

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
C. BREWER PROPERTIES, INC.)
To Amend the Agricultural Land Use)
District Boundary to Reclassify)
Approximately 29 Acres, Tax Map)
Key Number: 3-4-23: Portion 5;)
3-4-24: Portion 9; 3-4-30:13;)
3-4-31: Portion 24; Remnant 1 and)
Remnant 2 as shown on the Wailuku)
Industrial Park II/Papohaku Park)
Large Lot Subdivision Map,)
approved by the County of Maui on)
June 17, 1987, also formerly known)
as Tax Map Key: 3-4-30: Portions)
of 2, at Wailuku, Maui, Hawaii)
into the Urban Land Use District)
_____)

DOCKET NO. A87-615
C. BREWER PROPERTIES,
INC.

MAR 16 8 09 AM '88
LAND USE COMMISSION
STATE OF HAWAII

DECISION

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A87-615
)
C. BREWER PROPERTIES, INC.) C. BREWER PROPERTIES,
) INC.
To Amend the Agricultural Land Use)
District Boundary to Reclassify)
Approximately 29 Acres, Tax Map)
Key Number: 3-4-23: Portion 5;)
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as Tax Map Key: 3-4-30: Portions)
of 2, at Wailuku, Maui, Hawaii)
into the Urban Land Use District)
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DECISION

THE PETITION

This matter arises from a Petition for an amendment to the Land Use Commission District Boundaries filed on August 25, 1987, as amended on September 25, 1987, pursuant to Section 205-4, Hawaii Revised Statutes, as amended, and Subchapter 6, Hawaii Administrative Rules, by C. BREWER PROPERTIES, INC. ("Petitioner") to amend the designation of approximately 29 acres of land, situate at Wailuku, Island and County of Maui, State of Hawaii, identified as Maui Tax Map Key No.: 3-4-23: Portion 5; 3-4-24: Portion 9; 3-4-30:13; 3-4-31: Portion 24; Remnant 1 and Remnant 2 as shown on the Wailuku Industrial Park II/Papohaku Park Large Lot Subdivision Map, approved by the

County of Maui on June 17, 1987, also formerly known as Tax Map Key: 3-4-30: Portions of 2 (hereinafter the "Property") from the Agricultural District to the Urban District.

PURPOSE OF THE PETITION

Petitioner is requesting a boundary amendment from Agricultural to Urban to develop the first increment of the Wailuku Industrial Park Phase II which shall consist of a subdivision with improved lots which Petitioner proposes to sell in fee for light industrial and commercial uses. The subdivision would be an extension of the existing phases of the Wailuku Industrial Park.

THE HEARING

The hearing on this Petition was conducted on December 4, 1987, in Wailuku, Maui, pursuant to notice published on October 26, 1987 in the Honolulu Advertiser and the Maui News. Petitioner was represented by Eric T. Maehara, Esq. of Foley, Maehara, Judge & Nip; the County of Maui was represented by staff planner Clyde Murashige of the Maui Planning Department; and the Department of Business and Economic Development was represented by staff planners Jean Nishida and Karen Yamamoto of the Land Use Division. There were no requests for intervention.

The following witnesses presented testimony:

Petitioner:

David Blane

Vice President, Maui Operations,
C. Brewer Properties, Inc.

Thomas Witten Consulting Planner, PBR Hawaii
Warren S. Unemori Engineer, Warren S. Unemori
Engineering, Inc.

Ann Bouslog Real Estate Consultant, Peat
Marwick Main and Company

County of Maui:

Clyde Murashige Staff Planner, County of Maui
Planning Department

Department of Business and Economic Development:

Jean Nishida Staff Planner, Land Use Division

Public Witness:

Kelly Arbor

POSITION OF THE PARTIES

The County of Maui - Approval without conditions since concerns expressed by the Maui Planning Department can be best addressed through the county development and permit process.

The Department of Business and Economic Development (DBED) - Approval with conditions as follows:

- "1. The Petitioner shall fund, design, and construct the necessary roadway improvements to Kahului Beach Road and Waiehu Beach Road as required by the State Department of Transportation to accommodate additional traffic generated by the proposed development.
- "2. The Petitioner shall coordinate with the County of Maui and the State Department of Health to establish appropriate systems to contain spills and prevent materials associated with light industrial uses such as petroleum products, chemicals or other pollutants from leaching into the storm drainage system and adversely affecting the water quality of Iao Stream.

