

BEFORE THE LAND USE COMMISSION
OF THE 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
Kaonoulu Ranch

Oct 11 12 10 PM '94
LAND USE COMMISSION
STATE OF HAWAII

TESTIMONY OF THE COUNTY OF MAUI

PLANNING DEPARTMENT

The County of Maui Planning Department (hereinafter referred to as "MPD") recommends approval of the petition by Kaonoulu Ranch (hereinafter referred to as "Petitioner"), to reclassify approximately 88 acres at Tax Map Keys: 2-2-02; por. of 15 and 3-9-01:16, (hereinafter referred to as "Property") Makawao-Wailuku, Maui, Hawaii, from the Agricultural to the Urban Land Use District, provided certain conditions are met.

LOCATION AND DESCRIPTION OF THE PETITION AREA

1. The Property is located in Kihei, on the island of Maui. It is situated on the easterly side of Piilani Highway in the vicinity of the Kaonoulu Street-Piilani Highway intersection, and the northerly side of Kulanihakoi Gulch. The property is currently vacant and is being used for cattle grazing purposes. Vegetation is predominantly buffelgrass and kiawe.
2. The property is bordered to the north by several commercial and light industrial uses which are adjacent to Piilani Highway. Some of the uses include a gasoline fueling station, a commercial light-industrial complex and a cold and self storage facility. Uses on the mauka side of the property include pasture land. Lands further South include the Kulanihakoi Gulch, vacant properties, the Kihei Research and Technology Park and Silversword Golf Course.
3. The Detailed Land Classification of the Land Study Bureau rates the overall productivity rating as "E", or very poorly suited for agricultural production. The State Agricultural Lands of Importance to the State of Hawaii system (ALISH) classifies all but a three (3) acre area at the Southwest corner of the Property as unclassified. The three acres at the southwest corner of the

property is classified "PRIME". The property is part of an approximately 6,000 acre parcel owned by Kaonoulu Ranch and used for cattle pasture.

4. The Land Use designations for the property are as follows:
 - a. State Land Use District -- Agriculture
 - b. Existing Kihei-Makena Community Plan --
Project District 3
 - c. Proposed Community Plan -- Light Industrial
 - d. County Zoning -- None

PROJECT DESCRIPTION

5. Kaonoulu Ranch is proposing the reclassification of 88 acres of land at Kaonoulu from the State Agricultural District to the State Urban District in order to develop the Kaonoulu Industrial Park. The proposed project is a commercial and light industrial subdivision where improved lots are proposed to be sold in fee simple to interested purchasers. Conceptual plans call for 123 lots ranging in size from approximately 14,000 square feet to 54,000 square feet.

6. Roadway and drainage improvements are proposed to service the project. Access to the project will be from Piilani Highway through a new segment of East Kaonoulu Street, within a 80-foot wide right-of-way. Main entry roadways to the subdivision from East Kaonoulu Street are proposed within a 64 foot right-of-way, while interior roadways are proposed within a 60 foot right-of-way. A diversion ditch, proposed to be constructed mauka of the Petition area, directs runoff to Kulanihakoi Gulch.

ANALYSIS

Land Use & County Land Use Plans

7. The Maui County General Plan, updated in 1991, states that:

"The purpose of the General Plan is to recognize and state the major problems and opportunities concerning the needs and the development of the County and the social, economic and environmental effects of such development and set forth the desired sequence, patterns and characteristics of future development."

8. The proposed request to reclassify approximately 88 acres from the Agricultural to the Urban District is in keeping with the following General Plan objective and policy:

"To provide an economic climate which will encourage controlled expansion and diversification of the County's economic base."

"Maintain a diversified economic environment compatible with acceptable and consistent employment."

9. The proposed project will provide commercial and light industrial space which is needed to service the Kihei-Makena region. There is currently a limited supply of light industrial properties in Kihei. Parcels within the subdivision area anticipated to be marketed and sold between the years 1996 to 2000.

