

STATE OF HAWAII
LAND USE COMMISSION

Approved - June 17, 1966

Minutes of Meeting

Hale Halawai Cultural Center

Kona, Hawaii

3:50 P. M. - November 5, 1965

Commissioners

Present:

Myron B. Thompson, Chairman
Charles S. Ota
Shiro Nishimura
Leslie E. L. Wung
Goro Inaba

Absent:

C.E.S. Furns, Jr.
Robert G. Wenkam
Jim P. Ferry
Shelley M. Mark

Staff

Present:

George Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a prayer, outline of the procedures, and swearing in of persons testifying during the hearings.

PETITION OF PARKER RANCH (A65-89) TO AMEND THE RURAL DISTRICT BOUNDARY AT WAIMEA, HAWAII, TO INCORPORATE 54,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 6-4-01: 15

Denial of the petition was recommended in the staff report (see copy on file) presented by the Executive Officer on the grounds that the petitioner had not submitted adequate data to substantiate the need and the usability and adaptability of the subject lands, and in view of the fact that the soils of the subject lands are suited to agricultural pursuits.

Mr. Moriguchi reported that the Hawaii County Planning Commission recommended approval of the petition but did not give any reason. He further explained that the subject parcel was part of a large parcel of dedicated lands and the petitioner's proposal was to subdivide 34,000 square feet of it.

Mr. Suefuji stated, the Hawaii Planning Commission had approved the petition on the basis of existing use on said parcel, the general plan of the area

and contemplated use in the future. The Planning Commission felt that since this area was very close to the already built-up area, it should be included in the urban zone. Commissioner Ota remarked that this subject parcel would be the only piece designated rural in an Agricultural District.

Mr. Norman Brand, attorney for the petitioner, explained that the prime purpose of this request was to conform to Parker Ranch's adopted policy of making land available to its employees for houseslots. The land in question was a portion of an area that had been used for ranch housing for decades and the present occupant had expressed a desire to obtain ownership of it. Mr. Brand did not think that they were taking away the land from any agricultural pursuit because these lands had never been used for agriculture, to his knowledge. Insofar as the request for a rural classification was concerned, Mr. Brand said that they did so on the basis that it would have a better reception from the Commission than a request for urbanization. He felt the Commission could grant this request without exposing itself to any criticism whatever.

Commissioner Nishimura suggested that a land exchange could possibly be made in an urban area. Mr. Brand explained that they were merely tying on an existing use and had no thought of requesting urbanization.

Commissioner Wung wondered if it would be possible for the petitioner to change the request from rural to urban since rural designation here would constitute spot zoning. Mr. Brand replied that they would be very happy to do so in writing, and that they were also aware of the tax differential between dedicated lands and on urban classification.

Mr. Moriguchi explained that the subject parcel was right at the end of the urban area in the vicinity of the Hawaiian Homes Commission development. Commissioner Ota remarked that the area seemed more rural than urban since most of the lots were an acre in size and because of the restrictions imposed by the Hawaiian Homes Commission.

Commissioner Wung reviewed the fact that the subject land was being exchanged with lands already in an urban area.

Hearing was closed thereafter.

PETITION OF PUNA SUGAR COMPANY (A65-92) TO AMEND THE URBAN DISTRICT BOUNDARY AT MOUNTAIN VIEW, PUNA, HAWAII, TO INCORPORATE APPROXIMATELY 47,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 1-8-04 and 1-8-05

Mr. George Moriguchi, Executive Officer, presented the staff report which recommended approval of the petition in view of the evaluation on the basis of the test for need and usability of the Land Use Commission.

Mr. Suefuji advised that the Planning Commission recommended approval of the petition because of the existing homes and because the entire area had been recognized for urban use.

Mr. Jacob Fernandez, agent for Puna Sugar Co., advised the Commissioners that they too, like Parker Ranch, had adopted a policy of making more lands available to their employees. Homes have already been built on the premises and rented out to individuals. Now, Puna Sugar Co., subject to approval of the petition by the Land Use Commission, was going to make these lands available in fee to plantation employees. With reference to a certain portion of the parcel, Mr. Fernandez stated they would be willing to request for urbanization in writing.

