

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-576
HALEAKALA GREENS CORP.)	
To Reclassify Approximately 229.3)	HALEAKALA GREENS CORP.
Acres of Land Currently in the)	
Agricultural District into the)	
Urban District at Kula, Makawao,)	
Maui, Hawaii, Tax Map Key 2-2-02:)	
Portion of Parcel 42)	
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION AND ORDER

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FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION AND ORDER

Haleakala Greens Corp., a Hawaii corporation, (hereinafter "Petitioner"), filed this petition on August 24, 1984, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure and District Regulations of the Land Use Commission, State of Hawaii, to amend the land use district boundaries for approximately 229.3 acres of land, Maui Tax Map Key 2-2-02: portion of parcel 42, (hereinafter "Property", or "Project Site") situate at Kula, Makawao, County of Maui, State of Hawaii, from the Agricultural District to the Urban District. The Land Use Commission (hereinafter "Commission"), having heard the evidence presented on this matter and having considered the full record as presented in Docket No. A84-576, hereby makes the following Findings of Fact, Conclusions of Law and Decision and Order:

FINDINGS OF FACT

PROCEDURAL HISTORY

1. The Commission conducted the hearing on this petition on January 29, 1985, pursuant to notices published in the Maui News and Honolulu Advertiser on December 21, 1984.

2. The Commission did not receive requests to intervene nor to appear as public witnesses.

DESCRIPTION OF THE PROPERTY

3. The Property is situated at Waiohuli and Keokea, Kula, Makawao, Maui east (mauka) of and abutting Piilani Highway at the Lipoa Street intersection.

The Property, including surrounding lands to the north, east, and south, are used for cattle grazing by the fee owner Haleakala Ranch Company.

Petitioner entered into an agreement with Haleakala Ranch Company on May 15, 1984 for options to lease the Property for a period totaling 60 years.

4. The Property slopes to the west at a rate of generally 3 to 10 percent.

5. The elevation of the Property range from 75 feet to 160 feet above sea level.

6. The Property's annual rainfall averages 10 to 15 inches.

7. The United States Department of Agriculture (USDA) Soil Conservation Service Soil Survey classifies a majority of the soils of the Property as Waiakoa extremely stony silty clay loam, 3 to 25 percent slopes, eroded (WID2).

The Waiakoa series consists of well-drained soils and occur on the uplands of the island of Maui. Waiakoa extremely stony silty clay loam, 3 to 25 percent slopes, eroded, exhibits medium runoff and severe erosion hazard. In most areas 50 percent of the surface layer has been removed by erosion. These soils are used for pasture and wildlife habitat.

Remaining soil types on the Property include Pulehu clay loam 0 to 3 percent slope (Psa) and Alae sand loam 3 to 7 percent slope (AaB).

8. The State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system classifies approximately 8.3 acres of the Property as Prime Agricultural Land.

9. The Federal Insurance Administration's Flood Insurance Study for the island of Maui designates the Property as "Zone C", an area of minimal flooding.

PROPOSAL FOR DEVELOPMENT

10. Petitioner proposes to build an eighteen hole regulation public golf course, a practice driving range, a miniature golf course, and support facilities including

a 160 car parking lot, a clubhouse/pro shop, cart storage area, maintenance compound, one staff residence and a tree nursery.

11. Petitioner anticipates green fees to be \$7.50 for residents and \$15.00 for visitors.

12. Petitioner estimates development costs as follows:

Golf Course Construction:	\$ 3,000,000
Utilities, Roads, and Parking:	450,000
Buildings:	550,000
Equipment:	200,000
Financing and Management:	<u>500,000</u>
	\$ 4,700,000

13. Petitioner estimates that construction of the golf course will take 18 months beginning in 1985. Petitioner plans to start operations by 1987.

PETITIONER'S FINANCIAL CAPABILITY

14. Petitioner's balance sheet as of July 31, 1984, lists total assets of \$60,379.48 and stockholders' equity of \$60,379.48.

