



MIKI BASIN INDUSTRIAL PARK A19-809 DISTRICT BOUNDARY AMENDMENT

**LAND USE COMMISSION
FEBRUARY 8, 2023**



PŪLAMA LĀNA‘I HAS DEMONSTRATED BY THE CLEAR PREPONDERANCE OF THE EVIDENCE THAT THE BOUNDARY AMENDMENT PETITION MEETS HAR § 15-15-77(A)

Decision-making criteria for boundary

Reasonable

- Provides much needed consolidated industrial area
- Petition area is adjacent to existing industrial uses, far enough from Lāna‘i City to minimize impacts commonly associated with industrial uses, and close enough to the population to be conveniently accessible

Does not violate HRS § 205-2

- Implements Lāna‘i Community Plan and conforms to the County of Maui General Plan
- Maui County Change of Zoning Application (ZPA2022-00005) was submitted on October 14, 2022 and is under review

Consistent with the policies and criteria established pursuant to:

- HRS § 205-16,
- HRS § 205A-2, and
- HRS § 205-17

- Petition details exactly how the Project conforms to the Hawai‘i state plan

PROJECT MEETS THE SIX FACTORS OF HRS § 205-17

HRS § 205-17 Land use commission decision-making criteria

The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans

- See Petition Pages 37-44

The extent to which the proposed reclassification conforms to the applicable district standards

- See Petition Pages 47-50

The impact of the proposed reclassification on the following areas of state concern:

- Preservation or maintenance of important natural systems or habitats;**
- Maintenance of valued cultural, historical, or natural resources;**
- Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources;**
- Commitment of state funds and resources;**
- Provision for employment opportunities and economic development; and**
- Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;**

- Project will not impact natural habitats as the site was former pineapple
- Project assessed cultural and historic resources and received acceptance by SHPD to ensure compliance with State requirements
- Benefits Hawai'i's economy, with ample agricultural land available
- State resources include commitment of water, however when demand necessitates, development of additional supply PWS 238 will be completed by Pūlama Lāna'i
- During construction > \$78M will go to trades, and short-term and long-term employment opportunities will be created
- By 2030, Project will produce ~\$17.1M in earnings annually, ~\$670k in State taxes annually, and ~\$380k in County taxes annually
- The Project will not impact housing needs

The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50;

- Not applicable

The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition; and

- See Petition Pages 45-47

The representations and commitments made by the petitioner in securing a boundary change.

- Petitioner confirms its commitment that water usage for the Project will not exceed the maximum daily usage calculations provided in Akinaka Report (Exhibit 2, Part 12)

CONFORMANCE WITH HAR § 15-15-78 AND 79

Majority of Miki Basin Industrial Park is anticipated to be developed within 10 years

Incremental districting

"If it appears to the commission that full development of the subject property cannot substantially be completed within ten years after the date of the commission's approval..." HAR § 15-15-78

Performance timeline

"Petitioners granted district boundary amendments shall make substantial progress within a reasonable period, as specified by the commission, from the date of approval of the boundary amendment, in developing the property receiving the boundary amendment..." HAR § 15-15-7

Year 1 to 10

- Relocating existing industrial uses (i.e., Concrete Crushing and Asphalt Plant)
- Renewable energy projects (e.g., Photovoltaic plus battery energy storage)
- Other New industrial uses (e.g., Slaughter house, warehouse space for cold storage, laboratory/testing facilities, niche product development, automotive services, multi-media facility, animal hospital, etc.)

Year 11 to 20

- Other New industrial uses (e.g., Slaughter house, warehouse space for cold storage, laboratory/testing facilities, niche product development, automotive services, multi-media facility, animal hospital, etc.)

