

**ECONOMIC DEVELOPMENT, AGRICULTURE,
AND RECREATION COMMITTEE**

Council of the County of Maui

MINUTES

November 5, 2009

Site Inspection

CONVENE: 1:33 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Jo Anne Johnson, Chair
Councilmember Sol P. Kaho`ohalahala, Vice-Chair (Arrive 2:30 p.m.)
Councilmember Gladys C. Baisa
Councilmember Michael J. Molina (Arrive 1:35 p.m.; Depart 2:40 p.m.)
Councilmember Joseph Pontanilla

NON-VOTING MEMBERS:

Councilmember Danny A. Mateo

STAFF: Scott Kaneshina, Legislative Analyst
Carla Nakata, Legislative Attorney

Sarah Dyal Freistat, Executive Assistant, Councilmember Wayne K. Nishiki

ADMIN.: Tamara Horcajo, Director, Department of Parks and Recreation (Item Nos. 19 and 21)
Patrick T. Matsui, Planning and Development Chief, Department of Parks and
Recreation (Item Nos. 19 and 21)
Kaeo Ahsau, District Supervisor-South Maui District, Department of Parks and
Recreation (Item Nos. 19 and 21)
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation
Counsel (Item Nos. 19 and 21)

OTHERS: **Item 19:** Darryl Banks, Vice President of Construction, Betsill Brothers
Construction, Inc.

Item 21: Karlynn K. Fukuda, Executive Vice President and Chief Operating
Officer, Munekiyo and Hiraga, Inc.
Takeshi Matsukata, Vice President, Towne Development of
Hawaii, Inc.
Darren T. Unemori, Vice President, Warren S. Unemori
Engineering, Inc.
Nancy Dennison, Moana Estates homeowner, lot #59

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George Jansen, Moana Estates homeowner

**EAR-19 WAIVING CERTAIN PARK DEDICATION REQUIREMENTS
FOR THE KAMALI ALAYNA SUBDIVISION (KIHEI)
(C.C. No. 09-215)**

The Committee assembled at the grassy area south of the park's parking lot, located directly across from 87 Oluea Street within the Kamali`i Alayna Subdivision, Kihei, Maui.

Chair Johnson convened the site inspection at 1:33 p.m. and explained that the purpose of the inspection is to allow the Committee members an opportunity to view the park and to raise any questions that they may have.

Mr. Banks thanked everyone for their attendance and stated that he did not have any testimony to give, but would answer any questions the Committee may have.

There was no public testimony.

The Director of Parks and Recreation thanked everyone for attending. She noted that the developer (Waipuilani Associates, LLC) is requesting a waiver of the restroom facility requirement, and that the park would remain privately owned and maintained.

The Planning and Development Chief stated that the park would satisfy the park requirements for 92 lots, three of which are exempt. He further stated that the park is approximately 36,000 square feet in size, and that the developer paid approximately \$260,000 in park assessment fees to make up for the shortfall of square footage required for a neighborhood of this size. He noted that the developer has grassed and irrigated the park and provided trees. The Planning and Development Chief also stated that, in exchange for a restroom, the developer has built a playground (which is not required), as the residents of the neighborhood can use their own restrooms. He confirmed that the park is open to the public; however, because of its location, its primary use would be by residents of the subdivision. He did not anticipate too many people from outside the subdivision using the park.

Councilmember Baisa asked Mr. Banks to point out the park's boundaries.

Mr. Banks pointed out the boundaries, as well as a bike path that would tie in along the back of the retention basin.

The Planning and Development Chief added that there will be a roadway easement on the west side of the park.

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Chair Johnson asked about the cost of installing the playground equipment.

Mr. Banks did not have the exact details, but stated that the rubberized base alone was approximately \$50,000, and that the playground equipment was between \$20,000 and \$30,000.

Chair Johnson requested that Mr. Banks bring the cost information, which would be helpful to the members, to the next meeting on the matter. She pointed out dips and potholes located on the grassy area on the west side of the parking lot and questioned whether there were any concerns with kids playing ball in the park under those conditions.

Mr. Banks stated that once the grass "takes," soil will be added to smooth out the potholes.

Chair Johnson recessed the inspection at 1:45 p.m. to allow the Committee to proceed to the next site.

Chair Johnson reconvened the inspection at 2:30 p.m. on the paved area adjacent to the mauka side of the comfort station located on lot #93 (TMK No. (2) 3-9-60:093) of the Ke Ali'i Kai II Subdivision, to allow the Committee an opportunity to view the subject property, listen to a presentation by Karlynn Fukuda, and then hear public testimony.

