

OTA, David

SP65-14

206

207

September 3, 1965

Planning Commission  
County of Hawaii  
Hilo Armory  
Hilo, Hawaii

Attention: Mr. Raymond Suefuji, Director

Gentlemen:

At its meeting on August 20, 1965, the Land Use Commission voted to approve the grant of a special permit to David Ota to construct a barber shop which is to be an addition to an existing wood-frame commercial building in a Rural District in Holualoa, Kona, Hawaii, located on a 12-acre portion of a 25.832 acre lot, identifiable as Third Division parcel TMK 7-7-03; 11.

Enclosed for your information is the staff report.

Very truly yours,

GEORGE S. MORIGUCHI  
Executive Officer

Encl. - 1  
cc: Chairman Thompson  
Mr. David Ota  
Department of Taxation

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

SP 65-14  
David Ota

ITEM \_\_\_\_\_  
DATE 8-20-65  
PLACE Kona  
TIME \_\_\_\_\_

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

COMMENTS:

Inaba moved on the basis of the County's opinion and that it is a reasonable use.

~~from~~

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.

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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/<sup>and</sup> 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.

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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.

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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.

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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.

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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 with<sup>in</sup> 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

Hawaii SP65-14 - DAVID OTA

District Classification: Rural

Background

The record of county proceedings on the application for special permit by David Ota was received from the Hawaii Planning Commission on July 7, 1965. The record shows that the Hawaii Planning Commission favors approval of a special permit to Mr. Ota to construct a barber shop.

It is proposed that the barber shop will be constructed and tacked on to an existing wood-frame commercial building in a Rural District in Holualoa, Kona, Hawaii. The building is located on a 12-acre portion of a 25.852 acre lot, identifiable as Third Division parcel TMK 7-7-03: 11. The building fronts Mamalahoa Highway on the makai side and lies about 1,000 feet south of the junction of the highway with the road from Kailua. It contains a small general store and a small restaurant. The proposed barber shop is to adjoin the restaurant.

The barber shop is an existing operation now located nearly a half mile to the south on the makai side of Mamalahoa Highway. It is presently in an Agricultural District.

The Holualoa Rural District lies between the Kailua-Holualoa Road and an old railroad track, and between the Holualoa and Kuakini Urban Districts.

Within a quarter of a mile of the proposed barber shop site, there are about two dozen homes to which approximately 25 acres may be attributed as residential uses. There is a service station, a Honda dealer and two small stores in the area to which may be attributed about two acres as commercial uses.

There are small areas planted to coffee totalling roughly 5 acres, and there are about 40 acres identifiable as grazing lands. Roughly 45 acres are wild or are undifferentiated for farm uses.

There is no outstanding difference between uses in the Agricultural District above the highway and in the Rural District below the highway. Urban uses are generally located along the highway and are not confined to residential uses alone. Ownership patterns are irregular. Within a single lot uses may be mixed. Large portions are not readily accessible by road and may be in grazing or wild and only in marginal agricultural uses.

Soils are generally of the type containing a shallow layer of Honuauulu clay loam over aa. The area is rough with slopes of about 18% and stony with rock outcrops occurring at short intervals. This combination of characteristics prohibits the use of machinery. Intercropping may be necessary except in areas where terraces and walls have been built to trap soil.

Honuauulu clay loam is about the best soil possible for clay. The shallower phases are only moderately inferior to the parent soil type. Grazing is possible if ways can be found to control shrub and weed growth.

Rainfall is about 40 inches a year with little seasonal variation. Drainage and erosion problems are apt to be negligible, but unusual and unexpected when occurring perhaps between May and September. Winds are negligible, drifting inland during the day and seaward at night. At an elevation of about 1,100 feet, the area under petition is comparatively cool and is generally shielded by cloud cover during daylight hours.

Water is pumped to the Holualoa area and is made available through 8" lines. Power and phone services are also available. There is a school in the Holualoa Urban District about 3,800 feet from the proposed barber shop site. Within the Urban District is a small concentration of commercial facilities and such public facilities as a public library and post office. The nearest hospital, police station and fire station are located in the Kealakekua Urban District,

about six miles south of the proposed barber shop.

### Analysis

The record transmitted by the County of Hawaii contains no finding that the proposed use is non-conforming. Action initiated for a special permit, however, clearly indicates that the proposed use is not permissible; otherwise no special permit would be necessary.

Within a Rural District, only agricultural and low density residential uses are permitted. The proposed use is neither of these. The proposed use is a permissible one in Urban Districts, however.

Uses other than agricultural and low density residential uses are permissible in Rural Districts if they are "unusual and reasonable". The record indicates County approval of the application on the basis that the proposed use:

1. Is not contrary to the Land Use Laws and Regulations.
2. Would not adversely affect the surrounding property.
3. Would not unreasonably burden public facilities.
4. Is a necessary convenience for residents of the area.
5. Is justified because unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

The record, however, contains no facts to substantiate these conclusions and is mute on other guidelines established for determining whether a proposed use is unusual and reasonable. For this reason, your staff would review again the standards (test) for issuing special permits:

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

Rural Districts were added to the classification system by amendment to the original law in 1965. The addition was made not to further the law's original objectives<sup>1/</sup> but to mitigate the effects

<sup>1/</sup> Cf. Act 187/SLH 1961, Sec. 1 which cites need for land use controls for economic growth, for tax assessments based in part on land uses, for control of scattered subdivisions, for the preservation of prime agricultural lands and for full use of multiple purpose lands. Cf. Act 205/SLH 1965 which states that Rural Districts have for their purpose mitigation of the laws effects of mixed use areas and development of land in Agricultural Districts which are unsuitable for agricultural uses.



of the law on widespread areas of mixed uses. By specifically identifying the mixture of uses permissible, the Legislature made clear that division of urban uses from agricultural uses was still intended under the law and so preserved the law's original objectives.

The addition of other urban uses to Rural Districts would not only be contrary to the letter of the law--which permits only residential and agricultural uses--but would also dilute, if not violate, the underlying principles of the law.

The effect of the proposed use in terms of the objectives of the land use regulations is discussed in the following paragraphs.

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

It is clear from a reading of the Commission's regulations that the proposed use is of a commercial nature customarily provided for in Urban Districts under ordinances and regulations of the Counties.<sup>2/</sup> The proposed use is accessory to rural uses only in the sense that virtually every commercial and industrial must be.

So long as the area remains in a Rural District, a piggery or a feed lot would be permissible use under the Commission's regulations. Such uses must surely conflict with virtually every urban use except farm and low density residential uses.

So long as the area remains in rural uses, the effect of urban values on farmlands should be minimized if not contained. Where district boundaries are sensibly drawn, agriculturally productive lands can be secluded to a degree from the influence of urban values and taxes. Conversely, the separation would serve to sustain the development of urban areas by focusing available development resources on these areas.

- 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."

A Rural District is potentially, although not necessarily, the most blighting element of the land use classification system permitting residential uses in an area developed to agricultural or near agricultural standards. Roads, sewers, water and drainage systems are built to substandards if they are available at all. Schools and police and fire stations are generally far removed or are underutilized unless employed in conjunction with urban areas.

The proposed use of and by itself will create few demands on public facilities and services. However, to encourage urban uses in an area built to substandards or far removed from urban amenities is to commit, over a period of time, tax revenues to their redevelopment.

Concurrently, it means erosion of productive resources which, however marginal, contributes to the economic base. The double-edged effect serves to explain why naturally endowed areas do not grow but decline, despite intensive infusion of capital resources. Once decline sets in, a diminishing population must be made to sustain increasingly

oversized systems so that little support can be spared for maintenance, let alone expansion.

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

The record indicates that the proposed uses stem from the fact that the barber must relocate from his present site and not because unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

Staff examination of this matter finds that the most significant events since the establishment of the district boundaries and regulations are:

- 1) elimination or reduction of the interim Keauhou-uka Urban District and
- 2) opening of the Kuakini Highway extension.

Since these two occurrences, there has reportedly been some decline in the Keauhou-uka area. While these changes may explain the shift of the barber shop location toward Holualoa, it is doubtful if the changes can be described as unusual, except in a local context.

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

Both the State General Plan and the Kona Plan prescribe urban use for the particular portion of the land on which the barber shop is to be located. It should be remembered, however, that the matter now before the Commission is not a boundary change proceeding, but a special permit application. It should also be remembered that both the State and Kona plans are based on long-term projections and include a proposal for a new highway just below Mamalahoa Highway. Urban designation for a portion of the property in question is postulated in part on constructing that highway which may not occur until sometime after 1972.

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

The parcel under petition is in mixed uses. The construction of the barber shop will represent an expansion of commercial facilities on the property. Existing commercial facilities are housed in a building 36 to 37 feet long; the barber shop addition will lead to a building about 50 feet long. The character and use of the land will hardly be changed by the addition, except for changes which may result from a partly new integrated facility.

The barber shop would result in a total of about three barbers in the general vicinity of Holualoa which in 1960 had a total population of 704. The addition would represent Commission sanction of a commercial use in what is now a Rural District. Such a use would be atypical of a Rural District, if not in direct violation of statutory provisions.

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

The proposed use would essentially provide a modest urban amenity of a commercial nature to a rural area--rural both in term. of the existing districting and existing development densities. But for the present scatter of Urban Districts along the coastal and highway areas makai, it is conceivable that long-term urban development as envisaged by the State and Kona plans could materialize within ten years.

Inconsistency of existing Urban Districts with these plans, however, leads to doubt that the plans are being followed and that resources and markets are being developed according to plan. There are obvious contradictions as to what the highest and best uses of lands in Kona are.

The vast expanse that is Kona should be planned on a comprehensive basis and not in piecemeal fashion. Design principles underlying the Kona plan are essentially correct:

- 1) that the potential for resort development lies along the coast-line,
- 2) that the potential for residential development lies a good deal along the mauka areas,
- 3) that over the long term, some urban concentrations can be hoped for although urban patterns would essentially remain ribbon-like,
- 4) that the urbanization potential for any period of time is not unlimited and that for full and productive use of lands, open space and agricultural uses will continue.

