

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Alii Surf Room, Kona Hilton Hotel  
Kailua, Kona, Hawaii

APPROVED

JUN 2 1972

March 17, 1972 - 10:45 a.m.

Commissioners Present: Goro Inaba, Chairman  
Eddie Tangen, Vice Chairman  
Sunao Kido  
Shelley Mark  
Leslie Wung  
Stanley Sakahashi

Commissioners Absent: Tanji Yamamura  
Alexander Napier

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Benjamin Matsubara, Dep. Atty. Gen.  
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

It was moved by Commissioner Kido and seconded by Vice Chairman Tangen that the minutes of the meetings of January 7, 1972 and February 5, 1972 be approved as circulated. The motion was unanimously carried.

Chairman Inaba swore in persons wishing to testify before the Commission during today's proceedings.

HEARINGS

PETITION BY DEPARTMENT OF TRANSPORTATION (A71-315) TO RECLASSIFY 289.5 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA, SOUTH HILO, HAWAII

Mr. Tatsuo Fujimoto, Executive Officer, reported on the pertinent facts relative to the above petition and oriented the Commission to the subject site with the aid of the USGS map.

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Mr. Owen Miyamoto, Chief of the Airports Division, representing the petitioner, was present to answer questions. However, there was no further discussion and the Chairman closed the hearing on this petition.

PETITION BY HAWAIIAN REAL ESTATE CORP. (A71-319) TO RECLASSIFY 18.57 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKAHIULA, PUNA, HAWAII

The staff report was presented by Mr. Ah Sung Leong, planner, who also described the various parcels involved in this petition, and their relation to the existing Urban District in the general area.

Mr. Leong further elaborated that the entire area was comprised of approximately 3,800 non-conforming lots, 9,000 to 15,000 square foot in size, on roughly 2,000 acres within the State's Agricultural District.

Mr. Leong referred to the statement by the petitioner that the "Land Use Act was not passed until several years later" (item 2 on page 2 of staff report) and reported that the Land Use Law was in fact passed in 1961.

In response to a question raised by Commissioner Kido, Mr. Leong advised that staff had not verified the statement by the petitioner alleging that the land was set aside for commercial use in 1960 since they were informed "by the County of Hawaii that the subdivision was in an unzoned area and that we could legally set such land aside for commercial purposes", but that perhaps Mr. Philip Yoshimura of the Hawaii Planning Department could supply this information. Mr. Yoshimura denied that such a commitment had been made by the Hawaii Planning Commission and further advised that, by letter dated December 23, 1961, the Commission had written to Mr. M. A. Richley, Jr. of Hewett & Rickles that "because a Master Plan for this area is being prepared, the zoning will be based on that study. In the future, if the subdivider can show need or when the area develops, zoning will be considered".

Mr. Yoshimura also commented that the Hawaii Planning Commission was not in agreement with another statement made by the petitioner claiming that their request "simply short-cuts procedures by immediately putting the control of the

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zoning in the County where it belongs without the necessity of wasting months by first applying to the State Land Use Commission".

Chairman Inaba called for the petitioner's representative, but since there was no response, nor further testimony on the matter, the hearing was closed on petition A71-319.

PETITION BY KONA SCENIC LAND, INC. (A72-320) TO RECLASSIFY 52 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEKUA, SOUTH KONA, HAWAII

Mr. Leong read the staff report and gave a graphic description of the area under petition on the district map.

In response to Commissioner Kido's concern over the inference that the actual size and dedication of the park site were dependent on the adoption of a proposed county ordinance requiring parks in a subdivision, Mr. Leong commented that staff had merely reported on the matter as reflected in the County Planning Commission's minutes.

To clarify this point, Mr. Yoshimura explained that, pending the adoption of the county subdivision ordinance, it was the Planning Commission's intention to impose the park requirement on the petitioner at the time he seeks zoning approval.

Mr. Richard Ishida, attorney representing the petitioner, in attempting to answer some of the questions that were raised during the foregoing discussion, submitted that there is a definite commitment for the park site and that only the adequacy of the 3.5-acre size was in question. It was Mr. Ishida's contention that 3.5 acres were more than sufficient for this size property, and asked for the Commission's support of the proposed development.

Mr. Ishida further testified to the great need for residential lots, especially in the mauka areas of Kona, and the fact that petitioner has entered into an agreement with the J. M. Tanaka Construction Co. for construction of residential homes. The package deal price of under \$40,000 was only an estimate and may vary if there is an increase in the cost of labor and material. Mr. Ishida advised that the 2-story

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multiple dwelling condominium type units would range between \$25,000 to \$27,000.

In terms of the time-table for the proposed project, Mr. Ishida reported that J. M. Tanaka Construction Co. was prepared to proceed immediately after all necessary governmental requirements have been met. At least two model homes will be completed one month after construction commences and the permanent homes will follow soon after. The builder has projected that the offsite improvements will be completed within 6 to 8 months.

Exhibits marked A through F documenting the availability of home loans and construction material; soil classification data; building contractor's interest in site and dwelling construction, etc., were submitted by Mr. Ishida for the record (see copies on file).

Mr. Ishida further advised that although the area proposed for commercial use had not been committed, a service station, auto repair shop and other businesses have indicated interest in locating within the proposed development. He pointed to the proximity of subject area to the existing Urban Districts of Kona and Kealahou, financial and various public institutions, Kona Hospital; and the availability of all utilities. Mr. Ishida emphasized that this was not a speculative venture--that the petitioner was able and willing to proceed with the development immediately upon governmental approvals.

