

Exhibit 45

STATE OF HAWAII LAND USE COMMISSION

Five-Year District Boundaries & Regulations Review Program Minutes of Meeting

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

April 25, 1969 - 1:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Wilbert Choi
Shelley Mark
Sumao Kido
Leslie Wung
Alexander Napier
Shiro Nishimura
Goro Inaba

Consultants Present: Edward Williams
Howard Altman
Chris Degenhardt

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
William Gorst, Planner
George Pai, Legal Counsel
Jean Soma, Stenographer

Chairman Burns swore in persons wishing to present
testimony regarding proposed amendments to the ^{UL Rules & Regulations} land use
districts. *BOUNDARIES.*

Mr. Edward Williams of the consulting firm of Eckbo,
Dean, Austin & Williams retained by the Land Use Commission
to conduct the Five-year District Boundaries and Regulations
Review Program presented to the public an overview of the
recommended proposals to the Land Use Commission's Rules and
Regulations. In addition, the district regulations were

designed to clarify the Land Use Law as amended.

Mr. Chris Degenhardt - Eckbo, Dean, Assistant Williams

Proposed amendments to the Rural, Agricultural, and

Conservation Districts were presented by Mr. Chris Degenhardt.

Rural Districts

No significant changes have been made in this district classification.

Agricultural Districts

Criteria established for determining an Agricultural District:

1. agricultural potential in terms of soil productivity
2. agricultural potential as expressed by existing land uses.

Conservation Districts

Criteria established for determining a Conservation District:

1. lands containing slopes in excess of 20%,
2. areas subject to tsunami inundation,
3. scenic areas (existing parks, areas proposed for park use), and
4. shoreline areas.

Areas proposed by consultants for inclusion in the Conservation District:

1. Kapoho Valley - proposed for park,
2. Waipio Valley - scenic value, stretch of shoreline at the present Conservation District boundary down to Wailuku Valley,

3. South Hilo - forest reserve area which is not include in Conservation District,
4. Kapoho Crater - forest reserve area adjacent to the park, which is proposed for expansion and lands on both sides are presently forested and characteristic of Conservation District; Green Lake - unique scenic resorts,
5. South Point - historic scenic sites in the area
6. Kealakekua Bay - there is a plan to maximize the scenic facilities in this area and this can best be accomplished by including small areas of steep topography continuing along the shoreline,
7. dry forests - wildlife resources,
8. an area containing the second largest collection of petroglyphs in the State, majority of area is State-owned land - State should take action to assure preservation of this historic site, and
9. shoreline area - steep topography, scenic value, large collection of artifacts, King Kamehameha I and a series of other archaeological remains.

Mr. Howard Altman - Eckbo Dean, Austin & Williams

Mr. Altman discussed the population figures for 1965 as compared to 1968, percent of increase in population during this same three-year period, and anticipated percentage of growth for 1978 (Judicial Districts for island of Hawaii). These were the bases considered for examining existing Urban Districts in the County of Hawaii in conjunction with the projected urban expansion that could occur during a ten year growth period (1968-1978).

1. Kahua Ranch - Kawaihae	5,000
2. Dilrock-Eastern - Kawaihae	550
3. Signal Oil - Kawaihae	8,000
4. Huehue Ranch (First Study) - Kona	2,507
" " (Second Study) - Kona	(230)
5a. Hawaii Coastal Properties - Kona	460
5b. Huehue - Kona	(595)
5c. Lanihau Corp. (Honokohau Ltd.) - Kona	320
5d. Violet Greenwell - Kona	85
6. Kealakehe - Kona	360
7. Liliuokalani Trust - Kona	1,500
8a. Kona Realty - Kona	140
8b. " " - Kona	166
9. Bishop Estate - Keauhou	1,454
10. Bishop Estate - Kealakekua Report	650
11. Discovery Harbor - Kau	1,304

Mr. Howard Allman - Eckbo Dean, Austin & Williams

~~for 1965 as compared to 1960, and the population, and anticipated growth for 1970, which is the basis for the recommendations to the Urban District.~~

As of this date, there are approximately ^{24,455} ~~24,000~~ acres ^{THAT ARE} ~~to~~ be rezoned urban. Areas which the consultants have been asked to consider for inclusion in the Urban District are as follows:

<u>Landowner - Area</u>	<u>Acres</u>
1. Kahua Ranch - Kawaihae	5,000
2. Dilrock-Eastern - Kawaihae	550
3. Signal Oil - Kawaihae	8,000
4. Huehue Ranch (First Study) - Kona	2,507
" " (Second Study) - Kona	(230)
5a. Hawaii Coastal Properties - Kona	460
5b. Huehue - Kona	(595)
5c. Lanihau Corp. (Honokohau Ltd.) - Kona	320
5d. Violet Greenwell - Kona	85
6. Kealakehe - Kona	360
7. Liliuokalani Trust - Kona	1,500
8a. Kona Realty - Kona	140
8b. " " - Kona	166
9. Bishop Estate - Keauhou	1,454
10. Bishop Estate - Kealakekua Report	650
11. Discovery Harbor - Kau	1,304

