

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Blowhole Room - Kona Lagoon Hotel
Keauhou, Kona, Hawaii

August 19, 1976 - 10:30 a.m.

*Approved
September 24, 1976*

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell

COMMISSIONERS ABSENT: Colette Machado
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Benjamin Matsubara, Consultant
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

The meeting was called to order by Chairman Tangen and all those testifying during today's proceedings were duly sworn in.

ADDITION TO THE AGENDA

It was moved by Commissioner Whitesell, seconded by Vice Chairman Sakahashi, and unanimously carried to add the matter of the selection of an Executive Officer to the agenda.

It was moved by Commissioner Duke, seconded by Vice Chairman Sakahashi, that the matter of the selection of the Executive Officer be discussed in executive session since it involved a personnel matter. The motion was unanimously carried.

HEARING

A76-412 - PACIFIC BASIN RESORTS, INC. & TAIYO FUDOSAN KOGYO COMPANY, LTD.

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on July 19, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Pacific Basin Resorts, Inc. and Taiyo Fudosan Kogyo Company, Ltd., to amend the land use district

boundaries for approximately 145.5 acres from the Agricultural District into the Urban District at North Kona, Hawaii for residential use, Docket No. A76-412.

APPEARANCES

Arnold Abe, Attorney for Pacific Basin Resorts, Inc. et al
Clifford Lum, Corporation Counsel, representing the Hawaii
Planning Department

Gilbert Lee, Deputy Attorney General, representing the
Department of Planning and Economic Development

Kazuhisa Abe, Attorney representing petitioner

Chairman Tangen declared that all of the above were admitted as parties to the proceedings.

A graphic description of the property involved in the subject petition was presented by Mr. Leong, Acting Executive Officer, with the aid of the posted maps.

EXHIBITS

The following documents were marked for identification and introduced into evidence as Petitioner's Exhibits:

Exhibit A - Tax Map Key 7-5-10

Exhibit B - Environmental Assessment prepared by
Tamotsu Sahara, January 30, 1976

Exhibit C - Aerial Photo of subject property

Tamotsu Sahara - Witness

Mr. Tamotsu Sahara, consultant, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on ----- Pages

Direct examination by Mr. Arnold Abe ----- 6 to 9

Questioned by Commissioners Duke and Whitesell - 9 to 12

Cross examination by Mr. Lum ----- 12 to 13

Cross examination by Mr. Lee ----- 13 to 26

Chairman Tangen noted the presence of Mr. Leon Sterling, Chairman of the Hawaii County Planning Commission.

EXHIBITS

The following documents appended to DPED's written testimony were marked for identification and introduced into evidence as DPED's Exhibits:

- Exhibit 1 - Portion of County of Hawaii Planning Department 1975 Land Use Inventory - Vacant Lands Summary, TMK Zone 7
- Exhibit 2 - Portion of Draft Kona Community Development Plan Table 43 - Subdivision in Kona with 15 or more lots, December 1974
- Exhibit 3 - Portion of Draft Kona Community Development Plan - Plate 6
- Exhibit 4 - County Planning Department report to Planning Commission - Exhibit AA-1, Special Permit 76-241

The following documents were marked for identification and introduced into evidence as the Hawaii Planning Department's Exhibits:

- Exhibits A through I - Comments and recommendations re subject petition, A76-412, from various governmental agencies and private industry
- Exhibits J through M - Maps of subject property with various data and information
- Exhibit N - Estimated Population of Hawaii by Districts, 1974 Census Statistical Areas Committee
- Exhibit O - Projected Employment and Population - 1975 to 1990
- Exhibit P - Kuakini Highway Realignment
- Exhibit Q - Map showing district configuration and urban communities, Island of Hawaii
- Exhibit R - North Kona District Tax Map Key Sections

Mr. Lum noted that the Docket Number referred to on the Hawaii Planning Department's written testimony should be corrected to read A76-412.

Chairman Tangen suggested that all parties review the testimonies of DPED and the Hawaii Planning Department during the lunch break.

The hearing was recessed from 12:01 p.m. to 1:40 p.m.

The Chairman called the meeting to order. Mr. Abe continued with his presentation.

