

42,254 pft
= 0.97 ac

43560
42254

1306

SP68-59 - GEORGE AND MARY PINHO

December 12, 1968

Planning Commission
County of Maui
P. O. Box 1487
Kahului, Maui 96732

Attention: Mr. Robert O. Ohata, Planning Director

Gentlemen:

Subject: SP68-59 - Mr. and Mrs. George Pinho
TMK 1-3-08, parcel 15, Wakiu, Hana,
Maui

Please find enclosed a copy of the legal opinion from the Attorney General's office. This was inadvertently omitted when we advised you of the Land Use Commission's action to deny this request.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosure - *see attached*

cc: Mr. and Mrs. George Pinho

ADDRESS REPLY TO
THE ATTORNEY GENERAL OF HAWAII
AND REFER TO
INITIALS AND NUMBER

RYT:ro

12b



CABLE ADDRESS
ATTGEN

BERT T. KOBAYASHI
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HONOLULU, HAWAII 96813

September 6, 1967

RECEIVED

SEP 7

State of Hawaii
LAND USE COMMISSION

MEMORANDUM

TO: Mr. Ramon Duran
Executive Officer
Land Use Commission

FROM: Roy Y. Takeyama
Deputy Attorney General

SUBJECT: Request by Mr. Daniel Moniz to Subdivide
His Lot into Two Lots of Less Than 1/2
Acre, Situated in the Rural District
(TMK 1-2-17-10, Kalapana, County of Hawaii).

Based on the facts stated in the letter of August 17, 1967 to the State Land Use Commission from Mr. Kenneth Griffin, manager of the Realty Investment Co., Ltd., Mr. Daniel Moniz cannot subdivide his property into two lots of less than 1/2 acre.

Mr. Moniz, however, is not precluded from filing a boundary change or special permit request if he desires. If he pursues the special permit avenue, he must prove that the proposed use within the Rural District is "unusual and reasonable."

On the question of extension of time on special permits, the State Land Use Commission must act on such extensions.

Roy Y. Takeyama
Deputy Attorney General

December 2, 1968

Planning Commission
County of Maui
P. O. Box 1487
Kahului, Maui 96732

Attention: Mr. Robert O. Ohata, Planning Director

Gentlemen:

This is to advise you that the special permit request by Mr. and Mrs. George Pinho (SP68-59) to construct a second dwelling at Wakiu, Hana, Maui, Tax Map Key 1-3-08, parcel 15, was denied by the Land Use Commission at its meeting on November 29, 1968.

Prior to taking action on this request, the enclosed memorandum was presented to the Commission.

The Commission, by virtue of the attached legal opinion from the Attorney General, is without authority to approve this request. However, the Commission recommends that the applicants consider consolidating their properties (parcels 15 and 16) in order to obtain the necessary minimum lot area of $\frac{1}{2}$ acre/dwelling unit.

Should you desire any further information, or have any question, please feel free to contact us.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosures

cc: Mr. and Mrs. George Pinho

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Molokai Community Center
Kaunakakai, Molokai

November 29, 1968 - 1:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Wilbert Choi
Shelley Mark
Sunao Kido
Leslie Wung
Alexander Napier
Shiro Nishimura
Goro Inaba
Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Jack Morse, Deputy Attorney General
Jean Soma, Stenographer

Chairman Burns called for the first item on the agenda following the swearing in of persons wishing to testify before the Commission.

ACTION

PETITION BY MOLOKAI RANCH, LIMITED (A68-192) TO RECLASSIFY 6,800 ACRES FROM AGRICULTURAL TO URBAN AT KALUAKOI, MOLOKAI

Executive Officer, Mr. Duran, presented the staff recommendation to rezone 1,460 acres in the area north of Kakaako Gulch extending from the sea to the mauka boundary. (See copy of report on file.) He also presented a report from Mr. Edward Williams, partner in the firm of Eckbo, Dean, Austin & Williams, consultants for the Land Use Commission Boundary Review Program, in which Mr. Williams recommended "that the petitioner request an extension of time and the Commission agree to such extension, to give the petitioner time to prepare a more suitable development schedule and incremental zoning plan, and an economic feasibility and marketing study. Should the petitioner not request an extension of time, our recommendation is that the petition be denied, and the petitioner be asked to resubmit his proposal later".

See pg. 12

PETITION BY LILLIAN T. GOO (A68-193) TO RECLASSIFY 8.68 ACRES
FROM AGRICULTURAL TO URBAN AT KUKUAU, SOUTH HILO, HAWAII

With the aid of several maps, the Executive Officer delivered a detailed description of the property under discussion and also of the immediately surrounding areas. Since no further evidence had been received on this matter, the staff again recommended approval of this rezoning petition.

