

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

May 5, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on March 19, 2015 (site inspection and meeting in Lahaina), makes reference to County Communication 15-65, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO THE PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII" ("Community Plan Amendment bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of Newport Hospital Corporation ("NHC"), for an amendment to the text of the West Maui Community Plan to allow for industrial, business, and healthcare uses in the 310-acre West Maui Project District 3 (Kaanapali-North Beach Mauka).

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER" ("District Boundary Amendment bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of NHC, for a District Boundary Amendment from Agricultural to Urban for approximately 14.99 acres located along Kakaalaneo Drive, mauka of its intersection with Honoapiilani Highway, Honokowai, Maui, Hawaii, TMK: (2) 4-4-002:052 ("subject property") to facilitate the

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development of the proposed West Maui Hospital and Medical Center ("project").

3. A proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING PERMISSIBLE LAND USES AND STANDARDS OF DEVELOPMENT FOR WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) FOR APPROXIMATELY 14.99 ACRES FOR PROPERTY SITUATED AT HONOKOWAI, LAHAINA, MAUI, HAWAII FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER AND TO ALLOW THE PLANNING DIRECTOR TO APPROVE JOINT-USE PARKING IN ADDITIONAL CIRCUMSTANCES AND AMENDING THE DEFINITION FOR 'MINOR MEDICAL CENTER'" ("Project District bill"). The purposes of the proposed bill are to grant a request from the Planning Director, on behalf of NHC, to: (1) establish permissible land uses and development standards for a 14.99-acre health and wellness district within the 310-acre West Maui Project District 3 (Kaanapali-North Beach Mauka); (2) expand the definition of "minor medical center" in Section 19.04.040, Maui County Code ("MCC"); and (3) modify the provision for joint use of parking spaces in Section 19.36A.140, MCC.

4. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER" ("Change in Zoning bill"). The purpose of the proposed bill is to grant a request from the Planning Director, on behalf of NHC, for a Change in Zoning from R-3 Residential District to West Maui Project District 3 (Kaanapali-North Beach Mauka) for the subject property to facilitate the development of the project.

Your Committee notes NHC owns the subject property. NHC proposes to develop a 25-bed Critical Access Hospital (including 24-hour-

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a-day emergency care), a 40-bed skilled-nursing facility, a 40-unit assisted-living facility, two medical office buildings, a 40-bed substance-abuse-rehabilitation facility, and related on-site and off-site improvements.

Your Committee further notes in 2009 the State Health Planning and Development Agency (“SHPDA”) awarded NHC a Certificate of Need to develop a medical facility in West Maui. At the time, the project was intended to be constructed on property owned by Kaanapali Land Management Corp. near the Lahaina Civic Center. Concurrent with the transmittal of County Communication 15-65, the Planning Director transmitted County Communication 15-64, requesting the former site of the proposed West Maui hospital be returned to its previous Agricultural land use designations.

According to the “MAUI COUNTY PLANNING DEPARTMENT’S REPORT TO THE PLANNING COMMISSION NOVEMBER 19, 2014 MEETING”, in March 2014 SHPDA confirmed NHC is making good faith efforts to meet the implementation timetable specified in the Certificate of Need.

Your Committee notes the project is needed because West Maui has limited healthcare facilities, including no emergency room, no skilled-nursing facilities, and no assisted-living facilities. Maui Memorial Medical Center in Kahului, 22 miles from Lahaina, provides the emergency room that is nearest to West Maui. Honoapiilani Highway, the primary means of access to Maui Memorial Medical Center from West Maui, is subject to occasionally heavy traffic and can be closed when there is a serious traffic accident, a major fire, flooding, or severe weather. Thus, without an emergency room in West Maui, those who live, work, and are employed in the area are at risk.

Your Committee further notes the project would implement the following General Plan goals and policies:

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- “Health and social services in Maui County will fully and comprehensively serve all segments of the population.” (Countywide Policy Plan, page 55.)
- “Maui will have a health care industry and options that broaden career opportunities that are reliable, efficient, and provide social well-being.” (Maui Island Plan, page 4-34.)
- “All of Maui residents will have the best possible health care to include healthy living, disease prevention, as well as acute and long-term care.” (Maui Island Plan, page 6-58.)
- “Establish an emergency medical care facility in West Maui.” (West Maui Community Plan, page 43.)

