

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) DOCKET NO. A78-437
of)
)
ROLPH B. FUHRMAN AND)
ULUPALAKUA RANCH, INC.)
)
to Amend the Rural and Agri-)
cultural Land Use District)
Boundaries to Reclassify)
20.353 Acres, (14.853 Acres)
Rural and 5.5 Acres Agri-)
cultural), TMK 2-1-07: 36,)
79 and portion of 81 at)
Makena, Makawao District,)
Island and County of Maui,)
into the Urban Land Use)
District.)
.....)
.....)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, DECISION AND ORDER

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In the Matter of the Petition)	DOCKET NO. A78-437
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ROLPH B. FUHRMAN AND)	FINDINGS OF FACT,
ULUPALAKUA RANCH, INC.)	CONCLUSIONS OF LAW,
)	DECISION AND ORDER
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FINDINGS OF FACT, CONCLUSIONS
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The above-captioned land use boundary amendment proceeding was initiated by the petition of ROLPH B. FUHRMAN AND ULUPALAKUA RANCH, INC., pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary of certain lands (hereinafter referred to as the "subject property") situated at Makena, Makawao District, Island and County of Maui, from the Rural and Agricultural Districts to the Urban District and the Commission, having heard and examined the testimony, evidence, argument of counsel, and proposed findings of fact and conclusions of law, and comments to the proposed findings of fact and conclusions of law, presented during the hearing held on August 8 and 9, 1978, in the conference room of the Kahului Library,

Kahului, Maui, hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The petition was filed on March 14, 1978, by Roy Y. Takeyama, attorney at law, in behalf of Petitioners ROLPH B. FUHRMAN AND ULUPALAKUA RANCH, INC., to amend the Rural District boundary at Makena, Makawao District, Island and County of Maui to reclassify the subject property into the Urban District.

2. Notice of the hearing scheduled for June 1, 1978, at 9:30 a.m. was published in the Honolulu Advertiser and the Maui News on April 24, 1978.

3. On May 9, 1978, an application for intervention was filed by LIFE OF THE LAND, a Hawaii nonprofit corporation.

4. Requests to appear as public witnesses were received from William E. Maschal, President of the Kihei Community Association; Cathryn Dearden; the Maui Group of the Hawaii Sierra Club; and Edward Y. and Harriet L. Chang.

5. Notice of postponement of the hearing scheduled for June 1, 1978, was published on May 25, 1978, in the Honolulu Advertiser and on May 26, 29, and 31, 1978, in the Maui News and served by mail on the parties, the applicant for intervention, and the public witnesses.

6. On June 8, 1978, the Petitioners amended the petition to show that the subject property included land within the Agricultural District.

7. Notice of the hearing scheduled to be held on August 8, 1978, at 9:30 a.m., in the Kahului Library, Kahului, Maui, was published on June 30, 1978, in the Honolulu Advertiser and the Maui News and served by mail on the parties, the applicant for intervention, and the public witnesses.

8. An additional request to appear as a public witness was received from Lafayette Young.

9. The application for intervention by LIFE OF THE LAND was unopposed by the parties and was granted by the Commission on August 8, 1978.

10. Intervenor LIFE OF THE LAND filed a written Motion for Determination of Defective Filing on July 25, 1978, which was partially joined in by DPED. The Motion was denied by the Commission on August 8, 1978, by separate written decision and order.

11. Intervenor LIFE OF THE LAND orally moved for a determination of defective filing based on the testimony of public witnesses Edward Y. and Harriet L. Chang, challenging the Petitioners' ownership of part of the subject property. The oral motion was denied by the Commission on August 8, 1978.

12. All public witnesses who had requested to appear were accepted on August 8, 1978.

13. On December 13, 1978, the Land Use Commission heard oral argument on a Motion to Compel Release of Information, Correct Erroneous Information, and for Supplementation/Correction of the Record, and after oral argument and consideration of memoranda on the motion, the Commission denied the motion. The order is reflected in a separate order of denial.

DESCRIPTION OF THE SUBJECT PROPERTY

14. Rolph B. Fuhrman (dba Makena Surf Ltd.) is the owner by sub-agreement of sale of parcel 36 of the subject property containing approximately 16.234 acres of land situated at Makena, Maui, TMK: 2-1-07 (hereinafter referred to as the "Fuhrman parcel"). The Petitioners request that approximately 10.734 acres of the Fuhrman parcel be redistricted from Rural District to Urban District and that approximately 5.5 acres of the Fuhrman parcel be redistricted from Agricultural to Urban.

