

STATE OF HAWAII  
LAND USE COMMISSION  
HONOLULU, HAWAII

Minutes of Meeting

County Council Room  
Hilo, Hawaii

APPROVED  
SEP 2, 1971

June 30, 1971 - 1 p.m.

Commissioners Present: Goro Inaba, Chairman Pro Tempore  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi  
Alexander Napier  
Shelley Mark  
Sunao Kido

Commissioner Absent: Eddie Tangen

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

All those wishing to testify during today's proceedings were sworn in.

HEARINGS

PETITION BY HUGH H. WILLOCKS, ET AL (A71-290) TO RECLASSIFY APPROXIMATELY 8.6 ACRES FROM CONSERVATION TO AGRICULTURAL AT PANAWEA HEIGHTS SUBDIVISION, SOUTH HILO, HAWAII

Mr. Ah Sung Leong, staff planner, read the staff report (see copy on file). He added that the subject area was placed in the Conservation District by the Commission upon the recommendation of our consultants during the 1969 review and that no rationale for this reclassification was indicated. It was also brought out that the area was classified Agricultural prior to the 1969 review and that this was the only subdivision in the area--all other surrounding lands being classified Conservation and owned entirely by the State.

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Mr. Hugh Willocks, representing his father, his brother, and himself, owners of the property, submitted that the property had been in macadamia production for approximately 20 years; and, they were not aware of the change to the Conservation classification until they applied for a building permit with the County. Mr. Willocks further stated that it is their intention to continue with the macadamia production and to keep the subdivision within the family.

In reply to questions raised by the Commission, Mr. Willocks commented that he was not particularly interested in the tax advantages of a Conservation classification but that they were more concerned with the length of time it takes to process an application with the Department of Land & Natural Resources.

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

PETITION BY BARNEY B. MENOR (A71-292) TO RECLASSIFY APPROXIMATELY 17.55 ACRES FROM AGRICULTURAL TO RURAL AT KANIAHIKU, PUNA, HAWAII

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report(see copy on file).

Miss Ilima Piianaia of the Hawaii Planning Department noted that the subject area is designated as  $\frac{1}{2}$  agricultural minimum for residential and agricultural use in the County General Plan. Mr. Fujimoto added that there were some scattered development of homes on the sited lots and anthurium farming but that it was mostly vacant.

In response to questions raised by the Commissioners, Mr. Barney Menor, petitioner, submitted that the selling price of approximately 25 to 28 cents per square foot had been based on an estimate by a local engineer, taking into consideration the costs for road construction, water, and electricity and that the brunt of development costs had been absorbed by Unit 1 which had already been sold. He said that many people had indicated their desire for half-acre lots in the area, strictly for homesites with possibly some truck farming. Mr. Menor assured the Commissioners that the necessary financing was available.

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

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ACTION

PETITION BY THE DEPARTMENT OF LAND & NATURAL RESOURCES  
(A71-272) TO RECLASSIFY APPROXIMATELY 45.6 ACRES FROM  
AGRICULTURAL TO URBAN AT KAUMANA, SOUTH HILO, HAWAII

The memorandum was presented by Mr. Leong, planner, recommending approval of the petition based on the staff's findings and the fact that rezoning of the land to allow the proposed use would be in the public's best interest (see copy on file).

Mr. Leong advised that the agricultural uses in the abutting areas include some tree fern and hothouse operations involving anthuriums and orchids but that the soil classification of "E" rendered the area poor for agricultural pursuits. He stated that the County's objection to the proposed development was based on its non-conformity to the County General Plan designation of ½ to 5 acres lot size.

At this point, Commissioner Kido requested a ruling from Deputy Attorney General Hong as to a possible conflict of interest because of his official capacity with the Department of Land & Natural Resources. Attorney Hong ruled that there was none since Mr. Kido did not have any personal interest in the land.

Mr. James Clark of the Department of Land & Natural Resources stated that they would have to abandon the project if the boundary amendment request was denied since there were no other State lands available that could be developed at comparable cost. The fact that they will be able to develop the project at such a nominal cost was due to their plans to subdivide lots only along the highway. Only 50 lots were expected to be developed at the present, pending the realignment of the Saddle Road.

Commissioner Wung questioned the appropriateness of the site for the proposed use because of its distance from Hilo. Mr. Clark replied that over 200 persons applied for the project when it was first announced.

Commissioner Napier moved that the petition be approved as recommended by staff, which was seconded by Commissioner Sakahashi and passed unanimously.

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

The staff memorandum was presented by the Executive Officer recommending reclassification of a 410-acre portion of the area under petition from the Agricultural into the Urban District and to consider the reclassification of the Camp 6 area from Urban to Agricultural during the next boundary review (see copy on file).

Commissioner Wung declared a conflict of interest and did not participate in the proceedings.

Mr. Fujimoto reported that the staff had conducted meetings with the residents of the area to explain the dedication procedures and that this rezoning action by the Land Use Commission had been purposely delayed to allow the landowners sufficient time to dedicate their lands if they wished to do so. There had been a mixed reaction of protests and support for the proposed rezoning from the residents of the area.

Commissioner Mark wondered whether staff was looking into the possibility of rezoning Camp 6 from Urban to Agricultural prior to the next boundary review in 1974. Mr. Fujimoto suggested that perhaps the staff could write to the landowners to get an indication of the intended use of their lands. He added that quite a number of them had protested the proposed change during the last hearing.

