

WALTER YAMAGUCHI

SP65-17

November 8, 1965

Mr. Raymond Suefuji, Actg. Director
Planning Commission
County of Hawaii
Hilo Armory
Hilo, Hawaii

Dear Mr. Suefuji:

At its meeting held on November 5, 1965 at Kailua, Kona, Hawaii, the Land Use Commission voted to approve Walter Yamaguchi's request for a special permit involving lands classified within the Rural District at Kalapana, Puna, Hawaii (TMK 1-2-03: 35). The special permit involves construction of a retail and general merchandising building on the subject parcel.

On the matter of the districting of the Ehukai Subdivision area at Kapaahu, Puna, Hawaii, the Commission has ruled that the boundaries as shown on Land Use Commission District Map H-J is correct and therefore holds. The boundaries as shown on the District Map H-Puna in the Ehukai Subdivision area is incorrect and therefore does not apply.

For your information, the Commission voted to initiate a boundary change for the Camp 8 Subdivision area, the Roman Catholic Church property and the hospital property at Honokaa, Hawaii from an Agricultural District to an Urban District. This matter will be processed sometime in the future.

On the matter of the Mountain View lots owned by Puna Sugar Company, the Land Use Commission instructed its staff to review the matter with the staff of the Hawaii County Planning Commission. This review will be conducted at the next opportunity when the Land Use Commission visits the Big Island.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

242-6988

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Yamashiki Sp.
DATE 11-5-65
PLACE Kona
TIME _____

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

COMMENTS:

Carried
motion to approve

STATE OF HAWAII
 LAND USE COMMISSION

VOTE RECORD

SP 65-17

ITEM Yamaguchi
 DATE 10-29-65
 PLACE _____
 TIME _____

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

COMMENTS:

Motion to accept staff recommendation for approval.

Above vote subsequently rescinded unanimously.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

SP 65-17
 ITEM X Amaguchi
 DATE 10-29-65
 PLACE _____
 TIME _____

~~Referred~~
 Referred unanimously.

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

COMMENTS:

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center

Kona, Hawaii

3:50 P. M. - November 5, 1965

Commissioners
Present:

Myron B. Thompson, Chairman
Charles S. Ota
Shiro Nishimura
Leslie E. L. Wung
Goro Inaba

Absent:

C.E.S. Burns, Jr.
Robert G. Wenkam
Jim P. Ferry
Shelley M. Mark

Staff
Present:

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

Chairman Thompson called the meeting to order, followed by a prayer, outline of the procedures, and swearing in of persons testifying during the hearings.

PETITION OF PARKER RANCH (A65-89) TO AMEND THE RURAL DISTRICT BOUNDARY AT WAIMEA, HAWAII, TO INCORPORATE 54,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 6-4-01: 15

Denial of the petition was recommended in the staff report (see copy on file) presented by the Executive Officer on the grounds that the petitioner had not submitted adequate data to substantiate the need and the usability and adaptability of the subject lands, and in view of the fact that the soils of the subject lands are suited to agricultural pursuits.

Mr. Moriguchi reported that the Hawaii County Planning Commission recommended approval of the petition but did not give any reason. He further explained that the subject parcel was part of a large parcel of dedicated lands and the petitioner's proposal was to subdivide 34,000 square feet of it.

Mr. Suefuji stated, the Hawaii Planning Commission had approved the petition on the basis of existing use on said parcel, the general plan of the area

and contemplated use in the future. The Planning Commission felt that since this area was very close to the already built-up area, it should be included in the urban zone. Commissioner Ota remarked that this subject parcel would be the only piece designated rural in an Agricultural District.

Mr. Norman Brand, attorney for the petitioner, explained that the prime purpose of this request was to conform to Parker Ranch's adopted policy of making land available to its employees for houselots. The land in question was a portion of an area that had been used for ranch housing for decades and the present occupant had expressed a desire to obtain ownership of it. Mr. Brand did not think that they were taking away the land from any agricultural pursuit because these lands had never been used for agriculture, to his knowledge. Insofar as the request for a rural classification was concerned, Mr. Brand said that they did so on the basis that it would have a better reception from the Commission than a request for urbanization. He felt the Commission could grant this request without exposing itself to any criticism whatever.

Commissioner Nishimura suggested that a land exchange could possibly be made in an urban area. Mr. Brand explained that they were merely tying on an existing use and had no thought of requesting urbanization.

Commissioner Wung wondered if it would be possible for the petitioner to change the request from rural to urban since rural designation here would constitute spot zoning. Mr. Brand replied that they would be very happy to do so in writing, and that they were also aware of the tax differential between dedicated lands and on urban classification.

Mr. Moriguchi explained that the subject parcel was right at the end of the urban area in the vicinity of the Hawaiian Homes Commission development. Commissioner Ota remarked that the area seemed more rural than urban since most of the lots were an acre in size and because of the restrictions imposed by the Hawaiian Homes Commission.

Commissioner Wung reviewed the fact that the subject land was being exchanged with lands already in an urban area.

Hearing was closed thereafter.

PETITION OF PUNA SUGAR COMPANY (A65-92) TO AMEND THE URBAN DISTRICT BOUNDARY AT MOUNTAIN VIEW, PUNA, HAWAII, TO INCORPORATE APPROXIMATELY 47,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 1-8-04 and 1-8-05

Mr. George Moriguchi, Executive Officer, presented the staff report which recommended approval of the petition in view of the evaluation on the basis of the test for need and usability of the Land Use Commission.

Mr. Suefuji advised that the Planning Commission recommended approval of the petition because of the existing homes and because the entire area had been recognized for urban use.

Mr. Jacob Fernandez, agent for Puna Sugar Co., advised the Commissioners that they too, like Parker Ranch, had adopted a policy of making more lands available to their employees. Homes have already been built on the premises and rented out to individuals. Now, Puna Sugar Co., subject to approval of the petition by the Land Use Commission, was going to make these lands available in fee to plantation employees. With reference to a certain portion of the parcel, Mr. Fernandez stated they would be willing to request for urbanization in writing.

Mr. Gilbert Lee, representative from the Tax Department, requested clarification of the areas that had been urbanized and Chairman Thompson called for a deferral of this matter until such time as the tax issue was discussed.

Hearing was closed thereafter.

PETITION OF HONOKAA SUGAR COMPANY (A65-96) TO AMEND THE URBAN DISTRICT BOUNDARY AT HONOKAA, HAWAII TO INCORPORATE APPROXIMATELY 22 ACRES IDENTIFIABLE BY TMK 4-5-10: 21 (PORTION) AND 4-5-01: 3 AND 10

Staff report, presented by Mr. Moriguchi, recommended approval of the petition in view of the positive evaluation for the need of these lands and the usability and adaptability.

Mr. Suefuji concurred with the staff's recommendation.

Mr. Harold Robinson, Assistant Secretary of Theo H. Davies & Co., testified that the Camp 8 parcels were made available and purchased by their employees a few years ago in fee simple. He also pointed to the Roman Catholic property. The 8-acre parcel had never been put to any agricultural use or any other use due to a steep gully running down the middle of the area. In 1961 several of their employees requested permission to clear the area to put it into homesteads for them, they did this on weekends and holidays over a period of nearly 3 years completing the job in 1964. Then the Land Use Commission came into being and classified it as an Agricultural District. The 14-acre parcel below was contiguous to the present urban area.

Mr. Robinson continued that there were about 24 lots in the whole Honokaa area that were available in fee simple. Their present plans were to phase out employee camps at Haina and Overend and would have to provide an alternate housing area.

Commissioner Nishimura wondered whether, in view of spot zoning in this area, it would be possible to make the urban line contiguous with Camp 8. Mr. Robinson advised that they had suggested in their petition that this area, together with another little piece, all be made into an urban area, which would make it one contiguous piece. He pointed out the portion that was pre-zoned for industrial purposes by the County Ordinance when the change to urban takes place.

Mr. Suefuji confirmed that this was the recommendation made by the Planning Commission, that when the change of boundary is affected, portions of the area would become Class A, Residential, 15,000 square feet for single family dwellings, and portions would be zoned for industrial uses.

Mr. Robinson pointed out the portions of land that the State was using as an operational yard for building roads, and the portions leased to Shell Oil, Standard Oil and Union Oil.

In response to Chairman Thompson's question regarding the Roman Catholic property, Mr. Robinson stated that they had suggested that the Roman Catholic Church ask for urbanization of their land. Mr. Suefuji informed that the Planning Commission had requested the State Land Use Commission to initiate change of boundary. He said that this request was included in their petition. In this regard, Mr. Takeyama advised that the Land Use Commission would have to initiate petition for change instead of the individual owners.

Chairman Thompson opened the floor for discussion as to whether Commission would like to initiate change in boundary at this time.

Commissioner Ota brought out the fact that if we initiated this change, it would involve a public hearing.

Commissioner Wung moved that the Land Use Commission initiate boundary change to put Camp 8, the Roman Catholic Church and the hospital into the Urban District. Motion was seconded by Commissioner Nishimura and carried unanimously.

The hearing was closed thereafter.

