

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)
COUNTY OF MAUI)
To Amend the State Land Use District)
Boundary by Reclassifying 47.061 Acres,)
TMK: 2-5-05: 43 and 48, at Hamakuapoko)
and Haliimaile, Island and County of)
Maui, from the Agricultural District)
into the Urban District)

DOCKET NO. A81-509

COUNTY OF MAUI

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.

3/12/87
Date

by


Executive Officer

DECISION AND ORDER

In the Matter of the Petition of the)
COUNTY OF MAUI) DOCKET NO. A81-509
To Amend the State Land Use District) FINDINGS OF FACT,
Boundary by Reclassifying 47.061) CONCLUSIONS OF LAW,
Acres, TMK: 2-5-05: 43 and 48 at) DECISION AND ORDER
Hamakuapoko and Haliimaile, Island)
and County of Maui, from the)
Agricultural District into the Urban)
District)

The above-captioned land use boundary amendment proceeding was initiated by the petition of the County of Maui (hereinafter referred to as the "County"), pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary of certain lands (hereinafter referred to as the "subject property") situated at Hamakuapoko and Haliimaile, County of Maui, Hawaii, from the Agricultural to the Urban Land Use District. The Land Use Commission of the State of Hawaii (hereinafter referred to as the "Commission"), having heard and examined the testimony and evidence presented during the hearing held on August 5, 1981, in Wailuku, Maui, Hawaii, hereby makes the following findings of fact and conclusions of law.

PROCEDURAL MATTERS

1. Petitioner County of Maui filed its petition on May 11, 1981 to amend the Land Use District Boundary at Hamakuapoko and Haliimaile, Island and County of Maui, State of Hawaii, by reclassifying the subject property from the Agricultural District into the Urban District.

2. Pursuant to HRS Section 205-4(e)(1), Hawaii Revised Statutes, the County of Maui Planning Department and the State Department of Planning and Economic Development (DPED) appeared as parties to the proceeding. There were no petitions for intervention.

3. The Commission held a hearing on the petition on August 5, 1981, at 9:45 a.m. in the Conference Room of the State Building in Wailuku, Island of Maui, pursuant to a notice published in the Maui News and the Honolulu Advertiser on July 1, 1981, and served by mail on the parties.

DESCRIPTION OF THE SUBJECT PROPERTY

4. The subject property is located at Hamakuapoko and Haliimaile in the Makawao District of the Island of Maui, approximately one mile mauka of the intersection of Baldwin Avenue and Hana Highway in Paia. The property fronts the west side of Baldwin Avenue, just mauka of Paia Mill. The subject property consists of two lots, Maui Tax Map Key 2-5-05: 43 and 48 comprising an area of 47.061 acres. Alexander & Baldwin, Inc. (A&B) holds fee simple title to the subject property. Alexander & Baldwin, Inc., by letter dated July 23, 1981 agreed to dedicate the subject property to the County, upon the County's request. The County does not intend to take title to the subject property at the present time in order to avoid becoming the landlord of the present or former employees of Hawaiian Commercial & Sugar Co. (HC&S -- a division of Alexander & Baldwin, Inc.), now living on the subject property.

5. A&B has granted a license to the County of Maui Department of Water Supply to use Tax Map Key 2-5-05: parcel 48 for water tank site purposes. This license includes access and water line easements.

6. The subject property is the site of Skill Village, a plantation camp built to provide housing for Paia Plantation

employees more than 60 years ago. In the 1950's, there were 90 homes, a ball field, a theater, and a population of approximately 450 in the village. Today, there are only 37 houses (32 occupied), a gymnasium and a water tank. In addition to the 32 homes occupied on the subject property, approximately nine homes are occupied on the makai side of the ditch bordering the subject property.

7. Lands to the north, including the sugar mill site, are in the Urban District. Lands to the east, south and west are in the Agricultural District, and are occupied by sugar cane fields, a few residences, a school, and a church.

8. The subject property is generally flat with a gentle slope. Elevations range from approximately 214 feet to 282 feet above sea level.

