A66-135 ESTATE OF SOPHIE JUDD COOKE (DEC'D)

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF SOPHIE JUDD COOKE, Deceased.	)

MEYER M. UEOKA
2121 Main Street
Wailuku, Maui, Hawaii

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF SOPHIE JUDD COOKE, Deceased.	)

FINDINGS AND DECLARATION OF PURPOSE OF THE LAW CREATING THE STATE LAND USE COMMISSION

"Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully multiple-purpose lands; these are evidences of the need for public concern and action.

"Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would development these uses. "

DEFINITION OF "RURAL"

> "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."
>
> (Sec. 98 H-2, Revised Laws of Hawaii 1955, as amended)

APPLICATION FOR REZONING

By letter dated February 12, 1966, a petition for amendment to the Land Use Commission, district boundary from agricultural to urban was filed for that parcel of land described on the Tax Map of the Second Taxation Division as Tax Key 5-2-13-17, situate at Kahanui (Kalae), Island of Molokai, County of Maui, State of Hawaii.

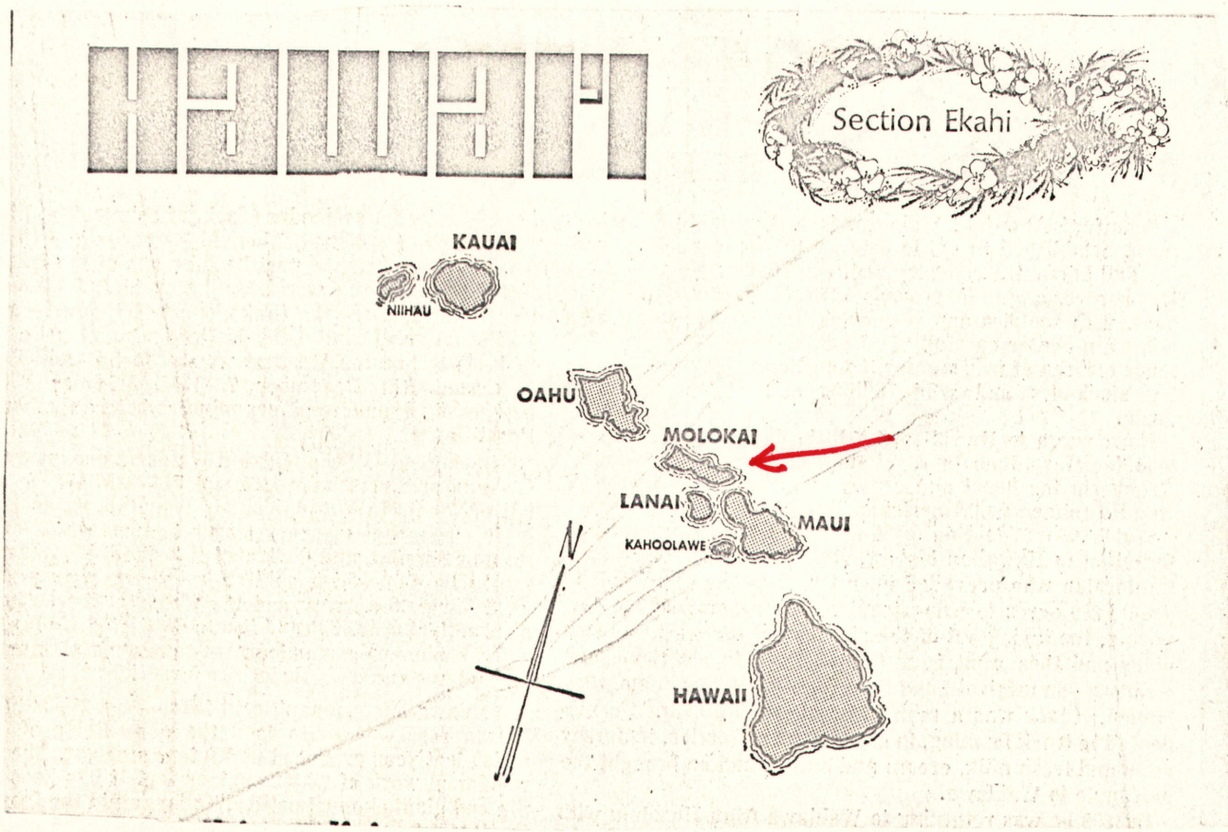
On June 17, 1966, the staff submitted its report, recommending denial of the application. The report of the staff was mailed three days before the public hearing.

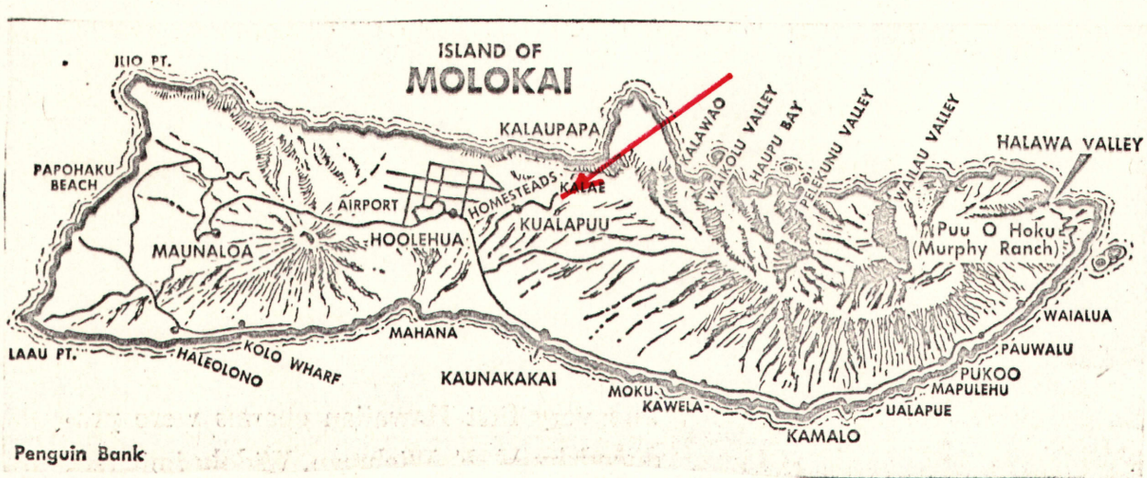
On July 25, 1966, a second petition was filed for amendment to Land Use Commission, district boundary from agricultural to rural for the subject land. By filing this second petition, the original petition for amendment to urban district was withdrawn.

On August 5, 1966, the Land Use Commission accepted

the withdrawal of the original petition.

On November 23, 1966, at 2:00 o'clock P.M., the second petition was heard.





MAP OF MOLOKAI SHOWING GENERAL LOCATION OF KALAE

CLASSIFICATION OF MOLOKAI LANDS

The subject land is classified Class C or D

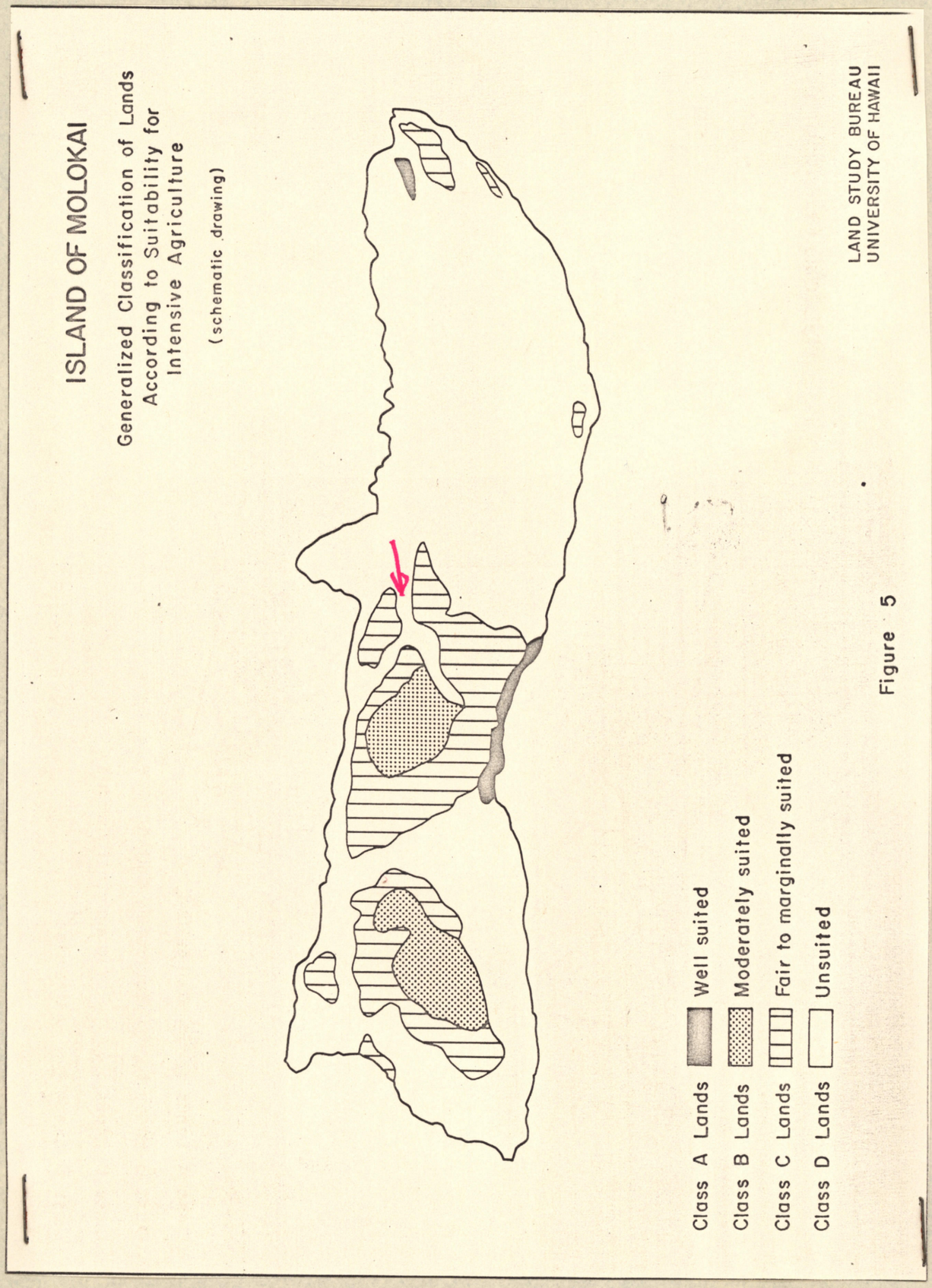


Figure 5

GENERAL DESCRIPTION OF SUBJECT LAND

certain parcel of land, being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, and a portion of School Grant 23, Apana 8 to Board of Education, situated on the northerly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii, and being more particularly described as follows:

Beginning at a pipe at the west corner of this piece of land and on the northeasterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,896.47 feet north and 12,044.15 feet east, and running by true azimuths measured clockwise from south:

1.	254°	41'		287.35	feet to a pipe;
2.	346°	15'		59.17	feet to a pipe;
3.	256°	49'		470.86	feet to a pipe;
4.	169°	00'		91.34	feet to an old pipe;
5.	252°	07'		108.20	feet along Reservoir Lot to an old pipe;
6.	205°	52'	30"	116.96	feet along Reservoir Lot to an old pipe;

J.J.C

12.	111°	27'	52"	114.12	feet to a pipe;
13.	117°	26'	30"	282.11	feet along the northeasterly side of Kamehameha V Highway to the point of beginning;

