

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kahului Library

Kahului, Maui

11:00 A. M. - November 5, 1965

Commissioners  
Present:

Myron B. Thompson, Chairman  
Charles S. Ota  
Shiro Nishimura  
Leslie E. L. Wung

Absent:

C.E.S. Burns, Jr.  
Robert G. Wenkam  
Jim P. Ferry  
Shelley M. Mark  
Goro Inaba

Staff  
Present:

George Moriguchi, Executive Officer  
Roy Takeyama, Legal Counsel  
Ah Sung Leong, Draftsman  
Dora Horikawa, Stenographer

The meeting was called to order by Chairman Thompson, which was followed by a short prayer. The hearing procedure to be followed was outlined, and persons testifying during this hearing were duly sworn in. Chairman Thompson advised that although a quorum was lacking, under the provisions of the law, the Commission was authorized to conduct a hearing--in fact, the Executive Officer was empowered to conduct a hearing anywhere in the State of Hawaii.

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PETITION OF MAUI MEADOWS SUBDIVISION (A65-91) TO AMEND THE RURAL DISTRICT  
BOUNDARY IN THE KIHEI-MAKENA AREA, TO INCORPORATE 401 ACRES IDENTIFIABLE BY  
TMK 2-1-08: 1

Mr. George Moriguchi read the staff report on the above petition which recommended denial of the petition because the need for the proposed use had not been substantiated and since there was considerable acreage presently districted in Urban and Rural Districts.

A letter from Mr. Ohata, Maui Planning Director, was also presented by Mr. Moriguchi upon request by Commissioner Ota, in which the Maui Planning and Traffic Commission recommended approval of petition since the land was not required for agricultural use and there was a shortage of rural lands in this area.

Mr. George Hasegawa, representing the petitioner, gave the following testimony. He called on his engineer to display the engineering map of the area under petition. It was pointed out that at the time the petition was submitted to the Commission, the developers had aligned the roads according to the maps which were available to them. However, since that time, petitioners have sent equipment into the area and the present plans being submitted at this hearing were almost complete. Mr. Hasegawa stated that they had taken the risk of going in and setting up actual road realignment suitable for the type of development they had in mind.

In connection with reference to lack of data to substantiate the term "brisk pace" brought out in the staff report, Mr. Hasegawa said that the petitioners would be very happy to submit, within 15 days, sales data to the Commission.

Mr. Hasegawa reported that their negotiations with the Matson Navigation Co. had reached the point where the Matson people were requesting the Tax Department for an approximate valuation of their lands, should access rights be given the petitioners. Mr. Hasegawa was confident that an agreement would be reached within a month or two between the petitioners and the Matson Navigation Co. He added that access to the proposed subdivision, coming through the Matson property, would be aligned with the proposed State highway which has received priority #2 as far as the County of Maui was concerned.

At this time, a sealed envelope from the Maui County Farm Bureau, addressed to the Land Use Commission was presented by Mr. Hasegawa to Chairman Thompson (see letter on file).

Commissioner Wung wondered if the petitioners' plans were dependent upon receiving access rights from the Matson Navigation Co. Mr. Hasegawa stated that although they felt this was the best approach to the property, they had not overlooked the possibility of an alternative secondary route. In fact, a third route was available to them.

Chairman Thompson asked whether funds for priority #2, mentioned earlier, had been appropriated by the Legislature. Mr. Moriguchi replied that under the CIP program, \$99,000 had been included for plans and surveys of these roads, but that these funds had not been requested by the Department of Transportation as yet.

Chairman Thompson read a letter from Mr. Ben Miyahara, president of the Maui County Farm Bureau, supporting petitioners' claim that the subject lands were unsuitable for agricultural purposes. The hearing was closed thereafter.

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✓ PETITION OF TONY HASHIMOTO (A65-98) TO AMEND THE URBAN DISTRICT BOUNDARY IN THE KIHEI AREA, TO INCORPORATE 32 ACRES IDENTIFIABLE BY TMK 3-9-01: 115

Staff report, presented by Mr. George Moriguchi, recommended denial of the petition on the basis of staff's evaluation with respect to the need for the land and the usability and adaptability of the land for urban purposes.

A letter from Mr. Ohata, Maui Planning Director, recommended approval of the petition since the Land Use Commission had already zoned the Ting Subdivision in the Urban District.

Mr. Moriguchi advised that less than half of the Makai Heights lots had been sold to date. Mr. Moriguchi clarified, on the map, Mr. Hashimoto's lands in relation to the Maui Meadows petition, in response to Commissioner Wung's request.

Commissioner Ota wondered if the 3,450 acres now in urban, as mentioned in the staff report included the Matson property, to which Mr. Moriguchi replied that this figure included everything shown in red of which the Matson property was a part. Commissioner Ota went on to explain that the County had an interim zoning and that certain portions of these acres were earmarked for resort development, so that when petitioner used the term "houselots", this did not necessarily mean that all these lands were available for residential purposes. Mr. Moriguchi indicated that the Maui General Plan provided for hotel-apartment areas but that this was only about  $\frac{1}{4}$  of the total urban area.

Mr. Meyer Ueoka, attorney for Mr. Hashimoto, opened his testimony by defining "Rural" and "Urban" as provided by law in the establishment of boundaries; rural lands to include areas composed primarily of small farms, mixed with very low density residential lots and activities or uses as characterized by low density residential lots of not more than one-single family dwelling per one-half acre.

