A66-144
COUNTY OF MAUI

LAND USE COMMISSION

November 25, 1969

Mr. Howard K. Nakamura
Planning Director
Maui Planning Department
P. O. Box 1487
Kahului, Maui, Hawaii 96732

Dear Mr. Nakamura:

Pursuant to your letter of November 19, 1969 regarding TMK 3-3-03: 10, this is to advise that no change in land use designation occurred on the subject parcel during our 5-year boundary review. Therefore, it is presently still within the State's Rural District.

Very truly yours,

RAMON DURAN
Executive Officer

3117

Elmer F. Cravalho
Mayor

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Motohisa Unemori, Vice-Chairman
Joseph Franco
G. Alan Freeland
Adrian Hussey
Kazuo Kage
Ichiro Maehara
John M. Fernandez, Ex-Officio
Koichi Hamada, Ex-Officio

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Peter Matsuoka, Vice-Chairman
William Hong
Ralph H. Moltzau
Thomas Yagi

~~Robert O. Ohata, Planning Director~~
Howard K. Nakamura, ~~Dep~~. Pl. Dir.
~~Eva M. Duponte, Adm. Asst.~~

write reply

November 19, 1969

RECEIVED
NOV 21 1969
State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Duran:

On June 16, 1967, a petition by the County of Maui (A66-144) to amend land use district boundaries for the parcel shown on the attached sketch, cross-hatched in red, from Conservation District to Rural District was approved by the State Land Use Commission.

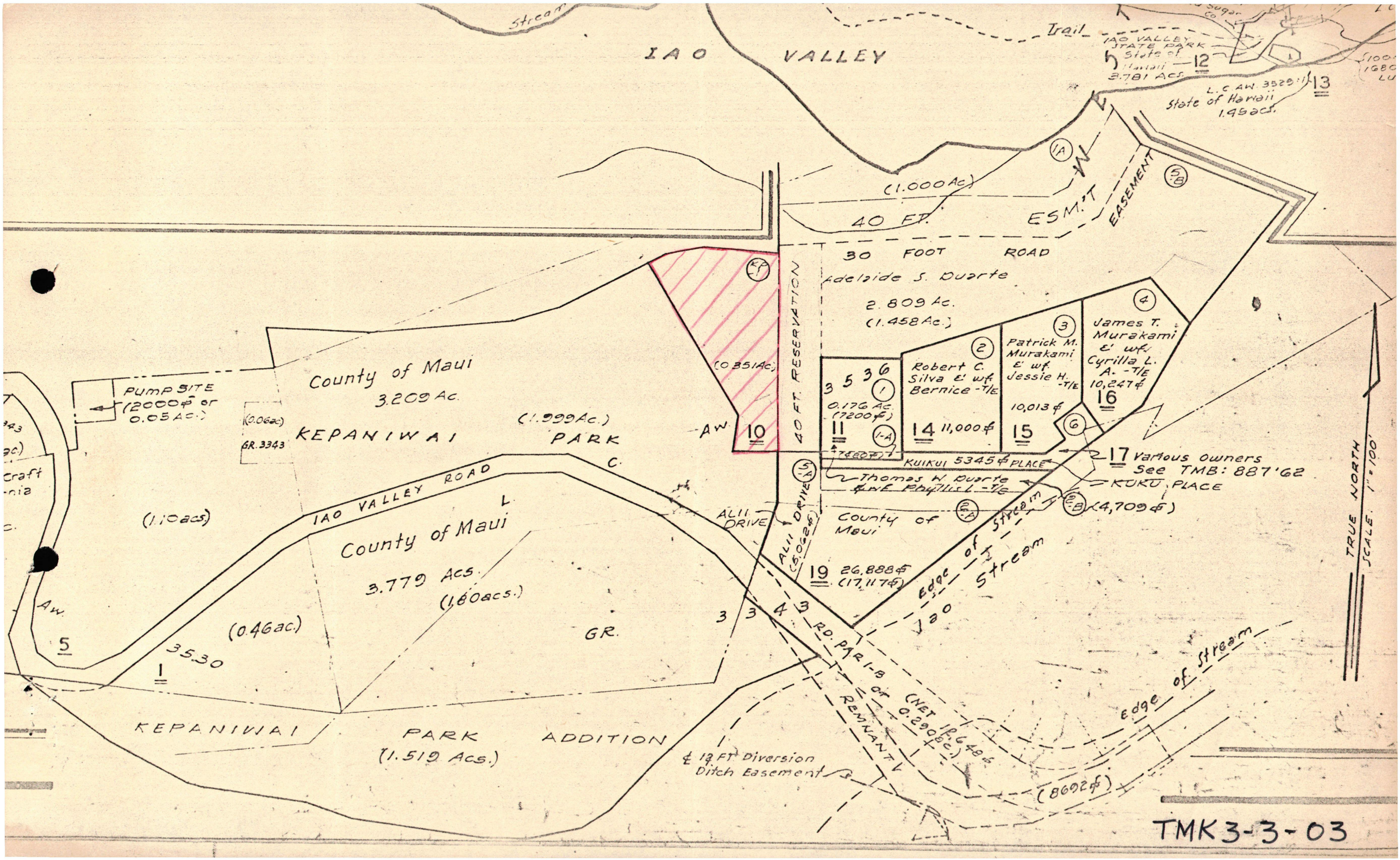
Could you please let me know as to whether the 5-Year Boundary Review undertaken by the Land Use Commission resulted in any change as far as the zoning for this parcel is concerned. Your early reply would be appreciated.

Very truly yours,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

Attachment



IAO VALLEY
Stream
Trail
IAO VALLEY STATE PARK
State of Hawaii
3.781 Acs.
12
13
L.C. AW. 3529:1
State of Hawaii
1.45 acs.
(1.000 Ac.)
40 FT. ESM'T
EASEMENT
30 FOOT ROAD
Adelaide S. Duarte
2.809 Ac.
(1.458 Ac.)
40 FT. RESERVATION
(0.351 Ac.)
3 5 3 6
0.176 Ac.
(7200 ⌀)
Robert C. Silva & wf. Bernice -T/E
11,000 ⌀
Patrick M. Murakami & wf. Jessie H. -T/E
10,013 ⌀
James T. Murakami & wf. Cyrilla L. A. -T/E
10,247 ⌀
16
15
14
10
11
KUIKUI 5345 ⌀ PLACE
Thomas W. Duarte & wf. Phyllis L. -T/E
17 Various owners See TMB: 887'62
KUKU PLACE
(4,709 ⌀)
County of Maui
ALII DRIVE
ALII DRIVE (5,062 ⌀)
19 26,888 ⌀ (17,117 ⌀)
Edge of Stream
Iao Stream
County of Maui
3.209 Ac.
(1.999 Ac.)
KEPANIWAI PARK
PUMP SITE (2000 ⌀ or 0.05 Ac.)
(0.06 ac.)
GR. 3343
IAO VALLEY ROAD
County of Maui
3.779 Acs.
(1.80 acs.)
(1.10 acs.)
(0.46 ac.)
GR.
35.30
KEPANIWAI PARK ADDITION
(1.519 Acs.)
RD. PAR 1-B (NET 12,648 ⌀ or 0.290 Ac.)
REMNANT
℄ 12 FT. Diversion Ditch Easement
(8692 ⌀)
Edge of Stream
TRUE NORTH
SCALE 1" = 100'

TMK 3-3-03

June 21, 1967

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

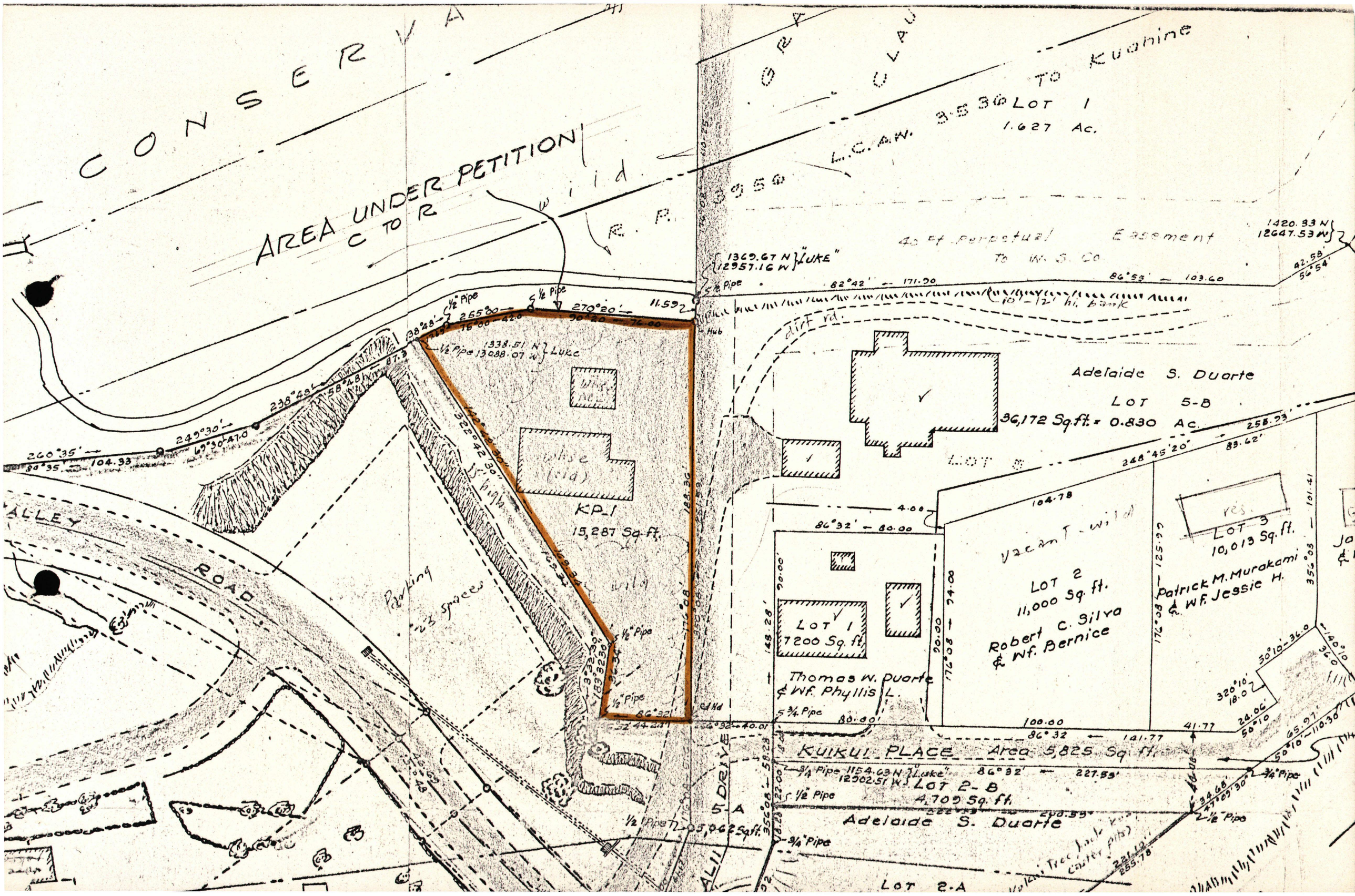
Dear Mr. Ohata:

