

STATE OF HAWAII
LAND USE COMMISSION

ADOPTED
DEC 11 1970

Minutes of Meeting

Discovery Room, Kona Hilton Hotel
Kailua, Kona, Hawaii

September 11, 1970 - 1 P.M.

Commissioners Present: Goro Inaba, Chairman Pro Tempore
Eddie Tangen
Alexander Napier
Shelley Mark
Leslie Wung
Stanley Sakahashi

Commissioners Absent: Sunao Kido
Tanji Yamamura

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Dora Horikawa, Stenographer

Vice Chairman Inaba called the meeting to order and swore in persons wishing to testify before the Commission.

ADOPTION OF MINUTES

Minutes of the meetings of May 8, 1970, June 12, 1970 and June 26, 1970 were approved as circulated.

HEARINGS

PETITION BY HIROSHI MATSUYAMA (A70-255) TO REZONE 7.77 ACRES FROM AGRICULTURAL TO URBAN AT HOLUALOA, NORTH KONA, HAWAII

The Executive Officer, Mr. Duran, read the staff report and described the area in question (see copy on file).

Mr. Matsuyama, the petitioner, testified that plans for the apartment development were not started because the land has not yet been zoned. He stated that he may be able to get \$350,000 to start on the project. In reply to the Executive Officer's questions, Mr. Matsuyama added that he did contemplate building single family dwellings if the County denied apartment zoning. He said that he started to build a teahouse in the mauka corner of his property but is now thinking of building a botanical garden.

Commissioner Tangen again raised the question of what Mr. Matsuyama intended to do if the County did not agree with an apartment zoning. Mr. Matsuyama replied that the only alternative would be to build single family dwellings or whatever they recommend. He stated that he wished

to develop the property, not sell it.

Commissioner Tangen suggested that Mr. Matsuyama discuss the matter with the County and submit additional evidence within 15 days to assure the Commission that the land will be developed if rezoned to Urban.

Upon questioning by the Executive Officer, the petitioner assured the Commission that no flood problems will result from the drainage channel across his property, since it was approved by the U. S. Soil Conservation Service.

Mr. Philip Yoshimura, Deputy Planning Director for Hawaii County, testified that the General Plan designation for the property is residential but that there is a question as to the allowable density. He added that the density is recommended for medium density, residential single family; however, the existing apartment density is 1,500 square foot per unit or 30 units per acre.

Commissioner Tangen stated that the County needs to clarify its recommendation and its position on the proposed development. He felt that the County should act on the apartment development proposal as presented by the petitioner. If the land is rezoned to Urban as recommended by the County and if the County does not see fit to grant apartment zoning, the result would be more Urban zoned lands lying vacant.

Mr. Duran suggested that perhaps the staff can solicit a clarification from the County Planning Commission regarding its recommendations, which was agreed to by the Commission.

Acting Chairman Inaba advised the petitioner that he had 15 days in which to file additional evidence. The hearing was closed thereafter.

PETITION BY ROBERT M. YAMADA (A70-257) TO REZONE 21.24 ACRES FROM AGRICULTURAL TO URBAN AT MAKAULA, NORTH KONA, HAWAII

Mr. Robert Yamada, the petitioner, interrupted the staff presentation to request a deferral on this matter since his attorney was unable to be present, and since he is applying with the County to build two additional houses for his workers on the subject property.

Commissioner Tangen suggested that Mr. Yamada withdraw the petition and reapply when his problems are resolved. This will prevent a recurrence of a recent situation in which the petitioner was granted a deferral and then later asked for another.

Mr. Yamada asked about the application fee. Commissioner Tangen replied that the \$50 fee would have to be paid again, unless he decided to proceed with the hearing.

Legal counsel Hong thought that the Commission's deferral policy applied only to action items and not to public hearings. However, he felt that if the Commission saw that this is only a delaying tactic, the Commission may refuse a deferral.

The staff planner questioned whether the \$50 fee would have to be paid again since the public hearing was already advertised. He stated that this has been the practice.

Commissioner Tangen's motion to grant the petitioner's request for a deferral was seconded by Commissioner Napier and unanimously carried.

PETITION BY RICHARD A. ARAKAKI & FRITZ RIETFORS (A70-260) TO REZONE 7.01 ACRES FROM AGRICULTURAL TO URBAN AT PUA A 1, NORTH KONA, HAWAII

Acting Chairman Inaba called for staff presentation of this matter. Mr. Duran, the Executive Officer, described the subject area and read the staff report (see copy on file).

