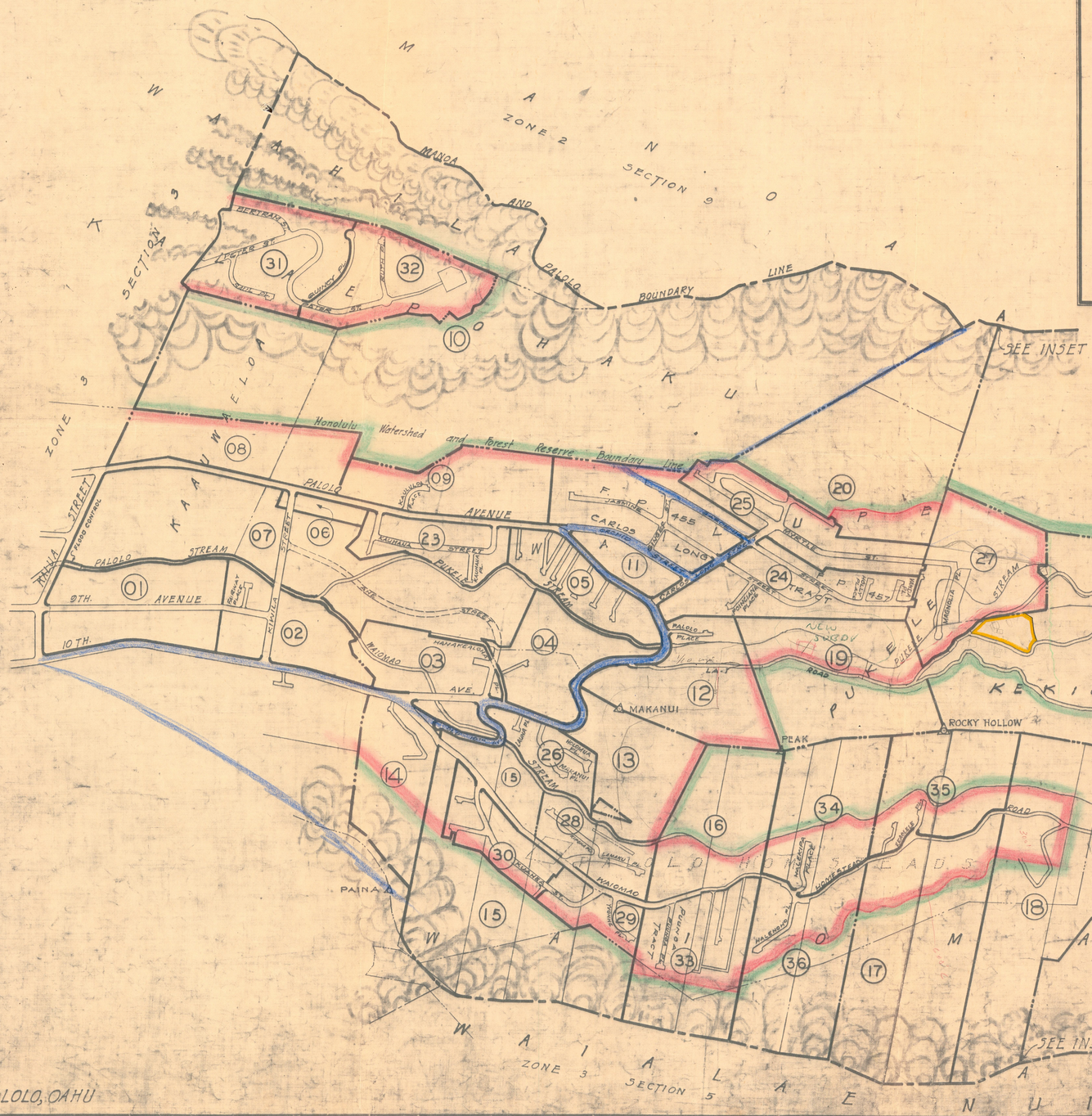
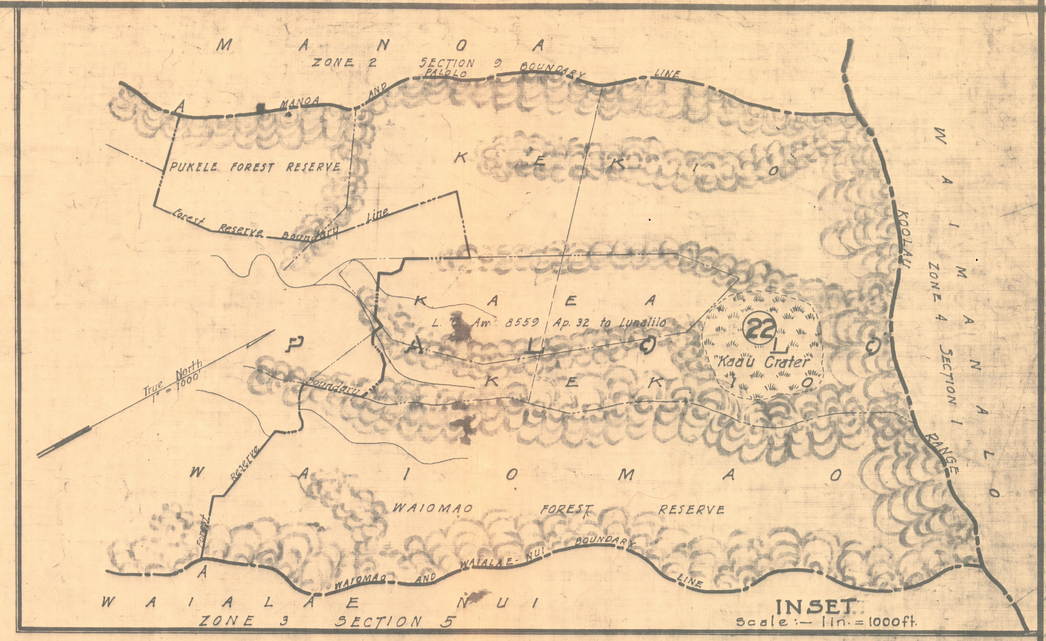
NISHIHARA, Harold G. A65-81

SEP 19 1945





DWG No. 1035 Appr. by:
Dft. K.K.C. JAK. 7-7-1932 Revised by: E.B. 7-25-35
Source: C. & C. Eng. Dept. & Appr. by:
Survey Dept.

PALOLO, OAHU

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

FIRST DIVISION	
ZONE	SEC.
3	4
CONTAINING	PLATS
Scale:- 1 in. = 500 ft.	

ADVANCE SHEET
SUBJECT TO CHANGE

4049

MAY 27 1955

FEB 25 1941
FEB 28 1945
SEP 1945
1945
1945
FEB 25 1950
FEB 25 1950
MAY 1 1950
MAY 1 1950

HONOLULU WATERSHED FOREST RESERVE

PLAT 22

5 Yutaka Yamaki
(George Akamine & wf. Lily Y. - T/E - 1/5
Ichiro Akamine & wf. Akino - T/E - 1/5
Shigeki Nii & wf Beatrice S - T/E - 1/5
Robert Y. Okuda & wf. Shirley S. - T/E - 1/5
Richard S. Tanabe & wf. Mary T. - T/E - 1/5 - T/C) - A/S

PUKELE FOREST RESERVE

To Top of Ridge 1312.0

ASEA J. O

Tokuji Shiraishi & wf Kimiyo T/E
3.32 acs.

Tokuji Shiraishi & wf Kimiyo T/E
2.025 Acs.

Tokuji Shiraishi & wf Kimiyo T/E
1.84 acres

Yoshi Shimizu & wf Shizu
Grace Shimizu & wf Mitsuko
Ronald Shimizu & wf Jeanette
(Grace Shimizu & wf Mitsuko - 1/2 int.)

APPLICATION

Richard C. Tengo NURSERY

6.61 ACS.

ASEA L.C.AW. 8559-B: 32

(Tatsuo Tokuyanagi - 1/2
Mitsuji T. Miyazaki - 1/4
Isao T. Kawanishi - 1/4)

Glenn Petrovich & wf. Katherine, John Shimamoto - 1/4) 1c

Jane M. Shimamoto
Akira Koba & George M. Shimamoto - 1/2

8.60 acs.
Portion of L.C.Aw. 5931:4
(6.839 ac.)

1 easement 'A' (1.761 ac.)

ASEA

HONOLULU WATERSHED FOREST RESERVE

PLAT 20

PLAT 24

PLAT 19

PLAT 18

PLAT 35

TERRACED AREA
GRANT 5188

ADMIN ELECTRIC PLANT

BORROW AREA
4.274 Acs.

See Above

Various owners see TMP Sc 8345
8.54 Ac.

Various owners see TMP Sc 8345
1.21 Acs.

Iwao Nishihara (A) 3.210 Acs.

Iwao Nishihara

Tamado Tokuda & wf. Tsuru, R. Ray M. Tokuda & wf. Nancy H. N.

Masanobu Tokuda & wf. Florence I. & Carl M. Tokuda & wf. Mitsue 4.06 Acs. (0.36 ac.)

Toru Sasaki 4.52 acs.

Shinichi Moriyama & wf. Taneko T/E 2.66 acs.

Kazuo Otsuki & wf. Misao T/E 3.98 acs.

City & County of Honolulu 3.27 ac.

Ryoset Higa & wf. Ine T/E 2.06 acs.

Wallace Y. Higashi Truck

Kubota Truck 2.31 acs.

Shipuro

Alice S. Kobata

Nursery

Waiomao Stream 2

ROCKY HOLLOW

"To Wailupe" 19

INSET "A"

TRUE NORTH Scale 1 in = 40 Ft.

TRUE NORTH 1" = 200'

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

Parcels dropped: 3, 4, 7, 9, 36 to 43 incl., 33, 45

Note: All lots owned by Palolo Land & Improvement Co Ltd unless otherwise noted.

ADVANCE SHEET SUBJECT TO CHANGE

FIRST DIVISION		
ZONE	SEC.	PLAT
3	4	21
CONTAINING PARCELS		
SCALE: 1 in. = 200 ft.		

PALOLO VALLEY, HONOLULU.

