

CASTILLO, AMADOR DEL

SP65-7

October 4, 1965

Planning & Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui

Attention: Mr. Robert O. Chats, Director

Gentlemen:

At its meeting on October 1, 1965, the Land Use Commission voted to approve the grant of a special permit to Mr. Amador del Castillo to construct an adult care home in Haiku, Maui, on 1.53 acres of land described by Second Division TMK 2-7-25: 4.

We are enclosing our staff report and memorandum for your information.

Yours very truly,

GEORGE S. MORIGUCHI
Executive Officer

Encls. - 2

cc: ✓ Chairman Thompson
Mr. Amador del Castillo
Mr. Hidesuke Uyenoyma, DSS
Mr. Thomas Nakama, Dept. of Health
Department of Taxation
Dept. of Land & Natural Resources

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Castillo SP-65-7.
 DATE 10-1-65
 PLACE City Bd. Room - Lihue Kauai
 TIME _____

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

COMMENTS:

Print request reasonable + unusual because of special circumstances.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Board Room - Lihue, Kauai

October 1, 1965 - 2:20 P.M.

Commissioners
Present:

Myron B. Thompson, Chairman
C.E.S. Burns
Jim Ferry
Charles Ota
Goro Inaba
Leslie Wung
Shiro Nishimura

Absent:

Shelley Mark
Robert G. Wenkam

Staff Present:

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

Chairman Thompson called the meeting to order, followed by a short prayer.

SPECIAL PERMIT APPLICATION BY COMMUNICATIONS SATELLITE (SP65-18) TO CONSTRUCT AND OPERATE A COMMUNICATION SATELLITE EARTH STATION AND RELATED FACILITIES WITHIN AN AGRICULTURAL DISTRICT, TMK 5-9-06: 5

Mr. George Moriguchi presented the staff report and the Findings of Fact transmitted by the City and County Zoning Board of Appeals, in which it was recommended that a special permit be issued to the Communications Satellite Corporation to operate and construct a communication satellite earth station, because the request was for an unusual and reasonable use within the area, it would promote the effectiveness and objectives of the State Land Use Law, and the proposed use will not alter the essential character of the surrounding area.

Commissioner Ota expressed concern over the possible construction of additional facilities and accessories in the future, and the danger of developing a small community within a so-called prime agricultural area.

Mr. Moriguchi stated that according to the data submitted by the petitioner, the request was specifically for construction of antenna and related facilities and did not include houses and accessories.

Mr. Thomas P. Goodbody, attorney for the petitioner, reassured the Commissioners that the Communications Satellite Corporation was directed by an Act of Congress to proceed forth with this project specifically, and that there was no request for apartments or housing construction. For this reason, the land use will be restricted for this purpose only.

Commissioner Wung moved to approve the petition as recommended by staff, which was seconded by Commissioner Nishimura. The motion was carried with Commissioner Ota casting the only dissenting vote.

PETITION OF AMITY DEVELOPERS (A65-88) TO AMEND THE URBAN DISTRICT BOUNDARY AT KALANI-IKI, OAHU, SO AS TO INCORPORATE ABOUT 20.221 ACRES IDENTIFIABLE BY TAX MAP KEY 3-5-24: 9

Mr. George Moriguchi presented the memorandum prepared by staff on the above petition, in which it was recommended that the Land Use Commission rule that the project be permitted to proceed as a non-conforming use, based upon the following facts:

1. On December 19, 1963, the project was granted tentative approval by the City Planning Director. Temporary district boundaries were in effect at that time and lands of the subject parcel were within the Urban District.
2. On September 28, 1964, the Building Department issued a building permit for the construction of 6 units at the subject project.
3. On November 12, 1964, the City Planning Department granted tentative approval on a revised plan.
4. On February 8, 1965, a grading permit was issued.
5. On July 13, 1965, the Department of Land and Natural Resources approved construction of 21 of the 95 units of the project.
6. On July 19, 1965, the developers were issued a building permit for the construction of 14 units on the project.

Mr. Moriguchi read a letter submitted by Mr. H. William Burgess, attorney for the petitioner, in which he requested that the Land Use Commission make a determination that the subject petition qualifies under the "non-conforming" clause as defined in Part II, State Land Use District Regulations, Sub-part A, Section 2.19. (See copy of letter on file). Each Commissioner was handed a copy of the letter.

The steep lands recommended for non-use in the staff report were pointed out on the map by Mr. Moriguchi. He verified the fact that these lands were requested for development in the plans submitted to the Planning Department of the City and County.

It was also established that the interim urban boundaries which were in effect at that time included the subject lands; however, when the final boundaries were established, the urban line was changed to its present location. The City and County Planning Department recommended approval of the petition except for two steep portions.

Chairman Thompson stated that the petitioners were requesting a ruling on the total area based upon the preliminary approval.

Commissioner Ota commented that if the Commission ruled that the petition qualified under the "grandfather clause", we would be running away from the issue of non-use of the steep lands as recommended by the City Planning Department, unless we modified the boundary.

Commissioner Ferry felt that due to the sequence of events, the staff's recommendation to rule on the "grandfather clause" was entirely proper, and that the Commission did not have the jurisdiction to consider a boundary change at this time.

Upon Chairman Thompson's invitation, Mr. William Burgess, attorney for the petitioner, requested that Mr. Lee, who was the Planning Director of the City Planning Department at the time the project was first submitted to the Planning Department, be allowed to testify on behalf of the petitioners.

In reply to Mr. Takeyama's question as to whether approval was granted for the subdivision or for the use, Mr. Lee replied as follows: "In this case, on April 23, 1965, the State Land Use Commission had adopted an interim boundary within which this subdivision fits. We felt that in granting a tentative approval of the subdivision, we were complying with the State Land Use Commission's tentative boundary. That takes care of the State Land Use Commission. Specifically, for my part as Planning Director on the City and County level, we were granting a subdivision as such and the subdivision was a division of lands of one larger parcel, 3 smaller parcels--one parcel to remain with the Bishop Estate, one parcel to go to Amity and, within that one parcel, another parcel which was supposed to be for roads. Later, the sequence of events was such that they decided the road parcel should be eliminated and that they wished to retain ownership to increase the privacy of the area. At that time, they came back to me and asked that the road be deleted. The only method of deleting that was to resubmit new maps which would indicate subdivision of the two lots rather than subdivision of three lots."

Mr. Lee continued that in December of 1961, the City Planning Commission, by Resolution #406, zoned this area class A-1 residential area. Upon that the State Land Use Commission had super-imposed another requirement.

Commissioner Ferry wondered whether Mr. Lee had also given approval to the physical development of the subdivided 20-acre parcel. Mr. Lee replied that approval was given to the subdivision of three separate parcels for which a plan was submitted, provided they complied with certain requirements of the city agencies. Insofar as the condominium subdivision was concerned, Mr. Lee stated that there was no clear-cut ruling. The developers were required to check with the fire and police departments for adequate protection, and with the City Engineer for garbage service.

Commissioner Ferry commented that the Planning Commission now had some reservations about the development of the higher slopy areas, and wondered about the developers' plans in this connection. Mr. Lee advised that approval had been given by his department for the subdivision, but that this matter had never gone before the Planning Commission because it was out of their jurisdiction. The only way this could take place was to petition the Land Use Commission for boundary change, who in turn would seek the Planning Commission's recommendation.

Commissioner Ferry raised the question of whether Mr. Lee's approval, at the time he was the City Planning Director, would super-impose the decision of the present director. Mr. Lee advised that when he gave tentative approval to the developers' plans, he was acting as an agent of the City and County of Honolulu, and that his decision would have legal status and would hold.

In response to Commissioner Ferry's query as to whether the developers would carry out the recommendations of the Planning Commission, Mr. Tharp of Amity Developers stated that they had originally requested approval for 126 units but following their topographical survey, they had cut this request down to 95, and that additional units will be removed from the area. Mr. Tharp said that they were interested in developing a plan that would be a credit to the community.

Chairman Thompson asked for additional testimony and clarification from Mr. Roy Takeyama, legal counsel. Mr. Takeyama made the following statement: "Staff's recommendation is based upon the fact that approval was granted by the Planning Director. I am in agreement with the staff-however, I am not in agreement as to the basis upon which petitioner has submitted it. In other words, petitioner is arguing that it falls within Rule 2.19B. I cannot read 2.19B as a provision upon which the petitioner can fall within a non-conforming use. This is a parcel which involves subdivision plans. However, I think Rule 2.18A regarding lawful use of land--lawful use being based mainly upon the fact that the petitioner has gotten the approval of the planning director, satisfying their mandates, and the substantial amounts of time and money spent, give him the vested right to continue. On those bases and facts presented, I am of the opinion that staff recommendation is in order."

Chairman Thompson directed that Mr. Takeyama's testimony be included in the records.

Commissioner Wung moved to accept the staff recommendation, which was seconded by Commissioner Burns. The motion was passed unanimously.

APPLICATION BY AMADOR DEL CASTILLO FOR A SPECIAL PERMIT (SP65-7) TO CONSTRUCT AN "ADULT CARE HOME" ON 1.53 ACRES OF LAND DESCRIBED BY SECOND DIVISION TMK 2-7-25: 4

Staff memorandum was read by Mr. Moriguchi (see copy on file) in which denial of special permit was recommended, based on the guidelines as set up and mandated for evaluation of special permits. Action on this request had been deferred at the August 20, 1965 meeting, pending receipt of recommendations from the Department of Health and Department of Social Services. Subsequently, these letters had been received and Mr. Moriguchi presented them to the Commissioners. Their recommendations were for approval of the special permit due to the need for such a facility in the community.

Replying to Commissioner Ferry's remark that the staff sought recommendation from the Department of Social Services and the Department of Health, yet maintained its original recommendation for denial, Mr. Moriguchi advised that these recommendations were sought at the request of the Commissioners and not by the staff.

Commissioner Ferry observed, with dismay, that many of the mainland cities have located their convalescent and nursing homes in noisy urban areas which did nothing to contribute to the patient's comfort or well-being. Fortunately, here

in Hawaii, the Land Use Commission could allow for this type of facility to be located away from an intensely developed urban area.

Mr. Moriguchi advised that there were minimum care requirement standards set up by the Department of Social Services for nursing homes.

Chairman Thompson brought out the fact that the Department of Health had jurisdiction over granting of licenses for these homes and therefore will be supervising all such facilities. It was also pointed out that no objections had been raised by property owners in the vicinity.

Commissioner Ota added that there was a definite need on Maui for a facility such as the one Mr. del Castillo was proposing. The present trend was to get away from pensioner's home and camp facilities, especially since many of the plantations were closing down. Mr. del Castillo's nursing home would serve retired plantation workers of Filipino extraction, primarily.

Chairman Thompson commented on the great need for special homes for mentally ill and retarded persons. He was of the opinion that these homes would be better served near urban facilities. In 1965 a housing act was passed and one of the provisions was that landowners charge reasonable fees, and that the federal government would supplement the difference.

Due to changing times and the severing of old ties, there will be a greater need for special care homes for the aged.

Commissioner Inaba moved, seconded by Commissioner Ota, to grant the special permit because the request was reasonable and unusual. The motion was carried unanimously.

PETITIONS OF ARTHUR AND DORIS ACHOR (A65-85) AND STANLEY & SACHIKO TABA (A65-86)
TO RECLASSIFY 5.6 ACRES AND 12.8 ACRES IN AN AGRICULTURAL AREA INTO A RURAL
DISTRICT

Chairman Thompson wondered if the two petitions could be discussed together since they were adjoining properties. Mr. Takeyama, legal counsel, advised that this was permissible but that action on the petitions would have to be voted upon separately.

Staff reports were presented by Mr. Moriguchi in which denial of both petitions was recommended on the following bases:

Achor - A65-85 - Mr. Achor and his former wife are merely asking to have the land subdivided for convenience in selling the lots. The area is agricultural in nature as evidenced by dedication of approximately 1,300 acres for agricultural purposes.

Taba - A65-86 - Petitioner contemplated use of portions of the land for commercial purposes. The area is agricultural in nature as evidenced by dedication of approximately 1,300 acres for agricultural purposes.

Mr. Moriguchi also read affidavits filed by Mrs. Bonnie Dunford and John D. Teixeira supporting approval of the above two petitions on the basis of the need and great demand for rural lands.

