

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Meeting

Board of Supervisors' Chambers

Hilo, Hawaii

2:00 P. M. - February 1, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Goro Inaba
Shiro Nishimura
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley Mark
Charles S. Ota

Staff

Present:

Raymond Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Richard Mar, Field Officer
Gordon Soh, Associate Planner
Amy Namihira, Stenographer

The meeting was called to order by Chairman Thompson.

ADOPTION OF 12/7/63 MINUTES

Commissioner Burns moved for approval of the minutes as circulated with the understanding that if there are any corrections which Commissioners may come upon later, Commissioners will so notify the Executive Officer. Commissioner Nishimura seconded the motion. Motion carried.

ACTIONS ON TEMPORARY DISTRICT BOUNDARY CHANGES

HAYSELDEN RANCH COMPANY, LTD. (A(T)62-18), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KAU DISTRICT, HAWAII: Described as TMK 9-4-02: 3 (228 acres) and 9-4-01: 8 (194 acres)

Mr. Richard Mar summarized what had transpired since the hearing held on 12/7/63, in Hilo, Hawaii. He presented a communication received from Ernest Kubota, attorney for petitioner, dated 1/29/64, requesting that this Commission defer action on its petition indefinitely. He stated that the staff recommended denial of the petitioner's request on the bases that:

(1) it would create a hardship on local government; (2) urban districting would permit the government to provide urban standards and facilities; and (3) the subdivision would be premature for any real need for additional lots and will contribute to costly scattered urban developments. The Hawaii Planning and Traffic Commission recommended denial on the petitioner's request on October 24, 1962, and on March 18, 1963 deferred action on petitioner's request for 3 to 9 acre estate parcels. A review of the area and request was then made by Mr. Mar.

Commissioner Burns moved to approve staff's recommendation for denial of the petition on the bases listed by the staff; seconded by Commissioner Wenkam. The Executive Officer polled the Commissioners. Approval: Commissioners Inaba, Wenkam, Burns, Nishimura, Ferry, and Chairman Thompson. Disapproval: Commissioner Wung. Motion carried.

PETITION OF DEPARTMENT OF LAND AND NATURAL RESOURCES (A(T)63-32), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN HILO, HAWAII: Described as TMK 2-1-12: 29; 2-1-13: 11, 12.

The recommendation of the staff and county for approval of this petition was given. The review of the request and the area involved was dispensed with as requested by the Commissioners.

Commissioner Ferry moved to approve the petitioner's request according to the staff's recommendation; which was seconded by Commissioner Wenkam.

The Executive Officer polled the Commissioners. Approval: Commissioners Wung, Inaba, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson. Disapproval: None. Motion carried unanimously.

PETITION OF DEPARTMENT OF LAND AND NATURAL RESOURCES (A(T)63-33), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN LALAMILO, HAWAII: Described as TMK 6-6-01: por. of 2, por. of 10, 12, 15, 29, 40; and 6-6-04: 6

Mr. Richard Mar summarized the area and request involved and what had transpired since the hearing on 12/7/63 in Hilo, Hawaii. The staff's recommendation was for approval of only the first increment of the request. The County's recommendation was for approval of the whole area. The proposed final district boundaries show only the first increment in urban and the rest in agriculture.

Commissioner Ferry stated that the Kawaihae area is going to be developed into an industrial site which would mean more urbanization. The Hapuna Bay development which really is not too far now with the advent of new roads is going to increase considerably and add to the density of the area. The Department is asking for

urbanization of the whole area now so that it doesn't have to go through this routine again, when it has to open up more lands for the second unit. The urbanizing mentioned in Kamuela have not been developed which is located generally in central Kamuela or on the Honokaa side of Kamuela. Commissioner Ferry stated that the demand will definitely be in the area. He stated that there were many terrains in this particular section, and if the Department had a bigger or larger area already plotted for urban the Department would be able to do a better job in planning, even if it meant changing the designs from what they are at present. He stated that the Governor has just released a substantial appropriation for the development of the Kamuela-Mahukona Road; so that these areas will be opening up in here. He requested that this Commission stand back of the plans of the Department to urbanize the whole area as requested.

Commissioner Nishimura asked whether the Department had considered a rural type of development instead of an urban type of development?

Commissioner Ferry replied in the negative, stating that it would take a much bigger density. He stated that when you rural an area you do so because you are trying to confine the density and because the ground can possibly produce something. This ground will produce nothing. It will take at least 50 acres to support an animal unit.

Commissioner Nishimura stated that he was thinking of something like one acre or half acre lots instead of higher density. He stated that he has seen the lands of the Hawaiian Homes Department and this Department has lots of lands.

