



LAURIE FISH

SP (T) 02-17

SPECIAL PERMIT CHECK SHEET

LUC File SP(T)- \_\_\_\_\_

Petitioner: \_\_\_\_\_ County \_\_\_\_\_

Key \_\_\_\_\_

Date petition and fee received: \_\_\_\_\_

Suspense date for LUC action: \_\_\_\_\_

Date LUC survey \_\_\_\_\_

Notices of hearings

<u>Dates</u>	<u>Publication</u>
_____	_____
_____	_____
_____	_____

Hearings

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

Actions

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

Notes:

STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

This space for official use

Date Application and Fee 1/21/63  
received by LUC \_\_\_\_\_

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain  
property located in the County of Maui, Island of Maui, Land  
Use Commission Temporary District Boundary map number and/or name M-11

\_\_\_\_\_, for the following-described purpose:

This land was purchased with the understanding that it might be divided in lots no less than 7,000 square feet, in compliance with Maui County regulations. Our wish is to use it only for residential purposes.

Description of property:

The Laurie Fish Subdivision is described as Portion of R.P. 7447, LCAW, 3237 Part 2 of Hewaheha Kaonoulu, Kula, Maui.

TMK 2-2-06:57

Petitioner's interest in subject property: As trustee of our small hui, I have been requested to petition that our subdivision as originally submitted (having complied with all existing regulations to our knowledge) be considered for approval. The 15.3 acres would be divided into one, two and 3½-acre building sites for single residences.

Petitioner's reason(s) for requesting special permit: Two of our hui members arrived on Maui with the completed subdivision plans as requested by the county, to be told that we were "too late"--that this area was to be set aside as agricultural zone. At no time were we notified of the pending action, either by the county of the state. Prior to this time, we had followed closely all the mandates set forth for size of lot, use of land, etc. We are, therefore, anxious to proceed with our subdivision as it stands, and as it was previously approved to our knowledge. This land was not purchased for speculation, but for personal use.

Signature(s) /s/ LAURIE FISH  
Mrs. Byron Fish  
Trustee, Laurie Fish  
Address: Subdivision, 801 S.W. 168th  
Seattle 66, Washington  
Telephone: Cherry 25785

This space for official use

The property is situated in a(n) \_\_\_\_\_ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) \_\_\_\_\_

For (agency) \_\_\_\_\_

STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

This space for official use

Date Application and Fee  
received by LUC

1/21/63

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of MAUI, Island of MAUI, Land Use Commission Temporary District Boundary map number and/or name M-11 Tax Key 2-2-06:57, for the following-described purpose:

This land was purchased with the understanding that it might be divided in lots no less than 7,000 square feet, in compliance with Maui county regulations. Our wish is to use it only for residential purposes.

Description of property:

The Laurie Fish Subdivision is described as Portion of R. P. 7447, ICAW 3237 Part 2 of Hewahewa Kaonoulu, Kula, Maui.

Petitioner's interest in subject property: As trustee of our small hui, I have been requested to petition that our subdivision as originally submitted (having complied with all existing regulations to our knowledge) be considered for approval. The 15.3 acres would be divided into one, two and 3 1/2-acre buildingsites for single residences.

Petitioner's reason(s) for requesting special permit: Two of our hui members arrived on Maui with the completed subdivision plans as requested by the county, to be told that we were "too late"--that this area was to be set aside as agricultural zone. At no time were we notified of the pending action, either by the county of the state. Prior to this time, we had followed closely all the mandates set forth for size of lot, use of land, etc. We are, therefor, anxious to proceed with our subdivision as it stands, and as it was previously approved to our knowledge. This land was not purchased for speculation, but for personal use.

Signature(s)

Laurie Fish

Mrs. Byron Fish

Trustee, Laurie Fish

Address:

168th  
Subdivision, 801 S. W.

Telephone:

Seattle 66, Washington

Telephone

Cherry 2 5785

This space for official use

The property is situated in a(n) \_\_\_\_\_ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) \_\_\_\_\_

For (agency) \_\_\_\_\_

RECEIVED

RECEIVED

FOR (U.S. ONLY)

JAN 21 1963

State of Hawaii  
LAND USE COMMISSION

Application for special use of land...

The property is located in (u) \_\_\_\_\_

THIS SPACE FOR OFFICIAL USE

Applicant:

Address:

Signature(s)

Application for special use of land...  
The property is located in \_\_\_\_\_  
County of \_\_\_\_\_  
The applicant requests approval of a special permit to use certain  
land for the following purposes:  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
The Commission hereby grants special use approval for the property  
located in \_\_\_\_\_ County of \_\_\_\_\_  
for the following purposes:

DESCRIPTION OF PROPERTY:

for the following-described purposes:

The Commission hereby grants special use approval for the

property located in the County of \_\_\_\_\_, State of \_\_\_\_\_

(1) (2) hereby request approval of a special permit to use certain

APPLICATION FOR SPECIAL PERMIT

Honolulu, Hawaii  
State of Hawaii  
LAND USE COMMISSION  
STATE OF HAWAII

RECEIVED BY THE  
DATE OF RECEIPTION AND FOR

THIS SPACE FOR OFFICIAL USE

State Form B14

STATE OF HAWAII

OFFICIAL RECEIPT No. 41

LAND USE COMMISSION  
426 Queen St., Honolulu, Hawaii

Department, Bureau or Commission

Jan. 21, 1963

RECEIVED from Joseph Q. Krenmayer for Laurie Fish  
Fifty & no/100 \_\_\_\_\_ DOLLARS

for public hearing by the LUC ~~at~~ the State of Hawaii  
for Special Permit for property on Oahu

\$ 50.00

Alberta L. Kai

Public Accountant

Ch # 203, Dolphin Beach

Seattle Trust & Savings Bank

STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

This space for official use

Date Application and Fee  
received by LUC

6/25/62

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Maui, Island of Maui, Land Use Commission Temporary District Boundary map number and/or name Tax Key 2-2-06-57 Kaonoulu, Kula, Maui, for the following-described purpose:

A sub-division consisting of maximum-sized lots (roughly an acre each) in accord with a projected plan of three years standing. The land has been held in trust until such time as our hui members could proceed with the financial responsibilities of road and water.

**Description of property:** This land lies above the upper Kula road, a long narrow neck surrounded on three sides by a deep gulch. It is crossed by an eight-inch county water main. One reason we have delayed proceeding with our subdivision plans was that we had been informed we could not have access to water until completion of the new water system. We understand that this system now is completed.

**Petitioner's interest in subject property:**

Our land has been held in a Trust Agreement, as the Laurie Fish Subdivision. I am trustee for a group of some 13 couples.

**Petitioner's reason(s) for requesting special permit:** The necessity of special permission to continue with our subdivision plans has come belatedly to our attention, apparently due to an omission of proper notification by county officials. At not time in the past three years have we been informed that any doubt existed concerning our use of the land. We have checked our plan with a number of county officials to make certain we were complying with all phases of Maui land use restrictions. May I submit that denial of our subdivision creates a great personal, as well as financial hardship.

Signature(s) Laurie Fish  
Trustee

Address: 801 SW 168th Seattle 66  
Ch 2 5785 Wash.

Telephone: Ch 2 5785

This space for official use

The property is situated in a(n) \_\_\_\_\_ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

RECEIVED

Signature(s) \_\_\_\_\_

For (agency) \_\_\_\_\_

RECEIVED

JUN 25 1962

State of Hawaii  
LAND USE COMMISSION

FOR (ADDRESS) \_\_\_\_\_

BY (NAME) \_\_\_\_\_

THIS SPACE FOR OFFICIAL USE

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

BY (NAME) \_\_\_\_\_

RECEIVED BY (NAME) \_\_\_\_\_

RECEIVED BY (NAME) \_\_\_\_\_

RECEIVED BY (NAME) \_\_\_\_\_

RECEIVED BY (NAME) \_\_\_\_\_

STATE OF HAWAII  
LAND USE COMMISSION

RECEIVED BY (NAME) \_\_\_\_\_  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

This space for official use

Date Application and Fee  
received by LUC

6/25/62

APPLICATION FOR SPECIAL PERMIT

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Kaonoulu, Kula, Maui, for the following-described purpose: A sub-division consisting of maximum-sized lots (roughly an acre each) in accord with a projected plan of three years. The land has been held in trust until such time as our hui members could proceed with the financial responsibilities of road and water.

