



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

10:30 A.M. - December 18, 1964

Commissioners

Present:

Myron B. Thompson  
C.E.S. Burns  
Jim P. Ferry  
Shelley M. Mark  
Charles S. Ota  
Goro Inaba  
Shiro Nishimura  
Robert G. Wenkam  
Leslie E. L. Wung

Staff

Present:

Raymond S. Yamashita, Executive Officer  
Roy Takeyama, Legal Counsel  
Richard Mar, Assistant Planner  
Amy Namihira, Stenographer

Chairman Thompson called the meeting to order and gave an opening prayer. The Chairman announced that other business would be discussed before taking action on petitions for boundary changes and special permits.

PROPOSED LAND USE COMMISSION BUDGET

Item A. Personnel (Page 1)

The Executive Officer stated that this section of the budget included an added staff position of Senior Planner. There were several bases. First, the Land Use Law was unique in the nation. Therefore, there are little precedences and criteria to follow. Considerable research and analysis are required to develop such criteria for comprehensive state zoning. While the assistant planner position does contribute to present staff productivity, the qualifications of that position are inadequate to serve the higher specific need. In addition, the public's interest can better be protected in cases where the petitioner can afford considerable professional assistance, and in cases where the petitioner can afford the filing fee only. In both cases, the public's interest would be better protected by additional competent staff capacity. Further, more proper attention can be given to the Land Use Commission's concern for a more active public relations program and, incidentally, provide the Land Use Commission with a more flexible staff from an administrative viewpoint.

Commissioner Ota asked if another assistant planner might not meet the need. Commissioner Nishimura felt that the Land Use Commission needed more clerical assistance, instead.

Chairman Thompson felt that the comments were probably related to the question of whether or not the request for the proposed position would be able to get through the legislature. Commissioner Burns stated that the senior planner should have knowledge of land and public relations. Chairman Thompson stated that the duties should be set up for this position. The alternative would be to select a planner who had experience or aptitude in that direction. Another expression was that the assistant planner position is easier to obtain, and therefore that position should be requested. The assistant planner could then be trained to take the responsibilities of a senior planner.

The staff indicated that the request was based on a need for a specific level and type of performance, that there were established job series in Civil Service and that it would take years for an assistant planner to reach the required level of competence.

Commissioner Ota moved to accept Item A (Page 1) of the budget as circulated, and Commissioner Burns seconded the motion.

During discussion on the motion, Commissioner Wenkam felt that since the budget is low, the Land Use Commission should use the money on public relations and education rather than a senior planner.

Upon a call for the question, the Chairman instructed the Executive Officer to poll the Commission. The motion was carried on the following vote:

Approved: Commissioners Wung, Inaba, Ota, Burns, and Chairman Thompson.  
Disapproved: Commissioners Wenkam and Nishimura.  
Absent: Commissioners Mark and Ferry.

#### Item B. Supplies (Page 2)

The item of the \$5,000 for consultant fees was discussed by the Commission. The staff stated that this item was related to the expressed concern of the Land Use Commission that certain alleged "agricultural" subdivisions were subverting the Law by shifting prime agricultural lands into non-revenue producing residential uses, and promoting scattered developments. In order for the Land Use Commission to take further action, research and study of the problem is necessary before reasonable action can be taken. One of the principal issues related to this concern is the determination of a reasonable minimum lot for a bona fide agricultural subdivision. To resolve this concern, the services of a competent agriculturist would be most helpful.

The commission queried staff as to the feasibility of requesting assistance from, say, one of the agencies related to the University of Hawaii. Staff indicated that this was the intent. However, no inquiry has yet been made. Since reimbursement to any agency for such time may be required, or the hiring of a part time consultant would be required if any agency does not have adequate time or manpower, the estimated sum of \$5,000 is being requested.

The remaining items were briefly examined and generally found to be more standard in nature.

Commissioner Burns then moved to accept Item B (Page 2) of the budget. Commissioner Nishimura seconded the motion. There being no discussion, the Chairman directed the Executive Officer to poll the Commission. The motion was approved on the following vote:

Approved: Commissioners Wung, Inaba, Ota, Burns, Nishimura  
and Chairman Thompson.

Disapproved: Commissioner Wenkam.

Absent: Commissioners Ferry and Mark.

#### PUBLIC RELATION PROGRAM

Chairman Thompson stated that this program discussion will be taken up at a later date since Mr. Goodfader is leaving for Washington and no one has yet been assigned to the Commission.

Commissioner Wenkam suggested that the Notice of Public Hearing be revised so that the public will be able to understand it more clearly. This is to be followed up by the Executive Officer and Legal Counsel.

#### SCHEDULE OF HEARINGS

Commissioner Ota suggested that the Land Use Commission should hold one meeting per month. After noting the effect of the time limitations related to the processing of petitions, the Commission agreed to meet about once a month as may be dictated by the timing required for the expeditious processing of pending petitions. The Commission decided to meet next on January 22, 1965 in Hilo.

#### ADOPTION OF MINUTES

The minutes of November 5, 1964 meeting held in Lihue, Kauai were adopted as corrected (see corrections on file).

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PETITION BY MARYANN KAMAHELE (A(T)64-66), FOR AMENDMENT TO THE LAND USE DISTRICT BOUNDARIES FROM AGRICULTURAL TO RURAL TO SUBDIVIDE 5.52 ACRES INTO FOUR 1.220 ACRE LOTS TO BE GIVEN TO HER FOUR DAUGHTERS: Described as TMK 1-5-10: 15, Makuu, Puna, Hawaii

The Executive Officer presented a brief review and summary of the petition, and outlined the area on a map. The County had recommended approval of this petition on the following findings:

- "1. The applicant is desirous to subdivide a 4.881-acre parcel into four 1.220-acre lots. The minimum density in the County of Hawaii of agricultural zoned areas is one house per 3 acres.

- "2. Despite its appearance of "spot zoning," the land use character of rural and agricultural districts is not radically different; hence, the placement of this area into rural zone district will not be materially detrimental to adjacent land which is currently unused, undeveloped land.
- "3. Access is available through an unimproved County road; water system nor electricity is available."

Staff recommended disapproval of this petition on the following summarized bases:

1. The petitioner has not submitted adequate "proof" as required by law.
2. The approval of this petition would be contrary to the intent and purpose of the Land Use Law and as interpreted by the Standards for Determining District Boundaries. The parcel is now appropriately in the Agricultural District.

The Executive Officer stated that approval of this petition would, in addition, be similar to spot zoning.

Commissioner Ota moved to deny the petition on the basis of staff recommendations. Commissioner Wenkam seconded the motion.

The Chairman then directed the Executive Officer to poll the Commission. The motion to deny the petition was carried on the following vote:

- Approved: Commissioners Inaba, Ota, Wenkam, Burns, Nishimura and Chairman Thompson.  
Disapproved: Commissioner Wung.  
Absent: Commissioners Ferry and Mark.

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PETITION BY JOHN G. PEDRA (A(T)64-67), FOR AMENDMENT TO THE LAND USE DISTRICT BOUNDARIES FROM AGRICULTURAL TO RURAL FOR THE PURPOSE OF SUBDIVIDING A PORTION OF PARCEL 11 INTO TWO ONE-HALF ( $\frac{1}{2}$ ) ACRE LOTS: Described as TMK 9-5-12: Portion of 11 containing 1.00 acre, Naalehu, Kau, Hawaii

The Executive Officer presented a review and summary of the petition and outlined the area on a map. This petition is to amend the District Boundaries so that the land use classification of one (1) acre of TMK 9-5-12: 11, Third Division, is changed from Agricultural to Rural. The Hawaii Planning and Traffic Commission voted to recommend approval of the petitioner's request on the following bases:

- "1. The parcels to be created are to be given to the immediate blood relation of the parcel owner.
- "2. Said parcels are located in an area being used for the front yard of the existing structure; as such they never were used for agricultural purposes.

- "3. The land use character between rural and agricultural districts is very similar; consequently despite what may be termed "spot zoning", the rezoning will not incur detrimental effect on adjacent land, in this case used for grazing.
- "4. An existing County road provides access to the lot in question; electricity and water system are available."

Staff recommended denial of this petition on the following summarized bases:

1. There is inadequate proof that the land is "needed for a use other than that for which the district in which it is situated is classified" and that conditions and trends of development have so changed since the adoption of the present classification, that the proposed classification is reasonable.
2. Spot zoning of a one acre site would be contrary to the intent and purpose of State zoning.
3. According to the Standards for Determining District Boundaries, an Agricultural classification of the site is most appropriate.

Commissioner Wenkam felt that he would deny this petition but suggested that the Commission hold a public hearing and reclassify the whole area Rural.

Commissioner Wung moved to approve the petition. Commissioner Burns seconded the motion.

The Chairman then directed the Executive Officer to poll the Commission. The petition was denied on basis of the following vote:

Approved: Commissioners Wung, Inaba, Ota and Nishimura.  
Disapproved: Commissioners Wenkam, Burns and Chairman Thompson.  
Absent: Commissioners Ferry and Mark.

Referring to Commissioner Wenkam's statement, Chairman Thompson stated that the Commission has the prerogative to rezone the area as a Rural District. Commissioner Wenkam moved that the staff initiate studies to determine the feasibility of rezoning the vicinity of Pedra's lot into a Rural District. Commissioner Wung seconded the motion.

Upon instruction from the Chairman, the Executive Officer polled the Commission. The motion was carried on the basis of the following vote:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura and Chairman Thompson.  
Disapproved: None.  
Absent: Commissioners Ferry and Mark.

The staff was further instructed by the Commission to inform the petitioner that the Commission is considering the possibilities of redistricting the area into a Rural classification.

PETITION BY DONALD G. KENDALL (A(T)64-68), FOR AMENDMENT TO THE LAND USE DISTRICT BOUNDARIES FROM AGRICULTURAL TO URBAN OF 352 ACRES: Described as TMK 1-4-03: 19 and 20, Puna, Hawaii.

