

SP66-33

DAVID E. ERWINE



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

February 28, 1992

Mr. Mike Reichert
P. O. Box 6548
Captain Cook, Hawaii 96704

Dear Mr. Reichert:

Subject: Special Permit 66-33/David E. Erwine

Pursuant to your telephone conversation with Leo Asuncion of our staff on February 27, 1992 requesting information on the subject Special Permit, we are transmitting the following items:

1. A copy of the County of Hawaii Planning Commission Decision and Findings.
2. A copy of the Land Use Commission Staff Report on Special Permit 66-33.
3. A copy of a letter from the Land Use Commission to the County of Hawaii Planning Commission approving the special permit.

We are also transmitting a copy of this letter to Mr. Norman Hayashi, Planning Director, County of Hawaii.

If you should have any questions, please feel free to call me or Leo Asuncion of my staff at 587-3825.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

Encl.

cc: Mr. Norman Hayashi (w/o encl.)

LAND USE COMMISSION
STATE OF HAWAII
MAY 9 8 30 AM '90

April 5, 1990

Mr. Harold Nagato
851 Nanahonua Street
Honolulu, HI 96825

Dear Mr. Nagato:

Special Permit (SP 66-33)
Light Industrial Uses
TMK: 9-2-03:30

This is in regard to your telephone conversation with Norman Hayashi of the staff on April 3, 1990, on the above-captioned Special Permit.

In August of 1966, the Planning Commission conducted a public hearing on the application filed by David E. Erwine to allow the establishment of a contractor's yard, vehicle repair, freighting and warehousing, accessory living quarters, lumberyard, and retail sales and services (vehicles) on the one-acre property. At its subsequent meeting on September 16, 1966, the Planning Commission voted to recommend approval of the Special Permit for light industrial uses. The Planning Commission's findings noted that the, "proposed light industrial uses of contractor's yard and warehouse facilities are made desirable..." [Emphasis added.] Therefore, in favorably considering the request, the Planning Commission recommended a condition (Condition No. 4) that, "The use of the lot shall be limited to light industrial purposes and maximum density of total floor area shall be limited to one-third of the total land area..." and that (Condition No. 3), "Living facility shall be limited to a watchman's quarter."

On October 29, 1966, the State Land Use Commission approved the Special Permit as recommended by the Planning Commission.

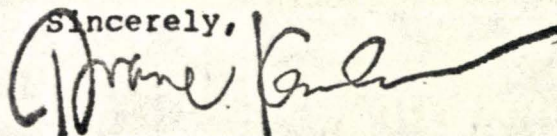
APR 06 1990

Mr. Harold Nagato
April 5, 1990
Page 2

Based on the above-mentioned action, it appears that the Special Permit granted was only for light industrial uses of contractor's yard and warehouse facilities rather than for all of the uses initially requested by David Erwine.

Should you need further information, please feel free to contact Norman Hayashi of this office at 961-8288.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Duane Kanuha', with a long horizontal flourish extending to the right.

DUANE KANUHA
Planning Director

NH:syw

cc: State Land Use Commission

LAND USE COMMISSION
ROUTE SLIP

DATE

2/12/40

FROM

~~Esther~~

Ray

TO: Esther

☒

Teri

Ray

☒

Fred

Darlene

Frieda

() FYI

() Make Copies
for LUC

() Draft

Reply

() B.I.

() Xerox

_____ copies

() Review

() Type

() Signature

() File

() check what

() Return

to me

~~over~~ our SP

() says.

Remarks:

OK



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

Duane Kanuha
Director

William L. Moore
Deputy Director

April 5, 1990

Mr. Harold Nagato
851 Nanahonua Street
Honolulu, HI 96825

Dear Mr. Nagato:

Special Permit (SP 66-33)
Light Industrial Uses
TMK: 9-2-03:30

LAND USE COMMISSION
STATE OF HAWAII
APR 9 2 51 PM '90

This is in regard to your telephone conversation with Norman Hayashi of the staff on April 3, 1990, on the above-captioned Special Permit.

In August of 1966, the Planning Commission conducted a public hearing on the application filed by David E. Erwine to allow the establishment of a contractor's yard, vehicle repair, freighting and warehousing, accessory living quarters, lumberyard, and retail sales and services (vehicles) on the one-acre property. At its subsequent meeting on September 16, 1966, the Planning Commission voted to recommend approval of the Special Permit for light industrial uses. The Planning Commission's findings noted that the, "proposed light industrial uses of contractor's yard and warehouse facilities are made desirable..." [Emphasis added.] Therefore, in favorably considering the request, the Planning Commission recommended a condition (Condition No. 4) that, "The use of the lot shall be limited to light industrial purposes and maximum density of total floor area shall be limited to one-third of the total land area..." and that (Condition No. 3), "Living facility shall be limited to a watchman's quarter."

