

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS COMMITTEE

November 5, 2004

Committee
Report No.

04-194

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

Chair and Members:

Your Government Relations Committee, having met on October 11, 2004, makes reference to County Communication No. 04-219, from the Mayor, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT UKUMEHAME, LAHAINA, MAUI, HAWAII".

The purpose of the proposed resolution is to approve the acquisition of 100 acres of land located at Ukumehame, Lahaina, Maui, Hawaii, identified for real property tax purposes as TMK: (2) 4-8-002:009, 028, 048, 049, 057, 058, 059, 067, 068, 069, and 070.

Your Committee notes that the proposed use of the property is for the first phase of the planned "Pali to Puamana Parkway", and for the creation of a new right-of-way to allow realignment and redevelopment of Honoapiilani Highway as a four-lane highway.

By correspondence dated September 9, 2004, the Chair of your Committee requested that the Mayor provide a map and description of the proposed parkway, a map and description of the new right-of-way that will allow for the realignment and redevelopment of Honoapiilani Highway, the anticipated costs to the County to develop the subject parcel, and other funding sources, a description of efforts to locate development partners, an appraisal of the 84.3 acres of the total 100-acre property, and copies of the preliminary title report dated February 4, 2003.

By correspondence dated September 27, 2004, Ron Sturtz, President of Maui Tomorrow, expressed support for the acquisition of the property.

By correspondence dated September 27, 2004, the Planning Director responded to your Committee's September 9, 2004 request to the Mayor by providing the following:

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1. Map of the proposed "Pali to Puamana Parkway";
2. Map of the proposed Ukumehame Subdivision;
3. Preliminary title report;
4. Revised proposed resolution attaching an executed copy of Exhibit "A", the purchase and sale agreement and joint escrow instructions; and
5. Burial Treatment Plan for the Archaeological Inventory Survey and Subsurface Testing.

By correspondence dated October 5, 2004, the Planning Director transmitted a document dated September 22, 2004, entitled "DRAFT Pali to Puamana Parkway Master Plan" and other supplemental information.

At its meeting, your Committee met with the Planning Director, the Deputy Planning Director, a Planner from the Department of Planning, the Director of Parks and Recreation, the Director of Public Works and Environmental Management, the Corporation Counsel, and a Deputy Corporation Counsel.

Your Committee received public testimony from 11 people in support of the acquisition. Four of these people expressed concern regarding the proximity of the Ukumehame Firing Range to some of the proposed residential lots with regard to safety, noise and dust. One of the testifiers also submitted his testimony in writing.

The Planning Director provided an overview of the proposed acquisition as well as a map of the Ukumehame Subdivision. He noted that the property consists of 12 parcels, which may be subdivided into a total of 96 parcels under the Agricultural zoning law. The alignment of the proposed highway would first have to be determined. A study by R.M. Towill Corporation has been initiated in order to determine the proposed highway alignment. This study will include an analysis of erosion problems, the tsunami inundation area, and topography concerns. The Planning Director further indicated that the proposed alignment of the highway has been recommended mauka of the Tsunami zone, allowing for open space between the highway and the ocean.

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The Planning Director provided copies of a confidential appraisal report. There were no requests to review the appraisal report or to convene an executive meeting.

Your Committee discussed the testifiers' concerns regarding the proximity of the firing range to the proposed residential subdivision. The Planning Director noted that in conjunction with the application for the subdivision, the property owners are preparing an environmental assessment (EA). The application will also be subject to the Special Management Area (SMA) process. The EA will address whether any mitigation is necessary to lessen the safety, noise and dust impacts. The three lots adjacent to the firing range are each approximately 10 acres in size, which should allow for a 1,000-foot buffer zone between the lots and the firing range. Shooting is conducted from west to east, and is not in the direction of the proposed residential lots.

Your Committee discussed the acceptance of the property in an "as is" condition. The Corporation Counsel stated that the property would be acquired through a quitclaim deed where the sellers' interests would be transferred to the County. The County has acknowledged a cloud on the title of a portion of the property that is being donated to the County consisting of approximately 15.6 acres. It is reputed that the remaining property has clear title.

The Corporation Counsel noted that the lack of clear title does not prevent the County from acquiring the property. He commented that when the County designs the highway, title issues will need to be resolved through eminent domain or quiet title proceedings.

Your Committee briefly discussed park fees in lieu of land, and the location of access roadways.

Your Committee discussed the deadlines for acquisition. The Department of the Corporation Counsel stated that the strict deadlines for the completion of the acquisition were negotiated at length with the seller.

Your Committee notes that the purchase agreement has been reviewed by numerous departments to allow them to comment or raise concerns.

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Your Committee discussed the inspection of the property conducted by the Department of Public Works and Environmental Management. The Director of Public Works and Environmental Management stated that his Department's physical inspection of the property did not reveal anything that is not expected on former sugar cane land. Your Committee requested that the Department of Public Works and Environmental Management provide written findings resulting from their inspection of the property.

The Corporation Counsel noted that before the County can purchase the 100-acre property, it must be subdivided from the larger tract of land.

Your Committee discussed the master plan for the area, including the treatment of possible burials. Your Committee asked that the Planning Director inform your Committee of any substantive changes made to the draft master plan.

The Director of Parks and Recreation said that irrigation from the former Pioneer Mill is used to irrigate the Ukumehame Park. In exchange, the County maintains the pipeline. The Director of Parks and Recreation indicated that runoff in the area comes from a nearby stream.

The Director of Parks and Recreation indicated that park plans in the area for the next five years include the creation of some unlighted ball fields, and large passive areas that can be used for active recreation in retention basin areas. Restrooms and picnic tables are anticipated. Your Committee requested that the Department of Parks and Recreation also provide written findings of their inspection of the property.

Your Committee briefly discussed the financial aspects of the acquisition, noting the desire to see the administration examine all possible financing options.

Your Committee voted to adopt the revised proposed resolution and file the communication.

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Your Government Relations Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT UKUMEHAME, LAHAINA, MAUI, HAWAII", be ADOPTED; and
2. That the County Communication No. 04-219 be FILED.

Adoption of this report is respectfully requested.

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DAIN P. KANE **Chair**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Vice-Chair**

CHARMAINE TAVARES **Member**

DANNY A. MATEO **Member**