

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

January 19, 1973 - 1:30 p.m.

Kona Hilton Hotel  
Kona, Hawaii

COMMISSIONERS PRESENT: Goro Inaba, Chairman  
Eddie Tangen, Vice Chairman  
Alexander Napier  
Sunao Kido  
Shelley Mark  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

*Approved*  
AUG 30 1973

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

Upon motion by Commissioner Sakahashi, seconded by Vice Chairman Tangen, the minutes of November 16, 1972 were adopted as circulated.

HEARING

Chairman Inaba swore in persons testifying during today's public hearing.

PETITION BY JOHN M. MAHI (A72-347) TO RECLASSIFY 3.3 ACRES FROM AGRICULTURAL TO RURAL AT NORTH KONA, HAWAII

The staff report was presented by Mr. Fujimoto, Executive Officer. (See copy of report on file.) He explained that under the County zoning of Agricultural 1-acre for the subject lands, the 3.3 acres could not be subdivided into 4 lots as desired by the petitioner.

Commissioner Napier felt that this placed the petitioner in a difficult position, especially since they merely wanted to subdivide the land for the family members without any intent to sell. Mr. Fujimoto replied that this could set a precedent for other

landowners to request small subdivisions within the Agricultural District. Chairman Inaba observed that in the past the Commission had denied similar requests.

In response to a point raised by Commissioner Sakahashi, Mr. Glenn Miyao of the Hawaii Planning Department staff advised that as long as the lots are recognized existing lots, homes could be built on them, even though they may be situated within a non-conforming subdivision. It was also confirmed that water was available to the non-conforming subdivisions located within the general area of the subject property, and since the subject request involved only 4 additional families, it would not burden the existing facilities.

Commissioner Wung suggested that this whole area be considered during the 5-year review since he was aware of several complaints regarding the non-conforming status of the subdivisions. Mr. Fujimoto agreed that this was one of the areas that should be reviewed during this period.

Under questioning, Mr. Miyao further elaborated that in recognition of the existing non-conforming residential lots, the County endorsed eventual urbanization of the area, dependent upon the rate of development in these subdivisions.

Commissioner Kido brought up the possibility of partitioning the property to the 4 heirs through the courts.

Since there was no further testimony, the hearing was closed.

PETITION BY HAROLD BLICK & RONALD HARRIS (A72-348) TO RECLASSIFY  
10 ACRES FROM AGRICULTURAL TO URBAN AT NORTH HILO, HAWAII

The staff report on this petition was presented by Mr. Leong, Planner (see copy of report on file). He added that the drainageway occurred on only a small percentage, or approximately 1 1/2 acres, of the total 10-acre parcel.

Mr. Jeffrey Choi, attorney representing the petitioners, submitted that from their research of available data, files of the real estate offices in Hilo, and attendance at Laupahoehoe Community Association meeting, it had become apparent that there was a great need for the type of development proposed. Also, there was almost no listing available for lots in the area, and he had received numerous unsolicited calls from people regarding the proposed lots.

Mr. Choi stated that a commitment had been made to the Community Association to make the lots available to the people in

the area which would eliminate the specter of speculation. He submitted he was unable to quote a firm price at this time; however, in order to keep the price at a level people can afford, petitioners were making every effort to keep it at \$1.25 a square foot or lower if possible. It was not the petitioners' intent to build homes on the lots although they were prepared to do this on some of the lots, should this be required by the County.

Vice Chairman Tangen advised that it was important that a time table and development plans be submitted to the Commission as required by the regulations. Mr. Choi supposed this could be done within the 15-day period. He also brought out for the Commission's view, a rough sketch of the layout. He said that part of their difficulty, in this respect, stemmed from the County requirements, such as additional rights-of-way, provisions for water lines, which they had not anticipated in their original estimates. Regarding the drainage, Mr. Choi stated that the personnel at the USDA had assured them the problem was minimal, although he acknowledged some provision will have to be made.

In answer to Commissioner Mark's inquiry, Mr. Miyao advised that the first increment of approximately 26 lots planned by the sugar company will be available only to plantation employees. The element of competition with the sugar company's subdivision was not present since the petitioners' lots would be primarily directed to another segment of the population.