The petition by the County of Maui (A66-144) to amend the land use district boundaries from a Conservation District to a Rural District at Kepaniwai Park, Maui, identifiable by Tax Map Key 3-3-03: portion of 5, was approved by the Land Use Commission at its meeting on June 16, 1967.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Chairman Burns
Maui County Attorney
Department of Taxation
Department of Land & Nat. Res.



CONSERVA
AREA UNDER PETITION
C TO R
wild
R. P. 3956
L.C.A.W. 3536
LOT 1
1.627 Ac.
To Kuahine
40 ft Perpetual Easement
To W. S. Co.
1369.67 N
12957.16 W
"LUKE"
1420.33 N
12647.53 W
82°42' — 171.90
86°55' — 103.60
10'-12' hi. bank
dirt rd.
Adelaide S. Duarte
LOT 5-B
36,172 Sq.ft. = 0.830 Ac.
1338.51 N
13088.07 W
Luke
270°20'
255°00'
238°48'
249°30'
260°35'
104.33
KP-1
15,287 Sq.ft.
Parking
23 spaces
ALLEY
ROAD
LOT 1
7200 Sq.ft.
Thomas W. Duarte
& Wf. Phyllis L.
LOT 2
11,000 Sq.ft.
Robert C. Silva
& Wf. Bernice
vacant - wild
LOT 3
10,013 Sq.ft.
Patrick M. Murakami
& Wf. Jessie H.
KUIKUI PLACE Area 5,825 Sq.ft.
LOT 2-B
4,709 Sq.ft.
Adelaide S. Duarte
LOT 2-A
5-A
DRIVE

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

June 16, 1967 - 1:15 P. M.

Commissioners Present: C. E. S. Burns, Chairman
Leslie Wung
Shiro Nishimura
Keigo Murakami
Goro Inaba

Commissioners Absent: Shelley M. Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner II
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

It was moved by Commissioner Nishimura and seconded by Commissioner Inaba that the minutes of the meetings of December 16, 17, 1966 and February 17, 18, 1967 be approved as circulated. The motion was unanimously passed.

NEXT MEETING DATE:

After a short ciscussion, the next meeting date was set for July 28, 1967 in Kona, Hawaii.

BOUNDARY INTERPRETATION ON KAMILONUI RIDGE

Mr. Duran presented a letter received from Mr. Mineo Okamoto of Wilson Okamoto and Associates dated June 8, 1967, requesting a conservation boundary interpretation on Kamilonui Ridge, Tax Map Key 3-9-19 (see copy of letter on file). The Kamilonui Farmers Cooperative was proposing an agricultural subdivision in this area and a small sliver of land within the subdivision had been placed in the Conservation District by the Land Use Commission. This had been determined by measuring the USGS 1"=2000' scale district map and transferring the information on the subdivision map. It was the Cooperative's contention that the existing coral road with ground slopes of 12% was a more logical urban-conservation boundary. They are proposing an agricultural subdivision in an Urban District on Bishop Estate lease lands. The average size of the lots ranged from 2 to 4 acres.

See page 3

Commissioner Murakami moved to approve the petition on the basis that the information submitted by the petitioner falls within the criteria established for rural zoning and is of sufficient nature to warrant a change. Commissioner Ferry seconded the motion which was passed with Commissioner Mark casting the only negative vote.

PETITION BY COUNTY OF MAUI (A66-144) TO RECLASSIFY APPROXIMATELY 15,300 SQUARE FEET OF CONSERVATION LAND INTO RURAL LAND AT KEPANIWAI PARK, MAUI

Mr. Duran recommended in the staff report that the request again be denied since no additional significant information was submitted that would substantially alter the facts upon which the Land Use Commission based its original decision.

Commissioner Wung commented that during the earlier testimony, the petitioners had expressed that Mr. Duarte had no intention of any specific use for the land which the county would exchange.

Commissioner Nishimura felt that locating the caretaker's home on Mr. Duarte's property in exchange for the county property would not adversely affect the land use pattern in the area.

Commissioner Ferry expressed his stand that the County was responsible for its own destiny and for providing recreational facilities for its own people, and if it deemed it advisable to locate the caretaker's cottage in the park, it should be allowed to do so.

It was pointed out by Commissioner Inaba that had the conservation parcel abutting Mr. Duarte's rural lands belonged to 1Mr. Duarte at the time the boundary was established, it would have in all probability been districted rural; that the line was drawn where it was due to the land ownership pattern.

Commissioner Ferry moved that petition be granted on the grounds that the information submitted is valid. It was seconded by Commissioner Murakami and passed unanimously.

PETITION OF HAWAII MILL CO., LTD. (A67-147) TO RECLASSIFY APPROXIMATELY 19.6 ACRES FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT HILO, HAWAII

Mr. Leong presented the staff memo recommending approval of the petition based on analysis and investigation as outlined in the memo (see copy of memo on file).

Commissioner Wung wondered whether Mr. Detor's property might be subjected to an increase in taxes once the rezoning to urban is effected for the parcel under discussion. Commissioner Ferry felt Mr. Detor's taxes would not be affected since assessments were based on present and actual use of the land.

HONOLULU ADVERTISER Monday, June 19, 1967

Maui Land-Use Decision Brings Criticism

By ERIC CAVALIERO

The State Land Use Commission last week approved two land use zone changes on Maui, and the decision has led to a charge that an improper concession has been made to a former State senator.

The commission's action was taken at a hearing here Friday. The commissioners previously had denied the zone changes, and the denials had been protested by the Maui County Government.

The action involved a County request for a 15,000 square foot change in the conservation zone area in Iao Valley at Kepaniwai Park and re-classification of 6.9 acres from agricultural to rural for Frank and Bessie Moniz in Kula, Maui.

After the Friday hearing, Robert Wenkam, a former member of the commission, implied that the Iao Valley zoning boundary change involved an improper concession to John G. Duarte, Iao land-owner and former Territorial and State senator.

Wenkam alleged that the commission was trying to turn over to Duarte a part of Kepaniwai Park in Iao and that Duarte would be allowed to make private use of conservation-zoned land for a warehouse and garage.

In his statement, Wenkam said:

"I would like to ask why Jim Ferry (chairman of the Department of Land and Natural Resources) has been so desirous of turning over a portion of Kepaniwai County Park to retired Sen. Duarte, so he can build a new home overlooking the park.

"I wish also to ask why he has taken no action against the construction and operation of a private warehouse and garage at Kepaniwai within the Conservation District and the County Park."

Wenkam said the warehouse is owned by Duarte and is on land under the jurisdiction of Ferry's department.

"It might also be proper to ask why Maui County has permitted Duarte to use the County Park for private purposes and how much Duarte pays for this unusual privilege," he said.

Duarte was reached on Maui and informed of Wenkam's statement. He said:

"I have asked permission of the County to use the land on which I have built a shed to store lumber, but the County at the same time is using my land for drainage from the park and its swimming pool.

"So far as I am concerned, I could rent the land the County wants for a caretaker's house for a restaurant site. I have had offers for it.

"That site has incidentally, been assessed by the tax office at $2,100. The land I have been using is assessed at about 6 cents per square foot.

"We are not talking about money here, but the convenience of the County and myself," Duarte said.

He added: "In 1939 and 1940 I donated the original three acres for Kepaniwai Park. That was free. I am interested in the park. The park later was enlarged by three acres donated by Wailuku Sugar Co. after a land exchange with me."

Duarte said this was done nearly 30 years ago when there was no Land Use Commission because "we wanted to see a park there."

"I will do what I can today to see the park enlarged and improved," he said.

Robert O. Ohata, Maui County planning director, said: "The County of Maui wants to make the land exchange with Mr. Duarte. It is to the advantage of both parties.

"The land area involved is only about 15,000 square feet. The County wants to move the present park caretaker's home to a new location just to the right of and below the bridge over Iao Stream at the park entrance.

"The site now occupied by the caretaker's house is to be included in one of the heritage gardens being developed with County, State and Federal funds," Ohata said.

(Last October the Maui Board of Supervisors completed action on an appropriation of $56,800 needed to match Federal funds for construction of the Kepaniwai Park international garden complex in Iao Valley.

(Since then, Maui County, with Federal, State and County funds, has begun the development of Kepaniwai into a cultural center around five gardens.