12. C. Brewer - Kau	2,868
13. R. Allison - Puna	208
14. Kings Landing (Hawaiian Paradise Park) - Puna	2,120
15. C. Brewer - Hilo-Kaumana	210
16. Hawaii County Planning Staff - Hilo	805
17. C. Brewer - Hilo-Ainakoa	155
18. C. Brewer - Wainaku Camp	14
19. C. Brewer - Andrade Camp	85
20. Theo H. Davies - Laupahoehoe	18
21. Theo H. Davies	13
22. C. Brewer - Honokaa	49
23. Theo H. Davies - Honokaa-Camp 8	<u>95</u>
TOTAL - potential shifts to Urban District	28,136

In comparison to the total number of potential shifts to 25,000 acres or urban land already exist on the island of Hawaii.

~~the Urban District mentioned above, 25,000 acres of urban~~

In order to insure proper phase development, Mr. Altman recommended that additional controls be stipulated on incremental zoning so that developers will of necessity have to carry out their proposals on a five-year basis. Therefore, landowners and developers should apply for boundary amendments the Rules and Regulations have been adopted; more after ~~the Rules and Regulations have been adopted; more~~

~~the Rules and Regulations have been adopted; more~~ specifically, the "Zoning in Increments" criteria.

All of the proposals on the western shore are of such scale and importance that they should be applied against the "Performance Time" and "Zoning in Increments" criteria.

5

Consultants propose that the following areas be included in the Urban District:

1. Waimea - two areas comprising approximately 100 acres--partially developed and are of the same character as existing urban area
2. Kona - ~~proposed~~ area between the proposed alignment-- located in back of the town--(as soon as this is confirmed) makai to the existing urban zone
3. Hamakua - 95 acres in Honokaa Camp area to absorb growth from phasing out of the existing plantation camps
4. Hilo - 254 acres in Ainakoa, Wainaku Camp, Andrade Camp (C. Brewer) area to absorb growth from phasing out of existing plantation camps
- 4a. Hilo - inclusion of Hilo Airport boundary
5. South Point (Kau) - 2,868 acres (C. Brewer) should be examined on incremental zoning basis
6. Waipio - 800 acres and adjustments in the existing zone to include two areas that are being considered for development
7. Mountain View - existing rural area should be changed to urban because of nature and character of the area and development which exists
8. Olaa - existing rural area should be changed to urban

6

Mr. Raymond Suefuji, Planning Director, County of Hawaii,
Planning Commission

Suggested changes in the proposed rules and regulations:

1. Part I. Rules of Practice and Procedure

1.18 Notice of Proposed Amendment

Land Use Commission should publish legal notice twice before ~~A~~ public hearing as does the Hawaii County Planning Commission, i.e., 10 days prior to the public hearing and again 2 days prior to the public hearing.

2. Part II. State Land Use District Regulations

2.9 "C" Conservation Districts, (f)

Should subject regulation be adopted and enforced, such would "preclude the counties from applying zoning around its shorelines". Hawaii Planning Commission will submit a draft of an ordinance to the council, which under "the National Flood Insurance Act of 1968 requires counties to pass flood zone development ordinances that meet HUD criteria before homeowners can apply for the federally backed insurance". An agricultural designation of shoreline areas will enable the counties to apply the flood plain zoning ordinance in areas of necessity.

3. 2.15 Permissible Uses within the "C"

Conservation District

Subject regulation makes mention of Section 183-4 Hawaii Revised Statutes. "Section 183-4 refers to general penalty for violation for Chapters 180-185." Suggested that aforementioned section number be changed to "183-41".

4. 2.19 Non-conforming Areas and Parcels

Suggested that a subsection (d) be added to read as follows:

"(d) A non-conforming lot may be changed into another non-conforming lot provided the area of the lot then existing is not reduced in area." This would allow property owners owning two small lots to consolidate and resubdivide into two lots withⁱⁿ the same area. Nevertheless, this would lead to better planning and yet will not be contrary to the objectives of the Land Use Law.

5. 2.29 Uses within Conservation Districts

Again, mention is made of Section 183-4, which should read "183-41"

6. 2.32 Zoning in Increments

Made inquiry as to whether or not the county should be the applicant requesting boundary amendment.

7. 2.33 Performance Time

Inquired if this regulation will apply to the counties; and if so, how.

Suggested changes in proposed land use districts:

1. H-2 - Keahole-Kailua - area should be in urban zone
 2. H-5 - Anaehoomalu - area around Bay and pond should be in conservation
 3. H-7 - Kailua - urban zone should include all areas below proposed Kuakini Highway and lands below the middle road should be bridged by all being placed into urban
 4. H-8 - Kealakekua - all lands up to Kamo Point from Kailua should be in urban
 5. H-9 - Honaunau - greater expansion of urban zones around the Civic Center and above Manago
 6. H-11 - Milolii - village area should be in urban
 7. H-13 - Hawi - increase urban area at Honomakau near school to meet housing demand
 8. H-43 - Honokaa - add Paauhau and beyond to Nienie Suggested that additional lands be provided beyond Nienie Gulch to the next river particularly on the ocean side of the present state highway.
- Lands in this area have already been subdivided and should be recognized for urban expansion.