Mr. Gilbert Lee, representative from the Tax Department, requested clarification of the areas that had been urbanized and Chairman Thompson called for a deferral of this matter until such time as the tax issue was discussed.

Hearing was closed thereafter.

PETITION OF HONOKAA SUGAR COMPANY (A65-96) TO AMEND THE URBAN DISTRICT BOUNDARY AT HONOKAA, HAWAII TO INCORPORATE APPROXIMATELY 22 ACRES IDENTIFIABLE BY TMK 4-5-10: 21 (PORTION) AND 4-5-01: 3 AND 10

Staff report, presented by Mr. Moriguchi, recommended approval of the petition in view of the positive evaluation for the need of these lands and the usability and adaptability.

Mr. Suefuji concurred with the staff's recommendation.

Mr. Harold Robinson, Assistant Secretary of Theo H. Davies & Co., testified that the Camp 8 parcels were made available and purchased by their employees a few years ago in fee simple. He also pointed to the Roman Catholic property. The 8-acre parcel had never been put to any agricultural use or any other use due to a steep gully running down the middle of the area. In 1961 several of their employees requested permission to clear the area to put it into homesteads for them, they did this on weekends and holidays over a period of nearly 3 years completing the job in 1964. Then the Land Use Commission came into being and classified it as an Agricultural District. The 14-acre parcel below was contiguous to the present urban area.

Mr. Robinson continued that there were about 24 lots in the whole Honokaa area that were available in fee simple. Their present plans were to phase out employee camps at Haina and Overend and would have to provide an alternate housing area.

Commissioner Nishimura wondered whether, in view of spot zoning in this area, it would be possible to make the urban line contiguous with Camp 8. Mr. Robinson advised that they had suggested in their petition that this area, together with another little piece, all be made into an urban area, which would make it one contiguous piece. He pointed out the portion that was pre-zoned for industrial purposes by the County Ordinance when the change to urban takes place.

Mr. Suefuji confirmed that this was the recommendation made by the Planning Commission, that when the change of boundary is affected, portions of the area would become Class A, Residential, 15,000 square feet for single family dwellings, and portions would be zoned for industrial uses.

Mr. Robinson pointed out the portions of land that the State was using as an operational yard for building roads, and the portions leased to Shell Oil, Standard Oil and Union Oil.

In response to Chairman Thompson's question regarding the Roman Catholic property, Mr. Robinson stated that they had suggested that the Roman Catholic Church ask for urbanization of their land. Mr. Suefuji informed that the Planning Commission had requested the State Land Use Commission to initiate change of boundary. He said that this request was included in their petition. In this regard, Mr. Takeyama advised that the Land Use Commission would have to initiate petition for change instead of the individual owners.

Chairman Thompson opened the floor for discussion as to whether Commission would like to initiate change in boundary at this time.

Commissioner Ota brought out the fact that if we initiated this change, it would involve a public hearing.

Commissioner Wung moved that the Land Use Commission initiate boundary change to put Camp 8, the Roman Catholic Church and the hospital into the Urban District. Motion was seconded by Commissioner Nishimura and carried unanimously.

The hearing was closed thereafter.

BOUNDARY INTERPRETATION ERROR (OLAA)

Mr. Suefuji informed the Commission that a subdivision approval had been granted on a parcel (TMK 1-8-02: 47) in Olaa, the boundary of which had been erroneously interpreted as Urban on the map. This was brought to the attention of the Hawaii Planning Commission by the Tax Department. The subdivision was approved in 1964 when the temporary boundaries were in existence. The area in question was pointed out on the map.

Chairman Thompson raised the question of whether the Commission was in a position to act on this matter. He suggested that the Hawaii Planning Commission work this out at the County staff level and report back to the Commission.