Mr. Theodore Picco, a resident in one of the non-conforming subdivisions representing 128 property owners opposing the petition, argued that only one property owner had spoken in favor of the rezoning; that the past year's experience disproved the projected population growth of Hilo between now and 1975; that the nearest sewer trunk line was 5 miles away; and that contrary to staff's findings, Kawaiilani Road was the only good road in the area.

Mr. Fujimoto advised that the approximately 454 lots within the 5 non-conforming subdivisions would not tax the existing public facilities since the areas were already in medium density use. He added that about 32 percent of these subdivisions were presently developed. It was also brought out that no significant agricultural activity would have to be curtailed as a result of urban zoning and that grazing was the predominant agricultural use in the area.

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Vice-Chairman Inaba wondered about the advisability of postponing action on this petition since only 6 of the Commissioners present at today's hearing could act on this petition. Attorney Hong advised that since this was a petition initiated by the Commission, it was within its prerogative to defer action and that one day's delay beyond the time mandated by the statutes would not prejudice anyone. Mr. Picco felt that the property owners' views had been adequately expressed so that there would not be any objection if action on this petition were to occur at another time on another island.

Upon motion by Commissioner Kido, seconded by Commissioner Napier, it was agreed that action on this petition be deferred until the next meeting scheduled for July 16, 1971, Commissioner Sakahashi cast the only dissenting vote.

SPECIAL PERMIT APPLICATION BY THE DEPARTMENT OF LAND & NATURAL RESOURCES (SP71-100) FOR ESTABLISHMENT OF A PRIVATE RECREATION CAMP SITE AT WAIMANALO, OAHU

The Executive Officer read the staff report recommending approval of the special permit subject to the conditions imposed by the County Planning Commission.

Deputy Attorney General Hong requested it be recorded that he was declaring a conflict of interest on the basis that his father owned property in the vicinity of the subject special permit and any legal questions be directed to the Attorney General's office.

Commissioner Kido expressed concern over Item 11 in the County's conditions, i.e., the termination of the special permit at the end of 10 years and asked whether the Land Use Commission would have the authority to modify the County's conditions. Attorney Hong cited that the provisions under Act 136 seemed to imply that the Land Use Commission could impose more restrictive conditions on a special permit. However, he felt that the wording could not be construed to allow lesser restrictions.

Commissioner Kido argued that the restrictive term of 10 years would work a serious hardship on the petitioner, especially in terms of obtaining financing for the project.

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Mr. Clarence Ho, teacher and also advisor to the Valiants who are proposing to build the facilities, wondered whether the special permit could be considered concurrently with the County's Conditional Use Permit in the event it approved 25 years as the termination date of the permit.

Attorney Hong advised that the Land Use Commission's approval of the special permit be conditioned so that it will concur with the County's Conditional Use Permit with respect to any amendment in the time element, thus eliminating the necessity of again seeking the Land Use Commission's approval.

Since the Department of Land & Natural Resources was the applicant in this case, Commissioner Kido raised the question of the State's responsibility under Item 6 concerning improvement of Mahailua Street. Mr. Ho suggested that any problems resulting from traffic could be stipulated and controlled under the terms of the lease to relieve the State of any responsibility. Attorney Hong recommended that, again the approval be conditioned to require the Valiants to indemnify the State or assume responsibility for any costs incurred as a result of the County's requirement.

Commissioner Mark made the following motion:

"I move to approve the special permit subject to the conditions set forth by the Commission, with the further conditions that:

- "1. If Item 11, as stipulated in the County's recommendation, should be extended with respect to termination of the special permit, the applicant will not be required to seek the Land Use Commission's approval and that the Land Use Commission will concur with whatever extension of time the County designates.
- "2. If under condition 6, imposed by the County, the Department of Traffic determines it necessary to take some action, be it requiring the applicant to reduce the use of the facilities and/or to improve Mahailua Street that the Valiants agree to take the necessary action themselves or indemnify or reimburse the State for any expenses incurred."

The motion was seconded by Commissioner Wung and unanimously passed.

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COUNTRY CLUB HOMES, INC.

The Executive Officer advised that as directed by the Commission at its May 21, 1971, meeting, a letter had been addressed to Mr. R. I. Brown, President of Country Club Homes, Inc., requesting his appearance at today's meeting to submit further evidence of their intention to develop the Kaumana Homesteads lands.

Mr. Brown presented a letter from Gentry Development Company, attesting to the fact that it had recently been granted development rights to subject lands from Country Club Homes, Inc. (see copy of letter on file). He added, however, a decision had not yet been reached as to whether the development would be undertaken by themselves, the Gentry Development Company, or others who have expressed an interest.

In response to the Commission's concern that the urban property had remained vacant since 1963, Mr. Brown assured the Commissioners that, as a result of market studies for housing needs in the area, development should be underway early in 1972. He added that substantial investment had been made in terms of architectural plans, time, and effort and appealed for additional time.

Commissioner Napier moved that the Country Club Homes be given until the first of the year to come up with firm plans.

Commissioner Sakahashi suggested that rather than specify a time limit, the landowners should provide the Commission with a periodic progress report.

Commissioner Mark recommended that it be entered into the records that:

1. The Commission is seriously concerned about the lack of use and planning on this particular piece of property.
2. It would want some tangible concrete evidence as to the further development of this property by the first of the year.

ADJOURNMENT

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