

Amg. Span  
NOV 21 to Jan 20

Legal Notice Public =  
Dec 16

15 days after public =  
Dec 31

A75-399 - RICHARD K. G. STURBERG

May 21, 1976

Mrs. Carolyn C. van der Linden  
Maui Realty Co., Inc.  
Lahaina Branch  
P. O. Box 5  
Lahaina, Hawaii 96761

Dear Mrs. van der Linden:

This is in response to your May 17, 1976 letter.

Please be advised that we do not have a copy of the transcript prepared for the March 29, 1976 meeting of the Land Use Commission at which time the petition by Mr. Richard Stursberg (A75-399) was decided.

We note that neither a full transcript nor a recording of the meeting is required by law. Written minutes, however, are required. Enclosed you will find a copy of the minutes of the March 29, 1976 meeting of the Land Use Commission relating to Docket No. A75-399.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

ASL:yk  
Encl.

**MAUI REALTY CO., INC.**

LAHAINA BR.

P. O. BOX 5 • LAHAINA, HAWAII 96761

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

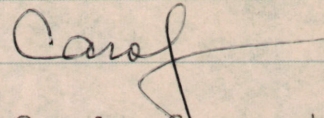
SUBJECT \_\_\_\_\_

Attn: Mr Ah Sung Leong

DATE 5-17-76

**M E S S A G E**

We would like to order a copy of the transcript of the portion of the March 29th LUC meeting in Honolulu that pertained to Richard K. G. Stursberg's application for reclassification of land in Mahinahina. We understand that it is possible to obtain these transcripts from your office and would appreciate your sending me the information necessary to place such an order. Thank you for whatever help you can give us.



Carolyn C. van der Linden

**R E P L Y**

DATE \_\_\_\_\_

MAUI REALTY CO., INC.  
LAHAINA BR.  
P. O. BOX 5 • LAHAINA, HAWAII 96761

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

SUBJECT

Attn: Mr Ah Sung Leong

DATE 5-17-76

## MESSAGE

We would like to order a copy of the transcript of the portion of the March 29th LUC meeting in Honolulu that pertained to Richard K. G. Stursberg's application for reclassification of land in Mahinahina. We understand that it is possible to obtain these transcripts from your office and would appreciate your sending me the information necessary to place such an order. Thank you for whatever help you can give us.

*Carolyn*

Carolyn G. van der Linden

## REPLY

DATE



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS

James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

April 21, 1976

Notification of Boundary Amendment Decisions  
By State Land Use Commission

To all concerned Agencies: (see list on next page)

Please be advised that pursuant to the provisions of Chapter 205-4, HRS, findings of fact, conclusions of law and decisions and orders have been filed by the Land Use Commission with respect to the following boundary amendment petitions following actions taken at the Commission's meeting in Honolulu on March 29 and 30, 1976:

<u>Petition Docket No.</u>	<u>Boundary Amendment Requested</u>	<u>LUC Action on March 29, 1976</u>	<u>Date of Dec. &amp; Order</u>
1. A75-397 Lihue Plantation Co., Ltd./HRT, Ltd.	To reclassify approx. 30 acres from Agriculture to Urban at Lihue, Kauai	Approved approx. 30 acres TMK 3-7-01: 1 (por.) from Agriculture to Urban (see Map A)	4/9/76
2. A75-399 ✓ Richard K.G. Stursberg	To reclassify approx. 27.8 acres from Agriculture to Urban at Lahaina, Maui	Disapproved	4/12/76
3. A75-400 Henry R. Meyer, et al	To reclassify approx. 10.3 acres from Conservation to Agriculture at Kapuaokoolau, Molokai	Approved approx. 10.3 acres TMK 5-5-01: 28, 18 & 27 from Conservation to Agriculture	4/14/76
4. A75-401 Amfac Communities,	To reclassify approx. 65 acres from Agriculture to Urban at Lahaina, Maui	Approved approx. 65 acres TMK 4-5-15: 1, Por. of 10 from Agriculture to Urban (see Map B)	4/14/76
5. A75-403 Kaiser Cement & Gypsum Corp.	To reclassify approx. 25 acres from Agriculture to Urban at Maili, Waianae, Oahu	Approved approx. 25 acres TMK 8-7-21: 35 from Agriculture to Urban (this petition acted on 3/30/76)	4/14/76

Should you have any questions on the above, please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

NOTIFICATION OF BOUNDARY AMENDMENT DECISIONS BY LUC

Concerned Agencies:

State ( All petitions)

1. Dept. of Planning & Economic Development - Planning Division
2. Dept. of Taxation - Property Assessment Division
3. Dept. of Taxation - Property Technical Office
4. Dept. of Taxation - Tax Maps Branch
5. Dept. of Land & Natural Resources - Office of the Chairman
6. Dept. of Transportation - Office of the Director
7. Dept. of Education - Facilities & Auxiliary Services Branch
8. Dept. of Agriculture - Office of the Chairman
9. USDA Soil Conservation Service - Attn: Harry Sato (Rm 440, Alex Young Bldg)

City & County of Honolulu (Oahu Petitions only)

- ~~1. Dept. of General Planning - Chief Planning Officer~~
- ~~2. Dept. of Land Utilization - Director~~
- ~~3. Planning Commission - Executive Secretary~~
- ~~4. Dept. of Public Works - Director~~
- ~~5. Board of Water Supply - Manager and Chief Engineer~~

Hawaii County (Hawaii Petitions only)

- ~~1. Department of Planning - Director~~
- ~~2. Planning Commission - Chairman~~
- ~~3. Dept. of Water Supply~~
- ~~4. Dept. of Public Works~~

State - Dept. of Taxation - Hawaii District Office  
Dept. of Land & Natural Resources - Hawaii Land Agent

Maui County (Maui County Petitions only)

1. Dept. of Planning - Director
2. Planning Commission - Chairman
3. Dept. of Water Supply
4. Dept. of Public Works

State - Dept. of Taxation - Maui District Office  
Dept. of Land & Natural Resources - Maui Land Agent

Kauai County (Kauai Petitions only)

- ~~1. Dept. of Planning - Director~~
- ~~2. Planning Commission - Chairman~~
- ~~3. Dept. of Water Supply~~
- ~~4. Dept. of Public Works~~

State - Dept. of Taxation - Kauai District Office  
Dept. of Land & Natural Resources - Kauai Land Agent

● SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery.. 35¢
- RESTRICTED DELIVERY.  
Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

*Josh Ishikawa*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO. <i>460688</i>	INSURED NO.
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(Always obtain signature of addressee or agent)

I have received the article described above.

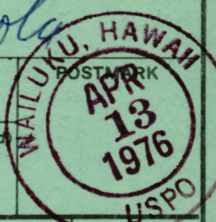
SIGNATURE  Addressee  Authorized agent

*Romeo Cachola*

4. DATE OF DELIVERY

*4/13/76*

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



**RETURN  
TO**



State of Hawaii  
LAND USE COMMISSION

Suite 1795, Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813



# RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 460688

SENT TO <b>Mr. Tosh Ishikawa</b>	
STREET AND NO. <b>Maui Planning Dept.</b> <b>200 South High Street</b>	
P.O., STATE AND ZIP CODE <b>Wailuku, Maui 96793</b>	
<b>OPTIONAL SERVICES FOR ADDITIONAL FEES</b>	
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 15¢ With delivery to addressee only ..... 65¢
	2. Shows to whom, date and where delivered .. 35¢ With delivery to addressee only ..... 85¢
DELIVER TO ADDRESSEE ONLY ..... 50¢	
SPECIAL DELIVERY (extra fee required) .....	

POSTMARK  
OR DATE



PS Form 3800  
Apr. 1971

**NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL**

(See other side)

☆ GPO : 1974 O - 551-454

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **detach and retain the receipt**, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article **RETURN RECEIPT REQUESTED**.
4. If you want the article delivered only to the addressee, endorse it on the front **DELIVER TO ADDRESSEE ONLY**. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.

● SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered..... 15¢
- Show to whom, date, & address of delivery.. 35¢
- RESTRICTED DELIVERY.  
Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

*William Crockett*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>460689</i>	

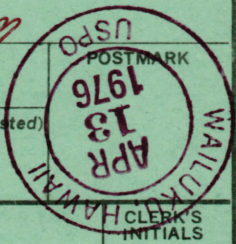
(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*A. Q. Coleman*

4. DATE OF DELIVERY  
*4/13/76*



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



**RETURN  
TO**



State of Hawaii  
**LAND USE COMMISSION**

Suite 1795, Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

# RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 4606889

SENT TO

Mr. William F. Crockett

POSTMARK  
OR DATE

STREET AND NO. Crockett & Crockett

38 S. Market Street

P.O., STATE AND ZIP CODE

Wailuku, Maui 96793

### OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICES	▶	1. Shows to whom and date delivered .....	15¢
		With delivery to addressee only .....	65¢
		2. Shows to whom, date and where delivered ..	35¢
		With delivery to addressee only .....	85¢

DELIVER TO ADDRESSEE ONLY ..... 50¢

SPECIAL DELIVERY (extra fee required) .....



PS Form 3800  
Apr. 1971

**NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL**

(See other side)

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),  
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1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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5. Save this receipt and present it if you make inquiry.

Copies of Decision and Order for Richard K.G. Stursberg,  
(A75-399) mailed to William Crockett, Tosh Ishikawa (Certified  
mail--see receipts), Hideto Kono (hand delivered) on  
April 12, 1976, and mailed to the Land Use Commissioners  
and Mike Marsh, April 15, 1976.





FINDINGS OF FACT

1. The property which is the subject of this petition is a 25-acre portion of a parcel, identified by Tax Map Key 4-3-01: 31, at Mahinahina, Lahaina, Maui. The property is presently owned by the Honolua Plantation Land Company, and an agreement of sale for the property is held by the Mahinahina Group Hui and by two Hawaii corporations owned by the Hui members. The petition proposes to reclassify the subject property from the Agriculture to Urban.

2. The subject property abuts the State Land Use Urban District on the southern and western boundaries.

3. The County of Maui General Plan for the Lahaina District provides for the residential and apartment use of the subject property.

4. The Petitioner proposes to develop a residential planned unit development consisting of approximately 145 units and including a variety of recreational and community club facilities. The estimated price ranges for the units will be between \$67,000 to \$118,000.

5. Water, electricity, solid waste disposal, police and fire protection, parks and public schools are available to the subject property between private and public facilities at or near the subject property within the Lahaina District. Existing public services would not be unreasonably burdened by the proposed apartment and residential use of the subject property.

6. Sewer service is not available to the subject property from any existing public facility.

Petitioner has agreed to construct such private sewer facilities as may be required for the use of the subject property within an Urban District if the County of Maui does not construct a public sewer facility in the area of the subject property before that.

7. The subject property is presently used to grow sugarcane. Construction of the Honopiilani Highway Extension will isolate the subject property from the other land in the area used to grow sugarcane. The conversion of the subject property to urban uses would not cause economic hardship or loss of employment at the Pioneer Mill Company and replacement acreages of productive cane land may be found elsewhere.

8. The proposed Urban use of the property would have no impact upon the natural, environmental, recreational, scenic, historic, or other significant source of the area.

9. There is a shortage of housing within the Lahaina District, but the record does not establish that the proposed development would meet the needs of the community for housing and is necessary to accommodate growth and development.

#### CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 25 acres situated at Lahaina, Island of Maui, from the Agriculture to the Urban District to permit the proposed development is not reasonably

necessary to accommodate growth and development, and the proposed boundary amendment would not, therefore, be reasonable, and consistent with Section 205-2, HRS, the interim policy and criteria established pursuant to Section 205-16.1, HRS, or with State Land Use District Regulation Rules 2-2, and 6-1.

RULING ON PROPOSED FINDINGS

Any proposed finding submitted by a party and not already ruled upon by the Commission by adoption herein or rejected by the Commission by a clearly contrary finding of fact herein, is ruled upon as follows:

1. Petitioner's Proposed Finding of Fact No. 5. The Commission adopted the first sentence as part of its Finding of Fact No. 9, but rejected the remainder of the proposed Finding because the record does not establish by a clear preponderance of the evidence that the proposed development would meet the need of the people who live and work in Lahaina for housing, as implied.

ORDER

TMK 4-3-0: 31 corrected  
to 4-3-01: 31 11/4/77

IT IS HEREBY ORDERED:

That the property, which is the subject of the petition in Docket No. A5-399, approximately 25 acres of a parcel bearing Tax Map Key No. 4-3-0:31 and situated at Mahinahina, Lahaina, Maui, owned in fee by Honolua Plantation Company and held under an agreement of sale by Mahinahina Group Hui and by two Hawaii corporations owned by the Hui members, continue to be

classified as Agricultural and remain in the Agricultural District.

Done at Honolulu, Hawaii, this 12<sup>th</sup> day of April, 1976, by motion of the Commission on March 29, 1976.

LAND USE COMMISSION  
STATE OF HAWAII

Eddie Tanager  
Chairman

Stan Subakosh  
Commissioner

Tanji Yamamura  
Commissioner

Collette Machado  
Commissioner

Carol B. Whitesell  
Commissioner

\_\_\_\_\_  
Commissioner

John Olin  
Commissioner

W. Duke  
Commissioner

Paul K. [Signature]  
Commissioner

CERTIFICATE OF SERVICE

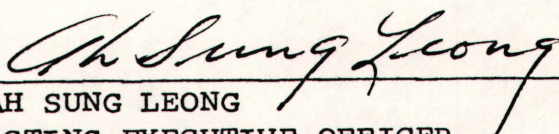
I hereby certify that a copy of the Land Use Commission's Decision and Order for Docket A75-399 was personally served on this 12th day of April, 1976 to:

Mr. Hideto Kono, Director  
Department of Planning & Economic Development  
Kamamalu Building  
Honolulu, Hawaii 96813;

and served by certified mail on this 12th day of April to:

Mr. Tosh Ishikawa  
Planning Director  
Maui Planning Department  
200 South High Street  
Wailuku, Maui 96793

Mr. William F. Crockett  
Crockett and Crockett  
38 S. Market Street  
Wailuku, Maui 96793

  
\_\_\_\_\_  
AH SUNG LEONG  
ACTING EXECUTIVE OFFICER  
LAND USE COMMISSION

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A75-399 - RICHARD K. G. STURSBURG DATE March 29, 1976  
 PLACE DPED Conference Room TIME 9:30 a.m.  
Honolulu, Hawaii

	NAME	YES	NO	ABSTAIN	ABSENT
	SAKAHASHI, STANLEY		X		
S	OURA, MITSUO		X		
	YAMAMURA, TANJI		X		
	CARRAS, JAMES				X
M	DUKE, CHARLES		X		
	YANAI, EDWARD		X		
	WHITESELL, CAROL		X		
	MACHADO, COLETTE		X		
	TANGEN, EDDIE		X		

Comments:

I move that we approve this petition.

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

DPED Conference Room  
Honolulu, Hawaii

March 29, 1976 - 9:30 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

*Approved 5/12/76*

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer  
Michael Marsh, Deputy Attorney General  
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ADDITION TO THE AGENDA

It was moved by Commissioner Whitesell and seconded by Commissioner Duke to add the adoption of minutes to the agenda. The motion was unanimously passed with the following votes:

Ayes: Commissioners Duke, Machado, Oura, Whitesell, Yamamura.,  
Yanai, Sakahashi, Chairman Tangen

ADOPTION OF MINUTES

Upon motion by Vice Chairman Sakahashi, seconded by Commissioner Yamamura, the minutes of February 12 and 20, 1976 were unanimously approved.

It was agreed to include other factual information contained in the Petitioner's Proposed Findings and Conclusions of Law in the Commission's final Decision and Order (see copy on file).

Commissioner Yamamura moved to approve the petition on the basis of the Commission's findings and conclusions, and subject to the conditions recommended by the Maui County Planning Department. The motion was seconded by Commissioner Duke and the Commissioners were polled as follows:

Ayes: Commissioners Whitesell, Machado, Oura, Duke,  
Yamamura, Sakahashi, Chairman Tangen

Abstain: Commissioner Yanai

Absent: Commissioner Carras

The motion was carried.

Commissioner Yanai rejoined the proceedings.

