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STATE OF HAWAII
LAND USE COMMISSION

3:00 P.M. Meeting

August 1, 1969

Kāhului, Maui

STATE OF HAWAII
LAND USE COMMISSION

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CHAIRMAN BURNS:

The meeting will come to order. Will anyone who plans to present testimony at the hearing with the exception of attorneys please stand and raise their right hands? Do you solemnly swear the the testimony you will give before the Land Use Commission is the truth and nothing but the truth, so help you God?

RESPONSE:

I do.

CHAIRMAN BURNS:

Thank you. The first item on our agenda is a hearing, A69-215, Frank Moniz and Donald H. Tokunaga.

MR. DURAN:

Mr. Chairman, gentlemen of the Commission. The petition is for approximately 1,185 acres of land in the rural district and agricultural district to be zoned in the urban district. The subject land includes 3 parcels adjacent to the Pukalani side of the Makawao urban area, 2 parcels in the present Pukalani rural district and 2 more parcels just south of Pukalani; the 7 parcels which make up this petition are listed on the attached table on the next page.

Let me call your attention to the map and point out these areas. First of all, let me call your attention to the district map. The pink area represents the existing urban district on our district map. This is the Pukalani urban district. This is the urban district of Makawao and this is the Kula area and the airport and Kahalui in this direction. The property in question is this parcel in yellow, this one in brown, this one in yellow and the small parcel in brown over here. Now let me

MR. DURAN (Cont'd.)

call your attention to the tax map we have on the wall here, again showing the existing urban area of Pukalani outlined in red, the existing rural district at Pukalani outlined in brown, the existing urban district of Makawao outlined in red, and then the property in question is this parcel in yellow, this parcel and this parcel. This is Haleakala Highway going off to Kula. This parcel is under petition. This small parcel over here. This parcel and this parcel going back up to the highway.

On the chart on the second page, you'll note that there are some discrepancies in the total area in column 1 and 2, one from the tax office that we have listed here in column 1 and one the petitioners have shown in column 2. And then the existing zoning of these areas and the use of these areas. Let me go back again to the map and point out to you what the use of these properties are. This is in pineapple, this is vacant or in pasture, these lands surrounding are in pine, this is in pine, this is vacant. This land has been subdivided, a part of which was included in the petition, but it's already planted into half-acre lots. And these are vacant lands here. Some cane growing out here. This belongs to Maui Pine. Most of these soils are in a C category -- fair. And this is the Land Study Bureau classification based on unirrigated land. They do, however, point out that if these soils are irrigated that they would fall into the A category as our report goes out today.

On page 3 then . . . almost all of the subject land has been used for growing pineapple. The land has become available to developers as the pineapple acreage on the island of Maui gradually declined. The adjoining agricultural areas are vacant or in cane or pineapple. Approximately 36.5 acres on the Kula side of Pukalani are dedicated for pineapple cultivation and again, let me refer to the map. This is the property

MR. DURAN (cont'd.)

right in here that has been dedicated for agricultural purposes for 10 years and is in pineapple.

Land Use Commission staff research for an earlier Pukalani boundary change petition for Lewison and Phillips indicated the decline in agriculture due to limited rainfall and unavailability of low cost water for pineapple or truck crops, thus the area's land use is in (inaudible) stage.

Although most of the soils in the Pukalani area are given an overall rating of C or fair without irrigation, almost 1,000 acres are rated A or very good with the irrigation. Thus, these soils can be included as a part of the state's prime agricultural lands, and the following is a summary in detail of these various categories which, I think, if you want to refer to the details, you can.

Going on then to the bottom of page 4, last paragraph. The petitioners indicate the subject lands are expected to provide housing sites for the future employees of the newly announced Wailea-Keihi resort centers. They state the projected cost of the development which will include a shopping center, 18-hole golf course and 2,500 residential lots equipped with underground wiring and other modern advantages will be \$87,000,000. Mr. Munoz and Mr. Tokunaga hope to develop urban lots of 10,000 square feet and more on the southwesterly side of Haleakala Highway and maintain their market of low-cost house lots on the Makawao side of Haleakala Highway.

The Maui Department of Water Supply has stated in their letter of June 17, 1969 to the Commission that the existing transmission water line from Makawao to Pukalani is not capable of supporting the proposed urban development. The construction schedule to enlarge this transmission

MR. DURAN (Cont'd.)

line is tentatively set for 1971. The subject lands south of Makawao has an adequate transmission line. However, approximately 185 acres of the land in the Pukalani area cannot be served from the Makawao-Pukalani transmission line. It would be necessary to construct a transmission line from the lower Kula transmission line to serve this area, and in that regard, generally this area where the 185 acres lies . . . this would have to be served . . (inaudible) . . . The existing utilities and public facilities in the area include a post office, a few shops, good access, electricity and water. However, the impact of the proposed 2,500 homes or approximately 8,500 people will severely tax some of these facilities. The petitioners have planned a commercial center where public facilities are . . (inaudible due to scratching sound on tape) . . . The nearest school is in Makawao. They propose, however, to dedicate a 10-acre school site next to the County park plan in Pukalani and construct a sewage treatment plant.

The increased population needed to reside in the petitioner's development is difficult to predict because so much of the increase depends upon the tourist industry. The population of the island of Maui was 35,697 in 1960. The Department of Planning and Economic Development for provisional population for the island in 1967 was 38,864, approximately an 8% increase. However, the Makawao area population decreased from 10,409 to 9,571 during the same period. The Department of Planning and Economic Development's 1967 population projection for the island of Maui for 1975 was 41,095. It should be noted, however, that the 8,500 plus people who will reside in the petitioner's development represent a 20% increase in 1967 population. It seems unlikely that the entire island's population will increase 20% in the next 5 years. Now all of

MR. DURAN (Cont'd.)

this increase will certainly not take place in Pukalani.

The Maui County Planning Commission at its meeting on May 10, 1969, voted unanimously to recommend approval of the petition on the following basis:

1. A portion of the Pukalani terrace unit 4 was inadvertently added to the petition. The road construction and other improvements have already been constructed on the rural basis. Thus, this portion should not have been included with the petition. One (inaudible) of rural lots on the extreme makai end of unit 4 is to be a part of the change in the district boundary.

Let me call your attention to the area being discussed. This map is the map that was submitted with the petition showing what they propose to do with the development. This is the 6½ acre proposed shopping center. This is the existing County park. This is Haleakala Highway again. This is the Pukalani urban district and this is the existing rural district. This is all subdivided in here and this is the area that has already been planted and utilities are being provided on the rural basis, so the County is saying that this area should not be included in the rezoning from rural to urban. The developers propose a golf course in this area and then house lots back to the Kula Highway.

2. The incremental concept with the performance standards should be used for this petition. Accordingly, the urban classification eventually for the entire development on the westerly side of Haleakala Highway is approved.

CHAIRMAN BURNS:

Excuse me. Would you show me on that map where this piece is now?

MR. DURAN:

Basically, the County is saying that this total development plan makai or south of the Pukalani urban district should be considered as a total concept plan and then standards provided for the incremental development of the area.

3. Incremental approval for unit 1 shall be that area east of Kaka-kakai Gulch and makai of Pukalani terrace and including the area noted as shopping center abutting Haleakala Highway.

CHAIRMAN BURNS:

Where is that?

MR. DURAN:

This amounts to about 318 acres and, going back to the developer's plan, they're talking about the golf course subdivision including this portion here plus the shopping center. On this map, they're referring to this parcel and this parcel and a little 6½ acre shopping center.

CHAIRMAN BURNS:

Thank you.

MR. DURAN:

4. Practice tee, parking lot and other uses located makai of the Maui County park may require relocation necessitating possible location of a portion of the golf course into area (inaudible). And what they mean is that there . . . at this location is the parking lot for the park and they're thinking that relocation of this might cause the shifting of the golf course into this residential subdivision in this general area. In other words, the golf course would stay in this gulch and move into this residential area below.

5. The applicant agrees to set aside a few lots for church purposes so that church may not need to compete on the open market for sites.

MR. DURAN (Cont'd.)

And they are generally referring to this area just makai of the park property in the existing half-acre development.

6. Developers agree to dedicate at no cost to the State or the County an additional 10 acres makai of the 25-acre park area. This area will be set aside for schools. The dedication is contingent upon commitment by the State that the schools will be constructed in that area within a certain time. I don't know what the time . . .

7. Developers agree that neighborhood recreational facilities are necessary and will dedicate a minimum of four 2-acre parcels for playground purposes. It is also agreed that the gulch may be used for such purposes. It was pointed out that the protective condition might be superior for playground than a lot in the middle of the residential area.

8. The land on Makawao side of Pukalani shall not be approved except approximately 70 acres between (inaudible) road and the first gulch on Pukalani side. This area is not in agriculture at the present time because of poor soil conditions.

CHAIRMAN BURNS:

Where is that area?

MR. DURAN:

I'm not quite sure of what area they refer to, but I think it's this area above the urban . . . the Pukalani urban district. This general area. Again, going to the map over here, this again Pukalani urban district and I think they're referring to this area. Oh, this area right in here.

CHAIRMAN BURNS:

Mauka of that line.

MR. DURAN:

It's this road and this gulch. So it's this area right in here; approximately 70 acres.

The findings and declarations (inaudible) to the Land Use Law start off by saying, and I quote from the law: "Inadequate controls have caused many of Hawaii's limited and valuable lands be used for purposes that may have a short-term meaning to a few that result in a long-term loss to the income and growth potential of our economy." Unfortunately, today's economic climate does not encourage the alternative agricultural uses of even our prime agricultural lands. This land is an advantage for agricultural use. Its leeward site position may set an ideal location for orchard crops, according to the Land Study Bureau. It is also unfortunate that the only proposed alternative use of pineapple growing have been urbanization. The question that has not been adequately answered is, what is the demand for the proposed urban use of the subject land? This report has already indicated that the proposed development as a total development package considerably exceeds the 1975 population projections for the island. A field investigation in early spring of 1968 in the staff report for the Lewis Phillips statistics reveals that only about 130 acres or 33% of the total 388 acres within the Pukalani urban district were developed for residential uses, while evidence of additional development which found . . . while little evidence of additional development was found in a later field check in May of 1969. There has been development activity in the Pukalani rural district which is being developed by the petitioners, and this little table here indicates the plats and the number of lots and those sold, and our statistics indicate that of the 454 lots, 146 have not been sold and roughly about 75% of the area has been sold.

