

KOHALA KIM CHEE, INC.

SP65-15

September 2, 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 Kohala Kim Chee, Inc. 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. Av. 10863, Kokoiki Homesteads, North Kohala, Hawaii, and covered by TMK 5-5-04-42.

Enclosed for your information is the staff report.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl. - 1
cc: Chairman Thompson
Kohala Kim Chee, Inc.
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP65-15
Kohala Kin Chee

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

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

COMMENTS:

moves for approval based on County's ^{reasons for} approval
and that the use is reasonable and unusual.

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 Kawaiiloa 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

Hawaii SP65-15 - FAH SIN AND HANNAH LIU District Classification: AGRICULTURAL

Background

The record of the special permit application by Fah Sin and Hannah Liu was received on July 7, 1965. It contains the Hawaii Planning Commission's recommendation that a special permit be granted the applicants to enable them to add five feet to their small kim chee cannery.

The cannery is a small family operation employing about six persons and located in a tile building between the Liu's home and their garage. These structures are located on the mauka portion of a 6.447 acre parcel identifiable by Third Division TMK 5-5-04: 42. The parcel is in Kokoiki located a little over a mile above the Mahukona road west of the Hawi Urban District.

The kim chee is prepared and canned by hand. The cabbage and pepper are hauled in from farms in Kamuela. The jars, caps, labels and pickling ingredients are flown into Kamuela and trucked to Hawi. The finished products are carried back to Kamuela to be flown to Honolulu. The kim chee operation has been continuous for nearly 16 years.

County water is available to Kokoiki from a 3 inch line leading from Kaauhuhu reservoir which is fed by Lindsay tunnel. About \$60,000 worth of improvements was made in 1962 to serve between two and three dozen families living in the Kokoiki area and about three dozen families scattered through the Kaauhuhu area.

The nearest school is over two miles away toward Kapaau. The nearest hospital is about four miles away in Kapaau. There is a fire station in North Kohala and a six-man police substation as well.

Between Hawi, the nearest Urban District, and the Liu property there is a mile long stretch of sugarcane both mauka and makai of the highway. The only notable exception to cane is the Camp 17 area located midway. The cane fields end roughly in a line between the Loran Station and the Liu property and east of the Puuepa-Kokoiki homesteads. The homestead area lies mauka and west of the Liu property. Southwest of the homestead area is the Kohala section of the Parker Ranch.

Soils in the area are primarily Kohala silty clay with slopes ranging from three to fifteen percent. These soils are suitable for machine cultivation and are not particularly noted for erosion problems. Cane and forage crops can be grown as well as truck crops. Macadamia nuts and other plantings sensitive to manganese toxicity may not thrive well.

The long term average of rainfall in the area is perhaps forty inches a year. Rainfall is higher east of Hawi. West of Hawi, particularly at lower elevations, irrigation systems may become necessary. West of the Liu property irrigation becomes increasingly necessary.

Analysis

The record transmitted by the Hawaii Planning Commission indicates that approval is recommended on the basis that expansion of the existing use:

- 1) Is not contrary to the objectives of the Land Use Law and the land use regulations,
- 2) Would not adversely affect surrounding property,

- 3) Would not unreasonably burden the public with requirements for public facilities and services, and
- 4) Is justifiable because unusual conditions, trends and needs have arisen since the district boundaries were established.

These findings are supported by arguments advanced at the County hearing that the canning operation is compatible with agricultural uses and would be considered accessory if the canning ingredients were raised on the property. The record also suggests that the absence of a principal use redefines the canning operation as a light industrial use. The record points out that a five foot expansion of the canning plant is a modest change but one which must be handled through special permit procedures because of a question as to whether the use is permissible in an Agricultural District.

Your staff concurs that a canning operation may be an accessory use if there is a connection to a parent use. It concurs that accessory uses are permissible where such uses are an integral part of some agricultural use. The concession in the interest of integration, however, is no more than recognition of locational interdependence between an accessory use and the parent use. Efficiency and compatibility are implicit in this interdependence. It should be understood, however, that when the accessory use becomes divorced from the parent use, locational interdependence, efficiency and compatibility cease. It is clear that a kim chee cannery is not a use related to agricultural uses such as grazing and cane growing. A reading of the land use regulations makes clear that a kim chee cannery is "not expressly permitted" in an Agricultural District and is therefore "prohibited."

The regulations do provide, however, that the Commission may permit certain

"unusual and reasonable uses within Agricultural --- Districts other than those for which the District is classified." Guidelines have been established to test whether a use is "unusual and reasonable;" these are now discussed.

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

Neither the Land Use Law nor the regulations subscribe to indiscriminate scattering of commercial and industrial uses. They are geared instead to the concentration of urban uses and to the preservation of agricultural lands.

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

The existing use and a small expansion of that use would be but a little more incompatible with surrounding uses than it already is. It should be remembered that the existing use is not accessory to agricultural uses surrounding it and given a wider spectrum of uses permissible in an Agricultural District, the existing use may become seriously incompatible.

The existing use is a commercial and industrial one with markets extending far beyond the ordinary scope of a home or farm home industry. The non-farm income derived from this operation is out of proportion to most lucrative agricultural pursuits of comparable size. It can be expected that these values will be imputed to land and will be imputed to surrounding land unless treated as a special case. To the extent that it is a special case it is not comparable to surrounding property.

