

COUNCIL OF THE COUNTY OF MAUI

PARKS AND RECREATION COMMITTEE

December 17, 2001

Committee
Report No.

01-252

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

Chair and Members:

Your Parks and Recreation Committee, having met on October 3, 2001 and December 5, 2001, makes reference to County Communication No. 01-204, from the Mayor, transmitting the following:

1. A proposed resolution entitled "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the Wahikuli State Wayside Park; Launiupoko State Wayside Park; Papalaua State Wayside Park, a.k.a. Ukumehame Beach Park, Parts A and B; and Kihei Beach Reserve from the State of Hawaii (hereinafter referred to as "subject parks").

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO PARKS AND RECREATIONAL FACILITIES CUSTODIAL DEPOSITS AND CAMPING AREAS".

The purpose of the proposed bill is to permit camping at Papalaua Wayside Park, Honomanu Beach Park and Waihee Beach Park.

Your Committee notes that it previously reported on this matter through Committee Report No. 01-144. In that report, your Committee recommended that Resolution No. 01-134, entitled "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be adopted. At its meeting of August 21, 2001, the Council adopted Committee Report No. 01-144.

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By correspondence dated August 3, 2001, your Committee Chair requested the Department of the Corporation Counsel to provide a legal opinion regarding the acceptance of the subject parks from the State of Hawaii.

By correspondence dated August 7, 2001, your Committee Chair requested the Mayor to provide an overview of a meeting held on July 12, 2001, to discuss camping at Papalaua Wayside Park.

By correspondence dated August 9, 2001, your Committee Chair requested the Department of the Corporation Counsel to provide a legal opinion relating to the appropriate name and designation of Papalaua Wayside Park.

By correspondence dated August 14, 2001, the Mayor provided a summary reviewing the topics discussed at the July 12, 2001 camping meeting. The Mayor also provided a list of attendees and outlined the issues resolved at the meeting.

By correspondence dated August 15, 2001, the Department of the Corporation Counsel clarified the use of the name "Ukumehame Beach Park" by the State of Hawaii in the Land Patent 5-15, 785, while referencing properties commonly known as Papalaua Wayside Park. The Department of the Corporation Counsel stated that despite the State's reference to Ukumehame, the accepted beach park will be known as Papalaua Wayside Park. Furthermore, although Papalaua Wayside Park is identified as Ukumehame Beach Park in the above-referenced Land Patent, the areas are recognized, by the County, as separate beach parks. Therefore, the proposed bill will not permit camping at Ukumehame Beach Park.

By correspondence dated August 15, 2001, your Committee Chair transmitted a letter dated August 10, 2001, from Henry Lau offering recommendations for regulations at campsites and beach parks.

By correspondence dated August 20, 2001, the Department of the Corporation Counsel provided the following legal opinions:

1. The Council must act by resolution to accept gifts or donations or any interest in real property. This includes statutory dedications as

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provided by the State of Hawaii for the subject parks. Furthermore, operation and maintenance of the subject parks shall not constitute acceptance, on the part of the County.

2. The County, as occupier of the subject parks, would be liable for any breach that is determined is the proximate cause of any injuries suffered, regardless of ownership or management of the subject parks.

By correspondence dated September 27, 2001, your Committee Chair transmitted a list of tentative dates and locations for three informal community meetings. The purpose of the meetings is to discuss the proposed bill that would establish additional campsites in the County at Papalaua Wayside Park, Honomanu Beach Park and Waihee Beach Park.

At its meeting of October 3, 2001, your Committee met with the Planning Development Chief for the Department of Parks and Recreation and a Deputy Corporation Counsel.

Your Committee Chair provided an overview of the matter. She stated that three informal community meetings are tentatively scheduled for Keanae, Waihee, and Lahaina to discuss site-specific proposals for the campsites proposed at Papalaua Wayside Park, Honomanu Beach Park, and Waihee Beach Park. She further stated that the purpose of the meetings is to obtain insight from community members about the proposed campsites in their neighborhoods.

Your Committee noted that the item was placed on the agenda to authorize the Chair to conduct the meetings; to inform your Committee of the dates, times, and locations of the meetings; and to secure staff support for coordinating the meetings.

Your Committee voted to authorize the Chair to conduct the above-referenced informal community meetings to discuss site-specific proposals for the campsites as proposed by the Mayor. Your Committee deferred the matter pending further discussion.

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As a result of the informal community meetings, your Committee Chair, by correspondence dated November 16, 2001, requested that the Department of the Corporation Counsel revise the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO PARKS AND RECREATIONAL FACILITIES CUSTODIAL DEPOSITS AND CAMPING AREAS", to remove Honomanu Beach Park and Waihee Beach Park as potential campsites.

By correspondence dated November 19, 2001, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO PARKS AND RECREATIONAL FACILITIES CUSTODIAL DEPOSITS AND CAMPING AREAS". The purpose of the revised proposed bill is to establish Papalaua Wayside Park as a campsite. The Department of the Corporation Counsel further revised the proposed bill to change the effective date of the ordinance from "July 1, 2001" to "upon approval".