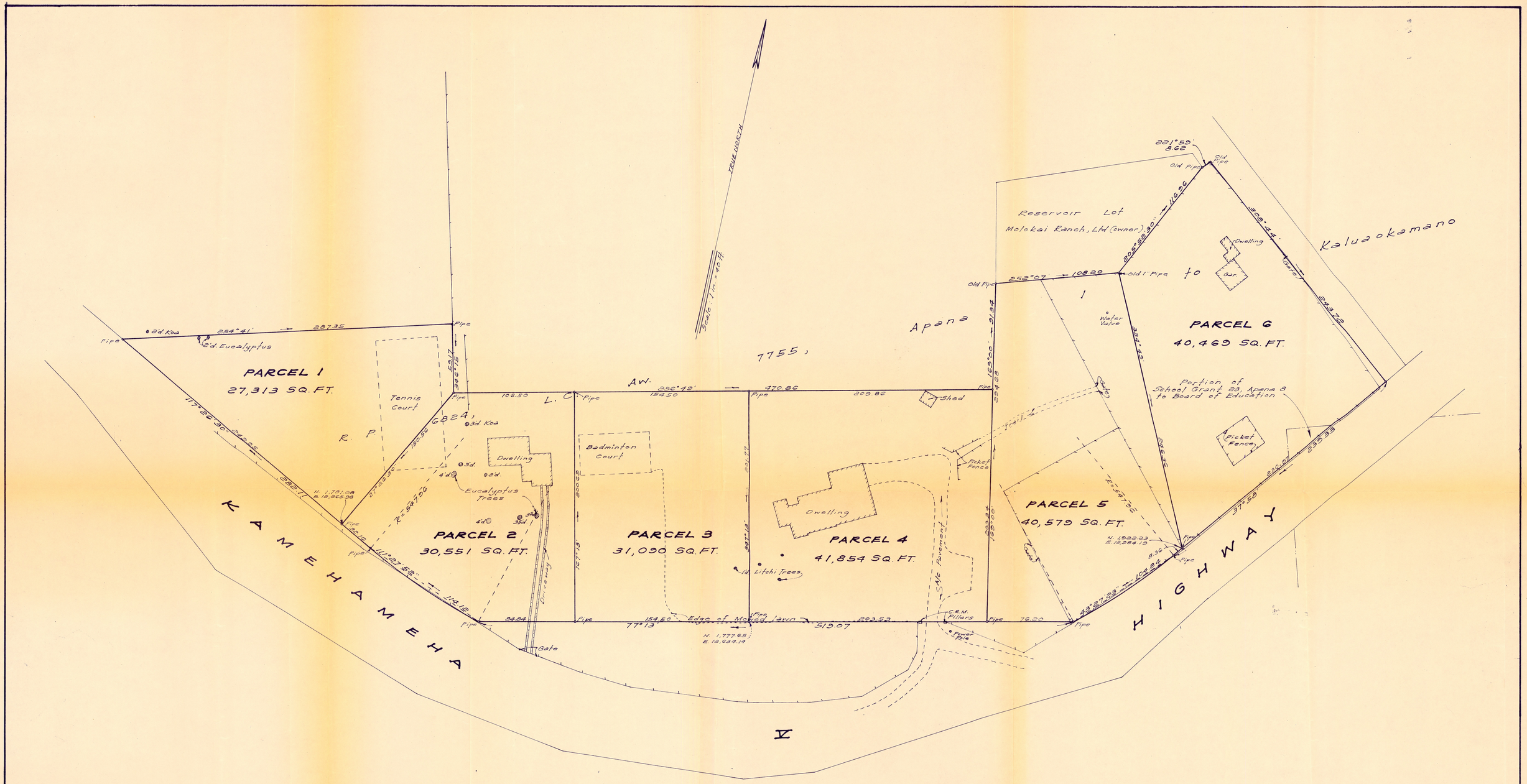
Containing an area of 211,856 square feet;

GENERAL DESCRIPTION OF SUBJECT LAND

7.	221°	59'		8.62	feet to an old pipe;
8.	308°	44'		243.72	feet;
9.	37°	58'		239.33	feet along the northwesterly side of Kamehameha V Highway to a pipe;
					Thence along the northwesterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:
10.	43°	27'	23"	104.84	feet to a pipe;
11.	77°	13'		519.07	feet along the northerly side of Kamehameha V Highway to a pipe;
					Thence along the northeasterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:
12.	111°	27'	52"	114.12	feet to a pipe;
13.	117°	26'	30"	282.11	feet along the northeasterly side of Kamehameha V Highway to the point of beginning;

Containing an area of 211,856 square feet;

MAP SHOWING PROPOSED SUBDIVISION



MRS. GEORGE P. COOKE PROPERTY

KAHANUI, MOLOKAI, HAWAII

Scale: 1 in. = 40 ft.

JOHN CLINE MANN
REGISTERED LAND SURVEYOR
No. 574
HAWAII, U.S.A.

October 29, 1962

NOTE:
Coordinates are referred to "MIDDLE HILL" △

TAX MAP KEY 2nd DIV. 5-2-13:17
F.B. 269:35
C.B. 142:48

JOHN CLINE MANN
LAND SURVEYOR
338 DILLINGHAM BUILDING

7573

22" x 34" = 5.19 ft

Cooke Fund Co —
Sophie Cooke et.

7574

PHOTOGRAPHS SHOWING THE SCATTERED RESIDENCES













LAST WILL AND TESTAMENT OF SOPHIE JUDD COOKE, DECEASED

Presented for Probate
FEB 2 1966 19...
V. Ching
Clerk

P. No. 27757

K N O W A L L M E N B Y T H E S E P R E S E N T S:

That I, SOPHIE JUDD COOKE, of Honolulu, State of Hawaii, being of sound mind and memory, do hereby make, publish and declare this as a Second Codicil to my Last Will and Testament dated August 5, 1960 and my First Codicil thereto dated July 14, 1965:

FIRST: I give, devise and bequeath to COOKE TRUST COMPANY, LIMITED, a Hawaii corporation having its principal office and place of business in said Honolulu, the sum of FIVE THOUSAND DOLLARS ($5,000.00) and that certain parcel of land, being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, and a portion of School Grant 23, Apana 8 to Board of Education, situated on the northerly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii, and being more particularly described as follows:

Beginning at a pipe at the west corner of this piece of land and on the northeasterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,896.47 feet north and 12,044.15 feet east, and running by true azimuths measured clockwise from south:

1.	254°	41'		287.35 feet to a pipe;
2.	346°	15'		59.17 feet to a pipe;
3.	256°	49'		470.86 feet to a pipe;
4.	169°	00'		91.34 feet to an old pipe;
5.	252°	07'		108.20 feet along Reservoir Lot to an old pipe;
6.	205°	52'	30"	116.96 feet along Reservoir Lot to an old pipe;

JNC

7.	221°	59'		8.62	feet to an old pipe;
8.	308°	44'		243.72	feet;
9.	37°	58'		239.33	feet along the northwesterly side of Kamehameha V Highway to a pipe;
					Thence along the northwesterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:
10.	43°	27'	23"	104.84	feet to a pipe;
11.	77°	13'		519.07	feet along the northerly side of Kamehameha V Highway to a pipe;
					Thence along the northeasterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:
12.	111°	27'	52"	114.12	feet to a pipe;
13.	117°	26'	30"	282.11	feet along the northeasterly side of Kamehameha V Highway to the point of beginning;

Containing an area of 211,856 square feet;

to have and to hold the same, to it and its successors in trust upon the following trusts:

(1) When it shall be lawful to subdivide and convey the aforesaid real property as herein provided, my trustee shall subdivide and convey the following described parcels of land to the persons herein designated, to wit:

(a) To my daughter PHOEBE COOKE FITZGERALD, if she shall be then surviving, or if she shall

be then dead to those who shall be then surviving of her issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 1

Being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, situated on the northeasterly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii.

Beginning at a pipe at the south corner of this piece of land and on the northeasterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,781.28 feet north and 12,265.98 feet east, and running by true azimuths measured clockwise from south:

1.	117°	26'	30"	249.95	feet along the northeasterly side of Kamehameha V Highway to a pipe;
2.	254°	41'		287.35	feet to a pipe;
3.	346°	15'		59.17	feet to a pipe;
4.	27°	26'	30"	150.56	feet to the point of beginning;

Containing an area of 27,313 square feet.

(b) To my son STEPHEN M. COOKE, if he shall be then surviving, or if he shall be then dead to those who shall be then surviving of his issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 2

Being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, situated on the northeasterly side of Kamehameha V Highway at

Kahanui, Molokai, Hawaii.

Beginning at a pipe at the west corner of this piece of land and on the northeasterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,781.28 feet north and 12,265.98 feet east, and running by true azimuths measured clockwise from south:

1. 207° 26' 30" 150.56 feet to a pipe;

2. 256° 49' 106.50 feet to a pipe;

3. 347° 13' 200.69 feet to a pipe;

4. 77° 13' 84.84 feet along the northerly side of Kamehameha V Highway to a pipe;

Thence along the northeasterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:

5. 111° 27' 52" 114.12 feet to a pipe;

6. 117° 26' 30" 32.16 feet along the northeasterly side of Kamehameha V Highway to the point of beginning;

Containing an area of 30,551 square feet.

(c) To my son F. JUDD COOKE, if he shall be then surviving, or if he shall be then dead to those who shall be then surviving of his issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 3

Being a portion of R.P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, situated on the northerly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii.

Beginning at a pipe at the east corner of this piece of land and on the northerly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,777.65 feet north and 12,634.14 feet east, and running by true azimuths measured clockwise from south:

1.	77°	13'	154.50 feet along the northerly side of Kamehameha V Highway to a pipe;
2.	167°	13'	200.69 feet to a pipe;
3.	256°	49'	154.50 feet to a pipe;
4.	347°	13'	201.77 feet to the point of beginning;

Containing an area of 31,090 square feet.

(d) To my son GEORGE P. COOKE, JR., if he shall be then surviving, or if he shall be then dead to those who shall be then surviving of his issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 4

Being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, situated on the northerly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii.

Beginning at a pipe at the south corner of this piece of land and on the northerly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,777.65 feet north and 12,634.14 feet east, and running by true azimuths measured clockwise from south:

1.	167°	13'	201.77 feet to a pipe;
2.	256°	49'	209.86 feet to a pipe;
3.	349°	00'	203.34 feet to a pipe;

4. 77° 13' 203.53 feet along the northerly side of Kamehameha V. Highway to the point of beginning;

Containing an area of 41,854 square feet.

(e) To my daughter DORA COOKE DERBY, if she shall be then surviving, or if she shall be then dead to those who shall be then surviving of her issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 5

Being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano, situated on the northwesterly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii.

Beginning at a pipe at the east corner of this piece of land and on the northwesterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,922.23 feet north and 12,984.19 feet east, and running by true azimuths measured clockwise from south:

1. 37° 58' 8.36 feet along the northwesterly side of Kamehameha V Highway to a pipe;

Thence along the northwesterly side of Kamehameha V Highway on a curve to the right with a radius of 547.96 feet, the azimuth and distance of the chord being:

2. 43° 27' 23" 104.84 feet to a pipe;

3. 77° 13' 76.20 feet along the northerly side of Kamehameha V Highway to a pipe;

4. 169° 00' 294.68 feet to an old pipe and passing over a pipe at 203.34 feet;

5. 252° 07' 108.20 feet along Reservoir Lot to an old pipe;

6. 334° 49' 246.36 feet to the point of beginning;

Containing an area of 40,579 square feet.

(f) To my son THOMAS H. COOKE, if he shall be then surviving, or if he shall be then dead to those who shall be then surviving of his issue, such issue taking per stirpes by right of representation in each generation, the following described parcel of land:

PARCEL 6

Being a portion of R. P. 6824, L. C. Aw. 7755, Apana 1 to Kaluaokamano and a portion of School Grant 23, Apana 8 to Board of Education, situated on the northwesterly side of Kamehameha V Highway at Kahanui, Molokai, Hawaii.

Beginning at a pipe at the south corner of this piece of land and on the northwesterly side of Kamehameha V Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 1,922.23 feet north and 12,984.19 feet east, and running by true azimuths measured clockwise from south:

1. 154° 49' 246.36 feet to an old pipe;

2. 205° 52' 30" 116.96 feet along Reservoir Lot to an old pipe;

3. 221° 59' 8.62 feet to an old pipe;

4. 308° 44' 243.72 feet;

5. 37° 58' 230.97 feet along the northwesterly side of Kamehameha V Highway to the point of beginning;

Containing an area of 40,469 square feet.

(2) From the date of my death until the conveyance of the said parcels of land as herein provided, my trustee

shall pay any net income derived from time to time from each of said parcels to or for the benefit of the person or persons who should have been entitled to the conveyance of the same if it had then been lawful to subdivide and convey the same as herein provided.

