Testimony for Ka'ono'ulu Ranch, docket number A94-706.
terry
to:
  riley.k.hakoda@dbedt.hawaii.gov
08/31/2012 01:24 PM
Hide Details
From: terry <termc1@yahoo.com>
To: "riley.k.hakoda@dbedt.hawaii.gov" <riley.k.hakoda@dbedt.hawaii.gov>,

Please respond to terry <termc1@yahoo.com>

Land Use Commission
LUC Chief Clerk Riley Hakoda

I'm writing you regarding the Pi'ilani Promenade; 1600 parking places, 90 Outlet Shops and Restaurants, to be located in N. Kihei on 78 acres.
There were no hearings to have the appropriate major zoning changes, citizen input- an obvious sidestepping of our protections and Sunshine laws, Ala the Maui Water Dept trying to renew, a 25 year, 25 million gallon a day, Sweetheart Deal, water contract behind closed doors. We expect you to protect and uphold our laws, not circumvent them Ala Linda Lingle style, and the Super Ferry. It seems that all the laws and processes we have in place are there for good reasons. The people of Kihei were not allowed to have input to this process, and obviously Light Industrial Zoning has absolutely nothing to do with a Mega Mall. This development is not some small one that will have little effect on Kihei, but rather one that will change the complexion of Kihei forever.
As far as I can ascertain even their traffic study, which was based on the Light Industrial Park, done many years ago, included a frontage road that the Mall developers eliminated. It didn't include anything near the increase in traffic the mall is expected to create, says it will bog down the Pi'ilani Highway incredibly. Another traffic engineer that spoke said that it would be a mess, and the even the left turn off of N. Kihei Rd would bog down traffic on Kihei Rd. as there's no provision for left turn lane for southbound traffic proposed or a traffic light.

I'm not against any development, but this development to me is the opposite of what Kihei and Maui needs. There are already a lot of little businesses experiencing difficult economic times and this will certainly be a death knell to many of the ones trying to survive. It will create mostly low paying jobs almost no one wants, temporary construction jobs, and the revenue will leave Maui.

Every single tourist I talked to thought it is a bad idea, and will change Maui towards what they are trying to get away from back home when they come to paradise. Ignoring the fact that Maui ebbs and flows on tourism is a huge mistake in my eyes. We should do everything we can to create necessary green development that will favor tourism.

Instead, why not do some sane green development providing what the community needs, and has stated it wants, instead of a monstrosity most of Kihei seems to be against? What happened to Smart Development? At the very least let the people that will be affected decide whether they want this or not.
I am a Kihei resident and can live with a decision that has been made after the proper procedures have been followed.
The LUC has a duty and obligation to make sure the proper processes for planning aren't ignored by the Counties, and/ or some special interest group.
Thanks for your time.

Terry McAuliff
PO Box 80,
Wailuku HI 96793
My name is William Spence, I am the Planning Director for Maui County. I am testifying today on this docket as it may be helpful in decision making for the State Land Use Commission ("LUC") to have some background on Maui's zoning code, how common it is to have large-scale commercial uses within our light industrial zoning district, how we have related our zoning regime to HRS 205, and finally how these properties relate to the Maui Island Plan.

1. Zoning. In approximately 1960, Maui County adopted a "Euclidian" zoning regime. Named for the Supreme Court case, Euclid vs. Ambler, in 1926, it is probably the oldest and most common zoning schemes used in the country.

A common trait of this zoning is that uses are "stacked" or "tiered" into progressively intense land use zones. Uses thought to be less intense or intrusive are permitted in the more intense zoning categories because they are thought to be compatible. In some ways the State Districts could be considered Euclidian in that the less intense uses from Conservation would be permitted Agriculture, agricultural uses are permitted in Rural, and Rural uses could be permitted by the counties in Urban if desired (state law delegates urban uses to the counties).

Under this regime, Maui's industrial districts (and including M-2 Heavy Industrial) allows, as of right, all of the commercial uses (retail, office, etc.) contained in our Business districts, B-1, B-2, and B-3. Apartments are also permitted. These different uses are stacked or tiered within the M-1 district because they are thought to be compatible with the light industrial uses.

In 1960, when the zoning code was adopted, the island's population was about 37,000 and the economy centered around agriculture and related industries. The County zoned a considerable amount of land in support of the primary economic engine. In Kahului alone we have 385 acres of M-1, but only 57 acres of B-1, B-2, or B-3.

In time the demand for light industrial uses shifted to commercial as conditions changed. The economy moved away from agriculture to tourism and other businesses. The demand also changed as the population grew from 37,000 in 1960 to approximately 140,000 in 2010. The M-1 zoning allows the flexibility for land uses to change with socio-economic conditions.

2. Commercial is Common in M-1 Light Industrial. As a result of the above zoning regime and changes over time, a very large portion of Maui's light industrial lands have converted to commercial uses. Our major commercial
centers (including malls) are located on both light and heavy industrial lands. The following is by no means a comprehensive list:

- Queen Ka`ahumanu Center (Kahului, the island’s largest mall)
- Maui Mall (Kahului)
- Maui Marketplace (Kahului)
- Wailuku Town Center
- Lahaina Cannery
- Lahaina Gateway
- Haiku Cannery
- Haiku Marketplace
- Pauwela Cannery

In addition, there are a considerable number of apartment units on M-1 zoned land:

- Iao Parkside (Wailuku) 480 individually owned, affordable units
- Ali`i Koa Apartments – (Wailuku) 20 rental units
- Approximately 92 other units along Lower Main in Wailuku
- Kahului Town Terrace – 72 low-income rental units
- Opukea – (Lahaina) 114 predominantly affordable units

In summary, there is nothing unusual about shopping malls being located on light industrial land. Maui County has treated our M-1 District essentially as a default business district, as well as a fairly significant apartment district.

3. County Zoning in Relation to State Law. State law delegates authority to the Counties to zone within the Urban district.

§205-2 (b) Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

In Docket 94-706, by virtue of placing these properties in the Urban District (and without any conditions to limit commercial uses), the LUC authorized the County to control the uses thereon by their own zoning codes and practices.

Maui’s legislative body zoned the properties M-1 Light Industrial, a district that can only be applied in the State Urban District. Though during the zoning process recommendations were made to limit commercial uses, the County Council chose not to do so. As a result, the property owner does not have any limitations as to commercial uses.

4. Maui Island Plan. The Maui County Council is scheduled to adopt the Maui Island Plan before the end or 2012. In this plan are “growth boundaries” where County has found it desirable for growth,
A copy of Map S-1 is attached that shows the location of the project in relation to the growth boundaries. Roughly, the docket property is located in the center of an area of North Kihei that is slated for urban growth, and to be within the Urban District. This map was adopted by the Council's General Plan Committee, and is likely to be adopted by the full Council with little or no change.

Sincerely,

[Signature]

William Spence
Planning Director
Maui Island Plan
2012 Director's Proposed Amendments
North Kihei
S1

Legend
Parcels 2011
Primary Road
2010 Directed Growth Boundaries
Urban
Country Town
Rural Service Center
Rural Residential
2010 Protection Areas
Greenbelt
Greenway
Regional Park
Preservation
Sensitive Lands
TDR Sending Area
Director's Proposed Amendments
- Growth Boundary Change
- Protection Area Change
- Combined Area Change

PREPARED BY:
Long Range Planning Division
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793
My name is Ann Cua and I have been a Land Use Planner with the County of Maui for almost 30 years. I was the planner assigned to the Petition by Kaonoulu Ranch to amend the Agricultural Land Use District Boundary into the Urban District in 1994. The petition proposed a light industrial subdivision which could include uses permitted in the County of Maui's M-1 Light Industrial Zoning District. The County of Maui's Light Industrial Zoning district is a tiered zoning district which includes business and apartment uses.

The transcripts of the Land Use Commission proceedings indicate that the petition area could accommodate business and apartment uses in accordance with County zoning and depending on market demands. The Land Use Commission was aware of the broad uses permitted by the County's M-1 Light Industrial Zoning District by its line of questioning of the market feasibility expert. The market feasibility expert indicated that the market would ultimately dictate what was built within the standards of the County zoning district. The Land Use Commission approved the redistricting to the Urban District on February, 1995. The decision and order did not include any conditions restricting the uses within the Urban District. The Planning Director during his testimony indicated that during the change in zoning process, he would request that the County Council limit the amount of commercial uses allowable under the County’s light industrial zoning ordinance.

It should be noted that in 2004 the LUC imposed a condition on the Maui Business Park Phase II project limiting 50% of the project acreage to be used and developed for non-retail, light industrial use.

The County Council in March, 1998 adopted the Kihei-Makena Community plan by Ordinance No. 2641. The Community Plan designates the petition area for Light Industrial Use. Based on the County's tiered zoning approach for the M-1 Light Industrial District, the Planning Department has historically interpreted the Light Industrial designation in the Community Plan to allow those uses expressly permitted in the County's M-1 Light Industrial zoning District unless restricted by conditions of zoning.

In April 1998, Kaonoulu Ranch applied for a Change in zoning from the County Agricultural District to the M-1 Light Industrial Zoning District. I was the planner assigned to the Change in zoning application for the Department and was present at the Planning Commission and County Council meetings. The Planning Department in its recommendation to the Maui Planning Commission proposed conditions to limit the amount of commercial use for the project as it did in other similar requests for change in zoning. In this case, the Department recommended “that not less than 70% of the net property developed shall be leased or sold as restricted to uses permitted in the M-1 Light Industrial district,
under Title 19, Chapter 19.24, of the Maui County Code, excluding the uses permitted in the B-1, B-2 and B-3 Districts.” Both the Planning Commission and the County Council did not support the Department’s recommended conditions and as a result no conditions were imposed to limit the uses within the M-1 light industrial district.