MR. DURAN (Cont'd.)

This information came from the Tax Office as of July 23, 1969. As of May, 1969, there were 103 homes built in this development, or 23% of the total number of available lots. Though Phillips petition was recently approved, he plans to develop 40 residential lots on his 14.3 acre parcel. A preliminary subdivision has been filed but no construction has started to date. As a result of the 5-year boundary review, 2 parcels of 32.8 acres and 23.8 acres are recommended for removal from the Pukalani urban district to be redesignated in the agricultural district. Still less than one-half of the entire Pukalani urban district and rural areas are developed. There is also a considerable amount of vacant urban and rural land in the neighboring communities. The Kokomo rural district consists of 385 acres. The lack of development resulted in the proposed reduction of this district to 64 acres in the 5-year boundary review. Parts of the Makawao urban district are also rural in character, so residential densities could be increased considerably. There are also extensive vacant lands in the Kula area. A field investigation in the fall of 1967 produced the following statistics for this area and a recent review confirmed there has been no substantial change. There are over 1,200 acres of land in the Kula rural districts and only about 350 acres of this total were in rural residential uses, including lots up to 4 acres in size. The 54-acre tract rezoned to rural in 1968 for Edwin T. Higa is still in pasture use. He filed a tentative subdivision plan over a year ago and thus, the tentative approval has expired. The Jamestown rural area of 145 acres is practically vacant and overgrown with (inaudible) trees. There are only a few homes in the subdivision makai of Kula Lodge. The 45-acre Waikoa urban area is three-fourths vacant. This totals to

MR. DURAN (Cont'd.)

over 1,000 acres in the Kula area alone that could be developed for residential use. All these lands, both north and south of Pukalani, are on more inferior soils than the Pukalani soils and climate and topography compare favorably with Pukalani.

The petitioners anticipate that service personnel from Matson's 5,000-6,000 hotel room resort complex in the Kihei area will be seeking homes in the Pukalani area. Also, according to the petitioners, Pukalani will be 28 miles . . . or 28 minutes driving time from Kihei on completion of the proposed Kihei-(inaudible) road. Perhaps employees will commute this distance if they can afford the housing, but the developers expectations seem optimistic. Furthermore, plans for the Matson tourist development recently submitted to the Commission proposes 565 acres for future hotels, apartments, single-family and employee housing. The 1965 field check of the Kihei area lists 3,450 acres in the urban district of which approximately 2,500 acres were relatively unurbanized. There are also approximately 475 acres of land in the rural district of this area and being subdivided and sold without a single house under construction. Subsequent field checks again indicate there is ample vacant urban land still available in Kihei for residential development.

Proposed resort development at Waiea also intends to provide employee housing.

The petitioners have not submitted any development schedule nor have they justified the need requirement for the 2,500 dwelling units at Pukalani. Our 5-year boundary review has already indicated there appears to be ample urban land already available on the island of Maui for the next 5 years.

MR. DURAN (Cont'd.)

In view of the above analysis, it is recommended that (1) all of the subject land now in the agricultural district, 1,098.5 acres, should remain in this district until the need for urban can be justified; (2) the 182.5 acre parcel in the rural district should remain in the rural district to conform to the character of the surrounding development; and (3) the 6.5 acre parcel for the proposed shopping center should be urbanized as requested as the need seems to exist for more convenient shopping facilities. Denial of the petition is largely based on the land use district regulation 2.7, standards for urban, and I specifically list:

(B) It shall take into consideration the following specific factors:

(1) Proximity to centers of trading and employment facilities except where the development would generate new centers of trading and employment; and (3) Proximity to basic services such as sewage, water, sanitation, schools, parks, police and fire protection; and (5) Sufficient reserve areas for urban growth in appropriate locations based on a 10-year projections. And also sub-paragraph G, "Lands with a high capacity for intensive cultivation shall not be included in this district when other lands are available that can adequately serve the urban needs." Petitions of this magnitude should also include a time table for development and an economic feasibility study.

This ends the staff report, Mr. Chairman. If there are any questions, I'd be happy to explain them.

CHAIRMAN BURNS:

First of all, on the areas. Have you got them reconciled so that we're talking about the same total acreage? I noticed there's a . . .

MR. DURAN:

Well, the parcels are clearly understood.

CHAIRMAN BURNS:

I see. Are there any questions the Commissioners have of the staff?

COMMISSIONER NAPIER:

On question. They speak about 1,000 acres of primary agricultural land. Where is that primary agricultural land in conformance with this subdivision or request?

MR. DURAN:

Well, these are all C soils up in through here and these are C soils down in through here. The gulches are, of course, in E but again as we pointed out in our report, that with irrigation they could become A soils. We also pointed out that water for irrigation isn't economically available.

COMMISSIONER NAPIER:

This states that 1,000 acres of A lands . . . I just wondered where that 1,000 acres of A land would fall into? On page 3.

MR. DURAN:

That's the area I refer to. Those C areas that are in fair category with irrigation would become A.

COMMISSIONER NAPIER:

That's more than 1,000 acres then that we're talking about.

MR. DURAN:

We're talking . . . the total petition is about 1,200 acres, but some of it is in gulches.

COMMISSIONER NAPIER:

Oh, I see. Yes.

CHAIRMAN BURNS:

Are there any other questions by the Commissioners?

COMMISSIONER:

You recommend here . . . (question almost totally inaudible) . . .

MR. DURAN:

Urbanized is 6.5 acres to maintain the rural district in this area
and . . .

COMMISSIONER:

(Comments again inaudible.)

MR. DURAN:

There are only a few commercial facilities in that general area, and
as this area develops and expands, we believe that there will be need for
further convenience.

COMMISSIONER:

(Comments again inaudible.)

MR. DURAN:

No, I don't believe that's true, but they'll need the commercial
zoning in order to attract commercial developers.

COMMISSIONER:

. . . (inaudible) . . . can we support the existing housing around there?

MR. DURAN:

Will the 6.5 support . . . yes, I think it will, couples with the
existing commercial uses that are in the area, if it's developed at a
half-acre density.

COMMISSIONER:

You say that . . . (inaudible) . . . could be brought to productive use
by virtue of utilizing irrigation. Whose responsibility would it be to

COMMISSIONER (Cont'd.)

irrigate that to make it productive?

MR. DURAN:

Well, of course, if the State were to provide the water facilities based on State policy, the State could do it. At the present time, it would be the responsibility of the land owner.

COMMISSIONER CHOY:

Rom, the Maui Planning Commission recommends what area to be urbanized?

MR. DURAN:

They've recommended this area and this area be urbanized . . . the shopping center and this triangle land of 70 acres.

COMMISSIONER CHOY:

Making a total of how many acres?

MR. DURAN:

Three hundred eighty-eight or three hundred ninety acres.

CHAIRMAN BURNS:

Are there any other questions?

COMMISSIONER:

Rom, on page 7 the incremental . . (inaudible) . . This is the recommendation of the Maui Planning Commission, huh?

MR. DURAN:

That's correct.

COMMISSIONER:

That's not the petitioner's request?

MR. DURAN:

Well, this is a . . .

COMMISSIONER:

Does that need the petitioner's approval, too?

MR. DURAN:

That I don't know.

CHAIRMAN BURNS:

Are there any other questions? If not, thank you. The petitioner . . . does he wish to make a statement or representatives of the petitioner?

PETITIONER:

Yes. My name is . . . (inaudible) . . . and I represent the petitioner's interest in this.

Mr. Chairman and members of the Commission. I would like to take this opportunity to appear before you and present the petitioner's argument in support of the application. Heretofore, we had sent to the Executive Officer copies of our memorandum, and I don't know whether you have, but I requested that a copy of it be distributed to each.

MR. DURAN:

They were distributed.

PETITIONER:

And, of course, in addition thereto we have prepared a supplementary memorandum. Also, we have a report submitted by the Department of Economics and Planning from the State of Hawaii. I don't know how many of you do not have our original memorandum, but I have 6 copies here that I can pass out.

CHAIRMAN BURNS:

These have been circulated. These are extra ones; if anyone wants them, they can have them.

PETITIONER:

On April 7, 1969, Frank Munoz and Donald H. Tokunaga of Wailuku, Maui filed a petition for rezoning to the State of Hawaii Land Use Commission in connection with certain parcels of land consisting of approximately 1,250 acres, corrected to 1,185 acres, situated at Makawao, Kula, Maui in the Pukalani area. A copy of the exhibit is attached to the memorandum.

The petitioners have requested that a district designation of said property be amended from its present (inaudible) of agricultural and rural district to urban use. The petitioners have forecast a continuing economic growth of Maui and the ever-increasing need for moderately priced land and housing. The projected cost of the development, which will include a shopping center, 18-hole golf course, and 2,500 residential lots, equipped with underground wiring and other modern advantages, will be \$8,000,000 to \$10,000,000. The new area is expected to also provide housing sites for the future employees of the newly announced Wailea and Kihei resort centers. This development will not only add to Maui's firm boom but will boost the entire Pukalani-Makawao-Kula area and thereby fulfill one of the needs for balanced (inaudible) on the island of Maui. The concentration of growth has been in the Lahaina and the Kihei area and the east Maui district, Paia-Makawao and Haikua, have been somewhat depressed. So in order to fulfill a balanced growth on the island of Maui, the developers and petitioners have thought that rezoning the land would help make the possibility.

In 1961, the State administration acknowledged the unprecedented rate of growth . . . (inaudible) . . . in population and economy coming largely from the inflow of visitors and new residents alike. The General Plan for the

PETITIONER (Cont'd.)