As evidence in behalf of the petitioner, Mr. Ueoka produced several snapshots of the subject lands which showed rocks protruding through the grass, indicating the economic impracticability of truck farming in this area. He also submitted that excessive amounts of time and money would be required to level the land for truck farming, since only truck farming could be pursued on  $\frac{1}{2}$  acre lots. A farmer would suffer a loss even before he started. These lands were of the lowest type in the County of Maui and in the direct pathway of the tradewinds. In fact, Mr. Hashimoto himself finally moved to Kula to farm. As far as cattle grazing was concerned in this area, it would require 30 to 40 acres per one head of cattle, and this only during certain times of the year since grass did not grow all year round. In addition many new residences were coming up in the adjoining urban area and there would be many complaints from them if the subject lands were used for cattle grazing. Furthermore, this area was immediately adjacent to the proposed highway as appearing on the master plan of the County of Maui, and water, electricity were available. Mr. Ueoka submitted that the best use of this area was for urban purposes since it was adjacent to an existing urban area.

Mr. Ueoka stated that Mr. David Ting wished to testify with respect to the number of houses that have come up in the area and the availability of all the community services.

Mr. Ting testified that his subdivision had been very successful and all of the lots had been sold. The area was not suitable nor economically profitable for farming and it was most desirable to have it urbanized. In reply to Commissioner Nishimura's question, Mr. Ting advised that 30 acres in the Kihei

Subdivision had been subdivided and 16 homes had already been built. Mr. Ting also pointed out that the subject parcel runs parallel with his subdivision and strongly recommended change from agricultural to urban. Chairman Thompson inquired about the length of time the Kihei Subdivision lots had been on the market. Mr. Ting replied that they had been on the market for 2½ years. Hearing was closed thereafter.

DEPARTMENT OF TAXATION RECOMMENDATIONS - MAUI, MOLOKAI

Mr. Moriguchi reported that staff had received, from the Department of Taxation, recommendations concerning possible changes in district boundaries in the Counties of Maui, Hawaii, Kauai and Island of Oahu. Most of the recommended changes involved reclassification of Agricultural Districts into Urban Districts.

Chairman Thompson advised that decisions could not be rendered at this time due to the lack of a quorum, but that a discussion in connection with these recommendations from the Tax Department would be in order.

In reply to Commissioner Ota's question, Chairman Thompson explained that there had been some differences in thinking regarding the land districting in some areas. Therefore, the Commission had requested the Tax Department to submit a list of their recommended classification for those areas which they felt warranted changes. If the Commission concurs with the recommendations of the Tax Department, the Land Use Commission would have to initiate boundary changes, through the usual process of public notices, public hearings, etc.

TMK 2-5-04: portion of 36 - Paia

Mr. James Shaw, representative of the Maui Tax Department, recommended that the subject parcel owned by Alexander and Baldwin be reclassified from an Agricultural District to an Urban District since it was adjacent to Hookipa Park and the highest and best use would be for beach residential. He added that this land was already being taxed under the urban classification. Mr. Moriguchi commented that staff did not concur with this recommendation.

TMK 3-4-23 - Wailuku

Mr. Frank Zane of the Maui Tax Department commented that the subject parcel was assessed as urban lands by the Tax Department and were subdivided into four lots in the past. Therefore, it was their feeling that this was a subdivision and have assessed it accordingly.

Mr. Takeyama agreed that the Tax Department could initiate a boundary change, in reply to Chairman Thompson's question.

Mr. Robert Ohata, Maui County Planning Director, commented that since these were subdivided recorded lots, and since one house is permissible on one lot in an agricultural area, the plantation could conceivably sell them as individual lots. Therefore, he felt that a boundary change should be initiated. However, if the present landowners were against the urban classification, they could ask for a consolidation map and make these into conforming lot sizes.

TMK 3-8-05 - Waikapu

Mr. Moriguchi commented that the Tax Department was arguing that the highest and best projected use for this area was beach residential.

Mr. Frank Zane representing the Maui Tax Department proceeded to point out the area in question on a larger map, showing its relationship to Maalaea Beach and other surrounding areas. He explained that due to scarcity of beach lots in the area, a portion of the agricultural lands were being assessed as beach lots. This was the reason for their request to rezone this area as urban.

TMK 5-3-05 - Kaunakakai, Molokai

Mr. Moriguchi felt that the request for change from agricultural to urban seemed like a logical one.

Mr. Reginald Gage of the Maui Tax Department explained the reasons for the request to change the classification. The subject area involved about 5½ acres, and within that area 1.628 acres were presently under lease to the County, and the balance not in use at the present time. The lands owned by Molokai Ranch are adjacent to Kaunakakai Town and had potential for urban uses. The boundary recommended by the Tax Department follows the "Flood Control Bank".

Mr. Ohata explained that the County of Maui was presently negotiating for a land exchange with the Molokai Ranch involving the subject lands, on the basis of agricultural land for agricultural land, and if the change in land classification were made at this time, it would impose a tremendous hardship on the County of Maui.

Mr. Gage informed that the land exchange would be made on the basis of tax valuation, dollar for dollar, and not on the basis of similarly classified lands as submitted by Mr. Ohata. At present, approximately 1½ acres were being assessed as industrial lands, and the balance as residential lands; therefore, changing the land classification from agricultural to urban would not necessarily increase the valuation.

Since there was no further business, the meeting was adjourned.