On October 29, 1966, the State Land Use Commission approved the Special Permit as recommended by the Planning Commission.

Mr. Harold Nagato
April 5, 1990
Page 2

Based on the above-mentioned action, it appears that the Special Permit granted was only for light industrial uses of contractor's yard and warehouse facilities rather than for all of the uses initially requested by David Erwine.

Should you need further information, please feel free to contact Norman Hayashi of this office at 961-8288.

Sincerely,



DUANE KANUHA
Planning Director

NH:syw

cc: State Land Use Commission



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana

Mayor

Duane Kanuha

Director

William L. Moore

Deputy Director

C
O
P
Y

August 22, 1989

Aug 24 12 08 PM '89
LAND USE COMMISSION
STATE OF HAWAII

Mr. Mike Reichert
P. O. Box 6548
Captain Cook, HI 96704

Dear Mr. Reichert:

Special Permit (SP66-33)
TMK: 9-2-03:30

Special Permit (SP66-33) initially issued to David E. Erwine allowed the establishment of light industrial uses involving a contractor's yard and warehouse facilities on the above-captioned property subject to the following conditions:

1. Final plot plan of development of the lot be submitted to the Planning Commission for their approval.
2. The Planning Commission shall stipulate adequate landscaping, proper siting of buildings, adequate and proper off-street parking, proper height of structures and proper ingress and egress of vehicles as the Commission sees fit.
3. Living facility shall be limited to a watchman's quarter.
4. The use of the lot shall be limited to light industrial purposes and maximum density of total floor area shall be limited to one-third of the total land area so as to preserve the rural atmosphere of the area. The remaining areas shall be utilized for driveways, open space, off-street parking and landscaped areas.

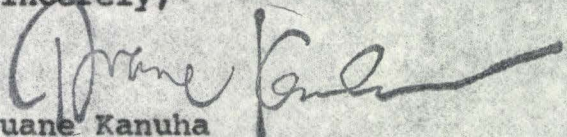
Mr. Mike Reichert
Page 2
August 22, 1989

5. The construction of buildings shall start within a period of one year from approval by the State Land Use Commission or the special permit shall be deemed null and void.

Since a warehouse was constructed in 1967, the permit is still considered valid. Please note that any warehouse use established on the property must be related to the contractor's operation. Should you decide to utilize the property for other uses, an amendment to this Special Permit would be required.

Should you have any questions, please feel free to contact Norman Hayashi of this office at 961-8288.

Sincerely,


Duane Kanuha
Planning Director

NKH:mh

cc ✓ State Land Use Commission

Royce M. Reichert
P. O. Box 209
Pahala, Hi. 96777

Phone (808)929-9325

JUL 11 10 05 AM '89
LAND USE COMMISSION
STATE OF HAWAII

July 8, 1989

State of Hawaii
Land Use Commission
335 Merchant Street
Old Federal Building, Room 104
Honolulu, Hi. 96813

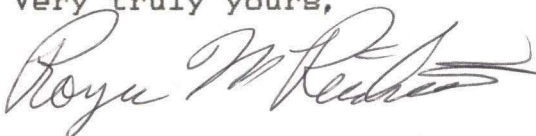
Attn: Fred

Dear Sir:

This is to notify you that we will continue to use the land identified as TMK 3-9/2/03/30 in accordance with SP6633 for the purposes originally designated.

I cannot express how sincerely my wife and I have appreciated your assistance and helpfulness in this matter.

Very truly yours,



Royce M. Reichert

7/17/89 Per Norman Hayashi: Permit is still valid

6-22-89

OWNER : MR | MRS. ROYCE MIKE REICHERT
P.O. BOX 274, NAALEHU, HAWAII OR
P.O. BOX 209, PAHALA, HAWAII ~~96727~~ ⁹⁶⁷²⁷
PHONE: 929-9325 (RES.)

