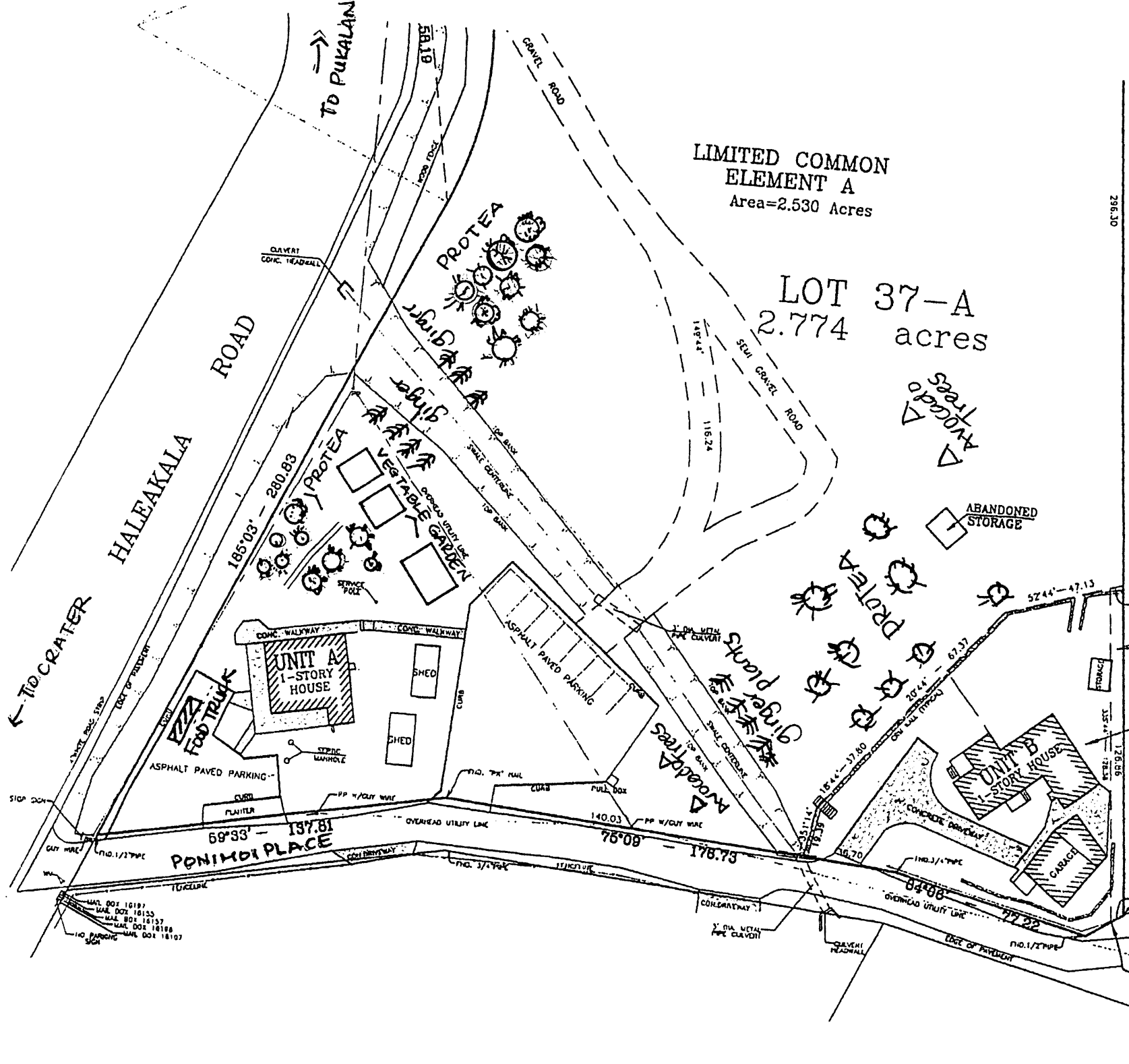
LIMITED COMMON
ELEMENT A
Area=2.530 Acres

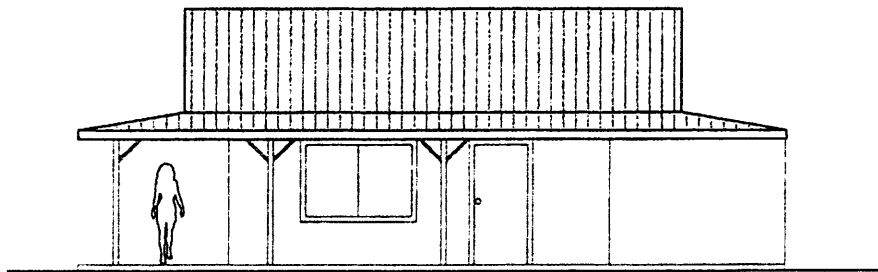
LOT 37-A
2.774 acres

LOT 37-B
T.M.K.:(2) 2-3-013:042
Takeshi Shibuya & w/ Elaine M.
(owners)

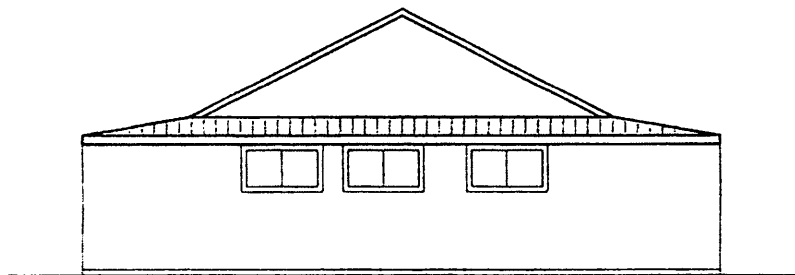
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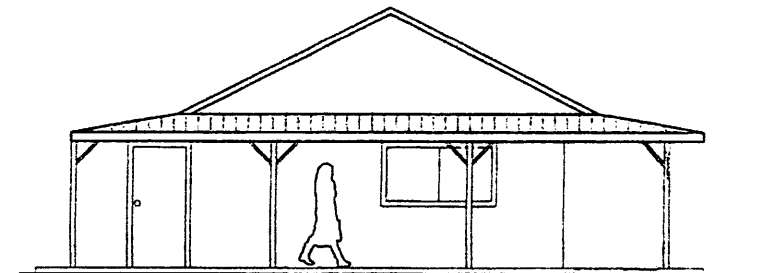




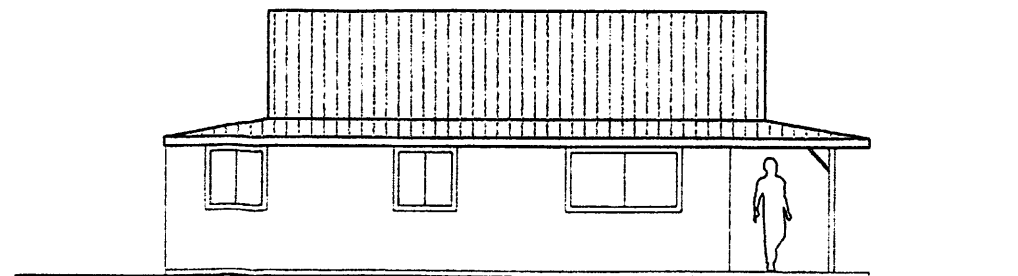
FRONT



RIGHT



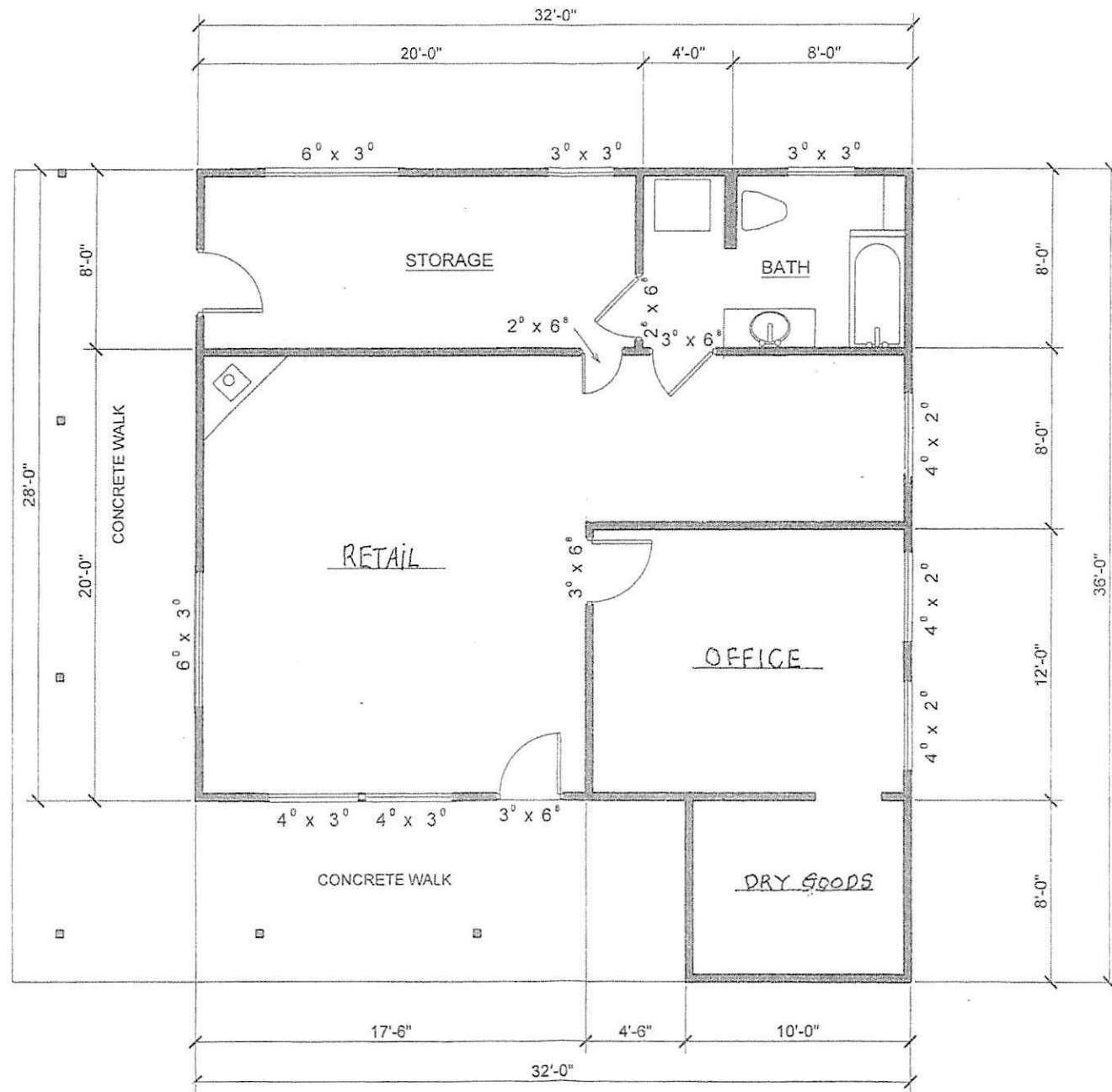
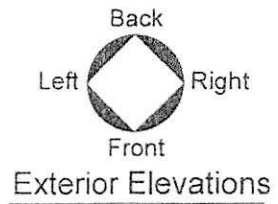
LEFT



BACK

ELEVATIONS
SCALE: $\frac{1}{8}" = 1'-0"$

DOCUMENTS



FLOOR PLAN
SCALE: 3/16" = 1'-0"

Haleakala Upcountry Market & Flower Farm

My hope is to continue the legacy that Mr. John Hirashima started over a generation ago, cultivating more beauty with floral blooms and maintaining the agriculture use of the property as a small floral and vegetable farm production. The market and food truck is a key supporter of the flower farm and vegetables by promoting and the selling of flowers and produce grown on the farm. By having the market and food truck it allows the opportunity to generate income which will substantially help grow and maintain the flower & vegetable farming operation. I believe that the Haleakala Upcountry Market, Food Truck & Flower Farm is an added value to our vibrant farming community on Maui with the message, buy local from a family farm. There by supporting a local sustainable economy.

The Market:

Is a gathering place where locals and visitors can enjoy a botanical boutique filled with farm grown flowers, locally sourced and hand crafted goods made on Maui. Our desire is to share the culture of Maui to all those who visit and appeal to the buy local audience.

The existing kitchen area will be primarily used as a work station to wash and prepare flowers for hand tied bouquets and floral arrangements and vegetables available for purchase. No commercial kitchen is needed as all food items will be prepared in a health approved commercial kitchen. The Market will include the following Hawaiiana made on Maui goods to be available to buy.

- Locally sourced planters, vases, stationary + gifts
- Artisanal + Vintage Hawaiiana home goods
- Floral bouquets, single flowers, floral arrangements
- Native starter plants
- Maui Grown Pineapples
- Farm vegetables
- Made on Maui Jams & Jellies
- Maui grown coffee beans

Workshops :

A small intimate gathering of hands on instruction inspired by the rich Native Hawaiian Culture and Traditions. The first two workshops will include the art of making a Haku Lei and Lauhala Bracelets. It's our desire to connect people with the beauty of the Hawaiian culture and creating a unique and memorable Maui experience.

- Haku Lei
- Lauhala Bracelets

The HUM { Haleakala Upcountry Market} Food Truck

The eat local food movement continues to rise in popularity. People are aware that locally grown and in season produce taste better and is fresher. They are eager to support the local economy and community by choosing local ingredients in their meals. The HUM Food Truck will present a farm to table experience by using the vegetables grown on the farm, namely lettuce, onions, herbs, pumpkins and tomatoes in it's menu selections. We believe in being a good neighbor and partnering with other farmers in the upcountry area by buying their fresh and organic produce and products to use as part of our menu ingredients.

In accordance to Section 205 Special Permit, Hawaii Revised Statutes, states certain "unusual and reasonable" uses within the agriculture district other than those uses for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

- (1) The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

Response: The purposed use involves supporting the education and preservation of Native Hawaiian products and flora in the market portion of the property. The subject property is suited for agriculture use and is a reviving protea farm. Historically, since 1983-2012 the interest property has been an established flower farm and thriving market. The use of the property for agriculture and related operations is considered important to the welfare interests of the island residents and bringing awareness and innovation to the community, providing employment opportunities to people who may not be employed by larger operations.

- (2) The desired use will not adversely affect the surrounding property.

Response: During the 30 years of operation as a flower farm and market, between the years of 1983-2012, there was no record of any complaints whatsoever. On the contrary, it will prevent squatters from devaluing the land as well as providing sustainability and continuing the farming operation that once was there. By providing protea flowers and their products and arrangements thereof, the farm will beautify and enhance surrounding properties.

- (3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

Response: There are existing roads and streets that are in good condition and established. The County of Maui serves the water needs of the property and because the protea plant is drought resistant, so minimal water is necessary. There will be no housing associated with the existing /proposed use and would not require school improvements, nor create an increase in children attending public school. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

- (4) Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established;

Response: Smart growth principles provide for small local markets in rural area serving the immediate community. At present there are a few food trucks in Kula; however, our goal is to provide a farm to table concept using a food truck. The vegetables grown on the land will provide ingredients for the menu of the food truck.

Our goal is to provide locally grown protea and organically grown farm vegetables, leaving no carbon footprint. Being a good neighbour, our agriculture, floral and market products will save time and gas for Kula residents.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Response: The land on which the proposed use is sought has experienced a seven year interruption of operation of the flower farm and market. Because of this there is a greater demand in the surrounding area. The existing and purposed use for the market and food truck will provide jobs for 5 employees with 2 in the market, 2 in the food truck and 1 in the fields, at least in the initial phase. This will support the economic growth in the community.

The portion of the market covered by this application is 976 sq. feet. The existing portion of the land for the protea and vegetables as make it suitable for the uses permitted there. It was in operation for 30 years and was well maintained, so no major changes are necessary.

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

TRINA T. PINSKY

To obtain a Conditional Permit and a State Special Permit in order to establish and operate the Haleakala Upcountry Market, to sell flowers and vegetables grown on the premises, made on Maui gifts, a food truck, and parking on approximately 2.530 acres in the State and County Rural District at Maui Tax Map Key: (2) 2-3-013:025 (por.), Kula, Island of Maui, Hawaii

DOCKET NOS. CP 2018/0003
SUP2 2019/0012

Trina T. Pinsky
Haleakala Upcountry Market
(L. Callentine)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
DECEMBER 10, 2019 MEETING

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

(Conditional Permit, Land Use Commission Special Permit)

K:\WP_DOCS\Planning\CP\2018\0003_HaleakalaUpcountryMarket\StaffReporttoDecision\MPC_Report.docx

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

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DOCKET NOS. CP 2018/0003
SUP2 2019/0012

Trina T. Pinsky
Haleakala Upcountry Market
(L. Callentine)

DESCRIPTION OF THE PROJECT

The Applicant proposes to establish a retail market in an existing single family dwelling located in Kula at 16155 Haleakala Highway (also known as Crater Road). The market will sell flowers, vegetables and made on Maui products. The market will operate in an approximately 976 square foot single family dwelling built on the property in 1982, according to the Real Property Tax Division. Also proposed is a permanent food truck. Food for the food truck will be prepared in a permitted commercial kitchen owned and operated by the Applicant as Stewz Maui Burgers, located at the Kukui Mall in Kihei. The Applicant initially planned to offer craft workshops, but has recently withdrawn this portion of the request.

According to the Applicant, the income generated by the market and food truck will help fund expansion of the flower and vegetable farming operation. See **Exhibit 1** for a location map, **Exhibit 2** for a site plan, **Exhibit 3** for a parking plan, **Exhibit 4** for a floor plan and elevations, **Exhibit 5** for an aerial photograph of the site, and **Exhibit 6** for photographs of the property, and **Exhibit 7** for a photograph of the Stewz Burgers food truck currently parked at the Kulamalu Town Center. Refer to **Exhibit 8** for a photocopy of the Department of Health food establishment permit.

Provided with the applications was the following description of the various components of the project.

"The Market:

Is a gathering place where locals and visitors can enjoy a botanical boutique filled with farm grown flowers, locally sourced and hand crafted goods made on Maui . Our desire is to share the culture of Maui to all those who visit and appeal to the buy local audience. The existing kitchen area will be primarily used as a work station to wash and prepare flowers for hand tied bouquets and floral

arrangements and vegetables available for purchase. No commercial kitchen is needed as all food items will be prepared in a State Department of Health approved commercial kitchen. The Market will include the following Hawaiiana made on Maui goods to be available to buy.

- Locally sourced planters, vases, stationary + gifts
- Artisanal + Vintage Hawaiiana home goods
- Floral bouquets, single flowers, floral arrangements
- Native starter plants
- Maui Grown Pineapples
- Farm grown vegetables
- Made on Maui Jams & Jellies
- Maui grown coffee beans

The Food Truck

The eat local food movement continues to rise in popularity. People are aware that locally grown and in season produce taste better and is fresher. They are eager to support the local economy and community by choosing local ingredients in their meals. The food truck will present a farm to table experience by using the vegetables grown on the farm, namely lettuce, onions, herbs, pumpkins and tomatoes in its menu selections. We believe in being a good neighbor and partnering with other farmers in the upcountry area by buying their fresh and organic produce and products to use as part of our menu ingredients.

- Burgers: using Maui Cattle Co. Beef
- Salads: fresh farm vegetables, Mango & Lilikoi dressing
- Drinks: lemonade infused with strawberries, lavender & honey"

The proposed market and food truck will initially provide jobs for at least five employees, with two in the market, two in the food truck, and one in the fields. As the business grows, staffing needs will be reassessed and adjusted accordingly. The market and food truck will operate seven days per week from 7:30 a.m. to 5:30 p.m.

Parking

The parking plan provides 12 spaces and a loading zone for all uses on the property. Refer to **Exhibit 3**.

In accordance with 19.36B.020, Maui County Code (MCC), as amended, "general merchandising" requires one parking space for every 500 square feet except that the minimum number of stalls shall be three. According to the Department of Finance, Real Property Assessment Division, the dwelling-to-be market is comprised of 976 square feet, therefore a minimum of three parking stalls will be required for the market.

Because the food truck will be parked on the property for more than three consecutive days, it is considered an "eating and drinking establishment" with a dining area, and must provide five parking spaces. The market itself is required to provide a minimum of three parking spaces, for a total of eight required parking spaces.

According to the Applicant, large tour buses will not be allowed on the property; however 12-seat passengers vans will be permitted.

Final parking requirements will be determined during the building permit process in accordance with Chapter 19.36B, MCC.

BRIEF HISTORY OF THE PROPERTY

1. In August 1982, a State Special Permit (SUP2) was issued for five years to John Hirashima for the operation of the Sunrise Market (SUP2 88/0008). Subsequently, in November 2002, a Conditional Permit (CP) for the market was issued for 10 years. The SUP2 permit was extended in 1987, 1992, and 1997. In June 2012 Mr. Hirashima notified the Department that he would not renew the permits.
2. The property was sold in 2014. The new owner established a condominium property regime (CPR) on the property consisting of two limited common elements, Unit "A" and Unit "B". Unit A, the subject of this report, is owned by the Applicant, and is comprised of 2.530 acres, and one single family dwelling, a carport, a shed, two open seating pavilions, and two parking areas providing at total of 12 parking stalls. Unit B, owned by another individual, is comprised of 0.244 acres, and contains a single family dwelling and garage. See **Exhibit 9** for the CPR map and plans.

DESCRIPTION OF THE PROPERTY

1. The Property is approximately 2.530 acres in area, and is located at 16555 Haleakala Highway (also known as State Highway 378, and "Crater Road") at its intersection with Ponimoi Place, approximately 1,600 feet above the intersection of State Highway 378 with State Highway 377, at Maui Tax Map Key (2) 2-3-013:025, Kula, Island of Maui, Hawaii. (See attached Location Map, **Exhibit 1**)
2. Land Use Designations --
 - a. State Land Use District -- Rural District
 - b. Maui Island Plan -- RU 0.5 Rural District, Outside Protected Areas
 - c. Makawao-Pukalani-Kula Community Plan -- Rural
 - d. County Zoning -- RU 0.5 Rural District
 - e. Other -- Flood Hazard Zone "X", Outside the SMA
3. Surrounding Uses --

North --	A mix of large and one half acre rural lots; many in use for farming
East --	A mix of large and one half acre rural lots; many in use for farming
South --	Kula Shofukuji Shingon Mission Cemetery, Hashimoto Persimmon farm
West --	Haleakala Ranch, Skyline Eco-Adventures Haleakala, Haleakala National Park
3. The property is sloped approximately 1.4 percent from east to west. The highest elevation is approximately 3,572 feet above mean sea level (AMSL) while the lowest is 3,523 feet AMSL. Approximately 30 percent of the property is partially wooded, while the balance is either planted in Protea flowers, being prepared for additional plantings of flowers and

vegetables, or open areas, and built structures. The structures on the property consist of one single family dwelling, two seating pavilions, two storage buildings, and two parking areas.

The property is located in Flood Hazard Zone X, determined to be outside the 0.2% annual chance floodplain. It is not located in either a tsunami or a dam evacuation zone.

According to the Soil Survey, the soil on the property consists entirely of soil type "KxD", or Kula loam, found on 12 to 20 percent slopes. Kula loam is characterized as well-drained, with low runoff and no flooding or ponding. The soil is not prime farmland. Refer to **Exhibit 6** for photographs of the existing property.

Requests for Service (RFS) on the property were filed in 2005, 2014, 2016 and 2018 for past owners, and are summarized in the table below.

RFS Number	Description	Status
05-0003084	Tourist buses parking within public right-of-way. A Notice of Warning was issued to John Hirashima, who closed the operation in 2012.	Done
14-0000736	Request for building permit information was fulfilled.	Done
16-0001482	Request for zoning complaint history. Fulfilled and acknowledged; no zoning complaints in past two years.	Done
18-0001894	Short-term rental without permit was being carried out by a tenant without permission by former owner.	Done

APPLICABLE REGULATIONS

Land Use Commission Special Permit

Pursuant to Section 205-6 Special permit, Hawaii Revised Statutes (HRS), the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Special permits for land the area of which is greater than fifteen acres shall be subject to approval by the land use commission.

Standards for reviewing a Land Use Commission Special Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, § 15-15-95 of the Hawaii Administrative Rules.

Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

- (1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.
- (2) The desired use would not adversely affect surrounding property;

- (3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;
- (4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;
- (5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special use permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension.

Pursuant to HRS Section 205-6 (C), the Commission must also find that the use would promote the objectives and effectiveness of Chapter 205 HRS.

Conditional Permit

A conditional permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; MCC, 1980, as amended. The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a conditional permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a conditional permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the commission shall recommend denial of the request and may instruct the Applicant to seek a change in zoning should the facts warrant such an application.

Every conditional permit shall be conditioned upon the proposed development fully complying with all requirements of title 19 and other applicable governmental requirements.

County Rural District

Chapter 19.29, MCC, regulates the County Rural District. According to the chapter, the purpose of the rural districts is, in part, to "provide low density development which preserves the rural character of certain areas; to allow small-scale agricultural uses and the keeping of animals;

and to serve as a transition between standard residential or other urban density development and agricultural lands.”

The property is 2.530 acres in size, and is zoned RU-0.5, where the minimum lot size is ½ acre. The market is not a permitted use; neither is it a special use. Thus, a Conditional Permit is required in addition to a Land Use Commission Special Permit.

PROCEDURAL MATTERS

1. On October 25, 2019, 46 days prior to the hearing, the Maui County Planning Department mailed a notice to the Applicant and appropriate state and county agencies notifying them of the scheduled public hearing.

2. On October 29, 2019, the Applicant mailed letters of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the Conditional Permit and Land Use Commission Special Permit applications, and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts are on file in the Planning Department.

3. On November 8, 2019, a notice of hearing on the applications was published in the Maui News by the Maui County Planning Department.

