

**Name:** William Spence  
**Agenda Item:** C.5 Subarea 5 | Makena  
**Date Received:** 7/10/23 via email

**From:** William Spence  
**To:** Jacky Takakura  
**CC:** Robb Cole, Carolee Higashino  
**Date:** 6/9/2023 9:48 AM  
**Subject:** Error on the Makena CP Map  
**Attachments:** Zoning confirmation 21006011\_June\_19\_2020.pdf; 21006011\_william\_spence\_10042019\_inquiry\_bino\_9307\_dated\_02221993 (1).pdf; Pages from 5.31.23-Subarea-5\_Makena.pdf; Department\_Recommended\_Map\_Makena.pdf

Good morning Jacky,

I was looking at the proposed Makena maps (both of them) for the CPAC and noticed an error where it appears to identify at least one but maybe several properties as being in the State Conservation District when they are actually in the Rural District. I'm attaching crops of those maps, the originals are quite large and won't email.

The property I'm referencing is a former client, Judy Sturgis, owner of TMK 2-1-006:011, at 7000 Makena Road. This property has active Special Use and Conditional Permit applications and are being processed as Rural.

The error most likely comes from the State GIS program which is incorrect. Rather, attached are a boundary interpretation from the State Land Use Commission that was determined long before the state digitized any maps, as well as a zoning confirmation form showing the property is Rural, not Conservation.

I'm sure you can appreciate the difficulties that an incorrect CP map can cause for even the simplest of permits.

I'm copying Robb Cole who is helping Carolee Higashino with the SUP and CP.

Any questions and I'm happy to discuss.

Will



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Will Spence TELEPHONE \_\_\_\_\_  
PROJECT NAME William T. Sturgis Family Trust, et al E-MAIL mauiwill@gmail.com  
PROPERTY ADDRESS 7000 Makena Road TAX MAP KEY (2) 2-1-006:011

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: <sup>1</sup>

(SMA)  
Special  
Management Area

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation

MAUI ISLAND Growth Boundary: <sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

PLAN Protected Area: <sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Rural

COUNTY ZONING: R-3 Residential 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 <sup>3</sup> VE (10'), 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).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

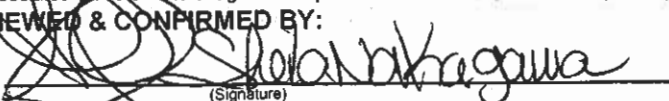
<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> 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.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 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)

01/19/20  
(Date)

For: Planning Program Administrator, Zoning Administration and Enforcement Division



STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM  
LAND USE COMMISSION  
Room 104, Old Federal Building  
335 Merchant Street  
Honolulu, Hawaii 96813  
Telephone: 537-3822

February 22, 1993

Mr. Ralph M. Nagamine, Administrator  
County of Maui, Department of Public Works  
Land Use and Codes Administration  
250 South High Street  
Wailuku, Maui 96793

Dear Mr. Nagamine:

Subject: BOUNDARY INTERPRETATION No. 93-07 for TMK No.: 2-1-06:11, 88 & 90, Mooloa, Honuaula, Maui

Pursuant to your February 5, 1993 letter requesting a boundary interpretation for TMK No. 2-1-06: 88, please be advised that based on the map you provided, the parcel is designated within the State Land Use Rural District boundary. For your information, TMK No. 2-1-06:11 & 90, which are located adjacent to parcel 88, are also designated within the Rural District.

A copy of your map with the approximate State Land Use Agricultural / Rural / Conservation District boundaries delineated is enclosed for your reference.

Please be advised that the makai (Southwestern) location of the Conservation District boundary at the shoreline of all three parcels is subject to a current certified shoreline survey.

If you have any questions, please call Fred Talon or Bert Saruwatari of my staff at 587-3822.