CONDITIONS STIPULATED TO BY APPLICANT, COUNTY, AND OPSD

#	Topic	Condition
1	Preserving Water Resources	In consultation with the Commission on Water Resource Management, the Petitioner shall install water efficient fixtures and implement water efficient practices throughout the development to reduce the increased demand on the area's freshwater resources. Alternative water sources shall be used wherever practicable.
2	Stormwater Management	To the satisfaction of the County Department of Public Works, Petitioner shall implement BMPs for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site filtration and preventing polluted runoff from storm events.
3	CWRM Water Audit Program	Petitioner shall expand its participation in the State Commission of Water Resources Management's Water Audit Program to include the Miki Basin Industrial Park and update its water usage data.
4	FAA Notice of Construction	Prior to construction, the Petitioner shall submit to the FAA, FAA Form 7460-1 Notice of Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal.
5	Notification of Proximity to Lanai Airport.	Petitioner shall notify and disclose to all prospective lessees within the Project, as part of any conveyance document (lease, rental agreement, etc.) required for the transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Lanai Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.
6	Hazards to Aircraft Operations.	<p>a. Petitioner shall not provide landscape or vegetation that will create a wildlife attractant. Stormwater retention basins shall be designed, engineered, constructed, and maintained to prevent standing water from accumulating for periods longer than 48 hours after a storm event so as to avoid attracting wildlife. If the development creates a wildlife attractant that can potentially become a hazard to aircraft operations, the developer shall immediately mitigate the hazard upon notification by the HDOT-A and/or FAA.</p> <p>b. Petitioner shall conduct or require or require the photovoltaic (PV) developer to conduct a glint and glare analysis for the PV system. Petitioner shall also submit or require the PV developer to submit a submission to the FAA a separate FAA Form 7460-1 for the PV system. After the FAA determination of the Form 7460-1 and the glint and glare analysis, a copy shall be provided to the HDOT-A by the owner of the PV system. The owner of the PV system shall immediately mitigate glint and glare hazards and any radio frequency interference (RFI) hazards emitted by the PV system upon notification by the HDOT-A and/or FAA. In addition, the PV system and battery energy storage facility shall have sufficient firefighting/fire suppressant capability to prevent thick smoke from an uncontrolled fire creating a hazard to airport operations.</p> <p>c. During construction, the developer shall mitigate any fugitive dust from construction activities to prevent dust hazards to flight operations</p> <p>d. Petitioner shall also work with HDOT-A regarding the widening of the portion of Miki Road (Easement 4) located within HDOT-A property. As such, design plans for the road widening shall be submitted to HDOT-A Engineering Branch for review and approval prior to construction. If additional HDOT-A land is required to accommodate the widening of Miki Road, Petitioner shall work with HDOT-A on revising the Memorandum of Agreement, dated November 23, 2021, and the Right of Entry Agreement, dated November 23, 2021.</p>