(3) This trust shall terminate (1) upon the completion of the subdivision and conveyance referred to in subparagraph (a) above, or (2) upon the expiration of ten (10) years after my death if it shall not theretofore have become lawful to subdivide and convey as provided in said subparagraph (a) above, or (3) twenty-one (21) years after the date of my death, whichever of (1), (2) or (3) shall first occur. Upon such termination my trustee shall transfer and convey all lands of the trust estate, if any, as an unsubdivided whole, in equal undivided shares, and all other principal of the trust estate in equal shares, to those who shall be then surviving of said PHOEBE COOKE FITZGERALD, STEPHEN M. COOKE, F. JUDD COOKE, GEORGE P. COOKE, JR., DORA COOKE DERBY and THOMAS H. COOKE and of the issue of those of them who shall then be dead, such issue taking per stirpes by right of representation in each generation.

(4) My Trustee shall not sell or exchange any of the real property herein devised to it.

(5) My Trustee shall not be obliged nor have any duty as such trustee to lease, rent or otherwise make productive of income any of the real property

herein devised to it.

(6) Except as otherwise provided in subparagraphs (1) and (4), my Trustee shall have full power and authority to hold, manage and control the trust estate and to sell, encumber or otherwise dispose of and deal with any of the trust property, and to lease or rent any of the trust property for any purpose; to borrow upon the security of any trust property for any trust purpose; to invest and reinvest principal, and income, if accumulated, in such bonds, common or preferred stocks or other securities or property, real or personal, as it deems advisable, including participations in common trust funds, without being limited by any statute or rule of law affecting the investment of trust funds; from time to time, in its sole discretion and without reference to prior determinations, to determine what is principal and what is income of the trust estate and to apportion and allocate receipts and disbursements between these accounts; to retain indefinitely, within its sole discretion, any of the property received as part of the trust estate, although except for this express authority it might be of a kind or in an amount which would be considered improper for a trust; to hold any security or property in bearer form or in the name of my Trustee or of any person, firm or corporation without indication of any trust; when required to divide or distribute all or any part of the trust estate, to do so in kind or in money, or partly in kind and partly in money, in its sole discretion, its

decision as to values and method of division or distribution to be binding on all persons; to give revocable or irrevocable general or specific proxies or authorizations for voting or acting with respect to securities, whether with or without power of substitution and whether discretionary or not, including such authority to any protective or reorganization committee as it shall deem advisable; and generally to exercise the same control over and rights respecting the trust estate as I could exercise personally. No one dealing with my Trustee shall be bound to inquire into the propriety of my Trustee's action or to see to the application of any money paid to my Trustee.

(7) My Trustee shall not be required to give any bond or to file any accounts in any court. My Trustee shall be entitled, without allowance or determination by any court, to charge such commissions and/or fees as shall be permitted by or may be allowed under any statute in effect at the time, and shall be entitled to charge the usual realtor and brokerage commissions on the sale or purchase of property of or for the trust estate and reasonable compensation for the performance of any other special or extraordinary services, including the preparation of income tax returns and the adjustment and payment of income taxes. In computing said commissions and fees, the amount of any income of the trust estate which shall be withheld by the payor pursuant to any income tax law or regulation shall be considered

to be income received by the Trustee.

SECOND: I hereby ratify and confirm my said Last Will and Testament and said First Codicil in all other respects.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July, 1965.

Sophie Judd Cooke

Signed, published and declared by the said SOPHIE JUDD COOKE as and for a Second Codicil to her Last Will and Testament dated August 5, 1960 and her First Codicil dated July 14, 1965, in the presence of us, being present at the same time, who, at her request, in her presence and in the presence of each other have hereunto subscribed our names as witnesses to the same this 20th day of July, 1965.

I do hereby certify that the foregoing is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Judicial Circuit,

REASONS SUPPORTING THE PETITION

1. The subject lands are classified Class C or D lands and are not considered prime agricultural lands.

2. The area has been used for scattered residential purposes by the Cooke family for many years.

3. It was the intent, as expressed in the Will of Mrs. Cooke, to leave this property to her six children.

4. The subdivision, in the manner proposed, is unauthorized. Consequently, the property is needed for use other than that for which the district is classified.

5. The low density residential nature of the parcel and surrounding area, absence of urban environment, and sub-marginal value of the land for agriculture all indicate that a rural classification is proper.

6. The land is usable and adaptable for rural use.

The staff report substantiates the petition that the present use on the subject land and the immediate vicinity consists of low density weekend and summer residences. The areas surrounding the subject parcel of land is not in pasture, on the contrary, it is surrounded by the Kahanui residence, comprising of 23 acres of land which was given by the Cookes to the Queen's Hospital of Honolulu, with no strings attached. Subsequently, the said parcel of land was sold to a private

party. At one time there were reports that the Kahanui residence would be converted for resort purposes, however, this has not materialized.

We agree that the mere desire to effect distribution to heirs not in conformance with the Land Use district regulations alone should not be accepted as a justification for a boundary amendment, however, if the other factors and circumstances are consistent with the definition describing rural zones as herein provided, the granting of the petition would not violate the intent and spirit of the Land Use Law.

The children of the late Mrs. Cooke do want to continue their residences, and if it need be, to construct homes on the said parcel of land in the event the petition is granted.

Land classified as rural are not available in the Kalae area. The argument that Class C and Class D lands, such as those involved in the petition, actually have agricultural potential, although they are not prime agricultural lands, cannot be sustained. In the December 1959 report of the Land Study Bureau of the University of Hawaii, under the Title of "Molokai's Land Situation", it states:

> "Molokai with about 1% of the State's population, embraces 4% of the State's land areas. In size and population, Molokai constitutes one of the smaller segments of the 50th State, however the potential contribution of this isle to the agricultural and total economy of the State is great. Development of this potential will depend upon land availability, irrigation, windbreak establishments, marketing and transportation improve-

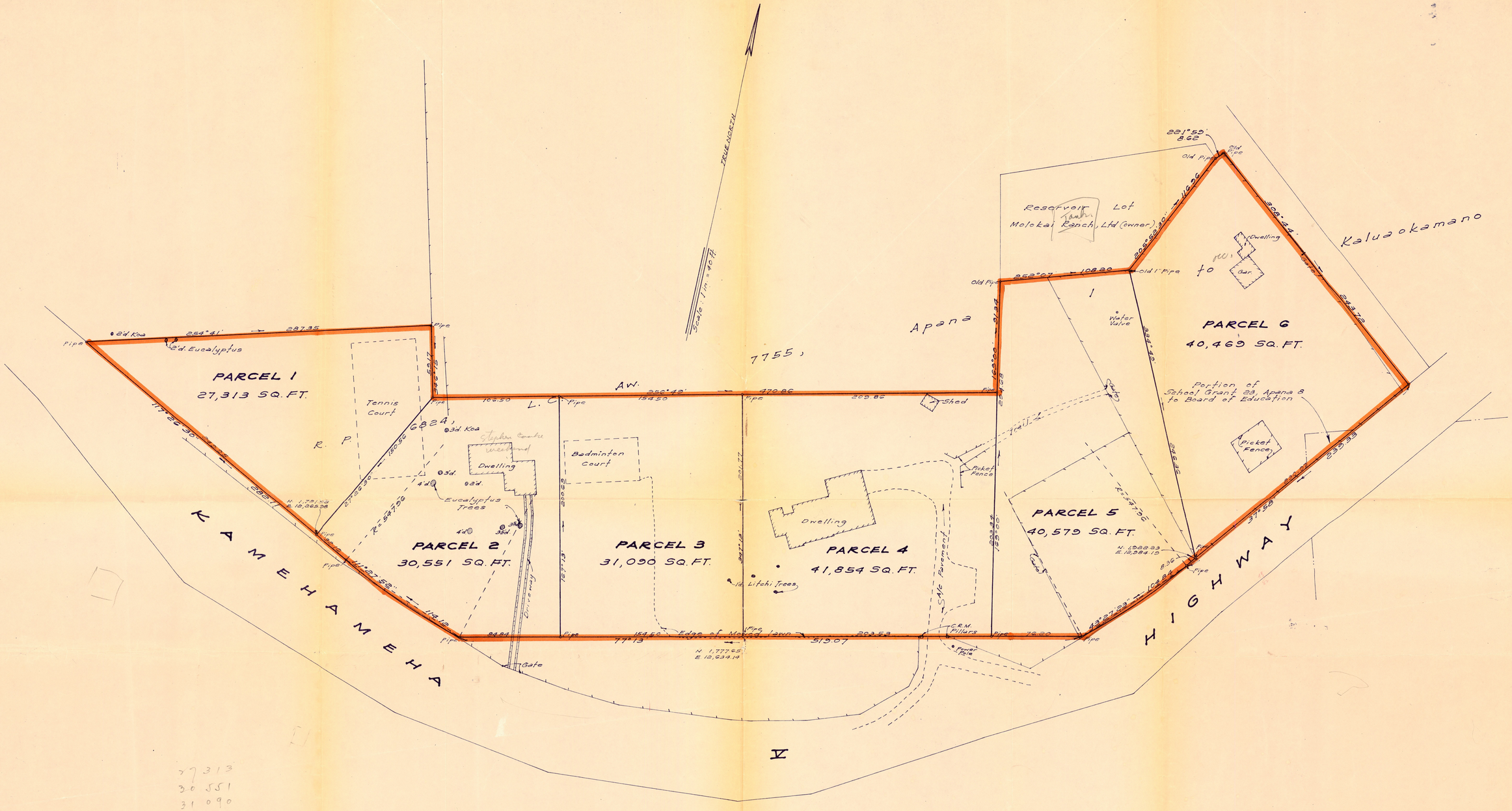
ment and farm operator availability."

While the State has constructed a tunnel to transport water from the Waikolu area, such water is being made available only to the Hawaii Homes Commission area in Hoolehua. The private water system of Molokai Ranch, Ltd. furnishes domestic water in this area. Only limited irrigation of pineapples is possible with waters from the Ranch's system.

It is unfortunate that the staff report now states when an amended petition for rezoning of the said parcel of land to a rural district cannot be considered because the Maui County Planning and Traffic Commission recommended that such area be classified as urban. Why is it that the staff recommended when the petitioners sought for an urban classification that such petition be denied, if the staff believes that the said area should be classified as urban.

SUMMARY

Based on the facts and surrounding circumstances we submit that the said parcel of land should be reclassified into a rural district.



27 313
30 551
31 090
41 854
40 579
40 469
211 856 sq ft = 4.86 ac.

MRS. GEORGE P. COOKE PROPERTY

KAHANUI, MOLOKAI, HAWAII

Scale: 1 in. = 40 ft.

JOHN CLINE MANN
REGISTERED LAND SURVEYOR
No. 574
HAWAII, U.S.A.

