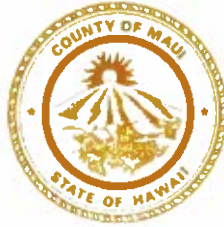


RICHARD T. BISSEN JR.
Mayor

KATHLEEN ROSS AOKI
Planning Director

GARRETT E. SMITH
Deputy Director



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

August 29, 2023

Dr. Keiki-Pua S. Dancil
Senior Vice President of
Government Affairs & Strategic Planning
Pulama Lanai
733 Bishop Street, Suite 1500
Honolulu, Hawaii 96813

Dear Dr. Dancil:

SUBJECT: LANAI PLANNING COMMISSION RECOMMENDATION OF APPROVAL FOR A CHANGE OF ZONING AND APPROVAL OF A COUNTY SPECIAL USE PERMIT FOR THE MIKI BASIN INDUSTRIAL PARK, LOCATED ON 200 ACRES OF LAND IDENTIFIED BY MAUI TAX MAP KEY: (2)4-9-002:061(POR.) (ZPA2022-00005) (CSUP2023-00002)

At a regular meeting on August 16, 2023, the Lanai Planning Commission (Commission) reviewed the above applications, received public testimony, and after due deliberation, recommended the Maui County Council's (Council) approval of the Change of Zoning (CIZ) with conditions, and approved the County Special Use Permit (CSUP) for the asphalt plant and rock crushing facilities contingent upon the County Council passage of the associated CIZ. The CIZ will be forwarded to the County Council for review and decision-making.

CHANGE OF ZONING

The Commission recommended approval of the Change of Zoning along with updated maps reflecting changes by Tax Map Key (TMK) shown in the maps of **Exhibit 1**.

The Change of Zoning will change the Zoning District from "Agricultural" to "M-1, Light Industrial" on 100 acres and from "Agricultural" and "Interim" to "M-2, Heavy Industrial" on 100 acres, and is subject to approval by the Council with the following recommended conditions:

1. That the permitted uses in the "M-1, Light Industrial" District shall be limited to those outlined in the following table:

M-1 Light Industrial
Any use permitted in a B-1, B-2, or B-3 business district except single-family dwellings, duplexes, bungalow courts, short-term rental homes, and transient vacation rentals
Dwelling units located in the same building as any non-dwelling permitted use
Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers crystal holders and the like
Carpet cleaning plants
Cold storage plants
Commercial laundries
Craft cabinet and furniture manufacturing
Education, specialized
Farm implement sales and service
General food, fruit and vegetable processing and manufacturing plants
Ice cream and milk producing, manufacturing and storage
Laboratories – experimental, photo or motion picture, film or testing
Light and heavy equipment and product display rooms, storage and service
Machine shop or other metal working shop
Manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood
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)
Manufacture, dyeing and printing of cloth fabrics and wearing apparel
Manufacture of musical instruments, toys, novelties and rubber and metal stamps
Manufacture of pottery and figurines or other similar ceramic products
Milk bottling or central distribution stations
Plumbing shops
Production facility, multimedia
Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys
Replating shop
Retail lumberyard including mill and sash work (Mill and sash work shall be conducted within a completely enclosed building)
Small boat building
Soda water and soft drink bottling and distribution plants
Solar energy facilities
Tire repair operation including recapping and retreading
Utility facilities, minor, and substations up to, and including 69 kv transmission
Warehouse, storage and loft buildings
Wearing apparel manufacturing
Wholesale business, storage buildings, nonexplosive goods and warehouses

2. That the permitted uses and special uses in the “M-2, Heavy Industrial” District shall be limited to those outlined in the following table.