Dwg. No: 1424
By: A.C.E.L.Kai May 1939
Source: Tax Maps Bureau

JUN 15 1959

4050

KANEOHE
KOOLAUPOKO DISTRICT
HONOLULU DISTRICT
FOREST RESERVE
Pua Lanihuli
BM 1186
BM 1199
Waipuhia Falls
HIGHWAY
Well
Stream
Makuku 1183 DITCH
Tunnel
MOOLE
Makuku
Reservoir
SPILLWAY 1025
NUUANU PALI
Napuumalu
Kalewa Heights
Spring
Nuuanu Gaging Sta
Kekoalele Ridge
Water Tank
Nuuanu
BM 371
Booth Spring
Tantalus (Puu Ohia)
Kehuaawa Spring
Pacific Heights
BM 399
Kaalkaki Spr
Makiki Spring
Herring Springs
Puu Nakea
Kanealole
Manoalele
Round Top (Puu Ualakea)
FOREST RESERVE
ROUND TOP DRIVE
Makiki Heights
Roosevelt HS
Hawaiian Baptist Academy
Punahou School
Manoa Triangle
Manoa Elementary School
Manoa Junior High School
Manoa Annex
Manoa Stream
Rocky Hill
Kawaiahao Seminary
Mid-Pacific Institute
St Francis Convent School
Bible School
UNIVERSITY OF HAWAII
Maryknoll Sch
Maryknoll HS
Kapiolani Maternity Hospital
Shriners Hospital
Washington School
McKinley Community Center
Makiki Field
Makiki Triangle
Honolulu Stadium
Roosevelt Sch
Consalio School
MOILILI
Kuhio School
MOILILI QUARRY
KHON Radio Tower
KPOA Radio Tower
Iolani Sch
Kaimuki HS
Sacred Heart Academy
St Patrick School
Kaimuki Playground
Liliuokalani School
Lincoln School
Kaimuki Health Center
St Louis Heights
St Louis College
Palolo Stream
Palolo Valley Road
Kapaakea Field
Waiomao Playground
Waiomao Quarry
Maunalani Heights
Maunalani Playground
Wilhelmina Rise
Waialaenui Ridge
Waialae Iki Ridge
Waialae Iki Gulch
Waialae Iki Trail
Star of the Sea Sch
Kapakahi
Water Tank
Aina Haina Sch
Coast Guard Station
Wailupe
Wailupe Stream
Wailupe Gulch
Wailupe Ridge
Wailupe Pier
Wailupe Valley
Waialae Golf Course
WAIALAE GOLF COURSE
Radio Tower
KULA
Pile
WAIALAE BEACH PARK
Kaimuki Sch
Kaimuki Park
Kahala
KAHALA BEACH
Coral Reef
Kahala Ave
Kilauea Ave
Hunakai St
Kealaolu Ave
Waialae Ave
Kapahulu Ave
Kapahulu Health Center
St Louis School
Waialae School
Petrie Playground
Kapaolono Field
Leahi Hospital
Diamond Head School
Waikiki School
Kapiolani Park
Kapiolani Polo Field
Natatorium
Monsarrat Ave
Paki Playground
Paki Ave
Kapahulu
Kanaka
Tantalus
Makiki Heights Drive
Round Top Drive
Manoa Valley Road
Manoa Park
Woodlawn
Cemetery
Manoa School
Jackson College
Manoa Chinese School
Manoa Triangle
Manoa Fire Station
Manoa Rd
Water Tank
Waahila Ridge
Waahila Reserve
Waahila Stream
Waahila Gaging Sta
Waahila Ridge Trail
Waahila Ridge Reserve
Waahila Ridge Forest Reserve
Waahila Ridge Road
Waahila Ridge Gaging Sta
Waahila Ridge Gaging Stations
Waahila Ridge Boundary
Waahila Ridge Homesteads
Waahila Ridge Pump
Waahila Ridge Water Tank
Waahila Ridge Chinese Home
Waahila Ridge Waiomao Rd
Waahila Ridge Quarry
Waahila Ridge Pauoa Rd
Waahila Ridge Mauna Olu Rd
Waahila Ridge Mauna Olu Playground
Waahila Ridge Water Tank
Waahila Ridge Trail
Waahila Ridge Gulch
Waahila Ridge Gulch Trail
Waahila Ridge Gulch Forest Reserve
Waahila Ridge Gulch Ridge
Waahila Ridge Gulch Stream
Waahila Ridge Gulch Water Tank
Waahila Ridge Gulch Gaging Sta
Waahila Ridge Gulch Boundary
Waahila Ridge Gulch Homesteads
Waahila Ridge Gulch Pump
Waahila Ridge Gulch Water Tank
Waahila Ridge Gulch Chinese Home
Waahila Ridge Gulch Waiomao Rd
Waahila Ridge Gulch Quarry
Waahila Ridge Gulch Pauoa Rd
Waahila Ridge Gulch Mauna Olu Rd
Waahila Ridge Gulch Mauna Olu Playground
Waahila Ridge Gulch Water Tank
Waahila Ridge Gulch Trail
Waahila Ridge Gulch Gulch

LOT 12

LOT 11

LOT 8

650

LOT 7

TRUE NORTH
scale: 1"=100'

water available

URBAN

600

2.5 ± ACRES

X

X

URBAN

12

11

1

10

550

HSE

3

9

SETBACK LINE
FOR STREET
WIDENING

2

HSE

4

8

LOT 3

HSE

HSE

7

5

6

Stream

EXIST. 20 FT. ROAD

550

500

TO LA'I ROAD →

MYRTLE ST.

MAGNOLIA PL.

NOTE:

1. CONTOUR LINES SHOWN ADAPTED FROM AERIAL PHOTO DATED 1952.
2. WATER MAY BE AVAILABLE TO 530' CONTOUR PROVIDED ELEVATION AGREEMENT IS REACHED WITH THE BOARD OF WATER SUPPLY
3. MINIMUM LOT AREA = 5000 ☐'.

TAX KEY 3-4-21:11 por.

SCHEMATIC PLAN OF A PROPOSED SUBDIVISION PORTION OF LD. CT. APP. 317

PALOLO VALLEY, HONOLULU

OWNER: H NISHIHARA

Tadao Nakahata
ENGINEER - SURVEYOR
RM. 5, 1507 KAPIOLANI BLVD. • HONOLULU, HAWAII 96814 • PH. 999101

MAY, 1964

62122
FB 122:36

PG4079

4052

RECEIVED
JAN 20 1965
State of Hawaii
LAND USE COMMISSION

Submitted w/petition
for Harold S. Nishihara
A64-81

3 - 4 - 27 1st

GR. 6141

21

PLAT

Rudolph S. Ugawa (10) & wf. Sugeko - T/E

15,077 ft

GOVERNMENT ROAD

37

Toyokichi Enomoto et wf Ella H. - T/E

POR. 1.922 Acs.

VAC

GR. 5188

46

LD. CT APP. 317

PLAT

TRUE NORTH Scale 1 in = 60 ft.

LD. CT APP. 317

PUKELE STREAM

The Hawaiian Electric Co., Inc.

APP.

22

289,716 ft or 6.651 Acs.

1830

Bernt T. Nagawa & wf. Heather K. - Jt-T/E
Masato Sato & wf. Fuku - Jt-T/E - T/C

0.701 Ac.

Ernest T. Higashi

11,929 ft

Kazuo Matsuda & wf. Beatrice U. - T/E

Robert S. O'Neill & wf. - T/E

Ernest T. Higashi

5454 ft

Kiyoshi Narahara & wf. Tomiko (4944 ft)

Bunta Kubota & wf. Dorothy I. - T/E

(see Side for Owners)

PARCEL 24:
Katsunori Nakano & wf. Eujie - T/E
(George K. Yamagawa & wf. Maylei Sin Far - T/E) A/S

Easement "B"

Masanori Oshiro

Easement "C"

Easement "A"

Note: All lots owned by American Finance, Ltd. unless otherwise noted.

PLAT 45

Forest Reserve Boundary

452.00

454.01

Tadashi Abe et wf. Helen M. - T/E

1.678 Acs.

POR.

Sewer Easement 2

Joichi Yoshida GR. 5188

1.38 Acs.

MYRTLE ST.

PLACE

(25,451 ft) MAGNOLIA 30,685 ft

Various Owners See TMB 1341'50

GARDENIA ST.

Various Owners See TMB 1341'50

5031 ft

Wilfred M. Yasui et al Elinor C. - T/E

Various Owners See TMB 1341'50

Shinkichi Shimabuku et al Ethel S. - T/E

Tetsuo Okuma

George S. Courtney & wf. Mildred M. - T/E

George I. Inabata

Larry M. Yamashita & wf. Esther H. - T/E

Fumio Kotani & wf. Haruyo - T/E

Benjamin F. Velarde & wf. Beatrice T/E

Richard K. Takasaki & wf. Hilda J. - T/E

Mitsuo Sakamoto & wf. Anne M. - T/E

Ferdinand F. Freitas & wf. Madeline S. - T/E

Minoru Shibata & wf. Sadako - T/E

George I. Nada & wf. Dorothy H. - T/E

Richard I. Kanada & wf. Karen N. - T/E

Stephen Miguel & wf. Dorothy K. - T/E

Shozo Nakamura & wf. Harumi - T/E

Daniel C. H. Oh et wf. Florence K. - T/E

Masaru Ogasawara & wf. Sueno - T/E

Kazuto Yonenaga & wf. Frances R. - T/E

Donald H. Matsumura & wf. Jacko - T/E & Stanley K. Kodama & wf. Satchiko - T/E

J. Lum King Leong & wf. Molly Lee - T/E

Edward Dugall & wf. Martha K.

Chock Ki Lum & wf. Esther L. - T/E

Paul M. Moriyama & wf. Mildred H. - T/E

Keiichi Nakagawa & wf. Helen S. - T/E

Melvin M. Hiuke & wf. Ashlyn K. - T/E

Walter K. Nakata & wf. Marion M. - T/E

Jusaburo Nakagawa & Seiichi Nakagawa & wf. Alice A. - J/T

Howard T. & Shigeta & wf. Judy M. - T/E

Fumio Seigaku & wf. Kazuko - T/E

Kuroda & wf. Elaine Y. - T/E

PAR. 22 Various Owners See TMB 6125'50

UNIT I

UNIT II

UNIT IV

FILE PLAN 475

FILE PLAN 465

PLAT 20

PLAT 25

PLAT 24

PLAT 19

Easement

POR. CARLOS LONG TR. F. P. 475 (UNIT 4) & 465 (UNIT 2), PALOLO

SUBJECT TO CHANGE

Dwg. No.: 3992
Source: Ld. Ct. App. 317, File Plan 465 & 475 Nov. 3, '50
By: H.N. & R.H.

TAXATION MAPS BUREAU
TERRITORY OF HAWAII

FIRST	DIVISION	
ZONE	SEC.	PLAT
3	4	27

CONTAINING PARCELS

SCALE: 1 IN. = 60 FT.

4054

MAY 27 1965

3 4 19

MAY 27 1938
FEB 7 1950
NOV 5 1940

PLAT 24

PALOLO VISTA

1309.0

GRANT 5189

Irene Y.L. Moo
Luthur Y.C. Chang
Glenn Y.L. Chang - T/C

26.80 Acs.

PUKELE STREAM

LA-I ROAD

1056.0

PLAT 12

16" Pipeline Easement in favor of C & C of Hon.

GRANT 6

TRUE NORTH
1"=60'

LAND COURT APPLICATION 317

PLAT 21

956.0

399.5

"ROCKY HOLLOW"

PLAT 35

GRANT 5260

384.0

PLAT 34

GRANT 5795

433.5

GRANT 5631

"PEAK"

51.0

PLAT 16

POR. of PALOLO VALLEY HOMESTEADS, WAIOMAO.

Dwg. No: 1414
By: R.G.R. May 1939
Source: Tax Maps Bureau

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

ADVANCE SHEET
SUBJECT TO CHANGE

FIRST		DIVISION
ZONE	SEC.	PLAT
3	4	19
CONTAINING		PARCELS
SCALE: 1-in. = 60 ft.		

4055

PRINTED MAY 27 1965

PLAT 20

PLAT 24

PLAT 22

PLAT 23

PLAT 35

PLAT 18

PLAT 19

PLAT 20

PLAT 22 RESERVE

HONOLULU WATERSHED FOREST RESERVE

To Top of Ridge 1320

5 Yutaka Yamaki
(George Akamine & wf. Lily Y. - T/E - 1/5
Ichiro Akamine & wf. Akino - T/E - 1/5
Shigeki Nii & wf. Beatrice S. - T/E - 1/5
Robert Y. Okuda & wf. Shirley S. - T/E - 1/5
Richard E. Tanabe & wf. Mary T. - T/E - 1/5 - A/S

Tokuji Shiraishi & wf. Kimiyo T/E

13.72 acs.

Tokuji Shiraishi & wf. Kimiyo

1.44 acs.

Tokuji Shiraishi & wf. Kimiyo T/E

Masao Shintani & wf. Shizuyo - T/E

11,075 sq.ft. (Lot 32)
11,075 sq.ft. (Lot 33)

Various owners see TMK 5-2-8-84 etc.

Iwako Matsuoka 22,316 sq.ft. (Lot 29)
Vac. 66,666 sq.ft.

Richard E. Tanabe TREE FARM

L.C.Aw. 8553-B: 33

6.61 acs.

(Tetsuo Takayanagi - 1/2
Midori T. Miyazaki - 1/4
Isao T. Kawanishi - 1/4

(Glenn Petronich & wf. Katherine, John Shimamoto - 1/2) 1c

Jane T. Shimamoto
Akiko Saba & George T. Shimamoto - Tr's - 1/2

8.60 acs.

Portion of L.C.Aw. 5931:4

Kubota

Nakahara 3.610 Acs.

Iwata

Tsuru, Roy M. Tokuda & Wife, H.N.

Masanobu Tokuda & wf. Florence T.
Carl M. Tokuda & wf.
4.06 Acs. (0.36 ac.)

4.11 acs.

Toru Sasaki

Shinichi Moriyama & wf. Taneko T/E
6.66 acs.

Wallace K. Higa

6.62 acs.

Kazuo Otsuki & wf. Misao T/E
3.98 acs.

City & County of Honolulu
3.27 acs.

Various owners see TMK 5-2-8-45
3.54 Ac.±

Various owners see TMK 5-2-8-45
1.21 Acs.

Ryosei Higa & wf. Ine T/E
Hill 0.86 acs.

M. Miyashita Rec. T.810 RAL

GRANT 5168

GRANT

Abo

VACANT

BORDA

Kuhio Hwy

Kalanianaole Hwy

Waialae Ave.

Waialae Iki Rd.