✓ A75-399 - RICHARD K. G. STURSBURG  
TO RECLASSIFY APPROXIMATELY 27.8 ACRES FROM AGRICULTURAL TO  
URBAN AT LAHAINA, MAUI

In the matter of the boundary amendment application by Richard K. G. Stursberg, Docket A75-399, on which a hearing was held on January 15, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Findings of Fact and Conclusions of Law
2. Comments of the Department of Planning & Economic Development to Petitioner's Proposed Findings of Fact and Conclusions of Law, and DPED's Proposal for Conditions
3. Maui Planning Department's letter dated March 12, 1976

(see copies on file)

The District map was used by Mr. Leong to orient the Commission to the area under discussion. Mr. Carras' absence at the hearing was noted for the record.

Some of the concerns relative to the subject petition were expressed during the discussion as follows:

1. Lack of sewer facilities
2. Subject property is prime agricultural land rated "A" by the Land Study Bureau, although separated by the proposed realignment of the highway
3. Petitioner testified that 1/3 of the units will be sold for retirement and second homes; and 2/3 will be for the moderate income group
4. There is a need for housing in the Lahaina District but the petitioner has not substantiated that the proposed development will meet the needs of the community for housing.
5. Although there will be no serious impact on agriculture, it is not reasonably necessary for urban growth and development

The Commission also reviewed the subject petition in terms of the Interim Statewide Land Use Guidance Policy.

Various other proposed findings and conclusions by the petitioner, and comments from the Department of Planning & Economic Development concerning impact on the environment, economic impact of the development, etc. were deemed to be relevant and appropriate to be included in the Commission's findings and conclusions (see copy on file).

The Chair called for a lunch recess at 12:10 p.m.

The meeting reconvened at 1:30 p.m.

It was moved by Commissioner Duke and seconded by Commissioner Oura to approve the petition. The following votes were recorded:

Ayes: None

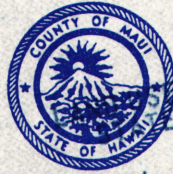
Nays: Commissioners Sakahashi, Oura, Yamamura, Duke, Yanai, Whitesell, Machado, Chairman Tangen

Absent: Commissioner Carras

The motion did not carry, and, therefore, the petition was not approved.

7374

PLANNING COMMISSION  
Leo Polo, Jr., Chairman  
Shiro Hokama, Vice Chairman  
George Murashige  
Patrick Kawano  
Charles Ota  
Marvin Romme  
Harlow Wright  
Wayne Uemae, Ex-Officio  
Shigeto Murayama, Ex-Officio



COMMISSION  
OF HAWAII

MAR 24 10 15 AM '76

Elmer F. Cravalho  
Mayor

Tosh Ishikawa  
Planning Director

Yoshikazu "Zuke" Matsui  
Deputy Planning Director

COUNTY OF MAUI  
PLANNING DEPARTMENT

200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

March 22, 1976

Mr. Ah Sung Leong  
Acting Executive Officer  
Land Use Commission  
Suite 1795, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Leong:

Re: LUC Docket No. A75-399  
Stursberg (Lahaina, Maui)

Our office has reviewed the petitioners Findings of Fact and Conclusions of Law pertaining to the above docket. Our comments are as follows:

1. Findings of Fact No. 5 states that: "There is a shortage of housing within the Lahaina District." It is our opinion that this statement has not been substantiated.

2. Findings of Fact No. 7 states that: "The urban use of the subject property for residences and apartments, as provided under the County of Maui General Plan for the Lahaina District, will not have a significant adverse impact upon the natural environmental, recreational, scenic, historic, or other resources of the area." It is also our opinion that this is not necessarily accurate for the following reasons:

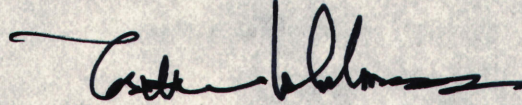
- a. The County of Maui General Plan for the Lahaina District is a guide to land use and not a specific development plan, and an environmental impact statement has not been prepared.
- b. In accordance with plans developed by the United States Department of Agriculture Soil Conservation Service, there are flood control measures proposed for Mahinahina Stream which will have an unresolved impact on the proposed project.

Sent to LUC by MPD

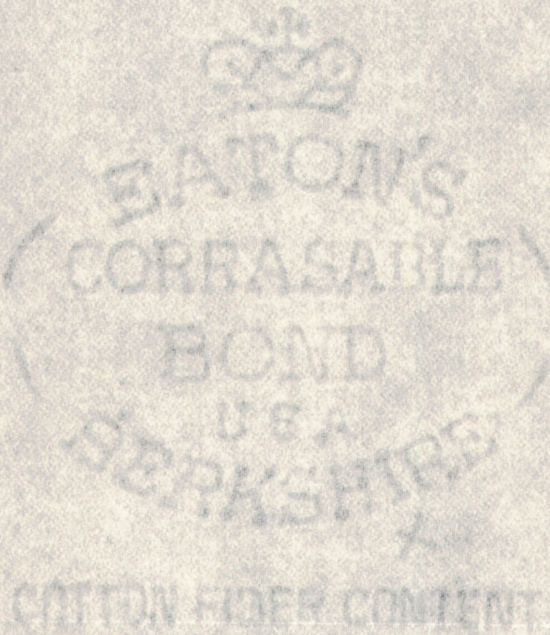
Our recommendation including conditions have been submitted with our public testimony during the public hearing on the subject petition.

We respectfully request that said recommendation and conditions be considered should the Commission act affirmatively.

Yours very truly,



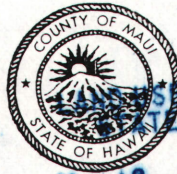
TOSH ISHIKAWA  
Planning Director



7266

ELMER F. CRAVALHO  
Mayor

ARTHUR T. UEOKA  
County Attorney



LAND USE COMMISSION  
COUNTY OF HAWAII

MAR 19 11 15 AM '76

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF MAUI

WAILUKU, MAUI, HAWAII 96793

ANDREW T. JOHNSON, JR.  
Assistant County Attorney

ERNEST K. C. CHING  
Deputy County Attorney

BOYD P. MOSSMAN  
Deputy County Attorney

MELVYN T. YOSHII  
Deputy County Attorney

STEVEN R. SCOTT  
Deputy County Attorney

March 17, 1976

Mr. Ah Sung Leong  
Acting Executive Officer  
Land Use Commission  
Suite 1795, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813

Re: LUC Docket No. A75-399  
Stursberg (Lahaina, Maui)

Dear Mr. Leong:

Please find enclosed a letter from Mr. Toshio Ishikawa, Planning Director of the County of Maui, making comments and suggestions on the proposed Findings of Fact and Conclusions of Law in the above matter.

We are aware that the fifteen days which we were given in which to submit such comments have expired, but wish nevertheless to forward the County's letter to you for such consideration as the Land Use Commission may wish to give.

Very truly yours,

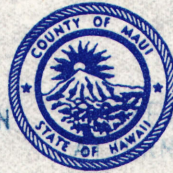
Melvyn T. Yoshii  
Deputy County Attorney

MTY:hm  
Enc.

cc: William F. Crockett, Esq.  
Mr. Tatsuo Fujimoto  
Gilbert Lee, Esq.

LUC } 3/22/76  
mm }

PLANNING COMMISSION  
Leo Polo, Jr., Chairman  
Shiro Hokama, Vice Chairman  
George Murashige  
Patrick Kawano  
Charles Ota  
Marvin Romme  
Harlow Wright  
Wayne Uemae, Ex-Officio  
Shigeto Murayama, Ex-Officio



LAND USE COMMISSION  
STATE OF HAWAII

RECEIVED  
PLANNING DEPARTMENT

MAR 19 11 15 AM '76

MAR 15 2 50 PM '76

PLANNING DEPARTMENT

200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

March 12, 1976

Elmer F. Cravalho  
Mayor

Tosh Ishikawa  
Planning Director

Yoshikazu "Zuke" Matsui  
Deputy Planning Director

Mr. Melvyn T. Yoshii  
Deputy County Attorney  
County of Maui  
Wailuku, Hawaii

Dear Mr. Yoshii:

Re: LUC Docket No. A75-399  
Stursberg (Lahaina, Maui)

RECEIVED  
ATTORNEY'S OFFICE  
MAY 15 3 50 PM '76  
COUNTY OF MAUI  
WAILUKU, HI 96793

In response to your letter, dated March 1, 1976, requesting review and comment on the proposed findings of facts and conclusions of law relative to the above request for amendment to the State Urban District boundary, our staff has completed its review and finds the document essentially accurate except for the following:

1. Findings of Fact No. 5 states that: "There is a shortage of housing within the Lahaina District." It is our opinion that this statement has not been substantiated.
2. Findings of Fact No. 7 states that: "The urban use of the subject property for residences and apartments, as provided under the County of Maui General Plan for the Lahaina District, will not have a significant adverse impact upon the natural environmental, recreational, scenic, historic, or other resources of the area." It is also our opinion that this is not necessarily accurate for the following reasons:
  - a. The County of Maui General Plan for the Lahaina District is a guide to land use and not a specific development plan, and an environmental impact statement has not been prepared.
  - b. In accordance with plans developed by the United States Department of Agriculture Soil Conservation Service, there are flood control measures proposed for Mahinahina Stream which will have an unresolved impact on the proposed project.

Thank you for the opportunity to review and comment. If additional information or clarification is required, please contact this office.

Very truly yours,

TOSHIO ISHIKAWA  
Planning Director

LUC }  
mm } 3/22/76

7363

LAW OFFICES  
**CROCKETT AND CROCKETT**  
38 SOUTH MARKET STREET  
WAILUKU, MAUI, HAWAII 96793

LAND USE COMMISSION  
STATE OF HAWAII  
MAR 17 11 29 AM '76

WENDELL F. CROCKETT  
WILLIAM F. CROCKETT  
EDWARD F. MASON

W. F. CROCKETT 1861-1943  
P. O. BOX 336  
PHONE (808) 244-3796

March 16, 1976

Mr. Ah Sung Leong  
State of Hawaii  
Land Use Commission  
Suite 1795, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Leong:

We understand that the petition of Richard K. G. Stursberg will be acted upon at a meeting of the Land Use Commission set for March 29, 1976. We also understand that, although this "action" meeting of the Commission is open to the public, no further testimony, evidence or argument will be received at that time. If the Commission decides to receive further testimony, evidence or argument, it will set the petition for further hearing at a later date.

I will not be in the State on March 29th, and it will not be possible for me to return for the action hearing of the Commission set for that date. However, under the circumstances, it appears that my presence will not be required at the action meeting to be held March 29th. The Commission will send us a copy of its decision in this matter.

Thank you,

*William F. Crockett*  
William F. Crockett

WFC:fw

cc: Richard K. G. Stursberg  
Carolyn Van der Linden

Xerox LUC 3/17/76  
mm  
Bm

COMMENTS OF THE STATE OF HAWAII, DPED, TO PETITIONER'S  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND  
STATE OF HAWAII, DPED'S PROPOSAL FOR CONDITIONS

The above document mailed to Commissioners on  
March 16, 1976

MAR 15 1 25 PM '76

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) DOCKET NO. A75-399  
Classification and ) RICHARD K. G. STURBERG  
Districting of Certain )  
Lands at Lahaina )  
Island of Maui )  
\_\_\_\_\_ )

COMMENTS OF THE STATE OF HAWAII, DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT, TO PETITIONER'S PROPOSED FINDINGS  
OF FACT AND CONCLUSIONS OF LAW, AND STATE OF HAWAII, DEPART-  
MENT OF PLANNING AND ECONOMIC DEVELOPMENT'S, PROPOSAL FOR  
CONDITIONS

---

and

CERTIFICATE OF SERVICE

RONALD Y. AMEMIYA 694  
Attorney General  
State of Hawaii

GILBERT J. LEE 1613  
Deputy Attorney General

State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Tel. No. 548-4740

Attorneys for Department of  
Planning and Economic Development

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) DOCKET NO. A75-399  
Classification and ) RICHARD K. G. STURBERG  
Districting of Certain )  
Lands at Lahaina )  
Island of Maui )  
\_\_\_\_\_)

COMMENTS OF THE STATE OF HAWAII, DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT, TO PETITIONER'S PROPOSED FINDINGS  
OF FACT AND CONCLUSIONS OF LAW, AND STATE OF HAWAII, DEPART-  
MENT OF PLANNING AND ECONOMIC DEVELOPMENT'S, PROPOSAL FOR  
CONDITIONS

---

Comments to Petitioner's Proposed Findings of Fact and  
Conclusions of Law:

---

The State of Hawaii, Department of Planning and  
Economic Development, hereafter "DPED", having reviewed  
Petitioner's proposed findings of fact and conclusions of  
law wholly concurs with those findings and conclusions,  
except as to the following:

Petitioner's Findings of Fact:

1. A new item to be added accordingly. That the  
subject petition is for the reclassification of an approxi-  
mately 25-acre portion of parcel, identified by Tax Map Key  
4-3-01:31 at Mahinahina, Lahaina, Maui, from the agriculture  
to the urban district. The property is presently owned by  
the Honolua Plantation Land Company. An Agreement of Sale  
for the property is held by the Mahinahina Group Hui and  
two Hawaii corporations owned by the Hui members.

2. Item No. 1 of Petitioner's Findings of Fact  
to be clarified accordingly. That the subject property abuts

a State Land Use Urban District on the southern and western boundaries.

3. The second sentence of Item No. 5 of Petitioner's Findings of Fact to be omitted. Petitioner has not sustained the burden of proof that persons living in the proposed development will be employed in the Lahaina-Kaanapali area.

4. A new item to be added accordingly. That the Petitioner proposes to develop a residential plan unit development consisting of approximately 145 units and including a variety of recreational and community club facilities. The estimated price ranges for the units will be between \$67,000 to \$118,000. The project will be developed in five phases. Phase 1 will be ready for house construction by approximately June, 1977.

5. A new item to be added accordingly. That the conversion of these areas to urban uses would not cause economic hardship or loss of employment at the Pioneer Mill Company and that replacement acreages of productive cane land would be found elsewhere.

Petitioner's Conclusions of Law:

1. Item No. 6 of Petitioner's Conclusions of Law to be amended accordingly. That adequate public services and facilities now exist, or will be constructed by the Petitioner, except as to on-site sewage treatment facilities, at no public expense, if not earlier constructed by the County of Maui, to support the residential and apartment use of the subject property.

2. Item No. 7 to be deleted. Petitioner has not sustained the burden of proof that the proposed development will provide needed housing accessible to existing employment centers within the area.

DPED PROPOSED CONDITIONS:

Pursuant to Section 7-1(4) of the Land Use Commission's Rules and Regulations, DPED respectfully requests that the following conditions be imposed by the Land Use Commission upon the Petitioner should the Land Use Commission grant Petitioner's request for re-districting.

1. That the Petitioner coordinate its efforts with Maui County in providing a mix of housing units and/or sites which will meet the housing needs of the local populace. Petitioner has represented that approximately two-thirds of the housing units and/or sites will be within the financial means of the local populace.

2. That the subject lands not remain fallow beyond one harvest, in the interim, before on-site development begins and before the subject lands become economically infeasible to cultivate due to the realignment of Honoapiilani Highway.

3. That the Petitioner provide temporary on-site sewage treatment capability, in lieu of cesspools, should cesspools not be acceptable, to Maui County and State Department of Health, in the likely event Honokowai Sewage Treatment Plant cannot serve the subject area prior to

the expiration of the five-year period from the approval of Petitioner's request.

DATED: Honolulu, Hawaii, March 15, 1976 .

Respectfully submitted,

*for Tatsuo Fujimoto*  
HIDETO KONO, Director  
Department of Planning  
and Economic Development

*Gilbert J. Lee*  
GILBERT J. LEE  
Deputy Attorney General

PARSONS

IRASABLE

25% COTTON FIBER

CERTIFICATE OF SERVICE

Service of a copy of the within Comments of the State of Hawaii, Department of Planning and Economic Development, to Petitioner's Proposed Findings of Fact and Conclusions of Law, etc., this day admitted:

1. ARTHUR UEOKA, ESQ.  
County Attorney  
County of Maui  
Wailuku, Maui

Attn: Melvin Yoshii, Esq.

Counsel for Maui County Planning Dept.

