

A66-143

FRANK & BESSIE MONIZ

June 21, 1967

Mr. and Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Dear Mr. and Mrs. Moniz:

The petition by Frank and Bessie Moniz (A66-143) to amend the land use district boundaries from an Agricultural District to a Rural District at Kaonoulu, Kula, Maui, identifiable by Tax Map Key 2-2-06: 63, was approved by the Land Use Commission at its meeting on June 16, 1967.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Chairman Burns
Department of Taxation
Department of Land & Nat. Res.
Maui Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item A66-143 - Frank & Bessie Moniz Date June 16, 1967

Place Honolulu, Hawaii Time _____

Names	Yes	No	Abstain	Absent
WUNG, L.	✓			
INABA, G.	✓			
OTTA, C.				
WENKAM, R.				
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.		✓		
FERRY, J.	✓			
MURAKAMI, KEIGO	✓			
XXX THOMPSON, M.				

Comments:

to approve

*5
2*

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

June 16, 1967 - 1:15 P. M.

Commissioners Present: C. E. S. Burns, Chairman
Leslie Wung
Shiro Nishimura
Keigo Murakami
Goro Inaba

Commissioners Absent: Shelley M. Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner II
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

It was moved by Commissioner Nishimura and seconded by Commissioner Inaba that the minutes of the meetings of December 16, 17, 1966 and February 17, 18, 1967 be approved as circulated. The motion was unanimously passed.

NEXT MEETING DATE:

After a short discussion, the next meeting date was set for July 28, 1967 in Kona, Hawaii.

BOUNDARY INTERPRETATION ON KAMILONUI RIDGE

Mr. Duran presented a letter received from Mr. Mineo Okamoto of Wilson Okamoto and Associates dated June 8, 1967, requesting a conservation boundary interpretation on Kamilonui Ridge, Tax Map Key 3-9-19 (see copy of letter on file). The Kamilonui Farmers Cooperative was proposing an agricultural subdivision in this area and a small sliver of land within the subdivision had been placed in the Conservation District by the Land Use Commission. This had been determined by measuring the USGS 1"=2000' scale district map and transferring the information on the subdivision map. It was the Cooperative's contention that the existing coral road with ground slopes of 12% was a more logical urban-conservation boundary. They are proposing an agricultural subdivision in an Urban District on Bishop Estate lease lands. The average size of the lots ranged from 2 to 4 acres.

See page 2

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If the 20% criteria were applied in separating the steep ridges from the fairly developable area, the Executive Officer did not believe that interpreting the urban-conservation boundary as requested by the cooperative would result in any violation of the intent of the law.

Mr. Takeyama, legal counsel, advised that an interpretation of boundary could be accomplished by passage of a motion, and did not require a public hearing.

Commissioner Nishimura moved that the Commission interpret the urban-conservation boundary to follow the line of the coral road as shown on the petitioner's map. The motion was seconded by Commissioner Wung and passed.

The meeting was recessed to enable Commission members to attend Commissioner Inaba's swearing-in ceremonies in the Governor's office.

The meeting was resumed at 2:50 p.m. Commissioner Ferry attended the meeting at this time.

Mr. Ramon Duran and Mr. Ah Sung Leong were sworn in by Chairman Burns.

ACTION

PETITION BY FRANK AND BESSIE MONIZ (A66-143) TO RECLASSIFY APPROXIMATELY 6.9 ACRES OF AGRICULTURAL LANDS INTO RURAL LANDS AT KAONOULU, KULA, MAUI

Staff memo presented by Mr. Leong recommended denial of the petition since it was felt that the additional evidence submitted since the denial of the original petition by the Commission was not sufficiently significant to warrant a reversal of that decision.

Commissioner Ferry remarked that the argument that sufficient urban or rural lands had been zoned to accommodate anticipated population was passe in today's moving society and that it had been pointed out previously that much of the lands so zoned were not available for the open market. He felt that emphasis should not be placed on this reasoning in the future.

Mr. Duran defended staff's rationale and referred to Act 187, the Land Use Law, which mandates "proof of need" before a boundary change can be made. He continued that staff's analysis of the entire area substantiated the availability of a tremendous amount of lands zoned for urban and rural purposes which were presently not being used for these purposes. Therefore, neither the need nor the boundary change could be justified in this instance. It was also pointed out that in establishing the criteria for agricultural lands, the law provided for the inclusion of lands that were not necessarily suited for agricultural uses.

Commissioner Nishimura reflected that although he had voted for denial in the original petition, he now felt that agricultural pursuits would be very uneconomical for the subject property and that a rural classification would be the highest and best use.

June 16, 1967

Commissioner Murakami moved to approve the petition on the basis that the information submitted by the petitioner falls within the criteria established for rural zoning and is of sufficient nature to warrant a change. Commissioner Ferry seconded the motion which was passed with Commissioner Mark casting the only negative vote.

PETITION BY COUNTY OF MAUI (A66-144) TO RECLASSIFY APPROXIMATELY 15,300 SQUARE FEET OF CONSERVATION LAND INTO RURAL LAND AT KEPANIWAI PARK, MAUI

Mr. Duran recommended in the staff report that the request again be denied since no additional significant information was submitted that would substantially alter the facts upon which the Land Use Commission based its original decision.

Commissioner Wung commented that during the earlier testimony, the petitioners had expressed that Mr. Duarte had no intention of any specific use for the land which the county would exchange.

Commissioner Nishimura felt that locating the caretaker's home on Mr. Duarte's property in exchange for the county property would not adversely affect the land use pattern in the area.

Commissioner Ferry expressed his stand that the County was responsible for its own destiny and for providing recreational facilities for its own people, and if it deemed it advisable to locate the caretaker's cottage in the park, it should be allowed to do so.

It was pointed out by Commissioner Inaba that had the conservation parcel abutting Mr. Duarte's rural lands belonged to Mr. Duarte at the time the boundary was established, it would have in all probability been districted rural; that the line was drawn where it was due to the land ownership pattern.

Commissioner Ferry moved that petition be granted on the grounds that the information submitted is valid. It was seconded by Commissioner Murakami and passed unanimously.

PETITION OF HAWAII MILL CO., LTD. (A67-147) TO RECLASSIFY APPROXIMATELY 19.6 ACRES FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT HILO, HAWAII

Mr. Leong presented the staff memo recommending approval of the petition based on analysis and investigation as outlined in the memo (see copy of memo on file).

Commissioner Wung wondered whether Mr. Detor's property might be subjected to an increase in taxes once the rezoning to urban is effected for the parcel under discussion. Commissioner Ferry felt Mr. Detor's taxes would not be affected since assessments were based on present and actual use of the land.

STATE OF HAWAII
LAND USE COMMISSION

June 16, 1967

MEMORANDUM

TO: LAND USE COMMISSION
FROM: STAFF
SUBJECT: A66-143 - FRANK AND BESSIE MONIZ

This petition to change the district classification for approximately 6.9 acres of agricultural lands into rural lands at Kaonoulu, Kula, Maui, was heard on February 17, 1967. The request is a resubmission of a petition (previously denied) based on the following additional data:

1. The Maui General Plan classifies the area for rural use.
2. A petition containing 15 signatures of friends and relatives of the petitioners attesting that they have inquired as to the possibility of purchasing one or more lots.
3. Reasonable rural lots can be provided because of frontage on a county road with utilities readily available.

At the hearing, the LUC staff maintained that:

1. The fact that the request conforms with the County General Plan was brought up at the first public hearing and therefore cannot be considered new evidence. Moreover, Maui County's General Plan is a "broad brush" (long range) plan which has designated some 11,000 acres for rural use in the Kula area.

A population of over 50,000 persons can be accommodated in this area alone. This is several thousand more people than is forecast for the entire island by 1980.