Waialae Nui Ridge

Waialae Nui Valley

Waialae Iki Stream

Waialae Nui Stream

Waialae Iki Ridge

Waialae Nui Ridge

Waialae Iki

Waialae Nui

Waialae

Waialae Iki Valley

September 3, 1965

Mr. Harold G. Nishihara
2809 La-i Road
Honolulu, Hawaii

Dear Mr. Nishihara:

Your petition (A65-81) to amend the Urban District boundary in upper Palolo Valley, Oahu, so as to incorporate about two acres of a 4½ acre parcel, identifiable by First Division TMK 3-4-21: 11, was approved by the Land Use Commission at its meeting on August 20, 1965.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Planning Dept., C&C Hon.
Department of Taxation
Jon Chinen, Attorney

A65-81

STATE OF HAWAII

LAND USE COMMISSION

A65-81
Nishihara

VOTE RECORD

ITEM _____

DATE 8-20-65

PLACE Kona

TIME _____

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	✓			
INABA, G.	✓			
~~OTA, C.~~				✓
M WENKAM, R.	✓			
BURNS, C.E.S.	✓			
S NISHIMURA, S.	✓			
MARK, S.	✓			
~~FERRY, J.~~				✓
THOMPSON, M.	✓			

COMMENTS: moved for Approval

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Hale Halawai
Kona, Hawaii

August 20, 1965 - 3:00 p.m.

Commissioners Present:	Myron B. Thompson, Chairman C.E.S. Burns Shelley Mark Robert G. Wenkam Leslie E. L. Wung Goro Inaba Shiro Nishimura
Absent:	Jim P. Ferry Charles Ota
Staff Present:	George S. Moriguchi, Executive Officer Gordon Soh, Associate Planner Ah Sung Leong, Draftsman Roy Takeyama, Legal Counsel

Chairman Thompson opened the public hearing-meeting with a short prayer and dispensed with the public hearing procedure outline since this was familiar to those present. Persons presenting testimonies were sworn in.

PETITION OF HAWAIIAN HOME LANDS, (A65-87) TO AMEND THE URBAN DISTRICT BOUNDARY AT KAWAIHAE, COUNTY OF HAWAII, SO AS TO INCORPORATE ABOUT 119 ACRES IDENTIFIABLE BY FIRST DIVISION TMK 6-1-01-3

Mr. Gordon Soh presented the staff report on the above petition (see staff report on file). Staff recommended denial of the petition based on the following:

1. The 27-acre specific site is usable and adaptable for the proposed use by Hilo Electric Light Co., but for the remainder of the lands proposed for reclassification, with slopes ranging from 10% to 20%, it would be quite unsuitable and impractical for many of the industrial uses suggested by the petitioner.

2. Data submitted do not indicate that the proposed classification is reasonable. However, staff recommended further exploration of technical inadequacies relating to jurisdiction of the lands involved.

Commissioner Burns asked for clarification of the "technical inadequacies" referred to in the staff report.

Mr. Soh explained that a portion of the land under consideration did not belong to the Hawaiian Home Lands.

Mr. Moriguchi elaborated further on this matter. Besides the land owned by Hawaiian Home Lands, the proposed site plan by the Hilo Electric Light Co. for a power plant encompasses all of the lands under the jurisdiction of the Department of Land and Natural Resources. It was a moot question as to whether or not this proposed plan was going to be permitted by the Department of Land and Natural Resources.

Mr. Soh added that the staff was made aware of this situation only very recently. Commissioner Burns suggested that it might be wise to invite comments from the Department of Land and Natural Resources during the period between the hearing and the time when a decision is rendered.

Mr. Raymond Suefuji, Acting Director of the Hawaii Planning Commission, stated that the Hawaii Planning Commission had considered this entire area a few months back and recommended amendment of the general plan to show the total area for industrial use. Numerous inquiries had been made by firms about the possibility of locating in this area; therefore, the Commission felt that Hawaiian Home Lands should be extended the requested acreage for development of an industrial and commercial area.

Responding to Commissioner Wenkam's statement that this area appeared to be primarily a residential subdivision rather than an industrial subdivision, Mr. Soh advised that he understood the proposal was for an industrial subdivision of 2 to 7 acres.

Chairman Thompson directed that the word "subdivision" in the staff report on page 3, line 1, be preceded by the word "industrial".

A letter from Belt, Collins & Associates, Ltd., addressed to the Land Use Commission, dated August 20, 1965, was read by Mr Moriguchi (see letter on file). The engineering firm endorsed the plan of Hawaiian Home Lands insofar as industrial uses north of the harbor were concerned, but looked with disfavor upon development of land immediately mauka of the harbor for any industrial uses.

Upon Commissioner Burns' request, Mr. Moriguchi pointed out the requested industrial areas.

Mr. James C. Clarke, Planning Coordinator for Hawaiian Home Lands, presented the following testimony. The Hawaiian HomesCommission had agreed to allow reservation of up to 250 acres by the Hawaiian Home Lands for industrial use. During preparation of possible boundary limits, the Hawaiian Home Lands staff studied the layout and talked to persons who might be interested in these lands. It was their conclusion that a better subdivision would result if the total proposed area could be zoned for industrial use. They agreed that certain lands should not be developed due to unsuitable physical features. However, they were concerned that if the total requested area were not reserved for industrial use now, and the Land Use Commission denied it at a later date, only an isolated development would remain here. The Department of Hawaiian Home Lands owns all of the surrounding area and this was the reason for its proposed plans.

In a letter from the Department of Land and Natural Resources, it was suggested that the Hawaiian Home Lands submit a plan on a 65-year lease to the Hilo

Electric Light Co. Title to the parcel owned by the Department of Land and Natural Resources could be acquired by the Hawaiian Home Lands through an exchange of lands, or a lease agreement could be worked out after development of the land. The Board of Water Supply has assured the Department that a water main could be installed here.

A request had been received from American Factors to locate a lumber yard and also from another party expressing commercial interest in this area. Mr. Clarke commented that if the petition were denied, they would cancel all plans for the total area and go elsewhere to develop an industrial subdivision. He continued that their chief objective here was to make money to enable them to develop home site projects. He stated that they were not too concerned with the portion near the harbor if the Land Use Commission decided aginst it, although he felt this would be in great demand sometime in the future.

A request was also in their office from a slaughter house for 25 acres, which they proposed to locate in the upper areas. A discussion with the oil companies revealed that they were reticent about committing themselves until they were able to observe the progress of the Rockefeller project.

Eight or nine sites had been studied by the consultants for the proposed new power plant and the subject parcel was one of two sites considered suitable. This was another reason why the Department of Hawaiian Home Lands had started development plans. Mr. Clarke added that the need was immediate.

Commissioner Burns wondered if there would be any advantage if the petitioner changed his petition to the extent of defining more carefully what he required now. Chairman Thompson advised Mr. Clarke that, if he so desired, the petition could be amended by deleting some of the areas.

Mr. Clarke expressed the desirability of having the Land Use Commission approve the back boundary for the total plan, on record now, to insure the proposed future development of this area. Another reason for the request to reserve this area for industrial use was to prevent residential development in here. At the present time, they were faced with the problem and expense of relocating two families living here.

Commissioner Burns raised the point that since the Hawaiian Home Lands owned all of the land, they had control of the usage as well, and he could not see any problem here. Mr. Clarke replied that the Commission members changed and with it ideas changed also.

In support of the foregoing testimony by Mr. Clarke, Mr. Suefuji emphasized the importance of zoning the subject area for industrial uses now to preclude non-conforming uses in the future.

In answer to Chairman Thompson's questions regarding the County's stand on this matter, Mr. Suefuji replied that it was the County's recommendation to reserve all of the area from the green spot on, as shown on the map, for industrial purposes, and that the County's general plan map showed this area as an industrial zone.

Replying to Commissioner Burns' question, Mr. Clarked stated that although they were not going to use the entire area immediately, urbanization was desirable. He also added that Mr Belt of Belt, Collins & Associates, consultants,

was concerned with the type of use Hawaiian Home Lands was going to put in this area because of the existing heiau. Mr. Belt could offer no suggestions as to the compatible industrial use in this area. However, it was decided that Hawaiian Home Lands and Belt & Collins would get together and discuss this at the proper time.

Commissioner Wenkam asked if he may suggest the following use--the highest and best possible use. He expressed shock and amazement over the proposed plan by the Hawaiian Home Lands high up on the hillside where it would leave a permanent scar in an area destined for major tourist development. It would be a blight to everyone who rents a hotel room or plans hotel construction in this area. Commissioner Wenkam's reason for proposing the original boundary line was to prevent Hawaiian Home Lands from any further industrial development, except for the areas immediately associated with the highway. In this respect, he disagreed with the County Planning Director. He could not find any need or justification for additional industrial zoning and was of the opinion that the present zoning offered adequate provision for industrial needs. He also felt that Hawaiian Home Lands and others concerned should seriously oppose installation of tanks 100' up in the air.

If the present boundary were maintained, Mr. Clarke felt that they would seriously reconsider any plans they might have had to develop this area because they would not be able to come up with a suitable plan.

Chairman Thompson commented that he wanted to clarify a point here--that if he interpreted correctly the letter from Belt & Collins, which firm is master planning the whole area, they were only opposing industrial development of the portion to the right of the green area.

Commissioner Wenkam suggested that the Hawaiian Home Lands make a study with respect to how development of an industrial area on this slope would affect the tourist destination immediately adjacent to it.

Mr. Arthur Akinaka, consulting engineer for the Hawaiian Home Lands, advised that they had arrived at the suggested layout only after considerable research into available literature and studies of harbor localities such as the San Francisco Bay area. Based on predicted population increase for the island, 60 years into the future, 250 acres would be needed. In further support of their request, Mr. Akinaka stated that a study had been made by the State Highway Department and it was their desire to develop a road from Kawaihae to Mahukona in the future, and that the State should certainly avail itself of federal funds for this purpose. To accomplish this, the Hawaiian Home Lands had no alternative but to comply with limited access all along the road. He referred to Commissioner Wenkam's feeling that the lot sizes were quite small. Mr. Akinaka commented that it was not their intention to keep them small--in fact the latest figures were closer to 30-acre lots. Mr. Akinaka asked that the Commissioners "think big".

Commissioner Wenkam again expressed his feeling that the immediate industrial needs were adequately provided for and no changes should be made at this time. The very person who may invest more capital in this area, Mr. Rockefeller, might not build another square foot if the hillside were scarred with large tanks. Commissioner Wenkam felt that we should make every effort to protect Mr. Rockefeller's $15,000,000 investment by not allowing indiscriminate land use.

Chairman Thompson asked Commissioner Wenkam to invite Mr. Rockefeller to come in and testify before the Commission.

Mr. Akinaka stated that they had worked very closely with Mr. Walter Collins on all stages of the plan because they believed that only through an integrated and coordinated approach could they act in the best interest of all concerned.

Mr. Clarke added that much criticism had been directed at the Hawaiian Home Lands Department for not putting their lands to use.

Since there were no further comments, Chairman Thompson ruled that the hearing was closed, and that additional information or data could be submitted by the petitioner within 15 days.

APPLICATION BY DAVID OTA (SP65-14) FOR A SPECIAL PERMIT TO CONSTRUCT A BARBER SHOP AS AN ADDITION TO AN EXISTING WOOD FRAME COMMERCIAL BUILDING IN A RURAL DISTRICT IN HOLUALOA, KONA, HAWAII, IDENTIFIABLE AS THIRD DIVISION PARCEL TMK 7-7-03: 11

Mr. Gordon Soh read the background and analysis of the above application, prepared by staff (see copy on file). Staff recommended denial of the application for special permit because while the proposed use may be reasonable, it was far from unusual.

Mr. Suefuji felt that the special permit should be granted since the barber shop was going to be added to an already existing commercial structure and would offer needed personal services to the community.

Commissioner Inaba explained further that it would be difficult to confine any particular area for urban use in this locale because commercial uses were scattered in the whole Kona area.

Replying to Chairman Thompson's question, Commissioner Inaba stated that the petitioner had operated a barber shop in the front portion of his residence for many years and was now seeking a new location since he could not continue here any more. The nearest barber was up in Holualoa and many people would be affected. Commissioner Inaba continued that it was a half mile to the Urban District and that some 50 retail stores were strung all along the highway in an Agricultural District. Commissioner Wung stated that the prime consideration here was whether this was a reasonable and unusual use, and he felt that the petition qualified under these two requirements.

Chairman Thompson commented that the petition could be considered reasonable but was not unusual according to standards. He referred to staff report on page 6, item g., and commented that he sensed there was an uncertainty as to whether this was reasonable within the next 10 years.

Since there was no further discussion, Commissioner Inaba moved, seconded by Commissioner Wung, that the special permit be granted on the basis that the County Commission had recommended approval and the request was a reasonable one. Motion was carried inanimously.