9. The United States Soil Conservation Service classifies the soils of the subject property as Paia silty clay, (PcB) 3-7% slopes. Permeability of the soil is moderate, runoff is slow, and the erosion hazard is slight.

10. Annual rainfall is approximately 31 inches and mean annual soil temperature is 73°F.

11. The Federal Flood Insurance Maps designate the subject property as being outside of the 100-year flood plain and tsunami inundation zone.

PROPOSAL FOR DEVELOPMENT

12. The County is requesting a boundary amendment to reclassify the subject property from the Agricultural to the Urban Land Use District for residential and recreational use.

13. The County proposes to develop approximately 190 to 252 single-family residential houses andouselots for sale to low and moderate income purchasers. The County plans to create a mix of lot sizes, averaging 7,400 square feet (with a minimum of 6,000 square feet). The County plans to sell houselots

for approximately \$30,000, and house and lot packages for approximately \$65,000 to \$75,000. The County will make every effort to sell lots to families currently residing on the project site who wish to retain their present house.

14. In developing the project, the County will attempt to use the demonstration housing provisions of federal and state laws to secure the lowest cost while ensuring that all infra-structural requirements are met.

15. The County will be establishing eligibility guidelines for lot purchasers. These guidelines will include priority for families who currently reside on the project site and for relocation assistance.

16. The County will also sell lots and the housing units subject to a 10-year buy-back provision, and a requirement for construction of the houses and occupancy within two years from the date of purchase. The County will also impose covenants prohibiting the renting of units.

17. The County proposes to obtain all planning and governmental approvals for the project within one year from the date of this decision and to complete construction of site improvements a year and a half after receiving all approvals.

STATE AND COUNTY PLANS

18. The subject property was reclassified from the Urban District into the Agricultural District, as shown on State Land Use District Boundary Map M-7, Paia, on August 1, 1969. Alexander & Baldwin, Inc., in 1969 stated its intent to phase out the residential use of the subject property. However, these plans for phasing out residential use have been changed. Alexander & Baldwin and the County now desire that the subject property be used for a housing project.

19. The County has designated the subject property as Interim Zoning on Paia General Plan No. 15. This zoning designation contemplates residential development, so a general

plan amendment will not be necessary to develop the project.

NEED FOR GROWTH AND DEVELOPMENT

20. The County has compiled a waiting list for its Homeownership Program for the Paia area of more than 1,300 applicants. The proposed project will provide much needed lower cost housing for some of the families on this waiting list, as well as for sugar industry employees and retirees.

21. The residents of the Paia community support and anxiously await the project, for two reasons: housing purposes and to revitalize Paia Town.

IMPACTS ON RESOURCES OF THE AREA

22. The Land Study Bureau classified the subject property "U" (urban) in Bulletin No. 7, dated May, 1967.

23. Petitioner proposes to redevelop an existing residential area, in order to minimize the removal of land from cane cultivation. An area of approximately 10 acres on the south side of the subject property was reclaimed for growing sugar cane, and is now classified as "Prime Agricultural Land" on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

24. The Petitioner's proposed residential development may be incompatible to the nearby Paia Mill operations.

Water Resources

25. The proposed project is not located within a designated watershed and will not adversely affect streams or ground water resources.

Scenic Resources

26. The proposed residential redevelopment and expansion will not adversely affect the visual characteristics of the area because the subject property has been used for employee housing for many years.

Noise Levels

27. The proposed project will not generate excessive noise. Future residents will be exposed to the noise from normal operations of the nearby Paia Sugar Mill.

Air Quality

28. The proposed residential project will not adversely affect air quality, but proximity to cane harvesting and processing will expose residents to field dust and particulate matter from stored bagasse and the Paia Mill smokestack. HC&S Company takes the following measures to maintain air quality during its operations: Cane haul roads are wet down during harvesting and are resurfaced during the off-season. The mill has installed a wet scrubber and bagasse dryer to minimize particulate emissions. The County will plant a ten foot buffer zone along the west and south boundaries of the subject property to alleviate potential dust and noise problems that might arise from cane harvesting operations.

