

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

August 21, 2007

Committee
Report No.

07-89

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

Chair and Members:

Your Public Works and Facilities Committee, having met on July 25, 2007, makes reference to County Communication No. 07-168, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATIONS AND PARKING AREAS REQUIREMENTS, IN THE WAIOLANI MAUKA SUBDIVISION, WAIKAPU, WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

The purposes of the proposed resolution are: 1) to accept the dedication of a park located in the Waiolani Mauka Subdivision, Waikapu, Maui, comprised of approximately two acres and identified as TMK: (2) 3-5-04:portion of 025; and 2) to waive the requirements for comfort stations and parking areas in the referenced park.

By correspondence dated July 17, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel revise the proposed resolution to clarify the description of the land to be dedicated and to eliminate unclear exhibit references.

By correspondence dated July 18, 2007, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENT, IN THE WAIOLANI MAUKA SUBDIVISION, WAIKAPU, WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE". The revised proposed resolution incorporates your Committee's requested revisions.

By correspondence dated July 24, 2007, your Committee received testimony from Susan and Alton Watanabe, and from Tiana Cordero, in support of the proposed park dedication and waiver of requirement for comfort stations and parking areas.

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At its meeting, your Committee met with the Director of Parks and Recreation; the Planning and Development Chief, Department of Parks and Recreation; a Deputy Corporation Counsel; Scott Nunokawa, Managing Member, Waikapu 28 Investment, LLC; and Haunani Lemn, Member, Waikapu 28 Investment, LLC.

There was no public testimony.

Ms. Lemn provided a computer-generated presentation, entitled “Waiolani Mauka Park Dedication”, summarizing the background and procedural history of the matter. Mr. Nunokawa provided your Committee with a printout of the presentation.

Ms. Lemn noted that, as part of the Change-in-Zoning request for the Waiolani Mauka Subdivision, Waikapu 28 Investment, LLC, was required to provide a two-acre park to be dedicated concurrently with final subdivision approval. She explained that options for meeting the condition of zoning and fulfilling the park assessment requirements under Section 18.16.320, Maui County Code (MCC), had been evaluated with the Department of Parks and Recreation. She further explained that Waikapu 28 Investment, LLC, would grade, grass, and irrigate the subject park, and would also waive any park credits for the land that would be dedicated in excess of the requirements of Section 18.16.320.

Ms. Lemn informed your Committee that Section 18.16.320 requires that 51,000 square feet of park land be provided for the housing project, which consists of 105 lots. Waikapu 28 Investment, LLC, will waive all park credits resulting from the donation of an additional 36,120 square feet of park land.

Ms. Lemn described the various photos in the presentation, which depicted the site location and reflected the status of development in the area. She also summarized the benefits that the County would receive through the unilateral agreement executed by Waikapu 28 Investment, LLC.

Mr. Nunokawa advised that, absent the park requirement, Waikapu 28 Investment, LLC would have been able to net an additional six lots from the land, at a retail value of approximately \$200,000 to \$250,000 per lot.

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The Director provided a brief overview of the request. She recommended that the MCC be updated to set forth the applicable requirements so that a developer is aware of the requirements early in the process, rather than at the end. The Planning and Development Chief reiterated the applicable MCC and Change-in-Zoning requirements, noting that the Department supported the requested waiver.

Your Committee discussed the availability of parks in the vicinity of the Waiolani Mauka Subdivision. The Planning and Development Chief explained that the Department is evaluating potential amenities and improvements that could be accommodated at the park site, including a small basketball court, a Tee ball area, and a soccer field.

A Co-Chair noted that Waikapu 28 Investment, LLC had taken great pains to grade and level the park site.

Your Committee noted that it seems counterproductive for the Council to receive requests to accept park dedications after the park assessments had been decided, and that it would like to see the Council have more input on park dedications. Your Committee emphasized that it wants to accept land that is useable for parks.

Your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENT, IN THE WAIOLANI MAUKA SUBDIVISION, WAIKAPU, WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 07-168 be FILED.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member