

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

LUC Hearing Room

2:00 P. M. - May 22, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry*
Goro Inaba
Charles S. Ota
Shiro Nishimura*
Shelley Mark
Myron B. Thompson*
Robert G. Wenkam
Leslie E. L. Wung

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Y. Takeyama, Legal Counsel
Richard E. Mar, Field Officer
Amy Y. Namihira, Stenographer

Commissioner Burns, pro tempore chairman, called the meeting to order. He expressed his appreciation to Commissioner Ota for the field trip to Maui.

Due to the lack of quorum, the agenda was not followed.

The tentative travel schedule was taken up at this time. For the June 11, 1964 field trip on Oahu, Chairman Burns suggested that the Land Use Commission rent a limousine. It was agreed by the Commission to rent a limousine.

Upon the arrival of Commissioners to form a quorum, the pro tempore Chairman proceeded with petitions to be acted upon.

ACTION ON TEMPORARY DISTRICT BOUNDARIES

PETITION OF BOB YANAZAKI (A(T)63-55) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION TO SUBDIVIDE LAND INTO 6 HOUSELOTS IN WAIAKEA, S. HILO: Described as TMK 2-2-46: 6

The field officer, having been sworn in, presented a brief summary on the petition. The Hawaii Planning and Traffic Commission at a meeting on November 18, 1963, decided to recommend approval of the petitioner's request on the following bases:

* Late arrivals.

- (1) that the Master Plan of Hilo and the proposed zoning map for the City of Hilo designate this site for single-family - 10,000 sq. ft. density; hence the granting of change of zone will result in a more appropriate land use pattern;
- (2) that this site already abuts an urban sized lot subdivision previously approved by the State Land Use Commission;
- (3) that the site has satisfactory topography and drainage and be economically available and adaptable to the installation and maintenance of public improvements and services; and
- (4) that the site is located in proximity to a diversity of employment and trading facilities and other community services.

The staff recommended approval of this petition on the following bases:

- (1) There is reasonable evidence that satisfies the "tests" required in the law.
- (2) There is no current evidence that the major tenets of the land use legislation, in respect to preservation of prime agricultural areas as the prevention of scatteration, will be violated.

Staff further recommends the extension of the urban district boundary in this area to comply with adopted County zoning maps when the final district boundaries are prepared.

After a brief discussion among the Commissioners, Commissioner Wenkam moved to accept the petition based on staff recommendations. Commissioner Wung seconded the motion.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Ferry, Mark and Chairman Burns.

Disapproved: None.

The motion to approve the petition was carried.

PETITION OF B. P. BISHOP ESTATE (A(T)63-56) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR SHORELINE HOUSELOTS IN KEEI, HONAUNAU: Described as TMK 8-3-05 and 8-3-06

The field officer, Richard Mar, presented the summary regarding this petition and outlined the area on a map. Petitioner plans to develop the area for vacation

type homes. Staff concludes that the petition does have some bases. However, the retention of the conservation designation, as proposed in the final district boundaries, would best promote the effectiveness and objectives of the land use law in respect to:

1. The intent of conservation districts to preserve scenic areas and provide parklands, wilderness and beach reserves.
2. The prevention of scatteration which would eventually bring pressures for expensive, yet reduced public services.
3. The preservation, protection and encouragement of development of lands in the State for those uses to which they are best suited for the public welfare.

On this bases, staff recommends denial of this petition.

Chairman Burns asked why the staff felt the 300 requests were not indications of interest in the area?

The Executive Officer explained that the requests were not directed at a specific site but to the Kona Districts in general. The number of requests also indicates a larger market than the area in the petition will satisfy. Thus, if this petition is approved, additional and adjacent shoreline areas towards Honaunau will be developed. Since this shoreline area is a major attraction to tourists, the economy of these districts will suffer adversely by such residential developments.

Commissioner Inaba suggested that the Land Use Commission extend the Napoopoo boundary to the south and give them a section of land which will be next to the urban district of the Napoopoo area.

Commissioner Ferry asked whether these lots will be sold in fee. The Executive Officer stated that he didn't think so. These lots will probably be leased.

There are no water lines in the area but there is electric power.