In as much as the zoning for the property is M-1 light industrial and there were no conditions imposed by both the State LUC for the District Boundary Amendment and the County Council for the Change in Zoning, the property allows for a variety of uses including apartment, industrial, and commercial uses.

As a planner that has processed a large number of land use permits I am concerned about the implications this order to show cause, based on a “substantial compliance with representations made condition” can have on the overall land use process. The specific zoning and permitted uses of a parcel of land is normally determined at the County level. The LUC is the authority to determine whether or not a petition area should be urbanized. If the LUC determines that a “conceptual site plan” is binding as “representations” made to the Commission then projects would need to come back to the LUC for each change to the plan. I don’t believe this is the intent of the LUC in its role in the land use process.
utilizing trees and shrubbery shall be constructed along the entire proposed collector road (Hookele Street Extension) to soften the visual impact of the buildings along the road. (Wailuku-Kahului Community Plan Update).

17. Dual Water System. Petitioner shall evaluate the feasibility of developing a dual water system for the Project, utilizing non-potable water for landscape irrigation purposes.

18. Energy Conservation. Petitioner shall implement energy conservation measures such as the use of solar energy and solar heating and incorporate such measures into the Project.

19. Project Composition. For a period of eight (8) years from the date of the County’s approval of zoning for the Project a total of at least fifty percent (50%) of the Project acreage shall be (a) used and developed by Petitioner for non-retail, light industrial use and/or (b) sold or leased to and developed and used by third-party buyers for non-retail, light industrial use. For this same eight-year period, simultaneous with Petitioner’s development or offer for sale or lease of the Property for retail use, Petitioner shall develop or offer for sale or lease an equal amount of acreage within the Property for non-retail, light industrial use. The phrase “light industrial”, as used in this paragraph, includes warehousing and distribution types of activity as well as compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. It is the intent of this paragraph
that at the end of the above-described eight-year period, to the extent that the Project is
developed or in the process of being developed by Petitioner or any third party, no less
than fifty percent (50%) of such development or development in process shall be for
non-retail, light industrial purposes.

20. **Compliance with Representations to the Commission.** Petitioner
shall develop the Property in substantial compliance with the representations made to
the Commission. Failure to so develop the Property may result in reversion of the
Property to its former classification, or change to a more appropriate classification.

21. **Notice of Change to Ownership Interests.** Petitioner shall give
notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise
voluntarily alter the ownership interests in the Property, prior to development of the
Property.

22. **Annual Reports.** Petitioner shall timely provide without any prior
notice, annual reports to the Commission, the Office of Planning, and the County of
Maui Planning Department in connection with the status of the subject project and
Petitioner's progress in complying with the conditions imposed herein. The annual
report shall be submitted in a form prescribed by the Executive Officer of the
Commission.

23. **Release of Conditions.** The Commission may fully or partially
release the conditions provided herein as to all or any portion of the Property upon
ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 18th day of March, 2004. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Kihei, Maui, Hawai‘i, this 18th day of March, 2004, per motion on March 18, 2004.

APPROVED AS TO FORM

LAND USE COMMISSION
STATE OF HAWAI‘I

Deputy Attorney General

By

LAWRENCE N.C. II
Chairperson and Commissioner

P. ROY CATALANI
Vice-Chairperson and Commissioner

BRUCE A. COPPA
Vice-Chairperson and Commissioner
Filed and effective on 
MARCH 25, 2004

Certified by:

By  ABSENT
PRAVIN DESAI
Commissioner

By  
KYONG-SU IM
Commissioner

By
ISAAC FIESTA, JR.
Commissioner

By
STEVEN LEE MONTGOMERY
Commissioner

By
RANDALL E. SAKUMOTO
Commissioner

By
PETER YUKIMURA
Commissioner
ADOPTED
Chapter 19.24 - M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

19.24.010 - Generally.

19.24.020 - Use regulations.

19.24.030 - Height regulations.

19.24.040 - Area regulations.


19.24.010 - Generally.

The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district.

(Prior code § 8-1.12(a))

19.24.020 - Use regulations.

A. Within the M-1 district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

1. Any use permitted in a B-1, B-2, or B-3 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except living quarters used by watchmen or custodians of industrially used property;

2. Animal kennels;
3. Carpet cleaning plants;
4. Cold storage plants;
5. Commercial laundries;
6. Craft, cabinet and furniture manufacturing;
7. Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers, crystal holders and the like;
8. Farm implement sales and service;
9. General food, fruit and vegetable processing and manufacturing plants;
10. Ice cream and milk producing, manufacturing and storage;
11. Laboratories—experimental, photo or motion picture, film or testing;
12. Light and heavy equipment and product display rooms, storage and service;
13. Machine shop or other metal working shop;
14. The manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials; aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood;
15. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils;
16. The manufacture, dyeing and printing of cloth fabrics and wearing apparel;
17. The manufacture of musical instruments, toys, novelties and rubber and metal stamps;
18. Manufacture of pottery and figurines or other similar ceramic products;
19. Milk bottling or central distribution stations;
20. Plumbing shops having more than five employees;
21. Poultry or rabbit slaughter incidental to a retail business on the same premises;
22. Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys;
23. Replating shop;
24. Retail lumber yard including mill and sash work, except that mill and sash work shall be conducted within a completely enclosed building;
25. Small boat building;
26. Soda water and soft drink bottling and distribution plants;
27. Tire repair operation including recapping and retreading;
28. Vocational and trade schools giving general instruction as prescribed by the State Department of Education;
29. Warehouse, storage and loft buildings;
30. Wearing apparel manufacturing;
31. Wholesale business, storage buildings, nonexplosive goods and warehouses;
32. Apartment houses.

B. The above uses are to be conducted wholly within a completely enclosed building, or within an area enclosed on all sides except the front of the lot, by a solid fence or wall or cyclone fence at least six feet in height.
19.24.030 - Height regulations. No building or structure nor the enlargement of any building or structure shall be erected or maintained to exceed four stories or forty-eight feet in height; provided, however, that the height of such building or structure shall not exceed one and one-half times the width of the widest street which it fronts.

19.24.040 - Area regulations. Every lot within an M-1 district shall have a minimum lot area of not less than seven thousand five hundred square feet, having an average lot width of sixty-five feet.

1. Where all the frontage between intersecting streets is located within business districts or industrial districts, no front yard shall be required.
2. Where the frontage is located abutting the residential district, there shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.

B. Side Yard.
1. Where the side of a lot in an M-1 district abuts upon the side or rear of a lot in an agricultural, farming, hotel, apartment, duplex or any type of residential district, there shall be a side yard of not less than ten feet.
2. In all other cases a side yard for light industrial building shall not be required.

C. Rear Yard.
1. In the case where the rear lot in an M-1 district abuts upon the side or rear of a lot in any residential, agricultural, farming, hotel, apartment or duplex district, there shall be a rear yard of not less than ten feet.
2. In all other cases a rear yard for M-1 building shall not be required.

3. No accessory building or buildings shall be allowed in the required rear yard of any lot occupied by any building containing light industrial business use except for off-street parking purposes.

(Prior code § 8-1.12(e))
A BILL FOR AN ORDINANCE ESTABLISHING TITLE 19.24, MAUI COUNTY CODE, RELATING TO M-1 LIGHT INDUSTRIAL DISTRICT

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

SECTION 1. Chapter 19.24, Maui County Code, is amended to read as follows:

"Chapter 19.24

M-1 LIGHT INDUSTRIAL DISTRICT

19.24.010 Generally. Purpose and Intent

The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district.

(Prior code § 8-1.12(a))

19.24.020 Use regulations. Permitted uses

A. Within the M-1 district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Notes and exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any use permitted in a B-1, B-2, or B-3 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except for dwelling units located above or below the first floor, living quarters used by watchmen or custodians of industrially used property;</td>
<td></td>
</tr>
<tr>
<td>2. Animal kennels;</td>
<td></td>
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<tr>
<td>3. Carpet cleaning plants;</td>
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<tr>
<td>4.</td>
<td>Cold storage plants;</td>
</tr>
<tr>
<td>5.</td>
<td>Commercial laundries;</td>
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<tr>
<td>6.</td>
<td>Craft, cabinet and furniture manufacturing;</td>
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<tr>
<td>7.</td>
<td>Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers, crystal holders and the like;</td>
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<tr>
<td>8.</td>
<td>Farm implement sales and service;</td>
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<tr>
<td>9.</td>
<td>General food, fruit and vegetable processing and manufacturing plants;</td>
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<tr>
<td>10.</td>
<td>Ice cream and milk producing, manufacturing and storage;</td>
</tr>
<tr>
<td>11.</td>
<td>Laboratories—experimental, photo or motion picture, film or testing;</td>
</tr>
<tr>
<td>12.</td>
<td>Light and heavy equipment and product display rooms, storage and service;</td>
</tr>
<tr>
<td>13.</td>
<td>Machine shop or other metal working shop;</td>
</tr>
<tr>
<td>14.</td>
<td>The manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood;</td>
</tr>
<tr>
<td>15.</td>
<td>The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils;</td>
</tr>
<tr>
<td>16.</td>
<td>The manufacture, dyeing and printing of cloth fabrics and wearing apparel;</td>
</tr>
<tr>
<td>17.</td>
<td>The manufacture of musical instruments, toys, novelties and rubber and metal stamps;</td>
</tr>
<tr>
<td>18.</td>
<td>Manufacture of pottery and figurines or other similar ceramic products;</td>
</tr>
<tr>
<td>19.</td>
<td>Milk bottling or central distribution stations;</td>
</tr>
<tr>
<td>20.</td>
<td>Plumbing shops having more than five employees;</td>
</tr>
<tr>
<td>21.</td>
<td>Poultry or rabbit slaughter incidental to a retail business on the same premises;</td>
</tr>
<tr>
<td>22.</td>
<td>Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys;</td>
</tr>
<tr>
<td>23.</td>
<td>Re-plating shop;</td>
</tr>
<tr>
<td>24.</td>
<td>Retail lumber yard including mill and sash work, mill and sash work shall be conducted within a completely enclosed building;</td>
</tr>
<tr>
<td>25.</td>
<td>Small boat building;</td>
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<tr>
<td>26.</td>
<td>Soda water and soft drink bottling and distribution plants;</td>
</tr>
<tr>
<td>27.</td>
<td>Tire repair operation including recapping</td>
</tr>
</tbody>
</table>
and re-treading;

28. Vocational and trade schools giving general instruction as prescribed by the State Department of Education:

Education, specialized. "Specialized education" means a facility that offers a specialized educational curriculum, such as, but not limited to, trade and vocational, language, music, dance, and art schools.

