

## PSLU Committee

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**From:** Melody Andrion <Melody.Andrion@co.maui.hi.us>  
**Sent:** Tuesday, September 7, 2021 8:30 AM  
**To:** PSLU Committee  
**Cc:** allison.stewart@mauicounty.us; Richard E. Mitchell  
**Subject:** PSLU-21 Amending Conditional Permit Sugar Museum at Hansen Road  
**Attachments:** PSLU-21 2021-09-03 RAFL Closing CP Sugar Museum.pdf

Attached e-signed/approved by Jennifer Oana for Michael Hopper on 09/03/2021 ordinance regarding the subject matter. Thanks!

For posting on the September 17<sup>th</sup> Council meeting agenda.

**NOTICE:** The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Dept. of the Corporation Counsel at 12:44 pm, Aug 25, 2021

**Date:** August 24, 2021

**From:** Tamara Paltin, Chair

Planning and Sustainable Land Use Committee

TRANSMITTAL


**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jennifer Oana, Esq.

**Subject:** AMENDING THE CONDITIONAL PERMIT FOR ALEXANDER AND BALDWIN SUGAR MUSEUM AT HANSEN ROAD (PUUNENE) (PSLU-21)

**Background Data:** Please see the attached bill recommended by the PS LU Committee at its meeting of August 19, 2021, for passage on first reading, incorporating nonsubstantive revisions. Please sign if the bill is legally defensible. If the bill is not legally defensible, please provide a public memo explaining your reasons. Confidential legal advice is not sought. Please submit the response to [pslu.committee@mauicounty.us](mailto:pslu.committee@mauicounty.us) with reference to PS LU-21.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature  Tamara Paltin	Contact Person Alison Stewart or Richard Mitchell (Telephone Extension: 7661 or 7662, respectively)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES):

September 8, 2021

REASON: For posting on the September 17, 2021 Council meeting agenda.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)

☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

Entity name in title of bill was revised per SOH DCCA (Alexander and Baldwin Sugar Museum to Alexander & Baldwin Sugar Museum).

DEPARTMENT OF THE CORPORATION COUNSEL

9/3/2021

Date \_\_\_\_\_

/s/ J.O.  
By \_\_\_\_\_

(Rev. 7/03)

pslu:ltr:021acc01:ans

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND AMENDED BY ORDINANCE NOS. 2360 (1994), 2800 (1999), AND 3201 (2004) TO ALEXANDER & BALDWIN SUGAR MUSEUM, TO ALLOW FOR AN EXPANSION OF THE MUSEUM USE AND FOR A TIME EXTENSION ON APPROXIMATELY 4.166 ACRES IN THE R-1 RESIDENTIAL DISTRICT AT 3957 HANSEN ROAD, TAX MAP KEY (2) 3-8-006:004 (POR.) PUUNENE, MAUI, HAWAII

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

SECTION 1. In accordance with Chapter 19.40, Maui County Code, the conditional permit granted by Ordinance 2101 (1992) and amended by Ordinances 2360 (1994), 2800 (1999) and 3201 (2004) is expanded to include an area of 4.166 acres as described in Exhibit "A", designated on the map incorporated as Exhibit "B", and subject to the amended conditions in Section 2 of this Ordinance.

SECTION 2. This Conditional Permit is subject to the following conditions:

1. Full compliance with all applicable governmental requirements is required.
2. The Conditional Permit is valid until March 31, 2047, except an extension of the permit beyond the expiration date may be granted in accordance with Section 19.40.090, Maui County Code.
3. The Conditional Permit is nontransferable unless the Council approves a transfer by ordinance.
4. Alexander & Baldwin Sugar Museum, its successors and permitted assigns must exercise reasonable care as to third

parties with respect to all areas affected by the Conditional Permit and must procure at its own cost and expense, and must maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the County of Maui as an additional insured, insuring and defending the Alexander & Baldwin Sugar Museum and County of Maui against any and all claims or demands for property damage, personal injury or death arising out of this Conditional Permit, including: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Alexander & Baldwin Sugar Museum of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured must be submitted to the Department of Planning within ninety calendar days from the date of approval of this Conditional Permit, or prior to starting operations, whichever is first. The proof of insurance and all subsequent certifications of insurance coverage must be submitted directly by the insurance carrier to the Department and must include the applicable tax map key and permit numbers.

