

STATE OF HAWAII  
LAND USE COMMISSION

1:00 P.M. Meeting  
December 5, 1969

Honolulu, Hawaii

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CHAIRMAN CHOY:

The meeting of the State Land Use Commission will come to order. All those who wish to testify at today's meeting but are not attorneys, would you rise and be sworn in? This covers all of the hearings on the agenda. Would you raise your right hand please? Do you swear that the testimony you are about to 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.

We'll start off today with a hearing . . . A69-229, Clyde and Helen Griggs.

MR. DURAN:

Mr. Chairman, gentlemen of the Commission, (the December 5, 1969 staff report re: A69-229 - Clyde and Helen Griggs was read verbatim; please see file for report.)

Let me call your attention to the district map here. The pink area represents the existing urban district. This is Diamond Head shown in a green conservation designation. This is the ocean . . . Waikiki. And this is Manoa Valley. The University of Hawaii is located in this general area and the property in question is on the ewa side of the Manoa urban district.

More specifically, on this large scale map, we have the existing urban-conservation district lines shown in red and green at this point.

MR. DURAN (Cont'd.)

This is Huilani Drive and this is Huilani Place and then this is the property in question shown in yellow. This is the driveway into the property. There are 2 homes located on the property in question and homes on the surrounding lots.

I have some communications, Mr. Chairman, and some are attached that follow the report. This is one from Mr. Donald G. Aten who lives just below the property in question. His location is right here.

CHAIRMAN CHOY:

And he objects to it . . . the boundary change?

MR. DURAN:

Yes. He opposes the boundary change. And there's a letter from Elizabeth D. Baker, on the adjacent properties, mauka, and they have submitted a letter in protest.

Now basically, the arguments have been the inadequacy of access, the problem of storm drainage, the danger of landslides, lack of fire protection although the fire department says they can service the area, and the question of whether the easement is void or not because of the multiple ownerships in that 16 foot easement to the property.

The Baker request also raises the question as to whether or not the fact that they do own a part of undivided interest in a portion of this property whether the decision is valid since our law requires that the owners or the lessees make application, and they are not a party to this application.

That pretty well summarizes the staff's report, Mr. Chairman.

CHAIRMAN CHOY:

Do the Commissioners have any questions? If not, thank you, Rom.

CHAIRMAN CHOY (Cont'd.)

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

MR. TAKEYAMA:

Mr. Chairman and members of the Board, I'm (inaudible) Takeyama and attorney for the applicant in this instance.

Well, basically, Mr. Chairman and members of the Commission, we feel that this application has been misunderstood. Actually, the basis of this application is that the original boundary, as established but erroneously established . . . they're asking that the boundary be corrected. In other words, may I refer to the Land Use Commission Law which the conservation district in the assessment of this law . . . (inaudible) . . . park and water reserve zone which is established in the Board of Land and Natural Resources . . . (inaudible) . . .

The boundary as appears on the map on file with this Commission and which I understand was adopted from the General Plan at the City Planning Commission, is based on a language, is designated forest reserve boundary. And yet this is at the 400 foot . . . generally along the 400 foot contour. We have submitted two letters, one previously and one recently, the recent one from Mr. Tagawa of the Board of Foresters Office, stating that the boundary line for the forest reserve is at the 600 foot contour.

CHAIRMAN CHOY:

Excuse me. Before you go any further, are you aware that we just got through with a 5 year boundary review and that all boundaries . . . conservation, agriculture, urban . . . have just been re-established throughout the whole State?

MR. TAKEYAMA:

Well, I know that the law provides for a 5 year review. I was not

MR. TAKEYAMA (Cont'd.)

specifically aware that that was undertaken.

CHAIRMAN CHOY:

Because all of this was done . . . the boundaries were established in the 5 year review only a few months ago and, George, would you like to answer him in his interpretation of the Land Use Law before he gets going any further?

MR. PAI:

Well, I don't . . . I think the language in that section is mandatory insofar as the forest reserve areas are concerned. However, I don't think that that restricts the Commission necessarily in only adhering to that particular standard in the statute. I think that the Commission has established by rules adopted pursuant to the Administrative Procedure Act other standards which I feel are valid and applicable to the area.

CHAIRMAN CHOY:

You may proceed.

MR. TAKEYAMA:

Well, I respectfully have to disagree because as I read Section 205-2 which speaks of the original districting and classification that the boundaries of the forest and water reserves heretofore established pursuant to Section 183-41 shall constitute the boundary of a conservation district. The way I read this, this is mandatory, and someone has made an erroneous boundary and we're asking that it be corrected. Our petition isn't one of the regular petitions that comes under 205-4 where it assumes a valid boundary and then we are trying to change the use within that valid boundary. We are questioning the validity of the original boundary and stating that then the urban . . . the demarkation line between

MR. TAKEYAMA (Cont'd.)

urban use and conservation should then be moved up to the 600 foot contour as respects this property.

CHAIRMAN CHOY:

Rather than get into a hassle on a legal question, would you . . .

MR. TAKEYAMA:

It is getting to be a legal question.

CHAIRMAN CHOY:

Yes. Well, you have additional time to present evidence on . . . we're not taking . . . this is only a hearing today. So if you could stick to your particular property in question and debate our Executive Officer's presentation as to any peculiarities about this property and why it should be rezoned, I wish you would stick to that point.

MR. TAKEYAMA:

Well, my . . . our contention is that actually the staff report to our petition and what was the sense of our petition are 2 different things. We're talking about 2 different things.

CHAIRMAN CHOY:

You elaborate on that then.

MR. TAKEYAMA:

Well, as I said, the staff report assumes that the boundary as originally established is correct and that we are now coming in here before this Commission to seek a change in the use classification to urban because of the statutory grounds that are the 2 grounds that we have to show proof on. Actually, we're really trying to roll back the clock to the original establishment of the boundary.

COMMISSIONER NAPIER:

Mr. Chairman.

CHAIRMAN CHOY:

Yes, Mr. Napier.

COMMISSIONER NAPIER:

I'm under the impression then that if it wasn't forest reserve . . .  
I mean, we realize that even though it's not forest reserve that it  
still could be a conservation district.

MR. TAKEYAMA:

It possibly could, yes. But if it is changed and the change is  
based on just a general notice without specific notification, I question  
the validity of the change as effects the petitioners. That would be my  
position.

CHAIRMAN CHOY:

Even though the 5 year boundary review was well publicized and the  
hearings that were held on it, do you still feel it was not valid?

MR. TAKEYAMA:

Was that specifically on this property?

CHAIRMAN CHOY:

The whole . . . this island. Yes.

MR. TAKEYAMA:

The whole island?

CHAIRMAN CHOY:

Yes.

MR. TAKEYAMA:

Well, I would question a general notice, particularly since it seems  
to then preclude . . . it would eventually (inaudible) this land forever

MR. TAKEYAMA (Cont'd.)

in a classification which, under the original law prescribing the basis to establish the line, that . . .

CHAIRMAN CHOY:

Excuse me. In the event that the Commission went along and granted the boundary change and the (inaudible), you can only have one house in 2 acres on this property. You have 2 houses already and the question is only an acre and some . . .

MR. TAKEYAMA:

The existing use would be grandfathered under the . . .

CHAIRMAN CHOY:

So what would you gain by having a boundary change? You've more than your limit now.

MR. TAKEYAMA:

Well, it isn't . . . May I speak for the record that it is not the intention of the petitioner to undertake some proposed subdivision or other development. They don't have the funds nor the intention nor the plans to do so, because they purchased this property from who's presently Judge Neal Tavares. Tavares looked into this thing earlier and assured them that this line is a mistake. This was before the Land Use zoning came into effect. On that kind of assumption, they had purchased this property and . . .

CHAIRMAN CHOY:

What I'm trying to get at is what do you gain by having a boundary change?

UNIDENTIFIED:

May I answer that?



CHAIRMAN CHOY:

You have to be sworn in. Would you rise please?

MR. DURAN:

Do you solemnly swear the testimony you are about to give your Land Use Commission is the truth, the whole truth and nothing but the truth, so help you God?

UNIDENTIFIED: (MR. GRIGGS)

I do.

CHAIRMAN CHOY:

Alright, Mr. Griggs, you may have the floor.

MR. GRIGGS:

We bought the land because . . .

MR. TAKEYAMA:

He wants to know what good it will do.

MR. GRIGGS:

We have it in the hands of a real estate woman and she's had at least 50 people . . . (inaudible due to the pace at which this speaker is talking and also the fact that he talks seemingly with broken English and in chopped phrases) . . . Then they go to the City (inaudible) and they say, that's in the city forest reserve, and then they won't even look at it. I want it out of the forest reserve. That's all I want. It should have never been in there in the first place. That's all we're asking. Back to . . . (inaudible) . . .

MR. TAKEYAMA:

Basically now, Mr. Chairman, we're just trying to correct an erroneous land classification.

CHAIRMAN CHOY:

Excuse me. Rom, in the event the property was put into an urban area, where is the 400 foot contour on that land?

MR. DURAN:

Well, I can only guess, Mr. Chairman, because this is a . . . (inaudible) . . . but this is about 375 down here, so I think this is about the 400 foot contour. It's about where the conservation-urban district line is, and this is about a 600 foot elevation, right at the top of that property.

COMMISSIONER:

Do you have any objections to . . . (inaudible) . . . ?

MR. TAKEYAMA:

Well, as I gather, the 2 are practically synonymous for Land Use Commission purposes.

MR. DURAN:

No, that's not . . .

MR. TAKEYAMA:

But we would want it out of conservation into the urban classification.

CHAIRMAN CHOY:

You want the whole property to be rezoned or if the area where the house is was rezoned, would that be ample?

MR. TAKEYAMA:

Well, that . . . I'd have to consult with them with that idea of a partial change. However, the original intent with which we came in was a complete change . . .

CHAIRMAN CHOY:

Because it seems that you've got more houses than you can build, according to City standards.

MR. TAKEYAMA:

That's true, according to City standards, but our plea here is that this Commission not try to invoke the regulations or the objections that other City bodies may have had to this application but merely try to address ourselves to the establishment of the boundary, whether it was correct or not, and to restore to the petitioners the true classification that their land was when the land use boundaries went into effect.

CHAIRMAN CHOY:

I think that legal question . . . since you have 45 to 90 days to cope with that, if we could get to a session with our Attorney General and get that item resolved as to whether the Commission has the power to assess the boundary wherever they feel logical; I think it being a legal question, it would be much easier on the Commission if we could settle it amongst yourselves.

MR. TAKEYAMA:

I welcome that suggestion. May I ask that this be continued for the purpose of the petitioners presenting their position in writing which would be referred to your legal counsel for reply and then that we be advised of that reply, and then the matter be taken up again.

CHAIRMAN CHOY:

I think that's fair. George, don't you think this is a legal question that . . . ?

MR. PAI:

Yes, it is. I don't mind . . . While his . . . the decision of his

MR. PAI (Cont'd.)

legal decision might affect other people, I don't think that that is the material thing. I still think that the decision should be rendered to the petitioner. He's entitled to it, whether or not other people may be affected.

MR. TAKEYAMA:

My understanding is, our application will not affect any other properties. It's up to them to come in and speak their own (inaudible).

MR. PAI:

Well, I think if you're right though, I think the Commission would be obligated to go ahead and rezone the other parcels accordingly. I think we might be talking about a state-wide problem. I think if you're legally right that the Commission is mandated to speak for the forest reserve line and no more that, although in this one particular act and we will only act on your petition, that perhaps subsequently it should initiate action on its own motion by notifying the other property owners that would be involved state-wide. I do think it does have that far-reaching effect.

One further suggestion, Mr. Chairman. According to statute, of course, the Commission is mandated to render an opinion . . . Well, no, I guess not. You can continue the public hearing, huh?

CHAIRMAN CHOY:

Today being a hearing . . . and you have 15 days to add to your testimony, and we will not be able to take any action in less than 45 and not more than 90 days. That will give also the Commissioners time to go and visit the site. Would that be fair with you?

MR. TAKEYAMA:

Sure. I think that within that time period we certainly can exchange views.

MR. PAI:

And I think that the Commission here, at the time of the decision meeting, would entertain any further remarks or statements that you may have so I think your interest would be adequately protected.

I have one further question though, if I may, Mr. Chairman. The underlying City and County zoning apparently is preservation, is that not true?

MR. TAKEYAMA:

The general plan that I examined this morning coincides exactly with that line. The urban is below and up above this is part of the general park and mountain reserves.

