

June 21, 1967

Planning Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Raymond Suefuji, Director

Gentlemen:

At its meeting on June 16, 1967, the Land Use Commission voted to deny the grant of a special permit to Gilliard and Richard Smart (SP67-43) to construct 40 single-family dwellings, a club house, 4 stables and 2 feed silos on a 41.3 acre parcel in Waikoloa-Puukapu, South Kohala, described by Tax Map Key 6-7-01: portion of parcel 3.

Enclosed for your information is a copy of the Commission's staff report which formed the basis for the denial.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Chairman Burns
Gilliard P. Smart

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

June 16, 1967 - 1:15 P. M.

Commissioners Present: C. E. S. Burns, Chairman
Leslie Wung
Shiro Nishimura
Keigo Murakami
Goro Inaba

Commissioners Absent: Shelley M. Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner II
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

It was moved by Commissioner Nishimura and seconded by Commissioner Inaba that the minutes of the meetings of December 16, 17, 1966 and February 17, 18, 1967 be approved as circulated. The motion was unanimously passed.

NEXT MEETING DATE:

After a short discussion, the next meeting date was set for July 28, 1967 in Kona, Hawaii.

BOUNDARY INTERPRETATION ON KAMILONUI RIDGE

Mr. Duran presented a letter received from Mr. Mineo Okamoto of Wilson Okamoto and Associates dated June 8, 1967, requesting a conservation boundary interpretation on Kamilonui Ridge, Tax Map Key 3-9-19 (see copy of letter on file). The Kamilonui Farmers Cooperative was proposing an agricultural subdivision in this area and a small sliver of land within the subdivision had been placed in the Conservation District by the Land Use Commission. This had been determined by measuring the USGS 1"=2000' scale district map and transferring the information on the subdivision map. It was the Cooperative's contention that the existing coral road with ground slopes of 12% was a more logical urban-conservation boundary. They are proposing an agricultural subdivision in an Urban District on Bishop Estate lease lands. The average size of the lots ranged from 2 to 4 acres.

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Mr. Duran advised that at the time the Land Use Commission initiates action to include the lands in between into the Urban District, the owners will be duly notified.

Commissioner Inaba moved that the petition be approved as recommended by staff, seconded by Commissioner Nishimura. The motion was carried unanimously.

PETITION BY CASTLE & COOKE, INC. (A67-148) TO RECLASSIFY APPROXIMATELY 19.2 ACRES OF AGRICULTURAL LANDS TO URBAN LANDS; AND APPROXIMATELY 4.8 ACRES OF URBAN LANDS TO AGRICULTURAL LANDS IN LANAI

Following presentation of staff report recommending approval of the petition based on staff analysis by Mr. Duran (see copy of report on file) Commissioner Wung moved to approve the petition, which was seconded by Commissioner Mark, and passed unanimously.

APPLICATION FOR SPECIAL PERMIT BY GILLIARD AND RICHARD SMART (SP67-43) TO CONSTRUCT 40 SINGLE-FAMILY DWELLINGS, ETC. IN AN AGRICULTURAL DISTRICT AT KOHALA, HAWAII

Mr. Duran read the staff report recommending denial of the request on the basis of staff's analysis, discussion and field investigation (see copy of report on file).

A detailed report of existing uses such as the race track, airport, highways, etc., surrounding the subject area, plus a site plan of the proposed use, was also presented by the Executive Officer.

At the request of Commissioner Ferry who felt that there was an attempt here to duplicate the facilities at Mokuleia on Oahu, the staff determined that the Mokuleia development was in an Urban District on the makai side of the highway and agricultural throughout the surrounding area.

Mr. Duran advised that the Lalamilo farm lots across from the proposed development were zoned for minimum 5-acre lots under the proposed county zoning presently under consideration, and that the subject parcel fell within the 40-acre minimum Agricultural District. He added that both the General Plan and the proposed zoning designated this area as Agricultural A-40.

Commissioner Nishimura expressed concern that the special permit was proposing a high-density residential development in an Agricultural District which would result in spot zoning. This would also lead other landowners in the surrounding area to speculate and request reclassification.