Sincerely,

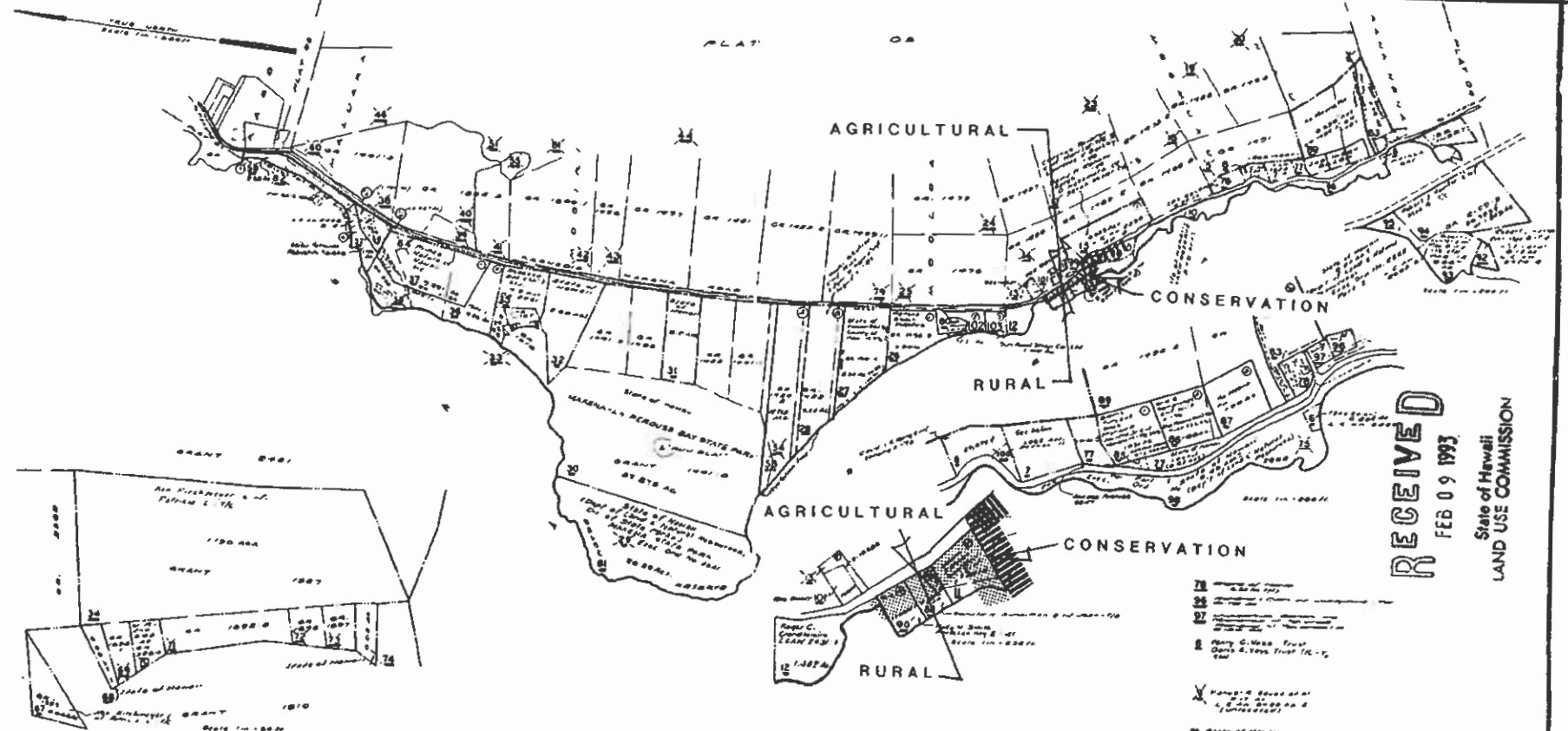
A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA  
Executive Officer

EU:fat

encl.: Boundary Interpretation Maps Dated February 22, 1993.

cc: Ron Runciman  
Ed Henry, DLNR  
John Keppeler, Acting BLNR Chairperson  
Attn: Conservation Affairs Office  
Brian Miskae, County of Maui Planning Director  
Glenn Y. Sato, Tax Maps & Records Supervisor  
C&C of Honolulu, Department of Finance



**RECEIVED**  
 FEB 09 1993  
 State of Hawaii  
 LAND USE COMMISSION

The boundary as located, named and delineated is hereby certified as the actual Land Use District Boundary adopted by the State Land Use Commission, Honolulu, Hawaii.

