

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
C. BREWER PROPERTIES, INC.)
To Amend the Conservation Land Use)
District Boundary into the)
Agricultural Land Use District)
Boundary for Approximately 20.644)
acres at Maalaea, Ukumehame,)
Wailuku, Hawaii, Tax Map Key No.:)
3-6-01: por. 18)
_____)

DOCKET NO. A91-672
C. BREWER PROPERTIES,
INC.

LAND USE COMMISSION
STATE OF HAWAII
Dec 1 1 28 PM '92

ORDER ADOPTING HEARING OFFICER'S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

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ORDER ADOPTING HEARING OFFICER'S
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This matter came on for consideration on August 3, 1992 at the meeting of the Land Use Commission (hereinafter "Commission") of the State of Hawaii, held in Wailuku, Maui, Hawaii. Appearing for C. Brewer Properties, Inc. (hereinafter "Petitioner"), were Jordan Wagner and David Blane; for the Department of Planning, County of Maui, was Rory Frampton; and for the Office of State Planning were Ann Ogata Deal and Karen Yamamoto. Hearing Officer Benjamin M. Matsubara was present.

The Commission, after careful review of the Hearing Officer's report, the record and files herein, with good cause existing and upon motion duly passed,

HEREBY adopts the Hearing Officer's Report. Accordingly, the Commission hereby adopts the findings of fact, conclusions of law, and decision and order as follows:

Petitioner filed a petition on August 22, 1991, and subsequent amendments to the petition on October 15, 1991 and May 19, 1992 pursuant to Chapter 205, Hawaii Revised Statutes, as amended (hereinafter "HRS") and the Hawaii Land Use Commission Rules, Title 15, Subtitle 3, Chapter 15, Hawaii Administrative Rules, as amended, (hereinafter "Commission Rules") to amend the land use district boundary for approximately 20.644 acres from the Conservation District to the Agricultural District situate at Maalaea, Ukumehame, Wailuku, Maui, State of Hawaii, identified by Tax Map Key No.: 3-6-01: por. 18, for continued agricultural crop production.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On August 22, 1991, Petitioner filed a Petition for a boundary amendment to reclassify approximately 12.044 acres from the Conservation District to the Agricultural District (hereinafter "Petition"). The Petition included an environmental assessment (hereinafter "EA") pursuant to Chapter 343-5(c)(7) HRS, as amended.

2. The Petition was served upon the Office of State Planning (hereinafter "OSP") and the County of Maui Planning Department (hereinafter "Planning Department") by Jordan Wagner, attorney for Petitioner.

3. A First Amended Certificate of Service was filed on August 26, 1991 indicating service of the Petition upon the Maui Planning Commission.

4. On September 19, 1991, and by Finding of Fact, Conclusion of Law, and Decision an Order Supporting a Negative Declaration for A State Land Use District Boundary Amendment dated November 7, 1991, the Commission did not require an Environmental Impact Statement for the subject Petition, and accepted the Petition for filing as of September 19, 1991.

5. On October 15, 1991, Petitioner filed a First Amendment To Petition For Boundary Amendment which amended Section X of Petition and provided flora, fauna, and archaeological information.

6. On November 5, 1991, a prehearing conference was held in the conference room of the Department of Business, Economic Development and Tourism, 11th Floor, Central Pacific Plaza, 220 South King Street, Honolulu, Hawaii, with all parties in attendance.

7. On November 21, 1991, the Commission's Hearing Officer, Benjamin M. Matsubara, Esq. opened the hearing for the subject docket at the Kahului Library in Kahului, Maui, State of Hawaii, pursuant to notices published in the Maui News and Honolulu Advertiser on October 17, 1991.

8. No requests for intervention or to be a public witness were received by the Commission.

9. The hearing was continued pursuant to a Stipulation To Continue Hearing To Consider A Petition For Land Use District Boundary Amendment signed by the parties, and filed at the hearing.

10. Petitioner filed the Stipulation To Continue Hearing in order to conduct a boundary interpretation (hereinafter "BI") to determine the approximate location and acreage of additional land which appeared to be located within the Conservation District.

