

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )  
 )  
 of )  
 )  
 MAUI 100 PARTNERS for a )  
 Petition to amend the Land )  
 Use Commission District )  
 Boundary situated at )  
 Pulehunui and Waiakoa, Kula, )  
 Makawao, Island and County )  
 of Maui, State of Hawaii )  
 \_\_\_\_\_ )

DOCKET NO. A80-480

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|                                                    |                     |
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| In the Matter of the Petition )                    | DOCKET NO. A80-480  |
| )                                                  |                     |
| )                                                  | FINDINGS OF FACT,   |
| )                                                  | CONCLUSIONS OF LAW, |
| MAUI 100 PARTNERS for a )                          | DECISION AND ORDER  |
| Petition to amend the Land )                       |                     |
| Use Commission District )                          |                     |
| Boundary situated at )                             |                     |
| Pulehunui and Waiakoa, Kula, )                     |                     |
| Makawao, Island and County )                       |                     |
| of Maui, State of Hawaii )                         |                     |
| <u>                                          )</u> |                     |

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, DECISION AND ORDER

The above captioned Land Use Boundary Amendment proceedings were initiated by the Petitioner pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules and 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 Pulehunui and Waiakoa, Kula, Makawao, Island and County of Maui, from the Agricultural District to the Urban District, and the Commission, having heard and examined the testimony and evidence presented during the hearings held on May 28, 1980, and May 29, 1980, in Wailuku, Maui, hereby makes the following findings of fact and conclusions of law.

## FINDINGS OF FACT

### PROCEDURAL MATTERS

1. The Petition for Boundary Amendment was filed on March 6, 1980 by Maui 100 Partners to reclassify the district boundary of approximately 98.78 acres of land situate at Pulehunui and Waiakoa, Kula, Makawao, Island and County of Maui, from the Agricultural to the Urban District. The petition excluded 11.47 acres of land which are a part of the same parcel of land identified as Tax Map Key 3-8-04, Parcel 19, area of 110.25 acres and which are located on the extreme east end of the portion of the property mauka of Piilani Highway. The First Amendment to Petition for Boundary Amendment was filed on May 12, 1980. The Second Amendment to Petition for Boundary Amendment was filed on May 22, 1980, together with the Joinder by the owners, Roy K. P. Chong and Jack K. Tsukamoto. The area of the subject property was further amended during the hearing to approximately 94.541 acres.

2. Notice of the hearing scheduled for May 28, 1980, 9:00 a.m., at the County Building in Kahului, was published on April 25, 1980 in the Honolulu Advertiser and the Maui News.

3. No petitions for intervention were received on the petition.

4. An untimely request to appear as a witness by Michael Banfield, Director, Central Maui Soil and Water Conservation District, was postmarked May 16, 1980, and received by the Commission on May 19, 1980. The deadline for receiving requests to appear as public witnesses was

May 16, 1980. However, the Commission allowed Michael Banfield to testify as a public witness on behalf of the Central Maui Soil and Water Conservation District.

5. Cathryn Dearden, representing Life of the Land, testified as a public witness in favor of the project.

DESCRIPTION OF THE SUBJECT PROPERTY

6. The subject property is located at Kihei on the Island of Maui approximately nine (9) miles from Wailuku and Kahului, twenty (20) miles from Lahaina, four (4) miles from the center of Kihei, and six (6) miles from Wailea.

7. The subject property is identified as being a portion of Tax Map Key 3-8-04-19, containing approximately 110.25 acres, and consisting of portions of the lands described in and covered by Royal Patent Number 8140, Land Commission Award Number 52302 Keaweamahi, and Land Patent Grant Number 10038 to Hawaiian Commercial and Sugar Company, Ltd.

8. Fee simple title to the subject property is held by Roy K. T. Chong, husband of Elizabeth A. Chong, and Jack K. Tsukamoto, husband of Masae Tsukamoto, as joint tenants, and as trustees for Aina Kihei Development. Said fee owners have consented to and joined in the petition by the joinder filed on May 22, 1980. Petitioner Maui 100 Partners holds an exclusive option for the purchase of the subject property.

9. The area of the subject property to be reclassified was orally amended at the May 28, 1980 hearing

to be approximately 94.541 acres. This acreage was obtained by subtracting 11.289 acres comprising a triangular-shaped parcel located on the eastern portion of the subject property and subtracting 4.414 acres of land already classified Urban from the 110.25 acres which comprised the total acreage stated in the original petition.

