HAWAII AERIAL TRAMWAY CORPORATION
SP(F)63-1

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM Maui Aerial Tram

DATE 6 Dec 63

PLACE Waikuku, Maui, Hawaii

TIME 4:45 PM

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

COMMENTS: motion to approve permit — Permit Granted

Maui meeting on Dec. 6 - Post on Agenda if possible

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM Hawaii Aerial Tramway

DATE 11/22/63

PLACE LUC Hearing Rm - Honolulu

TIME

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

COMMENTS: Motion to defer to later date Staff to communicate w/Cty for further information binding statement - ~~Maui meeting~~

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Public Hearing

Board Chambers

Wailuku, Maui, Hawaii

4:45 P. M. - December 6, 1963

Commissioners Present:	C.E.S. Burns James P. Ferry Goro Inaba Shelley Mark Shiro Nishimura Charles S. Ota Myron B. Thompson Robert G. Wenkam Leslie E. L. Wung
Staff Present:	Raymond Yamashita, Executive Officer Roy Takeyama, Legal Counsel Richard Mar, Field Officer

The public hearing was called to order by Chairman Thompson and followed by a prayer.

HAWAII AERIAL TRAMWAY (SP(T)63-1), REQUEST FOR A SPECIAL PERMIT TO BUILD AN AERIAL TRAMWAY NEAR LAHAINA, MAUI: Described as TMK 4-7-01: 2

Because Mr. Kruse, who was sworn in, had to return to Honolulu, he was permitted to give additional testimony in his case at this public hearing. He stated that the purpose of the tramway is to serve tourist groups who will be coming to Maui in the next decade or so. He stated that one of the reasons this particular area was chosen was because the area is right on the highway and most of the tourists who will be going to Lahaina will be traveling on this highway. He stated that some of the disadvantages are: (1) the area is not the most beautiful spot on Maui; (2) the area is dry with no greeneries; (3) there is very little access to water; (4) plants and water must be transplanted in this area; (5) the land is hilly, rocky and barren; and (6) the area is surrounded with sugar lands. He stated that the lease they have with Pioneer Mill requires that they secure liability insurance; and that the operation is under the Division of Industrial Safety and Elevator Superintendent. He stated that the Company must insure that the development would be a credit upon them or they lose everything if anything goes wrong. He stated that the land is unsuited for any agricultural use at present and that the best and highest use is for an aerial tramway. He felt that the tramway would add to Maui's future economy and ability to draw tourists to that part of the Hawaiian Islands.

Commissioner Ota asked whether the change in the development plans included the Hawaiian type garden proposal? Mr. Kruse replied that originally the plan included landscaping the entire area from the 100 foot elevation. However, the developmental activities will be concentrated in the area between the present highway and the cane haul road. He stated that at a later date the plan may possibly take place on the mauka side of the cane haul road. He stated that there is a borrow pit there at present which looks atrocious and the only thing they were told could be done was to build around it a Hawaiian type village with a waterfall, etc.

Commissioner Wung asked, "How do you propose to get your water?" Mr. Kruse replied, "Water is the real problem. The closest pipe that the County has is at the edge of Lahaina town which is roughly 3 miles away. The plantation has water, much of which is brackish, approximately 100 to 120 grains of water. There are two choices, either dig a well or haul it in. We have to ascertain one of the two choices because we cannot exist with the present landscape, it isn't good. It is kiawe and dirt." He informed the Commissioners that their landscape artist will be Richard Tongg.

Mr. Robert Ohata (Planning Director of Maui County) having been sworn in, stated that the County Planning Commission held a public hearing on the request from Mr. Kruse of Hawaii Aerial Tramway. The Commission was satisfied with his request and accordingly approved his request and submitted its decision to the Land Use Commission. He stated that the Planning Commission would like to have the request approved as soon as possible because it means a great deal to the County economically, as it is an asset to the development of the Island of Maui.

Commissioner Wung asked Mr. Ohata, "Do you know how the developer plans to get his water to the tramway?" Mr. Ohata replied that Mr. Kruse had explained that he would bring the water in at his own expense regardless how he was to do it, and accordingly the Planning Commission thought that it could be well done. Mr. Ohata stated that the County will not be obligated to furnish him in that area, he would provide it at his own expense.

Commissioner Wenkam asked if the area in question is identical to the area being leased from American Factors? Mr. Ohata replied in the affirmative.

Chairman Thompson presented a letter as part of the record from American Factors informing the Commission that the lease agreement with Hawaii Tramway includes a covenant which requires that all building plans will be subject to review by all governmental authorities and Pioneer Mill Company. In addition the lease also provides that the landscaping will have to be properly maintained, trimmed and pruned.

Mr. Ohata asked Legal Counsel whether the action by the Land Use Commission is not one to approve the request of Mr. Kruse, but one that would affirm the action of the Planning Commission or deny the action of the Planning Commission? The legal counsel replied, "In effect, what we are doing is really in the end result the same: whether you act to approve or deny the actions of the local planning commission is in effect the action that is going to affect the petitioner. So whether we are going to act to approve or deny, we are acting

to approve or deny on the petition as such submitted by the local planning commission; the ultimate result is the same." Mr. Ohata stated, "The reason I posed the question was to ascertain whether this Commission can impose other administrations other than what the planning commission has done?" The legal counsel stated, "I think the inquiry here is more or less not based on legal grounds but on preauspices on the part of this Commission. I think the legal grounds as set forth in the Act is clear that the leases within the district is clearly in the bounds of the County. The Commission members, individually, were concerned as to what type of controls there was, more or less, not on legal grounds but on basis of preauspices than anything else. The Commission knows that this is in the means of the County."

Commissioner Ota moved to approve the request by Hawaii Aerial Tramway; seconded by Commissioner Wenkam. The Chairman polled the Commissioners. Approved: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Mark, and Chairman Thompson. Disapproved: None.

PETITION OF E. B. STEPHENSON, ET AL (A(T)63-31), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION FOR A 42.07 ACRE PARCEL IN KULA, MAKAWAO, MAUI: Described as TMK 2-3-03: 1

The Field Officer, Richard Mar, having been sworn in, read the petition as submitted by the petitioner then outlined the area and request involved.

Mr. Robert Ohata stated that this request was submitted before the planning commission as a request for a change to an urban district before the present Act was adopted. (It came in under Act 187 rather than Act 205.) Therefore, the applicant was faced with the problem of requesting for a change in the district boundaries from Agricultural to Urban. There was no Rural zoning at that time. The Planning Commission in its evaluation felt that this was not an urban zone and still feels it is not suitable for an urban zone. Recently the Planning Commission has evaluated the entire Kula area and feels that this portion may come under the Rural classification. The plans that were adopted by the Planning Commission and transmitted to the Land Use Commission staff show this area in a Rural zone. Mr. Ohata asked that before the Land Use Commission takes action on this request to provide Mr. Stephenson and Mr. Jennings an opportunity to amend their request, if they desire. Mr. Ohata stated that the reason he states this is because he received a letter from Mr. Jennings which was transmitted to the Land Use Commission which indicated that it is the desire of the owners to divide these lands into one acre lots which would be within the limits of the Rural district (this letter was read and made part of the record).

The legal counsel stated that the petitioners if they wish to amend their petition should state their request in writing and submit it to the Land Use Commission.

Mr. Ohata stated that he raised this question because Mr. Stephenson and Mr. Jennings are in Santa Cruz, California and not familiar with Hawaii laws, or what has transpired recently. He stated though that it is possible to assume that the petitioners would know how to make an amendment to their original request. He stated that perhaps if the Land Use Commission saw within their powers to approve such a procedure, it can inform them that there is this new classification and if they wish to amend their petition, they could do so accordingly. He felt that this would be a good jesture on this Commission.

Mr. Ohata asked the legal counsel, "The law now provides that the request must again be transmitted to the Planning Commission for recommendations to the State Land Use Commission because of the amendment?" The legal counsel replied, "This is the procedure the petitioner must follow. 'He must communicate with the field executive officer of the Land Use Commission requesting amendment in terms of the petition to be submitted to the County for their recommendation as far as the amendment is concerned. The Land Use Commission will await the county's recommendation.'"

Commissioner Nishimura asked Mr. Ohata, "Under your interim zoning, is this area in a rural district?" Mr. Ohata replied in the negative. He stated that the county's interim zone provides for controls similar to the Land Use Commission. The county has, however, prepared a general plan for reference purposes only, which has been adopted and transmitted to the Land Use Commission as its recommendation for a rural zone. (Map is in files)

Commissioner Ferry asked, "Under the county statutes, would you allow 41 lots to trespass over 12 foot right-of-way?" Mr. Ohata replied, "Under the subdivision ordinance you would not be able to do that. You would have to widen the present road to standard width which is a minimum of 40 feet. You would have to provide adequate water system and the whole thing dedicated to the County."

Commissioner Nishimura asked, "The area is in pineapple and grazing pastures and the whole area is to be in rural classification and not just spot zoning?" Mr. Ohata replied in the affirmative.

Commissioner Wenkam asked whether the Land Use Commission could entertain a petition for rural when the Commission has not concerned itself as to where the rural areas would be. The legal counsel replied that legally under the law the Commission could.

Chairman Thompson stated that the Commission could either take one of the two courses, either: (1) defer this hearing in terms of this petition and await the amendment; or (2) continue this hearing until a later date, the time to be announced. Chairman Thompson pointed out that since this Commission has taken evidence for this request, he would suggest that this Commission follow the latter alternative.

Commissioner Ota stated, "It seems the petitioners' problem is not as simple as we anticipated. The fact that they are on the mainland, I feel that the sensible thing is that they should have an agent or somebody on this island to look at this problem. I would request that this be deferred and have the executive officer write to the petitioner."

The Chairman stated, "Because this Commission has accepted evidence on this petition, I am taking the course that this hearing be continued rather than having to defer it."

The Chairman proclaimed the hearing to be continued and date and time to be announced later. The legal counsel announced that continuation of a public hearing does not require a re-publication of a legal notice of hearing.

Public hearing to be continued in the matter of E. B. Stephenson, Et. Al.

PETITION OF ANTHONY A. TAM (A(T)63-34), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL CLASSIFICATION TO AN URBAN CLASSIFICATION FOR LAND IN KULA, MAUI: Described as TMK 2-3-2: 23

The Field Officer read the petition as submitted and outlined the area and request involved.

Mr. Ohata stated that this request falls in the same category as the previous request. He stated that as he recalled this request came before the County Planning Commission as a special permit rather than a Boundary Change. He requested the recommendation of the Local Planning Commission on this matter and asked on what specific request was the recommendation made.

The Executive Officer, Mr. Yamashita, replied, "The petition signed by Anthony A. Tam is for a Change of the Temporary District Boundary from an Agricultural district to an Urban district. In reference to the county's recommendation it was that the petitioner's request be changed from a boundary change to a special permit request, and such special permit request be approved for one single family dwelling." Mr. Yamashita stated that because of the petition that was submitted by the petitioner for a change of boundary, the recommendation as submitted by the County does not constitute an amendment to the petition, therefore, the petition signed by Anthony A. Tam for a change of boundary was accepted as such.

Mr. Ohata stated that when the Planning Commission received the request from its staff, the staff felt that the request for an urban district could not be recommended for approval. The staff saw a uniqueness in this request and felt that this uniqueness might qualify under a special permit. The Planning Commission felt that if he had changed his request for a special permit, the Commission had no objection to that and felt that it could be approved. Therefore that is the request that was made accordingly, as contained in our letter to this Commission. Mr. Tam will testify that he wants another home on that parcel of land which would make a density of two homes for 13 acres - one home for 6 acres, which is a density that falls within the requirements of a rural zone, if he is permitted to analyze his request and amend it as the case may be.

The legal counsel stated that the petition before this Commission is an amendment of the interim boundaries for an urban district. Unless this Commission hears otherwise from the petitioner, the Commission must proceed on this basis.

Mr. Tam, having been sworn in, stated that ever since he owned this property he had four dwelling units on this particular piece. But since the road was put in, one building was demolished. At present there are three units on it.

Commissioner Ota informed Mr. Tam of the pressures that this Commission was faced with, but stated that this Commission is speculating that his property may come within the Maui County's proposed rural district, and should this Commission accept this proposed plan, he would undoubtedly have no problem. He added that the Land Use Commission's preliminary proposed boundaries should come out by the end of this month (December) which was one of the problems that this Commission was faced with.

The Chairman asked the legal counsel whether it was within the purview of the petitioner to withdraw his petition and resubmit an amendment for change to a rural district.

The legal counsel stated that the petitioner may do so, but it is up to this Commission to decide whether to permit the petitioner to amend or withdraw his petition whichever way this Commission may take action.

Mr. Yamashita who felt that the issues were not clear to the petitioner, informed the petitioner that in the previous matter that was before this Commission, it was felt that the petitioner would have a better chance to have his one acre subdivision granted if he asked for a rural districting instead of an urban districting. He stated that the Maui Planning and Traffic Commission and its director have recommended denial of your petition for urban classification, but that the Maui Planning and Traffic Commission and its director feel if you amend your petition to a rural district, you would have a better result.

Mr. Ohata replied that the County's contention is that Mr. Tam be given an opportunity to request a change from a petition for a district boundary to one of special permit.

Mr. Yamashita replied that in this particular instance Mr. Tam should have been advised as such.

Mr. Ohata requested that the Land Use Commission staff read the letter which was submitted to the Land Use Commission with the recommendation from the Maui County Planning and Traffic Commission in its entirety. Mr. Ohata's request was acknowledged.

Commissioner Ferry asked Mr. Ohata whether he was aware that Mr. Tam at present has three rental units on his property. Mr. Ohata replied that he felt that Mr. Tam was confused with the property lines. He stated that Mr. Tam's property (which he has three units on the land) is so carved by this new road that actually he has two lots. On one lot he has two homes and the other, he has one home.