Mr. Arakaki, the petitioner, stated that there are no cattle being grazed on the property and that it is presently overgrown with kiawe.

Commissioner Tangen stated that the County needed to be more specific in its recommendations since it recommended approval of an Urban designation but did not concur with the proposed apartment use. He felt that the small landowners, particularly, are put in a position where they do not know where they stand. The Land Use Commission requires that they file expensive detailed plans of their development proposals, but the County does not concur with these plans and yet recommends approval of an Urban designation.

Commissioner Mark added that the problem arises from the recent changes in the Land Use Commission's Rules and Regulations applying to incremental zoning and performance time. He suggested that the matter be studied and better communications be developed.

In answer to a question from Commissioner Napier, Philip Yoshimura stated that in the past only the recommendation for change in land use districts was mentioned, and that only recently did they mention their thinking on the specific zoning.

The Executive Officer suggested that a meeting be arranged between the Land Use Commission and the County Planning Commission in order to resolve the problem and to review the County's General Plan.

Acting Chairman Inaba advised that the petitioner had 15 days to file additional information and closed the hearing on this matter.

He called for a 10 minute recess.

Acting Chairman called the meeting to order again and called on Commissioner Tangen.

Commissioner Tangen remarked that just prior to his passing away, Chairman Wilbert Choi was subjected to some newspaper headline misinterpretation. Unfortunately, his name and record were cleared only after his death. He requested that a moment of silence be observed in memory of Chairman Wilbert Choi.

ACTION

PETITION BY LAND USE COMMISSION (A70-248) TO REZONE 94 ACRES FROM CONSERVATION TO URBAN AND 1 ACRE FROM URBAN TO CONSERVATION AT HONOKOHAU AND KEAUAUOLU, NORTH KONA, HAWAII

Mr. Leong, staff planner, oriented the Commission to the area under consideration and read the staff memo (see copy on file). He read a letter just received from the County Planning Commission (on file) recommending approval of the petition.

Mr. Alan Tyler, Kona conservationist, commended the developers for their cooperation in preserving scenic and historic sites within their property.

Commissioner Wung's motion to accept staff's recommendation for approval of the petition was seconded by Commissioner Napier and was carried unanimously.

SPECIAL PERMIT APPLICATION BY HAWAIIAN TELEPHONE COMPANY (SP70-83) TO CONSTRUCT AND OPERATE A COMMUNICATIONS EQUIPMENT BUILDING AT KEAUAU 2ND, NORTH KONA, HAWAII

Mr. Duran, Executive Officer, read the staff memo recommending against the request because it could be a blight on the landscape, and called the Commission's attention to the maps and described the area (see copy on file).

Commissioner Sakahashi questioned Mr. Philip Yoshimura regarding the County's thinking in designating the area for industrial use on their General Plan. Mr. Yoshimura replied that the General Plan was made in 1960 and that the County felt the need for an industrial area here since the only other industrial area is near the old Kona Airport, but that the plan may call for changes when it is reviewed.

Mr. Ronald Nakanishi and Mr. Fred Brezee of the Hawaiian Telephone Co. elaborated on the evidence submitted in support of their request with the aid of a slide presentation. They noted the difficulty in finding a suitable site because of the limitations imposed by the economic wire center and the existing land ownership in the area.

Commissioner Napier reproached Mr. Brezee for his statement that the bids for construction of the building were opened earlier this afternoon. Mr. Brezee apologized and replied that it was not their intention to pressure the Commission for a favorable decision, but that he was just stating a fact to show the urgency of the situation.

Commissioner Tangen summarized that the petitioners agreed that attractive landscaping will be put in; that the building would be attractive and compatible with the surroundings; that disturbances to neighboring residents will be minimal, and that the installation will result in better telephone service.

The Executive Officer also suggested that in the future selection of these sites, the County and the Land Use Commission staff be consulted.

Mr. Mark Sutherland, resident of the area, asked several questions concerning the operation. Mr. Nakanishi answered that a saucer antenna will not be used; that the operation would not interfere with TV or radio reception, and that "pre-grown" trees will be used to landscape the area.

Commissioner Tangen agreed with Mr. Sutherland that a fence would detract from the development and that proper landscaping can serve the same purpose.

Commissioner Sakahashi's motion for approval of the special permit was seconded by Commissioner Tangen and carried unanimously.

There being no further business, the meeting was adjourned by Acting Chairman Inaba.