The Executive Officer presented a review of the issues and outlined the area on a map. This petition is to amend the district boundaries, from an Agricultural to an Urban District, for Hawaii TMK 1-4-03: 19 and 20 which include 352 acres. The Hawaii Planning & Traffic Commission recommended the disapproval of this petition on the basis of the following findings:

- "1. Under Act 205, the establishment of urban district is guided by those lands now in urban use and sufficient reserve for foreseeable growth; hence, the above application is for an area not now in urban use despite the thousands of lots now in existence and furthermore, the applicant did not submit sufficient evidence of the urgent need for additional lots to be used for urban purposes.
- "2. The adjacent subdivision - Hawaii Beaches and Hawaiian Parks - has no water system nor other urban utilities and there is no evidence of urban development within said subdivision.
- "3. An urban-sized lot subdivision of 352 acres without sufficient evidence of demand and without assurance of minimum urban-type improvements such as water system, electricity and County standard roadways, will incur added burden on the County Government for public services such as fire and police protection, and school bus transportation among other demands."

The testimony of Mr. Donald G. Kendall, presented at the public hearing, was recalled and reviewed.

Staff recommended disapproval of this petition on the following summarized bases:

1. The petitioner has not submitted adequate "proof" as required by law.
2. The approval of this petition would be contrary to the intent and purpose of the Land Use Law as interpreted by the Standards for Determining District Boundaries.

Commissioner Burns moved to deny the petition based on the recommendations of the staff and Commissioner Wenkam seconded the motion.

The Chairman then directed the Executive Officer to poll the Commission. The motion to deny the petition was carried on the basis of the following vote:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, and Chairman Thompson.

Disapproved: None.

Absent: Commissioners Ferry and Mark.

APPLICATION OF KIYOSHI AND FRANCES MIZUTANI (SP64-1), FOR SPECIAL PERMIT FOR CONSTRUCTION OF A 12-UNIT TWO STORY MOTEL BUILDING IN NAWILIWILI, KAUAI: Described as TMK 3-2-03: 9 and 28, Fourth Division

Action on this petition had been deferred to this meeting. The reason for the deferral was to provide the County with an opportunity to submit any additional information. The County did not submit any additional information.

The Executive Officer presented a review of the petition and outlined the area on a map. The Kauai Planning and Traffic Commission has transmitted its unanimous approval of a special permit to Mr. & Mrs. Kiyoshi Mizutani to use TMK 3-2-03: 9 and 28, Fourth Division, with a gross area of approximately 2.06 acres, for the construction of a 12 unit two story motel building. Staff recommended denial of this petition.

Commissioner Ferry stated that Mr. Wong, Kauai Planning and Traffic Commission Director, advised him that strong measures on the part of the County would be made to preserve whatever investment any owner would make there. He also stated that he was encouraged after talking with Mr. Wong because at least Kauai County seems interested enough to give some weight to flood plain zone problems. He further stated that there are a few residences in the area and felt the Land Use Commission might have "miszoned" the area. He felt that this area might have been included in the Urban District.

Commissioner Wenkam stated that to grant the petition would not be satisfying the situation. To grant the special permit under these circumstances would be contrary to good planning and administrative procedures. He stated that planning should be of benefit to the community and not for specific reasons. He felt that if this petition was granted, it would be spot zoning. This area, under the present circumstances, as it exists today, is hardly suited for the purposes that is requested. Further, the petitioner's property is subject to flood damage. To build on this area without proper planning would be detrimental to the community itself. He stated that the water, sewage and roadway are inadequate. He felt that the Land Use Commission should deny the petition, but initiate hearings to provide for urban zoning of the area mauka of the road for a suitable distance in order to give the County room and permit them to initiate the necessary improvements for flood protection, roads and other activities.

Commissioner Nishimura stated that compared to other areas, such as Waimea, Hanalei, and Wailua River, this particular area was not flooded as bad as the other areas.

The Executive Officer stated that no evidence in justifying the change in zoning has been received. If approved, it would frustrate the intent in the development of orderly planning. He stated that the proposed use would be in conflict with the County and State General Plans. It is also in conflict with proposed County zoning. He pointed out the flood problems in the Puali and Nawiliwili Stream areas. He stated that the

mouth of streams was an important control point for flood flows and this was the area where most of the major stream improvements are made.

Commissioner Nishimura moved to approve the special permit on the basis that the area is contiguous to an urban area and because of the time element involved for constructing it. Commissioner Inaba seconded the motion.

The Chairman then instructed the Executive Officer to poll the Commission. The motion to approve was carried on the basis of the following vote:

Approved: Commissioners Wung, Inaba, Ota, Nishimura and Ferry.  
Disapproved: Commissioners Wenkam, Mark and Chairman Thompson.  
Absent: Commissioner Burns.

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APPLICATION OF DEPARTMENT OF LAND AND NATURAL RESOURCES (SP64-12), FOR SPECIAL PERMIT FOR ALLOWING THE CONTINUATION OF THE EXISTING HALE MANU CRAFT SHOP AND TO PROVIDE IMPROVEMENT AND/OR ADDITION TO IT LOCATED IN WAIAKEA, SOUTH HILO: Described as TMK 2-4-04: portion of 41 containing approximately three acres.

The Executive Officer presented the staff report and outlined the area on a map. The Planning and Traffic Commission of the County of Hawaii transmitted its approval of a special permit to the Department of Land and Natural Resources for the purpose of allowing the continuation and to provide for the improvement and/or addition of the existing Hale Manu Craft Shop in Waiakea, South Hilo, TMK 2-4-04: portion of 41 containing approximately three acres. He pointed out the guidelines of the Regulations and the comments of the staff. Staff recommended disapproval of this petition for special permit on the basis that the use, in the specific location, would not promote the effectiveness and objectives of the Land Use Law. Basically, the existing use is a non-conforming use. The intent is to eliminate such uses as expeditiously as possible. There is nothing unique at the site which is necessary for the operations - that is, the use should then be eventually located in an appropriately zoned area. (For detail, see filed copy of staff report on this petition.)

Commissioner Nishimura stated that lauhala industry is agricultural. He asked, "Are we going to discourage people from abandoning operations such as this? It is an agricultural product. Are we going to discourage people from improving or expanding their operation?"

Commissioner Wenkam felt that this is a manufacturing and retailing operation and not an agricultural operation because the materials that they use do not come from the area that they are located and, therefore, they would be more appropriately located in a more appropriately zoned district. He also felt that this substandard operation should not be encouraged. It is a purely commercial venture.

Dr. Mark asked if the State had any industrial land near the area. He was answered in the affirmative. Dr. Mark then felt that this operation should be in that area where such land was available.

The Executive Officer stated that the lease is coming to an end. In the Lease Agreement, a minimum \$10,000 improvement must be made. However, the terms of any proposed agreement are not a basis for decision.

Mr. Mar stated that if this building was demolished, Mrs. Park would not be able to afford another operation such as this. He also stated that the 15 people who are now employed by Mrs. Park would have to apply for welfare should this operation be abandoned. The question was whether it was an unusual and reasonable use. Mr. Mar further stated that Mrs. Park plans to plant the mature lauhala trees from the nearby forests on the premises.

Commissioner Ota moved to approve the petition submitted by the Department of Land and Natural Resources on the basis that it is an agricultural use and there is reasonable regulatory restrictions provided by the Department of Land and Natural Resources. Commissioner Nishimura seconded the motion.

During the discussion, the Executive Officer questioned the legality of the basis for approving the petition. He stated that when the Land Use Commission grant a petition, the basis should be one in the Law or the Regulations.

After further discussion, Commissioner Ota withdrew his motion and Commissioner Nishimura withdrew his second to the motion.

Commissioner Wenkam then moved to deny the petition on the basis of the staff report. Commissioner Inaba seconded the motion.

The Chairman instructed the Executive Officer to poll the Commission. The motion to deny the petition was carried on the basis of the following vote:

Approved: Commissioners Inaba, Ota, Wenkam, Mark and Chairman  
Thompson.

Disapproved: Commissioners Wung and Nishimura.

Absent: Commissioners Burns and Ferry.

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

December 22, 1964

Ref. No. LUC 549

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

Dear Mr. Hamasu:

At its meeting on December 18, 1964, in Honolulu, Hawaii, the Land Use Commission denied the petition for special permit which was submitted by the Department of Land and Natural Resources for DK 2-4-04; portion of 41, Third Division, containing approximately three acres. The motion to deny was carried by five (5) affirmative votes of the seven (7) commissioners present. There were two (2) dissenting votes to the motion. The denial was based on the staff report which is enclosed for your information.

Should you require additional information, please do not hesitate to contact us.

Very truly yours,

RAYMOND S. YAMASHITA  
Executive Officer

Enclosure (1)

cc: Department of Land & Natural Resources  
Attention: Mr. Bill Benda

Myron B. Thompson

STATE OF HAWAII  
LAND USE COMMISSION

10:00 A. M.  
December 18, 1964

DP&ED Hearing Room  
Honolulu, Hawaii

Staff Report

Subject: Petition for Special Permit, SP64-~~R~~, by Department of Land and Natural Resources

Background

The Planning and Traffic Commission of the County of Hawaii has transmitted its approval of a special permit to the Department of Land and Natural Resources for the purpose of allowing the continuation and to provide for the improvement and/or addition of the existing Hale Manu Craft Shop in Waiakea, South Hilo, TMK 2-4-04: portion of 41 containing approximately three acres.

Access to the property is by a poorly paved one lane road which is called the Old Volcano Road. The land is located about .30 mile from State Highway No. 11 and is approximately three miles from the new Hilo Shopping Center.

