

LAND USE COMMISSION

STATE OF HAWAII

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

1:00 P.M. - October 24, 1962

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Franklin Y. K. Sunn

Absent:

Roger T. Williams

Ex-Officio Members

Present:

E. H. Cook
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer (FO)
John Canwright, Legal Counsel

The meeting was called to order by Chairman Bryan.

The minutes of the last public hearings and meetings on September 18-19, 1962 were suspended.

COMMUNICATIONS

The following communications were presented by the XO.

1. Correspondence received from Wendell Crockett and the reply to this letter.

It was noted that this was discussed during the meeting held on Maui, September 19, 1962.

2. Correspondence from Wallace Kim, Acting Director of the City Planning Commission requesting the comments and recommendations of the XO regarding a subdivision in the Palehua Area for easement and military lots.

The XO stated that he received approval from 5 commissioners for the statement he used in replying to this letter. (This reply was read to the Commissioners.)

3. Resolution No. 373 from the City & County Clerk's Office requesting that officials of the State coordinate their activities with the City and to cooperate with all City officials and agencies on state projects where the interest and welfare of the people of the City and County of Honolulu are affected.

The XO was requested to reply to this letter, stating the Land Use Commission's willingness to cooperate and work closely with the City and County in this matter.

4. Telephone communications received from Margaret Gambo Wood and John Ulrich asking the XO whether any permission or rezoning from the Land Use Commission would need to be obtained for a proposal to place a recreational, flying field on the southside of Kawainui Gulch. The XO stated he consulted with the legal counsel on this matter and replied to these people (letter was read to the Commission).

The Chairman asked for a motion to confirm this statement made by the XO. Commissioner Kanemoto moved and Commissioner Ige seconded the motion. Motion carried.

5. Resolution No. 115 from Maui Board of Supervisors requesting the Land Use Commission to reconsider the interim regulations now in effect in order that the regulation may be less restrictive and in order to commit land owners in Agricultural district to make maximum utilization of their property.

The XO was requested to answer this letter. He was requested to state that the Commission is expected to be on Maui for a hearing on this particular subject at such and such a time.

6. Communication from Mr. Lombardi enclosing the Governor's Code of Ethics.

Chairman Bryan stated that this was distributed to each Commissioner by him.

7. Communication from the Hawaii County Planning and Traffic Commission informing the Land Use Commission of the sort of reply being made to questions received from people who wished to subdivide their property.
8. Communication from Governor's Office clarifying administration procedures.

Staff was requested to obtain copies for each Commissioner.

9. First Quarter Financial Statement Report.
10. Communication from C.E.S. Burns, Jr. of Oahu Sugar Company.

The XO stated that a reply has been made by the Chairman and that a field trip to Oahu Sugar Company is scheduled for tomorrow by the Commission.

11. Communication from the City Planning Commission, dated August 21, 1962, requesting the comments and recommendations of the XO for a subdivision in Waimanalo.

The XO stated that he replied to this letter which was read to the Commissioners. The Chairman asked for a motion to confirm the XO's action in this matter. Commissioner Friel moved to approve the XO's position in this particular case and Commissioner Gregg seconded the motion. Motion carried.

12. Memorandum on the Program Budget Outlined for 1963-64. This subject was deferred to the following morning's meeting at Oahu Sugar Company, Waipahu.

ACTIONS PENDING

APPLICATION OF DEE GIBSON (SP(T) 62-20), FOR SPECIAL PERMIT TO ERECT AND OPERATE A SMALL FOOD-SERVING AND BAR FACILITY ON PROPERTY SITUATED IN WAIMANALO: Described as TMK 4-1-13: 20, Containing 3.728 Acres.

The XO read the staff report and circulated copies to the Commissioners. The XO requested the legal counsel's opinion on the stipulated note used in his report which indicated the necessity of obtaining the approval of other State agencies concerned and wondered whether this was rightfully stated. The legal counsel replied that if this has any effect on the social and economic well being of the State, there is no question as to what action you would take. The Chairman requested the legal counsel to prepare a general statement that could be used by the Commission to cover this sort of a situation.

Commissioner Sunn asked whether there were anything further received from the City Planning Commission or the City Council since receipt of their first letter of recommendation. The XO stated there was no further development since the receipt of their first letter, in which they raised several questions and could not make any recommendations. The FO stated that he had some oral conversations with them on this subject but no positive development had occurred.

