

**STATE OF HAWAII**  
**LAND USE COMMISSION**

**12:00 Noon Meeting**

**July 5, 1968**

**Kailua-Kona, Hawaii**

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CHAIRMAN:

Will the meeting please come to order.

In order to expedite the giving of testimony, I would like all of you who intend to testify who are not lawyers please stand up and we'll swear you in. Will you stand and raise your right hand. Do you swear the testimony you are about to give before the Land Use Commission is the truth, the whole truth, so help you God?

The first item on our agenda is A68-183, IIWU Local 142.

STAFF:

Mr. Chairman. (The first paragraph of July 5, 1968 Staff Report was read verbatim.)

To orient you, let me call your attention to our maps. This is our district boundary map. This is the Kailua-Kona area. This area in pink represents the existing urban district. All of the white area is in agriculture. This is the existing school site. This is the existing urban area that is developed with housing. This is the Hawaii Pacific Land Company development of 41 acres that was recently rezoned. Actually, this is State land and this is a portion of that state park but also a portion of the . . . (inaudible due to vehicles passing outside.) . . . This map represents a schematic drawing of the type of development they envision on the site. It would be along this road from the school site into the property. There is a 50 foot right of way.

(The remainder of the July 5, 1968 Staff Report was read verbatim.)

Are there any questions?

CHAIRMAN:

Do the Commissioners have any questions? If not, thank you very much. Does the petitioner wish to make a statement? If not, does anybody else wish to comment on this petition?

The hearing on A68-183 is closed. We'll move on to petition A68-185 - Hawaii Housing Authority.

STAFF:

(The first paragraph of July 5, 1968 Staff Report on A-68-185 - Hawaiian Housing Authority (Honokaa) was read verbatim.)

I would again like to call your attention to the district map. This is the Honokaa urban district. This is the Hana urban district. This is the horse reserve. And the property in question is shown in yellow which abuts the existing urban district; moving to one of our lower maps, this is the main street of Honokaa. This is an access to the site. Again, the red indicates the existing urban district in Honokaa. The hospital is located here. This land is located in cane. The rest of this land is in the urban district and definitely developed; most of your commercial uses are along the Mamane Street. And this lower map represents the proposed development of the housing project. (The remainder of the July 5, 1968 Staff Report was read verbatim.)

Are there any questions?

CHAIRMAN:

Does the petitioner wish to make a statement? Does the public or anybody wish to make any statements on this petition?

The hearing is closed on A68-185.

(A discussion which followed was totally inaudible due to static caused by noise conditions near the tape recorder.)

(This discussion appeared to be related to pointing out specific areas on the map rather than pertaining to details of the petition.)

STAFF:

Getting back to the report. (The July 5, 1968 Staff Report re: A68-188 - Tadashi Imaizumi, was read verbatim.)

Do the Commissioners have any questions?

COMMISSIONER:

Yes, I have one question. On item 3 on page 4, I wonder if . . .  
(tape again inaudible due to static) . . .

STAFF:

Kukuau Street is slightly wider in this section. It's recently been extended.

COMMISSIONER:

That's fine, but below that section is a pretty bad road.

STAFF:

Admittedly, it is narrow, but . . . (inaudible due to conditions described above) . . . but this would be the main access road. Main access would be . . .

COMMISSIONER:

I would disagree on that.

COMMISSIONER:

May I ask Phillip a question? If they subdivide that lower portion, will the subdividers be required to add the difference to that road and improve it?

STAFF:

(Response inaudible.)

COMMISSIONER:

But it seems to me if there's only 2 lanes there for vehicles right

COMMISSIONER (Cont'd.)

now . . .

STAFF:

(Response inaudible.)

COMMISSIONER:

We can't hear you, Phillip.

STAFF:

(Response still inaudible.)

COMMISSIONER:

Who owns the adjoining property?

STAFF:

This is owned by . . (inaudible) . . Also, there is sub-lease that originally was included.

COMMISSIONER:

What is the acreage of that?

STAFF:

This is about a 20 acre parcel, and it's . . (inaudible) . . Part of it is vacant.

COMMISSIONER:

Then it's already urban?

STAFF:

Yes.

CHAIRMAN:

Are there any other questions?

COMMISSIONER:

Phillip, in that request for that . . . what Leslie was asking for, widening of that road -- is that part of your requirement?

STAFF:

It is a requirement as far as . . (inaudible) . . is concerned, for subdivisions. A roadway adjoining a proposed subdivision . . (inaudible)

. . .

CHAIRMAN:

Have we any other questions? If not, thank you. Does the petitioner wish to make a statement?

PETITIONER:

(Petitioner spoke from same microphone as did the staff member, and the static caused by this device made much of his response inaudible.)

There's 2 things to set forth again, as Philip has said. The upper area is within the County general plan at the present time as far as urban residential. The other thing is that I believe that some of the criteria the staff has used in the past, and I would like to be corrected on this, is that there is approximately 30,000 acres of actual residential property in the Hilo area and they have . . . (inaudible) . . . As set forth in the report, approximately 1,000 acres is in private use at the present time and we believe that 15 or 16 acres would be well below the proposed pool as far as residential - urban property is concerned. We also feel that this 16 acres above Komohana Street should be changed to urban classification because it is one of the best places in Hilo as far as residential potential is concerned.

Also, some months ago this Commission approved a request at the end of (inaudible) Street which is above that line for urbanization.

CHAIRMAN:

Do the Commissioners have any question to address to the petitioner's representative?

CHAIRMAN: (Cont'd.)

O.K. That closes the hearing on A68-188.

The next item we have is action on A68-175 - Francis H. I. Brown.

STAFF:

Gentlemen of the Commission. (The July 5, 1968 memorandum to Land Use Commission from Staff re: A68-175 - Francis H. I. Brown.)

COMMISSIONER:

Who owns the property between the area that is now urban and the petitioner's land?

STAFF:

That's Ruddie. Private ownership.

That there is a part of the state land. Ruddie is next to that.

COMMISSIONER:

Do you (inaudible) your statement that Puako Road will not be extended for another 5 years?