11. On May 19, 1992, Petitioner filed a Second Amendment To Petition For Land Use District Boundary Amendment (hereinafter "Amended Petition"), which increased the Petition area from approximately 12.044 acres to approximately 20.644 acres of Conservation District land. The amended Petition area represents all the Conservation District lands of TMK No.: 3-6-01: 18 (hereinafter "Property"). The Amended Petition included a revised EA (Exhibit 7), entitled Maalaea Fields 771, 773, and 775.

12. The additional acreage (approximately 8.6 acres) of the Property was determined pursuant to BI No. 92-15 dated April 7, 1991 (Exhibit 6), which includes a metes and bounds description prepared by a registered professional land surveyor.

13. On May 28, 1992, the Commission held a meeting to determine whether the anticipated effects of the proposed Amended Petition constituted a "significant effect" pursuant to Chapter 343 HRS, as amended.

14. By Finding of Fact, Conclusion of Law, and Decision an Order Supporting a Negative Declaration for An Amended State Land Use District Boundary Amendment dated

June 22, 1992, the Commission did not require an Environmental Impact Statement for the Amended Petition, and accepted the Amended Petition for filing as of May 28, 1992.

15. On July 1, 1992, the Commission received a letter from the Office of Environmental Quality Control dated June 30, 1992, indicating that the Commission's Negative Declaration was not subject to the draft EA procedures of Act 241, which became effective on June 17, 1992.

16. On July 21, 1992, a prehearing conference was held in the conference room of the Department of Business, Economic Development and Tourism, with all parties in attendance.

17. On August 3, 1992, Hearing Officer Benjamin M. Matsubara, Esq. conducted the continued hearing on the Amended Petition in the County of Maui, Planning Department's Hearing Room in the Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii pursuant to notices published in the Maui News and Honolulu Advertiser on June 30, 1992.

18. Public witness testimony was heard from Lesley Ann Bruce, a resident of Maalaea, pursuant to a verbal request received on July 31, 1992.

DESCRIPTION OF THE PROPERTY

19. The Property consists of four non-contiguous parcels totaling approximately 20.644 acres situated at Maalaea, Ukumehame, Wailuku, mauka of Honoapiilani Highway near

Maalaea Village and extends northward to the vicinity of the North Kihei Road intersection.

20. The approximate acreages of the four parcels that comprise the Property are as follows:

Parcel 1: 17.498 acres

Parcel 2: 2.316 acres

Parcel 3: 0.566 (24,660 square feet)

Parcel 4: 0.264 (11,513 square feet)

21. West (mauka) of the Property are State-owned Conservation District lands that are presently used for cattle grazing.

22. Southeast of the Property, across Honoapiilani Highway, is the undeveloped Urban District land of the Maalaea Triangle. Maalaea is a former fishing village and is the site of the Maalaea Small Boat Harbor. East of the Harbor are several apartment condominiums.

23. Pineapple fields are located north of the Property and sugarcane fields are located east (makai) of Honoapiilani Highway up to North Kihei Road.

24. The Property is owned in fee by Wailuku Agribusiness Co. Inc. (hereinafter "WACI"). Both Petitioner and WACI are subsidiaries of C. Brewer and Company, Ltd. Petitioner is responsible for the land management and development activities, while WACI is in charge of the day-to-day farming and agricultural operations. WACI was formerly known as Wailuku Sugar Company.

25. Petitioner has been authorized by the WACI to file and pursue the subject Petition.

26. The Property is a portion of WACI's fields 771, 773, and 775, which are 40, 140, and 66 acres in size, respectively.

27. Approximately 14 acres of the Property are in pineapple cultivation. The remainder of the Property consists of an agricultural access road, vacant lands, and a temporary air monitoring station.

28. The Property ranges in elevation from 40 feet to 200 feet at its northern boundary. The Property is mildly sloping in an east to west direction at approximately three percent.

29. Rainfall in the area averages less than 15 inches per year.

30. The average temperatures in the area range from lows in the mid-60s to highs in the 80s. August is historically the warmest month, while the months of January and February are the coolest.

