

SP66-32

BEN J. HESS

December 10, 1968

Mr. Ben J. Hess
RR #1, Box 201
Holualoa, Hawaii 96725

Dear Mr. Hess:

Subject: SP66-32 To Construct Motel and
Restaurant Complex in Hawaii Ocean
View Estates, Kau, Hawaii, Area on
TMK 9-2-93: 8, 9, 10, 11, 13 and 14

This is to advise you that the Special
Permit mentioned above approved on August 26,
1966, by the County of Hawaii and by the
State Land Use Commission on October 29, 1966,
including the extensions has expired and is
null and void.

Should you desire to pursue this develop-
ment in the future, a new Special Permit will
be required.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Raymond Suefuji, Planning Director
County of Hawaii

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahilu Hall
Kamuela, Hawaii

November 15, 1968 - 12:00 p.m.

Commissioners Present: Wilbert Choi, Chairman Pro Tempore
Shelley Mark
Sunao Kido
Alexander Napier
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioners Absent: C. E. S. Burns, Jr.
Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Jack Morse, Legal Counsel
Dora Horikawa, Stenographer

Persons planning to testify during today's proceedings were duly sworn in by Chairman Choi.

HEARINGS

PETITION BY HISAHARU AND KIMIKO IKEDA (A68-198) TO RECLASSIFY 2.95 ACRES IN THE AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT AT KAINALIU, KONA

Mr. Duran presented staff report recommending approval of the mauka portion of the property, comprising approximately one acre, since the property in question is in close proximity to trading and employment facilities, basic services are available, topography is satisfactory, and the land is contiguous to an existing Urban District (see copy of report on file).

A general description of existing uses and districts surrounding subject property was offered by Mr. Duran, with the aid of maps. A design showing the proposed supermarket and surrounding parking area was also presented. Mr. Duran elaborated that staff was recommending that one acre of the property in question be rezoned rather than the 2.95 acres to conform with the

See pg. 5

facilities by June, they could go to the County and initiate a request for an extension.

Commissioner Nishimura moved to amend the Land Use Commission's action of October 18, 1968, to incorporate alternative A recommended by the Attorney General's office (see copy of letter on file). The motion was seconded by Commissioner Inaba and unanimously passed.

NEXT MEETING DATE

November 29th on Molokai was set as the date for the next Land Use Commission meeting.

ASPO CONFERENCE

Mr. Duran reported that a savings of \$2,000 from the salary account in the LUC budget may be available for possibly two members to attend the 1969 ASPO Conference in April. However, insofar as the 1970 Conference is concerned, it would probably cost in the neighborhood of \$700 per conferee so that if 10 were to attend, it would mean an out-of-state travel request of \$7,000 in the budget.

RESCINDING OF SPECIAL PERMITS - COUNTY OF HAWAII

Mr. Duran called the Commission's attention to a letter received from the County of Hawaii requesting that the Land Use Commission rescind two special permits which were open-ended (with no definite construction date or failure to comply with construction date). Mr. Duran advised that this did not apply to the Ben Hess special permit mentioned in the letter since it did carry a time limitation and has expired.

However, in the case of Harry McKee, SP62-21, there was no cut-off date for the special permit to construct an office, restaurant, bar and hotel facilities. It was the County's feeling that ample time had elapsed for the construction to begin. Although a real estate office did exist, this was merely a conversion of an existing dwelling and not part of a new building as indicated in the special permit request.

It was Mr. Duran's feeling that the applicant should be given an opportunity to appear before the Commission and show justification for continuation of the special permit. Mr. Duran requested Mr. Morse to comment on the legal implications involved here.

November 15, 1968

Mr. Morse submitted that there was nothing in the statutes or the LUC Regulations governing open-end special permits. He felt that some guidance from the Attorney General's office as to whether the Commission could request petitioner to appear before this body to show cause why the permit should not be revoked might be advisable.

Chairman Choi directed the Executive Officer to write a letter to Mr. McKee requesting that he present evidence to the Commission to show cause for the delay in construction.

FIRST QUARTERLY PROGRESS REPORT FROM ECKBO, DEAN, AUSTIN AND WILLIAMS

Mr. Williams reported that he had been concentrating on the neighbor islands and that he would be completing the formal interviews by the end of November. Mr. Eckbo has conducted 20 interviews on Oahu, and all of the large landowners have been contacted. The questionnaires are presently being processed, and the responses have been encouraging. The petition and special permit analyses and the uses within the Conservation District are pretty much under control, ready to be transferred on to the punch cards.

Mr. Williams advised that two meetings had been held with the Hawaii Planning Director to discuss issues, two with the Maui Planning Director, one meeting with the Kauai Planning Director, and that he had an appointment for December 12 to meet with the Honolulu Planning Commission.

Commissioner Nishimura suggested that Mr. Williams contact Mr. Robinson about the rumored sale of Niihau Island.

Since there was no further business, the meeting was adjourned.

2578



SHUNICHI KIMURA
CHAIRMAN AND EXECUTIVE OFFICER

RAYMOND H. SUEFUJI
PLANNING DIRECTOR

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII 96720

November 12, 1968

RECEIVED

NOV 14 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: Rescinding of Special Permits

At its meeting of September 27, 1968, the Planning Commission took the following action:

It was unanimously agreed to recommend that the State Land Use Commission initiate steps to rescind those special permits which were open-ended (which had no date by which construction should start or those which had not complied with the starting date:

1. Ben Hess, File SP 66-32, which had an extension up to October 26, 1968, and which still has not begun construction.
2. Harry McKee, LUC File 62-21, recently converted a residence into a real estate office this summer which in part shows beginning of a commercial development. However, neither the restaurant, bar, office and motel facilities have been started.

The Commission feels that more than fair and adequate time has been allowed for these proposed developments.

We waited until after October 26, 1968, before writing you in order to give the developer, Ben Hess in this case, his full extension time.

Raymond H. Suefuji
Raymond H. Suefuji, Planning Director

DT:lat

12/10/68 - sent xerox copy to Ben Hess

July 9, 1968

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Gentlemen:

At its meeting on July 5, 1968, the Land Use Commission voted to approve an extension of 6 months on a special permit granted to Mr. Ben J. Hess (SP66-32), commencing April 26, 1968, pursuant to your recommendation, to begin construction and incremental development of a motel and restaurant complex on approximately 6.25 acres of land in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii.

The Commission further concurred with your stipulation that this would be the final extension.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Ben Hess
Dept. of Taxation

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP66-32 - BEN J. HESS DATE July 5, 1968

PLACE Hale Halawai Cultural Center TIME 12:00noon
Kona, Hawaii

NAME	YES	NO	ABSTAIN	ABSENT
<i>M</i> NISHIMURA, SHIRO	✓			
<i>S</i> NAPIER, ALEXANDER	✓			
CHOI, WILBERT	✓			
PERKINS KIDO, SUNAO	✓			
MARK, SHELLEY	✓			
MURAKAMI, KEIGO	✓			
WUNG, LESLIE	✓			
INABA, GORO	✓			
BURNS, C. E. S.	✓			

COMMENTS: Request for Extension on Special Permit

COPY

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII 96720

*ASC
who is this out
Didn't we grant
an extension
already?
Do we have
jurisdiction
on this one*

Yes

RECEIVED

JUN 19 1968

State of Hawaii
LAND USE COMMISSION

Yes

See Attached

June 17, 1968

Mr. Ben J. Hess
RR #1, Box 201
Holualoa, Hawaii 96725

The County Planning Commission at its regular meeting of June 14, 1968 considered your request for an additional extension of six months to begin construction on the State Land Use Special Permit granted to allow the construction and incremental development of a motel and restaurant complex on approximately 6.25 acres of land in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii.

The Commission voted to approve your extension request for six months from April 26, 1968. The Commission further stated that this would be the final extension granted.

Raymond H. Suefuji

Raymond H. Suefuji
Director

DT:mh

cc State Land Use Commission
Hiroshi Kasamoto

Re/ Ben Hess Spec. Permit

- ① The original LUC staff recommendation on Oct 29 '66 was for approval as conditioned by the HCPC (which included a 1 yr limitation). The SP was approved by the LUC based on staff recommendation.
- ② Ray Suefiji circulated a letter to this office addressed to Ben Hess notifying him that the HCPC granted an extension of 6 months from Oct 29 '67 to start construction.
- ③ On Oct 13 '67, the LUC voted to approve the 6 month's extension. The question of jurisdiction was shot up at this meeting by Nishimura. Jim Ferry noted that the LUC's original approval was conditioned on the HCPC stipulations, and therefore ^{this extension} required concurrence from the LUC.

October 17, 1967

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Gentlemen:

At its meeting of October 13, 1967, the Land Use Commission voted to approve an extension of 6 months commencing October 29, 1967, to begin construction pursuant to your recommendation to allow the incremental development of a motel and restaurant complex on approximately 6.25 acres of land in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii (SP66-32).

Very truly yours,

RAMON DURAN
Executive Officer

cc: Ben Hess
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item Extension of Ben Hess Spec. Perm. (Haw'n Ocean View Est. Sub.) Date October 13, 1967
Place Hilo, Hawaii Time 3:00 p.m.