STAFF:

From my conversations with the Department of Transportation, according to the scheduling of their improvements. Of course, before they can appropriate rights of way, they've got to have a design plan, the actual engineering plans for the facilities. . . . (inaudible) . . . they have to have the beginning design phase. Even if they go on the basis of a 3 mile section, it's going to take . . . My point is, even if it doesn't take 5 years but 2 years, we will at least have had the opportunity to review the district boundaries in this area and sign new . . . (inaudible) . . . what the Commission's policies are to be regarding these boundary lines for the next 5 years.

COMMISSIONER:

In your rebuttal, you bring up the point . . . (inaudible) . . .

3 1 3



STAFF:

Boise Cascade with 31,000 acres is requesting rezoning for 6,000 acres and we have an application on that now. We have not rendered our public hearing as yet.

COMMISSIONER:

It's not fair that . . . (inaudible) . . . It could be rejected?

STAFF:

Oh, I don't think so, Mr. Commissioner. I think that it's important that I tell you what is happening in the area since many of these developments are proposed along the coastline. I think we need to re-evaluate these boundaries and consider all of the area rather than take a little at a time to . . .

My point was that the area between the Kawaihae urban district and the Kailua urban district is subject to review, should be subject to review, and this is a part of that area.

COMMISSIONER:

(Inaudible question.)

STAFF:

That's up to you to decide when we poll the Commissioners.

COMMISSIONER:

Isn't there money appropriated for such an extension of the road?

STAFF:

\$90,000, yes sir. . . . (inaudible) . . . they have to make a general alignment study . . .

COMMISSIONER:

Isn't money appropriated also for . . . (inaudible) . . .

STAFF:

No sir. Only the additional alignment study.

COMMISSIONER:

. . . (inaudible) . . . this particular area to be urban, but he would . . . (inaudible) . . . Are there any indications along that line?

STAFF:

I know earlier we reported to you that the property had been listed for sale.

UNIDENTIFIED:

. . . (inaudible) . . . but he has been unsuccessful in that respect for the development that he had in mind because of the fact that there's been conservation.

COMMISSIONER:

There's a statement here from the petitioner about going for a special permit to the Department of Land and Natural Resources. Now, in his statement he says that the Department of Land and Natural Resources requires him to make a schedule of his development plan. Is that correct?

STAFF:

That was one of the conditions put on the petition request.

COMMISSIONER:

Is this the policy of the Department of Land and Natural Resources?

UNIDENTIFIED:

Yes, actually the Department of Land and Natural Resources will require that this be submitted to the board prior to the issuance of a . . . (inaudible) . . . Actually, it's not a special permit. It's just recognition of improvement use as being consistent with the regulations before.

COMMISSIONER:

One more question. If a development comes in and they're ready to build, wouldn't the State be required to update your program?

STAFF:

The State would not be required to update their C.I.P. program, if some private development were to . . . (inaudible) . . . It may, but it's not required to.

CHAIRMAN:

Any other questions? Does the petitioner wish to make a statement?

PETITIONER:

I just received the staff report on this petition and . . . (inaudible) . . . (The majority of the petitioner representative's remarks were inaudible due to his comments being made from a distance.) Now we all know that the government is pushing the development of the Kona Coast in every way possible, and I'm sure they're making every effort to make funds available through legislative appropriation to stimulate activity in this area. As you know, this is one of the most scenic and beautiful spots left available for this purpose. This is a unique type of fishing community. It appears that fishing communities such as Kawaihae and Kailua would lend themselves to developments of this type of project.

Just the other day, I found that this year 150,000 visitors came to Hawaii during the first 5 months and last month, May, 1968, the increase of tourists here was 56.7% over last May. So it may be . . . (inaudible) . . . Apparently, the only disagreement is timing. Everyone agrees that this area should be developed for a resort area. The question is when. As I have said repeatedly, I think the time is now. You have to plan all these things; you just don't do them overnight. It takes financing, studies, etc. and they take time. But when you know that your area is permanently classified for urban, then you can make plans accordingly. And by the time that these funds are made available . . . (inaudible) . . . And



PETITIONER (Cont'd.)

that's the difference between the petitioners and the staff. The staff says . . . (inaudible) . . . Under the rules and regulations of the department, we have to submit an absolute development schedule in terms of months, weeks or days, and we found that impossible when we filed an application for a special permit in 1966. We had to . . (inaudible) . . in February, 1967, because we just couldn't get anyone interested at that point in developing it. Furthermore, we couldn't . . (inaudible) . . from the banks. The banks said, yes, we'll give you interim financing, but we had to find an insurance company who would give you the take-out money, but they won't give it to you on the basis of a special permit. You have to get permanent classification, no ifs, ands or buts.

Now, if you will take a glance up here, you will notice that the urban classification stops right here. Apparently, that green spot there is privately owned land. (. . . inaudible . . .) It is undeveloped but it's there, so that access is there. At the present time, it's a coral road. Now I would say this. Mr. Brown is 76 years old. Time is running against him; he wants to do this, not later on when he is senile or disabled. But he has all this time and he's anxious to go. As you know, he's contributed a lot to Hawaii and he wants this project on his books. So, as we said, in our application, . . . (inaudible) . . . There's a need for it. I don't have to spell it out. There's no question we need another resort area to bring tourists here. In a consumer research report not long ago, it was indicated that the tourists would come here and they don't want to stay in Waikiki. They want to go to the neighbor islands. They want the facilities where they can enjoy all that Hawaii has to offer. This spot can offer it.



PETITIONER (Cont'd.)

Now, as I said, my big need which is required by law . . . (inaudible) . . . Of course, the land is usable and additive to the purpose. It's perfectly beautiful, has beaches, etc., etc.

If there are any questions, I'd be very happy to answer them.

COMMISSIONER:

Could you assure us that this is not going to be another Hana Ranch deal? They came to us and . . . (inaudible) . . . Two weeks after we granted their petition, they sold the place. Do you think this would happen.

