

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Discovery Room, Kona Hilton Hotel  
Kailua, Kona, Hawaii

APPROVED  
JUL 20 1972

June 2, 1972 - 10:30 a.m.

Commissioners Present: Goro Inaba, Chairman  
Eddie Tangen, Vice Chairman  
Sunao Kido  
Alexander Napier  
Tanji Yamamura  
Stanley Sakahashi  
Leslie Wung

Commissioner Absent: Shelley Mark

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Ben Matsubara, Deputy Attorney General  
Jean Soma, Stenographer

After calling the meeting to order, Chairman Inaba swore in all those wishing to present testimony before the Commission today.

LETTER FROM DR. RICHARD E. MARLAND, INTERIM DIRECTOR,  
STATE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Chairman Inaba acknowledged receipt of a letter dated May 30, 1972 from Dr. Richard E. Marland, Interim Director, Office of Environmental Quality Control, relating to petition A71-314, Land Use Commission (Kahaluu, Oahu) and noted that a copy had been distributed to the Commission membership.

DPED NEWS RELEASE

Chairman Inaba then noted that the DPED's News Release dated May 30, 1972 regarding a state government planning in Hawaii research project conducted by the Georgia Institute of Technology had also been distributed to the Commissioners.

ADOPTION OF MINUTES

Commissioner Kido moved that the minutes of the March 17 and April 7, 1972, meetings be adopted as circulated to the Commission. The motion was seconded by Commissioner Wung and unanimously carried.

HEARINGS

PETITION BY C. BREWER & CO., LTD. (A72-321) TO RECLASSIFY APPROXIMATELY 1.25 ACRES FROM CONSERVATION TO URBAN AT PUNALUU, KA'U, HAWAII

Staff planner, Mr. Leong, presented the staff report (see copy on file) and outlined the property under discussion and surrounding properties on the maps of the area.

Commissioner Kido questioned whether there were any conservation amenities or special conditions other than the fact that this 1.25 acre area was under the ownership of Mr. Matsuhei Okuna, which warranted the Conservation districting of the property at the time of C. Brewer's original petition in 1969. Mr. Leong replied in the negative, then stated that there are several kuleanas near the beach area which are presently zoned Conservation.

Mr. Edward E. Crook, Vice President of Administration, Inc. (a subsidiary of C. Brewer responsible for its land development program), submitted that the subject property is now owned by C. Brewer, as of March 1, 1972. C. Brewer is expending approximately \$22 million on construction costs for the overall development of this resort complex, of which \$2 million are being spent at Punaluu, which is located on the makai side of the property under question. Mr. Crook then

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stated that the petitioner was remiss in not approaching Mr. Okuna to join in the original boundary amendment petition.

Under questioning by Commissioner Kido, Mr. Crook informed that the petitioner's problem is one of having to deal with two governmental jurisdictions. In addition, there will be problems with respect to drainage, utilities, access, etc., across the subject parcel to the urbanized areas. The parcel under petition is landlocked by surrounding C. Brewer and Bishop Estate lands that are already urbanized. Furthermore, the subject property contains no significant features that would lend itself to a normal, acceptable conservation use.

In response to Commissioner Wung's query, Mr. Leong pointed out on the maps of the area the petitioned 1.25 acre parcel and the surrounding Urban districted lands. The subject area is a spot Conservation District which resulted from C. Brewer's previous boundary amendment petition that was approved by the Land Use Commission in 1969.

At this time Mr. Crook offered a map for the Commission's review. Mr. Leong then informed Commissioner Yamamura of the location of the Ninole Fishpond (zoned Conservation) on this map.

Pursuant to Commissioner Napier's inquiry, Mr. Crook indicated the two acre area out at the Punaluu Black Sand Beach that was dredged is being stocked with mullet and will soon be stocked with koi also. There are naturally existing mullet in the Ninole Cove at the present time.

Mr. Crook apprised Commissioner Yammura that approximately 2 acres of developable land were lost in the reconstruction process of the Punaluu Fishpond. The land in question was filled with mud and sand during the tidal wave of 1946, was allowed to overgrow with grass and reeds, and has therefore been dredged. The pond is fed by natural springs; and, in the process of dredging, it was necessary to pump 14 million gallons per day in order to keep the water level down.

Mr. Raymond Suefuji, Planning Director, Hawaii County Planning Department, stated he had no comments to present to the Commission.

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Since there was no further testimony either for or against this petition, Chairman Inaba advised that the Commission would accept further evidence respecting this petition within the next 15 days and thereafter closed the hearing.

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PETITION BY HERBERT T. MATSUNAGA (A72-322) TO RECLASSIFY APPROXIMATELY 40 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII

Commissioner Wung excused himself from the proceedings of this public hearing due to a possible conflict of interest.

