

MUNOZ, Frank

M

A(T) 62-11

LUC File A(T)- 62-11

Petitioner: Frank & Jessie Munoz County Maui

Date petition and fee
received from County
with recommendation: 7-2-62

Suspense date for LUC action: _____

Publication of hearings

<u>Dates</u>	<u>Newspaper</u>
<u>7-13-62</u>	<u>HONOLULU STAR BULLETIN</u>
<u>7-13-62</u>	<u>HONOLULU ADVERTISER</u>
<u>7-13-62</u>	<u>MAUI NEWS</u>

Hearings

<u>Date</u>	<u>Place(s)</u>	<u>By</u>
<u>6-26-62</u>	<u>Maui County (P&TC)</u>	<u>Maui County Planning and Traffic Commission</u>
<u>8-2-62</u>	<u>Chambers, Maui Board of Sup.</u>	<u>LUC</u>

Actions

<u>Dates</u>	<u>Actions</u>	<u>By</u>
<u>6-26-62</u>	<u>recommended approval</u>	<u>Maui County P&TC</u>
_____	_____	_____
_____	_____	_____

Notes:

7-18-62: field staff inspection: Darnell

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for County or DLNR use

Date Petition and Fee received
by County or DLNR 6/18/62 Low

Date forwarded to LUC
with recommendation 6/27/62 E.S.

Date Petition, Fee and
County/DLNR recommen-
dation received by LUC 7-2-62

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

(~~1~~) (We) hereby request an amendment of Land Use Commission Temporary District Boundary respecting the County of Maui, Island of Maui, map number and/or name M-7 (Maui) to change the district designation of the following described property from its present classification in a(n) agricultural district into a(n) urban district.

Description of property:

The parcel of land delineated in red on the attached map.

Petitioner's interest in subject property:

Petitioners are owners in fee simple as joint tenants in and to the portion of such property as delineated in blue on said map.
Petitioner's reason(s) for requesting boundary change:

See Attachment.

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

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

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

- (a) The land is not usable or adaptable for use according to its present district classification.
- (b) Conditions and trends of development have so changed since adoption of the present classification, that the present classification is unreasonable.

Signature(s) Frank Munoz and Jessie R. Munoz
FRANK MUNOZ and JESSIE R. MUNOZ,
Petitioners

By 2016 01 10 00 00

Address: 1760 Mill Street, Wailuku
Maui, Hawaii

Telephone: 320-2355

Subject:

RECEIVED

Date:

JUL 2 1962

State of Hawaii
LAND USE COMMISSION

Reference:

(a) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(b) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(3) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(4) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(5) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

See Attachment.

Portion of such property as designated in blue on said map.

Portioners are owners to the extent as joint tenants in and to the

Portioners, in and to the extent as joint tenants in and to the

The parcel of land designated in red on the attached map.

Description of property:

(a) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(b) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(c) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(d) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

(e) The Commission is directed to consider the application for a change of use of the land described in the attached map and to report to the Commission.

RELATION FOR THE PURPOSE OF THE LAND USE COMMISSION

Commissioner of Land Use

LAND USE COMMISSION
HONOLULU, HAWAII

DATE

TIME

BY

Commissioner of Land Use
HONOLULU, HAWAII

RECEIVED JUL 2 1962

July 3,

1962

Received from Frank Munoz for Frank

Jessie Munoz

Fifty & no/100

Dollars

100

for public hearing by Land Use Comm.
on petition received 7/2/62

\$

50.00

Respectfully,
Secretary

Made in U. S. A.

ATTACHMENT

The petitioners desire to subdivide and improve their land for residential use.

The property owned by the petitioners as shown on the attached map is located in an area which has been undergoing subdivision development for the past ten years. The land is not good agricultural land that ought to be devoted for such use, nor is it located in a remote area as to constitute an isolated residential development.

LAND USE COMMISSION
State of Hawaii

JUL 8 1985

RECEIVED

100% COTTON FIBER USA

RECEIVED

JUL 2 1962

State of Hawaii
LAND USE COMMISSION

constitute an isolated residential development.
For such use, not is it located in a remote area as to
land is not good agricultural land that ought to be devoted
to agricultural development for the next ten years. The
the attached map is located in an area which has been under-
The property owned by the petitioners as shown on
their land for residential use.

The petitioners desire to subdivide and improve

100% COTTON FIBER USA

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR TEMPORARY DISTRICT
BOUNDARY CHANGE AND APPLICATION FOR SPECIAL
PERMIT WITHIN THE COUNTY OF MAUI, BEFORE THE
LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held by the Land Use Commission of the State of Hawaii in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui, on August 2, 1962 at 8:00 p.m., or as soon thereafter as those interested may be heard, to consider petitions for Temporary District Boundary change and application for Special Permit within the County of Maui as provided for in sections 6 and 7, Act 187, Session Laws of Hawaii 1961. Temporary District Boundary change petitions to be heard are:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
East Maui Irrigation Company	2-8-08: por. 7 (that portion being 1030.00 acres, more or less, bounded by the east pali of Halehaku stream, and Honopou stream; and between the mauka side of Lowrie ditch and the centerline of the New Hamakua Ditch Trail)	Change from a Conservation district to an Agricultural district classification.
Loyalty Enterprises, Limited	2-1-08: 42 (Wailea)	Change from an Agricultural district to an Urban district classification.
Frank and Jessie Munoz	2-3-33: 19,15,16,18 (Pukalani)	Change from an Agricultural district to an Urban district classification.
County of Maui Planning and Traffic Commission	2-3-11: 20,73 2-3-33: parcels 1 through 18 inclusive and 2-3-33: 20,21 (Pukalani)	Change from an Agricultural district to an Urban district classification.

Special Permit Application to be heard is:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
Juichi & Kinu Kurasaki	3-3-01: 45 (Lower Waiehu)	Build and operate a restaurant: specifi- cally, as a Steak House.

Maps showing the areas under consideration for Temporary District Boundary change and the area under consideration for Special Permit and copies of the rules and regulations governing the applications for the above are on file in the offices

of the Maui County Planning and Traffic Commission and the Land Use Commission and are open to the public for inspection during office hours.

All written protests or comments regarding the above petitions for Temporary District Boundary change and the application for Special Permit may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii, before the date of public hearing, or submitted in person at the time of the public hearing or, regarding Temporary District Boundary change petitions only, up to fifteen (15) days following this public hearing.

LAND USE COMMISSION

E. C. Bryan, Chairman
E. C. BRYAN

R. J. Darnell, Executive Officer
R. J. DARNELL

(Legal ad - 2 cols. w/border)
(To appear on July 13, 1962)
(HONOLULU ADVERTISER)
(HONOLULU STAR-BULLETIN)
(MAUI NEWS)

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

October 2, 1962

Mr. Frank R. Munoz

1760 Mill Street

Wailuku, Maui, Hawaii

Dear Sir:

With reference to your petition (LUC File A(T) 62-11) to reclassify that property
described as Second Division 2-3-33: 15, 16, 18, 19, from a Temporary Agricultural District
to a Temporary Urban District, may I inform you of the following:

A public hearing was held on this matter by the Land Use Commission of
the State of Hawaii in the Chambers of the Maui County Board of Supervisors,
Wailuku, Maui, Hawaii, at 8:00 p.m., August 2, 1962.
Notice of the hearing appeared in the Honolulu Advertiser, on July
13, 1962; and in the Maui News, on July 13, 1962.

The Land Use Commission, at its meeting in the Chambers of the Maui County
Board of Supervisors, beginning at 8:30 a.m., September 19, 1962,
amended Temporary District Boundary map M-7 (Paia)

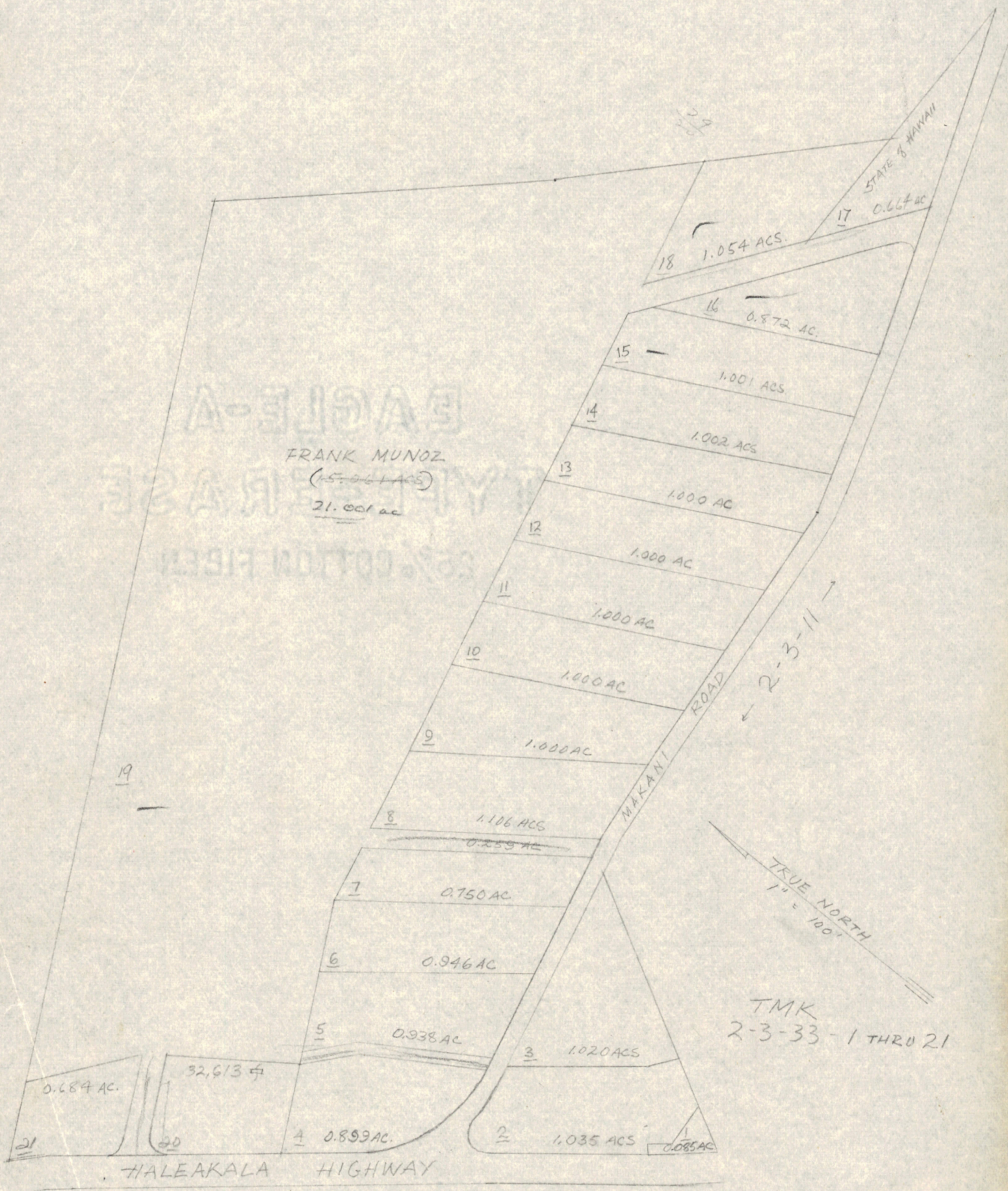
as follows:

To include all of the area described in petition A(T) 62-11 in the
Temporary Urban district.