*Melvin J. Yoshii*  
for ARTHUR UEOKA  
Dated: March 15, 1976

2. WILLIAM F. CROCKETT, ESQ.  
Crockett & Crockett  
38 S. Market Street  
Wailuku, Maui 96793

Counsel for Petitioner

*William F. Crockett*  
WILLIAM F. CROCKETT  
Dated: March 17, 1976

RECEIVED  
MARCH 27 1976  
COUNTY OF MAUI

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

March 11, 1976

Mr. Richard K. G. Stursberg  
c/o Mrs. van der Linden  
Maui Realty Company, Inc.  
P. O. Box 5  
Lahaina, Maui 96761

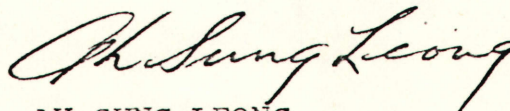
Dear Mr. Stursberg:

Enclosed is a Notice of Land Use Commission meeting  
and the Agenda for the meeting.

Please note that petition A75-399 - Richard K. G.  
Stursberg will be acted on  
at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,



AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

March 11, 1976

Mr. Hideto Kono, Director  
Dept. of Planning & Economic  
Development  
State of Hawaii  
Kamamalu Building  
250 South King St.  
Honolulu, Hawaii 96813

Att: Mr. Tatsuo Fujimoto, Head

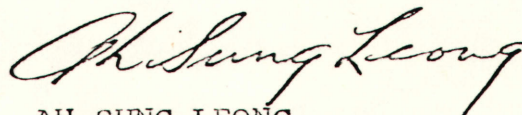
Dear Mr. Kono:

Enclosed is a Notice of Land Use Commission meeting  
and the Agenda for the meeting.

Please note that petition A75-399 - Richard K. G.  
Stursberg will be acted on  
at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,



AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

March 11, 1976

Mr. Tosh Ishikawa  
Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, Maui 96793

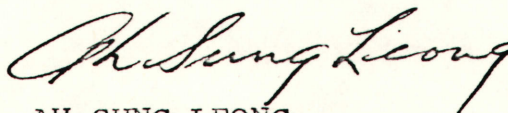
Dear Mr. Ishikawa:

Enclosed is a Notice of Land Use Commission meeting  
and the Agenda for the meeting.

Please note that petition A75-399 - Richard K. G.  
Stursberg will be acted on  
at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,



AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

March 11, 1976

Mr. William F. Crockett  
Crockett & Crockett  
38 S. Market Street  
Wailuku, Maui 96793

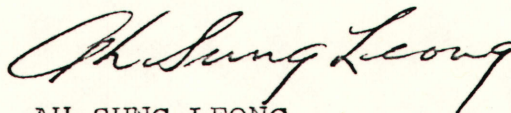
Dear Mr. Crockett:

Enclosed is a Notice of Land Use Commission meeting  
and the Agenda for the meeting.

Please note that petition A75-399 - Richard K. G.  
Stursberg will be acted on  
at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,



AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

March 11, 1976

Honolua Plantation Land Co., Inc.  
Kahului, Maui 96732

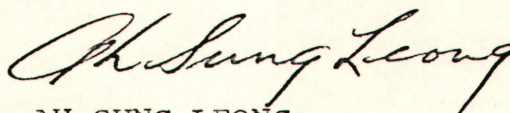
Gentlemen:

Enclosed is a Notice of Land Use Commission meeting  
and the Agenda for the meeting.

Please note that petition A75-399 - Richard K. G.  
Stursberg will be acted on  
at that time.

Should you have any questions on this matter, please  
contact this office.

Very truly yours,



AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

March 29, 1976 - 9:30 a.m.  
Dept. of Planning & Economic Development  
Conference Room, 9th Floor  
State Kamamalu Building  
250 South King Street  
Honolulu, Hawaii

A G E N D A

I. ACTION ON BOUNDARY AMENDMENT PETITIONS

1. A75-397 - Lihue Plantation Company, Ltd.  
(To reclassify approximately 30 acres from Agricultural to Urban at Lihue, Kauai)
2. A75-399 - Richard K. G. Stursberg  
(To reclassify approximately 27.8 acres from Agricultural to Urban at Lahaina, Maui)
3. A75-401 - Amfac Communities, Inc. - Hawaii  
(To reclassify approximately 65.4 acres from Agricultural to Urban at Lahaina, Maui)
4. A75-403 - Kaiser Cement & Gypsum Corporation  
(To reclassify approximately 25 acres from Agricultural to Urban at Maili, Oahu)
5. A75-400 - Henry R. Meyer, Otto S. Meyer, Alex I. Egusa  
(To reclassify approximately 10.3 acres from Conservation to Agricultural at Kapuakoolau, Molokai)

II. ACTION ON SPECIAL PERMIT PETITION

1. SP76-236 - Princeville Corporation  
(To allow the reactivation and expansion of the existing Hanalei airstrip situated in the Agricultural District at Hanalei, Kauai. The site comprises approximately 20 acres located 1.7 miles east of the main entrance to Princeville, mauka of Kuhio Highway)

III. MISCELLANEOUS

1. Meeting Schedule
2. Other Matters

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Docket No. A75-399 - Richard K. G. Stursberg

The above document mailed to Commissioners, M. Marsh,  
and B. Matsubara on March 9, 1976

7343

LAW OFFICES

CROCKETT AND CROCKETT

38 SOUTH MARKET STREET  
WAILUKU, MAUI, HAWAII 96793

LAND USE COMMISSION  
STATE OF HAWAII

W. F. CROCKETT 1861-1943

P. O. BOX 336

PHONE (808) 244-3796

WENDELL F. CROCKETT  
WILLIAM F. CROCKETT  
EDWARD F. MASON

MAR 1 11 45 AM '76

February 27, 1976

Mr. Ah Sung Leong  
Land Use Commission  
Suite 1795, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Leong:

We enclose an original and fifteen copies of proposed findings of fact and conclusions of law for entry in Docket No. A75-399 (Richard K. G. Stursberg). Since the Maui Planning Department, and the Department of Planning And Economic Development of the State of Hawaii, do not oppose the petition, we will not file a brief for the petitioners. However, if either of the other parties files a brief in opposition, a reply brief may be filed by the petitioner.

Very truly yours,

William F. Crockett

WFC:fw

Enclosures

cc: Maui County Attorney  
Tatsuo Fujimoto  
Department Of Planning And  
Economic Development  
Richard K. G. Stursberg

CERTIFIED MAIL - RRR

Sturants  
ERASABLE  
BOND  
RAG

LAND USE COMMISSION  
STATE OF HAWAII

MAR 1 11 45 AM '76

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) DOCKET NO. A75-399  
Classification and ) RICHARD K. G. STURSBURG  
Districting of Certain )  
Lands at Lahaina ) FINDINGS OF FACT AND  
Island of Maui ) CONCLUSIONS OF LAW  
\_\_\_\_\_ )

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-entitled matter was heard January 15, 1976; the Land Use Commission of the State of Hawaii, having heard, examined and considered the evidence adduced at the hearing, finds upon the clear preponderance of the evidence that:

1. State Land Use District boundaries in the area are located next to the subject property on the south and west.
2. The County of Maui General Plan for the Lahaina District provides for the residential and apartment use of the subject property.
3. Water, electricity, solid waste disposal, police and fire protection, parks and public schools are available to the subject property from existing public and private utility facilities at or near the subject property or within the Lahaina District. Such existing public services and facilities will not be unreasonably burdened by the apartment and residential use of the subject property.

WILLIAM F. CROCKETT 802  
Crockett and Crockett  
38 S. Market Street  
Wailuku, Maui, Hawaii 96793  
Tel. No. 244-3796

Attorney for Richard K. G. Stursberg

4. Sewer service is not available to the subject property from any existing public facility. Petitioner has agreed to construct such private sewer facilities as may be required for the use of the subject property within an Urban District, if the County of Maui does not construct a public sewer facility in the area of the subject property before that time.

5. There is a shortage of housing within the Lahaina District. Napili, Kahana, Kaanapali and Lahaina proper are major employment centers within the Lahaina District. People who live in homes and apartments constructed upon the subject property will live within easy commuting distances to their employment centers.

6. The subject property is presently used to grow sugar cane. The construction of the Honoapiilani Highway Extension will isolate the subject property from the other land in the area used to grow sugar cane. After the commencement of the construction of the Honoapiilani Highway Extension it will not be practical to grow sugar cane upon the subject property. The present crop of sugar cane will be harvested from the subject property before the construction of the Honoapiilani Highway Extension. Petitioner has agreed to contract with Pioneer Mill Co., Ltd. for the temporary use of the subject property, after the present crop has been harvested, until petitioner starts the development of the subject property, if Pioneer wants the temporary use of the subject property.

7. The urban use of the subject property for residences and apartments, as provided under the County of Maui General Plan for the Lahaina District, will not have a significant adverse impact upon the natural environmental, recreational, scenic, historic, or other resources of the area.

The Land Use Commission of the State of Hawaii therefore concludes that:

1. The proposed amendment to the Urban District boundaries for the Lahaina District, Island and County of Maui, to include the subject property within such Urban District, is reasonably necessary to accomodate growth and development within the area.
2. The proposed amendment to the Urban District boundaries for the Lahaina District, Island and County of Maui, to include the subject property within such Urban District, will not have a significant adverse impact upon the agricultural, natural environmental, recreational, scenic, historic, or other resources of the area.
3. The subject property is contiguous to an existing Urban District.
4. The proposed amendment to the Urban District boundaries for the Lahaina District, Island and County of Maui, to include the subject property within such Urban District, will not create scattered urban development.
5. The proposed amendment to the Urban District Boundaries for the Lahaina District, Island and County of Maui, to include the subject property within such Urban District, is consistent with the County of Maui General Plan for the area.
6. Adequate public services and facilities now exist, or will be constructed by the Petitioner at no public expense, if not earlier constructed by the County of Maui, to support the residential and apartment use of the subject property.

RACEBASE BOND

7. The proposed amendment to the Urban District boundaries for the Lahaina District, Island and County of Maui, to include the subject property within such Urban District, will provide needed housing accessible to existing employment centers within the area.

DATED: \_\_\_\_\_, \_\_\_\_\_.

LAND USE COMMISSION OF THE STATE OF HAWAII

By \_\_\_\_\_  
Its Chairman

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

RACEBASE BOND

By \_\_\_\_\_  
Its Commissioner

By \_\_\_\_\_  
Its Commissioner

RACERASE BOND  
SOUTHWESTERN U.S.A.  
25% COTTON FIBER

February 6, 1976

Mr. William F. Crockett, Esq.  
Crockett & Crockett  
38 S. Market Street  
Wailuku, Maui 96793

Re: Land Use Commission Docket No. A75-399  
Richard K. G. Stursberg (Lahaina, Maui)

Dear Mr. Crockett:

The Land Use Commission hereby requests that you submit proposed Findings of Fact and Conclusions of Law regarding the above-referenced petition heard on January 15, 1976 to the Land Use Commission by February 29, 1976. The Commission's request is based on Part IV of the Rules of Practice and Procedure and District Regulations of the State Land Use Commission. If you desire, you may also file a brief in support of your proposed Findings of Fact and Conclusions of Law.

Please be advised that you will be required to serve upon the other parties participating in the above-referenced docket copies of your proposed Findings of Fact and Conclusions of Law. Said parties will be provided 15 days from the date of service of said proposed Findings of Fact and Conclusions of Law to respond therewith.

All rules relating to Post Hearing Procedures on Hearings before the Commission will be found in Part IV of the State Land Use Commission's Rules of Practice and Procedure and District Regulations.

Very truly yours,

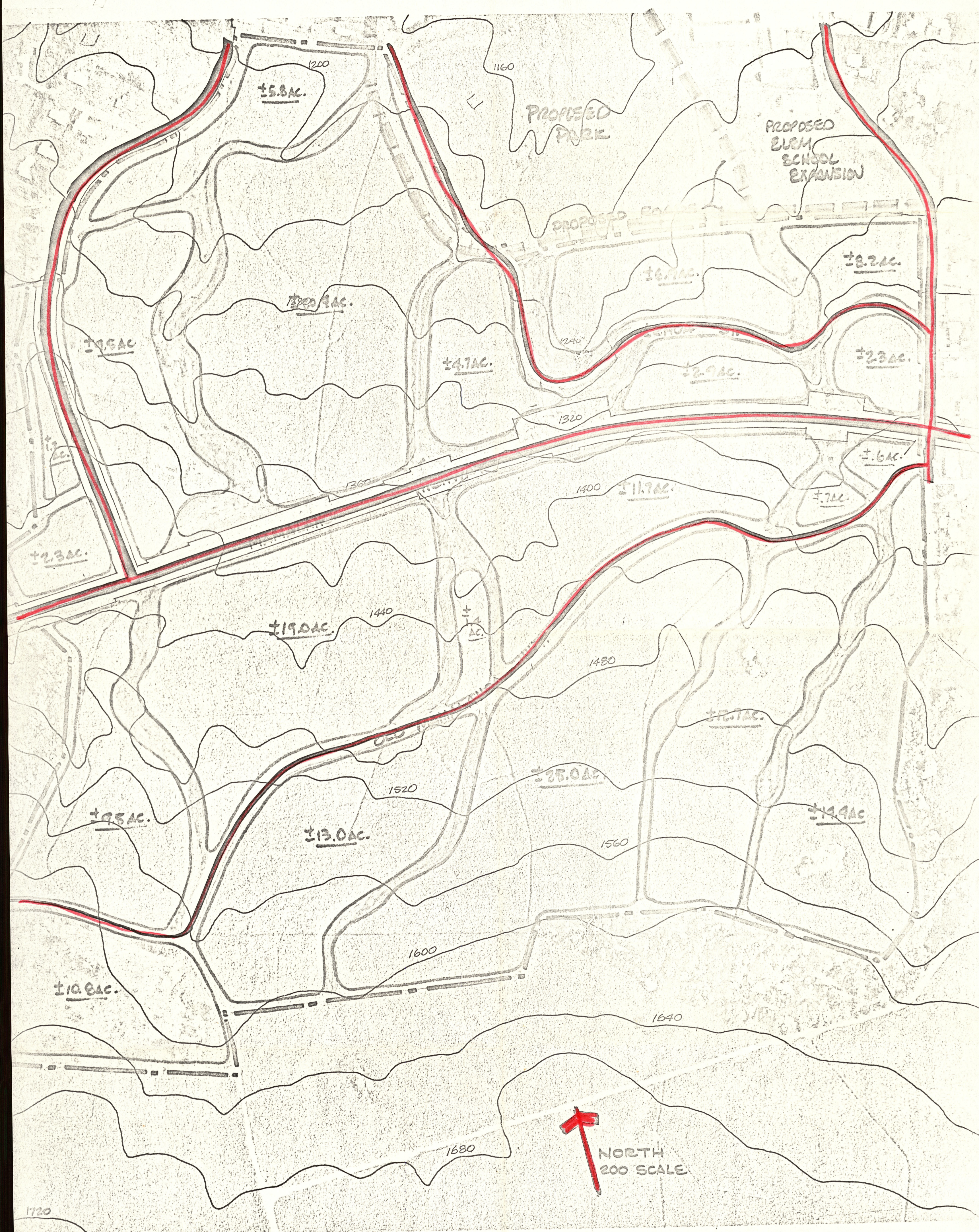
AH SUNG LEONG  
Acting Executive Officer  
Land Use Commission

cc: DPED (T. Fujimoto, G. Lee)  
Maui Cty. Plan. Dept. (T. Ishikawa, M. Yoshii)



ENCLOSURE #7

DOCKET NO. A 75-404  
PARTY P-Honolulu Sugar EXH. NO. 2  
DATE IDENTIFIED 4/12/76 IN EVIDENCE 2/12/76  
O. Hunkin  
CLERK



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kahului Library  
Kahului, Maui

*Approved  
March 22, 1976*

January 15, 1976 - 10:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer  
Michael Marsh, Deputy Attorney General  
Benjamin Matsubara, Consultant  
Dora Horikawa, Clerk Reporter  
  
Ray Russell, Court Reporter

Chairman Tangen called to order the meeting of the Land Use Commission and announced that he will entertain a motion to add two items to the agenda, the first being a request for an extension of time on Special Permit 73-142, Robert Goueytes, and the other to announce that a hearing officer will be designated for the hearing on Molokai. Commissioner Duke so moved, which was seconded by Commissioner Whitesell and the Commissioners were polled as followed:

Ayes: Commissioners Duke, Whitesell, Oura, Machado, Yamamura, Sakahashi, Yanai, Chairman Tangen.