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed Project District bill entitled “A BILL FOR AN ORDINANCE ESTABLISHING PERMISSIBLE LAND USES AND STANDARDS OF DEVELOPMENT FOR THE HEALTH AND WELLNESS DISTRICT WITHIN WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA), CONSISTING OF APPROXIMATELY 14.99 ACRES AT HONOKOWAI, LAHAINA, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER”, approved as to form and legality. Deleted from the revised proposed Project District bill are the proposed amendments to Sections 19.04.040 and 19.36A.140, MCC, which would have countywide application but were not reviewed by the Lanai and Molokai planning commissions.

The revised proposed Project District bill incorporates chiropractic services and medical diagnostic services into the list of permitted uses for the proposed health and wellness district, consistent with the expanded uses originally proposed in the definition of “minor medical center.” It also clarifies that the development standards pertain to the health and wellness district only. Uses and development standards for the remaining 295 acres of West Maui Project District 3 are not described in the proposed bill.

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The Chair of your Committee indicated he would transmit a proposed resolution to refer to the planning commissions a proposed bill to amend Section 19.36A.140, MCC, consistent with the provision deleted from the Project District bill.

A representative of NHC confirmed the revisions to the proposed Project District bill are acceptable.

Your Committee recommended the single condition of zoning recommended by the Maui Planning Commission be revised to incorporate clarifying language provided by the State Department of Transportation. As revised, the condition requires NHC to “construct a traffic signal system and ancillary improvements at the intersection of Honoapiilani Highway and Kakaalaneo Drive when warranted and at its own cost, as recommended in the Traffic Impact Analysis Report dated May 20, 2014.”

Your Committee voted 6-0 to recommend passage of the proposed Community Plan Amendment and District Boundary Amendment bills on first reading, the revised proposed Project District and Change in Zoning bills on first reading, and filing of the communication. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Cochran, Crivello, and Guzman voted “aye”. Committee member Couch was excused.

Subsequent to the meeting, the Deputy Planning Director advised the Chair of your Committee that the Department is developing a proposed bill to amend Chapter 19.36A, MCC, and recommended the provision for joint use of parking spaces excised from the proposed Project District bill be considered in conjunction with that effort. Accordingly, the Chair of your Committee will not be pursuing separate legislation to amend Section 19.36A.140, MCC.

Your Committee is in receipt of a revised proposed Community Plan Amendment bill, entitled “A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH

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MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII”, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee is also in receipt of a revised proposed District Boundary Amendment bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee is also in receipt of a revised proposed Change in Zoning bill, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER”, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s revisions and nonsubstantive revisions.

Your Committee is also in receipt of an agreement entitled “Unilateral Agreement and Declaration for Conditional Zoning,” executed by NHC, and approved as to form and legality by the Department of the Corporation Counsel.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT

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HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER”, be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE ESTABLISHING PERMISSIBLE LAND USES AND STANDARDS OF DEVELOPMENT FOR THE HEALTH AND WELLNESS DISTRICT WITHIN WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA), CONSISTING OF APPROXIMATELY 14.99 ACRES AT HONOKOWAI, LAHAINA, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
5. That the County Clerk RECORD the unilateral agreement; and
6. That County Communication 15-65 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____(2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Part III.C.2 of the West Maui Community Plan, adopted by Ordinance No. 2476 (1996), relating to Project District 3 (Kaanapali-North Beach Mauka), is amended to read as follows:

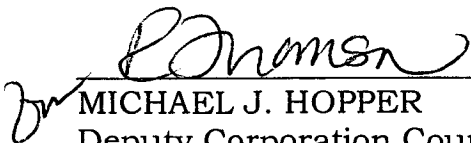
"PROJECT DISRICT 3 (Kaanapali-North Beach Mauka) approximately 310 acres

The North Beach Mauka project district involves land at the northern extension of the Kaanapali Resort mauka of Honoapiilani Highway, as identified on the West Maui Community Plan Land Use Map. This project is intended to provide, within the context of the Kaanapali Resort, a mixture of resident and visitor-oriented residential, commercial, industrial, business, [and] recreational, and healthcare uses. The character of the project district will be defined by a village mixed-use core which will utilize elements of Lahaina architecture and other traditional Hawaiian architecture and urban design forms. The central area of the core [will feature] may include a visitor-oriented commercial center. The project district's 1200 residential units will be characterized by a variety of single-family and multi-family product types. Amenities such as parks, gardens, golf activities, and other recreational activities or attractions along with a memorial park [will] may be included to provide open space within the project district."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

