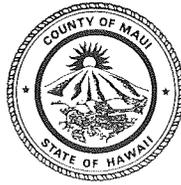


JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 11, 1999

LAND USE COMMISSION
STATE OF HAWAII
1999 MAR 15 A 9:49

Ms. Esther Ueda, Executive Officer
State Land Use Commission
Department of Business, Economic Development & Tourism
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Ms. Ueda:

RE: LUC Docket No. A94-706: Kaonoulu Ranch, TMK: 2-2-02:Por of
15 and 3-9-1:16, Kihei, Maui, Hawaii

The Maui Planning Department has reviewed the above-referenced Annual Report dated February 8, 1999 and finds that it accurately represents the general progress of the project since its redistricting.

The project has been scheduled for review with the Maui County Council's Land Use Committee on March 15, 1999.

Thank you for your cooperation in this matter. If further clarification is required, please contact Ms. Ann T. Cua, Staff Planner, of this office at 243-7735.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Min".

JOHN E. MIN
Director of Planning

JEM:ATC:cmb

c: B. Martin Luna, Esq.
Clayton Yoshida, AICP, Deputy Director of Planning
Ann T. Cua, Staff Planner
Project File
General File
(s:\all\ann\kaonoulu.luc)

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

March 2, 1999

B. Martin Luna, Esq.
Carlsmith Ball
P.O. Box 1086
Wailuku, Maui, Hawaii 96793-1086

Dear Mr. Luna:

Subject: LUC Docket No. A94-706/Kaonoulu Ranch

This is to acknowledge receipt of the 1999 annual report for the subject docket as transmitted by your letter dated February 8, 1999.

Please note that we have requested the County of Maui Planning Department and the Office of Planning to review and comment on the annual report. Any comments that they may have will be provided to you.

If you have any questions in regards to this matter, please contact me or Bert Saruwatari of my staff at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

March 2, 1999

Mr. David W. Blane, Director
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Mr. John E. Min
Director of Planning
Planning Department
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

Dear Mr. Blane and Mr. Min:

Subject: LUC Docket No. A94-706/Kaonoulu Ranch

We received Petitioner's 1999 annual report on February 9, 1999.

We understand that the Office of Planning and the Maui County Planning Department have also been served with a copy of the annual report.

We request your assistance in reviewing the 1999 annual report and provide us with any comments you may have regarding the Petitioner's progress in development of the property and compliance with conditions.

We request that any comments that your agency may have be submitted to our office with a copy to the Petitioner by April 1, 1999.

If you have any questions in regards to this matter, please contact me or Bert Saruwatari of my staff at 587-3822. Thank you for your cooperation in this matter.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

CARLSMITH BALL

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

ONE MAIN PLAZA

SUITE 400, 2200 MAIN STREET

POST OFFICE BOX 1086

WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535

FAX (808) 244-4974

February 8, 1999

Ms. Esther Ueda
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

LAND USE COMMISSION
STATE OF HAWAII
FEB 9 9 22 AM '99

Re: Petition for Land Use Commission District Boundary Amendment
for Property situated at Kaonoulu, Makawao-Wailuku, Maui,
Hawaii; Tax Map Key Nos. 2-2-02;por. of 15 and 3-9-01:16; LUC
Docket No. A94-706

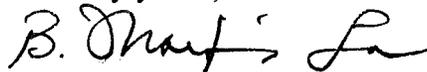
Dear Ms. Ueda:

We have enclosed herein the Fourth Annual Report of Kaonoulu Ranch
(original and three copies).

We would appreciate receiving a file stamped copy of the above for our
files. Enclosed is a stamped self-addressed envelope for your use.

Thank you for your consideration and assistance in this matter.

Sincerely yours,



B. Martin Luna

BML:mea
5026735.1.013212-3

Enclosures

cc: Mr. Henry Rice

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	
)	Docket No. A94-706
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)	
_____)	

FOURTH ANNUAL REPORT OF KAONOULU RANCH

TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

COMES NOW KAONOULU RANCH, a Hawaii limited partnership,
Petitioner herein, and pursuant to Condition No. 17 of the Findings of Fact,
Conclusions of Law, and Decision and Order issued on February 10, 1995, hereby
submits its fourth annual report of compliance with the conditions established by said
approval as follows:

General Progress of the Project

The Petitioner has obtained its Community Plan Amendment and is
proceeding with the Change in Zoning application. The Kihei-Makena Community
Plan was passed on second and final reading on February 20, 1998 by the Maui County

Council, was subsequently vetoed by the Mayor and finally was overrode by the Council on March 20, 1998. Upon obtaining the Community Plan Amendment, the Petitioner submitted its application for Change in Zoning on April 8, 1998. A public hearing was conducted by the Maui Planning Commission on August 25, 1998, and the Commission recommended approval of the Change in Zoning. Said Change in Zoning was submitted to the County Council on September 20, 1998 and referred to the Council Land Use Committee on October 2, 1998. Because of its schedule, the CLUC has not yet scheduled this application for consideration, but estimates that it will do so in March 1999. In this event, the estimated date of approval is May or June 1999.