Mr. Moriguchi explained that Mr. Taba's plans for the 12.7 acres included subdividing the land into half-acre lots, plus a garden-type tourist attraction for which a fee would be charged. Commissioner Ota felt that this was a permitted use in an agricultural area--that it was no difference, for example, from a golf course. Commissioner Ferry wondered whether a special permit would be required by the petitioner for a fee garden-type operation, even if the Commission zoned the area as a Rural District. Chairman Thompson directed Mr. Takeyama to look into this matter and advise the Commission.

Commissioner Nishimura expressed his feeling that since the petitions involved small parcels of land contiguous to urban areas, the Commission should grant the petitioners' requests.

Commissioner Burns wondered if any objections to the petitioners' requests had been voiced by landowners in the vicinity, to which Commissioner Nishimura replied in the negative.

Mr. Takeyama reported on the matter of the special permit in connection with Mr. Taba's petition. According to the petitioner's plans, a fee garden was contemplated only after subdivision of the property, and Mr. Takeyama's opinion was that this was no different from the growing of crops for sale, which was a permitted use.

Commissioner Nishimura added that the Kauai Chamber of Commerce had on file 250 letter requests regarding availability of lands for retirement or second homes.

Commissioner Ota commented that if the petitioners were granted the rural classification, this might serve as a logical buffer from urban to rural to agriculture since lands along the main road across the subject parcels were in urban and the mauka area was in rural.

Commissioner Ota moved that A65-85, Arthur and Doris Achor, be reclassified from an Agricultural to a Rural District, since the subject parcel was not an economic unit for agricultural pursuit and abutted a Rural District. Commissioner Inaba seconded the motion. The Commissioners were polled as follows:

Aye: Commissioners Inaba, Ota, Burns, Ferry, ^{Nishimura} Chairman Thompson.

No: Commissioner Wung

The motion was carried.

Commissioner Nishimura moved to approve A65-86, Stanley and Sachiko Taba, for change of boundary to a Rural District since it abutted the urban area and was rural in nature, seconded by Commissioner Ferry. The motion was carried unanimously.

REQUEST BY JOSEPH PARK

Mr. George Moriguchi read a letter written by Mr. Joseph Park, requesting reevaluation of District Boundary from urban to agricultural. Staff memorandum (see copy on file) recommended that Mr. Park's request be considered favorably since staff felt that classification of the subject parcel from agricultural to urban was the result of an oversight and should have properly been classified as agricultural.

Mr. Park agreed with the staff's recommendation and presented several documents and letters supporting his claim that his parcel was inadvertently zoned urban (see letters on file).

In response to Mr. Moriguchi's question, Mr. Park stated that the classified lease use for his property was strictly agricultural. Mr. Park only became aware of the discrepancy when he went to dedicate his land at the tax office, at which time he was informed that only his parcel in the area had been designated urban.

Commissioner Wung moved to accept the staff recommendation, seconded by Commissioner Nishimura. The motion was passed unanimously.

ADOPTION OF MINUTES

The following minutes of the previous meetings were approved as circulated:

July 23, 1965
July 27, 1965
August 2, 1965

A short recess was called by Chairman Thompson. Meeting was resumed at 4:30 p.m.

DETERMINATION OF LANAI CITY BOUNDARY LINE

Mr. Moriguchi advised the Commission that a request had been received from Mr. Robert Ohata, Planning Director of Maui Planning & Traffic Commission, for a delineation or interpretation of the Urban Boundary around Lanai City since they were ready to begin on a general plan for Lanai. Mr. Moriguchi indicated that the red boundary line was somewhat non-conforming and recommended that the green boundary line be established as the urban area.

Commissioner Ferry wondered if the green line could be construed as the finer delineation and the accurate urban boundary line. Mr. Takeyama advised that if the ambiguity was the result of a drafting error, the Commission could make a ruling on it. After some discussion, it was the consensus of the Commissioners present that an obvious error had been made by the staff.

Commissioner Ferry moved that the green line, as recommended by staff, be adopted as the urban boundary for Lanai City, seconded by Commissioner Inaba. Motion was carried unanimously. Commissioner Ota commented that any future similar discrepancies should be brought to the attention of the Commission.

Meeting was adjourned at 4:45 p.m.

STATE OF HAWAII

LAND USE COMMISSION

MEMORANDUM

October 1, 1965
Lihue, Kauai

TO: Land Use Commission

FROM: Staff

SUBJECT: Special Permit by AMADOR DEL CASTILLO (Maui SP65-7)

During its meeting of August 20, 1965 at Kailua, Kona, the Land Use Commission deliberated upon Mr. Amador del Castillo's petition, and upon recommendations submitted by the Maui Planning and Traffic Commission and the Land Use staff.

Final action was not taken by the Commission due to the lack of positive recommendations from the Department of Health and the Department of Social Services. The staff was requested to solicit such recommendations and these have been received. (See letters dated September 10, 1965 from Mr. Thomas Nakama of the Department of Health and from Mr. H. Uyenoyama of the Department of Social Services.)

Staff's original recommendation on this petition was for denial of the petition based on a systematic application of the test to be applied to determine "unusual and reasonable" uses within Agricultural and Rural Districts, in accordance with Part II, State Land Use Regulations, Section 2.24, sub-paragraphs a through g.

The letters received from the Department of Health and Department of Social Services recommend approval of Mr. Castillo's petition, purely on the basis of the need for such a facility in the community. However, they do not contribute any additional information that would alter the staff's evaluation of the seven guidelines as set up and mandated for evaluation of special permits.

On this basis, staff has no alternative but to maintain its original recommendation for denial of the petition.

September 22, 1965

Mr. Amador del Castillo
1570 Alako Drive
Wailuku, Maui 96793

Dear Mr. Castillo:

At the last meeting of the Land Use Commission on August 20, 1965 at Kailua, Kona, action on your application for a special permit was deferred pending receipt of additional data.

The Land Use Commission next meets on October 1, 1965 at 2:00 p.m. in the County Board Room at Lihue, Kauai, at which time your permit will be reviewed.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Maui Plan. & Traffic Com.
Mr. Hidesiike Uyenoyama, DSS
Mr. Thomas Nakama, Dept. of Health

JOHN A. BURNS
GOVERNOR



1732
RECEIVED

SEP 15 1965

LEO BERNSTEIN, M. D., M. P. H.
DIRECTOR OF HEALTH

State of Hawaii
LAND USE COMMISSION

DEPARTMENT OF HEALTH
STATE OF HAWAII
WAILUKU, MAUI

September 10, 1965

Mr. George S. Moriguchi
Executive Officer
State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

This will acknowledge receipt of your letter dated September 7, 1965, in which you, acting for and in behalf of the State Land Use Commission, requested the recommendation of this office relative to Mr. Amador del Castillo's petition for a special permit to construct an adult care home in Haiku, Maui.

The concern of your Commission relative to the mentally ill, mentally retarded, and the physically disabled residing in the same facility proposed by Mr. del Castillo is appreciated. Let us assure you, however, that the three categories of residents can be satisfactorily managed in the same facility. The basic needs of these residents are the same. The care home will provide room and board, help with activities of daily living, supervision of medication, recreational activities, and 24-hour supervision. Mr. del Castillo realizes that he would have to limit the number of residents in these categories to the extent that he is able to provide adequate care and supervision. That these three different groups require separate care and facilities have no logical basis. We have these groups intermixed in chronic hospitals, nursing homes, and rehabilitation centers.

As for the aged pensioners, Mr. del Castillo will have to provide a separate facility, be it a boarding home or other independent living facility, for profit and in which no personal care is provided the residents. We can see no objections to this type of facility built on the same lot adjacent to the care home.

It is our feeling that Mr. del Castillo's proposed care home would fill a vital need in this community. The Department of Health and its mental health and mental retardation divisions will provide ongoing consultation and other essential services. Dr. F. H. Tong, Maui District Health Officer, State Department of Health, recommends the granting of

Mr. George S. Moriguchi

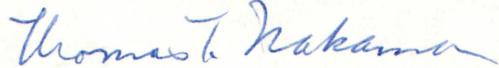
-2-

September 10, 1965

Mr. del Castillo's petition. Mr. Young Whee Chun is also engaged in recruiting care homes for the mentally retardates and speaks for the Health Department in recommending approval of Mr. del Castillo's petition.

We trust that this bit of information is satisfactory for your purpose. It is our desire to cooperate with your office. Your favorable consideration in this matter will be appreciated.

Yours very truly,

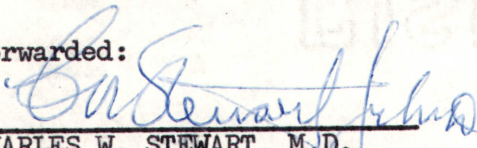


THOMAS T. NAKAMA
Community Resources Coordinator

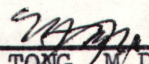
TTN:jm

cc: Mr. Myron Thompson
Dr. F. H. Tong
Mr. Y. W. Chun
Mr. Robert O. Ohata
Mr. Charles Ota

Forwarded:



CHARLES W. STEWART, M.D.
Project Director



F. H. TONG, M.D.
Maui District Health Officer

JOHN A. BURNS
GOVERNOR



1730
WM. G. AMONG
DIRECTOR OF SOCIAL SERVICES

STATE OF HAWAII
DEPARTMENT OF SOCIAL SERVICES
Wailuku, Hawaii

September 10, 1965

RECEIVED

SEP 14 1965

State of Hawaii
LAND USE COMMISSION

Mr. George S. Moriguchi
Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii, 96813

Dear Mr. Moriguchi:

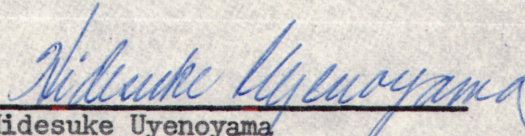
We are unable to make recommendations on Mr. del Castillo's application because we have no jurisdiction or responsibility on any specific requirements of care homes. The Department of Health is the agency authorized to license care homes.

We feel, however, that there is a need for another care home on Maui-- a care home which will provide the quality and range of services as specified in Chapter 12B of Section 46-13, Revised Laws of Hawaii 1955.

We are certain that Mr. del Castillo's interest is sincere. If Mr. del Castillo's facility becomes a licensed care home, the Department of Social Services will utilize the home as the need arises.

We hope this information will be helpful.

Very truly yours,


Hidesuke Uyenoyama
Maui Branch Administrator

AS:nta

cc: Chairman Thompson
Mr. Robert Ohata, Plan. Dir.
Mr. Charles Ota, Commissioner

933

September 7, 1965

Mr. Hidesuke Uyenoyama
Department of Social Services
Maui Branch
Wailuku, Maui, Hawaii

Dear Mr. Uyenoyama:

A petition for a special permit submitted by Mr. del Castillo involving an adult care home in Haiku, Maui is presently under review by the State Land Use Commission. Your department's specific recommendation on this petition is not apparent in the data of the public hearing and in your letter to Mr. Robert Ohata of June 15, 1965. Therefore, the Commission respectfully request such a recommendation by September 20, 1965 since they will take final action on the matter soon thereafter.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Mr. Robert Ohata, Plann. Dir.
Mr. Charles Ota, Commissioner

September 7, 1965

Mr. Thomas T. Nakama
Community Resources Coordinator
Department of Health
Wailuku, Maui, Hawaii

Dear Mr. Nakama:

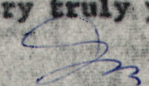
A petition for a special permit submitted by Mr. del Castillo, involving an adult care home in Haiku, Maui, is presently under review by the State Land Use Commission. During their deliberations held on August 20, 1965, the Commission voted to seek further data, specifically a concise recommendation from your department concerning the petitioner's request.

The record of testimony at the public hearing held on June 22, 1965, shows that Mr. Y. W. Chun of the Department of Health spoke in favor of Mr. Castillo's plan. However, there is no indication that he spoke in behalf of the department itself. Your letter of June 23, 1965 to Mr. Robert Ohata brought up several additional items that should be considered and clarified.

Of special concern to the Commission is the fact that several types of residents are proposed; namely, the mentally ill, the mental retarded, the physically disabled, and the aged pensioners. These different groups may require different care and facilities and the Commission solicits your comments in this respect for their consideration. Also, your comments will be appreciated as to whether or not the proposed home will be able to satisfy the points that you raised in your letter of June 23, 1965.

