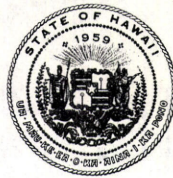


A-65-108

A. C. & EMILY F. GOUVEIA

JOHN A. BURNS
GOVERNOR



STATE OF HAWAII
LAND USE COMMISSION
426 QUEEN STREET
HONOLULU, HAWAII 96813

April 5, 1967

CHAIRMAN
MYRON B. THOMPSON

VICE CHAIRMAN
C. E. S. BURNS

GORO INABA
SHIRO NISHIMURA
ROBERT G. WENKAM
LESLIE E. L. WUNG

JAMES P. FERRY, EX-OFFICIO
LAND AND NATURAL RESOURCES

SHELLEY M. MARK, EX-OFFICIO
PLANNING AND ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Land Use Commissioners
FROM: Ramon Duran, Executive Officer
SUBJECT: Attached letter from Mr. A. C. Gouveia

Commissioner Inaba turned the attached letter from Mr. Gouveia over to the staff with the suggestion that a xeroxed copy be sent to all of the Commissioners.

At the Land Use Commission in Hilo on June 17, 1966, Mr. Raymond Suefuji stated that the Hawaii County Planning Commission was conducting a study of this area and thought that the Hawaii Planning Commission would initiate a petition for a boundary change in about 6 months. Commissioner Ferry felt it more prudent to deny Mr. Gouveia's petition at this time and to review the more encompassing petition forthcoming from the County and moved denial which was carried unanimously. No petition has been received from the Hawaii County Planning Commission as of this date.

4-6-67

Mailed copies to all Commissioners + Roy Takeyama
D.

P O Box 365
Holualoa, Hawaii 96725
March 27, 1967

Honorable Shunichi Kimura, Chairman
and Board of Supervisors
County of Hawaii
Hilo, Hawaii 96720

Gentlemen:

I was disappointed in not being able to attend your last board meeting held in Kona as I wanted your honorable board to consider an application to amend the Urban District boundary involving 3.8 acres of land situated at Laaloa, North Kona, Hawaii, Tax Key: 7-7-07-18.

County

On March 21, 1966, the Hawaii/Planning Commission recommend approval of our petition on the basis of the following:

- (1) Existing land use indicated a strip of residential development along both sides of the highway in the vicinity of the subject property.
- (2) Future expansion of urban areas are to be extended from Holualoa to Laaloa as shown on the proposed zoning map in the "Plan for Kona."
- (3) The subject lands will be contiguous to this urban area.
- (4) The General Plan indicates the subject lands in range land and waste land, which indicates that the area is not suitable for profitable agricultural use.

The State Land Use Commission stated that granting approval would open the door to indiscriminate scattered urban development.

This is not correct as the fact remains that the residential development along the highway is progressing our way and would be further developed if land was made available for homes; items 1 to 4 contradict the State Land Use Commission.

We feel that the State Land Use Commission is ten years behind the times, as the development of real estate in the State,

Page 2)

and especially in Kona, has advanced from the sale of land by the acres to the sale of land by the square foot.

Kona wants to grow and we must keep developing our lands to keep abreast with today's progress otherwise would-be potential home builders and retirees will seek other areas to settle down.

Kona is the ideal area for retirement and more and more people are looking for home sites but do not want too large a lot, of course, there are exceptions, those who want to live in exclusive areas with larger lots.

The present restrictions would prevent the ordinary wage earner from owning a home of his own because, let us say that selling lots of one acre in size at a minimum of fifty (50¢) cents per square foot would amount to \$21,780.00 - where is the little fellow coming in if he wants to provide a home for his family?

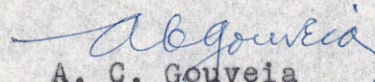
Today subdivision costs such as surveying, road construction, water, electric and telephone lines are so high that the real estate developer must add these costs to the land.

If the lot is a one acre parcel the price would be prohibitive to the small fellow but he could afford to buy a 7,500 or a 10,000 square foot lot.

Agriculture in Kona is no longer economical due to the high cost of material and labor and primarily because we are isolated from the markets in Honolulu with transportation costs and losses adding insult to injury.

Your kind consideration of this matter will be appreciated not only by us but by the community as a whole.

Sincerely yours


A. C. Gouveia

cc:

Sherwood Greenwell
Harold Higashihara
William Thompson
Walter Kimura
✓Goro Inaba

June 21, 1966

Mr. A. C. Gouveia
P. O. Box 365
Holualoa, Hawaii 96725

Dear Mr. Gouveia:

The petition by A. C. and Emily F. Gouveia (A65-108), for an amendment to the Land Use District Boundaries from an Agricultural District to an Urban District for 3.8 acres of land at Laaloa, North Kona, Hawaii, TMK 7-7-07: 18, was denied by the Land Use Commission at its meeting on June 17, 1966.

Prior to taking action on your petition, the enclosed memorandum was presented to the Commission.

Should you desire any further information, or have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

cc: Chairman Thompson
Planning Commission, Hawaii

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Gouveia
DATE 6-17-66
PLACE _____
TIME _____

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

COMMENTS:

for denial

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Board of Supervisors Chambers

Hilo, Hawaii

10:30 A.M. - June 17, 1966

Commissioners
Present:

Myron B. Thompson, Chairman
Shelley Mark
Jim Ferry
Leslie Wung
Shiro Nishimura
Charles Ota

Commissioners
Absent:

C. E. S. Burns, Jr.
Robert G. Wenkam
Goro Inaba

Staff Present:

George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

The meeting was called to order and a short prayer followed. Chairman Thompson apologized for the delay in the meeting. Procedures to be followed during the hearing were outlined and persons testifying were duly sworn in.

It was announced that there would be a change in sequence on the agenda.

ADOPTION OF MINUTES

The minutes of the following dates were approved as circulated:

October 29, 1965, November 5, 1965, November 20, 1965
March 25, 1966, April 14, 1966

ACTION

Upon the request of the petitioners, action on the following petitions were deferred to a later date:

A65-103 - Bishop Estate
A65-105 - Mauna Loa Development Corporation

See page 2

PETITION OF TAKESHI & CHIZUKO KUDO (A65-104) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT KEALAKEKUA, HAWAII, identifiable by TMK 8-1-06: 13.

Mr. Moriguchi presented the staff memorandum recommending approval of the petition since all services required on urban lands were available, adjoining areas would not be adversely affected by the boundary change, and lands available for urban expansion in the area appeared to be limited.

Since there was no one present representing the petitioners, and no further discussion on the matter, Commissioner Ferry moved to accept staff's recommendation for approval of the petition, which was seconded by Commissioner Wung. The motion was carried unanimously.

PETITION OF A. C. AND EMILY F. GOUVEIA (A65-108) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT LAALOA, NORTH KONA, HAWAII, identifiable by TMK 7-7-07: 18

Staff memorandum presented by the Executive Officer was for denial of the petition due to the lack of any justification for the need of additional urban lands and because the proposed use would contribute toward scattered urban developments.

The area in question was pointed out on the map by Mr. Moriguchi. It was also explained that Mr. Gouveia's property was partially planted in coffee and the surrounding area was of a rural residential nature.

In reply to Commissioner Ferry's question, Mr. Moriguchi advised that the areas colored in green indicated the most thriving agricultural lands in the area. Commissioner Ferry then commented that Mr. Gouveia was requesting an urban classification for a small parcel within a large Agricultural District.

