

COUNCIL OF THE COUNTY OF MAUI  
**PARKS AND ECONOMIC  
DEVELOPMENT COMMITTEE**

June 3, 2005

**Committee  
Report No.**

\_\_\_\_\_ 05-71

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

Chair and Members:

Your Parks and Economic Development Committee, having met on May 18, 2005, makes reference to County Communication No. 04-218, from the Mayor, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF REAL PROPERTY SITUATE AT PULEHUNUI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept 222.626 acres of State land for the purposes of a public and recreational site, pursuant to Executive Order No. 4024, executed by Governor Linda Lingle on December 4, 2003. The subject property is identified as TMK: (2) 3-8-008:portion 001, includes the area generally known as "Maui Raceway Park" or "Puunene Raceway Park", and is adjacent to the Hawaii Army National Guard Armory at 2701 Mokulele Highway in Puunene.

Your Committee notes that County Communication No. 04-218 was referred to the former Council's Government Relations Committee at the Council meeting of September 3, 2004.

By correspondence dated September 8, 2004, the Chair of the Government Relations Committee requested that the Mayor provide an outline of the public and recreational uses envisioned for development, anticipated costs to the County and other funding sources, a description of efforts to locate development partners, and a summary of any potential legal implications.

Your Committee notes that during the 2003-2005 Council term, the Government Relations Committee was responsible for considering all matters relating to land acquisition, except for developer dedications (Resolution No. 03-13). However, in the 2005-2007 Council term, the responsibility for considering land acquisition matters was not assigned to any one committee (Resolution No. 05-12). Therefore, consideration of this matter by the Parks and Economic Development Committee, which is responsible for matters relating to parks and recreation, is appropriate.

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At its meeting of January 21, 2005, the Council referred County Communication No. 04-218 to your Parks and Economic Development Committee (County Communication No. 05-13).

By correspondence dated February 10, 2005, the Chair of your Committee requested the Mayor's response to questions raised in correspondence dated September 8, 2004.

By correspondence dated February 18, 2005, Councilmember Kane, former Chair of the Government Relations Committee, transmitted a response from the Mayor dated December 7, 2004 and received on February 11, 2005.

By correspondence dated March 14, 2005, the Mayor transmitted a second copy of his response dated December 7, 2004.

At its meeting, your Committee met with the Director of Parks and Recreation, an Executive Assistant from the Office of the Mayor, and a Deputy Corporation Counsel.

Your Committee received oral and written testimony from attorney John Rapacz, expressing support for the proposed resolution on behalf of the Maui Motorsports Park Management Group (Management Group).

According to Mr. Rapacz, the Management Group is comprised of six organizations: Valley Isle Timing Association, Maui Go Karters' Association, Maui Motocross Association, Maui Radio-controlled Flyers Association, Maui Chapter of the Sports Car Club of America (SCCA), and the Maui Stock Car Association (MASCAR).

The Executive Assistant provided a brief overview of the subject property. He explained that accepting the land from the State would enable the County to enter into a long-term lease with the Management Group to use a portion of the property for motorsports activities. In turn, the Management Group would be able to obtain long-term financing to make needed improvements to the area, thereby relieving the County of future operational and maintenance costs.

The Executive Assistant provided your Committee with a copy of a 2002 Draft Master Plan of the subject area. According to the Draft Master Plan, the Executive Order encompasses land north of Mokulele Highway (excluding the Hawaii Army National Guard Armory), whose northernmost boundary includes the present sites for the Maui

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Motocross Association and Paradise Raceway. He added that current motorsports activities make up approximately 103 acres of the 222-acre site, and may possibly expand as other motorsports organizations express an interest in the area. He noted that the 2002 Draft Master Plan does not depict all proposed uses of the property.

Your Committee questioned whether motorsports activities in the area are in compliance with the current State and County Agricultural zoning of the property. The Executive Assistant stated that the County has allowed the Management Group use of the property, and that their use is “grandfathered” due to the length of time they have occupied the property for such activities. Your Committee stated that, ultimately, the current zoning will govern the actual use of the property, unless the property is rezoned for other purposes.

Your Committee questioned the definition of “public and recreational site” and expressed concern for other proposed uses of the property that are not for public and recreational purposes, such as a site for storing derelict vehicles.

The Deputy Corporation Counsel informed your Committee that the State has the power to cancel the Executive Order by legislative action even after the County gains possession of the land for public purposes.

Your Committee decided to recommend adoption of the proposed resolution, and deferred the matter as it relates to the long-term lease for the Management Group. Furthermore, your Committee decided that matters relating to all other uses of the property, not specific to the Maui Raceway Park, be referred to the Committee of the Whole for further discussion.

Your Committee voted to recommend adoption of the proposed resolution and referral of the matter relating to other uses of the subject property, not specific to the Maui Raceway Park, to the Committee of the Whole.

Your Parks and Economic Development Committee **RECOMMENDS** the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled “ACCEPTING DEDICATION OF REAL PROPERTY SITUATE AT PULEHUNUI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF HAWAII

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PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE”, be  
ADOPTED; and

2. That the matter relating to other land uses of the subject property, not specific to the Maui Raceway Park, be REFERRED to the Committee of the Whole.

Adoption of this report is respectfully requested.

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**ROBERT CARROLL** Member

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