Your Committee is in receipt of a report, entitled "REPORT TO THE MAUI COUNTY COUNCIL'S PARKS AND RECREATION COMMITTEE", submitted by your Committee Chair. The purpose of the report is to provide a summary of findings and recommendations obtained from four informal community meetings held to discuss the proposed bill which would establish campsites at Papalaua Wayside Park, Honomanu Beach Park and Waihee Beach Park.

Your Committee is also in receipt of a proposed resolution, entitled "URGING THE MAYOR TO ESTABLISH STANDARDS OF OPERATION FOR CAMPING AT PAPALAUA WAYSIDE PARK AND REQUESTING ENHANCEMENTS TO CERTAIN COUNTY PARKS AND CAMPSITES", submitted by your Committee Chair. The purpose of the proposed resolution is to urge the Mayor and the Department of Parks and Recreation to implement standards of operation for the proposed campsite at Papalaua Wayside Park, to provide funding for certain County park enhancements, and to establish recommendations for existing and future County campsites.

At its meeting of December 5, 2001, your Committee met with the Director of Parks and Recreation, the District Land Agent for the State Department of Land and Natural Resources, and a Deputy Corporation Counsel.

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Your Committee received a PowerPoint presentation of the above-referenced Chair's report which includes findings and recommendations obtained during informal community meetings held in Paia, Keanae, Waihee, and Lahaina. The report summarizes testimony received by the public at each meeting and provides the following recommendations to your Committee:

1. Remove Honomanu Beach Park and Waihee Beach Park from the above referenced proposed bill. The recommendation is based on testimony received in opposition to the proposed campsites by the community members in attendance at the meetings.
2. Pass the revised proposed bill designating Papalaua Wayside Park as a campsite.
3. Adopt the aforementioned proposed resolution. The proposed resolution references Exhibit A, which outlines 11 recommendations for standards of operation of the proposed campsite at Papalaua Wayside Park. It was noted during the presentation that the recommended standards of operation are to be used as a guideline by the Administration while developing rules for implementing camping at the above-referenced proposed campsite. Furthermore, the proposed resolution sets forth recommendations for improvements to Honomanu Beach Park and Keanae Park as requested by the community during the informal meeting held in Keanae.

Your Committee received testimony from one individual that expressed support for designating Papalaua Wayside Park as a campsite and the hiring of park rangers. She stated that currently most of the individuals camping at Papalaua Wayside Park appear to be living at the park. She further spoke in opposition to the creation of fees, permits, and the closure of the campsite for cleaning.

The Director of Parks and Recreation agreed with the Chair's report, findings, and recommendations. He indicated that self-controls for regulating camping at Papalaua Wayside Park have not been effective. He further stated

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that standards of operation must be established to help address the homeless problem and gain control at the campsite. He stated that the Department and Administration should conduct further review of the draft resolution before offering a recommendation to your Committee.

In response to an inquiry by your Committee, the Director of Parks and Recreation stated that it is necessary to close the campsite one or two days a week to provide the land an opportunity to rest and cleanse itself naturally. He further stated that by closing the camping area, it gives nature a chance to heal itself, which cannot be done if camping is permitted every day of the year.

Your Committee indicated that the issues raised by the community for eliminating Honomanu Beach Park and Waihee Beach Park as potential campsites could be mitigated. Your Committee felt that all users, including campers, surfers, fisherman and day park-users, should be able to co-exist. Furthermore, factors such as limited park size and carrying capacity can be addressed by limiting the number of camping permits issued at a particular site.

In response to a concern raised by your Committee, the Director stated that certain issues may be difficult to mitigate, particularly issues relating to areas that may be considered sacred and culturally significant by the community, such as Honomanu Beach Park.

Your Committee noted the need to establish more campsites throughout the County. It was further noted that camping is very much a way of life for families and residents. Therefore, your Committee felt it was necessary to pursue establishing more campsites in the County. Furthermore, your Committee requested that the Department of Parks and Recreation provide a list of recommended County parks that could be considered as potential campsites.

Your Committee noted the need to designate Papalaua Wayside Park as a campsite. Your Committee noted concerns of homeless individuals living at the park, and cited the need to pass the revised proposed bill to gain control over the situation at Papalaua Wayside Park. Your Committee further noted that by passing the revised proposed bill, the Department of Parks and Recreation could establish administrative rules for operating the proposed campsite, which would help to address the concerns relating to homeless individuals living at the park.

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Your Committee voted to recommend passage of the revised proposed bill and adoption of the proposed resolution. Your Committee also voted to defer the item to pursue establishing more campsites in the County.

Your Parks and Recreation Committee RECOMMENDS the following:

1. That Bill No. _____ (2001), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO PARKS AND RECREATIONAL FACILITIES CUSTODIAL DEPOSITS AND CAMPING AREAS" PASS FIRST READING and BE ORDERED TO PRINT; and
2. That Resolution No. _____, attached hereto, entitled "URGING THE MAYOR TO ESTABLISH STANDARDS OF OPERATION FOR CAMPING AT PAPALAUA WAYSIDE PARK AND REQUESTING ENHANCEMENTS TO CERTAIN COUNTY PARKS AND CAMPSITES", be ADOPTED.

Adoption of this report is respectfully requested.

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JO ANNE JOHNSON Chair

MICHAEL J. MOLINA Member

ROBERT CARROLL Vice-Chair

CHARMAINE TAVARES Member

PATRICK S. KAWANO Member