

HAY, Gilbert

SP (T) 62-7

SPECIAL PERMIT CHECK SHEET

LUC File SP(T)- 62-7

Petitioner: HAY, GILBERT County Hawaii

Key Puna

Date petition and fee received: 5-21-62

Suspense date for LUC action: _____

Date LUC survey 6-22-62

Notices of hearings

Dates

Publication

_____	_____
_____	_____
_____	_____

Hearings

Date

Place(s)

By

<u>6/27/62</u>	<u>Bd. Sup. Cham. Hilo, Hawaii</u>	_____
_____	_____	_____
_____	_____	_____

Actions

Dates

Actions

By

_____	_____	_____
_____	_____	_____
_____	_____	_____

Notes:

cc of app. sent by PETITIONER TO HILO PTIC AT TIME OF INITIAL SUBMITAL

WILLIAM F. QUINN
GOVERNOR



LAND USE COMMISSION
DEPARTMENT OF PLANNING AND RESEARCH

STATE OF HAWAII
~~426 Queen Street~~
~~495 SOUTH KING STREET~~
HONOLULU 13, HAWAII

FRANK LOMBARDI
DIRECTOR OF PLANNING
PHILIP T. CHUN
DEPUTY DIRECTOR OF PLANNING

CHAIRMAN
RALPH K. AJIFU
VICE CHAIRMAN
LINDSAY A. FAYE
SECRETARY
LEONARD D. Y. WONG
CHARLES C. CROSS
JAMES H. ARMITAGE
W. W. ALDRICH
WILLIS C. JENNINGS
E. H. COOK, EX-OFFICIO
FRANK LOMBARDI, EX-OFFICIO

June 5, 1962

Planning and Traffic Commission

County of Hawaii

Hilo, Hawaii

Gentlemen:

Attached is a copy of an application for special permit received in this office on May 21, 1962.

The Land Use Commission will hold a hearing on this matter in the
Board Room of the Hawaii County Board of Supervisors in Hilo
on Wednesday, June 27, 1962 at 1:00 p.m.

The comments and recommendations of your Commission are solicited.

Very truly yours,

R. J. DARNELL
Executive Officer

Attachment

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee
received by LUC _____

MAY 21 1962

State of Hawaii
LAND USE COMMISSION

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Hawaii, Island of Hawaii, Land Use Commission Temporary District Boundary map number and/or name Puna, Hawaii, for the following-described purpose:

Resort Area - (this no doubt will come under Urban classification later)
Description of property:

Third Division, Tax Map - 1-4-02-5,6,7,& 26

Petitioner's interest in subject property:

Owner

Petitioner's reason(s) for requesting special permit:

SEE ATTACHED SHEET

Signature(s) _____

Gilbert Hay

Address: P. O. Box 9, Pahoia, Hawaii

Telephone: 664-754

This space for official use

The property is situated in a(n) Agricultural district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) _____

[Signature]

For (agency) _____

Land Use Commission

APPLICATION FOR SPECIAL PERMIT - 5/19/62

Petitioner's Reasons for Requesting Special Permit:

Gilbert Hay properties - as per map enclosed.

Having seen the tourist resort potential in this property I have over the last 15 to 17 years invested \$75,000.00 in improving and developing the area - (1) Constructed three houses, (2) Built roads, (3) Built and repaired stonewalls, (4) Improved and enlarged ponds and built seawalls, (5) Bulldozed, filled in cracks and holes and hauled thousands of yards of cinder and dirt for resurfacing approximately 17 acres. (6) Planted approximately 1000 coconut trees. (7) Sunk a shaft and tapped a (fresh) water spring, (8) Brought in telephone line at a cost of \$2,133.04 in 1957.

On June 6th 1959 we signed a 3 month option on 41 acres to a party in Arizona - they paid us \$1,000.00 - the principal sum to be \$250,000.00. Due to some split in the interested hui the deal did not go through.

Harland Bartholemew & Associates, Belt, Collins & Associates, Ltd., in their report to the Hawaii State Planning office Feb. 1960, recognized the potential, listing Pohoiki as "Selected Resort Hotel or Apartment Area" - see page 60 of above referred to report.

Since July 2, 1961 we have been negotiating with a party in Honolulu who is interested in buying the major portion of our holdings for resort purposes. We had reached a meeting of the minds to the extent of giving them written approval (4/11/62) on a six months basis to purchase. We were greatly surprised to be advised by them a few days later that our area was included in Agriculture by the Land Use Commission, as we had no information that would lead us to know that there would be any change in the previous recommended classification. As the thing now stands we are asking for a Special Permit in order to expedite the development for the best interests of our island economy.

Enclosed is a deposit of \$50.00 which can be returned should it be decided to waive this charge.

Gilbert Hay

NOTICE OF PUBLIC HEARING
TO CONSIDER APPLICATIONS FOR SPECIAL PERMIT
WITHIN THE COUNTY OF HAWAII BEFORE THE
LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held by the Land Use Commission of the State of Hawaii in the Board Room of the Hawaii County Board of Supervisors, Hawaii, on June 27, 1962 at 1:00 p.m. and at Kailua-Kona School, Kailua, Kona, Hawaii at 8:00 p.m., or as soon thereafter as those interested may be heard, to consider the applications for Special Permit within the County of Hawaii as provided for in Section 7, Act 187, Session Laws of Hawaii 1961. Special Permit applications to be heard are:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
<u>In Hilo:</u>		
HAY, Gilbert	1-4-02-5, 6, 7, & 26	For resort designation so that land may be sold to developers.
<u>In Kona:</u>		
CHING, Edward S. T.	6-4-03-22, 41, 65	Build and operate a food drive-inn, and service station.
JACKSON, J. M.	Por. 7-2-03-1	Continued construction of resort hotel.

Maps showing the areas under consideration for Special Permit and copies of the rules and regulations governing the application for Special Permit are on file in the offices of the Hawaii County Planning and Traffic Commission and the Land Use Commission and are open to the public for inspection during office hours.

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

LAND USE COMMISSION

Edward C. Bryan, Chairman

R. J. Darnell, Executive Officer

(Legal ad - 2 cols. w/border)
(To appear June 5, 1962)
(HONOLULU STAR-BULLETIN)
(HONOLULU ADVERTISER)
(HILO TRIBUNE HERALD)

April 28, 1978

Mr. Charles A. Ehrhorn
Architects Hawaii, Ltd.
Suite 300, Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813

Dear Mr. Ehrhorn:

My review of the file on Special Permit (T)62-7, Gilbert Hay, indicates that a request similar to yours was made and a reply from the Attorney General's Office was rendered.

I believe the response from Mr. Walton Hong of the Attorney General's Office will clarify the status of the subject Special Permit. The pertinent correspondence are therefore enclosed herewith for your information.

Please call me if you have any questions on this matter.

Sincerely yours,

GORDAN FURUTANI
Executive Officer

Encls.

April 25, 1978

LAND USE COMMISSION
STATE OF HAWAII

APR 26 10 55 AM '78

ARCHITECTS
HAWAII LTD.

