

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-652
)	
HOUSING FINANCE AND DEVELOPMENT)	HOUSING FINANCE AND
CORPORATION)	DEVELOPMENT CORPORATION
)	
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban Land Use District for)	
approximately 1,097.765 acres at)	
Wahikuli, Lahaina, Maui, Tax Map)	
Key Nos.: 4-5-21: portion of 3;)	
4-5-21: portion of 4; 4-5-21:)	
portion of 5; 4-5-21: 9; and)	
4-5-14:58)	
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FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER

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FINDINGS OF FACT,
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HOUSING FINANCE AND DEVELOPMENT CORPORATION

(hereinafter referred to as "Petitioner"), a public body and body corporate and politic of the State of Hawaii, filed this boundary amendment Petition on March 9, 1990, which was subsequently amended by a Motion to Amend Petition filed on April 10, 1990, pursuant to Chapter 205, Hawaii Revised Statutes ("HRS"), Act 15, Session Laws Hawaii, 1988 ("Act 15"), Section 201E-210, HRS and § 15-15-46, and § 15-15-97 Hawaii Land Use Commission Rules (hereinafter "Commission Rules"), to amend the Land Use District Boundary for approximately 1,097.765 acres of land, Maui Tax Map Key Nos.: 1/ 4-5-21:

1/ The "Notice of Intent to File a Land Use District Boundary Amendment Petition" included the parcel of land identified on the tax maps as Tax Map Key: 4-5-21:17. However, Petitioner has withdrawn that parcel of land from the Petition.

portion of 3; 4-5-21: portion of 4; 4-5-21: portion of 5; 4-5-21:09; and 4-5-14:58 (hereinafter "Petition Area"), from the Agricultural District to the Urban District for a planned community primarily for affordable housing.

The Land Use Commission (hereinafter the "Commission"), having heard and examined the testimony, evidence and argument of counsel presented during the hearings, and the proposed findings of fact, conclusions of law and decision and orders of the parties, hereby makes the following findings of fact, conclusions of law and decision order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On December 28, 1989, Petitioner filed, served and caused to be published in the January 4, 1990 issue of the Honolulu Advertiser as well as in the Maui News, a "Notice of Intent to File a Land Use District Boundary Amendment Petition" pursuant to Section 15-15-97 of the Commission's Rules.

Petitioner also filed on this same date, an affidavit of mailing, an affidavit of publication, and a certificate of service pursuant to Section 15-15-97 of the Commission Rules.

2. On March 9, 1990, Petitioner filed its Petition for Land Use District Boundary Amendment, affidavit of community meetings, and certificate of service pursuant to Section 15-15-97 of the Commission Rules.

3. On March 27, 1990, the Commission received a Petition to Intervene in this proceeding on behalf of Cheryl

Auwai, Jasmine Gosselin, Evelyn Jaramillo, and Janet Laanui and Maui Affordable Housing Alliance (hereinafter "MAHA"), which Petition was granted by the Commission.

4. On March 28, 1990, a prehearing conference was conducted at the Commission's Office at which time the exhibits and witness lists were reviewed by all parties and the proposed intervenors.

5. On April 10, 11, 12, 1990, the Commission held hearings on this Petition in the Plantation Room of the Kaanapali Beach Hotel, Island and County of Maui, pursuant to notice published on March 9, 1990, in the Honolulu Advertiser and the Maui News, newspapers of general circulation.

6. The Commission allowed the following persons to testify as public witnesses: Linda Delaney (on behalf of Richard Paglinawan for the Office of Hawaiian Affairs), Frederick Sands, Meilene Ke Akuna, and Evelyn Jaramillo.

The Commission received into evidence letters from the following persons: David Nobriga, Elizabeth Stone and State Representative Rosalyn Baker.

7. At the beginning of the hearing of the Petition on April 10, 1990, Petitioner filed a written "Motion to Amend Petition" to include the parcel of land which is shown and identified on the tax maps as Tax Map Key 4-5-14:58 ("Parcel 58") as part of the Petition. Parcel 58 has an area of approximately 0.065 acres and is surrounded by that part of the

Property which is shown and identified on the tax maps as Tax Map Key 4-5-21:03. There being no objection by any of the parties, the motion was granted by the Commission.

DESCRIPTION OF THE PROPERTY

8. The Property or project site consists of approximately 1,122.406 acres of land at the base of the West Maui Mountains. Approximately 1,097.765 acres of land, the Petition Area, is in the Agricultural District and the balance is already in the Urban District. It is mauka (east) of Honoapiilani Highway and located adjacent to Lahaina town, mauka of the Lahaina Civic Center and Wahikuli subdivision and north of the Kelaweia subdivision and Lahainaluna High School. The Lahaina Civic Center contains a police station, post office, fire station, health center, gym, District Courts, meeting rooms and tennis courts.

9. The Property slopes downward in a easterly direction from an elevation of about +800 feet Mean Sea Level ("MSL") at the northeast corner to about +10 MSL along Honoapiilani Highway. The general slope of the project lands varies from about 6% to 12%.

10. The climate in the area of the Property is typical of Hawaii, with little seasonal or diurnal temperature variation. The area of the Property is dry and receives an annual rainfall of about 12 inches. Daytime tradewinds in the Property vicinity appear to have a more northerly component as

they pass around the flank of Haleakala. At night, winds coming down the mountains frequently prevail. Afternoon winds demonstrate a strong westerly component and predominance of northwesterly winds.

11. Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service (1972) identifies the soils in the Property as Wahikuli and Lahaina Silty Clays. The predominant soil is Wahikuli Stony Silty Clay. The silty clay is fine textured and dark reddish brown in color. The soil has been influenced to some extent by volcanic ash from local cinder cones. Weathered gravel and cobbles are mixed with the soil in most areas. Basalt can underlie the Wahikuli Silty Clay at relatively shallow depths. The soils in the northeast section of the site were identified as Lahaina Silty Clay. The soil is also dark reddish brown in color and underlain by weathered basalt. The soils of the project sites are further described as follows:

Lahaina Silty Clay, severely eroded (LaB):

Approximately 39 acres of the site is of this soil type. This soil has a profile wherein most of the surface layer and, in places, part of the subsoil have been removed by erosion. A few areas are eroded to soft, weathered rock. In places there are small dunes formed by wind-drifted soil material. Blown-out spots occur between the dunes. The erosion hazard is moderate to severe. This soil is used for pasture and wildlife habitat.

Capability classification is IIIe if irrigated, IVe if non-irrigated; sugar cane group 1; pineapple group 2; pasture group 3; and woodland group 1.

Lahaina Silty Clay (LaC): About 177 acres of the project site are in this soil type. In this soil, runoff is medium and the erosion hazard is moderate. In this category, there are small steep areas and areas where a few cobble stones and stones are on the surface. This soil is used for sugar cane and pineapple. Small acreages are used for truck crops, pasture and wildlife habitat. Capability classification is IIIe if irrigated or non-irrigated; sugar cane group 1; pineapple group 3; pasture group 3; and woodland group 1.

