

LAND USE COMMISSION  
STATE OF HAWAII

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

March 5, 1963 - 9:00 P. M.

Commissioners E. C. Bryan  
Present: Stanley C. Friel  
Wayne D. Gregg  
Yuichi Ige  
Edward Kanemoto  
Franklin Y. K. Sunn  
Roger T. Williams

Ex-Officio Members George Siu  
Present: Frank Skrivanek

Staff Members R. J. Darnell, Executive Officer (XO)  
Present: W. M. Mullahey, Field Officer (FO)  
R. Takeyama, Legal Counsel  
Alberta L. Kai

The meeting was called to order by Chairman Bryan.

ITEMS PENDING ACTION

PETITION FOR JOE DRAKE, ET AL. (A(T) 62-17), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR LAND IN LUALUALEI, WAIANAE: Described as First Division, TMK 8-7-21: 13, 17-19, 21-25, 30, 32; 8-7-22: 2, 3, 5-11, 13-14, 19-29, 31, 32.

The XO reviewed the area and request involved in this matter. The XO reported conversations held with the City's planning director who wouldn't state whether the findings were right or wrong, except stating: "If the Commission wishes to put the area in an Urban district, this might be proper because they have the control; and if urban development would take place, the City would be able to see that the proper facilities for the urban development be located in there." The XO reported that the staff did ask the people in that area if they would take a census of the lots and report on the number of animals that were being kept. The XO informed the commissioners that a report of this would be made tonight by Mr. Drake. A written report by Mr. Drake was read by the FO and submitted for record.

Commissioner Ige asked the XO if it were his understanding that the City Planning Department wants the area to undertake an improvement district. The XO replied in the negative, stating that the City had recommended that the area be left in an agricultural district and did not go back on their information that they had given us, but just stated that if the commission desires to put it in an urban district, it felt that this commission has the

proper control.

Commissioner Sunn stated, "According to the minutes of the public hearing first held on this case, the FO was requested to check with the 7 or 8 property owners who did not sign the petition to determine how they felt about this particular case; we heard a couple of people who wanted this area retained in agriculture, but of course, the petition represented the bulk of the property owners in the area." The FO replied that of the 8 residual people (one was Mr. Choy), six petitioners then submitted their names who were not on the original petition and made themselves part of the petition. The remaining was one property owner who would not sign for one reason or another and Mr. Choy who was directly oppose to the petition.

Chairman Bryan asked for the number of property owners in all who were in favor of this request. The FO could not give an approximate answer but the XO stated that he thinks it is in the range of 40 pieces of property.

Commissioner Sunn asked the XO, "The Harland Bartholomew report recommended that this area not be included in the present urban boundary, do you recall in discussions with them why this was recommended?"

The XO replied that this is included in the City's plan as an agricultural district.

Commissioner Sunn asked, "Is there any good reason why that old line should be retained in preference to the line requested?" The XO stated that he believed this was brought out, principally by Commissioner Kanemoto who stated that although there was an attempt to house agricultural people in this area, it was not settled by agricultural people.

The Chairman stated that based on the information that has developed over several meetings on this matter, the staff has a recommendation to make, and would like to have it presented at this time.

The XO stated that the staff's recommendation is that this area be rezoned to an urban district. Commissioner Sunn asked, "When you make that recommendation do you mean that precise area requested or do you mean to include all the adjacent areas to make the line more uniformly?" The XO stated that the line would square off the area to the top of the recommendation and does not go any further beyond into the gully areas to the southeast than the recommendation has shown.

Commissioner Sunn moved for approval of the staff's recommendation and seconded by Commissioner Friel. The FO polled the commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sunn, Gregg and Chairman Bryan. Disapproval: Commissioners Ige. Abstained: Commissioners Skrivanek and Siu.

The FO was requested to inform the petitioner of the Commission's action.

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PETITION OF CADINHA LAND INVESTMENT COMPANY (A(T) 62-21), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR LAND IN MAILE, OAHU: Described as First Division, TMK 8-7-03: 10.

The XO reviewed the area and request concerned in this petition. The XO stated that the staff recommended a change of the whole designated area to urban and the City recommended that the line be left where it is. Chairman Bryan asked the XO if he thinks the City in view of their comments on the case just passed,

may change their views on this now. The XO stated, "Very possibly so, particularly since this is already an urban area on their master plan, while the Drake item is not." Chairman Bryan stated, "As I understand your recommendation you are recommending that we either defer it or deny it." The XO stated that he would prefer that this Commission defer it rather than deny it because we still believe that it belongs in an urban district.