FEB 2 2 1993  
 Date by \_\_\_\_\_  
 Executive Officer

**FILE COPY**

Boundary Interpretation No. 93 07

- 1. All parcels of Tenthredinid... [unclear]
- 2. [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
- 3. [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

- 12. [unclear] [unclear] [unclear] [unclear]
- 13. [unclear] [unclear] [unclear] [unclear]
- 14. [unclear] [unclear] [unclear] [unclear]
- 15. [unclear] [unclear] [unclear] [unclear]
- 16. [unclear] [unclear] [unclear] [unclear]
- 17. [unclear] [unclear] [unclear] [unclear]
- 18. [unclear] [unclear] [unclear] [unclear]
- 19. [unclear] [unclear] [unclear] [unclear]
- 20. [unclear] [unclear] [unclear] [unclear]
- 21. [unclear] [unclear] [unclear] [unclear]
- 22. [unclear] [unclear] [unclear] [unclear]
- 23. [unclear] [unclear] [unclear] [unclear]
- 24. [unclear] [unclear] [unclear] [unclear]
- 25. [unclear] [unclear] [unclear] [unclear]
- 26. [unclear] [unclear] [unclear] [unclear]
- 27. [unclear] [unclear] [unclear] [unclear]
- 28. [unclear] [unclear] [unclear] [unclear]
- 29. [unclear] [unclear] [unclear] [unclear]
- 30. [unclear] [unclear] [unclear] [unclear]
- 31. [unclear] [unclear] [unclear] [unclear]
- 32. [unclear] [unclear] [unclear] [unclear]
- 33. [unclear] [unclear] [unclear] [unclear]
- 34. [unclear] [unclear] [unclear] [unclear]
- 35. [unclear] [unclear] [unclear] [unclear]
- 36. [unclear] [unclear] [unclear] [unclear]
- 37. [unclear] [unclear] [unclear] [unclear]
- 38. [unclear] [unclear] [unclear] [unclear]
- 39. [unclear] [unclear] [unclear] [unclear]
- 40. [unclear] [unclear] [unclear] [unclear]
- 41. [unclear] [unclear] [unclear] [unclear]
- 42. [unclear] [unclear] [unclear] [unclear]
- 43. [unclear] [unclear] [unclear] [unclear]
- 44. [unclear] [unclear] [unclear] [unclear]
- 45. [unclear] [unclear] [unclear] [unclear]
- 46. [unclear] [unclear] [unclear] [unclear]
- 47. [unclear] [unclear] [unclear] [unclear]
- 48. [unclear] [unclear] [unclear] [unclear]
- 49. [unclear] [unclear] [unclear] [unclear]
- 50. [unclear] [unclear] [unclear] [unclear]
- 51. [unclear] [unclear] [unclear] [unclear]
- 52. [unclear] [unclear] [unclear] [unclear]
- 53. [unclear] [unclear] [unclear] [unclear]
- 54. [unclear] [unclear] [unclear] [unclear]
- 55. [unclear] [unclear] [unclear] [unclear]
- 56. [unclear] [unclear] [unclear] [unclear]
- 57. [unclear] [unclear] [unclear] [unclear]
- 58. [unclear] [unclear] [unclear] [unclear]
- 59. [unclear] [unclear] [unclear] [unclear]
- 60. [unclear] [unclear] [unclear] [unclear]
- 61. [unclear] [unclear] [unclear] [unclear]
- 62. [unclear] [unclear] [unclear] [unclear]
- 63. [unclear] [unclear] [unclear] [unclear]
- 64. [unclear] [unclear] [unclear] [unclear]
- 65. [unclear] [unclear] [unclear] [unclear]
- 66. [unclear] [unclear] [unclear] [unclear]
- 67. [unclear] [unclear] [unclear] [unclear]
- 68. [unclear] [unclear] [unclear] [unclear]
- 69. [unclear] [unclear] [unclear] [unclear]
- 70. [unclear] [unclear] [unclear] [unclear]
- 71. [unclear] [unclear] [unclear] [unclear]
- 72. [unclear] [unclear] [unclear] [unclear]
- 73. [unclear] [unclear] [unclear] [unclear]
- 74. [unclear] [unclear] [unclear] [unclear]
- 75. [unclear] [unclear] [unclear] [unclear]
- 76. [unclear] [unclear] [unclear] [unclear]
- 77. [unclear] [unclear] [unclear] [unclear]
- 78. [unclear] [unclear] [unclear] [unclear]
- 79. [unclear] [unclear] [unclear] [unclear]
- 80. [unclear] [unclear] [unclear] [unclear]
- 81. [unclear] [unclear] [unclear] [unclear]
- 82. [unclear] [unclear] [unclear] [unclear]
- 83. [unclear] [unclear] [unclear] [unclear]
- 84. [unclear] [unclear] [unclear] [unclear]
- 85. [unclear] [unclear] [unclear] [unclear]
- 86. [unclear] [unclear] [unclear] [unclear]
- 87. [unclear] [unclear] [unclear] [unclear]
- 88. [unclear] [unclear] [unclear] [unclear]
- 89. [unclear] [unclear] [unclear] [unclear]
- 90. [unclear] [unclear] [unclear] [unclear]
- 91. [unclear] [unclear] [unclear] [unclear]
- 92. [unclear] [unclear] [unclear] [unclear]
- 93. [unclear] [unclear] [unclear] [unclear]
- 94. [unclear] [unclear] [unclear] [unclear]
- 95. [unclear] [unclear] [unclear] [unclear]
- 96. [unclear] [unclear] [unclear] [unclear]
- 97. [unclear] [unclear] [unclear] [unclear]
- 98. [unclear] [unclear] [unclear] [unclear]
- 99. [unclear] [unclear] [unclear] [unclear]
- 100. [unclear] [unclear] [unclear] [unclear]