A field investigation of the area revealed that the existing Hale Manu Craft Shop is situated on about three acres out of a total of 13 acres in TMK 2-4-04: parcel 41. The shop is located in a dilapidated wooden two story structure which was formerly a CCC barrack and is about 130' long and about 20' wide. The entrance to this building leads into the craft shop where lauhala hats, purses, mats, place mats, and other similar type articles are sold. In addition to the lauhala articles, items such as Hawaiian perfume, post cards, beads, and other tourist type articles are sold. The non-lauhala articles comprise about 30% of the goods for sale. To the rear of the store is the workshop or craft room where about 15 former tuberculin patients are employed weaving lauhala products for sale in the store and elsewhere throughout the State. In addition to the display room and the craft workroom, the building has a kitchen and sanitary facilities. The second floor of the building contains the living quarters where about seven male workers live and act as night

watchmen for the shop. There are four structures on the premise. In addition to the main building, there are two dilapidated work sheds which are used for the drying of the lauhala leaves. Another structure, that looks as if it was ready to collapse, is used as a garage by the owner and the workers.

A Mrs. Park, who is the owner and operator of the Hale Manu Craft Shop, took over the operation in 1958. This original operation was started back in 1948 by the Territory of Hawaii for the rehabilitation of patients who formerly had tuberculosis. Since the owner bought the operation from the Territory of Hawaii, she has retained 15 of the original patients as workers in her craft shop. The owner mentioned that if the craft shop was to cease its operations, there would be no immediate employment for the 15 workers and they would have to apply for welfare benefits to offset the loss of income.

Most of the Hale Manu Craft Shop's business come from passing tourists. During the summer months, approximately three or four bus loads of tourists come by in a single day to look and purchase lauhala products. The commercial operations of the shop are sustained in the winter months by mail orders.

Mrs. Park mentioned that she would like to improve her store by constructing another room for the display of lauhala products. If this could be done, the existing display room would be converted into additional space for the craft workshop. The additional new room would be attached to the existing building where the buses can drive up and let off their passengers.

The only improvements that have been added to the premise is an unpaved cinder road which provides access from the Old Volcano Road. The manager mentioned that additional cinders must be added to the road since the cinder road has not been compacted. The area within the "U" shaped cinder road is planted with tree ferns, lauhala trees, and ti plants. The owner also has plans to bring in lauhala trees

from the nearby forests and plant them on the premise. If enough mature trees can be planted, the owner can pick and dry the leaves on the three acre parcel without having to go out into the rain forests to collect the leaves which is being done under the present situation.

A portion of the Panaewa Forest Reserve lies between the site on the Old Volcano Road and the New Volcano Road. On the opposite side lie undeveloped expanses of State owned lands. The parcel is separated from the Urban District of Hilo by a thousand feet. Most of the parcels in this area range between 3 and 6 acres in size, contain about 12 residences, some agricultural activities and unused areas. Willock's Panaewa Orchard (macadamia) is located on the Old Volcano Road towards Keaau.

Across the new Volcano Highway is the State Panaewa Farm Lots subdivision. This subdivision appears to be going along quite well since there are at least 68 single-family residences in the subdivision. Except for a 20' paved road along Malalika Street, the remaining roads in the subdivision are cinder roads. The area is served by an 8" main water line which runs along State Highway 11. Electricity, telephone and mail service are available in the subdivision. Many of the homes in the subdivision are planting anthuriums.

A 6" water line which originates from an 8" line on Highway 11 serves the craft shop and the 12 residences along the Old Volcano Road.

The slope of land on the subject property is less than 6% and the soils have been classified by the Soil Conservation Service as "Rockland, Pahoehoe lava with Kealakekua, Olaa, or Ohia soil material." The land has a 2" to 6" layer of dark brown or black silt loam and in pastured areas over half of the land is bare of vegetation. Soil covered areas support staghorn ferns, Hilo grass, guava, and other

shrubs. According to the Soil Conservation Service, the land is not very good for pastures since "The carrying capacity is low, and the forage is of poor quality."<sup>1</sup>

The rainfall gauge at the Waiakea Mill in Camp 6 shows a median annual rainfall of 167" per year.<sup>2</sup>

The County of Hawaii has proposed that the area in which the property is situated be zoned as 5-A (5 acre farm lots) while the Land Use Commission's district boundaries have designated the area as agricultural.

Because the Hale Manu Craft Shop is not a permissible use within the Agricultural District, it may be considered to be a non-conforming use. However, the existence of a non-conforming use is a question of fact which has not yet been decided by the County Planning Commission.

#### Discussion

On this issue, the non-conforming nature of the existing use and the established guidelines in determining an "unusual and reasonable use" need to be examined.

The existence of a non-conforming use is a question of fact to be decided by the County after public notice and hearing. However, the basic nature of the instant use is an urban use, manufacturing and retailing, and is not a permissible use nor a reasonable use in the agricultural district. For all practical considerations, the existing use may be considered a non-conforming use. Further, the County Commission also refers to the use as non-conforming in the transmitted record.

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<sup>1</sup> Soil Survey of Territory of Hawaii, p. 634.

<sup>2</sup> Hawaii Water Authority, Rainfall of the Hawaiian Islands, p. 112.

On this basis, the intent of the Land Use Law is to eventually eliminate, as expeditiously as is reasonable, this existing use; because such elimination "is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of the Land Use Law and regulations". The Land Use Regulations further state that a non-conforming use may be continued but shall not (1) be changed to another non-conforming use, (2) expanded or increased in intensity of use or, (3) re-established after discontinuance and abandonment for a continuous period of one year. In effect, this petition requests that a decision contrary to this non-conformance concept be now rendered. What would be the bases of any decision?

The County Commission's approval is based on 8 listed findings. An analysis of the findings indicate that most of the listed findings are merely statements of facts. Items 6 and 8 in regards to adverse affect upon surrounding properties and unreasonable burden upon public agencies, appear more pertinent. By deduction, the remaining 6 items may be considered supporting statements to the two more pertinent items.

The Land Use Regulations can also be examined for bases to any decision. The Regulations indicate the test of "unusual and reasonable" uses and provides guidelines for determining such "unusual and reasonable" uses which may be permitted. These guidelines are as follows:

- (a) "Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations."

Comment: The Law provides for 4 major use districts. The use should be appropriately relegated to the Urban District as there are no apparent special qualities at the site which the use requires. Adequate areas within urban districts, a portion of which lie but a 1,000 feet away, are available for

such uses. The approval of this petition, under the known circumstances, would also establish a precedence which would make some contribution towards 'scatteration' because there are no special or 'unusual' conditions.

(b) "That the desired use would not adversely affect surrounding property."

Comment: Under the existing conditions, no adverse affect upon surrounding land or uses are apparent. However, any adversities upon future legitimate agricultural uses are unknown. For example, the raising of hogs on an adjacent lot would be a legitimate but incompatible use to the existing use. While the example is only a possibility, the point is that the agricultural district is basically for the protection and encouragement of such agricultural uses. Further, since there are no apparent "unusual" aspects to this petition, there would be no real bases for denying other such special permits elsewhere throughout the agricultural districts -- which fact would increase the potential of incompatible land uses.

(c) "Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection."

Comment: The existence of this use, only, does not appear to "unreasonably burden...". However, as a precedence to other such approvals, it would, in time, create unreasonable burdens to public agencies.

(d) "Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established."

Comment: No unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

(e) "That the land upon which the proposed use is sought is unsuited for the uses permitted within the District."

Comment: While the land is not suited to certain types of cultivated crops, the existence of grazing, poultry, orchards and certain types of floricultural

make the land suitable for uses permitted in the Agricultural District.

It should also be noted that other than agricultural lands may be included in this District.

- (f) "That the proposed use will not substantially alter or change the essential character of the land and the present use."

Comment: Since the use is already existing, the essential character of the land and the present use will not be substantially altered or changed. However, the future desired land use patten, which is the objective of State zoning, will be somewhat frustrated.

- (g) "That the proposed use will make the highest and best use of the land involved for the public welfare."

Comment: The Land Use District Boundaries, as adopted, suggests that an agricultural use is the highest and best use of the land involved for the public welfare. There is no evidence to suggest that whatever benefits, now accruing to the public welfare, would not continue to accrue were the activity located more appropriately in the Urban District. In fact, the benefits to the public welfare would be greater in the long run.

In summary, staff concludes that this petition does not generally meet the established guidelines and the use is not "unusual and reasonable".

As a further commentary, neither the records nor the staff field inspection and analysis revealed any evidence that the site offers anything unique and essential for the continued operation of the existing use. It may be that the site offered a necessary advantage in the existing structures to establish this desired activity. The continued success of the existing desirable activity may also depend on the continued use of the existing structures. However, no such evidence was offered.

On the other hand, the structures are old and somewhat dilapidated, making the removal of this apparent non-conforming use expeditious and reasonable in the near future in accordance with the stated intent in the Regulations.

There is no question as to the desirability of continuing the existing activity in the interests of the public welfare -- but not in that location.

Under the circumstances, staff would conclude that approval of this petition, in effect, would be spot zoning.

Recommendation

Staff recommends disapproval of this petition for special permit on the basis that the use, in the specific location, would not promote the effectiveness and objectives of the Land Use Law.

STATE OF HAWAII  
 LAND USE COMMISSION

VOTE RECORD

ITEM SP 64-12 - DLNR  
 DATE 12/18/64  
 PLACE LUC Hearing Room  
 TIME 4:15 PM

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

COMMENTS: Wenkam - Petition be denied on the  
 basis of Staff Report  
 Draabe - Sec.

PLANNING AND ZONING COMMISSION  
County of Hawaii  
Hilo, Hawaii

MEMORANDUM

Date December 16, 1964

To Raymond Yamashita

From Edgar A. Hamasu

Subject Ref. No. LUC 542

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We are submitting all the necessary material requested in your letter of December 10, 1964 on the Special Permit Application by the State of Hawaii, Department of Land and Natural Resources for continuation and improvement to Hale Manu Craft Shop.