Lahaina Silty Clay (LaD): Approximately 19 acres of the project site are in this soil type. On this soil, runoff is medium and the erosion hazard is moderate. This group includes places where most of the surface layer and part of the subsurface has been removed by erosion. This soil is used for sugar cane. Capability classification is IVe, irrigated or non-irrigated; sugar cane group 1; pineapple group 3; pasture group 3; and woodland group 1.

Wahikuli Stony Silty Clay (WcB): About 222 acres of the project site are in this soil type. This soil is used for sugar cane and some homesites. The soil is generally good for cultivation except that there are enough stones on the surface to hinder cultivation. Capability classification is IIe if

irrigated; IVs is non-irrigated; sugar cane group 1; pasture group 3.

Wahikuli Stony Silty Clay (WcC): This soil group is similar to WcB, except that there are enough stones in the surface layer to hinder cultivation. About 290 acres of the project site are in this soil group. Runoff is slow to medium and the erosion hazard is slight to moderate. This soil type is used mostly for sugar cane and a small amount is used for homesites. Capability classification is IIIe if irrigated, IVe if non-irrigated; sugar cane group 1; pasture group 3.

Wahikuli Very Stony Silty Clay (WdB): About 302 acres of the project site are in this soil type. This soil is similar to Wahikuli silty clay, 3 to 7 percent slopes, except that as much as 3 percent of the surface is covered with stones. In some areas, as much as 15 percent of the surface is covered with stones. This soil is used mostly for sugar cane and a small acreage is used for homesites. Capability classification is IVs if irrigated, VIs if non-irrigated; sugar cane group 1; pasture group 3.

Rock Land (rRK): Rock land is made up of areas where exposed rock covers 25 to 90 percent of the surface. It occurs on all major Hawaiian islands. About 11 acres of the site, all within the gulches on the site, are Rock Land. The rock outcrops and very shallow soils are the main characteristics of this soil type, with basalt and andesite the principal rock

types. This land type is nearly level to very steep. Rock Land is used for pasture, wildlife habitat and water supply. This land type is also used for urban development. The soil has high shrink-swell potential and buildings on steep slopes are susceptible to sliding when the soil is saturated. Foundations and retaining walls are susceptible to cracking. Capability classification is VIIIs, non-irrigated.

Rough Broken and Stony Land (rRS): Rough broken and stony land consist of very steep stony gulches. The local relief is generally between 25 to 500 feet. Runoff is rapid and geologic erosion is active. About 60 acres of the project site, within the gulch at the northern boundary of the site and the gulch below Crater Reservoir, are in this soil type. The soil material is generally less than 20-inches deep over saprolite or bedrock. About 3 to 25 percent of the surface is covered with stones and there are a few rock outcrops. This land type is used for pasture, wildlife habitat and watershed. Capability classification is VIIIs, non-irrigated. The dominant natural vegetation consist of lantana, koa haole, feather fingergrass, bermudagrass and ilima.

12. According to the classification of the Agricultural Lands of Importance to the State of Hawaii (ALISH), approximately 68% of the lands in the proposed development area are rated as "prime" agricultural lands, and 26% of the lands are rated as "other" agricultural lands.

13. The Land Study Bureau's Detailed Land Classification system ranks the overall productivity of the soils of the Property as follows: 16% of the lands have soils rated "A", 40% rated "B", 33% rated "C", and 11% rated "E".

14. The Property is owned in fee simple by the State of Hawaii.

15. Pioneer Mill Company, Limited ("PMCo"), as lessee, leases the Property from the State of Hawaii, as lessor, pursuant to a lease which will expire by its terms on February 24, 1994. PMCo presently uses the Property for sugar cane cultivation. Under the terms of the lease, the State has the right to withdraw portions of the land at any point in time during the term of the lease.

16. Petitioner is negotiating to acquire the Property from the State Department of Land and Natural Resources. The Department of Land and Natural Resources has authorized Petitioner to file the Petition.

17. The Department of Land and Natural Resources will negotiate with the Office of Hawaiian Affairs regarding equitable compensation since the project consists of ceded lands.

PROPOSAL FOR DEVELOPMENT

18. The proposed project on the Property is intended to carry out the State of Hawaii's overall goal of increasing housing opportunities in West Maui for persons and families of all income levels. The proposed project will enable persons to

live close to employment centers in West Maui and will promote economic opportunities there. Petitioner proposes to develop the Property for a master planned residential community that will be developed under and in accordance with Chapter 201E, HRS and Act 15, 1988 Session Laws.

19. The Property can accommodate up to 4,800 residential units. The residential units will be comprised of single family dwellings and lots, multifamily townhouse units and vacant lots. In addition, land will be set aside for 2 elementary schools, parks, churches, day care facilities and a golf course. A limited amount of land would be set aside for retail/commercial uses as an integral part of the master planned community. The proposed project will be divided into 11 phases or "villages".

20. Approximately 60% of the residential units in the proposed project will be developed to provide housing opportunities for persons and families whose income is 120 percent or less than the median income for the County of Maui. The remaining 40% of the residential units in the proposed project will be developed to provide housing opportunities for persons and families whose income is over 120% of the median income for the County of Maui. The median income for the County of Maui is established and published by the United States Department of Housing and Urban Development from time to time and is based on a family of 4 persons.

21. If the proposed project is comprised of upwards of 4,800 residential units, as presented in the Environmental Impact Statement, the residential mix might be approximately as follows:

<u>(Up to)</u> <u>Percent</u>	<u>Category</u>
9%	Elderly and special needs groups (households in the 0 - 50% of median income category)
18%	Persons and families whose income is between 50% - 80% of median income
9%	Persons and families whose income is between 80-90% of median income
14%	Persons and families whose income is between 90% - 100% of median income
11%	Persons and families whose income is between 100% - 120% of median income
6%	Persons and families whose income is between 120% - 140% of median income
33%	Persons and families whose income is over 140% of median income

22. If the proposed project is comprised of upwards of 3,663 residential units, as proposed in the current Master Plan, the residential mix might be approximately as follows:

<u>(Up to)</u> <u>Percent</u>	<u>Category</u>
16%	Persons and families in whose income is below 80% of median income (including elderly and special needs groups whose income is between 0% - 50% of median income)
6%	Persons and families whose income is between 80-90% of median income

- 30% Persons and families whose income is between
 90% - 100% of median income
- 16% Persons and families whose income is between
 100% - 120% of median income
- 3% Persons and families whose income is between
 120% - 140% of median income
- 29% Persons and families whose income is over
 140% of median income

23. The proposed project will be developed in 11 phases or "villages" over a period of 10 years. A general timetable for the development is as follows:

Village 1	1990
Golf Course and Villages 2 through 6	After 1991-1993
Villages 7 through 11	After 1993

PETITIONER'S FINANCIAL CAPABILITY
TO UNDERTAKE THE PROPOSED PROJECT

24. Petitioner has characterized its role in the proposed development to be like that of a "master developer". In that role, Petitioner will obtain the necessary land use designation for the Property and cause the infrastructure (i.e. major roads and utility lines) to be in place up to the boundaries of the respective villages in the project.