- "3. Storage and/or disposal of hazardous wastes shall be approved by the Department of Health prior to construction on the subject property."

APPLICABLE REGULATIONS

Standards for determining the establishment of an Urban District are found under Subchapter II, Section 15-15-18 of the Hawaii Administrative Rules. Said rule provides in pertinent part that:

"In determining the boundaries for the "U" urban district, the following standards shall be used:

- (1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;
- (2) It shall take into consideration the following specific factors:
 - (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;
 - (B) Substantiation of economic feasibility by the petitioner;
 - (C) Proximity to basic services such as sewers, transportation systems, water, sanitation, schools, parks, and police and fire protection; and
 - (D) Sufficient reserve areas for urban growth in appropriate locations based on a ten year projection;
- (3) It shall include lands with satisfactory topography and drainage and reasonably free from the danger of floods, tsunami, unstable soil conditions, and other adverse environmental effects;
- (4) In determining urban growth for the next ten years, or in amending the boundary, land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;

- (5) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans;
- (6) It may include lands which do not conform to the standards in paragraphs (1) to (5):
 - (A) When surrounded by or adjacent to existing urban development; and
 - (B) Only when those lands represent a minor portion of this district;
- (7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services;
- (8) It may include lands with a general slope of twenty percent or more which do not provide open space amenities or scenic values if the commission finds that those lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape."

FINDINGS OF FACT

The Land Use Commission, having duly considered the record in this docket, the testimony of the witnesses and the evidence introduced herein, makes the following findings of fact:

Description of the Property

1. The Property, which is approximately 29 acres, is identified as Maui tax map key numbers: 3-4-23: portion of 5; 3-4-24: portion of 9; 3-4-30: portion of 13; and 3-4-31: portion of 24 and are owned in fee simple by Wailuku Agribusiness Co., Inc., an affiliate of the Petitioner. The Property also includes lands referred to as Remnants 1 and 2 as shown on the Wailuku Industrial Park II/Papohaku Park Large Lot

Subdivision Map, approved by the County of Maui on June 17, 1987, (formerly known as tax map key no.: 3-4-30: portions of 2) owned by the County of Maui.

2. The Wailuku Agribusiness Co., by letter dated July 9, 1987, and the County of Maui, by letter from the Mayor dated August 18, 1987, have authorized the Petitioner to prepare, file and process this Petition to reclassify the Property from the Agricultural to the Urban Land Use District.

3. The Property is part of the last phase (referred to as Phase II in the Petition) of the Petitioner's development plan for the Wailuku Industrial Park. Phase I of the industrial park has been completed, and Phase III (also known as The Millyard) is presently under construction. The Property consists of land which will comprise the first of two increments of Phase II. Petitioner will request the reclassification land comprising the second increment at a later date.

4. The Property is located in northern Wailuku, Maui, approximately a mile inland from Kahului Bay. The site is bounded by Phase I of the Wailuku Industrial Park to the northeast; a mixed-use area comprised of single-family residential units, office buildings and industrial uses to the southeast; land planned as the second increment of Phase II to the southwest (Phase III is adjacent to this future increment to the southwest); Papohaku Park and the future Wailuku Community Center to the south; and Iao Stream to the northwest.

5. The U.S. Department of Agriculture, Soil Conservation Service (SCS), Soil Survey Report for the Islands of Kauai, Oahu, Maui, Molokai and Lanai classifies the soil within the Property as Iao Silty Clay at 0 to 3 percent slopes, Iao Cobbly Silty Clay at 3 to 7 percent slopes, and Pulehu Cobbly Clay at 0 to 3 percent slopes. The Iao Series consist of well-drained soils situated on valley fill and alluvial fans. These soils are nearly level to moderately sloping, with elevations ranging from 100 to 500 feet. The annual rainfall amounts to 25 to 40 inches. On the Iao Silty Clay, runoff is slow and the erosion hazard is no more than slight.

