

RICHARD WARFIELD

REAL ESTATE . GENERAL INSURANCE . APPRAISALS
MIDDLE KEEL . KONA . HAWAII . U.S.A.

March 20, 1963.

State of Hawaii, Land Use Commission
426 Queen St.
Honolulu, Hawaii.

Gentlemen:

Herewith is an application for Special Permit in behalf of my clients Mr. and Mrs. Takeshi Kudo forwarded through the facilities of the County of Hawaii Traffic and Planning Commission. It is accompanied by the fee in the sum of \$50.00

Will you kindly give this matter your prompt attention?

very truly yours,


Richard Warfield

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee
received by LUC _____

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 N-2 Keel, for the following-described purpose:

Single dwelling residential (urban)

Description of property: One half acre at corner of Old Mamalahoe Highway and un-named road as presented by tax key 8-8-12-11 (makai Kihala corner thereof). 152' frontage on old Mamalahoe Highway & 156' frontage on un-named road.

Petitioner's interest in subject property:
Owner

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

Petitioners wish to erect new home in another location for which proceeds from this sale are necessary to finance.

Signature(s) _____

C. Suzuki Kudo

Address: _____

Captain Cook, Hawaii.

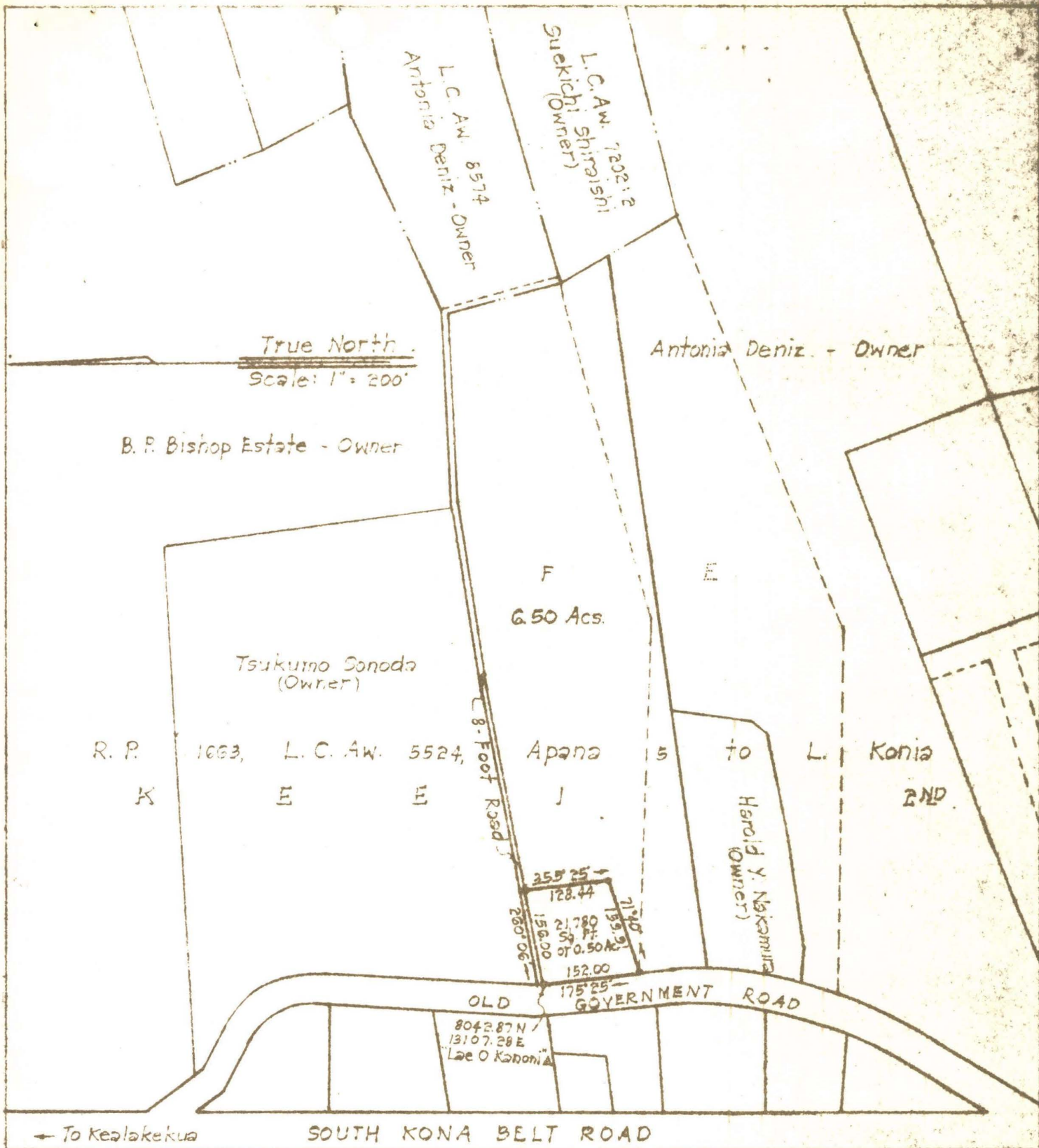
Telephone: _____

This space for official use

