

approved 12-15-67

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Building
Hilo, Hawaii

October 13, 1967 - 3:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Shelley Mark
Jim P. Ferry
Wilbert Choi
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioner Absent: Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner III
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

Commissioner Choi moved to approve the minutes of July 28, 1967 as circulated which was seconded by Commissioner Nishimura and unanimously passed.

Chairman Burns swore in all persons, except attorneys, planning on testifying before the Commission.

HEARINGS

PETITION BY KUAKINI INVESTMENT INCORPORATED (A67-157) TO RECLASSIFY APPROXIMATELY 19.4 ACRES FROM AGRICULTURE TO URBAN AT NORTH KONA, HAWAII

A recommendation for denial of the petition based on analysis and field investigation was made in the staff report presented by the Executive Officer. (See copy of report on file.)

Mr. Duran advised that during a study relating to a petition considered previously, the following statistics were brought out:

1. There is a population of approximately 10,000 people in Kona.
2. There are over 3,300 acres of vacant urban lands. On the basis of 10,000 square foot lots, this could accommodate 10,000 dwelling units and a total population of 40,000 people at the ratio of 4 persons per dwelling.
3. In addition, there are 450 acres in the Rural District. At one-half acre per lot, this would add another 900 lots or homes for 3,600 people.

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4. There are also 850 vacant lots in the non-conforming subdivisions scattered throughout the Kona area.

It was further pointed out that much of petitioner's land exceeded slopes of 20% and that there was nothing unique or unusual about the proposed subdivision.

Mr. Duran advised that the Commissioners would have an opportunity to survey the land during the field trip in Kona tomorrow.

Since there was no testimony, the hearing was closed.

PETITION BY ANNIE K. KAOLWI (A67-159) TO RECLASSIFY APPROXIMATELY 1.08 ACRES FROM AGRICULTURAL TO URBAN AT LAUPAHOEHOE, HAWAII

Approval of the petition on the basis of staff analysis was recommended as outlined in the staff report (see copy of report on file).

Mr. Leong elaborated that a residence existed on the subject property, and that a map submitted by the petitioner dated February 12, 1964 shows a subdivision of the parcel which, somehow, was never recorded on the tax maps.

Petitioner did not have anything further to add and the hearing was closed.

ACTION

PETITION BY TOSHIO NAKAMOTO AND IWAO JYO (A67-151)

Mr. Leong presented staff memo recommending approval of petition based on the earlier recommendation made during the public hearing (see copy of report on file).

Commissioner Wung moved to approve the petition as recommended by staff. Commissioner Choi seconded the motion and it was passed unanimously.

PETITION BY YASUO KUWAYE AND HIROMU YAMANAKA (A67-153) TO RECLASSIFY 33 ACRES FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT HILO, HAWAII

In view of the new "cluster" concept subdivision proposed by the petitioner, and since public facilities are available and the soil is not conducive for intensive agriculture, it was recommended in the staff memo that the petition be approved. (See copy of report on file.)

Mr. Duran pointed to the new preliminary cluster design as proposed by the petitioners and the original subdivision plan for a comparison. Such a cluster design which provided for a considerable amount of open space would be difficult to develop unless the entire area were considered altogether.

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On the question of market survey to indicate the marketability of such a development raised by Chairman Burns, Mr. Duran advised that although there was no documentary proof, developers have indicated that there was considerable interest expressed by many people. He added that the County Planning Director had assured that the petitioners were one of the major developers and could be depended upon to adhere to the proposed plan. Also, it was within the Planning Director's prerogative to deny or approve the subdivision plan at the time it is submitted, so that there was some control over the project.

Mr. Philip Yoshimura of the Hawaii County Planning office advised that the density of the new cluster plan was substantially the same as that originally proposed in the subdivision plan, from 152 to 154 lots.

Mr. Roy Nakamoto, attorney representing the petitioner, testified that he had nothing further to add except to reiterate the fact that the development will take place in the cluster manner as submitted and they would be bound by the county ordinances. He felt that there was sufficient demand for the cluster-type development judging from the interest expressed by many. It will be ^{the} first of its kind in Hilo.

On motion by Commissioner Inaba and second by Commissioner Nishimura, the petition was approved as recommended by staff. Commissioner Wung abstained from participating in the discussion and voting as he owns some of the adjacent land.

PETITION BY EVELYN S. FOO, ET AL (A67-154) TO RECLASSIFY 21.46 ACRES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT KEALAKEHE, NORTH KONA

It was recommended in the staff memo that the petition be approved in view of the absence of any significant information for or against the petition since the hearing, which was presented by Mr. Leong.

Commissioner Wung moved to accept staff recommendation for approval of petition, seconded by Commissioner Choi. It was passed unanimously.

INTERPRETATION OF DISTRICT BOUNDARY REQUEST AT WAIHEE, KOOLAUPOKO, OAHU, BY COMMUNITY PLANNING, INC.

It was the staff's recommendation that a boundary interpretation be made in favor of the petitioner as outlined in the memo presented by Mr. Duran (see copy of report on file). The boundary under discussion was pointed out on the map by Mr. Duran.

Mr. Duran explained in detail the significance of the various colors represented on the blown-up map showing the conflicting boundary line on which the Community Planning Inc. was requesting a boundary interpretation. In an attempt to determine the criteria that established the present boundary line on subject property, staff searched into the County and LUC files but was unsuccessful. Therefore, it was the staff's conclusion that the intent of the Commission was to follow the property lines since the boundaries were based on a preliminary subdivision plan recorded before the LUC boundaries were established.

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Commissioner Ferry agreed with the staff's assumption since every effort was made in 1964 to ascertain the number of subdivision plans pending before the respective counties so that these properties could be included in the Urban District. He also felt that it was conceivable that an error could have occurred at the time of drafting the fine line since similar requests had come before the Commission.

Commissioner Ferry moved to accept the staff's recommendation, seconded by Commissioner Nishimura. The motion was carried.

EXTENSION REQUEST ON SPECIAL PERMIT BY BEN J. HESS (SP66-32)

A staff memo was presented by Mr. Leong outlining the present request by Mr. Hess for an extension of 6 months on a special permit to develop a motel and restaurant complex in the Hawaii Ocean View Estates, Kau, Hawaii. Recommendation was to approve the request since conditions had not changed significantly since the approval of the special permit.

Mr. Philip Yoshimura of the Hawaii Planning Commission office advised that the Commission had granted an extension of 6 months to the petitioner on the basis of the tight money situation which had hampered construction of the project. Mr. Hess' request was for "some" extension and the 6-month period was determined by the Planning Commission.

Commissioner Nishimura did not feel that a "counter-extension" by the Land Use Commission was indicated here over the County's approval. Commissioner Ferry supported the staff's course of action since the Land Use Commission's approval of the special permit was conditioned on the County Planning Commission's stipulation that construction commence within one year and the period had expired. Therefore, the 6-month extension by the County required concurrence from the Land Use Commission.

Commissioner Wung moved to accept staff recommendation for approval of the 6-month extension. The motion was seconded by Commissioner Ferry and carried, with Commissioner Mark casting the only negative vote.

NEXT MEETING SCHEDULE

The next Land Use Commission meeting date of October 28, 1967 at 9:00 a.m. in Honolulu was agreed upon by the Commissioners, preceded by a field survey of the highly controversial lands involved in petitions pending before the Commission.

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