29. Warehouse, storage and loft buildings;

30. Wearing apparel manufacturing;

31. Wholesale business, storage buildings, non-explosive goods and warehouses;

32. Apartment houses.

Utility facilities, minor

Production facility, multimedia

(Prior code § 8-1.12(b))

1. Any use permitted in a B-1, B-2, or B-3 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except living quarters used by watchmen or custodians of industrially used property;

2. Animal kennels;

3. Carpet cleaning plants;

4. Cold storage plants;

5. Commercial laundries;

6. Craft, cabinet and furniture manufacturing;

7. Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers, crystal holders and the like;

8. Farm implement sales and service;

9. General food, fruit and vegetable processing and manufacturing plants;

10. Ice cream and milk producing, manufacturing and storage;
11. Laboratories—experimental, photo or motion picture, film or testing;

12. Light and heavy equipment and product display rooms, storage and service;

13. Machine shop or other metal-working shop;

14. The manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco, and wood;

15. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toilettries, and food products except the rendering or refining of fats and oils;

16. The manufacture, dyeing and printing of cloth, fabrics and wearing apparel;

17. The manufacture of musical instruments, toys, novelties and rubber and metal stamps;

18. Manufacture of pottery and figurines or other similar ceramic products;

19. Milk bottling or central distribution stations;

20. Plumbing shops having more than five employees;

21. Poultry or rabbit slaughter incidental to a retail business on the same premises;

22. Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys;

23. Replating shop;

24. Retail lumber yard including mill and sash work, except that mill and sash work shall be conducted within a completely enclosed building;

25. Small boat building;

26. Soda-water and soft drink bottling and distribution plants;

27. Tire repair operation including recapping and retreading;

28. Vocational and trade schools giving general instruction as prescribed by the State Department of Education;

29. Warehouse, storage and loft buildings;

30. Wearing apparel manufacturing;
1. Wholesale business, storage buildings, nonexplosive goods and warehouses;

2. Apartment houses.

3. The above uses are to be conducted wholly within a completely enclosed building, or within an area enclosed on all sides except the front of the lot, by a solid fence or wall or cyclone fence at least six feet in height.

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19.24.030 Accessory uses and building uses

The following uses and structures, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the above permitted uses in the district:

<table>
<thead>
<tr>
<th>Uses</th>
<th>Notes and exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Energy systems, small-scale;</td>
<td></td>
</tr>
<tr>
<td>B. Fences, walls, patios, decks, and other landscape features;</td>
<td></td>
</tr>
<tr>
<td>C. Garages, porte-cochere, mail boxes, ground signs, and trash enclosures;</td>
<td></td>
</tr>
<tr>
<td>D. Subordinate uses and structures which are determined by the director of planning to be clearly incidental and customary to the permitted uses listed herein;</td>
<td></td>
</tr>
<tr>
<td>E. Security/watchman or custodian outbuildings</td>
<td></td>
</tr>
</tbody>
</table>

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Height regulations:
No building or structure nor the enlargement of any building or structure shall be erected or maintained to exceed four stories or forty-eight feet in height; provided, however, that the height of such building or structure shall not exceed one and one-half times the width of the widest street which it fronts. (Prior code § 8-1.12(e))

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19.24.040 Special Uses
Reverted

Area regulations.
Every lot within an M-1 district shall have a minimum lot area of not less than seven thousand five hundred square feet, having an average lot width of sixty-five feet. (Prior code § 8-1.12(d))

19.24.050 Development Standards

<table>
<thead>
<tr>
<th>Minimum Lot Area (Square feet)</th>
<th>M-1</th>
<th>Notes and exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width (in feet)</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height (in feet)</td>
<td>60</td>
<td>Except that vent pipes, fans, chimneys, antennae, and equipment used for small scale energy systems on roofs shall not exceed 70 feet.</td>
</tr>
<tr>
<td>Minimum Yard Setback (in feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>0 or the same as the adjoining zoning category which ever is greater.</td>
<td>Where the set back of the adjoining non-industrial zoned parcel is less than 10 feet, a minim set back of 10 feet shall be applied.</td>
</tr>
<tr>
<td>Side and Rear</td>
<td>0 or the same as the adjoining zoning category which ever is greater</td>
<td></td>
</tr>
<tr>
<td>Side and Rear above one story or 15 feet</td>
<td>0 or the same as the adjoining zoning category which ever is greater</td>
<td></td>
</tr>
<tr>
<td>Free standing antenna or wind turbine structures height and setback</td>
<td>Maximum height of 75 feet and shall be set back 1 foot for every foot in height from all property lines.</td>
<td></td>
</tr>
<tr>
<td>Accessory structures within Setback Area</td>
<td>Boundary walls, parking area, trash enclosures, and ground signs</td>
<td></td>
</tr>
<tr>
<td>Enclosure Requirement</td>
<td>All uses are to be conducted wholly within a completely enclosed building, or within an area enclosed on all sides except the front of the lot, by a solid fence or wall or cyclone fence at least six feet.</td>
<td></td>
</tr>
</tbody>
</table>
feet in height.

1. Yards:  
2. A. Front Yard:  
3. 1. Where all the frontage between intersecting streets is located within business districts or industrial districts, no front yard shall be required.  
4. 2. Where the frontage is located abutting the residential district, there shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.  
5. B. Side Yard:  
6. 1. Where the side of a lot in an M-1 district abuts upon the side or rear of a lot in an agricultural, farming, hotel, apartment, duplex or any type of residential district, there shall be a side yard of not less than ten feet.  
7. 2. In all other cases a side yard for light industrial building shall not be required.  
8. C. Rear Yard:  
9. 1. In the case where the rear lot in an M-1 district abuts upon the side or rear of a lot in any residential, agricultural, farming, hotel, apartment or duplex district, there shall be a rear yard of not less than ten feet.  
10. 2. In all other cases a rear yard for M-1 building shall not be required.  
11. 3. No accessory building or buildings shall be allowed in the required rear yard of any lot occupied by any building containing light industrial business use except for off-street parking purposes.  
12. (Prior code § 8-1.12(e))

19.24.060 Rule making authority. The planning director may adopt rules to clarify and implement this chapter.

19.24.070 Permits issued prior to the enactment of this ordinance.  

Any dwelling structure that was constructed with a building permit that was approved prior to the enactment of said ordinance need not acquire a County special use permit, conditional permit or variance and may be reconstructed as permitted by the original building permit(s).

SECTION 2. Section 19.04.040, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:  

Production facility, multimedia "Space in an outdoor or indoor area, building, part of a building, for the staging or re-cording of video or audio productions such as, but not limited to, music, commercials, programs, motion pictures, multi-media or other related activities."
Maui Outlets
MAUI OUTLETS TO MAUI
www.mauioutlet.com
ABOUT MAUI OUTLETS

Located on Maui’s south side at the center of the island’s tourist resorts and attractions in Lahaina and Maalea Harbor, Maui Outlets offers a second-to-none opportunity to become part of a first-class outlet shopping destination set in a first-class location.

Not only situated near the vast majority of the island's permanent population, the property's proximity to the airport along with Wailea, Kapalua and other upscale resort areas makes Maui Outlets accessible to nearly three million affluent visitors annually whose average length of stay exceeds nine days.
PROJECT OVERVIEW

Developed on a roughly 30-acre site of pristine real estate, Maul Outlets offers a gross leasable area of approximately 300,000 square feet. Its stellar visibility coupled with its unparalleled location will result in the project becoming the shopping focal point of the island where tenants will enjoy unprecedented market presence.

With more than three quarters of a mile of frontage along one of Maui's busiest highways, the site sees roughly 38,000 cars per day. This figure is expected to double once the expansion of Upcountry Road is completed, conveniently connecting Maui Outlets to the area's residential market and on to nearby Kahului. In fact, the addition of right turn lanes along Pillani Highway and the installation of two signalized intersections added along Kaonoulu Street, will truly make the Maui Outlets' site "Main and Main."

DISTANCES FROM SITE

<table>
<thead>
<tr>
<th>Location</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahului Airport</td>
<td>10 miles</td>
</tr>
<tr>
<td>Wailea</td>
<td>5 miles</td>
</tr>
<tr>
<td>Lahaina</td>
<td>21 miles</td>
</tr>
<tr>
<td>Kapalua</td>
<td>27.6 miles</td>
</tr>
</tbody>
</table>
MORE ABOUT MAUI

• Second largest island in the Hawaiian chain

• Voted “Best Hawaiian Island” by Travel & Leisure Magazine

• Average census of 44,433 new visitors each day supplements high-income residential base

• Quality of life ranked among highest in the U.S.