BOUNDARY INTERPRETATION ERROR (OLAA)

Mr. Suefuji informed the Commission that a subdivision approval had been granted on a parcel (TMK 1-8-02: 47) in Olaa, the boundary of which had been erroneously interpreted as Urban on the map. This was brought to the attention of the Hawaii Planning Commission by the Tax Department. The subdivision was approved in 1964 when the temporary boundaries were in existence. The area in question was pointed out on the map.

Chairman Thompson raised the question of whether the Commission was in a position to act on this matter. He suggested that the Hawaii Planning Commission work this out at the County staff level and report back to the Commission.

Platting of Tax Maps - Mr. Moriguchi brought up a point directly related to the foregoing discussion. He pointed out the difficulty of working with the present scale map. The Budget Bureau had been approached with respect to the need for additional help in updating the tax maps, but preliminary discussions indicated a denial of the request. It was their feeling that if the counties solicited clarification of boundaries from the Land Use Commission, this would adequately take care of the problem. However, the law requires enforcement of the Land Use Law at the County level so that updated tax maps were highly desirable.

Mr. Moriguchi advised that staff was meeting with the Budget Bureau personnel shortly to discuss fiscal matters, and that he would like to be able to report to them that staff's request carried with it the official backing of the Land Use Commission.

Commissioner Inaba moved to support staff request to the Department of Budget and Finance for additional manpower to plat district boundaries on tax maps, which was seconded by Commissioner Nishimura. The motion was carried.

ACTION

✓ APPLICATION BY WALTER YAMAGUCHI (SP65-17) FOR A SPECIAL PERMIT TO CONSTRUCT A FRAME STORE BUILDING FOR RETAIL AND GENERAL MERCHANDISING PURPOSES AT KALAPANA, PUNA, HAWAII, IDENTIFIABLE BY TAX MAP KEY 1-2-03: 35

Mr. Moriguchi briefly reviewed the special permit request, since this was a deferral from the meeting of October 29, 1965, at which time a staff report had been presented. Mr. Yamaguchi was requesting permission to construct a retail business on the subject parcel. The Hawaii County Commission had granted approval, subject to approval by the Land Use Commission.

Mr. Suefuji presented the General Plan for the Kalapana area and commented that subject parcel fell within the village commercial area. Adjoining areas and their designated uses were also pointed out on the General Plan.

Commissioner Inaba moved to approve the special permit request, seconded by Commissioner Wung. The motion was carried unanimously.

TAX DEPARTMENT RECOMMENDATIONS - HAWAII

Chairman Thompson advised that any request for boundary change would entail a petition, initiated by either the Land Use Commission or the Tax Department, on each of the following parcels under consideration. However, a discussion at this time would be in order to feel out the views and thinking of the Tax Department in connection with these recommended changes.

Mr. David Lee of the Hilo Tax Office expressed his commendation for the manner in which the meetings were conducted, and the invitation extended by the Land Use Commission to other departments to participate in its meetings aimed towards better inter-agency coordination. Mr. Lee's recommendations and reasons for each recommended change are recorded below. A detailed listing of the recommended changes, comparables, remarks, etc., was presented by Mr. Lee (see copy on file).

TMK 1-4 - Kapoho - Agricultural to Urban

1. Involves Nanawale Homestead and typical lots that prevail in the Urban District also prevail in the Agricultural District, with comparable amenities such as utilities, etc.

2. Tax assessments for the Agricultural District and the Urban District are the same due to the fact that these are subdivided houselots, and the agricultural subdivision is part of the urban subdivision.
3. Typical area of lots - 9,000 square feet.
4. Staff comment: Concur

TMK 1-6-142 - Keaau - Agricultural to Urban

1. Subject subdivision is portion of subdivision presently zoned urban. The uses are the same, area size and amenities comparable to Urban District.
2. Tax assessed the same as the Urban District.
3. Typical area of lots - 15,000 square feet.
4. Staff comment: Concur.

TMK 1-8-02 - Mt. View - Agricultural to Urban

1. Actual and potential use and amenities, comparable to urban area.
2. Tax assessed the same as the Urban District.
3. Typical area of lots - 7,500 square feet.
4. Staff comment: Do not concur.

TMK 2-3-39.- Hilo - Agricultural to Urban

1. Area adjacent to American Factors Subdivision, with amenities comparable to urban area. Bounded on two sides by Urban District.
2. Staff comment: Concur.

TMK 2-3-44 - Hilo - Agricultural to Urban

1. Area adjacent to above parcel (2-3-39) and same reasons apply.
2. Staff comment: Concur.

TMK 2-4-42 - Hilo - Agricultural to Urban

1. This is a subdivision in its entirety, with dedicated roads, amenities, and 8 dwellings presently constructed. Comparable to Urban District located just below subject parcel.
2. Staff comment: Concur.

TMK 2-6-12 - North Hilo - Agricultural to Urban

1. Strip of land at the end of the old road that passes Kaaheo School and comes out by the monument-making establishment.
2. Land unsuitable for agricultural purposes because of slope. Subdivisible into 10 lots and all necessary utilities are available.
3. Staff comment: Concur.

TMK 2-7-04 - North Hilo - Agricultural to Urban

1. Area being used for residential purposes. There are existing houses owned by the Mauna Kea Sugar Co. On both sides and directly in front of this parcel, lands are zoned urban.
2. Staff comment: Do not concur.

TMK 2-8-16 - Pepeekeo - Agricultural to Urban

1. Area highly developed into residential use, near area used for post office, liquor store.
2. Staff comment: Concur.

TMK 4-5-03 - Honokaa - Agricultural to Urban

1. Area is adjacent to urban residential subdivision, having all the necessary amenities.
2. Staff comment: Concur.

TMK 4-5-18 - Honokaa - Agricultural to Urban

1. The whole plantation camp has been subdivided and sold to employees. Since all lots have the same environment, recommended that the whole area be zoned urban.
2. Staff comment: Concur.

TMK 6-5-04 - Waimea - Agricultural to Urban

1. The area is in the heart of areas zoned urban. Lot size typical with those in the urban area, 2.3 acres, similar amenities, and highly suited for residential development.
2. Staff comment: Do not concur.

TMK 6-6-06 - Lalamilo - Agricultural to Urban

1. Adjacent to built-up residential subdivisions zoned urban. Part of the State of Hawaii Lalamilo Houselot development and should be zoned urban to conform to the rest of the similar subdivisions.

2. Staff comment: Do not concur.

TMK 8-1-05: 8 - Kealakekua - Agricultural to Urban

1. Area presently used as church lot, grave yard, coffee cultivation, bounded on both sides by County Road. Recommending total area of 1.653 acres, which includes east end and south end portions, be zoned urban.

2. Staff comment: Do not concur.

TMK 8-1-05: 22 - Kealakekua - Urban to Agricultural

1. Recommending change from urban to agricultural for 0.918 acres since it is contiguous to an Agricultural District and lacks frontage on existing road.

TMK 8-2-04: 1 - Napoopoo - Agricultural to Urban

1. Area close to urbanized area. Not suited for agricultural purposes due to its topography and geography.

2. Staff comment: Do not concur.

FINAL BOUNDARIES AT PUNA (Ehukai Subdivision)

Chairman Thompson brought up the problem faced by Mr. Raymond Suefuji, Hawaii County Planning Commission, in that there were two maps in the County office, both of which had been filed with the Lieutenant Governor, showing discrepancies in boundaries.

Mr. Moriguchi commented that there was a definite discrepancy between the two maps, each clearly indicating its own boundaries, and it was not a matter of which showed a finer line. He expressed his belief that the original intent was to use the larger scale map to show the boundary more clearly. However, he felt that errors occurred more often on the H-Puna map than on the 1"=62,500 scale map. Mr. Moriguchi suggested that the discrepancies on both maps be resolved into one final map and filed with the Lieutenant Governor.

Mr. Moriguchi continued that there was an immediate and specific problem before the Commission directly concerned with the aforementioned map discrepancy. The Hawaii County Planning Commission was presently processing a special permit request for the Ehukai Subdivision. If it was determined that the proposed subdivision fell within the Conservation District, as indicated on the 1"-62,500 scale map, the Hawaii Planning Commission would not need to consider the petition.

Commissioner Nishimura moved to accept the boundaries as shown on the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The Commissioners were polled as follows:

Ayes: Chairman Thompson, Commissioners Inaba, Ota, Nishimura

No: Commissioner Wung

The motion was not carried.

Following a discussion, Commissioner Nishimura moved for a reconsideration of the votes on the motion to accept the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The motion was carried unanimously.

This was followed by another motion by Commissioner Nishimura to accept the 1"=62,500 scale map only for the Ehukai Subdivision, seconded by Commissioner Inaba, and was carried unanimously.

The meeting was adjourned at 5:45 p.m.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Library of Hawaii Auditorium

Honolulu, Hawaii

1:40 P.M. - October 29, 1965

Commissioners

Present:

Myron B. Thompson, Chairman
Robert G. Wenkam
Jim P. Ferry
Leslie Wung
Goro Inaba
Charles Ota
Shiro Nishimura

Commissioners

Absent:

Shelley Mark
C.E.S. Burns

Staff

Present:

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

Chairman Thompson called the meeting to order and offered a short prayer. He then proceeded with his explanation of the procedure to be followed during this hearing in detail.