The Commission will appreciate receiving the department's comments and specific recommendation by September 20, 1965 since they are scheduled to take final action soon thereafter.

Very truly yours,


GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Mr. Robert Ohata, Plan. Dir.
Mr. Charles Ota, Commissioner

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP65-7
Castillo

ITEM _____
DATE 8-20-65
PLACE Kona
TIME _____

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

COMMENTS: *Moved to defer to get further info.*

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Hale Halawai
Kona, Hawaii

August 20, 1965 - 3:00 p.m.

Commissioners
Present:

Myron B. Thompson, Chairman
C.E.S. Burns
Shelley Mark
Robert G. Wenkam
Leslie E. L. Wung
Goro Inaba
Shiro Nishimura

Absent:

Jim P. Ferry
Charles Ota

Staff
Present:

George S. Moriguchi, Executive Officer
Gordon Soh, Associate Planner
Ah Sung Leong, Draftsman
Roy Takeyama, Legal Counsel

Chairman Thompson opened the public hearing-meeting with a short prayer and dispensed with the public hearing procedure outline since this was familiar to those present. Persons presenting testimonies were sworn in.

PETITION OF HAWAIIAN HOME LANDS, (A65-87) TO AMEND THE URBAN DISTRICT BOUNDARY AT KAWAIHAE, COUNTY OF HAWAII, SO AS TO INCORPORATE ABOUT 119 ACRES IDENTIFIABLE BY FIRST DIVISION TMK 6-1-01-3

Mr. Gordon Soh presented the staff report on the above petition (see staff report on file). Staff recommended denial of the petition based on the following:

1. The 27-acre specific site is usable and adaptable for the proposed use by Hilo Electric Light Co., but for the remainder of the lands proposed for reclassification, with slopes ranging from 10% to 20%, it would be quite unsuitable and impractical for many of the industrial uses suggested by the petitioner.
2. Data submitted do not indicate that the proposed classification is reasonable. However, staff recommended further exploration of technical inadequacies relating to jurisdiction of the lands involved.

Commissioner Burns asked for clarification of the "technical inadequacies" referred to in the staff report.

Mr. Soh explained that a portion of the land under consideration did not belong to the Hawaiian Home Lands.

Mr. Moriguchi elaborated further on this matter. Besides the land owned by Hawaiian Home Lands, the proposed site plan by the Hilo Electric Light Co. for a power plant encompasses all of the lands under the jurisdiction of the Department of Land and Natural Resources. It was a moot question as to whether or not this proposed plan was going to be permitted by the Department of Land and Natural Resources.

Mr. Soh added that the staff was made aware of this situation only very recently. Commissioner Burns suggested that it might be wise to invite comments from the Department of Land and Natural Resources during the period between the hearing^{and} the time when a decision is rendered.

Mr. Raymond Suefuji, Acting Director of the Hawaii Planning Commission, stated that the Hawaii Planning Commission had considered this entire area a few months back and recommended amendment of the general plan to show the total area for industrial use. Numerous inquiries had been made by firms about the possibility of locating in this area; therefore, the Commission felt that Hawaiian Home Lands should be extended the requested acreage for development of an industrial and commercial area.

Responding to Commissioner Wenkam's statement that this area appeared to be primarily a residential subdivision rather than an industrial subdivision, Mr. Soh advised that he understood the proposal was for an industrial subdivision of 2 to 7 acres.

Chairman Thompson directed that the word "subdivision" in the staff report on page 3, line 1, be preceded by the word "industrial".

A letter from Belt, Collins & Associates, Ltd., addressed to the Land Use Commission, dated August 20, 1965, was read by Mr. Moriguchi (see letter on file). The engineering firm endorsed the plan of Hawaiian Home Lands insofar as industrial uses north of the harbor were concerned, but looked with disfavor upon development of land immediately mauka of the harbor for any industrial uses.

Upon Commissioner Burns' request, Mr. Moriguchi pointed out the requested industrial areas.

Mr. James C. Clarke, Planning Coordinator for Hawaiian Home Lands, presented the following testimony. The Hawaiian Home Commission had agreed to allow reservation of up to 250 acres by the Hawaiian Home Lands for industrial use. During preparation of possible boundary limits, the Hawaiian Home Lands staff studied the layout and talked to persons who might be interested in these lands. It was their conclusion that a better subdivision would result if the total proposed area could be zoned for industrial use. They agreed that certain lands should not be developed due to unsuitable physical features. However, they were concerned that if the total requested area were not reserved for industrial use now, and the Land Use Commission denied it at a later date, only an isolated development would remain here. The Department of Hawaiian Home Lands owns all of the surrounding area and this was the reason for its proposed plans.

In a letter from the Department of Land and Natural Resources, it was suggested that the Hawaiian Home Lands submit a plan on a 65-year lease to the Hilo

Electric Light Co. Title to the parcel owned by the Department of Land and Natural Resources could be acquired by the Hawaiian Home Lands through an exchange of lands, or a lease agreement could be worked out after development of the land. The Board of Water Supply has assured the Department that a water main could be installed here.

A request had been received from American Factors to locate a lumber yard and also from another party expressing commercial interest in this area. Mr. Clarke commented that if the petition were denied, they would cancel all plans for the total area and go elsewhere to develop an industrial subdivision. He continued that their chief objective here was to make money to enable them to develop home site projects. He stated that they were not too concerned with the portion near the harbor if the Land Use Commission decided against it, although he felt this would be in great demand sometime in the future.

A request was also in their office from a slaughter house for 25 acres, which they proposed to locate in the upper areas. A discussion with the oil companies revealed that they were reticent about committing themselves until they were able to observe the progress of the Rockefeller project.

Eight or nine sites had been studied by the consultants for the proposed new power plant and the subject parcel was one of two sites considered suitable. This was another reason why the Department of Hawaiian Home Lands had started development plans. Mr. Clarke added that the need was immediate.

Commissioner Burns wondered if there would be any advantage if the petitioner changed his petition to the extent of defining more carefully what he required now. Chairman Thompson advised Mr. Clarke that, if he so desired, the petition could be amended by deleting some of the areas.

Mr. Clarke expressed the desirability of having the Land Use Commission approve the back boundary for the total plan, on record now, to insure the proposed future development of this area. Another reason for the request to reserve this area for industrial use was to prevent residential development in here. At the present time, they were faced with the problem and expense of relocating two families living here.

Commissioner Burns raised the point that since the Hawaiian Home Lands owned all of the land, they had control of the usage as well, and he could not see any problem here. Mr. Clarke replied that the Commission members changed and with it ideas changed also.

In support of the foregoing testimony by Mr. Clarke, Mr. Suefuji emphasized the importance of zoning the subject area for industrial uses now to preclude non-conforming uses in the future.

In answer to Chairman Thompson's questions regarding the County's stand on this matter, Mr. Suefuji replied that it was the County's recommendation to reserve all of the area from the green spot on, as shown on the map, for industrial purposes, and that the County's general plan map showed this area as an industrial zone.

Replying to Commissioner Burns' question, Mr. Clarke stated that although they were not going to use the entire area immediately, urbanization was desirable. He also added that Mr. Belt of Belt, Collins & Associates, consultants,

was concerned with the type of use Hawaiian Home Lands was going to put in this area because of the existing heiau. Mr. Belt could offer no suggestions as to the compatible industrial use in this area. However, it was decided that Hawaiian Home Lands and Belt & Collins would get together and discuss this at the proper time.

Commissioner Wenkam asked if he may suggest the following use--the highest and best possible use. He expressed shock and amazement over the proposed plan by the Hawaiian Home Lands high up on the hillside where it would leave a permanent scar in an area destined for major tourist development. It would be a blight to everyone who rents a hotel room or plans hotel construction in this area. Commissioner Wenkam's reason for proposing the original boundary line was to prevent Hawaiian Home Lands from any further industrial development, except for the areas immediately associated with the highway. In this respect, he disagreed with the County Planning Director. He could not find any need or justification for additional industrial zoning and was of the opinion that the present zoning offered adequate provision for industrial needs. He also felt that Hawaiian Home Lands and others concerned should seriously oppose installation of tanks 100' up in the air.

If the present boundary were maintained, Mr. Clarke felt that they would seriously reconsider any plans they might have had to develop this area because they would not be able to come up with a suitable plan.

Chairman Thompson commented that he wanted to clarify a point here--that if he interpreted correctly the letter from Belt & Collins, which firm is master planning the whole area, they were only opposing industrial development of the portion to the right of the green area.

Commissioner Wenkam suggested that the Hawaiian Home Lands make a study with respect to how development of an industrial area on this slope would affect the tourist destination immediately adjacent to it.

Mr. Arthur Akinaka, consulting engineer for the Hawaiian Home Lands, advised that they had arrived at the suggested layout only after considerable research into available literature and studies of harbor localities such as the San Francisco Bay area. Based on predicted population increase for the island, 60 years into the future, 250 acres would be needed. In further support of their request, Mr. Akinaka stated that a study had been made by the State Highway Department and it was their desire to develop a road from Kawaihae to Mahukona in the future, and that the State should certainly avail itself of federal funds for this purpose. To accomplish this, the Hawaiian Home Lands had no alternative but to comply with limited access all along the road. He referred to Commissioner Wenkam's feeling that the lot sizes were quite small. Mr. Akinaka commented that it was not their intention to keep them small--in fact the latest figures were closer to 30-acre lots. Mr. Akinaka asked that the Commissioners "think big".

Commissioner Wenkam again expressed his feeling that the immediate industrial needs were adequately provided for and no changes should be made at this time. The very person who may invest more capital in this area, Mr. Rockefeller, might not build another square foot if the hillside were scarred with large tanks. Commissioner Wenkam felt that we should make every effort to protect Mr. Rockefeller's \$15,000,000 investment by not allowing indiscriminate land use.

Chairman Thompson asked Commissioner Wenkam to invite Mr. Rockefeller to come in and testify before the Commission.

Mr. Akinaka stated that they had worked very closely with Mr. Walter Collins on all stages of the plan because they believed that only through an integrated and coordinated approach could they act in the best interest of all concerned.

Mr. Clarke added that much criticism had been directed at the Hawaiian Home Lands Department for not putting their lands to use.

Since there were no further comments, Chairman Thompson ruled that the hearing was closed, and that additional information or data could be submitted by the petitioner within 15 days.

APPLICATION BY DAVID OTA (SP65-14) FOR A SPECIAL PERMIT TO CONSTRUCT A BARBER SHOP AS AN ADDITION TO AN EXISTING WOOD FRAME COMMERCIAL BUILDING IN A RURAL DISTRICT IN HOLUALOA, KONA, HAWAII, IDENTIFIABLE AS THIRD DIVISION PARCEL TMK 7-7-03: 11

Mr. Gordon Soh read the background and analysis of the above application, prepared by staff (see copy on file). Staff recommended denial of the application for special permit because while the proposed use may be reasonable, it was far from unusual.

Mr. Suefuji felt that the special permit should be granted since the barber shop was going to be added to an already existing commercial structure and would offer needed personal services to the community.

Commissioner Inaba explained further that it would be difficult to confine any particular area for urban use in this locale because commercial uses were scattered in the whole Kona area.

Replying to Chairman Thompson's question, Commissioner Inaba stated that the petitioner had operated a barber shop in the front portion of his residence for many years and was now seeking a new location since he could not continue here any more. The nearest barber was up in Holualoa and many people would be affected. Commissioner Inaba continued that it was a half mile to the Urban District and that some 50 retail stores were strung all along the highway in an Agricultural District. Commissioner Wung stated that the prime consideration here was whether this was a reasonable and unusual use, and he felt that the petition qualified under these two requirements.

Chairman Thompson commented that the petition could be considered reasonable but was not unusual according to standards. He referred to staff report on page 6, item g., and commented that he sensed there was an uncertainty as to whether this was reasonable within the next 10 years.

Since there was no further discussion, Commissioner Inaba moved, seconded by Commissioner Wung, that the special permit be granted on the basis that the County Commission had recommended approval and the request was a reasonable one. Motion was carried unanimously.