S

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.	✓			
FERRY, J.	✓			
INABA, G.	✓			
MARK, S.		✓		
NISHIMURA, S.	✓			
MURAKAMI, K. XXXXXXXXXX				✓
CHOI, W. XXXXXXXXXX	✓			
WUNG, L.	✓			
XXXXXXXXXX THOMPSON, H.				

M

Comments:

Approve

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Building
Hilo, Hawaii

October 13, 1967 - 3:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Shelley Mark
Jim P. Ferry
Wilbert Choi
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioner Absent: Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner III
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

Commissioner Choi moved to approve the minutes of July 28, 1967 as circulated which was seconded by Commissioner Nishimura and unanimously passed.

Chairman Burns swore in all persons, except attorneys, planning on testifying before the Commission.

HEARINGS

PETITION BY KUAKINI INVESTMENT INCORPORATED (A67-157) TO RECLASSIFY APPROXIMATELY 19.4 ACRES FROM AGRICULTURE TO URBAN AT NORTH KONA, HAWAII

A recommendation for denial of the petition based on analysis and field investigation was made in the staff report presented by the Executive Officer. (See copy of report on file.)

Mr. Duran advised that during a study relating to a petition considered previously, the following statistics were brought out:

1. There is a population of approximately 10,000 people in Kona.
2. There are over 3,300 acres of vacant urban lands. On the basis of 10,000 square foot lots, this could accommodate 10,000 dwelling units and a total population of 40,000 people at the ratio of 4 persons per dwelling.
3. In addition, there are 450 acres in the Rural District. At one-half acre per lot, this would add another 900 lots or homes for 3,600 people.

October 13, 1967

Commissioner Ferry agreed with the staff's assumption since every effort was made in 1964 to ascertain the number of subdivision plans pending before the respective counties so that these properties could be included in the Urban District. He also felt that it was conceivable that an error could have occurred at the time of drafting the fine line since similar requests had come before the Commission.

Commissioner Ferry moved to accept the staff's recommendation, seconded by Commissioner Nishimura. The motion was carried.

EXTENSION REQUEST ON SPECIAL PERMIT BY BEN J. HESS (SP66-32)

A staff memo was presented by Mr. Leong outlining the present request by Mr. Hess for an extension of 6 months on a special permit to develop a motel and restaurant complex in the Hawaii Ocean View Estates, Kau, Hawaii. Recommendation was to approve the request since conditions had not changed significantly since the approval of the special permit.

Mr. Philip Yoshimura of the Hawaii Planning Commission office advised that the Commission had granted an extension of 6 months to the petitioner on the basis of the tight money situation which had hampered construction of the project. Mr. Hess' request was for "some" extension and the 6-month period was determined by the Planning Commission.

Commissioner Nishimura did not feel that a "counter-extension" by the Land Use Commission was indicated here over the County's approval. Commissioner Ferry supported the staff's course of action since the Land Use Commission's approval of the special permit was conditioned on the County Planning Commission's stipulation that construction commence within one year and the period had expired. Therefore, the 6-month extension by the County required concurrence from the Land Use Commission.

Commissioner Wung moved to accept staff recommendation for approval of the 6-month extension. The motion was seconded by Commissioner Ferry and carried, with Commissioner Mark casting the only negative vote.

NEXT MEETING SCHEDULE

The next Land Use Commission meeting date of October 28, 1967 at 9:00 a.m. in Honolulu was agreed upon by the Commissioners, preceded by a field survey of the highly controversial lands involved in petitions pending before the Commission.

Since there was no further business, the meeting was adjourned.

MEMORANDUM

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: Extension Request on Special Permit by Ben J. Hess (SP66-32)

Background

A special permit application was requested to develop a motel and restaurant complex on an incremental basis on 6.25 acres of land in the Hawaii Ocean View Estates, Kau, Hawaii and approved by the Hawaii County Planning Commission on August 26, 1966. One of the conditions imposed by the County was that construction of the structures begin within 1 year of the approval by the Land Use Commission. *from date of*

Action by the Land Use Commission on October 29, 1966 was also favorable based in part on the conditions of the Hawaii County Planning Commission.

On October 2, 1967 (Monday of last week), a letter was received from the Hawaii County Planning Commission stating that on September 22, 1967, the county agency had approved a request by Mr. Hess for a 6 months' extension to begin construction.

Since the Land Use Commission had conditioned its approval on construction commencing within one year, the Commission must also consider granting the extension of time for this special permit.

As conditions have not changed significantly since the approval of the special permit, it is recommended that the Land Use Commission follow the recommendation of the County Planning Commission and approve the 6-month extension.

COPY

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII 96720

*Dora did the LUC
set a time limit?*

RECEIVED

Oct 2 1967

State of Hawaii
LAND USE COMMISSION

September 28, 1967

Mr. Ben J. Hess
RR1 Box 201
Holualoa, Kona, Hawaii 96725

The County Planning Commission at its regular meeting of September 22, 1967, considered your request for an extension of six months to begin construction on the State Land Use Special Permit granted to allow the construction and incremental development of a motel and restaurant complex on approximately 6.25 acres of land in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii.

Please be informed that the Commission voted to grant you an extension of six months from October 29, 1967, to start construction.

Raymond H. Suefuji

Raymond H. Suefuji
Planning Director

lat

cc / Land Use Commission

of view, it could be included for development even though it exceeded the 20% slope.

The Commissioners were polled as follows on the motion made by Commissioner Wung to approve the orange line:

Ayes: Commissioners Wung, Ferry, Chairman Thompson

Nays: Commissioners Inaba, Wenkam, Burns, Nishimura

The motion was defeated.

Commissioner Burns commented that it was unfair to the petitioner to come up with a negative decision when, in principle, the Commission was agreed in favor of the petition.

Mr. Moriguchi made a request for reconsideration of the staff's recommendation which had also been defeated during the previous voting.

Commissioner Ferry moved to reconsider his negative vote on the motion to accept staff's recommendation for the inclusion of 18 acres out of the 35 acres into the Urban District, seconded by Chairman Thompson. Commissioner Ferry added that this did not restrict the petitioner from coming in at a later date with revised plans for additional lands. The motion was passed unanimously.

Commissioner Burns moved to accept staff's recommendation, seconded by Commissioner Nishimura, and the motion was carried with Chairman Thompson casting the only dissenting vote.

PETITION BY OCEANIC PROPERTIES (A66-123) TO RECLASSIFY 48 ACRES FROM URBAN TO AGRICULTURE AND 48 ACRES FROM AGRICULTURE TO URBAN AT WAIPIO, EWA, OAHU, identifiable by Tax Map Key 9-5-01

As outlined in the staff memorandum, recommendation was for reclassification of 20.5 acres from urban to agriculture, and 48 acres from agriculture to urban.

Representative for the petitioner stated that there would be no objection to the staff recommendation.

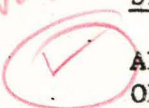
Commissioner Wenkam moved that the petition be approved as recommended by staff, seconded by Commissioner Burns. It was unanimously carried.

SPECIAL PERMITS

APPLICATION OF BEN J. HESS (SP66-32) TO DEVELOP A MOTEL AND RESTAURANT COMPLEX ON AN INCREMENTAL BASIS IN THE HAWAIIAN OCEAN VIEW ESTATES SUBDIVISION AT KAHUKU, KAU, HAWAII

Staff recommended approval of the special permit as conditioned by the Hawaii County Planning Commission and also on the fact that it could be considered unusual and reasonable.

10/29/66
MINUTES



The discrepancy between the Hawaii Planning Commission's report and Commissioner Kimura's motion regarding the development of Phase 1 and 2 was attributed to the secretary's oversight by Philip Yoshimura.

Mr. Hiroshi Kasamoto, representing the petitioner, testified that the utility poles for telephone and electrical services had been installed and should be completed by the end of the year. With reference to the State highway, Mr. Kasamoto informed that this was in the proposal stage and had been recommended by the State Highways Division.

This point had been checked out with the Chief State Highways Division Engineer by Mr. Moriguchi and the indication was that this access was limited to the internal streets that are fronting the area now.

On the matter of water availability, Mr. Kasamoto stated water catchment would have to be provided for the operation of the restaurant, etc. After being duly sworn in, Mr. Hess also testified that there was a water tank on the property and he had the subdivider's permission to haul water when needed. He also confirmed that he would not expect the State or County to provide the water.

Commissioner Burns moved, seconded by Commissioner Inaba, to grant the special permit on the basis of the staff's recommendation, which was passed unanimously.

APPLICATION OF DAVID E. ERWINE (SP66-33) REQUESTING PERMISSION TO PROVIDE LIGHT INDUSTRIAL USES WITHIN THE HAWAIIAN OCEAN VIEW ESTATES SUBDIVISION AT KAHUKU, KAU, HAWAII, TMK 9-2-03: 30

Staff recommended approval of the special permit application based on its unusual and reasonable nature and also on the fact that the conditions imposed by the County Planning Commission would provide for discriminate development.

