

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

November 2, 2007

Committee
Report No.

07-129

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 October 3, 2007, makes reference to County Communication No. 07-274, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS IN THE PINEAPPLE HILL AT KAPALUA PHASE II SUBDIVISION, LAHAINA, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

The purpose of the proposed resolution is to approve the waiver of requirements to provide comfort stations and parking areas in a privately owned and maintained linear park running from Lower Honoapiilani Road to Honoapiilani Highway in the Pineapple Hill at Kapalua Phase II Subdivision, Lahaina, Maui, consisting of approximately 33,905 square feet and identified as TMK: (2) 4-3-01:005.

By correspondence dated September 28, 2007, Sandy Baz, Executive Director, Maui Economic Opportunity, Inc., provided testimony in opposition to the proposed resolution, asking that high-priced subdivisions not be given waivers of the requirement to supply park amenities, and that they instead be required to pay the same park assessment fees as other residential housing subdivisions.

At its meeting, your Committee met with the Director of Parks and Recreation; the Director of Public Works; the Planning and Development Chief, Department of Parks and Recreation; two Deputy Corporation Counsel; and Leilani Pulmano, Development Coordinator, Maui Land & Pineapple Company, Inc.

There was no public testimony.

The Director of Parks and Recreation briefly stated the Department's support for the proposed resolution. She explained that since the park is planned to connect with the existing Napili Park, which offers a comfort station and parking, the waiver of these facilities is justified.

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Ms. Pulmano provided a copy of a booklet, entitled “Maui Land & Pineapple Company, Inc.: PWF-55 Pineapple Hill Estates Phase II: Linear Trail”, as well as a larger copy of the Napili Park Subdivision map. She reviewed the history of the proposed park and detailed its physical characteristics. She explained how the park relates to the surrounding Kapalua Farm and Napili Park.

Your Committee reviewed the current usage of the park and discussed the limitations of its use, including the currently fenced lower entry and the lack of lighting. Your Committee expressed concerns about the potential liability exposure for the County.

Ms. Pulmano acknowledged that the park has not been advertised, but has been used as a walking and biking trail for the past two years without incident. She said that the park was designed to function in concert with Napili Park and the surrounding area. She further stated that the park is twice the size of a park required under the applicable ordinance.

The Director of Public Works stated that the Department of Public Works had no objections to the proposed waiver, and explained that they usually defer to the Department of Parks and Recreation in these matters.

Your Committee recommended nonsubstantive technical revisions to the proposed resolution.

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

Your Committee is in receipt of a revised proposed resolution that incorporates the nonsubstantive technical revisions recommended by your Committee.

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

1. That Resolution No. _____, as revised herein and attached hereto, entitled “WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS IN THE PINEAPPLE HILL AT KAPALUA PHASE II SUBDIVISION, LAHAINA, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE”, be **ADOPTED**; and
2. That County Communication No. 07-274 be **FILED**.

Adoption of this report is respectfully requested.

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