- 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 existing use and the proposed expansion suggest no immediate requirement for additional public services or facilities. Industrial uses ordinarily require many services and facilities that can best be provided where facilities and services are shared. There are, however, in the Kohala area, virtually no other industrial uses except sugar mills and truck and equipment yards.

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

The boundaries and regulations were established in 1964. The most significant changes in Kohala such as the Kokoiki waterline, the discontinuation of regular service to Upolu Airport, the relocation of plantation housing, the highway improvements to Pololu

Valley were essentially completed or well under way between 1962 and 1964. The highway between Mahukona and Kawaihae has not yet been completed and the effect of this change is chiefly speculative for the moment.

There is a continuing and growing demand for kim chee produced by the Liu's but this is nothing unusual nor does it appear to have any bearing on whether the existing use or its location is unusual.

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

The Liu property is no less suitable for grazing, cane or any other agricultural use than the surrounding property except that there is greater profit to be had on such a small parcel by canning kim chee. It would seem instead that the location of the cannery was misplaced and that it would be more advantageous to have the cannery located in Kamuela. The Liu's personal preference and the place of residence of those who work in his cannery may be the only governing factors on the cannery's present location.

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

The proposal at hand is so at odds with the customary application for a special permit that this particular guideline has little bearing. The proposed use is an expansion of the existing use and does not substantially differ from the present use.

Considered as a whole, the existing use and its expansion constitute an exception to surrounding uses. The operation is kept small and is unobtrusively linked to the Liu's home. The premises are well masked by landscaping along the road and there appears to be ample buffer areas.

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

The Hamakua-Kohala Plan prepared for the County of Hawaii recommends no use for the area under examination. The present land use district classification of the area is Agricultural. For all other properties surrounding the Liu property the Agricultural classification fits and is appropriate. Your staff can find no outstanding physical characteristic which makes the Liu property an unusual spot.

Recommendation

Denial of the application for special permit is recommended. Your staff finds that while the use under consideration is by and large reasonable, it is not unusual.

George S. Moriguchi
XXXXXXXXXXXXXXXXXXXX

August 3, 1965

Kohala Kim Chee Factory
Kokoiki
Kohala, Hawaii

Gentlemen:

The Land Use Commission next meets on August 20, 1965 at 1:00 p.m. at the Hale Hualalai 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,

cc: Chairman Thompson
Hawaii Planning Commission

GEORGE S. MORIGUCHI
Executive Officer



1613
RECEIVED
JUL 7 1965
COUNTY 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

RECEIVED

JUL 7 1965

COUNTY OF HAWAII

PLANNING AND TRAFFIC COMMISSION
State of Hawaii
LAND USE COMMISSION

Applicant Kohala Kim Chee, Inc.

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. 10763, Kokoiki Homesteads, North Kohala, Hawaii
Tax Map Key: 5-5-04-42

for the following purpose(s); to allow the 5' x 18' addition to the existing building.

The Commission decided to: recommend approval.

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.

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. Dwyer
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 Kohala Kim Chee, Inc., was called to order at 4:10 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 2 persons in public attendance

NOTICE OF A PUBLIC HEARING

Special Permit: Koloiki, North Kohala

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 3:45 p.m., March 31, 1965, to consider the application of Kohala Kim Chee, Inc., 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 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, Koloiki Homesteads, North Kohala, Hawaii, and covered by Tax Map Key 5-5-04-42.

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: "We will go to the next hearing. This is a request for a special permit by Kohala Kim Chee, Inc., to allow a 5' x 18' addition to the existing building on a parcel of land containing approximately 6,477 acres, being a portion of L. C. Aw. 10863, Kokoiki Homesteads, North Kohala.

"Mr. Director, will you give the background."

SUEFUJI: "The applicant's property is zoned Agricultural District by the State Land Use Commission. The only use permitted is agricultural and residential uses. As I mentioned in the previous application, the prerequisite for granting a special permit is 'unusual and reasonable' uses in the Agricultural and Rural Districts other than those for which the district is classified.

"This is the plan that is shown for this applicant's property here. This is the road to Mahukona. This road leads to Hawi. This is an area about quarter mile on the Hawi side of the Loran Naval Station Road. The area itself has residential-agricultural development and there is about, staff counted, 15 houses within this area.

"Had the applicant himself produced the produces upon this land, the building itself would be accessory use to the operation. However, in this particular case, upon investigation by the staff, the applicant stated that he does not produce any of the produces that he processes for kim chee. Therefore, this changed the definition from accessory use to a light industrial use; therefore, he was required to submit an application for a special permit in the land use zoning. The request itself is an unreasonable one to process through as a special permit since he is only asking for an extension of 5 feet to enclose. It is embarrassing, but the staff has no choice. The staff recommended that he process the application through a special permit of the State Land Use Commission."

YAMADA: "Any question to the Director? Is there anyone in the audience that would like to speak for or against the granting of this special permit? None.

"The hearing is closed."

The public hearing was adjourned at 4:12 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 MAR 4 1965
Date Petition is scheduled for public
hearing 3-31-65
Date Commission took action and its
ruling 4-26-65

APPLICATION FOR ~~XXXXXXXXXX~~ SPECIAL PERMIT

(I) (We) hereby request approval of a ~~variance~~ special permit
located at Kokoiki, North Kohala, Hawaii in accordance with provisions of Section 98H-6
of ~~Ordinance 1963~~ for the following described purpose:
Act 205, SLH 1963

Description of property: 6.447 acres

Tax Map Key: 6-5-04-42

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 property rights related to property in the near vicinity.