State of Hawaii, a report recognized of a developing trend of continued growth over the 20 year period projected. And . . . (inaudible) . . . population projection (inaudible) a population increase by 1980 of some 9,093,000 to 1.2 million liberal forecast for up to 2.0 million. . . . (inaudible) . . . pressures of accelerated economic development. The Department of Planning and Economic Development has itself in a recent report affirmed the major role tourist industry has assumed in Hawaii's economy. Hawaii's tourism research, (inaudible) and projection dated November 17, 1968, although recognizing the possibilities of serviceable long-range forecast of visitor volumes and hotel inventories, it is generally conceded that labor shortage and employee housing are 2 major problems which are presently facing all islands. The necessity of having private enterprise with government cooperation still demands occasion, thereby . . . (inaudible) . . . Just a few days ago, there appeared an article in the Honolulu Advertiser, I believe, where government officials were in agreement that there is a shortage of housing within the State of Hawaii, and only last year or the early part of this year did the Director of Economic Planning and the Governor come forth and state that there is a critical shortage of housing.

Now Mr. Munoz and Donald H. Tokunaga, the petitioners in this application, are long-time Maui residents and businessmen who have acquired the necessary experiences to successfully carry out the projected development as planned. Both men were involved in the original development of the first 4 increments of Pukalani Terrace where 450 lots have been sold and 150 homes have already been built. . . . (inaudible) . . . has changed . . .

PETITIONER (Cont'd.)

(inaudible) . . about 141 homes have already been constructed or are now being constructed. So far as the houses are concerned, the lots in 4 increments have all been sold by June, 1969. All of the lots have been sold notwithstanding the fact that the Executive Officer . . (inaudible) . . and the sales have already been consummated.

Mr. Munoz is manager of Land and Construction Company, Inc., a company which is one of the island's largest construction firms. Formerly, Mr. Munoz has steadily increased his time with the company, leading him into a broad range of activities such as (inaudible), road, sewer, land (inaudible), grading, excavation, civil engineering and land surveying and land developing in subdivision work. There is no question of Mr. Munoz' contribution to Maui's growth.

Mr. Tokunaga is president and principal owner of Maui Realty Inc.; starting out in the firm as a bookkeeper, he has advanced to cashier and other responsible positions until upon the splitting up of the original Maui Realty, he along with 4 other employees were able to purchase the real estate and insurance departments of the company. Maui Realty has quickly advanced in the real estate and development fields until today, it ranks with the largest land controlling interests on the island. Mr. Tokunaga has also been an active citizen concerned with the growth of the community, and he is recognized as one of the civic leaders of Maui. Mr. Munoz and Mr. Tokunaga, along with all other members of their local hui, have been able to work together to bring forth to the people of Maui the first 4 increments of Pukalani Terrace and hope to continue to do so in the future.

Now on page 4 of our memorandum we have designated the lots, the area

PETITIONER (Cont'd.)

as well as . . . (inaudible) . . . Now, the present zoning of the subject property is . . . (inaudible) . . . agriculture. However, because of the . . . (inaudible) . . . and general characteristics, it is . . . (inaudible) . . . for intensive agricultural purposes, it would not be economically feasible so far as the cost of excavation and the . . . (inaudible) (inaudible) . . . Mr. Munoz and Mr. Tokunaga hope to develop urban lots 10,000 square feet and more. Some of the lots will be adjacent to the fairways of the proposed golf course while the remainder will have pleasant views of plush golf greens in addition to the beautiful scenery of all of central Maui. The (inaudible) would allow the developers to take full advantage of such features as the slopes and gullies which would otherwise be waste lands. The parcels of land will be located a very short distance away . . .

(Tape was turned over at this point and some conversation was lost.)
a few seconds flying time away. Maui High School is presently located relatively close by . . . (inaudible due to excessive static on tape) . . . Mr. Munoz and Mr. Tokunaga envision . . . (inaudible) . . . another population center on Maui. And we have attached a sketch of the proposed development on (inaudible). Now (inaudible) are somewhat changed in view of the fact that the developers and owners have started to dedicate at no cost to the County or State 10 acres of land, which means that . . . (inaudible) . . . Now the developers also propose to put up a sewage plant and a sewage system will be constructed on this locality here. A portion of this gulch will be dammed so that the waste part can be (inaudible) into this dam area and the water . . . (inaudible) . . . Now insofar, as I say, there's presently a road here that is accessible on this side across to this side.

PETITIONER (Cont'd.)

Now a portion of this gulch will be developed by the developers and owners, landscaped and then turned over to the County . . (inaudible) . . This park will be a different type of park. I mean, think of a park ordinarily as a playground type of thing . . . play baseball, volleyball, basketball, a lot of things. But this is going to be a unique park. It is going to be a picnic park which we have decided and so the County's people can go to this particular area and spend their lunch time and evening.

. . (inaudible due to plane passing overhead) . . 18-hole golf course is to extend from here right across here, this area here and this area. Now here is the present zoning property. The developers propose 10 acres of land at no cost to the County or State that this school can be built. Of course, as to the type of school, I don't know. Possibly an airline stewardess school can be constructed and, of course, the added feature would be the golf course. The stewardesses could play golf and have other recreation. Then also the shopping center has been proposed and studied in this area . . (inaudible) . . Pukalani Terrace. (Several following comments have been omitted because only a word or two from each sentence was audible. The static on this portion of the tape is extremely bad.) Now here's the County park and here the developers propose lodges or apartments, but this will be deleted and turned over to the County for (inaudible). This (inaudible) will have to . . (inaudible) . . a portion of this gulch will be used for (inaudible); the other portion will be used for (inaudible) purposes.

The type of construction . . (inaudible) . . and most likely it will be of the high roofline and the very attractive . . . and this will be the (inaudible). Then we also have a drawing here, again pointing out . . .

PETITIONER (Cont'd.)

Now, thanks very much. There are several problems and questions that have been raised. It has been pointed out that there are several thousand acres of land which are available for house lots up in Kula area, (inaudible) area and Pukalani and also Kihei area. Now it has been pointed out that there are about 3,000 acres in Kihei. I would like to point out that so far as Kihei is concerned, . . . (inaudible) (inaudible) . . . the desire of the owner of those big acreage. As you drive down to Kihei, you will notice that areas which are swampy . . . (inaudible) . . . trying to put in a real nice subdivision would be very costly. In other words, if this plan had been used . . . (inaudible) . . . are desirous of subdividing their lots. How many of these people have the know-how of developing? How many of these people have the finance to carry out a development? Likewise, in the Pukalani area you will notice that one area . . . (inaudible) . . . It is within urban area but that's being used as pasture. There's another area, (inaudible), 25 acres. That will not be subdivided. That belongs to the (inaudible) estate. Another about 10 acres which is being used for grazing for horses. If 5 or 10 years pass by, you will see it in the same condition.

Also, let us take up the question of dedication. How many lands have been dedicated in the Kula area? Over 685 acres. This is in increments up to 1967. Two years have gone by since 1967. I haven't checked but I intend to check. How many more acres have been dedicated for agricultural purposes? Which means that after the areas have been dedicated for agricultural purposes, those particular houses or lands cannot be subdivided and used for house lots. Ten years from the time those lots have been dedicated, and that includes Pukalani and (inaudible), Makawao,

PETITIONER (Cont'd.)

(inaudible) and Kula, those lands . . . (inaudible) . . . designate urban or rural but again, the brush lands have been used. Gulches and other inaccessible areas are found in the urban or rural areas. These places cannot be used, no matter how much money you spend. . . (inaudible) . . . to financially carry out a full-scale subdivision so that lots can be made available. Only the big companies and the big companies are not going to make house lots available because they have other uses . . . other things that they are primarily doing . . . agriculture, grazing, you know, pasturing, taro raising, pineapple. But they will not make those lots available. Secondly, you . . . how many of these people who owns lots on big 5 acres, 10 acres . . . they want to carry on their own pursuits, that of raising 1 or 2 heads of cattle or 5 heads of cattle. No matter what you do, no matter how much money you offer them, they will not sell. In addition to that, you will find that many of these people who have lived in the Makawao area for many, many years . . . they don't want to sell but they want to lease whatever they have. So for a number of years these parcels of land will not be developed even though they have been designated. So we consider that these lots will be taken out. You will also find people who . . . (inaudible) . . . city surroundings have gone up to Maui country who would like to maintain . . . (inaudible) . . . who have no interest in increasing the density. In other words, they want to be left alone, even though the areas are designated as rural or urban.

Now as far as populations are concerned, in 1967, the Department of Economics and Development projected that Maui would have in 1975, 41,000 people. . . (inaudible due to heavy static) . . . in 1968 Maui has 41,500 people and it has already reached the projected population by 1975.

PETITIONER (Cont'd.)

There are going to be a great many more people and an increase in population, and who's going to take care of these people? Land has not been made available. House lots must be made available, especially low cost house lots. And if we are going to have the developments in the Kihei area, . . . (inaudible) . . . and if such development takes place, it will take anyone about 10 or 15 minutes to get down to Kihei and 10 or 15 minutes to get back again. So it's a very desirable thing to have these low cost house lots available for those who are going to be working down in Kihei.

Now the question of water line availability. There is a water line up to about here . . . a 12 inch water line. The Board of Water Supply of the County of Maui has planned on further developing this by 1971 and if the Land Use Commission should grant this approval and if there is a need to put in additional or enlarging pipeline, the developers will proceed and put in the pipelines themselves with the understanding that they will be reimbursed, because the pipeline will be used by others, too, not only by . . . (inaudible) . . . So the question of availability of water . . . one, the Board of Water Supply has planned it; secondly, if the Board of Water Supply has not built up a system capable of taking care of this development, the developers will proceed to put in their own system with the understanding of reimbursement.

Question of public facilities. One, as I have pointed out, there is already a public park here of about 25 acres. The developers want to give 10 acres at no cost to the State or County for school purposes. Now . . . (inaudible) . . . sewer system. There will be a sewer system constructed here. The sewer system should be able to take care of the entire

PETITIONER (Cont'd.)