5. Alexander & Baldwin Sugar Museum must develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit in accordance with Section 19.40.080, Maui County Code.
6. Low level lighting must be used on the buildings and within the landscaped areas, and parking lot lighting must be fully shielded.
7. Fireworks and pyrotechnics displays are prohibited from the property.

SECTION 3. This Ordinance takes effect upon approval.

APPROVED AS TO FORM  
AND LEGALITY:

for MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui  
LF 2021-0016/2020-0241  
PSLU-21 Ord Amd CP Sugar Museum  
pslu:misc:021abill01:ans

# EXHIBIT "A"

## LAND DESCRIPTION SUGAR MUSEUM LEASE

### PORTION OF LOT 2-C-4-C-1-E FIRST ASSEMBLY OF GOD SUBDIVISION

All that certain Parcel of land lying on the Easterly side of Puunene Avenue and the Northerly side of Hansen Road, being a portion of Lot 2-C-4-C-1-E of the First Assembly Of God Subdivision, being also a portion of Grant 3343 to Claus Spreckels. Situated at Puunene, Wailuku, Maui, Hawaii and being more particularly described as follows:

**BEGINNING** at the Northwest corner of this parcel of land at a point on the Easterly side of Puunene Avenue (90.00 feet wide), said point lying distant thereon 149° 25' 30" 367.64 feet from the Southwest corner said Lot 2-C-4-C-1-E (said Southwest corner being the Westerly point of tangency of that certain curve having a radius of 50.00 feet), the coordinates of said point of beginning referred to Government Survey Triangulation Station "**LUKE**", being:

3,822.65 feet South  
13,663.04 feet East

and running by azimuths measured clockwise from True South:

1. 239° 25' 30" 432.69 feet along remainder of said Lot 2-C-4-C-1-E;
2. 329° 25' 30" 419.75 feet along same;
3. 58° 32' 30" 303.54 feet along the Northerly side of Hansen Road;
4. 148° 32' 30" 8.00 feet along same;
5. 58° 32' 30" 78.30 feet along same;
6. thence along same on a curve to the right having a radius of 50.00 feet and a central angle of 90° 53", the chord azimuth and distance being:  
103° 59' 00" 71.25 feet;
7. 149° 25' 30" 367.64 feet along the Easterly side of Puunene Avenue to the **POINT OF BEGINNING** and containing an area of 4.166 Acres.

SUBJECT, HOWEVER TO:

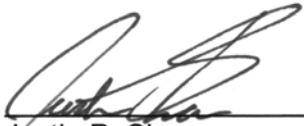
- a. Easement "S-3" for sewer purposes per Document No. A-47440538, dated December 27, 2012.
- b. Easement "S-1A" for sewer purposes per Document No. A-47440535, dated December 27, 2012.
- c. Easement "IR-1" for irrigation purposes per Document No. A-47440534, dated December 27, 2012.
- d. Any and all existing roadways, trails, easements, rights of way, flumes and irrigation ditches.
- e. Mineral and water rights of any nature.
- f. Any unrecorded leases and matters arising from or affecting the same.