CHAIRMAN CHOY:

Is there anybody here from the City Planning Commission? Anybody from any government agency who'd like to speak for or against this petition? Rom, do you have anything to add?

MR. DURAN:

No, but I believe that there are some people in the audience that would like to speak.

CHAIRMAN CHOY:

Is there anybody here that would like to testify for or against this petition? Yes.

MR. ATEN:

You have our comments in writing, as read by Mr. Duran. I don't think we have any further verbal comments to add to this material that

MR. ATEN (Cont'd.)

we've already submitted.

CHAIRMAN CHOY:

Thank you. If not, the hearing is closed.

UNIDENTIFIED:

Mr. Chairman, I would like to speak on behalf of the petitioner and I can see that there's a lot of land there that . . . (inaudible due to speaker making comments without aid of microphone) . . .

CHAIRMAN CHOY:

Thank you. Would you state your name please?

UNIDENTIFIED:

Joe Schmidt.

MR. TAKEYAMA:

Is it in order that the petitioner receive copies of any objections?

CHAIRMAN CHOY:

Yes. Rom, will you take . . .

MR. DURAN:

I'll take care of that, Mr. Chairman.

CHAIRMAN CHOY:

Thank you.

We'll go on to the action portion. Meeting come to order. We go into the action portion of our meeting today, A69-218, Michael T. McCormack.

MR. LEONG:

Mr. Chairman and members of the Commission, to refresh your memory, this is our district map of the area. This is the West Maui conservation district, the agricultural district and the urban district and the shoreline

MR. LEONG (Cont'd.)

and the subject property is located along the mauka side of the (inaudible) Highway. (The December 5, 1969 memorandum from the staff to the Land Use Commission re: A69-218 - Michael T. McCormack was read verbatim. Please see file for report.)

The area recommended by your staff and the Maui Planning Commission is shown in yellow here. This is the existing Honoapiilani Highway and the subject parcel is shown in brown. It is below the makai portion. The proposed realignment is shown by this blue line going through here and the area recommended for approval is shown in yellow comprised of about 6 acres.

CHAIRMAN CHOY:

Do the Commissioners have any questions? If there's no questions, thank you. Will the petitioner come forward?

MR. McCORMACK:

Mr. Chairman and members of the Commission, I believe you've seen our schematic development plan from our meeting that we had or hearing on Molokai. And since we last met on Molokai, 3 new events have transpired which reinforce and objectively support the petition we submitted to you that day.

The first thing is that there is a continuing . . . a great (?) . . . I say a crying demand for housing in West Maui, and the latest supporting this premise came yesterday as a result of a joint Senate, House and Labor Committee meeting which was held on Maui regarding Maui's labor problem. Coincidentally, the result of the meeting was that housing, not labor, is called Maui's problem, and I would like to pass to you, and highlight possibly, some of the statements that were made at this

MR. McCORMACK (Cont'd.)

joint hearing of the Legislators yesterday on Maui. Some of the points were housing, not manpower, as Maui's critical shortage. A hotel manager told the joint Senate and House Labor Committee this yesterday. Mr. Randolph who's the general manager of Maui's Hilton Hotel said he has a waiting list of some 150 prospective employees, many of them highly qualified, but none was able to find housing on Maui's west coast. He said he feels it is up to Amfac and up to others with property on that side of the island to make land available for housing, and I submit that though not in any way compared, we are others that have land on that side of the island and are willing to make it available for housing. Randolph also said that many employees would move to the Lahaina-Kaanapali area if they could find housing, and what they fear now is with the hotel development in Kihei that many workers will refuse to drive the mileage they have to do in order to come to work in the Lahaina-Kaanapali area. And they already have an established investment plant there and the hotel management themselves are very concerned.

Up to just recently, as you know, Amfac really wasn't in the hotel operation business. They were in the land development business for hotels and they would lease them out. Be that as it may, I think that is a significant point and I know that you appreciate having that information.

Another event that transpired was the fact that Amfac did put on the market in fact 35 residential lots in the Kaanapali area and perhaps some of you are familiar with them. They do border the golf course. They are exclusive lots. There were 35 of them put on the market. They had something like 83 names on a preferred list and have sold only 13 to date. The average price of these 35 lots is \$31,485, at better than



MR. McCORMACK (Cont'd.)

\$3.00 per square foot, and that's just for a lot.

The State is planning a 50-lot subdivision in Waikikuli in addition to the development they already have there. They had originally intended to put in 78 lots and had to reduce it to only 50 because of the new County requirements to increase the improvements that they have to put in the subdivision . . . curbs, gutters, so on . . . which is understandable and a good thing. But it means only 50 lots. And under the system the State operates, these lots will be put on the market on an auction basis with an upset price and unless they would change in their policy, I would assume that the upset price is going to be what the current market value is of retail land and lots. And it's going to run \$2.50 to \$3.00 a square foot, and their lot size average is 10,000 square feet. Lots only again for \$25,000 and \$30,000. This is not going to give any relief to the problem.

I also was curious to find out what the land was used for now, and I understand it is in sugar cane. It is in urban but I mean it has been used in cane.

Now in our case, the majority of our land is out of sugar cane use. It is laying fallow. We are really ready to develop it and we propose a development as shown on the master plan developed into apartments and housing. My partner, Dave Anderson, and myself are in the real estate and development business. That's our business. That's our bag. We develop land and we build houses. And we request that you grant us incremental zoning under our petition and we would submit to you herewith a development schedule for our 2 year development plan that we have for the land. Naturally, we anticipate starting at the lower portion and

MR. McCORMACK (Cont'd.)

working up. But we felt that the Commission could understand that the needs of the people are a little bit greater than the needs of a master plan in this case, referring to the County. It is critical. It exists and we're ready and prepared to solve it with our know-how and capabilities.

So I thank you very much, gentlemen. If there are any questions, I'd be more than happy to answer them.

CHAIRMAN CHOY:

Any questions, Commissioners?

COMMISSIONER:

(Question totally inaudible due to distance of speaker from tape recorder.)

MR. McCORMACK:

Thank you for asking and I'm sorry, I didn't.

We propose in that subdivision to subdivide the lots into 7,500 square foot lots. We know from our experience in Honolulu that's an ample size for single-family residential. We don't propose to sell lots though there might be some selling of lots because there might be some builders who would not want to buy separately or some people who'd want to do custom homes. We would propose to put up like 3 or 4 model homes . . . something similar to what we do in Honolulu . . . maybe not exactly what we do. Perhaps we'd have to suit it a little closer to the market there. A 3-bedroom, 2-bath home, 1,100 square feet in the house basically. That type of thing. We expect that we could package our houses between \$35,000 and \$50,000. But if we can package a house at that price, that's still a good offer. We're not saying we can provide answers for

MR. McCORMACK (Cont'd.)

low-income housing or low-cost housing.

Now in the lower portion where we have a higher density under the County general plan, we can put in condominium apartments . . . I'll say Tropicana Village or something like that . . . which we could sell at a lower price because we have a higher density. We could put a planned unit development or that type of thing down there maybe. But we would expect a great desire on the part of the Maui people to still have the single-house, single-lot family development. And people really buy homes. They don't buy lots. We've tried to sell lots to the general public and we're not near as successful as when we sell a house, because it's a lot of nuisance to buy a lot, go to an architect and contractor to try and do the whole routine. And with financing what it is today, you really have to rely on the pros to get all this done.

COMMISSIONER:

What might your units . . . the apartments sell for?

MR. McCORMACK:

Well, I'd be hard-pressed to answer. My partner said . . . (inaudible) . . . thinking about that question at all where we might . . .

MR. ANDERSON:

Well, for a studio unit, anywhere from \$25,000 to \$28,000, and for a 2-bedroom unit, around say \$29,000 to \$30,000.

COMMISSIONER:

Mr. McCormack, are you aware that cluster-type housing in an agricultural district was granted on Maui recently?

MR. McCORMACK:

No.

COMMISSIONER:

Would you elaborate on that later on?

CHAIRMAN CHOY:

How many lots do you have?

MR. McCORMACK:

We show 125, and we show a straight subdivision. We haven't taken it past that sophisticated stage. It's very likely if it were in urban as we thought it had to be. It could be a total planned unit development and that's what our land planners recommended but we said, no, we think we should talk in terms of single house, single lot because we feel that's what the public, you know, understands at this point. We're doing it in our current developments in Honolulu. We are in planned unit development and cluster type of development.

We would like to say we'll submit to the incremental zoning, if that's at all possible, under the development plan to show performance, not just a lot of idle land sitting in urban designation. Because that is the big hang-up you people have. You say, well, look at all the thousands of acres of urban land, but no one is doing anything with it.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

What would be your first increment, Mr. McCormack, in the event the incremental zoning were . . .

MR. McCORMACK:

We requested . . . we showed on the schedule that . . . maybe I didn't. I'm sorry. I probably stuck it back in my folder. We would like . . . we would start on both the single family and the multi family

MR. McCORMACK (Cont'd.)

at about the same time. We would start at the bottom of the yellow and probably the bottom of the green. There are 2 hotels . . . well, there is one actually under construction now on the large piece that you see on the brown below and the other one is imminent to commence.

MR. DURAN:

What we're talking about is, how much land area do you need for the first increment? By increment, we mean we zone a portion of it, wait for you to perform and if you do, then rezone the rest of it.

MR. McCORMACK:

I see. Would performance constitute full development, like say, we said okay, we'll start with the bottom portion because it's, you know, contiguous to the lower portion, and if you commence your development and do it then . . . Actually, the need is for single-family housing. That's where the need is.

MR. DURAN:

Are you talking about something across here as the first increment to be rezoned?

MR. McCORMACK:

Right.

CHAIRMAN CHOY:

Mr. McCormack, you'd have to cross a cane haul road in that portion above that proposed alignment.

MR. McCORMACK:

They're going to move the cane haul road along with the new alignment.

CHAIRMAN CHOY:

Yes. Now if this area above the cane haul road is granted, can you

CHAIRMAN CHOY (Cont'd.)

put in a road across the cane haul road and have ingress and egress?

Is that permissive?

MR. McCORMACK:

Gee, I don't see why not.

CHAIRMAN CHOY:

Well, I don't think they'd permit . . . That's a private property, isn't it?

MR. McCORMACK:

No. It's our property. They have a right of way over our land.

CHAIRMAN CHOY:

That cane haul road?

MR. McCORMACK:

Yes. We have the latest plan and distances on the new realignment for the cane haul road. The one that you have has been slightly amended. The alignment is actually a little more mauka.

COMMISSIONER:

I have one question. We always talk about finding employee housing and then when you have the developers, how much you're going to develop them for. They always come out with \$35,000 or \$50,000. Now, the question in my mind is this: can the workers afford housing of that nature?

MR. McCORMACK:

I'm glad you asked the question and I would like to address it. From our experience here in Honolulu and what we know of working families, the average wage earner is usually where both the husband and wife work and their combined income gives them the ability to qualify for the loans that it takes to buy these kinds of properties. Now we sell ours like

MR. McCORMACK (Cont'd.)

in Honolulu on 90% financing, so the guy doesn't have to have accumulated all that much, but he's got to be able to handle the monthly payments. And if he and the wife work, on the average wage earner, they buy our \$35,000 homes right now.

COMMISSIONER:

How much is the wages that you're talking about? Monthly mortgage.

MR. McCORMACK:

The mortgage payment would run about \$300 a month.

COMMISSIONER:

Do you think these Maui employees can afford that kind of . . . ?

MR. McCORMACK:

Well, I guess I should distinguish. There are various classes of employees. There's not only the waiters or the chamber maids but there are middle management, too. If anybody could get any kind of housing, even under \$50,000, they've got something going for the people, because they have nothing whatsoever at all right now. And someone said to me, why don't you consider going on a government HUD project or something like that, and I say that's not a bad idea. The only thing I can say is that if we go the way we normally go which is conventional financing, we can have something on the market by the summer of this year. We could have model homes, for example, ready to show by summer. So maybe I didn't answer your question completely, but I do think that people, because of the double working situation of husband and wife, can afford housing that is more than \$30,000. And the other problem is that, just as the developer from the cost point of view, to go single family for single lot, single house, it's almost impossible with the improvements required by County regulations and the type of construction we would

MR. McCORMACK (Cont'd.)

normally use to get the costs down. We may find a compromise in the quality of the construction. We may not do exactly like we'd do here . . . double wall, wolmanized frame and shake roofs. We may go to a gravel roof which is a less expensive item and maybe a single wall type of construction. There are methods. We have certain standards we're using right now, and I could take the cost of my package and put it on the lot price and come up with a package price.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

(Question totally inaudible due to distance apparently between speaker and tape recorder.)