(inaudible). With the sewer system, the cost is going to be very high and it has to be justified, and for that reason, we are requesting that this entire area be approved as increment one. . . (inaudible) . . over 1,000 acres. We don't expect to get 1,000 acres, but we presented a series of plans, of plans owned by developers. What we desire is that this area here . . . approval by given so that we can justify the cost for building up the golf course, giving away this land to the County or State, also the shopping center and also for the construction of the sewage plant, and also giving this area here . . (inaudible) . . Of course, the golf course will become a sort of a semi-public facility so that anyone desiring to spend their time golfing as a matter of recreation will have a place to go golf. The golf course will be just in their back yard.

Now as far as police and fire protection is concerned, within the fiscal budget for the County of Maui there are appropriated funds for police and fire protection for the entire Kula area and there is no problem in connection . . (inaudible) . . As I pointed out, all lots in increments 1 to 4 have been sold, although the . . (inaudible) . . One hundred forty-one homes have been constructed . . . are being constructed. As far as financial ability is concerned, Mr. Munoz and Mr. Tokunaga . . (inaudible) . . \$4,000,000 to \$5,000,000, and they have a capital of about \$250,000 . . (inaudible) . . to carry out this development.

I have been associated with Mr. Tokunaga and Mr. Munoz for a number of years as practitioner of law, and let me tell you something. They will carry it out. They're not the type of people who come before me

PETITIONER (Cont'd.)

requesting a reclassification of land with the idea of specially selling it in one big full chunk after it has been rezoned and the land has increased in value. They will carry out what they have proposed to me and to the County and Planning Commission as well as to you. These areas here will be developed and will be made available to the general public in house lots.

Again, I want to point out that there is a great need of . . . (inaudible) . . . The development has been concentrated on the west side. This development here will be a . . . (inaudible) . . . economically, socially, Maui County as well as the entire state will benefit. So I submit now that the request of Mr. Tokunaga and Mr. Munoz is reasonable . . . (inaudible again due to static) . . . I don't know whether you have any questions but I will try to answer any questions.

CHAIRMAN BURNS:

Thank you for your very complete presentation. I have one question, first of all. What is the present range you're aiming at in these so-called low-cost housing?

PETITIONER:

The price of this fourth increment . . . (inaudible) . . . overhead wiring

. . .

CHAIRMAN BURNS:

Overhead wiring in this case, not underground?

PETITIONER:

Fourth increment was 29¢.

CHAIRMAN BURNS:

That's your off-site cost per square foot?

PETITIONER:

Anyone who goes to Pukalani and purchases a lot will cost 29¢ per square foot.

CHAIRMAN BURNS:

But are you talking about housing? Completed housing? Are you building?

PETITIONER:

No, we are not building. What we are doing is making lots available for anyone who wishes. There's a trend towards more affluence. They're looking for second homes today. They've already reached the stage of second cars; now they're going to the stage of second homes. This area will provide a low-cost as well as those who are working . . . (inaudible) . . . so if the undergrounding should go in and other developments take place, it will be an area of . . . (inaudible) . . . (Few comments again omitted due to excessive static making only a few words audible.) So the cost of the land will be much lower in this area.

CHAIRMAN BURNS:

Are there any other questions the Commissioners may want to ask?

COMMISSIONER CHOY:

The price of lots is quoted at 29¢, you say? That would be on rural lots?

PETITIONER:

Yes. That's the average price. . . (inaudible) . . . half-acre lots. So if a 10,000 square foot lot was put in, apparently the roads coming across it would make it a little higher, and also there would be an underground system for the sewage so that the cost would go up. But it would be comparable to . . . (inaudible) . . . And yet they have the benefit of

PETITIONER (Cont'd.)

this golf course.

CHAIRMAN BURNS:

Any other questions?

COMMISSIONER:

Yes, you mentioned that some area can be developed that's in urban now. Which area is that?

PETITIONER:

In this area here, there are 3 lots. Here's one and there's another one here . . .

COMMISSIONER:

Oh, not the whole area?

PETITIONER:

No, not the whole area, but what I'm pointing out is that even within this area here, it has been designated urban . . . many of the land will not be developed. Either they have been dedicated or the owners themselves have no desire to develop. And also it's divided into 3 acre or 4 acre lots in this area here but they will not subdivide and make those lots available.

COMMISSIONER:

It was urbanized, that area. . . .

PETITIONER:

As I pointed out . . (inaudible) . . these lands are owned by people who have no desire to subdivide, people who do not have the financial capabilities, who do not have the know-how and even (inaudible) cultures in many cases.

COMMISSIONER:

Based upon your . . (inaudible) . . the total acreage that's going to be for shopping center and schools and the golf course can be . . (inaudible) . .

PETITIONER:

In this area here I would point out that there is about 600 acres from here. Ten acres will be given to the County but 200 acres will be used for golf course. There will be about an acre, or less perhaps, for the sewer system. There will be the (inaudible) here and also the park, and . . (inaudible) . . the park 40 acres. There will be about 300 acres which will be developed for house lots, and the house lots will be by the golf course, but up here they will be away from the golf course.

COMMISSIONER:

Is that parcel above the (inaudible) to be included by the golf course?

PETITIONER:

Yes, it will be included in the golf course because . . .

COMMISSIONER:

Then we're talking about less than 300 acres for residential purposes?

PETITIONER:

Yes. Originally, the plan was to have the golf course just on this patch. However, the idea came in to give to the County or State 10 acres of land and also some for church land, so it would be necessary to shift . . (inaudible due once again to excessive static) . .

CHAIRMAN BURNS:

Are there any other questions?

COMMISSIONER MARK:

I'm quite impressed by your remark that so much urban land that is

COMMISSIONER MARK (Cont'd.)

dedicated into agricultural use. I was just wondering as a matter of policy whether you would recommend that these lands be taken out of the urban area and our boundary decisions placed in the agricultural zone where you apparently feel they properly belong?

PETITIONER:

Now these people have the desire to dedicate these lands from urban or rural into agriculture and if this is . . . (inaudible) . . . for 10 years unless . . .

COMMISSIONER MARK:

But the next boundary review takes place in another 5 years. So do you see anything illogical about taking those out of the urban area and putting them into agriculture?

PETITIONER:

It's possible. However, then you will find all kinds of (inaudible).

COMMISSIONER MARK:

You've either got to go by the broad brush or you've got to go by the individual declaration.

PETITIONER:

(First few sentences inaudible due to plane passing overhead.) . . . and because certain areas have been designated either as rural or urban and because this area is . . . (inaudible) . . . where they want to make lands available . . . where they are capable, financially as well (inaudible).

COMMISSIONER MARK:

Doesn't this dedication procedure sort of defeat the purpose of proper

COMMISSIONER MARK (Cont'd.)

urban zoning, particularly in connection with a project like you are proposing . . . the fact that these other things are being dedicated sort of an obstacle instead of holding up a possible development plan such as yours?

PETITIONER:

Because the argument is being used . . . that's what . . . otherwise, we have no objection as to whether they dedicate or not, whether they (inaudible) or not. But the thing is, that very argument is being used against our petition. Because these lands are available . . . so many lands . . . so many acres.

COMMISSIONER MARK:

I'm trying to think of some way of alleviating this . . . (inaudible due to plane passing overhead) . . .

PETITIONER:

(First portion of comments inaudible due to plane noise.) . . . that will be reviewed in five years . . . (inaudible) . . . it should be zoned agriculture if they have dedications.

COMMISSIONER MARK:

I have one other question on these 10 acres. Do I understand that these 10 acres are to be dedicated to the County for a stewardess school? Does the County intend to run a stewardess school?

PETITIONER:

I don't know. From what I understand, somebody . . .

COMMISSIONER MARK:

Western Airlines is interested in a stewardess school, we know. They've had some discussions there with County people and this is a

COMMISSIONER MARK (Cont'd.)

possible site, should they choose Maui.

PETITIONER:

But as far as the developers are concerned, they are willing to give the land for school purposes, whether it's for airline school, for elementary school or for high school . . . it doesn't matter to them, except that . . . (inaudible) . . . that they should make some contribution to a school.

COMMISSIONER MARK:

Would a public school serve the area better though than a stewardess school, as such?

PETITIONER:

It's possible. I can remember a few years back that there was a proposal to move Maui High School from the present location to this area, and somehow there was violent objection. The idea was to have this park and a school located there so there would be joint use throughout the year, but the plan was changed. They moved the new Maui High School down to Kahalui. I think . . . (inaudible) . . . a new Maui High School . . . (inaudible) . . . But then the question has come up whether an elementary school should be built in this area. I think if an elementary school is going to be built, it should be somewhere around here so that it can serve Pukalani and also Makawao. (inaudible) school is bursting at the seams right now; they've had to put in portable classrooms because of the increased number of students. I think this would be most desirable.

CHAIRMAN BURNS:

Rom, is there any plan . . . any program of development on incremental basis that's been submitted to us by this petitioner?

PETITIONER:

Not since . . . I'd like to answer that, Mr. Chairman.

CHAIRMAN BURNS:

Okay.

PETITIONER:

We had no idea that the Land Use Commission was one of the . . . and the Planning Commission were thinking the new concept of incremental planning. We just submitted this. But yet we submitted the whole plan for this entire period. We have accepted the idea of incremental development, so what we wish to have . . . as we see fit for this portion here to justify the cost . . . and just small portion here, about 70 acres or so (inaudible) . . . the rest . . (inaudible) . .

COMMISSIONER:

Then this is somewhat of a revision of your original petition which was for 1,250 acres.

PETITIONER:

That's right.

CHAIRMAN BURNS:

How many acres now are you asking for?

PETITIONER:

About 600 acres here and about 75 acres here, and we would like to request that the revision of this long-range plan later on that this will be . . (inaudible) . .

CHAIRMAN BURNS:

Are there any other questions the Commissioners have?

