



LAND USE COMMISSION
STATE OF HAWAII

2020 JAN 21 P 1:19

January 15, 2020

Land Use Commission
State of Hawaii
PO Box 2359
Honolulu, HI 96804-2359

**RE: 2005 – 2019 Annual Report for LUC Docket No. A94-710
West Maui Venture Group**

Dear Commission:

Pursuant to Condition No. 22 in the Decision and Order of Docket No. A94-710, this letter is submitted as the annual report for the years 2005 to 2019 on the status of this Docket. The last annual report was submitted for 2004, and no annual reports have been submitted since. We apologize for this oversight.

The property associated with this Docket has been fully constructed and all the lots are sold or conveyed with a long-term lease.

The following lists all of the conditions set forth in the Decision and Order accompanied by a response describing the efforts by the Petitioner in order to comply with each condition.

1. *Petitioner shall implement effective soil erosion and dust control measures during construction to the satisfaction of the State Department of Health and County of Maui.*

Response: Petitioner complied with this condition.

2. *Petitioner shall cooperate with State Department of Health and the County of Maui to conform to the program goals and objectives of the Integrated Solid Waste Management Act Chapter 342G, Hawaii Revised Statutes.*

Response: Petitioner complied with this condition.

3. *Petitioner shall participate in the funding and construction of adequate wastewater transmission and disposal facilities on a pro-rata basis, as determined by the State Department of Health and the County Department of Public Works and Waste Management.*

Response: As noted above, the property is fully constructed. Wastewater service is provided by the County of Maui. The Petitioner met all requirements relative to wastewater transmission and disposal facilities as part of the subdivision and construction of the property.

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

Response: The civil defense siren coverage area extends over the property, therefore adequate civil defense measures are provided in the area.

5. *Petitioner shall fund, design and construct necessary local regional roadway improvements necessitated by the proposed development in designs and schedules coordinated with HFDC, and accepted by the State Department of Transportation and the County of Maui.*

Petitioner shall work with HFDC and submit a traffic master plan, including a scenario with the connector roadway and necessary roadway setbacks in relation to the Petition Area and the HFDC property (Villages of Leiali'i), for the review and approval by the State Department of Transportation and the County of Maui. Petitioner shall coordinate and consult with HFDC on the location and road right-of-way for the proposed connector road.

Response: Petitioner has complied with this condition. Petitioner was responsible for providing the right of way and building out a portion of the Keawe Street extension to the Bypass within the property boundaries. In coordination with State Department of Transportation (SDOT) and HHFDC (formerly HFDC), a connector road lot to HHFDC's remnant parcel was created.

6. *In the event HFDC and Petitioner agree on the relocation of the connector road through the Property, Petitioner shall provide and dedicate the ultimate road right of way width on the subject Property for the connector roadway leading to the Lahaina Bypass Highway as determined by the State Department of Transportation and the County Department of Public Works and Waste Management.*

Response: See response to Condition No. 5.

7. *In the event that the connector road is relocated through the Property, Petitioner shall prepare an amended traffic impact analysis, as may be deemed appropriate by the State Department of Transportation and the County of Maui.*

Response: See response to Condition No. 5.

8. *Petitioner shall fund and construct adequate potable and non-potable water source, storage and transmission facilities and improvements to accommodate the proposed project as determined by the appropriate State and County agencies, or shall be subject to the assessments for the same by the County.*

Response: As noted above, the property is fully constructed. Water service is provided by the County of Maui. The Petitioner met all requirements relative to water infrastructure and improvements as part of the subdivision and construction of the property.

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

Response: Petitioner has included an Emissions Control statement in the Declaration of Protective Covenants, Conditions, and Restrictions (CC&Rs) and requires a certification of no emissions from each lot developed with an appropriate consultant providing for assurance of mitigation if emissions are anticipated including methods of mitigation. See Exhibit A Section 1.08 Control of Emissions.

10. *Petitioner shall fund the design and construction of its pro-rata share of the drainage improvements required as a result of the development of the Property, including oil water separators and other filters as appropriate, and through covenants running with the land, shall require implementation of other best management practices as necessary to minimize non-point source pollution into Kahoma Flood Control Channel, 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 this concrete floor, if necessary, shall pass through a separator sump before being discharged.*
- 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.*
- 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.)*

Response: Petitioner constructed a drainage system for the project.

Pursuant to the request of the State Department of Health, the Petitioner has included the following provision in the Final Conditions, Covenants and Restrictions:

“runoff from buildings and parking lots shall be contained onsite in subsurface infiltration facilities designed for a 2 year 24-hour storm or 50 year 1-hour storm.”