(The gardens memorialize migrations to the Islands by the early Hawaiians, Japanese, Portuguese, Filipinos and Chinese).

Ohata noted: "Wenkam feels the land now owned by Duarte, which would be exchanged with the County for the proposed caretaker's cottage site, should be left in conservation since it overlooks the park entrance.

"He thinks the county should acquire the lower piece wanted for the caretaker's house by condemnation.

"But the land exchange will save the County money which it needs for the development of the heritage garden in the park."

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

Item A66-144 - Maui County Date June 15, 1967

Place Honolulu, Hawaii Time 3:20

Names	Yes	No	Abstain	Absent
WUNG, L.	✓			
INABA, G.	✓			
MURAKAMI, KEIGO OTA,XXX.	✓			
~~XXXXXXXXXX~~ WENKAM, R.				
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.	✓			
FERRY, J.	✓			
~~XXXXXXXXXXXX~~ THOMPSON, M.				

S

M

Comments:

Approve

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A66-144 - COUNTY OF MAUI

Background

An amendment to the State Land Use district boundaries from Conservation to Rural has been requested by Maui County. The land area involved is a 15,300 square foot portion of Kepaniwai Park located in Iao Valley. The following is a chronological list of events concerning this request:

1. June 17, 1966 - Land Use Commission public hearing at Kahului, Maui
2. August 5, 1966 - LUC Denied petition in accordance with staff recommendation in Hilo, Hawaii.
3. August 26, 1966 - Upon request of Maui County Supervisors and Planning Commission to reconsider, the Land Use Commission decided to accept a new petition with additional evidence.
4. October 29, 1966 - Commission voted to accept the newly filed petition based on additional information.
5. February 17, 1967 - Land Use Commission conducted another public hearing at Kahului, Maui to consider additional information.

The County desires to exchange 15,287 square feet of Kepaniwai Park which is located in the Conservation District for 17,117 square feet of land separated from the park by Alii Drive and Iao Valley Road owned by Mrs. A. S. Duarte. The park property in question is on a 10 to 15' bluff overlooking the remainder of the park and occupied by two temporary warehouses owned by

Mr. Duarte. The Duarte property to be exchanged for the park property is in the Rural District and has a steep drainage gully bisecting the area. The exchange is sought by the County in order to raze the existing caretaker's residence in the park and either relocate it or construct a new one on the Duarte property. The County contends that the park area in question is not suitable for anything due to land slides and that Mr. Duarte has no intended use for the area other than to consolidate it with his lot which is adjacent. The petitioners have also testified that the proposed boundary amendment is a "prerequisite" to the land exchange.

Additional Information

The following information was submitted by the petitioner as new evidence:

1. A Master Plan for Kepaniwai Park which does not include the park property in question or Mr. Duarte's property.
2. A statement from the County Attorney that $300,600 is available for park development and that contracts for landscaping and architectural plans have been let.
3. The existing caretaker's cottage will be razed and a new cottage constructed on the Duarte property contingent on the land exchange
4. A statement from the Maui County Planning Commission approving the proposed amendment.
5. The "need for the use other than that for which the district is classified" is supported by the County as follows:
   a. A resident caretaker is necessary because of past vandalism.
   b. District boundary change is a prerequisite to the land exchange.
   c. The two parcels in question are spot-zoned.
6. The "land is usable and adaptable for the use it is proposed to be classified" is supported as follows:

a. The park property when consolidated to Mr. Duarte's lot will contain 51,459 square feet.

b. Mr. Duarte's property is on grade and accessible from Iao Valley Road.

Analysis:

A review of the additional information submitted at the public hearing in support of the petition may be analyzed as follows:

1. The Master Plan of the park does not involve the parcel in question nor Duarte's property. The plan will no doubt provide a facility of great public benefit. Because federal funds are involved, the Department of Planning and Economic Development has approved the proposed plan. Nothing in the proposal, however, stipulates the removal and relocation of the existing caretaker's residence to the Duarte property or the razing of the existing residence and the construction of a new residence on the Duarte property. Thus, the plan and the DPED approval of the project have no direct relation to the rezoning application.

2. The Maui Planning Commission in support of the amendment stated "it would be of great public benefit while effecting logical land use patterns". The park will undoubtedly be of great public benefit but logical land use patterns, with reference to the boundary change to consolidate the 15,300 square foot park area with Mr. Duarte's property, are irrelevant. Testimony has shown there is no contemplated use of the park remnant other than to append it to Mr. Duarte's existing lot. Also, the Commission supported the first application and so this is not additional evidence.

3. Statement by the County Attorney that federal, state and county

monies are available for the park development does not relate to rezoning the park parcel in question but to the development of the remaining park lands covered by the Master Plan, and thus has no direct bearing on the boundary change either.

4. Plans for the removal of the existing caretaker's home was brought out in the first hearing and is also not additional evidence.

5. The "need" for the boundary change was justified because of past vandalism, a prerequisite for the land exchange, and the two parcels being spot-zoned. The need for improved supervision to prevent vandalism is understandable. Why the rezoning is a prerequisite has never been adequately explained when there is no intended use of the park property and certainly no spot-zoning exists since the park property is a part of thousands of acres within the Conservation District and the Duarte property is part of a 46-acre Rural District. The test to apply to either lots as to whether or not spot-zoning exists, is--is the zoning of the two properties in question in conformance with the purpose and intent of the statutory objectives of the law, or is the zoning designed merely to relieve either of the lots of the burden of the restrictions of the general regulation--that is, does the present zoning of the properties in question advance the common good and welfare of the community, or is it arbitrary and unreasonable, and merely to further private interests? To identify both parcels as being "spot-zoned" is stating that the Land Use Commission, when establishing the district boundary, gave to these two lots privileges which are not extended to other similar lands in the vicinity and, in doing so, is contrary to the public interest and to the purpose and intent of the law.

Obviously, neither of the parcels under discussion is "spot-zoned".

6. That the "land is usable for the purpose it is to be classified" as contained in the petitioner's statement "so that the park property can be consolidated to the Duarte lot and ultimately contain 51,459 square feet" is totally unrelated to the use of the land. Again, we are reminded that petitioners stated there is no intended use of the park property in question other than to consolidate the parcels.

It seems that the applicants have developed their entire case on the $300,000 improvement proposed for Kepaniwai Park. It has been inferred that unless the Land Use Commission approves the boundary change as requested, all of the parties involved, the County, the State and the federal government will withdraw their assistance. That is, the project will be stopped. This inference has not, however, been adequately explained by the applicants to the satisfaction of the staff and there is nothing in the DPED's approval that remotely recognizes the problem of land transfer, consolidation and rezoning as a condition to the park development.

Recommendation

Since there is no intended use of the park property in question, and since there is nothing to prohibit the relocation or the new construction of the caretaker's dwelling on the Duarte's property without a boundary change, and since the Land Use Law does not prohibit the transfer or consolidation of the properties involved, or construction of the caretaker's residence, it seems that all of this could be accomplished at the County level without involving the Land Use Commission. Therefore, it is the staff's conclusion that no additional significant information was submitted that would substantially alter the facts upon which the Land Use Commission based its original decision and it is recommended that the request again be denied.

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

Dear Mr. Ohata:

The Land Use Commission next meets at 1:00 p.m. on June 16, 1967 in the Land Use Commission Hearing Room, 426 South Queen Street, Honolulu, Hawaii.

On or about that time a decision on the petition by the County of Maui (A66-144) will be rendered.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Maui County Attorney

2169

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER

KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

PLANNING COMMISSION
COUNTY OF MAUI
POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

RECEIVED
MAY 15 1967
State of Hawaii
LAND USE COMMISSION

May 12, 1967

Mr. Ramon Duran
Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Re: A66-144

After conferring with members of the Board of Supervisors of the County of Maui, I'm hereby authorized to express agreement by the County of Maui with respect to extension of time tentatively to June 16, 1967.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

May 8, 1967

Mr. Robert O. Ohata, Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

Dear Mr. Ohata:

Re: A66-144 - Boundary amendment to designate 15,300 square foot in the Conservation District to the Rural District at Iao Valley, Maui

The period prescribed for action on the above-mentioned petition by the State Land Use Commission expires May 18 of this year. At the present time, there are 6 of the 9-member Commission legally empowered to act upon your petition. The 7th member (Mr. Murakami from Maui) appointed by the Governor and confirmed by the Senate will not be sworn into office until some time the latter part of May. Also during the latter part of May and early June, one of the other 6 Commission members will be out of the State on a business trip so that, even after our new member is appointed to the Commission, only 6 will be available until the middle of June. The law requires that a boundary amendment receive the approval of 6 of the 9-member Commission. In other words, should a meeting be conducted on your request on or before the 18th of May, or for that matter between now and early June, it will require the affirmative vote of all of the Commission members to approve your request.

We believe that to observe the spirit and intent of the law, and in all fairness to the petitioner, that your petition be continued and the time extended to the middle of June. We have tentatively selected Friday, June 16, 1967 as the date for action by the Commission, at which time we anticipate at least 7 Commission members in attendance, and it may be possible at that time that the Governor will have appointed two more Commissioners to fill the present 2 vacancies.

We would appreciate an expression from you agreeing to the extension of time till at least 7 members are present which is tentatively scheduled for June 16, 1967.

Very truly yours,

RAMON DURAN
Executive Officer

cc: County Attorney

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Kahului Library - Kahului, Maui

February 17, 1967 - 1:45 P. M.

Commissioners Present:	Myron B. Thompson, Chairman C. E. S. Burns Jim P. Ferry Robert G. Wenkam Shiro Nishimura Goro Inaba Leslie Wung
Commissioner Absent:	Shelley M. Mark
Staff Present:	Ramon Duran, Executive Officer George Moriguchi, Former Executive Officer Roy Takeyama, Legal Counsel Ah Sung Leong, Draftsman Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a short prayer, explained procedures to be followed during the hearing and introduced Commissioners and staff members. Persons testifying before the Commission were also sworn in at this time.