• Year-round sunny climate provides the perfect backdrop for unlimited shopping, cultural festivities and a variety of outdoor sports and activities

• Industries: tourism, sugar, cattle and agriculture

**PERMANENT POPULATION**

<table>
<thead>
<tr>
<th>Population</th>
<th>143,591</th>
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<tbody>
<tr>
<td>State Population</td>
<td>1,288,198</td>
</tr>
<tr>
<td>Females</td>
<td>49%</td>
</tr>
<tr>
<td>Males</td>
<td>51%</td>
</tr>
<tr>
<td>Median Age</td>
<td>38</td>
</tr>
<tr>
<td>Total Households</td>
<td>49,000</td>
</tr>
<tr>
<td>Average Household Size</td>
<td>2.9</td>
</tr>
<tr>
<td>Labor Force</td>
<td>81,895</td>
</tr>
<tr>
<td>Average Household Income (2015 projection)</td>
<td>$86,488</td>
</tr>
<tr>
<td>Median Household Income</td>
<td>$64,150</td>
</tr>
<tr>
<td>Average House/Condo Value</td>
<td>$621,500</td>
</tr>
</tbody>
</table>
DEMOGRAPHICS

Poised to become the dominant retail destination for the island, Maui Outlets will serve the region’s dense tourist market of nearly three million annually whose expenditures exceed $3 billion. Designed to capture the architectural heritage of its surroundings, the shopping destination will include numerous amenities for both local shoppers and the visitors that occupy the island’s current count of more than 19,000 accommodation locations.

<table>
<thead>
<tr>
<th>Maui Visitor Statistics</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Visitors</td>
<td>2.9 Million</td>
</tr>
<tr>
<td>Total Visitor Expenditures</td>
<td>$3 Billion</td>
</tr>
</tbody>
</table>

Daily Expenditures Per Person

- Visitors by air: $190
- Visitors by cruise (on-island spending only): $45

Visitor Plant

- Hotel Rooms: 7,033
- Condominium Hotel: 7,071
- Timeshare: 2,657
- Individual Vacation Unit: 2,021
- Bed & Breakfast: 110
- Others: 163

Hotel Occupancy: 68%
Average Length of Stay: 9 days
Neighboring Maui Hotels:
A  The Ritz-Carlton Kapalua
B  Ka'anapali Beach Club
C  Royal Lahaina Resort
D  Sheraton Maui Hotel
E  Ka'anapali Beach Hotel
F  The Westin Maui
G  Marriott's Ocean Club
H  Hyatt Regency Maui
I  Lahaina Inn
J  Pioneer Inn
K  Lahaina Shores Resort
L  Maui Beach Hotel
M  Maui Seaside Hotel
N  Hotel Hana
O  Maui Lu Resort
P  Maui Coast Resort
Q  Baccarat Wailea Resort
R  Wailea Beach Marriott Resort & Spa
S  Grand Wailea Beach Hotel & Spa
T  Four Seasons Resort
U  Kealani Hotel
V  Hotel Wailea
W  Maui Prince Hotel

Competitive Analysis

Shops at Wailea
1  Louis Vuitton, Gucci,
    St. John Boutique, Guess  6.4 miles

Queen Ka'ahumanu Center
2  Macy's, Sears, Forever 21,
    American Eagle  9.6 miles

Whalers Village
3  Coach, Louis Vuitton, Billabong,
    Sephora, Victoria's Secret  24 miles
Renderings

[Image of urban renderings with palm trees and buildings]
DEVELOPED BY:

ECLIPSE
DEVELOPMENT
GROUP

Paul C. Bernard
EVP / Director of Development
949.251.8555
pbernard@eclipsedevelopmentgroup.com

Eclipse Development Group, LLC
17802 Sky Park Circle, Suite 200
Irvine, California 92614
eclipsedevelopmentgroup.com
mauioutlet.com

LEASING BY:

FFO
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fforealty.com

Scott Ferguson
Principal
410.779.1283
sferguson@fforealty.com

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1340 Smith Avenue, Suite 200
Baltimore, Maryland 21209
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Maui, Hawaii
Case Studies
Downey Landing
Downey, CA
West Covina Heights
West Covina, CA
North Haven Commons
North Haven, CT
Derby Landing
Derby, CT
Piilani Promenade
Maui, HI
Maui Outlets
Maui, HI

CASE STUDY | MAUI OUTLETS

Maui Outlets
Maui, Hawaii

COMING SOON

Project Description

Located on Maui's south side at the center of the island's tourist resorts and attractions in Lahaina and Maalea Harbor, Maui Outlets offers a second-to-one opportunity to become part of a first-class outlet shopping destination set in a first-class location. Not only situated near the vast majority of the island's permanent population, the property's proximity to the airport along with Wailea, Kapalua and other upscale resort areas makes Maui Outlets accessible to nearly three million affluent visitors annually whose average length of stay exceeds nine days.

Developed on a roughly 30-acre site of pristine real estate, Maui Outlets offers a gross leasable area of approximately 300,000 square feet. Its stellar visibility coupled with its unparalleled location will result in the project becoming the shopping focal point of the island where tenants will enjoy unprecedented market presence.

With more than three quarters of a mile of frontage along one of Maui's busiest highways, the site sees roughly 38,000 cars per day. This figure is expected to double once the expansion of Upcountry Road is completed, conveniently connecting Maui Outlets to the area's residential market and on to nearby Kahului. In fact, the addition of right turn lanes along Piilani Highway and the installation of two signalized intersections added along Kaonoulu Street, will truly make the Maui Outlets site "Main and Main."

DOWNLOAD STEPAN
Case Studies
Downey Landing
Downey, CA
West Covina Heights
West Covina, CA
North Haven Commons
North Haven, CT
Derby Landing
Derby, CT
Pilani Promenade
Maui, HI
Maui Outlets
Maui, HI

COMING SOON

Case Study | Pilani Promenade

Pilani Promenade
Maui, Hawaii

Project Description

Pilani Promenade is made up of roughly 68 acres of developable land on Pilani Highway in Kihei Hawaii. The property is truly irreplaceable with the future "Up Country Road" bisecting the site creating access to Kahului from Kihei and the Up Country residential community. Homeowners, tourists and thousands of timeshare owners will find this retail development the most convenient, time saving and entertaining choice to eat, play and shop.

Pilani Promenade is currently in the pre-development phase and doing pre-leasing for spaces from 1,000 square feet to 160,000 square feet.

The projected Grand Opening is for Pilani Promenade is early 2014.

DOWNLOAD SITE PLAN
Eclipse Development Group is pleased to offer for lease a truly irreplaceable first class retail development located on the Island of Maui. The development is located on Piilani Highway, the major north/south arterial for this side of the Island. Piilani Highway is also the only route into the higher end resort communities of Makena and Wailea. With over 700,000 total square feet of retail Piilani Promenade will capture shoppers from the entire Island.

Piilani Promenade is situated with primary frontage along Piilani Highway (over ¾ of a mile of frontage), the islands major traffic arterial (over 38,000 cars per day), and will be bisected by what will become the “Up County Road” which will ultimately provide direct and quick access to Kahului Airport. Piilani Highway is the connector between the higher end hotel travel destinations of Makena and Wailea, the Kahului Airport and Cruise Ship ports in Kahului; and the northern road to Lahaina, Ka’anapali and Kapalua. These two roads and unparalleled 1st class architectural design put this development at “Main & Main” and help make this the new retail and entertainment focal point for tourists and locals alike.

The location of Piilani Promenade benefits from sitting at what is projected to be the largest intersection on the Island which provides easy access to; the tourist population (whose average stay is roughly 9 days on the Island); the permanent population on the Island; and the vacation home owners. In addition to all the high end residential growth planned immediately surrounding Piilani Promenade as well as planned developments further
down Piilani Highway in Makena (2 planned communities) there is a brand new high school projected for 2014 opening on Piilani Highway roughly a half a mile from the site.

With significant barriers to entry in the market, Piilani Promenade is the shining example of prime retail sites. Taking over 14 years to entitle and being located at Main & Main for traffic on the west end of the Island, this development is one that will likely never be duplicated on the Island of Maui.

Maui currently provides approximately 61 hotels with over 10,600 rooms; 103 condominium projects with over 7,300 rooms; and 40 different Bed and Breakfast properties. Maui attracts approximately 2,900,000 visitors each year which only adds to the already strong demographic base of the Island.

Piilani Promenade will be a roughly 415,000 square foot retail development with national and local retailers which will provide a one-stop shopping experience for the Island. We have tenants that will range from 1,000 square feet up to over 150,000 square feet, and space is available now for those ready to move on this dynamic retail opportunity.
OPPORTUNITY HIGHLIGHTS

+ IRREPLACEABLE RETAIL LOCATION
+ SIGNIFICANT BARRIERS TO ENTRY
+ FUTURE TRANSPORTATION CORRIDOR FOR AIRPORT AND UP COUNTRY RESIDENTIAL COMMUNITY
+ LOCATED IN THE MIDDLE OF TOURISM TRAFFIC (MAIN AND MAIN)
+ 2.9 MILLION VISITORS ANNUALLY (Nine (9) day average stay)
+ STRONG DEMOGRAPHIC BASE WITH AVG HH INCOME IN EXCESS OF $86,000 PER YEAR
+ ADJACENT HIGH SCHOOL CONSTRUCTION TO BEGIN IN APPROX 2012
+ FUTURE RESORT, RESIDENTIAL, GOLF COURSE IN PLANNING ALONG PIILANI HIGHWAY NEAR THE PROPERTY
+ UNPARALELLED ARCHITECTURAL DESIGN

FOR LEASING INFORMATION CONTACT:

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Executive Vice President
Eclipse Development Group
17802 Sky Park Circle #200
Irvine, Ca 92614
949-251-8828 (Direct)
949-251-9979 (Facsimile)
www.eclipsedevelopmentgroup.com
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With more than three quarters of a mile of frontage along one of Maui's busiest highways, the site sees roughly 36,000 cars per day. This figure is expected to double once the expansion of Upcountry Road is completed, conveniently connecting Maui Outlets to the area's residential market and on to nearby Kahului. In fact, the addition of right turn lanes along Piilani Highway and the installation of two signalized intersections added along Kaonoulu Street, will truly make the Maui Outlets' site "Main and Main."
To say that the Eclipse project is substantially as represented in 1995 in its representation, particularly as Light Industrial, to LUC--deserves careful review on "representations" and "impacts." Even if "commercial development" was mentioned in the same vein as "light industrial" to LUC by the developer or its agents, Eclipse Development on their website capitalizes on the "prime location" which they call "main and main" in their marketing materials on their website. It further particularly is putting it out for leases currently for numerous big box stores which looks like a Megaplex. I am particularly concerned that there is no real focus on "light industrial" even in the actual Eclipse Devt. project website representations. So where is the congruency?

