

COUNCIL OF THE COUNTY OF MAUI
PARKS AND ECONOMIC
DEVELOPMENT COMMITTEE

December 20, 2005

Committee
Report No.

05-177

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 December 8, 2005, makes reference to County Communication No. 05-365, from the Director of Parks and Recreation, transmitting a report entitled "Park Dedication Requirement Semi Annual Report April 1, 2005 – September 30, 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 thirty days after the end of the first and third quarters of the fiscal year for each community plan area, which 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.

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.

Your Committee questioned the amount of money collected from certain subdivisions to fulfill park dedication requirements.

The Chief of Planning and Development explained the difference in park dedication monies collected from the Lanikeha Subdivision, Phases I and II (West Maui). For Phase I, the report shows a total of \$10,935 collected for 68 units. However, the report notes that monies were "previously collected for 67 units." He further explained that the park dedication semiannual report for October 1, 2004 – March 31, 2005 showed an initial payment of \$732,645 for 67 units. The developer added an additional unit and, therefore, paid an additional \$10,935 that is reflected in the current report.

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According to the Chief of Planning and Development, the monies collected for park dedication requirements under the prior ordinance would have been substantially less than what was collected under the current law. However, the monies collected for residential developments on hotel-zoned property would have been substantially higher under the prior ordinance.

He referred to the legend located on the bottom of the report, which clarifies the specific ordinance used to calculate park dedication requirements. He explained that the previous calculation using real property tax assessments failed to take into account the zoning of the land. In addition, tax assessments were often delayed, which posed a problem when calculating park dedication requirements.

Your Committee notes that, according to the report, the Department appears to be accepting money instead of privately owned and maintained pocket parks to fulfill park dedication requirements, in most cases.

The Chief of Planning and Development acknowledged that the policy of the Department has been to accept money, in lieu of park land unless the park is considered "active". He stated that an "active" park is one that is used for recreational purposes, rather than one that is merely used as open space. However, he acknowledged that the Department has accepted land in lieu of money for affordable housing projects, in order to help defray costs. For 201G projects, a waiver of park dedication requirements may be granted.

Your Committee notes that park dedication requirements are assessed based on whether dwelling units are situated on the property, regardless of its zoning.

The Chief of Planning and Development stated that with the exception of one case that is currently before the Board of Variances and Appeals, most park dedications are handled with no objections from developers.

The Deputy Corporation Counsel acknowledged that Section 18.16.320(J), MCC, allows for the Board of Variances and Appeals, in accordance with Chapter 91, Hawaii Revised Statutes, to handle appeals of the decision of the Director regarding park dedication requirements.

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Your Committee suggested that the total amount of park assessment funds collected per community plan area be included in future semiannual reports. Your Committee noted that this information may be requested during the Budget session.

Your Committee expressed an interest in conducting a review of Section 18.16.320, MCC, in the coming year and recommended filing of the communication.

Your Committee voted to recommend filing of the communication.

Your Parks and Economic Development Committee **RECOMMENDS** that County Communication No. 05-365 be FILED.

Adoption of this report is respectfully requested.

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