

STATE OF HAWAII
LAND USE COMMISSION

*Approved
6-16-67*

Minutes of Public Hearing
and Meeting

Kahului Library - Kahului, Maui

February 17, 1967 - 1:45 P. M.

Commissioners

Present:

Myron B. Thompson, Chairman
C. E. S. Burns
Jim P. Ferry
Robert G. Wenkam
Shiro Nishimura
Goro Inaba
Leslie Wung

Commissioner

Absent:

Shelley M. Mark

Staff Present:

Ramon Duran, Executive Officer
George Moriguchi, Former Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a short prayer, explained procedures to be followed during the hearing and introduced Commissioners and staff members. Persons testifying before the Commission were also sworn in at this time.

HEARINGS:

PETITION OF FRANK & BESSIE MONIZ (A66-143) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAONOULU, KULA, MAUI, identifiable by TMK 2-2-06: 63

Mr. Ramon Duran, Executive Officer, presented a staff report recommending denial of the petition based on the lack of additional significant evidence to warrant a reversal of the previous decision of the Commission on an earlier petition.

Mr. Robert Ohata, Maui Planning Director, challenged the rationale employed by staff in recommending denial of this petition; namely the fact that sufficient undeveloped rural lands were available in the Kula area. Yet in another instance, staff had recommended approval of a petition for urbanization (A66-134, Maui Ventures) in an area that already included surplus urban lands, on the premise that this was compatible with good planning and a logical area for expansion. The very crux of the County's recommendation for approval of this petition, Mr. Ohata argued, was based on these same reasons.

Commissioner Ferry wondered whether the count of only 16 permits per year between 1960 and 1965 in the Kula area, as reported in the staff report, was an accurate figure. Mr. Ohata replied that this would depend on the boundaries that were used by the staff in interpreting the Kula District. Former Land Use Executive Officer, Mr. George Moriguchi, advised that the records of the Hawaiian Telephone Company were used to get the permit count and that it included an area all the way down to Ulupalakua Ranch.

Mr. Ohata added that Maui was the fastest growing island in the State, even surpassing Oahu, and that the population increase was approaching the 5% figure annually. He attributed this to the tremendous growth and more specifically to the development of Kaanapali and the International Colony Club.

Mr. Ohata also pointed to the successful Pukalani Subdivision in the Rural District, attesting to the popularity of rural-type development on Maui.

Commissioner Ferry offered the observation that perhaps the Land Use Commission was obliged to plan and program the growth over a projected period which may exceed 10 years. Chairman Thompson replied that the 10-year projection period was spelled out in the guidelines.

Since there was no further testimony, the hearing was closed.

PETITION OF THE COUNTY OF MAUI (A66-144) TO AMEND THE LAND USE DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO A RURAL DISTRICT AT KEPANIWAI PARK, IAO VALLEY, MAUI

A staff report presented by the Executive Officer recommended denial of the petition since most of the additional information was irrelevant or inconclusive and the petitioner had not submitted adequate proof that the area was needed or usable for the proposed use.

Mr. Ohata argued that contrary to staff's recommendation, all of the figures and data transmitted by the Maui County in support of this petition pointed to approval and that he was at a loss to understand staff's recommendation for denial.

In support of the County's request, Mr. Arthur Fernandez, Federal Aid Coordinator, explained the master plan and program for development for Kepaniwai Park. He stated that in 1964, Richard Tong submitted a master plan to include within the park contributions from the Japanese, Chinese, Filipino, Portuguese and Hawaiian cultures. In early 1966, \$187,000 was appropriated by the Legislature for this project, \$56,000 from the Bureau of Outdoor Recreation, \$56,800 from the County. An additional \$187,000 was approved by the County to match the legislative funds.

The County had anticipated delays on the project pending relocation of the caretaker's cottage. It was their wish to locate this in close proximity to the park to allow for adequate patrolling of valuable artifacts and property which will be placed in the park.

Mr. Fernandez agreed that the relocation of the caretaker's cottage was the cause of the delay in completing this project, in answer to the Chairman's question.

Mr. Duran asked for clarification of Mr. Ohata's statement to the effect that unless the boundary is changed, the funds allocated to this park would be withdrawn and no development would occur. Mr. Ohata indicated that failure to secure approval from the Commission had actually delayed the project already and that it was questionable whether the County might go ahead with it. Mr. Takeyama asked if the federal funds were contingent upon the fact that the caretaker's home be built upon the lot that the County wants and Mr. Ohata answered in the negative.

If vandalism were the problem here, Commissioner Wenkam suggested that the top of the hill overlooking the entire park would be an ideal site for the caretaker's cottage. Mr. Ohata argued that their proposed locale was a vantage site since it was the approach to the park. He felt that the house should not be exposed at the top of the hill.

Commissioner Wenkam commented that there was nothing to prevent the owner from building a home on the top of the hill once it was districted rural, and expressed his feeling that the highest and best use of this subject parcel was intense landscaping to protect the environment of the park.

Mr. Ohata replied that they had the assurance of the owner that the land would be developed in a desirable manner. If this was the case, Commissioner Wenkam wondered why the land could not be left within the Conservation District and be assured of further protection from the Department of Land and Natural Resources. He also felt that since the "County engineer reported that bluff was not usable for anything" as reported in the staff report, the County should take this opportunity to increase park lands and purchase the proposed site for the caretaker's cottage from Mr. Duarte instead of going through a land exchange. This would enhance the park property and totally screen out the possibility of urban use in the area.