- 9. H-51 - Kukaiiau - area should be re-examined
- 10. H-65 - Papaikou - add area along highway-Maulili

Stream to urban zone

(See presentation submitted at public hearing on file.)

Mr. Richard M. Frazier - Honokaa Sugar Company

Mr. Frazier queried Mr. Williams as to his definition of the 300-foot setback for shoreline areas. In acknowledgment, Mr. Williams answered that the 300-foot setback is used only in areas where there are no physical features, i.e., the top of a pali or ridge, a road, or any other identifiable feature. Furthermore, special uses are permitted within the 300-foot line (on the flat), but such uses must be secured through the special permit procedure.

Mr. Randolph Galt - Hawaii Representative for Signal Properties, Inc.

Presented statement on status of "Puako" project in the South Kohala District. Public hearing was held on April 24, 1969, at the County level on subject area. In addition, Signal has submitted to the Hawaii County Planning Commission a request to amend the County General Plan. After the County has acted upon this matter, Signal will submit a petition for change in district boundary to the Land Use Commission. Request is for urban zoning of 8,000 acres at Kawaihae. *(SUBMITTED LETTER WHICH IS ON FILE)*

Mr. Kenneth Young - Holualoa Project Manager, Dillingham-Kona Development Company, Inc.

Company is planning development of 736 acres at Holualoa. Property is located approximately 2½ miles from Kailua and 3½ miles from Keahou. More specifically, mauka from Alii Drive to Kuakini Highway up to Holualoa Road. Of the 736 acres, *(presently in a q.)* requested urbanization of 422 acres on an incremental zoning basis. Property is centrally located between employment and recreational centers of North Kona and is the proposed site of the new Kona Fire Station. Project will consist of single family house and lots, multi-family housing, and a commercial shopping center. Requested immediate urbanization of 22 acres for the construction of the shopping center complex, which will be located on the mauka side of Kuakini Highway at the intersection of the proposed extension of aforementioned highway (to be accomplished on incremental basis). Dillingham-Kona has been working in conjunction with the State Department of Transportation, Highways Division, so as to avoid conflicts

which might arise from their proposed development plans and the State's plan for future highway construction in this area. Also requested immediate urban zoning of ~~20~~¹⁷ acres (for residential use) presently zoned agriculture, which abuts an urban parcel.

Submitted report entitled, "A Feasibility Report on Land Development, Holualoa 1, 2, 3, & 4, North Kona, Hawaii". (See report and letter submitted at public hearing on file.)

Mr. Donn Carlsmith - Attorney for Mrs. Kapua Wall Heuer

^{Kawainui,}
Property is located at₁ North Kona, comprises approximately 31.9 acres, is presently in an agricultural 5-acre classification, and is immediately adjacent to Mamalahoa Highway (TMK 7-9-08: 6). Of the total 31.9 acres, requested urbanization of 5 acres only in view of the fact that the property is in an unproductive status under the present zoning of agriculture. Mrs. Heuer's intention is to construct residential rental units on subject property. The present land use map of the area (H-8) indicates that the property is located in proximity to urban centers stretching from Keahou to Captain Cook. As a matter of fact, the area along the main highway from Honalu to Captain Cook contains an unbroken stretch of urban land. The urban area which is separated from Mrs. Heuer's property by the Mamalahoa Highway is being utilized for residential purposes. Furthermore, this

land does not require any bulldozing or grading whatsoever in order to utilize it for its proposed use. In addition, the County Board of Water Supply has indicated that water service in this area will be available for residential usage. (SEE LETTER OF PRESENTATION ON FILE.)

Mr. Donn Carlsmith - Attorney for H. C. Shipman, et al

Property consists of 8.8 acres in Honalua, North Kona-- TMK 7-9-03: 10. Requested rezoning from agriculture to urban in order to sell this property for home sites. Area is in proximity to Honalua community and is suited for urban community. Although coffee was previously grown on subject area, it is no longer economically feasible to conduct any agricultural operation on this small parcel of land.

Therefore, an extension of the nearby urban zone would be the most logical and natural course of action.

(SEE LETTER OF PRESENTATION ON FILE.)
HERBERT JACKSON - ^{Keahou}MANAGER, KEAHOU-KONA COMPANY

Mr. Robert I. Bush - Keahou-Kona Company (Community Planning Consultant)

Keahou-Kona has submitted two suggestions for rezoning to the consultants--first, urbanization of substantial land area around Kailua town; second, urbanization of land in Keahou for development purposes.

^{Keahou}
Dr. Peter Oberlander - Keahou-Kona Company (Community Planning Consultant)

Requested urban classification of 1,400 acres presently existing in an Agricultural District to successfully complete construction of the new town around Keahou Bay. At the present time 1,100 acres are zoned for urban use.