15. Ulupalakua Ranch, Inc. is the owner in fee simple of parcels 79 and 81 of the subject property containing approximately 1.164 and 2.801 acres of land, respectively, and situated at Makena, Maui, TMK: 2-1-07 (hereinafter referred to as the "Ulupalakua parcel"). The Petitioners request that approximately 3.965 acres of the Ulupalakua parcel be redistricted from Rural District to Urban District, excluding approximately 3,494 square feet which comprise a small cemetery located on Parcel 81.

16. The subject property is located on the makai (westerly) side of the Keoneoio-Makena (more commonly known as Makena) Road: approximately 1,000 to 1,500 feet north of Makena Landing and approximately 18 miles south of Kahului Airport, generally at the southerly end of the Maalaea-Kihei-Wailea-Makena region.

Lands immediately north and south of the subject property are in the Rural and Agricultural Districts. Lands to the east are in the Agricultural District. The two closest

Urban Districts are approximately 500 feet southeast and 1000 feet north of the subject property. The closest Urban District properties to the southeast comprise the Seibu Development and the closest Urban District properties to the north comprise the Wailea Development.

17. One of the major physical characteristics of the subject property is its frontage along both Makena Road and the shoreline and although the property generally slopes from Makena Road down to the ocean, the terrain is quite irregular and includes one definite drainage-way and possibly other small drainage-ways.

18. The present problems of drainage and erosion can be rectified by landscaping and other methods. The Makena area has been designated a "critical shoreline erosion area" in the Hawaii Water Resources Plan.

19. The property is covered primarily by kiawe trees and scrub brush, although portions of the site have been cleared.

20. Three-fourths of the shoreline is rocky and irregular; however, a broad, sandy beach is located along the northerly boundary of the subject property. A small, sandy cove is also located at approximately the mid-point of TMK: 2-1-07: Parcel 36.

21. Currently, the subject properties are vacant and lying fallow and are not being used for any agricultural use with the exception of a small private cemetery located on Parcel 81.

22. Historically, portions of the subject property were used for raising cattle and that said property was primarily utilized by fishermen.

23. Portions of an existing dirt road from Keoneoio-Makena Road pass through the subject property. Tax maps for the subject property reflect a 12-foot-wide vehicular easement from Keoneoio-Makena Road to the shoreline through the subject property.

Average rainfall for the area is approximately 15 inches annually. Drainage for the area is by natural runoff to the ocean.

The subject property is located in a potential flood prone area and tsunami inundation zone.

PROPOSAL FOR RECLASSIFICATION

24. Petitioners are requesting that the Fuhrman parcel be reclassified from a combination of 1/3 Agricultural (5.5 acres) and 2/3 Rural to Urban classification and that the Ulupalakua parcels, with the exception of approximately 3,494 square feet of Parcel 81 (existing cemetery), be reclassified from Rural to Urban classification.

25. The proposed project will include approximately 183 fee simple, low rise condominium units. Residences will be located in one, two and three story building clusters containing 6 to 14 units each which will be designed so as to best fit into the terrain. Individual units will be large and spacious.

Amenities for the proposed development include swimming pools, tennis courts, office, and a maintenance, storage and laundry facility. Grounds will be extensively landscaped.

26. Petitioners propose to provide two beach accesses for public use rights-of-way, one of which on Parcel 36, which will better serve the sandy beach located at the northerly boundary of the property, while the other access will serve the cemetery area located on Parcel 81. Said proposed accesses will be in lieu of the accesses or existing easements possessed by the State of Hawaii, if such an agreement can be negotiated with the proper governmental authorities. Petitioners also plan to provide a pathway along the rocky shoreline.

27. Some parking will be provided in the area of the proposed rights-of-way for the public.

28. The units will be luxurious and will be geared towards people in the higher income bracket with the price of each unit to be sold in fee simple at approximately \$175,000 to \$250,000 per unit at today's prices.

29. The units will be sold primarily as vacation residences or second homes for people who can afford it.

30. The developer will proceed immediately upon approval by all state and county agencies and should complete the entire development within two years. The developer expects to sell the 184 units within 6 months after they are placed on the market.