CONFORMANCE WITH STATE AND COUNTY PLANS AND PROGRAMS

15. The Property is designated Agricultural on the Commission's State Land Use District Map M-8. Land to the west of Piilani Highway is classified in the Urban District.

16. The Maui County Kihei General Plan designates the Project Site Agriculture. The proposed Kihei-Makena Community Plan designates the Project Site Park. Current County zoning of the site is Agriculture with a 2-acre minimum lot size.

17. The Property is not situate within the County's Special Management Area.

NEED FOR THE PROPOSED DEVELOPMENT

18. Petitioner proposes to develop the golf course to meet the golfing needs of residents and tourists at rates significantly below that of the resort courses. The golf course would be privately owned and operated and open to the public.

19. The State Recreation Plan Technical Reference Document (1980) indicates a high long-term need for golf course facilities on Maui based on projected growth of population and recreation from 1986 to 1995. There are currently 9.5 golf courses on the island of Maui. Of these 9.5 golf courses, 7 are resort courses, operating in conjunction with a hotel or other resort site, two are public golf courses (the municipal course at Waiehu and a private course at Pukalani), and one is a 9-hole private country club (Maui Country Club).

Existing golf facilities in the Kihei region are available only at the Wailea and Makena resort courses.

20. Petitioner anticipates the proposed golf course

will provide approximately 20 permanent jobs.

IMPACTS ON RESOURCES OF THE AREA

21. Drainage. Petitioner anticipates a decrease in onsite runoff due to the higher absorption rate of the golf course. Petitioner will design the proposed golf course to alleviate flooding conditions in the Kihei lowlands by directing runoff into natural depressions and shallow basins constructed within the Project Site. Petitioner will locate, grade, and landscape the retention basins within the golf course fairways and open spaces.

22. Agricultural Resources. Petitioner does not anticipate that removal of the Property from cattle grazing will have significant adverse impacts upon agricultural activities or resources of the area.

The State Department of Agriculture has indicated that there are no known intensive agricultural uses in the Property's immediate vicinity and that the Property does not meet the generally understood definition of important agricultural land.

23. Fauna and Flora. Petitioner's environmental consultant, GPEC Consulting, Ltd. (GPEC) prepared a report for the Project Site in April, 1984. GPEC concluded that animals in and around the Property include mongoose, mice, quail, pheasant, turkey and gray francolins and there are

no proposed or designated wildlife habitats within the Project site.

Flora and fauna species found on the Project Site are commonly found throughout the State.

24. Historical/Archaeological Resources. The State Department of Land and Natural Resources Historic Preservation Office indicated that while there are no confirmed sites of unique historic, cultural or archaeological value within the Property, such sites may exist within the area.

Petitioner will conduct an archaeological reconnaissance survey of the Property prior to development. In the event any archaeological sites are found, Petitioner will cease development activities and notify the State Historic Preservation Office.

25. View Plane. The predominant scenic and visual features of the Kihei region include Haleakala Volcano and the expansive views of the coast line of southeastern Maui and the islands of Kahoolawe and Lanai.

Petitioner believes that construction of a golf course along an otherwise barren and dry strip of land would enhance the scenic qualities of the region.

26. Air Quality. Petitioner anticipates that the ambient air quality of the Property and general vicinity will deteriorate during the construction phase. Petitioner will implement measures to mitigate potential air quality problems in conformance with the Maui County grading and erosion control standards.

27. Noise. Petitioner will implement measures to mitigate any adverse noise impacts on nearby residential areas in conformance with Maui County and State of Hawaii Department of Health guidelines.

PUBLIC SERVICES AND FACILITIES

28. Police Services and Fire Fighting Services. Police services are available from the Kihei Community Center and a fire station is located on Kihei Road next to Kalama Park within five minutes of the proposed golf course.

29. Medical Services. Emergency ambulance service is available at the Kihei Community Center and a health clinic currently exists on Lipoa Street.

30. Water. Petitioner estimates average daily potable water requirements for the proposed development will range from 3,000 to 4,500 gallons per day.