PETITIONER:

It's hard to answer, of course, but as I told you, Mr. Brown is along in years. He's anxious to develop it, either with another developer or someone who has similar ideas to what he has in mind. He's an individual and in this capacity, his funds are limited. As I said in my initial presentation, if he's granted this change in classification and he cannot find a developer, he will try to do it in interims because I think he can financially handle it in interims. But he wants to see it as soon as possible. But he knows it can't happen overnight. It will take at least 2 or 3 years.

CHAIRMAN:

Any other questions?

COMMISSIONER:

What is the urgency of the zoning for this particular parcel, inasmuch as there are no specific plans right now for the development?

PETITIONER:

He has plans. The plans are on file here, that is, the general plans . . . There are plans prepared by Belt Collins for fishing community, a resort

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за једно од њих. Ако једна од њих не може да се изврши, онда је то једна одговорност за сваког од њих.

ОДГОВОР:

Како се може видети из одговора, свако од њих је одговоран за сваког од њих.

Једна од њих је одговорна за сваког од њих, а не само за једно од њих.

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ОДГОВОР:



PETITIONER (Cont'd.)

community. The fishing out of this area is reportedly very, very good.

COMMISSIONER:

Do you think it will stay good if all the tourists take all the fish out of the ocean? There is a 7% rise every year; in a couple years more,

. . .

COMMISSIONER:

I have one more question. I was just wondering once again about the urgency of this matter inasmuch as you're paying the consultant to review the district boundaries on the entire coast.

PETITIONER:

He's 76 years of age. That's number one. Number two, they have some interested parties, but they're not interested until there's some assurance as to the change in transportation. And number 3 in my mind is the competition from Boise Cascade, Signal Oil, Dilrock and the others. You see, now they're going through the stages of proposal now to change the general plan. After that's through, they come to you. Then they go to the City Planning Commission and County. Francis Brown does not have to. The general plan of the County of Hawaii has already earmarked and allocated this place for this type of a development, and the records will show the County of Hawaii and Planning Commission has approved it. The only thing is time.

COMMISSIONER:

I recognize this angle that Mr. Brown is getting along in years, but we're talking here not about years; we're talking about months.

PETITIONER:

As I said, even to plan the preliminary project will consume those months you're talking about. I know because I've done some planning myself and it doesn't take 2 months, it's 12 months, maybe more.

COMMISSIONER:

I'd like to pose one question, even for those people who are interested in Boise Cascade and Signal Oil.

If your development should come before the State Highway program, would you be willing to participate in the construction of the road?

PETITIONER:

Where from?

COMMISSIONER:

From Puako to your property?

PETITIONER:

Oh. This section here?

COMMISSIONER:

Yes.

PETITIONER:

Yes, I'm pretty sure Mr. Brown would like to.

COMMISSIONER:

No, I'm talking about the Keahole-Hapuna proposed highway. Would you people be . . .

PETITIONER:

I think I could speak for this section.

COMMISSIONER:

But that section only?

PETITIONER:

Yes.

CHAIRMAN:

Are there any other questions?

COMMISSIONER:

Yes. It is true that Mr. Brown had his property listed. Is that

COMMISSIONER (Cont'd.)

correct?

PETITIONER:

Yes, it is true.

COMMISSIONER:

And the appraised value was \$6,000,000? Is that correct?

PETITIONER:

No. That was the asking price. That was not the appraised value.

COMMISSIONER:

In other words, in the mind of Mr. Brown, the property is worth \$6,000,000?

PETITIONER:

Yes, it is.

COMMISSIONER:

Now, you have your development plan here, and we've been talking about special permits. Could you build on increments by special permit?

PETITIONER:

There are some problems involved here. Number 1 would be whether the Department of Land and Natural Resources would allow a program by increments. Number 2 is whether a financing company will finance a whole project without a special permit for the whole project rather than one increment. And thirdly, of course, whether the conditions that the Department of Land and Natural Resources . . . what the conditions are that they place on this project.

COMMISSIONER:

I cannot speak for the Department of Land and Natural Resources, but I do believe that the Chairman of the Department of Land and Natural Resources is development-oriented, and I don't believe that they would stand

COMMISSIONER (Cont'd.)

in the way of the development if you come with a planned concept and develop it by increments.

PETITIONER:

I'm sure that the Department of Land and Natural Resources would not stand in the way of any development. The only problem is, what conditions would they place upon the development and whether these conditions would satisfy any lender. I can't answer that question. It all starts with problems that can be raised with special conditions.

COMMISSIONER:

Let me put it this way. Would you rather have half of it or try for the whole thing and get nothing?

PETITIONER:

I can't answer that question. Naturally, we want to get the whole area classified if possible. We feel that we've shown justification and the only question is a question of time. We think the time is here and not 4 or 5 years hence.

COMMISSIONER:

You must realize a development like this will take you 5 years.

PETITIONER:

That's why I say, give us the opportunity to start our planning now. That's exactly what my argument is. We need that time to start now, so that when the improvements are made available by the government, we can utilize them right then and not take 2 or 3 years of timing after the facilities are made available.

CHAIRMAN:

Are there any other questions?

COMMISSIONER:

I'd just like to make a statement. A man in Mr. Brown's category -- a man that we all know as being one of our leading citizens and never having been very selfish -- and I think a man of that caliber should be given some consideration.

CHAIRMAN:

Are there any other questions or statements? If not, the chair will entertain a motion.

STAFF:

Mr. Chairman, I'm not sure whether Mr. Kai asked the staff to comment on this or not. He said he believed the staff would change its recommendation on Mr. Brown's property for an extension of the existing urban district. I would like to say that my recommendation would not have changed in that I still feel that with all of the proposed developments anticipated along the so-called Gold Coast between Kawaihae and Kailua and in view of the fact that our boundaries will be reviewed within the year and that, as a matter of fact, in about 8 months we will have had the benefit of our consultant reviewing the area and giving us his recommendations that, again in all due respect to Mr. Brown's age and what he has given to Hawaii, I think that this additional 8 months is important to the state as a whole and that we should just wait for this short period of time.

