

COUNCIL OF THE COUNTY OF MAUI
**PARKS AND ECONOMIC
DEVELOPMENT COMMITTEE**

February 3, 2006

**Committee
Report No.**

_____ 06-14

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

Chair and Members:

Your Parks and Economic Development Committee, having met on January 19, 2006, makes reference to County Communication No. 06-10, from the Director of Parks and Recreation, transmitting a report entitled "Park Dedication Requirement Semi Annual [*sic*] Report: October 1, 2004 – March 31, 2005", pursuant to Section 18.16.320(L) of the Maui County Code (MCC).

Your Committee notes that Section 18.16.320(L), MCC, was established by Ordinance No. 3158, which became effective on February 6, 2004. Section 18.16.320(L) requires the Director of Parks and Recreation to transmit a semiannual report on park dedications within 30 days after the end of the first and third quarters of the fiscal year for each community plan area, and shall include the name of the subdivision within the community plan area, the number of units in the subdivision, and a description of the land area, sum of money, or park improvements, or combination thereof, dedicated or provided.

Your Committee further notes that the semiannual report for the period October 1, 2004 – March 31, 2005 was not transmitted to the Council until after the Parks and Economic Development Committee met to discuss the semiannual report for the subsequent period, April 1, 2005 – September 30, 2005. (See Parks and Economic Development Committee Report No. 05-177).

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

There was no public testimony.

The Chief of Planning and Development provided a brief overview of the semiannual report for the period October 1, 2004 – March 31, 2005. He stated that the majority of park dedication requirements for this period were fulfilled through cash contributions, with the exception of two small parks in Kihei (in the Hale Kanani and

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Kenolio Mauka subdivisions, respectively), that were dedicated to the County, but are privately owned and maintained.

Your Committee questioned the acceptance of the parks in the Hale Kanani and Kenolio Mauka subdivisions because they appeared to merely be comprised of remnant property. The Hale Kanani park property is comprised of 2,255 square feet and the Kenolio Mauka park property is comprised of 1,833 square feet. The Chief of Planning and Development stated that the Department of Parks and Recreation has accepted developers' remnant property to fulfill park dedication requirements when the land has had such improvements as grading, grass, automatic irrigation, parking areas, adequate drainage, and comfort stations.

The Chief of Planning and Development stated that the Department of Parks and Recreation's usual preference is to accept land that is one-half acre or larger in order to develop active parks. In cases where the parcels of land are smaller than one-half acre, the Department prefers to accept money to fund future park developments. Nonetheless, the comparatively small Hale Kanani and Kenolio Mauka park properties were accepted, partly based on the Kihei Community Association's recommendations. (See Parks and Agriculture Committee Report Nos. 04-152 and 04-210, respectively).

The Chief of Planning and Development further stated that developers generally prefer to pay money to fulfill their park dedication requirements. The Department of Parks and Recreation does not oppose this, as the revenue is seen as a source of funding for future park projects, possibly including regional parks. He further stated that there is a low inventory of active parks in the Kihei-Makena and West Maui community plan areas. The Department is looking to increase that inventory by utilizing the funds obtained from park assessments in those community plan areas.

Your Committee questioned the effectiveness of the Department of Parks and Recreation's policies regarding park dedication requirements. Your Committee referred to Section 18.16.320(D), MCC, which states that the money collected from park assessments shall be used to provide parks and playgrounds in the community plan area where the subdivision is located. Your Committee discussed the importance of providing park space for children to use in their own neighborhood and in close proximity to their homes rather than toward a regional park that may be located outside of their neighborhood.

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Your Committee notes that the definition of “parks and playgrounds” as stated in Section 18.16.320(A), MCC, refers to areas that are used for active or passive recreational purposes, with no stated requirement to the parcel’s size. Your Committee suggested that the Department of Parks and Recreation consider proposing legislation to amend the current definition of “parks and playgrounds” to be consistent with the Department’s policy of accepting land larger than one-half acre for the purpose of developing active, rather than passive, parks.

Your Committee discussed the intent of Section 18.16.320, MCC, to build neighborhood parks in the community plan area where the subdivision is located. Your Committee further discussed that the expense of building a regional park should be borne by the County, not just individual subdivision developers.

Your Committee inquired as to the total amount of land dedicated to the County through park dedication requirements, in addition to the sum of money collected, by community plan area to date. Your Committee requested that its staff compile this data from semiannual reports received from the Department of Parks and Recreation. Your Committee further suggested that data for the period July 1, 2005 to the present be made available in time for the Council's Fiscal Year 2007 Budget session.

Your Committee voted to recommend filing of the communication.

Your Parks and Economic Development Committee **RECOMMENDS** that County Communication No. 06-10 be FILED.

Adoption of this report is respectfully requested.

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