Flora and Fauna

29. There are no rare or endangered species of flora or fauna on the subject property, nor are there favorable habitat conditions for such species. Most of the plants and trees found on the site are common, introduced varieties. All of the wildlife observed are introduced species.

Archeological and Historical Resources

30. No archeological sites have been found on the subject property, but the Historic Sites Section of the Department of Land and Natural Resources has recommended that a cultural resource study be conducted in coordination with their office.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

31. Fire Fighting Services. The Paia fire station

is manned 24 hours a day. The Maui County Fire Department response time to the project site is estimated at 3 to 3.5 minutes.

32. Police Services. The Maui County Police Department (200 police officers) assigns one patrolman to the area. The MCPD will be able to provide police protection for the subject property.

33. Schools. Paia School, serving grades K-8, is located approximately 2,000 feet mauka of the property site and is operating at only 70 percent of its capacity. Maui High School which will serve those in grades 9-12, is already operating at capacity and will require an additional classroom to handle the projected enrollment increase. A private school, Doris Todd Memorial Christian School, is located directly across Baldwin Avenue from the project site.

Recreational Facilities

34. Development of the subject property will increase the demand for recreational facilities. The development plan for the subject property includes an area next to the Paia Gym for a soccer-baseball field. Existing public recreational lands and facilities in the area will be able to accommodate the recreational needs of the new residents.

35. There are adequate parks and recreational facilities to serve the proposed project. Baldwin Park and Lower Paia Beach Park, both operated and maintained by the County, are located within 2 miles of the subject property. Baldwin Park has a pavilion, a children's play area, restrooms, and showers; and provides for the following recreational activities: camping, soccer, baseball, picnicking, sunbathing, swimming, and surfing. The Lower Paia Beach Park facilities provide for the following activities: little league baseball, picnicking, sunbathing, swimming, and basketball.

36. Maui Memorial Hospital, located within 10 miles between Kahului and Wailuku, would provide major public health services for the project. There are also numerous physicians and dentists at closer locations within the Kahului-Wailuku and Pukalani areas.

Utility Services

37. Maui Electric Company provides electricity to the subject property. Gasco, Inc. provides natural gas service to the subject property. Hawaiian Telephone Co. provides telephone service to the subject property.

Water

38. The subject property is now served by a private water system. Development plans include the installation of a new public eight-inch water line for domestic water use and fire protection to be connected to the County's Central Maui System, and the private system will no longer be used.

Sewage Treatment and Disposal Services

39. Raw sewage from the subject property is now being transmitted through a substandard pipe system and discharged directly into the ocean. The County of Maui proposes to construct a collection system to be connected to the proposed Paia force main, which will transmit the sewage from the Paia area to the Wailuku-Kahului Sewage Treatment Plant. This plant was designed to accept and process the sewage from the Paia area. Plans for the force main will be completed by the end of March, 1982, with construction to start shortly thereafter and completion in the second or third quarter of 1983. Should development of the subject property be completed before construction of the force main is completed, project plans provide for the construction of dry sewer lines and disposal of sewage by a package plant or in cesspools as an interim measure. In either case, the raw sewage

from the project will not be unlawfully discharged into the ocean.

Solid Waste Disposal Services

40. At present, trash collection is by a private collector and disposal is at a County operated sanitary landfill. Upon completion of the project, the City will provide for solid waste collection and disposal.

Roadway and Highway Services

41. The subject property is adjacent to Baldwin Avenue, a paved two-lane public road with a right-of-way of 53 feet and pavement width of 24 feet. Existing internal roads are partially paved. Project plans include fully paved internal roads with one or two points of access to Baldwin Avenue.

Drainage

42. The City plans to retain the basic sheet flow drainage pattern which now exists on subject property, with the addition of berms to direct the runoff to Kailua Gulch.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

43. The subject property has historically been in residential use and the housing project will maintain this use. The subject property does not abut Urban District lands, but is in close proximity to Urban District lands to the north (makai). Paia town, an existing urban center, with stores, restaurants, service stations, churches and other facilities, is located approximately one mile north of the subject property.

