

PARKS AND AGRICULTURE COMMITTEE
Council of the County of Maui

MINUTES

December 2, 2004

Council Chamber

CONVENE: 10:06 a.m.

PRESENT: Councilmember Jo Anne Johnson, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Michael J. Molina, Member
Councilmember Joseph Pontanilla, Member
Councilmember Charmaine Tavares, Member

STAFF: Shelly K. Espeleta, Legislative Analyst
David M. Raatz, Legislative Attorney
Clarita L. Balala, Committee Secretary

ADMIN.: John Buck, Deputy Director, Department of Parks and Recreation
Patrick Matsui, Planning and Development Division Chief, Department of
Parks and Recreation
John D. Kim, Deputy Corporation Counsel, Department of the
Corporation Counsel

CHAIR JOHNSON: . . .(*gavel*). . . The Parks and Agriculture Committee meeting of December 2nd, 2004 will come to order. We have with us this morning Vice-Chair of the Committee, Councilmember Robert Carroll, Member Michael J. Molina, Member Joseph Pontanilla, and Member Charmaine Tavares. From Administration we have with us Deputy Parks Director, Mr. John Buck; from Parks Planning we have Mr. Patrick Matsui; Mr. Kim from Corporation Counsel. Clarita Balala and staff, Shelly Espeleta and David Raatz. Thank you, Members.

This morning we have basically two areas that we're going to be dealing with. Parks and Agriculture 12, which is the semi-annual report regarding park dedications and then the subject matter which deals with the recommendation of the items that are going to be referred to the Council Chair for the term beginning January 2nd, 2005.

Are there any testifiers signed up, Clarita?

MS. BALALA: No.

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CHAIR JOHNSON: Okay. We have no testifiers. And this just as a separate note, this will be our final Committee meeting of this year and I just want to thank all the Members for being here.

With that we have our first item on the agenda, which is Parks and Agriculture 12, which is the Semi-Annual Report Regarding Park Dedications.

ITEM NO. 12: SEMI-ANNUAL REPORT REGARDING PARK DEDICATIONS

CHAIR JOHNSON: So, Mr. Buck, would you like to go over the report and then just differentiate between if this is the corrected reported or if it's the first one that was submitted.

MR. BUCK: This is the previous one?

MR. MATSUI: Yeah.

MR. BUCK: Yeah, this is the corrected report and also if you'll take a look, it will have a notation of under ordinance used for the calculations number one, two, three, and four. The second page, lower left-hand, will tell you what ordinance falls under the different ordinances or the subdivisions that we collected the land or the cash for. If you have any questions, I'll refer all the questions to Mr. Matsui who prepared the report.

CHAIR JOHNSON: Thank you very much, Mr. Buck. Members, would you like Mr. Buck or Mr. Matsui to just go through the listing so that we . . . is there any, are there any questions specifically? Ms. Tavares.

COUNCILMEMBER TAVARES: Could you explain what the easement part is?

MR. MATSUI: Easement.

COUNCILMEMBER TAVARES: Where it says cash and then underneath it says easement. So is that actually a park land dedication?

MR. MATSUI: Yes, it is. If you're familiar with Maui Lani--

COUNCILMEMBER TAVARES: Uh-huh.

MR. MATSUI: --Project District, originally it had earmarked 19 acres for public park. Now it's been increased. It's a bigger amount, but as the subdivision, as Maui Lani was being incrementally improved, instead of subdividing out that parcel to fit,--

COUNCILMEMBER TAVARES: Oh, okay.

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MR. MATSUI: --okay, we just worked on getting easements of portions of it to move it along. The cash contribution is the estimated cost for infrastructure bringing it to the site and also improving the site itself, the pro-rated share of that site. So that allowed Maui Lani to continue going up along in their subdivisions, but you know, it's gotta be updated. You know, they're coming in for Community Plan Amendment, Ag to Urban Zoning,--

COUNCILMEMBER TAVARES: Okay.