31. The soils of the Property are identified by the Soil Conservation Service (SCS) as being of the Pulehu-Ewa-Jaucas association, which are characteristically deep, well-drained, and located in basins as well as on alluvial fans. Soils of the Property are of the Ewa Series (EsB), specifically the Ewa silty clay (EsB), Ewa cobbly silty

clay (Etb), and stony alluvial land (rSM). The rSM soils are stones, boulders, and soils deposited by streams along the bottoms of gulches as well as on alluvial fans.

32. The cultivated portion of the Property is classified as "B" soils under the University of Hawaii's Land Study Bureau's (LSB) Detailed Land Classification system. The uncultivated, mauka portions of the Property are classified as "E" soils.

33. The Agricultural Land of Importance to the State of Hawaii (ALISH) classification system classifies the Property as "Prime", except for the northern most portion of the Property which is not classified.

34. The Property is located within Zone C, areas of minimal flooding, according to the Flood Insurance Rate Map (FIRM). Portions of a drainage gulch makai of Parcel 1 is designated within Zone B, areas between limits of the 100-yr and 500-yr flood.

35. The Property is located approximately 400 feet from the shoreline at its closest point and is not located within the Tsunami Inundation Zone.

PROPOSAL FOR RECLASSIFICATION

36. Petitioner identified the Property as being within the Conservation District when WACI conducted an "in-house" land inventory and review of the area. The Petition is an "after-the-fact" request to bring the State Land Use

District boundaries in-line with past and existing agricultural uses.

37. Portions of the Property were first planted in sugarcane in 1965 and remained in sugarcane production until 1988. In 1990, the cultivated portion of the Property (approximately 14 acres) was planted in pineapple and is currently in pineapple production.

Development Timetable

38. Petitioner has a long-term growing agreement with Maui Land & Pineapple Co., Inc. Petitioner intends to continue to use the Property for pineapple production, at least for an extended period of time.

39. As part of the Kihei-Makena Community Plan 10-Year Review currently being conducted by the Planning Department, Petitioner has presented a long-term conceptual proposal for a 169-acre, 850-unit low-density and medium-density housing development on a portion of the Property, and involving most of TMK No. 3-6-01: 18.

40. Petitioner's long-term conceptual proposal was presented to the Kihei-Makena Community Plan Citizen's Advisory Committee (hereinafter "CAC") on July 28, 1992. This information was also shared with the Maalaea Community Association.

41. Petitioner's long-term conceptual plans for the Property were not included in the Petition and were first disclosed to the Commission at the hearing on August 3, 1992.

42. Any proposal for development would require a Community Plan or Project District approval by the Maui County Council.

43. Alexander and Baldwin (A&B) Properties, Inc. has also presented development plans to the Kihei-Makena Community Plan CAC for the 10-Year Review. A&B Properties' proposal involves a 650-acre Project District called the Maalaea Village Project District, which would be located on current sugarcane land east of the Property.

PETITIONER'S FINANCIAL CAPABILITY
TO UNDERTAKE THE PROPOSED DEVELOPMENT

44. Petitioner's Consolidated Unaudited Balance Sheet as of December 30, 1990 (Exhibit 9) reflects total current assets of \$23,595,000, total investments of \$783,000, net property, plant and equipment of \$42,912,000, total deferred charges of \$222,000 and total other assets of \$180,000, for total assets of \$67,692,000. Total current liabilities were \$1,449,000, other long-term debt was \$45,000, and total other liabilities were \$2,362,000, for total liabilities of \$3,856,000. Total stockholders' equity was \$63,836,000.

STATE AND COUNTY PLANS AND PROGRAMS

45. The Property is located within the State Land Use Conservation District, as reflected on Land Use District Boundary Map M-6, (Maalaea).

46. Approximately 500 feet of the southern portion of the Property is located within the Limited (L) subzone. The

remaining portion of the Property is located within the Resource (R) subzone, as set forth in Conservation District Rules, Title 13, Subtitle 1, Chapter 2, Hawaii Administrative Rules.