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DEC 17 1964

State of Hawaii  
LAND USE COMMISSION

RECEIVED

PLANNING & TRAFFIC COMMISSION  
DATE: SEP 17 1964  
FILE NO. \_\_\_\_\_  
DIVISION:  
CONSERVATION  
PLANNING AND TRAFFIC  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND MARINE RESEARCH



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HONOLULU, HAWAII 96808

September 4, 1964

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DEC 17 1964

State of Hawaii  
LAND USE COMMISSION

Planning and Traffic Commission  
County of Hawaii  
Hilo, Hawaii

Attention: Mr. Edgar A. Hamasu, Director

Gentlemen:

This is in regard to a three (3)-acre parcel of Government land at Waiakes, South Hilo, Hawaii shown outlined in red on the enclosed maps.

The parcel in question, being a portion of Parcel 41 of Tax Map Key 2-4-04, has been occupied on a permit basis at least since December of 1958 by Joseph C. Y. Park and Dorothy Katsoka doing business as Hale Manu Craft Shop. The permittees operate a business on the premises, viz. the manufacture and sale of woven articles and knickknacks. These and other items are sold on the premises to visitors. One of the structures located on the property serves as a dormitory for several of the employees. The area, we understand, is zoned Agricultural by the State Land Use Commission and the County.

The permittees would like to continue the present operation on the premises and have made application for a thirty (30)-year lease. However, it appears inadvisable for the State to sell a lease allowing for the continuation of the existing use when the lessees would not be permitted to expand their facilities and operations.

Rather than modify existing zoning, we would prefer issuance of a special permit covering the above use on Parcel 41 pursuant to Section 98H-6, H.L.H. 1955, as amended.

Planning and Traffic Commission

Page 2

September 4, 1964

Accordingly, if the County of Hawaii Planning and Traffic Commission has no objection to the foregoing, we would very much appreciate your favorable consideration for issuance of a special permit to provide for continuation of the above operation on the area and to provide for substantial improvement and/or additions to existing facilities.

Should you require additional information, please do not hesitate to contact us.

Very truly yours,

JAMES J. DETOR, Head  
Division of Land Management

Encls.

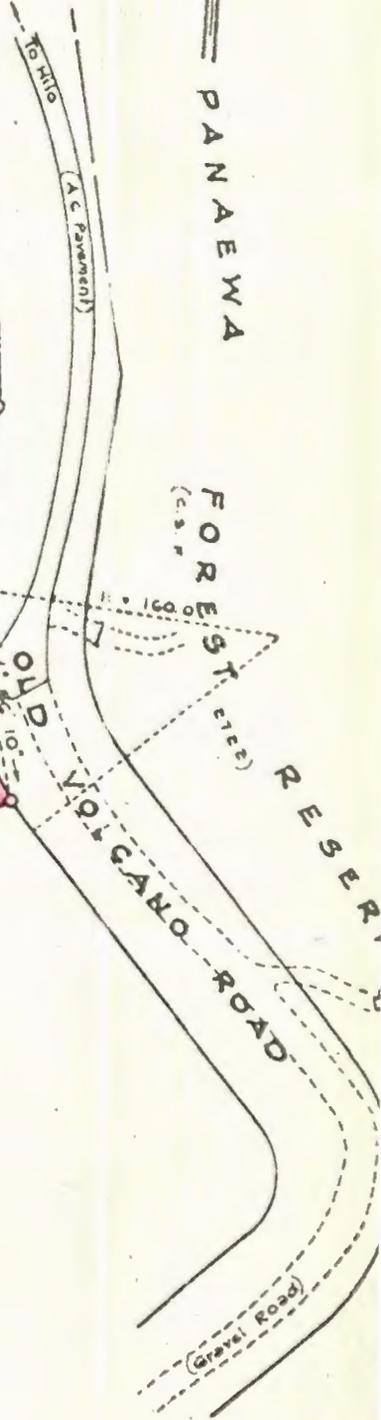
WAIAKEA HOMESTEADS

Grant 2210 to W. L. S. Williams

True North  
Scale 1 inch = 100 feet

PANAHEWA

FOREST RESERVE  
(see etc.)



Area: 3.00 Ac.

Remainder Former Ranger Station

"HALE MANU CRAFT"  
 Application to Lease  
 Portion of Former Department of Agriculture and Forestry  
 Ranger Station  
 Waiakea, South Hilo, Hawaii  
 Scale: 1 inch = 100 feet

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DEC 17 1964

State of Hawaii  
LAND USE COMMISSION

RECEIVED

DEC 17 1964

PLANNING AND TRAFFIC COMMISSION  
County of Hawaii  
October 19, 1964

State of Hawaii  
LAND USE COMMISSION

The Planning and Traffic Commission met in regular session at 1:07 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert H. Yamada, presiding.

PRESENT: Robert M. Yamada  
Marion Baker  
Maxine Carlsmith  
John T. Freitas  
Nobuko Fukuda  
Walter W. Kimura  
Herman Mulder  
Russell Oda  
Herbert J. Ferreira  
Rufus P. Spalding, Jr.  
Edgar A. Hamasu  
Raymond H. Suefuji

ABSENT: John Alconera  
Seiji Aoyagi  
Miyoshi Matsushita  
Robert J. Santos

Morris Ota, Chrm., Kona Advisory Committee  
Charles L. Schuster, State Highways Division

Jitsuo Niwao, Hilo Electric Light Co.  
Robert G. Black, Kamuela Meat Market  
L. N. Nevels, Haw'n Ocean View Estates  
Roy C. Blackshear, Nohaa Corporation  
William Kimi, Kona Hukilau Hotel  
Marlin V. Bordner, " "  
Robert L. Wagner, Aloha Dev., Inc.

MINUTES

The minutes of the meeting held on September 22, 1964, were approved as circulated on a motion

Mr. Spalding, second of Mr. Oda, and carried.

The meeting was recessed at 1:08 p.m., to conduct the following public hearings:

1. Request of David Kekuawela for a special permit to allow a three-lot subdivision with areas all in excess of 0.50 acre located on a portion of L. G. Application 1053, Keaau, Puna, Hawaii, and containing an area of 1.50 acres.
- ✓ 2. Request of State of Hawaii for a special permit to allow the improvement and/or addition to the existing facilities of Hale Manu Craftshop located on a portion of Waiakea Homesteads, Waiakea, South Hilo.
3. Request of Wilmot Burgess Boone for a variance to allow the development of an abandoned building to be used as a physician's office located on a portion of Parcel 5, Hokuano 1st, North Kona.

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The meeting was reconvened at 1:35 p.m.

2. If the impounded monies are released at the time of final approval for recordation and the roadways are still not completed, that monies be released immediately to complete the pavement in the areas approved.

28. RECONSIDERATION  
MINORU SHIGEOKA, ET AL.  
SUBDIVISION

At its last meeting, the Commission denied the proposed subdivision of Lot G, Needs Island, South Hilo, Hawaii, because the County Attorney had ruled that "unless satisfactory access is

provided to each lot, the Commission can refuse to approve a subdivision."

A representative attended the meeting and stated that the gravel road fronting the lots have been used for years by other property owners in the area. He questioned the term "satisfactory access" because the property was accessible by normal vehicular traffic.

Mr. Freitas moved to accept the recommendation of the Committee in reconsidering and rescinding the action of the Commission and to approve the proposed subdivision without requiring the paving of the government access road. The motion was seconded by Mr. Perreira, and carried.

LAND USE COMMISSION  
SPECIAL PERMIT  
DAVID KEKUAWELA

A public hearing was held on the request of David Kekuawela for a special permit to allow a three-lot subdivision with areas all in excess of 0.50 acre located on a portion of L. C. Ap-

plication 1053, Keaau, Puna, Hawaii, and containing an area of 1.50 acres.

Action was deferred until next month's meeting. Act 205 (LUC law) prohibits the Commission to act on such petition earlier than 15 days after the said public hearing.

LAND USE COMMISSION  
SPECIAL PERMIT  
STATE OF HAWAII

A public hearing was held on the request of State of Hawaii for a special permit to allow the improvement and/or addition to the existing facilities of Hale Manu Craftshop located on a

portion of Waiakea Homesteads, Waiakea, South Hilo.

Action was deferred until next month's meeting. Act 205 (LUC law) prohibits the Commission to act on such petition earlier than 15 days after the said public hearing.

INTERIM ZONING  
VARIANCE REQUEST  
WILMOT BURGESS BOONE

After a duly held public hearing, the request of Wilmot Burgess Boone was considered for a variance to allow the development of an abandoned building to be used as a physician's office located on a

portion of Parcel 5, Hokuano 1st, North Kona.

The staff report recommends approval of the request. There are scattered commercial developments in the general vicinity. A television repair shop, clinical facility, day care center, packing shed, service station and garage, maintenance yard, barber shop, and a pool hall exists within a radius of 1/4 mile from the site in question. The existing structure was originally used as a butcher shop. Subsequently, it was partly renovated to be used for a market but was left unused for about three years.

On a motion of Mr. Kimura and second of Mrs. Carlsmith, the Commission voted to grant the variance on basis of the following conditions:

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DEC 17 1964

State of Hawaii  
LAND USE COMMISSION

PLANNING AND TRAFFIC COMMISSION  
County of Hawaii  
October 19, 1964

A regularly advertised public hearing, on the application of the State of Hawaii was called to order at 1:22 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada  
Marion Baker  
Maxine Carlsmith  
John T. Freitas  
Nobuko Fukuda  
Walter W. Kimura  
Herman Mulder  
Russell Oda  
Herbert J. Perreira  
Rufus P. Spalding, Jr.  
Edgar A. Hamasu  
Raymond H. Suefuji

ABSENT: John Alconera  
Seiji Aoyagi  
Miyoshi Matsushita  
Robert J. Santos

Shigeru Kataoka  
and approximately 4 persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Waiakea, South Hilo, Hawaii

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 1:15 p.m., October 19, 1964, to consider the application of the State of Hawaii, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the continuation and the improvement and/or addition to the existing facilities of Hale Manu Craftshop.