It was reported that there were approximately two dozen homes scattered in and around the immediate neighborhood.

Commissioner Wenkam felt that it was the County's responsibility to notify the adjoining residents of the proposed use requested by this special permit. Mr. Yoshimura of the Hawaii Planning Commission pointed out that, under the provisions of the special permit regulations, they were not mandated to do so except via a public hearing notice.

Commissioner Ferry offered that under the circumstances, namely the existing non-conforming use of scattered residences in a vast Agricultural District, this application for light industrial uses definitely fell within the realm of being unusual and consequently a reasonable request.

Mr. Erwine, petitioner, submitted that he was in receipt of a letter from one of the adjoining property owners indicating full accord with his proposed plans. He added that his prime reasons for acquiring the property was based on the subdivider's designation of the subject area for business purposes.

November 3, 1966

Planning Commission
County of Hawaii
Hilo Armory
Hilo, Hawaii

Gentlemen:

At its meeting on October 29, 1966, the Land Use Commission voted to approve the grant of a special permit to develop a motel and restaurant complex on an incremental basis over a period of years on approximately 6.25 acres of land located in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii, identifiable by Tax Map Key 9-2-93: 8, 9, 10, 11, 13 and 14, to Mr. Ben J. Hess.

Enclosed for your information is the staff report.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.
cc: Chairman Thompson
Department of Taxation
Mr. Ben J. Hess

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item SP66-32 Ben Hess

Date 10-29-66

Place Hilo (Hwy. off.)

Time _____

M

S

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.	✓			
FERRY, J.	✓			
INABA, G.	✓			
MARK, S.				
NISHIMURA, S.	✓			
OTA, C.				
WENKAM, R.	✓			
WUNG, L.	✓			
THOMPSON, M.	✓			

Comments:

STATE OF HAWAII
LAND USE COMMISSION

State Highways Division, District
Engineers Office, 50 Makaala Street,
Hilo, Hawaii

9:30 A.M.
October 29, 1966

STAFF REPORT

SP66-32 - BEN J. HESS

A special permit application for final approval has been received from the Hawaii County Planning Commission relating to approximately 6.25 acres of land located in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii. The owners propose to develop a motel and restaurant complex on an incremental basis over a period of years.

As a basis for their recommendation of approval, the Hawaii County Planning Commission submits that:

1. The proposed uses are made desirable because of the great distance from any other facilities to service travelers as well as local residents of Hawaiian Ocean View Estates.
2. The subdivision in which the special permit request is located is composed of some 12,000 rural type lots which may eventually be populated by a substantial number of residents. To date, approximately twenty-two houses are located in this subdivision. Within the time from 1963 when the first final approval for recommendation was granted, anticipating a gradual increase of residential dwellings, a floating type of zone is recommended for separate facilities such as the applicant request, since there is no County General Plan for the area.

As conditions to be imposed, the Hawaii County Planning Commission has submitted the following items:

1. The development shall conform to the County of Hawaii building, water and health regulations.
2. Egress and ingress of traffic shall be limited to the side road and

not directly to the highway.

3. The County Planning Commission shall require the following conditions which in its opinion are necessary: Proper landscaping, proper siting and arrangements of all structures and improvements, adequate and proper off-street parking and adequate drainage.
4. The motel facilities (Phase II) shall be built first. (Note: Minutes of the Hawaii County Planning Commission indicate that Phase I and Phase II shall be allowed to be constructed simultaneously.)
5. The special permit granted shall be only for the structures and uses which will be completed within a two-year period, after which time the County General Plan and Zoning shall provide the vehicle to determine uses.
6. Construction of the structures shall begin within one year from the date of approval by the State Land Use Commission or the permit shall be deemed null and void.

The proposed site is immediately adjacent the Hawaii Belt Road at a distance of approximately 12 miles from Naalehu and 45 miles from Kailua, Kona. Hawaiian Ocean View Estates is a subdivision approximating 11,000 acres with more than 9,260 lots. Unfortunately, however, no more than two dozen homes have been constructed to date in the entire subdivision, which is greater in area than the entire urban district in the South Hilo area. Recordation of the subdivision was made prior to establishment of the Land Use Law and it now exists as a non-conforming development within an Agricultural District. Except for paved roads, there are no other service facilities such as water, sewerage, power, community facilities and fire protection.

The applicants are apparently aware of the lack of utility services and other community services but, nevertheless, propose to undertake the development. Accordingly, it is construed that they do not expect provision of any standard

public utility and community services to support their plan. On this basis governmental agencies would not be overburdened by additional requirements for such services should the development be permitted.

Application of the remaining other guidelines of the special permit procedure to this proposed development indicate that it may be considered unusual and reasonable and, therefore, permissible under a special permit. Therefore, it is recommended that the special permit be approved as conditioned by the Hawaii County Planning Commission, especially on the condition of access to the Belt Highway since the State Highway Division has imposed limited access provisions to the Hawaii Belt Road.

RECEIVED

SEP 20 1966

State of Hawaii
LAND USE COMMISSION

COUNTY PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

M E M O R A N D U M

Date September 19, 1966

To: Mr. George Moriguchi, Exec. Officer, Land Use Commission

From: Raymond H. Suefuji

Subject: Special Permit Application of Ben J. Hess

In accordance with your letter of September 8, we are transmitting the development plans of Mr. Hess.

lat

SP66-32 Hess and SP66-33 Ervine

① Detailed Land Classification - Hawaii (Map #176)

Land Type = E-258

Soil Series = Aa clinkers

Depth = No Soil Material

Color = Lt. Brown to nr. Blk

Parent Mater. = Aa

Stoniness = sharp lava clinkers

Drainage = excessively drained

Slope = 0-20%

Climate = sub-humid

Machine Tillability = unsuited

District = N + S Kona

Acreages by land class (E) = 33,026

Master productivity rating (E) = Very poor

② Soil Survey - Terr. of Hawaii (USDA, HAES)

RA - See pg 634 (attached)

③ Rainfall - Hawaii Islands (Hawaii Water Auth.)

closer to lands
under petition

← (Stn 2) - Maunuka (Elev 1750')

Median annual = 63.2"

further away
but elevation
is about same

← (Stn 4.1) - Kahuku Ranch hse (Elev 1950') = 41.2"

④ State General Plan = Open land and Forest Res.

which cannot be controlled on this unit of rough broken soil and bedrock outcrop. Some areas at lower elevations are being developed for macadamia nuts, coffee, and pastures.

Rockland, Pahoe-hoe lava with Kealakekua, Olaa, or Ohia soil material (R_N).—This unit is similar to the comparable land type over Aa lava, but the underlying lava is relatively smooth, not rough and broken.

Soil material cannot extend deeply into cracks and crevices. Generally, the soil consists of a 2- to 6-inch layer of very dark brown or, in some places, almost black silt loam or silty clay loam high in organic matter and generally saturated with water. In many places in small depressions there is evidence of restricted internal drainage.

The bedrock outcrops on this type are bare of any vegetation except mosses and lichens. In some places staghorn fern may cover these areas. In forested areas the cover is generally less dense than that on the land type over Aa lava. In pastured areas more than half of the land surface is essentially bare of vegetation. The soil-covered parts support mainly Hilograss, in association with guava and various kinds of ferns. It is very difficult to improve pastures or control guava or other shrubs on this land. The carrying capacity is low, and the forage is of poor quality.

ROCKLAND TYPES, BARREN

Rockland types, barren, consist of lava that has practically no soil covering of any kind. They are essentially bare of vegetation. Three types have been differentiated on the basis of character of the lava, for the kind of lava affects the ease of getting over the land.

Rockland, Aa lava (R_A).—This land type consists of young lava flows of the Aa type, some of which have been laid down in historic time. There is practically no soil covering. In a few places fine material may occur in pockets in the rock. The surface of this lava is rough and broken, and travel must be done mainly on trails. It is almost impossible for a man to cross some of these flows on foot. They are a mass of clinkery, hard, glassy, sharp pieces of lava piled in tumbled heaps and filled with cracks, crevices and caverns. In some of the older areas, the sharp edges have been worn off the lava fragments and the particles detached help to fill some of the cracks in the rock. In these places, travel is somewhat easier, but in most places it still must be done mainly on trails.

This unit occurs on the islands of Hawaii and Maui at elevations ranging from sea level to 13,000 feet. The annual precipitation ranges from 10 to 250 inches. In the wetter regions there may be some vegetation in cracks and crevices. In the drier regions vegetation is almost entirely absent.

Rockland, Pahoe-hoe lava (R_L).—This unit consists of young Pahoe-hoe flows on the islands of Hawaii and Maui at elevations ranging from sea level to 13,000 feet. The annual precipitation ranges from 10 to 250 inches. The surface of these flows is relatively smooth, and in many places man or domestic animals can travel for long distances on what amounts to a pavement of smooth, ropy, glassy surfaced lava. Locally, rough and broken areas are included, but for

the most part it is regions, an occasional rock may be covered with tropical forest, however.