Report on Compliance with Conditions Imposed by Commission

The following states whether the conditions in the approval have been met:

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

The Community Plan Amendment has received approval on March 20, 1999, and the Change in Zoning request is presently pending in the Maui County Council.

2. Petitioner shall cooperate with the State Department of Health and the County of Maui Department of Public Works and Waste Management to conform

to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes.

Petitioner intends to cooperate with the State Department of Health and the Department of Public Works and Waste Management.

3. Petitioner shall contribute its pro-rata share to fund and construct adequate wastewater treatment, transmission and disposal facilities, as determined by the State Department of Health and the County of Maui Department of Public Works and Waste Management.

Petitioner understands its obligation to contribute its pro-rata share to fund and construct adequate wastewater treatment, transmission and disposal facilities.

4. Petitioner shall fund and construct adequate civil defense measures as determined by the State and County Civil Defense agencies.

Petitioner understands its obligation to fund and construct adequate civil defense measures.

5. Petitioner shall fund, design and construct necessary local and regional roadway improvements necessitated by the proposed development in designs and schedules accepted by the State Department of Transportation and the County of Maui. Petitioner shall provide traffic signals at the intersection of Piilani Highway and Kaonoulu Street, and shall submit a warrant study in coordination with the Department of Transportation. Petitioner shall also install a fence and appropriate screening, i.e.

landscaping, etc., along the highway right-of-way in coordination with the State Department of Transportation. Petitioner shall provide for a frontage road parallel to Piilani Highway and other connector roads within the Petition area, in coordination with other developments in the area with the review and approval of the State Department of Transportation and the County of Maui.

Petitioner understands its obligation to comply with this condition.

6. Petitioner shall fund and construct adequate potable and non-potable water source, storage, and transmission facilities and improvements to accommodate the proposed project. Water transmission facilities and improvements shall be coordinated and approved by the appropriate State and County agencies.

Petitioner understands its obligation to fund and construct adequate potable and non-potable water source, storage, and transmission facilities and improvements to accommodate the proposed project.

7. Petitioner shall participate in an air quality monitoring program as determined by the State Department of Health.

Petitioner intends to participate in an air quality monitoring program if required by the Department of Health.

8. Petitioner shall fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Property, including oil water separators and other filters as appropriate, and other best

management practices as necessary to minimize non-point source pollution into Kulanihakoi Gulch, in coordination with appropriate state and county agencies, such as the following:

a. All cleaning, repairs and maintenance of equipment involving the use of industrial liquids, such as gasoline, diesel, solvent, motor oil, hydraulic oil, gear oil, brake fluid, acidic or caustic liquids, antifreeze, detergents, degreasers, etc., shall be conducted on a concrete floor, where roofed or unroofed. The concrete floor shall be constructed so as to be able to contain any drips or spills and to provide for the recovery of any spilled liquid. Water drainage from these concrete floors, if necessary, shall pass through a separator sump before being discharged.

The Petitioner understands its obligation to comply with this condition.

b. All employees shall be instructed to immediately collect and contain any industrial liquid spills on the concrete floor and should be informed against discharging or spilling any industrial liquids. Employees shall be instructed to prevent any industrial liquid spills onto the bare ground.

The Petitioner understands its obligation to comply with this condition.

c. Barrels for the temporary storage of used oil or other industrial liquids shall be kept on a concrete surface. The surface shall be bermed to prevent the loss of liquid in the event of spills or leaks. The barrels shall be sealed and kept under shelter from the rain. (The Department of Labor and Industrial Relations'

Occupational Safety and Health regulations, sections titled, "Housekeeping Standards" and "Storage of Flammable or Combustible Liquids," shall be followed, along with the local fire code.)

The Petitioner understands its obligation to comply with this condition.

