

STATE OF HAWAII
LAND USE COMMISSION

12:30 P.M. Meeting

October 3, 1969

Kaunakakai, Molokai

STATE OF HAWAII
LAND USE COMMISSION

October 3, 1969

CHAIRMAN CHOY:

The meeting will come to order. We apologize for the delay. We had to have our tape recorder fixed.

We start today's meeting with a hearing on A69-218, Michael T. McCormack. Prior to our Executive Officer's study . . . all those that are present today that would like to testify, will you rise and be sworn in? All those excepting lawyers. Do you swear that the testimony you will give to the Land Use Commission is the truth, the whole truth and nothing but the truth, so help you God?

RESPONSE:

I do.

CHAIRMAN CHOY:

Thank you. Rom, will you . . .

STAFF:

Mr. Chairman, (the October 3, 1969 staff report re: A69-218 - Michael T. McCormack, was read verbatim.) This is our district map showing the conservation areas in green, the ag district in uncolored, and the pink portion is the urban district. This is the Lahaina urban district. The parcel is between the Kaanapali and the Honokokua urban districts. These are (inaudible). And the distance between Kaanapali and Honokokua is about 6 miles. Coming over to our blow-up tax map over here, this is a portion here of (inaudible). This is the Kaanapali District and (inaudible). The urban district line follows the . . . (inaudible) . . . here and abuts the parcel in question. These are cane lands and these are in pine use.

CHAIRMAN CHOY:

Do the Commissioners have any questions? Alright, thank you. Will the petitioner come forward?

MR. McCORMACK:

Mr. Chairman, members of the Commission, my name is Mike McCormack and I represent Intermac Developers which is a joint venture and the owners of this piece of property.

I have before you additional testimony which I am going to present to you. I have it in written form so that if you wanted to, you could follow along with me. I am going to read through it.

Now the purpose of my testimony today is to present additional information which will demonstrate the critical need for urban development on west Maui and also show the Commissioners why urban designation requested under our petition is reasonable and justifiable.

The need for housing under local consumption has been stated basically in our original petition request where reference to population figures and housing units are compared. All of these figures were obtained from our State Department of Planning and Economic Development and are substantiated in their written reports and mentioned again in your staff report.

That's only half the story, however, and I have here to discuss with you for (inaudible) experience Bob Rinkes, who is my area manager for the Lahaina branch office of Mike McCormack, realtor. Bob moved from Oahu to Lahaina earlier this year and he not only experienced a housing problem personally but has lived with it constantly in his role as a real estate agent, if you will, who meets the public day in and day out. Bob, would

MR. McCORMACK (Cont'd.)

you like to come up and tell the Commissioners a little bit about . . . I want to relate this to you because it's a personal experience and we are from the real estate business. Bob Rinke, Mr. Chairman and the Commissioners.

MR. RINKES:

Gentlemen, I don't think that anyone can as effectively state a problem as one who has actually experienced it and, as Mr. McCormack says, this is exactly what happened to me. I moved from Oahu to Maui earlier this year to take over the sales activities in the Lahaina office, and it is absolutely impossible for me to find any kind of housing in that area. This includes not just housing per se but any kind of rental units that would be acceptable for me and my family. We finally found a little rental unit up in the Makili area and at the moment, I am leasing a house . . . (inaudible) . . . as many of you may know, and I'm renting on borrowed time because his condominium is ready for development and it's my time to move.

Along with my own experience, we have people coming into our office every day who are emphasizing this need. Now much has been written about the low-cost housing needs. We're all very familiar with the condominium activity on this and the other Islands. But what seems to have been completely left out is consideration for the middle fellow. For instance, I have actual cases of people coming in . . . (inaudible) . . . cannot find a house. They're presently living in a hotel and he has a family. It's a very unhealthy place for them. Yesterday I was talking to a man who's been appointed as an administrator for the new (inaudible) golf course. There was absolutely no place for him to move. He has his furniture in

MR. RINKES (Cont'd.)

California. He cannot find a home. Our staff has been looking. We're hopeless. We just don't have any listings. At the moment he's paying \$300 a month for a little tiny resort cottage up in (inaudible). This is typical.

Are there any listings in West Maui? Now we're a regular real estate firm . . . (inaudible) . . . that are for sale that we know of either from our firm, Maui Realty, D. P. Wick . . . are there any listing known for sale on the market unless they have \$30,000 and \$50,000 price tags. There are none. Zero. We have a listing that's been sent to us by another broker up in the Napili area on the waterfront. It's a \$105,000 asking price. There's one in Alaaloa which is a condominium leasehold for \$75,000. I think the least expensive that I know of is the Abrams House there in Lahaina at \$65,000. We simply don't have any housing for people to buy in the bracket which I'd consider myself. . . even by stretching in either direction.

MR. McCORMACK:

The sad part about this situation, gentlemen, is there are people who have magnanimously created this housing demand who have pioneered the development of the industry . . . (inaudible) . . . with the urban lands, as mentioned by your staff, have not done much to solve the housing demand they have created for everyone, including themselves. The Chamber of Commerce on Maui is vitally concerned and recently held meetings in Lahaina to air these housing problems and seek possible solutions to the matter. In response to my inquiry about the result of the meetings, I submit herewith their reply, which is copies of minutes from the Housing

MR. McCORMACK:

Task Force Committee of the Chamber of Commerce, but you won't see them attached so don't look for them because I received a note from (inaudible) today and let me just read from his note. He says, "Sorry our Board has not met since your letter arrived, so I cannot get specific action on your development. However, the enclosed Board minutes will give you our general stand on the matter." George Bogar reiterated this stand on the telephone with me earlier today. I'm certain our Board would support your program, provided, of course, that the ultimate use would be for local people, etc. So I will give that copy of that to you as well.

Besides that, I took it upon myself as a typical Honolulu developer to seriously inquire of the large land owners about the availability of developable real property in the Lahaina district on the west end of Maui. These were Amfac, Alexander & Baldwin and subsequently Maui Pine. Their answers were all negative and I submit herewith copies of this correspondence to show this Commission just what an urban land control situation has done to our community. I have a letter here addressed to Amfac and it was with one of the exhibits. Basically, the inquiry says, our firm is actively looking for developable real property on the west end of Maui in the Lahaina district. As the owner of large tracts of land, I thought perhaps your firm might entertain the idea of making available some of their lands, either on a leasehold or fee simple basis. And then I note with enthusiasm the growth of Kaanapali and I ask for appreciation in hearing from them. Okay, I sent those three letters and this is the answer I got from Amfac. "With reference to your letter, we do not have any residential lands within the Lahaina area for sale at this time." The answer from Alexander & Baldwin was, "Thank you for your letter, etc.

MR. McCORMACK (Cont'd.)

Alexander & Baldwin does not have any lands in west Maui but suggest you write to Colan Cameron." I wrote to Colan Cameron of Maui Pineapple Company and he answers my letter by saying, "We do not have any parcels of land available at the present time for either sale or lease for residential purposes."

Trust me, gentlemen. I'm quoting this out of context because these are the important points. There are some explanatory paragraphs that follow and that's why this evidence is submitted to you.

Now, in order to justify the granting . . . I tried to set the stage for the need . . . I'm sure I've overdone it, if I can . . . in order to justify the granting of urbanization to our request, references made to the planning principals already adopted by the County of Maui and the established precedent of (inaudible) hotel and apartment zoned lands from the cane fields with residential development.

Perhaps you'd like to pass this around . . . a schematic copy. That is our schematic development plan.

Incidentally, in reference to the master plan that was made by the staff, with both largest land owners . . . that would be A & B and Amfac . . . who undoubtedly have master plans of their own. . . the land use patters from the sea going mauka are shown adopted as hotel-apartment-residential.

UNIDENTIFIED:

Let me explain. I think there was a reference in here to the urban areas. This is the Kaanapali development. This is the (inaudible) development. These are the two large land owners in the area . . . people who have been written to. Their development of land uses which are shown on

UNIDENTIFIED (Cont'd.)

the master plan which I know you're all familiar . . . they show a hotel designation down here and then there's an apartment area and golf course and then there's residential above . . . single-family residential. The same situation exists down here. In Kaanapali's case, they have bisected it . . . the development . . . with the new highway. Up here, the highway ends so they don't bisect it and the development comes up, but the same principal holds forth if you'll look at the land uses they show . . . hotel, apartment and primary residential.

MR. McCORMACK:

Well, in this particular area, which is the subject of our property, there are various property owners here. There are roughly say 5 property owners. The land never did have a master plan, but by the County use, it was put in a hotel designation and they showed hotel all the way up to this highway to the new alignment on their 701 master plan. But on their master plan, they show the cane fields down to the hotel uses, and my complaint is . . . and correct me if I'm wrong . . . why is it that Kaanapali can have residential and apartment down to the highway and Kahulua and not these small developers? It's true that this is our property and we hope to develop it, but I'm trying to reiterate that point because the County of Maui has not encouraged the urbanization of these lands, and I think that the reason that possibly came about is because this alignment wasn't set at the time that we had the hearing over there.

Our plan, I think, is a good one and designed for the local people on Maui. Apartment development is needed now along the highway and then single-family subdivision lots just above that. That's what the public

MR. McCORMACK (Cont'd.)

needs and wants . . . lots, houses, apartments, apartments to rent that they just can't get today. Why not consider how small 52 acres really are in the big picture and why not give us small and local developers the chance to demonstrate our sincere desire to implement our development plans?

The highway alignment is set now and you have that so that's no problem, but I do have attached a slight final adjustment, and I have that on one exhibit for you. It's probably one of the last items. There it is, yes. So with the highway alignment set, there's one other thing that you should know. The land is lying fallow. It is not in cane. It's not any more. We've taken it out of cane. And we could actually subdivide the land into two-acre lots under the present County zoning ordinances, but that wouldn't help the situation any. It wouldn't accomplish what the County needs and what we want.

So lastly, I say to you, why not consider adopting our development plans here in principal, like you've done with others . . . on Molokai the Puuala Development Company. Grant us urban now, based on the staff recommendation, which is below the new highway alignment. And grant us incremental approval on the balance, based upon our ability to perform.

I thank you for this opportunity to make this presentation. If there are any questions, I would be happy to answer them for you.

CHAIRMAN CHOY:

Do the Commissioners have any questions? Howard.

MR. ALTMAN:

I assume that that center area in the single-family color is a proposed (inaudible). Is this true?

MR. McCORMACK:

This area is shown as a common . . . (inaudible) . . . and park-like way if you could call it that, and this is the central drainage point of the property. We feel it would be best to have it that way, connecting across here so that they could get across to the County park which is over here and the new beach that they're going to create. These two roads are going to stop. The whole highway will be discontinued and then they're talking about putting a beach park in there, so this would be the logical place to have a residential community. They could bleed out into that park, you see.

MR. ALTMAN:

So it is a private open space?