Rockland, very are steep sides of It consists of almost practically bare of surveyed at elevations annual rainfall ranges in some places this lava in others, as very

In the dry region clump of grass or regions, even on slopes commonly gain for form an almost complete present, however.

This group includes the preceding sections

Marsh (M_{2N}).—marsh vegetation near the center have along the coastal plain water marsh. Local

Made land (M_A).—man-made fills. Made land has been reclaimed by dredging or by filling uplands. Most of and industrial establishments

The unit also includes dated materials having soil material. The which might be carrying waters from the limestone by contact. In this way a 6- to built up, and at the good success. The

The other type is from the cane mills soil material. The brown soil typical of The result is a light fragments of calcareous cane at the time of

Most areas of both World War II.

Send cc of letter to
Mr. Hess re ^{seton} meeting to:

Mr. Herbert Luke

Luke + Miyamoto

436 Piikoi Street

Honolulu, Hawaii

October 4, 1966

Mr. Ben J. Hess
11912 Della Lane
Garden Grove, California

Dear Mr. Hess:

The Land Use Commission next meets at 9:30 a.m. at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii, on October 29.

At that time, your application for a special permit (SP66-32) 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

GSM/pjp

cc: Planning Commission
County of Hawaii

Mr. Herbert Luke
Luke and Miyamoto
436 Piikoi Street
Honolulu, Hawaii

RECEIVED

COUNTY PLANNING COMMISSION
County of Hawaii

SEP 27 1966

August 26, 1966

State of Hawaii
LAND USE COMMISSION

The County Planning Commission met in regular session at 1:30 p.m., in the Conference Room of the Board of Supervisors with Chairman Robert H. Yamada presiding.

PRESENT: Robert M. Yamada
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Walter W. Kizura
Masayoshi Onodera
Robert J. Santos
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshizawa

ABSENT: William J. Bonk

L. N. Nevels
Charles L. Schuster
Hiroshi Kasamoto
Charles Murray

MINUTES

The minutes of the regular meeting held on July 22, 1966, and the special meeting held on August 10, 1966, were approved as circulated on a motion of Mr. Griffin, second of Mr. Valera, and carried.

PUBLIC HEARING

The meeting was recessed at 1:31 p.m., to conduct a public hearing on the request of Jack Sumitani, et al, for a special permit to allow the subdivision of three lots of approximately 15,253 square feet each in an agriculture-zoned area in the vicinity of Waialakea Homesteads.

The meeting was reconvened at 1:40 p.m.

MASTER PLAN & ZONING
COMMITTEE REPORT

The following item was discussed and action taken accordingly:

DOG POUND SITE
HILO AND KONA

The consideration for a suitable dog pound site on State land for Hilo and Kona as requested by the Humane Society was previously deferred pending the staff's study and submittal of possible sites.

The staff reported that a study was made and the locations suggested were on the basis of permitted uses under our proposed ordinance and present availability of roads and utilities. Areas suitable for dog pounds would be agricultural, light industrial, and heavy industrial.

In the Hilo area, the following were suggested in the order listed:

1. Hawaii Aeronautics Commission site near the National Guard Hangar where a 10-acre asphalt area now stands empty.
2. A 2-acre site just across the Glover's quarry on Leilani Street.
3. In the Puna direction of the General Industrial area within the proximity of Pohala Street.
4. In the Agricultural Zone 2 of Panacea Forest on Malmilila Street.

The present dog pound is located near the airport swimming pool on a small parcel. It was assumed that a new area is being sought because of the need for a larger area for the new dog pound in Hilo and possibly other uses proposed by the airport officials. It was suggested that the staff confer with the airport personnel to see if they have objections to the proposed sites.

In the Kona area, the following were suggested:

1. The only State land available near a population center -- the area adjacent to the Kona airport.
2. The Liliuokalani industrial site where the County's sewage treatment plant is located.
3. An interior 5-acre lot near Hualoa.

It was suggested by a member from Kona that another agricultural area either in Kainaliu or Captain Cook Village or other maula areas be considered.

The staff reported that there is no adequate State land in Kona area except possibly to locate the dog pound on a private land.

On a motion of Mr. Santos and second of Mr. Kimura, the Commission voted to accept the Committee's recommendation to defer action for the Kona area until the Hilo site is determined.

PUBLIC HEARING

The meeting was recessed at 1:45 p.m., to conduct a public hearing on the request of Richard Smart dba Parker Ranch for a special permit to allow an expansion of a business into an adjoining agriculture-zoned lot of 14,713 square feet located at Pukapu Homesteads, South Kohala.

- - - - -

The meeting was reconvened at 1:50 p.m.

MASTER PLAN & ZONING COMMITTEE REPORT

The following items were discussed and action taken accordingly:

LAND USE COMMISSION REZONING REQUEST WILLIAM M. DOUGLAS

A discussion followed on the request of William M. Douglas to redesignate an area of 40.99 acres of Lot 621 in Waialoa Homesteads from Agricultural to Urban District to prepare land for subdivision into residential lots.

The staff recommended denial on the basis that this area is classified Agricultural on the General Plan and destined to remain as such. One of the criteria for change of boundaries is that it shall be contiguous to an Urban District. The nearest urban line is about 2,000 feet away from the parcel in question.

Mr. Santos moved for the acceptance of the Committee's recommendation to recommend denial of the request to the Land Use Commission. The motion was seconded by Mr. Griffin and carried unanimously.

LAND USE COMMISSION
REZONING REQUEST
FRANK FERREIRA

The members considered the request of Frank Ferreira to classify an area of 3.00 acres in Paauhau, Hanalei, from Agricultural to Rural District for the purpose of subdividing into 3 lots.

The staff reported that the parcel is located on the Hilo side of Hanalei just before the entrance road to Hanalei town from the Belt Highway. The applicant wishes to convey two of the lots to his children. This area is all in cane land and not developed for rural type of use.

The Director further mentioned that the Rural District allows mixed type of uses such as one-half acre, small farms, activities characterized by low density residential lots, and parcels not suitable for agricultural uses. On the basis of the allowed uses, the staff is recommending a reversal of the Committee's recommendation and to recommend the approval for the Rural District.

It was moved by Mr. Santos, seconded by Mr. Hokama, and carried that the matter be referred back to the Committee for further consideration.

LAND USE COMMISSION
REZONING REQUEST
SUNRISE REALTY MORTGAGE CORP.

The members next discussed the request by Sunrise Realty Mortgage Corporation for a change in zoning boundaries from Agricultural to Urban District in the Volcano area of approximately 20 acres for the purpose of subdividing into residential lots.

The parcel is located 6,000 feet off the Volcano Road on the mauka side. The surrounding area is subdivided into residential house lots.

The staff recommended deferment because of the discrepancy on the Land Use boundary line and until a clarification is made on the definite lines.

On a motion of Mr. Santos and second of Mr. Kimura, the Commission voted to adopt the Committee's recommendation to defer until the boundary lines are determined.

PUBLIC HEARINGS

The meeting was recessed at 2:02 p.m., to conduct the following public hearings:

1. Request of David E. Erwine for a special permit to allow uses for contractor's yard, vehicle repair, freighting and warehousing, accessory living quarters, lumber yard, retail sales and servicing (vehicles), within a 1-acre area presently zoned agriculture in the State Land Use designation.
2. Request of State Department of Land and Natural Resources and Albert Soloff for a variance to allow the development and construction of the proposed Puako Beach Resort Hotel formerly referred to as the "Laguna-Kai" project.
3. Request of Kona-McWayne (Wallace J. D. Lai) for a variance to allow the development and construction of a temporary building to be used as a patio-cafe and office.

As a condition of approval, all lot corners shall be marked by one-half ($\frac{1}{2}$) inch round galvanized pipe, or equal, set in the ground with 4 inches protruding above the ground and permanently cemented.

PROPOSED ALIGNMENT
VOLCANO HIGHWAY

The District Engineer of the State Highways Division attended the meeting to keep the Commission members fully informed of their

current plans to develop one additional alternate route on the proposed alignment of the Volcano Highway.

The plan presented showed a more extensive by-pass which would go 1500 feet further ^{away} from the existing community center. This line was studied and developed to tie in at the beginning of the project near the rubbish dump. There were two major objectives to the alternate route. Primary objective was to build a modern, high-speed, safe road to take care of the traffic. Second objective was to construct a scenic highway under the National Highway Beautification Act, not only the proposed roadway but also the previous roadway by acquiring a continuous scenic buffer strip. As to the latest proposal, the roadway has the advantage travel-wise and scenic-wise. The latest alignment from the planning standpoint would allow for the development of new areas.

He announced that there will be a public hearing on the proposed roadway tentatively scheduled for September 15 at the National Park Auditorium.

DISCUSSION
LAND USE COMMISSION
SPECIAL PERMIT
BEN J. HESS

A discussion followed with Mr. Kasamoto, representative of Ben J. Hess, on the request for a special permit to allow the construction of a restaurant, bar and motel facilities, gift shop, general store, space for retail store

and offices and future development of apartments within the Hawaiian Ocean View Estates Subdivision in Kahuku, Kau.

