

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

March 30, 1973 - 10:00 a.m.

Kulana Naauao  
Hilo, Hawaii

COMMISSIONERS PRESENT: Goro Inaba, Chairman  
Alexander J. Napier  
Sunao Kido  
Leslie Wung  
Tanji Yamamura

*Approved*  
AUG 30 1973

COMMISSIONERS ABSENT: Eddie Tangen, Vice Chairman  
Shelley M. Mark

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Gordan Furutani, Planner  
Benjamin Matsubara, Deputy Attorney General  
Dora Horikawa, Clerk Reporter

Persons testifying during today's hearing were duly sworn in by Chairman Inaba.

HEARING

PETITION BY LAND USE COMMISSION (A72-351) TO RECLASSIFY 62 ACRES FROM URBAN TO AGRICULTURAL AT KEAHUOLU, NORTH KONA, HAWAII

The staff report on the subject petition was presented by Mr. Tatsuo Fujimoto, Executive Officer (see copy of report on file). A detailed description of the 62-acre parcel, the surrounding land uses, school site, etc. was also given with the aid of the maps.

It was reported by Mr. Fujimoto that subsequent to the writing of the staff report, a letter dated March 28, 1973 had been received from Mr. James Bell of Belt Collins & Associates, consultant to the Liliuokalani Trust, expressing his inability to attend the meeting and submitting additional testimony to support the Trust's objections to the proposed rezoning and requesting that the action be deferred to the 1974 boundary review (see copy of letter on file).

There was no further discussion, and the hearing on the petition was closed.

PETITION BY MABEL M. DAVIS (A72-353) TO RECLASSIFY 1.53 ACRES  
FROM AGRICULTURAL TO URBAN AT PUUKAPU HOMESTEADS, SOUTH KOHALA,  
HAWAII

Following the presentation of the staff report, Mr. Fujimoto offered a general description of the property and the surrounding land uses. He added that 3 lots of varying sizes existed within the Urban District and petitioner was proposing to create 3 additional lots within the Agricultural District which would result in a total of 6 lots on the petitioner's property. However, as indicated by the Hawaii Planning Department, it was possible to subdivide that portion of the property situated within the Commercial Neighborhood zoned area into 6 lots. It was also noted that a 36' sliver within the Land Use Urban District was zoned Agricultural by the County.

Mr. Davis, representing the petitioner, argued that the 36' sliver was not zoned Agricultural inasmuch as it was being taxed at urban rates. He further submitted that the tax on petitioner's property was being assessed at 3 different rates--urban, commercial, and neighborhood commercial. Mr. Davis emphasized that the Urban classification was being sought to enable them to subdivide the land into 3 lots for their children and themselves.

Since several questions were raised by the Commissioners regarding the status of the 36' sliver, Mr. Fujimoto clarified that this was comprised of the difference between the Land Use Commission's Urban District which included the sliver, and the County's zoning which designated all but the sliver as Neighborhood Commercial, and Agricultural for the sliver. Therefore, the subject petition did not involve the sliver. However, it was within the Commission's prerogative to reclassify this portion into the Agricultural District if it wished to comply with the County's zoning.

The hearing on A72-353 was closed and Chairman Inaba advised that the Commission will accept additional testimony within 15 days and a decision will be rendered within 45 to 90 days.

PETITION BY W. H. SHIPMAN, LTD. (A73-357) TO RECLASSIFY 14,172  
SQUARE FEET FROM AGRICULTURAL TO URBAN AT KEAAU, PUNA, HAWAII

Mr. Gordan Furutani, planner, presented the staff report and oriented the Commission to the property under consideration (see copy of report on file). It was also reported that the reclassification was being sought to straighten the existing boundary between the Agricultural District and the adjoining Urban District.

Mr. Furutani noted in a letter dated March 23, 1973 from the Department of Agriculture, that no adverse effects were foreseen.

In response to Commissioner Wung's inquiry, Mr. Glenn Miyao of the Hawaii Planning staff elaborated that the reference to the "eye-sore" in the petitioner's statement pertained to the lands that were presently not being utilized for any purpose.

Since there was no further discussion, the hearing on this petition was closed.