Following this, members in the audience who would be testifying during the hearing were duly sworn in by Chairman Thompson.

Minutes of Public Hearing - October 29, 1965 - Library of Hawaii, Honolulu

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

Mr. George Moriguchi presented the staff report on the above petition (see staff report on file). Staff recommended approval of the petition on the basis of the following facts:

1. Usability and adaptability of the subject lands.
2. City-like concentration of people, structures, streets and other related uses would be effectuated on the subject lands.
3. All community services and utilities are available in the immediate and nearby areas.

Mr. Moriguchi also read a letter addressed to the Land Use Commission by the Bernice P. Bishop Estate, expressing their approval of the revised plans and grading plans by the Amity Developers and earnestly requesting approval of the petition.

Chairman Thompson opened the floor for questions from the Commissioners.

Commissioner Wenkam asked Mr. Moriguchi for a brief explanation of the reasons for requesting that the petitioner be permitted to continue with construction. Mr. Moriguchi explained that at the October 1, 1965 meeting of the Land Use Commission, the petitioners had requested a ruling to determine that their development came under the non-conformance clause under Section 2.18 of the State Land Use District Regulations, which allowed continuance of any existing use prior to the establishment of the Land Use District Boundaries. The Commission had ruled that the subject petition did fall under Section 2.18. In addition, the Planning Director of the City and County had approved a permit by the developers which was never withdrawn.

Commissioner Wenkam wondered about the status of the request made by the developers to the Department of Land and Natural Resources with respect to construction of the first 12 units. Chairman Thompson stated that this matter had been clarified with the Attorney General's office and was in order.

Mr. H. William Burgess, attorney for the developers, said that he had nothing further to add except to assure the Commission that the project will be a benefit to the community.

Since there were no further comments, the hearing was closed.

PETITION OF NUUANU VENTURES (A65-90) TO AMEND THE URBAN DISTRICT BOUNDARY AT NUUANU VALLEY, OAHU, SO AS TO INCORPORATE APPROXIMATELY 3.6 ACRES PRESENTLY IN THE CONSERVATION DISTRICT, IDENTIFIABLE BY TAX MAP KEY 2-2-42: 1

Chairman Thompson announced that the Land Use Commission had been served with a Motion to Intervene in the matter of the Nuuanu Ventures petition by Attorney William M. Swope, representing the Nuuanu Valley Community Association, Inc., and presented it to the Commissioners.

Mr. Roy Takeyama, legal counsel, requested Mr. Swope to enumerate the sections of the Hawaii Administrative Procedure Act, and the Land Use Commission Rules of Practice and Procedure upon which this was based.

Mr. Swope supported his motion on the basis that, under the provisions of the Hawaii Administrative Procedure Act, every party was given a right to conduct a close examination which may be required for full disclosure of facts; but that this was permitted under the Land Use Commission Rules of Practice and Procedure only with the permission of the Chairman of the Commission. He said that the intervenors represented a community association of property owners in the area affected by the subdivision and also the property owners immediately adjacent to the proposed subdivision, Wallace A. and Doris M. Dyer, who would be adversely affected in terms of diminishing property values if the petition were granted. Mr. Swope referred to Section 6C-14, Judicial review and justification of the Revised Laws of Hawaii, which sets forth an appeal procedure. He continued that under the Rules of Practice and Procedure of the Land Use Commission, no provision had been set forth for intervention. He also quoted Section 1.6 - "The Commission may on its own motion conduct such proceedings", and Section 1.15 - "Party. The term 'party', wherever used in these rules, shall mean each person or agency named or admitted as a party," of the Rules of Practice and Procedure. Mr. Swope felt that the Commission should have a procedure by which a party could be admitted.

Mr. Takeyama agreed that under Section 6C-14, any person aggrieved by a final decision had a right to appeal, but wondered whether the matter of right to intervene in the proceedings might not be an entirely different matter.

Mr. Swope replied that he was taking the position of a representative of property owners in the Community Association with a right to be heard.

Chairman Thompson informed Mr. Swope that he would be given the right to be heard, but that under the proceedings he would not be permitted to cross-examine any of the witnesses.

Mr. Swope again pointed to the fact that under the Hawaii Administrative Procedure Act, the Commission was bound to give his client the right to cross-examine and to be heard. He stated that he wanted to go on record as having filed a Motion to Intervene.

Following Mr. Takeyama's reminder to Mr. Swope that the petitioner in the case had not been served with the motion, Mr. Kinji Kanazawa, attorney for the petitioner, was served with a copy.

Chairman Thompson called for a recess at 2:05 p.m. to allow the three attorneys to confer on the above matter.

The meeting reconvened at 2:15 p.m.

Chairman Thompson advised that, after due consideration of facts involved, the Motion to Intervene was denied, but that the persons originating this motion would be given the opportunity to be heard.

Commissioner Wenkam stated that he wished to present a prepared statement, questioning the propriety of the Land Use Commission to consider, at this time, a petition for change of boundary from a land owner who had clearly violated the State Land Use Law (see copy of statement on file).

Chairman Thompson asked for comments from Mr. Takeyama regarding the question of whether or not the petitioner had a right to come before the Commission. Mr. Takeyama advised that under Section 4 of the Land Use Act, petitioner was entitled to petition the Land Use Commission for a determination.

Commissioner Ota requested that Commissioner Wenkam's statement be stricken from the records since it expressed an opinion. Chairman Thompson explained that he had accepted the statement in the hopes that it would substantiate the need for denying the hearing, although none of the facts bore this out. However, he stated that the statement was accepted for the records.

Mr. George Moriguchi, Executive Officer, read the report prepared by the staff on the above petition (see copy on file). Staff's recommendation was for modification of the Urban District boundary to include lots 42 through 47 and portions of lots 49 through 58, since the developer had proceeded with subdivision grading construction with the sanction of a governmental body, and restoration of the graded areas would be economically infeasible. Moreover, restoration would probably present a serious potential landslide hazard to life and property in the area below the subject lands.

Mr. Moriguchi also read a letter from the International Longshoremen's and Warehousemen's Union addressed to the State Land Use Commission, expressing serious concern over the possibility of revising the Conservation District boundary in Nuuanu Valley (see letter on file).

Commissioner Wenkam disagreed completely with the staff's recommendation and asked the Executive Officer to explain the reasons therefor. Mr. Moriguchi replied that, based on his experience with land development, it would be economically infeasible to restore this area. Commissioner Wenkam argued that notwithstanding the economic hardship to the developer, serious damage had occurred in a Conservation District and restoration should be made. As outlined in the staff report, Mr. Moriguchi explained that the developers had sought to subdivide these lands surreptitiously, openly and publicly, and to require them to restore these lands would be unreasonable.

Commissioner Wenkam wondered if the Executive Officer was aware that the survey stakes of the developer were driven into the ground immediately next to the forest reserve boundary marker. Mr. Moriguchi replied that he had seen the developer's basic survey map of the area but that he did not observe any forest reserve boundary marker. Chairman Thompson asked if Commissioner Wenkam would like Mr. Moriguchi to check further into this matter. Commissioner Wenkam felt it would be very appropriate for every Commissioner to see the basic survey map of the developers.

Commissioner Ferry reaffirmed the plea made earlier by the Chairman to confine the hearing to accumulation of facts as related to this particular petition.

Mr. Herbert K. Horita, a partner of Nuuanu Ventures, made the following presentation. He observed that the developers could go along with the recommendations made by the staff. A brief account of events leading up to the present petition was reviewed. The developers had applied, in all good faith, to the City governmental agencies and, upon their approval, had gone ahead and developed the land according to the Subdivision Rules and Regulations, and were not aware of any encroachment into the Conservation District until they were so notified. At that time 60% of the lots in the area had been sold on a package deal. Approximately 50% of the lots in the Conservation District were sold in the initial stages. By that time about 80% of the overall development of the subdivision had been completed, including the grading of the hillside. No work has been done in the area since.

As a developer, Mr. Horita stated that they were interested in complementing the area with their development and that they were fully aware of the beauty of the Nuuanu area. Prices have definitely gone up in other areas where they have completed developments. A sketch of the proposed development was presented. Mr. Horita cited the Moanalua Subdivision as an example of what proper landscaping and planting could do to beautify a community. Following a similar pattern, he stated that the developers were planning to plant the sidewalks with trees which would be contributed by the Foster Gardens. Site plans were also produced at this time. When the proposed development is completed, it would definitely enhance the Nuuanu-Dowsett area with an appreciation in property values, Mr. Horita concluded.

Chairman Thompson wondered if the developers had in any way indicated to the City their intent to landscape the cut areas. Mr. Moriguchi informed that a similar testimony had been presented to the City Planning Commission, according to the minutes of their meeting of August 26, 1965. It was also brought out that the City Planning Commission's approval of this subdivision was not contingent upon the developers' commitment to landscape the cut areas.