The representative explained that the parcel in question is located 75 miles from Hilo, and the nearest restaurant from this lot is 25 miles in Kau, 50 miles in Volcano, and 45 miles in Kailua. He explained that this is a half way point between Hilo and Kailua. He cited a similar use located in the vicinity known as Ohia Lodge which was destroyed by the lava flow in 1962. He mentioned that the Commission approved a special permit for McKee in 1962 for a similar project; and up to now, he has not started this development. He quoted a staff report of the Land Use Commission in which it stated that "this application is a very good illustration of a group of uses made desirable because of great distance from any other suitable facilities to serve travelers, in the way of food and lodging. Staff recommends approval of the permit, as a proper and desirable, unusual and reasonable development which will provide a needed service to the public," and buyers of the lots of the subdivision. Mr. Kasamoto further stated that he thinks the situation is very similar for Mr. Hess as for Mr. McKee allowed four years ago. On the question of access provision to the McKee's permit, the representative stated that he checked with Mr. Nevels, who represented Mr. McKee at that time, and there was a note in his file indicating no conditions were imposed in approving this subdivision limiting the right of access. The State was requested to purchase the 20-foot reserve along the subdivision. When the subdivision came about, the whole frontage of 20 feet was reserved by the subdivider, and the Commission wrote to the State to acquire this as it was easier to deal with one person. Up to now, the State has not taken any action to acquire this. So later on after the permit was granted by the State Land Use Commission, Mr. Nevels wrote to the owner Mr. Crawford for a grant of easement in December 1962. Mr. Crawford approved the granting of easement. The representative requested favorable consideration for one access from the Mamalahoa Highway.

The Director stated that there is a number of phases listed in this development. He also mentioned that the Commission has received testimonies from the residents of the subdivision pertaining to this proposed development and that the motel and apartment units would be the one required because of travelers from the Mainland not having any place to stay when they come over to look over their lots. In looking over the phases 1 to 6, the Director questioned which, in the developments, is the primary one.

The representative replied that the developer wants to start with Phase I, restaurant and coffee shop, but he thought he was very anxious to build this motel idea too whether it is in apartment units or duplex units, he wants to do both of these things. He stated that depending on how successful he is with his business, the next increment will be based on that.

The Director questioned whether the development in total would be a resort type.

Mr. Kasamoto answered it is more for transient people. They want to serve the people numbering 30 or 40 to eat and sleep. The tour drivers that pass through there take a break at Manuka Park. It is more for this type of people to take a rest and not for a destination type of development.

The Director wondered if there would be any objections if Phase II, apartments, would be required to be developed first.

The representative stated that he cannot speak for the developer but he thought the two phases could be developed simultaneously. If this is pointed out to the developer, he thought Mr. Hess would consider both developments.

The Director asked what is the length of time needed to complete the entire 6 phases.

Mr. Kasamoto stated that it will depend on the success of what he puts in first. He is aware that the developer cannot build the whole development in one year but should be given a period of one year for each increment.

SUBDIVISION COMMITTEE REPORT

The following Item No. 3 was discussed and action taken accordingly:

3. REACTIVATION REQUEST PUNA SEA VIEW LOTS ROBERT M. YAMADA

The members next considered the request for reactivation of the proposed "Puna Sea View Lots Subdivision," being all of Grants 9874 and 5165 and a portion of Grant 8168, Kehena,

Puna, Hawaii, into 952 lots.

The staff reported that this matter be taken up for a re-vote because there was doubt as to whether the motion had passed or not at the previous meeting.

for
Mr. Freitas moved the acceptance of the Committee's recommendation for a re-vote. The motion was seconded by Mr. Furuya and carried.

Mr. Murray attended the meeting on behalf of the developer and stated that there is no drainage problem in the area. The developer is willing to pave the main road, but on the side roads, they would like to have lesser requirement by being allowed to use bitumals, instead of common oil, for surfacing.

In the original motion of the last meeting, it was stipulated that all roads be constructed to dedicable County standards. Mr. Griffin stated that this requirement would serve the interest of the general public.

Mr. Griffin moved to grant the reactivation and preliminary approval to the proposed "Puna Sea View Subdivision," with the stipulation that all roads be constructed to dedicable standards. The motion was seconded by Mr. Santos.

Mr. Hokama stated that he is against the size of the lots proposed for this subdivision although he is not against the reactivation request.

The Director mentioned that the Commission should review reactivation on the basis of upgrading the standards of the subdivision. Because in most cases reactivation would entail nonconforming as to lot sizes, subdivisions can be reactivated on the basis of increasing the lot size. In agricultural zoned areas under the State Land Use regulations, there are approximately 16,600 lots (33 subdivisions) which are null and void all having lot sizes from 7,500 to 10,000 square feet. If only preliminary approvals were granted, the Commission should stipulate minimum lot sizes of 15,000 to 20,000 square feet and adhering to the proposed Subdivision Ordinance as to lot width (90 feet). By doing this, the Commission would upgrade standards as well as keeping the basically agricultural areas in a "rural" atmosphere by decreasing the density. One of the sizes considered in the previous reactivation, he thought it would be good for the condition.

The votes were recorded as follows:

Ayes: Mr. Freitas
Mr. Furuya
Mr. Griffin
Mr. Onodera
Mr. Santos
Mr. Toriano
Mr. Valera

Noes: Mr. Hokama

Abstention: Mr. YAMADA abstained
because of direct interest
on the case.

(At this point, Mr. Yamada presided the meeting until adjournment.)

LAND USE COMMISSION
SPECIAL PERMIT
BEN J. HESS

A public hearing was held last month on the request of Ben J. Hess for a special permit to allow the construction of a restaurant, bar and motel facilities, gift shop, general store, space for retail store and offices and future development of apartments on Lots 17, 19, 22, 23, 24, and 25, Block 158, Hawaiian Ocean View Estates, Kahuku, Kau.

The staff recommended that approval be granted to the special permit request as it finds that the permit is a proper, desirable, and unusual development in this agricultural district because of the following reasons:

1. Proposed uses are made desirable because of the great distance from any other facilities to service travelers as well as local residents of Hawaiian Ocean View Estates.
2. The subdivision in which the special permit request is located in is composed of some 12,000 rural type lots which may eventually be populated by a substantial number of residents. To date, approximately 25 houses are located in this subdivision within a time from 1963 when the first final approval for recordation was granted. In anticipating a gradual increase of residential dwellings, a floating type of zone is recommended for support facilities such as this request in lieu of the lack of a County General Plan for the area.

The staff further recommended that approval be granted subject to the following conditions for the interest of proper development of the area as well as appearance to the public convenience and safety:

1. Proposed development shall conform to the County of Hawaii building, water, and health regulations.
2. Egress and ingress of traffic shall be limited to the side road and not directly to the highway.
3. The County Planning Commission shall require the following conditions which in its opinion are necessary: proper landscaping, proper siting and arrangement of all structures and improvements, adequate and proper off-street parking, and adequate drainage.
4. Because the most pressing need as reflected by the persons in favor of the special permit is for motel facilities; it shall be required that the motel facilities (Phase II in request) be built first.
5. The special permit granted shall be only for the structures and uses which will be completed within a two-year period after which time the County General Plan and zoning shall provide the vehicle to provide areas for these uses.
6. Construction of the structures shall begin within one year as of the date of approval by the State Land Use Commission or deem the permit null and void.

Mr. Griffin queried if one driveway off the main highway would serve the purpose for ingress and egress. As far as traffic along the main highway, he wondered if this would have any bad effects since the sighting distance would be good.

The Director stated that the main highway is a speed highway and the staff would like to limit the number of roadways connecting to the main highway.

Mr. Kasamoto stated that the acquisition of access easement over the 20-foot reserve is no problem with the developer since he was assured access by the subdivider.

Mr. Kimura moved for the approval of the special permit with the condition that he be allowed to construct Phase I and II (motel and restaurant facilities) simultaneously together with the other conditions stipulated. The motion was seconded by Mr. Hokama and carried unanimously.

INTERIM ZONING
VARIANCE REQUEST
ALBERT SOLOFF

After a duly held public hearing, the request of State Department of Land and Natural Resources and Albert Soloff was considered for a variance to allow the development and construction of the proposed Puako Beach Resort Hotel formerly referred to as the "Laguna-Kai" project. The proposed use will be located on combined lots approximately 339,600 square feet in area at Puako Beach Lots, Lalamilo, South Kohala.

The staff recommended approval of this request as it finds that strict adherence to the Interim Zoning Ordinance will cause undue hardship and practical difficulty because of the following reasons:

1. The Interim Zoning Ordinance does not allow for the construction and development of a resort hotel except through a variance.

COPY

File
COUNTY PLANNING COMMISSION

COUNTY OF HAWAII
HILO, HAWAII 96720

RECEIVED

SEP 9 1966

State of Hawaii
LAND USE COMMISSION

September 6, 1966

Mr. Ben J. Hess
11912 Della Lane
Garden Grove, California

Re: Special Permit
Motel and Restaurant Facilities
Hawaiian Ocean View Estates
Kahuku, Kau, Hawaii

Please be advised that one of the conditions as stipulated by the Commission needs elaboration.