M-2 Heavy Industrial
Any use permitted in a B-1, B-2, and B-3 business district and M-1 light industrial district except single-family dwellings, duplexes, bungalow courts, short-term rental homes, and transient vacation rentals and apartments (Except for living quarters used by security/watchmen or custodians of an industrially used property)
Automobile wrecking, if conducted within a building
Boiler and steel works
Concrete or cement products manufacture
Factories
Junk establishment used for storing depositing, or keeping junk or similar goods for business purposes (Such establishment shall not be nearer than 8 feet from any other property line for the storage of the junk or similar goods except in buildings entirely enclosed with walls)
Lumber yard
Machine shops
Material recycling and recovery facilities
Oil storage plants
Petroleum products manufacture or wholesale storage of petroleum
Planing mill
Utility facilities, major
In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like and not allowed in any other district. Provided, however, that any use not specified in this section shall not be permitted unless approved by the Planning Director as conforming to the intent of this title
M-2 Heavy Industrial Special Uses
Asphalt manufacture of refueling and asphaltic concrete plant
Rock, sand, gravel, or earth excavation, crushing or distribution

3. That the conditions associated with Decision & Order for Docket No. A19-809 approved by the State of Hawaii Land Use Commission (LUC) shall be applicable to the project area.
4. The Applicant shall provide the Commission and Planning Department (Department) with an annual report regarding occupancy of the Miki 200 Industrial Park. Information shall include number of inquiries and number of executed leases. Without disclosing private and proprietary information, the Applicant should include whether the inquiry was made or executed lease is held by a resident of Lanai. Reports shall be provided as long as the Commission deems necessary.
5. The Applicant shall provide the Commission and Department with semi-annual water usage reports for each category of water (i.e., drinking, brackish, R-1, etc.) for the Miki 200 Industrial Park for as long as the Commission deems necessary.

COUNTY SPECIAL USE PERMIT

The Lanai Planning Commission voted to approve the County Special Use Permit (CSUP) subject to the following:

The CSUP shall allow: 1) asphalt manufacture of refueling and asphaltic concrete plant, and 2) rock, sand, gravel or earth excavation, crushing or distribution subject to the following conditions:

1. That the CSUP shall be valid until **August 31, 2033**, subject to extension by the Lanai Planning Commission upon a timely request for extension filed at least 90 days prior to its expiration.
2. That the CSUP shall not be transferred without the prior written approval of the Lanai Planning Commission.
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject CSUP and shall procure at its own cost and expense, and shall maintain during the entire period of this CSUP, a policy or policies of comprehensive liability insurance in the minimum amount \$1,000,000.00 naming the County of Maui (County) as an additional insured, insuring and defending the applicant and County against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County as an additional insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order.
4. That full compliance with all applicable governmental requirements shall be rendered by the Applicant.
5. That the Applicant shall submit to the Department a digital copy of a detailed initial and final report addressing its compliance with the conditions established with the subject CSUP. A preliminary report shall be reviewed and approved by the Department prior to issuance of a building permit. Additionally, a Final Compliance Report shall be submitted to the Department for review and approval prior to issuance of a Certificate of Occupancy.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the CSUP. Failure to so develop the property may result in the revocation of the permit.
7. That all exterior illumination shall consist of fully shielded downward lighting throughout the project.

8. That no quarrying operations shall be permitted on the subject site, without express written approval of the Commission.
9. That upon termination of the rock crushing facility and asphalt plant, all equipment and materials for rock crushing operations shall be removed and the site shall be restored in a manner to prevent erosion from wind and rain and in a manner that would not adversely affect natural drainage patterns.
10. That appropriate measures, as governed by the Department of Health, shall be taken during the operation of the rock crushing facility and asphalt plant to mitigate impacts relative to dust and soil erosion by wind and water and increased ambient noise levels.
11. That the hours of operations of the rock crushing facility and asphalt plant shall be limited to the period beginning at 7:00 a.m. and ending at 3:30 p.m. Monday thru Saturday.
12. That the Applicant shall monitor haulers to and from the rock crushing facility and asphalt plant for potential leakage of materials from their loads and maintain the driveway to the plant, removing loose aggregate and other debris associated with their operation

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 280-1789.