Construction of a 5'0" x 10'0" addition to existing Kim Choo \$35 factory

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

Signature Toi Sio & Hamanui
Address Kokoiki Kohala, Hawaii
Telephone 832694

This space for official use

The property is situated in a(n) _____ District.

REMARKS:

COUNTY PLANNING COMMISSION

County of Hawaii
Honolulu

March 31, 1965

The County Planning Commission met in regular session at 1:00 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 Hekama
Walter W. Kimura
Masayoshi Odojima
Robert J. Santos
Edward Toriano

ABSENT: William J. East

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

Jack Bryan
Walt Southard
Lloyd Sadamoto
Harold Fencouga

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

The Chairman welcomed the new members and mentioned that the members of the County of Hawaii are the backbone of the responsibility for the important job here with the realization of the Board of Supervisors. They do their best in the interest of the County of Hawaii. The members of the Commission also expressed that the members of the Board would be a part of their trust and faith.

The County Chairman stated that he presented the County Board as the top Commission of the entire government, not only the other commissions, and expressed that whatever action taken by the members would be the economy of the County, economy of the whole state of Hawaii, and all the more the members would be dealing with the patterns of this community which serves the job most important in the state. He made one request as far as the project he concerned that he would like the members to call them as they are in the morning and that he will not interfere with their actions.

Commission Chairman advised the members that he would be the product of the members should be considered at the orientation and offered to help and work with the members as much as possible. He expressed his experience he has gained since serving two years on the County Board.

MINUTES

The minutes of the meeting of
February 16, 1965, were read.

circulated on a motion of Mr. Santos, second of Mr. Santos.

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.

- - - - -

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

SUBDIVISION
COMMITTEE
REPORT

The following items were discussed and action taken accordingly:

33. WAIAKEA HOMESTEADS
HOUSELOTS, 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 Waiakaa Homesteads House Lots, Waiakaa, 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 signed copies of the agreement between the subdivider and the owner of the land and three signed copies of the contract between the subdivider and the contractor for the construction of road and water system.

34. WAIKOLA
SOUTH HILO
KIROI OSORIO
DK: 2-1-14:63

Final plan approval of the proposed subdivision, being portions of Grants 10156 and 10157, Waikola, South Hilo, Hawaii, into 2 lots of 6,492 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. 2, 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 hearing:

- ✓ 1. Request of Kohala Bay Club, Inc., for a special permit to allow a 5' x 18' addition on the existing building on a parcel of land containing approximately 4.47 acres, being a portion of Lot 10, Aka, 10363, Kokoiki Homestead, South Hilo.
- ✓ 2. Request of Madeline Leslie and George L. Leslie, Jr., for a special permit to allow the development and construction of a general retail store on a parcel of land approximately 7.20 acres, being a portion of Kealin Iai, South Hilo.

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 discussed in the foregoing. The amendment of the Master Plan by and through 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 alter the construction of an addition to the existing, general retail building.

rent building to be used as a barber shop on a parcel of land containing 13.652 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

Action was deferred until next month's meeting. Art 205 (1961) 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 CHAN, INC.**

A public hearing was held on the request of Kohala Kim Chan, Inc., for a special permit to alter a 3' x 10' addition to the existing building on a parcel of land containing approximately 6.447 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

containing approximately 6.447 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

Action was deferred until next month's meeting. Art 205 (1961) prohibits the Commission to act on such a petition earlier than 15 days after the said public hearing.

**LAND USE COMMISSION
SPECIAL PERMIT
MARILYN LASILE
ROBERT LASILE, JR.**

A public hearing was held on the request of Marilyn Lasile and Robert Lasile, Jr. for a special permit to alter a 3' x 10' addition to the existing building on a parcel of land containing approximately 7.30 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

7.30 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

Action was deferred until next month's meeting. Art 205 (1961) prohibits the Commission to act on such a petition earlier than 15 days after the said public hearing.

**RECOMMENDATION
RESIDENTIAL ZONE A & B
WILSON E. LAM/ALICE
KATANA/ALICE KATANA**

At a public hearing, the Commission discussed the request for a special permit to alter a 3' x 10' addition to the existing building on a parcel of land containing approximately 7.30 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

As Charles Katohaka's name was on a list of names of residents of Zone A and "B" to a Neighborhood Meeting, the Commission discussed the request for a special permit to alter a 3' x 10' addition to the existing building on a parcel of land containing approximately 7.30 acres, being a portion of L. C. Ac. 7223, Kalaheol Mts., North Kohala.

The staff informed the Commission that in the preliminary meeting, the following was discussed: all businesses such as a barber shop, baby and toy shop, beauty shop, hair and nail salon, barber shop, dress shop, drug shop, food and grocery shop, clothing and shoe store, shoe store, clothing, home equipment, furniture shop, clothing, gift shop, gift shop, gift shop, hardware shop, jewelry, etc.

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. Then 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, Keokee 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, Ld. Ct. App. 1632, Keokee 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, 7th Kohala.