4. The subject application does not involve an action that triggers compliance to Chapter 343, HRS, relating to Environmental Impact Statements.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit Number
Department of Public Works	Yes	10
Applicant's Response	Yes	11
Department of Environmental Management	Yes	12
Applicant's Response	Yes	13
Department of Water Supply	Yes	14
Applicant's Response	Yes	15
Police Department	Yes	16
Applicant's Response	Yes	17
Department of Finance	No	--

State Agencies:	Comment	Exhibit Number
Department of Accounting and General Services	Yes	18
Applicant's Response, 10/18/2019	Yes	19
Department of Health, 8/27/2019	Yes	20
Applicant's Response, 10/18/2019	Yes	21
Department of Health, 9/6/2019	Yes	22
Applicant's Response, 10/18/2019	Yes	23
Applicant's Response, 10/23/2019	Yes	24

Department of Health, 10/23/2019	Yes	25
Department of Land and Natural Resources, Land Division	Yes	26
Applicant's Response	Yes	27
Department of Transportation	Yes	28
Applicant's Response	Yes	29
Office of Planning	No	--
Department of Business, Economic Development & Tourism	No	--

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth.
2. The subject property is in the State Rural District. HRS 205-5(c) provides that "Unless authorized by special permit issued pursuant to this chapter, only the following uses shall be permitted within rural districts:
 - (1) Low density residential uses;
 - (2) Agricultural uses;
 - (3) Golf courses, golf driving ranges, and golf-related facilities;
 - (4) Public, quasi-public, and public utility facilities; and
 - (5) Geothermal resources exploration and geothermal resources development, as defined under section 182-1.

The proposed uses are not consistent with the Rural designation of the property, therefore a Land Use Commission Special Permit is required and is a part of this review.

3. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that

provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The plan 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
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment
 - B. Preserve Local Cultures and Traditions
 - C. Improve Education
 - D. Strengthen Social and Healthcare Services
 - E. Expand Housing Opportunities for Residents
 - F. Strengthen the Local Economy
 - G. Improve Parks and Public Facilities
 - H. Diversify Transportation Options
 - I. Improve Physical Infrastructure
 - J. Promote Sustainable Land Use and Growth Management
 - K. Strive for Good Governance

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

THEME: Protect the Natural Environment
GOAL: Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.
Objective 1: Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations.
Policy f: *Protect the natural state and integrity of unique terrain, valued natural environments, and geological features.*

THEME: 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 2: Emphasize respect for our island lifestyle and our unique local cultures, family, and natural environment.

Policy d: *Recognize the interconnectedness between the natural environment and the cultural heritage of the islands.*

Objective 3: Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policy c: *Broaden opportunities for public art and the display of local artwork.*

THEME: Strengthen the Local Economy

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

Objective 1: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. *Support economic decisions that create long-term benefits.*
- d. *Support and promote locally produced projects and locally owned operations and businesses that benefit local communities and meet local demand.*
- f. *Encourage the businesses that promote the health and well-being of the residents, produce value-added products, and support community values.*
- i. *Support public and private entities that assist entrepreneurs in establishing locally operated businesses.*

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

The subject parcel is in the MIP Rural Growth Boundary (RGB). The purpose of rural districts is to allow for low density development that preserves the country character of the area, allows for small-scale agricultural operations, and serves as a transition between urban density development and agricultural lands.

The proposed project is in keeping with the following MIP goals, objectives, and policy:

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.

Objectives: 7.2.1 Reduce the proliferation and impact of residential development outside of urban, small town, and rural growth boundaries.

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

Policy: 7.2.2.c Use infrastructure, public service, and design standards that are appropriate to rural areas.

5. According to the Makawao-Pukalani-Kula Community Plan the property is identified for Rural uses and is consistent with the land use map of the Community Plan. The Rural designation is used to protect and preserve areas consisting of small farms intermixed with low-density single-family residential lots. It is intended that, at a minimum, the requirements of Chapter 205 HRS, as amended, shall govern these areas. The proposed action is in keeping with the following Community plan recommendations:

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:

- 3. *Protect existing agricultural operations from urban encroachment.*
- 5. *Recognize the rural, open space character of the Upcountry region as an economic asset of the island.*
- 11. *Develop a stable and balanced employment base which will provide opportunities for increasing the standard of living for all of the region's residents.*

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:

- 13. *Support requests for Special Permits in the State Agricultural and Rural Districts as follows: (a) limited public and quasi-public uses in the more remote areas; (b) public facility uses such as utility installation, landfills, and wastewater treatment plants whose location is determined by technical considerations; (c) uses which are clearly accessory and subordinate to a permitted agricultural use on the property; and (d) extractive industries, such as quarrying, where the operation does not adversely affect the natural environment or Upcountry character.*

6. Zoning – The property is located in the County Rural District, regulated by Chapter 19.29, MCC. The market is neither a permitted nor a special use; thus a Conditional Permit is required.

7. Land Use Commission Special Permit – Standards for reviewing a Land Use Commission Special Use Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, §15-15-95 of the Hawaii Administrative Rules.

The county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified.

The following are the State guidelines and the Department's findings in determining an "unusual and reasonable use":

- A. *The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.*

Applicant's Response: The proposed use involves supporting the education and preservation of Native Hawaiian products and flora in the market portion of the property. The subject property is suited for agriculture use and is a reviving Protea farm. Historically, from 1983-2012 the property has been an established flower farm and thriving market. The use of the property for agriculture and related operations is considered important to the welfare interests of the island residents and bringing awareness and innovation to the community, providing employment opportunities to people who may not be employed by larger operations.

Department's Response: Land Use Commission Special Permits may be granted in the rural district for uses other than those outright permitted, which include: (1) low density residential uses; (2) Agricultural uses; (3) Golf courses, golf driving ranges, and golf-related facilities; (4) Public, quasi-public, and public utility facilities; and (5) Geothermal resources exploration and geothermal resources development, as defined under section 182-1.

The project involves agricultural tourism, which can be considered a complementary relationship. Income from the market and food truck will be channeled into the agricultural activities on the property. The property is not located in a coastal zone. The use will take place in existing structures on the property, and does not involve any construction activities. The use as a market has already been tested at this location, and the Department is unaware of any reason why a reestablishment of the same use would render the project contrary to the objectives of HRS and the Land Use Commission, provided conditions are adhered to.

The use is not contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

- B. *The desired use will not adversely affect surrounding property;*

Applicant's Response: During the 30 years of operation as a flower farm and market, between the years of 1983-2012, there was no record of any complaints whatsoever. On the contrary, it will prevent squatters from devaluing the land as well as providing sustainability and continuing the farming operation that once was there. By providing Protea flowers and their products and arrangements thereof, the farm will beautify and enhance surrounding properties.

Department's Response: When the prior market was in operation, one complaint was filed in 2005 (RFS 05-0003084; see **Exhibit 31**). The complaint was about tour buses parking within the public right-of-way. A Notice of Warning was issued to John Hirashima, who held a Land Use Commission Special Permit and a Conditional Permit for the Sunrise Market. Mr. Hirashima closed the operation in 2012. The Applicant intends to prevent any traffic issues by prohibiting large tour buses to stop at the property, by providing adequate parking onsite, and through the use of permitted signage.

The Police Department commented that Haleakala Highway 378 (Crater Road) is heavily traveled and pedestrian crossings could become an issue. The commenting officer concluded that he "foresees no traffic hazards in the area." Refer to **Exhibit 16**.

- C. *The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;*

Applicant's Response: There are existing roads and streets that are in good condition and established. The County of Maui serves the water needs of the property and because the Protea plant is drought resistant, so minimal water is necessary. There will be no housing associated with the existing/proposed use and would not require school improvements, nor create an increase in children attending public school. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

Department's Response: The Departments of Public Works, Environmental Management, and Police expressed no concern about increased service level needs as a result of this project, and Planning staff do not anticipate the proposed use will increase the burden on public agencies. The Department of Water Supply commented that additional water uses including workshop activities, food truck operations, growing and processing vegetables, and establishing and running a market, have the potential to increase water use; however no requirement for additional service was conveyed to the Applicant. As noted earlier, the Applicant withdrew the workshop activities from consideration.

- D. *Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;*

Applicant's Response: Smart growth principles provide for small local markets in rural area serving the immediate community. At present there are a few food trucks in Kula; however, our goal is to provide a farm to table concept using a food truck. The vegetables grown on the land will provide ingredients for the menu of the food truck. Our goal is to provide locally grown Protea and organically grown farm vegetables, leaving no carbon footprint. Being a good neighbor, our agriculture, floral and market products will save time and gas for Kula residents.

Department's Response: The Department concurs that market demands have shifted, based on the desires of visitors and residents alike, to experience the unique character of Maui County's rural areas.

- E. *The land upon which the proposed use is sought is unsuited for the uses permitted within the district.*

Applicant's Response: The land on which the proposed use is sought has experienced a seven-year interruption of operation of the flower farm and market. Because of this there is a greater demand in the surrounding area. The existing and proposed use for the market and food truck will provide jobs for five employees with two in the market, two in the food truck, and one in the fields, at least in the initial phase. This will support the economic growth in the community. The existing portion of the land used for growing Protea and vegetables make it suitable for the uses permitted there. It was in operation for 30 years and was well maintained, so no major changes are necessary.

Department's Response: Because this property is located in both the State and County Rural Districts, a farm plan is not required. Approximately 1/3 of the property is heavily wooded and may be considered as a conservation use. According to the USDA Soil Survey, the soil on the property consists entirely of soil type "KxD", or Kula loam, found on 12 to 20 percent slopes. Kula loam is characterized as well-drained, with low runoff and no flooding or ponding. The soil is not prime farmland. Furthermore, the slope of the land would not be conducive for a more intensive agricultural operation. Refer to **Exhibit 6** for photographs of the existing property.

8. Conditional Permit – A conditional permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; MCC, 1980, as amended.

The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

The property is located in the RU 0.5 Rural District. The purpose of the rural districts is to provide low density development which preserves the rural character of certain areas; to allow small-scale agricultural uses and the keeping of animals; and to serve as a transition between standard residential or other urban density development and agricultural lands.

The establishment of a small rural market and food truck would be an example of low density development which preserves the rural character of the area. It allows for small-scale agricultural uses, and serves as a transition between standard residential development and agricultural lands.

According to reviewing agencies, the proposed project would not be significantly detrimental to the public interest, convenience or welfare, and would be in harmony with the area in which it is to be located.

Every conditional permit shall be conditioned upon the proposed development fully complying with all requirements of title 19 and other applicable governmental requirements.

AGRICULTURE

1. The State Department of Agriculture did not comment on the applications. The subject property is identified as State and County Rural. The Applicant is growing Protea

throughout the property, and during the staff site inspection on May 2, 2019, planting beds were being prepared for vegetable growing. A farm plan is not required for permits in the Rural District. To the extent practicable, the Applicant will expand the grow areas in the coming months and years. If the property was zoned Agricultural District, then the proposed uses could be permitted administratively as commercial agricultural structures.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

1. There are no identified archaeological, historic, or cultural resources on the property. In 1982, the Department of Planning advised that "no historical, archaeological or cultural sites are associated with the project." (Planning Department Staff Report to the Maui Planning Commission, August 12 1982). Accordingly, no impact to such resources is anticipated.
2. The Department of Land and Natural Resources, State Historic Preservation Division did not provide comments.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** -- The subject property is currently serviced by the Upper Kula system. The project overlies the Makawao aquifer, which has a sustainable yield of 7 million gallons per day (mgd), according to the Commission on Water Resource Management. The property is served by one ¾-inch meter, 4-inch water lines running adjacent to the property on two sides, and one Department of Water Supply (DWS) fire hydrant adjacent to the property. The existing farm currently utilizes 93 mgd according to DWS records, but could potentially increase with the addition of the proposed agricultural tourism activities. According to Water System Standards, 2002, State of Hawaii, agricultural and commercial demand is approximately 4,523 gallons per day. However, additional water uses include food truck operations, growing and processing vegetables, and establishing and running a market, all of which have the potential to increase water use. DWS requires that a backflow preventer shall be installed on the site, and provided recommended Best Management Practices for Agricultural Businesses. Refer to **Exhibit 14** for DWS comments. The Applicant responded to DWS comments, stating that a backflow preventer is installed on the site, and that she will implement recommended water conservation measures. See **Exhibit 15**.
2. **Sewers** -- The County of Maui does not provide wastewater treatment to this area. The subject property is serviced by an individual wastewater system (IWS) consisting of a seepage pit and 1,000 gallon septic tank. On July 24, 2013, the Department of Health (DOH) approved the IWS. Nevertheless, the Applicant will work with DOH to assure adequate wastewater capacity for the proposed project. The Applicant is also interested in exploring the use of portable toilets to service customers. See **Exhibit 25**.
3. **Drainage** -- The subject property is located in Zone X, as indicated by the Flood Insurance Rate Map (FIRM). The FIRM defines areas of the 100-year flood with base flood elevations and flood hazard factors. Zone X designations refer to areas determined to be outside the 0.2% annual chance floodplain, and base flood elevation is not calculated. Existing storm water either percolates or is handled by runoff along the natural grade of the property in a westerly direction. Neither the Department of Public Works nor the Department of Environmental Management commented on runoff or drainage from the

property. Drainage is not anticipated to be significant due to the limited development. . The drainage pattern is anticipated to be similar to the existing pattern.

4. **Roadways, Curbs, Gutters and Sidewalks** -- Access to the project site is from Haleakala Highway (also known as "Crater Road"). The pavement width is approximately 23 feet. Right-of-way width is unknown, but appears to be minimal, based on available aerial imagery. There are no curbs, gutters, sidewalks, or deceleration/acceleration lanes in the vicinity. The State Department of Transportation (DOT) commented that based on the description of the proposed operation, the proposed project does not appear to significantly impact the State highway system. DOT did caution that if there is any expansion to the operation in the future with revisions to the project, as well as any unexpected traffic issues attributed to this project, the Applicant shall mitigate them to the satisfaction of the Maui District Engineer at no cost to the State. For her part, the Applicant has stated elsewhere that no large tour buses will be allowed on the property. Refer to **Exhibits 28-29**.
5. **Electrical and Telephone** -- Overhead electrical and telephone service is available and provided to the site. No impacts are anticipated as a result of this project.
6. **Parks** -- There are several parks in the Kula region that provide recreational opportunities to the community. The nearest park facility is located at Harold Rice Park, which contains picnic area, parking and restrooms. Also nearby is Keokea Park, which provides walking paths, picnic areas, a playground, parking, and restrooms. Additionally, the Kula Community Center and Tennis Courts is located in the vicinity, and provides a community center for use by residents, classes, AA meetings, four tennis courts, a barbecue grill, three parking areas, and a Police Department substation. No impact on park facilities is anticipated.
7. **Schools** -- The Kula region is served by Kula Elementary School, Kalama Intermediate and King Kekaulike High School. The proposed project does not involved development that involves a trigger for school improvement. The Department does not anticipate any adverse impacts to educational facilities.
8. **Solid Waste** -- The nearest landfill site is Central Maui Sanitary Landfill in Puunene. No adverse impacts on solid waste resources are anticipated. The Department of Environmental Management did not comment on solid waste resources or impacts thereon.
9. **Public Services** -- Fire protection is from the Kula Fire Station located on Kula Highway. Also in the region is the Makawao Fire Station on Makawao Avenue.

The nearest Public Library is the Makawao Public Library on Makawao Avenue in Makawao Town.

The Maui Police Department is located in Wailuku, at the Wailuku Police Station on Mahalani Road. There is an unmanned substation at the Kulamalu Town Center.

The nearest hospital is located in Kula. Kula Hospital is a critical access hospital offering urgent and limited rural emergency care for Maui's growing up-country population. In addition to serving long-term care patients from all over the island, the hospital also offers a range of outpatient services, including a family medicine clinic. Full medical services

are available at the Maui Memorial Medical Center, located in Wailuku. The center provides acute, general, and emergency care services from its 231 bed facility.

No adverse impacts on police and fire protection services, or medical services are anticipated.

SOCIO-ECONOMIC IMPACTS

On a short term basis, the project is not anticipated to create any socio-economic impacts. In the long term, the proposed project will provide employment for five people, and will contribute to ongoing agricultural activities on the site.

ENVIRONMENTAL IMPACTS

There is no construction involved with the proposed project, therefore there will be no short term noise and air quality impacts during the establishment of the market and food truck.

OTHER GOVERNMENTAL APPROVALS

The Applicant will be required to obtain a certificate of occupancy prior to operation.

TESTIMONY

As of November 19, 2019, the Planning Department has received one letter in support of the project. See **Exhibit 30**.

ALTERNATIVES

Land Use Commission Special Permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. Approve With No Conditions. The Commission may take action to approve the permit request without imposing any conditions.
3. Approve With Conditions. The Commission may take action to approve the permit request with conditions.
4. Denial. The Commission may take action to deny the permit request.

Conditional permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the request.
2. Recommend Approval with no Conditions. The Commission may take action to recommend to the Maui County Council approval of the Conditional Permit without imposing any conditions.
3. Recommend Approval with Conditions. The Commission may take action to recommend

to the Maui County Council approval of the Conditional Permit with conditions.

4. Denial. The Commission may take action to recommend to the Maui County Council denial of the Conditional Permit.

CONCLUSIONS OF LAW

The applications comply with the applicable standards for conditional permits and land use commission special permits as found in HRS 205, and in Chapters 19.29 and 19.40, MCC.

RECOMMENDATION

The Maui County Planning Department recommends the Maui Planning Commission approve the Land Use Commission Special Permit, and further, recommends that the Commission recommend approval of the Conditional Permit to the Maui County Council, subject to the following conditions:

Land Use Commission Special Permit

1. That the Land Use Commission Special Permit shall be valid until December 31, 2022, or the expiration date of the Conditional Permit, whichever is later, subject to extension by the Maui County Planning Director upon a timely request for extension filed prior to its expiration. The Planning Director may forward the time-extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission.
2. That the subject Land Use Commission Special Permit shall not be transferred without the prior written approval of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Permit, a public hearing shall be held by the appropriate Planning Commission 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 Land Use Commission Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Land Use Commission Special Permit, 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 insured, insuring and defending the Applicant and the 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. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department a detailed report addressing its compliance with these conditions. Two hard copies and one digital copy by a compact disk or similar means shall be submitted. The Compliance Report shall be submitted to the Department with requests for time extension.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the Special Permit. Failure to so develop the property may result in the revocation of the permit.
7. That the conditions of this State Special Permit shall be enforced pursuant to §§205-12 and 205-13, Hawaii Revised Statutes.
8. That the Applicant shall obtain a certificate of occupancy for the proposed market prior to occupancy. A copy of the certificate shall be submitted to the Department of Planning upon issuance and prior to operation.
9. That the Applicant shall confer with the Department of Environmental Management in the event a commercial kitchen is planned on the subject property, and shall request an amendment to the subject Conditional and Land Use Commission Special Permits prior to establishing a commercial kitchen on the site.
10. That the Applicant shall provide regular maintenance of the backflow preventer installed at the property.
11. That the Applicant shall provide to the Department of Health, Maui Office, wastewater flow calculations for the proposed change in use from dwelling to market. A copy of the DOH approval shall be provided to the Department of Planning prior to operation of the market and food truck.
12. That the Applicant shall mitigate any unexpected traffic issues attributed to the subject project to the satisfaction of the Department of Transportation, Maui District Engineer, at no cost to the State.

In consideration of the foregoing, the Department of Planning recommends the Maui Planning Commission approve the Land Use Commission Special Permit with conditions, and adopt the Planning Department's Report and Recommendation prepared for the December 10, 2019 meeting as the Findings of Fact, Conclusion of Law and Decision and Order, and authorize the Director of Planning to transmit said written Decision and Order on behalf of the Planning Commission.

Conditional Permit

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for a period of three years from the effective date of this ordinance; provided, that an extension of this permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. 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 Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending the permittee and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional 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 Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
5. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
6. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.

In consideration of the foregoing, the Department of Planning recommends the Maui Planning Commission recommend approval of the Conditional Permit with conditions to the Maui County Council, and authorize the Director of Planning to transmit its recommendation to the Maui County Council, and adopt the Planning Department's Report and Recommendation prepared for the December 10, 2019 meeting as the Findings of Fact, Conclusion of Law and Decision and Order, and authorize the Director of Planning to transmit said written Decision and Order.

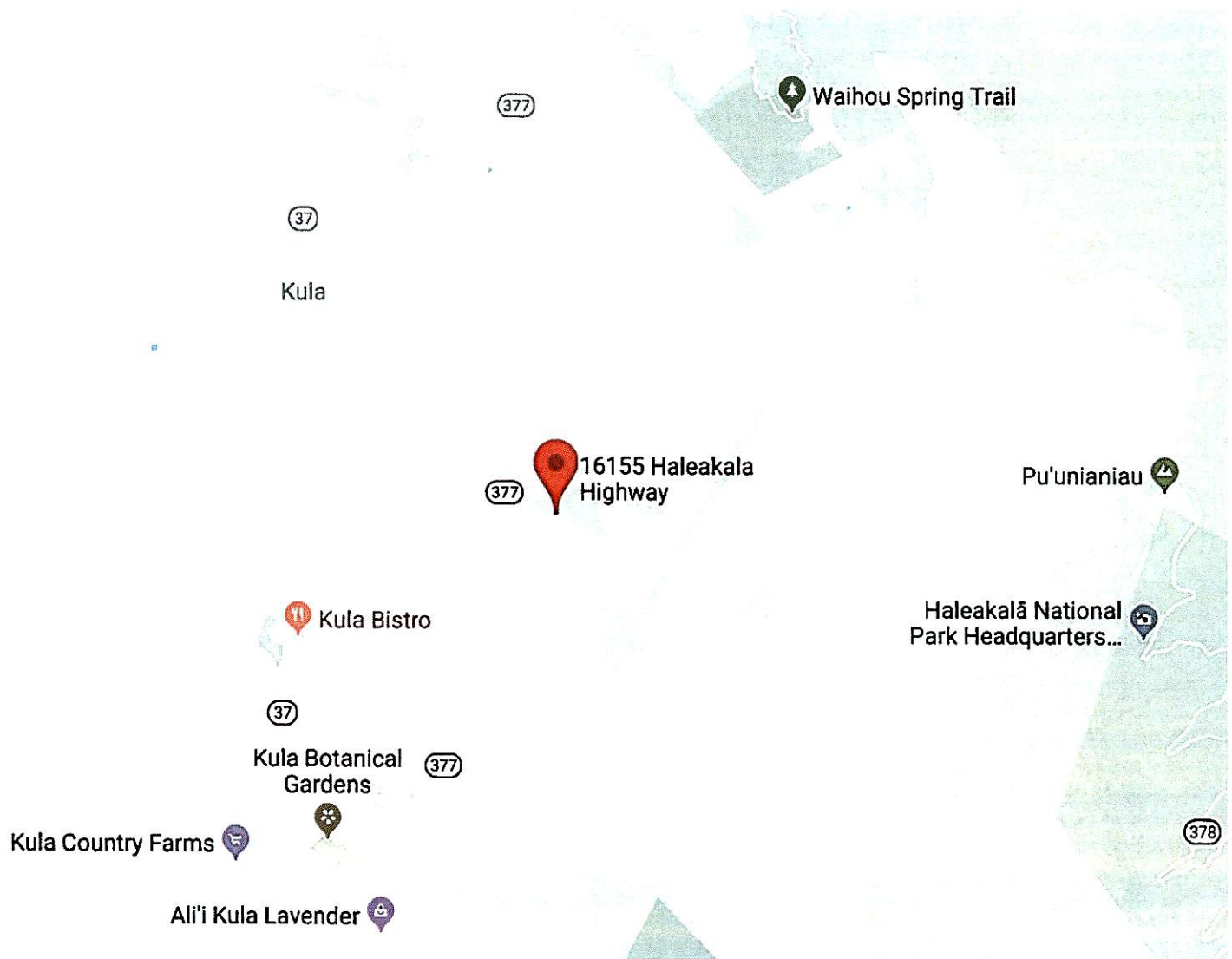
APPROVED:



MICHELE MCLEAN, AICP
Planning Director

HALEAKALA UPCOUNTRY MARKET | 16155 HALEAKALA HWY | TMK: (2) 2-3-013:025-0001
CP 2018/0003, SUP2 2019/0012

LOCATION MAP

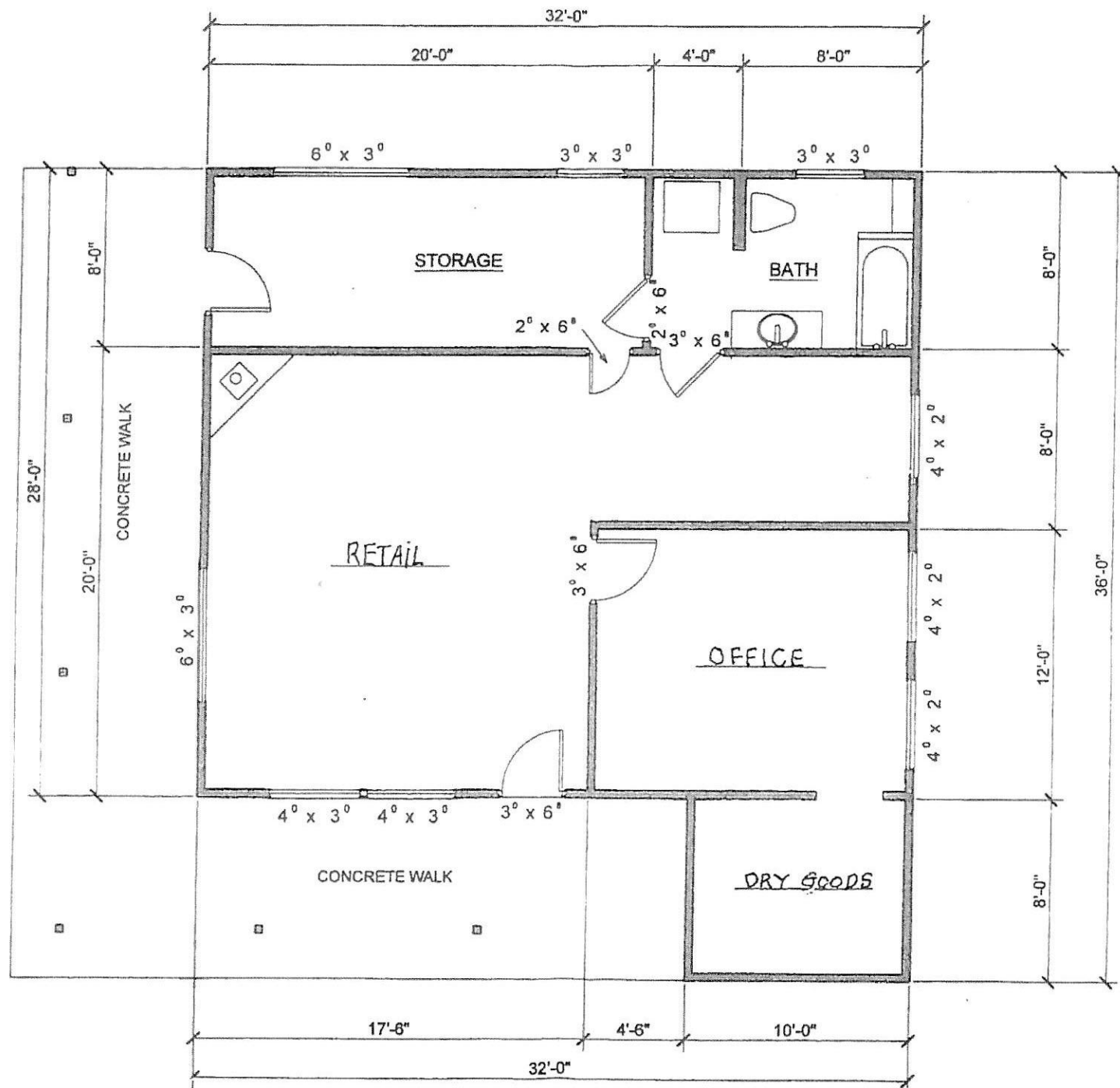


LOT 37-A
2.774 acres

EXHIBIT 2

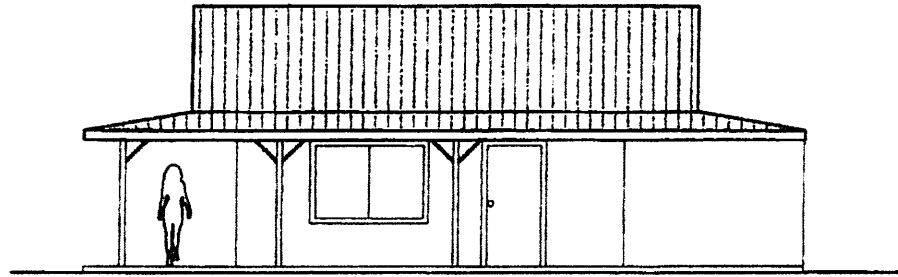
3 FEET WIDE
FOR WATERLINE PURPOSES
IN FAVOR OF UNIT A/LIMITED COMMON
ELEMENT A
(Area=638 Sq.Ft.)

