

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Maui Community College
Wailuku, Maui

March 5, 1971 - 1 p.m.

APPROVED
JUL 1 1971

Commissioners Present: Goro Inaba, Vice Chairman
Shelley Mark
Sunao Kido
Eddie Tangen
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Commissioner Absent: Alexander Napier

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

Acting-Chairman Inaba called the meeting to order and swore in persons wishing to testify before the Commission.

HEARING

PETITION BY COUNTY OF MAUI, ET AL (A70-269) TO RECLASSIFY APPROXIMATELY 1.2 ACRES FROM AGRICULTURAL TO URBAN AT PUUOHALA, WAILUKU, MAUI

The Executive Officer, Mr. Duran, presented the staff report (see copy on file).

Maui Planning Director, Howard Nakamura, explained that the boundary amendment would allow the addition of only one house. Presently, the area contains only two dwellings and a County park. Mr. Nakamura also clarified that the additional house could be constructed on the large parcel without a subdivision.

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Vice-Chairman Inaba closed the public hearing shortly thereafter and advised that the Commission will receive additional written testimony 15 days after the hearing.

ACTION

PETITION BY HALE MAHAOLU & THE COUNTY OF MAUI (A70-258) TO RECLASSIFY APPROXIMATELY 15 ACRES FROM AGRICULTURAL TO URBAN AT PAIA, MAUI

The staff report recommending approval of the petition was presented by Mr. Leong, staff planner (see copy on file).

Vice-Chairman Inaba asked the Executive Officer whether the buyers would be assessed with a higher rate if the lands were rezoned to an Urban classification. Mr. Duran replied that according to the petitioner, this would not happen as a result of the Commission's action.

In reply to questioning by Commissioner Sakahashi, Mr. Leong stated that according to the petitioner's statement, the house and lot package would range between \$22,000 to \$23,000 and that the upper range would reflect an Urban classification.

Mr. Masaru Omori, Chairman of the Hale Mahaolu project, testified that the landowner priced the land at \$9,500 per acre, while an independent appraiser appraised the land at about \$5,500 per acre. Since May, 1970, the organization has received 108 applications for the 70 parcels proposed in the development. Out of the 108 applicants, 59 qualified according to their income bracket. Also, 40 of the applicants are from plantation camps.

Commissioner Wung's motion to accept the staff's recommendation for approval of the petition was seconded by Commissioner Yamamura. The motion was carried unanimously.

SPECIAL PERMIT APPLICATION BY COUNTY OF MAUI (SP71-90) TO CONSTRUCT AND UTILIZE VACATION CABINS FOR OVERNIGHT USE AT KEOKEA, MAUI

The Executive Officer read the staff report recommending approval of the special permit subject to the condition that the State Land Board approve the application for cabin use in the park site (see copy on file).

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Maui Planning Director, Howard Nakamura, stated that the cabins will be operated by the County Parks Department and that they will be sited in the woods above the ball field.

Upon further discussion, the following conditions were added to those contained in the staff recommendation:

1. that approval of the proposed cabin use from the State Land Board be obtained within a period of six months and
2. that construction be initiated within one year of approval by the Land Board.

Commissioner Yamamura's motion that the request be approved as recommended by the staff subject to the additional conditions was seconded by Commissioner Tangen and unanimously carried.

SPECIAL PERMIT APPLICATION BY MAUI ZENDO OF THE DIAMOND SANGHA, INC.
(SP71-92) TO CONSTRUCT RELIGIOUS & COMMUNITY SERVICE PROGRAMS AT
PEAHI, MAUI

Mr. Leong read the staff report recommending approval as conditioned by the County of Maui (see copy on file).

Commissioner Yamamura was excused from the proceedings since he owns property nearby. Commissioner Kido was advised by Mr. Hong that although his relatives own property about 3 miles away, there would not be a conflict of interest in his case since the matter is not one of boundary amendment.

Mrs. Ruplinger testified that her residence is situated directly across the road from the subject property.

In reply to a question by Commissioner Sakahashi, Mr. Leong stated that the matter of the health clinic was mentioned at the public hearing conducted by the County of Maui and that this would be related to the community service programs as proposed by the petitioner. This information was secured from the minutes of the public hearing held by the County.

Mr. Howard Nakamura elaborated that Dr. Ahren, who at that time was under contract to the Health Department to provide a

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roving medical service, had appeared on behalf of the applicants and suggested the use of the chapel as a part-time health clinic. However, Dr. Ahren has since left the Health Department, and the status of the out-patient clinic program is unknown. Mr. Nakamura also believed that the Maui Zendo has leased the property from the Latter Day Saints on a monthly basis.

