

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

APPROVED
DEC 11 1970

Discovery Room, Kona Hilton Hotel
Kailua, Kona, Hawaii

October 31, 1970 - 1 p.m.

Commissioners Present: Stanley Sakahashi, Chairman Pro Tempore
Alexander Napier
Leslie Wung
Tanji Yamamura

Commissioners Absent: Goro Inaba
Sunao Kido
Shelley Mark
Eddie Tangen

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

HEARING

SHORELINE SETBACK

Mr. Ramon Duran, the Executive Officer read the notice of the public hearing and presented the background information on the purposes and requirements of Act 136, the Shoreline Setback Law. Following the presentation, Acting-Chairman Sakahashi asked for questions from the audience, which numbered approximately 30 persons.

Mrs. D'arcy Rothwell asked whether the meeting's primary purpose is to get the public's reaction on whether the shoreline setback should be established at 20 to 40 feet. Mr. Duran replied that this is exactly the purpose.

In reply to Mr. Kawahara's query on whether swimming pools and retaining walls are covered by the setback provision, Mr. Duran stated that the County would have to define permitted structures for preventing erosion and recreational uses.

Mr. George Rein asked for a clarification of the terms "vacating" and "conditions of hardship". Mr. Duran explained that these terms will also have to be clarified by the Counties since the law is not clear on this.

Mr. Fred Richards asked whether the setback on his property will be the same since it involves sheer cliffs and gradual slopes from the shoreline. The Executive Officer replied that it is possible that one setback applying to both the cliff and sandy areas may be established.

In answer to a question by Mrs. Margaret Wakefield, the Executive Officer stated that the County will be conducting hearings to formulate its rules and regulations at which time the details of the administration of the shoreline setback line by the County will be discussed.

Mr. Dennis Haserot questioned whether variances would be required from both the County and the Board of Land & Natural Resources if the shoreline property lies within a "C" District.

Deputy Attorney General Hong replied that approval from both agencies is apparently required.

Mr. Frank Zuzak asked if the land in the setback area may be used for a parking area and whether cesspools and water catchment structures which are underground would be permitted. Mr. Hong answered that this will have to be clarified by the County.

Mr. William Kawahara suggested that a 20 foot setback be established for properties which are less than 100 feet in depth and a 40 foot setback for anything over 100 foot depth. He stated that he owns an interest in 92 acres and also represents the owners of 349 acres.

Mrs. D'arcy Rothwell testified that time was insufficient to call a general meeting of the Kona Board of Realtors but that their general consensus is for establishment of the 20 foot minimum.

Mr. Glenn Miyao, representing the Hawaii County Planning Commission, relayed the recommendation of that agency which in summary favored a blanket 40 foot setback and a 20 foot variance for those lots which would be rendered

unbuildable by the 40 foot setback.

In reply to the Executive Officer, Mr. Miyao stated that for shoreline properties, the County requires landowners to submit a survey which is sent to the State Survey Office for verification as to where the high wash of the wave is.

Mr. Harold Robinson of Laupahoehoe Sugar, Honokaa Sugar, and Hamakua Mill Companies favored a 20 foot setback although none of their mills will be affected by a 40 foot setback. The greater setback, however, will affect their plans for water pollution control by delaying installation of treatment facilities. He noted that their attorneys have the opinion that the Commission may at a future date re-examine the setback.

Deputy Attorney General Hong added that the problem was considered and an informal conclusion confirmed this since the power to establish setback lines also includes the power to amend those lines.

Mrs. Margaret Wakefield of Alii Drive, Kona, spoke in favor of a 20 foot setback since taxes on the property have been increasing.

Mr. Robert Yamada, property owner at Kalapana, recommended a 20 foot setback so that the County would have the prerogative of establishing a greater setback if it sees fit.

Mr. John Fitzgibbons also supported the 20 foot setback.

Mrs. Robert L. Hind, Sr. of Keauhou, also representing her son, protested the 40 foot setback and supported the establishment of a 20 foot setback.

Mr. Iwao Jyo, representing 70 of the Kona hui members who own 3 oceanfront properties, supported the 20 foot setback.

Mr. George Rein and Mr. Fred Richards added their approval to a 20 foot setback.

The Acting-Chairman called for an informal poll by a show of hands as was suggested and indicated that 25 persons favored a 20 foot setback; 4 persons favored a 40 foot setback; and 15 persons indicated they own property along the shoreline.

Mr. Loren Hewitt, representing the Kona Conservation group and the Senior Citizens group, testified that the poll does not accurately reflect the feelings of Kona residents since he represents 150 persons in the senior citizens group alone. He warned that apathy and the quest for dollars would soon produce another Waikiki. A setback of 1,000 feet was suggested to preserve the public's interest in the shoreline.

Since no further testimony was offered, the Acting-Chairman stated that the Land Use Commission will accept additional testimony for the next 15 days. The hearing was closed soon after.

