

STEPHENSON, E. B

A(T) 63-21

LUC File A(T)- _____

Petitioner: _____ County _____

Date petition and fee
received from County
with recommendation: _____

Suspense date for LUC action: _____

Publication of hearings

<u>Dates</u>	<u>Newspaper</u>
_____	_____
_____	_____
_____	_____

Hearings

<u>Date</u>	<u>Place(s)</u>	<u>By</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Actions

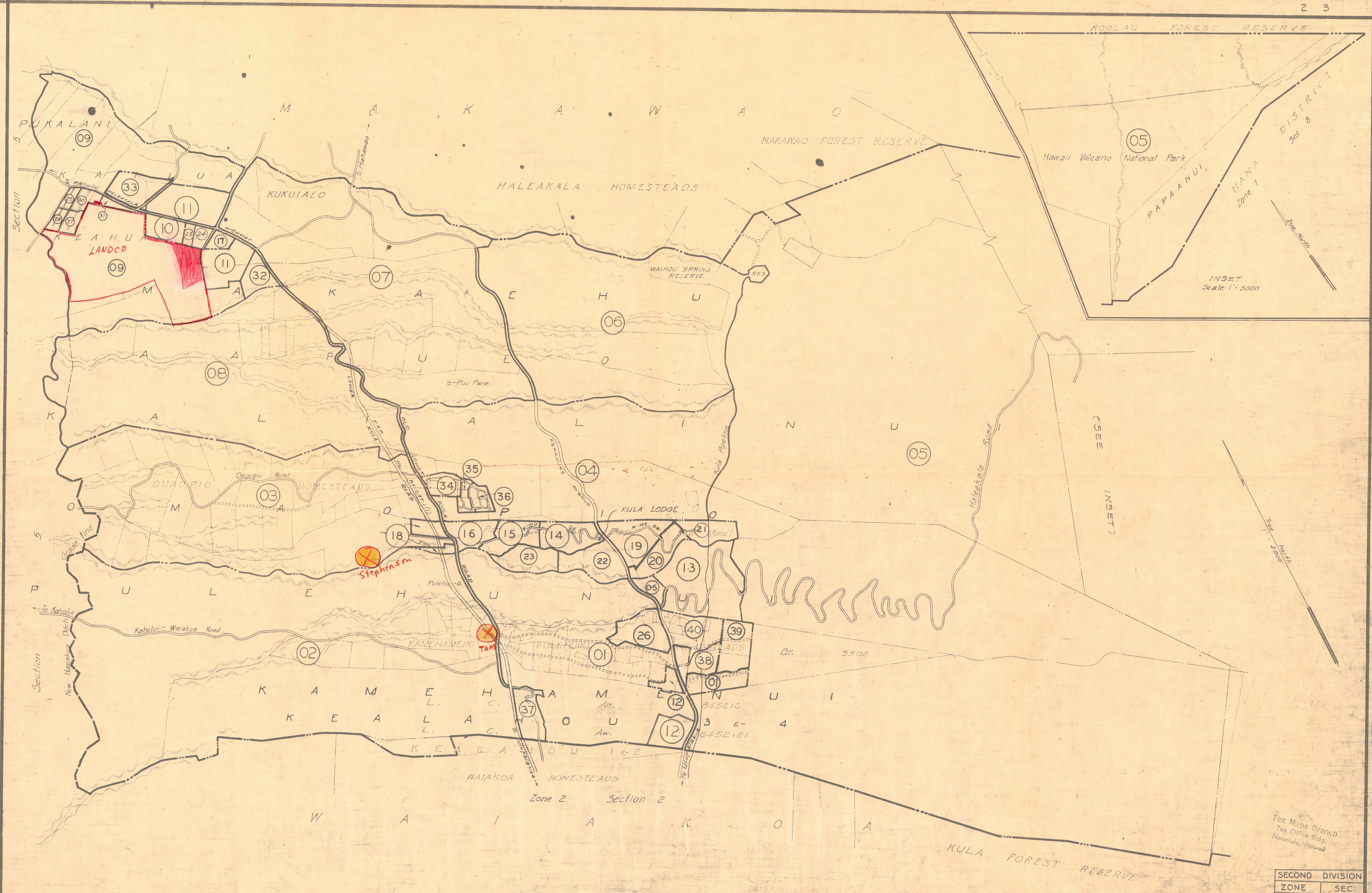
<u>Dates</u>	<u>Actions</u>	<u>By</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Notes:

1001 1945
101 1947
PL 1 45
N 31 15
JAN 29 1951
NOV 29 55

Div No. 1003
By: D.S.C. H.N. April 1934
Source: Tax Maps Bureau

Revised to:



Por. KULA, MAKAWAO, MAUI

3898

ADVANCE SHEET
SUBJECT TO CHANGE

SECOND DIVISION	
ZONE	SEC.
2	3
CONTAINING PLATS	
SCALE: 1 in. = 2000 ft.	
JAN 24 1964	

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A(T) 63-31 - Stephenson
DATE 4/10/64
PLACE Wailuku Bld of Supervision
Chambers
TIME _____

NAMES		YES	NO	ABSTAIN	ABSENT
WUNG, L.	9	✓			
INABA, G.	4	✓			
OTA, C.	6	✓			
WENKAM, R.	8	✓			
BURNS, C.E.S.	1	✓			
NISHIMURA, S.	5	✓			
Hodge MARK, S.	3				✓
FERRY, J.	2	✓			
THOMPSON, M.	7	✓			

COMMENTS:

Motion to deny - Ota
Sec - Burns

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Hearing and Meeting

Board of Supervisors' Chambers

Wailuku, Maui

2:00 P. M. - April 10, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Charles S. Ota
Goro Inaba
Shiro Nishimura
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Y. Takeyama, Legal Counsel
Richard E. Mar, Field Officer
Alberta L. Kai, Stenographer

Chairman Thompson called the hearing-meeting to order and said a short prayer. The procedures and agenda to be followed throughout the hearing-meeting were outlined, and the introduction of the commission and staff members were made. All persons who would be entering testimonies during the first phase of this hearing-meeting were sworn in by the Chairman.

PETITION OF WALTER S. S. ZANE (A(T)63-53) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KIHAI, MAUI: Described as TMK 3-9-01: 35

The field officer, Richard Mar, presented the background of the petition and located the area on a map.

Mr. Walter Zane stated that there is a definite need for this type of land use. The Kihei Subdivision which is subdivided into 10,000 sq. ft. lots is presently abutting this land. The distance from Kahului and the airport is only 15 to 20 minutes. The necessary facilities are already in the area and the land is not suited for agriculture. Mr. Zane stated that there were many lands that could be used for agriculture but were vacant. He stated that their proposed one-acre estate subdivision would provide lots averaging \$3,000 to \$4,000 for the people of Maui.

Mr. Arthur Zane stated that the demand for better standards of living has pushed agriculture (pineapple and sugar) to such an extent that these pursuits have been forced to other counties to keep them in operation for the welfare of the State. Mr. Zane stated that their subdivision would meet the present demand for this type of land use and would encourage more small landownership.

The field officer continued with the staff analysis and recommendation. The Maui Planning and Traffic Commission voted unanimously to recommend disapproval of Mr. Zane's petition for a boundary change. The Commission's (Maui County) disapproval was based on the fact that there are ample urban zone in Kihei (2,000 acres with only 371 homes), and that the road to the lot is not paved. The staff, being satisfied (after a review of the Kihei urban land needs) that sufficient urban land areas have been provided without inclusion of the petitioner's land, recommended that the petition be denied for the following reasons:

1. The staff concurs with the recommendation of the Maui Planning and Traffic Commission that there is no need for additional urban lands at this time;
2. The petitioner has not submitted the necessary proof that the land is required for the use being petitioned for in accordance with the requirement of Act 205, Section 98H-4. The staff also can find no evidence that the parcel is required for urban use.
3. A liberal amount of land (2,900 acres) has been placed in the proposed urban district and further urban additions would promote scatteration and therefore violate one of the major tenets in the land use law.

Mr. Warren Shultz, a resident in the area, supported the proposal of the petitioner. He stated that he considered the subject area most valuable to individuals who wish to invest in this type of land use, and of no value or gain to the County.