The following items were discussed and action taken accordingly:

1. MINOR STREET
IMPROVEMENT

A minimum standard was discussed for various types of surface pavement and those 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 report of the Commission 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. Teriano, 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, Honolulu, South Kalo, Hawaii, to be designated as

"Kailuono Street" for Unit 1 roadway which means inlet, golf or bay and "Makani Place" for Unit 2 roadway, which is an extension from Kamauna 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 received for a special permit to allow the construction of an addition to the existing retail and restaurant building, or to be

as a barber shop on a parcel of land containing 13.852 acres, being a portion of L. C. No. 7226, Honolulu 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 Commission, the only permitted uses are a low-density residential use not to exceed 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 designated.

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 unnecessarily burden public agencies to provide roads and streets, water, sewer, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen within the district boundaries and regulations were established.
5. The barber shop use is an area such as Kona where the district is an area of some 80 miles is necessary for the convenience and safety of the residents of the district. The granting of the use was

DAVID DAN COMPOSITE
SPECIAL TARGET
NOMINA RIA GILN, INC.

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

- LAND USE COMMISSION
SPECIAL PERMIT
MAINLINE LESLIE
BOBBY LESLIE, JR.

will be the same as the one currently in use. The Commission is recommending that this use should be placed in the same category as the use in a nonconforming status. This is a recommendation of the Commission as there is a definite need to cover the public, therefore, the Commission is recommending approval.

It was moved by Mr. Kimura, seconded by Mr. Griffin, and carried 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 services, roads and streets, sewers, water, drainage and school improvement, police and fire protection.
4. Unusual conditions, trends and needs have arisen since the standards, boundaries and regulations were established.

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

(Enabling Ordinance) because of the pending adoption of amendments by the Supervisors to Ordinance No. 505 which will affect the Commission's procedure.

The staff recommended amendment to the Commission's Rules of Practice and Procedure and also the Rules for the Transaction of Business under Ordinance No. 505.

Mr. Griffin moved for deferment on the consideration of the amendments to the pending adoption of the amended enabling Ordinance. The motion was carried by Mr. Holman, and carried.

INTERIM ZONING VARIANCE REQUEST T. KANEKAKI STREET

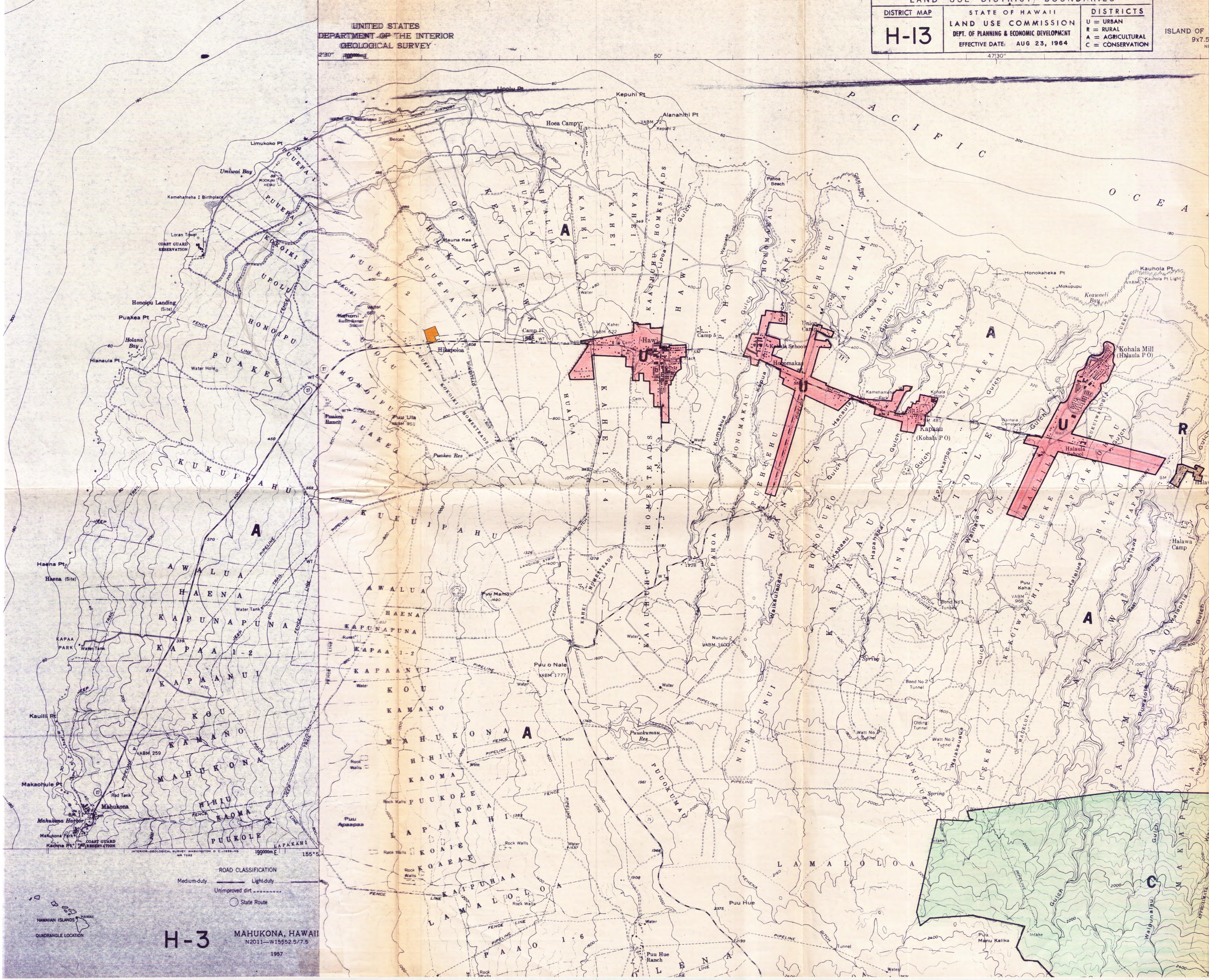
After a public hearing on the request for a variance to the Interim Zoning Ordinance for a residence to allow the construction of a detached garage on parcel 10, Kanekahi Street, South Kona.