MR. McCORMACK:

Yes.

MR. ALTMAN:

Does it show up in your figures as to acreage? I see you have 37.2 acres for single-family.

MR. McCORMACK:

This is a schematic development. We're not down to the detailed planning, but after several meetings, this was our considered approach to the development plan.

COMMISSIONER:

(Question inaudible.)

MR. McCORMACK:

That was one thing that I really didn't get to in this report. I was sort of taken aback by . . . In other words, I think the point was . . . that the staff was making was that if you would grant the urban state . . . Now see, the staff recommendation is to say let's possibly

MR. McCORMACK (Cont'd.)

grant urban to here. If the alignment dropped . . . or when the accommodation takes place, then we just dedicate the land to the State? It's a 150 foot right of way. It takes several acres of land. I would be willing to let them take it at a residential price possibly but not free.

CHAIRMAN CHOY:

You mean agriculture price, not residential.

MR. McCORMACK:

Well, agriculture . . . right. Whatever they're paying down here.

COMMISSIONER:

You be careful now, Mile.

MR. McCORMACK:

Yes, I know. It's a . . .

MR. DURAN:

Our point is, Mike, that if we zone it to what we think will be the right of way line and shift it and some of the land that we've reclassified into urban is involved in that right of way, are you going to insist on the urban prices for this property instead of the agricultural prices that they would be paying?

MR. McCORMACK:

Well, . . .

MR. DURAN:

Or are you willing to state for the record at this time that you will not look for any increase in the price of lands due to this rezoning?

MR. McCORMACK:

Let me answer that by saying it this way. Wouldn't it not be the understanding of everyone here that everything below the highway is urban.

MR. McCORMACK: (Cont'd.)

I mean the new highway. I mean up and down. Even according to the master plan and so on. So therefore, what price would they condemn the land at? In other words, just assume it was all urban now. I don't mean the whole thing, but I mean where the new alignment is. What price would they assess the land at?

CHAIRMAN CHOY:

Well, you see . . . Rom, can you answer this question? In your recommendation when you said up to the new highway boundary, did you mean . . . Not up to that, Mike, but taking in that area. . .

MR. DURAN:

We assumed an 80 foot right of way and so 40 feet from the center line makai.

CHAIRMAN CHOY:

So it eliminates all the potential . . .

MR. DURAN:

But if they should shift it, you see, into an area that we do zone urban, certainly we would want to recommend that the land be zoned urban with the full knowledge that it would be sold to the State then at urban prices. That's why I wanted to get a commitment from the developer.

CHAIRMAN CHOY:

But isn't it more or less understood now that they have firmed up that line?

MR. DURAN:

Well, no. We don't have the right of way line. We just have the alignment. And you could get a drainage easement of 10 feet wide that could go down into our urban district and then they would assess that at

MR. DURAN (Cont'd.)

an urban rate and the other at an agricultural rate. They do differentiate.

MR. McCORMACK:

Well, let me tell you about the highway. We've been in there and they've told us . . . and I must say the State has been so cooperative, I really commend Mr. Tanenishi (?), Mr. Yuen and the design division. What they're going to do is . . . this right of way is 150 feet wide and the center line is 50 feet on the lower portion and 100 on the mauka portion.

COMMISSIONER:

Is that the easement for cane haul on the mauka side?

MR. McCORMACK:

Yes, on the mauka side. And see, the cane haul easement goes right through our property now. I would suggest that if our . . . First of all, let me say this. If the Commission could see fit to designate all of the land urban, we could afford to have the land taken at . . . you know, we'd dedicate it to the highway department. If they're going to give us an incremental approach, which is what I've asked for, and grant us urban and accept our plan, say, on incremental performance, I thought that that could be . . . it could be stated that the urban boundary is whatever final line is established on the final alignment below that. Or, better yet, is for me to just state that it would be our intention to let the State condemn the land at the agricultural prices. How's that? No matter which way we go.

CHAIRMAN CHOY:

Any other questions?

CHAIRMAN CHOY (Cont'd.)

Mike, how can you go on incremental if below the road is going to be apartment and then you're trying to build low-cost homes.

MR. McCORMACK:

No. Low cost is a phrase that is very broad. I want to . . .

CHAIRMAN CHOY:

Alright. Let's take that back and let's say you want to put up residential homes . . . lots.

MR. McCORMACK:

Up here?

CHAIRMAN CHOY:

Yes.

MR. McCORMACK:

On the mauka portion. Down here we want to put apartments.

CHAIRMAN CHOY:

But you cannot possibly have incremental because you don't have both types of land.

MR. McCORMACK:

Well, my idea was just to show you that we were going to go ahead and start our apartment on the lower portion. If we get in and develop like we say we're going to, then continue on up. Or if we could get this urban now . . . say you were to give us this much . . . it's alright with me. I'd be happy with it. The residential subdivision lots would be the best and my partner here, Dave Anderson, he's a homebuilder. He's a builder, and that's what we would do. I'm a developer and subdivide the land for model homes and sell them, probably in a \$30,000 or \$40,000 bracket.

CHAIRMAN CHOY:

The point I'm trying to bring up, Mike, is the fact that you do not need both types of lands in order to . . . (inaudible) . . .

MR. McCORMACK:

Yes, we do. In other words . . . I realize the staff . . . they're saying no sweat on this urban down here. It's all (inaudible). But what about this up here? I'm saying that the precedent was set with Kaanapali and Kahakoloa and just as we didn't have a master plan at the time, we didn't get included in the 701. So I'm asking this body, maybe what you people should say to me is, well, Mike, we'll let you have that in urban if you can get the County Commission to agree that that's a good precedent . . . that there was a precedent set. Because that does exist. We must acknowledge that. And the thing is that we do need both kinds. There's 250 or 300 feet up or something like that.

CHAIRMAN CHOY:

Is there anybody here from Maui County? Would you like to say something for or against this petition?

MAUI COUNTY REP.:

. . . (inaudible) . . . at the present time, based upon the Maui County Planning Commission recommendation which your staff, I think, has covered.

MR. DURAN:

This is Howard Nakamura, President, Maui County Planning Director.

Is that right?

MR. NAKAMURA:

Yes, it is.

The recommendation of the Commission was made quite a while back, so the situation has changed a little in that the alignment of the highway is . . . (inaudible) . . . What I would like to say is that our general plan

MR. NAKAMURA (Cont'd.)

does indicate urban development would be limited to those areas makai of the ultimate state highway. At the time the recommendation was made, there were two uncertainties involved. One was the actual alignment of the highway. The second was the feeling of the Commission that this was land which has demonstrated a proven capacity to support agricultural uses. It may not be in agriculture but it has been in the past in agriculture. Now on this basis, the Commission recommended denial of the petition.

I am not in a position to make official change in the recommendation of the Planning Commission because of the fact that an alignment has been set. I can't say that the general plan does recognize the desirability of urban designation. We know the highway wants the alignment as established. As far as the additional area of the hotel (inaudible) the residential, this is desirable in areas where you have sufficient depth to provide for this type of transition, such as possibly Kaanapali and Kaha-koloa. In this area here, Honokowai-Kahana-Kunapili area, the highway limits the amount of developable land. Therefore, our transition rather than going from shoreline to the mountain, generally goes from a resort complex out horizontally, supporting part of that residential district rather than . . . (inaudible) . . . Mr. McCormack seems to feel this is desirable.

The other point that I'd like to make is that we feel that the highway is a very important part of the planning of West Maui. Mr. Tangen is very active in our plan. We feel that this is an attraction in itself . . . that the highway designates the logical boundary between urban uses and agricultural uses. From the highway, we can see the seashore on one

MR. NAKAMURA (Cont'd.)

side and the sugar cane and the mountains on the other side, and this would hold through from the Honokowai part all the way around to the . . . (inaudible) . . .

On that basis, I feel that Mr. McCormack's request for urban land above the highway is not being desirable. For one thing, it would establish a precedence in that if you start granting urban zoning above the highway, where do you draw your line next? It becomes a thing that snowballs. We recognize that there is a need for residential land. We recognize that there is a housing shortage. However, we feel that there are steps being taken now, and just the fact that there is a shortage does not justify taking lands which are not in the interest of (inaudible) or which are contrary to the intent of the Land Use Law.

CHAIRMAN CHOY:

Howard, that area that they show the hotel-apartment . . .

MR. NAKAMURA:

(Comments inaudible.)

CHAIRMAN CHOY:

No. Above. That in red. Have you rezoned that area for hotel?

MR. NAKAMURA:

No, we have not actually rezoned it, Mr. Chairman. We have . . .

CHAIRMAN CHOY:

You're suggesting it as urban.

MR. NAKAMURA:

We have designated our general plan as hotel use. The after zoning still remains agricultural because, well, for one thing, it is a State agricultural district . . . (inaudible) . . . in other urban areas.

CHAIRMAN CHOY:

Any questions, Commissioners?

MR. McCORMACK:

I would like to ask a question.

CHAIRMAN CHOY:

I don't think it's proper that you ask a question.

MR. McCORMACK:

Okay.

CHAIRMAN CHOY:

Do the Commissioners have any questions? Thank you. Mike, you can have the . . .

MR. McCORMACK:

Yes. I have the master plan here and I know you're familiar with it, but I'm going to have to rebut Mr. Nakamura's statement. They have, as a matter of practice, permitted designated urban uses above the highway. Here it is for you to see. Now as I said, here on the end the highway goes way up instead of cutting through but this is where it ends. But this is Amfac land. These guys just had a master plan when the 701 was adopted and these fellows didn't. These guys did and they haven't done a thing with their land since it was zoned and everything, how many years ago. Now I don't mean to be knocking it that hard, but I just can't go along that the precedent isn't set, and there's no reason why it could not work in this particular area as well. There actually could be a residential area above this and our land is deep enough to take it, as you can see, to buffer this hotel zone below the highway. See?

CHAIRMAN CHOY:

Any other questions? Mike, do you have anybody else that you want to

CHAIRMAN CHOY (Cont'd.)

testify for you?

MR. McCORMACK:

No. I thank you very much for the opportunity and if there should be any further questions, I'd be more than happy to . . .

CHAIRMAN CHOY:

You have 15 more days to submit additional testimony, and we'll take action within 45 to 90 days.

MR. McCORMACK:

Thank you, sir.

CHAIRMAN CHOY:

Thank you. That closes the hearing on Mr. McCormack, and we'll proceed with A69-221, C. Brewer and Company.

MR. DURAN:

Mr. Chairman and gentlemen of the Commission. (The October 3, 1969 staff report re: A69-221 - C. Brewer and Company (Wailuku) was read verbatim.)

I'd like to call your attention to our district boundary map of the Wailuku area. The area in red represents the existing urban district of Wailuku-Kahalui. The property in question is this area shown in yellow which is in the urban district of Wailuku Heights. The pink area represents that portion of the subdivision that is subdivided at the present time. This is the conservation district and this is Kahuluu Bay. All this area uncolored is in the ag district. This little urban district here is (inaudible due to someone coughing).

