

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

May 21, 1971 - 1 p.m.

Kahului Library  
Kahului, Maui

APPROVED  
7-16-71

Commissioners Present: Goro Inaba, Vice Chairman  
Leslie Wung  
Stanley Sakahashi  
Eddie Tangen  
Alexander Napier  
Sunao Kido

Commissioners Absent: Shelley Mark  
Tanji Yamamura

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Sidney Ayabe, Deputy Attorney General  
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

Commissioner Tangen moved that the minutes of the February 26, 1971 meeting be approved as circulated to the Commission, seconded by Commissioner Wung, and unanimously carried.

HEARINGS

PETITION BY TAKEO SAKAMOTO (A71-276) TO RECLASSIFY APPROXIMATELY 23,745 SQUARE FEET FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT WAIKAPU, MAUI

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report.

It was brought out that neither the petitioner, nor the Maui Planning Department, in its recommendation to the Land Use Commission, had indicated the intended use of subject land.

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Mr. Sakamoto, petitioner, advised the Commission that he was being assessed business or commercial rates for the property.

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

PETITION BY THE LAND USE COMMISSION (A71-288) TO AFFIRM OR MODIFY VARIOUS PARCELS REZONED DURING THE 1969 5-YEAR BOUNDARY REVIEW IN THE COUNTY OF MAUI

Mr. Ah Sung Leong, staff planner, presented the staff report. He added that parcel 17 of Tax Map Key 5-2-13, Naiwa, Molokai, had subsequently been subdivided into 6 lots of one-half acre minimum size. A letter had been received from Phoebe C. FitzGerald, one of the landowners in the aforementioned parcel 17, requesting retention of the original Rural and Agricultural designations.

Another letter from Alan C. Kay, on behalf of H. Thomas Kay, Jr., Frances K. Brossy and himself requested that the Commission affirm the current Urban classification.

Mr. Leong advised that all of the property owners affected by this petition had been notified by letter.

Regarding Area 1, Kula, Maui, Mr. Leong reported that both parcels 44 and 86 were presently in pasture use and had been dedicated between 1966-68.

Mr. Henry Texeira, one of the property owners in Area 1, submitted that he was presently raising cattle on his land and favored the existing Agricultural classification.

In response to several questions raised, Mr. Leong advised that the Maui Planning Commission had recommended reclassifying Area 1 into the Rural District. However, the Land Use Commission was merely gathering testimony and evidence during today's hearing.

Mr. Peter Wilmott, Board member of the Life of the Land Conservation Group, testified that the Kula lands were necessary for farming uses and appealed for the Agricultural classification.

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Mr. George P. Cooke, property owner in Area 2, Naiwa, Molokai, requested clarification of the subject matter under consideration in today's hearing. Mr. Leong explained that the areas under petition were formerly in the State's Rural and Agricultural Districts prior to the 1969 5-year boundary, but had subsequently been reclassified into the Urban District.

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

#### ACTION

PETITION BY COUNTY OF MAUI, ET AL (A70-269) TO RECLASSIFY APPROXIMATELY 1.21 ACRES FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT PUUOHALA, WAILUKU, MAUI

Mr. Fujimoto read the staff memo recommending approval of the petition based on findings as submitted in the report (see copy of memo on file).

Commissioner Tangen moved to concur with staff's recommendation, seconded by Commissioner Napier, and the motion was unanimously carried.

#### MISCELLANEOUS

LETTER FROM MRS. JANE SODERHOLM

The Executive Officer called the Commission's attention to a letter from Mrs. Jane Soderholm to Commissioner Tangen dated May 7, 1971, requesting that the Land Use Commission conduct a new hearing on the Mount Olomana rezoning as part of the 17 parcels which were rezoned during the 1969 5-year boundary review and on which the Commission was conducting new public hearings.

Chairman Inaba felt that this was a legal question and should properly be referred to the Attorney General's Office.

Commissioner Tangen moved that the matter be referred to the Attorney General's Office for his comment, and that staff reply to Mrs. Soderholm of the Commission's action, with the suggestion that any further communication be addressed to the Attorney General. The motion was seconded by Commissioner Wung and unanimously passed.

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LETTER FROM COUNTRY CLUB ESTATES

Commissioner Tangen expressed his dissatisfaction with the reply received from Mr. R. Brown in answer to a letter from the Land Use Commission requesting that the Country Club Estates submit definite development plans for its urban lands in Kaumana which have remained idle for several years. He further requested that staff advise Country Club Estates to have a representative appear before the Land Use Commission meeting in Hilo in July to submit further evidence of its intention to develop subject lands.

LETTER FROM WENDELL MARUMOTO RE LAHILAHI POINT

Mr. Fujimoto advised the Commission that he had replied to Mr. Wendell Marumoto's letter of May 5, 1971, informing him that a new public hearing was scheduled on June 5, 1971 for the Lahilahi Point property which was rezoned from Urban to Conservation during the 1969 5-year boundary review.

TENTATIVE SCHEDULE

It was decided that the next Land Use Commission meetings will be held on June 4 and 5, 1971 on Kauai and Oahu respectively.

ADJOURNMENT

Since there was no further business, the meeting was adjourned at 2:30 p.m.

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EXECUTIVE SESSION

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

Following the closing of the regular meeting, it was unanimously agreed that an executive session be called in order

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to discuss the Campbell Estate petition. Commissioner Napier abstained from participating in the discussion.

Commissioner Tangen made the following motion: "I move that we instruct the Executive Officer to communicate with Campbell Estate regarding petition No. A70-268 and advise the petitioner that the Commissioners desire additional time for study and review of the petition and that, if petitioner has no objections, action will not be taken as scheduled on June 5, 1971 but will be deferred to a future date, and that the Commission will advise petitioner sufficiently in advance before it takes action on the petition."

Following a discussion concerning a possible conflict with the time element mandated in the statutes for action on petitions, Commissioner Kido suggested that a letter be drafted along the lines of Commissioner Tangen's motion and referred to the Attorney General's office for approval.

Commissioner Sakahashi seconded the above motion and the Commissioners were polled as follows:

Ayes: Commissioners Sakahashi, Tangen, Kido, Wung,  
Chairman Inaba

Nays: Commissioner Mark

Abstained: Commissioner Napier

The motion was carried.