CORRELA, Joseph & Marg. SP(T)62-22

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII

January 17, 1963

IN REPLY REFER TO: PWC-1/C-3394

Refer Your: LUC 226

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

Dear Mr. Darnell:

The Board of Supervisors of the County of Hawaii considered your letter dated November 1, 1962, at its meeting of January 16, 1963.

The Board adopted the following recommendations of its Committee on Public Works with regard to

1. Applications for Special Permit by Joseph and Margaret Correia, and Mineo Koyanagi:

   Accepted recommendations of Planning and Traffic Commission.

2. Petition from Hayselden Ranch Co., Ltd.:

   Rezone, providing that any new development by the applicant be controlled as to design, size and standards similar to the general development of the area.

3. Petition from George Vierra and Lydia Toledo:

   Considered and placed on file.

Very truly yours,

(Mrs.) Margaret M. Kaaua
COUNTY CLERK

LAND USE COMMISSION

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

December 19, 1962 - 10:00 A.M.

Commissioners Present:	E. C. Bryan Stanley C. Friel Wayne D. Gregg Yuichi Ige Edward Kanemoto Franklin Y. K. Sunn
Absent:	Roger T. Williams
Ex-Officio Members Present:	E. H. Cook Philip T. Chun
Staff Members Present:	R. J. Darnell, Executive Officer (XO) W. M. Mullahey, Field Officer (FO) John Canright, Legal Counsel

The meeting was called to order by Chairman Bryan.

ACTIONS TO BE TAKEN

APPLICATION OF MINNIE TAVARES (SP(T) 62-8), FOR SPECIAL PERMIT TO SUBDIVIDE INTO SIX LOTS A 1.05 ACRE PARCEL, LYING ALONG AN UNIMPROVED ROAD WHICH IS THE EXTENSION OF KUMUHAU STREET IN THE NORTHWEST CORNER OF WAIMANALO VALLEY, OAHU: Described as First Division, TMK 4-1-10: 42

The FO gave a brief description of the property involved and the request of the applicant. The FO gave his report on the additional request made of the staff by the Commission to investigate the problem concerning this applicant. He reported that building permits were issued to property owners surrounding this family before the LUC interim regulations were adopted, and two permits were inadvertently issued in error after that date.

Chairman Bryan called upon Mr. Frederick Lee, Director of the City Planning Department, to comment on this situation. Mr. Lee confirmed the FO's statement that the permits were issued in error. He stated that during the interim period there was a ruling that 5-acre lots were the sizes for temporary permits as far as the Land Use Commission was concerned. Then the Attorney General's ruling came out that that was not the case; that the Counties' zoning superseded the

Land Use Commission's. Another ruling was then issued which stated that as long as it was for urban use, the zoning would revert to the Land Use Commission. Mr. Lee stated that during that period City Planning had issued one of those permits for the posting of a house. After that, while there was still doubt in their minds and before clarifying it with City attorneys, the other two permits were issued. Mr. Lee stated that they were not in opposition to the Land Use Commission, it was merely during a period when they were not certain of the ruling and during a period when they had asked their City attorney's office to give them a ruling upon the State attorney's ruling. So the permits that were issued were in error.

Chairman Bryan asked Mr. Lee, "Does this mean that if Act 187 had not been passed it would have been all right with the City and County, within its regulations, to have these houses moved in?" Mr. Lee replied in the affirmative stating, "We have Rural Protective Zoning and Rural Residential Zoning, and also one called Highway Protective. These zoning features or laws were passed a long time ago, primarily to stop commercial developments within the agricultural areas, but permitted residential developments. Now this is one of the weaknesses of our zoning laws which we hope to correct, and the problem becomes this: In a primary agricultural area we allow people to post homes as long as those homes have 5,000 sq. ft. of land area per home. This is something which was good when initiated, but during the present time when we are trying to conserve our agricultural areas it is not good at all. It is forcing the City to extend its utilities into the outer areas and send money into the other areas where we should not be spending money. It's urbanizing your agricultural areas and this is what we are trying to avoid. So the intent and purposes of the Planning Department in this area is in fact the same as the Land Use Commission."

Commissioner Ige asked, "Is the law still in effect?" Mr. Lee replied in the affirmative.

Commissioner Sunn asked, "When does the State give out land plots for residential homes in Waimanalo?" Mr. Lee replied, "I can't answer that. I do not know that we approved the subdivision and the subcontractor who has that subdivision has ample return of this bond signifying that the improvements are completed. As far as the lease of the land is concerned I would not know that." Commissioner Cook answered Commissioner Sunn's question stating, "Some time in February."

Commissioner Ige questioned the issuance of the two permits in error and the concern and obligation of it by the City and County. Mr. Lee replied, "The City feels it is something that has been accomplished and should not go back and ask the person to tear down those houses. It is an error by us, we admit our error and we are going to let it go at that."

