

LAND USE COMMISSION

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

January 22, 1963 - 7:00 P.M.

Commissioners Edward C. Bryan
Present: Wayne D. Gregg
Edward Kanemoto
Roger T. Williams

Absent: Stanley C. Friel
Yuichi Ige
Franklin Y. K. Sunn

Ex-Officio Members
Present: Philip T. Chun

Absent: E. H. Cook

Staff R. J. Darnell, Executive Officer (XO)
Present: W. M. Mullahey, Field Officer (FO)
Roy Takiyama, Legal Counsel

The meeting was called to order by Chairman Bryan.

ITEMS PENDING ACTION

PETITION OF HAROLD J. SILVA, ET. AL. (A(T) 62-20), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR LAND IN WAIANAЕ: Described as First Division, TMK 8-5-04: 2; 9-19; 23; 25. (CHANGED TO APPLICATION OF HAROLD J. SILVA, ET. AL. (SP(T) 62-43), FOR SPECIAL PERMIT TO SUBDIVIDE, FOR SINGLE-FAMILY PRIMARY USE CERTAIN PROPERTY IN WAIANAЕ: Described as TMK 8-5-04: 2; 9-19; 23; 25.)

It was noted for the record that the petition has been changed to a Special Permit application; and that an opinion on this change was given by the Attorney General's Office in writing, stating that in this particular case there is no objection to changing the request from a Change of Temporary District Boundary to a Special Permit, as the filing of the application was made on the recommendation by the staff. It was recommended by the Attorney General's Office that such a procedure not be followed in the future. Chairman Bryan added that it was also stated that, because of the circumstances surrounding this particular case, there was very little difference in substance, as far as the public notice is concerned, and he did not think anyone would be led astray or be denied his right to appear.

The XO described the area, gave a brief outline of the request and reviewed the public hearing which was held in Honolulu on November 20, 1962. He informed that the City Planning Commission voted to recommend that the temporary district boundary designating the petitioner's land for agricultural use be amended to include the subject lands in a Temporary Urban district; that the staff would recommend that this recommendation be approved under a special permit procedure; but not under a rezoning procedure. He explained that the reason for the difference was that if a spot urban district was created in the upper portion of Waianae Valley it would have to be shown on the map, and it would be anticipated, or taken for granted, that this area was expected to grow into a town. The reason for recommending approval for allowing the applicants to use the land in an urban fashion was stated by the XO to be that the resubdivision of the original acre-lots was well underway when the regulations were adopted; the City & County has required urban-type improvements to be installed, and these are in place; and the several remaining parcels should be accorded the same privilege as the owners who have already resubdivided.

Commissioner Chun moved to approve the amended petition for Special Permit for single family dwelling uses as primary uses of the area, subject to applicable City and County ordinances and regulations. Commissioner Williams seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF BENIGNO MIGUEL (SP(T) 62-34), FOR A SPECIAL PERMIT TO CONSTRUCT FOUR ADDITIONAL DWELLINGS ON PROPERTY IN WAIMANALO, OAHU: Described as First Division, TMK 4-1-10: 39.

The FO briefly described the area and the request; and reviewed the public hearing held in Honolulu on December 19, 1962. He stated that additional comments were received from various agencies after the hearing on the above subject, namely the Land Study Bureau and the Board of Water Supply, which comments were read to commissioners and made part of the record. He also informed that the City Council recommended denial of the applicant's request and that the staff too recommended denial.

Commissioner Chun moved to approve the City Planning Commission and the LUC staff recommendations for denial of this application; seconded by Commissioner Kanemoto. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun and Chairman Bryan. Disapproved: None.

(The Chairman requested the FO to followup on the permitted digging of a cesspool for a houselot subdivision knowing that the area is designated for Agricultural use.)

PETITION OF GEORGE VIERRA AND LYDIA TOLEDO (A(T) 62-19), FOR CHANGE IN TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR LAND LOCATED IN PUUKAPU HOMESTEADS, NORTH KOHALA: Described as Third Division, TMK 6-4-03: 7.