Mr. Tam was in agreement with Mr. Ohata. He added that at the time of his request there were two units that he was renting on the lower section, and also two on the other section. There were four in all, and this has been for the past 20 to 25 years.

Mr. Ohata stated that this new unit which he expects to put on is on the lower side where he has 13 acres, which would mean 3 homes on the 13 acres.

Commissioner Ferry asked, "But he is now asking for two isn't he?" Mr. Tam replied that at present there is only one house. One was demolished. He stated that at that time he wanted an additional home put on, so that now this would mean two homes.

Commissioner Ferry asked, "Then this would mean a total of four?" Mr. Tam replied that there would be a total of three in the lower section, which at present there is only one, though originally there were two houses.

Mr. Ohata explained, "Actually Mr. Tam has two lots rather than one lot." Mr. Tam added, "Originally it was all in one piece before condemnation."

Commissioner Inaba asked, "Is this area going to be zoned under the rural classification when the zoning takes place?" Chairman Thompson replied, "We don't know yet."

Chairman Thompson stated that the problem before us, besides a little confusion among other things, is the appropriateness of this request. He called upon the legal counsel to clear some of the questions from a legal standpoint concerning the action on this case.

The legal counsel asked Mr. Ohata, "Was there a public hearing and required notice on this petition?" Mr. Ohata replied in the negative.

The legal counsel stated that the local planning and traffic commission cannot amend the petition for the petitioner. The petitioner files his petition with the Land Use Commission for amendment to the temporary boundary. Upon submission of this petition to the local county, the local county recommended that this petition be considered as a special permit. The local county planning and traffic commission has no authority to do that. The petitioner is the only party that can act on it and amend it as such. The legal counsel ruled "On the face of the recommendation as submitted by the county (it seems as though the county's implication is that this is a denial base, if it is a change from an agricultural to an urban district), the petition facing this Commission is for an amendment to the temporary district boundary from an agricultural to an urban classification."

Chairman Thompson stated that the concern here now is that if this Commission proceeds on this petition, it would be on what has been submitted.

Mr. Kazuo Kage, Chairman of the Maui Planning and Traffic Commission, was sworn in. He stated that this petition when first submitted to the Land Use Commission came in before the rural district classification was adopted. He stated that in

fairness to the petitioner and in fairness to the Maui Planning and Traffic Commission, he requested that this Commission continue the hearing on this petition to permit the Maui Planning and Traffic Commission an opportunity to review this request again. He stated that when the County received this request there was no rural classification and felt that if the County were permitted to review this petition again, they would take into consideration the additional rural district classification.

The Chairman asked the legal counsel whether the petitioner would need to reapply and make a resubmittal? The legal counsel stated that the petitioner would need to just make a request for amending the original petition. He made it clear that the petitioner is the person to make this request and not the Maui Planning and Traffic Commission. The petitioner is the one that files the petition and therefore the request for amendment should come from the petitioner and not the county planning and traffic commission.

Mr. Kage was in agreement with the legal counsel but informed the Commission that most of the people are ordinary lay men and they don't understand what a special permit is or the various things of concerned are. Most of them are confused - they don't know Rural from Urban.

Commissioner Wenkam stated, "This poses an interesting point as to whether this Commission can properly recommend the petitioner to change his petition or not, since this Commission would not want to apply any promise of action that would be favorable to the person. It is hard to say what action is best except to proceed with the hearing on this matter and listen to our staff's recommendation so that the petitioner knows in the sense what this Commission is considering in terms of this petition."

Commissioner Ota explained to Commissioner Wenkam that what has been discussed is purely on the basis of information and not on the light of this Commission's recommendation. The issues have been explained to Mr. Tam, now it is up to Mr. Tam to decide. He stated that this Commission is not saying it recommends this to Mr. Tam.

Commissioner Wenkam replied that at the same time Mr. Tam does not know whether his original petition is advisable or not, because he does not know whether it is going to be turned down.

Chairman Thompson informed Mr. Tam that the Land Use Commission staff acted upon the original petition for the amendment of the agricultural temporary district boundary to urban. He stated that "There is a suggestion that a request for amendment be made by you."

Commissioner Ferry stated that it is evident that the petitioner is not fully informed of the normal procedures. It is evident also that this Commission is trying to help him to amend his petition from an Agricultural classification to an Urban classification, to an Agricultural classification to a Rural classification. Commissioner Ferry stated, "In the light of this why don't this Commission merely ask for a continuation of hearing and correspondence be effected between the executive officer of the Land Use Commission and the petitioner."

The petitioner's wife, Mrs. Tam, was very reluctant to continue the hearing because of the long wait they had already experienced. She was informed of all the disadvantages and advantages concerning her particular request and was informed that this was her decision to make. After a lengthy discussion Mrs. Tam asked that the hearing be continued.

Chairman Thompson declared the hearing to be continued at a later date (which date will be announced), and correspondence to proceed between the Land Use Commission and the petitioner.

The public hearing in the matter of Anthony Tam was continued.

PETITION OF DONALD TOKUNAGA AND F. MUNOZ (A(T)63-42), FOR AMENDMENT TO TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL TO RURAL DISTRICT CLASSIFICATION: Described as TMK 2-3-09: 5

Mr. Richard Mar gave a brief description and background of the area and request involved.

Mr. Tom Ogata, attorney with the law firm of Ogata and Ueoka, represented the petitioners. He stated that his presentation would include testimonies from Mr. Tokunaga, Mr. Munoz, Mr. Ohata and Mr. Yoshie (who is experienced in the cultivation of pineapples), and also letters which he will offer as part of the record.

Chairman Thompson requested that all persons who will be presenting testimonies in this matter to stand and be sworn in at once. Request was complied with and all were sworn in.

Mr. Donald Tokunaga, introducing himself, submitted the following for evidence:

> "Mr. Thompson, Chairman
> and Members of the Land Use Commission
>
> "Thank you for this opportunity to present our request for change, covering our Pukalani parcel TMK 2-3-09: 5, from agricultural district classification to that of an urban district classification, now amended to a rural classification. We wish to state at the outset that although our petition of August 1963 for change in classification requesting that your commission consider it and changing the interim district boundary affecting subject parcel from agricultural to urban, to all intended purposes, it is a rural classification that we see which is most suitable and conforming to the area we believe. Approximately 30 acres of subject parcel along the northwest boundary was previously reclassified urban by the prior land use law, and the Maui County Planning Commission strongly urged that the then existing and developed subdivision along both sides of Pukalani highway be

reclassified from agricultural to urban. Subject parcel you will note in the area that is situated along the western side of Pukalani highway adjoins mostly those subdivisions to the rear which were previously reclassified as urban. At one place where it borders the Pukalani highway and where the main entrance is being constructed, it is sandwiched between two older and builtup subdivisions that were included in the county's initiated urban reclassification request. Thus, when Act 205 amending Act 187 became law in June 1963 and permitted a fourth classification designated as Rural, we felt that it would be the natural thing to have our subject parcel reclassified as such. To the east, south, and west of the area are lands classified as agricultural, (stretch from miles and miles) some in sugar and pineapple; but more in its natural and undeveloped stage, and used for only limited grazing because of lack of water. Subject parcel probably reclassified as rural would serve as a natural buffer between the already established urban areas and the 1,000 acres of agricultural classified lands to the east, south and west. Under Section 98H-2 of Act 205, amending the original Act relating to land uses in the State of Hawaii, it is stated that: 'Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre in areas where 'city-like' concentration of people, structures, streets and urban level of services are absent, and where small farms are intermixed with such low density residential lots. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics.'

"Our first incremental development of subject parcel covers the approximately 30 acres that have been classified urban. However, we believe that the rural classification such as established and described by Act 205 is more apropo for subject parcel and would blend in better with the surrounding neighborhood and growth trend already under way in Pukalani. We have decided to limit our 48 lots there to one half acre lots and have agreed to comply with FHA proposed conditions for the tract that lot size of 100 x 200 be typical and that there should be a limitation of one dwelling to each lot. Building setback lines, size, typical dwelling, etc. will be covered by these covenants in addition. We reiterate those attached six basic points which we originally made back in August 1963 when we submitted our petition for change in classification. The creation of a fourth rural classification by legislative action plus Maui County Planning Commission recent recommendation to your Honorable Commission that the area of subject parcel be reclassified as rural under the Maui's proposed new district boundaries is strongly supporting evidence favorably influencing our request for change in classification.

Respectfully submitted,

D. TOKUNAGA"

Mr. Frank Munoz introduced himself as one of the trustees and co-signers to the petition. He stated that this property in question consists of 493 acres of land of which approximately 30 acres is now zoned for urban classification. He stated that the 493 acres of land which are being petitioning for change in usage are part of the operations of Libby, McNeill & Libby in the Makawao and Pukalani areas. The records will show that Libby owns in that vicinity approximately 730 some what odd acres. In addition to those areas that Libby owns in fee, they have other areas, so that the total operation involves approximately 1,760 some what odd acres of land. Mr. Munoz elaborated on the possibility of continuing agricultural usage on the land. He stated that he was familiar with the adequacy of water in the Makawao district. He informed the Commissioners that during the time Libby had the area in cultivation, they had an agreement to purchase a limited amount of water from the Ilimai system which abuts the area. He stated that although the staff has reported that the annual rainfall is roughly 30 inches, the 30 inches of rain comes in a very, very short period. He stated that during the strict demand for water in the summer months, there is a shortage of water at a higher elevation. The present water department has to pump water for domestic need from the Wailua ditch system. The Wailua ditch system during the rainy season can deliver 160,000,000 gallons of water. During the dry season it can drop down to 15 units gallon of water. The County of Maui is permitted to purchase a limited amount of water from this source for domestic needs, and not for irrigation purposes. Mr. Munoz stated that in his opinion, considering all of the other areas which will not be planted in pineapple, there will be a surplus of agricultural lands in the Makawao-Pukalani area. He stated that there is a very limited amount of land set aside by the previous commission for urban needs. He stated that there is somewhere about 95 acres of land now zoned for urban development which includes approximately 30 acres which is a portion of this parcel now established by the petition. He stated that out of the areas now classified as urban development, he owned about 14 acres, in addition to the subdivision going up in Kula which encompasses another 40 acres. He stated that the 30 acres in urban classification and part of this plan is above the present water tank on Pukalani highway. He stated that he did not feel that the Pukalani area was suitable for seasonal pasture as the soil was too dry.

Mr. Munoz informed the Commissioners that he plans to develop the area on incremental basis. From their preliminary master plan they are of the opinion that lots smaller than half acre will not fit the "table". He stated that people could not go into large farming operation, but a lot large enough would be provided for them to do some farming. In their opinion the rural classification would best serve the purpose in the Pukalani area. He stated, however, that in the future people may request for a larger area, but the pleasure is half acre lots, anything smaller than that he did not believe it would sell.

Mr. Alex Yoshie, employed with Haserot Pineapple Company, stated that he has been in the pineapple business for 29½ years and was with the Hawaiian Cannery in Kauai for 27 years before being employed with Haserot Pineapple Company. He stated that he was familiar with the area in question, and that his company at present was purchasing all of their pineapples from independent growers. He stated that he felt that 30 inches of rain for any area is sufficient without proper irrigation system, but felt that pineapple could not be grown. He stated

that experts say that 30 inches of rain is sufficient for pineapple growing, but that the distribution of the rainfall is of importance. He stated that in the valley area the rainfall was very slim. He stated that their company would like to operate on a seasonal basis, primarily during the summer months, using school children labor. He stated that they preferred having the pineapple grown near the Camp with proper moisture and have the fruit come up in a short span. Mr. Yoshie described the condition of the pineapple in the area as very dry and stated that the soil condition is of ash soil and lot of rocks and that the moisture was the biggest problem in the area; and that without proper irrigation pineapple growing was not feasible.

Mr. Ogata informed the Commissioners that Libby was in operation in the Pukalani area for 15 to 20 years, and were growing pineapples on a maximum acreage and using whatever land they had. He stated that the land was in its natural state and used for purposes of a low type pasture prior to the cultivation of the land. He informed the commissioners that in a letter from the Farm Bureau, (submitted for the record) the Bureau considers the area as being unsuitable for crop planting because of the weather condition which is windy and because of the lack of water. Mr. Ogata informed the commissioners that in a letter from Mr. K. Hamada, Manager and Chief Engineer, Board of Water Supply, County of Maui, dated 12/5/63, (submitted for the record) it states that water is available for only the proposed development and not for irrigating crops to enable maintenance of large or even moderate size truck farms within this area.

Commissioner Wenkam stated that he personally disagreed with the plans as shown for a rural area. He stated that he felt that this should be in an urban area, and wondered why a rural classification was being requested instead of an urban classification.

Mr. Ogata replied, "When you consider a rural area you have to consider the area as a whole and not just this area in question, but all of the surrounding areas, so that this would be part of the larger area which would be mixed with small farms and low density residential lots."

Commissioner Wenkam stated, "You say larger area; but your area is roughly all of it - yours is probably three times the area of the existing areas that are used for urban. Aren't you almost creating a city all of your own?"

Mr. Ogata replied, "You might be right in a way. It might develop into that according to the plan. However, what might happen would be (although that might be the preliminary indication) in actual development the owner might be able to sell only so many of the lots in half acre sizes; other lots may be in five acre parcels, that may be the end result. This shows a uniform of lot sizes, but under a rural classification you would probably have mixture of small farms and large lots."

