

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A79-451
	)	
MAHINAHINA VENTURE AND RICHARD	)	FINDINGS OF FACT,
K. G. STURSBURG	)	CONCLUSIONS OF LAW,
	)	DECISION AND ORDER
To Amend the Agricultural Land	)	
Use District Boundaries to	)	
Reclassify 26.905 Acres, TMK:	)	
4-3-01: portion of 31 at Honokowai,	)	
Kaanapali, Lahaina, Island and	)	
County of Maui, into the Urban	)	
Land Use District	)	
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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
DECISION AND ORDER

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The above-captioned land use boundary amendment proceeding was initiated by the Petition of MAHINAHINA VENTURE and RICHARD K. G. STURSBURG, pursuant to Chapter 205, Haw. Rev. Stat., the Rules of Practice and Procedure and the District Regulations of the Land Use Commission, State of Hawaii, to amend the Land Use District Boundary of certain land (hereinafter referred to as the "property") situated at Honokowai, Kaanapali, Lahaina, Island and County of Maui, from Agricultural to Urban Land Use District, and the Commission, having heard and examined the testimony and evidence presented during the hearings held on May 16 and 17, 1979, in Lahaina, Maui, hereby makes the following findings of fact and conclusions of law.

## FINDINGS OF FACT

### Procedural Matters.

1. The Petition was filed on January 24, 1979 by MAHINAHINA VENTURE and RICHARD K. G. STURSBURG, requesting that the Land Use Commission amend the Agricultural District Boundary of Honokowai, Kaanapali, Lahaina, Island and County of Maui, to reclassify approximately 26.905 acres to Urban District for the development of a subdivision consisting of 90 single-family dwelling residential lots.

2. Notice of the hearing scheduled for May 16, 1979 at 9:30 a.m., in the Conference Room of the State Building, 54 High Street, Wailuku, Maui, was published in the Honolulu Advertiser on April 11, 1979, and in the Maui News on April 11, 1979, and served by mail on all parties.

3. The hearing was continued to May 17, 1979 at 9:30 a.m. in the County Civic Center, Lahaina, Maui.

### Description of the Property.

4. The property, which is the subject of this Petition to amend district boundaries and to reclassify from an Agricultural Land Use District to an Urban Land Use District, is a 26.905-acre (approximate) parcel of land situate on the westerly side of Honoapiilani Highway, Honokowai, Kaanapali, Lahaina, Island and County of Maui, State of Hawaii. The property is shown on Department of Taxation TMK 4-3-01 as a part of parcel 31.

5. Petitioner Richard K. G. Stursberg, whose address is 1620 Taylor Way, West Vancouver, B.C. Canada, owns the property in fee. Petitioner Mahinahina Venture, a Hawaii partnership, whose principal place of business is 100 Wells Kanoa Building, Wailuku, Maui, Hawaii, has agreed to purchase, and Richard K. G. Stursberg has agreed to sell under an agreement of sale between them dated October 1, 1978, recorded in the Bureau of Conveyances of the State of Hawaii at Liber 13332, Page 507, approximately 20.635 acres of the property which is marked "Central" on the map received in evidence as Petitioners' Exhibit A. The property is located approximately five miles north of Lahaina Town.

6. The property is generally rectangular in shape, roughly 3,000 feet long and 400 to 500 feet wide. The property is bounded by the new Honoapiilani Highway along its mauka (east) boundary and by the old Honoapiilani Road along its makai (west) boundary. The property has a gentle slope, with an estimated average slope of approximately eight to ten degrees. The approximate average annual rainfall in the area where the property is located is 15 to 20 inches.

7. The property is adjacent to a State Land Use Urban District on the south (Lahaina) side. The Old Honoapiilani Road separates the property (makai boundary) from parcels of land which are in a State Land Use Urban District.

8. Apartments have been constructed on the adjacent parcels of land on the makai (west) side of the property (across Old Honoapiilani Road). Single-family residences have been constructed on the adjacent parcels of land on the Lahaina (south)

side of the property. Sugarcane is being cultivated on the land on the Napili (north) side of the property; the County of Maui has marked that adjacent parcel of land for use as a park on the existing Lahaina General Plan. Sugarcane is being cultivated on the mauka (east) side of the property (across Honoapiilani Highway).

Proposal for Reclassification.

9. The Petitioners have requested the reclassification of the property from an Agricultural Land Use District to an Urban Land Use District.

10. The property is presently not in use. The property was formerly used for the cultivation of sugarcane. Sugarcane has not been cultivated on the property since August 1978.

Proposal for Development.