I am wondering where the "consistency" is between the Maui Island Plan, compliance with LUC requirements, the Kihei Community Plan, and the Kihei community relationship, as well as the M-1 zoning category as "light industrial designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district." (Maui County Adopted legislation 19.24.010.) This is a dilemma.

I was particularly alarmed about the Eclipse Devt. project attempts already to forge ahead regardless of failed traffic studies which we could use relief from. Victoria Huffman, (the traffic engineer) graphically provided a video taped and televised point presentation of the Eclipse Devt. failed traffic study highlighting a major negative and unintended consequence which can happen when projects are substantially changed from mostly light to a megamall with greatly increased volume. The Eclipse website states that traffic will double on the Piilani Hwy, or even vsn potentially trigger the need for the state to develop an additional highway at the top of the new
urban growth boundary since the N./S. Collector Rd and Kihei Rd are already subject to a large number of already entitled properties makai of the Piilani Hwy.

I further was just recently warned that one of the unintended consequences is that big box shopping centers have not been held that long; particularly of late, and the shopping center "build and flip" mentality has taken down numerous small businesses in communities across the United States since the 1990's. We now have an epidemic of retail vacancy in much of the mainland U.S. and Hawaii will follow unless elected officials recognize what's really going on and take steps to limit retail development to what's truly needed and supportable. This is particularly of concern on Maui.

When commercial developers buy up cheap light industrial land and drive up land prices during their "flips" in which M-1 was designed for sustainable light industrial, it instead hurts those who do want to offer and take pride in their sustainable light industrial services at a reasonable cost. Small businesses on a small island like this would find it more difficult to compete with a big box megaplex which is disheartening in such a small community as Kihei of 45,000 people on an island with 145,000.

Many residents have reacted to the sheer scale of the Eclipse Project. As an outer island, we don't want to lose the personal island style and unique small businesses that draws those who return time and again for the Maui no ka oi experience! Keep Maui, Maui no ka oi!

There has been continuous editorials in the newspaper, large volume of phone calls to the KCA, polls on this project in two newspapers, and strong feelings about the intent of this mainland company to both care, be transparent with the community, and accurately represent its project to our Hawaii authorities.

Please take into consideration that in the pipeline for Kihei ARE two projects actually in our Kihei-Makena Plan either side of the 88 acre project zoned M-1 that actually fit their zoning and DO add to the feel of our island and economy--The Krause Devt. Kihei Town Center and the International Villages and Cultural Center akin to the Polynesian Cultural Center of Oahu. Those developers have actually taken the time and energy to connect with the community. Please do what you can to assist what is supportable, needed and balanced for Maui.
Thank you for the opportunity to testify.

Cynthia Groves
Member of the Kihei Community Association Planning Committee,
speaking as an individual
105 Kulipuu St.
Kihei, HI 96753
We, the undersigned, respectfully request the LUC to reopen the file regarding Ka’ono’ulu Ranch, docket number A94-706.

We believe there is sufficient evidence to justify a review of the project. The currently proposed development differs greatly from the original submission for a light industrial park. No new traffic or marketing studies have been prepared or presented nor has the public been given an opportunity to be heard. We ask that the LUC provide us this opportunity.

<table>
<thead>
<tr>
<th>name</th>
<th>signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renee Richardson</td>
<td>Renee Richardson</td>
</tr>
<tr>
<td>Barry Richardson</td>
<td>Barry Richardson</td>
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<tr>
<td>Nick Sciulli</td>
<td>Nick Sciulli</td>
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<tr>
<td>Ellen Sciulli</td>
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<tr>
<td>C. Patrick Gailley</td>
<td>C. Patrick Gailley</td>
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<tr>
<td>Marilyn Gailley</td>
<td>Marilyn Gailley</td>
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<tr>
<td>Robert Gilman</td>
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<tr>
<td>Kathy Wells</td>
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<tr>
<td>Marianne MacMillan</td>
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<td>Dale Steinmetz</td>
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<tr>
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<tr>
<td>Garry Marshall</td>
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<tr>
<td>John N. Nukunuk</td>
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<tr>
<td>Tasha Bivins</td>
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<tr>
<td>Arlene Solomon</td>
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<tr>
<td>Doreen Fuegy</td>
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<tr>
<td>Judy Iaukea</td>
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<tr>
<td>Jody W. Patch</td>
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</tr>
<tr>
<td>Matthew Eller</td>
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</tr>
<tr>
<td>Amanda Eller</td>
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<tr>
<td>Gayle Topolinski</td>
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</tr>
<tr>
<td>George Mahtler</td>
<td>George Mahtler</td>
</tr>
<tr>
<td>All Good</td>
<td>All Good</td>
</tr>
<tr>
<td>Jay Mammel</td>
<td>Jay Mammel</td>
</tr>
<tr>
<td>Roberta Fullmer</td>
<td>Roberta Fullmer</td>
</tr>
<tr>
<td>MARGUERITE BEAVERS</td>
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</tr>
<tr>
<td>Joelene Rico</td>
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</tr>
<tr>
<td>Bruce Cohen</td>
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<tr>
<td>Sandy Farowich</td>
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<tr>
<td>Kenneth Dunan</td>
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<tr>
<td>Norma Andrews</td>
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</tr>
<tr>
<td>Will Andrus</td>
<td>Will Andrus</td>
</tr>
<tr>
<td>CHRISTINE PROCTOR</td>
<td>CHRISTINE PROCTOR</td>
</tr>
<tr>
<td>Patricia Hendler</td>
<td>Patricia Hendler</td>
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<td>Chris Hendler</td>
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</tr>
<tr>
<td>Anne Taylor</td>
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</tr>
<tr>
<td>Rosanne Wuthrich</td>
<td>Rosanne Wuthrich</td>
</tr>
<tr>
<td></td>
<td>C. Hendler</td>
</tr>
<tr>
<td></td>
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<td>R. Wuthrich</td>
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<tbody>
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<td>Wilbur T. Brown</td>
<td></td>
</tr>
<tr>
<td>Mary Starn Little</td>
<td></td>
</tr>
<tr>
<td>Omer F. Davis</td>
<td></td>
</tr>
<tr>
<td>Kyra H. Marshall</td>
<td></td>
</tr>
<tr>
<td>M. Wong</td>
<td></td>
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We believe there is sufficient evidence to justify a review of the project. The currently proposed development differs greatly from the original submission for a light industrial park. No new traffic or marketing studies have been prepared or presented nor has the public been given an opportunity to be heard. We ask that the LUC provide us this opportunity.

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<td>Greg Say</td>
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<td>Suzette Sicario</td>
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Maui Mega Mall opposition testimony
Megan Hinman

Aloha,

There are many concerns I have as a resident of Kihei and a small business owner in Maui that are concerning and should be considered in this hearing... The main question I find myself asking, is why is there an outside developer looking to build a 700,000 sq ft mega mall in Kihei when there are NUMEROUS Retail location in the Kihei area that are VACANT! There are retail opportunities for all types of stores, restaurants, etc to open in established "strip malls" in Kihei. Meanwhile, as we are into our "low season" I notice how quiet the entire island is! And this will continue for some time until we move into the holiday travel season... The local economy is no where near strong enough to support the required infrastructure in relation to a Kihei Mega Mall. People may be visiting Maui now, but there are certainly not in the position to be spending any money at retail locations that they could shop at when they are back on the mainland! People do not come to maui to shop! They come to maui to relax and recharge, go to the beach, etc... OAHU is where people go to shop. They have the specific tourist demographic that are going on vacation to SHOP. The last thing we need in Maui is to build a monstrosity of a mall that will more than certainly FAIL as the local economy cannot support something of this size. The local roads cannot support a increase in traffic in relation to a mall this size. The local economy in Maui has been perpetuated and survived thanks to all of the LOCAL retailers that worked so hard to keep their small business operating over the last several years. Now Maui is going to slap them in the face with a Mega Mall, which is the complete opposite of small business. When I see shop owners in Paia standing in Baldwin avenue waving signs to attract customers into their shop, I can't believe that it is even a possibility to build a Mega Mall in Kihei. What jobs are going to be created? Minimum wage, less than $10 an hour jobs that will be PART TIME and most likely NOT include benefits. Maui needs REAL jobs not positions that are meant for high schoolers. Building a Mega Mall will compromise the local Maui businesses that ARE creating FT jobs for the local community. With the high probability of failure for a mall of this size, we will only be left with a view of the rotting carcass of what once was a GREEDY dream of a main land development company. They will not drive by the location, nor will they care what it does to our local community. MAUI residents will be the only one's left holding the bag when this project fails due to lack of retail spending and lack of the proper tourist demographic in Maui.