Maps showing the area under consideration for Special Permit and the rules and regulations governing the application for Special Permit are on file in the office of the Planning and Traffic Commission in the Hilo Armory Building on Shipman Street and are open to inspection during office hours.

All written protests or comments regarding the above Special Permit application may be filed with the Planning and Traffic Commission before the date of the public hearing or submitted in person at the public hearing or no later than fifteen (15) days following the public hearing.

PLANNING AND TRAFFIC COMMISSION  
OF THE COUNTY OF HAWAII  
ROBERT M. YAMADA, CHAIRMAN  
By: Edgar A. Hamasu, Director

(Hawaii Tribune Herald: October 9 and 17, 1964.)

YAMADA: "We will have the next public hearing. May I have the notice. This is also for a special permit so I will not read the whole notice. This is a special permit on application of State of Hawaii to allow the continuation and the improvement and/or addition to the existing facilities of Hale Manu Craftshop located on a portion of Waiakea Homesteads, Waiakea, South Hilo. These notices were published in the Hawaii Tribune-Herald on October 9 and 17. Will Mr. Director give the background on this application."

HAMASU: "This is also a special permit requested by the State of Hawaii under Act 205. The facility is presently in existence, this Hale Manu Craftshop, located on the old Volcano Road. There is a paved road extending right up to the craftshop. Off-street parking is provided on the premises. The request is for a special permit to allow the continuation of this particular use in the Agricultural District of the State Land Use Commission. As a nonconforming use at this time, this facility is allowed to exist by law. There appears to be no need for a request to allow the continuation of such use; however, in addition to the continuation of said use, there is a request for the substantial expansion and/or improvement of this facility in this particular location. So consideration today would be the question of whether to allow the substantial expansion and/or improvement of this facility. However, at the present time there is no plan submitted with the Commission as to the description of the expansion. There is only a letter from the State Land and Natural Resources Board requesting said expansion and/or improvement. This land is presently in the State land. It is owned by the State and the present owner of Hale Manu Craftshop is requesting for a lease. The State is presently considering a 30-year lease of this parcel which measures three acres in size to the applicants who are.....the request was submitted by Joseph C. Y. Park and Dorothy Kataoka back in December 1958. The area is presently in the Agricultural District and the facilities as is now used is nonconforming as said facilities existed prior to the Greenbelt Law. The request consequently is for the expansion and/or improvements of the facilities. This is the extent of my report."

YAMADA: "You have heard the Director's report on the application regarding the special permit. Is there anyone or is the applicant or is the representative here who would like to speak in behalf of this application?"

SHIGERU KATAOKA: "Yes."

YAMADA: "Will you come over to the mike."

KATAOKA: "My name is Shigeru Kataoka. I am the Treasurer of the corporation. As far as our application is concerned, we have, as Mr. Hamasu has stated, written to the State Land Board asking for a long-term lease or outright purchase of the property. We have not received any information as to or whether we can get or not yet. We have or we have had made plans of the expansion but unfortunately the person we have contracted to do it had to leave the islands. We don't know where the plans are, although we have intentions of putting up a building with the extended lease or outright purchase of the State property. Then, we would be willing to expand our business to such a degree."

YAMADA: "Did you say you got authorization or a permit to build?"

KATAOKA: "No, not yet."

YAMADA: "Is there anyone else in the audience who would like to be heard in regard to this application? None. Is there anyone in the audience who would like to speak against the approving of this application? None. Do any of you members like to ask Mr. Kataoka or Mr. Director any questions pertaining to this hearing? None.

"We will close the second hearing."

The hearing was adjourned at 1:30 p.m.

Respectfully submitted,

Lei A. Tsuji  
(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada

Robert M. Yamada, Chairman  
Planning and Traffic Commission

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DEC 17 1964

PLANNING AND TRAFFIC COMMISSION  
County of Hawaii  
November 16, 1964

State of Hawaii  
LAND USE COMMISSION

The Planning and Traffic Commission met in regular session at 1:04 p.m., in the Conference Room of the County Board of Supervisors with Chairman Pro tem. Rufus P. Spalding, Jr., presiding.

PRESENT: Rufus P. Spalding, Jr.  
Seiji Aoyagi  
Marion Baker  
Maxine Carlsmith  
John T. Freitas  
Walter W. Kimura  
Herman Mulder  
Russell Oda  
Herbert J. Perreira  
Robert J. Santos  
Edgar A. Hamasu  
Raymond H. Suefuji

ABSENT: John Alconera  
Miyoshi Matsushita  
Robert M. Yamada

Helene H. Hale  
Morris Ota, Chrm., Kona Advisory Committee  
Guy Paul, Police Dept.

Jack Bryan  
Lloyd Sadamoto  
Walt Southward  
L. N. Nevels, W. H. Shipman, Ltd.  
Tamotsu Tanaka, Rodrigues Subdiv.  
Robert L. Wagner, Aloha Estates

MINUTES

The minutes of the meeting held on October 19, 1964, were approved as circulated on a motion of Mr. Spalding, second of Mr. Oda, and carried.

The meeting was recessed at 1:05 p.m., to conduct the public hearing on the request of Black, Inc., for a variance to allow the development and construction of a 300 square-foot addition to the existing warehouse for the purpose of a meat cutting and meat packaging room located on a lot approximately 10,846 square feet in area, being Lot 2, a portion of Waimea Village, Waikoloa, South Kohala.

Mr. Perreira chaired the meeting for the remaining portion of the agenda.

The next scheduled public hearing was conducted at 1:15 p.m., on the request of Sids, Hawaii, Ltd., for a variance to allow the development and construction of a 40' x 100' steel-framed building to be used as a lumber storage located on a lot approximately one acre in area, being Lot 16, a portion of Grant 5327, Waikoloa 2, North Kona.

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The meeting was reconvened at 1:20 p.m.

1. The land in question is zoned by the State Land Use Commission as Agricultural District.
2. The subdivision of land in the Agricultural District into lots of 21,700 square feet in size is not considered unusual and reasonable use of agricultural land and will not promote the effectiveness and objectives of Act 205.
3. The Rural District of the State Land Use Commission permits a higher density development as compared to the Agricultural District; said Rural District permits a minimum of one dwelling unit to one-half acre.
4. The land in question can be utilized for the uses permitted in the Agricultural District as set forth under Section 98H-2.
5. The size of lands in the general area is predominantly in excess of one-half acre. They range generally from 2 to 5 acres in size.
6. The lands in the vicinity are being put to agricultural uses such as citrus, macadamia nut, and lichee orchards.

Mr. Freitas moved for denial of the request. The motion was seconded by Mr. Spalding, and carried unanimously.

LAND USE COMMISSION  
SPECIAL PERMIT  
STATE OF HAWAII

The request by State of Hawaii was considered for a special permit to allow the construction and the improvement and/or addition to the existing facilities of Hale Manu Craftshop located on a

portion of Waiakea Homesteads, Waiakea, South Hilo.

The staff report recommended approval of the continuation of the existing use provided however, future improvements and/or addition to said use shall conform to either 1) County of Hawaii zoning regulations and/or building code; or 2) lease term of the State Department of Land and Natural Resources, whichever regulation is the stricter in each case shall apply.

Mr. Freitas moved to recommend approval of the special permit request with the above conditions. The motion was seconded by Mr. Mulder, and carried unanimously.

CLARIFICATION  
OF DOCUMENTS  
ALOHA ESTATES SUBDIV.

The Director reported that the Chairman of the Commission, the subdivider and the Planning Director met at the County Attorney's Office.

The subdivider agreed to amend the agreement in accordance with the County Attorney's stipulation. Thus far, the amended agreement has not been submitted. A request was made by the subdivider to change the loan amount from \$80,000 to \$31,000 since this was all he could obtain. The Chairman suggested that the subdivider make a request to the Subdivision Committee. Such request was not made.

The representative attended the meeting to explain that he will need to amend the agreement and the amount of loan received is \$31,000. He mentioned that it would take \$56,000 to complete all the roads in Unit I. He stated that \$31,500 was deposited with the Bank of Hawaii which was one of the conditions of approval for extension request. That amount will take care of installing all subbase courses except for the last street and also pave one-third of the subdivision. An agreement in a letter form was submitted to withhold sale of lots in Unit II until all the roads in Unit I are completed and more than 75% of the lots in Unit I are sold.

*This is the application letter - no std. form.*

September 4, 1964

Planning and Traffic Commission  
County of Hawaii  
Hilo, Hawaii

Attention: Mr. Edgar A. Hamasu, Director

Gentlemen:

This is in regard to a three (3)-acre parcel of Government land at Waiakes, South Hilo, Hawaii shown outlined in red on the enclosed maps.

The parcel in question, being a portion of Parcel 41 of Tax Map Key 2-4-04, has been occupied on a permit basis at least since December of 1958 by Joseph C. Y. Park and Dorothy Kataoka doing business as Hale Manu Craft Shop. The permittees operate a business on the premises, viz. the manufacture and sale of woven articles and knickknacks. These and other items are sold on the premises to visitors. One of the structures located on the property serves as a dormitory for several of the employees. The area, we understand, is zoned Agricultural by the State Land Use Commission and the County.

The permittees would like to continue the present operation on the premises and have made application for a thirty (30)-year lease. However, it appears inadvisable for the State to sell a lease allowing for the continuation of the existing use when the lessees would not be permitted to expand their facilities and operations.

Rather than modify existing zoning, we would prefer issuance of a special permit covering the above use on Parcel 41 pursuant to Section 98A-6, R.L.H. 1955, as amended.