Mr. Lee answered a question posed by Commissioner Ige stating, "The present houses as far as the City is concerned have been legally posted and installed. Therefore they are residences within that area which are legal. They are not a non-conforming use nor have they been illegally posted." As far as the City and County is concerned they are still within the Rural Protective District," stated Commissioner Ige.

Mr. Lee added, "The new zoning ordinance to be proposed, which eliminates the Rural Protective Zoning and the Honolulu Highway Zoning will be before the City Planning Commission in January, and this type of zoning in the future, say within six months' time, we should be able to abolish entirely by adopting the new zoning ordinance."

Mr. Lee stated, "Another factor of major importance is that we have worked very closely with Harland Bartholomew on the establishment of the boundaries for the Island of Oahu. I believe that we have come to agreement with most of these with the exceptions of two areas. I do not think that the problems of these two areas are insurmountable. So if the Land Use Commission wishes to meet with the staff of the Planning Department we would be very willing to set up the meeting any time it desires. As far as the meeting with our Commission members are concerned it may be difficult. We have only four Commission members who would be able to meet this Thursday, just a quorum. The other Commission members are off the island, so if you do call a meeting for this week or next week, I'm afraid we would barely have a quorum, as far as the Planning Commission is concerned."

Chairman Bryan asked if it would be helpful if the Land Use Commission staff and those Planning Commissioners available got together next week to go over the boundaries.

Mr. Lee replied that he thought it would be extremely helpful, not only from the point of view of indicating close cooperation with the Planning Commission and the Planning Department but it would also indicate to the Land Use Commission how closely the Planning Department has worked with the Land Use Commission's consultant. Mr. Lee stated that after this meeting the Planning Department would recommend that the information from this meeting be carried to the City Council for closer cooperation between State and County.

Chairman Bryan inquired into the length of time the meeting would take. Mr. Lee replied that he did not think it would take too long. Mr. Lee gave the days when the Commission meets and suggested some appropriate days. Chairman Bryan thanked Mr. Lee.

A Mrs. Viser from the audience introduced herself as a representative of the Minnie Tavares case. She stated that yesterday (December 18, 1962) it came to their attention that a house was being built on the lot next to Mr. Miguel, tax key 4-1-10: 40, under the name of Rowe; and in contacting the Building Department, they were not able to locate the permit for this house at that time.

Mr. Lee stated that as far as the permit was concerned, he wished to point out that there are a lot of illegal homes going up without permits, and this may be one of them. Mr. Lee informed Mrs. Viser if she would give him the information at his office, he would be very happy to check into it. He also pointed out that in the Makaha area alone, there are approximately 42 known violations which, if the area is not urbanized, will be forced to terminate, which means tearing down the homes. As far as the Planning Department is concerned if these violations are brought to light they would be turned over to the City Prosecutor who will prosecute. This case may not be an illegal home, he did not know.

Mrs. Viser stated that it was hard for the Tavares family to see other homes coming up around them while they were not able to build.

Mr. Lee stated that the Mayor has assured him that he will give him two zoning inspectors whose positions would authorize them to find this type of violation and terminate it. At the present time there is no zoning inspector and there is no way of knowing of any violation unless the public reports them to the Planning Department or another State or City departments who are the best policemen of these violations.

Commissioner Sunn moved that the Commission approve the recommendation of the staff that the Commission deny the application; seconded by Commissioner Kanemoto.

Discussion: Mr. Tavares asked if the area will be one house per acre, and if that were the law as far as the "Greenbelt" is concerned. He suggested that the area involved be taken out of the "Greenbelt" as it is already an illegal zoning as the area is already comprised of a lot of homes.

Mrs. Viser asked for suggestions by the Commission as to how they would go about to correct the situation: Where should they go, because they have no intention of dropping it. Chairman Bryan asked if the Tavareses have discussed this with the City Planning Department. Mrs. Viser replied in the negative, stating that in the beginning they were told by the City Planning Department to go ahead and build the house. Chairman Bryan called upon the legal counsel for comments. The legal counsel stated that the family can talk it over with their attorney, legislators and state their dissatisfaction about this, but what the outcome of this would be he could not assure them. Commissioner Ige suggested that there will be a hearing on January 11 or soon after and the family can try to get the City and County to help them put this area in an Urban classification.

Commissioner Friel stated that he did not think personally that the Commission was ready to vote on this matter until the Commission is able to obtain some of these special permits, and the illegal buildings that are going on settled. As the City and County has allowed a building to go up next door and will not allow a permit for this, he could not see the way open to vote in the affirmative.

Commissioner Sunn was called upon to clarify his motion by the Chairman.

Commissioner Sunn stated that this stand is very unfortunate because if they (Tavareses) had confronted these homes prior to April 11, they could have put in all of these six homes, but as of now they cannot. Under the present Land Use Law, this Commission cannot possibly approve the construction of homes in Agricultural areas, and it is just one of these things. It is unfair to them (Tavareses) because of the enactment of this law. It is unfortunate that these other people were permitted to construct these homes because they just poured salt into another wound. He couldn't see what else could be done.