In response to questions raised by Commissioner Nishimura, Mr. Zane replied that at the time he submitted his petition for a boundary change, he was advised that his petition would fall in the category of an urban zoning. Mr. Zane further stated that the area was a short distance from the town, airport, etc.; and the land was not suitable for prime agriculture. He reiterated that they would be providing lots at a reasonable cost for people to purchase.

The chairman announced that this Commission will receive comments and protests within 15 days from this hearing and will take action on this petition 45 to 90 days from this hearing.

The public hearing was closed in the matter of Walter S. S. Zane.

PETITIONS PENDING ACTION

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

Richard Mar, field officer, presented the summary of the petition involved. The Maui General Plan and the Land Use Commission's proposed final district boundary maps designate the petitioner's land as rural. In examining the general area in which subject land is located, it appears reasonable that the rural classification should be designated for the general area. The staff's recommendation was for approval of the petitioner's request, as amended.

Commissioner Burns moved to accept the petitioner's request based on the staff's recommendation. Commissioner Wung seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

PETITION OF LUDVINA ALMEIDA, ET. AL. (A(T)63-43) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN PUKALANI, MAUI: Described as TMK 2-3-30: 4, 41, 42 & 45; and 2-3-31: 16

Richard Mar, Field Officer, gave the summary of the petitioners' request. The area which includes the subject parcels has been a recognized subdivided area for many years. It is contiguous to an urban district and is urban in character. The staff recommended approval of the petition on the basis that the subject parcels are part of an area which is now urban.

Commissioner Inaba moved to accept the petition on the staff's recommendation; which was seconded by Commissioner Nishimura.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

PETITION OF TOSHIO ANSAI (A(T)63-48) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO RURAL DISTRICT CLASSIFICATION OF 3,081 ACRES IN IAO VALLEY, MAUI: Described as TMK 3-5-03: 11

The field officer, Richard Mar, presented the summary of the petition involved. The Maui Planning and Traffic Commission granted approval to amend the subject property from an agricultural to a rural district classification. The Commission (Maui County) felt that the present residential developments in Iao Valley plus the intermingling of agricultural uses fulfilled the requirements of a rural district. The staff recommended denial of the petition because: (1) there is no apparent basis for a rural classification; and (2) no satisfactory proof has been submitted by the petitioner as required by Act 205.

Mr. Coite, Division of Forestry, Maui Branch, stated that certain areas in the valley should be taken out of the conservation district and designated as urban or agriculture.

Mr. John Duarte (having been sworn in), a long time resident in the area, was opposed to the petition. He stated that he did not wish to see his family (who have lived in the area a long time) driven out of the valley.

Inasmuch as the petition was for a rural classification Commissioner Ferry, who was in favor of an urban districting, moved to deny the petition and Commissioner Burns seconded the motion.

Commissioner Wenkam argued that the area should be retained in conservation and not be changed to rural or urban as the area was one of Maui's most beautiful scenic areas.

The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Ota, Wenkam, Burns, Ferry and Chairman Thompson.

Disapproval: Commissioners Inaba and Nishimura.

The motion for denial was carried.

PETITION OF E. B. STEPHENSON (A(T)63-31) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT CLASSIFICATION FOR LANDS IN KULA, MAUI: Described as TMK 2-3-03: 1

The field officer, Richard Mar, summarized the petition involved. The staff recommended denial of the petition on the following bases:

- (1) the subject parcel does not meet the criteria of Act 205 or the standards for a rural district as proposed in the Land Use Commission regulations;

- (2) the subject parcel and adjoining lands are agricultural in character rather than rural;
- (3) the subject parcel is not prime agricultural land; however, consideration must be given whether or not the specific districting imposed will permit a use that serves the welfare of the public.

Mr. Meyer Ueoka, counsel representing the petitioner, stated that the property was bought with the intent of subdividing for residential purposes. The land is not suitable for agriculture and the best use would be for home use.

The Commission's concern centered in the area of insufficient access and incomplete subdivision plans.

Commissioner Ota moved to deny the request on the staff's recommendation; which was seconded by Commissioner Burns.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion for denial was carried.

The Chairman called for a 5 minute recess at 3:00 p.m.

STATE OF HAWAII

LAND USE COMMISSION
421 Kalia St., Honolulu, Hawaii
Department, Bureau or Commission

OFFICIAL RECEIPT No. 47

Feb. 12, 1962

RECEIVED from Planning & Traffic Commission, County of Maui for
Fifty & no/100 Elephant Jennings, E.S. Stephenson ET. AL DOLLARS

for public hearing by the Land Use Commission for change
of Temporary District Boundary for property on
Maui

\$ 50.00

Quanta L. Kai

Public Accountant

Check # K8450

Wells Fargo Bank

Original
in Maui
Protest
file

STATE OF HAWAII
LAND USE COMMISSION
426 Queen Street
Honolulu, Hawaii 96813

April 23, 1964

**Mr. E. B. Stephenson
General Contractor
2200 Lake Road
Belmont, California**

Dear Mr. Stephenson:

This is to acknowledge the receipt of your letter dated **April 21, 1964, regarding your petition on Kula, Maunaloa, Maui.**

Your protest will be fully considered by the Land Use Commission prior to the adoption of the final district boundaries sometime in late June 1964.

Should you have further questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

E. B. STEPHENSON

GENERAL CONTRACTOR

2200 LAKE ROAD, BELMONT, CALIF.

Phone 591-4744

April 21, 1964

1121
RECEIVED

APR 24 1964

State of Hawaii
LAND USE COMMISSION

State of Hawaii
LAND USE COMMISSION
Dept of Planning
& Economic Development
426 Queen Street
Honolulu 13, Hawaii.

Ref. No. LUC 256

Mr. Ramond S. Yamashita & Commissioners:

Dear Sirs:

I have been informed that our petition for boundry change from agricultural to rural for our property described as TMK 2-3-03: 1 (42.07) acres situated at Kula, Makawao, Maui has been denied.

I wish to protest this decision by the Land Use Commission and do request that subjest land be included as rural in the final district maps.

The Land Use Commission used the Staff Report and baised their findings thereon. Part of this report was made and/or reported on as early as one year ago when the original petition wa submitted by me. It does not take into account that water is now available or that the New Lower Kula Roadway runs past our property and has a 40' paved road on part of our original easment.

The Staff report states this property is marginal as agricultural land but does not state that there are other properties adjoining us that are not being and have not been for some time cultivated. The Staff Report does not mention that in addition to the James Tract there are two others, Kula Kai almost accross the Kula Road and Pukalai Terrace where there has been intensive farming in the past.

Page 2
E. B. STEPHENSON

GENERAL CONTRACTOR

2200 LAKE ROAD, BELMONT, CALIF.

Phone 591-4744

The new rural classification would appear to fit our land. It states: "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 of small farms by reason of topography, soils, and other related characteristics."

I contend that the subject parcel does meet the criteria of Act 205 and the standards of rural districts in the proposed regulations of the LUC.

The subject parcel has been classed by the Staff Report as "C", fair to marginal suitability for intensive agriculture. On the lower side, the adjoining land is designated as Class D.

The subject parcel has been idle at least five years. This land, to use the Staff Report's own words "is not prime agricultural land.

The adequate and economic provision of public services and facilities are a consideration in the new rural classification and would be a responsibility of the county rather than the state and the county of Maui has approved this area for rural.

You are in effect creating two acre lots served with dirt roads, water in undersized pipes laid on top of the ground. Lots small for farming of any kind and of no interest to the family wanting rural living. I ask you to review this petition in the light of a fast changing Maui.

EBS:cc: Mr. Robert Ohato
Maui Planning & Traffic Commission

Yours very truly,

E. B. Stephenson
E. B. Stephenson

Ref. No. LUC 256

April 17, 1964

Mr. E. B. Stepheson
17 Williams Lane
San Carlos, California

Dear Mr. Stepheson:

The Land Use Commission at its meeting held on April 10, 1964 took action on your petition for a boundary change from agricultural to rural for your property described as TMK 2-3-03: 1 (42.07 acres) situated at Kula, Makawao, Maui.