Francis S. Haines FAIA
Paul D. Jones AIA
Joseph Farrell AIA
Fred R. White AIA
Stanley S. Gima AIA
Alex Weinstein AIA
David A. Miller AIA

Mr. Gordan Y. Furutani
Executive Officer
State Land Use Commission
190 S. King Street, Suite 1795
Honolulu HI 96813

Subject: Status of Special Permit ST(T)62-7 (Gilbert Hay)

Dear Mr. Furutani:

Architecture
Planning
Interior Design
Graphic Design

Architects Hawaii has been retained to complete planning studies of coastal properties owned by Mr. Vergil Grove. These are located just east of Pohoiki along the Kalapana Beach Road. Portions of his property (tax map key: 1-4-2: Parcels 7, 47, 49, 73 and 75) were granted a special permit for resort use on June 27, 1962.

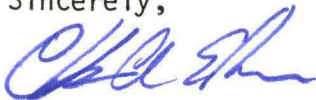
Suite 300
Pacific Trade Center
190 South King Street
Honolulu, Hawaii 96813
Telephone (808)537-1961

Please review this permit and advise us to its status. We are particularly interested in determining whether or not this special permit is in effect. I have previously spoken with Mr. Dan Yasui of your Commission concerning this matter.

It appears that this special permit may be valid. This is based on the current and proposed rules and regulations for the conservation district (Regulation No. 4) which allow resort use as a permitted and conditional use, respectively.

Your early action and reply on this request is greatly appreciated. Should you have any questions concerning this matter, please call me.

Sincerely,



Charles A. Ehrhorn
Project Planner

CAE:jth

Cyril W. Lemmon FAIA
Founder, Emeritus

Douglas W. Freeth AIA
Principal 1946-1975

Associates:
Eric G. Engstrom
Alvin M. Yoshimori AIA
Darrell G. Welch, Jr. AIA

December 10, 1973

Mr. Raymond Suefuji, Director
Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

This is in response to your request for clarification as to the status of the Special Permit granted in July 1962 to Gilbert Hay (SP(T)62-7) at Pohoiki, Puna, Hawaii.

Enclosed for your information are correspondence pertinent to this issue which clarifies the status of the Hay special permit.

If you have any further questions, please do not hesitate to contact this office.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosures:

October 14, 1970 letter - Leuteneker
October 20, 1970 letter - Duran
January 15, 1971 letter - Att. Gen.'s office



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

November 27, 1973

SHUNICHI KIMURA
Mayor

RAYMOND H. SUEFUJI
Director

RECEIVED

NOV 30 1973

State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Re: Special Permit No. SP(T) 62-7 - Gilbert Hay

The subject special permit for resort development was granted on July 24, 1962, to property described by Tax Map Key 1-4-2:5, 6, 7 and 26. On October 2, 1964, subdivision of parcel No. 7 into three (3) parcels identifiable by Tax Map Key 1-4-2:7, 49 & 61 was approved. On October 21, 1964, a subdivision of parcel No. 49 into four (4) parcels identified by Tax Map Key 1-4-2:49, 73, 74 & 75 was approved.

We have recently been asked whether this special permit may be extended to these "newly" created parcels. May we have your opinion?

According to our records, a status inquiry of this subject special permit was submitted to your office in 1968. Our current review revealed that our copy of the response from your office is missing. May we ask at this time that a duplicate be made to expedite the completion of our records?

We thank you in advance for your cooperation.

RAYMOND H. SUEFUJI
Director

RN:mn

cc: Corporation Counsel



9199
CABLE ADDRESS:
ATTGEN

BERTRAM T. KANBARA
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HAWAII STATE CAPITOL
4TH FLOOR
HONOLULU, HAWAII 96813

RECEIVED

JAN 18 1971

State of Hawaii
LAND USE COMMISSION

January 15, 1971

Mr. Goro Inaba
Vice Chairman
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Attention: Mr. Ramon Duran

Subject: Status of Special Permits

Dear Mr. Inaba:

This is in response to an inquiry from the Land Use Commission, relating to the status of the Hay and Ah Ping special permits.

1. The facts relating to Hay's special permit are as follows: Gilbert Hay was issued a special permit for the construction of a resort development in the Puna District in the County of Hawaii in 1962. At that time, the subject property was placed in the agricultural district classification by the Land Use Commission. In 1969, as part of the five-year boundary review, the subject property was placed in the conservation district classification. To this date, no construction of the proposed resort development has begun. The Land Use Commission was sent a request by the attorney for the special permit holder, requesting information as to the status of the special permit.

2. With respect to the Ah Ping special permit, the pertinent facts are as follows: A special permit was issued in 1970 for the construction of a resort development on the southeast coast of Molokai in an area classified as agricultural. Thereafter, the Land Use Commission initiated a petition to rezone a strip of land on the same coastline, including the subject property, from the rural and agricultural district classifications to an urban district classification. The special permit had a three-year time limit. If the Land Use Commission should rezone the coastline, including the subject property, to the urban district classification, the status of the Ah Ping special permit would be questionable.

Chapter 205 of the Hawaii Revised Statutes (the Land Use Law) provides for special permits issued by the Land Use Commission within the "rural" and "agricultural" district classification. There are no provisions within Chapter 205, H.R.S., for special permits within the "urban" or "conservation" district classification.

We are of the opinion that the validity of the special permits in both cases hinges on whether or not the owners of the subject properties have substantially changed their position in reliance on the special permit. The applicable general rules are stated by McQuillin in Volume 8 of Municipal Corporations, relating to Zoning, as follows:

"The general rule is that permits for buildings and businesses are not per se protected against revocation in effect by subsequent enactment or amendment of zoning laws prohibiting the building, business or use for which they have been issued. That is to say, a municipality may revoke a permit where zoning is enacted or changed to prohibit the use and where the permittee has not materially changed his position in reliance on the permit. Otherwise stated, the legality of a use is determined by the zoning law governing at the time of its commencement, not by the zoning law prevailing when a permit issues. Thus, a permit under which no work has been done does not avail to protect a nonconforming use against a zoning ordinance. Issuance of a new permit for a certain purpose contrary to a zoning ordinance is void and of no effect even though before the zoning restriction went into effect a previous permit had been obtained, where at the time that the zoning restriction did go into effect the premises in question had not been used for the purpose. A mere informal permission that an owner of a building in a residential district may lay a floor suitable for a restaurant does not estop the municipality from restraining the use of the building for the business where the tenant has not exercised the right." McQuillin, Municipal Corporations, Vol. 8, § 25.156, pp. 497-498.
(Emphasis added.)

"The general doctrine discussed above, that a permit is not per se protected against zoning laws subsequently adopted, is subject to a generally recognized qualification or exception to the effect that a substantial change of position in reliance on a permit entitles the permittee to continue and complete the use authorized by the permit, irrespective of subsequent enactment or amendments of the zoning laws. Obviously, where a use under a permit has been undertaken, with investment of capital, the purchase of equipment, employment of workers or the like, the protection of that permit is then close if not tantamount to the protection of a nonconforming use existing at the time that zoning restrictions become effective; the permit, as a property right or species of property, is protected against retroactive or unreasonable municipal zoning laws; in some cases the protection of the permit is said to be based on an estoppel of the municipality or its officials."