Commissioner Ferry concurred with Commissioner Nishimura, but remarked that the lands under question are State lands.

Chairman Thompson asked whether there was a report from the Land Study Bureau on the classification of the lands in question. It was stated that the soils were classified as shallow soil and very poor for agricultural use; that there is very little value for agricultural purpose; but that it was useful for pasture or grazing.

The Executive Officer stated that the reason why the staff's recommendation was recommended as such was because there is an existing subdivision fully developed a few miles out of Kamuela towards Honokaa, which is now in an agricultural district as a non-conforming use. The staff has asked itself, "How can it include some hundred acres of State residential development into urban, when there is in existence a developed subdivision that is a non-conforming use at present under an agricultural district?"

Commissioner Ferry stated that that subdivision was offered for sale through urbanization certainly before its time.

The Executive Officer stated that these subdivision lots are completely sold out.

Commissioner Ferry acknowledged this, but added that there are no homes being built or developed on these lots; but yet they are held by so-called reputable real estate firms. These are speculative realty areas. Though the State may

have some speculations concerning their properties these are discouraged to this extent: (1) the prices are geared lower - it is not like what a private developer gets for his lands; (2) there is a building requirement which requires the owner to build within two years; and (3) a no sale clause (which is being instituted now) whereby the landowner is prohibited from selling within 5 years.

Commissioner Burns asked whether there would be any criticisms of the State for opening a large area, and this Commission turning down other areas and requests similar to this request?

Commissioner Ferry replied that there might be. He stated, however, because the proposed boundaries have not been acted upon as yet, and if action were taken today, this could be construed that this request was already included in the proposed final boundaries.

Chairman Thompson stated that the question before this Commission is "Whether or not urban pressures exist in this particular area at this time?"

Commissioner Ferry's reply was that at this time he would concur that there is no urban pressure. He stated, however, that under the terms of the State a person who buys must buy with the idea of developing.

Commissioner Inaba who noted that the State was very successful whenever they proceeded with these projects on Hawaii, supported the petitioner's development plans. He remarked that he felt that the 5 year no sale clause being instituted would add in stimulating building and development in Hawaii which would readily absorb these lands.

Commissioner Ferry remarked that the State has been slow and has taken too long in opening up its lands, but that he was trying to speed up this process. He stated, however, that this development in question would create a City of its own, consisting of Kamuela-Lalamilo which will tie-in with the Kona beach area as well as the commercial site at Kawaihae. Commissioner Ferry stated that the big potentials for development seem to lie in Kawaihae Harbor area and the resort development along Poipu area.

Commissioner Burns moved to accept the staff's recommendation; which was seconded by Commissioner Wung. The Executive Officer polled the Commissioners. Approval: Commissioners Wung, Wenkam, Burns, and Chairman Thompson. Disapproval: Commissioners Inaba, Nishimura and Ferry. Motion not carried.

Chairman Thompson listed the criterias in favor of the petition against orderly development:

1. the facilities are readily available and are to be developed by the State.
2. the location of the area is presently contiguous to an urban area.
3. an agricultural use was not a reasonable use at this time.

It was noted that the above criterias would meet an orderly development - the area is already contiguous to urban developments and facilities, and that the highest and best use of the land is not for agricultural pursuits. Commissioner Burns who had questioned the demand for urbanization in the area, stated that he is now under the impression that this demand may exist. He stated that Commissioner Inaba feels that there will be a great demand for these lots and feels it will sell very rapidly.

Commissioner Ferry remarked that these speculative feelings for this demand is associated with the building of the Rockefeller Hotel which would employ over some 325 people; and the Kawaihae industrial development which would create a number of jobs.

Commissioner Nishimura stated that his reason for voting against the motion was because he felt that the 80 lots were too little for a subdivision of this nature. He stated that he was projecting his thinking to 5 and 10 years for that area. He stated that because the government is so slow in opening up their lands for development, he felt that the 80 lots would be too little at this time.

Because of the uncertainties that developed from this discussion, the staff was requested to make a further study on the overall problem of this petition and to report back to the Commission at their next meeting. The following questions were posed for follow-up:

1. Are these lots in demand or not, at present or in the future?
2. Would there be any criticism on the part of the State if a grant should be made?
3. Is there any justification for another subdivision when there is one in existence nearby at present?
4. Would these lands be absorbed by the people employed at the Rockefeller area or not?
5. Chairman Thompson recommended that the Department of Land and Natural Resources provide more information on the market analyses which they had made for this area.

Commissioner Burns moved to defer action on this matter until February 15 or as soon thereafter; motion seconded by Commissioner Nishimura. Motion carried unanimously.

Meeting adjourned at 3:30 P. M.