Petitioner will provide potable water to the Property by constructing a new water line across Piilani Highway from Lipoa Street connecting to the existing County low-level water system along Piilani Highway. This low-level system, which had an average use of 4.5 million gallons per day (MGD) in 1983, delivers up to 14 MGD.

31. Petitioner proposes to use treated effluent from the Kihei Sewage Treatment Plant (STP) to irrigate the golf course. Petitioner estimates that approximately 1.0 to 1.25 MGD of effluent will be needed to irrigate the proposed golf course.

Presently, Kihei's STP treated effluent is being discharged into a holding pond or injected into the underground aquifer for disposal. Petitioner proposes to lease treated sewage effluent from Haleakala Ranch Company who will enter into an agreement with the County of Maui to use the Kihei STP effluent.

32. Petitioner proposes to develop a secondary irrigation water source in the event the primary water source is unavailable.

33. Petitioner will comply with all State Department of Health and Environmental Protection Agency regulations applicable to the use of treated secondary sewage effluent for irrigation.

34. Sewage Treatment Disposal Services. Petitioner estimates sewage generated from the proposed golf course facilities as approximately 1850 gpd. Petitioner will install several individual wastewater systems onsite with provisions to tie into the County sewer system located makai of Piilani Highway on East Lipoa Street at a later date. Sewage in the County system is treated at the Kihei STP which has a design capacity of 4 MGD. Current daily flows fluctuate between 2.1 and 3.3 MGD.

35. Roadway and Highway Services. Access to the proposed golf course will be from the intersection of Piilani Highway and Lipoa Street. The State Highway Department provided deceleration and left turn storage lanes when Piilani Highway was constructed.

Petitioner's proposed access will also be used as the main access for the proposed Research and Technology Park (R & T Park) located mauka of the Project Site. The Proposed R & T Park is before the Commission as a petition for boundary amendment, Docket No. A84-585.

The State Department of Transportation (DOT) has indicated that the Petitioner should be responsible for all costs to construct adequate acceleration/deceleration lanes and left turn storage lanes for the mauka side of the intersection at Piilani Highway and that these improvements should be coordinated with DOT.

36. Electrical Utility Services. Maui Electric Company will provide electrical service through overhead power lines to the Project Site.

Hawaiian Telephone Company will provide telephone service to the Project Site.

CONTIGUITY OF DEVELOPMENT

37. The proposed development is separated from existing Urban lands by the Piilani Highway. These Urban lands are situated makai or west of the highway and planned for residential and commercial uses.

CONFORMANCE WITH THE HAWAII STATE PLAN

38. Petitioner's proposed development conforms with the objectives and policies of Chapter 226, Hawaii State Plan as follows:

Section 23(a):

"Planning for the State's socio-cultural advancement with regard to leisure shall be

directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations."

Section 23(b) (2):

"Provide a wide range of activities and facilities to fulfill the recreation needs of all diverse and special groups."

Section 23(b) (5):

"Ensure opportunities for everyone to use and enjoy Hawaiian recreational resources."

PREFERENCES FOR DEVELOPMENT

39. Petitioner will employ approximately 20 persons on a full-time basis.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

40. The Property is situated in an area of expanding urban activity. The Kihei region, extending along the coast from Maalaea to Wailea, is characterized by multi-family and single-family residential uses as well as commercial uses. The shoreline area includes visitor accommodation units such as apartment-condominiums and hotels while the inland mauka area includes single-family residential uses.

41. The proposed boundary amendment is consistent with the State Land Use Commission's District Regulations Part II - 2 - 2 (1), in that:

(a) Petitioner proposes to create a new center of employment.

(b) Based on current demands, Petitioner believes the proposed golf course is feasible.

(c) The Project Site is proximate to existing urban development located across Piilani Highway. Reclassification of the Property will not contribute to scattered spot urban development nor an unreasonable investment in public supportive services.

