

LAND USE COMMISSION
STATE OF HAWAII

PUBLIC HEARING

Wailuku, Maui

March 6, 1963 - 7:30 P.M.

Commissioners Edward C. Bryan
Present: Stanley C. Friel
Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Ex-Officio Members
Present: Frank Skrivanek

Absent: George Siu

Staff R. J. Darnell, Executive Officer (XO)
Present: Roy Takeyama, Legal Counsel
Alberta L. Kai

The public hearing was called to order by Chairman Bryan.

APPLICATION OF LAURIE FISH, ET AL. (SP(T) 62-17), FOR SPECIAL PERMIT TO
SUBDIVIDE 15.3 ACRES INTO RESIDENTIAL LOTS ON LAND IN KULA, MAUI: Described
as Second Division, TMK 2-2-6: 67.

A brief description of the area and request was given by the XO.

Mrs. William Cowling who was sworn in by the Chairman gave a brief resume of the background of the application and the problems the applicants were faced at present. She stated that this hui comprises of 13 families, all from Seattle who fell in love with Maui and decided to find a parcel of land and have subdivided into 13 lots where they could retire on or use as a vacation home. Kula was their choice and presently, according to the LUC proposed final boundary maps, is designated as Agricultural. She pointed out that area is unsuited for agricultural and the best possible use is for residential lots.

Mr. Robert Ohata, Planning Director of Maui County Planning and Traffic Commission, was sworn in. He stated that the Maui Planning and Traffic Commission on March 5, 1963 voted unanimously to approve the request for special permit by Laurie Fish on the basis that the land is eroded and efforts to farm in this area have failed.

Mr. Charlie Young informed the Commissioners that the Board of Supervisors were unable to give their recommendation because the Board had to wait until the Planning Commission had taken their action first.

The following persons were sworn in by the Chairman who spoke in favor of the application:

Mr. Eric C. Lindberg whose concern is seeing that Maui moves ahead and yet not be hurt stated that Maui should be shared with all people from all states who show interest in the island. He felt that developers should be allowed to come into Maui to help boost the economy of the island, and he wants to see more people like the Cowlings and the Fishs who love Maui and interested in developing it move in. He cited Lahaina as the right step to progress and moving ahead and stressed for more such development in other parts of Maui.

Mr. Charlie Young, a property owner, stated in essence what Mr. Lindberg had mentioned. He reiterated in order to move Maui ahead more developers such as people like the Cowlings and the Fishs who want to invest their money in Maui should be allowed to do what they request to boost the economy of the island and promote Maui throughout the states.

Speaking against the application was Mr. Collin Lennox who was sworn in by the Chairman. Mr. Lennox was in favor of Kula remaining as a wide open area and keeping the minimum lot sizes according to the Land Use Commission's proposed regulations. Mr. Lennox recommended that the Land Use Commission defer action in this case until the proposed final regulations and boundaries are adopted. In this way it would help to set the stage in the right direction as to how agricultural lands should be divided into small lots. He spoke for 30 other property owners in the area who were in favor of having the area in agricultural designation.

The XO was sworn in and gave a summary of the correspondence received and the staff report which was for disapproval (copies of the staff report were circulated to the commissioners, Mr. Ohata, and the Cowlings).

Chairman Bryan asked for a recommendation from the XO whether he would recommend that this area be in agriculture or urban. The XO recommended that it be in agriculture.

Commissioner Sunn raised 3 questions which were answered by the XO and Mr. Ohata:

1. Is there a very narrow asphalt road leading to this area? The XO replied in the negative, stating that the access road leading to this area is a public right of way dirt road.

2. Would the Planning Commission's requirement demand that the access road to this subdivision be improved, and if so, wouldn't this make this subdivision economically unfeasible? Mr. Ohata replied that the Planning Commission at its meeting felt that at the present time this subdivision offered no obstacle in the granting of this special permit and that perhaps in the future if the need arises the county could go into improvement district and the property owners would bear the cost in the development.
3. Has a preliminary approval been granted by the Board of Supervisors for residential lots? Mr. Ohata replied in the negative.

Mr. Ohata replied in the affirmative to Commissioner Friel's question whether this request would be under the jurisdiction of the County to give a variance for lot sizes under residential use if request were approved. Mr. Ohata stated that the Planning Commission's stand is that a variance or special permit must first be secured from the Land Use Commission first before approval is granted.

There were no additional comments and the Chairman informed the applicants that the Commission will not be able to take action until 15 days and within this period any additional comments or information which may be pertinent to this application will be received. He informed that the staff will notify the applicants of the commission meeting when action may be taken. All records, documents, statements, communications, etc. were made part of the record.

