

STATE OF HAWAII
LAND USE COMMISSION

Approved 11/1/68

Minutes of Meeting

Lahaina District Court
Lahaina, Maui

July 26, 1968 - 2:00 p.m.

Commissioners Present: Wilbert Choi, Chairman pro tempore
Shelley M. Mark
Leslie Wung
Goro Inaba
Shiro Nishimura
Keigo Murakami
Junzo Kido

Commissioners Absent: C. E. S. Burns
Alexander Napier

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

Chairman Choi swore in persons wishing to testify before the Commission today.

ADOPTION OF MINUTES

The minutes of April 5, 1968, and May 17, 1968, were approved as circulated.

HEARINGS

PETITION BY FRANK L. JAMES (A68-186) TO RECLASSIFY 1.8 ACRES FROM AGRICULTURAL TO URBAN AT HAMAKUAPOKO, MAKAWAO, MAUI

A detailed description of the surrounding areas and their uses in relation to the subject parcel was presented by Mr. Duran.

Based on the criteria and standards established for the Agricultural District, the question of "spot zoning" and the lack of utilities and poor access, it was the staff's recommendation that the petition be denied (see staff report on file).

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Mr. John Vail, attorney representing the petitioner, contended that since the gulch area was completely separated from the other surrounding agriculturally-zoned parcels, the reclassification to Urban would not constitute spot zoning. He added that subject parcel offered an ideal setting for recreational purposes since it was shielded from the Kona winds by the mountains and that the breeze from the ocean was nice and cool.

Mr. Vail argued that the County's recommendation for denial on the basis that the property was low lying was not true since the elevation on the level portion was 30 feet.

Access problem to the property would be eased through negotiations with the State, and there would be no traffic hazard.

Mr. Vail concluded that since subject property had no agricultural potential, to keep it in the agricultural designation would be akin to taking a man's property away from him.

Mr. James testified that his project envisioned a development similar to the Kula Lodge which was nationally renowned. With respect to public utilities, he submitted that a survey of underground water had revealed it could supply all the water that would be needed, and that electricity was already available. Sewage system would be subject to county standards.

Mr. Duran commented contrary to Mr. Vail's statement that this was not water frontage property. Mr. Vail contended that there was an easement access from the property under the bridge to the beach. Mr. James added that the distance was about 100 to 150 feet from the bridge to the ocean.

The Executive Officer also brought out the fact that the petitioner could not determine that access directly to the Hana Highway would be available to him until approved by the Department of Transportation.

The hearing was closed thereafter.

PETITION BY AMFAC INCORPORATED (A68-189) TO RECLASSIFY 25.7 ACRES FROM AGRICULTURAL TO URBAN AT LAHAINA, MAUI

It was recommended by the staff that the petition be approved since the need for additional urban land to provide

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low-cost housing for employees living in old plantation camps as well as employees of the tourist industry working in Lahaina and Kaanapali had been discussed (see copy of report on file).

Commissioner Kido wondered what effect the development of this property would have on the flood control problem. Mr. Duran replied that this would be investigated and reported back to the Commission.

In response to Commissioner Nishimura's question, Mr. Farr explained that the lands in the Urban District presently planted in cane was designated for school under the 701 plan. Furthermore, the area was subject to flooding and there was not sufficient area here to economically develop employee housing.

The need to widen Lahainaluna Road to accommodate the traffic that would be created by the proposed development plus the present on-going subdivision project was pointed out by Commissioner Murakami.

Mr. Farr advised that the employees will be given the first opportunity to buy into the proposed subdivision and that it would be open to the general public thereafter.

The hearing was closed since there was no further testimony.

PETITION BY AMFAC INCORPORATED (A68-190) TO RECLASSIFY 48.2 ACRES FROM AGRICULTURAL TO URBAN AT KAAPALI, MAUI

Staff recommendation was for approval of the petition since the area was characterized by city-like concentrations of people, etc., was in close proximity to the trading center of Lahaina, basic public services were available and would not contribute to scattered urban developments. (See copy of report on file.)