2. The petition by relatives and friends that have inquired about the proposed lot is not significant evidence of need.

3. The physical characteristics of subject lands were discussed in the original petition and therefore cannot be considered as new evidence.

It was recommended by the LUC staff that the petition be denied.

It is staff's opinion that the additional evidence submitted since the denial of the original petition is not sufficiently significant to warrant a reversal of that decision.

Therefore, the denial of this petition is again recommended.

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.

Commissioner Ferry wondered whether the count of only 16 permits per year between 1960 and 1965 in the Kula area, as reported in the staff report, was an accurate figure. Mr. Ohata replied that this would depend on the boundaries that were used by the staff in interpreting the Kula District. Former Land Use Executive Officer, Mr. George Moriguchi, advised that the records of the Hawaiian Telephone Company were used to get the permit count and that it included an area all the way down to Ulupalakua Ranch.

Mr. Ohata added that Maui was the fastest growing island in the State, even surpassing Oahu, and that the population increase was approaching the 5% figure annually. He attributed this to the tremendous growth and more specifically to the development of Kaanapali and the International Colony Club.

Mr. Ohata also pointed to the successful Pukalani Subdivision in the Rural District, attesting to the popularity of rural-type development on Maui.

Commissioner Ferry offered the observation that perhaps the Land Use Commission was obliged to plan and program the growth over a projected period which may exceed 10 years. Chairman Thompson replied that the 10-year projection period was spelled out in the guidelines.

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

PETITION OF THE COUNTY OF MAUI (A66-144) TO AMEND THE LAND USE DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO A RURAL DISTRICT AT KEPANIWAI PARK, IAO VALLEY, MAUI

A staff report presented by the Executive Officer recommended denial of the petition since most of the additional information was irrelevant or inconclusive and the petitioner had not submitted adequate proof that the area was needed or usable for the proposed use.

Mr. Ohata argued that contrary to staff's recommendation, all of the figures and data transmitted by the Maui County in support of this petition pointed to approval and that he was at a loss to understand staff's recommendation for denial.

In support of the County's request, Mr. Arthur Fernandez, Federal Aid Coordinator, explained the master plan and program for development for Kepaniwai Park. He stated that in 1964, Richard Tong submitted a master plan to include within the park contributions from the Japanese, Chinese, Filipino, Portuguese and Hawaiian cultures. In early 1966, \$187,000 was appropriated by the Legislature for this project, \$56,000 from the Bureau of Outdoor Recreation, \$56,800 from the County. An additional \$187,000 was approved by the County to match the legislative funds.

The County had anticipated delays on the project pending relocation of the caretaker's cottage. It was their wish to locate this in close proximity to the park to allow for adequate patrolling of valuable artifacts and property which will be placed in the park.

Mr. Fernandez agreed that the relocation of the caretaker's cottage was the cause of the delay in completing this project, in answer to the Chairman's question.

Mr. Duran asked for clarification of Mr. Ohata's statement to the effect that unless the boundary is changed, the funds allocated to this park would be withdrawn and no development would occur. Mr. Ohata indicated that failure to secure approval from the Commission had actually delayed the project already and that it was questionable whether the County might go ahead with it. Mr. Takeyama asked if the federal funds were contingent upon the fact that the caretaker's home be built upon the lot that the County wants and Mr. Ohata answered in the negative.

If vandalism were the problem here, Commissioner Wenkam suggested that the top of the hill overlooking the entire park would be an ideal site for the caretaker's cottage. Mr. Ohata argued that their proposed locale was a vantage site since it was the approach to the park. He felt that the house should not be exposed at the top of the hill.

Commissioner Wenkam commented that there was nothing to prevent the owner from building a home on the top of the hill once it was districted rural, and expressed his feeling that the highest and best use of this subject parcel was intense landscaping to protect the environment of the park.

Mr. Ohata replied that they had the assurance of the owner that the land would be developed in a desirable manner. If this was the case, Commissioner Wenkam wondered why the land could not be left within the Conservation District and be assured of further protection from the Department of Land and Natural Resources. He also felt that since the "County engineer reported that bluff was not usable for anything" as reported in the staff report, the County should take this opportunity to increase park lands and purchase the proposed site for the caretaker's cottage from Mr. Duarte instead of going through a land exchange. This would enhance the park property and totally screen out the possibility of urban use in the area.

Commissioner Ferry reflected that the County had sought professional assistance in developing a park plan geared to the needs of its citizens, and that the Commission overstepped its bounds when it delved into the question of what was proper park planning. As a reminder, he pointed to the fact that federal monies had been committed for this project through the Bureau of Outdoor Recreation, whose liaison officer was Commissioner Mark, a member of the Land Use Commission.

Commissioner Wenkam argued that the question here was one of protecting scenic resources and other allied activities that occur within a Conservation District, and it was definitely within the powers of the Land Use Commission to consider the land use pattern of this area.

Mr. Ohata commented that the Land Use Law should not be an end in itself, that the end result of the law should be to accomplish certain goals that were good and that the Land Use Commission should consider the petition favorably.

There being no further testimony, the hearing was closed.

ADOPTION OF MINUTES

The minutes of the meetings of October 29, 1966 and November 23, 1966 were approved as circulated.

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 aesthetics 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.

June 6, 1967

Mr. and Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Dear Mr. and Mrs. Moniz:

The Land Use Commission next meets at 1:00 p.m. in the Land Use Commission hearing room in Honolulu, Hawaii, on June 16, 1967.

On or about that time a decision on the petition by Frank and Bessie Moniz (A66-143) 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,

RAMON DURAN
Executive Officer

RECEIVED

MAY 16 1967

State of Hawaii
LAND USE COMMISSION

May 12, 1967

Mr. Ramon Duran, Executive Officer
Land Use Commission
426 Queen St.
Honolulu, Hawaii 96813

Dear Mr. Duran:

Thank you very much for telling us that you have moved the date of the Public Hearing for our request to June 16, 1967, tentatively.

If possible, may we request that the Hearing be held on the island of Maui.

Sincerely yours,

Frank Moniz
Frank Moniz

Bessie Moniz
Bessie Moniz

May 8, 1967

Mr. & Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Re: A66-143 - Boundary amendment to designate 6.9 acres
in the Agricultural District to the Rural
District in Kula, Maui

Dear Mr. & Mrs. Moniz:

The period prescribed for action on the above-mentioned petition by the State Land Use Commission expires May 18 of this year. At the present time, there are 6 of the 9-member Commission legally empowered to act upon your petition. The 7th member (Mr. Murakami from Maui) appointed by the Governor and confirmed by the Senate will not be sworn into office until some time the latter part of May. Also during the latter part of May and early June, one of the other 6 Commission members will be out of the State on a business trip so that, even after our new member is appointed to the Commission, only 6 will be available until the middle of June. The law requires that a boundary amendment receive the approval of 6 of the 9-member Commission. In other words, should a meeting be conducted on your request on or before the 18th of May, or for that matter between now and early June, it will require the affirmative vote of all of the Commission members to approve your request.

We believe that to observe the spirit and intent of the law, and in all fairness to the petitioner, that your petition be continued and the time extended to the middle of June. We have tentatively selected Friday, June 16, 1967 as the date for action by the Commission, at which time we anticipate at least 7 Commission members in attendance, and it may be possible at that time that the Governor will have appointed two more Commissioners to fill the present 2 vacancies.

We would appreciate an expression from you agreeing to the extension of time till at least 7 members are present which is tentatively scheduled for June 16, 1967.

Very truly yours,

RAMON DURAN
Executive Officer

April 25, 1967

Mr. and Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Dear Mr. and Mrs. Moniz:

Due to unforeseen circumstances, the Land Use Commission will not be able to act on your petition on April 28, 1967 as indicated in our letter of April 19, 1967. As soon as a new date is determined, we will notify you.

We hope that this change in schedule will not greatly inconvenience you.