October 29, 1962

NOTE:
Coordinates are referred to "MIDDLE HILL" △

TAX MAP KEY 2nd DIV. 5-2-13:17
F.B. 269:35
C.B. 142:48

JOHN CLINE MANN
LAND SURVEYOR
338 DILLINGHAM BUILDING

7575

22" x 34" = 5.19 ft



RECEIVED
FEB 24 1966
State of Hawaii
LAND USE COMMISSION

7576

R.W. MEYER LTD., ET AL
Parcel 51 — 92.6 Ac
52 — 12.9
53 — 16.7
61 — 1.1
61 — 12.7

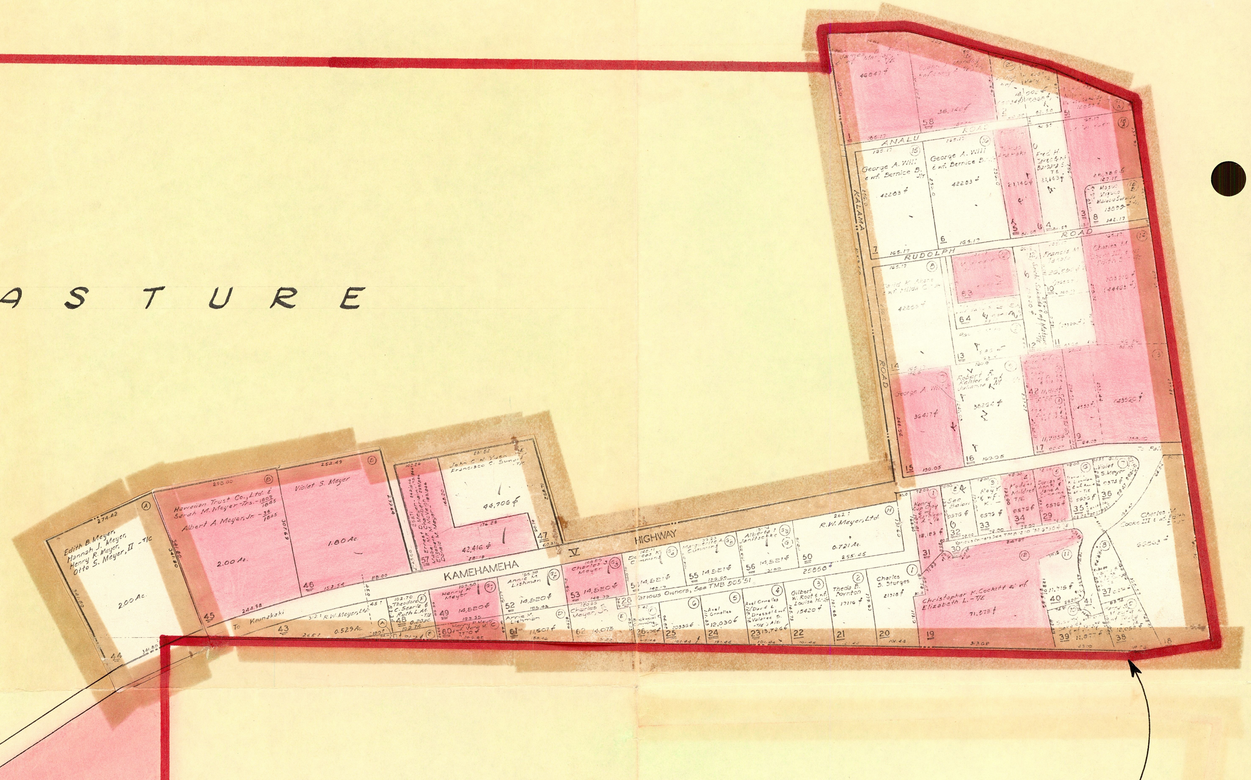
TRUE NORTH
SCALE: 1" = 200'

PASTURE

PASTURE

PASTURE

KALAE
URBAN DISTRICT



To Kaunakakai

DWELLINGS

DAIRY BLDG

MANSION

SERVANTS' QTRS

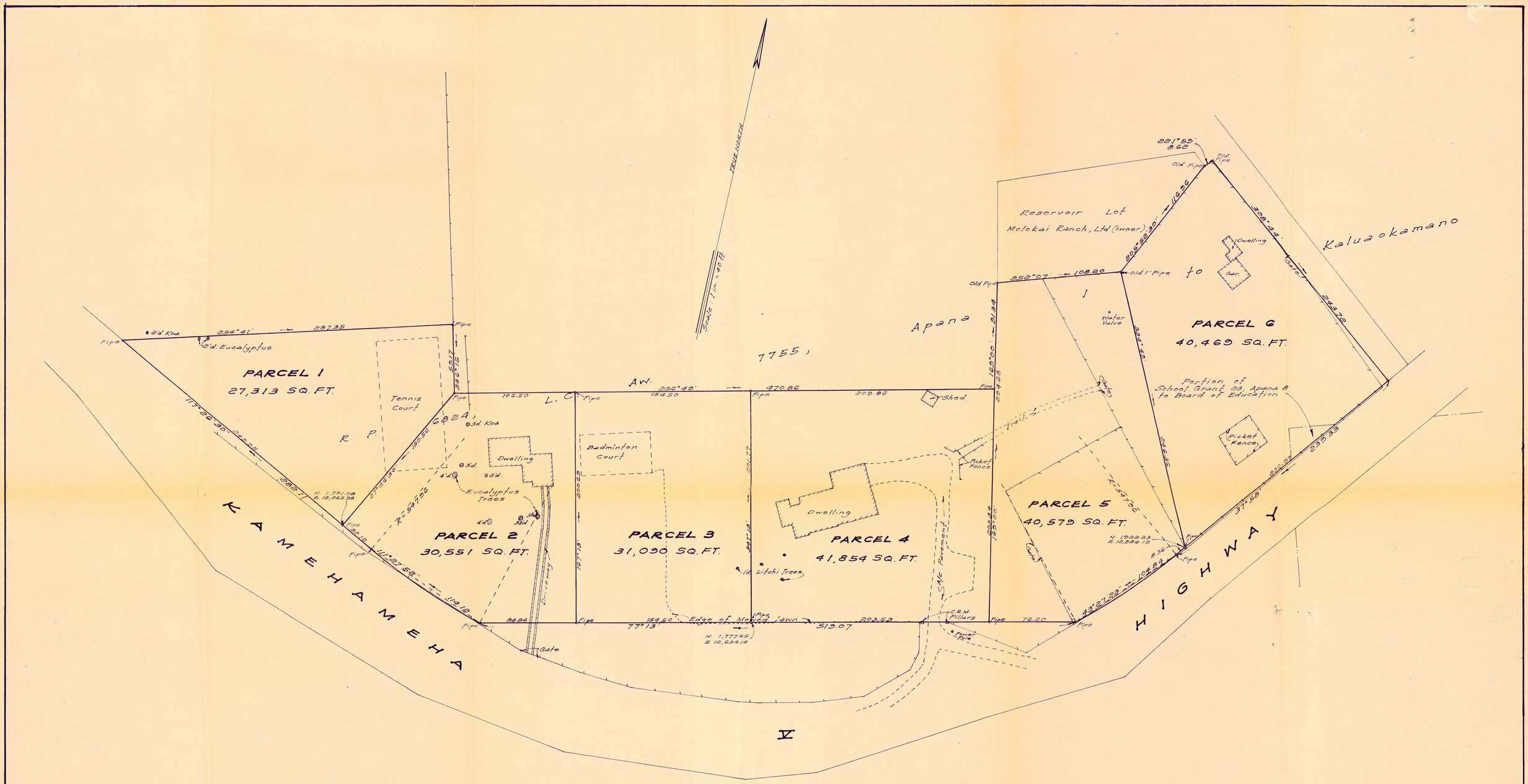
DWELLINGS

WKEND HOMES

WK. END HOMES

135
A66-~~10~~ COOKE

7577



MRS. GEORGE P. COOKE PROPERTY

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Coordinates are referred to "MIDDLE HILL" △

TAX MAP KEY 2nd DIV. 5-2-13:17
F.B. 269:35
C.B. 142:48

JOHN CLINE MANN
LAND SURVEYOR
338 DILLINGHAM BUILDING

7578

22" × 34" = 5.19 ft

S.B
2/20/67

Rezoning OKd for 4.9 acres on Molokai

WAILUKU, Maui — On recommendation of Jim P. Ferry, the State Land Use Commission Friday approved a twice-denied petition of the estate of Sophie Judd Cooke to reclassify 4.9 acres of land at Kalae, Molokai.

Several months ago the commission denied a request of the estate's attorney, Meyer Ueoka, to reclassify the land from agricultural to urban at Kalae.

Under the terms of Mrs. Cooke's will, the land was to be divided equally for her children.

In November last year the commission again turned down a request to reclassify the land, this time from agricultural to rural on the basis there was no demonstrated need for such classification on Molokai.

Friday at the Kahului Library meeting of the commission, the new staff executive Ramon Duran, again recommended disapproval of the Cooke estate application.

Ferry, however, gave a verbal assertion there was a recognized need for more urban and rural classified lands in the Kalae area. He recommended approval of the petition.

Ferry said it was his intention to ask the commission soon to open more Molokai lands for urban and rural classification.

The commission also approved:

—Reclassification of 49 acres from agricultural to urban at Makawao, Maui, fronting on Makawao Avenue.

—Wailuku sugar Company's petition to reclassify approximately eight-tenths of an acre of land from agricultural to urban classification located off main street on Lamalii Tract, Wailuku, as recommended by the County Planning Commission.

—Approved a bondary amendment proposal initiated by the Land Use Commission for about 10 acres of land, involving four separate parcels at Wailua, Kauai, for reclassification from agricultural to rural.

The parcels involved are situated on Opoeoaa Road in the Wailua Homestead area. Approval of the petition was recommended by the Kauai Planning and Traffic Commission.

New hearings were held on two previously denied petitions which had been recommended for approval by the Maui Land Planning Commission:

1—An amendment of the L.U.C. district boundaries from conservation to rural requested by the County of Maui, a 15,300-foot portion of Kepaniwai Park in Iao Valley.

2—A change of the district designation from an agricultural classification to rural by Frank and Bessie Moniz involving 6.9 acres of land located at Kaonoulu, Kula, Maui.

The staff report again recommended that both requests be denied on the basis the additional data supplied by the petitioners was insufficient.

Arthur B. Fernandez, County Federal programs coordinator, said the County had received a large Federal grant and had engaged the services of a landscape architect to develop the park into Kepaniwai International Gardens.

Ferry again came to the aid of county.

"The County has sought professional assistance in developing a plan for this park to meet the need of their own County," he said.

"I think this commission goes beyond its bounds in telling them how to plan their park.

"Shelley Mark also sits on the commission. His office approved this project for Federal funds as State liaison officer.

"For this body now to say the plan is wrong is a usurpation of the County powers.

The commission will act on the amended Moniz and County petitions in 45 days.

February 21, 1967

Mr. Meyer M. Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui

Dear Mr. Ueoka:

The petition by the Estate of Sophie Judd Cooke (A66-135) to amend the Land Use District Boundaries from an Agricultural District to a Rural District for approximately 4.86 acres at Kahanui, Molokai, identifiable by Tax Map Key 5-2-13: 17, was approved by the Land Use Commission at its meeting on February 17, 1967.

Very truly yours,

Ramon Duran

RAMON DURAN
Executive Officer

cc: Chairman Thompson
Maui Planning & Traffic Commission
Department of Taxation
Department of Land & Natural Res.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Kahului Library - Kahului, Maui

February 17, 1967 - 1:45 P. M.

Commissioners Present:	Myron B. Thompson, Chairman C. E. S. Burns Jim P. Ferry Robert G. Wenkam Shiro Nishimura Goro Inaba Leslie Wung
Commissioner Absent:	Shelley M. Mark
Staff Present:	Ramon Duran, Executive Officer George Moriguchi, Former Executive Officer Roy Takeyama, Legal Counsel Ah Sung Leong, Draftsman Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a short prayer, explained procedures to be followed during the hearing and introduced Commissioners and staff members. Persons testifying before the Commission were also sworn in at this time.

HEARINGS:

PETITION OF FRANK & BESSIE MONIZ (A66-143) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAONOULU, KULA, MAUI, identifiable by TMK 2-2-06: 63

Mr. Ramon Duran, Executive Officer, presented a staff report recommending denial of the petition based on the lack of additional significant evidence to warrant a reversal of the previous decision of the Commission on an earlier petition.

Mr. Robert Ohata, Maui Planning Director, challenged the rationale employed by staff in recommending denial of this petition; namely the fact that sufficient undeveloped rural lands were available in the Kula area. Yet in another instance, staff had recommended approval of a petition for urbanization (A66-134, Maui Ventures) in an area that already included surplus urban lands, on the premise that this was compatible with good planning and a logical area for expansion. The very crux of the County's recommendation for approval of this petition, Mr. Ohata argued, was based on these same reasons.

See page 4

ACTION

PETITION OF THE ESTATE OF SOPHIE JUDD COOKE (A66-135) TO RECLASSIFY APPROXIMATELY 4.9 ACRES OF LAND SITUATED AT KAHANUI, MOLOKAI FROM AGRICULTURAL TO RURAL

Mr. Ah Sung Leong presented a staff memo recommending denial of the petition on the basis that substantiating evidence in support of a boundary amendment is still lacking (see copy of report on file).

Mr. Leong advised Chairman Thompson that the distance between the urban boundary and petitioner's property was approximately 800' away. It was also brought out that the pasture lands in the Urban District were owned by the Meyers.

Mr. Meyer Ueoka, representing the petitioner, submitted such additional data as a general map of the State and Molokai, classification of the lands prepared by the Land Study Bureau, general description of the lands, and subdivision plans, for the records. It was pointed out that the land area of each lot in the proposed subdivision would be in excess of half an acre and therefore conform to the Rural District. Telephone and electricity were presently available and water would be provided by the Molokai Ranch and would not tax the County in any way.