**Description of property:** This land lies above the upper Kula road, a long, narrow neck surrounded on three sides by a deep gulch. It is crossed by an eight-inch county water main. One reason we have delayed proceeding with our subdivision plans was that we had been informed we could not have access to water until completion of a new system. We understand that this system now is completed.

**Petitioner's interest in subject property:**

Our land is held in a Trust Agreement, as the Laurie Fish Subdivision. I am trustee for a group of some 13 couples.

**Petitioner's reason(s) for requesting special permit:** The necessity of special permission to continue with our subdivision plans has come belatedly to our attention, apparently due to an omission of proper notification by county officials. At no time in the past have we been informed that any doubt existed concerning our use of the land. We have checked our plan with a number of county officials to make certain we were complying with all phases of Maui land use restrictions. May I submit that denial of our subdivision creates a great personal, as well as financial hardship.

Signature(s)

Laurie Fish  
Trustee

Address:

801 S. W. 168th Seattle 66  
Wash.

Telephone:

Cherry 2-5785

This space for official use

The property is situated in a(n) Special district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s)

For (agency)

NO. (NUMBER) \_\_\_\_\_  
DATE (DATE) \_\_\_\_\_

THE BOARD OF LAND AND NATURAL RESOURCES HAS RECEIVED THE FOLLOWING APPLICATION FOR A ZONING MAP AMENDMENT TO THE ZONING MAP OF THE STATE OF HAWAII.

**RECEIVED**

JUN 25 1962

State of Hawaii  
**LAND USE COMMISSION**

APPLICANT (NAME) \_\_\_\_\_

PROPERTY (ADDRESS) \_\_\_\_\_

PROPOSED ZONING MAP AMENDMENT (DESCRIPTION) \_\_\_\_\_

DATE OF APPLICATION \_\_\_\_\_

APPLICANT'S ADDRESS \_\_\_\_\_

APPLICANT'S TELEPHONE NUMBER \_\_\_\_\_

APPLICANT'S SIGNATURE \_\_\_\_\_

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES  
RECEIVED  
JUN 25 1962

PROPOSED SUBDIVISION  
OF  
KULA PROPERTY PURCHASE OF  
LAURIE FISH, OF SEATTLE ET AL

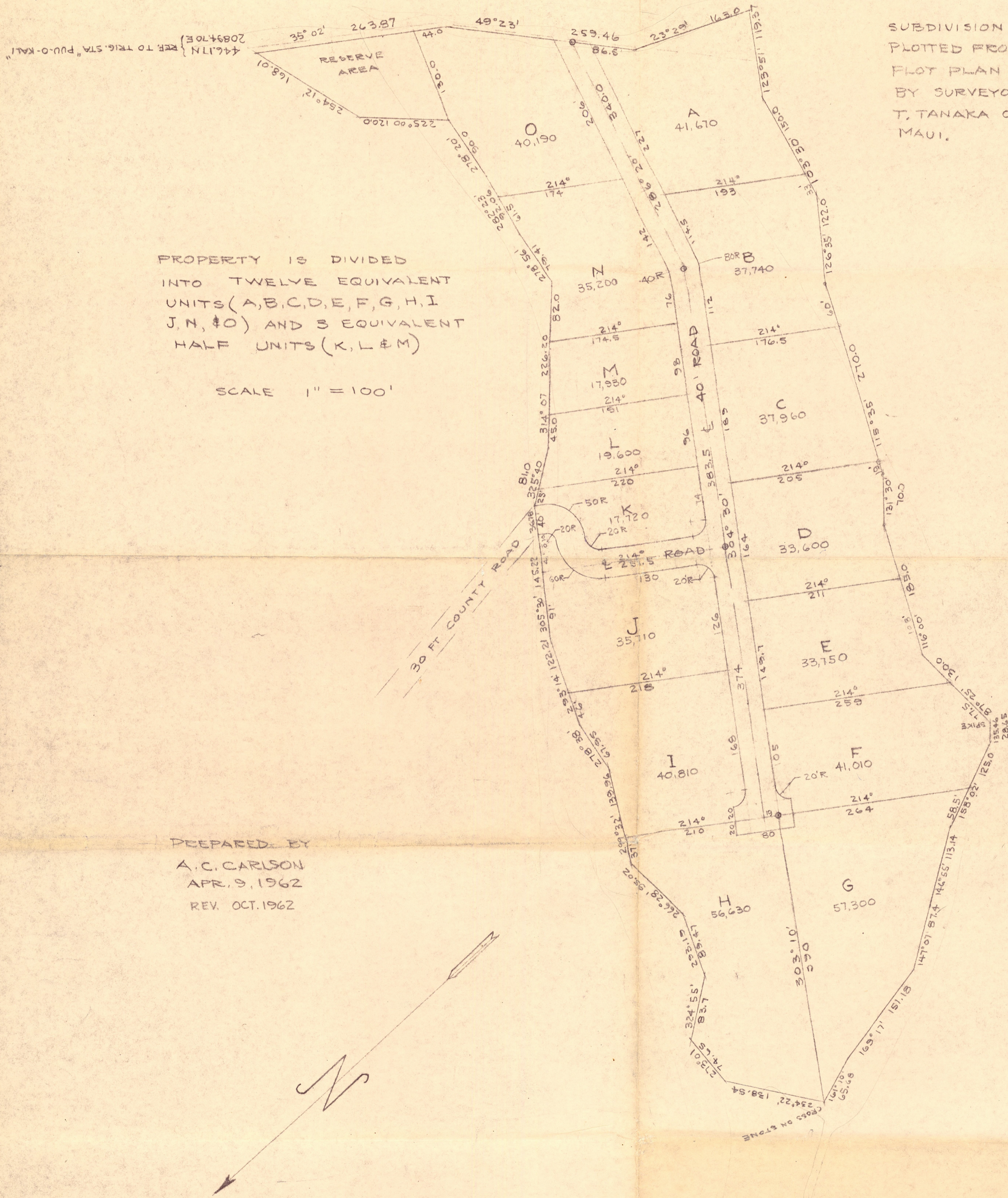
PLOT PLAN SHOWING PORTION OF R.P. 7447 L.C. AW 3237 PART 2 TO HEWAHEWA  
IN KAONOULU, KULA, MAUI, STATE OF HAWAII  
THAT IS BEING SOLD BY JULIAN E SIMPSON, THRU MAUI ASSOC. LIMITED  
(PURCHASER, LAURIE FISH, OF SEATTLE ET AL)

SUBDIVISION IS  
PLOTTED FROM THE  
PLOT PLAN PREPARED  
BY SURVEYOR THOMAS  
T. TANAKA OF WAILUKU,  
MAUI.

PROPERTY IS DIVIDED  
INTO TWELVE EQUIVALENT  
UNITS (A, B, C, D, E, F, G, H, I,  
J, N, & O) AND 3 EQUIVALENT  
HALF UNITS (K, L & M)

SCALE 1" = 100'

PREPARED BY  
A. C. CARLSON  
APR. 9, 1962  
REV. OCT. 1962



PROPOSED AGRICULTURAL SUBDIVISION  
OF KULA PROPERTY

LOT AREA IN SQ. FT NOTED  
BELOW EACH LOT LETTER

TAX MAP KEY 2-2-06-57

SENT TO Comm.  
514

RECEIVED  
FEB 28 1963  
State of Hawaii  
LAND USE COMMISSION

February 27, 1963

Mr. and Mrs. William Cowling  
General Delivery  
Paia, Maui, Hawaii

Dear Mr. and Mrs. Cowling:

Receipt is acknowledged of your letter clarifying the application for special permit of parcel of land in Kula. Letter of authorization from Mrs. Fish to Mr. Darnell has also been received.

It is our understanding that the application as amended will be for subdivision as shown on map with lot sizes ranging from 17,900 to 57,300 square feet. This matter will be brought up before the Planning Commission on March 5, 1963.

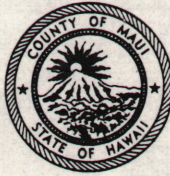
If there are any further questions or comments, please feel free to call on this office.

Very truly yours,

ROBERT O. OHATA  
Planning Director

cc: Mr. R. J. Darnell  
State Land Use Commission

G. N. TOSHI ENOMOTO  
County Clerk



OFFICE OF  
**COUNTY CLERK**  
COUNTY OF MAUI  
WAILUKU, MAUI, HAWAII  
March 19, 1963

*copy for Stephenson folder attached*

BONIFACE ESPINDA  
Deputy County Clerk

*6251*

RECEIVED

MAR 21 1963

State of Hawaii  
LAND USE COMMISSION

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

Dear Mr. Darnell:

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

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

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

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

Very truly yours,

G. N. TOSHI ENOMOTO  
County Clerk

Encl.