COMMISSIONER:

May I ask Mr. Kai a question? Will you petitioner be willing to wait another 8 months, while this study is being conducted?

PETITIONER:

I believe so, but I would like to talk to him about it, but I think he would be willing to if it's only 8 months. There probably isn't that much

PETITIONER (Cont'd.)

urgency, as far as he's concerned. Let's see, this is July; about February.

COMMISSIONER:

Can we defer this for 8 months?

STAFF:

Well, of course, in the past we have continued cases for 30, 60, 90 days, as long as there was a mutual understanding between the petitioner and the Commission. We haven't so far deferred one as long as 8 months, but I think it's possible that the Commission could do it.

COMMISSIONER:

I think the circumstances warrant . . .

UNIDENTIFIED:

I'll ask a deferment of 30 days. At that time we'll know whether we can go the 8 months.

COMMISSIONER:

We are having a petition from Boise Cascade also. Isn't that correct?

UNIDENTIFIED:

In 30 days, I'll come back and tell you whether you can go the 8 months.

PETITIONER:

I will be willing to wait the 30 days, at which time I will come back and tell you whether Mr. Brown will wait the 8 months or ask for an immediate decision.

I want it understood that in my deferment, I'm not acceding to the staff recommendation. I'm just trying to get the time.

CHAIRMAN:

Are there any Commissioners that object to taking this position?

(Negative response.)

COMMISSIONER:

If the Commission votes to give you a certain X number of acres in that area for urban use right now, and then come back and try to get the rest, I think that's the best way for you to go. At least you know you have some of it to start with.

COMMISSIONER:

May I ask you a question, Mr. Kai? The purpose of this deferment is to find out if the petitioner will wait 8 months instead of obtaining action now. My question to the Commission is, are you willing to wait 8 months? If we are, then as long as the petitioner knows it, he doesn't have any choice.

CHAIRMAN:

Are there any other questions on this? If not, we'll accept the proposal on the 30-day extension. Action on A68-175 then has been extended for another 30 days.

The next item on our agenda is item A67-167, George Sims.

STAFF:

(The July 5, 1968 memorandum to the Land Use Commission from Staff re: A67-167 - George R. Sims, was read verbatim.)

CHAIRMAN:

Are there any questions by the Commissioners on that report? Does the petitioner wish to make a statement? Or perhaps his representative?

The chair will entertain a motion.

COMMISSIONER:

I move that the motion be denied on the basis of the findings of the staff.

COMMISSIONER:

I second that motion.

CHAIRMAN:

Are you ready for the question?

COMMISSIONER:

What was that motion?

CHAIRMAN:

That the petition be denied.

Will you poll the Commissioners please?

STAFF:

Commissioner Murakami.

COMM. MURAKAMI:

No.

STAFF:

Woolen.

COMM. WOOLEN:

Yes.

STAFF:

Inaba.

COMM. INABA:

Aye.

STAFF:

Mark.

COMM. MARK:

Aye.

STAFF:

Hito (?).

COMM. HITO:

Aye.

STAFF:

Comm. Choy.



COMM. CHOY:

Aye.

STAFF:

Napier.

COMM. NAPIER:

Aye.

STAFF:

Nishimura.

COMM. NISHIMURA:

Aye.

STAFF:

Chairman Burns.

COMM. BURNS:

Aye.

STAFF:

Motion is carried. Petition is denied.

(Five minute recess was called.)

CHAIRMAN:

Action A68-172 - Kenichi Sugai and Kenichi Yamamoto. The 24 acre parcel is located right . . . (inaudible) . . . (Plane was passing overhead.) (The July 5, 1968 memorandum to the Land Use Commission from Staff re: A67-172 - Kenichi Sugai and Kenichi Yamamoto, was read verbatim.)

(Discussion pertaining to zoning but inaudible due to static on tape.)

COMMISSIONER:

The agricultural portion would depend on what the County has zoned it. In other words, it could be anything from a minimum of 1 acre to 40 acres.

COMMISSIONER:

What is the zoning of that area? County zoning?

(Response inaudible due to distance of speaker from recorder.)

CHAIRMAN:

Any other questions?

COMMISSIONER:

Phillip, wasn't this land under a grandfather clause before the land use law came into effect?

STAFF:

No, not this part right here. See, . . . (inaudible due to reasons stated above.).

COMMISSIONER:

Do I understand that they could have included the total area on their request and still developed on an incremental basis?

STAFF:

If they had originally done this prior to that, they could have, but it was only for this portion.

COMMISSIONER:

And no indication that there was to be a continuation of that subdivision?

STAFF:

(Response inaudible for reasons stated above.)

CHAIRMAN:

Does the petitioner wish to make a statement?

PETITIONER:

Mr. Chairman, my name is Robert (inaudible), and my name is in this petition only on the pages that I am the developer. Because . . (inaudible) . . our employees are unable to leave the plantation and unable to be here nor can they afford to hire legal help. So I was asked to come and be present and try to answer any questions that may come up at this hearing.

PETITIONER (Cont'd.)

I agree to some of the statements made by the Commissioners, and I would like to mention to you that it is creating a great hardship on these 2 people actually do this business. Prior to the Land Use Commission, I am sure these 2 people could have applied for the entire subdivision as many others have been approved prior to the Land Use Commission and have requested the extension, they could have been active today. But some of these people are not aware . . . The records show that these people have come before the Planning Commission on a few occasions and there's no other reason except their financial inability. And this is why the developer has come into the picture and try to help these people out.

As the record shows, one of the arguments we'd like to bring about -- whether it's a good argument or not -- I don't agree with the Commission that if this was an entirely new development . . . then I think it's right. But these people that have gotten the approval and have developed these 3 acres. At that time their approval required only a paved highway. . . . (inaudible) . . . and because there's no water system . . . (inaudible) . . . they will be able to provide a water system if and when the municipal water system comes into this area. And I sort of disagree with some of the comments made by the Commission that . . . (inaudible) . . . was already applied for, long before the land was up for sale. And I'm sure if you will inquire in Kona, the land value of subdivisions has gone up a lot in the last 3 or 4 years. Whether it's from the local people or people from the Mainland, the demand is there. And I'm sure that the Land Commission . . . (inaudible) . . . to the County to alter some of this land.

