

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

December 15, 2003

**Committee
Report No.**

03-160

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

Chair and Members:

Your Public Works and Traffic Committee, having met on August 14, 2003, makes reference to County Communication No. 03-179, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A DRAINAGE LOT 92, FOR THE MEADOWLANDS SUBDIVISION PHASE II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of drainage Lot 92 (drainage lot), in Kihei, TMK No. (2) 3-9-054:089.

At its meeting, your Committee met with the Deputy Director of Public Works and Environmental Management; the Administrator, Development Services Administration, Department of Public Works and Environmental Management; a Deputy Corporation Counsel; Clifford Mukai, Warren S. Unemori Engineering, Inc.; and Paul Mancini, Mancini, Welch and Geiger.

Your Committee received the following items:

1. A copy of correspondence dated April 3, 2001, from the Director of Public Works and Waste Management to Neal S. Fujiwara, District Conservationist, Natural Resources Conservation Service, United States Department of Agriculture, relating to drainage impacts to Dr. Wilbert Yee's property from adjacent developments (submitted by Paul Mancini); and
2. Maps and aerial photographs delineating the proposed drainage lot dedication, submitted by Clifford Mukai of Warren S. Unemori Engineering, Inc.

The Deputy Director stated that the proposed drainage lot consists of 23,976 square feet, and is located on the southeast portion of The Meadowlands

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Subdivision Phase II along Liloa Street in Kihei. He further stated that the drainage lot is being dedicated to the County to comply with subdivision requirements, and all necessary improvements have been made to the property.

In response to an inquiry by your Committee, the Deputy Director stated that the County is not required to accept the dedication of the proposed drainage lot.

The Administrator provided your Committee with background information on the matter. He stated that the drainage lot was developed as a result of discussions with the developers of The Meadowlands Subdivision Phase II, surrounding property owners and the County. He further stated that the drainage lot was constructed to receive storm drainage overflow, and runoff from the park/drainage lot located on the mauka portion of Liloa Street, which was dedicated as a condition of the Piilani Village Phase III Subdivision. He stated that maintenance of the drainage lot will be the responsibility of the County, should the Council accept the dedication. The Administrator also stated that maintenance would include the removal of silt and vegetation, which should be minimal. He noted that the Director of Public Works and Waste Management agreed to accept the dedication of the drainage lot if the developer pays for the improvements.

In response to an inquiry by your Committee, the Administrator noted that the surrounding property owners indicated that drainage and storm runoff has always been a problem in the area. He noted that improvements to the drainage lot, and the construction of the park/drainage lot across Liloa Street, were the result of conditions imposed at the time of preliminary subdivision approval, and concerns expressed by owners of the neighboring properties.

Mr. Mukai stated that the Piilani Village developers constructed a 90-inch and a 54-inch culvert on the mauka side of Piilani Highway to address storm drainage and runoff problems through the Piilani Village Shopping Center and the Piilani Village Phase II and III subdivisions. He noted that the park/drainage lot mauka of Liloa Street was increased in size to limit the demand on the drainage lot improvements. He stated that the improvements will reduce peak flows through downstream properties and provide additional detention time and capacity for storm drainage and runoff.

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Mr. Mancini noted that according to correspondence dated April 3, 2001, from the Director of Public Works and Waste Management to Neal S. Fujiwara, District Conservationist, Natural Resources Conservation Service, United States Department of Agriculture, the County proposed the following plan to help with lower intensity storms: (1) the Meadowlands Homeowner's Association would be contacted to obtain their permission to construct a detention basin on a portion of their property; (2) the Piilani Village developer would fund the construction of a low-flow detention basin; and (3) the County would agree to accept maintenance responsibilities of the drainage lot from The Meadowlands Subdivision Phase II Homeowner's Association.

Your Committee noted that since an understanding was previously reached between the developer and the County, relating to the dedication of the drainage lot, the dedication should be given full consideration. However, your Committee expressed concerns relating to the Director of Public Works and Waste Management's commitment to accept the maintenance of the drainage lot without first receiving approval from the Council. Your Committee further noted that the Director has no authority to accept such dedications or make such commitments.

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

Your Public Works and Traffic Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A DRAINAGE LOT 92, FOR THE MEADOWLANDS SUBDIVISION PHASE II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 03-179 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA Chair

DAIN P. KANE Member

CHARMAINE TAVARES Vice-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member