Furthermore, Petitioner has included 10(a), 10(b) and 10(c) of the Land Use Commission’s Decision and Order within the CC&Rs. See Exhibit A Section 7.09 Drainage Improvements.

11. *Should any human burials or any historic artifacts, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division. The significance of these finds shall then be determined and 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, HRS.*

Response: During construction of the subdivision, Petitioner did not find any human burials or any historic artifacts, charcoal deposits, or stone platforms, pavings or walls.

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

Response: Petitioner was not required by the State Department of Health and the State Department of Land and Natural Resources Division of Aquatic Resources to contribute to a nearshore water quality monitoring program.

13. *Petitioner shall insure that the proposed project will not negatively impact the use of the cane haul road or the Kaanapali Railroad.*

Response: Kaanapali Railroad is no longer an entity. The sugarcane train has limited service, only providing a short train ride during November to December that does not operate in this location. Nonetheless, Petitioner dedicated a separate railroad crossing easement for the sugarcane train.

14. *Petitioner shall initiate sound attenuation measures as determined by the State Department of Health.*

Response: Petitioner has included a provision in the CC&Rs as follows:

“No exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of a Lot and improvements thereon, shall be placed or used upon any Lot. No sound shall be permitted to be emitted on any Lot which is unreasonably loud or annoying.”

See Exhibit A Section 7.10 Noise.

15. *A landscape buffer shall be established along the north and east boundaries of the Property abutting the Leiali'i residential project and along the south boundary of the Property abutting the Kahoma Stream to aid in the control of litter and general aesthetics of the surrounding area.*

Response: The Petitioner has incorporated this condition in the CC&Rs as part of the Design Standards. See Exhibit B Section 3.3 Landscape Buffer Areas.

16. *Petitioner shall obtain a Community Plan Amendment and Change in Zoning from the County of Maui prior to development of the Property.*

Response: In 1996, Community Plan Amendment and Change in Zoning was approved.

17. *Petitioner shall develop covenants, conditions and restrictions (“CC&Rs”) to run with the finished lots which include, but are not limited to the following:*

- a. requirements and standards to mitigate noise, dust and impacts related to various chemical disposal, oil disposal, hazardous waste disposal (especially with regard to small quantity generators), and other such mitigative measures;*
- b. urban design standards minimize the visual/aesthetic impact of the development through landscaping, color schemes, lighting, building setbacks/staggering, and other such mitigative measures;*
- c. and, if appropriate, standards for the construction of drainage structures on individual lots, which also include, but are not limited to oil/water separators.*

Response: The above items a, b and c are incorporated in the project's CC&Rs as part of the Design Standards. See Exhibit B.

18. *Petitioner shall work with the appropriate state, county and federal agencies to remove a 55-gallon drum of unidentified contents and any unidentified white powder/ash from the Property prior to the commencement of development.*

Response: During Pioneer Mill's final harvest of the sugar on the subject property in c. 1996, the 55-gallon drum was removed from the development site.

19. *A mixture of retail, commercial and light industrial uses shall be proposed for each phase of development.*

Response: The property is substantially built out with a mixture of retail, commercial and light industrial uses. Any future uses are governed by Maui County Zoning Light Industrial M-1.

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

Response: Petitioner complied with this condition.

21. *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.*

Response: As noted above, the property is fully constructed and the Petitioner did not sell, lease, assign, place in trust or alter the ownership prior to development. As such, this condition is no longer applicable.

22. *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 be submitted in a form prescribed by the Executive Officer of the Commission.*

Response: Petitioner failed to prepare timely submittals from 2005 to 2019. Petitioner is complying with this condition for this oversight by submitting this status report for years 2005 to 2019.

23. *Within 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.*

Response: Petitioner complied with this condition.

24. *The Commission may fully or partially release the conditions provided here in 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 Petitioner.*

Response: Petitioner acknowledges this condition.

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

Response: Petitioner has complied with this condition.

If you have any questions or require additional information, please contact Leilani Pulmano at 270-5936.