Absent: Commissioner Carras

The motion was carried.

DESIGNATION OF A HEARING OFFICER

It was announced by the Chair that he was designating Mr. Benjamin Matsubara to be the hearing officer to conduct the hearing on Petition

A75-400, Henry Meyer, et al, on Molokai on January 23, 1976.

EXTENSION OF TIME REQUEST BY ROBERT GOUEYTES ON CONDITION IMPOSED  
ON SP73-142

Mr. Ah Sung Leong, Acting Executive Officer, presented the staff memo relative to the extension request (see copy on file).

Upon motion by Commissioner Yamamura, seconded by Vice Chairman Sakahashi, a 5-year extension of the Special Permit was unanimously approved, subject to the conditions imposed by the Maui Planning Commission.

HEARINGS

✓ A75-399 - RICHARD K. G. STURSBURG

Pursuant to a notice published in The Maui News and the Honolulu Star Bulletin on December 16, 1975, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Richard K. G. Stursberg to amend the land use district boundaries for approximately 27.8 acres from the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui, for residential use, Docket No. A75-399.

APPEARANCES

William F. Crockett, attorney for Mr. Stursberg and the Mahinahina Group Partnership

Gilbert Lee, Deputy Attorney General, representing the Department of Planning & Economic Development

Melvyn Yoshii, Deputy County Attorney, representing the Maui Planning Department

The Chairman declared that all of the above were admitted as parties to the proceedings.

The Chairman administered the swearing-in oath to all those planning to testify today.

Exhibits

The following documents were marked for identification and introduced into evidence as Petitioner's (Richard K. G. Stursberg) Exhibits:

- Exhibit 1 - Data submitted previously by petitioner, including document entitled "A Summary Report of Mahinahina Site Study" dated April 20, 1975  
Various maps, plans, etc. marked A through J
- Exhibit 2 - Letter dated May 21, 1975 from Mr. Stursberg to the Land Use Commission and attachments
- Exhibit 3 - Letter from C. Cameron, President, Maui Land and Pineapple Co., Inc., dated May 27, 1975, supporting petitioner's urban request
- Exhibit 4 - Letter dated May 12, 1975 from John W. Siemer, Vice President, Amfac, Inc., representing position of Amfac re petitioner's request for urban
- Exhibit 5 - Letter from Richard Stursberg to Harris Suyama, District Engineer, State Highway Department, Maui, re Honoapiilani Highway realignment plan for Mahinahina area
- Exhibit 6 - Notes and comments providing supplemental information in the Mahinahina PUD Summary Report and site plan.
- Exhibit 7 - Financial statement, Mahinahina Group, dated December 31, 1975
- Exhibit 8 - List of partners in Mahinahina Hui
- Exhibit 9 - Letter from T. Harano, Chief, Highways Division, Dept. of Transportation, dated June 27, 1975, re Honoapiilani Highway, Honokowai to Alaeloa project

Richard K. G. Stursberg - Witness

Mr. Richard K. G. Stursberg, petitioner, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on - - - - - Pages

Cross examination by Mr. Lee - - - - -	8 to 12
Cross examination by Mr. Yoshii - - - - -	19 to 25
Direct examination by Mr. Crockett - - - - -	25
Recross examination by Mr. Lee - - - - -	25 to 26
Recross examination by Mr. Yoshii - - - - -	26 to 27

Larry Johnson - Witness

Mr. Larry Johnson, consultant, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on - - - - - Pages

Direct examination by Mr. Crockett - - - - -	29
Cross examination by Mr. Lee - - - - -	29 to 30
Cross examination by Mr. Yoshii - - - - -	31 to 39
Recross examination by Mr. Lee - - - - -	39 to 41
Redirect examination by Mr. Crockett - - - - -	42

MAUI COUNTY PLANNING DEPARTMENT

In the interest of time, Mr. Yoshii offered the written testimony of Mr. Tosh Ishikawa, Planning Director, Maui County Planning Department, into evidence. A short recess was called to afford all parties an opportunity to examine the written testimony (see copy on file).

Tosh Ishikawa - Witness

Mr. Ishikawa, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on- - Pages

Cross examination by Mr. Crockett - - - - -	45 to 48
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DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Mr. Lee requested permission to waive the reading of DPED's testimony and submitted that DPED basically recommended approval of the request.

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, State Department of Planning and Economic Development, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on- - Pages

Cross examination by Mr. Crockett - - - - -	49 to 50
Questioned by Commissioner Whitesell and Vice Chairman Sakahashi - - - - -	50 to 54
Cross examination by Mr. Crockett - - - - -	54
Questioned by Commissioner Machado - - - - -	55 to 56

CLOSING REMARKS

Mr. William Crockett submitted the following closing statement in support of the petitioner's request:

1. The property is located in an area which is virtually surrounded by urban land.
2. The construction of the new highway will block in and isolate the subject parcel.
3. The Land Use Law was designed to place the jurisdiction of supervising developments within the County. Therefore, the County will have the opportunity to evaluate the development plans at the proper time.

The hearing on A75-399 was closed thereafter.

The Commission recessed for lunch at 12:20 p.m. and reconvened at 2:00 p.m.

A75-401 - AMFAC COMMUNITIES, INC. - HAWAII

Pursuant to a notice published in The Maui News and the Honolulu Star Bulletin on December 16, 1975, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Amfac Communities, Inc. - Hawaii to amend the land use district boundaries for approximately 65.4 acres from the Agricultural District into the Urban District at Lahaina, Maui, for residential use, Docket No. A75-401.

APPEARANCES:

Francis Izumi, law firm of Izumi and Tanaka, representing the petitioner

Melvyn Yoshii, Deputy County Attorney, County of Maui, representing the Maui Planning Department

Gilbert Lee, Deputy Attorney General, representing the Department of Planning and Economic Development

The above were admitted as parties to the proceedings. The Chairman swore in all those planning to testify today.

Pursuant to Section 2-3 (7) of the Commission's Rules, Mr. Izumi moved for leave to amend the petition in 2 respects:

STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

January 15, 1976 - 10:30 a.m.  
Kahului Library  
Kahului, Maui

A G E N D A

I. HEARING

1. A75-399 - Richard K. G. Stursberg

To incorporate approximately 27.8 acres presently in the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui for residential use.

2. A75-401 - Amfac Communities, Inc. - Hawaii

To incorporate approximately 65.4 acres presently in the Agricultural District into the Urban District at Lahaina, Maui for residential use.

3. A75-405 - Kula Alii, Ltd.

To incorporate approximately 14.9 acres presently in the Agricultural District into the Rural District at Kula, Maui for residential use.

II. MISCELLANEOUS

1. Adoption of Minutes
2. Other Matters

# MEMO

from Carolyn

To Tats Fujimoto Date 7-1-75 Time \_\_\_\_\_

Thank you for your reply to my memo. We'll wait patiently for the details.

Enclosed are copies of the reply from the Highway Dept. about the plans for Mahinahina. These letters should be attached to the reports you now have. Thank you.

RECEIVED

JUL 2 1975

State of Hawaii  
LAND USE COMMISSION



STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

January 7, 1976

Pioneer Mill Company, Inc.  
Lahaina, Maui 96761

Gentlemen:

The Land Use Commission next meets on January 15, 1976  
Kahului, Maui, at 10:30 a.m., in the Kahului Library.

At that time the petition by Richard K. G. Stursberg  
(A75-399) to amend the land use district  
boundaries from the Agricultural District to  
the Urban District at Mahinahina,  
Lahaina, Maui will be heard.

Should you have any question regarding this matter, please  
feel free to contact us.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Enclosure - Agenda



IN THE MATTER OF  
NOTICE OF HEARING

AFFIDAVIT OF PUBLICATION

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

**DATE, TIME AND PLACE:**

January 15, 1976—10:30 a.m.  
Kahului Library  
Kahului, Maui

**Docket Number and Petitioner:** A75-399/  
Richard K. G. Stursberg

**Tax Map Key:** 4-3-01: portion of 31

**Change Requested:** To incorporate approximately 27.8 acres presently in the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui for residential use.

**Docket Number and Petitioner:** A75-401  
Amfac Communities, Inc. — Hawaii

**Tax Map Key:** 4-5-15:1

**Change Requested:** To incorporate approximately 65.4 acres presently in the Agricultural District into the Urban District at Lahaina, Maui for residential use.

**Docket Number and Petitioner:** A-75-405  
Kula Alii, Ltd.

**Tax Map Key:** 2-2-16: portion of 23

**Change Requested:** To incorporate approximately 14.9 acres presently in the Agricultural District into the Rural District at Kula, Maui for residential use.

Maps showing the proposed district boundaries and copies of the Rules and Regulations governing the above petitions may be inspected at the office of the Maui Planning Department, County of Maui, 200 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Suite 1795, Pacific Trade Center, Honolulu, Hawaii, 96813 during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary change.

Any party to the proceeding may retain counsel if he so desires.

LAND USE COMMISSION  
EDDIE TANGEN, Chairman  
AH SUNG LEONG,  
Acting Executive Officer

(S.-B.: Dec. 16, 1975)

(S.-B.-2984)

STATE OF HAWAII, }  
CITY AND COUNTY OF HONOLULU. } ss.

Nancy Kira ..... being  
duly sworn, deposes and says, that She is Clerk of the  
HAWAII NEWSPAPER AGENCY, INC., agent for GAN-  
NETT PACIFIC CORPORATION, publishers of THE  
HONOLULU STAR-BULLETIN, a daily newspaper  
published in the City and County of Honolulu, State of  
Hawaii, that the ordered publication in the above entitled  
matter of which the annexed is a true and correct printed  
notice, was published.....one.....times in  
said daily newspaper, commencing on the...16th...day of  
.....December....., 1975, and ending on the...16th...day  
of.....December....., 1975 (both days inclusive), to wit,  
December 16, 1975  
on.....

and that affiant is not a party to or in any way interested  
in the above entitled matter.

*Nancy Kira*

Subscribed and sworn to before me this...16th...day of  
.....December....., A. D. 1975....

*Jeon K. Hurlawa*  
Notary Public of the First Judicial Circuit,  
State of Hawaii

My commission expires.....  
A.Y. COMMISSION EXPIRES AUGUST 30, 1977

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }  
County of Maui. } ss.

Barbara Y. Iwaishi

.....being duly sworn  
deposes and says, that he is **Advertising Clerk** of the  
Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper  
published in Wailuku, County of Maui, State of Hawaii; that the or-  
dered publication as to **NOTICE OF HEARING**

.....  
of which the annexed is a true and corrected printed notice, was  
published **1** times in the MAUI NEWS, aforesaid, commencing  
on the **15th** day of **Dec.**, 19**75**, and ending  
on the.....day of....., 19....., (both days  
inclusive), to-wit: on **Dec. 15, 1975**

.....  
and that affiant is not a party to or in any way interested in the above  
entitled matter.

*Barbara Y. Iwaishi*

Subscribed and sworn to before me this  
**18** day of **Dec.** A. D. 19**75**

*Manuan Ota*

Notary Public, Second Judicial  
Circuit, State of Hawaii.  
My commission expires August 31, 1979.

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

**DATE, TIME AND PLACE:**  
January 15, 1976 - 10:30 a.m.  
Kahului Library  
Kahului, Maui

**Docket Number and Petitioner:** A75-399 Richard K. G. Stursberg

**Tax Map Key:** 4-3-01: portion of 31  
**Change Requested:** To incorporate approximately 27.8 acres presently in the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui for residential use.

**Docket Number and Petitioner:** A75-401 Amfac Communities, Inc. - Hawaii

**Tax Map Key:** 4-5-15:1  
**Change Requested:** To incorporate approximately 65.4 acres presently in the Agricultural District into the Urban District at Lahaina, Maui for residential use.

**Docket Number and Petitioner:** A75-405 Kula Alii, Ltd.

**Tax Map Key:** 2-2-16: portion of 23  
**Change Requested:** To incorporate approximately 14.9 acres presently in the Agricultural District into the Rural District at Kula, Maui for residential use.

Maps showing the proposed district boundaries and copies of the Rules and Regulations governing the above petitions may be inspected at the office of the Maui Planning Department, County of Maui, 200 South High Street, Wailuku, Maui 96793; and the Land Use Commission, Suite 1795, Pacific Trade Center, Honolulu, Hawaii 96813 during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary change.

Any party to the proceeding may retain counsel if he so desires.

LAND USE COMMISSION  
EDDIE TANGEN, Chairman  
AH SUNG LEONG, Acting Executive Officer  
(MN: Dec. 15, 1975)

NOTICE OF HEARING

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LAND USE COMMISSION

EDDIE TANGEN, Chairman

AH SUNG LEONG, Acting Executive Officer

(Legal Ad - 2 cols w/border )  
(to appear December 16, 1975)  
(Maui News and Honolulu )  
(Star Bulletin )

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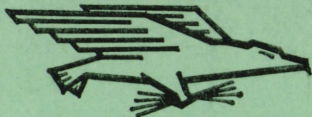
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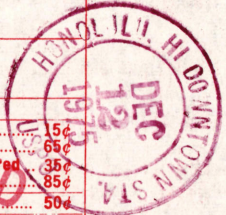
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DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Honolua Plantation Land Co., Inc.,  
Kahului, Maui 96732

Gentlemen:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Notice of Hearing on the above petition.
3. Rules of Practice & Procedure and State Land Use District Regulations adopted by the Land Use Commission on October 28, 1975 which are being filed with the Office of the Lt. Governor and which will soon be effective.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

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*L. van der L.*  
*agent for RKO. Studios*

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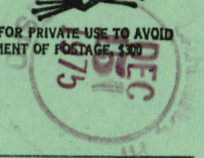
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**POD Form 3811** Apr. 1969 **c55-16-71548-11**

No. 130868

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DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS

James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Richard K. G. Stursberg  
c/o Mrs. van der Linden  
Maui Realty Company, Inc.  
P. O. Box 5  
Lahaina, Maui 96761

Dear Mr. Stursberg:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Notice of Hearing on the above petition.
3. Rules of Practice & Procedure and State Land Use District Regulations adopted by the Land Use Commission on October 28, 1975 which are being filed with the Office of the Lt. Governor and which will soon be effective.

Should you have any questions on this transmittal,  
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Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

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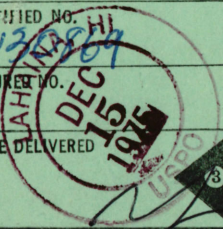
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No. 130869

SENT TO <b>Pioneer Mill Company, Ltd.</b>		POSTMARK OR DATE
STREET AND NO.		
P.O., STATE AND ZIP CODE <b>Lahaina, Maui 96761</b>		
<b>OPTIONAL SERVICES FOR ADDITIONAL FEES</b>		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered .....	15¢
	With delivery to addressee only .....	65¢
▶	2. Shows to whom, date and where delivered .....	35¢
	With delivery to addressee only .....	85¢
DELIVER TO ADDRESSEE ONLY .....		50¢
SPECIAL DELIVERY (extra fee required) .....		



PS Form 3800  
Apr. 1971

**NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL**

(See other side)

★ GPO: 1970 O-397-458

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
4. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Pioneer Mill Company, Ltd.  
Lahaina, Maui 96761

Gentlemen:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Notice of Hearing on the above petitions.
4. Rules of Practice & Procedure and State Land Use District Regulations adopted by the Land Use Commission on October 28, 1975 which are being filed with the Office of the Lt. Governor and which will soon be effective.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130858

1

Arthur Martin

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

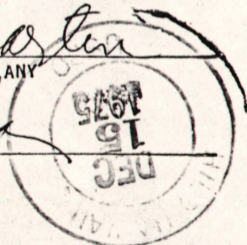
Samuel

DATE DELIVERED

12/15/75

3

SHOW WHERE DELIVERED (*only if requested*)





DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHII  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Arthur W. Martin, Chairman  
Hawaii Planning Commission  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Martin:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Arthur W. Martin		POSTMARK OR DATE
STREET AND NO. 25 Aupuni Street		
P.O., STATE AND ZIP CODE Hilo, Hawaii 96720		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered .....	15¢
	With delivery to addressee only .....	65¢
	2. Shows to whom, date and where delivered .....	35¢
	With delivery to addressee only .....	85¢
DELIVER TO ADDRESSEE ONLY .....		50¢
SPECIAL DELIVERY (extra fee required) .....		