KEEP MAUI LOCAL! STOP THE MEGA MALL! We don't live in Maui to have access to MEGA MALL's. We live here for the Aloha spirit and the way of life that is supposed to be simpler and more appreciative of the land and environment and it's people.

Mahalo,

Megan Hinman
I wish to be placed on record that I am in favor of the motion A94-706 Ka’ono’ulu Ranch (Maui) for a hearing on the proposed N. Kihei malls. It is my understanding that the proposed development is not what was agreed on when the LUC approved the change of land in the mid 1990’s.

I am a resident and registered voter living in Kihei.

Mahalo for your attention.

Paula Baldwin
I, Michael W. Foley, SUPPORT the motion filed by Maui Tomorrow Foundation, South Maui Citizens for Responsible Growth, and Daniel Kanehele for issuance of an order to show cause why the above described Property should not revert to its former classification due to the current owners’ violation of the 1995 Order arising from their failure to develop the Property for the purposes represented to the Land Use Commission.

1. I am a resident of the County of Maui, Hawaii, and was the Planning Director for the County of Maui, State of Hawaii from January 2003 through January 2007. I have also served as the planning director for the California cities of Sausalito, Davis, Woodside and Napa. I worked in the land use planning field for 42 years. A resume of my work experience in the field of planning in attached as Exhibit "A." I am currently on the board of directors of Maui Tomorrow Foundation, one of the moving parties in this action.
2. I am familiar with a range of community planning concepts, land uses and their impacts.

3. In the field of planning, and in fact, light industrial uses and impacts are entirely different from housing and retail shopping center uses and effects. Specifically, and without limitation, traffic and economic impacts posed by light industrial uses are substantially different from those posed by housing and retail shopping centers.

4. I have reviewed the 1994 Petition filed by Kaonoulu Ranch in 1994 for a district Boundary Amendment for its proposed “Kaonoulu Industrial Park”, consisting of 123 fee simple lots reserved for commercial and light industrial use and I have read the Findings of Fact, Conclusions of Law, Decision and Order issued in this matter in 1995.

5. I have reviewed Eclipse Developments web site describing the proposed Pi’ilani Shopping Center and Outlet Mall, together with the attachments thereto and have examined the site plan for these project contained in Appendix A to a report entitled “Traffic Impact Analysis Report for Piilani Promenade” dated January 30, 2012, revised May 7, 2012, a copy of which is attached hereto as Exhibit “B.”

6. I have read the re-zoning criteria for Wailea 670, aka Honua‘ula, which calls for development of 250 workforce housing units to be built within the land reclassified by the Land Use Commission in this matter.

7. Based on my background and experience in the field of community planning and development, it is my professional opinion that the projects proposed by Pi’ilani Promenade North, LLC; Pi’ilani Promenade South, LLC; and Honua‘ula Partners for the parcels of land subject to the jurisdiction of the Land Use Commission in this matter are substantially different from that represented to the Hawaii Land Use
Commission by Kaonoulu Ranch in 1994 and described in the Findings of Fact, Conclusions of Law, Decision and Order issued in this matter. Furthermore, it is my opinion that the consequences and impacts of the two developments – the Kaonoulu Industrial Park on the one hand represented to the Land Use Commission in 1994 compared to the retail shopping centers (the Mega Malls) and workforce housing developments on the other hand proposed by the current property owners - are substantially different.

Dated: August 17, 2102, executed at KAHULUI, Hawaii.

Michael W. Foley
MICHAEL W. FOLEY

PLANNING EXPERIENCE: 40 YEARS

Planning Director - County of Maui, Hawaii 1/03 – 1/07 (4 years)

- Advised the Mayor, County Council, three planning commissions, Board of Variances and Appeals, Urban Design Review Board, and other boards regarding all types of land use on the islands of Maui, Lanai, and Molokai
- Supervised the Planning Department, with 60 employees in 3 divisions
- Coordinated various planning projects such as the General Plan update, Coastal Zone management and the Pali to Puamana Parkway
- Enforced policies and regulations in the General Plan, Community Plans, County Code, Historic Districts and Design Guides


- Prepared environmental impact studies for Federal, State and local agencies concerning residential subdivisions, hotels, commercial shopping centers, industrial parks, and public developments.
- Processed development applications for residential subdivisions, office buildings, and commercial projects

Planning Director – Town of Woodside, CA. 3/96 – 4/98 (2 years)

- Coordinated 2 year long comprehensive revision of Zoning Ordinance.
- Prepared planning reports for Town Manager, Town Council, Planning Commission and Design Review Board.
- Supervised seven employees, including Planners & Building Inspectors.

Planning Consultant – Foley & Associates 4/87 – 3/96 (9 years)

- Served as part-time Planning Director for Cities of Belvedere and Yountville (6 years), and for Towns of Tiburon and San Juan Bautista
- Prepared planning & environmental reports for California cities and counties concerning residential, commercial, industrial, airports, hospitals, annexations, flood control and other public projects
- Coordinated the comprehensive update of three community General Plans
Planning Director – City of Sausalito, CA. 8/83 -4/87 (4 years)

- Coordinated preparation of a Specific Plan to protect the 212 acre Marinship working waterfront area
- Prepared planning reports for City Manager, City Council, Planning Commission, Design Review Board & Historic Preservation Board
- Processed development applications for residential, commercial, office, industrial and public projects

Planning Director/Senior Assoc. – EIP, San Francisco 3/81-8/83 (2 years)

- Served as Project Manager for the preparation of numerous environmental reports for federal, state and local agencies concerning development projects throughout northern and central California.

Planning & Redevelopment Director – City of Napa 1/78 – 3/81 (3 years)

Planner – City of Wellington, New Zealand 8/75 -8/77 (2 years)

Executive Director – CA. Tahoe Regional Planning Agency 9/74-8/75 (1 year)

Community Development Director – City of Davis, CA. 10/70-9/74 (4 years)

Planning Staff Positions: (5 years) 2/64 – 10/70 (5 years)
Menlo Park, CA + Monterey County, CA

Teaching Positions
Physical Geography + Geography of Hawaii, Maui College, Kahului, HI. (2002- present)
Environmental Quality, University of California, Davis, CA. (1974)

Education
Master of Arts Community Planning & Design, 1982, Antioch University
Master’s Project: “Proposal and Plan for a Napa River State Park”

Bachelor of Arts Urban Geography, 1967, California State University, Fresno

Associate of Arts Architecture, 1964, Monterey Peninsula College
Mr. Hakoda

With respect to the above mentioned projects, simply, since the proposed project has materially changed considerably from 1995 LUC light industrial zoning designation, public review should be a requirement to allow the projects to proceed.

I believe that's the proper course of action.

Thank you for letting me voice my opinion.

Warren Haynes
I am a resident of Kihei and fully support the retail mall development on the Pi'ilani. There are probably about 50,000 people in the Kihei area at any point in time. It is ridiculous that we have to waste gas driving 10-15 miles to Kahului to do any shopping other than groceries. I also believe that the state would see significant growth in GET revenues because of these malls. Tourists love to shop, and I believe locals defer a lot of shopping until mainland trips. My only concern would be adequate road development to handle the traffic.

While you are at it, if you can figure out a way to stop the pollution from the cane burn, I'd appreciate it.

Sincerely,

Patrick C. Linnen
2777 S. Kihei Rd #G112
Kihei, HI 96753
I, Victoria A. Huffman, P.E., SUPPORT the motion filed by Maui Tomorrow Foundation, South Maui Citizens for Responsible Growth, and Daniel Kanehele for issuance of an order to show cause why the above described Property should not revert to its former classification due to the current owners’ violation of the 1995 Order arising from their failure to develop the Property for the purposes represented to the Land Use Commission.

1. I, Victoria A. Huffman, P.E., along with my husband Walton H. Huffman JR, P.E., am the recent owner of residential real property located at 163 Kuli Pu'u Street, Kihei, Hawaii 96753. I intend to make this home my permanent residence in December 2012.

2. I am a licensed Traffic Engineer in the State of California (Certificate No. TR 2012) and have served as a traffic engineer for a large municipality in Southern...
California for over 20 years. My primary job responsibilities for said municipality have been reviewing proposed development projects, their traffic studies, their environmental documents, and also maintaining the traffic signal timing for over 700 traffic signals agency wide.

3. I have reviewed the following documents regarding the approved Kaonoulu Light Industrial Park and the proposed Pi'ilani Promenade and Maui Outlets:


4. According to the *Traffic Impact Analysis Report for Pi'ilani Promenade*, the proposed new project would be comprised of a 410,000 leasable square foot retail shopping center (including a 38,000 square foot outdoor garden area) and a 290,000 leasable square foot Outlet Center. Using formulas from the Institute of Transportation Engineer's *Trip Generation, 8th Edition* (2008) and assuming the two shopping centers are two separate retail facilities as is assumed in the *Traffic Impact Analysis Report for Pi'ilani Promenade*, the proposed retail project is estimated to generate approximately 30,900 driveway average daily trips (ADT). However, the Property was estimated to generate approximately 4,820 ADT in the 1994 *Traffic Impact Analysis Report for Kaonoulu Industrial Park*. This is less
than one-sixth the amount of traffic that the Property is now estimated to generate with the proposed retail development in place. The Property will generate even more traffic (approximately 32,500 driveway ADT) when the traffic from the 250 workforce housing units, which is a rezoning condition of the Honua'ula development project, is added.