MR. MATSUI: --and they've changed some of the things. So that's going to be changed . . . amended pretty soon. And then we're also approaching the . . . the agreement was at the 50 percent mark, they would actually, you know, the money that they're putting . . . setting aside, they'll take that to develop the park and the infrastructure. And so they're getting pretty close to that point. I think the road is almost all the way up to the park parcel. They have plans for the school which abuts the park parcel and I understand that's going to be under construction pretty soon. So we're going to be coming in with more updated plans on that and that seems to be pretty eminent right now.

COUNCILMEMBER TAVARES: Oh, okay, great. Thank you and I really appreciate this report in the format. It's easy to read and with the legend down there, you don't have to spend hours explaining to us which ordinance it fell under. I hope this wasn't a difficult format to set up for your Department or your Division. Thank you, Mr. Matsui.

CHAIR JOHNSON: I appreciate that. Members, are there any other questions? The Chair has just one question and that would be on the West Maui Subdivision, Mahanalua Nui Subdivision, Phase I, and that's two lots. Do you know is that part of the old agriculture . . . was that covered under the old ag subdivision or is this two of the large lots that were created under the new sliding scale? Would you know, Mr. Matsui?

MR. MATSUI: Yeah, I think . . . I believe it's the large lot subdivision.

CHAIR JOHNSON: Okay. My next question would then be that because what's happening is the filing of CPR's on these large lots is resulting in several dwellings being built because they're not subdividing, they're just going through the CPR process so there would be no subdivision created, which would trigger an additional payment. How are you treating those? Are you just, you know, saying well there's no more additional lots created and therefore, there's no trigger?

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MR. MATSUI: No. There is a trigger because it's based on either lots or dwelling units. So even if you don't subdivide, there's a trigger for that, multiple dwellings on a single lot.

CHAIR JOHNSON: Okay. Now in the subdivision that . . . and I'm not sure, I think this is the lower part of the Launiupoko area, if I'm not mistaken. Because they've been creating many, many homes in that area, I believe the smallest lot they can have is two acres because it was under the old ag bill formula. How is that being treated then with regard to I guess the calculation? Are you going back and is someone monitoring when they build those additional dwellings? Are you monitoring the trigger?

MR. MATSUI: Public Works notifies us, you know, whenever there's, you know, multiple dwellings. We also keep track of the three-lot exemption. So, you know, if you have a subdivision, initially let's say you go ten-lot subdivision, you know, large lots, say ten-acre lots, and they have that three-lot subdivision. Then if you take one of those lots and they want to subdivide or build multiple dwellings on it, they don't get that three-lot exemption. So, you know, whatever number of units they start constructing over and above the original, the first unit, you know, we charge them for the park assessment. The part about that is because it's not subdivided, the trigger is your building permit. And so the building permit . . . most of them would fall under the current ordinance, which is, you know, the higher amount right now.

CHAIR JOHNSON: Okay. Thank you very much. Are there any other questions on the part of any Members? No, seeing none. I would like Shelly Espeleta to just explain why we have two different reports here.

MS. ESPELETA: Madam Chair, a request was made to the Department of Parks and Recreation to revise the report to reflect the correct semi-annual reporting period of April 1st through September 30th, 2004, as stated in Ordinance 35 . . . 3158.

CHAIR JOHNSON: Okay. And so that's why, Members, you will see on one of our . . . have to look at the agenda item. Anyway, there's . . . we're going to be filing . . . is it true that we're going to be filing this item when it comes to the full Council? Okay, if there are no more questions, what we would be doing at this point is just accepting the report and then the Chair would just accept a recommendation to file or motion to file.

COUNCILMEMBER MOLINA: So moved.

COUNCILMEMBER TAVARES: Second.