Commissioner Kanemoto stated that he personally felt it would be rather difficult to hold this in abeyance because in the foreseeable future he couldn't see how anything could change. With all the information at hand, he thought it only fair to the Tavares family that the Commission should act.

Commissioner Ige stated that the Land Use Commission could not take action more or less because of the City & County's recommendation. The Tavareses can go back to the City & County and put in their complaints. He felt that the Commission could not question but must follow the regulations and would just have to deny the request.

Chairman Bryan asked Commissioner Sunn if this is the kind if place that could become an improvement district and what the ultimate answer is. Commissioner Sunn stated that the existing homes will remain as is. When an improvement district goes in, it will have to go in under laws and will have to meet the requirements for subdivision in an agricultural area because this is Rural Protective now. Because of the Land Use Act, this area is agricultural; it will have to conform to some type of farm lot subdivision. This will throw the Tavares problem out of the window; they could not subdivide into small lots, and they could not have an improvement district to meet their permits. Commissioner Sunn stated that there should be an understanding that this Commission cannot give them a lot of hope to think from January 11 there might be a good chance of amending the boundaries, because it was his recollection that the consultant's recommendation for the urban line conforms pretty close to what is shown on the map now; and the Tavares lot is a long way off. So to amend that Urban line to include the Tavares property and the Miguel property would almost be out of the question.

Commissioner Gregg stated that inasmuch as Mrs. Viser has indicated that they were not going to cease looking for a way to improve this property and the Commission cannot very well in good conscience give them a permit, wouldn't it be to their advantage to deny this so that something would be clear cut so that they would have a place to start from? Otherwise, if this Commission should start deferring it, they wouldn't know where to begin.

The FO polled the Commissioners on the motion for denial of the application. Approved: Commissioners Kanemoto, Sunn, Ige, Gregg, and Chairman Bryan. Disapproved: Commissioner Friel.

APPLICATION OF JOSEPH AND MARGARET CORREIA (SP(T) 62-22), FOR SPECIAL PERMIT TO CREATE A 15,000 SQ. FT. RESIDENTIAL LOT FROM A LARGER PARCEL CONTAINING 39.28 ACRES, LOCATED ON THE EAST SIDE OF AINAOLA DRIVE APPROXIMATELY 4/5 MILE FROM THE INTERSECTION OF AINAOLA DRIVE AND HOAKA ROAD, IN WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII: Described as Third Division, TMK 2-4-05: 39.

The FO described the area involved. The FO stated that the staff recommendation was for denial for the reason that the granting of a residential lot in such a situation would set a policy in the creation of many lots.

Communication received from the Hawaii Planning Commission recommended approval of the application since it involved subdivision into one house lot in each case. The FO stated that comments and recommendations were solicited of the Land Study Bureau, the Board of Water Supply and the Department of Health, but no replies have been received. The FO stated that he contacted these agencies

by telephone and was informed that due to the heavy workload at this time they were not able to reply, but will do so as soon as possible.

Commissioner Sunn moved to recommend denial of the application. Commissioner Ige seconded the motion.

The FO polled the Commissioners on the motion for denial. Approved: Commissioners Kanemoto, Friel, Sunn, Ige, Gregg and Chairman Bryan. Disapproved: None.

APPLICATION OF GEORGE K. SING (SP(T) 62-24), FOR SPECIAL PERMIT TO CREATE FOUR RESIDENTIAL LOTS AND ONE RESIDUAL LOT ON LAND LOCATED IN LUALUALEI HOMESTEADS, 3RD SERIES, WAIANAE, OAHU: Described as First Division, TMK 8-6-03: 6.

The FO outlined the area involved. The FO stated that the staff had recommended approval of this application in recognition of the fact that each of the proposed lots will contain an already legally-constructed house.

Commissioner Sunn asked whether the Land Use Commission approves subdivision of a property as such? He stated that the application says to subdivide. Can the Land Use Commission approve the houses being constructed on the lot?

Chairman Bryan stated that the Commission can by special permit approve a subdivision providing the applicant complies with the County requirements.

Commissioner Sunn stated that this Commission would be doing what is normally the County's function as far as permitting subdivision, and couldn't see how the Land Use Commission's function comes into this picture.

Chairman Bryan questioned whether such cases should be covered by special permit. At this time the Legal Counsel was called upon to comment. The Legal Counsel stated that the Commission has nothing to do with the subdivision of lots. All it has to do is to grant special permit for the use of these lots for residential purpose. From there on it's up to the City and County. Chairman Bryan replied that on the other hand the County will not allow them to subdivide as long as the Commission leaves it in an agricultural area.

Commissioner Ige stated that Mr. Sing will then go to the County to petition this area to fall under the urban classification.

The FO read a communication received from the City Planning Department, dated December 11, 1962, recommending that the Land Use Commission permit the subdivision of George K. Sing's property into four lots on the basis that it is permissible under the subdivision rules and regulations and the provisions of the zoning ordinance.