Chairman Thompson observed that during the last meeting a member of the Hawaii Planning Commission had made the statement that the property abutting subject parcel was being considered for boundary change by the County of Hawaii.

Mr. Suefuji was of the opinion that reference was being made here to the study conducted by the Hawaii Planning Commission on future zoning of the area. The Statutes provide that 3-acre parcels may be included in the urban area. Upon survey, the Planning Commission found that both sides of the highway bounding subject parcel were lined with residences and felt that zoning this parcel for single-family dwelling would not constitute scattered zoning.

Mr. Suefuji thought that the Hawaii County Planning Commission would petition for a boundary change in the area within the next five or six months, although he was not certain about the exact acreage since the matter was still under review.

In view of Mr. Suefuji's foregoing testimony and the fact that the petitioner's request was for only a 3-acre parcel, Commissioner Ferry felt it more prudent to deny Mr. Gouveia's petition now and to review the more encompassing petition which will be forthcoming from the County at a later date. Therefore, Commissioner Ferry moved to accept the staff recommendation for denial of the petition, seconded by Commissioner Wung. The motion was carried unanimously.

PETITION OF ALEXANDER & BALDWIN, INC. (A65-106) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT KAHULUI, MAUI, identifiable by TMK 3-8-07: 02.

Approval of the above petition was recommended by staff on the basis of the high rate of sales experienced by the Ninth Increment Development and because need for additional urban lands had been established.

There was no discussion on the matter.

Commissioner Ota moved to accept staff's recommendation for approval of the petition which was seconded by Commissioner Nishimura and passed unanimously.

PUBLIC HEARINGS

PETITION OF PARKER RANCH (A66-111) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT WAIKOLOA, SOUTH KOHALA, HAWAII, identifiable by TMK 6-7-01: portion of parcel 3.

Staff report was presented by Mr. Ah Sung Leong which recommended disapproval of the petition since the petitioner had not substantiated the need for additional urban lands for U-drive and car rental businesses.

Mr. Leong advised that the terminal area was in the Agricultural District, and that the nearest urban area was approximately one mile away.

Commissioner Ota felt that since Kamuela was tied in with the resort complex, it should be preserved in the rural atmosphere as much as possible. He also cautioned against the possibility of commercial encroachment in the area once the 4-acre parcel was approved for urban uses. Kamuela is one of the last remaining airports with a semblance of open space and beauty, Commissioner Ota observed.

Mr. Suefuji was of the opinion that with proper landscaping, set-backs and planting of trees, the proposed use could be concealed from the highways. He also felt that this type of use would be in support of the tourist industry and should be considered in that light.

Chairman Thompson asked Mr. Norman Brand, attorney for the petitioner, whether Parker Ranch had considered coming in on a special permit rather than a boundary change, as suggested by Commissioner Nishimura.

Mr. Brand replied that since in either case the ultimate decision will be the same, Parker Ranch would be happy to withdraw the petition for boundary change and come in on a special permit if this approach would be more in keeping with the Commission's wishes. Chairman Thompson advised that the end result would not be the same.

Chairman Thompson continued that it was his personal feeling that the special permit would be more appropriate at this time, since boundary change could constitute spot zoning for this area.

Pursuing the matter along the same lines, Commissioner Ferry commented that it was conceivable that a special permit request would be approved in an Agricultural District for parking purposes. However, a boundary change would place the jurisdiction within the Hawaii County Commission and it was not wholly inconceivable that the parking use would eventually change to a commercial use.

Mr. Brand submitted that the staff report was invalid because he felt the decisions were based on faulty assumptions. He argued that no mention was made of parking stalls in the petition--however, Parker Ranch had been approached by businessmen over the possibility of establishing a base of operation. Kamuela was an actively growing community and although Parker Ranch had no interest in the matter, because of its position as controlling landowner in the district, it would be open to criticism on the grounds of ultra-conservatism or even obstruction should they choose to refuse these requests. Parker Ranch had a moral obligation to see that developments in the area are conducted in a manner harmonious and inoffensive to the community.

On the basis of opinions expressed during this hearing, Mr. Brand asked to withdraw the petition of Parker Ranch for boundary change with the idea of submitting a special permit request at a later date.

Chairman Thompson called for a 5-minute recess at 11:05 a.m.

The hearing was resumed at 11:10 a.m.

Chairman Thompson advised that the following had transpired during a conference with Mr. Brand:

1. Request for withdrawal of petition still stands, with the hope of submitting a special permit request at a later date.
2. Petitioner fully understands that this morning's discussion in no way indicated that a special permit would be considered favorably by this Commission--that all of the facts would have to be considered at the time of the meeting.

Chairman Thompson informed the Commissioners that they had a choice of one of two motions:

1. To deny petitioner's request for withdrawal of petition and proceed with the hearing.

2. Accept the request for withdrawal of petition, subject to a letter in writing making this request, to be submitted at a later date.

In reply to Commissioner Wung's query, Mr. Moriguchi advised that the \$50.00 fee for the special permit was strictly a matter between Mr. Brand and the County of Hawaii since special permits are routed to the Land Use Commission through the County Planning Commissions.

Commissioner Ferry wondered whether petitioner would have the option of converting the boundary change petition to a special permit upon submission of necessary data. Mr. Moriguchi advised that this alternative would not be open to the petitioner inasmuch as special permit hearings were conducted by the County Planning Commissions.

Mr. Suefuji commented that the applicant should be made aware of the fact that there was a waiting period of 30 days before the County Planning Commission could conduct a public hearing on the special permit request and another 15 days before the County Planning Commission could render a decision.

Commissioner Wung moved to accept the request to withdraw the petition by Parker Ranch, subject to receipt of a letter from petitioner to this effect. Commissioner Mark seconded the motion and the motion was passed unanimously.

PETITION OF HAWAII COUNTY PLANNING COMMISSION (A66-115) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT AT LALAMILO, SOUTH KOHALA, HAWAII, identifiable by TMK 2 through 14

Mr. Ah Sung Leong presented the staff report in which it was recommended that the petition be approved since the Department of Taxation had included this area in its recommendations for Urban Districts, facilities and services were readily available and the area was contiguous to an Urban District.

Mr. Raymond Suefuji stated that based upon staff investigation of the area under petition, it was felt that this should have been included in the Urban District. This is an area already built up with single family homes. The matter was brought to the attention of the Planning Commission by Mr. Lloyd Kaneshiro who owns a parcel in the affected area.

Mr. Takeyama, legal counsel, brought up a procedural legal point since the subject lands were not owned by the County but by several landowners. He advised that advertisement of a public hearing in a legal notice in a newspaper of general circulation was not sufficient--that each property owner affected by the boundary change should be informed individually of the public hearing to be held. He pointed to the possibility that there may be some objections to the change in boundary.

Chairman Thompson commented that the subject area was already being assessed as an Urban District. Commissioner Ferry felt that a drafting error might have occurred at the time the final boundaries were drawn.

Mr. Takeyama advised that two approaches were available to the Commission to resolve this problem:

1. Defer the public hearing and have the staff send out letters or notices of public hearing to be held at a later date to each landowner affected by the petition.
2. Request the County to obtain signatures from each landowner affected by the petition, assenting to the request for boundary change, and submit them as part of the petition.

Replying to Mr. Suefuji's argument that property owners other than those whose properties were directly involved in the petition in the immediate area were also going to be affected by the boundary change, Mr. Takeyama commented that his concern was for procedural safeguard against any criticisms or complaints that might result from inadequate notification to persons whose properties were being proposed for a boundary change.