Alan Haida - Witness

Mr. Alan Haida, President of Pacific Basin Resorts, Inc., representing the developer, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on ----- Pages

Direct examination by Mr. Arnold Abe ----- 29 to 32

Chairman Tangen interrupted the examination to elicit a response from Mr. Haida with respect to what the cost of the land will be to the State at the time of acquisition for the projected realignment of the highway, should the Commission amend the district from Agricultural to Urban. Mr. Haida submitted that the price of the land will be based on the agricultural value.

The examination of Mr. Haida was continued as set forth in the transcript on ----- Pages

Redirect examination by Mr. Arnold Abe ----- 33

Cross examination by Mr. Lum ----- 33

Cross examination by Mr. Lee ----- 34 to 37

Questioned by the Chairman ----- 37 to 39

Recross examination by Mr. Lee ----- 40 to 42

Recross examination by Mr. Lum ----- 42

Redirect examination by Mr. Abe ----- 43

Recross examination by Mr. Lee ----- 43 to 44

Questioned by Commissioner Duke ----- 44 to 45

The discussion between Commissioner Duke and Mr. Lum relative to:

1. the 1000' corridor petitioner will set aside within which the Department of Transportation will determine the realignment of the highway;
2. the incremental development of the property;
3. the County's recommendation for partial approval of the request;
4. the non-conforming status of the adjacent subdivision;

are set forth in the transcript on pages 45 to 57.

HAWAII PLANNING DEPARTMENT

Norman Hayashi - Witness

Mr. Norman Hayashi, planner with the Hawaii Planning Department, having been duly sworn in, presented a portion of the prepared testimony relative to the county's analysis and recommendation for this petition.

Mr. Clifford Lum, Corporation Counsel, responded to questions which were raised concerning the county's recommendation for partial approval, the future designation of the 55 acres in the mauka area, etc., as set forth in the transcript on - Pages

Questioned by Mr. Kazuhisa Abe ----- 64 to 66

Questioned by Commissioner Whitesell ----- 66

Questioned by Commissioner Duke ----- 67 to 68

Questioned by Mr. Abe ----- 68 to 71

Chairman Tangen wondered about the type of development which petitioner was proposing for the lands. He added that the question of whether the development will alleviate the housing shortage or result only in more vacant undeveloped urban lots was important to the Commission. Mr. Kazuhisa Abe submitted that primarily it was the developer's intent to sell house and lot packages. However, should this prove unfeasible due to market or other conditions, developer will opt for land sales within the subdivision.

Mr. Hayashi clarified for Commissioner Whitesell the mauka and makai areas involved in the petition.

Norman Hayashi - Witness

The examination of Mr. Hayashi was continued as set forth in the transcript on ----- Pages

Cross examination by Mr. Lee ----- 78 to 85

Mr. Raymond Suefuji responded to questions raised by Mr. Lee concerning the large number of undeveloped lots in the surrounding subdivisions, future plans for redesignation of the non-conforming subdivisions; and Commissioner Whitesell's query regarding plans for sewage disposal for the area.

Mr. Marsh also posed questions to Mr. Suefuji concerning future designation of agricultural lands contiguous to the Kailua Urban District in the County General Plan, and other lands reserved for future development.

Chairman Tangen requested that the county make available copies of the General Plan, indicating the areas referred to by Mr. Marsh. Mr. Lum offered to also supply the Commission with copies of the draft of the Kona Development Plan (not yet adopted).

Since no objection was voiced by any of the parties, Chairman Tangen declared that the County General Plan and draft of the Kona Development Plan, both of which will be transmitted later, were admitted into evidence.

Mr. Lee, Mr. Lum and Mr. Abe all stipulated that they would have no objections to the Commission's viewing the property.

A short recess was called by the Chairman.

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

The reading of DPED's prepared testimony was waived as requested by Mr. Lee.

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, Head of the Land Use Division, having been duly sworn in, was called as a witness, examined, and testified as set forth in the transcript on ----- Pages

Cross examination by Mr. Lum ----- 95 to 117

During this cross examination, the Chairman, Commissioners and staff members of DPED and the County Planning Department, its consultant, engaged in a general discussion relative to the following matters:

1. The differing positions taken by the County and DPED over the direction of urban growth in the area under discussion.
2. Status of the existing farmlands.
3. The Kona Field System
4. Existence of any historical sites, either known or registered.
5. Whether housing needs for the moderate and low-income families are being met.
6. Whether subject lands are involved in the Soil Conservation Service's proposal for flood control projects.