Parcel 10000001  
 [unclear] [unclear] [unclear] [unclear]  
 [unclear] [unclear] [unclear] [unclear]  
 [unclear] [unclear] [unclear] [unclear]

DEPARTMENT OF TAXATION			
PROPERTY ASSESSMENT DIVISION			
TAX MAPS BRANCH			
STATE OF HAWAII			
TAX MAP			
SECTION TAX MAP #1-51-14			
EDM	SEC	PL-1	
2	1	06	
SCALE 1" = 4.5 NOTED			


\* FOR REAL PROPERTY TAXATION PURPOSES  
 SUBJECT TO CHANGE

A map of the Pūhāhonu area in Hawaii. The map shows a coastline with a dark grey area labeled 'Pūhāhonu' and a green area labeled 'Oneloa Beach'. A red dashed line outlines a specific area on the coast. A red box with a white background contains the text 'shows as conservation', with a red arrow pointing to a small area on the coast. The map also shows a yellow area and a green area.

Pūhāhonu

Oneloa Beach

shows as conservation

An aerial photograph of a coastal area with several overlays. A large green hatched area covers the coastline and extends inland. A yellow area is located inland to the right. A red dashed line runs vertically through the center. A blue dashed line outlines a small rectangular area on the coast. A red arrow points from a text box at the bottom left to this blue-outlined area.

shows as  
conservation