No. 130858

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.



Show to whom, date and address  
where delivered



Deliver ONLY  
to addressee

## RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130859

1

*H. Krumm*

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

12/15/75

3

SHOW WHERE DELIVERED (*only if requested*)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Randall Kamiya, Chairman  
City Planning Commission  
Municipal Building  
650 So. King Street  
Honolulu, Hawaii 96813

Dear Mr. Kamiya:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Randall Kamiya		POSTMARK OR DATE
STREET AND NO. City Planning Comm. 650 S. King Street		
P.O., STATE AND ZIP CODE Honolulu, Hawaii 96813		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered With delivery to addressee only	65¢
	2. Shows to whom, date and where delivered With delivery to addressee only	85¢
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

No. 130859

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

## RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130860

1

*A. Paul Hoover*

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

DEC 15 1975

SHOW WHERE DELIVERED (*only if requested*)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Alfred Louis, Jr., Chairman  
Kauai Planning Commission  
4280 Rice Street  
Lihue, Kauai 96766

Dear Mr. Louis:

Pursuant to the provisions of Section 205-4, HRS, as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal, please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Alfred Louis, Jr.		POSTMARK OR DATE
STREET AND NO. Kauai Planning Comm. 4280 Rice Street		
P.O., STATE AND ZIP CODE Lihue, Kauai 96766		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 15¢ With delivery to addressee only ..... 65¢ 2. Shows to whom, date and where delivered .. 35¢ With delivery to addressee only ..... 85¢	
DELIVER TO ADDRESSEE ONLY ..... 50¢		
SPECIAL DELIVERY (extra fee required) .....		

PS Form 3800 NO INSURANCE COVERAGE PROVIDED— (See other side)  
Apr. 1971 NOT FOR INTERNATIONAL MAIL \*GPO: 1970 O-397-498

No. 130860

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

## RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130861

1

*Louis Kay*

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

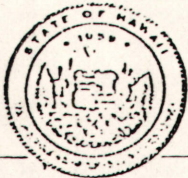
**Deliver to Addressee Only**

DATE DELIVERED

DEC 15 1975

3

SHOW WHERE DELIVERED (*only if requested*)



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI Governor
EDDIE TANGEN Chairman
STANLEY SAKAHASHI Vice-Chairman

COMMISSION MEMBERS
James Carras
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

December 11, 1975

Mr. Kazuo Kage, Chairman
Maui Planning Commission
200 South High Street
Wailuku, Maui 96793

Dear Mr. Kage:

Pursuant to the provisions of Section 205-4, HRS, as amended, we are transmitting the following:

- 1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal, please do not hesitate to contact this office.

Very truly yours,

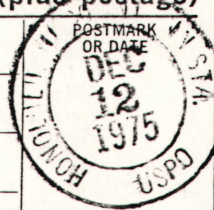
Ah Sung Leong (Signature)

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

Form with fields: SENT TO Kazuo Kage, STREET AND NO. Maui Planning Comm. 200 South High Street, P.O., STATE AND ZIP CODE Wailuku, Maui 96793, and optional services table.



RECEIVED (Stamp)

No. 130861

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BOXES  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

## RECEIPT

Received the numbered article described below.

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CERTIFIED NO.

130862

INSURED NO.

DATE DELIVERED

DEC 19 1975

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (only if requested)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Brian Nishimoto  
Planning Director  
Planning Department  
County of Kauai  
4280 Rice Street  
Lihue, Kauai 96766

Dear Mr. Nishimoto:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Brian Nishimoto		POSTMARK OR DATE
STREET AND NO. Planning Department 4280 Rice Street		
P.O., STATE AND ZIP CODE Lihue, Kauai 96766		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 15¢ With delivery to addressee only ..... 65¢	
	2. Shows to whom, date and where delivered ..... 75¢ With delivery to addressee only ..... 50¢	
DELIVER TO ADDRESSEE ONLY ..... 50¢		
SPECIAL DELIVERY (extra fee required) .....		

No. 130862

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130863

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

INSURED NO.

DATE DELIVERED

12/15/75

3

SHOW WHERE DELIVERED (*only if requested*)

655-16-71545-11 347-198 GPO





DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Raymond Suefuji  
Planning Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Raymond Suefuji		POSTMARK OR DATE
STREET AND NO. Planning Dept. 25 Aupuni Street		
P.O., STATE AND ZIP CODE Hilo, Hawaii 96720		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Show to whom and date delivered ..... 15¢ 2. Show to whom, date and where delivered ..... 65¢ With delivery to addressee only ..... 35¢ With delivery to addressee only ..... 85¢	
DELIVER TO ADDRESSEE ONLY ..... 50¢		
SPECIAL DELIVERY (extra fee required) .....		

PS Form 3800 NO INSURANCE COVERAGE PROVIDED— (See other side)  
Apr. 1971 NOT FOR INTERNATIONAL MAIL \* GPO: 1970 O-397-458

No. 130863

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

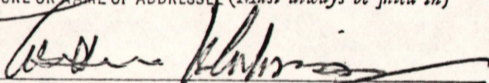
REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130864

1



2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to Addressee Only

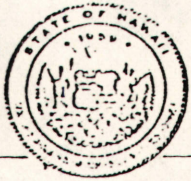
INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

DEC 17 1975



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Tosh Ishikawa  
Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, Maui 96793

Dear Mr. Ishikawa:

Pursuant to the provisions of Section 205-4, HRS, as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal, please do not hesitate to contact this office.

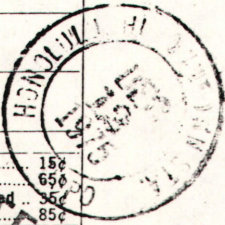
Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Tosh Ishikawa		POSTMARK OR DATE
STREET AND NO. Planning Dept. 200 South High Street		
P.O., STATE AND ZIP CODE Wailuku, Maui 96793		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered	15¢
	With delivery to addressee only	65¢
DELIVER TO ADDRESSEE ONLY	2. Shows to whom, date and where delivered	35¢
	With delivery to addressee only	85¢
SPECIAL DELIVERY (extra fee required)..... 50¢		



No. 130864

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

130866

1

*H. Kimura*

INSURED NO.

2

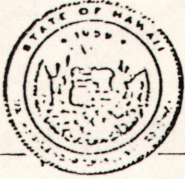
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

12/15/75

3

SHOW WHERE DELIVERED (*only if requested*)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Robert Way  
Chief Planning Officer  
Department of General Planning  
City & County of Honolulu  
650 So. King Street  
Honolulu, Hawaii 96813

Dear Mr. Way:

Pursuant to the provisions of Section 205-4, HRS, as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal, please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG

Executive Officer

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Robert Way		POSTMARK OR DATE 
STREET AND NO. Dept. General Planning 650 S. King Street		
P.O., STATE AND ZIP CODE Honolulu, Hawaii 96813		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered .....	15¢
	With delivery to addressee only .....	65¢
	2. Shows to whom, date and where delivered ..	35¢
	With delivery to addressee only .....	85¢
DELIVER TO ADDRESSEE ONLY .....		40¢
SPECIAL DELIVERY (extra fee required) .....		

No. 130866

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

Show to whom, date and address  
where delivered

Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CLASSIFIED NO.

30865

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

ISSUED NO.

2

Deliver to Addressee Only

DATE DELIVERED

DEC 17 1975

3

SHOW WHERE DELIVERED (*only if requested*)



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Tosh Ishikawa, Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, Maui 96793

Dear Mr. Ishikawa:

Please find enclosed the following material:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.
5. Rules of Practice & Procedure and State Land Use District Regulations adopted by the Land Use Commission on October 28, 1975 which are being filed with the Office of the Lt. Governor and which will soon be effective.
6. Existing Rules and Regulations which were effective on January 5, 1975.

We would appreciate your making the above material available at your office for public inspection.

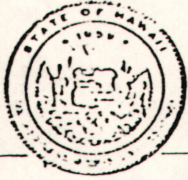
In this matter, please do not

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Tosh Ishikawa		POSTMARK OR DATE
STREET AND NO planning Dept. 200 South High Street		HONOLULU, HI DEC 11 1975 USPO
P.O., STATE AND ZIP CODE Wailuku, Maui 96793		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered With delivery to addressee only	15¢ 65¢
	2. Shows to whom, date and where delivered With delivery to addressee only	35¢ 85¢
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

Sincerely yours,  
*Sung Leong*  
LEONG  
Executive Officer

No. 130865



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

December 11, 1975

Mr. Tatsuo Fujimoto  
Land Use Division Head  
Land Use Division  
Dept. of Planning & Economic Dev.  
P. O. Box 2359  
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

Pursuant to the provisions of Section 205-4, HRS,  
as amended, we are transmitting the following:

1. Boundary amendment petition A75-399, Richard K. G. Stursberg.
2. Boundary amendment petition A75-401, Amfac Communities, Inc.
3. Boundary amendment petition A75-405, Kula Alii, Ltd.
4. Notice of Hearing on the above petitions.

Should you have any questions on this transmittal,  
please do not hesitate to contact this office.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearings to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider petitions for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

DATE, TIME AND PLACE:

January 15, 1976 - 10:30 a.m.  
Kahului Library  
Kahului, Maui

Docket Number and Petitioner: A75-399 Richard K. G. Stursberg  
Tax Map Key: 4-3-01: portion of 31  
Change Requested: To incorporate approximately 27.8 acres presently in the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui for residential use.

Docket Number and Petitioner: A75-401 Amfac Communities, Inc. - Hawaii  
Tax Map Key: 4-5-15:1  
Change Requested: To incorporate approximately 65.4 acres presently in the Agricultural District into the Urban District at Lahaina, Maui for residential use.

Docket Number and Petitioner: A75-405 Kula Alii, Ltd.  
Tax Map Key: 2-2-16: portion of 23  
Change Requested: To incorporate approximately 14.9 acres presently in the Agricultural District into the Rural District at Kula, Maui for residential use.

Maps showing the proposed district boundaries and copies of the Rules and Regulations governing the above petitions may be inspected at the office of the Maui Planning Department, County of Maui, 200 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Suite 1795, Pacific Trade Center, Honolulu, Hawaii, 96813 during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable

from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that:

(1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary change.

Any party to the proceeding may retain counsel if he so desires.

LAND USE COMMISSION

EDDIE TANGEN, Chairman

AH SUNG LEONG, Acting Executive Officer

(Legal Ad - 2 cols w/border )  
(to appear December 16, 1975)  
(Maui News and Honolulu )  
(Star Bulletin )



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

GEORGE R. ARIYOSHI  
Governor  
EDDIE TANGEN  
Chairman  
STANLEY SAKAHASHI  
Vice-Chairman

COMMISSION MEMBERS  
James Carras  
Charles Duke  
Colette Machado  
Mitsuo Oura  
Carol Whitesell  
Tanji Yamamura  
Edward Yanai

Dear

This relates to the following boundary change petitions which were filed with the Land Use Commission under the Rules and Regulations effective January 5, 1975. However, these petitions would be considered under the newly adopted Rules and Regulations which are presently being filed with the Office of the Lt. Governor and which will soon be effective.

A75-397 - Lihue Plantation Co., Ltd.	Lihue, Kauai
A75-398 - Land Use Commission (Refiling)	Kawainui, Oahu
A75-399 - Stursberg	Lahaina, Maui
A75-400 - Henry Meyer, et al	Molokai
A75-401 - Amfac Communities	Lahaina, Maui
A75-402 - Amfac Communities	Lihue, Kauai
A75-403 - Kaiser Cement & Gypsum Corp.	Maili, Oahu
A75-404 - Honokaa Sugar Company	Honokaa, Hawaii
A75-405 - Kula Alii, Ltd.	Kula, Maui
A75-406 - Yamada Estates	Puna, Hawaii
A75-407 - The Hawaii Corporation	Lualualei, Oahu
A75-408 - Wailua Homestead, Inc.	Wailua, Kauai
A75-409 - Benjamin & Joann Silva	Haliimaile, Maui

At its meeting on December 5, 1975, the Land Use Commission voted to waive the requirements regarding the submittal of data under Parts II and VI of the new Rules of Practice and Procedure and Part VI of the new District Regulations, if they are in force, as regarding the filing of the petition itself. PETITIONER HOWEVER, SHALL STILL HAVE THE BURDEN OF SATISFYING AT THE TIME OF HEARING THROUGH SUBMITTAL OF FURTHER EVIDENCE, BOTH WRITTEN OR ORAL, ALL NEW REQUIREMENTS ESTABLISHED BY THE NEW RULES AND REGULATIONS.

It was further moved that all petitioners and all those who file to intervene be notified of this action. Pursuant to this motion, we are notifying you of the Commission's action.

The enclosed page 2 of the staff memorandum relating to this matter was circulated to the Commission at the December 5, 1975 meeting.

Very truly yours,

*Ah Sung Leong*  
AH SUNG LEONG  
Acting Executive Officer

Encl:

## 2. Pending Boundary Change Petitions -

To date, there are 14 boundary change petitions including one initiated by the Land Use Commission which were filed under the former Rules and Regulations of the Land Use Commission. The new Rules and Regulations adopted by the Land Use Commission are in the process of being filed with the Lt. Governor's Office and will soon be effective. The boundary change petitions in question will therefore be heard and considered under the new Rules and Regulations of the Land Use Commission.

A review of the petitions in question reveals that all of them fail to literally comply with new requirements set forth in the newly adopted Rules and Regulations of the Land Use Commission. However, since these petitions appear to have complied with the rules and regulations in effect at the time said petitions were filed, it is suggested that the Commission waive the requirements regarding the submittal of data under Parts II and VI of the new Rules of Practice and Procedure and Part VI of the new District Regulations as regarding the filing of the petition itself. Petitioner however shall still have the burden of satisfying at the time of hearing, through submittal of further evidence, both written or oral, all new requirements established by the new Rules and Regulations.

September 25, 1975

A75-399.

Mr. Richard K. G. Stursberg  
Maui Realty Company, Inc.  
P. O. Box 5  
Lahaina, Hawaii 96761

Dear Mr. Stursberg:

Pursuant to your letter of September 17, 1975, this is advise you that your petition to amend the district boundary at Mahinahina, Maui, was reactivated on September 22, 1975, the date of receipt of your letter.

In accordance with Section 205-4, Hawaii Revised Statutes, as amended, this Commission must conduct a hearing on your petition no sooner than 60 days and no more than 120 days. After 45 days but within 90 days following the close of the hearing, the Land Use Commission must render its decision.

A hearing schedule will be determined at a later date to consider your petition. We will inform you of the hearing date as soon as it is determined.

Should you have any question please feel free to contact this office.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Enclosure

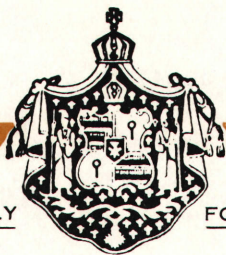
7210

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WAILUKU, HAWAII 96793  
244-9036

# Maui Realty

**company inc.**

BRANCH OFFICE  
P. O. BOX 5  
LAHAINA, HAWAII 96761  
661-3602

September 17, 1975

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

RECEIVED  
SEP 22 1975

State of Hawaii  
LAND USE COMMISSION

Attn: Mr Tatsuo Fujimoto, Executive Officer

Gentlemen:

Now that the new Land Use Commission has been formed, this letter will serve as my notification to you to reactivate my request for a boundry change at Mahinahina, Maui, as per my official application dated May 21, 1975.

I understand that you will be able to use the same reports and information submitted in May, however, if you find that you need any additional information, we will be happy to send it to you.

It would be very much appreciated if you can process our application as soon as possible. Please contact me or my agent, Carolyn C. van der Linden, of Maui Realty, with any instructions or notices.

