

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
OVERSIGHT COMMITTEE MEETING

Taken at the David K. Trask, Jr., Building, 2145 Kaohu Street, Room 205, Wailuku, Maui, Hawaii, commencing at 2:00 p.m. on May 16, 2001.

Reported By: Rachelle Primeaux, CSR #370

ATTENDANCE:

Members Present:

Mike Nobriga, Chair
Orlando Tagorda

Staff Present:

Fran Nago, Secretary
Howard Fukushima, Corporation Counsel
George Tengan, Engineering
Herb Kogasaka, Engineering
Herb Chang, Engineering

IWADO COURT REPORTERS, INC.

CHAIR NOBRIGA: Call the Oversight Committee meeting to order. The agenda has been circulated. In attendance is Committee Member/Board Member Orlando Tagorda and myself Mike, Nobriga, also our esteemed counsel Howard Fukushima, Board Secretary Fran Nago, the Deputy Director, George Tengan and the head cheese of the engineering, Herb Kogasaka. And we have the lady doing the tippy-tippy tappy-tappy, and we have Mr. Wayne Arakaki. The minutes have been submitted for February 6th and March 6th.

MR. TAGORDA: Mr. Chairman --

MR. NOBRIGA: I cannot second the motion.

MR. FUKUSHIMA: This is a small body, and we've got to adjust to the fact that it is a small body, so if there's no objection, then I believe you can approve the minutes.

MR. NOBRIGA: Do I hear any objection to the minutes? The minutes shall stand accepted. Is there any member of the public other than Wayne to make testimony to this committee at this time? Thousand-one, thousand-two, thousand-three, thousand-four, thousand-five.

Hearing none, we'll go on to committee discussion and possible action. We have before us Communication 01-16. Also entering the room is Herb Chang. Those two guys look like twins. Wayne I. Arakaki regarding Omaopio Homesteads, TMK 2-3-003:002 and por. 171. It also involves Communication 01-17 also from Wayne I. Arakaki regarding the same thing.

So I'm going to ask Mr. Wayne to explain his letters dated April 3rd and April 5th.

MR. ARAKAKI: Wayne Arakaki representing the buyers, I mean the land owners for this three parcels of property. Actually, what we want to get clarification is that this particular -- there's three land owners, Kapsack, Esty and Siele. Esty is on the, he has a well, and it's on the private water system. Siele is on the County water. He has adequate fire protection, but he has taken County water.

And Kapsack, he has a County meter, but he has inadequate fire protection. What they're trying to do is between Esty and Kapsack, Kapsack is trying to buy one acre of property so he can build his home from Esty. We have a problem or potential problem where you have County water or you have a private system. And what we're afraid of is if we go through the consolidation resubdivision, it's going to trigger water requirements, fire protection requirements for

Kapsack and Esty, which is again, this is a private water system.

Now, on the other hand, Esty is trying to buy property from Siele where Siele has a County water system with adequate fire protection, and Esty has a private system. What these people are worried about if this consolidation resubdivision were to go through where they transfer property from Siele to Esty, Siele might be responsible for fire protection for this particular subdivision, so I brought this up.

I wrote a letter to Mr. Craddick, and at first, he told me that, you know, he doesn't see a problem with it. But later as we went and met with him, he decided that it was best to bring this in front of the Board for any kind of complications that might occur. Any questions on this?

MR. NOBRIGA: So basically, your proposed subdivision involves two things. One is the sale of property from Esty to Kapsack, which would move Esty's boundary in?

MR. ARAKAKI: Right.

MR. NOBRIGA: The second part of the subdivision involves Esty buying land from Siele, which would move that line out?

MR. ARAKAKI: That's right.

MR. NOBRIGA: Yeah. You understand that?

MR. TAGORDA: Kind of, kind of. Go ahead.

MR. NOBRIGA: So he asked Mr. Craddick or he asked the Department what's going to happen. In response, Mr. Craddick in writing one letter not answering his question and then telling him to come to the Board.

MR. TAGORDA: Is that right, Mr. Arakaki?

MR. ARAKAKI: Yes.

MR. NOBRIGA: It's the same letters on two different -- in essence. The way I see it, all he is doing is moving the property lines. You're not creating any new subdivisions within these properties. Like Esty is not asking to make four lots now out of that thing. He's just taking care of purchase and a sale. Am I correct in that assumption?

MR. ARAKAKI: Yes. But, you know, please be aware that he's purchasing this to, you know, to create another subdivision, but it would be under the private system. That's why he's purchasing the property.

MR. NOBRIGA: Is there going to be more than one lot created on the Esty master property?

MR. ARAKAKI: No, as far as this phase.

MR. NOBRIGA: You're trying to make one lot with the two things happening?

MR. ARAKAKI: Right, that's right. We won't have any additional lots created by this consolidation of subdivision.