25. The estimated infrastructure costs will be as follows:

<u>Item</u>	<u>Projected Costs</u> <u>(in millions of 1990 dollars)</u>
Land	\$ 41.4
Master Planning	1.0
On-Site Development	90.1
Construction	346.7
Off-site development	121.1
Engineering	6.4
Roads	44.5
Sewer	22.0
Water Source	15.9
Drainage	8.8
Park and School	6.0
Electrical	8.6
Landscape	8.9
	<hr/> \$600.3

26. Actual development of each village will be carried out by developers following guidelines established by the Petitioner. Petitioner will also provide and/or arrange for possible tax or other economic incentives.

27. As the housing finance and development agency for the State of Hawaii, Petitioner's activities are generally funded through general fund appropriations from the Hawaii Legislature and other appropriations. Most of the development costs for the proposed project, which the Petitioner will bear, will be financed through the Petitioner's Housing Revolving Fund and the Dwelling Unit Revolving Fund which the Hawaii Legislature established and funds for such purpose. The Petitioner is also considering funding development costs through

capital improvement project fund appropriations, bond financing and federal funds, if available.

28. The proposed project will be developed with the expectation that all or a substantial part of the development costs will ultimately be recovered from project revenues.

STATE AND COUNTY PLANS AND PROGRAMS

29. A portion of the parcel of land identified on the tax maps as Tax Map Key 4-5-21:03 is designated in the State Land Use Urban District. The remaining 1,097.765 acres, more or less, of the Property is located within the State Land Use Agricultural District as reflected on Land Use District Boundary Map M-2, Lahaina.

30. The proposed project on the Property is adjacent to an urban area and will generally be consistent with the general objectives of the Maui County General Plan and the Lahaina Community Plan.

31. Except for a portion of a proposed wastewater transmission system, the Property does not fall within the Special Management Area ("SMA") delineated on the maps established by the County of Maui pursuant to §205A-23, Hawaii Revised Statutes. However, because the transmission lines, pump stations and other facilities of the proposed wastewater transmission system will be located below ground and/or less than four feet above ground, the County will be requested to determine that the portion of the proposed wastewater system which is within the Special Management Area is exempt from SMA

permit requirements. Subject to receiving such determination from the County, the project may be exempted from the provisions of Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management.

32. Current zoning for the Property is agriculture.

33. The State Department of Transportation's proposed Honoapiilani By-Pass Road alignments A, B, and C, traverse the Property in generally a north to south direction.

NEED FOR THE PROPOSED DEVELOPMENT

34. The provision for housing opportunities for all income groups, particularly the low, low-moderate and gap groups, is a matter of state concern.

35. To that end, Petitioner is involved with providing housing opportunities throughout the State of Hawaii. The proposed project represents a major effort to develop a substantial master planned residential community which is appropriate for West Maui.

36. The Petitioner's objective is to develop a master planned residential community which contains primarily detached single-family and some multi-family residential units. While the total number of residential units to be developed is approximately 3,663 under the current master plan, flexibility is necessary to adjust the ultimate number of residential units. Regardless of the number of residential units which are developed, 60% of such units would be rented or priced to provide housing opportunities to families earning below 120% of

the median family income for the County of Maui. Although the proposed project will include residential units for persons and families of very low income, a majority of the residential units of the 60% of the residential units will be made available to persons and families of between 50% to 120% of median income for economic feasibility purposes and to arrive at a balanced community when taking into consideration that 40% of the residential units will be available to provide housing opportunities for persons and families over 120% of median income.

37. According to the Petitioner's housing marketing study, there is a need for additional housing units on Maui for persons and families in all income levels. The West Maui residential resale and rental markets are mirroring the extremely tight conditions which exist for all of Maui. New construction in recent years has fallen short of the demands of a rapidly growing population. Household growth has been even more rapid as household sizes continue to decline. This has caused both home prices and rents to rise much faster than income levels in recent years.

38. Results of housing surveys indicated a strong pent up demand for approximately 6,000 units for Maui and 3,700 units for West Maui. That demand will not be met even with all of the new units planned, both in the proposed as well as other projects.

39. According to the State Housing Functional Plan, persons or families targeted for "affordable" housing are identified as earning 140% or less of the area median income for the County of Maui as determined by the United States Department of Housing and Urban Development as adjusted by family size. Such persons or families fall within the following income groups:

"Very low income"	those earning 50% of the area median income and below
"Lower income"	those earning between 50% and 80% of the area median income
"Moderate income"	those earning between 80% and 120% of the area median income
"Above-moderate income"	those earning between 120% and 140% of the area median income

40. The residential units in the proposed project will provide housing opportunities in all income levels including persons and families whose income is over 120% percent of the median income.

41. Under Petitioner's housing program, sales of residential units, which are available for purchase by persons or families whose income is below 120 percent of the median income, will generally be restricted to Hawaii residents who are first-time home buyers.

42. The proposed project will not only increase the inventory of residential units in West Maui but will also have the effect of freeing up existing residential units in Maui as

persons and families, who are living in such units, move into the proposed project. Where there is a demand for housing in Maui, the existing residential units, which will become available as persons move out of them, will create housing opportunities for others.

IMPACT UPON RESOURCES OF THE AREA

Agricultural Resources

43. The Property and surrounding areas in West Maui are currently being used by PMCo for the cultivation of sugar cane.

44. Sugar cane is being cultivated on approximately 6,922 acres. The proposed project would reduce such acreage by approximately 16.2%.

45. According to Burt Hatton, PMCo's representative, while size is important to the viability of a sugar plantation, the issue is not only size. It's a number of other factors such as availability of low cost labor and good management practices.

46. PMCo's sugar cane plantation is considered to be a "rocky" plantation whose production is affected by steep fields and low rainfall. PMCo's sugar cane operations are presently "breaking even". The proposed project is not expected to result in layoffs of plantation employees so long as the rate that areas are removed from cane cultivation is gradual. Any reduction in the sugar plantation's labor force is expected to be due to normal attrition rather than the proposed project. PMCo viability will continually be affected by higher costs of

production, fluctuating sugar prices, farm bill issues, worldwide issues and artificial sweeteners.