Chairman Burns read to the Commissioners a letter received on May 4, 1964 written by the Trustees' attorney, Mr. J. Garner Anthony.

Commissioner Wung moved to defer this matter till after a field investigation of the area. Commissioner Nishimura seconded the motion.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Wenkam, Nishimura, Ferry, Mark and Chairman Burns.

Disapproved: Commissioner Ota.

The motion for deferral was carried.

OTHER BUSINESS

Minimum Size of Districts

The Executive Officer stated that this pertained to the deliberations of the final district boundaries. The question brought up is "What is the minimum or relative minimum size of an area deserving a special consideration for a particular district - urban, conservation, etc.?"

Regarding Special Permit - "What is an unusual and reasonable use?"

Commissioner Ferry stated that each case should be tried as it has been done in the past - on its merits. He stated that the regulations for the conservation districts are based on the same thing. He stated that they wanted freedom of movement.

All of the Commissioners concurred with Commissioner Ferry's thinking.

Temporary Urban Districts*

Executive Officer stated that the problem before the Commission on this matter is that when a petitioner has been given prior approval from the county or prior commission, what should be done?

A discussion on this matter followed.

Commissioner Ferry stated that the Commission should evaluate each case as they applied to boundary change.

Legal Counsel stated that there must be a basis for cutting back the boundaries.

Chairman Burns stated that the basic thing is for the staff to make sure to include these elements in the presentation of the pros and cons to petitioner and bring it to the attention of the Commission, then they can be evaluated.

Commissioner Ferry stated that the staff should make the Commission aware of the situation when they are faced with these problems. He also stated that we shouldn't be bound by the prior commission nor should we bind the future commission.

It was agreed that the staff will inform the Commission of these situations.

Special Permit and Resort Developments

Legal Counsel stated that if a substantial area is involved and if the type of use proposed by the petitioner is for an urban use and if that use is going to change essentially the character, it should be a proper subject for a boundary

* Chairman Thompson belately arrives for meeting.

change and not a special permit because the Land Use Commission is a proper body to effectuate boundary change. The special permit cannot be used merely to avoid the procedure for boundary change.

Legal Counsel stated that Chairman Thompson's point is to properly guide the petitioner when they file the initial petition.

Commissioner Ferry suggested that when there is a problem like this, that rather than accepting a petition or a request for a special permit, a determination be asked by the Land Use Commission as to which application should be made.

Commissioner Burns suggested that the staff write to the county and outline the problems involved.

The Commission agreed that this matter should be pursued on the county level.

Department of Land & Natural Resources Regulations for Conservation Districting

Mr. Alfred Preis gave a presentation on the proposed regulations of the conservation district.

Deliberations on the Final District Boundaries for the County of Kauai

Chairman Thompson outlined the procedures to be followed throughout this deliberation.

Hawaiian Trail and Mountain Club requested the following:

1. Kalalau Valley - Requested a change of classification from agricultural to conservation. Staff recommended denial of the request. Commissioner Ferry stated that grazing will be permitted in the conservation district. The Commission approved the request for a conservation district.
2. Makahuena Point to Kipukai - Requested a change of classification from agricultural to conservation. Staff recommended denial of the request. Commission denied the request.
3. Wailua River - Requested a change of classification from agricultural to conservation. Staff recommended denial of the request. Commission denied the request.
4. Lower Waimea Canyon - Requested classification from agricultural to conservation. Staff recommended denial of the request. Commission denied the request.
5. Lumahai to Haena - Requested a change of classification from conservation - rural - urban to all conservation. Hawaiian Trail and Mountain Club supports the conservation district of Lumahai, but would like to move the conservation line up to the ridge top above the road. Staff recommended denial. Commission approved area only behind Waikoko Beach.

William Huddy requested a change of classification from agricultural to urban at Moloaa Bay consisting of 48.29 acres. Staff recommended denial of the request on the basis that this would constitute scatteration and spot zoning. Too far from central urban area. Commission denied this protest.

Virginia Worley requested a rural classification instead of an agricultural classification of Olohena, Kapaa, containing 122,260 sq. ft. Staff recommended approval of the request. The surrounding small lots should also be included in the rural district. The Commission concurred with staff and approved the request.