Specifically on condition No. 4 which requires you to build Phase II first, the Planning Commission went on record in saying that motel and restaurant facilities (Phase I and II) can be built simultaneously in the event the State Land Use Commission approves your special permit request.

If you have any questions, please do not hesitate to contact us.

Raymond H. Suefuji

Raymond H. Suefuji
Director

PIY:ch

cc: Hiroshi Kasamoto
State Land Use Commission

September 8, 1966

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

Dear Ray:

Upon reviewing the special permit data on the application by Mr. Ben J. Hess, we note that the site plan map for the proposed facility was not part of the data sent to us.

In order to fully evaluate the application as recommended for approval by your Commission, we would appreciate receiving a copy of the proposed site plan layout and any other maps that you may have used during your deliberations.

Thank you for your kokua.

Sincerely,

GEORGE MORIGUCHI
Executive Officer

Start counting days when we receive maps per G.M.

RECEIVED

COUNTY OF HAWAII

SEP 1966

PLANNING ~~XXXXXXXXXXXX~~ COMMISSION

State of Hawaii
LAND USE COMMISSION

NOTE: SP started on
Sep 20 '66/ASL

Applicant	Ben J. Hess
Date of Public Hearing	July 22, 1966
Date of Decision	August 26, 1966
Meeting Place	Bd. of Supervisors Conf. Rm.
Date Decision and Findings Forwarded to LUC	August 31, 1966

SPECIAL PERMIT

SP66-32

The Planning ~~XXXXXXXXXXXX~~ 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:

Hawaiian Ocean View Estates, Kahuku, Kau, Hawaii
Tax Map Key: 9-2-93: 8, 9, 10, 11, 13 and 14

for the following purpose(s):

Construction of a restaurant, bar and motel facilities, gift shop, general store, space for retail store and offices and future development of apartments.

The Commission decided to:

Approve the Special Permit in accordance with the provision of Section 98H-6.

on the basis of the following findings:

1. Proposed uses are made desirable because of the great distance from any other facilities to service travelers as well as local residents of Hawaiian Ocean View Estates.
2. The subdivision in which the special permit request is located in is composed of some 12,000 rural type lots which may eventually be populated by a substantial number of residents. To date, approximately 22 houses are located in this subdivision within a time from 1963 when the first final approval for recordation was granted. In anticipating a gradual increase of residential dwellings, a floating type of zone is recommended for support facilities such as what the applicant requests for in lieu of the lack of a County General Plan for the area.

subject to the following conditions:

1. Proposed development shall conform to the County of Hawaii building, water and health regulations.
2. Egress and ingress of traffic shall be limited to the side road and not directly to the highway.
3. The County Planning Commission shall require the following conditions which in its opinion are necessary: proper landscaping, proper siting and arrangement of all structures and improvements, adequate and proper off-street parking, and adequate drainage.
4. Because the most pressing need as reflected by the persons in favor of the special permit is for motel facilities; it shall be required that the motel facilities (Phase II in request) be built first.
5. The special permit granted shall be only for the structures and uses which will be completed within a two-year period after which time the County General Plan and zoning shall provide the vehicle to provide areas for these uses.
6. Construction of the structures shall begin within one year as of the date of approval by the State Land Use Commission or deem the permit null and void.

(Signed) *Raymond H. [Signature]*
Director, Planning ~~XXXXXXXXXXXX~~ Commission

COUNTY OF HAWAII

COUNTY PLANNING COMMISSION

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission 6-2-66

Date Petition is scheduled for public
hearing _____

Date Commission took action and its
ruling _____

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval for a Special Permit to use certain property located at Kahuku, Kau, Hawaii in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

**Restaurant, bar and Motel facilities also gift shop, general store and space for retail store and offices.
Future development of apartments.**

Description of Property:

**Lots 17, 19, 22, 23, 24, and 25; Block 158; Hawaiian Ocean View Estates
Tax Map Key: 9-2-93-8, 9, 10, 11, 13, and 14**

Petitioner's interest in subject property:

Owner

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 applicant will be fulfilling a need for such a facility, located between other built-up areas.

Owners of property in the Hawaiian Ocean View Estates have often expressed interest in using this type of facilities if they were available.

The restaurant would fill the need of tours for a stopping place in this area.

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

Signature Beverly J. Hess
Address 11912 Della Lane Garden Grove, Calif.

Telephone Area Code 714- 537-8610

This space for official use

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

REMARKS:

Luc

COUNTY PLANNING COMMISSION
County of Hawaii

July 22, 1966

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

PRESENT: Robert M. Yamada
William J. Bonk
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshimura
Donald Tong

ABSENT: John T. Freitas
Walter W. Kimura
Masayoshi Onodera
Robert J. Santos

Richard Jitchaku
L. N. Nevals
H. C. Patterson
James Morrison

MINUTES

The minutes of the regular meeting held on June 24, 1966, and the special meeting held on June 30, 1966, were approved as circulated on a motion of Mr. Griffin, second of Mr. Toriano, and carried.

PUBLIC HEARING

The meeting was recessed at 1:16 p.m., to conduct the following public hearings:

1. Request of the State Department of Transportation for a variance to allow the development and construction of oil and/or chemical storage tanks.
2. Request of Hugo Von Platen for a variance to allow the development and construction of a restaurant, bar and parking lot.

The meeting was reconvened at 1:42 p.m.

DISCUSSION
HAWAII MEMORIAL GARDENS, INC.
APPROVAL REQUEST

Mr. Nevals, representing the applicant, requested questions that might be answered on the application for approval by Hawaii Memorial Gardens, Inc., to operate a memorial park at Kaieie Homesteads, South Hilo.

The Director reported that this matter will have to come before the Subdivision Committee since the application came in after the last meeting of the Subdivision Committee although the request is listed on the Commission's agenda.

PUBLIC HEARING

The meeting was recessed at 1:45 p.m., to conduct a public hearing on the request of Ben J. Hess for a special permit to allow the construction of a restaurant, bar and motel facilities, gift shop, general store, space for retail store and offices and future development of apartments.

The meeting was reconvened at 1:58 p.m.

SUBDIVISION
COMMITTEE REPORT

On a motion of Mr. Griffin and second of Mr. Toriano, the Commission voted to accept the Subdivision Committee report on Item Nos. 2, 4, to 6 inclusive, 9, 10, 12, 13, 15, and 18.

The following items were discussed and action taken accordingly:

1. HAINA, HAMAKUA
HONOKAA SUGAR COMPANY
TMK: 4-5-02

Final approval for recordation of the proposed subdivision of a portion of R. P. 6652, L. C. Aw. 7833, Haina, Hamakua, Hawaii, into 2 lots of 58,961 square feet and a remnant.

At the Committee meeting, the manager of Honokaa Sugar Company attended the meeting to clarify the intent and the purpose of the subdivision. There was some question on the Land Use boundaries as to the extent of the Urban Lines. This problem seems to be resolved by the proposed subdivision into 2 lots and a remnant instead of the original 5-lot request.

It was moved by Mr. Griffin, seconded by Mr. Hokama, and carried that final approval for recordation to the proposed subdivision be granted, subject to each and every provision which are specifically modified on sidewalks and sewers of Ordinance No. 24, excepting those provisions

As a condition of approval, all lot corners shall be marked by one-half ($\frac{1}{2}$) inch round galvanized pipe, or equal, set in the ground with 4 inches protruding above the ground and permanently cemented.

2. KALIHI, SOUTH KONA
DILLINGHAM INVESTMENT CORP., ET AL.
TMK: 8-9-03

Preliminary approval of the proposed subdivision of Grant 1467, portion of Grant 1573:2 and a portion of Grant 3037, Kalihi, South Kona, Hawaii, into 3 lots all in excess of 0.46 acres.

Further discussion followed on the comments made by the Department of Public Works on the width and ownership of the Milolii-Honomalino trail to be clarified by the subdividers and that the State Land Department be allowed to review and comment on the findings. It further mentioned that the said trail serves as an access to the government land of Honomalino.

The staff reported that the two small lots have been used and occupied as separate parcels of land for over 100 years and the subdivider was requested to submit documentation that these lots have existed as such. In approving the subdivision, a determination of the owners presently in undivided interests can be negotiated.

The Chairman ruled to accept as discussed.

The staff recommended approval of the request as it finds that strict adherence to the Interim Zoning Ordinance will cause undue hardship and practical difficulty because of the following reasons:

1. Restaurant use and support facilities are not allowed under the Interim Zoning Ordinance.
2. The development is in conformance with the County General Plan as a restaurant use is permissible in a resort area under the proposed zoning ordinance.
3. Proposed use will not militate adjoining properties nor will it lower property values.