Chairman Bryan stated that it would be improper for this Commission to take an action without hearing from the property owners concerned or affected by this petition.

Commissioner Sunn moved to defer this matter until the permanent boundaries are established, provided that this does not affect the petitioner seriously, though should a decision be rendered now, it might not be helpful to the petitioner. Commissioner Ige seconded the motion.

Discussion: In answering a question posed by the Chairman, Mr. Cadinha acknowledged his agreement with this motion.

The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sunn, Ige, Gregg and Chairman Bryan. Disapproval: None. Abstained: Commissioners Skrivanek and Siu.

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PETITION OF TED JAMES (A(T) 62-16), FOR TEMPORARY DISTRICT BOUNDARY CHANGE FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR LAND IN UPPER KULA COMPRISED OF 8.0 ACRES OF LAND, MORE OR LESS: Described as Second Division, TMK 2-3-05: 9.

The FO after being sworn in by the Chairman gave the Field Officer's report on the public hearing held on December 21, 1962. A review of the request and area was given. The FO's recommendation was for denial of the petition or deferral of the petition until the adoption of the final district boundaries. The FO stated that the recommendation of the County (both Board of Supervisors and the Planning Commission) was for denial of the petition's request on the basis that of 400 acres of land in upper Kula that had already been subdivided for residential purposes only 40 houses had been accrued on these 400 acres.

Chairman Bryan asked, "What is the approximate distance of the area under consideration and the nearest urban district?" The FO stated approximately a  $\frac{1}{2}$  of a mile perhaps less.

Commissioner Sunn moved for deferral until after the public hearings are held on Maui. Commissioner Friel seconded the motion.

Discussion: Chairman Bryan asked the FO for a more detail statement of what the land would be used. The FO submitted for record a subdivision planning of the petitioner's first impression of the lot areas which was contemplated as a residential subdivision with 8 lots, a little under an acre. He stated that the petitioner has indicated that some of the lots could be combined to make less number of lots on a larger square footage size.

The FO presented for record a petition received from some 25 people in the vicinity protesting this action by the petitioner for change of temporary district boundary designation.

Mr. James cleared a point relating to the little subdivision, stating that there were two lots under an acre, but that these lots were to be retained as near acre lots as possible. He also stated that in the zoning of Agriculture, he wondered if it is not a misnomer because Agriculture means one thing that you can generally farm for economic profits to which he would take issue here, which he believed was completely uneconomical as far as Agricultural was concerned. He added that he felt there was a fourth type of zoning which was badly needed in the land use set up and that is 4 acre lots or 40,000 foot minimum lots which would not create an overcrowded condition in housing or servicing housing as far as fire protection, water, etc. He felt that the ability of people particular on Oahu to enjoy some of the neighbor islands in acre size lots would be greatly enhanced, because at the present time in the 440 acres that are presumed for urban use, which are 40 lots at 40,000 sq. ft., it is virtually impossible to find an acre lot at less than urban prices, 35 or 40¢ a square foot. This is denying the ownership of these lots by people who can afford them for present use or retirement use that are presently living on Oahu. He stated that this is the point he raises and plea for this particular section and for the overall application of the fourth type of zoning.

The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sumn, Ige, Gregg and Chairman Bryan. Disapproval: None. Abstained: Commissioners Skrivanek and Siu.

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PETITION OF SHUNICHI ARIZUMI (A(T) 62-23), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR LAND LOCATED IN WAIAKEA HOMESTEAD HOUSELOTS, COMPRISING OF 2.5 ACRES, MORE OR LESS, HILO, HAWAII: Described as Third Division, TMK 2-2-46: 5.

A comprehensive written report on the Field Officer Public Hearing held in Hilo on December 21, 1962 in the Board Chambers concerning this petition is to be forwarded to the Commissioners at a later date.

The FO reviewed the area and the request. The FO's recommendation was for denial or deferral until the adoption of the final district maps. The FO's recommendation for denial of any expansion of the Hilo area was based on the fact that the staff feels that the Hilo area has sufficient room to expand already even though the area is adjacent to the temporary Urban district line. The FO stated that the Hawaii Planning and Traffic Commission recommended approval of the petition and the Land Study Bureau classified the land as Class C&D, not being suitable for agricultural use.

Commissioner Gregg asked, "What is the rest of the land like on the deep side of the area?" The FO replied that there is small residential along the road until the west of the highway. Commissioner Gregg asked, "What is the land like in the agricultural area?" The FO stated that it is aa land which was cleared in 1948 throughout, by the Hawaiian Homes for truck crops and after that was used for residential. No agricultural activity is in progress at present.

