

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
 )  
 RICHARD K. G. STURSEBERG )  
 )  
 For Reclassification of Certain )  
 Lands Situated at Lahaina, )  
 Island of Maui )  
 )  
 \_\_\_\_\_ )

DOCKET NO. A75-399

This is to certify that this is a true and correct copy of the  
Decision and Order on file in the office of the State Land Use  
Commission, Honolulu, Hawaii.

April 13, 1976  
Date

by Ph Sung Lee  
acting Executive Officer

DECISION AND ORDER



FINDINGS OF FACT

1. The property which is the subject of this petition is a 25-acre portion of a parcel, identified by Tax Map Key 4-3-01: 31, at Mahinahina, Lahaina, Maui. The property is presently owned by the Honolua Plantation Land Company, and an agreement of sale for the property is held by the Mahinahina Group Hui and by two Hawaii corporations owned by the Hui members. The petition proposes to reclassify the subject property from the Agriculture to Urban.

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

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

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

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

6. Sewer service is not available to the subject property from any existing public facility.

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

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

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

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

#### CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 25 acres situated at Lahaina, Island of Maui, from the Agriculture to the Urban District to permit the proposed development is not reasonably

necessary to accommodate growth and development, and the proposed boundary amendment would not, therefore, be reasonable, and consistent with Section 205-2, HRS, the interim policy and criteria established pursuant to Section 205-16.1, HRS, or with State Land Use District Regulation Rules 2-2, and 6-1.

RULING ON PROPOSED FINDINGS

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

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

ORDER

TMK 4-3-0: 31 corrected  
to 4-3-01: 31 11/4/77

IT IS HEREBY ORDERED:

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

classified as Agricultural and remain in the Agricultural District.

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

LAND USE COMMISSION  
STATE OF HAWAII

Eddie Tanager  
Chairman

Stan Subakosh  
Commissioner

Tanji Yamamura  
Commissioner

Colette Machado  
Commissioner

Carol B. Whitesell  
Commissioner

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Commissioner

Steve Orr  
Commissioner

ow Duke  
Commissioner

Paul K. [unclear]  
Commissioner

CERTIFICATE OF SERVICE

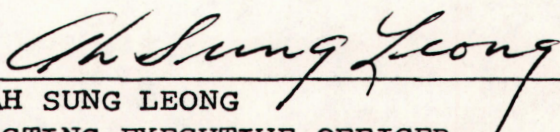
I hereby certify that a copy of the Land Use Commission's Decision and Order for Docket A75-399 was personally served on this 12th day of April, 1976 to:

Mr. Hideto Kono, Director  
Department of Planning & Economic Development  
Kamamalu Building  
Honolulu, Hawaii 96813;

and served by certified mail on this 12th day of April to:

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

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

  
AH SUNG LEONG  
ACTING EXECUTIVE OFFICER  
LAND USE COMMISSION