**LIMITED COMMON
ELEMENT B**
Area=10.623 Sq.Ft.
or 0.244 Acre

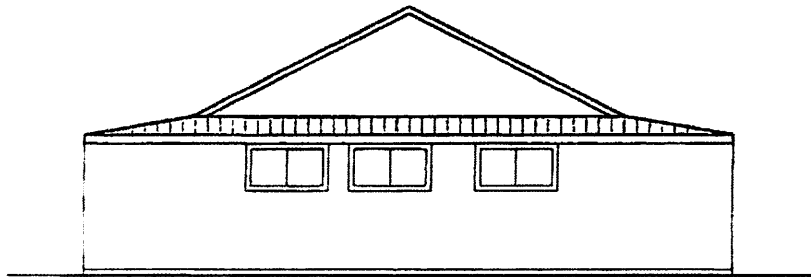


FLOOR PLAN

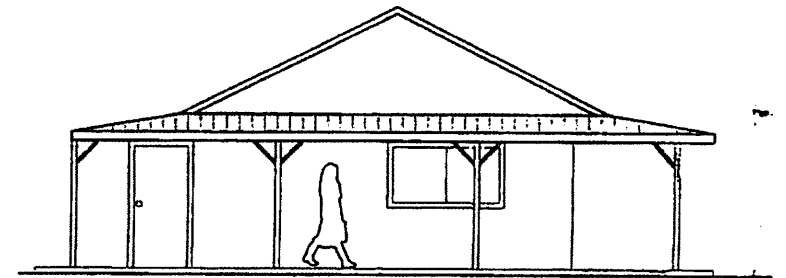
SCALE: $\frac{3}{16}" = 1'-0"$



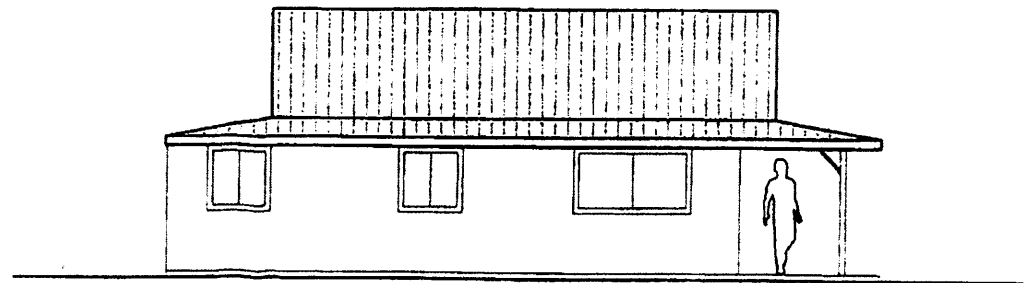
FRONT



RIGHT



LEFT



BACK

ELEVATIONS
SCALE: $\frac{1}{8}" = 1'-0"$



A-3

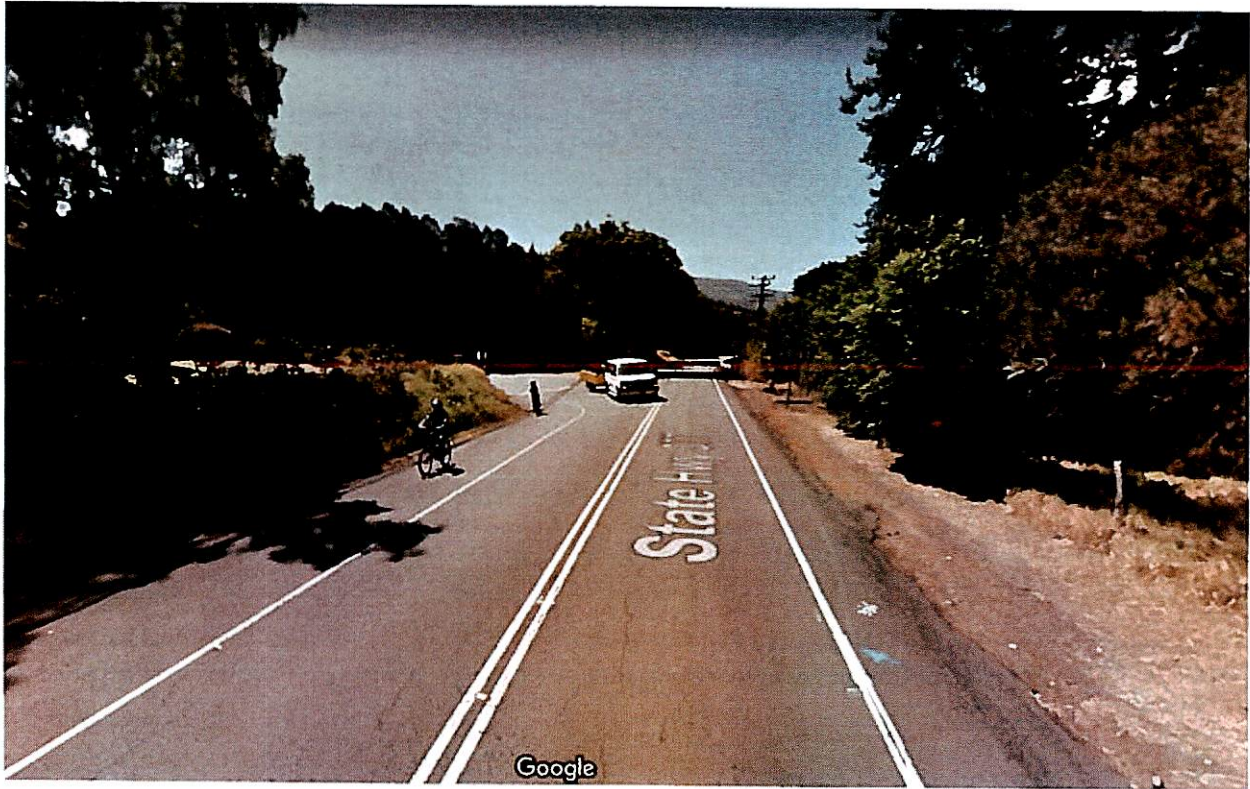
HALEAKALA UPCOUNTRY MARKET | 16155 HALEAKALA HWY | TMK: (2) 2-3-013:025
CONDITIONAL PERMIT APPLICATION #CP 2018/0003

AERIAL PHOTOGRAPH OF SITE



Photographs of Access Roads and Path of Travel

1. Traveling south along State Highway 377, approaching the turn to State Highway 378

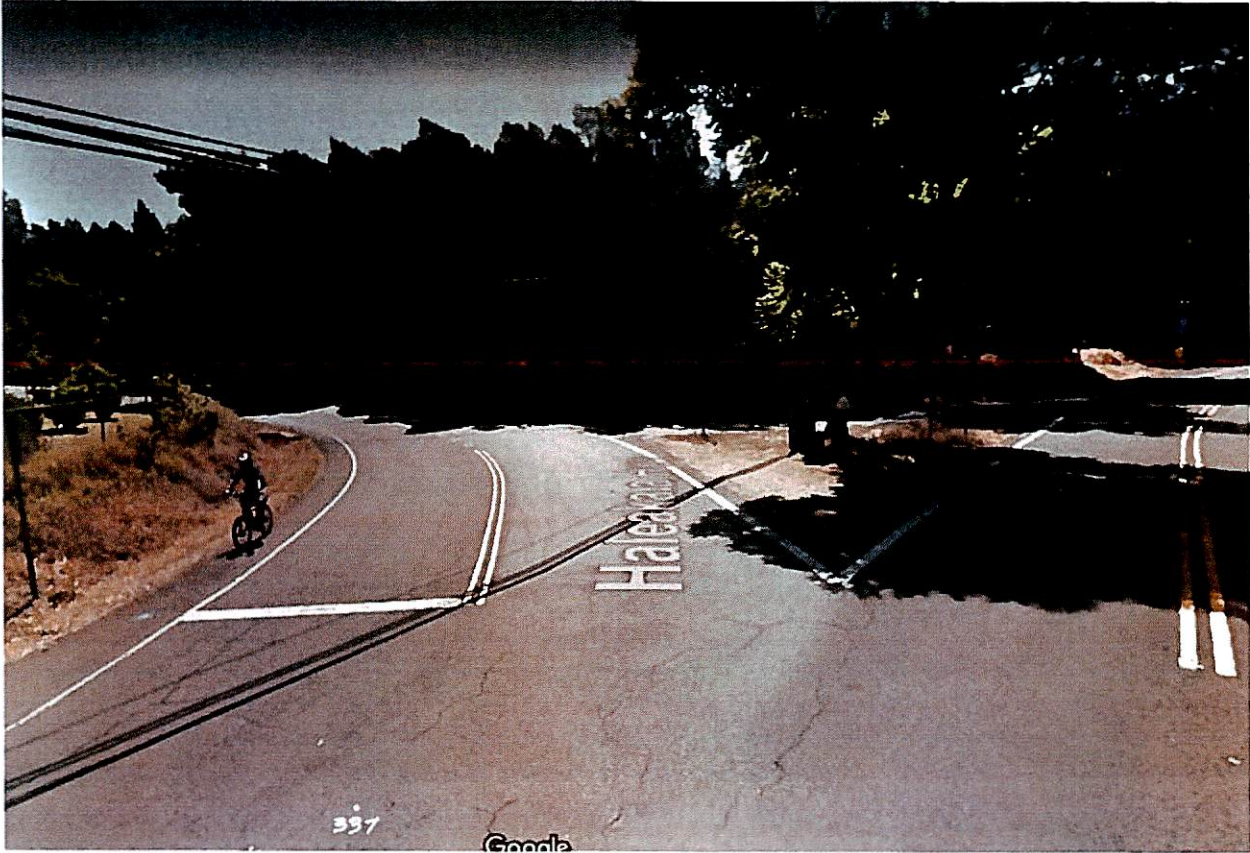


2. Approaching the turn to State Highway 378



Photographs of Access Roads and Path of Travel

3. Approaching the turn to State Highway 378



4. Traveling northeast along State Highway 378

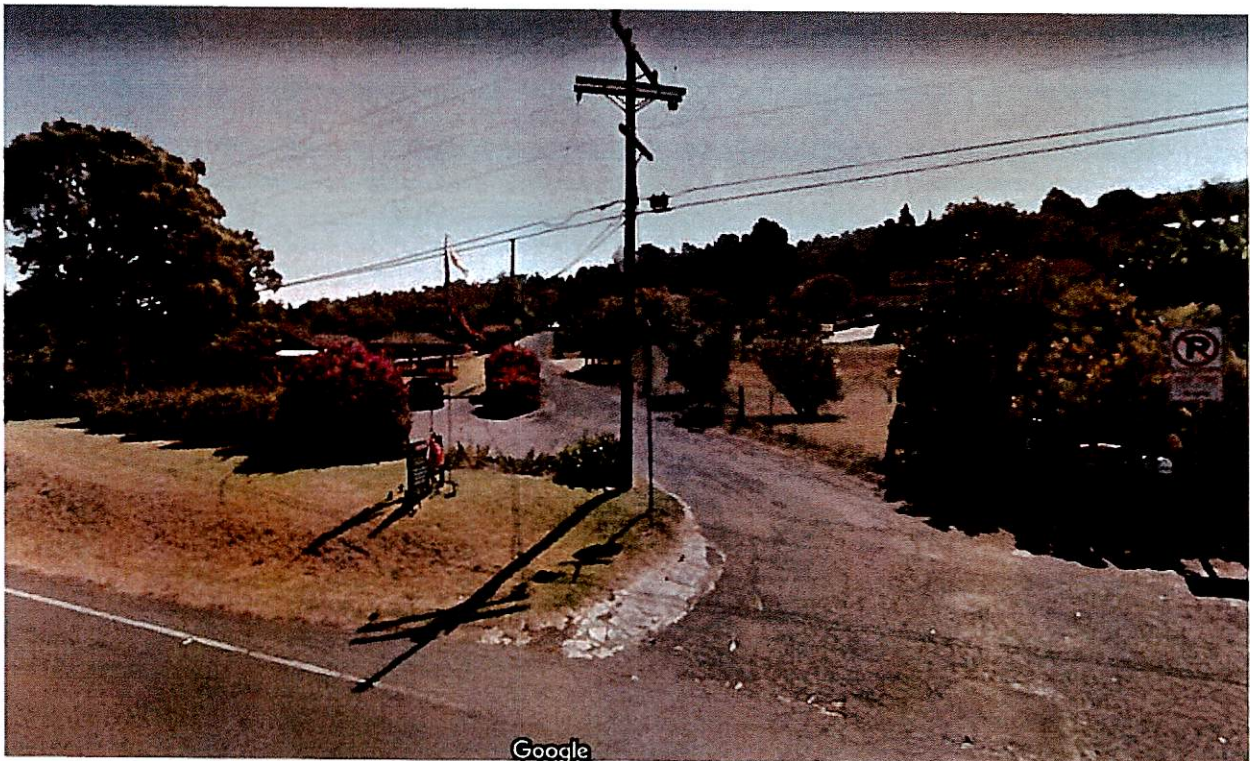


Photographs of Access Roads and Path of Travel

5. Traveling south along State Highway 378, approaching the subject property (shown on left)



6. Intersection of State Highway 378 and Ponimoi Place



Photographs of Access Roads and Path of Travel

7. Lower access to the property



Photographs of the Property

8. Future Market. Food truck to be parked on the left. Two parking stalls on right, and shown below and on next page.



9. Two parking stalls



Photographs of the Property

10. Two parking stalls available to customers.



11. Upper parking area – provides eight parking stalls; also shown on next page



Photographs of the Property

12. Upper parking area



13. View from upper parking area to pavilions and beyond, the proposed market

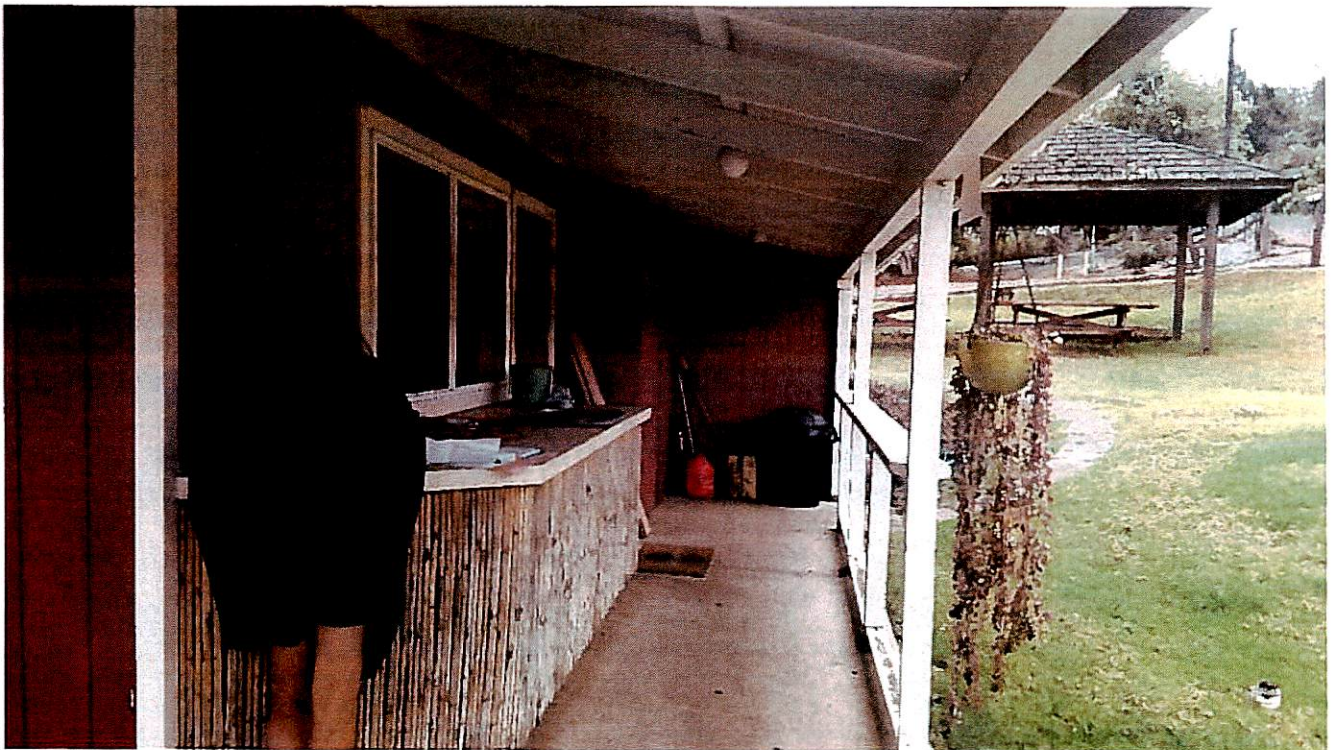


Photographs of the Property

14. Proposed market



15. Proposed market



Photographs of the Property

16. Lower storage building



17. Plantings and orchard spread throughout property

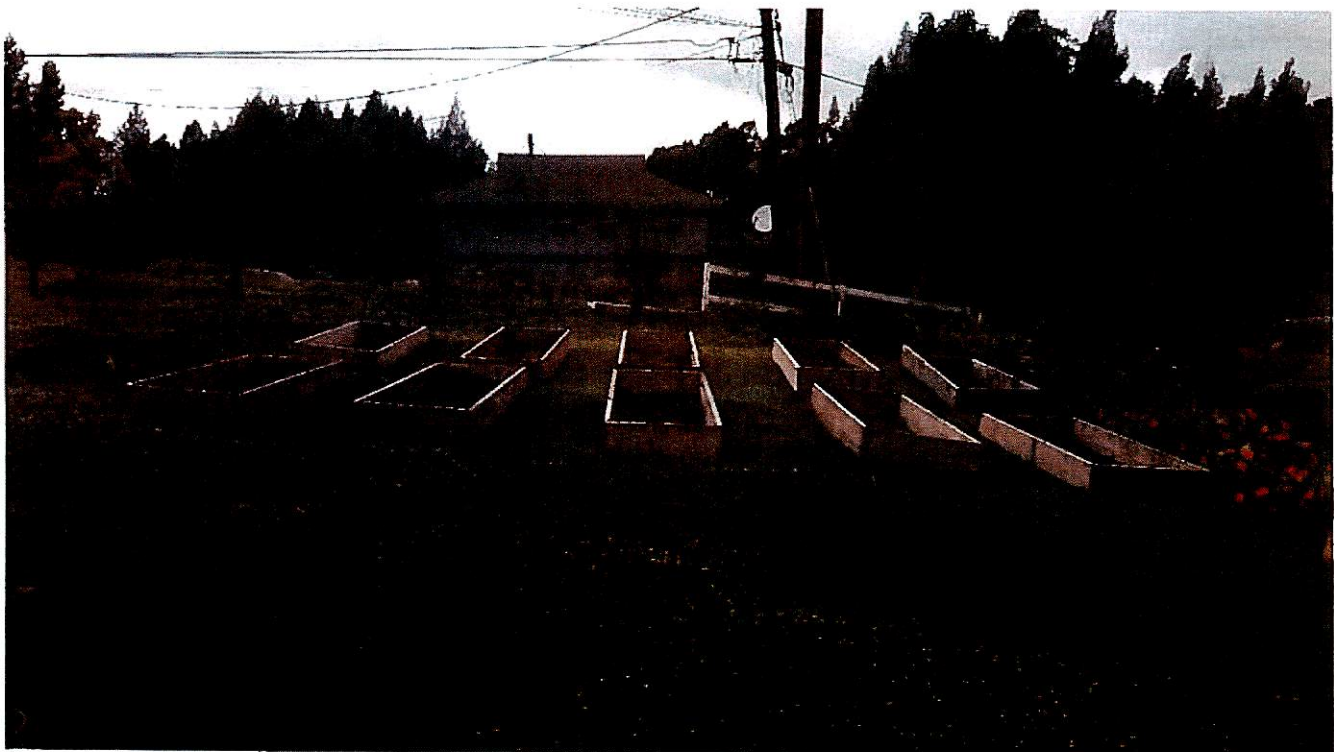


Photographs of the Property

18. Plantings on the property. Note that a large portion of the property is heavily wooded



19. Planting beds

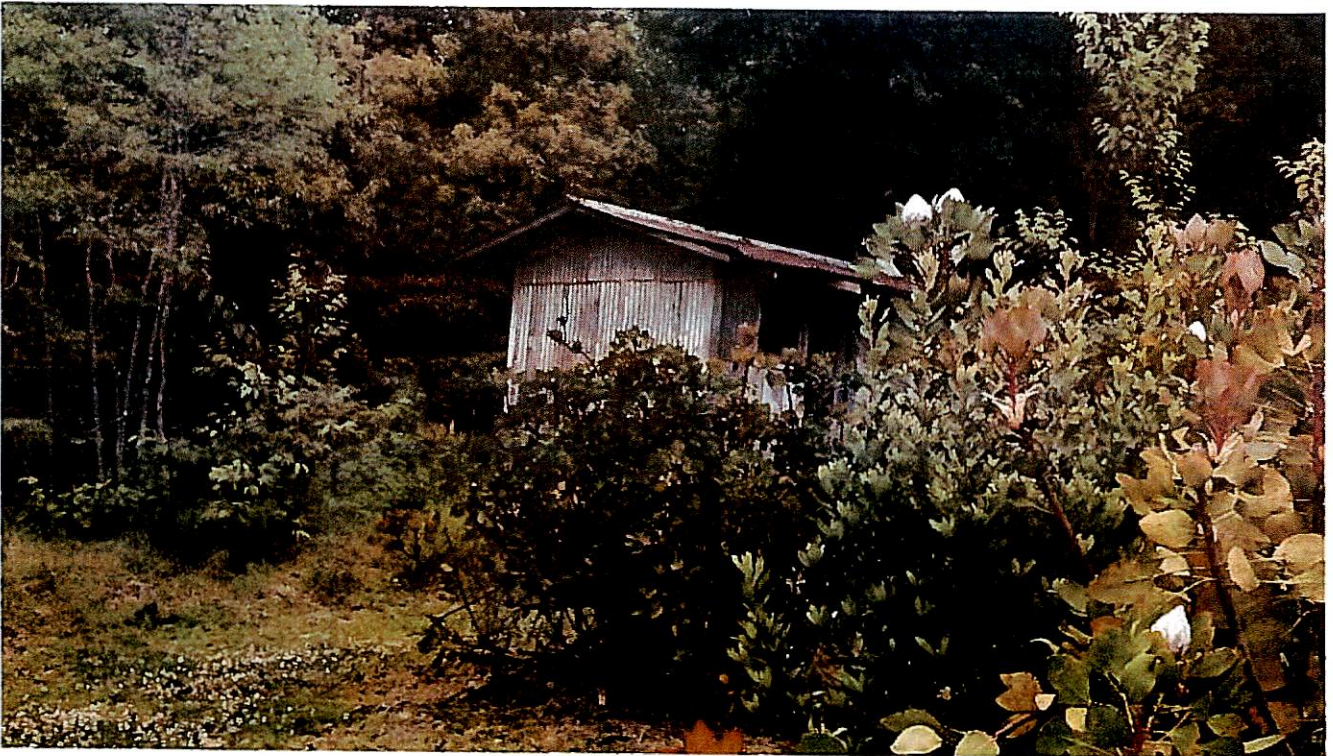


Photographs of the Property

20. Farm equipment



21. Upper storage shed



Photographs of the Property

22. Protea



23. Jacaranda (not on the property but in the vicinity)



HALEAKALA UPCOUNTRY MARKET
MAUI TMK: 2-3-013:025
CP 2018/0003 and SUP2 2019/0012

Proposed "Stewz Burgers" Food Truck



Department of Health Permit for Stewz Maui Burgers



FOOD ESTABLISHMENT PERMIT

STEWZ MAUI BURGERS

OWNER NAME:
LOCATION ADDRESS:
ESTABLISHMENT TYPE:
RISK CATEGORY:

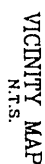
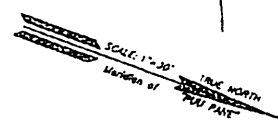
STEWZ MAUI BURGERS LLC
1810 SOUTH KIRI ROAD, UNIT D113
MOBILE ESTABLISHMENT - 2
2

PERMIT NUMBER:
PERMIT EXPIRATION:

M406006
1/17/2020

The above entity is hereby permitted to operate, subject to Chapter 11-50. This permit is the property of the Department of Health and is valid unless revoked for cause. No establishment may operate without a valid permit. This permit is non-transferable and must be posted as to be visible to the public.


for Director of Health



SHEET NO. 1 OF SHEETS

Back
Left Right
Front
Exterior Elevations



DRAWINGS, DIMENSIONS &
DESIGN PROVIDED BY OWNER.