Commissioner Wenkam stated that according to the maps on file with the Division of Forestry and Board of Water Supply, the 17 lots in question were within the Honolulu watershed area. Mr. Horita reiterated the fact that they were not aware of this until they were so informed.

Commissioner Wenkam continued that according to the records on file in the Division of Forestry, there was no indication that the property owners had stopped claiming any tax benefits because this land was in the forest reserve area. Mr. Horita replied that he did not know about any tax benefits and had assumed that they had been paying for the property as urban lands. Upon Commissioner Wenkam's request, Chairman Thompson directed the Executive Officer to check into this matter.

Commissioner Wenkam stated that he understood land placed in the forest reserve received certain tax benefits. He wondered whether the appraisal obtained for the petitioners would indicate this. It had a bearing on the petition as to whether or not the petitioners did or did not know that the subject lands were in the Conservation District.

Mr. Moriguchi advised that as far as the Tax Department was concerned, they had assessed the makai side of the lands at \$7,000 per acre and \$140 per acre for the mauka area. It was also pointed out that although there was this differential

in assessed value, the notice to the landowners merely indicated the total tax responsibility for the whole area and did not indicate the two different values.

Chairman Thompson interrupted the hearing to recognize a group of Vietnamese officials in the midst, who were introduced by Mr. Katekaru of the East-West Center as provincial deputy chiefs, equivalent to our Lieutenant Governor. These officials were visiting our State to observe local government in operation at the invitation of the Governor.

Chairman Thompson resumed the hearing by opening the floor for comments in connection with the petition.

Attorney Swope moved to dismiss the petition on the grounds that it violated Section 98H-4 which reads, in part, as follows: "The commission may approve the change with six affirmative votes. No change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified." Mr. Swope stated that he failed to have heard one word that this area is needed for a use other than what is normally considered Conservation District.

Chairman Thompson denied the motion to dismiss the petition on the basis that the Commission would make a ruling within 45 to 90 days.

Attorney Swope asked if he could have the material, as submitted, identified including any proof that the area was needed for other than that for which it was classified. Chairman Thompson reminded Mr. Swope that this was not a court of law. Mr. Swope said that scarcity of houselots in the Honolulu area, usability and adaptability of land for urban uses, were not proofs that the area was needed for a use other than that for which it is classified.

During a question and answer session between Mr. Swope and Mr. Mark Mitchell, President of the Nuuanu Valley Community Association, the following testimony was recorded. Mr. Mitchell pointed to the fact that Mr. Kinji Kanazawa, one of the partners in Nuuanu Ventures, was a member of the City Planning Commission. Mr. Mitchell also mentioned that Mr. Kanazawa's name appeared in the acknowledgment of a report prepared by Larry A. Nelson dealing with detailed land classification. This document summarized the different classifications of land by use and under consideration were lands in the Nuuanu Valley area. The maps clearly showed the area involved, existing forest reserve water shed boundary lines, and the existing conservation line.

Mr. Mitchell continued that he had gone into the area under discussion, and wished to submit evidence of a pin that was noted at the intersection and also the surveyor's stake as shown in the photograph. He stated that this line had been surveyed and been in existence for a long time, and that he had very good evidence that it was used by the developers to determine the survey. Mr. Swope commented that, in other words, Mr. Mitchell was saying that the Nuuanu Ventures themselves found the designation by a pipe of the Water and Forestry reserve boundary.

The Nuuanu Valley Community Association felt very strongly that the high cuts and banks were dangerous. During the last rain, the water was coming out in gushes from the forest reserve that had been cut, and the only way to preserve the safety of the residents was to stabilize the banks by replacing the trees which had held the earth.

Mr. Mitchell then presented their map showing the 17 lots in question, the 400 ft. contour line which he claimed was the final boundary adopted by the Commission, and the interim boundary line.

Mr. Mitchell stated that the land was purchased by the present developers in January of 1963.

Commissioner Ferry questioned whether Mr. Mitchell had confirmed the stakes he had found by actual survey. Mr. Mitchell replied that he had not. Commissioner Ferry wondered whether Mr. Mitchell was disputing the Land Use Commission's declaration that 17 lots were affected by the Conservation District. Mr. Mitchell stated that he was not disputing this but that he was referring to the red line as the boundary, based upon information he had found on the tax map in the Land Use Commission office.

Referring to the point made by Commissioner Ferry about the fact that the stakes had not been confirmed by actual survey, Mr. Mitchell explained that he did not see the necessity of this as the wooden pegs were marked with the numbers 58 and 60 and were found on the corner of lots 58 and 60.

Mr. Mitchell replied in the affirmative in answer to Commissioner Ferry's query as to whether it was an assumption on his part that the pipe was the Forest Reserve boundary line.

Mr. Larry Matsuo, engineer for the developers, informed the Commission that the Department of Agriculture and Forestry had asked his engineering firm to show them where the line would be, after the dispute over the Conservation District had been brought to Mr. Matsuo's attention. Prior to that time, they were not aware of any restrictions. He also pointed out that the peg was a lot corner point and not necessarily the Board of Forestry and Reserve line.

Mr. Swope proceeded to rebut the four reasons submitted by the petitioner in support of the petition, outlined in the staff report, as follows:

1. He did not think that the Commission should be concerned with the fact that subdivision plans of the affected area were approved by the various agencies of the City and County of Honolulu, because Act 187 adopted in 1961 and subsequent acts set forth with preciseness the boundaries of the Conservation Districts.
2. The crux of the whole matter lay in the developers' claim that they had inadvertently erred in not asking the State Land Use Commission for a determination of the boundary. When one member of the developers was a member of the Planning Commission and also an adviser in the establishment of the detailed land use boundary in the City and County of Honolulu, Mr. Swope could not see how the Commission could give any due consideration to the second point.
3. The developers were now suggesting that "with proper landscaping and maintenance by each individual lot owner, this area can be greatly improved " They were imposing upon the lot owners what they had originally proposed to do themselves.
4. If economic hardship to the developers were to be the criteria for planning, Mr. Swope could not see how the Land Use Commission could carry out its responsibility.

Chairman Thompson opened the floor for comments from the audience.

Miss Gertrude Humphries wondered if the developers could legally sue the City and County. Chairman Thompson advised that Mr. Takeyama, legal counsel, would be happy to discuss this with Miss Humphries after the meeting.

Miss Humphries expressed her feeling that the responsibility for checking on the boundary was not entirely up to the City and County, and that she had no sympathy for the petitioner because of the steepness of the slopes.

Mrs. Eldon Dykes, representing the League of Women Voters, read a letter urging the Commission to preserve the Conservation District in Nuuanu and to deny the petition (see letter on file).

A question was posed to Mr. Horita by a Nuuanu resident as to just how home owners were expected to replace soil and landscape their property. Chairman Thompson asked Mr. Horita to elaborate on his plans in this respect. Mr. Horita pointed to the developers' site plans and explained that they were planting trees between the sidewalk and the curbing, and planting shrubberies and bushes on the slopes wherever possible. He assured the Commission that the developers would carry out their commitment to landscape the slopes if this petition were granted.

Mr. Matsuo explained that it would be almost impossible to plant trees on a one to one cut (10' horizontal and 10' high, creating a 45° angle) because the soil content would be a mixture of rock and dirt and would not be able to support trees.

Chairman Thompson advised that the Land Use Commission could not impose any conditions upon the petitioner, in reply to Commissioner Ota's concern over the developers' obligation to landscape the slope.

Mr. Matsuo informed the Commission that the developers were residents of the State of Hawaii, in business to stay, and fully realized their obligation to the State to do whatever they had committed themselves to do.

Since there was no further testimony, the hearing was closed.

Minutes

October 29, 1965

A short recess was called by the Chairman at 3:45 p.m. and the hearing was resumed at 3:50 p.m.

ACTION

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. Moriguchi presented memorandum prepared by staff on the above petition (see memo on file), in which it was recommended that:

1. Urban District boundary be moved mauka and paralleling the Mahukona Highway to provide for a depth of 860 feet.
2. Approximately 44 additional acres would be added to the 70 acres within the Urban District.

At Chairman Thompson's request, Mr. Moriguchi pointed out the staff's recommended boundary change on the map.

Commissioner Wenkam wondered whether a petition would be required if deletion of the urban area makai of the highway were contemplated. Chairman Thompson replied in the affirmative.

A letter received from Belt, Collins & Associates, expressing their views and position with regard to the planning for industrial areas in the vicinity of Kawaihae Harbor was read by the Executive Officer. (See letter on file.)

Commissioner Ferry moved that staff recommendation be accepted, which was seconded by Commissioner Wenkam. The motion was carried by 6 affirmative votes. Commissioner Ota abstained from voting.

✓ APPLICATION BY WALTER YAMAGUCHI (SP65-17) FOR A SPECIAL PERMIT TO CONSTRUCT A FRAME STORE BUILDING FOR RETAIL AND GENERAL MERCHANDISING PURPOSES AT KALAPANA, PUNA, HAWAII, IDENTIFIABLE BY TAX MAP KEY 1-2-03: 35

Staff report on the above request for special permit recommended approval on the basis that the use was "unusual and reasonable", with the additional condition that the petitioner conform generally to the site plan as submitted, and that the petitioner landscape the property at least to the extent shown on his plan.