Ref. No. LUC 539

April 19, 1963

Mr. Wm. E. Cowling  
General Delivery  
Paia, Maui, Hawaii

Dear Mr. Cowling:

Enclosed is a copy of the Special Permit granted by the Land Use Commission as requested in your letter of April 18, 1963. Please accept my apologies for inadvertently overlooking this matter. I hope this did not inconvenience you in any way.

Very truly yours,

ALBERTA L. KAI  
SECRETARY

Enclosure

32XCOLLUM LIB  
L A B E - E N V A S E  
E V C F E - V

RECEIVED

APR 18 1963

State of Hawaii  
LAND USE COMMISSION

General Delivery  
Paia, Maui, Hawaii  
April 18, 1963

State of Hawaii  
Land Use Commission  
426 Queen Street  
Honolulu, 13, Hawaii

Dear Sir:

RE: Laurie Fish Subdivision  
Tax Map Key 2-2-06:57  
Kaonoulu, Kula, Maui

On March 28, 1963 the State Land Use Commission voted approval of a Special Use Permit to sub-divide the above parcel of land.

I have learned that a copy of a letter confirming the Commission's action has been sent to the Maui County Planning Commission. Since I am representing Mrs. Fish while I am in Hawaii, I would appreciate having a copy of that letter sent to me at the above address.

Yours truly,

*Wm E. Cowling*

Wm. E. Cowling

Ref. No. LUC 521

April 4, 1963

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

Dear Mr. Ohata:

Enclosed are copies of Special Permits granted by the Land Use

Commission to:

Laurie Fish, Et Al. - SP(T) 62-17  
Meleana Pehukoa, Et Al. - SP(T) 63-41  
Tsugio Tanigawa - SP(T) 62-11  
Abner Delima - SP(T) 62-36

Very truly yours,

W. N. MULLANEY  
FIELD OFFICER

Enclosures

Ref. No. LUC 522

April 4, 1963

Mr. G. N. Toshi Enomoto  
County Clerk  
County of Maui  
Wailuku, Maui, Hawaii

Dear Mr. Enomoto:

Enclosed are copies of Special Permits granted by the Land Use

Commission to:

Laurie Fish, Et Al. - SP(T) 62-17  
Meleena Pahukoa, Et Al. - SP(T) 63-41  
Tsugio Tanigawa - SP(T) 62-11  
Abner Delima - SP(T) 62-36

Very truly yours,

W. M. MULLANEY  
FIELD OFFICER

Enclosures

426 Queen Street  
Honolulu, Hawaii

LUC File	62-17
Applicant(s)	Marie Fish, Et Al.
Public Hearing at	Wailuku, Maui
on	March 6, 1963

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) Maui (Island) Maui  
Second Division, TMK 2-2-06: 57

for the following purpose(s):

The right to subdivide the subject parcel for residential purpose.

subject to the following conditions, in the interest(s) of proper community development.

1. That the approval of the County of Maui be obtained for the proposed use.

(Signed) \_\_\_\_\_

FIELD OFFICER

(Title) \_\_\_\_\_

Date of Grant March 28, 1963

426 Queen Street  
Honolulu, Hawaii

LUC File	PT) 62-17
Applicant(s)	Castle Fish, et al.
Public Hearing at	Wailuku, Maui
on	March 6, 1963

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) Maui (Island) Maui  
Second Division, TRK 2-2-06: 57

for the following purpose(s):

The right to subdivide the subject parcel for residential purpose.

subject to the following conditions, in the interest(s) of proper  
community development.

1. That the approval of the County of Maui be obtained for the proposed use.

(Signed) \_\_\_\_\_

FIELD OFFICER

(Title) \_\_\_\_\_

Date of Grant March 28, 1963

STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

LUC File	SPCTD 62-17
Applicant(s)	LAURIE FISH, ET. AL.
Public Hearing at	7:30 pm
on	MARCH 6, 1963

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) MAUI (Island) MAUI

Second Division TMK 2-2-06:57

for the following purpose(s):

the rights to subdivide the subject  
parcel for residential purposes.

subject to the following conditions, in the interest(s) of proper  
community development.

(1) that the approval of the County of Maui  
be obtained for the proposed use.

(Signed) \_\_\_\_\_

(Title) \_\_\_\_\_

Date of Grant 3-28-63

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM SP(U) 62-17  
DATE 3/28/63  
PLACE B/S MAUI  
TIME 5:10

<u>NAMES</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>KANEMOTO, E.</u>	✓			
<u>WILLIAMS, R.</u>	✓			
① <u>FRIEL, S.</u>	✓			
② <u>SUNN, F.</u>	✓			
<u>IGE, Y.</u>	✓			
<u>GREGG, W.</u>	✓		✓	
<u>LOMBARDI, F.</u>				
<u>COOK, E. H.</u>				
<u>BRYAN, E.</u>	✓			

COMMENTS:

Approve

Ref. No. LUC 508

March 21, 1963

Mrs. Laurie Fish  
301 Southwest 163rd Street  
Seattle 66, Washington

Dear Mrs. Fish:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Maui on March 28, 1963, at 4:30 p.m., in the Maui County Board of Supervisors' Boardroom, Wailuku, Maui.

As the waiting period prescribed by the Commission's Rules of Practice and Procedure, Sub-Part C, Sec. 1.20(f), will have expired, your application for Special Permit has been placed on the agenda for consideration by the Commission. Final action may be taken at that time.

Very truly yours,

W. H. MULLANEY  
FIELD OFFICER

cc: Mrs. Byron Fish  
Mr. Ralph N. Villiers, 55 N. Church St., Wailuku, Maui  
Mr. and Mrs. William Cowling, General Delivery, Paia, Maui  
Mrs. Erensayr, c/o the Cowlings

JOSEPH S. MEDEIROS, JR., CHAIRMAN  
KAZUO KAGE, VICE-CHAIRMAN  
WILLIAM HONG, MEMBER  
YOSHIKAZU MATSUI, MEMBER  
MASAO NAGASAKO, MEMBER  
RICHARD H. TAYLOR, MEMBER  
ROBERT UEOKA, MEMBER



KOICHI HAMADA, EX-OFFICIO  
HIDEO HAYASHI, EX-OFFICIO  
JEAN R. LANE, EX-OFFICIO  
NORMAN SAITO, EX-OFFICIO  
ROBERT O. OHATA, PLANNING DIRECTOR  
MRS. EVA M. DUPONTE, SECRETARY

PLANNING AND TRAFFIC COMMISSION

COUNTY OF MAUI  
P. O. BOX 1487  
KAHULUI, MAUI, HAWAII

March 7, 1963

RECEIVED

MAR 11 1963

State of Hawaii  
LAND USE COMMISSION

bds

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

Dear Mr. Bryan:

Re: Special Permit for  
Laurie Fish Subdivision

The Maui Planning and Traffic Commission, at its meeting of March 5, 1963, voted unanimously to recommend approval of the request for special permit to subdivide a parcel in Kula, Maui, Tax Map Key 2-2-06:57.

The action of the Commission is for a residential subdivision with lots ranging from 17,720 to 57,300 as shown on map prepared by Mr. A. C. Carlson, revised in October, 1962. The approval of the subdivision as shown on the map, automatically eliminates the 7000 square foot lots that is mentioned in the application for special permit.

Very truly yours,

ROBERT O. OHATA  
Planning Director

cc Laurie Fish  
cc William Cowling  
cc Public Works Committee,  
Board of Supervisors

G. N. TOSHI ENOMOTO  
COUNTY CLERK



BONIFACE ESPINDA  
DEPUTY COUNTY CLERK

OFFICE OF  
COUNTY CLERK

COUNTY OF MAUI  
WAILUKU, MAUI, HAWAII

March 4, 1963

596

RECEIVED

MAR 7 1963

State of Hawaii  
LAND USE COMMISSION

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

Dear Mr. Darnell:

Please be advised that your letter (LUC 423) dated February 14, 1963, regarding an application for Special Permit submitted by Laurie Fish, et al, was referred to the Public Works Committee of the County of Maui by the Board of Supervisors at its meeting of March 1, 1963.