"A permit is not protected, however, against revocation by subsequent zoning legislation where changes of position, expenditures or incurrence of obligations under the permit have been minor, minimal, or relatively insignificant, i.e., not substantial. The test is sometimes said to be whether actual construction has begun or whether the land was physically used for the construction contemplated, and not alone whether money has been spent in preparation to build. For example, the holder of a permit acquires no vested right to construct a building in violation of a zoning ordinance subsequently enacted, if he only causes a survey and orders plans. The test of substantiality of expenditure in this connection, however, cannot be met by the mere isolated, unrelated recitation of a dollar figure, but substantiality is to be determined, rather, by an assessment of the proportion which the expenditure bears to the total expenditure which would be required to complete the proposed improvement." McQuillin, Mun. Corp., Vol. 8, § 25.157, pp. 499-502. (Emphasis added.)

Mr. Goro Inaba

-4-

January 15, 1971

On the basis of the foregoing, we conclude that a special permit remains valid until expiration of the time limit stated therein or until the special permit is in effect revoked by a subsequent rezoning by the Land Use Commission to a district classification wherein no special permit is allowed, whichever occurs first; however, the above would not apply if the owner of the subject property has substantially changed his position in reliance on the special permit. In the latter case, the special permit continues to be valid.

Very truly yours,

Walton D. Y. Hong
Walton D. Y. Hong
Deputy Attorney General

APPROVED:

Bertram T. Kanbara
BERTRAM T. KANBARA
Attorney General

cc: Tom C. Leuteneker, Esq.
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

October 20, 1970

MEMORANDUM

TO: Mr. Walton Hong, Deputy Attorney General, AG's Office

FROM: Ramon Duran, Executive Officer, LUC

SUBJECT: Special Permits

I am enclosing herewith a file on SP(T)62-7, Hay, Gilbert, and a letter dated October 14, 1970, from Tom C. Leuteneker, attorney, inquiring as to the status of this special permit.

This is a question of whether or not a special permit issued by the Land Use Commission in an Agricultural or Rural District is still valid after the Land Use Commission zones the property to an Urban or Conservation District where the Commission has no authority to issue special permits.

Specifically, the Land Use Commission issued a special permit in the temporary Agricultural zone to one Gilbert Hay in 1962 under the procedures of Act 187. The conditions for a resort development placed the approval of the site plan, design including height and setback limitations with the County. There was no time limitation condition on this special permit. In 1964 the permanent district boundaries were established, and the area remained in the Agricultural District. However, in 1969 during the five year boundary review, the Commission placed all of the shoreline property in this area including the area covered by the Hay special permit in the Conservation District. No buildings have been constructed on the site pursuant to the special permit, and no building permits have been requested. Had there been buildings constructed, we believe they would become

Mr. Walton Hong
October 20, 1970
Page 2

non-conforming structures in the Conservation District; and, any future development would be subject to approval by the Department of Land & Natural Resources.

A similar situation may occur on the Ah Ping property, SP70-75, on Molokai where a special permit was issued for resort development with a number of conditions including the expiration of the permit within three years. As you know, the Commission has initiated the rezoning of the shoreline between the Urban District of Ualapue and the Ah Ping property. We believe that if the Commission were to rezone this area from Rural to Urban as initiated that the Ah Ping special permit would no longer be in effect and that the conditions imposed on the resort development by the Commission would also be voided.

We would appreciate your comments on the above and the return of the Hay file at your earliest convenience.

Enclosure

Eagle-
Type-Erase
25% BOSTON HUB

9005

C. WENDELL CARLSMITH
MERRILL L. CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
TOM C. INGLEDUE
DAVID L. IRONS
FELIX A. MACISZEWSKI
J. THOMAS VAN WINKLE

DAVID C. LAXSON
TOM C. LEUTENEKER
THOMAS D. WELCH, JR.
ROY L. FARROW
ROBERT W. CARLSMITH
MICHAEL H. HUDNALL
JOHN E. FINNEY
MICHAEL J. MEDEIROS
HOWARD R. GREEN
STEVEN E. KROLL
ROBERT E. WARNER

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
HILO, HAWAII

October 14, 1970

P. O. BOX 686
HILO, HAWAII 96720

P. O. BOX 656
HONOLULU, HAWAII 96809

RECEIVED

OCT 15, 1970

State of Hawaii
LAND USE COMMISSION

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

Re: Special Permit (T) 62-7

Special Permit (T) 62-7 was issued to Gilbert Hay on July 24, 1962, originally covering four parcels of real property in the Third Taxation Division, designated as Tax Map Keys 1-4-02-5, -6, -7 and -26. Parcel 26 has been subdivided and is now designated as Parcels 49 and 61.

Inquiry at the offices of the Planning Commission of the County of Hawaii have indicated that this special permit may no longer be in effect. Would you please verify the status of this special permit.

Your reply is anxiously awaited. Thank you.

Very truly yours,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

By



Tom C. Leuteneker

TCL:dw

cc: Daniel H. Case
Ralph E. Allison



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center
Kona, Hawaii

September 20, 1968 - 1:00 p.m.

Commissioners Present: Wilbert Choi, Chairman pro tempore
Shelley Mark
Sunao Kido
Alexander Napier
Goro Inaba
Leslie Wung
Shiro Nishimura
Keigo Murakami

Commissioner Absent: C. E. S. Burns

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner IV
George Pai, Legal Counsel
Dora Horikawa, Stenographer

Following the swearing in of persons planning to testify during today's hearing and introduction of the Commissioners and staff, Chairman Choi called for the first item on the agenda.

HEARINGS

PETITION BY LILLIAN T. GOO (A68-193) TO RECLASSIFY 8.68 ACRES FROM AGRICULTURAL TO URBAN AT KUKUAU, SOUTH HILO, HAWAII

Mr. Leong presented the staff report recommending approval of the request on the basis that this was a remnant parcel not suited for agriculture, its central location to employment, commercial and educational centers, basic utilities were available and would not add to scattered urban developments (see copy of report on file).

Mr. Leong further elaborated on the location of the Alenaio Stream which appeared to be an intermittent stream which emptied out into the downtown area and eventually into the Wailoa River. The Corps of Engineers reported that there would be no adverse effect on flooding of the area if it were

September 20, 1968

APPLICATION BY KAUAI HELICOPTERS (SP68-53) FOR A SPECIAL PERMIT
TO OPERATE A HELIPORT IN AN AGRICULTURAL DISTRICT AT LIHUE,
KAUAI

Commissioner Nishimura requested deferment of action on the application since a full Commission was not present and particularly Mr. Burns.

Mr. Duran advised that this matter had already been extended once on the basis of obtaining additional information which staff was now prepared to present. Upon checking with the airport manager, it was established that space was available at the airport for a heliport, although the facilities such as hangars, sheds, etc., would have to be constructed which would take a minimum of six months.

Mr. Reynolds of Kauai Helicopters differed in his impression of the six-month period and said it was his understanding that this referred to acquisition of the land since this was presently in cane.

With respect to deferral of the application, Mr. Pai advised that applicant could request deferment based on hardship.

Mr. Reynolds then requested an extension of time for action on the application. Chairman Choi directed that this be reflected in the records.