10. The subject property, as revised, is comprised of three sections and the Piilani Highway parcel. The "mauka parcel", being the proposed single-family residential area, lies east (mauka) of Piilani Highway and contains an area of approximately 64.121 acres. The "Makai parcel", being the proposed multi-family residential area, lies west (makai) of Piilani Highway and contains an area of approximately 23.214 acres. The "park parcel" being the area proposed by the Petitioner to satisfy the parks and playgrounds requirement for subdivisions, under Section 46-6, Hawaii Revised Statutes and the County of Maui Subdivision Ordinance is located at the west end of the makai parcel and contains an area of approximately 3.242 acres. The Piilani Highway parcel contains a total of 3.964 acres.

11. The west boundary of the subject property fronts on Kihei Road.

12. The makai parcel is generally flat with a slope of about 1-1/2 percent. Proceeding uphill or mauka to the east from Piilani Highway the slope of the mauka parcel ranges from 5 to 8 percent with an overall slope average of approximately 3 to 4 percent.

13. Existing vegetation is predominately kiawe trees. There is no agricultural use at the present time. The subject parcel has formerly been used for pastoral use.

14. Piilani Highway is presently under construction and bisects the subject property in a north-south direction. This roadway is expected to be completed in early 1981.

15. Along the southeasterly boundary of the subject property is the Makai Heights Subdivision, designated to be within the Land Use Commission's Rural District and having lot sizes of not less than one-half (1/2) acre. Below or west of the Makai Heights Subdivision and mauka of Piilani Highway is the Kihei Heights Subdivision, which has been classified Urban by the Land Use Commission and zoned residential by the County of Maui. The area southwest of the proposed development and makai of Piilani Highway is designated Urban by the Land Use Commission and zoned residential by the County of Maui. Several hundred feet to the south of that is what is known as the Arilani Subdivision. Many homes have been constructed in the various subdivisions located south of the subject property. Along the north boundary of the subject property and makai of Piilani Highway are abandoned sugar cane fields; a portion of which area is presently being used as a plant nursery. To the northwest of the subject property is a commercial area that has a general store and restaurant.

16. The average annual rainfall on the subject property is between 10 to 30 inches.

17. According to the Land Study Bureau's "Detailed Land Classification -Island of Maui", the soils of the subject property are classified as "E72", "E77", and "E4". The site has an Overall Master Productivity Soil Rating of Class E or Very Poor. The soils are described as being of the Waiakoa, Pulehu, Alae, Puunene, Catano-Pulehu and Catano-Man-Made soil series.

18. The USDA Soil Conservation Service classifies approximately 45 percent of the subject property as Waiakoa, extremely stony, silty, clay loam (WLDZ). Approximately 30 percent of the subject property is classified as Waiakoa, very stony, silty, clay loam (WgB). The remainder of the property is Pulehu silty loam (PpA) and Alae sandy loam (AaB).

19. According to the Agricultural Lands of Importance to the State of Hawaii classification system (ALISH), approximately 25 acres of the western end of the subject property are classified as prime agricultural land. However, the prime classification is based upon the assumption that water is available.

#### PROPOSAL FOR RECLASSIFICATION

20. Petitioner is requesting a reclassification of the subject property from an Agricultural District to Urban District.

21. There is no agricultural use being conducted on the subject property at the present time. In the past, portions have been used for sugar cane cultivation and pasture use.

22. Petitioner proposes to develop the area of the subject property mauka of Piilani Highway into approximately 271 single-family residential lots having an average size of 7,800 square feet. The area makai of Piilani Highway is being proposed as a multi-family residential area having approximately 600 apartment units with an average floor area of approximately 900 to 1,000 square feet.

23. The intended market for the proposed development would be the moderate income target group. The estimated selling price of the single family units based on present day prices is expected to be approximately \$90,000 to \$100,000. The multi-family units are expected to be rented in a range from \$350.00 to \$550.00 per month, depending on the size of the units, based on present day prices.

24. The Petitioner has represented that it is willing to offer for sale or rental or cooperate with the Hawaii Housing Authority or the County of Maui, or both, for either or both of them, to offer for sale or rental within the subject property on a preferential basis, ten percent (10%) of the total of multi-family units and single-family house lots that will be developed by the Petitioner within the subject property at prices eligible for either State financing and/or federal insurance programs, either to various employers in the area, to be used as housing for employees of such employers or to residents of the State of Hawaii whose income qualify as low and moderate family income as determined by the Hawaii Housing Authority or the County of Maui.