HEARINGS:

PETITION OF FRANK & BESSIE MONIZ (A66-143) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAONOULU, KULA, MAUI, identifiable by TMK 2-2-06: 63

Mr. Ramon Duran, Executive Officer, presented a staff report recommending denial of the petition based on the lack of additional significant evidence to warrant a reversal of the previous decision of the Commission on an earlier petition.

Mr. Robert Ohata, Maui Planning Director, challenged the rationale employed by staff in recommending denial of this petition; namely the fact that sufficient undeveloped rural lands were available in the Kula area. Yet in another instance, staff had recommended approval of a petition for urbanization (A66-134, Maui Ventures) in an area that already included surplus urban lands, on the premise that this was compatible with good planning and a logical area for expansion. The very crux of the County's recommendation for approval of this petition, Mr. Ohata argued, was based on these same reasons.

See page 2

Commissioner Ferry wondered whether the count of only 16 permits per year between 1960 and 1965 in the Kula area, as reported in the staff report, was an accurate figure. Mr. Ohata replied that this would depend on the boundaries that were used by the staff in interpreting the Kula District. Former Land Use Executive Officer, Mr. George Moriguchi, advised that the records of the Hawaiian Telephone Company were used to get the permit count and that it included an area all the way down to Ulupalakua Ranch.

Mr. Ohata added that Maui was the fastest growing island in the State, even surpassing Oahu, and that the population increase was approaching the 5% figure annually. He attributed this to the tremendous growth and more specifically to the development of Kaanapali and the International Colony Club.

Mr. Ohata also pointed to the successful Pukalani Subdivision in the Rural District, attesting to the popularity of rural-type development on Maui.

Commissioner Ferry offered the observation that perhaps the Land Use Commission was obliged to plan and program the growth over a projected period which may exceed 10 years. Chairman Thompson replied that the 10-year projection period was spelled out in the guidelines.

Since there was no further testimony, the hearing was closed.

PETITION OF THE COUNTY OF MAUI (A66-144) TO AMEND THE LAND USE DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO A RURAL DISTRICT AT KEPANIWAI PARK, IAO VALLEY, MAUI

A staff report presented by the Executive Officer recommended denial of the petition since most of the additional information was irrevelant or inconclusive and the petitioner had not submitted adequate proof that the area was needed or usable for the proposed use.

Mr. Ohata argued that contrary to staff's recommendation, all of the figures and data transmitted by the Maui County in support of this petition pointed to approval and that he was at a loss to understand staff's recommendation for denial.

In support of the County's request, Mr. Arthur Fernandez, Federal Aid Coordinator, explained the master plan and program for development for Kepaniwai Park. He stated that in 1964, Richard Tong submitted a master plan to include within the park contributions from the Japanese, Chinese, Filipino, Portuguese and Hawaiian cultures. In early 1966, $187,000 was appropriated by the Legislature for this project, $56,000 from the Bureau of Outdoor Recreation, $56,800 from the County. An additional $187,000 was approved by the County to match the legislative funds.

The County had anticipated delays on the project pending relocation of the caretaker's cottage. It was their wish to locate this in close proximity to the park to allow for adequate patrolling of valuable artifacts and property which will be placed in the park.

Mr. Fernandez agreed that the relocation of the caretaker's cottage was the cause of the delay in completing this project, in answer to the Chairman's question.

Mr. Duran asked for clarification of Mr. Ohata's statement to the effect that unless the boundary is changed, the funds allocated to this park would be withdrawn and no development would occur. Mr. Ohata indicated that failure to secure approval from the Commission had actually delayed the project already and that it was questionable whether the County might go ahead with it. Mr. Takeyama asked if the federal funds were contingent upon the fact that the caretaker's home be built upon the lot that the County wants and Mr. Ohata answered in the negative.

If vandalism were the problem here, Commissioner Wenkam suggested that the top of the hill overlooking the entire park would be an ideal site for the caretaker's cottage. Mr. Ohata argued that their proposed locale was a vantage site since it was the approach to the park. He felt that the house should not be exposed at the top of the hill.

Commissioner Wenkam commented that there was nothing to prevent the owner from building a home on the top of the hill once it was districted rural, and expressed his feeling that the highest and best use of this subject parcel was intense landscaping to protect the environment of the park.

Mr. Ohata replied that they had the assurance of the owner that the land would be developed in a desirable manner. If this was the case, Commissioner Wenkam wondered why the land could not be left within the Conservation District and be assured of further protection from the Department of Land and Natural Resources. He also felt that since the "County engineer reported that bluff was not usable for anything" as reported in the staff report, the County should take this opportunity to increase park lands and purchase the proposed site for the caretaker's cottage from Mr. Duarte instead of going through a land exchange. This would enhance the park property and totally screen out the possibility of urban use in the area.

Commissioner Ferry reflected that the County had sought professional assistance in developing a park plan geared to the needs of its citizens, and that the Commission overstepped its bounds when it delved into the question of what was proper park planning. As a reminder, he pointed to the fact that federal monies had been committed for this project through the Bureau of Outdoor Recreation, whose liaison officer was Commissioner Mark, a member of the Land Use Commission.

Commissioner Wenkam argued that the question here was one of protecting scenic resources and other allied activities that occur within a Conservation District, and it was definitely within the powers of the Land Use Commission to consider the land use pattern of this area.

Mr. Ohata commented that the Land Use Law should not be an end in itself, that the end result of the law should be to accomplish certain goals that were good and that the Land Use Commission should consider the petition favorably.

There being no further testimony, the hearing was closed.

ADOPTION OF MINUTES

The minutes of the meetings of October 29, 1966 and November 23, 1966 were approved as circulated.

ACTION

PETITION OF THE ESTATE OF SOPHIE JUDD COOKE (A66-135) TO RECLASSIFY APPROXIMATELY 4.9 ACRES OF LAND SITUATED AT KAHANUI, MOLOKAI FROM AGRICULTURAL TO RURAL

Mr. Ah Sung Leong presented a staff memo recommending denial of the petition on the basis that substantiating evidence in support of a boundary amendment is still lacking (see copy of report on file).

Mr. Leong advised Chairman Thompson that the distance between the urban boundary and petitioner's property was approximately 800' away. It was also brought out that the pasture lands in the Urban District were owned by the Meyers.

Mr. Meyer Ueoka, representing the petitioner, submitted such additional data as a general map of the State and Molokai, classification of the lands prepared by the Land Study Bureau, general description of the lands, and subdivision plans, for the records. It was pointed out that the land area of each lot in the proposed subdivision would be in excess of half an acre and therefore conform to the Rural District. Telephone and electricity were presently available and water would be provided by the Molokai Ranch and would not tax the County in any way.

With respect to the report that agricultural lands were rapidly diminishing on the Island of Oahu and that Molokai would certainly become the bread basket of the State of Hawaii, Mr. Ueoka submitted that Molokai faced many problems in this area. Some of these were listed as the lack of water facilities, the necessity of setting up costly windbreakers for the raising of crops and vegetables, and the fact that a very few owned large parcels.

However, if the subdivision were approved, the homes will blend into the surrounding area and add to the asthetics and beauty of the place. Mr. Ueoka felt it was the purpose of the law to see that taxes were assessed equitably and that in its present classification the owners were not carrying their fair share. Development of the subdivision would also aid the economy of Molokai. Based on all of the circumstances and facts, Mr. Ueoka recommended that a rural designation was justified.

Commissioner Ferry commented on the tremendous success enjoyed by the growers of potatoes and corn on Molokai and felt there would be pressing demands for additional rural-type lands in the future.

Chairman Thompson reminded the Commissioners that at the time of determining the final boundaries, the Commission did consider rural areas of 5 acres and sometimes 3 where there were existing structures.

Mr. Takeyama, legal counsel, advised that the Commission should concern itself with the petition as submitted by the petitioner, namely a reclassification from agricultural to rural, and disregard the suggestion of a special permit in the staff memorandum. Since the intent was for subdivision of the land, a special permit did not apply. Chairman Thompson directed that this be deleted from the records.

On his belief that this was a reasonable and valid request which merited consideration and on his intention to seek an expansion of the boundaries at a later date, Commissioner Ferry moved to approve the request for rural designation. It was seconded by Chairman Thompson and passed unanimously.

PETITION OF MAUI VENTURES (A66-134) TO RECLASSIFY APPROXIMATELY 49 ACRES OF AGRICULTURAL LANDS TO AN URBAN CLASSIFICATION AT MAKAWAO, MAUI

Staff memorandum presented by Mr. Leong recommended approval of the petition in view of the development trends in the Makawao area and recommended also that the approximately 100 acres within the present Makawao Urban District which apparently would be continued in use as agricultural lands be considered for the Agricultural District when the boundaries are reviewed next year (see copy of report on file.

Commissioner Ferry moved to approve the petition as recommended by staff, seconded by Commissioner Burns, and the motion was carried unanimously.

PETITION OF WAILUKU SUGAR CO. (A66-136) TO RECLASSIFY APPROXIMATELY 8/10's ACRE OF AGRICULTURAL LANDS TO URBAN AT WAILUKU, MAUI

It was recommended by staff that the petition be approved in view of the fairly tight urban scene and the availability of community facilities in the area. (See copy of report on file.)

Commissioner Wenkam moved that the petition be approved as recommended by staff, seconded by Commissioner Burns, and passed unanimously.