31. Total cost of the development will be approximately \$23,000,000 to \$24,000,000.

STATE AND COUNTY PLANS

32. The current State land use classification of the Fuhrman property designates approximately 10.734 acres as being in the Rural District and approximately 5.5 acres are designated as being in the Agricultural District, while 3.965 acres of the Ulupalakua parcel are designated as being in the Rural District.

33. The proposed district boundary amendment is in conformance with the State Tourism designation, that is, that the subject property is sanctioned as a hotel, apartment, condominium district in the Maalaea-Makena designated resort region.

34. The Kihei Civic Development Plan contemplates the use of the Makena area for luxury residences, hotels and apartments, and parks, while the County's "Precise Plan" further designates approximately 2/3 of the subject property for medium density hotel and approximately 1/3 for medium density apartment use.

35. The proposed development (three story condominium) is well within the height limitations established by the County.

36. Makai portions of the subject property are within the shoreline setback area. The subject property is entirely within the Special Management Area (SMA) under Chapter 205A, Hawaii Revised Statutes, and an SMA permit will be required from the County before the proposed development can be implemented.

NEED FOR GROWTH AND DEVELOPMENT

37. The County of Maui, over the past decade, has seen a significant increase in both resident population and visitors from other areas. Said increases have resulted in a substantial demand for residential-resort condominium units, particularly in the Lahaina-Kaanapali and Maalaea-Kihei-Wailea areas of Maui.

38. There are no major projects currently available for sale in the Maalaea-Kihei-Wailea area despite a very strong market. The unsold inventory previously on the market has been absorbed, and current activity is virtually all resales. It is anticipated that the market for the type of units contemplated (spacious, high-quality, fee simple, ocean exposure, low-rise, low-density) will be very strong.

39. A listing of units presently on the market (MLS January 23, 1978), indicates the scarcity of units available, particularly in the Wailea and Kamaole areas. These areas may be considered somewhat similar to Makena, in terms of natural amenities (climate, shoreline, etc.). An added feature of the listings is that in the Wailea-Kamaole area, there are only seven units available (representing 6 different projects) located on shoreline properties.

40. Urban development of the subject property as proposed by the Petitioner will be in conformance with the growth policies of the Kihei Civic Development Plan and the State Tourism designation for the Makena area.

41. There are between six and seven hundred (600-700) zoned acres in the Maalaea-Makena area and ninety

(90) acres of undeveloped land on the shoreline that could accommodate hotel-apartment type condominiums. Only a small portion of the lands so zoned are suitable for the type of visitor industry project envisioned by the applicant.

RESOURCES OF THE AREA

AGRICULTURAL RESOURCES:

42. The subject property is currently lying fallow and is not being used and it is poorly suitable for any agricultural purpose.

43. Soils on the project site are classified by the Soil Conservation Service, U.S. Department of Agriculture, as Makena loam, stony complex. Characteristics are slopes from 3% to 15%; and moderately rapid permeability, slow to medium runoff and slight to moderate erosion hazard. The climate of the subject area can be generally characterized as hot and dry with an average rainfall between 15-20 inches annually and unpredictable local winds with an annual frequency of about 70 percent and an average speed of 14 miles an hour.

44. The Land Study Bureau "Detailed Land Classification Island of Maui" Map No. 42 indicates that the subject lands have a master productivity rating of "E" (poorly suited for agricultural purposes).

45. While detailed information on tsunami run-ups or flood conditions in the area is not available, the proposed development will be constructed so that the floor elevations on any building that is to be occupied by people shall be above the tsunami inundation line.

NATURAL RESOURCES:

46. Animal life associated with the property is typical of the Makena area, and includes mammals such as rats, mice and mongoose; and birds such as golden plover, pheasant, francolin, partridge, dove, mynah, sparrow and cardinal. None of the above are considered to be rare or endangered.

47. Primary vegetative growth on the property is kiawe. Other plants observed include lantana, beach morning glory and other varieties of sparsely growing weeds and shrubs. There is no evidence of any rare or endangered plant species associated with the property.

RECREATIONAL RESOURCES:

48. Located immediately to the north of the subject property is a 2.765 acre parcel (TMK 2-1-07: Parcel 84) owned by the State of Hawaii. This property abuts the shoreline and has been minimally improved for public use. There are no known State plans to develop the subject properties or the adjoining State lands for recreational purposes.

49. Public access will be permitted along the shoreline.

50. The Department of Land and Natural Resources is currently planning a major regional park in the Puu-Olai to La Perouse area. The northerly boundary of the proposed park (near Puu-Olai) is located approximately 5,000 feet south of the subject property. The area is presently used for swimming, sunbathing, fishing, picnicking, and other shoreline related activities.