COMMISSIONER CHOY:

Yes, I have one. On the statement about the dedication of land,

COMMISSIONER CHOY (Cont'd.)

you can take it out any time you . . . (inaudible) . . . but it can be withdrawn.

One more question. You know, on this water system . . . (inaudible) . . . you got water enough to (inaudible) 1,200 acres?

PETITIONER:

I think there's sufficient water in this area now, and if this is insufficient, because this area is a little higher, the developers will build a (inaudible) here to pump it up to serve this area here.

CHAIRMAN BURNS:

Are there any other questions?

COMMISSIONER:

(Question totally inaudible, and also petitioner's response due to static on tape and trucks passing outside.)

COMMISSIONER CHOY:

Somebody's gone to a lot of talking in planning a very sophisticated type of subdivision. Now for that the purchaser of the lot will have to pay a price. If this is zoned all in rural, it would be at 29¢ a square foot. But if it's urbanized with curbs and gutters and underground wiring, it will probably go for \$1.00 a square foot. What is the Maui market in your estimation? Would they rather have the . . . these people, would they rather have the 29¢ lot or would they rather have the lot for \$1.50 with a golf course and all the amenities that you are planning? Which would be in your estimation preferable?

PETITIONER:

Well, of course, it depends on the attraction. In this case, the golf course would be an attraction.

COMMISSIONER CHOY:

But they are going to build a golf course in Kihei . . . you see, just 10 minutes away.

PETITIONER:

But that will be within the resort area. Of course, in the . . . (inaudible) . . . at 29¢ but then costs have been going up so . . . and underground wiring is going to cost a little more. Still then, people . . .

COMMISSIONER CHOY:

My question is, in your estimation, would the public rather have a lot without all these frills but be able to own a house there as compared to such a well developed plan?

PETITIONER:

I might defer this question to Mr. Tokunaga. He's present.

MR. TOKUNAGA:

I look at it this way, Mr. Choy. The thing that the consumer is looking for is the total price and lot, whether he's happy with 8,000 or 10,000 square feet. He's interested primarily first in a house that can . . . (inaudible) . . . I might state that Pukalani Terrace originally started out at 15¢ per square foot. Now the only reason why it's gone up to 24, 26, 28 is that in each increment, naturally the development has been going up, so today our final fourth increment was marketed at an average of 27¢ and 28¢ a square foot. The (inaudible) lots are already all sold. We know and we have on record at least about 10 or 15 resales of these lots are already selling at \$10,000 or \$15,000 and that we think . . . there again, artificial limitation is forcing up the price. And if we have an opportunity to open up this land, we will be able to contribute to . . . (inaudible) . . .

COMMISSIONER CHOY:

Mr. Tokunaga, what I am trying to lead up to is that, rather than give away 10 acres to the County or putting in a golf course and making and creating a park . . . going to this extreme expenditure, if you passed it on directly to the land owner and followed this zone rule and cut the prices, say, 35¢ a square foot, you would still make the amount of money as a developer. That is not the question; I'm just trying to figure out. . . .

MR. TOKUNAGA:

Our standpoint is the marketability, the total price that can be reached because the moment we go over \$10,000, we are reaching an area where the marketability of the land becomes difficult. So if we held it down to 30¢ or 35¢ per square foot on a half-acre lot, eventually the time will come when the 10,000 square foot lot . . . the so-called sophisticated one . . . will still be selling for less than these half-acre lots if improvement costs keep rising. Primarily, our purpose is to maintain a market that is going to become better than . . . (inaudible) . . . We gauge ourselves by . . . (inaudible) . . . The moment we are forced to sell ours any higher than them, we're out. I might say as an added addendum that between Mr. Munoz and our realty, ever since we started, I think we have made available . . . (inaudible) . . . That has always been our purpose, to make a reasonable profit and make house lots available. Someone asked about a package deal. We tried that in our (inaudible) subdivision right in back of Maui High School. It doesn't work out. It's too small an island and everybody wants to build his own and so we finally ended up just by putting minimum restrictions and say, if a big developer wants to come in and build up 10, 15, 20 lots, we give him a discount if

MR. TOKUNAGA (Cont'd.)

he goes ahead and builds. But for us, the developers, to go into house building . . . huh uh. We decided to stay away from it.

CHAIRMAN BURNS:

Are there any other questions?

COMMISSIONER:

There are some lots sold in that area in half-acre lots, right?

MR. TOKUNAGA:

Yes.

COMMISSIONER:

How do these folks go about changing the . . . the other area I'm talking about, yes. Are half-acre lots sold in . . . (inaudible) . . . areas?

MR. TOKUNAGA:

No. None. These are all new areas.

PETITIONER:

Also, I might point out, Mr. Chairman, that within one year after receiving the approval on the change of conservation, the petitioner will have the plans completed; one, landscape plans for the entire area; two, golf course plans; three, architectural plans for a clubhouse and shopping center; four, construction plans. And the entire area should be developed in five years.

COMMISSIONER:

According to your report here, your soil conditions seem to kind of differ from our Land Study Bureau. Where you state it's an abundance of . . . (inaudible) . . . Could you explain it? The difference.

PETITIONER:

It is . . . (inaudible) . . . but this is after irrigation at a great cost, I guess, to the developer or the owner, if he can possibly irrigate.

PETITIONER:

Mr. Munoz is quite familiar with the . . .

MR. MUNOZ:

I have reviewed the staff report, yes, and . . . (inaudible due to static) . . . I don't think it would ever be possible to bring in sufficient water to get this land to agriculture. (Next few comments also inaudible due to static.)

MR. DURAN:

Mr. Chairman, we've been talking about the sale of land and also about lots for the employees that work in the resort centers, but I haven't heard any sales price per square foot, for example, on those lots up above in terms of whether or not these working people could afford the lots. I wonder if Mr. Tokunaga could comment on what he estimates those lands will sell for.

MR. TOKUNAGA:

You see, by the time these lands are ready to be marketed, I think the average price per square foot of house lots in the (inaudible)-Kahului area . . . Kahului especially where A and B is making it available to their employees. It's running already 82¢ to 85¢ a square foot, and we intend to compete with that area because if we go any higher than that, we're dead. The only thing we're going to afford there is a nice view, good planning, cool climate, red dirt instead of the sandy type area . . . (inaudible) . . .

MR. DURAN:

I'd like to ask another question, Mr. Chairman. Under the County's recommendations regarding that 10-acre school site dedication, there seems to be a qualifying sentence there, and let me review it. They will dedicate

MR. DURAN (Cont'd.)

the 10 acres contingent upon commitment by the State that the school would be constructed in that area within a certain time. I wonder if that is no longer true. Are you dedicating that for school purposes, period, or is it still conditional?

MR. TOKUNAGA:

Well, let me put it this way. The idea of giving land to the government without any cost is . . . (inaudible) . . . I brought that up because it is something that the administration is working for. I guess I myself will some day come around to the viewpoint where the developers, if they want to profit from this, there should be some contributions, but right now I think just for the government to come in and say because I'm going to rezone this property for you, I am entitled to at least 10 or 20 acres, it's my way of thinking . . . (inaudible) . . . In any event, if that's what is stated, we go ahead. (Two sentences inaudible due to static.)

MR. DURAN:

Would this also apply to a possible school location site up in Makawao, should they decide that that's the appropriate place for a school?

MR. TOKUNAGA:

That's right. They're making a study of the school to be located in the (inaudible) district . . . (inaudible) . . .

CHAIRMAN BURNS:

Are there any other questions? If not, thank you very much. Is the public . . . would anyone from the public care to make a statement on this petition? If so, we'd be glad to hear them. Anybody from the County government?

MR. OHATA:

Mr. Chairman, my name is Robert Ohata. I am the County of Maui Planning Director. Today I would like to state that this representation is not only of the Planning Commission but also that of the County administration because I . . . (inaudible) . . . and we wholeheartedly support the action of the Planning Commission . . . (inaudible) . . . recommendation to you. The County's reason for making this type of recommendation is it's based upon our responsibility to meet public interest in this matter, and this is the aspect I am going to talk about, and I'm going to make it real short.

Secondly, we would like to strongly recommend that this application be approved because it includes a landmark decision on the part of the County insofar as land use petition is concerned. Let me explain this. When this petition first came to the County, we met with the applicants, not once but several times, to impress upon them that such steps as rezoning requires together with the application some responsibility on the part of the applicant himself. It's not always the County who's supposed to be saddled with the responsibility of providing services after the application is approved and urbanization takes place. Because of this, we had several meetings to iron out the applicant's responsibility before they could apply. This is the 8-point recommendation of the Planning Commission. Now I'm not going through with this because Mr. Duran did a very good job in explaining it based on the various points, but let me point out a few things from the recommendation to explain a little bit of the background. First, we wholeheartedly support the incremental concept with performance standards. I think the performance standard which was written into your new rules is a desirable thing,

MR. OHATA: (Cont'd.)

the thing that was lacking all these years. And because this is the first application of this type, we feel that the incremental approach must be used. Secondly is the church. Now many times when a development as massive as this is developed, the eleemosynary institution must go in there and compete on an open market for land. Because they are not as able as the general public, they are most likely saddled with lots which are inadequate and end up with lots that are inadequate in size. Well, our discussion with the applicant resulted in an assurance by the applicant that adequately located lots of adequate size shall be earmarked in the subdivision. And I think this type of responsibility is very good. The second is the school. Now there's been some discussion about the school being a possible stewardess school. This is just one possibility by the Western Airlines people which are here, but actually, it is a grammar school to serve the Pukalani area with some 600 acres of urbanized land which result in X number of new families and a demand for the school. This type of snowballing will eventually require a school. Secondly, moreover it . . . (inaudible) . . . that were allocated. It's not really a school site. The school site is 25 acres which the County already owns, so it's already a commitment on the part of government that we put the school there. There's a 25-acre school site; this 10 acres is in addition to that to make that site 35 acres in size, because from our plan, we determined that 25 acres is inadequate for the possible projection of our projected goal for this area. And the last item I'd like to mention is the playground. The playground requirements are . . . (inaudible) . . . This was adopted by the State Legislature about 2 or 3 years ago, and it mandated the various Counties to come up with ordinances

MR. OHATA (Cont'd.)

requiring every new development to dedicate . . . (inaudible) . . . but none of the Counties as of this moment has adopted such ordinances. We had Planning Directors conferences many times and this matter was brought up but for some reason or other, racial or otherwise, this was never effected. And so the Planning Department and Planning Commission decided that they would like to supplement this concept mandated by the State Legislature and use this rezoning vehicle to effect this. This is how it started. And this concept of requirement on the part of the petitioner can be approved by this State Land Use Commission, and it's going to be a landmark decision because we are requiring these guidelines from the County of Maui level for every development of this land. And in our conversation with C. Brewer and Company, we have already progressed along this same line using this criteria shown in this report to you.