9. Should any human burials or any historic artifacts, charcoal deposits, or stone platforms, pavings or walls be founds, the Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation District. The significance of these finds shall then be determined and approved by the Division, and an acceptable mitigation plan shall be approved by the Division. The Division must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, Hawaii Revised Statutes.

The Petitioner understands its obligation to comply with this condition.

10. A long term preservation plan for the petroglyph stone (Site 50-10-3746) that was removed from the project area shall be reviewed and approved by the State Historic Preservation Division. Long term preservation measures shall be implemented within 60 days after final approval of the preservation plan.

The Petitioner has prepared a long term preservation plan which has been approved by the State Historic Preservation Division, Department of Land and Natural

Resources, State of Hawaii. See Exhibit "A", attached hereto and by reference made a part hereof.

11. Petitioner shall contribute its pro-rata share to a nearshore water quality monitoring program as determined by the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources.

Petitioner understands its obligation to contribute its pro-rata share to a nearshore water quality monitoring program as it is determined.

12. Petitioner shall implement effective soil erosion and dust control methods during construction in compliance with the rules and regulations of the State Department of Health and the County of Maui.

Petitioner understands its obligation to implement effective soil erosion and dust control methods during construction.

13. Petitioner shall create a buffer zone between lands designated as SF (Single-Family) by the County's Kihei-Makena Community Plan and industrial uses on the Property to mitigate impacts between future residential activities and the proposed industrial development.

The Petitioner understands its obligation to comply with this condition.

14. In the event Petitioner sells its interest in the Project, 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 Decision and Order.

Petitioner has not sold its interest in the Project, and understands its obligation to comply with this condition.

15. 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.

Petitioner understands its obligation to comply with this condition.

16. 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.

The Petitioner understands its obligation to comply with this condition.

17. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of State 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 include written documentation from each State and County agency responsible, indicating that the terms of the condition(s) are progressing satisfactorily

or have been completed to the satisfaction of the agency. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Petitioner understands its obligation to comply with this condition, and submits this annual report in compliance therewith.

18. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92 Hawaii Administrative Rules.

Petitioner has recorded a Notice of Imposition of Conditions with the Bureau of Conveyances of the State of Hawaii pursuant to Section 15-15-92 Hawaii Administrative Rules.

19. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property; and (b) shall file a copy of such recorded statement with the Commission.

Petitioner has recorded a Document Listing Conditions to Reclassification of Land with the Bureau of Conveyances of the State of Hawaii and has filed a copy of the recorded document with the Commission.

20. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon

the provision of adequate assurance of satisfaction of these conditions by the
Petitioner.

The Petitioner understands that the Commission may fully or partially
release the conditions provided herein.

Except as stated above, the responses in the third annual report are still
correct and remain unchanged. Efforts to comply with the remaining conditions shall
begin after the Change in Zoning is approved.

Dated: Wailuku, Hawaii, February 8, 1999.



B. Martin Luna
Attorney for KAONOULU RANCH



STATE OF HAWAII

'98 JUN 17 12:33

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION DIVISION
LAND DIVISION
STATE PARKS
WATER AND LAND DEVELOPMENT

June 2, 1998

Mr. David Blane, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

LOG NO: 21605 ✓
DOC NO: 9805BD24

Dear Mr. Blane:

**SUBJECT: Chapter 6E-42 Historic Preservation Review of a Change in Zoning for the Kaonoulu Industrial Park
Kaonoulu Ahupua`a, Makawao District, Island of Maui
TMK 2-2-2: Portion of 15 and 3-9-1: 16 (CIZ 980013)**

This letter is a Historic Preservation review of a Change in Zoning for the Kaonoulu Industrial Park located in Kaonoulu Ahupua`a. Our review is based on reports, maps, and aerial photographs maintained at the State Historic Preservation Division.

Our office previously reviewed an archaeological inventory survey report (SHPD DOC NO: 9408KD50) and a State Land Use Boundary Amendment (SHPD DOC NO: 9410KD27) for the subject property, in which we concurred with the off-site preservation of a petroglyph boulder found at State Site 50-50-10-3746. A preservation plan for this petroglyph boulder was then submitted to our office (SHPD DOC NO: 9801BD53), in which we found the long-term protection measures to be adequate (i.e. placement of the boulder in the garden of Kaonoulu Ranch with curation by Rice family members). Staff archaeologist Boyd Dixon visited the Rice Ranch and petroglyph boulder on February 10, 1998, with Mr. Rice and Glen Tadaki, and found the placement of the boulder and the revised preservation plan to meet our approval (SHPD DOC NO: 9802BD21).

