

October 24, 1973

Mr. Jeffrey Choi
Cook, Choi & Yuda
Attorneys at Law
100 Pauahi Street
Suite 204
Hilo, Hawaii 96720

Dear Mr. Choi:

The original of the attached letter approving a special permit to Makoto Nitahara (SP73-159) to allow the operation of a commercial arboretum within the State Land Use Agricultural District at Panaewa Farm Lots, South Hilo, Hawaii, identified as Tax Map Key 2-2-48: 13; subject to the conditions set forth by the Hawaii County Planning Commission; is on file in the office of the Hawaii Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.
cc: Makoto Nitahara

October 24, 1973

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji
Planning Director

Gentlemen:

At its meeting on October 17, 1973, the Land Use Commission voted to approve a special permit to Makoto Nitahara (SP73-159) to allow the operation of a commercial arboretum within the State Land Use Agricultural District at Panaewa Farm Lots, South Hilo, Hawaii, identified as Tax Map Key 2-2-48: 13; subject to the conditions set forth by the Hawaii County Planning Commission.

A copy of the staff report is enclosed for your information.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encl.

cc: J. Choi
M. Nitahara
Dept. of Taxation, Hawaii
Property Technical Office, Dept. of Tax.
Tax Maps Recorder, Dept. of Tax.
Real Property Tax Assessor, Dept. of Tax.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Council Room
Hilo, Hawaii

October 17, 1973 - 10:30 a.m.

Approved

NOV 28 1973

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Alexander J. Napier
Shelley M. Mark
James Carras
Mitsuo Oura
Tanji Yamamura

COMMISSIONER ABSENT: Sunao Kido

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
E. John McConnell, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Chairman Tangen called the meeting to order and swore in persons who would be testifying today.

ADOPTION OF MINUTES

The minutes of the August 30 and 31, 1973 meetings were approved as circulated.

HEARING

PETITION BY KATSUMI NII (A73-369) TO RECLASSIFY 10.89 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII

It was advised by Mr. Tatsuo Fujimoto, Executive Officer, that a letter, dated October 4, 1973, had been received from Mr. Jeffrey Choi, representing the petitioner, requesting a deferral of the hearing on the petition by Katsumi Nii. (See copy of letter on file.) Mr. Choi explained further that he had only recently been retained by the petitioner and therefore had not had sufficient time to familiarize himself with the details of the petition.

Commissioner Napier moved to approve the special permit, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Carras and unanimously carried.

✓ APPLICATION BY MAKOTO NITAHARA (SP73-159) FOR A SPECIAL PERMIT TO ALLOW THE OPERATION OF A COMMERCIAL ARBORETUM WITHIN THE PANAEWA FARM LOTS, SOUTH HILO, HAWAII

Approval of the special permit, subject to the conditions imposed by the County, was recommended in the staff memo presented by Mr. Leong (see copy of memo on file). It was also brought out that a residence existed on the 20-acre parcel, the arboretum was already developed, and anthurium plantings were proposed for the undeveloped area.

In response to a point raised by Vice Chairman Sakahashi, Mr. Leong advised that the special permit was necessary in this instance since the operation involved a commercial activity. In this respect, Mr. Leong felt that the section in the Rules and Regulations relating to permitted uses within the Agricultural District should perhaps be reexamined during the 5-year review.

Mr. Jeffrey Choi, attorney representing the petitioner, reiterated the need for the special permit due to the nature of Mr. Nitahara's operation which involved an admission fee to the arboretum. He added that Mr. Nitahara was pursuing an agricultural activity which was allowed under the law, and that the special permit was merely to satisfy a legal technicality. He also expressed the hope that the County would assume a reasonable approach to condition #2 which limited sales to agricultural products only, to allow perhaps a soda vending machine.

Mr. Choi continued that supportive buildings, such as rest room facilities and showroom were contemplated, but that the major portion of the land would be planted in trees and flowers.

Commissioner Yamamura wondered whether Mr. Nitahara employed anyone in his operation. Mr. Choi replied that although this was not so at the present time, he felt this may become necessary in the future to take care of the guided tours, maintenance of the premises, etc.

Commissioner Carras moved that the special permit be granted subject to the conditions imposed by the County of Hawaii, which was seconded by Commissioner Oura, and carried.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP73-159 - MAKOTO NITAHARA

DATE October 17, 1973

PLACE County Council Room
Hilo, Hawaii

TIME 10:30 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
MARK, SHELLEY	✓			
NAPIER, ALEXANDER	✓			
KIDO, SUNAO				✓
YAMAMURA, TANJI	✓			
M CARRAS, JAMES	✓			
SAKAHASHI, STANLEY	✓			
S OURA, MITSUO	✓			
TANGEN, EDDIE	✓			

Comments:

I move to approve the special permit, subject to the conditions imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

October 17, 1973
10:30 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP73-159 - MAKOTO NITAHARA

A public hearing was held by the Hawaii County Planning Commission on July 19, 1973 on this special permit application submitted by Makoto Nitahara to allow the operation of a commercial arboretum within the Panaewa Farm Lots, South Hilo. The proposed arboretum is situated on a parcel of land within the State's Agricultural District described as Tax Map Key 2-2-48: 13 and comprises approximately 20 acres.

