

*Approved*  
5-17-68

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kahului Library  
Kahului, Maui

March 8, 1968 - 1:00 p.m.

Commissioners Present: Wilbert Choi, Chairman Pro tem  
Leslie Wung  
Goro Inaba  
Shiro Nishimura  
Keigo Murakami  
Alexander Napier  
Jim Ferry

Commissioners Absent: C. E. S. Burns, Jr.  
Shelley Mark

Staff Present: Ramon Duran, Executive Officer  
Ah Sung Leong, Planner III  
George Pai, Legal Counsel  
Dora Horikawa, Stenographer

Chairman Choi swore in persons planning on testifying before the Commission today.

ADOPTION OF MINUTES:

The minutes of December 15, 1967 were approved as circulated on a motion by Commissioner Nishimura, seconded by Commissioner Wung.

HEARINGS

PETITION OF PAUL GILLETTE (A67-171) TO RECLASSIFY 3 ACRES FROM RURAL TO URBAN AT OMAOPIO, KULA, MAUI

Staff report presented by Mr. Leong recommended disapproval of the petition since sufficient reserves have been set aside for foreseeable urban growth in the Kula area.

Mr. Leong stated that under the temporary district boundary the entire strip, including petitioner's land, was placed in the Urban District. The County General Plan has designated this entire area for rural usage. The Land Use Commission has zoned certain areas within the Urban District such as Waiakoa, Jamestown and Hunakai; however, most of these areas are vacant.

Mr. Sanford Langa, attorney representing Mr. Gillette, commented on the thorough analysis conducted by staff although petitioner disagreed with the

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conclusions. Mr. Langa argued that the proper approach to this petition should be on the question of whether or not this particular parcel should have been zoned urban in the first place as it was during the temporary boundary, and not on the basis of the amount of undeveloped urban zoned land in the general area. Also, the land was in urban use as a duplex apartment at the time zoning maps were adopted, and the law specifies that lands in urban use be included in the Urban District. Moreover, the parcel is enclosed on three sides by lands of urban character--the Silversword Inn, the Kula Orchard Subdivision, and urban sized lots by Kimo Road. Logically, this whole strip should have been retained in the Urban District. Mr. Langa contended that inclusion of petitioner's land in the Rural District was an inadvertent error in view of the fact that it was in urban use at the time the boundary was established.

The ownership pattern, pending litigations and foreclosure actions were offered as some of the reasons for the vacant undeveloped urban lands in Kula by Mr. Langa. The lack of construction on the smaller lots was due to the fact that many of them were owned by non-residents.

Due to the topography of Mr. Gillette's land, it could not be properly developed under the rural zoning. His development plan called for clustering the houses close together on one side of the lot.

Mr. Langa said that no subdivision plans had been drawn pending action by the Commission on this petition.

Mr. Gillette spoke of the anticipated tourist trade on Maui and the need for reasonable sized lots at reasonable prices. His land could be effectively utilized affording an unlimited view to the south and west which is unattainable in the Kula Orchards development. It was his plan to sell this parcel to a prospective buyer who would then like to develop it under the urban classification.

Mr. Gillette stated that the two apartments on the property have been continuously rented since 1962 and during the last 2 to 3 years, Mr. Gillette has noted a marked increase in the inquiries regarding rental units in the area. At the time he purchased the property in 1962, the property was in the Urban District and he was under the impression that it could be developed similarly to the adjacent Silversword Inn.

Mr. Gillette had observed the gully in the heaviest rain, at the peak of the storm, and submitted that <sup>the</sup> culvert did not fill up and therefore would not present any acute problem.

Mr. Howard Nakamura, representing the Maui Planning Commission, advised that the Maui General Plan, which they have been using as a guide in making recommendations for district boundary changes, designates the entire Kula area in the Rural District. Lots of predominantly half-acre or more in size characterized the area as being more rural than urban in nature, and Mr. Nakamura did not feel that the existence of a duplex on a 3-acre site constituted sufficient grounds for change from rural to urban.

The hearing was closed thereafter.

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PETITION OF HANA RANCH (A68-173) TO RECLASSIFY 20 ACRES FROM AGRICULTURAL TO URBAN AT HANA, MAUI

On the basis of the staff's analysis and the fact that the proposed school site will eventually be located north of the Urban District of Hana, it was recommended that the petitioner's request be approved (see copy of report on file).

The surrounding Urban, Rural and Conservation Districts in relation to subject land were identified on the map by Mr. Duran.

Commissioner Nishimura felt that petitioner's request for an urban classification would result in spot zoning. Mr. Duran justified staff's recommendation for approval on the basis that the County is in the process of adopting the petitioner's proposed development plan for the entire area as the County General Plan for Hana and which plan should then be implemented with the State district boundary. At the time the final boundaries were initially established, there was no plan for the area. The total area will be re-examined during our boundary review next year, at which time presumably the County of Maui would have adopted the plan by Belt Collins and Associates. It was also brought out in the staff report that the plan as basically proposed conforms to the proposed County General Plan.

With respect to the CIP expenditures for the airport expansion and road improvements in the Hana area, Mr. Duran commented on the inadequacy of the existing airport to service the anticipated increase in visitors and the poor condition of the Hana highway. Improvements of these facilities will greatly enhance the east end of Maui and attract more people to the area.