Mr. Reynolds submitted that the estimated cost of \$23,500 for the installation of the two storage tanks at KTOH Radio Station reflected in the letter from Mr. Toguchi, Fire Chief, as reported in the staff report was not an accurate figure. The total cost did not exceed \$7,000; and this may be checked out with the Standard Oil Company, the vendor. These had been installed prior to the denial of the initial special permit request by the Land Use Commission.

Chairman Choi advised Mr. Reynolds that the extension was granted and that he would be notified of the next meeting date when this will appear on the agenda.

✓ SPECIAL PERMIT APPLICATION BY GILBERT HAY SP(T) 62-7

Executive Officer advised that subsequent to the County's request for a clarification of the pending development on this special permit, Mr. Hay has been in contact with Mr. Suefuji,

September 20, 1968

Director of the Hawaii Planning Commission, who requested that the request be withdrawn since all of the development problems have been resolved. Mr. Suefuji, however, urged that the Commission review all special permits with no time limit and fix a construction period.

EXTENSION REQUEST ON SPECIAL PERMIT BY RICHARD SMART (SP66-34)

A chronological account of the special permit from the date of the original grant on October 29, 1966, by the Land Use Commission, the six months' extension granted on January 12, 1968, and the second six months' extension granted by the Hawaii County on August 16, 1968, was reported in the staff memo (see copy of report on file).

Mr. Duran elaborated that the second extension granted by the County would expire on October 28, 1968, if approved by the Land Use Commission. It was pointed out that there was a question of the validity of the special permit since there was a time lag between the time when the first extension expired in April, 1968, and the granting of the second extension in August, 1968, by the County.

Mr. Tong of the Hawaii Planning Commission advised that his office had reviewed the plans which were up for approval for Mauna Kea Motors, who were leasing the land from Richard Smart. Since construction plans were being processed, Mr. Duran suggested an eight-month extension.

Commissioner Napier moved that an eight-month extension be granted to the applicant which was seconded by Commissioner Wung. The motion was carried.

NEXT MEETING DATE

October 25, 1968, was chosen as the next date for the Land Use Commission meeting on Kauai.

Since there was no further business, the meeting was adjourned.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

September 20, 1968

TO: LAND USE COMMISSION
FROM: STAFF
SUBJECT: SP(T) 62-7 - GILBERT HAY

CHRONOLOGICAL SUMMARY

1. May 21, 1968 - Application for sepcial permit received from Gilbert Hay dated May 19, 1962 for resort development of Tax Map Key: 1-4-02: 5,6,7 and 26. Petitioner submitted that he had invested \$75,000 in improving and developing the area. In the process of negotiating the sale of the property, he was informed that the area was within the LUC Agricultural District.
2. June 25, 1962 - Letter from Thomas K. Cook, Chairman and Executive Officer of County of Hawaii to R. Darnell, then Executive Officer of LUC, stating that the Hawaii Board of Supervisors unanimously support Mr. Hay's request.
3. June 26, 1962 - Letter from H. Kasamoto, Hawaii County Planning Director, to LUC stating that the Planning Commission "went on record to recommend the areas in question as being not suitable for agricultural purposes".
4. June 27, 1962 - LUC staff report recommending approval of the request subject to the following conditions:
 - a. Approval of Hawaii County be secured for all uses, including resort, residential and resort-commercial uses.

- b. Approval of Hawaii County be secured for all structures and improvements.
 - c. That Hawaii County may require and specify densities, setbacks, building heights, etc.
5. June 28, 1962 - Letter from Hay to LUC submitting the results of a new survey of the property indicating that the total is 51.255 acres instead of 40.335 acres.
 6. July 24, 1962 - Date of granting of special permit to Gilbert Hay for "development for resort purposes" subject to the conditions stated in Staff Report.
 7. August 28, 1962 - Letter of transmittal from LUC to Hawaii County Clerk enclosing special permit granted to Gilbert Hay.
 8. June 18, 1968 - Letter of inquiry from R. Suefuji to LUC regarding status of the special permit.
 9. July 24, 1968 - Letter from George Pai to LUC rendering legal opinion on time limitations and power to disapprove certain uses.
 10. August 13, 1968 - Copy of letter from Suefuji to Pai inquiring whether an expiration date can be set by the LUC or his Commission.
 11. August 16, 1968 - LUC reviewed letters and asked Mr. Hay to attend Kona meeting to explain delay.
 12. September 3, 1968 - Letter from R. Duran to Mr. Hay requesting his appearance before the LUC to determine the validity of the special permit.
 13. September 9, 1968 - Letter from Hay to R. Duran stating that special permit procedure for development clarified with Ray Suefuji.
 14. September 10, 1968 - Telephoned Ray Suefuji and he stated he was not specifically concerned with the Hay case, but with other special permits with no time limitations.

GILBERT HAY
Ahalanui, Puna, Hawaii
Mailing Address:
P. O. BOX 9, PAHOA, HAWAII 96778

RECEIVED

SEP 10 1968

State of Hawaii
LAND USE COMMISSIONPahoa, Hawaii
September 9, 1968

Mr. Ramon Duran, Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran;

Answering your communication of September 3, 1968, re: SP(T) 62-7, please be advised that the writer met with Mr. Raymond Suefujii, Director of the County Planning Commission August 27, 1968 and discussed the pros and cons of our Special Permit on the Puna Coast.

Mr. Suefujii is very familiar with this area having followed along over the last ten years or so with our thoughts and the Government thoughts of this being a choice Resort Area - and has observed the development in taking the land from its rough, lava, jungle state to what it is today.

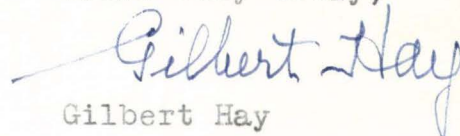
He stated that what was really giving him some concern was - our Special Permit was issued under the old Act 187 which has been replaced by Act 205. Under Act 187 the L.U.C. called the hearings and passed on their decisions to the C.P.C., under the new Act 205 the C.P.C. call the hearings and pass on their decisions to the L.U.C. for their approval. At this point due to the review of the status, the C.P.C. will recognize it as a valid permit, subject to the control of the C.P.C. as stated on the permit.

and Associates

This information was passed on to Mr. Ralph Allison and to their legal counsel on August 27, 1968.

The foregoing information no doubt is what you had principally in mind in putting us on your Agenda for September 20, 1968.

Yours very truly,


Gilbert Hay

cc: Mr. Raymand Suefujii
C.P.C. Director

ADDRESS REPLY TO
"THE ATTORNEY GENERAL OF HAWAII"
AND REFER TO
INITIALS AND NUMBER

GP:my



CABLE ADDRESS:
ATTGEN

BERT T. KOBAYASHI
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HONOLULU, HAWAII 96813

September 4, 1968

RECEIVED

SEP 5 1968

State of Hawaii
LAND USE COMMISSION

Mr. Raymond H. Suefuji
Planning Director
County of Hawaii
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Please refer to your recent letter concerning Special Permit No. SP-T-62-7 granted to a Mr. Gilbert Hay. Your letter was discussed by the Land Use Commission at a recent meeting and it is our understanding that the matter is pending further action by the Commission. We therefore will await the further pleasure of the Commission in this matter.