With respect to the report that agricultural lands were rapidly diminishing on the Island of Oahu and that Molokai would certainly become the bread basket of the State of Hawaii, Mr. Ueoka submitted that Molokai faced many problems in this area. Some of these were listed as the lack of water facilities, the necessity of setting up costly windbreakers for the raising of crops and vegetables, and the fact that a very few owned large parcels.

However, if the subdivision were approved, the homes will blend into the surrounding area and add to the asthetics and beauty of the place. Mr. Ueoka felt it was the purpose of the law to see that taxes were assessed equitably and that in its present classification the owners were not carrying their fair share. Development of the subdivision would also aid the economy of Molokai. Based on all of the circumstances and facts, Mr. Ueoka recommended that a rural designation was justified.

Commissioner Ferry commented on the tremendous success enjoyed by the growers of potatoes and corn on Molokai and felt there would be pressing demands for additional rural-type lands in the future.

Chairman Thompson reminded the Commissioners that at the time of determining the final boundaries, the Commission did consider rural areas of 5 acres and sometimes 3 where there were existing structures.

Mr. Takeyama, legal counsel, advised that the Commission should concern itself with the petition as submitted by the petitioner, namely a reclassification from agricultural to rural, and disregard the suggestion of a special permit in the staff memorandum. Since the intent was for subdivision of the land, a special permit did not apply. Chairman Thompson directed that this be deleted from the records.

On his belief that this was a reasonable and valid request which merited consideration and on his intention to seek an expansion of the boundaries at a later date, Commissioner Ferry moved to approve the request for rural designation. It was seconded by Chairman Thompson and passed unanimously.

PETITION OF MAUI VENTURES (A66-134) TO RECLASSIFY APPROXIMATELY 49 ACRES OF AGRICULTURAL LANDS TO AN URBAN CLASSIFICATION AT MAKAWAO, MAUI

Staff memorandum presented by Mr. Leong recommended approval of the petition in view of the development trends in the Makawao area and recommended also that the approximately 100 acres within the present Makawao Urban District which apparently would be continued in use as agricultural lands be considered for the Agricultural District when the boundaries are reviewed next year (see copy of report on file.

Commissioner Ferry moved to approve the petition as recommended by staff, seconded by Commissioner Burns, and the motion was carried unanimously.

PETITION OF WAILUKU SUGAR CO. (A66-136) TO RECLASSIFY APPROXIMATELY 8/10's ACRE OF AGRICULTURAL LANDS TO URBAN AT WAILUKU, MAUI

It was recommended by staff that the petition be approved in view of the fairly tight urban scene and the availability of community facilities in the area. (See copy of report on file.)

Commissioner Wenkam moved that the petition be approved as recommended by staff, seconded by Commissioner Burns, and passed unanimously.

PETITION OF LAND USE COMMISSION (A66-139) TO RECLASSIFY 10 ACRES FROM AGRICULTURAL TO RURAL AT LIHUE, KAUAI

Following staff's recommendation for approval of the petition (see copy of report on file) Commissioner Ferry moved to recommend approval of the petition, seconded by Commissioner Nishimura. The motion was carried by a unanimous vote.

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

Item COOKE S.J. A66-135 Date 2-17-67

Place KAHALUI Time 3:05

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.	✓			
FERRY, J.	✓			
INABA, G.	✓			
~~MARK, S.~~				✓
NISHIMURA, S.	✓			
~~OTA, G.~~				
WENKAM, R.	✓			
WUNG, L.	✓			
THOMPSON, M.	✓			

M

S

Comments:

To Approve Ag to R

STATE OF HAWAII
LAND USE COMMISSION

February 17, 1967
Kahului, Maui

MEMORANDUM

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A66-135 - Sophie Judd Cooke Estate; A66-134 - Maui Ventures; A66-136 - Wailuku Sugar Co.; A66-139 - Land Use Commission (Wailua)

1. A66-135 - ESTATE OF SOPHIE JUDD COOKE

A public hearing was held on November 23, 1966 on the petition submitted by Meyer Ueoka in behalf ot the Estate of Sophie Judd Cooke, to reclassify approximately 4.9 acres of land situated at Kahanui, Molokai from Agricultural to Rural. At that time,the staff recommended denial of the petition since the petitioners had not substantiated the need for rural districting. A special permit approach was suggested in view of the use that was established on portions of the petitioner's land prior to the Land Use Law.

At the public hearing, Mr. Soon Oak Lee, Chairman of the Molokai Planning Advisory Committee, and Maui Board of Supervisors' member, testified that rural districting would not be contrary to good planning, nor would it harm the aesthetics of the area. Mr. Fred Whittemore, formerly of Cooke Trust and presently with the First National Bank, provided background data of the subject parcel and testified that the property has been in residential use for 50 years and has never been used for agricultural purposes. Under questioning from the Commission, he indicated that there would be no objection to a special permit if it would result in an acceptable solution.

Maui Planning Director Robert Ohata explained that the Maui Planning Commission's recommendation for urban districting was based on their reluctance to introduce a third land use classification in the Kalae area. Moreover, he indicated it was the County's feeling that the agricultural lands between the subject lands and the Kalae Urban District would be a natural extension of the Urban District in the near future.

Upon evaluation of the testimony given at the public hearing and all of the data submitted to date, the Land Use Commission staff concludes that substantiating evidence in support of a boundary amendment is still lacking and, therefore, maintains its recommendation for denial of the petition. It also reiterates the suggestion of a special permit procedure to resolve the problem.

2. A66-134 - MAUI VENTURES

On November 23, 1966 a hearing was held on this petition to reclassify approximately 49 acres of agricultural lands to an urban classification. The lands are located at Makawao, Maui, immediately adjacent and to the east of the existing Urban District. The Maui Planning and Traffic Commission recommended approval of the change for the portion within 750' of Makawao Avenue, but recommended that the remainder be reclassified to Rural in lieu of Urban.

A recommendation for approval of the entire 49-acre parcel was made by the Land Use Commission staff in view of the development trends in the Makawao area over the past 5 years, and in view of the approximately 100 acres within the present Makawao Urban District which apparently would be continued in use as agricultural lands or gulch lands.

No further data have been received to date since the public hearing and it is recommended that the Commission approve the petition.

3. A66-136 - WAILUKU SUGAR CO.

Wailuku Sugar Co.'s petition to reclassify approximately 8/10's acre of agricultural lands to an urban classification, located off Main Street in Lamalii Tract, Wailuku, Maui, was heard at a public hearing held on November 23, 1966. At that time it was reported that the Maui Planning and Traffic Commission recommended approval of the petition. The Land Use Commission's staff also recommended approval of the petition in view of the fairly tight urban scene in this area of Main Street, and in view of the community facilities available in the area.

There has been no further communication received to date on this matter and it is recommended that the petition be approved.

4. A66-139 - LAND USE COMMISSION (Wailua, Kauai)

The boundary amendment proposal initiated by the Land Use Commission for approximately 10 acres of land (involving 4 separate parcels) at Wailua, Kauai to be reclassified from agricultural to rural was publicly heard on December 16, 1966 at Lihue, Kauai.

The parcels involved are situated on Opaekaa Road in the Wailua Homestead area and are more specifically described by TMK 4-2-02: 27, 28, 52 and 117.

Letters were sent to the various property owners involved prior to the hearing date, notifying them of the proposed change. None of the owners affected were present at the nearing and no communication has been received to date either for or against the amendment.

Approval of this petition was recommended by the Kauai Planning and Traffic Commission.

At the hearing, the staff recommended, and presently recommends, approval on the following basis:

1. Lands to the north of Opaekaa Road are relatively large tracts used for grazing, while subject parcels are comparatively small and are primarily in low density residential use.

2. All parcels are bounded on 2 or more sides by the existing Rural District.

3. Therefore, it is more desirable and appropriate to reclassify these lands for rural use on the basis of existing land use configuration, lot size and contiguity to an existing Rural District. The adjusted rural boundary would then follow the south side of Opaekaa Road and along the west side of Kamalii Road.

STATE OF HAWAII
Department of PLANNING AND ECONOMIC DEVELOPMENT

Send copy of action meeting notice to:

Mr. Frederick P. Whittemore
Vice President and Trust Officer
First National Bank of Hawaii
P. O. Box 3200
Honolulu Hawaii 96801

RE: SOPHIE JUDD COOKE PETITION

426 Queen St.—Honolulu, Hawaii 96813
Phone 504-426

January 27, 1967

Mr. Meyer M. Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui, Hawaii 96793

Dear Mr. Ueoka:

The Land Use Commission next meets at 1:00 p.m. at the Kahului Library, Kahului, Maui, on February 17, 1967.

On or about that time a decision on the petition of the Estate of Sophie Judd Cooke (A66-135) will be rendered.

There is no requirement for you to be present. However, should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Frederick P. Whittemore

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Kahului Library
Kahului, Maui

November 23, 1966

Commissioners Present:	Robert G. Wenkam, Chairman Pro Tempore Shelley Mark Goro Inaba Leslie Wung Shiro Nishimura
Absent:	Myron B. Thompson C. E. S. Burns Jim P. Ferry
Staff Present:	George S. Moriguchi, Executive Officer Roy Takeyama, Legal Counsel Ah Sung Leong, Draftsman Dora Horikawa, Stenographer

Mr. Robert Wenkam, Chairman Pro Tempore, opened the hearing and meeting with an introduction of the staff and Commissioners, which was followed by a swearing in of persons who would be testifying during the hearings.

PUBLIC HEARINGS

PETITION OF THE ESTATE OF SOPHIE JUDD COOKE (DEC'D) (A66-135) TO AMEND THE DISTRICT BOUNDARY FOR APPROXIMATELY 4.9 ACRES OF LAND FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAHANUI, MOLOKAI

Mr. Moriguchi presented the staff report recommending denial of the petition since the need for rural districting in the area had not been substantiated. However, it was suggested that the special permit approach be indicated to the petitioner. (See report on file)

Mr. Meyer Ueoka, attorney for the petitioner, called upon Mr. Soon Oak Lee, a member of the Board of Supervisors of the County of Maui from the Island of Molokai, to answer a few pertinent questions relating to the subject petition.

Mr. Lee testified that he was familiar with the surrounding areas of the land under petition and that a reclassification to a half-acre rural classification would not in any way be contrary to good planning or mar the aesthetics of the area. During his 13 years' residence on Molokai, Mr. Lee had never observed these lands engaged in any agricultural pursuit.

Mr. Frederick P. Whittemore, formerly with the Cooke Trust and presently with the First National Bank of Hawaii, presented background information of the subject parcel. Approximately 50 years ago, Mr. George P. Cooke, then Manager of the Molokai Ranch, received 14 acres of land from the shareholders of Molokai Ranch. Subsequently, Mr. Cooke and his wife gifted the Queen's Hospital with a portion of the land containing the main residence and retained for themselves that part of the parcel under consideration in this petition, to be distributed among the 6 living children in the manner outlined in the subdivision plan submitted to the Land Use Commission. The property has been in residential use for approximately 50 years and had never been used for agricultural purposes.

It was reported by the Executive Officer that most of the surrounding lands were owned by the Molokai Ranch and that lands between the Cooke property and Kalani Urban District were mostly in pasture.

Mr. Robert Ohata, Planning Director of Maui, elaborated on the reasons for the Maui Planning Commission's recommendation for an Urban classification rather than a Rural classification as requested by the petitioner. The Planning Commission was reluctant to introduce a third land use classification in this area which already contained the Urban and Agricultural Districts. Despite the existence of agricultural lands between subject parcel and the Kalani Urban District, it was anticipated that this property in between would fall in line and become a natural extension of the Urban District in the near future, creating a contiguous urban area.

Mr. Ueoka suggested that perhaps the Maui Planning Commission could envision half-acre estates in the area since this met with the minimum requirements of an Urban District.

Mr. Ueoka also pointed to the fact that the first petition by the Cooke Estate for reclassification to an Urban District for the subject parcel had been denied by the Land Use Commission. Mr. Ohata commented that the Molokai Planning Advisory Committee had also recommended a rural classification for the area but the Maui Planning Commission maintained its prior recommendation for an Urban District.