Following the presentation of the staff report (see copy on file), Mr. Fujimoto read a letter received subsequent to the writing of the staff report from Mr. Alexander Wung, resident in the area, dated May 30, 1972, stating his opposition to this petition ( see letter on file). Mr. Fujimoto then proceeded to point out the location of Mr. Wung's property on the map of the area.

Replying to Commissioner Yamamura's question, Mr. Fujimoto stated that the poultry farms and piggeries are located in the Camp 6 and nearby areas. In addition, most of the area within the immediate Agricultural District is vacant or utilized for grazing.

The normal wind direction concerning the subject parcel is from northeast to southwest. A poultry farm located approximately 1,000 feet from the area under discussion is situated in an urban zone but has been dedicated to agricultural use.

Commissioner Kido questioned the staff as to the reason for excluding the subject 40 acres from Urban districting under a petition initiated by the Land Use Commission for this area (A71-277). Mr. Fujimoto replied that the petitioned property is in the midst of agriculturally designated parcels and would have constituted a spot zone. In addition, there was much opposition to this area being rezoned to Urban at that time.

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The petitioner, Mr. Herbert T. Matsunaga, began his testimony by locating on the map of this area the properties owned by Messrs. Katsumi Nii, Yoshitaka Kudo, and Yoshio Tomori which adjoin the subject parcel. He then conceded that the supply of water in this area for the proposed subdivision is inadequate at this time as mentioned in Mr. Alexander Wung's letter. Therefore, the County of Hawaii Department of Water Supply has recommended that the petitioner install a waterline measuring 1,200 feet from the Komohana-Kawailani junction; and, the petitioner has agreed to do so. As to the flooding problem, Mr. Matsunaga advised that it occurs at the northeast corner of his property when the box culvert becomes filled beyond capacity and overflows. Approximately two weeks ago, Mr. Matsunaga signed a release for the County to enter his property in order that construction on the enlargement of the culvert could be undertaken. The engineering firm of Wilson Okamoto & Associates, Inc. of Honolulu prepared the graphics for this project. Mr. Edward Harada, Chief Engineer, County of Hawaii Department of Public Works, has indicated that this enlargement would alleviate the flooding problem.

Upon questioning by Commissioner Yamamura, Mr. Matsunaga commented that he has the necessary capital to accomplish this project and that he intends to subdivide the property and sell it as lots and possibly some house and lot packages.

Mr. Sidney Fuke, Hawaii County Planning Department staff, advised that the County plans to connect sewer lines up to the subject property; but, the federal government has not committed itself to this undertaking. Therefore, cesspools will be used during the interim period.

Regarding the size of the lots, Mr. Matsunaga testified that although he initially planned on 15,000 square feet, he desires to reduce the lot sizes to 10,000 square feet which will be subject to the County's approval. He felt that the reduction in lot sizes would be suitable in that it would also reduce the cost for the houselots.

Mr. Sidney Fuke informed the Commission that the Hawaii Planning Department had recently processed a rezoning application for a 40 acre parcel situated in an Urban designated area. The applicant requested a change in zoning

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from Agriculture 3 acres to RS-10. Both the Planning Department and the Planning Commission recommended favorable approval of this request. The development of this area is to be done on the incremental zoning approach, and the County's housing stipulations will apply. The Planning Department and Planning Commission have also recommended approval to the County Council for a 10 acre parcel to be rezoned to RS-15. Therefore, assuming that the petition at hand is granted by the Land Use Commission, it will be possible under the General Plan for Mr. Matsunaga to apply for an RS-10 or RS-15 zoning designation. The necessary improvements for the property will have to be worked out between the petitioner and the County of Hawaii. The County will also stipulate that Mr. Matsunaga conform to the County's housing requirements and that the incremental zoning approach be taken.

Mr. Fuke then assured Commissioner Yamamura that rezoning actions by the Land Use Commission are definitely helping to relieve the housing shortage in Hilo. However, it should be noted that in a recent postal service conducted for the city of Hilo, it was indicated that there is a less than 2 percent vacancy rate respecting single-family dwellings and multiple family residential units. Generally, it is conceded that an approximate 4 to 6 percent vacancy rate is necessary to afford a sufficient residential stability. Nevertheless, a housing shortage does exist in the city of Hilo today.

Chairman Inaba opened the floor for additional questions and testimony. Since there was none, he announced that the Commission would receive additional data during the next 15-day period, then closed the hearing.