The petitioner was not present to submit any further testimony; and, therefore, Commissioner Wung moved to accept staff recommendation. Motion was seconded by Commissioner Nishimura and was unanimously carried.

PETITION BY JAMES SPENCER ESTATE (A68-195) TO RECLASSIFY 133,655
SQ. FT. FROM AGRICULTURAL TO URBAN AT WAIMEA, SOUTH KOHALA, HAWAII

Staff memo was presented by Mr. Leong in which the staff recommended approval of this boundary amendment.

Commissioner Inaba moved that the Commission grant approval of this request which was seconded by Commissioner Wung. Motion was unanimously carried.

✓ APPLICATION BY GEORGE AND MARY PINHO (SP68-59) TO CONSTRUCT
SECOND DWELLING ON A 0.97-ACRE PARCEL IN THE RURAL DISTRICT, AT
HANA, MAUI

Preceding the presentation of the district map of the Hana area, Mr. Duran addressed the Commission with the staff report. On the basis that this request is contrary to the objectives sought to be established by the Land Use Law and Regulations and because the desired use will not make the highest and best use of the land involved for the public welfare, staff recommended denial of this petition.

Mr. Duran brought out the fact that a similar Special Permit request had been denied earlier this year. In that case, the property lacked 1,162 sq. ft. of being a full acre. A legal opinion from the Attorney General's office stating that the law requires $\frac{1}{2}$ acre per dwelling unit was received by the Land Use Commission. In comparison, the property under discussion lacks only 0.1 acre of being a full acre.

It was brought out by Vice-Chairman Choi that on the county level, a landowner is allowed a margin of approximately 3-5%. He further inquired whether this holds true on the state level. Mr. Duran explained that the Zoning Board of Appeals on Oahu has a policy of approving such cases on a percentage basis. However, in the other counties, it is based upon the merits of the case. Moreover, the Commission is without latitude or authority to pass judgment on a similar case.

Motion to accept staff recommendation to deny this request was made by Commissioner Napier, seconded by Commissioner Nishimura. Motion was carried with Commissioner Wung casting the only dissenting vote.

The suggestion that the petitioner should be sent a copy of the Attorney General's legal opinion regarding the requirement of ½ acre per dwelling unit in a Rural District (legal opinion received by staff from AG's office on Moniz application) was made by Mr. Duran.

ADOPTION OF MINUTES

Minutes of September 13, 1968, and October 18, 1968, meetings were approved as circulated.

TENTATIVE SCHEDULE

December 20, 1968, on Kauai was decided on as the next meeting date instead of January 3, 1969.

ADJOURNMENT

Since there was no further business, the meeting was adjourned at 3:20 p.m.

STATE OF HAWAII
LAND USE COMMISSION

VOICE RECORD

ITEM SP68-59 - GEORGE & MARY PINHO DATE November 29, 1968

PLACE Molokai Community Center TIME 1:00 p.m.
Kaunakakai, Molokai

NAME	YES	NO	ABSTAIN	ABSENT
CHOI, WILBERT	✓			
M NAPIER, ALEXANDER	✓			
MARK, SHELLEY	✓			
KIDO, SUNAO	✓			
INABA, GORO	✓			
WUNG, LESLIE	✓	✓		
S NISHIMURA, SHIRO	✓			
MURAKAMI, KEIGO				✓
BURNS, C. E. S.	✓			

COMMENTS:

Denial

STATE OF HAWAII
LAND USE COMMISSION

Molokai Community Center
Kaunakakai, Molokai

November 29, 1968
1:00 p.m.

STAFF REPORT

SP68-59 - GEORGE AND MARY PINHO

A Special Permit application submitted by George and Mary Pinho to construct a second dwelling on a 0.97-acre parcel situated in a Rural District has been forwarded by the Maui County Planning Commission. The land is described by TMK 1-3-08, parcel 15 and is situated at Wakiu, Hana, Maui.

The following statement was submitted by the petitioners in justification of the request:

"Present lot is too large for applicant to use. Said parcel is not now being used, nor has it ever been used for agricultural or farm purposes at any time in the past. It is now a waste land and has no other possible uses other than another single-family unit."

At its meeting of October 8, 1968, the Maui Planning Commission voted unanimously to recommend approval of the Special Permit, since it "felt that this area being master planned for duplex under the County's General Plan indicated that approval of same could be granted".

The Maui Planning Director adds that "the approval of a Special Permit for Mr. and Mrs. Pinho may be an unusual procedure. It can be argued that the request should have been for a change in district boundaries. However, the Maui Planning Commission staff, after discussing the matter with Mrs. Pinho, felt that this was a more expedient method, inasmuch as the State Land Use Commission is presently reviewing the district boundaries throughout the State. It is the feeling of this Department that a complete review of the district boundaries in this Wakiu area of Hana will be required".