APPLICATION BY KOHALA KIM CHEE, INC. (SP65-15) FOR A SPECIAL PERMIT TO ADD FIVE FEET TO THEIR SMALL KIM CHEE CANNERY IN KOKOIKI, HAWAII, IDENTIFIABLE BY THIRD DIVISION TMK 5-5-04: 42

Staff report was presented by Mr. Soh (see copy of report on file). Chairman Thompson interrupted Mr. Soh's presentation to inquire whether the request by petitioner for a special permit was in order since the requested addition appeared to be an accessory to an agricultural use. Mr. Soh replied that investigation revealed the product used for pickling was produced elsewhere and brought in, which made it a commercial undertaking rather than an accessory to an agricultural use. Staff's denial of application was based on the fact that use was not unusual, although it was by and large reasonable.

Commissioner Wung commented that this appeared to be a similar situation with the barber shop (SP65-14), in that the request was for an addition to an already existing structure.

Commissioner Burns expressed his feeling that a kim chee factory was unusual--that there were not very many kim chee operations.

Commissioner Wung moved to approve request based on County's recommendation and the fact that it was unusual and reasonable. Motion was seconded by Commissioner Inaba and passed unanimously.

APPLICATION BY ROBERT LESLIE, JR., AND MADELINE LESLIE (SP65-16) FOR A SPECIAL PERMIT TO CONSTRUCT A NEW STORE ON A PORTION OF 7.30 ACRES DESCRIBED BY TMK 8-5-02: 5 AT KEALIA 1ST, SOUTH KONA, HAWAII

Staff report (see copy on file) recommended denial of the applicant's request based on evaluation of the guidelines established.

Commissioner Nishimura wondered whether the family would suffer any hardship if they were to relocate.

Mr. Suefuji stated that it would and added that this was not a prosperous business and the petitioners were only remaining here to accommodate the residents who would face a hardship if the store were removed.

Commissioner Nishimura moved, seconded by Commissioner Wung, to grant request based on unusual and reasonable nature of the petition. Motion was carried with Commissioner Mark casting the only dissenting vote.

APPLICATION BY AMADOR DEL CASTILLO (SP65-7) FOR SPECIAL PERMIT TO CONSTRUCT AN "ADULT CARE HOME" ON 1.53 ACRES OF LAND DESCRIBED BY SECOND DIVISION TMK 2-7-25: 4

Chairman Thompson directed Mr. Soh to present the staff report on the above special permit (see report on file). Staff recommended that the application be denied because the proposed use was generally unusual but was not a reasonable one.

Commissioner Burns asked whether there were not a study being conducted in the State now along the lines of solving the problem that this special permit was aimed at.

Chairman Thompson replied that there was such a study being conducted. A comprehensive State mental health plan being currently developed would include such facilities. He felt that the function of the care home under petition was very confusing and incompatible; in that petitioner was proposing to use the facilities to care for the mentally ill as well as the aged. He was surprised that the Department of Health and Department of Social Services had not come out more strongly with their views on the matter, and that he would like to get their thinking on this before acting on the special permit.

Commissioner Nishimura asked whether there were any doctor's services or facilities available in this area, to which Mr. Soh replied that he did not know.

Mr. Soh commented that no reason had been offered by the petitioner for the particular location chosen for the proposed facilities, in response to Commissioner Wenkam's question.

Chairman Thompson noted that approval had been granted on the Kawailoa permit earlier because the Department of Health and Department of Social Services had come out very strongly in support of the request.

Commissioner Burns recommended deferral of action on the special permit until the Commission received recommendations from the appropriate departments of the State.

Mr. Soh informed the Chairman that the Commission had 45 days in which to act on the matter.

Commissioner Wenkam wondered whether the matter of multiple uses of facilities could be properly considered by the Commission in granting special permits. Commissioner Burns felt that special permits opened the door for all considerations.

Commissioner Burns moved to defer action on the special permit, pending receipt of further information, which was seconded by Commissioner Inaba. Motion was carried unanimously.

ADOPTION OF MINUTES:

Minutes of the June 25, 1965 meeting were approved as circulated.

ACTION TO BE TAKEN:

PETITION OF HAROLD G. NISHIHARA, (A65-81) TO AMEND THE URBAN DISTRICT BOUNDARY IN UPPER PALOLO VALLEY, OAHU, SO AS TO INCORPORATE ABOUT TWO ACRES OF A 4½ ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 3-4-21: 11

Following Mr. Soh's presentation of the memorandum on the above petition, it was moved by Commissioner Wenkam and seconded by Commissioner Nishimura that staff recommendation for approval of petition be accepted. Motion was carried unanimously.

PETITION OF KENZO AKINAKA, ET AL, (A65-83) TO AMEND THE URBAN DISTRICT BOUNDARIES AT SUNSET BEACH SO AS TO INCORPORATE A 1.017 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 4-9-14: 13

Staff memorandum (see copy on file) for denial of the petition was based on the following facts: The change would constitute spot zoning, no unique circumstances have been demonstrated, and the change would not be in the best interest of the community as a whole.

Mr. Roy Takeyama, legal counsel, made the following comments with respect to petitioners' attorney Mr. Chikasuye's reference to the decision rendered by Judge Felix in the Third Circuit Court in the matter of James J. Tamura, Appellant, vs. Planning and Traffic Commission, County of Hawaii, Appellee. The appellant had appealed to the Third Circuit Court following denial of special permit by the Hawaii Planning Commission. Judge Felix had rendered a decision mandating and decreeing that the Planning Commission recommend to the Land Use Commission granting of the special permit. However, Mr. Takeyama stated that this judgment was only binding upon the Hawaii Planning Commission and not on the Land Use Commission. He continued that what was applicable in the aforementioned case had no relevance to the problem here because a special permit does not involve a boundary change. Also, Act 187 (which was amended in total by Act 205) was not in effect at the time this special permit was processed. Therefore, Mr. Takeyama could see no reason for the reference to Act 187 in the decision, except perhaps to point out the legislative intent to maintain existing uses as far as practical and reasonable. He continued that maintaining existing uses does not mean vacant lands not in use, and therefore did not apply in this case.

Mr. Soh replied that he did not know whether a subdivision plan had been submitted to the City Planning Department prior to the adoption of the Land Use Law, in reply to Chairman Thompson's question regarding the five lots under consideration.

Commissioner Wenkam moved to accept staff recommendation for denial of the petition, seconded by Commissioner Mark. Motion was carried unanimously.

PETITION OF THE ESTATE OF GEORGE H. HOLT (A65-84) BY ALEXANDER H. F. CASTRO TO AMEND THE URBAN DISTRICT BOUNDARY IN MAILI, OAHU, SO AS TO INCORPORATE ABOUT 65 ACRES OF A 433 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 8-7-10: 2

Staff memorandum (see copy on file) presented by Mr. Soh recommended denial of the petition because although the proposed use would promote public objectives and appeared to be consistent with principles of planning and the Land Use Law, it may mean too much urbanization too soon.

Commissioner Burns asked what the tax rates were on the subject parcel now. Mr. Soh commented that at one time, around 1962, the 470 acres were estimated at a value of $1,500,00. Now the petitioners feel that the appraisal was not realistic in view of the past disastrous experience in pursuing agricultural uses.

Commissioner Wenkam stated that he had talked to the builders proposing to build on this land and felt that there was a realistic market for $15,000 homes here. Their approach was a unique method of building homes on a mass production

basis. He explained further that the petitioner anticipated a substantial increase in home construction in this area in the near future and this was the reason he was requesting such a large area at this time.

Chairman Thompson wondered about the swamp lands here, to which Mr. Soh replied there was no swamp land--that this particular development circled around a low-lying parcel.

Commissioner Nishimura remarked that the Mikiola Farm Bureau was strongly opposed to the development of the subject area, to which Commissioner Wenkam remarked that their opposition was primarily one of principle--that they would oppose any further urban development of this area even if it did not encroach on any farm land. He continued that the low land cost here would be one of the important factors to consider.

Chairman Thompson pointed out that if available lands were limited in such places as Waipahu, Ewa, Makakilo, then we would have to ease up somewhere else.

Commissioner Burns commented that if this were good agricultural land, it would presently be in some agricultural pursuit and that the problem here was not one of encroachment into good agricultural land.

Commissioner Wenkam moved, seconded by Commissioner Burns, that the petition be approved since it was a reasonable use and it was needed. The motion was carried with Commissioner Nishimura casting the only dissenting vote.

GENERAL MEETING:

Next Meeting Date: In line with Chairman Thompson's request for suggestions as to the next meeting date, Mr. Moriguchi asked if Mr. Frederick Huszagh, representative of the Communications Satellite Corporation, might be recognized. Mr. Huszagh informed that the Communications Satellite Corporation was in the process of taking an option on some property over in Paumalu, Oahu, at present to build a satellite earth station. They had applied for a special permit because under the existing regulations they did not feel this would be a permitted use. They were working under a very tight schedule and were very anxious to have a decision on this matter. The City Board of Appeals had agreed to hold a special meeting to consider their request and they were hopeful that this decision would be in the hands of the Land Use Commission soon after September 10.

Mr. Moriguchi thought that the staff would probably be able to report findings within a week after receipt of recommendation from the city. Chairman Thompson advised Mr. Huszagh that the earliest possible date that the Commission could render a decision on the request would be the 17th of September. However, he wondered if the 24th might be agreeable to Mr. Huszagh. Mr. Huszagh replied that it did not make too much difference one way or the other.

Chairman Thompson advised that there were many items on the agenda for discussion at the next meeting, such as the Hanapepe area on Kauai, the Diamond Head area, etc. Mr. Moriguchi expressed the thought that if the meeting dates were set for September 24th and October 1st, this might be too hectic for the Commissioners.

COMMUNICATIONS:

A letter from Pratt, Moore, Bortz and Vitousek, attorneys for Communications Satellite Corporation, was read by Mr. Moriguchi.

A letter from Mr. Clinton Childs of Lihue Plantation expressing appreciation for consideration of the additional information and the favorable decision rendered.

OTHER BUSINESS:

Commissioner Mark stated that, in a conversation with Governor Burns, the Governor had requested that the Land Use Commission consider inviting all the County Planning Directors to all of its meetings in the future in a non-voting, ex-officio capacity. At one time the Legislature had considered including the planning directors as members of the Land Use Commission but no action was taken because the legislators were led to believe that the directors would be invited to all of the meetings.

Chairman Thompson asked that the Commission go on record as favoring the suggestion made by Governor Burns. He added that an invitation should be issued on a regular basis. Commissioner Mark suggested that a special invitational letter be sent to all the planning directors the first time around.

Chairman Thompson announced that a Governor's Conference on Natural Beauty and Community Appearance will be held on December 2, 3, 4, 1965 and that the Land Use Commission was going to be involved in it in some way. He added that the State Planners Meeting would also be held at this time, either before or after the Conference on Natural Beauty. The conference is going to be open to the public and an attendance of approximately 300 people was anticipated.

The meeting was adjourned at 5:30 p.m.

STATE OF HAWAII
LAND USE COMMISSION

August 20, 1965
Kailua-Kona, Hawaii

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Harold G. Nishihara (A65-81), Kenzo Akinaka et al. (A65-83) and Estate of George H. Holt (A65-84)

1. Harold G. Nishihara (A65-81)

The public hearing on the petition by Harld G. Nishihara was held on June 25, 1965 in Honolulu. At that time your staff recommended the incorporation of about two acres now in an Agriculture District into the Palolo Urban District. Observations were made that the area under petition is not used for agricultural purposes, is adjacent to an existing Urban District, is conveniently located to urban facilities, is fairly well serviced with public facilities, is definitely and realistically needed for an urban purpose, is suitable for development, is one of few developable areas remaining in Palolo, is proposed for urban use by the Oahu General Plan, would represent a minor addition to the Urban District and would not contribute toward scattered development.

Since the public hearing no further testimony or data were developed to alter the original staff recommendations.

2. Kenzo Akinaka, et al. (A65-83)

The public hearing on the petition by Kenzo Akinaka, his sister Muriel Kanagawa and brother-in-law Hisatoshi Kanagawa was held on June 25, 1965 in Honolulu. At that time your staff recommended denial of the petition to add a 1.017 acre parcel in an Agricultural District at Paumalu, Oahu to the Paumalu Urban District. Observations were made that the area under petition is vacant, is not close to significant trade and employment centers, is remote from public facilities, may be excessive to urban growth needs, is suitable for development, is adjacent to an intensively developed Urban District, is proposed for urban use by long range plans, differs little from other neighboring lots in the Agricultural District, and would constitute a minor addition to the Urban District.