Commissioner Wenkam asked, "Strictly speaking, if the Commission were to district it rural by our definition, you would be required to sell small farm lots in this area?" Mr. Ogata replied, "We probably will have to offer that plan. This would be in consistent with the definition of a rural use." Commissioner Wenkam asked whether the plans for a shopping center will incur within the new

area, and not along existing highways or existing shopping center areas? . . Mr. Ogata explained that there is already a small area classified as urban and the shopping center will go into that area, so that there would be no need to use any portion of this area to be classified into a rural district for a shopping center.

Mr. Ogata submitted the following letters for the record:

1. Letter from Kase Higa, Deputy County Attorney, dated 12/6/63, informing the Commission that the County of Maui is in the process of acquiring 35 acres of land in the area described as portion of 2-3-09: 5 for school and park site.

2. Letter from Ben Miyahira, President of Maui County Farm Bureau, dated 12/5/63, informing Commission that they are in favor of the petition by Landco.

3. Letter from Roger I. Knox, President, Maui Chamber of Commerce, dated 12/6/63, submitting the Chamber's favorable decision of the petition by Landco.

Mr. Munoz further informed the Commission that the Maui Pineapple Company has pineapple field in the vicinity of this particular land parcel. To control the crop work, it was necessary for them to acquire some water shed area in Keanae district. They had an agreement with the Maui Water Company to transport water in the fields in the Pukalani area. He stated that an irrigation system was started which amounted to about $100,000. He stated that this was the only way they could control the crop growing, planted in the Pukalani district--through an overhead irrigation.

Mr. Robert Ohata, Maui Planning Director, explained to the Commission that the request in question came before the County Planning Commission when the rural classification was not in existence. He stated that at that time the request was for urban. The County's general plan developed for Pukalani, which was adopted by the County Planning Commission and the Board of Supervisors showed this area as urban, and therefore they agreed with the petitioners' request and transmitted this request to this Commission. Subsequently, on December 2, 1963, Mr. Gordon Soh (for Mr. Yamashita), transmitted a letter to the County Planning Commission requesting its comments and recommendations on the amendment made to the original petition to rural by Landco. In reply to this letter it was stated that the next meeting date of the County Planning Commission was on December 11, 1963, and that it was impossible for the Commission to transmit its recommendation for the rural classification. However, the County planning staff was aware of the desires of the petitioners as it had conferred with them many times in amending their petition to a rural classification as submitted. Mr. Ohata stated that the county's general plan which was submitted to your staff as a recommendation for the broad rural classification shows the area as rural and not as urban. This map was adopted by the Planning Commission which indicates that the Planning Commission do concur with the rural classification as submitted, because it conforms with the county general plan as subsequently developed.

Commissioner Wenkam asked, "The area that the County Planning Commission recently general planned for urban is the total area that is under consideration?"

Mr. Ohata replied in the affirmative, and added that the concept whether the entire half an acre development constitutes city like development would be true if it develops according to the plan in its contingency. He stated, however, that the law anticipated transitional state in land development from agriculture to urban. It is in this transitional condition where small farms or farms intermixed with urban would be permitted. It is not conceivable that the entire 500 acres will go into urban immediately, according to the plan, but it would go in increment stages. So a rural classification is perhaps the proper classification.

Commissioner Wenkam asked if there were any time table set up for the increments? Mr. Tokunaga stated that it is estimated that it would take at least 10 years to fully develop the area. The only reason why the conditional of sale was projected with the previous owner was because Libby required that they project the master plan before going into development on an incremental basis.

Chairman Thompson asked how the developer was going to meet the problem concerning the water situation for its proposed farm lots when the water department has stated that water will not be used or allowed for irrigation purposes?

Mr. Ogata replied that even though water is now the problem, you will have instances where owners will go ahead and purchase land for small farming purposes. They would use the land when it rains to plant corn and do some seasonal planting.

Commissioner Wenkam asked, "How would the County planning people feel if several people bought lots for residential purposes and then a farmer went in and started raising poultry between their lots?" Mr. Ohata replied that it would fall within the rural classification. He stated that the reason why the County Planning Commission is more enthused with the rural classification and the urban classification is that Maui is primarily a rural community and as such many of the people not only think in terms of rural but would like to live in it as such. This kind of living is desirable and has a place in this community. This would blend in very well in this particular situation. It would not be a farming operation situation; it would be a rural like country gentleman type of life. Mr. Ohata stated that the intent of the legislature in approving the rural zoning was that they found that the prior three classifications did not fulfill the desires of the people. An area strictly agricultural or strictly urban was not apropo. Somewhere in between a transitional zone was needed. Therefore, this proposal as submitted by Landco meets this trend of thinking.

Mr. Yamashita gave the staff's report which was for denial.

Mr. Ogata made the following statement for consideration by the Land Use Commission concerning the amendment to the Land Use Law and reasons for the amendment by the last legislature:

1. The amendments were necessary because certain classifications had to be made to the land use statutes, which had to do with the relationship of the Land Use Commission and the various Counties; and

2. The clarification which related to certain hardship caused upon land owners; particularly land owners whose property had been classified in agricultural classification, even though the lands were not being used for agricultural purposes or not feasible for agricultural purposes.

In trying to clarify these areas, the legislature provided this amendment. (1) In the case of the County, the county will have the right to grant these variances for special permit subject to approval on the part of this Commission. (2) In the determination of the district boundaries, the Commission will give consideration to the County's general plan; and (3) In the area to relieve hardship upon those property owners whose lands are classified into agricultural districts, even though the land would not be suitable for agricultural purposes, the rural classification was introduced. The rural classification included land which would be used for residential purposes in larger sizes than the lots in the urban areas.

Mr. Ogata stated that the only question concerning the petition in this case is whether or not the new classification would suit the land describing the petition. Mr. Ogata stated that in determining that issue the law provides that the Commission shall include in rural areas those areas which would be characterized by small farms and low density residential use and defined to mean such lots that would be at least half an acre or more and within such lots only one residence. This was the relaxation or standards set forth in Act 187. The basic purpose of this type of statute is to preserve certain areas of land which would be suitable for agricultural use so that an area of land which is prime agricultural land should not be rated for commercial or residential use and remove the land from production. Where the land is not productive in any way whatsoever, and the best use would be residential development, than the intent of the law would be to put the land into the best use. It would seem in this case, that the area formally used as pineapple land is only useful for pineapple, truck farm or pasture. Taking into consideration the soil, weather and water situation in this area, these uses are uneconomical and unfeasible, therefore the highest and best use is residences. A small garden can be added to this use which would be only an incidental use.

The proper classification to be applied to this use would either be a rural or urban classification. Mr. Ogata stated that the rural district would include those areas which would border the urban and agriculture districts, and which would blend in with these classifications. He felt that the rural classification would be the best use in the development of this area.

Mr. Ogata stated that the law used some strict language for reason to change. The last session changed that language so that the petitioner has to prove only that the land is useable and adaptable to the use proposed. The language that Act 187 used was something else, it required that the petitioner must prove that the land is not useable or adaptable to the proposed use according to its present land classification. But now it only provides that all that is needed to show is that the proposed use is one that would be adaptable for that particular land classification. In this particular land in question, the rural district classification would apply as the proposed use would be adaptable to this classification. The alternative would be that conditions and trends of

development have so changed since adoption of the present classification that the proposed classification is reasonable. He stated that this change in the language was to make the amending process less difficult for the land owner to amend the district boundaries. He stated that in view of the testimonies given, the staff could come to a conclusion that the petition would be one that should be allowed. There is no proper use of this land except residential development which is the trend in the area and which is recommended by the County Planning Commission. Mr. Ogata stated that he would submit a written analysis of the staff recommendation.

The Chairman announced that written comments will be received within 15 days from this hearing and that the Commission will take action 45 to 90 days from this hearing.

The public hearing was closed at 8:00 p.m.

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

10:00 A. M. - November 22, 1963

Commissioners Present:	C.E.S. Burns Shelley Mark Shiro Nishimura Charles S. Ota Myron B. Thompson Robert G. Wenkam Leslie E. L. Wung
Absent:	James P. Ferry Goro Inaba
Staff Present:	Alfred Preis, Planning Coordinator Planning and Economic Development Raymond Yamashita, Executive Officer Roy Takeyama, Legal Counsel Gordon Soh, Planning & Economic Development Richard Mar, Assistant Planner Alberta L. Kai, Stenographer

The Chairman called the meeting to order, followed by a prayer and a tribute to the past President of the United States.

ELECTION OF OFFICERS

Commissioner Wung moved to defer the election of officers to the next meeting when all the commissioners would be present; seconded by Commissioner Burns. Motion carried.

SPECIAL PERMITS

Mr. Soh informed the Commission that the staff reports were prepared and circulated to the Commission in advance for their review with respect to the five special permits pending before the Commission for action. He stated that the same procedure may not be followed in the case for petitions for boundary changes, since the staff reports will be presented at the time of the public hearing.

A lengthy discussion on the procedure for circulating the staff report was held and it was pointed out by the Legal Counsel that there is a statutory provision in the administrative procedures act which prevents a quasi-judicial body of this nature to have any preconceive idea before a hearing of the staff's recommendation.

The legal counsel felt, however, that it was all right for the Commission to obtain or receive any background information pertaining to the locale, area. request, or other facts or information which were not of issue as long as it did not give the position that the staff would be taking.

Commissioner Burns suggested that the staff provide the Commission in advance of any hearing factual information that were of issue which would make the Commission a little more alert to the problems involved and better educated at the time of the hearing; but not to the point where it would indicate the staff's recommendation.

Commissioner Wenkam also requested that at the same time the staff provide the Commission with a very minimum type of sketch map concerning the area.

APPLICATION OF W.H. SHIPMAN, LTD. FOR SPECIAL PERMIT TO SUBDIVIDE AND DEVELOP AN INDUSTRIAL PARK ON APPROXIMATELY 19 ACRES OF LAND SITUATED IN PUNA JUST SOUTH OF THE SOUTH HILO JUDICIAL DISTRICT AND APPROXIMATELY 200 YARDS MAUKA OF VOLCANO ROAD: Described as TMK 1-6-03.

A formal request to the Land Use Commission by L.N. Nevels, Jr. on behalf of his client, W. H. Shipman, Ltd., to defer action on their request until 1/18/63, whereby he could be present and be heard, was presented.

Commissioner Burns felt that the Commission should follow the required provision by law as much as possible in order not to leave the door wide open for everyone.

Commissioner Wung stated that action taken at this time on this request may have an effect on the economy of the island of Hawaii, and therefore requested that Mr. Nevels request for deferral be accepted until he could be heard.

Commissioner Wung moved to defer action on the W.H. Shipman, Ltd. request until 1/18/63; seconded by Commissioner Nishimura. Motion carried unanimously.

APPLICATION OF LIHUE PLANTATION COMPANY (SP(T)63-2), FOR SPECIAL PERMIT TO SUBDIVIDE A LOT OF APPROXIMATELY 20,000 SQUARE FEET FROM A PARCEL OF 321 ACRES IN SIZE AND TO CONSOLIDATE THIS LOT WITH A THIRD LOT CONTAINING 30,000 SQUARE FEET ADJACENT TO IT, FRONTING RICE STREET, LIHUE, KAUAI: Described as TMK 3-6-02: 1

A detailed and descriptive background on the request and area involved was outlined by Mr. Soh, followed by the staff's recommendation for approval of the request.

Mr. C. L. Childs introduced himself as representative of the Lihue Plantation Company. Mr. Childs stated that it was their understanding that the proposed Land Use Commission final district boundaries had included the area in question in urban, and they therefore had entered in negotiations with the Salvation Army in order to effect a land exchange. He stated that the plantation interest is for

the exchange of lands in the area about a mile and a half above the town which was the old Esenberg residence. He stated that Mrs. Esenberg at the time of her death willed this to the Salvation Army at the time her daughter gave up residence in the area. He stated that her daughter was willed 10 acres in the same area. He stated that Mrs. Esenberg's daughter has now purchased a lot in one of their subdivisions, and they have exchanged lands with her to obtain the 10 acres she had in the area. He stated that when she moves then under the will the remaining 14 acres will revert to the Salvation Army. The Salvation Army plans to carry out the intent of Mrs. Esenberg's will to build a place to house people of low income standing, or pensioners and retirees. This cannot be done until approval is given by this Commission, Mr. Childs pointed out. He also stated that the plantation operations are also dependent on this valley for storing of waste from the sugar canes, and will be affected if the exchange of the land does not go through.

The Chairman asked, "Why did the petition come in for a special permit rather than a boundary change?" Mr. Childs replied, "Because it is our understanding that you do not have permanent boundaries yet; therefore we might be operating under an interim boundary until such time permanent boundaries are adopted; 'How do we go about these interim boundaries?' The only way we could see to do it was first go to the County, and the County advised us to put in a special permit application."

A lengthy discussion on the possibility that the proposed Land Use Commission final boundaries will indicate the area in question as urban was held and it was pointed out by the Executive Officer that to make a decision based on conjectures what the Commission's decisions will be cannot be done. He stated that the Commission should not place itself or be obliged to back up decisions of any person who enters into a kind of agreement based on anticipated moves by this Commission. He stated that the point to recognize is the overriding principles, the precedence the Commission sets.

The Legal Counsel who was in accord with the Executive Officer's concept stated that in this incident some kind of consideration should be given this petitioner, because it is really a mistake on the part of the local planning department to have advised that the petitioner apply for a special permit rather than a boundary change.

Commissioner Wenkam moved for approval of the special permit; seconded by Commissioner Wung. The Chairman polled the Commissioners. Approval: Commissioners Wung, Wenkam, Burns, Nishimura, and Chairman Thompson. Disapproval: Commissioner Ota.

It was requested that the staff notify all the county planning agencies concerning the special permit versus boundary change procedures that should be applied and followed; and request that the county planning agencies at the initiation of a special permit forward a carbon copy of the application to the Land Use Commission for review and advisement.