Mr. Ohata felt that the Molokai Ranch might agree to an urban classification for that property in between if subject lands were changed to urban, and this would obviate the possibility of spot zoning. He also added that under the concept of the Molokai General Plan, this area could be considered urban. The whole outlook for Molokai's growth had changed drastically following the overwhelming success of the first hotel, and the trend was towards urbanization of this whole area.

In answer to Chairman Wenkam's referral to a special permit approach, Mr. Ohata replied that the proposed use did not fall under the category of "unusual and reasonable use" as stipulated in the regulations. Chairman Wenkam offered that the special permit route could be employed for unusual circumstances, such as in this instance, where a residential land use pattern had been set up for many years in an Agricultural District.

Mr. Lee justified his committee's stand for a rural classification on the basis that the surrounding areas were predominantly half-acre tracts and from

the standpoint of aesthetics, this would be more acceptable. He thought that anything less than 12,000 square feet should not be considered.

Mr. Whittemore, as Vice President and Trust Officer of the First National Bank representing the Molokai Ranch, thought that there would be no objection to reclassifying their in-between lands to a Rural District.

With respect to the petitioner's lands, Mr. Whittemore commented that they would have no objection to a special permit as long as it resulted in an acceptable solution.

The tax burden that would be equitably borne by the heirs of the Cooke Estate and the resultant contribution to the economy of the Island of Molokai, which would follow subdivision of subject parcel, were suggested by Mr. Ueoka.

With reference to the Maui County Commission's recommendation for an Urban classification, Mr. Ueoka argued that the requested rural classification would be more consistent with the existing general use of the area and with the intent of the late Mrs. Sophie Cooke. He added that although water service was not available, the Molokai Ranch Company would supply this and that the County would not be burdened with additional costs.

Mr. Ohata advised that the matter of water availability had been checked out with the Manager and Chief Engineer of the Water Division and that these facts had been elicited.

1. There was no water shortage for the present.

2. Extensive urbanization would create a water shortage.

3. However, the source could be expanded and developed to accommodate further urbanization.

There being no further discussion, the hearing was closed.

PETITION OF MAUI VENTURES (A66-134) TO AMEND THE DISTRICT BOUNDARY FOR APPROXIMATELY 49 ACRES OF LAND FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT MAKAWAO, MAUI

Approval of the entire 49 acres under petition from agricultural to urban was recommended by the staff on the basis that the proposed development would be greatly superior to any that might be developed in the many small lots within the Urban District that are presently used for agricultural pursuits (see copy of report on file). The staff felt that development of this area, which is more centrally located and closer to urban facilities, would create a better community.

Mr. Ohata, Maui Planning Director, clarified the position taken by the Maui Planning Commission in recommending two classifications for the lands under petition. The general planning concept for Maui in the Makawao area for that rear portion, presently occupied with a mixture of farms planted in pineapple and small lots, was for a rural classification. Mr. Ohata wholeheartedly agreed that the entire area could be reclassified to urban--however,

it was a question of whether to urbanize all at once or to do it in stages. The Maui Planning Commission favored the incremental approach. It would also allow the property owners in the rear portion an option to either retain the agricultural use in a rural classification, or to develop it in accordance with the County General Plan.

Commissioner Inaba raised the propriety of such a plan inasmuch as this would constitute mixed and non-conforming uses. Mr. Ohata argued that what was conforming in the Rural District was conforming in the Urban District, although the reverse was not true. He added that the Maui subdivision regulations were specific in their requirement that rural type subdivisions maintain urban standards.

Mr. Ohata agreed that it did appear as though good planning concepts were being violated under their recommendation. However, their concept of a Rural District was for a residential type of use, wherein raising of pigs, bees, etc. would only be by a special permit. The Maui Planning Commission's recommendation for dividing the parcel into two districts was based on the fact that the rear portion was planted in pineapple and development in stages seemed a more acceptable plan.

Mr. Takeyama, legal counsel, advised that unless an amendment to the petition were filed by the petitioner, the Commission could not entertain the recommendation for a rural classification since the petition specifically requested an urban classification and the legal notices had been published on that premise.

Mr. Ohata agreed that the demand for urban lands was not critical in this area--however, due to the reliability and competence of the developers, they did not want to preclude the development in toto and therefore had recommended as they did.

Commissioner Mark requested that Mr. Ohata comment on the staff's recommendation to reclassify the northern and southern extremities from urban to agricultural.

Mr. Ohata suggested that since the Land Use Commission was mandated by law to review the district boundaries every 5 years, this matter could be considered at that time.

Mr. Michael McCormack, petitioner, commended the staff for an accurate and comprehensive analysis of a peculiar situation. The significant point in connection with their petition was that 76% of their perimeter boundary was bounded by urban lands. Contrary to testimony presented earlier, only 25% of the mauka portion was planted in pineapple and there were other areas in the proximity of petitioner's lands which were available for pineapple fields.

Mr. McCormack submitted that a $375,000 community center building was presently under construction directly across from petitioner's lands and it seemed incongruous that the area across from a community facility should be zoned agricultural.

With reference to the demand for urban-type development, Mr. McCormack cited the successes enjoyed by the Pukalani Subdivision and the Dream City

Subdivision. He added that the supply could not meet the demand.

Mr. Dan Ostrow, also petitioner, was duly sworn in. He testified that petitioners were also a construction company and that they had received commitments from the Bank of Hawaii and bonded by American Factors to build two model homes.

Referring to the tight money situation, Mr. Ostrow submitted that "tight money was not tight money" as long as the home was of substantial construction in a favorable location. They had not encountered any difficulty in this respect. Mr. Ostrow added that there were already potential buyers for the type of homes he proposed to build.

Mr. McCormack brought out that their plans for the proposed subdivision called for ¼ to ½ acre lots, with 1-acre lots at the top.

Commissioner Wenkam voiced his concern over arbitrarily rezoning an area presently planted in pineapple and felt that a broader picture of the pineapple cultivation in this area was desirable.

Mr. McCormack advised that he had submitted with this petition, data relating to the availability of approximately 100 acres of agricultural lands, that are not now in harvest, for pineapple growing purposes. The present pineapple grower on their property has 3 years remaining on his lease and he had indicated that he was agreeable to moving his operations to another location.

In Mr. McCormack's opinion, the principles of good planning concept would be best served by lining up the entire parcel with the already abutting urban boundaries, rather than to rezone it into two classifications as recommended by the Maui Planning Commission. He thought the 125-lot proposed subdivision would probably be marketed within 2½ years.

Since there was no further testimony, the hearing was closed thereafter.

PETITION OF WAILUKU SUGAR COMPANY (A66-136) TO AMEND THE DISTRICT BOUNDARY OF APPROXIMATELY 0.8 ACRES OF LANDS FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT WAILUKU, MAUI

In view of the fairly tight urban scene in the Main Street area and in view of the community facilities available, it was recommended by staff that the petition be granted (see copy of report on file).

Mr. Ohata made a strong plea for approval of the petition since this would alleviate the traffic congestion by providing additional parking spaces for the mortuary and best serve the public welfare.

Mr. Alex Butchart, Superintendent of Wailuku Sugar Company, submitted that they would be gaining good cane lands in exchange for a parcel that was both hazardous and difficult to utilize for cane cultivation. Better cane could also be grown in this exchange which would result in 2 plus acres of cane land for 8/10's acre to the Nakamura Mortuary. The hearing was closed thereafter.

PETITION OF KAUPO RANCH (A66-138) TO AMEND THE DISTRICT BOUNDARY FOR APPROXIMATELY 2 ACRES OF LAND FROM CONSERVATION TO AGRICULTURE AT KAAPAHU, HANA, MAUI

Based on the availability of several thousand acres of agricultural lands in the immediate area of the subject conservation lands, and on the basis that the proposed use was intended to resolve a personnel problem rather than a land use problem, it was the staff's recommendation that the petition be denied (see copy of report on file).

Mr. Robert Ohata offered a detailed account of the unusual topography in and around the subject parcel, pointing out the location of the stream, roads, and the boundaries of the Agricultural and Conservation Districts. He advised that it was the Maui Planning Commission's contention that the road more properly should have been the dividing line between the Agricultural and Conservation Districts, rather than the stream.

Commissioner Wenkam reflected that during the boundary deliberations by the Land Use Commission, it was their decision to place all shorelines which embraced scenic values into the Conservation District. Mr. Ohata countered that the shoreline in this area was dotted with small ranches and homes right down to the sea and that the Land Use Commission had zoned it as agricultural lands. The point under debate here was the precise boundary between the Conservation and Agricultural Districts.

Mr. Ohata did not feel that the subject parcel represented any scenic value since it sloped back towards the stream and offered no view. Therefore, it was not appropriate as a lookout for the pali.

Mr. Richard Schulze, attorney for the petitioners, submitted that this was an extremely important request to the Kaupo Ranch. He referred to stipulations cited in the Land Use District Regulations and justified petitioner's position as follows:

1. "The petitioner has submitted proof that the land is usable and adaptable for the use it is proposed to be classified."

   Mr. Schulze stated that he had shown proof from the Department of Agriculture that the land was ideally suited to agriculture.

2. "Petitioner has submitted proof that the area is needed for a use other than that for which the District in which it is situated is classified."

   Mr. Schulze maintained that there were two parts to the question of need--the need of the petitioner and the need for conservation. If the land were marginal and not absolutely essential for conservation purposes, then perhaps a lesser need could be considered. In terms of petitioner's needs, Mr. Schulze explained that he wished to correct the impression suggested in the staff report that their request was a plea in behalf of Dr. Burgess. Instead, their request was for a real desperate need of the Kaupo Ranch to provide suitable housing for a highly trained young manager, capable of taming the wild lands to develop the ranch to its full potential. It was extremely important

to build this home within a reasonable distance from medical, dental, school facilities, since there were little children involved. It was also important from the standpoint of attracting and keeping the caliber of talent required for this job.

It was the petitioner's intent to deed this parcel to Dr. Burgess, who would undertake the construction of the home at his own expense. The ranch would retain the right to purchase the home back from Dr. Burgess upon the termination of his services.

Dr. Russell Burgess, manager and veterinarian of Kaupo Ranch, advised that he and his family presently resided approximately two miles from Kaupo Village, which could only be reached by traversing over extremely rough dirt roads. Kaupo Village itself consisted of an abandoned school house and a small store which operated for 3 hours a day. Since the discontinuance of Kaupo School, the children have been attending Hana School which involved 11 hours a day from the time they arose in the morning until they reached home in the afternoon. Dr. Burgess felt that this was much too long a day for the little children. During the rainy season , the roads occasionally became totally impassable. They were also isolated from medical assistance. He added that water was presently available and electricity will also become available in the vicinity of the parcel under petition.

Mr. Schulze submitted that notwithstanding the fact that Kaupo Ranch owned vast acres of lands, the whole eastern end was extremely hilly on the mauka side of the road and there was not a single site suitable for building a home except the parcel presently under petition.

In reply to Chairman Wenkam's inquiry as to why petitioners had not sought the special permit approach, Mr. Schulze asserted that he did take the initial steps to do so but he had had the distinct feeling his request would be denied by the Department of Land and Natural Resources. Also, the protection to Dr. Burgess in his ownership of the land for as long as he stayed with Kaupo Ranch could not be accomplished under the special permit approval.

Chairman Wenkam commented that it was his understanding of the law that a special permit could be granted to subdivide one lot. Mr. Takeyama, legal counsel, refrained from commenting on this matter since he was not familiar with the subdivision provisions of Regulation 4 of the Department of Land and Natural Resources.

Mr. Schulze argued that if the special permit to subdivide one lot were granted by the Department of Land & Natural Resources, the petitioner's request with the Land Use Commission would not be any more injurious to the land for the proposed use. Chairman Wenkam commented that under a special permit, the construction and design of the building would fall under the purview of the Department of Land & Natural Resources, thereby providing the State with some control over any harmful effects that might befall the Conservation District.

The hearing was closed thereafter.

ACTION

It was reported that action on the petitions by Lihue Plantation Co., Ltd. (A66-124) and Alvin Badenhop (A66-129) would not take place today based on the petitioners' request for a deterral since only 6 Commissioners had indicated attendance at this meeting and a minimum of 6 votes would be required to obtain approval. They expressed their preference for action on their petitions when the attendance of more than 6 Commissioners could be assured.