The proposed use will be located on a lot approximately 2.566 acres in size, parcel 10, Kanekahi Street, South Kona.

The staff reported that the proposed use is compatible with the commercial use intended with a few single-family dwellings. The proposed use is located along the highway and is surrounded by commercial and government building complex is located along the highway. The area has several schools and community facilities. The proposed use is in conformity with the Interim Zoning Ordinance, therefore, the staff recommended approval of the variance on the basis of the following conditions:

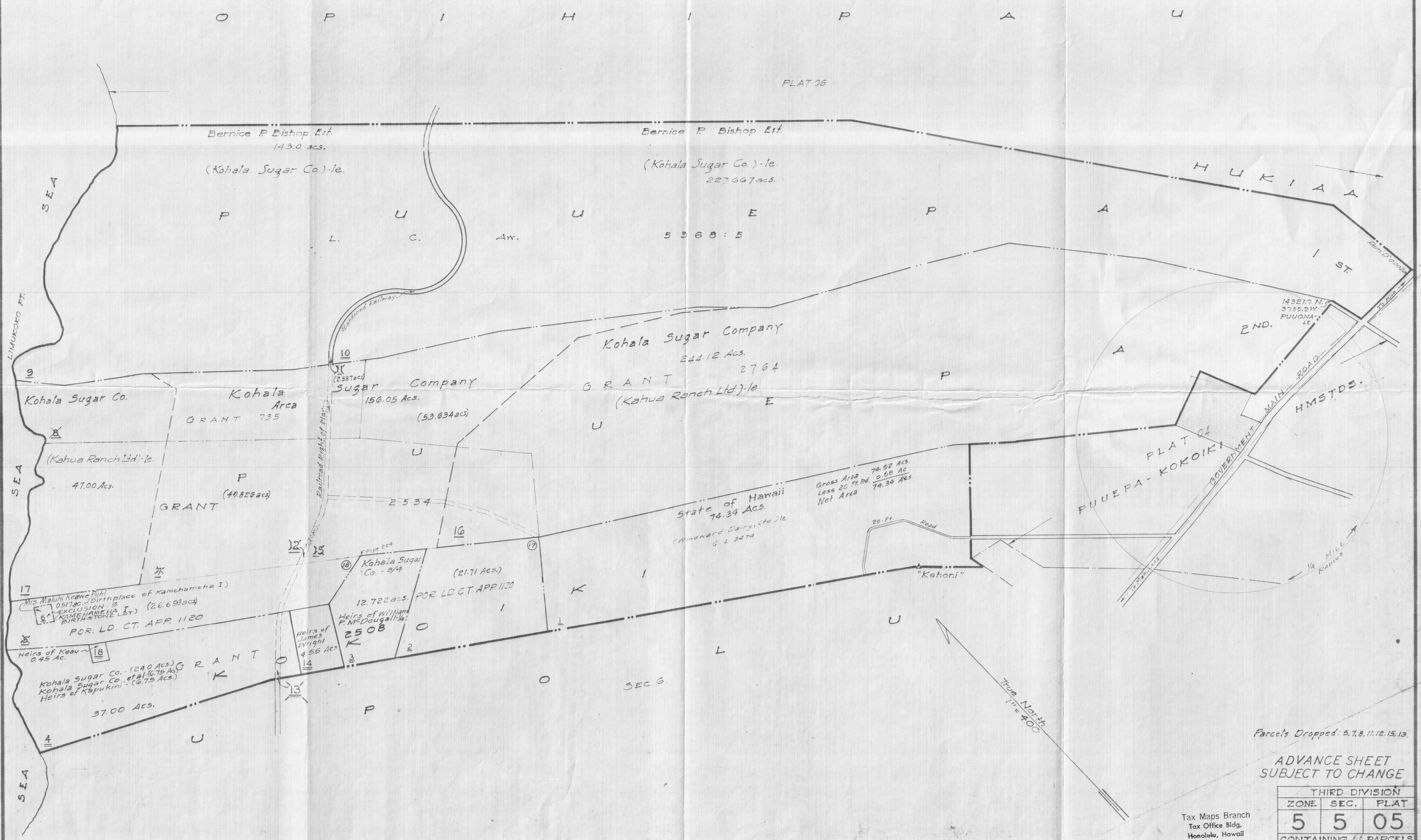
1. The development be designed to conform with the plans submitted with the variance request and the Interim Zoning Ordinance.
2. The area surrounding the property be properly developed to enhance the development.
3. Construction shall be in accordance with the Interim Zoning Ordinance and the public health and safety of the community shall be maintained.

Mr. Kimura moved for approval of the variance request on the basis of the conditions stipulated. The motion was carried by Mr. Holman, and carried.