Sincerely,



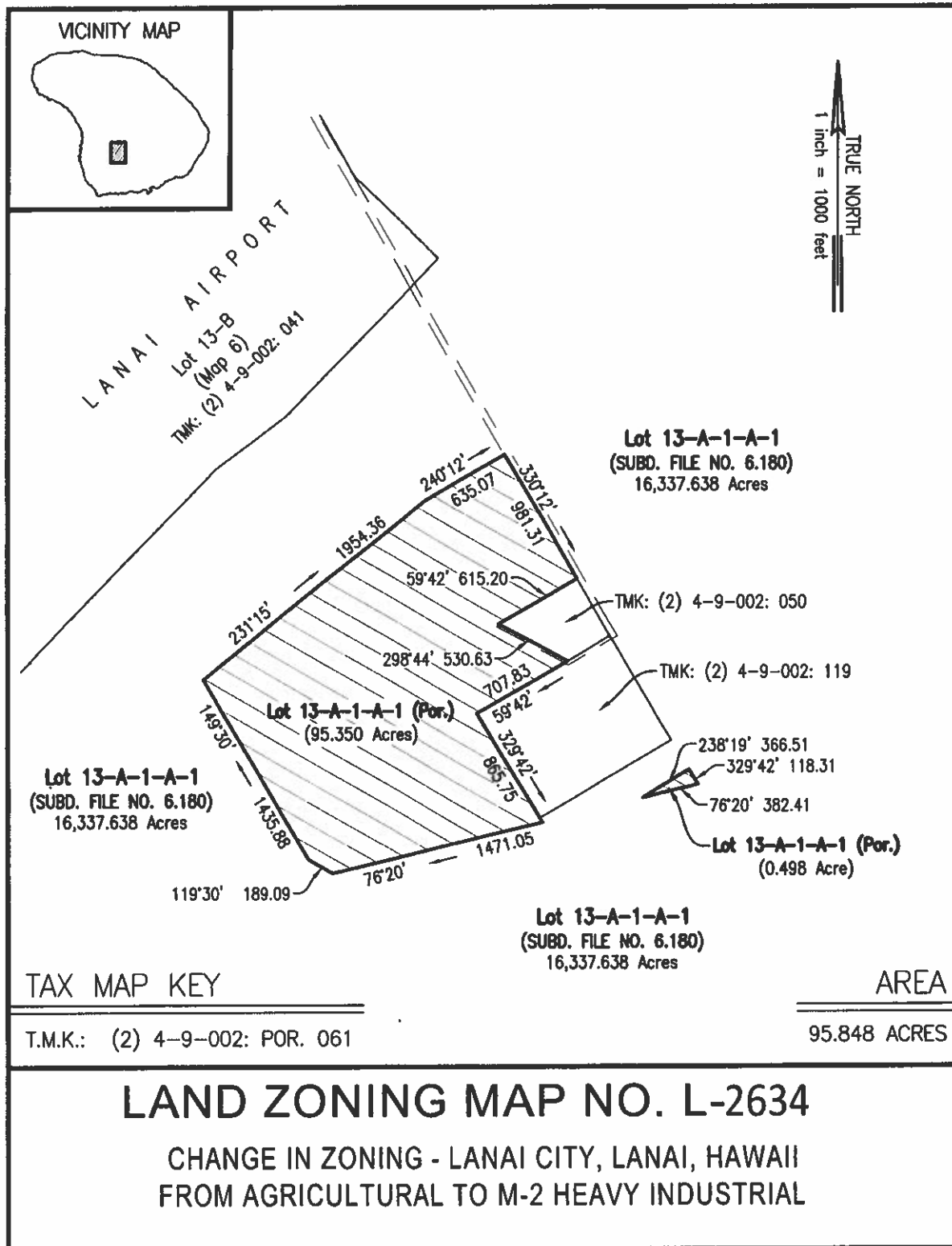
KATHLEEN ROSS AOKI
Planning Director

Attachment: Exhibit 1 – Land Zoning Maps

xc: Ann T. Cua, Planning Program Administrator (PDF)
Jordan E. Hart, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Tessa Munekiyo Ng, Consultant, Munekiyo Hiraga (PDF)
Keiki-Pua S. Dancil, PhD, Applicant, Pulama Lanai (PDF)

KRA:KFW:lp

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EXHIBIT

