

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
HENRY R. MEYER, OTTO S.)
MEYER, and ALEX I. EGUSA,)
)
For Reclassification of Certain)
Lands Situated at Kapuaokoolau,)
Island of Molokai)
_____)

DOCKET NO. A75-400

DECISION AND ORDER

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HENRY R. MEYER, OTTO S.)
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For Reclassification of Certain)
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Island of Molokai)
_____)

DECISION AND ORDER

This matter, being a proceeding pursuant to Section 205-4 of the Hawaii Revised Statutes to consider a Petition to amend District Boundaries and reclassify from Conservation to Agricultural approximately 10.344 acres of land situated at Kapuaokoolau, Island of Molokai, was heard by a hearing officer appointed by the Commission, Benjamin M. Matsubara, at Kaunakakai, Molokai on January 23, 1976. The Petitioners, Henry R. Meyer, Otto S. Meyer and Alex I. Egusa, represented by Eugene K. Duvachelle, the Maui County Planning Department, and the Department of Planning and Economic Development, State of Hawaii were admitted as parties. The Commission, having duly considered the record in this Docket, the Hearing Officer's Report, and the comments of the Maui County Planning Department and the Department of Planning and Economic Development thereto, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The property which is the subject of this Petition is approximately 10.3 acres located at Kapuaokoolau, Molokai, and consists of three (3) adjoining parcels fronting Kamehameha the Fifth Highway and identified by Tax Map Key No. 5-5-01, Parcel 28 on the east side containing a land area of 5.32 acres belonging to Petitioner Henry R. Meyer, the middle parcel, Parcel 18, containing a land area of 3.10 acres belonging to the Petitioner Otto S. Meyer, and Parcel 27 on the west side containing a land area of 1.9 acres belong to Petitioner Alex I. Egusa.

2. The subject property has the capacity for agricultural production. Petitioners intend to raise dry land taro, papaya, sweet potatoe, and other crops and to devote a portion of the property to raising hogs, cattle, poultry, and honeybees. The property will be farmed by the Petitioners themselves, and the crops will be marketed locally on Molokai.

3. The subject property has been within the Conservation District since 1969. Prior to 1969 the property was within the Agricultural District. The 1969 Molokai General Plan designates the subject property for agricultural uses.

4. The subject property is adjacent and contiguous to land classified as Agricultural on the

east and west. The adjacent property to the north as well as the submerged lands to the south are classified as Conservation.

5. There are no known archaeological, natural, environmental, recreational, scenic, historic, or other significant resources on the subject property.

6. The subject property is not necessary for protecting watersheds; is not susceptible to floods and soil erosion, or necessary for the protection of the health and welfare of the public; is not used for a national or state park; is not necessary for the conservation, preservation and enhancement of scenic, historic or archaeological sites and has no unique physiographic or ecologic significance; is not necessary for providing and preserving park land, wilderness and beach reserves, or for conserving natural ecosystems of endemic plants, fish and wildlife, or for forestry; and does not have an elevation below the maximum inland line of the zone of wave action, and does not include marine water, fishpond and tidal pools.

7. The subject property has a natural source of water which is adequate for the proposed use, and the proposed agricultural uses will not require additional public services.

8. The Molokai Advisory Committee, the Maui County Planning Department, and the Department of Planning and Economic Development, State of Hawaii, have no objections to the reclassification and amendment of District

Boundaries.

CONCLUSIONS OF LAW

1. The subject property is more appropriate for Agricultural than for Conservation classification.

2. Amendment to the District Boundaries as Petitioners propose is reasonable, not violative of Section 205-2, HRS, and is consistent with the interim policies and criteria established pursuant to Section 205-16.1, HRS, and with State Land Use District Regulations.

ORDER

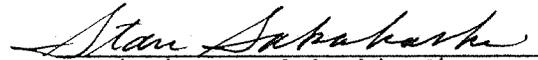
IT IS HEREBY ORDERED:

That the property which is the subject of this Petition in Docket No. A75-400, approximately 10.344 acres of lands situated at Kapuaokoolau, Island of Molokai, identified by Tax Map Key No. 5-5-01 and fronting Kamehameha the Fifth Highway, is hereby reclassified from the Conservation to the Agricultural District and the District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 15th day of April, 1976, by Motion passed by the Commission on March 29, 1976.

LAND USE COMMISSION
STATE OF HAWAII

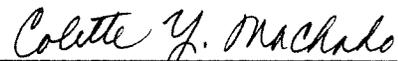
By Eddy Tangen
Commissioner Tangen, Chairman


Commissioner Sakahashi, Vice
Chairman

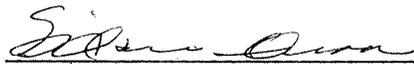
Commissioner Carras



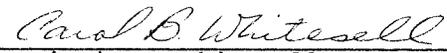
Commissioner Duke



Commissioner Machado



Commissioner Oura



Commissioner Whitesell



Commissioner Yamamura



Commissioner Yanai

CERTIFICATE OF SERVICE

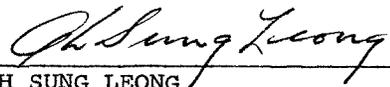
I hereby certify that a copy of the Land Use Commission's Decision and Order for Docket A75-400 was personally served on this 15th day of April, 1976 to:

Mr. Hideto Kono, Director
Department of Planning & Economic Development
Kamamalu Building
Honolulu, Hawaii 96813;

and served by certified mail on this 15th day of April, 1976 to:

Mr. Tosh Ishikawa
Planning Director
Maui Planning Department
200 South High Street

Mr. Henry Meyer, et al
P. O. Box 35
Kaunakakai, Molokai 96748



AH SUNG LEONG
ACTING EXECUTIVE OFFICER
LAND USE COMMISSION