MR. McCORMACK:

Approximately, yes.

CHAIRMAN CHOY:

Any other questions? Do we have anybody from Maui County here? Would you like to come forward and speak for or against this petition?

COUNTY REPRESENTATIVE:

Well, I believe the position of the County of Maui was stated at the public hearing which was held on Molokai. If I can just clarify certain portions of our recommendation.

Our original recommendation was for denial of the entire request. That was at the time that the alignment of the State highway was not firmed up. Our general plan indicates that the portion makai of the State highway . . . we would have no objection to go into urban use. We would have no objection to going into the type of multi-family development that Mr. McCormack proposes. This would have to be actually zoned



COUNTY REPRESENTATIVE (Cont'd.)

but it is in conformance with our general plan, and I believe that this would not be a problem.

Subsequent to that, Mr. McCormack requested to submit further information to the Commission and that they consider the question again, particularly in light of the finalization of the roadway alignment. At that time . . . (inaudible) . . . recommendation to approve the makai portion. However, the County's position on the mauka portion remains the same. It does not conform with our general plan which was a comprehensive plan to be completed approximately a year ago. Under this basis, we recommended denial of the mauka portion.

CHAIRMAN CHOY:

Any questions?

MR. McCORMACK:

I think the problem really here is that we really propose a subdivision or development of land that's truly urban in character. That's why we asked for this. Under urban designation, we would be permitted the densities that is necessary to get the housing on the market that there is a need for.

CHAIRMAN CHOY:

Any questions?

COMMISSIONER:

On your planned development in ag districts, were your views formulated with the Land Use Commission's rules and regulations?

COUNTY REPRESENTATIVE:

There was communication with Mr. Duran on the original (inaudible).

CHAIRMAN CHOY:

I think that is not apropos in regards to this area because for the

CHAIRMAN CHOY (Cont'd.)

amount of acreage, if you went on the basis of an ag cluster-type subdivision, you'd probably have 5 houses in that whole area. So we'll skip that.

COMMISSIONER:

Yes, I'll drop that. The next question is, I am very much concerned about the effect of this recent Supreme Court hearing and my question is, has your County attorney had time to give you an opinion as to whether the County has the power to amend the general plan above the highway there?

COUNTY REPRESENTATIVE (HOWARD):

No, I have not discussed this with the County attorney yet. I think it might just be applicable to Honolulu because . . . (inaudible) . . . I've not had a chance to get together with him.

COMMISSIONER:

This decision will have a far-reaching impact, Mr. Chairman, at the County levels. I haven't even read the decision. I do have copies here for distribution to the Commission. I was going to distribute them later. Offhand, I don't know how it restricts, if anything, the Commission's decisions.

MR. ANDERSON:

I might say that I did ask my attorney about it and he had read the summary of the decision and felt that it was a very serious matter at the County level. That's how he interpreted it. Because I told him that I had a hearing with the State Land Use Commission coming up.

CHAIRMAN CHOY:

Any other questions? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move at this time that we, in accordance with the Maui Planning Commission and also our staff, that we grant Mr. Michael T. McCormack the makai portion of the proposed State highway.

CHAIRMAN CHOY:

Any second?

COMMISSIONER:

I second it.

CHAIRMAN CHOY:

It's been moved and seconded that the makai portion of the proposed highway be granted urban zoning, denying all of the property above. Is there any discussion?

COMMISSIONER:

Question, Mr. Chairman.

CHAIRMAN CHOY:

They're ready for the question. Rom, will you poll the Commissioners?

MR. DURAN:

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

(inaudible)

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

(Inaudible)

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Thank you. We'll go on to A69-220, Northridge Estates.

MR. DURAN:

Mr. Chairman, as you'll recall, action on this petition was deferred

MR. DURAN (Cont'd.)

from our November 20th in Kona, according to the petitioner's request. Since the deferral action, Mr. Schulze has submitted the current development plans shown on the wall showing 17 half-acre lots with a 50 foot right of way. This is the old Mamalahoa Highway and we have the existing road here. This is the property in question. He has also submitted a letter which reiterates much of the data presented at the hearing and at the Kona meeting. However, on page 2 of the letter attached to your packet:

"It would be the petitioner's intention to effect the off-site improvements and subdivide immediately. Water, electricity and urban standard roads would be provided to each lot. All large trees will be left intact to the extent possible and it is the developer's intention to provide underground wiring provided the cost thereof does not increase the lot price to the point where it would be prohibitive for purchasers. For at least a portion of the lots it is the developer's intention to have houses constructed before sale; in any event sales of unimproved lots will require substantial cash payments, thus discouraging speculative purchasing."

Also submitted by Mr. Schulze is a tentative development schedule, indicating that by January 15, 1970, preliminary subdivision plans will be forwarded to the Hawaii County Planning Department, to various utility companies for preliminary approval. And this would require approximately 3 months. By October 15, 1970, they would complete the final construction plans for off- and on-site improvements, detailing roads, topography, water system and wiring and drainage plan. Also by that date, they would

MR. DURAN (Cont'd.)

submit the final construction plans to the County Engineer's office. By November 15, 1970, on final approval by the County Engineer's office, they would negotiate a contract for off-site and on-site improvements and then would allow 9 to 12 months for completion. By August 15, 1971, they could commence the construction.

However, there has been no significant evidence submitted to alter the staff's original recommendation for denial of this petition. Would you like me to read the original staff report again?

CHAIRMAN CHOY:

I don't think that's necessary. The Commissioners are well aware of your recommendations. Any questions? None. Thank you, Mr. Duran. Is the petitioner here?

MR. SCHULZE:

Mr. Chairman, I've said a lot about the petition before and I'll say only a couple of words today. I'm not asking the Commission too much. The fact of the matter is that the land . . . (inaudible) . . . and quite a long distance past this parcel is already in rural use, and nothing you or I can say about it will change it. It's been that way for years and it's going to be that way up until the time that . . . (inaudible) . . .

The Hawaii County recommended approval of our petition because the land simply cannot be used for agricultural purposes, not only this parcel but all the surrounding land, all along the highway, is no value whatsoever for (inaudible) agricultural use, not only because the soil is no good and the topography is rather steep and rocky, but also because economically, it simply is out of the question . . . (inaudible) . . .

MR. SCHULZE (Cont'd.)

There are no characteristics of the place to make it available for conservation. There's nothing left except rural (inaudible). Now the County told you at the last hearing that their expectation was that the land would be changed to rural or urban as they reviewed the plan. The use we're requesting . . . that is, rural . . . would conform with whatever the County does, no matter what it does in the future. If they zone it urban, then we'll be really better off in the surrounding parcels. We'll have urban roads, urban amenities, and we'll have much larger lots than many of those around us and prettier ones. If they go to rural, obviously we'll fit in with whatever they do. It will be an awfully lot better than the area around it in any event, simply because all urban standards and amenities will be provided.

One thing I might point out . . . the ocean is down this way and the land slopes from the highway up about 500 to 600 feet to the whole length of the lot. Half-acre lots are plenty big. Each lot has an unobstructed view of everything along the coastline. I don't have anything more to say. I would be happy to answer any questions that anybody wanted to ask.

CHAIRMAN CHOY:

Any questions, Commissioners? Anybody here from Hawaii County?

HOWARD:

We have nothing more to add for the County. We've already discussed this previously, but we'll gladly answer any questions you have relating to the petition.

CHAIRMAN CHOY:

Any questions?

COMMISSIONER NAPIER:

That area surrounding that lot there . . . isn't that under the general plan as to rural or urban?

MR. SCHULZE:

(Comments inaudible.)

COMMISSIONER NAPIER:

Are there any plans in the future to rezone that area?

HOWARD:

This recent general plan Supreme Court ruling might have an effect on that, but our contention before this ruling came out was that it was found that the intensive agricultural designation given this area was not applicable because it was later found to be not really suited for agriculture.

COMMISSIONER NAPIER:

In other words, you feel that the whole area should be rural if it's going to be rural. But don't you think it would be spot zoning right now to make one small spot like that rural?

HOWARD:

Well, based on the . . . we are only using Land Use Commission criteria and using those criteria, this area happens to fit it.

COMMISSIONER:

When do you folks expect to complete your 701 study?

HOWARD:

You asked that at the last meeting and . . . It's supposed to end in May. The contract is supposed to end in May, so presumably by the time everything gets written up . . . summertime. So possibly 6 months or even 12.



CHAIRMAN CHOY:

Within that 12 months you'll be able to come up with a detailed land use map of this area?

HOWARD:

Not particularly this area because it is relatively small in relation to the whole island. We're doing the whole island. I'm not sure at this time whether we'll be doing this area first or Hilo first or where actually.

COMMISSIONER KIDO:

I have another question. Have you checked on the water source availability for all of the Kailua-Kona area for that one source that they're getting water from now?

HOWARD:

No, but as I stated earlier, the legislative .. (inaudible) ..

COMMISSIONER KIDO:

No. I'm talking about the water source . . . how many millions of gallons for the whole area in Kailua? All of the places that you provide water for.

HOWARD:

I'm really not qualified to state whether it would be adequate for everything along there, but the very fact that an appropriation is made and the study is going would indicate that there is . . .

MR. DURAN:

Donald, in view of the recommendation of the Commission to approve rural in this location which is beyond Palani and following that thought that this will probably all be urban within 10 years, I would presume that similar requests in this area will also get the approval of your

MR. DURAN (Cont'd.)

Commission, providing it's rural. Is that . . . ?

DONALD:

I can only go to the limits of what has been applied for. Certainly that water pipeline would have a great effect, should it come about.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

Donald, you said that the land was not suited for intensive agriculture. Is it suited for any type of agriculture activities like grazing or . . .

DONALD:

There are crops growing on practically solid lava rock. Now such things as papaya, macadamia and that type of a crop does grow in this area but it would certainly have to be . . . (inaudible) . .

CHAIRMAN CHOY:

Any other questions? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that petition A69-220, Northridge Estates, be approved as submitted by the petitioner.

CHAIRMAN CHOY:

Any second?

COMMISSIONER NAPIER:

Second.

CHAIRMAN CHOY:

It has been moved and seconded that the Northridge Estate request be

CHAIRMAN CHOY (Cont'd.)

granted. Any discussion? Are you ready for the question? Poll the Commissioners.

MR. DURAN:

Commissioner Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

No.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

No.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

No.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

No.

MR. DURAN:

Motion is defeated, Mr. Chairman.

CHAIRMAN CHOY:

Thank you. We go on to Action A69-221, C. Brewer and Company, request for 123 acres from urban to agriculture. Rom, would you . . .

MR. DURAN:

I'd like to call your attention to the map a moment, gentlemen of the Commission, to just go over the area in question. This is Kahului, Maui shown in the pink color, and the urban district of Wailuku Heights shown in this pink color. Here the surrounding area in white is in the ag district. This is the conservation district, and the property in question being this yellow area, or on a larger scale map, this area shown in here.

CHAIRMAN CHOY:

Rom, to save time, we've gone over this . . . if there's no new evidence, will you give us your recommendation?

MR. DURAN:

We did receive some correspondence from the agricultural specialists and if you will recall, there was quite a bit of discussion at the public

MR. DURAN (Cont'd.)

hearing as to the suitability of this land for agricultural use since it was rated I believe E by the Land Study Bureau.

I communicated with Dr. Baker at the Land Study Bureau and he went on to say that the lands which are in the poor productive category but when adequate irrigation water is provided, the rating in this particular case, would become B or good suitability for cultivation. And another specialist, Mr. McCall from the University of Hawaii extension service, substantiates this statement. Fred Hulton from the U. S. Department of Agriculture also stated with irrigation the soils are suited for a variety of crops. So that, if you'll recall, the staff recommended that this request be denied initially. However, we have since changed our position and recommend that it be approved. That is, to rezone the area from urban to agriculture.

CHAIRMAN CHOY:

Any questions, Commissioners? If not, will the petitioner come forward? Would you like to add to the testimony?

MR. KAY:

Mr. Chairman, we have nothing to add unless the Commissioners had some questions.

CHAIRMAN CHOY:

Any questions?

COMMISSIONER KIDO:

One question. You know the request by C. Brewer for urbanization in that area some years back . . . why have you changed your mind now? While lands are very tight in that area.