The staff further recommended that approval be granted under the following conditions:

1. Construction shall be substantially as shown on plans submitted to this office with the recommended changes by the Chief Engineer.
2. Development shall be in conformance with health, water and building regulations.
3. To protect public convenience and safety, the applicant is requested to pave the old Keahou Road from Alili Drive to the parking area upon conferring with the Department of Public Works as to standards. Parking shall be on the basis of one stall per 200 square feet of gross floor area for restaurant use and one stall for each existing dwelling unit on paved surface.
4. Submission of the deed to Parcel 18 with stipulation that the parking area shall be reserved as such for the existence of the restaurant.
5. Construction shall be completed within 24 months of this date with all above conditions met or occupancy permit shall be withheld.
6. Construction of structures to begin within one year of this date or the variance shall be deemed null and void.

On a motion of Mr. Hokama and second of Mr. Toriano, the Commission voted unanimously to grant the variance with the stipulations as recommended by the staff.

✓ LAND USE COMMISSION
SPECIAL PERMIT
BEN J. HESS

A public hearing was held on the request of Ben J. Hess for a special permit to allow the construction of a restaurant, bar and motel facilities, gift shop, general store, space for

retail store and offices and future development of apartments on Lots 17, 19, 22, 23, 24 and 25, Block 158, Hawaiian Ocean View Estates, Kahuku, Kau.

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

ADOPTION OF FEDERAL GRANT
701 URBAN PLANNING
ASSISTANCE PROGRAM

A discussion ensued on the Federal Grant under 701 Urban Planning Assistance Program to update the County General Plan and to include a General Plan study for the remaining areas. Early this

COUNTY PLANNING COMMISSION
County of Hawaii

July 22, 1966

A regularly advertised public hearing, on the application of Ben J. Hess, was called to order at 1:45 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada
William J. Bonk
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Edward Toriano
Cirilo E. Valera
Raymond H. Suefuji
Philip I. Yoshimura
Donald Tong

ABSENT: John T. Freitas
Walter W. Kimura
Masayoshi Onodera
Robert J. Santos

Hiroshi Kasamoto
and two persons in public attendance

NOTICE OF A PUBLIC HEARING

Special Permit: Kahuku, Kau, 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 1:30 p.m., on July 22, 1966, to consider the application of Ben J. Hess, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the construction of a restaurant, bar and motel facilities, gift shop, general store, space for retail store and offices and future development of apartments on Lots 17, 19, 22, 23, 24 and 25, Block 158, Hawaiian Ocean View Estates, Kahuku, Kau and covered by tax map key 9-2-93: 8, 9, 10, 11, 13 and 14.

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, Director

(Hawaii Tribune-Herald: July 12 and 20, 1966)

YAMADA: "We will go into the third public hearing. This is the notice of a public hearing for a special permit. (Mr. Yamada read the notice of the public hearing.)

"Mr. Yoshimura, will you take over."

YOSHIMURA: "The applicant, Ben J. Hess, seeks a special permit in accordance with provisions set forth by Section 98H-6, Act 205, State Revised Laws of Hawaii 1963, for the purpose of constructing a restaurant, bar and motel facilities, gift shop, general store, space for retail store and offices and future development of apartments on Lots 17, 19, 22, 23, 24 and 25, Block 158, Hawaiian Ocean View Estates, Kahuku, Kau.

"The proposed use is to be located on six lots fronting on the mauka side of the Hawaii Belt Road.

"The applicant requests for this special permit as he feels that this type of facilities is needed for the property owners of Hawaiian Ocean View Estates. Also, the facilities will meet the need of tourists and local residents as a stopping place in this area.

"The lot itself is vacant and is presently bulldozed and leveled. Slope is gentle 2% to 5% grade upward from the Belt Highway.

"A field survey shows that there are approximately 22 houses within this subdivision.

"The Planning Commission denied a special permit request to construct a service station within one-half mile of subject's land. In 1962, the State Land Use Commission granted a special permit to construct a restaurant, bar, office and motel facilities in this area approximately a block away and also within one-half mile of subject's land; however, no construction as yet has taken place for that development. At present, there is no County General Plan for this area and the State Land Use designation is agricultural.

"There is no existing County water system and water is usually obtained through catchment. Electricity and telephone are along the highway. And that, Mr. Chairman, ends the background."

YAMADA: "You have heard Mr. Yoshimura give the background on this application. Is there any question from the members directed to Mr. Yoshimura? No questions?

"Is the applicant or his representative here who would like to make further comment? Mr. Kasamoto."

KASAMOTO: "Mr. Chairman and members of the Planning Commission. I just want to elaborate a little on Mr. Yoshimura's presentation. The lot, as he explained totals 6 acres. I just want to explain the incremental phase of this project. Actually, the restaurant and coffee shop is right here on the front with parking for ordinary vehicles and buses. The second increment would be "B" which is apartment with 8 units and if needed "C," "D," and "E" representing apartments will be constructed. The third phase will be the swimming pool, and the fourth phase will be smaller duplex and single-family type of apartments which will be constructed, and the last phase would be the shops. A retail area with adequate parking will be built.

"I would like to elaborate a little on the reasons for this proposal. Mr. Hess has come to Hawaii several times and he owns this 6 acres and he owns an additional 6 acres about 3 miles up on the subdivision, which is about half way up there, and he sort of fell in love with Kona District, and he feels that many buyers would like to see small eating area or coffee shop

whenever they come to see their lot or when they are building houses, they can come to use their facilities either for eating and/or for sleeping. He also feels that he can make a go because of the tourists passing through from Volcano. There is almost no stopover area except Manuka Park and all the way to Kailua. I talked with Mr. Embrey, who is the representative of the subdivider, and he tells me that over the last two or three years, he has averaged about two or three hundred people who bought the lot that come to look at this place and they have to go to Kailua and visit the place and rush back because there is no place to eat and no place to stay even if they wanted to stay. So, he feels that he is meeting the requirements for the people who bought the lot as well as for the tour drivers and others who might want to use this place as a stopover. He has the resources to start on the first increment right away but we still have to draw up the final plans of the first phase of this project.

"Are there any questions?"

YAMADA: "Is there any question that the members would like to ask Mr. Kasamoto in regard to this application including the staff? No questions?"

SUEFUJI: "I believe, Hiroshi, this subdivision in granting approval by the Planning Commission it was required to limit its access to the Belt Highway, and the proposal have two driveways on the Belt Highway."

KASAMOTO: "Yes, I recall that there was an understanding of that sort; however, for this purpose we would like to request access through the easement. Actually, Mr. Crawford is the one that owns the easement on lots along the highway frontage. This drawing doesn't show it but this is an intersection, this is the main road here, and this is the side road here going up the subdivision. We would like to work out a circulation system through the side road if necessary, but we would like to have at least one access provided from the highway so that we can come in to the shop and coffee shop area."

YAMADA: "In other words, you are willing to revise this plan."

KASAMOTO: "If necessary, if that would improve the safety to all concern. As far as the terrain, this is a fairly level land with a slight rise on it. It is not on the cut or anything. But if you feel that that will be an improvement to the layout, then we would make amendments as traffic hazard is our consideration."

SUEFUJI: "You didn't check with the State Highway?"

KASAMOTO: "I didn't check with the State Highway because as far as I know this is a planned community project and that was the understanding when the subdivision was contemplated. They have not acquired the access rights. I do recall when the original special permit came in up here that they did have this type of access along the highway."

SUEFUJI: "We told them to come in from the back road."

KASAMOTO: "They had two."

SUEFUJI: "Two lots?"

KASAMOTO: "No, one access coming in from this way?"

SUEFUJI: "Yes. However, it was the Commission's feeling that the applicant should come in through here, off the Belt Highway."

KASAMOTO: "It just so happens that the corner lot is owned by someone else. The first acres surrounds the front."

SP(1)62-21 MCKEE
SEP 162 (Restaurant + Bar,
Office, Motel)
TMR 9-2-81, 83

YAMADA: "Is there any question?"

KASAMOTO: "This is purely hearsay, but I did understand that the original applicant which was granted the variance to build motel facilities several years ago has not gone through because of the lack of financing."

YAMADA: "I feel that is considered null and void on that application."

SUEFUJI: "The Land Use Commission has not given them time limitation to get started and they can still go ahead on the special permit granted."

KASAMOTO: "And, as I said, Mr. Hess is very willing to get started on this. He has properties in California which he wants to dispose and even settle down here and go ahead with this project in increment."

YAMADA: "Thank you, Mr. Kasamoto."

"Since there is no one in the audience, there is no comment to be received for or against the proposal."

The public hearing was adjourned at 1:58 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

Permanent Record
SOUTHWORTH CO.
75% COTTON CONTENT
U.S.A.