BACKGROUND

The property under consideration lies on the north side of the Belt Road approximately 3,000 feet from the intersection of Belt Road and Makalika Street. The property across Makalika Street comprises the Panaewa Houselots area, which was designated Urban by the Land Use Commission in the 1969 boundary review. The character of the area in the Agricultural District is predominantly agricultural with macadamia, citrus, and pine tree plantings. Within the Panaewa Urban District, residential uses are low density because of the large lot sizes of approximately 2.5 acres.

The land is classified as bare Aa land, class E soil type, or very poor for agricultural pursuits. Slope is 0-5% and rainfall is in the 80 inches or greater range. The elevation is approximately 200 feet.

The Hawaii County General Plan indicates the parcel as orchard use or alternate urban expansion. County zoning is for agricultural use.

The applicant has been working on this project for the last three years. He has substantially planted the area with orchids, and over 225 different varieties, including gingers, anthuriums, papaya, guava, macadamia, woodrose, native Hawaiian herbs, etc. He has also constructed a waterfall, pond areas, and a grass shack, installed toilet facilities and a paved parking area for cars and buses. As part of this petition, the applicant also proposes to build and operate a shop where visitors may purchase agricultural products from Hawaii.

of plants + trees

In a letter dated October 3, 1973, Mr. Frederick Erskine of the Department of Agriculture states:

"The Department of Agriculture supports Mr. Nitahara's application for a planned arboretum, botanical garden, and nursery complex for they represent excellent opportunities to promote and market the variety of flowers and foliage grown in Hawaii.

"Moreover, we have encouraged Mr. Nitahara through farm loans to convert his papaya orchard into a flower, foliage, and tree nursery. Mr. Nitahara moved to Panaewa in hopes of raising papayas, but because of replant problems, had to convert to other uses.

"Outstanding growth in our export of flowers and foliage is complementing the growth in papaya as a valued export from Hawaii County. Increased exposure of visitors to plant and flowers will reinforce the export market for flower and foliage products of the State.

"In all developments in agricultural areas we favor establishment of natural screening of working or parking areas to assure preservation of aesthetic values. The use of a display garden arboretum system combined with an on site marketing opportunity represents an addition to the tourist aspects for Hilo.

"Similar arboretum gardens nearer the center of Hilo will eventually be displaced. To assure a continuity of this type of operation it is necessary to plan for the future by encouraging more developments of this type in the Panaewa Farm Lot area and other specialized plantings further from Hilo.

"We feel an arboretum, botanical-garden operation which is a permitted activity in an RA Zone should be permissible in areas having the lower A Zone classification.

"We strongly support this petition."

COUNTY RECOMMENDATION

On August 23, 1973, the County Planning Commission voted to recommend approval of the request on the following bases:

- "1. That the proposed use, with the exception of the admission charge, is a permitted use within the agricultural district; . . . /

- "2. That the proposed use would not substantially alter the agricultural character of the area and subject property as agricultural activity is presently being undertaken on the property and on surrounding areas.
- "3. That the proposed use would be in compliance with the objective of promoting agricultural activities."

Approval by the County is subject to the following conditions:

- "1. That development of the complex be substantially as represented.
- "2. That any sale of products be limited to agricultural products.
- "3. That 'plan approval' be secured from the Planning Department before the operation commences to assure compliance with all applicable regulations, i.e., parking, signs, etc."

ANALYSIS

The request essentially meets the "unusual and reasonable" use guidelines established in Section 2.24 of the Land Use District Regulations since:

1. The proposed use would not adversely affect the surrounding property nor alter the essential character of the land. Since the parcel will be substantially in agricultural use, the only direct impact that the use will generate is visitor traffic and parking. However, it is noted that a petition supporting the application has been received signed by 20 residents of the Panaewa Farm Lots subdivision who are immediately in the vicinity of the proposed site except for one family who was not at home.
2. Roads, police protection, and other public facilities will not be unreasonably burdened in meeting the future needs of the arboretum.
3. The proposed use has three beneficial features: 1) it will promote economic development for the County of Hawaii and Hawaiian agriculture as a whole by exposing the visitors to many agricultural products which are grown in Hawaii; 2) an attraction such as this may increase the visitor's length of stay thus benefitting the visitor industry and 3) the applicant proposes to invite school children to the arboretum for field excursions. Such an

arrangement would be extremely educational as the applicant has hundreds of plants native to Hawaii and the Pacific Basin.

Therefore, on the bases of the above findings, the staff recommends that this special permit be approved subject to the conditions of the County. It is particularly noted that this approval extends to the future shop area which under the County's condition #2, would be restricted to sale of agricultural products only.