47. The State Department of Health's (hereinafter "DOH") Underground Injection Control (hereinafter "UIC") line runs across approximately one-quarter of the southern portion of the Property. Approximately three-quarters of the Property are located within areas subject to UIC regulations administered by DOH.

48. The Property is designated as "Agriculture" on the County of Maui's Kihei-Makena Community Plan.

49. The Property does not have an underlying County zoning.

50. The southern (makai) portion of the Property is located within the Special Management Area (hereinafter "SMA") administered by the Planning Department. Continued use of the Property in pineapple cultivation will not require an SMA permit.

NEED FOR THE PROPOSED DEVELOPMENT

51. Pursuant to the Department of Land and Natural Resources' (hereinafter "DLNR") Rules and Section 183, HRS, as amended, the cultivation of agricultural crops is not a permissible use in the Conservation District. Petitioner seeks

reclassification of the Property on behalf of WACI to reclassify the Property to a more appropriate designation.

ECONOMIC IMPACTS

52. The fee holder of the Property, WACI, is a large-scaled, diversified agribusiness company on Maui, with more than 3,200 acres in active cultivation in Central Maui. WACI manages approximately 1,300 acres of macadamia nut orchards and 1,900 acres of pineapple fields from Maalaea to Waihee.

53. Based on an estimated yield of 30-40 tons/acre, the Property can be expected to generate approximately 420-560 tons of pineapple per 12/18 month growing cycle. The incremental production value derived from the site will help support WACI's agricultural operations.

54. The continued use of the Property for pineapple production helps to stabilize WACI's employee work force of 140 full-time employees and 50-75 seasonal employees.

SOCIAL IMPACTS

55. The continued use of the Property for agricultural crop production, which first began in 1965, will not impact the socio-economic fabric of the community.

IMPACTS TO RESOURCES OF THE AREA

Agricultural Resources

56. The continued pineapple cultivation activity on the Property, which represents approximately 0.7% of WACI's pineapple operations, supports the continued viability of

WACI's pineapple operations and the pineapple industry on Maui in general.

Flora

57. The Property was in sugarcane cultivation from 1965 until 1988, and has been in pineapple cultivation since 1990.

58. There are no other forms of vegetation on the cultivated portion of the Property. Common roadside weeds and grasses border the pineapple fields. The uncultivated portions of the Property contain pili, cane grass, koa haole, ilima, and kiawe.

59. There are no known rare or endangered plant species in the surrounding environs.

Fauna

60. The Property does not serve as a habitat to any rare, endangered, or threatened species of wildlife. Avifauna typically found in the surrounding kiawe/scrub vegetation include mynahs, Northern Cardinal, Gray and Black Francolin and the Japanese White-eye. Mammals found on the Property are common to this locale, including the mongoose, mice, rats, and feral cats and dogs.

Archaeological/Historical Resources

61. The cultivated portion of the Property (approximately 14 acres) has been actively used for agricultural operations since the mid-1960s and surface

disturbance (e.g., mass grading and continuous plowing) has been extensive. There are no undisturbed areas within this portion of the Property.

62. An archaeological inventory survey was performed on the uncultivated portion of the Property in April 1992 by Archaeological Consultants of Hawaii, Inc. (hereinafter "ACH").

63. No structures or materials of historic or prehistoric significance were discovered on this portion of the Property. The continued use of the Property will have no effect on significant cultural resources.

64. Previous archaeological research indicates that the Old Lahaina Pali Trail is located on Conservation District lands of the West Maui Mountains, west (mauka) of the Property.

65. This trail terminates approximately 1,000 feet west (mauka) of the Property.

Recreational/Cultural Resources

66. The area west (mauka) of the Property would be the eastern end of the Old Lahaina Pali Trail being planned for development by the Na Ala Hele Program of DLNR.

67. Petitioner has had preliminary discussions with DLNR's Na Ala Hele program for access through the Property.

68. Petitioner acknowledges that the Old Lahaina Pali Trail is a valued cultural and historical resource, and is committed to working out a trail access solution with DLNR's Na Ala Hele Program.