Commissioner Sunn suggested that the staff relay the answers to these questions to the City Planning Commission - as they were answered by the staff in the staff report - see if there couldn't be any further reaction developed by the Planning Commission. (This was done during the meeting by the FO and the City Planning Commission replied that they had written a letter to the City Council recommending approval by the Land Use Commission of this Special Permit to operate a food serving and bar facility.)

Commissioner Sunn asked Legal Counsel whether any thought had been given to Commissioner Lombardi's question regarding the possibility of granting a permit to the applicant which would not run with the land raised during the last

public hearing, which legal counsel was going to take under advisement. Legal Counsel stated that he would say it would be a proper restriction for this Commission to lay down. He stated that this use might be made of the land so long as the equestrian service is operated. It would be an accessory use to the equestrian service for only that long.

Commissioner Sunn moved to recommend approval of the staff's recommendation following two modifications: (1) that under "4" the words "and other appropriate agencies" be inserted after the word "Liquor Commission"; and (2) to add a fifth condition that "approval be granted only as a use supplementary to equestrian facilities only." Commissioner Ige seconded the motion.

Mr. Louis questioned condition number 1 in staff's report as he felt it was very ambiguous. The reasoning for the inclusion of this condition was given by the Chairman and substantiated by Legal Counsel.

The Commissioners were polled by the FO.

Approval: Commissioners Kanemoto, Friel, Sunn, Ige, Gregg, Lombardi, Cook and Chairman Bryan.

Disapproval: None.

APPLICATION OF HARRY F. MCKEE (SP(T) 62-20), FOR SPECIAL PERMIT TO CONSTRUCT AND OPERATE A RESTAURANT, BAR, OFFICE AND MOTEL ON PROPERTY ADJACENT TO MAMALAHOA HIGHWAY, SOUTH OF MANUKA STATE PARK, KAU DISTRICT, HAWAII: Described as TMK 9-2-81: 49, 50, 51 and 9-2-83: 21.

The XO described and located the area on the map. He stated that at the last Commissioners' meeting in Kailua-Kona, at the Cultural Center, it was recommended that the application be approved as shown with the normal type of conditions.

The XO stated that a communication was received from Hiroshi Kasamoto, Director of the Hawaii County Planning and Traffic Commission, stating that the Planning Commission recommended the granting for the restaurant, office and bar building only; and that consideration of the motel would be given on its merits when more details were available. The XO explained that a copy of this letter was sent to Mr. Nevels but no comment concerning County's recommendation regarding the motel has been received.

The Chairman asked, "Why should this area not be changed to an Urban classification?" There was a long discussion on this but no firm conclusion was reached. Points such as isolation and no urban services or facilities were stated.

Commissioner Sunn moved to approve the application, according to the staff's recommendation. Commissioner Friel seconded the motion.

Commissioners were polled by the FO.

Approval: Commissioners Lombardi, Friel, Ige, Kanemoto, Cook, Gregg, Sunn, and Chairman Bryan.

Disapproval: None.

PETITION OF WILLIAM Y. HAYASHI (A(T) 62-2), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY IN THE WAILUA HOMESTEAD AREA FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 4-2-02: 12 & 56.

The XO described the area in question and located the area on the map. The XO stated that the staff's recommendation was that this area not be considered a proper Urban zone by itself; and that if the Commission desired, an investigation would be made to the desirability of placing this whole area in an Urban district. The Land Use Commission did not instruct the staff to do this. The XO stated that the staff has received a communication from Colonel Roesch requesting that his property be rezoned. A reply was made to Colonel Roesch informing him to make a formal application for rezoning. No survey has been made of the property owners in the area who wished to have this area rezoned. The area is under study by HB&A for recommendation to Urban in the final lines.

The XO stated that the staff's recommendation would be the same, either for continuation of the matter for advisability of rezoning the larger portion of the upper area running into the lower area to be included in the rezoning, or to wait until the final recommendation by HB&A for consideration.

The Chairman asked what was the County's recommendation. The XO stated that the Planning Commission recommended approval, while the Board of Supervisors acknowledged receipt of the Land Use Commission's letter without submitting a recommendation.