Sincerely,
WEST MAUI VENTURE GROUP



Ryan Churchill

cc: Kurt Wollenhaupt, County of Maui, Department of Planning
Office of State Planning
John M. Kean

LAND USE COMMISSION
STATE OF HAWAII

2020 JAN 21 P 1:19

DESIGN STANDARDS
FOR
THE LAHAINA BUSINESS PARK
Lahaina, Maui, Hawaii

January 2000

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INTRODUCTION

Introduction

1.0 Goals and Objectives

The goal of The Lahaina Business Park is to create an attractive and functionally integrated light industrial park that accommodates West Maui's diverse economic needs. In order to achieve this goal, Design Standards were established for The Lahaina Business Park. The objectives of the Design Standards are as follows:

- Establish appropriate architectural design guidelines, which will enhance The Lahaina Business Park and provide positive economic returns for its owners and tenants.
- Create visual harmony throughout The Lahaina Business Park by maintaining appropriate architectural character and providing landscape improvements.
- Provide covenants, conditions, and restrictions to ensure suitable control over use of the property.

In order to achieve the goals and objectives, the Design Standards will address the following requirements:

- Site Planning Standards (Section 3.0) – The site planning standards set the framework for the creation of a functional working environment within each lot.
- Architectural Standards (Section 4.0) – The architectural standards shall provide the design requirements for buildings within The Lahaina Business Park. These standards promote the design of an efficient and flexible building, while maintaining an appropriate architectural character.
- Landscape (Section 5.0), Signage and Lighting Standards (Section 6.0) – These standards complement the architectural standards by establishing design requirements that will enhance the visual character of The Lahaina Business Park.

The Design Standards shall be coordinated with the Declaration of Protective Covenants, Conditions and Restrictions (CC&R's) for The Lahaina Business Park. The Design Standards may be amended from time to time by The Lahaina Business Park Design Review Committee to achieve the above-mentioned goals and objectives.

1.1 Definitions

The definitions for the Design Standards are found within the CC&R's.

1.2 Design Submittal and Review Procedures

All proposed design plans for construction of improvements within the Lahaina Business Park shall be submitted to the Design Review Committee (DRC) for review and approval or disapproval.

The primary responsibility of the DRC is to review all proposed site planning and architectural improvements, including landscaping, signage and lighting, in order to ensure conformance to the Design Standards. Written approval from the DRC is required on all proposed design plans for construction of improvements. The review process provides the DRC with a clear and complete understanding of the proposed improvements and assures conformity with the

Design Standards prior to initiating construction.

No design plans for construction shall be submitted to the County of Maui for grading permits, building permits, or any type of variance without prior written approval from the DRC or a written waiver from the DRC.

The review process includes the following steps:

1. Submit Preliminary design plan to DRC for review meeting and DRC comments.
2. Preliminary design plan approval.
3. Submit Final Design plan to DRC for review meeting and DRC comments.
4. DRC written approval.

1.3 Government Laws, Codes and Regulations

In addition to DRC approval, all proposed construction plans shall be in compliance with all Federal, State, and County land use laws, building codes and regulations; including required approvals and permits.

DEVELOPMENT PLAN

Development Plan

2.0 Project Area

The Lahaina Business Park is located in Lahaina town, south of Kapunakea and Wahikuli subdivision and north of the Kelaweia subdivision and the Kahoma Stream Flood Control Project. The site encompasses approximately 37.7 acres.

2.1 Permitted Land Use

The CC&R's identify and describe the land uses permitted within The Lahaina Business Park. In addition, the current zoning designation for the subject property is "M-1 Light Industrial District". Therefore, land uses within The Lahaina Business Park must also be compliant with the use regulations contained in Chapter 19.24 of the Maui County Code. However, any land use which creates an unsafe, obnoxious, or offensive impact upon office, commercial or light industrial uses by reason of the emission of odor, dust, smoke, gas, noise, vibration or similar irritants, shall not be permitted within Lahaina Business Park, unless appropriate mitigating measures to control such emissions have been reviewed and approved by the DRC. Lot owners may apply for a land use variance with the County of Maui following written approval from the DRC.

2.2 Easements

Easements will be reserved as needed to accommodate existing and proposed infrastructure improvements.

2.3 Common Area

Common areas are established throughout the project to provide for the landscape improvements required by these standards. Refer to sections 3.2, 3.3, 5.2 and 5.3.

2.4 Building Setbacks

As noted above, the current zoning designation for the subject property is "M-1 Light Industrial District". Therefore, building setbacks within The Lahaina Business Park must be compliant with the yard regulations contained in Chapter 19.24.050 of the Maui County Code.

2.5 Lot Consolidation

Two or more contiguous Lots may be consolidated into one Lot as allowed or approved by the DRC and the County of Maui Land Use and Codes Division. Once consolidated, the building setback requirements will be applied as a single Lot.

