

STATE OF HAWAII
LAND USE COMMISSION

APPROVED
FEB 26 1971

Minutes of Meeting

Discovery Room, Kona Hilton Hotel
Kailua, Kona, Hawaii

December 11, 1970 - 1 p.m.

Commissioners Present: Goro Inaba, Chairman Pro Tempore
Leslie Wung
Tanji Yamamura
Stanley Sakahashi
Shelley Mark

Commissioners Absent: Sunao Kido
Alexander Napier
Eddie Tangen

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

The minutes of the September 11 and 26; October 9, 10, 29,
and 31, 1970, meetings were approved as circulated to the
Commission membership.

HEARING

PETITION BY LANIHAU CORPORATION, TRUSTEES OF PALANI LAND TRUST
& L. R. GREENWELL TO REZONE APPROXIMATELY 64 ACRES FROM
AGRICULTURAL TO URBAN AT KAILUA, KONA, HAWAII (A70-264)

Mr. Duran, the Executive Officer, gave a detailed
description of the area under consideration and presented
the staff report (see copy on file).

Commissioner Sakahashi questioned the reasoning behind
the County Planning Commission's findings and recommendations
which were quoted in the report by the staff.

Planner Glenn Miyao of the Hawaii County Planning
Department replied that the findings reflected some of the

standards established by the Land Use Commission for Urban districting which applied to the subject property. As for their recommendations, the County merely wanted to inform the applicant and the Land Use Commission that their favorable recommendations for rezoning from Agricultural to Urban did not necessarily imply approval of the proposed multi-family development. The reason is that the Hawaii County Council and not the Planning Commission has the final say on zoning at the County level.

Since the only question before the Planning Commission is whether the property should be used for urban or agricultural purposes, Commissioner Mark wondered why the last two lines of the County's recommendation were included as a part of their recommendation. Since the issue of the specific use has now been raised, he inquired what use would be agreeable to the Hawaii Planning Commission.

Mr. Miyao replied that the Planning Commission recommended approval of the change to Urban but could not make a commitment on the multi-family use.

The Executive Officer asked about the current status of the County's General Plan revision program and wondered whether any use was proposed in the area under discussion.

Mr. Miyao answered that public hearings on the proposed revision will probably be held in May, 1971. He advised that the establishment of various land uses will be evaluated by zoning standards which the developer will have to meet rather than through the traditional use of zoning maps.

It was pointed out by the Commission that if the property is rezoned to Urban, it may be doing an injustice to the petitioner since the Hawaii County Planning Commission has indicated that it had reservations concerning the specific proposed use and yet recommended the change from Agricultural to Urban. The petitioner has expended time, money, and effort in furthering his plans for the specified use; the petition is evaluated by the Land Use Commission and the County Planning Commission in the light of the specific use; the question of further incremental zoning may hinge on the actual development of the specific use; and, yet, the use as proposed and desired by the petitioner will never be established if it does not subsequently receive the County's concurrence when the County's rezoning is considered. The result would be more Urban-zoned lands remaining undeveloped; higher taxes for the landowners; land speculation will be encouraged;

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and future reclassification of lands proposed for urban developments by bona fide developers will be made more difficult.

Mr. L. R. Greenwell, petitioner, expanded on the proposed development. He clarified that "medium-priced" apartments will be in the \$30,000 to \$45,000 range; that the property is unsuitable for single family residential or low cost housing developments because of its close proximity to the heart of Kailua; and that tax assessments reflect a higher value than the present zoning would indicate.

Replying to a question from the Vice-Chairman, Mr. Greenwell testified that the property will not be put on the market if they do not receive apartment zoning from the County.

The recommendation of the Hawaii County Planning Commission was again discussed. It was recognized that the County Council is the final authority in zoning at the County level. However, it was indicated to the County Planning Department's representative that the Land Use Commission sought the recommendation of the Hawaii County Planning Commission only, as provided for by law, and not the opinion of the Council. The possibility that the Council may overrule the Planning Commission when the final zoning decision is made is not the business nor concern of the Land Use Commission.

Mr. Bob Jones, petitioner's consultant, amplified on the planning aspects of the development.

In reply to Commissioner Yamamura's query, Mr. Greenwell stated that six persons have expressed an interest in the development to date.

Since there was no further testimony, Vice-Chairman Inaba advised that the Commission will receive additional evidence in the next 15 days and thereafter closed the hearing.

ACTION

SPECIAL PERMIT APPLICATION BY THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII (SP70-84), TO QUARRY GRAVEL MATERIAL TO BE UTILIZED FOR GOVERNMENT ROADS AT HONOKAIA, HAMAKUA, HAWAII

Deputy Attorney General Walton Hong interrupted the presentation of the staff report to advise the petitioner

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that only five Commissioners are present and that all five votes would be required to approve a special permit. He suggested that if the petitioners for the two special permits on the agenda wished to request deferral of action that they do so before staff's presentation. However, both petitioners desired a decision at this meeting.

Mr. Hong then announced that the Commission would be unable to take action on the boundary change petitions shown on the agenda since six votes are needed for approval, as provided for by statute.

The staff planner continued with the presentation of the staff report and described the area under consideration. Approval of the special permit was recommended (see report on file).

Commissioner Wung's motion to accept the staff's recommendation was seconded by Commissioner Sakahashi and unanimously carried.

SPECIAL PERMIT APPLICATION BY BOISE CASCADE PROPERTIES, INC.
(SP70-85) FOR QUARRY SITE AND ALLIED USES AT WAIKOLOA,
SOUTH KOHALA, HAWAII

The Executive Officer described the area in question and read the staff report recommending approval of the special permit (see copy on file).

Mr. Coy, representing the petitioner, confirmed that this is the same quarry operation which was initiated before the contractor had realized that a special permit was required under the Commission's newly revised rules and regulations. He assured the Commission that permits would be obtained for all phases of development in the future.

Commissioner Yamamura's motion to accept staff's recommendation was seconded by Commissioner Sakahashi and carried unanimously.

MISCELLANEOUS

STATUS OF VACANT URBAN LAND ON OAHU

Mr. Leong, staff planner, summarized a letter from Mr. James Pflueger (on file) in which he requested that the present Urban designation on his property be retained until the end of 1971 since he is presently negotiating with the adjoining landowner, Atherton Richards, for a joint venture residential development at Hawaii Loa Ridge. Another letter from Mr. Atherton Richards' representative, Mr. Ellsworth, confirmed that negotiations are being finalized.

Commissioner Sakahashi moved that a one-year extension be granted, provided a report showing substantial progress in the negotiations be submitted to the Land Use Commission every six months. The motion was seconded by Commissioner Yamamura and unanimously carried.

DEFERRAL REQUEST BY HALE MAHAOLU & THE COUNTY OF MAUI (A70-258)

The Executive Officer referred to a letter from Robert Yokoyama of Hale Mahaolu requesting an extension of time on action on petition A70-258 since negotiations with Alexander & Baldwin over the land purchase is still in progress.

Commissioner Yamamura's motion to grant a 90-day extension was seconded by Commissioner Sakahashi and unanimously carried.

TENTATIVE SCHEDULE

The next regular meeting of the Land Use Commission was decided to be held in Honolulu on December 18. A workshop on the shoreline setback was also scheduled for the afternoon of the 17th of December.

ADJOURNMENT

Thereafter, the meeting was adjourned.