SCENIC RESOURCES:

51. The proposed development is planned and designed in such a manner as will provide ample open space and vistas to the ocean from the highway.

52. Landscaping and proper placement of construction such as the sewage treatment plant shall assure that the scenic resources of the subject parcel are preserved, if not improved.

HISTORIC RESOURCES:

53. There are historic sites upon the subject property which warrant further archaeological investigation.

54. A Phase I archaeological survey to evaluate the significance and future disposition of said historic sites will be conducted and the Petitioner will fully cooperate in and encourage the preservation of any sites which are historic or cultural significance.

55. The State Historic Preservation Office has recommended that upon completion of the survey, the Petitioners forward copies of the survey report to the Historic Preservation Office for review and comment. Should any significant archaeological remains be discovered, appropriate action should be provided that will mitigate any loss of important information that such remains contain.

PUBLIC SERVICES AND FACILITIES

FIREFIGHTING SERVICES:

56. A fully manned County fire station is located in Kihei, approximately 6 miles away. The developer has

agreed to install a (6") waterline, together with an approved fire protection system, to meet the domestic and fire flow needs of the proposed project.

POLICE SERVICES:

57. There is no police station located in the Kihei-Wailea-Makena area. Patrol cars covering the area are dispatched from the main station in Wailuku and the same will provide adequate police protection.

58. The proposed development will have a security system and security personnel.

SCHOOLS:

59. A new elementary school was opened in early 1978 to serve the Kihei-Wailea-Makena area. The school is located in Kihei, approximately 7 miles away.

60. The proposed development, which is oriented towards retired and vacationing users, will not significantly increase student population.

ELECTRICAL UTILITY SERVICES:

61. Telephone and electrical service is currently available along Makena Road and no problem is foreseen in obtaining such services.

WATER:

62. The Makena area is currently served by a 1 1/2" water line extending from a storage tank in the Maui Meadows area (approximately 4 miles to the north). This water line is inadequate to service the subject project.

63. In the near future, a 24" water transmission line is programmed for extension into the Makena area to serve both existing and future development. The anticipated addition of nine million gallons of water per day should assure that there will be adequate water for the project and the area.

64. The County of Maui Department of Water Supply has agreed to provide temporary water services to the proposed development, but only after completion of construction and commencement of operation of the Central Maui Water Source Development and Transmission systems, and only to the end of the transmission line at Wailea. The developer must provide a minimum 6-inch private line to the subject property to meet domestic and fire flow needs of the project and is also responsible for obtaining all easements for this line.

The Petitioners have submitted a letter from Wailea Development Company, dated May 17, 1978, which states that Wailea agrees "in principle" to grant said easement.

The Petitioners' consultant, Ralph Hayashi, pointed out that the Central Maui Water source and transmission projects are scheduled for completion of construction and commencement of operation at the end of 1978 or during the first quarter of 1979.

SEWAGE TREATMENT AND DISPOSAL SERVICES

65. While there is no County waste water collection and treatment system currently serving the area, a package treatment plant consisting of a ceration tank, clarifier chlorinator and blower and meeting the requirements of

the State of Hawaii Department of Health will be provided on the site. The State Department of Health would prefer connection to the County sewage system, rather than the private package system that is being proposed. If this is not feasible, the State Department of Health recommends that the proposed private sewage treatment plant be designed and constructed such that the County of Maui would be willing to assume the operation and maintenance of the plant. The operation and maintenance of the plant by the County would minimize future problems and cost to the owners and residents of the proposed condominium.

66. The package treatment plant will be a full process plant capable of processing 50,000 gallons of sewage a day with a secondary treatment plant for the effluent. Portions of the treated effluent will be utilized for irrigation and the residue will be injected into injection wells. The estimated cost of such a plant is \$130,000 to \$150,000. Petitioners' represent that the treatment plant will be situated such that it will not be in objectionable view of the project's nor the public's view from the beach.

67. Upon construction of a sewerline system from Makena to the existing County of Maui sewage treatment plant, the project's sewage treatment plant will be removed and replaced with a sewer lift station which will convey sewage into the County system. It is not known when the County sewerline system will be extended to Makena.