Very truly yours

R. J. DARNELL
EXECUTIVE OFFICER

FRANK MUNOZ
(15.061 ACS)
21.001 ac



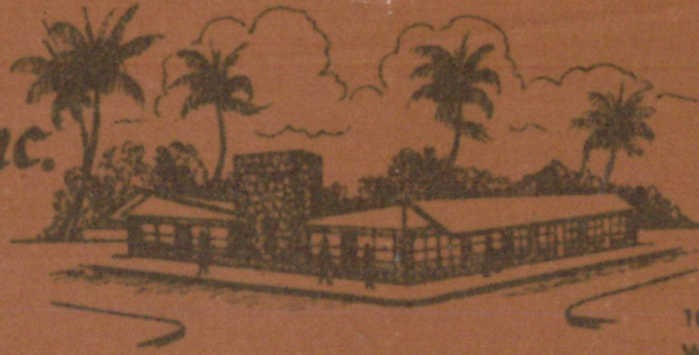


TMK 2-3-11-20 + 73

15 days

Maui Realty Company, Inc.

• Insurance • Real Estate • Property Management



P. O. BOX C
PHONE 33-925

100 WELLS-KANOA BLDG.
WAILUKU, MAUI, HAWAII

August 6, 1962

RECEIVED

AUG 8 1962

State of Hawaii
LAND USE COMMISSION

Mr. Ed Bryan, Chairman
and Members of the State Land Use Commission
Iolani Palace
Honolulu, Hawaii

Gentlemen:

Re: County of Maui and Mr. & Mrs.
Frank MUNOZ's Application for a
Change of Classification of those
Pukalani Lands discussed at your
Commission's Public Hearing on
Maui on 3 August 1962

In line with the very brief testimony urging granting of the Change of Classification for the captioned application which this writer offered the other evening, I would like to submit the following additional data in further support of granting the applicants' request:

1. Subject lands are situated within an area that is already greatly urbanized with utilities such as water, electricity and telephone available along the Haleakala Highway (access permitted) that they border.
2. With the HC&S Co., Ltd. already carrying out their announced plan to abandon their more than 3000 company-owned houses in 25 separate localities, a new market has been created for residential properties stretching from Kahului to Haiku to Olinda to Kula and to Kihei. Outside of Kahului Development Company's planned subdivision around Kahului, the greatest urbanization move has been towards Kihei and the up-country districts of Pukalani, Makawao and Kula.
3. There is the original Pukalani Subdivision, about 140 one-half acre houselots, directly across the Haleakala Highway from Munoz's lands which already has been included in your proposed Urban Area.

Your Satisfaction Is Our Success

4. That most of the lands mauka of Munoz's lands up to the Pukalani Superette junction are already in urban usage - both land use wise, as well as to parcel sizes.
5. That if the unpublicized proposed sales of Munoz's 16 lots recently are an indication of the public demands there for 10-12,000 sqft. lots, we are safe in saying that an additional 100-200 more houselots in the area could be marketed quite readily.

Respectfully submitted,

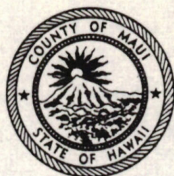
MAUI REALTY COMPANY, INC.

Donald H. Tokunaga
Manager

DHT/smk

cc: Maui County Traffic & Planning Commission
Mr. Frank Munoz

G. N. TOSHI ENOMOTO
County Clerk



OFFICE OF
COUNTY CLERK
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII
August 6, 1962

222
BONIFACE ESPINDA
Deputy County Clerk

RECEIVED
AUG 7 1962
State of Hawaii
LAND USE COMMISSION

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

Reference is made to your letters dated July 10 (LUC 72) and July 12, 1962, (LUC 81) requesting recommendations from the Maui Board of Supervisors on certain petitions and applications before your Commission.

Enclosed is a copy of Committee Report No. 135, from the Public Works Committee, recommending approval of the applications of Juichi Kurasaki, East Maui Irrigation Co., Ltd., Loyalty Enterprises, Ltd., and Frank Munoz.

The foregoing report was adopted by the Maui County Board of Supervisors on August 3, 1962.

Very truly yours,

/lye

enc.

cc: Maui Planning & Traffic Commission

Bonifacio Espinda
BONIFACE ESPINDA
Deputy County Clerk

August 3, 1962

Honorable Chairman & Members
of the Board of Supervisors
County of Maui

Gentlemen:

The Public Works Committee has considered General Comm. No. 339 and General Comm. No. 340 from the State Land Use Commission regarding the following applications:

1. Juichi Kurasaki - Application for Special Permit to establish and operate a restaurant near Waiehu.
2. EMICo.Ltd. - Application for Temporary District Boundary change from a Conservation District to an Agricultural District designation.
3. Loyalty Enterprises, Ltd. - Application for Temporary District Boundary change from an Agricultural District to an Urban District designation, at Wailea.
4. Frank Munoz - Application for Temporary District Boundary change from an Agricultural District to an Urban District designation in Pukalani.

This committee concurs with the Maui Planning & Traffic Commission and recommends approval of the foregoing applications.

Adoption of this report is respectfully requested.

Very truly yours,

PUBLIC WORKS COMMITTEE

Public Works Comm.

-2-

August 3, 1962

SOON OAK LEE, Vice-Chmn.

HARRY KOBAYASHI, Chairman

RICHARD CALDITO, Member

LANNY MORISAKI, Member

/mkw

TOSHI AWSAI, Member

G. N. TOSHI ENOMOTO
County Clerk



OFFICE OF
COUNTY CLERK
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

July 24, 1962

REF. YOUR
LTR. NO.: LUC 72

BONIFACE ESPINDA
Deputy County Clerk

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Darnell:

Please be advised that your letter of July 10, 1962, regarding applications from Juichi Kurasaki, East Maui Irrigation Company, Loyalty Enterprises, Ltd., and Frank Munoz, was presented to the Maui County Board of Supervisors on July 20, 1962, and referred to the Public Works Committee for its attention.

Please rest assured you will be notified of any subsequent action taken by the Board in connection with your letter.

Very truly yours,

G. N. TOSHI ENOMOTO
County Clerk

/lye

RECEIVED

JUL 26 1962

State of Hawaii
LAND USE COMMISSION

G. N. TOSHI ENOMOTO
County Clerk



BONIFACE ESPINDA
Deputy County Clerk

OFFICE OF
COUNTY CLERK

COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

July 24, 1962

REF. YOUR
LTR. NO.: LUC 81

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Darnell:

Thank you for your letter of July 12, 1962,
regarding a petition for temporary boundary change by
the County of Maui Planning and Traffic Commission,
and an amendment to the Petition of Mr. Frank Munoz.

Your letter was presented to the Maui County Board
of Supervisors on July 20, 1962, and referred to the
Public Works Committee for its attention.

Very truly yours,

G. N. TOSHI ENOMOTO
County Clerk

/lye

RECEIVED

JUL 26 1962

State of Hawaii
LAND USE COMMISSION

June 27, 1962

Mr. Edward C. Bryan
Chairman
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Bryan:

The Maui Planning and Traffic Commission, at its meeting of June 26, 1962, voted to recommend approval of the following matters before your Commission:

1. Special Permit to Mr. and Mrs. Joichi Kurasaki of Lower Waiehu, Maui, Hawaii, to construct an eating establishment at Lower Waiehu.
2. Amendment to Temporary District Boundary from Clarence T. C. Ching, executive vice president of Loyalty Enterprises, Ltd., 32 Merchant Street, Honolulu, for designation from agricultural to urban of approximately 650 acres at Wailea, Maui. Check and petition is attached herewith.
3. Amendment to Temporary District Boundary from Mr. and Mrs. Frank Munoz of 1750 Mill Street, Wailuku, Maui, for designation from agricultural district to urban district of approximately 36 acres on Haleakala Highway, Pukalani. Check and petition is attached herewith.

The Commission, in recommending this approval, recommends further that the area between the Munoz subdivision and the present urban boundary be made contiguous. Please advise this

Mr. Edward C. Bryan, Page Two

6/27/62

office whether a special petition shall be filed by this office requesting the amendment.

Very truly yours, .

ROBERT O. OHATA
Planning Director

cc Mr. & Mrs. Joichi Kurasaki
cc Mr. Clarence T. C. Ching
cc Mr. & Mrs. Frank Munoz

Ref. No. LUC 83

July 12, 1962

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

Attention: Mr. Robert Ohata, Director

Subject: Amendment to Petition for Temporary District Boundary
Change of Frank and Jessie Munoz, Pukalani, Maui, Hawaii

Gentlemen:

Your Commission, on July 26, 1962, recommended that the Land Use Commission approve the petition of Frank and Jessie Munoz for a Temporary District Boundary change of some thirty-six acres, more or less, in Pukalani.

Mr. Munoz, through his attorney Thomas Ogata, has amended his petition to reduce the area from thirty six acres, more or less, to an area 23.928 acres, more or less. The amended description of the property now reads: Second Division Tax Map Key 2-3-33: 19,15,16,18.

The Land Use Commission will appreciate any additional written comments your Commission may have in this matter.