Appreciation of the comprehensive view of the Kona Plan and agreement with the underlying principles lead your staff to conclude that urban use of a portion of the lands under petition would be a reasonable change. However, the change may be untimely and the procedure for change inappropriate.

#### Recommendation

Denial of the application for special permit is recommended. While the proposed use may be reasonable, particularly over a long period of time, the use is far from unusual.

George S. Moriguchi

XXXXXXXXXXXXXXXXXXXX

n

August 3, 1965

Mr. David Ota ✓  
Holualoa  
Kona, Hawaii

Dear Mr. Ota:

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  
Hawaii Planning Commission



1613  
RECEIVED

JUL 7 1965

State of Hawaii  
LAND USE COMMISSION

**COUNTY PLANNING COMMISSION**

COUNTY OF HAWAII

HILO, HAWAII

July 2, 1965

Mr. Raymond S. Yamashita  
Executive Officer  
Land Use Commission  
426 Queen Street  
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

Re: Special Permit Applications

David Ota - Holualoa, Kona  
Kohala Kim Chee, Inc. - Kokoiki Hmstds., Kohala  
Madeline & Robert Leslie - Kealia, Kona

For your information and files, we are transmitting all the materials on the above applications pertaining to County Planning Commission's approval on the petitions for special permits.

Also enclosed are the minutes of the meetings held on March 31, 1965, and April 26, 1965, in reference to the Commission's recommendation on the above applications.

Yours very truly,

COUNTY PLANNING COMMISSION

Raymond H. Suefuji  
Acting Director

lat

Enclosures

COUNTY OF HAWAII  
PLANNING ~~XXXXXXXXXX~~ COMMISSION

State of Hawaii  
LAND USE COMMISSION

RECEIVED

JUL 7 1965

Applicant David Ota  
Date of Public Hearing 3-31-65  
Date of Decision 4-26-65  
Meeting Place Board Room, County Bldg.  
Date Decision and Findings Forwarded  
to LUC 7-2-65

### SPECIAL PERMIT

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

Portion of L. C. Aw. 7228, Holualoa 4th, North Kona, Hawaii  
Tax Map Key: 7-7-03-11

for the following purpose(s); To allow the construction of an addition to the existing general retail and restaurant building to be used as a barber shop.

The Commission decided to: Recommend approval.

on the basis of the following findings:

1. The proposed use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations.
2. The desired use would not adversely affect the surrounding property.
3. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
5. The barber shop use in an area such as Kona where the district spans an area of some 80 miles is necessary for the convenience and general good of the residents of the district. The granting of the use would not adversely affect the surrounding property but tends to serve the need of the community. It would be an unnecessary hardship for residents of the area to travel miles away for a haircut.

subject to the following conditions:

1. The said development will conform to all rules and regulations of the state and county after approval.

(Signed) Raymond A. Sweeney  
Acting Director, Planning ~~and Traffic~~ Commission

COUNTY PLANNING COMMISSION  
County of Hawaii  
Hilo, Hawaii

March 31, 1965

A regularly advertised public hearing, on the application of David Ota, was called to order at 3:30 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada  
John T. Freitas  
Hiroo Furuya  
Kenneth Griffin  
Isamu Hokama  
Walter W. Kimura  
Masayoshi Onodera  
Robert J. Santos  
Edward Toriano  
Raymond H. Suefuji

ABSENT: William J. Bonk

Approximately 5 persons in public attendance

NOTICE OF A PUBLIC HEARING

Special Permit: Holualoa, North Kona

NOTICE IS HERBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 3:30 p.m., March 31, 1965, to consider the application of David, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the construction of an addition to the existing general retail and restaurant building to be used as a barber shop on a parcel of land containing 13.852 acres, being a portion of L. C. Aw. 7228, Holualoa 4th, North Kona, Hawaii and covered by Tax Map Key 7-7-03-11.

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

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

PLANNING AND TRAFFIC COMMISSION  
OF THE COUNTY OF HAWAII  
ROBERT M. YAMADA, CHAIRMAN  
By: Raymond H. Suefuji, Acting Director

(Hawaii Tribune-Herald: March 21 and 29, 1965)

YAMADA: "Members, we will now go into the hearing of a special permit request of David Ota. I will read this notice here, and I will not read the other two subsequent notices for special permits. (Mr. Yamada read the public hearing notice.)

"Mr. Director, will you give the background on this application."

SUEFUJI: "The applicant is requesting a special permit for the construction and development of an addition to the existing general retail store, as the public hearing notice read, to be used as a barber shop. The parcel at present is developed with a general retail store building as shown on the plot plan here. The store building is facing the Mamalahoa Highway and he has two residential buildings set back about 300 feet from the property line. The area itself is served with electric power, telephone and has police protection. It is in an area near Holualoa junction.

"This application is within the Rural District of the State Land Use Commission district zone. As such, the only permitted uses are low-density residential use not exceeding one home per one-half acre, agricultural uses, public building, etc. The applicant is proposing or requesting that an urban type of use be allowed to serve the area. Under the section of special permit, the Planning Commission may permit 'unusual and reasonable' uses within Agricultural and Rural Districts other than those for which the district is classified. The following factors shall be considered by the Commission in approving a special permit:

1. Such use shall not be contrary to the objectives sought to be accomplished by the State Land Use Laws and Regulations.
2. That the desired use would not adversely affect surrounding property.
3. Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

"These are the criteria for granting a special permit, and the application as submitted will have to be reviewed on these bases."

YAMADA: "Any question from the members to the Director? Is the applicant or his representative here in the audience who would like to be heard? None. Is there anyone here that would like to speak against the granting of this special permit. None.

"The hearing is closed."

The public hearing was adjourned at 3:35 p.m.

Respectfully submitted,

*Lei A. Tsuji*  
\_\_\_\_\_  
(Mrs.) Lei A. Tsuji, Secretary

A T T E S T:

*Robert M. Yamada*  
\_\_\_\_\_  
Robert M. Yamada, Chairman  
County Planning Commission



COUNTY OF HAWAII  
PLANNING ~~XXXXXXXXXX~~ COMMISSION  
P. O. Box 661  
Hilo, Hawaii

FOR OFFICIAL USE ONLY

Date Petition and fee received by  
Commission 2-8-65  
Date Petition is scheduled for public  
hearing 3-31-65  
Date Commission took action and its  
ruling 4-26-65

APPLICATION FOR ~~VARIANCE~~ SPECIAL PERMIT

(I) (We) hereby request approval of a ~~variance~~ special permit  
at Maunaloa, N. Kona, Hawaii in accordance with provisions of Section 98H-6  
of ~~Ordinance No. 118~~ for the following described purpose:  
Act 205, SLH 1963

Addition to existing building and to be used as Barber Shop.  
Prospective "tenant" has to vacate present site and it is their only  
deriving income.  
Relocating to other area or community will be beyond their financial means.

Description of property: 13.852  
Three Buildings located on lot.

Petitioner's interest in subject property:  
Owner

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

NOTE: The applicant must show that all of the following conditions exist: 1) that there are special or unusual circumstances applying to the subject property, building, or use which do not generally apply to surrounding property or improvements in the same district; 2) that said special or unusual circumstances exist either to a degree which deprives the owner or applicant of substantial property rights which would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property; 3) that the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification; 4) that the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of this ordinance, will not militate against the County Plan and will not be materially detrimental to the public welfare nor will it be injurious to improvements or to other rights related to property in the near vicinity.

The application shall be accompanied with a deposit of 50.00 dollars to cover publication and administrative costs and a map of the area proposed for change.

Signature David W. Kona  
Address Hualonua Kona  
Telephone 24-4761

This space for official use

The property is situated in a(n) \_\_\_\_\_ District.

REMARKS:

COUNTY PLANNING COMMISSION  
County of Hawaii  
Hilo, Hawaii

March 31, 1965

The County Planning Commission met in regular session at 1:15 p.m., in the Conference Room of the County Board of Supervisors, with Chairman Robert M. Yamada presiding.

PRESIDENT: Robert M. Yamada  
John T. Freitas  
Hiroo Furuya  
Kenneth Griffin  
Isamu Hokana  
Walter W. Kimura  
Masayoshi Onodera  
Robert J. Santos  
Edward Toriano

ABSENT: William J. Fonk

Yoshito Tanaka, County Attorney  
Shunichi Kimura, County Chairman & Executive Officer

Jack Bryan  
Walt Southward  
Lloyd Sadamoto  
Harold Tanouye

The first meeting of the County Planning Commission was called to order by the Acting Director, Mr. Sueruji, and announced the swearing in ceremony to be conducted by Mr. Tanaka, County Attorney. All the members of the newly created Commission were sworn in with the exception of Mr. Fonk who was absent.

The Chairman welcomed the new members and mentioned that the CP Commission of the County of Hawaii to whom the members are responsible to this very important job here with the confirmation of the Board of Supervisors will do their best in the interest of the County of Hawaii. The Commission Chairman also expressed that the members including himself would be worthy of their trust and faith.

The County Chairman stated that he considered the Planning Commission the top Commission of the entire government, not barring the other Commissions, and expressed that whatever action taken by the members would affect the economy of the County, economy of the individuals of this community, and all the more the members would be dealing with the cultural and social patterns of this community which makes this job most important in the County. He made one request as far as the conduct is concerned that he would like the members to call them as they see them on the merits and that he will not interfere with their actions.

Commission Chairman reminded the members that his statement on the conduct of the members stands as mentioned at the orientation meeting. He offered to help and work with the members as much as possible based on the experience he has gained after serving two years on the Commission.

MINUTES

The minutes of the meeting held on February 15, 1965, were approved and circulated on a motion of Mr. Santos, second of Mr. Kimura, and carried.

6. PAVEMENT WIDTH  
DEDICABLE ROADWAY

The members next considered the verbal request of the Public Works Committee of the Board of Supervisors to amend the

Subdivision Ordinance in order to require a wider pavement on dedicable roadways because the wide cars now in use have a tendency to break up roadways along the shoulders. The present requirement is a minimum pavement width of 16 feet.