25. The development time table is to begin construction of one-third of the single family units, being approximately 100 units, during the calendar year 1981. During 1982 and 1983, construction of approximately 100 single family units and 200 multi-family units are expected. In 1984, the remainder of approximately 200 multi-family units would be completed.

26. The estimated on-site and off-site development cost projections for the single-family residential units are \$4,649,872.00 based on present day costs. For the multi-family units, it is estimated at \$1,378,715.00 based on present day costs.

27. The Petitioner anticipates use of pre-cut building materials for construction of the project to control costs and to meet the objective of moderate cost housing.

28. The Petitioner represented that it and its developers will build single family and multi-family units in conformance with Federal Housing Administration (FHA) and Veteran's Administration (VA) minimum property standards. The prices of the single-family units will be based on FHA and VA appraisals.

29. Units in the proposed multi-family residential area are intended to be developed as rentals or sold in blocks of units to major county employers for their own employee housing programs.

30. The Petitioner, through its partners, has had extensive past experience in real estate development. Petitioner is a Hawaii general partnership composed of Professional Realty,

Inc. and Freeman, Penrose, Kajimura, Ltd. as general partners. Marshall Goldman is the owner of Professional Realty, Inc., a partner of Maui 100 Partners, and has been involved in various aspects of the real estate industry for approximately thirty years. He has built five subdivisions in Florida, totalling approximately 800 single-family homes, of which approximately one-third were VA/FHA financed. He has also built three condominium buildings and twenty-eight apartment houses in the Bahamas and Florida. In Hawaii, he was the vice president of the developer of the Princeville project on Kauai, and has developed three other projects on Oahu. The firm of Freeman, Penrose & Kajimura, Ltd. is also a partner of Maui 100 Partners and also has experience in real estate development. The firm has been a general partner in developing four condominium projects in Hawaii, and a 296-lot subdivision in Florida.

31. The Petitioners have represented that they have the financial ability to undertake development of the proposed project. Marshall Goldman has represented that in the past he has borrowed ten million dollars from American Savings and three million dollars from Bank of Hawaii. The firm of Freeman, Penrose & Kajimura, Ltd. has a net worth of approximately three million dollars.

32. The Petitioners have represented that current FHA/VA lenders have indicated that a market exists for the proposed development and that mortgage insurance as well as the financing is available to prospective purchasers.

33. Based upon the anticipated cost of the homes, improvements, and the cost of the land, the Petitioner has

indicated that the project is financially feasible and the objective of developing and marketing single family homes on the mauka parcel at sales prices (based on present day costs) ranging between \$90,000 - \$100,000 in 1979 dollars can be met.

STATE AND COUNTY PLANS

34. The subject property is situated within the State Land Use Agricultural District as reflected on Land Use District Boundary Maps M-6 (Maalaea) and M-8 (Puu O Kali).

35. The mauka parcel of the subject property, being mauka of Piilani Highway, and containing approximately 64.121 acres, is designated single-family residential by the County of Maui General Plan (herein "County General Plan"). The makai parcel, containing approximately 23.214 acres, is designated as multi-family residential by the County of Maui General Plan. The park parcel, containing approximately 3.242 acres, is proposed by the County General Plan as a future park site.

36. The Petitioner proposes that it will conform to the County General Plan in that the same areas and uses designated in the County General Plan for urban uses will be followed by the Petitioner, and therefore, no General Plan amendments will be necessary. County zoning for the subject property is presently agricultural.

37. The makai parcel of the subject property is within the Special Management Area designated under the Coastal Zone Management Law.

38. Both the Department of Planning and Economic Development and the Maui Planning Department support the petition.

NEED FOR GROWTH AND DEVELOPMENT

39. Based on projections of demand, a favorable market response to the proposed project is anticipated. This is due to the following reasons:

(a) With housing prices increasing faster than household income, the price of housing is now higher than can generally be afforded by Maui's lower and moderate and many middle income households if financed by conventional means.

(b) Employment projections show the total number of jobs on Maui may increase by 47 percent between 1980 and 1990.

(c) Rapid population growth is also projected for Maui with the population increasing from nearly 50,000 persons in 1980 to over 85,000 in 1990.

(d) Visitor industry employment requirements are also anticipated to intensify the specific need for moderate and middle income housing units. This is particularly true in major resort areas such as Lahaina and the Kihei-Wailea region.