Very truly yours,

George Pai

GEORGE PAI
Deputy Attorney General

cc: Mr. Ramon Duran
Executive Officer
Land Use Commission

EAGLE-A
Agawam Onion Skin

100% COTTON CONTENT

U S A

September 3, 1968

Mr. Gilbert Hay
P. O. Box 9
Pahoa, Hawaii

Dear Mr. Hay:

Subject: SP(T)62-7

The Land Use Commission on July 24, 1962, approved a Special Permit for resort development on TMK 1-4-02: 5, 6, 7, & 26 at your request.

Hawaii County has requested that the Land Use Commission make a determination as to whether or not this Special Permit at this late date is still valid. Therefore, the Land Use Commission is requesting that you or your duly authorized representative appear before the Land Use Commission on September 20, 1968, to show cause why this Special Permit should be continued.

The Land Use Commission's meeting on September 20 will be at the Hale Halawai Community Building, Kailua, Kona, Hawaii, at 1 p.m. This matter will be considered after 1 p.m. as there are several public hearings and actions required of the Commission before your item on the agenda will be called.

Should you have any questions concerning this matter, please contact this office.

Very truly yours,

RAMON DURAN
Executive Officer

js

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lihue District Court Room
Lihue, Kauai

August 16, 1968 - 2:00 p.m.

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

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

The meeting was called to order by Chairman Burns, followed by the swearing in of persons testifying before the Land Use Commission today.

DEFERRAL REQUEST BY LOUIS PHILLIPS

Mr. Duran announced that the staff was in receipt of notification from Mr. Phillips, petitioner, that he would like to have the action on his petition deferred until the August 30th meeting in Honolulu because the engineering firm of Shoma, Hotta and Associates are presently drawing a preliminary Subdivision Map which would give the Commission a better idea of the layout of the subdivision and also because his wife has been ill and could not attend the meeting. There was no objection of having this petition deferred.

✓ RAYMOND SUEFUJI'S LETTER RE: SP(T) 62-7 - GILBERT HAY

Mr. Duran acknowledged receipt of a copy of Raymond Suefuji's, Planning Director of the County of Hawaii, letter addressed to Mr. George Pai.

Chairman Burns stated that the best way to resolve a definite date of expiration of Mr. Hay's Special Permit would be to ask Mr. Hay to come in and report to the Commission why the permit should be continued if he does not have any plans to develop his property. Mr. Duran stated that Mr. Hay was authorized resort development and accessory uses and that no time limitation was stipulated on this petition.

It was agreed that the applicant, Mr. Hay, be called in to appear before the Commission. Chairman Burns asked Mr. Duran to circulate a resume regarding Mr. Hay's case to all of the Commissioners.

C
O
P
Y

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

RECEIVED

AUG 14, 1968

State of Hawaii
LAND USE COMMISSION

August 13, 1968

Mr. George Pai
Deputy Attorney General
Dept. of the Attorney General
State of Hawaii
Honolulu, Hawaii 96813

Re: Special Permit No. SP-T-62-7
Granted to Gilbert Hay
(GP:jhs - 12b; 22b)

We are in receipt of a copy of your letter to Mr. Ramon Duran of the State Land Use Commission, concerning the subject Special Permit.

As referred in your letter requesting information concerning the progress on the development of the proposed resort complex, please be informed that to date the grantee has not yet submitted any plans for such development. Therefore, in reference to your comments on Rule 1.25 and due to the lack of a specific development plan, can the Land Use Commission or this Commission stipulate a definite date of expiration or related condition to the Special Permit?

Your early reply on this matter will be appreciated.

Raymond H. Suefuji

Raymond H. Suefuji
Planning Director

KN:mq

cc ✓Mr. Ramon Duran



STATE OF HAWAII
**Department of PLANNING
AND ECONOMIC DEVELOPMENT**

Monday Aug 5 1:30 to 2:15 PM
talked with "Young" Carlsmith
Re: S.P. for HAY — recommend that
he resolve the problem with the co. or
write the LUC for a "declaratory
order" since the Co. has questioned the
S.P. & since several parcels within the
original tract have been sold recently.
Ron



STATE OF HAWAII
**Department of PLANNING
AND ECONOMIC DEVELOPMENT**

Ray —

Will be on Hawaii
the 30th & 31st & will call
you re: attached,

Rom

Sent copy of letter to Ray

2468

ADDRESS REPLY TO
"THE ATTORNEY GENERAL OF HAWAII"
AND REFER TO
INITIALS AND NUMBER

GP:jhs

12b;22b



CABLE ADDRESS:
ATTGEN

BERT T. KOBAYASHI
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HONOLULU, HAWAII 96813

July 24, 1968

RECEIVED

JUL 25 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii

Dear Mr. Duran:

You have referred to this office for review and comment a copy of a letter from Mr. Raymond H. Suefuji, Planning Director of the County of Hawaii, requesting an interpretation of special permit No. SP-T-62-7, granted on July 24, 1962 to a Gilbert Hay for a resort development on the Island of Hawaii. Mr. Suefuji requests whether any time limit on the permit was intended or may be inferred and whether the permit grants to the County the power to disapprove certain uses.

No express time limit for development of the project is set forth in the permit. However, there is authority for the proposition that where no time is fixed in a zoning or building permit for the exercise of the privilege granted under a permit, it must be exercised within a reasonable time. 101 C.J.S., Zoning, Section 240. However, in order to render an interpretation on whether such time limit may be implied, we will require further information concerning the proposed resort development. Among other items, we would like to know whether any planning has progressed on the parcel, whether any building permits have been applied for, and issued, whether any monies have been expended on the project and other facts that may be relevant to the problem.

On the other question raised by Mr. Suefuji, concerning the implied power of the County to disapprove certain uses stated in the permit, we think that this is a matter that the Commission may properly determine under its Rule 1.25(e), stating that "... the Commission may, on its own

Mr. Ramon Duran

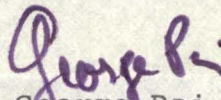
-2-

July 24, 1968

motion . . . issue a declaratory order to terminate a controversy or to remove uncertainty."

Please call on the undersigned in the event you have any questions concerning the foregoing.

Very truly yours,



George Pai
Deputy Attorney General

EAGLE-A

TYPE-ERASE

25% COTTON FIBER



STATE OF HAWAII
**Department of PLANNING
AND ECONOMIC DEVELOPMENT**

*Send Geo Fai a
copy of this letter
to the U.S. Department of A.
in mail cover.*

**426 Queen St.—Honolulu, Hawaii 96813
Phone 504-426**



2444

SHUNICHI KIMURA
CHAIRMAN AND EXECUTIVE OFFICER

RAYMOND H. SUEFUJI
PLANNING DIRECTOR

COUNTY PLANNING COMMISSION

COUNTY OF HAWAII
HILO, HAWAII 96720

RECEIVED

JUN 21 1968

State of Hawaii
LAND USE COMMISSION

June 18, 1968

Mr. Ramon Duran, Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii

In June, 1962 a Special Permit was granted by your Commission to Gilbert Hay (File #SP-T-62-7) for a resort development of land under TMK: 1-4-02:5, 6, 7, 26.

We would like to know the status of this permit. Also, specifically, could you advise us if any time limitation was intended or inferred; or is this permit an open-ended one with no time limit.

The permit, under item #1 seems to give the County the power to approve the uses. This being so, the inference is that the County can also disapprove the uses as described.