MR. KAY:

I don't recall ever having requested this . . . It's possible that

MR. KAY (Cont'd.)

we did but at one time we did intend to develop that portion. This was one time when we were very hard up for cash and we offered to sell the plantation at that time. Now we feel that this is suitable for cane land and we would like to put it in cane. Pertaining to that, we have already developed additional underground water supply and made changes in our other water system and are already working in there converting this area to cane.

CHAIRMAN CHOY:

Thank you. Any other questions? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that the petition be granted.

COMMISSIONER:

I second it.

CHAIRMAN CHOY:

It's been moved and seconded that the petition be granted as recommended. Any discussion? Ready for the question? Poll the Commissioners.

MR. DURAN:

Commissioner Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Mr. Duran will go ahead with A69-222, the second portion of the C. Brewer request.

MR. DURAN:

Again I would like to call your attention to this same district map of the Wailuku urban district. The property in question is located at Waiehu shown in yellow and Waiaie, also shown in yellow. The golf course is located in between the 2 parcels in question. You will note than an existing urban district follows the shoreline to the golf course whereas in this case, the property goes to the shoreline all the way to Waiaie Point.

CHAIRMAN CHOY:

Again, Mr. Duran, will you give us a synopsis of your recommendation? Unless there is evidence you wish to present.

MR. DURAN:

Oh, there has been some additional evidence submitted, Mr. Chairman. The petitioners have submitted a letter since the public hearing to further justify their request and discuss the unsuitability of that cane land along the ocean next to the golf course. You'll recall the staff recommendation was to approve just the Waiehu area and not the Waiaie area because of the farm, the dairy and the cane under cultivation. And there was quite a discussion as to the suitability of this 16-acre cane field. We made some investigations of our own as well as the petitioners submitting additional evidence and the evidence submitted indicates that the land is not as suitable for sugar cane growing as it is in the adjacent field, and the soils people rated the entire field and not separating the 2 areas. By separating the 2 areas, they do give the lower section a less productive rating than the upper section. And so the staff has changed its recommendation then to rezone the Waiehu area as requested by the petitioners and that 16 acre cane field. This would



MR. DURAN (Cont'd.)

allow the petitioners then to start their hotel construction and also the residential construction in the Waiaie area and allow them time then to make arrangements to relocate the dairy which we feel is very important to the community.

COMMISSIONER:

Rom, then you're recommending only 16 acres of that Waiaie area?

MR. DURAN:

Yes.

COMMISSIONER:

The rest is in agriculture?

MR. DURAN:

Right. And let's go back to Commissioner Kido's question; we're recommending then that the golf course be placed in urban also. We would then have an urban strip along the shoreline.

CHAIRMAN CHOY:

I think that's a brand new concept of placing golf courses in an urban area which was adopted in our regulations only a few months ago.

Well, let's stick to the subject and point. Is there any other discussion?

COMMISSIONER:

Howard, has the County changed its position since the hearing there?

HOWARD:

No, the County's recommendation is not changed.

MR. DURAN:

To go over the County's recommendation, they're only recommending that the Waiehu area be rezoned and that this area be held until the

MR. DURAN (Cont'd.)

other portion is developed and until the dairy is relocated. Is that right, Howard?

HOWARD:

That's correct.

CHAIRMAN CHOY:

Did the County look at this with the idea of accepting the total package as a concept and recommending only the portion toward Kahului?

HOWARD:

No. The County's recommendation does not involve the incremental zoning. We're recommending at this time strictly approval of the urban zoning for the portion adjoining the (inaudible) side and denial of the Waiaie side. However, they did indicate that they would be willing to consider the matter further upon submission of additional evidence, but at this particular time I don't believe . . . (inaudible) . . .

CHAIRMAN CHOY:

Thank you.

COMMISSIONER:

I'd like to know what Howard's recommendations are for this area.

CHAIRMAN CHOY:

Howard, I'd like to let the audience know that . . . Howard was hired as a consultant in the 5 year boundary review and that is why we are asking him to testify.

Howard, do you remember what the recommendation was at that 5 year boundary review?

MR. ALTMAN:

Yes. It was our feeling that the parcel and project should be

MR. ALTMAN (Cont'd.)

reviewed under incremental zoning at that time.

CHAIRMAN CHOY:

Did you recommend that?

MR. ALTMAN:

That they put forth a development program with phasing on it that was something over the phasing that showed up in their report.

CHAIRMAN CHOY:

Thank you. Any other questions? If there's no further questions, then is the petitioner here?

PETITIONER:

Your usual technique is management by exception rather than me give you the big speel about what we're going to do there. You've already been through that. I'll just tell you the areas that we disagree with your Executive Officer on.

It has been recommended that we petition for 450 acres to be changed from agricultural and conservation to urban. The recommendation has been made that the area, between the Hawaiian Homes land and the golf course, be rezoned urban and also the latest recommendation by the staff is that the 16 acres on the Waiaie side presently in cane to be zoned urban.

Our plan in this community is a fairly small project . . . 450 acres and our plan was to develop a residential resort community of homes, apartment and condominium units and 2 small resort hotels with only 100 units in size, complete with a commercial center and cultural, educational and recreational facilities, using the golf course as the central core or focal point of the development. Green belts of trees and shrubs and common parks would define and separate the various kinds of residential inventory. The swimming and fishing beaches would remain

PETITIONER (Cont'd.)

and accessible to the public. Each one of these units . . . different types of inventory . . . would be designed to become an integral part of the landscape, taking full advantage of the panoramic views of the mountains and seascapes available.

Our area of disagreement . . . I'll address myself to that. The staff recommendation . . . We requested 450 acres and if my mathematics is correct, the Waiehu area, the nearest parcel to Wailuku, contains approximately 180 acres. The second area, the Waiaie area between the seashore and the Waiaie urban district, contains about 270 acres. They decided they would like to grant us about 16 of those acres, but not grant us the remainder, and I think the point of contention here is that . . . it's the fact that we wanted to develop a complete community here, offering a complete series of services and different types of inventory for the market. And if we're only granted zoning on the areas described, it would be impossible for us to develop this balanced community right off the bat. We generally agree with the incremental zoning concept, but we feel that we can have all of this relatively small area completed within 5 years, so we still appeal for the total 450 acres.

Another point of contention was that if we were to develop the area up near Waiaie Farm, the area that's been denied, that we would have to either relocate or put the dairy out of business. And we were asked to give you a firm letter stating the intention of our Board of Directors regarding the disposition of that dairy. I'm sorry to inform you that I can't give you such a letter at this time because that ruling has not been made, so we are not able to tell you this position about the dairy at this time. We do respectfully request the total acreage be granted.

PETITIONER (Cont'd.)

I would like to comment about that cane area that seems to have some contention about it. . . the 16 acres. A letter submitted by Dr. Harold Baker, Director of the Land Study Bureau of States re-examination of the area revealed that although the soil was predominantly dark red in color, it contained a very high proportion of coral sand. As a result, the field involved has been reclassified as only moderately productive or class C, fair, or sugar cane land. Because of the sandy nature of the soil, a much larger application of irrigation water and also fertilizers are required to bring favorable crop yields. Also, seasonable burning of sugar cane leaves . . (inaudible) . . Your staff has agreed that this should be rezoned urban and, understanding your concern for urban sprawl, and after some of the comments about spot zoning, I'd just like to remind you that if you recommend the staff's decision here that this urban area now would simply be extended up to about this point here, so it would be a logical extension of the urban area, and there is quite a demand, as you know, for houses in the area. If only a portion of zoning is granted, we could not build the entire community with the balanced land use that we've designed right away. I think this would be unfortunate. I think it would be unfortunate for Maui, because we do plan a very nice community in this area.

Mr. Cravalho has hoped that we would put low cost housing in this area and I understand his concern for low cost housing. However, we have never made a commitment to anyone that we would build low cost housing in this area. With the cost of construction . . . moving the sand hills down to this area which you know is subject to tsunami and building it up to the proper height, and we have to do the same job here

PETITIONER (Cont'd.)

. . . just prohibits us from marketing what he calls low cost housing which is something less than \$20,000 in price. Our average price per unit in here at our present thinking is about \$35,000. We'd like to get it lower, too, because we'd just get larger response in the marketplace, but the way things stand right now, we can't and I don't want to make any promises right now that we can't fulfill.

So in summary, we respectfully request that the entire 450 acres be rezoned urban. We think it would be good for Maui. If it is not, we simply can't go ahead with the completion of our total community. However, if you rezone it this far, we wish you would consider the development initially in this area which is close to the Hawaiian Homes land and this area in here. Rather than do it with our own construction forces, we would probably consider a joint venture with other merchant builders who want to build on the island of Maui.

Are there any questions you'd like to ask of me?

COMMISSIONER TANGEN:

If you developed housing in that lower end on the Wailuku side east of the golf course, are you saying that homes in that area would be \$35,000?

PETITIONER:

It looks to me that they would.

COMMISSIONER TANGEN:

You said you never made a commitment to low cost housing. As I recall, there were some representations made to this Commission that housing in that area, when it came after the development of the rest of it, would be for employee worker type housing.

PETITIONER:

I don't recall any commitment like that.

COMMISSIONER TANGEN:

I didn't say a commitment. I said representations made that this is going to help solve this tremendous housing shortage.

PETITIONER:

I think that . . . I recall the suggestion being made to us that this would be logical. Hawaiian Homes area is relatively flat. When you get into those sand hills, even if you don't move the sand, it's expensive to build roads in steep sand dune area. And I don't recall any implication that this would be low cost housing.

CHAIRMAN CHOY:

Any other questions?

PETITIONER:

One other point I'd like to make is, I know there's a lot of concern about what Brewer is going to do about the dairy. The dairy, as it stands, is not an economic entity. We lose money on that dairy and as you look in this report, Mr. Wallace also said that the overall dairy lands suitability rating was very poor. And there's concern about the employees that would be out of work if we did close that dairy. And I believe there was . . . (inaudible) . . . theoretically be out of work. However, our plantation people have told us that if they had seniority and skills, they would be absorbed back into the plantation jobs.

COMMISSIONER:

And you're now considering closing the dairy?

PETITIONER:

No. I'm just saying that there's . . . We are not able to tell you at this time whether it will be relocated or just what. We cannot tell

PETITIONER (Cont'd.)

you what the disposition is.

COMMISSIONER:

Isn't this the first time that it's been raised that you're considering closing the dairy?

PETITIONER:

No. I've raised it with the Planning Commission very strongly.

They were very, very concerned that we were going to close that dairy.

COMMISSIONER:

But haven't you been talking to us about relocating it and you just didn't know where you were going to put it in July with the Maui Planning Commission and then October 3rd it was before us and now . . .

PETITIONER:

The question has been raised as to the disposition of the dairy and we've never been able to give you an answer. I apologize for it and we haven't been able to. And the Planning Commission said even if you did give us an answer, what good would it do? How could you bind future Brewer management? What might they do 10 years from now? And the answer to that is that they're absolutely right. We just can't bind the future generations, so what we're doing is admitting in all honesty that we don't know what the disposition of the dairy is, but I would like to point out that these 2 hotels . . . small motel-type 100-unit hotels that we were talking about earlier . . . will employ people as well, and the average number they use is 8/10ths of an employee per hotel room. Take 200 units and multiply it by 8/10ths, you've got 160 new employees. That's why I say I think this plan would be good for Maui. And unless we have the zoning on the total thing, we can't put it into the total community which is the way we'd really like to do it.



PETITIONER (Cont'd.)

That's all I have to say on that. We'd like as much zoning as we can get at this time to respond to the pressures of urban space in the area.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER NISHIMURA:

One question. You always say that the cost of development and the cost of housing is high and you're talking about (inaudible). You people own the land. You're the original owners. Maybe sometime we should be sacrificing our prices.

PETITIONER:

Well, if we had the flat land to do the job in there for low cost housing, we'd be willing to do it. We were planning actually 1,200 support houses to be built over the next 12 years. These will be low cost houses built adjacent to the plantation community. We hope we can do a better job with that than anybody in the state. But here I don't want to get in the position of ever making promises to you gentlemen that I can't fulfill. Right now we just can't produce low cost houses. We'd be losing money on it.

CHAIRMAN CHOY:

Any other questions?

Mr. Kay, in the event . . . we're sympathetic for an overall development of this sort. We like to see a well planned development. However, we've adopted the incremental approach to development now, even though there are people in Honolulu that claim that some new idea that they're thinking about . . . we do have incremental zoning that has been adopted as a regulation of the Land Use Commission. Also, we have a

CHAIRMAN CHOY (Cont'd.)

performance time. On that basis, that we do accept the concept but gave you only the portion of the Kahalui side, can you honestly perform a package that you'd be proud of?