At the hearing counsel for the petitioner represented that the property was at one time subdividable until the establishment of interim land use districts in 1962; that petitioners in order to subdivide their land into five lots; that there are no problems with access and water supply and

facilities; and that the petitioners have no knowledge of how neighboring owners feel about the change or what plans they have for their properties.

On August 5, 1965 the City Planning Commission recommended a change to Urban districting for two tiers of one acre lots mauka of Kam Highway for a distance of one mile in the vicinity of the lot under petition (TMK 5-9-12, 5-9-13, 5-9-14, 5-9-15 and 5-9-16 as shown on the Oahu General Plan). On August 17, 1965 the City Planning Commission recommended denial of the petition because

1) the change petitioned for would constitute spot zoning,

2) the change would not be in the best interest of the community as a whole,

3) the parcel under petition does not differ from surrounding parcels,

4) no unique circumstances have been demonstrated, and

5) there have been no major socio-economic or demographic changes in the area to warrant a boundary change.

On August 9, 1965 counsel for the petitioner wrote to advise the Land Use Commission of a decision rendered in the Third Circuit Court recently in which the presiding judge noted: that the Land Use Commission's districts should properly take into account uses existing at the time the districts were established.

Your staff does not believe that the judgement applies in this particular case where the parcel under consideration is in fact vacant and where the parcel size conforms to the county standard for Agricultural Districts. The decision also appears to be used out of context in that provisions of the law specifically recognize the possibility of nonconforming uses. On the strength of its original recommendations and of the concurrence with the City Planning Commission, there appears to be little reason why the petition should not be denied.

3. Estate of George Holt (A65-84)

The public hearing on the petition by the Estate of George H. Holt (A65-84) was also held on June 25, 1965. The staff recommended denial of the petition to add about 65 acres to the Maili Urban District on the basis that the addition would be excessive and untimely with respect to available urban land and projected needs.

By direct testimony and by response to questions posed, the petitioner represented that:

1) the land differs from areas farther mauka and defies any agricultural use attempted on it and that livestock farmers were not interested in a site situated close to a residential area,

2) a low cost housing project is planned for the site,

3) there are no comparable (priced at $15,000) low cost projects in the general vicinity now,

4) developers have made unsolicited offers to develop the land, and

5) real property assessments on the land are being increased.

The hearing also indicates that:

1) a protest was filed by the Mikilua Farm Bureau to the proposed use,

2) an exception was taken to a staff report that the land under petition was unsuitable for intensive cultivation on the basis that the land is suitable for raising livestock,

3) the area is planned for urban uses including a school on the parent property,

4) the undeveloped beach areas are owned by the State and by a large ranch company.

During the course of the hearing petitioner suggested that an inquiry be made as to why areas reserved for urban growth in the Maili area were not being developed. He suggested that part of the reason is that land acquisition costs were so high as to discourage the development market. As was brought out earlier in the hearing contributory factors may be that the makai areas in Maili are in large land ownerships or are deliberately being kept as open space and that many of the undeveloped mauka areas are subject to drainage problems. Your staff has found that a drainage project is being conducted by the City to reclaim much of this mauka land and that the project may be completed as early as $2\frac{1}{2}$ to 3 years from now.

By letter dated July 8, 1965 petitioner advised that fee simple homes -- about 69 -- in the adjoining Hookele subdivision with lots ranging from 5,000 square feet to 15,000 square feet were sold at prices from $14,000 to $29,000. All 69 sales were recorded in 1964; only about 25 sold for less than $20,000. The letter therefore concludes there is a market for $15,000 homes.

By letter dated July 29, 1965 the City Planning Commission recommended approval of the petition for the following reasons:

1) That the population growth in the Waianae area is about 7% a year,

2) That public facilities are being devised to implement the growth of the area,

3) That the proposed development constitutes but a two year development,

4) That an increase in the present demand for urban land is expected between 1969 and 1970.

Your staff believes that the proposed use would promote public objectives and appears to be consistent with principles of planning and the Land Use Law except that the proposal may mean too much urbanization too soon. Because of this exception, your staff recommends denial of the petition.

George S. Moriguchi
xxxxxxxxxxxxxxxx

August 4, 1965

Mr. Harold G. Nishihara
2809 La-i Road
Honolulu, Hawaii

Dear Mr. Nishihara:

The Land Use Commission next meets at 1:00 p.m. on August 20, 1965 at the Hale Halawai Cultural Center in Kailua, Kona, Hawaii.

On or about that time a decision on your petition (A65-81) will be rendered.

There is no requirement for you to be present. Should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
Kapuaiwa Building
Honolulu, Hawaii

1:00 P.M.
June 25, 1965

STAFF REPORT

A65-81, HAROLD G. NISHIHARA District Classification: AGRICULTURAL

Background

Harold G. Nishihara petitions the Land Use Commission to amend the Urban District boundary in upper Palolo Valley, Oahu so as to incorporate about two acres of a $4\frac{1}{2}$ acre parcel identifiable by First Division TMK 3-4-21: 11. The land under petition is now in an Agricultural District. It is located adjacent to the Palolo Urban District between La-i Road and the road leading to the Narahara grass farm.

The petitioner represents that he is one of seven members of the Nishihara family who jointly own the lands under petition. The petitioner desires to convert the two acres to residential use and has submitted a scheme for a proposed subdivision. The subdivision scheme contains twelve lots and provides for possible street widening.

There are presently four homes on the two acre site occupied by members of the Nishihara family. The record indicates that six other members of the family now live elsewhere but wish to make their homes on the site.

Except for the four homes, the site is vacant. Although covered by dense growth, no agricultural use is made of the site. Petitioners represent that since 1948 the two acre site has been graded with a view toward establishing a subdivision and over 1,000,000 cubic yards of soil have been removed. Field inspection confirms that benches have been created by earth-moving operations.

The Oahu General Plan proposes residential use of the site. The site is currently zoned as a class A residential area. The site was formerly in the Land Use Commission's Urban District.

Access to the property is by La-i Road which leads from Tenth Avenue a little over half mile to the property. La-i Road is paved but only twenty feet wide. Lands are unmarked and there are no curbs and gutters. Foliage grows thickly along the verge. Grading is fairly regular but the alignment sinuates along the western face of Makanui ridge.

Roadways into the valley are being widened and improved. Deep in the valley a new site for an electric substation is being developed.

There are no sewer services. Water is available but water pressure is already low. The City Planning Department advises "that only limited water supply is available here" and that the Board of Water Supply "would oppose any major development, but have no objection to this proposal."

Rainfall averages about 75 inches a year. The land is rough and broken, with a wide range of slopes. There is considerable amounts of alluvial material which is quarried for top soil. Along ridges and roadways grading has been conducted to procure top soil and to bring areas into cultivation or development.

Along the valley amid dense natural growth, a few flower and tropical plant nurseries have been established. There are also a few farms and nurseries on the ridges and slopes above the lands under petition. There is but one dedicated agricultural parcel (only a portion) in the area. Other dedications were attempted but rejected because the parcels then fell in the interim Urban District.

Although the boundaries were subsequently moved makai, dedications have not been reattempted.

The major development in the area is the Carlos Long Subdivision which lies just within the Urban District. Steep lands near Pukele Stream are still being graded to bring additional lands into development. It is presumed that improvement of valley accesses, now underway, will have some effect on the development rate.

In April 1960 there were about 743 homes in upper Palolo Valley. Most of these fall within the 227 acre upper Palolo Urban District. Between April 1960 and July 1964 homes were constructed in upper Palolo Valley at the rate of between 12 and 13 a year. It is thus estimated that about 25 acres are needed to accommodate a ten year continuation of the present rate.

Of the 227 acres, approximately 173 acres are in slopes of less than 20%. About 15 acres constitute the site of the Palolo Chinese Home. Most of the remaining 158 acres are potentially developable and available if not already developed. If all the 796 homes (July 1964) are located on the 158 acres, the overall density would be about five homes per acre. Field inspection generally confirms that within the Urban District the underdeveloped lands are at least partly developed and that much of the vacancy can be attributed to steep topography.

Analysis

The land under petition is used for residential and not agricultural purposes.[1/] It is located close to the Waikiki and downtown business districts. Basic public facilities are somewhat marginal but extensive improvements are underway in Palolo Valley to remedy the situation.[2/]

1/ Cf. Regulation 2.7(a) and 2.8(g)
2/ Cf. Regulation 2.7(b)

The petitioner has demonstrated that there are ten members of his family to occupy the twelve lots he proposes to create. In this respect he has demonstrated a need to urbanize the two acres under petition. Moreover, staff estimates indicate that there may be a marginal, but not a heavy, need for additional urban lands in upper Palolo.[3/]

Originally, it is believed, the land under petition was steep and broken. Petitioner makes clear, however, that since 1948 the land under petition was graded. Field inspection indicates that the land is now and for some time has been topographically suitable for development.[4/]

The lands are contiguous to an existing Urban District which is being developed and which contains only a marginal amount of vacant developable land.[5/] Urban use of petitioner's land would conform to the Oahu General Plan.[6/]

The soil classification of the land under petition contains no observation regarding the agricultural qualities of the land.[7/]

The area under petition is adjacent to existing urban areas and would represent a minor addition.[8/] The inclusion of this area would not contribute toward scattered urban development.[9/]

3/ Cf. Regulation 2.7(d)
4/ Cf. Regulation 2.7(e)
5/ Cf. Regulation 2.7(f)
6/ Cf. Regulation 2.7(g)
7/ Cf. Regulation 2.7(h) and 2.8(a) through 2.8(c)
8/ Cf. Regulation 2.7(i)
9/ Cf. Regulation 2.7(j)

Recommendation

The incorporation of the two acres under petition into the Urban District of Palolo is recommended on the basis that:

1) the lands substantially meet the standards for an Urban District and
2) the lands generally do not meet the standards for an Agricultural District.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

LUC Hearing Room

Honolulu, Hawaii

June 25, 1965 - 1:00 P.M.

Commissioners Present:	Myron B. Thompson C.E.S. Burns James P. Ferry Goro Inaba Shiro Nishimura Charles S. Ota Robert G. Wenkam Leslie E. L. Wung
Absent:	Shelley M. Mark
Staff Present:	Raymond S. Yamashita, Executive Officer Roy Miyamoto, Legal Counsel Gordon Soh, Associate Planner Karen Maekawa, Stenographer

The public hearing-meeting was called to order by Chairman Thompson who gave a short prayer. The commissioners and staff were introduced and the procedures to be followed throughout the public hearing were outlined. All persons who would be presenting testimony during this hearing were sworn in by the Chairman.

PETITION OF HAROLD G. NISHIHARA, (A65-81) TO AMEND THE URBAN DISTRICT BOUNDARY IN UPPER PALOLO VALLEY, OAHU, SO AS TO INCORPORATE ABOUT TWO ACRES OF A $4\frac{1}{2}$ ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 3-4-21: 11

Mr. Gordon Soh presented the background and analysis of the above petition (see staff report on file). The staff recommended the incorporation of the two acres under petition into the Urban District on the basis that:

1) the lands substantially meet the standards for an Urban District and

2) the lands generally do not meet the standards for an Agricultural District.

Following the staff's presentation, Commissioner Wenkam asked why this area was omitted in the original determinations of the urban boundaries. The Executive Officer explained that at the time the final boundaries were being determined, the land in question was being utilized for limited agricultural activities and

the area was rough and broken with steep slopes. Therefore, because of the existing agricultural operations, the area was zoned Agricultural as the most suitable districting.

Since there were no further questions from the Commission or the public, the Chairman informed the public that the Commission will receive additional written comments or testimonies within the next 15 days, and will take action 45 to 90 days from this hearing.

The public hearing on this petition was closed.

PETITION OF KENZO AKINAKA, ET AL., (A65-83) TO AMEND THE URBAN DISTRICT BOUNDARIES AT SUNSET BEACH SO AS TO INCORPORATE A 1.017 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 5-9-14: 13

The background and analysis of the subject petition was presented by Mr. Gordon Soh (see staff report on file). On the basis that the parcel under question does not yet meet the standards for determining Urban Districts, the staff recommended denial of the petition.

Commissioner Wenkam questioned why staff report made no mention that the petition requests spot zoning. Mr. Soh conceded that Commissioner Wenkam has a point since 1) the area is somewhat isolated by the highway and 2) only one particular parcel is involved and that particular parcel is only about an acre in size. However, Mr. Soh explained that he did not care to defend a position on the contiguity or noncontiguity question if the separation is that created by a highway.