I would like to assure you that should this be approved today that these people and myself would work together and develop this into a fine subdivision. That is, according to the County standards regarding paved

PETITIONER (Cont'd.)

roads, water systems, utilities . . . The utilities and the water system is an escrow arrangement, so I'd like to assure the Commission that your consideration today will not be in a bad case but will be a good subdivision, and I can assure you this will be done. So any consideration by the Commission will be appreciated. Thank you.

CHAIRMAN:

Do the Commissioners have any questions?

COMMISSIONER:

What was the reason for the property denial?

PETITIONER:

I think the reason for the denial was that the subdivision was so far away from utilities like schools and fire protection. I'm sure Phil would be able to answer better.

UNIDENTIFIED:

(It sounded as if this party was reading from a transcript, but the entire comment was totally inaudible due to the speaker distance from the tape recorder.)

COMMISSIONER:

On the 3 acres that have already been subdivided, have the utilities been put in as far as roads, lines . . . ?

PETITIONER:

Yes, the . . . (inaudible) . . . The roads are all paved. You see, the requirement is only for paved roads. There's no requirement for utilities. But the developer -- that is, myself and the owners -- are putting in the utilities on the (inaudible) to upgrade the subdivision, and we are, as I said, taking an escrow to set aside the money so that if and when they develop this exploratory . . . (inaudible) . . . to the subdivision.

PETITIONER (Cont'd.)

So as far as we're concerned, we have the desire to make a good development.

COMMISSIONER:

Mr. Yamada, you say the first 6 lots in the now conforming subdivision are sold?

PETITIONER:

Eleven. We can't sell because we haven't got the copy approved, but it's been applied for.

COMMISSIONER:

Are these local buyers?

PETITIONER:

We have Mainland and local.

COMMISSIONER:

Are you going to market this area on a lot by lot basis, or are you going to build houses and finance this as a package deal?

PETITIONER:

As it stands now, I think we have only financed just the 7 lots.

COMMISSIONER:

Thank you.

COMMISSIONER:

Ramon, I see that you have a red colored pencil. Is this for urban lots?

MR. DURAN:

Non-conforming.

COMMISSIONER:

Are they farming the land now?

PETITIONER:

No. The land is not being used at the present time.

COMMISSIONER:

Mr. Yamada, do you realize that if we should urbanize that land area there that we would have to urbanize a lot of other lots the same thing that you are saying . . . that if we did . . .

PETITIONER:

Let me put it this way. I realize your situation, but with all the development going on in this area . . . (inaudible) . . . and in Kona, I think the development will be on this side . . . (inaudible) . . . the new highway, our airport development . . . I think the development is going to be in that section. I don't think any of us can deny that. We are just asking for a residential area just above the airport. And I think it's important that you people look in a very broad sense that this will be developed in the next 10 years. Now what should come first, I don't know. This is some of the problems you will have to answer, but I do appreciate your consideration on this matter.

CHAIRMAN:

Any other questions? The chair will entertain a motion.

COMMISSIONER:

I move that we approve the petition.

COMMISSIONER:

On what grounds?

COMMISSIONER:

The land is needed.

CHAIRMAN:

Is there any second to that?

COMMISSIONER:

I second it.

CHAIRMAN:

Is there any discussion?

COMMISSIONER:

Question.

STAFF:

Commissioner Napier.

COMM. NAPIER:

No.

STAFF:

Nishimura.

COMM. NISHIMURA:

No.

STAFF:

Choy.

COMM. CHOY:

(Inaudible.)

STAFF:

Hito.

COMM. HITO:

No.

STAFF:

Mark.

COMM. MARK:

No.

STAFF:

Murakami.

COMM. MURAKAMI:

Aye.

STAFF:

Woolen.

COMM. WOOLEN:

Aye.

STAFF:

Inaba.

COMM. INABA:

Aye.

STAFF:

Chairman Burns.

COMM. BURNS:

No.

STAFF:

Motion is defeated.

CHAIRMAN:

Alright, we'll go on to action A67-169 - Richard Smart.

STAFF:

Mr. Chairman and the Commission. (The July 5, 1968 memorandum to the Land Use Commission from Staff re: A67-169 - Richard Smart, was read verbatim.) This is our district map of the Kamuela area. This is the Kamuela Airport shown here in blue. This is the agricultural subdivision also shown in blue. The existing urban district is shown in pink. The town center of Waimea and two other urban areas. The property in question is shown in yellow, and according to the public hearing, extended from this upper portion to this lower area. All of this property was involved in the petition. On



STAFF (Cont'd.)

a larger scale, we have this map that shows again the urban area of Waimea, the Waimea school that's located here, the shopping area is shown right in here, and the property that's in question is shown in this yellow and blue patched area, the blue indicating land that's indicated for agricultural purposes. This is the proposed Kamuela by-pass alignment which would follow along the agricultural subdivision on it's way down to Kawaihae.

. . . (inaudible) . . . request be denied . . . the petitioner's request is flexible. If not, we would certainly recommend to the Commission that it be moved up slightly in line with the south boundary of the (inaudible) plant on the opposite side of the road in order to allow some flexibility for the designed highway through this area. This would give about 130 foot right of way through here, although the proposed right of way is only 80 feet. I have written to the transportation office regarding this minor area here and we have not heard from them at this time. But this is the plan as submitted by me.

To complete the staff's review, in view of the fact that the area in the zoning request has been substantially reduced by the limits of the proposed by-pass route and because new evidence was submitted for the need of low-cost housing for the employees of the tourist industry, the staff recommends that the zoning be approved south from Waimea to a line perpendicular to Mamlahoa Highway beginning at the south line of the Kamuela vacuum cooling plant site and with the exception of the future extension to the school site.

Are there any questions?

COMMISSIONER:

Is the petitioner aware of these suggested boundaries that you have

COMMISSIONER (Cont'd.)

recommended?