ORDINANCE NO. _____

BILL NO. _____ (2015)

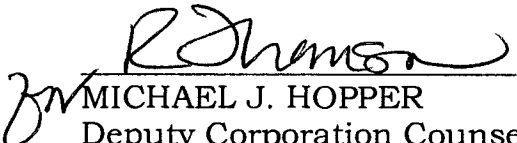
A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND
USE DISTRICT CLASSIFICATION FROM AGRICULTURAL
TO URBAN FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII,
FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Agricultural District to the Urban District for that certain parcel of land located at Honokowai, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-002:052, comprising approximately 14.99 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-816, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

PARCEL 17
STATE LAND USE, DISTRICT BOUNDARY AMENDMENT

FROM AGRICULTUREAL TO URBAN

Being a portion of Lot 7 of Honokowai Subdivision (Subdivision File No. 4.642), being also a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha.

Situate at Hanakaoo, Kaanapali, Lahaina, Maui, Hawaii.

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 16, and on the North side of Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI" being 3,170.70 feet North and 11,862.14 feet West, and running by azimuths measured clockwise from true South:

Along Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the left with a radius of 648.00 feet, the chord azimuth and distance being:

1. 100° 14' 03" 230.63 feet;
2. 89° 59' 190.92 feet along same;

Thence along same, on a curve to the right with a radius of 702.00 feet, the chord azimuth and distance being:

3. 106° 23' 53" 396.76 feet;

Thence along Lot 15 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

4. 169° 05' 23" 43.36 feet;
5. 215° 22' 961.13 feet along same;

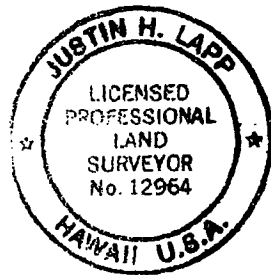


6. 302° 01' 30" 685.24 feet along same;
7. 26° 00' 668.62 feet along Lot 16 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha;

Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

8. 68° 14' 33" 40.34 feet to the point of beginning and containing an area of 14.994 acres.

Subject, However to a portion of Easement for utility purposes in favor of Maui Electric Company, Limited, and Hawaiian Telcom Inc, recorded as Liber 5893, Page 226.



Description Prepared By:

[Handwritten Signature]
 Justin H. Lapp
 Licensed Professional Land Surveyor
 Certificate No. 12964

Honolulu, Hawaii
 June 25, 2014
 TMK: (2) 4-4-002: 052
 Z:\2013\13-550\SURVEY\Descriptions\Maui SLU lot 17.doc



ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE ESTABLISHING PERMISSIBLE LAND USES AND STANDARDS OF DEVELOPMENT FOR THE HEALTH AND WELLNESS DISTRICT WITHIN WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA), CONSISTING OF APPROXIMATELY 14.99 ACRES AT HONOKOWAI, LAHAINA, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 19.94

WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA)

Sections:

- 19.94.010 Purpose and intent.
- 19.94.020 Reserved.
- 19.94.030 Health and wellness district.

19.94.010 Purpose and intent. The purpose of this ordinance is to create the health and wellness component of West Maui Project District 3 (Kaanapali-North Beach Mauka), within the context of the Kaanapali Resort, to foster the healthcare industry and various healthcare uses. This component will comprise only 14.99 acres of the overall Project District. The State has identified deficiencies for healthcare services for West Maui. The health and wellness component will satisfy those identified deficiencies.

19.94.020 Reserved.

19.94.030 Health and wellness district. A. Permitted uses. Within the health and wellness district, the following uses shall be permitted:

Permitted uses	Criteria or limitations
Assisted living facility	
Chiropractic services	
Day care service	
Educational facilities and activities	
Emergency medical services, offices and garages	
Fitness and gym facilities	
Food and beverage establishments with seating areas	
Gift and sundry shops	
Library	
Medical center, major	
Medical center, minor	
Medical diagnostic services	
Parking area, public	
Personal and business services	
Rehabilitation facilities and offices	
Retail of medical supplies and equipment	
Skilled nursing facility	
Spa facilities	
Any other uses that are similar in character of rendering services to the community and not detrimental to the surrounding area	Provided that such uses shall be approved by the planning director as conforming to the intent of this project district.

