BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

RICHARD K. G. STURSBERG

For Reclassification of Certain
Lands Situated at Lahaina,
Island of Maui

DOCKET NO. A75-399

DECISION AND ORDER
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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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 Agriculture to Urban approximately 25 acres of land situated at Lahaina, Island of Maui, was heard by this Commission at Kahului Library, Island of Maui, January 15, 1976. Richard K. G. Stursberg, the Maui County Planning Department, and the Department of Planning and Economic Development, State of Hawaii, were admitted as parties in this Docket. The Commission having duly considered the record in this Docket, the Petitioner's Proposed Findings of Fact and Conclusions of Law, and the comments of the Department of Planning and Economic Development and Maui County Planning Department 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 a 25-acre portion of a parcel, identified by Tax Map Key 4-3-01: 31, at Mahinahina, Lahaina, Maui. The property is presently owned by the Honolua Plantation Land Company, and an agreement of sale for the property is held by the Mahinahina Group Hui and by two Hawaii corporations owned by the Hui members. The petition proposes to reclassify the subject property from the Agriculture to Urban.

2. The subject property abuts the State Land Use Urban District on the southern and western boundaries.

3. The County of Maui General Plan for the Lahaina District provides for the residential and apartment use of the subject property.

4. The Petitioner proposes to develop a residential planned unit development consisting of approximately 145 units and including a variety of recreational and community club facilities. The estimated price ranges for the units will be between $67,000 to $118,000.

5. Water, electricity, solid waste disposal, police and fire protection, parks and public schools are available to the subject property between private and public facilities at or near the subject property within the Lahaina District. Existing public services would not be unreasonably burdened by the proposed apartment and residential use of the subject property.

6. Sewer service is not available to the subject property from any existing public facility.
Petitioner has agreed to construct such private sewer facilities as may be required for the use of the subject property within an Urban District if the County of Maui does not construct a public sewer facility in the area of the subject property before that.

7. The subject property is presently used to grow sugarcane. Construction of the Honopiilani Highway Extension will isolate the subject property from the other land in the area used to grow sugarcane. The conversion of the subject property to urban uses would not cause economic hardship or loss of employment at the Pioneer Mill Company and replacement acreages of productive cane land may be found elsewhere.

8. The proposed Urban use of the property would have no impact upon the natural, environmental, recreational, scenic, historic, or other significant source of the area.

9. There is a shortage of housing within the Lahaina District, but the record does not establish that the proposed development would meet the needs of the community for housing and is necessary to accommodate growth and development.

CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 25 acres situated at Lahaina, Island of Maui, from the Agriculture to the Urban District to permit the proposed development is not reasonably
necessary to accommodate growth and development, and
the proposed boundary amendment would not, therefore,
be reasonable, and consistent with Section 205-2, HRS,
the interim policy and criteria established pursuant
to Section 205-16.1, HRS, or with State Land Use
District Regulation Rules 2-2, and 6-1.

RULING ON PROPOSED FINDINGS

Any proposed finding submitted by a party and
not already ruled upon by the Commission by adoption
herein or rejected by the Commission by a clearly con-
trary finding of fact herein, is ruled upon as follows:

1. Petitioner's Proposed Finding of Fact No.
5. The Commission adopted the first sentence as part
of its Finding of Fact No. 9, but rejected the remainder
of the proposed Finding because the record does not
establish by a clear preponderance of the evidence that
the proposed development would meet the need of the
people who live and work in Lahaina for housing, as
implied.

ORDER

IT IS HEREBY ORDERED:

That the property, which is the subject of
the petition in Docket No. A5-399, approximately 25
acres of a parcel bearing Tax Map Key No. 4-3-0:31 and
situated at Mahinahina, Lahaina, Maui, owned in fee
by Honolua Plantation Company and held under an agree-
ment of sale by Mahinahina Group Hui and by two Hawaii
corporations owned by the Hui members, continue to be
classified as Agricultural and remain in the Agricultural District.

Done at Honolulu, Hawaii, this 12th day of April, 1976, by motion of the Commission on March 29, 1976.

LAND USE COMMISSION
STATE OF HAWAII

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order for Docket A75-399 was personally served on this 12th 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 12th day of April to:

Mr. Tosh Ishikawa
Planning Director
Maui Planning Department
200 South High Street
Wailuku, Maui 96793

Mr. William F. Crockett
Crockett and Crockett
38 S. Market Street
Wailuku, Maui 96793

AH SUNG LEONG
ACTING EXECUTIVE OFFICER
LAND USE COMMISSION