(d) The Property does not have any adverse geographic or topographic constraints which would hinder or endanger the proposed project, nor is it susceptible to drainage problems, flooding, tsunami inundation, unstable soil conditions or other adverse environmental effects.

(e) Petitioner's proposed golf course would satisfy demand for modestly-priced golf and could help to alleviate overcrowding at the municipal course at Waiehu.

INCREMENTAL DISTRICTING

42. Petitioner will develop the golf course within five (5) years from the date of the Commission's approval.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of approximately 229.3 acres of land from the Agricultural District to the Urban District at Kula, Makawao, Island of Maui, State of Hawaii, and identified by Maui Tax Map Key: 2-2-02: portion of Parcel 42, for a golf course, driving range, miniature golf, and support facilities subject to the conditions stated below, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2, Hawaii Revised Statutes, as amended, and is consistent with the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes, as amended.

ORDER

IT IS HEREBY ORDERED that the Property which is the subject of the Petition in this Docket No. A84-576, consisting of approximately 229.3 acres, identified by Maui Tax Map Key: 2-2-02: portion of Parcel 42, at Kula, Makawao, Island of Maui, State of Hawaii, and more specifically described in Exhibit A attached hereto and incorporated by reference herein, shall be and the same is hereby reclassified from the Agricultural District to the Urban District and the District boundaries are amended accordingly, subject to the following conditions:

1. Petitioner shall conduct or cause to conduct an archaeological reconnaissance survey of the Property by a qualified archaeologist, and shall submit copies of the completed survey report to the Historic Sites Office of the State Department of Land & Natural Resources for review and comment prior to the start of construction.

2. The petitioner shall make roadway and traffic improvements to the Lipoa Street/Piilani Highway intersection at such time as the State Department of Transportation deems necessary due to increased traffic flow because of the development of the golf course and research and technology park, and sharing the expense of such improvements equally with the developer of the research and technology park.

3. That the applicant develop a secondary irrigation water source which can be utilized for turf and landscape irrigation, in the event the primary water system exceeds established safety levels.

These conditions may be fully or partially released by the Commission as to all or any portion of the Property, upon timely motion and provision of adequate assurance of satisfaction of these conditions by the Petitioner.

DOCKET NO. A84-576 - HALEAKALA GREENS CORP.

Done at Honolulu, Hawaii, this 15th day of July,
1985, per motions on April 16, 1985 and June 18, 1985.