Very truly yours,

G. N. TOSHI ENOMOTO  
County Clerk

/lye

STATE OF HAWAII  
LAND USE COMMISSION

Wailuku Elementary School Cafetorium  
Wailuku, Maui, Hawaii

7:30 P.M.  
March 6, 1963

STAFF REPORT

SP(T) 62-17

Temporary District Classification: AGRICULTURAL

APPLICATION OF LAURIE FISH, for Special Permit to subdivide 15.3 acres (corrected to 14.25 acres) into residential lots on land in Kula, Maui, described as Second Division, TMK 2-2-06: 57.

The applicant, who lives in Seattle, states that she is trustee for the hui which owns and wishes to develop the property. The application has engendered a voluminous correspondence extending over a period of approximately 8½ months, from its original date of June 25, 1962. The application was dropped following Attorney General's Opinion 62-33, and reactivated on January 21, 1963. More recently, the hui has been represented in Hawaii by Mr. and Mrs. William E. Cowling, who are temporarily resident on Maui. After conferring with the Cowlings, it was anticipated that the application would be dropped; but no word to that effect was received in time to prevent advertisement; and the applicants have decided to continue the matter since the filing fee is not now returnable.

The subject property lies some distance mauka of the present junction of the Upper and Lower Kula Roads, and must be reached by turning uphill from the Upper Road near the junction and traveling up a very narrow asphalt road about 1/3 mile, and turning off to the right on a half-mile of dirt trail (dedicated R/W) through a cabbage field, difficult for a passenger car to traverse. Commissioner Friel and the XO inspected the property from across Kaipoiol Gulch, in company with Mr. Ohata of the Maui County Planning Commission staff.

The water line apparently marks the mauka boundary of the property. There are no subdivisions in the area; and most of the land approaching the subject property is in farms of various sizes.

The area is recommended for final classification into an Agricultural district by Harland Bartholomew and Associates. Staff has recommended that additional area along the Upper Kula Road and below the water line be considered for final Urban classification; but this area was not included in that recommendation. A subdivision to the minimum standards set by the County of Maui for its own present agricultural zoning of the area would allow a more proper development of the property; therefore, staff recommends disapproval of the application.

LAURIE FISH • 801 Southwest 168th Street, Seattle 66, Washington

SENT TO COM.  
+ Ohatg

563

RECEIVED  
FEB 25 1963  
State of Hawaii  
LAND USE COMMISSION

February 20, 1963

Mr. R. J. Darnell  
Executive Officer  
State of Hawaii Land Use Commission  
Honolulu 13, Hawaii

Dear Mr. Darnell:

Thank you for your helpful letter of February 5 and the later notice that our special hearing has been scheduled.

By now, you have received the letter from Bill and Virginia Cowling. We have authorized the Cowlings to act in behalf of the hui in these matters requiring prompt decisions,

Because of the necessary haste and the delay in communications, things are moving much too fast for us to monitor every move from this distance.

May I clarify my error on the petition: I believe I stated that the property included some 15 acres--an error made evident by the accompanying plan which shows the actual area of 14.25 acres. I did not refer to our papers, and the 15-acre figure is the residue of memory from the size of the original piece.

As the Cowlings have stated, it probably would be better for us, if it is too late to withdraw from the hearing, the request 1-acre divisions rather than to attempt to continue with our original plat plan incorporating three half-acre pieces. However, the Cowlings have the authority to alter our petition if it seems desirable.

On that same petition, I mentioned the figure 7,000 square feet as having been the figure currently acceptable on Maui as a minimum lot size in the hopes that it would make our request for half-acre parcels sound enormous by comparison. I had the impression that the petition for hearing would be followed by more complete information, since the space was very small. I am sorry for the resulting confusion.

I have been out of town for several days, and will try to act more promptly if some decision is necessary here. Thank you for your patience and your time.

Sincerely,  
Laurie Fish, Trustee

Sent Copy to Comm. +  
Maui County  
#570

February 25, 1963

RECEIVED

FEB 26 1963

State of Hawaii  
LAND USE COMMISSION

Mr. R. J. Darnell  
Executive Officer  
State Land Use Commission  
426 Queen St.  
Honolulu 13, Hawaii

Dear Mr. Darnell,

We are enclosing a copy of our letter to Mr. Robert Ohata which hopefully will answer the questions of the Maui County Planning Commission and which may clarify any points not covered in Mrs. Fish's letter to you, dated February 20, 1963.

We appreciated the opportunity of talking with you when you were here February 25th, but cannot help being disappointed that you did not have time to get up to see the property itself. The land is bounded so narrowly by steep ravines, and so much of it is gully, (one of the reasons our engineer has been having such a problem designing equitable lots) that we had hoped your personal inspection would have persuaded you that it would not be economical to farm, and that our proposal for its use would not be in conflict with the intent of the Green Belt Law.

Very truly yours,

*Wm E. Cowling*

Mr. and Mrs. William E. Cowling  
General Delivery  
Paia, Maui  
Telephone: 492-851

cc Robert Ohata, Director  
Maui Planning Commission

Laurie Fish and Hui

February 25, 1963

Mr. Robert Ohata  
Planning Commission  
County of Maui  
Wailuku

RECEIVED

FEB 27 1963

State of Hawaii  
LAND USE COMMISSION

Dear Mr. Ohata,

As you requested clarification of the Application for Special Permit submitted by Mrs. Laurie Fish for her sub-division, we would like to add the following information.

The request is not to divide the land into 7,000 square foot lots. This figure was introduced into the petition solely to indicate that at the time our hui purchased the parcel, we were told that lots as small as 7,000 sq. ft. were acceptable. Therefore we were convinced that there would never be any question but that lots the size we planned--a minimum of 17,000 and up to around 57,000 sq. ft-- would be acceptable.

The petition also stated that the parcel consisted of 15.3 acres, whereas our final survey figure shows the parcel to contain 14.25 acres. We had been told at various times that our parcel consisted of 13.4, 14.25 or 15.3 acres--a matter of great consternation to our engineer trying to lay out lots and roadway. We now believe we own 14.25 acres.

The wording of the petition also conveyed the idea that we wanted the land divided into 1, 2 and  $3\frac{1}{2}$  acre lots. What this means, is that we wanted to divide the parcel into lots of 1 acre size, 2 acre size, and 3 lots of  $\frac{1}{2}$  acre size. As Mrs. Fish wrote in her clarifying letter to Mr. Darnell, February 20, 1963, the map prepared by A.C. Carlson dated April 9, 1962, revised October 1962, which was submitted with her application gives the correct figures and represents the plan intended.

In late 1959, thirteen (unlucky) couples of us began negotiating to purchase this 14.25 acre piece. Three couples bought  $\frac{1}{2}$  acre "interests", 2 couples wanted 2 acre interests, and the rest wanted 1 acre interests. Because of the amount set aside for the road, and because of some completely unusable land in gulches, the square foot measurement of each lot turned out to be less than actual  $\frac{1}{2}$ , 1 or 2 acre size as you can see by reference to the map.

Although we had hoped to subdivide and secure our individual deeds as quickly as possible--some of the members planned to build immediately, we received so much conflicting advice from agencies and individuals that we have been constantly preparing, submitting and revising plans to keep up with the advice and information we had. Since arriving in Maui, it appears to us that our groups intent to subdivide has been quite well known throughout these past three years, but there has been confusion as to exactly what we wanted.

We repeat, our earnest hope is to divide the land according to the plan submitted with the petition. This would be a division according to the financial interests of each of the parties in the hui, and would therefore facilitate our going ahead with development and use of the land. If our application is

Mr. Robert Ohata  
Page 2  
February 25, 1963

denied, this will necessitate a re-shuffling of the members' funds--the smaller participants needing to be bought out by the larger (who may have neither the funds nor desire to increase their share). Another problem in trying to re-apportion the land, would be in trying to determine a fair price to the members squeezed out, for land purchased with the implicit idea of homesites, but subsequently zoned "agricultural." These are only a couple of the problems we can anticipate, and which could well result in this parcel being hopelessly entangled with 13 families and their heirs on into the indefinite future--a prospect which does not seem consistent with the "highest and best use" of the land.

We hope this clarifies our intent and reasons. Mrs. Fish has written a letter to you and to Mr. Darnell authorizing us to be her representatives while we are in Hawaii, and we would appreciate it if you would direct further questions you may have at this time to us. We would also appreciate it if you would enclose an extra copy of any letters you address to us so that we could send this on to Mrs. Fish and the hui to advise them of our activities.