It is reasonable to assume the new proposed retail development would have more traffic impacts than the originally entitled industrial park due to this dramatic increase in traffic. A review of the Traffic Impact Analysis Report for Piilani Promenade confirms this assumption. It indicates traffic from the proposed retail development alone (not including the traffic from the workforce housing) would have significant traffic impacts to the intersections of Pi'ilani Highway/Kaonoulu Street and South Kihei Road/Kaonoulu Street. More importantly, however, the large increase in traffic from the proposed shopping centers could compromise public health and safety by increasing the potential for crashes and increasing emergency vehicle response times. The lack of provision of a frontage road, as was required by Condition No. 5 of Findings of Fact, Conclusions of Law, and Decision and Order for Land Use Commission Docket No. A94-706, may also compromise public safety since students from the planned future Kihei High School would be provided no safe pedestrian route to the new retail centers. High school students would have no alternative but to walk along Pi'ilani Highway---a substandard, high speed, principal arterial which has no sidewalk and little paved shoulder---to reach the new shopping center by foot. Such impacts to traffic and public safety were not disclosed to the Land Use Commission nor the public at the
time of the public hearing for the reclassification of the Property.

Therefore, with respect to traffic impacts and transportation related safety issues, it is clear that the proposed new development is not in substantial compliance with the presentations made to the Land Use Commissioners when the Property was reclassified in 1995.

Dated: August 17, 2012

[Signature]

Victoria A. Huffman, P.E.
Aloha,

Re: Docket No. A94-706: Attached is testimony of Kihei Community Association in support of the Motion before the LUC in Support of Motion For Issuance of an Order to Show Cause. Hard copy of this testimony was mailed to you today, August 17, 2012, and oral testimony will be presented at the hearing in Lahaina on August 24, 2012. Please acknowledge receipt.

Thank you,

Patricia Stillwell,
Board Member,
Kihei Community Association
BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of

KAONOULU RANCH

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District
for approximately 88 acres at Kaonoulu,
Makawao-Wailuku, Maui, Hawaii; Tax Map
Key Nos. 2-2-02: por. of 15 and 3-9-01:16

DOCKET NO. A94-706

TESTIMONY OF KIHEI
COMMUNITY ASSOCIATION
IN SUPPORT OF MOTION
FOR ISSUANCE OF AN
ORDER TO SHOW CAUSE

The Kihei Community Association ("KCA") SUPPORTS the motion filed by Maui Tomorrow Foundation, South Maui Citizens for Responsible Growth, and Daniel Kanehele for issuance of an order to show cause why the above described Property should not revert to its former classification due to the current owners' violation of the 1995 Order arising from their failure to develop the Property for the purposes represented to the Land Use Commission.

Kihei Community Association is a Hawaii nonprofit corporation in good standing, founded over 50 years ago to encourage, promote and aid in developing, improving and maintaining the area of Kihei as a desirable residential community.

After the Property was reclassified by the Land Use Commission in 1995 for light industrial uses, KCA worked collaboratively with the land owner, Kaonoulu Ranch, and its agents, to ensure that the proposed "Kaonoulu Industrial Park" would be developed in accordance with the best interests of the community and consistent with KCA's mission.

Given this, KCA wrote a letter to the Maui County Planning Commission dated August 22, 1998, a true copy of which is attached hereto, in support of Kaonoulu Ranch's effort to rezone the Property to permit development of the Kaonoulu Industrial Park.
KCA supported an amendment of the Kihei-Makena Community Plan to accommodate the light industrial uses for the property. The Kihei-Makena Community Plan was adopted into law by the County of Maui in 1998. It remains in effect and has never been amended. The Community Plan:

(i) Designates the Property “LI” on the attached land use map;

(ii) Defines “LI” narrowly as “. . . warehousing, light assembly, service and craft-type industrial operations.” (page 55);

(iii) Specifically dedicates the Property to light industrial services and contains the following limitation, “These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.” (See page 18, paragraph k); and

(iv) Calls for development of commercial services in three distinct areas, all makai of Pi’ilani Highway, in order to create a sense of place and address urban sprawl. (Pages 17-18, paragraph h.)

The currently proposed residential housing development and two shopping malls bear no resemblance whatsoever to what was presented to the LUC, the County and KCA in the 1990’s. There has been no study of impact issues of concern to the state, the county and the community with regard to this new proposed development. There has been no opportunity for public testimony. This is a significantly different project than what was approved by the LUC, and the community has over 20 years of new conditions to factor into any new development for the property, including traffic issues, a new high school adjacent, flooding and drainage issues and a severe lack of safe pedestrian and bike corridors for our growing population.

Conditions imposed on the project by the LUC are being ignored. In particular:

Condition 15: Petitioner shall develop the Property in substantial compliance with the representations made to the commission.

Condition 5: Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed development... Petitioner shall provide for a frontage road parallel to Pi’ilani Highway and other connector roads within the Petition area. No such roads exist on the current plans and, in a recent meeting with KCA and the developer, we learned that no roads are intended.

For the foregoing reasons, KCA supports issuance of an order to show cause and reverse the land classification to agricultural, or other such relief as the Land Use Commission deems appropriate.

Original signed by: ________________________________ Date: August 17, 2012

Mike Moran, Vice President, Kihei Community Association
Objectives and Policies

a. Acquire beachfront properties for public use.

b. Identify priority growth areas to focus public and private efforts on the provision of infrastructure and amenities to serve existing residents and to accommodate new growth.

c. Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development.

d. Limit hotel uses to those areas presently planned for hotel use, and limit hotel development until adequate public facilities and services are established to meet existing needs.

e. Establish a system of parks, utility easements, shoreline areas, drainageways and wetlands as an open space framework for the urban areas of the region, i.e. where structures exist or are planned to exist, and provide an integrated system of pedestrian and bicycle paths.

f. Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles.

g. Encourage the establishment of single-family and multi-family land use designations which provide affordable housing opportunities for areas which are in close proximity to infrastructure systems and other urban services.

h. Develop commercial services at the following locations to meet community needs:

1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.

2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection.
3) In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.

4) Along South Kihei Road opposite the Kama'ole beach parks.

i. Limit commercial services to neighborhood business uses or other low-key business activities with a residential scale on those properties which abut single-family residential areas.

j. Locate resort-related retail commercial facilities at strategic points in the Wailea and Makena destination areas.

k. Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, as well as limited marine-based industrial services in areas next to Ma'alaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.

l. Preserve coastal vistas, open space and recreational opportunities for residents by prohibiting further shoreline development except in places designated on the 1997 community plan land use map, and prohibit future community plan amendments along the shoreline that would increase the intensity of land use, with the exception of land use that is public or quasi-public in nature.

m. Provide for limited residential expansion in Ma'alaea which complements the existing natural and built environment.

n. Maintain State Conservation District boundaries in the planning region. However, State Conservation District reclassification of lands may be warranted to enhance environmental preservation.

o. Establish a site for a future higher educational institution north of the research and technology park project district.

p. Prevent urbanization of important agricultural lands.
Business/Multi-Family (BMF)
This includes a mixture of retail, office, and commercial services which are oriented to neighborhood service and single-family and multi-family residential uses.

Business/Commercial (B)
This includes retail stores, offices, entertainment enterprises and related accessory uses.

Business/Industrial (BI)
This includes a mixture of warehousing, distribution, service operations, retail and offices uses.

Light Industrial (LI)
This is for warehousing, light assembly, service and craft-type industrial operations.

Heavy Industrial (HI)
This is for major industrial operations whose effects are potentially noxious due to noise, airborne emissions or liquid discharges.

Airport (AP)
This includes all commercial and general aviation airports, and their accessory uses.

Public/Quasi-Public (P)
This includes schools, libraries, fire/police stations, government buildings, public utilities, hospitals, churches, cemeteries, and community centers.

Protect District (PD)
This category provides for a flexible and creative planning approach rather than specific land use designations for quality developments. The planning approach would establish a continuity in land uses and designs while providing for a comprehensive network of infrastructural facilities and systems. A variety of
August 22, 1998

County of Maui Planning Commission

FAX: 243-7634

RE: KAONOUU INDUSTRIAL PARK APPLICATION IN KIHEI

Dear Planning Commissioners:

The KIHEI COMMUNITY ASSOCIATION strongly recommends the necessary approvals for the KAONOUU INDUSTRIAL PARK proposed development marka of Pillani Highway in Kihel and adjacent to the existing KIHEI GATEWAY INDUSTRIAL PROJECT.

Henry Rice, the developer, and his project principals, have met several times with our KCA Planning and Development Committee over the past several years and has responded to our desire for a segment of our "Linear Park" or GREENWAYS-BIKEWAYS SYSTEM to be contained within his development.

Not only has he incorporated this Community need in his plans, but has provided many beautifully landscaped enhancements to the project site plan for which the Community will be very proud.

We are very grateful for his foresight and willingness to take the lead in making this strategically located project a prototype for future enhanced developments along the visual Pillani corridor bordering Kihel.

Finally, the opportunity of fee simple ownership of the individual industrial sites is a welcome addition to this area and we think this is an added bonus making economic sense for our Community.

We applaud Henry Rice's leadership and the many hours spent with KCA to effect such cooperation in providing creative solutions for our Community needs.

With Aloha,

Carla McFlood
KCA PLANNING & DEVELOPMENT CHAIR

cc: Mr. George Fontalac, KCA President FAX: 879-8390
Mr. Henry Rice FAX: 876-0432
Mr. Mike Munekiyo FAX: 243-8729
The Kihei Community Association ("KCA") SUPPORTS the motion filed by Maui Tomorrow Foundation, South Maui Citizens for Responsible Growth, and Daniel Kanehele for issuance of an order to show cause why the above described Property should not revert to its former classification due to the current owners’ violation of the 1995 Order arising from their failure to develop the Property for the purposes represented to the Land Use Commission.