APPLICATION BY KOHALA KIM CHEE, INC. (SP65-15) FOR A SPECIAL PERMIT TO ADD FIVE FEET TO THEIR SMALL KIM CHEE CANNERY IN KOKOIKI, HAWAII, IDENTIFIABLE BY THIRD DIVISION TMK 5-5-04: 42

Staff report was presented by Mr. Soh (see copy of report on file). Chairman Thompson interrupted Mr. Soh's presentation to inquire whether the request by petitioner for a special permit was in order since the requested addition appeared to be an accessory to an agricultural use. Mr. Soh replied that investigation revealed the product used for pickling was produced elsewhere and brought in, which made it a commercial undertaking rather than an accessory to an agricultural use. Staff's denial of application was based on the fact that use was not unusual, although it was by and large reasonable.

Commissioner Wung commented that this appeared to be a similar situation with the barber shop (SP65-14), in that the request was for an addition to an already existing structure.

Commissioner Burns expressed his feeling that a kim chee factory was unusual-- that there were not very many kim chee operations.

Commissioner Wung moved to approve request based on County's recommendation and the fact that it was unusual and reasonable. Motion was seconded by Commissioner Inaba and passed unanimously.

APPLICATION BY ROBERT LESLIE, JR., AND MADELINE LESLIE (SP65-16) FOR A SPECIAL PERMIT TO CONSTRUCT A NEW STORE ON A PORTION OF 7.30 ACRES DESCRIBED BY TMK 8-5-02: 5 AT KEALIA 1ST, SOUTH KONA, HAWAII

Staff report (see copy on file) recommended denial of the applicant's request based on evaluation of the guidelines established.

Commissioner Nishimura wondered whether the family would suffer any hardship if they were to relocate.

Mr. Suefuji stated that it would and added that this was not a prosperous business and the petitioners were only remaining here to accommodate the residents who would face a hardship if the store were removed.

Commissioner Nishimura moved, seconded by Commissioner Wung, to grant request based on unusual and reasonable nature of the petition. Motion was carried with Commissioner Mark casting the only dissenting vote.

APPLICATION BY AMADOR DEL CASTILLO (SP65-7) FOR SPECIAL PERMIT TO CONSTRUCT AN "ADULT CARE HOME" ON 1.53 ACRES OF LAND DESCRIBED BY SECOND DIVISION TMK 2-7-25: 4

Chairman Thompson directed Mr. Soh to present the staff report on the above special permit (see report on file). Staff recommended that the application be denied because the proposed use was generally unusual but was not a reasonable one.

Commissioner Burns asked whether there were not a study being conducted in the State now along the lines of solving the problem that this special permit was aimed at.

Chairman Thompson replied that there was such a study being conducted. A comprehensive State mental health plan being currently developed would include such facilities. He felt that the function of the care home under petition was very confusing and incompatible; in that petitioner was proposing to use the facilities to care for the mentally ill as well as the aged. He was surprised that the Department of Health and Department of Social Services had not come out more strongly with their views on the matter, and that he would like to get their thinking on this before acting on the special permit.

Commissioner Nishimura asked whether there were any doctor's services or facilities available in this area, to which Mr. Soh replied that he did not know.

Mr. Soh commented that no reason had been offered by the petitioner for the particular location chosen for the proposed facilities, in response to Commissioner Wenkam's question.

Chairman Thompson noted that approval had been granted on the Kawaihoa permit earlier because the Department of Health and Department of Social Services had come out very strongly in support of the request.

Commissioner Burns recommended deferral of action on the special permit until the Commission received recommendations from the appropriate departments of the State.

Mr. Soh informed the Chairman that the Commission had 45 days in which to act on the matter.

Commissioner Wenkam wondered whether the matter of multiple uses of facilities could be properly considered by the Commission in granting special permits. Commissioner Burns felt that special permits opened the door for all considerations.

Commissioner Burns moved to defer action on the special permit, pending receipt of further information, which was seconded by Commissioner Inaba. Motion was carried unanimously.

ADOPTION OF MINUTES:

Minutes of the June 25, 1965 meeting were approved as circulated.

ACTION TO BE TAKEN:

PETITION OF HAROLD G. NISHIHARA, (A65-81) TO AMEND THE URBAN DISTRICT BOUNDARY IN UPPER PALOLO VALLEY, OAHU, SO AS TO INCORPORATE ABOUT TWO ACRES OF A 4½ ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 3-4-21: 11

Following Mr. Soh's presentation of the memorandum on the above petition, it was moved by Commissioner Wenkam and seconded by Commissioner Nishimura that staff recommendation for approval of petition be accepted. Motion was carried unanimously.

PETITION OF KENZO AKINAKA, ET AL, (A65-83) TO AMEND THE URBAN DISTRICT BOUNDARIES AT SUNSET BEACH SO AS TO INCORPORATE A 1.017 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 4-9-14: 13

Staff memorandum (see copy on file) for denial of the petition was based on the following facts: The change would constitute spot zoning, no unique circumstances have been demonstrated, and the change would not be in the best interest of the community as a whole.

Mr. Roy Takeyama, legal counsel, made the following comments with respect to petitioners' attorney Mr. Chikasuye's reference to the decision rendered by Judge Felix in the Third Circuit Court in the matter of James J. Tamura, Appellant, vs. Planning and Traffic Commission, County of Hawaii, Appellee. The appellant had appealed to the Third Circuit Court following denial of special permit by the Hawaii Planning Commission. Judge Felix had rendered a decision mandating and decreeing that the Planning Commission recommend to the Land Use Commission granting of the special permit. However, Mr. Takeyama stated that this judgment was only binding upon the Hawaii Planning Commission and not on the Land Use Commission. He continued that what was applicable in the aforementioned case had no relevance to the problem here because a special permit does not involve a boundary change. Also, Act 187 (which was amended in total by Act 205) was not in effect at the time this special permit was processed. Therefore, Mr. Takeyama could see no reason for the reference to Act 187 in the decision, except perhaps to point out the legislative intent to maintain existing uses as far as practical and reasonable. He continued that maintaining existing uses does not mean vacant lands not in use, and therefore did not apply in this case.

Mr. Soh replied that he did not know whether a subdivision plan had been submitted to the City Planning Department prior to the adoption of the Land Use Law, in reply to Chairman Thompson's question regarding the five lots under consideration.

Commissioner Wenkam moved to accept staff recommendation for denial of the petition, seconded by Commissioner Mark. Motion was carried unanimously.

PETITION OF THE ESTATE OF GEORGE H. HOLT (A65-84) BY ALEXANDER H. F. CASTRO TO AMEND THE URBAN DISTRICT BOUNDARY IN MAILI, OAHU, SO AS TO INCORPORATE ABOUT 65 ACRES OF A 433 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 8-7-10: 2

Staff memorandum (see copy on file) presented by Mr. Soh recommended denial of the petition because although the proposed use would promote public objectives and appeared to be consistent with principles of planning and the Land Use Law, it may mean too much urbanization too soon.

Commissioner Burns asked what the tax rates were on the subject parcel now. Mr. Soh commented that at one time, around 1962, the 470 acres were estimated at a value of \$1,500,00. Now the petitioners feel that the appraisal was not realistic in view of the past disastrous experience in pursuing agricultural uses.

Commissioner Wenkam stated that he had talked to the builders proposing to build on this land and felt that there was a realistic market for \$15,000 homes here. Their approach was a unique method of building homes on a mass production

basis. He explained further that the petitioner anticipated a substantial increase in home construction in this area in the near future and this was the reason he was requesting such a large area at this time.

Chairman Thompson wondered about the swamp lands here, to which Mr. Soh replied there was no swamp land--that this particular development circled around a low-lying parcel.

Commissioner Nishimura remarked that the Mikiola Farm Bureau was strongly opposed to the development of the subject area, to which Commissioner Wenkam remarked that their opposition was primarily one of principle--that they would oppose any further urban development of this area even if it did not encroach on any farm land. He continued that the low land cost here would be one of the important factors to consider.

Chairman Thompson pointed out that if available lands were limited in such places as Waipahu, Ewa, Makakilo, then we would have to ease up somewhere else.

Commissioner Burns commented that if this were good agricultural land, it would presently be in some agricultural pursuit and that the problem here was not one of encroachment into good agricultural land.

Commissioner Wenkam moved, seconded by Commissioner Burns, that the petition be approved since it was a reasonable use and it was needed. The motion was carried with Commissioner Nishimura casting the only dissenting vote.

GENERAL MEETING:

Next Meeting Date: In line with Chairman Thompson's request for suggestions as to the next meeting date, Mr. Moriguchi asked if Mr. Frederick Huszagh, representative of the Communications Satellite Corporation, might be recognized. Mr. Huszagh informed that the Communications Satellite Corporation was in the process of taking an option on some property over in Paumalu, Oahu, at present to build a satellite earth station. They had applied for a special permit because under the existing regulations they did not feel this would be a permitted use. They were working under a very tight schedule and were very anxious to have a decision on this matter. The City Board of Appeals had agreed to hold a special meeting to consider their request and they were hopeful that this decision would be in the hands of the Land Use Commission soon after September 10.

Mr. Moriguchi thought that the staff would probably be able to report findings withⁱⁿ a week after receipt of recommendation from the city. Chairman Thompson advised Mr. Huszagh that the earliest possible date that the Commission could render a decision on the request would be the 17th of September. However, he wondered if the 24th might be agreeable to Mr. Huszagh. Mr. Huszagh replied that it did not make too much difference one way or the other.

Chairman Thompson advised that there were many items on the agenda for discussion at the next meeting, such as the Hanapepe area on Kauai, the Diamond Head area, etc. Mr. Moriguchi expressed the thought that if the meeting dates were set for September 24th and October 1st, this might be too hectic for the Commissioners.

COMMUNICATIONS:

A letter from Pratt, Moore, Bortz and Vitousek, attorneys for Communications Satellite Corporation, was read by Mr. Moriguchi.

A letter from Mr. Clinton Childs of Lihue Plantation expressing appreciation for consideration of the additional information and the favorable decision rendered.

OTHER BUSINESS:

Commissioner Mark stated that, in a conversation with Governor Burns, the Governor had requested that the Land Use Commission consider inviting all the County Planning Directors to all of its meetings in the future in a non-voting, ex-officio capacity. At one time the Legislature had considered including the planning directors as members of the Land Use Commission but no action was taken because the legislators were led to believe that the directors would be invited to all of the meetings.

Chairman Thompson asked that the Commission go on record as favoring the suggestion made by Governor Burns. He added that an invitation should be issued on a regular basis. Commissioner Mark suggested that a special invitational letter be sent to all the planning directors the first time around.

Chairman Thompson announced that a Governor's Conference on Natural Beauty and Community Appearance will be held on December 2, 3, 4, 1965 and that the Land Use Commission was going to be involved in it in some way. He added that the State Planners Meeting would also be held at this time, either before or after the Conference on Natural Beauty. The conference is going to be open to the public and an attendance of approximately 300 people was anticipated.

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

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

3:00 P.M.
August 20, 1965

STAFF REPORT

Maui SP65-7 - AMADOR DEL CASTILLO

District Classification: AGRICULTURAL

Background

The record of county proceedings on the application for special permit by Amador del Castillo was received from the Maui Planning and Traffic Commission. The record shows that the Maui Planning and Traffic Commission favors approval of a special permit to Mr. Castillo to construct an "adult care home" for:

- 1) disabled and aged persons,
- 2) mentally-ill patients, conditionally discharged, and
- 3) mentally retarded persons.

The essence of Mr. Castillo's proposal appears to be the construction of a proprietary retirement and adult care home on 1.53 acres of land described by Second Division TMK 2-7-25: 4. Detailed site plans have not been submitted. The record indicates, however, that the proposed use is nearly like two other existing facilities on Maui, which are generally describable as follows:

- 1) Hale Makua, a non-profit chronic care facility located in Wailuku with 88 beds but ~~rated~~ at 70 beds which in 1964 had an average occupancy of 61 to 62 beds.
- 2) Kula Sanatorium, a State chronic care (62 beds in 1964 with average occupancy of 59 beds), tuberculosis (51 beds in 1964 with average occupancy of 35 beds), and long-term mental health facility (30 beds in 1964 with average occupancy of 18 beds).^{1/}

The proposed facility, according to the record, is to be large enough to accommodate 60 persons. The Planning Director of the County of Maui has

^{1/} Cf. Construction Plan for Hospitals and Medical Facilities, 1964.

recommended that the facility be limited to 25; the record does not indicate, however, that any density limitation has been imposed.