Very truly yours,

*Wm E. Cowling*

Mr. and Mrs. William E. Cowling  
General Delivery  
Paia, Maui  
Telephone: 492-851

cc R.J. Darnell, Executive Officer LUC ✓  
Laurie Fish and Hui

JOSEPH S. MEDEIROS, JR., CHAIRMAN  
KAZUO KAGE, VICE-CHAIRMAN  
WILLIAM HONG, MEMBER  
YOSHIKAZU MATSUI, MEMBER  
MASAO NAGASAKO, MEMBER  
RICHARD H. TAYLOR, MEMBER  
ROBERT UEOKA, MEMBER



KOICHI HAMADA, EX-OFFICIO  
HIDEO HAYASHI, EX-OFFICIO  
JEAN R. LANE, EX-OFFICIO  
NORMAN SAITO, EX-OFFICIO  
ROBERT O. OHATA, PLANNING DIRECTOR  
MRS. EVA M. DUPONTE, SECRETARY

## PLANNING AND TRAFFIC COMMISSION

COUNTY OF MAUI

P. O. BOX 1487

KAHULUI, MAUI, HAWAII

February 20, 1963

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

Dear Mr. Darnell:

The Maui Planning and Traffic Commission, at its meeting of February 19, 1963, voted to defer action on the request for special permit from Mrs. Byron Fish.

The Commission, after reviewing the request for special permit, finds that Mrs. Fish would like to subdivide said parcel into 7000 square foot lots. The Commission has received a map showing lot sizes of 17,900 to 57,300 square feet. There was no map showing the layout for the proposed 7000 square feet subdivision.

Please send as soon as possible, an addendum to the application, or a statement from you stating precisely what the special permit for Mrs. Fish entails so that the Maui Commission may be able to decide on the specific subdivision contemplated by Mrs. Fish.

Very truly yours,

A handwritten signature in blue ink that reads "Robert O. Ohata".

ROBERT O. OHATA  
Planning Director

cc Cornwall Friel

February 21, 1963

Mr. and Mrs. William Cowling  
General Delivery  
Paia, Maui, Hawaii

Dear Mr. and Mrs. Cowling:

Enclosed is a copy of the letter sent by this office to Mrs. Fish on February 5, 1963, subsequent to my meeting with you (and after further checking with the Attorney General's office); and in sufficient time for Mrs. Fish to have notified this office to cancel the application, should she have desired to do so. It would have been most improper for me to have suggested to her that she do so.

The filing fee is not returnable after public notice has appeared.

The application is for Special Permit to use the area for single-family residential purposes as primary uses of the property. A petition for boundary change could have been made instead, as we discussed the matter in Honolulu. The decision is entirely up to the applicants in this case; and I think it would make very little difference, in this case, except that, generally speaking, the establishment of an Urban district might be construed as anticipatory of additions in the future, towards becoming a town or a city.

If you will contact Mr. Ohata at the Maui County Planning and Traffic Commission offices in Kahului, I believe he has the proposed regulations and maps. He can also inform you as to where they are posted in public places on Maui.

I expect to be on Maui during the afternoon of Monday, February 25, and will inspect the property in question sometime between the hours of 1:00 and 5:00 p.m. Mr. Ohata will be able to give you a more specific schedule. I will be happy to meet you on the property.

Also enclosed are a copy of the Interim Regulations, a copy of the Changes which have recently been made to them, and a copy of the proposed regulations.

Very truly yours,

R. J. DARNELL  
EXECUTIVE OFFICER

Enclosures

SENT TO  
Comm. +  
Odetg

General Delivery  
Paia, Maui  
February 14, 1963

RECEIVED

FEB 15 1963

State of Hawaii  
LAND USE COMMISSION

551

Mr. R. J. Darnell  
Executive Officer  
State Land Use Commission  
426 Queen Street  
Honolulu 13, Hawaii

Dear Mr. Darnell:

I have just seen the notification in the Maui News giving the agenda for the hearings taking place here March 6 and 7, and noticed that Laurie Fish's application was listed.

We are in a quandary now, as after talking with you, we understood that Mrs. Fish's statement on the petition was not consistent with the map submitted and that you were writing her a lengthy explanatory letter and returning her application and map for correction. We figured we therefore had time to talk with the Planning Commission here, and to determine what other alternatives were open to us; and to then advise the hui whether we should resubmit the application. We did this immediately after arriving in Maui, and the group decided not to ask for a Special Permit, and evidently assumed that there was no need to withdraw the incorrect application--Mrs. Fish would merely not resubmit the application. Was this a misunderstanding on our part?

However, now that the notice has appeared in the papers, does this mean we cannot have our \$50 returned?

If we cannot have this returned, does this mean you will act on the petition as originally submitted, even though what we are requesting is not clear, in that the map and request are inconsistent?

Or would it be possible to amend the petition prior to the hearing? If it requires a special permit for only the lots less than an acre out of the 13 lots, maybe we would want to try for making all of them the half-acre size, and get more people into the hui to share the subdivision costs, which are more than we anticipated. Could we amend the application prior to the hearing?

Then if our \$50 is irretrievably committed, we would like to make the most of it, and would like your advice on whether the application should be for:

- a) A Special Permit to use ~~the~~ a parcel for residential lots, on land described as Second Division (assume this means agricultural), or
- b) A change of Temporary District Boundary from an Agricultural District to an Urban District Classification.

We consulted two lawyers in Honolulu, who unfortunately could not advise us, but suggested we look into it when we got to Maui.

Also, when I saw the first short news article in The Maui News of February 9, stating that there were going to be hearings by the LUC on March 6 and 7, I called the Planning Commission here, to ask if these were on individual petitions and was told, "No, the hearings concerned only proposed Final District Regulations and Boundaries, and the maps were available at the Planning Commission."

Only last week, also, we had asked at the Engineer's Office for copies of the proposed Final District Regulations, and were told that none were available, as they were in the process of revision. (Although the newspaper notice of Feb. 13 says these should be on file for public inspection.) So will you please send us copies

of these, also a copy of the Law--we sent the three copies you gave us in Honolulu on to the hui so they could study it.

I realize this is a new law, and can appreciate all the implementing problems, but when a lay person has such difficulty getting counsel to guide him, it is difficult to make decisions within all these deadlines.

Perhaps what we do want is the reclassification, as the Land Use Map, based on the 1980 High Population Projection, shows an expanded residential area about where our 14 acres are.

Also from the General Plan, it states: "The Kula District has been a water problem area for many years. Severe droughts which occur periodically have caused heavy losses to farmers in the area. Because of its elevation, basal ground water cannot be developed economically. Improvement of the intakes and storage at the Waikamoi-Honomanu watershed, which are under construction, will help to meet Kula's anticipated increase in both domestic and irrigation water demands. However, these improvements will by no means meet all demands. Consideration should be given to construction of a supplementary system at a lower elevation." This does not sound too promising for farming in the Upper Kula, and as domestic water requirements would be far less than farm requirements, it would seem that the "highest and best use" of that little parcel might well be as a retirement residential area.

Actually, the reason we delayed subdivision and building was because of this water problem. We arranged to purchase the 14 $\frac{1}{2}$  acres in late 1959, and were told in a letter from the realtor of March, 1960 that we would not be able to start building until the new water line was in, in approximately 11 or 12 months, and that additional outlets for new subdivisions would not be authorized until completion of the line. Even our purchase contract of May 9, 1960 lists as a special condition: "It is stipulated that no new water connections are to be made until completion of the new Kula line--estimated 8 to 9 months." In a letter from the realtor of Oct. 1960, he said the Waikamoi Dam project had bogged down and probably wouldn't be completed until about June, 1961, and that probably only one person could build with the single outlet available on the land. (The Maui News of Feb. 13, 1963 also refers to the Waikamoi Reservoir Project as a "persistently bad-luck project" which is still having troubles and running out of funds.) The Water Department now tells us that their new line won't be available until perhaps May, 1963.

We finally received our deed to the whole parcel the end of Dec. 1960, after an exchange of many letters (made copies of 29 letters to that point and the file was incomplete) and at no time has there been as much as one year elapsing without our working toward the subdivision goal. I noted that a Tax Key Map in the Maui County Engineer's Office, dated Dec. 21, 1961, shows our parcel divided into proposed lots.