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

Signature(s) _____

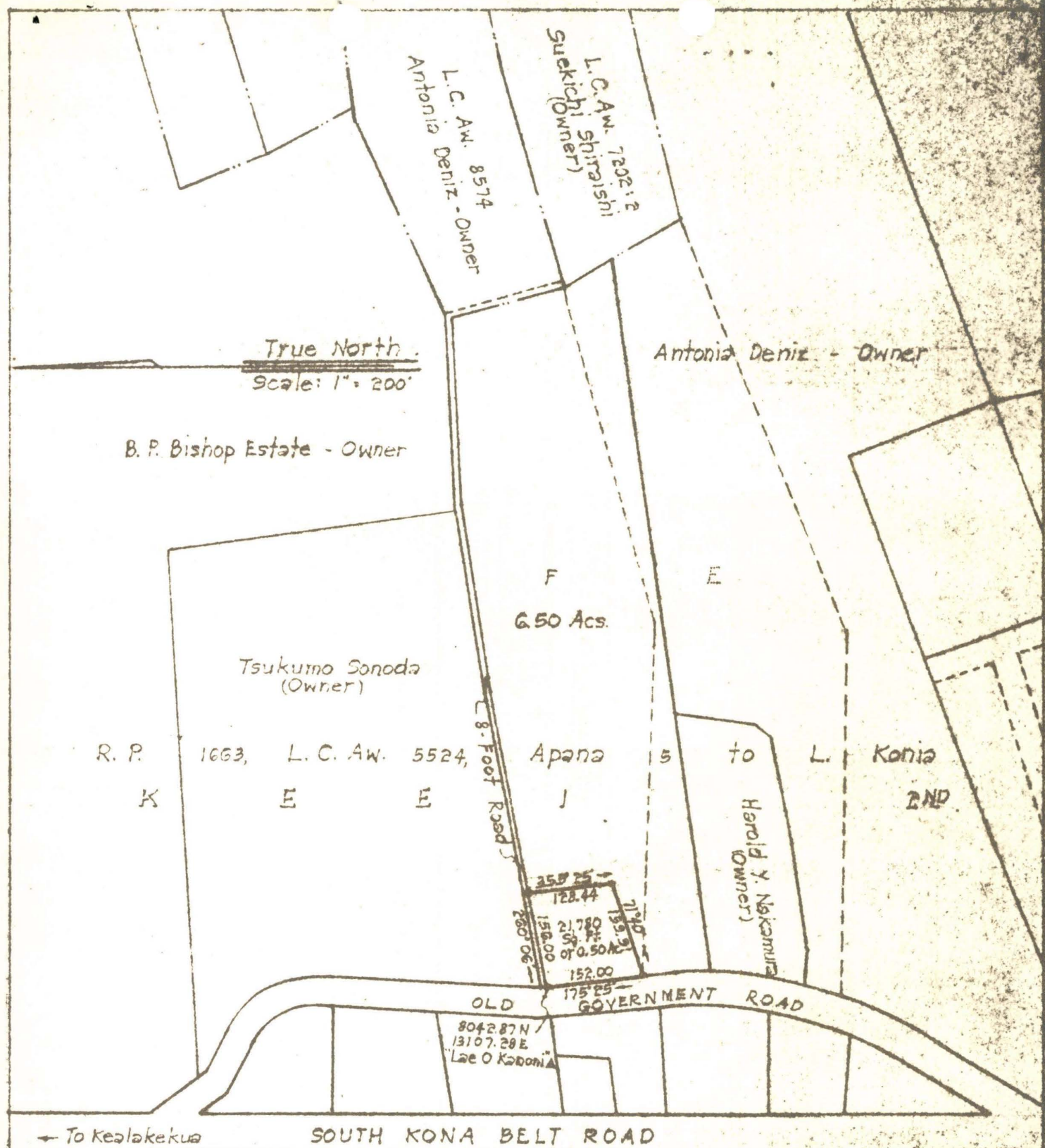
For (agency) _____



A portion of
 R. P. 1063, L. C. Aw. 5524, Apana 5 to L. Konia
 Keei 2nd, South Kona, Hawaii
 Plan by Murray, Smith & Associates, Ltd.
 P.O. Box 612

Owner: Takeshi Kudo
 Address: Capt. Cook, Kona, Hawaii
 Tax Map Key: 8-3-13-11
 March 15, 1963





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R. P. 1663, L. C. Aw. 5524, Apana 5 to L. Konia
Keei 2nd, South Kona, Hawaii
Plan by Murray, Smith & Associates, Ltd.
P.O. Box 612

Owner: Takeshi Kudo
Address: Capt. Cook, Kona, Hawaii
Tax Map Key: 8-3-13-11
March 15, 1963



State Form B14

STATE OF HAWAII

LAND USE Commission
426 Queen St., Honolulu, Hawaii
Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

50

March 27 1963

RECEIVED from

Richard Warfield for M. M. Takashi Kado

71/100

DOLLARS

for public hearing by Land Use Commission for Special
Permit for property on Hawaii

\$ 50.00

7/10

Richard L. Kai

Public Accountant

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

RYT:hmm
510:5a, 24b



CABLE ADDRESS:
ATTGEN

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HONOLULU

August 15, 1963

RECEIVED

AUG 19 1963

State of Hawaii
LAND USE COMMISSION

MEMORANDUM

TO: Mr. Edgar A. Hamasu, Director
Planning and Traffic Commission
County of Hawaii