SITE PLANNING STANDARDS

Site Planning Standards

3.0 Introduction

The Lahaina Business Park will include common areas, which shall include landscape improvements in order to provide design continuity and enhance visual character of the park.

3.1 Grading, Drainage and Erosion Control

On-site grading and drainage improvements shall be designed by a Civil Engineer and approved by appropriate government agencies. Surface runoff generated on the individual lots from buildings and parking lots will be intercepted and conveyed to subsurface, retention-type storm water disposal systems which will be installed within each of the lots and designed for a 2-year 24-hour storm or 50-year 1 hour storm. On-site runoff shall not be directed to adjacent lots. The subsurface retention systems will be designed in accordance with the "Rules for the Design of Storm Drainage Facilities in the County of Maui" and will be required to accommodate as a minimum the additional surface runoff volume generated by the development of the individual parcels.

Soil erosion control measures shall be taken during the construction of improvements for individual lots.

3.2 Common Areas

Common areas within the Lahaina Business Park, as defined by the CCRs, will be maintained by the Association. The cost for the maintenance of the common areas will be charged back to the Owners in the form of an assessment.

3.3 Landscape Buffer Areas

Landscape buffer areas shall be established along the northern and eastern boundaries of the Lahaina Business Park abutting the Leiali'i residential project and along the southern boundary of the Lahaina Business Park abutting the Kahoma Stream to aid the control of litter and general aesthetics of the surrounding area. The landscape buffer area shall be four (4) feet wide. Lot owners shall be responsible for installing and maintaining the required landscape buffer area.

The following lots shall incorporate the above-mentioned landscape buffer areas into their design of construction improvements: 2, 10, 11, 12, 13, 14, 15, 16, and 17.

Landscape improvements shall be submitted to the DRC for review and approval. Any proposed changes or exceptions to the landscape buffer areas must be approved by the DRC.

3.4 Dedicated Area

The dedicated area as defined in the CC&R's will be maintained as determined by the Association.

3.5 Setbacks

Front, side and rear yard set back lines shall be consistent with the standards of Chapter 19.24 (M-1 Light Industrial District) of the Maui County Code and Uniform Building Code.

3.6 Driveways

Vehicular access to individual lots shall be via driveways in compliance with Maui County standards. The location of driveways shall comply with sight distance requirements of the County of Maui Department of Public Works.

3.7 Parking Areas

The number of off-street parking spaces for each individual lot within the Lahaina Business Park, including the dimensions and access, shall be in compliance with Chapter 19.36 "Off-Street parking and Loading" of the Maui County Code and American with Disabilities Act Design Guidelines. Pursuant to Chapter 19.36, M-1 Light Industrial district requires one (1) off-street parking space for every 600 square feet of building or twenty-five percent (25%) of the individual lot area, whichever is greater." Appropriate signage and markings shall identify parking stalls.

3.8 Service Areas

Service areas including, but not limited to, truck facilities, parked motor vehicles, materials, supplies, refuse collection, and exposed mechanical or electrical equipment shall be screened with visual barriers so that the service area is not visible from public streets or adjacent lots. Screening shall be a minimum of 6 feet in height and no higher than the line of any adjacent roof eave. Visual screening, which may include landscaping, shall be reviewed and approved by the DRC.

3.9 Walls and Fencing

All walls and fencing shall comply with Maui County Code rules and regulations and be submitted to the DRC for review and approval.

3.10 Maintenance

General standards of maintenance shall conform to the maintenance standards defined within the CC&R's.

3.11 Variances

Variances from the Design Standards may be granted by the DRC in order to promote efficient and aesthetic site development. All requests for variances will be handled on a case by case basis and approval of such requests does not imply that the same will apply to all future and/or similar cases. Individual Lot Owners must receive written permission from the DRC in order to apply for a variance from County of Maui rules and regulations.

ARCHITECTURE STANDARDS

Architecture Standards

4.0 Introduction

The intent of the Lahaina Business Park is to create a 'business park' environment that is architecturally compatible in terms of forms, texture, color and design features. A licensed Architect, preferably an Architect who has a practice on Maui, shall design all buildings.

4.1 Building Height

The lot coverage for each lot shall be consistent with the standards of Chapter 19.24 (M-1 Light Industrial District) of the Maui County Code and Uniform Building Code.

4.2 Building Height

The maximum building height shall be consistent with the standards of Chapter 19.24 (M-1 Light Industrial District) of the Maui County Code and Uniform Building Code.

4.3 General Building Design

The general building design should emulate quality, aesthetics and harmony. The design should enhance both the quality and economics of the Lahaina Business Park.