The Commission voted unanimously to deny your petition based on the staff report which is enclosed for your information.

Although your petition has been denied by the Land Use Commission, you have an opportunity to submit a written protest within 15 days from the date of the Maui public hearing on final district boundaries and regulations which was held on April 10, 1964. If you desire to submit a protest requesting that your property be included in the rural district on the final district maps, you may do so at this time. We would like to assure you that your protest, as such, will receive the full consideration of the Land Use Commission in our determination of the final district boundaries scheduled for final adoption by July 1, 1964.

Should there be further questions, please feel free to contact this office.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

REN/an
Encl.

cc: Mr. Myron Thompson
Maui Planning & Traffic Commission

Ref. No. LUC 223

April 2, 1964

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This letter is being forwarded to you to correct our letter, dated March 31, 1964, Ref. No. LUC 219.

The Land Use Commission of the State of Hawaii will meet on the Island of Maui on April 10, 1964 in the Board of Supervisors' Chambers, Wailuku, Maui at 1:00 p.m. instead of 10:00 a.m. Your petition for a temporary district boundary change will be considered at that time.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron Thompson
Roy Takeyama
Maui Planning & Traffic Commission

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

891

PLANNING AND TRAFFIC COMMISSION
COUNTY OF MAUI

P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

January 29, 1964

RECEIVED
JAN 31 1964
State of Hawaii
LAND USE COMMISSION

Mr. Myron B. Thompson, Chairman
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Thompson

With reference to LUC No. 28 requesting recommendations on amendments to petitions from Mr. Clement Jennings and Mr. Anthony Tam, please be informed that the Maui Planning and Traffic Commission at its meeting of January 28, 1964, voted unanimously to recommend as follows:

- ✓ 1. Clement Jennings, Petition from Agricultural to Rural. Maui Commission recommends approval.
- ✓ 2. Anthony Tam, Petition from Agricultural to Rural. Maui Commission recommends approval.

Very truly yours,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc. Mr. Ota

Ref. No. LUC 219

March 31, 1964

Mr. H. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Maui on April 10, 1964 in the Board of Supervisors' Chambers, Wailuku, Maui at 10:00 a.m.

As the waiting period prescribed by SECTION 98H-4 of Act 205/63 will have expired, your petition for change of temporary district boundary has been placed on the Commission's agenda for consideration at this meeting. Final action may be taken on your petition at this time.

Please be advised that this notice is simply to inform you as to the status of your petition before the Land Use Commission. It is not necessary for you to be at the meeting. Should it be convenient for you to attend, of course, you may do so at your own discretion.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron Thompson
Roy Takeyama
Maui Planning & Traffic Commission

652012-2071
17-2071

STATE OF HAWAII
LAND USE COMMISSION

Board of Supervisors' Chambers
Wailuku, Maui, Hawaii

January 25, 1964
11:00 A. M.

STAFF REPORT

A(T) 63-31 - E. B. STEPHENSON Temporary District Classification: AGRICULTURAL

Background

PETITION OF E. B. STEPHENSON, for Change of Temporary District Boundary from an Agricultural district to a rural district classification for a 42.07 acre parcel in Kula, Makawao, Maui, described as Second Division, TMK 2-3-03: 1.

The petitioners are owners of the parcel under petition. The land is located approximately .70 of a mile makai of the old lower Kula Road. The new lower Kula Road, a federal aid project now under construction, was paralleled to the present old lower Kula Road and is about 500' makai of the old lower Kula Road. Access to the petitioners' property is by a 12' dirt road which crosses the new lower Kula Road on the way to the property. The dirt road is privately owned and is maintained by the owners.

The petitioners report that the property was bought in 1959 with the intent of subdividing it for residential purposes. On April 11, 1963, the LUC received a letter from the petitioners enclosing a proposed plot development plan showing 41 lots to be approximately one acre in size. The petitioners also mentioned that the privately owned road will be graded and paved in accordance with County specifications and that all utilities would be underground. Upon the completion of the road, the petitioners mentioned that the newly paved road would be turned over to the County of Maui at no cost to the public.

Hearing
terminated
25 Jan 64

The land use surrounding the petitioners' land is agricultural. The surrounding lots are presently growing pineapple and diversified crops. The makai area is in grazing. The only buildings that exist in the area are the residences and accessory agricultural buildings of the farmers. There are no adjacent urban areas but the James Tract, now in the temporary urban district, is located approximately 3/4 mile away.

On March 7, 1963, the Maui Public Works Committee met and concurred with the Maui Planning and Traffic Commission to recommend disapproval on the petitioners' original application. The County's recommendation for disapproval was based on: (1) Lack of water to support an urban development in the area and (2) Unimproved road, not suitable for an extensive residential development.

Rainfall in the area is about 20-30 inches per year.

The former LUC proposed that the entire area, where the parcel is located, be classified agricultural on their final district boundary maps. This decision was based on the fact that the character of the surrounding area is open land and agricultural. Field inspection by the staff has verified this. Several diversified agricultural operations are in the immediate vicinity of the parcel under consideration. The State General Plan designated the area for agriculture while the Maui General Plan has designated the same area as rural.

Detailed soil classification maps of Maui are not available. However, by approximate measurements from the map which shows Generalized Classification of Lands by Suitability for Intensive Agriculture, prepared by the Land Study

Bureau, the subject parcel appears to be Class C lands or lands with fair to marginal suitability for intensive agriculture. On the lower side, the adjoining land is designated as Class D. The adjoining lands on the other sides are designated as Class A. Class D lands are, in general, unsuited for intensive agriculture for one or more reasons. Class A lands are, in general, highly productive, easily managed lands.

The subject parcel appears to be idle at present but appears to have been cultivated at one time.

Analysis: Although the subject parcel has only fair to marginal suitability for intensive agriculture, much of the adjoining areas are Class A or prime agricultural land and is now in agricultural use. The land adjoining the makai boundary is not suited for intensive agricultural use but is now in agricultural use as grazing areas. All adjoining lands are clearly in agricultural uses.

Act 205 states "The commission should set standards for determining the boundaries of each district provided that..... (b) in the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included....." Act 205 further states "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."

Further, the LUC has adopted proposed regulations for public hearing purposes which indicate small farms to be generally 5 acres or less.

The subject parcel of 42.07 acres and the abutting lands do not meet these criteria of Act 205 or the proposed standards for rural districts set by the LUC.

Recommendation: The staff recommends denial of the petition on the following basis:

1. The subject parcel does not meet the criteria of Act 205 or the standards for rural districts in the proposed regulations of the LUC.
2. The subject parcel and adjoining lands are agricultural in character rather than rural.
3. The subject parcel is not prime agricultural land. Consideration must then be given to whether or not the specific districting imposed will permit a use that serves the welfare of the public. The petition indicates a residential development. If the only basis for districting was the agricultural quality of soils, then the decision would be simple. However, the following considerations must also be made:
 - a. The adequate and economic provision of public services and facilities.
 - b. The determination and timely allocation of actual land needs which are adequate yet not excessive--so as to prevent scatteration and detrimental premature use.
 - c. Proper locations in respect to related land uses and efficient use or provision of facilities and services.

The granting of this petition would, in effect, provide a precedence upon which residential subdivisions on similar parcels scattered throughout the State may be accomplished--if equal application of the law is assumed.

Although such is not the intent, the result would be detrimental to the public welfare as such scattered patterns of development would eventually pressure government for the usual services and facilities. However, only inadequate yet expensive services and facilities can be reasonably provided to such developments, resulting in costs which neither the public nor counties can really afford.

Ref. No. LUC 50

January 22, 1964

AIR MAIL-SPECIAL DELIVERY

Mr. Robert Ohata, Planning Director
Planning and Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui, Hawaii 96732

Dear Mr. Ohata:

Your letter of January 13, 1964 in regards to recommendations of the County Planning Commission has been received. We are sorry that we were not able to answer your letter earlier as we were tied up with hearings on several hot issues over the past week end.

The concern which your office has expressed, over the timeliness of our transmittals for County comments, is entirely justifiable. We will make every effort to be more expeditious.