The examination of Mr. Fujimoto continued as set forth in the transcript on ----- Pages

Cross examination by Mr. Kazuhisa Abe ----- 118 to 120

Direct examination by Mr. Lee ----- 121

Chairman Tangen requested that the petitioner submit proposed findings of fact and conclusions of law relative to this docket within 45 days to the Commission, and advised that all parties will have 20 days from the date of service in which to respond to the proposed findings and conclusions.

The hearing on A76-412 was closed.

ACTION

SP76-246 - BARRY MACHADO
APPLICATION FOR A SPECIAL PERMIT TO ALLOW A REAL ESTATE OFFICE
IN THE AGRICULTURAL DISTRICT AT SOUTH KONA, HAWAII

Inasmuch as the staff memo on the subject request had been previously circulated to the Commission, the Chair dispensed with the oral presentation. Mr. Leong located the parcel on the map.

Mr. Leong advised Vice Chairman Sakahashi that the request involved permission to locate a real estate office within the existing non-conforming structure.

Commissioner Oura moved that the Special Permit be approved, subject to the three conditions imposed by the Hawaii County Planning Commission, seconded by Commissioner Duke. Since there were no objections, the following statement was made a part of the motion as suggested by Vice Chairman Sakahashi:

"It should be further pointed out that the staff's recommendation is for the establishment of a real estate office within the existing structure and not necessarily limited to a particular area within the structure. This determination will be made at the time plans are submitted for Plan Approval as outlined in condition number 1."

The motion, as amended, was unanimously carried.

SP76-247 - PERRY DICKENSON
APPLICATION FOR A SPECIAL PERMIT TO ALLOW TEMPORARY QUARRYING
ACTIVITIES IN THE AGRICULTURAL DISTRICT AT WAIAKEA, SOUTH HILO,
HAWAII

The reading of the staff memo was waived. Mr. Leong oriented the Commission to the area under petition with the aid of a map.

Commissioner Carras raised several questions regarding the exact location of the quarry site, proximity of homes in the area, and the quarrying method.

Mr. Leong advised Vice Chairman Sakahashi that although petitioner was preparing the land for anthurium cultivation, the Special

Permit had become necessary since he was conducting quarrying operations and selling the extracted material. Mr. Leong responded to Mr. Oura that not all of the five property owners expressing opposition to the petition lived there. Information was not available regarding the adequacy of the road or size of the truck to be used in the operation, as requested by Commissioner Whitesell.

Commissioner Carras moved to approve the Special Permit, subject to the conditions imposed by Hawaii Planning Commission, and the additional conditions that there shall be no blasting, batching or crushing of materials on that property. The motion was seconded by Commissioner Duke and unanimously carried.

MISCELLANEOUS

SP74-187 - J. M. TANAKA CONSTRUCTION, INC.
REQUEST FOR DELETION OF TWO CONDITIONS

The Chair waived the reading of the staff memo and asked Mr. Leong to point out the location of the property on the map.

Mr. Leong elaborated for Commissioner Whitesell and Vice Chairman Sakahashi the nature of the traffic problems confronting the petitioner. He added that the deletion of the conditions will result in two accesses to the property.

Commissioner Oura moved and Commissioner Duke seconded to approve the deletion of the two conditions, Nos. 1 and 4, on SP74-187. The motion was unanimously carried.

ADOPTION OF MINUTES

The minutes of July 30, 1976 were adopted as circulated.

TENTATIVE SCHEDULE

Mr. Leong advised that the next meeting of the Commission will be held on September 24, 1976. October 14 and 15 were suggested as future meeting dates.

SELECTION OF EXECUTIVE OFFICER

Since the hour was late, Chairman Tangen suggested that the Commission break for dinner and take up the matter of the selection of the Executive Officer in Executive Session later at a time convenient to all.

Since there was no further business, the meeting adjourned at 5:15 p.m.