Chairman Thompson raised the question of whether the Commission had the authority to set conditions on special permits.

Mr. Moriguchi replied that the Hawaii County Planning Commission was vested with the power to enforce building codes, etc., and it was his recommendation that the Planning Commission impose compliance with the site plans and landscape plans as submitted by the petitioner.

Mr. Suefuji advised that the Planning Commission could spell out the terms to petitioner and impose restrictions and conditions. He also added that the County General Plan for this particular parcel designated it for village commercial use.

Commissioner Inaba moved to grant the special permit as recommended by staff, seconded by Commissioner Ferry. The Commissioners were polled as follows:

Aye: Commissioners Inaba, Nishimura, Ferry

No: Chairman Thompson, Commissioners Wung, Wenkam

Abstained: Commissioner Ota

The motion was not carried.

Commissioner Wung moved for a reconsideration of the vote, seconded by Commissioner Ferry, which was passed unanimously.

Commissioner Wung then moved to defer action on the permit, seconded by Commissioner Ferry. Motion was carried.

DIAMOND HEAD BOUNDARY

Mr. Moriguchi presented staff's review and study on the subject lands and the recommended adjustments in the Conservation District, (see staff report on file). In response to the Commissioners' request, Mr. Moriguchi pointed out the areas affected, the Department of Land & Natural Resources lands, etc.

Chairman Thompson pointed out that if the Commission agreed with staff's recommendation to adjust the Conservation District boundary, a public hearing would be necessary.

At this point, Commissioner Ferry requested deferment of action on this matter since the Department of Land had been committed by the last Legislature, through concurrent resolution, to make a report on the status of the Diamond Head Monument. Therefore, if the Commissioners did not feel that a decision was urgent, he felt that a deferment might be in order, pending completion of the report. Commissioner Ferry went on to explain that the purpose of maintaining the Diamond Head Monument was primarily to keep the area in a clean condition and also for preservation.

Chairman Thompson wondered whether declaration of the area as a national monument might affect the adjacent urban lands, and Commissioner Ferry replied that they would remain unchanged.

Commissioner Wenkam made a plea that the Commissioners do everything possible to protect the Diamond Head area from urban encroachment.

Since there was no objection, it was unanimously agreed to defer this matter until completion of the report by the Department of Land & Natural Resources.

FINAL BOUNDARIES AT PUNA

Chairman Thompson brought up the problem faced by Mr. Suefuji, Hawaii County Acting Director, with respect to which was the more accurate map, of the two maps prepared by staff for the Puna District, in determining boundaries. Mr. Suefuji explained that both maps were dated about the time the final boundaries were adopted--one map with a scale of 1"=4,000' and the other with a scale of 1"=62,500'. A public hearing was held on an application for use of a parcel of land which was determined to be in the Agricultural District from the 1"=4,000 scale map. However, upon reviewing all of the documents, the staff came up with the second map, which showed this parcel to be in the Conservation District. Therefore, Mr. Suefuji was requesting determination from the Commission as to which map to use.

Chairman Thompson asked the Executive Officer if the Commission were prepared to make this determination at this time. Mr. Moriguchi replied that he did not think so, but that it was his understanding, from discussions with other members of the staff, that the intent of the Commission, at one time, was to include the Queen's Bath within the Conservation District.

Since there was still sufficient time for the Hawaii County Planning Commission following the next Commission meeting in Hawaii on November 5, 1965 to render a decision, the matter was deferred until the next Land Use Commission hearing.

DEPARTMENT OF TAXATION RECOMMENDATIONS

Chairman Thompson recommended deferral of this matter until there was representation from the Department of Taxation so that the Commissioners could receive the benefit of their thinking and knowledge. Since these data were submitted from the field agents of the Department of Taxation, Chairman Thompson directed the Executive Officer to invite the field agents in their respective counties to the next Commission meeting.

ADOPTION OF MINUTES

The minutes of the August 20, 1965 meeting were approved and adopted as circulated.

STATE OF HAWAII
LAND USE COMMISSION

Library of Hawaii
Honolulu, Hawaii

1:30 P.M.
October 29, 1965

STAFF REPORT

Hawaii SP65-17 - WALTER YAMAGUCHI

District Classification: Rural

Background

A petition for a special permit has been filed with the Hawaii County Planning Commission to construct a frame store building for retail and general merchandising purposes at Kalapana, Puna, Hawaii (Tax Map Key 1-2-03: 35). The subject parcel is located approximately 1 mile from the Kaimu Black Sand Beach and approximately 500 feet from the Kalapana School. Present zoning of the area under the Land Use Commission district boundaries is rural.

Consisting of approximately half an acre in land area and owned by Walter T. Yamaguchi, the subject land is presently unoccupied and vacant. Its frontage is directly on the main government road lying through Kalapana.

Action taken by the Planning Commission of the County of Hawaii involved granting of the special permit on the basis of the following findings:

1. The area is subject to change in land use district to be formulated by the Planning Commission (from rural to urban).
2. The lot in question is a favorable spot for commercial use to cater to the Kalapana residents and also to the public who picnics in the area.
3. The area, especially near the Black Sand Beach, is a prime location for resort use as general-planned to balance East Hawaii's resorts or hotel units with that of Kona and Kawaihae. Under the rural district as

indicated by the State Land Use Commission, future developers might shy away from developing the area.

4. Because of the Chain-of-Crater Roads leading through said area, the area is a prime stop-over location for motorists and tourists alike but no store exists.

Analysis

The general land use in the area of the subject land is rural in nature. Two churches exist in the immediate vicinity and a few scattered residences are also located in the immediate vicinity (see map). Although accurate population figures for the immediate area are not available, it is estimated by the staff that approximately 60 to 70 people reside in the vicinity. The general scene in the area is one of a very small native village with low population density.

Evaluation of the subject petition for a special permit on the basis of the test to be applied by the Rules and Regulations of the State Land Use Commission, generally leads to the conclusion that the proposed use is "unusual and reasonable".

The petitioner has submitted a plan for the proposed building and also for the site layout. Landscaping in the form of more than a dozen palm trees and shrubbery is indicated.

Recommendation

Evaluation of the special permit on the basis of the Land Use Commission's test therefor would indicate that the use is "unusual and reasonable". The staff recommends that the special permit be granted with the additional condition that the petitioner conform generally to the site plan as submitted, and that the petitioner landscape the property at least to the extent shown on his plan.

1005-9028
10/13/65

October 13, 1965

Mr. Walter Yamaguchi
Pahoa
Hawaii

Dear Mr. Yamaguchi:

The Land Use Commission next meets at 1:30 p.m. in the hearing room of the Land Use Commission at 426 Queen Street, Honolulu, Hawaii on October 29, 1965.

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

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

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Hawaii County Planning
Commission



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RECEIVED

SEP 14 1965

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

State of Hawaii
LAND USE COMMISSION

September 2, 1965

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

Dear Mr. Moriguchi:

Re: Special Permit Application for
Walter Yamaguchi - Kalapana, Puna

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

Also enclosed are the minutes of the meetings held on July 23, 1965 and August 27, 1965 in reference to the Commission's recommendations on the above application.

Yours very truly,

COUNTY PLANNING COMMISSION

Raymond H. Suefuji
Acting Director

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Enclosures

COUNTY OF HAWAII
PLANNING ~~AND TRAFFIC~~ COMMISSION

Applicant WALTER YAMAGUCHI
Date of Public Hearing July 23, 1965
Date of Decision August 27, 1965
Meeting Place Hale Halawai, Kailua, Kona
Date Decision and Findings Forwarded
to LUC September 2, 1965

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:

Lot containing 23,331 sq. ft. at Kalapana, Puna, Hawaii and covered by
Tax Map Key: 1-2-03:35

for the following purpose(s); to construct a frame store building to conduct a retail general merchandising and refreshment business.

The Commission decided to: grant the Special Permit in accordance with the provision of Section 98H-6

on the basis of the following findings:

1. Area is subject to change in land use district to be formulated by the Planning Commission (from rural to urban).
2. The lot in question is a favorable spot for commercial use to cater the Kalapana residents and also to the public who picnics in area.
3. Area, especially near the Black Sand Beach, is a prime location for resort use as general-planned to balance the East Hawaii's number of resort or hotel units with that of Kona and Kawaihae. Under the rural district as indicated by the State Land Use, future developers might shy away from developing area.
4. Because of the Chain-of-Crater Roads leading thru said area, the area is a prime stop-over location for motorists and tourists alike but no store exists.

subject to the following conditions:

1. Cesspool be relocated to leave the Volcano side of the lot open for future 50-foot roadway.
2. Proposed development be in compliance with health, building, and Board of Water Supply regulations.
3. Proposed development be held up until the State Land Use Commission formally grants approval to said special permit.