Sincerely,

Richard K. G. Stursberg





DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT  
\* \* \*



George R. Ariyoshi

JOHN A. BURNS  
Governor

EDDIE TANGEN  
Chairman

STANLEY SAKAHASHI  
Vice Chairman

LAND USE COMMISSION

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

COMMISSION MEMBERS

James R. Carras  
Sunao Kido  
Shelley M. Mark  
Alexander J. Napier  
Mitsuo Oura  
Tanji Yamamura  
Edward Yanai

TATSUO FUJIMOTO  
Executive Officer

September 18, 1975

Mr. Richard K. G. Stursberg  
1620 Taylor Way  
West Vancouver, B. C  
Canada

Dear Mr. Stursberg:

This is in reference to boundary amendment petition A75-391 which you filed with our office on June 3, 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

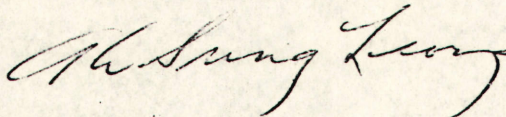
that adoption of the amended District Regulations and Rules of Practice and Procedure may be accomplished in late October and would become effective ten days after filing with the Lt. Governor's Office. It is estimated that this will occur sometime in mid-November of this year.

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

cc: Maui Realty Co., Inc.



STATE OF HAWAII  
DEPARTMENT OF AGRICULTURE  
1428 SO. KING STREET  
HONOLULU, HAWAII 96814

August 7, 1975

RECEIVED  
AUG 11 1975

State of Hawaii  
LAND USE COMMISSION

MEMORANDUM

To: Mr. Tatsuo Fujimoto, Executive Officer  
State Land Use Commission

Subject: Boundary Amendment Petitions and Special Permits

The Department of Agriculture has reviewed the applications for boundary amendment change and special permit, and submits the following comments:

A75-386 - Amfac Communities-Hawaii (Lahaina, Maui)

The Department has no objection to the petition to change 60<sup>±</sup> acres from agriculture to urban district; however, it should be pointed out that a major portion of the parcel is rated as having "very good" soil with irrigation by the State Land Study Bureau. The USDA Soil Survey report rates the soil in the subject parcel as having crop suitability rating of Class IV with irrigation on a rating scale of 1 to 8 (Class I soils having few limitations).

A75-387 - Joseph and Helen A. Hew and H&L Development Co. (Kula, Maui)  
and

A75-389 - Kula Alii Ltd (Keohea, Maui)

Agriculture has been and continues to be very important to the economy of Maui. The Kula and Kihei areas produce the bulk of vegetable crops on the island. Soil ratings in the subject parcels are described in the USDA Soil Survey report as "Kula cobbly loam, 12 to 20% slopes; the surface layer is dark reddish-brown loam about 8 inches thick. The subsoil, about 46 inches thick, is reddish-brown loam, silt loam and silty clay loam that has subangular blocky structure." "...Permeability is moderately rapid. Runoff is medium and the erosion hazard is moderate..." "...Small areas are used for truck and orchard crops."

The surrounding parcels, both in rural and ag districts, which are currently in cultivated row crops have identical soil ratings. Therefore, unless there is a proven need for further rural subdivisions in the Kula region, the Department does not favor these applications for change in district designation.

(over)

August 7, 1975

A75-388 - Henry R. and Otto S. Meyer, Alex I. Egusa (Molokai)

No objection or comments to petition.

A75-390 - Kaiser Cement & Gypsum Corporation

No comments or objection to petition.

✓ A75-391 - Richard K. G. Stursberg

No objection; realignment of highway mauka of parcel will cut off a portion of subject parcel.

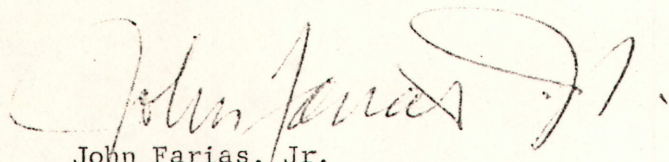
A75-392 - Amfac Communities-Hawaii

No objection to petition; however, for the record, USDA Soil Survey report rates the soil in subject area as having a crop suitability of Class II with or without irrigation.

SP75-204 thru  
SP75-209

No comments or objections to these special permit applications.

Thank you for the opportunity to comment.



John Farias, Jr.  
Chairman, Board of Agriculture

# MAUI REALTY CO., INC.

LAHAINA SHOPPING CENTER, P. O. BOX 5 • LAHAINA, HAWAII 96761 • PHONE 661-3602

## MESSAGE

TO Land Use Commission  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hi 96804  
Attn: Tatsuo Fujimoto

SUBJECT

7178

DATE 8-12-75

We are wondering if anything has developed in order to process the applications to the Land Use Commission such as the one we submitted for our client, Richard K. G. Stursberg for the Mahinahina residential PUD. That was way last May, and we are getting seriously concerned about the passage of time with no action taking place. Is there something we can do?

In the meantime we would like to get one of your ag line maps of the West Maui area like the one we have seen in our County offices. It is M-1, that includes the Mahinahina area, that we want. Could you let us know the price and if we can get it through your office.

Thank you for your help.

BY *Carolyn C. van der Linden*  
Carolyn C. van der Linden

## REPLY

Mrs. Carolyn C. van der Linden  
Maui Realty Co., Inc.  
Lahaina Shopping Center  
P. O. Box 5  
Lahaina, Hawaii 96761

DATE August 29, 1975

Dear Mrs. van der Linden:

This is in reply to your letter of August 12, 1975.

As of this writing, we are still awaiting the appointment of a new Commission. However, until this occurs, we are not able to complete the processing of boundary change petitions now pending before this agency.

Enclosed is a copy of District Map M-1.

Very truly yours,

SIGNED

*Tatsuo Fujimoto*  
TATSUO FUJIMOTO

GEORGE R. ARIYOSHI  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P.O. Box 3378  
HONOLULU, HAWAII 96801

July 7, 1975

7147

GEORGE A. L. YUEN  
DIRECTOR OF HEALTH  
Audrey W. Mertz, M.D., M.P.H.  
Deputy Director of Health  
Henry N. Thompson, M.A.  
Deputy Director of Health  
James S. Kumagai, Ph.D., P.E.  
Deputy Director of Health

In reply, please refer to:

File: EPHS-SS

MEMORANDUM

To: Mr. Tatsuo Fujimoto, Executive Officer  
Land Use Commission, State of Hawaii

From: Chief, Environmental Protection & Health Services Division

Subject: Applications for Boundary Amendment, County of Maui

Thank you for allowing us to comment and review on the subject boundary amendment requests.

In general, it is too early for our Pollution Technical Review Branch to comment on any of the subject boundary amendments. We will review and comment on the final or pre-final plans to insure conformance with out regulations.

File No: A75-386: (Amfac) Residential Development, 65.4 acres, Lahaina, Maui

This project is slated to replace the Puukalii Village housing which has had rodent and typhus problems. From this standpoint, we support this project.

Sewage disposal could be a problem. Lahaina is still using an ocean outfall with no treatment. Sewage treatment plant construction is more than two years away.

File No: A75-387: (Hew) Residential Subdivision, 11.6 acres, Kula, Maui

This subdivision would be served by the County's Kula water system. The Kula water system often is polluted as a result of high coliform levels aggravated by water shortages.

File No: A75-388: (Meyer/Egusa) Kula, Maui

At this time, we have no objections to this request.

File No: A75-389: (Kula Alii) Residential Development, Kula, Maui

The proposed development would also be served by the County's Kula water system which is often polluted (high coliform) and subject to shortages.

Mr. Tatsuo Fujimoto

-2-

July 7, 1975

File No: A75-391: (Stursberg) Mahinahina Residential P.U.D.

The subject area does not have access to a public sewer system. Drinking water is from a surface source, but the coliform count is usually acceptable.

  
\_\_\_\_\_  
SHINJI SONEDA

cc: DHO, Maui

# MAUI REALTY CO., INC.

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## MESSAGE

TO [ State of Hawaii  
 Land Use Commission  
 P.O. Box 2359  
 Honolulu, HI 96804  
 Attn: Mr. Leong ]

SUBJECT \_\_\_\_\_

RECEIVED  
 JUN 9 1975

DATE 6-6-75

State of Hawaii  
 LAND USE COMMISSION

Thank you very much for your phone call about the additional copies we need to submit to you in our application for redesignation at Mahinahina. We are rounding them up as quickly as possible and will hope to get them to you in about a week.

Sorry I wasn't in the office when you called, but I did get the message and I appreciate your speedy notification.

cc: RKG Stursberg

BY *Carolyn C. van der Linden*  
 Carolyn C. van der Linden

## REPLY

DATE \_\_\_\_\_

SIGNED \_\_\_\_\_

1620 TAYLOR WAY

WEST VANCOUVER, B. C.

June 4th. 1975

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

RECEIVED

JUN 10 1975

State of Hawaii  
LAND USE COMMISSION

Attn Mr. Leong:

Dear Mr Leong:

Mahinahina P.U.D. Application.

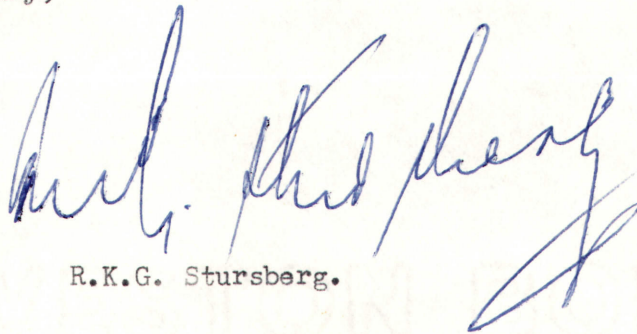
On instruction of Mrs van der Linden of Maui Realty Company Inc.

I enclose under several different covers 9 copies of the

SUMMARY REPORT, Mahinahina P.U.D. Site Study

I under stand that Mrs van der Linden has already written you in  
this regard.

Yours truly,



R.K.G. Stursberg.

PHONE 922-9740

1620 TAYLOR WAY

WEST VANCOUVER, B. C.

June 4th. 1975

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

Attn Mr. Leong:

Dear Mr Leong:

Mahinahina P.U.D. Application.

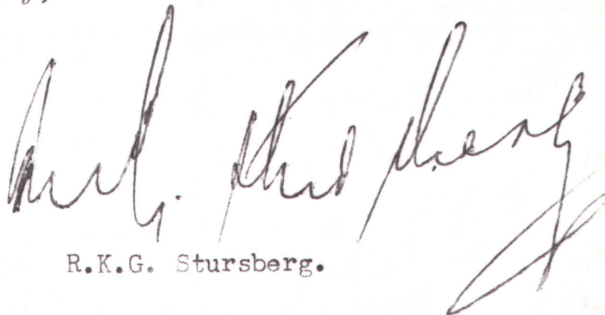
On instruction of Mrs van der Linden of Maui Realty Company Inc.

I enclose under several different covers 9 copies of the

SUMMARY REPORT, Mahinahina P.U.D. Site Study

I understand that Mrs van der Linden has already written you in  
this regard.

Yours truly,

A handwritten signature in cursive script, appearing to read 'R.K.G. Stursberg', written in dark ink.

R.K.G. Stursberg.

## MESSAGE

TO: Mr Tatsuo Fujimoto  
Land Use Commission  
State of Hawaii  
P.O. Box 2359  
Honolulu, HI 96804

SUBJECT

DATE 6-25-75

Mr Richard K. G. Stursberg has been notified by Tosh Ishikawa, Maui County Planning Director that all petitions for boundry changes are for the time being held in abeyance due to the enactment of Act 1870. His application for a boundry change at Mahinahina was to have come up before the County Planning Commission on July 16th but that has now been cancelled.

We would appreciate it if you could let us know what we should do in view of this situation. Naturally we would like to know what procedures will be followed now so that we can do whatever is required of us. It must be a rather trying situation for all of you and we realize that it could take some time to set up any new procedures. But we will be eager to learn whatever you can tell us as soon as you can.

Thank you. And best regards.

cc: RKG Stursberg  
Tosh Ishikawa

BY

*Carolyn C. van der Linden*  
Carolyn C. van der Linden

## REPLY

DATE June 30, 1975

Dear Mrs. van der Linden:

This is in reply to your letter of June 25, 1975.

As you know, HB 1870 was enacted as Act 193 and approved by Governor Ariyoshi on June 2, 1975. Act 193 resulted in several significant changes in the processing, review, and determination of boundary amendment petitions. As an example, the County Planning Commissions are no longer required to submit their recommendations to the Land Use Commission on boundary change requests. Instead, the affected County Planning Departments and the State Department Planning & Economic Development are required to appear at Land Use Commission proceedings as parties and make recommendations relative to the proposed change. Apparently, this is the reason for the notification to

SIGNED

(See attached sheet)

June 30, 1975  
Page 2

to Mr. Stursberg by Mr. Ishikawa of the July 16 cancellation.

We are presently working on the new procedures required by Act 193.  
You & Mr. Stursberg will be notified as to further development and  
requirements relating to Mr. Stursberg's petition.

TATSUO FUJIMOTO  
Executive Officer

Form B-24

STATE OF HAWAII

OFFICIAL  
RECEIPT

№ 0187

Department of Planning and Economic Development

Department, Bureau or Commission

June 6, 19 75

RECEIVED from

Land Use Commission

One Hundred Fifty + 20/100

DOLLARS

LUC Petitioners' Fees

Checks: C. Earl Stoner Jr., Richard K. H. Thuesberg,  
Community Planning, Inc., Caroline Okuda

\$ 150.00

Public Accountant

STATE OF HAWAII  
LAND USE COMMISSION  
P. O. BOX 2359  
HONOLULU, HAWAII 96804

June 3, 1975

Maui Planning Commission  
200 South High Street  
Wailuku, Maui 96793

Attention: Mr. Howard K. Nakamura, Planning Director

Subject: A75-391 - Richard K. G. Stursberg

Gentlemen:

Pursuant to Section 205-4, Hawaii Revised Statutes, we are enclosing a copy of petition for amendment to the land use district boundaries submitted by Richard K. G. Stursberg.

Act 32 provides that within 45 days after receipt of the petition, the Commission of the County wherein the land is located shall forward its comments and recommendations to the Land Use Commission. It also provides that upon written request by the Planning Commission, the Land Use Commission may grant an extension of not more than 15 days for the receipt of such comments and recommendations.

Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Encls.

Form B-24

STATE OF HAWAII

OFFICIAL RECEIPT

No 0955

Land Use Commission

Department, Bureau or Commission

RECEIVED from *Richard K. G. Sturberg* *June 3* 19 *75*  
*Fifty & 00/100* DOLLARS

*Petition for Boundary Amendment*

\$ *50.00*

*Don Y. Hiripawa*  
Public Accountant

STATE OF HAWAII  
LAND USE COMMISSION  
P. O. BOX 2359  
HONOLULU, HAWAII 96804

June 3, 1975

Mr. Richard K. G. Stursberg  
1620 Taylor Way  
West Vancouver, B. C.  
Canada

Dear Mr. Stursberg:

This will acknowledge the receipt of your check in the amount of \$50.00 and your application to amend the land use district boundaries at Mahinahina, Maui

In accordance with Section 205-4, Hawaii Revised Statutes, this Commission must schedule a public hearing on your petition 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.

A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Maui. We will inform you of the hearing date 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.

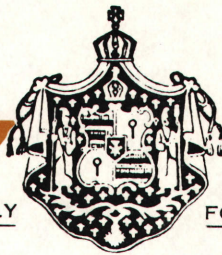
Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Encl.  
cc: Maui Planning Commission  
Maui Realty Co., Inc.

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WAILUKU, HAWAII 96793  
244-9036

# Maui Realty

**company inc.**

BRANCH OFFICE  
P. O. BOX 5  
LAHAINA, HAWAII 96761  
661-3602

May 21, 1975

Mr Tatsuo Fujimoto, Executive Officer  
Land Use Commission  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

RECEIVED

JUN 3 1975

State of Hawaii  
LAND USE COMMISSION

Dear Mr. Fujimoto:

Sorry to have missed you last week when Mr. Stursberg and I were in your office. But we thank you for setting things up for us to talk with Mr. Leong. It was a most worthwhile meeting and as a result we believe we now have all of the things necessary for our formal application which you will find enclosed in duplicate.

Please be sure to contact me if there is anything further we need to submit. Mr. Stursberg is returning to Canada on May 27th but I will be in contact with him and he will definitely be returning for the hearings.

Sincerely,

Carolyn C. van der Linden  
(Mrs. Louis G.)