Inasmuch as the Commission had 45 days in which to offer a decision on the petition, Commissioner Ferry suggested that the Hawaii County Planning Commission be requested to obtain signatures from those property owners whose properties were directly involved in the petition, assenting to the proposed boundary change. He added that the State was amply represented on this Commission.

Mr. Moriguchi raised the point as to whether this procedure would have to be followed in the future in the event the County or State initiated a boundary change even though it might involve 300 separate property owners.

Mr. Takeyama advised that a letter by mail to each property owner advising him of the public hearing would be adequate.

Chairman Thompson wondered about the legal implications of past decisions rendered by the Land Use Commission, involving petitions initiated by the State or County, on which individual notices had not been served to individual property owners.

Mr. Takeyama replied that as far as he knew all of the government-initiated petitions had been for boundary changes on lands owned by either the State or County.

Mr. Takeyama further advised that there was a technical difference between the drawing of the district boundaries and making a boundary change. In the former instance, the Commission had pursued the matter on the basis of its rule-making powers. In the latter instance, the Commission is exercising a quasi-judicial right on contested cases, and the procedure for contested cases requires personal notices to the parties involved and public advertisement is not adequate.

Referring to Mr. Suefuji's earlier argument, Mr. Takeyama felt that the notice requirements to property owners of adjacent lands may not be the same as the notice requirements to property owners whose lands were subject to change.

Commissioner Ferry moved, seconded by Commissioner Nishimura, to request the Hawaii County Planning Commission to obtain signatures from the affected property owners, consenting to the proposed boundary change from Agricultural to Urban within 15 days of this hearing. The motion was carried unanimously. The hearing was closed thereafter.

PETITION OF HAWAII COUNTY PLANNING COMMISSION (A66-117) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT AT PUNAHOA, HILO, HAWAII, identifiable by TMK 2-3-39: 3, 5, 6, 7 and 8

Staff recommendation, as presented by Mr. Moriguchi, was for approval of the petition since the adjacent areas were presently in intense urban use, all community and utility services were presently available and the lands were adaptable for urban purposes. It was also recommended that parcel four be included for change upon concurrence by the petitioner.

Mr. Suefuji commented that the background on this petition was similar to that of the foregoing petition just heard. He added that the area was presently developed and the Hawaii Planning Commission felt it should be included in the Urban District based on its actual use.

Commissioner Wung moved that the Hawaii County Planning Commission be requested to obtain signatures from the affected property owners consenting to the proposed boundary change from Agricultural to Urban within 15 days of this hearing. Commissioner Nishimura seconded the motion and it was passed unanimously. The hearing was closed thereafter.

DECLARATORY RULING - CONCRETE INDUSTRIES INC.

Staff evaluation of the request by Concrete Industries, Inc. resulted in its recommendation to rule that only the crushing and screening plants were direct accessories to the permitted use within an Agricultural District. (See copy on file.) A letter, dated June 6, 1966, from Concrete Industries, Inc. was also presented by Mr. Moriguchi. (See copy on file.)

Chairman Thompson summarized that the request was to include ready mix plant, asphalt, block, cast concrete and pipe plants as accessories to excavation or extraction of natural building materials.

Mr. Moriguchi commented that the Commission should consider whether these facilities as listed in the staff report were permitted uses, being direct accessories to permitted uses withⁱⁿ an Agricultural District.

Mr. John Russell of Concrete Industries, Inc. referred to Section 2.14 (m) of the State Land Use District Regulations "Permissible Uses Within the Agricultural District" and commented that mills, storage and processing facilities were considered direct accessories to the permitted uses. In further-

ance of this argument, he submitted the following definitions:

Mills - Crushing activities, crushing of rocks

Processing facilities - The ready-mix plant, asphalt plant and other plants needed for processing

Mr. Russell reiterated that it was their feeling that the facilities located at the quarry where the rock was excavated should be considered as processing facilities, which are permitted uses under Section 2.14 (m).

Chairman Thompson observed that there was a difference in definition of permissible uses under Section 2.14 (m), as submitted by Mr. Moriguchi and Mr. Russell.

Mr. Moriguchi commented that the mere fact that the Regulations contained the words "mills" or "storage facilities" did not mean that these were allowed. They had to be part of a permitted use and tied to a basic use.

Mr. Takeyama raised the question of whether requests for declaratory rulings, such as the one under discussion, should not go through the special permit route, wherein notices would be duly publicized to afford interested persons an opportunity to express their views on the matter.

Mr. Moriguchi clarified this by stating that the Concrete Industries had already been advised to this effect, that in fact a special permit had been filed with the Maui County Planning Commission. However, to keep things rolling, a declaratory ruling had also been sought.

Chairman Thompson expressed the concern that if a declaratory ruling were made on the Concrete Industries' request today, it would drastically affect the Land Use Regulations and all state concrete plants.

Commissioner Ferry remarked that he would be hesitant to establish precedents by concurring with the applicant that the proposed activity would fall within the District Regulations, and that he would prefer to evaluate the matter on a special permit application.

Commissioner Ferry moved to accept staff's recommendation in declaring a ruling that the only item falling within the Land Use Regulations as a permissible use be the crushing and screening plant. The motion was seconded by Commissioner Ota and carried unanimously.

The meeting was adjourned at 12:30 p.m.

STATE OF HAWAII
LAND USE COMMISSION

June 17, 1966
Hilo, Hawaii

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Bernice P. Bishop Estate (A65-103), Keei-Napoopoo Area; Takeshi and Chizuko Kudo (A65-104), Kealahakua, Hawaii; Mauna Loa Development Corporation (A65-105); and A. C. and Emily F. Gouveia (A65-108)

1. Bernice P. Bishop Estate (A65-103)

During the public hearing held on March 25, 1966 on the matter of this petition, it was the recommendation of the Staff that the petition be denied since:

1. The need of the lands presently within the Conservation District for Urban classification has not been demonstrated by the petitioner.
2. The requested change will tend to create undue demands upon the general public for the benefit of a relatively few who would use the area for weekend and vacation houselots.
3. Water services are unavailable in the area at present.
4. The subject lands are not contiguous to an urban district.

The petitioner reported during the public hearing that:

1. Without increased taxes from such a project as proposed, there will be no income to the Government.
2. If this project is approved, the petitioners plan to request additional urban lands in the area.
3. The Island of Hawaii is so large that there is no need to restrict development.

In response to these additional comments made by the petitioner, the Staff would point out that although increased taxes from the subject project is cited, no mention is made of the increased expenditures that would be required to service the project by the County and State. The suggestion that the Island of Hawaii is so large that there is no need to restrict development cannot be accepted by the Staff as a valid argument. The fact that a State Land Use Law has been deemed necessary

for application to the Island of Hawaii and the rest of the State, is a firm indication in itself that developments must be properly planned and phased even on the Island of Hawaii where extensive lands are available.

It is of interest to note that the petitioner has suggested that "urban classified Napoopoo area, at present, has no noticeable activity toward use and development for urban purposes." Therefore, the petitioner has contended that there is no need for urban lands in the Napoopoo area.

Upon evaluation of the data presented to date on the matter of this petition, the Staff recommends disapproval of the petition.