6. The Land Study Bureau Detailed Land Classification for the Island of Maui designates the Property as B20i. This land type is characterized as stony, well-drained, with soils of the Iao Series (depth of over 30 inches), slopes of 0 to 10 percent (predominantly 3), mean annual rainfall of 20 to 40 inches, and elevations ranging from 0 to 250 feet.

7. The U.S. Army Engineer District Chief, Department of the Army, by letter dated December 3, 1987 and identified as Petitioner's Exhibit PL3, indicated the Property is not considered a wetland under Corps jurisdiction and a Department of the Army permit is not required for placement of fill in the Property.

8. According to the U.S. Department of the Army, Corps of Engineers, Engineering Division, the Property is located in a designated Zone C, area of minimal flooding.

9. On-site elevations range from 60 feet to 120 feet above sea level with slopes rising east to west at an average of 3.5 percent.

10. No public access exists to the Property except for cane haul roads throughout the Property.

11. The Property was utilized for sugarcane cultivation until November, 1986. Currently, the Property lays fallow with remnants of sugarcane production.

Description of the Proposed Development

12. Petitioner proposes to develop the first increment of Phase II of the Wailuku Industrial Park within the Property consisting of a subdivision with improved lots.

13. Petitioner proposes to sell lots in fee and implement covenants, conditions and rules (CC&R) to control the design of building and types of uses for the subdivision to be enforced by an owners association and by the petitioner, C. Brewer Properties, Inc. The form of the design guidelines and covenants, conditions and rules will basically duplicate the provisions implemented by Petitioner for the Millyard which is adjacent to the Property.

14. Petitioner proposes to develop 58 lots for light industrial use with lot sizes ranging from approximately 10,000 to 35,000 square feet. The land use allocation for the project is represented as follows:

Land Use Allocation

<u>Land Use</u>	<u>Acres</u>	<u>Percent of Total</u>
Industrial lots	+ 23.4	80 %
Roadways and Open Space	+ 4.6	20 %
	<hr/>	<hr/>
Total:	+ 28.0	100 %
	<hr/>	<hr/>

15. Petitioner projects the following schedule to obtain the necessary regulatory approvals and to develop Increment One of Wailuku Industrial Park Phase II:

<u>Tasks/Approvals Required</u>	<u>Projected Start</u>	<u>Completion</u>
1. State Land Use - Petition for Boundary Amendment from Ag to Urban, SLUC approval	6/87	12/87
2. County Zoning - Rezoning from Ag and R-2 to M-1, Planning Commission and County Council Approval	12/87	6/88
3. Subdivision Approval (Preliminary and Final)	6/88	6/89
4. Construction of Improvements	6/89	6/90
5. Sale of Improved Lots	6/89	--

16. Petitioner estimates the infrastructure construction costs to be as follows:

Estimated Infrastructure Costs

<u>On-Site</u>	<u>Estimated Costs</u>
General Site Work	\$ 593,000
Roadway	\$ 755,730
Drainage	\$ 531,800
Water System	\$ 384,355
Sewer System	\$ 319,600
Electrical, CATV and Telephone	\$ 464,000
Miscellaneous	\$ 66,250
	<hr/>

Total Estimated On-Site Costs: \$ 3,114,735

Off-Site

Roadway and Traffic	\$ 268,900
Water Storage Assessment	\$ 291,000
Sewage Treatment Plant Enlargement	\$ 608,000

Total Estimated Off-Site Costs: \$ 1,167,900

Total Estimated Infrastructure Costs: \$ 4,710,899
(including 10% contingency)

Petitioner's Financial Capability
to Undertake the Proposed Development

17. The financial statements provided by the Petitioner for the 12-month period ending December 28, 1986 list assets as \$44,176,000, and liabilities (including long-term debt, and current and other liabilities) as \$7,541,000.

Need for the Proposed Project

18. According to the market study, Petitioner's Appendix D, prepared for the Petitioner by Peat, Marwick, Main and Co., a demand for such lots exists, and is expected to increase in the future. The projected increase in demand for industrial space is likely to result in the expansion of business and industry in the Wailuku-Kahului region.