Mr. Clesson Chikasuye, counsel to petitioners Kenzo Akinaka, et. al., introduced himself to the Commission and presented his testimony. Mr. Chikasuye indicated that several points mentioned in the staff report were in support of the petitioners' request and he elaborated on them. Mr. Chikasuye felt that the majority of the nine standards for amending district boundaries as listed in the staff report suggested that this development is a proper one and he proceeded to analyze each of the standards as related to his petition and as outlined in the staff report. Summarizing, Mr. Chikasuye stated that standards 1, 2, and 3 are in support of the staff's recommendation; however, standards 4 through 9 indicate that the petitioners have a justifiable request.

Mr. Chikasuye further explained that the petitioners were permitted to subdivide the subject property into residential lots at the time their property was purchased in 1961. However, in 1962 the Land Use Commission placed this area in an Agricultural District. Therefore, an awkward situation arises in which they were at one time permitted to subdivide and now they are not.

Mr. Chikasuye pointed out that the General Plan of the City and County of Honolulu proposes residential use of the property. It was Mr. Chikasuye's understanding that the detailed land development plan currently being prepared by the City Planning Commission will incorporate a similar designation of this area.

Mr. Chikasuye informed the Commission that the petitioners' intentions are to subdivide the property into five lots, each lot comprising an area of at least 8,000 sq. ft. The petitioners intend to divide the lots among themselves and currently have no plans of placing them on the market.

Mr. Chikasuye stressed that the request is being made by small property owners and this fact should not be held against them. Mr. Chikasuye stated that this parcel is on the main highway and should pose no traffic problem. He noted that water facilities and supplies are available.

Commissioner Wenkam asked Mr. Chikasuye if he had any knowledge as to how the adjacent property owners felt about the rezoning of this particular parcel. Mr. Chikasuye replied that he has questioned his clients on this matter and that they do not know what the adjacent property owners plan to do or how they feel about this change.

With no additional comments or testimonies to be offered from the public or the Commission, the Chairman advised that the Commission will receive additional written comments or testimonies within the next 15 days, and will take action 45 to 90 days from this hearing.

The public hearing on this petition was closed.

PETITION OF THE ESTATE OF GEORGE H. HOLT (A65-84) BY ALEXANDER H. F. CASTRO TO AMEND THE URBAN DISTRICT BOUNDARY IN MAILI, OAHU, SO AS TO INCORPORATE ABOUT 65 ACRES OF A 433 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 8-7-10: 2

Mr. Gordon Soh presented the staff report covering the background and analysis of the petition (see staff report on file). The recommendation of the staff for denial of the request was made on the basis that the proposed urbanization cannot be fully sustained by the standards for Urban Districts.

The Executive Officer added that the City and County has not yet made any comments on the subject petition. He also read into the record a letter addressed to the Land Use Commission from Mr. Harry Choy, President of the Mikilua Farm Bureau in protest against the petition filed by the Estate of George H. Holt. (See letter on file).

Commissioner Wenkam took exception to a statement in the staff report that the lands under petition are not suitable for intensive cultivation. He stated that they are suitable for intensive agricultural uses such as hog raising and poultry farming. The Chairman ruled to accept Commissioner Wenkam's comment for the record.

Commissioner Nishimura pointed out that there is an existing elementary school just a mile away and therefore questioned the report of "plans for a new school on the parent property." Mr. Soh explained that the location of this new school site has been or can be justified because 1) it is consistent with the Oahu General Plan, 2) the other elementary school is quite a distance away and 3) in locating a school children should not have to walk on a main highway.

In response to Chairman Thompson's inquiry of whether the 57 acres of beach area, presently undeveloped, are State lands; Mr. Soh replied that a small amount of the land is State-owned and that a large portion belongs to a ranch.

Since there were no further questions from the commissioners in regard to the staff's presentation, Chairman Thompson called on Mr. H. F. Castro, who represented the petitioner. Mr. Castro informed the Commission that he is testifying as the sole trustee of the George H. Holt Estate and not as a realtor or developer.

Mr. Castro presented a brief history of the land and pointed out that he personally became acquainted with this land in 1936 when his father was appointed trustee of the Estate. Upon his father's death in 1957, Mr. Castro became the succeeding trustee. Since 1940, he assisted his father in negotiating leases for this land and nearby parcels owned by the Estate and has discussed the use of this land with many farmers, including poultry and pig farmers.

In answer to questions about poultry and pig farmers, Mr. Castro advised that they have interviewed several farmers and will be submitting their findings within the next 15 days. Mr. Castro explained that many farmers have shied away not only because of the distance to market but because they were afraid that nearby residential areas would object to this use and jeopardize the investment in capital improvements to put it in proper poultry or pig farm.

Mr. Castro stated he was not aware of the Mikilua Farm protest; however, he indicated that an inspection of this particular portion of the whole area would reveal that the type of crop that is raised in the Mikilua area by those farmers, who are dirt farmers, could not be raised here. He emphasized that there are outcroppings of coral throughout the area in question and that the only successful tenant they ever had on the property is currently quarrying coral limestone.

The dilemma, explained Mr. Castro, is that while the mauka lands are suitable for some kind of agriculture because those lands contain more soil, the subject area has absolutely defied use of any agricultural or farming type over the past 25 years. This area also happens to be immediately adjacent and mauka to a successful subdivision called the Hookele subdivision.

Mr. Castro remarked that some of the urban areas toward Waianae have not been used because the acquisition cost has been so high that the type of homes built would not attract the market. Mr. Castro pointed out that under a leasehold basis, low cost homes could be built and that they are in heavy demand in the Nanakuli, Maili, and Waianae areas. He emphasized that it is the low cost housing which justifies the rezoning of this property to Urban. He explained that the only cost to the developer would be installing the road and renting the land from the Estate and that there is no other parcel in the area where these conditions for low cost housing can be achieved.

Mr. Castro advised that tax assessments on the land are being up-rated. He stated that the court had accepted from the Trustee in 1962 an estimate value of $1\frac{1}{2}$ million dollars for the total 478 acres but that the amount of taxes on this land will soon make this appraisal impractical and that the appraisal is going to have to be raised.

In conclusion, Mr. Castro stated that the land is not satisfactory for agriculture and that if this development seems ahead of its time statistically, a real practical view as to why the other lands now classified as Urban are not being developed will indicate that development of this land will fill a need.

Commissioner Burns inquired if there were any low cost residential subdivision in the Waianae area now. Mr. Castro replied that his definition of a low cost housing would mean homes in the vicinity of $15,000 and below and that on this basis the answer is no.

Mr. Castro advised the Commission that in the last two years, he has been approached by many reliable and successful developers with unsolicited offers to buy the land. Certain developers are willing to lease the land in the knowledge that they can provide the market needs, meaning low cost housing.

Since there were no additional comments or testimonies from the public or the Commission, the Chairman announced that the petitioner has 15 days in which to submit additional written testimony and that the Commission will take action on this petition 45 to 90 days from this hearing.

The public hearing on the petition of the Estate of George H. Holt was closed.

ADOPTION OF MINUTES

The minutes of the April 9, 1965 and May 8, 1965 meetings were adopted as circulated.

ACTION TO BE TAKEN

PETITION BY GROVE FARM COMPANY (A64-77) FOR REMOVAL OF 920 ACRES FROM THE CONSERVATION DISTRICT TO BE PLACED IN AN AGRICULTURAL DISTRICT: Described as a portion of Fourth Division TMK 3-4-01: 1

Upon the Chairman's request, Mr. Gordon Soh presented a brief of the petition (copy of memorandum on file). The staff recommended approval, stating that the agricultural use of the land might be better fostered if the land is placed in an Agricultural District.

Commissioner Nishimura made a motion to accept the staff's recommendation to approve the petitioner's request. Commissioner Wenkam seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson

Disapproval: None

The motion for approval was carried.

PETITION OF HUGH J. AND LURIE ADAMS (SP65-2) FOR A SPECIAL PERMIT TO STORE SMALL VACATION TRAILERS ON THIS PROPERTY FOR SALE OR RENTAL TO ISLANDERS OR TOURISTS ON KALAMA ROAD: Area described as Fourth Division TMK 4-4-07: 15

Mr. Gordon Soh presented the background and analysis of the above petition (copy of report on file). The recommendation of the staff was for denial on the basis that the proposed use is not unusual and reasonable and not permissible under the Land Use Law and Regulations. The staff concluded that under existing regulations, an urban business use is not appropriate in a rural area.

To clarify Commissioner Nishimura's understanding of the petitioner's intent, the Executive Officer advised that the petitioner does not wish to set a camp site on the property but rather to obtain the permission to store his trailers on the lot to be rented out.

In reference to staff report's statement, "The record indicates that the proposed use is a business use and that the applicant one day may locate in the downtown business district," Commissioner Ferry inquired if this statement was contained in the petitioner's application. Mr. Soh replied that Mr. Adams did make the statement and that it was noted in the record of the County hearing.

Commissioner Wenkam asked if the County agreed to allow the permit on a temporary basis only. Mr. Soh responded that the County record indicates the petitioner made the statement that it would be of a temporary nature.

The commissioners held a brief discussion on the rationale for determining an "unusual and reasonable" use.

In reference to staff's analysis which mentions that actions by the applicant and the County of Kauai suggest that the proposed use is not permissible, Commissioner Ota asked if this suggests that the proposed use is not a permitted use. The Executive Officer clarified the issue by stating that the point involved here is that it is a business use and the County in the Urban District does provide zoning for uses such as these.

Commissioner Burns pointed out that he has no strong feeling one way or the other, but that the staff report does not provide ample evidence to deny the request. Commissioner Ota suggested that the proposed use was in some ways analogous to a used car lot. He expressed the belief that such a use can be accommodated in the Urban Districts on Kauai.

Commissioner Nishimura moved that the petitioner's request be denied. Commissioner Ferry seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson

Disapproval: None

The motion for denial was carried.

OTHER BUSINESS

Mr. Gordon Soh presented the background and analysis on the issue of Pacific Skyways, Limited. The staff recommended denial of this request on the basis that this parcel was not "inadvertently zoned Agricultural instead of Urban" and that there were no protests against the proposed districting of this parcel at that time. The staff also concludes that the time element, as stated in the letter of request, is not a valid basis for this request.

A brief discussion concerning the limits of the boundary lines ensued. The Commission agreed to accept the staff's recommendation for denial of the request of Pacific Skyways, Limited.

The next issue discussed was the boundary line question for the Nuuanu Park Place subdivision. The Executive Officer advised that the Land Use Commission is now officially involved in this matter to the extent that the Board of Land and Natural Resources has requested for an interpretation of where the Conservation boundary line is. The Executive Officer presented maps showing the district boundaries in Honolulu and, specifically, the subject area. He explained that a subdivision plan was submitted to the City while the temporary Urban Districts were in effect. The City and County then gave approval to that subdivision and the developer proceeded. The Land Use Commission was not made aware of the matter until the Board of Land and Natural Resources brought forth the problem.

In response to Commissioner Burns' inquiry in determining which side of the boundary line should be Urban and which side Conservation, the Executive Officer pointed out the districts and explained that the boundary dividing the two districts drawn on the subdivision is the approximate location of the line.

Commissioner Wenkam pointed out that the only legal basis upon which the subdivision was approved in 1964 was on the basis of the first Land Use Commission for temporary boundaries. He suggested that if this basis is valid, the present boundaries would then be only of extra legal significance.

The Executive Officer reiterated that the question before the Commission is where is that boundary now.

Commissioner Wenkam stated he could not visualize the situation because the subdivision was approved before this date. He added that they were not bound to adjust their subdivision boundaries according to the present land use boundaries which were approved after the date the subdivision was approved.

Commissioner Ferry pointed out that there was an interim boundary established by the first Land Use Commission and in effect when the final boundaries were drawn by this Land Use Commission on December 31, 1963.

The Executive Officer indicated the temporary Conservation District line on the map. He also pointed out the approximate location of the final district line which became effective on August 23, 1964. He pointed out that in laying the final district boundaries over the temporary boundaries, both would fall within

the same line. However, if the maps were blown up, there is a marked difference between the lines. The Executive Officer also indicated a reasonable interpretation of where the final district boundary is and suggested approximately where it should be.

He advised that approximately 3 acres lie in a Conservation District and estimates the area to contain 17 lots.

A motion to accept the interpretation suggested by the Executive Officer was made, seconded, and approved by the Commission.

NEXT MEETING

The next meeting is tentatively scheduled to be held on July 23, 1965, at Lihue, Kauai.