The property under consideration is a portion of the State's Hana Houselots subdivision at Wakiu which is situated just over a mile to the north of the Hana Urban District. Twenty-two of the 33 lots comprising this subdivision are 1 acre or slightly larger in size. Five lots, including the property under petition, are slightly less than 1 acre in size. These lots range from 0.93 to 0.98 acre in size. The resubdivision of 3 original lots prior to Land Use districting resulted in the balance of 6 lots ranging in size from 11,500 sq. ft. to 32,000 sq. ft. Almost all of the lots are occupied by single-family dwellings. The Pinho residence is situated on the abutting parcel 16 which is also owned by the petitioner.

A master productivity rating of "E - very poor" overall agricultural suitability has been indicated by the Land Study Bureau

for the property under consideration. The elevation of the property is approximately 150 feet above sea level. Rainfall at nearby Hana Airport is about 79 inches annually.

Analysis

The choice of a Special Permit procedure to effect this proposed change in density by the petitioners is understandable since the alternative of a boundary amendment request from Rural to Urban for this 0.97-acre parcel would constitute an obvious and undesirable case of spot zoning. However, the utilization of a Special Permit is improper in this instance since only "unusual and reasonable" uses may be permitted within Agricultural or Rural Districts as provided for under the District Regulations. It should not be utilized to expedite the establishment of a use which cannot, by any reasonable interpretation, be considered "unusual".

Moreover, the approval of this application at the County level anticipates the urbanization of the Wakiu Houselots subdivision by the Land Use Commission in its 1969 review of boundaries and the adoption of the proposed Hana General Plan by the Maui Board of Supervisors. Although these actions may come about, the approval of the request on this basis would negate and aberrate the provision of the law relating to Special Permit processing and other sections dealing with minimum densities for Rural Districts. The uniform application of the law

thus interpreted could result in hundreds of requests for dwellings on lots that do not meet the minimum prescribed by law for Rural Districts.

A Special Permit application very similar in character to the present one was considered in April of this year and was unanimously disapproved by the Land Use Commission. In that instance, the property lacked 1,162 sq. ft. of being a full acre.

In conclusion, the staff finds that this request is contrary to the objectives sought to be accomplished by the Land Use Law and Regulations and that the desired use will not make the highest and best use of the land involved for the public welfare.

Recommendation

Therefore, on the basis of the foregoing analysis, the staff recommends denial of this petition.

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

April 11, 1968
3:00 p.m.

STAFF REPORT

SP68-52 - DANIEL MONIZ

Application very similar to present one - unanimously disapproved by LUC

The records and proceedings of a special permit application by Mr. Daniel Moniz to subdivide a parcel into two lots have been transmitted by the Hawaii County Planning Commission. The parcel is situated in a Rural District at Kaimu, Puna, Hawaii and is described by Tax Map Key 1-2-17: parcel 10. According to the petition, it contains an area of 42,560 square feet, just 1,000 square feet short of being a full acre.

Mr. Moniz has submitted the following statement in support of his request:

"The area is presently zoned as rural which carries a minimum lot size of $\frac{1}{2}$ acre. When this property was subdivided in 1950, the surveyor made a mistake. Instead of making the lot ^{34,560} 34,560, he made it 42,560 sq. ft. Since the property is only 1,000 sq. ft. under the minimum allowed for subdivision and since Mr. Moniz would like to allow Mr. Hill Sawyer building the house on half the property, we are asking that a special permit be granted."

On May 15, 1968, the Hawaii County Planning Commission voted to recommend approval of the request on the basis of the following:

1. Proposed partitioning will result in deficiency of 500 square feet of area per lot or approximately 2 per cent of the minimum area requirement.
2. Resulting area of 0.486 acre per parcel is compatible with the minimum area requirement of one-half acre for this district.

3. The proposed subdivided lots will not adversely affect the surrounding property or alter or change the essential character of land and the present use.
4. Parcel is centrally located within an area surrounded by 55 lots of approximately 7,400 square foot per lot.

The County agency would also allow the non-conforming lot width resulting from the proposed partition. Minimum requirement is 100' width for $\frac{1}{2}$ -acre lots for this district.

The property under discussion has a frontage of 68.5 feet on the makai side of the Kalapana-Kapoho Beach Road and is presently vacant. Kalapana Black Sand Beach lies about a half mile to the west of the property. Only about 4 homes presently exist within a quarter mile radius of the subject property. Some of the adjacent lands have been subdivided into non-conforming lots and a few roads have been paved, but residential development is almost nil. Moreover, water, telephone and electric services are not available in this area.

The soil is very poorly suited for agricultural use, being composed of almost bare pahoehoe. The terrain is gently sloping toward the sea with an elevation of about 35' above sea level near the road. Rainfall approximates 50" in this area. Urban services and facilities are located 10 miles away at Pahoa.