STAFF:

We did send them a copy of our report a few weeks ago but . . (inaudible) . .

COMMISSIONER:

Are these boundaries specific with the exception of the highway now?

STAFF:

They're only specific insofar as this map is concerned, Mr. Chairman. We would have to transfer that to our maps. We do not have a description of the property, as to meets and bounds.

CHAIRMAN:

Do the Commissioners have any questions?

COMMISSIONER:

Is the petitioner in favor of your proposal?

STAFF:

I think basically we are in agreement. I don't know what his feelings are regarding the extension of the future school site being eliminated from this petition, nor do I know his feelings on this line. Disappointed, perhaps.

PETITIONER:

Mr. Duran and Commissioners. Both subjects meet with my approval completely. The flexibility of the by-pass for a wider area and also the proposed school area. I was familiar with that because that tied in with the recommendation of the County Planning Commission.

COMMISSIONER:

So it's your desire also that this be excluded from the rezoning at

COMMISSIONER (Cont'd.)

this time?

PETITIONER:

That is . . . May I just take a look at it closely? Yes, that's fine.

CHAIRMAN:

Are there any other questions?

COMMISSIONER:

That boundary they're talking about -- that south boundary. Is this going to be in line with the proposed highway or are we just guessing?

STAFF:

This is based on the proposed route that cut through Kuhio Village originally, and it paralleled it on some with the 200 foot from the south line of the highway. The County now is hopeful that the State will agree to a by-pass in this matter, but we were faced with this line because it was in the original petition and that's how we advertised it.

COMMISSIONER:

We're not sure whether the highway is going to come there or not?

STAFF:

No, sir. We're not. If this urban area is approved as proposed in here, then it practically dictates that the by-pass goes over here. Of course, I think Mr. Smart has agreed to dedicate all that highway right of way as it involves his property.

COMMISSIONER:

On your recommendation for approval, how many acres would that be?

STAFF:

Approximately 120.

COMMISSIONER:

I think we got off the track a little. Again, what's the area being considered?

STAFF:

(Outlined on map.)

COMMISSIONER:

Did you have any correspondence from small property owners?

STAFF:

No, sir, other than this property, the green area, as well as some land on the other side . . . is the subject of the future petition. It was final just this last week.

COMMISSIONER:

Are you excluding the green area?

STAFF:

Right.

COMMISSIONER:

And keeping it in agriculture?

STAFF:

Right.

COMMISSIONER:

What effect would the highway alignment have on the urban designation?

Would your zoning designation conform to the highway alignment?

STAFF:

If they were to take the by-pass in this manner, we believe that there is ample clearance in here to put in the (inaudible) alignment. And what clearance we have is more or less dictated by what happens across the road. There's about 130 feet between the property at the back of the land which

STAFF (Cont'd.)

is a brand new facility and the (inaudible) house lots on the south, so that was my reason for holding this back slightly, to give them as much flexibility through that 130 foot area on the opposite side of the street.

CHAIRMAN:

Any other questions? If not, the chair will entertain a motion.

COMMISSIONER:

I'd like to move that the staff recommendation be approved.

COMMISSIONER:

I second it.

CHAIRMAN:

Is there any discussion? O.K. Would you like to poll the Commissioners?

STAFF:

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

STAFF:

Napier.

COMM. NAPIER:

Aye.

STAFF:

Choy.

COMM. CHOY:

Aye.

STAFF:

Hito.

COMM. HITO:

Aye.

STAFF:

Mark.

COMM. MARK:

Aye.

STAFF:

Murakami.

COMM. MURAKAMI:

Aye.

STAFF:

Woolen.

COMM. WOOLEN:

Aye.

STAFF:

Inaba.

COMM. INABA:

Aye.

STAFF:

Chairman Burns.

COMM. BURNS:

Aye.

STAFF:

Motion is carried.

CHAIRMAN:

I think you had some miscellaneous things you wanted to bring up.

STAFF:

I think first of all is a matter concerning the special permit granted by the Commission some time ago -- it was probably about in January, 1967 and had a year to run -- a six month construction carry was granted to them and they've now in again for another extension of six months. The County recommended that this be the last six month extension for this construction, and I think the Commission should also confirm this request or else deny it. This is the Hawaiian Ocean View Estate Subdivision. You may recall they had a special permit to build a motel and a restaurant.

COMMISSIONER:

What progress, if any, has been made?

STAFF:

Well, nothing. I mean, they had a permit to begin construction, then they asked for a six month extension after that permit expired, and now they're up for another six months.

COMMISSIONER:

Has the County approved this next six months?

STAFF:

They're telling him that this would be the final extension granted. We don't have all of their correspondence on this other than a carbon copy reply to them, but I suppose that money the first time was . . . there were financial difficulties.

COMMISSIONER:

What do we need? Just an acknowledgment of the County . . . or approving the County's action?

COMMISSIONER:

And he has to take any action we approve?

STAFF:

I think you have to approve their action or deny it.

COMMISSIONER:

The background of this is that the guy came in and we gave him a special permit. He was short of financial capabilities. And then later came back again with the same story.

STAFF:

Right.

COMMISSIONER:

This is his third attempt then?

STAFF:

This is his second. He had one year to begin construction under the special permit. That time expired, and he asked for a six month extension, so that was the first time he came back. He's back now again, the second time, for another six months, and the County is saying this is the last time.

COMMISSIONER:

He will have had two years?

STAFF:

Yes. Two years.

COMMISSIONER:

That's plenty.

COMMISSIONER:

What is your pleasure?

COMMISSIONER:

I think we should go along with the County and give him another six months more.



COMMISSIONER:

Do we need a vote on this? Shall we put it in the record?

STAFF:

Yes.

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

STAFF:

Napier.

COMM. NAPIER:

Aye.

STAFF:

Choy.

COMM. CHOY:

Aye.

STAFF:

Hito.

COMM. HITO:

Aye.

STAFF:

Mark.

COMM. MARK:

Aye.

STAFF:

Murakami.