With that I'd like to close. Are there any questions?

COMMISSIONER:

. . . (inaudible) . . . the so-called 25 acres that you mentioned was a school site right next to the (inaudible) commercial site. Is that for school purposes . . . (inaudible) . . .

MR. OHATA:

It was acquired for school (inaudible) because we liked the combination portion, you know.

COMMISSIONER:

With the addition of the 10 acres there, making a composite of 35 acres, don't you have strict jurisdiction there?

MR. OHATA:

No, I don't think so.

COMMISSIONER:

I see. The initial 25 acres is owned by the County?

MR. OHATA:

Yes.

COMMISSIONER:

And 10 acres will be dedicated to the County . . .

MR. OHATA:

To the County of Maui, so it would be 35 acres.

COMMISSIONER:

May I ask you one question? How much did the County pay for that 25 acres?

MR. OHATA:

Oh, I don't recall now, but we paid for it.

COMMISSIONER:

About a dollar a square foot?

MR. OHATA:

No, I don't think so. . . (inaudible due to plane passing overhead)

CHAIRMAN BURNS:

Are there any other questions of Mr. Ohata?

COMMISSIONER:

What is the ratio . . . how did you ascertain that the 35 acres is sufficient to service the subdivision . . (inaudible) . .

MR. OHATA:

Let me put it this way. We didn't use a certain acreage ratio but we did this: that the minimum elementary school site requires about 12 acres. Now, in addition to that, there would be a need for another 5 to

MR. OHATA (Cont'd.)

10 acres of land for a park site. But in this area here, we decided that the 25 acres which meets the minimum, according to my comment right now, is not satisfactory because we wanted this to become a regional park with some baseball fields rather than just a playground park or something like that. And that's the reason the additional 10 acres are needed.

COMMISSIONER MARK:

I'm just wondering whether you have enough. Thirty-five acres is going to have a school and playgrounds and a regional park and picnic areas and . . .

MR. OHATA:

Oh, no. That's not a picnic area. The picnic area is down along the gulch. The picnic area is another 8 to 10 acres or perhaps more.

COMMISSIONER NAPIER:

I can appreciate the relation of this land but isn't it true now . . . if I was a subdivider and donated the land . . . actually, I didn't donate the land . . . all the property . . . (inaudible due to tremendous amount of static) . . . Now let's keep the records straight; it's going to be added to the cost of the other (inaudible).

MR. OHATA:

Yes, it might be. But however, the point you make . . . or the point I make is essentially this: the State Legislature act had already demanded this.

COMMISSIONER NAPIER:

I don't care who demanded it. The person that's going to pay for it is the guy that's going to buy the property . . . the land owners.

MR. OHATA:

This brings us back to the concern that Mr. Choy had a while ago . . . that how much fill is going to be had and where is the . . .

COMMISSIONER CHOY:

. . . (inaudible) . . . the public.

MR. OHATA:

Yes, where would the place be between the marketability and your . . . (inaudible) . . . What I'm saying is this: that eventually shortage of any amenity for any development becomes a government responsibility. What we're saying is that right at the outset that each developer should share in this responsibility.

COMMISSIONER NAPIER:

Well, what I'm saying is, does that consume my (inaudible). If I came to you and said alright, this is a subdivision. So you turn around and say we're going to take 10 lots, so you give 10 lots to (inaudible). The other 90 lots are going to pay for that.

MR. OHATA:

This is true. Do you think you should receive the 10 lots for . . . (inaudible) . . .

COMMISSIONER NAPIER:

I'm not giving away anything. Remember that.

COMMISSIONER:

This commitment by the State. . . I'm just curious to whom it's to be made . . . to the County which has set forth 7 or 8 conditions or to the developer or how is this commitment going to be actually . . .

MR. OHATA:

The commitment will be based on the State . . . (inaudible) . . .

COMMISSIONER:

That's all I wanted to know.

COMMISSIONER CHOY:

Formerly the County did not like a rural subdivision. You don't follow that concept?

MR. OHATA:

No. We do.

COMMISSIONER CHOY:

You do. I know you've given one (inaudible). Now is there any reason for giving only one (inaudible) rather than giving up that whole area to rural lots?

MR. OHATA:

Sure. The reason is that this one (tier?) is requested to be held back for urbanization because this zoned land is already in and the (inaudible) is already in so . . . (inaudible due to excessive static) . . . If you go from a rural lot to an urban lot, you might have double the number of consumers.

CHAIRMAN BURNS:

Any other questions, Rom?

MR. DURAN:

What would the County zoning ordinance permit on minimum sized lots in the Makawao area of this development?

MR. OHATA:

Well, we're not sure yet. After the urban classification is approved, it's up to the developer to prepare a general plan and submit it to us for approval, and at that time we would work out a (inaudible). I'm sure

MR. OHATA (Cont'd.)

there would be various densities. I'm sure it wouldn't be 6,000, but I'm sure it wouldn't be all 10,000 either.

MR. DURAN:

What zoning do you have in Makawao now abutting this . . . the petitioner's property in terms of residential size?

MR. OHATA:

We have 6,000.

MR. DURAN:

Six thousand. So it's possible that that could be 6,000 in that general area.

MR. OHATA:

No, no. I think these are 10,000. I think the bulk of zoning in Pukalani is 10,000.

MR. DURAN:

But Makawao is 6,000.

MR. OHATA:

Yes, Makawao . . . Makawao . . .

MR. DURAN:

I was thinking of the low income housing again, Bob. In other words, what would lot sizes possibly be in that employee housing subdivision, up above, next to Makawao? I'm just wondering what size lots the developers would be permitted in there or what would you permit?

MR. OHATA:

Well, we have the classifications 6,000, 7,500 and 10,000. I cannot make a commitment as to what it will be finally zoned as. It would be one of these three.

MR. DURAN:

Now what does your general plan reflect for this area? Does the company have a master plan for this area or a general plan?

MR. OHATA:

Yes. We have a general plan and we had this area (inaudible) Kula as a massive rural district with urban sections here and there, so Pukalani would be . . . (inaudible due to plane passing overhead) . . . just shows areas in red and so forth. You've seen me show that from time to time.

MR. DURAN:

Will this be revised to reflect the developer's plan?

MR. OHATA:

Yes.

MR. DURAN:

One other question. That little puka in the middle up there by Makawao.

MR. OHATA:

Up here?

MR. DURAN:

Yes. What's that?

MR. OHATA:

That is a poultry farm.

MR. DURAN:

Is it a pretty substantial operation? It is, isn't it?

MR. OHATA:

Yes.

MR. DURAN:

Now what do you think will eventually happen to that operation if it's surrounded by residential, and number two, do you think that that operation is compatible with urbanization, low density lots?

MR. OHATA:

Let me say this. Our recommendation does not include this area which would abut this . . . (inaudible) . . . It does not include this area here, and we're going to reserve our recommendation for that area for a while.

MR. DURAN:

So basically, the County is not recommending anything other than that 70-acre parcel that's a part of the whole development plan. Nevertheless, it is abutting or that is, it's across the road from that chicken operation.

MR. OHATA:

Yes.

CHAIRMAN BURNS:

Did you have a question?

COMMISSIONER:

Mr. Ohata, what is the . . . maybe this is not a question for you to answer, but what is the enrollment at Makawao School right now?

MR. OHATA:

I'm not too sure.

COMMISSIONER:

No. I wanted to know how many pupils were required from that area to Makawao School.

MR. OHATA:

I don't have the count.

COMMISSIONER:

Well, let us assume that you're going 6,000 square feet. Okay? And then you find out that you cannot sell for 80¢ a square foot. Now, would they abandon the golf course and change their plans?

MR. OHATA:

No. Huh uh.

MR. TOKUNAGA:

We'll zone an open space.

COMMISSIONER:

Zoning at 6,000, do you think you can sell it for 80¢ a square foot?

MR. TOKUNAGA:

Well, frankly, I never had any thought about it. I mean, I've always had my . . . (inaudible) . . . in 10,000 square feet.

MR. DURAN:

In the low income housing area at Makawao?

MR. TOKUNAGA:

We're talking about . . . (inaudible) . . .

MR. DURAN:

I think you said about 82¢ a square foot for the low income housing lots next to Makawao, and isn't that what you're talking about?

MR. MUNOZ:

What we're talking about is low income and referring to this type of development, whether we can do it for this kind of price.

MR. TOKUNAGA:

I don't know. What we have in mind is . . . (inaudible) . . . average consumer . . . (inaudible) . . . Without any hesitation, I would probably say that we would develop an urban zoned lot, whether it's 6,000 or 10,000 square feet.

COMMISSIONER:

Are you able to sell at 6,000? I mean now . . . develop it?

MR. TOKUNAGA:

Oh, yes.

CHAIRMAN BURNS:

I think we've (inaudible) out quite a lot of information concerning building costs that might apply to Kauai during the last 5 or 6 months.

MR. TOKUNAGA:

Well, one secret of this . . . (inaudible) . . . joint venture is the development itself, I think.

COMMISSIONER:

Well, the point behind this question is whether you develop Kahului or whether you develop Pukalani, your profits are the same as the developer.

MR. TOKUNAGA:

(Comments inaudible.)