FROM: Roy Y. Takeyama, Deputy Attorney General

SUBJECT: Regarding Special Permit Petition of
Mr. Takeshi Kudo

Relative to the Special Permit Petition of Mr. Takeshi Kudo, I met with Mr. Yoshito Tanaka, your county attorney, and we agree that said request should be processed as a special permit.

It is my opinion that from the facts submitted, petitioner does not intend to divide his lot for "multiple subdivision" purposes. Hence, your Planning and Traffic Commission should process and approve said petition provided that the use is "unusual and reasonable" within an agricultural district.

Respectfully submitted,

/s/ Roy Y. Takeyama

ROY Y. TAKEYAMA
Deputy Attorney General

cc: Mr. Michael Mullahey
Acting Executive Officer
Land Use Commission

August 6, 1963

RECEIVED

AUG 8 1963

State of Hawaii
LAND USE COMMISSION

Mr. Roy Takeyama
Attorney General's Office
State of Hawaii
Honolulu, Hawaii

Dear Mr. Takeyama:

At the public hearing of July 15, 1963 the Planning and Traffic Commission considered the request of one, Mr. Takeshi Kudo, for a special permit to subdivide a 7-acre land into two lots of 6.5 acres and .5 acre parcels.

The Commission at a decision meeting 15 days later, deferred this matter until a legal opinion was received from the County Attorney clarifying whether the subdividing of land can be processed as special permit by the Planning and Traffic Commission.