Mr. Freitas moved for the acceptance of the Committee's recommendation to amend the ordinance in order to require the minimum pavement width of 20 feet for all roadways within the subdivision that are built to County standards for dedication purposes. The motion was seconded by Mr. Kimura, and carried.

PUBLIC HEARING

The meeting was recessed at 3:15 p.m., to conduct the following public hearings:

1. Request of Charles Makaweo for a variance to allow the development and construction of a 20-unit apartment hotel complex. The proposed use will be located on two lots approximately 14,376 square feet and 11,064 in area, being Lots B and C, a portion of Kam IV Deed, Kawaihae Village, Kawaihae 1st, South Kohala.
2. Request of David Ota for a special permit to allow the construction of an addition to the existing general retail and restaurant building to be used as a barber shop on a parcel of land containing 13.852 acres, being a portion of L. C. Aw. 7228, Holualoa 4th, North Kona.

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The meeting was reconvened at 3:35 p.m.

SUBDIVISION  
COMMITTEE  
REPORT

The following items were discussed and action taken accordingly:

33. WAIAKEA HOMESTEADS  
HOUSE LOTS, S. HILO  
THOS. T. NAKAHARA, LTAL.  
TMK: 2-2-45:1

Final approval for recordation of the proposed "Hale Pua Subdivision," being portions of Grant 10533, Lot 12, Block 701 of Waiakea Homesteads House Lots, Waiakea, South Hilo, Hawaii, into 28 lots all in excess of 9,600 square feet.

It was moved by Mr. Freitas, seconded by Mr. Kimura, and carried that final approval for recordation be granted when the necessary documents are submitted, subject to each and every provision of Ordinance No. 24, excepting those provisions which are specifically modified and the conditions listed in the letter of preliminary approval, dated December 28, 1964.

The requirement to construct sidewalks has been waived by the Board of Supervisors at its meeting of February 3, 1965.

Land shall not be offered for sale, lease or rent until recordation of the final subdivision map and submission of necessary documents.

Final approval for recordation shall be granted upon submission of three signed copies of the Agreement between the subdivider and the County of Hawaii and three signed copies of the contract between the subdivider and the contractor for the construction of road and water system.

34. WAIAKEA  
SOUTH HILO  
ELROY OSORIO  
TMK: 2-1-14:63

Final plan approval of the proposed subdivision, being portions of Grants 10156 and 10157, Waiakea, South Hilo, Hawaii, into 2 lots of 8,492 square feet and 7,550 square feet.

On a motion of Mr. Freitas and second of Mr. Kimura, the Commission voted to grant final plan approval to the proposed subdivision, subject to each and every provision of Ordinance No. 24, excepting those provisions which are specifically modified on the installation of sewers.

As a condition of approval, the subdivider is required of the following:

1. All lot corners shall be marked by one-half ( $\frac{1}{2}$ ) inch galvanized pipe, or equal, firmly set on the ground.
2. Relocation of the structure straddling the boundary.
3. The Commission shall recommend to the Board of Supervisors that the subdivider be required to install sidewalks in accordance with the specifications of the Department of Public Works.

Land shall not be offered for sale, lease, or rent until the recordation of the final subdivision map.

Final approval for recordation shall be granted upon 1) relocation of the structure straddling the boundary and a written notification by the owner so stating and the inspection thereof by the staff of the Planning Commission or upon posting of a deposit to pay for the full cost of relocating the house and 2) the completion of the necessary improvement.

#### PUBLIC HEARING

The meeting was recessed at 4:10 p.m., to conduct the following public hearings:

- ✓ 1. Request of Kohala Kim Chee, Inc., for a special permit to allow a 5' x 18' addition to the existing building on a parcel of land containing approximately 6.447 acres, being a portion of L. C. Aw. 10863, Kokoiki Homesteads, North Kohala.
- ✓ 2. Request of Madeline Leslie and Robert Leslie, Jr., for a special permit to allow the development and construction of a general retail store on a parcel of land approximately 7.30 acres, being a portion of Kealia 1st, South Kona.

- - - - -

The meeting was reconvened at 4:16 p.m.

SUBDIVISION  
COMMITTEE  
REPORT

The following item was discussed and action taken accordingly:

recommended the amendment of the Master Plan to reflect the changes mentioned in the foregoing. The amendment of the Master Plan by ordinance requires action of the Board of Supervisors before it becomes effective.

Mr. Griffin moved to approve the request for amendment of the Master Plan and the granting of variance with the usual conditions. The motion was seconded by Mr. Freitas, and unanimously carried.

LAND USE COMMISSION  
SPECIAL PERMIT  
DAVID OTA

A public hearing was held on the request of David Ota for a special permit to allow the construction of an addition to the existing general retail and restaurant building to be used as a barber shop on a parcel of land containing 13.852 acres, being a portion of L. C. Aw. 7228, Holualoa 4th, North Kona.

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

LAND USE COMMISSION  
SPECIAL PERMIT  
KOHALA KIM CHEE, INC.

A public hearing was held on the request of Kohala Kim Chee, Inc., for a special permit to allow a 5' x 18' addition to the existing building on a parcel of land containing approximately 6.447 acres, being a portion of L. C. Aw. 10863, Kokoiki Homesteads, North Kohala.

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

LAND USE COMMISSION  
SPECIAL PERMIT  
MADELINE LESLIE  
ROBERT LESLIE, JR.

A public hearing was held on the request of Madeline Leslie and Robert Leslie, Jr., for a special permit to allow the development and construction of a general retail store on a parcel of land approximately 7.30 acres, being a portion of Kealia 1st, South Kona.

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

REZONING REQUEST  
RESIDENTIAL ZONES A & B  
MARIE T. LEE/KIYOKO  
WATANABE/EIJIRO KANESHIRO

After a duly held public hearing, the members discussed the request of Marie T. Lee, Kiyoko Watanabe, and Eijiro Kaneshiro for a change in zoning of approximately 2½ acres of land situated at Waiakea Homesteads House lots from a portion of Residential Zones "A" and "B" to a Neighborhood Shopping District.

The staff informed the members that if the rezoning request were approved, the following uses will be allowed to develop in the area: service trades and shops of a definitely retail character such as, athletic goods, baby and toy shop, bakery employing not more than 5 persons, barber shop, beauty shop, book and stationery shop, butcher shop, candy and nut shop, dress shop, drug store, dry cleaning shop employing not more than 5 persons, fix-it shop, florist, garden equipment repair shop employing not more than 3 persons, gift shop, haberdasher, hardware shop, laundry employing not more

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COUNTY PLANNING COMMISSION  
County of Hawaii  
Hilo, Hawaii

April 26, 1965

The County Planning Commission met in regular session at 1:03 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada  
William J. Bonk  
John T. Freitas  
Hiroo Furuya  
Kenneth Griffin  
Isamu Hokama  
Walter W. Kimura  
Masayoshi Onodera  
Robert J. Santos  
Edward Toriano  
Raymond H. Suefuji  
Mary F. Hara

ABSENT: None

Richard Miyamoto, Judge, District Court

The Chair announced the swearing in ceremony to be conducted by Judge Miyamoto for Mr. Bonk, Commission member, who was absent at the last meeting when the rest of the members were officially sworn in to serve on the Planning Commission.

MINUTES

The minutes of the meeting held on March 31, 1965, were approved as circulated on a motion of Mr. Griffin, second of Mr. Santos, and carried.

MASTER PLAN & ZONING  
COMMITTEE REPORT

Mr. Santos moved to accept the report and to adopt the recommendations of the Master Plan and Zoning Committee except for Item Nos. 2, 5, and 8 and that the matter be laid on the table. The motion was seconded by Mr. Griffin and carried.

PUBLIC HEARING

The meeting was recessed at 1:20 p.m., to conduct the following public hearings:

1. Request of T. Kamigaki Store for a variance to allow the development and construction of a general grocery store. The proposed use will be located on a lot approximately 2.386 acres in area, being parcel 10, Keekee 2nd, South Kona.
  2. Request of Bank of Hawaii for a variance to allow the development and construction of a bank building. The proposed use will be located on a lot approximately 1.048 acres in area, being parcel 46, Id. Ct. App. 1632, Keekee 1st, South Kona.
  3. Request of Shell Oil Company for a variance to allow the development and construction of an automobile service station. The proposed use will be located on a lot approximately 11,661 square feet in area, being parcel 6, Grant 8451, portion of Waimea Town, South Kohala.
-

The following items were discussed and action taken accordingly:

1. MINOR STREET  
REQUIREMENT

A minimum standard was discussed for the various types of surface pavement and sub-base that should be required of the

subdividers for roadways serving up to five lots.

Mr. Santos moved to defer this matter until the recommendation and specifications for minor streets within a subdivision is received from the County Engineer. The motion was seconded by Mr. Hokama, and carried.

5. RODRIGUES SUBDIVISION

On a motion of Mr. Freitas and second of Mr. Toriano, the Commission voted to defer

action on the approval until the required revised plans are submitted.

20. STREET NAMES  
BAYVIEW LOTS  
REALTY INVEST. CO., LTD.

The subdivider requested consideration of street names within "Bayview Lots, Units 1 and 2," portion of Grant 5122, Ponahawai, South Hilo, Hawaii, to be designated as

"Kaikuono Street" for Unit 1 roadway which means inlet, gulf or bay and "Pakalana Place" for Unit 2 roadway, which is an extension from Kaumana Terrace subdivision and previously approved.

Mr. Freitas moved for acceptance of the street names. The motion was seconded by Mr. Kimura, and carried.

LAND USE COMMISSION  
SPECIAL PERMIT  
DAVID OTA

The request of David Ota was considered for a special permit to allow the construction of an addition to the existing general retail and restaurant building to be used

as a barber shop on a parcel of land containing 13.852 acres, being a portion of L. C. Aw. 7228, Holualoa 4th, North Kona.