Scenic Resources

69. The Property is situated on the mauka side of Honoapiilani Highway and offer motorists uninterrupted views to the upper slopes of the West Maui Mountains. The Property also offers a sweeping view of the ocean, Central Maui plains, and the slopes of Haleakala. The Property, together with the surrounding agricultural and range lands, establish the open space character of the region.

ENVIRONMENTAL QUALITY

Noise

70. The continued use of the Property will not result in adverse noise impacts. The Property is surrounded by agricultural lands, open rangelands, and a major roadway arterial which define the noise characteristics of the Property.

71. Noise generated by the agricultural operations on the Property are considered normal and acceptable for such activities, and does not adversely affect surrounding lands.

Air Quality

72. Air quality at the Property is considered good.

73. The continued use of the Property should not result in any adverse air quality impacts.

74. There are no point sources of airborne emissions in the immediate vicinity of the Property.

75. The burning of sugarcane in the nearby fields may create temporary increases in airborne particulates, although this occurrence is intermittent.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Highway and Roadway Facilities

76. Continued use of the Property will not require additional roadways or modifications or improvements to existing public roadways.

Water Service

77. The Property is served by WACI's privately maintained irrigation system, which includes the Waihee Ditch delivery system. The Waihee Ditch is located approximately 250 feet north of the Property at the 320-foot elevation.

Drainage

78. Surface runoff from the Property flows in a west (mauka) to east (makai) direction into two drainage gulches on the Property and Pohakea Gulch, which ultimately flows into the Maalaea Harbor and Maalaea Bay.

Police/Fire Protection

79. Public services such as police and fire protection, and medical facilities are located in the urbanized areas of the Kihei-Makena and Wailuku-Kahului Community Plan regions.

80. Continued use of the Property for pineapple cultivation will not impact police and fire protection, educational, medical, or recreational services.

COMMITMENT OF STATE FUNDS AND RESOURCES

81. The proposed reclassification of the Property for continued agricultural crop production will not affect governmental public service and infrastructure systems.

CONFORMANCE WITH THE HAWAII STATE PLAN

82. The proposed reclassification is generally consistent with the objectives and policies of the Hawaii State Plan, Chapter 226, HRS as follows:

Section 226-7(a)(1) Continued viability in Hawaii's sugar and pineapple industries.

Section 226-7(b)(6) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.

Section 226-103(c)(1) Provide adequate agricultural lands to ensure the economic viability of the sugar and pineapple industries.

Section 226-11(a)(1) Prudent use of Hawaii's land-based, shoreline, and marine resources.

Section 226-11(a)(2) Effective protection of Hawaii's unique and fragile environmental resources.

Section 226-11(b) (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.

Section 226-12(a) Planning for the State's physical environment shall be directed towards achievement of the objectives of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

Section 226-12(b) (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

CONFORMANCE WITH STANDARDS FOR DETERMINING
AGRICULTURAL DISTRICT BOUNDARIES

83. The proposed reclassification of the Property is in accordance with the standards set forth in Section 15-15-19 of the Commission Rules for reclassification of approximately 20.644 acres in that:

a. The continued agricultural crop production on the Property is a permissible use in the Agricultural District, which include activities or uses relating to the cultivation of

crops, orchards, forage, and forestry; farming and animal husbandry; aquaculture; and game and fish propagation.

b. The Property is considered suitable for agriculture, as evidenced by its more than 20 years of use for sugarcane cultivation and its present use for pineapple cultivation.

c. The Property's physiographic characteristics and the existing agricultural infrastructure make the Property an important part of WACI's overall pineapple operations.

CONFORMANCE WITH COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES

84. The proposed reclassification of the Property generally conforms with the policies and objectives of the Coastal Zone Management Program, Chapter 205A, HRS, as amended.

RULINGS ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact not adopted by the Commission herein, or rejected by clear contrary finding of fact herein, are hereby denied and rejected.

Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, HRS, as amended, and the Hawaii Land Use Commission Rules, the Commission finds upon the clear preponderance of the evidence that the reclassification

of approximately 20.644 acres at Maalaea, Ukumehame, Wailuku, Maui, State of Hawaii, from the Conservation District to the Agricultural District for continued agricultural crop production uses subject to the conditions set forth in the Order, conforms to the standards established in the Commission Rules, is reasonable, non-violative of Section 205-2, HRS, as amended, and the Hawaii State Plan, as set forth in Chapter 226, HRS, as amended.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, which is the subject of Docket No. A91-672 filed by C. Brewer Properties, Inc., consisting of approximately 20.644 acres at Maalaea, Ukumehame, Wailuku, Maui, State of Hawaii, and identified as Maui Tax Map Key No.: 3-6-01: por. 18, and approximately identified on Exhibit "A" attached hereto and incorporated by reference herein, shall be and the same is hereby reclassified from the State Land Use Conservation District to the State Land Use Agricultural District and the State Land Use Boundaries are amended accordingly, subject to the following conditions:

1. Petitioner shall continue agricultural use of the Property, in compliance with the representations made to the Land Use Commission.

2. Any development of the subject Property and surrounding lands owned by the Petitioner shall conform to a community plan that has been approved by the County of Maui.

3. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property.

4. Petitioner shall immediately stop work and contact the State Historic Preservation Division should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during crop cultivation or any subsequent development activity.

5. Petitioner shall provide for access through the subject parcel (TMK:3-6-01: 18) to the Old Lahaina Pali Trail, provided that conditions and restrictions regarding public use of the access shall be developed in conjunction with the Department of Land and Natural Resources Na Ala Hele Trail and Access Program.

6. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Maui Planning Department in connection with the status of the subject project and the Petitioner's progress in complying with the conditions imposed.

7. The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

8. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

9. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

Done at Honolulu, Hawaii, this 1st day of December 1992,
per motion on November 23, 1992.