PRINTED.....JUL 27 1965

Doc. No. 2488
Source: Survey Dept.
By: RB & PK - Aug. '35



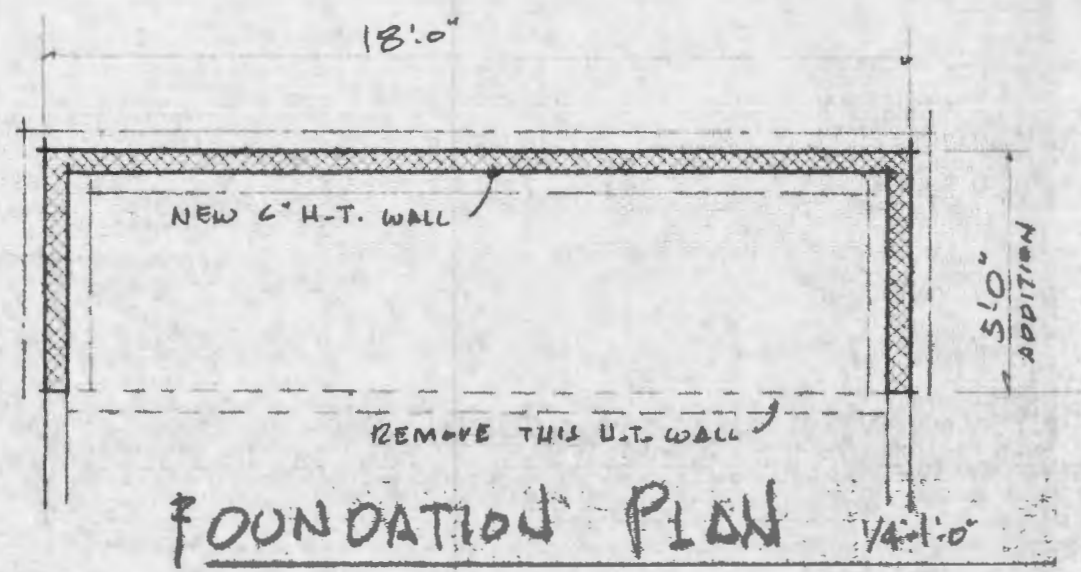
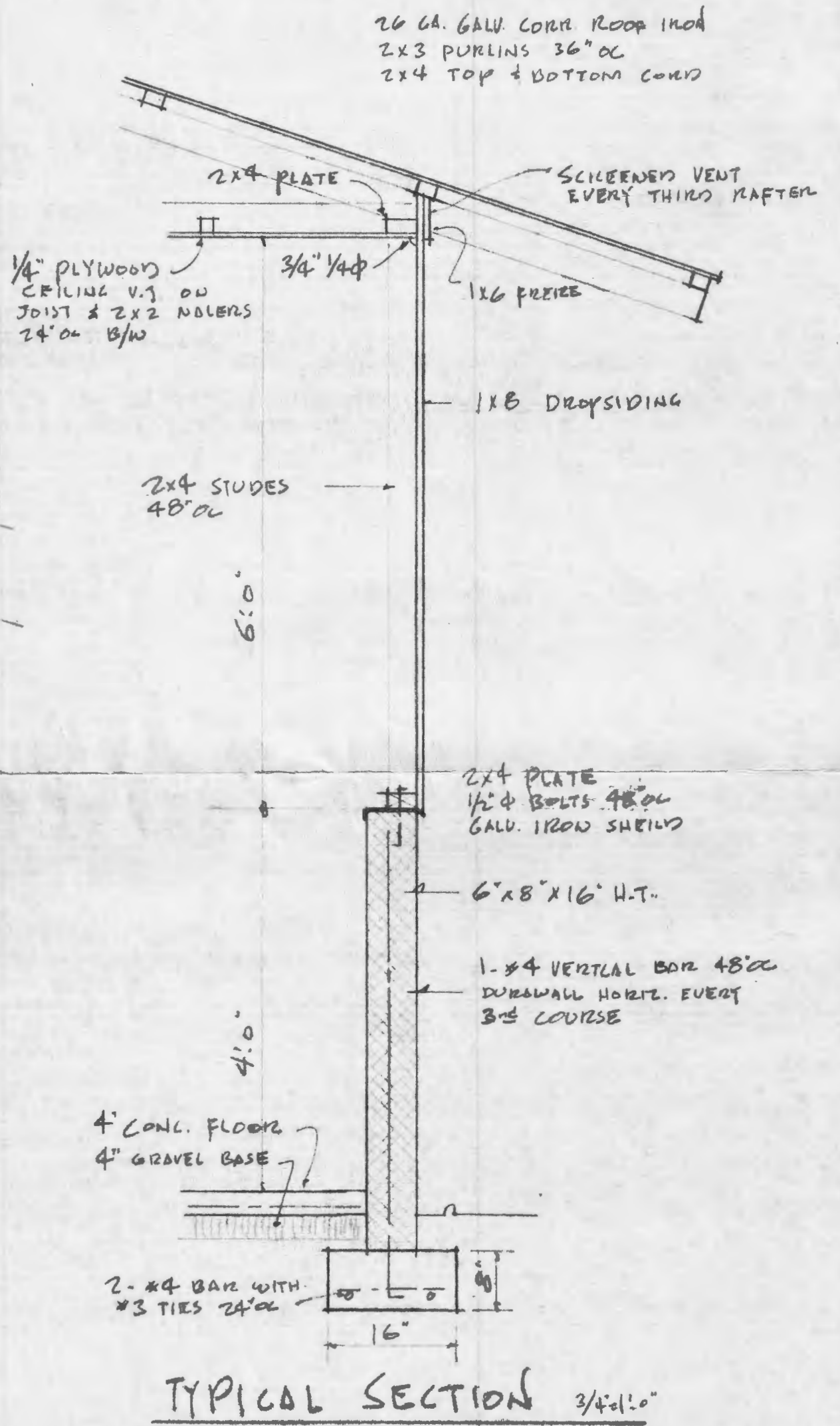