AREAS	
DWELLING	= 976 SQ. FT.
LANAI	= 470 SQ. FT.
TOTAL LIVABLE AREA	= 1446 SQ. FT.
TOTAL AREA	= 1446 SQ. FT.

NEW FLOOR PLAN
SCALE: $\frac{3}{16}" = 1'-0"$



HI-TECH DRAFTING
189 Makaena Place
Pukalani, Hawaii 96768
Phone: (808) 268-1030
email: alpo@mac.com

AS BUILT DRAWINGS
FOR
PROTEA ACRES CONDOMINIUM
16157 HALEAKALA HIGHWAY
KULA, MAUI, HAWAII
TMK: (2) 2-2-13: 025

PROTEA ACRES
CONDOMINIUM
UNIT A

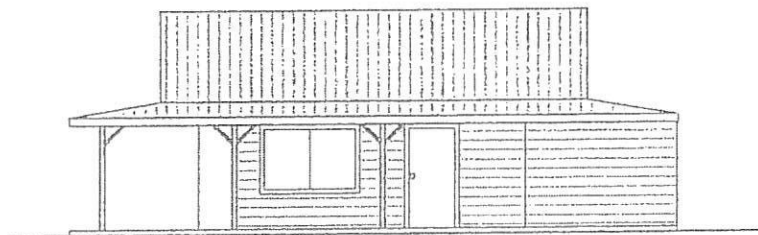
DRAWINGS
FLOOR PLAN

REVISIONS:

DATE: 2/28/2015

SHEET

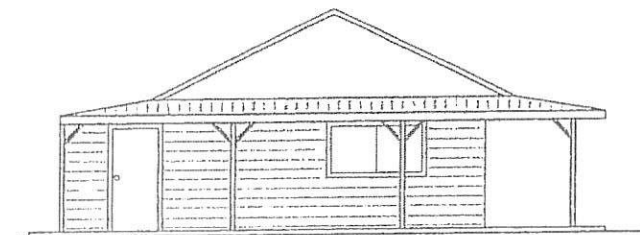
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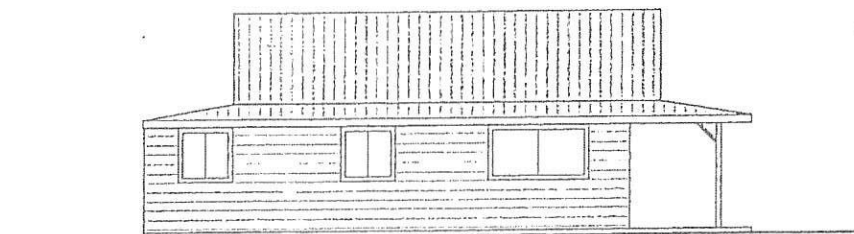
FRONT



RIGHT



LEFT



BACK

DRAWINGS, DIMENSIONS &
DESIGN PROVIDED BY OWNER.

AREAS	
DWELLING	= 976 SQ. FT.
LANAI	= 470 SQ. FT.
TOTAL LIVABLE AREA	= 1446 SQ. FT.
TOTAL AREA	= 1446 SQ. FT.

ELEVATIONS

SCALE: $\frac{1}{8}" = 1'-0"$



HI-TECH DRAFTING
189 Maheena Place
Pukalani, Hawaii 96768
Phone: (808) 268-1030
email: aljo@maui.net

AS BUILT DRAWINGS FOR:
FOR
PROTEA ACRES CONDOMINIUM
16157 HALEAKALA HIGHWAY
KULA, MAUI, HAWAII
TMK: (2) 2-2-13: 025

PROTEA ACRES
CONDOMINIUM
UNIT A

DRAWINGS:
ELEVATIONS

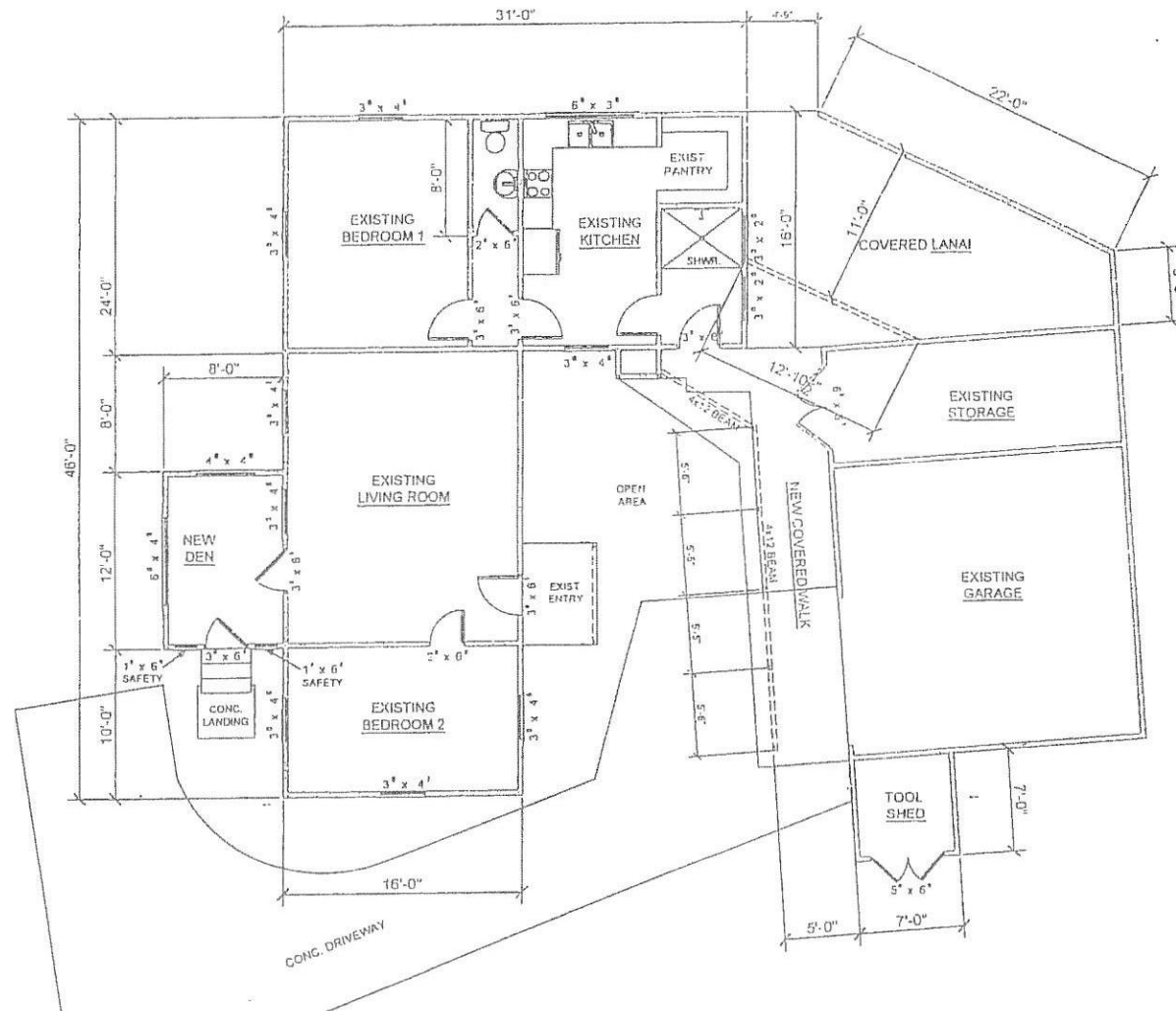
REVISIONS:

DATE: 2/28/2016

SHEET:

2

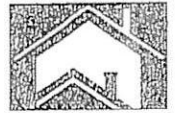
Back
Left Right
Front
Exterior Elevations



NEW FLOOR PLAN
SCALE: $\frac{1}{8}$ " = 1'-0"

DRAWINGS, DIMENSIONS &
DESIGN PROVIDED BY OWNER.

AREAS	
DWELLING	= 1072 SQ. FT.
GARAGE	= 560 SQ. FT.
STORAGE	= 50 SQ. FT.
DECK	= 35 SQ. FT.
TOTAL LIVABLE AREA	= 1157 SQ. FT.
TOTAL AREA	= 1717 SQ. FT.



HI-TECH DRAFTING
169 Makaena Place
Pukalani, Hawaii 96768
Phone: (808) 268-1030
email: ajp@maui.net

AS BUILT DRAWINGS
FOR
PROTEA ACRES CONDOMINIUM
1655 HALEAKALA HIGHWAY
KULA, MAUI, HAWAII
TMK. (2) 2-3-13-025

**PROTEA ACRES
CONDOMINIUM
UNIT B**

DRAWINGS:
FLOOR PLAN

REVISIONS:

DATE: 2/28/2016

SHEET

1



HI-TECH DRAFTING
189 Makena Place
Pukalani, Hawaii 96768
Phone: (808) 268-1030
email: hlj@maui.net

AS BUILT DRAWINGS
FOR
PROTEA ACRES CONDOMINIUM
1655 HALEAKALA HIGHWAY
KULA, MAUI, HAWAII
TMK: (2) 2-3-13: 025

PROTEA ACRES
CONDOMINIUM
UNIT B

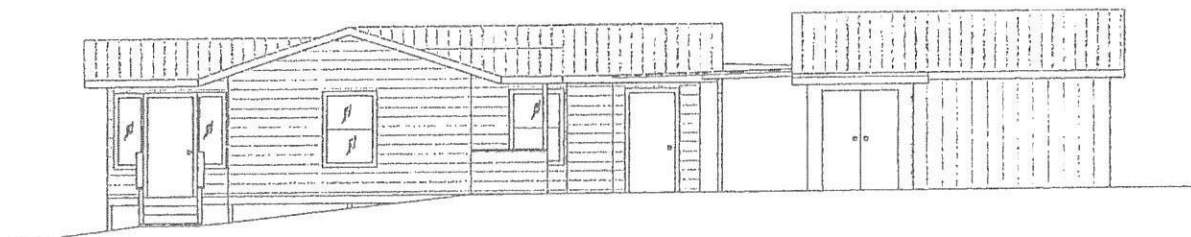
DRAWINGS:
ELEVATIONS

REVISIONS:

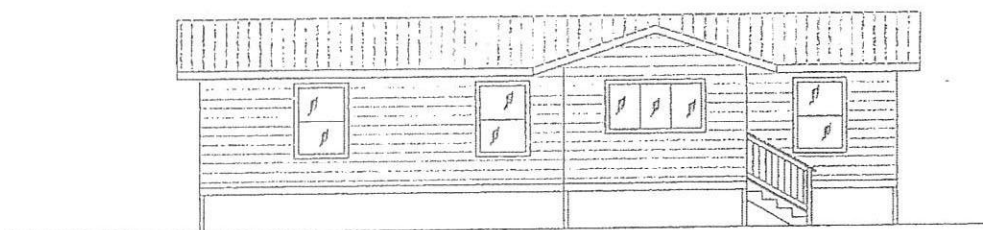
DATE: 2/28/2016

SHEET:

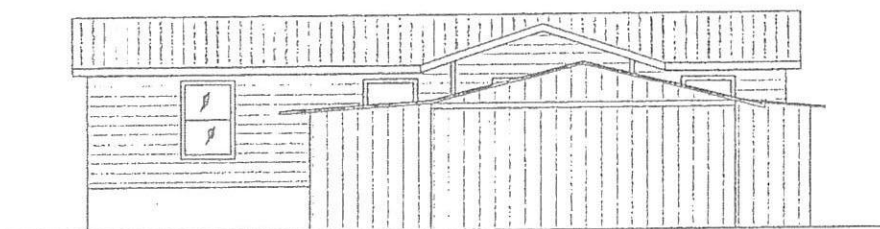
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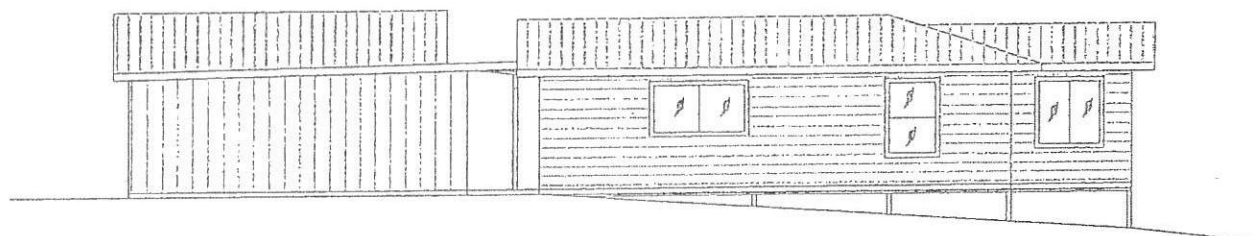
FRONT



LEFT



RIGHT



BACK

ELEVATIONS

SCALE: $\frac{1}{8}" = 1'-0"$

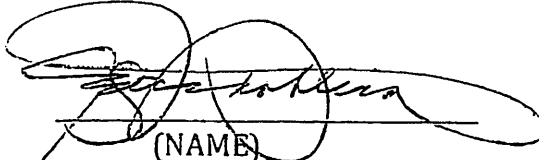
CERTIFICATE OF REGISTERED PROFESSIONAL
ARCHITECT/SURVEYOR/ENGINEER

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

The undersigned, Edgardo V. Valera, being first duly sworn on oath deposes and says:

1. I am a registered professional architect, No. _____/surveyor, No. 7076/Engineer No. _____ licensed to practice in the State of Hawaii.
2. I am the architect/surveyor/engineer for the Condominium project known as "Protea Acres" located in Kula, Maui, Hawaii.
3. Attached is the Condominium Property Regime Map for said condominium.
4. I certify that the the best of my knowledge said Condominium Property Regime Map depicts, the layout, location, boundaries, dimensions and numbers of Units "A", and "B" substantially as built.
5. Condominium Property Regime Map consists of 5 pages.

AND FURTHER YOUR AFFIANT SAYETH NAUGHT


(NAME)

Subscribed and sworn to before me this

February 25, 2016

Melen Aguilera
Notary Public, State of Hawaii
Second Judicial Circuit
Name of Notary: Melen Aguilera
My Commission Number: 093-193
My Commission Expires: 4/19/2017

NOTARY CERTIFICATION

(Hawaii Administrative Rule § 5-11-8):

Document Description: Certificate of Registered Professional Surveyor
Number of Pages: 1
Name of Notary: Melen Aguilera
Date: 2/25/2016
Second Judicial Circuit, State of Hawaii

19/4/131

MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

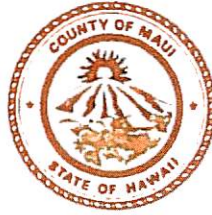
Deputy Director

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

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

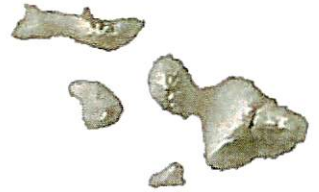
JOHN R. SMITH, P.E.
Highways Division

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



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

September 10, 2019



DEPT. OF PLANNING
COUNTY OF MAUI

SEP 13 2019

RECEIVED

MEMO TO: MICHELE MCLEAN, PLANNING DIRECTOR

FROM: ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS

SUBJECT: **APPLICATIONS FOR CONDITIONAL PERMIT AND LAND USE
COMMISSION SPECIAL PERMIT FOR HALEAKALA UPCOUNTRY
MARKET; TMK: (2) 2-3-013:025
CP 2018/0003; SUP2 2019/0012**

We reviewed the subject application and have the following comment:

Comment from the Development Services Administration (DSA), Plans Review Section:

1. Obtain a certificate of occupancy prior to use of the building.

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

RMDA:da

xc: Highways Division
Engineering Division

S:\DSA\Eng\GZM\Draft Comments\23013025_haleakala_upcountry_mkt_cp_sup2.rtf

Date: October 18, 2019

TO : DEPARTMENT OF PUBLIC WORKS

ROWENA M. DAGDAG-ANDAYA
DIRECTOR OF PUBLIC WORKS

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013:025

Thank you for your review of the subject application and providing your comments.
I will obtain a certificate of occupancy prior to use of the building.

Sincerely,
Trina Pinsky

EXHIBIT ||

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
8/13/2019

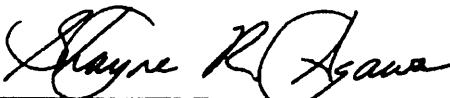
AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Haleakala Upcountry Market		
APPLICANT:	Trina Pinsky		
PROJECT ADDRESS:	16157 Haleakala Highway, Kula, Maui, Hawaii		
PROJECT DESCRIPTION:	Re-establish Retail Store to Provide Flowers, Gifts, Craft Workshops, and a Food Truck (Stewz Burgers)		
TMK:	(2) 2-3-013:025		
PERMIT NO.:	CP 2018/0003, SUP2 2019/0012		
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
a. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)			
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div>Signed:</div> <div>  </div> <div>9/13/19</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div>Print Name:</div> <div>Shayne R. Agawa, Deputy Director</div> <div>Date</div> </div>			

EXHIBIT 12

Date: October 18, 2019

TO : DEPARTMENT OF ENVIRONMENTAL Mgmt.

ATTN: SHAYNE R. AGAWA
DEPUTY DIRECTOR

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

PROJECT

DESCRIPTION: Re-establish retail store to provide flowers, gifts, craft workshops,
and a food truck (Stewz Burgers).

Thank you for your time in reviewing the proposed application and proving your comments and recommendations. At this time the proposed project does not require the use of a commercial kitchen. However, in the future should we apply for a commercial kitchen I will comply with the pre-treatment requirements.

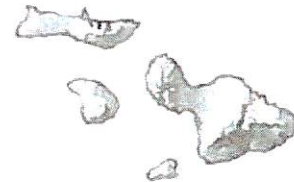
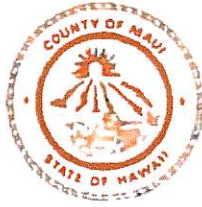
Sincerely,
Trina Pinsky

EXHIBIT 13

MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 20, 2019

DEPT. OF PLANNING
COUNTY OF MAUI

AUG 21 2019

RECEIVED

Ms. Livit Callentine, AICP, Staff Planner
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii, 96793

Subject: Reestablish Haleakala Upcountry Market and Protea Farm
Maui County Conditional Permit (CP) 2018/003 and Land Use Commission Special Permit
(SUP2) 2019/0012
TMK: (2) 2-3-013:025

Dear Ms. Callentine:

Thank you for the opportunity to comment on the Maui County Conditional Permit and State Land Use Commission Special Permit applications for the reestablishment of the Haleakala Upcountry Market and Protea Farm.

Source Availability, System Infrastructure and Consumption

The project area is served by the Upper Kula system. The project overlies the Makawao aquifer, with a sustainable yield of 7 million gallons per day (gpd) according to the Commission on Water Resource Management. This property is served by one 3/4-inch meter, 4-inch waterlines which run adjacent to the property on two sides, and one Department of Water Supply (DWS) fire hydrant that is adjacent to the property. Water use could potentially increase by allowing agricultural tourism on an existing farm which currently utilizes approximately 93 gpd according to DWS records (which would not include the proposed new uses and establishing new plants). According to Water System Standards, 2002, State of Hawaii, agricultural and commercial demand is approximately 4,523 gallons per day (estimated areas of cultivation were based upon the site plan submitted in the application). The document states that if approved, the proposed facility will utilize "minimal water" for protea farming. However, additional water uses include workshop activities, food truck operations, growing and processing vegetables, and establishing and running a market, all of which have the potential to increase water use.

Granting of the conditional and special use permits should be conditioned upon installation of a backflow preventer, if not already installed on site.

Pollution Prevention and Conservation

In order to protect groundwater and to conserve resources, DWS recommends implementing the

"By Water All Things Find Life"

EXHIBIT 14

attached Best Management Practices for Agricultural Businesses and the following outdoor conservation BMPs.

Outdoor

DWS recommends the following outdoor conservation measures be implemented especially in areas that may not be under farming cultivation:

- 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.

Should you have any questions, please contact Audrey Dack of the Water Resources and Planning Division at 463-3109 or audrey.dack@maulcountv.gov.

Sincerely,



Jeffrey T. Pearson, P.E.

Director

apd

cc: DWS Engineering Division
attachment

Best Management Practices: Agricultural Businesses

Contamination of ground water can occur when pesticides, herbicides, fertilizer, fungicides and/or other chemicals are spilled. Contamination can also happen when rinse water from containers or equipment cleaning is dumped on the ground or into surface waters such as streams or ponds. Improperly cleaned containers that are stockpiled or buried could also be potential sources of ground water contamination.

- Locate operations as far as possible from groundwater wells and areas that may drain into surface water bodies such as streams or ponds. Areas around public water supply wells should receive special consideration, especially if designated as Wellhead Protection Areas (WPA).
 - Know and comply with regulations governing the storage, handling, and application, and disposal of hazardous substances. (Hawaii)
 - Adopt the "First In – First out" Principle. The "First In – First out" Principle directs you to use your oldest chemicals, first to ensure that they don't expire.
 - Keep pesticides locked or inaccessible to the public in an area separate from areas used to store other materials, such as fertilizers, feed, and seed. Segregate and label herbicides, insecticides and fungicides to prevent cross-contamination.
 - Write an emergency response plan and familiarize all farm personnel with the plan BEFORE an emergency occurs.
 - Store Personal Protective Equipment (PPE) in an area that is easily accessible but NOT in same area that your pesticides are stored.
 - Keep a written pesticide inventory and MSDS file for the chemicals used on site of your operations.
 - Arrange pesticide containers in storage area so that labels are clearly visible and make sure the labels can be read.
 - Place bags of DRY pesticides and other chemicals on raised, plastic pallets to ensure that they do not get wet. Do not store any liquid materials above dry chemicals.
 - Use shelving made of plastic or reinforced metal. Keep metal shelving painted or invest in and use stainless steel to avoid corrosion. NEVER use wood shelving! Wood shelving may absorb spilled pesticide and other chemical materials.
 - Store potential pollutants in sealed, leak-proof, and labeled containers
 - Drums containing potential pollutants should be stored in a designated, curbed location where they will not be accidentally tipped over/punctured/exposed to weather and/or vandalism.
- Construct floors of seamless metal or concrete.
- Do not transport, handle, store, load, apply or dispose of any hazardous substance in a way that may pollute water supplies or cause damage or injury to land, including human, plants or animals. (Hawaii)
 - Isolate all potential contaminants from soil and water.
 - Keep drip pans or containers under vehicles and/or equipment that may drip during repairs. Collect oil from drip pans and recycle.
 - Do not discharge any waste material onto the ground or into surface water bodies.

Date: OCTOBER 18, 2019

TO : DEPARTMENT OF WATER SUPPLY
JEFFERY T. PEARSON, P.E.
DIRECTOR

ATTN: AUDREY DACK
WATER RESOURCES AND PLANNING DIVISION

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for your review and recommendations they are very instrumental in implementing good conservation methods for the proposed property. I will take good measures in applying these agricultural business principals and greatly appreciate your time and expertise.

In regards to the back flow preventer, the proposed property has one installed on site.