LAND USE COMMISSION
STATE OF HAWAII

By (excused)
RENTON L. K. NIP
Chairman and Commissioner

By Allen K. Hoe
ALLEN K. HOE
Vice Chairman and Commissioner

By Allen Y. Kajioka
ALLEN Y. KAJIOKA
Vice Chairman and Commissioner

By Karen S. Ahn
KAREN S. AHN
Commissioner

By Eusebio Lapenia, Jr.
EUSEBIO LAPENIA, JR.
Commissioner

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

By (absent)
TRUDY K. SENDA
Commissioner

By Elton Wada
ELTON WADA
Commissioner

By (absent)
DELMOND J. H. WON
Commissioner

Filed and effective on
December 1, 1992

Certified by:
Lothar Lund
Executive Officer

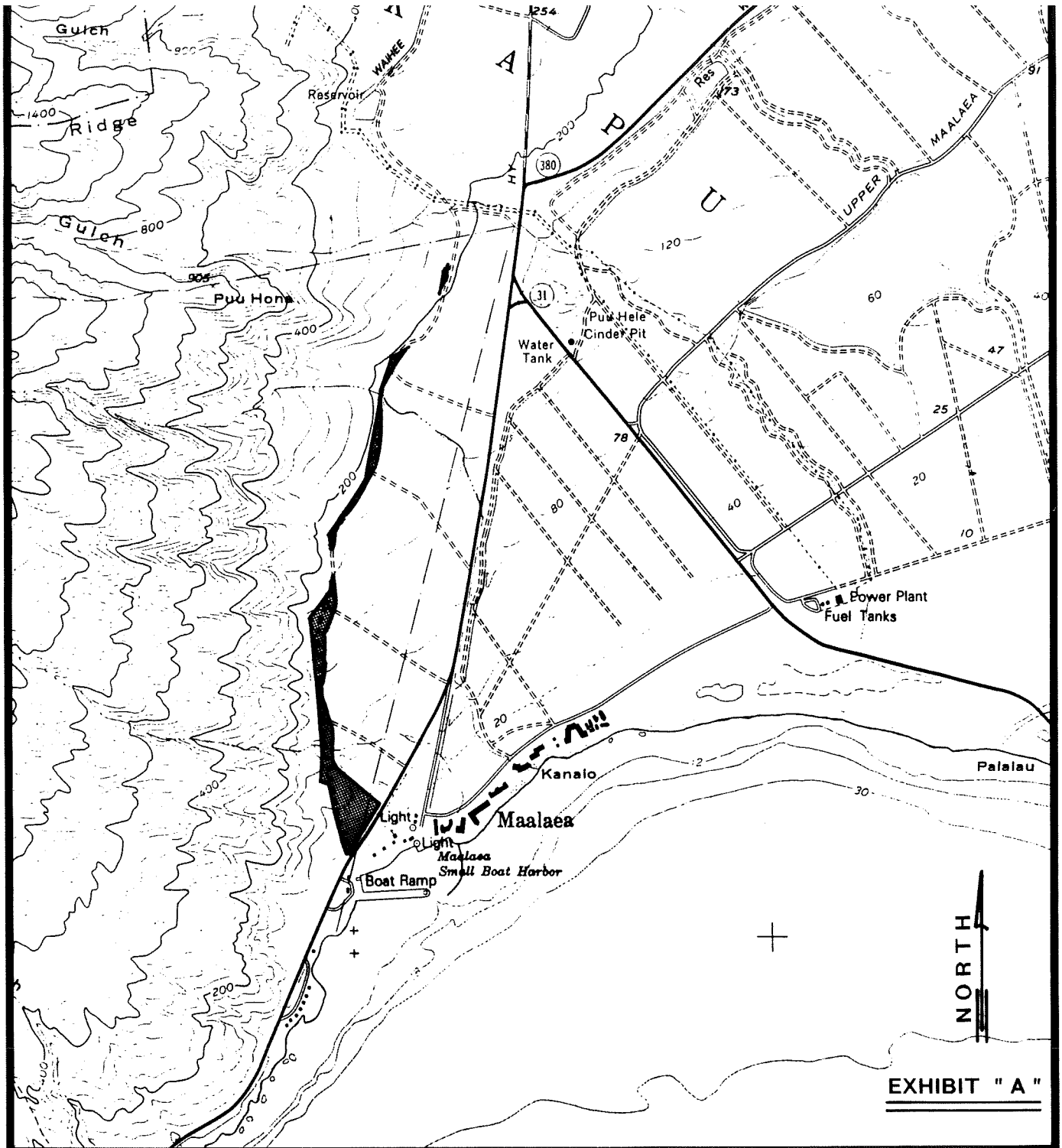


EXHIBIT " A "

**DOCKET NO. A91 - 672 / C. BREWER
PROPERTIES, INC.**

LOCATION MAP

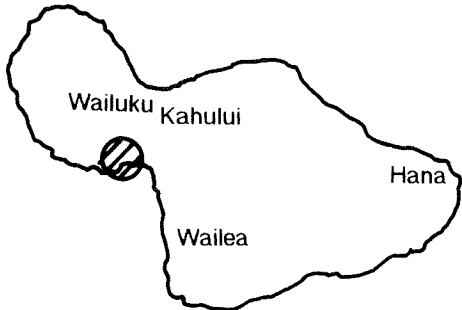
TAX MAP KEY: 3 - 6 - 01: por. 18

MAALAEA, UKUMEHAME, WAILUKU, MAUI

SCALE: 1" = 2,000 ft. ±



APPROVED AREA



MAUI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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Wailuku, Hawaii, Tax Map Key No.:)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and 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:

NORMA WONG, Acting Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540


CERT. BRIAN MISKAE, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERT. GUY A. HAYWOOD, ESQ.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

CERT. ERIC MAEHERA, ESQ., Attorney for Petitioner
Foley, Maehara, Judge, Nip & Chang
2700 Grosvenor Center
737 Bishop Street
Honolulu, Hawaii 96813

B. G. MOYNAHAN
C. Brewer Properties, Inc.
CERT. Suite 1700, Hawaii Building
827 Fort Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 1st day of December 1992.



ESTHER UEDA
Executive Officer