SOLID WASTE DISPOSAL SERVICES

68. The County of Maui provides weekly refuse pickup in the community of Makena. Persons who do not subscribe to this service are responsible for their private disposal of solid waste. Private refuse service is available on Maui, primarily for commercial users who require more frequent or specialized pickups.

ROADWAY AND HIGHWAY SERVICES

69. Access to the property is via the existing Makena Road. The right-of-way width of Makena Road varies along the property boundary, ranging from approximately 40 to 60 feet. A two-lane roadway is maintained by the County of Maui. No curbs, gutters, sidewalks or drainage systems are available. The County of Maui Department of Public Works points out that this roadway does not conform to County standards. The Department of Public Works is presently in the process of developing plans to realign and improve this roadway; however, the completion date of the project is unknown at this time.

70. An unimproved dirt road to Ulupalakua (Route 31) intersects with Makena Road approximately 200 feet from the southerly property boundary.

71. The County of Maui has engaged the services of an engineering consultant to design a new highway running from the terminus of Wailea Alanui Drive to Ahihi Bay-Cape Kinau. Although three alternate alignments are proposed, all are in the vicinity of the subject property.

The proposed alignment is slightly mauka of the present Makena Road.

72. A proposed new highway will alleviate traffic conditions on Makena Road, and in any event, the proposed project will have only a very negligible effect on traffic conditions with an anticipated addition of approximately 184 vehicles using Makena Road.

73. The portion of Makena Road which fronts the subject property shall be improved in conformance with the applicable County of Maui Subdivision Ordinance(s).

DRAINAGE AND EROSION

74. The subject property is within an area of critical shoreline erosion. The County of Maui, in conjunction with the Soil Conservation Service, will require that a drainage and erosion control report be prepared prior to grading operations. The report should address the erosion that may be expected during construction and should provide methods to prevent most, if not at all, of the erosion from occurring. Additionally, during construction desilting basins for storm runoff will be required for the existing drainage ways. Drainage for the project may involve an underground piping system and also swales. Petitioners submitted no preliminary drainage plans. To prevent erosion, Petitioners represent that efforts will be made to design the project such that drainage areas are small and consequently, runoff will not be concentrated. Moreover, Petitioners represent that a study to determine

the flood inundation line of the drainage ways will be made during design of construction plans for the project. Such a study will determine the minimum building floor elevation required such that flooding of the building(s) will not occur. Landscaping will also be incorporated into this project to reduce erosion.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

75. The subject property is not contiguous to an existing Urban District, however, areas in close proximity have been developed for urban purposes or are presently being developed for urban type uses.

76. The subject property is designated for medium density hotel and apartment use in the Kihei Civic Development Plan.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

77. The subject property is located on the makai (westerly) side of the Keoneoio-Makena (more commonly known as Makena) Road; approximately 1,500 feet north of Makena Landing and approximately 2 miles south of Wailea. The subject property is generally at the southerly end of the Maalaea-Kihei-Wailea-Makena region.

78. Subject property is located approximately 1/2 mile to the south of the village of Makena. Portions of Wailea's new 18-hole "Orange" golf course are located on the mauka side of Makena Road across from the subject property.

79. It is anticipated that the purchasers of the proposed development will not be seeking to enter the employ-

ment market nor will the project generate many jobs after the construction is concluded.

80. Rolph B. Fuhrman, the developer, has the financial stability and capacity and the necessary financing to construct the proposed development.

81. The market demand for units in the project is extremely strong.

82. The subject property is, or will be in the near future, located in close proximity to basic services such as water, sanitation, schools, parks and police and fire protection.

83. The subject property's terrain slopes from the Makena Road down to the ocean, but a drainage system will be designed which will compliment the existent natural drainage-ways.

84. Landscaping coupled with continuous care and maintenance thereof, will stabilize the soil conditions, and as a result, erosion will be reduced to where it is negligible.

85. The project will be designed so as to have the floors of the occupied buildings above the normal flood and tsunami inundation lines.

86. The project will not necessitate unreasonable investment in public supportive services for its anticipated three hundred average residents, but rather it will generate significant tax revenues and will constitute a definite economic stimulation to the area.

INCREMENTAL DISTRICTING

87. The proposed development of the subject property will be accomplished within 5 years from the date of the Land Use Commission's approval.

RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioners, Department of Planning and Economic Development, and Intervenor, not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, is hereby denied and rejected.