2. Takeshi & Chizuko Kudo (A65-104)

A petition for amendment to the Land Use District boundaries involving approximately 2 1/2 acres of land at Kealakekua, Hawaii, from an agricultural classification to an urban classification, was heard on March 25, 1966, by this Commission. At that time, the Staff recommended that the petition for amendment be approved since:

1. Lands available for urban expansion in the area of the subject lands appears to be limited.
2. All community and utility services required to service urban lands are available in the area with the subject lands immediately adjacent and contiguous to the present Urban District boundary.
3. Agricultural operations in the adjoining areas would not be adversely affected by permitting the boundary change.

Any additional significant data relative to the petition have not been received to date and, therefore, the Staff recommends approval of the petition.

3. Mauna Loa Development Corporation (A65-105)

A change in district classification from Agricultural to Urban for approximately 252 acres of land at Keauhou, Hawaii was the subject of a petition heard on March 25, 1966. The Mauna Loa Development Corporation proposes a mountain resort type development to complement the golf course, dude ranch, and country club development. During the public hearing, the Staff reported that:

1. Justification for the change from Agricultural to Urban appears to be lacking.
2. Justification for a mountain resort type development appears to have been substantiated.

3. The petitioners be asked to consider a rural classification in lieu of the urban classification for their development with their plans to be revised accordingly.

Since that time, a revised development plan which reduces the number of lots from 420 to 356 has been submitted by the petitioners to comply with conditions for a rural district. However, they have indicated a preference for a change to Urban although they would accept a Rural classification.

On the basis of the data submitted to date, the Staff recommends that the 252 acre parcel be allowed for change from an Agricultural District to a Rural District.

4. A. C. & Emily F. Gouveia (A65-108)

A petition by Anthony and Emily Gouveia for boundary amendment from an Agricultural District to an Urban District involving 3.8 acres at Laaloa, North Kona, Hawaii was heard by this Commission on March 25, 1966. The primary reason advanced by the petitioner and the Hawaii County Planning Commission in support of the petition was that the use of the lands for agricultural purposes has not been economically successful since the lands are not suitable for extensive agricultural use. The Staff recommended denial of the petition due to (1) an apparent lack of any justification for the need of additional urban lands and (2) the proposed use would contribute toward scattered urban developments.

No additional data pertaining to the petition has been received since the public hearing and, therefore, the Staff again recommends denial of the petition.

File 1905
RECEIVED

MAR 30 1966

State of Hawaii
LAND USE COMMISSION
P O Box 365
Honolulu, Hawaii 96725
March 26, 1966

Mr. Myron B. Thompson, chairman
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re Application A65-108
To amend the Urban District boundary at North Kona, Hawaii

Dear Mr. Thompson:

At the hearing held at the Hale Halawai, Kailua-Kona, Hawaii, at 1:00 p.m. on March 25, 1966, our petition was denied (as presented by Mr. George S. Moriguchi, Executive Officer).

The amended petition was mailed from Hilo to your office on March 21, 1966, and we presume there was not sufficient time to make a thorough study of the matter.

At this Kailua meeting you were informed by Mr. Yoshimura of the Hawaii County Planning Commission that our petition for a change in the Kona Urban District boundary was approved by the Hawaii County Planning Commission on March 18, 1966.

The Urban District in North Kona, according to the "Plan for Kona" extends along the Mamalahoa Highway from Holualoa to Laaloa with residential development along both sides of the highway in the vicinity of the subject property.

This is the plan adopted by the Hawaii County Planning Commission and future expansion of urban areas are to be extended from Holualoa to Laaloa.

Our property is contiguous to this urban area.

You no doubt realize that urbanization of land areas on the outer Islands cannot be compared with Oahu. Our land areas are larger, distances greater from one district to another, settlements have been scattered along the highways, due mainly to scarcity of fee simple property being offered for sale in the past and lack of industry.

However, this picture has considerably changed in the

Page 2:

last few years with employment increasing in the Kona area due to considerable construction jobs available in road building, hotel work and also due to a large influx of tourists settling in Kona.

Agriculture no longer enjoy the prosperity of the past years especially coffee and cattle. Our coffee market is flooded with low priced coffee from South America, Africa, etc. and beef is imported in the millions of pounds annually from New Zealand and Australia.

We appreciate that your commission is bound by set regulations of the Land Use. You will also agree that these regulations are generalized in principle but also that there are exceptional cases which do not fit these so-called iron-clad regulations and must be considered on their individual basis.

We are trying to help Kona grow along with the other Islands by making more house sites available for homes on fee simple land. This will put our property in a higher use category which in turn will bring in more revenue to the County - and - which will not be a service burden on the County or the State. All utilities are now and have been available without any restrictions fronting this property.

May we kindly ask that you and your commission consider the previous approval of the Hawaii County Planning Commission and reconsider our petition before making your final disposition of this matter.

Thanking you for your kind consideration of this matter, we are

Sincerely yours

A. C. Gouveia
A. C. Gouveia

Emily F. Gouveia
Emily F. Gouveia

cc: Mr. Raymond Suefuji
chairman Hawaii County
Planning Commission

June 1, 1966

Mr. A. C. Gouveia
P. O. Box 365
Holualoa, Hawaii 96725

Dear Mr. Gouveia:

The Land Use Commission next meets at 9:30 a.m. in the County Board of Supervisors Chambers at Hilo, Hawaii on June 17, 1966.

On or about that time a decision of the petition by A. C. and Emily F. Gouveia (A65-108) will be rendered.

There is no requirement for you to be present. However, 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

Minutes of Meeting

Hale Hawaii Cultural Center

March 25, 1966 - 1:00 P. M.

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

The Reverend Boshard of Mokuaikaua Church offered a short prayer, which was followed by the usual introduction of Commission members and staff, procedure to be followed, and swearing in of persons testifying during the hearing.

PETITION OF MAUNA LOA DEVELOPMENT CORPORATION (A65-105), TO AMEND THE URBAN DISTRICT BOUNDARY AT KEAUHOU, HAWAII, identifiable by Tax Map Key 9-9-01: portion 4

Staff report, presented by Mr. Moriguchi, recommended modification of the petition for a Rural District, initially providing for 100 lots, with the country store and inn facility allowed in the area on the basis of a special permit.

Contrary to Mr. Ernest Kai's impression that the schematic subdivision plan for the proposed project had been submitted to the Land Use Commission, the staff was not in possession of the plan at the time report was prepared.

Mr. Moriguchi explained that the recommendation for a rural classification, instead of an urban classification, was based on the developer's statement that there will be two homes on an acre which would fall within the Rural District. It was also pointed out that under an urban classification, the County would be required to provide services and facilities to the development, whereas a rural classification would place this responsibility in the developer's hands. Mr. Moriguchi further explained that the intent of the developer was really for a cluster-type development, rather than for a 2-home per acre plan.

In response to Commissioner Nishimura's request, Mr. Moriguchi gave a detailed account of the proposed and existing uses, such as the dude ranch, golf course and club, country store and inn, the residential subdivision, etc., as projected on the land uses sketch submitted by the petitioner.

Chairman Thompson wondered whether advance appraisal of the schematic subdivision plan might have made a difference in the staff report. Mr. Moriguchi replied that he was unable to comment on this since he had not had the time to study the plan. However, the original data submitted implied that there would be two houses to an acre, although it developed later that this was true only in terms of overall density, that, including the open spaces, the gross density would be one house per half acre. This latter plan would not be permissible under a rural classification, it was pointed out.

Commissioner Nishimura asked whether staff felt that an urban designation in this area would constitute spot zoning. Mr. Moriguchi replied

that under the regulations, staff was required to take into consideration the possibility of scattered urban development, and that this was one of the bases for recommending a rural classification.