11. The Petitioners plan to develop the property as a subdivision consisting of 90 single-family dwelling residential lots. The size of the lots may be between 6,000-10,000+ square feet, depending upon the type of residential use zone for the property allowed by the County of Maui. The Petitioners' conceptual development plan for the property is based on the assumption that the County of Maui will place the property in an R-3 residential use zone. The existing County of Maui zoning ordinance requires a minimum 10,000-square foot lot size for land in an R-3 residential use zone. The Petitioners plan to sell approximately 80% of the property. The Petitioners plan to retain approximately 20% of the property for their personal

use. The Petitioners intend to sell improved lots. The Petitioners do not intend to sell house/lot "packages". The Petitioners will construct the on-site and off-site roads, water system, drainage, sewer system and electrical system for the subdivision. As of September 22, 1978, the estimated per lot cost to construct these subdivision improvements was \$21,015.00. This estimate as to the cost to construct the subdivision improvements is probably not presently valid because construction costs have been increasing on the average of two percent a month.

12. Petitioners expect to be able to offer the lots for sale on or about October 1, 1982. The property will be developed as a whole and the lots will be offered for sale in one offering.

13. Petitioners expect to offer the lots to middle income purchasers. Petitioners expect to be able to offer the lots in the price range of \$50,000-\$55,000 (constant 1979 dollars); but the uncertainty of future economic conditions makes it difficult to predict the offering price of a lot two and a half years in the future. Petitioners intend to regulate the marketing of the lots to eliminate purchasers who are speculators.

#### State and County Plans.

14. The property is located within a State Land Use Agricultural District.

15. The existing Maui County General Plan for the Lahaina District shows the property in a residential area. The property is designated as Agricultural under the Maui County Zoning Ordinance. Portions of the property are located within the Special Management Area.

Need for Growth and Development.

16. The Lahaina District has become the location for a large part of Maui County's visitor industry. The resident population of the Lahaina District grew by approximately 14% between April 1960 and April 1970. The population growth rate for the Lahaina District has rapidly accelerated during the past five years. The population estimate for July 1, 1975, for the Lahaina District of 9,278 indicates a 67.96% increase in population over the last five years. The Lahaina District is the fastest growing part of the County of Maui. The businesses located in the Lahaina District have expanded rapidly in the past 10 years. This expansion of the economy of the Lahaina District is expected to continue in the near future.

17. Many people who work in the Lahaina District are forced to live elsewhere on Maui, and commute to work, because of a lack of housing in the Lahaina District. Approximately 25% of the people employed in the Lahaina District commute to work from homes located elsewhere.

18. There is an urgent need for additional housing in the Lahaina District. There is a particular need and a strong desire on the part of local residents for housing in the form of single-family dwelling houselots in the Lahaina District. There is a need to provide additional urban district land in the Lahaina District so that the demand for additional housing can be satisfied.

Resources of the Area:

Agricultural Resources.

19. The reclassification of the property from an Agricultural Land Use District to an Urban Land Use District will not substantially impair actual or potential agricultural production in the vicinity of the property and is reasonably necessary for the urban growth of the Lahaina District. The property was formerly used for the cultivation of sugarcane by Pioneer Mill Company. A small part of the property was formerly used by Maui Pineapple Company as a pineapple seed station. Pioneer Mill Company and Maui Pineapple Company no longer need the property for such agricultural purposes.

Natural Flora and Fauna.

20. There is no rare or endangered plant or animal species or bird life associated with the property.

Environmental Resources.

21. The property has no unique natural environmental characteristic.

Recreational Resources.

22. The property has not been used by the public for recreation.

Scenic Resources.

23. The property is a part of the view corridor from the new Honoapiilani Highway to the ocean. The development of



the property as lots for single-family dwellings will not block that view corridor.

Historic Resources.

24. There is no unique historic or cultural value associated with the property. The property has been altered from its natural state by the past cultivation of sugarcane.

Public Services and Facilities:

Fire Protection.

25. A fire station is located at the Lahaina Civic Center, approximately three miles south of the property. Additional fire protection services will not be required for the property.

Police Protection.

26. A police station is located at the Lahaina Civic Center, approximately three miles south of the property. Additional police services will not be required to serve the residents of the property.

Schools.

27. There are existing public schools in Lahaina, approximately five miles south of the property. The State of Hawaii provides bus service to all of these schools. Additional school services will not be required to serve the residents of the property.

Electrical Utility Services.

28. Electricity is available at the property from existing lines along old Honoapiilani Road.

Water.

29. Public water is available at the property. Waterlines run along the old Honoapiilani Road. Additional water sources and waterlines need not be developed or constructed (except for the subdivision improvements the Petitioners may be required to provide) to serve the property.

Sewage Disposal.

30. Public sewer service is not currently available at the property. The County of Maui is preparing plans for the extension of the existing public sewer system past the property from Honokowai to Napili. Additional public sewer service (except for temporary sewer service the Petitioners may be required to provide) need not be constructed to serve the property.

Road and Highway Services.