Very truly yours,

RAMON DURAN
Executive Officer

April 19, 1967

Mr. and Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Dear Mr. and Mrs. Moniz:

The Land Use Commission next meets at 1:30 p.m. at the Kahului Library, Kahului, Maui, on April 28, 1967.

On or about that time a decision of the petition of Frank and Bessie Moniz (A66-143) 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,

RAMON DURAN
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

KAHULUI LIBRARY
KAHULUI, MAUI

1:00 P.M.
February 17, 1967

STAFF REPORT

A66-143 - FRANK & BESSIE MONIZ

Background

A change of the district designation from an Agricultural classification to a Rural classification has again been requested by Frank and Bessie Moniz involving approximately 6.9 acres of land located at Kaonoulu, Kula, Maui (TMK 2-2-06: 63). These lands are located approximately one mile south of the existing Waiakoa Urban District and is bounded by the new Lower Kula Highway on the west and the old Lower Kula Road on the east. Formation of the parcel was the result of construction of the new Lower Kula Highway (Kealahou Highway).

This same request was considered by the Commission at a public hearing on June 17, 1966 in Kahului, Maui and acted upon on August 5, 1966 in Hilo, Hawaii. The Commission, in accordance with the staff's recommendation, denied the request.

On August 30, 1966 in Lihue, Kauai, upon request of Maui County Board of Supervisors and Planning and Traffic Commission to reconsider this request, the Commission decided that reconsideration would not be in order because of the Commission's policy (reconsiderations are possible if the Land Use Commission is notified within 24 hours of decision), but that a new petition on the matter would be accepted provided additional significant data is presented.

Petitioners' Additional Significant Data

In support of the need for this area to be classified as rural, the petitioners submitted the following additional data:

(Kealahou Highway).

1. The Maui General Plan classifies the subject parcel for rural use.
2. A petition containing 15 signatures of friends and relatives of the petitioners attesting that they have inquired as to the possibility of purchasing one or more lots.
3. Reasonable rural lots can be provided because the property in question can be subdivided with frontage on the existing county road and utilities are readily available.

In support of requirement that the land is usable and adaptable for a rural classification, the petitioners state that the construction of the Lower Kula Road cut off the elongated parcel in question from a larger parcel and the size, topography, slope and soil conditions make it uneconomical for farming or ranching. Petitioners state, however, that these conditions would make an interesting rural view subdivision. Statements to the petitioners from the Maui offices of the Soil Conservation Service Gene H. Cox, Work Conservationist, and Cooperative Extension Service, Daniel T. Shigeta, Extension Agent Chairman, attest to the fact that the property in question cannot be economically used for agricultural purposes.

Maui County Planning and Traffic Commission Recommendations:

They reaffirmed their prior position which was:

1. The land is not suitable for agricultural purposes.
2. The land is usable and adaptable for a Rural District.
3. The land abuts a Rural District and is a logical continuation.
4. The Maui General Plan shows this area in the Rural District.

Analysis

The original staff report (copy on file) recommended denial of the petition on the basis that substantial land area exists within the Rural District

in the Kaonoulu area to allow for low density residential expansion. Only 100 acres of the 400-acre Rural District in the Kealahou to Kaonoulu area, and 270 acres of the 915-acre Rural District in the Pulehu area have been developed. Also, the U. S. Census reports a 20% population decline in this area between 1950 and 1960, and the Department of Planning and Economic Development predicted a continuation of this decreasing trend from 1960 to the present. Building permits issued in the area do not substantiate the petitioners' earlier testimony of the "tremendous up-surge of construction taken place in the Kula area" as only an average of 16 permits per year have been issued during the period 1960 to 1965.

The petitioners' additional data submitted in support of the need for the change does not seem to be significantly different from that submitted in support of the original petition; namely that:

1. The request conforms to the General Plan. This fact was brought out at the first public hearing. It should also be remembered that although the General Plan should be considered as a factor in boundary changes, it is also a long-range plan, 20 years and beyond. The General Plan designates some 11,000 acres for rural residential in the Kula area, while only about 2,100 acres are actually zoned urban and rural. This General Plan area, on the basis of 25% of the area for streets, $\frac{1}{2}$ -acre lots and 4 persons per family, could accommodate a population of over 50,000.
2. The petition by "relatives and friends" that "have inquired as to the possibility of purchasing one or more lots" is also not significant evidence of need.
3. The size, shape, topography and suitability for agricultural use was

A66-143 - Frank & Bessie Moniz

discussed in the original petition hearing. Thus, the two letters on the unfeasibility of an agricultural use of the property or the repetitious statements on physical characteristics of the site are not new evidence. The speculative price that a petitioner pays for any piece of property should not be the justification for a rezoning action.

Recommendation

There has been no additional significant evidence introduced to warrant a reversal of the previous decision of the Commission and therefore the petition should be denied.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

State Highways Division
Hilo, Hawaii

9:30 a.m. - October 29, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Jim P. Ferry
Leslie Wung
Goro Inaba
Shiro Nishimura

Commissioner Absent: Shelley Mark

Staff Present: George Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

A short prayer was offered by the Chairman, followed by an introduction of the Commissioners and staff and a brief outline of the hearing process. Individuals testifying during the hearing were sworn in.

Chairman Thompson advised that a rearrangement of the agenda had been necessitated and that the items requiring Commission action would be considered first.

ADOPTION OF MINUTES

Minutes of the August 5, 1966 hearing and meeting were approved as circulated.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO RECLASSIFY APPROXIMATELY 5.3 ACRES AT MIKIOLA, KANEOHE, FROM CONSERVATION TO URBAN, identifiable by Tax Map Key 4-4-13: portions 55 and 56

Staff memorandum, presented by Mr. Moriguchi, recommended denial of the petition based on the extensive grading that would be required and the possible resultant slide and storm water hazards to the abutting landowners.

Commissioner Wenkam brought out the point that on this and previous occasions, the recommendation from the City and County Planning Commission did not seem to reflect any consideration from the resultant slide and water hazards

See page 11

APPLICATION OF RICHARD SMART DBA PARKER RANCH (SP66-34) TO ALLOW A BUSINESS EXPANSION AT PUUKAPU HOMESTEADS, WAIMEA, HAWAII, TMK 6-4-01: 42

It was recommended by staff that the permit be approved on the grounds that the County General Plan indicated this area as commercial and the request is unusual (see copy of report).

Commissioner Ferry moved to accept staff recommendation for approval, which was seconded by Commissioner Wung and passed unanimously.

APPLICATION OF COUNTY OF MAUI (LANAI DUMP SITE SP66-36) TO USE APPROXIMATELY 10 ACRES OF LAND FOR A GARBAGE DUMP SITE ON THE ISLAND OF LANAI, TMK 4-9-02: portion 1

Favorable action of the application was recommended by staff based on the guidelines established by the Land Use District Regulations. Commissioner Nishimura moved to approve the special permit application, seconded by Commissioner Wung, and the motion was passed.

MISCELLANEOUS

FRANK & BESSIE MONIZ PETITION

The Executive Officer advised the Commissioners that during a previous discussion on Kauai, it was the consensus of those present that they would accept a new petition for the same subject lands only if the new petition contained additional pertinent information that had not been presented or available during the initial hearing. The petitioners had been apprised of this fact by letter.

Chairman Thompson commented that, therefore, the decision before the Commission was whether the additional information submitted by the petitioner warranted or justified acceptance of resubmittal of the petition. In the event the Commission voted to accept the petition, it would be processed through the normal channels of a public hearing.

Mr. Moriguchi added that if the Commission decided to accept the new application, staff would be mandated to review the additional data and make a recommendation. It was brought out that the additional information was comprised primarily of a petition signed by approximately 20 potential purchasers of the Moniz's property should the reclassification take place. There was also a letter from the Soil Conservation Service and the County Extension Agent.