The inability to afford vacation lots by most people and environmental factors in the Alii Subdivision in the Volcano area were submitted as possible reasons for the slow rate of sales. Commissioner Wung felt that the inclement weather contributed to the slow sales.

Mr. Philip Yoshimura of the Hawaii County Planning Commission commented that at the time the developers seek County approval for subdivision plans, the Planning Commission would require them to provide all necessary facilities, improvements and services under the County subdivision regulations. In reply to Chairman Thompson's question, Mr. Yoshimura advised that there was no water supply available in the subject area, but that water catchment was possible.

Mr. Moriguchi clarified his earlier statement regarding the County's responsibility as far as providing the necessary services to the proposed development was concerned--that services did not end with the initial cost of constructing facilities for utilities and services, that schools, fire and police protection, etc. also had to be provided, and dedicated roads would have to be maintained by the County.

Mr. Ernest Kai, Secretary-Treasurer of the Mauna Loa Development Corporation, Mr. Edward Fitzsimmons, President of the corporation, Mr. Alex Castro of Bishop Realty who will handle sales, testified in behalf of the petitioners.

Mr. Kai explained that the Mauna Loa Development Corporation was a Hawaiian corporation comprised of Honolulu and Hilo associates, who were

interested in developing the Volcano area. The resort complex will include an existing 18-hole golf course which would be upgraded into first-class condition, club house, tennis courts, swimming pools, archery, riding stable, dude ranch, game hunting, country inn, etc. Mr. Moriguchi had confirmed that golf course and dude ranch were permissible uses in an Agricultural District, so that the developers were requesting urban classification for the remaining 415 acres, designated in yellow and red on the map.

To preserve the natural landscape, the developers had decided in favor of a cluster-type plan over a grid-type development of one house per half acre, as stipulated by the Land Use Regulations within a Rural District. Therefore, the developers were requesting an urban classification to enable them to pursue a cluster-type development.

Mr. Kai advised that the development was geared primarily to meet the needs of island residents for a vacation-type home in the islands with recreational facilities. A poll taken in Honolulu of people in the middle and upper income brackets indicated the great interest and need for such a facility. Governor Burns had also stressed that we were overlooking the available recreational facilities within the islands for the island people, at a tourism seminar held in Hilo.

Mr. Kai has worked out an agreement with the Bishop Estate whereby leases will be for a period of not less than 55 years, with very nominal rental. The developers also plan to permit multiple ownership to enable two or three families joint ownership of a vacation home. This will be a package deal, with nominal down payment within the reach of island residents. Climate in the area is equitable and there will be storage for

water for drinking and irrigation purposes for the golf course. Every purchaser of a lease lot will be given membership in the golf club.

The total development cost would run in the neighborhood of five to six million dollars. There is a great market for this type of development which has never been provided previously for the benefit of island residents.

With respect to the availability of water, Mr. Kai had been informed by the Board of Water Supply that there was no requirement for a water system in the development area, that one tank to each home would be sufficient.

Mr. Kai requested that the schematic subdivision plan be admitted as Exhibit 2-A. He explained that the cluster type development envisions 1/4 acre plus or minus lots with open spaces between and will meet all county standards and requirements.

On the matter of substantiating a need for such a development, Mr. Kai submitted that the most conclusive proof of need could be established by the fact that they had in their possession many signed sales agreement. Although he realized that they could not solicit subscriptions until the subdivision was approved, Mr. Kai stated that there were over 50 people among his acquaintances who had expressed a desire to purchase. He added that if they were compelled to break this up into increments of 100 lots at a time, it would be disastrous since this would cause needless delay and would be too expensive in terms of having to apply to the Land Use Commission each time they started on another increment. It would also ruin their financing arrangement, which has already been negotiated for, since this was based on the whole subdivision.

Regarding staff's recommendation that the developers seek a special permit for the country store and inn, Mr. Kai requested that this also be reclassified urban. He said the country store would serve people in the entire area, including those who utilize the military camps.

The scheme will be rugged in keeping with the Mauna Kea and Mauna Loa background. The lease agreement will incorporate a requirement that the design and color be approved by the developers, and also a two-year building covenant to preclude speculation.

Mr. Alex Castro of Bishop Realty commented that the proposed subdivision not only followed a trend, but it was unique and the only one of its kind in Hawaii. Hawaii boasted a very sophisticated buying market interested in competitive products. During informal discussions with different people, a great deal of interest was expressed. This was a well-conceived project, properly priced with well-built homes. From the realtor's point of view, Mr. Castro felt that it was very important to obtain approval for the whole project, since some people might be making deposits today for a home they may decide to build in the future.

Chairman Thompson wondered about the projected completion date for the whole development. Based on the assumption that approval will be given immediately, it would take the developers at least three months to begin the project. As developers, they would have to plan six months to a year ahead of time and for this very reason it was important to have approval for the whole project.

Chairman Thompson asked whether the development had been correlated with the economic trends as it related to increased leisure time which would result from automation. Mr. Castro replied that they had recognized

that the market demands for vacation and leisure-type homes had increased substantially within the last five years.

Commissioner Nishimura posed the possibility of putting this on a package deal basis instead of the two-year building requirement to discourage land speculation.

It was pointed out that the developers were appealing to the public with a buying power of from \$14,000 to \$16,000 and that some of them did not wish to purchase a package deal.

Mr. Moriguchi wondered about the statement that Mr. Kai had made earlier during his testimony in regard to the signed sales agreement. Mr. Kai commented that perhaps the most impressive evidence to substantiate the need to reclassify the land for the proposed development would be to have signed sales agreement. However, since this was unlawful without approval of the subdivision plans, the petitioner had conducted a poll bearing on the subject, which was appended to the petition as an exhibit, and which confirmed the need.

Presently the golf course was maintained by the Volcano Golf Club, an incorporated private non-profit club, Mr. Kai replied in answer to Commissioner Wung's question.

Mr. Kai assured the Commissioners that if approval for reclassification was granted, the developers would see the project to its completion with proper financing, etc.

Commissioner Ota wondered how the developers justified the 10-acre shopping site within the development. Mr. Kai replied that the country store area would include all sorts of facilities--market, liquor store, camera shop, sporting goods store, meeting place for banquets, etc. and

eventually even a drive-in motel and cabins. He added that there would be enough population within the development and the surrounding areas to support a country store and inn of this scope.

Since there was no further testimony, the hearing was closed thereafter.

PETITION OF RALPH E. ALLISON, ET AL (A65-107), TO AMEND THE DISTRICT BOUNDARY AT PANAWEA HOUSELOTS, HILO, HAWAII, identifiable by Tax Map Key 2-2-51 and 52.

Mr. Curtis Carlsmith, attorney for the petitioners, asked to be recognized to make a statement on behalf of the Allisons. He pleaded some irregularity in the notice that had been sent out by the Land Use Commission, in that the request for reclassification by the petitioners had been publicized as rural, whereas the petition was filed for an urban designation and rural only if urban were not possible. Therefore, he felt that inadequate notice had been served to the people on Hawaii, and any ruling by the Commission would not have the effect of the law by reason of the fact that statutory notice was not complied with.

In view of the foregoing, Mr. Carlsmith requested that the hearing be postponed until adequate notice could be served to the people on the Island of Hawaii to apprise them of the fact that more intense and more advanced uses of the lands were being sought than implied by the public notice.