Commissioner Ige moved to approve the petition. Commissioner Friel seconded the motion.

The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Ige, and Chairman Bryan. Disapproval: None. Abstained: Commissioners Sunn, Gregg, Skrivanek, Siu. Disapproval: None.

After considerable discussion on the motion and action, an amended motion for reconsideration of the action just taken was made by Commissioner Kanemoto; and seconded by Commissioner Williams.

The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sunn, Ige, Gregg and Chairman Bryan. Abstained: Commissioners Skrivanek, Siu. Disapproval: None.

Commissioner Friel then moved to defer action on this petition until after the public hearings in Hawaii County on the adoption of the permanent boundaries; motion seconded by Commissioner Kanemoto.

Discussion: Chairman Bryan asked whether there was any knowledge of the urgency in the matter. There was no knowledge of this. The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sunn, Ige, Gregg and Chairman Bryan. Abstained: Commissioners Skrivanek, and Siu. Disapproval: None.

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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: Described as Third Division, TMK 7-5-11: 1.

The XO reviewed the area.

The FO reviewed the request and stated that the Commission was in doubt as to what use the man wanted to put the land, and what the property was being used for. The FO read a communication received from the applicant on March 4th and made this record.

The FO stated that the County recommended approval of this application and the staff recommended denial.

Commissioner Williams informed the Commission that he had called on the party and had spoken to his brother (as the applicant was not at home), and was informed that: (1) this is a family proposition of which the original frontage of the lot has been divided: a daughter has one piece; the oldest son another piece; and the remaining piece to be for the youngest son; (2) the balance of the land is in coffee and pasture and will remain so as the old folks will operate the farm; (3) the young man has to have a part in the property in order to get a loan; this is not his farm but his father's farm. (Commissioner Williams did not know what the young man does but knew that he farmed when he worked outside.)

Chairman Bryan stated that this Commission has been trying to get more information from this man on the use of his property and therefore, has to make the best out of whatever information it has. The Commission therefore assumes that he is planning to use his lot for residential purposes, otherwise it wouldn't have come to our attention as we have nothing to indicate to the contrary.

On the basis that this particular request is the usual trend in the Kona district to have houses constructed on the side of the road Commissioner Kanemoto moved for approval; seconded by Commissioner Williams.

Discussion: The XO stated that a finding of fact will need to be made. Chairman Bryan stated that the unusual and reasonable uses would be the typical problem in Kona, where the people who are living on the coffee farm want to finance their house and the way they do it is to petition one part of it and mortgage that part, and they don't mortgage the whole farm.

After a lengthy discussion Commissioner Kanemoto withdrew his motion for approval and Commissioner Sunn moved for deferral until after the public hearings on the proposed final district boundaries in the County of Hawaii. Commissioner Friel seconded the motion.

The FO polled the Commissioners. Approval: Commissioners Kanemoto, Williams, Friel, Sunn, Ige, Gregg and Chairman Bryan. Abstained: Commissioners Skrivanek, Siu. Disapproved: None.

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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 reported that this was a Field Officer's public hearing, which was held on 12/21/63. He reviewed the area and request, which request was subsequent amended to include all the 20 acre parcel for a 51 lot subdivision. He stated that the staff's recommendation was for denial if action were to be taken at the time of this meeting, or deferral pending re-evaluation of the urban lines along the upper Kona road. The FO stated that the Commission requested a recommendation be made by the County of Hawaii on the extended 51 lot subdivision and deferred action at the last meeting pending receipt of this recommendation. No recommendation has yet been received and the FO stated that he had spoken to the Planning Director and was informed that no recommendation would be received until the third week in March.

Because no new recommendation had been received from Hawaii County on this request, the item was dropped from the agenda for action.

#### COMMUNICATION

One communication received on March 5, 1963 was presented to the Commission and made record. Letter received from William Ellis, Jr., Maui Corporation, dated March 5, 1963.

APPROVAL OF PUBLIC HEARINGS

The FO presented a proposed schedule for the proposed final district boundaries public hearings for the Counties of Hawaii and Honolulu and all other pending petitions and applications needing a public hearing by the Commission for approval. The FO's proposed schedule was approved by the Commission.

R. J. DARNELL'S RESIGNATION

An oral resignation was given by R. J. Darnell and accepted with reconsideration on the part of the XO by the Commission.

No other business the meeting was adjourned at 11:30 p.m.