YOUR SATISFACTION IS OUR SUCCESS

7343

LAW OFFICES  
CROCKETT AND CROCKETT LAND USE COMMISSION  
38 SOUTH MARKET STREET STATE OF HAWAII  
WAILUKU, MAUI, HAWAII 96793

W. F. CROCKETT 1861-1943  
P. O. BOX 336  
PHONE (808) 244-3796

W. F. CROCKETT  
W. F. CROCKETT  
W. F. MASON

MAR 1 11 45 AM '76

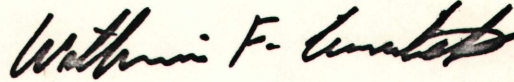
February 27, 1976

Mr. Ah Sung Leong  
Land Use Commission  
Suite 1795, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Leong:

We enclose an original and fifteen copies of proposed findings of fact and conclusions of law for entry in Docket No. A75-399 (Richard K. G. Stursberg). Since the Maui Planning Department, and the Department of Planning And Economic Development of the State of Hawaii, do not oppose the petition, we will not file a brief for the petitioners. However, if either of the other parties files a brief in opposition, a reply brief may be filed by the petitioner.

Very truly yours,



William F. Crockett

WFC:fw

Enclosures

cc: Maui County Attorney  
Tatsuo Fujimoto  
Department Of Planning And  
Economic Development  
Richard K. G. Stursberg

CERTIFIED MAIL - RRR

Stursberg to L.U.C.  
5/21/75

LIST OF ENCLOSURES:

1. Application
2. Covering letter from the applicant, Richard K. G. Stursberg.
3. Map identifying the area under petition.
4. Letter from Maui Land and Pineapple Company.
5. Letter from Amfact, Inc.
6. Letter to State Highway Department. (Reply will be forwarded to you).
7. Mahinahina P.U.D. Summary Report and Site Plan. *See Exhibit File (Exh 1)*
8. Notes and comments to supplement Summary Report.
9. Check to cover Filing Fee for \$50 in favor of L.U.C.

RECEIVED

JUN 3 1975

State of Hawaii  
LAND USE COMMISSION

STATE OF HAWAII  
LAND USE COMMISSION

P. O. Box 2359  
Honolulu, Hawaii 96804

RECEIVED  
JUN 3 1975

State of Hawaii  
LAND USE COMMISSION

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

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 _____

(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-1 Mahinahina to change the district designation of the following described property from its present classification in a(n) agriculture district into a(n) urban district.

Description of property: All of the makai portion of TMK 4-3-10-31 that will be between the existing Honoapiilani Highway and it's realignment with the exception of any areas required by the County of Maui.

Petitioner's interest in subject property: Owner

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

Mahinahina residential P.U.D.

(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.

Signatures(s) \_\_\_\_\_

*Prof. Stephens*

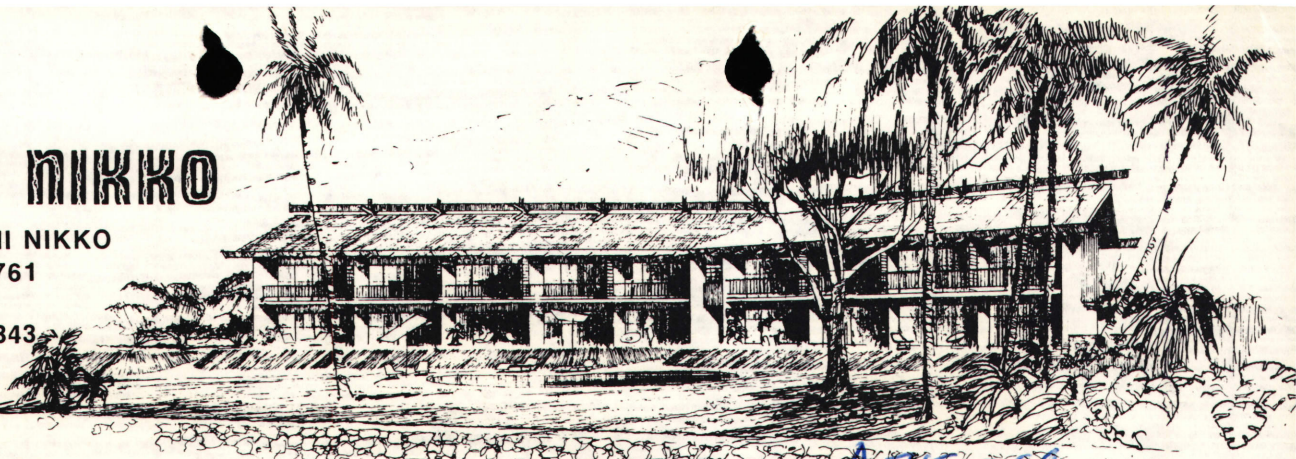
Address: 1620 Taylor Way

West Vancouver, B.C.

Telephone: \_\_\_\_\_

# HOYOCHI NIKKO

R.R. No. 1, HOYOCHI NIKKO  
LAHAINA, MAUI, 96761  
HAWAIIAN ISLANDS  
PHONE (808) 669-8343



DOCKET NO. *A-75-399*

May 21, 1975

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PARTY

*P. Richard Sturberg*

EXH. NO. *2*

JUN 3 1975

DATE IDENTIFIED

*1/15/76*

IN EVIDENCE

*1/15/76*

State of Hawaii  
Land Use Commission  
Post Office Box 2359  
Honolulu, Hawaii 96804

State of Hawaii  
LAND USE COMMISSION

*D. J. Honkawa*  
CLERK

Gentlemen:

I am the registered owner of the lands described in the attached Mahinahina P.U.D. application to the Land Use Commission of the State of Hawaii and make the following statements in support of that application.

Ownership - beneficially rests in a Hui and 2 Hawaiian Corporations (owned by the Hui members). The Hui is made up of a number of my associates, all Canadians, and I am their spokesman and attorney.

Intent - When we purchased this land in 1971 from Maui Pine's associated company (Honolua Plantation Land Co., Inc.) the thinking was that when the new highway went through, this area would be cut off and it would be impractical to continue its use for cane cultivation.

The residue of the canefield would be a long narrow strip, hard to work and requiring several water sources.

Its continued use for cane would require the State Highway Authority to provide road access and irrigation crossings at its expense.

The lessor (Maui Pine) and lessee (Pioneer Mill) have mutually agreed that the lease on this land will terminate after the 1976 (about June) harvest of cane.

Assuming a favorable decision by L.U.C. to urban category, application would be made to Maui County for rezoning in accordance with the 701 General Plan.

Lead Time - We understand that there is a real need for Housing Sites in the West Maui area. Obviously, it takes considerable time to move through the redesignation and planning procedures and this is why we are applying to L.U.C. now, knowing that the crop will be harvested, the highway realignment completed and the land will be vacated before we can start development of

the property. It is our objective to be in a position to develop house sites as soon as possible after the land becomes available.

Specifically, we estimate, one year for L.U.C. and Maui County Planning Commission authorization; 6 months for Market Study, Design, Financing and Contract negotiation (partly at the same time as above); 3 months for Contingencies; 6 months for Site Development; Phase 1 sites ready for house construction about June 1977.

Development Time Table -

Phase 1	1977 - 1978
Phase 2	1978 - 1979
Phase 3	1979 - 1980
Phase 4	1978 - 1981
Phase 5	1978 - 1982

Conditions which may affect this time-table:

- a. Final delineation of the Mauka and North boundaries.
- b. The Honokawai sewer system - site development would be delayed until there was assurance of availability of sewer connection to the subject property.
- c. Marketing of each phase would be substantially committed or completed before anything more than a planning start would be made on the next phase.
- d. Phase 5 must wait obviously for the construction of the Mahinahina Gulch Drainage Ditch by the Federal Soil Conservation Authority.
- e. Relocation of the haul cane road.
- f. Any delay in approvals from the necessary regulatory authorities.

Estimated Sales Price - It is of course impossible to forecast prices for the 1977 and later development of sites, which must be based on costs and economic conditions at that time. As a guide, however, we have calculated prices under today's conditions as follows:-

Phase 1 (luxury residential)                      \$91,500 to \$118,000  
House 1500 sf and fee simple sites  
in a condominium P.U.D.

Phase 2 and 3 (semi-attached residential) \$67,000 to \$82,000  
House 1400 sf and fee simple sites  
in a condominium P.U.D.

Construction Requirements - Phases 1, 2, and 3. - While we intend only to market a housing site, we are considering, subject to practical, legal, and financing arrangements, requiring that the buyer construct a house

Stursberg to L.U.C.  
5/21/75

Page three

on the site within 15 to 24 months. In order to achieve an attractive overall effect, we intend (if practical) to set architectural design, quality, and colour standards for each phase.

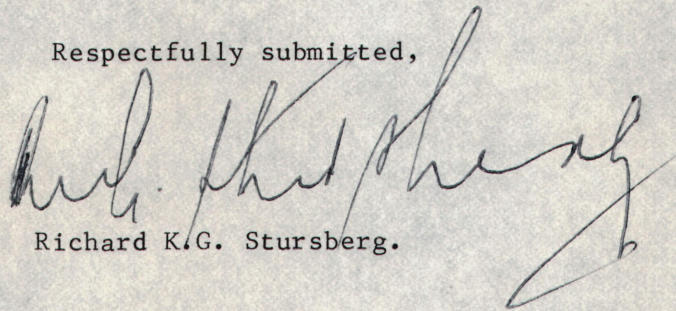
Economic Effect - We believe about one third of all housing sites may be taken by retirees or mainland owners, which will result in increased employment, and retail and service sales in the area. There will be an increase in Tax Revenue to the County from reassessment of the Land.

If it is a requirement that a formal commitment as to development time-table be given, we are prepared to do this on the basis and subject to the conditions set out above. In support of our desire to go ahead with this development as rapidly as possible, I point out that the average age of our Hui members is in the late fifties, and as some of us are interested in homes in Phase 1, we are anxious to achieve this as soon as possible.

Though I have written this on Hoyochi Nikko stationery, my permanent address is ;

1620 Taylor Way  
West Vancouver, B.C.  
CANADA

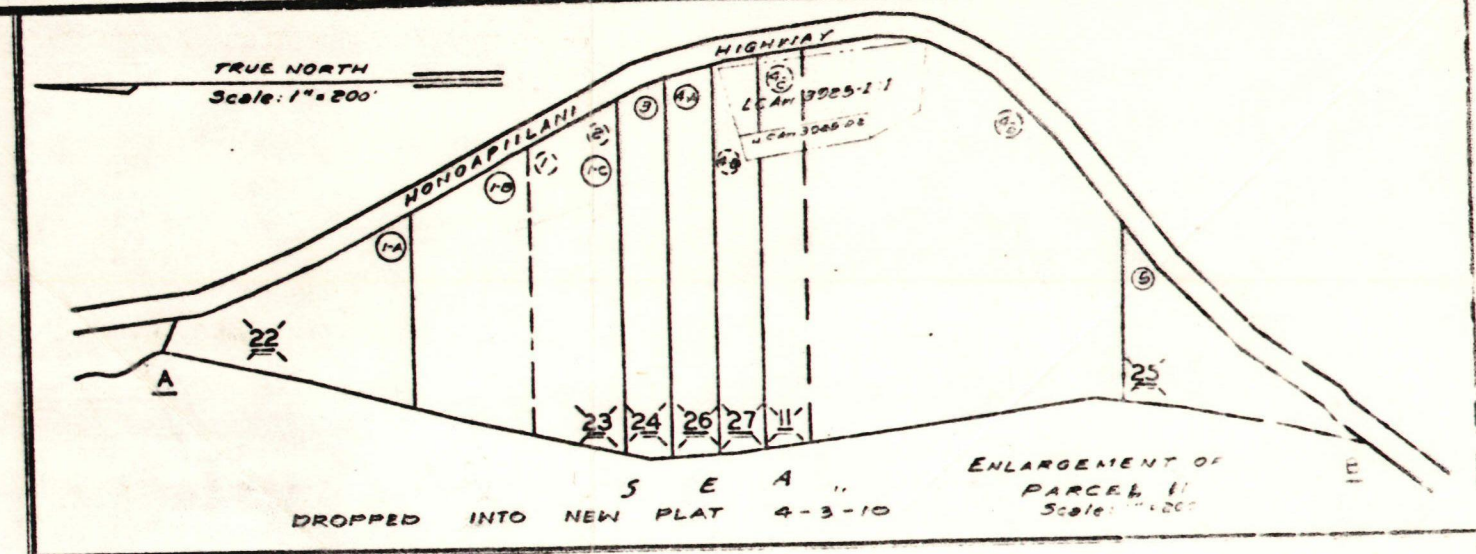
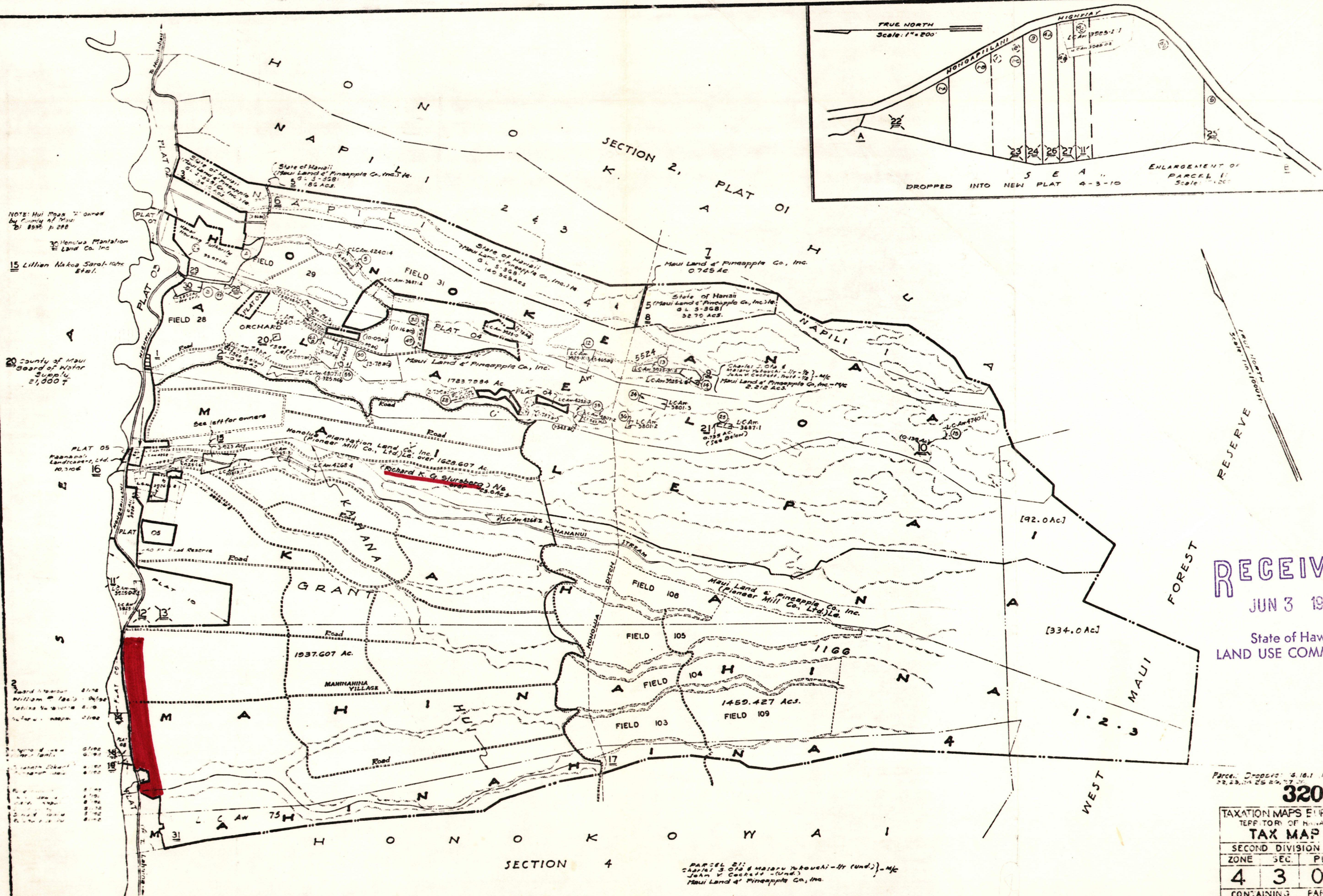
Respectfully submitted,



Richard K.G. Stursberg.