The County General Plan designates the area for resort development but it is zoned for residential-agriculture under its Comprehensive Zoning Ordinance. The State General Plan envisions park use for this area.

Analysis

There is a discrepancy in the total area comprising the property under discussion that needs to be clarified. State Department of Taxation maps

show a total of 42,398 square feet for Tax Map Key 1-2-17: parcel 10, and not the 42,560 square feet figure used by both the petitioner and the Hawaii County Planning Commission. On this basis, the subject parcel lacks 1,162 square feet of being a full acre and not an even 1,000 square feet.

Besides the discrepancy outlined above, more important issues must be considered. Act 205, in establishing the Rural District classification states: "Rural Districts shall include activities or uses as characterized by low density residential lots of not more than 1 dwelling house per one-half acre in areas where city-like concentrations of people, etc." Thus, a minimum lot size of $\frac{1}{2}$ acre has been clearly established in the law for Rural Districts, and that to utilize a special permit procedure to circumvent this provision of the law by creating 2 non-conforming parcels is improper and unlawful.

The petitioner's contention that the shortage was the result of an error in survey does not constitute a valid basis for a special permit request and, as mentioned by the Chairman of the Hawaii County Planning Commission, it may be a legal matter rather than a zoning matter.

The Land Use Law provides that special permits may be issued for "unusual and reasonable uses". The Law also permits "residential lots" and "small farms" in the Rural District. Since the proposed use is residential, it is already permitted in the district and is not "unusual".

An approval of this special permit would establish an extremely poor precedent.

However, more significant is the fact that Mr. Kenneth Griffin, Manager, Real Estate Investment Co., Ltd., in August of 1967 wrote the LUC office on this very same matter. The Attorney General's office reviewed the request and confirmed the staff's conclusion that "Mr. Moniz cannot subdivide his property into two lots of less than $\frac{1}{2}$ acre". Further, the LUC upheld the Attorney

General's opinion and the staff's conclusion at a regular meeting on September 8, 1967 in Lihue, Kauai, when the matter was discussed. A letter reply was sent to Mr. Griffin in October, 1967 advising him of the LUC's position.

Therefore, on the basis of the foregoing, it is recommended that the petition be denied.

Eadie-JT
Type-Erase
11-26-68 Sent airmail, special delivery
3:30 p.m.

November 26, 1968

Mr. and Mrs. George Pinho
Hana
Maui, Hawaii

Dear Mr. and Mrs. Pinho:

The Land Use Commission next meets at 1:00 p.m. at the Molokai Community Center, Kaunakakai, Molokai, November 29, 1968.

At that time your application for a Special Permit (SP68-59) will be reviewed.

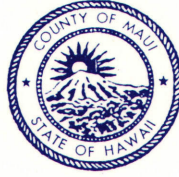
Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Mr. Robert O. Ohata, Planning Director
County of Maui

ROBERT O. OHATA
PLANNING DIRECTOR



2560
EVA M. DUPONTE
ADMINISTRATIVE ASSISTANT

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

October 14, 1968

RECEIVED

OCT 17 1968

State of Hawaii
LAND USE COMMISSION

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

Dear Mr. Duran:

Re: Land Use Commission Special Use Permit
Application No. 29, M/M George Pinho

Enclosed are copies of the subject application, supporting data submitted by the petitioner, and the hearing transcript.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Robert O. Ohata".

ROBERT O. OHATA
Planning Director

Encl.

October 9, 1968

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

Re: Special Use Permit No. 29, from Mary and
George Pinho, Hana, Maui, Hawaii

The Maui Planning Commission at its meeting of October 8, 1968, voted unanimously to recommend approval of a special use permit to Mr. and Mrs. Pinho to construct a second dwelling on parcel on Tax Map Key 1-3-8, parcel 15. The Commission, in approving the request, felt that this area being master planned for duplex under the County's General Plan indicated that approval of same could be granted. The County, on the basis of the General Plan, is working together with the State Department of Education for the construction of a new school in the vicinity. The County is also working together with the State Department of Land and Natural Resources for the construction of a new increment of residential lots in the immediate vicinity to be designed on urban standards. The Hana Ranch Company is presently constructing a subdivision for approximately 20 homes, based on an approval of urban classification. Hana Ranch and the County's Board of Water Supply are presently investigating and planning for a new water system in this area.

The approval of a special permit for Mr. and Mrs. Pinho may be an unusual procedure. It can be argued that the request should have been for a change in district boundaries. However, the Maui Planning Commission staff, after discussing the matter with Mrs. Pinho, felt that this was a more expedient method inasmuch as the State Land Use Commission is presently reviewing the district boundaries throughout the State. It is the feeling

10/9/68

of this Department that a complete review of the district boundaries in this Wakiu area of Hana will be required.