COMMUNICATIONS

The Executive Officer read into the record a letter (letter on file) from the Maui Planning and Traffic Commission in regard to land use violations in the Wailua and Keanae area. The legal counsel advised that the responsibility for the enforcement of the law is vested within the County agency. The Executive Officer inquired as to why the matter would be referred to the Land Use Commission if it's the County's responsibility. The legal counsel remarked that the County is delegated to act as the "eye" for the Commission and if violations noted are reported in, the Commission is the appropriate agency to institute proceedings. The Chairman referred the matter to the Attorney General's office for a formal opinion.

The Executive Officer informed the Commission of several communications received from the legislature in the form of Resolutions. The Executive Officer gave a brief description of each material for the record as follows:

Senate Resolution No. 33 requesting the Board of Land and Natural Resources of the State to open public lands for all races.

Senate Concurrent Resolution No. 80 relating to increasing the efficiency, economy and productivity of the State government.

Commissioner Ferry briefed the commissioners of the Western States Land Conference to be held at Princess Kaiulani on July 26 and 27. The purpose of the conference is to afford public land officials a forum for mutual problems. The Executive Officer advised the commissioners that the staff will make the necessary arrangements.

Commissioner Ota referred to the Commission a problem on the mix-up of the zoning procedure. He asked if there were a standard procedure for making boundary determinations in an area where the boundary line is not clearly drawn. The Executive Officer informed him that whenever there is any question or doubt as

to where the location of the line is, each respective County should write to the Land Use Commission asking for proper administrative advice. Commissioner Wenkam also suggested a careful study be made to determine where the Conservation District urban lines have been drawn.

The Chairman suggested that since the legislative session is over and the bulk of the work is caught up, the Commission should call a three day session to discuss all issues and recurring problems confronting the Commission and to consider amendments to the regulations as well as to take any legal action as necessary. The session would be a family affair, if this meets with the Commission's approval, and would be tentatively scheduled for the end of summer.

The Chairman informed the Commission that the President, at the White House Conference on Natural Beauty, has asked each of the 50 states to plan a similar conference. In response, Commissioner Wenkam has written to Governor Burns requesting that such a conference be held here. The Governor in turn has communicated with Mr. Jim Ferry, Dr. Mark and Chairman Thompson.

Chairman Thompson stated that he has written to the Governor recommending that a conference on natural beauty be held and also to combine this meeting with the State Planning Conference which is held annually. A meeting is scheduled with the Governor on Tuesday, June 29, 1965. The Chairman asked for the commissioners' reaction to this conference.

Commissioner Ota mentioned that it would be beneficial to have representatives from each County form a legislative council and hold sessions to discuss common problems prior to the conference.

The Chairman stated that he has made a suggestion that this conference be held close to the coming legislative session. Commissioner Ota remarked that a recommendation could perhaps be made for amendment of the Law. He stressed that these conferences could be a lot more meaningful in the future if these pre-sessions are held. The Chairman replied that this is the reason why it has been suggested that the two conferences be combined.

Chairman Thompson stated that according to his personal opinion the title White House Conference on Natural Beauty was really a misnomer because what took place in Washington was far broader than beautification. He observed, however, that the question "to preserve toward what end," which was not asked at the White House Conference in Washington could be discussed at this conference.

Commissioner Wenkam expressed opposition to combining the White House Conference on Natural Beauty with the State Planning Conference unless the Natural Beauty Conference is given emphasis. He felt that a conference on natural beauty is important enough to Hawaii and the State to have all the stature and prestige of a State-sponsored conference. Commissioner Wenkam did not think it should be combined with another conference and forced to share discussion and panel time with other subjects which may have only a remote relationship to natural scenic resources.

The Chairman informed Commissioner Wenkam that there is nothing yet discussed to this point which is contradictory to what has been said. Commissioner Wenkam

replied that it is just that he does not want the Natural Beauty Conference to be diluted with discussions on other matters and have other purposes enter into it. It should be a conference on natural scenic resources and how to relate contemporary living to these scenic resources.

Commissioner Nishimura asked if land use would be considered. Commissioner Wenkam replied that land usage would be a part of the conference, but part of the Natural Beauty Conference. Commissioner Nishimura concurred with Commissioner Wenkam.

Commissioner Wung inquired on the status of the land use bills that were introduced to the Legislature. The Chairman informed Commissioner Wung that all the land use bills introduced did not pass except H.B. 1070 which provides for shortening the processing times for changes in district boundaries.

PETITION OF HARRY M. FLAGG AND PAUL R. MILLER (A64-76) FOR AN AMENDMENT OF THE URBAN DISTRICT BOUNDARY AT KALAHEO-KAI SO AS TO INCORPORATE APPROXIMATELY 37 ACRES FOR RESIDENTIAL USE: Described as Fourth Division TMK 2-3-02: 30 and 31

A brief analysis of the petition was presented by Mr. Gordon Soh (copy of memorandum on file). The staff concluded that there is no evidence of the need for additional urban lands and that the Standards for Determining District Boundaries have not substantially been met. It therefore recommended the denial of the petition.

Commissioner Wenkam asked what the decision of the Kauai Planning and Traffic Commission was. Commissioner Nishimura replied that they recommended approval of the subject petition. He stated that many lands are not available for subdivision in that area. Pointing to the map, Commissioner Nishimura indicated all the other subdivisions that are already completed and occupied. He stated that no other subdivision is being planned and that this is to be the next one.

The Chairman pointed out that according to the staff report, there is 1 home per 2 acres, which is approximately 48 homes per 100 acres. Commissioner Ferry asked how many owners are involved and suggested that this is no criteria unless small lot owners are involved.

Pointing to small lots on the map, the Chairman asked how large these lots were. Commissioner Nishimura stated that the lots are 10,000 to 15,000 sq. ft. In response to the question of how many lots are occupied, Commissioner Nishimura replied that most are occupied.

Commissioner Ferry asked Mr. Soh to point out the existing urban areas in relation to this parcel. A brief discussion ensued.

Commissioner Ferry expressed that he is familiar with the topography of the region and stated that it is not the best area for agriculture and is also rather sloping. Commissioner Nishimura stated that the area, with a commanding view of the mountains and the Poipu area, would make a beautiful house lot area. He further stated that this is one of the reasons why the petitioners would like to

develop that area. It is not good for pasture at present and has not been in pineapple for some time. Commissioner Nishimura advised that the next property which has been in pineapple is currently fallow.

Referring to staff's report which states that there are 48 homes per 100 acres, Commissioner Ota stated that this does not necessarily reflect that the area is underdeveloped. It might mean that there are only 48 parcels owned by 48 people. In this instance, it may mean that some of the people do not wish to release their lands which is a common situation on the outside islands.

In reference to Commissioner Ota's comments, the Executive Officer commented that there are certain considerations which have not been mentioned that are not unique to this property under petition. From having visited the site, he stated that most will agree that the entire surrounding area contains the same attributes that this site has, as well as the adjoining urban parcels. The matter of land being placed in the Urban District and not being placed for sale by the owners is a problem of the Land Use Law only insofar as districting serves as a basis for taxation. The intent of the Law is to force those areas suitable for urban development into such uses.

The Executive Officer further stated that another concern in administering the Law is in respect to determining not only where but when areas become suitable for urbanization, the cost of government facilities and utilities and its relationship to the orderly growth or expansion of urban areas. The staff's findings indicate that the density of the adjoining urban area is only 1 house per 2 acres and the Executive Officer inferred that for an urban density it is extremely low and therefore very inefficiently serviced by public service facilities. In this respect, the parcel does not meet the requirements for urban districting.

Commissioner Ota concurred with the Executive Officer's comments in theory; however, Commissioner Ota felt in many instances taxation will not force the individual to put his land on the market.

In addition to what Commissioner Ota had mentioned, Commissioner Nishimura informed the Commission that an eight-inch line has already been installed in that section with a 250,000 gallon reservoir right on the golf course.

Mr. Clinton Shiraishi, attorney for the petitioner, testified before the Commission. He stated that he studied the staff report and agreed with the facts but respectfully suggested that some of the conclusions were wrong. He stated that emphasis was placed on the wrong areas and that in other areas, there was lack of emphasis. Mr. Shiraishi believed it significant that the land in question is not suitable for agricultural purposes because of the soil composition, climatic condition and its topographic nature. The staff also admits that there is a modest market for residential sites in this area and that the atmosphere and the climatic condition are looked upon with favor by the citizens in the area.

Mr. Shiraishi stated that the staff report mentions that they have not submitted any development plan. Mr. Shiraishi has mentioned this fact to Mr. Flagg and

Mr. Miller and they have stated that they do not wish to expend any funds until their petition has been granted because of the exorbitant fees involved in preparing a preliminary plan.

Mr. Shiraishi advised that some of the standards mentioned in the staff report are not applicable to such an island as Kauai. However, as far as the subject lot is concerned the improvements, namely the roads, adequate supply of water and utilities, needed to meet the standards of Kauai at present are furnished.

Mr. Shiraishi pointed out also that the staff report does not seem very optimistic about the future growth of this particular area. He has been reliably informed that within the next five years $50 million will be expended for the development of Kokee and Bonham Air Base. With such encouraging information, Mr. Shiraishi felt confident that the growth impact will easily be felt as far as Kalaheo.

Mr. Shiraishi presented a sketch to the Commission and described the subject parcel and the surrounding subdivisions as well as the nearby schools and other facilities. Following the description, Mr. Shiraishi expressed the thought that it was logical that the subject property should be included in the urban classification.

According to the staff report much of the topography of this lot is between 15 to 20 percent slope. Mr. Shiraishi reported that it is very desirable today to have homes built on slopes which would command a view and that most of the subject property would command a good view. Mr. Shiraishi indicated that nearby property owners are planning to subdivide their property and to sell them as house lots. Mr. Shiraishi concluded that he eventually hopes to see the entire area developed into beautiful house lots.

Before any lot can be classified as Urban, factors such as whether or not it can be used for agricultural purposes should be considered. Mr. Shiraishi stated that this lot is not being used for agriculture at the present time and has not been used for that purpose during the last 10 years. He also pointed out that there is a golf course nearby and that the nearness of this recreational facility makes the area a desirable place for residential development.

Commissioner Burns asked if any communication was received regarding other landowners in the area in relation to this petition. The reply was none.

Commissioner Ota asked if the south boundary of the 37 acres is adjacent to an urban zone. Mr. Shiraishi replied that the subject parcel abuts an urban area.

Commissioner Ota inquired if the entire area in question was in compliance with the Kauai Subdivision Ordinance and the Executive Officer agreed by saying that the Kauai Subdivision Ordinance has no restrictions regarding the slopes of lands.

The Executive Officer advised that in examining the County of Kauai's population trends, there has been no indication that there will be any significant growth, particularly in this area, that would warrant such a

substantial amount of urban land. He stated that although this particular area is well suited for house lots, there is a question of when this area should be developed in relationship to the general plan and the scheduling of government finances for facilities and services. If there is a demand, thought should be given as to what would be the appropriate areas to add to the Urban District, and there are other parcels in the area that are just as well or perhaps better suited to urban uses than this particular parcel.

In response to Commissioner Ferry's question of why the others be granted when the request is made here, the Executive Officer replied that there has to be a relationship to the existing facilities and services and a relationship to the general plan of the area. Commissioner Ferry replied that there still would be a strain on the County to provide the services no matter what parcel is designated urban. A brief discussion ensued and the Executive Officer pointed out that it is the staff's obligation to bring out these facts before the Commission for their approval or disapproval.

Mr. Soh admitted that the question of land ownership was not seriously considered but was looked at, and he added that it can't be said that there are institutional landholdings in the Kalaheo-Kai Urban District. He pointed out that the Land Use Law is relatively new and that the land assessments are only now being tied to zoning. He pointed out that in addition the Pittsburgh Plan, in which the tax burden is being shifted on to land so as to be more like a single tax, is being scheduled over a long period of time and is just being initiated. It will take 10 or 20 years before a complete change will be effected. Mr. Soh stated that results can't be foreseen immediately where tax liabilities will definitely influence property owners in developing urban lands and that it is too premature to appraise the situation.

Commissioner Ota commented that Mr. Shiraishi's observations seem to indicate the subject area to be a desirable high- or middle-class residential district because it has the amenities of good living.

The Chairman asked Mr. Shiraishi if there has been any commitments or inquiries made to purchase lots in this area. Mr. Shiraishi replied in the affirmative. Mr. Shiraishi conceded that the Executive Officer's statement that the population is not increasing in the area is quite true but that the people who are purchasing these lots are not local residents but purchasers from Oahu and the mainland who wish to buy these lots and reside on Kauai upon retirement which is five to ten years hence.