COMM. MURAKAMI:

Aye.

STAFF:

Woolen.

COMM. WOOLEN:

Aye.

STAFF:

Inaba.

COMM. INABA:

Aye.

STAFF:

Chairman Burns.

COMM. BURNS:

Aye.

COMMISSIONER:

When is the item 2 report on boundary review contracts?

STAFF:

O.K. We have our consultant here: Mr. Ed Williams, whom you have met before some time ago. And Ed wanted to sit in on our meeting today. He's in from California, has been in all week. We've been working with him all week and have submitted a draft of a contract to us, but he hasn't had a chance to go over it. Ed, why don't you just take the ball on this?

MR. WILLIAMS:

Mr. Chairman and gentlemen of the Commission. I'm glad I took this opportunity to come to one of your meetings. I intend in the future to be with you at these. My original intention was at least once a month and after the experience today, I can see that if I can attend all of them, it would be good. Really, we're just getting our feet wet on this. We'll start serious work around the first of August and I'll look forward to

MR. WILLIAMS (Cont'd.)

working with you. A little dividend by coming today was to meet the Senator who asked me to come talk with him, undoubtedly a very valuable thing to do.

That's all I have to say. If there are any questions, I'd certainly be happy to try to answer them for you.

COMMISSIONER:

(Questioned Mr. Williams but was inaudible due to excessive noise around microphone.)

MR. WILLIAMS:

No, we have not. We've been in contact with San Francisco regarding this matter of proceedings, and they felt that we shouldn't get this thing bogged down in red tape if we can help it. If we ask them if he can proceed before the contract is filed, they're going to have to ask for a legal opinion and it may take longer then to get the contract. So he unofficially has agreed. As soon as he's able to, he will proceed, and we are trying to process the application just as fast as we can. We're following the form that the Federal government has submitted to us, so I don't think there will be any problems once everyone agrees. Basically, we'll follow the scope that I submitted to all of you plus about 50,000 other things that he has agreed to do that aren't in the contract. And so far, I think our talks have been most agreeable.

COMMISSIONER:

Are you sending us copies of the proposed contract?

MR. WILLIAMS:

Yes, sir. I can do that. We have extra copies and we can do that if there are no objections.

STAFF:

Some of our preliminary thinking is that we will be facing a very tight schedule. Those areas -- and this is still to be scheduled - those areas where we can move ahead and be in a position to hold public hearings on the islands, we will schedule it so that one island will be first and as that's ready, he'll be working on the next island, the thought being that the final report would not be completed probably until after the public hearings. This would incorporate some of the things in the public hearings. But we would receive progress reports right through the complete study. We will perhaps have preliminary drafts of sections as made available to us. We will have their advice on all of the issues such as boundaries and regulations prior to going to the first public hearing. And, as Mr. Williams said, we hope he will be meeting with us at least once a month, and he will be attending our public hearings, and he will be prepared to defend regulations and boundaries both.

(Some discussion followed pertaining to legal obligations that was not audible).

I do not know what we are legally obliged to do. I personally feel we ought to have a moratorium.

COMMISSIONER:

I personally feel it would be advisable. What can we do?

LEGAL COUNSEL:

(Partly inaudible.) I think an applicant is legally entitled to a decision of this Commission.

COMMISSIONER:

I think it would be wise if George could see what we have to do. If we could avoid it, it would be wise from an operational point of view, but on the other hand, if we're legally bound, we have to do it. That's all.

COMMISSIONER:

Do you have an answer regarding our authority to reconsider the few applications that were made some time ago? I forget the numbers, but it's the Bishop Estate property of Waialo.

STAFF:

Of course, the opinion is under review back at the office, and I was assured that it would get priority at this time. If you would like to have a preliminary opinion, I could see what I could do. Otherwise, I think it would be probably about another week.

COMMISSIONER:

If it's in about another week or so, I think it would be proper to advise the petitioners as to the decision. First, we want an answer from George, but the petitioners have been sitting around waiting for an answer for a long time. If we plan to say no, they'll want to re-do it and submit it again.

COMMISSIONER:

I think rather than waiting around, I think we should just deny the reconsideration and let the petitioner come in with the re-petition.

STAFF:

No. We have the authority to make the reconsideration.

COMMISSIONER:

With the delay of the attorney, I thought that went out the window.

STAFF:

No, I don't think so. The decision would have been made on the basis at that time.

COMMISSIONER:

George had his opinion written about a month or six weeks ago. It's

COMMISSIONER (Cont'd.)

just that it's bogged down in his own office. That's the only thing that we're waiting for.

COMMISSIONER:

Well, we're not waiting for it. The petitioners are waiting.

STAFF:

Do you feel that it might be wise for me to notify them that we expect a legal opinion in a matter of a week.

COMMISSIONER:

Or two.

COMMISSIONER:

Well, we told the petitioners that we were going to be asking them a question regarding our authority to reconsider, and I think it's only proper that we tell them that the opinion has not been rendered yet but should be rendered fairly soon.

STAFF:

When is our next meeting scheduled?

COMMISSIONER:

Friday, July 26th, in Lahaina.

STAFF:

As far as the petitioner filing his petition over again, he's way ahead of the game if we do end up with the right to reconsider because then the decision will be made at that time when we meet again. I think the best thing to do is to wait until we get the opinion and then if it is negative, immediately advise the petitioners because there's nothing we can do in that case. If it's affirmative, then I think we ought to

STAFF (Cont'd.)

notify the Commissioners and call a special meeting and consider. Does that make sense. Then you have it on the tentative schedule.

COMMISSIONER:

Well, while we're on it, let's go back to consultants.

COMMISSIONER:

We were wondering something about the mechanics of this study. Will the . . . (inaudible due to chairs being slid on floor) . . . be consulted? Will they be contacted in this study?

STAFF:

I didn't hear the question.

COMMISSIONER:

Will the various outer islands, or will all of the Commissioners in the various studies conducted on each of the islands be consulted as you're working on this report?

STAFF:

Yes. Definitely.

