

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Hearing and Meeting

Board of Supervisors' Chambers

Wailuku, Maui

2:00 P. M. - April 10, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Charles S. Ota
Goro Inaba
Shiro Nishimura
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley Mark

Staff

Present:

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

Chairman Thompson called the hearing-meeting to order and said a short prayer. The procedures and agenda to be followed throughout the hearing-meeting were outlined, and the introduction of the commission and staff members were made. All persons who would be entering testimonies during the first phase of this hearing-meeting were sworn in by the Chairman.

PETITION OF WALTER S. S. ZANE (A(T)63-53) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KIHAI, MAUI: Described as TMK 3-9-01: 35

The field officer, Richard Mar, presented the background of the petition and located the area on a map.

Mr. Walter Zane stated that there is a definite need for this type of land use. The Kihei Subdivision which is subdivided into 10,000 sq. ft. lots is presently abutting this land. The distance from Kahului and the airport is only 15 to 20 minutes. The necessary facilities are already in the area and the land is not suited for agriculture. Mr. Zane stated that there were many lands that could be used for agriculture but were vacant. He stated that their proposed one-acre estate subdivision would provide lots averaging \$3,000 to \$4,000 for the people of Maui.

Mr. Arthur Zane stated that the demand for better standards of living has pushed agriculture (pineapple and sugar) to such an extent that these pursuits have been forced to other counties to keep them in operation for the welfare of the State. Mr. Zane stated that their subdivision would meet the present demand for this type of land use and would encourage more small landownership.

The field officer continued with the staff analysis and recommendation. The Maui Planning and Traffic Commission voted unanimously to recommend disapproval of Mr. Zane's petition for a boundary change. The Commission's (Maui County) disapproval was based on the fact that there are ample urban zone in Kihei (2,000 acres with only 371 homes), and that the road to the lot is not paved. The staff, being satisfied (after a review of the Kihei urban land needs) that sufficient urban land areas have been provided without inclusion of the petitioner's land, recommended that the petition be denied for the following reasons:

1. The staff concurs with the recommendation of the Maui Planning and Traffic Commission that there is no need for additional urban lands at this time;
2. The petitioner has not submitted the necessary proof that the land is required for the use being petitioned for in accordance with the requirement of Act 205, Section 98H-4. The staff also can find no evidence that the parcel is required for urban use.
3. A liberal amount of land (2,900 acres) has been placed in the proposed urban district and further urban additions would promote scatteration and therefore violate one of the major tenets in the land use law.

Mr. Warren Shultz, a resident in the area, supported the proposal of the petitioner. He stated that he considered the subject area most valuable to individuals who wish to invest in this type of land use, and of no value or gain to the County.

In response to questions raised by Commissioner Nishimura, Mr. Zane replied that at the time he submitted his petition for a boundary change, he was advised that his petition would fall in the category of an urban zoning. Mr. Zane further stated that the area was a short distance from the town, airport, etc.; and the land was not suitable for prime agriculture. He reiterated that they would be providing lots at a reasonable cost for people to purchase.

The chairman announced that this Commission will receive comments and protests within 15 days from this hearing and will take action on this petition 45 to 90 days from this hearing.

The public hearing was closed in the matter of Walter S. S. Zane.

PETITIONS PENDING ACTION

PETITION OF ANTHONY A. TAM (A(T)63-34) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION FOR LAND IN KULA, MAUI: Described as TMK 2-3-2: 23

Richard Mar, field officer, presented the summary of the petition involved. The Maui General Plan and the Land Use Commission's proposed final district boundary maps designate the petitioner's land as rural. In examining the general area in which subject land is located, it appears reasonable that the rural classification should be designated for the general area. The staff's recommendation was for approval of the petitioner's request, as amended.

Commissioner Burns moved to accept the petitioner's request based on the staff's recommendation. Commissioner Wung seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

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

Richard Mar, Field Officer, gave the summary of the petitioners' request. The area which includes the subject parcels has been a recognized subdivided area for many years. It is contiguous to an urban district and is urban in character. The staff recommended approval of the petition on the basis that the subject parcels are part of an area which is now urban.

Commissioner Inaba moved to accept the petition on the staff's recommendation; which was seconded by Commissioner Nishimura.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

PETITION OF TOSHIO ANSAI (A(T)63-48) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO RURAL DISTRICT CLASSIFICATION OF 3,081 ACRES IN IAO VALLEY, MAUI: Described as TMK 3-5-03: 11

The field officer, Richard Mar, presented the summary of the petition involved. The Maui Planning and Traffic Commission granted approval to amend the subject property from an agricultural to a rural district classification. The Commission (Maui County) felt that the present residential developments in Iao Valley plus the intermingling of agricultural uses fulfilled the requirements of a rural district. The staff recommended denial of the petition because: (1) there is no apparent basis for a rural classification; and (2) no satisfactory proof has been submitted by the petitioner as required by Act 205.

Mr. Coite, Division of Forestry, Maui Branch, stated that certain areas in the valley should be taken out of the conservation district and designated as urban or agriculture.

Mr. John Duarte (having been sworn in), a long time resident in the area, was opposed to the petition. He stated that he did not wish to see his family (who have lived in the area a long time) driven out of the valley.

Inasmuch as the petition was for a rural classification Commissioner Ferry, who was in favor of an urban districting, moved to deny the petition and Commissioner Burns seconded the motion.

Commissioner Wenkam argued that the area should be retained in conservation and not be changed to rural or urban as the area was one of Maui's most beautiful scenic areas.

The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Ota, Wenkam, Burns, Ferry and Chairman Thompson.

Disapproval: Commissioners Inaba and Nishimura.

The motion for denial was carried.

PETITION OF E. B. STEPHENSON (A(T)63-31) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT CLASSIFICATION FOR LANDS IN KULA, MAUI: Described as TMK 2-3-03: 1

The field officer, Richard Mar, summarized the petition involved. The staff recommended denial of the petition on the following bases:

- (1) the subject parcel does not meet the criteria of Act 205 or the standards for a rural district as proposed in the Land Use Commission regulations;

- (2) the subject parcel and adjoining lands are agricultural in character rather than rural;
- (3) the subject parcel is not prime agricultural land; however, consideration must be given whether or not the specific districting imposed will permit a use that serves the welfare of the public.

Mr. Meyer Ueoka, counsel representing the petitioner, stated that the property was bought with the intent of subdividing for residential purposes. The land is not suitable for agriculture and the best use would be for home use.

The Commission's concern centered in the area of insufficient access and incomplete subdivision plans.

Commissioner Ota moved to deny the request on the staff's recommendation; which was seconded by Commissioner Burns.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for denial was carried.

The Chairman called for a 5 minute recess at 3:00 p.m.