CONCLUSIONS OF LAW

1. The proposed development is in conformance with the Kihei Civic Development Plan and the State Tourism designation.
2. Urbanization of the subject property appears to be a logical extension of an existing Urban Land Use District Boundary.
3. The proposed development will not have any known adverse effect upon the agricultural, natural, recreational, scenic or other environmental resources of the area. While it may have some effect upon the historic resources of the area, adequate conditions have been imposed to assure that no adverse impact upon significant historical resources will occur.

4. Firefighting, electrical, telephone, police, schools and solid waste disposal facilities and services are available to the subject property.

Adequate highway, water and sewage treatment facilities can be provided to the subject property at a reasonable cost to the Petitioner. The existing highway, Makena Road, will be improved in accordance with the County of Maui Subdivision Ordinance(s). The Maui transmission system waterline project will be completed by the first quarter of 1979 and will assure an adequate water supply for the proposed development. A temporary sewage treatment system will be constructed on the subject property and will be utilized until the construction of a sewage treatment plant is completed.

5. The proposed development will be in close proximity to an existing Urban District, will not overtax existing public services and facilities, and will not contribute to scattered urban development.

The Kihei Civic Development Plan envisions the region from Maalaea to Makena as an integrated resort-residential community with primary uses at Wailea and Kamaole, and secondary resort oriented uses at Maalaea, Keokee and Makena. Specifically, with regards to Makena and the subject parcels, the Kihei Civic Development Plan envisions a very low density, high quality, secondary resort area with emphasis on existing scenic and historic qualities. The proposed development is in harmony with the aforesaid Plan.

6. Reclassification of the subject property of land situated at Makena, Island of Maui, TMK 2-1-07: portions of Parcel 36, containing approximately 10.734 acres

from Rural to Urban, and portions of Parcel 36, containing approximately 5.5 acres from Agricultural to Urban, and Parcel 79, containing approximately 1.164 acres, and portion of Parcel 81, containing approximately 2.801 acres (excluding approximately 3,494 square feet which comprise the cemetery) from Rural to Urban, to permit the proposed development is reasonable, will not violate Section 205-2, HRS, and is consistent with the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1, HRS, particularly subsections (1), (2), (3), (4) and (6).

DECISION

Based upon the evidence and testimony presented, and the Findings of Fact and Conclusions of Law, it is the decision of the State Land Use Commission that:

A) Petitioner Rolph B. Fuhrman's petition, containing approximately 16.234 acres (TMK 2-1-07: Parcel 36) be redistricted from Rural (approximately 10.734 acres) and Agricultural (approximately 5.5 acres) to Urban; and

B) Petitioner Ulupalakua Ranch, Inc.'s petition containing approximately 1.164 acres (TMK 2-1-07: Parcel 79) and containing approximately 2.801 acres (excluding approximately 3,494 square feet which comprise the cemetery on Parcel 81) (TMK 2-1-07: portion of Parcel 81) be redistricted from Rural to Urban.

C) The approval of the Petition for Reclassification to Urban Designation be subject to the following conditions:

1) As provided for under their agreement with the County of Maui, Department of Water Supply, the Petitioners shall provide a minimum 6-inch private line from the end of the Central Maui Transmission line at Wailea to the project site to meet domestic and fire flow needs of the project, and shall also be responsible for obtaining all easements for this line.

2) There shall be a minimum of two public accesses with parking areas, from Keoneoio-Makena Road to the shoreline. The Petitioners shall develop specifications of these public accesses with and subject to the approval of the Maui County Planning Department.

3) The Petitioners shall further evaluate the significance and future disposition of the identified historic sites and shall consult with the State Historic Preservation Office in order to preserve and protect the significant historic values of the subject property.

DATED: Honolulu, Hawaii, February 21, 1979.

STATE LAND USE COMMISSION

By



C. W. DUKE

Chairman and Commissioner

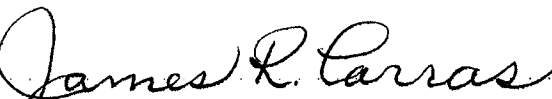
By



SHINICHI NAKAGAWA

Vice Chairman and Commissioner

By



JAMES R. CARRAS

Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By Edward K. Yanai
EDWARD K. YANAI
Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning & Economic Development
250 South King Street
Honolulu, Hawaii 96813

TOSH ISHIKAWA, Planning Director
Maui Planning Department
200 South High Street
Wailuku, Maui 96793