Col. J. Albert Roesch protested the agricultural and rural districting of Wailua Homesteads Mauka and Tropical Inn (5 acres) and requested an urban district. Staff recommended denial of the request for urban districting. Commission denied the request but classified land as rural.

Harry Ho requested agricultural districting instead of urban districting of 1.247 acres at Hanalei. Area is not suitable for resort development. Staff recommended approval of the request. Commission approved the request.

Grove Farm Company submitted a request for Puhi. Staff recommended approval of all requests except for area above highway (K-3). Also recommended approval of all requests except for the area being used for pasture. The pasture land should be kept in the conservation zone only when there is a need to be concerned with erosion problems. The Commission did not decide on this request at this time.

Bishop Estate requested agricultural districting of Lumahai instead of a conservation districting. Staff recommended denial of the request. Mauka area now in forest reserve and not suited for intensive grazing. Conservation values more important. Commission denied the request.

McBryde Sugar Company requested an urban classification instead of an agricultural classification of Kalaheo. Staff recommended approval of the request - subject parcel is contiguous to the proposed urban area. Commission approved the request.

McBryde Sugar Company requested an agricultural classification instead of an urban classification of Hanapepe. Staff recommended approval of the request - the area in sugar cane is more valuable than the urban land at this time. Commission approved the requested agricultural classification.

Matsuko K. Taguma requested a change of classification at Kalaheo from urban to agricultural. Staff recommended approval of the request. Commission approved the request.

Dorothy Ahrens and others requested an urban classification instead of a rural classification at Kawaihau, consisting of 18.36 acres. Staff recommended that the area be in the urban district based on government sanction of the area by the former Land Use Commission. The Commission voted to classify the area as rural.

Kekaha Sugar, represented by Mr. Koike, requested agricultural classification instead of urban classification of a small shoreline area at Waimea-Kekaha. Staff recommended approval of the request - area is presently being used for agricultural purposes. Commission approved the request.

Stephen Miyashiro dedicated 30.68 acres out of 32.68 acres for agricultural purposes. At present 5 acres out of the 32.68 acres have been zoned urban. Since he has reserved 2 acres for residential use, the 5 acres are in excess of his needs. He requests 2 acres be classified as urban and the rest as agricultural. Staff recommended approval of the request. Commission voted to approve the request to include the 2 acres in the proposed final urban district boundaries.

H. W. Hansen's request for a rural classification instead of an agricultural classification of Kalaheo, was withdrawn.

Dr. Patrick Cockett protested the proposed conservation classification and requested an urban classification of Wailua comprising of 15,136 sq. ft. Staff recommended approval of the request. The Commission voted to designate the area as agricultural, which was the previous designation.

C. Brewer & Company, Ltd. requested an agricultural district instead of a conservation district classification of Kilauea. The Commission denied the request on the basis that pasture use is permitted in conservation and the area is thus better protected against erosion problems.

Lihue Plantation Company, represented by Mr. Hansen, requested the following:

1. Lihue - Requested a change of classification from agricultural to urban, containing 42 acres more or less. Staff recommended denial of the request and let the Plantation come in for a boundary change when the additional area is needed. The Commission denied the request.
2. Lihue - Requested an agricultural classification instead of an urban classification, containing 39.48 acres more or less. Staff recommended approval of the request - area is presently in cane. The Commission denied the request.
3. Lihue - Requested an agricultural district classification instead of a conservation district classification. Wants to amend conservation boundary in future to include 500 to 800 acres for cane. Staff recommended denial of the request and that Lihue Plantation come in for a boundary change in the future when the land is needed. Commission denied the request.
4. Lihue - Requested a change of classification in the Kalepa Forest Reserve (3-8-02: 4) from conservation to agricultural, containing 4 to 6 acres more or less. Staff recommended denial of the request. Commission denied the request.

5. Kealia - Requested an urban classification instead of an agricultural classification. Staff recommended denial of the request - inappropriate location for further urbanization. Beneficial only to Plantation. Detrimental urban environment to prospective home owners. Commission approved the request.
6. Princeville, Hanalei - Requested an urban classification instead of an agricultural classification. Staff recommended approval of the request. Commission approved the request and also joined the urban beach areas.