Mr. Duran advised that there were two avenues open to the petitioner--a boundary change request or a special permit because the request was not a permitted use in the Agricultural District.

Mr. Takeyama, legal counsel, agreed with Commissioner Nishimura and added that perhaps this request was more appropriately for a boundary change rather

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than a special permit based on the facts as presented in the staff's analysis.

Mr. Gilliard Smart, petitioner, was sworn in by the Chairman.

Mr. Smart stated that the special permit route was recommended to them by the Planning Commission. He submitted that the project site was chosen due to its proximity to the race tracks. As far as the agricultural use was concerned, this would only take 40 acres of grazing lands out of a vast 49,000 acre parcel and the horses could graze anywhere else. The subject parcel was hilly and windy with an approximate elevation of 50' and not conducive to growing of crops, Mr. Smart added. Water for irrigation purposes was not available but water was served to the Lalamilo Lots from the reservoir.

Commissioner Ferry offered that the Lalamilo farmers were doing well and generally successful.

Chairman Burns asked the petitioner if there had been any indication of interest in the proposed subdivision. Mr. Smart advised that everyone he had talked to had expressed interest and that there were at least 8 letters of intent to purchase.

Mr. Charles Sutton of John Carl Warnecke and Associates, architects and planners for Mr. Smart on the project, testified in behalf of the petitioner, after being duly sworn in by the Chairman.

Mr. Sutton commented that subject parcel was chosen specifically in relation to the rise of the land and the nearby race track. Also, that this was oriented to those people who would like to be in the ranch environment with the possibility of keeping horses within the development and utilizing the race tracks.

The density as compared to the typical urban community will be quite low and the houses will be oriented to provide the feeling of open space, Mr. Sutton added. He did not think that the low-lying Lalamilo Farm Lots across the street was comparable to the proposed site since this was located 50' above the water line, requiring very special pumping equipment.

Commissioner Ferry wondered how a peaceful and restful ranch atmosphere could be anticipated on subject lands in view of the projected activities that will be taking place at Kamuela Airport. Mr. Sutton replied that the wind pattern was parallel to the air strip and that there was really no bad effect from the landing and taking-off of the planes. Commissioner/Ferry argued that with continued island development and urbanization, this could become a distinct possibility.

Mr. Sutton continued that the proximity of the airport offered an attraction similar to Kaanapali, where passengers could get directly to the ranch site. Commissioner Ferry brought out the fact that removal of the air strip at Kaanapali was being proposed due to the hazards. He expressed his opinion that the ranch type environment was really secondary, that the main purpose was the capitalization of an existing facility--namely the race track.

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Referring to the possibility of locating the proposed development and the race track to another site, Mr. Sutton maintained that he did not believe the project could support the construction of a new race track.

Chairman Burns solicited opinion from legal counsel as to which of the two categories--special permit or boundary change--was the more appropriate avenue for the petitioner to follow in view of the request.

Mr. Takeyama advised that the law clearly states that a special permit cannot be applied where the facts indicate a boundary change. If the Commission, upon examination of the facts, determines that this is a type of use which is urban and residential, then it would seem as though it was more appropriately a boundary amendment.

Chairman Burns summarized that the problem facing the Commission was twofold:

1. Is this a suitable request for a special permit?
2. If so, should the special permit be approved?

Commissioner Ferry commented that since an application had been filed for a special permit, the Commission should merely vote on the merits of the application.

Commissioner Ferry moved that the special permit application be denied as recommended by staff, which was seconded by Commissioner Nishimura. The motion was carried with Commissioner Wung casting the only negative vote.

PRESENTATION BY BISHOP ESTATE TRUSTEES ON HILLSIDE DEVELOPMENT

At the request of the Bernice P. Bishop Estate Trustees, Mr. Fred Lee, professional planner and engineer associated with DMJM-Hawaii, presented a comprehensive report of a study of methods to develop hillside lands to establish an economic, aesthetic and practical development (see text of report on file). Visual aids such as slides, maps and renderings of Bishop Estate lands were employed by Mr. Lee to emphasize the various points in the report.

The meeting was recessed until 7:30 p.m.