(Signed) Raymond A. Dreyfus
Director, Planning and Traffic Commission

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COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

September 1, 1965

Mr. Walter Yamaguchi
Pahoa, Hawaii

Dear Mr. Yamaguchi:

The County Planning Commission at a duly advertised public hearing on July 23, 1965 in the Board of Supervisors Conference Room discussed your request for a Special Permit from Section 98H-5 of Act 205, Land Use Regulation of the State of Hawaii to allow the construction of a frame store building to conduct a retail general merchandising and refreshment business at Kalapana, Puna, Hawaii.

The Commission voted to grant the Special Permit in accordance with the provision of Section 98H-6 on the basis of the following conditions:

1. The cesspool be relocated to leave the Volcano side of the lot open for future 50-foot roadway.
2. Proposed development be in compliance with health, building, and Board of Water Supply regulations.
3. Proposed development be held up until the State Land Use Commission formally grants approval to said special permit.

The decision and findings of the County Planning Commission must be transmitted to the State Land Use Commission for ratification. Approval by the Planning Commission is subject to approval by the Land Use Commission before becoming final.

The decision of the Land Use Commission to approve or deny the request requires approximately 45 days after receipt of the County agency's decision.

A duly certified permit will be mailed to you on approval at a later date.

Mr. Walter Yamaguchi

- 2 -

September 1, 1965

Please do not hesitate to call or write us should there be further questions on this matter.

Yours very truly,

COUNTY PLANNING COMMISSION

Raymond H. Saefuji

Raymond H. Saefuji
Acting Director

RHS:ch

cc: State Land Use Commission

COUNTY PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

August 27, 1965

The County Planning Commission met in regular session at 1:15 p.m., at the Hale Halawai in Kailua-Kona 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
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshimura

ABSENT: Robert J. Santos

Approximately 41 persons

MINUTES

The minutes of the meeting held on July 23, 1965 were approved as circulated on a motion of Mr. Griffin, second of Mr. Bonk and carried.

INTRODUCTION

The Chairman then introduced the Commissioners and staff members to the people in the audience and explained that in the future the Planning Commission would like to hold some of their meetings in the outer districts.

MASTER PLAN & ZONING
COMMITTEE REPORT

The following items were discussed and action taken accordingly:

1. AMENDMENT TO GENERAL
PLAN

The amendments to the General Plan in relation to the possible rezoning of the area surrounding the Lei Hala Tract Subdivision and the review of the overall area taking into consideration the residential section of the Waiakea House Lots area and the former Canec plant area was discussed.

The staff reported that an accurate inventory is necessary which would show how much of land is available for a certain use, how much is being used for that purpose, and how much is used for other purposes. The staff would need at least three months to make a study of the Waiakea House Lots area before possible amendment of the area is recommended. At the present time, the only area that is ready for General Plan amendment would be the area along Kanoelehua down to Kalanikoia for Light Industrial Use. The rest of the House Lots area would be held in abeyance until the staff completes their study.

The amendment of the Waiakea Peninsular would follow the study made for the State of this area. The staff also recommends a public hearing for the remaining portion of the Keaukaha coastal area for resort use to be incorporated into the area now being considered.

PUBLIC HEARINGS

The meeting was recessed at 2:15 p.m. to conduct the following public hearings:

1. Request of Berlon A. Roberts and Delbert K. Estill for a variance to allow the development and construction of an outdoor miniature golf course with accessory buildings for refreshment and concessions. The proposed use will be located on a lot approximately 0.597 acres in area, located in Kailua-Kona.
2. Request of James T. Yamasaki for a variance to allow the development and construction of a variety store to sell hardwood products manufactured in existing shop and imported dry goods. The proposed use will be located on a lot approximately 10,403 square feet in area, Waiaha 2nd, North Kona.
3. Request of Lloyd A. Mannes for a variance to allow the use of the existing ice plant building for an office and retail building for general contracting, plumbing, cabinet work, flooring, and carpeting. The proposed use will be located on a lot approximately 20,017 square feet in area, Waiaha 2nd, North Kona.

The Chairman called for a 5 minute recess at 2:56 p.m.

The meeting was reconvened at 3:10 p.m.

PUBLIC HEARINGS

The meeting was recessed at 3:10 p.m., to conduct the following public hearings:

1. Request of Ralph Fukumitsu for a variance to allow the development and construction of a 2-story commercial building to include a drive-in restaurant, office space and shop space. The proposed use will be located on a lot approximately 19,211 square feet in area, Kailua-Kona, Hawaii.
2. Request of Capt. Cook Investment Co., Inc., for a variance to allow the development and construction of a washerette addition and restroom facilities. The proposed use will be located on a lot approximately 7.157 acres in area, Kaawaloa, South Kona.

The meeting was reconvened at 3:20 p.m.

LAND USE COMMISSION
SPECIAL PERMIT
WALTER YAMAGUCHI

The request of Walter Yamaguchi was considered for a Special Permit to allow the construction of a frame store building to conduct a retail general merchandising and refreshment business to serve the public at Kalapana, Puna, Hawaii.

A public hearing was held last month of this request. This lot is situated on the mauka side of the existing government road which runs through Kalapana adjacent to a church lot on the east and a residential lot to the west. The government road is now presently connected to the newly constructed Chain-of-Centers Road. Water supply is provided by catchment and there is no electric line; however,

the Hilo Electric Light Company has plans to service area in question as the need arises. This area is presently zoned Rural under the State Land Use zoning and as Commercial use under the General Plan.

It was moved by Mr. Griffin, seconded by Mr. Toriano, 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 area is subject to change in land use district to be formulated by the Planning Commission (from rural to urban).
2. The lot in question is a favorable spot for commercial use to cater to the Kalapana residents and also to the public who picnic in the area.
3. Area, especially near the Black Sand Beach, is a prime location for resort use as general-planned to balance the East Hawaii's number of resort or hotel units with that of Kona and Kawaihae. Under the rural district as indicated by the State Land Use, future developers might shy away from developing area.
4. Because of the Chain-of-Craters Road leading through said area, the area is a prime stop-over location for motorists and tourists alike but no store exists to meet the needs of the transient.

Approval is subject to the following conditions:

1. Cesspool be relocated to leave the Volcano side of the lot open for future 50-foot roadway.
2. Proposed development be in compliance with health, building, and Board of Water Supply regulations.
3. Proposed development be held up until the State Land Use Commission formally grants approval to said special permit.

RESOLUTIONS FOR AMENDMENT
TO THE GENERAL PLAN
PETER HAYASHI, ET AL.
FRANCIS J. SWEENEY, ET AL.

Since the resolutions for amendments to the General Plan on the Hayashi et al. request and Sweeney, et al. request were not ready, the Chair deferred this to a later meeting.

INTERIM ZONING
VARIANCE REQUEST
MUNEO SAMESHIMA

After a duly held public hearing, the request of Muneo Sameshima was considered for a variance to allow the development and construction of an additional 4 hotel units to Kamuela Inn. The proposed use will be located on a lot approximately 2.30 acres in area, Waimea Houselots, South Kohala, Hawaii.

Kamuela Inn is situated approximately 400 feet from the Kawaihae Road. Surrounding land use includes open land to the north, garage and warehouse site for the County of Hawaii to the west, a day-care center which the Planning Commission granted variance to the east, and existing commercial uses across the Kawaihae Road. The General Plan of Waimea calls for Commercial Use in said lot with the State Land Use indicating area as Urban Zone. Existing facilities include electricity, water serviced by the Board of Water Supply, and sewered by cesspool.

The staff recommended approval of the construction of an additional 4 hotel units, subject to the following terms and conditions in order to protect the public interest and general welfare:

1. Addition be in compliance with building, health and water regulations.

COUNTY PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

July 23, 1965

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

PRESENT: Robert M. Yamada
William J. Bonk
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Robert J. Santos
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji

ABSENT: Walter W. Kimura

The Chairman gave the members a few minutes to look over the June 18, 1965 Commission meeting minutes.

MINUTES

The minutes of the meeting held on June 18, 1965, were approved as circulated on a motion of Mr. Santos, second of Mr. Hokama, and carried.

PUBLIC HEARING

The meeting was recessed at 1:15 p.m. to conduct the following public hearings:

1. Request of Walter Yamaguchi for a special permit for the purpose of allowing the construction of a frame store building to conduct a retail general merchandising and refreshment business to serve the public at Kalapana, Puna, Hawaii.
2. Request of Joseph L. Mark for a variance to allow the development and construction of a development of duplex cottages, and combination restaurant, dining room, kitchen, lobby, bar and office building. The proposed use will be located on a lot approximately 150,000 square feet in area, Lots 10, 11, and 12, Kahului 2nd, Kailua, North Kona.
3. Request of Gilbert Elarionoff for a variance to allow the development and construction of an addition to existing residence, including kitchen. The proposed use will be located on a lot approximately 28,075 square feet in area, Waiohinu, Kau.

The Chairman called for a 3 minute recess at 1:40 p.m.

The meeting was reconvened at 1:45 p.m.

4. The above mentioned use shall be under construction within a period of one year as of this date and all conditions listed shall be complied with; otherwise, the Commission shall deem this variance null and void.

