

LAND USE COMMISSION  
STATE OF HAWAII

Board of Supervisors' Chambers

Wailuku, Maui

January 25, 1964 - 1:00 P. M.

Commissioners

Present:

C.E.S. Burns  
James P. Ferry  
Goro Inaba  
Shelley Mark  
Shiro Nishimura  
Charles S. Ota  
Robert G. Wenkan  
Leslie E. L. Wung

Absent:

Myron B. Thompson

Staff

Present:

Raymond Yamashita, Executive Officer  
Roy Takeyama, Legal Counsel  
Richard Mar, Field Officer  
Alberta L. Kai, Stenographer

The public hearing was called to order by the Acting Chairman, C.E.S. Burns. The procedures to be followed throughout the hearing were outlined by the Chairman.

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PETITION OF LUDVINA ALMEIDA (A(T)63-43), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT BOUNDARY TO AN URBAN DISTRICT BOUNDARY FOR LANDS IN PUKALANI, MAUI: Described as TMK 2-3-30: 4, 41, 42 and 45; and 2-3-31: 16.

Mr. Richard Mar, having been sworn in, gave a background description of the area and request involved, and located the area on the map.

Representing petitioners was Counsel Walter T. Shimoda. Mr. Shimoda stated that the petitioners want to come up with a better subdivision than what they have now. He stated that the petitioners would like to have two lots, but that their subdivision plans which were filed with the County and given preliminary approval do not show this plan.

Commissioner Ferry interjected that petitioners' counsel is getting into design which this Commission is not involved. He stated that this Commission is only concerned whether this is urban in nature.

Mr. Shimoda acknowledged this. He stated that the petitioners' reason for this reclassification is that there are already homes existing in the area which were

constructed since 1951. He stated that the building permits were issued during the time when the Building Department wasn't too well organized. He stated that the records will show that the County has approved the petitioners plans and has issued the building permits to construct on these lots. He stated that the situation should be considered only as it exists now, and the only consideration that can be given is approval of the change from Agricultural to Urban.

In answer to the Chairman's question, the legal counsel stated that this Commission should only consider itself with the fact that whether this petition should be a proper basis for a change of one district to another and not concern itself with the detailed factors of the subdivision plan.

The legal counsel asked Mr. Shimoda whether those parcels in question were owned by Mrs. Ludvina Almeida. Mr. Shimoda replied in the negative and stated that they were all in different ownerships. The first parcel is owned by James Almeida; the second parcel by Mr. and Mrs. Almeida; the third by Albert Almeida; and the fourth by Mrs. Almeida. He also added that he represented all of them.

The Chairman stated that the petition as submitted is signed by all of those interested parties.

Mr. Mar continued with the staff's analysis and recommendation. The staff recommended approval of the petition, adding that while the legalizing of a long existing subdivision which was only recently discovered to be illegal may be a good reason for requesting this boundary change, it has not been a basis for staff's recommendation.

It was noted that the petitioners were requesting redistricting at this time mainly to correct the district classification in which subject area is situated (which is presently in agricultural) because the petitioners were granted a building permit to build in this area.

With no additional comments or questions from petitioners counsel or anyone present, the Chairman announced that this Commission will receive additional comments and protests within the next 15 days, and that this Commission will take action on this matter 45 to 90 days from this hearing.

The public hearing was closed in the matter of Ludvina Almeida, Et Al.

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PETITION OF TOSHI ANSAI (A(T)63-48), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARIES FROM AGRICULTURAL CLASSIFICATION TO A RURAL CLASSIFICATION FOR LANDS IN IAO VALLEY, MAUI: Described as TMK 3-5-03: 11.

Mr. Richard Mar outlined the background and description of the area and request involved, pointing out the location of the area on the map.

Commissioners were confused by the statement used in staff report that property was 800 feet in the existing forest reserve boundary lines. The Executive Officer explained that the subject property was in the temporary agricultural district classification and 800 feet in the existing forest reserve boundary lines. He further explained that all of the forest reserve lines are not identical to the Conservation designated lines.

The Chairman asked if the petitioner or anyone representing the petitioner was present. There was no response.