After a discussion on what is permissible to be allowed and granted by the Land Use Commission in this case, Commissioner Sunn moved to grant the petitioner the right to use the property fronting Halona Road to a depth of 105 feet for primary residential use, subject to City and County regulations. Commissioner Friel seconded the motion.

Discussion: Commissioner Gregg asked whether it would be right and proper to make a motion contrary to what was worded in the application and agreeable to applicant. He was answered by the Legal Counsel, who stated that if an oral amendment or agreement by the applicant was made it would be all right.

At this time Mr. Sing was called upon and he agreed to the motion made by Commissioner Sunn with the understanding that the wording was not the same as stated in his application, but that the outcome would be what was requested in the application.

APPLICATION OF MINEO KOYANAGI (SP(T) 62-26), FOR SPECIAL PERMIT FOR CREATION OF ONE RESIDENTIAL LOT FROM A LARGER LOT COMPRISED OF 36.8 ACRES LOCATED IN HIENALOLI 6, NORTH KONA, HAWAII: Described as TMK 7-5-11: 1.

Action to defer was requested by Mr. Frank Takao, Administrative Assistant to the Lieutenant Governor, representing Mr. Koyanagi due to the fact that the applicant had signified that he had additional testimony to submit. There was no objection by the Commission and action was deferred.

APPLICATION OF JOSEPH R. SOUZA (SP(T) 62-27), FOR SPECIAL PERMIT TO CONSTRUCT TWO NEW SINGLE-FAMILY DWELLINGS ON LAND LOCATED IN LUALUALEI HOMESTEADS, 3rd SERIES, WAIANAE, OAHU: Described as First Division, TMK 8-6-11: 3.

The FO outlined the area involved on the map, and briefly described the request. The staff recommendation was for denial because of the possibility of the creation of an urban area in an Agricultural district. In essence, the problem was where to hold the line.

Chairman Bryan questioned the difference between this application and the application (Mr. Sing's) the Commission just approved. The FO replied that the difference between the two was that in the case of Mr. Sing, the houses were already approved before the Land Use Commission regulations and boundaries were in effect; while in this case, Mr. Souza is requesting to construct two new dwellings.

Chairman Bryan asked for the City Planning Commission's recommendation and the FO stated that the County recommended denial of the special permit for the reason that permitting additional construction on these properties would be in violation of the concept of retaining agricultural uses in this area.

The FO read a communication from the Hicks Construction Company giving a general description of the request and property; and a communication received from the City and County Public Works Committee, informing that the matter has been referred to the Committee of the Whole and that a report will be forwarded to the Land Use Commission.

Commissioner Sunn moved to deny the Special Permit. Commissioner Kanemoto seconded the motion.

Discussion: Mr. Albert Shibuya introduced himself and spoke in behalf of Mr. Souza. He stated that he checked into this matter with Mr. Kim of the City Planning Department prior to the Land Use Act and inquired as to what the regulation was. Mr. Kim stated that the zoning was Rural Protective. He stated that the General Plan indicates that this is an agricultural zone, but that it was his understanding that if the Greenbelt was not in effect, the subdivision would be approved. He stated that presently the property fell under the Greenbelt and that the Land Use Commission would have to give their approval before the County would give their approval.

Mr. Shibuya questioned the Commission as to the difference between the application approved for Mr. Sing and that of Mr. Souza, which involved approximately the same thing. This was explained by the Commission that in Mr. Sing's case the existing homes were already on the lot before the Greenbelt took effect; while in the case of Mr. Souza he is asking to construct additional homes on the lot, now that the Greenbelt is in effect.

The Chairman asked whether the Commissioners wished to table the motion before the Commission or vote on it. Commissioner Chun stated that in view of the recommendation received from the City Planning Commission for denial, he saw no reconciliation whereby the County would give their approval for this application.

Commissioner Gregg noted that if additional homes are granted within agricultural zoned area, it will become so that the agricultural people will be surrounded by residences and will eventually be forced to relocate so that the end result would be no more agricultural areas left for farmers.

The FO polled the Commissioners. Approved: Commissioners Kanemoto, Sunn, Ige, Gregg, Chun and Chairman Bryan. Disapproved: Commissioner Friel.

PETITION OF MAMORU AND AIKO TAKITANI (A(T) 62-13), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY NEAR ULUMALU, MAKAWAO DISTRICT, MAUI, FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 2-8-01: 7 & 24.

The FO briefly described the area and request of the petitioner which was for residential development. The FO stated that the staff's recommendation was for disapproval and that the matter had been deferred pending hearing from the consultant. The consultant's recommendation for this area is not for Urban. The Maui Board of Supervisors voted contrary to the Maui Planning Commission's first action, which was for denial due to remoteness and lack of water. On a second action, taken by the Maui Planning Commission, they recommended approval of the request of the petitioner.

