

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Conference Room
Hilo, Hawaii

Approved
June 2, 1976

April 14, 1976 - 10:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Mitsuo Oura
James Carras
Carol Whitesell
Tanji Yamamura

COMMISSIONERS ABSENT: Colette Machado
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Toni Hankinson, Court Reporter

ACTION

A75-404 - HONOKAA SUGAR COMPANY
PETITION TO RECLASSIFY APPROXIMATELY 42 ACRES FROM AGRICULTURAL
TO URBAN AT HONOKAA, HAWAII

In the matter of the boundary amendment petition by Honokaa Sugar Company, Docket A75-404, on which a hearing was held on February 12, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's (proposed) Decision and Order, Findings of Fact, Conclusions of Law, Order
2. Objections and Comments to Petitioner's Proposed Findings of Fact and Conclusions of Law by DPED

Mr. Clifford Lum, Corporation Counsel for Hawaii, submitted that the County of Hawaii was in favor of the petition.

Mr. Leong oriented the Commission to the subject property under petition with the use of the district map.

All of the parties present stated that they had no objections if the Commission desired to question the petitioner or any of the others present for clarification of any matter relative to the petition.

It was noted that the petitioner's intent to provide housing for employees and others living in the area, and the fact that subject parcel abuts the Urban District were factors favorable to the petition. However, Commissioner Whitesell raised the following concerns for discussion:

1. Whether there was sufficient land already in Urban to provide for housing for employees and others in the area.
2. Lack of a survey to substantiate the petitioner's statement that 192 employees had expressed an interest in the purchase of subdivided lands.
3. The reliability of the statement that land exchanges could be worked out with independent growers.
4. Lack of firm figure regarding the number of lots that could be subdivided from lands already in urban.
5. Lack of site plans, engineering details, development costs, details of the purported savings to the residents and community, etc.

Mr. Marsh recalled that during the hearing, petitioner's land ownership in the Honokaa area had been reported as follows:

85 acres - presently in Urban (65 acres rezoned in 1974)
42 acres - Area under present petition requested for Urban
127 acres
- 6½ acres for elderly home and refuse disposal site
120½ acres - Total potential Urban acres for development

The Chairman called on Mr. Bush to pinpoint the 85 acres. Mr. Bush complied and submitted that the 85 acres will be subdivided into approximately 180 lots.

Mr. Bush felt that by the land exchange process with the independent growers, many more acres could be preserved for agricultural purposes. He acknowledged that to execute this exchange, the ratio would have to be favorable to the independent growers.

There was a discussion concerning the total usable acreage that will be available for development after allowing for contour of land, county requirements and restrictions with regard to subdivisions, density, etc. The order of priority for sale of the subdivision would be to employees and pensioners first, and then to growers and others in the area. Mr. Bush emphasized that it was not their intent to speculate on the sale of these lands.

Concerning the list of people interested in buying into the subdivision which had been discussed at the hearing, Mr. Bush elaborated on the type and method of survey which management had conducted with the employees to determine the market for the proposed subdivision. It was not his understanding that he was expected to conduct another such survey since this was on record in the plantation files.

Other matters discussed involved water improvement costs, the amount of the offsite improvement costs that will be passed on to the purchasers, and whether this will make it prohibitive for the employees and pensioners to participate in the project. Mr. Bush assured that it was their intent to keep the package within the reach of the employees' capabilities.

Mr. Sidney Fuke, Deputy Director of the Hawaii Planning Department submitted that the overall development costs could be reduced, depending on the availability of the State CIP funds for water development and on the success of the exploratory well.

Commissioner Duke moved to approve petition A75-404 which was seconded by Commissioner Oura.

Thereafter, the Commission discussed the petitioner's proposed Findings and Conclusions and moved to adopt certain factual information contained therein as the Commission's findings and conclusions to be included in the final Decision and Order (see copy on file).

The Commissioners were polled on the motion to approve the petition, as follows:

Ayes: Commissioners Duke, Whitesell, Oura, Yamamura, Sakahashi, Carras, Chairman Tangen

Absent: Commissioners Yanai and Machado

The motion was carried.

A75-406 - YAMADA ESTATE

PETITION TO RECLASSIFY APPROXIMATELY 5.2 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKAHIULA, PUNA, HAWAII

In the matter of the boundary amendment petition by Yamada Estate, Docket A75-406, on which a hearing was held on February 12, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Findings of Fact and Conclusions of Law
2. Comments of DPED on Petitioner's Proposed Findings of Fact and Conclusions of Law

At the Chair's direction, Mr. Leong identified the parcel under petition on the map.

It was agreed by all parties present that they would have no objections to the Commission's questioning any of the parties on any matter that needed clarification.

It was moved by Commissioner Duke and seconded by Commissioner Carras to approve petition A75-406, Yamada Estate.

Mr. Michael Marsh, Deputy Attorney General, noted that it would be difficult to approve Urban classification of a 5.3-acre parcel surrounded by agricultural lands, and therefore suggested that perhaps DPED or the county could be requested to come in with a petition to reclassify the entire area.

Mr. Sidney Fuke of the Hawaii Planning Department acknowledged that if the parcel under discussion were reclassified to Urban, the County would consider commercial zoning for the area. He added that it was centrally located and desirable as a commercial site.

Mr. Fuke reiterated that the County's position in supporting the present petition was based on the fact that residential lot sizes of the subdivision surrounding the subject parcel rendered the area economically unfeasible for agricultural pursuits. Moreover, an area for commercial facility was indicated here. Insofar as services to the area, Mr. Fuke submitted that the County was already providing different forms of services such as police and fire protection, schools, park site, etc. to the area, and that these services will have to be provided with or without Urban designation of the area. There were presently 610 units, with approximately 1,800 people living in the general area, considerably larger than many other communities on the island of Hawaii.

Mr. Marsh advised that the Commission could recognize the fact that although petition does not meet some of the standards for classification into Urban, an urban type development does exist in the Agricultural District.

The Commission reviewed in detail the petitioner's Proposed Findings of Fact and Conclusions, adopting certain facts contained therein as the Commission's Findings and Conclusions.

The Chair called on the Executive Officer to poll the Commissioners on the motion on the floor and the votes were recorded as follows:

Ayes: Commissioners Carras, Duke, Whitesell, Sakahashi,
Oura, Yamamura, Chairman Tangen

Absent: Commissioners Yanai and Machado

The motion to approve the petition was carried.

ADOPTION OF MINUTES

The minutes of the March 5, 1976 meeting were approved as circulated.

WORKSHOP WITH COUNTIES

It was suggested by Mr. Fuke that the Commission arrange for a workshop with the various county planning department personnel to discuss the requirements for boundary amendment petitions under the new quasi-judicial proceedings. Chairman Tangen agreed that such a workshop will be forthcoming at a time and place mutually acceptable to all parties concerned.

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