In light of these agreements, we therefore find the proposed undertaking to have "no adverse effect" on historic sites. If you have any questions please contact Boyd Dixon at 243-5169.

Aloha,

DON HIBBARD, Administrator
State Historic Preservation Division

EXHIBIT A

BD:jen

cc. Ralph Nagamine, Maui County Department of Public Works (fax: 243-7972)
Dean Uchida, State Land Division (fax: 587-0455)

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the within document was made by depositing the same with the U.S. mail, postage prepaid, or by hand delivery, on February 8, 1999, addressed to:

DAVID BLANE, Director
Office of State Planning
State of Hawaii
P. O. Box 3540
Honolulu, Hawaii 96811-3540

BY MAIL

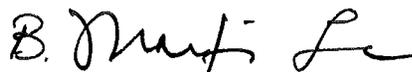
ABE MITSUDA, Administrator
Land Use Division
Office of State Planning
State of Hawaii
P. O. Box 3540
Honolulu, Hawaii 96811-3540

BY MAIL

JOHN MIN, Director
Planning Department
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

BY HAND DELIVERY

Dated: Wailuku, Hawaii, February 8, 1999.

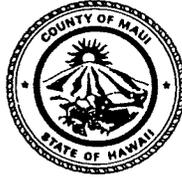


B. Martin Luna
Attorney for Petitioner KAONOULU
RANCH

LINDA LINGLE
Mayor

DAVID W. BLANE
Director

LISA M. NUYEN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING
July 9, 1998

CLAYTON I. YOSHIDA
Planning Division

AARON H. SHINMOTO
Zoning Administration and
Enforcement Division

Mr. Henry Rice
Kaonoulu Ranch Company, Ltd.
P. O. Box 390
Kula, Hawaii 96790

JUL 14 10 27 AM '98
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Rice:

Re: Notice of Acceptance and Completeness of Application; Meeting Dates with the Planning Commission and Other Boards and Commissions for State Land Use District Boundary Amendments, Change in Zoning, and County Special Use Permits; and Applicable Notice Requirements:

I. D. No.: CIZ 980013
TMK: 2-2-2:Por. 15; 3-9-1:16
Project Name: Kaonoulu Industrial Park

Please be advised that the above-referenced application has been scheduled for public hearing with the following:

xx **Maui Planning Commission**
Date: August 25, 1998
Time: 9:00 a. m.
Place: Maui Planning Department Conference Room, First Floor,
Kalana Pakui Building, 250 South High Street, Wailuku,
Hawaii

You or your authorized representative(s) are hereby requested to attend the scheduled hearing.

Pursuant to Section 19.510.020(A)4(a) i and ii, the enclosed letter of notice, along with a site location map (preferably 8-1/2 inches by 11 inches), shall be mailed to all listed owners and recorded lessees located within 500 feet of the subject property boundaries notifying them of the scheduled hearing by certified and registered mail, return receipt requested, not less than thirty (30) days prior to the scheduled hearing. Upon completion, please transmit the following to the Maui Planning Department not less than ten (10) business days prior to the hearing:

Mr. Henry Rice
July 9, 1998
Page 2

- 1) A copy of the letter of notice and map;
- 2) The list of owners/lessees and mail receipts as proof of mailing; and
- 3) An affidavit certifying that notice, as required, has been provided.

Also, pursuant to SubSection 19.510.020(A)4(a) iii of the Maui County Code, the applicant is required to publish a copy of the notice letter with the site location map in a newspaper of general circulation in the County of Maui, State of Hawaii, once a week for three (3) consecutive weeks prior to the scheduled hearing. Upon completion of the published notice, please submit to this department written verification that the required notice has been fulfilled.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Ann T. Cua, Staff Planner, of this office at 243-7735.

Sincerely,



ANN T. CUA, Staff Planner
For LISA M. NUYEN, Planning Director

LMN:ATC:osy
Enclosures

c: Glenn Tadaki, Project Manager, Munekiyo, Arakawa & Hiraga, Inc.
Clayton Yoshida, AICP, Planning Program Administrator
Ann T. Cua, Staff Planner
Department of Land and Natural Resources (DLNR)
DLNR, State Historic Preservation Division (SHPD)
~~Land Use Commission~~
Office of Planning
Department of Parks and Recreation
LUCA (2)
Department of Water Supply
Department of Health-Honolulu
Department of Transportation
Project File
General File
s:\atc\kaonolulu\not