Further testimony from Mr. Ishida, in response to questions raised by the Commissioners, brought out that the park site will be selected with the concurrence of the county; the proposed project will include mostly house and lot packages with only a few exceptions where individuals may want to build their own homes; that in addition, there will be approximately 72 2-bedroom condominium units of 1,000 to 1,400 square foot floor size. Mr. Ishida replied to Vice Chairman Tangen that he was not able to represent a \$36,000 price range for the house and lot even though this would qualify it under the 235 program.

To further substantiate the need for the proposed commercial, multi-family and single-family residential development, Messrs. Richard T. Denison and Harry H. Hasegawa, real estate brokers of the Gold Coast Realty of Kailua, Kona, read from prepared letters (see copies on file).

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Since there was no further testimony, the hearing on this petition was closed by the Chairman.

ACTIONS

PETITION BY OCEAN VIEW INVESTMENT CO., INC. (A71-310) TO RECLASSIFY 51.68 ACRES FROM AGRICULTURAL TO URBAN AT KA'U, HAWAII

Chairman Inaba advised the petitioner that since a boundary amendment approval would require 6 affirmative votes and only 6 Commission members were present today, it would be within the petitioner's prerogative to request a deferral of the action on his petition. However, the Chairman also advised the petitioner that he could not guarantee that the full membership would be in attendance at the next meeting.

After a short recess at the request of Mr. Paul Tajima, representing the petitioner, to allow him to consult with Mr. Younker, an officer of Ocean View Investment, a request was made for deferral of the matter until the next meeting of the Land Use Commission in Kona. Mr. Tajima advised that a letter to this effect will be forthcoming.

Commissioner Wung moved for approval of the deferral request, seconded by Commissioner Sakahashi, and the motion was carried.

Chairman Inaba recalled the memorandum prepared by staff on the subject petition which had been distributed.

PETITION BY DEPARTMENT OF HAWAIIAN HOME LANDS (A71-306) TO RECLASSIFY 50 ACRES FROM AGRICULTURAL TO URBAN AT PANAEWA TRACT, WAIAKEA, SOUTH HILO, HAWAII

A recommendation for approval of the boundary amendment request by the Department of Hawaiian Home Lands was presented by the Executive Officer, Mr. Fujimoto (see copy of report on file).

Deputy Attorney General Hong counselled the Commission that it should proceed on this request in the usual manner, notwithstanding the legal opinion that is pending in the

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Attorney General's office on the question of state and county jurisdiction over lands owned by the Department of Hawaiian Home Lands.

At the request of the Chairman, Mr. Fujimoto read a letter from Ann K. Nathaniel, Secretary of the Keaukaha Panaewa Farmers Association, dated March 15, 1972, supporting the boundary amendment request (see copy on file).

Mr. Fujimoto did not feel there would be a problem of sewage seepage into the water supply since the water source was located approximately 1½ miles away.

Mr. Thomas Mahaulu, Project Engineer for the Department of Hawaiian Home Lands in Hilo, requested a favorable decision on this petition.

Commissioner Wung moved that the petition be approved as recommended by staff which was seconded by Vice Chairman Tangen and unanimously carried.

PETITION BY LYDIA P. HALAS (A71-308) TO RECLASSIFY 2.78 ACRES FROM AGRICULTURAL TO URBAN AT HONALO, KUAMOO, NORTH KONA, HAWAII

The staff concurred with the Hawaii County Planning Commission in recommending denial of this petition (see copy of report on file).

Since there was no discussion, Vice Chairman Tangen moved to concur with the staff's recommendation and deny the petition. The motion was seconded by Commissioner Sakahashi and the Commissioners were polled as follows:

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

Nay: Commissioner Wung

The motion was carried.

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SPECIAL PERMIT APPLICATION BY CHRISTINE K. LINDSEY (SP72-125)  
FOR A SUBDIVISION AT PUUKAPU, SOUTH KOHALA, HAWAII

It was recommended by Mr. Leong, planner, that the special permit be disapproved based upon staff's findings (see copy of report on file).

Mr. Ronald Lindsey, husband of the petitioner, rebutted the adverse recommendation of the staff and submitted that the proposed use met all of the county requirements, all utilities were available, taxes on the agricultural lands have been assessed at residential rates, that this was not an application for a new subdivision but an extension of an existing 8-acre subdivision. He further testified that the subject 2-acre parcel was not suited for crops and there were no farms in the vicinity. Mr. Lindsey also spoke of the petitioner's obligation to maintain the residential character of the area to the people who had previously purchased the earlier subdivision.

Vice Chairman Tangen sympathized with the petitioner's plight. However, he emphasized that one of the prime responsibilities of the Land Use Commission is the preservation of agricultural lands and that it would be contrary to this objective for the Commission to approve a use that would remove the agricultural character of the land.

Commissioner Wung moved to approve the special permit request, which was seconded by Commissioner Sakahashi. The Commissioners were polled as follows:

Ayes: Commissioners Sakahashi, Wung, Chairman Inaba

Nays: Commissioners Mark, Tangen, Kido

The motion was not carried.

TENTATIVE SCHEDULE

It was announced by the Executive Officer that a letter had been received from Mrs. Norma Carr, Chairman Pro tem, of PAUSE, OAHU, requesting that the April 7th meeting to discuss the Hawaiiiloa Ridge development be held in the evening. It

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was generally agreed that this meeting should take place in the evening, in addition to the meeting scheduled earlier in the day.

INTRODUCTION OF NEW DEPUTY ATTORNEY GENERAL

Mr. Walton Hong, Deputy Attorney General, introduced Mr. Benjamin Matsubara of the Attorney General's Office who will replace him as legal counsel to the Commission.

Since there was no further business, Chairman Inaba declared that the meeting was adjourned.