B. Accessory uses and structures. The following uses, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the health and wellness district.

Accessory uses	Criteria or limitations
Energy systems, small-scale	
Public facility or public use	
Recreation, indoor	

Recreation, outdoor	
Swimming pool	
Minor utility facility	
Dwelling units for long-term residential use and transient use	Related to the provision of medical services for use by providers of medical services; by recipients of medical services; and the families accompanying the providers or recipients of medical services.

C. Development standards. The development standards in the health and wellness district shall be as follows:

		Notes and exceptions
Minimum lot area (square feet)	10,000	
Minimum lot width (in feet)	70	
Maximum building height (in feet)	35	Height shall be measured from finished grade. Vent pipes, fans, chimneys, antennas, utility projections, and equipment used for small scale energy systems on roofs shall not exceed 45 feet or 10 feet above the building structure, whichever is less.
Minimum yard setback (in feet)		
Front	15	
Rear	10	
Side	10	

Accessory structures within setback area	Walls and fences	Shall not exceed 6 feet in height.
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SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

ORDINANCE NO. _____

BILL NO. _____(2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.94 and 19.510, Maui County Code, a change in zoning from R-3 Residential District to West Maui Project District 3 (Kaanapali-North Beach Mauka) (Conditional Zoning) is hereby granted for that certain parcel of land situated at Honokowai, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-002:052, comprising approximately 14.99 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-869, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the condition set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

PARCEL 17
LAND ZONING MAP L-

CHANGE IN ZONING FROM R-3 RESIDENTIAL TO PROJECT DISTRICT

Being a portion of Lot 7 of Honokowai Subdivision (Subdivision File No. 4.642), being also a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha.

Situate at Hanakaoo, Kaanapali, Lahaina, Maui, Hawaii.

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 16, and on the North side of Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI" being 3,170.70 feet North and 11,862.14 feet West, and running by azimuths measured clockwise from true South:

Along Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the left with a radius of 648.00 feet, the chord azimuth and distance being:

1. 100° 14' 03" 230.63 feet;
2. 89° 59' 190.92 feet along same;

Thence along same, on a curve to the right with a radius of 702.00 feet, the chord azimuth and distance being:

3. 106° 23' 53" 396.76 feet;

Thence along Lot 15 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

4. 169° 05' 23" 43.36 feet;
5. 215° 22' 961.13 feet along same;

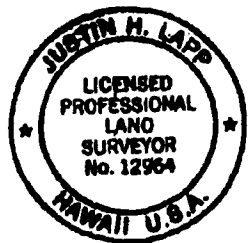


6. 302° 01' 30" 685.24 feet along same;
7. 26° 00' 668.62 feet along Lot 16 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha;

Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

8. 68° 14' 33" 40.34 feet to the point of beginning and containing an area of 14.994 acres.

Subject, However to a portion of Easement for utility purposes in favor of Maui Electric Company, Limited, and Hawaiian Telcom Inc, recorded as Liber 5893, Page 226.



Description Prepared By:

Justin H. Lapp 5/25/14

Justin H. Lapp
Licensed Professional Land Surveyor
Certificate No. 12964

Honolulu, Hawaii
June 25, 2014
TMK: (2) 4-4-002: 052
S:\2013\13-350\SURVEY\Descriptions\Maui LE Lot 17.doc



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 BANNER STREET, SUITE 201
HONOLULU, HAWAII 96817-0001

1871 WALIPA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

160 PALIAR STREET, SUITE 213
HILO, HAWAII 96720

CONDITION OF ZONING

1. That Newport Hospital Corporation shall construct a traffic signal system and ancillary improvements at the intersection of Honoapiilani Highway and Kakaalaneo Drive when warranted and at its own cost, as recommended in the Traffic Impact Analysis Report dated May 20, 2014.

EXHIBIT "B"

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail () Pickup () : To:
Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai`i 96793

Total Number of Pages: 8

Affects Tax Map Key (Maui) (2) 4-4-002:052

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 8th day of April 2015, by Newport Hospital Corporation, whose principal place of business is located in Newport Beach, California, and whose mailing address is 731 Promontory Dr. West, Newport Beach, California 92660, hereinafter referred to as "DECLARANT", and who is the owner of that certain parcel located at Lahaina, Maui, Hawai`i, comprised of approximately 14.994 acres, and identified for real property tax purposes by Tax Map Key No. (2) 4-4-002:052, hereinafter referred to as "PARCEL" (or "PROPERTY").