19. The Market Study states that:

"[i]ndustrial land on Maui is mainly concentrated in the Kahului-Wailuku area...Almost all of the current developed industrial land in the Kahului-Wailuku area is either fully leased or sold. Fee simple land in the Kahului industrial area is virtually nonexistent with the majority of

industrial lands being leased from Alexander & Baldwin, Inc. (A&B). Typically, land in the Wailuku Industrial Area is available on a fee simple basis.

"The existing inventory of vacant industrial lots in the Kahului-Wailuku area is currently limited to the remaining Millyard lots and leased lots from A&B...Wailuku Industrial Park Phase II is the only major project planned for the Wailuku-Kahului area."

The Market Study also indicates that the first increment of Wailuku Industrial Park Phase II (WIP II) would help meet the current needs for fee simple light industrial property. The future increment of the WIP II would then be developed to meet the future demands for industrial property in the Wailuku- Kahului area.

20. The Maui Planning Department is concerned that while there is a demand for land of light industrial designation, a substantial portion of the land may be utilized for commercial purposes. Although the demand for light industrial use in central Maui will be substantially addressed by the project, extensive commercial use may discourage the establishment of light industrial uses.

State and County Plans and Programs

21. The Property is designated within the State Land Use Agricultural District.

22. The Wailuku-Kahului Community Plan, which was recently adopted by the Maui County Council and replaces the Wailuku-Kahului General Plan, designates the Property for light industrial use.

23. According to the Zoning Ordinances and maps of the County of Maui, the Property is currently zoned as Agriculture, Light Industrial, and Residential District.

The Agriculture and Residential zoned portions of the Property will require a zoning change to M-1 light industrial district prior to subdivision development.

The County's M-1 light industrial district permits a range of business, commercial, and light industrial uses including limited manufacturing and processing.

24. The Property is not located in the Maui County Special Management Area (SMA).

Adequacy of Public Services and Facilities

Water

25. Petitioner estimates the average daily water demand for the first increment of the Wailuku Industrial Park Phase II (WIP II) to be approximately 194,000 gallons per day (gpd) and the maximum daily water demand to be approximately 291,000 gpd.

26. Two water sources presently serve the Property. The Mokuhaui source has a total pumping capacity of 10 million gallons a day (mgd), while the Waiehu Heights source has a total pumping capacity of 3.6 mgd.

27. The County of Maui Department of Water Supply, in its letter to DBED dated October 5, 1987, states that the Petitioner has participated in the development of water sources and is assured of a water supply, provided that the Petitioner meets other requirements in the implementation of the proposed development.

Sewage Treatment and Disposal

28. Petitioner projected the average daily flow from the first increment of WIP II to range between 136,000 gpd and 152,000 gpd.

29. All sewage from Wailuku is pumped to the Kahului Sewage Treatment Plant for treatment and disposal.

30. Petitioner proposes to enlarge the existing sewage treatment plant and make on-site sewer system improvements.

31. The County of Maui Department of Public Works (DPW), in its memo to the County's Planning Department dated October 23, 1987, requests that a detailed report evaluating the adequacy of the existing wastewater pumping stations and collection system that will service the proposed project be provided. A fee may be imposed to cover costs to expand or improve the Kahului Wastewater Treatment Plant to accommodate the additional sewage flows.

32. The Maui Planning Department states that concerns on sewage treatment and disposal can be addressed at the county permit and zoning process.

Drainage and Contaminant Disposal

33. Petitioner indicates that off-site surface runoff flows into the Property from an area below Saint Anthony School, which is located approximately one-half mile away. Petitioner estimates maximum storm drainage off-site flow to the Property is 100 cubic feet per second (cfs). However, the majority of this off-site storm run-off is intercepted by an open ditch within a County drainage easement before it reaches the Property.

34. Petitioner estimates that the project will increase on-site maximum storm drainage flow from 62 cfs to approximately 143 cfs.

35. Petitioner proposes to install catch basins at appropriate intervals within the proposed subdivision to collect on-site flows. Both on-site and off-site storm drainage flows will be discharged into the adjacent Iao Stream.