County Attorney in his reply, commented, "with reference to question one, it was my understanding that the deputy attorney general who attended the meeting on July 8, 1963 was going to render an opinion on that point."

Consequently, we await a judgement from you regarding this matter at the earliest possible date.

The background of this case is as follows:

On March 20, 1963, the applicant Mr. Takeshi Kudo, submitted an application and fee for special permit with the State Land Use Commission to allow the use of a parcel of land for single-family residential in the Agricultural Zone District.

The real estate agent involved in the transaction of this parcel of land is one, Richard Warfield, of Middle Keel, Kona, Hawaii.

The Land Use Commission did not take any action of this matter prior to their resignation.

On May 20, 1963, Mr. W. M. Mullahey, Acting Executive Officer in his letter to Mr. Warfield indicated that "the \$50.00 filing fee will be returned, and that as soon as HB 1016 becomes law, the application shall be forwarded to the County Planning Director"

August 6, 1963

On June 28, 1963, Mr. Mullahey, in his letter to Mr. Warfield stated "... Act 205 is fairly new and the procedures governing the Special Permit application on the County level are yet to be formulated, therefore, I am taking the precautionary step of returning the application and fee directly to the originator of the application."

The meeting in Honolulu on July 8, 1963 with the County Attorneys and Planning Directors of each County present, as you know, established a policy whereby subdivision cases shall be processed only as a change of some district boundary or the inclusion within the new district - Rural Zone District - to be created. It was then indicated that subdivision cases cannot be processed as special permit by the Planning and Traffic Commission of the respective Counties, since this was illegal, as there was other avenues open as mentioned earlier for the processing of such cases.

The land under consideration is a 7-acre parcel presently in the Agricultural Zoned District of the State Land Use Commission. The 7-acre parcel is to be subdivided into two lots, 6.5 acres and .5 acre each. The .5 acre portion is already built with a single-family residential unit. Apparently this unit was built quite some time ago, in the late 40's. The .5 acre portion is contemplated to be subdivided and sold at the earliest possible date.

The parcel involved is described as a portion of R. P. 1663, L. C. Ass. 5528, Areas 5 to L. Kona, Keat 2nd, South Kona, Hawaii. Tax Map Key: 8-3-13-11.

The pattern of land ownership along the old Government Road, as shown in the attached map, is generally about 1/2 acre in size, with scattering of single-family residential units intermixed with agricultural uses.

It is the opinion of the Commission that the general area logically falls in the to be created Rural Zoned District of the State Land Use Commission.

It is, however, contended by the applicant and his agent that 1) time is of the essence, 2) the finalization of the district boundaries is at least a year off, 3) they have waited since March of this year - over five months - for a decision, 4) the Land Use Commission is still inoperative since the members have not been appointed, 5) the Commission has previously approved special permit of this type, 6) the delay is causing considerable hardship to the applicant, and 7) the request would in no way incur bad effects on the surrounding land.

It is requested that a legal opinion be handed down on this matter at the earliest possible date in order that the Planning and Traffic Commission can clearly and forthrightly pass judgement on similar cases in the future.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Edgar A. Hansen
Director

HAN:sh

July 10, 1963

RECEIVED

JUL 15 1963

This is to certify that I received my check of \$50.00 on

7/11/63
date

State of Hawaii
LAND USE COMMISSION

for withdrawal of my application for Special Permit in behalf of Mr.
and Mrs. Takeshi Kudo.

Richard W. Warfield
RICHARD WARFIELD

Please fill in your receipt of your check a return to the Land
Use Commission in the enclosed stamped envelope.

Where was it?
R.W.

Ref. No. LUC 611

June 28, 1963

Mr. Richard Warfield, Agent
for Mr. & Mrs. Takeshi Kudo
Box 293
Honolulu, Hawaii

Dear Mr. Warfield:

I am returning herewith your application for Special Permit in behalf of Mr. & Mrs. Takeshi Kudo together with its supporting data. Under separate cover I am forwarding the filing fee of \$50.00 directly to you also.