(e) The location of the subject property is very central in relation to employment areas such as Lahaina, Wailuku, Kahului and Wailea and it is located adjacent to the major transportation network.

(f) The housing requirements for Maui are projected to grow from approximately 18,800 units in 1980 to nearly 28,000 in 1990. This is a rate of increase of over 900 units per year. Of this amount, nearly 90 percent of the effective demand by Maui residents is estimated to be for units priced under \$100,000 (at today's dollars) using conventional financing.

(g) Few of the subdivisions or other projects under construction or being marketed presently on Maui and in the Wailea/Kihei region are being sold for prices under \$100,000.

40. The development of moderate-income housing on the subject property will provide needed housing for Maui's residents in an area accessible to employment centers. The proposed development will also help balance the housing supply for different economic and social groups.

#### IMPACT ON RESOURCES OF THE AREA

##### AGRICULTURAL RESOURCES

41. There has not been any use of the subject property for agricultural purposes for at least the past 18 years. Prior to that time, the only agricultural use of the property was in grazing land for raising cattle and the cultivation of sugar cane. Such use of the property was not deemed to be economically feasible and was discontinued. Therefore, the proposed use of the subject property would not displace any current agricultural use.

42. Diversified farming use is not economically feasible for the subject property due to a lack of water.

43. The construction of the Piilani Highway through the subject property further hinders accessibility to the makai parcel.

FLORA AND FAUNA

44. The existing flora of the subject property consists largely of kiawe and other common brush and grasses. None of the plant species are considered rare or endangered.

AIR QUALITY

45. Short term dust problems related primarily to construction activity are anticipated. To mitigate such effect, the subject area will be sprinkled with water throughout the construction phase. Dust arising from sugar cane harvesting in the area north of the mauka parcel may be blown over the subject property. The Petitioner will notify potential purchasers of this condition. A mitigating measure to control the dust problem may be a planting screen such as a tree line or hedge.

TSUNAMI INUNDATION AND FLOODING

46. Only the extreme northwest corner of the makai parcel would be affected by any tsunami inundation. Any flooding which may occur will also be confined to the same northwest corner of the makai parcel. In either situation, elevation of the building pads to a height of twelve feet or higher will mitigate the impact of any tsunami inundation and flooding.

## NOISE

47. Landscaped buffer strips in conformance with County requirements will be provided to mitigate highway noise. The buffer zone will also be landscaped for aesthetic purposes.

48. There are no significant recreational resources within the subject property. The Petitioner is proposing to use the 3.2442 acres of land along the extreme makai section of the makai parcel which adjoins the old Kihei Elementary School grounds and Kihei Road as part of its required contribution to the County under the park dedication provision of the subdivision ordinance. The developer may also improve the area set aside for park purposes or contribute other parcels of land within the subject property for park purposes in lieu of the park assessment. The additional land for park purposes will improve and promote accessibility and the use of the beach and shoreline opposite the makai parcel along Kihei Road.

## HISTORIC RESOURCES

49. Ten archaeological sites are located on the subject property, however, none are recommended for further archaeological study.

## ADEQUACY OF PUBLIC SERVICES AND FACILITIES

### FIRE FIGHTING SERVICES

50. A county fire station is located next to and on the north side of Kalama Park and it will be able to service the subject property.

#### POLICE SERVICES

51. All police services are operated out of the Wailuku main station and will be able to serve the subject property.

#### SCHOOL SERVICES

52. The new Kihei School is located approximately four miles south of the subject property. Maui High School is located in Kahalui. The Department of Education has stated that new classrooms at Kihei Elementary and Intermediate Schools will have to be constructed in order to accommodate the anticipated increased enrollment generated by the proposed development.

#### AMBULANCE SERVICE

53. There is ambulance service located at the site of the old Kihei School on the property adjoining the subject property. Maui Memorial Hospital is located in Wailuku. These services are available to the proposed development.

#### ELECTRICAL UTILITY SERVICE

54. Maui Electric Company has indicated that it will be able to provide whatever power needs the proposed development will require.

#### TELEPHONE SERVICES

55. Hawaiian Telephone Company has indicated it does not anticipate any problems in servicing the proposed development.



WATER

56. The 36- inch Central Maui Water Transmission Line crosses the subject property at the east end. There is also an 18-inch water line that runs along what is known as Kaiola Road on the Makai parcel. A two million gallon storage tank is located to the south and east of the subject property. The source for the 18-inch water line is in Mokuahu in Wailuku. The elevation of the well site is approximately 258 feet; the capacity of the wells are approximately 10 million gallons per day. The source for the 36-inch water line is in upper Waiehu past Wailuku and is situated at an elevation of 490 feet. The first phase of the upper Waiehu well site has a capacity of 8 million gallons per day.