Commissioner Ferry moved that this body declare that the additional information warrants another hearing on the petition. It was seconded by Commissioner Wenkam and passed.

PUBLIC HEARINGS

PETITION OF FRANK E. FERREIRA (A66-130) TO RECLASSIFY 3 ACRES OF LAND FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT PAAUHAU, HAMAKUA, HAWAII, TMK 4-4-06: 18

Staff report presented by Mr. Ah Sung Leong recommended retention of the

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library

Kahului, Maui

4:30 P.M. - June 17, 1966

Commissioners
Present:

Charles S. Ota, Chairman Pro Tempore
Jim Ferry
Leslie Wung
Shiro Nishimura

Commissioners
Absent:

Myron B. Thompson
Shelley Mark
C. E. S. Burns, Jr.
Robert Wenkam
Goro Inaba

Staff Present:

George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

The meeting was called to order by Acting Chairman Ota. A brief review of the procedures to be followed during the hearings was outlined by Mr. Moriguchi. Mr. Takeyama, legal counsel, swore in members in the audience who would be testifying during today's hearing.

PETITION OF ESTATE OF SOPHIE JUDD COOKE (DEC'D) (A66-110) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT KAHANUI, MOLOKAI, identifiable by Tax Map Key 6-2-13: 17

Staff recommendation on the above petition, presented by Mr. Moriguchi, was for denial of the request since the petitioner had not substantiated the need for additional urban lands in the area and since the present Kalae Urban District amply provides for urban expansion. (See copy of report on file.)

There was no discussion and since no representative of the petitioner was present, the hearing was closed.

approved 8-6-66

PETITION OF FRANK & BESSIE MONIZ (A66-112) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAONOULU, KULA, MAUI, identifiable by Tax Map Key 2-2-06: 63

Mr. Moriguchi presented the staff report (copy on file) recommending denial of the petition in view of the fact that ample lands for expansion within the Rural District have been provided and the need for additional rural lands in the Kaonoulu area had not been substantiated.

Mr. Moriguchi elaborated on the significance of the various colored areas on the map and also pointed out the location of the Rice Memorial Park in relation to the petitioner's lands.

Mr. Douglas Sodetani, representing the petitioners, advised that Frank and Bessie Moniz were now the owners of the subject property. He also submitted that there was no access to the subject lands by the new Lower Kula Highway, as stated in the staff report--that the primary access was by the old Lower Kula Road.

Mr. Sodetani felt that the U. S. Census report of a 20 percent decline in the population of the Waiakoa area during the period 1950 to 1960 was a fallacy as evidenced by the tremendous upsurge of construction taking place in the Kula area.

Mr. Sodetani argued that there was a great need for rural development of one-half acre lots in Kula. He stated that there were many reasons why approximately 400 acres presently classified in the Rural District were not fully developed:

1. Ownership
2. Cost of developing these properties
3. Topography and inadequate water supply

Mr. Sodetani also referred to the special permit granted in March, 1963 for development of 14 acres for residential purposes. He commented that the owner had gone into a financial bind and had not been able to develop the lands for marketing.

Due to the limited amount of lands available in the County of Maui for development, Mr. Sodetani felt it was unjust to allow lands to lie idle merely on the premise that there were other ample lands provided for expansion. He felt that property owners were obliged to do one of four things: 1) sell the land, 2) develop the land, 3) lease it, or 4) find someone who can do something with it.

Mr. Sodetani added that as far back as the petitioners could remember, these lands were never used for agricultural purposes. He earnestly requested favorable consideration of the petition to help the petitioner and also the people living in the Kula area who would like to own property.

Commissioner Ferry explained that the prime consideration of the Land Use Commission was not merely to lend aid to petitioners but rather to determine whether or not the lands under consideration in the petition were suited for the classification being sought. However, he did agree somewhat with Mr. Sodetani's contention that the nearby vacant lands did not necessarily render subject lands unsuitable for a rural classification.

In reply to Commissioner Nishimura's statement that large areas zoned Urban and Rural had not yet been developed, Mr. Sodetani cited the rate of sales at Pukalani Terrace. He stated that following reclassification of the lands from Agricultural to Urban two years ago, 300 lots had been subdivided and they were presently in the third increment. Sixty-five of the lots in this third increment had already been committed, and 35 deposits had been made.

Mr. Sodetani informed that the petitioners had paid approximately \$3,800 per acre for the subject parcel, which included surveyor's fees and other expenses.

Commissioner Ota clarified the matter of water availability in the area. With the approach of the Lower Kula transmission line, he felt that water would not pose a major problem. He added that other utilities, except sewer, were also available in the area.

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

PETITION OF COUNTY OF MAUI (A66-113) TO AMEND THE DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO A RURAL DISTRICT AT IAO VALLEY, MAUI, identifiable by Tax Map Key 3-3-03: portions of 1, 3, and 10.

It was recommended in the staff report (copy on file), presented by Mr. Moriguchi, that pending further clarification of the matter under consideration, the staff be permitted to withhold its recommendation.

Mr. Moriguchi further elaborated that it had not been apparent to him that the County of Maui would enjoy any advantages in the land exchange. He thought perhaps a representative of the County might be able to point this out.

Mr. Kase Higa, Attorney for the County of Maui, cleared several issues relating to this petition. He submitted that the discrepancy between the Parks Committee Report and the reasons given in the application by the County was due to a typographical error--that "expansion of parking area" should have read "expansion of park area." He argued that the advantages or disadvantages to the County as a result of the land exchange were matters of concern to the County. In any event, Mr. Higa continued, he had been informed that this exchange would be advantageous to the County for several reasons, one reason being that it would be better to apply this piece of property and then move the caretaker's cottage to the green area belonging to the Duarte's. Referring to the fact that extensive vacant rural lands occur within the vicinity, Mr. Higa pointed out that the County was not interested in acquiring additional rural lands to add to existing rural areas, but merely to proceed with the full development of

Keponiwai Park. Finally, both the Board of Supervisors and the County Planning Commission had gone on record as approving this exchange.

In reply to Commissioner Ferry's query as to whether both parcels were in the Conservation District, Mr. Higa advised that Mr. Duarte's property was classified Rural and that only the red portion belonging to the County of Maui was in the Conservation District.

Commissioner Ferry then asked what Mr. Duarte intended to do with the presently County-owned parcel. Mr. Duarte replied that he was going to append it to his property which was separated only by a roadway belonging to him, and incorporate the whole thing into one parcel.

Mr. Higa explained that reclassification was being sought for technical reasons. Presently, due to its size, 15,300 square feet, the County-owned parcel did not qualify as rural lands, but by incorporating it with Mr. Duarte's property, it would have the necessary land area to so qualify.

With respect to the necessity of filling Mr. Duarte's property, Mr. Higa assured that adequate fill material was available from Iao and that this was not going to cost the County any additional expense.

Mr. Moriguchi pointed to the fact that the County property offered a tremendous view of the park, was situated right next to the park, and was a more desirable location for the caretaker's home.

Mr. Duarte countered with the statement that he owned the right of way to the County parcel and that it would not be accessible unless the County built another roadway.

Mr. Moriguchi commented that according to the County map, the road to Mr. Duarte's property actually cuts through County park lands and wondered why this same road could not be used to make the County property accessible. Mr. Sone, Maui County Engineer, replied that the matter was not that simple and that there was also some danger involved due to landslides, etc.

Mr. Duarte pointed out that the subject parcel had a 20' drop and it was continuously eroding to the area below. He added that the land was not usable for anything and that not even a house could be built on it.

Mr. Takeyama advised that the advantages or disadvantages of the land exchange were matters for the County to decide and that the discussion should be confined purely to the uses, in reply to Commissioner Nishimura's question.

On the basis of the foregoing opinion expressed by Mr. Takeyama, Mr. Moriguchi submitted that the staff recommendation would have to be for denial according to the Land Use Regulations.