APPLICATION OF LIHUE PLANTATION COMPANY (SP(T)63-3), FOR SPECIAL PERMIT TO SUBDIVIDE A LOT APPROXIMATELY 13,000 SQUARE FEET IN SIZE OUT OF 1,090 ACRE PARCEL, IN ANINI, HANALEI, KAUAI: Described as TMK 5-3-06: 6

Mr. Soh presented a description of the area and request involved and the staff's recommendation for denial which was on the basis that the present level of public services at Anini could not support an intensification of urban uses at Anini without creating serious problems.

In reply to questions posed by Commissioner Wung concerning the possibility of using rainfall to curtail the water problem, Mr. Soh replied that he was not prepared to answer this as he did not make any research in this area.

Mr. Childs informed the Commission that the request is being made because an individual who came down from the mainland wanted their home in this area. He stated that inasmuch as this particular area would be cornered by a bluff on one side and a houselot on the other, the only proper use would be for some kind of a beach home; and felt that this was consistent with a special permit request. He stated that he did not think that the Land Use Commission would concern themselves with the utility problems as he felt it was in the domain of the county. He stated that the county had very strong subdivision ordinances. He stated if this application were to be approved by this Commission, they would then go back to the county and submit an application for a subdivision at which time the matter regarding the utility problems would be considered. He stated that they have talked to the Director of Kauai County Water Department and he has indicated that if the improvement were to be taken care of, he would have no objection. He stated that there are some grazing along the flats, and indications are that the area will eventually go to single family residential.

Commissioner Nishimura asked whether there was enough water at present. Mr. Childs replied that there is enough water for the type of use involved in this area. He stated that the full time residential use is not there. He stated, however, that the pipe would have to be changed to a larger pipe.

Commissioner Ota felt that the request did not fall within the premise of a special permit. He pointed out that if the Commission allowed this request in this area, it would leave every other parcel within the agricultural area open for someone to come in for one beach lot or one house lot, etc. He pointed out that this request, however, would merit some consideration if a comprehensive plan were presented.

Mr. Childs stated that the little pocket of land of concern is contiguous to an already built up beach home and the only use that could be made. He stated that frankly they were at a loss because they did not know how to proceed with the use of their own lands, inasmuch as there were no permanent boundaries established as yet. He stated that they have a master plan for this area which conforms with the county and state general plans, and that both of these plans indicate that the area will eventually be urban. He therefore felt that this was within the context of the proposed framework of the general plan.

Commissioner Burns asked the staff whether the only objection they had as indicated in their report was the lack of water.

The Executive Officer replied that the staff report points out the fact that the principle question to consider is, if we allow one lot to develop in this area, we will open the door to all similar type of developments on lands in this area. The question that the Commission should ask itself concerning the matter of utilities is, "Can the Commission accept the responsibility of starting a greater urbanizing development in this area: and how much land in this suitable area will it allow for this type of development at this time."

After a lengthy discussion on the subject Mr. Childs brought out two main points of impression which he felt was of concern to the Commission.

1. The impression that the plantation was creating a new urban area; and

2. The impression that the County would be faced with the water development problem in the area.

Mr. Childs pointed out that it is not the intent of the plantation to create a new urban area. He stated that their proposal and ideas were based solely that this was a logical system for extension and for use of a segment of land which is isolated by houses on one side and a bluff on the other. He added that the Kauai ordinances require that the subdivider always provide the necessary water to adequately take care not only of his own lots, but to the demand of the area that particular lot is contiguous to. He stated that the county would not provide it, the developer or purchaser would provide it.

Commissioner Nishimura moved to accept this special permit; seconded by Commissioner Wenkam. The Chairman polled the Commissioners. Approval: Commissioners Wung, Wenkam, Burns, Nishimura, and Chairman Thompson. Disapproval: Commissioner Ota.

APPLICATION OF JOHN WADE COMPANY (SP(T)63-1), FOR SPECIAL PERMIT TO CONVERT A SINGLE-FAMILY DWELLING UNIT ON A 0.91 ACRE LOT INTO A DUPLEX AT ANINI BEACH ON KAUAI: Described as TMK 5-3-07: 12

A detailed background on the area and request involved was outlined by Mr. Soh. Mr. Soh gave the staff's recommendation which was for denial of the application for special permit on the basis that the public facilities at Anini Beach were inadequate to support an intensification of urban uses.

No one was present to represent the John Wade Company.

Mr. Preis recommended that the Commission support the staff's recommendation but for different reasons. He stated that the creation of duplexes in a beach area of this nature is undesirable. He stated for sociological and moral reasons, it is undesirable to handle this on a special permit basis, exactly because it requests duplex.

Commissioner Nishimura was not in accord with the comments presented by Mr. Preis. He stated that the Commission should judge the land use merit of this property and not commit itself to whether duplexes should be allowed or not allowed in the area because it is undesirable; he felt that this rest within the jurisdiction of the County and not this Commission.

Mr. Preis pointed out that because this is a special use application, all considerations must be made and weighed to influence this Commission's decision. Considerations such as whether this is desirable; what influence it will have to the neighborhood or the proposed use; what will go on or what is the use for; and will it be rented out and for how long, etc.

The question was raised whether it was within the counsel of this Commission to consider the ramifications of the land uses. Legal Counsel stated that the law was very contradictory and ambiguous. He stated that Section 5 of the Act and Section 138-42 state that the county zoning powers under the law as granted to them shall apply. He stated that, on the other hand, the Land Use Commission is quite concerned with the type of uses that the particular applicant is going to pursue. He stated that this is a question as to whether the Commission should follow the text as defined in the Act under special permit - whether this is a reasonable or unusual use other than for which it was districted.

Legal Counsel stated that the concern of the staff about what impact this would have upon future development in this area should not be limited to only this because it is already intensified as a residential area.

After a lengthy discussion the question was raised whether intensification came into play within this Commission's concern.

Legal Counsel stated that if it is an issue on whether this Commission should approve the request on grounds that it is merely going to be a duplex or not, he didn't think it was legally within the powers of this Commission. He stated that as far as uses within the designated district is concerned, it is strictly within the County.

The Executive Officer stated that this Commission must recognize that this is a special permit for a special use. He stated that this is the proper procedure which the applicant has followed in submitting his request to this Commission. He stated that the special use is for a duplex unit. He stated that in this particular case the Commission is correct in examining the ramifications of this particular use. He added that in the previous request by Lihue Plantation Company, it was stated that the County had zoned the area for single residential uses, however, here we have a request for a duplex in the same area. He stated that the County has gone contrary to their stated plan. He also pointed out that the Commission should also consider the problem of spot zoning which will occur in this area once a number of grants are issued.

After a lengthy discussion the questions were raised whether it was proper to vote on the matter or take it into consideration because of insufficient evidence; and whether the problem concerning the request was the responsibility under the county jurisdiction or not.

Commissioner Wung moved to deny the special permit application submitted by John Wade Company for duplex on the basis that the information and facts submitted by Kauai County Planning and Traffic Commission do not substantiate approval that it is a reasonable and unusual use. Motion seconded by Commissioner Wenkam. The Chairman polled the Commissioners. Approval: Commissioners Wung, Ota, Wenkam, Burns and Chairman Thompson. Disapproval: Commissioner Nishimura.

Mr. Soh requested the Commission's thoughts on partitioning of lands and partitioning of dwelling units or duplexes. The Chairman requested that this be deferred and brought up again at the Commission's next meeting.

APPLICATION OF HAWAII AERIAL TRAMWAY CORPORATION TO CONSTRUCT A GONDOLA AERIAL TRAMWAY FROM BENCH MARK #15 TO LAUNIUPOKO PEAK, AN ELEVATION OF A LITTLE OVER 800 FEET, LAHAINA DISTRICT, MAUI: Described as TMK 4-7-01: 2.

Mr. Soh outlined the area and request involved and presented the staff's recommendation which was for approval and recommending that the Commission attach conditions on the special permit grant.

Commissioner Wenkam asked whether the Land Use Commission could legally attach conditions.

Commissioner Thompson asked whether it was possible to approve the special permit based on conditions outlined by the petitioner and if he deviates from it, then the permit becomes void.

Legal Counsel requested that he be allowed to look into the matter and have some time to review this further. Offhand, he stated that, "This Commission grants a special permit on the grounds that it is a reasonable and unusual use. As far as what the petitioner does with the land for the type of use, it is not within this Commission's jurisdiction."

Commissioner Thompson replied that it would be in this Commission's prevue in terms of the type of use, but specifically what goes into it, as far as conditions, it is out of our hands. The Chairman requested that the Legal Counsel review this further.

Mr. Frederick Lee, Director of City Planning Department, informed the Commission that at the county level conditions can be imposed upon the applicant, which in turn is forwarded to this Commission together with the map showing his development plans, application and other documents, for approval or disapproval. He stated that on this basis your problem is easily solved and this Commission would no longer worry about the minute detail operation.

Commissioner Thompson stated that in this case the Commission can accept the request according to the restrictions set by the County.

Mr. Lee stated that the Land Use legislative act grants the county the power under the special permit procedure; the power is given to them, and therefore, under the legislative act they can do this. He pointed out two things which the City & County of Honolulu bases the special permit on:

1. That it is an extraordinary use up and above the regular considerations.

2. That it is a variance classification which the Act spells out that the special permit is granted by the County and approved by this Commission.

Therefore this gives the County the power to impose any conditions it sees fit upon the developer or applicant which in turn is transmitted to this Commission. He stated that as a planner who has done this type of work, he saw no procedural difference.

Commissioner Thompson questioned whether there was a point of law that needed to be reviewed.

Commissioner Burns stated that it was his understanding that this Commission approves the use to be used for this purpose, and that the policing of that use is not our responsibility but the County's. Therefore the Commission would approve the use for this land for a tramway and let the county carry on from there.

Mr. Preis stated that the Commission may want to follow the staff's recommendation to put into the Commission's approval, conditions; or approve the special permit subject to what Mr. Lee recommends. Therefore, making the approval only valid after the county presents development plans or submits development plans together with all other documents for the Commission's protection.

Mr. Lee stated that the procedure for a special permit on all county levels is as follows:

1. The county holds the hearing; and

2. A package containing the county's restrictions imposed upon the use of the applicable parcel is transmitted to this Commission for approval or disapproval.

A summary of what is done at the City & County of Honolulu level concerning the special permit procedure was given by Mr. Lee, who in turn suggested that the staff get together with the Maui County Planning staff to put these restrictions into form that would be acceptable by this Commission.

Commissioner Ota moved to defer action on this request for further study and follow-up by the staff and for representation on December 6, 1963 meeting on Maui; seconded by Commissioner Burns. Motion carried unanimously.

The staff was instructed to carry the Commission's sentiments that the Commission is not denying the petition but would like assurance that should this request be approved it would be carried out in accordance with the statement of the developer. (The staff was requested to gather information from the County as to how the mechanics on this operation will take place.)

FOLLOW-UP MATTERS

1. Chartering of Flights

Legal Counsel reported that as far as legal provisions are concerned there are none prohibiting the chartering of flights. He stated, however, that there is a written established policy on the part of the Accounting and General Services that only on extenuating circumstances should charter flights be made. He clarified extenuating circumstances to mean that as much as possible meetings should be scheduled so that the established airline flights could be met, but in the event that it could not be helped then possibly this could be termed as an extenuating circumstance. He reported that on record there is no board or commission in the State that has chartered flights. He also pointed out that the maximum passenger carriage by charter flights is 10 people. A breakdown in comparison of cost was given for the trip to Kauai by the whole commission - Charter flights: $350.31; scheduled commercial flights: $393.30; a savings of $42.99 by charter flights.

Commissioner Burns also pointed out that some charter flights do not carry insurance such as fire, loss, etc.

It was the concensus of the Commission that travel be made by regular scheduled airlines and whenever necessary then travel by charter flights.

2. Communication to all Counties Asking for their Cooperation

An oral report was given by the Executive Officer stating that he communicated with each county through personal contact. He outlined the progress that Kauai had made; the difficulties he was encountering on Hawaii; and the work he has started for the county of Maui.

The Chairman recommended that whenever the Executive Officer felt that the Commission should be apprised of any problems he encountered on the county level which should be brought to the Commission's attention, to include it on the agenda.

3. Governor's Recommendation on the Land Use Commission's Stenographer.

This was deferred to the Commission's next meeting.

4. Report on the Protest Communications on File Dating Back to 1962 which the Commission should be Apprised; and Recommendation from the Staff as to What Can Be Done About It.

This was deferred to the Commission's next meeting.

5. Procedure for Initiating Communication between the Executive Officer and the Commission.

The Chairman questioned whether this needed to be clarified. He referred to a letter from Commissioner Wenkam to the Engineer of the Department of Transportation. He stated that the impression he got was that it expressed

the view point of this Commission, although it was a view point of one commissioner.

This was deferred to the Commission's next meeting.

With no other business the meeting adjourned at 2:45 p.m.

4 7 01

COR
JAN 17
JAN 20
FEB 3 1939
FEB 7
JAN 7 1941

SECTION 6

WAINEE

MAKILA

PUEHUENUI

KAUAULA

POLANUI

POLANUI AHUPUAA

KAMEHAMEHA III To KALUA

Kauaula Stream

Kauaula Stream

PLAT 03

PLAT 02

PLAT 04

PLAT 05

PLAT 06

PLAT 06

PLAT 06

PLAT 07

To Lahaina

Reservoir

Reservoir

Waialiua Stream

KAUAULA ROAD

PAR. 61

PAR. 62

PAR. 65

L.C. Aw. 7580:3

L.C. Aw. 8559-B:25

Pioneer Mill Co.
5132.896 Ac.
(2633.543 Ac.)

Pioneer Mill Co. Ltd.
5139.896 Acs.

