

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Discovery Room, Kona Hilton Hotel
Kailua, Kona, Hawaii

January 8, 1971 - 1 p.m.

APPROVED
FEB 26 1971

Commissioners Present: Goro Inaba, Vice Chairman
Leslie Wung
Shelley Mark
Eddie Tangen
Alexander Napier
Stanley Sakahashi
Tanji Yamamura

Commissioner Absent: Sunao Kido

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Dora Horikawa, Stenographer

Vice Chairman Inaba called the meeting to order and swore in persons wishing to testify before the Commission.

HEARING

PETITION BY VACATIONLAND ASSOCIATES (A70-267) TO REZONE 24 ACRES FROM CONSERVATION TO AGRICULTURAL AT KAPOHO, PUNA, HAWAII

The Executive Officer, Mr. Duran, presented the staff report on file and oriented the Commission to the area in question.

Acting Chairman Inaba inquired why the District Boundary line was not drawn to coincide with the property boundary line of the subdivision.

Mr. Duran explained that the District Boundaries in 1964 were established prior to the subdivision's recordation by the Tax Office and therefore the Commission was not aware of the subdivision.

Since none in the audience spoke for or against the petition, the

Acting Chairman advised that the Commission will accept additional testimony in the next 15 days and thereafter closed the hearing.

ACTION

PETITION BY MALANI E. & BERNARD CHUN (A70-267) TO REZONE 4.87 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEHE HOMESTEADS, NORTH KONA, HAWAII

Upon the request of the Acting Chairman, Deputy Attorney General Walton Hong explained to the petitioners in attendance that it is the Commission's adopted policy that once testimony has started in an action meeting, the petitioners cannot ask for a deferment. The request must be made before testimony is given and before the staff makes its presentation.

Mr. Duran noted that the instant petition may be an exception to this rule since the staff is recommending that the petition be deferred on file. Mr. Chun in attendance supported the staff recommendation and requested a deferral.

Commissioner Tangen's motion to concur with the staff's recommendation for deferral of the petition until the County's recommendation is received was seconded by Commissioner Wung and unanimously carried.

PETITION BY MASAJI SAKAMOTO, YUKIO YAMAMOTO & IWAO JYO (A70-245) TO REZONE 3.87 ACRES FROM AGRICULTURAL TO URBAN AT KALAMAKUMU, SOUTH KONA, HAWAII

Mr. Duran read the staff memo (on file) recommending approval of the reclassification of the subject 3.87 acres from Agricultural to Urban.

Upon questioning by Commissioner Mark, the Executive Officer agreed that the housing figures used by the County in substantiation of their recommendation for approval of the petition are contradictory but that the staff was merely quoting their report data.

Commissioner Wung's motion to accept the staff's recommendation for approval of the petition was seconded by Commissioner Yamamura and unanimously carried.

PETITION BY SHUZO IKENO, SANJI IKENO & MASAICHI KIMOTO (A70-252) TO REZONE 9.18 ACRES FROM AGRICULTURAL TO URBAN AT KEOPUKA (MAUKA), SOUTH KONA, HAWAII

PETITION BY SHUZO IKENO (A70-262) TO REZONE 5.89 ACRES FROM AGRICULTURAL TO URBAN AT KEOPUKA (MAUKA), SOUTH KONA, HAWAII

In regard to Acting Chairman Inaba's suggestion that the two petitions be treated as one, the staff planner, Mr. Ah Sung Leong, read that section of the staff memo which recommended that action be consolidated on the two petitions (see staff memo on file) as provided for under Section 1.16 of the Land Use Rules and Regulations.

Commissioner Tangen's motion to consolidate action on the two petitions was seconded by Commissioner Wung and unanimously carried.

Mr. Leong continued with the staff memo and described the subject area. Upon the Commission's request, he pointed out on the map the location of the approximately 350 acres of vacant Urban zoned lands in the vicinity of the area under petition and the 6.5 acre portion recommended for approval by the County. He confirmed that no significant development has occurred in the vacant urban zoned areas and that the petitioners have indicated an interest in lot sales only.

Commissioner Tangen commented that the petitioner has not shown an interest in following up on the request for additional information. He noted that in view of the large amount of undeveloped Urban zoned lands in the area, approval of a proposal to develop only houselots would not benefit the public.

Mr. Leong stated that a letter was sent to Mr. Ikeno as early as June 15 calling his attention to the portion of the staff report requesting the submittal of a construction schedule and additional substantiating evidence.

Mr. William Kawahara, Kona real estate broker, stated that the developer should be given some consideration since not every house buyer wants to live in a tract-type house.

Commissioner Tangen felt that the testimony offered by Mr. Kawahara may be true but that Mr. Kawahara would not be bound by what he said. However, the petitioner would be held responsible for representations made before the Commission, but he has not appeared.