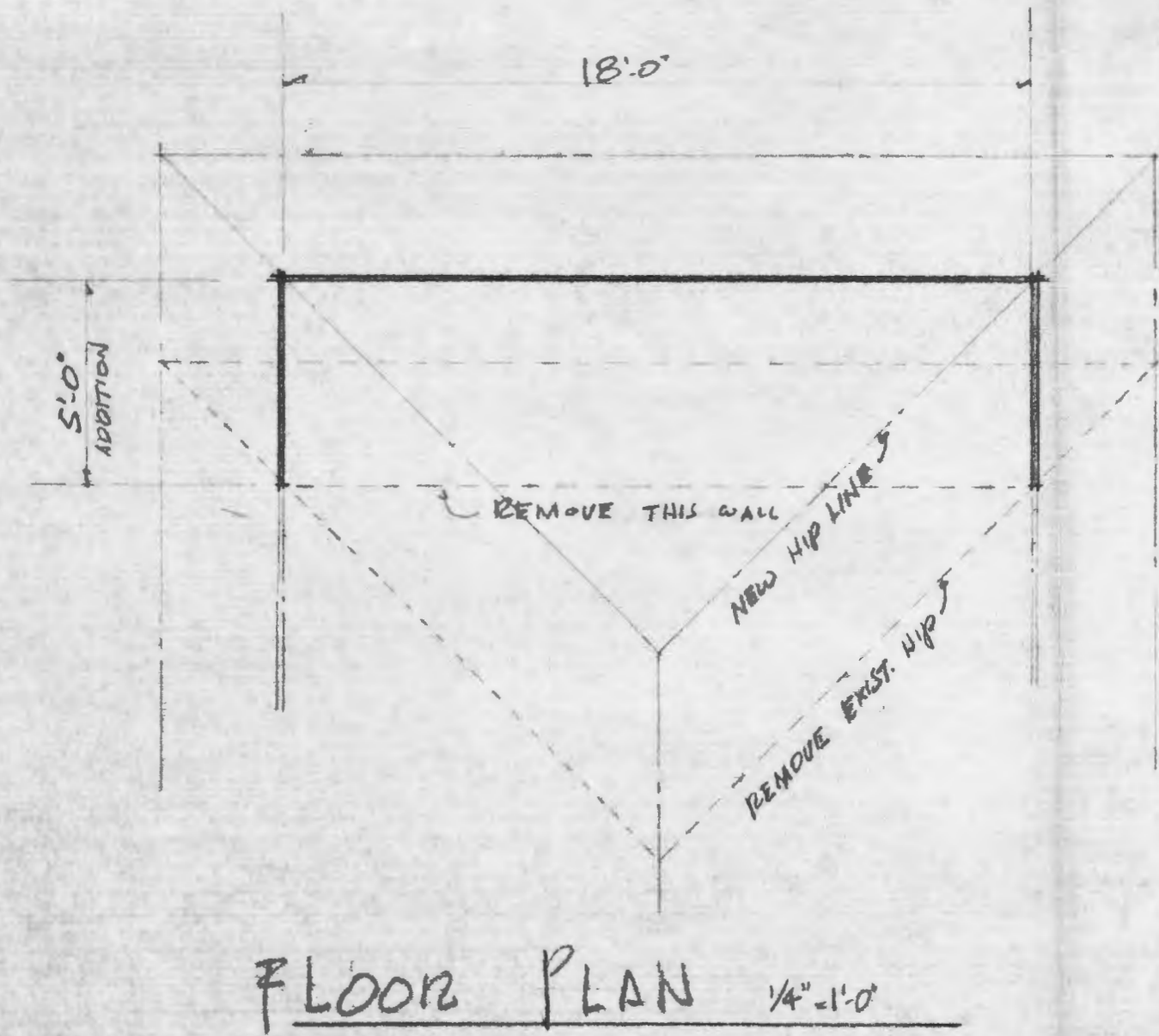
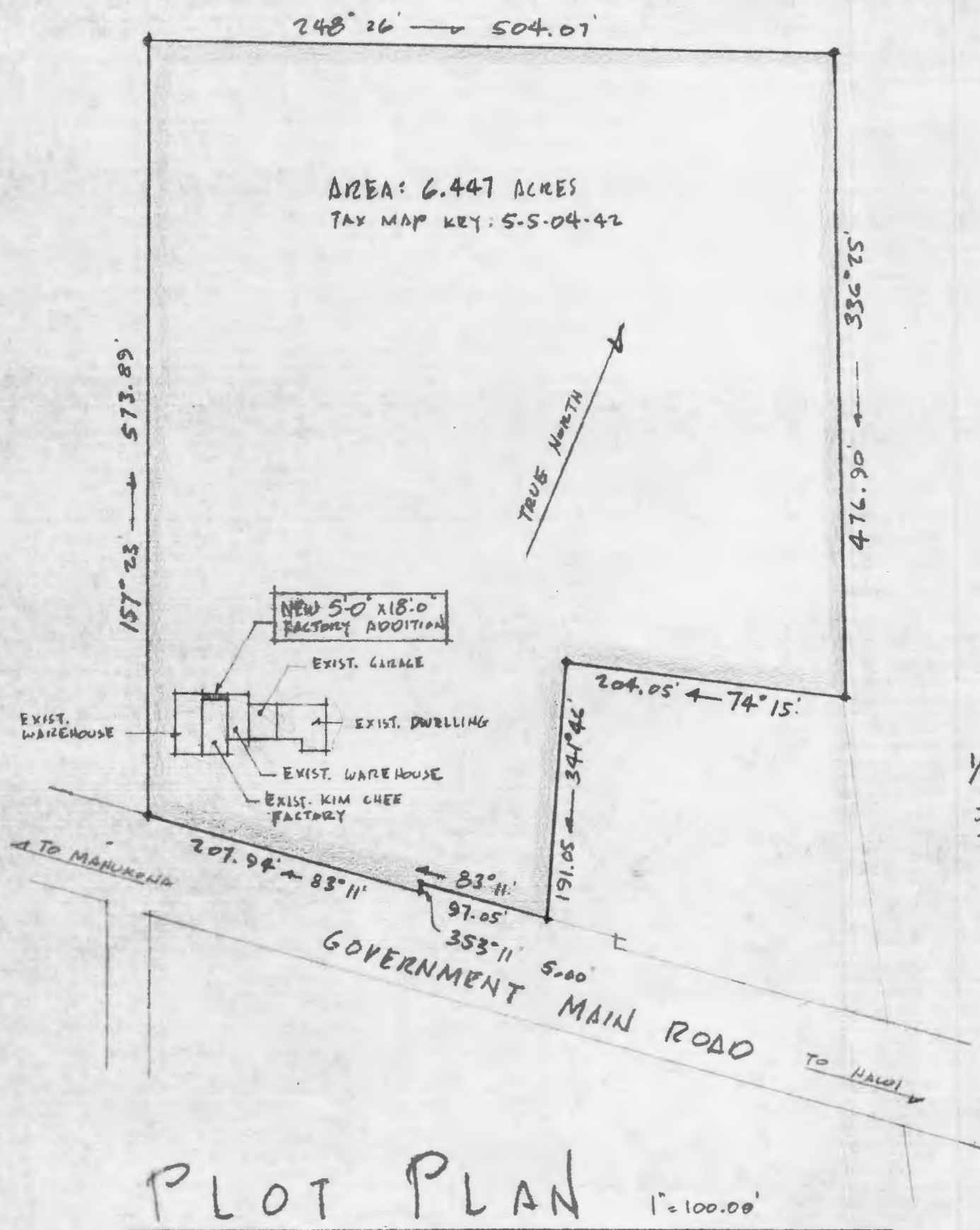
Portions PUEPA 1ST & 2ND, & KOKOIKI, N. KOHALA, HAWAII (Kohala Sugar Co.)