GENERAL *Keahou*
MR. HERBERT JACKSON - MANAGER, KEAHOU-KONA COMPANY

Keahou-Kona Company is a successor developer and also a joint venture of Kamehameha Development Corporation. (On March 24, 1964, Bishop Estate filed protest with Land Use Commission for change in district classification from agriculture to urban for approximately 1,188 acres at Keahou, Kona, Hawaii - TMK 7-8-10 & 11. When the final district boundaries were established and adopted in 1965 (first five year district boundary review program), this request for urban zoning was so granted.)

THIS IS AN ASIDE.

The following ~~is a~~ *REPORT* progress, thus far on the Keahou project:

1. completion of one golf course, *two more expected to be constructed*
2. contracts are currently under way for the construction of five major hotels totaling ~~1,015~~ *1,850* hotel rooms. The first hotel is expected to be in operation by Mid-1970 and the last before the end of 1973.
3. contracts are currently under way for the construction of 636 condominium-type residences, *TOWNHOUSES, & LOW-RISE BUILDINGS* to be undertaken by three developers
4. *plans are in effect for* ~~completion of~~ 250 employee and staff quarters - 850 employee ~~homes~~ *apartments* will be constructed all together
5. construction is currently under way for the first phase of improvements, namely; *waterlines* ~~water~~, sewers, ~~and roads~~ *underground utilities*

126

With the exception of two hotel sites both of which are in negotiation and another area of 16 acres which should be zoned urban, all of Keahou-Kona's lands have been committed; and developers are presently in a position to ~~begin~~^{begin} on the second developmental phase.

(SEE LETTER OF PRESENTATION ON FILE.)

Consideration was given to the state's economic and social programs, and this was related to the county's proposed developments in this area in order to establish a suitable RECREATION-RESORT COMMUNITY

~~_____~~. The creation of the new town or resort-recreation community will generate many employment opportunities through a diversification of recreation and ^{activities.} commercial. The trend of the 1950's and early 1960's whereby the island of Hawaii experienced a net migration particularly of the young who felt that more interesting positions were available in other locales of the state is ^{now} being reversed. Therefore, the new town on the Kona Coast will be contributing substantially to the availability of occupations.

Population forecast figures obtained from the ^{State} ~~_____~~ and the Hawaii Visitors Bureau indicate that of the anticipated visitor population, the island of Hawaii is to absorb approximately 50 percent of ~~THE~~ ^{THE} total for the 1970's. It appears that by 1980 the tourist industry on the Big Island could provide an additional 12,000 jobs which would employ half the labor force in the "Community for Leisure". Subsequently, employment opportunities will be available not only in the operation of hotels and condominiums but also in related activities, i.e., education, training, ~~_____~~ ETC.

14

**Following are three major ones proposed
for urban development:**

~~discussed the three major ones for development~~

1. Hilo - major urban center based on existing development
and airport location

36,000 - present population

54,000 - anticipated "

4,000 - visitor "

2. Kawaihae

5,000 - present population

15,000 - anticipated "

4,000 - visitor "

3. Kailua (Keahou)

9,000 - present population

25,000 - anticipated "

10,000 - visitor "

(requested urban designation for this area)

15
Keahou-Kona

Urbanization of this area can occur either by:

(1) even expansion throughout the coastal area or (2) concentration in two or three areas.

Open space is to be focused along the coastline. Secondly, costs involved in providing utilities and back-up facilities, e.g., schools, medical facilities, etc., are being localized. Therefore, developers are anticipating a settlement pattern approximately equi-distant to Kailua-Keahou (present new town under consideration) and the proposed settlement in the Honaunau area between the Captain Cook Monument and the City of Refuge. Subsequently, there will be equi-distant service centers on the Kona Coast accommodating the proposed economic growth while protecting and preserving the coast and some of the capital investments necessary to serve the anticipated population.

Developers are of the intention to absorb ~~two existing~~
TWO EXISTING URBAN SPOT ZONES

~~zones~~ and consolidate ~~so as to~~ so as to create a total community.

This proposal is to be accomplished hopefully should urbanization be granted which would allow developers to proceed with development from the shoreline up to Kuakini Highway.

Minimal urban-designated acreage acceptable will be one-half the original land area (1,400 acres) requested which amounts to approximately 700 acres. This will then enable developers to substantially complete development of the new town.

Exemplifying the open space characteristic of the new town, ^{it was} explained that one golf course has already been constructed and two more are proposed for construction.

In essence, developers are hopeful of accomplishing the following by creating the "Community for Leisure":

1. "implement the state's policy of strengthening and diversifying the outer islands by creating opportunities for employment and recreation",
2. above mentioned enumeration will be implemented through anticipated population as forecasted by state and county, and
3. utilization of aesthetic traits of Kona Coast without impairing its environmental character.

17
Mr. Robert Fairburn - General Real Estate Consultant,
Keahou-Kona Company

In support of urbanization for continued development of the area, Mr. Fairburn testified that instead of simply constructing on the perimeter of the boundary, developers anticipate locating the various developments or structures in such an arrangement that they may complement each other. Keahou-Kona and Bishop Estate possess the desire and financial capability to accomplish the proposed project.