47. While PMCo intends to continue sugar cane production and canehaul operations on the rest of the lands which it now cultivates, PMCo is also studying the potential for diversifying its operations as a sugar cane plantation and include other farming activities such as the cultivation of crops such as coffee and macadamia nuts. According to PMCo's representative, PMCo desires to stay in the farming business on a long term basis. He believes that PMCo can operate a viable farm for sugar and other crops on approximately 4,000 acres of land in the future.

48. According to the Petitioner's consultant, it is doubtful that the proposed project would adversely affect growth of diversified agriculture by other farmers because of higher costs of labor and production, competition with farmers elsewhere and market conditions. Other property is available and more suitable for diversified agriculture purposes as a result of closings or reductions in operation of other sugar cane and pineapple plantations. Markets for potentially feasible agriculture products from West Maui are limited. A small amount of land and water is required to grow certain proven and promising diversified agriculture products in order to achieve a realistic level of Statewide food and animal-feed self sufficiency. That is, the limiting factor is not land

supply but rather the market demand for diversified agriculture products that can be grown profitably.

49. The Petitioner's agricultural impact consultant has concluded that given the severity of the housing situation in West Maui and the economic health of the region, the State and County policies regarding affordable housing would appear to override the agricultural policies.

Flora and Fauna

50. According to a study prepared by the consulting firm of Char & Associates, which conducted a terrestrial flora survey of the Property, most of the Property has been in sugar cultivation for an extended period. Areas which are not in cultivation contain scrub vegetation. Plants considered threatened or endangered by the federal and/or state governments were not found.

51. According to a study prepared by Philip L. Bruner, assistant professor of biology and director of the Museum of Natural History at Brigham Young University-Hawaii, he did not observe any known rare or animal species in a field survey of the avifauna and feral mammals on the Property.

Marine Macrobiota and Water Quality Conditions

52. According to a study prepared by Richard E. Brock, Ph.D., the proposed project should not greatly impact nearshore marine communities by large increases in sedimentation, fertilizers and pesticides. To the contrary, he pointed out that in comparison to impacts caused by on going agricultural

activities, the proposed project can be expected to result in less impacts due to sedimentation, fertilizers and pesticides.

Historical and Archaeological Resources

53. The archaeological, historical, cultural resource management consulting firm of Paul H. Rosendahl, Ph.D., Inc. conducted an archaeological inventory survey and limited literary search of the Property.

54. The project area has been subjected to extensive disturbances by past agricultural activities such that most traces of any archaeological sites on the Property have been removed. For that reason, remaining archaeological sites that are within the Property are within gullies.

55. Twelve sites were identified within or immediately adjacent to the project area. Six sites were assessed as being significant solely for information content. Of those 6 sites, 1 site is without associated cultural deposits or portable remains and does not represent a unique or one-of-a-kind resource worthy of preservation. Further work in the form of vegetation clearing, detailed archaeological recording and further refinement of the provisional evaluations of subsurface components was recommended for the other 5 sites.

56. Of the remaining 6 sites, 5 were assessed as being significant for information content, and provisionally as good examples of site types. Further work in the form of vegetation and additional data collection (i.e., detailed recording, surface collections and limited excavations) was recommended to

determine whether preservation "as is" or preservation with some level of interpretive development would be appropriate. The last site was assessed as being significant for information content and also as being potentially culturally significant. If the site cannot be preserved "as is", the recommendation was made that the site be properly evaluated for the presence and total number of any human remains. This evaluation would involve further data collection including detailed recording, possible surface collections and evaluation of the contents of a "cairn" used for ceremonial purposes and the presence of any human remains. If the presence of human remains is confirmed, proper disinterment and reburial in accordance with applicable laws would be necessary.

57. A mitigation plan will be developed for the significant sites located on the Property in accordance with applicable laws.

58. Although numerous structural remains related to PMCo's sugar cane plantation, including ditch systems, were noted, such remains have been altered and modified so many times that their historical integrity has been lost.

Recreational Resources

59. The West Maui has an abundance of landbased and coastal recreational areas, including 17 County parks and 3 State beach parks. In addition, Mala Wharf and small boat harbor is close to the project site as is Lahaina Harbor.

60. To augment the recreational needs of future residents, the master plan for the Property includes a regional park, a golf course, five neighborhood parks, two elementary school sites, and lands for expanding the Lahaina Civic Center.

Noise

61. During construction of the proposed project, existing subdivisions west and south of the Property and the Lahaina Civic Center area will experience temporary noise impacts from construction equipment. As people move into the project, they will also be exposed to temporary noise impacts from construction. All construction activities will comply with noise regulations contained in Chapter 43, Hawaii Administrative Rules, administrative rules for the State Department of Health.

62. Although traffic noise levels along Honoapiilani Highway are above 65 Ldn, traffic noise impacts resulting from the proposed project are predicted to range from 0.4 to 1.0 Ldn along Honoapiilani Highway and are not expected to be serious. Upon completion of the proposed Honoapiilani Highway Bypass Road, traffic noise increase is expected to occur at the intersection of Ikena Road. Traffic noise impacts are expected to be minimized by the planned implementation of noise mitigation measures.

63. Noise generated by cane and pineapple haul trucks is expected to be within the "moderate exposure, acceptable" category at the lots closest to those roads because of planned setback distances from those roads.

64. Aircraft noise levels over the project site are presently and can be expected in the future to be less than 55 Ldn. The project site is not expected to be impacted by aircraft noise.

65. Noise generated by various activities at the Lahaina Civic Center Auditorium, Amphitheater and the gymnasium are expected. The closest residential units in the proposed project would be about 1,200 feet east of the Lahaina Civic Center complex and will be buffered by two golf course holes. Sound attenuation construction techniques and materials for the residential units closest to the Lahaina Civic Center complex may also mitigate noise.

Air Quality

66. General sources of air pollutants will be from nearby agricultural activities, bagasse and fossil fuel burning at the sugar mill, vehicular activity, agricultural pesticides spraying, operation of concrete and asphalt batching plants and occasional air pollution from Kilauea Volcano on the Island of Hawaii.

67. The air quality of the project area will experience short term impacts from construction activities.

68. To reduce and minimize potential vehicular generated air quality impacts, additional highway improvements could be made to promote increased traffic flow, a public transit system and/or car or van pooling operation could be established and residents can be made aware of the need to

properly maintain their automobiles to reduce air quality impacts.

69. To mitigate possible impacts resulting from agricultural activities, attention should be given to meteorological conditions prior to burning and pesticide spraying activities and required notification of prospective home buyers that purchase of a residence in the project includes possible cane smoke exposure. Construction contractors will be required to adhere to federal, state and county environmental protection rules and regulations, including air quality regulations and standards.

Water Quality

70. Surface and subsurface water quality impacts may be generated through an increase in the quantity of storm water runoff from the proposed project and through the filtration of nutrients (fertilizers) and biocides (pesticides and herbicides).