36. The Department of Land and Natural Resources (DLNR), in its memo dated November 9, 1987, states that since the specific industrial uses of the proposed subdivision are unknown, an adequate assessment of the proposed project on the aquatic resources values in the nearby ocean area is difficult to make. DLNR recommends that if reclassification is approved, operations utilizing or storing quantities of petroleum products, chemicals and other pollutants should be required to establish appropriate systems to contain spills and prevent such materials from leaching into the storm drainage system.

37. The Coastal Zone Management (CZM) Program expressed similar concerns in its memo to DBED dated October 5, 1987. CZM states that potential water quality impacts should be duly considered, particularly since controls for possible contamination of streams by industrial uses are not established at the County level.

38. Petitioner represented that its CC&R's prohibit the dumping of waste materials off-site into Iao Stream. Also should the users of the industrial park generate hazardous waste, these wastes would be disposed of in accordance with State Department of Health regulations.

Roadways and Highways

39. According to the traffic study prepared for the Petitioner by PRC Voorhees in January 1981, and an update to that study conducted by Parsons, Brinkerhoff, Quade and Douglas in August 1986 (Appendices B and C, respectively, of the Petition), the proposed development is expected to generate increased traffic in the vicinity of the Property. To mitigate the existing and projected traffic impacts, the Petitioner proposes to make the following improvements:

- The extension of Eha Street in a southwesterly direction parallel to Iao Stream. Eha Street would be connected to Mill Street via Imi Kala Street, when the future increment of WIP II is developed.
- The provision of a new access road at the existing entrance to Papohaku Park, which would provide direct access to the proposed subdivision from Lower Main Street. This proposed roadway would be connected to

the proposed extension of Eha Street, eventually providing a second traffic artery connecting Mill Street, Lower Main Street and Waiehu Beach Road.

40. The DPW, in its memo to the County's Planning Department dated October 22, 1987, states that the criteria used in the Petitioner's traffic report does not appear to be consistent with that of the County. DPW recommends that Petitioner's traffic consultant meet with its staff regarding this traffic report. Petitioner states that it has met with the DPW and resolved concerns regarding Petitioner's traffic report. Furthermore, Petitioner states that it will work very closely with the DPW in the design of roadway improvements.

41. The County Planning Department recommends that Petitioner make provisions for off-street parking for employees in the industrial park to be considered during the county zoning process.

42. The State Department of Transportation (DOT), in its memo to DBED dated October 30, 1987, recommends that the Petitioner extend the right-turn lane on the Kahului Beach Road approach to the Waiehu Beach Road/Lower Main Street Intersection. All plans for work within the State highway right-of-way must be reviewed and approved by the Highways Division of DOT.

43. Petitioner represented that it will provide various traffic improvements including the signalization of the main access off Lower Main Street, provide acceleration and deceleration lanes on Lower Main Street; and a left-turn

storage lane for vehicles turning left into the industrial park from Lower Main Street. Petitioner represented that it had initiated discussions with the State Department of Transportation in terms of the off-site, right-turn lane on Lower Beach Road and that it would work closely with the State Department of Transportation to resolve their concerns.

Police and Fire Protection

44. The Property will be served by the recently completed new police headquarters located on Mahalani Drive adjacent to the south side of Kaahumanu Avenue.

45. The Property will be served by the existing Wailuku Fire Station at the corner of Main Street and Kinipopo Street.

Schools

46. The State Department of Education states in its memo to DBED dated September 30, 1987, that its review indicates that the proposed development will have a negligible effect on schools in the area.

Parks and Recreational Services and Facilities

47. Petitioner has made available lands just south of the Property to the County of Maui for the expansion of existing park and recreational facilities. The County intends to expand and improve the existing Papohaku Park facilities, and to continue development of the Wailuku Community Center.

Electric and Telephone Service

48. Maui Electric Company's recently expanded electrical substation is located approximately 500 feet southeast of the Property.

49. Existing telephone distribution and trunk lines are located on Lower Main Street. Petitioner proposes to place the telephone distribution system in underground ducts and pull boxes.

Impact Upon Resources of the Area

Agricultural Resources

50. Petitioner states that although the Property is classified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) as Prime, "the impact of the urban use of this land relative to Maui's total agricultural land resources will be negligible...The proposed action will cause a loss of less than .04% of Maui's ALISH prime agricultural land."

