

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

July 6, 2007

**Committee**  
**Report No.**

07-62

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

Chair and Members:

Your Land Use Committee, having met on June 13, 2007, makes reference to County Communication No. 07-165, from the Planning Director, transmitting the following:

1. 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 KAUNAKAKAI, MOLOKAI, HAWAII" (the District Boundary Amendment bill).

The purpose of the proposed bill is to amend the State Land Use District classification from Agricultural to Urban for approximately 5.379 acres located at Kaunakakai, Molokai (TMK: (2) 5-3-03:015 (portion)) (the subject property) to facilitate the development of a proposed fire station, which is intended to replace the existing Kaunakakai Fire Station.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM OPEN SPACE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII" (the Community Plan Amendment bill).

The purpose of the proposed bill is to amend the Community Plan and Land Use Map from Open Space to Public/Quasi-Public for that portion of the subject property that is not already designated Public/Quasi-Public (approximately 3.574 acres) to facilitate the development of the proposed fire station.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING

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(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT  
KAUNAKAKAI, MOLOKAI, HAWAII” (the Change in Zoning bill).

The purpose of the proposed bill is to establish P-1 Public/Quasi-Public District Zoning for the subject property to facilitate the development of the proposed fire station.

Your Committee notes that the Molokai Planning Commission held a public hearing on the applications for the proposed District Boundary Amendment, Community Plan Amendment, and Change in Zoning on February 28, 2007. Your Committee also notes that the applications were initiated by the Planning Director.

Your Committee further notes that the Molokai Planning Commission, after reviewing the findings presented in the document entitled “MAUI PLANNING DEPARTMENT’S REPORT TO THE MOLOKAI PLANNING COMMISSION February 28, 2007 MEETING” (Department’s Report), and the conclusions and recommendation presented in the document entitled “MAUI PLANNING DEPARTMENT’S RECOMMENDATION MEMO TO THE MOLOKAI PLANNING COMMISSION February 28, 2007 MEETING”, voted to recommend approval of the District Boundary Amendment, Community Plan Amendment, and Change in Zoning on February 28, 2007, subject to six Change in Zoning conditions. The conditions relate, by turn, to water conservation measures, energy conservation measures, best management practices, landscape planting, cessation of work should `iwi or native Hawaiian cultural or traditional deposits be encountered during ground disturbance, and noise.

Your Committee notes that, according to the Department’s Report, the existing fire station in Kaunakakai experiences flooding during periods of heavy rains and has an inadequate vehicle bay. Your Committee further notes that the proposed fire station will include an 18,779-square-foot main building, a 6-vehicle bay, parking areas, fuel tanks, a training tower, an emergency helipad, and two access driveways.

By correspondence dated May 25, 2007, the Planning Director transmitted a copy of the Final Environmental Assessment for the subject project prepared by Munekiyo & Hiraga, Inc., dated December 2006.

By correspondence dated May 30, 2007, the Chair of your Committee requested that the Planning Director (1) advise your Committee of the means by which conveyance of the subject property to the County following subdivision would be ensured, and

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whether a condition is recommended for this purpose; (2) indicate who would execute a unilateral agreement relating to the conditions of zoning, if the Change in Zoning were recommended for approval; and (3) advise whether follow-up has occurred on issues raised at the Molokai Planning Commission meeting relating to undergrounding of the electrical line in close proximity to the proposed emergency landing zone, and whether any Federal Aviation Administration requirements apply to the landing zone.

By correspondence dated June 7, 2007, the Planning Director transmitted a Purchase and Sale Agreement dated September 1, 2005 for the subject property, between Molokai Properties, Limited and the County of Maui. The Planning Director opined that the conveyance of the property following subdivision is ensured by this agreement, and that a condition of zoning is not advised for this purpose. The Planning Director responded that a unilateral agreement would be entered into by the Department of Fire and Public Safety and the County and signed by the Mayor. He also stated that the estimated cost to underground the electrical lines is upwards of \$60,000 and is not considered economically feasible at this time.

Your Committee notes that the Purchase and Sale Agreement provides for a purchase price of \$100,000, which shall increase by 8 percent if the sale does not close within 750 days of the date of the agreement, and thereafter, shall increase on a monthly basis by 0.66 percent. The agreement also gives the seller the right to cancel if subdivision approval is not obtained within the 750-day period.

At its meeting on Molokai, your Committee met with the Planning Program Administrator, Current Planning Division, Department of Planning; a Planner, Department of Planning; the Deputy Fire Chief; a Fire Fighter, Special Operations Division, Department of Fire and Public Safety; the Development Services Administrator, Department of Public Works and Environmental Management; an Assistant Chief, Department of Police; a Captain, Department of Police; a Deputy Corporation Counsel; and Michael Munekiyo, Munekiyo & Hiraga, Inc., the Planning Director's consultant. Your Committee also notes the presence of approximately seven other personnel from the Department of Fire and Public Safety and seven other personnel from the Department of Police in support of the application.

