

LAND USE COMMITTEE
Council of the County of Maui

MINUTES

May 9, 2005

Site Inspection

CONVENE: 10:00 a.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Michelle Anderson, Member
Councilmember Dain P. Kane, Member
Councilmember Danny A. Mateo, Member
Councilmember Michael J. Molina, Member
Councilmember Charmaine Tavares, Member

EXCUSED: Councilmember G. Riki Hokama, Member
Councilmember Jo Anne Johnson, Member

STAFF: Carla M. Nakata, Legislative Attorney
Tammy M. Frias, Committee Secretary

Morris Haole, Executive Assistant to Councilmember Robert Carroll
Kelly McGinnis, Executive Assistant to Councilmember Joseph Pontanilla

ADMIN.: Michael W. Foley, Director, Department of Planning
Colleen Suyama, Planner, Department of Planning
Alice Lee, Director of Housing and Human Concerns
Michael Miyamoto, Deputy Director, Department of Public Works and
Environmental Management
Patrick Matsui, Planning and Development Division Chief, Department of Parks
and Recreation
Molly Klingman, Acting Captain, Department of Police
Scott English, Lieutenant, Department of Fire and Public Safety
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: **Item 8:** Henry Spencer, Old Stable LLC
Daren Suzuki, Planner, Munekiyo & Hiraga, Inc.
Thomas D. Welch, Jr. Esq., Mancini, Welch & Geiger LLP
Ferdinand Cajigal, District Engineer, Maui District,
Highways Division, State Department of Transportation

LAND USE COMMITTEE INSPECTION MINUTES
Council of the County of Maui

May 9, 2005

Isaac D. Hall, Esq.
Annie Nelson
Jeff Faulkner
Wackenhut Security (4)

**LU-8 COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
FOR “E PAEPAE KA PUKO`A” 16-UNIT RURAL SUBDIVISION
PROJECT (SPRECKELSVILLE) (C.C. No. 05-110)**

The Committee assembled at the corner of Hana Highway and Spreckelsville Beach Road, also known as Stable Road (open dirt area facing the ocean, on the right side of Stable Road) in Spreckelsville, Maui.

Chair Carroll convened the site inspection, noting that the purpose of the site inspection was to allow Council members to view the area.

Mr. Spencer provided a diagram and written directions describing vantage points for the site inspection. He also displayed a poster board diagram of the area and the proposed land use designations.

Mr. Suzuki gave a brief overview of the project. He noted that the request is to facilitate the development of a 16-lot rural subdivision, with each lot roughly 0.5 to 1.0 acre in size. The application includes the dedication of approximately 20 acres for an open space conservation easement, approximately 2 acres for a park, approximately 1 acre adjacent to the Kaunoha Senior Center for expansion of the Center’s facilities, and a bike path. The request for a Community Plan Amendment triggered the requirement that an environmental assessment (EA) be conducted. The draft EA was accepted in November 2004, and a public hearing on the Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit was held in February 2005. Mr. Suzuki stated that the requested amendments to the Community Plan are as follows: from Single Family to Open Space (the two shoreline parcels); from Open Space to Rural; and from Open Space to Public/Quasi-Public. Existing zoning on the subject property is R-3 Residential District. The requested changes in zoning are to RU-0.5 Rural District, OS-2 Open Space District, and P-1 Public/Quasi-Public District.

The Planner highlighted some of the conditions recommended by the Maui Planning Commission, including the protection of monkey pod trees on the subject property, the dedication of an open space conservation easement to a private agency such as the Maui Coastal Land Trust, the dedication of a Public/Quasi-Public site to be used for the Kaunoha Senior Center, and a prohibition against ohana units and further subdivision of the rural lots.

LAND USE COMMITTEE INSPECTION MINUTES
Council of the County of Maui

May 9, 2005

The Planning Director added that the gray portion of TMK: (2) 3-8-001:003 on the poster board diagram would stay in Agriculture; the acreage there shown is not included in the application.

Mr. Hall, the attorney for Intervenors Annie and Willie Nelson, John and Louise Severson, and Jenna deRosnay in the Special Management Area Permit Application (SMA Application), testified that a previously proposed access from Laulea Place had been the impetus for the Petition to Intervene. The Maui Planning Commission removed the disputed access from the recommended conditions. Mr. Hall summarized the status of discussions with Mr. Spencer and a subsequent agreement which includes (1) subdividing the road from the lots; and (2) construction of a wall alongside the boundary of the proposed subdivision, to provide a buffer between the existing homes and the rural lots which would be created through the project.