Public hearing in the matter of Laurie Fish was closed.

APPLICATION OF MELEANA PAHUKOA, ET AL. (SP(T) 62-41), FOR SPECIAL PERMIT TO CREATE ONE HOUSELOT FROM A LARGER PARCEL OF .8 ACRE ON LAND IN KEANAE HOMESTEADS, MAUI: Described as Second Division, TMK 1-1-3: 58.

The XO briefly described the area involved, pointing out the location on the map, and reviewed the request of the applicant.

Mr. Wendell F. Crockett, attorney representing the applicants, informed the Commission the desires of the applicant to divide this .8 acre of land so that her daughter and husband may have a place to build their home. He noted that the area is in a small taro patch but due to the insufficient water problem it is impossible to carry out this activity. He stated that the land is suitable for homesteading and originally set for houselots; and at present the surrounding areas show existing homes in the area; and he recommended that the application for special permit be granted in favor of the applicants.

The XO presented the communications received from the County.

1. Letter from the Board of Supervisors stating that they adopted the recommendation of the Committee on Public Works for approval of this request.
2. Letter from the Maui Planning Commission recommending their approval of this request as land is not required for agricultural use.

The XO presented the staff report which was for approval because of the unusualness and reasonableness of the request.

The Chairman stated that the Commission will not be able to take any action until 15 days from now and during this period any information or additional comment will be received. He stated that the staff will notify the applicant of the next meeting when the commission will be taking an action on this request. He made all records, documents, communications, statements as record of this proceeding.

The public hearing was closed in the matter on Meleana Pahukoa, et al.

PETITION OF C.V. LAND CORPORATION (A(T) 62-25), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION ON LAND IN MAKENA, MAUI: Described as Second Division, TMK 2-1-11: 12, 13, 15, 20, 21 25 & 30.

The XO outlined the area and request in this matter.

Mr. A. W. Morris, representing the petitioner, was sworn in. He stated that the property owned by the Vaustansky family and Mr. C. L. Childs have been leased to C.V. Land Corporation for development of the Makena beach property for an exclusive beach club condominium to a resort development. Plans have been given to the County Planning Commission and plans have been prepared by Community Planning. He indicated that the company have worked closely with the various county agencies and community planning and have met all requirements and standards necessary in such a development. He informed that schematic plans include a development of 200 somewhat plus units, and that these plans are not just being projected but are under development at present.

The following persons spoke in favor of this request who were sworn in by the Chairman.

Mr. Stanford Langa and Mr. George Izaki who were interested in seeing development of this sort in this area which would help in the economy of Maui. Both recommended that the Commission recognize this need and give their favorable approval of this request which they felt is the right step in building the economy of Maui.

The XO read the communication received from the County Planning Commission which recommended approval of this request and stated that no communication has been received from the Board of Supervisors. The XO gave the staff report which recommended denial (copies of this report were circulated to the commissioners, Mr. Ohata and Mr. Morris).

Commissioner Sunn asked whether the XO's recommendation was based according to the tax map key which was submitted. The XO replied in the negative, stating that the recommendation was made on the whole area, if it were to be included.

The Chairman requested that the applicant submit a corrected map showing the proper area involved in this request, so the Commission's action may be based accordingly.

The Chairman informed that the commission will not be able to take any action until 45 days or as soon thereafter; that there will be a period of 15 days in which additional comments or information may be received. He stated that the staff will inform the applicant when the commission will meet to consider this request. He made all records, documents, letters and statements referred in this proceeding as record.

The public hearing in the matter of C. V. Land Corporation was closed.

PETITION OF MURRAY YOULIN (A(T) 62-28), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION FOR LAND IN HAIKU, MAUI: Described as Second Division, TMK 2-7-3: 14.

The XO outlined the area and request involved in this petition.

There was no one present to speak on behalf of this petition.

The XO presented the following communications:

1. Letter from the County Clerk informing that the Board has adopted the recommendation for approval of the Committee on Public Works for Murray Youlin's request.
2. Letter from the County Planning Commission recommending approval of the petition of Murray Youlin.

The XO gave the staff report which recommended that at present no changes be made until the final maps are adopted. (Copies of the staff report were circulated to the commission.)

It was requested by the Chairman that the staff determine who all the property owners are in this area and to query these owners as to what their desires and wishes are in regard to this area.

The Chairman informed that there will be 15 days in which the Commission will receive any comments or information; and 45 days before any decision can be made. The staff will inform the petitioner as to when the commission will meet to take this action. All records, documents, statements, letters were made part of this proceeding.

Public hearing closed.