

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 PIONEER PROPERTIES, INC.)
)
 For the Reclassification of)
 Certain Lands situated at Kihei,)
 Island of Maui.)
 _____)

DOCKET NO. A76-415

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 PIONEER PROPERTIES, INC.) DOCKET NO. A76-415
)
 For the Reclassification of)
 Certain Lands situated at Kihei,)
 Island of Maui.)
 _____)

DECISION

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 Rural to Urban approximately 1 acre of land situated at Waiakoa Makai Homesteads, Kihei, Island of Maui, was heard by the Land Use Commission in Kahalui, Maui, on October 14, 1976. Pioneer Properties, Inc., the Maui County Planning Department, and the Department of Planning and Economic Development of the State of Hawaii were admitted as parties in this Docket. The Commission, having duly considered the record in this Docket, the Proposed Findings of Fact and Conclusions of Law submitted by the Petitioner, the Objection to Proposed Findings of Fact and Conclusions of Law Prepared by Petitioner & submitted by the Maui County Planning Department, and the Objections to Proposed Findings of Fact and Conclusions of Law by Petitioner & and Concurrence with Proposed Findings of Fact and Conclusions of Law by County of Maui submitted by the Department of Planning and Economic Development, State of Hawaii, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property is a one-acre parcel of land, a portion of Lot 7, Waiakoa Makai Homesteads, Kihei, Maui, TMK: 3-9-01:32, lying approximately 3,200 feet east of the shoreline between the 20 foot and 100 foot elevation contours. The property is relatively flat with slopes of less than 5%. The Land Study Bureau Detailed Land Classification, Island of Maui Master Productivity Rating identifies the area as "E" lands. The soil type is used for pasture and wildlife habitat. Access to the site is off of Kihei Road via Kaiola Place by way of Ohukai Place.

2. The parcel is within the Rural District as shown on Land Use Commission Map M-8 Puu O Kali, Hawaii. The parcel is designated as residential and highway under the existing Maui County Kihei General Plan.

3. The subject one-acre parcel already contains two residential-type dwellings consistent with the present Rural designation of the lands.

4. Petitioner proposes to subdivide the parcel into four lots, each lot containing a minimum area of 10,000 square feet, and to construct two additional residential dwellings for sale to the general public. Petitioner propose to sell each of these lots with residences for about \$62,000 to \$65,000.

5. The existing public services and utilities are adequate to serve a residential development on the subject parcel.

6. There will be no significant adverse effect of the proposed development on the agricultural, natural, environment, recreational, scenic, historic, or other resources of the area.

7. The Department of Health, the Department of Education, and the Hawaii Housing Authority, all of the State of Hawaii, have no objection to the proposed development.

8. Reclassification and development of the subject property as proposed conforms with the Maui County Kihei General Plan which designates the subject property for residential and highway uses.

9. Although the subject property is within the Rural District, it abuts the Kihei Urban District on its makai boundary. The mauka boundary of the Kihei Urban District was established to coincide with the original Kihei 701 plan which placed all of the lands makai of the proposed Piilani Highway in the Kihei Urban District. Three years ago, however, the alignment of the proposed Piilani Highway in the area of the subject property was shifted 250 feet mauka, leaving a strip of land within the Rural District between the Kihei Urban District and the new alignment of the proposed Piilani Highway. The subject property falls within that strip of land in the Rural District makai of the new alignment of the proposed highway.

10. The Department of Transportation of the State of Hawaii expects to begin construction of the proposed Piilani Highway sometime in early 1978. The new

alignment of the highway has not been precisely determined, but the Department of Transportation has preliminarily determined that the new proposed right-of-way line will diagonally transect the subject property on its Eastern and Northern boundaries and will result in a taking of approximately 3,572 square feet of 0.082 acres of the subject property. A metes and bounds description of the proposed right-of-way line is contained on Exhibit A attached hereto.

11. The final right-of-way line for the proposed Piilani Highway may vary from the line described on Exhibit A, but if the final line is different, it will probably be further mauka resulting in a smaller taking than the approximate 3,572 square feet or 0.082 acre taking which is currently proposed.

12. The Petitioner has represented that it does not seek to reclassify into Urban any portion of its property which will ultimately be taken by the State for construction of the proposed Piilani Highway and that it will seek compensation for that portion of its property taken at a Rural value only and not at an Urban value.

13. Reclassification of that portion of the subject property which will be makai of the proposed Piilani Highway would be a logical extension of the Kihei Urban District and would be consistent with the Commission's original intent to utilize the proposed Piilani Highway as the mauka boundary of the Kihei Urban District.

CONCLUSIONS OF LAW

Reclassification of that portion of the subject property which will be makai of the proposed Piilani Highway approximately 0.91 acres, situated at Waiakoa Makai Homesteads, Kihei, Maui, from Rural to Urban and amendment of the District Boundaries accordingly to permit the proposed residential development is reasonable, not violative of Section 205-2, HRS, and consistent with the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1, HRS.

ORDER

IT IS HEREBY ORDERED:

That the portion of the subject property which is makai of the proposed Piilani Highway right-of-way described on Exhibit A attached hereto, approximately 0.91 acres situated at Waiakoa Makai Homesteads, Kihei, Island of Maui, a portion of a 1 acre parcel of land identified by Tax Map Key No. 3-9-01:32, shall be and hereby is reclassified from Rural to Urban and District Boundaries are amended accordingly.

AND IT IS FURTHER ORDERED:

That if the final Piilani Highway right-of-way line is not as described on Exhibit A attached hereto, resulting in a greater or lesser taking of the subject

property by the State of Hawaii, that the Commission's Executive Officer is hereby empowered to administratively adjust District Boundaries on the subject property so that the Boundary between the Rural District and the Kihei Urban District is the makai right-of-way line of the Piilani Highway.

DONE at Honolulu, Hawaii, this 26th day of April, 1977, by Motion passed by the Commission on April 5, 1977, in Honolulu, Hawaii.

LAND USE COMMISSION
STATE OF HAWAII

By *Eddie Tangen*
EDDIE TANGEN
Chairman and Commissioner.

Stanley Sakahashi
STANLEY SAKAHASHI
Vice Chairman and Commissioner

Charles Duke
CHARLES DUKE
Commissioner

Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

Edward Yanai
EDWARD YANAI
Commissioner

Carol B. Whitesell
CAROL WHITESELL
Commissioner