PETITION OF LAND USE COMMISSION (A66-139) TO RECLASSIFY 10 ACRES FROM AGRICULTURAL TO RURAL AT LIHUE, KAUAI

Following staff's recommendation for approval of the petition (see copy of report on file) Commissioner Ferry moved to recommend approval of the petition, seconded by Commissioner Nishimura. The motion was carried by a unanimous vote.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A66-144 - COUNTY OF MAUI

Background

An amendment to the State Land Use district boundaries from Conservation to Rural has been requested by Maui County. The land area involved is a 15,300 square foot portion of Kepaniwai Park located in Iao Valley. The following is a chronological list of events concerning this request:

1. June 17, 1966 - Land Use Commission public hearing at Kahului, Maui
2. August 5, 1966 - LUC Denied petition in accordance with staff recommendation in Hilo, Hawaii.
3. August 26, 1966 - Upon request of Maui County Supervisors and Planning Commission to reconsider, the Land Use Commission decided to accept a new petition with additional evidence.
4. October 29, 1966 - Commission voted to accept the newly filed petition based on additional information.
5. February 17, 1967 - Land Use Commission conducted another public hearing at Kahului, Maui to consider additional information.

The County desires to exchange 15,287 square feet of Kepaniwai Park which is located in the Conservation District for 17,117 square feet of land separated from the park by Alii Drive and Iao Valley Road owned by Mrs. A. S. Duarte. The park property in question is on a 10 to 15' bluff overlooking the remainder of the park and occupied by two temporary warehouses owned by

Mr. Duarte. The Duarte property to be exchanged for the park property is in the Rural District and has a steep drainage gully bisecting the area. The exchange is sought by the County in order to raze the existing caretaker's residence in the park and either relocate it or construct a new one on the Duarte property. The County contends that the park area in question is not suitable for anything due to land slides and that Mr. Duarte has no intended use for the area other than to consolidate it with his lot which is adjacent. The petitioners have also testified that the proposed boundary amendment is a "prerequisite" to the land exchange.

Additional Information

The following information was submitted by the petitioner as new evidence:

1. A Master Plan for Kepaniwai Park which does not include the park property in question or Mr. Duarte's property.
2. A statement from the County Attorney that $300,600 is available for park development and that contracts for landscaping and architectural plans have been let.
3. The existing caretaker's cottage will be razed and a new cottage constructed on the Duarte property contingent on the land exchange
4. A statement from the Maui County Planning Commission approving the proposed amendment.
5. The "need for the use other than that for which the district is classified" is supported by the County as follows:
   a. A resident caretaker is necessary because of past vandalism.
   b. District boundary change is a prerequisite to the land exchange.
   c. The two parcels in question are spot-zoned.
6. The "land is usable and adaptable for the use it is proposed to be classified" is supported as follows:

a. The park property when consolidated to Mr. Duarte's lot will contain 51,459 square feet.

b. Mr. Duarte's property is on grade and accessible from Iao Valley Road.

Analysis:

A review of the additional information submitted at the public hearing in support of the petition may be analyzed as follows:

1. The Master Plan of the park does not involve the parcel in question nor Duarte's property. The plan will no doubt provide a facility of great public benefit. Because federal funds are involved, the Department of Planning and Economic Development has approved the proposed plan. Nothing in the proposal, however, stipulates the removal and relocation of the existing caretaker's residence to the Duarte property or the razing of the existing residence and the construction of a new residence on the Duarte property. Thus, the plan and the DPED approval of the project have no direct relation to the rezoning application.

2. The Maui Planning Commission in support of the amendment stated "it would be of great public benefit while effecting logical land use patterns". The park will undoubtedly be of great public benefit but logical land use patterns, with reference to the boundary change to consolidate the 15,300 square foot park area with Mr. Duarte's property, are irrelevant. Testimony has shown there is no contemplated use of the park remnant other than to append it to Mr. Duarte's existing lot. Also, the Commission supported the first application and so this is not additional evidence.

3. Statement by the County Attorney that federal, state and county

monies are available for the park development does not relate to rezoning the park parcel in question but to the development of the remaining park lands covered by the Master Plan, and thus has no direct bearing on the boundary change either.

4. Plans for the removal of the existing caretaker's home was brought out in the first hearing and is also not additional evidence.

5. The "need" for the boundary change was justified because of past vandalism, a prerequisite for the land exchange, and the two parcels being spot-zoned. The need for improved supervision to prevent vandalism is understandable. Why the rezoning is a prerequisite has never been adequately explained when there is no intended use of the park property and certainly no spot-zoning exists since the park property is a part of thousands of acres within the Conservation District and the Duarte property is part of a 46-acre Rural District. The test to apply to either lots as to whether or not spot-zoning exists, is--is the zoning of the two properties in question in conformance with the purpose and intent of the statutory objectives of the law, or is the zoning designed merely to relieve either of the lots of the burden of the restrictions of the general regulation--that is, does the present zoning of the properties in question advance the common good and welfare of the community, or is it arbitrary and unreasonable, and merely to further private interests? To identify both parcels as being "spot-zoned" is stating that the Land Use Commission, when establishing the district boundary, gave to these two lots privileges which are not extended to other similar lands in the vicinity and, in doing so, is contrary to the public interest and to the purpose and intent of the law.

Obviously, neither of the parcels under discussion is "spot-zoned".

6. That the "land is usable for the purpose it is to be classified" as contained in the petitioner's statement "so that the park property can be consolidated to the Duarte lot and ultimately contain 51,459 square feet" is totally unrelated to the use of the land. Again, we are reminded that petitioners stated there is no intended use of the park property in question other than to consolidate the parcels.

It seems that the applicants have developed their entire case on the $300,000 improvement proposed for Kepaniwai Park. It has been inferred that unless the Land Use Commission approves the boundary change as requested, all of the parties involved, the County, the State and the federal government will withdraw their assistance. That is, the project will be stopped. This inference has not, however, been adequately explained by the applicants to the satisfaction of the staff and there is nothing in the DPED's approval that remotely recognizes the problem of land transfer, consolidation and rezoning as a condition to the park development.

Recommendation

Since there is no intended use of the park property in question, and since there is nothing to prohibit the relocation or the new construction of the caretaker's dwelling on the Duarte's property without a boundary change, and since the Land Use Law does not prohibit the transfer or consolidation of the properties involved, or construction of the caretaker's residence, it seems that all of this could be accomplished at the County level without involving the Land Use Commission. Therefore, it is the staff's conclusion that no additional significant information was submitted that would substantially alter the facts upon which the Land Use Commission based its original decision and it is recommended that the request again be denied.

April 19, 1967

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

Dear Mr. Ohata:

The Land Use Commission next meets at 1:30 p.m. at the Kahului Library, Kahului, Maui, on April 28, 1967.

On or about that time a decision of the petition of the County of Maui (A66-144) will be rendered.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Maui County Attorney

Cultural Heritage Park Proposed for Iao Valley

By ROBERT JOHNSON

WAILUKU — Maui's Iao Valley, site of the famous Needle, could become "something vast enough to compare with Yosemite in California," landscape architect Richard C. Tongg has told Maui supervisors.

Keys to the development, Tongg said Friday, are plans for expansion of the present State park at the Needle, and for expansion of the County's Kepaniwai Park in Iao.

Maui County, with Federal, State and County funds, already has begun the development of Kepaniwai into a cultural center around five gardens. The gardens memorialize immigrations to the Islands by the early Hawaiian, the Japanese, Portuguese, Filipinos and Chinese.

Robert D. Van Dorpe, executive vice president of Armadon Research Corp. and a consultant to the Hawaii Visitors Bureau, outlined a plan for enlarging the park into "a concept of the heritage of the many people who contributed to the total population of Hawaii today."

A memorial to Dr. Sun Yat Sen, considered the father of the Chinese republic, might be erected in the proposed enlarged version of Maui's Kepaniwai Heritage Gardens.

Sun was born on Maui and lived here for a time during his youth. Funds for such a memorial reportedly are available though the Consulate General of China in Honolulu.

Van Dorpe said he and Tongg already had discussed the idea with the consulates of China, Japan, the Philippines and Portugal in Honolulu and got "enthusiastic response and a flood of ideas."

Meanwhile, Arthur Fernandez, Maui County coordinator for Federal aid, said the State parks department is going ahead with a survey of the valley from the Needle to Kepaniwai looking toward its development along lines similar to those urged by the late Maui Sen. Harry Field.

Van Dorpe urged supervisors — and representatives of ethnic groups at a meeting here — to consider setting up in each racial pavilion miniature replicas of typical places from which the original immigrants to Hawaii came.

As an example, he proposed that in the Chinese pavilion "a miniature representation of a typical farm region of Kwangtung Province would be displayed, showing a walled Hakka village in the highlands and Punti communities in the valley.

"The exhibit would show the manner of farming and transportation and a natural landscape. The exhibit would be provided with push-button-operated, tape-recorded narratives, with lighting keyed automatically to focus attention on various parts of the exhibit."

Van Dorpe proposed that entrance to the special exhibits should be through turnstiles, with a charge of 25 cents per exhibit. He said such charges are allowed in Federally-financed projects of this sort if the money is used to pay costs of maintenance and protection of the exhibits, and if the public has the freedom to use the park without entering the special exhibits.

Van Dorpe and Tongg said the pavilions themselves would be designed in the home countries of the races they represented, by native methods. The pre-cut buildings would then be shipped to Hawaii for assembly. He said this would satisfy the requirement for "absolute authenticity."

He said the five nations to be represented in the park already have indicated willingness to supply technical assistance, film libraries and literature to the park.

But he said initiation of the special exhibits would require "an estimated $10,000 to $20,000 in County of Maui funds."

Supervisor Yoneto Yamaguchi objected to any fee being charged for entry into Kepaniwai Park.

Van Dorpe emphasized that the park would remain free to the public, with enlarged public facilities in a new central pavilion, a new bathhouse and additional free picnic shelters around the present swimming pool.