Commissioner Gregg moved to disapprove the request and Commissioner Friel seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Friel, Sunn, Ige, Gregg, Chun and Chairman Bryan. Disapproved: None.

APPLICATION OF ALBERT SHIBUYA (SP(T) 62-28) (AGENT FOR THE OWNER, FRANK MONIZ), FOR SPECIAL PERMIT TO CONSTRUCT THREE ADDITIONAL SINGLE-FAMILY DWELLINGS ON LAND LOCATED IN LUALUALEI HOMESTEADS, 2nd SERIES, WAIANAE, OAHU: Described as TMK 8-6-03: 39.

The FO described the area involved. He outlined the request of the applicant and gave a background of the situation. The recommendation of the City Planning Commission was for denial and the staff's recommendation was for denial.

Commissioner Sunn moved to deny the application. Commissioner Kanemoto seconded the motion. The FO polled the Commissioners. Approval: Commissioners Kanemoto, Sunn, Ige, Gregg, Chun and Chairman Bryan. Disapproval: Commissioner Friel.

COMMUNICATIONS

The following communications were presented by the FO:

1. Correspondence from the Waialua Agriculture Company requesting extension of their subdivision on the beach. A petition requesting this area be placed in Urban has been initiated. HB&A's recommendation included this area in Urban.

2. Communication from Fred Lee, Planning Director, City Planning Department, requesting the Land Use Commission staff recommendation and comments on the above subject.

3. Reply to Planning Department's letter, from XO, suggesting that three courses of actions were open to the developer.

4. Letter from the Attorney General's Office dated December 12, 1962 clarifying that requests for Change of Boundary or Special Permit cannot be changed to the other.

5. Copy of letter from City Council to Stanley Ling, Corporation Council, requesting an opinion whether any Special Permit issued by the Land Use Commission supersedes any action by the Council.

APPLICATION OF MICHAEL P. L. CHUN (SP(T) 62-39), TO CONSTRUCT TWO ADDITIONAL HOMES ON A ONE-ACRE PARCEL IN WAIMANALO, OAHU, HAWAII: Described as TMK 4-1-25: 51.

Request for permission to use an Agricultural lot for temporary storage of buildings was before the Commission for consideration. Chairman Bryan cautioned the Commission on such permission.

It was Mr. Chun's contention that the applicant would have to follow the procedures of a Special Permit before the Commission would be able to consider this request, whether the request was for additional houses on the lot or for temporary storage of houses on the lot. Chairman Bryan stated that going through the procedures of a special permit would involve the time limit, which is no help. He questioned the staff why it did not give the applicant an interpretation of the law. The FO explained that he did, and added that the staff could not recommend the allowing of this new request because the Commission would get into a situation by allowing people to move houses temporarily onto the land in the Agricultural district. There are many ramifications, not only in this particular area but in other areas of the State. The staff has told Mr. Chun he is entitled to come before the Commission to make his request but that the staff did not think it would be looked upon favorably. The Chairman stated that the applicant would have to go through the special permit procedure with the additional request to store buildings on this parcel in the Agricultural district.

Commissioner Chun asked, "Wouldn't this be a matter of granting a special permit for storage? What other authority would this Commission possibly have?" He stated that there is nothing in the rules and regulations which show this is an allowable request; and anything which does not show in the rules and regulations would be for the filing of an application for special permit.

Commissioner Chun motioned to have the matter referred to the Attorney General's Office for further clarification. Commissioner Kanemoto seconded the motion. Motion carried.

MEETING SCHEDULED WITH CITY PLANNING COMMISSION

Meeting adjourned at 12:30 p.m.

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM SP(T)62-22

DATE 12-19-62

PLACE LUC Hearing Room

TIME 10:10

NAMES	YES	NO	ABSTAIN	ABSENT
KANEMOTO, E.	X			
WILLIAMS, R.				X
FRIEL, S.	X			
(1) SUNN, F.	X			
(2) IGE, Y.	X			
GREGG, W.	X			
~~LOMBARDI, F.~~ chow				X
~~COOK, E. H.~~				X
BRYAN, E.	X			

COMMENTS:

Recommended denial

STATE OF HAWAII
LAND USE COMMISSION

HELCO Auditorium
1200 Kilauea Avenue
Hilo, Hawaii

9:30 A.M.
November 19, 1962

STAFF REPORT

SP(T) 62-22 Temporary District Classification: AGRICULTURAL

APPLICATION OF JOSEPH AND MARGARET CORREIA, for Special Permit to create a 15,000 sq. ft. residential lot from a larger parcel containing 39.28 acres, located on the east side of Ainaola Drive approximately 4/5 mile from the intersection of Ainaola Drive and Hoaka Road, in Waiakea Homesteads, South Hilo, Hawaii described as Third Division, TMK 2-4-05: 39.

The applicants state that they are the owners of this parcel and that they wish to convey the proposed lot to their daughter for the construction of a residence.

