

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Poi Pounder Room
Kona Surf Hotel
Kona, Hawaii

November 29, 1973 - 9:30 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Sunao Kido
Alexander Napier
Mitsuo Oura
Tanji Yamamura

Approved
FEB 14 1974

COMMISSIONER ABSENT: Shelley Mark

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

The meeting was called to order by Chairman Tangen and persons testifying today were duly sworn in.

HEARING

PETITION BY K. OUE, LTD. (A73-370) TO RECLASSIFY 11.9 ACRES FROM AGRICULTURAL TO URBAN AT KANAUEUE, NORTH KONA, HAWAII

Mr. Leong, staff planner, presented the report on the subject petition (see copy of report on file).

Mr. Hiroshi Kasamoto, representing the petitioner, elaborated on the point raised in the staff report regarding the future uses for the unplanned areas included in the total request. He advised that development of the upper area for medium-income housing would be prohibitive at this time since it would require construction of a water tank. However, the possibility of a less dense type use, such as duplex or single-family dwelling, to complement the apartment use in the center portion, had been discussed.

Chairman Tangen observed that according to a letter from Mr. Morita of the Kona Hospital, Mr. Oue had a record of providing rental units at reasonable price ranges, and wondered whether petitioner was prepared to discuss the rental for the proposed apartments.

Mr. Kasamoto advised that presently petitioner's 1-bedroom units, furnished, in the urban area at the entrance of the hospital were renting at \$150 a month. However, it was doubtful whether this would apply to the proposed apartments since construction of road and water system would be required. It was petitioner's plan to keep the development simple and low profile, and within the \$200 range.

Since there was no further testimony, the hearing on A73-370 was closed.

PETITION BY LEO I. FLEMING (A73-371) TO RECLASSIFY 0.6 ACRE FROM AGRICULTURAL TO URBAN AT KEALAKEHE, NORTH KONA, HAWAII

The staff report was presented by Mr. Tatsuo Fujimoto, Executive Officer, together with a description of the petitioned area and the surrounding land uses (see copy of report on file).

In response to questions raised, Mr. Fujimoto advised that a letter from Mr. Pipella, owner of the property under petition, was on file, authorizing Mr. Fleming to represent his interests in the rezoning of the subject parcel.

Mr. Leo Fleming, civil engineer, advised that in his discussions with Mr. Wright, brother-in-law of Mr. Pipella, it had been recommended that the subdivision procedure be pursued to accomplish the desired "split" of the parcel and therefore, both Mr. Wright and Mr. Pipella had agreed to petition the Land Use Commission for the boundary change. Mr. Fleming also noted that petitioners were prepared to make the assertion that the land will be utilized within a certain time period.

Chairman Tangen suggested that petitioner submit additional evidence to the Land Use Commission regarding the type of housing that will be built in terms of cost and the segment of population that will be served, together with a time schedule.

Since there was no further discussion, the hearing on this petition was closed.

PETITION BY KATSUMI NII (A73-369) TO RECLASSIFY 10.9 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII

Following the presentation of the staff report on the subject petition (see copy of report on file), Mr. Fujimoto offered background information relating to the urbanization of the Waiakea lands in the past. During the 1969 review, the consultants had recommended that substantial portions of Waiakea be included within the Urban District. However, due to the objections of the farmers in the area, sufficient time was allowed to enable the farmers to dedicate their lands. Thereafter, the Land Use Commission reclassified 410 acres out of 800 acres which had been included in a petition initiated by the Commission, for reclassification from the Agricultural to the Urban District.

Chairman Tangen emphasized that the "180^o change in position" taken by the petitioner relating to preservation of agricultural lands in the Waiakea area, as reported by staff, was very pertinent to the present petition and requested an explanation for this change in position by Mr. Nii.

Mr. Jeffrey Choi, attorney representing Mr. Nii, defended petitioner's position on the basis that his earlier testimonies were, for the most part, expressions made in behalf of the Waiakea Community Association. At that time, the residents primarily mauka of Kupulau Road felt very strongly about retaining the agricultural classification, although the property owners on the lower side did not feel as strongly about this. However, a compromise was reached within the association since the "handwriting on the wall" indicated that lands makai of Kupulau Road would eventually become urban. Therefore, it was not only Mr. Nii who was guilty of this turnabout but also the people in the area itself.

Mr. Choi further advised that the area mauka of Kupulau Road was predominantly used for agriculture, but that there were mixed uses in the makai area with virtually no real agricultural activity around Mr. Nii's property. He added that there were no objections to the present petition from the property owners in the lower area.

Chairman Tangen reminded Mr. Choi that previously when the Land Use Commission considered urbanization of the Waiakea area to provide for the very things Mr. Nii was now proposing, the "handwriting" was already on the wall. Mr. Nii was a strong opponent to urbanization and the Commission responded to his request as a small farmer. Moreover, the Commission had provided ample time for the farmers to dedicate their lands and Mr. Nii himself took advantage of this and enjoyed the lower taxes.