The combined water sources for the Central Maui area are, therefore, capable of delivering 18 million gallons a day. Kihei has about one-third of the population of the Central Maui area. Therefore, approximately 6 million gallons of water a day will be available for the Kihei area. The average daily basis for water consumption in Kihei is presently estimated to be between 2.5 to 3.0 million gallons. The anticipated water demand for the single-family residential area of the proposed development is estimated to be 173,000 gallons per day; the water consumption for the multi-family area is estimated to be 310,500 gallons per day, for a total estimated water demand of 480,500 gallons per day for the proposed project. Based upon the maximum daily flow factor, the maximum daily flow for the project would be approximately 720,000 per day. Thus, the present water system has suffi-

cient capacity to provide the water needs of the proposed development.

The water moratorium in effect for the central Maui and Kihei area exempts single-family residential developments such as the proposed development of the mauka parcel. With respect to the multi-family residential development the developer has the three alternatives: (a) waiting until the project qualifies for the 1.5 million gallons per day allocation and paying the assessment of \$2,700.00 per unit; (b) participating with other developers in source development, or (c) qualifying for exemption under the Employee Housing Provision or for the Government Sponsored Public Housing Provision of the water moratorium rule.

#### SEWER

57. The north Kihei sewage system was designed for a population of approximately 28,000 persons. There is presently a population estimated at 5,000 for north Kihei and 4,400 persons from Maalaea. The first phase of the Kihei Treatment Plant presently in operation was designed for 4.0 million gallons of sewage per day. The present flow into the plant is 1.5 million gallons per day. The average daily flow expected from the proposed single-family residential area is estimated at 115,200 gallons per day; the average daily flow expected from the multi-family residential area is 207,000 gallons per day. With an infiltration amounting to 45,000 gallons per day, the average daily sewage flow for the proposed development amounts to approximately 367,000

gallons per day. Therefore, the present system is more than adequate to handle the sewer flow from the proposed development.

#### DRAINAGE

58. The primary drainage pattern for the site is presently towards Waiakoa Gulch (north) and subsequently to the ocean at Maalaea Bay. Surface runoff is presently accommodated through open ditches and ground swales on the subject property.

The present onsite runoff is calculated to be approximately 230 cubic feet per second (cfs), with an anticipated increase of 120 cfs after the development is completed. This additional runoff will be collected by a series of internal catch basins and storm basins. It will then be conveyed down to Kihei Road, then along Kihei Road to the north, and finally discharged on the makai side of Kihei Road. Alternatively, the runoff may be discharged by taking the drain line out to the remnant of the old Kihei Pier.

The offsite runoff presently flows down from the mauka lands along the southern boundary of the subject property, ending at Kenoli Road next to Kihei School and the proposed park site. Then it overtops Kihei Road and goes to the ocean.

To minimize the amount of suspended solids entering into Maalaea Bay, the proposed park site may be used as a temporary detention pond. Such a temporary detention or

sedimentation pond would cause all suspended solids to settle out before the water entered into the ocean.

With the completion of Piilani Highway, flooding of the area where Kihei Road crosses Waiakoa Gulch would not constitute a problem since the flooded area could be by-passed. Furthermore, the additional offsite flow caused by the project would not significantly affect the present drainage of Waiakoa Gulch due to the fact that it would only constitute approximately 1-1/2 percent of the total flow. In terms of water level, it would raise the height of the water by approximately one inch.

#### ROADWAY AND HIGHWAY SERVICE

59. The proposed development will not have an adverse traffic impact on the adjoining roadways and highway system upon its completion in 1984. In terms of the impact on the level of service at each intersection in the project vicinity, the traffic increases resulting from project-generated traffic do not significantly change the operational characteristics of any of the intersections.

#### SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

60. The amendment of the Land Use Boundary to include the proposed development within the Urban District will not result in scattered urban development. The proposed development is contiguous to an existing Urban District along the southern border of the development. The proposed project will include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses. The urbanization of the subject

property would, therefore, not necessitate unreasonable investments in public supportive services as shown in the previous ten (10) findings.

