

Approved 7/26/68

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

April 5, 1968 - 1:15 p.m.

Commissioners Present: Wilbert Choi, Vice Chairman
Alexander Napier
Leslie Wung
Goro Inaba
Keigo Murakami
Shiro Nishimura

Commissioners Absent: C. E. S. Burns
Shelley Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
George Pai, Legal Counsel
Ah Sung Leong, Planner III
Dora Horikawa, Stenographer

Following the swearing in of persons planning to testify during today's hearing, Acting Chairman Choi called for the first item on the agenda.

HEARING

PETITION OF FRANCIS H. I. BROWN (A68-175) TO RECLASSIFY 170 ACRES FROM CONSERVATION TO URBAN AT KALAHUIPUAA, SOUTH KOHALA, HAWAII

Recommendation for denial of the petition was presented by Mr. Duran, Executive Officer, based on the fact that the Land Use Commission will review its boundaries and policies within the next year, the lack of evidence of urban need, no access, etc., (see copy of report on file).

It was reported by Mr. Duran that the present CIP funds provided for the construction of a road from Kailua up to the proposed airport site. In 1970, additional monies will be requested for the extension of this road from the airport to Puako. However, it will probably be 1973 before it will actually be in use. Presently, the improved road was approximately 2,500 feet from the subject property.

Mr. Philip Yoshimura of the Hawaii Planning Commission submitted that the petitioner's property was continuous rather than contiguous to an Urban District as reported earlier in the County's recommendation and that some of the necessary facilities and improvements such as water and access would be provided by the owner. Mr. Duran added that the water system presently being constructed

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only provided for improved facilities to the houselots and would not be adequate to service a hotel operation.

Mr. Duran advised that there is a 10' public easement across the property, although at the present time the road is blocked by a chain and not open to the public.

Mr. Ernest Kai, attorney representing the petitioner, testified as follows:

1. The subject petition is based on a need for the proposed resort use and also on the fact that the land is usable and adaptable for the purpose.
2. Petitioner has retained Belt Collins & Associates to make a study of resort development best suited for the subject property, coordinating this with the overall planning for the entire area.
3. The concept envisions a decentralization of recreational facilities and diversification so that visitors may enjoy varied activities.

Mr. James Bell, a partner in the firm of Belt Collins & Associates, advised that back in 1960 under a study prepared by the Planning Office (which later became the DPED) this area was identified as one of the outlying areas, part of the total Kohala Coast region. In 1965, the County Board of Supervisors by Ordinance 317 adopted the Bush-Gerakas plan as the County Plan for the Kohala-Hamakua region. This plan also designated the Francis Brown property as a resort area. Mr. Bell described subject property as "one of the pearls in the necklace" in the total development of the Kawaihae-Puako resort region, which will offer relaxed, low density type development and add diversity to the total complex. Fishing, boating, lounge-restaurant, oriental units, enlargement and improvement of small boat harbors were also contemplated for diversification of this resort region.

Mr. Bell continued that water and access to the site were presently limited but that the State administration was committed to expand these facilities along the west coast. On the question of demand for this type of development, Mr. Bell stated that his firm relied on the economic studies conducted for the Dilrock Corporation and the Eastern Airlines.

Mr. Bell spoke of the length of time involved in initially planning on a development and the ultimate implementation of the plan. He also mentioned that the Highway Division will be conducting hearings for the corridor alignment from subject property to the airport in the near future.

Referring to the staff's feeling that perhaps this application was premature, Mr. Kai submitted that providing adequate roads, utilities, making financial arrangements, etc. could take as long as 5 years. Therefore, petitioner was anxious to begin development plans immediately fully realizing that the property was suitable and adaptable for the intended purpose. Earlier, Mr. Brown had applied for a special permit but withdrew it due to the limitations a special permit would impose in the matter of financial arrangements. It was imperative that the classification be changed from Conservation to Urban before Mr. Brown could consummate negotiations for resort development.

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Mr. Bell advised that the Department of Land & Natural Resources had funds available to conduct additional work on the water source and the distribution system. The Kohala Mountains would provide the water source.

Since there was no further testimony, the hearing was closed thereafter.