On our larger scale map, this is the area in question to be rezoned

MR. DURAN (Cont'd.)

back to agriculture. This is existing residential. All of this land in between is in sugar cane at the present time. This land up in here is wood area and fallow land.

Are there any questions, Mr. Chairman?

CHAIRMAN CHOY:

Do the Commissioners have any questions?

COMMISSIONER:

When you refer to the cane land makai of Wailuku Heights . . . how much acreage is that?

MR. DURAN:

Oh, actually, it extends all through this area and on beyond this . . . Oh, I'm sure thousands of acres. But immediately abutting this property in question is agriculture. There is an A classification on these soils in the lower section and B immediately below the property.

CHAIRMAN CHOY:

Rom, (question totally inaudible.)

MR. DURAN:

Right along the base of the existing urban district. There's no water up in this area, but in conversation with the petitioners, since the writing of the report they say they are going to make water available and they should probably elaborate on that.

CHAIRMAN CHOY:

Rom, how come only 18 acres is very steep within the petitioned area?

MR. DURAN:

That's right.

CHAIRMAN CHOY:

And the rest of the area is about the 10th and 12th . . .

MR. DURAN:

Right.

CHAIRMAN CHOY:

Isn't that all full of cane, too?

MR. DURAN:

Well, again just going on what information we have, the fact that the Land Study Bureau has it at such a low rating that unless the petitioner can support their contention that it is suitable for cane, we're suggesting that it not be rezoned.

CHAIRMAN CHOY:

Do you think there is a difference in that land and the land that

. . .

MR. DURAN:

Oh, well, according again to the Land Study Bureau, right . . . this is B, this is A and this is B, with the exception of the E lands that are in the gulch and that . . (inaudible) . . parcel.

CHAIRMAN CHOY:

Any questions?

COMMISSIONER:

Rom, didn't . . (inaudible) . . know about these different designations on the land?

MR. DURAN:

Do they?

COMMISSIONER:

Yes.

MR. DURAN:

Well, I'm sure they do.

CHAIRMAN CHOY:

Okay, if there's no questions, will the petitioner come forward?

PETITIONER:

Mr. Chairman, I think the whole argument here swings on one point about the suitability of the land for agriculture. The Land Study Bureau has a system, of which you are probably aware, where they classify lands like this, I think, at 81 or 81i, depending on whether or not it is being irrigated. And under irrigation it is rated as very good. And without irrigation, it's very poor. And we've reported that we were developing water but possibly we didn't give you enough detail on that. We . . . two weeks ago we completed installation of new pumps, and we have increased our capacity by 7½ million. Maybe I should put this map up that shows you . . . I have an extra copy of that that shows a little more detail of the area in there that's suitable for sugar. But this 7½ million extra capacity is going to enable us to produce more water, not only for this area but for other shortages that we have.

This shows this same area here included within urban and this area in the grade that's so steep, I think it's . . . by Land Study Bureau, it's predominantly 45% grade. It's too steep for urban, I'm sure, as well as for cane, and it's being used for grazing.

In green is the area in which we are proposing to plant the cane. Some of that extends outside of the urban area, but there is 95 acres of potential cane within the urban area. We have 123 acres as against your 98, so we'll give you a copy of this map. But this line along here . . . (inaudible) . . . We propose a pump for this big system and to lift the water. The lift will be up to about an 800 foot elevation. This line is about 700 and the upper limit of the planning would be 800 so there's

PETITIONER (Cont'd.)

only a 100 foot lift from our main pumps about in this position by my finger. We lift as much as 350 feet in the present system. But we won't lift from this pump. What we will do . . . we will conserve more of our upper level . . . high level water and pump that from the top ditch and where we now let some of that high level water down to lower elevations, the water in those lower elevations will . . . (inaudible) . . . In order to be able to do that, we have doubled the size of this reservoir already and we have increased another one. So that . . . and also we have put some cane lands . . . one field already, 75 acres . . . into automatic irrigation. Automatic irrigation means that we can water day and night, so night water doesn't have to be allowed to go down to the lower reservoir. We can use that at night and it conserves our high level water to make it available for this additional lift.

So we've already put $7\frac{1}{2}$. . . we're clearing $7\frac{1}{2}$ acres of this now. We have more that we can put in immediately. How soon we can clear the rest of it depends on the overall program. We're taking in 300 acres of additional land with our water revision now, and I think that the entire argument of suitability depends on that one thing . . . on irrigation. And I don't know what further evidence we can give you. You changed in category now from potentially irrigated as compared to unirrigated. Unirrigated, we wouldn't attempt to do this. We know it would not be suitable for cane.

I think that's all that I have on that particular point, and I think to me that's the only important point under consideration here. We have four lands that we think we can put into housing and development and to save our potential cane land, it is very important for us to try to work

PETITIONER (Cont'd.)

from the economic sides there and take advantage of our (inaudible) capacity.

CHAIRMAN CHOY:

Commissioner Inaba has a question.

COMMISSIONER INABA:

How much more land do you have available in that area? Is it all (inaudible) up or is that . . .

PETITIONER:

No. This is all that would be suitable for . . .

COMMISSIONER INABA:

No. I'm not talking about that. That would all be suitable for urban. How much more land do you have there?

CHAIRMAN CHOY:

Within that urban area?

PETITIONER:

In the present urban area, we have none.

COMMISSIONER INABA:

None left?

PETITIONER:

No. It's all given out.

COMMISSIONER TANGEN:

You say 95 acres of that will be used for cane?

PETITIONER:

Yes.

COMMISSIONER TANGEN:

And then what happens to the rest of that? Grazing? Will it be

COMMISSIONER TANGEN (Cont'd.)

grazing or . . . ?

PETITIONER:

This probably will. Maybe some of this here. This is a gulch that comes down here and it's not suitable. This upper part is steep grazing now.

COMMISSIONER TANGEN:

When will the irrigation system be completed?

PETITIONER:

The irrigation system is complete now.

COMMISSIONER TANGEN:

When do you plan to plant cane?

PETITIONER:

I don't know. I tried to pin the manager down this morning when I telephoned from the airport and he said he's got a bit study underway now and he's not sure. He's going to put in what is best first and what is easiest to develop first. He's clearing now on a limited area . . . working on it. He hasn't made final plans so I can't comment on that, but our plan is something like a 2-year plan on bringing in the 300 acres roughly that we are trying to bring in. And this . . . when pieces are brought in, it depends on cycling with other fields. We've got to keep the balance. We don't want all market fields to be harvesting at one time.

COMMISSIONER TANGEN:

I might suggest that in the 15 days you have to submit additional evidence that you pin it down a little more so that the Commission might have a little better understanding that for sure that that area is going

COMMISSIONER TANGEN (Cont'd.)

to be put in cane.

Just one other question. Now this new . . (inaudible) . . irrigating, does it have any effect on the water that presently runs in the (inaudible) stream?

PETITIONER:

No. You mean that the County pumps from? . . (inaudible) . . source of underground water? I don't believe so. We feel that the . . (inaudible) . . 100 pound water system there and we're not sure. We're only testing but after due consideration of Dole Park and other jobs in which the public . . (inaudible) . .

COMMISSIONER TANGEN:

I'd also be interested in that, too, knowing whether or not it's going to happen, but . . .

PETITIONER:

This well is interrupted . . . the underground system is interrupted by a deep (inaudible) hill and the County water is taken on the other side of that again.

With this . . . we originally had not requested that this be changed from urban to agriculture. We were going to wait until we planted it and then ask, but the suggestion was made that while we were asking for this other change that we return this from urban back to agriculture because statistically, there's too much urban land available on the island.

And . . . I'm afraid that I can't get the (inaudible) within the next 15 days. He's committed himself on a schedule. If this is made conditional, it wouldn't bother us, you know, that if we planned it, the return

PETITIONER (Cont'd.)

to agriculture be coupled with actually . . . (inaudible) . . . It might come in in dribbles and actually, it might . . . this would right now . . . it doesn't have to be cleared and probably we'll cross the little gulch there and take in another piece, maybe something on the order of 15 or 20 acres this year. And so it might come in and . . . (inaudible) . . .

COMMISSIONER KIDO:

There's so much rock in that piece of property from the observation that I made. Could it be feasible to go into cane land then?

PETITIONER:

I didn't realize it was rocky.

CHAIRMAN CHOY:

It's all rocky in there.

COMMISSIONER KIDO:

And I think when that urban zoning was asked for originally, this was the intent and because of the fact that you sold most of your lots, I think there's . . . (inaudible) . . . in that area. And drawing 7,000,000 gallons of water for your sugar cane. That's quite a bit of water, just to apply to that area.

PETITIONER:

That's more than enough for that area.

MR. DURAN:

Have you had any requests for additional lots in that area?

UNIDENTIFIED:

Yes, we have.

MR. DURAN:

Now what is the problem of not extending that subdivision as contemplated originally? Are there some physical problems in here in developing the rest of the lands . . .

UNIDENTIFIED:

No problem except that we desperately need some more sugar land and this is good sugar land and we're losing some more sugar land to the highway realignment . . . not as much as 300 acres but at least 50 has been wiped away and maybe someone who's isolated may lose more than that. But aside from any problems with the road, we have more mill capacity and we're hard pressed to make this an economic unit and we need more cane land.

COMMISSIONER KIDO:

Then why pick all that prime agricultural land from the makai side?

UNIDENTIFIED:

What plan is that?

MR. DURAN:

That's vacated. That's the next case.

PETITIONER:

Well, I might say that there is no land there suitable for sugar cane.

MR. DURAN:

Do I understand that with that $7\frac{1}{2}$ million, you can take 300 acres more into cane land?

PETITIONER:

By rule of thumb, we should be able to take in about 100 acres per million, so that would be 750 acres. But we're short of water on our

PETITIONER (Cont'd,)

present area so some of that water is needed there.

MR. DURAN:

This . . . these are all your key lands along in here; isn't it possible to go out into this area and put those lands into . . .

PETITIONER:

No. We're getting too steep on . . . when we come back in here.

This is all unsuitable in here.

CHAIRMAN CHOY:

George, I'd like to ask you a question. In the event Wailuku Sugar wanted to plant sugar in this urban land, nothing stops them from doing it, is there?

GEORGE:

Well, I do think your regulations wouldn't permit, Rom. It's your urban standards that . . .

MR. DURAN:

In terms of criteria, but I think that legally they could go ahead if the County had no prohibition against putting agricultural uses in urban districts.

CHAIRMAN CHOY:

Normally it's permissive because so many of the lands that we have zoned urban are in pasture today which is agricultural use. So in this case, couldn't they just go ahead and use this for ag purposes?

GEORGE:

Oh, yes.