PREFERENCE FOR DEVELOPMENT

61. The proposed development will promote the policies of the Interim Statewide Land Use Guidance Policies by providing needed housing accessible to existing or proposed employment centers and by providing a balanced housing supply for all economic and social groups through the delivery of moderate-income housing in an area where few of the single family lots or multi-family units being developed will serve moderate-income housing needs. The project's location would allow residents to commute to all employment areas on Maui. It is near existing urbanized areas and is well served by existing and planned networks of roads. It is also in the major employment growth region of Maui.

CONFORMANCE WITH INTERIM STATEWIDE LAND  
USE GUIDANCE POLICIES AND DISTRICT REGULATIONS

62. The Land Use Amendment to the Urban District is reasonably necessary to accommodate growth and development because:

(a) Employment projections show a 47 percent increase in the number of jobs on Maui over the next ten years.

(b) Population growth projections for Maui show an increase from 50,000 persons in 1980 to over 85,000 in 1990.

(c) Visitor industry employment requirements are expected to intensify the need for moderate and middle income housing units, especially in major resort areas, such as the Kihei-Wailea region.

(d) The housing requirements for Maui are projected to grow from approximately 18,800 units in 1980 to nearly 28,000 in 1990, reflecting a rate of increase in excess of 900 units per year; of this amount, nearly 90 percent of the effective demand of Maui residents is estimated to be for units priced under \$100,000 (at today's dollars) using conventional financing.

(e) Few of the subdivisions or other projects under construction or being marketed presently on Maui and in the Wailea/Kihei region are being sold for prices under \$100,000.

63. The proposed development will not have any significant adverse effects upon the natural, environmental, recreational, scenic, historic or other environmental resources of the area.

64. The proposed development will not have any significant adverse effect upon the agricultural resources of the area since the Overall Master Productivity Soil Rating for the subject property is Very Poor, no agricultural use of the subject property has or is being made of the subject property, and diversified farming is not economically feasible due to a lack of water.

65. Adequate public services and facilities such as fire fighting services, police, schools, ambulance ser-

vice, electrical and telephone services, water, sewer, drainage, and roadway and highway facilities are all available and in close proximity to the subject property. The proposed development makes maximum use of existing public services and facilities. Piilani Highway and other existing roadways will be adequate to serve the proposed development at the time of its completion.

66. The proposed development is contiguous to an existing urban area, and will not contribute to scattered urban development. The proposed project will include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses. The urbanization of the subject property would therefore not necessitate unreasonable investments in public supportive services.

67. The proposed development will provide needed housing accessible to existing and proposed employment centers due to the location of the subject property. The subject property is near the existing urban areas of Kihei, Wailea, Wailuku, and Kahului, and can also serve the West Maui area of Lahaina. The subject property is located within the major employment growth region of Maui. The proposed development will also assist in balancing the housing supply for all economic and social groups by providing moderate-income housing in an area where few of the single-family lots or multi-family units being developed serve moderate-income housing needs.

68. The amendment of the Land Use Boundary to the Urban District will conform to and not be in conflict with the Maui County General Plan. Furthermore, no amendment of the Maui County General Plan is required to implement the proposed development.

CONCLUSIONS OF LAW  
RELATED TO PROCEDURAL MATTERS

1. The petition as amended was duly filed in compliance with the Rules and Regulations of the Land Use Commission.

2. The Notice of Hearing was published in accordance with statutory requirements and the Rules and Regulations of the Land Use Commission.

3. The hearings were held and conducted in accordance with statutory requirements and the Rules and Regulations of the Land Use Commission.

CONCLUSIONS OF LAW  
RELATED TO RECLASSIFICATION

Pursuant to Chapter 205, Hawaii Revised Statutes, and State Land Use Commission Rules of Practice and Procedure, and State Land Use Commission District Regulations, the Commission concludes that the boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with Section 205-2, Hawaii Revised Statutes, and with the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1, Hawaii Revised Statutes, and by State Land Use District Regulation 6-1.