Sincerely,
Trina Pinsky
All things good grow on Maui



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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

August 15, 2019



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

MEMORANDUM

TO : LIVIT U. CALLENTINE, AICP, STAFF PLANNER
DEPARTMENT OF PLANNING


FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CP 2018/0003, SUP2 2019/0012
TMK : (2) 2-3-013:025
Project : HALEAKALA UPCOUNTRY MARKET
Applicant : TRINA PINSKY

_____ No comments or recommendations to offer at this time.

_____ x Refer to enclosed comments and/or recommendations.

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


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

DEPT. OF PLANNING
COUNTY OF MAUI

AUG 19 2019

RECEIVED

EXHIBIT 16

TO : TIVOLI S. FAAUMU, CHIEF OF POLICE, MAUI COUNTY POLICE DEPARTMENT

VIA : CHANNELS John Jakubczak *NOTED. RESPONSE LETTER TO BE DRAFTED AND SUBMITTED TO DEPT. OF PLANNING. 8/15/19*
Assistant Chief

FROM : JOHN KALAMA, POLICE OFFICER III, COMMUNITY POLICING

SUBJECT : RESPONSE TO A REQUEST FOR COMMENTS REGARDING HALEAKALA UPCOUNTRY MARKET LOCATED AT 16155 HALEAKALA HWY, KULA, TMK (2) 2-3-013:025, PERMIT NO: CP2018/0003, SUP2 2019/0012.

This communication is submitted as a response to request for comments regarding, a pre-existing Haleakala Upcountry Marketplace, located at 16155 Haleakala Hwy in Kula. The project will utilize existing structures plus the addition of a stationary Food Truck, (Stewz Burgers). The project is roughly 2.5 acres and primarily zoned for Rural use. Trina PINSKY is the applicant with plans to restore and maintain the use of the agriculture farm, as a small thriving floral and vegetable farm. The marketplace along with the Food truck is a key supporter of the flower farm by selling flowers and produce locally grown on the farm.

PROJECT : Haleakala Upcountry Market

APPLICANT : Trina PINSKY

PROJECT ADDRESS : 16155 Haleakala Hwy Kula, Maui, Hawaii

TMK# : (2) 2-3-013:025

PERMIT NO. : CP 2018/003: SUP 2019/0012

PROJECT DESCRIPTION : Re-establish the retail store to provide flowers, gifts, craft workshops and a food truck (Stews Burgers)

COMMENTS:

In review of the submitted documents, concerns from the police perspective are upon the safety of pedestrians and vehicular movement. The location is along a heavily traveled road, Haleakala Hwy 378 (Crater Rd) in which crossing pedestrians may be an issue. There is sufficient paved parking located within the property which can accommodate all customers and alleviate crossing pedestrians. All the parking is located within the property boundaries and I foresee no traffic hazards in the area.

John Kalama
Respectfully Submitted,
John KALAMA, E#13979
Police Officer III / Community Policing
08/13/19 @ 1400 hrs.

Submitted For your review

11764
EX. 1

Date: OCTOBER 18, 2019

TO : POLICE DEPARTMENT, COUNTY OF MAUI
TIVOLI S.FAAUMU, CHIEF OF POLICE
JOHN JAKUBCZAK, ASSISTANT CHIEF

ATTN: JOHN KALAMA
POLICE OFFICER III / COMMUNITY POLICING

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for your review of the proposed project as well as your time in providing comments.

Sincerely,
Trina Pinsky

EXHIBIT 17

19/4263

DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER

AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
Ma-173(19)

August 9, 2019

MEMORANDUM

TO: Michele Chouteau McLean, Director
Department of Planning, County of Maui

ATTN: Livit U. Callentine, Staff Planner

FROM: Reid K. Siarot, State Land Surveyor *mk/s*
DAGS, Survey Division

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit Nos.: CP 2018/0003, SUP 2019/0012
TMK: 2-3-13: 25

This is in regards to your transmittal dated August 1, 2019 and request for comments on the subject project.

The subject project has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey Division has no objections to the proposed project.

Should you have any questions, please call me at 586-0390.

DEPT. OF PLANNING
COUNTY OF MAUI

AUG 15 2019

RECEIVED

EXHIBIT 18

Date: October 18, 2019

TO : STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

ATTN: Reid K.Siarot
State Land Surveyor
DAGS, Survey Division

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for reviewing this project and letting us know that you have no objections to it.

Sincerely,
Trina Pinsky

19/4515

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

August 27, 2019

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

Attention: Livit U. Callentine

Dear Ms. McLean:

Subject: HALEAKALA UPCOUNTRY MARKET
Applicant: Trina Pinsky
Permit No.: CP 2018/0003; SUP2 2019/0012
TMK: (2) 2-3-013:025
Location: 16157 Haleakala Highway, Kula, Maui, Hawaii
Description: Re-establish retail store to provide flowers, gifts, craft workshops and a food truck (Stewz Burgers)

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

1. Please provide projected wastewater flow calculation for the proposed project. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.
2. The proposed project must comply with Hawaii Administrative Rules (HRS), Chapter 11-50, Food Safety Code. Please contact Mike Gurney at 808 984-8279 or email him at michael.gurney@doh.hawaii.gov.

DEPT. OF PLANNING
COUNTY OF MAUI

AUG 30 2019

RECEIVED

EXHIBIT 20

Ms. Michele Chouteau McLean
August 27, 2019
Page 2

It is strongly recommended that you review the department's website at <https://health.hawaii.gov/epo/files/2018/05/DOHEHA.LandUseContactList.20180502.pdf> and contact the appropriate program that concerns your project.

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

c Sina Pruder, Acting EMD Administrator

Date: October 18, 2019

TO : STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE

ATTN: PATTI KITKOWSKI
DISTRICT ENVIRONMENTAL HEALTH PROGRAM CHIEF

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for your time in reviewing the proposed project and offering comments.
I will be providing a waste water flow calculation and will go over the Hawai'i
Administrative Rules, Chapter 11-50, Food Safety Code. I will also review the departments
website.

Sincerely,
Trina Pinsky

EXHIBIT 21

Date: October 23, 2019

TO : STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE

ATTN: PATTI KITKOWSKI
DISTRICT ENVIRONMENTAL HEALTH PROGRAM CHIEF

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Dear Patti,

I'm following up on a previous letter that I mailed out to you on October 18, 2019, with a question.

My question is what is the triggers for the projected wastewater flow calculation for the proposed project that you requested. There will not be a commercial kitchen in the market retail space.

Looking forward to hearing from you soon.

Sincerely,
Trina Pinsky

EXHIBIT 22

From: "Kitkowski, Patricia Y" <patricia.kitkowski@doh.hawaii.gov>
To: Trina Pinsky <trinadream@icloud.com>
CC: "Livit.Callentine@co.maui.hi.us" <Livit.Callentine@co.maui.hi.us>
Date: 10/23/2019 12:07 PM
Subject: RE: Haleakala Upcountry Market

Aloha Trina,

Any water generated by the project must be reviewed by our Environmental Engineer Roland Tejano. So toilets, wash water from flowers, etc...As the letter states please contact Roland about this since this is his comment. I do not know what he wants. Probably need to hire an engineer to get wastewater calculations.

As for your retail area, I know everything is prepackaged, but may need a Food Establishment permit later if and when you open. Please let me know and disregard Mike Gurney's name and contact info.

Mahalo,

Patti



Patti Kitkowski
Environmental Health Services Division
Maui Sanitation Branch
54 S. High Street, Room 300
Wailuku, Hawaii 96793
Telephone: (808) 984-8230
Fax: (808) 984-8237
email: patricia.kitkowski@doh.hawaii.gov

From: Trina Pinsky <trinadream@icloud.com>
Sent: Wednesday, October 23, 2019 10:31 AM
To: Kitkowski, Patricia Y <patricia.kitkowski@doh.hawaii.gov>
Cc: Livit.Callentine@co.maui.hi.us
Subject: Haleakala Upcountry Market

Sent from my iPad

Livit Callentine - RE: Haleakala Upcountry Market

From: "Kitkowski, Patricia Y" <patricia.kitkowski@doh.hawaii.gov>
To: Trina Pinsky <trinadream@icloud.com>
Date: 10/23/2019 2:24 PM
Subject: RE: Haleakala Upcountry Market
Cc: "Livit.Callentine@co.maui.hi.us" <Livit.Callentine@co.maui.hi.us>

I would suggest your engineer contact Roland to see what info he exactly needs.
Patti



Patti Kitkowski
Environmental Health Services Division
Maui Sanitation Branch
54 S. High Street, Room 300
Wailuku, Hawaii 96793
Telephone: (808) 984-8230
Fax: (808) 984-8237
email: patricia.kitkowski@doh.hawaii.gov

From: Trina Pinsky <trinadream@icloud.com>
Sent: Wednesday, October 23, 2019 1:44 PM
To: Kitkowski, Patricia Y <patricia.kitkowski@doh.hawaii.gov>
Cc: Livit.Callentine@co.maui.hi.us
Subject: Re: Haleakala Upcountry Market

Aloha Patricia,

Thank you for your quick response and direction.
You are very helpful and I'll be providing a wastewater flow calculation to Roland Tejano.

Mahalo,
Trina Pinsky

Sent from my iPhone

On Oct 23, 2019, at 12:06 PM, Kitkowski, Patricia Y <patricia.kitkowski@doh.hawaii.gov> wrote:

Aloha Trina,

EXHIBIT 24

Any water generated by the project must be reviewed by our Environmental Engineer Roland Tejano. So toilets, wash water from flowers, etc...As the letter states please contact Roland about this since this is his comment. I do not know what he wants. Probably need to hire an engineer to get wastewater calculations.

As for your retail area, I know everything is prepackaged, but may need a Food Establishment permit later if and when you open. Please let me know and disregard Mike Gurney's name and contact info.

Mahalo,
Patti

<image001.jpg>

From: Trina Pinsky <trinadream@icloud.com>
Sent: Wednesday, October 23, 2019 10:31 AM
To: Kitkowski, Patricia Y <patricia.kitkowski@doh.hawaii.gov>
Cc: Livit.Callentine@co.maui.hi.us
Subject: Haleakala Upcountry Market

Sent from my iPad

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to
File

July 24, 2013

RECEIVED

JUL 29 2013

Linda V Taylor
Linda Taylor Engineering, Inc.
P.O. Box 779
Makawao, HI 96768

Dear Sir/Madam:

Subject: Individual Wastewater System (IWS) for
Owner/Lessee: John Hirashima
Project Site: 16157 Halekala Highway, Kula, HI
TMK: 223013025
IWS File No.: 48325 (Septic Tank)
Old File No.: N/A

We have received your IWS final inspection report, Certification of Construction and As Built Plans for the above IWS. Information submitted to us indicates that the installed IWS meets applicable provisions of Hawaii Administrative Rules, Title 11, Chapter 62, entitled Wastewater Systems.

The subject IWS is hereby approved for use.

As the professional engineer responsible for the Certification of Construction, please inform your client that the above IWS is approved for use. You are also responsible for seeing that your client receives a copy of this Approval for Use letter together with the IWS as-built plans. We strongly recommend that you discuss the necessary operation and maintenance of the individual wastewater system with your client. Emphasis should be placed on periodic inspections of scum and sludge accumulation as well as informing them not to dispose of materials that could affect the operation of the wastewater system.

If the IWS is an aerobic system, please inform your client that an active service contract must be maintained. Furthermore, the Department of Health may perform an annual inspection of the subject wastewater system for compliance with our Chapter 11-62 rules.

Should you have any questions, please feel free to contact Roland Tejano at 984-8232.

Sincerely,

SINA PRUDER, P.E.
Chief, Wastewater Branch

DEPT. OF PLANNING
COUNTY OF MAUI

NOV 14 2013

RECEIVED

EXHIBIT

25



Linda Taylor Engineering, Inc

July 10, 2013

Mr. Roland Tejano
State of Hawaii
Department State of Health
Wastewater Branch
54 High Street
Wailuku, HI 96793

Subject: Individual Wastewater System for
John Hirashima
16157 Haleakala Highway
Kula, Maui, Hawaii
TMK: (2) 2-3-013:025
IWS File No. 48325

Dear Mr. Tejano:

I certify that the Individual Wastewater System for the subject project has been installed as per the attached "As Built" drawings and details. The system is designed to service a maximum of 2 bedrooms, and is now ready to be put into service.

If you have any questions, please contact me at 572-2688.

Very truly yours,

Linda V. Taylor, P.E.

Enclosure

RECEIVED

NOV 14 2019

COUNTY OF MAUI
DEPARTMENT OF PLANNING

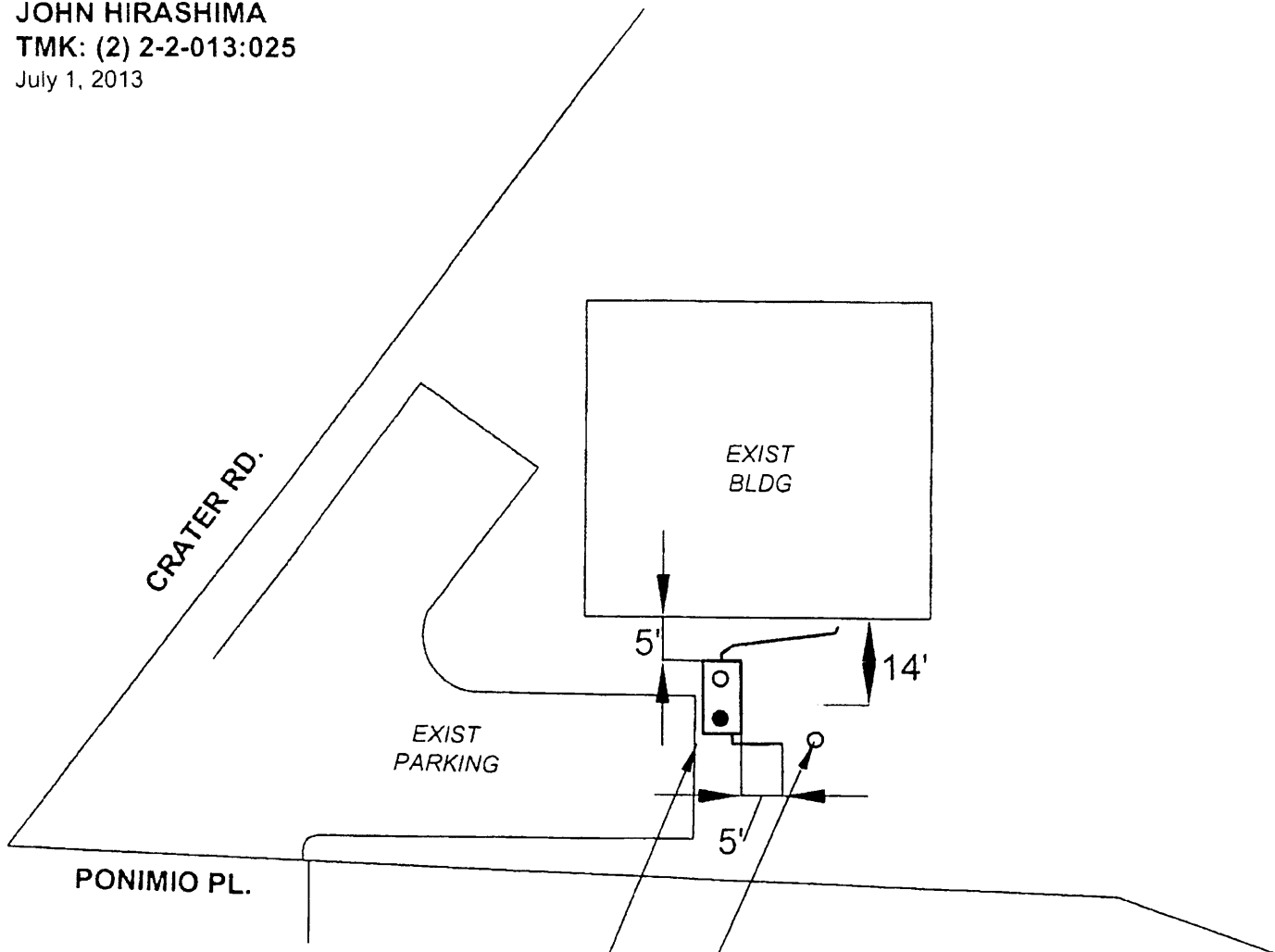
Page 2

INDIVIDUAL WASTEWATER DESIGN FOR:

JOHN HIRASHIMA

TMK: (2) 2-2-013:025

July 1, 2013

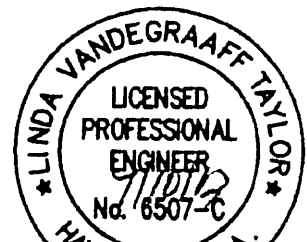


1000 GALLON IAPMO CHEMTAINER
SEPTIC TANK: with EFFLUENT
FILTER ON OUTLET. MANHOLES (2)
TO GRADE & SECURED.

2-BEDROOM IWS:
CONVERTED EXISTING CESSPOOL
TO SEEPAGE PIT BY PUMPING,
INSPECTING & REROUTING SEWER
LINE TO NEW SEPTIC TANK.
INSTALLED PORT TO GRADE

SETBACKS:

BUILDINGS: 5 FT
PROPERTY LINES: 5 FT
LARGE TREES: 10 FT
STREAM/OCEAN: 50 FT



Linda Taylor
SIGNATURE EXP 04/30/14
THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION



Linda Taylor Engineering, Inc.
Post Office Box 779, Makawao, Maui, Hawaii



ASBUILT

SCALE: 1" = 20'



septic tank



septic tank with effluent filter on outlet



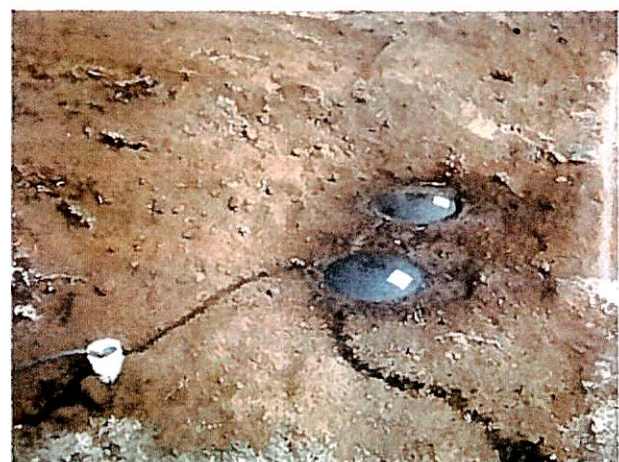
pipes from house to septic tank



pipes from septic tank to seepage pit



seepage pit converted from cesspool



final grading over septic tank and seepage pit



Linda Taylor Engineering, Inc.
Post Office Box 779, Makawao, Maui, Hawaii

JOHN HIRASHIMA
TMK:(2) 2-3-013:025
IWS FILE NO 48325

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 3, 2019

County of Maui
Department of Planning
Attn: Ms. Livit U. Callentine
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

via email: livit.callentine@maui.county.gov

Dear Ms. Callentine:

SUBJECT: Application for Conditional Permit (CP 2018/0003) and Land Use Commission Special Permit Application (SUP 2019/0012) for the Proposed **Haleakala Upcountry Market** for Retail Market Selling Flowers, Vegetables, and Made in Maui Products, and a Food Truck (Stewz Burgers) located at Pulehunui, Kula, Island of Maui; TMK: (2) 2-3-013:025 CPR 0001 on behalf of Trina Pinsky

Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

At this time, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: darlene.k.nakamura@hawaii.gov. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure
cc: Central Files

EXHIBIT 26

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 19, 2019

MEMORANDUM

TO:

FROM

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District
- ☒ Historic Preservation

FROM:

SUBJECT:

Russell Y. Tsuji, Land Administrator
Application for Conditional Permit (CP 2018/0003) and Land Use
Commission Special Permit Application (SUP 2019/0012) for the Proposed
Haleakala Upcountry Market for Retail Market Selling Flowers, Vegetables,
and Made in Maui Products, and a Food Truck (Stewz Burgers)
Pulehunui, Kula, Island of Maui; TMK: (2) 2-3-013:025 CPR 0001
County of Maui on behalf of Trina Pinsky

LOCATION:
APPLICANT:

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **August 29, 2019**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

- () We have no objections.
- () We have no comments.
- (✓) Comments are attached.

Signed:

Print Name:

Date:

Cary S. Chang, Chief Engineer

8/22/19

Attachments

cc: Central Files

RECEIVED
LAND DIVISION
2019 AUG 22 AM 11:21
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII
19 AUG 19 PM 01:04 ENGINEERING

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji

Ref: Application for Conditional Permit (CP 2018/0003) and Land Use
Commission Special Permit Application (SUP 2019/0012) for the Proposed
Haleakala Upcountry Market for Retail Market Selling Flowers, Vegetables,
and Made in Maui Products, and a Food Truck (Stewz Burgers)
TMK(s): (2) 2-3-013:025 CPR 0001
Location: Pulehunui, Kula, Island of Maui
Applicant: County of Maui on behalf of Trina Pinsky

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: _____

CARTY S. CHANG, CHIEF ENGINEER

Date: _____

8/22/19

Date: October 18, 2019

TO : STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

CARTY S. CHANG
CHIEF ENGINEER

ATTN: RUSSELL Y. TSUJI
LAND ADMINISTRATOR

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for your review and informative comments of the proposed Haleakala Upcountry Market. I will do research to see what the proposed property Flood Hazard Zone designation is and should the proposed property need flood insurance, I will go ahead and acquire a flood insurance policy.

Sincerely,
Trina Pinsky

EXHIBIT 27

19/4676
DAVID Y. IGE
GOVERNOR



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

JADE T. BUTAY
DIRECTOR

Deputy Director
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
STP 19-086
HWY-PS 2.1076

September 6, 2019

Ms. Michele Chouteau Mclean
Director
Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Livit Callentine

Dear Ms. Mclean:

Subject: Conditional Use Permit (CUP 2018/0003) and
Special Use Permit (SUP2 2019/0012)
Haleakala Upcountry Market - Kula, Maui, Hawaii
Tax Map Key No: (2) 2-3-013: 025

Thank you for the opportunity to review the above-referenced applications. The proposed project involves the existing use of an agricultural property with a farm dwelling and a retail component. The Applicant is proposing to add cultural workshops and a food truck to the agricultural operation with a total of 5 operating personnel.

The 2.77-acre site is adjacent to the Haleakala State Highway (Route 378) with existing access via Ponimoi Place, a County roadway. An existing parking lot with approximately 8 parking spaces is located on Ponimoi Place.

Based on the description of the proposed operation, the proposed project does not appear to significantly impact the State highway system. However, if there is any expansion to the operation in the future with revisions to the project, as well as any unexpected traffic issues attributed to this project, the applicant shall mitigate them to the satisfaction of the Maui District Engineer at no cost to the State.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch at (808) 587-1830 or by email at ken.tatsuguchi@hawaii.gov. Please reference file review number PS 2019-097.

Sincerely,

JADE T. BUTAY
Director of Transportation

DEPT. OF PLANNING
COUNTY OF MAUI

SEP 10 2019

RECEIVED

EXHIBIT 28

Date: October 18, 2019

TO : STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION

JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: Haleakala Upcountry Market
Applicant: Trina Pinsky
Permit No's.,: CP 2018/0003, SUP 2019/0012
TMK: (2) 2-3-013: 25

Thank you for reviewing the above application and providing valuable information towards the proposed project. Should there be in the future, an expansion to the operation, revisions to the project, any unexpected traffic issues, I will adhere to the satisfaction of the Maui District Engineer.

Sincerely,
Trina Pinsky

February 15, 2019

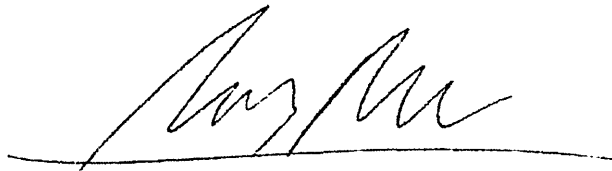
To: Maui Planning Department,

I am looking forward to the re-opening of the Market on the property I sold to Trina Pinsky at 16155 Haleakala Highway.

My long time tenant Jon Karcey and I both have encouraged them to go through the process to get the commercial permits needed.

Based on their plans there should not be any negative impact on the neighbors.
We will both support them at the Planning Commission when it comes up.

Gregg Blue
Haiku
Phone 575-9477

A handwritten signature in black ink, appearing to read 'Gregg Blue', written over a horizontal line.



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

11/09/2019

RFS Information for 05-0003084

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
OPEN	08/01/2005		5213	TKAPUAALA	PHONE	

Requestor Information

Name: LESLI NOLAN	Address:	
Company:	(H) Phone: 878-3024	(W) Phone:
E-Mail:		

Event Location

Address: 0 CRATER RD KULA, HI 96790	Owner(s): BLUE,GREGG
TMK: 2230130250000	
Subdivision:	
Intersection:	
Common Place:	
Other Location: KULA	

Memo(s)

John Hirashima was granted special use permit (SUP2 820008) for operation of Sunrise Market to operate within the Rural district, with conditions.

Complainant claims that tourist buses park within public right-of-way and "herd" tourists onto property through the "middle of the road" causing public nuisance. (Also container deisel fumes are health hazard to neighboring residents.)

Also, downhill bike tours park on side of road (buses and bikes) to eat lunch and shop on site. (public nuisance in right of way)

Driveway installed on property by owner for use of tourist buses...responsible claims that buses refuse to use it...needs to be paved. ("I know it's paved when exiting, however don't know about the bottom end...if it's still gravel)

Please research to check if responsible are complying to conditions of approval to see if Planning can enforce related to parking complaint.

Also, make responsible cease and desist illegal parking on public right of way for commercial purposes on private property.