The FO informed that a letter was received from Mr. Bernard G. Kinney, attorney for Mr. Vierra and Miss Toledo, requesting withdrawal of the petition of George Vierra and Lydia Toledo for Change of Temporary District Boundary from Agriculture to Urban classification.

Commissioner Williams moved to approve the request for withdrawal according to letter of December 5, 1962 submitted by Attorney Bernard G. Kinney. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF Y. L. LIAU (SP(T) 62-29), FOR SPECIAL PERMIT FOR PERMISSION TO SUBDIVIDE A 13.959-ACRE PARCEL INTO 8 RESIDENTIAL AND 1 RESIDUAL LOT FOR LAND IN KALAMAKOWALI, SOUTH KONA, HAWAII: Described as Third Division, TMK 8-2-10: 22.

The FO briefly described the area and the request; and gave his report of the Field Officer Hearing held in Hilo on December 21, 1962. The FO stated that the land on both sides of the Mamalahoa Highway between the southerly Urban boundary of Captain Cook and the area under application was substantially residential in character and that the staff recommendation at the time of the adoption of the Temporary District maps in 1962 was that this strip of builtup land be considered as Urban. As the Temporary District designation is Agriculture the staff recommended denial if action was to be taken immediately or, deferral of the request pending a possible re-evaluation of the Urban district boundary around Captain Cook prior to the adoption of the Final District Boundary maps. The FO informed that an oral amendment was made by Mr. Liau during the public hearing for 51 lots instead of 8 lots, and that formal amendment was received from the applicant subsequent to the hearing.

Commissioner Williams moved to defer action on this application until a report from Mr. Kasamoto giving his recommendation on the amended request is received. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF MINEO KOYANAGI (SP(T) 62-26), FOR SPECIAL PERMIT TO CREATE ONE RESIDENTIAL LOT FROM A 36.8 ACRE PARCEL ON LAND IN HIENALOLI 6, NORTH KONA, HAWAII: Described as Third Division, TMK 7-5-11: 1.

The XO briefly described the area and the request. He reviewed the public hearing held in Hilo on November 19, 1962, and stated that the staff had failed to find anything unusual or reasonable in this case, and had recommended disapproval of the application. He stated that the County Planning Commission recommended approval of the request.

Commissioner Williams moved to defer action pending an attempt to contact Mr. Koyanagi to clarify the use and restriction of this property. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF MASATARO NAGATA (SP(T) 62-30), FOR SPECIAL PERMIT TO CREATE A ONE-ACRE RESIDENTIAL LOT FROM A 20.050 ACRE PARCEL IN WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII: Described as Third Division, TMK 2-4-31: 1 (formerly 2-4-05: 8).

The FO briefly described the area and reviewed the request; gave his report of the Field Officer hearing held in Hilo on December 21, 1962. The FO stated that this area had been proposed as Urban on the Final District Boundary map of Hawaii County, he further stated that the staff could find nothing unusual and reasonable about the request. The FO said that in view of the above conditions, the staff recommendation would be two-fold, namely: (1) for denial if action were to be taken immediately and; (2) for deferral of the request until the Final District Boundaries had been adopted for Hawaii County. He stated that the Hawaii County Planning Commission recommended approval for this request.

Commissioner Kanemoto stated that since the proposed final boundaries indicate that the area will be in Urban classification, he would move for approval of the request, subject to the condition that approval of the County of Hawaii be obtained for the proposed use; seconded by Commissioner Chun. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun and Chairman Bryan. Disapproved: None.

APPLICATION OF LAMPOG TOMAR AND RIZAL SIMPLICIANO (SP(T) 62-31), FOR SPECIAL PERMIT TO DIVIDE A ONE-ACRE PARCEL IN HALF ON LAND LOCATED IN KOKOIKI HOMESTEADS, NORTH KOHALA, HAWAII: Described as Third Division, TMK 5-5-04: 54.