As you have suggested we have checked with the Attorney General's Office on the following: whether or not there may be a violation of statute should the Land Use Commission render a decision on any petition for change of district boundary without recommendation from the County Planning Commission. Mr. Roy Takeyama, Counsel for the Land Use Commission, stated that as long as the County's recommendation is considered before the Land Use Commission takes final action, the petitioner is not prejudiced. Therefore, the conclusion was that there was no violation of the statute in respect to Landco inasmuch as the recommendation from the County has been received and will be a consideration before the Land Use Commission takes final action.

In regards to County comments on the Stephenson and Tam petitions, it would be all right for your Commission to act on recommendations at its January 28 meeting since they will be considered by the Land Use Commission prior to final action. On January 25, hearings are being continued on these two

Mr. Robert Ohta, Planning Director

Page 2

January 22, 1964

particular petitions and action will not be taken sooner than 45 days subsequently. It is agreed, however, that the related amendments could have been transmitted earlier to your office in time for your January 7 meeting, and should have been done.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Mr. Myron Thompson
Mr. Charles Ota
Mr. Roy Takeyama
Mr. C.E.S. Burns

Ref. No. LUC 32

January 14, 1964

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on January 25, 1964, at 11:00 a.m., in the Chambers of the Board of Supervisors, County of Maui, Wailuku, Maui.

Your petition, as amended, for Change of Temporary District Boundary from an Agricultural district to a Rural district classification will be heard at that time.

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

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. EYA M. DUPONTE, Secretary

PLANNING AND TRAFFIC COMMISSION
COUNTY OF MAUI

P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732
January 13, 1964

RECEIVED

JAN 15 1964

State of Hawaii
LAND USE COMMISSION

Mr. Raymond Yamashita
Executive Officer
State Land Use Commission
Honolulu, Hawaii

Dear Mr. Yamashita:

Reference No. LUC 28

The Maui Planning and Traffic Commission will not be able to comment on the amendments of the petitions by Stephenson and Tam on changes in district boundary before January 24, 1964. The last Commission meeting was on January 7, 1964, and the next meeting will be on January 28.

This office is very much concerned in that this is the second time when transmittal from your office was timed so that action by the Maui Commission could not have been made. We find by the communications from Mr. Jennings and Mr. Tam that both could have been transmitted to this office in time for our meeting of January 7. To avoid repetition in the future, we enclose a schedule of the meetings of the Planning Commission for the year 1964.

It seems to me that there may be a violation of the statute on the Land Use Commission, should said Land Use Commission render a decision on any petition for change of district boundary without recommendation from the County Commissions. I would like to have your office check this with the Attorney General's Office. Please inform us as to the opinion of the Attorney General so that we may act at the meeting of January 28 even if it's after the January 24th date which you have set. Accordingly, we would like to have the Attorney General's Office check on the petition of Landco which was transmitted to this office and without recommendation from the Maui Commission.

Very truly yours,

Robert O. Ohata

Robert O. Ohata
Planning Director

Encl.

cc Mr. Myron B. Thompson
cc Roy Takeyama
cc Charles Ota

MAUI PLANNING AND TRAFFIC COMMISSION
SCHEDULE OF REGULAR MEETING DATES - 1964

RECEIVED
JAN 15 1964
State of Hawaii
LAND USE COMMISSION

January

Tuesday 7
Tuesday 28

February

Tuesday 4
Tuesday 25

March

Tuesday 10
Tuesday 24

April

Tuesday 7
Tuesday 21

May

Tuesday 5
Tuesday 26

June

Tuesday 9
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July

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August

Tuesday 11
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September

Tuesday 8
Tuesday 22

October

Tuesday 6
Tuesday 27

November

Tuesday 10
Tuesday 24

December

Tuesday 8
Tuesday 22

Ref. No. LUC 28

January 10, 1964

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

Dear Mr. Ohata:

I have neglected to send you the attached amendments, as I should have earlier, for comment from your Commission. I would sincerely appreciate any effort you may make to get the necessary comments back to this office before January 24 as the Land Use Commission will further hear these petitions for boundary changes on January 25.

As you may recall, the Land Use Commission continued hearings on the petitions by Stephenson and by Tam to permit them to amend their petitions from Agricultural to Rural rather than to Urban as initially submitted. In the proposed final district boundaries accepted by the Land Use Commission for public hearing purposes, the Tam parcel is in the Rural district and the Stephenson parcel is in the Agricultural district.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Attachments

cc: Mr. Myron B. Thompson
Mr. Roy Takeyama
Mr. Charles Ota

837

17 Williams Lane
San Carlos, California
December 19, 1963

RECEIVED

JAN 3 1964

State of Hawaii
LAND USE COMMISSION

Mr. R. Yamashita
State of Hawaii
Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Dear Sir:

Re: Ref. No. LUC 778

In answer to your letter of December 13th informing us of the recent changes in the land use legislation, Act 187, we would like to amend our petition from Urban to Rural as you have suggested.

We appreciate the very informative letter and other information which you enclosed with the letter. Thank you very kindly.

Sincerely yours,

Clement Jennings
Clement Jennings
E. B. Stephenson

CJ/mj

Eagle-Hill
Type-Cause
Ref. No. LUC 778

December 13, 1963

Messrs. E. B. Stephenson and Clement Jennings
17 Williams Lane
San Carlos, California

Gentlemen:

The Chairman of the Land Use Commission, at the scheduled public hearing on December 6, 1963, in Wailuku, Maui, continued the hearing on your petition to a future date which is to be specified later. The reason for continuing the hearing was because the Land Use Commission had some doubt as to whether or not you were aware of the recent changes in the land use legislation, Act 187, which was amended by Act 205 enacted on June 17, 1963. In the event that you have been unaware of the changes made since the filing of your petition, the Land Use Commission felt that you should be given the opportunity to review your petition.

The primary changes included the addition of a fourth major land use district, rural, to the three major land use districts of conservation, agricultural and urban as was provided by Act 187; and, a clarifying of the division of authority between the Land Use Commission and the Counties. Copies of the legislation, Acts 187 and 205, are enclosed for your information.

Although it is not the intent of the Land Use Commission to suggest that you amend your petition, an amendment would be in order should you feel it in your interest to do so and in light of the changes you may not have been aware of. In one petition heard on Maui, an amendment for a change to a rural district, rather than an urban district as originally petitioned, was submitted to the Land Use Commission. However, the Land Use Commission has not taken action as yet. Whether or not such an amendment by you would make any difference, if at all in your case, is entirely conjectural at this point. The rural district is currently being determined by the Land Use Commission but no decisions have yet been made. In relation to size only, your subdivision would apparently meet the requirement of either an urban or rural district.

Messrs. Stephenson and Jennings

Page 2

December 13, 1963

Also, the Maui County Planning and Traffic Commission has recently adopted a long range general plan which includes a great deal of the Kula area in the 'rural' district. Mr. Robert Ohta indicated at the hearing that the subject parcel may be considered to be within the County's designated rural district on the general plan recently adopted. This would suggest that the Maui County Planning and Traffic Commission might reconsider its views stated in their letter to the Land Use Commission dated February 6, 1963 (of which you have a copy) should you decide to amend your petition. On the other hand, it is quite possible that the final district boundaries for the rural district might very well not encompass the same areas indicated on the Maui General Plan because of possible differences in interpretation or other reasons.

Again, the intent of this letter is not to suggest any course of action but to remove the doubt in the Land Use Commission that you may not be aware of recent changes and to afford you an opportunity to review your petition should you have not been aware.

In view of the changes in the legislation since the filing of your petition, you may wish to have your petition processed as it now stands or, you may wish to submit an amendment. In any event, we would appreciate hearing from you at your earliest convenience.

Very truly yours,

R. YAMASHITA
Executive Officer

Enclosures

cc: Mr. Myron Thompson
Mr. Robert Ohta
Mr. Charles Ota

Eagle-27
Type-Erase

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

February 6, 1963

RECEIVED

FEB 12 1963

State of Hawaii
LAND USE COMMISSION

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 February 5, 1963, voted unanimously to recommend disapproval of the petition for amendment of temporary district boundary from E. B. Stephenson and others, from agricultural to urban of 42 acres in Kula, Maui, Tax Map Key 2-3-03:1.