PREFERENCES FOR DEVELOPMENT AND STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

44. The subject property is adjacent to Paia Mill, where many of the present occupants work; borders Paia Town, an historically urban area with a substantial population, business establishments, and a high level of existing services, including water, police and fire protection, sewage collection, parks and schools; and

is reasonably accessible to Wailuku and Kahului, the business and governmental center of the island. The project will meet a critical need for housing for low and moderate income families. There is no raw land cost, and infrastructural services are either already available or can be provided at minimal cost. The County estimates that a sizable segment of the population would be able to purchase a home in this project.

45. The proposed reclassification from Agricultural to Urban is reasonably necessary to accommodate growth and development as well as to preserve and enhance an existing residential area. There are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

46. Public services and facilities are already available to the subject property or can be provided at reasonable cost.

47. The proposed reclassification is consistent with the General Plan for Paia, in which the subject property is designated "Interim Zone."

48. The economic condition of the County is sound and the County has adequate funds available to undertake the project.

49. Based on review and analyses of the Petition, the evidence adduced at the hearing, and the provisions of Chapter 205, Hawaii Revised Statutes, both the County of Maui Planning Department and the State Department of Planning and Economic Development have recommended that the reclassification to Urban be approved.

RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by Petitioner or other party to this proceeding not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon the clear preponderance of the evidence that the proposed boundary amendment does conform to the standards established for the Urban District by the State Land Use District Regulations, is reasonable, is not violative of Section 205-2 Hawaii Revised Statutes, as amended; and is consistent with the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes, as amended.

DECISION AND ORDER

IT IS HEREBY ORDERED that the property which is the subject of the petition of the County of Maui in Docket Number A81-509, consisting of 47.061 acres of land situated at Hamakuapoko and Haliimaile, Island and County of Maui, State of Hawaii, more particularly identified as Tax Map Keys 2-5-05: 43 and 48 shall be and hereby is reclassified from the Agricultural District to the Urban District, and the Land Use District Boundaries are hereby amended accordingly. The reclassification, however, is subject to the following condition:

The petitioner shall connect the proposed residential project's sewage collection system to the proposed Paia sewage force main. Should development of the project be desired prior to completion of the Paia sewage force main, dry sewers shall be constructed by the petitioner, and individual wastewater systems or other systems acceptable to the State Department of Health may be used, but only on an interim basis until the Paia sewage force main project is completed.

Done at Honolulu, Hawaii, this 12th day of March
1982, per motion on November 24, 1981.

LAND USE COMMISSION
STATE OF HAWAII

By William W. Yuen
WILLIAM W. L. YUEN, Chairman and
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL, Vice Chairman
and Commissioner

By Richard B. F. Choy
RICHARD B. F. CHOY, Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO, Commissioner

By Teofilo Phil Tacbian
TEOFILO PHIL TACBIAN, Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE, Commissioner

By Edward K. Yanai
EDWARD K. YANAI, Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)	
)	
COUNTY OF MAUI)	DOCKET NO. A81-509
)	
To Amend the State Land Use District)	COUNTY OF MAUI
Boundary by Reclassifying 47.061 Acres,)	
TMK: 2-5-05: 43 and 48, at Hamakuapoko)	
and Haliimaile, Island and County of)	
Maui, from the Agricultural District)	
into the Urban District)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

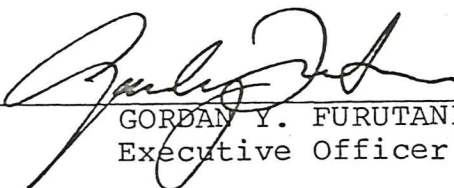
ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
Capital Investment Building
Penthouse, 850 Richards Street
Honolulu, Hawaii 96813

TOSH ISHIKAWA
Planning Director
Maui County Planning Department
200 South High Street
Wailuku, Maui 96793

H. RODGER BETTS
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui 96793

ALEXANDER AND BALDWIN, INC.
P. O. Box 156
Kahului, Maui 96732

DATED: Honolulu, Hawaii, this 12th day of March, 1982.



GORDON Y. FURUTANI
Executive Officer