ARCHITECTS : JOHN PARAZETTE, AIA INC.
P.O. BOX W KAILUA-KONA 96740
PHONE: 329-1151 (OFFICE) ^{B.I.}

STATE OF HAWAII
DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

DATE 6/16/89

SUBJECT: SP66-33

DUE _____

TO: 1 File 2 _____ FROM: FAT _____
3 _____ 4 _____ FYI _____ COMMENT _____ REPORT _____ ACTION _____ SIGNATURE _____
5 _____ 6 _____ DRAFT _____ APPROVAL _____ RETURN _____ TYPE _____ CIRCULATE _____
7 _____ 8 _____ XEROX _____ COPIES _____ FILE _____ APPROVED WITH CHANGES NOTED _____

MESSAGE OR COMMENTS:

According to Mr. Mike Richert who is the new owner of TMK 9-2-03: 30 (44,967), he is going to produce "fiberglass septic tanks" on this parcel.

This parcel is in the Agricultural District and has a Special Use Permit (SP66-33). The permit was granted on October 29, 1966 to Mr. David E. Erwine for "light industrial uses" within an Agricultural District.

He has stated that "producing fiber glass septio tanks is considered "light industrial and that the permit is still valid."

He has requested a copy of the "SP66-33" and has sent a check thru Mrs. Bea Richert on Hilo to pay for making of the copies. Will send copies to:

Mike Richert
P.O. Box 209
Pahala, Hawaii 96777
PH. 929-9325 (Big Island)

November 2, 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 Mr. David E. Erwine to provide light industrial uses within an Agricultural District in the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii, identifiable by Tax Map Key 9-2-03: 30.

Enclosed for your information is the staff report.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

cc: Chairman Thompson
Department of Taxation
Mr. David E. Erwine

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item SP66-33 Erwine Date 10-29-66
Place Hilo (Hwy. off.) Time _____

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:

Grant

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

State Highways Division
Hilo, Hawaii

9:30 a.m. - October 29, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Jim P. Ferry
Leslie Wung
Goro Inaba
Shiro Nishimura

Commissioner Absent: Shelley Mark

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

A short prayer was offered by the Chairman, followed by an introduction of the Commissioners and staff and a brief outline of the hearing process. Individuals testifying during the hearing were sworn in.

Chairman Thompson advised that a rearrangement of the agenda had been necessitated and that the items requiring Commission action would be considered first.

ADOPTION OF MINUTES

Minutes of the August 5, 1966 hearing and meeting were approved as circulated.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO RECLASSIFY APPROXIMATELY 5.3 ACRES AT MIKIOLA, KANEHOE, FROM CONSERVATION TO URBAN, identifiable by Tax Map Key 4-4-13: portions 55 and 56

Staff memorandum, presented by Mr. Moriguchi, recommended denial of the petition based on the extensive grading that would be required and the possible resultant slide and storm water hazards to the abutting landowners.

Commissioner Wenkam brought out the point that on this and previous occasions, the recommendation from the City and County Planning Commission did not seem to reflect any consideration from the resultant slide and water hazards

See page 9

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.

Miss Lavenia Waldstein, property owner in the area, confirmed that the encircled area was designated as a shopping center and that there was a need for such a development. In fact, the absence of such a facility was a contributing factor in the slow development of the area.

In light of Miss Waldstein's testimony, Commissioner Wenkam expressed concern over the possible increased urban uses.

Commissioner Ferry moved to approve the special permit application as recommended by staff, seconded by Commissioner Burns. The motion was carried with Commissioner Wenkam casting the only negative vote.

APPLICATION OF JACK SUMITANI, ET AL (SP66-35) REQUESTING PERMISSION TO SUBDIVIDE A FIVE ACRE PARCEL INTO THREE LOTS AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII, TMK 2-4-07:47

Based on its findings (see copy of report on file) it was the staff's recommendation that the application be approved.

Chairman Thompson asked for a clarification of the section in the staff report under Analysis which stated "the fact that all three homes situated on the parcels 'proposed' for residential use existed long before the enactment of the Land Use Law and the stipulation that no further development would take place are factors to be considered in applying the test for a special permit."

Mr. Ah Sung Leong explained that the County's approval had been based in part on the stipulation that no further development would take place. He also commented that the homes had existed 15 years prior to the enactment of the Land Use Law.

Commissioner Burns raised a question with respect to the tenure of the stipulation that no further development would take place. Mr. Moriguchi said that the stipulation would always remain with the lands even if there were to be a change in ownership at some future date.

Commissioner Wung moved to accept the staff's recommendation for approval, seconded by Commissioner Nishimura, and it was carried unanimously.

APPLICATION OF HENRY BLANCHARD (SP66-37) TO CONSTRUCT A SINGLE FAMILY DWELLING UNIT WITHIN THE AGRICULTURAL DISTRICT IN KAHUKU, OAHU, TMK 5-6-03: 28

It was the consensus of the staff that the petition meets the tests established by the Land Use Commission in evaluating special permits and therefore recommended approval of the special permit (see copy of report on file).