31. The property adjoins both the old Honoapiilani Road, and also the new Honoapiilani Highway. The property has a limited right of access into the new Honoapiilani Highway. The lots of the proposed development will have access to the old Honoapiilani Road. The proposed development of the property as a 90-lot single-family dwelling subdivision will not result in a substantial increase in traffic on the old Honoapiilani Road.

Scatterization and Contiguity of Development.

32. The proposed development of the property as a 90-lot single-family dwelling subdivision will make use of existing public services and facilities and will not result in scattered urban development of the Lahaina District. The property is contiguous to an existing Urban District.

33. The proposed development of the property as a 90-lot single-family dwelling subdivision will provide needed housing accessible to the existing major places of employment located in the Lahaina District.

Conformance with Interim Statewide Land Use Guidance Policies and State Land Use District Regulations.

33. The property is located in an area already characterized by the existence of a "city-like" concentration of people, structures, streets, and urban levels of services.

34. The property is located near existing major places of employment located in the Lahaina District.

35. The proposed development of the property as a 90-lot single-family dwelling subdivision is feasible.

36. The property can be served by existing sewer, water, sanitation, school, park, police and fire protection facilities and services.

37. The Lahaina District presently lacks sufficient reserve areas for urban growth (particularly for housing) based on a 10-year projection.

38. The property is reasonably free from the danger of floods, tsunami and unstable soil conditions. The Petitioner

has addressed the Coastal Zone Management policies and objectives, as applicable to the property.

39. Petitioners expect to be able to complete the proposed development of the property as a 90-lot single-family dwelling subdivision on or before December 31, 1982. Petitioners plan to develop the property as a whole and not by increments.

40. The property is not presently being used for agricultural purposes. The existing County of Maui zoning ordinance permits the subdivision of the property into two-acre agricultural lots. Such a development of the property would not actually encourage the use of the property for agricultural purposes, nor would such a development of the property satisfy the need for housing in the Lahaina District.

41. The proposed development of the property as a 90-lot single-family dwelling subdivision will alleviate the present housing shortage in the Lahaina District, and will enable persons who are employed in the Lahaina District, and who commute to work from homes elsewhere on the Island of Maui, to obtain housing close to their place of employment.

#### RULING ON PROPOSED FINDINGS

Any of the proposed Findings of Fact submitted by the Petitioners or the other parties not already ruled upon by the Land Use 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, Haw. Rev. Stat., the Rules of Practice and Procedure, and the District Regulations of the Land Use Commission, the Commission concludes that all the legal requirements of notice and hearing were complied with in the Petition for Reclassification of approximately 26.905 acres of land situated on the westerly side of Honoapiilani Highway, Honokowai, Kaanapali, Lahaina, Island and County of Maui, State of Hawaii, from the Agricultural to Urban District, and the Commission having heard and examined all of the record, evidence and arguments of counsel, concludes that the boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with Haw. Rev. Stat. § 205-2, the Interim Statewide Land Use Guidance Policies established pursuant to Haw. Rev. Stat. § 205-16.1, and State Land Use District Regulation 6-1.

DECISION AND ORDER

IT IS HEREBY ORDERED, that the property which is the subject of the Petition in this Docket No. A79-451, consisting of approximately 26.905 acres, situated at Honokowai, Kaanapali, Lahaina, Island and County of Maui, State of Hawaii, identified as Tax Map Key Number 4-3-01: portion of 31, shall be and hereby is, reclassified from Agricultural to Urban, and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 8<sup>th</sup> day of  
January, 1980, per motion on the 16<sup>th</sup>

day of October, 1979.

LAND USE COMMISSION  
STATE OF HAWAII



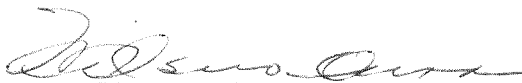
C. W. DUKE, Chairman



SHINICHI NAKAGAWA, Vice Chairman



SHINSEI MIYASATO, Commissioner



MITSUO OURA, Commissioner



GEORGE PASCUA, Commissioner



CAROL WHITESELL, Commissioner



EDWARD YANAI, Commissioner



WILLIAM YUEN, Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's  
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:

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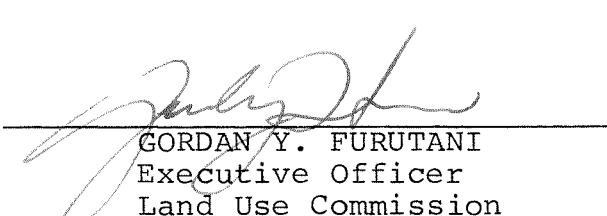
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DOUGLAS SODETANI, Trustee  
Mahinahina Venture  
P. O. Box C  
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DATED: Honolulu, Hawaii, this 17th day of January, 1980.



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GORDAN Y. FURUTANI  
Executive Officer  
Land Use Commission