Mr. Robert Ohata, having been sworn in, introduced himself as the Director of Maui Planning and Traffic Commission. He stated that this petition was of very importance to this County because it is situated in Iao Valley which Valley is one of the County's prime attraction on the Island. He stated that it has been envisioned that if at the beginning of the road going down into the Valley the entire area was placed in the Conservation zone this would be an ideal situation. He stated, however, looking at the situation as it exists today, there are many homes in that area. Moreover the area beyond the forest reserve lines has lots of homes in there, and this was granted by the Department of Agriculture even when it fell within the forest reserve areas. He stated that he was not only speaking for the abutting Uno Tract but also for the homes of Mr. Duarte on the edge of Kapaniwai Park. He stated that here is a situation where the Conservation zone or something similar to a Conservation zone failed to preserve the desired scenic pleasures. So the County is now looking for alternatives. He stated that to keep this land in agriculture would be too much of a penalty on the property owner, in that, the adjoining property owners were permitted by the State to build homes. If this is kept in the Rural area than there would be a maximum density of half an acre. He stated that this is the best the County can hope for at this time. Mr. Ohata stated that if there is an urban classification in that area, it would surely be detrimental to the efforts of Maui County to keep that as a scenic site. He therefore made a strong plea that the Rural classification be granted by the only practical solution to preserving the beauties of that valley.

The Executive Officer proceeded with the staff analysis and recommendation. The recommendation of the staff was for denial because there was no basis for a Rural classification; and that Act 205 places the burden of proof upon the petitioner and that satisfactory proof has not been submitted (this is prior to what was stated by Mr. Ohata). The staff further recommended that the Land Use Commission incorporate the subject parcel and all adjoining or virtually adjoining small parcels down to and including the Uno Tract in the Urban district on the final boundary maps.

In reply to Mr. Ohata's statement that the use of this area for residential purposes, even at a low density Rural area, would not harm the scenic qualities in the area, Commissioner Wenkam stated that he was aware that many people on Maui felt that the ultimate development of Iao Valley to a considerable extent could be a major State Park. He stated that he was also aware that Iao Valley itself as it exists today is one of the most famous tourist attractions on the Island. He stated that he was also aware that Kapaniwai Park was one of the most popular parks of the local citizens on Maui. Commissioner Wenkam felt

that with all of these existing activities in Iao Valley every effort possible should be made to preserve the approaches to the Valley and the Valley itself. He described the petitioner's property covered with kukui trees as very attractive. He stated that because the area is generally narrow that residences in low density nature could pretty well "wipe" out this forest, and destroy the approach entrance to Iao Valley and its natural scenic qualities. Commissioner Wenkam stated that he felt this area should become Conservation and the Commission should keep it in conservation. He stated that the Valley is a very economic value to the State for tourist industry. He stated that if this is made urban on the district boundary maps according to what the staff recommends, there would no doubt be no entrance to this parklike area and no environmental approaches to these parklands. He stated that these natural scenic beauties and approaches must be protected. He stated that there are no better pleasures involved when driving through this area than its scenic approaches which are as important as the Valley itself.

Mr. Ohata stated that he concurred with Commissioner Wenkam in this area. He stated, however, that he would like to ask if such thinking is to prevail on this Commission, he would like to see that the designation not be an isolated one. He asked that the designation start from the approach road from Dr. Eunice's place and make the whole thing from thereon out as Conservation. He stated to place the present development, the pasture or other things in agriculture; and Mr. Ansai's property and other properties beyond that in conservation would be undesirable.

Commissioner Ota asked whether it was possible to subdivide and then sell residential lots within a Conservation district, according to the rules and regulations of Land and Natural Resources? Commissioner Ferry stated that the Board is presently operating on its interim regulations and he couldn't give a definite answer to this question. He, however, cited examples to illustrate his answer. One example concerned a case in Manoa which was similar and approval given; another in which case was a little different and approval not given.

The legal counsel asked the staff to clarify the status of the petition submitted by the petitioner. The Executive Officer explained that the staff has a letter on file from the petitioner stating that he wished to correct his original petition for amending of the temporary district boundaries from Agricultural to Rural instead of Urban, and that the petitioner submitted this notification of correction to the County of Maui.

With no further questions or comments the Chairman announced that this Commission will receive additional comments and protests within the next 15 days and will take action 45 to 90 days from this hearing.

The public hearing was closed at 2:30 p.m.