Act 205, SLH 1963 is fairly new and the procedures governing the Special Permit application on the county level are yet to be formulated, therefore, I am taking the precautionary step of returning the application and fee directly to the originator of the application.

Very truly yours,

W. H. MULLANEY
ACTING EXECUTIVE OFFICER

Enclosures

cc: Mr. Edgar A. Nomasu
Mr. & Mrs. Takeshi Kudo

RICHARD WARFIELD

722

REAL ESTATE . GENERAL INSURANCE . APPRAISALS
KAILUA ~~WEDDED KEEL~~ KONA HAWAII U.S.A.

June 25, 1963.

RECEIVED

JUN 20 1963

Land Use Commission
426 Queen St.
Honolulu 13, Hawaii.

State of Hawaii
LAND USE COMMISSION

ATTN: Mr. W. M. Mullahey, Acting Exec. Officer

Dear Mr. Mullahey:

Re the application of Mr. & Mrs. Takeshi Kudo for special permit in the Keeli District of South Kona in view of the fact that H.B.1016, S.D. 3 is now Law, will you kindly forward the application for Special Permit to the County of Hawaii planning difector, Mr. Hamasu, along with the \$50.00 filing fee as per your letter of May 20, 1963. Ref. No. LUC 564?

very truly yours,


Richard Warfield, Agent

Kindly Address all Mail to
Box 295, Honaunau,
Hawaii.

146-56428
EVCCE-V
Ref. No. LUC 564

May 20, 1963

Mr. Richard Warfield
Middle Keel
Kona, Hawaii

Dear Mr. Warfield:

This is to acknowledge your request made on behalf of the Kudos
and their Special Permit.

As soon as H.B. 1016, S.D. 3 becomes Law I shall forward the applica-
tion for Special Permit to the County planning director for his
action. The \$50.00 filing fee will be returned to the Kudos.

Very truly yours,

W. M. MULLANEY
ACTING EXECUTIVE OFFICER

cc: Mr. and Mrs. Takeshi Kudo
Planning and Traffic Commission
County of Hawaii

1
SEN-201100-1-888

RICHARD WARFIELD

699

REAL ESTATE . GENERAL INSURANCE . APPRAISALS
MIDDLE KEEL . KONA . HAWAII . U. S. A.

May 10, 1963.

RECEIVED

MAY 13 1963

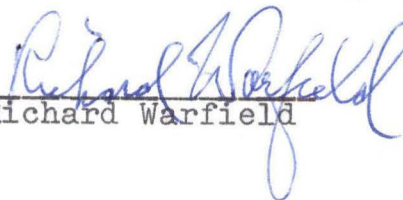
Land Use Commission
426 Queen St.
Honolulu 13, Hawaii.

State of Hawaii
LAND USE COMMISSION

Gentlemen:

Pending the Governor's approval of H.B. 1016 I request that that you hold back the advertising on the request for a special permit by Takeshi & Chizuko Kudo. It is my understanding that if H.B. 1016 is approved the Kudo's request for special permit may be taken care of on the County level. In your opinion is this correct?

very truly yours,


Richard Warfield

Signed & Approved


Takeshi Kudo


Chizuko Kudo

April 23, 1963

Mr. Edgar A. Hansen, Planning Director
Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Dear Mr. Hansen:

In reply to your letter of April 3, 1963 concerning the special permit application of Takeshi and Chisako Kudo, may I comment as follows:

It is the opinion of the Land Use Commission and its Chairman that subdivisions of this type are allowable in the 'A' district only when the proposed lots are to be used directly for an agricultural operation; or in the case of the creation of a smaller lot from a larger parcel of land where the smaller lot is to be viewed as an accessory use to the agricultural operation on the larger parcel. This latter example is typified by Mr. Koyanagi's request which the Commission acted upon in Kona on March 29, 1963.

The type of request which the Kudos have made to the Commission has been the subject of continuing discussion by the Land Use Commission and others closely involved with the mechanics of Act 187. The allowance of such requests would seem to be a mechanical thing until the long-range effect of such subdivisions manifested themselves as actual 'little urban districts' perhaps quite unrelated to considerations of public services, roads, good agricultural land and, additionally, the possible ramifications of these developments on their agriculturally oriented neighbors, as viewed by the Tax Office.

