

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
FACILITIES COMMITTEE**

October 5, 2007

**Committee
Report No.**

07-111

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 September 19, 2007, makes reference to the following:

1. County Communication No. 06-57, from the Director of Parks and Recreation, transmitting a proposed resolution to accept the dedication of a park located adjacent to Kulanihakoi Street for the Alii Village Subdivision, Kihei, Maui, and to approve the waiver of certain park dedication requirements; and
2. Committee Report No. 07-74, from your Public Works and Facilities Committee, recommending adoption of a revised proposed resolution entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVER OF PARKING AREA AND COMFORT STATION PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

The purposes of the revised proposed resolution are to: (1) accept the dedication of a park located adjacent to Kulanihakoi Street in the Alii Village Subdivision, Kihei, Maui, comprised of approximately 9,027 square feet and identified as TMK: (2) 3-9-01:155; and (2) approve the waiver of the requirements to provide comfort stations and parking in the referenced park.

Your Committee notes that, at its meeting of July 26, 2007, the Council recommitted Committee Report No. 07-74 to your Public Works and Facilities Committee.

At its meeting, your Committee met with the Director of Parks and Recreation; the Planning and Development Chief, Department of Parks and Recreation; and two Deputy Corporation Counsel.

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There was no public testimony.

Your Committee noted that Committee Report No. 07-74 was recommitted at the Council meeting of July 26, 2007 primarily because of concerns about the accuracy of the calculation of the park assessment fee that could be accepted in lieu of the proposed land dedication (“the in-lieu fee”) and the appropriateness of waiving requirements to provide comfort stations and parking.

The Director explained the procedural history of this matter and gave a brief overview of how the in-lieu fee of \$66,000 was calculated, pursuant to Section 18.16.320, Maui County Code (MCC). Your Committee acknowledged the accuracy of the calculation.

She also provided a copy of correspondence dated August 13, 2007, from Hideki Hayashi, on behalf of Kiawe Partners (the developer), indicating a preference to proceed with payment of the in-lieu fee because of the Council’s apparent ambivalence about the proposed land dedication.

Your Committee noted that the County would not likely be able to acquire an improved 9,027-square-foot lot, such as the subject property, for the amount of the in-lieu fee. Your Committee also noted that, with the proposed land dedication, the developer would be required to provide \$16,351.50 in fees to satisfy Section 18.16.320, MCC. Your Committee observed that accepting the proposed land dedication would be to the County’s benefit.

Your Committee raised concerns about the lack of a comfort station in the park, considering that the park is to be used as a rest area for users of the planned North-South Collector Road adjacent to the park, and the Kihei Community Association’s support for such an amenity. Your Committee noted, however, that the Department of Parks and Recreation had observed that construction of a comfort station prior to completion of the North-South Collector Road would create unduly burdensome maintenance responsibilities and could create a threat of vandalism. Your Committee requested that the Department of Parks and Recreation consider construction of a comfort station when the North-South Collector Road is completed.

Your Committee concurred with the Department’s position that requiring the developer to provide parking at the park would be impractical and unwarranted.

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

Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVER OF PARKING AREA AND COMFORT STATION PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE", be ADOPTED;
2. That Committee Report No. 07-74 be FILED; and
3. That County Communication No. 06-57 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