Would you please give us your interpretation on the matter and its status as you view it.

Incidentally, no resort development has yet taken place; however, the original acreage has since been subdivided.

Raymond H. Suefuji
Raymond H. Suefuji
Director

DT:mh

426 Queen Street
Honolulu, Hawaii

LUC File	SP(T) 62-7
Applicant(s)	Gilbert Hay
Public Hearing at	Hilo, Hawaii
on	June 27, 1962

SPECIAL PERMIT

The Land Use Commission of the State of Hawaii, pursuant to hearing and consideration required by the provisions of Act 187, SLH 1961, hereby grants special permission to use the following described property:

(County) Hawaii (Island) Hawaii

Third Division, TRS 1-4-02-5, 6, 7, & 26

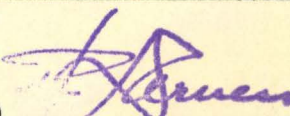
for the following purpose(s):

Development for resort purposes.

subject to the following conditions, in the interest(s) of proper resort development for the area, community appearance, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include visitor accommodations, residential uses, and incidental resort-type commercial uses;
2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same; for design of vehicular access, egress, circulation and parking layout; and for landscaping; and
3. That the County of Hawaii may require and specify allowable upper limits of density of occupancy, maximum building heights, minimum setbacks and distances between buildings, adequate utilities, and adequate offstreet parking to serve the approved uses; and may require that the property be landscaped in keeping with resort use and the surrounding area, and to screen unsightly areas from public view.

(Signed)


R. J. DARNELL

(Title)

EXECUTIVE OFFICER

Date of Grant July 24, 1962

for the Gilbert Hay file:

On 8/23/62 (8:45am), I called Mr. Hay to let him know that the hold-up in sending out a copy of his "grant of special permit" was caused by study (of LC staff and AG's office) of proper format of the grant itself; and that some form of notification would be sent to him immediately.

Ref. No. LUC 140

August 28, 1962

Mrs. Margaret M. Kaaua
County Clerk
Office of the County Clerk
County of Hawaii
Hilo, Hawaii

Dear Mrs. Kaaua:

Enclosed are copies of Special Permit granted by the Land Use Commission
to the following:

Mr. Gilbert Hay - SP(T) 62-7

Mr. J. M. Jackson - SP(T) 62-2

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosures
ak

STATE OF HAWAII
LAND USE COMMISSION

Board of Supervisors Chambers
County Building - Hilo, Hawaii

1:00 P.M.
June 27, 1962

STAFF REPORT

SP(T) 62-7

Temporary District Classification: AGRICULTURAL

APPLICATION OF GILBERT HAY, for Special Permit to use certain property near Pohoiki for resort purposes.

The application is the owner of the property, containing some 40.3 acres, described as follows:

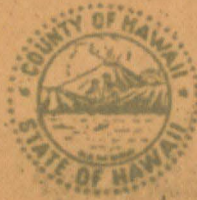
Staff inspected the property, 6/22/62, in company with staff of the Hawaii County Planning and Traffic Commission. It is understood that the County's recommendation will be presented at the hearing.

The property is situated at the eastern end of the Kalapana-Pohoiki Resort Region designated in the State Planning Office's 1960 Visitor Destination Area study, near Isaac Hale Beach Park, at the point where the newly-improved Kaimu-Kapoho road leaves the beach area and runs inland to the site of Kapoho Village (destroyed by volcanic action in the 1959-60 Puna eruptions). The area is also recommended for resort use in the State General Plan, and for residential use in the "Plan for the Metropolitan Area of Hilo" prepared under Federal-State-County 701 project by Belt, Collins and Associates. Considerable investment by the State of Hawaii in public improvements (roads and water) to engender resort development in this area has occurred in the past two years.

The area is requested for resort purposes -- the specific uses desired by the owner have not been identified; although a significant amount of site preparation and improvement has been engaged in during the recent past, apparently in the direction pointed to in the recent plans prepared by public agencies.

Staff recommends that the Commission approve the application, subject to the following conditions, in the interests of proper resort development for the area, community appearance, convenience and safety:

1. That approval of the County of Hawaii be secured for all uses, which may, if the County approves, include visitor accommodations, residential uses, and incidental resort-type commercial uses;
2. That approval of the County of Hawaii be secured for all structures and improvements, and for siting, arrangement and exterior design of same; for design of vehicular access, egress, circulation and parking layout; and for landscaping; and
3. That the County of Hawaii may require and specify allowable upper limits of density of occupancy, maximum building heights, minimum setbacks and distances between buildings, adequate utilities, and adequate offstreet parking to serve the approved uses; and may require that the property be landscaped in keeping with resort use and the surrounding area, and to screen unsightly areas from public view.



PLANNING AND TRAFFIC COMMISSION
COUNTY OF HAWAII
HILO, HAWAII, U. S. A.

June 26, 1962

Mr. Rowland J. Darnell
Executive Officer
Land Use Commission
Dept. of Planning & Research
426 S. Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

The Planning and Traffic Commission requests that the Land Use Commission schedule public hearings on special permits in this County about one week before the Commission's regular meetings so that we can make recommendations and suggestions after obtaining as much information as possible and within the 15-day period set by your rules and regulations. Normally, our regular meetings are held on the middle or third Monday of each month.

In regard to applications submitted by J. M. Jackson, Gilbert Hay, and Edward S. T. Ching for a special use permit, the Commission at its last meeting went on record to recommend the areas in question as being not suitable for agricultural purposes.

Sincerely,

PLANNING AND TRAFFIC COMMISSION

Hiroshi Kasamoto
Hiroshi Kasamoto
Director

lat

c4c 45
GILBERT HAY

Ahalanui, Puna, Hawaii

Mailing Address:

P. O. Box 9, PAHOA, HAWAII

June 28, 1962

RECEIVED

JUL 2 1962

State of Hawaii
LAND USE COMMISSION

Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Gentlemen: "Special Permit Hearing - Hilo 6/27/62"

Please be advised that the survey on my property near Pohoiki, Puna, Hawaii has been completed and the following tabulation shows the old and new figures:

Third Div. Tax Map Key	Old	New
1-4-02-5	1.300 ac.	1.300 ac.
1-4-02-6	1.795 ac.	1.795 ac.
1-4-02-7	30.600 ac.	41.520 ac.
1-4-02-26	6.640 ac.	6.640 ac.
TOTALS	<u>40.335 ac.</u>	<u>51.255 ac.</u>

Murray and Smith, Surveyors, Hilo are turning in to the Tax Office the new map showing the corrected area and their records will be changed to read accordingly.

Please change your records to conform with the new survey - 51.255 ac
Thank you.

Yours very truly,

Gilbert Hay
Gilbert Hay

c.c. Hawaii County
Planning & Traffic Commission

THOMAS K. COOK
Chairman and Executive Officer
ISLAND OF HAWAII



Executive Chambers
HILO

June 25, 1962

RECEIVED

JUN 27 1962

State of Hawaii
LAND USE COMMISSION



Mr. Rowland J. Darnell
Executive Officer
Land Use Commission
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

The special permit application of Mr. Gilbert Hay of Pohoiki for a change in classification of his property from agricultural to hotel and resort has the unanimous support of the Board of Supervisors and we urge a favorable decision by the State Land Use Commission.