Kihei Community Association is a Hawaii nonprofit corporation in good standing, founded over 50 years ago to encourage, promote and aid in developing, improving and maintaining the area of Kihei as a desirable residential community.

After the Property was reclassified by the Land Use Commission in 1995 for light industrial uses, KCA worked collaboratively with the land owner, Kaonoulu Ranch, and its agents, to ensure that the proposed “Kaonoulu Industrial Park” would be developed in accordance with the best interests of the community and consistent with KCA’s mission.

Given this, KCA wrote a letter to the Maui County Planning Commission dated August 22, 1998, a true copy of which is attached hereto, in support of Kaonoulu Ranch’s effort to rezone the Property to permit development of the Kaonoulu Industrial Park.
KCA supported an amendment of the Kihei-Makena Community Plan to accommodate the light industrial uses for the property. The Kihei-Makena Community Plan was adopted into law by the County of Maui in 1998. It remains in effect and has never been amended. The Community Plan:

(i) Designates the Property “LI” on the attached land use map;
(ii) Defines “LI” narrowly as “. . . warehousing, light assembly, service and craft-type industrial operations.” (page 55);
(iii) Specifically dedicates the Property to light industrial services and contains the following limitation, “These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.” (See page 18, paragraph k); and
(iv) Calls for development of commercial services in three distinct areas, all makai of Pi’ilani Highway, in order to create a sense of place and address urban sprawl. (Pages 17-18, paragraph h.)

The currently proposed residential housing development and two shopping malls bear no resemblance whatsoever to what was presented to the LUC, the County and KCA in the 1990’s. There has been no study of impact issues of concern to the state, the county and the community with regard to this new proposed development. There has been no opportunity for public testimony. This is a significantly different project than what was approved by the LUC, and the community has over 20 years of new conditions to factor into any new development for the property, including traffic issues, a new high school adjacent, flooding and drainage issues and a severe lack of safe pedestrian and bike corridors for our growing population.

Conditions imposed on the project by the LUC are being ignored. In particular:
Condition 15: Petitioner shall develop the Property in substantial compliance with the representations made to the commission.
Condition 5: Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed development…Petitioner shall provide for a frontage road parallel to Pi’ilani Highway and other connector roads within the Petition area. No such roads exist on the current plans and, in a recent meeting with KCA and the developer, we learned that no roads are intended.

For the foregoing reasons, KCA supports issuance of an order to show cause and reverse the land classification to agricultural, or other such relief as the Land Use Commission deems appropriate.

Signed: [Signature]
Dated: 8/17/2

Mike Moran, Vice President, Kihei Community Association
August 22, 1998

County of Maui Planning Commission
FAX: 243-7634

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With Aloha,

Carla McNleod
KCA PLANNING & DEVELOPMENT CHAIR

cc: Mr. George Fontaine, KCA President FAX: 879-5350
Mr. Henry Rice FAX: 876-0422
Mr. Mike Munekiyo FAX: 243-8729
Business/Multi-Family (BMF)

This includes a mixture of retail, office, and commercial services which are oriented to neighborhood service and single-family and multi-family residential uses.

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Airport (AP)

This includes all commercial and general aviation airports, and their accessory uses.

Public/Quasi-Public (P)

This includes schools, libraries, fire/police stations, government buildings, public utilities, hospitals, churches, cemeteries, and community centers.

Project District (PD)

This category provides for a flexible and creative planning approach rather than specific land use designations for quality developments. The planning approach would establish a continuity in land uses and designs while providing for a comprehensive network of infrastructural facilities and systems. A variety of
Objectives and Policies

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b. Identify priority growth areas to focus public and private efforts on the provision of infrastructure and amenities to serve existing residents and to accommodate new growth.

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d. Limit hotel uses to those areas presently planned for hotel use, and limit hotel development until adequate public facilities and services are established to meet existing needs.

e. Establish a system of parks, utility easements, shoreline areas, drainageways and wetlands as an open space framework for the urban areas of the region, i.e. where structures exist or are planned to exist, and provide an integrated system of pedestrian and bicycle paths.

f. Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles.

g. Encourage the establishment of single-family and multi-family land use designations which provide affordable housing opportunities for areas which are in close proximity to infrastructure systems and other urban services.

h. Develop commercial services at the following locations to meet community needs:

1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.

2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection.
3) In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.

4) Along South Kihei Road opposite the Kama'ole beach parks.

i. Limit commercial services to neighborhood business uses or other low-key business activities with a residential scale on those properties which abut single-family residential areas.

j. Locate resort-related retail commercial facilities at strategic points in the Wailea and Makena destination areas.

k. Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, as well as limited marine-based industrial services in areas next to Ma'alaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.

l. Preserve coastal vistas, open space and recreational opportunities for residents by prohibiting further shoreline development except in places designated on the 1997 community plan land use map, and prohibit future community plan amendments along the shoreline that would increase the intensity of land use, with the exception of land use that is public or quasi-public in nature.

m. Provide for limited residential expansion in Ma'alaea which complements the existing natural and built environment.

n. Maintain State Conservation District boundaries in the planning region. However, State Conservation District reclassification of lands may be warranted to enhance environmental preservation.

o. Establish a site for a future higher educational institution north of the research and technology park project district.

p. Prevent urbanization of important agricultural lands.
I, Carla M. Flood, SUPPORT the motion filed by Maui Tomorrow Foundation, South Maui Citizens for Responsible Growth, and Daniel Kanehele for issuance of an order to show cause why the above described Property should not revert to its former classification due to the current owners' violation of the 1995 Order arising from their failure to develop the Property for the purposes represented to the Land Use Commission.

1. I, Carla M. Flood, am a resident of Kihei, Hawaii, and served as the Planning and Development Committee Chair of the Kihei Community Association in the mid 1990s. In that role, I and fellow members of the Planning and Development Committee, as well as the Kihei Community Association as a whole, worked diligently and collaboratively with the owner and agents of Kaonoulu Ranch to reach consensus on an architecturally diverse, attractive and well–planned light industrial park known as Kaonoulu.
Industrial Park, located on 88 acres of land mauka of the Pi’ilani Highway, the same land as that which is the subject of this proceeding.

2. The Kaonoulu Industrial Park then conceived was to provide fee simple lots for individual light industrial use that made economic sense for the Kihei area of Maui.

3. The Kaonoulu Industrial Park was to be a strategic asset for the community and a prototype for future development along the Pi’ilani Highway.

4. The Kaonoulu Industrial Park was to contain what we called a Linear Park or Greenways-Bikeways System for development mauka of Pi’ilani Highway.

5. As a result of this collaborative process and agreement on development of a light industrial park on the subject property, the Kihei Community Association, acting through its Planning and Development Committee, sent a letter of support to the Maui County Planning Commission, dated August 22, 1998, in support of M-1 light industrial rezoning for the Property. A true copy of that letter is attached hereto as Exhibit A and incorporated herein.

6. The Kihei-Makena Community Plan enacted in 1998 called for, and still calls for, all major retail development to be located makai of the Pi’ilani Highway.

7. At no time in the 1990s or beyond did Kaonoulu Ranch suggest that the Property would be substantially utilized for retail purposes or for workforce housing.

8. The proposed Pi’ilani Promenade Shopping Center and Outlet Mall bear no resemblance to the light industrial park discussed with Kaonoulu Ranch that was the subject to our letter to the Maui County Planning Commission.

9. The impacts posed by the Pi’ilani Promenade Shopping Center, Outlet Mall and
workforce housing are entirely different from those contemplated and discussed with the
Kaonoulu Ranch in the 1990s. Specifically, traffic and economic impacts on local,
small businesses and existing shopping centers would be entirely different and decidedly
more negative and in need of study. In addition, they lack the connecting roads we called
a Linear Park or Greenways-Bikeways.

10. In my opinion as the former chair of the Kihei Community Association Planning
and Development Committee, the Pi’ilani Promenade Shopping Center, Outlet Mall and
workforce housing land usage components and conditions do not comply with Land Use
Commission conditions 5 and 15 as formerly submitted, approved and mandated for the
88 acres usage.

Dated: August 6, 2102, executed at Kihei, Hawaii.

Carla M. Flood
August 22, 1998

County of Maui Planning Commission

FAX: 243-7634

RE: KAONOULU INDUSTRIAL PARK APPLICATION IN KIHEI

Dear Planning Commissioners:

The KIHEI COMMUNITY ASSOCIATION strongly recommends the necessary approvals for the KAONOULU INDUSTRIAL PARK proposed development mauka of Piilani Highway in Kihei and adjacent to the existing KIHEI GATEWAY INDUSTRIAL PROJECT.

Henry Rice, the developer, and his project principals, have met several times with our KCA Planning and Development Committee over the past several years and has responded to our desire for a segment of our "Linear Park" or GREENWAYS-BIKeways SYSTEM to be contained within his development.

Not only has he incorporated this Community need in his plans, but has provided many beautifully landscaped enhancements to the project site plan for which the Community will be very proud.

We are very grateful for his foresight and willingness to take the lead in making this strategically located project a prototype for future enhanced developments along the visual Piilani corridor bordering Kihei.

Finally, the opportunity of fee simple ownership of the individual industrial sites is a welcome addition to this area and we think this is an added bonus making economic sense for our Community.

We applaud Henry Rice's leadership and the many hours spent with KCA to effect such cooperation in providing creative solutions for our Community needs.

With Aloha,

Carla M. Flood
KCA PLANNING & DEVELOPMENT CHAIR

cc: Mr. George Fontaine, KCA President FAX: 879-5390
    Mr. Henry Rice FAX: 876-0422
    Mr. Mike Munekiyo FAX: 243-8729