Chairman Thompson called for a short recess at 2:15 p.m.

The meeting was resumed at 2:30 p.m. Chairman Thompson announced that by mutual consent, the petition by R. E. Allison, et al was being deferred.

PETITION OF BERNICE P. BISHOP ESTATE (A65-103) TO AMEND THE URBAN DISTRICT BOUNDARY AT KEEI, HAWAII, identifiable by Tax Map Key 8-3-04; 1, 8-3-05: 1 and 8-3-06.

On the basis of the following analysis, staff recommendation was for denial of this petition (see copy of report on file):

1. The need for the urban area in lieu of the conservation area has not been demonstrated.
2. The petitioner's proposal would not be in the best public interest.

Mr. Moriguchi advised that the distance between the present urban boundary and that requested by the petitioner was about 200 feet. The rainfall in the area approximated 34" annually.

Mr. Moriguchi commented that there was considerable change in the matter of the land area, from the original petition submitted and denied a year ago previously. The area colored in yellow on the map was pointed out as the lands involved in the original petition, and the red area as being requested in the present petition.

On the subject of the water system, Mr. Moriguchi commented that the Napoopoo area was not presently being served and that water was provided by rainfall catchment. However, there was a possibility that this might be sought under the Capital Improvement Project.

Mr. Philip Yoshimura of the Hawaii County Planning Commission office stated that approval for the petition had been based on the fact that the County General Plan for the Kona area had designated the subject lands for urban uses. In reply to Chairman Thompson's question, Mr. Yoshimura thought that the Board of Water Supply might require the developer to install its own water system.

Mr. Roy Fernandez, representing the petitioner, clarified a few points. The Bishop Estate had recently granted the Board of Water Supply permission to run a temporary line from the existing line in Keei mauka to the City of Refuge. This was only a temporary line and the original proposal to build a water system to Napoopoo to Honaunau was still in effect.

Mr. Fernandez also submitted that if the petition were approved for an urban designation, it would permit Bishop Estate to go ahead with the development and justify the cost of road construction, which roads in turn will be dedicated to the County.

Mr. Fernandez continued that this was a logical extension of the present Urban District, and that the proposed project would be a high-standard development which would benefit both the County and the State of Hawaii in increased taxes. The petitioners also envisioned a future cluster type subdivision with open spaces in the general area. Mr. Fernandez advised that these were all lease lands.

In response to Commissioner Nishimura's concern over the fact that the State would be bearing the cost of providing water facilities to the Napoopoo area, Mr. Fernandez remarked that the Board of Water Supply's plans for the area were conceived prior to the petitioner's development plans. He also pointed to the fact that the Bishop Estate and Board of Water Supply are working hand in hand for the overall development of the Island of Hawaii.

Since there was no further testimony, the hearing was closed.

PETITION OF TAKESHI AND CHIZUKO KUDO (A65-104) TO AMEND THE URBAN DISTRICT BOUNDARY AT KEALAKEKUA, HAWAII, identifiable by Tax Map Key 8-1-06: 13

Staff's recommendation for approval was based on the fact that there was a definite upward trend in population growth in the area, urban uses of the subject parcel would most probably not have an adverse effect on agricultural operations and would not create a burden to the general public (see copy of report on file).

Referring to the 15 percent (48 acres) of vacant urban lands mentioned in the staff report, Chairman Thompson wondered about the approximate dates when all of these lands might be in use. Mr. Moriguchi was unable to make this projection due to the fact that the relative development of existing lots as plotted in the Kona area has not been typical of development in other areas. These were mostly family plots, grown in coffee, and kept within the family for sentimental reasons.

Mr. Moriguchi explained that the 15 percent referred to in the Staff Report indicated the area within the Urban District that is either vacant or in low-density use, on the basis of acreage.

Chairman Thompson contended that actually there was a great deal more than 15 percent developable for urban uses, since, for example, a $1\frac{1}{4}$ acre parcel could be subdivided into five lots.

Mr. Sumio Nakashima, attorney for the petitioner, testified that most of the fee simple lands in the area were in North Kona since Bishop Estate owned a good part of the lands in South Kona. The greatest potential for residential development and most of the future of Kona lay in the North Kona area. Many people desire houselots in this area, and all of the Kudo lots had already been spoken for by relatives.

Replying to Chairman Thompson's question, Mr. Moriguchi commented that the population had increased by approximately 500 in the last decade, from 3,500 to 4,000.

There being no further testimony, the hearing was closed.

✓
PETITION OF A. C. & EMILY F. GOUVEIA (A65-108) TO AMEND THE URBAN DISTRICT BOUNDARY AT LAALOA, NORTH KONA, identifiable by Tax Map Key 7-7-07-18

Staff Report, presented by Mr. Moriguchi, recommended denial of the petition due to the lack of justification for the need of additional urban lands, and on the basis that approval of the petition would contribute toward scattered urban developments.

Mr. Philip Yoshimura, representing the Hawaii County Planning Commission, stated that their approval had been recommended on the following bases:

1. Existing land use is for single-family residences, around and up to petitioner's property.
2. The general plan indicates that the urban area would move toward the south.
3. This would not impose a burden on the county since there were adequate water and electrical services.

Chairman Thompson wondered whether the Hawaii County Planning Commission contemplated a request for boundary change in the general area. Mr. Yoshimura replied that they were in the process of preparing such a petition and that Mr. Gouveia's parcel would be contiguous to this area.

Mr. Gouveia testified that the general development plan was moving southward from Holualoa. The subject parcel consisted of very poor subsoil, and it was economically unfeasible to continue agricultural pursuits.

As an example of this, he cited that during the last year he was able to realize only \$600 on an outlay of \$1,242 for coffee crops.

Commissioner Ota commented on the fact that there were larger parcels of ranch land surrounding Mr. Gouveia's property and whether the owners of these lands would accept or look favorably upon subdivision plans for the whole general area.

Mr. Gouveia replied there was no doubt about this--that in fact a preliminary survey had been done on one of the larger parcels, and indicated for house lots.

Referring to the relatively slow development of the subdivided lots in the area, Commissioner Nishimura commented that he felt the Hawaii County Planning Commission was 20 to 30 years ahead in its planning. Mr. Gouveia commented that the lack of water was the greatest problem. However, when the 12" line is installed along the Kuakini Highway, a water line will be hooked on to serve the back lots.

The hearing was closed thereafter.

RULING - LALAMILO HOUSE LOTS (Lloyd Kaneshiro)

Mr. Moriguchi reported that a request had been received from Mr. Lloyd Kaneshiro to investigate the matter of the urban boundary line in the Lalamilo House Lots area. When the temporary boundaries were established, Mr. Kaneshiro's property was included in the Urban District; however, in the process of delineating the boundaries, the urban line was moved and Mr. Kaneshiro found his parcel in the Agricultural District. It was the staff's contention that some discrepancy had occurred, and that the area in question should have been included in the Urban District.

Commissioner Inaba was of the opinion that at the time of the boundary decision, it was the intention of the Commission to include the Lalamilo House Lots in the Urban District. It was highly improbable that the Commission would urbanize the surrounding state lands and leave the Lalamilo House Lots in an Agricultural District.

In response to Commissioner Ota's question, Mr. Moriguchi informed that the lot sizes in the area under discussion were just a little over an acre, and that they did not even qualify under an agricultural classification.

Chairman Thompson commented that the task before the Commission was to determine what the intention was at the time of decision and whether or not a drafting error had been made. He added that if a drafting error had been made the Commission was empowered to make a ruling.