A public hearing was held last month on this request. The staff reported that this area is within the Rural District of the State Land Use Zone. As such, the only permitted uses are a low-density residential use not to exceed one lot per one-half acre and agricultural uses. The Commission may permit certain "unusual and reasonable" uses within the agricultural and rural districts other than those for which the district is classified.

It was moved by Mr. Santos, seconded by Mr. Freitas, and carried unanimously that the special permit be recommended for approval to the Land Use Commission on the basis of the following findings:

1. The proposed use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations.
2. The desired use would not adversely affect the surrounding property.
3. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
5. The barber shop use in an area such as Kona where the district spans an area of some 80 miles is necessary for the convenience and general good of the residents of the district. The granting of the use would not

adversely affect the surrounding property but tends to serve the need of the community. It would be an unnecessary hardship for residents of this area to travel miles away for a haircut.

LAND USE COMMISSION  
SPECIAL PERMIT  
KOHALA KIM CHEE, INC.

The request of Kohala Kim Chee, Inc., was considered for a special permit to allow a 5' x 18' addition to the existing building on a parcel of land containing approxi-

mately 6.447 acres, being a portion of L. C. Aw. 10863, Kokoiki Homesteads, North Kohala.

A public hearing was held last month on this request. The staff reported that this area is within the Agricultural Zone of the State Land Use Zone and as such the only permitted uses are farm buildings and agricultural uses. The criteria for approving special permit would be the same as the foregoing since the application was for the purpose of constructing a small addition to the kim chee factory. This would be an accessory use to the present operation, therefore, the enclosure as proposed would not be contrary to the intent of the Land Use regulations. Should the owner in the future decide to grow the crops needed for his use, such a processing factory would come within the purview of the accessory use and therefore a permitted use. Such an addition would tend to improve the condition of the general operation of the factory and at the same time grant the relief needed. The staff recommended approval.

On a motion of Mr. Freitas and second of Mr. Santos, the Commission voted unanimously to recommend approval of the request for a special permit to the Land Use Commission on the basis of the following findings:

1. The proposed expansion is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations.
2. The desired use would not adversely affect surrounding property.
3. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

LAND USE COMMISSION  
SPECIAL PERMIT  
MADELINE LESLIE  
ROBERT LESLIE, JR.

The request of Madeline Leslie and Robert Leslie, Jr., was considered for a special permit to allow the development and construction of general retail store on a parcel of land approximately 7.30 acres,

being a portion of Kealia 1st, South Kona.

A public hearing was held last month on this request. The staff reported that the parcel in question is vacant at the present time and is located directly across from the applicant's existing retail store which was condemned by the Building Official. The area is developed with mixed uses of residences and agricultural uses. There are presently approximately 30 houses within the radius of 1 mile. At present, the existing retail store is serving the needs of the people in this district and also the needs of the people living at Milolii. It is the last outpost store between Kealia and Waiohinu in the district of Kau. Very few people in the area own cars and most of the residents are aged and they feel that they would not be able to be served with everyday needs if the commercial use is not re-established in the same area. This area is within the Agricultural District of the State Land Use Zone. As such, the only permitted uses are farm buildings and agricultural uses. Since the adoption of the land use boundaries and the placement of the existing uses as a nonconforming use, the conditions then existing has made a change that may unduly inconvenience the people of this district as



well as the owners who are operating said use. Once a nonconforming use is condemned, this use should be phased out, and this is the intent in placing the use in a nonconforming status. This commercial use is a necessary one for the community as there is a definite need to serve the people, therefore the staff recommended approval.

It was moved by Mr. Kimura, seconded by Mr. Griffin, and carried unanimously that the special permit be recommended for approval to the Land Use Commission on the basis of the following findings:

1. The proposed use is not contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations.
2. The desired use would not adversely affect the surrounding property.
3. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

AMENDMENTS  
RULES OF PRACTICE & PROCEDURE  
RULES FOR THE TRANSACTION  
OF BUSINESS

The staff recommended deferment on the consideration of incorporating amendments to the Commission's Rules of Practice and Procedure and also the Rules for the Transaction of Business under Ordinance No. 304

(Enabling Ordinance) because of the pending adoption of amendments by the Board of Supervisors to Ordinance No. 304 which will affect the Commission's procedure.

Mr. Griffin moved for deferment on the consideration of amendments because of the pending adoption of the amended Enabling Ordinance. The motion was seconded by Mr. Hokama, and carried.

INTERIM ZONING  
VARIANCE REQUEST  
T. KAMIGAKI STORE

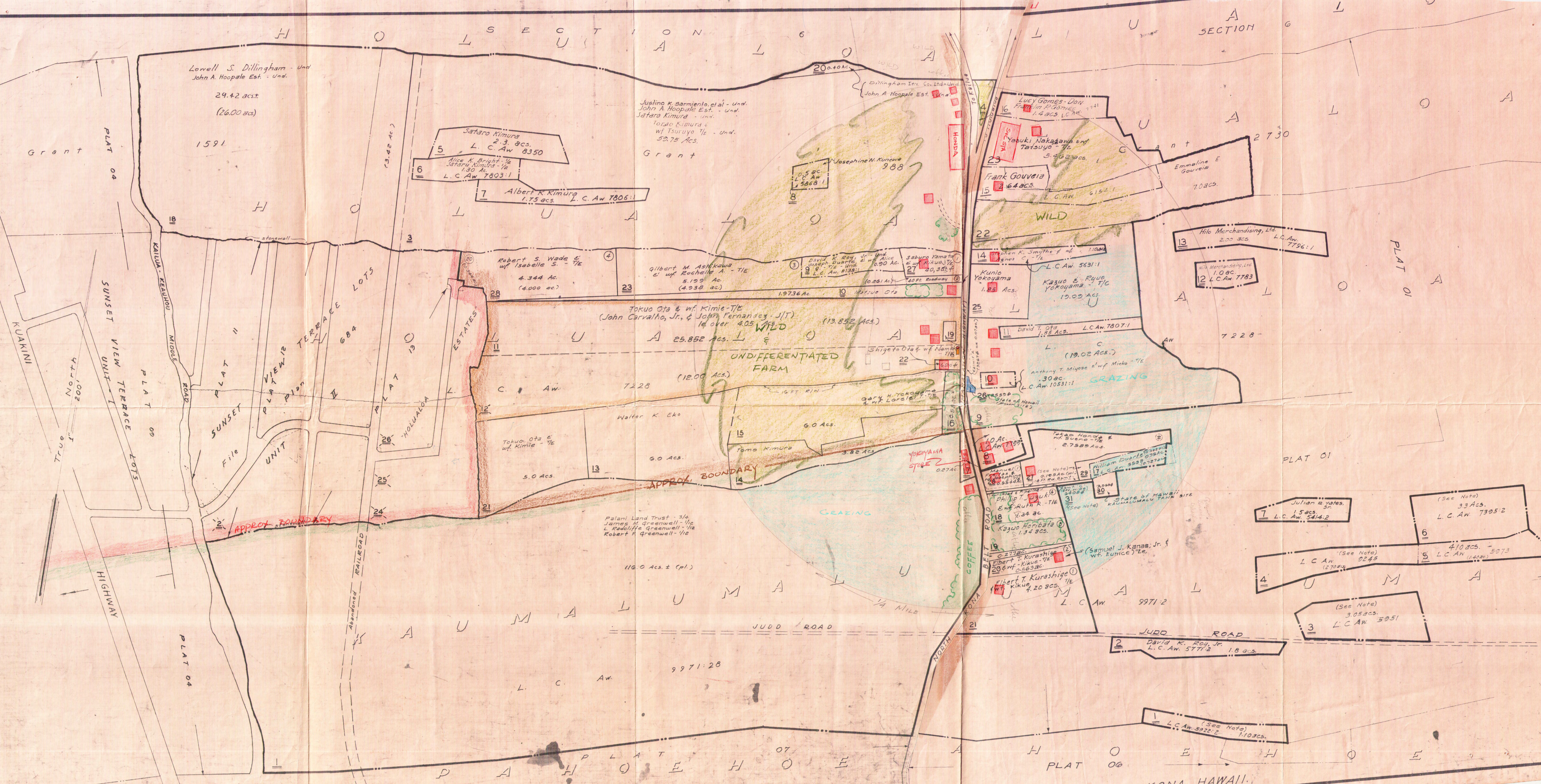
After a duly held public hearing, the request of T. Kamigaki Store was considered for a variance to allow the development and construction of a general grocery store.

The proposed use will be located on a lot approximately 2.386 acres in area, being parcel 10, Keekee 2nd, South Kona.

The staff reported that the proposed use is compatible with the surrounding commercial use intermixed with a few single-family dwellings. The post office and government building complex is located close by. The area has several churches and community facilities. The proposed use is in conformity with the Plan for Kona, therefore, the staff recommended approval of the variance on the basis of the following conditions:

1. The supermarket be developed in accordance with the plans submitted with the same number of parking stalls shown and improved.
2. The area surrounding the building be properly landscaped to enhance the development.
3. Construction shall start within a period of one year as of the date of the public hearing; otherwise, the variance shall be deemed null and void.

Mr. Kimura moved for approval of the variance request, subject to the conditions stipulated. The motion was seconded by Mr. Hokama, and unanimously carried.



Lowell S. Dillingham - Und.  
John A. Hoopale Est. - Und.  
29.42 acs  
(26.00 acs)

Sataro Kimura  
2.3 acs.  
L. C. Aw 8350

Justino K. Sarmiento, et al - Und.  
John A. Hoopale Est. - Und.  
Sataro Kimura - Und.  
Tokuo Kimura &  
wife Tsuruyo T. - Und.  
52.75 Ac.  
Grant

Alice K. Bright - 1/2  
Sataro Kimura - 1/2  
1.30 Ac.  
L. C. Aw 7803:1

Albert K. Kimura  
1.75 acs.  
L. C. Aw 7806:1

Josephine N. Kunzwa  
0.5 ac  
L. C. Aw 5868:1

Lucy Gomes - Dow  
Franklin C. Gomes - 1/2  
1.4 acs. L. C. Aw 7141

Yabuki Nakagawa and  
Tatsuyo T. - 1/2  
5.462 acs.