Plans For Kepaniwai Questioned

The State Land Use Commission may be blocking County plans for $300,600 in improvements to Kepaniwai Park in Iao Valley, if it again turns down a County petition to change 15,300 square feet of park property from conservation to rural, County Planning Director Robert Ohata said at a LUC hearing last Friday.

The Land Use Commission staff questioned whether the change is essential to county plans for the Iao Valley park.

Commissioner Robert G. Wenkam opposed the plan because "we have no guarantee of what use the land will be put to if we permit the change."

The LUC staff recommended denial of the request and contended that testimony of the County's plans to improve Kepaniwai Park is "irrelevant" to the requested change.

The County wants a 15,300-square-foot tract changed from conservation to rural so it can trade it for a 17,117-square-foot tract belonging to Mrs. A. S. Duarte.

The County parcel is on a 10-to-15-foot bluff across the road and overlooking the park. The Duarte land is below Kepaniwai Bridge, next to Iao Stream.

The County wants to relocate a caretaker's cottage, which is currently located on park land slated for improvement, onto the Duarte land after the exchange.

The land exchange is part of the County's plans to develop the park by building gardens and exhibits to represent the contributions of various ethnic groups to Maui's culture.

The Japanese Garden already exists.

Arthur Fernandez, federal programs coordinator for Maui, told the LUC that a federal grant already has been obtained and matched by local appropriations, making $300,600 available for the park development.

The project has been approved by the State Department of Planning and Economic Development, as well, Mr. Fernandez said.

The idea for the park expansion was conceived by the people of Maui and should be a major attraction in Iao Valley, he added.

Commissioner Wenkam asked why the change from Conservation to Rural was necessary for the land exchange. The change would leave the bluff overlooking the park open to development incompatible with the park, he said.

He wanted to know why the County couldn't locate the caretaker's cottage atop the bluff without swapping for the Duarte property. He even suggested that the County keep the bluff property and buy the Duarte tract as well.

Commissioner Jim Ferry came to the support of the County by commenting that Maui should be able to develop the park the way it wants to.

He also pointed out that the project already had been approved by the Department of Planning and Economic Development, and the head of that department, Dr. Shelley Mark, is on the LUC.

"I feel the commission goes beyond its bounds when it tries to dictate how the County should develop a park for its own use," Mr. Ferry said.

Commissioner Wenkam disagreed vigorously. The property in question is in a State Conservation District and the LUC has an obligation to protect it, he insisted.

Planning Director Ohata pleaded with the LUC to grant the change. The Land Use Law is not an "end in itself," he argued.

The park improvement project is undeniably a good use of the land in Iao Valley and "there are grounds for permitting the change," he said.

No action was taken on the petition at Friday's hearing. The LUC must act between 45 and 90 days after the hearing.

An earlier petition on the same request was denied by the LUC last August. However, the commission agreed to consider a new petition accompanied by new evidence.

STATE OF HAWAII
LAND USE COMMISSION

Kahului Library
Kahului, Maui

1:00 P.M.
February 17, 1967

STAFF REPORT

A66-144 - COUNTY OF MAUI

Background

An amendment of the Land Use Commission district boundaries from Conservation to Rural has been requested by Maui County represented by the County Attorney and Planning Director. Land involved is a 15,300 square foot portion of Kepaniwai Park located in Iao Valley.

This same request, A66-113, was considered by the Land Use Commission at a public hearing the middle of last year. The following is a chronological list of events:

1. June 17, 1966 - Public hearing at Kahului Library, Kahului, Maui
2. August 5, 1966 - Land Use Commission denied petition in accordance with staff recommendation in Hilo.
3. August 26, 1966 - Upon request of Maui County Supervisors and Planning and Traffic Commission to reconsider, the Commission was of the consensus that its decision was based on careful consideration of the facts at hand, but decided to accept a new petition with additional evidence.
4. October 29, 1966 - Commission voted to accept the newly filed petition based on additional information.

The County desires to exchange 15,287 square feet of Kepaniwai Park for 17,117 square feet (or 21,828 square feet) of land separated from the park by Alii Drive and Iao Valley Road and owned by Mrs. A. S. Duarte. The park

property is on a 10 to 15 foot bluff overlooking the remainder of the park and is occupied by two temporary warehouses owned by Mr. Duarte. The property to be exchanged has a steep drainage gully bisecting it approximately 10' at one end to 40' below the grade of the road at the other end.

The evidence in support of the original petition was based on the following:

1. The exchange is desired in order to relocate the existing caretaker's house from the park to the gully so that the park area can be improved to permit greater utilization.
2. The exchange and reclassification, topographically and geographically, suit the wishes of both Mr. Duarte and the County.
3. Adequate fill material for the gully is available at no cost to the County.
4. The park land was not suitable for anything due to landslides.
5. Approved by the County Supervisors and Planning and Traffic Commission.
6. Conforms to the General Plan of Maui.
7. Meets criterion "that contiguous land areas suitable for inclusion in the district" may be included.
8. Mr. Duarte has no intended use for the park property but merely to consolidate it with his lot.

Additional Information Submitted by Petitioner

1. Master Plan of Kepaniwai Park prepared by R. Tongg, landscape architect.
2. Planning and Traffic Commission approves amendment because it "would be of great public benefit while effecting logical land use pattern".
3. A letter statement from the County Attorney that $300,600 is

available for the park development and that the County has entered into contracts with Mr. Tongg for landscaping plans and Mr. George Lee, architect, for restrooms, pavilions, etc., plans.

4. Plans call for the removal of the existing caretaker's home and to construct a new cottage on the Duarte property, contingent on the exchange of land.

5. The "need for a use other than that for which the district is classified" is supported by the following:

   a. Resident caretaker is necessary because of past vandalism.

   b. Approval of this petition is a prerequisite for the land exchange.

   c. "An analysis of the present Land Use Map shows a situation of spot-zoned remnant for these two parcels."

6. The "land is usable and adaptable for the use it is proposed to be classified" is supported as follows:

   a. The park property, when consolidated with Mr. Duarte's lot, will contain 51,459 square feet and lot 2-A when consolidated with 2-B will contain 21,823 square feet, meeting the minimum lot area requirement for the Rural District.

   b. Lot 2-A "is on a grade readily accessible to the Iao Valley Road and Kepaniwai Park".

Analysis

In reviewing the additional information submitted in support of the petition, the Master Plan does not include either of the parcels in question, and the money available for the development of the park and the contracts are irrelevant to the boundary change. The "great public benefit" which will result has not been demonstrated but may be clarified at the hearing.

A66-144 - County of Maui

Why this proposed amendment is a "prerequisite" to the land exchange is not understandable since the park parcel could be appended to the Duarte property and the caretaker's cottage could be constructed on lot 2-A without a Land Use Commission boundary change. Why these parcels are referred to as "spot zoned remnants" is also confusing as lot 2-A is in the Rural District and all of the park area is in the Conservation District, and perhaps this can be explained by the petitioner at the hearing also. The statement that lot 2-A is "readily accessible to the Iao Valley Road" is debatable. The lot is considerably below road grade.

The earlier staff report (copy on file) pointed out that approximately 46 acres are contained within the Iao Valley Rural District, but only 11 acres are used with the remaining area vacant and unused. The petitioner has not demonstrated the "need" for the boundary amendment. Also, the County has not proven the land is usable and adaptable for the use it is proposed to be classified (the park parcel) as Mr. Duarte testified he only intends to consolidate it with his property, and the County Engineer testified the bluff area was not usable for anything.

Recommendation

Inasmuch as most of the additional information is irrevelant or inconclusive and the petitioner has not submitted adequate proof that the area is needed or is usable for the use it is proposed to be classified, or demonstrated beyond a doubt that the original decision of the Commission was erroneous, it is recommended that the petition again be denied.

January 27, 1967

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

Dear Mr. Ohata:

The Land Use Commission next meets on February 17, 1967 at 1:00 p.m., at the Kahului Library, Kahului, Maui. At that time, the application of the County of Maui (A66-144) to amend the land use district boundaries at Iao Valley, Maui will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Maui County Attorney

File

2080

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER

[illegible]ICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI
POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

November 10, 1966

RECEIVED
NOV 14 1966
State of Hawaii
LAND USE COMMISSION

Mr. Myron B. Thompson, Chairman
and Members,
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

Re: Application of the County of Maui
to Reclassify Land In Iao Valley
from Conservation to Rural District.

The Maui Planning Commission at its meeting of November 9, 1966, voted unanimously to reaffirm its prior recommendation for approval of the subject petition to reclassify lands in Iao Valley. The reasons for this action is stated in the earlier communication to you.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc Public Works Committee,
Board of Supervisors
cc County Attorney
cc John Duarte

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

State Highways Division
Hilo, Hawaii

9:30 a.m. - October 29, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Jim P. Ferry
Leslie Wung
Goro Inaba
Shiro Nishimura

Commissioner Absent: Shelley Mark

Staff Present: George Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

A short prayer was offered by the Chairman, followed by an introduction of the Commissioners and staff and a brief outline of the hearing process. Individuals testifying during the hearing were sworn in.

Chairman Thompson advised that a rearrangement of the agenda had been necessitated and that the items requiring Commission action would be considered first.

ADOPTION OF MINUTES

Minutes of the August 5, 1966 hearing and meeting were approved as circulated.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO RECLASSIFY APPROXIMATELY 5.3 ACRES AT MIKIOLA, KANEOHE, FROM CONSERVATION TO URBAN, identifiable by Tax Map Key 4-4-13: portions 55 and 56

Staff memorandum, presented by Mr. Moriguchi, recommended denial of the petition based on the extensive grading that would be required and the possible resultant slide and storm water hazards to the abutting landowners.