Commissioner Kido suggested the possibility of rezoning only the 10 acres for the residential development and keeping the proposed golf course in agriculture inasmuch as this was a permitted use within an Agricultural District.

Mr. Duran questioned permitting golf courses within an Agricultural District and commented that this should be explored by our consultants during the boundary and regulations review.

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Commissioner Murakami questioned the wisdom of staff recommending a pocket of residential development within a golf course.

Since the proposed development would be completely surrounded by the golf course, Mr. Duran stated that the area would never be usable for growing sugar cane. The unused land within the urban area was also programmed for residential development, and it was the belief of the petitioners that all of this area will be in use within the next 10 years. Mr. Duran commented that all of the plans and programs for development of this area will be re-evaluated by the Commission and the consultants.

Mr. Charles Farr, representing the petitioner, submitted that the mauka area abutting the existing highway would be a less desirable location due to the noise factor and also because these would be managerial-type homes in the \$30,000 to \$40,000 bracket.

Mr. Farr explained that the project was designed to minimize the hazards of flying golf balls from the course and other similar developments had presented no problems.

Commissioner Murakami wondered why petitioner could not utilize the now zoned urban area for the residential development. He added that the lands surrounding the golf course would increase 3 to 4 times in value if rezoning is granted.

Mr. Duran reported that he was advised by Amfac that several economic feasibility studies had been made for the area under discussion to program their development; and as nearly as they could project, they felt that the land would be developed within the next 10 years. Furthermore, the entire plan will be reviewed again within the next few months; and the petitioner will discuss the general pattern best suited for the area with the Commissioners, staff, and consultants. Regarding density of development in the urban area, Mr. Duran advised that this was the jurisdiction of the County.

The hearing was closed thereafter.

ACTION

PETITION OF FRANCIS H. I. BROWN (A68-175) TO RECLASSIFY 170 ACRES FROM CONSERVATION TO URBAN AT KALAHUIPUAA, SOUTH KOHALA, HAWAII

Mr. Duran presented a memo advising that the Commission

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had on July 5, 1968, granted an extension of 30 days, ending August 4, 1968, to permit Attorney Ernest Kai to confer with his client regarding the feasibility of requesting a postponement until February, 1969, for a decision on the petition.

Mr. Pai, legal counsel, advised that there were no guidelines for granting extensions and that they were only valid where there were reasons for delaying action beyond the 90 days required by law. In the past extensions had been granted at the request of the petitioner based on hardship due to the lack of the full Commission in attendance.

Mr. Kai requested deferment until August 30, 1968, since there were only 7 Commissioners present today. However, should there be a full Commission present at the August 16th meeting on Kauai, Mr. Kai requested that action be taken on that day.

Chairman Choi for the Commission granted the extension as requested by Mr. Kai.

PETITION BY MAUI PINEAPPLE CO. (A68-174) TO RECLASSIFY 3 ACRES FROM AGRICULTURAL TO URBAN AT HALIIMAILE VILLAGE, MAUI

It was again recommended that the petition be approved since no evidence adverse to the recommendations presented during the hearing had been received.

Commissioner Murakami moved to accept staff's recommendation for approval, seconded by Commissioner Wung; and the motion was carried unanimously.

PETITION BY LOUIS F. PHILLIPS (A68-176) TO RECLASSIFY 14.3 ACRES FROM AGRICULTURAL TO URBAN AT PUKALANI, MAUI

It was the staff's recommendation that the petition be disapproved due to the lack of justification for an additional 14 acres in the Pukalani Urban District. It was additionally recommended that the entire Pukalani Urban District be carefully scrutinized with a view toward re-evaluation of the Urban District.

Mr. Phillips, petitioner, submitted that he would like to amend the total area requested by withdrawing approximately 5 acres which he would like to keep in reserve surrounding his present home. He planned to plant trees, raise a few chickens and in general have a little quiet area around his home.