Additional Addresses

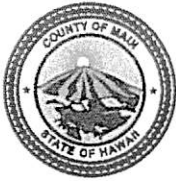
Address	TMK
---------	-----

Related Permit(s)

Permit	Permit Name	Status
--------	-------------	--------

RFS#: 05

00



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

11/09/2019

RFS Information for 05-0003084

Inspection Information

<u>Problem</u>	<u>Type</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Inspector</u>	<u>Result</u>
NB01ZONE Comments:	NBZONE2	08/04/2005	08/03/2005	CVILLALON	PASS
NB01ZONE Comments:	NBINITIAL	08/04/2005	08/03/2005	CVILLALON	PASS

Problem/Service Action Information

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB01ZONE	08/01/2005	TKAPUAALA	ASHINMOTO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	08/01/2005	08/03/2005	ASHINMOTO	DONE

Comments: Reassigned to C. Villalon

NBINSPECT 08/01/2005 08/03/2005 CVILLALON DONE

Comments: On 8/2/05 at 1240hrs, this inspector made contact w/ Manager of Sunrise Market in Kula (16157 Haleakala Hwy.) Smith related that she would be assigning an employee from Sunrise to work w/ bus drivers of tour companies patronizing their market, and assuring that drivers comply to traffic laws, i.e. parking in proper directions, running of motors while bus is empty, unloading passengers on roadway etc.

Spoke to owner one; John Hirashima and asked if CUP was transferred to Smith, same related that He still owns both business entities on prperty, DBA Protea Gift Shop and Sunrise Market. Same related that tax records (GET) would reflect ownership by himself and still under his name as well as present operation of said businesses. Hirashima did admit he is looking at selling the business to Smith, who will be relocating business to Pony Express Tours on A&B lease lands along Haleakala Hwy., leading to Crater. It was admitted that said relocation and operation is more than a year away from solidification. John Hirashima was informed of a Notice of Warning to be sent via certified mail acknowledging that he is responsible for traffic congestion and compliance to all other governmental laws applicable to his CUP.

Police response to the market due to call by same complainant resulted in a report filed under police rpt# 68606, w/ owner, complainant and manager discussing what they would do to alleviate ongoing bus and client problems with traffic, noise and fume nuisance.

NBWARNING 08/02/2005 08/03/2005 CVILLALON DONE

Comments: Notice of 1st warning issued via certified mail: #C-0380

*RESPOND 08/24/2005 08/03/2005 CVILLALON DONE

Comments: complainant recontacted and informed of findings, same was not satisfied w/ Police response, same was informed to call Police Commission and compel Police to issue citations to bus drivers in violation of parking and traffic laws. There are other issues that does not fall under the Planning Dept. which was related to complainant and the necessary procedure to resolve other particular problems. Although not totally satisfied caller understood process of recourse.

*CLOSE 08/24/2005 08/03/2005 CVILLALON DONE

Comments: Closed..pending further incidences that will validate revocation of CUP.

RFS#: 05-0003084

TMK#: 2230130250000



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

11/09/2019

RFS Information for 05-0003084

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01DIVREV	08/01/2005	TKAPUAALA	MARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	08/01/2005	08/02/2005	MMIYAMOTO	DONE
Comments:				

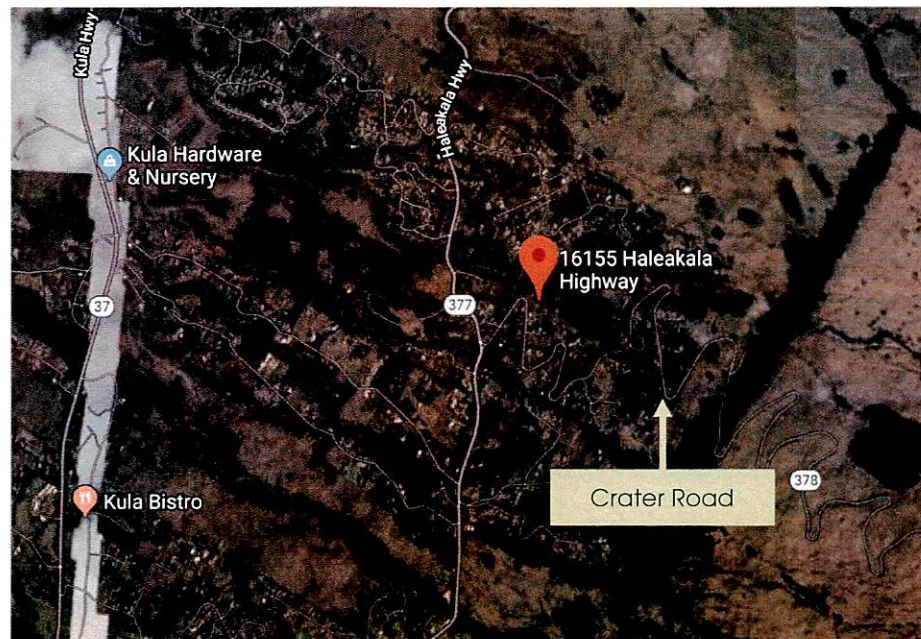
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PB01PREREV	08/02/2005	MMIYAMOTO	CYAMASHITA	OPEN
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	08/02/2005			OPEN
Comments:				
*REASSIGN	08/02/2005			OPEN
Comments:				

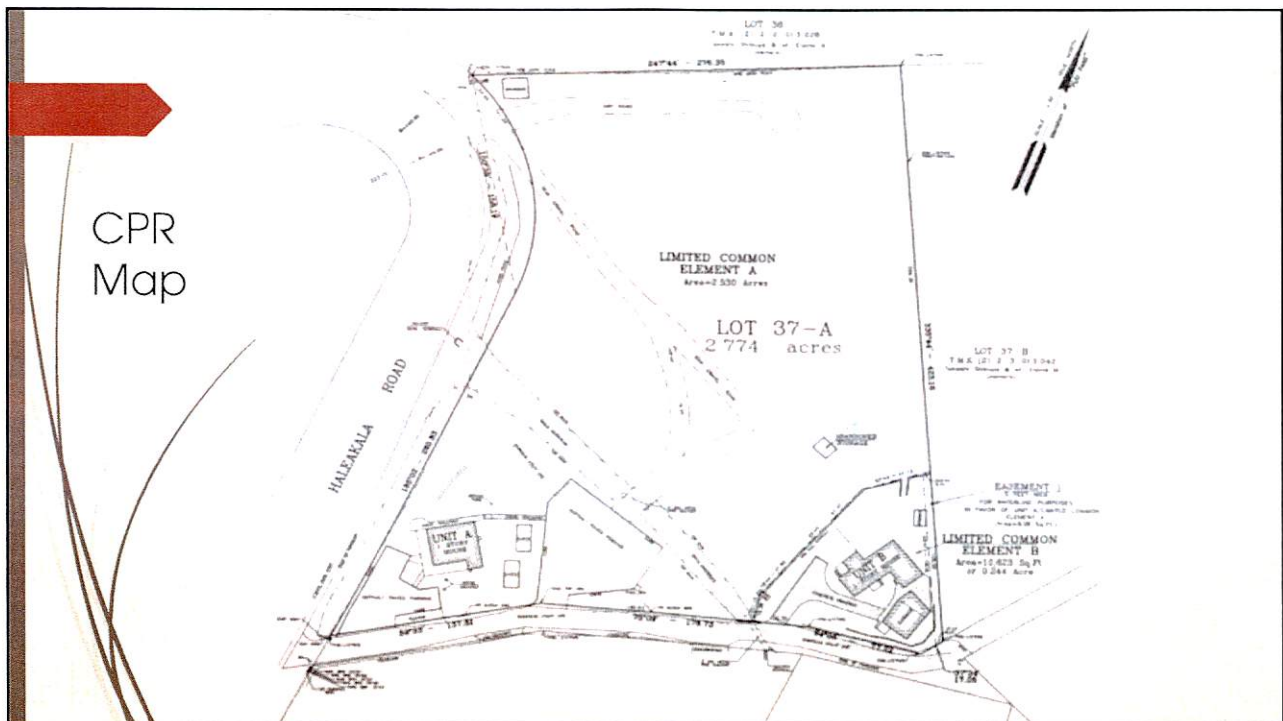
Haleakala Upcountry Market

Maui Planning Commission
December 10, 2019

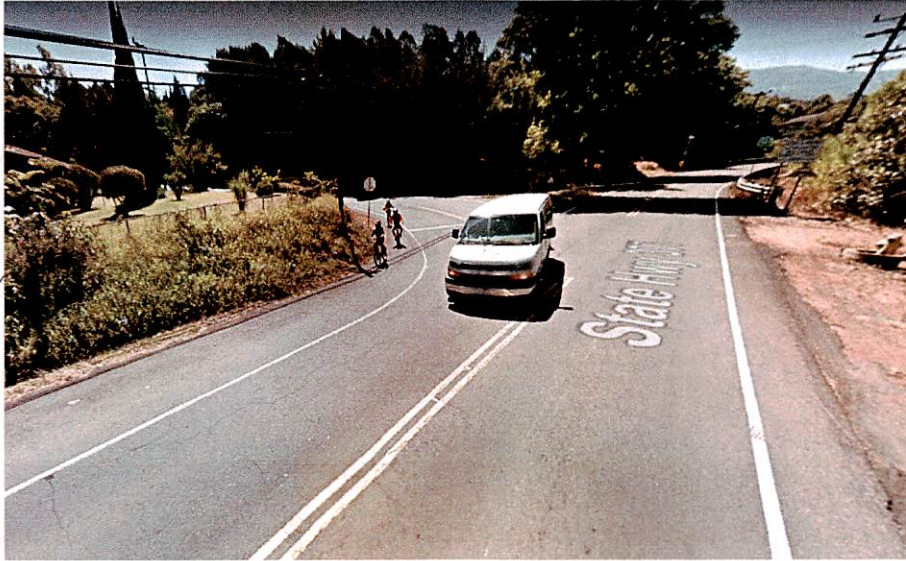
Department of Planning Presentation

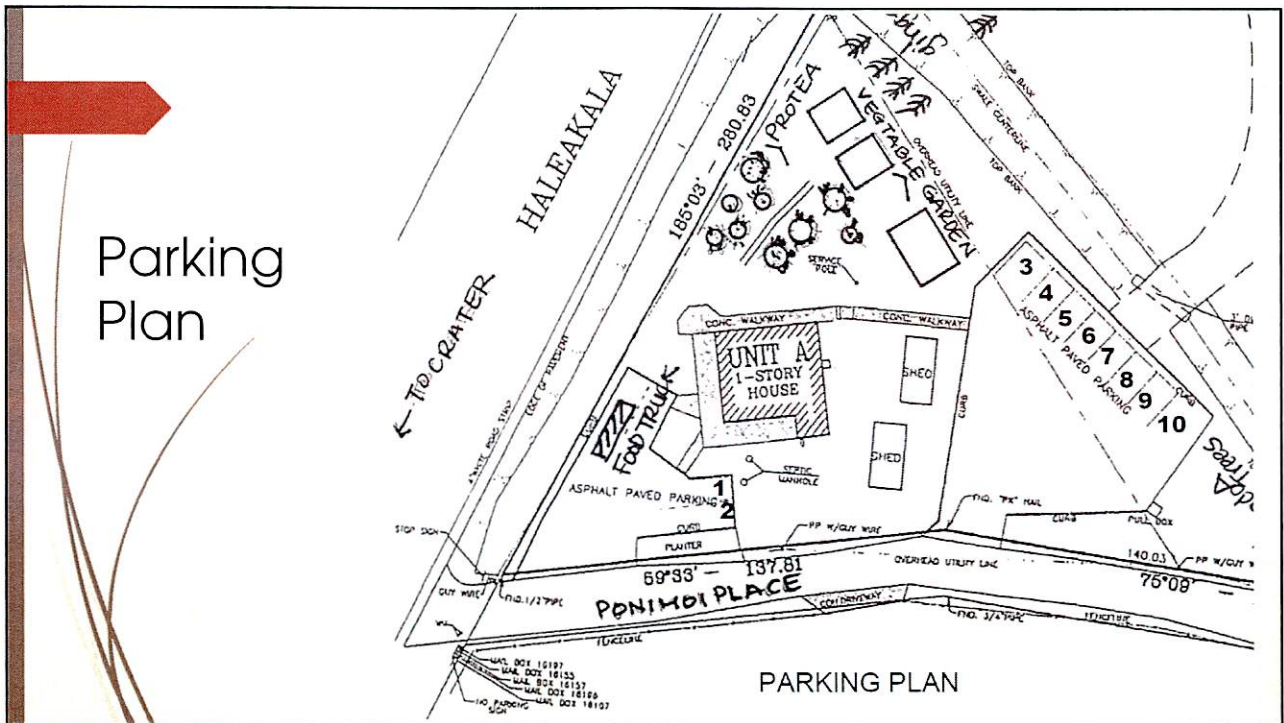
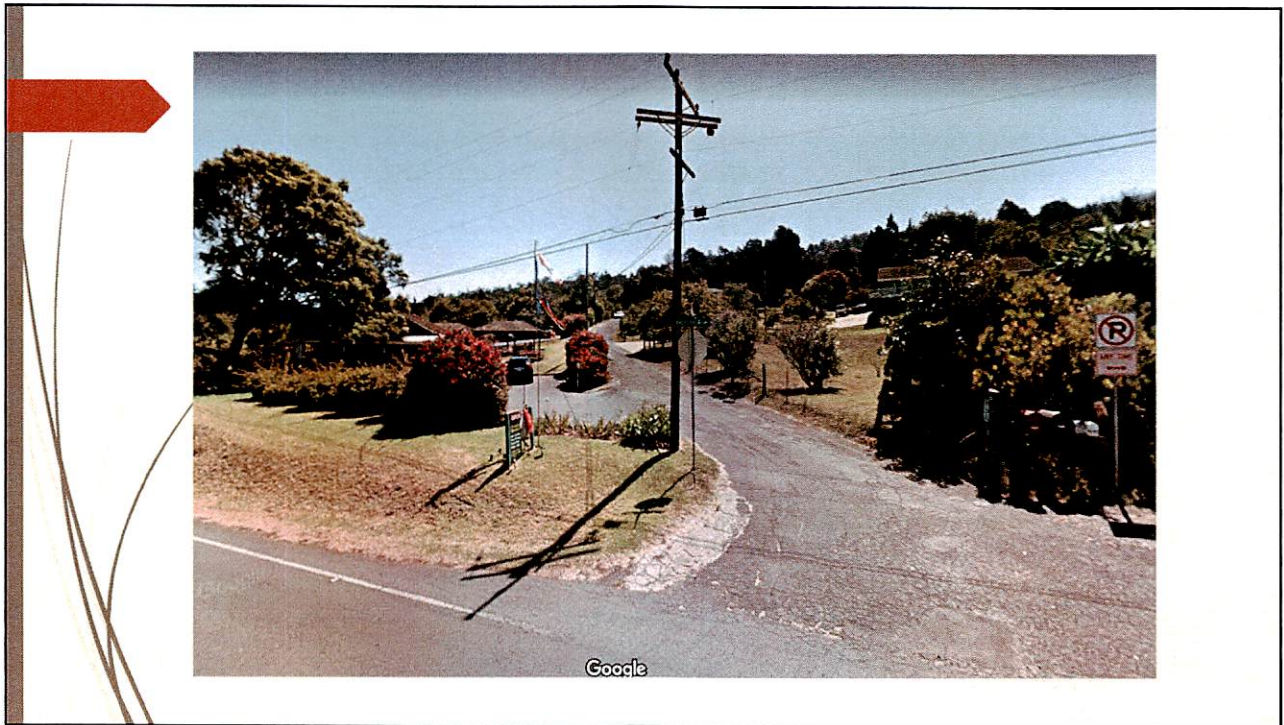
Location Map





Photographs of Route to the Property









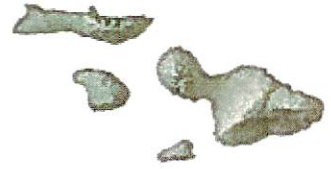
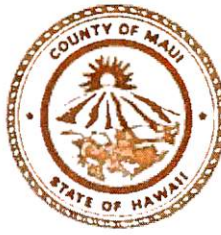








MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



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

January 2, 2019

Ms. Trina T. Pinsky
16157 Haleakala Highway
Kula, Hawaii 96790

Dear Ms. Pinsky:

SUBJECT: APPROVAL OF STATE LAND USE COMMISSION SPECIAL PERMIT (SUP2) AND RECOMMENDATION OF APPROVAL OF A CONDITIONAL PERMIT (CP) TO ESTABLISH AND OPERATE THE HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS, VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO OPERATE A FOOD TRUCK ON APPROXIMATELY 2.530 ACRES OF LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16155 HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA, ISLAND OF MAUI, HAWAII; (SUP2 2019/0012) (CP 2018/0003)

At its regular meeting on December 10, 2019, the Maui Planning Commission (Commission) took public testimony and reviewed the above requests, and after due deliberation, the Commission voted to approve the SUP2, subject to the conditions below, and recommend approval of the CP to the Maui County Council (Council) subject to conditions below. The Council has the final review and approval authority for the CP.

Land Use Commission Special Permit

1. That the SUP2 shall be valid until **December 31, 2022**, or the expiration date of the Conditional Permit, whichever is later, subject to extension by the Maui County Planning Director upon a timely request for extension filed prior to its expiration. The Planning Director may forward the time extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission.

2. That the subject SUP2 shall not be transferred without the prior written approval of the Commission. However, in the event that a contested case hearing preceded issuance of said SUP2, a public hearing shall be held by the appropriate Planning Commission 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 SUP2 and shall procure at its own cost and expense, and shall maintain during the entire period of this SUP2, 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 insured, insuring and defending the Applicant and the 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. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department a detailed report addressing its compliance with these conditions within one year after approval. Two hard copies and one digital copy by a compact disk or similar means shall be submitted. Compliance Reports shall also be submitted to the Department with requests for time extension.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the SUP2. Failure to so develop the property may result in the revocation of the permit.
7. That the conditions of this SUP2 shall be enforced pursuant to §§205-12 and 205-13, Hawaii Revised Statutes.

8. That the Applicant shall obtain a certificate of occupancy for the proposed market prior to occupancy. A copy of the certificate shall be submitted to the Department of Planning upon issuance and prior to operation.
9. That the Applicant shall confer with the Department of Environmental Management in the event a commercial kitchen is planned on the subject property, and shall request an amendment to the subject Conditional and Land Use Commission Special Permits prior to establishing a commercial kitchen on the site.
10. That the Applicant shall provide regular maintenance of the backflow preventer installed at the property.
11. That the Applicant shall provide to the Department of Health, Maui Office, wastewater flow calculations for the proposed change in use from dwelling to market. A copy of the DOH approval shall be provided to the Department of Planning prior to operation of the market and food truck.
12. That the Applicant shall mitigate any unexpected traffic issues attributed to the subject project to the satisfaction of the Department of Transportation, Maui District Engineer, at no cost to the State.

Conditional Permit Conditions

1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the CP shall be valid for a period of three years from the effective date of this ordinance; provided, that an extension of this permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. 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 Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending the permittee and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional 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 Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within 90 calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

5. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, Maui County Code.
6. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.

Thank you for your cooperation. If you have any questions, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at (808) 270-5537.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John Rapacz, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planning (PDF)
Department of Transportation, Maui District
Department of Finance, Real Property Division
Department of Environmental Management
Department of Public Works
Department of Health, Maui
State Office of Planning
Project File
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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, 2020

Ms. Trina T. Pinsky
16157 Haleakala Highway
Kula, Hawaii 96790

Dear Ms. Pinsky:

SUBJECT: AMENDMENT TO CONDITION 5 OF THE APPROVAL OF STATE LAND USE COMMISSION SPECIAL PERMIT (SUP2) AND ADDITION OF CONDITION 7 TO THE RECOMMENDATION OF APPROVAL OF A CONDITIONAL PERMIT (CP) TO ESTABLISH AND OPERATE THE HALEAKALA UPCOUNTRY MARKET TO SELL FLOWERS, VEGETABLES, AND MADE-ON-MAUI PRODUCTS AND TO OPERATE A FOOD TRUCK ON APPROXIMATELY 2.53 ACRES OF LAND IN THE STATE AND COUNTY RURAL DISTRICT AT 16155 HALEAKALA HIGHWAY, TMK: (2) 2-3-013:025-0001, KULA, ISLAND OF MAUI, HAWAII; (SUP2 2019/0012) (CP 2018/0003)

This letter is to correct errors and omissions inadvertently made in our previous letter of January 2, 2020 (incorrectly dated January 2, 2019).

Amendment to Approval of SUP2 2019/0012

Condition No. 5 was amended by the Maui Planning Commission (Commission) by adding the sentence, "A preliminary compliance report shall be submitted to the Department of Planning by December 10, 2020."

Amendment to Recommendation of Approval of CP 2018/0003

The Commission added Condition No. 7, "That the Applicant shall provide one ADA accessible restroom for customers and employees and a separate hand washing station, prior to operation of either the market or the food truck."

At its regular meeting on December 10, 2019, the Commission took public testimony and reviewed the above requests, and after due deliberation, the Commission voted to approve the SUP2, subject to the amended conditions below, and recommend approval of the CP to the Maui

County Council (Council) subject to conditions below. The Council has the final review and approval authority for the CP.

Land Use Commission Special Permit

1. That the SUP2 shall be valid until **December 31, 2022**, or the expiration date of the Conditional Permit, whichever is later, subject to extension by the Maui County Planning Director upon a timely request for extension filed prior to its expiration. The Planning Director may forward the time extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission.
2. That the subject SUP2 shall not be transferred without the prior written approval of the Commission. However, in the event that a contested case hearing preceded issuance of said SUP2, a public hearing shall be held by the appropriate Planning Commission 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 SUP2 and shall procure at its own cost and expense, and shall maintain during the entire period of this SUP2, a policy or policies of comprehensive liability insurance in the minimum amount of 1,000,000.00 naming the County of Maui as an additional insured, insuring and defending the Applicant and the 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. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department a detailed report addressing its compliance with these conditions within one year after

approval. Two hard copies and one digital copy by a compact disk or similar means shall be submitted. Compliance Reports shall also be submitted to the Department with requests for time extension. A preliminary compliance report shall be submitted to the Department of Planning by December 10, 2020.

6. That the Applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the SUP2. Failure to so develop the property may result in the revocation of the permit.
7. That the conditions of this SUP2 shall be enforced pursuant to §§205-12 and 205-13, Hawaii Revised Statutes.
8. That the Applicant shall obtain a certificate of occupancy for the proposed market prior to occupancy. A copy of the certificate shall be submitted to the Department of Planning upon issuance and prior to operation.
9. That the Applicant shall confer with the Department of Environmental Management in the event a commercial kitchen is planned on the subject property, and shall request an amendment to the subject Conditional and Land Use Commission Special Permits prior to establishing a commercial kitchen on the site.
10. That the Applicant shall provide regular maintenance of the backflow preventer installed at the property.
11. That the Applicant shall provide to the Department of Health, Maui Office, wastewater flow calculations for the proposed change in use from dwelling to market. A copy of the DOH approval shall be provided to the Department of Planning prior to operation of the market and food truck.
12. That the Applicant shall mitigate any unexpected traffic issues attributed to the subject project to the satisfaction of the Department of Transportation, Maui District Engineer, at no cost to the State.

Conditional Permit Conditions

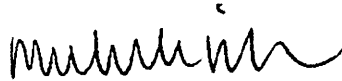
1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the CP shall be valid for a period of three years from the effective date of this ordinance; provided, that an extension of this permit beyond this three-year period may be granted pursuant to Section 19.40.090, Maui County Code.

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. 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 Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this CP, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the County of Maui as an additional insured, insuring and defending the permittee and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional 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 Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within 90 calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
5. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, Maui County Code.
6. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.
7. That the Applicant shall provide one ADA accessible restroom for customers and employees and a separate hand washing station, prior to operation of either the market or the food truck.

Ms. Trina Pinsky
March 5, 2020
Page 5

Thank you for your cooperation. If you have any questions, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at (808) 270-5537.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John Rapacz, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planning (PDF)
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Department of Health, Maui
State Office of Planning
Project File
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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
Item B.2
DECEMBER 10, 2019**

Ms. McLean: Thank you Chair. Next you have a request from Ms. Trina Pinsky for a Conditional Permit and a State Special Permit in order to establish and operate the Haleakala Upcountry Market, to be comprised of retail flowers, gifts, craft workshops, parking, and Stewz Burgers food truck, on approximately 2.530 acres at TMK: 2-3-013:025 at 16157 Haleakala Highway in Kula, and once again Livit Callentine is the Project Planner.

B. PUBLIC HEARINGS

2. MS. TRINA T. PINSKY requesting a Conditional Permit and a State Special Permit in order to establish and operate the Haleakala Upcountry Market, to be comprised of retail flowers, gifts, craft workshops, parking, and Stewz Burgers food truck, on approximately 2.530 acres at TMK: (2) 2-3-013:025, 16157 Haleakala Highway, Kula, Island of Maui (CP 2018/0003, SUP2 2019/0012) (L. Callentine)

Ms. Livit Callentine: Good morning again Commissioners.

Mr. Carnicelli: Good morning again.

Ms. Callentine: This item is before you for review because the applicant is proposing a retail market and food truck on about two and a half acres in the State and County designated rural land. A Land Use Commission Special Permit is required because the market is not a permitted in the State Rural District. And then a Conditional Permit is necessary is because the market is neither a permitted nor a special use in the County Rural District.

So the proposed market will be located in one dwelling onsite, and I'm going to try to navigate my slides. This is a location map. So it's kinda hard to see but this is Crater Road so they're right at the base, almost...just a little bit above the base of Crater Road at 16155 Haleakala Highway. The site...here's an overview of the site. So the blue line you see are...the blue lines that you see are the border of the whole entire property but on the next side you'll see that this corner right here, a quarter acre of this corner is actually...the property's been condominiumized is what I'm trying to say, and so this area right here a quarter of an acre right here is Unit A, is Unit B, and all the rest of the property is Unit A and that is the property on which the market and food truck are proposed to take place. The green line around this area just to show the area where the activities will be taking place in regards to the market and the food truck.