The hearing was closed thereafter.

PETITION OF EDWIN & ELSIE IGE (A66-120) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT WAIAKOA, MAUI, identifiable by Tax Map Key 2-2-11: 1

Denial of the petition was recommended by the staff (see copy on file) based on the following findings:

1. Population growth for the Kula area was not optimistic.
2. There are extensive areas for rural expansion yet to be developed in the Rural District.
3. Rural subdivisions in the area are faced with considerable vacancies.
4. More suitable rural lands for development occur within the Rural District.

Acting Chairman Ota commented that the population of 416 for 1960 in the Waiakoa area mentioned in the staff report was somewhat misleading, in that at one time Kula was mentioned and Waiakoa at another. Mr. Moriguchi replied that that was the reason he had used the Makawao District population estimate since Makawao is more encompassing. He continued that the population projection for the Makawao District in 1970 shows a 6 to 7 percent decline.

As a point of clarification and also for the Commissioner's information, Acting Chairman Ota offered that generally the term Kula was confined to that area along the fringes of the outlying Lower Kula Road, stopping several miles from the junction at Pukalani, nearly all the way out to the sanatorium area. The term Makawao District included all the areas from East to West.

Mr. Charles C. Young, part-time Star Bulletin reporter, commented that all except one or two of the C. V. Land Co. lots had already been sold. He added that since 1960 Maui has had a tremendous growth.

Mr. Ige stated that all lands adjacent to his property were zoned Rural.

Mr. Moriguchi commented there was considerable pasture lands throughout the area marked in red, and the general use in this whole area was more agricultural than urban.

The hearing was closed thereafter.

Bayle
Type-Erase
245 COTTON FIBER

January 27, 1967

Mr. and Mrs. Frank Moniz
R. R. 1, Box 71
Kula, Maui 96790

Dear Mr. and Mrs. Moniz:

The Land Use Commission next meets on February 17, 1967 at 1:00 p.m., at the Kahului Library, Kahului, Maui. At that time, the application of Frank and Bessie Moniz (A66-143) to amend the land use district boundaries at Kula, Maui will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

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



2079

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

November 10, 1966

RECEIVED

NOV 14 1966

State of Hawaii
LAND USE COMMISSION

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

Gentlemen:

Re: Petition from Mr. and Mrs. Frank Moniz
to Reclasify Land in Kula from Agricul-
tural to Rural District.

The Maui Planning Commission at its meeting of Novem-
ber 9, 1966, reaffirmed its prior action for approval of
the subject petition. The reason for the approval is as
stated in our earlier communication to you.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc: Mr. & Mrs. Frank Moniz

State Form B14

STATE OF HAWAII

OFFICIAL
RECEIPT

No. 154

Department of Planning
and Economic Development
Department, Bureau or Commission

Nov. 9 1966

RECEIVED from Frank A. Moniz
Fifty and no/100 DOLLARS

Public Hearing Fees - HUC

\$ 50.00

Jesse H. Kamitani
Public Accountant

November 1, 1966

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
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 a petition for amendment to the land use district boundaries, submitted by Mr. and Mrs. Frank Moniz, 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

November 1, 1966

Mr. and Mrs. Frank Moniz
Kula
Maui 96790

Dear Mr. and Mrs. Moniz:

Your petition received by this office on September 14, 1966 to reclassify 6.9 acres at Kula, Maui from Agricultural to Rural has been voted for acceptance by the Land Use Commission at its meeting of October 29, 1966. Accordingly, the standard procedures established by the Land Use Law will be applicable relating to public hearings and time limitations. We will notify you when the date, time and place for the hearing have been established.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Maui Planning & Traffic Commission

Maui Planning & Traffic Commission
George S. Moriguchi

State Form B14

STATE OF HAWAII

Land Use Commission

Department, Bureau or Commission

OFFICIAL
RECEIPT

No. 157

November 1 1966

RECEIVED from

Mr. Frank A. Moriz

Fifty + ⁰⁰/₁₀₀

DOLLARS

Petition for Boundary Change

\$50⁰⁰

Don G. Horkman

Public Accountant

September 20, 1966

Mr. Frank A. Moniz
Kula
Maui 96790

Dear Mr. Moniz:

The Land Use Commission reviewed your petition to reclassify lands at Kula, Maui from an Agricultural District to a Rural District at its meeting on September 16, 1966.

Final action will be taken on October 29, 1966 on the acceptability of your application in view of the decision rendered by this Commission on an earlier petition relating to the same lands.

We will notify you of the decision as soon as it is rendered.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item Acceptance of New Petition from Frank + Bessie Moniz Date 10-29-66
Place Hilo (Hwy. 111) Time _____

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

Comments:

warrants another hearing

RECEIVED

SEP 14 1966

State of Hawaii
LAND USE COMMISSION

September 12, 1966

Mr. Myron Thompson, Chairman
Land Use Commission
426 Queen St.
Honolulu, Hawaii

Dear Mr. Thompson:

Unfortunately, there has been much furor over our request and two others that came before your body for rezoning. We hope that this in no way will prejudice our present request for reconsideration by our re-applying again for rezoning.

It was our understanding that the reason for your body not reconsidering our request at the Kauai meeting was that your rules did not permit such action after 24 hours had elapsed after the original action. It is also our understanding that you informed your body that should additional information be available, that the applicants can re-apply.

It is because that we feel sincerely that ours is a sound and reasonable request, that we did go out to obtain the additional information you would need to permit your commission to re-evaluate our request in the light of this additional information. It is not our intent to belittle anyone, but we did fail to get the supporting information from agricultural experts so that you and your staff would have better information to judge our request.

We now also realize that we failed to point out that there is a demand for reasonable lots in our area and thus have obtained the names and addresses of those interested so that you may check as to need for this request.

Lastly, please do not construe that we are being unreasonable in troubling you again over a request that you soundly defeated. It is so costly to reapply each time, and it is only because we feel that the additional information justifies reconsideration and favorable action that we wish to trouble your commission once again.

We hope and pray for your help.

Sincerely yours,

Frank A. Moniz
Bessie Moniz

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

The Maui Planning and Traffic Commission in its General Plan recognizes the subject parcel as needed for rural use and has classified the subject parcel as rural in its General Plan.

Further need for rural use rather than the present agricultural use is demonstrated by the inquiries received for lots when this parcel was purchased. These inquiries came from relatives, and friends of the applicant and relatives. The attached list of signatures are offered to substantiate the request for rezoning.

Though other parcels have been designated by the Land Use Commission for rural use, this parcel has the advantage of meeting a need for reasonable rural lots, inasmuch as development costs would be far below other rural areas for the following reasons:

- (a) proposed subdivided lots can be easily designed to make them accessible to an existing County road.
- (b) utilities (water, electricity, and telephone) are readily available.

- (2) The land is usable and adaptable for the use it is proposed to be classified.

Because of the construction of the new Lower Kula Road, this parcel was cut-off from a larger parcel, and now consists of a relatively elongated mass of land, medium in slope and trisected because of two medium sized gulches. The slope and texture of the soil make the land highly erodible. The size and shape of the parcel would make farming or ranching an expensive and questionable profit making venture. A portion of it has had its top soil removed in the process of constructing the new Lower Kula Road. The attached statements from professionals in the agricultural field substantiate information as to the undesirability of this area for agricultural purposes. These minus factors for an agricultural pursuit would not necessarily be minus for homesites because homesite selection could be made so as to further protect the land.

The land with its slope and gulches offer desirable features for developing rural homesites. With proper design, lots can be devised to make full use of these features in such a manner as to make the subdivision one of interesting contrasts and appearance. A tentative sketch showing a possible layout of lots for this subdivision shows that the land is usable and adaptable for use as a rural subdivision.