Mr. Howard Marsh - Attorney and Business Consultant (represented
Mr. Troy ~~Cooke~~), Keahou-Kona Company

^{Proof}
Economic studies conducted indicate that additional urban lands are necessary for the completion of the next increment of the planned community - "Community for Leisure". Interested parties have expressed the desire to establish a biological research laboratory in the area. Therefore, as Dr. Oberlander indicated, the "Community for Leisure" will include educational and technological facilities as well.

Mr. Sherwood Greenwell - Kealakekua Ranch, Limited

Requested urbanization of 400 acres presently in an Agricultural District located at Kealakekua. Area of request is immediately adjacent to an existing subdivision comprising 54 houselots all of which have been sold since they were placed on the market in January.

107

Mr. Greenwell was in complete agreement with Mr. Raymond Suefuji that all lands in Kealakekua up to Kamo Point from Kailua should be considered for inclusion in the Urban District.

Expressed desire for rural designation in 1972 for an area located above the 400-acre urbanization request from an elevation of approximately 1,600 feet to 2,000 feet.

One-acre agriculturalouselots in residential array with a golf course is proposed for the area above. This proposed development will encompass the area below Manago's and theouselots will be available on a 50-year lease basis and will include sidewalks, underground utilities, and sewer.

Specified on map area to be utilized for commercial use and area for low-rent housing.

Mr. Roy A. Vitousek, Jr. - Kealakekua Ranch, Limited

Proposed development will consist primarily of cluster-type structures including four hotels and a golf course accompanied by underground utilities, ^{SEWERS} ~~sewage plant~~, and a great deal of open space throughout.

Urban land classification "between a line parallel with, but set back 1,000 feet mauka of the Conservation District boundary line at the top of Kealakekua pali and Napoopoo Road" was accorded by the Land Use Commission on June 7, 1968 (see Boundary amendment approval letter on file). Consequently, this decision by the Land Use Commission has (at the urging of Lieutenant Governor Gill)

completely disrupted developmental plans. In this regard, the Creighton Report has recommended reducing the 1,000 foot conservation setback to 500 feet, which would allow development as proposed. Furthermore, an additional 500 feet of urban land area is required for proposed development.

Mr. Mark M. Sutherland - Resident and Property Owner - Kealakekua

Requested change in zoning for both sides of Mamalahoa Highway between Honalo and Keahou Junction from rural to urban for the purpose of constructing single-family residences. Area of request abuts the Honalo Urban District.

Serious consideration should be given to the community's dire need and demand for low and middle income housing. Small landowners as well as large developers should be allowed to participate in providing housing for the residents in this community. (See copy of presentation on file.)

Mr. John S. Kay - C. Brewer & Company, Limited

Regional-resort plan is proposed for property located in Kau which stretches from the volcano area (about 50 miles from South Point). Requested urbanization of 2,868 acres at Kau.

Felt that incremental zoning approach is not the solution to the problem of developers carrying out their commitments.

The real test of the feasibility of a project can be tried on the basis of whether a firm can meet its financial obligations. Financing will be made available to subject company in order to proceed with planned development, provided the desired change in zoning is granted by the Land Use Commission.

Consultants retained by subject company have explored the Kau area by conducting a market ~~reseearch~~ research study, field investigations for water resources, and cost estimates for the master planning of utilities.

Slides illustrating various areas of C. Brewer land, potential and proposed land uses for area in question, projection ~~N~~ charts indicating anticipated number of hotels and hotel rooms to be constructed, and suitability of Hilo as a gateway for tourists to the Hawaiian Islands as compared to Honolulu were presented.

Market research studies indicate that the island of Hawaii will need about 23,000 additional hotel rooms to accommodate the anticipated visitor population in 1982. Subsequently, in order to obtain approximately 10 percent of this population, C. Brewer is proposing to construct 2,038 hotel rooms.

Consumer research studies demonstrate that, in general, visitors are dissatisfied with the approach to arriving in Hawaii. Therefore, the Hilo gateway would be a more suitable

approach on the basis that Hilo offers a more scenic route in regard to visitor expectations in terms of scenery.

First area for proposed resort is Waikea Pond--approximately 870 hotel rooms are slated for development at this site.

Expansion of recently acquired Volcano House is already underway beginning with the golf ~~course~~ course. Construction of the clubhouse will commence during the next week.

In the Kaumana (?) area, land is being used for diversified agricultural purposes (sugar cane and macadamia nuts) as there is an abundant water supply. Monkeypod trees also in this area will be preserved.

First phase of resort development in Ninole-Punaluu area will occur around Ninole Stream--major facilities are within one-half mile. Ninole Stream resort consists of 240 hotel rooms and 240 condominium units. Second phase of development in this area is the Punaluu Black Sand Golf Course. This development also consists of 240 rooms. Finally the Waiahukini resort.

~~Cost-estimates-to-develop~~

Kau resort area, therefore, will include the following:

1. Punaluu-Ninole - three resorts,
2. Honuapo - one resort,
3. Waiahukini - one resort, and
4. expansion of the Volcano resort and the Hilo complex including the tourist attraction.

Cost estimates to develop land at Kauluwela revealed that it would not be economically feasible to do so as per the incremental zoning approach.