Of course, we would rather just have our \$50 back at this point, until we have time to find out what course is to our best interest, as well as conforming as much as possible to the spirit of the law. I know how busy you must be at this time, but we, too, are under pressure, as we have only three weeks until the hearing to notify the hui of this development and get their thinking and instructions.

cc-Laurie Fish and Hui  
Robert Ohata

Hopefully,  
*Bill and Virginia Cowling*  
William and Virginia Cowling

SENT TO Comm. of  
Maui County

General Delivery  
Paia, Maui  
Hawaii  
February 13, 1963

RECEIVED

FEB 14 1963

State of Hawaii  
LAND USE COMMISSION

554

Mr. R. J. Darnell  
Executive Officer  
State Land Use Commission  
426 Queen Street  
Honolulu 13, Hawaii

Dear Mr. Darnell:

the  
We are still digesting a wealth of information you gave us when we saw you, and have been relaying this and subsequent data to our hui members. We find that preparing 13 copies of six-page bulletins interferes with our sightseeing. Also the democratic process of getting everyone informed, and then getting enough accord among them to take any action, is all pretty slow. So as yet we do not know the thinking of the group on whether they wish to withdraw the request for special permit or not, or whether Mrs. Fish has advised you.

We find that Maui has the most stringent regulations of any of the counties, and that they will not allow "paper subdivisions." So for the members to get their individual deeds, we would have to proceed with actual road construction, or put up a 100% bond. Rough estimates of costs have been pretty frightening, and the hui may even decide to just sell the whole piece and look for an undiscovered island where we can indulge our individualistic fantasies.

We found the Kula area a little too cool right now and so are located in a beach cottage, address as above. Now that we are established and have a phone installed, our information-gathering is facilitated and we hope soon to be able to present the various alternatives and costs so the hui can get this affair decided and settled.

Thank you again for your time and patience.

Sincerely,

*Bill and Virginia Cowling*  
William and Virginia Cowling

/jk

cc-Laurie Fish

Ref. No. LUC 427

February 15, 1963

Mrs. Laurie Fish  
801 Southwest 168th Street  
Seattle 66, Washington

Dear Mrs. Fish:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on March 6, 1963, at 7:00 p.m., in the Wailuku Elementary School Cafetorium, Wailuku, Maui. Your application for Special Permit will be heard at that time.

Publication of Legal Notice appeared in the Honolulu Star-Bulletin on February 12, 1963 and in the Maui News on February 13, 1963.

Very truly yours,

R. J. DARNELL  
EXECUTIVE OFFICER

cc: Mrs. Byron Fish  
Mr. Ralph H. Villiers, 55 N. Church St., Wailuku, Maui  
Mr. and Mrs. William Cowling, General Delivery, Paia, Maui  
Mrs. Krennmayr, c/o the Cowlings

Ref. No. LUC 423

February 14, 1963

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

Attention: The Honorable Eddie Tam, Chairman  
and Executive Officer

Gentlemen:

The State Land Use Commission has requested me to obtain your recommendation and comments for the following matter, pending before the Commission, to be heard within the County of Maui on March 6, 1963, at 7:00 p.m., in the Wailuku Elementary School Cafetorium, Wailuku, Maui.

An application for Special Permit to subdivide 15.3 acres into residential lots by Laurie Fish, et. al. of which a copy of the application is enclosed.

The Land Use Commission would appreciate your written recommendation and/or comments prior to the date of the hearing or up to fifteen days following the date of the hearing. Further the Commission invites your attendance at the hearing.

Very truly yours,

R. J. DARNELL  
EXECUTIVE OFFICER

Enclosure

February 5, 1963

Mrs. Laurie Fish  
801 Southwest 168th Street  
Seattle 66, Washington

Dear Mrs. Fish:

Your application and \$50.00 filing fee for Special Permit were received in this office on January 21, 1963. Subsequently, I have met (on January 29, 1963) with Mr. and Mrs. Cowling and Mrs. Krennmyr.

May I call your attention to the enclosed copy of a letter addressed to Mr. Robert Chata, Maui Director of Planning, and offer these comments:

- (1) The County of Maui controls the size of lots, and without zoning by the Land Use Commission to an Urban classification; any subdivision of the property would have to be according to Maui County's regulations respecting the specific county agricultural zoning district in which your property is located.
- (2) Without rezoning the property to Urban classification, the Land Use Commission can only handle a request for primary use of the property for residential purposes, and the application is being processed on that basis.
- (3) If it is your intention to conform to the County of Maui zoning regulations regarding lot size for your area, and if it can continue to be stated that any residence built on the lots is an accessory to agricultural use of any kind, then no permission from the Land Use Commission need be requested.

We are continuing to process your application. The notice of public hearing, to be held in the Hailuku-Kahului area on the evening of March 6, 1963 (exact place and time not yet set) will probably appear in the Maui News on February 13, 1963 and in either or both of the Honolulu daily newspapers on the 11th or 12th of February.

Mrs. Laurie Fish  
Page 2  
February 5, 1963

I trust this letter and the enclosure will serve to clear up any misunderstanding regarding the respective jurisdictions and regulations of the State and the County of Maui. I do believe the Land Use Commission would appreciate your clearing up the apparent conflicts in your statements as to how you intend to subdivide and use your land.

Very truly yours,

R. J. DANIELL  
EXECUTIVE OFFICER

Enclosure  
cc: Mr. Robert Chata, Planning Director  
Maui Planning and Traffic Commission

February 5, 1963

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

Dear Mr. Ohata:

With reference to your letter of January 21, 1963, which enclosed a copy of Mrs. Laurie Fish's January 15 letter to you, may I make the following observations:

1. This office referred Mrs. Fish to your office for processing of her hui's subdivision upon our receipt (late last June) of Attorney General's Opinion 62-33.
2. We subsequently (early in August, 1962) received and transmitted to you Attorney General's Opinion 62-38, which stated that, although the Land Use Commission has no control over lot sizes in new developments in Agricultural districts, it is up to the counties to see that the uses of such land are not out of keeping with those allowed in this Commission's regulations for Agricultural districts.

On January 21, 1963, this office received and is now processing an Application (copy enclosed) and filing fee for Special Permit from Mrs. Fish, requesting that the land be used "only for residential purposes."

You will note that, on the application form, the statement is made that "The land was purchased with the understanding that it might be divided into lots no less than 7,000 square feet, in compliance with Maui County regulations." Following, on the same Application, "The 15.3 acres would be divided into one, two and 3½-acre building sites for single residences. A letter (copy enclosed) refers to a "Proposed plan for subdivision of Laurie Fish property at Kula" which shows 15 lots ranging in area from 17,720 square feet (approximately 0.4 acre) to 57,300 square feet (approximately 1.3 acres). The title of the map submitted states that this is a "Proposed Agricultural Subdivision of Kula Property."

Mr. Robert Ghata, Planning Director  
Page 2  
February 5, 1963

Enclosed herewith are copies of the subject Application and the accompanying letter. May I request that you transmit the information to your Commission for their comments and recommendation. I am informing Mrs. Fish that the Land Use Commission does not handle lot sizes; and that her application can only be for permission to establish single-family residences as primary uses of the land, on whatever lots the County of Maui regulations permit in the particular Maui County agricultural zoning classification the subject property falls under.

The public hearing for Mrs. Fish's application can be held at the same place and on the same date as the public hearing for the final regulations and final boundaries, in Wailuku or Kahului on the evening of March 6, 1963.

Very truly yours,

R. J. DARNELL  
EXECUTIVE OFFICER

cc: Mrs. Laurie Fish

Enclosures

LAURIE FISH • 801 Southwest 168th Street, Seattle 66, Washington

SENT TO COMM

498

January 15, 1962

RECEIVED

JAN 21 1962

State of Hawaii  
LAND USE COMMISSION

Mr. R. J. Darnell  
Executive Officer  
State of Hawaii Land Use Commission  
426 Queen Street  
Honolulu 13, Hawaii

Dear Mr. Darnell:

Some months ago, July 6 of the past year, to be exact, you referred our application for Special Permit for approval of our proposed subdivision in Kaonoulu, Kula, Maui, back to Mr. Robert Ohata and the Maui County Planning and Traffic Commission.

After a great deal of correspondence, phone calls and submission of plans, Mr. Ohata has referred us once again to your office.

Naturally, we are confused. However, as we have from the beginning, we are attempting to comply with the regulations set forth for us, an inclosed herewith is the check for \$50 and three badly worded copies of our petition for a public hearing and a special permit.

If you could refer to our previous correspondence, perhaps you will note the problems involved in our case. Nothing has changed in the interim, including this indefinite status.

Because I have been in Europe this fall, I failed to proceed as promptly as I should have on Mr. Ohata's recommendation, but now I am prepared not only to proceed, but to "fire when ready, Gridley," and appear in person at the hearing if it will be of any use. Three others of our hui members will be in Hawaii at the end of this month, and two will be staying for a period of months. We are very anxious to proceed with our subdivision during their visit, and would greatly appreciate any attention you might give our problem.