The character of the surrounding area is one of open land and grazing, with scattered dwellings located along the road. County water and power is available along the road to the site.

The Belt-Collins Plan for the Hilo Metropolitan Area recommends that the subject parcel and surrounding area remain in diversified agriculture. The State General Plan makes a similar recommendation.

The staff is unable to find anything 'unusual or reasonable' in this request which would not apply in a great number of virtually identical cases in the State, or on the Big Island; and would advise careful consideration as to precedent. This application represents a situation that may be confronted frequently in the future and definite policy should be stated to cover this type of situation.

However, in the absence of policy to the contrary regarding this type of request,

Fot B/S rec. c/Koyanagi

the staff recommends disapproval of the application. It should be noted, however, that the applicant could probably create more than one farm in accordance with County of Hawaii zoning regulations for agricultural areas, without applying to the Land Use Commission.

Ref. No. LUC 305

December 14, 1962

Mr. and Mrs. Joseph Correia
62 Mauna Loa Street
Hilo, Hawaii

Dear Mr. and Mrs. Correia:

The State of Hawaii Land Use Commission has scheduled a meeting on Wednesday, December 19, 1962, in the Commission's Hearing Room, 426 Queen Street, Honolulu, Hawaii, directly following a public hearing which is scheduled for 9:00 a.m.

As the waiting period prescribed by the Commission's Rules of Practice and Procedure, Sub-Part C, Sec. 1.20(f), will have expired, your application for Special Permit has been placed on the agenda for consideration by the Commission. Final action may be taken at that time.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Ref. No. LUC 238

November 9, 1962

Mr. and Mrs. Joseph Correia, Jr.
62 Mauna Loa Street
Hilo, Hawaii

Dear Mr. and Mrs. Correia:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on November 19, 1962, at 9:30 a.m., in the Auditorium of the Hilo Electric Light Company, Ltd., 1200 Kilauea Avenue, Hilo, Hawaii. Your application for Special Permit will be heard at that time.

Publications of Legal Notice of hearing appeared in the Honolulu Star-Bulletin on October 30, 1962, and the Hilo Tribune Herald, on November 2, 1962.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Ref. No. LUC 226

November 1, 1962

The Honorable Members of the
Board of Supervisors
County of Hawaii
County Building
Hilo, Hawaii

Attention: The Honorable Thomas K. Cook, Chairman
and Executive Officer

Gentlemen:

The State Land Use Commission has requested me to obtain your recommendations and comments for the following matters, pending before the Commission, to be heard within the County of Hawaii on November 19, 1962, at 9:30 a.m., in the auditorium of the Hilo Electric Light Company, Ltd., 1200 Kilauea Avenue, Hilo, Hawaii.

The proposed Rule Change; applications for Special Permit by Joseph and Margaret Correia, and Mineo Koyanagi; and petitions for change of Temporary District Boundary from Agriculture to Urban classification by Hayselden Ranch Company, Ltd., and George Vierra & Lydia Toledo. (Copies of the Rule Change, applications for Special Permit and petitions for change of Temporary District Boundary are enclosed.)

The Land Use Commission would appreciate your written recommendations and/or comments prior to the date of the hearing or up to fifteen days following the date of the hearing. Further the Commission invites your attendance at the hearing.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

Enclosures

NOTICE OF PUBLIC HEARING

TO CONSIDER (1) AMENDMENT OF INTERIM REGULATIONS OF THE LAND USE COMMISSION OF THE STATE OF HAWAII AND (2) APPLICATIONS FOR SPECIAL PERMIT AND (3) PETITIONS FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY 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 Auditorium of the Hilo Electric Light Company, Ltd., 1200 Kilauea Ave., Hilo, Hawaii, on November 19, 1962, at 9:30 a.m., or as soon thereafter as those interested may be heard, to consider: an amendment of the Land Use Commission's Interim Regulations, as provided for in SECTION 2, Sec. 10, Act 187, Session Laws of Hawaii, 1961; applications for Special Permit within the County of Hawaii as provided for in SECTION 2, Sec. 7, Act 187; and petitions for change of temporary district boundary as provided for in SECTION 2, Sec. 6, Act 187, Session Laws of Hawaii, 1961.

Amendment of Interim Regulation to be heard:

Docket Number and Substance of Amendment

A(TR) 62-1 (1) To eliminate certain portions of Interim Regulation 2.1(b) respecting "Agricultural Districts" which allowed single-family dwelling units as a primary use of land and which required minimum lot sizes of five acres, both of which portions have been declared invalid by the Attorney General; and also to eliminate Subsection (d) of Interim Regulation 2.1(d) which relates to lot sizes in Agricultural districts.

(2) To re-enact the allowed uses under Interim Regulation 2.1(b); and

(3) To add to Interim Regulation 2.1(b) and 2.1(d) provisions allowing single-family dwellings as accessory uses to the primary uses allowed in 2.1(b) and as primary uses on any lot in a subdivision having received preliminary approval before April 21, 1962.