RKGS/vdL/t

Enclosures; as per attached list



NOTE: Hui Mass owned by County of Maui 7/1/1950 p. 288

15 Lillian Nakoa Saratoga Etal.

20 County of Maui Board of Water Supply 21,000'

RECEIVED  
JUN 3 1975  
State of Hawaii  
LAND USE COMMISSION

Parcel Dropped: 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

**3202**

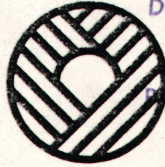
TAXATION MAPS BUREAU  
TERRITORY OF HAWAII  
**TAX MAP**  
SECOND DIVISION

ZONE	SEC.	PLAT
4	3	01

CONTAINING PARCELS  
SCALE: 1" = 1000'

NAPILI to MAHIAHINA, LAHAINA, MAUI

PARCEL 21:  
Charles J. Ota & Mataru Takouchi - Jr (und.) - M/L  
John V. Cockatt - (Und.)  
Maui Land & Pineapple Co., Inc.



DOCKET NO. A 75-399  
 PARTY P. Richard Stursberg EXH. NO. 3  
 DATE IDENTIFIED 1/15/76 IN EVIDENCE 1/15/76

**Maui Land & Pineapple Company, Inc.**

*D. J. Honkawa*  
 CLERK

May 27, 1975

Mr. R. K. G. Stursberg  
 Mahinahina Group  
 % Maui Realty Company, Ltd.  
 Lahaina Shopping Center  
 Lahaina, Maui, Hawaii 96761

RECEIVED  
 JUN 3 1975  
 State of Hawaii  
 LAND USE COMMISSION

Dear Mr. Stursberg:

Re: Mahinahina Property (TMK 4-3-01-17)

I have reviewed the "Mahinahina PUD" study which you kindly left with me and found it carefully prepared and fully consistent with our understanding of your expressed intentions at the time we entered into an Agreement of Sale with you for the subject property. It also appears to be consistent with the Maui County General Plan for this area below the new Honoapiilani Highway, providing for low-density apartment and single-family residential use. There is a real need in West Maui for residential housing of the "mid-range" type described in the study.

I understand that if the Land Use Commission grants your request for urban classification for this parcel that you will then ask the Maui County Planning Commission for zoning for all or part of this property as a PUD, consistent with the present Maui County General Plan. I also understand that if this zoning request is granted you will then immediately proceed to develop this property in phases, subject to market demand, as set forth in the "Mahinahina PUD" study, and that sales will be primarily directed towards island residents.

Accordingly, I am happy to support your request to the Land Use Commission for urban designation for this parcel.

Sincerely,

*Col. C. Cameron*

Colin C. Cameron  
 President

CCC  
 sm

DOCKET NO. A 75. 399

AMFAC, INC.  
700 BISHOP STREET  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 546-8111

PARTY P- Richard Stursberg EXH. NO. 4

JOHN W. SIEMER  
Vice President

DATE IDENTIFIED 1/15/76 IN EVIDENCE 1/15/76

May 12, 1975

D. J. Honohan

CLERK

Mr. R. K. G. Stursberg  
Mahinahina Group  
c/o Maui Realty Company, Ltd.  
Lahaina Shopping Center  
Lahaina, Maui, Hawaii 96761

RECEIVED

JUN 3 1975

State of Hawaii  
LAND USE COMMISSION

Dear Mr. Stursberg:

We refer to your request for a written statement representing the position of Amfac, Inc./Pioneer Mill Co., Ltd. relative to your intention to petition the Land Use Commission for rezoning of your property at Mahinahina (TMK 2 Div 4/3/01/17). This parcel comprises approximately twenty acres, most of which is presently cultivated to sugarcane (Pioneer Field 155).

Previously, we agreed to release the aforementioned parcel subject to the conditions of the Lease between Maui Land and Pineapple Co., Inc. and Pioneer Mill Co., Ltd. (Baldwin Packers/Pioneer Lease). We further understand that a release of the parcel will not be required until after the 1976 harvest of cane from Field 155. Earlier withdrawal, with consequent loss of growing crops, would require payment of crop damages.

Among the conditions of the lease heretofore mentioned, Pioneer Mill Co. must be guaranteed uninterrupted use of the haul cane road unless and until adequate relocation of same is provided (see final sentence on page 11, extending to page 12, of the Lease document). It is our understanding that the haul cane road will ultimately be relocated immediately mauka of the Honoapiilani Highway extension through Mahinahina.

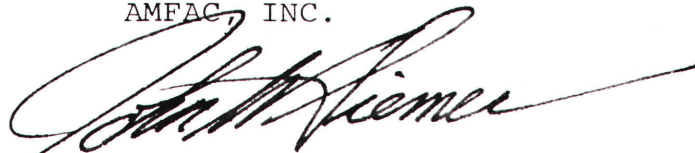
With respect to rezoning, Amfac, Inc./Pioneer Mill Co., Ltd. supported the 701 Plan for West Maui which calls for R-3 (10,000 sq. ft. residential lots) in the area below the projected Honoapiilani Highway relocation. Accordingly, our support for rezoning must be consistent with the R-3 designation.

Mr. R. K. G. Stursberg  
Page 2  
May 12, 1975

Finally, withdrawal of the approximately twenty acres of cane land cultivation will not cause economic hardship or loss of employment opportunity at Pioneer Mill Co. so long as replacement acreage of roughly comparable productivity can be found elsewhere. In this regard, we are continuing to develop former pasturelands in mauka areas and have been successful to this time in maintaining a proper acre balance.

Sincerely,

AMFAC, INC.

A handwritten signature in cursive script, reading "John W. Siemer". The signature is written in black ink and is positioned above the typed name and title.

John W. Siemer  
Vice President

JWS:plg

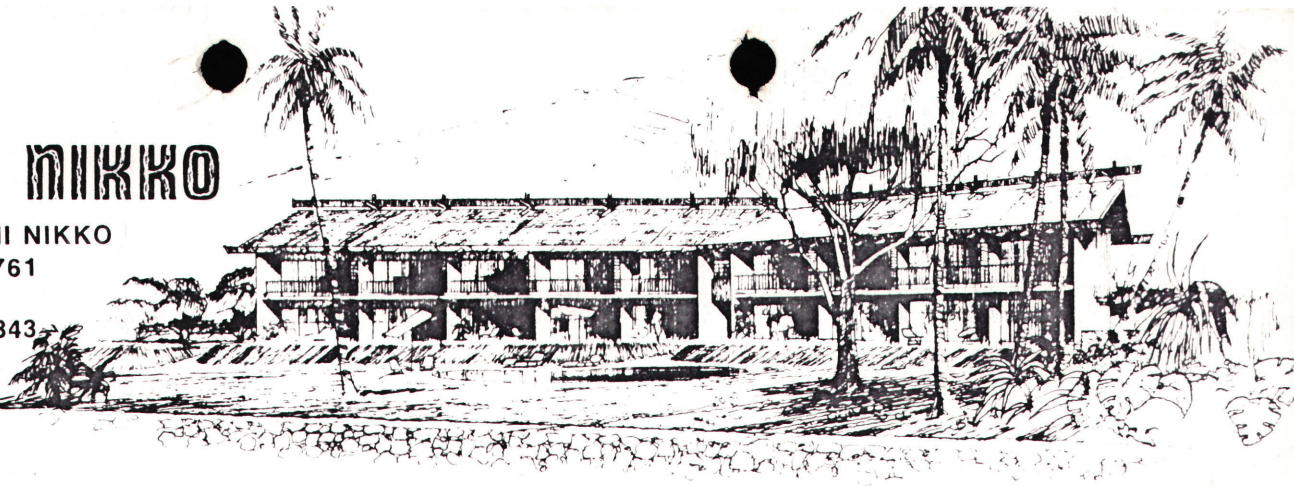
cc: W. G. Hall, President  
Pioneer Mill Co, Ltd.

Maui Land and Pineapple Co.

J. E. Loomis  
Amfac, Inc.

# HOYOCHI NIKKO

R.R. No. 1, HOYOCHI NIKKO  
LAHAINA, MAUI, 96761  
HAWAIIAN ISLANDS  
PHONE (808) 669-8343



May 21, 1975

Mr. Harris Suyama, District Engineer  
State Highway Department  
650 Palapala Drive  
Kahului, Maui, HI 96732

RECEIVED  
JUN 3 1975  
State of Hawaii  
LAND USE COMMISSION

Dear Mr. Suyama:

I appreciate the opportunity for Carolyn van der Linden and me to meet with you yesterday afternoon and to review the Honoapiilani Highway realignment plans for the Mahinahina area. I noted that the design has assumed termination of sugar cane cultivation coincidental with construction and that no provisions have been made for cane haul crossing nor the four irrigation crossings now in use.

As I wish to use this information in my application to the Land Use Commission, would it be possible for you to confirm these facts.

Sincerely,

Richard K. G. Stursberg

P.S.

Would you please send your letter to me in care of Mrs. van der Linden, P.O. Box 5 Lahaina, HI 96761

DOCKET NO. A 75-399  
PARTY P. Richard Stursberg EXH. NO. 5  
DATE IDENTIFIED 1/15/76 IN EVIDENCE 1/15/76

D. Hawkins  
CLERK

DOCKET NO. A 75.399

NOTES AND COMMENTS FOR THE PURPOSE OF PROVIDING INFORMATION REQUESTED ON ATTACHED LAND USE COMMISSION FORM. THIS IS NOT INTENDED TO REPLACE BUT RATHER TO SUPPLEMENT INFORMATION IN THE MAHINAHINA P.U.D. SUMMARY REPORT AND SITE PLAN. Numbers below refer to items on attached form.

PARTY P. Richard Stursberg IN EVIDENCE 6  
DATE IDENTIFIED 11

1. Map attached.
2. a. Owner.  
b. Owner.  
c. See attached map and page I of Summary Report. CLERK  
d. Approximately 75% is in cane through maturity of the '76 crop. Cultivation to be discontinued with realignment of the highway.
3. Not state lands.
4. See Summary Report section III and Mr. Stursberg's letter.
5. See Mr. Stursberg's letter.
6. a. Maui County as a whole, and West Maui in particular, is experiencing a severe housing shortage. Highways are congested with commuters who live far from their jobs. Tenants couple up in whatever housing they can find. Exorbitant rents are paid by those fortunate to find any roof over their heads. No houses are now available in the \$50,000 to \$70,000 range and whenever any become available they are snapped up in a short time. Any resident in Lahaina will attest to this situation.  
b. The entire Mahinahina P.U.D. Summary Report provides evidence as to the suitability of the subject property for residential use. Additionally, this specific area is designated as residential in the 701 Lahaina General Plan. Much thought has already been given to urban use of this area.  
c. The population trend is Northward in West Maui, and the subject property is located roughly halfway between Kaanapali and Kapalua, two development areas North of Lahaina. Employment opportunity is great and housing is in extremely short supply. See report pages 23, 29, 37, through 41 in particular in addition to section I Natural Systems Inventory and letter from Pioneer Mill Company.  
d. There is no indication that public agencies would be over burdoned by the addition of the Mahinahina Mauka development for residential use. West Maui has geared up for population growth that has not actually occurred up to projection.

Page 42 of the Summary Report covers utilities and services including water, electricity, sewer, garbage collection, police, and fire protection.

As for West Maui public schools, Lahainaluna High School with a present enrollment of 635 is considerably under projection for this date. They could accommodate about 680 now and have an

orderly plan for increasing their facilities to accommodate up to 750 within the next five years. The 1990 projection for this 4 year high school has been as high as 2000, but population trends so far do not seem to confirm that this will occur. Kam III which includes kindergarten through 8th grade has an enrollment of 1015 this year and anticipates an increase up to 1206 by 1980 according to studies by the DOE.

- 7. The realignment of Honoapiilani Highway scheduled to start at the end of 1975 and be completed in 1977 will create a barrier for efficient agricultural operation in lower Mahinahina as the portion of land between the existing road and the new highway will be cut off and become a remnant. Any effort to continue production of cane in the remnant property would require an industrial crossing for cane haul trucks as well as several irrigation connections, creating a safety hazard and additional cost for the highway construction.

This application is being timed so that redesignation of this Mahinahina land from agriculture to urban can coincide with the highway realignment, the development of the sewer system, and the maturity of the 1976 cane crop.

ASPA? COTTON FIBER  
 SOUTHWORTH CO. N.Y.  
 BASEBASE BOND

FINANCIAL STATEMENT - MAHINAHINA GROUP - December 31st. 1975

Assets

Bank Account - Lahaina \$2,409.97  
 Account Receivable 2,364.00

App 25 acres, Mahinahina \$217,226.03  
 Pchs price 200,000.  
 Commission 12,000.  
 Fees etc 5,226.03

Capital Funds Receivable \$275,000.  
 to be called as  
 required

\$497,000.

Liabilities

Commission Payable \$7,000.

Owing on Property pchse \$175,000.  
 payable \$25,000. annualy

Capital Funds paid in \$40,000.  
 by members

Members Capital Funds \$275,000.  
 Commitment

\$497,000.

R KGS/ Jany. 8.76

DOCKET NO. A75-389

PARTY P Richard Stenberg EXH. NO. 7

DATE IDENTIFIED 1/15/76 IN EVIDENCE 1/15/76

D. Jonhans  
 CLERK

PARTNERS MAHINAHINA HUI

<u>Interest Held</u>	<u>Name &amp; Address</u>	<u>Phone No.</u>
<del>47.29%</del> 44.29	R.K.G. Stursberg, Financial Consultant 1620 Taylor Way, West Vancouver, B.C., Canada	604/922/9740
<del>11.21%</del> 16.24	A.L.P. Stursberg, Journalist #1604, 1755 Riverside Dr., Ottawa, Ont. Canada, K1G 3T6.	613/733/6137
10.77%	C. Brouwer Investments Ltd. (C. Brouwer Travel 1332 Cammeray Rd., West Vancouver, Agent) B.C. Canada.	604/926/8320
3.96%	K. S. Holman, Chartered Accountant, 713 Eyremount Dr., West Vancouver, B.C., Canada	604/922/2463
3.95%	Dr. Arthur A. Fraser, Orthodontist 3064 Spencer Court, West Vancouver, B.C. Canada	604/922/7396
3.95%	Doug. H. Fraser, Pharmacist 7860 Cariboo Rd., Burnaby 3, B.C. Canada 605 Allison Place, New Westminster, B.C. V3L 5C1	604/522/6133
<del>5.81%</del> 6.84	H. Donald Cameron, Vice President, C.P. Airlines 806C - 661 Minoru Blvd., Richmond, B.C. Canada	604/273/4740
4.74	Jordan Guy, Solicitor 2773 Mathers Ave., West Vancouver, B.C. Canada	604/687/6575

5.26% J. R. MacInnes, Grain Dealer DOCKET NO. A75-399  
#D3, 119A Repulse Bay Rd., Repulse Bay, Hong Kong  
PARTY R. Richard Stursberg EXH. NO. 8  
DATE IDENTIFIED 1/15/76 IN EVIDENCE 1/15/76

R.K.G.S. June 10/75

D. Houkawa

CLERK



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

IN REPLY REFER TO  
HWY-DD  
2.23000

June 27, 1975

Mr. Richard K. G. Stursberg  
c/o Mrs. van der Linden  
P. O. Box 5  
Lahaina, Hawaii 96761

Dear Mr. Stursberg:

Subject: Honoapiilani Highway, Honokowai to Alaeloa  
FAP Project No. F-030-1(7)

Reference: Your letter dated May 21, 1975

Plans for the subject project are presently being finalized. Provisions for agricultural crossings, both roadway and irrigation, have not been made for the Mahinahina area. In our preliminary discussions, Pioneer Mill Co., Ltd. has verbally indicated that sugar cane cultivation is not planned for this area since the land in question has been sold to you.

Based on the above, the State is proceeding with its design of the highway subject to any adjustments during the negotiations and acquisitions of parcels for the highway. We are providing replacement access presently where Mahinahina Road exists.

If there are any questions or comments, please call or write to Mr. Harris Suyama, our Maui District Engineer.

Very truly yours,

T. HARANO  
Chief

Highways Division

DOCKET NO.

A75-399

PARTY

R. Richard Stursberg

EXH. NO.

9

DATE IDENTIFIED

1/15/76

IN EVIDENCE

1/15/76

CLERK