71. Based on studies conducted in Hawaii, the Petitioner's consultant, Chapman Consulting Services, does not expect fertilizers and biocides to enter the groundwater and/or surface water runoff streams based on the following reasoning:

(a) Although nutrient levels in nearshore receiving waters are elevated at times, there does not appear to be any short-term or long-term adverse impact on marine biota;

(b) By the time most biocides enter receiving waters, they are either diluted or degraded to the point where

they are non-toxic and do not pose either a hazard to humans or marine biota;

(c) Measures that are being taken with the proposed project, i.e., use of retention basins and channeling flow into defined streams, are adequate measures to prevent adverse impacts as a result of the use of fertilizers and biocides;

(d) Sugar cane cultivation generally requires the use of more chemicals, fertilizers and biocides than are used on golf course or residential properties;

(e) Because of the relatively low rainfall level, evapotranspiration rates generally preclude irrigation waters entering groundwater supplies;

(f) Fertilizers and biocides are generally not applied during rainy periods;

(g) All chemicals used on the golf course, parks and public landscaped areas would be those approved by the U.S. Environmental Protection Agency and State Department of Health;

(h) Biocides would only be applied by or under the direction of State Department of Health certified applicators;

(i) A golf course maintenance plan and program, based on "Best Management Practices" will be established with regard to the utilization of fertilizers and biocides and the plan will be presented to the Department of Health prior to implementation; and

(j) Natural percolation and filtering of storm water into the groundwater stream will assist in minimizing potential impacts to the nearshore marine biota and maintenance of water quality standards in waters makai of the Property.

72. Under the proposed project, retention basins will be designed to hold stormwater runoff and diversion ditches will direct stormwater runoff to existing drainage channels.

73. The proposed project is not expected to significantly affect the marine environment as a result of increased runoff and the resultant potential increased sedimentation.

Scenic and Visual Resources

74. From within the project site, westerly views are of the shoreline, ocean and islands of Lanai and Molokai in the distance. To the north are limited views of the Kaanapali resort areas and West Maui Mountains and views to the south are views of Lahaina Town. Easterly views are toward the West Maui Mountains that form the backdrop for the project site.

75. The agricultural lands in the West Maui region have scenic visual resource value, in that they serve as open space and as a green backdrop to the urban areas, as well as an amenity for the Kaanapali and Lahaina resort areas. To mitigate the impact of urbanization upon the open space represented by sugar cane fields, Petitioner's planning consultant envisions the use of extensive landscaping in and around the proposed golf course, parks and public areas.

Surface Water and Drainage

76. A drainage gully on the north borders the project site. Two other drainageways bisect the project site in a east to west (mauka-makai) direction. These gullies converge south of the Lahaina Civic Center. Flows into these gullies are presently conveyed across Honoapiilani Highway into the ocean by three 48-inch reinforced concrete culverts.

77. Storm runoff in the north gully flows across Honoapiilani Highway through a 48-inch culvert. Runoff from approximately 300 acres at the southwesterly corner of the project site flows along the cane haul road into the property mauka (east) of Honoapiilani Highway, then along Kapunakea Street to the ocean.

78. According to the Flood Insurance Rate map for the project area produced by the Federal Emergency Management Agency, with the exception of a small area near the Lahaina Civic Center, the project site is absent of flood hazards. However, flooding does occur in the gullies and gulches on the northerly and southerly sides of the project site.

79. The golf course in the proposed project will also serve the function of minimizing impacts from surface water runoff. On-site drainage from the project will be channeled through the golf course and into culverts and retention basins. Various reinforced concrete culvert upsizing, new channels and retention basins will be required.

80. Off-site drainage downstream from the project will be intercepted by diversion ditches or other means acceptable to the County.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water Service

81. Upon completion of the proposed project on the Property, an average daily demand of 2.8 million gallons of water per day is anticipated. The maximum daily demand is estimated to be 4.2 million gallons per day.

82. The golf course, parks and streetscape areas will be watered with non-potable water.

83. The groundwater floats as a basal lens on sea water and discharges in a narrow band along the coast.

84. The groundwater lens is unconfined and the water table increases parabolically until the basal lens meets the high level dike compartment aquifers of the rift zone at about the Forest Reserve line. The groundwater head rises from near zero at the coast line to approximately 5 feet at a distance of about 2 miles inland. At the inland boundary of the Property, the ground water head is about 4 feet.

85. Given the existing quantity of groundwater flux (4.5 to 5.0 mgd per mile of coastline), the development of additional wells to supply the proposed project is not expected to adversely affect existing water supplies. The Petitioner's hydrology consultant predicts that the proposed project will

have sufficient water from the proposed wells which will be developed.

86. To meet the water needs of the proposed project, the development of new wells, including standby wells, pumping system, storage tanks/reservoirs and transmission lines will be necessary. Such water facilities will be developed and engineered in coordination and compliance with the rules and regulations and requirements of the County Department of Water Supply, State Department of Health and Commission on Water Resource Management.

Transportation Services and Facilities

87. Honoapiilani Highway between Kaanapali and Lahaina, has recently been widened to four lanes with dedicated left turn pockets at most intersections. North of Kaanapali, Honoapiilani Highway is an improved two-lane arterial roadway with paved shoulders. South of Lahaina, Honoapiilani Highway is a two lane roadway with several horizontal curves that limit opportunities for passing.

88. Within the proposed project area, Honoapiilani Highway is a four-lane arterial roadway that is signal controlled at its intersections with Civic Center Road, Kaniau Road, Front Street/Flemming Road and Kapunakea Street. Civic Center Road is a two lane roadway that is generally aligned in an east-west direction. It provides access to the Lahaina Civic Center. Kaniau Road is a two-lane residential roadway that is aligned in an east-west direction. It provides access to

Wahikuli subdivision and forms a signalized "T" intersection with Honoapiilani Highway.

89. The proposed project will be intersected by the proposed State Department of Transportation Honoapiilani Bypass Highway. Alignment "B" of the proposed Bypass Highway will enter the Property from Ikena Street in the Kelawea Subdivision and proceed in a north/south direction for about one mile at which point it will turn downslope and run in a mauka/makai direction to its intersection with Honoapiilani Highway about one-half mile north of the Lahaina Civic Center.

90. Until the Bypass Highway is constructed, traffic generated by the proposed project will use the existing Honoapiilani Highway and internal roadway system to be constructed as part of the proposed project.

91. According to a traffic study by Petitioner's consultant, Parsons, Brinkerhoff, Quade and Douglas, Inc., the capacity of Honoapiilani Highway will be exceeded after about 2,100 to 2,400 residential units in the project have been constructed.

92. To accommodate the proposed project, the following roadway improvements would be made and undertaken in a time and manner determined appropriate to serve the proposed project and surrounding area:

(a) Widening Civic Center Road to a four-lane roadway with left turn channelization.

(b) Widening of Honoapiilani Highway to provide two northbound right turn lanes onto Civic Center Road.