Applications for Special Permit to be heard:

Docket Number and Applicant	Tax Map Key	Permission Requested
SP(T) 62-27 Joseph and Margaret Correia	2-4-07: 39	Creation of a 15,000 sq. ft. residential lot from a large lot comprised of 39.2 acres.
SP(T) 62-28 Mineo Koyanagi	7-5-17: 1	Creation of one residential lot from a larger lot comprised of 36.9 acres.

NOTICE OF CANCELLATION

THE FOLLOWING HEARINGS CALLED BY THE LAND USE COMMISSION STATE OF HAWAII HAVE BEEN CANCELLED:

(1) Hearing set for the County of Maui, Board of Supervisors Chambers, Wailuku, Maui, 1:30 p.m. November 13, 1962.

(2) Hearing set for County of Kauai, Board of Supervisors Chambers, Lihue, Kauai, 7:00 p.m. November 12, 1962.

(3) Hearing set for County of Maui, Community Center, Kaunakakai, Molokai, 7:00 p.m. November 13, 1962.

(4) Hearing set for County of Hawaii, Board of Supervisors Chambers, Hilo, Hawaii, 7:00 p.m. November 13, 1962.

THESE HEARINGS HAVE BEEN RESET AS PER SEPARATE NOTICE GIVEN ON THIS PAGE.

(S.-B.: Oct. 30, 1962)

Petitions for change of temporary district boundary to be heard:

Docket Number and Applicant	Tax Map Key	Permission Requested
A(T) 62-18 Hayselden Ranch Co., Ltd.	9-4-2: 2 9-4-3: Por. 2	Change from an Agricultural district to an Urban district classification.
A(T) 62-19 George Viera & Lydia Toledo	3-4-02: 7	Change from an Agricultural district to an Urban district classification.

Copies of the Land Use Commission's Interim Regulations and the proposed amendment thereto, as well as maps showing the area 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 [illegible] Copies may be obtained during [illegible]

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

LAND USE COMMISSION
E. C. BRYAN, Chairman
R. J. DARNELL, Executive Officer

(S.-B.: Oct. 30, 1962)

made copies for folders

369

RECEIVED
OCT 25 1962
State of Hawaii
LAND USE COMMISSION

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

October 24, 1962

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

Dear Mr. Darnell:

At its regular meeting of October 22, 1962, the Planning and Traffic Commission considered the following applications for a special use permit to create house lots to be used by family members:

Joseph Correia - Waiakea Homesteads, Hilo

Mineo Koyanagi - Hienaloli, Kona

The Commission voted to recommend the granting of special use permit to both applicants since it involved subdivision into one house lot in each case.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Hiroshi Kasamoto

Hiroshi Kasamoto
Director

lat

cc Chairman & Board of Supervisors

Ref. No. LUC 689

October 21, 1963

Mr. and Mrs. Joseph Correia
62 Mauna Loa Street
Hilo, Hawaii

Dear Mr. and Mrs. Correia:

The Land Use Commission, State of Hawaii, has authorized me to serve formal notice regarding the actions of the previous Commission on your application for special permit.

You are hereby notified that on December 19, 1962, the Commission denied your application for special permit.

Sincerely,

GORDON SOH
Associate Planner
Department of Planning and
Economic Development

October 9, 1963

Ref. No. LUC 670

Mr. and Mrs. Joseph Correia
62 Mauna Loa Street
Hilo, Hawaii

Dear Mr. and Mrs. Correia:

On behalf of Dr. Shelley M. Mark, director of this department and ex-officio member of the State Land Use Commission, I am undertaking to advise you of the status of your application to the Commission for a special permit.

Records show that your application was denied by the Commission during its meeting on December 19, 1962 in Honolulu. Enclosed are copies of the staff's report, county's comments and recommendations, and the minutes of the meeting and hearing concerning your application for your review.

The term of the last Commission expired on May 3, 1963, and a new Commission has not yet been appointed in its place. You may have further questions which you may wish to have answered. Please feel free to call Mr. Gordon Soh, who is covering in absence of a Land Use Commission's executive officer, at telephone number 504426.

Sincerely,

CLARENCE L. HODGE
Acting Director

Enclosures
cc: Roy Takeyama, Attorney General's Office

State Form B14

STATE OF HAWAII

Land Use Commission
426 Queen St., Honolulu
Department, Bureau or Commission

OFFICIAL RECEIPT No. 3

October 3, 1962

RECEIVED from Mr. & Mrs. Joseph Corrigan, Jr.
Fifty & 40/100 DOLLARS
For public hearing by the Land Use Commission for Special Permit Application for property owned in Hawaii - TMK 2-4-05: 39

$ 50.00

Accounts L. Kai
Public Accountant

Sent to Comm.