10. The Maui County General Plan calls for the establishment of nine Community Plans for the regions of Maui County. Planning for each region is guided by the respective Community Plans. Each Community Plan contains recommendations and standards which guide the sequencing, patterns, and characteristics of future development in the region.

11. The existing Kihei-Makena Community Plan designated the subject Property Project District 3 by the existing land use map. This project district is described as:

" (Kihei Mauka) approximately 88 acres. This project district is located mauka of Piilani Highway and north of Kulanihakoi Gulch.

A mixture of single family and multi-family uses are envisioned for this residential project district."

12. The County of Maui is currently in the process of updating each community plan. With this particular community plan region, the process involves review by the Kihei-Makena Citizen Advisory Committee (CAC), the Planning Department, the Maui Planning Commission and the Maui County Council.

13. The Kihei-Makena CAC reviewed the plan during the period of May through December of 1992 and formulated a recommendation memorandum to the Planning Director. The petitioner initially had proposed a revision to the description of Project District 3 envisioning a mix of industrial, residential, recreational and public amenities. The CAC recommended approval of the proposal.

14. The Planning Director in his review of the CAC's recommendation, proposed amending the Property's existing community plan designation from Project District 3 to Light Industrial.

15. The Maui Planning Commission in its review of the recommendations to the Kihei-Makena Community plan, agreed with the Planning Director's recommendation of a light industrial designation for the petition area. A public hearing was held in September of 1993 with the entire set of recommendations being transmitted to the Maui County Council in January 1994. Maui County Council action on the proposed changes to the community plan is pending.

16. If approved by the County Council, the proposed project would conform to the Light Industrial designation for the Property. Light industrial uses include warehousing, light assembly, and

service and craft-type industrial operations.

17. The property is not zoned by the County of Maui. Currently, the Planning Department has an application for change in zoning file by the petitioner for the property. The application will be scheduled for Planning Commission review only if Urban State Land Use Classification is granted by the Land Use Commission and a Light Industrial designation is granted for the property by the County Council on the Kihei-Makena Community Plan map.

AGRICULTURE

18. The project site is currently utilized for cattle grazing and vegetation in this area consists primarily of buffel grass.

ARCHAEOLOGICAL RESOURCES

19. The State Department of Land and Natural Resources (DLNR) has stated that they concur with the significance assessments and recommended treatments for nineteen of the twenty identified historic sites (50-10-3727 through -3745). They have requested that the significance assessment and recommended treatment of the petroglyph site (50-10-3746) be revised. Additional revisions to the draft report were also recommended. These revisions are not reflected in the Project Assessment Report text or in Appendix A, which consists of the unrevised draft.

20. DLNR further comments that they have accepted the revised inventory survey report which was submitted to them in July and concur with the recommended treatments for the identified historic sites. Nineteen of the identified sites are assessed as being "no longer significant" and no further archaeological work is needed at these sites. The petroglyph site (50-10-3746) is significant for its information value and its cultural value. This site is to be preserved.

21. The revised inventory survey report identifies two alternative preservation strategies for site 3746 - curation of the petroglyph stone at the Maui Historical Society Bailey House Museum, or display of the stone on the property of the development. DLNR Historic Sites Division is recommending that the option to display the stone on the subject property should only be considered if a secure location for the stone can be guaranteed. To date, DLNR has not received a plan from the petitioner stating how or where the petroglyph is to be preserved.

22. DLNR is recommending that the applicant submit a preservation plan (interim and long term) regarding the Site 50-10-3746 petroglyph to the State Historic Preservation Division for review. The plan shall be approved and interim preservation measures shall be implemented prior to the initiation of any vegetation grubbing, grading, or earthmoving within the project area.

INFRASTRUCTURE AND PUBLIC SERVICES

23. WATER - The project report states that water for the project will be furnished by the domestic system servicing the area. The report further indicates that the average daily demand for the project is estimated to be approximately 429,500 gallons per day.