The Commission feels that this particular lot is agricultural, based on the surrounding lots which are presently in pineapple, cabbage, onion, lettuce and other diversified agriculture. Secondly, the road leading to this lot is unimproved and is not suitable for an extensive residential development.

Transmitted herewith is a check of \$50.00 made to the County of Maui, properly indorsed and made payable to your Commission; letter dated January 24, 1963 from the applicant; and a petition for the change.

Very truly yours,

A handwritten signature in cursive script, reading "Robert O. Ohata".

ROBERT O. OHATA
Planning Director

cc Public Works Committee
cc E. B. Stephenson

G. N. TOSHI ENOMOTO
County Clerk



BONIFACE ESPINDA
Deputy County Clerk

OFFICE OF
COUNTY CLERK

COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

March 19, 1963

RECEIVED

MAR 21 1963

State of Hawaii
LAND USE COMMISSION

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

Dear Mr. Darnell:

SUBJECT: COMMITTEE REPORT NO. 38 ITEM NO. 3 & 4
REGARDING YOUR FILE NOS. 456 and 423.

On behalf of the Maui County Board of Supervisors,
we transmit a copy of the above-captioned committee report
which was adopted by the said Board on March 15, 1963.

Your attention is respectfully called to the item
therein as captioned above, which is of interest to you.

We trust that the recommendations pertinent thereto
are self-explanatory.

Very truly yours,

G. N. TOSHI ENOMOTO
County Clerk

Encl.

*Stephenson + Laurie Lick
Concur with Planning Commission*

RECEIVED

MAR 21 1963

State of Hawaii
LAND USE COMMISSION

March 15, 1963

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

Gentlemen:

The Public Works Committee met on March 7, 1963 and submits herewith its recommendations on the following matters:

1. REFER TO ENGINEER - Resolution No. 25 - Requesting the County Engineer to investigate feasibility of acquiring and improving trail from Lower Main Street to Lunalilo Street and the advisability of acquiring portion of the extension of Lunalilo Street which does not belong to the County and paving the same.
2. ACKNOWLEDGE & FILE - G.C. No. 117 from Lahaina Enterprises, Inc. - Re: Requesting permission to pave sidewalk in front of building housing Lahaina Casuals, Hardwoods of Hawaii, Dr. Stanley Nashiwa, and Vans Beautytine. Said permission was granted and project has been completed.
3. ACKNOWLEDGE & FILE - G.C. No. 111 from R. J. Darnell (LUC) - Re: Petition for Temporary District Boundary Change by Errett Beck Stephenson, et.al. The Public Works Committee concurs with the decision of the Planning Commission.
4. ACKNOWLEDGE & FILE - G.C. No. 112 from R. J. Darnell (LUC) - Re: Application for Special Permit to subdivide 15.3 acres into residential lots by Laurie Fish et.al. The Public Works Committee concurs with the decision of the Planning Commission.

Adoption of this report is respectfully requested.

Very truly yours,
PUBLIC WORKS COMMITTEE

P/Works Committee

-2-

March 15, 1963

SOON OAK LEE, Chairman

MANUEL MOLINA, Vice-Chairman

GORO HOKAMA, Member

LANNY MORISAKI, Member

/lc

To Be Read
at Petitioner's Hearing

STATE OF HAWAII
DEPARTMENT OF ECONOMIC DEVELOPMENT

DIVERSIFIED

17 Williams Lane
San Carlos, California
November 16, 1963

787
RECEIVED

NOV 29 1963

State of Hawaii
LAND USE COMMISSION

Mr. Robert Chata
Planning and Traffic Commission
Maui, Hawaii

Dear Mr. Chata:

In the Wednesday issue of the Maui News dated November 13th there is an article titled Rural Area Plan Approved, and I note that it concerns certain sections in the Kula area. I would appreciate knowing how this will affect our parcel of Land Tax Map Key 2-3-03 :1 for 42 acres that we propose to subdivide into one acre lots.

I have received from the State Land Use Commission a notification that our case will be heard on December 6th, 1963 at 4:45 p.m. I am extremely sorry that I will be unable to attend this hearing due to previous commitments.

I have noted quite recently in several issues of the Maui News where articles have stated that the Kula area is becoming more popular as a residential location. If this is true then I feel that our subdivision of larger lots would be a definite asset to the area, and I hope that both you and the Land Use Commission will look favorably upon our petition.

I would appreciate your showing the Land Use Commission my letter since as previously stated I will be unable to attend and present the additional information as outlined above.

Sincerely yours,

Clement Jennings
Clement Jennings

CJ/MDJ

Erret Beck Stephenson

Ref. No. LUC 734

November 7, 1963

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii, on December 6, 1963, at 4:45 p.m., in the Chambers of the Board of Supervisors of the County of Maui, County Building, Wailuku, Maui. Your petition for Change of Temporary District Boundary from an Agricultural district classification to an Urban district classification will be heard at that time.

Publication of Legal Notice will appear in the Honolulu Star-Bulletin and the Maui News on November 16, 1963.

Sincerely,

R. YAMASHITA
Executive Officer

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY
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 Board of Supervisors of the County of Maui in the County Building in Wailuku on December 6, 1963, at 4:45 P.M., or as soon thereafter as those interested may be heard, to consider petitions for change of Temporary District Boundary within the County of Maui as provided for in Section 98H-4 of the Revised Laws of Hawaii 1955, as amended.

Petitions for Change of Temporary District Boundary to be heard:

<u>Docket Number and Petitioner</u>	<u>Tax Map Key</u>	<u>Change Requested</u>
A(T)63-31 Errett Beck Stephenson, Et Al.	2-3-03: 1	Change from an Agricultural district classification to an Urban district classification.
A(T)63-34 Anthony A. Tam	2-3-02: 23	Change from an Agricultural district classification to an Urban district classification.
A(T)63-42 D. Tokunaga and F. Munoz	2-3-09: 5	Change from an Agricultural district classification to an Urban district classification.

Maps showing the area under consideration for change of Temporary District Boundary and copies of the rules and regulations governing the petitions above are on file in the offices of the Maui Planning and Traffic Commission and the Land Use Commission and are open to the public during office hours.

All written protests or comments regarding the above petitions 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 up to fifteen (15) days following this hearing.

LAND USE COMMISSION

M. THOMPSON, Chairman, Pro Tempore

R. YAMASHITA, Executive Officer

(Legal ad - 2 cols. w/border)
(To appear November 16, 1963)
(THE HONOLULU STAR-BULLETIN)
(THE MAUI NEWS)

State of Hawaii
LAND USE COMMISSION
426 Queen Street
Honolulu 13, Hawaii

October 22, 1963

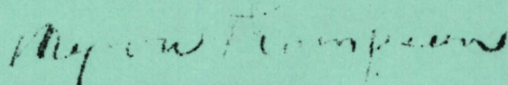
MEMORANDUM TO ALL PETITIONERS CONCERNED

The Land Use Commission at its meeting on October 18, 1963 has asked me to assure you of its awareness of your petition before the Commission.

As of October 11, 1963 the Commission was fully constituted, and it is now in the process of scheduling hearings for petitions not heard by the previous Commission and of scheduling new hearings for petitions heard prior to May 3, 1963 on which the previous Commission took no action. Upon completion of these schedules, notification concerning when your petition will be heard will be forwarded to you.

Mr. Raymond Yamashita is the Commission's new executive officer, and he will begin his duties on November 1, 1963.

Sincerely,


MYRON B. THOMPSON
Chairman, Pro Tempore

Ref. No. LUC 641

August 15, 1963

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This is to update the information contained in my letter to you dated June 4, 1963.

New members have not yet been appointed to the State Land Use Commission. From recent conversations with the governor's assistants it would appear as if these appointments should be forthcoming before the end of this month.

Until such time as these commissioners are appointed and oriented no action may be taken on your request for change of district boundary.

May I thank you once again for your patience in this matter.

Very truly yours,

W. M. MULLAHEY
ACTING EXECUTIVE OFFICER

cc: Robert Ohata

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



Send to Comm., Co & encl.