(c) Widening of Honoapiilani Highway to provide a second southbound left turn lane onto Civic Center Road.

(d) Upgrading of existing traffic signal at the Civic Center Road/Honoapiilani Highway intersection.

(e) Timely construction of the Lahaina Bypass Highway. Crossings at the intersections of the Civic Center Road and Kapunakea Street should be grade-separated.

93. The island of Maui is served by the Kahului Airport, which is owned and operated by the State Department of Transportation, and Kapalua Airport, which is privately owned and operated. The proposed project is not expected to significantly affect air passenger and/or cargo levels at either airports.

Wastewater Treatment and Disposal

94. The Petitioner estimates that anticipated wastewater flow for the proposed project on the Property will be 2.5 million gallons per day.

95. Because the County wastewater transmission and treatment plant is rapidly reaching capacity, improvements to the transmission and treatment facilities will be necessary.

96. The County Department of Public Works is suggesting that the existing constant flow pumps in Pump Station 1 be replaced with variable speed pumps for Village 1 of the proposed project. Thereafter, off-site major improvements to

the existing wastewater transmission system will be required. Two alternatives are under consideration. Alternative I involves upgrading and replacing portions of the existing system. Alternative II, which is preferred, involves a new sewer transmission and pumping system. Provisions for wastewater transmission system improvements will be approved prior to any subdivision approvals for the proposed project and installed in accordance with requirements and scheduling established by the County.

97. The existing wastewater treatment plant has the capacity to accommodate Village I of the proposed project. Although Petitioner is prepared to install a temporary modular, package treatment plant adjacent to the present treatment plant, Petitioner's consultant testified that the County has indicated that if the existing wastewater treatment plant is improved, it can accommodate the project without a temporary modular package treatment plant.

98. The State Department of Health has indicated that the proposed project be authorized only on the basis of concurrent programming of public facilities to collect, treat, and properly dispose of the wastewater anticipated to be generated from this project. Public sewage transmission and treatment systems are the only acceptable alternative for this project.

99. Although a portion of the offsite wastewater transmission system will be located within the County Special

Management Area, Petitioner will be requesting that such portion of the system be exempted from the SMA permit requirement. Installation of the wastewater transmission system within the SMA is not expected to result in any adverse environmental impacts in that the majority of the system would be installed adjacent to the Industrial Road and/or below ground.

Power and Telephone

100. Electrical service to the project site will be provided by Maui Electric Company (MECO). The proposed project's demand requirements can be met with the present service capabilities and/or planned improvements.

101. Hawaiian Telephone Company (HTCO) will provide telephone service to the area.

102. The Petitioner and the developers will work with MECO and HTCO to determine the specific transmission, distribution and substation requirements for the proposed project.

Police Protection and Fire Protection

103. The Lahaina Police Station and the Lahaina Fire Station are located within the Lahaina Civic Center.

104. The Petitioner will work with the County to assure that adequate police and fire protection services are available.

Schools

105. The proposed project site is served by Lahainaluna High School, Lahaina Intermediate School, King Kamehameha Elementary School and Princess Nahienaena Elementary School. In

addition to public schools, there are several privately operated elementary, intermediate and high schools on Maui.

106. The proposed project includes the development of 2 new kindergarten through 5th grade elementary schools.

Healthcare Facilities

107. Maui Memorial Hospital, which is located between Wailuku and Kahului, is the nearest major medical facility.

108. There are several private clinics and medical service providers in West Maui, including Maui Medical Group, Lahaina Physicians, West Maui Healthcare Center and Kaiser Permanente Medical Care Program, which provide regular hours and/or emergency medical services. There are numerous general and specialized medical offices as well.

Solid Waste and Disposal Collection

109. The County and private contractors handle the collection and disposal of solid waste.

110. Residential waste is disposed at the new Puunene landfill site in Central Maui. The County Public Works Department is in the process of building a new Olowalu convenience center which would receive residential waste. Once constructed, waste delivered to the convenience center would be transported by the County to the Puunene landfill site.

111. Community organizations and the County have begun recycling programs. Residents in the proposed project will be encouraged to participate in recycling programs.

COMPLIANCE WITH STANDARDS DETERMINING DISTRICT BOUNDARIES

112. The Property is contiguous to and located immediately mauka of lands which are in the State Urban District. It is located adjacent to Lahaina town, mauka of the Lahaina Civic Center and Wahikuli subdivision and north of the Kelawea subdivision and Lahainaluna High School. The Property is close to commercial and retail centers. The Lahaina Cannery Shopping Center, which is the major regional shopping area for West Maui, and Lahaina Town are makai of the Property.

113. The Property is proximate to the basic services as sewer, water, public highway, access to police and fire protection, power and other public services. It is mauka (east) of Honoapiilani Highway. The Lahaina Civic Center contains a police station, post office, fire station, health center, gym, district court, meeting rooms and tennis courts. Water resources will be developed mauka of the Property. The County wastewater treatment plant is nearby.

114. The Property is close to the Lahaina Cannery and Lahaina Center and to the visitor destination areas of Lahaina, Kaanapali and Kapalua, all of which are centers of trading and employment.

115. The proposed project is intended to carry out a State purpose of providing affordable housing opportunities in West Maui. Approximately 60% of the residential units will be available for persons and families whose income is 120% or less than the median income for the county. The project will

generate construction jobs and induce employment opportunities in West Maui. The proposed project will enhance the area as a full-service residential community.

INCREMENTAL DISTRICTING

116. The proposed project will be divided into 11 phases or "villages" which Petitioner proposes to develop over a period of 10 years. A general timeline for the development is as follows:

Village 1	Start 1990
Golf Course and Villages 2 through 6	After 1991-1993
Villages 7 through 11	After 1993

CONFORMANCE WITH THE HAWAII STATE PLAN

117. Although the Property is considered "Prime" agricultural land, Petitioner has determined that an overriding public interest exists to amend the land use district boundary for the Property from Agricultural to Urban in order to allow for the development of the proposed project. In support thereof, Petitioner cited the following provisions from the State Agricultural Plan:

"...except where, by a preponderance of the evidence presented,... overriding public interest exists to provide such lands for other objectives of the Hawaii State Plan."

118. Based on the provisions aforesaid, the proposed project on the Property is consistent with the objectives, policies or priorities of the Hawaii State Plan where the proposed project will:

a. provide greater opportunities for persons and families of all income levels on a neighbor island to secure affordable, safe, sanitary livable housing in suitable environments that satisfactorily accommodate the needs and desires of such persons and families under a housing plan which will allocate 60% of the residential units for persons and families, including the elderly and special need groups, whose income is less than 120% of the median income for the County and 40% of the residential units for persons and families whose income is over 120% of the median income.

b. Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures.

c. Seek participation from the private sector for developing the respective villages, including the infrastructure and utilities therein; and

d. Promote, foster or advance social, economic, cultural and environmental interests or priorities within the setting of a master planned residential community which is being developed to address the expressed need for affordable housing.