PETITIONER:

Well, of course we couldn't introduce these other amenities up here as I mentioned, but . . .

CHAIRMAN CHOY:

Well, since there's so many question marks about what you're going to do with the dairy and there is some cane up there on that land . . . even though it's very poor, it is productive . . . based on all of these facts that have been presented, the area that the Maui County has recommended and only recommended is the area Kahalui side of the golf course. Now can you, in all honesty, develop this area and have the other in mind to come back to us at a future date to accomplish your total package?

PETITIONER:

Yes, we could, but I might add one qualification. With just this much zoning granted to us, we would solicit offers from other builders in the area to develop this portion rather than our being the actual developer. There aren't many builder-developers that could stand those costs, but that's the approach we would take.

CHAIRMAN CHOY:

Are there any further questions?

COMMISSIONER:

If we just granted you the lower section, as soon as you had finished that probably within the next year, you could come back for the

COMMISSIONER (Cont'd.)

rest and it could be granted. It's not a case of denying the top part.

PETITIONER:

I understand. I agree with your incremental zoning. That's an excellent way to go.

COMMISSIONER:

What is your reasoning? If you're granted the whole thing . . .

PETITIONER:

If we're granted the whole thing, we'll introduce several types of inventory at one time. We'll have this inventory which is a low density inventory. We'll have some of this medium density inventory here. We'll have some apartment units in this area. We'll have some small modest commercial development and some of this first cluster housing development in here in our first increment. So it would give the market a number of different types of inventory to respond to. We give them kind of a balanced community at the start.

CHAIRMAN CHOY:

Any questions? Thank you, Mr. Kay. Is anybody here from Maui County that would like to speak at this time?

COUNTY REPRESENTATIVE:

Mr. Chairman, only to answer questions that any of the Commissioners may have.

CHAIRMAN CHOY:

You've already stated that the Maui County is in agreement to only the lower portion.

COUNTY REPRESENTATIVE:

The lower portion, yes. Correct.

CHAIRMAN CHOY:

Any questions? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that we accept the total concept of development; however, that we grant a change to urban of the Waiaie (?) area east of the Waiaie golf course and 40 acres on the westerly side of the Waiaie urban district.

COMMISSIONER:

Second.

COMMISSIONER NISHIMURA:

Do I understand that after you've developed this lower portion on the Kahalui side that you would apply for additional reclassification on an incremental basis?

PETITIONER:

Yes.

COMMISSIONER NISHIMURA:

But you would go ahead with the resort development.

PETITIONER:

Yes, but I can't make a promise to Mr. Choy that it would be as first class if it's this way as if we were able to go ahead with the whole thing.

CHAIRMAN CHOY:

Mr. Kay, we've given you a total concept . . . I mean accepting the concept, hoping that you would stick to the original plans for the lower area. Otherwise, we just . . . rather than give you the concept of the whole thing, we would just rezone in one portion. We just want to see your concept and see it carried out. Then when it's relocated and the

CHAIRMAN CHOY (Cont'd.)

upper lands are made available for housing development, you come back in for a request for zoning. But if you do a sloppy job down below, you're not going to get anything.

PETITIONER:

Well, we're not going to do a sloppy job on . . .

CHAIRMAN CHOY:

Well, I mean, this is just what you implied right now that you . .

PETITIONER:

I can't think back over anything I said that might have given you that feeling because that's not it at all. As I said before, we have requirements that force an orderly and worthwhile . . (inaudible) . .

CHAIRMAN CHOY:

That's why, Mr. Kay, the total concept idea is what the Commissioners feel may be what we should do, unless you can start in on the lower portion, until you finalize what you're going to do about the dairy, then you could come back in again.

PETITIONER:

The dairy being the key issue.

CHAIRMAN CHOY:

Well, I think any agricultural endeavor you have on the property is an issue and until that is solved, I don't think we want to discuss the other area at this time. I believe the motion was made with that in mind.

PETITIONER:

Alright.

CHAIRMAN CHOY:

Are we ready for the question?

COMMISSIONER:

Yes.

MR. DURAN:

Did I hear a second, Mr. Chairman?

CHAIRMAN CHOY:

Yes. Mr. Tangen.

The motion now is that we accept the total concept but are granting only the area on the Kahalui side of the golf course.

MR. DURAN:

About 180 acres.

CHAIRMAN CHOY:

We're ready for the question.

MR. DURAN:

Commissioner Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Thank you. Shall we have a 5 minute break?

May I have your attention please? Let's go into A69-225, Mililani

Town.

UNIDENTIFIED:

What about Shinn Brothers?

CHAIRMAN CHOY:

We have a very controversial one and one of the Commissioners has

CHAIRMAN CHOY (Cont'd.)

to leave. If you insist, we'll take yours.

UNIDENTIFIED:

I would prefer because I . . (inaudible) . .

CHAIRMAN CHOY:

Alright. Then we'll go to A69-223, Shinn Brothers. Alright, Rom.

MR. DURAN:

This is a district map of the east end of Molokai. The parcel is located in rural district which is this brown here. (The December 5, 1969 memorandum from the staff to the Land Use Commission re: A69-223 - Shinn Brothers Foundation and Enterprise, was read through half of the first page verbatim, until stopped. Please see file for report.)

CHAIRMAN CHOY:

Excuse me. We've gone through this before. Is there any new evidence?

MR. DURAN:

There has been no new evidence submitted since the public hearing and, therefore, the staff . . .

CHAIRMAN CHOY:

Then could you give us the recommendation?

MR. DURAN:

The staff recommends denial of the petition on the basis on page 2 of the staff memo: one, that the petitioner has failed to substantiate the need for reclassification of the subject property and, two, adequate provisions have been made for future urban growth in this area, and, three, that the reclassification of the subject property would be contrary to the intents and purposes of the Land Use Law and would be spot zoning.



CHAIRMAN CHOY:

Any questions, Commissioners? If not, will the petitioner come forward?

MR. THOMAS (?):

I would like to briefly state that the short history of this 2.3 acres of land on Molokai.

Early this year quite a number of my friends . . . doctors, lawyers, dentists, school teachers . . . felt that they would like to get a piece of little lots on Molokai, Molokai being the nearest island to Oahu, the distance being about the same from Honolulu to Makahao, Waianae area or Laie or Kahuku and much quicker time to fly back and forth for week-ends. I told them, why don't you buy a piece of land where we can subdivide where we can build beach homes. . . waterfront homes. It's right in front of the water. So I sent our Shinn Brothers Foundation real estate manager, Mr. Sanborn back there, he was . . . He went over to check over the land. Nice piece of little property, not big.

So with the sole idea of just accommodating these friends . . . (inaudible) . . . tried to subdivide so that it would be reasonable enough so they can build homes. In front of the water . . . something that would be less than a \$10,000 lot, lot size about 7,500 square feet. I never thought about making a big profit. I never dreamed that I would go to so much trouble since early this year.

They are thinking about zoning this place urban. Otherwise, nobody would have bought this property. So the application was made and it was sent to Maui. I received a letter from Mr. Ohata, Planning Director, who said he would plan a meeting if I wished to, and present it before the Planning Commission. They unanimously . . . (inaudible) . . . so the

MR. THOMAS (Cont'd.)

Maui Planning Commission approved 100% and the gentlemen back there was sitting Assistant to the Planning Director.

Then after that, since receiving unanimous approval and go ahead and subdivide, so I had my real estate manager go with a Korean gentleman who's an engineer with the (inaudible) company who do an engineering survey. After that is done, all ready to subdivide this land, we heard from the Planning Land Use Commission that we're turned down. And then I forgot there was a meeting on Molokai; Mr. Sanborn went up there.

So today I don't know where we stand. Bought that 2.3 acres for \$71,000. What can you make anything out of it? You have to . . . cannot leave it as agricultural land. I thought I could subdivide to accommodate these friends who want to build little beach cottages homes so they can go week-ends, fly back and forth. Today they're all waiting. Nothing can be done. I leave to you gentlemen to see whether something cannot be done. It is just sitting idle. It cannot be used for agriculture. I'm a surgeon. I'm a diplomat. I'm not a farmer. And what can you farm there to justify the purchase of the lot? And I just purchased to accommodate my friends who wanted little homes on that island. So that is my story.

Now since my manager is here, can he say a word or two?

CHAIRMAN CHOY:

Yes.

MANAGER:

I'll be very brief, gentlemen. I believe that this whole area is within the area which will be designated as urban under the General Plan,

MANAGER (Cont'd.)

and I don't understand this . . . I'm sorry, I don't understand . . . I don't know what spot zoning means. I keep reading this but I don't understand what that is. And it's . . . evidently, it appears that the Committee feels that I should have . . . that everyone should have applied up to my property from the last development that was approved for urban. I believe that in this area, knowing that it is in the General Plan for it to be urban, the precedent has already been set by permitting this other developer to subdivide it into urban use. And that's all we have to say on the matter. Thank you.

CHAIRMAN CHOY:

George, do you want to enlighten him in legal language what our spot zoning is?

MR. PAI:

Not in legal language. Well, it's just an island of contrary zoning in the middle of something else, usually implying favoritism to one land owner where, say, the proper zoning surrounding it will remain as is.

MANAGER:

Well, I could see, for example, where this would apply in the event that this area were not in the General Plan should become urban, if it were in the General Plan that it should remain rural, but this is not the case.

MR. PAI:

Has there been a General Plan published for Maui County for that area?

MANAGER:

I don't know if there has been.

CHAIRMAN CHOY:

Any questions?

COMMISSIONER NISHIMURA:

One comment. We go by the State General Plan, not the County General Plan.

CHAIRMAN CHOY:

That's true. Any other questions?

You said that you bought this property for \$71,000, with an option to purchase upon rezoning or have you purchased . . .

MR. THOMAS:

(Comments inaudible.) Just about \$37,500 cash has been paid for . . . (inaudible) . . . to the City Bank of Honolulu.

CHAIRMAN CHOY:

Thank you. Any other questions? If not, the chair will entertain a motion.

COMMISSIONER KIDO:

Did the Maui County Planning Commission inform you that the State Land Use Commission had to approve this?

MR. THOMAS (SHINN)?:

They unanimously approved the rezoning.

CHAIRMAN CHOY:

But did they say subject to Land Use Commission rezoning?

MR. SHINN:

If they did, I wasn't aware of that.

COMMISSIONER:

Howard, could you clarify that?

HOWARD:

Yes, sir. I believe our files show that Dr. Shinn received a carbon

HOWARD (Cont'd.)

copy of a letter from the Director to the State Land Use Commission, informing them that this is the recommendation that was made to the State Land Use Commission. There may have been a misunderstanding, you know, in this publication, but I don't think that we would ever be put in the position where we failed to inform an applicant that action by the State Land Use Commission was required.

COMMISSIONER KIDO:

Howard, the implication is there. Did you say . . . (inaudible) . . . 7,500 square foot lots?

HOWARD:

Well, as I say, to clarify, we had recommended approval and I think there was a misunderstanding on the part of Dr. Shinn, you know. He misconstrued the recommendation to the Land Use Commission. Usually when we write a letter, we say the Maui Planning Commission voted unanimously to recommend approval of your request.

MR. SHINN:

And when the Maui County Planning Commission recommended approval, I thought that would be paramount to your approval.

CHAIRMAN CHOY:

And yet you have hired an attorney to represent you.

MR. SHINN:

No. He's a real estate man.

CHAIRMAN CHOY:

Oh, I see. Howard, would you like to elaborate on this?

MR. ALTMAN:

Our suspicion is in concurrence with the staff report on the subject

MR. ALTMAN (Cont'd.)

parcel.

CHAIRMAN CHOY:

That it be denied?

MR. ALTMAN:

Yes.

CHAIRMAN CHOY:

Any other questions? If not, are you ready for a motion?

COMMISSIONER NAPIER:

Mr. Chairman, I would like to move that we deny the petition.

CHAIRMAN CHOY:

Any second?

COMMISSIONER:

Second.

CHAIRMAN CHOY:

It's been moved and seconded that the petition be denied. Any discussion? Are you ready for the question? Poll the Commissioners.

MR. DURAN:

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

No.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman. Petition is denied.

CHAIRMAN CHOY:

Now we go on to A69-225.