Your Committee received public testimony from four individuals in support of the project, noting public safety reasons for relocating the facility and how the new facility would provide a better and more effective work environment.

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Mr. Munekiyo presented background information on the project. He distributed a written project description and a set of exhibits, including a site location map, site plan, drawings of exterior elevations, and a colored rendering of the proposed facility. The site plan shows the main building with 40 parking stalls, a diesel pump station, a helipad for emergency use, apparatus bays for up to 6 emergency vehicles, office space, staff quarters, a kitchen/dining area, training areas, and a training tower nearly 44 feet in height. Mr. Munekiyo described the site, the need for the project, and the project components, and outlined the regulatory review process.

The Planner outlined the history of proceedings on the application. She also described community support and need for the project.

Your Committee discussed the training opportunities that would be available through the training tower, and the input sought and received from firefighters on the design of the facility. Your Committee also discussed the integration of water and energy conservation components, landscaping, and other requirements that had been proposed as conditions of zoning.

The Fire Fighter addressed questions relating to potential sources of contamination, washing and servicing of equipment, the appropriate handling of certain such functions at an off-site public works baseyard, the decontamination area incorporated into the subject site, and the types of products and activities that would be handled there. He noted that the project would adhere to strict requirements governing fuel tanks, and further, that it would accommodate Departmental needs for the foreseeable future.

The Fire Fighter commented on the issue of undergrounding power lines that had been raised at the Molokai Planning Commission meeting, stating that the helipad would be slightly elevated and could safely accommodate any emergency landing that might be needed. He outlined the costs that would be involved to move utility poles, and trench and encapsulate the electrical conduit. He noted that such action would be premature because there are no sidewalks in the area, but that if undergrounding is required, the Department would like to participate as a partner in such plans and treat the work as a separate capital improvement project. The Planner advised that the Department of Fire and Public Safety's comments are acceptable to the Department of Planning.

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With respect to proposed Condition No. 6, relating to obtaining a noise permit prior to construction, as applicable, Mr. Munekiyo advised that the contractor would bear the burden of ensuring accountability based on the construction method used.

Your Committee discussed the fact that the parcel has not yet been subdivided, and therefore, the 5.379-acre portion has not been conveyed to the County. Your Committee noted that, in order for the parcel to be subdivided, the environmental assessment needed to first be completed and the appropriate land use approvals granted.

Your Committee discussed the contingency in the Purchase and Sale Agreement relating to the timeframe for subdivision approval. The Fire Fighter advised your Committee that the purchase price would increase following the 750-day period provided in the agreement. Your Committee questioned whether it could recommend zoning for a portion of a parcel, prior to the subdivision being completed. The Deputy Corporation Counsel advised that the request could be granted for the property prior to subdivision, based on the metes and bounds description provided.

The Development Services Administrator informed your Committee that a subdivision application had not yet been submitted for the project. He also described the process involved once a subdivision application is submitted, and noted that timelines are impacted by the time it takes for reviewing agencies to submit comments.

Your Committee noted that the Purchase and Sale Agreement provides that after completion of a community-based master plan, it would be decided whether the community land trust or the seller would receive the monies paid into escrow. Your Committee requested that the Department of the Corporation Counsel determine whether escrow is considered a final sale of the property.

Your Committee voted to recommend passage of the proposed District Boundary Amendment and Community Plan Amendment bills. Your Committee also voted to recommend passage of a revised proposed Change in Zoning bill that incorporates a unilateral agreement reflecting the applicable zoning conditions, recordation of the unilateral agreement, and filing of the communication. Your Committee also urged that the submittal and processing of the subdivision application be expedited.

Your Committee is in receipt of an agreement entitled "Unilateral Agreement and Declaration for Conditional Zoning" executed by the Mayor on behalf of the County. Your Committee is also in receipt of a revised proposed bill entitled "A BILL FOR AN

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ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII”, incorporating the unilateral agreement.

Your Land Use Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2007), attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. \_\_\_\_\_ (2007), attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM OPEN SPACE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill No. \_\_\_\_\_ (2007), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the “Unilateral Agreement and Declaration for Conditional Zoning”; and
5. That County Communication No. 07-165 be FILED.

Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Chair**

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**JO ANNE JOHNSON** **Member**

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**JOSEPH PONTANILLA** **Vice-Chair**

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**DANNY A. MATEO** **Member**

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**MICHELLE ANDERSON** **Member**

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**BILL KAUAKEA MEDEIROS** **Member**

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**GLADYS C. BAISA** **Member**

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**MICHAEL P. VICTORINO** **Member**

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**G. RIKI HOKAMA** **Member**