In brief, Mr. Leong summarized that the petitioners were merely seeking to build another house on an already existing 5-parcel subdivision which had never been recorded. Four homes had already been built and the request was for permission to build a fifth house.

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

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

SP66-33 - DAVID E. ERWINE

A one-acre parcel within the Hawaiian Ocean View Estates Subdivision at Kahuku, Kau, Hawaii is proposed for light industrial use within an Agricultural District through a special permit application submitted by Mr. David E. Erwine. The parcel fronts on Lotus Blossom Circle Makai and is located approximately about 3/4 of a mile north of the Hawaii Belt Road.

The application requesting permission to provide light industrial uses involving a contractor's yard and warehouse facilities was duly heard and considered by the Hawaii County Planning Commission who has submitted its recommendation for approval of the permit based on the following conditions:

1. Final development plot plan to be submitted to the Planning Commission for approval.
2. The Commission shall stipulate adequate landscaping, proper siting of buildings, adequate and proper off-street parking, proper height of structures and proper ingress and egress for vehicles.
3. Living facility shall be limited to a watchman's quarters.
4. The use of the lot shall be limited to light industrial purposes and maximum density of total floor area shall be limited to 1/3 of the total land area.
5. Construction shall start within a period of one year from the date of approval by the State Land Use Commission or the special permit shall be deemed null and void.

The Hawaiian Ocean View Estates Subdivision was processed prior to the establishment of the Land Use Law, consisting of approximately 9,260 lots over

an area of approximately 10,820 acres. Consisting of one acre size lots primarily, the Subdivision is located approximately twelve miles from Naalehu and approximately forty-five miles from Kailua, Kona. Comparatively, this Subdivision is larger in area than all lands districted urban in the entire South Hilo area. The unfortunate situation, however, is that no more than two dozen homes are found in the subject subdivision of more than 9,260 lots.

While the Land Use Commission has properly classified the area as agricultural the Subdivision still exists as nonconforming. Therefore, a few homes have been built in the area as originally intended. The subject special permit application is apparently based on future anticipated construction in the area.

The evaluation based on the history of the Subdivision, existing conditions in the area and the special permit guidelines established by this Commission indicate that the proposed use is unusual and reasonable under the circumstances. Conditions imposed by the Hawaii County Planning Commission will also provide for full development of the parcel discriminately. Therefore, it is recommended that the special permit application be approved.

Hawaiian Ocean View Est. (Info from Tax Maps Branch)

	<u>Area (Ac)</u>	<u>Rds (Ac)</u>	<u>Lots</u>
File Plan 692	1995.727	133.230	1796
" 738	3051.270	204.812	2706
" 787	<u>5103.634</u>	<u>335.431</u>	<u>4760</u>
TOTAL =	10,150.631	673.473	9,262

October 4, 1966

Mr. David E. Ervine
Box 311
Holualoa, Kona, Hawaii

Dear Mr. Ervine:

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

At that time, your application for a special permit
(SP66-33) 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

COUNTY OF HAWAII
PLANNING ~~XXXXXXXXXX~~ COMMISSION

Applicant David E. Erwine
Date of Public Hearing 8/26/66
Date of Decision 9/16/66
Meeting Place County Board Room
Date Decision and Findings Forwarded
to LUC 9/26/66

SPECIAL PERMIT

The Planning ~~XXXXXXXXXX~~ 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:

Block 33, Lot 18, Hawaiian Ocean View Estates
Kahuku, Kau, Hawaii. TMK: 9-2-03:30

RECEIVED

SEP 27 1966

State of Hawaii
LAND USE COMMISSION

For the following purpose(s):

The Commission decided to: Approve the Special Permit

on the basis of the following findings:

1. Proposed light industrial uses of contractor's yard and warehouse facilities are made desirable because of the great distance from any support facilities of the local residences.
2. The Hawaiian Ocean View Estates has some 12,000 rural type lots which are gradually becoming populated. Therefore, staff recognizes that this subdivision needs support facilities such as the applicant has requested.

subject to the following conditions:

1. Final plot plan of development of the lot be submitted to the Planning Commission for their approval.
2. The Planning Commission shall stipulate adequate landscaping, proper siting of buildings, adequate and proper off-street parking, proper height of structures and proper ingress and egress of vehicles as the Commission sees fit.
3. Living facility shall be limited to a watchman's quarter.
4. The use of the lot shall be limited to light industrial purposes and maximum density of total floor area shall be limited to one-third of the total land area so as to preserve the rural atmosphere of the area. The remaining areas shall be utilized for driveways, open space, off-street parking and landscaped areas.
5. The construction of buildings shall start within a period of one year from approval by the State Land Use Commission or the special permit shall be deemed null and void.