51. Although the cumulative effect of reclassifying "prime" agricultural land must be considered in all reclassification requests, given the Property's size, its discontiguity from other agricultural lands in the vicinity, and its contiguity to urban uses, Petitioner believes it is reasonable for the Property to be reclassified to the Urban District.

Historical/Archaeological Resources

52. Petitioner states that two activities have effectively destroyed any cultural material of interest that

might have been present in the Property: extensive modification of the Property as a result of sugarcane production; and the flood control improvements to adjacent Iao Stream. Petitioner states that an examination of the surface of the Property yielded no evidence of cultural material, nor any other indication of the presence of historic sites. No further archaeological or historical investigations of the Property are considered necessary.

53. DLNR states that it appears that no significant historic sites are in the project area, and the reclassification from agricultural to urban use will have "no effect" on significant historic sites.

DLNR also states that the Property lies close to Halekii-Pihana Heiau State Monument. While DLNR has no objection to the proposed urban zoning, it is concerned about maintaining the integrity of the park by limiting urban development to low rise structures with landscaping and prohibiting industrial uses which would generate visual, air or noise pollution.

54. Petitioner states that its CC&R's contain stringent design controls and would require a 35-foot height limit for structures in the industrial park. Furthermore, the flood plain in the area provides a buffer between the Halekii-Pihana State Monument and the industrial park.

Flora and Fauna

55. According to a field reconnaissance survey of the Property, which was conducted in March 1981 for the Petitioner by Environment Impact Study Corp. (Appendix A of the Petition), "none of the biota observed or believed normally present in the petition area are rare, threatened, or endangered." Petitioner states that since the area has been previously disturbed by agricultural production, it does not provide a suitable habitat for endemic species. The proposed development is not expected to cause significant impacts to native flora and fauna.

Air and Noise Quality

56. Petitioner believes that impacts to air quality would be caused by such short-term construction activities as site clearing and grading and that long-term impacts on air quality attributable to increased traffic will be minimal.

57. Petitioner proposes to implement mitigative measures such as dust abatement and erosion control measures during construction to minimize short-term air quality impacts.

58. Petitioner anticipates increases in noise levels in the immediate area will be attributable to construction activities associated with site preparation; industrially generated activities of fully developed industrial areas; and the number of motor vehicles passing through the Property.

59. Petitioner proposes to mitigate the impacts of construction on ambient noise levels by following the standards and guidelines as set forth by County of Maui and the State

Department of Health. Petitioner states that potential noise conflicts will be alleviated to the greatest extent possible through the enforcement of construction noise controls and refinements in the detailed design of the subdivision.

60. The State Department of Health (DOH), in its memo to DBED dated October 5, 1987, states that its Maui Environmental Health Services Office has received numerous complaints from owners of residential properties abutting light industrial subdivisions (e.g., commercial refuse collectors making excessive noise at early morning hours, construction workers starting early morning hours generating vehicular noise, etc.). DOH notes that there are no noise rules in the County of Maui. Therefore, it will be difficult to monitor and effectively oversee the noise nuisance complaints as it states in the assessment document. At a minimum the detailed design of the light industrial subdivision should be reviewed by Maui Environmental Health Services Office for potential noise conflicts.

61. Petitioner states that CC&R's for the proposed development include provisions to mitigate noise impacts. In addition, Petitioner is willing to investigate the use of noise abatement features, such as landscaping and walls, as needed, on boundaries that are adjacent to residential uses.

Petitioner states that most of the nuisance noises are during non-business hours. Petitioner is willing to revise its CC&R's to provide provisions to control the types of uses and

the hours of use. For example, refuse collection and moving of heavy equipment would only take place during normal business hours.

Water Quality of Iao Stream

62. Petitioner indicates that both on-site and off-site storm drainage flows will be discharged into adjacent Iao Stream.

63. The DLNR states that since the specific industrial uses of the proposed subdivision are unknown, an adequate assessment of the proposed project on the aquatic resources values in the nearby ocean area is difficult to make. DLNR recommends that if reclassification is approved, operations utilizing or storing quantities of petroleum products, chemicals and other pollutants should be required to establish appropriate systems to contain spills and prevent such materials from leaching into the storm drainage system.