4.4 Building Design Requirements and Concepts

The building design must take into account the surrounding environment of historic Lahaina Town as well as the surrounding sugar cane fields. Physical environmental factors, such as dust, heat and trade wind direction, should determine building site planning, architectural detailing, and appropriate roofing material. Though there is no specific architectural form for the Lahaina Business Park, the architectural style should reflect a Hawaiian sense of place or should reflect the architecture of the owner/user. Architects for the individual Lot owner's will be able to determine the form, color and concept for the building. As noted earlier, all designs must be approved by the DRC.

4.5 Electrical and Mechanical Systems

Electrical and mechanical equipment may be mounted on buildings or installed on grade. All electrical and mechanical equipment, whether mounted on buildings or installed on grade, shall be screened and shielded from public view. The screens shall appropriately designed to blend with the existing architectural design and finishes.

4.6 Energy Conservation

All building and site designs shall adhere to the Maui County Energy Conservation Codes.

4.7 Entry Design

Building designs shall include an entry element or elements to inform the public the tenant/user of the building.

4.8 Building Colors

The building color should take into account the surrounding physical environment (i.e. the dust, trade winds, etc.). It is recommended that earth tone colors be utilized, such as light

brown, tan, beige, terra cotta, brown, warm grey, muted green, and off white. Use of bright, fluorescent, or intense colors shall be prohibited, unless approved by the DRC. Use of more than three (3) building paint colors shall be prohibited, unless approved by the DRC.

LANDSCAPE STANDARDS

Landscape Standards

5.0 Introduction

A primary goal and objective of the Lahaina Business Park is to create visual harmony and improve the visual character of the subdivision by providing appropriate landscape improvements.

5.1 Landscape Concepts

Each lot owner shall be responsible for providing landscape improvements. This will enhance the quality of the project and provide for a harmonious 'park like' environment.

5.2 Common Areas

Common areas will be landscaped and maintained by the Association within the Lahaina Business Park.

5.3 Landscaped Areas

The design of the landscape improvements should incorporate quality, aesthetics and harmony. The design should enhance both the quality and economics of the neighborhood.

5.4 Landscape Requirements

Lot owners shall comply with the County Code on-site parking ordinance standards, including one shade tree shall be provided for every 5 parking stalls. Also, All exposed or bare areas that are not covered by a building or paved surface must be landscaped to the above standards.

5.5 Plant Selection

Plant selection for landscape improvements shall consider the surrounding environment, including the warm, dry and dusty setting of Lahaina. Further, in order to achieve the goals and objective of the Design Guidelines, plants should be attractive and appropriate to a 'park like' setting.

5.6 Irrigation

All landscaped areas shall be irrigated with an underground irrigation system or an approved system by the DRC. The irrigation system shall be maintained by the individual lot owners.

5.7 Maintenance

All landscape improvements within the Lahaina Business Park, shall be maintained in good, clean and attractive condition so as to prevent such areas from becoming unsightly, unsanitary or a hazard at all times.

SIGNAGE AND LIGHTING STANDARDS

Signage and Lighting Standards

6.0 Introduction

Individual lot owners will be permitted to clearly identify their business or commercial venture when viewed from the fronting street. Identification shall be sufficient, though not excessive, and allow for the name of each business. Lighting of the exterior shall be done in a manner that will establish uniform levels of lighting throughout Lahaina Business Park and prevent glare onto adjacent lots or streets.

6.1 Signage Rules

All signs shall be erected and/or maintained in conformance with the rules and regulations of Chapter 16.12A - Outdoor Signs of the Maui County Code.

An overall signage location and sign graphics program, including any ground signs, wall signs and directional signs shall be submitted to the DRC for review and approval.

The Association and Declarant shall have the right to remove any signs that have not been approved by the DRC or County ordinance and charge the individual tenant or Lot Owner for the cost of such removal.

6.2 Lighting Rules

All exterior lighting, except bollard or pole lighting up to 18 feet in height, shall be indirect or shall incorporate a full cut-off shield type fixture to prevent glare onto adjacent lots or streets.

Service area lighting shall be contained within the service yard boundaries and enclosure walls. No light spillover should occur outside the service area. The light source should not be visible from street.

Building illumination and architectural lighting shall be indirect in character (no visible light source). Indirect wall lighting (i.e. 'wall washing'), overhead down lighting or interior illumination which spills outside is encouraged. Architectural lighting should also provide the required functional lighting for safety, security and clarity of pedestrian movement.