24. The report goes on to say that a new 12-inch line is proposed to be installed between Ohukai Road and the project site. An easement will have to be obtained across land owned by Haleakala Ranch. A new distribution system will be installed with the subdivision streets to meet the required fire and domestic flow demands of the project. Fire hydrants will also be installed at appropriate intervals throughout the project. The existing 36-inch transmission line which extends diagonally across the Petition Area may be relocated within the subdivision street rights-of-way. Water source development and storage assessments are expected to be paid as part of the new water meter fees.

25. The issue of water availability and required improvements can be reviewed in greater detail during the change in zoning process for the proposed project.

26. WASTEWATER - The proposed project when completed will generate an average flow of approximately 300,000 gallons per day of wastewater. A new wastewater collection system will be installed within the subdivision streets. This system is proposed to be connected to the existing sewer system located makai of Piilani Highway at the intersection of Kaiola and Kenolio Streets. The petitioner is willing to participate with the County and other users in upgrading the wastewater transmission treatment and reclamation facilities on an equitable pro-rata basis if necessary.

27. DRAINAGE - The proposed project is expected to generate 228.8 cfs of on-site surface runoff volume. This represents a net increase of approximately 168.3 cfs of surface runoff due to the proposed development. As part of the subdivision improvements, new curb-inlet type catch basins will be installed within the subdivision roadways to intercept on-site surface runoff. The onsite surface runoff will then be conveyed by means of an underground drainage system which will be located within the subdivision roadways where it will be allowed to discharge into Kulanihakoi Gulch.

28. The Petitioners drainage report states that off-site drainage improvements will consist of construction of a concrete-lined diversion ditch along the easterly boundary of the project site. The diversion ditch will intercept the off-site surface runoff which presently flows through the project site and divert it around the project site, where it will be discharged into Kulanihakoi Gulch as it is presently doing.

29. The Petitioner is advised that the County may require improvements to Kulanihakoi gulch. In addition, the County requires all development to contain runoff on site. In any event, the Petitioner will be subject to the County review process in which the Petitioner will be required to meet all county requirements for drainage.

30. The County's Department of Public Works and Waste Management (DPWWM) has commented that a copy of the approved water quality report including project mitigation measures (acceptable to the State Department of Health) which evaluated the quality of the storm water discharging into the ocean receiving waters be provided to the County of Maui, Department of Public Works and Waste Management. The report should include a discussion on sediment and nutrient loadings at all drainage outlets.

31. According to the Petitioner, the proposed project would change the existing T-intersection of Piilani Highway and Kaonoulu Street to a cross intersection and alter the traffic demand in the vicinity of Kaonoulu Street. The design of this intersection should allow for future conversion of the through lane to an option (left/through) land, should split phasing be found to be more efficient.

32. The main access connection to Piilani Highway opposite Kaonoulu Street will have an eighty (80) foot right-of-way to accommodate five (5) eleven-foot (11') lanes of traffic. The four access roads into the industrial park will have four (4) ten-foot (10') lanes and a right-of-way of 64 feet. All other streets within the park will have a 36 feet wide pavement section within a 60 foot right-of-way. A road widening strip will also be provided along the westerly boundary of the project for future widening of Piilani Highway to four lanes by the State.

33. The County's DPWWM has indicated that a traffic signal shall be installed at the intersection of the proposed subdivision and Piilani Highway to the satisfaction of the Department of Public Works and Waste Management.

34. The DPWWM has also indicated that the applicant shall construct at a minimum, all traffic road improvements as stated in the Traffic Impact Analysis Report dated March 1994, for the year 2010 requirements.

35. The DPWWM further states that the applicant shall provide a road widening lot wide enough to accommodate the anticipated road connection of the Kula-Kihehi Road through this subdivision to its connection with Piilani Highway.

36. All streets within the industrial park will be constructed to County standards to include but not be limited to concrete curbs and gutters, six foot sidewalks, and four foot wide planting

strips. Said improvements will be dedicated to the County upon completion.