RECEIVED

DEC 16 1964

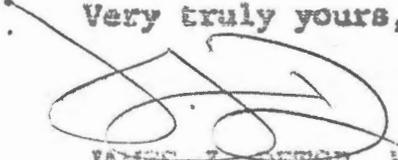
State of Hawaii  
LAND USE COMMISSION

Planning and Traffic Commission  
Page 2  
September 4, 1964

Accordingly, if the County of Hawaii Planning and Traffic Commission has no objection to the foregoing, we would very much appreciate your favorable consideration for issuance of a special permit to provide for continuation of the above operation on the area and to provide for substantial improvement and/or additions to existing facilities.

Should you require additional information, please do not hesitate to contact us.

Very truly yours,



JAMES J. DETOR, Head  
Division of Land Management

Encls.

cc: Mr. Hiroshi Tanaka  
Mrs. Mildred Yamamoto  
WKB:hm

DOCUMENTS FOR APPROVAL BY THE BOARD OF LAND AND NATURAL RESOURCES (Cont'd)

January 26, 1962

<u>REVOCABLE PERMITS</u>	<u>USE</u>	<u>LOCATION</u>	<u>MONTHLY RENTAL</u>	<u>REMARKS</u>
3. DOROTHY KATAOKA		13.0 acres at Waialea, So. Hilo Hawaii being Parcel 41 of TKK 2-4-04	\$100 per month	The subject area is encumbered under Executive Order 728 to the former Department of Agriculture and Forestry. We are initiating cancellation of said executive order, inasmuch as said area has been declared surplus to the needs of the aforementioned State agency and turned over to this office for leasing purposes. The applicant at one time was paying rent to the former Department of Agriculture and Forestry until it was ruled illegal, this previous to our acquiring the subject area. The applicant is utilizing the premises for business purposes in connection with the processing of lauhala and the use of same for manufacture of items for use in the tourist trade. She desires that a more permanent arrangement, viz. a lease, be made in regard to this area, since she plans to refurbish the existing structures and eventually plant lauhala on the subject parcel in order that the operation would be a bit more self-sustaining. Recognizing the fact that the applicant has kept the present building in good repair, prevented vandalism of State property, employed persons who might otherwise not been able to find work, and attempted to meet her obligations to the State, it is recommended that she be issued a revocable permit with a monthly rental of \$100.00 to be retroactive to December 1, 1958.

RECEIVED

DEC 16 1964

State of Hawaii  
LAND USE COMMISSION



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

October 12, 1964

**RECEIVED**

DEC 16 1964

State of Hawaii  
**LAND USE COMMISSION**

Mr. James J. Detor, Head  
Division of Land Management  
Dept. of Land & Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Detor:

The Planning and Traffic Commission has scheduled a public hearing to discuss your application for a special permit to allow the improvement and/or addition to the existing facilities of Hale Manu Craftshop.

Said hearing will be held at 1:15 p.m., October 19, 1964 in the Board of Supervisors' Conference Room situated in the County Building. The presence of a representative will be appreciated in order that all questions which may be raised relative to the request may be clarified.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Edgar A. Hamasu  
Director

EAH:mh

Enclosure

cc Dept. of Land & Natural Resources - Hilo  
Hale Manu Craftshop

*Handwritten initials and date: 10/21/64*

NOTICE OF A PUBLIC HEARING

Special Permits: Waiakea, South Hilo, Hawaii

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 1:15 p.m., October 19, 1964, to consider the application of the State Of Hawaii, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the improvement and/or addition to the existing facilities of Hale Manu Craftshop.

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Maps showing the area under consideration for Special Permit and the rules and regulations governing the application for Special Permit are on file in the office of the Planning and Traffic Commission in the Hilo Armory Building on Shipman Street and are open to inspection during office hours.

All written protests or comments regarding the above Special Permit application may be filed with the Planning and Traffic Commission before the date of the public hearing or submitted in person at the public hearing or no later than fifteen (15) days following the public hearing.

PLANNING AND TRAFFIC COMMISSION  
OF THE COUNTY OF HAWAII  
ROBERT M. YAMADA, CHAIRMAN  
By: Edgar A. Hamasu, Director

(Hawaii Tribune Herald: October 9 and 17, 1964. )

State of Hawaii  
Department of Agriculture and Conservation  
Honolulu

DIVISION OF FORESTRY

March 15, 1961

Board of Agriculture  
and Conservation  
Honolulu, Hawaii

RECEIVED

DEC 16 1964

Gentlemen:

State of Hawaii  
LAND USE COMMISSION  
Subject: Request to Turn Over Former Panaewa CCC Camp  
on Hawaii to Department of Land and Natural Resources

You will recall that the former District and Deputy State Forester L. W. Bryan called your attention sometime in January to the former CCC Panaewa Camp adjacent to the Panaewa Forest Reserve on land turned over to us by Executive Order No. 728 dated November 20, 1936. At that time Mr. Bryan gave you background information of this site and the use of the buildings.

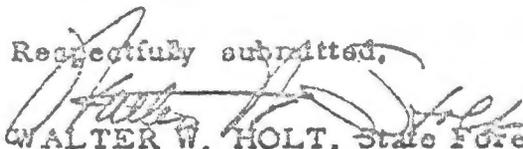
The Camp referred to was built during the CCC period and was used to house the work crew during the period of the Civilian Conservation Corps. During the war it was used by the Army. A Use Permit was issued to the Tuberculosis Association of Hawaii for the use of this Camp site and its facilities. This continued for ten years. In 1958, by request, this Use Permit was cancelled and the Camp turned back to this Board.

On a temporary basis Miss Dorothy B. Y. Park was permitted to use this Camp for rehabilitation work. A sum of \$150 per month was paid to this department until it was ruled illegal for us to collect rent. For several months, she has been using the buildings for commercial enterprise. By this use she has kept the buildings in good repair, prevented vandalism and has done a service to the State. In order that the State may benefit and collect rent, it seems proper to turn these buildings and the land over to the Department of Land and Natural Resources who may make arrangements as to the leasing of this former Panaewa CCC Camp.

IT IS REQUESTED:

"That the former Panaewa CCC Camp buildings and land area, island of Hawaii, be returned to the Department of Land and Natural Resources for leasing purposes."

Respectfully submitted,

  
WALTER W. HOLT, State Forester

JWH:ln

December 19, 1961

RECEIVED

DEC 16 1964

MEMORANDUM

State of Hawaii  
LAND USE COMMISSION

TO: Mrs. Mildred K. Yamamoto

FROM: Jack A. Meek

SUBJECT: Parcel 41 of Tax Map Key 2-4-04, having an area of 13.0 acres, more or less, being the site of the former Panaswa CCC Camp, encumbered under Executive Order No. 728, Waiakea, South Hilo, Hawaii

This is in reference to your memorandum of October 30, 1961 in regard to the above subject area.

It is respectfully requested that you furnish this office with the following data:

- a. Sketch plans of the units proposed by Mrs. Kataoka for construction on the subject area.
- b. Estimated cost of each improvement.
- c. Information to be included in a submittal for Board consideration preliminary to issuance of a General Lease, as follows:
  1. Term of lease (yours and Mr. Fujimoto's recommendation).
  2. Fair rental upset (yours and Mr. Fujimoto's recommendation).

December 19, 1961

3. Utilities available at the site: electricity, telephone, water, and gas.
  4. Physical description of the site.
  5. Other data which may be considered pertinent to this matter.
- d. Formal application for a lease of the subject area signed by the applicant.
  - e. Application Deposit.

In the interim, we will request that the Board approve issuance of a Revocable Permit covering the subject area to Mrs. Kataoka at the recommended monthly rental of \$100.00, to be retroactive to December 1, 1958, in addition to initiating cancellation of Executive Order No. 728 presently encumbering the site.

---

Jack A. Meek

cc: Mr. Robert Fujimoto

WKB:jo:rn



RECEIVED

JUL 23 8 24 AM 1962



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 936  
HILO, HAWAII

July 19, 1962

M E M O R A N D U M

RECEIVED

DEC 16 1964

State of Hawaii  
LAND USE COMMISSION

TO: Mr. William K. Benda

FROM: Mrs. Mildred K. Yamamoto

SUBJECT: Parcel 41 of Tax Map Key 2-4-04, being the site of the former Panaewa CCC Camp, at Waiakea, South Hilo, Hawaii.

This is in reply to your memorandum of July 13, 1962, relative to the above.

To correct your retrospection, the withdrawal of the submittal (Item F-7) from the January 26, 1962 agenda was made at my request through the Hawaii Board Member, Mr. Robert M. Fujimoto, as the submittal was erroneously written up and not due to the area and facilities being inconsistent with the recommended use and upset rental.

Your attention is called to my memorandum of October 30, 1961, at which time I reported that approximately 1.8 acres of the total 13.0 acres encumbered under Executive Order No. 728, were then occupied by the Halemanu Craft Shop. I also reported that an additional area for lauhala reforestation is being considered, the decision of which had not been reached at the time my report was made. The recommended monthly rental of \$100.00, therefore, was for the use of only a fraction of the 13.0-acre parcel (1.8 acres, more or less), on a permit basis until such time as the processing of the lease is completed and consummated.

The delay in processing was solely due to incomplete contemplated renovation and new construction plans and cost estimates. Our Hawaii Board Member and I met with Mrs. Dorothy Kataoka, manager of the Halemanu Craft Shop, on April 3rd, 1962 in an effort to resolve this long pending matter. Her desire for consideration on the commencement date of the permit expressed at this meeting prompted my memorandum of April 3rd, 1962, in which I recommended for the reasons outlined therein that the effective date of the revocable permit be as of January 1, 1961. In agreeing to be fair

RP. retroactive to Jan. 1961!

Handwritten initials and marks at the bottom right of the page.