Yours very truly,

ROBERT O. OHATA
Planning Director

cc: Mr. and Mrs. George Pinho

Encl. - Hana General Plan

MAUI PLANNING COMMISSION
REGULAR MEETING
Tuesday, September 17, 1968

The regular meeting of the Maui Planning Commission was called to order by Senior Member William Hong in the absence of the regular chairman, Joseph S. Medeiros, Jr., and vice-chairman, Yoshikazu Matsui, at 1:31 p.m. on Tuesday, September 17, 1968, in the Board of Supervisors Chambers, County Building, Wailuku, Maui, Hawaii.

A quorum of the Commission was in attendance. (See record of attendance)

PUBLIC HEARING

The public hearing on the following request for Land Use Commission Special Use Permit under provisions of SECTION 98 H-6, REVISED LAWS OF HAWAII 1965, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963, was opened by Acting Chairman William Hong. The Director read the NOTICE OF PUBLIC HEARING, a copy of which is hereto annexed and made a part hereof with AFFIDAVIT OF PUBLICATION, published and circulated in the County of Maui, being the County in which said Commission is located, on August 21, 1968.

WAKIU, HANA

To construct second dwelling on parcel for the purpose of rental in the vicinity of Kauakea Cottages, Tax Map Key 1-3-8, parcel 15.
Applicant: George Pinho and Mary Pinho

The Director read the letter of application for the Special Permit, dated August 6, 1968, attached hereto and made a part hereof.

The Director read the application form for Special Permit, dated August 9, 1968, attached hereto and made a part hereof.

From the posted Hana General Plan Map (adopted by the Planning Commission on August 23, 1968 and pending before the Board of Supervisors) the Director showed the Commissioners the area in question. He explained that Mr. Pinho owns two adjoining parcels each slightly less than one acre. Under the State zoning it is rural whereby one house per half acre is permitted. The Director further explained that inasmuch as the Hana General Plan Map shows the parcel as duplex, the staff recommended that Mr. Pinho submit a Special Use Permit rather than request for a zoning change to Urban.

There were no letters of approval or protest as of 12:45 p.m. this date.

The Chair then opened the hearing to the public for testimony.

MRS. MARY PINHO: "All I want is a request for granting second cottage there on the property."

COMMISSIONER FREELAND: "Mrs. Pinho, is there just your home right now?"

MRS. PINHO: "The parcel we are speaking of is not where my home is... the one next to it. We have a cottage near the road and this is the one I would like to build on... more or less, just to put another one in there!" (Meaning cottage)

No one spoke for the granting of the special use permit.

No one spoke against the granting of the special use permit.

The Chair closed the Public Hearing at 1:40 p.m.

The Chair explained to Mrs. Pinho that the Commission will not be able to act on the request for 15 days. Thereafter, she will be notified of the Commission's action and recommendation to the LUC which will take final action on the request.

REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF September 3, 1968:

Commissioner Hussey questioned item No. 6 on page 2 regarding the voting on the installation of a 550 gallon tank with manual pump at Buzz's Sugar Cane Inn, Lahaina.

Director Ohata clarified this matter stating that there was only one affirmative vote to approve and four dissenting votes.

It was moved by Mr. Unemori, seconded by Mr. Freeland and unanimously

VOTED: To approve the minutes of the regular meeting of September 3, 1968, as circulated.

COMMUNICATIONS:

1. Shelley M. Mark, DRED, transmitting information on the second annual 701 High Merit Award Program. (This program makes federal grant available for planning to relieve ghetto and slum problems within cities.)

Director Ohata explained that there is a new 701 High Merit Program with money available and that the deadline for submitting the application is December 31, 1968. He stated that the criteria is to eliminate problems of the ghetto and slums of the city. Director Ohata recommended that since we are working on two projects and would not be able to handle a third the communication be placed on file and no application be made.

Accordingly, the Chair directed the communication be placed on file.

The Chair deviated from the order of the agenda to take up item no. 5 to accommodate Mr. Satoji Arisumi who was in attendance.

5. Satoji Arisumi for Kahului Jodo Mission, requesting approval to construct church in 9th Increment.

Also a late communication from Mr. Arisumi for the construction of the Door of Faith Church in Alaeloa.

Director Ohata explained that both requests were reviewed by the Planning Office and were in conformity. He stated that in the old ordinance, churches were permissible uses in the REsidential Districts and under the new amendment, churches are still approved but must be reviewed by the Planning Commission.

It was moved by Mr. Freeland, seconded by Mr. Hussey and unanimously

VOTED: to approve the construction of the Kahului Jodo Mission Church in the 9th Increment and the Door of Faith Church at Alaeloa.