CHAIRMAN BURNS:

Any other questions?

MR. TOKUNAGA:

Just a couple of comments for the record. Number one, on the school site as to whether . . . (inaudible) . . . I think there may be a question as to . . . (inaudible) . . .

COMMISSIONER:

I understand that the developers in this particular instance are willing to accept the incremental zoning of our new revised regulations which definitely become effective on August 4th and in order to clarify the record, I wonder if we might get the agreement or stipulation that

COMMISSIONER (Cont'd.)

their petition would come under renewal at this time. There may be some question. I don't think any provision was made for those petitioners . . . (inaudible) . . .

MR. DURAN:

They have gone on record as endorsing the incremental approach and have suggested an area that they prefer to begin with in terms of the incremental development. And I think before we take final action that their attorney should certainly review the new regulations and submit to us then a schedule in conformity with these regulations.

COMMISSIONER CHOY:

I would warn the petitioner to be very careful about the incremental zoning needs. When you read the regulations, be very sure what it means and the consequences.

CHAIRMAN BURNS:

Are there any other comments from the Commissioners? If not, thank you very much.

MR. DURAN:

I might add just a thought to the petitioner. After hearing the presentation which I think is excellent and thorough, on the other hand it's not precise enough, at least in my own mind, to know the areas you're asking for exactly and the type of development that you're talking about in the first increment. I think there's been a change from the petition as it was submitted; I know there has in terms of areas, and there's been some changing, I think, in terms of the presentation as made against the data we have. You have at least 15 days to submit additional information and if you need more time, I think a request for more time would be

MR. DURAN (Cont'd.)

considered by this Commission. But personally, I would like to hear a more precise petition. I don't know if the other Commissioners share my feelings on this or not.

COMMISSIONER CHOY:

I think at the present time the Commissioners should know whether we are adopting what the County recommends or whether we're thinking of the total concept that we are requesting. I think that point should be clarified.

CHAIRMAN BURNS:

In their presentation . . .

COMMISSIONER CHOY:

Right now.

PETITIONER:

Well, actually, we are requesting this area here and . . . (inaudible) . . . this shopping center as well as . . . (inaudible) . . . and of course in this particular area we're asking for incremental development . . . just this portion here. And in overall land, as future needs arise, then we can come in as for further approval. So we are asking for here, here and this portion here.

CHAIRMAN BURNS:

Now is that the portion that the County has also approved or not?

PETITIONER:

Yes. The County has approved here.

CHAIRMAN BURNS:

Well, again, for our clarification I think it would be wise if you did give us a more precise plan in program and schedule. I think you can

CHAIRMAN BURNS (Cont'd.)

tell from the questions we're not quite clear as to what you're petitioning for at this time. Okay? Yes.

MR. SUGAMATSU:

My name is Sugamatsu (?) and I'm chairman of the Planning Commission and I'm . . . (inaudible) . . . (This gentleman was talking so fast that this aspect, combined with the continual static present on this entire tape, made his comments impossible to decipher.) I think this is really the reason I think all you members are confused.

COMMISSIONER:

I'd like to commend the Maui Planning Commission and the Maui Planning Director for their foresight.

CHAIRMAN BURNS:

Rom, you had a question a while ago.

MR. DURAN:

Just to go over what the County's recommended as I understand it. Bob, check me out on this, will you please? They're recommending that this parcel be approved at this time, which is 182 acres, I think. And this parcel be approved, which is 130 acres. And this parcel, which is 6½ acres, and 70 acres up here, which comes to somewhere around 380 or 390 acres. And they're recommending in concept that this total plan be accepted as well as the 70 acres but not the rest of it in concept. But the petitioners are requesting that all of it be considered in concept and that this total area be approved including this portion down here of about 366 acres plus the 70. So they requested an additional 366 acres as their first increment.

CHAIRMAN BURNS:

Well, I take it it behooves the petitioner to clarify the petition. I mean, we can't make it . . . (inaudible) . . . confusing. Alright? I think that concludes A69-215.

I suggest a 5 minute break before we start in on the next item of our agenda.

Okay, now SP69-64, Maui Hardwoods.

STAFF:

(The staff report dated August 1, 1969 re: SP69-64 - Maui Hardwoods, Inc. was read verbatim.) Coming to our district map, this is the urban district of Kahului, Puunene urban district, Waikapu urban district, and Mokulele Highway meets in a southerly district towards Kihei which is down in this direction. The subject of our petition is located here. On an aerial photo, the 9.1 acre site is shown here and the 1 acre site is located at the southerly portion of the 9 acres. The site plan shows an existing building here. The kiln is in here.

Any questions?

CHAIRMAN BURNS:

Yes. Do you have any idea of the costs of your requirements here in terms of screening and . . . ?

PETITIONER:

No. I don't have any cost estimates.

MR. DURAN:

Mr. Chairman, I might say that the applicants have agreed to the Commission's sketches and planning and they so indicated it on the map of the site itself. And we do have a representative from the lumber yard who has verbally at least to me committed a screening all the way across the property.

CHAIRMAN BURNS :

Are there any questions on the part of the Commissioners?

COMMISSIONER CHOY:

Is the site now a present lumber yard?

PETITIONER:

It is a present lumber yard. It takes up the entire 90 acres. However, one acre portion of that 90-acre site is proposed for the treatment plant.

CHAIRMAN BURNS:

Are there any other questions? If not, thank you. Does the petitioner wish to make a statement?

MR. DURAN:

I don't think we've been sworn.

CHAIRMAN BURNS:

Before you make your statement, would you please raise your right hand? Do you solemnly swear that the testimony you will give before the Land Use Commission is the truth and nothing but the truth, so help you God?

PETITIONER:

I do.

CHAIRMAN BURNS:

Thank you.

PETITIONER:

Mr. Chairman and gentlemen. My name is Clint Halstead. I'm president and general manager of the Honolulu Wood Treating Company. Mr. (inaudible) back there is the president of Maui Hardwoods Company. He's asked me to speak on this since it mainly concerns ourselves.

PETITIONER (Cont'd.) (MR. HALSTEAD)

We don't have any general statement to make but we certainly would be very pleased to answer any questions that you gentlemen would have on this; if you do have any questions, why, let us know.

CHAIRMAN BURNS:

Are these conditions that have been imposed upon you satisfactory to you?

MR. HALSTEAD:

I think they are, Mr. Chairman. We like to see a good looking place and I think that the hedge or some kind of a screen there is bearable. It is not usual in lumber operations such as ours to have this but I think that aesthetically it's a good idea. One thing that may come up is the type of screen or the type of hedge. I know there are lot of different types that could be used. In many cases, lumber yards use wooden slats or something like that. In other cases, it may be just a hedge. What we would propose is that a normal height of a hedge probably to just screen the cylinder and maybe that type of operation from the highway. Certainly, you couldn't go up high enough so that you're going to screen the stacks of lumber as they are from the highway.

CHAIRMAN BURNS:

Are there any other questions the Commissioners would like to ask the petitioner?

COMMISSIONER:

Is your firm a subsidiary of Maui Hardwoods or are you separate from them?

MR. HALSTEAD:

No, sir. We're a separate corporation. We're a wood treating company.

MR. HALSTEAD (Cont'd.)

We have a client in Honolulu producing wolmanized pressure treated wood. We also have one down in Hilo that we built about a year and a half ago. In connection, I might say, with the lumber yard down there. We do their treating and drying for them.

COMMISSIONER:

So the space that's being made available to you is subleased from Maui Hardwoods?

MR. HALSTEAD:

Yes.

COMMISSIONER:

Are they still in business . . . that lumber company in Hilo?

MR. HALSTEAD:

Well, I don't know. They were . . . we have some lumber there that we're still drying. I might say that.

CHAIRMAN BURNS:

Are there any other questions? If not, thank you very much.

MR. HALSTEAD:

Thank you.

CHAIRMAN BURNS:

Are there any other questions the Commissioners have? Is there anybody from the public that would like to make a statement? If not . . .

MR. DURAN:

Mr. Chairman, I wonder just for clarifying the record if Mr. Heller, is it, or Helly . . . would comment on whether the remaining portion of the lumber yard along the highway can be screened.

MR. HELLER:

We've got ironwood trees ordered . . (inaudible; Mr. Heller must have been speaking from his seat in the main part of the room rather than coming near the microphone to respond) . .

CHAIRMAN BURNS:

Okay. Alright. The chair is ready for a motion.

COMMISSIONER NAPIER:

Mr. Chairman, I move that we accept the staff report.

CHAIRMAN BURNS:

And approve the petition?

COMMISSIONER NAPIER:

And approve it.

COMMISSIONER:

Second.

CHAIRMAN BURNS:

Are you ready for the question? Please poll the Commissioners.

MR. DURAN:

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Choy.

COMM. CHOY:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Mark.

COMM. MARK:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Chairman Burns.

CHAIRMAN BURNS:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN BURNS:

Thank you. The next item on our agenda is special permit 69-66,

CHAIRMAN BURNS (Cont'd.)

Maui Asphalt, Inc.

STAFF:

(The August 1, 1969 staff report re: SP69-66, Maui Asphalt, Inc., was read verbatim.)

Just to orient you again in general location on the map, it's located about here where this yellow dot is. It's about a mile from Waikapu and about 4 miles to the coast. It's about 1,500 feet from the main road, set back in.

CHAIRMAN BURNS:

How about land owners in the vicinity? Have they registered any complaint or approval?

STAFF:

None that we know of. I might add that this petition only came to us about 2 or 3 days ago . . . (inaudible) . . .

CHAIRMAN BURNS:

Are there any questions that the Commissioners would like to ask?

COMMISSIONER:

Do you think they'd be able to put that plant up within one year?

STAFF:

That's a good question.

CHAIRMAN BURNS:

Is there a representative of the petitioner here?

PETITIONER:

Mr. Chairman, my name is (inaudible) and I represent the petitioner. . . (inaudible) . . . very shortly. In fact, he's on his way here. (This speaker spoke in too soft a tone to be picked up by the tape recorder.)