#### ACTION

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

Commissioner Kido moved for a deferment of one week for action on this petition for further deliberation, which was seconded by Commissioner Yamamura. Mr. Fujimoto advised that the 90-day period for action on this petition will expire on April 19, 1973 and the next meeting of the Land Use Commission was scheduled for April 6, 1973 on Kauai.

Mr. Jeffrey Choi, representing the applicants, stated that his clients would have no objections to the deferral.

The motion was carried unanimously.

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

It was recommended by staff that the petition be denied since it would be contrary to the fundamental concerns expressed in Act 187 (see copy of report on file).

Commissioner Napier moved to accept staff's recommendation, which was seconded by Commissioner Sakahashi, and the motion was carried with Chairman Inaba casting the only dissenting vote.

PETITION BY JOHN M. MAHI, ET AL (A72-347) TO RECLASSIFY 3.3 ACRES FROM AGRICULTURAL TO RURAL AT KALAOA 1ST AND 2ND, NORTH KONA, HAWAII

Mr. Furutani presented the staff memorandum recommending denial of the petition on the basis of the same rationale expressed in the previous petition.

In response to Commissioner Napier's request, Mr. Furutani offered a detailed description of the property relative to its location, surrounding uses, etc.

Since it was determined during the ensuing discussion that there were differences between subject petition and the Takasaki petition in terms of tax assessment, soil classification, surrounding land uses, Commissioner Kido wondered whether a different set of values and determination should not apply to the subject petition. Mr. Furutani defended staff's position on the basis that the planning aspect overrode the minor differences of agricultural suitability and proximity to non-conforming subdivisions.

Commissioner Kido felt that subject request would not constitute spot zoning since it would be an extension of an already existing non-conforming subdivision. Mr. Fujimoto acknowledged that this premise may be valid since the general area was urban in character.

Mr. Glenn Miyao added that there are about 1,700 urban-sized lots with approximately 133 homes. Moreover, the County recently endorsed approximately 240 1-acre lots in the area. He advised that utilities for urban development were available.

Chairman Inaba advised Mr. Mahi that the Kona Highlands and Kona Palisades non-conforming subdivisions had received approval prior to the enactment of the Land Use Law.

Commissioner Napier's motion to approve the petition died for lack of a second.

Commissioner Wung moved to deny the petition; however, that the general area be considered during the 1974 boundary review. The motion was seconded by Commissioner Sakahashi and the Commissioners were polled as follows:

Ayes: Commissioners Sakahashi, Wung, Yamamura, Kido

Nays: Commissioner Napier, Chairman Inaba

The motion did not pass.

Commissioner Napier again moved that the petition be approved, which was seconded by Commissioner Sakahashi, and the motion was disapproved with the following votes:

Ayes: Commissioners Sakahashi, Napier, Chairman Inaba

Nays: Commissioners Kido, Wung, Yamamura

Commissioner Napier moved that the Commission go on record that this area be considered during the next 5-year boundary review, which was seconded by Commissioner Sakahashi and unanimously carried.

APPLICATION BY HAWAIIAN ANTHURIUMS, LTD. (SP73-145) FOR A SPECIAL PERMIT TO ALLOW A QUARRY OPERATION IN THE AGRICULTURAL DISTRICT AT MT. VIEW, PUNA, HAWAII

Mr. Fujimoto presented the staff memorandum recommending that the special permit be approved subject to the conditions set forth by the Hawaii County Planning Commission (see copy of report on file).

Commissioner Wung moved that the special permit be approved as recommended by staff. The motion was seconded by Commissioner Napier and unanimously passed.

APPLICATION BY KOHALA HONGWANJI MISSION (SP73-144) FOR A SPECIAL PERMIT TO CONSTRUCT A NEW CHURCH IN THE AGRICULTURAL DISTRICT AT HALAULA, NORTH KOHALA, HAWAII

It was recommended by staff that the special permit be approved subject to the conditions set forth by the Hawaii County Planning Commission (see copy of report on file).

Commissioner Wung moved to approve the special permit as recommended by staff, which was seconded by Commissioner Yamamura and unanimously passed.

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