(Signed) Raymond K. August
Director, Planning ~~XXXXXXXXXX~~ Commission

COUNTY OF HAWAII

COUNTY PLANNING COMMISSION

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission JUL 7 1966

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 Lt 18 Blk 33 Hawaiian Ocean View Estates, Kau. in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

See attached pages

Description of Property:

Same as above

Petitioner's interest in subject property:

1/2 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.

To provide a needed service in the 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

David E. Eruene

Address

Box 311, Holualoa, Kau, Hawaii

Telephone

244-051

This space for official use

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

REMARKS:

For construction and development for commercial and light manufacturing as provided in proposed zoning ordinance of the County of Hawaii to conform to section 21 setting forth usage known as "ML" or Limited Industrial District which shall include conditionally permitted uses No. 9 which shall permit living quarters necessary for any industrial enterprise and housing for workers.

(Following is pertinent section of zoning ordinance.)

Section 21. REGULATION FOR ML, LIMITED INDUSTRIAL DISTRICTS

A. PURPOSE AND APPLICABILITY

- 1) To provide areas for the location of those business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in other commercial districts; to encourage the grouping of heavy commercial and limited industrial uses for mutual protection and to effect economies and efficiency in the provision of public utilities, streets and services.
- 2) This district will normally be established in support of a central commercial district and reasonably accessible and convenient thereto but shall not be established without access to a major thoroughfare or a land service road of reasonable standard.

B. PERMITTED USES

- 1) Automobile service stations, parking lots and buildings or storage garages.
- 2) Repair garages; body and fender works; paint and upholstery shops for boats, automobiles and other vehicles or equipment.
- 3) Contractor's yard including material and equipment or sale or rental of same.
- 4) Bakery, laundry, cleaning or dyeing plant.
- 5) Publishers, printers, cartographers, blueprinters and similar establishments.
- 6) Transportation and tour terminals and agencies.
- 7) Public service or public utility uses including any vehicle storage, repair, maintenance, service, equipment or storage yard.
- 8) Carpenter, cabinet, electrical, plumbing, heating, tire, sheetmetal, air-conditioning, furniture upholstery shops or stores and any other similar uses.
- 9) Except as qualified below any manufacturing, processing, assembling, research, laboratory, bottling or packaging uses which are conducted in a building and from which there is no odor, dust, smoke, gas, noise, vibration, radiation or other effect which has measurable nuisance qualities beyond the property line.

a. While considering the application for plan

approval for any such use the Planning Commission shall review the performance characteristics for such use and shall in its opinion determine if a nuisance will be created and, if one is expected to develop, may deny the use or make any requirement to eliminate the nuisance. This is a continuing control and the Planning Commission has the same authority after the use develops as before.

- b. This subsection shall be construed to exclude any permitted use in Section 22, Subsection B., 2) through 8) or any use that is conditionally permitted in an MG District.

- 10) Draying, freighting or trucking yard or terminal.
- 11) Lumber yards and building materials yards but not including concrete or asphalt mixing.
- 12) Any terminal or storage or maintenance yard for a fleet of vehicles.
- 13) Incidental and necessary services for persons working in an ML District when conducted within an integral part of a main structure and having no exterior display or advertising.
- 14) Retail sales incidental and subordinate to a permitted use.
- 15) Uses normally accessory, incidental and subordinate to the above permitted uses.

C. CONDITIONALLY PERMITTED USES

- 1) Any of the "Permitted Uses" or "Conditionally Permitted Uses" in a CG District that are not listed as permitted uses in this district, except a hotel.
- 2) Heliports, airfields and landing strips.
- 3) Sport fields, arenas or stadiums.
- 4) Auditoriums and drive-in theatres.
- 5) Lava rock or stone cutting or shaping.
- 6) Marine railways and dry docks or shipyards.
- 7) The sale, storage and sorting of junk, waste, discarded or salvaged materials, machinery, automobiles or equipment, but not including processing.
- 8) Veterinary offices or clinics, dog and/or cat hospitals and kennels and animal quarantine stations.
- 9) Living quarters necessary to the operation of an industrial enterprise or for watchmen or custodians of industrially used property.
- 10) (See Section 30.)

D. HEIGHT LIMITS: Three (3) stories and 45 feet.

E. MINIMUM BUILDING SITE AREA: 10,000 square feet.

F. MINIMUM BUILDING SITE AVERAGE WIDTH: 75 feet.

G. MINIMUM YARDS:

- 1) Front and rear; 20 feet.
- 2) Sides: 10 feet for one and two story buildings and 15 feet for three story buildings.