PETITION BY SHUZO IKENO (A70-262) TO RECLASSIFY 5.83 ACRES
FROM AGRICULTURAL TO URBAN AT KEOPUKA, SOUTH KONA, HAWAII

The staff planner presented the staff report (on file) and described the area in question.

Acting-Chairman Sakahashi asked Mrs. Harriet Horiuchi, representing the petitioner, whether the County's recommendation for approval of only a portion of the petition is satisfactory. Mrs. Horiuchi replied no, since the developers desired to work on the entire parcel at once.

In reply to the Executive Officer's question, Mrs. Horiuchi confirmed that no houses will be involved in the subdivision, only lot sales.

Mrs. D'arcy Rothwell, realtor, testified that the County's recommendation would result in very poor lots and would not allow for curved roads and cul-de-sacs. She continued that 75% of the demand for house lots is local and that a lot selling for \$11-12,000 would be within reach of these people if a house is constructed through a farm loan or under the FHA 235 program.

In answer to the Executive Officer's query regarding the lack of development of urban zoned lands, Mrs. Rothwell read a letter (on file) from the Kona Board of Realtors, which in summary stated that paper subdivisions have been approved which lack utilities and dedicable roads. She suggested that lands zoned Urban but undeveloped should have a time limitation for development imposed to prevent speculation. If no development occurs when the limitation expires, the property should be down zoned. The Executive Officer asked Mrs. Rothwell in

what way can the Land Use Commission help in accelerating home construction. Mrs. Rothwell replied that the only way is to get a mass builder involved, since development costs are so high. The best interim solution would be to disallow subdivisions for which the basic utilities and access are not readily available.

The Acting-Chairman asked whether the Land Use Commission has been responsible for this situation in the past. Mr. Duran replied that Mrs. Rothwell was referring to the sub-standard subdivisions which were created before establishment of the Land Use Law and which totaled approximately 80,000 lots.

Mr. Glenn Miyao of the Hawaii County Planning Department believed that these lots were created before adoption of the County's zoning ordinance. He elaborated that standards such as paved streets are required under the present ordinance.

Mrs. Rothwell testified that including these non-conforming subdivisions as a reason for denying rezoning approvals to bona-fide developers have resulted in a shortage of live-able lots in Kona.

Acting-Chairman Sakahashi informed that the Commission will receive testimony in the next 15 day period and thereafter closed the public hearing.

PETITION BY IWAO JYO (A70-263) TO RECLASSIFY APPROXIMATELY 5.7 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEHE, NORTH KONA, HAWAII

Mr. Duran presented the staff report and identified the petition area on the maps.

Mr. Jyo, the petitioner, presented photographs of homes which he constructed in the past 5 years, which would be similar to the ones he intends to construct on the subject parcel. He stated that the house and lot package would total \$35-\$40,000.

Planner Glenn Miyao of Hawaii County noted the reason for the Planning Commission deferral. He pointed out that since there are quite a few requests for urbanization from the area, a survey is being conducted and nearing completion which would indicate the feasibility of submitting a petition for urbanization as a group.

In reference to the Executive Officer's query, Mr. Miyao pointed out the proposed realignment of Palani Road which crossed a corner of the parcel in question .

The hearing was closed after announcing that additional evidence would be accepted for the next 15 days.

PETITION BY ROBERT M. YAMADA (A70-257) TO RECLASSIFY 21.2 ACRES FROM AGRICULTURAL TO URBAN AT MAKAULA, NORTH KONA, HAWAII

Mr. Leong presented the staff report and identified the subject area.

Mr. Yamada read a statement (on file) urging favorable consideration of the petition.

Mrs. D'arcy Rothwell, realtor, stated that the Kona Palisades subdivision nearby containing some 700 lots would be able to connect with the County's waterline. The availability of electricity and telephone services adds to the desirability of these lots. She stated that the subdivision is nearly all sold out.

Mr. Yamada stated that catchment is sufficient until such time that the municipal waterline is extended to his property. He believed that the reason for the increase in the cost of house lots was due primarily to the Land Use Law since rezoning increases land values. He stated that he would be willing to put in a pipeline from his subdivision to the main highway, but no further.

Mr. Glenn Miyao stated that the County's waterline is tentatively scheduled to go up to the Kona Highlands area. Any further extension would require a new reservoir since the elevation prohibits the line from being extended.

Mr. Yamada testified that the extension would end 500 to 600 feet from his subdivision and that he would be willing to install a 10,000 gallon storage tank underground and perhaps a 2 inch, 3 inch or even 4 inch line from the end of the County's system.

The Acting-Chairman notified Mr. Yamada that he had 15 days in which to submit additional testimony. The hearing

was closed soon after.

TENTATIVE SCHEDULE

Mr. Duran, the Executive Officer, suggested that the Commission meet on December 11, 1970, in Kona, Hawaii, to consider the action items that were deferred Thursday evening, October 29, and Friday evening, October 30, at this meeting and, therefore, the shoreline setback action meeting be scheduled for December 18, 1970, in Honolulu - Land Use Commission concurred.

ADJOURNMENT

The meeting was adjourned at 4:20 p.m.