Very truly yours,

R. J. DARNELL
Executive Officer

WM:ak

July 12, 1962

The Honorable Members of the
Board of Supervisors
County of Maui
Wailuku, Maui, Hawaii

Attention: The Honorable Eddie Tam, Chairman
and Executive Officer

Subject: Petition to the Land Use Commission for Temporary
Boundary Change by the County of Maui Planning and
Traffic Commission, and an Amendment to the Petition
of Mr. Frank Munoz

Gentlemen:

I have been asked by my Commission to obtain your recommendations and comments on matters pending before the Land Use Commission from the County of Maui. This office has received an amendment to the petition of Mr. Frank Munoz, Pukalani, forwarded to your Board July 10, 1962, to wit: area now requested for a change of designation is Second Division Tax Map Key 2-3-33: 19,15,16,18.

We have received a petition from the Maui County Planning and Traffic Commission requesting that the designation of the area between the Munoz petition and the existing Urban boundary at Pukalani be changed from its present classification of Agricultural, to Urban. A description of the subject area follows: Second Division Tax Map Key 2-3-11: 20 & 73 and 2-3-33: 1 through 18, inclusive, and 2-3-33: 20 & 21.

Public hearing for the Maui items noted in our letter to you of July 10, 1962, and the enclosed petition from the Maui County Planning and Traffic Commission has been set for August 2, 1962 at 8:00 p.m. in your Board Chambers.

The Land Use Commission will appreciate receiving your written recommendations prior to the public hearing.

Very truly yours,

R. J. DARNELL
Executive Officer

Therms 2cc
TDB + Sign

Ref. No. LUC 72

July 10, 1962

The Honorable Members of the
Board of Supervisors
County of Maui
County Building
Wailuku, Maui, Hawaii

Attention: The Honorable Eddie Tam, Chairman

Gentlemen:

The State Land Use Commission has requested me to obtain your recommendations and comments on the below listed applications now pending before the Commission:

Juichi Kurasaki

Application for Special Permit
to establish and operate a
restaurant near Waiehu.

East Maui Irrigation Company

Application for Temporary
District Boundary change from
a Conservation district to an
Agricultural district designa-
tion.

Loyalty Enterprises, Ltd.

Application for Temporary
District Boundary change from
an Agricultural district to an
Urban district designation.
(Wailea)

Frank Munoz

Application for Temporary
District Boundary change from
an Agricultural district to an
Urban district designation.
(Pukalani)

The Maui County Planning and Traffic Commission has studied and has recommended approval of these applications.

The Honorable Members of the
Board of Supervisors

Page 2

July 10, 1962

Enclosed are the applications and supporting data that have been filed with this office. The Land Use Commission will appreciate receiving your written comments and recommendations prior to the public hearing, which is being scheduled for August 2, 1962, in Wailuku.

Very truly yours,

R. J. DARNELL
Executive Officer

Enclosures
WM:ak

July 9, 1962

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

Dear Mr. Ohata:

I am requesting clarification on the application for Temporary Boundary Change filed before your Commission by Frank and Jessie R. Munoz and subsequently forwarded with recommendation for approval to our office on June 27, 1962.

The part of the application in question is the area delineation, namely the 21.001 acres designated as owned by the petitioners on the map attached to the application, and the 36.184 acres requested by them for change of designation within the same petition; and the letter from the Maui County Planning and Traffic Commission to the Land Use Commission, recommending approval of the larger area.

It is my understanding, from our tax map (dated April 1961), that Mr. & Mrs. Munoz own, in fact, 30.610 acres of contiguous land in this area.

I should like to call your attention to Section 6, Act 187, SLH 1961 which deals with "Amendments to district boundaries" and reads, in part, as follows:

".....Any department or agency of the State or county, or any property owner or lessee through the county planning commission may petition the commission for a change in the boundary of any district....." (emphasis added)

Since the petitioner by his own admission does not own all of the land requested for a change of designation it would appear that his application may be invalid because of a lack of interest in the land.

Mr. Robert Ohata, Director
Page 2
July 9, 1962

I have initiated a separate request to the petitioner requesting clarification of the area.

The Land Use Commission has indicated a desire to consider this petition in their hearing on Maui on August 2, 1962.

Your immediate attention to this matter is requested.

Very truly yours,

R. J. DARNELL
Executive Officer

cc: Mr. and Mrs. Frank R. Munoz
WM:ak

July 5, 1962

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

Dear Mr. Ohata:

With reference to your letter of June 27, 1962, addressed to Mr. Bryan, Chairman of this Commission, may I make the following observations.

The Land Use Commission, in order to zone the area between the Munoz subdivision and the present temporary urban boundary of Pukalani on its own volition, would have to pass a resolution of intention to place the subject property into an urban district; and then refer the matter to your Planning Commission for its comments and recommendations. Subsequent to receipt of these, the Land Use Commission could set a hearing on the matter. The Commission's next meeting is set for July 24, 1962.

Since this is a recommendation of the County of Maui, it would seem more appropriate, as well as less time-consuming, for the County to make out and file with this Commission a petition for amendment for the district boundary, and to send with it the County's comments and recommendations. Of course, no filing fee is necessary in such a case. I would urge that the County act on this as soon as possible, since it may be that the subject item may be set for hearing on August 2, at the same time as the Munoz item.

Very truly yours,

R. J. DARNELL
Executive Officer

RJD:ak

STATE OF HAWAII
DEPARTMENT OF PLANNING & RESEARCH
HONOLULU, HAWAII
MEMORANDUM

Date 7-10-62

To FLS.

From WMM

Subject Munoz item, area clarification

Phene call to Frank Munoz this morning regarding clarification of the area being petitioned, reply expected tomorrow's mail allowing us to advertise on Friday.

OGATA & UEOKA
Attorneys at Law
Wailuku, Maui, Hawaii

RECEIVED

JUL 11 1962

State of Hawaii
LAND USE COMMISSION

LYC 60

July 11, 1962

Land Use Commission
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Reference is made to petition A (T) 62-11, heretofore filed with your Commission by Frank Munoz and Jessie R. Munoz, of Wailuku, Maui, requesting the modification of the temporary district boundaries concerning land situate in Pukalani, Maui.

It is the desire and wish of the petitioners to amend the description of the property to be covered by the petition by withdrawing the map attached to the same and by substituting in lieu thereof the enclosed map, showing in red the area to be considered by the Commission in connection with such petition.

On behalf of the petitioners, we respectfully ask that the amendment with respect to the description be granted.

Very truly yours,

OGATA & UEOKA

By Thomas S. Ogata

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

March 16, 1962

Public Works Committee
Board of Supervisors
County of Maui
Wailuku, Maui, Hawaii

Gentlemen:

SUBDIVISION APPROVAL

Pursuant to Section 1(a) of Ordinance No. 306, the following request for subdivision approval has been reviewed regarding zoning and master plan ordinances, and comments follow:

SUBDIVISION OF PUKALANI PLACE, KAUAAU, KULA, MAUI, HAWAII, TAX MAP KEY 2-3-033-019.

This subdivision conforms to the Interim Zoning Ordinance.

Very truly yours,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc County Engineer
✓ cc Mr. Frank Munoz

April - 20th #

BOARD OF WATER SUPPLY
COUNTY OF MAUI



P. O. BOX 547
KAHULUI, MAUI, HAWAII

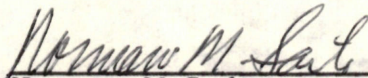
March 29, 1962

Mr. Frank Munoz
P. O. Box 874
Wailuku, Maui

Dear Mr. Munoz:

Your preliminary sketch covering the proposed "Pukalani Place Subdivision" at Kauau, Kula, Maui, Tax Key 2-3-033-019 is hereby approved by the Board of Water Supply, subject to the requirements of Ordinance No. 285.

Sincerely,


Norman M. Saito
Manager and Chief Engineer

SH/fu

cc County Engineer
cc Planning Director
cc Public Works Committee

Ref. No. LUC 159

September 5, 1962

Mr. and Mrs. Frank Munoz
1760 Mill Street
Wailuku, Maui, Hawaii

Dear Mr. and Mrs. Munoz:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Maui on September 19, 1962 in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui, from 8:30 a.m. to 10:00 a.m.

As the 45-day waiting period prescribed by SECTION 2, Sec. 6 of Act 187 will have expired, your petition for change of Temporary District Boundary has been placed on the Commission's agenda for consideration at this meeting; and final action may be taken at that time.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

WM:ak

Ref. No. LUC 91

July 12, 1962

Mr. and Mrs. Frank Munoz
1760 Mill Street
Wailuku, Maui, Hawaii

Dear Mr. and Mrs. Munoz:

This is to inform you of a public hearing to be held by the Land Use Commission of the State of Hawaii on August 2, 1962 at 8:00 p.m. in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui. Your petition for Temporary District Boundary change will be heard at this time.

Legal Notice will appear on July 13, 1962 in the Honolulu Advertiser, Honolulu Star-Bulletin, and the Maui News.

Very truly yours,

R. J. DARNELL
Executive Officer

cc: Mr. Thomas S. Ogata
Wailuku, Maui, Hawaii

WM:ak

Ref. No. LUC 61

July 5, 1962

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

Dear Mr. Ohata:

With respect to processing of the following items, which the Land Use Commission wishes to hear on August 2, 1962, I wish to discuss these items with you; and will arrive on Maui with Mike Mullahey on Aloha Airlines, Flight 765, at 3:40 p.m., July 23, 1962.

Juichi Kurasaki (Waiehu)
Frank Munoz (Pukalani)
East Maui Irrigation Company (Above Kakipi Gulch)
Loyalty Enterprises, Ltd. (Wailea)

Since I have already made inspections of the latter two sites, I would like also to inspect the Kurasaki and Munoz items with you on the 23rd.

We expect to leave Maui for Oahu at 7:20 p.m. that same day. I would appreciate hearing from you, as to whether you will be able to meet with us and accompany us to Waiehu and Pukalani. I also trust that you will encounter no difficulty in arranging for the Commission's public hearing at Iao Elementary School at 8:00 p.m., for Thursday, August 2, 1962.

Very truly yours,

R. J. DARNELL
Executive Officer

RJD:ak

LAND USE COMMISSION

PUBLIC HEARING

Maui Board of Supervisors Chambers

Wailuku, Maui

August 2, 1962

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne Gregg
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Absent:

Yuichi Ige

Ex-Officio Members

Absent:

F. Lombardi
E. H. Cook

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer
Arthur Fong, Legal Counsel
Philip T. Chun, Department of Planning and Research
Alberta L. Kai

Chairman Bryan called the public hearing to order at 8:00 p.m. in the Chambers of the Maui County Board of Supervisors. He gave a brief summary outlining the procedures to be followed during and after the hearing.