H. OTHER REGULATIONS

- 1) "Plan Approval" is required of all structures and uses.

Parking areas tentatively shown shall conform to all requirements of the county leaving no question as to the required parking area available in ratio to usage proposed.

	<u>Sq. Ft.</u>	<u>Parking Spaces Allowed</u>
Estimated office space	600	2
Estimated mfg. space	1500	5
Estimated living space	1000	1
Estimated warehousing	2080	7
Estimated other employees		3
		<u>18 spaces</u>

It is further noted that a water system shall be provided and storage in capacity necessary to conduct business and maintain health requirements.

It shall be noted that this immediate area has been requested set aside as the location for this type of use by the subdividers and that purchasers of property in the area have been informed of this intention.

COUNTY PLANNING COMMISSION
County of Hawaii

August 26, 1966

A regularly advertised public hearing, on the application of David E. Erwine, was called to order at 2:02 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

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

ABSENT: William J. Bonk

David E. Erwine
and nine persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Kahuku, Kau

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 2:00 p.m., on August 26, 1966, to consider the application of David E. Erwine, 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 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, located at Block 33, Lot 18, Hawaiian Ocean View Estates, Kahuku, Kau, Hawaii and covered by tax Map key 9-2-03:30.

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: August 16 and 24, 1966)

YAMADA: "We have another special permit application. This is at 2:00 p.m., on the 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, located at Block 33, Lot 18, Hawaiian Ocean View Estates, Kahuku, Kau.

"Will the staff give the background on this application."

YOSHIMURA: "The applicant David Erwine seeks a special permit under the State Land Use regulations for the purpose of allowing the uses for contractor's yard, vehicle repair, freighting and warehousing, accessory living quarters, lumber yard, retail sales and auto servicing within a 1-acre lot in Hawaiian Ocean View Estates, Kau.

"The lot is situated on the Kona side of Lotus Blossom Circle approximately 3200 feet mauka of the highway as traversed on the road.

"The applicant's reasons for this request are as follows:

- Forsters a "bad" thing to begin with.*
1. There is no land set aside by the State or County for the use needed, closer than 16 miles, creating an extreme hardship and unnecessary expense to the local residents, who have been forced into wasted expenditure of money, because of the lack of services of the type requested in the vicinity.
 2. This area is designated by the subdivider for the site of commercial and light industrial development for the subdivision. Purchasers of the property have been informed of this intent, upon purchase of real estate within the 4 blocks - Nos. 72, 73, 69, and 33 bordering the circular block 71 which is also designated for the center of business activity. This plan was approved by the County of Hawaii when subdivided.
 3. No hazards exist to the public as to health, safety, morals, if request for the use asked, is approved. The general welfare of those living in the 12,000 acre area requires these services in the close proximity of the nature to be provided.
 4. Those lands used in the area as set aside by the State will benefit from the services to be provided, not hindered.
 5. It is noted that the use of this land is not conducive to use by agriculture.

"The lot itself is presently vacant, as well as all surrounding areas within 750 feet radius.

"The Planning Commission denied a special permit request to construct a service station within a quarter mile makai 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 a quarter 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. There are no electricity to service this lot. And that, Mr. Chairman, ends the background."

YAMADA: "Thank you, Mr. Yoshimura. Is there any question from the members who would like to direct to Mr. Yoshimura or to the other staff members?"

ONODERA: "How many houses?"

YOSHIMURA: "There are approximately 22 houses."

ONODERA: "People living in there?"

YOSHIMURA: "That is right."

YAMADA: "Any other question? If not, thank you, Mr. Yoshimura."

"Is the applicant or his representative here who would like to speak at this time?"

DAVID ERWINE: "Mr. Chairman."

YAMADA: "Will you go to the mike and give your name so that it could be recorded."

ERWINE: "My name is David Erwine. I am half owner of the property in question. I have worked with the property out here for six years being also an owner of other properties in the area. I have been with some great difficulty, as Mr. Yamada probably realizes, in a contract business in the area because of the distance away from other repair facilities. Also, I know his men have to live 18 miles from the site, so it's also rather difficult for him to work, and I know expensive too."

"However, the area is developing quite rapidly now, and it's coming to a point where in the last four months we had probably five new residents in the area, and I think we have more than twenty-two houses in there now."