By 1973 developers anticipate construction of well defined, well conceived subdivisions with underground utilities, sewers, and building restrictions on each lot would be stipulated in order that the high degree of speculative land sales programs that exist today may be alleviated. This land sale program will be undertaken on 600 acres of land. Three-hundred acres of the 5,600 acres will be earmarked for employee housing. There is also a plan to subsidize low-cost housing in the communities at Naalehu and Pahala for support homes for construction workers and later homes for hotel employees.

Design schedule calls for the completion of 1,168 hotel rooms in the Kau region by 1977. The support communities of Naalehu and Pahala already contain medical facilities (hospitals), education facilities (schools), and churches.

~~There is a great deal of conservation land involved~~

In the rezoning request area proposed for hotels, there is a great deal of conservation land involved. Subsequently, Mr. Kay was of the opinion that hotels are a permitted use within the Conservation District. However, if this is not so, he suggested that C. Brewer's request for urban districting

be given favorable consideration.

(Submitted zoning map for 1982 and report entitled, "Land Development Plan and Program for C. Brewer & Co., Ltd., 1969-1982".)

Mr. Harold A. Robinson - Theo H. Davies & Co., Ltd.

Primarily concerned with the proposed 200-300 foot setback along the Hamakua Coast. Most of subject area is plantation-owned land. Although a portion of the land is not presently being utilized for agricultural pursuits, agriculture would be the highest and best use for this area as opposed to the proposed conservation districting. Much of the area is inaccessible to the public, although there are a few State and County roads leading into this area. Therefore, Mr. Robinson requested that this area remain in the Agricultural District.

Mr. Leon Thevenin - Hamakua Mill

Opposed the proposed 300-foot conservation setback which comprises approximately 7 miles of shoreline area.

Mr. Guido Giacometti - The Dilrock Eastern Company

At the request of the consultants (EDAW), subject company submitted on March 11, 1969, a construction outline for the next five years. (See copy of letter on file).

The following program for the next five years was presented:

1. Hapuna Beach Hotel - construction to commence in the fall of this year, completion by 1971. Eighteen-hole golf course to be built mauka of State Highway.
2. Condominium apartment development - to be constructed between Mauna Kea Beach and Hapuna Beach, completion by mid-1971.
3. Second condominium apartment development - planned for the area mauka of the Hapuna Beach Hotel, construction to begin in early 1970.
4. Housing for permanent residents - to begin after Hapuna Beach Hotel project is underway.
5. Development of homesites - planned for area mauka of Mauna Kea Beach Golf Course, site improvements to commence this fall.
6. Waikui Beach - planning of hotel and golf course in this area will be in active stage by end of this year.

Of the above mentioned projects, the second condominium apartment and Waikui Beach developments will require redistricting.

In view of the fact that golf courses are no longer permitted in the Agricultural District as demonstrated in the Commission's proposed Rules and Regulations, should the Commission adopt this amendment, Dilrock Eastern will be required to obtain boundary changes for the proposed Hapuna Golf Course and the existing Mauna Kea Beach Golf Course (presently located in an Agricultural District). This proposed regulation, if adopted, will cause delay in Dilrock Eastern's development progress.

Section 2.32, Zoning in Increments, will place a tremendous hardship on developers based on the fact that all plans undergo changes. This incremental zoning approach will require continual alterations "in order to provide the flexibility necessary in order that developments be responsive to market demand". In addition, this regulation may be in conflict with the County's General Plan. The County General Plan should be the guideline utilized for delineating land use district boundaries.

Section 2.7, "U" Urban District, (b), (2), "Substantiation of economic feasibility by the petitioner" needs clarification. Although the economic feasibility of a development is an integral part of any project, economic feasibility as a measure for determining land use classifications will always be subject to interpretation.

(See copy of presentation and map on file.)

Mr. W. Thomas Davis = Huehue Ranch

Huehue Ranch (a long-established cattle ranch) comprises approximately 12,000 acres in the North Kona District of Hawaii. Of the aforementioned acreage, 6,000 acres have been earmarked for a Land Use Plan completed earlier this year by Community Planning, Inc. of Honolulu. Subsequently, 195 acres were requested to be redistricted-- urbanization of 80 acres presently in conservation and urbanization of 115 acres presently in agriculture. Should urbanization be granted for the 80 acres, this area will be the first increment for a shoreline resort with pond, beach, and historical park.

Additionally, the 115 acres are planned as a first increment for a single family residential development emphasizing low-cost housing.

Mr. Philip Hooton - Kohala Sugar Company

Requested the following changes in boundaries in Kohala:

1. Honomakau-Kapua (TMK 5-4-08)-urbanization for entire area bounded by gulches from Kohala High and Elementary School to Kohala Sugar Company's cane haul road. Area is required for housing plantation employees and other service people in the community. This area under request comprises approximately 142 acres presently zoned agricultural.
2. Makai Hawi (TMK 5-5-14) - urbanization for this 45-lot subdivision (13.8 acres) situated in the Agricultural District. This subdivision is almost completely occupied by plantation employees.
3. Union Mill Park (TMK 5-4-10) - urbanization for this park/playground area of 3.2 acres at Union Mill Camp. Area is being utilized for park/~~playground~~ purposes in connection with adjacent Urban District of employee housing.
4. Makai Halaula-Maulili - requested this area (TMK 5-3-06, 07) presently zoned urban be returned to the ~~the~~ Agricultural District because this area of 28.7 acres is being converted to sugar cane cultivation (old camp sites are being phased out).