We wish also to recommend that all other areas in our county where zoning under your department does not coincide with that of the State General Plan insofar as hotel and resort developments are concerned be reviewed and the necessary changes be made. This would in effect prevent piecemeal zoning and result in a saving of time and effort on the part of your Commission as well as the Hawaii County Planning and Traffic Commission.

We solicit your support and assure you of our future cooperation.

Very truly yours,

THOMAS K. COOK
CHAIRMAN & EXECUTIVE OFFICER
COUNTY OF HAWAII

TKC:ml

cc: Mr. Gilbert Hay, Pahoa, Hawaii

426 Queen Street Ref. No. LUC 23

XXXXXXXXXXXXXXXXXXXX

June 5, 1962

Mr. Gilbert Hay
P. O. Box 9
Pahoa, Hawaii

Dear Mr. Hay:

This is to notify you that your application for special permit will be heard on Wednesday, June 27, 1962 at 1:00 p.m. in the Board Room of the Hawaii County Board of Supervisors, Hilo, Hawaii.

Legal notice regarding the public hearing will be published in the Hilo Tribune Herald on Tuesday, June 5, 1962; and in the Honolulu Star-Bulletin, and the Honolulu Advertiser on Wednesday, June 6, 1962.

Very truly yours,

R. J. DARNELL
Executive Officer

WM:ak

426 Queen Street
XXXXXXXXXXXXXXXXXXXX

May 21, 1962

Mr. Gilbert Hay
P. O. Box 9
Pahoa, Hawaii

Dear Mr. Hay:

Please be advised that your application for special permit and fifty-dollar fee have been placed on file.

Your application will be heard as soon after the appointment of a Land Use Commission as is practicable.

Sincerely yours,

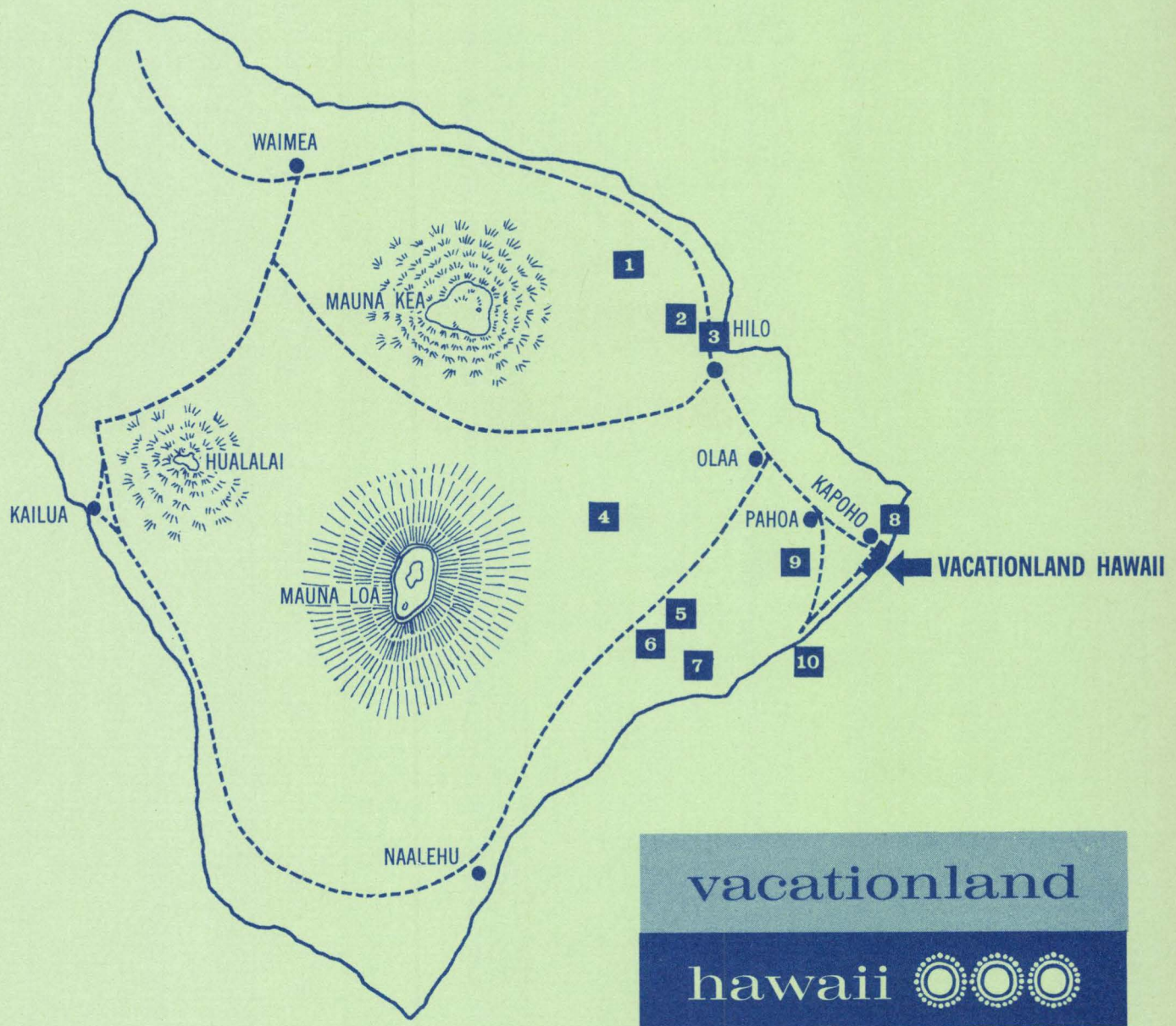
WILLIAM M. MULLAHEY
Land Use Analyst



vacationland

hawaii





POINTS OF INTEREST

- 1 AKAKA FALLS**, north of Hilo, where water plunges for over 400 feet in a sheer drop over a volcanic cliff. A beautiful park setting.
- 2 RAINBOW FALLS** on the outskirts of the city where the Wailuku River flows over a volcanic ledge resulting in a display of everchanging rainbows.
- 3 HILO** is the orchid center of the world and capital of the Island.
- 4 BIRD PARK**, sanctuary for some of Hawaii's most beautiful birds.
- 5 VOLCANO HOUSE** overlooks the vast, and still steaming Halemaumau Crater.
- 6 KILAUEA IKI CRATER** is the most recent spectacular volcanic eruption. Molten lava was thrown over 1700 feet in the air.
- 7 HAWAII NATIONAL PARK** includes a park museum, lava tubes, tree fern forests, sulphur banks, extinct and steaming craters.
- 8 GREEN LAKE**, a beautiful oasis just three miles away.
- 9 TROPICAL FORESTS** abound with rich, lush vegetation. Ancient trees mixed with giant ferns. Peaceful.
- 10 KALAPANA BLACK SAND BEACH** where creamy surf washes a jet-black beach beneath one of the largest coco palm groves in Hawaii.

vacationland

hawaii



WEATHER: Rainfall in the general vicinity averages 80 inches per year.

TEMPERATURE: The average year-around temperature is 73 degrees.

ELEVATION: From 8 to 50 feet above sea level.

SOIL: The base of Vacationland Hawaii is aa and pahoehoe lava.