COMMISSIONER:

. . (inaudible) . . say that you have to put it up within one year.

COMMISSIONER:

Would you indicate again on the map the prevailing winds as . . .

PETITIONER:

The winds . . .

COMMISSIONER:

Wailuku to (inaudible).

COMMISSIONER CHOY:

Actually, you'll have more problems with the quarry than . . .

COMMISSIONER:

Sure.

CHAIRMAN BURNS:

Are there any other questions that the Commissioners would like to ask the staff? If not, is there anything the petitioner would like to add to the testimony?

PETITIONER:

I just have one remark I'd like to make for the record and it has to do with the revocation automatically . . (inaudible) . . (Comments were totally inaudible due to static continually present on recorder.)

MR. DURAN:

We had an opinion that said we could not vary the conditions imposed by the County but as far as additional restrictions are concerned, we have a verbal opinion . . . a verbal legal opinion from Roy Takayama that says the Commission has . . .

UNIDENTIFIED:

We have a written one from Jack Morris.

MR. DURAN:

Yes, with regard to varying the conditions imposed by the County. And this involves a case . . . well, we'll discuss that later, but there was a stipulation by the County that the permit be approved to a certain day, and the applicant came before this Commission and he wanted an extension beyond what the County permitted which the Commission granted, and then we raised this legal question as to whether the Commission had the right to vary that condition imposed by the County in view of the fact that they held a public hearing and testimony on the basis of what was presented. And that's where the recommendation was negative. The Commission cannot vary the conditions imposed by the County.

COMMISSIONER:

I don't think it's that important. I just want it noted, however.

MR. DURAN:

We'll note it.

COMMISSIONER CHOY:

I'd like to move that the request be granted and the portion for operation within one year restriction.

CHAIRMAN BURNS:

Is there a second to that?

COMMISSIONER:

Second.

CHAIRMAN BURNS:

We're ready for the question. Do you hear the motion? He made a motion deleting the . . . as I understand it, accepting the staff report by deleting the time limitation. And it's been moved and seconded.

MR. DURAN:

Mr. Chairman, before we poll, may I make a comment? Our own regulations recently adopted and will go into effect Monday, require that the County include a time limitation on every special permit. This one does not have one. And we've had problems in the past of open-ended special permits that go on and on and on with never any end to them because neither agency has fixed a maximum time limitation . . . I don't care whether it's 10 years . . . but there should be some . . .

PETITIONER:

As I understand it . . . (inaudible) . . .

COMMISSIONER CHOY:

Okay, I'll put it in, that one year clause, but that special permit where it says that it'll be automatically revoked be left out.

MR. DURAN:

Well, it needn't be said; it is anyway.

CHAIRMAN BURNS:

What is that?

MR. DURAN:

Nothing, Mr. Chairman.

CHAIRMAN BURNS:

Well, perhaps it would be clearer if you'd restate your motion.

COMMISSIONER CHOY:

I move that we accept the recommendation . . . that it be approved with the additional stipulation that the plant shall be in operation within one year. The only trouble with that is that it's such a bad clause of one year.

COMMISSIONER:

Well, the petitioners say they can put it up within one year so why
don't . . .

PETITIONER:

(Comments were totally inaudible.)

CHAIRMAN BURNS:

The thing may be working for all we know, you see. Will you restate
your . . .

COMMISSIONER CHOY:

I'll make my motion according to the staff recommendation.

CHAIRMAN BURNS:

So now, you seconded that, did you not?

COMMISSIONER:

I did.

CHAIRMAN BURNS:

Are you ready for the question?

COMMISSIONER:

Question.

CHAIRMAN BURNS:

Would you poll the Commissioners please?

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:

Choy.

COMM. CHOY:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Mark.

COMM. MARK:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Chairman Burns.

CHAIRMAN BURNS:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN BURNS:

Thank you.

Ron, what do you have in addition to what we have run through this afternoon?

MR. DURAN:

We have one very important matter that we should consider and that's Kauai Helicopters. It's in your files. There's a number of correspondence here but very briefly I'll fill you in on what's happened. A special permit was granted on July 1st of this year to the Kauai Helicopters operation on the KTOH Radio Station in Lihue, Kauai. At that time . . . (inaudible) . . . The permit now is void . . . expired. And the applicant has, about June 28th or 29th, called me and said that he had discussed this with (inaudible) and Brian said that he should contact me for an administrative decision for an extension to the end of the year. And his reason was that the Lihue Airport is presently refining the master plan and it won't be completed for another month or two, and then he will be able to seek a permanent location out at the airport. Therefore, he's asking for an extension until the end of the year, December 31st.

The Kauai County Planning Commission reviewed his request and granted it to the end of the year subject to this Commission's confirmation. But behind all of this is a lot of, I think, misrepresentation because when I talked to Brian, he had never recommended such approval on the part of the applicant, and when I talked to the airport manager, he said that he had no such dealings with the people to provide space for them, and so we're back again to what was originally presented to us.

MR. DURAN (Cont'd.)

There was a lot of conflict in testimony originally on this matter, and I feel that we've gone over the deadline and the fellow doesn't have a place to move, and I think we ought to grant this extension to December 31st, but we certainly ought to make it emphatic that something had better be done and even perhaps progress reports to us on the steps being taken to relocate prior to the end of this expiration time. In any event, it is the Commission's feeling that this permit should expire at the end of the year. We should let the applicant know that we're quite serious about this. He went in there without a special permit and established a substantial investment . . . (inaudible) . . . came to us because he was cited for violation and he sought a special permit. The record hasn't been too gratifying or favorable for him.

COMMISSIONER CHOY:

I think that we . . . (inaudible; this tape appears to be getting worse as it progresses as far as static is concerned) . . .

CHAIRMAN BURNS:

Well, he's applied to the County and the County has . . . (inaudible) . . . He's asking for the extension of an existing special permit.

COMMISSIONER CHOY:

But he's doing it verbally, you say?

MR. DURAN:

No. There's a letter requesting . . . (inaudible) . . .

COMMISSIONER:

When was the (inaudible) due?

MR. DURAN:

July 1st he was to be off of there. He called me June 28th or 29th.

MR. DURAN (Cont'd.)

But he said prior to that he had discussed it with Brian Nishimoto and Brian said this was the first he'd heard about it.

COMMISSIONER:

Does the Commission act on that extension?

MR. DURAN:

Their Commission did it . . . approved it.

CHAIRMAN BURNS:

What is the pleasure of the Commission on this? As you recall, we got quite a lot of double talk, it seemed to me anyway, from the petitioner, and he made certain statements which didn't necessarily comply with the record that had been made and we were forced to, from a purely tactical point of view, approve this special permit with the understanding that he would make every effort to get out of there when the special permit term expired.

COMMISSIONER NAPIER:

Legally, how much longer do we go in terms of time?

COMMISSIONER:

I'd suggest we give him 30 days.

MR. DURAN:

Well, the plan for the airport won't be finished for about 2 months at least.

COMMISSIONER:

Sixty days.

MR. DURAN:

Well, then once the plan is approved, he has to get the facilities

MR. DURAN (Cont'd.)

constructed.

COMMISSIONER:

He can come in again.

CHAIRMAN BURNS:

Yes, well, I think we should . . . (inaudible) . . . for him to stay there than to get out. From an administrative point of view, Rom, that's your assignment. Well, we should approve, I think, 60 days and then you can indicate . . . (inaudible) . . .

COMMISSIONER NAPIER:

And no extension after that.

CHAIRMAN BURNS:

Do we need a vote on extending a special permit?

MR. DURAN:

Yes, I think we do.

CHAIRMAN BURNS:

Would you make a move, Shelley?

COMMISSIONER MARK:

I so move.

CHAIRMAN BURNS:

Okay. Ready for the question.

COMMISSIONER:

Second.

CHAIRMAN BURNS:

Would you poll the Commissioners?

MR. DURAN:

Mr. Choy.

COMM. CHOY:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

(Response inaudible.)

MR. DURAN:

Mark.

COMM. MARK:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

(?)

COMMISSIONER:

He's outside.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Chairman Burns.

CHAIRMAN BURNS:

Aye.

MR. DURAN:

Mr. Chairman, the motion is carried.

CHAIRMAN BURNS:

Is there anything else? Let's try and get this thing done so we can get some dinner before we go into the next one.

MR. DURAN:

You know, we approved something like 150 or 200 acres for . . . (inaudible) . . . conditioned upon his incremental development of the area . . . the plan that he submitted. And basically, what he's saying is that we understand you approved a portion of our plan on an incremental basis and that if we perform in accordance with our schedule that you will look with favor upon additional zoning of this area in conforming with the plan submitted.

CHAIRMAN BURNS:

That's what they think?

MR. DURAN:

Yes. And they want to know if this is correct.

COMMISSIONER:

Are they in effect saying that they agree to be bound by the incremental zoning concept?

MR. DURAN:

No. It's based on the plan that he submitted to the Commission.

COMMISSIONER:

But he doesn't come right out and say that we agree . . . (inaudible) . . . performance time limits and things like that. He says I understand that

COMMISSIONER (Cont'd.)

this is the Commission's commitment to him, that they will give him the whole thing.

MR. DURAN:

That you will look with favor on . . . (inaudible) . . .

COMMISSIONER CHOY:

I think it's alright.

CHAIRMAN BURNS:

Well, answer his letter and bind him.

COMMISSIONER NAPIER:

Bind him but don't bind us.

CHAIRMAN BURNS:

That's right.

COMMISSIONER CHOY:

Well, I think . . . all of these actions that have taken place . . . have you written to these people?

CHAIRMAN BURNS:

. . . (inaudible) . . . as soon as (inaudible) has written to us, we will notify them of what has happened.

Is there anything else we have?

MR. DURAN:

No. We just have the Amfac request at Kaanapali and (inaudible) a protest letter regarding Maui and Molokai boundaries. . . (inaudible) . . . objecting to conservation.

CHAIRMAN BURNS:

Alright. That's all. Dinner break.

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