The facility is to be located in an Agricultural District on the road to the Kokomo Rural District from the Haiku Urban District -- about 2.2 miles from Haiku and about 1.5 miles from the main crossroad in Kokomo. The nearest concentrations of population are at Haiku with a population of 422 in 1960 down from 729 in 1950 and Makawao (about 2.6 miles distant) with a population of 977 in 1960 down from 1,098 in 1950.

Within a half mile radius, the principal land use is grazing; the next most prominent use is pineapple raising, chiefly the fields of the Haliimaile Division of the Maui Pineapple Company. There are about two dozen homes in this area; about half are farm dwellings, the other half are rural and suburban dwellings.

The site lies on the periphery of the Kokomo-Kaupakulua county water system. A few commercial facilities are available in Kokomo. The nearest fire station is located in Paia. The nearest police station is in Wailuku and so is the nearest general hospital.

Rainfall is on the average about 65 inches a year. Soils in the area are generally Pauwela silty clay with gentle slopes but interrupted somewhat with eroded soils of the Haiku family. The soils are chiefly used for grazing -- for breeding herds and for growing calves, but not for fattening. These areas are generally not suitable for cane because of cloudiness associated with such areas and are not suitable for pineapple without active programs to control diseases.

The record transmitted by the Maui Planning and Traffic Commission indicates that approval of the special permit is recommended subject to certain setback, height,

health, fire, and building requirements of various agencies and subject to operating standards required by health and welfare authorities.

The record includes a letter to the county from Mr. Uyenoyama, the Maui administrator for the Department of Social Services, advising that they were aware of Mr. Castillo's proposal and expressed the belief that he was cognizant of the department's Old Age Assistance program.

The transcript of the county hearing on June 22, 1965, and the county staff report presented at that hearing reveal essentially the following information:

- 1) That the site is one of eight neighboring lots ranging from $1\frac{1}{2}$ to 2 acres in size which are essentially atypical of larger parcels nearby,
- 2) That both the Department of Health and the Department of Social Services recognize a need for the proposed use and encourage such uses,]
- 3) That definite plans for the proposed use have not been formulated,
- 4) That the area of the site is classified by the Maui General Plan as Rural but by the Land Use Commission as Agricultural,
- 5) That the proposed use is "desirable" in an Agricultural District unless the development becomes "too large" in which case the proposal may "adversely affect the agricultural environment,"
- 6) That the proposed use is not environmentally comparable to the Hale Makua facility in urban Wailuku, nor comparable with the Kula Sanatorium facility which is a low density development in an Agricultural District,
- 7) That the facility would initially be constructed to handle 50 or 60 people and later enlarged,
- 8) That the Department of Health on Maui estimates that it can refer about 25 mental health patients, all ambulatory and chiefly located at Kula, to the proposed facility,]
- 9) That the Department of Health has made no investigation into the qualification of the applicant to operate the proposed facility,]
- 10) That the Department of Health requires no minimum land area but requires 90 square feet for a single room and 70 square feet for a double,]

- 11) That there are a growing number of plantation pensioners,
- 12) That pensioners as old-time plantation workers have not had to worry about housing needs but have lived in rent free homes,
- 13) That plantation pensioners are used to staying in a place that they call home,
- 14) That plantation pensioners are reluctant to purchase or build homes,
- 15) That pensioners have few alternatives except to locate in Kahului, and
- 16) That the families of pensioners are either reluctant or unable to house them and prefer that they be placed in an old folks home.

Following the hearing, the Department of Health advised that: ←

- 1) A home for the physically disabled and mentally ill or retarded should be reasonably small to assure adequate staff care,
- 2) The home should also be equipped with rehabilitative facilities,
- 3) The home should be small and so contrast with institutional care already available, and
- 4) The proposed use is a mixed facility both for the care of pensioners and the infirm.

Also following the hearing, the Maui Division of the ILWU advised that:

- 1) With the closing of plantation camps, plantation pensioners must relocate,
- 2) The relocation problem is compounded because many pensioners have not the means to relocate by purchasing homes in Kahului,
- 3) There is currently no clear or visible means of assistance to pensioners faced with the relocation problem except for proposals such as that advanced by Mr. Castillo, and
- 4) The number of plantation and plantation associated pensioners presently number 1,060 on Maui and an additional 345 are expected to be added to the pension rolls in the next five years.

Analysis

The record transmitted by the County of Maui contains no express finding that the proposed use is nonconforming. Action initiated for a special permit raises

the question as to whether the proposed use is permissible in an Agricultural District since no special permit would be necessary if it were. It is clear that under the Land Use Regulations, the proposed use is "not expressly permitted" and is therefore prohibited.

The regulations, however, provide that "certain 'unusual and reasonable' uses" may be permitted by the Land Use Commission. This authority, granted by the Legislature, can be assumed notwithstanding whether a proposed use is permissible or not. Statutes and the Commission's regulations nevertheless limit the exercise of this authority to "unusual and reasonable" uses. The two conditions must be met and the conditions apply only to use.

As a safeguard against arbitrary and capricious use of this authority, the Commission has established guidelines to determine "an 'unusual and reasonable use.'" They are reviewed below:

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

The Land Use Law and Regulations have as their objective the preservation of lands in Agricultural Districts for agricultural pursuits. They permit agricultural, open space, wildlife and certain low density public and quasi-public uses as well as uses customarily accessory thereto. Uses such as plantation camps were included in Agricultural Districts but were specifically excluded from the listing of permissible or accessory uses.

The implication appears to be that intensive developments such as a plantation camp would essentially be old and dilapidated and that they would eventually pass out of existence. Public policy would ascribe to this measure insofar as the elimination of such camps leads to economy by reducing the number and extent of community demands.

The proposed use according to available data would for the near term primarily serve the relocation needs of these plantation communities. To that degree it may further the objectives of the law except that the use in turn results in a high density development in an Agricultural District.

Over the long term the proposed use may bear little or no relationship to today's agricultural communities and as such be or become "nonconforming" under the regulations. It is conceivable that even under the limitations imposed by the county and by the State, the density may result in several hundreds being accompanied on a 1.5 acre parcel. Even the initial development entails a density of about 40 persons per acre, well in excess of maximum densities permissible even in Rural Districts. The density more nearly approximates duplex or town house densities in an Urban District.

In summary, while the proposed use furthers certain public and community objectives, it is to a degree inconsonant with the objectives of the Land Use Law and Regulations.

- b) "That the described use would not adversely affect surrounding property."

The record does indicate if any of the neighboring residents and property owners have voiced protests to the proposal. The County Planning Director has not indicated that the proposed use would adversely affect surrounding property unless there were no land density controls. The Department of Health has implied that the use should be limited to a low enough density to ensure adequate care of patients.

Your staff can only conclude from the record that while the use itself may have no adverse effects, loose control of the density problem cannot guarantee that the proposed development will not have adverse effects on surrounding property and on the patients themselves.

However, it must be fully understood that the proposed use entails the concentration of people, improvements and activities which will have some effect on surrounding property. Details of the proposal on both plans and operations have not been made part of the record, hence one can entertain only a general order of speculation as to what the effects will be.

- 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."

The location of the proposed facility suggests that the applicant either does not know or does not expect that patients will have need for easy access to urban facilities. If this be the case, there should be a minimum need for roads and walks. If it not be the case and patients are fit enough to walk long distances on sloping land, then road and walk improvements to the area may become necessary.

In 1962 water consumption on the Kokomo system totalled 15,742,000 gallons. At a 150 gallons per day per person, it can be estimated that the system served about 287 persons. The proposed use would add 60 persons to the system initially.

Sewers would not be needed ordinarily in an Agricultural District since densities are generally low to permit cesspools. The proposed use would probably not require public expenditure for a sewer system since it would be the only urban density use in an Agricultural District. Drainage problems would be slight except for on-site problems and for some increase in runoff onto neighboring properties below the site.

Police and fire protection would not be immediately available to the site as the stations are located in Urban Districts at Wailuku and Paia. The facility should, therefore, be internally geared to cope with situations that may arise, such as the evacuation of the aged and infirm in case of fire.

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

The record makes clear that the conditions, trends and needs relative to long-term care facilities have been some time materializing. Your staff reasons that these conditions, trends and needs are not widely understood on Maui and that plans to cope with these problems are far from perfect. According to a 1964 report of the Department of Health there are 42 proprietary care homes on Oahu with a 353 bed capacity, 3 proprietary care homes on Hawaii with a 9 bed capacity, 16 proprietary care homes on Kauai with a 43 bed capacity, but none on Maui. The use may appear unusual to Maui alone.

The average capacity of a care home on Kauai is 3 beds, the largest is 4 beds; the same is true on Hawaii.

Maui does have, however, two institutional facilities: Hale Makua and Kula Sanatorium with a total 1964 rated capacity of 132. The Kula Sanatorium is essentially an underused tuberculosis facility being converted to mental health use and long-term care; it still has some unemployed capacity. Institutional facilities on Oahu total 20 with a rated capacity of 1,132 beds; on Hawaii they total three with a capacity of 128 beds; on Kauai there is but one with a capacity of 21. What appears to be unusual on Maui is the proprietary, noninstitutional aspect of long-term care facilities. This is nearly true of Hawaii, and the reverse appears to be the rule on Kauai.

The underlying conditions, needs and trends, however, are the same for all islands; only the approaches differ. Moreover, these conditions, needs and trends did not materialize overnight, and inventories of these facilities are available for several years prior to 1964. These facilities exist substantially within the scope of the land use regulations without special consideration, although some may be uses existing prior to the Land Use Law.

Despite the availability of examples to demonstrate the extent of long-term care homes and facilities, the proposed use is not

fully anticipated under ordinary zoning regulations and when anticipated the regulations are customarily accommodating. Accommodation is made because of the unusual nature of such use.

The record fails to make clear whether or not the facility will be restricted to the elderly and open to those with mental or physical problems as a result of or incidental to old age. The proposal appears to accommodate several district needs. Each need involves a specific portion of a specific segment of society; each segment requires expensive, special care; and each need arises or is compounded because of unusual limitations on the earning power of each segment.^{2/}

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

There can be very little question that the 1.5 acres is as much suitable for grazing as the small and large parcels in the surrounding area. The 1.5 acres is only unsuitable insofar as it falls below county agricultural lot size standards -- hypothetically three acres but practically speaking two acres on Maui.

The smallness of the parcel, however, also militates against the proposed high density use. That is to say, the parcel is also unsuitable for the proposed use as it is for the districted use.

^{2/} In 1960 there were 28,304 persons in Hawaii 65 years old or more; 5% or 1,434 persons received old age assistance from the Department of Social Services. Immigrant population looms large as recipients; percentage of recipients increases with age except for effect of immigrants. In 1963, 610 old age assistance recipients lived in nursing or convalescent homes. Of the 1,434 receiving assistance only 576 had incomes and at that an average of only \$37 a month; excluding social security payments, average income for the 576 would be only \$11 a month.

In 1964 the total rated capacity of long-term care facilities and homes in Hawaii numbered 1,818 beds (excludes State Hospital which in 1960 had 228 patients over 65 and Waimano Home, but includes 45 new beds not yet operational). Occupancy was equivalent to 80% or 1,449 beds, 100% of the time.

In 1962 aid-to-disabled recipients totalled 1,004 of which 244 were in a nursing home or institution, another 107 or so were confined to home. Disability recipients include about 350 persons with mental disorders. Only 108 persons were 65 years old or over. Of the 1,004 recipients only 226 had incomes averaging \$55 a month; excluding social security payments, average income would be \$29 a month for the 226.

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

No reasonable comparison can be made of the proposed use with existing uses in the area. A rural environment for the proposed high density use would be difficult to preserve on the parcel itself. The proposed use is of such a density that it must necessarily "borrow" from surrounding parcels in its rural environment. The density being discussed here is one patient per 1,110 square feet for the initial development.

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

That the proposed use would serve the public welfare is virtually incontestable. That the proposed use makes the highest and best use of the land involved is questionable.

Recommendation

Your staff finds that the proposed use is generally unusual but is not a reasonable one. It, therefore, recommends that the application for special permit be denied.