Councilmember Anderson questioned the purpose and height of the wall to be constructed as a result of Mr. Spencer's agreement with the Intervenors. Mr. Hall stated that the wall would create a buffer between the existing community and the proposed development to protect privacy. The wall would consist of a three-foot berm topped by three feet of wood, for a total height of six feet. Ms. Nelson stated that the wall was intended to address privacy and security issues and explained the basis for her concerns.

Councilmember Mateo questioned whether the net result would be a gated community. The Committee was informed that no gate would be erected across Laulea Place; instead, the wall would border the proposed development along Laulea Place.

The Planner noted that the Spreckelsville Association had not been given an opportunity to provide feedback concerning the proposed wall.

In response to a question by Councilmember Anderson, Mr. Suzuki stated that there are erosion maps contained in the EA, and that the erosion rates are approximately 1 to 1.5 feet per year throughout the length of the project. The development area is approximately 500 feet from the shoreline and mauka of the tsunami zone.

Mr. Spencer stated that the cul de sac would service the 16 lots. All access to the subdivision lots will be from Stable Road. The existing community expressed concerns that shoreline access not be tied to Laulea Place.

The Planner stated that the subject property was designated R-3 Residential District in the old Spreckelsville map. Such zoning has probably been in effect since approximately 1972, but certainly for at least 30 years. The Planner indicated she would confirm the date the existing zoning was granted and update the Committee at the meeting later in the day.

LAND USE COMMITTEE INSPECTION MINUTES
Council of the County of Maui

May 9, 2005

Councilmember Mateo asked the Acting Captain, Department of Police, whether she had any comments on the project. The Acting Captain responded that she would research the Department's comments prior to the 1 p.m. meeting and inform the Committee of such comments at that time.

Chair Carroll recessed the inspection at 10:20 a.m. so that the Committee could proceed to the second vantage point.

Chair Carroll reconvened the inspection at 10:31 a.m. at the beachfront parcel located at the end of the first dirt road on the right off of Stable Road (TMK: (2) 3-8-002:009).

Mr. Spencer stated that the site inspection attendees were standing on TMK: (2) 3-8-002:009. The existing structures that are visible from this location are not on the subject property.

Mr. Suzuki stated that the rocky outcropping further down the coast is a marker for the end of TMK: (2) 3-8-001:003. He further stated that the beach is used by fishermen, windsurfers, and picnickers.

Mr. Spencer advised that he had decided to place the rural lots behind existing development.

Ms. Nelson testified that the open space conservation easement would provide a great benefit to the people of Maui. She noted that the beach is heavily used, especially at this particular spot.

Councilmember Pontanilla asked whether residents other than windsurfers also use this beach. Ms. Nelson responded that the beach is also used for fishing and family picnics. The Committee was informed that fishing ends at 10 a.m., and windsurfing is not allowed to start until 11 a.m.

Councilmember Anderson inquired about a hardened shoreline area on adjacent property. The Planner stated that she could not be sure off-hand whether it was permitted or not.

Mr. Hall confirmed that the existing vehicular access will remain so that the public could access the beach the same way the Committee had.

Chair Carroll recessed the inspection at 10:39 a.m. so that the Committee could proceed to the third vantage point.

Chair Carroll reconvened the inspection at 10:50 a.m. at the Kaunoa Senior Center, 401 Alakapa Place, Paia.

LAND USE COMMITTEE INSPECTION MINUTES
Council of the County of Maui

May 9, 2005

Mr. Suzuki pointed out the 1.16-acre property to be donated to Kaunoa Senior Center under the application.

There was no public testimony at this location.

Councilmember Kane asked about the configuration of the property, and Mr. Suzuki estimated that the rectangular property earmarked for the Kaunoa expansion was about 150 feet by 350 feet in size.

Councilmember Anderson asked whether the proposed subdivision would be separated from the conservation easement area. Mr. Spencer responded that it would be separated by a berm and a fence. Both sides of the easement will be fenced. The intention is not to have improvements on the open space conservation easement. One exception to that rule is if in the future the natural movement of the dunes conflicts with the existing road. Mr. Spencer stated that he has spoken only with the Maui Coastal Land Trust as the proposed steward of the conservation easement, and that Dale Bonar, the Executive Director of the Maui Coastal Land Trust, would be present at the Committee meeting.

There being no further questions or discussion, Chair Carroll adjourned the inspection at 10:56 a.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

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