

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Council Room
Hilo, Hawaii

October 17, 1973 - 10:30 a.m.

Approved

NOV 28 1973

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Alexander J. Napier
Shelley M. Mark
James Carras
Mitsuo Oura
Tanji Yamamura

COMMISSIONER ABSENT: Sunao Kido

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
E. John McConnell, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Chairman Tangen called the meeting to order and swore in persons who would be testifying today.

ADOPTION OF MINUTES

The minutes of the August 30 and 31, 1973 meetings were approved as circulated.

HEARING

PETITION BY KATSUMI NII (A73-369) TO RECLASSIFY 10.89 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII

It was advised by Mr. Tatsuo Fujimoto, Executive Officer, that a letter, dated October 4, 1973, had been received from Mr. Jeffrey Choi, representing the petitioner, requesting a deferral of the hearing on the petition by Katsumi Nii. (See copy of letter on file.) Mr. Choi explained further that he had only recently been retained by the petitioner and therefore had not had sufficient time to familiarize himself with the details of the petition.

Upon motion by Commissioner Napier, seconded by Vice Chairman Sakahashi, the deferral request was granted.

ACTION

PETITION BY AMFAC COMMUNITIES, INC. (A73-366) TO RECLASSIFY 17.4 ACRES FROM AGRICULTURAL TO URBAN AT KANAPALI, LAHAINA, MAUI

Mr. Fujimoto read into the record a letter dated October 11, 1973 received from Mr. C. Earl Stoner, President of Amfac Communities, Inc., requesting deferral of the action of subject petition to enable petitioner to resolve some minor problems with the County of Maui (see copy of letter on file). Mr. Fujimoto advised that the maximum limit for action on this petition will fall on November 28, 1973.

It was moved by Commissioner Napier, seconded by Commissioner Yamamura, and carried, to grant the deferral request.

APPLICATION BY MAUNA KEA SUGAR CO. (SP73-158) FOR A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT AND INJECTION WELL WITHIN THE AGRICULTURAL DISTRICT AT PEPEEKEO, SOUTH HILO, HAWAII

Mr. Ah Sung Leong, planner, presented the staff memorandum recommending approval of the special permit subject to the conditions imposed by the County of Hawaii, with the further stipulation that the petitioner construct an earth berm of at least 6 feet in height which will be adequately planted with ground cover and vegetative screening along a 50 foot setback from the boundary of the subject parcel and the homestead area, in order to substantially block the view of the sewage treatment facility from that direction (see copy of report on file).

Mr. Claude Moore, civil engineer for Kau Development Company, developer of the area, submitted that the stabilization pond had already been designed and the plans signed by the Department of Health, and to construct a berm here would pose a problem. He elaborated on the design plan which will adequately screen the sewage treatment facility from the homestead area and requested that the requirement for the construction of a berm for the pond area be waived. He agreed that they were willing to accept the berm requirement for the treatment plant.

Mr. Fujimoto observed that since the design plan had been approved by the Department of Health and the pond visibility will be minimal from the homestead area, staff would be agreeable to Mr. Moore's request.

Commissioner Napier moved to approve the special permit, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Carras and unanimously carried.

APPLICATION BY MAKOTO NITAHARA (SP73-159) FOR A SPECIAL PERMIT TO ALLOW THE OPERATION OF A COMMERCIAL ARBORETUM WITHIN THE PANAEWA FARM LOTS, SOUTH HILO, HAWAII

Approval of the special permit, subject to the conditions imposed by the County, was recommended in the staff memo presented by Mr. Leong (see copy of memo on file). It was also brought out that a residence existed on the 20-acre parcel, the arboretum was already developed, and anthurium plantings were proposed for the undeveloped area.

In response to a point raised by Vice Chairman Sakahashi, Mr. Leong advised that the special permit was necessary in this instance since the operation involved a commercial activity. In this respect, Mr. Leong felt that the section in the Rules and Regulations relating to permitted uses within the Agricultural District should perhaps be reexamined during the 5-year review.