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**ITEM NO. 10 PENALTIES IN CHAPTER 13.04, MAUI COUNTY CODE,
PERTAINING TO RECREATIONAL AREA REGULATIONS**

**ITEM NO. 13 BEACH PARKS WHERE OCEAN RECREATIONAL ACTIVITIES
ARE PROHIBITED IN SECTION 5.24.040, MAUI COUNTY CODE**

**ITEM NO. 14 TRANSITION TO NEW OCEAN RECREATIONAL ACTIVITY
BUSINESS PERMITS ORDINANCE**

COUNCILMEMBER TAVARES: I'm sorry, Madam Chair, these are items that you're filing?

CHAIR JOHNSON: These are items that I will be referring to the Council Chair for the term beginning January 2nd, 2005. So I'm going to be referring these items.

COUNCILMEMBER TAVARES: Madam Chair, I would want to recommend that you not refer the GMO item and just file it.

CHAIR JOHNSON: And the reason being?

COUNCILMEMBER TAVARES: The reason being that we don't have any jurisdiction in this area and it keeps . . . it's such a volatile, not a volatile, but we're going to get both sides of pro/con GMO and we're in no position to make those kinds of decisions. It's a Department of Health matter and that this item should, you know, given all of the things we're going to be dealing with in the Council term next year, we need to focus on those issues for which we have jurisdiction. That's only just my recommendation.

CHAIR JOHNSON: Right, right. And, and the only reason that I kept this alive is because there is an ongoing coexistence meeting that we've been having regularly, myself, as well as the pro and anti-GMO people to come forward with a recommendation to form a local oversight committee. It would be within the County's jurisdiction to do that as long as it's not an enforcement body. So we have been meeting regularly on that and that's why I kept this item alive. Because that would be the only recommendation that would be coming back to this body out of that coexistence group.

COUNCILMEMBER TAVARES: So that group would be formulated under what authority?

CHAIR JOHNSON: It would be formulated underneath the State regulations whereby they would allow the formation of local groups. I can't cite the particular--

COUNCILMEMBER TAVARES: Oh, okay.

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ACTION: Recommending REFERRAL of the following communications to the Council Chair for the term beginning January 2, 2005:

PA-2 TREE PRESERVATION

PA-3 GENETICALLY MODIFIED ORGANISMS (GMO)

PA-4 TRANSFER OF DEVELOPMENT RIGHTS

PA-7 PROTECTING AGRICULTURE INDUSTRY FROM INVASIVE SPECIES

PA-10 PENALTIES IN CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS

PA-13 BEACH PARKS WHERE OCEAN RECREATIONAL ACTIVITIES ARE PROHIBITED IN SECTION 5.24.040, MAUI COUNTY CODE

PA-14 TRANSITION TO NEW OCEAN RECREATIONAL ACTIVITY BUSINESS PERMITS ORDINANCE

CHAIR JOHNSON: So, Members, seeing no further business, I want to take this time to thank each one of you for your participation in all of the many meetings that we've had, some of them long, some of them short. But I want to thank everyone of you for your dedication and for moving many of these things forward. I'm pleased to say that we're one of the Committees that really worked on almost every single item on our agenda, I think with maybe the exception of one or two. So we really did get a great deal accomplished and I'm very proud of the work of our Committee.

I'd also like to thank the Administration and their participation. And Mr. Kim even though you haven't been with us from the beginning, I also want to thank you for your participation as well.

The Staff, I really cannot say enough because they have really kept this Committee on point and working I think very efficiently they've been the backbone of all of the work that we've been able to accomplish. And I thank them and I wish them wonderful holiday. And I look forward to whatever committees are formed in this coming year. I look forward to participating whether it is with you as staff members or with other members. I just want to

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thank you personally for all your dedication. And to you Clarita, for taking flawless notes.

So are there any other comments on the part of the Members? Seeing none. I just hope that everyone has a very safe and happy holiday. And with that this final meeting of our 2004 Parks and Agriculture Committee is hereby recessed . . . (gavel). . . oh, not recessed, excuse me. Didn't mean recess . . . adjourned. Thank you very much. Aloha.

ADJOURN: 10:22 a.m.

APPROVED:



JO ANNE JOHNSON, Chair
Parks and Agriculture Committee
pa:min:041202

Transcribed by: Clarita L. Balala