This is the CPR map. Now it's a different orientation so it didn't look right when I tried to twist it so this again this is the quarter acre parcel or part of the lot and the rest of it is in the Unit A CPR unit.

These are photographs of the approach to the project. This is just about to make the turn onto Highway 377 off of Highway 378 probably you guys have seen that many times. Having gone around the curve this shows in the left-hand side this is a peak at the structure that is proposed to be used for market. And here's the driveway on Ponimoi and the—on the way to the parking areas and the property. The parking plan shows that they have a total of 12 stalls. However, two

1 of them...sorry I should be speaking into the mic, 12 stalls however two of them are going to be
2 dedicated to the food truck aspect over there on the left-hand side right here, food truck, and
3 there's two more stalls right here and eight stalls up here for a total of ten stalls available. They
4 need eight stalls for the uses they're proposed according to our Zoning and Administration
5 Division and the Maui County Code.

6
7 So this is a picture of the...currently it's a dwelling, and it will become a market. It was previously
8 a market. Let me talk about that for a minute. So the market will be located in this one dwelling
9 and which was constructed in approximately 1982. The market will have retail, office and storage
10 space and it has one bathroom. Also on the property are two open pavilions with picnic tables
11 which guests may use while consuming the food purchased on site and there's also two storage
12 buildings. I'll go through a couple more pictures right now. This is the upper parking area which
13 was shown as having...the parking stalls are along this side of the lot, eight stalls. Again, another
14 little shot of the stalls. This is showing the overview of the site, it's fairly heavily wooded on the
15 right-hand side of the picture which I can't think of the directions right now, but anyway these are
16 two open pavilions that have picnic tables in them and they will be available for guests to use if
17 they want to take a break from shopping or eating.

18
19 The market will sell flowers and vegetables and made on Maui products and initially the applicant
20 intended to provide quarterly craft workshops but as of now that portion of the request has been
21 withdrawn. The applicant expects to employ four to five employees to operate the market and
22 food truck.

23
24 So the property has a history as a retail market. Previously John Hiroshima operated the Sunrise
25 Market for approximately 30 years and he closed in 2012. The property was sold and the new
26 owner established this condominium regime and the applicant, Trina Pinsky purchased Unit A
27 which is about a two and a half acre parcel. The property has been used to grow protea for many
28 years and the applicant will continue this use. In addition she plans to grow vegetables for the
29 commercial...licensed commercial kitchen that she operates in Kihei under the name Stew's Maui
30 Burgers. This kitchen is also where the food preparation will take place.

31
32 We transmitted the application to various agencies and I have a summary of their comments. I
33 don't know if that's necessary. I'm looking to the Chair for a little direction. How would you like
34 me to go into that?

35
36 Mr. Carnicelli: I don't think at this point you need to do that.

37
38 Ms. Callentine: Needless to say, I'll suffice to say all the comments have been or will be
39 addressed through the conditions of approval. It was nothing really significant. There were...also
40 you like to hear about Requests for Service. So there were several Requests for Service but they
41 were all filed prior to the applicant's purchase of the property. They were included in the report
42 as Exhibit 31 if you're interested. Three people offered written testimony in support of the
43 applications and no protests were received.

44
45 At this point, let's see at this point I'd like to just go through the rest of the slides real quickly for
46 you. This is the...an upper storage building. This is a storage building at the lower end of the

1 property. This is just a picture showing the corner of the, a corner of the dwelling and some of
2 the plantings and this looks as though she's preparing to make planting beds here in these frames.
3 Another...you can see it's not flat, it's fairly level but it's not completely flat. And then this is of
4 course, some of the lovely protea that she's growing on site. So with that I'd like to introduce
5 Trina Pinsky who would like to introduce herself and say a few words.

6
7 Mr. Carnicelli: Okay, thank you Livit.

8
9 Ms. Callentine: Thank you.

10
11 Ms. Trina Pinsky: Aloha and Mele Kalikimaka to all. I want to thank you for your time, your
12 dedication Commissioners in serving the County of Maui.

13
14 Mr. Carnicelli: Thank you. Actually you do need to say your name for the record.

15
16 Ms. Pinsky: Oh I'm sorry. My name is Trina Pinsky.

17
18 Mr. Carnicelli: Thank you Trina. Do you have anything else that you would like to add? Livit
19 covered a lot.

20
21 Ms. Pinsky: Yeah she did. No, I just wanted to say that this is a project I am very excited about
22 and passionate about. In the retail market area I was going to be looking for Maui...Made in Maui
23 products handcrafted here in Maui supporting the local businesses here that do that. And so yeah
24 ...(inaudible)... So I have a sample of some of the products, just a glimpse of what we would be
25 selling in the market portion. This is a pineapple that's handcrafted by Gina Teruya. She's been
26 doing this for almost 20 years by hand here on Maui. Also, I have...I also have paper from
27 Wrappily and they...yeah, handmade paper. Okay, let me get my...so this wrapping paper is
28 made on Maui. It's processed and printed in bee wax, but it's made on 100 percent recyclable
29 newsprint. I also have Maui Cattle Company beef jerky and supporting things that are born and
30 grazed in Hawaii as well as bamboo straws by Wahi Hawaii. So a part of their proceeds to
31 supporting the environment and the turtles here in Hawaii. And so that's just a glimpse of some
32 of the things that I would be selling in the market. I am passionate about supporting things that
33 are made in Hawaii on Maui and working with local handcrafters and artists. Also, yeah there's
34 the food truck, and so the burger part of the food truck we've been in Kihei for about eight years
35 and we use Maui Cattle beef and local produce for that and I think that would be just a good
36 combination for the community to have and those are some of the protea flowers that are blooming
37 right now, the King Proteas. So yeah, I think that's all. Thank you.

38
39 Mr. Carnicelli: Thank you Trina, we appreciate it. So before we open this up for public testimony
40 I think just in an abundance of caution I would like to address the letter that we received from
41 Warren and JoAnn Shibuya on November 25, 2019, it's titled, Petition to Intervene. So I just out
42 of an abundance of caution I would like to before we open up for public testimony have you
43 address this please?

44
45 Ms. Callentine: Mr. Chair, we received this letter from Mr. and Mrs. Shibuya into the Department
46 and several of the administrators in the Department and managers looked at this and said he

1 wants to intervene but it was filed the day of the deadline of intervention and yet he said he was
2 supportive of it. So it was a confusing letter so we actually just went ahead and called Warren or
3 emailed him...I think we called him, yeah. Ann Cua and I called him. And he said, no, no, no I
4 thought was just...I just I got...he thought he was...he thought he was supposed to call it a Petition
5 to Intervene but he said I do not intend to intervene. I intend to support the project but I am raising
6 some concerns which you can see those. I asked him subsequently would he be willing to then
7 put that in writing to us that it was not a Petition to Intervene which he did and I believe that was
8 also forwarded to the Commission the last week by email. He's not intervening. He's supporting
9 with comments that's the way I would characterize it.

10
11 Mr. Carnicelli: Okay. And hopefully since he's sitting here he can come up and clarify that for us
12 as well. But I just wanted...because it says Petition to Intervene I just wanted to get that out of
13 the way before we move forward. So thank you, I appreciate that.

14
15 Mr. Carnicelli: Sure.

16
17 Mr. Carnicelli: Okay. So at this point in time we are gonna go ahead and open up the floor for
18 public testimony.

19
20 Ms. La Costa: Chair, I have a clarification from Livit as well if you don't mind?

21
22 Mr. Carnicelli: Okay, Commissioner La Costa.

23
24 Ms. La Costa: Thank you. There is an RFS noted in...dated 2018.

25
26 Mr. Carnicelli: Okay, we'll get to that. I just wanted to clarify the petition before...we'll get to Q&A
27 after the public testimony. So at this point in time we have nobody signed up to testify on this
28 particular item, but Warren if you would go and come forward and please give us your mana`o.

29
30 Mr. Warren Shibuya: Thank you Commissioners. I'm Warren Shibuya. I'm actually a neighbor
31 that's quite a distance away from Pinsky's property and grew up with John Hirashima and in fact
32 I was disappointed when he sold the place and nobody was running that store. It's a good rest
33 stop area for many of the visitors coming down and I support this project very much.

34
35 The only concern I have is actually the standard of care that we need to somehow express with
36 people driving down the highway. It's not a regular roadway it's a highway and buses actually
37 cannot get into the parking lot so they park on the side of the road and you now have tourists and
38 visitors all over the place and that can be of concern. And that's all I'm saying. Maybe we can
39 have you know the State doesn't like to have the County telling them what to do so somehow
40 maybe someone can mention it to the State that perhaps we have a flashing light saying 30 miles
41 an hour or something to this effect. It might be something to make them aware, the motorists
42 aware that we have visitors around who are more concerned of taking pictures or getting to the
43 store or away from the store. Thank you.

44
45 Mr. Carnicelli: Thank you. Any questions for the testifier? Warren I have one quick question for
46 you.

1
2 Mr. Shibuya: Yes.

3
4 Mr. Carnicelli: And this just popped up and it might be in here, parking on Haleakala Highway is
5 there room on the shoulders to do that in this particular area?

6
7 Mr. Shibuya: Barely.

8
9 Mr. Carnicelli: Barely.

10
11 Mr. Shibuya: Barely. In fact there was a concern and the Hirashimas put in that asphalt layment
12 in that area so it's easy for the visitors to walk on because it was before it was just grass and
13 rocks and soil.

14
15 Mr. Carnicelli: How about on the opposite side of the highway though 'cause that's...to me that
16 would be the bigger concern, right. They park on the other side then have to walk across the
17 highway.

18
19 Mr. Shibuya: Yes well, generally people don't see it until they come back down.

20
21 Mr. Carnicelli: Got it.

22
23 Mr. Shibuya: And also the interest is getting up to the summit first. So I don't see that as being
24 a parking.

25
26 Mr. Carnicelli: Have a burger on the way back.

27
28 Mr. Shibuya: Yes.

29
30 Mr. Carnicelli: Got it. Okay. Commissioner Freitas.

31
32 Mr. Freitas: Mr. Shibuya—

33
34 Mr. Shibuya: Yes.

35
36 Mr. Freitas: What did Mr. Hiroshima or the previous owners sell?

37
38 Mr. Shibuya: Proteas and they also had sandwiches and drinks and that sorta thing. But it was
39 mainly for proteas, the flowers.

40
41 Mr. Freitas: Okay, thank you.

42
43 Mr. Carnicelli: Thank you. Thank you.

44
45 Mr. Shibuya: Thank you.

46

1 Mr. Carnicelli: Is there anybody else that would like to testify on this particular item? Then if there
2 are no objections we'll go ahead and close public testimony and open up for Q&A. Commissioner
3 La Costa.

4
5 Ms. La Costa: Thank you Chair. So my question goes to Livit please. Thanks. On your
6 introduction and your summary you said that there were no RFSs after the property was sold yet
7 this is one showing 2018.

8
9 Ms. Callentine: Right, let's take a look at that.

10
11 Ms. La Costa: Will you please give us some information on that?

12
13 Ms. Callentine: That is in, I believe it's in Exhibit 31 and—

14
15 Ms. La Costa: It's on Page 5. It was not included in the Exhibits but it is on Page 5.

16
17 Ms. Callentine: It is not. Oh I'm sorry, it was summarized that's right, it's summarized on Page 5,
18 yeah I didn't include them all, thank you.

19
20 Ms. La Costa: Thank you.

21
22 Ms. Callentine: So you know, this I actually understood this to be that the property was being
23 rented out as dwelling to a tenant who without permission from the owner at the time began using
24 it as a short-term rental. And I can't tell you anything more about it than that but I would imagine
25 that the applicant might be able to illuminate us if you wish to hear from her.

26
27 Ms. La Costa: May I? Ms. Pinsky please, thank you. So you purchased the property in 2014,
28 this RFS was in '18 is that on A or B?

29
30 Ms. Pinsky: Okay, so my name is Trina Pinsky and I purchased the property in 2018 not in 2014.

31
32 Ms. La Costa: Okay, there's something in here that said 2014, okay.

33
34 Ms. Callentine: It was sold in 2014 to Gregg Blue who then subsequently condominiumized it and
35 in 2018 sold a portion to Ms. Pinsky.

36
37 Ms. La Costa: Thank you. That was not delineated here. Thank you.

38
39 Mr. Carnicelli: So before you go anywhere just procedurally I skipped something. There's a
40 Conditional Permit and a Special Use Permit, the Special Permit is actually technically a contested
41 case so I need to ask you if you need to cross-examine Warren or not. If you don't have any
42 questions for him that's fine. It's just you have the opportunity to do that, I did not grant that to
43 you when you were...when he was up here. If you don't have any questions for him that's fine.
44 If you do, now is your opportunity.

45
46 Ms. Pinsky: Okay. No I don't have any questions for him.

1
2 Mr. Carnicelli: Okay, I just...it's a procedural thing that I forgot to do. So thank you for allowing
3 me to do that. Commissioner Castro do you have any questions?
4

5 Mr. Castro: Yes—
6

7 Ms. La Costa: Well I didn't get that...Ms. Pinsky didn't answer this question please.
8

9 Ms. Pinsky: Could you please repeat your question?
10

11 Ms. La Costa: Surely. The RFS shows that the property was being rented short-term illegally by
12 a tenant so was that on your portion of the CPR or the other portion of the CPR, did you have any
13 control over that?
14

15 Ms. Pinsky: No, I didn't have any control over that. That was Gregg Blue's tenant that was doing
16 that, and when we purchased the property his tenant had about two months to leave and so we
17 were unaware of what she was doing.
18

19 Ms. La Costa: Okay. And I just have one other? Thank you. And Ms. Pinsky have you operated
20 the market currently or are you waiting for your permit to do so?
21

22 Ms. Pinsky: Oh, I'm waiting for my permit to do so.
23

24 Ms. La Costa: Thank you.
25

26 Mr. Carnicelli: Commissioner Castro.
27

28 Mr. Castro: In regards to the sewers that you're exploring the use of portable toilets to service
29 the customers. If you don't take it into consideration will they be using the restroom in the
30 dwelling?
31

32 Ms. Pinsky: No. That's why I would get the porta potties that they would use those.
33

34 Mr. Castro: Okay, so you're—
35

36 Ms. Pinsky: So the restroom would mainly be for employees.
37

38 Mr. Castro: Are you still considering it or are you going to get porta potties?
39

40 Ms. Pinsky: Oh, I am going to get porta potties.
41

42 Mr. Castro: Okay, that's a concern if you know people needing to use the restroom up there and
43 there's nowhere to go.
44

45 Ms. Pinsky: Yeah, no, yeah, so we've decided to get some porta potties.
46

1 Mr. Castro: Thank you.

2
3 Mr. Carnicelli: Commissioner Tackett, do you have any questions at this time?

4
5 Mr. Tackett: I have no questions.

6
7 Mr. Carnicelli: Commissioner Robinson.

8
9 Mr. Robinson: Good morning.

10
11 Ms. Pinsky: Good morning.

12
13 Mr. Robinson: Can you, and Livit I hope you can help with the slide, can you run down again
14 exactly where the location of the fire truck...or the location of food truck is gonna be and where
15 the patrons would park and then use the food truck?

16
17 Ms. Callentine: Absolutely. So this is one view which shows there's two parking stalls to the left
18 that are occupied right now by cars and then there are two to the right, you only see a portion of
19 one of them. The location where the two cars are that is the site plan that's been presented to us
20 is that the food truck will be in one of those two stalls but it will take up those stalls for the you
21 know, for the movement around it. Then this is another image that shows that same thing, shows
22 the food truck's parking in here and then room for maneuvering next to it and the other two stalls
23 here and the other eight stalls up here in the upper parking lot.

24
25 Mr. Robinson: And are those, are those picnic benches are the square areas after the people
26 grab their food from, you know it's a burger so they can't...it's not a stick so is there a place where
27 you're planning for them to sit down and eat while there?

28
29 Ms. Pinsky: Wait did you say that the burgers were on a stick?

30
31 Mr. Robinson: No, they're not on a stick so you are gonna sit down and I assume you're gonna
32 eat.

33
34 Ms. Pinsky: Yeah, okay so the two squares there next to Unit A you see—

35
36 Mr. Robinson: Those are tables?

37
38 Ms. Pinsky: Yeah, so they can sit, four picnic tables, two under each.

39
40 Ms. Callentine: And I'll show you another photo that shows you here's the two pavilions in the
41 foreground or in the mid-ground from the upper parking lot looking down at the market and you
42 can just barely make out, you can make out right, the picnic tables right underneath.

43
44 Mr. Robinson: Okay, I have another comment or you wanna?

45
46 Mr. Carnicelli: Go, go, go.

1
2 Mr. Robinson: It's I just want to make a comment about how we treat our tourists and your
3 bathroom situation.

4
5 Ms. Pinsky: Yes.

6
7 Mr. Robinson: Is I understand that you're gonna use a porta pottie. I think if you service your
8 current system I think you might be able to let them use inside and I think the cost you might want
9 to look at it instead of having something outside. It's cold up there.

10
11 Ms. Pinsky: Yes.

12
13 Mr. Robinson: ... (inaudible) ... and that's all. You know, I'm glad you're gonna open up that market
14 again, and I hope that the signage on the truck isn't too, too loud for the street.

15
16 Ms. Pinsky: Sure.

17
18 Mr. Robinson: Again, I'm not gonna say what it is, I just hope it will blend in and I hope that you
19 really promote that it is upcountry cattle I think that's a, you know Kahuku shrimp, you know
20 upcountry cattle, I think that be, that be something great that people will see on the way up will
21 say on the way back down let's go and have lunch there, so good luck.

22
23 Ms. Pinsky: Thank you.

24
25 Mr. Carnicelli: Thank you. Commissioner Pali. Commissioner Thompson.

26
27 Mr. Thompson: So to fix the parking problem for the buses is there any way for them to park now
28 on property?

29
30 Ms. Pinsky: No, there's no way for them to park on property because they can't get into the
31 parking.

32
33 Mr. Thompson: And so it's—

34
35 Ms. Pinsky: And... oh, go ahead.

36
37 Mr. Thompson: I wanted to say so these are tour groups and they... so they already they
38 prearrange with you to come there? Is that how it works?

39
40 Ms. Pinsky: No. Actually no one has prearranged to come, to do a tour or groups to come. I
41 would think that when you're taking a tour on the big buses that seat 24, they're on a schedule so
42 I think before if they ever wanted to stop they would notify us?

43
44 Mr. Thompson: And second on the bathrooms, I know that's a hot seat for this and looking at
45 before there's also Bill Gate's company and there's others that make compostable toilets, they're
46 about a thousand bucks.

1
2 Ms. Pinsky: Yes. Wow.

3
4 Mr. Thompson: So you know for your porta potties they're gonna charge like 75 bucks a month,
5 get one in there and maintain it so it maybe 'cause yeah your septic system now a thousand
6 gallons won't handle it. I don't think it's even legal to do because of the amount of people there.
7 So you'll have to have ...(inaudible)...

8
9 Ms. Pinsky: I like that idea, thank you.

10
11 Mr. Thompson: Yeah, worth looking into. I don't know if it should be a condition on there but it
12 certainly would help, help you and help everybody and you're not pumping poop into the ground
13 there. And then the rest of the people coming down, the bicycles and all that come down, they
14 stop there regularly?

15
16 Ms. Pinsky: Well, it's not open for operation, but I would think that when they're coming down
17 again they would probably contact us to see if they could park their vans in there and make a
18 stop.

19
20 Mr. Thompson: You'd have a heck of a business there won't you? Okay, thank you.

21
22 Mr. Carnicelli: Commissioner Freitas.

23
24 Mr. Freitas: This might be a typo but on Page 15 under water it states that the existing farm
25 currently utilizes 93 million gallons a day if I'm reading that correct. You're using a lot of water. I
26 know it's a misprint but what should that have been, 93 gallons a day or what happened there?

27
28 Ms. Callentine: Let's take a look. Let's take a look at the actual words.

29
30 Mr. Freitas: Page 15 it's the aquifer.

31
32 Ms. Callentine: And then also you can see the actual words of the Water Department on Exhibit
33 14 so I will find this. It says that the agricultural and commercial demand is approximately
34 4,523 gallons per day which is what I say in here so...oh seven, okay the 7 million gallons per
35 day that is the aquifer sustainable yield. That is nothing to do with this project that is the
36 sustainable yield of the aquifer.

37
38 Mr. Freitas: No it says the existing farm currently utilizes 93 mgd.

39
40 Ms. McLean: Looking at Exhibit 14, Water Department's letter—

41
42 Ms. Callentine: Right, right, right, I see —

43
44 Ms. McLean: --it's 93 gallons per day.

45
46 Mr. Freitas: So I'm saying this is a misprint.

1
2 Ms. McLean: Yes, we're a million times off.
3

4 Mr. Freitas: I read that, I forgot where I was headed with talking, asking questions about the water
5 so I don't have a water question but wanted to make sure that that was correct. But I do have a
6 couple of real quick questions. When I saw that there was gonna be a market that was gonna
7 have like a...I thought first thing was a farmer's market and I thought that would be great for us
8 there and then I started to read what you were selling, and then I looked at the picture of the farm,
9 I can't you know the vegetable part. I can't see that you're gonna be growing a lot of vegetables
10 in the small space that you have and it just says vegetables on your permit. What were you gonna
11 grow or sell?
12

13 Ms. Pinsky: So the vegetable boxes that you see I was going to be...or planning on planting
14 lettuce and tomato in those boxes and that would be for the food truck and if there's any extra it
15 would be for sale, but mainly to do like a farm to table type of concept where we plant...and
16 onions, onions, lettuce and tomatoes for the burgers and for the salads. Yeah, there's a lot of
17 work to do.
18

19 Mr. Freitas: Okay, so it seemed more like some of the Maui made and the food truck is gonna be
20 more of the business than actually the vegetable and maybe flowers are gonna...the proteas are
21 probably gonna be the bigger sellers. So I was just kinda thinking that gosh I wish there would
22 be more vegetables for the residents around 'cause it seems like a lot of this is more for visitors
23 than the locals.
24

25 Ms. Pinsky: No, it's also for the locals too. As far as vegetables I am very open into partnering
26 with the other farmers that have like commercial crops going like they have lots of yields.
27

28 Mr. Freitas: Okay, that's what I was hoping to hear.
29

30 Ms. Pinsky: Yeah, so I can bring those in and that's again, lettuce, beans, tomatoes, pumpkins,
31 yeah.
32

33 Mr. Freitas: Okay, good, good. Okay, thank you.
34

35 Mr. Carnicelli: So my questions I think the biggest concern for me on this is going to be traffic
36 and parking. I mean that just seems to be the biggest issue. And when I look at the State DOT's
37 response it says an existing parking lot with proximately eight parking spaces is located on
38 Ponimio Place, right? It says, based on description...but it will not significantly impact the State
39 highway system. However if there's an expansion of the operating system we should revisit.
40 Well, we have ten so the DOT is commenting on eight but we actually have ten and I don't know
41 how much it is to put a blinky light in, to you know whatever, I mean we're probably talking it
42 makes it cost prohibitive most likely to do something like that I don't know. Actually you know
43 what let me ask Deputy Director of Public Works, to put in something like that on the state highway
44 system how expensive is that for a landowner to do and obviously would have to coordinate with
45 DOT, right?
46

1 Mr. Molina: Good morning Planning Commission Chair and Members. Yeah, so that...I mean
2 we would not have jurisdiction so that would be to coordinate with State DOT. The price range
3 for those type of message, you know, speed limit message boards I mean range potentially in
4 \$5,000 range, and I'm not familiar with how DOT would handle a request from a private landowner
5 to install such a facility in the right of way.

6
7 Mr. Carnicelli: Okay. All right, thank you. Do you want to say something to that effect? I'll give
8 you an opportunity to respond.

9
10 Ms. Pinsky: Thank you. I do know that there is a sign on the right side of the highway that says
11 no parking. There is a no parking sign.

12
13 Mr. Carnicelli: On the right side going up or the right side going down?

14
15 Ms. Pinsky: The right side going up not down.

16
17 Mr. Carnicelli: Okay, yeah Director.

18
19 Ms. McLean: Thank you Chair. Looking at the State Department of Transportation's letter they
20 reference a parking lot with approximately eight parking spaces. Looking at the site plan, the
21 parking lot, the larger parking lot has eight spaces, the other two are in that initial front portion.

22
23 Mr. Carnicelli: Right.

24
25 Ms. McLean: So it's possible that State DOT didn't see those other two.

26
27 Mr. Carnicelli: Got it.

28
29 Ms. McLean: And also noted that if there is expansion as you pointed out Chair, the applicant
30 shall mitigate them to the satisfaction of the Maui District Engineer so that would be for the
31 applicant to work out with State DOT if mitigation is needed at some point beyond what's being
32 proposed today because they looked at what's being proposed now if that were to expand and
33 they would need to discuss mitigation with State DOT.

34
35 Mr. Carnicelli: Okay, thank you. Employee parking is where?

36
37 Ms. Pinsky: That's a good question. We have...(inaudible-not speaking into microphone)...

38
39 Mr. Carnicelli: You gotta speak into the mic just for the record.

40
41 Ms. Pinsky: Okay, so for employee parking there is...

42
43 Ms. Callentine: You can walk up there if you want to point at it.

44
45 Ms. Pinsky: Oh okay. So you can't really see here this is like open land here, there's a bridge
46 right there, it would take one stall away from...but not during the day they could...the employees

1 would park earlier before customers come and so they could go down here there's a road actually
2 that leads from here all the way back down to the highway. So they could park right here or
3 there's a fence by the highway that has parking for like eight parking stalls. So they can either...on
4 the property...so they can either come from the gate over here which is right on Crater Road or
5 to go through here.

6
7 Mr. Carnicelli: Thank you. So the semi-gravel road that's direct access off of Haleakala Highway?