COMMISSIONER KIDO:

A lot of people are doing that.

CHAIRMAN CHOY:

I brought this up for a legal question. I'd like to get Howard's point of view.

MR. ALTMAN:

Well, I . . .

CHAIRMAN CHOY:

Oh, there's two Howards. I'm sorry. Nakamura.

MR. ALTMAN:

Go ahead.

MR. NAKAMURA:

On the question of whether agricultural would be permitted in the urban designation . . . If the urban designation designated lands within our . . (inaudible) . . which I think it does in this case . . (inaudible) . . then it would not be permitted. However, if it falls within the scope of (inaudible) which applies to the areas which are outside of the comprehensive zone area, then agricultural use is permitted.

I'm sorry that I cannot tell you, you know, exactly whether this urban land falls all within the comprehensive zoning or none of it, but if this is a concern of the Commission, I will find out for you and pass it on to you.

CHAIRMAN CHOY:

Does the other Howard know?

MR. ALTMAN:

No. The only thing I was going to say was that a concern, I think, should be . . . and if it is in urban and is for cane, the assessment of it is adequately changed to the actual use and that it's conceivable that it should stay in the urban zone and be put into cane if that's desired,

MR. ALTMAN (Cont'd.)

with the thought of it also acting as a reserve area in case it's called for for urbanization but not asking for a shift into urban after having been shifted out. But I think that this point is something that should be clarified before action occurs.

CHAIRMAN CHOY:

Could we get that information from you by letter? Thank you.

COMMISSIONER:

(Comments totally inaudible.)

MR. DURAN:

Yes. They seem to indicate that there's a shortage of water for urban development. That's why I asked what the problem was and he said there wasn't any.

COMMISSIONER:

Then there's no problem?

MR. DURAN:

I guess not.

PETITIONER:

There may be a shortage here. This is essentially water from a pipeline from Iao Valley from high up the mountain . . . the County system. But I think the County system is connected and they could pump water, possibly from the (inaudible) system.

UNIDENTIFIED:

Well, Iao well is about in this position relative to Wailuku Heights and this . . . the County's Iao well pumps water through Wailuku and Kahului and one line runs down to Kihei. But this area, I think, is served by (inaudible) coming down from Iao Valley.

CHAIRMAN CHOY:

Any other questions? Do the Commissioners have any questions?

PETITIONER:

I think that's what the County had in mind when they said . . . (inaudible) . . .

CHAIRMAN CHOY:

So you feel that pumping water on this side of Iao Valley . . . there's a (inaudible) in the natural artesian, and that you wouldn't deplete the savings of the County sources?

PETITIONER:

Right.

COMMISSIONER:

The . . . (inaudible) . . . says that the land is very poor.

PETITIONER:

Yes.

COMMISSIONER:

Are you telling now that the cane can be grown profitably?

PETITIONER:

Yes, uh . . .

COMMISSIONER:

If there's water.

PETITIONER:

The distinction that the Land Study Bureau makes is whether it's irrigated or not irrigated. If it's irrigated, they say very good. If it's not irrigated, they say it's poor. So I was going to make the point that we have developed the water for this.

COMMISSIONER:

I was under the impression maybe we ought to get (inaudible) that you were going to place that area in cane. I hope it's not . . .

PETITIONER:

No. No. This is the plan we've been working on for some time.

COMMISSIONER:

Thank you.

CHAIRMAN CHOY:

Do you have anybody else to speak for you?

PETITIONER:

No.

CHAIRMAN CHOY:

Thank you. This closes the hearing on A69-221. We'll proceed on to A69-222.

MR. DURAN:

Mr. Chairman, gentlemen of the Commission, C. Brewer and Company, the petitioners, are requesting the reclassification of approximately 437 acres from the agricultural district to the urban district identified as TMK 3-3-01:16, 3-2-10:1 and 3-2-13:1 and 10. The property in question is located in the Waiehu area approximately 2½ miles north of the Wailuku, Maui civic center.

Again, I'd like to call your attention to our district boundary map this being the ocean and Kaaluhe Bay. The property in question is this yellow area and this yellow area. This is the Waiehu Golf Course shown in green which separates the two pieces of . . . the two parcels under question. The road connection does sever this area from this area right through here. This is the National Guard . . . old National Guard rifle

MR. DURAN (Cont'd.)

area and the Hawaiian Homes Commission has a subdivision down here that's fully developed. There are homes along the makai side of the highway. This is the Waiaie . . (inaudible) . . beach road. The area along the ocean is low and undeveloped. The lands mauka of the area in question in between here . . . this white area . . . is all in cane, and a portion of the property in question is in cane which is this area. This is a large sand hill as is this area and relatively unused at the present time. This is also a large sand hill in this area although the Waiaie Dairy and Farm is located in here and this land is all for pasture and grazing.

This is the Waiaie Valley rural district shown in brown and this is the Waiaie urban district in the red.

This request involves two areas on either side of the Waiehu golf course, both . . (tape must have been turned off for a moment as a portion did not record) . . the Waiaie area be deferred until the dairy has been relocated or that the area would be (inaudible) the sugar cane lands be rezoned providing the petitioners satisfactorily present a proposal for relocating the dairy.

Are there any questions, Mr. Chairman?

CHAIRMAN CHOY:

Do the Commissioners have any?

COMMISSIONER:

(Comments totally inaudible.)

MR. DURAN:

Correct.

COMMISSIONER:

Yet you're recommending that we rezone it?

MR. DURAN:

Right. I think primarily because it's an extension of this area, and I think they will probably explain why they have no plan. What we had to go on was the report that all of you received . . . the C. Brewer report for the development of their lands and I don't . . . (inaudible) . . . And it didn't show any development in this area in that report, so I think that the petitioner should explain the differences in the rezoning request and that report that they submitted as evidence in support of their request. But because it is a logical extension of this area, because it has no agricultural use, I think that that's a logical place for our urban.

COMMISSIONER:

(Comments again totally inaudible.)

MR. DURAN:

That has a definite influence on the rating, yes, if irrigation is available.

COMMISSIONER:

(Comments again totally inaudible.)

MR. DURAN:

With irrigation . . . they're going to send a report to me, but they indicate generally if water is available to an area rated B, which is the case in Wailuku Heights, they can immediately bring it up to a B rating. If an A would be possible here, I don't know.

CHAIRMAN CHOY:

There's just sand dunes, so even if it was . . .

MR. DURAN:

Well, yes, that's the problem. On the other hand, you can take Ewa

MR. DURAN (Cont'd.)

Beach Plantation and all they do is grind up the coral and get the water through it and fertilize it and . . .

CHAIRMAN CHOY:

Not that easy.

MR. DURAN:

No, I'm not suggesting it, Mr. Chairman.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER TANGEN:

I'd like to ask Mr. Nakamura a question. I got a little lost between the original Maui County Planning Commission and its recommendation and then the subsequent amendment. Would you do me a favor and just go over there and show me now what the Maui Planning Commission is (inaudible).

MR. NAKAMURA:

Okay. When this matter first came up, Mr. Tangen, the recommendation of the Maui Planning Commission was this, that because of the agricultural uses in this area here on this side of the golf course, the area for sugar cane and grazing, they felt that this area should be turned down or recommended for denial. However, there was a 40 acre strip which ran from here towards the ocean which was sand dunes and unused for any type of agriculture. On that basis . . .

COMMISSIONER TANGEN:

Was it makai of the road?

MR. NAKAMURA:

Makai of the Kanakele Highway. On that basis, it was resolved that perhaps . . . (inaudible) . . . this 40 acres into urban . . . (inaudible) . . . Subsequent to that, the Commission received a (inaudible) from C. Brewer

MR. NAKAMURA (Cont'd.)

and also upon considering this in itself, they felt that . . . Well, C. Brewer indicated to us that this entire area here should be considered as one development package. In other words, it was . . . (inaudible) . . . to be able to proceed with the entire project and that granting just the 40 acres would not be suitable.

The Commission then reconsidered their original move and felt perhaps that the granting of this 40 acres would constitute some type of commitment to grant additional urban zoning and they didn't feel there was sufficient justification to go on that basis. Therefore, their revised recommendation was to eliminate this 40 acres and to recommend denial of this entire area until such time that the development plan could be proposed which satisfied the criteria of the Maui Land Use Commission insofar as maintaining some of these agricultural uses, particularly that of the area. Insofar as the land on the Wailuku side of the golf course, these lands are makai sand hills . . . (inaudible) . . . the Commission felt that this would be radical (inaudible) of the urban policy for one thing. For another thing, if developed, it would provide residential lands on a large scale to people in the Wailuku County area. We felt that granting urban designation to this petition would encourage additional development (inaudible).

COMMISSIONER TANGEN:

So you're recommending approval of the area from the golf course to Wailuku . . .

MR. NAKAMURA:

To (inaudible), right.

COMMISSIONER TANGEN:

And then you're recommending denial from the golf course to (inaudible)?

COMMISSIONER TANGEN (Cont'd.)

Okay, I've got it clear.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER NAPIER:

What is Rom's recommendation on this?

COMMISSIONER:

He recommends approval for both sides.

MR. DURAN:

Yes, this . . . and this being condition one, that there is satisfactory evidence that the (inaudible) will be relocated. Either wait for the (inaudible) to be relocated or rezone it now and . . . with the condition that the dairy be relocated.

CHAIRMAN CHOY:

Howard.

MR. ALTMAN:

Is the existing County general plan showing this area in urban . . .
Wailuku . . .

MR. NAKAMURA:

The area from (inaudible) to Waihee is not designated at the present time on the general plan; however, the Commission advised . . . (inaudible)
. . .

CHAIRMAN CHOY:

Any other questions? Will the petitioner come forward?

MR. BROOK:

My name is Edward C. Brook. I'm assistant to John Kay of C. Brewer. Mr. Kay is tied up on the Mainland and asked me to make a presentation in his place today.

MR. BROOK (Cont'd.)

The land area that we are petitioning for, as Mr. Duran located for you, is the sandy hill area over here . . . (inaudible) . . . on the low lying area over here on the Waihee side of the golf course. The portion to the east is on the plan mostly for . . (inaudible) . . all semi-attached or semi-detached type. . . . (much of what Mr. Brook was saying was inaudible due to his low tone of voice and the dull constant hum that seems to begin invading the tapes about half-way through each of them) . . . the high density apartment-condominium and other semi-attached (inaudible) along the . . . (few sentences inaudible) . . The rest of the commercial center would be facilities, shops, that type of thing, things that the population can use.

This region has been designed as a resort-residential community . . (inaudible) . . center around the County golf course, making this a . . (inaudible) . . of development. The open spaces and the individual development units will be landscaped . . (inaudible) . . and open to the public for their use. We also plan to improve the area around here on the waterfront where there are sandy beaches. These would be left open to the public or for picnicking or whatever. These would all be open to the public.