Mr. Ralph Villiers, of Wailuku, has acted in our behalf in the past, but Ralph's many responsibilities may make it impractical for him to keep abreast of developments, if they could be called that.

I would greatly appreciate knowing if my presence would be of any use, and when the scheduling of the hearing might occur.

May I emphasize again that we have, at all times, complied with all county and state regulations as they were outlined to us, and at no time received any notice that our subdivision would not receive approval.

Sincerely,  
*Laurie Fish*

February 5, 1963

Mrs. Laurie Fish  
801 Southwest 168th Street  
Seattle 66, Washington

Dear Mrs. Fish:

Your application and \$50.00 filing fee for Special Permit were received in this office on January 21, 1963. Subsequently, I have met (on January 29, 1963) with Mr. and Mrs. Cowling and Mrs. Krenmayr.

May I call your attention to the enclosed copy of a letter addressed to Mr. Robert Ohata, Maui Director of Planning, and offer these comments:

- (1) The County of Maui controls the size of lots, and without zoning by the Land Use Commission to an Urban classification; any subdivision of the property would have to be according to Maui County's regulations respecting the specific county agricultural zoning district in which your property is located.
- (2) Without rezoning the property to Urban classification, the Land Use Commission can only handle a request for primary use of the property for residential purposes, and the application is being processed on that basis.
- (3) If it is your intention to conform to the County of Maui zoning regulations regarding lot size for your area, and if it can continue to be stated that any residence built on the lots is an accessory to agricultural use of any kind, then no permission from the Land Use Commission need be requested.

We are continuing to process your application. The notice of public hearing, to be held in the Wailuku-Kahului area on the evening of March 6, 1963 (exact place and time not yet set) will probably appear in the Maui News on February 13, 1963 and in either or both of the Honolulu daily newspapers on the 11th or 12th of February.

Mrs. Laurie Fish  
Page 2  
February 5, 1963

I trust this letter and the enclosure will serve to clear up any misunderstanding regarding the respective jurisdictions and regulations of the State and the County of Maui. I do believe the Land Use Commission would appreciate your clearing up the apparent conflicts in your statements as to how you intend to subdivide and use your land.

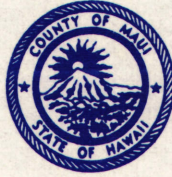
Very truly yours,

R. J. DARNELL  
EXECUTIVE OFFICER

Enclosure

cc: Mr. Robert Ohata, Planning Director  
Maui Planning and Traffic Commission

JOSEPH S. MEDEIROS, JR., CHAIRMAN  
KAZUO KAGE, VICE-CHAIRMAN  
WILLIAM HONG, MEMBER  
YOSHIKAZU MATSUI, MEMBER  
MASAO NAGASAKO, MEMBER  
RICHARD H. TAYLOR, MEMBER  
ROBERT UEOKA, MEMBER



KOICHI HAMADA, EX-OFFICIO  
HIDEO HAYASHI, EX-OFFICIO  
JEAN R. LANE, EX-OFFICIO  
NORMAN SAITO, EX-OFFICIO  
ROBERT O. OHATA, PLANNING DIRECTOR  
MRS. EVA M. DUPONTE, SECRETARY

PLANNING AND TRAFFIC COMMISSION

COUNTY OF MAUI

P. O. BOX 1487

KAHULUI, MAUI, HAWAII

January 21, 1963

511  
SENT TO COMMISSION

RECEIVED

JAN 25 1963

State of Hawaii  
LAND USE COMMISSION

Mr. R. J. Darnell  
Executive Officer  
State Land Use Commission  
426 Queen Street  
Honolulu 13, Hawaii

Dear Mr. Darnell:

Enclosed please find copy of letter from Mrs. Laurie Fish dated January 15, 1963. Mrs. Fish quotes you as saying that the Land Use Commission is without power to act upon her subdivision and that her request for subdivision is referred to the County of Maui. I enclose a sketch which was transmitted to this office by Mrs. Fish. It includes parcels ranging in area from 17,700 square feet to 57,300 square feet. Out of the 15 lots, only 2 lots are more than 1 acre in size. The County of Maui does not recognize any subdivision with lot area less than 1 acre as an agricultural lot. Accordingly, this subdivision must be given a special permit as a residential lot.

If, however, there is a proviso within the Act that establishes the Land Use Commission which provides that our Commission may act on lots this size and "of which we are not aware of" then please certify to that effect as conforming to the intent of Act 187.

Your early reply is requested.

Very truly yours,

ROBERT O. OHATA  
Planning Director

cc Mrs. Laurie Fish  
cc Ralph Villiers  
cc Joseph S. Medeiros

COPY

SENT TO COMMISSION

Laurie Fish - 801 Southwest 168th Street, Seattle 66, Washington

January 15, 1963

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

Dear Mr. Ohata:

If you will refer to our previous correspondence, you will note that we now have completed the circle. You referred us originally to the State Land Use Commission, and Mr. R. J. Darnell, Executive Officer of that board, referred us back to you on July 6, 1962, with the following information: "A recent ruling of the State of Hawaii Attorney General has stated that five acre minimum lot size required by the State Land Use Commission was not a valid power of this Commission...your subdivision plan may be acted upon by Maui County without referral to this commission."

Perhaps the fact that we are attempting to secure approval for our subdivision as it was originally approved (having passed all county requirements) is the factor that brings us once again to Oahu.

In this same mail, I am sending along the required papers, checks, plans, petitions and a plea for SOME kind of approval.

If this matter is to be raised for public hearing, would it serve a prudent purpose for me to present myself, with a picture of the proposed subdivision tattooed on my forehead with tax key number and other pertinent information, before the Hawaii State Land Use Commission? I will be willing to crawl across the Pacific on my hands and knees if it will help the cause.

Facetious remarks set aside, as you know we are anxious to proceed with our plans, since two of our members will be in the Islands for several months. May I have your impression of the advisability of presenting our case in person before the Commission?

Sorry to be so tardy; the German trip was a busy one, and with three little boys, so were the holidays. Happy New Year, incidentally. Perhaps I shall have the pleasure of meeting you in person some day.

Sincerely,

/s/ LAURIE FISH  
LAURIE FISH, TRUSTEE  
LAURIE FISH SUBDIVISION

cc: Ralph Villiers

LAURIE FISH • 801 Southwest 168th Street, Seattle 66, Washington

January 15, 1963

RECEIVED

JAN 25 1963

State of Hawaii  
LAND USE COMMISSION

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

Dear Mr. Ohata:

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Sorry to be so tardy; the German trip was a busy one, and with three little boys, so were the holidays. Happy New Year, incidentally. Perhaps I shall have the pleasure of meeting you in person some day.

Sincerely,

Laurie Fish, Trustee  
Laurie Fish Subdivision

CC: Ralph Villiers

Enclosures:

Check in the amount of \$50.00

Three (3) copies of petition for public hearing

Proposed plan for subdivision of Laurie Fish property  
at Kula

Ref. No. LUC 64

July 6, 1962

Mrs. Laurie Fish  
801 S.W. 168th Street  
Seattle 66, Washington

Dear Mrs. Fish:

I am writing concerning your application for Special Permit received by this office June 25, 1962 regarding lands in Kaonoulu, Kula, Maui described as Tax Map Key 2-2-06:57.

A recent ruling by the State of Hawaii Attorney General has stated that the five acre minimum lot size required by the State Land Use Commission was not a valid power of this Commission. Since it was that particular section of the Land Use Commission's Rules of Practice and Procedure from which your application for Special Permit appealed, your subdivision plan may be acted upon by Maui County without referral to this Commission.

My office has been in phone contact with Mr. Ralph N. Villiers of Maui who, I believe, has been handling your subdivision locally; and he has been informed of this development.

Enclosed is a copy of your application, along with materials relating to Act 187 which may be of interest to your group.

Very truly yours,

R. J. DARNELL  
Executive Officer

**Enclosures**

cc: Ralph N. Villiers, 55 N. Church St., Wailuku, Maui, Hawaii  
Robert Ohata, Planning Director  
Maui County Planning and Traffic Commission  
Kahului, Maui, Hawaii

WM:ak

MAUI - ZBC - 2-2-06-10

IN RE SEATTLE GROUP - 14 ac. Res.  
Sub.

RALPH N. VILLIERS

Real Estate Broker

Appraisals - Insurance

33947

55 N. CHRUCH ST.

WAILUKU, MAUI, T. H.