MR. DURAN:

Mr. Chairman, gentlemen of the Commission, (the December 5, 1969

MR. DURAN (Cont'd.)

memorandum from the staff to the Land Use Commission re: A69-225 - Mili-lani Town, Inc., was read verbatim. Please see file for report.)

At this time, I would like to interrupt the staff report and ask Professor Newhouse, Professor of General Sciences, University of Hawaii, to comment a few moments on his theory on population expansion and the need for agricultural lands, if you don't mind, Mr. Chairman.

CHAIRMAN CHOY:

Yes.

PROFESSOR NEWHOUSE:

Mr. Chairman, Commissioners. This will be a bit of a change of pace. Actually, some of the remarks that I might make have already been made before me. Mr. Kay said that we should not bind future generations, and I feel that we have already started to do so. And Mr. McCormack said that the \$35,000 homes could be afforded by couples whose both parties work, and I think maybe this tells the story as well as anything.

I thought I might just say a little bit about the population and the part that immigration is playing in it and the direction in which our State seems to be moving.

The national average yearly growth is 1.1%. That is, in the United States as a whole, the population is increasing 1.1% per year. The world as a whole is going at 1.9%. The state of Hawaii for the last 2 years has been growing in 1967 and 1968 at 6.9%. We are one of the highest. There's only one area that I know of that's higher and this is the land of (inaudible) and this is due to immigration also.

You may well have heard about the (inaudible) and the descriptive terms are not intended to be frightening. Our population explosion is ever



PROFESSOR NEWHOUSE (Cont'd.)

growing and a greater demand upon the earth, and it can only support so many. I would make the point that we are now within one decade or the other, either way, forward or backward, of the most critical time in man's history. I think we are passing from the era where a man manipulates to his own benefit in the immediate time for himself to a time when we are going to have to manipulate merely for survival. I'm not the only one with this opinion. Unless we tackle this problem of population, we are in for very, very hard times within 2 decades, some predict it as soon as 6 years from now. There is a book which has been written entitled "Famine 1975" which is predicting that there are going to be between 50,000,000 and 100,000,000 a year . . . (inaudible) . . . dieing of starvation.

This is certainly not specifically connected to the petition or the expansion of Hawaii. This is just a general comment; I think we're going to have to retain some of our lands in agriculture because I strongly suspect that with the events that are coming worldwide, we are going to become less dependent on the outside and more dependent upon what our own state can provide. Right now we take about 99½% of our (inaudible) from outside the state and, of course, as we go into tourism, more and more of it is luxury. Eventually, we're going to have to spend more and more of our money on necessities rather than luxuries. In fact, I would predict that we won't have the tourists 10 years from now that we have today, and I don't see how we can continue to be dependent on the outside and at the same time give away the land that we have. I think we're going to have to save some of the land . . . (inaudible) . . .

CHAIRMAN CHOY:

Thank you.

COMMISSIONER:

Could you tell me what the decrease is in agricultural products over the past few years.

PROFESSOR NEWHOUSE:

Well, I think pineapple has been holding steady at about 1,000,000 cases.

COMMISSIONER:

How about sugar decrease?

PROFESSOR NEWHOUSE:

I don't know about sugar.

COMMISSIONER:

Is it increasing? I think if you'll look it up, you might find it is.

PROFESSOR NEWHOUSE:

Now the techniques which give high yields in sugar and in pineapple are not necessarily the same techniques that will give high yields for crops that will support you and I, if we're dependent upon the land for our food which we are not right now.

I'm in favor of cutting down on the flow of . . . (inaudible) . . . of the State. That's the first thing.

COMMISSIONER:

Immigrants from the United States or Asia or . . . ?

PROFESSOR NEWHOUSE:

Everywhere. Let's see if you and I can reach one understanding, and that is that the population cannot forever go up on the island of Oahu.

PROFESSOR NEWHOUSE (Cont'd.)

Can we agree on that?

COMMISSIONER:

Oh, I'll agree on that. That's a selfish way of looking at it but

. . .

COMMISSIONER KIDO:

How do you want to stop the population growth in the whole Islands?

PROFESSOR NEWHOUSE:

Mr. Chairman, I suggest that this discussion on controlled population on the island of Oahu or the State of Hawaii is not . . . (inaudible) . . . We have a petition here and the time should be devoted to acting upon the petition, population notwithstanding.

CHAIRMAN CHOY:

Thank you. Although we have many questions we'd like to ask you, the point is well taken and the time is running short, so shall we go on?

PROFESSOR NEWHOUSE:

Thank you, Mr. Chairman.

CHAIRMAN CHOY:

Do the Commissioners have any questions?

MR. DURAN:

We have on the wall, Mr. Chairman . . . I'd like to run through this very briefly. This is the General Plan of the City and County of Honolulu which shows some 2,000 acres designated for urban purposes or urban. This plan is further defined by the detailed land use map but generally, it conforms to the total configuration.

This is the district map of the Land Use Commission. This is the

MR. DURAN (Cont'd.)

Wahiawa urban district and the Pearl City-Waipahu urban district shown in pink. This is the 760 acres of urban at Mililani Town. The area in yellow above and below and across Kipapa Gulch is the subject of this petition. This yellow is the Robinson request that was recently rezoned.

CHAIRMAN CHOY:

Rom, when did the Robinson's request that amount of land in yellow?

MR. DURAN:

This area? This represents the total Robinson land ownership below the golf course. That's the only area requested and approved . . . 316 acres.

CHAIRMAN CHOY:

Any questions?

MR. DURAN:

One other point, Mr. Chairman. This is the area that the Planning Commission recommended, the sum 665 acres. This is the existing highway, and these colored areas represent the total roughly 2,500 acres requested by the applicant.

CHAIRMAN CHOY:

Rom, our consultants . . . how much did they recommend?

MR. DURAN:

As I recall, they recommended all of the land up to the proposed freeway.

CHAIRMAN CHOY:

Comprising of about how many acres?

MR. DURAN:

I think 1,500 acres, because it conformed to the County General Plan.

MR. ALTMAN:

Mr. Chairman, our point was that that area that was referred to should be considered under incremental zoning because it conformed to the existing County General Plan and that any portion of that that could be developed in a 5 year period should be approved.

CHAIRMAN CHOY:

In other words, trying to review the situation, the County General Plan is everything below the present highway. The consultants recommend everything below the proposed highway. Is that correct?

MR. DURAN:

The County Planning Commission's recommendation is for these 4 different colored areas.

CHAIRMAN CHOY:

Now the consultants recommended everything below the proposed H-2.

MR. DURAN:

On an incremental basis with, I think, the exception of this one. Is that right, Howard?

MR. ALTMAN:

Well, even . . . (inaudible due to other people speaking at the same time) . . . industrial area.

CHAIRMAN CHOY:

If there's no further question to the staff . . .

COMMISSIONER KIDO:

I have one question. I would like to have it on record. There's a statement on (inaudible) stated on page 2, I think . . . the staff emphasized that the original 705 acres at Waipio were approved for urban development in 1964 in spite of the fact that the lands involved are prime

COMMISSIONER KIDO (Cont'd.)

agricultural lands primarily because of the petitioners' representations and promises to provide a \$15,000 house. Now it was only stated that they would produce something like 200 of them, right?

COMMISSIONER:

I don't recollect any specific number.

COMMISSIONER KIDO:

Well, back in 1964 . . . there's 3 Commissioners still here that . . . (inaudible) . . .

MR. DURAN:

That's not true. The representation by the petitioners at that time was to provide all the market could bear. They would provide. . .

COMMISSIONER KIDO:

No. You know darn well that . . . (inaudible) . . . on that 750 acres. There would be far more than that.

MR. DURAN:

I have quotes from the 1964 meeting and I'd like to read this to you.

The following are quotes from the public hearing on the original rezoning application. Commissioner Ferry is quoted as asking, "How many of these \$15,000 packages are proposed in the first increment?" Mr. Sempitz replied that this would have to be a test of the market. He stated that their architects have designed some 12 to 16 different type houses in the price range being discussed, and in the plan these houses will be set up as a model and from then on, the market will dictate. Commissioner Ferry asked whether the first increment will include

MR. DURAN (Cont'd.)

this \$15,000 package. Mr. Sempitz replied in the affirmative and stated, "As much as the market demands of our model and requires of itself." This was their commitment. Commissioner Mark asked for the description of the \$15,000 package. Mr. Sempitz stated that "This is in our memorandum, but briefly it is a 1,100 foot house which will have a 3-bedroom, bath and a half, and in addition, a 2-car carport encompassing 475 feet and a wall storage area." Commissioner Mark asked, "Is the size . . . what is the size of the lot?" Mr. Sempitz replied that the average size of the lot that is in question is 6,000 square feet, which would apply to the \$15,000 house described. Commissioner Mark asked, "What price range is being discussed in terms of other units?" Mr. Sempitz replied that the houses that Oceanic is preparing to deliver are the \$15,000 to \$20,000 range. From knowledge of market technique, Oceanic Properties will not be the only builder in this area. Oceanic will build through the market as discussed but there also will be areas available for others. From experience on the Mainland, it has definitely been shown that it will be well to have competition in a situation of this sort and, therefore, Oceanic Builders will be confined to what Oceanic has committed itself to this Commission and the City to deliver. There will also be a place for an occasional person who may want to start a \$50,000 home with his own architect, but Oceanic will deliver the \$15,000 to \$20,000 houses."

CHAIRMAN CHOY:

Any other questions?

Let's take the time table of a request. Mililani can come in front of us and ask for rezoning and in all honesty, they would say that they

CHAIRMAN CHOY (Cont'd.)

could build a \$15,000 home. It probably takes 2 or 3 years to get through the County before they can get permission to build. In the meantime, costs have doubled or tripled in a year. This population expansion that the professor pointed out. Nobody would picture that it would have that great of change in the next 31 years. The costs have multiplied in that same manner. Rom, you and everybody else knows that there is no such animal as a low-cost home under \$25,000, but you keep on harping on the situation that the fellow promised a \$15,000 home. Now, why do you put all of your case on the basis that these people have not been honest rather than build your case up on the fact that, have they done a good job in developing what they intended to do? I think that you should present to us, the Commission, both sides of the question rather than just on the basis that somebody has not probably stated the truth. And I think this is not a fair way of presenting it to us.

Would you say that if a person sold a house like they had built in Mililani for, say, \$28,000 or \$30,000 that they are making an excessive amount of profit?

MR. DURAN:

Mr. Chairman, I'm the first one to agree that Mililani is one of the finest developments in the State and I've said this before.

COMMISSIONER TANGEN:

Mr. Chairman, at the hearing I don't recall any attempt by this petitioner to deny that they had not fully carried out every representation they made at the time of the original petition, and they gave some reasons and I assume will give some today. That's what I'm interested in . . . some of the reasons why they were unable to do so. I think that's what's



COMMISSIONER TANGEN (Cont'd.)

important here. I would also like to add that I would hope that no one construes this report as an evaluation of the work of the Commission. Although I'm just a recent member, it's obvious to me that the inferences that are included in this report would indicate that this Commission has never turned down requests for urban classification. I have some knowledge of the Commission's history and some knowledge of what it's been doing the past few months since I've been a member, and there hasn't been that attitude nor action either, on being friendly, generous and like old Hawaiians. I'm more interested in . . . if there's going to be an evaluation and examples and contrasts are going to be made, that they all be made, and not to leave here an inference for anybody who picks up this document that the Land Use Commission has, in fact, betrayed its (inaudible) to the people of this State, and that's the inference that I get. For the few months that I've been here, I resent it. And I suggest that this staff be instructed to prepare an evaluation to present to this Commission that brings the whole picture and, if it's necessary, review every case that's been presented, so that the whole picture is out. This is very important. This Commission has a great trust. And so if it's going to be evaluated, then let's evaluate it all the way.

MR. DURAN:

Mr. Tangen, as a result of your previous request, we compiled all this information and it is available to you. They're all in a separate folder to you there.

I feel that Mililani is a beautiful community, but the issue here is prime agricultural lands which this Commission was created to protect, and when you go back through the record of 1964, everybody involved in

MR. DURAN (Cont'd.)

this was so overwhelmed that their proposal to provide needed low cost housing. The County amended the master plan because of this proposal, and I don't think that this Commission would have approved it if they had come to this Commission and said, we're going to build this beautiful community out here in the middle of these prime agricultural lands. Will you please rezone 3,500 acres for us? I don't believe the Commission would have rezoned it if it wasn't because of this promise to build low-cost homes.