The basis of recommendation are as follows:

1. Contiguous land have high property values and preservation of such is needed by putting land into highest possible use.
2. General Plan of Kona sets forth medium density development for area with said use in conformance with overall development of area.
3. Proposed development conforms to provisions of the resort district under the proposed zoning ordinance.

It was moved by Mr. Santos, seconded by Mr. Bonk, and carried unanimously that the variance be granted, subject to the conditions stipulated.

LAND USE COMMISSION
SPECIAL PERMIT
WALTER YAMAGUCHI

A public hearing was held on the request of Walter Yamaguchi for a special permit for the purpose of allowing the construction of a frame store building to conduct a retail

general merchandising and refreshment business to serve the public at Kalapana, Puna, Hawaii.

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

CONSOLIDATION
THOMAS J. LINCOLN

The request of Thomas J. Lincoln was considered for approval of the consolidation of L. C. Aw. 5091 and adjacent Government

Land Lanihau 2nd, Kailua, North Kona, Hawaii.

The staff recommended to defer this matter on the basis that a portion of the proposed land remnant area is on the proposed master-planned roadway and further study on the Kailua-Kona circulation pattern is required.

On a motion of Mr. Griffin, and second of Mr. Hokama, the Commission voted unanimously to defer this matter and write to the State informing them of this decision.

EXTENSION REQUEST
STATE OF HAWAII

The request for an extension of 30 days to complete final plans and construction drawings of the proposed "Puukapu Farm Lots"

subdivision, Hawaiian Homes Commission, Puukapu, Waimea, South Kohala, Hawaii, was referred to next month's Subdivision Committee meeting on a motion of Mr. Santos, second of Mr. Toriano, and carried unanimously.

SUBDIVISION
LALAMILO, SOUTH KOHALA
NORMAN GREENWELL

Final approval for recordation of the proposed subdivision of Lot 18, Grant 13412, Lalamilo House Lots, Second Series, Lalamilo, Waimea, South Kohala, Hawaii, into 3 lots

all in excess of 10,000 square feet.

This subdivision approval request was referred to next month's Subdivision Committee meeting on a motion of Mr. Santos, second of Mr. Toriano, and carried unanimously.

COUNTY PLANNING COMMISSION
County of Hawaii
July 23, 1965

A regularly advertised public hearing on the application of Walter Yamaguchi was called to order at 1:15 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada
William J. Bonk
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Robert J. Santos
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji

ABSENT: Walter W. Kimura

Walter Yamaguchi

NOTICE OF PUBLIC HEARING

Special Permit: Kalapana, Puna, Hawaii

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 1:00 p.m., July 23, 1965, to consider the application of Walter Yamaguchi, owner, for a Special Permit within the County of Hawaii in accordance with the provisions of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the construction of a framed store building to conduct a retail general merchandising and refreshment business to serve the public at Kalapana, Puna, Hawaii, covered by Tax Map Key 1-2-03-35.

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 County Planning 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 County Planning 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.

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

(Hawaii Tribune Herald: July 13 and 21, 1965)

YAMADA: (Read public hearing notice)

YAMADA: "Mr. Suefuji, will you please read the staff recommendations."

SUEFUJI: "The applicant as stated in the public hearing notice is seeking a Special Permit from Act 205 in a Rural District to use his property at Kalapana, Puna, for the construction of a framed store building for retail general merchandising and refreshments. The said lot is situated on the mauka side of the existing government road which runs through Kalapana adjacent to a church lot on the east and a residential lot to the west. The government road is presently connected to the newly constructed Chain-of-Craters Road. Water will be provided for by roof catchment and there is no electric service at present. However, the Hilo Electric Light Company has plans to service the area in question as the need arises. The area is zoned Rural by the State Land Use regulation and designated for Commercial use under the County General Plan.

"I'll post the plans up.

"This is the lot in question. This is the road leading to the Chain-of-Craters Road. Under the proposed zoning map, the area is colored in orange. This is the County park. If you will recall, there was an old Chinese store here on the mauka side and on the makai side single-family dwellings and church.

FREITAS: "What is the area in pink?"

SUEFUJI: "Village Commercial."

GRIFFIN: "How far is the building from the existing right-of-way? The new highway bypasses Kalapana, but are there plans to widen the street? Do you happen to know?"

SUEFUJI: "We are requesting for widening in this year's CIP request. All these broken lines mean widening of roadway."

GRIFFIN: "There is off-street parking provided for on the plan?"

SUEFUJI: "Yes, there is. The parking space shown is ample."

YAMADA: "Is that an existing road?"

SUEFUJI: "Yes, that is an existing road."

YAMADA: "Anyone care to direct questions to the Director? If not, would the applicant like to make further comments on your application? No? Any member like to ask him questions? Is there anyone in the audience who would like to speak for the granting of the permit? None. Is there anyone who would object to the granting of the Special Permit? None.

"We will close the hearing."

The public hearing was adjourned at 1:20 p.m.

Respectfully submitted,

Mary F. Hara
(Miss) Mary F. Hara, Secretary pro tem

A T T E S T :

Robert M. Yamada

Robert M. Yamada, Chairman
County Planning Commission

To construct a framed store building to conduct a retail general merchandising and refreshments business to serve the public, and more particularly the people in that area.

Location and description of property are attached hereto.

Petitioner is owner of this property.

Petitioner does not know whether this area has already been zoned for specific use. There was a store dealing in general merchandise not too long ago in that vicinity. On account of the migration of the people living in the neighborhood to find employment elsewhere, it was closed for lack of patronage. With the opening of the new road to Kalapana from the National Park and the new subdivisions in the area, it is anticipated that a general merchandising store will serve the public well. There is no such service offered to the public at this time in the entire Kalapana Area.

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission JUN 24 1965

Date petition is scheduled for public
hearing 7/22/65

Date Commission took action and its
ruling _____

COUNTY OF HAWAII

PLANNING AND TRAFFIC COMMISSION

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval for a Special Permit to use certain property located at Kalapana, Tax Key 1-2-03-35 in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose-

Description of Property:

Petitioner's interest in subject property:

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

NOTE: The applicant must show that all of the following conditions exist: 1) that there are unusual or exceptional circumstances applying to the subject property, building or use which do not generally apply to surrounding property or improvements in the same zone district; 2) that the unusual or exceptional circumstances which apply to the subject property, building or use are reasonable and proper and will not be materially detrimental to public health, safety, morals and general welfare; nor will it be injurious to improvements or property rights related to property in the surrounding area; 3) that the strict enforcement of the zoning regulation would result in practical difficulties and unnecessary hardship inconsistent with the intent and purpose of Act 205; and 4) that the granting of a special permit will not be contrary to the objectives of the Master Plan or Plans of the State and/or County Government.