George S. Moriguchi

XXXXXXXXXXXXXXXXXXXX

August 9, 1965

Mr. Amador del Castillo
1570 Aloha Drive
Wailuku, Maui 96793

Dear Mr. Castillo:

The Land Use Commission next meets on August 20, 1965 at 3:00 p.m. at the Hale Halawai Cultural Center in Kailua, Kona.

At that time your application for a special permit will be reviewed.

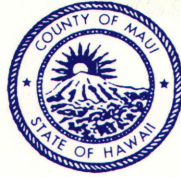
There is no requirement for you to be present. Should you wish to attend, however, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Maui Plan. & Traffic Comm.
Mr. Hidesuke Uyenoyama, DSS
Mr. Thomas Nakama, Dept. of Health
Mr. Thomas Yagi, ILNU, Maui Division

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER



1647
RECEIVED
KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SUGI, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

State of Hawaii
LAND USE COMMISSION

PLANNING & TRAFFIC COMMISSION

COUNTY OF MAUI

POST OFFICE BOX 1487

KAHULUI, MAUI, HAWAII 96732

July 28, 1965

SP 65-7 memo

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

Dear Mr. Thompson:

Attached herewith are: (1) A copy of Application, Amador del Castillo, for a special permit to construct and operate an adult care home in an agricultural district; (2) Affidavit of Publication; (3) Staff Report; (4) Transcript of public hearing; (5) communications.

The Maui Planning and Traffic Commission, at its meeting of July 27, 1965, voted unanimously to approve the special permit pursuant to the Land Use Law with the following stipulations:

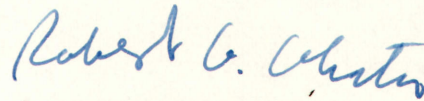
1. Any building, including accessory buildings, shall be located not less than 20 feet from any lot boundary.
2. No building shall exceed 2 stories in height. There may be the usual necessary buildings in connection with any such dwelling, including a private garage of such size as may be necessary for the occupants of each dwelling. Such accessory buildings shall include buildings used for servants quarters or employees, provided that the front yard, rear yard, and other legal requirements are in conformance.
3. The premises and the building to be constructed and operated shall meet the requirements and standards of the State Department of Health, Fire Marshall of the State of Hawaii, State Department of Social Services, and the Building Ordinance of the County of Maui.

State Land Use Commission, Page Two
Re: Amador del Castillo

7/28/65

Pursuant to the Land Use Law, final approval by your Commission is necessary.

Yours very truly,



ROBERT O. OHATA
Planning Director

Attachments:

- 1- Application
- 2- Affidavit
- 3- Staff Report
- 4- Transcript
- 5- communications

cc: Mr. Amador del Castillo
cc: Mr. Hidesuke Uyenoyama, Dept. of Social Services
cc: Mr. Thomas T. Nakama, Dept. of Health
cc: Mr. Thomas Yagi, ILWU, Maui Division

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

..... Lois Kukahiko being duly sworn
deposes and says, that he is Traffic Clerk of the
Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper
published in Wailuku, County of Maui, State of Hawaii; that the or-
dered publication as to Notice of Public Hearing

.....
of which the annexed is a true and corrected printed notice, was
published 1 times in the MAUI NEWS, aforesaid, commencing
on the 2nd day of June, 1965., and ending
on the 2nd day of June, 1965., (both days
inclusive), to-wit: on June 2, 1965

.....
and that affiant is not a party to or in any way interested in the above
entitled matter.

Lois Kukahiko
.....

Subscribed and sworn to before me this
..... 4th day of June A. D. 1965..

Mamoru Ota
.....

Notary Public, Second Judicial
Circuit, State of Hawaii.

My commission expires August 31, 1967

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui, Planning and Traffic Commission in the Chambers of the Board of Supervisors at the County Building in Wailuku, on Tuesday, June 22, 1965, at 1:30 p.m. or soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, as amended by Act 205, Session Laws of Hawaii 1963:

KOKOMO, MAKAWAO DISTRICT

To permit the construction and operation of an adult care home for the care of: (a) the disabled and the aged; (b) conditionally discharged mental patients; (c) mental retardates.

Applicant: Amador del Castillo

Area: 1.53 acres more or less

Location: Northerly side of Haiku Road, about 1.5 miles westerly (makai) from its junction with Makawao Ave. at Kokomo.

THIS APPLICATION SUPERCEDES THAT PUBLISHED ON MAY 12, 1965.

Sketch showing the general location is on file in the office of the County of Maui Planning and Traffic Commission at Naska, Kahului, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said commission, P. O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING AND TRAFFIC COMMISSION
JOSEPH S. MEDEIROS, Chairman

By Robert O. Ohata
County Planning Director

(MN: June 2, 1965)

STAFF REPORT
LAND USE COMMISSION SPECIAL PERMIT
(APPLICATION NO. 17 (Amador Del Castillo))

This application is a request to construct an adult care home in an area zoned as Agricultural District. The location of the parcel is approximately 1.5 miles makai on Haiku Road from the Kokomo junction. The lot is on the northerly (Kapakalua) side of Haiku Road. The lot is vacant. It is one of the 8 smaller lots in this general area. These smaller lots are approximately $1\frac{1}{2}$ acre to 2 acres in size, while the adjoining larger parcels may range from 30 to 50 acres. There are 10 homes in the immediate neighborhood. This general location is predominantly pasture land.

Mr. Castillo would like to construct an adult care home for the disabled, the aged, conditionally discharged mental patients, and mental retardates. He has been conferring with the State Department of Health and the State Department of Social Services. Both Agencies feel they need a care home of this type, and would like to encourage the establishment of the adult care home. Mr. Castillo does not have definite plans on the construction of the facilities. He has mentioned a smaller unit to start with, then expand to a very large structure. In any event, the structure must be approved both by the State Department of Health and Social Services.

The County's General Plan shows this area as rural, and the State Land Use Law shows this area as Agricultural. It is approximately 2 miles from an Urban center. There is no rural zoning nearby. The general concept of a care home in an agricultural setting seems to be desirable. In such setting with peaceful environment, a more pleasant atmosphere would be created for the tenants. On the other hand, if the development becomes too large it would take on a physical dimension and adversely affect the agricultural environment. At this particular location the size of the establishment becomes especially important because of the immediate proximity of 10 residential homes.

It is hereby recommended that a special use permit be approved because it fulfills the requirements of the Land Use Law that the application shall be reasonable and unusual. It is also recommended that a limitation be placed on the number of tenants at 25. At 25, the density ratio becomes one person per 2,660 square feet, or 9,300 square feet for each $3\frac{1}{2}$ persons. Three and a half is considered the average family size on Maui.

It is also recommended that the permit be issued to Mr. Castillo only, and that approval of the Commission is necessary for transfer of the facilities and the permit for operation to another person.

ROBERT O. OHATA
Planning Director

MAUI PLANNING AND TRAFFIC COMMISSION
PUBLIC HEARING
Tuesday, June 22, 1965

LAND USE COMMISSION SPECIAL PERMIT
APPLICATION NO. 17
(Amador Del Castillo)

The public hearing on the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963, was opened by Chairman Joseph S. Medeiros, Jr., at 1:35 p.m. on Tuesday, June 22, 1965, in the Board of Supervisors Chambers, Wailuku, Maui, Hawaii:

KOKOMO, MAKAWAO DISTRICT

To permit the construction and operation of an adult care home for the care of: (a) The disabled and the aged; (b) conditionally discharged mental patients; (c) mental retardates.

Applicant; Amador del Castillo

Area: 1.53 acres more or less

Location: Northerly side of Haiku Road, about 1.5 miles westerly (makai) side from its junction with Makawao Avenue at Kokomo.

The Director read the NOTICE OF PUBLIC HEARING, a copy of which is hereto annexed and made a part hereof with AFFIDAVIT OF PUBLICATION, published in the MAUI NEWS, a newspaper published and circulated in the County of Maui, being the County in which said Commission is located, on June 2, 1965, as required by Section 98H-6 of Act 205, S.L.H. 1963, and superseded by NOTICE OF PUBLIC HEARING published on May 12, 1965, copy of which is attached hereto and made a part hereof.

The Director read the APPLICATION FOR SPECIAL PERMIT signed by Amador del Castillo, and dated May 26, 1965, attached hereto and made a part hereof.

The Director read the STAFF REPORT with recommendations, attached hereto and made a part hereof.

From the General Plan Map of Maui, the Director pointed to the area which was once used as Camp Maui. He explained that the parcel is now vacant, and is one of the 8 smaller lots in this general area.

When queried with regard to the criterion used in arriving at the density ratio outlined in the staff report, the Director stated: "The figures are arbitrary. I wanted to see what number of people would be considered too large or too small. I felt that if the units became too large it would upset the agricultural setting in which it is placed."

Mr. Thomas Yagi: (Division Director, Maui County ILWU) "You mentioned 25 people. Does that mean that he cannot put 50 people in there?"

Director Ohata: "If my recommendation is concurred to by the Commission."

Mr. Yagi: "Let's say the community here would require 60 people. Your recommendation would limit him to 25. Would it be justifiable to him to put only 25 people."

Director Ohata: "My recommendation is based only on land size. If he would like to have a greater number of people he could have acquired more land."

Mr. Yagi: "Hale Makua has a unit setup. How many patients are there in Hale Makua? I think there are more patients per unit at Hale Makua."

Director Ohata: "This being an agricultural setup the density should not

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be too great. The density here should not be as great as Hale Makua. I grant it is much more because it is in the urban area. Everything in Wailuku is in greater density anyway, and it would not upset the area. In this agricultural district you have a tremendous number of people on the same lot, which might upset the neighborhood. As I mentioned, this is an arbitrary figure I pulled out myself. If the Commission feels it should be greater due to the hardship of the applicant, and he feels he must have more, the Commission can make an adjustment between my figure and that of the applicant."

Mrs. Jeanne Johnson, Kihei, Maui: "What is the difference between this and Kula Sanatorium in the number of people? Both are in an agricultural setting."

Director Ohata: "I think the density is less because of the large land area."

Commissioner Lane: "Perhaps the Board of Health would control that."

There were no letters of protest as of 12:45 p.m. this date.

A letter from the Department of Social Services dated June 15, 1965, informing the Planning Commission that Mr. del Castillo made known his care home plans to that agency, is attached hereto and made a part hereof.

The public hearing was then opened to the public for testimony.

Mr. Amador del Castillo: "I would like to make an amendment to Mr. Yagi's first statement if we cannot put 60 people in there. What are we going to do with the rest of the area if I can only put up 25. Instead of making a small one, and then make another one, why can't I make it big the first time."

Chairman Medeiros: "According to the Staff Report the Director says you mentioned that you would start with a smaller unit and then go on to larger units later on."

Mr. del Castillo: "I feel 50 or 60 is small, because every year we have patients and it gets better and better every year. Every year more people need facilities to help them out. The need is right there, so in order not to delay the job of expanding every year, we can start with 50 or 60. I myself am 66 already, and that is why I want to apply my good years to the people when they need it."

Commissioner Hayashi: "This is more of a thought than a question. In a case like this, would the inmates he would have need more land area than those at Hale Makua?"

Mr. Thomas Nakama, Community Resources Coordinator, State Department of Health: "We intend to place in Mr. Castillo's proposed facilities those patients who are completely ambulatory. He thinks they will need a little more space than those at Hale Makua and Kula Sanatorium. Not all of the care home activities will be in this area. Most of them will be open to the activity center we are developing at Maui Memorial Hospital. We have occupational therapy activities on contract with the State Department of Health. Some other organizations will be interested in adopting this residence and providing opportunities for these patients to enjoy a full and vigorous life which they are denied in other institutions. We would like to see some type of activity even in the confines of Mr. Castillo's care facilities. Certainly, we should think of more space than a closed institution."

Commissioner Unemori: "Do you have the land already?"

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Mr. del Castillo: "According to the Board of Health rules, I got the land."

Mr. Nakama: "The Medical and Health Facilities Branch of the Board of Health is a licensing agent and upon the meeting of regulations he would be issued a certificate."

Chairman Medeiros: "Will the patients be referred through your agency?"

Mr. Nakama: "They can also come from other sources such as the Department of Social Services, the Division of Mental Retardation, and the Division of Mental Health."