Commissioner Ferry added that improvement and expansion of existing facilities were necessary investments by the administration. He also commended the petitioner for undertaking the proposed development project and master planning the Hana area. He thought that approximately 70 houselots in Hana would become available on State lands in the near future.

Mr. Howard Nakamura, representing the Maui Planning Commission, submitted that they unanimously recommended approval of the request. They were presently evaluating the master plan that was presented by the Hana Ranch which fits into the County's concept of a balanced development program which they are undertaking for the entire Island of Maui. The presence of several homes and medical center in the vicinity suggested some urban concentration and there was a definite need for fee simple houselots for ranch employees who were presently living in crowded ranch homes.

Mr. Nakamura thought that a recommendation for the master plan would be forthcoming within 90 days. However, the official adoption of this plan would have to await the decision of the Board of Supervisors. Commissioner Choi commented that an official master plan of the Hana area would greatly aid the Commissioners in arriving at a decision.

Mr. John Hanchett, Executive Officer of the Hana Ranch Company, testified that the location of the residential area and the proposed school site has been

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popularly accepted by the employees. The inception of the master plan for Hana was the result of numerous requests by the employees for a new school site and area for private homes. Mr. Hanchett added that without question the present housing would have to be relocated.

The 17 acres which will be used initially for the new school will be situated on ranch land. However, the total school complex which encompasses approximately 50 acres will include some privately-owned as well as State lands.

There are plans to expand the airport runway to 5,000 feet from its present 3,600 feet. Perishable items such as meat and vegetables are flown out of Hana, although most of the incoming freight is brought in by truck.

Regarding the existing Urban District, Mr. Nakamura advised that most of this area was earmarked for visitor oriented purposes which meant the relocation of the town.

Dr. Milton Howell of the Hana School Board spoke of their many years of campaigning for a new school which they needed desperately. A feasibility study conducted by Wilson-Okamoto and Associates indicated that the present school was too small and that it would be impractical to locate a new school on this site. The Belt-Collins plan for the new school site and residential development was favored as the most practical and appropriate for the needs of the community.

The need for adequate housing for teachers' quarters would be amply met by the reservation of several lots scattered throughout the development for this purpose. This would also be in keeping with the DOE policy of not concentrating all of the teachers in close proximity.

The plan also made provisions for a library and additional land that could be utilized for community services in the future. Dr. Howell concluded that the proposed plan was needed to meet the growing demands of a growing community.

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

#### SB 217

Mr. Duran advised that SB 217 was concerned with changing the makeup of the Commission. He requested Commission's approval to testify before the Senate Committee on this bill in the event it becomes necessary, in accordance with the Commission's previous position on the same matter.

#### NEXT MEETING DATE

March 23, 1968 in Honolulu, Hawaii was selected as the next Commission meeting date.

#### RECONSIDERATION OF ROBINSON TRUST & HSM VENTURES PETITION (A67-158)

Commissioner Napier moved for a reconsideration of the request by the Robinson Trust and HSM Ventures for further study on the basis that he was not sure he had voted right. Commissioner Wung seconded the motion.

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Chairman Choi asked legal counsel whether this motion was in order. Mr. Pai replied in the affirmative and added that since there was nothing in the formal Rules and Regulations specifying any time limit for reconsideration of a decision, anything within a reasonable time would be allowable.

Mr. Duran pointed to the past policy established by the Commission, i.e., that reconsideration votes will be taken within 24 hours, and that motion for reconsideration can only be made by the person voting against approval of the petition.

Mr. Pai expressed the opinion that he did not think this was binding on the Commission since the Commissioners themselves had agreed to the policy. If the Commission chose to change the policy it would be within its jurisdiction to do so. Since this was not a request for a boundary change, Mr. Pai advised that 5 votes would be sufficient to pass the motion.

Commissioner Ferry wondered on what grounds the Commission would be voting for the reconsideration. Commissioner Napier replied that he had requested reconsideration on the grounds that he would like to review the situation further.

Commissioner Ferry argued that the petitioners had been afforded the opportunity to ask for a deferral of decision on the petition on the day the action was taken, primarily on the basis that Commissioner Napier had not had an opportunity to visit the subject lands. However, petitioners had insisted that a decision be rendered on that day.

The Chairman called for the question and the Commissioners were polled as follows:

Aye: Commissioners Napier, Wung, Nishimura, Inaba, Choi

Nay: Commissioners Ferry and Murakami

The motion was carried.

Commissioner Ferry asked whether petitioners were prepared to come forth with additional evidence which had not been presented previously, since this would be the basis for requesting any reconsideration. Commissioner Napier could not say whether any additional information would be forthcoming from the petitioner. He reiterated his earlier remark--that he felt he had been hasty in his decision.

A clarification of the proper procedure to follow for the reconsideration of a decision was requested by Chairman Choi.

Mr. Duran advised that although there was no set procedure, in the past the Commission has handled reconsideration requests in the following manner:

1. A discussion of the issue among the Commissioners only (not a re-hearing).

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2. A refiling of the petition by the petitioner with additional new evidence.

Mr. Duran further commented that the Commission was entirely at liberty to reverse its previous decision on the Robinson petition, fully cognizant of the fact that this was contrary to the 24-hour reconsideration period they had established as a matter of policy. He suggested that perhaps, for the record, it would be appropriate to vote to change the time limitation for reconsideration of petitions.

Chairman Choi called for an adjournment of the meeting at this time since some of the Commissioners had not been aware of the 24-hour reconsideration period and to pursue the discussion at some future time.