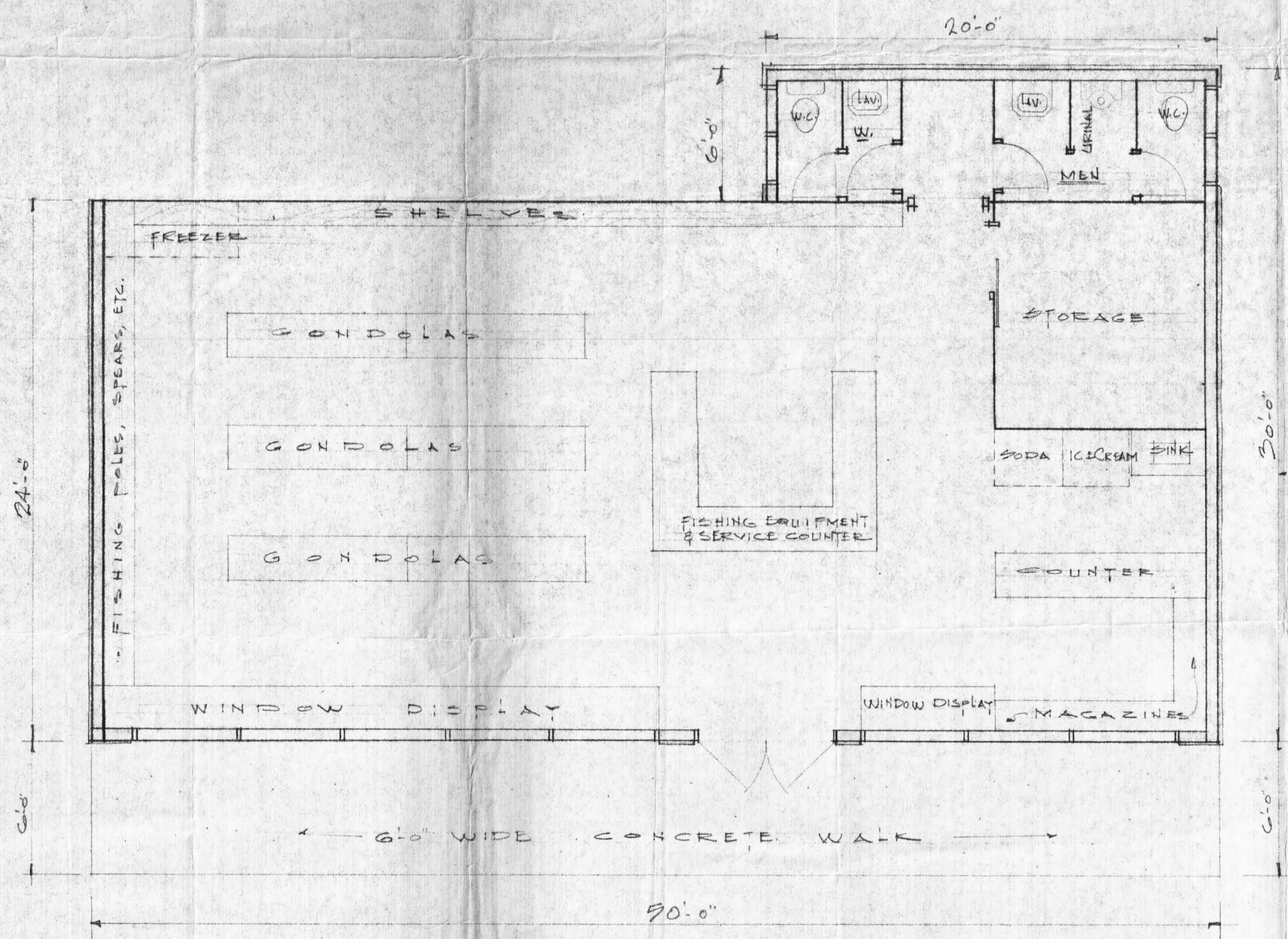
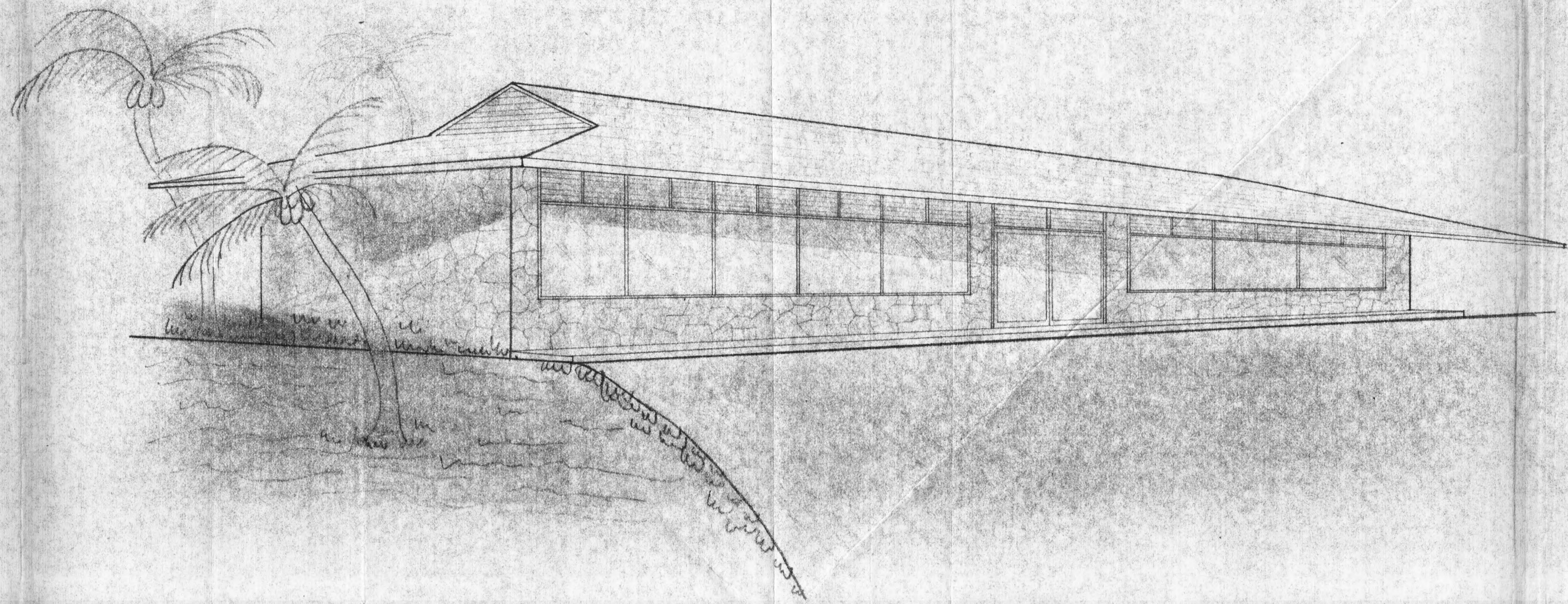
The application will be accompanied with a deposit of _____ dollars to cover publication and administrative costs and a map of the area proposed for change.

Signature Walter T Yamaguchi
Address Pahoa, Hawaii
Telephone 5837

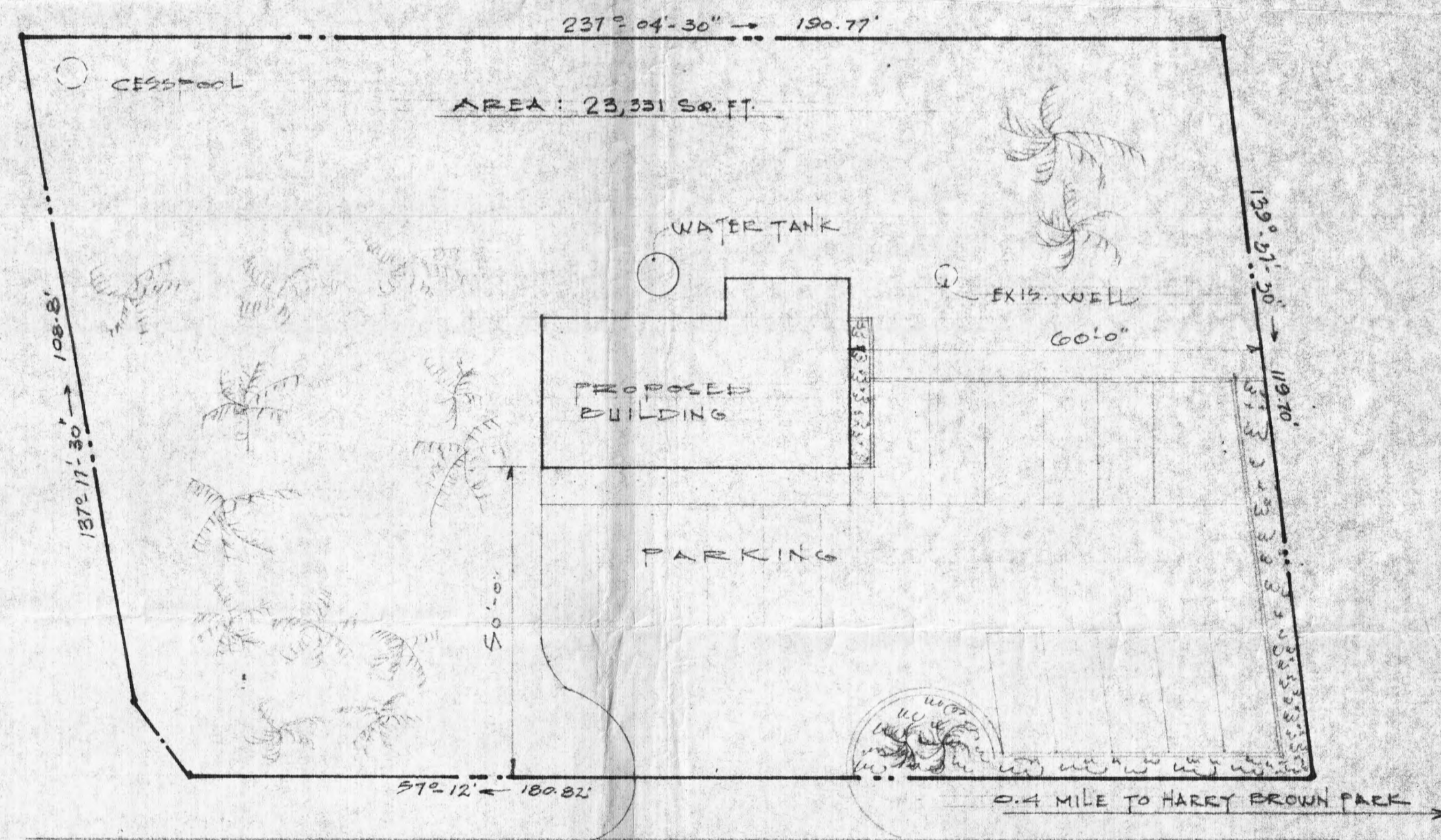
This space for official use

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

REMARKS:



FLOOR PLAN $\frac{1}{4}'' = 1'-0''$



PLOT PLAN $\frac{1}{4}'' = 20'-0''$

PROPOSED BUILDING FOR
 MR. WALTER T. YAMAGUCHI
 TAX MAP KEY: 1-2-03-35
 PORTION OF GRANT 2723-1 TO KANAKAOLE
 AT KALAPANA, PUNA, HAWAII