

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

County Council Room  
Hilo, Hawaii

April 16, 1971 - 7 p.m.

APPROVED  
JUL 1 1971

Commissioners Present: Goro Inaba, Chairman Pro Tempore  
Eddie Tangen  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

Commissioners Absent: Shelley Mark  
Sunao Kido  
Alexander Napier

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Dora Horikawa, Stenographer

Acting Chairman Goro Inaba introduced Mr. Tatsuo Fujimoto who will be replacing Mr. Ramon Duran as the Executive Officer of the Land Use Commission.

Commissioner Yamamura moved to formally accept Mr. Fujimoto as the new Executive Officer. Commissioner Tangen seconded the motion and it was unanimously carried.

HEARING

PETITION BY DEPARTMENT OF LAND & NATURAL RESOURCES (A71-272)  
TO RECLASSIFY APPROXIMATELY 45.59 ACRES FROM AGRICULTURAL TO  
URBAN AT HILO, HAWAII

The staff planner, Mr. Leong, presented the staff report and described the area in question. Mr. Glenn Miyao of the Hawaii County Planning staff commented that the Hawaii County Planning Commission has a meeting scheduled on the 29th of April at which time they will act on a recommendation by the Planning Department to defer the matter for further study. He assured that the recommendation will be forwarded immediately following the April 29th meeting of the Planning Commission.

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Commissioner Tangen moved that the Commission direct the staff to determine from the owners of the Country Club Homes property whether they are prepared to make a definite commitment as to when that property would be developed. He clarified that the property has been zoned Urban for some time but that no development has occurred. Unless the owners are prepared to develop the property, the land does not belong in the Urban District and should be rezoned to a more appropriate classification in order that other lands may be permitted to be developed for home sites.

The motion was seconded by Commissioner Wung and unanimously carried.

PETITION BY THE LAND USE COMMISSION (A71-277) TO RECLASSIFY APPROXIMATELY 800 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, HILO, HAWAII

Commissioner Wung declared a conflict of interest on this matter and was excused from the proceedings.

Mr. Fujimoto, the Executive Officer, presented the staff report and oriented the Commission to the subject area on the maps posted. He acknowledged letter from Minoru Shigeoka, Gladys Bowell and James L. Allen, Jr., in support of the reclassification; and letters from Katsumi Nii, Noriaki Matsumura, Theodore Picco and Alexander Wung, opposing the rezoning.

Under questioning by the Commission, the Executive Officer informed that the 1971 assessment year processing period for agricultural dedications ended in March but only 6 petitions were received by the Tax Office from within the subject area.

Mr. Glenn Miyao of the Hawaii County Planning staff stated that there is no public sewer system in the area and that cesspools are being utilized at present.

Mr. Theodore Picco submitted a petition signed by residents and landowners in the area opposing the proposed rezoning since they wished to retain the "green belt" and the rural atmosphere around the non-conforming residential subdivisions in which they reside. He stated that there are over 100 vacant lots in the two subdivisions which he represents and that many

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of these lots are being held for speculative purposes. If the State land in the Komohana area is opened for development under the usual restrictions, he felt that speculation would be eliminated.

Mr. Walter Freitas, resident and landowner within the area, felt that the residents of the non-conforming subdivisions are enjoying the amenities of both urban living and agricultural taxes. He stated that the areas which are already subdivided into residential lots should be zoned Urban and that other property owners who wish to develop land should be allowed to do so to relieve pressing housing needs.

Mr. F. Miguel of the Property Assessment Division of the Department of Taxation, Hawaii, testified that the properties are being assessed according to the highest and best use; that for the non-conforming subdivisions, the appraisal is based on the fair market value of 15,000 square feet determined to be residential lots; and that there is a differential between the fair market value of dedicated and non-dedicated land.

Mr. Katsumi Nii spoke on behalf of the farmers in the area who opposed the rezoning proposal. He stated that a number of people who are raising poultry were denied dedication because they were situated in the Urban District.

In answer to Chairman Inaba's question, Mr. Leong recalled that in the Kuamoo area in Kauai, the Commission felt that there was enough room for urban expansion and therefore allowed dedications to be approved in the Kuamoo Urban District.

Mr. Nii stated that when the Camp 6 area was zoned Urban in August, 1964, the farmers had no knowledge of the action. Subsequently, when they applied for dedication, they were denied because of the zoning.

The staff planner indicated that most of the dedications involved hog and poultry farming within the Urban District so the incompatibility of the use with an Urban type use was the principal reason for denial of the dedication.

Mr. Charles Shiroma testified that when the State released the lands in the area, it was for agricultural purposes. He noted that between 40-45% of the eggs marketed in Hilo comes from the subject area.

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Mr. Robert Coates, resident on a non-conforming parcel, thought that the young people of Hilo would be denied the amenities of a rural atmosphere if the Waiakea area is rezoned to a higher use.

Mr. Walter Freitas reasoned that ample opportunity was afforded the farmers to dedicate their lands so that they would not be hurt by the reclassification.

Since there was no further testimony, Chairman Inaba informed the public that the Commission will receive additional written testimony within the next 15 days and closed the hearing on this matter.

#### ACTION

#### SPECIAL PERMIT APPLICATION BY ALOHILANI MEADOWS DEVELOPMENT (SP71-95) TO CONSTRUCT 18-HOLE GOLF COURSE AT PUNA, HAWAII

Mr. William Reigel, petitioner, agreed that his petition be acted on in spite of Chairman Inaba's advice that all five votes were needed for approval of the request.