Frank Gouveia  
2.64 acs.  
L. C. Aw 6152:1

Emmaline E.  
Gouveia  
7.0 acs.

Hilo Merchandising, Ltd.  
2.00 acs.  
L. C. Aw 7796:1

Hilo Merchandising, Ltd.  
1.0 ac.  
L. C. Aw 7783

Robert S. Wade &  
wife Isabelle S. - 1/2  
4.344 Ac.  
(4.000 ac)

Gilbert M. Ashikawa  
& wife Rochelle A. - TIE  
5.109 Ac.  
(4.938 ac)

David E. Roy, Jr. - Und.  
Joseph Duarte & wife Alice  
1.90 Ac.  
L. C. Aw 8138:1

Saburo Yamata  
& wife Kikue T. - 1/2  
40.382 ac

Tokuo Ota & wife Kimie - TIE  
(John Carvalho, Jr. & John Fernandez - J/T)  
14 over 4.05 acs.  
13.852 Ac.  
WILD  
UNDIFFERENTIATED  
FARM

Shigetaro Ota & wife Namiko  
- 1/2  
19.02 Ac.  
L. C. Aw 7807:1

David T. Ota  
1.85 Ac.  
L. C. Aw 7807:1

Anthony T. Miyose & wife Miko - TIE  
.30 ac.  
L. C. Aw 10531:1

Takao Honda &  
wife Suena - 1/2  
2.7585 acs.

Manuel O.  
1.063 ac (pl)  
L. C. Aw 5522:1

Philip T. Ota  
& wife Ruth R. - TIE  
7.34 ac.

Kazuo Horibata  
1.34 acs.

Elbert T. Kurashige  
& wife Kikue - TIE  
0.272 ac

Elbert T. Kurashige  
& wife Kikue - TIE  
20.0 acs.  
L. C. Aw 9971:2

William Dumble Otsuka  
& wife Otsuka  
L. C. Aw 5522:1

(See Note)  
L. C. Aw 9245

(See Note)  
L. C. Aw 5951

David K. Roy, Jr.  
L. C. Aw 5771:2 1.8 acs.

(See Note)  
L. C. Aw 5922:2 110 acs.

Julian A. Yates,  
Sr.  
1.5 acs.  
L. C. Aw 5414:2

(See Note)  
33 acs.  
L. C. Aw 7395:2

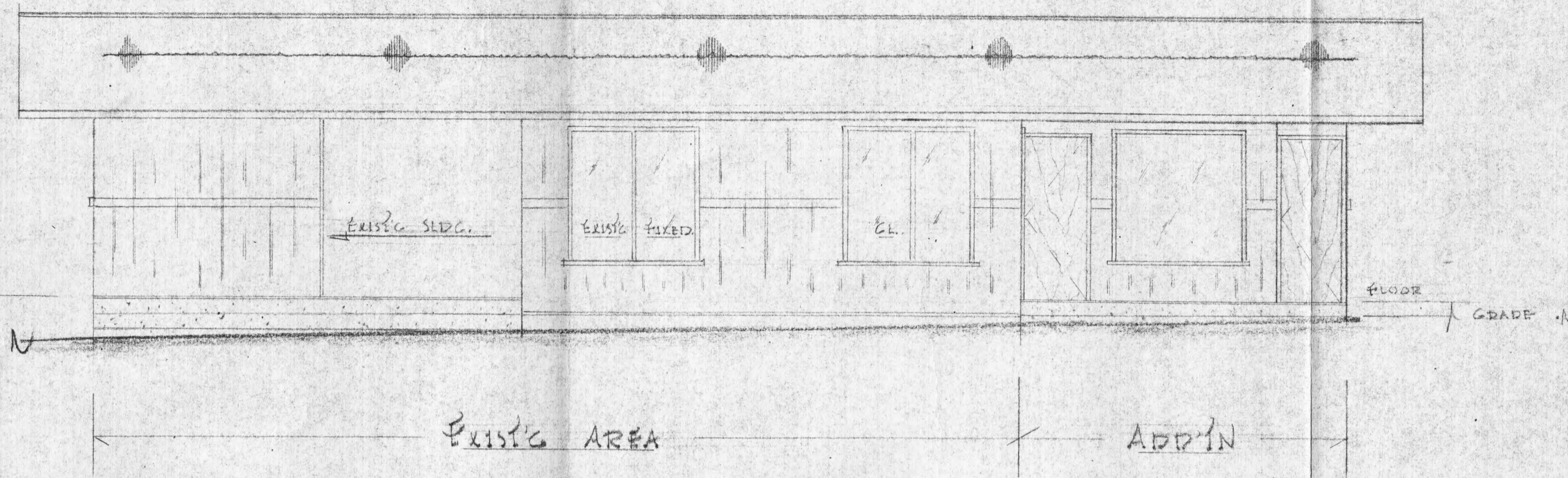
(See Note)  
L. C. Aw 27024

(See Note)  
410 acs. -  
L. C. Aw 5973

(See Note)  
3.05 acs.  
L. C. Aw 5951

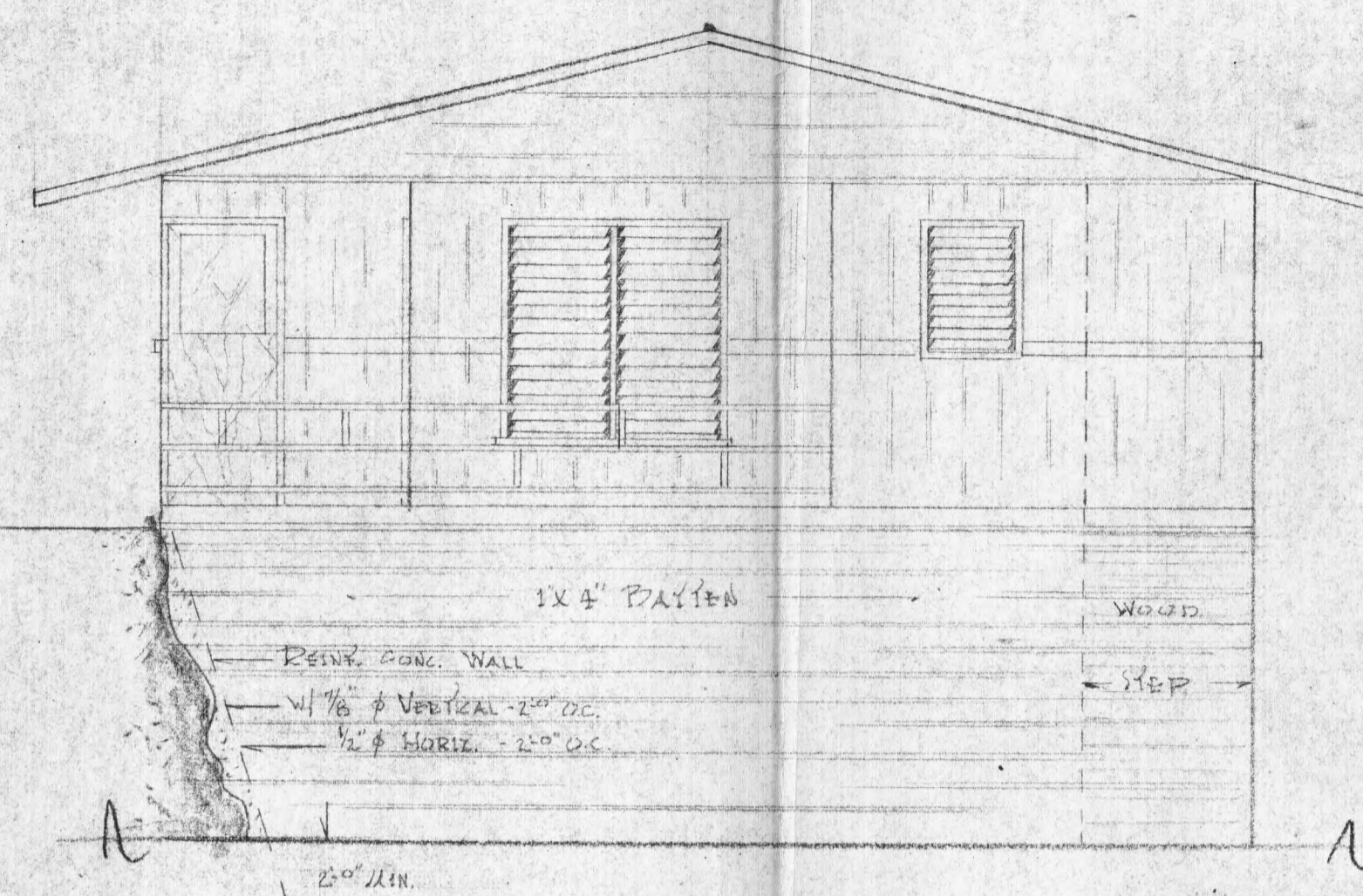
(See Note)  
L. C. Aw 5771:2 1.8 acs.

(See Note)  
L. C. Aw 5922:2 110 acs.