CHAIRMAN CHOY:

I think we've heard enough from our staff. Shall we have the petitioner come forward?

MR. HAIGHT:

I'm Warren Haight. I'm still president of (inaudible) properties.

I had a prepared statement which went into a little history, all of which has been stated, I think. I also allow that this is a pretty good development and I think that's been stated. Before I get to your questions, I did want to state that the 650 acres that the City Planning Commission recommended and that we asked for favorable consideration of on the September 12 report is a lot less acreage than we expect to consume in the next 5 year period under the incremental zoning. I just wanted to make that very clear, because things are accelerating. We have intense interests from other people to come in because there's no more land available that can be built on economically.

Now, on inflation, I think in looking at the record, that we have in our file, going back to 1962 and 1964, a \$15,000 package with modest

MR. HAIGHT (Cont'd.)

profit but certainly technically feasible. Our designs were aimed at that. There were some assumptions of break-throughs in the code and what-have-you that were assumed, but they weren't in the neighborhood of \$5,000. They were approximately a couple thousand dollars, and at that time, the lowest product on the market was about \$17,500.

I can quote some figures from our testimony . . . from (inaudible) testimony at the last public hearing. On page 3 . . . construction costs have increased substantially since our first effort before the Land Use Commission in 1962. The Hawaii Construction Cost Index published by Builders Report Pacific shows an increase in construction costs of 30.5% between 1962 and 1968. Now 1968 is the year prior to the 12% increase this last year. This means that the \$15,000 house in 1962 would have increased to \$19,575 in 1968. But that again is only on construction costs.

We've had some other factors that I think have been fully aired in the public by the Governor's Commission on housing which we're working closely with. Standards have improved . . . or increased tremendously. The drainage requirements that have occurred since 1962 and 1964 because of Keapuka and some of the other disasters, apply across the board to everybody.

One of the things we keep forgetting about is the cost of money. It's a non-productive cost as far as we're concerned but it's very real. This isn't just in mortgage payment costs and mortgage rates which now are about 10% to the buyer or under FHA which is the only money available because of the large discount which must be built into the cost of the package . . . but the cost of development funds which again gets to your land development cost. In 1964 I believe the prime rate of interest was

MR. HAIGHT (Cont'd.)

4½% or thereabouts. It's 8½% now which means that the best development loan now anybody could get is 10% or more. And in money cost, in the \$30,000 package, it's \$5,000 or \$6,000. This is something we don't think about. So a \$15,000 house in 1962 or 1963 or 1964 is pretty close to double right now . . . pretty close to what we're delivering. Our efforts are continuous. We didn't spend \$500,000 on the subject of low-cost housing for the entire planning cost of the town up to that point. We have completed some studies by outsiders and we have a group within our organization whose sole function is to work on low-cost housing. We formed this at the time the Governor's Committee was formed. For the first time, just this year, the factors relating to the cost of housing are beginning to be public knowledge and we're getting some public action and we wish to work with these programs, whether they're State of FHA or what-have-you. What will be available to us and what we can take advantage of from the various programs, I can't tell you at this time. We have designated areas within the 650 acres that we possibly will use in conjunction with the State experimental subdivision program or with our own low-cost program. What is low-cost housing now? The lowest cost product in a single-family house on the market right now, if it's still available, I think is \$28,300.

CHAIRMAN CHOY:

And it's on leased land.

MR. HAIGHT:

Well, I'm not sure of that. I think it is fee, but it has overhead and you have a lot of other things going. It's not much of a house but they're selling. So there is no such thing as a low cost house by 1962

MR. HAIGHT (Cont'd.)

standards left any more. We're hoping to get down to the mid-twenties with different types of products, and we have some of these in FHA processing now. They're not single-family detached housing.

CHAIRMAN CHOY:

Do the Commissioners have any questions?

COMMISSIONER NAPIER:

I'm interested in your statement that you're prepared to cooperate with the Governor's Committee or any other.

MR. HAIGHT:

We have. We've even turned over our studies to them.

COMMISSIONER:

Are the Bishop Estate and Campbell Estate also involved in this so-called low-cost housing to make it very competitive.

MR. HAIGHT:

I don't . . . I can't speak for the Estates.

COMMISSIONER:

I mean, it's not one particular land-owner. I mean it's several land owners involved and you can bring these costs down.

MR. HAIGHT:

Well, the estates themselves work with the developers as much as Castle & Cookworks with us. We're a developer; we're not Castle & Cooke. I suspect they have developers who are working on low-cost projects within their areas. They should.

CHAIRMAN CHOY:

Mr. Haight, from the original grant of urban use, how many acres do you have left that is . . .

MR. HAIGHT:

Of the 740?

CHAIRMAN CHOY:

Yes.

MR. HAIGHT:

At the time of the last public hearing, we had about 350 that were not . . . where we did not have ground broken. I think it's safe to say that just about all of the 350, with the exception of 60 acres in the commercial area, is either under construction or under final plans right now. It's to be consumed within the next year.

MR. BROOKES:

If you'd like, I can outline these areas for you.

MR. HAIGHT:

Mr. Brookes is the Vice-President/General Manager of Mililani Town.

MR. BROOKES:

This area abounds the initial area of development and we have just completed the single-family dwellings in this area. Everything north . . . mauka if you prefer . . . of the high school site and intermediate school site, with the exception of 2 areas here. Land improvements . . . land development . . . that is, the construction of what we refer to as off-site improvements is partly underway in this area and the adjoining area is under contract. The contract is being negotiated now and will be let upon the completion of this area.

At the present time, we are constructing single-family dwellings here across Kam Highway. This first increment is complete. We are constructing houses here, unit 6 and 7, the land development is now taking place. We will move directly from unit 8 into these areas for the house

MR. BROOKES (Cont'd.)

construction. We'll move in here with a merchant builder in this area, unit 10. So you can see that with the exception of a few perimeter areas that are multi-family, the majority of the single-family in this area . . . pointing out, of course, that this is the golf course here . . . the majority of the single-family mauka of the high school is complete. This area in here, units 14 and 15, is in engineering design and detailed land use map application. This area is . . . the design here is, I would say, 75% complete. This area is now just being initiated and will be complete in about 4 months. So you can see that we have a regular program continuing along.

The 60 acres that Mr. Haight mentioned will be a commercial area located here which our studies indicate would be premature to attempt to do anything in addition to this commercial phase which we've already developed approximately in this location.

CHAIRMAN CHOY:

Mr. Brookes, do you have say a year's work ahead of you or do you have 2 years work ahead of you?

MR. BROOKES:

Our schedule shows that we will be out of product in 1973, recognizing that we have . . . excuse me, that would be fiscal 1973 which would mean for most of our fiscal year which would include the majority of calendar 1972.

CHAIRMAN CHOY:

So it's 2 years.

MR. BROOKES:

Two years, and I might add to that, Mr. Chairman, the fact that the

MR. BROOKES (Cont'd.)

planning process through the time that we are ready to commence construction on new houses is approximately 2 years. So we're at a junction now where we must commence our plans for the urban land beyond our present zoning.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER NISHIMURA:

Why does it take you 2 years to plan?

MR. BROOKES:

Primarily because of processing. For example, detailed land use map through the City can take 4 to 6 months. After that, you must apply for zoning and this can also take 4 to 6 months. You take a lead time for design, possibly 4 to 6 months. All of this type of thing. The building permits alone take 60 days for an increment. So you keep adding these things together, and the City has just recently adopted a policy where they will not accept preliminary grading plans . . . they want the whole package. So you can't come in early with a partial presentation; you must come in with a completed package for them before they'll consider the whole thing for processing. They've had some problems and they've tried to tighten up. So all of these things, when you accumulate them, give you anywhere from 22, 24 to 26 months, depending on how efficient you are in the shop. If you keep everything moving along, perhaps you can cut it down somewhat. This is about the proper magnitude.

COMMISSIONER NISHIMURA:

Supposing we approve an area today. What's your next step? What do



COMMISSIONER NISHIMURA (Cont'd.)

you do?

MR. BROOKES:

We would commence the application for detailed land use map to the City Planning Commission.

CHAIRMAN CHOY:

Why is that area being deleted next to the golf course? Is that (inaudible)?

MR. BROOKES:

No. That's useful land. I must confess that this area is . . . I think from a selfish point of view, we're using this area for part of our production so it is really not adversely affected at this time.

CHAIRMAN CHOY:

Any other questions?

UNIDENTIFIED:

Could I add one thing? You can't see the numbers in those squares or in those blocks. They represent the year's consumption. By consumption, I mean the necessary zoning to get into City projects. The latest year there is 1973. Since that map was drawn and since we made our September 12th presentation, if anything has happened, it's acceleration, so we are severely limited in our flexibility even at the 650.

COMMISSIONER KIDO:

Mr. Haight, if we should go along with even half of that, would that adversely affect your plans?

MR. HAIGHT:

We'd have to go back to the drawing boards a little bit, particularly in terms of our ability to carve out land for experimental subdivision

MR. HAIGHT (Cont'd.)

low-cost housing which we all want.

MR. BROOKES:

It has great bearings on the cost of our final product in that the sewer treatment plant is here, our water comes from up here, and the other drainage problems. The fact that if we were to try to develop some remote road in a remote section of the 650 acres, the necessary additional front-end costs . . . this is what we've been talking about in this 2 year process. This would add to the already very difficult burden and tend to push the price of the house up.

CHAIRMAN CHOY:

Mr. Haight, in the event that the Commission went along with the concept idea, granting you everything below the highway, but felt that on the incremental basis, only half of it be granted you, which portion would you take?

MR. HAIGHT:

Half of the 2,500?

CHAIRMAN CHOY:

No. The 600.

MR. HAIGHT:

I would . . .

CHAIRMAN CHOY:

Could you possibly fit say half of that area as an immediate boundary change with subsequent request for additional?

MR. HAIGHT:

I would have a tough time answering that right now, because as pointed out, the areas adjacent to the existing urban zone are pretty well planned.

MR. HAIGHT (Cont'd.)

They're in process. And that program must move ahead. So we'd have to go back to the planning board and say where would be the best place for lesser acreage with all these other factors and considerations.

CHAIRMAN CHOY:

You mean, if we decided today to give you only half, you wouldn't be able to accept the half?

MR. HAIGHT:

Oh, I'd accept the acreage but I think we'd have to meet later to find out just where it is.

CHAIRMAN CHOY:

Oh, I see. Just to polish the exact line.

MR. HAIGHT:

Because we have about 4 or 5 different factors bearing on it. If we got less than 650, I think you'd be seeing us again pretty soon.

One of the urgent factors facing all of us is the housing crisis, and the thing bearing on that is the cost of housing. We have no disagreement with that. If we are to be able to push through a crash program testing feasibility, both technical, political and economical, so that we would be competent 3 or 4 months from now, we've got a program but the land that we're planning it on is not in this existing urban zone. How long does it take us?

CHAIRMAN CHOY:

No, but we're talking about . . . Say there was a grant by concept of all the lands that the City feels should be in the detailed land use. However, we still take note that this is prime agricultural land. We don't feel that we want to give you all 650 acres, so by concept . . .

CHAIRMAN CHOY (Cont'd.)

by incremental zoning, we say we give you half. Are you prepared to work it out with our staff to take half the acreage and would that . . . What I'm asking is, is that a practical . . .

MR. HAIGHT:

I think it inhibits some of the things we want to do in terms of being able to plan and get programs. I'm not saying I'll turn down anything.

CHAIRMAN CHOY:

On that basis, will we see . . . The request was for 2,400 acres; if we can hold you down to somewhere around 325 acres, we feel that . . . and make you prove that you're doing as you have planned for the total development, because we accept the concept. We give you a chance to plan and we're not granting you all the land unless you perform. This is what I'm trying to drive at.

MR. HAIGHT:

We have agreed with the concept in that the 650 was an increment under the 2,500 acres, so we're not disagreeing with concept. It's the practical amount of land we require in order to plan this thing properly.

CHAIRMAN CHOY:

I think the motion cannot be made without a definite boundary, right? In other words, you would have to go to the map and say what the line would be . . . what area you would want if we gave you half.

MR. HAIGHT:

I couldn't do that.

CHAIRMAN CHOY:

We couldn't give you the land without meets and bounds. The area

CHAIRMAN CHOY (Cont'd.)

would have to be outlined.

MR. HAIGHT:

I'd like to take a few minutes recess if we are going to have to draw some meets and bounds on this thing.