Commissioner Nishimura made a motion to accept the petitioner's request to change the area from an Agricultural to an Urban District on the basis that the subject property is contiguous to an Urban District and to other urban facilities. Commissioner Ferry seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry

Disapproval: Chairman Thompson

The motion for approval was carried.

The Executive Officer informed Mr. Shiraishi that formal communication regarding the Commission's final decision will be transmitted shortly.

The meeting was adjourned at 5:30 P.M.

June 7, 1965

Mr. Harold G. Nishihara
2809 La-i Road
Honolulu, Hawaii

Dear Mr. Nishihara:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on June 25, 1965, at 1:00 p.m. in the Land Use Commission hearing room, 426 Queen Street, Honolulu, Hawaii. Your petition for change of district boundary from an Agricultural to an Urban district classification for TMK 3-4-21: 11, First Division, will be heard at that time.

Publication of Legal Notice appeared in the Honolulu Star-Bulletin and the Honolulu Advertiser on June 5, 1965 and will appear again, in both newspapers, on June 15, 1965.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
City Planning Commission

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR CHANGE OF DISTRICT BOUNDARY WITHIN THE COUNTY OF HONOLULU BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held in the County of Honolulu by the Land Use Commission of the State of Hawaii to consider petitions for a Change in the District Boundary as provided for in Section 98H-4, Revised Laws of Hawaii 1955, as amended.

TIME AND PLACE

In the Hearing Room of the Land Use Commission, 426 Queen Street, Honolulu, Hawaii, on June 25, 1965, at 1:00 p.m., or as soon thereafter as interested persons may be heard.

Docket Number and Petitioner:	A65-81 Harold G. Nishihara	A65-83 Kenzo Akinaka and Hisatoshi and Muriel T. Kanagawa	A65-84 Estate of George H. Holt
Tax Map Key:	First Division TMK 3-4-21: 11 (portion)	First Division TMK 5-9-14: 13	First Division TMK 8-7-10: 2 (portion)
Present District Classification:	Agricultural	Agricultural	Agricultural
Change Requested:	Addition of 2 acres to the Palolo Urban District for a residential subdivision	Addition of 1.017 acres to the Sunset Beach Urban District for a residential subdivision.	Addition of 65 acres to the Maili Urban District for a residential subdivision.

Maps showing the areas under consideration for change of District Boundary, and copies of the Rules and Regulations governing the petitions above are on file in the offices of the City Planning Department, County of Honolulu, and the Land Use Commission and are open to the public during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

All written protests or comments regarding the above petitions may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii before the date of public hearing, or submitted in person at the time of the public hearing, or up to fifteen (15) days following the hearing.

(Legal ad - 2 cols. w/border to appear:)
(JUNE 5 AND 15, 1965 - STAR-BULLETIN)
(ADVERTISER)

LAND USE COMMISSION

M. THOMPSON, Chairman

R. YAMASHITA, Executive Officer

STATE OF HAWAII
Department of PLANNING AND ECONOMIC DEVELOPMENT

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LUC OTS

Originator: [ ] DUE DATE

.....For Your Information .....Approval

✓ .....Appropriate Action .....Signature

.....See Me ( ) .....Please Type

.....Note & Return to ( ) .....Investigate & Report

.....Prepare Draft: letter, report, memorandum

.....Verifax .....copies .....Comment & Recommendation

.....Mail .....

✓ .....File .....Discard [ ]

.....Direct Reply with copy to Director

a verbal check w/ BWS should be made

AK:

(Keep routing slip attached to material)

NEAL S. BLAISDELL
MAYOR

1527

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STANLEY T. HIMENO
FRANK W. HUSTACE, JR.
KINJI KANAZAWA
THOMAS N. YAMABE, II
ALFRED A. YEE
BUDGET DIRECTOR, EX-OFFICIO
MANAGING DIRECTOR, EX-OFFICIO
ZONING BOARD OF APPEALS
GEORGE I. BROWN, CHAIRMAN
HENRY C. H. CHUN-HOON
HAROLD K. KOMETANI
PLANNING DIRECTOR
FRANK SKRIVANEK

CITY AND COUNTY OF HONOLULU
PLANNING DEPARTMENT
HONOLULU HALE ANNEX
HONOLULU, HAWAII 96813

March 17, 1965

Mr. Raymond S. Yamashita, Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

RECEIVED
MAR 23 1965
State of Hawaii
LAND USE COMMISSION

Dear Mr. Yamashita:

SUBJECT: Palolo - Change in Land Use District Boundaries
Tax Map Key: 3-4-21: 11
Applicant: Harold G. Nishihara

Pursuant to Section 98H-4, SLH 1955, as amended, the Planning Commission at its meeting on Thursday, March 11, 1965, considered the petition filed by Mr. Harold G. Nishihara, for an amendment to the Land Use District Boundaries from Agricultural district to Urban district, for an area of land situated mauka of Magnolia Place in upper Palolo Valley, 0-13, Honolulu, Oahu.

The Planning Director reported to the Planning Commission the following findings of fact and recommendations:

Findings:

Petitioner desires a change from Agricultural to Urban for an area comprising approximately 4-1/2 acres whereon exist four (4) dwelling units at present, in order that three (3) more dwelling units may be constructed on the subject property. The area is part of an agricultural subdivision created in 1954. Access to the area is by a 20-foot right-of-way and water service is inadequate and there are no sewer services. The existing use is primarily residential and there was no visible agricultural activity being conducted on the property. Our General Plan designates the area for residential use and the present zoning is Class A Residential.

There are, however, some agricultural activities conducted on areas surrounding the property in question. The staff in discussing the matter with the Board of Water Supply determined that only limited water supply is available here and they would oppose any major development, but have no objection to this proposal.

Recommendations:

The Planning Director recommended to the Planning Commission that the petition be approved for the following reasons:

1. The area is already occupied by four (4) residences and not used for agricultural purposes;

2. The area in question abuts the urban district boundary and this request constitutes a logical extension of the urban district in conformity to the General Plan of theCity and County of Honolulu;

3. The use and character of the area requested for inclusion into the State Urban District is similar to the use and character of the adjacent land in the urban district; and

4. The addition of three (3) dwelling units as proposed will not significantly affect water, access or other public facilities.

The Planning Commission, after careful consideration of all the facts, voted to accept the Planning Director's findings and recommendations with a modification that the urban boundary be extended along a straight line easterly from the existing urban line to meet with the 20-foot roadway mauka of the applicant's property.

Very truly yours,

PLANNING COMMISSION

By Frank Skrivanek
Frank Skrivanek
Planning Director

CONCUR:

John J. Ellis
Managing Director

Neal Blaisdell
Mayor

RT:ef

January 22, 1965

Ref. No. LUC 573

City Planning Commission
City and County of Honolulu
Honolulu Hale Annex
Honolulu, Hawaii

Attention: Mr. Frederick K. F. Lee
Planning Director

Gentlemen:

Pursuant to Section 98H-4, SLH 1955 (1961 Supplement), a copy of a petition for an amendment to the Land Use District Boundaries, submitted by Harold G. Nishihara, is forwarded to you for comments and recommendations.

Thank you for your cooperation in this and other matters.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Enclosure - 1

January 22, 1965

Ref. No. LUC 574

Mr. Harold G. Nishihara
2809 La-i Road
Honolulu, Hawaii

Dear Mr. Nishihara:

This is to acknowledge the receipt of your $50.00 check for an application to amend the land use district boundaries as shown on TMK 3-4-21: 11, First Division.

In accordance with Section 98H-4 of Act 205, this Commission must schedule a public hearing on your petition no sooner than 100 days nor more than 210 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Honolulu. We will inform you of the date of the hearing as soon as it is determined.

Should we develop questions in the meantime, we will contact you. And, should you have any questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron B. Thompson

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

RECEIVED
JAN 20 1965
State of Hawaii
LAND USE COMMISSION

Date Petition and Fee received by LUC

Date forwarded to County for recommendation

Date Petition, and County recommendation received by LUC

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Honolulu, Island of Oahu, map number and/or name O-13 Honolulu to change the district designation of the following described property from its present classification in a(n) agricultural district into a(n) urban district.

Description of property: Tax Map Key: 3-4-21-11 (PORTION). It is situated in Palolo Valley, mauka of Magnolia Place. It contains 4 1/2 acres, of which the lower 2 acres is bounded on the East and West by a public road. The said 2 acres are level and suitable for residential purpose.

Petitioner's interest in subject property:

The Petitioner is one of seven joint owners of said property.

Petitioner's reason(s) for requesting boundary change:

The lower 2 acres are suitable for urban use and are needed by the owners and the members of their immediate family for residential purpose. Water and other utilities are available to this area.

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to be classified.

(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.

Signature(s) Yasuo R Nishihara

Address: 2809 La-i Rd

Telephone: 701641

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State of Hawaii
LAND USE COMMISSION

EXHIBIT 1 (a)

THE SUBJECT PROPERTY IS NEEDED FOR A USE OTHER THAN THAT FOR WHICH THE DISTRICT IN WHICH IT IS LOCATED IS CLASSIFIED.

We, the undersigned, are immediate members of the family of HAROLD G. NISHIHARA. We are in need of lots upon which we may construct our separate homes, so that we may be able to provide our families a suitable place for residential purpose.

The subject property (lower 2 acres) is needed for urban use rather than agricultural. The property is presently owned by seven members of a eleven-member family. There are presently 4 houses on said property, occupied by the parents and 3 sons. Two other sons and four daughters presently live away from said property but are desirous of living on said property.

Respectfully submitted,

Name	Relation	Address
Edwin J. Nishihara	Brother	2815 La-i Rd
Richard G. Nishihara	Brother	2809-A La-i Rd.
Elsie N. Okada	Sister	3223-A Monsarrat Ave
Elizabeth H. Ebesu	Sister	284 S. Vineyard St. #704
Kenneth G. Nishihara	Brother	1146 B. Kewalo St.
Walter T. Nishihara	Brother	2002 Kalakaua Ave
Nancy H. N. Tokuda	Sister	4444 Alaka'a St.

EXHIBIT 1 (b)

THE SUBJECT PROPERTY IS NEEDED FOR A USE OTHER THAN THAT FOR WHICH THE DISTRICT IN WHICH IT IS LOCATED IS CLASSIFIED.

We, the undersigned neighbors of HAROLD G. NISHIHARA, have studied the subject matter and feel that the lower 2 acres of Tax Key: 3-4-21-11 are needed for urban use and recommend that said use be changed from agricultural to urban.

Respectfully submitted,

Name	Address
Roy M. Suda	2801-G Lai Rd.
Nancy E. Nakayama	2801-7 Lai Rd
Richard Y. Saiki	2801 7 Lai Rd.
Shigeji Sasaki	2801 F. Lai Rd.
June Sasaki	2801-F Lai Rd.
Rudolph A. Apuna	2845 Lai Rd
Sueko Ogawa	2845 Lai Rd.
Takashi Abe	2702 Myrtle St.
Helen M. Abe	2702 Myrtle St

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LAND USE COMMISSION

EXHIBIT 2

THE LAND IS USABLE AND ADAPTABLE FOR THE USE IT IS PROPOSED TO BE CLASSIFIED.

1. Water is available.

2. Other utilities are available.

3. The subject land is level. Since 1948, the Petitioner and the other joint tenants have been working towards a subdivision of the subject 2 acres. Since said date, the lower 2 acres have been graded and over 1,000,000 cubic yards of soil removed to improve said area.

4. The Urban District Boundary adjoins the west boundary of the lower 2 acres. And the property is bounded on the east and west by a public road.

5. A map is hereto attached.

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JAN 20 1965
State of Hawaii
LAND USE COMMISSION

State Form B14

STATE OF HAWAII

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Department, Bureau or Commission

OFFICIAL RECEIPT No. 13

1/20/ 19 64

RECEIVED from Albert Kai c/c of Harold G. Nishihara

Fifty and 00/100 DOLLARS

Deposit for public hearing pertaining to boundary change

$50.00

Alex N. Monks

Public Accountant

State Form B14

STATE OF HAWAII

OFFICIAL RECEIPT No. 97

Planning & Economic Development
Land Use Commission, 426 Queen St.
Department, Bureau or Commission

Jan. 30, 1965

RECEIVED from Jon Chinen for Harold S. Kikkawa
Fifty - no/100 ——————————— DOLLARS
for public hearing by the Land Use Commission for
boundary change in Honolulu, Hawaii (Ltr 65)

$ 50.00
Ck. #671 City Bank

Roberta L. Kim
Public Accountant