FRONT VIEW

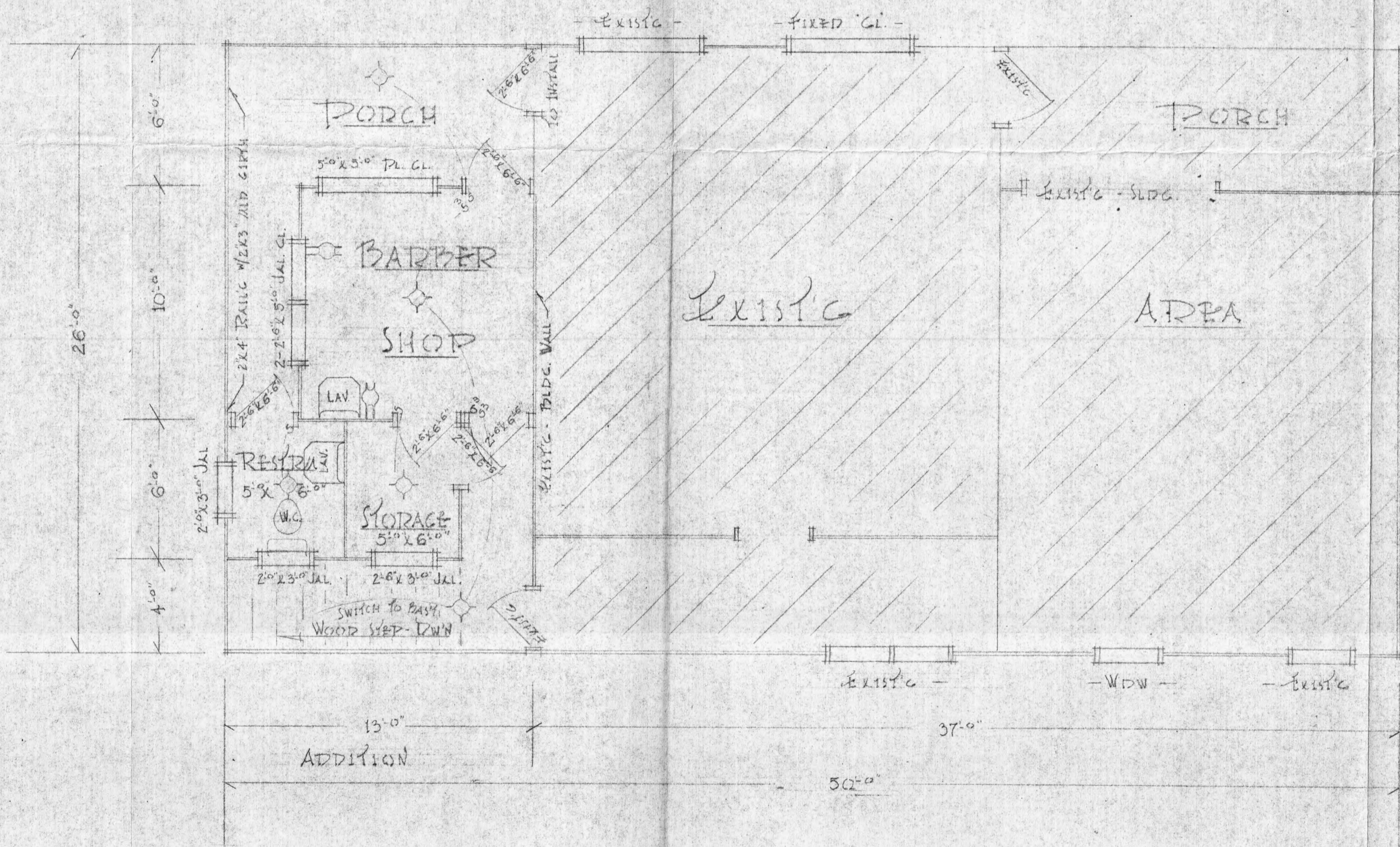
SC. - 1/4" = 1'-0"



NORTH VIEW

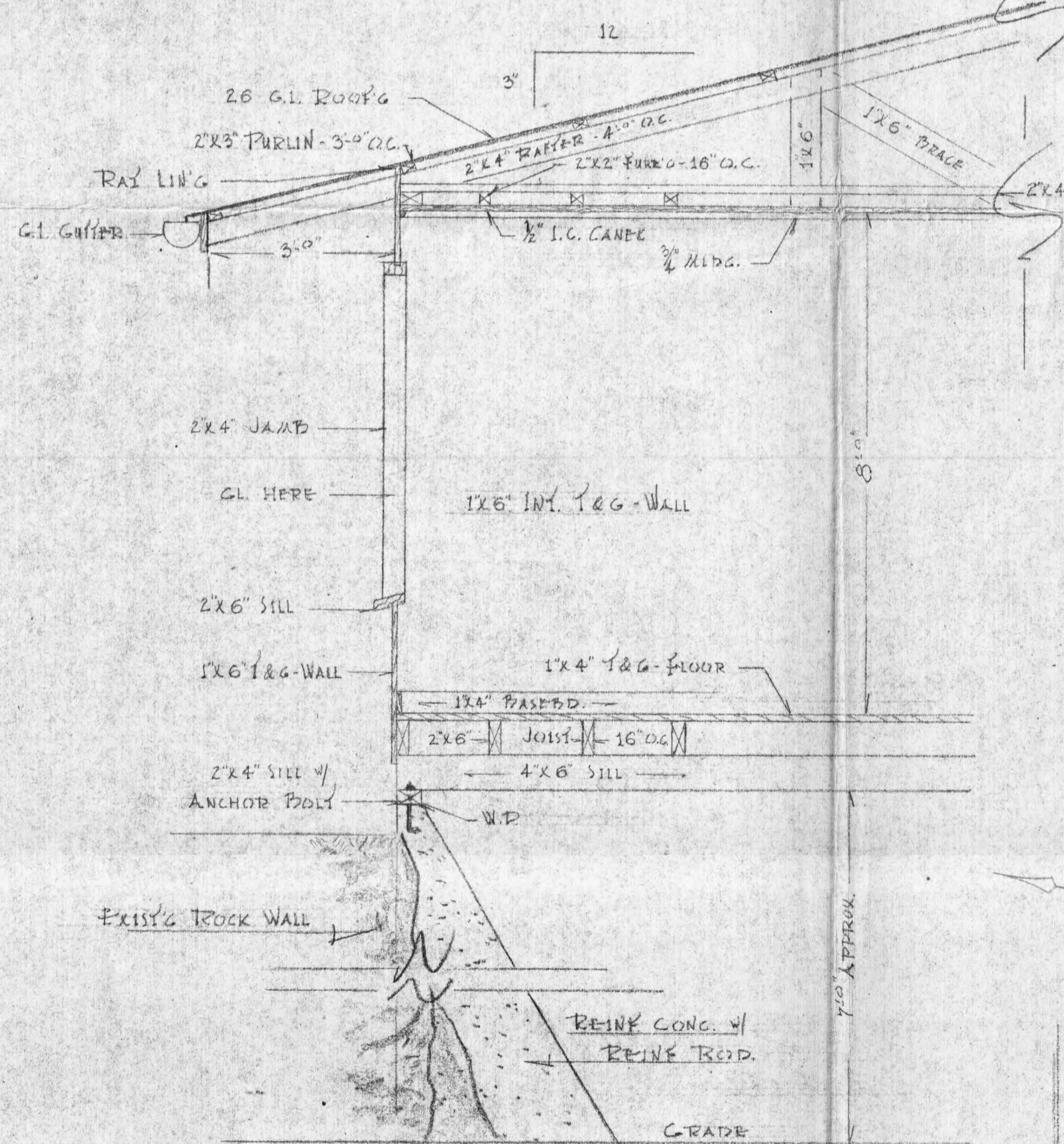
ADDITION  
EXIST'G - O.P.  
W.P.

Note: No Sc.  
EXIST'G C.P. 15'  
FROM EXIST'G BLDG.  
EXIST'G BLDG. 12'  
FROM SOUTH BOUNDARY  
LOT 12 - SAME OWNER  
13,852 ACS.



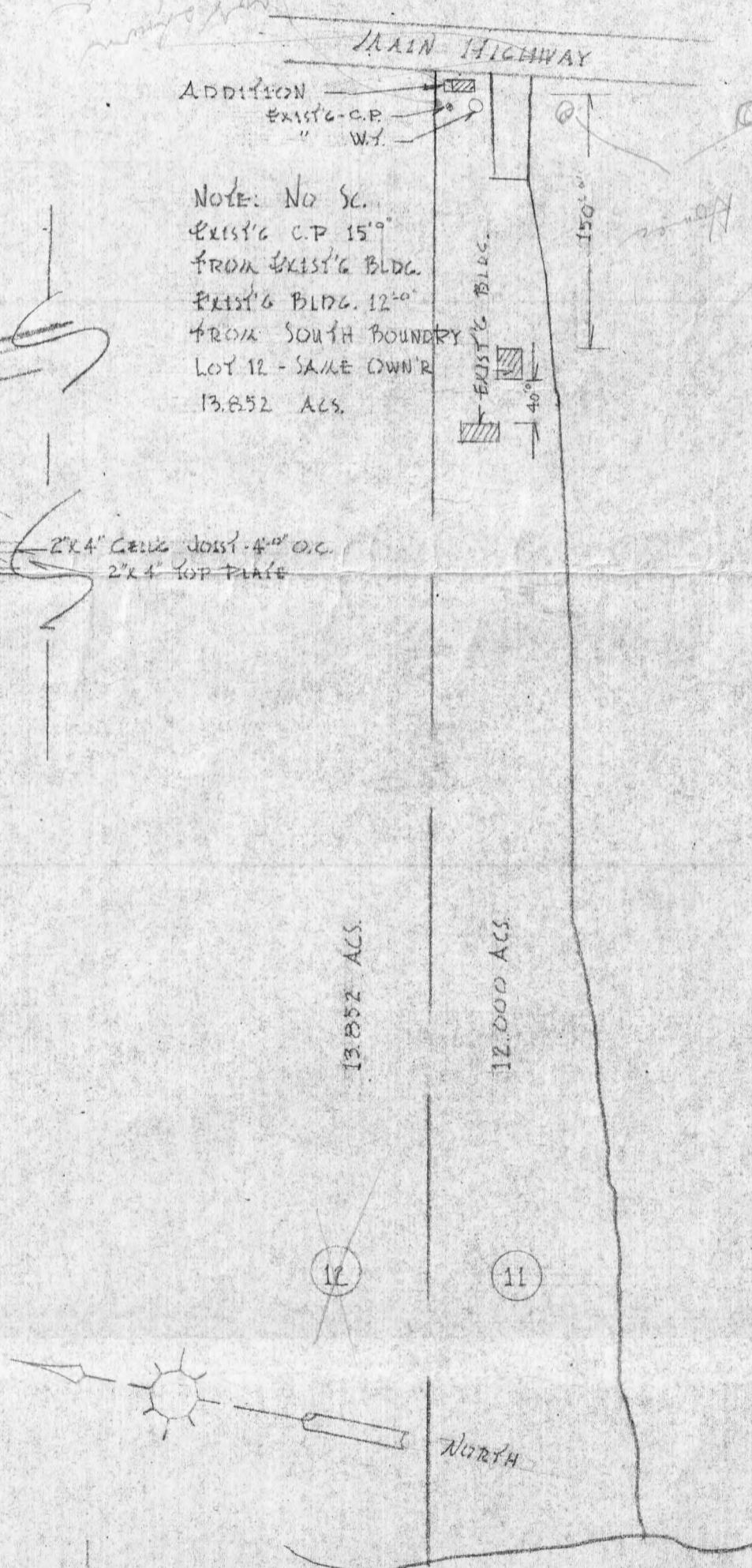
FLOOR PLAN

SC. - 1/4" = 1'-0"



WALL DETAIL

SC. - 1/2" = 1'-0"



Plot Plan  
I.K. 7-7-08-11  
JOHN CARVALHO JR. &  
JOHN FERNANDEZ - J/H  
LT. OVER 4.05 ACS.  
TOKUO & KIMIE OYA, OWNER.