Mr. Takeyama, Legal Counsel, confirmed that the shift in boundary could only be accomplished if it could be established that a drafting error had been made, based on the facts that were presented at the time of the decision. This will have to be done by checking back on the records to determine the Commission's intent.

It was finally decided that the matter be deferred pending research into the records to determine Commission's intent on this matter.

SENATE STANDING COMMITTEE REPORT NO. 98

Mr. Moriguchi read the Senate Standing Committee Report No. 98 from the Committee on Kauai Select, recommending favorable consideration of Commissioner Nishimura's gubernatorial appointment to the Land Use Commission and recommending referral of the matter to the Committee on Lands and Natural Resources.

SENATE RESOLUTION NO. 33

Senate Resolution No. 33 requesting the City Planning Commission and the State Land Use Commission to give ample notice of hearings relating to North Shore Development was presented (see copy on file).

SENATE RESOLUTION NO. 34

Senate Resolution No. 34 was also presented requesting the State Land Use Commission to retain present zoning for University of Hawaii Research farm site in Waialeale (see copy on file).

SENATE RESOLUTION RE AGRICULTURAL LANDS

Mr. Moriguchi informed that there was still another resolution in the Senate, a copy of which had not yet been received by the Commission, introduced by Senator Benjamin Menor, requesting that the Land Use Commission look into the problem of small agricultural lands. The problem was one of subdividing small agricultural lands into several parcels, primarily for the purpose of giving title to the heirs, which had come before the Land Use Commission time and again, and also involved sociological implications.

Chairman Thompson felt that the Commission should conduct such a study, and wondered whether funds would be available for this purpose. Mr. Moriguchi thought that this might be used as a tool for requesting additional funds from the Legislature. He added that the findings will have to be reported to the 1967 Legislature 20 days before they convene.

Mr. Takeyama advised that this was merely a resolution and that it did not have the effect of the law.

No further action was taken on the matter, pending receipt of the certified copy of the resolution.

REQUEST FROM THE UNIVERSITY EXTENSION SERVICE

A request had been received from Mr. Steven Doue of the University Extension Service for representation from the Land Use Commission to its panel discussions which will be held in the various counties for the benefit of county agents and farmers. Mr. Moriguchi wondered whether the Commissioners would be favorably inclined to participate in such panel discussions. Mr. Moriguchi felt that this was an excellent opportunity to disseminate information to the general public.

Commissioner Nishimura stated that he had been approached by the Extension Service and was in full accord with its request. He felt that each county should be represented by its respective Commissioner and possibly Chairman Thompson.

It was the consensus of the Commissioners that they would be willing and available to participate in these panel discussions.

NEXT MEETING DATE

The next meeting date was announced as being on April 14, 1966, Thursday. This was necessitated by the fact that statutory requirements placed the cut-off date on a few of the action items as April 14.

Commissioner Nishimura suggested that meeting dates be cleared with Chairman Thompson, especially now that summer is approaching and some of the members may be planning on trips.

INCREASED WORK LOAD

Mr. Moriguchi commented that additional responsibilities were projected for staff by the Department and he was hopeful of filling the Assistant Planner's position by the 1st of May. However, this would not wholly alleviate the work load needs.

Chairman Thompson followed up on this by stating that during the last beautification conference, it was recommended that by the middle of 1967, work be started on the revision of the land use district boundaries. This means that the next Legislature would have to request that such a revision take place. Therefore, the Commission should start working on it before the session. Perhaps, additional staff service could be solicited on this basis.

Mr. Takeyama recommended that the staff reports presented during hearings on the petitions be mailed out in advance to the petitioners to enable them to prepare adequate rebuttals for the public hearings. Although there was a 15-day period in which the petitioners were allowed to submit rebuttals or additional data, this did not afford the petitioners the full benefit of cross-examining the witnesses or making an adequate presentation to the Commission. To preclude the possibility of newspaper coverage of the staff report in advance, Mr. Takeyama suggested that a note be appended to the report requesting that information contained therein be kept in confidence up to the time of the public hearing. The question was raised as to whether a public hearing could be cancelled in the event of publication of advance information regarding a petition. Mr. Takeyama was not able to say whether this was a legal basis for denying a hearing.

Mr. Moriguchi wondered if this consideration should be extended to persons other than the petitioners, who were interested in the petitions, as for example those persons who might be opposed to a petition.

Mr. Takeyama advised that this should only follow in the case of aggrieved persons. However, this could not be determined until such

time as the aggrieved person came in to request for a motion to intervene or to become a party, either by letter or some other formal means.

Chairman Thompson felt that the confidential nature of the staff report should be explicitly expressed in the memo, with instructions to refrain from any discussion of the contents with any of the Commissioners.

FEDERATION ON NATURAL BEAUTY

Chairman Thompson reported that the Federation on Natural Beauty was still in the planning stages. At the last meeting, the following general outline was agreed upon:

1. That a non-governmental body act as the coordinating agency.
2. Actively seek to have legislations passed.
3. Open up participation to all organizations in the city.
4. A paid staff be employed to carry out the work of the Federation.

There being no further business, the meeting was adjourned.

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kailua, Kona

1:00 P. M.
March 25, 1966

STAFF REPORT

A. C. & EMILY F. GOUVEIA - A65-108
North Kona, Hawaii

Anthony and Emily Gouveia have submitted a petition for boundary amendment, involving 3.8 acres of land situated at Laaloa, North Kona, Island of Hawaii (Tax Key: 7-7-07-18).

As justification for the request, the petitioners report that:

1. Due to depressed coffee prices and lack of labor to harvest the crops, there is no future in coffee farming.
2. The petitioners have been approached by several people, asking that the subject lands be offered as houselots.
3. County water and electricity are available along the highway without any restrictions.

The Hawaii County Planning Commission recommends approval of the petition on the basis of the following:

1. Existing land use indicates a strip of residential development along both sides of the highway in the vicinity of the subject's property.
2. Future expansion of urban areas are to be extended from Holualoa to Laaloa as shown on the proposed zoning map in the "Plan for Kona".
3. The subject lands will be contiguous to this urban area.
4. The General Plan indicates the subject lands in range land and waste, which indicates that the area is not suitable for agricultural use.

Analysis

The primary reasons advanced by the petitioners and the County Planning

Commission in support of the petition are that the use of the lands for agricultural purposes has not yielded a satisfactory return due to market prices and labor problems. They also indicate that the subject lands are not suitable for extensive agricultural use. However, it must be recognized that the State Land Use District Regulations provide as follows in determining Agricultural Districts:

"Lands which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in this district."

Arguments in substantiation of amendments from agricultural to urban, as presented, cannot be accepted since it would open the door to indiscriminate, scattered urban development, which would be completely in contradiction with the intent of the Land Use Law. Again quoting the State Land Use District Regulations, paragraph 2.7 (j):

"It (Urban District) shall not include areas of land which shall contribute towards scattered urban developments."

In addition, no evidence in substantiation of need as required by Section 2.30 of the Land Use District Regulations has been presented. On the contrary, of the 167 acres within the Urban Districts in adjacent areas, approximately 139 acres are vacant or in low-intensity uses. These data only relate to Urban Districts within a mile of the subject lands and do not include extensive vacant areas existing beyond the mile.

On the basis of the lack of any justification for the need of additional urban lands, and on the basis that approval of the petition would contribute toward scattered urban developments, staff recommends that the petition be denied.