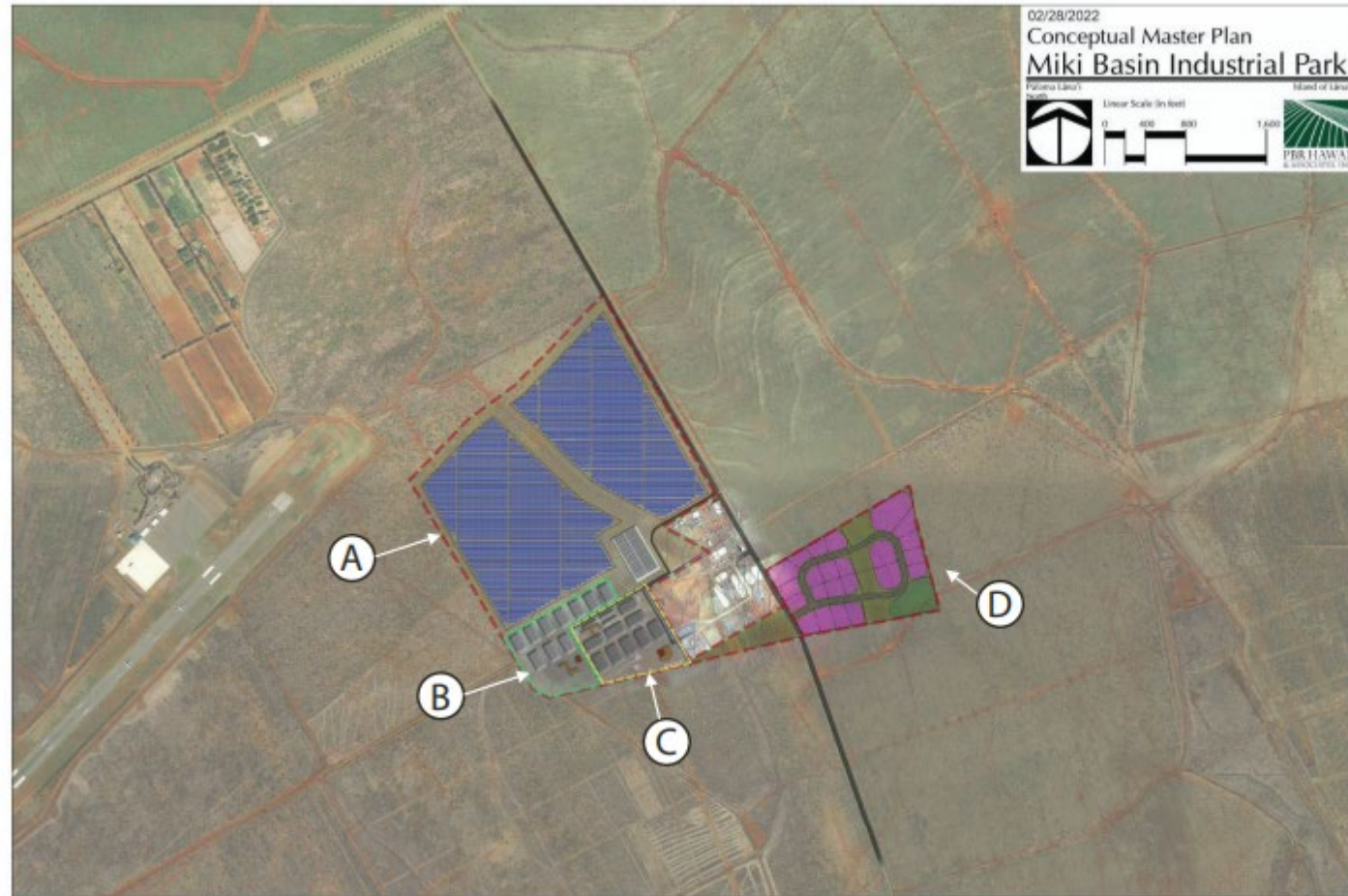
CONDITIONS CONTINUED

#	Topic	Condition
7	Kaumālapa‘u Highway Impact Mitigation	<p>Petitioner shall improve the Kaumālapa‘u Highway approach on Miki Road prior to any new occupancy of the site or submit a schedule acceptable to HDOT-HWY, Maui District Engineer. Petitioner shall implement, when warranted, at no cost to the State, all recommended improvements referenced in the Traffic Impact Analysis Report dated June 3, 2021, as follows:</p> <ol style="list-style-type: none"> Widen Miki Road to two lanes between the project site driveways and Kaumālapa‘u Highway with intersection geometrics capable of accommodating turning movements. Add an exclusive westbound left-turn deceleration lane on Kaumālapa‘u Highway at the intersection of Miki Road. <p>Should traffic issues arise at any time up to one year after the full buildout of the Miki Industrial Park, Petitioner shall commence a Traffic Impact Analysis Report and shall be responsible for mitigation of any traffic impacts and issues attributable to the Miki Basin Industrial Park identified in the Traffic Impact Analysis Report, at no cost to the State, to the satisfaction of the HDOT-HWY, Maui District Engineer</p>
8	Endangered Hawaiian Hoary Bat	<p>Petitioner shall not remove any trees during the bat birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall shall not be disturbed, removed, or trimmed. Barbed wire should also be avoided for any construction because bats can become ensnared and killed by such fencing material during flight.</p>
9	Impacts to Seabirds	<p>For nighttime lighting that might be required, Petitioner shall install fully shielded lights to minimize the attraction of seabirds. Nighttime work that requires outdoor lighting shall be prohibited during the seabird fledging season from September 15 through December 15 unless such work is necessitated by an emergency and cannot be performed during the daytime.</p>
10	Invasive Species	<p>Petitioner shall minimize the movement of plant or soil material between worksites as to prevent the spread of pathogens, pests, or invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.</p>
11	Infrastructure Deadline	<p>Petitioner shall require that the construction of the proposed PV and battery energy storage project, which includes the primary roadways and access points, and other utility system improvements required for the PV and battery energy storage project, within ten (10) years from the date of this Decision and Order approving the Petition.</p>

BASED ON COMMENTS FROM THE COMMISSION, TWO NEW CONDITIONS WERE ADDED

#	Topic	Commission Condition
20	Renewable Energy	The 127 acres within the Project Area that have been planned for renewable energy will only be used for the technology of photovoltaic and battery storage.
21	Consumer Cost Condition	If an increase to rate payers will result from the removal of the two hotels from the existing grid, Petitioner will commit to either offset the increase or not remove the hotels from the grid.

WE RESPECTFULLY REQUEST YOUR APPROVAL



- Miki 200 Industrial Park Outline
- (A) Renewable Energy Projects
- (B) Asphalt Plant
- (C) Concrete Crushing Facility
- (D) Other Industrial Uses

- We are implementing the Lānaʻi Community Plan (2016)
- This project is an essential step to a resilient economy on Lānaʻi
- We have addressed the comments by the Commission
- Decision is stipulated to by the County and OPSD

Mahalo!