Chairman Medeiros: "Right now, are all these people at Kula San?"

Mr. Nakama: "The bulk are at Kula San. They are waiting for facilities to move to. Mr. Castillo's care home can be a transitional place. Some of them can maybe go to their own homes later on. Some of them prefer to remain because they forget how to go to the store and ask for groceries, and need training in meeting the public."

Chairman Medeiros: "How many of these people would be needing accommodations?"

Mr. Nakama: "It is hard to project. I can only project from the standpoint of mental health. We need about 25 or so."

Chairman Medeiros: "You are talking about other agencies who could refer patients to Mr. Castillo. If he provided the facilities could he provide care for them?"

Mr. Nakama: "I can only assume that he can."

Commissioner Lane: "From this type of operation could people be taken from private homes where they're not connected with any public agency?"

Mr. Nakama: "Yes."

Commissioner Hayashi: "What land area do you need for a care home like this? Are there any provisions in your rules?"

Mr. Nakama: "We have no land area requirements, however, we require 90 square feet per bed in a single room, and 70 square feet for multiple beds."

Mr. Young Whee Chun, Medical Social Worker, Department of Health, Maui: "I would like to speak in favor of Mr. Castillo's plan. Over the recent years we found that there is a growing need for this kind of home he proposes. We have one home now and we find a need for more. And, also, Mr. Castillo's expressed wish to have a large care home started in that area would help the cause for our residents now in Kula San and other places. I think what Mr. Castillo is offering is a more humane kind of program for the mentally retarded."

Chairman Medeiros: "You say you have one home you refer to now. What type of home is this?"

Mr. Chun: "It only accommodates 3 people. Off-hand, it is hard to say, but we have a lot of Maui people now at Waimano Home in Honolulu who need this type of place. We have a lot of people in the community now who, for various reasons, would temporarily need this place. And many people when they get older would need this type of home."

Mr. Thomas Yagi: "I am speaking in favor of the special application for

6/22/65

Mr. Castillo, simply because of the fact that we have many pensioners in the plantation today. H.C. & S. Company has about pensioners and other plantations together have about pensioned off. Mr. Castillo, as membership service director, feels that as an individual he could do something to take care of older people. We feel this is one of the programs we are making to take care of the older generation. Mr. Castillo is a man who wants to dedicate his lifetime to work for the human race...the older generation.

"Although we are not prepared to give you a statement in writing, we feel facts and figures should support our claim for Mr. Castillo's application. The figures which we have collected are taken from all the plantations, and, also, we would like to get facts and figures to supply you from the Board of Health and Social Services.

"We feel the need is here. The fact remains that the older generation must be taken care of somewhere, somehow. There are also many people out on the streets we may be able to help...we don't know they are mentally ill. It's just like, as Chief Lane knows, there are more criminals out of the jail than in the jail.

"All in all, we would like to supply you with those figures before you make the decision on Mr. Castillo's application. We would like to suggest this because the need is here.

"Over here (indicating Mr. Castillo) is a man who is dedicated. We would like to object to the recommendation of the Director in part, which would not be justifiable to the applicant, as well as the people who are in need of this type care. We urge you to approve the application, and will supply you with the facts and figures."

Commissioner Unemori: "Are you planning to acquire more area later on if the business requires it?"

Mr. Yagi: "I will answer that if Mr. Castillo doesn't mind. (Mr. Castillo nodded approval.) I have known Mr. Castillo over the past 17 years because we have worked together that long. We will encourage him to expand. We may come before this Board again for another expansion as we go along and the need is there. We will urge him and encourage him to expand elsewhere, not only here, but in other areas."

Chairman Medeiros: "As some of the older people cannot build homes, this would be a good place to go into retirement."

Mr. Yagi: "Yes. The old plantation pensioners have free homes now. They held that status back in 1946 when the Union was organized, and are still enjoying free rental today. But more and more are retiring and reluctant to purchase homes in Dream City. In that situation they rather stay in a place that they call a home. The plantations are either selling the homes or moving them out from the different areas. These old people are very reluctant to build or purchase homes.

"Also, there is some reluctance on the part of the family to have older people around. They rather have them at an old folks home. This is the trend today. As the years go by, Castillo's kind of home will be expanded because the need will be there. In that situation, we encourage him to expand because of the experience he will gain by that time."

Commissioner Matsui: "What do you think is a fair figure?"

Mr. Yagi: "50 or 60 people."

6/22/65

Commissioner Matsui: "Director, do you know of such a home in Honolulu and the number of people they have?"

Director Ohata: "The only home of this nature that I am familiar with is on King Street. It is a small unit."

No one else spoke for the granting of the special use permit.

No one spoke against the granting of the special use permit.

Director Ohata: "According to Land Use District Regulations the County Planning Commission shall act on special use permit petitions not earlier than 15 days after the public hearing, however, the Planning Commission is open for any additional information before the 15 day period."

The Chair closed the public hearing at 2:25 p.m.

Eva M. Duponte

EVA M. DUPONTE
Adm. Asst. - Planning Reporter

RECORD OF ATTENDANCE:

Maui Planning and Traffic Commission

Present: J. Medeiros, Jr., Chairman
G. Alan Freeland, Member
W. Hong, Member
Y. Matsui, Member
P. Matsuoka, Member
M. Unemori, Member
K. Hamada, Ex-Officio
J. R. Lane, Ex-Officio
H. Hayashi, Ex-Officio
M. Sone, Ex-Officio

Absent: K. Kage, Vice-Chairman (in mainland, U.S.)

In Attendance:

R. O. Ohata, Planning Director
Jeanne Johnson, Maui News
R. Johnson, Honolulu Advertiser
C. Young, Honolulu Star-Bulletin
Amador del Castillo, Applicant
Thomas Yagi, Wailuku, Maui
Mr. Tom Nakama, Dept. of Health
Mrs. Fumie Nakamura, Dept. of Social Services
Mrs. Amy Shikata, Dept. of Social Services
Mr. Young Whee Chun, Medical Social Worker,
State Dept. of Health-Maui

JOHN A. BURNS
GOVERNOR



WM. G. AMONG
DIRECTOR OF SOCIAL SERVICES

STATE OF HAWAII
DEPARTMENT OF SOCIAL SERVICES
Wailuku, Hawaii

June 15, 1965

Mr. Robert O. Ohata, Director
Planning and Traffic Commission
County of Maui
Kahului, Hawaii, 96732

Dear Mr. Ohata:

Mr. Amador Del Castillo contacted our social worker, Mrs. Shikata, on June 14, 1965, and informed her of his care home plans.

Mr. Castillo is aware that the licensing agency for care homes is the Department of Health. After the home is approved, our Department may make referrals to Mr. Castillo's facility when persons in need of care home services agree to this placement.

Mr. Castillo has good understanding of the above as well as our policies and procedures on financial assistance.

We hope this information will be helpful.

Very truly yours,

Hideyuki Uyenooyama
Maui Branch Administrator

ASmta

cc: Mr. Amador Del Castillo
1570 Alako Drive
Wailuku, Hawaii, 96793

Dept. of Health

June 23, 1965

Mr. Robert Ohata
County Planning Director
County of Maui
P. O. Box 1487
Kahului, Maui

Dear Mr. Ohata:

Re: AMADOR DEL CASTILLO
SPECIAL USE PERMIT

For the consideration of the Maui Planning and Traffic Commission relative to the subject matter, please permit me to express a few pertinent points which were not discussed fully at the public hearing of June 22, 1965.

1. A care home for the mentally ill, mentally retarded, and physically disabled should be reasonably small enough so as to enable the caretaker to provide the necessary supervision.
2. A care home should serve as a transitional facility on the concept that as many residents as possible are made to pursue independent living later on. For this reason, opportunity for occupational therapy, sheltered workshop activities and other means of rehabilitation will be made available for those who can progress to the point of being eventually gainfully employed. This concept not only restores dignity to the individual but also places less of a drain on the public treasurer.
3. Most of the residents requiring a care home will be drawn from large institutions. Thus, they should be moving out to smaller care homes to give them a feeling that they have progressed to a point where institutional care is not required.
4. The able-bodied pensioners requiring only lodgings obviously do not require care and the applicant will not be bound by public health regulations. This distinction between the needs of the disabled and the able-bodied should be clarified.

Mr. Robert Ohata

- 2 -

June 23, 1965

The observations outlined above should not be construed as opposing Mr. del Castillo's plan to fulfill the needs of both groups. If he can economically do so without disrupting the social, economic and cultural lives of the neighboring property owners, we fully endorse his noble endeavor.]

⌘ We trust that the foregoing information will serve to assist you in reaching a fair and just decision. If we can be of further assistance to you in the above matter, please feel free to call on us.

Yours very truly,

THOMAS T. NAKAMA
Community Resources Coordinator

TIN:ja

Forwarded:

HENRY T. KONO, DPSW
Acting Project Director

F. H. TONG, M.D.
Maui District Health Officer

June 28, 1965

Mr. Joe Medeiros, Chairman
and Members of the Maui County
Planning and Traffic Commission
Kahului, Maui, Hawaii

Gentlemen:

I write this to you in support of the petition by Mr. Amador del Castillo for a State Land Use Commission permit to use 1.5 acres of land in the Haiku area for the development of a home for the aged and mentally retarded. I have known Mr. del Castillo for many years, and I can vouch for the fact that he has a very sincere interest in the welfare of the aged. As an officer of the I. L. W. U. Local 142, Maui Division, Mr. del Castillo has worked for many years with pensioners and other aged persons. He has always taken an interest in the problems of the aged, and I am sure that his proposal to take care of 50 to 60 aged persons and mentally retarded persons arises from an earnest desire to serve the public.

I note with disappointment that Mr. Robert Obata, Planning Director of the County of Maui, has recommended that the proposed project of Mr. del Castillo be limited to taking care of 25 persons.

I believe all of you are aware of the fact that the various plantations in the County of Maui are gradually closing down the plantation camps and attempting to have people live in the new residential subdivisions being developed in the Kahului area. There are many pensioners and other aged persons still living in plantation camps. There is a great deal of insecurity among these people, especially when they see more and more people moving out of the plantation camps. The day may come when they, too, will have to move out. Many of them cannot afford to buy new houses

Mr. Joe Madefros
& Members of the Maui County
Planning and Traffic Commission

June 28, 1965
Page 2

in the Kahului area. Someone will have to take care of these pensioners and aged persons.

Following is the list showing the breakdown of the approximate number of pensioners we have on each large company on Maui, and also the approximate number of pensioners retiring in the next five years:

<u>Company</u>	<u>Present</u>	<u>Future (5 years)</u>
H. C. & S. Company	950	204
Wailuku Sugar Company	26	40
Pioneer Mill Company	55	65
Kahului Railroad Company	29	36

I believe Mr. del Castillo's proposed project will do a lot towards caring for some of these pensioners and other aged persons.

I urge that you give favorable consideration to the petition of Mr. Amador del Castillo.

Yours sincerely,

ILWU LOCAL 142

Thomas Yagi
Maui Division Director

TY:ah

cc: Mr. Amador del Castillo

INSTRUCTIONS:

RECEIVED

DO NOT WRITE IN THIS SPACE

- 1. To be filed in triplicate. 30 1965
- 2. Use black ink or typewriter with black ribbon.
- 3. Use additional sheets if necessary.

State of Hawaii
LAND USE COMMISSION

Appl. & fee received 4/27/65
 Notice published 5/12/65
 Public hearing Not held - appl. withdrawn 5/20/65
 Recommendation to LUC —
 Action by State LUC —
 County & Appl. notified —

MAUI PLANNING & TRAFFIC COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

- A. Description of Property: (1) Tax Map Key No. Lot No. 146
 (2) Lot Area 23,908 Sq. Ft. (3) Location Malaulani St., Pukalani Terrace, Maui
- B. Ownership: (1) Owner's name Amador del Castillo
 (2) Lessee's name — (3) Unexpired term — years
Establish adult Care Home
- C. Request: (1) State request briefly and exactly:
for the care of (a) General disabled and aged; (b) Mental (conditionally discharged) patients from State Hospital, Kula and other mentally-ill patients; (c) Mental retardates from Waimano to be certified under Chapter 12B Public Health Regulations, State Health Department under the provisions of Section 46-13, Revised Laws of Hawaii 1955, as amended.