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

April 8, 1963

RECEIVED

APR 11 1963

State of Hawaii
LAND USE COMMISSION

661

AG 63-31

Mr. Edward C. Bryan
Chairman
State Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Bryan:

Attached herewith is a letter from Mr. Clement Jennings of San Carlos, California, submitting additional data on his change of temporary boundary request on which public hearing has already been held.

The letter contains additional data which I feel may have a bearing on his request. Accordingly, I request that you consider these communications even if the time for submittal of additional data may have lapsed.

Very truly yours,

A handwritten signature in blue ink, reading "Robert O. Ohata".

ROBERT O. OHATA
Planning Director

cc Clement Jennings

17 Williams Lane
San Carlos, California
March 30, 1963

RECEIVED

APR 11 1963

State of Hawaii
LAND USE COMMISSION

661

Mr. Robert Ohata
Planning and Traffic Commission
Maui, Hawaii

Dear Sir:

I wish to take this opportunity to thank you for the information and help you gave me during the meeting of the Land Use Commission on March 6th at the Wailuku Elementary School. At that time you suggested that I write to the Land Use Commission and ask for a review of our petition for amendment of temporary district boundary from Agricultural to Urban per Section 11 of Act 187. You also suggested I write this informal letter to you as a reminder of our conversation of that evening. I know it must be difficult for a man in your position to remember all the various requests you receive, and the people involved, particularly when you only met them once. Maui is indeed fortunate to have a man of your capability planning the orderly development of the County of Maui even though the Planning Commission is understaffed and overworked, and yet you personally find the time to counsel those particular individuals in need of your able assistance.

In the course of our conversation I learned that you were under the impression that the road leading to our property was a County road and you were reluctant to approve our petition because of the expenditure involved in improving this road. Since the road is not County property, but privately owned, we shall grade and pave this road according to County specifications at our own expense and none whatsoever to Maui County. In addition we plan to have all utilities underground.

I know this is an imposition with your very busy schedule, but would you please review our enclosed request and forward it on to the Land Use Commission with your recommendations.

Very truly yours,

Clement Jennings

Clement Jennings

17 Williams Lane
San Carlos, California
March 30, 1963

641

RECEIVED

APR 11 1963

State of Hawaii
LAND USE COMMISSION

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

Dear Sir:

In view of the Commission's likely decision to disapprove our petition to amend the temporary district boundary from Agricultural to Urban of the 42 acres in Kula, Maui, Tax Map Key 2-3-03:1, I respectfully request a review as authorized in Section 11 of Act 187.

Our petition was recommended for disapproval by the Maui Planning and Traffic Commission for what we believe to be a misunderstanding and incomplete information. We were not made aware of Act 187 until December of 1962 and in order to get our petition before your Commission it was hastily drawn up and lacked the necessary information and clarification. The Planning and Traffic Commission pointed out that the road leading to this 42 acres is unimproved and not suitable for an extensive residential development. We believe they were under the impression that this is a County road and would therefore be the responsibility of the County of Maui to improve it at considerable cost for our benefit. However this is not the case. This is a privately owned road and will be graded and paved in accordance with County specifications and in addition all utilities will be underground. Upon completion and approval of the Maui County Engineers the road will be turned over to the County at no cost whatsoever.

Enclosed is a proposed plot development plan showing all lots to be approximately one acre in size instead of the smaller lot, high density subdivision. We are aware of the shortage of proper water facilities in Kula at the present time, and do not propose to develop the land until these facilities are available.

We have many friends who want to purchase land in our development, all of whom are people of means, such as doctors, lawyers, and businessmen who plan to retire on Maui, and whose income would be well above the average, and therefore could contribute a great deal to the social and economic development of Maui.

We hope the foregoing clarifies our petition, and that you will reconsider our request for approval.

Very truly yours,

Clement Jennings
Clement Jennings

Marcella E. Jennings
Marcella E. Jennings

Erret B. Stephenson
Erret B. Stephenson

Mignon Stephenson
Mignon Stephenson

Ref. No. LUC 582

June 4, 1963

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This is to apprise you of the status of your petition for Change of Temporary District Boundary which was heard before the Land Use Commission on March 28, 1963.

As you know the members of the Land Use Commission were not confirmed by the last Legislature and are no longer in office. Therefore, consideration of your petition for final action must be delayed until new members are appointed to the Commission. These appointments should occur before the end of July.

You will be informed in advance of any meeting where the new Commission may take final action on your petition. Thank you for your patience thus far. If you have any further questions please contact me.

Very truly yours,

W. M. MULLANEY
ACTING EXECUTIVE OFFICER

cc: Maui Planning & Traffic Commission

ALWAYS BOND
EAGLE-A-5

EAGLE-A
TYPE-ERASE
25% COTTON FIBER
Ref. No. LUC 531

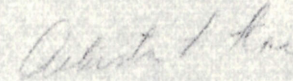
April 11, 1963

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

Dear Mr. Ohata:

This is to inform you that the information forwarded by you on April 8, 1963 relative to the Stephenson-Jennings item, A(T) 63-31, has been accepted and will be presented formally to the Commission at their next meeting.

Very truly yours,



for
W. M. MULLANEY
FIELD OFFICER

January 24, 1963

RECEIVED

FEB 12 1963

State of Hawaii
LAND USE COMMISSION

Robert O. Ohata-Planning Director
PLANNING AND TRAFFIC COMMISSION
County of Maui
P. O. Box 1487
Kahului, Maui, Hawaii

Dear Mr. Ohata:

We are enclosing an application for a change of temporary boundary on property owned by us and referred to as tax Map Key 2-3-03-Parcel 1., with a certified check in the amount of \$50.00.

Maui is ready for and needs housing of such calibre that will attract not only people from the mainland and your other islands but will also invite the young and retired to stay in Maui and enjoy there own most beautiful Island.

We ask that you give this petition for a change of zoning fair consideration. Since purchasing this property in 1959 we have considered ourselves part of Maui and have only been waiting for the time when water and a good road would make advisable the development of our land

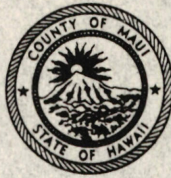
Yours very truly,

Errett Beck Stephenson
Mignon Stephenson
Clement Jennings
Marcilla Edith Jennings

Errett Beck Stephenson
Mignon Stephenson
Clement Jennings
Marcilla Edith Jennings

EBS:cc. file

G. N. TOSHI ENOMOTO
COUNTY CLERK



BONIFACE ESPINDA
DEPUTY COUNTY CLERK

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

March 4, 1963

597
RECEIVED

MAR 7 1963

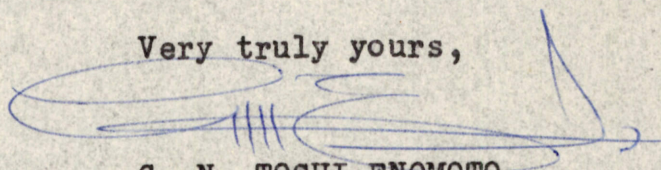
State of Hawaii
LAND USE COMMISSION

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

Dear Mr. Darnell:

Please be advised that the Maui County Board of Supervisors, on March 1, 1963, referred your letter of February 25, 1963 (LUC 456) regarding a petition for Temporary District Boundary Change submitted by Errett Beck Stephenson, et al, to the Public Works Committee for attention.

Very truly yours,


G. N. TOSHI ENOMOTO
County Clerk

/lye

Ref. No. LUC 482

March 12, 1963

Mr. E. B. Stephenson
17 Williams Lane
San Carlos, California

Dear Mr. Stephenson:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on March 28, 1963, at 3:00 p.m., in the Boardroom of the Maui County Board of Supervisors, Wailuku, Maui. Your petition for change of Temporary District Boundary will be heard at that time.

Publication of the Legal Notice appeared in the Honolulu Star-Bulletin on March 8, 1963, the Honolulu Advertiser on March 9, 1963 and will appear in the Maui News on March 25, 1963.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Ref. No. LUC 456

February 25, 1963

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

Attention: The Honorable Eddie Tam, Chairman
and Executive Officer

Gentlemen:

I have been asked by the Land Use Commission to solicit your comments and recommendation regarding a matter pending before the Land Use Commission from the County of Maui.