ORDER


IT IS HEREBY ORDERED that the property which is the subject of the Petition of MAUI 100 PARTNERS in this Docket Number A80-480, consisting of approximately 94.541 acres of land situated at Pulehunui and Waiakoa, Kula, Makawao, Island and County of Maui, State of Hawaii, and being also identified as a portion of Tax Map Key 3-8-04-19, and also consisting of portions of the lands described in and covered by Royal Patent Number 8140, Land Commission Award Number 52302, Keaweamaahi, and Land Patent Grant Number 10038 to Hawaiian Commercial and Sugar Company, Ltd., shall be and is hereby reclassified from the Agricultural District to the Urban District and the Land Use District Boundaries are amended accordingly. The reclassification, however, is subject to the following condition:


The Petitioner shall offer for sale or rental, or cooperate with either or both the Hawaii Housing Authority or the County of Maui, to offer for sale or rental on a preferential basis, ten percent (10%) of the total of multi-family units and single-family houselots to be developed within the subject property, either (a) in the case of multi-family units, to various employers in the area to be used for rental housing for their employees, or, (b) in the case of single-family houselots, to residents of the State of Hawaii which employees or residents shall have low and moderate family income as determined by the Hawaii Housing Authority or the County of Maui from time to time, or any combination thereof. In

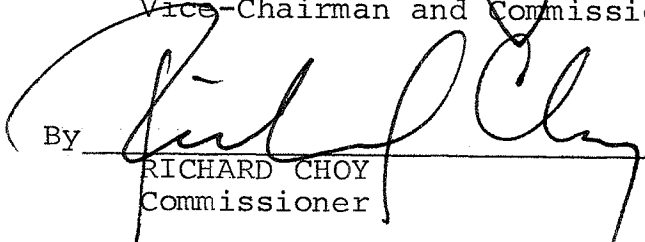
case of a sale, preferential single-family lots shall be offered for sale at prices not exceeding prices that enable a purchaser to qualify for and obtain state financing (e.g., Act 105 or Hula Mae funds) or federally insured financing (e.g., FHA 245 program) or other federally assisted programs. Preferential multi-family units shall be offered for rental at rents not exceeding rents consistent with income guidelines set by the Hawaii Housing Authority. This condition may be fully or partially released by the Commission as to all or any portion of the subject property upon timely motion and provision of adequate assurance of satisfaction of this condition by the Petitioner.

DONE at Honolulu, Hawaii, this 19th day of November, 1980, per Motion on September 16, 1980.

LAND USE COMMISSION  
State of Hawaii

By   
C. W. DUKE  
Chairman and Commissioner

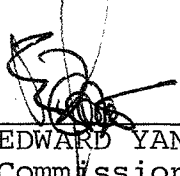
By   
SHINICHI NAKAGAWA  
Vice-Chairman and Commissioner