Under questioning by Commissioner Sakahashi, Mr. Nakamura stated that the proposed facility would provide for community activities such as arts and crafts in addition to religious activities.

Mr. Conrad Isecke, representing the petitioner, testified that theirs is a very rigorous program involving six hours of work and four hours of meditation a day. It may be compared to a monastery. The participants' average stay is about 1½ to 2 months, and the maximum number on the premises is 12 members.

Mrs. Ruplinger inquired whether there would be any supervision. Mr. Isecke replied that the Peahi Chapel will be directly supervised by a full-time resident of Maui Zendo who will maintain full control. He stated that the Maui Zendo is not connected in any way with the residents of Banana Patch.

Commissioner Tangen's motion to approve the special permit subject to the County's conditions and the additional condition that it be for a three-year period was seconded by Commissioner Wung and carried as follows:

Ayes: Commissioners Tangen, Mark, Kido, Wung, Sakahashi,
and Inaba

Abstention: Commissioner Yamamura.

SPECIAL PERMIT APPLICATION BY ALFREDA WORST (SP71-94) TO
ENCLOSE AN EXISTING LANAI TO BE USED AS A SITTING ROOM AND
CONSTRUCT RESIDENCE FOR OWNER AT WAKIU, HANA, MAUI

Upon the Vice-Chairman's suggestion, the Executive Officer read a radiogram from Mr. Tanaka requesting that the action on this petition be deferred since he and other neighboring property owners do not have sufficient information on the use proposed by Mrs. Worst.

It was clarified by the staff that the public hearing on special permit applications are held by the County and that the legal ad would be published by the County.

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Commissioner Mark suggested and the Commission agreed that the matter could be heard and then the Commission may either approve, defer, or deny the petition.

Mr. Leong described the area in question, and Mr. Duran read the staff report.

In the discussion which followed, Mr. Howard Nakamura stated that the lot involved is very difficult to subdivide since the existing motel is situated in the middle of the parcel.

Attorney Lawrence Ing, representing Mrs. Worst, stated that other non-conforming uses such as Rito Express, a papaya processing plant, and another hotel operation exist in the area. As for the construction that has already been completed, Mrs. Worst had not at any time intended to violate any rules or regulations.

Commissioner Tangen moved that the special permit be granted subject to the conditions imposed by Maui County and the further conditions that the approved residence be occupied only by whoever owns the property or the motel manager and that the recently enclosed lanais shall not be utilized as additional rental units. The motion was seconded by Commissioner Yamamura and carried unanimously.

UNIVERSITY OF HAWAII SITE SELECTION COMMITTEE

Vice-Chairman Inaba informed the Commission that Commissioners Tangen and Kido have been appointed to meet with the Site Selection Committee of the Board of Regents.

TENTATIVE SCHEDULE

It was decided that the Commission's next meetings would be held in Hilo on April 16 and in Kona on the 17th.

EXTENSION ON ALOHILANI MEADOWS (SP71-95) APPLICATION

Commissioner Tangen moved that the Alohilani Meadows special permit be extended one day to April 16 in order to conform to the schedule. The motion was seconded by Commissioner Sakahashi and unanimously carried.

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REAFFIRMATION OF ZONING DURING FIVE YEAR BOUNDARY REVIEW

Commissioner Tangen made the following motion:

"Mr. Chairman, since we have been orally advised by the Attorney General's Office that certain procedures followed by this Commission during the five-year boundary review are questionable with respect to some parcels rezoned in 1969, members of the public may not have had an opportunity to make known their positions at the public hearings on these parcels of land. In view of this, I move that we hold public hearings again on these parcels with the understanding that we may affirm the rezoning adopted during the five-year boundary review or change or modify the same in light of testimony and recommendations received from the public. The parcels are listed in the document describing matters taken up at public hearings on the various islands that accompanies the memo of March 3, 1971, from Ramon Duran, Executive Officer, to all Commissioners on the subject of the 1969 five-year boundary review."

Commissioner Sakahashi seconded the motion.

Commissioner Kido asked about the significance of this action. Mr. Duran explained that these are the requests that were changed on the final adopted boundary maps where no record exists indicating that this matter came to the Commission's attention prior to the public hearing, during the public hearing, or within 15 days of the public hearing. Some may have come to the Commission's attention 10 days before but there may be a question involved.

Deputy Attorney Walton Hong felt that the purpose is to clarify the Commission's position on the various parcels and that he did not think it is questionable whether proper procedures were followed. The public hearings will be advertised again to give the public a chance to testify on the 17 parcels.

The Commission was polled as follows:

Ayes: Commissioners Tangen, Mark, Kido, Inaba, Wung, Sakahashi and Yamamura.

The motion was carried unanimously.

The meeting was adjourned shortly thereafter.