Chairman Bryan announced that this public hearing was being held in accordance with notices published in the Honolulu Advertiser, Honolulu Star-Bulletin, and Maui News on July 13, 1962.

He stated that the matters for consideration were the petition of East Maui Irrigation Company requesting change from a Conservation to an Agricultural district classification; petition of Loyalty Enterprises, Limited, Frank and Jessie Munoz, and the County of Maui Planning and Traffic Commission, all three of whom request change from Agricultural to Urban district classification; and the application of Juichi and Kinu Kurasaki for a special permit to build and operate a restaurant, specifically a steak house, in an area which at present is in an Agricultural classification. These notices were made a part of the record.

After an affirmative answer from the XO that the applicants, Board of Supervisors, City Council, and Maui County Planning and Traffic Commission had been notified of the hearing by letter, the Chairman requested that those letters be made a part of the record.

APPLICATION FOR SPECIAL PERMIT OF JUICHI AND KINU KURASAKI TO ESTABLISH AND OPERATE A RESTAURANT: SPECIFICALLY A STEAK HOUSE, ON PROPERTY LOCATED NEAR WAIIEHU: Described as TMK 3-3-01: 45 (0.976 acre).

Chairman Bryan requested that the XO describe this particular property. The XO gave a general description of the property, located in Lower Waiehu, and showing its location on the map. He stated also that it is on a new road, an escape road.

The Chairman asked if there was anyone in the audience representing the applicant or whether the applicant himself was present.

Mrs. Kimiko, after being sworn in by Chairman Bryan, explained that she was Mrs. Kurasaki's sister; and that the petitioners were requesting a special permit to put up an eating establishment in Waiehu as stated in a letter which accompanied the special permit application to the Land Use Commission. The Chairman requested the XO to read the letter referred to and this was done.

The XO was sworn in and proceeded to read letters received from County officials. Maui County Planning and Traffic Commission recommended approval for establishment of the restaurant as requested by Mr. and Mrs. Kurasaki. The Board of Supervisors' letter stated that the matter had been referred to the County Public Works Committee and the Land Use Commission would be notified of any subsequent action taken by the Board.

Supervisor Harry Kobayashi, Chairman of the Public Works Committee (not sworn in) explained that the Board did not have sufficient time to meet on the matter, but that the Public Works Committee met on July 31 and action would be taken by the Board of Supervisors on August 3, 1962. He stated that the Public Works Committee members had no objection to the request made by the applicant and they (the Committee) would concur with the Planning and Traffic Commission's recommendation.

Chairman Bryan asked if it was the intention of the Board to confirm this in writing within the next 15 days, and Supervisor Kobayashi replied in the affirmative.

The XO requested information of the County Planning Director or of Supervisor Kobayashi, stating that this property is serviced by what is known as an "escape road"; and he was of the understanding that this road was put in because the area is subject to tsunami or flood damage; that this area is flooded as often as any area on the Windward side of the isthmus of Maui is flooded. He expressed concern with flood conditions or tidal wave conditions on this piece of property and asked if they had special knowledge of the situation. He was answered that the road was not designed to take care of flood conditions as such, and that an escape road is in event of tsunami. The XO stated that he was trying to find out if the property itself is subject to any damage. These are things he did not know and might not be able to find out.

The XO gave the staff recommendation for disapproval of a steak house or restaurant in this location, because of potential danger from tsunami or flooding and because of its distance from any other existing urban area. This would be a recommendation

for denial without prejudice, pending the final determination of the Urban boundaries next year. The Chairman noted that the staff report was given orally.

Chairman Bryan asked if anyone in the audience would like to be heard.

Mr. Robert Ohata, Director of Planning of the County of Maui was sworn in. He stated that he gathered from the staff's recommendation against approval, that it was based on the fact that this is an area remote and possibly subject to tsunamis. He stated that his Commission felt that the remoteness should not be a consideration in the case because this is one isolated development in a vast area where there is little or no development. He stated that the usual planning procedures or planning criteria cannot be applied in this case, and pointed out an example, i.e., the area southwest of California is desert land. Should anyone want to open an eating establishment it would not be detrimental to close urban areas. He then took the second reason of the staff's recommendation, which was the possibility of damage by tsunami. He agreed that this area is in a danger zone, but pointed out that homes are permitted in this area, adding that people in an eating establishment could be alerted and easily evacuated. He recommended consideration of the fact that the property's being in the tsunami danger zone should not enter into the picture.

Mrs. Kimiko pointed out that the new road was built due to the fact that the original road was too near the beach area and too far from the original road built there. She also stated that a parking area would be built which would not prove hazardous, should the escape road be utilized if there were danger of tsunami.

Mr. Frank Souza was sworn in by the Chairman. Mr. Souza stated that he was a resident of the area in which Mrs. Kurasaki is planning the steak house. He plans to build homes in this area for rental purposes and he felt that if an eating establishment should be granted in this area it would create a lot of problems: (1) a lot of noise blaring from music boxes, cars, etc.; and (2) the escape road would be jammed with cars and that the possibility of escape in case of a tsunami would be hazardous.

Mrs. Kimiko stated that Mrs. Kurasaki will build ample parking space for their customers so that there will be no hazard to the main road. She also stated that the highway is just a few hundred feet away, and she didn't think it would have any effect on the problem of escape. Then too, wouldn't the State provide ample warning should there be danger of tsunami?

Mr. Souza suggested that the Commission go down to see the road, and the Chairman answered that the Commission had already inspected the property.

Commissioner Sunn asked the XO if it is a generally accepted practice for variances to be granted for isolated instances such as a request for an eating establishment, filling station, in isolated areas without consideration? Does this mean that if you grant such a variance that anyone, any place, could ask for such a thing on the basis that they can actually process such a request to fulfillment, which should be granted?

The XO stated that his recommendation for denial was categorical. Anyone in the very close vicinity, with a similar set of circumstances, could logically ask for exactly the same thing or something quite similar to what Mr. and Mrs. Kurasaki have asked, if such a request is granted.

Commissioner Sunn then asked Mr. Ohata if the Maui Planning Commission considers the establishment of a precedent by granting such a request?

Mr. Ohata replied that the Maui Planning Commission looks at each application as it comes up. Because one establishment is approved in one area, doesn't necessarily mean that the Commission will use that as a precedent and approve a dozen more similar uses. He stated that his Commission reserves the right of approval or denial, depending on the standard planning studies that ought to be made before a decision is rendered.

The XO stated that, in planning law and policy used all over the United States, an applicant is required to prove three things for approval of a variance:

1. That conditions pertaining to the particular property are unusual or different from those on all the property around it.
2. That the applicant has a hardship, in that if he cannot have the requested use, he cannot make reasonable use of his property.
3. That the use requested would not have a detrimental effect upon anything else in the neighborhood.

He also pointed out that Act 187 states that certain unusual and reasonable uses may be allowed in an Agricultural district by special permit; and that he should have stated in the recommendation of the staff that he ~~did~~ not think this is a particularly unusual use that is entirely reasonable to be made of this piece of property.

Supervisor Kobayashi posed the following questions: Is not this Law that governs the Commission labeled the Greenbelt Law; and does it not give you jurisdiction to determine whether the land use shall be Urban, Conservation, or Agricultural? The area now in question has been zoned Agricultural: What do you know about this area; what is so Agricultural about this area; what is the Agricultural use at present?

Chairman Bryan briefly stated the following to Supervisor Kobayashi:

1. That this particular area is not an Urban area. It is not so considered an Urban area by the Commission who drew the lines between the Agriculture and Urban areas.
2. At present the land is in an Agriculture use. The family has been attempting to grow truck crops in this area but has not been successful and they have come before this Commission requesting to put this land into some other use.
3. This is the reason why it is classified as an Agriculture use and not Conservation.

Supervisor Kobayashi stated that he did not think the staff is in any position at this time to come up with recommendations except to present the case to the Commission and have the Commission make its decision on the merit of the presentation.

Chairman Bryan referred Supervisor Kobayashi to Act 103 of the Legislature which provides procedures for all public hearings of the State, Boards, and Commissions. Further, no Commissioner knows beforehand what the staff recommendation will be, in order that the applicant and everyone else at the hearing can have full benefit of any information presented. Any judgment as to whether the staff has the right, rests with the Commissioners. The Commission would like to receive any arguments or facts in the way of information pertinent to this hearing and hopes to give a ruling on this matter within a period of 15 or 20 days.

Supervisor Kobayashi added that in the future, all information would be given to the Commission either in writing or verbally. This being their first hearing, he would like to be able to ask questions to clarify exactly what kind of information should be presented.

Mr. Chun directed a question to Mr. Ohata regarding the petition as to whether or not it met satisfactorily the requirements of access, sanitation, County regulations, and other facilities. Mr. Ohata replied in the affirmative, stating that not too far away the County of Maui has a golf course and there is an establishment there that caters to the public and it has been approved by the Department of Health as being sufficiently sanitary.

The XO stated that he would like to clarify his recommendation for denial without prejudice for the reason that the Urban areas to be added to the Temporary Urban areas, are in study at present. These will be based by the Land Use Commission on enlargement of Urban areas to take care of urban pressure; on the existence of government-supplied facilities, utilities and roadways that service existing areas. The "without prejudice" part of the recommendation meant that the property may be in an Urban area after the study has been completed; and whether it may or may not he did not know.

The Chairman pointed out to Supervisor Kobayashi that in a request for Special Permit the Commission often ask for more detail than they would in a request for moving of a line or zoning an area for Urban, Agriculture, or Conservation; the reason being that a Special Permit is for a specific use, but where an area is put in an Urban zone, then it becomes a matter for the County to administer.

Supervisor Kobayashi stated that it is then this Commission's responsibility procedure to maintain the Agriculture areas in existence suitable for Agriculture.

Chairman Bryan agreed, stating within certain limitations, that is the intent of the Law.

The Chairman informed Mrs. Kurasaki that the Commission will meet on August 21 and 22, and on one of these days Commission will try to make a final determination of your request and will send her a notice immediately.

Mrs. Kimiko requested if notification of meeting would be made to Mrs. Kurasaki. Chairman requested secretary to notify Mrs. Kurasaki by letter of Commission's meeting and to put matter on agenda.

The public hearing closed in the matter of Mr. and Mrs. Kurasaki.

PETITION OF EAST MAUI IRRIGATION COMPANY FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM CONSERVATION TO AGRICULTURAL CLASSIFICATION, PROPERTY LOCATED IN THE HALEHAKU AREA, MAUI: Described as TMK 2-8-08, Por. 7 (1030 acres).