8
9 Ms. Pinsky: Yes.

10
11 Mr. Carnicelli: Do employees and/or patrons use that?

12
13 Ms. Pinsky: In the future, employees could use that also patrons could use that because it's very
14 easy to come in one way and go out the other way.

15
16 Mr. Carnicelli: Is it safer?

17
18 Ms. Pinsky: Oh, it's very safe, yeah.

19
20 Mr. Carnicelli: Is it safer than turning onto your street?

21
22 Ms. Pinsky: It's easier because they're coming down. If they're coming down from the crater
23 coming down, coming down from the crater making a right is easier than going up and making a
24 left turn.

25
26 Mr. Carnicelli: Okay, okay, thank you. Do you guys have more questions?
27 Commissioner La Costa.

28
29 Ms. La Costa: Thank you Chair. My question, I have actually two of them. Has there been any
30 comment from the owner of CPR- A?

31
32 Ms. Callentine: Yes, as a matter of fact, as a matter of fact thank you for the question. He did
33 submit a letter of support and that is shown in, testimony on 30, Number 30. This is a short letter
34 from Gregg Blue dated February 15, 2019.

35
36 Ms. La Costa: Okay, thank you very much for that and my other question would be Ms. Pinsky I
37 am concerned because the highway does turn there right before the road, Ponimoi Road and so
38 looking at the overview of the map it would seem that it would be better accessed at the curve
39 where you could have a sign so you can turn right or as you come down the hill turn left but I'm
40 not a traffic engineer so that might be something...I'm really concerned about people pulling off
41 because we know that they're more excited to get where they're going rather than watching for
42 traffic. So that's my biggest concern there aren't crosswalks or any lights or anything for safety
43 there.

44
45 Ms. Pinsky: Okay, thank you. So what I was suggesting this is like a better view of it. This is
46 Ponimoi Road so this is coming down from the crater. If people would make a right turn it's very

1 safe then they go in and park. So if there was...for the employees they could go through here
2 which is a gravel road and they can park here and this would only be an exit. There would be a
3 sign down here that says exit only for the employees and this would be enter. Does that answer
4 your question?

5
6 Ms. La Costa: So if you were to enter off the road where you're showing and then that's an exit
7 only is that for everyone or just the employees?

8
9 Ms. Pinsky: It could be very everyone.

10
11 Ms. La Costa: Okay. I'm just again, concerned about traffic at the curb and accidents and that
12 kind of thing I'm concerned about safety. Thanks.

13
14 Ms. Pinsky: You're welcome.

15
16 Mr. Carnicelli: Does anybody else have any other questions at this time? You have enough
17 information to make a decision? Okay, thank you Ms. Pinsky. So at this point in time, Livit if you
18 could give us the recommendation from the Department please?

19
20 Ms. Callentine: So we're gonna take these two one at a time.

21
22 Mr. Carnicelli: Okay.

23
24 Ms. Callentine: We'll start with the Land Use Commission Special Permit. The application, we
25 found that the application meets all the criteria for a Land Use Commission Special Permit
26 therefore the Department is recommending approval of the permit until December 31, 2022
27 subject to 12 conditions. That is the...and we ask that you adopt our report and recommendation
28 for this meeting and authorize the Director of Planning to transmit that written decision and order
29 on behalf of the Planning Commission. So I don't know, do you want to take these both
30 separately?

31
32 Mr. Carnicelli: Yeah, let's do that. Let's go ahead and do that. So if we go to our recommendation
33 just basically the Land Use Commission Special Permit with which Livit just addressed. Do I have
34 a motion?

35
36 Ms. Callentine: One thing I wanted to ask were there any...did you...were there any amendments
37 to any of the conditions you wanted to—

38
39 Mr. Carnicelli: I need you to clarify 12.

40
41 Ms. Callentine: Okay, well Condition No. 12 is based upon the comments made by the State
42 Department of DOT, Department of Transportation, excuse me so they ask for this condition to
43 be in the approval.

44
45 Mr. Carnicelli: I see, so this is, this is based on what the Director just read from the DOT.
46

1 Ms. Callentine: Correct.

2
3 Mr. Carnicelli: 'Cause it's kind of like one of these it says something but it doesn't say anything.

4
5 Ms. Callentine: Yes, if we put some kind of a, I mean, this...there will be a compliance report
6 required. You might want to require a compliance report after a year for example to report on
7 what happened and we could bring that report back to the Commission if you wanted. Because
8 you can't really put a time limit on this right now because there's nothing concrete to do yet. This
9 is a you know a forward thinking in case anything happens kind of condition.

10
11 Mr. Carnicelli: Right. Commissioner Robinson.

12
13 Mr. Robinson: Thank you Chair. I'm comfortable with the ten stalls even if two stalls are for the
14 employees. We got 7-Eleven, Minit Stop, ...(inaudible)... and they got five, six stalls. So to think
15 that a Kula Upcountry place is gonna be busier than something in the central area I think be hard
16 to find. It's always great to have more parking but like I think the DOT has it right, and if it becomes
17 a problem I think that's when they're gonna make the owner mitigate it and I think there's enough
18 overflow land on the side to where I think that they can be addressed easily. Thank you.

19
20 Mr. Carnicelli: Anybody else? So is there, before we move forward, while she's giving the
21 recommendation is there anything else that you guys want to address in these conditions?

22
23 Mr. Freitas: I do.

24
25 Mr. Carnicelli: Commissioner Freitas.

26
27 Mr. Freitas: I'm not sure if this is the one that we want to consider. I had assumed that the
28 restroom was going to be in the building too and I kind of agree that treating guests to maybe a
29 temporary outhouse you know when you have one-day party is one thing but if this is how it's
30 going to be I don't think it's fair. Is there a way we can, our engineer friend here who has a special
31 type of restroom or something. Could we add that a condition?

32
33 Mr. Carnicelli: If only the Director of Environmental Management was here.

34
35 Ms. McLean: Chair can I make a comment?

36
37 Mr. Carnicelli: Director.

38
39 Ms. McLean: Before Director Nakagawa may get called to the podium the information provided
40 in the packet talks about the capacity of the existing system and with the number of anticipated
41 customers if all of those were to use the restroom in the structure I don't think it would have
42 sufficient capacity looking at the calculations that are provided. Their engineer provided
43 calculations for employees of the market and employees of the food truck but if you were to—

44
45 Mr. Freitas: I got a little worried when they said that the bikers may be stopping there 'cause
46 that's gonna, that's gonna be a lot of people, but anyway okay.

1
2 Mr. Robinson: Chair?

3
4 Mr. Carnicelli: Commissioner Robinson.

5
6 Mr. Robinson: On that, on Commissioner's note is so what is the capacity of porta potties? I
7 mean, we have a thousand gallons right now and it's going to leach field or is that just a holding
8 septic tank that has to be pumped out.

9
10 Ms. Callentine: I'm not sure what the applicant is planning to do so we could ask her. The
11 capacity is infinite it just depends on how many times you empty it. So I believe with porta potties
12 when you rent a porta potty from someone you also engage in a maintenance contract.

13
14 Mr. Robinson: Yeah, well, and that was our point is if they have a septic tank as often as they're
15 gonna pump the porta potties they could pump the septic tank. And that's what I'm trying to get
16 the clarification on what the difference is unless there's a code to where if you're going to have it,
17 so you know...but that's our...that's our question.

18
19 Ms. Callentine: You're asking if they could dump the porta potties into the septic tank.

20
21 Mr. Robinson: No—

22
23 Ms. Callentine: Of if they could have the septic tank serviced the same.

24
25 Mr. Robinson: Service.

26
27 Ms. Callentine: Well, I think they do have the septic tank serviced. There was quite a bit of
28 information about the septic system.

29
30 Mr. Robinson: And that's what we're—

31
32 Ms. Callentine: But that's to service the market which is at this point in time not gonna be servicing
33 guests. It's just going to be four to five employees.

34
35 Mr. Robinson: I understand but what we're saying is we'd like if we're going to have the permit
36 we would like to have people that are going to have a bathroom not a porta potty you know for
37 that area instead of having porta potties outside and that's what we're trying to get the clarification
38 on what, how many gallons...(inaudible)...and if you've ever been up to the summit there is no
39 places to stop and coming down I think that's gonna be one of the draws to come into the market
40 is you know, stop by and use the facilities.

41
42 Ms. Callentine: Well, just one other thing about porta potties, I am going on record is I am no fan
43 of porta potties I'll tell you but being on Maui I have seen some of cleanest and nicest porta potty
44 interiors I have ever seen and I've been many events where they used because there's too many
45 people and the plumbing system couldn't handle all those people and the other thing is that I

1 would expect that there would be washing, hand washing stations outside the porta potties that
2 makes all the difference in the world being able to wash your hands afterwards.

3
4 Mr. Robinson: Event porta potties and stationary porta potties like Launiupoko you know on beach
5 there and along Ukumehame those are different...they look different when you go in there and
6 so...when a—

7
8 Ms. Callentine: They take a lot of maintenance.

9
10 Mr. Robinson: --when a for-profit entity is in charge of how often something gets serviced you
11 know and the Department of Health they could be there every day that's our concern right now is
12 we don't want it to be a money decision on how clean these porta potties are gonna be more or
13 less if we can get it done inside. Director.

14
15 Ms. McLean: The report indicates that there's a thousand-gallon septic tank serving the property.
16 The information provided by the applicant's engineer that does an analysis of the employees
17 anticipated uses an estimate of 20 gallons per employee per unit per day. So if you were to with
18 four employees of the...on two shifts for the market and then two employees of the food truck
19 those six employees and their demand at 20 gallons per day. But if you were to use 50 customers
20 at 20 gallons a day that's a thousand gallons. That would fill this up in a day. So I don't think
21 it's...(inaudible)...

22
23 Mr. Robinson: So is it a holding tank or is it part of a leach field.

24
25 Ms. McLean: There's a seepage pit and a thousand gallon septic tank. I don't know that the
26 Department of Health would permit that septic tank to serve that many people. I mean this is just
27 my layman's —

28
29 Mr. Robinson: Yeah, I got you

30
31 Ms. McLean: --math. I don't know if Director Nakagawa can comment any more on it because
32 the Department of Environmental Management does not administer individual waste water
33 systems but he may know just in general.

34
35 Mr. Robinson: Thank you.

36
37 Mr. Carnicelli: I don't know if this is accurate but I do believe that if it services more than 15
38 people a day it's considered high capacity.

39
40 Ms. McLean: That is...yes.

41
42 Mr. Carnicelli: So Livit is...you know the Item 12 and 9 are kind what I think we're talking about
43 or wait is that what we're talking about here is...but the you know 12 isn't really about parking it's
44 more about traffic. I liked your idea about let's have a compliance report a year from now, come
45 back, we can find out if traffic has been an issue and if porta potties have been an issue.

1 Ms. Callentine: I like...I'd like to tighten up what it is you'd like to see in the compliance report I
2 mean because typical compliance reports the applicant will state what the condition is and then
3 they'll either state you know I'm in compliance and it was here's the certificate and they attach
4 that. In this case, I'm not sure what they would show maybe the absence of complaints—

5
6 Mr. Carnicelli: Traffic accidents.

7
8 Ms. Callentine: Yeah, accident reports. We could request a report from the Police Department
9 on any traffic accidents that sort of thing.

10
11 Mr. Carnicelli: I think that that, as far as traffic goes I mean that, that seems to be the only
12 measurable that we could kinda go to would be you know reported traffic incidents I guess is the
13 only...you know, to use it broad enough but or I don't know...

14
15 Ms. McLean: You're going down the rabbit hole again.

16
17 Mr. Carnicelli: Okay.

18
19 Ms. McLean: Because—

20
21 Mr. Carnicelli: I'll reel myself back in.

22
23 Ms. McLean: It's a state highway so issues would be reported to the State Department of
24 Transportation and if there are attributed to this project then the State Department of
25 Transportation would indicate whether mitigation is expected, is needed. And so that would be
26 involving us and the applicant.

27
28 Mr. Carnicelli: Okay, so it takes care of itself. All right then—

29
30 Ms. Callentine: And what we will do with that compliance report is send it to the engineer who
31 wrote this comment letter and say here's their annual compliance report can you comment on
32 whether you are aware of any issues that have happened in the...(inaudible)...year.

33
34 Mr. Carnicelli: Right, the other part too for me with the porta potties is I hate to use the word but
35 the terminology is the free market takes care of that. If she's got horrible porta potties then it's
36 going to be all over Twitter and what is it, what's the one, Trip Adviser and Yelp and all like that,
37 I mean it's just like that kinda takes care of itself I think so I'm not really worried about the porta
38 potties because if the word gets out you got bad porta potties real quick.

39
40 Ms. Callentine: So if they're bad they won't come.

41
42 Mr. Carnicelli: Right. Commissioner La Costa.

43
44 Ms. La Costa: So if I might ask the applicant, having heard all of our concerns about waste water
45 issues what are your thoughts about correcting it, changing it, what are you offering for us please?

46

1 Ms. Pinsky: I would look into the...I don't know his name, the commissioner here that brought up
2 the compostable system. I definitely would look into that. I definitely know that the porta potties
3 that I would have would be nice ones and having a washing station next to it and being clean all
4 the time or as clean as you know as possible. I would look into talking with an engineer and
5 seeing how much if it would be to use the one toilet that there is there how much would it cost to
6 or you know is it even allowed...how many times you can pump that in a month or three months,
7 I'm not sure, but that would be information that I would need to like look into.

8
9 Ms. La Costa: Might I suggest when you're speaking with the engineer that you ask about a larger
10 capacity septic system that might help with that.

11
12 Mr. Carnicelli: So I'm gonna pull us back out of the rabbit hole that I put us in, I apologize that's
13 my fault. So we have a recommendation from the staff, 12 conditions do we want to amend any
14 of these conditions is Livit has presented us with the staff report, do we want to make a motion
15 to approve, deny or defer on the Land Use Commission Special Permit.

16
17 Ms. La Costa: Is the one-year compliance in that?

18
19 Mr. Carnicelli: No, not as it sits right now.

20
21 Ms. La Costa: Okay.

22
23 Mr. Carnicelli: I'm just saying is Livit has given the...she's given us what the staff report is do I
24 have a motion?

25
26 Ms. Callentine: Actually can I just correct, a compliance report is required in...wait a minute—

27
28 Ms. McLean: Condition 5.

29
30 Mr. Carnicelli: It's initially though right, not a year from now but it's...which is fine.

31
32 Ms. Callentine: So we could amend that condition to say that a preliminary compliance report will
33 be filed after...at one year from the date of approval.

34
35 Mr. Carnicelli: We okay with that?

36
37 Mr. Robinson: So moved.

38
39 Mr. Carnicelli: All right so we have motion on the floor to approve as recommended by staff with
40 the amendment to Item No. 5.

41
42 Ms. La Costa: Second.

43
44 Mr. Carnicelli: Okay, moved by Commissioner Robinson, seconded by Commissioner La Costa
45 this is on the special...this is on the Land Use Commission Special Permit. Any discussion on
46 the motion? Seeing none, Director.

1
2 Ms. McLean: Thank you Chair. The motion is to approve the State Special Permit subject to the
3 12 conditions with the amendment to Condition 5 that the compliance report shall be submitted
4 after one year.

5
6 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes, unanimous.

7
8 *(Motion was made at 01:58:44 of the audio recording.)*
9

10 **It was moved by Mr. Robinson, seconded by Ms. La Costa, then unanimously**

11
12 *(Vote was taken at 01:59:10 of the audio recording.)*
13

14 **VOTED: To Approve the State Special Permit as Recommended by the**
15 **Department with the 12 Conditions and Amendment to Condition 5**
16 **that the Compliance Report Shall be Submitted after One year.**

17
18 **(Assenting – K. Robinson, P. D. La Costa, K. Freitas, D. Thompson,**
19 **K. Pali, C. Tackett, S. Castro)**

20 **(Absent – T. Gomes)**
21
22

23 Mr. Carnicelli: So then Livit let's go to the Conditional Permit please.
24

25 Ms. Callentine: Thank you. The Department has found that the proposed uses would not be
26 significantly detrimental to the public interest, convenience or welfare and will be in harmony with
27 the area. The Department is recommending that the commission recommend approval of the
28 Conditional Permit to the County Council subject to six conditions and we also ask that the
29 commission adopt the Planning Department's report and recommendation for this meeting and
30 authorize the Director of Planning to transmit said written decision and order on behalf of the
31 Planning Commission.
32

33 Mr. Carnicelli: Do I have a motion? Commissioner Robinson.
34

35 Mr. Robinson: Livit I have a question for you. Handicap parking stalls are we to assume that two
36 stalls that are next to the food truck are gonna be a handicap stall, at least one?
37

38 Ms. Callentine: I do not know the answer to that. We have not discussed it.
39

40 Mr. Robinson: Okay, would that be under following the conditions and permits of the permit or is
41 that something that we have to...
42

43 Ms. Callentine: I am not aware of any requirements to provide handicap parking even though we
44 do, but I think...yeah, go ahead Director. You look like you want to take this away from me.
45 Please take it away from me.
46

1 Ms. McLean: Thanks Livit. The requirement for ADA stalls is administered by the State
2 Disabilities Communications and Access Board (DCAB) and that, in this particular case I believe
3 would come when a building permit and C.O. has to be obtained to convert the dwelling from
4 single family residential to the market. That building permit would be routed to DCAB and then
5 they would impose the requirement at that time.

6
7 Mr. Robinson: And I... 'cause just looking at that I would assume that the access point because
8 the one is at a different level I would assume that the access point would be one of those two
9 parking stalls that are in the front. Figure that would be a handicap. And commissioners I'd like
10 to, I'd like to add a condition to where that employee bathroom is also going to be an ADA
11 bathroom. I think our seniors should not be in a porta potty, I think our ADA, you know should not
12 be in a porta pottie to that and we are... this is a place that's gonna try and draw people you know
13 this is a place that's gonna be a for-profit and I think we should, consider that as a condition.
14 Thank you.

15
16 Mr. Carnicelli: Ms. Pinsky would you come forward please? Would you be open to what
17 Commissioner Robinson just threw out there as a far as having the employee bathroom also upon
18 request being a ADA bathroom rather than you know, porta potty.

19
20 Ms. Pinsky: Yeah, the current space—

21
22 Mr. Carnicelli: Before I ask you that question, I got ahead of myself, Corporation Counsel just
23 actually informed me that you know if there's gonna have to be improvements to the property,
24 something to that effect. So I don't know. So let me ask that of you, could that bathroom right
25 now as it exists be ADA compliant?

26
27 Ms. Pinsky: No. The space is small for that.

28
29 Mr. Carnicelli: Would you agree to have an ADA porta potty? An ADA compliant porta potty.

30
31 Ms. Pinsky: Yes.

32
33 Mr. Carnicelli: Okay, thank you. Commissioner Pali.

34
35 Ms. Pali: But would you be open, would you be able to represent this morning that if you had a
36 special situation and someone needed a real restroom would your staff be able to make that on
37 a case by case?

38
39 Ms. Pinsky: Yeah, for sure. Yeah.

40
41 Mr. Carnicelli: Commissioner Freitas.

42
43 Mr. Freitas: Because you're serving food I heard you say you hope that you have a nice hand
44 wash station, I think you're required to have a hand wash station without having to go into the
45 porta pottie to wash your hand to wash your hamburger.

46

1 Ms. Pinsky: Yeah.

2
3 Mr. Freitas: What...is it written anywhere that you are gonna have a hand wash station
4 somewhere that has soap, paper towel and water?

5
6 Ms. Pinsky: No, I don't think that it is written anywhere but I've seen a few at different locations
7 and different farms that have porta potties with washing stations in them too. So would have
8 those for sure.

9
10 Mr. Freitas: Okay so someone would have to go in a porta potty to wash their hand to go eat the
11 hamburger

12
13 Ms. Pinsky: Well, no, no, no, there's also one that I saw at Costco, yeah, like they have a round
14 one where you can just wash your hands, yeah

15
16 Mr. Freitas: Okay.

17
18 Mr. Carnicelli: Commissioner Robinson.

19
20 Mr. Robinson: Is can you please pull up Exhibit 4 please?

21
22 Mr. Carnicelli: So while we're doing that Director if you would please read the proposed condition
23 that we could potentially add to this permit?

24
25 Ms. McLean: Thank you Chair, and taking liberties that the applicant shall provide an ADA
26 accessible restroom for customers and employees and shall provide a separate hand wash
27 station.

28
29 Mr. Carnicelli: So is we're asking her in that...to me that condition states the what not the how,
30 right? This is kind of what we want, we want ADA, we want a hand washing station, how she
31 does it, how she figures that out we don't try to micromanage that now. So I don't know if that
32 works for you guys or not, but Livit if you now have what Commissioner Robinson is asking for?

33
34 Ms. Callentine: ...(inaudible)...there's something wrong with this—

35
36 Mr. Robinson: Is the applicant able to look at it on the paper form?

37
38 Ms. Pinsky: Which exhibit?

39
40 Mr. Robinson: Exhibit 4. It's your layout. So on the...can we look towards the right side—

41
42 Ms. Callentine: ...(inaudible – not speaking into the mic)...

43
44 Mr. Carnicelli: That's okay, she's got it in front of her and he can ask the question. She's got it
45 in front of her.

46

1 Mr. Robinson: We know it's not your fault. So the question I have I'm looking at the restroom
2 inside the building right now and it was said that we don't think that we could accommodate a
3 ADA in that bathroom. Is can you explain to us what that square piece of the where it shows a
4 four-foot width is inside of that bathroom.

5
6 Ms. Pinsky: The square piece between the two walls?

7
8 Mr. Robinson: Yeah.

9
10 Ms. Pinsky: that's a washer and dryer.

11
12 Mr. Robinson: It's a washer—

13
14 Ms. Pinsky: Yes, stackable.

15
16 Mr. Robinson: And so I mean, is that wall a load bearing wall?

17
18 Ms. Pinsky: What do you mean by load bearing?

19
20 Mr. Robinson: Can that wall be removed?

21
22 Ms. Pinsky: Oh.

23
24 Ms. Callentine: Is it supporting the roof or is just used for a partition.

25
26 Ms. Pinsky: Yeah, I'm not sure, but I wouldn't want to...yeah, I'm not really sure if that wall would
27 change anything as far as the structure.

28
29 Mr. Robinson: Okay.

30
31 Mr. Thompson: ...(inaudible-not speaking into mic)...

32
33 Mr. Carnicelli: Speak into the mic.

34
35 Mr. Thompson: Yeah, since that's a septic tank we can't use it for commercial use. So they can't
36 use that one anyway.

37
38 Mr. Robinson: The washer and dryer.

39
40 Mr. Thompson: Well no, the bathroom. That bathroom can't be used because if they have more
41 than 15 customers walk into it...yeah it's beyond capacity.

42
43 Mr. Robinson: Well, you think a commercial will have 15 ADA people in one day? Employees
44 don't have to use the bathroom, employees can go outside.

45

1 Mr. Thompson: Yeah, but to fit in the septic rules like you can't have two house rentals run on
2 one, you can't have all kinds of things and you can't have commercial use. So if we open it—

3
4 Mr. Robinson: You can't have commercial use for a septic tank is that what it is—

5
6 Mr. Thompson: Yeah.

7
8 Mr. Robinson: So no matter what we say it can't be used for commercial.
9

10 Mr. Thompson: Right, they got a thousand tank.

11
12 Mr. Robinson: Okay, thank you Dale, that's good knowledge thanks.

13
14 Mr. Carnicelli: Okay, so at this point –

15
16 Mr. Robinson: Chair I withdraw my condition.

17
18 Mr. Carnicelli: Okay. So I think at this point in time what we've gotten is we have the
19 recommendation from staff and then we're looking at adding a Condition No. 7 that will read, that
20 the applicant shall provide an ADA accessible restroom for customers and employees and shall
21 provide a separate hand washing station. So we've got six conditions in the staff report plus the
22 seven sitting there. Can I have a motion please?
23

24 Ms. Callentine: I'm sorry would you read that one more time to me?
25

26 Mr. Carnicelli: That the applicant shall provide an ADA accessible restroom for customers and
27 employees and shall provide a separate hand washing station.
28

29 Ms. Callentine: Great. Thank you.

30
31 Mr. Carnicelli: So those seven conditions. Do I have a motion?
32

33 Mr. Freitas: Motion.

34
35 Mr. Carnicelli: Motion to approve.
36

37 Mr. Freitas: To approve.
38

39 Mr. Carnicelli: As recommended by Staff with the amendment.
40

41 Mr. Freitas: With amendment.
42

43 Mr. Carnicelli: Okay.
44

45 Ms. La Costa: Second.
46

1 Mr. Carnicelli: Moved by Commissioner Freitas, seconded by Ms. La Costa. Discussion on the
2 motion? Seeing none, Director.

3
4 Ms. McLean: The motion on the floor is to recommend approval of the Conditional Permit to the
5 Maui County Council subject to the six conditions in the staff report and the added condition about
6 ADA accessible restrooms and hand wash station.

7
8 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes. It passes
9 unanimously. Congratulations Ms. Pinsky.

10
11 **It was moved by Mr. Freitas, seconded by Ms. La Costa, then unanimously**

12
13 **VOTED: To Recommend Approval of the Conditional Permit to the County**
14 **Council as Recommended by the Department with the Six Conditions**
15 **in the Staff Report and the Additional Condition Regarding ADA**
16 **Accessible Restrooms and Hand Wash Station.**

17
18 (Assenting – K. Freitas, P. D. La Costa, D. Thompson, K. Pali,
19 K. Robinson, C. Tackett, S. Castro)
20 (Absent – T. Gomes)

21
22
23 Respectfully Submitted by,

24
25
26 CAROLYN TAKAYAMA-CORDEN
27 Secretary to Boards and Commissions II
28