Referring to an earlier statement made by Mr. Choi regarding the selling price of the lots, Vice Chairman Tangen emphasized it was important to file a statement with the Commission to support this representation within 15 days. Mr. Choi replied that he will be happy to prepare a report but that he would be reluctant to make a commitment which the petitioners could not meet.

Mrs. Dorothy Hirowatari, Housing Committee Chairman of the North Hilo Community Council, reported that the Council favored the proposed subdivision but recommended that a restrictive covenant be imposed, mandating the buyer of the property to build within 2 years. She felt that this would remove the speculative element from the lot sales. The Commissioners were in general agreement with Mrs. Hirowatari's concerns, but questioned whether it had jurisdiction to impose a restrictive covenant. Mr. Choi replied that the petitioners would have no objections to imposing any reasonable restrictions; however, he could not speak with certainty for all of the people who may purchase the lots although a number of them have indicated their intent to build homes. Chairman Inaba suggested that perhaps the North Hilo Community Council could pursue this matter further with the petitioners.

The hearing on this petition was closed.

PETITION BY YASUJI TAKASAKI, ET AL (A72-350) TO RECLASSIFY 10.2  
ACRES FROM AGRICULTURAL TO RURAL AT NORTH HILO, HAWAII

The Executive Officer presented the staff report relative to this petition (see copy of report on file). He advised that the 3 parcels under petition were all non-conforming lots within the County zoned Ag-20 Agricultural District.

During his testimony, Mr. Takasaki offered the information that the 3 families merely wished to subdivide the 10 acres among their children so that they could each have a lot. He added that he proposed to subdivide his 4.3 acres into 5 lots for his 4 children and himself. The children will also carry on the family orchid business on the property. He surmised that the lot sizes will average a little over half an acre, after providing for the necessary rights-of-way required by the County.

Commissioner Mark inquired whether, under the County's zoning, a cluster type development might not be possible to allow the petitioner to build the necessary homes for his family without amending the district boundaries. Mr. Miyao replied that the County will permit farm dwellings on the basis of their commitment to agriculture.

Another possible alternative, that of placing all of the homes on one portion of the property and farming the remainder, was suggested. However, Mr. Takasaki maintained that he wanted each of his 4 children to have his own subdivided lot.

Mrs. Hirowatari supported the petition on the basis that the area was rural in character and claimed that it had previously been zoned Rural (RA) and changed to Ag-20 without the petitioners' knowledge. She also alleged that in Ninole, 2 miles from the petitioners' property, a change from Rural to Urban was contemplated and that the Hawaii Planning Department was aware of the 8" main that was being installed at a cost of \$250,000.

Mr. Fujimoto advised that the subject property had never been designated Rural under the Land Use classification and Mr. Miyao corroborated this.

Mr. Miyao further noted that in a letter from the Department of Water Supply regarding Mr. Takasaki's proposed subdivision, it had been indicated that since there was no water system in the area, it will be necessary for the petitioners to install a water system that will meet the Department's standards.

In response, Mr. Takasaki submitted that 19 years ago, 5 families had joined together and installed their own pipeline from the spring water, and had never experienced any water shortage even during the dry spells. It was also planned to build some reserve tanks to meet the County requirements.

The hearing on A72-350 was closed, and Chairman Inaba advised that the Commission will receive additional data within the next 15 days.

#### ACTION

PETITION BY SIGNAL PROPERTIES, INC. (A72-334) TO RECLASSIFY 57 ACRES FROM AGRICULTURAL TO URBAN AT SOUTH KOHALA, HAWAII

Upon its evaluation, it was recommended by staff that the petition be approved; however, that the development performance be assessed during the boundary review in 1974 (see copy of report on file). Mr. Fujimoto also advised that no communication had been received from the Department of Education regarding the adequacy of the school facility in the area.

Commissioner Napier's motion to approve the petition as recommended by staff was seconded by Commissioner Yamamura and unanimously carried.

PETITION BY C. BREWER & CO.'S VARIOUS SUGAR COMPANIES (A72-338, A72-339, A72-340, A72-341, A72-343) TO RECLASSIFY LANDS IN THE COUNTY OF HAWAII

It was recommended by staff that Areas 2, 3 and 4, be approved for reclassification from the Urban to the Agricultural District; and that only a 69.5 acre portion of the 224.6 acres petitioned under Area 5 be reclassified from Agricultural to Urban (see copy of report on file).