Ditch

Ditch

Ditch

Ditch

Flume

Launiupoko

Launiupoko

Launiupoko Reserve 82

Launiupoko Boundary

Launiupoko Trail

Trail

Forest Line

Access Permitted Road

Road

Stream

Stream

Stream

Ditch

Ditch

Res.

Reservoir

M Aw. 31 Part 2
(1.18 ac. F.R.)

L.C. Aw. 3911
(1.93 ac.)

L.C. Aw. 3911
(6.38 ac.)

L.C. Aw. 8559:1
(0.71 ac.)

F.R.
(6.45 Ac.)

L.C. Aw. 688:1
(0.22 Ac.)

L.C. Aw. 982:2:3
(0.22 Ac.)

L.C. Aw. 8877:3
(0.09 ac.)

L.C. Aw. 8559:1
(2.21 ac.)

Territory of Hawaii
433.58 ac.

L.C. Aw. 4377:3
(0.59 ac.)

Bdy. Cert. 59

(7190 Ac)

(F.R.-1621.84ac.)

True North
1" = 1000'

Por. PAR. 64

Por. PAR. 63 (0.078 Ac.)

Por. PAR. 64 (1.132 Ac.)

State of Hawaii
18 1.21 Ac.

PAR. 66

Por. PAR. 64

State of Hawaii
17 5.607 Ac.

Por. PAR. 64 (4.648 Ac.)

Por. Remn. 69 (0.636 Ac.)

Por. Remn. 68 (0.613 Ac.)

Por. PAR. 64

PAR. 71

Por. PAR. 64 (0.523 Ac.)

REMN. 63-C
19 (1.663 ac.)
(1.15 Ac.)
20

Por. PAR. 60

REMN. 72-A
21 (0.004 ac)
REMN. 70-A
22 (0.460 ac)
PAR. 74

END OF PROJECT NO. F-030-1(1)

16 State of Hawaii
1.618 Ac.
(1.005 Ac.)

15 State of Hawaii
0.801 ac

3 Manuel N. Correia - 1/10
John N. Correia - 1/10
Isabella Perreira - 1/10
Helen Martin - 1/10
Minnie Perreira - 1/10
Julia Silva - 1/10
Ermanille Gibbons - 1/10
Dorothy Klusnick - 1/10
Margaret Telles - 1/10

0.461 ac.
Dennis Enriques
George P. Enriques
John W. Enriques
Laurence Enriques
James R. Enriques 1/10
Kenneth R. Enriques
Gladys Black
Joyce Ribucan

Note: For deed of Rd. PARS. 61, 62, 65, 74, & por. 64 & por. 69, See TMB #189 '57 (4513-32)

14 State of Hawaii
4.947 ac

Hawaii National Gaurd
1.61 Ac.
(Rifle Range)

Pioneer Mill Co. Ltd.
(Terr. of Hawaii) - 1/
1.03 Ac.

12
13
11

Δ LAUNIUPOKO TRIG

APPROX. LOCATION

Olowalu

SECTION 8

ZONE 3 SEC 3

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

Parcels Dropped: 5,6,7,8,9,10,11,19,20
21,22,1

SECOND DIVISION		
ZONE	SEC.	PLAT
4	7	01
CONTAINING		PARCELS
SCALE: 1 in. = 1000 ft.		

PRINTED OCT 28 1968

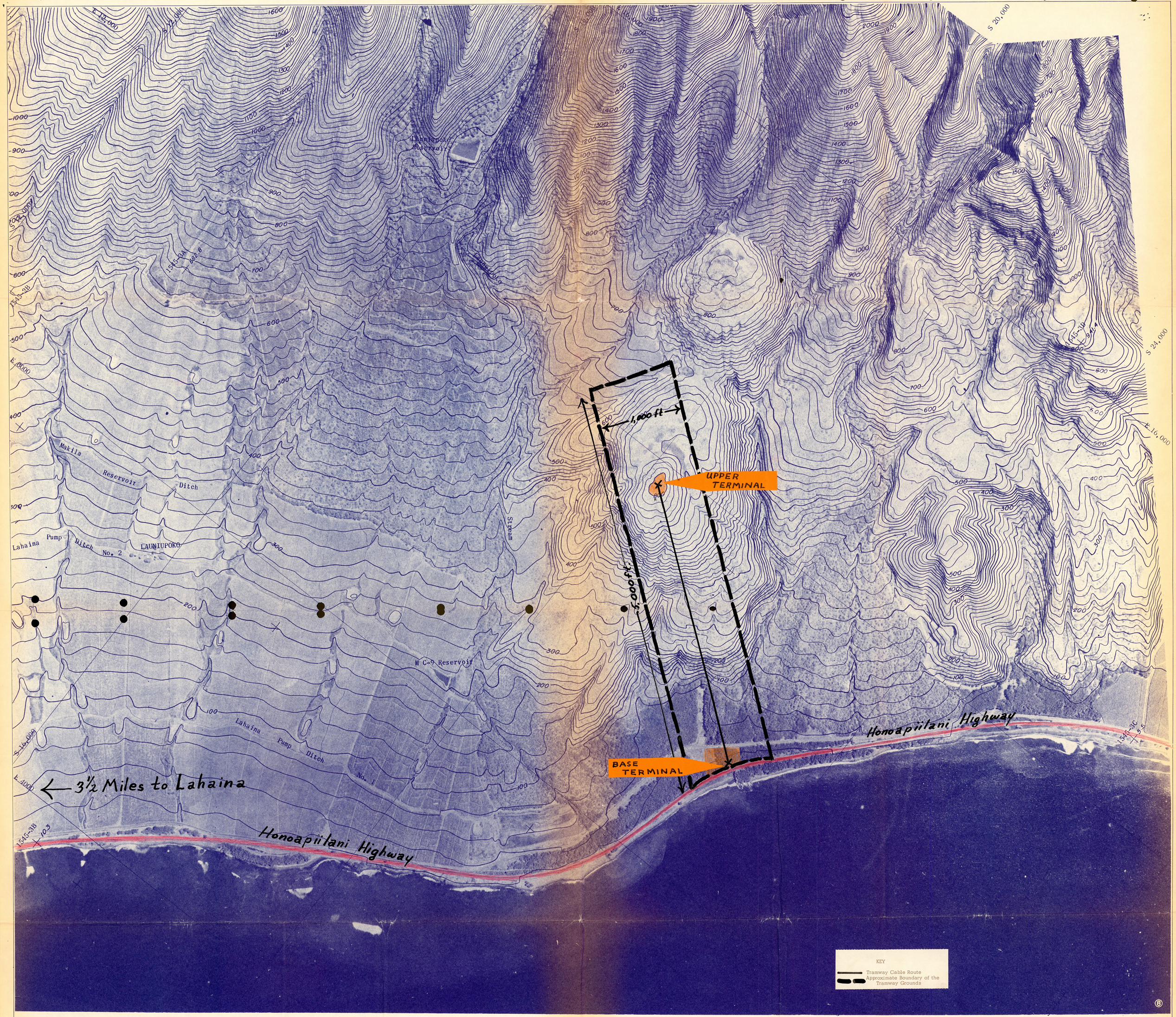
ADVANCE SHEET
SUBJECT TO CHANGE

ENTIRE PLAT IN A

LAUNIUPOKO, LAHAINA, MAUI.

Dwg. No: 2030
By: I.K.H. - M. 9.34
Source: Tax Maps Bureau, Geo. F. Wright & U.S.G.S. Maps.

7449



R.M. Towill Corporation
233 Merchant Street
Honolulu, T.H.
5553-O-P

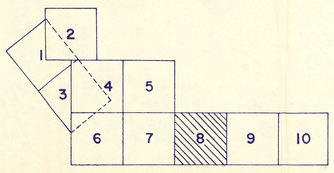


PHOTO CONTOUR MAP

SUGAR PLANTATION
AT
LAHAINA - MAUI, T.H.
OWNED BY
PIONEER MILL CO. LTD.

Grid information is based upon
Hawaiian coordinate system, Zone 2

400 0 400 800 1200
SCALE IN FEET

May 1957
Scale : 1"=400'
Contour Interval : 20 Feet
Origin of Coordinates : "Laina"
Date of Photography : 3-28-57

7450

7451

Property of:
HAWAII AERIAL TRAMWAY CORP.
7th Floor Aloha Tower
Honolulu, Hawaii

RECEIVED
State of Hawaii
APR 1 6 1982
LAND USE COMMISSION

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LAHAINA QUADRANGLE
HAWAII—ISLAND AND COUNTY OF MAUI
7.5 MINUTE SERIES (TOPOGRAPHIC)

156°42'30" 739 000m E. 40' (HONOLUA) 37'30" 520 000 FEET 156°35'
20°57'30" 2319 000m N. 20°57'30"

KAHAKALOA 17 MI.
HONOKAHUA 4.4 MI.

Honokowai
Honokowai Pt
Coral Reef
Water Tank
Honokowai Res
Pump House
Power Plant
Water Tank
Aband Res
Puukolii
Puukolii Reservoir
Kaanapali
Ammonia Tanks
Cem
WT
Oil
Kekaa Pt
VABM 21
Hanakaoo Pt
LANDING FIELD
Pumping Sta
Hanakaoo Cemetery
Hahakea
Flume
Gulch
Wahikuli
Wahikuli Reservoir
VABM 1250
Puu Laina
Crater Res
Crater
Siphon
Water Tank
Kahoma Shaft Pump
Power Plant
Cistern
Lahainaluna High School
Mala
Mala M/I Stack
Mala Wharf
BM 10
Pineapple Cannery
Puuniha Cemetery
Kapunakea
Cisterns
Puunoa Pt
Puunoa
Kahoma
Kelawea
Sugar Mill
Lahaina
BM 9
Lighthouse
Breakwater
Lumaville
Wainee
Park
Wahola Cem
Kamehameha III School
Lahaina NW Base
Makila (Site)
Waianukole
Lahaina SE Base
Launiupoko Pt
National Guard Rifle Range
BM 1
Nalima Wai
Ka Puali
Awalua
Puu Mahanalua Nui
Launiupoko VABM 809
Puu Hipa
Paupau
Paupau VABM 2261
Cistern
Intake
Pump
Well
Tunnel
Kaulalewelewe
Puu Kukui
Lihau
Liha
Halepohaku
Ulaula
Violet Lake
Tunnel
Water Tank
Pump House
Power Plant
Aband Res
Puukolii Reservoir
Hanakaoo Reservoir
Puu Kalii VABM 1263
Horner Reservoir
Wahikuli Reservoir
Crater Res
Kahoma Shaft Pump
Power Plant
Lahainaluna High School
Pineapple Cannery
Sugar Mill
Lighthouse
Breakwater
Wahola Cem
Kamehameha III School
Lahaina NW Base
Makila Res
Kanaula Res
Launiupoko
Paupau VABM 2261
Puu Mahanalua Nui
Launiupoko VABM 809
Lahaina SE Base
National Guard Rifle Range
BM 1
Nalima Wai
Ka Puali
Awalua
Puu Kukui
Lihau
Liha
Halepohaku
Ulaula
Violet Lake
Tunnel

MAHINAHINA
KAHANA Gulch 1 2 3
MOOMOKU
HONOKOWAI
HONOKOOKOWAI
HONOKAHUA
HONOOLUA
HONOKUKUA
KAHANA GRANT 3584
HANAKAOO
KAHUA
WAHIKULI
AKI
PUULIKI
KUHUA
KUHOLILEA
PUOU
PAUNAU
PANAEWA
KUIA
KAUAULA
MAKILA
WAILEE
PAHOA
POLANUI
PUEHUEHUNUI
HALAKAA
POLAIKU
LAUNIUPOKO
OLOWALU
UKUMEHAME
WAILUKU (WAILUKU)
WAILUKU-LAHAINA DISTRICT
KAHAKULOA DISTRICT
WAIHEE (MAALAEA)
PACIFIC OCEAN
AU AU CHANNEL

Honokowai Ditch
Honokowai Tunnel
Honokowai Flume
Honokowai Pipeline
Honokowai Reservoir

7453

RECEIVED
APR 10 1963
State of Hawaii
LAND USE COMMISSION

Ref. No. LUC 776

December 11, 1963

Planning and Traffic Commission
County of Maui
Kahului, Maui, Hawaii

Attention: Mr. Robert Ohata, Planning Director

Gentlemen:

Under authority of the Land Use Commission I am transmitting to you the special permit grant to Hawaii Aerial Tramway Corp., awarded by the Commission at its meeting on December 6, 1963 in Wailuku.

It is requested that this grant be served to the applicant along with such awards and conditional awards as you have elected to make.

Sincerely,

R. YAMASHITA
Executive Officer

Encls.
cc: Hawaii Aerial Tramway Corp.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

Applicant Hawaii Aerial Tramway Corp.

Date of Grant December 6, 1963

Meeting Place Wailuku, Maui

Date Grant Forwarded _____

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to considerations required by the provisions of Act 205, SLH 1963, hereby grants special permission to use the following described property:

(County) Maui (Island) Maui

Tax Map Key 4-7-01: 2. Lot area 5,000,000 sq. ft. situated approximately two miles northwest of Olowalu and three and a half miles southeast of Lahaina.

for the following purpose(s):

To develop a passenger carrying sightseeing aerial tramway and other business activities connected with the operation.

subject to the following conditions; in the interest(s) of

(Signed) K. YAMASHITA

(Title) EXECUTIVE OFFICER

Hawaii Aerial Tramway
CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU, HAWAII • PHONE 503-184

ALAN P. KRUSE
President

RECEIVED
DEC 11 1963
State of Hawaii
LAND USE COMMISSION

December 9, 1963

808

Mr. Myron B. Thompson
Chairman
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Thompson:

I wanted to take this opportunity to thank you for being kind enough for placing me first on the agenda at the recent meeting of the Land Use Commission held on Maui Friday December 6.