Each unit would be designed where it would be complimenting the private landscape. We won't have a bunch of tall tower-like buildings along the sand dunes. They'll just blend in with the landscape, taking full advantage of the panoramic views wherever possible, and coming up with a development that will be a low-rise, medium-density residential resort community.

Now there's 161 acres located on this side. Mr. Kay's plan that he presented to C. Brewer . . (inaudible) . . plans for approximately 56 acres.

MR. BROOK (Cont'd.)

This is 30 acres of (inaudible) residential . . (inaudible) . . and approximately 8 acres of . . (inaudible) . . This area over here, because of its proximity to other urban developments and density because of its . . (inaudible) . . was included in this petition. Eventually, perhaps . . (inaudible) . . or later phase, this area here will be developed and manned for this kind of housing. . . (inaudible) . . buy the land and build the houses and sell them to the public, but it isn't . . (inaudible) . . any definite plans at present.

The area on the Waihee side . . . where the staff has the figure of 251 acres, our . . (inaudible) . . reads 228. I don't know exactly what the discrepancy is but I want to explain that we're talking about the same area. This is . . (inaudible) low lying type area. Within this area . . (inaudible) . . Also, there is a dairy located in that same area and it's only a headquarters where they keep the cows and feed them. There's no real use of the surrounding area as far as (inaudible) is concerned. This operation is now under study by C. Brewer's industrial engineering department, considering various types of . . (inaudible) . . where this dairy could be relocated. This study began actually after our first meeting with the Maui Planning Commission, more or less because . . (inaudible) . . We are going ahead with that.

. . (inaudible) . . 25 acres which is now in sugar cane. This is a relatively cooler . . (inaudible) . . (inaudible) who is manager of Wailuku Sugar Company. We have a letter stating the reasons why . . (inaudible) . . this is fine agricultural land. Mr. (inaudible) is a little more akamai on this sugar cane than I and I'm going to ask him to expand on this a little bit later.

MR. BROOK (Cont'd.)

Mr. Duran present pointed out that a total of \$13,500,000 will be spent on the development of this area. This includes the cost of design and development as well as water facilities, . . (inaudible) . . utilities. (Few sentences inaudible.) The population of this is going to be what you call a medium-density development, taking the full 284 acres that is . . (inaudible) . . and using a population of . . (inaudible) . . you come up with about 6.6 dwelling unit per acre that totals about (inaudible) people per acre. (Several sentences totally inaudible; only a word or two distinguishable from each sentence.) Mr. (inaudible) will tell you a little more about these (inaudible) acres.

MR. (?):

This photo is an aerial picture of the section just a short while ago. I think there's been an error in the classification of this field by the Land Transportation people. . . the Land Study Bureau.

Checking with the plantation, they reported here by letter: "The cane area adjacent to the area which is included in our request to the Land Use Commission for rezoning is very marginal land for sugar production. The area is very sandy which makes irrigation very difficult and the yield poor. They are only able to irrigate approximately 1½ acres per man day on this part of the field but their . . (inaudible) . . for the balance of the field, and require approximately 3 times as much water for a sandy parcel as we require on the same area for the rest of the field. The water used in this sandy area can be utilized to better advantage on more productive areas and our original areas we can put into cane. We are enclosing an aerial photograph taken of this area in May, 1969 to show . . (inaudible) . . We do not separate areas in one field

MR. (?) (Cont'd.)

when harvesting and do not have actual sugar yield between the area in question and the balance of the field. This quality is poor and yield light in this area, causing considerable deficit . . . (inaudible) . . . to the balance of the field."

We reported that and made a suggest to (inaudible) that we try to get the yield on that area. I went to the Land Study Bureau and talked to Suhara and asked him how they arrived at their classification of that portion of the field. This is all sand hills with low sand areas here and this is low sand area. This is another soil classification here. It's actual soil and this is sand. I think that this field . . . and it's all included as part of one field. Suhara of the Land Study Bureau said that if they did have yields, they would have them by fields and it is likely they could assume this field was the same as the rest of the field. So their classification shows this as soil, not sand. Actually, it is sand, and it has been harvested within the last half week or two and it's easy to get into it now. I would suggest that if this suitability wasn't a consideration, the Commission request the Land Study Bureau to resurvey this one field. Suhara said he would be glad to check into this and admitted that their classification was . . . (inaudible) . . . I think it certainly is in error in the classification book here.

The story about the water here fits in with my story of the (inaudible). We distribute our water so that they can get more high level land and the water for one acre here would water 3 acres on the hillside. Not only is it wasteful of water . . . it's wasteful in fertilizer. We apply the fertilizer through irrigation water and flooding. And then some poisons over-fertilize and, as he says, induces a poor (inaudible). I

MR. (?) (Cont'd.)

can tell you that it's been a number of years since . . . (inaudible) . . . have considered throwing that out. But it's distinctly marginal and it isn't a question of whether or not they'll use the water. If they don't use the water here, they'll use it to better advantage elsewhere, so . . .

CHAIRMAN CHOY:

Do the Commissioners have any questions?

COMMISSIONER:

I was just wondering that in view of the fact that you corroborated the . . . (inaudible) . . . consider the application for zoning mauka of that . . . (inaudible) . . .

MR. (?):

This isn't (inaudible) .

COMMISSIONER:

(Comments totally inaudible.)

MR. (?):

When you say no plans . . . I think we definitely have plans to develop this. This is the listed schedule now for our development. When you say no plans, this book we have here doesn't go as far as the fourth phase. It takes in just the 3 phases. And to make it (inaudible), there's a continuation of . . . (inaudible) . . . We suggested that it be carried right on through. We have plans. Actually, when you say plans, it's in all different degrees. Even in here we have no detailed plan.

CHAIRMAN CHOY:

Well, in other words, if you were granted only the piece Kahaluu side of the golf course, it would have to be first phase . . . it couldn't possibly be the fourth phase because you don't have any 1, 2, 3 phases

CHAIRMAN CHOY (Cont'd.)

to develop. Would you be able to go ahead? You wouldn't want to go ahead at all if you didn't get it?

MR. (?):

No. We don't have . . . See, part of our first phase is this area here by the dairy.

CHAIRMAN CHOY:

I want to see if I'm hearing right. Do you mean to tell me that if you don't get any of the pieces of land above the golf course that you're not going to develop the whole piece?

MR. (?):

That's right.

CHAIRMAN CHOY:

So it's all or nothing?

MR. (?):

That's right.

CHAIRMAN CHOY:

Thank you.

COMMISSIONER:

You know what. Maui claims to have so much demand for house lots and . . . why do you people keep on talking progress by not opening up this land?

MR. (?):

You ask . . . somebody asked if we had the . . . (inaudible) . . . We've had people put the money down on this land and then return it and then he said he was developing this whole area and . . . To develop this area properly . . . not just chop off a hunk here at a time . . . to make it a good plan and to give it a core on which to develop this

MR. (?) (Cont'd.)

unused . . . (inaudible) . . . this would be the core and this golf course is helping, too, and so this gives an opportunity to develop a nice environment which can be extended.

COMMISSIONER KIDO:

But your demands are for residential. You're not talking about commercial.

MR. (?):

No, this is a very small commercial. This is just to . . . like a little community center. It's not a . . .

COMMISSIONER KIDO:

What do you have in the brown area there. . . fifteen?

MR. (?):

Up here?

COMMISSIONER KIDO:

Yes.

MR. (?):

(Comments totally inaudible.)

CHAIRMAN CHOY:

I would suggest that in the next 15 days you people come back with . . . come in with additional testimony as to how you're going to relocate your dairy and I would suggest that you get ahold of the Land Use Bureau and give you a rating on that cane land. And get all of this evidence to substantiate your case, rather than asking our staff to do it.

MR. DURAN:

Mr. Chairman, I would suggest that they evaluate the tsunami effects on that lowland, too, where they may be indicating residential uses.

CHAIRMAN CHOY:

Alright. Although they are keeping it in open area.

MR. (?):

Well, I . . . (inaudible) . . . look at the tsunamis, but . . . (inaudible) . . .

CHAIRMAN CHOY:

I would also like to see that you have the statement that you would accept all or nothing on this urbanization.

MR. (?):

The reason I'm saying that . . . I don't want it to sound like I'm sour grapes, but our lending institution that has agreed to make the capital available for this has made the statement in their commitment that they will only make these funds available if we do this and develop it as it is structured in the (inaudible). And if we were to come back to them and say, the Planning Commission suggests we do this and this and that we're not going to do that, we do not get the funds we want or even a small portion.

CHAIRMAN CHOY:

Yes. What I'm saying is that what you just said should be added to your petition.

MR. (?):

I see . . . the reason why we want all or none?

CHAIRMAN CHOY:

Yes.

MR. (?):

Alright.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

On this small project here . . . is that one increment of the whole project or . . . ?

MR. (?):

We've broken it into 3 increments. We . . . (inaudible) . . . It's to test market with different kinds of inventory from the first stage that includes this area, this area, part commercial and a small portion up here. Then the next phase includes this and this and this up here. Then the third phase which is the commercial is down here. And then the fourth phase should be this down here although . . .

COMMISSIONER:

I would suggest you set up your incremental plan . . . (inaudible) . . .

MR. (?):

We could do that except the problem here is that the dairy and the cane fields are both in the first phase. Now if they were anywhere else, we could live with incremental if they were in the second or third phase which would give us more time to take care of these problems, but they're both in the first phase of our land development.

MR. DURAN:

With your proposed Brewer developments, what consideration have you given to providing low cost housing for employees for the jobs you are generating?

MR. BROOK:

At this point we haven't given any consideration to that.

CHAIRMAN CHOY:

Any more questions? If not, thank you very much.

MR. BROOK:

Thank you.

COMMISSIONER::

Rom . . . you know, this might be a laughing matter, but where is that rifle range approximately?

MR. DURAN:

What is it?

COMMISSIONER:

No. Where is it located?

UNIDENTIFIED:

It doesn't seem to be used at this time. It seems to be just vacant land. There were some buildings but they've been since torn down. You may have remembered the buildings there but they've all been dismantled.

COMMISSIONER:

Well, I suppose but . . . (inaudible) . . . That might be grounds to . . . (inaudible) . . .

MR. DURAN:

I tried to contact the National Guard regarding this area and everybody's on vacation on the Mainland. Just the secretaries seemed to be in all of the offices.

CHAIRMAN CHOY:

Let's proceed to A69-223.

MR. LEONG:

(The October 3, 1969 staff report re: A69-223 - Shinn Brothers Foundation & Ent., was read verbatim. Please see report file.)

CHAIRMAN CHOY:

Do the Commissioners have any questions? Is the petitioner present?

MR. SANBORN:

My name is Donald Sanborn. I represent Dr. Shinn.

MR. SANBORN (Cont'd.)