OTHER INFORMATION:

1. Land located 29 miles from Hilo in the Kapoho district. The property is bounded by the Pacific Ocean to Kapoho-Kalapana Beach road (State Secondary Highway).
2. Chain of Craters road will connect this area with Hawaii National Park — Connecting State-Federal road from this area will be completed this year.
3. Kalapana Black Sand Beach within easy driving distance.
4. Pohoiki Bay — Planned for small boat harbors. Some monies already appropriated.
5. Farmers are raising flowers, papaya, etc., on approximately 100 acres of land across the subdivision mauka of Kapoho-Kalapana highway.
6. Hot Springs (Spa) — Japanese hotel feasibility studies indicate promise.
7. Recreation Area — Good fishing and swimming grounds along the subdivision's approximately 4000 feet ocean frontage.
8. Numerous lots will have ponds where one can grow own fish supply.
9. Ideal land for Japanese rock garden landscaping.
10. Lovely and interesting State Parks — Lava Tree Park and McKenzie Park within easy driving distance.
11. Water — Exploratory well drilling is planned. Location of this well within general vicinity of the junction of Pohoiki road and old railroad right of way. Close to the U.H. Agricultural Experiment Station.

vacationland

hawaii



The sea sparkles at Kapoho.

There is a special freshness in the air.

It is oceanside land filled with a hundred crystal ponds . . . ponds loaded with fish of every kind . . . inviting you to come swim . . . inviting you to take off your shoes, your tie, your coat. This is *relaxing, stretch-out* country.

When it is raining in Hilo, the sun is out at Kapoho.

Yet Hilo is only forty minutes away.

Five minutes away is farm country with new fields of papaya and other fruits and vegetables.

Down the new road is Isaac Hale Park (Pohoiki Bay) . . . an ideal small boat harbor if you want to take your outboard and explore the deep waters.

VACATIONLAND is meant to be a vacationland to the people in Hawaii.

It has a beauty you won't find in any other area.

It is refreshing . . . a spot for recharging worn spirits . . . a place that reminds you what a great world we live in.

If you visit VACATIONLAND, you'll never, never forget it.

And you'll want to come back . . . again and again.

What an ideal place for you and your family!

Wendell Phillips
- 21/279 int
William Terry & wf
Gladys W. - 7/E 10/279 int
Earl Thacker & Co., Ltd - 58/279
10 181.13 Acs.

SP^(A)(T) 62-7 HAY

Antone E. Cravalho & wf
Marcelina - est. 1/2 - 1/3
Kenneth E. Griffin & wf
Alexa - TE - 1/6
Matherine K. Mounakey - 1/3
Joe Silva - 1/3

Ralph E. Allison &
 w/ Lorna J. - T/E
 8.836 Ac. 49 2.187
 AC. 1.30 acs.
 OF 2.922
29 William K. Kekoa Est
 Thelma L. Hall -
 Edward Kekoa -
 Loring K. Kekoa -
28 Leonard Campbell &
 w/ Katherine - T/E

29 William K. Kekoa Est
Thelma L. Hall -
Edward Kekoa -
Larva K. Kekoa -

28 Leonard Campbell &
w/ Katherine - T/P

28 Leonold Campbell &
wf Katherine - T/F

61 Gilbert Hay

LAEPAOO - PUUA, PUNA, HAWAII

DEPARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP

THIRD		DIVISION
ZONE	SEC.	PLAT
1	4	02
CONTAINING		PARCELS
SCALE: 1 IN.		1000 FT.

SEP 19 1968

DWG. NO.: 2272 Revised Nov. 1952
SOURCE: U.S.G.S. map
BY: PK & TN Nov. 1952



SP(T) 62-7
GILBERT HAY
JUN. '62
RESORT DEV.

KALAPANA

Boundary of
lava flow

Cracks

Topography by Kostka Mudd, Edward G. Wingate,
Edmund Bright, and K. Simeona.
Control in part by Hawaiian Territorial Survey
and U.S. Coast and Geodetic Survey.
Surveyed in 1922.

APPROXIMATE MEAN
DECLINATION, 1922

Scale 62500
5000 10000 15000 20000 Feet
1 2 3 4 Miles
1 2 3 4 Kilometers
Contour interval 50 feet.
Datum is mean sea level.

Polyconic projection, Hawaiian datum.
5000 yard grid based upon U.S. zone
system but with central meridian 158°
THROUGH ROUTES
SECONDARY ROUTES

KALAPANA, HAWAII
Edition of 1924

LAND USE DISTRICT BOUNDARIES

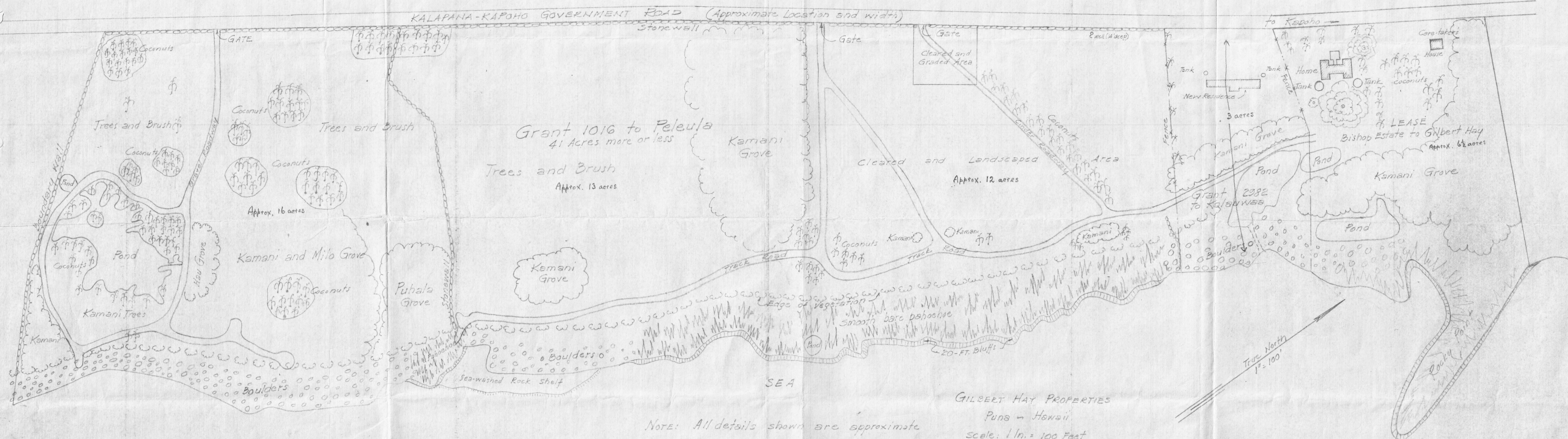
DISTRICT MAP

H-L

STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE: AUG 23, 1964

DISTRICTS

U = URBAN
R = RURAL
A = AGRICULTURAL
C = CONSERVATION



NOTE: All details shown are approximate

GILBERT HAY PROPERTIES

Puna - Hawaii

Scale: 1 in. = 100 Feet

Plan by Chas. L. Murray 7/24/58 (first survey March 1947)

Tax Map Key- 1-4-02-S.6.7+26