Mr. Leong, staff planner, read the staff report recommending approval of the special permit, subject to the conditions imposed by the County (see report on file).

Mr. Reigel testified that Moanaloa Properties is prepared to meet the conditions of providing water to the Alohilani Subdivision.

Commissioner Wung moved that the staff's recommendation be accepted with the express condition that the developer will make water available and will bring his own water in.

The motion was seconded by Commissioner Tangen and unanimously carried.

#### SPECIAL PERMIT APPLICATION BY DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF HONOLULU (SP71-96) TO CONSTRUCT TWO SEWAGE STABILIZATION PONDS ON WAIPIO PENINSULA, OAHU

The staff planner presented the staff report recommending approval of the special permit, subject to the conditions

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imposed by the City Planning Commission (see report on file). Upon the Chairman's suggestion, he defined the difference between Class A and Class AA waters as contained in the Public Health Regulations.

Mr. Chew Lun Lau, engineer with the City and County Department of Public Works, clarified that presently the waste is discharged into the plantation irrigation system entering West Loch; however, they are not deliberately pumping raw sewage. He then reiterated the petitioner's reasons for submitting the special permit request (see copy of testimony on file).

Commissioner Tangen's motion to approve the special permit as conditioned by the County was seconded by Commissioner Yamamura. The motion was carried unanimously.

SPECIAL PERMIT APPLICATION BY HAWAIIAN TELEPHONE CO. (SP71-97)  
TO ALLOW THE EXPANSION OF A COMMUNICATIONS EQUIPMENT BUILDING  
AT PAHOA, PUNA, HAWAII

The Executive Officer, Mr. Fujimoto, presented the staff report recommending approval of the request subject to the County's stipulations. (See copy of report on file.)

Mr. Chang, representing the petitioner, requested favorable consideration of the special permit and indicated that time is of the essence.

Commissioner Tangen commented that he was unswayed by the telephone company's problem regarding the time element and suggested that future petitions be submitted earlier so that there would not be the inference that the Commission is disrupting telephone service if it does not immediately approve the request.

Commissioner Wung's motion to approve the special permit, subject to the County's conditions, was seconded by Commissioner Tangen and unanimously carried.

MISCELLANEOUS

1. DEFERRAL OF ACTION

Upon the suggestion by the Chairman and the Commission's legal counsel, Commissioner Yamamura moved that all petitions which were scheduled to be acted on at the next day's meeting (April 17) be deferred until the next Oahu meeting unless the petitioner requests another date. The reason was that there would not be enough Commission members present to act on a motion.

Commissioner Yamamura's action was seconded by Commissioner Sakahashi and unanimously carried.

It was noted that the petitioners involved have been notified.

2. OLOHANA REQUEST

The staff planner informed the Commission that Mr. Faries of the Olohana Corporation has submitted two requests concerning lands situated at Kawaihae, South Kohala, Hawaii.

The first request concerned the expansion of the Conservation District at Puu-Kohola Heiau in order to include the parcels proposed for a National Historic site by the land-owners.

The staff recommended that the request be incorporated in the Land Use Commission petition A71-287 (see staff memo on file).

Commissioner Tangen moved that the requests be consolidated. The motion was seconded by Commissioner Sakahashi and unanimously carried.

Mr. Faries' second request involved the acreage of lands rezoned to the Urban District on April 11, 1968 (see staff memo on file).

Commissioner Tangen moved and Commissioner Yamamura seconded that it was the intent of the Land Use Commission concerning a portion of the approximately 425 acres rezoned to the Urban District on April 11, 1968 is represented by Lot 3, comprising 263.5 acres on map marked Exhibit "B", dated February 23, 1971. The motion was unanimously carried.

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3. ADOPTION OF MINUTES

Commissioner Wung's motion to adopt the minutes of the February 26, 1971 meeting of the Land Use Commission was seconded by Commissioner Yamamura and carried unanimously.

4. LEGISLATION

Mr. Fujimoto, Executive Officer, advised the Commission that HB273 relating to the Conservation District at Manoa Valley has been received. He suggested this item be discussed in the next executive session.

5. GOVERNOR'S LETTER RELATING TO OPEN SPACE STUDY

The Executive Officer called the Commission's attention to a letter from Governor Burns suggesting that the Commission consider Mr. Udall's concern over the effect of rezoning of land on the Open Space Study which is presently being conducted by Overview Corporation, of which Mr. Udall is the Chairman of the Board.

Commissioner Tangen moved that the Commission acknowledge the letter, with thanks, and advise the Governor that Mr. Udall's views will be given consideration by the Commission. The motion was seconded by Commissioner Yamamura and unanimously carried.

6. 1971 HAWAII CONGRESS OF PLANNING OFFICIALS

Mr. Fujimoto suggested that a committee be formed to coordinate the conference with staff.

Chairman Inaba appointed Commissioners Kido, Napier and Mark to the committee. He suggested that the conference be held on the first weekend after Labor Day.

7. TENTATIVE SCHEDULE

It was decided that the next meeting of the Land Use Commission will be held on May 7, 1971 in Windward Oahu, and May 8, 1971 in Waianae, Oahu.

ADJOURNMENT

The meeting was adjourned shortly thereafter.