Commissioner Wenkam brought out the point that on this and previous occasions, the recommendation from the City and County Planning Commission did not seem to reflect any consideration from the resultant slide and water hazards

See page 21

COUNTY OF MAUI PETITION

Chairman Thompson announced that the Commission was in receipt of resubmittal of a petition, which had been previously denied, by the County of Maui involving the Kepaniwai Park. He advised that the Commission's position was to determine whether there was sufficient additional evidence, which had not been presented during the previous hearing, to warrant admission of a new petition.

Commissioner Burns expressed his views that a hearing held before only four Commissioners, as in the case of the previous petition, did not present a good image.

Chairman Thompson felt that the four Commissioners present had engaged in a thorough questioning of the facts and data available prior to arriving at a decision. However, if it were the general consensus that there was substantial additional information, the matter should be brought to a vote.

The additional data were comprised primarily of the fact that the matter was thoroughly investigated by all the technical staff of the County of Maui and by the Board of Supervisors; and the County's plan to develop an international garden and the amounts that had been appropriated for the project.

Commissioner Wenkam pointed to the fact that the absence of the Maui Planning Director at the previous hearing had left some questions unanswered and suggested that a letter be transmitted requesting representation from the Maui Planning Commission to our hearings.

Commissioner Nishimura moved to accept new petition for a re-hearing as submitted by the County of Maui based on the additional information provided this Commission. Commissioner Wung seconded the motion and the Commissioners were polled as follows:

Ayes: Commissioners Wung, Inaba, Nishimura, Chairman Thompson

Nays: Commissioners Wenkam, Burns

The motion was not carried.

Commissioner Burns moved for reconsideration of his vote, seconded by Commissioner Wung. The motion was carried with only one negative vote cast by Commissioner Wenkam.

Commissioner Burns then moved to accept the new application by the County of Maui, seconded by Commissioner Nishimura, and the motion was carried. The only dissenting vote was called by Commissioner Wenkam.

NEXT MEETING SCHEDULE

It was decided that the next meeting of the Land Use Commission would be held on November 23, 1966.

EXECUTIVE OFFICER'S POSITION

Mr. Moriguchi announced that Dr. Mark, Director of the Department of Planning and Economic Development, had not opened the Executive Officer's vacancy to public announcement. There was a possibility that the Department would work out a transfer of a planner presently within the governmental agency, in lieu of seeking a qualified person on the outside. Dr. Mark was actively pursuing this avenue of approach.

ADJOURNMENT

There being no further business, the meeting was adjourned.

November 1, 1966

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui

Dear Mr. Ohata:

During their meeting of October 29, 1966, the State Land Use Commission voted to accept the petition submitted by the County of Maui to reclassify lands in Iao Valley, consisting of a portion of Kepaniwai Park. Accordingly, the standard procedures established by the Land Use Law will be applicable relating to public hearings and time limitations. We will notify you when the date, time and place for the hearing have been established.

The Commission also indicated that they would appreciate attendance at their meetings by you or your staff whenever matters relating to the County of Maui are being considered. Such attendance and participation would be very helpful in the Commission's deliberations.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson

STATE OF HAWAII

LAND USE COMMISSION

Accept Mini Pet. VOTE RECORD

Item _____ Date 10-29-66

Place Hilo (Highways Div.) Time _____

M

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.	✓			
~~FERRY~~, J.				
INABA, G.	✓			
~~MARK, S.~~				
NISHIMURA, S.	✓			
~~OTA, C.~~				
WENKAM, R.		✓		
WUNG, L.	✓			
THOMPSON, M.	✓			

S

Comments:

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

reconsider vote on Maui Pet

ITEM _____

DATE 10-29-66

PLACE _____

TIME _____

NAMES	YES	NO	ABSTAIN	ABSENT
S WUNG, L. Hilo	✓			
INABA, G. Kauai	✓			
~~OTA, C.~~				
WENKAM, R.		✓		
M BURNS, C.E.S.	✓			
N NISHIMURA, S. Kauai	✓			
~~MARK, S.~~				
~~FERRY, J.~~				
THOMPSON, M.	✓			

COMMENTS:

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

Item Acceptance of New Petition from Maui County (120) Date 10-29-66

Place Hilo (Hwy. Off.) Time

Names	Yes	No	Abstain	Absent
S WUNG, L.	✓			
INABA, G.	✓			
~~OTA, C.~~				
WENKAM, R.		✓		
BURNS, C.E.S.		✓		
M NISHIMURA, S.	✓			
~~MARK,~~ S.				
~~FERRY,~~ J.				
THOMPSON, M.	✓			

Comments: Accept petition based on additional info.

2072

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER

KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI
POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

A66-144
10-20-66

October 20, 1966

RECEIVED
OCT 24 1966
State of Hawaii
LAND USE COMMISSION

Mr. Myron B. Thompson
Chairman and Members
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii

Gentlemen:

We transmit herewith a petition for the amendment of district boundary for your reconsideration in accordance with your letter of August 30, 1966, informing the County of Maui that the new petition would be accepted and processed should additional significant data be submitted. Accordingly, with this application we are submitting maps, sketches and other data which we feel are significant to the petition. In addition, may we request that all submittals with our original petition, A66-113, County of Maui, dated March 9, 1966 be made applicable to this application.

May we inform you that the Maui County Planning and Traffic Commission officially voted to recommend approval of this petition for the amendment of district boundary. As contained in our earlier transmittal, the Commission's stand is that the proposed change of district boundary is in conformance with the general plan of the County of Maui and its approval would be of great public benefit while effecting logical Land Use pattern.

We do hope your Commission will see fit to approve the change of district boundary inasmuch as the approval will permit the land exchange and subsequent relocation of the caretaker's cottage, resulting in the realization of the Kepaniwai Internation Garden.

Yours very truly,

COUNTY OF MAUI

Kase Higa
Kase Higa, County Attorney

Robert O. Ohata
Robert O. Ohata, Planning Director

TRAIL

NEW BRIDGE

I A O S T R E A M

TRUE NORTH
11°-26'-0"

PICNIC PAVILION

RECREATION AREA

TO WAILUKU

FLOW

SERVICE

PAVILION

OUTDOOR DINING

TRELLIS ROOF

FOOD PANTRY

GRADING

FOOT PATH

NEW A.C. PAVING PARKING - 47 CARS

STATUARY

BENCHES

FLOWER BEDS

PORTUGUESE GARDEN

SHOWERS & TOILETS

EXISTING SWIMMING POOL

WADING POOL

WATERFALLS

GRASS HUT

LAGOON

HAWAIIAN GARDEN

EXISTING ROAD

NEW PAVILION

IAO NEEDLE
HOTEL SITE

JAPANESE GARDEN
(EXISTING)

WING ARBOR

FOUNTAIN

CHINESE GARDEN

PAVILION

STROLL PATH

POND

WATERFALL

ROCKS

FILIPINO GARDEN

SIGN

FLAGSTONE TERRACE

MOUND

BUS PARKING

BOUNDARY LINE

I A O R O A D

MASTER PLAN
KEPANIWAI PARK, MAUI.

RICHARD C. TONGG, LANDSCAPE ARCHITECT, A.S.L.A.
435 ATKINSON DRIVE, HONOLULU, HAWAII.

SCALE 1" = 20'-0"

14 MAY 1964
1064

RECEIVED
OCT 24 1956
State of Hawaii
LAND USE COMMISSION

7601

RECEIVED
OCT 24 1956
State of Hawaii
LAND USE COMMISSION

Master Plan - KEPANIWAI Park

KASE HIGA
COUNTY ATTORNEY

DEPUTIES
RICHARD R. KOMO
ARTHUR T. UEOKA

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

October 19, 1966

Mr. Robert Ohata
Planning Director
Maui County Planning Commission
Kahului, Maui, Hawaii

Dear Mr. Ohata:

This is written in response to your request for information regarding plans for Kepaniwai Park.

Please be informed that under Act 38, SLH 1966, the sum of $187,000.00 has been appropriated by the State legislature for incremental development of an international garden and replacement of existing restroom facilities. The Federal government, through the State Department of Planning and Economic Development, has also provided a grant of $56,800.00 for the development of Kepaniwai Park. The County of Maui will match the Federal grant in a similar amount of $56,800.00. Thus, the total amount of money available for the development of Kepaniwai Park comes to $300,600.00.

Please be further informed that the County has already negotiated contracts for plans and designs for the development of Kepaniwai Park.

The County has entered into a contract with Mr. Richard Tongg of Honolulu, landscape architect, for plans for the international garden. This contract is in the amount of $11,600.00. In a separate contract of $6,400.00, Mr. Richard Tongg is to provide landscaping plans for other portions of Kepaniwai Park.

The County also has an agreement with Mr. George Lee of Honolulu, architect, in the amount of $12,000.00 for plans for a new restroom, additional pavilions, and other facilities.

Kepaniwai Park is considered to be one of the show places of Maui and a major tourist attraction. Its development is considered to be an important project.

A part of the plans for the development of Kepaniwai Park calls for the removal of the caretaker's home from its

present site. It had been planned to construct a new cottage on land presently owned by Adelaide Duarte Rowland. This, however, would have been contingent upon the approval of an exchange of lands between Mrs. Rowland and the County.

Yours truly,

Kase Higa

Kase Higa
County Attorney

KH:au

DATA SUPPORTING PETITION FOR CHANGE OF DISTRICT BOUNDARY, COUNTY OF MAUI

Background

This petition is a reapplication of request for a change of district boundary originally submitted on March 9, 1966, and designated as application No. A66-113, County of Maui. It is requested that all submittals made at that time be made applicable to this reapplication.

The subject properties are needed for use other than for which the district is classified.