64. The Coastal Zone Management (CZM) Program has expressed similar concerns.

CONTIGUITY OF THE PROPOSED RECLASSIFICATION

65. The Property is contiguous to the Urban Land Use District. It is bounded by light industrial and commercial activities, as well as some residential and public uses. The project site lies on the south bank of Iao Stream, an area which is classified Urban; some agricultural lands remain on the north bank of Iao Stream.

CONFORMANCE TO THE HAWAII ADMINISTRATIVE RULES

66. The proposed reclassification of the Property generally conforms with the provisions outlined in the HAR Rules, Chapter 15-15-18, standards for determining "U" urban district boundaries.

CONFORMANCE WITH THE HAWAII STATE PLAN

67. The proposed reclassification generally conforms to the Hawaii State Plan's objectives for the economy in general, and the economic priority guidelines. The following objectives appear to be achievable by the proposed development:

Sec. 226-6(a)(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.

Sec. 226-6(a)(2) A steadily growing and diversified economic base that is not overly dependent on a few industries.

The economic priority guidelines are established in an attempt to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii's people and achieve a stable and diversified economy. Section 226-103(a)(8) states that private initiative should be encouraged to develop and attract industries which promise long-term growth potentials and would provide reasonable income and steady employment.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Hawaii Administrative Rules, the Commission

finds upon the preponderance of evidence that the reclassification of the Property, consisting of approximately 29 acres of land situate at Wailuku, Island and County of Maui, State of Hawaii, from Agricultural to the Urban District and an amendment to the district boundary accordingly is reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

ORDER

IT IS HEREBY ORDERED:

That the Property which is the subject of this Petition in Docket No. A87-615 by C. Brewer Properties, Inc., consisting of approximately 29 acres of land situate at Wailuku, Island and County of Maui, State of Hawaii, identified as Maui Tax Map Key Numbers: 3-4-23: Portion 5; 3-4-24: Portion 9; 3-4-30:13; 3-4-31: Portion 24; Remnant 1 and Remnant 2 as shown on the Wailuku Industrial Park II/Papohaku Park Large Lot Subdivision Map, approved by the County of Maui on June 17, 1987, also formerly known as Tax Map Key: 3-4-30: Portions of 2; more approximately depicted on Exhibit A attached hereto and incorporated by reference herein, shall be and hereby is reclassified from the Agricultural District to the Urban District and the district boundaries are amended accordingly.

DOCKET NO. A87-615 - C. BREWER PROPERTIES, INC.

Done at Honolulu, Hawaii, this 16th day of March 1988,
per motions on February 16, 1988 and March 8, 1988.