LAND USE COMMISSION
STATE OF HAWAII

By *J. P. Tacbian*
TEOFILO PHIL TACBIAN
Vice Chairman and Commissioner

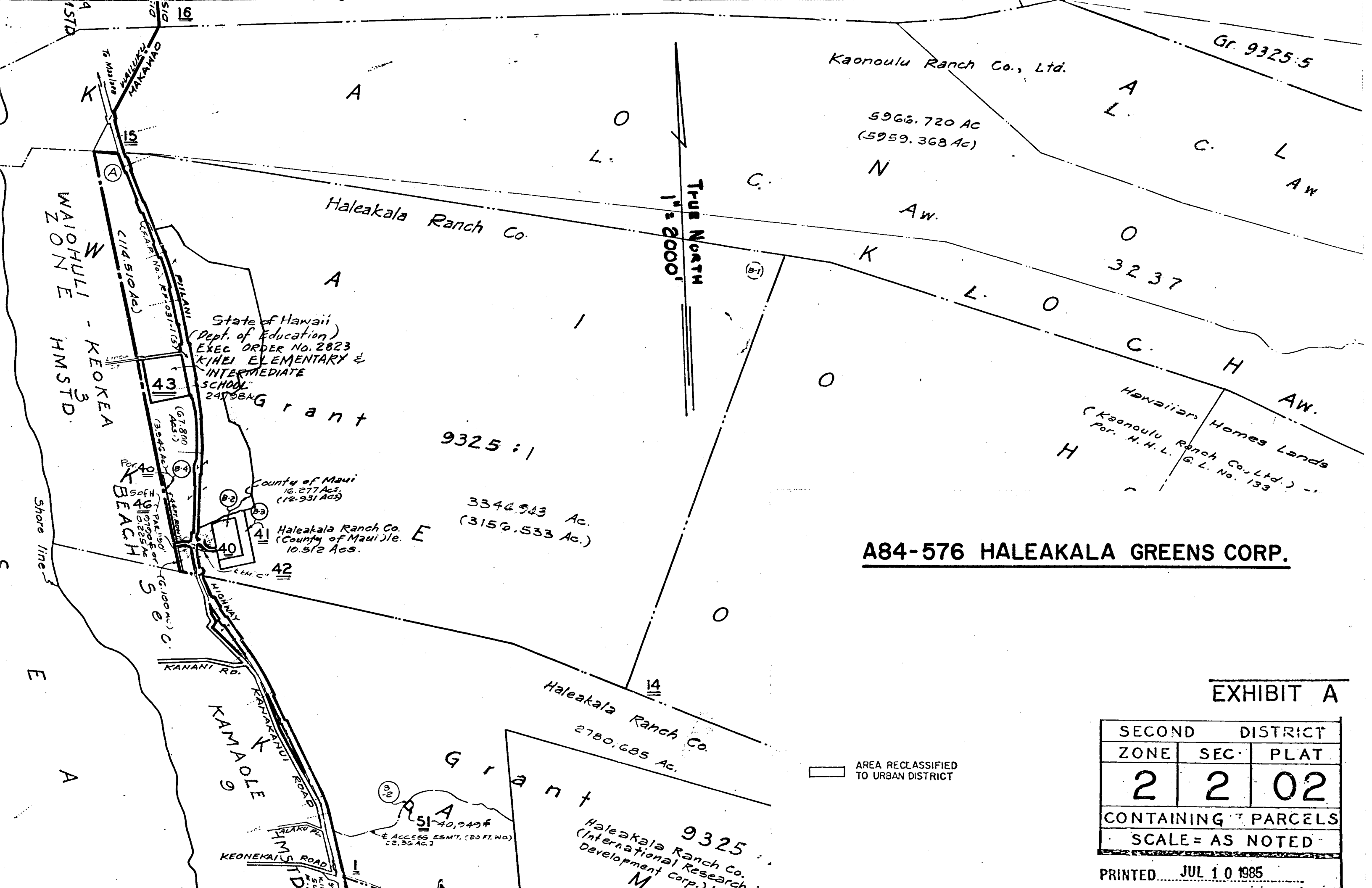
By *Winona E. Rubin*
WINONA RUBIN
Commissioner

By *Everett Cuskaden*
EVERETT CUSKADEN
Commissioner

By *Frederick P. Whittemore*
FREDERICK WHITTEMORE
Commissioner

By *Robert Tamaye*
ROBERT TAMAYE
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner



A84-576 HALEAKALA GREENS CORP.

EXHIBIT A

SECOND DISTRICT	
ZONE	SEC. PLAT
2	2 02
CONTAINING 7 PARCELS	
SCALE = AS NOTED	

AREA RECLASSIFIED TO URBAN DISTRICT

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A84-576
)
HALEAKALA GREENS CORP.) HALEAKALA GREENS CORP.
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for approximately)
229.3 acres at Kula, Makawao, Maui,)
Tax Map Key: 2-2-02: Portion of 42)
_____)

CERTIFICATE OF SERVICE

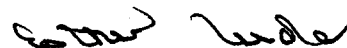
I hereby certify that a copy of the Land Use Commission Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

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

B. MARTIN LUNA, Attorney for Petitioner
Ueoka & Luna
2103 Wells Street
P. O. Box H
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 15th day of July, 1985.



ESTHER UEDA
Executive Officer

DOCKET NO. A84-576 - HALEAKALA GREENS CORP.

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on July 15, 1985.

EVERETT KANESHIGE, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, Hawaii 96813

H. RODGER BETTS, Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

HALEAKALA RANCH COMPANY
P. O. Box 428
Makawao, Hawaii 96768