CONFORMANCE TO COASTAL ZONE POLICIES AND OBJECTIVES

119. The proposed reclassification of the Property for the development of the project conforms to the policies and objectives of the Coastal Zone Management Program Chapter 205A, HRS, as amended.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by the Petitioner or the other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

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

CONCLUSIONS OF LAW

Pursuant to Chapter 205 of the Hawaii Revised Statutes and the Hawaii Land Use Commission Rules, the Commission finds upon a preponderance of the evidence that the reclassification of all of the lands comprising the Petition Area, as approximately shown on Exhibit "A", attached hereto and incorporated herein by reference, consisting of approximately 1,097.765 acres of land situate at Wahikuli, Lahaina, Island of Maui, State of Hawaii Tax Map Keys: 4-5-21: 9; portion of 3; portion of 4; portion of 5; and 4-5-14:58, from the Agricultural District to the Urban District, subject to the conditions in the Order, for a planned residential community primarily for affordable housing, is reasonable, nonviolative of Section 205-2, HRS, and is consistent with the Hawaii State Plan as set forth in Chapter 226, HRS, as amended, and the Hawaii Land Use Commission Rules.

ORDER

IT IS HEREBY ORDERED that the Petition Area, consisting of approximately 1,097.765 acres of land situate at Wahikuli, Lahaina, Island of Maui, State of Hawaii Tax Map Keys: 4-5-21: 9; portion of 3; portion of 4; portion of 5; and 4-5-14:58, and approximately shown on Exhibit "A", attached hereto and incorporated herein by reference, for reclassification from the Agricultural Land Use District to the Urban Land Use District, shall be and is hereby approved, and the District Boundaries are amended accordingly, subject to the following conditions:

1. The survey of the Property to identify structures relating to the sugar cane plantation and the significance of any identified structures shall be evaluated. Findings shall be submitted in report format to the State's Historic Preservation Program. If significant, acceptable mitigation measures for their treatment shall be worked out in consultation with the State Historical Preservation Program and shall be included in a detailed mitigational plan.

In addition, sites 2478, 2479, 2481, 2482 and 2484 shall undergo data recovery. Sites 2480, 2483, 2485, 2488, 1203 and 2486 shall be preserved. A detailed mitigation plan, with preservation and data recovery components shall be submitted to the State Historic Preservation Program for approval prior to the implementation of such plan.

Petitioner shall also cause work to stop immediately and shall contact the State Historic Preservation Office should any

archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project development.

2. Petitioner shall cause all prospective occupants to be informed of (a) possible odor, noise, and dust pollution resulting from surrounding agricultural operations, and (b) the Hawaii Right-to-Farm Act, Chapter 165, HRS which limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

3. Petitioner shall develop the golf course in compliance with the provisions of the document entitled "Eight(8) Conditions Applicable to New Golf Course Development" dated April 7, 1989.

4. Petitioner shall submit a revised traffic report that addresses the secondary impacts on County roadways and pedestrian traffic to the Maui Department of Public Works for review and approval prior to submittal of the project's traffic master plan.

5. Petitioner shall coordinate with the Maui Department of Water Supply, Department of Land and Natural Resources, adjoining land owners, and/or other Federal, State or County agencies regarding measures designed to obtain the required water for the project. Petitioner shall fund on an equitable basis, necessary water source, storage, transmission facilities and filtration system development.

6. Petitioner shall participate pro rata in the funding, development, and construction of improvements to the Lahaina Wastewater Treatment Plant. Occupancy of the housing units shall be phased with the increased capacity of the treatment plant.

7. Petitioner shall fund and construct all necessary drainage improvements which are within the Property. The drainage plans shall be submitted to the State Department of Transportation and County of Maui, Department of Public Works.

8. Petitioner shall make land, with infrastructure up to the lots, available to the State Department of Education for the development of school facilities.

9. Petitioner shall provide housing opportunities for low, low-moderate, and moderate income residents of the State of Hawaii by offering for sale or lease a number of units equal to 60% of the residential units in the Petition Area at prices which families with an income range of up to one hundred twenty percent 120% of the County of Maui's median income can afford.

10. Petitioner shall coordinate with the County of Maui development of the project in conjunction with improvements to County services and facilities such as fire and police protection.

11. All infrastructure improvements for the project shall be developed in accordance with County of Maui standards.

12. Petitioner shall submit to the Maui Department of Public Works all master plans for drainage, water, roadways,

utilities, and sewers for review and approval prior to submittal of the individual construction plans of the various villages.

13. The State of Hawaii shall maintain responsibility for the preservation area which includes the existing crater and reservoirs.

14. Petitioner shall fund, design, and construct improvements to the various community/neighborhood parks including but not limited to grading, installation of landscaping and irrigation, construction of retaining walls and safety fences, and installation of service utilities.

15. Restrictive covenants for the golf course shall include conditions regarding preferential rates and tee times for the resident golfer. Rates shall not exceed 200% of the municipal course rates of the County of Maui and at least fifty percent (50%) of the prime tee times shall be reserved for the resident golfer.

16. Petitioner shall incorporate noise attenuation measures or devices to reduce noise impacts along Honoapiilani Highway, Bypass Highway and cane haul road.

17. Petitioner shall incorporate appropriate measures to mitigate impacts from wind, water and soil erosion during the construction of the project.

18. Petitioner shall not commence the construction of Villages 7 through 11 until the construction of the bypass road through the Petition Area is substantially underway.

19. Conditions requiring County agency review, coordination or approval are subject to the powers of the Housing Finance and Development Corporation as expressed in Act 15, Session Laws Hawaii, 1988.

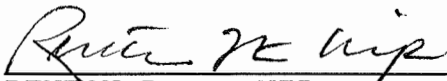
20. Petitioner shall develop the Property in substantial compliance with the representations made to the Land Use Commission in obtaining reclassification of the Property.


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

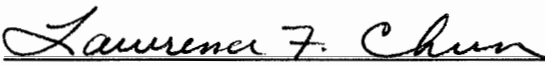
22. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

Done at Honolulu, Hawaii, this 18th day of May 1990,
per motion on April 23, 1990.