Mr. Jeffrey Choi, attorney representing the petitioner, reiterated the need for the special permit due to the nature of Mr. Nitahara's operation which involved an admission fee to the arboretum. He added that Mr. Nitahara was pursuing an agricultural activity which was allowed under the law, and that the special permit was merely to satisfy a legal technicality. He also expressed the hope that the County would assume a reasonable approach to condition #2 which limited sales to agricultural products only, to allow perhaps a soda vending machine.

Mr. Choi continued that supportive buildings, such as rest room facilities and showroom were contemplated, but that the major portion of the land would be planted in trees and flowers.

Commissioner Yamamura wondered whether Mr. Nitahara employed anyone in his operation. Mr. Choi replied that although this was not so at the present time, he felt this may become necessary in the future to take care of the guided tours, maintenance of the premises, etc.

Commissioner Carras moved that the special permit be granted subject to the conditions imposed by the County of Hawaii, which was seconded by Commissioner Oura, and carried.

PETITION BY EUGENE F. KENNEDY INVESTMENTS, INC. (A73-365) TO RECLASSIFY 13.4 ACRES FROM AGRICULTURAL TO URBAN AT WAIIAKEA, SOUTH HILO, HAWAII

Mr. Gordan Furutani, planner, presented the staff memorandum recommending approval of the subject petition based on staff's findings (see copy of report on file). A graphic description of the property, existing boundaries and uses abutting the subject property were also presented.

Upon motion by Commissioner Napier, seconded by Commissioner Carras, the petition was approved as recommended by staff.

APPLICATION BY HAWAII LAND CORPORATION (SP73-157) FOR A SPECIAL PERMIT TO ALLOW THE DEVELOPMENT OF A RESORT-RESIDENTIAL DEVELOPMENT AT KUPAHUA, PUNA, HAWAII

It was recommended in the staff memo presented by Mr. Leong that the special permit be approved, subject to the 7 conditions established by the Hawaii County Planning Commission, with the additional stipulation that approval of the special permit shall be for the applicant only and shall be non-transferable (see copy of report on file). Mr. Leong also acknowledged three letters which were filed today--one from Mr. Alexander Kahapea and another from Mr. James K. Ahia, Jr. supporting the special permit request, and a letter from the Kaawaloa family opposing the development.

In response to several questions raised by Vice Chairman Sakahashi, Mr. Leong advised that the intended market for the condominiums had not been indicated by the petitioner; the Conservation area below the road will be for landscaping purposes only, devoid of any buildings; and the cost for the improvement of the sub-standard road leading to the proposed development would be borne by the petitioner.

Commissioner Mark expressed interest in the extent of activity within the Kalapana Urban District, the beach amenities, and the speculative concern voiced by the residents. Mr. Leong reported that the Kalapana area was rezoned from Rural to Urban during the 1969 review upon our consultant's recommendations but that there is no active urban development in Kalapana since the rezoning. He noted that commercial and public amenities are centered in Pahoa; that the shoreline along the property were cliff areas and contained no beaches; and that since the development would occur under a special permit, the speculative element would be negligible.

Mr. Hajime Tanaka, consulting engineer and technical coordinator for the developers, submitted the following information to update data on the latest developments:

1. On November 1, the Bishop Museum will begin its second archeological study of the area which will require about 12 weeks, followed by about 18 weeks of museum work which will be conducted by two archeologists and four local assistants. Based on their final findings, the developer will commence with the landscaping of the Conservation area in compliance with the requirements of the Land Board.
2. The developer was in the process of negotiating a contract to begin construction of a plant nursery to meet the one-year requirement by the Land Board.
3. An extensive study for employee housing at an appropriate site, as well as an on-site job training program, in cooperation with governmental agencies, educational authorities, other organizations involved, is being planned by the developers.
4. The total area to be landscaped or left in open space will amount to approximately 35 acres of the total 53-acre parcel.
5. The townhouses will be sold to anyone interested in purchasing them.
6. Approximately 200 persons will be employed by the hotel operation.
7. Developers agree to meet the County requirements to improve the road leading to the site.

Commissioner Yamamura observed staff had reported that of the 6 special permits issued for similar type developments, only one had been established and was in actual operation. Mr. Tanaka assured him that petitioners were financially capable of carrying out the project and an architect had already been retained. Preliminary contacts have also been initiated for the operation of the hotel.