MEMORANDUM

TO: FLS

FROM: MULLANEY

SUBJ: Special Permit application by L. Fish

Mr. Ralph N. Villiers, a real estate broker from Maui acting as legman for the applicatn, was in to see me on Thursday 21 June 1962 regarding this application, he gave the TMK as being 2-2-06-10 which I believe is the proper one<sup>e</sup> according to his information and the tax maps that we have.

At that time I suggested that the zoning boundary change application was the appropriate approach to use in this instance regarding a residential subdivision. He took some forms and said that he would contact his principals in Seattle and advise them along those lines. The application at hand should be delayed and a letter written to the Seattle principles explaining what has transpired, with a copy to their agent on Maui.

LAURIE FISH • 801 Southwest 168th Street, Seattle 66, Washington

242-42  
**RECEIVED**

**JUN 25 1962**

**State of Hawaii  
LAND USE COMMISSION**

June 21, 1962

Mr. Edward C. Bryan, Chairman  
Land Use Commission  
Maui County Board of Supervisors  
Maui, Hawaii

Dear Mr. Bryan:

Mr. Robert Ohata, Planning Director of the Planning and Traffic Commission of Maui, has referred us to your office with reference to our proposed subdivision at Kaonoulu, Kula, Maui, Tax Key 2-2-06-57.

I should like to bring your attention to certain phases of our specific problem. I purchased this land, consisting of some 15 acres, after a great deal of searching, as Trustee for a group of some 13 couples here in Seattle. We bought the land for our own personal use, not to hold for speculation. Because the initial cost of the land was very high, and we paid cash, we were not able to press ahead immediately with the subdivision. In January, however, we felt we were in a financial position to undertake the division, and two of our hui members spent a month on Maui, having the land cleared for the internal survey and checking on various points with the county officials.

In April, while I was in Spain on Seattle World's Fair business, two other members spent several weeks on Maui. At the beginning of their visit, they visited the county offices to discuss our proposed subdivision plan, for which they submitted drawings, and were told we were "two late," that our land fell within the Green Belt Area and our subdivision would not be approved.

We were astonished by this information, since at no time had we received any notice of pending action, nor were we informed that our plan must be submitted prior to any deadline.

Several weeks after we were informed that our plan had been rejected, we received notification that we should file special information with the Planning Commission; in short, we first received news of rejection of our subdivision and later the notice that we should have filed several months before.

To our knowledge, our submitted plan complies with conditions pertaining to minimum area, type and area of road, and water. We have attempted to ascertain this information from county officials.

Since there are already houses all around us, and since our land lies in a long, narrow neck, bordered on each side by deep ravines, we have attempted to make maximum-size lots of close to an acre each for every family. We also have set aside extra land for a communal water tank.

2 - Mr. Edward C. Bryan

May I respectfully submit that at no time were we informed, either by State or county officials, that our land lay in a "Green Belt" area, and since several of our families receive the Maui News and follow developments there with great interest, we are astonished at these developments.

In accordance with the information given us by Mr. Robert Ohata, we are submitting our Application for Special Permit.

Could you inform me at once of what further action we should take in this matter? We are, naturally, anxious to comply with the laws of your state, and equally anxious to proceed with our long-hoped for subdivision. We think Kula one of the most beautiful areas in the world, and since we are much-traveled, our selection of this lovely place and climate was not accidental.

May I thank you for your attention in this matter. We will anticipate any further help you may give us.

Sincerely,

Laurie Fish

Laurie Fish  
(Mrs. Byron Fish)

P. S. I notice at the top of the application form sent us by Mr. Ohata mention of a fee. Mr. Ohata did not mention anything in his letter, nor have we received any other information about proper filing procedures. If a fee is required, could you please inform me immediately? Further, if it is necessary to send someone in person, we will try to take the steps you recommend.

LAND USE COMMISSION  
 195 S. KING ST.  
 HONOLULU 13 HAWAII

62327

ACCOUNT NO.

ADVERTISING  
 INVOICE

REQUIREMENTS OF THE STATE OF HAWAII

NO.	DATE	TYPE	DESCRIPTION OR ORDER NO.	CLASSIFIED	SPACE	RATE OR REFERENCE NUMBER	AMOUNT	STATE TAX	AMOUNT DUE
2	126315	148			2900		9570		9570
2	126315	ST TAX						335	335
									9905

**NOTICE OF PUBLIC HEARINGS TO CONSIDER**

- (1) PROPOSED FINAL DISTRICT REGULATIONS
- (2) PROPOSED FINAL DISTRICT BOUNDARIES
- (3) APPLICATIONS FOR SPECIAL PERMIT AND
- (4) PETITIONS FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY, WITHIN THE COUNTY OF MAUI BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN OF PUBLIC HEARINGS TO BE HELD IN THE COUNTY OF MAUI, by the State of Hawaii Land Use Commission to consider (1) proposed Final District Regulations; (2) proposed Final District Boundaries for the County of Maui; (3) three applications for Special Permit and; (4) three petitions for Change of Temporary District Boundary, within the County of Maui as provided for in SECTION 2, Sections 4, 6, 7 & 8, Act 187, Session Laws of Hawaii 1961.

WEDNESDAY, MARCH 6, 1963, Community Center, KAUNAKAKAI, MOLOKAI, at 9:00 a.m., or as soon thereafter as those interested may be heard.

WEDNESDAY, MARCH 6, 1963, Wailuku Elementary School Cafetorium, WAILUKU, MAUI, at 7:30 p.m., or as soon thereafter as those interested may be heard.

THURSDAY, MARCH 7, 1963, Courtroom of the Lahaina District Court, LAHAINA, MAUI, at 9:00 a.m., or as soon thereafter as those interested may be heard.

**Schedule of items to be heard:**

- (1) Proposed Final District Regulations—all three hearings.
- (2) Proposed Final District Boundaries for the County of Maui—all three hearings.
- (3) Application of Tsugio Tanigawa SP(T) 62-11 for Special Permit to subdivide a one acre parcel into two residential lots on land described as Second Division, TMK 5-7-3: 73 - Kaunakakai Hearing only.  
 Application of Laurie Fish, et. al. SP(T) 62-17 for Special Permit to subdivide 15.3 acres into residential lots on land in Kula, Maui described as Second Division, TMK 2-2-6: 57—Wailuku Hearing only.  
 Application of Meleana Pahukoa, et. al. SP(T) 62-41 for Special Permit to create one houselot from a larger parcel of .8 acres on land in Keanae Homesteads, Maui described as Second Division, TMK 1-1-3: 58—Wailuku Hearing only.
- (4) Petition of Holly Kona Associates A(T) 62-26 for Change of Temporary District Boundary from an Agricultural district to an Urban district classification on land in Waialua, Molokai described as Second Division, TMK 5-7-3: 23—Molokai Hearing only.  
 Petition of C. V. Land Corporation A(T) 62-25 for Change of Temporary District Boundary from an Agricultural district to an Urban district classification on land in Makena, Maui described as Second Division, TMK 2-1-11: 12, 13, 15, 20, 21, 25 & 30—Wailuku Hearing only.  
 Petition of Murray Youlin A(T) 62-28 for Change of Temporary District Boundary from an Agricultural to an Urban district classification on land in Haiku, Maui described as Second Division, TMK 2-7-3: 14—Wailuku Hearing only.

Maps showing the proposed Final District Boundaries for the County of Maui; areas under consideration for Special Permit and Temporary District Boundary Change; copies of the proposed Final District Regulations; and the Interim Regulations governing the applications for Special Permit and petitions for Boundary Change are on file in the offices of the Maui County Planning and Traffic Commission and the Land Use Commission, and are open to the public for inspection during office hours.

All written protests or comments regarding any of the above items to be heard may be filed with the Land Use Commission, 426 Queen Street, Honolulu, before the date of public hearing, or submitted in person at the time of public hearing, or up to fifteen (15) days following the public hearing.

LAND USE COMMISSION  
 E. C. BRYAN, Chairman  
 R. J. DARNELL, Executive Officer  
 (S.-B. Feb. 12, 1963)

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 HAWAIIAN STAR-BULLETIN  
 ADVERTISING

MAKE CHECKS PAYABLE TO  
 HAWAII NEWSPAPER  
 AGENCY, INC., AGENT

RESERVE  
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35,200 ±

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E  
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LAURIE FISH  
SUBDIVISION

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F  
41,010 ±

H  
36,630 ±

G  
37,300 ±

TRAIL NORTH

SCALE: 1" = 100'