The subject properties are lots KP-1 and 2-A as shown on map entitled "Kepaniwai Park Land Exchange" dated February 16, 1965, submitted with our original application. The approval of this petition is a prerequisite for a land exchange between Mrs. Adelaide Duarte, owner of Lot 2-A, and the County of Maui, owner of lot KP-1. The County of Maui is desirous of developing the Kepaniwai area into an outstanding botanical garden representing the rich cultural background of Hawaii. The Kepaniwai International Park would expand the theme of the Japanese Garden by the addition of a Chinese Garden, a Filipino Garden, Portuguese Garden, and the further enlargement and improvement of the Hawaiian Garden. A pavilion would be constructed for festivities and other events. Attached is "Master Plan, Kepaniwai Park, Maui," developed by Richard C. Tongg, landscape architect from Honolulu. Attached also is an outline showing that the County of Maui has in excess of $200,000 for the development of this international park. The monies are from State appropriation, County's matching fund and Federal allotment. Moreover, the County of Maui has engaged Mr. George Lee AIA, architect from Honolulu, who is now proceeding with the working drawing for the pavilion and other structures. The County of Maui has awarded a new contract to Mr. Richard Tongg to provide such detailed landscaping plan thereby effectuating the landscape plan.

The County of Maui feels that the full development of the Kepaniwai Park is only practical if a resident caretaker is present

at all times. In the past, vandals have netted fish in the Japanese Garden, dug some of the rare and beautiful plants in the Hawaiian Garden, and have damaged the park facilities. The remoteness of the park, which is a prime locational asset, is also the reason for the great amount of vandalism. This application is primarily aimed at providing for the caretaker's house. It is quite fortunate that a rural zone exists in this general area, providing for the proper consolidation of contiguous land to form a desirable rural zoning.

The addition of the two parcels to the existing rural district is the most logical and rational thing to do. The two parcels are bounded and are contiguous to the rural zone. On the other side of the parcels are physical barriers: the Kepaniwai Park parking lot with a cliff 20 feet in height for parcel KP-1; and the Iao Stream in the case of Lot 2-A. An analysis of the present Land Use map shows a situation of spot-zoned remnant for these two parcels. Conversely stated, the approval of this petition would extend the rural zone to a logical physical boundary. This is in accordance with the concept of good land use planning, in contrast to spot zoning.

2-A is already in the Rural Dist.

The staff memorandum prepared by Mr. George Moriguchi, dated August 5, 1966, makes the following statement:

> "A mere appendage of the subject lands to Mr. Duarte's property, in essence, does not require a change in the district classification since this can be done even with its present conservation classification.
>
> "It is also noted that the County's proposal to relocate the existing caretaker's home to another site can be accomplished instead by using the subject lands although an expression to the contrary was made by the County."

Accordingly, the County of Maui is somewhat perplexed why its petition for reclassification cannot be approved, inasmuch as the staff feels that the reason for proposed land exchange may be effectuated without change in district classification.

The land is usable and adaptable for the use it is proposed to be classified.

The approval of the change of district boundary and the land exchange, means that lot KP-1 will be consolidated with lot 5-B

resulting in one large lot with an area of 51,459 square feet. In like manner, lot 2-A will be consolidated with lot 2-B for a total lot area of 21,823 square feet. Thus, the minimum lot area requirement for a rural district will be met.

The staff report on the original application voiced concern of the possibility of inequity in the land exchange between the government and Mrs. Duarte. We would like to state that this matter was thoroughly investigated by all the technical staff of the County of Maui and by the Board of Supervisors. The resolution supporting the land exchange is indicative of the County's feeling that the exchange is equitable and desirable. The staff report proceeds to explain that lot 2-A is geographically not desirable. The County of Maui feels that its location at the entrance of Kepaniwai Park is most suitable for the purpose it is to serve. It would be screened with a new growth of kukui trees. It is on a grade readily accessible to the Iao Valley road and Kepaniwai Park. The County's desire for the land exchange is primarily because it feels that this parcel is most suitable as the site of the caretaker's home.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received by LUC _____

Date forwarded to County for recommendation _____

Date Petition, and County recommendation received by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of MAUI, Island of MAUI, map number and/or name M-5 Wailuku to change the district designation of the following described property from its present classification in a(n) CONSERVATION district into a(n) RURAL district.

Description of property: Parcel KP-1, Portion of TMK 3-3-03-1, 3 and 10, as shown on map entitled "Kepaniwai Park Land Exchange Between John G. Duarte and County of Maui", dated February 16, 1965.

Petitioner's interest in subject property:

Owner of property.

Petitioner's reason(s) for requesting boundary change:

Kepaniwai Park Land Development.

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to be classified.

(b) ~~Conditions and trends of development have so changed since adoption of the present classification that the proposed classification is reasonable.~~

Signature(s) Kase Higa

Robert A. Alcantara

Address: Wailuku, Maui, Hawaii

Telephone: 33-771

(1) The County of Maui Department of Parks and Recreation would like to enlarge the Kepaniwai County Park. It is necessary to acquire property owned by Mr. and Mrs. John G. Duarte to be effectuated by land exchange with Parcel KP-1, owned by the County of Maui.

(2)

(a) The present land is topographically and geographically so located that the land exchange and reclassification would suit the new classification and the wishes of both Mr. Duarte and the County of Maui.

STATE OF HAWAII
LAND USE COMMISSION

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COUNTY ATTORNEY

DEPUTIES
RICHARD R. KOMO
ARTHUR T. UEOKA

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

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Maui County Planning Commission
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County Attorney

KH:au

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STATE OF HAWAII
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Address: Wailuku, Maui, Hawaii

Telephone: 33-771

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KASE HIGA
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DEPUTIES
RICHARD R. KOMO
ARTHUR T. UEOKA

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF MAUI
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Kase Higa

Kase Higa
County Attorney

KH:au

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Background

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The subject properties are needed for use other than for which the district is classified. this has not been demonstrated below

The subject properties are lots KP-1 and 2-A as shown on map entitled "Kepaniwai Park Land Exchange" dated February 16, 1965, submitted with our original application. The approval of this petition is a prerequisite for a land exchange between why.
Mrs. Adelaide Duarte, owner of Lot 2-A, and the County of Maui, owner of lot KP-1. The County of Maui is desirous of developing the Kepaniwai area into an outstanding botanical garden representing the rich cultural background of Hawaii. The Kepaniwai International Park would expand the theme of the Japanese Garden by the addition of a Chinese Garden, a Filipino Garden, Portuguese Garden, and the further enlargement and improvement of the Hawaiian Garden. A pavilion would be constructed for festivities and other events. Attached is "Master Plan, Kepaniwai Park, Maui," developed by Richard C. Tongg, landscape architect from Honolulu. Attached also is an outline showing that the County of Maui has in excess of $200,000 for the development of this international park. The monies are from State appropriation, County's matching fund and Federal allotment. Moreover, the County of Maui has engaged Mr. George Lee AIA, architect from Honolulu, who is now proceeding with the working drawing for the pavilion and other structures. The County of Maui has awarded a new contract to Mr. Richard Tongg to provide such detailed landscaping plan thereby effectuating the landscape plan.

The County of Maui feels that the full development of the Kepaniwai Park is only practical if a resident caretaker is present

at all times. In the past, vandals have netted fish in the Japanese Garden, dug some of the rare and beautiful plants in the Hawaiian Garden, and have damaged the park facilities. The remoteness of the park, which is a prime locational asset, is also the reason for the great amount of vandalism. This application is primarily aimed at providing for the caretaker's house. It is quite fortunate that a rural zone exists in this general area, providing for the proper consolidation of contiguous land to form a desirable rural zoning.

① will the caretaker house located on Lot 2-A best serve this aim? ② Is the boundary change necessary to achieve this aim?

The addition of the two parcels to the existing rural district is the most logical and rational thing to do. The two parcels are bounded and are contiguous to the rural zone. On the other side of the parcels are physical barriers: the Kepaniwai Park parking lot with a cliff 20 feet in height for parcel KP-1; and the Iao Stream in the case of Lot 2-A. An analysis of the present Land Use map shows a situation of spot-zoned remnant for these two parcels. Conversely stated, the approval of this petition would extend the rural zone to a logical physical boundary. This is in accordance with the concept of good land use planning, in contrast to spot zoning.

spot zone for these two parcels?

The staff memorandum prepared by Mr. George Moriguchi, dated August 5, 1966, makes the following statement:

> "A mere appendage of the subject lands to Mr. Duarte's property, in essence, does not require a change in the district classification since this can be done even with its present conservation classification.
>
> "It is also noted that the County's proposal to relocate the existing caretaker's home to another site can be accomplished instead by using the subject lands although an expression to the contrary was made by the County."

Why is Co. of M perplexed?

Accordingly, the County of Maui is somewhat perplexed why its petition for reclassification cannot be approved, inasmuch as the staff feels that the reason for proposed land exchange may be effectuated without change in district classification.

The land is usable and adaptable for the use it is proposed to be classified.

The approval of the change of district boundary and the land exchange, means that lot KP-1 will be consolidated with lot 5-B

why is this important?

resulting in one large lot with an area of 51,459 square feet. In like manner, lot 2-A will be consolidated with lot 2-B for a total lot area of 21,823 square feet. Thus, the minimum lot area requirement for a rural district will be met. already in R Dist.

The staff report on the original application voiced concern of the possibility of inequity in the land exchange between the government and Mrs. Duarte. We would like to state that this matter was thoroughly investigated by all the technical staff of the County of Maui and by the Board of Supervisors. The resolution supporting the land exchange is indicative of the County's feeling that the exchange is equitable and desirable. The staff report proceeds to explain that lot 2-A is topographically not desirable. The County of Maui feels that its location at the entrance of Kepaniwai Park is most suitable for the purpose it is to serve. It would be screened with a new growth of kukui trees. It is on a grade readily accessible to the Iao Valley road and Kepaniwai Park. The County's desire for the land exchange is primarily because it feels that this parcel is most suitable as the site of the caretaker's home.