Chairman Tangen interpreted the stipulation by the staff that the special permit approval was for the applicant only and non-transferable to mean that the sale of the property or the uses approved under this special permit ^{cannot} be transferred to another party. However, management of the hotel operations and other support facilities under this special permit by parties other than the petitioner may be allowed.

In response to Commissioner Yamamura's questions regarding the adequacy of the existing school to accommodate any additional

enrollment that may result due to the new development, Mr. Tanaka advised that a study conducted by the developer had brought out the fact that the present Pahoia School was already inadequate and either an enlargement or additional school was indicated. The number of students presently commuting from Kalapana was minimal and the whole question of the school adequacy would depend on the location of the employee housing.

Mr. Fujimoto clarified Chairman Tangen's statement that employee housing need to be constructed before hotel construction is initiated, by stating that under the County's condition No. 4 the occupancy permits for the hotel and townhouse complexes will be withheld until all required employee housing units are completed and the manpower training program underway. Therefore, this condition does not preclude the construction of the hotel before employee housing is provided.

The following testimonies were recorded supporting the proposed development:

1. Alexander Kahapea, citizen and businessman (see copy of letter on file).
2. Sam Enoka, resident of Kalapana

Mr. Peter Hauanio, resident of Kalapana, opposed the development on the basis that the property owners on both sides of the highway would suffer loss of property as a result of the proposed road widening, and the question of compensation for the properties thus affected.

Chairman Tangen reflected that generally sufficient areas were designated for road widening so that this question may already be resolved. However, he assured Mr. Hauanio that this matter will be brought to the attention of the County.

In reply to Chairman Tangen's question regarding developer's commitment insofar as employment was concerned, Mr. Tanaka submitted priorities in the following order:

1. Residents of Kalapana and Kaimu
2. Residents in the lower part of Puna
3. Residents in the upper part of Puna
4. Residents of other districts

Mr. Tanaka also agreed with Chairman Tangen that the developer was committed to preserving those areas designated by the Bishop Museum as archeological sites; also, the residents will be permitted to hook up to the electrical and telephone lines once they are installed.

Commissioner Carras wondered whether the residents along the highway could be given some assurance to allay their concerns over the proposed road widening. Chairman Tangen reiterated his belief that there was adequate reserve area for this purpose. However, if any condemnation is necessary, this will take place under legal procedures.

Commissioner Oura moved to approve the special permit, subject to the 7 conditions established by the Hawaii County Planning Commission, with the additional stipulation that approval of the special permit shall be for the applicant only and shall be non-transferable. The motion was seconded by Commissioner Yamamura and unanimously approved.

APPLICATION BY THE DEPARTMENT OF PUBLIC WORKS (SP73-160) FOR A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A COUNTY BASEYARD AT WAILUKU, MAUI

Mr. Fujimoto presented the staff memo recommending approval of the special permit, subject to the conditions imposed by the County of Maui (see copy of report on file).

Commissioner Carras moved to approve the special permit as recommended by staff, which was seconded by Commissioner Yamamura and unanimously approved.

PETITION BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (A73-368) TO RECLASSIFY 103.8 ACRES FROM AGRICULTURAL TO URBAN AT LAHAINA, MAUI

It was recommended in the staff memorandum presented by Mr. Gordan Furutani that the subject petition be approved to enable the petitioner and the Department of Education to proceed with the badly needed facilities (see copy of report on file).

Commissioner Yamamura moved to approve the petition, which was seconded by Commissioner Carras, and unanimously passed.

HAWAII LABORERS' HOUSING CORPORATION

It was reported by Mr. Fujimoto that another extension request for action on the Hawaii Laborers' Housing Corporation property in

Hauula had been made by Mr. Yoshio Yanagawa of the Hawaii Housing Authority to allow them additional time to resolve some problems relative to the State's participation in a housing project. Chairman Tangen noted that since there was no objection from the Commissioners, the request for extension of another 60 days was granted.

TENTATIVE SCHEDULE

Mr. Fujimoto announced that the next meetings of the Land Use Commission will be held on November 28 and 29, 1973 on Maui and Hawaii respectively.

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