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawai`i, hereinafter referred to as "Council", is considering the establishment of zoning for the Parcel, comprised of approximately 14.994 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map No. L-869, which is on file in the Office of the County Clerk of the County of Maui; and

EXHIBIT "C"

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. _____, that said establishment of zoning be approved for passage on first reading subject to certain conditions, pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning;

2. That until written release by the County of Maui, the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which shall be effective as to and shall run with the land as to the Parcel, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawai'i, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform all of the covenants, conditions and restrictions of this Declaration;

3. That this Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the Declarant notifies the appropriate County Department that any of said covenants, conditions and restrictions are satisfied by the Declarant, and the appropriate County Department verifies the satisfaction and provides a written release of the covenant, condition or restriction;

4. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of West Maui Project District 3 (Kaanapali-North Beach Mauka) zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawai'i;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;


AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT:
NEWPORT HOSPITAL CORPORATION


Brian H. Hoyle
President

APPROVED AS TO FORM AND LEGALITY:


Michael Hopper
Deputy Corporation Counsel
County of Maui

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of ORANGE)

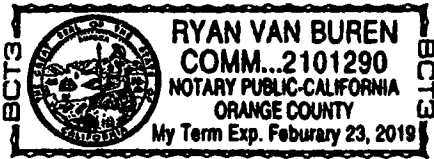
On APRIL 8TH, 2015 before me, RYAN VAN BUREN, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared * BRIAN H. HOYLE *
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: UNILATERAL AGREEMENT AND DECLARATION FOR ... Document Date: _____
Number of Pages: EIGHT Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

EXHIBIT 1

**PARCEL 17
LAND ZONING MAP L-**

CHANGE IN ZONING FROM R-3 RESIDENTIAL TO PROJECT DISTRICT

Being a portion of Lot 7 of Honokowai Subdivision (Subdivision File No. 4.642), being also a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha.

Situate at Hanakaoo, Kaanapali, Lahaina, Maui, Hawaii.

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 16, and on the North side of Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI" being 3,170.70 feet North and 11,862.14 feet West, and running by azimuths measured clockwise from true South:

Along Kaka'alaneo Drive (Lot 49) of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the left with a radius of 648.00 feet, the chord azimuth and distance being:

- 1. 100° 14' 03" 230.63 feet;
- 2. 89° 59' 190.92 feet along same;

Thence along same, on a curve to the right with a radius of 702.00 feet, the chord azimuth and distance being:

- 3. 106° 23' 53" 396.76 feet;

Thence along Lot 15 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Lota Kamehameha, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

- 4. 169° 05' 23" 43.36 feet;
- 5. 215° 22' 961.13 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96813-2004

1871 WILIPA LOOP, SUITE A
HONOLULU, HAWAII 96813-2004

100 PAUAAHI STREET, SUITE 219
HONOLULU, HAWAII 96813-2004

6. 302° 01' 30" 685.24 feet along same;
7. 26° 00' 668.62 feet along Lot 16 of Kaanapali 2020 Subdivision, along the remainder of R.P. 2567, L.C. Aw. 7715, Ap. 3, Pt. 1 to Iota Kamehameha;
- Thence along same, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
8. 68° 14' 33" 40.34 feet to the point of beginning and containing an area of 14.994 acres.

Subject, However to a portion of Easement for utility purposes in favor of Maui Electric Company, Limited, and Hawaiian Telcom Inc, recorded as Liber 5893, Page 226.



Description Prepared By:

[Handwritten Signature] EXP 04/16
 Justin H. Lapp
 Licensed Professional Land Surveyor
 Certificate No. 12964

Honolulu, Hawaii
 June 25, 2014
 TMK: (2) 4-4-002: 052
 Z:\2013\13-550\SURVEY\Descriptions\Maui 12 Lot 17.doc



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
 HONOLULU, HAWAII 96817-5031

1671 WILI PA LOOP, SUITE A
 WAILUKU, MAUI, HAWAII 96793

100 PALAHI STREET, SUITE 213
 HILO, HAWAII 96720

EXHIBIT 2

CONDITION OF ZONING

1. That Newport Hospital Corporation shall construct a traffic signal system and ancillary improvements at the intersection of Honoapiilani Highway and Kakaalaneo Drive when warranted and at its own cost, as recommended in the Traffic Impact Analysis Report dated May 20, 2014.