In view of the staff's recommendation, Mr. B. W. Baldwin, Manager of Kau Development Company, Inc., requested that action on Areas 2, 3 and 4 be deferred until the decision on Area 5 is rendered. Vice Chairman Tangen agreed that this was a valid request.

In response to an inquiry by Commissioner Mark, Mr. Leong explained that an estimated 96 acres will be restored to cane when the scattered camp sites are relocated under the proposed plan. Also, a land exchange had been proposed by the petitioner with the Department of Education to relocate the existing school to the area under petition.

Commissioner Mark wondered whether petitioner was prepared to bear the cost of relocating the school. Mr. Claude Moore, staff member of Kau Development Company, maintained it was their position that the DOE should either buy the land for the new school site or enter into a land exchange with the petitioner.

Mr. Fujimoto advised that although staff's recommendation involved only 69.5 acres, approval of the total concept had been implied. This would allow for the development of the first phase and at the time of the boundary review, the total area could be studied.

Chairman Inaba noted that in fairness to the petitioner, he should have some assurance that he will be allowed to pursue with the total project in view of the substantial expense involved in the development of the necessary amenities.

Commissioner Kido remarked that from the staff's analysis, it seemed incremental zoning had been implied. Mr. Fujimoto replied that the 69 acres will provide enough urban zoning to meet the employee housing needs and the Commission would have an opportunity to assess the total area during the 1974 review.

Mr. Moore admitted that their total request involved much more than was immediately needed to take care of the employee housing. However, in order to support the necessary public facilities such as neighborhood community center, school, the installation of sewage treatment plant, approximately 750 families will have to be located here. Additionally, construction of other urban amenities such as service stations, stores, church, fire station, etc., will be contingent on the size of the development. He submitted that approximately \$40,000 had been expended for the plans, and petitioner would find it difficult to plan for the roads, sewer, water development unless they were assured the total project would be approved.

Commissioner Sakahashi agreed that substantial front money was involved in any development, and since the need had been established, it was unreasonable to hold the petitioner to only a small portion of the total project.

Vice Chairman Tangen wondered whether the petitioner was in agreement with the conditions imposed by the County that the owner or lessee of the subject area be responsible for submitting a rezoning application to the County within one year from the date of approval; and that the plantation camp involved in the relocation be converted to some form of viable agricultural use; and that the

petitioner apply for rezoning upon the completion of the project within 5 years; and also abide by the incremental zoning requirements in the Land Use Regulations. Mr. Baldwin replied that they had no objections to these requirements.

Commissioner Sakahashi moved that Area 5 under petition be approved with the understanding that the petitioner be put on notice that unless there is satisfactory compliance with the development time schedule by July 31, 1974, the Land Use Commission will consider initiating a petition to restore the undeveloped property to an Agricultural designation. The motion was seconded by Commissioner Wung and carried with Commissioner Mark casting the only dissenting vote.

Commissioner Sakahashi moved for the reclassification of Areas 2, 3 and 4 as recommended by staff, which was seconded by Commissioner Wung and unanimously passed.

PETITION BY BISHOP ESTATE (A72-343) TO RECLASSIFY 15.4 ACRES FROM AGRICULTURAL TO URBAN AT NORTH KONA, HAWAII

Mr. Fujimoto read the staff memorandum recommending that the petition be denied, based on staff analysis and findings (see copy of report on file).

Mr. Guido Giacometti, representing the Kamehameha Development Corporation, reiterated a statement made during the public hearing, that the 7-acre parcel in the general area which had been reclassified in 1970 was under lease to Arakaki and Rietfors, who were experiencing financial and marketing problems.

Vice Chairman Tangen moved to accept the staff's recommendation, which was seconded by Commissioner Wung and the motion was carried with the following votes:

Ayes: Commissioners Mark, Kido, Yamamura, Sakahashi,  
Vice Chairman Tangen, Chairman Inaba

Abstain: Commissioner Napier

NEXT MEETING DATE

It was announced by the Executive Officer that the next meeting of the Land Use Commission will be held on Oahu on February 2, 1973.

Since there was no further business, the meeting was adjourned.