(2) Reasons justifying granting of request: Quotation from Monday, December 7, 1964, Honolulu Star Bulletin A-9 "At the 4th Annual Nursing and Care Home Conference last Thursday and Friday, the shortage of these Care Home was discussed at the discharge conference on patients ready for placement outside the State Hospital" within the County of Maui, the Department of Social Services, Division of Mental Retardation and Division of Mental Health are seeking this proposed type of residential facility. The Counties of Hawaii & Kauai and the City and County of Honolulu, where care home are thriving, have filled the needs of many aged and disabled who do not require hospitalization or nursing home care.

- D. Applicant: (1) Name Amador del Castillo
 (2) Address 1570 Alake Dr., Wailuku, Maui, Hawaii (3) Telephone 322794
 (4) Signature Amador del Castillo

E. Planning Commission action: _____ Date _____ Vote: _____
ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____
 G. Copies to: State LUC _____ Supervisors _____ Applicant _____ Owner & Lessee _____

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

.....Rose Yoshizawa.....being duly sworn
deposes and says, that he isAdv. Sales..... of the
Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper
published in Wailuku, County of Maui, State of Hawaii; that the or-
dered publication as toNOTICE OF PUBLIC HEARING.....

.....SPECIAL USE PERMIT.....
of which the annexed is a true and corrected printed notice, was
published1..... times in the MAUI NEWS, aforesaid, commencing
on the 12th.....day ofMay....., 1965., and ending
on the 12th.....day ofMay....., 1965., (both days
inclusive), to-wit: on

May 12, 1965

.....
and that affiant is not a party to or in any way interested in the above
entitled matter.

Rose Yoshizawa

Subscribed and sworn to before me this

.....17th.....day of May..... A. D. 1965.....

Mamary Ota

Notary Public, Second Judicial
Circuit, State of Hawaii.

My commission expires August 31, 1967

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held
by the County of Maui Planning and Traffic Commission in the
Chambers of the Board of Supervisors at the County Building
in Wailuku, on Tuesday, June 8, 1965, at 1:30 p.m. or soon
thereafter as those interested may be heard to consider the
following request for SPECIAL USE PERMIT under provisions
of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961
SUPPLEMENT, as amended by Act 205, Session Laws of Hawaii
1963:

PUKALANI TERRACE, MAKAWAO DISTRICT

To permit the construction and operation of an adult
care home for the care of: (a) The disabled and the
aged; (b) Conditionally discharged mental patients;
(c) Mental retardates.

Applicant: Amador del Castillo
Area: 23,908 square feet more or less
Location: Lot No. 146, Halaulani Street, Pukalani Ter-
race, Makawao District.

Sketch showing the general location is on file in the office
of the County of Maui Planning and Traffic Commission at
Naska, Kahului, Maui, Hawaii, and is open to the public for in-
spection during office hours.

All protests against the SPECIAL USE PERMIT should be
filed in writing to said Commission, P. O. Box 1487, Kahului,
Maui, Hawaii, before the date of the public hearing or present-
ed in person at the time of the public hearing.

MAUI PLANNING AND TRAFFIC COMMISSION
JOSEPH S. MEDEIROS, Chairman
By Robert O. Ohata
County Planning Director

(MN: May 12, 1965)

STAFF REPORT
LAND USE COMMISSION SPECIAL PERMIT
(APPLICATION NO. 17 (Amador Del Castillo))

This application is a request to construct an adult care home in an area zoned as Agricultural District. The location of the parcel is approximately 1.5 miles makai on Haiku Road from the Kokomo junction. The lot is on the northerly (Kapakalua) side of Haiku Road. The lot is vacant. It is one of the 8 smaller lots in this general area. These smaller lots are approximately $1\frac{1}{2}$ acre to 2 acres in size, while the adjoining larger parcels may range from 30 to 50 acres. There are 10 homes in the immediate neighborhood. This general location is predominantly pasture land.

Mr. Castillo would like to construct an adult care home for the disabled, the aged, conditionally discharged mental patients, and mental retardates. He has been conferring with the State Department of Health and the State Department of Social Services. Both Agencies feel they need a care home of this type, and would like to encourage the establishment of the adult care home. Mr. Castillo does not have definite plans on the construction of the facilities. He has mentioned a smaller unit to start with, then expand to a very large structure. In any event, the structure must be approved both by the State Department of Health and Social Services.

The County's General Plan shows this area as rural, and the State Land Use Law shows this area as Agricultural. It is approximately 2 miles from an Urban center. There is no rural zoning nearby. The general concept of a care home in an agricultural setting seems to be desirable. In such setting with peaceful environment, a more pleasant atmosphere would be created for the tenants. On the other hand, if the development becomes too large it would take on a physical dimension and adversely affect the agricultural environment. At this particular location the size of the establishment becomes especially important because of the immediate proximity of 10 residential homes.

It is hereby recommended that a special use permit be approved because it fulfills the requirements of the Land Use Law that the application shall be reasonable and unusual. It is also recommended that a limitation be placed on the number of tenants at 25. At 25, the density ratio becomes one person per 2,660 square feet, or 9,300 square feet for each $3\frac{1}{2}$ persons. Three and a half is considered the average family size on Maui.

It is also recommended that the permit be issued to Mr. Castillo only, and that approval of the Commission is necessary for transfer of the facilities and the permit for operation to another person.

ROBERT O. OHATA
Planning Director

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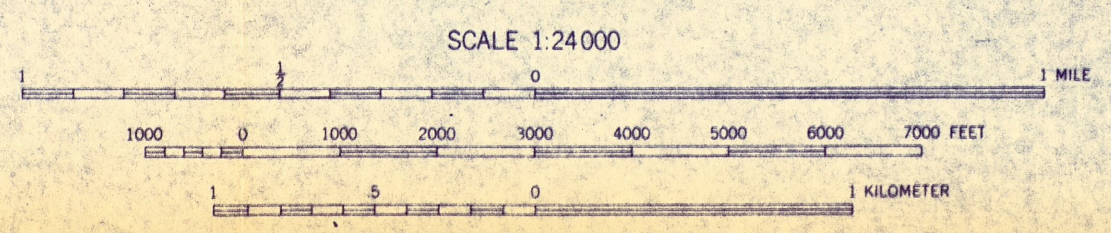
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Planning Director



Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by multiplex methods from aerial photographs taken 1950
 and by Hawaiian Commercial and Sugar Co. 1951 Field check 1957
 Hydrography compiled from USC&GS chart 4124 (1952)
 Polyconic projection. Old Hawaiian datum
 10,000-foot grid based on Hawaiian coordinate system.



7467

Map of the Island of Maui

Dwg. No: 1923
By: F.W.B. & L.A. - Feb. 1934
Source: Tax Maps Bureau.



POR. OF HAIKU & PUUOMALEI, MAKAWAO, MAUI.

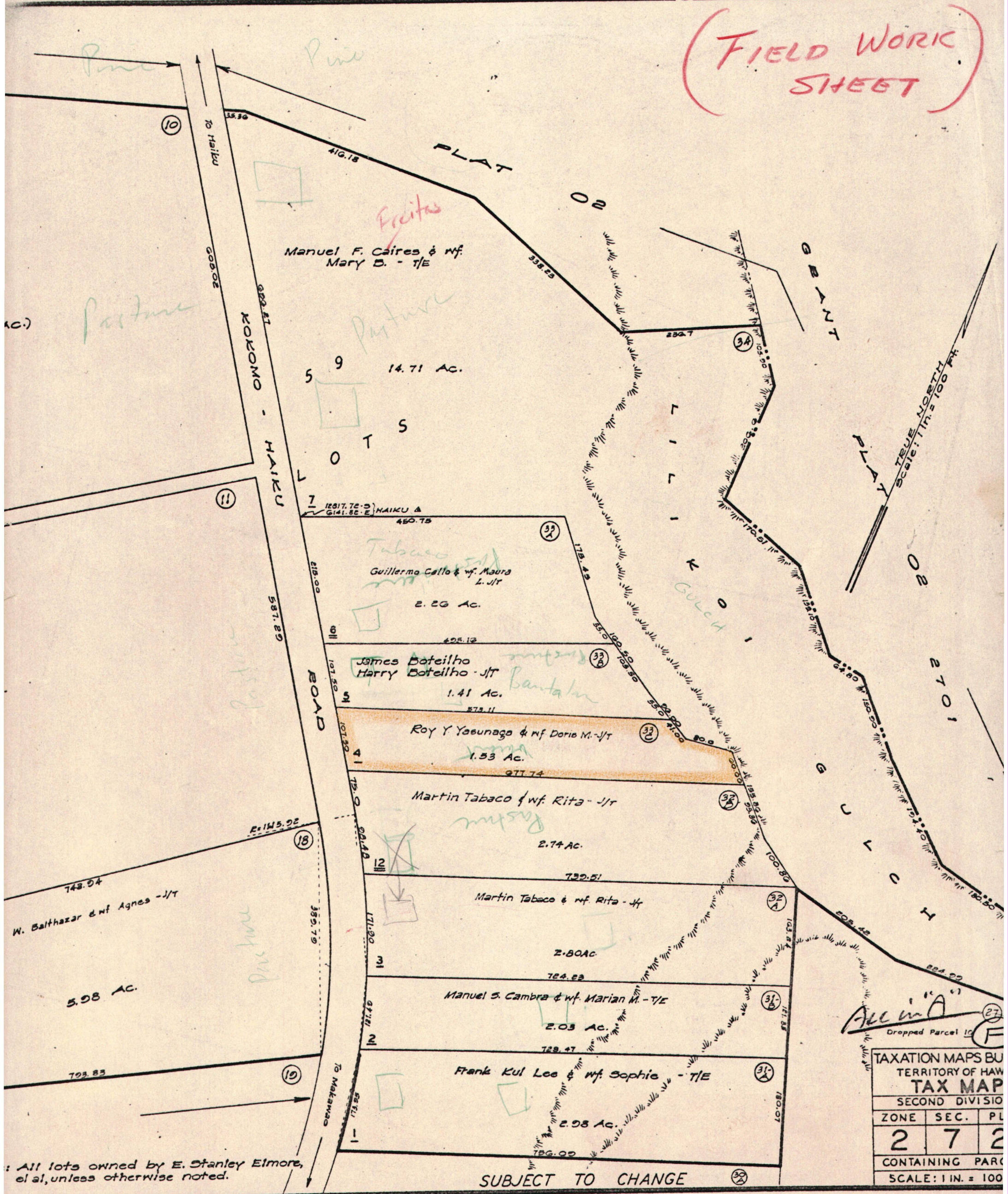
SECOND DIVISION	
ZONE	SEC. PLAT
2	7 02
CONTAINING PARCELS	
SCALE: 1" = 400 FT.	

ADVANCE SHEET
SUBJECT TO CHANGE

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

8912

(FIELD WORK SHEET)



All lots owned by E. Stanley Eimore, et al, unless otherwise noted.

SUBJECT TO CHANGE

TAXATION MAPS BU TERRITORY OF HAWAII TAX MAP SECOND DIVISION

ZONE	SEC.	PL.
2	7	2

CONTAINING PARCEL

SCALE: 1 IN. = 100 FT.

JOHN A. BURNS
GOVERNOR



WM. G. AMONG
DIRECTOR OF SOCIAL SERVICES

STATE OF HAWAII
DEPARTMENT OF SOCIAL SERVICES
Wailuku, Hawaii

June 15, 1965

Mr. Robert O. Ohata, Director
Planning and Traffic Commission
County of Maui
Kahului, Hawaii, 96732

Dear Mr. Ohata:

Mr. Anador Del Castillo contacted our social worker, Mrs. Shikata, on June 14, 1965, and informed her of his care home plans.

Mr. Castillo is aware that the licensing agency for care homes is the Department of Health. After the home is approved, our Department may make referrals to Mr. Castillo's facility when persons in need of care home services agree to this placement.

Mr. Castillo has good understanding of the above as well as our policies and procedures on financial assistance.

We hope this information will be helpful.

Very truly yours,

Hidesuke Uyenoyama
Maui Branch Administrator

AS:nta

cc: Mr. Anador Del Castillo
1570 Alako Drive
Wailuku, Hawaii, 96793