Platting of Tax Maps - Mr. Moriguchi brought up a point directly related to the foregoing discussion. He pointed out the difficulty of working with the present scale map. The Budget Bureau had been approached with respect to the need for additional help in updating the tax maps, but preliminary discussions indicated a denial of the request. It was their feeling that if the counties solicited clarification of boundaries from the Land Use Commission, this would adequately take care of the problem. However, the law requires enforcement of the Land Use Law at the County level so that updated tax maps were highly desirable.

Mr. Moriguchi advised that staff was meeting with the Budget Bureau personnel shortly to discuss fiscal matters, and that he would like to be able to report to them that staff's request carried with it the official backing of the Land Use Commission.

Commissioner Inaba moved to support staff request to the Department of Budget and Finance for additional manpower to plat district boundaries on tax maps, which was seconded by Commissioner Nishimura. The motion was carried.

ACTION

APPLICATION BY WALTER YAMAGUCHI (SP65-17) FOR A SPECIAL PERMIT TO CONSTRUCT A FRAME STORE BUILDING FOR RETAIL AND GENERAL MERCHANDISING PURPOSES AT KALAPANA, PUNA, HAWAII, IDENTIFIABLE BY TAX MAP KEY 1-2-03: 35

Mr. Moriguchi briefly reviewed the special permit request, since this was a deferral from the meeting of October 29, 1965, at which time a staff report had been presented. Mr. Yamaguchi was requesting permission to construct a retail business on the subject parcel. The Hawaii County Commission had granted approval, subject to approval by the Land Use Commission.

Mr. Suefuji presented the General Plan for the Kalapana area and commented that subject parcel fell within the village commercial area. Adjoining areas and their designated uses were also pointed out on the General Plan.

Commissioner Inaba moved to approve the special permit request, seconded by Commissioner Wung. The motion was carried unanimously.

TAX DEPARTMENT RECOMMENDATIONS - HAWAII

Chairman Thompson advised that any request for boundary change would entail a petition, initiated by either the Land Use Commission or the Tax Department, on each of the following parcels under consideration. However, a discussion at this time would be in order to feel out the views and thinking of the Tax Department in connection with these recommended changes.

Mr. David Lee of the Hilo Tax Office expressed his commendation for the manner in which the meetings were conducted, and the invitation extended by the Land Use Commission to other departments to participate in its meetings aimed towards better inter-agency coordination. Mr. Lee's recommendations and reasons for each recommended change are recorded below. A detailed listing of the recommended changes, comparables, remarks, etc., was presented by Mr. Lee (see copy on file).

TMK 1-4 - Kapoho - Agricultural to Urban

1. Involves Nanawale Homestead and typical lots that prevail in the Urban District also prevail in the Agricultural District, with comparable amenities such as utilities, etc.

2. Tax assessments for the Agricultural District and the Urban District are the same due to the fact that these are subdivided houselots, and the agricultural subdivision is part of the urban subdivision.
3. Typical area of lots - 9,000 square feet.
4. Staff comment: Concur

TMK 1-6-142 - Keaau - Agricultural to Urban

1. Subject subdivision is portion of subdivision presently zoned urban. The uses are the same, area size and amenities comparable to Urban District.
2. Tax assessed the same as the Urban District.
3. Typical area of lots - 15,000 square feet.
4. Staff comment: Concur.

TMK 1-8-02 - Mt. View - Agricultural to Urban

1. Actual and potential use and amenities, comparable to urban area.
2. Tax assessed the same as the Urban District.
3. Typical area of lots - 7,500 square feet.
4. Staff comment: Do not concur.

TMK 2-3-39.- Hilo - Agricultural to Urban

1. Area adjacent to American Factors Subdivision, with amenities comparable to urban area. Bounded on two sides by Urban District.
2. Staff comment: Concur.

TMK 2-3-44 - Hilo - Agricultural to Urban

1. Area adjacent to above parcel (2-3-39) and same reasons apply.
2. Staff comment: Concur.

TMK 2-4-42 - Hilo - Agricultural to Urban

1. This is a subdivision in its entirety, with dedicated roads, amenities, and 8 dwellings presently constructed. Comparable to Urban District located just below subject parcel.
2. Staff comment: Concur.