ACTION

DEFERRAL REQUEST FROM OCEAN VIEW INVESTMENT CO., INC. (A71-310)

Mr. Fujimoto informed that he was in receipt of a letter from Mr. W. Michael Mullahey, Hawaii Real Estate Research, Inc., on behalf of the petitioner, Ocean View Investment Co., Inc., requesting "an indefinite deferral of action by the Commission because of subsequent events and discussion with the Commission's staff." Therefore, the petitioner has

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reapplied for a special permit with the County of Hawaii. Subsequently, Mr. Fujimoto read the letter into the record (see letter on file).

Commissioner Sakahashi questioned whether this Commission could entertain a boundary amendment petition and a special permit application submitted by this petitioner for the same parcel of land. Mr. Ben Matsubara, Deputy Attorney General, indicated that there would be no conflict in the Commission considering a boundary change and a special permit by Ocean View Investment Co., Inc. However, in regard to the request for an indefinite deferral, a specific date for the action on this petition should be set by the Commission at this meeting allowing the petitioner a reasonable amount of time for the County of Hawaii to process the special permit application.

Relative to the above discussion, Mr. Fujimoto notified that the reason for the deferral request is in re-evaluating the petition, the petitioner decided to go through the special permit route for the proposed development. In the event the petition at hand was withdrawn at this time, the petitioner's position would be jeopardized in terms of not being able to refile a petition within one year as provided for in the Rules and Regulations of the Land Use Commission.

Commissioner Napier moved that the deferral request be granted, and this motion was seconded by Commissioner Yamamura.

At this time Vice-Chairman Tangen stated that an amendment to Commissioner Napier's motion would be in order. He therefore offered that upon final action by the County of Hawaii on the special permit (filed with Hawaii County Planning Department on May 6, 1972), the Land Use Commission set a definite date in the immediate future to take action on the subject petition, as suggested by Deputy Attorney General Ben Matsubara.

Chairman Inaba questioned the staff as to the length of time involved for the processing of a special permit, whereupon Mr. Fujimoto advised that (1) the County Planning Commission must conduct a public hearing within 30 to 120 days after receiving a special permit application, (2) the County Planning Commission must act on the application 15 days after

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the public hearing, and (3) the Land Use Commission must act on the petition within 45 days after receipt of the County agency's approval.

Commissioner Napier amended his motion by stating that action on this petition be deferred until the processing of the special permit request has been completed. The motion was seconded by Commissioner Yamamura and carried.

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PETITION BY DEPARTMENT OF TRANSPORTATION (A71-315) TO RECLASSIFY APPROXIMATELY 289.5 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA, SOUTH HILO, HAWAII

Mr. Fujimoto presented the staff memorandum, in which staff recommended that this petition be approved (see copy on file).

Mr. Sykes from the Department of Transportation stated he had no testimony to present before the Commission.

Commissioner Napier moved that the petition be approved as per staff recommendation. The motion was seconded by Vice-Chairman Tangen and unanimously passed.

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PETITION BY HAWAIIAN REAL ESTATE CORPORATION (A71-319) TO RECLASSIFY APPROXIMATELY 18.57 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKAHIULA, PUNA, HAWAII

The staff memorandum recommending denial of this petition since the approval of same would contribute to the proliferation of urban areas, resulting in expensive, yet reduced public services and would also violate a basic principle of the Land Use Law was read by staff planner, Mr. Leong.

Neither the petitioner nor his representative was present to testify. Subsequently, Commissioner Napier moved that the petition be denied, seconded by Commissioner Yamamura. The motion was passed.



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PETITION BY KONA SCENIC LAND, INC. (A72-320) TO RECLASSIFY APPROXIMATELY 52 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEKUA, SOUTH KONA, HAWAII

Pursuant to delivering the staff memorandum recommending approval of this petition ( see copy on file) and upon questioning by Commissioner Sakahashi, Mr. Leong informed that staff had received a letter from the County of Hawaii Department of Water Supply relating to this area. In addition, the Kahaluu wells that serve this area are located approximately 4 to 5 miles from the subject property. It was indicated by Mr. Sidney Fuke that the County of Hawaii does not have any plans for installing another water well in this locale.

Mr. Leong informed Commissioner Yamamura that the petitioned land was formerly planted in coffee and that there is nothing of historical significance on this property.

Regarding the discussion on plans for increasing the water supply for the Kona area, Commissioner Kido commented that the Division of Water and Land Management, Department of Land and Natural Resources, is contemplating a large shaft for the Kona area which should alleviate the problem of water shortage. At the present time, there are plans for the development of a shaft for the Keauhou area. Commissioner Kido believed that plans are underway to extend a water transmission line down to Honaunau but was not certain as to the type of line.