The FO briefly described the area and reviewed the request, and gave his report of the Field Officer of which hearing was held in Hilo, on December 21, 1962. The FO stated that the lot under application was in an area which

was residential in character, however, the recommendation of the staff would be for denial on the basis of past commission actions concerning additional house-lots in the Agricultural district. He stated that both County Planning Commission and Board of Supervisors recommended approval of the request.

Commissioner Williams moved to approve this application to divide that lot into two ½-acre lots for the purpose of building single-family units on the second half, subject to the condition that approval of the County of Hawaii be obtained for the proposed uses, on the basis that it will not increase the load for utilities from the County as they exist in the area and on the basis that the proposed use will be typical of what exists in the area now. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun and Chairman Bryan. Disapproved: None.

APPLICATION OF SHIGEJI YAMAGATA (SP(T) 62-32), FOR SPECIAL PERMIT TO CREATE A 1/2 ACRE RESIDENTIAL LOT FROM A 20-ACRE PARCEL IN HOKUKANO, KONA, HAWAII: Described as Third Division, TMK 7-9-10: 21.

The FO briefly described the area and reviewed the request; gave his report of the Field Officer hearing held in Hilo, on December 21, 1962. The FO stated that on the basis of past commission action concerning the creation of additional houselots in the Agricultural district, and also due to the fact that it was the staff's feeling that the applicant could proceed with his request as an accessory use to an agricultural operation without subdivision and therefore without commission approval, the recommendation of the staff would be for denial. He stated that both the County Planning Commission and the Board of Supervisors recommended approval.

Commissioner Kanemoto moved for approval of the request subject to the condition that approval of the County of Hawaii be obtained for the proposed use, on the basis that this is an accessory use to an agricultural enterprise; and denial of the request would work a hardship on the applicant as it would not permit him to get the financial help, which would not be in keeping with the intent of Act 187. Commissioner Williams seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Chun, Gregg, and Chairman Bryan. Disapproved: None.

APPLICATION OF HAJIME NAKAO (SP(T) 62-33), FOR SPECIAL PERMIT TO SUBDIVIDE A 4.02-ACRE PARCEL INTO 2 RESIDENTIAL AND 1 ACCESS LOTS ON LAND IN KEOPUKA, SOUTH KONA, HAWAII: Described as Third Division, TMK 8-1-07: 14.

The FO briefly described the area involved, outlined the applicant's request and gave his report of the Field Officer hearing held in Hilo, on December 21, 1962. He presented the staff's recommendation which was for approval due to the unusual circumstances in this case. The staff was of the opinion

after consultation with the Bureau of Conveyances, that since the lots have been conveyed following preliminary approval by the County Planning & Traffic Commission during the period when the Land Use Commission's interim regulations were in question, this is sufficiently unusual and reasonable to recommend the granting of these two residential lots, recognizing the existing conditions. He stated that the Planning Commission recommended denial on the basis of the Attorney General's Opinion 62-38.

Commissioner Williams moved for approval according to the staff's recommendation, subject to the condition that approval of the County of Hawaii be obtained for the proposed uses; seconded by Commissioner Chun. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF LOUISE KAPEHE (SP(T) 62-35), FOR SPECIAL PERMIT TO SUBDIVIDE A 3.2 ACRE PARCEL IN KOHANAIKI, NORTH KONA, HAWAII, INTO 8 RESIDENTIAL LOTS: Described as Third Division, TMK 7-3-06: 6.

The FO briefly described the area, briefly reviewed the request, and summarized the Field Officer hearing held in Hilo, on December 21, 1962. The FO stated that the County Planning Commission and the Board of Supervisors both recommended approval of this request. He presented the staff's recommendation which was for approval, on the basis that it was a logical extension of the existing urban area by means of a Special Permit, realizing the existing conditions making the approval subject to the county's approval.