Conservation Council requested the following:

1. Kalalau Valley - Requested a change of classification from agricultural to conservation. Staff recommended denial of the request. Commission approved the request for a conservation district.
2. Kilauea Lighthouse - Requested a change of classification from agricultural to conservation. Staff recommended approval of the request - conservation designation will not harm the federal operation of the light house. The area is scenic and a tourist stop. Commission approved the request.
3. Haena - Requested a conservation classification instead of an urban classification of all lands makai of road. Staff recommended denial of the request. Commission denied the request.
4. Lumahai Beach - Request to extend the conservation boundary from the shoreline to the top of the low hills backing the beach. Staff recommended denial of the request. Commission approved the request back to ridge line.
5. Olokele Canyon Valley - Requested a change of classification from agricultural - conservation to all conservation. Staff recommended that the area be in the conservation district. The Commission voted whether area will be in conservation or agricultural. There were 4 for conservation and 4 for agricultural. This matter was deferred till the next day when Commissioner Burns would be present.*

Aylmer Robinson requested the following:

1. Kaheluamano Valley, Hanapepe - Requested a change of classification from conservation to agricultural of 246 acres more or less. Staff recommended denial of the request. Commission denied the request and area will remain in conservation.
2. Kahana Valley, Hanapepe - Requested a change of classification from conservation to agricultural. (332 acres more or less) Staff recommended denial of the request. Commission denied the request.

* Commissioner Burns left meeting to attend to other urgent business.

3. Wainiha Hui Lands, Hanalei - Requested an agricultural district classification instead of a conservation district classification. Staff recommended denial of the request - area has limited potential for grazing. Conservation values more important. Commission denied the request and area will remain in conservation.
4. Makaweli, Hanapepe - Requested a change of classification from urban to agricultural, containing 13 acres more or less. Staff recommended approval of the request - land used for grazing. Commission approved the request.
5. Koula Valley, Hanapepe - Requested an agricultural classification instead of a conservation classification of 68 acres more or less. Staff had no recommendation regarding this matter. The Commission denied the request and left area in conservation.

Joseph S. Brun requested an agricultural district classification instead of an urban classification of Kalaheo, comprising 6.013 acres. Staff recommended approval of the request. Commission approved the request.

R. Takushi and K. Nonaka, represented by Philip T. Chun, requested an urban classification instead of a rural classification of Wailua, comprising of 15.92 acres. Staff recommended that the area should be in the urban district because of prior government sanction. The Commission did not take action on this matter at this time.

Hanapepe Merchant Association requested an urban classification instead of an agricultural classification at Hanapepe, comprising 369.78 acres more or less. Staff recommended denial of the request - This is Olokele Sugar Company's prime sugar lands (heart of plantation). Subject land is now in sugar cane. The State and County general plans show the area as agricultural. Commission denied the request.

Lihue Plantation and other people protested the agricultural classification of Kapaia Town and requested an urban classification. Staff recommended approval of the request - area has been a developed urban area for many years as evidenced by the existing stores and homes. Commission approved the request.

Verbal Protests by the following:

1. Raymond Aki - Put State lands back of Wailua golf course in urban for retirement and other uses. The Commission denied the request - pressure does not demand it. Area will remain in agricultural.
2. Roger Bray and Doris Foster - Requested a rural classification instead of an agricultural classification of 27 acres near Kalaheo. Wants to subdivide for residential use. The Commission deferred this matter for further study.

3. Jansen - In favor of the proposed urban district of Aliomanu.
4. Robert Wenkam - Requesting conservation district of Lydgate State Park and Polihau State Park. Commission approved request - area will be in conservation.
5. Frank De Silva requested urban district for Kealia. Commission approved his request for urban classification.

A request to zone Hanapepe rural instead of agricultural was denied by the Commission. The area will remain in agricultural.

A request to zone Hanapepe River Valley conservation instead of agricultural was denied by the Commission. The area will remain in agricultural.

The Commission decided that the Wailua area will be discussed and deliberated upon the next day.

The meeting was adjourned at 10:00 p.m.