*GP
long
range*

*interest
of relative
& friends*

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

217 Federal Building
Wailuku, Hawaii 96793

September 6, 1966

Mr. Frank Moniz
Kula, Hawaii

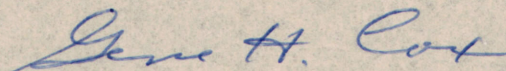
Dear Mr. Moniz:

In response to your request for soils information on your property identified as tax key number 2-2-06, parcel 63; the soil classified as Kula cobbly loam, 21 to 20% slopes.

This soil is not suited for cultivated crops, due to the high erosion hazard caused by the excessive degree of slope. The cobbly and stony condition also would limit the use of cultivation equipment. The short supply and high cost of irrigation water would also limit its use for agriculture.

Since this parcel occupies a narrow strip between two main roads it is not practical to fence and develop for pasture. I do not believe there is any practical agricultural use for the land.

Very truly yours,



Gene H. Cox
Work Unit Conservationist

COOPERATIVE EXTENSION SERVICE
COLLEGE OF TROPICAL AGRICULTURE
UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

COUNTY EXTENSION OFFICE
UNIVERSITY OF HAWAII

P. O. Box 870
Wailuku, Maui, Hawaii 96793



September 6, 1966

Mr. Frank Moniz
Kula, Maui

Dear Mr. Moniz:

The following information is submitted in response to your request for information on agricultural use of your property identified as tax key number 2-2-06, parcel 63. The soil, classified as Kula cobbly loam, at a slope of 20% is not ideal for horticultural use. Use of agricultural machinery will be limited. Water is also limited.

Seven acres is not adequate as an economical unit for a fruit farm. The above limitations of machinery, water supply and slope apply here also.

The land could be used as pasturage, only as a paddock if other grazing land is available. However, the fencing costs will be extremely high and uneconomical due to the narrowness of the area.

Sincerely,

Daniel T. Shigeta
County Extension Agent Chairman

DTS:ug

cc Associate Director

Mr. and Mrs. Frank Moniz
Kula, Maui, Hawaii

We the undersigned do attest to the State Land Use Commission that we have inquired as to the possibility of purchasing one or more rural lots in your proposed subdivision of TMK 2-2-06-63. These inquiries were made prior to the denial of the request for rezoning, but should the Land Use Commission favorably reconsider said request, we would still be interested in said lots.

Louis Lanza Jr. Kahului, Maui

Patrick D. Ah Sam Wailuku, Maui

(2 lots) Lucas M. DeSouza 390 Kahiki Street.

Shepherd + Pent RR 1 Box 238 Kula

Sadao Saketa - 340 W. Nihon St. Kahului

Jakie Sakataw 176 South Paha Ave Kahului

Kuroku Komamoto 378 Kahiki St, Kahului, Maui

Charles Rodrigues 310 Lanai St Kahului, Maui

Antonio Lemos RR 1 - 235 Kihikihi Maui

John Ventura P.O. Box 527 Kihikihi Maui, 96753

David H. Monkhe P.O. Box 521 Kihikihi Maui 96753

K. Kunioki - Kula P.O. Box 39 - Kula - 784293

Herbert Moniz Kula c/o Kula Sen - Kula - 783649

M.A. Jones Kula c/o Kula Sen - 783451

Daniel M. Kamana Kula Maui

Mary V. Kabelle R R-1 Bot 226
Kula Maui

Clarence M. Tavares Kula Maui

Edward S. Gomes Kula Maui

Arthur & Dora

Kula Maui

David H. Morton

Kula Maui

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

*Alc-143
10-29-66*

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Maui, Island of Maui, map number and/or name M-11 Kilohana with possibility of a portion in M-8 Puu O Kali 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:

TRK 2-2-00-35

Petitioner's interest in subject property:

Owners

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

See attached exhibits.

(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 usable and adaptable for the use it is proposed to be classified.

(b) ~~Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.~~

Signature(s) _____

Frank M. Moniz
Bessie Moniz

Address: _____

Kula, Maui 96700

Telephone: _____

784762

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Mau, Island of Mau, map number and/or name M-11 Kilohana with possibility of a portion in M-8 Puu O Kala 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:

TRK 2-2-06-05

Petitioner's interest in subject property:

Owners

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

See attached exhibits.

(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 usable and adaptable for the use it is proposed to be classified.

~~(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.~~

Signature(s)

Frank A. Moniz
Bessie Moniz

Address:

Eula, Maui 96700

Telephone:

764702

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Maui, Island of Maui, map number and/or name M-11 Kilohana with possibility of a portion in M-8 Puu O Kali 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:

TMK 2-2-06-63

RECEIVED

SEP 14 1966

State of Hawaii
LAND USE COMMISSION

Petitioner's interest in subject property:

Owners

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

See attached exhibits.

(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 usable and adaptable for the use it is proposed to be classified.

(b) ~~Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.~~

Signature(s)

Frank H. Moniz
Bessie Moniz

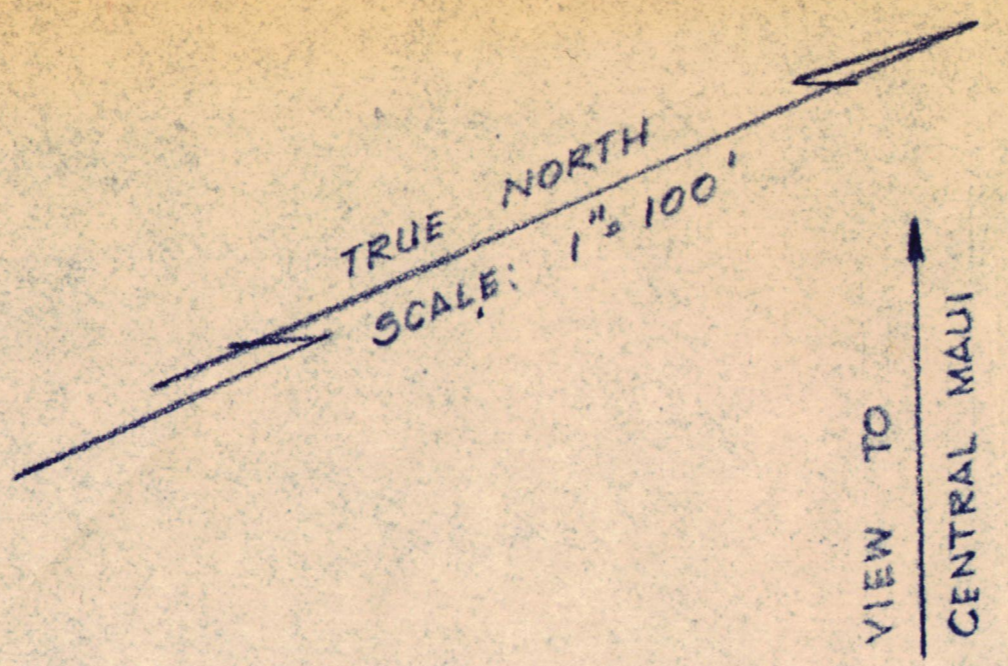
Address:

Kula, Maui 96790

Telephone:

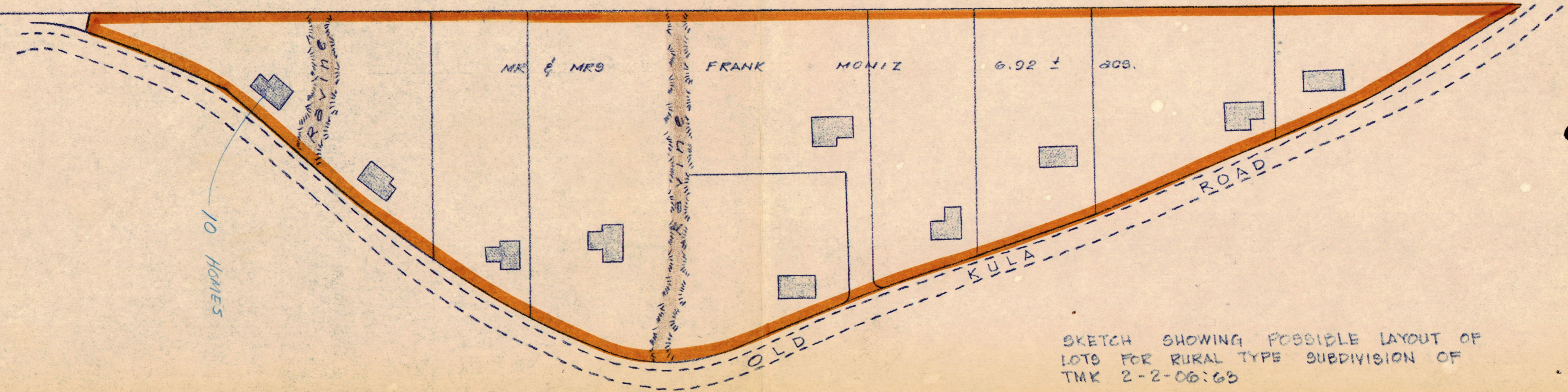
784762

A66-143 MONIZ



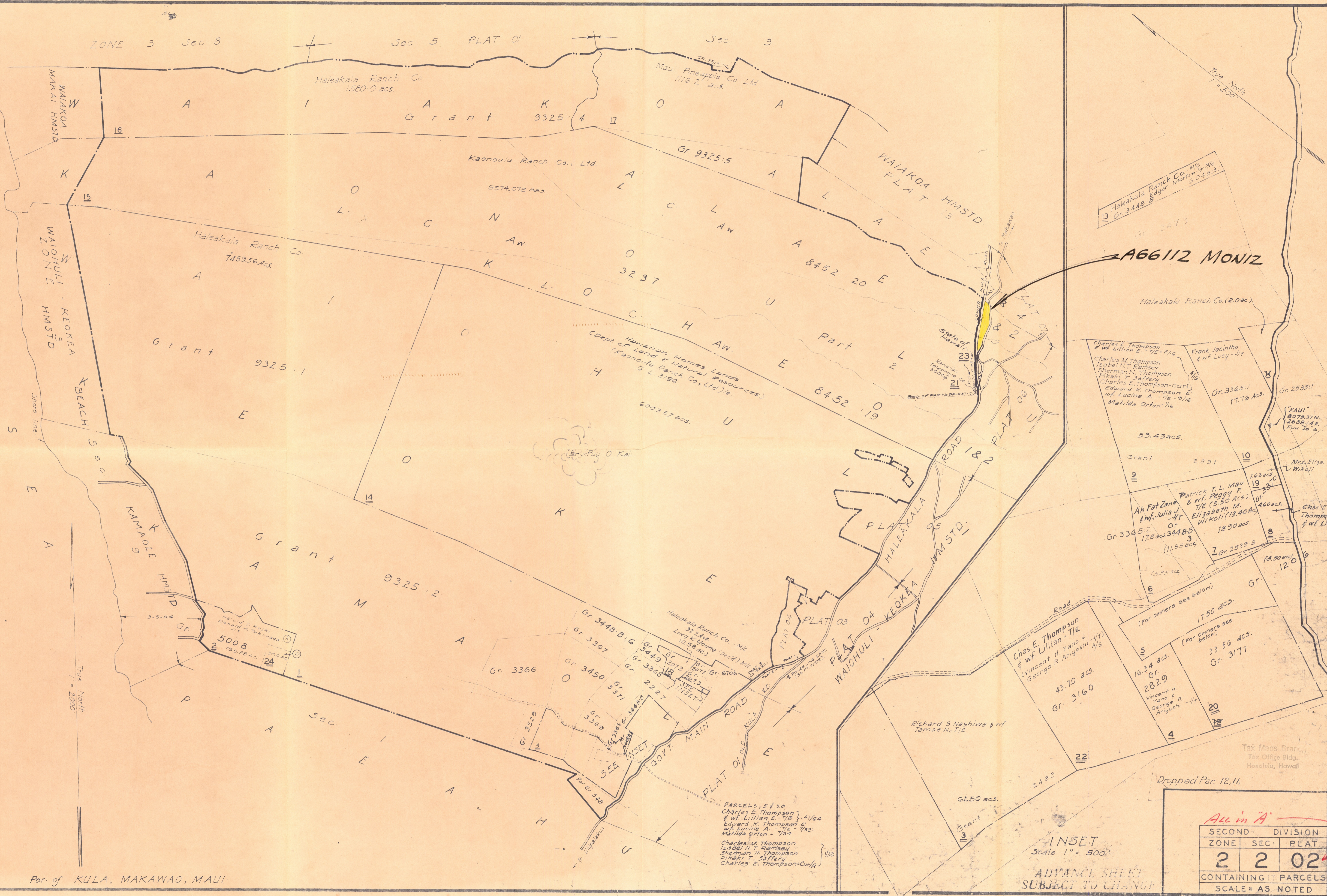
NEW KULA ROAD

← KAHUNA



SKETCH SHOWING POSSIBLE LAYOUT OF LOTS FOR RURAL TYPE SUBDIVISION OF TMK 2-2-06:63

Dwg No. 0
By: M.A. & C.
Source: Tax Maps Bureau



Por. of KULA, MAKAWAO, MAUI

INSET
Scale 1" = 500'
ADVANCE SHEET
SUBJECT TO CHANGE

ALL IN 'A'

SECOND DIVISION	
ZONE	PLAT
2	02
CONTAINING PARCELS	
SCALE = AS NOTED	

TRUE NORTH
SCALE: 1" = 100'