This space for official use

Date Application and Fee received by LUC 10-3-62

RECEIVED
OCT 3 1962
State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

APPLICATION FOR SPECIAL PERMIT

(X) (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 H - City of Hilo, for the following-described purpose:

Description of property:

Lot 1406, Grant 9588, Waiakea Homesteads, South Hilo, Hawaii,
Tax Map Key: 2-4-05:39

Petitioner's interest in subject property:

Petitioner is owner of subject property.

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

Deed 15,000 sq. ft. of property to our daughter, Mrs. Roberta C. Costales, in fee simple, to construct a dwelling on the above property.

Signature(s) Joseph Correa Jr. (Owner)
Margaret H. Correa (Owner)

Address: 62 Mauna Loa Street
Hilo, Hawaii

Telephone: 51-548

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) William M. Mullahey

For (agency) L.U.C.

2 - 4 - 05 3RD. DIV.

TRUE NORTH
Scale: 1 in. = 500 ft

PLAT 06

HOOKA DRIVE

AINAOLA

PLAT 35

WAIAKEA – UKA SCHOOL

PLAT 34

KUPUOHU

PLAT 20

PLAT 37

PLAT 33

PLAT 32

PLAT

WAIAKEA

FOREST RESERVE

PLAT 08

PLAT 04

Exec. Ord. 1426

492.50 Ac.

State of Hawaii
(Dept. of Institution)
ADDITION TO KULANI PRISON

1806 Joseph Correia, Jr. & wf. Margaret N. - T/E
GR. 9588
39.28 Ac.

1806 Masayuki Matsuda & wf. Yuriko - T/E
53/98 State of Hawaii "Palaki" Trig. Sta. 0.00 Ac.
GR. 10937
39.22 Ac. (38.22 Ac.)

1805 Hisato Uehara, Charles K. Uehara, George Uehara, Minoru Uehara - T/E
GR. 11691
39.28 Ac. (37.28 Ac.)

1804 Saigi Yagi & wf. Sumiko K. - T/E
Kingsley Osaka Jr. & wf. Melanie - T/E
GR. 11613
39.57 Ac.
Rev. Gr. 11849
23.767 Ac.

1804 Tomoichi Wakida & wf. Mineko - T/E (Akimasa A. Nakamura) 5/6 (Chesley A. Mamiya) 5/6 & wf. Quentin - 5/6 & wf. - 1/6
GR. 9455
40.00 Ac.

1803 B Tomoichi Nishigama
1803 A Take Nishigama & wf. Daisy T. - T/E
GR. 11686
20.0 Ac. 20.0 Ac.

1808 Isamu Maeda
GR. 8656
38.66 Ac.

1807 James B. Tong
GR. 8643
52.84 Ac. (50.69 Ac.)
State of Hawaii "Palaki" Trig. Sta. 2.15 Ac.

1809 State of Hawaii (Jinshi Murashige)
S.H.A. 1771
37.19 Ac.

PLAT 31

AINALAKO ROAD

PLAT 39

PLAT 30

PLAT 40

2.59 Ac. State of Hawaii

1813 State of Hawaii (Clarence J. Branco) la.
Por. G.L. 3482
68.861 Ac.

1812 State of Hawaii (Waiakea Reservoir Site)

To Hilo

NOTE

Parcels: 2, 3, 121, 123 & 122 dropped into Plat 30.

Parcels: 7, 8, & 86 dropped into Plat 31.

Parcels: 17, 21, 22, 66, 98 to 101 incl., 103 to 105 incl., 108, 109, 111, & 120 dropped into Plat 32.

Parcels: 16, 23, 24, 30 to 33 incl., 48, 60, 61, 70, 71, 89, 93, 110, 112, 113, 117, 118, 126 to 129 incl., & 133 dropped into Plat 33.

Parcels: 34, 60, 72 to 85 incl., & 88. dropped into Plat 34.

Parcels: 41, 42, 43, 46, 69, 131, 132, & 136 dropped into Plat 35.

Parcels: 43, 44, & 47 dropped into Plat 36.

Parcels: 16, 18, 25, 26, 29, 58, 60, 65, 93 to 96 incl, 108, 116, & 119 dropped into Plat 37.

Parcels: 13, 27, 28, 61, 62, 63, 67, 68, 87, 90, 91, 97, 102, 107, 126, 136, & 135 dropped into Plat 38.

Parcels: 9, 10, 11, 92, 56, 58, 57, 64, 116 & 118 dropped into Plat 39.

Reduced and Copy by
THE BLUE PRINT CO.
88 QUEEN STREET, Phone 66148
JAN. 1962

DWG. NO.: 2197 (Revised)
SOURCE: Tax Maps Bureau
BY: N.A. Date Revised: 5/18/62 By: H.N./L.N.

Por. WAIAKEA HOMESTEADS, SOUTH, HILO, HAWAII

SCALE IN FEET
500 250 0 500 1000 1500 2000

SUBJECT TO CHANGE

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

THIRD DIVISION		
ZONE	SEC.	PLAT
2	4	05
CONTAINING		PARCELS
SCALE: 1 IN. = 500 FT.		

2-4-05:39