Commissioner Wung moved to postpone action on the two petitions until the next meeting, seconded by Commissioner Inaba. The motion was carried.

ADOPTION OF MINUTES

Commissioner Nishimura moved to approve the minutes of the meeting of August 26, 1966 as circulated, seconded by Commissioner Wung. The motion was carried unanimously.

DIAMOND HEAD STAFF REPORT

Mr. Moriguchi, Executive Officer, informed that staff had presented its recommendation of the Diamond Head Boundary on October 2, 1965, following instruction by the Commission to prepare such a study. Mr. Moriguchi summarized staff's recommendation as follows:

1. In the Fort Ruger area, it was recommended that the present Conservation District indicated by the red line which lies above the 50% slope be moved down to the blue line just mauka of the Cannon Club.

2. In the area of the State's subdivision as shown by the blue line, it was proposed that the Conservation line be moved down to coincide with the mauka lot line of the subdivision. The present Conservation line was mauka of the subdivision.

3. The major change recommended was for the Diamond Head Park to be entirely reclassified into the Conservation District, including several smaller parcels.

Chairman Wenkam warned that there will be considerable urban pressures placed on Diamond Head. He felt it would be appropriate for the Land Use Commission to be very specific in its delineation of the Conservation District boundary lines to include all areas in the Conservation District that are not presently in urban use.

Commissioner Inaba raised the question of pinpointing these boundary lines on the ground to avoid any controversies at a later date. Mr. Moriguchi advised that this could generally be accomplished since the boundaries were coincident with the road lines.

In response to Commissioner Mark's concern over any conflict with the City Planning Commission's action on the subject matter, Chairman Wenkam informed that the City's plans only involved lands in the Urban District.

Commenting on the historical monument plan presently under study by the Department of Land & Natural Resources, Chairman Wenkam observed that a public hearing on Diamond Head would help to pin the matter down. Any information Commissioner Ferry might contribute with respect to the monument at the time of the hearing should be reflected in the Conservation line.

Commissioner Nishimura moved that the Land Use Commission direct the Executive Officer to initiate a petition to hold a public hearing in Honolulu on the Diamond Head Conservation District, at a time agreeable to the Department of Land & Natural Resources. The motion was seconded by Commissioner Inaba and carried.

NEXT MEETING SCHEDULE

It was announced that the next meeting date had been set for December 16 and 17, 1966, with the continuation of the hearing of the Hirai petition to be held on Saturday. Mr. Moriguchi advised that staff was in receipt of a letter from the Moanalua Garden Community Association requesting that the continuance of the hearing on the Hirai petition be held at the Moanalua School cafetorium. It was Mr. Takeyama's opinion that in fairness to all parties concerned, the hearing should be held in a neutral area away from the grounds of controversy.

The Commission was in general agreement with Mr. Takeyama's views and directed staff to determine a suitable meeting place that would accommodate a large gathering.

The meeting was adjourned at 4:50 p.m.

STATE OF HAWAII
LAND USE COMMISSION

KAHULUI LIBRARY
KAHULUI, MAUI

2:00 P.M.
November 23, 1966

STAFF REPORT

A66-135 - ESTATE OF SOPHIE JUDD COOKE (Dec'd.)

Background

Cooke Trust Company, Ltd., through its attorney, Meyer Ueoka, have submitted a petition for boundary amendment in behalf of the Estate of Sophie Judd Cooke. The petition involves approximately 4.9 acres of land presently districted as Agriculture situated at Kahanui, Molokai. An amendment of the district boundaries to a Rural classification is requested by the petitioners. The Kalae Urban District is situated approximately one-quarter mile to the northeast of the subject lands, while the nearest Rural District is Kalanaanaole Colony, approximately five miles to the south.

In support of their petition, the petitioners have indicated that:

1. The subject lands are classified as Class C and D lands and are not considered prime agricultural lands.
2. The area has been used for residential purposes by the Cooke family for many, many years.
3. It was Mrs. Cooke's desire to leave this property to her six children in the manner proposed in this petition. This intent is set forth in Mrs. Cooke's Last Will and Testament.
4. The subdivision in the manner proposed is unauthorized. Consequently, the property is needed for use other than that for which the district in which it is situated is classified.
5. The low density residential nature of the parcel and surrounding area, absence of urban environment and sub-marginal value of the lands for agriculture all indicate that a rural classification is proper, and

6. The above also shows that the land is usable and adaptable for rural use.

The Maui Planning and Traffic Commission, at its meeting of September 7, 1966, voted unanimously to recommend that the request for amendment of district boundaries of the Estate of Sophie Judd Cooke in Kalae, Molokai be classified in the Urban District. The reason for the recommendation of this Commission is as follows:

1. The Urban Classification would be in conformance with the County's General Plan.
2. Rural classification would spot-zone a new land use in the Kalae area.
3. The Maui Commission stands by its prior reasons on the recommendation of the same parcel of land.

Analysis

Present land use on the subject lands and in the immediate vicinity consists of low-density weekend and summer residences coupled with a few servants' quarters. The areas surrounding these residences are primarily in pasture with a small golf course situated to the northwest of these subject lands. At the Kalae Urban District, approximately one-quarter of a mile to the northeast, land use is primarily in single family residences. A small camp, known as the Maalehua Camp, is situated approximately three-quarters of a mile to the northwest of the subject lands and is included within the Agricultural District. Approximately 1 1/2 miles to the west is the Kualapuu Urban District and approximately 7 1/2 miles to the south is Kaunakakai, the principal urban district on Molokai.

Water service is available in the area which records an average annual rainfall of approximately fifty inches. Population in the area of the subject lands and the Kalae Urban District is approximately 150. The Kamehameha V

Highway serves the area and fronts the subject lands.

The primary reasons proposed by the petitioners for the boundary amendment involves:

1. Mrs. Sophie Cooke's will which proposes the subdivision in order that the lands might be conveyed to her heirs.
2. That the lands have been used for residential purposes for many years.
3. That the lands are not prime agricultural lands.

It is apparent that the mere desire to convey lands to heirs in a manner that would not be in conformance with the Land Use District Regulations cannot be accepted as justification for a boundary amendment. The consequence of permitting amendments on this basis would be to negate the intent of the Land Use Law.

Without first establishing the need for additional rural lands, the suggestion that the lands are not prime agricultural lands and should therefore be classified rural, is not valid. This is specifically provided for in the Land Use District Regulations which indicate that "lands with limited potential for other agricultural uses" may be included within the Agricultural District. Class C and Class D lands, such as those involved under the subject petition, actually have agricultural potential although they are not prime agricultural lands.

The petitioner's suggestion that since the area presents an appearance of small farms mixed with low density residential use and, therefore, a rural designation is proper, relates to Section 2.10 of the Land Use Regulations dealing with standards for rural districting. However, it is apparent that the overall land use pattern for the area is primarily agricultural and is so districted. With the nearest rural district five miles away, the districting of 4.9 ~~area~~ acres for rural use in the area would violate one of the major tenets of the

Land Use Law - that of preventing scattered developments.

In stating that a "rural classification would spot zone a new land use in the Kalae area", the Maui Planning and Traffic Commission has also inferred a recommendation for disapproval of the change to rural. Its suggestion that the subject lands be classified as urban cannot be considered since the petition expressly seeks a rural classification. Public hearing notices have been published indicating a proposed change from agricultural to rural (not urban).

Recommendation

On the basis that the petitioners have not substantiated the need for rural districting in the area the staff recommends denial of the petition. However, in view of the use that was established on portions of the petitioner's land prior to the enactment of the Land Use Law, it is suggested that the Land Use Commission indicate to the petitioner the possibility of a special permit approach to resolve the problem.

November 9, 1966

Mr. Meyer M. Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui, Hawaii 96793

Dear Mr. Ueoka:

The Land Use Commission next meets on November 23, 1966 at 2:00 p.m., at the Kahului Library, Kahului, Maui.

At that time, the application of the Estate of Sophie Judd Cooke (A66-135) to amend the land use district boundaries on land situate on Molokai will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

GSM/pjp

File

2037

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, 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, ADM. ASST.

PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI
POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

RECEIVED
SEP 14 1966
State of Hawaii
LAND USE COMMISSION

September 8, 1966

Mr. George S. Moriguchi
Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

The Maui Planning and Traffic Commission, at its meeting of September 7, 1966, voted unanimously to recommend that the request for amendment of district boundaries of the Estate of Sophie Judd Cooke in Kalae, Molokai be classified in the Urban District. The reason for the recommendation of this Commission is as follows:

1. The Urban classification would be in conformance with the County's General Plan.

2. Rural classification would spot-zone a new land use in the Kalae area.

3. The Maui Commission stands by its prior reasons on the recommendation of the same parcel of land.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc Estate of Sophie Judd Cooke
cc Molokai Advisory Committee

State Form B14

STATE OF HAWAII

OFFICIAL RECEIPT No. 141

Department of Planning and Economic Development

Department, Bureau or Commission

Aug. 10, 1966

RECEIVED from Cooke Trust Co., Ltd.

Fifty and no/100 DOLLARS

Est. of Sophie D. Cooke

Public Hearing Fee — Land Use Commission

$ 50.00

Henry J. Rohlfs

Public Accountant

August 9, 1966

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

Dear Mr. Ohata:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, a copy of the amended petition for change in the land use district boundaries, submitted by the Estate of Sophie Judd Cooke, deceased, together with supporting data, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls.

August 9, 1966

Mr. Meyer M. Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui, Hawaii 96793

Dear Mr. Ueoka:

At its meeting on August 5, 1966, the Land Use Commission voted to accept the withdrawal of the petition by the Estate of Sophie Judd Cooke (A66-110) to amend the land use district boundaries at Kahanui (Kalae) Molokai, Tax Map Key 5-2-13: 17, from an Agricultural District to an Urban District, as requested in your letter of August 2, 1966.

We are in receipt of a check in the amount of $50.00 for the second petition (A66-135) and will therefore process the application for a change in land use district boundaries from an Agricultural District to a Rural District for the subject parcel, in accordance with Section 98H-4, RLH 1953, as amended, and Act 32/SLH 1965. A public hearing on your petition will be scheduled in the County of Maui no sooner than 60 days and no more than 120 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

We will inform you of the date of hearing as soon as it is determined.

Should any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Director, Maui Planning Comm.

State Form B14

STATE OF HAWAII

Land Use Commission
Department, Bureau or Commission

OFFICIAL RECEIPT No. 150

July 27 19 66

RECEIVED from Cooke Trust Company, Ltd.

Fifty + no/00 **DOLLARS**

Public Hearing and petition by Sophie Judd Cooke (Dec'd)

$

Don G. Horikawa
Public Accountant

File

1997

MEYER M. UEOKA

ATTORNEY AT LAW
WAILUKU, MAUI, HAWAII 96793

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

August 2, 1966

RECEIVED
AUG 3 1966
State of Hawaii
LAND USE COMMISSION

Mr. George S. Moriguchi
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Re: Estate of Sophie Judd Cooke

Dear Sir:

By submitting our second petition to amend the Land Use District boundaries of that certain parcel of land situate on Molokai, belonging to the Estate of Sophie Judd Cooke, our intent is to withdraw the original petition and have the Land Use Commission act on the second petition.

I realize that the usual procedure must be followed, that is to say, that it must be referred to the Maui County Planning Commission and it must be advertised. The reason for such amendment is that the second request is more reasonable and appears to be more consistent with the overall planning.

Very truly yours,

Meyer M. Ueoka

MEYER M. UEOKA

MMU:mas

July 28, 1966

Mr. Meyer Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui

Dear Mr. Ueoka:

Your letter of July 25, 1966 which enclosed a petition for amendment of Land Use District boundaries involving the Estate of Sophie Judd Cooke has been received.

However, an earlier petition involving the same lands is presently under consideration by this Commission with final disposition scheduled for August 5, 1966. Therefore, we would appreciate your clarification on this matter. Is it your intention to (1) withdraw the original petition and submit the second petition for processing, or (2) to submit the second petition as an amendment to the original petition?