5. Kynnersley Subdivision (TMK 5-4-02 & 03) - requested urbanization for this area, as 70-80 lots are required to complete the plantation's employee housing program and to provide housing areas for other service people in the Kohala District. Total requested acreage - 177 acres.
6. Conservation Setback - opposed proposed 300 foot conservation setback (Ainakea fields, Mookini, Heiau, Mahukona).
7. Urban boundary back of subdivisions - confirmation of property lines--had once been in canefields areas.
8. Mauka Kaauhuhu (TMK 5-5-02) - requested Rural classification (presently districted agricultural) to permit subdivisions of small farm lots not to exceed five acres in size. Total requested acreage - 90 acres.

Lieutenant Governor Thomas Gill

Congratulated the Commission for the proposed incremental zoning criteria to be stipulated as a condition for approving boundary change requests.

The Creighton Report suggests that the 1,000 foot conservation setback be reduced to 500 feet. In this regard, a topographic map has been developed which indicates that if roads were placed along certain contour lines, it would be quite difficult to perform ground surveys.

Although Lieutenant Governor Gill supported the 1,000 foot conservation setback, he suggested that conservation zones not be expanded in the future on the basis that some urban areas would be a matter of a few hundred feet.

Mr. Francis Foo

Requested Urban Districting for TMK 7-7-07: 23 (48,000 sq. ft.) in the North Kona District for the purpose of constructing low cost apartment housing.

Mr. Hubert Richards

Owner of TMK 8-1-07: 1 located in the South Kona District which comprises about 897.49 acres. In substantiation of urban redistricting for subject property, Mr. Richards submitted that several dwellings already exist in this area and much of the areas both north and south are used for urban type purposes. However, no definite development plans have been proposed, although the area is ready to accommodate urban development and should be so classified.

Mr. James Bell (Belt, Collins & Associates) - Consultants
for Liliuokalani Trust

Liliuokalani Trust, the largest single landowner in Keahuolu (Kailua-Kona area) owns approximately 4,000 acres (more specifically, 3,880.12 acres) of land which extend from the Kona Airport. Of the 4,000 acres proposed for development, much of the area is basically zoned conservation, with some urban and agricultural lands.

In 1961 consultants (BCA) prepared a development plan for the Kona area. Since that time development has been proceeding according to consultants' plan. However, the Trust now requires additional urban land to continue with said development. (An outline summarizing the nature of the boundary amendment request has been forwarded to the LUC, LUC consultants, and Hawaii County Planning Commission.)

James M. Tanaka is the contractor for the light industrial subdivision which is currently under construction. An area mauka of this subdivision will be the site of the second increment. Both areas are within the ~~existing~~ existing Urban District. Nevertheless, because of the increasing demand for light industrial sites (homesites) in and around the Kailua-Kona area, Liliuokalani Trust (developer) proposes to extend this subdivision in the northerly direction beyond the existing Urban District. Therefore, Urban District should be extended 300 feet beyond the proposed extension

of the road to permit industrial expansion. This proposal could occur (with appropriate zoning) within the next five years in consideration of the interest and demand shown in these industrial sites.

The Trust has contracted a developer for the shopping center facility, which will be located at the intersection of Palani Road and the road to Honokohau. A grocery store (part of a major grocery chain), drugstore, bank, and post office are the potential users of this complex. The rezoning of a 2.2 acre triangular parcel is required in order that the bank and post office facilities may be constructed.

The Trust has negotiated with a developer to plan a residential subdivision in the area adjacent to the Kealakehe School. Also adjacent to this school and State-owned lands are the Hawaii Council for Housing Action land and the Hawaii Housing Authority project. Park Engineering, Inc. of Honolulu will be the developer for this proposed development.

Yamada & Son is presently in the process of improving the access road to a quarry site which will become part of an industrial subdivision designed to meet the needs of the County for medium and high density in the Kailua-Kona area for the future.

Development of the subdivision adjacent to the quarry site can commence immediately, granted the proper zoning is

acquired. In addition, the most logical approach would be to redistrict the entire area instead of leaving small islands of agricultural and conservation lands. In any event, the 1,500 acres will not be fully developed.

Negotiations for the project makai of the new highway in Honokohau are presently under way. (The Realty Investment Company will be developer for this project.)

The Land Study Bureau has given the subject property an overall agricultural suitability rating of "E" - very poorly suited for agricultural use.

Therefore, urban zoning of the area would be a logical extension of the existing Urban District, in view of the fact that the Kailua-Kona area is faced with a critical housing shortage and the Trust wishes to proceed with its development as originally proposed by its consultants.

Mr. Larry Matsuo , President, Park Engineering, Inc.
(Engineers for Palani Development Company /Liliuokalani Trust/)

Requested urbanization of 300 acres comprising two parcels of land (200-acre parcel on East side of Palani Road and a 100-acre parcel on West side of Palani Road) presently zoned agricultural and adjacent to the new Kealakehe School.