Enclosed is the submittal pertaining to a petition for Temporary District Boundary Change by Errett Beck Stephenson, et. al.

The Commission has not set a date for public hearing as yet; however, the Commission would appreciate your recommendation in writing at your earliest convenience.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosure

25% COPY FILED
TYPE-ERASE
EAGLE-A

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 _____

Date forwarded to LUC
with recommendation _____

Date Petition, Fee and
County/DLNR recommen-
dation received by LUC _____

RECEIVED
FEB 12 1963
State of Hawaii
LAND USE COMMISSION

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

(I) (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 MAPKEY-2-3-03- PARCEL 1. to change the district designation of the following described property from its present classification in a(n) AGRICULTURAL district into a(n) RESIDENTIAL district.

Description of property: Lot 1-A-4-C-3, area 42.07 acres, as shown on Map 29, filed with the Land Court Application No. 342. Together with an easement for access to Kula Main Government Road over and across Lot 1-A-4-A as shown on Map No. 17.

Petitioner's interest in subject property: Errett Beck Stephenson and Mignon Stephenson-one half owner. Clement Jennings and Marcilla Edith Jennings-one half owner.

Petitioner's reason(s) for requesting boundary change:
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)

Errett Beck Stephenson
Mignon Stephenson
Marcilla E. Jennings
Clement Jennings

Address:

17 Williams Lane
San Carlos, California

Telephone:

WSB
H2O
Heath

PETITION FOR AMENDMENT OF DISTRICT BOUNDRY

Map Key-2-3-03-Parcel 1.

1. That the above property located in the Lower Kula area was purchased in 1959 for the purpose of subdividing into one-third acre or larger homesites at such time that adequate water supply would be available. At the time of purchase the property was not under cultivation nor do we believe the Greenbelt law in effect. Plans for the development of this property are being presently worked out and call for certain restrictive requirements regarding price range, architectural control and other good subdivision planning such as all utilities underground. Present thinking on the price range of these homes would be \$18,000.00 up.
2. (b) Conditions and trends of development have so changed since adoption of the present classification, that the present classification is unreasonable.

Diversified farming in Kula is a thing of the past, water problems and general difficult terrain of our property make it impractical for agricultural use. Our property is located below the Lower Kula Road and is outside the heavy rain belt and would require extensive irrigation making the cost of farming prohibitive.

New developments have been approved in this area citing Kula Kai in one instance and others now in progress. If our property is rezoned Urban the homesites located on it could only serve to beautify the area since it is now a barren, treeless, rocky terrain. We believe that the predicted growth of Maui will necessitate the need for homes in areas that will not disrupt the present agricultural lands already in use, and it is only natural that development should take place along the improved Federal Highway. We believe that the valley areas should be retained for agricultural purposes, and the low rainfall area and the difficult terrain area should be zoned Urban.

The growth of Maui is inevitable following the buildup of resort areas such as Kaanapali, Kehei and other Planned Resort areas, and desirable homesites should be available for the predicted growth on Maui. We believe that the development of the Lower Kula area will truly add in making Maui No Ka Oi.

*Note: Change in Temporary District Boundary
Errett B. Stephenson
Communication No. 5, Agenda of 2/5/63.*

COPY

NOTICE OF PUBLIC HEARING TO CONSIDER AN APPLICATION FOR SPECIAL PERMIT
AND PETITIONS FOR TEMPORARY DISTRICT BOUNDARY CHANGE 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 State of Hawaii Land Use Commission to consider an application for Special Permit and two (2) petitions for change of Temporary District Boundary within the County of Maui on March 28, 1963 in the Boardroom of the Maui County Board of Supervisors, Wailuku, Maui, at 3:00 p.m., or as soon thereafter as those interested may be heard, pursuant to SECTION 2, Secs. 6 & 7, Act 187, Session Laws of Hawaii 1961.

ITEMS TO BE HEARD

Application of Abner Delima, SP(T) 62-36, for Special Permit to subdivide a .76 acre parcel into 3 residential lots on land in Makena, Maui: Described as Second Division, TMK 2-1-07: 6.

Petition of E. B. Stephenson, et al., A(T) 63-31, for change of Temporary District Boundary from an Agriculture district to an Urban district classification for land in Kula, Maui: Described as Second Division, TMK 2-3-03: 1.

Petition of Anthony A. Tam, A(T) 63-34, for change of Temporary District Boundary from an Agriculture district to an Urban district classification for land in Kula, Maui: Described as Second Division, TMK 2-3-2: 23.

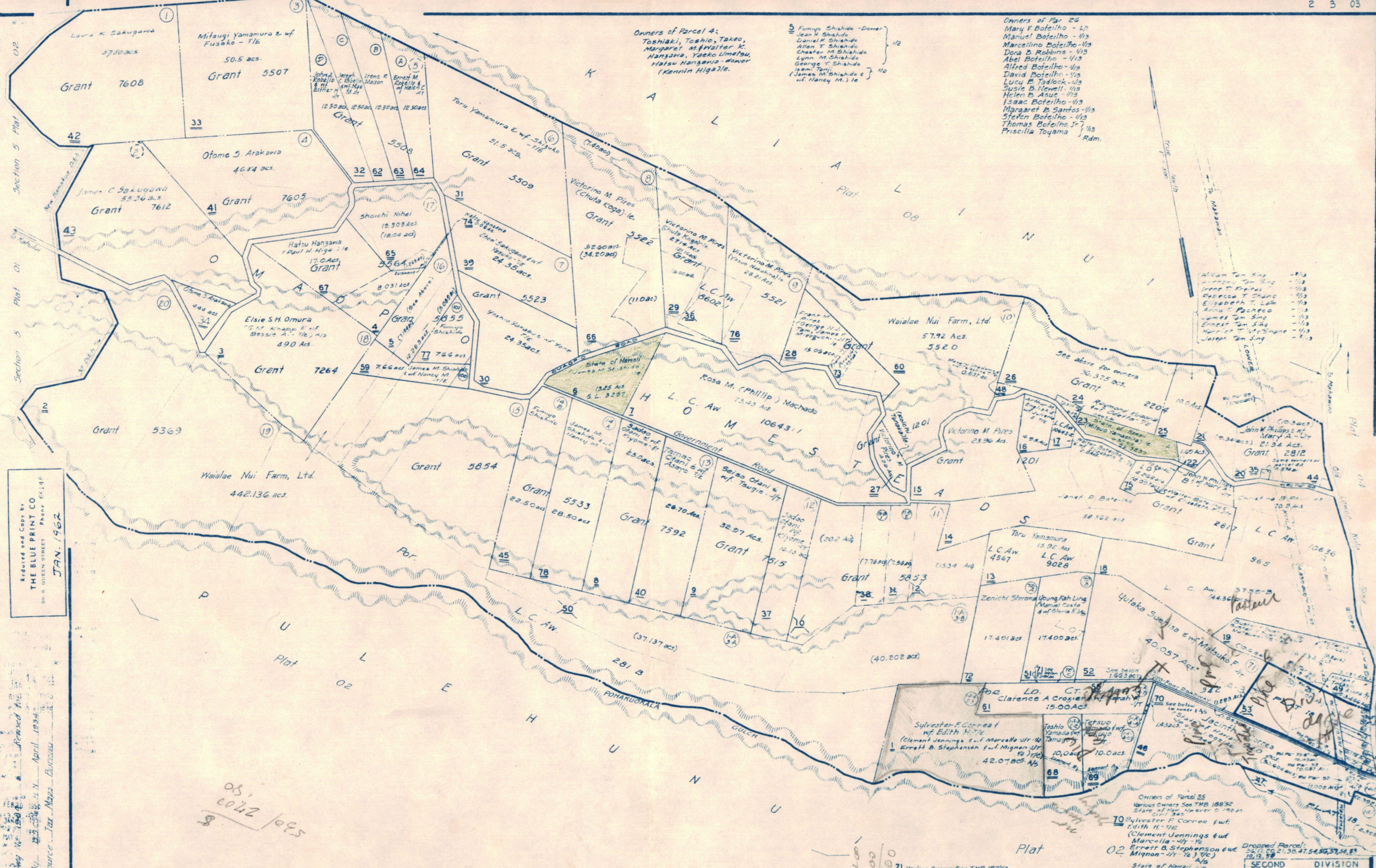
Maps showing the areas under consideration for Special Permit and change of Temporary District Boundary, and copies of the rules and regulations governing the application for the above are on file in the offices of the Maui County Planning and Traffic Commission and the Land Use Commission and are open to the public for inspection during office hours.