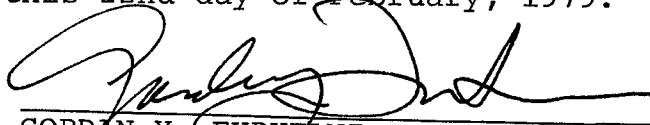
ROY TAKEYAMA
Suite 223, Bishop Insurance Building
33 South King Street
Honolulu, Hawaii 96813

ROLPH B. FUHRMAN
c/o Valley Isle Realty, Inc.
2180 Main Street
Wailuku, Maui 96793

C. P. ERDMAN
Ulupalakua Ranch, Inc.
Ulupalakua, Maui 96790

PAUL MCCARTHY
WALTER P. ZULKOSKI
LIFE OF THE LAND
404 Piikoi Street, Suite 209
Honolulu, Hawaii 96814

Dated: Honolulu, Hawaii, this 22nd day of February, 1979.

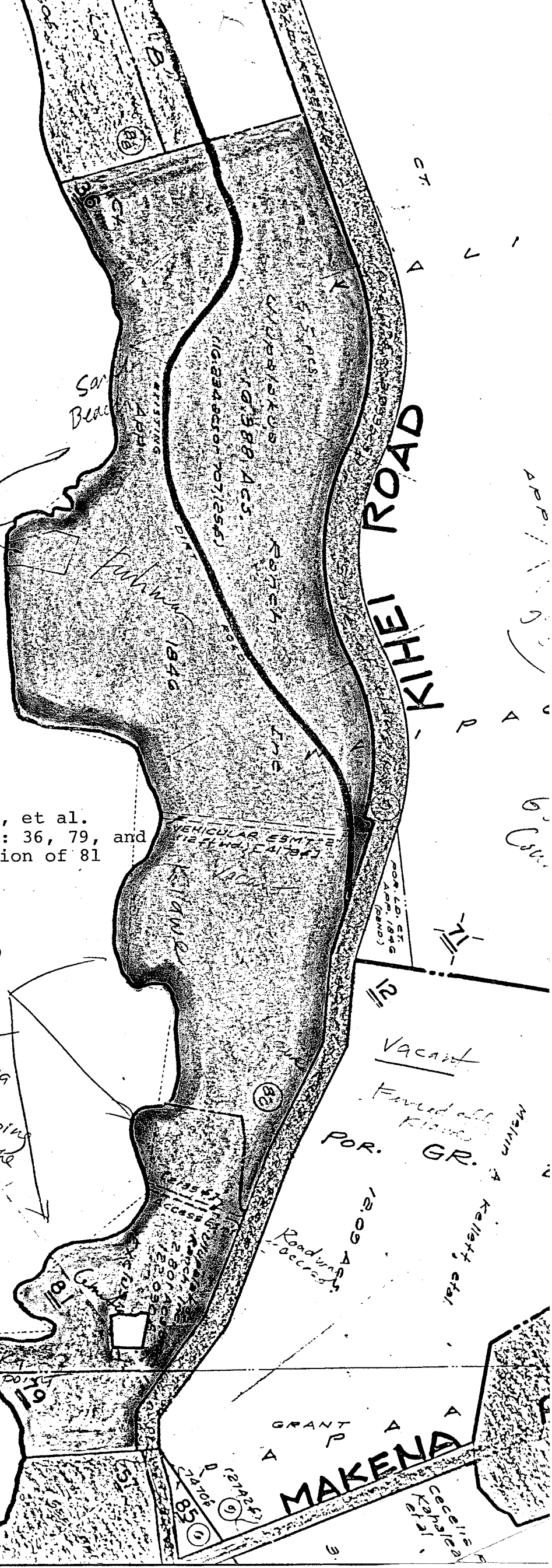

GORDAN Y. FURUTANI, Executive Officer
LAND USE COMMISSION

TRUE NORTH
Scale: 1" = 200'

A78-437
Rolph B. Führman, et al.
TMK: (2) 2-1-07: 36, 79, and
portion of 81

Handwritten: Sandy beach area
Handwritten: DUNE PATCH (OP. PAR. REGR. PATCH) INC.

Handwritten: Fishing area along coast, access via dirt road going thru the Kiowe.



KIHEI ROAD

MAKENA

MAHUNA B

MAHUNA

Vacant
Forced all
Klaim
POR. GR.

Road vint
occurred

GRANT

Cecelia
Kahala

11

12

170

181

182

VEHICULAR ESMT
(12 ft. wd.) (A1784)

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