It was also very kind of you to expedite the matter of securing a decision of the commission at the time of the meeting, since this action on your part will enable me to have the tramway up and operating by July 1, 1964, which would have been impossible without your facilitation of action on this matter.

With very best regards.

Sincerely yours,

Alan P. Kruse

APK;rc

AMERICAN FACTORS, LIMITED

795

P. O. Box 3230
HONOLULU 1, HAWAII

Main Office:
HONOLULU

Branches:
HILO
HANAPEPE
KAILUA-KONA

NEW YORK 18
1440 Broadway
Suite 1403
SAN FRANCISCO 5
215 Market St.
Cable Address: "AMFACTORS"

December 5, 1963

RECEIVED
DEC 6 1963
State of Hawaii
LAND USE COMMISSION

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Attention: Mr. Raymond Yamashita
Director

Gentlemen:

We have reviewed with interest your staff's report regarding the Hawaii Aerial Tramway Corporation's request for a special permit to operate on certain Olowalu lands on the Island of Maui owned by Pioneer Mill Company, Limited.

Please be advised that we are in agreement with your findings and wish to inform you that we are vitally concerned with an efficient tramway operation that will occupy premises suitably landscaped and aesthetically attractive to the average tourist or motorist passing the area on the way to Lahaina and Kaanapali. As you are aware, we have invested several million dollars in our Kaanapali resort development and certainly wish to have an operation, such as the proposed tramway, that will compliment West Maui.

In order to keep control of the type of structure, landscaping and allied facilities to be utilized in construction with the tramway, we have incorporated in our lease agreement a covenant whereby all building plans will be subject to the review by both governmental authorities and Pioneer Mill Company. In addition, the lease also provides that landscaping will have to be properly maintained, trimmed and pruned.

We have been assured by Mr. Alan Kruse, President of Hawaii Aerial Tramway Corporation, that no restaurants or bars will be located along the highway but will be located at the upper terminal point. By

AMERICAN FACTORS, LIMITED
HONOLULU, HAWAII

operating in this manner he is assured of use of his tramway in gaining access to these facilities.

Since a tramway will tend to diversify the recreational facilities for tourist enjoying Maui in general as well as our Kaanapali resort development, we would appreciate favorable consideration of the request submitted by the Hawaii Aerial Tramway Corporation.

If there is additional information that you require from Pioneer Mill Company regarding this application, we will be pleased to meet with you at your convenience.

Very truly yours,

AMERICAN FACTORS, LIMITED

Mervin Gilliland
Asst. Manager, Land Dept.

Agent for Pioneer Mill
Company, Ltd.

AMERICAN FACTORS LIMITED AMFAC

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
426 Queen Street, Honolulu, Hawaii

10:00 A.M.
November 22, 1963

STAFF REPORT

HAWAII AERIAL TRAMWAY CORP. Temporary District Classification: AGRICULTURAL

Background

The Planning and Traffic Commission of the County of Maui has referred to the Land Use Commission their approval of an application for a special permit by the Hawaii Aerial Tramway Corporation.

The Hawaii Aerial Tramway Corporation has negotiated a thirty year lease with American Factors for property situated approximately two miles northwest of Olowalu and three and a half (3½) miles southeast of Lahaina. The property is approximately 1000 feet wide and 5000 feet long extending from Honoapiilani Highway inland along an axis generally formed by bench mark #15 and Launiupoko peak.

The lower extremity of the property is covered by kiawe except for a cane haul road use also as a right-of-way for a high voltage power line. Above the kiawe line is a borrow pit which was used to excavate materials used in the Lahaina resort development. From the pit area the land rises first gradually then more steeply over a barren rocky hillside to an average maximum of 25% slope between the 400 and 500 foot contour lines. The property extends about 400 yards beyond Launiupoko peak and in so doing encompasses a relatively broad and flat area of about seven acres.

Adjoining lands are vacant for a distance of approximately 2000 feet but beyond this, both toward Lahaina and Olowalu, are areas planted to sugar cane.

Mauka of the property is more vacant space and 2000 feet distant from the property is the forest reserve line.

The Hawaii Aerial Tramway Corporation proposes to construct a gondola aerial tramway from bench mark #15 to Launiupoko peak which has an elevation of a little over 800 feet. From this point developers represent that tramway patrons will be afforded a unique view of the western Maui coastline. Developers intend that the tramway serve principally as a tourist attraction fulfilling a vital role in providing tourists with a worthwhile activity.

The Hawaii Aerial Tramway Corporation further proposes to develop the borrow pit into a brackish water lagoon replete with an artificial waterfall pumped above the lagoon by mechanical means. On the banks of the lagoon a Hawaiian Village is proposed. About 200 feet from the Village a separate village featuring Hawaiian crafts is proposed as well as a theater longhouse for film showings.

On the plateau behind the Launiupoko terminal a coffee shop, restaurant and cocktail lounge are proposed. In discussing the matter of supplying water to this area with Maui Planning Director Mr. Ohata, it was pointed out that supplies could be carted in aboard the tramway gondolas.

The developers also propose a parking lot at the foot of the tramway for 120 or 150 cars and buses. They propose further to plant foliage to make their development attractive.

Developers represented at the public hearing on September 24 before the Maui Planning and Traffic Commission that "The inspectors will inspect periodically. Insurance companies send men to inspect the system often,

and the wire ropes are replaced every three years. The aerial tramway can be driven by electricity or gas but we are having ours driven by electricity and will have a gas standby engine."

At the hearing developers also disclosed their plan to extend the tramway eventually to an altitude of 4000 feet. In discussing this matter with Mr. Kruse, one of the developers, the staff learned that this development is being deferred because of the greater number of problems involved.

Analysis

Your staff feels that the proposed use is unusual, requiring special locations where urban developments are minimal and where scenic vistas are available.

The land on which the proposed facility is to be located is not suitable for intensive agriculture and is not currently devoted to such use.

Although the proposed use is unusual, the staff feels that it is a reasonable one, since it in no way would conflict with agricultural pursuits in the vicinity of the tramway site and would be of definite service to tourist enterprises on Maui.

The staff further feels that by providing an access to otherwise inaccessible heights from which a view of West Maui is possible, the tramway is a desirable facility consistent with the best interests of conservation.

Recommendation

The staff concurs with the action by the Maui Planning and Traffic Commission to grant a special permit to the Hawaii Aerial Tramway Corporation for the purpose of developing a tramway at the Launiupoko ("Cut Mountain") site.

The staff further recommends that the Land Use Commission place conditions on the special permit grant so that the tramway is carefully maintained and its ancillary operations suitably landscaped or otherwise be made to look attractive when viewed from Honoapiilani Highway according to standards especially established for this facility by the Maui Planning and Traffic Commission.

The staff has considered what effect the grant of this special permit will have on adjacent areas should one day a request for special permit for uses akin to ancillary facilities of the tramway be made. In this event the staff feels that the new use would have to be reviewed on its own merits as to whether the use is unusual and reasonable. Secondly, the new use would have to be viewed in terms of its compatibility to the tramway facility and the adjoining cane lands. Third, the new use should be viewed in terms of its effect on agricultural uses in the area.

Hawaii Aerial Tramway
CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU, HAWAII • PHONE 583-184

ALAN P. KRUSE
President

April 3, 1963

Mr. Robert O. Ohata, Planning Director
Planning and Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui, Hawaii

Dear Mr. Ohata:

Attached is a one inch to four hundred feet scaled map of the Lahaina Aerial Tramway which may be of greater help to you than the smaller scaled U. S. Army Quad map which I sent you with my letter of April 2, 1963.

The area in which the aerial tramway, terminal stations, parking lot, and plantings will be located are shown in the area within the dotted perimeter of the parallelogram.

My architect for this project is Mr. Hideo Kobayashi, of Honolulu, and I will have him keep you informed of the plans for our planting areas, formal gardens, and upper and lower terminal buildings. I am sure that he would welcome any suggestions that you would care to make on his plans in order that we might be better able to serve the public.

Sincerely yours,

Alan P. Kruse

APK:nc
Encl: one map

Hawaii Aerial Tramway
CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU, HAWAII • PHONE 503 184

ALAN P. [illegible]
President

April 2, 1963

Mr. Robert O. Ohata, Planning Director
Planning and Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui, Hawaii

Dear Mr. Ohata:

You will no doubt, be interested in knowing that I have now completed my negotiations with American Factors for the leasing of lands south of Lahaina, Maui for the construction and operation of an aerial tramway system.

Attached is a map on which I have tried to show the land area which will be leased to me by American Factors, Ltd. for the construction and operation of this aerial tramway. This area is approximately 1,000 feet wide by 5,000 feet long and extends in a parallelogram shape from the edge of the Honoapiilani Highway across and just over the high point known as Puu Mahanalua Nui on which trig station "Launiupoko VABM 609" is located.

The actual route of the tramway system will follow a perfectly straight line from an area within 100 feet of Bench Mark 15, located just off the highway near Nalima Wai and Ka Puali, and will extend for about 3,600 feet to a point within 100 feet of the trig station on Puu Mahanalua Nui.

We would be most appreciative if this 1,000 x 5,000 foot area could be zoned for an aerial tramway operation if such zoning is needed.

If you drive by the area we plan to use for our aerial tramway, you will notice that there are no residences or agriculture to which the land we need, is being put to use. Since we are in no way interfering with any other residential, commercial, industrial, agricultural, conservation, or water reserve uses, we would be most appreciative if we could secure permission from you to proceed on our project as soon as possible so that we may place an order for needed tramway equipment and be operational by the end of the year.

Research on the operations of other aerial tramway systems throughout Europe and the United States have conclusively shown that it is desirable to have restaurant facilities for the serving of food and beverages at the upper terminal of an aerial tramway system. It would add materially to the operation of our aerial tramway system if we too, could plan on operating a restaurant on the top of Puu Mahanalua Nui in conjunction with the operation of our aerial tramway, and I would appreciate anything you can do to make this possible.

Mr. Robert O. Ohata, Planning Director
Planning and Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui, Hawaii

April 2, 1963

Page Two

Please do not hesitate to ask if there are any maps, photos, or exhibits which we can furnish your office to facilitate this matter of properly zoning these tramway lands, or establishing a non-conforming use variance if needed.

Sincerely yours,

HAWAII AERIAL TRAMWAY CORPORATION

Alan P. Kruse,
President

APK:nc
Enclosures (2) Map & c.c. News Release

JOSEPH S. MEDEIROS, JR., Chairman
KAZUO KAGE, Vice-Chairman
WILLARD ELLER, Member
WILLIAM HONG, Member
YOSHIKAZU MATSUI, Member
MASAO NAGASAKO, Member
ROBERT UEOKA, 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, Secretary

PLANNING AND TRAFFIC COMMISSION
COUNTY OF MAUI
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

October 23, 1963

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

OCT 24 1963

Land Use Commission
State of Hawaii
Honolulu

Gentlemen:

Re: Special Permit to Hawaii Aerial Tramway

The Maui Planning and Traffic Commission at its meeting of October 22, 1963, voted to approve a Special Permit to Hawaii Aerial Tramway to construct and operate aerial tramway together with restaurant, cocktail lounge, lagoon, a small theater, various Hawaiian displays, and other ancillary facilities to be situated on the easterly side of Honoapiilani Highway approximately 2 miles north of Olowalu, Tax Map Key 4-7-01 portion of 2, with the following stipulation:

That the off-street parking, structures and facilities shall be in conformance with the Maui Comprehensive Zoning Ordinance, as amended.

The votes were as follows: 4 ayes, none dissenting, 3 absent.

Pursuant to Section 98H-6 RLH 1955 as amended, further approval of your commission is required. Accordingly, we hereby transmit this decision of the Maui Planning and Traffic Commission together with:

1. staff report
2. transcript of the public hearing
3. affidavit of publication
4. application

Your early action is requested.

Yours very truly,

Robert O. Ohata

Robert O. Ohata
Planning Director

cc Hawaii Aerial Tramway
cc Mr. Charles Ota

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

DO NOT WRITE IN THIS SPACE

Appl. & fee received	7/23/63
Notice published	9/4/63
Public hearing	9/24/63
Recommendation to LUC	10/23/63
Action by State LUC	
County & Appl. notified	

MAUI PLANNING & TRAFFIC COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

A. Description of Property: (1) Tax Map Key No. 2nd Div. Zone 4, Sec. 7 Plat 01, Parcel 2*
(2) Lot Area 5,000,000 sq. ft. (3) Location near Lahaina, Maui

B. Ownership: (1) Owner's name American Factors
(2) Lessee's name Alan P. Kruse (3) Unexpired term 30 years

C. Request: (1) State request briefly and exactly: Request that land use of above area be approved in order that a passenger carrying sightseeing aerial tramway and other business activities may be developed on this site.**

(2) Reasons justifying granting of request: This land area is waste land and unusable for agricultural purposes. If developed into an aerial tramway site, with sightseeing areas, and other business activities this area can become a tourist destination point on Maui and be of great advantage to Maui's economy. This site is completely isolated from residential or other improved land areas.

D. Applicant: (1) Name Alan P. Kruse
(2) Address 7th Floor, Aloha Tower (3) Telephone 503-184 or 78-116
(4) Signature Alan P. Kruse

E. Planning Commission action: Approved Date 10/22/63 Vote: 4 ayes 0 noes
Reasons: Concurs with Staff report

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC___ Supervisors___ Applicant___ Owner & Lessee_

*See Photo Contour Map, Sugar Plantation at Lahaina, Maui, T.H., owned by Pioneer Mill Co. and dated May 1957.
**See attachment.

