

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

September 17, 2021

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Planning and Sustainable Land Use Committee, having met on August 19, 2021, makes reference to County Communication 21-123, from the Planning Director, transmitting a proposed bill entitled "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 AND BALDWIN SUGAR MUSEUM, FOR MUSEUM USE 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."

The purpose of the proposed bill is to amend the Conditional Permit to Alexander and Baldwin Sugar Museum for the expansion of the museum's use; expansion of the approved leased area by 2.393 acres, for a total approved leased area of 4.166 acres; and to provide a time extension for the Conditional Permit for property located in Puunene, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-8-006:004 (por.).

Your Committee notes the Maui Planning Commission reviewed the Conditional Permit application during a public hearing on December 10, 2019, and recommended approval of the bill subject to enumerated conditions.

Your Committee received a presentation from representatives of the Museum on the organization's mission and master plan.

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

Page 2

**Committee**  
**Report No. \_\_\_\_\_**

The representatives said the Museum provides educational programs on plantation life, the history of sugar cultivation, and the role of the sugar industry in Maui's development, including adverse impacts on land, water, and other natural resources.

The representatives also said the Museum's master plan includes the development of a multi-purpose building to house a meeting room, restroom, and additional exhibition space; outdoor display and garden areas; additional parking spaces; use of the former director's residence for meeting and community space; and use of a portion of vacant land for museum and community events. The representatives added that impact mitigation measures will be taken relating to noise levels, parking, operational hours, and capacity for events held on the property.

Your Committee noted the subject parcel is zoned Residential; however, there is no housing development in the area that would be impacted by the expanded use.

The Planning Director said she is not aware of any complaints or violations issued against the Museum, to date.

Your Committee notes the Museum operates on a leased portion of a parcel owned by Alexander and Baldwin, and the 30-year lease expires on March 31, 2047.

Your Committee also notes the applicant's Conditional Permit is set to expire in 2024. The applicant requested an extension to January 30, 2029, as approved by the Maui Planning Commission in 2019, subject to several conditions the applicant has agreed to.

Your Committee agreed to extend the Conditional Permit to March 31, 2047, to correspond with the lease termination date. Your Committee was advised that, because this application is not a Council-initiated proposal, the Council is able to extend the Conditional Permit beyond the

**COUNCIL OF THE COUNTY OF MAUI**  
**PLANNING AND SUSTAINABLE LAND**  
**USE COMMITTEE**

Page 3

**Committee**  
**Report No. \_\_\_\_\_**

timeframe recommended by the Planning Commission with a simple majority vote.

Your Committee expressed concern about further extending a Conditional Permit that has been in existence since 1989, given the temporary nature and intention of Conditional Permits. However, your Committee determined the expanded use and time extension would be of benefit to the community by helping to preserve Maui's history, including structures dating back to the 1900s.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Paltin, Vice-Chair King, and members Johnson, Lee, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye." Committee members Kama and Molina were excused.

Your Committee is in receipt of a revised proposed bill, entitled "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," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's revisions and nonsubstantive revisions.

Your Planning and Sustainable Land Use Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2021), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND AMENDED BY ORDINANCE NOS. 2360

COUNCIL OF THE COUNTY OF MAUI  
**PLANNING AND SUSTAINABLE LAND  
USE COMMITTEE**

Page 4

**Committee  
Report No. \_\_\_\_\_**

(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 PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 21-123 be FILED.

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



---

TAMARA PALTIN, Chair

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:

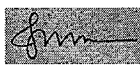
1. Full compliance with all applicable governmental requirements is required.
2. The Conditional Permit is valid until March 31, 2047, except an extension of the permit beyond the expiration date may be granted in accordance with Section 19.40.090, Maui County Code.
3. The Conditional Permit is nontransferable 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:

 2021.09.03  
12:56:47  
-10'00'

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  $149^{\circ} 25' 30''$  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.  $239^{\circ} 25' 30''$  432.69 feet along remainder of said Lot 2-C-4-C-1-E;
2.  $329^{\circ} 25' 30''$  419.75 feet along same;
3.  $58^{\circ} 32' 30''$  303.54 feet along the Northerly side of Hansen Road;
4.  $148^{\circ} 32' 30''$  8.00 feet along same;
5.  $58^{\circ} 32' 30''$  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  $90^{\circ} 53''$ , the chord azimuth and distance being:  
 $103^{\circ} 59' 00''$  71.25 feet;
7.  $149^{\circ} 25' 30''$  367.64 feet along the Easterly side of Puunene Avenue to the **POINT OF BEGINNING** and containing an area of 4.166 Acres.

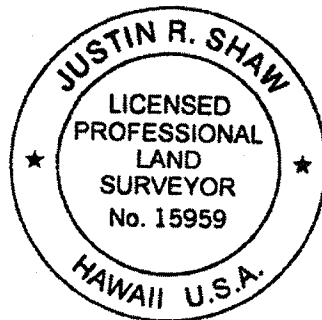


SUBJECT, HOWEVER TO:


- 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\jshaw\Box\Justin Shaw\Projects\200401 MUSEUM LEASE\DWG\MAP LEASE BDRY.dwg

PUUNENE AVENUE

90.00'

To Kihei

To Kohala

149° 25' 30" — 367.64'

"LUKE"  
3,822.65' S.  
13,663.04' E.

Ex. Easement S-1A

Ex. Easement IR-1

239° 25' 30" — 432.69'

Ex. Easement S-3

2-C-4-C-1-E

TRUE NORTH  
SCALE: 1"=100'

**LEASE AREA**  
4.166 Acres  
TMK(2)3-8-006-004 (Portion)

103° 59'  
71.25'  
R=50.00'

148° 32' 30"  
8.00'

58° 32' 30"  
78.30'

58° 32' 30" — 303.54'

**HANSEN ROAD**

To Paia

40.00'

**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  
**PUUNENE, WAILUKU, MAUI, HAWAII**

0' 100' 200'



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

8/20/2020

DATE

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

JOB NUMBER:200401 PLOT DATE: 8/19/20

EXHIBIT "B"

8.5" x 11"