Mr. Choi reiterated that Mr. Nii, as one of the leaders of the Waiakea Community Association, had made his statements sincerely in behalf of what was then the prevailing sentiment of the group. These people whom he represented "didn't put the money where the mouth was and gave out, so to speak", according to Mr. Choi. Therefore, Mr. Nii felt it would be impractical to "hold out against the tide" and decided "he might as well have full use of his property".

Chairman Tangen stated he failed to see how the "tide" had changed so much during this period and as far as he was concerned, he felt that the Commission was used by Mr. Nii to accomplish what he claimed were noble goals to protect the small farmer. On the strength of Mr. Nii's representations, the Land Use Commission had acted against the consultant's recommendation. He, therefore, directed that the petitioner submit additional information to justify this change in his position within the next 15 days.

Mr. Choi argued that it would be difficult to provide any additional information that will be superior to that of the position taken by the Waiakea Community Association favoring urbanization of the area makai of Kupulau Road, which was on record. He conceded that Mr. Nii was now admitting that the Commission had been right in the first place and that he had been wrong, at least insofar as the makai area was concerned.

Mr. Choi further advised that Mr. Nii had not fully appreciated the significance of the representations which had been made in the petition submitted by Mr. Fujiyama in Mr. Nii's behalf, regarding the type of homes that would be constructed and the selling price range. He, therefore, requested withdrawal of any reference made by Mr. Fujiyama relative to putting a house and lot package on the market in the low-cost range, due to Mr. Nii's limited financial capability.

Chairman Tangen thanked Mr. Choi for apprising the Commission of this fact.

Since there was no further testimony, the hearing on this petition was closed.

AMENDMENT TO THE RULES AND REGULATIONS (AR&R-73-2) - IMPOSITION OF CONDITIONS

Mr. Fujimoto advised that Mr. Raymond Suefuji, Director of the Hawaii Planning Department, was unable to attend the hearing today due to a prior commitment. However, he will forward a written testimony relative to the proposed amendment within the 15-day period.

Mr. Fujimoto presented background information on the proposed amendment to the Rules and Regulations and briefly reviewed the sections that will be affected by this proposal.

Mr. Alan Tyler, President of the Kona Conservation Group, commended the Commission for its efforts and observed that the proposed amendment to the Rules and Regulations would provide the Commission the authority to insure that the petitioner's representations and promises would be carried out.

Chairman Tangen expressed appreciation to Mr. Tyler for his views which were shared by the Commission.

Since there was no further testimony, the hearing on the subject petition was closed.

ACTION

APPLICATION BY KONA CONGREGATION OF JEHOVAH'S WITNESSES (SP73-161) FOR A SPECIAL PERMIT TO CONSTRUCT A NEW KINGDOM HALL WITHIN THE RURAL DISTRICT AT KEAHOHU 2ND, NORTH KONA, HAWAII

The staff memo recommending approval of the special permit request, subject to the County's conditions and the added stipulation by the Land Use Commission staff, was presented by Mr. Leong (see copy of report on file).

Commissioner Napier moved to accept staff's recommendation, which was seconded by Commissioner Yamamura. The motion was passed unanimously.

APPLICATION BY EILEEN C. ODO (SP73-162) FOR A SPECIAL PERMIT TO ESTABLISH A GENERAL STORE, GASOLINE STATION, LAUNDROMAT, MAIL STATION AND DRIVE-IN SNACK SHOP WITHIN THE AGRICULTURAL DISTRICT AT WAIKAHIULA, PUNA, HAWAII

Mr. Leong advised that since the writing of the staff memo on the subject application, a letter dated November 16, 1973 had been received from Mr. Ed C. Watt, Chairman of the Hawaii Planning Commission, correcting the description of the uses approved by the Hawaii Planning Commission to include "barbershop, beauty shop and related office uses". Thereafter, Mr. Leong read the staff report recommending approval of the special permit as conditioned by the Hawaii County Planning Commission, with the additional stipulation that the special permit shall be null and void should ownership of the subject property be changed before the uses represented are established.

Chairman Tangen accepted the discrepancy pointed out by Mr. Ronald Odo, husband of the petitioner, regarding the size of the proposed building which will be 30 feet and not 24 feet as reported in the staff memorandum.

Mr. Odo further advised that there will be a total of 4,800 square feet in the two buildings. He elaborated on the capability of the petitioner to finance the proposed project and the willingness of the American Security Bank to finance the mortgage on the buildings.

In response to Commissioner Yamamura's question regarding the source of gasoline for the service station, Mr. Odo replied that this will depend upon the results of the survey which will be conducted by the gas dealers.

Commissioner Yamamura moved that the special permit request be approved, subject to the conditions stipulated by the County Planning Commission and the Land Use Commission. The motion was seconded by Commissioner Napier and carried unanimously.

On behalf of the Commission, Chairman Tangen thanked former Chairman Goro Inaba for his continuing interest in attending the meeting today.

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