Commissioner Williams moved for approval on the basis that the area is adjacent to an Urban district; that there is power; and though there is not enough water, there is sufficient rainfall in the area so that roof water could be used as is the case in the adjacent subdivision; subject to the condition that approval of the County of Hawaii be obtained for the proposed use. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF ABNER DELIMA (SP(T) 62-36), FOR SPECIAL PERMIT FOR SUBDIVISION OF 0.76 ACRE PARCEL INTO 3 RESIDENTIAL LOTS AND 1 ACCESS LOT IN MAKENA, MAUI: Described as TMK 2-01-07: 6.

The FO briefly described the area, outlined the request, and gave his Report of the Field Officer hearing held on Maui, on January 3, 1963. He stated that the Planning Commission recommended approval, for the reason that the land is not suitable for agricultural use; and that the Board of Supervisors

had referred the matter to their Public Works Committee. The staff's recommendation was for denial, since the staff could not find anything unusual or reasonable in this request; and since the County of Maui has requested that the Land Use Commission not place this area in an Urban designation, for the reason that the County wanted to wait for the completion of the improved access and the water line, which now stops at the end of the Homestead road in Kihei. The FO stated that the land will be in a Conservation district if the present maps are adopted as proposed by the consultants. The FO stated that the staff would recommend that the Commission disapprove request or defer action until the final district boundary maps are adopted for this area.

Commissioner Chun moved for deferral until the Commissioner from Maui County is present; seconded by Commissioner Williams. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF JOHN GOUVEIA (SP(T) 62-37), FOR SPECIAL PERMIT TO SUBDIVIDE A 1.33-ACRE PARCEL INTO TWO RESIDENTIAL LOTS ON LAND IN HOLAULO, NORTH KONA, HAWAII: Described as Third Division, TMK 7-6-11: 20.

The FO briefly described the area outlined the request and presented his report of the Field Officer hearing held on Hawaii, on January 3, 1963. He stated that the County recommended approval of this request, and that the staff would also recommend approval of the permit to subdivide for residential purposes as shown on the survey map made part of the application for the whole parcel 20, for the reason that two houses existed on the property and that commission's approval of the permit to subdivide would merely recognize the existing condition of the property.

Commissioner Williams moved for approval according to the staff's report subject to the condition that approval of the County of Hawaii be obtained for the proposed uses; seconded by Commissioner Kanemoto. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

APPLICATION OF ROBERT V. AND SHIMAYO HAMAMURA (SP(T) 62-38), FOR SPECIAL PERMIT TO MOVE 10 OR LESS HOUSES ONTO TWO PARCELS OF PROPERTY, THE FIRST LOCATED IN ANAHOLA, KAUAI AND THE SECOND LOCATED IN ALIOMANU, KAUAI: Described as Fourth Division, TMK 4-8-11: 39 AND 4-9-04: 27, respectively.

The FO briefly described the area and outlined the request. He presented his report of the Field Officer public hearing held on Kauai, on January 3, 1963. The FO stated that the County recommended approval of this request

on the basis of the emergency involved. The Land Use Commission found that no emergency was involved. He stated that the staff would recommend approval for only the second portion of the request, in the Aliomanu area, on the basis that the proposed final boundary maps showed that the area would be recommended for Urban designation. The staff was reluctant to recommend approval of the first portion of the request, in the Anahola area, since the proposed maps showed the area in an agricultural designation.

Commissioner Gregg stated that he was under the impression that the total request involving the two areas were proposed for urban designation under the final boundary maps because of the existing urban build-up in both areas. This was checked and the finding was that the Anahola portion was recommended by the consultants to remain in Agricultural designation.

Commissioner Gregg moved for approval of the total request subject to the condition that approval of the County of Kauai be obtained for the proposed uses; on the basis that the Anahola area as it exists now shows a city-like concentration of growth and a great tendency of an urban buildup concentration in the near future; and that the Aliomanu area is already recommended on the proposed final boundary maps for Urban designation; seconded by Commissioner Chun. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Chun, and Chairman Bryan. Disapproved: None.

Meeting adjourned at 11:00 p.m.