Chairman Bryan requested the XO to point out area involved in this petition.

The XO pointed out the location of the area on a map and gave a general description of the property.

The Chairman asked if there were someone in the audience representing East Maui Irrigation Company.

Mr. Robert Bruce was sworn in and introduced himself as manager of the East Maui Irrigation Company. Mr. Bruce read and presented a copy of a letter to each member of the Commission which he had prepared stating the reasons for the petitioner's request for a change of boundary.

Mr. Bruce stated that East Maui Irrigation Company delivers on an average of 180 million gallons of water a day to the Isthmus of Maui for the irrigation of sugar cane; and that it is the Isthmus area, where the pumping is carried on, that East Maui Irrigation is interested in for recharging. East Maui Irrigation would like to collect the water from the watershed for this purpose. Mr. Bruce brought out that it was the intent of Act 187 to protect and benefit our agricultural enterprises in the State; and he felt that the change East Maui Irrigation Company is requesting would accomplish this purpose.

Before presenting the staff report, the XO read communications received from the County of Maui Planning and Traffic Commission and the Board of Supervisors of Maui.

1. Letter from the Maui Planning and Traffic Commission recommending approval of the change of boundary, and requesting that the Commission notify the Maui Planning and Traffic Commission of any hearing and action taken on the petition.
2. Letter from the Maui Board stating that the matter had been referred to the Public Works Committee for its attention.

The XO presented the staff report, stating that the argument presented by Mr. Bruce in some ways states the partial reason for the area being in Conservation designation. The XO did not see why the use proposed by East Maui Irrigation Company could not be allowed in the Conservation District if it is a proper use. He stated that,

although the staff was reluctant to recommend a change, during the interim period, in the Conservation district, in the absence of a communication to the contrary from the Department of Land and Natural Resources (who presently has the control of land use in this area), the staff would recommend approval of the petition for a change of boundary.

The Chairman requested that letters presented in behalf of county officials and the applicant be made part of the record.

Mr. Chun questioned the XO as to when the inquiry was made to the Department of Land and Natural Resources concerning any comment they may have in respect to this application.

The XO replied that the subject in question has been before the Land and Natural Resources and discussed between the Department, the petitioner and the Land Use Commission staff on numerous occasions; and that the petition was held up by the petitioner himself, after the application had been recommended for approval by the Maui Planning Commission, and had been sent to the Land Use Commission on the basis that numerous conversations were being held. The last time the Land and Natural Resources had been heard from on this particular matter was this morning by telephone.

Commissioner Sunn then stated that his understanding, from what the XO has stated, is that there was no official communication made to the Department of Land and Natural Resources. The XO replied that a letter was sent to them which was dated July 11. No official reply has been received, however.

Commissioner Sunn questioned whether the letter submitted to the Board of Supervisors on Maui was sent the same day the Land and Natural Resources' letter was sent. The XO replied that the letter sent to the Board of Supervisors was dated July 10.

Chairman Bryan stated, for the benefit of government organizations that might be present at the hearing, that on receipt of any application, the Land Use Commission staff has been instructed to request the recommendations and comments from the County Planning and Traffic Commissions, the County Board of Supervisors or in the case of Oahu, the City Council, and any governmental body which might be interested in the particular case. The Commission usually has a reply prior to the hearing, but at times the Commission does not receive any reply until sometime during the 15-day period after the hearing.

Commissioner Sunn questioned Supervisor Kobayashi as to whether his Public Works Committee had met on this matter. Supervisor Kobayashi replied that on July 31st the Public Works Committee met and unanimously agreed, without objections, concurring with the recommendations of the Planning Commission; and that an official Board action report would be submitted to the Land Use Commission some time next week.

Commissioner Sunn raised a question as to whether it would be worth the Commission's while to query the Soil Conservation Service as to their views on the matter.

Mr. Bruce replied that he didn't believe that this was part of the Soil Conservation district at this time but it is their intention, of which the Soil Conservation has been informed, that if East Maui Irrigation Company felt the area should be added

to the Soil Conservation district, they would comply with it.

Mr. Chun questioned Mr. Bruce, stating that, as he understood the petition, the purpose of East Maui Irrigation Company in applying for redistricting of this parcel of land, is to convert this pasture for the purpose of capturing surface water. Within the Conservation District, and pursuant to the Act 234 of the 1957 Session of the Legislature, pasturing is one of the purposes permissible within the Conservation District. Had an application been made to the Land and Natural Resources for this use within the forest reserve zone?

Mr. Bruce replied, stating that that was the main reason for withholding this petition. East Maui Irrigation Company have explored that personally; have met with the Division of Forestry, who are handling this subzoning, and who have had a hearing on Maui; and have explored the matter with this particular lessee, who does not wish to operate on Conservation district subzoning which is liable to change. He felt definitely that, if it is agreed that Agricultural use is the best use for this land, it should be in an Agricultural district.

Mr. Chun stated that he assumed there is nothing in the record that may seem to be in disagreement to total use for pasture purposes within the Division of Forestry.

Mr. Bruce replied that he didn't think the forestry people objected to the purpose of the use, but that they would prefer this subzoning (under Act 234), while East Maui Irrigation Company wants Agricultural zoning for an Agricultural use.

Chairman Bryan asked if there were anyone present who wished to speak for or against, or to make any comments.

The Chairman informed Mr. Bruce that the Commission is required to wait 15 days for any further comments that might come to the Commission in writing. In addition to that, the Commission would have to wait another 30 days before giving an answer, which makes a total of 45 days. The Commission intends to have a meeting on Tuesday, September 18; and at this time that meeting is scheduled for Honolulu, and at that time either Tuesday the 18th or Wednesday the 19th, the Commission will reach a final determination, if possible.

The Chairman requested that the secretary notify Mr. Bruce of the time and place of this meeting.

The public hearing was closed on East Maui Irrigation Company's petition.

PETITION OF LOYALTY ENTERPRISES, LIMITED, FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE WAILEA AREA, MAUI: Described as TMK 2-1-08: 42 (650.0 acres).

The Chairman asked if there were anyone in the audience representing Loyalty Enterprises.

Mr. George Houghtailing was sworn in by the Chairman and stated that he was consultant to Loyalty Enterprises, and that he would present their case.

In response to a request by the Chairman, the XO described the area involved in the petition, and pointed out the location on the map.

Mr. Houghtailing stated that the land at present is not being used to its highest use (it is now pasture land) and that the Matson Navigation Company, in purchasing the land, had plans for resort and residential development. Loyalty Enterprises purchased, under an agreement of sale, 650 acres; and in the agreement of purchase was required to develop 180 additional acres for a golf course. He also pointed out that in the Hawaii State Planning Office Visitor Destination Area Report, put out in February 1960, the Wailea area was designated as part of a Tourist Destination Area. He added that the County was spending some money to bring in a 6-inch water main all the way from the intersection of Maalaea Bay to this property, in order to service the property, which was one of the stipulations when they had the appropriation made by the Legislature for extending the 15-inch water main.

The Chairman requested the XO to read communications received from County officials.

1. Letter from the Board of Supervisors which stated that the matter has been referred to the Public Works Committee.
2. Letter from the Maui County Planning and Traffic Commission, recommending approval for change of district boundary from Agricultural to Urban.
3. Another letter from the Planning and Traffic Commission of Maui approving amendment of petition of Loyalty Enterprises (to add the golf course area).

The Chairman asked Supervisor Kobayashi if the Board had any additional information to give in regard to their recommendations on petition. Supervisor Kobayashi stated that the Public Works Committee met on July 31st and concurred with the Maui Planning and Traffic Commission. Chairman Bryan asked him if the Board will be submitting a communication to the Commission. Supervisor Kobayashi replied in the affirmative.

The XO presented the staff report, recommending approval of the boundary change to Urban classification of the petitioned area, as outlined in orange on the special map provided by the petitioners, since the request is in conformance with the plans of the County and the State, and the State's Visitor Destination Area Report. He added that these plans are the partial basis for a number of the State's capital improvements in the way of water and highways scheduled for this area.

Chairman Bryan asked members of the Commission if they had any questions they would like to ask Mr. Houghtailing or Mr. Darnell.

Mr. Chun asked Mr. Ohata when the water line would be finished. Mr. Ohata did not have the information on hand, but stated he believed it may be at the end of this year.

Mr. Chun requested that the staff read the communication received from Matson on the matter. XO read the letter and stated that the staff contacted the Matson interests because the petitioners had an option to purchase; and also upon the Attorney General Office's recommendation that the Commission ask the Matson interests if they would

concur with the application. Matson did so reply, stating their concurrence.

Mr. Houghtailing stated for the record that a substantial down payment is being made; and this is not a paper option, but a substantial down payment.

Mr. Chun asked Mr. Houghtailing if there is any urgency in respect to timing of this matter. Mr. Houghtailing stated that there is definitely an urgency, because Loyalty is now compelled to submit the second phase of their planning in detail. This has been prepared, but they cannot proceed; and they have asked for an extension of time, pending the outcome of the change; because as long as it is going to be Agricultural, Loyalty cannot go ahead and move.

Commissioner Sunn stated that it is his understanding that the Commission cannot make an interim ruling; but, actually, in this particular case, the State's Visitor Destination Area Report, the State General Plan, the County Board of Supervisors and the County Planning and Traffic Commission all agree and are in accord with the proposal, and there have been no objections filed at all.

The XO agreed with Commissioner Sunn's statement, with the exception of the fact that the Visitor Destination Area Report did not concern itself with the residential development of some of the mauka lands but just the Visitor Destination Area section of the area.

The Chairman queried Mr. Houghtailing as to whether it would create a hardship for the petitioners if they were required to wait 45 days? Mr. Houghtailing replied that there is definitely a hardship between the two parties, because there are some negotiations that have been held up: one doesn't want to move and spend any more money if they are not going to get the boundary changed; and the other one says we will have to have some compensation during the waiting period. So there is urgency from this sense.

Chairman Bryan stated to Mr. Houghtailing that he (Mr. Houghtailing) was present at this morning's meeting and is aware of the Commission's agenda for the 21st of August, which is pretty well filled. Since that meeting will be held in Honolulu, he would suggest that Mr. Houghtailing be present and if the Commission has any communications pertinent to this matter the Commission may be able to review all that information and the petitioners would be able to draw their own conclusions. The Commission's final determination, however, cannot be made until the 18th of September, unless the Attorney General's Department shall find otherwise. The Commission has asked them to investigate any other possibility.