MR. NOBRIGA: So Kapsack is one apple pie. Esty is one pumpkin pie, and Siele one custard pie. The guy get the pumpkin pie, he like give some of his pumpkin pie to the guy with the apple pie and he like some custard pie, but he still get the same pie. Just now he get some pumpkin and some custard. And the apple guy can get some pumpkin he can enjoy, too.

MR. FUKUSHIMA: Mr. Chairman.

CHAIR NOBRIGA: Yes.

MR. FUKUSHIMA: That's one way to characterize it if you're into food. But I think it's a little

premature at this time since there's no indication what type of consolidation subdivision is going to take place. I believe in an earlier conversation, Mr. Arakaki said both subdivisions would be a regular type subdivision, not the fast track subdivision that's available in 1804 of the County Code.

MR. ARAKAKI: That's right.

MR. FUKUSHIMA: If that's the case, I believe the Department after it considered and received an opinion from our office regarding both the Richmond case as well as discussions involving the Smith case, the Department does have guidance as to how they should handle subdivisions where a portion is going to be served by a private system and a portion is going to be served by the public system. We believe the Department has that -- has the opinion from our office as well as further discussions when we were discussing in the Smith case. I believe also the Department could based upon those opinions and discussions determine what are the appropriate requirements for the two subdivisions that Mr. Arakaki is proposing.

Now, if after receiving those requirements Mr. Arakaki wishes to waive any of the requirements at that time, I would believe it would be appropriate for him to come before the Board to ask the Board for waiver of subdivision requirements so long as those subdivision requirements do not jeopardize other services in the area.

MR. NOBRIGA: Thank you. It is my impression that the Esty subdivision is not a duly served system, but will remain a private system separate from the outside guys.

MR. CHANG: They do have a meter though.

MR. NOBRIGA: Who?

MR. CHANG: Esty. All three properties have meters from the Department.

MR. ARAKAKI: On the water meter that Esty has, I know they're trying to keep that water meter, but it's from what I understand, I'm not in the subdivision, the initial subdivision, but from what I understand, they're going to use that water meter for landscaping and not for residential use. I mean that's if it doesn't matter, I'm sure that if requested, they will return that meter and keep this completely private if that's going to jeopardize the subdivision.

MR. TAGORDA: Mr. Chairman. Mr. Arakaki, based upon your drawings there --

MR. NOBRIGA: That's my drawings.

MR. TAGORDA: Yours?

MR. NOBRIGA: Yeah.

MR. TAGORDA: And based on your letter to the Board dated April 3, there was a question raised by you that will there be any future requirements from the Department of Water Supply. You know that by fact that anytime you consolidate and subdivide a lot, there's always certain requirements from the Department. However, what you're asking right now makes it so simple is that you're just trying to move lot lines and nothing more; is that right?

MR. ARAKAKI: That's right.

MR. TAGORDA: So like the drawing in that blackboard, you're just trying to move that line to the other side and move that line to the other side. Well, based on the past actions of the Board, I think this happened to one of the applicants before in Hana that we tried to accommodate that person by just moving the lot line and nothing more.

And now I don't think it's really premature for you to ask the Department and the Board what are the

future requirements. There will be requirements, but if you are going to defer those requirements and only ask this Committee for that lot line to be moved, I think me and my Chair is in agreement that we probably will give you such accommodation.

MR. ARAKAKI: I have a question.

MR. TAGORDA: You know, but you have to be very honest with us, so you don't have to complicate matters. We need to be consistent with the Department rules and regulations that anytime that people subdivide, consolidate and/or subdivide, there are always requirements from the Department for water system improvements.

MR. ARAKAKI: Correct me if I'm wrong, on the preliminary subdivision letters, there usually are no -- it's not listed, there's no water requirements, if I'm not mistaken.

MR. FUKUSHIMA: I thought generally there was a general statement that subdivision comply with all water rules and regulations, and that's a general statement on every preliminary subdivision.

MR. CHANG: Well, if you know the requirements, we usually state extending water lines.

MR. FUKUSHIMA: That's certainly possible also.

MR. ARAKAKI: But on a consolidation resubdivision preliminary letter, there is water requirements on it?

MR. CHANG: If it's submitted to us, we would say in this case, any subdivision, if there is water system improvements required for fire protection, we would include those as requirements for consolidation of resubdivision under that normal, not the fast track one, but the normal procedures.

MR. ARAKAKI: I guess that's why the question came up because there wasn't anything listed on that particular letter, this Kapsack.

MR. FUKUSHIMA: You mean the preliminary approval letter?

MR. ARAKAKI: I don't think I saw anything on there.

MR. FUKUSHIMA: Then it must have been done under 1804.

MR. ARAKAKI: No, it can't, be because Esty already used that option with Land Use and Codes.

MR. CHANG: What was the application, was it for the Kapsack property or Esty?