The Chair then took up item no. 4 since Mr. Gross was in attendance.

Hana, Maui, Hawaii
August 6, 1968

Mr. Joseph S. Medeiros, Jr.
Chairman
Maui Planning Commission
P. O. Box 1487
Kahului, Maui, Hawaii 96732

Dear Mr. Medeiros:

Enclosed herewith is an application for special use permit under the Land Use Law for the construction of a second dwelling on parcel 15, Tax Map Key 1-3-8.

We respectfully request that a variance be granted in order that this land may be used for a second single-family dwelling in lieu of agricultural and farming land. We feel that the request is reasonable since the County of Maui Hana General Plan has proposed the area as duplex.

Sincerely,

s/ Mary Pinho

Mary Pinho

s/ George Pinho

George Pinho

Encl.

AFFIDAVIT OF PUBLICATION

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

.....Rose Yoshizawa.....being duly sworn
deposes and says, that he isAdv. 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 toNOTICE OF PUBLIC HEARING.....
.....SPECIAL USE PERMIT.....
of which the annexed is a true and corrected printed notice, was
published1.....times in the MAUI NEWS, aforesaid, commencing
on the ...21st...day ofAugust....., 1968., and ending
on the...21st...day ofAugust....., 1968., (both days
inclusive), to-wit: on
.....August 21, 1968.....
.....
and that affiant is not a party to or in any way interested in the above
entitled matter.

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning Commission on Tuesday, September 17, 1968, in the Board of Supervisors Chambers, Wailuku, Maui, Hawaii, at 1:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98 H-6, REVISED LAWS OF HAWAII, 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

WAKIU, HANA

To construct second dwelling on parcel for the purpose of rental, in the vicinity of Kauakea Cottages, Tax Map Key 1-3-8, parcel 15.

Applicant: George Pinho and Mary Pinho

Sketch showing the general location is on file in the office of the County of Maui Planning Commission at Naska, Kahului, Maui, Hawaii, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said Commission, P. O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING COMMISSION
JOSEPH S. MEDEIROS, JR., Chairman
By ROBERT O. OHATA
County Planning Director

(MN: Aug. 21, 1968)

Rose Yoshizawa

Subscribed and sworn to before me this
21 day of Aug A. D. 1968

Notary Public

Notary Public, Second Judicial
Circuit, State of Hawaii.

My commission expires August 31, 1971.

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE

Appl. & fee received	<u>8/9/68</u>
Notice published	<u>8/21/68</u>
Public hearing	<u>9/17/68</u>
Recommendation to LUC	<u>10/9/68</u>
Action by State LUC	_____
County & Appl. notified	_____

- A. Description of Property: (1) Tax Map Key No. 128183 parcel 15. SP 68-59
 (2) Lot Area 0.97 acre. (3) Location Hana, Maui, Hawaii
- B. Ownership: (1) Owner's name George and Mary Pinho
 (2) Lessee's name _____ (3) Unexpired term _____ years
- C. Request: (1) State request briefly and exactly: To construct a second dwelling on parcel as shown on plans and renditions submitted herewith together with necessary application fee.

(2) Reasons justifying granting of request: Present lot is too large for applicant to use. Said parcel is not now being used, nor has it ever been used for agricultural or farm purposes at any time in the past. It is now a waste land and has no other possible uses other than another single-family unit.

- D. Applicant: (1) Name George Pinho and Mary Pinho
 (2) Address Hana, Maui, Hawaii (3) Telephone 442-011
 (4) Signature George Pinho, Mary Pinho

E. Planning Commission action: _____ Date _____ Vote: _____
ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC _____ Supervisors _____ Applicant _____ Owner & Lessee _____

October 11, 1968

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

Dear Bob,

In regard to the Special Permit submitted by Mary and George Pinho for construction of a second dwelling on parcel 15 of TMK 1-3-08, we have received your letter notifying us of the Maui Planning Commission's action, together with a copy of the Maui General Map #16. However, copies of the application, maps, and supporting data submitted by the petitioner, if any, and the hearing transcript from your office were not enclosed.

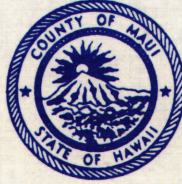
We would appreciate your looking into this matter at your earliest convenience in order that we may process the application within the prescribed 45 days.