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Mr. Phillips envisioned about 30 subdivided lots on the remaining 9 to 10 acres. He has already received 8 requests to purchase the proposed lots. It was also in his plans to put up some rental units for people unable to purchase their own homes. Although there were other available urban lands in the vicinity, there was a greater demand for the type of level lands that Mr. Phillips could offer. Utilities were also available to the property. He was paying taxes on land that could be used for no other profitable purpose and asked for favorable consideration of the petition.

Commissioner Murakami agreed with the petitioner that he would have no difficulty disposing of package homes in this area.

Mr. Gedge reiterated some of the points brought out by Mr. Phillips earlier and the fact that there was a great demand for lot sizes smaller than $\frac{1}{2}$ acre. He cited the success the Makani Subdivision was enjoying with 80% of the 40-lot subdivision already reserved by prospective buyers. He also stated that Mr. Phillips' development will go for a lower price than the Pukalani Subdivision.

Mr. Duran advised the petitioner that although there was no assurance that the full Commission would be present at our next meeting on Kauai, he may wish to defer action on his petition until such time as this could be realized. Mr. Phillips agreed that he would like to request a deferment.

Chairman Choi for the Commission agreed to defer action until more members were present at a meeting.

PETITION BY HAWAIIAN HOMES COMMISSION (A68-177) TO RECLASSIFY 15 ACRES FROM AGRICULTURAL TO URBAN AT KAPAA, KAUAI

Staff recommended that urban zoning be denied but that rural zoning be approved for the area immediately adjacent to and makai of the existing Rural District (see copy of report on file).

Mr. Clark of the Hawaiian Homes Commission advised that non-Hawaiians will not be permitted in the housing development planned within the subject area under discussion. With respect to golf course and hotel developments, Mr. Clark said that these leases to private developers will run 55 years. It was felt that it would take about 3 years to complete the project, if this were allowed, after which the petitioner

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anticipated developing other areas. The price range for the homes would be in the neighborhood of \$12,000.

Mr. Duran suggested that perhaps the housing development could be located elsewhere than as shown on the plan since this was the entrance road to the proposed resort development. A road lined with \$12,000 homes did not appear to be the most desirable approach to a resort area. Mr. Clark agreed but added that no one had come up with an alternate plan. Mr. Duran suggested the plan be redesigned to provide a 120 foot right-of-way entrance road to the resort and that the proposed two-lane road be set on one side so a future two lanes could be added on the opposite side of the right-of-way with a wide medial strip for plantings. He also suggested that the houses back on to this road so there would be no driveways, and the houses could be screened with fencing and plantings.

Commissioner Nishimura made the suggestion that the petitioner consider a 50 foot setback from the main road and plant it with trees to beautify the area.

It was agreed by the petitioner that he would restudy the plan and that 6 acres of urban lands would be sufficient for the present to begin the incremental development.

Commissioner Nishimura moved to grant 6 acres for urbanization between the existing Rural District and the cane fields which was seconded by Commissioner Wung. The motion was carried with Commissioner Mark casting the only dissenting vote.

RECONSIDERATION OF PETITION BY KENICHI SUGAI AND KENICHI YAMAMOTO
(A67-172)

Commissioner Kido moved that the Commission reconsider the action taken on the petition by Kenichi Sugai and Kenichi Yamamoto, seconded by Commissioner Wung.

Mr. Pai, legal counsel, advised that a legal opinion from the Attorney General's office indicated that once the 90-day period for action on a petition has expired, the Commission is without power to reconsider its action. The only alternative left would be for the petitioner to come in with another petition. The motion and second were withdrawn, and the issue was closed.

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Tentative Schedule

August 16, 1968, in Lihue, Kauai, was set as the date for the next Land Use Commission meeting.

Since there was no further business, the meeting was adjourned.