July 19, 1962

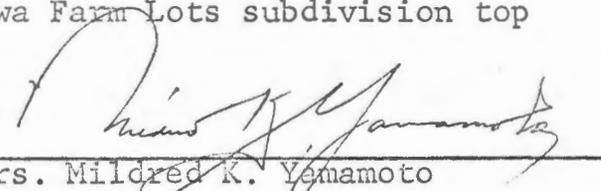
To all parties concerned, and contrary to my recommendation, your memorandum of July 13, 1962 notified me that pending the sale of the lease, Mrs. Kataoka would be issued a revocable permit retroactive to January 1, 1960, at a monthly rental of \$100.00, leaving a discrepancy of exactly a year. Whether this discrepancy is a typographical error or the decision reached is left to surmise.

As an outcome of our meeting with Mrs. Kataoka on April 3rd, the Craft Shop has finally come to a decision on the area desired, being 3.0 acres as indicated on the attached plan. Mrs. Kataoka has abandoned the lauhala reforestation program due to the slow growth-rate of the lauhala, requiring long-term investments without assuring returns.

In checking with the Planning Department of Hawaii Planing Mill, Ltd., it was learned that the long-awaited renovation and new construction plans are still incomplete. As I anticipate further delay in getting the plans completed, it is amenable to me to finalize the submittal of the lease, to include buildings and area, for Board consideration, on the following terms:

1. A term of thirty (30) years, to either commence sixty (60) days from the date of sale or from the date of sale should the occupier be the purchaser, with a reopening clause after each ten (10) year period of the lease;
2. Rental upset to be \$1,320.00 per annum;
3. That the purchaser shall expend not less than \$10,000.00 for repairs to the existing buildings or to erect a craft shop of all new materials within three (3) years from the date of sale;
4. That the facilities shall satisfy standards of sanitation satisfactory to the Department of Health.

As for the remaining 10.0-acre parcel, I made several attempts to interest someone in leasing it as a whole or subdivided into possibly two parcels for development as a nursery or botanical garden as an adjunct to the craft shop operation but without much success as they are giving the Panaewa Farm Lots subdivision top priority in their site selection.



Mrs. Mildred K. Yamamoto

MKY/ik  
enc.

cc: Mr. Robert M. Fujimoto

DEC 7 13 AM 1962



STATE OF HAWAII  
DEPARTMENT OF LAND  
AND NATURAL RESOURCES  
Hilo, HAWAII

April 3, 1962

M E M O R A N D U M

RECEIVED  
DEC 16 1964

State of Hawaii  
LAND USE COMMISSION

TO: Mr. Jack A. Meek  
FROM: Mrs. Mildred K. Yamamoto  
SUBJECT: Former Panaewa CCC Camp - TMK: 24-04-41

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Reference is made to your memorandum of December 19, 1961, relative to the abovementioned area.

Mrs. Dorothy Kataoka has this date notified me that her contemplated renovation and new construction plans have not been completed but in the interim, while negotiating for the sale of a lease of the subject premises, it is her desire that Board approval for the issuance of a revocable permit at the monthly rate of \$100.00 be considered at an early date.

It is also her desire that the permit rental be retroactive to January 1, 1961, instead of December 1, 1958, as it was her understanding with Mr. L. W. Bryan, the former District and Deputy State Forester for the Department of Agriculture and Conservation, that since it was ruled illegal for said department to collect rent that it was permissible for the Hale Manu Craft Shop to continue occupancy of the property provided the premises and improvements would be properly maintained. Also, should the rental be retroactive to December 1, 1958, it would necessitate the adjusting and refileing of Federal and State tax returns.

In considering Mrs. Kataoka's request, your attention is called to Mr. Walter W. Holt's letter of March 15, 1961 to the Board of Agriculture and Conservation, under which date his request "that the former Panaewa C.C.C. Camp buildings and land area, island of Hawaii, be returned to the Department of Land and Natural Resources for leasing purposes" was made. It is also stated therein that only in January of 1961 did Mr. L. W. Bryan call the Board of Agriculture and Conservation's attention to the use of the buildings and furnished the background information. It is my thinking that, back in 1958 when it was ruled illegal to collect any further rent, it was not the intention of the Forestry Division to abandon the area to enable the

DS

47

Mr. Jack A. Meek

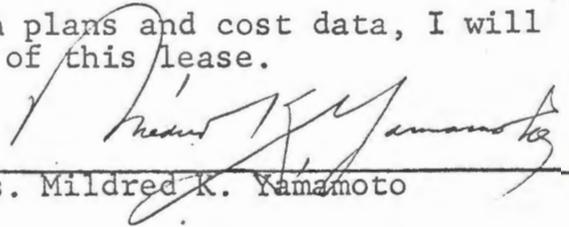
-2-

April 3, 1962

formal encumbrance of the parcel by the Land Management Division. Mrs. Kataoka was permitted the continued use of the premises and "she has kept the buildings in good repair, prevented vandalism and has done a service to the State". Under the circumstances and since Mrs. Kataoka is willing to invest a substantial amount for the complete renovation and additions to the present inadequate facilities on State-owned property, her request does merit consideration by the Board.

Kindly, therefore, proceed to place the matter for Board consideration at an early date and advise.

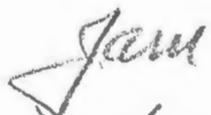
Upon receipt of construction plans and cost data, I will submit my report to finalize the sale of this lease.

  
Mrs. Mildred K. Yamamoto

MKY/ik

cc: Mr. Robert M. Fujimoto

Bill: Tell Mildred no choice

Please discuss with me. 

ask for net income for the  
years 1957 to 1961

M E M O R A N D U M

Hilo, Hawaii  
October 30, 1961

TO: Mr. James J. Detor  
FROM: Mrs. Mildred K. Yamamoto  
SUBJECT: Former Panaewa CCC Camp - TMK: 2-4-04-41

11-27-61  
RECEIVED

DEC 16 1964

State of Hawaii  
LAND USE COMMISSION

-----  
This is in reply to your memos of April 17 and October 25, 1961, relative to the above.

Please be advised that about 1.8 acres of the total area under Executive Order No. 728 together with the improvements as shown on the attached plan, are occupied by the Hale Manu Craft, managed by Mrs. Dorothy B. Y. Park Kataoka. She has seven free boarders living on the premises and several salaried employees as well. Dealing in lauhala and other tourist goods, the processing of the raw lauhala and the weaving are done by the free boarders. She also has quite a number of piece-meal workers, whose goods are sold through the Hale Manu Craft Shop.

Mrs. Kataoka is desirous of a lease of the subject premises and although the improvements are all old, the workshop building is in fair condition. Nevertheless, it is the intention of the Hale Manu Craft to replace the present improvements with structures more suitable to their needs. Plans are presently being drawn, with which a formal application to lease will be made. These plans are not completed as yet and it is anticipated that they will also request additional area than shown on the plan for lauhala reforestation. I have awaited their decision on the matter to date but as the plans will not be completed for another few more months, we should proceed to issue a revocable permit in the meantime.

The Tax Office has the 13.0 acres assessed as follows:

21,780 sq.ft. @ .04-2/3¢	-	\$ 1,015.00
Buildings (workshop & storage)	-	2,711.00
12½ acres @ \$105.00	-	1,312.50
Total	-	<u>\$ 5,038.50</u>

Mrs. Kataoka has offered the monthly rental of \$100.00 on a permit basis. The last rental paid to the Department of Agriculture and Conservation was in November of 1958. The sum of \$150.00 was paid by her to said department since she was not required then to

*[Handwritten signature]*

Mr. James J. Detor

-2-

October 30, 1961

insure the improvements. On the permit basis, she will be required to insure the buildings as well as keep them in good repairs. Pending the sale of a lease on the basis of forthcoming construction plans, it is herewith recommended that the issuance of a permit at the rental offered of \$100.00 a month retroactive to December 1, 1958 be submitted to the Board for its consideration and approval.

Please advise:

  
Mrs. Mildred K. Yamamoto

MKY/ik  
encls.

cc: Mr. Robert M. Fujimoto

- 1. Request Agency ✓
- 2. Cancel Ex Order #728 ✓
- 3. Application for board approval submitted for R. Permit ✓
- 4. " " " " " " " " for Lease ✓

OK = WKB 12/17/61

Cam

Ref. No. LJC 542 ✓

December 10, 1964

Hawaii County Planning and  
Traffic Commission  
County of Hawaii  
Hilo, Hawaii

Attention: Mr. Edgar Hamasu, Director

Subject: Special Permit Application by State of Hawaii, Dept. of Land  
and Natural Resources, for Continuation and Improvement to  
Hala Manu Craft Shop.

Gentlemen:

On November 23, 1964, we received your transmittal of your approval of the subject petition, including the bases and contingencies. By phone, on or about November 24, we requested such other records as outlined in para 2.27 of Part II. State Land Use District Regulations.

On December 3, 1964, Richard Mar visited your offices and subsequently advised that other records on the subject petition are available and would be transmitted.

Since this petition has been placed on the agenda of the Land Use Commission's scheduled meeting on December 18, 1964, in Honolulu, we would sincerely appreciate your early transmittal of such records as you may have on file. The following records are missing and are important:

1. Formal petition or application.
2. Any intermediate rulings or motions rendered relative to said petition.
3. Evidence received or considered, including oral testimony, exhibits, maps and a statement of matters officially noticed. Evidence of the public hearing held, minutes of the public

Mr. Edgar Hamasu  
Page 2  
December 10, 1964

hearing and of the meeting when action on the petition was taken are especially important. The vote record on this petition should also be indicated.

4. Staff report or memorandum presented at the hearing. (This may have been included in the minutes.)

Since your Commission processes petitions for special permits, your submittal of adequate records and bases for approvals are most important in protecting the interests of the county and petitioner.

Thank you for your cooperation in this and other matters.