Very truly yours,

RAMON DURAN
Executive Officer

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25% STYRON FIBER

JOSEPH S. MEDEIROS, JR., CHAIRMAN
YOSHIKAZU MATSUI, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
ADRIAN HUSSEY, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER



KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

**PLANNING COMMISSION
COUNTY OF MAUI**

POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

October 9, 1968

RECEIVED

OCT // 1968

**State of Hawaii
LAND USE COMMISSION**

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

Re: Special Use Permit No. 29, from Mary
and George Pinho, Hana, Maui, Hawaii

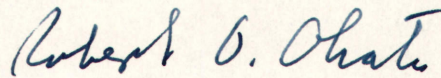
The Maui Planning Commission at its meeting of October 8, 1968, voted unanimously to recommend approval of a special use permit to Mr. and Mrs. Pinho to construct a second dwelling on parcel on Tax Map Key 1-3-8, parcel 15. The Commission, in approving the request, felt that this area being master planned for duplex under the County's General Plan indicated that approval of same could be granted. The County, on the basis of the General Plan, is working together with the State Department of Education for the construction of a new school in the vicinity. The County is also working together with the State Department of Land and Natural Resources for the construction of a new increment of residential lots in the immediate vicinity to be designed on urban standards. The Hana Ranch Company is presently constructing a subdivision for approximately 20 homes, based on an approval of urban classification. Hana Ranch and the County's Board of Water Supply are presently investigating and planning for a new water system in this area.

The approval of a special permit for Mr. and Mrs. Pinho may be an unusual procedure. It can be argued that the request should have been for a change in district boundaries. However, the Maui Planning Commission staff, after discussing the matter with Mrs. Pinho, felt that this was a more expedient method, inasmuch as the State Land Use Commission is presently reviewing the district boundaries throughout the State. It is the feeling

10/9/68

of this Department that a complete review of the district boundaries in this Wakiu area of Hana will be required.