PREPARED BY:  
A&B Properties Hawaii, LLC

Date: August 20, 2020

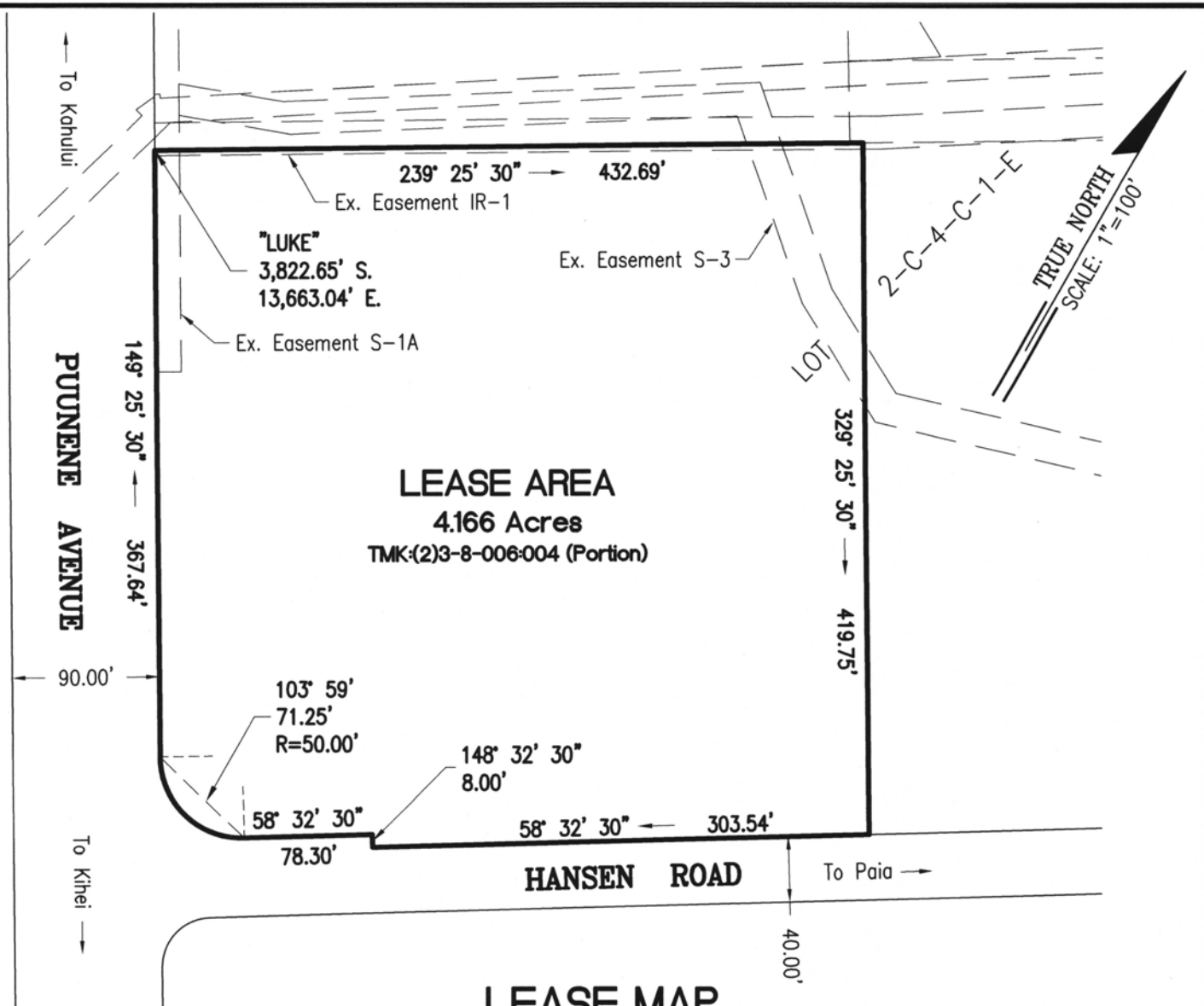


This work was prepared by me or under my direct supervision

  
Justin R. Shaw      8/20/2020  
Date  
Licensed Professional Land Surveyor  
Certificate No. LS-15959  
Expiration Date: April 30, 2022

ME  
44/02-r

C:\Users\show\Box\1 - Justin Shaw\Projects\200401 MUSEUM LEASE\DWGS\MAP - LEASE BDRY.dwg



**LEASE MAP**  
**PORTION OF LOT 2-C-4-C-1-E**  
**FIRST ASSEMBLY OF GOD SUBDIVISION**  
**Being a portion of Grant 3343 to Claus Spreckels**  
**PUNENE, WAILUKU, MAUI, HAWAII**



GRAPHICAL SCALE IN FEET  
DATE: AUGUST 19, 2020

**NOTES:**

1. AZIMUTHS AND COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "LUKE".



THE WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

*Justin R. Shaw* 8/20/2020  
JUSTIN R. SHAW DATE  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NUMBER LS-15959  
EXPIRATION DATE: 4/30/2022

TAX MAP KEY:(2)3-8-006:004 Por.