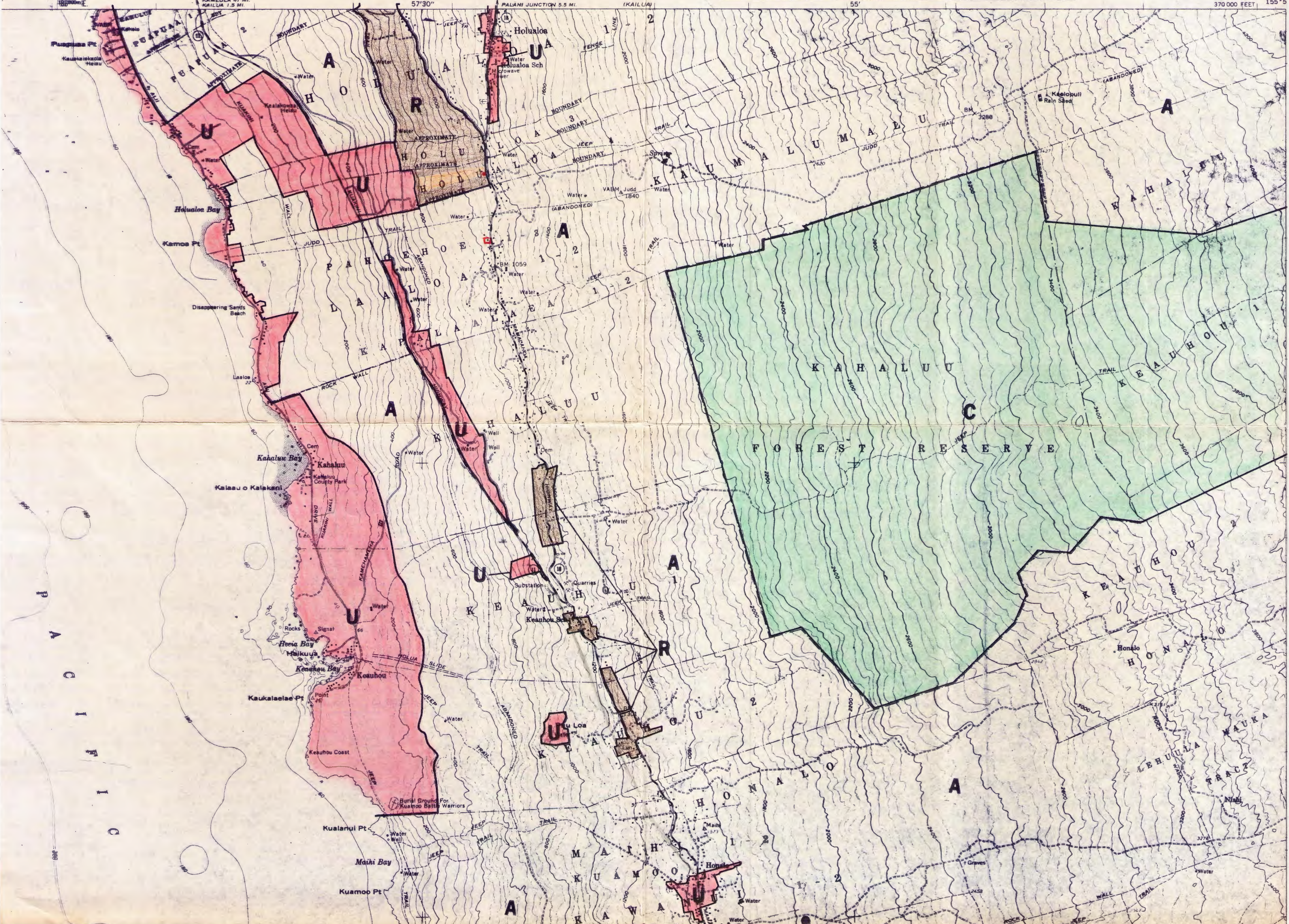
ADDITION FOR: TOKUO & KIMIE OYA, OWNERS KAUMALUMALU, N. KONA, HAWAII HAWAII HARDWARE CO. LTD. DRAWN BY: CD 119'65

2.25 miles for 0.45

LAND USE DISTRICT BOUNDARIES		DISTRICTS
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: AUG 23, 1964	U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
H-8		

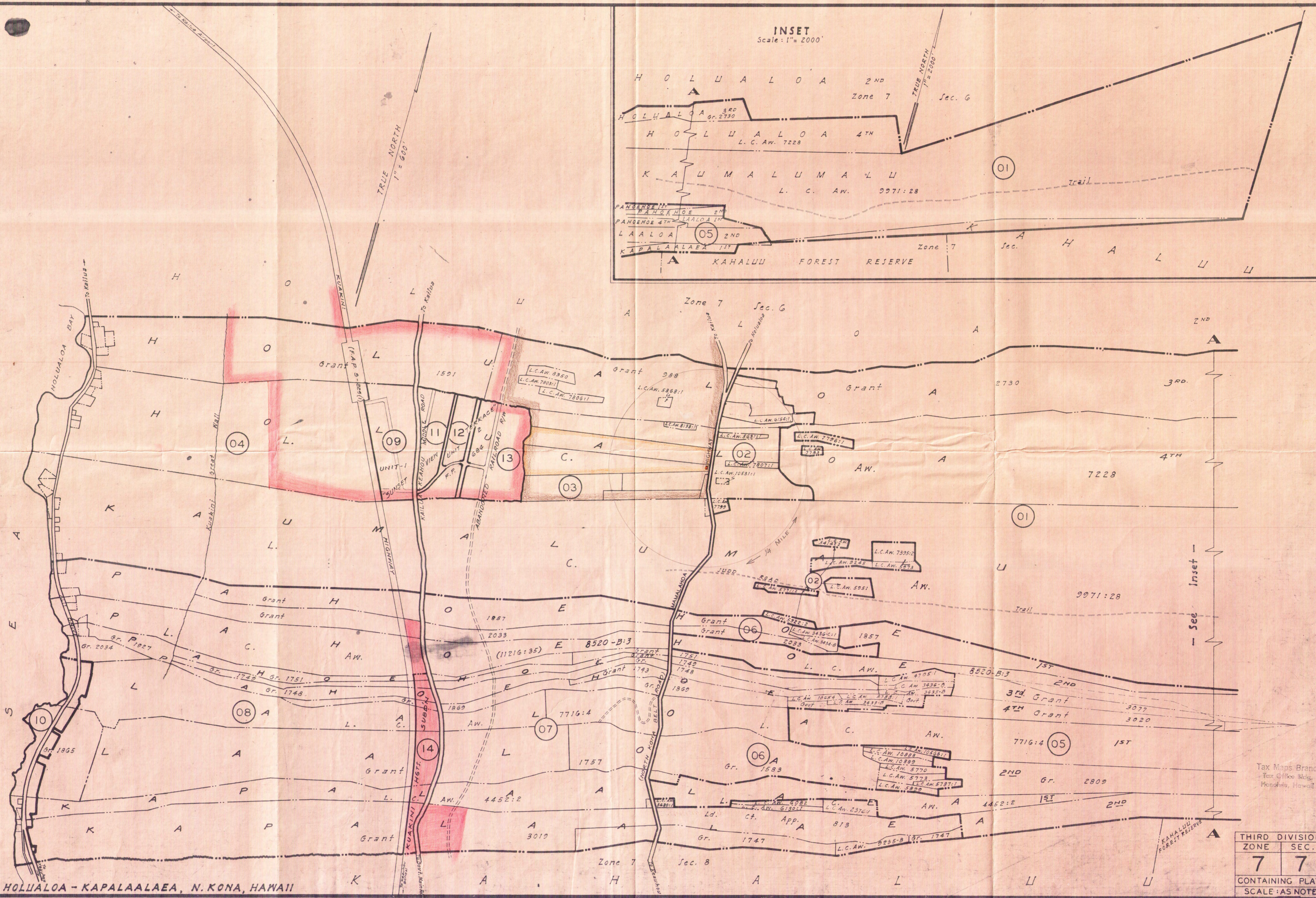
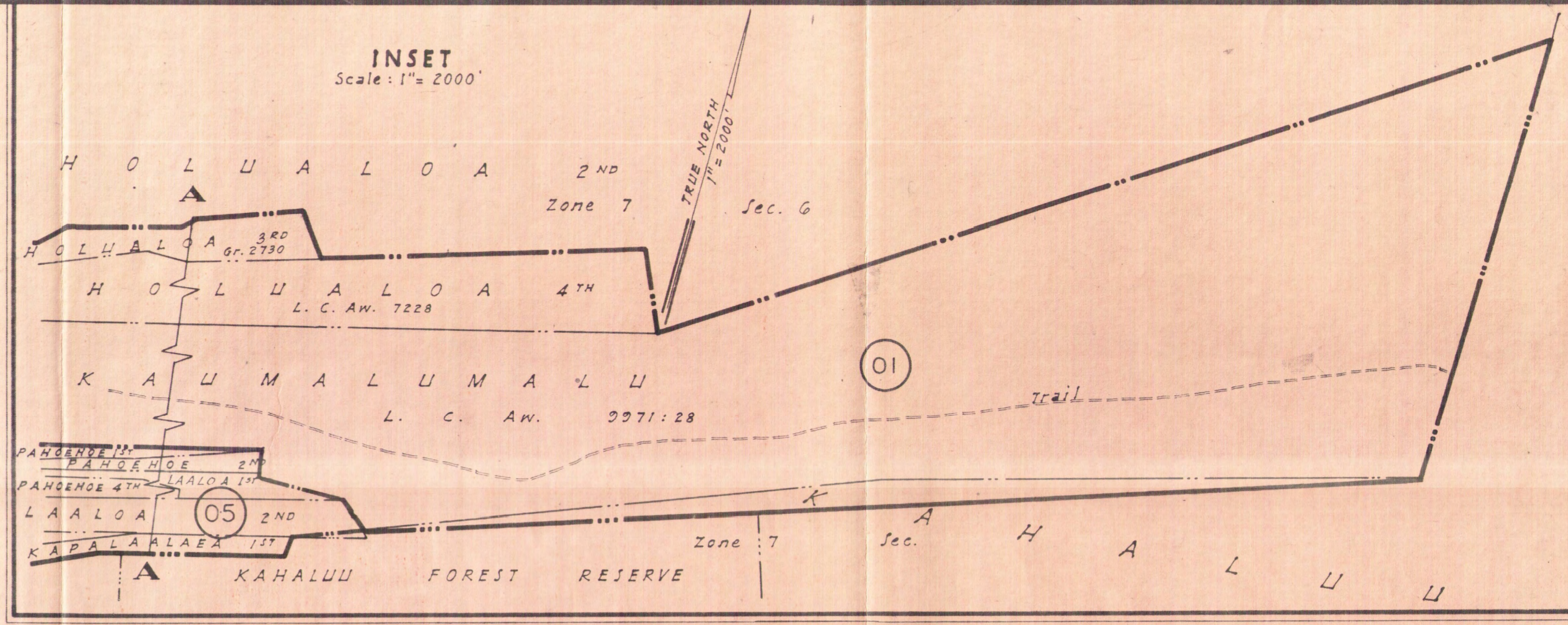
KEALAKEKUA QUADRANGLE  
HAWAII-ISLAND AND COUNTY OF HAWAII  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
SW 1/4 KAILUA 15' QUADRANGLE