March 9, 1966

Mr. A. C. Gouveia
P. O. Box 365
Holualoa, Hawaii 96725

Dear Mr. Gouveia:

The Land Use Commission next meets on March 25, 1966 at 1:00 p.m. at the Hale Halawai Cultural Center, in Kailua, Kona, Hawaii. At that time your application (A65-108) to amend the Urban District boundary at North Kona, Hawaii, will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

25% COTTON PAPER
Type-Crase
Eagle-37

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION

Applicant A. C. Gouveia
Date petition received by
Planning Commission January 3, 1966
Date of Planning Commission
Meeting March 18, 1966
Date petition and recommendations
forwarded to LUC March 21, 1966
(AMENDED)

AMENDMENT OF ZONE DISTRICT BOUNDARY

The County Planning Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmit the petition, comments, and recommendations of the above request for amendment of zone district boundary of the following described property:

Laaloa 2nd, North Kona, Hawaii

TMK: 7-7-07-18

RECEIVED

MAR 21 1966

from its present classification in a(n) Agricultural
into a(n) Urban district.

State of Hawaii
LAND USE COMMISSION

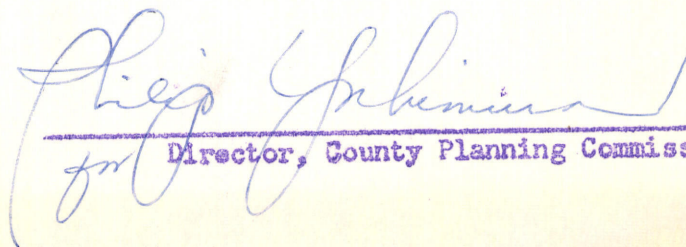
district

The Commission decided to recommend: Approval

on the basis of the following findings:

1. Existing land use indicates a strip of residential development along both sides of Mamalahoa Highway in the vicinity of the subject's property which extends to Holualoa.
2. Future expansion of urban areas are to be extended from Holualoa to Laaloa and on the mauka side of the proposed realignment of the Highway as shown on the proposed zoning map in the Plan for Kona.
3. Subject's land will be contiguous to this urban area.
4. The General Plan indicates the subject's land in range land and waste which indicates that the area is not suitable for extensive agricultural use.

(Signed)


for Director, County Planning Commission

cc A. C. Gouveia

State Form B14

STATE OF HAWAII

OFFICIAL
RECEIPT

No. 96

Planning & Econ. Dev.
Department, Bureau or Commission

Jan. 10, 1966

RECEIVED from

A. C. Louveira

Fifty and 00/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$ 50.00

Henry J. Dupuis
Public Accountant

December 29, 1965

Mr. Raymond Suefuji
Acting Director
Planning Commission
Hilo Armory
Hilo, Hawaii

Dear Mr. Suefuji:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, a copy of a petition for amendment to the land use district boundaries, submitted by A. C. and Emily F. Gouveia, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

State Form B14

STATE OF HAWAII

Land Use Commission

Department, Bureau or Commission

OFFICIAL
RECEIPT

Nº

124

December 29 19 *65*

RECEIVED from

Mr. A. C. Goussier

Fifty & no/100

DOLLARS

*Land Use Commission Hearing for Boundary
Change*

\$

50⁰⁰

Don G. Houtman

Public Accountant

December 29, 1965

Mr. A. C. Gouveia
P. O. Box 365
Holualoa, Hawaii 96725

Dear Mr. Gouveia:

This is to acknowledge the receipt of your check in the amount of \$50.00 for an application to amend the land use district boundaries as shown on Tax Map Key 7-7-07: 18.

In accordance with Section 98H-4, RLH 1953, as amended, and Act 32/SLH 1965, this Commission must schedule a public hearing on your petition no sooner than 60 days and no more than 120 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 Hawaii. We will inform you of the date of the hearing as soon as it is determined.

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

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Planning Commission, Hawaii

1839
RECEIVED

DEC 28 1965

State of Hawaii
LAND USE COMMISSION

P O Box 365
Honolulu, Hawaii
December 16, 1965

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Gentlemen:

Enclosed you will kindly find Petition for amendment to the Land Use Commission District Boundary together with our check #7196 in the amount of \$50.00.

The subject property is adaptable for home development as evidenced by the surrounding property.

The area is only 3.8 acres and is situated along the Mamalahoa Highway with County water and electricity available without any restrictions.

For a couple of years now we have been approached to subdivide this area into House Lots because of the limited land available (fee simple, that is) along the Highway up mauka here.

Your kind and prompt attention to this matter will be appreciated and with best wishes for the coming Holidays, I am

Sincerely yours


A. C. Gouveia

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

DEC 28 1985

State of Hawaii
LAND USE COMMISSION

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 Hawaii, Island of Hawaii, map number and/or name Laaloa 2nd, North Kona to change the district designation of the following described property from its present classification in a(n) Agriculture district into a(n) Urban district.

Description of property:

3.8 acres situated at Laaloa 1st, North Kona, Island of Hawaii

Tax Key: 7-7-07-18

Petitioner's interest in subject property:

Owned in fee simple - will be abandoned as a coffee farm.

~~3.8 acres situated at Laaloa 1st, North Kona, Hawaii~~
~~7-7-07-18~~

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

See reverse side

- (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)

Abigail K. K.
Emily F. J.

P O Box 365

Address:

Holualoa, Hawaii 96725

Telephone:

246-922 or 259-731

This space for LUC use

Date Petition and Fee received
by LUC

Date forwarded to County
for recommendation

Date Petition, and County
recommendation received
by LUC

A-65-108

Petitioner's reasons for requesting boundary change:

Due to the depressed coffee prices and lack of labor to harvest the crops we see no future in coffee farming.

We have been having considerable difficulty in getting coffee pickers for the last three years, and this year especially, we were not able to get our old pickers so we decided to sell our crop on the trees.

We sold the entire cherry crop for \$400.00, which was the best offer we received after contacting several farmers. Most of those contacted refused to buy the cherry crop because they claimed that they could not get pickers. Our expenses to produce this crop including labor for poisoning, fertilizing, pruning and cost of chemicals - not including our personal time and jeep expenses - ran over \$800.00.

The buyer was not able to harvest all the ripe coffee and as a result of labor shortage a lot of the ripe coffee fell off the trees.

The adjoining coffee farm to the North of us was abandoned in 1964, and like many, many other farms is now overgrown with grass and brush.

Many of the young farmers have either abandoned their coffee or reduced the size of their farms and are employed at construction or hotel jobs where wages are more attractive than in farming.

We have been approached by several people to open this area into House Lots.

County water and electricity is available along the Mamalahoa Highway without any restrictions.

Petitioner's reasons for requesting boundary change:

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County water and electricity is available along the Mamalahoa Highway without any restrictions.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

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 Hawaii, Island of Hawaii, map number and/or name H-8 Laaloa 2nd, North Kona to change the district designation of the following described property from its present classification in a(n) Agriculture district into a(n) Urban district.

Description of property:

3.8 acres situated at Laaloa ^{2nd} ~~1st~~, North Kona, Island of Hawaii

Tax Key: 7-7-07-18

Petitioner's interest in subject property: Owned in fee simple - will be abandoned as a coffee farm.

~~3.8 acres situated at Laaloa 1st, North Kona, Hawaii~~
~~Tax Key: 7-7-07-18~~

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

See reverse side

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

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(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) Abigail

Emily F. Gouneri

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