Mrs. Hayashi was called upon. She stated that she had sent a letter to the Commission stating that the size and property of the land was such that it was not economical for farming operations. She stated that the agricultural use category has posed a hardship upon them because they could not sell their property. She stated that they have had buyers who were interested in purchasing their land but that these buyers were reluctant to purchase at present unless the area is rezoned to urban use. At present the land is not in any kind of use and she did not believe that the highest and best use for this land is for farming purposes. Only a small portion could be put into pineapple. She

described the property as having a gully running through the center of it and stated that only the front portion could be put into use.

Commissioner Kanemoto asked, "How long have you tried farming?" Mrs. Hayashi stated, "My husband farmed there since 1950 and it was not an economical operation. He could not make a living farming, as he had other interests; and farming was just a sideline."

Commissioner Kanemoto asked, "Why is it that the other adjoining areas are being farmed successfully?" Mrs. Hayashi pointed out the acreage problem, the disadvantage of the gully coming through their property, the sandy soil found on certain portions of the property, and the different physical characteristics that each piece of land in the area has.

Commissioner Kanemoto stated that he knew that the land was originally sold on the basis that it would be used for farming and sold very cheaply.

Commissioner Sunn stated that according to the XO the consultants are considering this area for possible extension of the line. "Do you know if they are going to recommend that this line be extended further?" The XO stated that the consultants will not actually make a recommendation until after they have consulted with all of the counties on the recommendations they are about to make.

Commissioner Sunn stated that the staff's recommendation indicated that the XO would subscribe to the extension of the Urban line. "Does this mean the XO feels this is a proper place for extension." The XO stated, "If you are asking me to make a spot recommendation, yes, I do. I think the area is so far gone in this direction. I think the original staff report reflects this: There will be a need for more facilities in order to serve the dwellings that have been built in the area that can now not afford them; so that in order to afford them, there will have to be more dwellings in the area. In my opinion the trend in this particular area is toward subdivision."

Commissioner Sunn moved for approval of the petition and Commissioner Friel seconded the motion.

The XO asked for the finding of fact, and Commissioner Sunn stated that according to the XO this was a very proper area for extension and it could well be included in an Urban boundary. Whether or not the Commission includes this property in Urban now, or whether the Commission extends the boundary later on, really doesn't matter. This would solve the Hayashi immediate problem; and it doesn't hurt the Commission if the Commission honestly feels this is an Urban area.

Commissioner Gregg asked whether there were any immediate or emergency nature involved inasmuch as the whole area is under consideration. Mrs. Hayashi stated that they wished to sell it as they can't hold on to it, and stated that time was of the essence.

Commissioner Ige asked, "When you state you cannot sell, do you mean you cannot sell for the price you are asking; you cannot sell for agricultural land?"

Mrs. Hayashi replied, "We have had no offers for agricultural use. We have looked into this possibility and have contacted a lot of farmers but they don't want to buy it for agricultural use because they do not know what they are going to use it for."

Commissioner Kanemoto asked, "Are you willing to sell it for an Agricultural appraisal value?" Mrs. Hayashi replied, "Not if you're going to put it into an Urban use. I think urban use is the highest and best use. If you're going to sell it, you'll sell it for the highest and best use."

Commissioner Lombardi asked Mr. Canwright if the Commission could, on their own motion, extend the urban boundary to include this property and properties between, what would be involved? The legal counsel stated that if this is done the Commission would have to refer it to the County and would have to give the County 120 days to make a recommendation; and then hold a properly-advertised hearing.

Commissioner Lombardi asked how far Colonel Rosech's property is from this area in question. The XO replied that the turnoff to the Tropical Inn is a few hundred feet beyond this property.

Commissioner Ige asked whether there were any protests received from farmers who lived next door to this property. The XO replied in the negative.

The XO noted for the record that the area is served with water and a paved road.

The Commissioners were polled by the FO. The motion failed, according to the following vote:

Approval: Commissioners Sunn, Friel, and Chairman Bryan.

Disapproval: Commissioners Kanemoto, Ige, Gregg, Lombardi and Cook.

Chairman Bryan asked whether the Commission would reconsider their action after meeting with HB&A and indication showed the possibility of extension of the urban lines. This was accepted by the Commissioners.

The meeting adjourned at 3:00 p.m.

Respectfully submitted,

YUICHI IGE
SECRETARY