

LAND USE COMMISSION

Minutes of Meeting

Board of Chambers

Wailuku, Maui

November 19, 1962 - 3:00 P.M.

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

Absent: Stanley C. Friel

Ex-Officio Members E. H. Cook
Absent: Frank Lombardi

Staff R. J. Darnell, Executive Officer (XO)
Present: W. M. Mullahey, Field Officer (FO)
John Canright, Legal Counsel

The meeting was called to order by Chairman Bryan.

PETITION OF MAMORU AND AIKO TAKITANI (A(T) 62-13), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY NEAR ULUMALU, MAKAWAO DISTRICT, MAUI, FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 2-8-01: 7 & 24.

The XO briefly described the request, and outlined the area concerned in this application. He informed the Commissioners that the Planning Commission recommended for denial and the Board of Supervisors recommended for approval. Then a subsequent letter was received from the Planning Commission, informing they had reversed their previous action and voted to recommend approval of the petition. The XO stated that the staff's recommendation was for disapproval.

Chairman Bryan asked if there were any additional information received since the hearing. The FO presented a communication received from the University of Hawaii Agricultural Extension addressed to a Mr. Akana; and a reply from Mr. Akana describing the soil problem of the Takatani land.

Commissioner Gregg questioned how and when the soil of the land became eroded. Mr. Ohata states that, being unqualified to answer, he was not able to reply.

The XO informed that Harland Bartholomew and Associates' recommendations will be ready before the 11th of January, probably within a month. Chairman Bryan queried whether the XO was suggesting that the Commission defer action until the Commission hears from the consultants. The XO stated that he was suggesting that the recommendations of HB & A will be forthcoming.

Commissioner Kanemoto asked Mr. Ohata on what basis the Planning Commission approved the petitioners' request. Mr. Ohata asked to be excused from answering the question; to be saved from embarrassment.

Commissioner Ige stated that, in view of the staff's recommendation, he would move for deferral, pending receipt of recommendations from HB & A. Commissioner Gregg seconded the motion. Discussion: Commissioner Sunn made two observations: (1) The Planning Commission's original recommendation was to deny this application on the basis of remoteness and lack of water and now has reversed its decision without a complete explanation of the true factors. (2) He couldn't see how the consultants, Harland Bartholomew and Associates, could justly recommend this remote area as part of an Urban area and asked for the XO indication on this.

The XO stated that he has seen the preliminary recommendations of Harland Bartholomew, and they do not include this area, but have been notified of the areas that have been requested for Urban zoning, and all changes. He stated that HB & A is in the process of going over all of these changes before making their recommendations, and the XO could not say what they have recommended, one way or the other.

Chairman Bryan asked Mr. Ohata to comment on the water situation. Mr. Ohata stated that in the original statement, it was stated that the water was questionable. He stated that he did not know whether it was proven one way or another whether this was adequate or inadequate.

Commissioner Sunn added, "Wasn't it their explanation that if subdivided, the subdivider would have to develop water satisfactory to the Maui Board of Water Supply, and that would satisfy subdivision requirements." Commissioner Sunn stated that probably deferment might be advisable on the basis that in the event that Harland Bartholomew and Associates did insert this area in the Urban classification, the Commission would not be withholding development for six months, until July 11, it would be the decision of the developers on what to do.

The motion was carried unanimously.

COMMUNICATION

The XO presented a letter from Robert Ohata to Dr. Walter Steiger, Chairman of Physics, Department of Physics, University of Hawaii; and a letter from Steiger to the XO.

The XO explained that Dr. Steiger called him to explain the matter which was in turn discussed with Mr. Canright, legal counsel. The XO stated that a letter was to be written to Dr. Steiger and that he had been notified by phone

that what is being proposed as a public use of land needs no approval by the Land Use Commission, in that it is a public building, being built by the public on public land, but is subject to ordinance and regulations of the County.

Commissioner Sunn brought out the point that if this is so, the Government, if it saw fit, could go into apartment-hotel business and lease this property out to a lessee and would not need to go through the Land Use Commission. The legal counsel stated that that might be a different proposition, in that this is a use for housing of their own personnel. Chairman Bryan pointed out the fact that the government might want it for their government employees and still rent the property out.

A copy of a reply to Dr. Steiger giving the legal counsel's opinion on this situation is to be made.

There was no other business, and the meeting was adjourned at 4:30 p.m.