CHAIRMAN CHOY:

While you're out, I'm going to ask if there's anybody in the audience who would like to speak for or against this petition, so we're not in recess. Is there anybody here who would like to speak for or against this petition? We advertised this public hearing on the radio for 2 days hoping to get some response. I guess the public don't want to be heard.

MR. HAIGHT:

As I stated earlier, for our program . . . the practical need that we have for the 650 acres as described . . . if that has to be less . . . of course, it will fracture an awful lot of our programs, but if it does have to be less, it would be our preference to take the area described in the dark blue, 71, and 72, the purple. The exact acreage of that I can't tell you.

CHAIRMAN CHOY:

Well, that would give some boundary. Okay. Any other discussion? If not, the chair will entertain a motion.

COMMISSIONER:

I'd like to make a motion that . . . I move that we accept the concept of the project.

CHAIRMAN CHOY:

Wait. You say you move to accept the concept. Do you mean the whole 2,500 acres?

COMMISSIONER:

No. The 600.

CHAIRMAN CHOY:

Everything makai of the highway.

COMMISSIONER:

With the exception of that little piece, which I am assuming would be not more than 650 acres. (Additional comments inaudible.)

CHAIRMAN CHOY:

May I suggest you say approximately 350 acres, because there may be 2 or 3 acres or 5 acres.

COMMISSIONER:

Alright.

CHAIRMAN CHOY:

Have you got that, Rom?

MR. DURAN:

The motion is to accept this area in concept and to rezone these 2 areas urban.

CHAIRMAN CHOY:

Yes. To be an approximate 350 feet. Any second?

COMMISSIONER:

I second the motion.

CHAIRMAN CHOY:

You have a motion that's been seconded. Is there any discussion?

Mr. Kido.

COMMISSIONER KIDO:

(Question totally inaudible.)

MR. DURAN:

Well, this is the thing we've been talking about for years now, and we've had various representations of need from various petitions that

MR. DURAN (Cont'd.)

never really have been defined, but I think we have taken the approach, that is to say the Commission, in saying they will designate urban districts on the basis of urban developments and to provide an ample amount of vacant land in the urban district in appropriate locations to accommodate a projection of . . . to accommodate the population projection on 10 years . . . 10 years hence.

CHAIRMAN CHOY:

We have a motion on the floor. Are you ready for the question?

Poll the Commissioners.

MR. DURAN:

Commissioner Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Thank you, gentlemen.

MR. HAIGHT:

Thank you.

CHAIRMAN CHOY:

We have a special permit here, SP69-69. On the special permit, will you just give us the crux of it, Rom? What is your recommendation?

MR. DURAN:

Grant it.

CHAIRMAN CHOY:

Grant it? Do we have a motion?



COMMISSIONER:

I so move.

COMMISSIONER:

I second it.

CHAIRMAN CHOY:

It has been moved and seconded that we grant Maui County the dump site. Is there any discussion? Are you ready for the question?

COMMISSIONER:

Question.

CHAIRMAN CHOY:

Poll the Commissioners, please, Rom.

MR. DURAN:

Commissioner Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Tangen.

COMM. TANGEN:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

The motion is carried.

CHAIRMAN CHOY:

Now on the special permit 69-71, Kuulei Wong. Didn't we have this before?

MR. DURAN:

Not in the form of any application. It's been before us during the boundary review.

CHAIRMAN CHOY:

Could you give us the main idea of it? I think it did come before us.

MR. DURAN:

Mr. Chairman, gentlemen of the Commission, this is a district map of Hanapepe. Shown in pink is the existing urban district and, of course, surrounding is the ag district. There is a pocket of rural district down in Hanapepe Valley.

On the detailed tax map here, the urban district is shown in red around here and then all of this area is in the rural district. And the property in question is shown in these 2 yellow squares.

The request is a special permit to put additional dwelling units on the lot.

CHAIRMAN CHOY:

What is your recommendation?

MR. DURAN:

And the special permit conditions is that it must be an unusual use and reasonable. Now we've always said that an unusual use and something of this nature is something that's not permitted in the district, and residences are permitted in the district. Our feeling is that this is not an unusual use and that it doesn't meet the qualifications of the special permit.

We had no way of advising Mrs. Wong on this application and it was filed through the County on a special permit basis. I believe she was advised to do this by the County Planning Director. It seems to me more logical to have gone up and zoned this lower district into urban rather than to continue . . . to permit the use on a special permit basis. In other words, if you set a precedent of this type for permitting houses in the rural district, I think you'll run right into the law which states that there must be no less than one unit per half acre.

COMMISSIONER:

No more.

MR. DURAN:

No more than one unit per half acre, and this would be contrary to the statute itself.

CHAIRMAN CHOY:

So it would be non-conforming to grant additional housing on this lot?

MR. DURAN:

It would be inconsistent with the law.

CHAIRMAN CHOY:

Your recommendation then is to have them. . . we would disapprove it now and then have them come in for an urban . . .

MR. DURAN:

Or it may be that she may just withdraw the petition.

CHAIRMAN CHOY:

It seems like the adjoining property does have a city-like concentration.

MR. DURAN:

Well, you can see there's some ag activities going on in the valley area and . . .

CHAIRMAN CHOY:

No, Rom, I'm talking about that area you suggested.

MR. DURAN:

Well, there's no agricultural activities going on in this area. There are houses on the lots. This is a 15,000 square foot lot. This looks like a 10,000 square foot lot.

COMMISSIONER:

Now, I would recommend that we go urban . . . the whole district.

COMMISSIONER:

Yes, well, we can't do anything for her right now.

CHAIRMAN CHOY:

Is Mrs. Wong here? At last, huh?

MRS. WONG:

I enjoyed staying as long as I did.

CHAIRMAN CHOY:

You've heard the staff recommendation. We feel that if we deny this special permit and ask you to come back with a request for boundary change, you could do that?

COMMISSIONER:

You're not in a rush to build, are you?

MRS. WONG:

I am. I was told to put it in writing and ask for urban, but I approached the adjoining property owners and there was one property owner that's right next to me. It's undivided property and which has the bigger portion? Neither one knows so I thought well, I'll wait until (inaudible) and then go into these 3 houses instead of 6. See, I asked for a rezone to build 6 homes.

CHAIRMAN CHOY:

You can now build 3, can't you?

MRS. WONG:

Well, I've gone to . . . (inaudible) . . . Kauai, and he says there will be no problem but I just . . . I have a view acreage shot of the 2 acres,

MRS. WONG (Cont'd.)

but if this Commission feels that . . .

COMMISSIONER:

You can get urban . . .

CHAIRMAN CHOY:

That's what I'm asking her, if she'd like to . . .

MRS. WONG:

I'd like to build 3 houses because of the mortgage rental situation because one would have been residence and 2 as rental. (Additional comment inaudible.)

COMMISSIONER NISHIMURA:

What the Commission is recommending now is an application for urban boundary change so that you can qualify for it. But under this, you cannot.

COMMISSIONER NAPIER:

Can she apply for the adjoining lots below that so that you can square off that urban zone?

COMMISSIONER:

You can't do that.

CHAIRMAN CHOY:

We can ask Mrs. Wong to . . .

MRS. WONG:

No. Everybody consented except this one Hawaiian man with Hideo Tanaka. They have an undivided property right next to me and . . .

CHAIRMAN CHOY:

Then they don't want urban?

COMMISSIONER NISHIMURA:

Mrs. Wong, why don't you see your neighbors and . . . (inaudible) . . .

COMMISSIONER NISHIMURA (Cont'd.)

up to your property?

MRS. WONG:

I did it already.

COMMISSIONER NAPIER:

No, but you need it in writing. Get their signatures and send it  
in.

MR. LEONG:

We have the application forms for a boundary . . (inaudible) . .

COMMISSIONER NAPIER:

We can work it from there.

MRS. WONG:

How long will this take?

COMMISSIONER NAPIER:

It will take a little longer.

CHAIRMAN CHOY:

But you'd be much better off than a special permit.

COMMISSIONER KIDO:

You can't get it under the special permit.

COMMISSIONER NAPIER:

If we change it to urban, we probably can give you 6 houses in  
there.

CHAIRMAN CHOY:

I think it's well worth your while.

MRS. WONG:

How long will that take?

COMMISSIONER:

(Comment inaudible.)

(Several people talking at one time.)

CHAIRMAN CHOY:

Meeting come to order. Rom.

MR. DURAN:

Mr. Chairman, would it be appropriate for the Commission to initiate rezoning of that whole rural area and let the staff study it and come back with a recommendation for redistricting the whole thing?

CHAIRMAN CHOY:

Do you want a motion to that effect?

MR. DURAN:

I think it would be good for the record.

COMMISSIONER NAPIER:

I so move.

COMMISSIONER:

Second.

CHAIRMAN CHOY:

All in favor say aye.

RESPONSE:

Aye.

CHAIRMAN CHOY:

Motion is carried.

MR. DURAN:

Now with regard to this petition, Mr. Chairman . . .

CHAIRMAN CHOY:

It's been denied. She's withdrawing.

MRS. WONG:

Do I have to make an application?



CHAIRMAN CHOY:

No. The staff is initiating it. Rom, why don't you go up there as soon as possible. Okay?

MRS. WONG:

Okay. I'll withdraw.

CHAIRMAN CHOY:

Thank you. Is there anything else?

MR. DURAN:

We have a letter request for a boundary interpretation from a Mrs. Mendonca. I believe that's in your file, too. It just came in yesterday and . . . (inaudible) . . . before the Commission today and get your reaction.

To explain the area on our district map, these lines represent the urban-conservation district. This is Wilhelmina Rise in the urban area and this is Palolo Valley down below. And you'll note that there's a strip of conservation down between the 2 and that's the steep terrain. And specifically, going off Wilhelmina Rise to (inaudible) Place which is a dead-end road back against that conservation district (inaudible) Palolo. Her property is right here. It's a dead-end road and easements to these properties here.

Now she also owns this property in a conservation district abutting this lot here. She has a 2-family dwelling on this lot and has had it for 16 years, I guess, and the Building Department has cited her with a violation because she has only 6,000 roughly square feet in the lot and she needs 10,000. So the problem is to get a part of this conservation district of hers attached to that property. She's going to have to make up the 10,000.

COMMISSIONER:

Is that a parcel of record?

MR. DURAN:

This is a parcel of record and this is a parcel of record, yes.

COMMISSIONER KIDO:

Can we help them out by initiating a boundary change for that 10,000 to comply with that?

MR. DURAN:

Well, to initiate a boundary application, of course, I think then your position is to go through the zoning procedure and the applicant should file a zoning application and go through the regular procedures.

CHAIRMAN CHOY:

But actually, she's the landowner of many thousand square feet.

MR. DURAN:

Yes. This whole thing is in conservation. So she needs to go in about 64 feet . . . I mean, excuse me, about 46 feet into this property parallel with hers and then get a resurvey and . . . (inaudible) . . . She has to file a consolidation (inaudible).

CHAIRMAN CHOY:

In the meantime, why don't we grant her a boundary interpretation and let her fight it out with the State? She owns that land.

COMMISSIONER:

It's not an interpretation that she wants; it's a redistricting.

MR. DURAN:

She would like you to interpret the district boundary going around that area.

CHAIRMAN CHOY:

Because she actually owns the whole thing. Rom, can you do it by boundary interpretation or do you want a special petition for this?

MR. DURAN:

She's at the mercy of the Commission.

CHAIRMAN CHOY:

She's not wanting to build another house . . . just to conform with the law. Mrs. Mendonca, would you rather they ask you questions?

MRS. MENDONCA:

Yes.

CHAIRMAN CHOY:

Do the Commissioners have any questions? Now this is a duplex instead of two complete different dwellings, right?

MRS. MENDONCA:

Right.

CHAIRMAN CHOY:

What's your suggestion, Rom?

MR. DURAN:

A variance? Is it possible to get a variance from the State? Have you asked the City about (inaudible)?

MRS. MENDONCA:

(Comments inaudible. This person speaks very softly.)

MR. DURAN:

But what did the City tell you?

CHAIRMAN CHOY:

Did they give you a citation or tell you you're going to go to jail or something?

MRS. MENDONCA:

Well, no, but when I spoke to . . . (inaudible) . . . they said there was no problem. All I'd have to do . . . (inaudible) . . .

MR. DURAN:

We'll advise you then on this.

MRS. MENDONCA:

Alright. Thank you.

CHAIRMAN CHOY:

Thank you, Mrs. Mendonca.

Duran, is that all?

\* \* \*