MR. ARAKAKI: Esty and Kapsack.

MR. ARAKAKI: Well, I take that back. Item 6, it says that we are currently waiting for preliminary subdivision review comments from the Department of Water Supply, so I guess we didn't see any requirements. Okay.

MR. NOBRIGA: Any other question?

MR. TAGORDA: Mr. Chairman, if I may.

MR. NOBRIGA: Mr. Tagorda.

MR. TAGORDA: May I ask the Department and the staff how they evaluate this request from Mr. Arakaki.

MR. CHANG: The April 3rd one we were just talking about?

MR. TAGORDA: That one on the blackboard.

MR. FUKUSHIMA: There's two.

MR. TAGORDA: I think they're about the same.

MR. CHANG: If you're asking what's your reaction to the subdivision application.

MR. FUKUSHIMA: Which one are you going to be discussing?

MR. ARAKAKI: Esty and Kapsack.

MR. CHANG: That's the application you have in your hand?

MR. ARAKAKI: Yes, sir.

MR. CHANG: If it's processed under a normal standard consolidation resubdivision, we would ask the subdivider to install fire protection improvements, which would include extending a line down Omaopio Road.

MR. NOBRIGA: That would be for Kapsack or Esty?

MR. CHANG: The two properties would be consolidated, subdivided, so both.

MR. FUKUSHIMA: But the middle property I understood was on a private system?

MR. CHANG: He doesn't have a meter from us.

MR. FUKUSHIMA: But the subdivision is going to utilize a private fire protection and domestic service?

MR. ARAKAKI: That's right.

MR. CHANG: But because they have one meter, we would ask them to relocate as part of the requirement of a subdivision. I think the meter is somewhere above Siele's property. It's located far away from

the property.

MR. ARAKAKI: So the standard consolidation resubdivision application would trigger us bringing an outside water line to Kapsack's property?

MR. CHANG: Omaopio Road.

MR. ARAKAKI: Omaopio Road.

MR. CHANG: Tanks and stuff, pressure tanks and that kind of stuff.

MR. KOGASAKA: That five-eighths meter on the Esty property makes the Esty property part of our water system as well, yeah.

MR. NOBRIGA: I understand.

MR. ARAKAKI: So that's what I was afraid of where, you know, we do something like this, which may seem minor, but when they apply for building permits, you need fire protection, and it creates a lot of problems with the owners, so it might not be even feasible for them to do this transaction. That's what we were looking for direction on what were the requirements, or if we could waive, waive the requirements.

MR. NOBRIGA: The same thing would be triggered on the Esty and Siele?

MR. CHANG: It would be.

MR. ARAKAKI: It would be the same thing.

MR. FUKUSHIMA: So, Herb, let me get this straight. So if the middle property, the Esty property, gave up their meter and then there wouldn't be any requirement on the Esty property, but you would still have a requirement on both the Kapsack as well

as the Siele property because they're being served by the County system?

MR. CHANG: If Esty gave up his meter and he goes to only private and he consolidates it with the Siele property, because the Sieles already had a previous subdivision, which he complied with all the requirements, on those, it wouldn't have.

MR. FUKUSHIMA: So what about Kapsack?

MR. CHANG: If Kapsack combines with Esty and resubdivides, they would have to comply with some off-site improvements.

MR. NOBRIGA: So right now, yeah, if Mr. Arakaki on behalf of the owners wishes to request a waiver of subdivision requirements relative to whatever it is the Department is asking, then we would be able to act upon that specific request. And as my colleague said, we may tend to look favorably on it, because to us, it's a very simple maneuver. We don't think in the high technical terms of our engineers. Sorry.

MR. ARAKAKI: So I guess the first step that I need to get is probably the Water Department requirements for this particular subdivision between Kapsack and Esty.

MR. NOBRIGA: Uh-huh.

MR. ARAKAKI: And we haven't filed for this application, which we're going to do in a couple weeks, but at the same time, get that requirements from the Water Department, and if it's something that or it seems that we can't live with that, we'll come in front of the Board to try to ask for a favor at that time.

MR. NOBRIGA: Thank you. Unfortunately, Mr. Craddick would have been able to do that if he had

read the letter and answered the questions.

MR. TAGORDA: That would be okay, Herb?

CHAIR NOBRIGA: I don't believe there's any conclusion then.

MR. TAGORDA: There's not.

MR. ARAKAKI: Thank you.

MR. NOBRIGA: No action will be taken at this time. I would like to recognize Sally Raisbeck attending our meeting. If Sally wanted to talk.

MS. RAISBECK: No thank you, Mr. Chairman.

MR. NOBRIGA: Okay, Sally, thanks for being here. There being no other business, this meeting will stand adjourned.

(The meeting concluded at 2:20 p.m.)

IWADO COURT REPORTERS, INC.

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