



**County of Maui Parks Department**  
ATTN: Patrick McCall & Shane Dudoit

January 15, 2024

To whom it may concern:

The HOA tried to deal with the Parks Department from the perspective of friendly neighbors trying to find a win-win solution to a mutual problem; however, as Parks is unwilling to take any responsibility at all for the damage they have caused to HOA property, we wish to proceed as soon as possible constructing a new fence on our own land. As the safety danger to children is sufficiently urgent, the HOA does not wish to rely on the County now or in the future for security along the west border of our property. Therefore, we must insist that DSA enforce its ordinances against Parks without which it is impossible for the HOA fence to be repaired. I took Laura's advice and again called every fence company on Maui. The only ones who answered the phone or returned my call were Valley Isle Fencing, Island Wide Fencing (which serves only Big Island), and a company that does the feral goat fencing up in Haleakala. Pat Brown told me 4-T Fencing doesn't return calls because Tom is so busy, he can't take on more work than he already has. Eric Paranada told me that if Karl Amoral (who is a master fencer) has determined it is not possible, then Eric's crew couldn't do it either. I sent Eric the link to the photos and he replied as follows...

On 01/09/24 2:20 PM, Eric Paranada wrote:

Aloha, Based on the photos, it looks like in some areas of the fence line, we are unable to perform any repairs due to the steep incline and unable to safely perform the work to insure proper installation. It also looks like the fencing in some areas is buried due to backfill and will require that the back filled soil that has buried the fencing, be pulled away from the fencing which the fencing is retaining.

Mahalo,  
Eric Paranada  
Valley Isle Fencing  
Office: 808-877-6350 / Cell: 808-856-6107

In order to make it possible for the HOA to erect the new fence, we must demand that you immediately remedy the grading violations that Parks committed and still exist on HOA property. When A&B originally erected the fence around the Retention Basin in 1996, they positioned the fence from 2 to 4 feet inside the property line on the flat ground at the top of the basin slope. Tom & I spent hours measuring and marking the property line, but feel free to do your own marking. The property pins are located at the corner of Lot 26 under the Shower tree, and at the base of the rock wall along Hana Hwy below the telephone pole. We will be erecting the new fence along our side of the property line as soon as the ground level has been restored. Once your fill has been removed, there will be a flat area extending from the existing fence to two feet on the PCC side of the property line enabling installation of the new fence. Observe the fill violation in Photo #2 on page 3. Photo #1 shows the property line as marked on Dec 22, 2022. Parks erroneously assumed that all land on the PCC side of the Retention Basin fence was part of Lot 25, which is not true. The HOA is reclaiming its land and asks Parks to cease and desist from dumping fill, cement, or anything else on HOA property. The exact boundary will be more evident when the fence is positioned along the property line and all violations are corrected. Below is the ordinance pertaining to cut or fill slopes...

Maui County

Code of Ordinances

Title 20. ENVIRONMENTAL PROTECTION

Chapter 20.08. SOIL EROSION AND SEDIMENTATION CONTROL

§ 20.08.210. Cut or fill slopes—Distance from property line.

A. The horizontal distance from the top or bottom of a cut or fill slope to the adjoining property line shall be as follows:

Height of Cut or Fill	Distance from Property Line (in feet)
0 feet to 2 feet	1
● More than 2 feet to 4 feet	2 ●
More than 4 feet to 6 feet	3



Photo #2

Over 3 feet of fill was deposited which had to be 2 feet from the property line but went over the line and onto HOA property. We need this removed and the flat area restored.



Property line is approximately here



05/18/2022

Secondly, please immediately remove the Park fence post, cement, and fencing that was installed on HOA property as shown in Photo #3 below. Besides transecting the new HOA fence line, this end of the Park fence will have to be removed in order to remedy the fill violation. It will be much better when proper, lawful respect is accorded to the boundary between the Paia Community Center and Kuau Bayview at Paia subdivision land.



There are other issues that will be addressed later. Right now the priority is to get the HOA fence rebuilt before anyone is injured. As Parks has caused a delay of over a year already, we need you to correct these violations immediately. Parks had no right to put fill or install their fence post on HOA property. Doing so damaged our fence and our property. The County needs to abide by its own ordinances. Please let us know when these violations will be remedied so we can proceed.

Mahalo,

Darlene Brothers  
President of Kuau Bayview at Paia Board of Directors