Parcels Dropped: 5, 7, 8, 11, 12, 15, 13.

ADVANCE SHEET
SUBJECT TO CHANGE

THIRD DIVISION		
ZONE	SEC.	PLAT
5	5	05
CONTAINING 11 PARCELS		
Scale: 1 in. = 400 ft.		

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii



ADDITION TO FACTORY FOR
KOHALA KIM CHEE
KOHOLA NORTH KOHOLA HAWAII
TAX MAP KEY: 5-5-04-42

PLANS BY:
THEO. H. DAVIES & CO., LTD

SHEET 1 of 1



PARCEL 26:
 Eliza K. Pereg - 1/3
 Frederick K. Kamahoaohoa - 1/3
 Abraham K. Kamahoaohoa
 Kaikahaelani K. Brown
 Oceania K. Kila
 Charles K. Kamahoaohoa
 Derek W. Kamahoaohoa
 Royale P. Kamahoaohoa
 Elizabeth M. Kamahoaohoa-don

PARCEL 27:
 Charles N. Pereg, Jr. - 1/3
 Irene K. Kinney - 1/3
 William K. Pereg - 1/3
 Andrew N. Pereg - 1/3
 Clarence K. Pereg - 1/3
 Eliza K. Josiah - 1/3
 Frederick K. Pereg - 1/3

PARCEL 55:
 Frederick K. Kamahoaohoa - 1/3
 Abraham K. Kamahoaohoa
 Kaikahaelani K. Brown
 Oceania K. Kila
 Charles K. Kamahoaohoa
 Derek W. Kamahoaohoa
 Royale P. Kamahoaohoa
 Elizabeth M. Kamahoaohoa-don
 Charles N. Pereg, Jr. - 1/3
 Irene K. Kinney - 1/3
 William K. Pereg - 1/3
 Andrew N. Pereg - 1/3
 Clarence K. Pereg - 1/3
 Eliza K. Josiah - 1/3
 Frederick K. Pereg - 1/3

ADVANCE SHEET
 SUBJECT TO CHANGE

THIRD DIVISION		
ZONE	SEC.	PLAT
5	5	04

CONTAINING 5 PARCELS
 Scale: 1 in. = 200 ft.

Dwg. No: 2485
 Source: Survey Dept.
 By: PK & RB - July - 1935

PUEPA-KOKOIKI HMSTDs., N. KOHALA, HAWAII

Tax Maps Branch
 Tax Office Bldg.
 Honolulu, Hawaii