I don't want to waste any of you gentlemen's time. It's been . . . it's very well (inaudible) that by the time this filing . . . we had several other doctors as well as Dr. Shinn who wish to purchase a small parcel of property from the east side of Molokai for the construction of vacation homes . . . homes to get away from the city - from Honolulu - for the week-end and so forth. And Molokai being the closest, it was the more convenient, and it was also learned by us that there were no properties available within a (inaudible) size. The only thing that you could buy . . . and I grant you there are ample pieces of property this size . . . half an acre, one acre, two acres and so forth. But this was not suitable to the people that I am representing here today.

With this in mind, Dr. Shinn agreed with the other parties that he would purchase this piece of property and apply for the boundary change. This is basically all there is to it. We found what we felt was an ideal spot in . . . (inaudible) . . . right on the highway. We have no problems with roads and so forth. There's an existing water line and the County's recommendation very clearly shows that the utilities are in. Therefore, we felt it was a very feasible area.

Thank you.

CHAIRMAN CHOY:

Do the Commissioners have any questions? If not, we'd like to call on Howard Nakamura to give the County's rationale.

MR. NAKAMURA:

I don't have really too much to add to this one except that perhaps I should point out this. The County of Maui just recently adopted a general plan for the island of Molokai. Now we have a lot of firm development

MR. NAKAMURA (Cont'd.)

proposals, some which are a little less definite. However, we do feel that the east end of Molokai is going to be growing at a rate much faster than what it has been up to now. I think one indication of this is the Puaahala Development which we hope will be underway in the very near future. On that basis, our general plan indicates that we . . . the east end from approximately (inaudible) where Puaahala is located all the way through to here, as you can see on this map . . . I would say approximately a 4 to 5 mile stretch we're talking about. Along the east coast you have a problem with development because of the fact that the land is . . (inaudible) . . That's about all we can do. So we realize, of course, that this request is not a large request. There are a lot of ways to build urban development. Nevertheless, we feel that development is coming to Molokai and, based on the 5 year boundary review, it could possibly be hindering the development of . . (inaudible) . . We get some . . (inaudible) . . but the fact is that it does conform to our urban designated areas. The urban land now designated as such would be everything makai of the highway and approximately 1,000 mauka.

COMMISSIONER:

Howard, one more question. How is the water supply in this area and sewage problems? Are you providing for all these things?

MR. NAKAMURA:

As far as water, this is one of the better areas on Molokai. They have a 6 inch line, in contrast to some of this area back here where we have not designated it urban . . (inaudible) . . and there is no (inaudible) provided at all. This particular area has water supply. As far as

MR. NAKAMURA (Cont'd.)

a sewer is concerned, there is no municipal sewer. It would be strictly by cesspool. This is the problem that exists on the island of Molokai. We have the proposal to begin the sewers from Kaunakakai to Kamimoloa, and also, as this area stretches out a little more, then . . . (inaudible) . . . As of the present time, looking at our present program, I would say we would not have sewers in this particular area . . . (inaudible) . . .

CHAIRMAN CHOY:

Any questions? Thank you. Do you have anybody else that you would want . . . ?

MR. SANBORN:

No. No one else, thank you.

CHAIRMAN CHOY:

The hearing is closed. We'll have a 10 minute break before we proceed.

(Break.)

We come to the action portion and, Rom, you said that the McCoy case is asking for a delay?

MR. LEONG:

They have asked for a 60 day delay.

CHAIRMAN CHOY:

On what basis?

MR. LEONG:

A public hearing was scheduled for . . . (inaudible) . . . and they requested that the action be deferred until a decision is rendered by the . . . (inaudible) . . .

MR. DURAN:

Mr. Chairman, Howard wanted to comment on this, too. I think we

MR. DURAN (Cont'd.)

ought to hear him before we make the decision as to whether we want to defer it or not.

CHAIRMAN CHOY:

Mr. Miller (name?).

MR. MILLER (?):

Thank you, Mr. Chairman. I was not aware of this request for today for extension of here this morning. The attorney did contact me and he made his request on the basis that we . . . (inaudible) . . . plan to hold a public hearing on October 16. And also, they're awaiting some word from our office and someone in the administration to give some indication of approval. Recognizing that this hearing was to be held on Molokai, they asked for the extension because they felt we were going to be here. . . (inaudible) . . . have come over and we'd like to make some comments on this application.

CHAIRMAN CHOY:

Yes. Why don't you proceed?

MR. MILLER:

Members of the Land Use Commission. Originally, we did recommend that only 7 acres be changed to urban and this 7 acres were indicated at (inaudible). At the recommendation, your honorable body granted a 90 day extension for your Planning Commission to re-evaluate their request as a general plan amendment. However, as I stated before, the Planning Commission has not yet acted on this amendment, except for a preliminary hearing on September 18th which was just last month. A public hearing will be held on October 16th on their (inaudible). Timing wise, the Planning Commission could not make a reconsideration on this matter. So I am

MR. MILLER (Cont'd.)

here today to make some points which we would like the Land Use Commission to consider.

As you know, the Hawaii Council has been caught in the housing crisis just as much as the other Counties. To stem the crisis, the Mayor has requested our department to assist in any way possible for bona fide developers who are willing to construct housing in Hawaii towns. We believe such is the case on this application, that the building company who is the co-developer of this land, is willing to meet some of the housing demands in Kona. However, it would be very naive for me to say that this development is for low-cost housing, but our prices are not only for low-cost housing per se but on the overall basis. We feel that a population increase will be from the existing approximately 10,000 population to 16,000 by 1971, which means that annual output of housing units required would be approximately 450 to 500 units per year in Kona. We also recognize that approximately 50% of the urban zoned area is vacant as of 1968. This constitutes about 975 vacant acreage of 2,000 acres zoned residential and apartment. However, the acreage for development on a lot/(inaudible) basis may not be possible in most of this vacant area as most of it is subdivided and owned by separate land owners or by owners who are unwilling to develop. Also, the County Planning Department would like to go on record as to recommend that the Land Use Commission consider zoning at least 18 acres of Dr. McCoy's land into urban adjacent to the existing urban district. By and large, they recommended acreage from the original 7 acres to 18 acres and the developers will be in a position to come in for a planned unit development under the County zoning ordinances. As the planned unit developments . . . (inaudible) . . . to a 20 acre minimum.

A closer control of development can be achieved with . . . (inaudible) . . .

MR. MILLER (Cont'd.)

all development plans prior to approval. Under the planned unit development concept, until this the land development shall start . . (inaudible) . . construction of buildings and other conditions.

On September 18th we had a hearing. The developer did come before the Planning Commission and stated that they would like to have at least 20 acres for this planned unit development, and the Planning Commission just . . . not any action but just listened to what they were planning to do. They were planning to develop 20 acres of Unit I and Parcel 2 under the building ordinance. Therefore, to reiterate, the Planning Department would like the State Land Use Commission to change . . (inaudible) . . of the 140 plus acres that are urban at this time.

CHAIRMAN CHOY:

How many acres is Unit I and Unit II?

MR. MILLER:

Unit I is about 11 acres, I believe, and we're just asking for . . .

CHAIRMAN CHOY:

A portion of the unit.

MR. MILLER:

Yes.

CHAIRMAN CHOY:

Yes, Sunao.

COMMISSIONER KIDO:

Did you say that the County requires . . (inaudible) . . ?

MR. MILLER:

Yes.

COMMISSIONER KIDO:

And you're requesting only a total of 18 acres?

MR. MILLER:

Let me . . (inaudible) . .

COMMISSIONER KIDO:

There is already 20 acres . . . ?

CHAIRMAN CHOY:

A total of 20 acres.

COMMISSIONER KIDO:

Now one final question. On this public hearing that you folks are going to have on October whatever it is, is it the purpose of . . (inaudible.) . .

MR. MILLER:

Yes. Well, just for this area.

COMMISSIONER KIDO:

Just for this area?

MR. MILLER:

Yes. I would like to point out that if the Planning Commission does not accept the total . . (inaudible) . .

COMMISSIONER:

It's a more logical back-up to build where the hotels are.

COMMISSIONER:

That's what you had in mind, isn't it?

MR. MILLER:

Yes.

MR. DURAN:

Did I understand you to say that the council of action on the 16th will be only to consider that area for . . . ?

MR. MILLER:

The whole thing.

MR. DURAN:

I see. The whole thing.

MR. MILLER:

They didn't indicate that they may not accept the entire development.

CHAIRMAN CHOY:

Rom, you might instruct the petitioner of what is being testified today and ask him to figure out a 20 acre parcel by meets and bounds. Would that be . . . ? I think they have sufficient grounds to hold this request for a 60 day extension. Do we have to have a motion?

MR. DURAN:

Yes, it should go in the record, I think. Not especially a motion but a consensus.

CHAIRMAN CHOY:

Why don't you poll the Commissioners?

MR. DURAN:

This is for a 60 day extension?

CHAIRMAN CHOY:

Sixty days.

MR. DURAN:

Or until we take action, which may be before, huh?

CHAIRMAN CHOY:

Well, we'll give them up to 60 days.

MR. DURAN:

Wung.

COMM. WUNG:

Right.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

(Response inaudible.)

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

It's unanimous.

CHAIRMAN CHOY:

You have anything up to 60 days.

Now we go to this hearing A69 . . . I mean action A69-215, Munoz
and Tokunaga.

MR. DURAN:

Mr. Chairman, if we could go over our maps again. This is a (inaudible) of our district boundary maps. This is the airport. This is the Makawao urban district. The existing rural district involves all of this land in here. I'd like to call your attention to the detailed map here. This is the existing urban district of Pukalani with the exception of this area and this area. Since our boundary review, we deleted those two areas. And this is the extent of the existing rural district. The petitioner has developed all of this land and about 25% of it has houses on it at the present time and he testified that all of it has been sold.

The request before us today is for this area which he proposes as a shopping center, a 10-acre area which will be dedicated as a school site in conjunction with the County park area. And this, then, would be developed . . . all of this yellow area and this yellow area, all the way back to this road. Also, this area is subject of the petition. However, they have modified this request to include only this area to the gulch . . . approximately 70 acres here and this 600 acre plus. The proposed plan has indicated, as on this map below, . . . this would have a residential golf course in this area here and then a lot subdivision in the remaining portion here and up in here. They plan to dedicate the gulch lands in here for recreational purposes as well.

Is there any question on this map (inaudible).

CHAIRMAN CHOY:

Where's the poultry farm?

MR. DURAN:

The poultry farm is located right here. Incidentally, all of this land is in pine. These are . . (inaudible) . . There is still some pine

MR. DURAN (Cont'd.)

growing in here. These are abandoned pine fields. This is cane. This is pine. The soil classification ranges from C up in this area down to D and E along here. These are C and D soils. (The October 3, 1969 memorandum from the staff to the Land Use Commission re: A69-215 - Frank Munoz & Donald Hayashi Tokunaga, was read verbatim. Please see file for this report.)