Please reply on this matter well before the August 5, 1966 Commission meeting date.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

1990

MEYER M. UEOKA

ATTORNEY AT LAW
WAILUKU, MAUI, HAWAII 96793

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

July 25, 1966

RECEIVED
JUL 27 1966
State of Hawaii
LAND USE COMMISSION

State Land Use Commission
426 Queen Street
Honolulu, Hawaii

Gentlemen:

There is enclosed an original and two copies of a petition for amendment to Land Use Commission district boundary from agricultural to rural for Tax Map Key, Second Taxation Division, 5-2-13:17, situate at Kahanui (Kalae), Island of Molokai, County of Maui. This parcel of land contains 4.864 acres, is a part of the Estate of Sophie Judd Cooke, deceased, and is located on the central plateau of Molokai. The subject property fronts on Kamehameha V Highway, and no part thereof constitutes prime agricultural land, as this section of the island has been aptly described as "interlocking fingers of Class C and D (Land Study Bureau rating) lands with steep gully areas". Previously, a petition for amendment of this parcel from agricultural to urban was submitted to the Commission, (Staff Report A 66-110 of June 17, 1966).

This particular area has been used for residential purposes for many years by the Cooke family and contains a number of residences and other buildings. Mrs. Cooke sought to subdivide and dispose of this parcel in essentially equal shares to each of her six children by testamentary disposition. Each of the six lots into which the parcel has been surveyed contains an area in excess of one-half acre, the minimum lot size for rural classification as contemplated by Chapter 98H, RLH 1953, as amended.

The low density residential nature of this parcel, the absence of urban environment, structures and uses in that specific area, the sub-marginal value of the lands for agriculture, and the present intermingled low density residential lots and small farm appearance throughout this area all combine to

emphasize that this parcel of land should be re-classified as rural. Such a classification, it is submitted, would properly effectuate and implement the thought, planning, and intention of the Land Classification Laws of Hawaii. Also, under the existing district boundary in which the said parcel of land is included, the subdivision of the same in the manner proposed is unauthorized. This being so, the existing buildings, structures, and improvements on this parcel of land cannot be utilized by the individual owners undisturbed and free from interference from other owners, who are the devisees under Mrs. Cooke's Will until such subdivision is accomplished. Thus, the subject property is needed for a use other than that for which the district in which it is located is classified. The above also shows that the land is usable and adaptable for the use it is proposed to be classified, namely, rural.

A check in the sum of $50.00 in favor of the State of Hawaii is also enclosed in accordance with your rules. Please address all communications in regard to this petition to me as attorney for the Petitioner.

Very truly yours,

Meyer M. Ueoka

MEYER M. UEOKA

MMU:lst
Encls.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED
JUL 27 1966
State of Hawaii
LAND USE COMMISSION

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 recommendation received by LUC _____

A66-135

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 Molokai, map number and/or name _____ to change the district designation of the following described property from its present classification in a(n) agricultural district into a(n) rural district.

Description of property: Tax Key, Second Taxation Division, 5-2-13:17, situate at Kahanui (Kalae), Island of Molokai, County of Maui

Petitioner's interest in subject property:

Trustee, Sophie Judd Cooke, deceased
Estate of

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

See covering letter.

(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~~

COOKE TRUST COMPANY, LIMITED, TRUSTEE
UNDER THE WILL AND OF THE ESTATE OF
SOPHIE JUDD COOKE, DECEASED

Signature(s) By: [signature] Vice-President

By: [signature] Vice-President

Address: P. O. Box 2041
Honolulu, Hawaii 96805

Telephone: 563-861

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 recommendation received by LUC _____

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 Molokai, map number and/or name _____ to change the district designation of the following described property from its present classification in a(n) agricultural district into a(n) rural district.

Description of property: Tax Key, Second Taxation Division, 5-2-13:17, situate at Kahanui (Kalae), Island of Molokai, County of Maui

Petitioner's interest in subject property:

Trustee, Sophie Judd Cooke, deceased
Estate of

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

See covering letter.

(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.~~

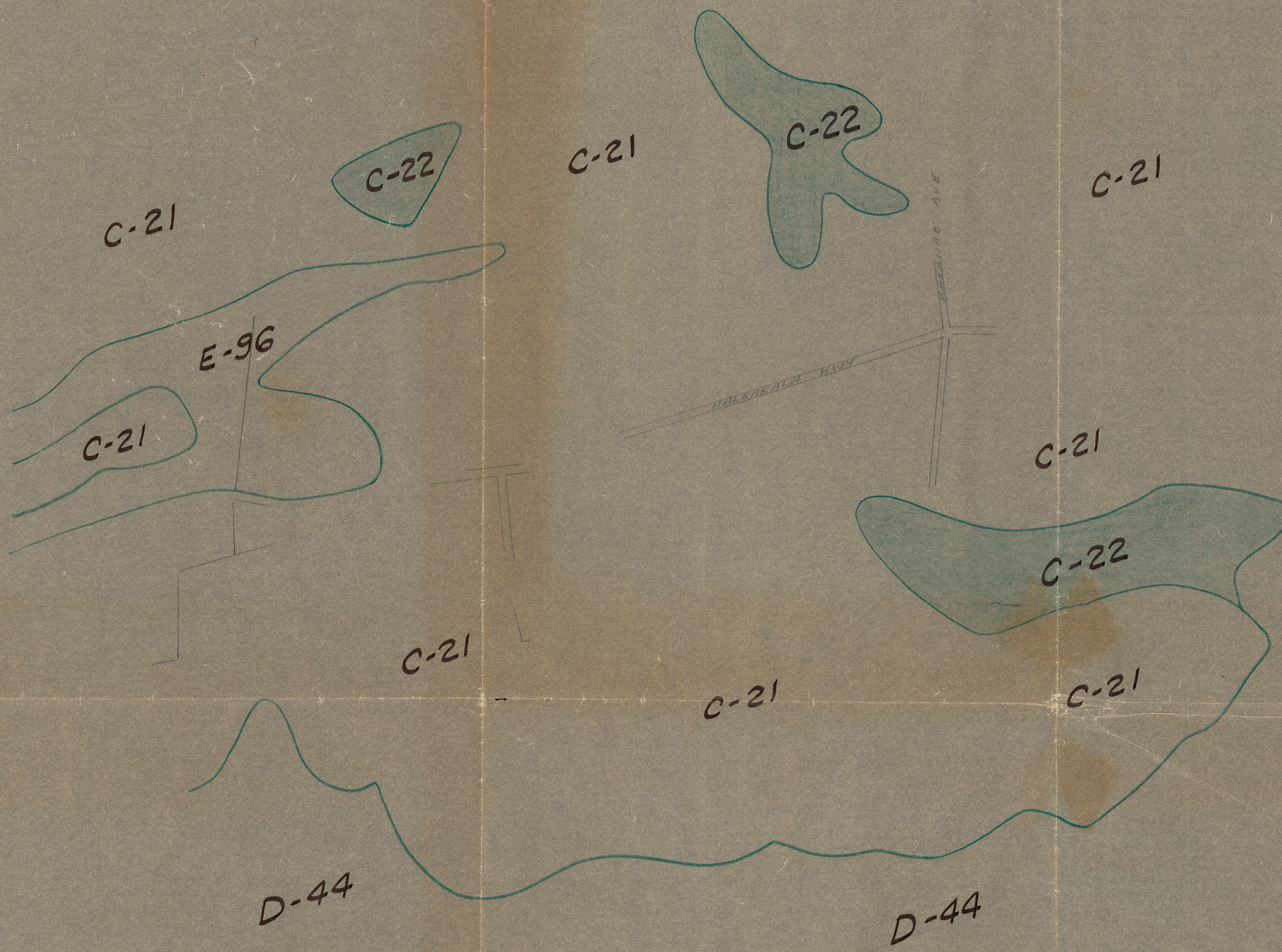
COOKE TRUST COMPANY, LIMITED, TRUSTEE
UNDER THE WILL AND OF THE ESTATE OF
SOPHIE JUDD COOKE, DECEASED

Signature(s) By: [signature] Vice-President

By: [signature] Vice-President

Address: P. O. Box 2041
Honolulu, Hawaii 96805

Telephone: 563-861



A68-176 Phillips
Overlay for Exhibit "A"
showing Soil Classes

7579

135

A66-~~110~~ COOKE

PACIFIC OCEAN

Lae o Kahiu
Ka Lae Mauu
Lae Hoolehua
Kahili
Landing Field
COAST GUARD
Molokai Lighthouse
Kilkolu
Ka Laea
Namoku
Coral Reef
Kalaemilo
Cem
Kapapakikane
Kaupikiawa
Pataloa
Cemetery
Kalaupapa
U
BM 10
MAKAKUPAIA
A
Puu Uao
Kauhako Crater
Puwalii
Kapuahiapele
Awahua
KALAWAO MAUI CO
NAIWA (APANA 2)
C
PALAAU (APANA 3)
Puu Lua
BM 1666
Springs
KAHANUI (APANA 2)
KALAWAO MOLOKAI DISTRICT
Waiahanau
Alae
Keolewa
Hilika
Kalawao
ILILI (APANA 2)
NAIWA
A
Puu Olelo
2158
KAHANUI
Meyer Lake (APANA 2)
Puu Kauwa
MOLOKAI
Gaging Sta
Puu Anoano
Maalehu
Kipu
Kalae
Hahaeule
Kaului
Radio Towers
Quarry
Water Tanks
Kualapuu
Res
Water Tank
Waiakailio
Kualapuu
Puu Kanaio
Well
Hoolehua Cem
Molokai Community Hospital
Kanakaioloa
Maneepape
Hoolehua
Molokai High Sch
Puu Kaneelua
Kaluapeelua
HOMESTEADS
PALAAU (APANA 2)
MOOMINI AVE
HOOLEHUA AVE
PUU KAFELEI AVE
ALA HAKOLU
ALA MAUA
ALA ARAHI
TARRINGTON AVE
Anisnikeha
Halo
Kukuiokanaloa
Pohakunui
HOMESTEADS
Kapaele
NAIWA (APANA 2)
Mimino
Gulch
Waiakane Spr
Puu Kamoo
MANOWAINUI
Eleuweuwe
HOOLEHUA (APANA 2)
DIMU ALAUA UA HEIAU
Kaluanui
NIHOA
Puu Kaloli
Gulch
Waiakaalulu
Stream
Waiahanau
Pipe Line
Tunnel
Diversion Dam
Waiakeakua
Stream
Waiahanau
Forest Reserve
Reservoir
Puu Oil
Mokomoko
Gulch
2475
2016
Kapuna
Kapuna Spring
Kahuazwi
Gulch
Kaluaolohe
Maunahui
Kaulolo
Kalawao
Mauu
Kahanui
Gulch
Kapaakea
Fork
(GOVERNMENT)
Kapaakea
North Fork
Kapaakea
South Fork
Kamiloloa
Gulch
Puu Hele
Makakiloia
Kamiloloa
Maakupaia
Gulch
Lawelawe
Stream
Ooa
Kawela
Puu Luahine
1210
Homalani
Cem
Manawainui
Gravel Pit
Kahualelepulu
Water Tanks
Water Tank
Kakalahale
1280
Oaiwai
Puu Oahu
Windmill
Umipaa
BM 16
Ooia Fishpond
Kaluaapuki Fishpond
LEVEE
MANGROVE
Ohiapili
KALANIANAOLE COLONY
R
Kamehaiehe Coconut Grove
Holomua Sch
Gulch
Kaunakakai
Water Tank
Gaging Sta
Rock Wall
Puu Manlnikoio
Mud
BM 5
Range Lights
BM
WT
Kaunakakai Harbor
Koheo
Kalokoeli Fishpond
Kamiloloa
Windmill
Mud
Coral Reef
Alii Fishpond
Kaouna Fishpond
Moku
Mud
Nalulua
PACIFIC OCEAN
Pipe Line
Levee
Rock Wall
Coral Reef
Mangrove
Mud
Harbor
Fishpond
Colony
Reservoir
Forest Reserve
Gaging Sta
Windmill
Water Tank
Cem
Sch
Quarry
Res
Well
Gravel Pit
Landing Field
Lighthouse
Cemetery
Coast Guard
Range Lights
Diversion Dam
Tunnel
Stream
Fork
Gulch
Forest
Reservoir
Colony
Fishpond
Harbor
Mud
Coral Reef
Mangrove
Levee
Rock Wall
Pipe Line
Homesteads
Colony
Forest Reserve
Reservoir
Fishpond
Harbor
Mud
Coral Reef
Mangrove
Levee
Rock Wall
Pipe Line