Mr. Houghtailing stated that as he understood it, the Commission has to act within the 45 days. Legal Counsel corrected this to state, "after the 45-day period."

Mr. Houghtailing stated that this is a question that you can beg, if the Attorney is going to rule, but looking at it from the standpoint of practical analysis and practical approach, what is going to be wrong if the Commission should act within that period and not wait for the 45-days and say, "This is it. I'm just wondering because this Commission now is the judge. I realize that an attorney would read

right down to the letter and I'm not going to try to do that; but I do feel that this Commission has a lot of jurisdiction and that's why you have a Commission. They have a period to act in now."

Chairman Bryan replied that this 45-day period is not the ruling of the Commission, it is the law itself. The interpretation, according to advice by the members of the Attorney General's staff, is that the Commission can't act within the 45 days. We have asked them to review that to see if there is any way the problem can be solved. He added that if there is any possibility of solving this, the Commission would notify the petitioners.

The public hearing closed on the petition of Loyalty Enterprises, Limited.

After a short recess, Chairman Bryan reconvened the hearing.

PETITION OF FRANK AND JESSIE MUNOZ FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE PUKALANI AREA, MAUI: Described as TMK 2-3-33: 15, 16, 18, 19 (23.928 acres).

Upon request by the Chairman, the XO described the land involved in this petition. The XO pointed out that the Frank Munoz property is located across Edward S. T. Ching's property in Pukalani. He stated that the original application included considerable lands which did not belong to the Munoz family and that the petition was amended to include TMK 2-3-33: Lots 15, 16, 18 & 19, plus 3 easements to Lot 19. He explained that the next item to come up before the Commission would be a recommendation and request, from the County of Maui, to rezone an area which includes some of the areas that were originally requested by Mr. Munoz. The request made by the County of Maui is to include the rest of the land (TMK 2-3-33: Lots 1 through 18, 20 & 21; TMK 2-3-11: Lots 20 & 73) which would connect the Munoz property to the Pukalani Urban district.

Upon request by the Chairman the XO placed the tax key map on the board and pointed out the exact areas involved in each petition.

Mr. Meyer M. Ueoka, practicing Attorney of Maui, stated that he represented Mr. and Mrs. Munoz; and upon the Chairman's request proceeded to present their case.

Mr. Ueoka explained that the particular area involved is designated as Agricultural, and the petition requests that this area be redesignated to Urban. He felt that the evidence would show proof that it is needed for a use other than that for which the district is classified; that the petitioners would also show that conditions and plans for development have changed in this particular area. He stated that he realized that this particular zoning map was adopted by the prior Commission, because they had to adopt it in a hurry. However, to give the Commission an overall picture of this area, Mr. Ueoka continued, Mr. Munoz was partly responsible for the development of Pukalani, a very healthy and wholesome community: the area being large enough to provide comfortable living conditions, having an established church, and the possibility of a school in the near future, if Pukalani

further develops. He then called upon Mr. Munoz to give a history of Pukalani to support the petition.

Mr. Munoz was sworn in. He clarified statements in the original petition, stating that the areas included were formerly his, having been subdivided and approved approximately in 1959. The remaining area is now under development, as he had taken the liberty to developing the land, putting in the waterlines and starting the road construction, and accepting deposits from 14 purchasers, subject to clarification of the "Greenbelt" petition which has been applied to this property. He further stated that he did not know the reason back of the responsible people when the area was declared Agricultural, as he didn't believe he could reasonably ascertain an agricultural program in this particular area, where average rainfall averages somewhere about 25 to 27 inches. An agricultural enterprise wouldn't be possible at all and, in his opinion, the best use of the land would be for residential purposes, especially since there is an immediate demand for residential land in these areas. The proposed subdivision was approved by the Maui Planning and Traffic Commission, and if the Commissioners have visited the area they must have seen that he has proceeded in putting in the necessary improvements for compliance with the County of Maui's subdivision ordinances. The waterlines have also been completed. He stated that it is his intention to complete this subdivision; but if the Commission should deny the requested change, he would be obliged to have the real estate company who is handling the sales for him refund the deposits to the prospective purchasers. He added that, in his opinion, this is a rather urgent matter in view of the purchasers whose building plans are completed, and in consideration of those who have to move from their homes in the plantation.

Upon receiving approval from the Chairman, Mr. Ueoka questioned Mr. Munoz. During the cross-questioning, it was brought out that Mr. Munoz was responsible for the subdivision across the street from the presently proposed subdivision and most of the lots there have been developed with homes.

Chairman Bryan suggested that the petitioners adhere to the points directly related to this specific hearing.

The Commission was also informed that: the subdivision begun in 1959, involving parcels in the petition for redesignation by the County of Maui Planning Commission, already has six homes built on it; a detailed description of the surrounding subdivisions of Mr. Munoz -- development and approximate number of constructed homes; and, in the petitioner's opinion, that a hardship was created, for those who had purchased lots 10 years ago, by the former Commission who placed this area in Agricultural classification. The lands adjoining these particular parcels will be covered in the petition of the Maui Planning Commission; and all these descriptions and explanations were needed to show the need for redesignation.

The Chairman stated that the question of adjacent property, regardless of how it has been zoned, is a point of law which should be settled outside of this hearing. He suggested that the petitioners adhere to the problems directly related to this hearing.

Mr. Ueoka received an affirmative reply when he asked Mr. Munoz if he had made an application for subdivision prior to the adoption of Land Use district maps for

this particular land. Mr. Munoz added that he had received a communication from the Board of Water Supply of Maui County, approving his preliminary sketch of the Pukalani subdivision. He then presented a letter to the Commission from Norman Saito, Manager and Chief Engineer, and a letter from the Planning Director prior to the adoption of the Land Use maps. These letters were presented for the record and, upon request of the Chairman, the XO read these letters.

Other statements were made by the petitioners, to the effect that the firm holding the money in escrow from prospective buyers is Maui Realty Company, Inc., of which Donald Tokunaga is president and manager; various camps have been abandoned by the plantation; Kaheka, near Paia, has been designated as an Urban area, but will be abandoned shortly as will other camps; people from the aforementioned camps who do not desire to go to the sixth and seventh increment of Dream City would have to look outward for lands to build their homes; and Pukalani is a very desirable place and there has been a demand for acquisition of lands in that area.

Mr. Ueoka stated that both he and Mr. Munoz would be open for any questions put forth by the Commission.

Chairman Bryan brought to the attention of the Land Use Commission members that they ignore the comments on the actual physical development of the land. This is not the Commission's problem as it is not a policing or enforcing body.

Upon the request of the Chairman, the XO read communications received from County officials:

1. Maui Planning and Traffic Commission recommended approval of the amended application which includes all land that Mr. Munoz is applying for redesignation;
2. The Board of Supervisors referred the matter to the Public Works Committee on July 20, 1962 for its attention.

Supervisor Kobayashi stated that the Committee took action that same day and concurred with the Planning and Traffic Commission. A copy of this report would be forwarded to the Commission.

At the request of Chairman Bryan, the XO read a communication received from Thomas Ogata for amendment of the petition.

The XO proceeded to give an oral staff report, stating that the staff understood from the recommendation of the Maui Planning and Traffic Commission, that the Maui plan includes the urbanization of the subject area as well as other areas adjacent to it. The State General Plan in this area shows that the recommended extension of the town of Pukalani is in a northwesterly direction and includes part of this area in urban and part of it in a diversified Agricultural classification; however, the area that is shown in Urban along the opposite side of Haleakala Highway proves now to be in pineapple. In consideration of these factors the requested extension of Pukalani is considered by the staff to be in the proper direction, and in the proper area; and staff recommended approval of the petition, as amended.

Commissioner Sunn stated that Mr. Munoz had testified that across the street from his development or proposal were some 40 to 50 homes; and he took it that Mr. Munoz meant across the street leading to Makawao. Mr. Munoz replied that when he subdivided that area in 1950, there were 142 lots in the subdivision. It comes up to Mr. Ching's property across the street of this property and was a portion of the original Pukalani subdivision. Chairman Bryan asked if this was across the street, to which Mr. Munoz answered that it was across the present Haleakala Highway, immediately across from his property.

Commissioner Sunn asked whether, in regard to Mr. Munoz's petition, he referred to TMK 2-3-33: Parcels 19, 15, 16 & 18? The letters from the Planning Commission and the Board of Water Supply referred only to Parcel 19 of this tax map key. Is he applying for additional property? The XO replied that Parcel 19 is part of the Munoz application, and is not part of the County of Maui application. Commissioner Sunn stated that the submitted letters referred to one parcel but the petitioner was now requesting four. The Chairman stated that an answer could be found in the fact that Mr. Munoz, in his last letter, clarified the fact that he had substituted maps and was sending a second map which included more than just Parcel 19. The XO affirmed this, and stated that there were three lots. Mr. Munoz stated that he still owns lots 1 and 2 of the subdivisions which were approved in 1959.

The Chairman requested that the XO clarify the areas as to exactly what was stated in the application and record, which parcels were included in the second map. The exact question being which lots are shown in red on the map on the wall? The XO stated that the map showed Parcels 15, 16 and 18. Chairman Bryan noted the agenda to be correct and requested the XO again read the communications received from the Board of Water Supply and the Maui Planning and Traffic Commission. This was done.

Mr. Ohata stated that, in order to clarify and speed up the hearing, the answer of the Planning Commission was this: that it is known that Mr. Munoz owns a large parcel designated as flanking the area petitioned by Maui Planning and Traffic Commission. The Maui Planning Commission is not too concerned as to land ownership; but it was felt that there should be an extension of the Urban boundary to include the whole portion. Therefore, it can be said that the Planning and Traffic Commission includes all parcels not owned by Mr. Munoz, making the actual land acreage immaterial in this particular case.

Chairman Bryan stated, "It may be immaterial to you; but it is not immaterial to us, because when we approve the thing we want to know what parcels we are including, so we usually try to ascertain as definitely as possible which parcels are included in the application. I think this should end the matter."

Mr. Chun asked Mr. Munoz what size lots are involved in the prior subdivision to be covered in the County's application. Mr. Munoz stated that they varied from 1 acre lots down to 5900 square feet or so.

Commissioner Gregg asked how much acreage is involved in the area. He stated that he believed that something was mentioned about the "remaining area". Mr. Ueoka replied that the total area is approximately 22 acres and the "remaining area" is included as a portion of the County petition. Commissioner Gregg asked whether Mr. Munoz owned the area between the "remaining area" and the Urban area in Pukalani; he received a negative reply from Mr. Munoz.