Mr. Raymond Suefuji, Hawaii County Planning Director, advised that the County will require a development schedule of the petitioner. Additionally, there is a subdivision ordinance requiring a 5 to 10 percent land area for playground be set aside for developments of 200 units or more. A new subdivision ordinance to be enforced by the County under the State statute requires not only that land areas be earmarked for specific uses but also improvements on the land be required. This will be forwarded to the Hawaii County Council in the near future. In the case of small subdivisions, monies are to be substituted for land areas.

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Mr. Richard Ishida, attorney representing the petitioner, stated he had no testimony to present but would answer any questions from the Commission.

Thereafter, Commissioner Yamamura inquired about the treatment of sewage for the proposed project. Mr. Ishida replied that this was also asked of him at the County level, and this is a problem that was never anticipated. Should the problem of sewage arise in the future, the petitioner is willing to satisfy the County's standards. In any event, he was not prepared to represent the County's standards to the Commission at this time.

If the development of the apartment units are proven to be economically unfeasible including the cost for sewers in conformance with County standards, the petitioner, if permitted by governmental agencies, will resort to single family residential units of 7,500 square feet in lot size. Mr. Ishida felt that since the adjoining subdivisions of 10,000 square foot lots are serviced by cesspools, the petitioner's proposed subdivision could also be serviced by cesspools, if the petitioner developed lot sizes of the same amount. In concluding his testimony, Mr. Ishida stated that the petitioner is well aware of the water pollution in Kona.

Commissioner Napier moved that this petition be approved based on staff recommendation. The motion was seconded by Vice-Chairman Tangen and carried.

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SPECIAL PERMIT APPLICATION BY KONA CARES, INC. (SP72-126) TO ALLOW DEVELOPMENT OF NURSING FACILITY AND HOUSING COMPLEX FOR THE ELDERLY AT KEAHOHU, NORTH KONA, HAWAII

Mr. Leong presented the staff report in which staff recommended approval of this request, subject to the County's conditions (see report on file).

Mr. Sidney Fuke informed Commissioner Wung that #1 of the County's conditions as contained in the County recommendation on this special permit refers to the establishment of foundations for the buildings. In addition, he indicated that the County of Hawaii is planning to build a fire station along the Palani Road junction.

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Mr. Takeshi Kudo, on behalf of the petitioner, submitted that Dr. Chisato Hayashi, President of Kona Cares, Inc., was unable to be in attendance at today's meeting. He continued that at this time arrangements for the financing of this project are underway, and the federal government has committed itself to partake in the financing; namely, 90 percent. The State or the County will absorb the remaining 10 percent under the Act 105 program.

It was moved by Commissioner Napier that this special permit be approved subject to the County's conditions, seconded by Vice-Chairman Tangen. The motion was passed.

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SPECIAL PERMIT APPLICATION BY TOMMY ISHIMARU (SP72-128) TO ALLOW A QUARRY OPERATION AT NAALEHU, KA'U, HAWAII

Following the presentation of the staff report recommending approval of this request subject to the County's conditions (see report on file), Mr. Fujimoto, Executive Officer, oriented the Commission to the location of the subject property; the surrounding areas; and particularly the property owned by Mr. Larry O. Hawkins, Vice-President and Manager of Hawkins Audio Engineers, Inc., partial owner of a parcel adjoining the proposed quarry site, opposing this special permit request. Mr. Fujimoto then indicated the wind direction concerning the subject land--northeast to southwest.

The petitioner, Mr. Tommy Ishimaru, felt he could comply with the conditions stipulated by the Hawaii County Planning Commission.

Thereafter, Commissioner Napier moved that this special permit request be approved subject to the County's conditions. The motion was seconded by Commissioner Sakahashi.

Mr. Ishimaru, in reference to Commissioner Yamamura's query, said that a sprinkling system will be installed to control the dust. The County is proposing to install a 4 to 6-inch waterline, and Mr. Ishimaru intends to draw the water down to the subject site.

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Chairman Inaba called upon Mr. Fujimoto to poll the Commission since a motion was on the floor. Mr. Fujimoto complied, and the motion to approve the request subject to the County's conditions was carried.

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MISCELLANEOUS

EXTENSION REQUEST BY PAN AMERICAN FINANCIAL CORP. (SP71-116)

Pursuant to the deliverance of the staff memorandum (see memo on file) by Mr. Fujimoto, Commissioner Yamamura moved that the request be granted. Commissioner Sakahashi seconded the motion, and it was carried.

TENTATIVE SCHEDULE

The Commission agreed to conduct its next meeting on July 20 on Oahu and that it would meet with Dr. Richard Marland, Interim Director, Office of Environmental Quality Control, on July 21, 1972.