Very truly yours,

RAYMOND S. YAMASHITA  
EXECUTIVE OFFICER

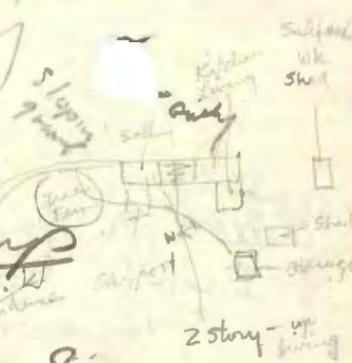
Petition for Special Permit  
DLNR Hawaii County 11/25/64  
TAK 2-4-04

Called Ray Siefuji for and  
asked if there were more  
records - referred to Reys  
(para 2.27) - stated that  
petition (special permit) has  
better chance of getting LUC  
approval if county sends  
as much back up data as  
possible. Ed Hansen on  
vacation - only attends HPTC  
Planning Com meetings - pushing  
to leave for Honolulu - new job  
starts on Jan. 4, 1965. Siefuji  
will check out whether additional  
records are available - if ~~not~~<sup>so</sup> - will  
have in mail today.

Ray Siefuji

70% of  
work done  
at home

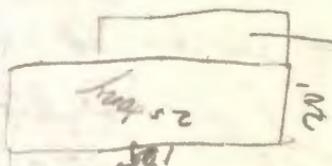
Point of contact  
trees on premises  
slightly rocky  
4 mile



① Former CCC camp

② Summer - average

③ 3-4 buses a day



④ wants to continue  
because it is nice  
cool

Extensive  
Extension

⑤ Mrs. Park etc started by rehab in 1945  
taken over in 1958  
6 years

⑥ 15 workers -

⑦ 1958 gave up rehabilitation

⑧ Employ all at Tulleragh

if they close down - they  
will have to go on welfare

RECEIVED

NOV 23 1964

COUNTY OF HAWAII  
PLANNING AND TRAFFIC COMMISSION  
State of Hawaii  
LAND USE COMMISSION

Applicant State of Hawaii  
Date of Public Hearing October 19, 1964  
Date of Decision November 16, 1964  
Meeting Place Board Rm., County of Hawaii  
Date Decision and Findings Forwarded  
to LUC November 19, 1964

SPECIAL PERMIT

The Planning and Traffic Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

Portion of Parcel 41, Waiakea, South Hilo, Hawaii  
Tax Map Key: 2-4-04

133  
332

for the following purpose(s);

To allow the continuation and to provide for the substantial improvement and/or addition of the existing Hale Manu Craft Shop.

The Commission decided to:

Grant approval of the above request.

on the basis of the following findings:

1. Hale Manu Craft Shop presently exists on the premises.
2. The old Volcano Road is paved up to said craft shop.
3. Electricity and telephone services are available on the premises.
4. Said craft shop has been in existence prior to the passage of Act 187 or 205; hence, it is a nonconforming use in the Agricultural District.
5. As a nonconforming use it can remain in existence until it is destroyed, removed, or the owner indicates a clear intent to discontinue said operation.
6. The continued use of the 3-acre parcel in question with the present activities will not adversely affect the surrounding properties, as said parcel is enclosed on two sides by State Forest Reserve, the third by grazing land and is relatively removed from existing single-family residential uses along said Volcano Road.
7. There are scattered single-family dwellings along the old Volcano Road having a rural character.

~~subject to the following conditions:~~

8. The continued use of said parcel for the activities herein requested would not unreasonably burden public agencies to provide roads, sewers, water, drainage, and school improvements nor police and fire protection.

subject to the following condition:

1. Continuation of the existing use is allowed; provided however, future improvements and/or addition to said use shall conform to either 1) County of Hawaii zoning regulations and/or building code; or 2) lease term of the State Department of Land and Natural Resources, whichever regulation is the stricter in each case shall apply.

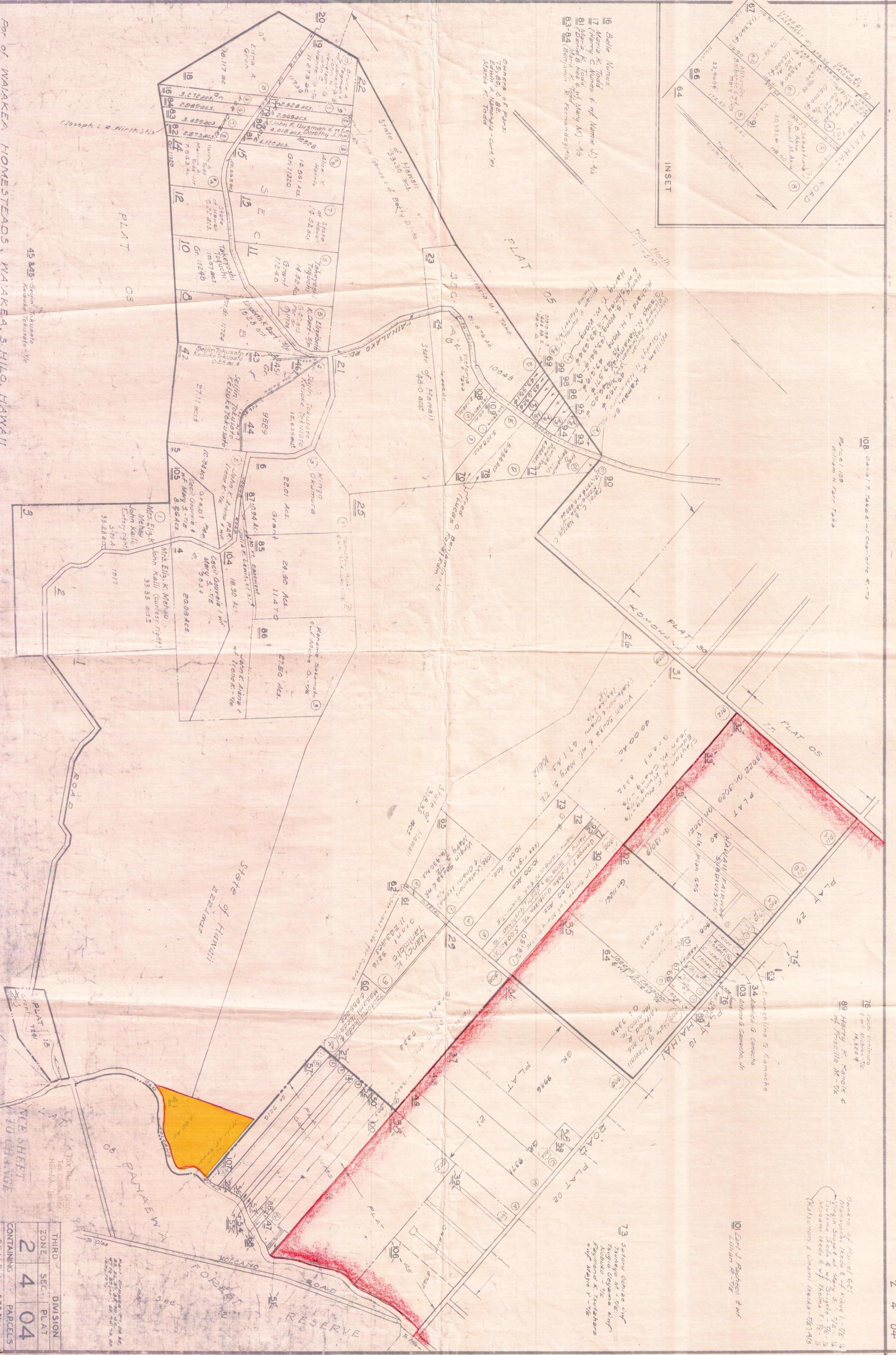
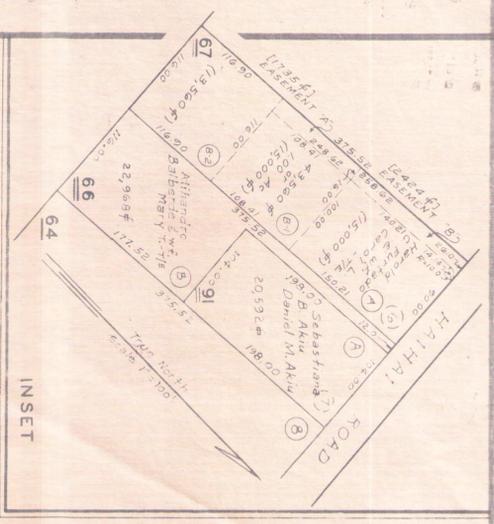
(Signed) Reginald A. Haman  
Director, Planning and Traffic Commission

Frederick J. Rossini  
Vice Chairman, Planning and Traffic Commission

Part of WAIAKEA HOMESTEADS, WAIAKEA, 3, HILO, HAWAII

45 845 - Sejin Tokusato  
Kawaku Tokusato - 7/2

PLAT 08



108 Daniel T. Taka & wif Caroline R-7/2  
 Parcel 108  
 William H. Fair Taka

76 Yoshi Uchiyama  
& wif Michiko - 7/2  
 90 HARRY K. KANEHE &  
 wif FRANCES M. - 7/2

Owners of Parcel 62:  
 Masuzoshi Ikeda & wif Kiyue I. - 7/2  
 Masuzoshi Ikeda & wif Kiyue I. - 7/2

10 Earl J. Padgett & wif  
 Lillian P. - 7/2

73 Senoru Onizae wif  
 Tsunyo M. - 7/2  
 Tsunyo Onizae wif  
 Nobuko - 7/2  
 Raymond K. Tsubahara  
 wif Mayje Y. - 7/2

Tax Maps Bureau  
 Honolulu, Hawaii

THIRD	DIVISION
ZONE	SEC. PLAT
2	4 04

CONTAINING 05 PARCELS  
 SCALE: 1 in. = 500 ft.