Chairman Bryan requested that all letters and documents referred to in this hearing be made part of the record. He stated that the earliest date the Commission could take action in this matter would be the 18th of September; and that he would ask the secretary to notify the petitioner where the Commission would meet on that date. It is not necessary that the petitioner be present, but he is welcome to attend. He will not be heard, but is free to listen to what the Commission has to say.

Commissioner Sunn asked: "Is it my understanding that the County Attorney of Hilo, County of Hawaii, ruled that if the project was under construction, and I think the previous Commission determined these interim boundaries on the basis of preliminary approval of subdivisions; and if this is the case, and it has been shown that this has been processed through the Planning Commission, would not this be an oversight for preliminary approval?"

Mr. Ohata replied that, in the County of Maui, preliminary approval is given by the Board of Supervisors and not the Planning Commission; and therefore, this was ruled as not having received preliminary approval.

Chairman Bryan stated that the Commission will receive any comments for 15 days and in addition would have to wait another 30 days before giving an answer, which makes a total of 45 days.

The hearing on the matter of the petition of Frank and Jessie Munoz was closed.

PETITION OF MAUI COUNTY PLANNING AND TRAFFIC COMMISSION FOR CHANGE OF DISTRICT BOUNDARY FROM AGRICULTURE TO URBAN DISTRICT; PUKALANI, MAUI, HAWAII: Described as TMK 2-3-11: 20, 73; 2-3-33: Parcels 1-18 inclusive; and 2-3-33: 20, 21.

Mr. Robert Ohata introduced himself as being the Director of the Maui County Planning and Traffic Commission, and was sworn in by Chairman Bryan.

Upon request by Chairman, the XO pointed out location on map and described the area involved in the petition.

Mr. Ohata stated that the Maui Planning and Traffic Commission, when it received the application from Mr. Munoz, felt that that property could be approved. But if it did recommend approval of that portion it would leave that portion non-contiguous to the present Urban area; and so, in an effort to develop a boundary that would be conducive to good planning, the Maui Planning Commission felt that the area in between should be included in the petition and therefore make the Munoz property contiguous with the present Urban area. This is the reason for the request by the Planning Commission, and we recommend approval of our request.

Chairman Bryan asked the XO if the Land Use Commission has received any comment from the Board of Supervisors. The XO replied by reading a communication from the Board which stated that matter has been referred to the Public Works Committee for its attention.

Chairman asked Mr. Ohata if he had any knowledge if the Public Works Committee acted upon that. Mr. Ohata stated that he could not report on that.

Upon request by Chairman XO gave staff report orally stating the portion of the area that was included in the general plan is actually in pineapple across the road, and should probably not have been included in this general plan as urban, but the area up the mauka side of the road which is included in this application probably should have been. The area is under considerable development with considerable building activities. As Mr. Ohata stated, this area is a well-rounded community and to make space for the demand for housing appears necessary. There appears to be urban pressure and the recommendation is for approval.

Commissioner Sunn asked XO that parcels 1-18 inclusive, 20 and 21, and 19 are included in the other (Munoz) application, now when you pointed to tax map key 2-3-11, you said Parcels 20 and 73, It is not inclusively? XO replied in the affirmative. XO clarified that parcels 20 and 73 are included in the lower area here (pointing on map) and this piece of land has been taken off from one tax map and placed on another. The original map that the application was made from (the County of Maui) was a little older map than this map here.

Commissioner Williams asked Mr. Ohata whether the property owners of this particular land have been consulted on this. Mr. Ohata replied in the negative to which Commissioner Williams stated that the County has just taken their right to have that zone changed. Mr. Ohata replied in the affirmative.

Commissioner Gregg asked whether any of the property owners were present.

From the audience, a spokesman stated that he represented two property owners in this area: one is Mr. Watanabe, and the other is Seichi and Masaura. He stated that Masaura and Seichi bought from Mr. Munoz exactly one parcel of land with the intention to subdivide. He stated that they were veterans and are applying for loans very shortly; and had submitted an application for subdivision approval, first to the Water Board and then the Planning Commission, which both have approved. Now they request that it be submitted prior to the adoption of the Board of Supervisors. So far as Mr. Watanabe is concerned, the application was made to the Board of Supervisors prior to the adoption of the boundaries, because the Board of Supervisors failed to act on the requests for preliminary approval; and therefore by operation of law, under the County ordinance, it should have already been approved.

Chairman Bryan queried the spokesman on his representation in behalf of these people. The spokesman replied that he was not speaking on their behalf but wanted to point out the fact that their actions show they would like to have this area zoned for Urban use. This was noted by Chairman.

Chairman Bryan asked Mr. Ohata if there are other landowners besides ones just heard to which Mr. Ohata replied in the affirmative.

Commissioner Gregg asked Mr. Ohata if he planned to ask the owners whether they were in favor of this change to which Mr. Ohata replied in the negative.

Commissioner Gregg asked Mr. Ohata if there is available water for this development to which Mr. Ohata replied that the Maui Planning Commission feels there is because of the letter given to Mr. Munoz on his prior request. Chairman Bryan asked what

position the County would take, should the other owners decide to dedicate their land under Act 187 to agricultural cultivation. Mr. Ohata stated that the Maui Planning Commission has filed a petition with the Commission and action should be taken on their petition as a request of change to Urban zoning.

The XO stated that he was informed by Mr. Chun this afternoon that Act 187 or the Rules state that the Land Use Commission is to contact any property owners who have any interest in property for which a hearing is being held for rezoning. This was not done and he apologized that this was an oversight on the part of the staff to make proper investigation for the Commission.

Legal Counsel, Mr. Fong, stated that there is no great problem, since the Act provides a 15-day period after hearing in which contact can be made, to which Chairman Bryan added, "provided they agree". Mr. Fong agreed, stating the Commission will decide if rezoning is necessary.

Mr. Ohata stated that the Land Use Commission in adopting these temporary boundaries did not contact owners. They notified owners through legal publications in newspapers as required by law and the same thing has been done in this particular case. "It may be the legal procedure to notify the property owners, and if the Commission feels it wants to contact the individual property owners I think that is a fine thing, and should be done; but we feel that our Planning and Traffic Commission is not the agency that should go over there to contact each property owner. Our recommendation is done purely on the basis of county planning -- whether this is good county planning or not good county planning."

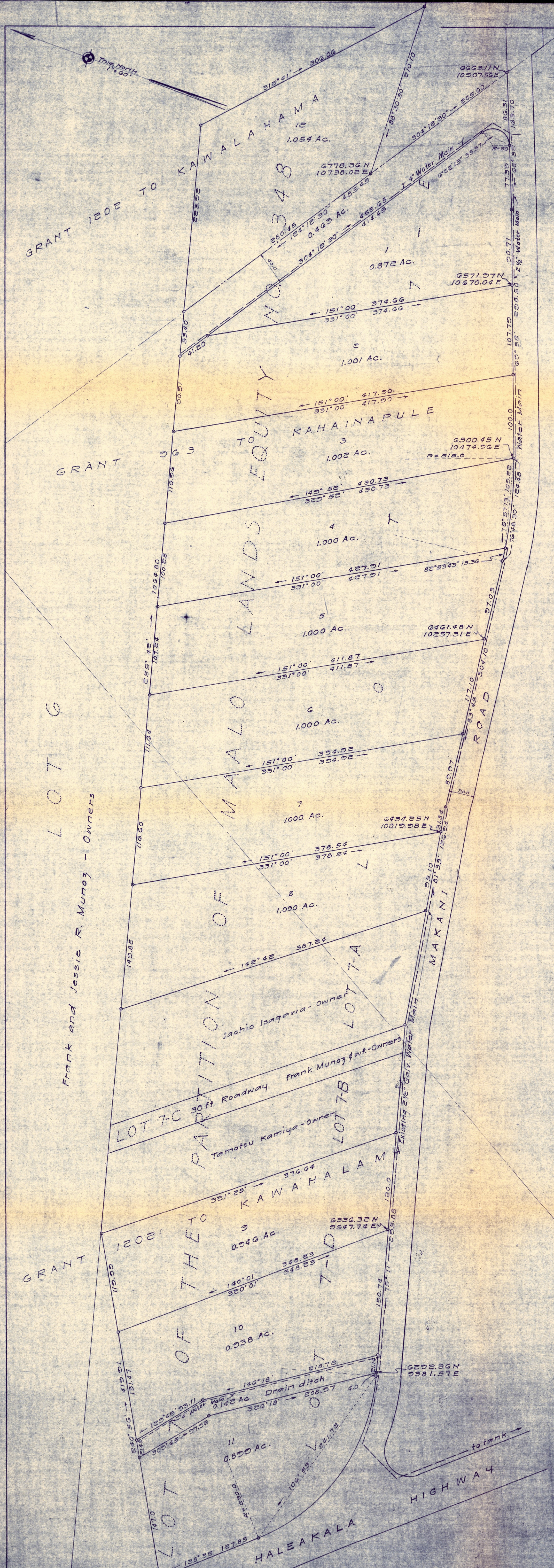
Mr. Donald Tokunaga was sworn in; and stated he would like to speak very briefly in behalf of both Mr. Frank and Jessie Munoz, as well as the County of Maui, to have these particular parcels that have been discussed the last half hour rezoned from Agricultural to Urban. "If public pressure as well as existing utilities are any criteria for the rezoning of the property from Agriculture to Urban as a practicing realtor since 1937 I'd like to testify to the fact concerning these particular parcels in Pukalani. There is definitely a great demand for small houselots there and as far as existing utilities go, you have the road and I think there is sufficient water for residential development."

Chairman Bryan ordered that any documents referred to in this hearing be made part of the record.

The Chairman stated that the Commission will contact the remaining landowners for their comments with regard to this area; and if no definite problems arise, he thought the Commission could give a definite ruling on the 18th of September.

Mr. Ohata requested that he would like to be notified of this meeting and Chairman Bryan requested secretary to do this.

The public hearing was declared closed.



PUKALANI ACRES

Land situate at the Northerly junction of Haleakala Highway and on the Northwesterly side of Makani Road.

KAUAI, KULA, MAUI, T.H.

Lot 7-D and Lot 7-E, same being portions of Lot 7 of the Partition of Maalo Lands, Equity No. 348, Second Circuit Court, T.H. and being a portion of Grant 1202 to Kawalahama and Grant 963 to Kahainapule.

subdivided into Lots 1 to 12, drain ditch and 40 ft. road.

