

October 29, 1969

Mr. James Y. Marn, Jr.
608 Judd Street
Honolulu, Hawaii 96817

Dear Mr. Marn:

This will acknowledge your letter of October 21 regarding the half acre minimum lot size requirement in "Maui Meadows" at Kihei, Maui.

Please be advised that the subdivision in question is located in the State's Rural District. Act 205, passed by the 1963 Hawaii State Legislature as an amendment to Act 187, the State Zoning Law, passed by the 1961 Hawaii State Legislature, states in Section 98H-2:

"(b) in the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included;"

It should also be noted that in this same section the law states:

"(a) in the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;"

The Urban District of Kihei contains approximately 3,450 acres of which only approximately 800 acres are used for urban purposes. This Urban District, therefore, has sufficient vacant lands zoned urban for lots with areas of

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less than 20,000 square feet of the type you are suggesting to accommodate a population of approximately 38,000. Thus, it would be difficult to justify the "need" for additional urban zoning in the area as required by the Land Use Law.

An application to zone the area to a Rural District was requested by Mr. Hasegawa and was approved by the Land Use Commission over the objections of the Land Use Commission staff. Attached for your information is a copy of the staff report. We are also enclosing information on the Land Use Law as well as a copy of the Law.

If you have additional questions, please contact the Land Use Commission office.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosures: Maui Meadows staff report
Act 205
Act 187
LUC Rules and Regulations