PETITION BY KENICHI SUGAI AND KENICHI YAMAMOTO (A67-172) TO RECLASSIFY 24.4 ACRES FROM THE AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT AT MAKAULA, NORTH KONA, HAWAII

A recommendation for denial of the reclassification was presented by Mr. Leong based on the fact that it would violate one of the major tenets of the Land Use Law, the lack of evidence that the proposed use is needed and that it would contribute to scattered urban development which is detrimental to the general welfare (see copy of report on file).

Mr. Leong explained that the non-conforming subdivisions referred to in the staff report had received preliminary approval prior to the enactment of the Land Use Law and that they were substantially vacant. There were only 1 or 2 homes existing in the 135-lot Kona Wonder View Subdivision and 4 or 5 homes in the 204-lot Kona Coast View Lots. Water in these areas is provided for by catchment.

Mr. George Yuda, attorney representing the petitioners, testified that petitioners had obtained preliminary subdivision approval for the first 3 acres fronting the Mamalahoa Highway prior to the Land Use Law with the intention of developing the entire 24-acre tract by increments. However, due to the lack of funds, they were unable to pursue this before the Land Use Law became effective. They were appearing before the Commission today for a boundary change in order that they may carry out their total plans.

Mr. Yuda further submitted that the petitioners did indeed have prior development plans and that it was uneconomical and unfeasible to pursue agricultural activities on the property. The anticipated new airport, highways, resort developments along the Kona Coast will bring additional people to the area, justifying the need for the proposed use of petitioners' land. He added that the request was in consonance and in keeping with the trends developing in Kona.

Utilities for the entire subdivision will be provided by the petitioners if reclassification is granted. As further evidence of the petitioners' good faith, Mr. Yuda stated that the petitioners will provide for all utilities in the existing 3-acre subdivision, although not required by the County, if the request is approved.

In further support of the boundary change, Mrs. Wattie May Hedemann of the West Hawaii Realty Company spoke of her concern over the availability of low-income lots in Kona. Compared with the Kona Wonder View Subdivisions and Kona Coast View Lots, petitioners' lands will be sold in much smaller lots and utilities will be available. Mrs. Hedemann will also be able to furnish a list of people who had expressed interest in putting down a deposit for the proposed subdivision. These lots will be offered at a reasonable price--50¢ per square foot, and every single lot has already been spoken for.

Mr. Philip Yoshimura of the Hawaii County Planning Commission reported that the 1,350 urban sized-lots referred to in the County's report were either under preliminary or final subdivision approval. He explained that under preliminary approval prior to the Land Use Law, the property could come in later for final approval under the grandfather clause, and the lots could be sold only after the final approval of the subdivision. Under the present Ordinance, the County is not required to provide water to subdivisions.

The hearing was closed thereafter.

DEFERRAL REQUEST BY GEORGE SIMS

Mr. Duran announced that staff was in receipt of notification from Mr. Sims, petitioner, that he would like to have the action on his petition deferred to a later date as he had to report to the hospital for surgery. Petition was continued.

34TH ANNUAL AMERICAN SOCIETY OF PLANNING OFFICIALS NATIONAL PLANNING CONFERENCE, SAN FRANCISCO, CALIFORNIA

Chairman Choi directed the Executive Officer to investigate the possibility of sending the Commissioners who expressed a desire to attend the conference.

KAPAKAHI RIDGE - NURSING HOME REQUEST IN CONSERVATION DISTRICT

Mr. Duran reported that Bishop Estate had previously petitioned for a boundary change on Kapakahi Ridge which was denied by the Commission. Another request for the same area at a later date through a developer was also disapproved. Now, the Bishop Estate was appearing before the Board of Land & Natural Resources seeking approval to construct a nursing home on the site. The Commission directed the Executive Officer to advise the Land Board of the Commission's stand on this matter based on the previous reasons for denial.

EXTENSION REQUEST BY RICHARD SMART FOR SPECIAL PERMIT SP66-39

The request of Richard Smart for a 6-month extension to begin construction of a U-Drive station at the entrance to Kamuela Airport, on a special permit granted by the Commission, was approved on a motion by Commissioner Wung, seconded by Commissioner Napier.