Total Area 12.317 Acres

Scale: 1 in. = 60 ft.

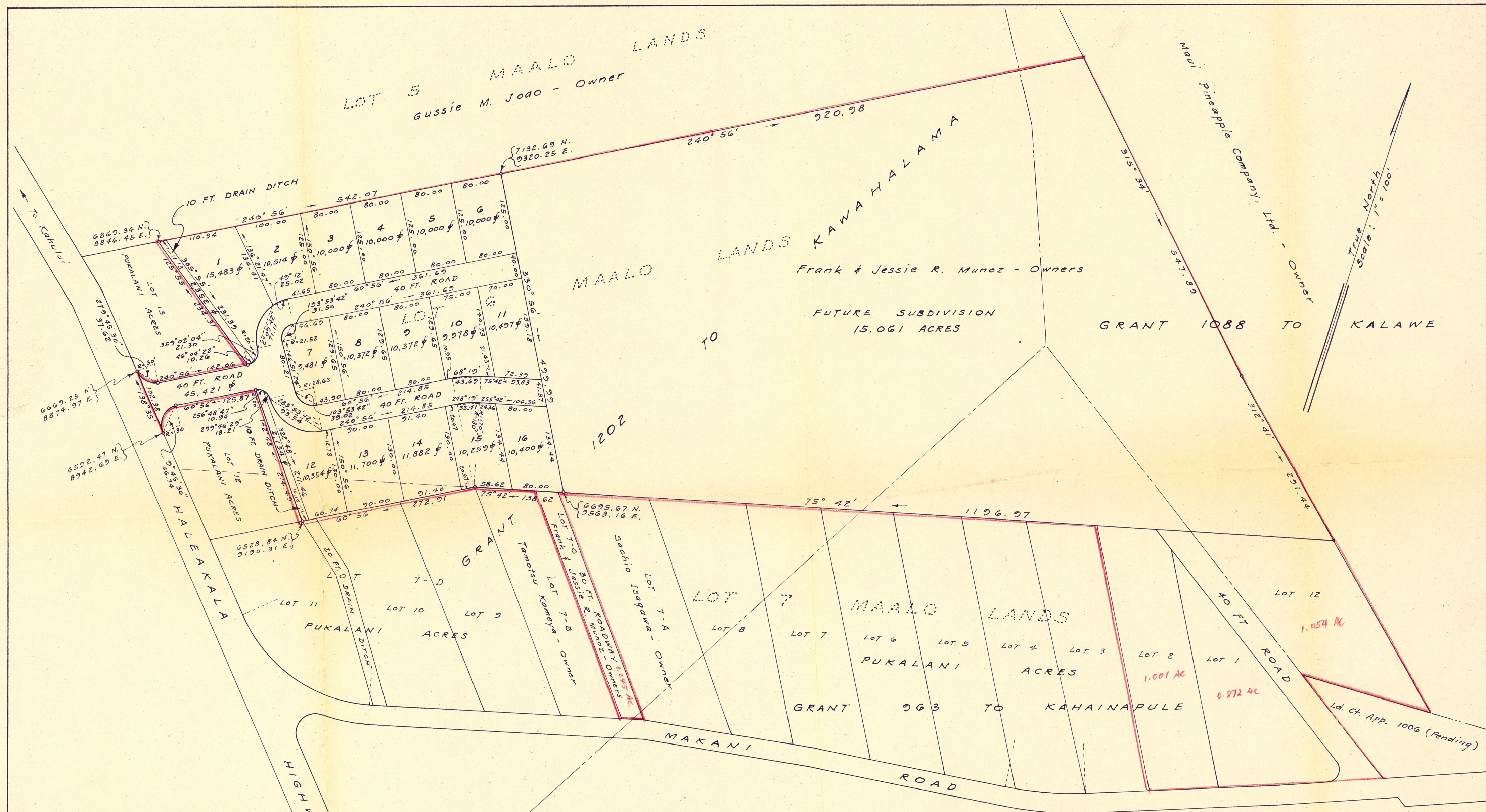
FRANK MUNOZ AND
JESSIE R. MUNOZ - T/E - OWNERS
Address: Wailuku, Maui, T.H.

Coordinates referred to Government Survey Triangulation Station "PUU O KOHA".
Lot corners marked with pipes.
2nd Division Taxation Maps Bureau Tax key: 2-3-05-10.

May 3, 1959

Map by: *Thomas T. Tanaka*
Thomas T. Tanaka
Wailuku, Maui, T.H.

APPROVED	_____
DATE	CHAIRMAN, BOARD OF SUPERVISORS
APPROVED	_____
May 12, 1959	COUNTY ENGINEER
DATE	_____
APPROVED	_____
May 6, 1959	MGR. & ENGR. WATERWORKS DEPT.
DATE	_____
APPROVED	_____
DATE	FRANK MUNOZ



Compiled from:

1. Descriptions in deeds furnished by Mr. Frank Munoz.
2. Pukalani Acres Subdivision map " " " " "
3. Proposed Pukalani Place Subdivision map " " " " "

Coordinates referred to Government Survey
Triangulation Station "PUU O KOHA"

TAX MAP KEY : 2-3-33-19

Owners : Mr. & Mrs. Frank Munoz
Address : Wailuku, Maui, Hawaii

Map by East Maui Irrigation Co., Ltd. (compiled)
June 7, 1962

Approved : Robert P. Bruce
Reg. Land Surveyor No. 248-S

LOT 5
MAALO LANDS
Gussie M. Joao - Owner

LANDS KAWAHALAMA
Frank & Jessie R. Munoz - Owners

FUTURE SUBDIVISION
15.061 ACRES

GRANT 1088 TO KALAWE

TO

1202

GRANT
Tamoisu Kameya - Owner

LOT 7

MAALO LANDS

PUKALANI ACRES

GRANT 963 TO KAHAINAPULE

MAKANI ROAD

PUKALANI PLACE

BEING PORTIONS OF
GRANT 1202 TO KAWAHALAMA
GRANT 1088 TO KALAWE
GRANT 963 TO KAHAINAPULE

AT KAUAAU, KULA, MAUI, HAWAII

SCALE: 1" = 100'

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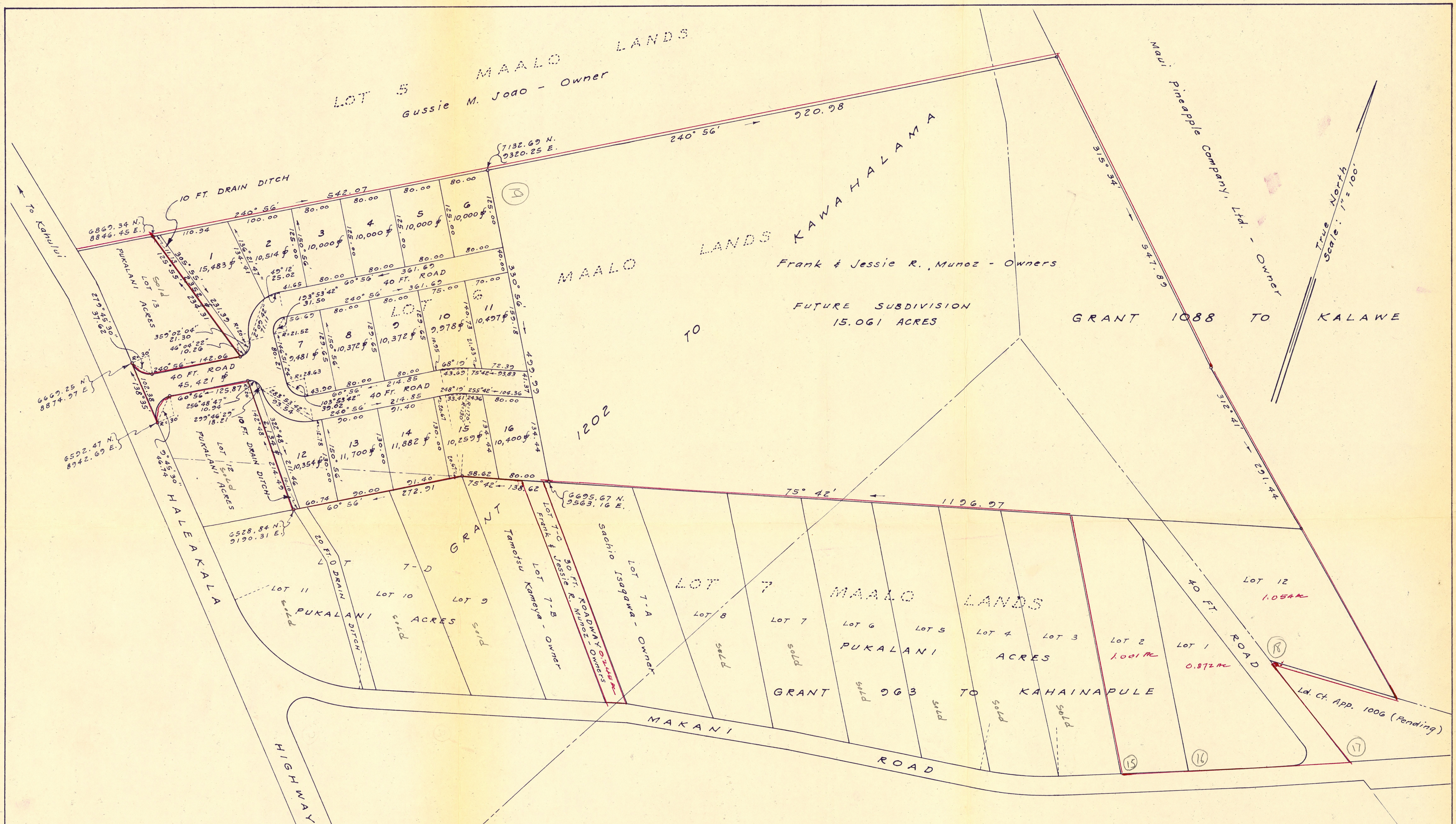
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Triangulation Station "PUU O KOHA"

TAX MAP KEY : 2-3-33-19



PUKALANI PLACE
 BEING PORTIONS OF
 GRANT 1202 TO KAWAHALAMA
 GRANT 1088 TO KALAWE
 GRANT 963 TO KAHAINAPULE
 AT KAUAI, KULA, MAUI, HAWAII
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