COMMISSIONER:

We don't intend to interfere, Mr. Williams, but when it comes back, then at least we know what direction we're going in.

MR. WILLIAMS:

Right. And also, I would like from each of you the name of people who you would recommend that I go and talk to, in government, outside of government, . . .

COMMISSIONER:

Were you planning to work with each island's planning commission?

MR. WILLIAMS:

Oh, yes.

COMMISSIONER:

They each have their own.

MR. WILLIAMS:

I've already talked to Phillip and he's made up my schedule and told them I would be coming to see them sometime in August.

STAFF:

Then the other thing, Mr. Chairman, is that we have with us also today Paul (inaudible) whom all of you have met. He'll be doing our PR film and he's also here for the same exposure as Mr. Williams. Probably we will be getting into a total film of the Commission in action. One of these days, everybody may have to wear a shirt and tie. Paul will be here for the next 2 months and will start shooting film probably before he has a signed contract, as Mr. Williams is willing to begin his work, and we'll process his application. Paul, do you have any comments to make?

PAUL (?):

No. I'll have a lot more after we get a chance to do some research.

Maybe by the next meeting we'll be able to report.

CHAIRMAN:

Is there anything else?

STAFF:

On our tentative schedule, we'll all plan to go to Maui on July 26th and the schedule is set up there -- three hearings and two actions.

COMMISSIONER:

Where are we meeting?

STAFF:

This will be in Lahaina, Maui. Is there a place in Lahaina where we



STAFF (Cont'd.)

can meet?

COMMISSIONER:

Lahaina's courthouse. District courthouse.

COMMISSIONER:

What is the time we meet?

SECRETARY:

Two o'clock.

STAFF:

This will give us a chance to do a little field work, and look at those two Amfac petitions.

Now we have two tentative schedules to look at during the month of August. We're suggesting August 15th in Honolulu for action on three cases; at the same time then, we would take advantage of the gracious offer of our vice-chairman to meet with him in Kaneohe on, I believe it is the following day. Then on August 30th we would go back to Kauai for one public hearing and four actions and then to be hosted by our Kauai Commissioner. Is that agreeable to you? And then Hawaii tentatively September 27th, at which time we'll have Boise Cascade. And I would suggest that we hold it at Kona. The action is on the Gold Coast. O.K. September 13th on Molokai. Are we in favor of meeting on Molokai for this hearing on the west end Molokai ranch, 6,000 acres? Would you prefer to go out there Thursday or Saturday? Or would you prefer to have the meeting on Saturday and go out there and look at it on Friday? (Discussion on pros and cons of meeting dates.) O.K. The meeting Friday and the field trip Saturday.

Then one more item which is the Planning Commissioners and Directors meeting September 5th, 6th and 7th on Maui. This is the annual Hawaii

STAFF (Cont'd.)

Congress meeting of Planning Commissioners and Directors.

(A count was taken as to how many would be able to attend.)

Now we have one other thing. There's a matter that's been referred on Gillette's request concerning his Kula property. It had to do with the criteria for establishing urban districts . . . lands used in urban uses shall be included in the urban district. And he claimed that this 3 acre parcel had a duplex on it at the time the boundaries were being established and, therefore, should have been included in the urban district. As attorney you may recall the opinion that it should have been included in the urban district and may have been an oversight on the part of the Commission. Therefore, you should correct it by rezoning his property urban, and we just referred it to our attorney with a stipulation from the petitioner that he agreed to extend the time for a period of 60 days.

COMMISSIONER:

Have we done our homework on that?

LEGAL COUNSEL:

Yes; I took a look at that and then I took a look at the definition in the statute, of course, and the statute requires . . . defines urban as characterized basically by city-like concentrations of people, structures and streets. Now, to me, this duplex on 3 acres of land just does not meet that criteria, so I don't think that just the fact that he had urban zoning at the time limits the Commission in rezoning.

COMMISSIONER:

Would you write us a letter to that effect?

LEGAL COUNSEL:

You want a letter?

COMMISSIONER:

We wouldn't want to go to court and lose the case.

LEGAL COUNSEL:

Alright, I'll make up the letter.

COMMISSIONER:

Why don't we just approve the petition instead of go to court?

COMMISSIONER:

No. He's asked for a reconsideration vote and before the time had expired, we agreed to wait for the attorney's opinion before they gave action on it.

CHAIRMAN:

Is there anything else?

STAFF:

Oh, yes. At our public hearing, the Commission had requested a complete presentation from Mililani on their proposed development plan, and I told them when the Commission would next meet, which tentatively I had set up for August 9th, but we've agreed to the 16th which is much better. But they said whatever is agreeable to the Commission . . . you select the date and they would like to invite the Commission out to the site to look over the development of so far and also then make a presentation to the Commission. And I told them that it would be possible to bring the Commission out in the morning, go out to Waipio and spend no more than 2 hours, and then come back into town for a public hearing. On the morning of August 16th, if that's agreeable.

We have an action on Mililani's request for about 20 acres, but the other request was to give the Commission a complete report of the progress of their development and what their future plans are. And they felt that

STAFF (Cont'd.)

the best way they could do this was to take you out on the site and show it to you as well as make the presentation. They could make it at the hearing, too.

COMMISSIONER:

I think it might be wise, too, if you circulated to the Commissioners a brief summary of the presentation that was presented prior to the petition when their petition for boundary change was made, when they talked about cost of housing and a number of things I think the new Commissioners would be interested in reading. And I think if this was sent out before the meeting in Mililani, it might be even a bit more valuable.

COMMISSIONER:

And I think something more than just a verbal broad brush would be beneficial. We should see their development plans on paper.

STAFF:

It is my understanding that they will, one, show you physically on the ground what they've done so far, and secondly, bring out all of their plans and present the total picture of what they propose to do.

UNIDENTIFIED:

I think you'd find it interesting to read the summarized version of what they presented 3 or 4 years ago.

CHAIRMAN:

Do any of the Commissioners have anything else they'd like to discuss?

(Meeting was not verbally adjourned but tape recording ended.)

\* \* \*