Commissioner Mark commented that the Commission is aware of the

demand for housing but that the primary concern is the supply. He further stated that in terms of home construction, it is not always expected that the developer himself builds the houses. However, the Commission sought some indication from the petitioners that houses will be constructed on the property. But the petitioner has not responded. Commissioner Mark's motion to deny the request was seconded by Commissioner Tangen and unanimously carried.

PETITION BY HIROSHI MATSUYAMA (A70-255) TO REZONE 7.77 ACRES FROM AGRICULTURAL TO URBAN AT HOLUALOA, NORTH KONA, HAWAII

Mr. Duran, the Executive Officer, presented the staff memo recommending disapproval of the request (see report on file) and described the land uses in the area.

Acting Chairman Inaba stated that he would disqualify himself from the proceedings in this matter because of the close proximity of his property to the land under petition.

Chairman Pro tempore Wung asked for testimony by Mr. Matsuyama, the petitioner.

Mr. Matsuyama testified that the property is unsuitable for farming and that he is sincere in wanting to build houses on it. He confirmed that he would agree to whatever zoning the County imposed on his property.

Commissioner Sakahashi inquired of the staff whether approval of this petition would constitute spot zoning. The Executive Officer noted that it would set a bad precedent and that should the request be approved, the Commission should consider initiating another action which would tie the subject area in with the existing urban developments. Deputy Attorney General Hong called attention to the portion in the District Regulations dealing with the prevention of scattered Urban developments.

Mr. Matsuyama stated that he wished initially to develop a 3½ acre portion situated right on the highway.

Mr. Kawahara, Kona realtor, pointed out that the area definitely has an urban character and is located at the center of Holualoa town.

Commissioner Sakahashi moved that the petition be approved as recommended by the HCPC. Commissioner Napier seconded the motion. Upon further discussion, the motion was withdrawn.

Commissioner Sakahashi then moved that the 3.7 acre portion north of the drainage canal as shown on Mr. Matsuyama's map be approved. The motion was seconded by Commissioner Napier and carried unanimously.

PETITION BY ROBERT M. YAMADA (A70-257) TO REZONE 21.24 ACRES FROM AGRICULTURAL TO URBAN AT MAKAULA, NORTH KONA, HAWAII

Upon Acting Chairman Inaba's suggestion, the staff planner summarized the findings and recommendation of the staff for denial of the petition.

Since no further testimony was offered, Commissioner Napier moved for acceptance of the staff's recommendation and was seconded by Commissioner Sakahashi. The motion was carried by the following votes:

Ayes--Inaba, Napier, Tangen, Mark, Sakahashi, Yamamura
Nay --Wung

PETITION BY IWAO JYO (A70-263) TO REZONE 5.729 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEHE HOMESTEADS, NORTH KONA, HAWAII

Deputy Attorney General Hong noted for the record that Acting Chairman Inaba disqualified himself from participation in this matter.

The Executive Officer described the area in question and stated that the staff recommended deferral of action until the County has completed its study of the area. Mr. Jyo consented to the deferral.

Commissioner Tangen moved that the deferral be until after the County completed its study. The motion was seconded by Commissioner Sakahashi and unanimously carried.

PETITION BY BOISE CASCADE PROPERTIES, INC. (SP70-86) TO OBTAIN A SPECIAL PERMIT TO ALLOW UTILIZATION OF EQUESTRIAN CENTER AT WAIKOLOA, SOUTH KOHALA, HAWAII

The Executive Officer presented the staff memo recommending approval of the special permit to utilize an existing equestrian center as a sales pavilion subject to the conditions stipulated by the County (see report).

After a short discussion, Commissioner Napier moved for approval as recommended by the staff. Commissioner Sakahashi seconded the motion and it was carried.

PETITION BY KUWAYE BROTHERS, INC. (SP70-87) FOR A SPECIAL PERMIT TO ALLOW A QUARRY OPERATION AT KAHUKU, KAU, HAWAII

The staff planner read the staff memo recommending approval of the special permit to establish a quarry and allied uses in the Agriculture District in Kau under the stipulations imposed by the County (see report).

Commissioner Napier moved that approval be granted as recommended by the staff. The motion was seconded by Commissioner Sakahashi and unanimously carried.

MISCELLANEOUS

LETTER FROM WADCO

The Executive Officer referred to a letter from Mr. Gordon Ho, representing Wadco Inc., requesting a 90 day extension on the public hearing which was tentatively scheduled for February 5 in Windward Oahu.

The Commission decided to approve the 90 day extension request by Wadco Inc.; to extend the 2 special permits (SP70-88 and 89) to the February 26 Oahu meeting; to hold an evening meeting on February 26 on the Leeward side of Oahu in order to maximize public participation on the Campbell Estate petition; to have a luncheon meeting with the Board of Regents on February 26; and to meet with the City Planning Director after the luncheon meeting.

SHORELINE SETBACK

Deputy Attorney General Hong reported that the shoreline setback provisions recently adopted by the Land Use Commission has been typed in final form and is ready for the Governor's signature. Upon approval by the Governor, it is sent to the Lt. Governor's office for filing.

The meeting was adjourned shortly thereafter.