LAND USE COMMISSION
STATE OF HAWAII

By 
RENTON L. K. NIP
Chairman and Commissioner

By 
FREDERICK P. WHITEMORE
Vice Chairman and Commissioner

By 
LAWRENCE F. CHUN
Commissioner

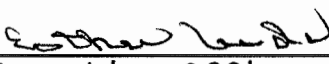
By 
SHARON R. HIMENO
Commissioner

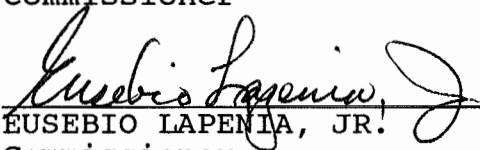
By (absent)
ALLEN K. HOE
Commissioner

By (conflict)
ALLEN Y. KAJIOKA
Commissioner

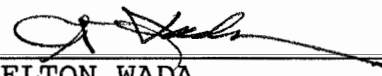
Filed and effective on
May 18, 1990

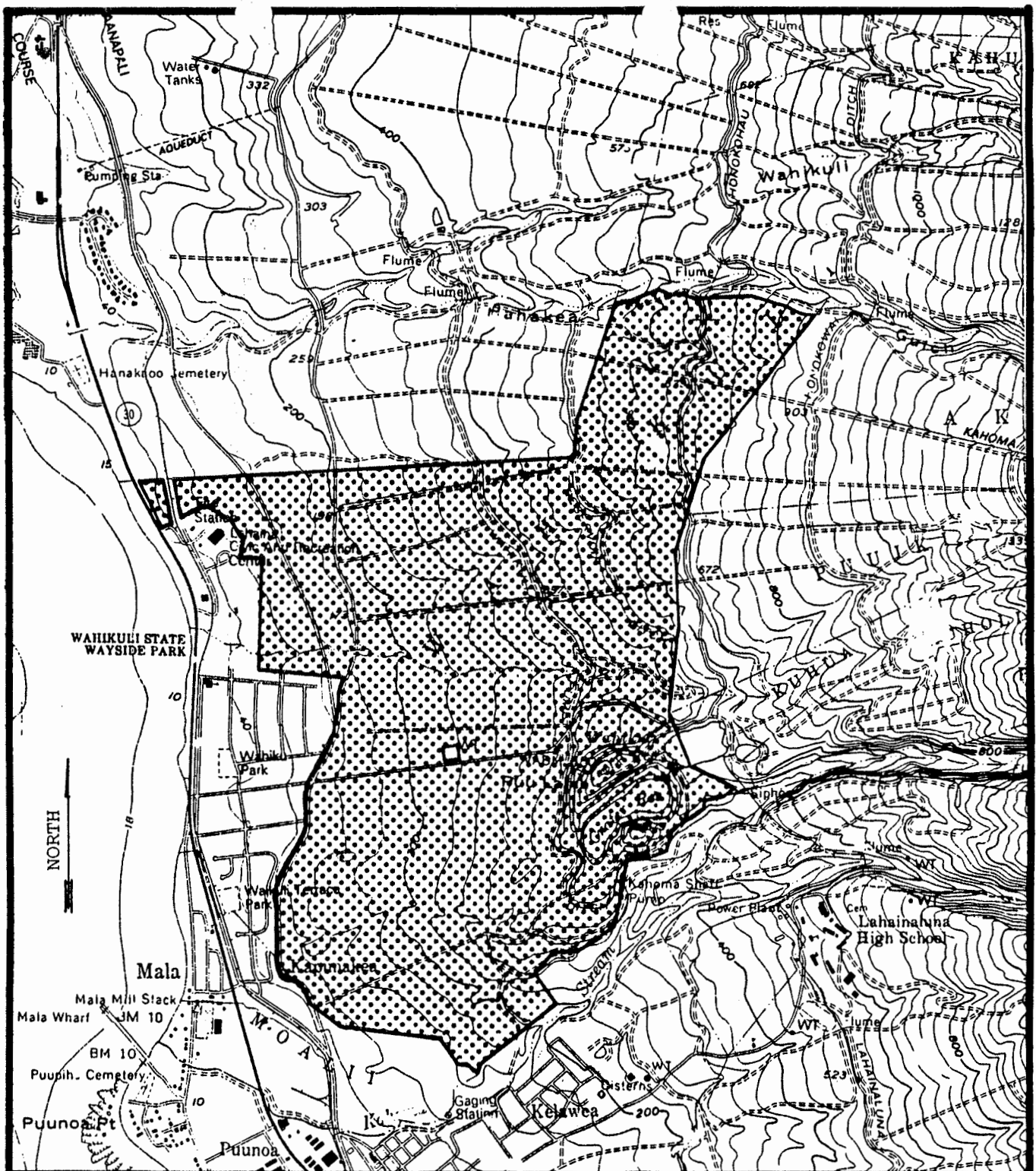
Certified by:


Executive Officer

By 
EUSEBIO LAPENIA, JR.
Commissioner

By (conflict)
JAMES M. SHINNO
Commissioner

By 
ELTON WADA
Commissioner



DOCKET NO. A89-652/
HOUSING FINANCE AND DEVELOPMENT CORPORATION

LOCATION MAP

T.M.K. : 4-5-21: 9, por. 3, por. 4, por. 5, &
4-5-14: 58

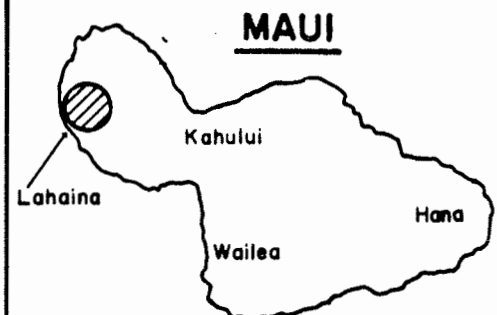
WAHIKULI, LAHAINA, MAUI, HAWAII

SCALE : 1" = 2,000 ft. ±



APPROVED AREA

EXHIBIT "A"



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A89-652
HOUSING FINANCE AND DEVELOPMENT)	
CORPORATION)	HOUSING FINANCE AND
	DEVELOPMENT CORPORATION
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban Land Use District for)	
approximately 1,097.765 acres at)	
Wahikuli, Lahaina, Maui, Tax Map)	
Key Nos.: 4-5-21: portion of 3;)	
4-5-21: portion of 4; 4-5-21:)	
portion of 5; 4-5-21: 9; and)	
4-5-14:58)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

	HAROLD S. MASUMOTO, Director Office of State Planning State Capitol, Room 410 Honolulu, Hawaii 96813
CERT.	CHRISTOPHER L. HART, Planning Director Planning Department, County of Maui 200 South High Street Wailuku, Hawaii 96793
CERT.	GLENN KOSAKA, ESQ. Corporation Counsel Office of the Corporation Counsel County of Maui 200 South High Street Wailuku, Hawaii 96793
CERT.	JAMES T. FUNAKI, ESQ., Attorney for Petitioner Okumura, Takushi, Funaki & Wee Grosvenor Center, Suite 1400 733 Bishop Street Honolulu, Hawaii 96813

CERT. CAROLYN BURTON, ESQ., Attorney for Intervenor
Legal Aid Society of Hawaii
2287 Main Street
P. O. Box 368
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 18th day of May 1990.



ESTHER UEDA
Executive Officer