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



JUL 5 1946  
NOV 23 1946  
PL 17 46

INSET  
Scale: 1" = 2000'

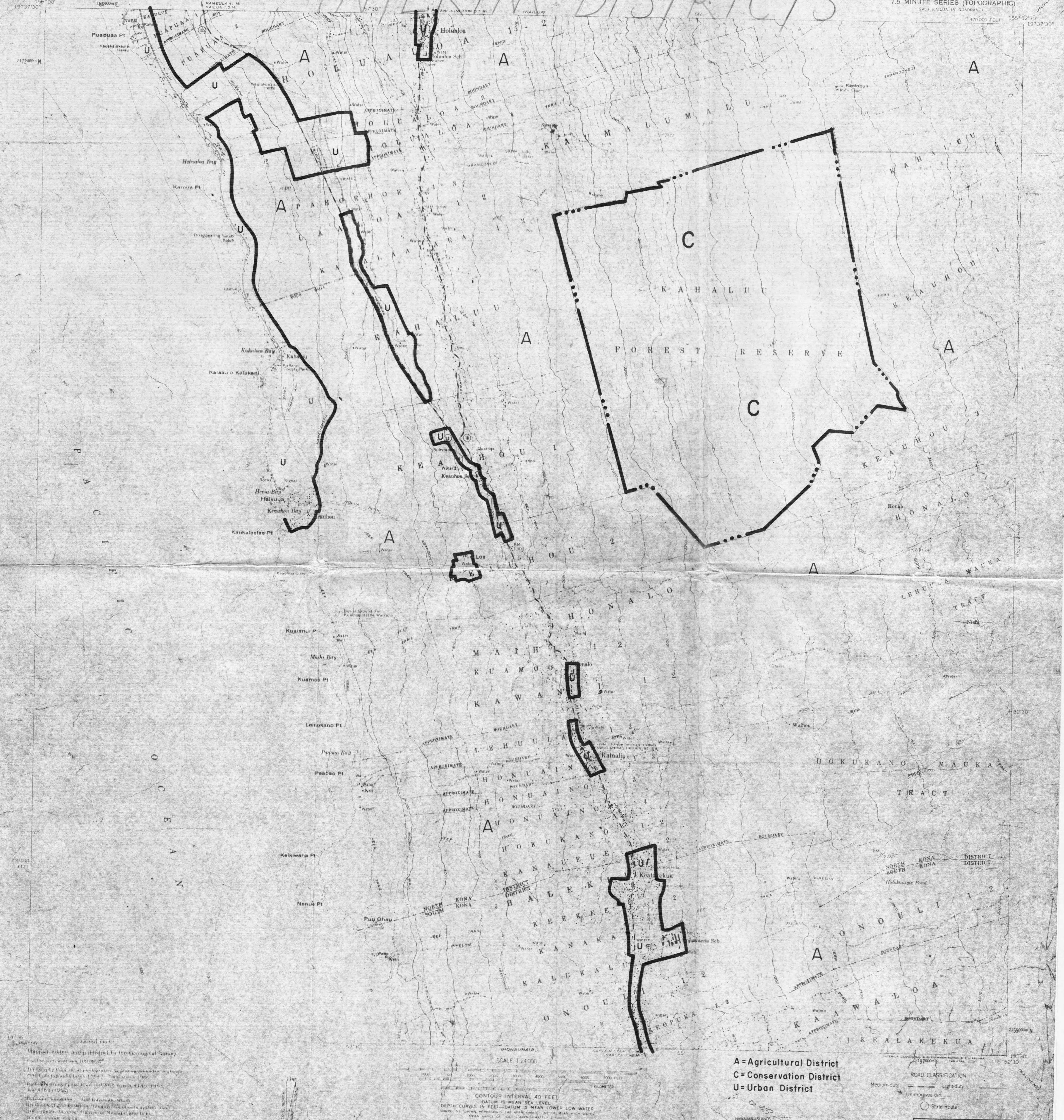


Dwg. No: 275  
Source: Tax Map Area - Survey Office  
By: A.L. & H.N. June 1936

Tax Maps Branch  
Tax Office Bldg.  
Honolulu, Hawaii

THIRD DIVISION	
ZONE	SEC.
7	7
CONTAINING PLATS	
SCALE: AS NOTED	

# INTERIM DISTRICTS



Map edited and published by the Geological Survey  
Photography from aerial photographs by photogrammetric methods  
Vertical datum: Mean Sea Level, 1929  
Horizontal datum: Hawaiian Islands, 1923  
Scale: 1:24,000  
Contour interval: 40 feet  
Datum: Mean Sea Level  
Depth curves in feet, datum is mean lower low water  
Approximate mean declination: 1960

SCALE 1:24,000  
CONTOUR INTERVAL 40 FEET  
DATUM IS MEAN SEA LEVEL  
DEPTH CURVES IN FEET, DATUM IS MEAN LOWER LOW WATER  
APPROXIMATE MEAN DECLINATION: 1960

**A = Agricultural District**  
**C = Conservation District**  
**U = Urban District**

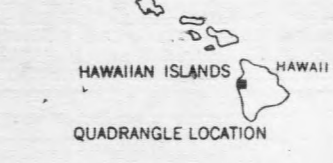
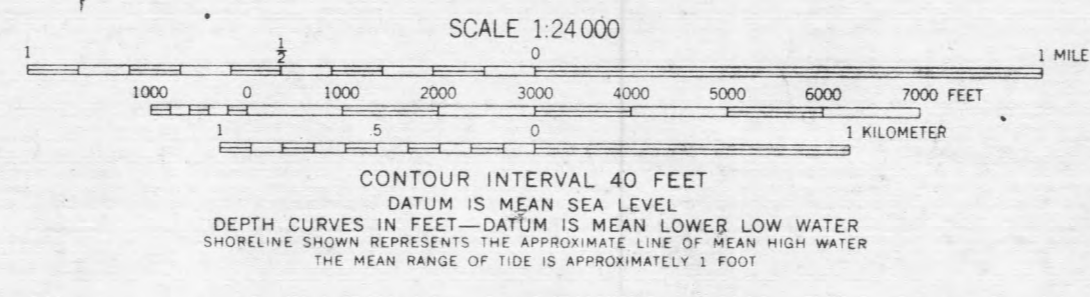
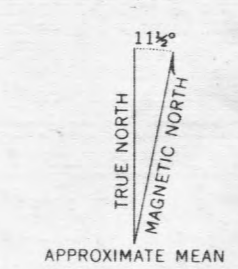
ROAD CLASSIFICATION  
Medium-duty — Light-duty  
Unimproved dirt  
State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D.C.  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

KEALAKEKUA, HAWAII  
SW 4 KAUAI 15 QUADRANGLE  
N1930-W15552-B-7.5



Mapped, edited, and published by the Geological Survey  
Control by USGS and USC&GS  
Topography from aerial photographs by photogrammetric methods  
Aerial photographs taken 1954. Field check 1959  
Hydrography compiled from USC&GS chart 4164 (1951)  
Polyconic projection. Old Hawaiian datum  
10,000-foot grid based on Hawaiian coordinate system, zone 1  
1000-meter Universal Transverse Mercator grid ticks,  
zone 5, shown in blue



ROAD CLASSIFICATION  
Medium-duty ——— Light-duty ———  
Unimproved dirt - - - - -  
State Route ○

FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

**H-7** KAILUA, HAWAII  
NW 1/4 KAILUA 15' QUADRANGLE  
N 1937.5 - W 15552.5 / 7.5

1959