LAND USE COMMISSION
STATE OF HAWAII

By *J.P. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

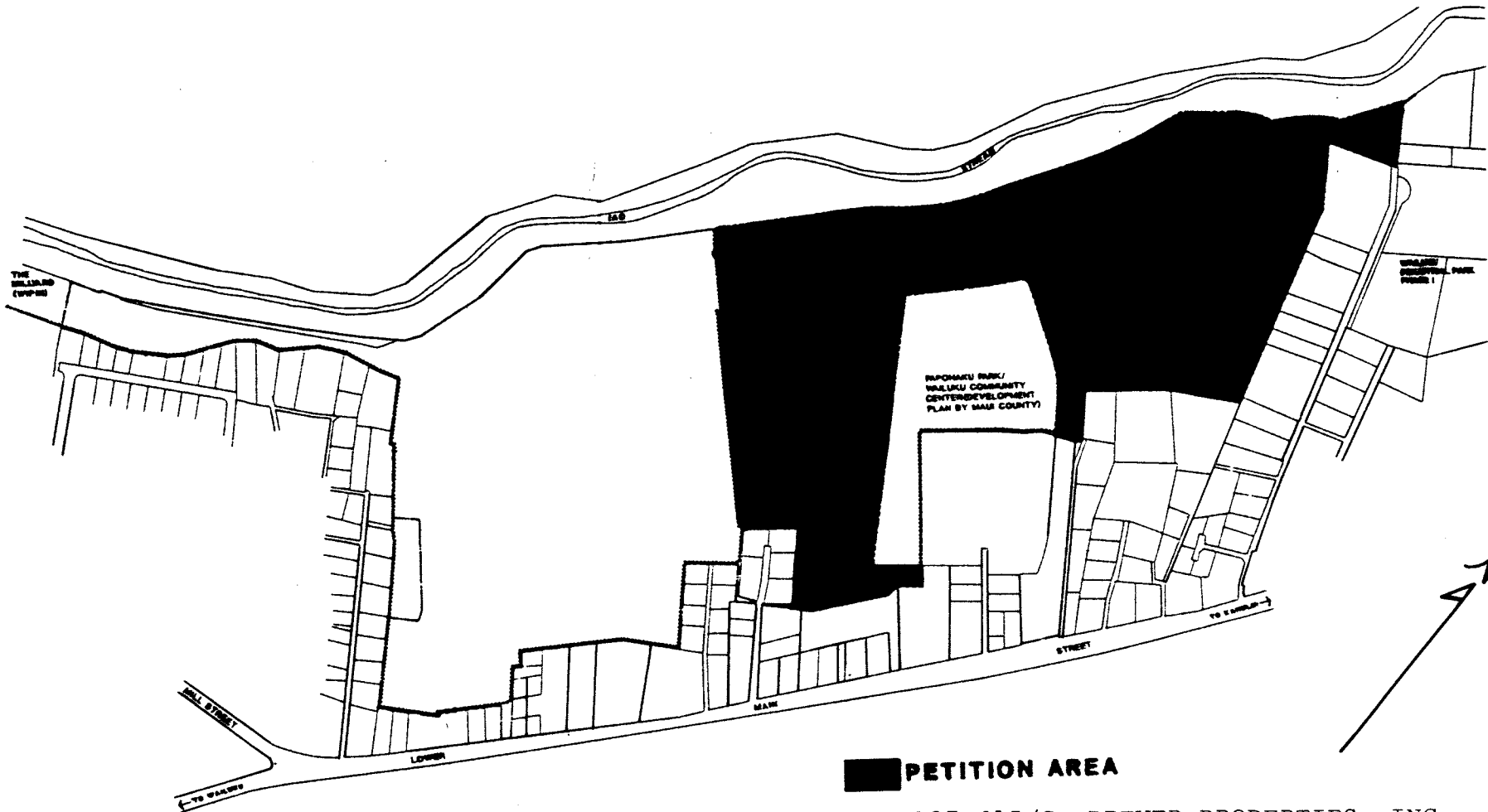
By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner

By *Everett L. Cuskaden*
EVERETT L. CUSKADEN
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

By *Richard B. F. Choy*
RICHARD B. F. CHOY
Commissioner



PETITION AREA

A87-615/C. BREWER PROPERTIES, INC.
 WAILUKU, MAUI, HAWAII

Tax Map Key Numbers: 3-4-23: Portion of 5,
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3-4-24: Portion 9; 3-4-30:13;)	
3-4-31: Portion 24; Remnant 1 and)	
Remnant 2 as shown on the Wailuku)	
Industrial Park II/Papohaku Park)	
Large Lot Subdivision Map,)	
approved by the County of Maui on)	
June 17, 1987, also formerly known)	
as Tax Map Key: 3-4-30: Portions)	
of 2, at Wailuku, Maui, Hawaii)	
into the Urban Land Use District)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

ROGER A. ULVELING, Director
Department of Business and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

cert. CHRISTOPHER L. HART, Planning Director
Planning Department, County of Maui
200 South High Street
Wailuku, Hawaii 96793

cert. ERIC T. MAEHARA, ESQ.
Foley, Maehara, Judge & Nip
737 Bishop Street, Suite 2700
Honolulu, Hawaii 96813

Dated: Honolulu, Hawaii, this 16th day of March 1988.



ESTHER UEDA, Executive Officer

DOCKET NO. A87-615 - C. BREWER PROPERTIES, INC.

A copy of the Land Use Commission's Decision was served upon the following by regular mail on March 16, 1988.

DAVID W. BLANE, Vice President
C. Brewer Properties, Inc.
2123 Kaohu Street
P. O. Box L
Wailuku, Maui, Hawaii 96793