Commissioner Ferry reflected that the County had sought professional assistance in developing a park plan geared to the needs of its citizens, and that the Commission overstepped its bounds when it delved into the question of what was proper park planning. As a reminder, he pointed to the fact that federal monies had been committed for this project through the Bureau of Outdoor Recreation, whose liaison officer was Commissioner Mark, a member of the Land Use Commission.

Commissioner Wenkam argued that the question here was one of protecting scenic resources and other allied activities that occur within a Conservation District, and it was definitely within the powers of the Land Use Commission to consider the land use pattern of this area.

Mr. Ohata commented that the Land Use Law should not be an end in itself, that the end result of the law should be to accomplish certain goals that were good and that the Land Use Commission should consider the petition favorably.

There being no further testimony, the hearing was closed.

ADOPTION OF MINUTES

The minutes of the meetings of October 29, 1966 and November 23, 1966 were approved as circulated.

ACTION

PETITION OF THE ESTATE OF SOPHIE JUDD COOKE (A66-135) TO RECLASSIFY APPROXIMATELY 4.9 ACRES OF LAND SITUATED AT KAHANUI, MOLOKAI FROM AGRICULTURAL TO RURAL

Mr. Ah Sung Leong presented a staff memo recommending denial of the petition on the basis that substantiating evidence in support of a boundary amendment is still lacking (see copy of report on file).

Mr. Leong advised Chairman Thompson that the distance between the urban boundary and petitioner's property was approximately 800' away. It was also brought out that the pasture lands in the Urban District were owned by the Meyers.

Mr. Meyer Ueoka, representing the petitioner, submitted such additional data as a general map of the State and Molokai, classification of the lands prepared by the Land Study Bureau, general description of the lands, and subdivision plans, for the records. It was pointed out that the land area of each lot in the proposed subdivision would be in excess of half an acre and therefore conform to the Rural District. Telephone and electricity were presently available and water would be provided by the Molokai Ranch and would not tax the County in any way.

With respect to the report that agricultural lands were rapidly diminishing on the Island of Oahu and that Molokai would certainly become the bread basket of the State of Hawaii, Mr. Ueoka submitted that Molokai faced many problems in this area. Some of these were listed as the lack of water facilities, the necessity of setting up costly windbreakers for the raising of crops and vegetables, and the fact that a very few owned large parcels.

However, if the subdivision were approved, the homes will blend into the surrounding area and add to the aesthetics and beauty of the place. Mr. Ueoka felt it was the purpose of the law to see that taxes were assessed equitably and that in its present classification the owners were not carrying their fair share. Development of the subdivision would also aid the economy of Molokai. Based on all of the circumstances and facts, Mr. Ueoka recommended that a rural designation was justified.

Commissioner Ferry commented on the tremendous success enjoyed by the growers of potatoes and corn on Molokai and felt there would be pressing demands for additional rural-type lands in the future.

Chairman Thompson reminded the Commissioners that at the time of determining the final boundaries, the Commission did consider rural areas of 5 acres and sometimes 3 where there were existing structures.

Mr. Takeyama, legal counsel, advised that the Commission should concern itself with the petition as submitted by the petitioner, namely a reclassification from agricultural to rural, and disregard the suggestion of a special permit in the staff memorandum. Since the intent was for subdivision of the land, a special permit did not apply. Chairman Thompson directed that this be deleted from the records.

On his belief that this was a reasonable and valid request which merited consideration and on his intention to seek an expansion of the boundaries at a later date, Commissioner Ferry moved to approve the request for rural designation. It was seconded by Chairman Thompson and passed unanimously.

PETITION OF MAUI VENTURES (A66-134) TO RECLASSIFY APPROXIMATELY 49 ACRES OF AGRICULTURAL LANDS TO AN URBAN CLASSIFICATION AT MAKAWAO, MAUI

Staff memorandum presented by Mr. Leong recommended approval of the petition in view of the development trends in the Makawao area and recommended also that the approximately 100 acres within the present Makawao Urban District which apparently would be continued in use as agricultural lands be considered for the Agricultural District when the boundaries are reviewed next year (see copy of report on file).

Commissioner Ferry moved to approve the petition as recommended by staff, seconded by Commissioner Burns, and the motion was carried unanimously.

PETITION OF WAILUKU SUGAR CO. (A66-136) TO RECLASSIFY APPROXIMATELY 8/10's ACRE OF AGRICULTURAL LANDS TO URBAN AT WAILUKU, MAUI

It was recommended by staff that the petition be approved in view of the fairly tight urban scene and the availability of community facilities in the area. (See copy of report on file.)

Commissioner Wenkam moved that the petition be approved as recommended by staff, seconded by Commissioner Burns, and passed unanimously.

PETITION OF LAND USE COMMISSION (A66-139) TO RECLASSIFY 10 ACRES FROM AGRICULTURAL TO RURAL AT LIHUE, KAUAI

Following staff's recommendation for approval of the petition (see copy of report on file) Commissioner Ferry moved to recommend approval of the petition, seconded by Commissioner Nishimura. The motion was carried by a unanimous vote.