1. Coffee Shop/Restaurant: A coffee shop/restaurant would be built and operated adjacent to the upper terminal of the Aerial Tramway at an elevation of 800 + feet.

2. Cocktail Lounge: A cocktail lounge would be built and operated separate from but adjacent to the coffee shop/restaurant.

3. Salt Water Lagoon and Waterfall: A salt water lagoon, and thirty foot waterfall will be made at the site of the present soil quarry excavation.

4. Reproduction of Hawaiian Village: A Hawaiian village will be reproduced on the banks of the lagoon and next to the waterfall.

5. Life Size Statues: Throughout the village will be scattered life size realistic reproductions of Hawaiians of both sexes and all agest at work and at play.

6. Longhouse of the Gods: In this building will be reproductions in actual size of famous Alii, kings and queens of Hawaii, and gods of Hawaii.

7. Artesians Village: Separate, but within 200 feet of the reproduction of a Hawaii village will be a second grouping of a Hawaiian village. In this village will be located artesians, craftsmen and makers of products which are considered Polynesian in origin. Retail shops would also be located in this area.

8. Theatre Longhouse: Within the artesians village would be a small theater with a seating capacity of 100 persons which would have continuous showings of a film of Hawaii and its development during the last 300 years.

9. Coconut and Lahala Tree Grove Plantings and Appropriate Shrubbery and Flower Plantings: In conjunction with the Aerial Tramway and above projects, the entire area will be replanted in appropriate colorful foliage of Hawaii, able to withstand and survive in this particular area.

10. Parking Lot: A parking lot will be located adjacent to the base terminal of the Aerial Tramway adjacent to the highway.

* * * * *

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

MAUI PLANNING AND TRAFFIC COMMISSION
PUBLIC HEARING
SPECIAL USE PERMIT - ACT 205, S.L.H. 1963
Tuesday, September 24, 1963

The public hearing on the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963, was opened by Vice-Chairman Kazuo Kage, in the absence of the regular chairman, Joseph S. Medeiros, at 1:37 p.m. on Tuesday, September 24, 1963, in the Board of Supervisors Chambers, Wailuku, Maui.

A quorum of the Commission was in attendance. (See record of attendance.)

The Director read the Notice of Public Hearing, a copy of which is hereto annexed and made a part hereof with Affidavit of Publication, published in the Maui News, a newspaper published and circulated in the County of Maui, being the County in which said Commission is located, on September 4, 1963, as required by Section 98H-6 of Act 205, S.L.H. 1963.

LAUNIUPOKO, LAHAINA DISTRICT
Aerial Tramway together with restaurant, cocktail lounge, lagoon, various Hawaiian displays, a small theater, and other ancillary facilities to be situated on the easterly (mauka) side of Honoapiilani Highway approximately 2 miles north of Olowalu, with the base terminal in the vicinity of "Cut Mountain", and the upper terminal at "Puu Mahanalua Nui", Tax Map Key 4-7-01:2.
Applicant: Alan P. Kruse, Hawaii Aerial Tramway Corporation.
Area: Approximately 115 acres.

The Secretary read the Special Use Permit Application dated July 23, 1963, attached hereto and made a part hereof, signed by Alan P. Kruse.

The Director explained, from posted photo contour map of the area, the development proposed by Hawaii Aerial Tramway Corporation, which area falls within the agricultural zone under Land Use Commission Maps. At the conclusion of his presentation, the Director proceeded to explain provisions of Section 98H-6 whereby a decision of the Commission would not be made earlier than 15 days after the public hearing. He proceeded to read the staff report on the special permit requested by the Hawaii Aerial Tramway Corporation, attached hereto and made a part hereof, which will accompany the decision of the Commission as required by Act 205.

There were no letters of approval as of 12:45 p.m. this date.

There were no letter of protest as of 12:45 p.m. this date.

The Vice-Chairman then opened the public hearing for testimony.

Speaking for the granting of the Special Use Permit were:

MR. ALAN KRUSE, President, Hawaii Aerial Tramway Corporation, Honolulu, stated: "May I start by saying that the land we will be using will run about 1000 feet mauka of the highway, and goes back 5000 feet. The basic development of the area as we see it would be 1) an aerial tramway which would be built in two stages and ancillary development which are all directly related. Now, what we are trying to do is to make this a very interesting package so that every tourist who comes to Maui will want to see it. We must have the kokua of the local tour operators, we must have the kokua of the travel agents both here and on the mainland, so we studied this area and came to the conclusion that a German type tramway would be best suited. (At this point Mr. Kruse displayed to the Commission a papier-mache model of the proposed development.)

"This tramway system, according to the company representative, will be feasible for this particular location. The tramway will be in two stages: the lower stage with an elevation of 16 feet and an upper stage with an elevation of 100 feet. The second increment will take a little more time to develop because the engineering is real complicated going from an elevation of 800 feet to an elevation of 4000 feet. From that point, of course you can see all of east Maui. We went up to Lahainaluna School, the Sheraton Maui, and other points but this beats all views.

"There are a few of these tramways on the mainland, but actually the United States is about 30 years behind Europe in aerial tramways. There is one in Palm Springs and it is estimated that about 80% of all tourists going to Palm Springs get to ride the tramway. (Mr. Kruse proceeded to explain in great detail the mechanics of the tramway and the type of Gondola cars which the company will install. He circulated pictures of the Gondola cars, also the type of towers which will hold the cables.)

"We will provide parking for 150 or 120 cars and buses. The people will buy their tickets at the entrance off the parking lot. There will be trails into the area. We are trying to build this development so that it will be economically strong. We want to be sure it is going to be a very strong and successful venture that will help Maui and enable us to get a return on our investment. Actually the only thing that will come close to this project in Hawaii is the Bishop Museum. No one else in Hawaii has anything like this.

"We plan a coffee shop and restaurant to be built and operated adjacent to the upper terminal of the Aerial Tramway at an elevation of 800 feet. A cocktail lounge would be built and operated separate from but adjacent to the coffee shop and restaurant. (Mr. Kruse explained point by point the ancillary uses to the tramway system including a water lagoon and waterfall; reproduction of Hawaiian Village; lifesize statues of Hawaiians of both sexes and all ages at work and at play; longhouse of the Gods; Artisans Village; Theatre Longhouse; coconut and lauhala tree grove plantings and appropriate shrubbery and flower plantings.)

"By sticking to the Hawaiian theme it should be very interesting to tourists and local people alike. The aerial tramway is extremely safe. There will be no trouble as far as safety goes. The inspectors will inspect periodically. Insurance companies send men to inspect the system often, and the wire ropes are replaced every three years. The aerial tramway can be driven by electricity or gas but we are having ours driven by electricity but will have a gas standby engine.

"We feel that the most important things to an aerial tramway system is that the system be close to a highway, and that there is an interesting view to offer passengers. We have all of that at the site. We expect to have this development completed anywhere from 6½ months to 8 months after the date of approval. We would like to take advantage of summer tourists. Depending on the volume in the area only about 4 men will operate the tramway. We will need a mechanic and ticket seller and two other maintenance men."

When queried about high tension wires in the area, Mr. Kruse replied that the company would not go under or near any high tension wires. Whenever high tension wires exist they would avoid them.

STEPHEN UYEHARA, Lahaina, Maui, Hawaii: "I am representing the Lahaina Merchants, the Lahaina Business and Professional Men's Association. We had the pleasure of having Mrs. Eva Duponte with us at our request and she explained about the tramway, and a day after I made a survey among the merchants about the tramway and the votes were unanimous to have the tramway. We therefore submit our request that this commission approve the tramway. The 35 merchants present at the meeting voted unanimously to approve the development."

No one else spoke for the granting of the Special Use Permit.

No one spoke against the granting of the Special Use Permit.

The Vice-Chairman informed those in attendance that the matter would be taken under advisement by the Commission and a decision would be made in 15 days as provided by Act 205.

The public hearing was closed at 2:25 p.m.

Eva M. Duponte
EVA M. DUPONTE, Secretary
Maui Planning & Traffic Commission

RECORD OF ATTENDANCE:

Maui Planning and Traffic Commission

Present: Mr. Kazuo Kage, Vice-Chairman, presiding
Mr. Willard Eller, Member
Mr. William Hong, Member
Mr. Yoshikazu Matsui, Member
Mr. Masao Nagasako, Member
Mr. Robert Ueoka, Member
Mr. Jean R. Lane, ex-officio
Mr. Masao Sone, ex-officio

Absent: Mr. Joseph S. Medeiros, Chairman
Mr. Koichi Hamada, ex-officio (prior commitment)
Mr. Hideo Hayashi, ex-officio (on vacation)

In Attendance:
Mr. Robert O. Ohata, Planning Director
Mr. Bill Takiguchi, Maui News
Mr. Charles Young, Honolulu Star-Bulletin
Mr. Robert Johnson, Honolulu Advertiser
Mr. Alan Kruse, Hawaii Aerial Tramway Corporation
Mr. Stephen Uyehara, Lahaina, Maui

Public in attendance: 15

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, County of Maui. } ss.

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

.....Rose Hill.....being duly sworn deposes and says, that he is Adv. Traffic Clerk..... of the Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper published in Wailuku, County of Maui, State of Hawaii; that the ordered publication as to .....

.....NOTICE OF PUBLIC HEARING.....

of which the annexed is a true and corrected printed notice, was published ...1..... times in the MAUI NEWS, aforesaid, commencing on the ...4th.....day of .....September....., 19.63..., and ending on the...4th.....day of.....September....., 1963..., (both days inclusive), to-wit: on .....

.....September 4, 1963.....

.....

and that affiant is not a party to or in any way interested in the above entitled matter.

Rose Hill

Subscribed and sworn to before me this

12th.....day of...Sept.....A. D. 19.63.....

Notary Public, Second Judicial Circuit, State of Hawaii.

My Commission expires April 25, 1966

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning and Traffic Commission in the Chambers of the Board of Supervisors at the County Building in Wailuku, on Tuesday, September 24, 1963, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, as amended by Act 205, Session Laws of Hawaii 1963:

LAUNIUPOKO, LAHAINA DISTRICT.

Aerial Tramway together with restaurant, cocktail lounge, lagoon, various Hawaiian displays, a small theater, and other ancillary facilities to be situated on the easterly (mauka) side of Honoapiilani Highway approximately 2 miles north of Olowalu, with the base terminal in the vicinity of "Cut Mountain", and the upper terminal at "Puu Mahanalua Nui", Tax Map Key 4-7-01:2.

Applicant: Alan P. Kruse, Hawaii Aerial Tramway Corporation.

Area: Approximately 115 acres.

Sketch showing the general location is on file in the office of the County of Maui Planning and Traffic Commission at Naska, Kahului, Maui, Hawaii, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said Commission, P. O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING AND TRAFFIC COMMISSION
JOSEPH S. MEDEIROS, JR., Chairman
By Robert O. Ohata
County Planning Director

(MN: September 4, 1963)

September 17, 1963

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

TO: Maui Planning and Traffic Commission

FROM: Planning Director Robert O. Ohata

SUBJECT: Staff Report on Special Permit requested by Hawaii Aerial Tramway.

The site of the Aerial Tramway is approximately 2 miles north of Olowalu with a base terminal located on the mauka side of Honoapiilani Highway in the vicinity of "Cut Mountain" and the upper terminal of Puu Mahanalua. The area involved is approximately 1,000 feet wide and 5000 feet in depth. This involves an area of approximately 100 acres. The topography of the land rises from sea-level to approximately 800 feet at the top. The area adjacent to the Honoapiilani Highway and bordered on the mauka side by the canehaul road is reasonably level and contains a growth of Kiawe trees. On the mauka side of the canehaul road is the remains of a borrow pit. The soil condition and the configuration of the land is such that it is undesirable for agricultural purposes. It has been in waste or pasture for a considerable length of time. The nearest canefield is towards Lahaina, approximately a half mile away.

Alan P. Kruse, doing business as Hawaii Aerial Tramway, has negotiated the lease for 30 years from American Factors. He would like to construct this aerial tramway together with the following accessory uses:

1. Coffee Shop, restaurant and cocktail lounge at the upper terminal.

2. The borrow pit will be filled with salt water to construct a lagoon with water-fall. Along the banks of the lagoon will be a reproduction of Hawaiian Village with life size statues and a Longhouse of Gods. Separate, but within the immediate vicinity will be an artesians village together with a theater longhouse showing movies to approximately 100 people. The lower terminal would have considerable landscaping and a parking lot.

The staff discussed the proposed application with the applicant and inspected the site. The staff finds that the request is unusual and reasonable in accordance with the intent of the Land Use Law and that it is to the public interest to approve the special permit requested. There will be no adverse effect on adjoining land nor will it be adverse to public welfare. Rather, it would be a boost towards economic development of Maui. The staff recommends approval of a special permit, and said approval be forwarded to the State Land Use Commission for confirmation pursuant to the Land Use Law.

ROBERT O. OHATA

September 17, 1963

RECEIVED
OCT 24 1963
State of Hawaii
LAND USE COMMISSION

TO: Maui Planning and Traffic Commission

FROM: Planning Director Robert O. Ohata

SUBJECT: Staff Report on Special Permit requested by Hawaii Aerial Tramway.

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2. The borrow pit will be filled with salt water to construct a lagoon with water-fall. Along the banks of the lagoon will be a reproduction of Hawaiian Village with life size statues and a Longhouse of Gods. Separate, but within the immediate vicinity will be an artesians village together with a theater longhouse showing movies to approximately 100 people. The lower terminal would have considerable landscaping and a parking lot.

The staff discussed the proposed application with the applicant and inspected the site. The staff finds that the request is unusual and reasonable in accordance with the intent of the Land Use Law and that it is to the public interest to approve the special permit requested. There will be no adverse effect on adjoining land nor will it be adverse to public welfare. Rather, it would be a boost towards economic development of Maui. The staff recommends approval of a special permit, and said approval be forwarded to the State Land Use Commission for confirmation pursuant to the Land Use Law.