MOTEL & RESTAURANT COMPLEX

FOR MR. & MRS. BEN HESS

HAWAIIAN OCEAN VIEW ESTATES
KAHUKU KAU, HAWAII

PRIORITY OF DEVELOPMENT:

PHASE I: BUILDING A

- RESTAURANT TO SERVE 100 PEOPLE, 1500 sq. ft.
- COCKTAIL LOUNGE, 400 sq. ft.
- KITCHEN, 800 sq. ft.
- GIFT SHOP, 1200 sq. ft.
- OFFICE SPACE, 400 sq. ft.
- STORAGE SPACE, 500 sq. ft.
- PARKING AREA IN FRONT FOR 48 AUTOMOBILES
- BUS STANDING AREA FOR 2 LARGE BUSES

PHASE II: BUILDING B

- TWO STORY MOTEL UNIT WITH 8 STUDIO UNITS AND 8 ONE BEDROOM UNITS, ALL WITH KITCHENETTE FACILITIES

PHASE III: BUILDINGS C, D, and E

- FORTY ADDITIONAL UNITS SIMILAR TO ABOVE

PHASE IV: POOL AREA

- SWIMMING POOL, SUNNING AREA, AND SNACK BAR

PHASE V: BUILDINGS F through L

- DUPLEX COTTAGE UNITS

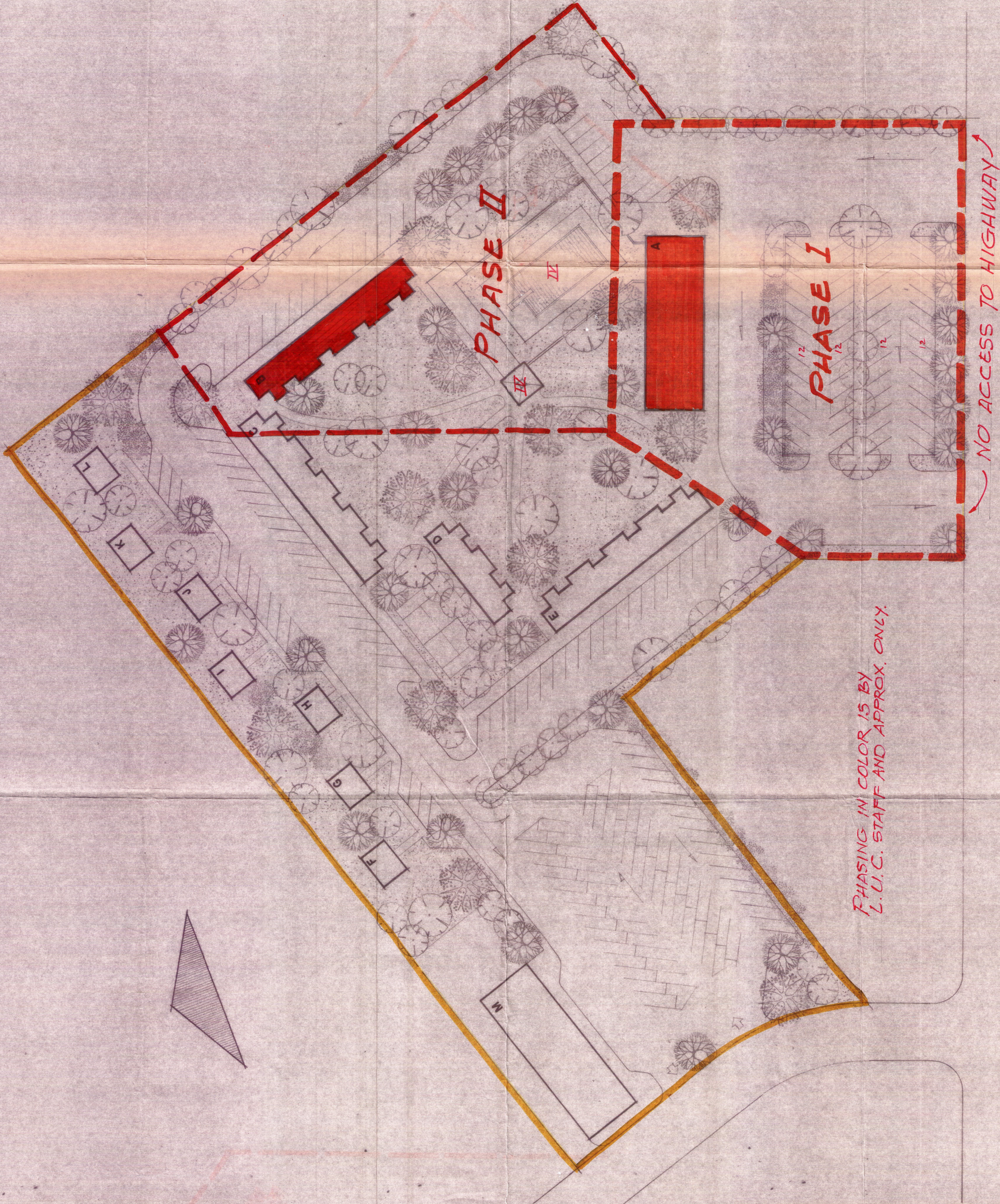
PHASE VI: BUILDING M

- RETAIL STORE WITH PARKING FOR 69 AUTOMOBILES

TAX MAP KEY 9-2-93-8, 9, 10, 11, 13, and 14

LUKE, MIYAMOTO & ASSOCIATES, INC.
ARCHITECTS / A.I.A.
HIROSHI KASAMOTO, PLANNER

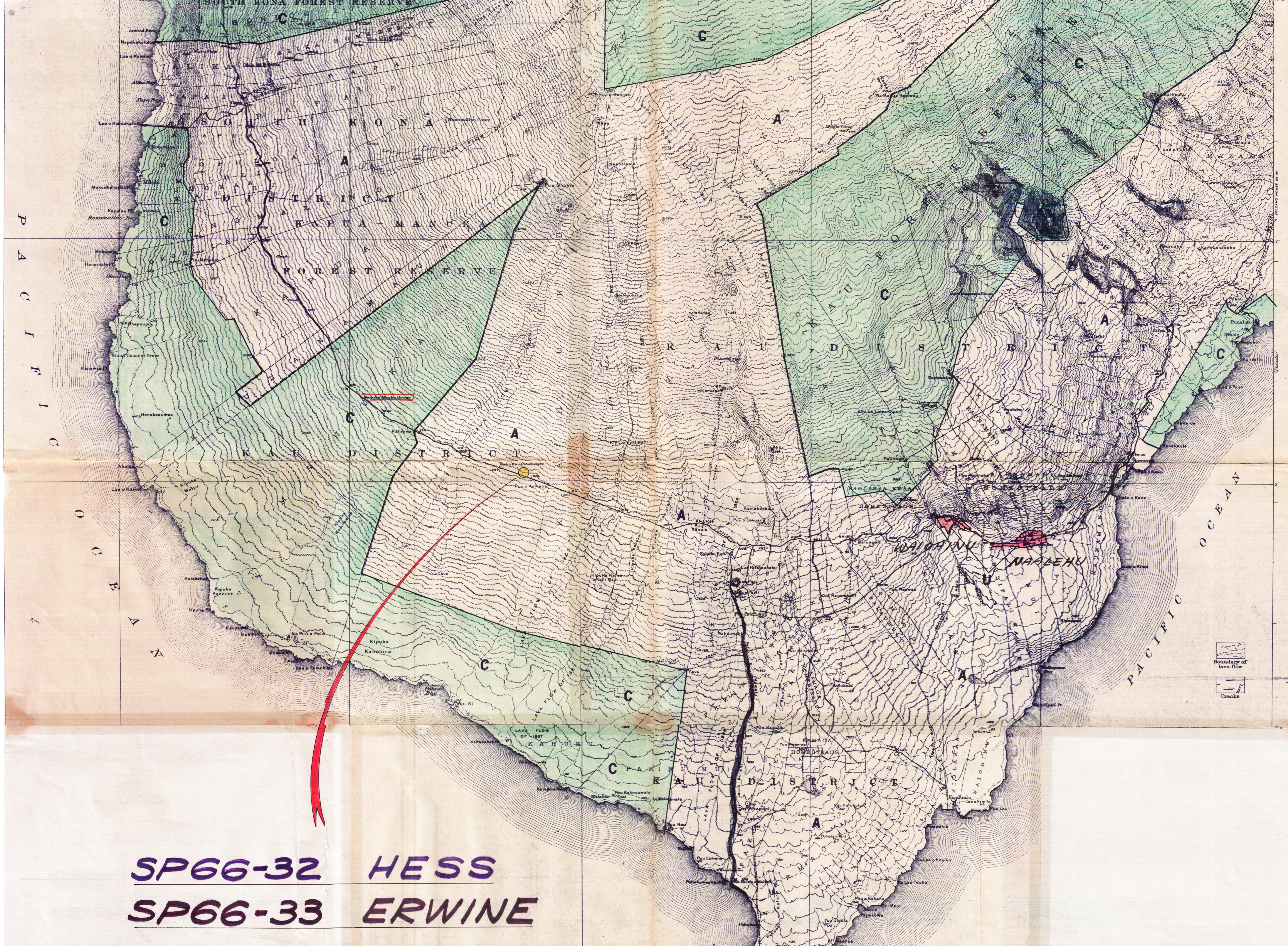
JULY 15, 1966



PHASING IN COLOR IS BY
L.U.C. STAFF AND APPROX. ONLY.

SITE PLAN

SCALE: 1" = 40' - 0"



SP66-32 HESS
SP66-33 ERWINE

SOUTH POINT