For your information I am enclosing a proposed amendment to Act 187 which is currently in the Legislature and a possible solution to the problem. This bill passed the House and now rests in the Senate Lands Committee.

In light of what I have tried to explain above I think it advisable for the Kudos to continue the processing of their application for Special Permit.

Mr. Edgar A. Hannan, Planning Director
Page 2
April 23, 1963

If there should be any change in their plans please have them notify me directly, or through your office.

Very truly yours,

W. H. MULLANEY
FIELD OFFICER

Enclosure

cc: E. G. Bryan
Roy Takayama
Mr. and Mrs. Takeshi Kudo

237663



656

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

RECEIVED

APR 8 1963

State of Hawaii
LAND USE COMMISSION

April 5, 1963

Mr. Mike Mullahey
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Hi Mike,

Hope everything is on solid ground with you.

This letter to you is with respect to the parcel of land owned by Takeshi and Chizuko Kudo represented on tax key 8-3-13-11 (makai Kohala corner thereof) 152' frontage on Old Mamalahoa Highway and 156' frontage on unnamed road.

I believe that you have received a copy of their application and \$50 fee sent to you by our office.

Mike, as you are already aware, this is one of the ticklish cases which have been giving you guys lots of headache. Your Chairman feels and perhaps rightfully so, that the County should not pass on to your Commission to hear on cases similar to this one where it involves parcelization of one lot which is reasonably large in size, $\frac{1}{2}$ acre.

I am also of the opinion that when it involves the subdivision of one parcel in the State Agricultural Zone, and when that parcel has a minimum land area of one-half acre ($\frac{1}{2}$ A.), there is no need to go through the proceedings to obtain a special permit from your Commission. I strongly feel, however, that when there are two or more parcels involved in the subdivision and when these parcels are contiguous, and furthermore, when they are of less than $\frac{1}{2}$ A. in size, then they should be made to apply for a special permit from your Commission.

I therefore feel that the application which I mentioned above need not be processed and hoping that the applicant be refunded with the fee.

They would now need to go through the subdivision procedure of the County of Hawaii, Planning and Traffic Commission, in order to get his land subdivided.

I hope that this would not cause you any difficulty.

We'll be seeing you.

Aloha,

Edgar A. Hamasu

Edgar A. Hamasu
Director

RICHARD WARFIELD

came
(in mail)
from VPJTC

REAL ESTATE . GENERAL INSURANCE . APPRAISALS
KAILUA ~~MADEIRA~~ KONA . HAWAII . U.S.A.
March 19, 1963.

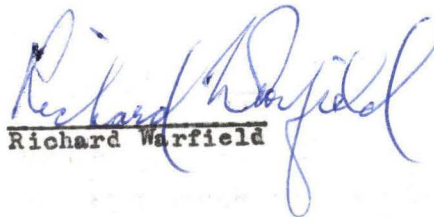
State of Hawaii, Land Use Commission
426 Queen St.
Honolulu, Hawaii.

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Will you kindly give this matter your prompt attention?

very truly yours,


Richard Warfield

RECEIVED

MAR 27 1963

State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

Hold until I hear from Mike

This space for official use

Date Application and Fee
received by LUC _____

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 East East, for the following-described purpose:

Single dwelling residential (urban)

Description of property: ¹³ One half acre at corner of Old Mamalahoe Highway and unnamed road as presented by tax map 2-3-82-22 (mahi Kihala corner thereof). 132' frontage on old Mamalahoe Highway & 134' frontage on unnamed road.

Petitioner's interest in subject property:

Owner

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

Petitioners wish to erect new home in another location for which proceeds from this sale are necessary to finance.

Signature(s) Takako Kudo
Chizuko Kudo

Address: Captain Cook, Hawaii.

Telephone: 238-741

This space for official use

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

Signature(s) _____

For (agency) _____