By   
RICHARD CHOY  
Commissioner

By   
SHINSEI MIYASATO  
Commissioner

By \_\_\_\_\_  
GEORGE PASCUA  
Commissioner

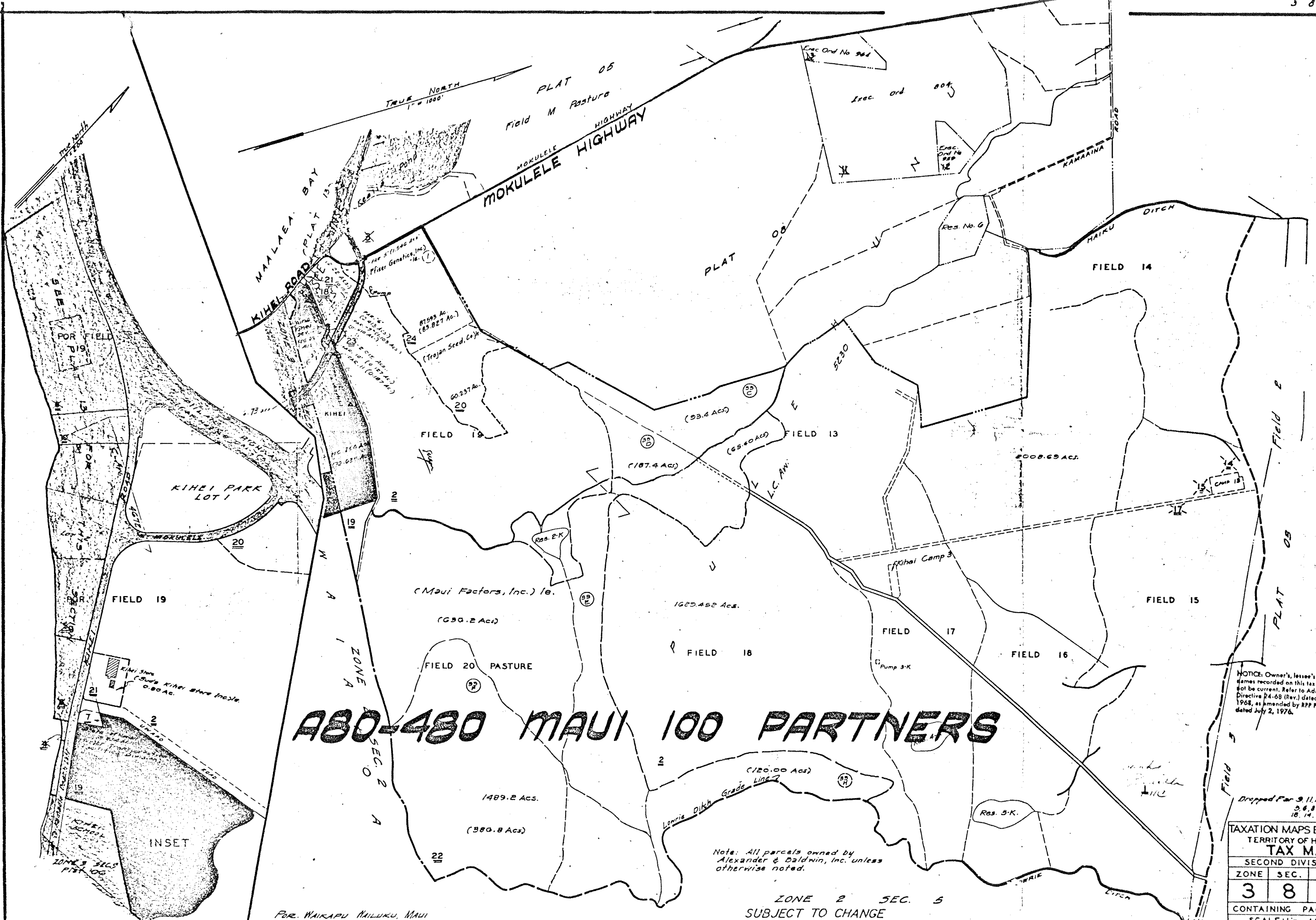
By Carol B. Whitesell  
CAROL WHITESELL  
Commissioner

By   
EDWARD YANAI  
Commissioner

By William Yuen  
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Dwg. No. 5422  
 Shown on Plat 05  
 By: D.S.C.H.N. 1/26/65



# ABO-480 MAUI 100 PARTNERS

Note: All parcels owned by Alexander & Baldwin, Inc. unless otherwise noted.

ZONE 2 SEC. 5  
SUBJECT TO CHANGE

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 2, 1968, as amended by RFP Procedure 4-76 dated July 2, 1976.

Dropped Parcels 9, 11, 12, 13, 3, 4, 5, 6, 8, 10, 16, 17, 18, 14, 15, 17

|                         |      |      |
|-------------------------|------|------|
| TAXATION MAPS BUREAU    |      |      |
| TERRITORY OF HAWAII     |      |      |
| TAX MAP                 |      |      |
| SECOND DIVISION         |      |      |
| ZONE                    | SEC. | PLAT |
| 3                       | 8    | 04   |
| CONTAINING PARCELS      |      |      |
| SCALE: 1 in. = AS NOTED |      |      |

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )  
 )  
 of )  
 )  
 MAUI 100 PARTNERS for a )  
 Petition to amend the Land )  
 Use Commission District )  
 Boundary situated at )  
 Pulehunui and Waiakoa, Kula, )  
 Makawao, Island and County )  
 of Maui, State of Hawaii )  
 )

DOCKET NO. A80-480

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  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

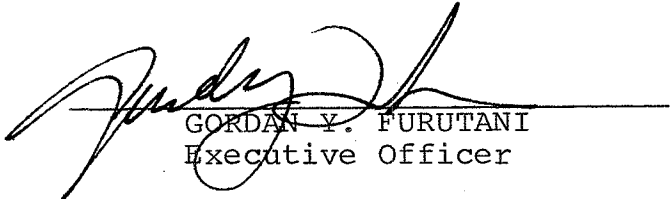
ANNETTE CHOCK, Deputy Attorney General  
Department of Attorney General  
Capital Investment Building  
Penthouse, 850 Richards Street  
Honolulu, Hawaii 96813

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

PAUL MANCINI, Corporation Counsel  
Office of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

TAMOTSU TANAKA, Attorney for Petitioner  
703 C. R. Kendall Building  
888 Mililani Street  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 24th day of November, 1980.

  
GORDAN Y. FURUTANI  
Executive Officer