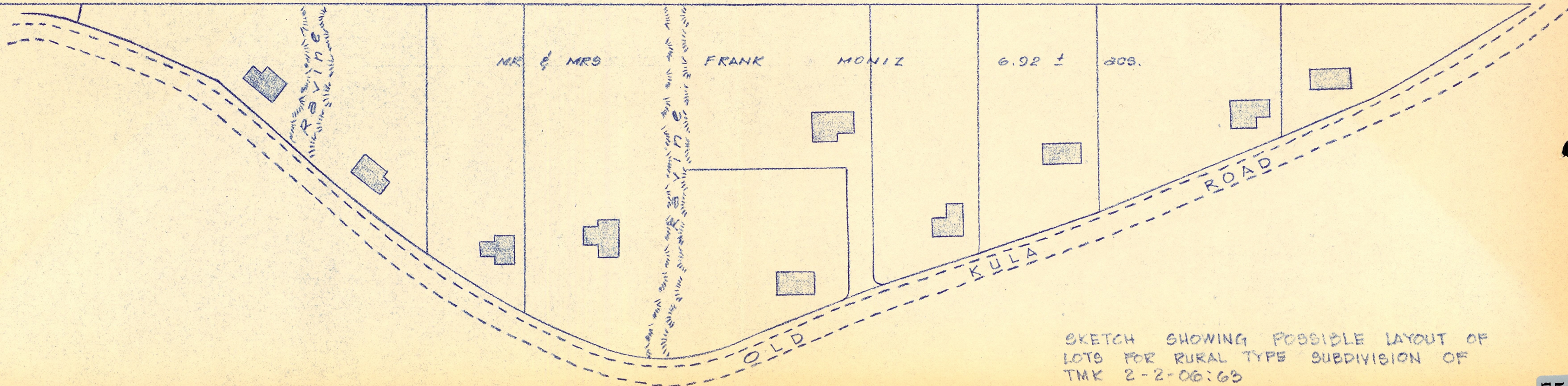
VIEW TO
CENTRAL MAUI

← KEOKEA

NEW

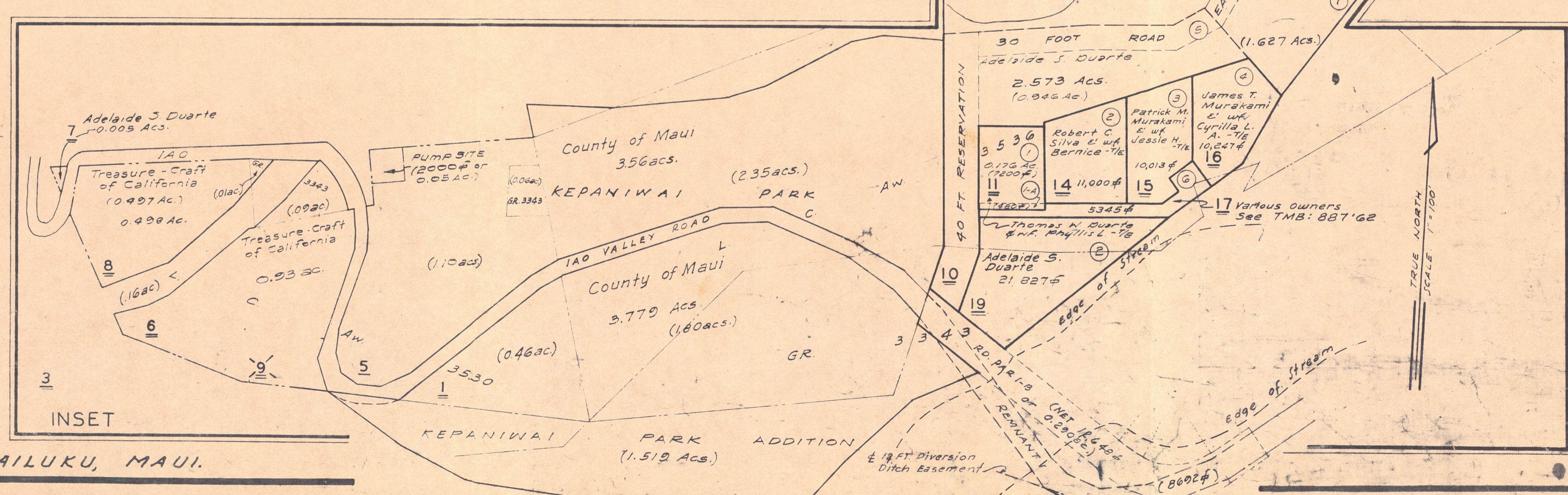
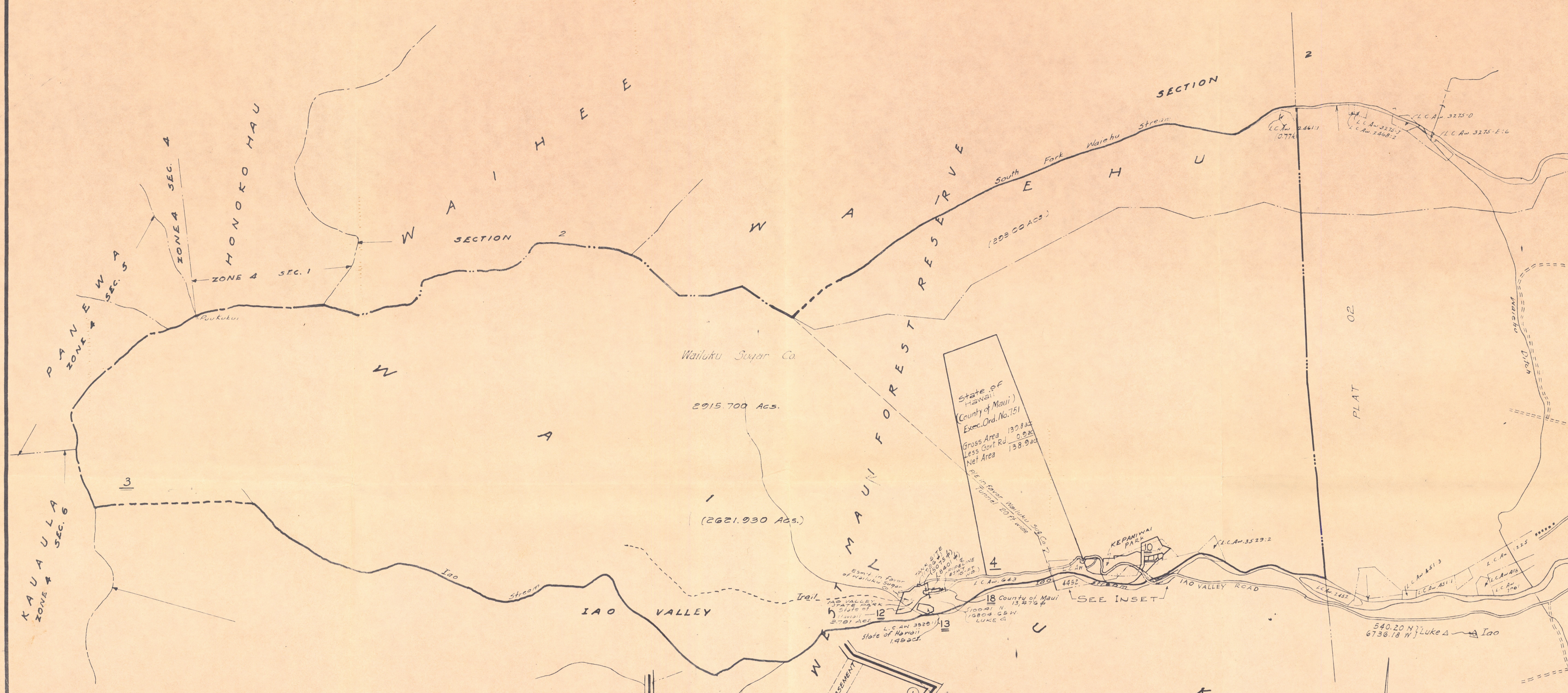
KULA

ROAD



SKETCH SHOWING POSSIBLE LAYOUT OF
LOTS FOR RURAL TYPE SUBDIVISION OF
TMK 2-2-06:63

FEB 11



DWG No. 92
 By: S.D.H. Oct. 11, 1932
 Source: Tax Maps Bureau, Survey Dept.

WAILUKU, MAUI.

Tax Maps Branch
 Tax Office Bldg.
 Honolulu, Hawaii

Parcels dropped: 9,

SECOND ZONE		DIVISION	
ZONE	SEC.	PLAT	
3	3	03	
CONTAINING		PARCELS	
SCALE: 1 in. = 1000 Ft.			

ADVANCE SHEET
 SUBJECT TO CHANGE

7597



30 Joaquin M. Tavares
0.58 Ac.

39 Mrs. Marie P. de Ponte
0.263 Ac.

47 John F. Gomes,
Theodore J. Gomes
& W.F. Chisteta - 1/4

67 County of Maui
HAROLD W. RICE MEMORIAL PARK
3.78 Ac.

Total 42 = 63 Ac.
Not used for R = 43 Ac.
" R = 20 Ac.
63 Ac. = 4.3 Ac./unit

Owners to Par. 35:
Oscar K. Kawashima &
Wf. Alice K. - 1/4

Owners to parcel 42:
Toshiaki Uradomo &
Shinobu Uradomo 1/4
1.289 Ac.

(650 ac)
L.C. Aw. 5202
Approx. Location

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

SECOND DIVISION		
ZONE	SEC.	PLAT
2	2	06
CONTAINING PARCELS		
SCALE 1 in. = 500 ft		

ADVANCE SHEET
SUBJECT TO CHANGE

No. 10 1966
 JAN 7 1964
 JAN 12 1964
 FEB 2 1964
 MAY 4 1951
 May No. 19
 By N.A.E.C.
 Source: Tax Maps Bureau