Yours very truly,

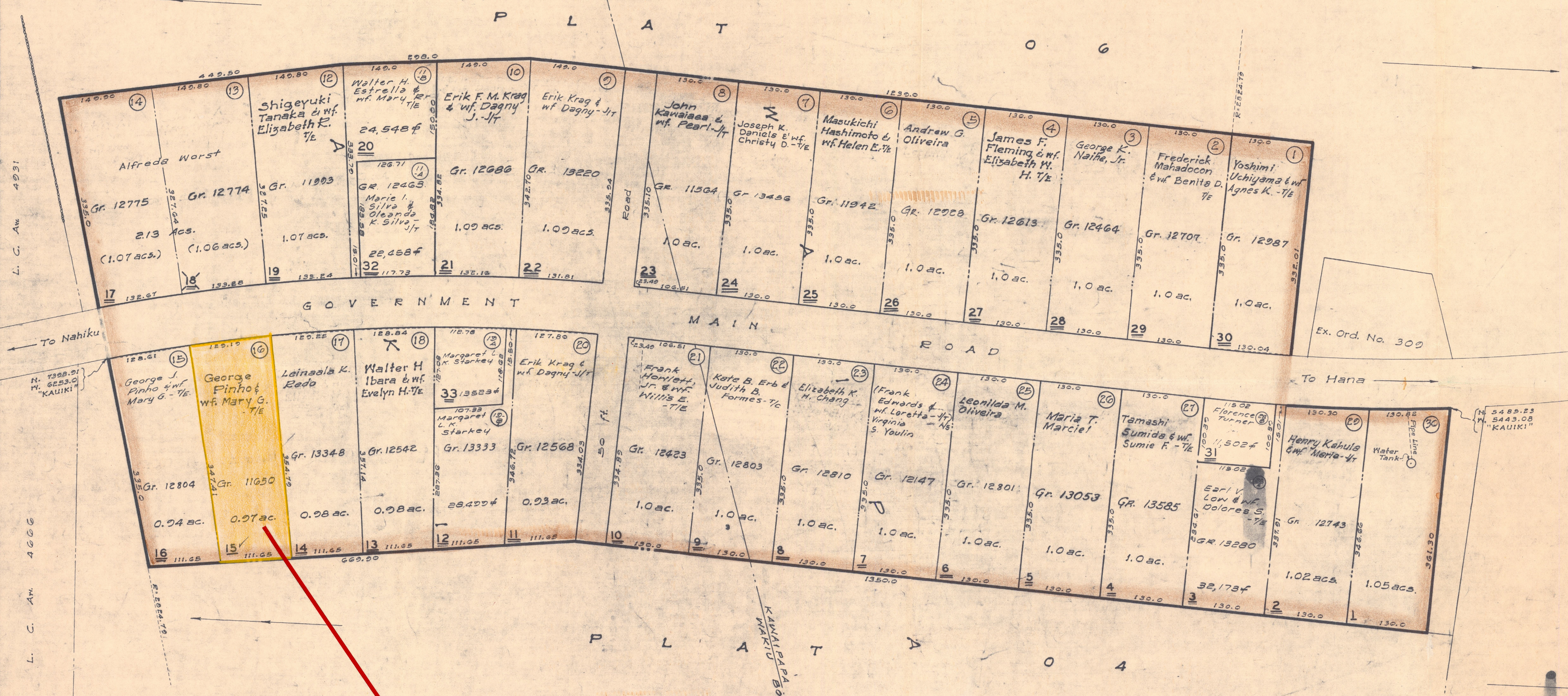
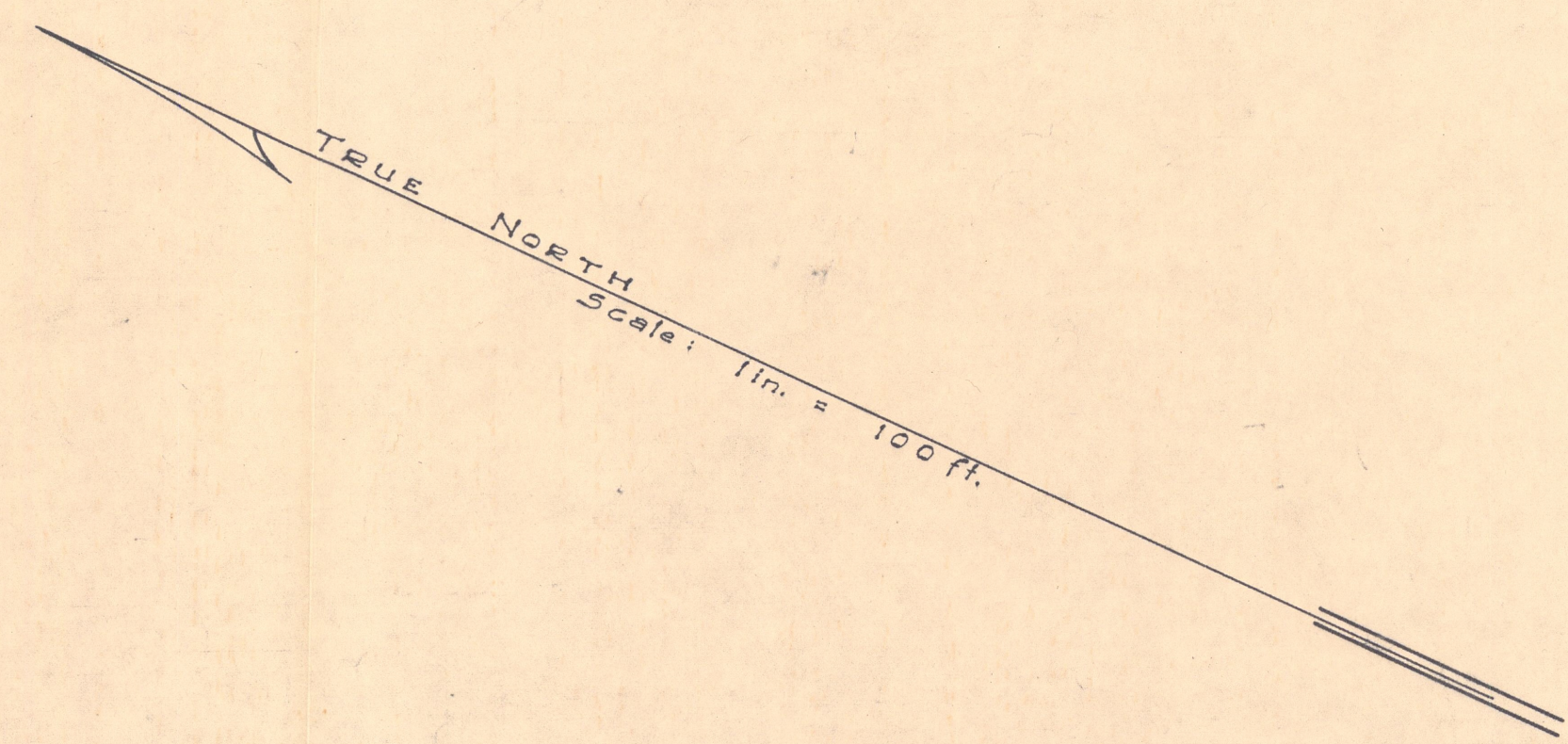


ROBERT O. OHATA
Planning Director

cc: Mr. and Mrs. George Pinho

Encl. - Hana General Plan

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SP 68-59

Dwg. No: 3187
 Taxation Maps Bureau
 Source: C.J.S. & T.T. Date: March 1948

L. C. AM. 4066

HANA HOUSE LOTS
For KAWAIAPA & WAKIU, HANA, MAUI

Note: All lots owned by the State of Hawaii unless otherwise noted.

*Parcel Dropped: 19

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION		
ZONE	SEC.	PLAT
1	3	08
CONTAINING		PARCELS
SCALE: 1 IN. = 100 FT.		

SUBJECT TO CHANGE



SP68-59