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Hsing
July 26 - Sep 24

A75-389 - KULA ALII, LTD. (Kula, Maui)

P E T I T I O N R E F I L E D

SEE A75-405

C. EARL STONER, JR.

RECEIVED
OCT 21 1975

October 20, 1975

State of Hawaii
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

State of Hawaii
LAND USE COMMISSION

Re: Petition for amendment to Land Use
Commission District Boundary,
TMK: 2-2-16-79, 23, Kula, Maui.

Gentlemen:

In accordance with recent correspondence received with respect to the subject amendment request, this is to advise you that our letter dated May 20, 1975 and submission of attached correspondence and amendment request, totalling fifteen copies, is hereby requested for consideration by the State Land Use Commission.

We enclose herewith fifteen copies of an amendment and clarification sheet covering minor points which will update or define items in our earlier transmittal to you.

We will appreciate receiving your schedule for consideration of this request, and will be pleased to furnish any additional information necessary to satisfy the requirements of the Commission.

Sincerely yours,



C. Earl Stoner, Jr.

attachments

Amendment and clarification sheet to petition for amendment to the Land Use Commission District Boundary, TMK: 2-2-16:74 and portion 23, dated May 20, 1975:

The following items are to clarify segments of the subject request, or to revise and update comments made in the subject request transmittal of May 20, 1975:

1) Project development may consider a cluster condominium concept in its site plan submittal to the County of Maui, to create maximum open space in keeping with the character of the neighborhood.

2) Wherever possible, building structures to be located on the site will be of a "pole or modified pole" type of construction, to assure minimum grade disturbance at all times.

3) Part of the improvements to the upper Kula water system has been completed as of this date, and it appears that the system providing water to the upper line from the lower main line and ditch will be completed in 1976, well in advance of completion of this project as proposed.



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

250 South King St. / Honolulu, Hawaii 96813 / P. O. Box 2359 / Honolulu, Hawaii 96804

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- JOHN A. BURNS -
Governor

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Executive Officer

September 18, 1975

Mr. C. Earl Stoner, Jr.
c/o Kula Aii, Ltd.
237 Dairy Road
Kahului, Maui 96732

Dear Mr. Stoner:

This is in reference to boundary amendment petition A75-389 which you filed with our office on May 27, 1975.

The following developments have occurred which significantly affect the status of your petition.

During the past legislative session, the State Legislature passed a bill which became Act 193, on June 2, 1975. Act 193 provided that:

- a. The term of the existing members of the Land Use Commission expire with approval of Act 193 (June 2, 1975).
- b. The Land Use Commission conduct quasi-judicial type hearings and to adopt rules governing the intervention of agencies and persons in boundary amendment proceedings.
- c. The Land Use Commission observe and comply with the interim statewide land use guidance policies contained in Act 193 pending adoption of the State Plan.
- d. The Land Use Commission publish notice of boundary amendment hearings at least 30 days prior to such hearings.

As a result of Act 193, the District Regulations of the Commission will be amended to incorporate the new provisions of Act 193 and to establish new rules of practice and procedure. Public hearings have been scheduled to consider proposed amendments to the District Regulations and Rules of Practice and Procedure on October 7, 8 and 9, 1975. Following these statewide public hearings, it is anticipated

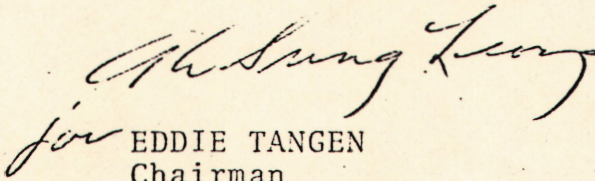
that adoption of the amended District Regulations and Rules of Practice and Procedure may be accomplished in late October and would become effective ten days after filing with the Lt. Governor's Office. It is estimated that this will occur sometime in mid-November of this year.

In view of the above, the newly constituted Land Use Commission, at its initial meeting on September 9, 1975, decided that all boundary amendment petitions now pending before the Commission which cannot be heard prior to the adoption of the amended District Regulations and Rules of Practice and Procedure be refiled by the petitioner. For the pending petitions, the fifty dollars (\$50.00) will be waived.

Since the petition you filed is affected by the situation described above, we await your decision to refile the petition as previously submitted or to refile an amended petition.

Enclosed for your information is a set of the proposed Rules and Regulations to be considered in accordance with the public hearing schedule which is also enclosed.

Very truly yours,


for EDDIE TANGEN
Chairman

ET/cbk

Encl: Prop. Rules & Regs.
Rules and Regulations Hearing Schedule