37. Electrical and telephone trunk lines will be extended underground across Piilani Highway to the project site from Kaonoulu Street. The distribution system for these facilities within the development will also be placed underground.

38. Maui Electric Company is encouraging the developer's electrical consultant to meet with them as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis.

39. The County's DPWWM has commented that the owners and their contractors shall implement solid waste reduction, re-use and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills. Also that alternative means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills. Finally, that refuse collection shall be by a private collector.

40. Police services for the area are provided by the Kihei Patrol. The Police Department is headquartered at its Wailuku Station.

41. Fire protection services are provided by the County's Department of Fire Control at its Kihei Station which is located on South Kihei Road approximately 2.6 miles from the Petition area.

42. Maui Memorial Hospital, the only major medical facility on the island, services the Kihei-Makena region. Acute, general and emergency care services are provided by the 145-bed facility. There are medical and dental offices located in the Kihei area to serve the region's residents.

43. Recreational facilities in close proximity to the Petition area include the Silversword Golf Course, Kalama Park, Kalepolepo Park, the Kamaole Beach Parks, and numerous other beach parks along the Kihei coastline.

44. Educational facilities for the Kihei area include, Kihei Elementary School which serves K to 5 and Lokelani Intermediate School serves grades 6 to 8. Public School students in grades 9 through 12 attend Baldwin High School in Wailuku. Further, a second Kihei Elementary School is proposed to be constructed and operated by 1996 for the Kihei area.

SOCIO-ECONOMIC IMPACTS

45. The project will provide added light industrial services in the Kihei region where presently there is a need. Having added industrial uses in the area would reduce transportation and other costs to Kihei residents and businesses. North of the subject

property is a twenty-four acre light industrial complex which is approximately two-thirds developed. South Maui's population is anticipated to expand nearly 30 % between 1990 and the year 2000.

ENVIRONMENTAL IMPACTS

46. The project is not expected to impact any rare or endangered flora or fauna.

47. The petitioner has indicated that dust control measures will be implemented during construction to minimize wind-blown emissions.

48. In order to mitigate noise impacts of the proposed project, all construction activities are anticipated to be limited to daylight working hours.

49. The Department of the Army has commented that a DA permit may be required for work in rivers, streams, or other waters of the U.S.

RECOMMENDATION

The Maui Planning Department recommends approval of the Petition by Kaonoulu Ranch subject to the following conditions:

1. That Petitioner shall obtain a Community Plan Amendment and Change in Zoning from the County of Maui.

2. That Petitioner shall provide the necessary water source and transmission facilities to service the proposed project.

3. That Petitioner shall prepare a drainage and erosion control plan which shall be reviewed and approved by the County of Maui's Department of Public Works and shall fund and construct all necessary drainage improvements.

4. That the Petitioner shall construct all necessary traffic improvements deemed as required by the State Department of Transportation and the Department of Public Works and Waste Management, including but not limited to, installation of a traffic signal at the intersection of the proposed subdivision road and Piilani Highway.

5. That the Petitioner shall submit a preservation plan (interim and long term) regarding the Site 50-10-3746 petroglyph to the State Historic Preservation Division for review. The plan shall be approved and interim preservation measures shall be implemented prior to the initiation of any vegetation grubbing, grading, or earthmoving within the project area.

6. That the Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property to the Urban District.

7. That the Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning and the County of Maui Planning Department in connection with the status of the subject project and the Petitioner's progress in complying with the conditions imposed.

8. That the Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the subject property covered by the approved petition, prior to development of the Property.

9. In the event that the Petitioner sells its interest in the project, the Petitioner shall subject the property to deed restrictions to run with the land which shall require the successors and assigns to comply with the terms and conditions set forth in the Commission's approval.

10. That the Commission may fully or partially release these conditions as to all or any portion of the Property upon a timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

Dated this 7th day of October, 1994; Wailuku, Maui, Hawaii.



BRIAN MISKAE
PLANNING DIRECTOR
COUNTY OF MAUI