"I am a contractor in the State of Hawaii and I need a yard and facilities in the area to operate my business. I also have an office in Kona, but I see there's a future there, and I would like to be there and operate my business in the area. At the present time, I made an application because it is necessary to travel great distance to maintain the yard and service vehicles away from the property."

"I would be happy to answer any questions that you might want to ask me if you have any questions about the application."

YAMADA: "Thank you, Mr. Erwine. I think Mr. Griffin had his hand raised there."

GRIFFIN: "Is this building as you spoke for the contractor presently in the development, and is this work coming to a close as soon as the roads have been completed? Are these accessory living quarters? These will be kept as living quarters permanently?"

ERWINE: "No. Basically, this application was put in for a caretaker on the property; and if needed, to provide a bunk area with sanitary facilities for any man that would be used for construction job in the new area for use on the property but not as a permanent feature to be used as a motel or something like this. As was mentioned before, there have been applications before the Commission and was approved that was for a motel site in the area; however, it hasn't been exercised at the present time."

GRIFFIN: "This is a one-acre site and with quite a number of different uses on the one-acre site. Can you do everything - all these other type of development you are talking about - lumber yard, retail and warehousing business, vehicular sales and servicing of vehicles and a contractor's yard. Do one-acre site carry on these uses?"

ERWINE: "Let me explain the application so it will be clear to the board. As a contractor's yard as such, this was mostly taken from the proposed

zoning ordinance the way this was written down. So as to a light manufacturing area, to clarify the use of the property in the future where, well, let's take one by one. The contractor's yard for equipment material, vehicle repair, storage, and maintenance; number one is tied in with repairs of vehicles which is part of the contractor's business in maintaining its own vehicle. It would be necessary to have his mechanic there on occasion to repair his own equipment.

"The freighting and truck yard, I have been approached by two trucking firms here on the islands who would like to have somewhere where they can drop household goods shipped from the Mainland, basically to be out of the way. Now, this does not necessitate a large building and this necessitates more or less an area maybe a couple of 1,000 or 1,500 square feet in area, so we are not talking about big structure or big operation.

"Living quarters I think is self-explanatory. It would not require more than maybe 800 square feet and I feel I think it is a necessity to have watchman on the property as a permanent resident.

"A lumber yard which I don't intend to be a big operation like Davies or American Factors but as the necessary supplies for owners in the area who are practically doing their own building and they need some items to be supplemented by their major purchases. So, this does not take a great deal of space. However, there is opportunity in the future that possibly require other acreage in the area if the Commission so desire would be available for my use. At that time, I would apply for that necessary variance.

"Sales and services of rentals of factory vehicle, machinery, and equipment, this basically would be of small tool nature, something like electrical gears, generators, small trailers; here again, not requiring a great deal of space. It would require only a portion of the property. All of these things, retail sales along with these, will not be something with regard to selling small electrical pumps and also in consideration this will be tied in with lumber sales, retail sales of lumber. This is more of a clarification than anything else. The incidental services in the area for individuals were put in there with the idea of having necessary lunch area or possibly any other facilities that any normal industry would have in the plans at any time anyway.

"Parking area I think is self-explanatory. It would require more than 18 parking spaces more than likely in the future that I have already provided for which is the requirement by the County at the present time for the area it would be built.

"Would that answer your question?"

SANTOS: "Did you say that you are half owner of this property?"

ERWINE: "Yes, I am."

SANTOS: "Would you care to tell the other owner?"

ERWINE: "Mr. Emery, resident of Hawaii."

SANTOS: "It is just a technicality, but both owners would have to apply."

SUEFUJI: "Yes."

YAMADA: "Can you tell the Commission whether the application is in your name or both Mr. Emery and yourself."

ERWINE: "It was put in my name."

YAMADA: "Just your name?"

ERWINE: "Yes."

YAMADA: "I think it is proper that you should have two names in the application."

GRIFFIN: "Unless he is an agent for the men."

YAMADA: "Right. Any other question?"

"Mr. Erwine, I have a question. In trying to build for so many purposes, your area would be orderly to have all these living quarters, garage, warehouse, and so forth? You have a general plan for this? You have the building plan?"

ERWINE: "Yes, it is right on the board, right there."

YAMADA: "You mean the building plans?"

ERWINE: "The building plan layout of the area is right there. The plans on the property in the circle is little over 75 feet. In reality, the property in the interior is fairly well hidden from the street, and a yard of this type would be kept as orderly as possible, and it would be more or less hidden from the main street. I have talked with two owners of the adjoining properties, and I have a letter here from one of the owners, and the other owner left the State of Hawaii and I was not able to acquire a signed copy of the approval of my application. But the owner to the south point side of my property who owns a lot on Block 33, Mr. Cordell, has endorsed the application. It is in this letter which I would like to leave with the Commission."