All written protests or comments regarding any of the above items to be heard 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 public hearing, or up to fifteen (15) days following the public hearing.

LAND USE COMMISSION

E. C. BRYAN, Chairman

R. J. DARNELL, Executive Officer



Owners of Parcel 26:
Mary V. Bofeilho - 1/12
Manuel Bofeilho - 1/12
Marcellino Bofeilho - 1/12
Dora B. Robbins - 1/12
Abel Bofeilho - 1/12
Alfred Bofeilho - 1/12
David Bofeilho - 1/12
Lucy B. Tadlock - 1/12
Susie B. Newell - 1/12
Helen B. Asue - 1/12
Isaac Bofeilho - 1/12
Margaret B. Santos - 1/12
Steven Bofeilho - 1/12
Thomas Bofeilho Jr. - 1/12
Priscilla Toyama - 1/12 Rdm.

Owners of Parcel 4:
Toshiaki, Toshio, Takeo,
Margaret, M. Walter K.
Hanzawa, Yaeko Umetsu,
Hatsu Hanzawa - owner
(Kennin Higa)le.

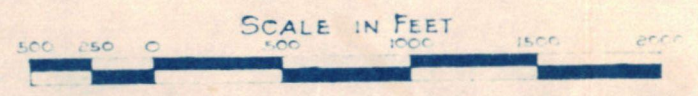
5 Fumyo Shishido - owner
Jean M. Shishido
Allen T. Shishido
Chester M. Shishido
Lynn M. Shishido
George T. Shishido
Isami Tanji
(James M. Shishido &)
w/ Nancy M. le

William Tan Sing - 1/12
Harold Tan Sing - 1/12
Irene T. Freitas - 1/12
Rebecca T. Chang - 1/12
Elizabeth T. Lam - 1/12
Anna T. Pacheco - 1/12
James Tan Sing - 1/12
Ernest Tan Sing - 1/12
Harriet T. McShane - 1/12
Joseph Tan Sing - 1/12

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JAN. 1962

By: [Signature]
Source: Tax Maps, Bureau
April 1954

Por. • KULA, MAKAWAO, MAUI



ADVANCE SHEET
SUBJECT TO CHANGE

SECOND		DIVISION	
ZONE	SEC.	PLAT	
2	3	03	
CONTAINING		PARCELS	

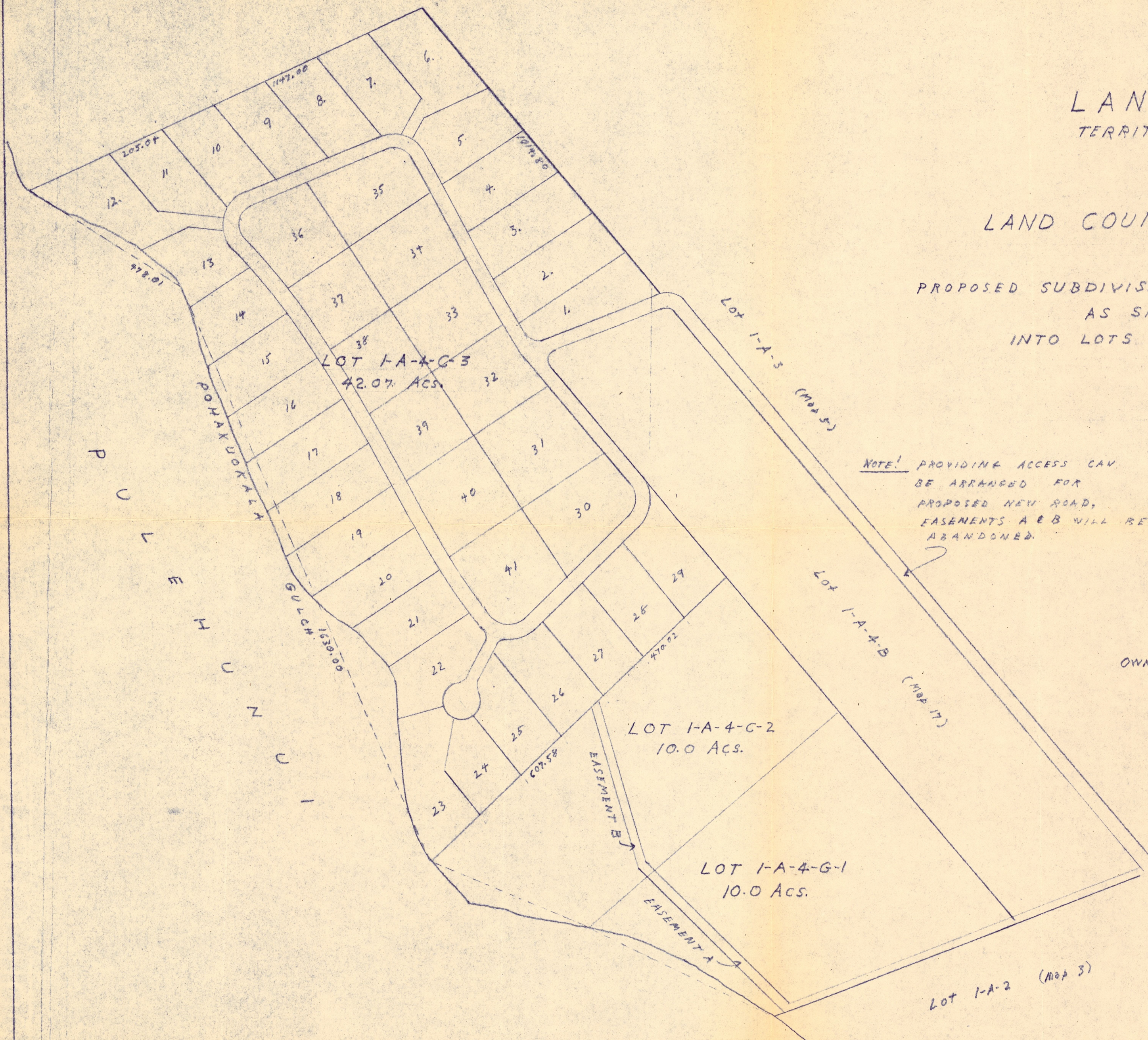
LAND COURT TERRITORY OF HAWAII

LAND COURT APPLICATION

PROPOSED SUBDIVISION OF LOT 1-A-4-C-3
AS SHOWN ON MAP 29
INTO LOTS 1 TO 41 40,000 SQ. FT. MIN.

NOTE: PROVIDING ACCESS CAN
BE ARRANGED FOR
PROPOSED NEW ROAD,
EASEMENTS A & B WILL BE
ABANDONED.

OWNERS: ERRETT BECK STEPHENSON
AND MIGNON STEPHENSON
CLEMENT JENNINGS
AND MARCELLA EDITH JENNINGS



RECEIVED
APR 11 1963
State of Hawaii
LAND USE COMMISSION

5 Fumiyo Shishido -Dower
Jean H. Shishido
Daniel K. Shishido
Allen T. Shishido
Chester M. Shishido
Lynn M. Shishido
George Y. Shishido
Isami Teraji
(James M. Shishido &
wif. Nancy M.) 12

William Tam Sing	- 3
Anthony Tam Sing	- 1
Irene T. Freitas	- 1
Rebecca T. Chong	- 2
Elizabeth T. Lam	- 1
Anna T. Pacheco	-
James Tam Sing	-
Ernest Tam Sing	-
Harriet T. McShane	-
Joseph Tam Sing	-

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

ADVANCE SHEET
SUBJECT TO CHANGE

SECOND		DIVISION
ZONE	SEC.	PLAT
2	3	03
CONTAINING		PARCELS
SCALE: 1" = 100'		500'

Por. KULA, MAKAWAO, MAUI