ROBERT O. OHATA

Ref. No. LUC 587

June 4, 1963

Mr. Alan P. Kruse, President
Hawaii Aerial Tramway Corporation
7th Floor Suite, Aloha Tower
Honolulu, Hawaii

Dear Mr. Kruse:

This will confirm my oral comments to you concerning your application for Special Permission to construct and operate an aerial tramway in the Lahaina district on Maui.

As I stated there is a bill amending Act 187 (the Land Use Law) which is presently awaiting the Governor's signature. One of the provisions of this bill reworks the Special Permit procedure to the extent that the County Planning Commissions, in your case Maui County, receive the application, hear it and render a decision. All affirmative decisions made on the county level are then reviewed by the Land Use Commission who will either approve or deny the county action.

Since this new bill will probably be signed by the Governor this week it is my suggestion that you re-initiate your application through the Maui County Planning & Traffic Commission once the bill is signed.

I shall be in contact with you during the processing of your application, however, if you have any further questions please contact me.

Very truly yours,

W. M. MULLAHEY
ACTING EXECUTIVE OFFICER

cc: Maui County Planning & Traffic Commission

Copy to Maui County

Hawaii Aerial Tramway

CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU, HAWAII • PHONE 503-184

(700)

ALAN P. KRUSE
President

June 2, 1963

RECEIVED
JUN 3 1963
State of Hawaii
LAND USE COMMISSION

Mr. W. M. Mullahey,
Field Officer
State of Hawaii
Land Use Commission

Dear Mr. Mullahey:

On April 19 you sent me a letter with an application for a special permit with regard to my interest and request to be allowed to operate an aerial sightseeing tramway near Lahina on the island of Maui.

I would be most appreciative if you could bring me up to date on the status of my application for such a special permit.

There is a considerable amount of lead time involved in setting up an aerial tramway system. Often it takes the manufacturer anywhere from seven months to one year to make delivery of an aerial tramway system. After delivery the system must be installed which means an additional loss of one or two months. We would be most interested in having our aerial tramway up and able to operate by June of 1964 at the latest and would be most appreciative of anything which the Land Commission might do to expedite the granting of my special permit so that I may then place my order and make other firm committments which are all necessary to be planned if we plan to have the aerial tramway system up and operating by June of next year.

If there is any further information I can give you, please don't hesitate to call me at either 503-184 or 54-991.

Sincerely yours,

Alan P. Kruse

APK:m

no fee —

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee received by LUC _____

April 25, 1963
Reference No. LUC 537

APPLICATION FOR SPECIAL PERMIT

(X) (We) hereby request approval of a special permit to use certain property located in the County of Maui, Island of Maui, Land Use Commission Temporary District Boundary map number and/or name Lahaina district, for the following-described purpose: To operate a passenger-carrying, sightseeing, gondola type aerial tramway system and related tourist facilities such as food and beverage service facilities and a gift/film shop.

Description of property: A 1,000 foot by 5,000 foot strip of land extending from the Honoapiilani Highway to and a little beyond the peak of Puu Mahanalua Nui, which is a barren, rocky, hill site located approximately 3-1/2 miles Olowalu side of Lahaina. (See outline on the two maps we delivered to your office on April 16th.)

Petitioner's interest in subject property: To erect a aerial tramway for the purpose of conveying tourists to a point where the splendor of the Hawaiian archipelago, the ocean, the beach, and the mountains can be viewed. This is the only location on the Island of Maui to offer this unique combination of sights all in one view.

Petitioner's reason(s) for requesting special permit: Presently, we believe, the land desired is zoned for agricultural use only and does not permit the operation of a tourist attraction. However, we feel that the tramway industry is necessary for the Island's economy and the location is agreeable to those concerned without infringing on the rights of any of the Island's residents.

Signature(s) Alan P. Kruse
Alan P. Kruse, President

Address: 7th Floor Suite, Aloha Tower,
Honolulu, Hawaii

Telephone: 503-184

This space for official use

The property is situated in a(n) _____ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) _____

For (agency) _____

RECEIVED
APR 25 1963
State of Hawaii
LAND USE COMMISSION

This space for official use

Date Application and Fee
Received by LUC

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee received by LUC _____

April 25, 1963
Reference No. LUC 537

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Signature(s) Alan P. Kruse, President

Address: 7th Floor Suite, Aloha Tower, Honolulu, Hawaii

Telephone: 503-184

This space for official use

The property is situated in a(n) _____ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) _____

_____

For (agency) _____

STATE OF HAWAII
LAND USE COMMISSION

Date Application and Fee
received by LUC

Space for official use

RECEIVED
APR 25 1963
State of Hawaii
LAND USE COMMISSION

APPLICATION FOR SPECIAL PERMIT

Petitioner hereby requests approval of a special permit to use certain property located in the County of _____, Island of _____, Land Use Commission Temporary District Boundary map number and/or name _____

Petitioner's interest in subject property:

Description of property:

Area:

Petitioner's reason(s) for requesting special permit:

Petitioner:

By:

Its:

Address:

Telephone:

Signature(s):

This space for official use.

The foregoing special permit was issued in accordance with the Land Use Commission Rules and Regulations adopted by the Land Use Commission pursuant to Chapter 205, Hawaii Revised Statutes, as amended, subject to the following conditions:

1. The property is situated in a(n) _____ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

2. The use shall be limited to _____ and shall be subject to the following conditions:

3. Unless otherwise authorized, the use shall conform to the applicable district regulations within one year from the date of approval.

4. Other conditions:

Date approved:

For (agency)

Board Chairman

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
MASAO NAGASAKO, MEMBER
RICHARD H. TAYLOR, MEMBER
ROBERT UEOKA, MEMBER

KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
NORMAN SAITO, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, SECRETARY

PLANNING AND TRAFFIC COMMISSION
COUNTY OF MAUI
P. O. BOX 1487
KAHULUI, MAUI, HAWAII

690

May 1, 1963

RECEIVED
MAY 3 1963
State of Hawaii
LAND USE COMMISSION

Mr. Michael Mullahey
Acting Executive Officer
State Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Mullahey:

The Hawaii Aerial Tramway Corporation would like to construct a tramway beyond Olowalu. Will you please determine for us whether the operation is a permissible use in the State Agricultural Zone or not.

Very truly yours,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc: Hawaii Aerial Tramway Corp.

Ref. No. LUC 537

April 19, 1963

Hawaii Aerial Tramway Corporation
7th Floor Suite
Aloha Tower
Honolulu, Hawaii

Attention: Mr. Alan P. Kruse, President

Gentlemen:

In reply to your letter of April 16, 1963 concerning the proposed Aerial Tramway in the Lahaina district, Maui, may I comment as follows.

I have discussed your proposal with the Commission's Deputy Attorney General, Mr. Roy Takeyama, insofar as the use in the State Agricultural district is concerned. We have concluded that your operation is not an allowable use under the Commission's Interim Regulations. However, Act 187 does make provision for the handling of "unusual and reasonable" uses by Special Permit (SECTION 2, Sec. 7).

It is my suggestion that you initiate an application for Special Permit to this office, copies of the forms are enclosed. If I can be of any further assistance, please feel free to contact me.

Very truly yours,

W. M. MULLAHEY
FIELD OFFICER

Enclosures

Hawaii Aerial Tramway
CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU, HAWAII • PHONE 503-184

ALAN P. KRUSE
President

661

April 16, 1963

RECEIVED
APR 16 1963
State of Hawaii
LAND USE COMMISSION

Mr. Edward C. Bryan, Chairman
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Dear Mr. Bryan:

Our corporation has just concluded successful negotiations with Pioneer Mill, Ltd. of Lahaina, Maui for the leasing of lands upon which we wish to build a passenger carrying, sightseeing, gondola, aerial tramway.

We have been in correspondence with Mr. Robert O. Ohata, the Planning Director for the County of Maui, who suggested that we contact you to determine what, if any, permits or use approvals must be secured by the Land Use Commission prior to our being able to commence ordering and erecting our aerial tramway system.

For your convenience, enclosed are two maps showing the location of the aerial tramway system, which is approximately three and a half miles Olowalu side of Lahaina. It is interesting to note, in seeing the site, that we in no way will interfere with existing agricultural, or urban, or conservation land uses. The site which we hope to use, runs from an area now covered with Kiawe groves, across a former quarry, and up a rocky and rather barren hill.

There are no residents within a mile of the site on either side, and the sugar growing areas of Pioneer Mill, Ltd, are considerable distances away from our projected site.

We would be most appreciative for your kokua in granting us the necessary specific land use, if required, so that we may order our equipment and be in operation by the end of this year.

I would appreciate it if you would send a copy of your answer to this letter to Mr. Ohata on Maui, P. O. Box 1487, Kahului.

Sincerely yours,
HAWAII ~~AERIAL~~ TRAMWAY CORPORATION

Alan P. Kruse,
President

APK:nc
Encl: Two maps

463

RECEIVED
APR 12 1963
State of Hawaii
LAND USE COMMISSION

April 11, 1963

Mr. Alan P. Kruse
President
Hawaii Aerial Tramway Corporation
Suite 508
843 Fort Street
Honolulu 13, Hawaii

Dear Mr. Kruse:

The Kaui Planning and Traffic Commission, at its meeting of April 9, 1963, reviewed your proposal to build a tramway in the Lahaina area.

The Commission would like you to meet with the Land Use Commission and have your proposal cleared with them first.

We will be awaiting your reply.

Very truly yours,

ROBERT O. CHATA
Planning Director

cc: State Land Use Commission

Hawaii Aerial Tramway

CORPORATION

7th FLOOR SUITE • ALOHA TOWER • HONOLULU HAWAII • PHONE 503-184

RECEIVED
APR 12 1963
State of Hawaii
LAND USE COMMISSION

ALAN P. KRUSE
President

NEWS RELEASE

For distribution to: The Maui News — April 2, 1963
Advertiser — April 9, 1963
Star-Bulletin — April 9, 1963

For release: Upon receipt

For further information: Contact Norma Collins, phone 503-184
Hawaii Aerial Tramway Corporation

AERIAL SIGHTSEEING TRAMWAY TO BE BUILT NEAR LAHAINA, MAUI

Plans were revealed today for the construction of a passenger carrying, sightseeing, aerial tramway to be built approximately three and one half miles south of Lahaina, Maui and to travel from a point just off the Honoapiilani Highway to a point on the top of Puu Kahanaiua Nui, 3,600 feet of the highway and 809 feet high.

The tramway will be built and operated for the purpose of enabling tourists to gain quick access to a high point in the dramatically rugged and precipitous West Maui Mountains. From this particular upper terminal site of the aerial tramway at Puu Kahanaiua Nui, it is possible to see the islands of Lanai, Kahoolawe, Molokini, and parts of Molokai, Maui, and Oahu, 90 miles away. The site of the aerial tramway overlooks a deep water, deep ocean area, which has gained fame over the last hundred years as a favorite rendezvous of whales.

The aerial tramway itself will be manufactured by the Pohlig-Heckel-Bleichert Manufacturing Company of Cologne, Germany, a fifty year veteran in the engineering and construction of aerial tramway systems.

NEWS RELEASE

The type of system to be used on this site will be known as a "gondola" type of aerial tramway. In this system passengers are transported between the end terminals by four passenger gondola cars which are automatically spaced 350 feet apart on the cable which moves continuously in one direction between the upper and lower terminal stations. (See picture attached.)

The cable which both moves and suspends these gondola cars, is supported by metal towers between 30 to 40 feet high, set between 400 to 600 feet apart, in a straight line from the base terminal to the upper terminal. This cable moves at an average speed of 600 feet per minute. Therefore, a passenger entering a gondola car at the lower terminal arrives at the upper terminal in six minutes. The cable is powered by a complete drive mechanism, which is powered by an electric motor, with a stand-by auxiliary diesel motor available for cut in use in the event of a power failure.

The base station for the aerial tramway, will be located just off the Honoapiilani Highway in an area which is presently a grove of Kiawe trees, and directly across from a very picturesque beach. This station and upper terminal will be designed and landscaped by Honolulu architect, Hideo Kobayashi so as to present buildings and grounds which are so designed to compliment the surrounding landscape and offer a feeling of the concept of "Old Hawaii".

The lands on which the aerial tramway will be built have been leased from American Factors, Ltd., by the Hawaii Aerial Tramway Corporation. A spokesman for the corporation stated, "The location of the aerial tramway on Maui was made largely possible by the perception, vision, and interest in Maui's economy, of long time Mauian, Keith Fester, Manager of Pioneer Mill, Ltd., at Lahaina, Maui. The location of this aerial tramway on Maui will undoubetly enable tourists to more fully appreciate Maui's beauty, and should materially aid in increasing Maui's percentage share of the tourist business coming to Hawaii." "Furthermore," stated a representative of the aerial tramway corporation, "all employees of the aerial tramway operation will be recruited from local Maui residents. With the further expansion of the aerial tramway system to a high point in the West Maui Mountains at

an elevation of 4,200 feet, and the development of food and other facilities at the upper terminal stations, the aerial tramway operation will eventually employ well over fifty persons."

Present plans call for the completion of the first phase of the aerial tramway to Puu Mahenalua Nui by November, 1963. The second phase of the aerial tramway, to an elevation of 4,200 feet is not scheduled for construction at the present time.

The Hawaii Aerial Tramway Corporation is wholly owned by fourth generation kaanaiana family and a majority of funds for the development of the aerial tramway system will be provided by this family. However, a limited amount of convertible debenture bonds may be offered to the residents of Hawaii who have a stake in "tourism in Hawaii".

* * * * * * * * * * *