YAMADA: "Is there any other question? If not, thank you very much, Mr. Erwine."

"Is there anyone else in the audience that would like to be heard on this same subject, either for or against? None."

The public hearing was adjourned at 2:20 p.m.

Respectfully submitted,

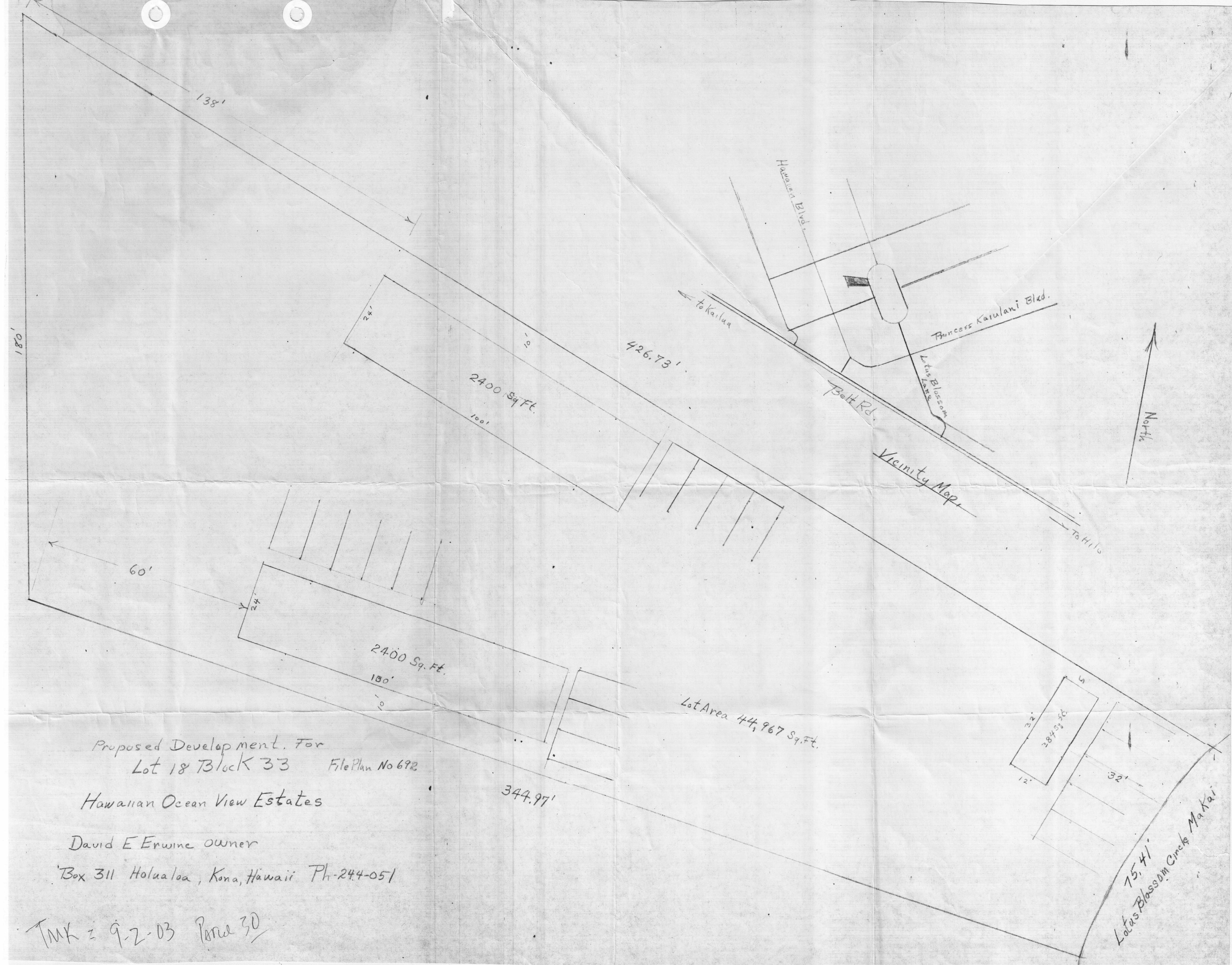
Lei A. Tsuji

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada

Robert M. Yamada, Chairman
County Planning Commission



Proposed Development. For
Lot 18 Block 33 File Plan No 692

Hawaiian Ocean View Estates

David E Erwine owner

Box 311 Holualoa, Kona, Hawaii PH-244-051

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