CHAIRMAN CHOY:

Are there any questions, Commissioners? If not, thank you, Rom. Would the petitioner like to make your statement now?

PETITIONER:

Mr. Chairman, I'll try to make it as brief as possible. Our memorandum, as well as the supplementary memorandum, are . . . (inaudible due to someone coughing in the background.) . . .

We'd like to point out that Mr. Tokunaga and Mr. Munoz have developed many areas on Maui and they're one of the biggest developers that have made lots available on Maui. Now Mr. Tokunaga and Mr. Munoz, as developers, have already developed the first, second, third and fourth units, all of which . . . (inaudible) . . . They propose to put the shopping center here. They also would dedicate . . . (inaudible) . . . (A few sentences inaudible due to speaker's distance from tape recorder.) These areas will be available to churches at cost. Those areas are to be set aside. And this area is going to be a picnic ground rather than a playground.

As far as this area is concerned and the proposed golf course . . . (inaudible) . . . The developers propose to develop here, in accordance with their plans for . . . (inaudible) . . . there will be open areas and

PETITIONER (Cont'd.)

there will be . . . (inaudible) (inaudible) . . . to meet the needs of the low-income group. The whole pattern of this development is consistent with the concern of the (inaudible). (Much of the remainder of this presentation was inaudible with the exception of just a few words per sentence, due to the constant hum previously described which occurs on these tapes about half way through.) Now all these lots have been sold.

MR. BAINER (?):

My name is Paul Bainer and I'm president of the Pukalani Community Association. Our membership of the association . . . we have about 100 families and when the proposed development first came out, we held a general meeting and we came out with a resolution to approve what would be built. So our association and myself backs the development, and I'll read to you the resolution that we adopted.

"Whereas Frank Munoz and Donald Tokunaga of Wailuku, Maui, doing business as Landco, recently have publicly announced the proposed development of 1,250 acres of land situated in the Pukalani area, lands which are owned by them; whereas included in the proposed development are a shopping center, 18-hole golf course and other recreational facilities and homesites; whereas such development will have a tremendous economic impact on the Maui district, the (inaudible), Makawao and (inaudible) areas, thereby bringing about a balanced growth to the Island of Maui. We resolve that the members of the Pukalani Community Association that they do hereby support Mr. Frank Munoz and Donald Tokunaga in their application for reclassification of their lands (inaudible) Pukalani. . . (inaudible) . . . and the Land Use Commission of the State of Hawaii, we

MR. BAINER (Cont'd.)

respectfully urge to grant the request."

So I as a member and president of the Pukalani area of the Association am supporting the rezoning of this area.

COMMISSIONER TANGEN:

Mr. Bainer, now do I understand right? In terms of the costs that you're comparing that are at least below the costs of Dream City Development, Inc. Right? Can you say then by that that the people who are able to build a house which is primarily working people . . . Dream City . . . would be able to do the same thing in this area?

MR. BAINER:

Oh, yes.

COMMISSIONER TANGEN:

Now aside from the County's requirements in terms of controls, do you intend to have any kind of a minimum? Usually, we don't have to worry about this. Usually, we have to worry about maximum. But would somebody be able to come into Kahuku Plantation and build a lot there?

UNIDENTIFIED: (Believe the Petitioner)

(Comments totally inaudible.)

COMMISSIONER TANGEN:

A minimum value.

PETITIONER:

Roughly about \$12,000.

MR. DURAN:

How about the area up above? I think this is the area that we're talking about that will . . . (inaudible) . . . Down here, too?

PETITIONER:

Down here, too.

(Several comments made with many people talking at one time so that no phrases were distinguishable.)

COMMISSIONER:

How many square feet is that?

PETITIONER:

Ten thousand square feet.

COMMISSIONER:

Has this been zoned for that?

PETITIONER:

No. Not yet. If it's urbanized . . (inaudible) . .

COMMISSIONER:

(Several comments made but the constant hum drowned him out.)

CHAIRMAN CHOY:

You are now basing on 10,000 square feet.

PETITIONER:

That's right.

CHAIRMAN CHOY:

With underground wiring.

PETITIONER:

Yes, underground wiring, too.

CHAIRMAN CHOY:

And golf coursd.

PETITIONER:

That's right.

UNIDENTIFIED:

I'll tell you off the record . . .

CHAIRMAN CHOY:

You're on the record now.

UNIDENTIFIED:

Last year I subdivided 18 lots . . . 10,000 square foot . . . (comments inaudible) . . . and I sold those lots at the rate of 37¢ a square foot. I gave the purchasers a . . . (inaudible) . . .

CHAIRMAN CHOY:

Mr. Munoz, what do you think the golf course is going to cost you?

MR. MUNOZ:

Oh, I would say about half a million dollars.

CHAIRMAN CHOY:

And how many lots do you have in that area?

MR. MUNOZ:

(Comments were inaudible.) It would probably come out to about 700 maximum because of the new County subdivision ordinance.

CHAIRMAN CHOY:

So you have \$500 to \$800 a lot that would be expense to you for the golf course and (inaudible) area.

COMMISSIONER:

Would you be required by the County Planning Commission to come in with a physical plan which shows exactly how these houses are going to be laid out and where the streets and everything are going to be? Is that required by the County?

MR. MUNOZ:

No. Not exactly where the streets will be or how it will be laid out. The rest . . . (inaudible) . . .

COMMISSIONER:

What I'm getting at . . . is an engineer or second year M.I.T. student

COMMISSIONER (Cont'd.)

going to do the planning? I'm talking now about the physical planning of this community. Or is it going to be done by someone who's an expert and can plan?

MR. MUNOZ:

We are supposed to hire an expert in this area that will . . . (inaudible) . . . (Comment inaudible.)

COMMISSIONER:

He's not going to do it?

MR. MUNOZ:

No.

COMMISSIONER:

(Comments totally inaudible due to hum of tape recorder.)

CHAIRMAN CHOY:

So, in line with that question, you develop . . . you say you would have area developed . . . that Pukalani area would be developed within 3 to 5 years? You mean just the laying out of the streets and the lots cut up and the golf course installed and that means the completion of your project. In other words, you're (inaudible) off a whole lot of real estate and have no homes still. The building of homes would be depending on who buys the lot and when he builds. Is that the way it would work out?

MR. MUNOZ:

Well, we can't control the . . . (inaudible) . . . but already there's been quite a number of houses built in this area here . . . (inaudible)
. . .

COMMISSIONER:

Aren't you going to require the purchaser of the lot to build a house on it within a certain period of time. They could buy a lot and it could

COMMISSIONER (Cont'd.)

sit there for 10 years. Won't there be a requirement to build within some certain period of time . . . something that's reasonable?

MR. MUNOZ:

(Comments totally inaudible.)

CHAIRMAN CHOY:

. . . (inaudible) . . . that request up in the Palama area where there are about 25 houses built on, say, maybe about 300 lots. Because we know that we're going to have . . . (inaudible) . . .

COMMISSIONER:

. . . (inaudible) . . . a week-end home or some sort of a retirement home . . . (inaudible) . . .

MR. MUNOZ:

(First few comments inaudible). You know, when prices get too high in Kahaluu, they sell their home and they come up there.

CHAIRMAN CHOY:

What concerns me is, say for instance there's 680 acres. We're giving them to you on an incremental basis which means probably you'd need two-thirds of it to get started and you have a third that's on an incremental . . . it's all developed and you're ready to proceed, come back and see us again. Now, in the event you fail, wouldn't you folks take a financial shellacking if the Land Use Commission saw that you had not performed as promised and would not grant you the second increment? Wouldn't you be in trouble?

UNIDENTIFIED:

Certainly we'd be in trouble because no lots can be sold while the golf course is being developed.

CHAIRMAN CHOY:

If you're on incremental, you would like to start on this end and go down? Is that how you would want it?

MR. MUNOZ:

Well, actually, we would like to . . . (inaudible) . . .

CHAIRMAN CHOY:

But say we agree to the concept of the whole area there and gave you 400 acres. Not adding the 200 acres might put you in quite a bad position, if you don't perform. But if we gave you the whole package and you don't perform, then where do we chop you off? See, we can retract in 5 years any portion that is not developed.

MR. MUNOZ:

I think that you can rely on . . . (inaudible) . . . and he has made homes available outside of . . . (inaudible) . . . at a very low cost. It's not even 15¢ per square foot. While (inaudible) was selling at an average of 80¢ per square foot, they were selling at an average of 29½¢ per square foot. That's the difference in cost.

CHAIRMAN CHOY:

Yes, well, one is right in town and one is way up in (inaudible). The area is not the same. You're trying to compare little Kahalui with up in Pukalani with your prices. But that's not . . .

COMMISSIONER:

How about that . . . (inaudible) . . . ?

MR. MUNOZ:

I might point out that originally we had requested rezoning of this entire area. We have now revised it . . . (inaudible) . . . 70 acres. Now this . . . (inaudible) . . . leased by Maui Pine as well as about 40 acres here. The (inaudible) approached Maui Pineapple Company and . . . (inaudible)

MR. MUNOZ (Cont'd.)

. . they would like to get this entire area. (Few additional comments inaudible.)

COMMISSIONER KIDO:

(Comments totally inaudible.)

MR. MUNOZ:

Now I know that . . (inaudible) . . but now the lands should be approved. I mean, we support even the change in zoning from down . . (inaudible) . . to get more land made available . . (inaudible) . .

CHAIRMAN CHOY:

Are there any other questions?

COMMISSIONER:

Yes, well . . . I think what Mr. Munoz is saying when he says development . . . the Committee is thinking of something that's developed as houses . . . houses being built, not just streets or . . . we see a lot of subdivisions going up but the houses take another 20 or 30 years to be built. I think that this is what has been going on on the development.

CHAIRMAN CHOY:

Rom, is there a base for boundary? You have this ink line. No, further down. Yes, that line there along with . . .

MR. DURAN:

. . (inaudible) . . incrementally or . . (inaudible) . . The land slopes this way with nothing on either side. There's nothing in between.

CHAIRMAN CHOY:

There's no physical boundary?

MR. DURAN:

No.

CHAIRMAN CHOY:

Why is that line drawn in there?

MR. DURAN:

(Comments inaudible.)

MR. MUNOZ:

I apologize for making the . . (inaudible) . . There will be no problems like this once we have a final design instead of just a schematic drawing. (Several additional comments inaudible.)

CHAIRMAN CHOY:

In other words, Mr. Munoz, you find that it's not economically feasible to put 18 holes in there . . (inaudible) . . with a 9-hole golf course?

MR. MUNOZ:

Never. At no time would we go with a 9-hole golf course.

CHAIRMAN CHOY:

You're coming with a full championship course or an executive course?

MR. MUNOZ:

Right. Now . . .

CHAIRMAN CHOY:

Mr. Munoz, you mean the full regular-sized golf course or . . .