TMK 2-6-12 - North Hilo - Agricultural to Urban

1. Strip of land at the end of the old road that passes Kaaheo School and comes out by the monument-making establishment.
2. Land unsuitable for agricultural purposes because of slope. Subdividable into 10 lots and all necessary utilities are available.
3. Staff comment: Concur.

TMK 2-7-04 - North Hilo - Agricultural to Urban

1. Area being used for residential purposes. There are existing houses owned by the Mauna Kea Sugar Co. On both sides and directly in front of this parcel, lands are zoned urban.
2. Staff comment: Do not concur.

TMK 2-8-16 - Pepeekeo - Agricultural to Urban

1. Area highly developed into residential use, near area used for post office, liquor store.
2. Staff comment: Concur.

TMK 4-5-03 - Honokaa - Agricultural to Urban

1. Area is adjacent to urban residential subdivision, having all the necessary amenities.
2. Staff comment: Concur.

TMK 4-5-18 - Honokaa - Agricultural to Urban

1. The whole plantation camp has been subdivided and sold to employees. Since all lots have the same environment, recommended that the whole area be zoned urban.
2. Staff comment: Concur.

TMK 6-5-04 - Waimea - Agricultural to Urban

1. The area is in the heart of areas zoned urban. Lot size typical with those in the urban area, 2.3 acres, similar amenities, and highly suited for residential development.
2. Staff comment: Do not concur.

TMK 6-6-06 - Lalamilo - Agricultural to Urban

1. Adjacent to built-up residential subdivisions zoned urban. Part of the State of Hawaii Lalamilo Houselot development and should be zoned urban to conform to the rest of the similar subdivisions.

2. Staff comment: Do not concur.

TMK 8-1-05: 8 - Kealakekua - Agricultural to Urban

1. Area presently used as church lot, grave yard, coffee cultivation, bounded on both sides by County Road. Recommending total area of 1.653 acres, which includes east end and south end portions, be zoned urban.
2. Staff comment: Do not concur.

TMK 8-1-05: 22 - Kealakekua - Urban to Agricultural

1. Recommending change from urban to agricultural for 0.918 acres since it is contiguous to an Agricultural District and lacks frontage on existing road.

TMK 8-2-04: 1 - Napoopoo - Agricultural to Urban

1. Area close to urbanized area. Not suited for agricultural purposes due to its topography and geography.
2. Staff comment: Do not concur.

FINAL BOUNDARIES AT PUNA (Ehukai Subdivision)

Chairman Thompson brought up the problem faced by Mr. Raymond Suefuji, Hawaii County Planning Commission, in that there were two maps in the County office, both of which had been filed with the Lieutenant Governor, showing discrepancies in boundaries.

Mr. Moriguchi commented that there was a definite discrepancy between the two maps, each clearly indicating its own boundaries, and it was not a matter of which showed a finer line. He expressed his belief that the original intent was to use the larger scale map to show the boundary more clearly. However, he felt that errors occurred more often on the H-Puna map than on the 1"=62,500 scale map. Mr. Moriguchi suggested that the discrepancies on both maps be resolved into one final map and filed with the Lieutenant Governor.

Mr. Moriguchi continued that there was an immediate and specific problem before the Commission directly concerned with the aforementioned map discrepancy. The Hawaii County Planning Commission was presently processing a special permit request for the Ehukai Subdivision. If it was determined that the proposed subdivision fell within the Conservation District, as indicated on the 1"-62,500 scale map, the Hawaii Planning Commission would not need to consider the petition.

Commissioner Nishimura moved to accept the boundaries as shown on the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The Commissioners were polled as follows:

Ayes: Chairman Thompson, Commissioners Inaba, Ota, Nishimura

No: Commissioner Wung

The motion was not carried.

Following a discussion, Commissioner Nishimura moved for a reconsideration of the votes on the motion to accept the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The motion was carried unanimously.

This was followed by another motion by Commissioner Nishimura to accept the 1"=62,500 scale map only for the Ehukai Subdivision, seconded by Commissioner Inaba, and was carried unanimously.

The meeting was adjourned at 5:45 p.m.