Subject property is presently uncultivated and unused and contains slopes ranging from 10-15 percent (elevation ranges from 500 to 1,075 feet), with soils of pahoehoe and aa which are of good drainage texture. The Land Study Bureau has rated the soil in this area as "E" - very poorly suited for overall agricultural usage.

County General Plan designates this area as "unplanned".

Public facilities are available to subject property, subject property is contiguous to an existing Urban District, and is within close proximity to a major employment area.

Palani Development Company is comprised of Lewers & Cooke Development Company, Hirano Brothers, Limited, and K. M. Young & Associates; and, said company is of the intent to provide housing in the area coupled with recreational facilities.

Hopefully, a Planned Unit Development will be instituted for this community.

~~(Submitted copy of presentation and map on file.)~~
 and map

(See presentation/submitted at public hearing on file.)

Mr. Kenneth Griffin - The Realty Investment Company

Plans have been initiated for multi-family residential units for the area located mauka of the present Honokohau Road consisting of approximately 60 acres (TMK 7-4-08:1) and presently designated agricultural (requested amendment of district boundary from agricultural to urban).

Subject company has negotiated with the Trustees of the Liliuokalani Trust for development rights. In addition, negotiations are currently underway for a lease with the Trust for approximately 35 acres below the Honokohau Road for the establishment of a shopping center complex. A portion of this proposed shopping center site is already classified urban (commercial).

As noted earlier by potential developers, Kona is in need of housing facilities. Therefore a multi-family residential development as intended by subject company for 60 acres directly above the proposed shopping center facility would serve to satisfy this need to some extent.

To date, development plans have not been finalized, but a multi-family condominium complex is contemplated for the area, provided the proper zoning is secured.

Mrs. Wattie Mae Hedemann

Mrs. Hedemann and her husband are owners of TMK 7-4-05: 19 comprising approximately 20.81 acres presently in the State's Agricultural District.

Subject property is located directly mauka of Kailua Bay, adjacent to Liliuokalani Trust lands, and in close proximity to the town of Kailua and therefore qualifies for an urban designation.

The realignment of Kuakini Highway will intrude on the bottom portion of subject property.

ACTION

PETITION BY CHIAKI AKAZAWA, ET AL (A68-206) TO RECLASSIFY
12.09 ACRES FROM AGRICULTURAL TO URBAN AT KOLOA, KAUAI

Executive Officer, Mr. Duran, apprised Commissioners of *Location* property in question with the aid of the district boundary maps of the Kalaheo area. He then proceeded to orient ^{the} Commissioners with the conservation and agricultural areas surrounding property in question.

Since the public hearing on subject petition (February 28, 1969), McBryde Sugar Company has indicated that the agricultural lands surrounding petitioned area is not suitable for sugar cane *cultivation* (parcel comprises approximately 0.36 acres). Therefore, McBryde Sugar Company is attempting to negotiate a land swap.

Mr. Duran explained that the property includes the 12.09-acre parcel under petition, plus McBryde Sugar Company's 0.36 acres (not under petition). There is a drainage ditch that follows along the property line and to some extent continues into the petitioners' property.

~~McBryde Sugar Company has been trying to negotiate for the transfer of their land because this area located above the irrigation ditch is unusable.~~

Mr. Duran informed Commissioner Choi that according to the contour, this area had to be deleted because of the irrigation ditch.

Motion to accept staff recommendation "that only that portion not usable for sugar production be rezoned urban" (11.06-acre portion of TMK 2-6-01: parcel 2) "and that portion suitable for cane production remain in the Agricultural District" (0.67-acre portion of TMK 2-6-01: parcel 1 and 0.36-acre portion of TMK 2-6-01: 2) was made by Commissioner Nishimura, seconded by Commissioner Choi.

The Commissioners were polled as follows:

Ayes: Commissioners--Choi, Mark, Kido, Inaba, Wung,
Nishimura, and Chairman Burns

Kanalua: Commissioner--Napier

Motion was carried.

LETTER FROM HENRY HEIDTBRINK - EAGLE COUNTY DEVELOPMENT CORP.

Mr. Duran read the letter of invitation from Mr. Heidtbrink in which he extended an invitation to the Commission to examine the/development plans ~~on the ground~~ of Princeville Ranch lands at Hanalei. Princeville Ranch is requesting a boundary amendment for 995 acres at Hanalei, Kauai, from the Conservation District to the Urban District.

LETTER FROM STERRY & MAH, ATTORNEYS AT LAW

Mr. Duran informed Commissioners that he was in receipt of a letter addressed to Eckbo, Dean, Austin and Williams "re: Development of Lands of Honokohau on the

Kona Coast immediately to the North of the State Small Boat Harbor now under construction at Kealakehe".

Since Belt, Collins & Associates are preparing the development plans for this resort area, Mr. Duran suggested that they be contacted in order that the Commission may be kept abreast of all development plans.

ADJOURNMENT

Meeting was adjourned at 4:45 p.m.