Ms. Fukuda identified herself and referenced an illustration board that was being displayed by Mr. Unemori and Mr. Matsukata. She began by stating that the park is approximately 3.7 acres in size, and is intended to satisfy the park requirements for both the Ke Ali'i Kai II Subdivision, also known as Moana Estates, and the Ke Ali'i Ocean Villas. She stated that park improvements include 33 paved parking stalls, drainage improvements, a comfort station, and landscaping, at a cost of approximately \$1.02 million. She further stated that roughly 2.7 acres are considered viable park area, and the remainder is considered unusable (a berm area). She noted that the Special Management Area (SMA) Permit requires the homeowner's association to maintain the park for 10 years, at a cost of \$69,000 per year. After 10 years, the County will be responsible for maintenance and the homeowner's association will be responsible only for maintenance of the storm drains and berms that border the park. She noted that Mr. Unemori was available to answer any questions regarding drainage.

Chair Johnson opened public testimony.

Nancy Dennison identified herself as the owner of lot #59 of the subdivision. She urged the Committee to be cautious in its review because any requirements that the owners maintain the park for 10 years would create a huge financial burden. She wanted to make sure the park is up to County standards before being required to maintain it. She questioned how the developer

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came up with \$69,000 per year as the cost of maintenance. She also wanted to make sure that the irrigation system and well system are working.

George Jansen identified himself as a homeowner within the subdivision, but stated that he did not have any testimony to give, and was just there to listen.

Chair Johnson closed public testimony.

The Director pointed out that the park had been grassed, and that irrigation, parking, and a restroom had been incorporated. She stated that the developer is hoping to dedicate this park to the County and, as part of the original agreement with the Department, would turn maintenance over to the County 10 years after the dedication.

The Planning and Development Chief stated that perhaps Mr. Unemori could explain the drainage characteristics of the park.

Mr. Unemori pointed out that the park is designed to serve as the drainage retention for the subdivision. He explained the way in which the drainage system is intended to work. He stated that the southeast corner of the park was designed to act as a storm spillway in the event of a 50-year storm.

Chair Johnson clarified that, while the park was designed to satisfy the developer's park requirements for both the Ke Ali'i Kai II Subdivision and Ke Ali'i Villas, only the Ke Ali'i Kai II homeowner's association will be financially responsible for park maintenance.

Ms. Fukuda asked if there were any additional questions, and stated that the park will be open to the public if accepted by the County.

The Director stated that the park has been used to accommodate small tee ball teams and other sports.

Chair Johnson asked when the gate is closed and what the planned hours of operation are for the park.

Ms. Fukuda said that the hours would need to be worked out with the Department of Parks and Recreation, and that the gate would be opened and closed per the Department's requirements.

The Planning and Development Chief stated that the park could accommodate a tee ball field or soccer field gridlines within the flat area.

Chair Johnson noted the underlying drainage features.

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The Planning and Development Chief stated that the situation would not represent “double dipping”, and that the park was designed to accommodate a 50-year storm.

Councilmember Kaho`ohalahala noted that after 10 years, the homeowners are responsible for the berm and drainage. He asked who had liability and what the maintenance requirements would be.

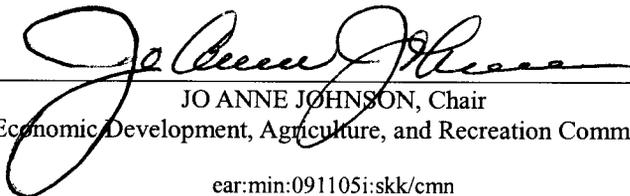
Mr. Matsukata stated that the developer hires a landscaper and maintains the well system. Once the restroom is operational and open, the developer needs to have it cleaned. He noted that the restroom is not open right now. With respect to drainage, the developer would need to monitor the dry sump area.

Mr. Unemori stated that, depending on the amount of rain, there may be an impact to manholes. Because they accommodate trash and sediment, the developer would need to have someone clean them out.

Mr. Matsukata stated that, upon the dedication of the park, the developer would turn over maintenance obligations to the homeowner’s association.

There being no further questions or discussion, Chair Johnson adjourned the inspection at 2:50 p.m.

APPROVED:



JO ANNE JOHNSON, Chair
Economic Development, Agriculture, and Recreation Committee

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