MR. MUNOZ:

A regular.

CHAIRMAN CHOY:

Not an executive size?

MR. MUNOZ:

No. Not an executive.

CHAIRMAN CHOY:

Not a par three.

MR. MUNOZ:

Not a par three. (Several additional comments inaudible.)

Now, one more thing I would like to point out, that there's about 600 acres . . . (inaudible) . . . in the Makawao-Puna area and the (inaudible) has about 220 more, but that will be taken out from urban area.

MR. DURAN:

Excuse me, how many (inaudible)?

MR. MUNOZ:

About 300.

MR. DURAN:

About 27.

CHAIRMAN CHOY:

Twenty-seven good . . .

MR. DURAN:

Or do you mean this urban area? Within the existing urban area or within the whole general area?

MR. MUNOZ:

(Comments inaudible.)

MR. DURAN:

I know in your statement you said within the existing urban area.

MR. MUNOZ:

In addition to that . . . (inaudible) . . . These guys really mean it. They have developed before, even under the worst conditions. They've shown us.

CHAIRMAN CHOY:

No, the question is, we want to see how it was built, and you're talking of just the . . . making lots of (inaudible).. That's two

CHAIRMAN CHOY (Cont'd.)

different things.

MR. MUNOZ:

Yes, well, possibly the developers can get in touch with the Maui County Contractors Association . . . the contract officer to find out the . . . (inaudible) . . .

UNIDENTIFIED:

(All comments totally inaudible.)

CHAIRMAN CHOY:

Let's have a 5 minute break.

(Break.)

Meeting come to order. Do you have anybody else?

PETITIONER:

Yes, I have . . . (inaudible) . . .

UNIDENTIFIED:

I realize this is a long afternoon for everybody, and our Commission has never met this long, so I appreciate your patience, but I just want to say or reiterate again that the Maui Planning Department, the County administration and the County Council also, by virtue of their resolution is very greatly interested in this petition and, as they transmitted to you, we are in support of (inaudible), and also of Mr. Tokunaga and Mr. Munoz's application. I think this is going to be a development which is residentially (inaudible) as it gets oriented and will fill a need within the County of Maui.

I noticed that in the staff report they made reference to the fact that much of the land in the Makawao and Pukalani area is potentially suitable for agricultural use and thus, indicate that this shows a lack of demand for urban development. I have no doubt that the figures are

UNIDENTIFIED (Cont'd.)

correct. However, I think possibly it could be interpreted another way in that the ownership pattern in this area is such that people who own some of these lands designated urban actually have no interest in developing them. I think possibly this can be indicated by the fact that when you . . . down below some of the lands in this area were returned to agriculture, there was no objection as far as I know with the people involved. So perhaps this is something that you should consider. We realize that there are unused urban lands in the area but perhaps the ownership pattern is such that the people simply are not interested in development whereas Mr. Munoz and Mr. Tokunaga are interested in the development. Therefore, as I indicate, we are in support of this application.

I'd like to make one other comment which is a very general comment and I'm not prepared to be specific about it, and that is, much has been said today about the need for housing, particularly housing today in moderate income ranges. Mr. Munoz has indicated that possibly the 70-acre parcel that Mr. (inaudible) is concerned about will be employed in fulfilling this need for moderately priced home sites. The County of Maui is vitally interested in getting moderate housing. The Mayor today is addressing the Council with regard to the subject. We have been developing some preliminary plans and have been attacking this on a County-wide basis and tentatively, we feel that this 70-acre parcel in some way be included in our proposal, whether as development, you know, by County, or to put in the resources of the County to assist in providing homes for low and moderate income people. So on this basis again, I'd

UNIDENTIFIED (Cont'd.)

like to emphasize our support of this petition.

That's all I have to say, Mr. Chairman. Thank you very much.

COMMISSIONER:

Mr. Chairman, in view of these last remarks, could I poke the question to you, Mr. (inaudible), about the cost of lots, you weren't talking only about that 70 acres, were you?

MR. (?):

The lots in the 70 acres are between \$4,000 and \$5,000.

COMMISSIONER:

When you talk about comparing Dream City costs of land, we're talking about this land downhill.

MR. (?):

(Comments inaudible.)

COMMISSIONER:

Okay. Because I'm interested in that low and moderate housing, too. All over, not just in 70 acres . . .

UNIDENTIFIED:

Yes, well, I think the County is prepared to improve within their specific program, but we are interested in the 70 acres in one form or another.

CHAIRMAN CHOY:

Rom, did you have any questions?

MR. DURAN:

None of Howard, no.

CHAIRMAN CHOY:

Anybody else? Is there anybody else who would like to testify for or against? If not, I think I'd like to ask our consultant, Howard, to

CHAIRMAN CHOY (Cont'd.)

make a statement.

MR. ALTMAN:

In reviewing the boundaries under the 5 year contract, it was our concern, if you recall, to examine vacant urban lands, and this is a summary of the problem within the judicial district as shown here . . . Makawao. We don't, as consultants, challenge or doubt the sincerity of the developers or their ability. Our concern is to review it under the existing law and under that, there appears to be adequate urban expansion area to absorb anything that you name now. The only answer to that problem, in adding other urban zoning, is for the County to start proceedings to get those areas that are zoned urban now that aren't going to be developed, out of the urban zone so folks that evidently can develop can proceed. The problem under the existing law is if you keep adding urban zoning, you soon going to have that vacant reserve. In 1968, the existing urban zone was about 3,700 acres. Of that, about 2,300 acres were unconstructed on or undeveloped, and that's a sizeable portion. The problem is, as was said, that the vacant land isn't in the ownership or the location that enables the development to occur or solve these existing problems. So the only answer to that problem is to get rid of these areas that aren't going to be developed out of the urban zone so that other areas that evidently are going to develop or can develop to solve this problem, zoned urban. So I think it is within the County's (inaudible) to identify these areas because these areas are zoned urban and it's under their control now. But if there's some kind of a balance and you aren't going to keep adding urban and having these same problems that other folks permit and also ask for urban zoning. That was our summary

MR. ALTMAN (Cont'd.)

as far as the existing controls are concerned.

CHAIRMAN CHOY:

I think the point is well taken. Rom, do you want to add . . . ?

MR. DURAN:

No, I . . . (inaudible) . . .

CHAIRMAN CHOY:

Are you folks ready? The chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that all of the lot in the entire Pukalani area be zoned urban . . . (inaudible) . . . let it be denied.

CHAIRMAN CHOY:

Is there a second?

COMMISSIONER:

Second.

CHAIRMAN CHOY:

Any discussion? Are you ready for the question? Will you poll the Commissioners?

MR. DURAN:

Commissioner Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Have we got anything else?

MR. DURAN:

Yes. If you'll look down your . . .

MR. MUNOZ:

Thank you very much.

MR. DURAN:

. . . down your paper, Mr. Chairman and Mr. Commissioners, we have a listing for you to review regarding the projects I think our consultants should be concerned with. Do you have that list? It looks like this.

CHAIRMAN CHOY:

Yes.

MR. DURAN:

These are the requests that have come up as a result of our 5-year boundary review, and they're of significant sizes as indicated by the acreage which accompanies each one. And I think that as these come up for consideration between now and June that our consultant should be involved in all of the actions and public hearings.

CHAIRMAN CHOY:

Do we have enough funds to cover this?

MR. DURAN:

Well . . . or unless the funds run out earlier.

CHAIRMAN CHOY:

Howard, are you going to work a cheaper rate now?

MR. ALTMAN:

Well, I come cheap anyway. It's Austin that costs a lot of money. Hey, don't put that in the record.

Well, just let me ask, Mr. Chairman, would this exclude then on anything that would occur that is of the scale such as Signal Oil. I think even though it doesn't show up on here . . . oh, excuse me, it does. Okay, but . . . Okay, fine.

CHAIRMAN CHOY:

We can go on the premise that if you are willing to come on all of these action hearings . . . hearings and actions both . . . and not go over our budget, we'd limit you to not more than \$10,000, actually. It should be satisfactory. Now how do you . . . ?

MR. ALTMAN:

Well, just let me also say and since this is part of the fee, the area of proposing legislation for the 1970 session is coming up, too, and I hope that that will entail a good part of the fee. I think that that is as important as some of these. I think it should be a balance, as far as I'm concerned. You know, our decision has been before that if you folks ask for any kind of a . . . well, (inaudible) since we feel that that is part of our job and somehow it will balance out as far as the fee goes.

CHAIRMAN CHOY:

Well, I think on that basis, if you're going to do it gratis, we will . . . (inaudible) . . .

COMMISSIONER TANGEN:

I'd suggest that we use this as the basic guide as we go along and see what it looks like. It looks like it can be completely done in between Rom and . . . work out, you know . . .

CHAIRMAN CHOY:

We did ask them to get their heads together.

MR. DURAN:

You'll find that some of them will be handled at one time so that it's not a case of handling each one individually.

CHAIRMAN CHOY:

A lot of times we won't ask your opinion, Howard.

MR. ALTMAN:

Yes, I kind of sensed that.

MR. DURAN:

This \$10,000 figure also includes . . . (inaudible due to several people talking at one time) . . .

MR. ALTMAN:

May I ask something? The action that just occurred . . . was it without any conditions such as the things that have been put forth on all of the other actions that have occurred in the review and since, such as they are to develop the area within a 5-year period of time and, you know, things of that sort.

CHAIRMAN CHOY:

Regulations have been adopted so these . . .

MR. ALTMAN:

Well, in Rom's letter, it will actually say that it's been approved. I will just assume that everything is . . .

MR. DURAN:

Only one more item, Mr. Chairman, and that's just for information. You'll recall the 700 acres that we rezoned up in Kahaluu on Oahu, and Harper was concerned as president of this new organization that it might jeopardize the new flood control project for Kahaluu Valley. And to that extent, I wrote to Fred Hulton, State Conservationist for the Soil Conservation Service and this letter is his answer which basically says, "We found that the land use change will have relatively small effect on

MR. DURAN (Cont'd.)

the channel design capacities. These effects are not of the magnitude to affect the economic feasibility of the project."

CHAIRMAN CHOY:

Because that area where they want to put that big lake is in presently urban?

MR. DURAN:

Right, so they added that area up above and they thought . . .

CHAIRMAN CHOY:

I knew at that time that . . .

MR. DURAN:

Well, we have it officially in the record so . . .

MR. ALTMAN:

I wasn't there, but I understand at the hearing over on the island of Kauai on the Moody petition, there was some controversy as to the tsunami inundation, and the attorney happened to say that the level was 3.2C as compared to the report that said, I believe, that 3.7 isn't in feet . . it's in meters. So the report, as far as I can see, is accurate as put forth and I think that . . .

COMMISSIONER:

(Comments totally inaudible.)

MR. DURAN:

Okay. Next meeting, Kona, October 31st.

* * *