

January 25, 1968

Mr. Hiram Kaoo
P. O. Box 218
Hawi, Hawaii

Dear Mr. Kaoo:

At its meeting on January 24, 1968, the Land Use Commission voted to deny the grant of a special permit (SP67-50) to you to construct an additional dwelling on a lot described as TMK 5-5-14: 15, situated at Hawi, North Kohala, Hawaii, because your request did not meet the legal requirement that the special permit be for an "unusual" use. It was the general feeling of the Commission that your request should properly have been a boundary amendment to rezone your property from Agriculture to Urban.

We will consider your request as a boundary change in 1969 when the Land Use Commission will review all district boundaries as required by law. Should you decide not to wait and desire to initiate your own boundary change petition for a decision in about 5 months from your filing date, we are enclosing 3 petitions. Please return 2 to our office with a \$50 fee to cover cost of a public hearing.

We are also enclosing a copy of the staff report for your information.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Hawaii Planning Commission

TYPE-ERASE
25% BOTTOM FILIP

January 25, 1968

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Attention: Mr. Raymond Suefuji, Director

Gentlemen:

At its meeting on January 24, 1968, the Land Use Commission voted to deny the grant of a special permit (SP67-50) to construct an additional dwelling on a lot described as TMK 5-5-14: 15, situated at Hawi, North Kohala, Hawaii, by Mr. Hiram Kaoo.

We are enclosing a copy of the staff report for your information.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP-67-50 - HIRAM KAOO

DATE January 24, 1968

PLACE Honolulu, Hawaii

TIME 7:00 p.m.

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

COMMENTS:

Spillone *defected*

STATE OF HAWAII
LAND USE COMMISSION

Land Use Commission Hearing Room
Honolulu, Hawaii

January 24, 1968
7:00 P. M.

STAFF REPORT

SP67-50 - HIRAM KAOO

The Hawaii County Planning Commission has transmitted the records and proceedings of a special permit application by Mr. Hiram Kaoo to construct an additional dwelling on a lot described as TMK 5-5-14: parcel 15, situated at Hawi, North Kohala, Hawaii. The property is 14,971 square feet in area and fronts the lower Hawi Road approximately 120' from its intersection with the Hawi-Niulii Road. It abuts the Hawi Urban District to the south.

The subject property is one of 54 parcels subdivided by the Kohala Sugar Co. in the middle of 1961. Approximately 40 of these 15,000 square foot lots lie within the LUC Agricultural District as non-conforming parcels. The remaining 14 lots, all fronting on the Hawi-Niulii Road, are in the Urban District.

According to Department of Taxation records, the petitioner acquired an interest in the subject property in June, 1961 as a joint tenant. In January, 1967, he and his wife were listed as tenants by entirety.

The Hawi Post Office and theatre, stores, restaurants, the Kohala Sugar Co. office and a gymnasium are all located within 800' to the south of the subject property. To the north are the non-conforming parcels mentioned earlier. Slightly over half of these lots are occupied. To the rear of them are the canefields owned by Kohala Sugar Co.

The subject parcel presently contains one dwelling which according to the County Planning staff is 80% completed. The 3 parcels abutting the subject property and fronting on Hawi-Niulii Road contain old dilapidated buildings housing a variety of businesses. Fire protection is provided by Kohala Sugar

Company and police protection is centered at Kapaau, which is located 2 miles away. The Kohala High and Elementary School is less than a mile away.

Maps → The soil of the subject property is rated B by the Land Study Bureau, indicating good suitability for overall agricultural use. It is deep, well drained, with minimum slopes of 0-10%, located in a subhumid climate where rainfall ranges between 40 to 60" and is well suited for machine cultivation. Basic utilities such as electricity, telephone and water are available. Urban facilities such as schools, hospital, post office and shopping are within a reasonable distance. Both the County and State General Plans designate the area for urban use.

On December 15, 1967, the Hawaii County Planning Commission voted to recommend approval of this special permit based on the following findings:

1. Proposed use is in conformance with the County General Plan.
2. Granting the construction of an additional dwelling will not require additional governmental improvements such as pipeline or street extension.
3. Proposed use will not change the general character of use in adjacent areas.
4. Existing lot is contiguous to the present Hawi Village complex and is almost centrally located in the commercial area of the village proper.
5. Village area adjacent to applicant's lot is due to be zoned as Village Commercial District.

Approval by the County is subject to the following conditions:

1. The existing and proposed structure be used only as single-family dwelling.
2. Construction to start within one year from the date of approval.

Analysis

It is the staff's opinion that the use of a special permit procedure to secure permission for the construction of an additional dwelling is not proper for the following reasons:

1. Sec. 2.29 (b) (1) of the State Land Use District Regulations establishes the following guideline to aid petitioners in determining whether they should proceed under a special permit or boundary change application: "Whenever said land is contiguous to an Urban District and petitioner is seeking an urban use and his land is situated in either a Rural, or Agricultural, or Conservation District, petitioner should seek a boundary change."
2. Sub-part E of the District Regulations dealing with special permits states that the Commission may permit certain "unusual and reasonable" uses within Agricultural and Rural Districts. Residential uses are permitted in Agricultural Districts as farm dwellings and non-conforming lots may be occupied by a single-family dwelling; thus, the use of the property for a residence is not unusual. The Land Use Commission also established guidelines for determining an "unusual and reasonable" use. The instant petition is contrary to 3 of 7 of these guidelines which are as follows:
 - a. The proposed use is contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.
 - b. Unusual conditions, trends and needs have not arisen since the district boundaries and regulations were established.
 - c. That that land upon which the proposed use is sought is suited for the uses permitted within the District.
3. Moreover, Section 2.18 of the Regulations, dealing with Non-Conforming

Uses or Structures, states that "it shall not be expanded or increased in intensity of use". The addition of another dwelling will definitely increase the intensity of use.

Recommendation

Since the proposed use is not "unusual" and based on the preceding analysis, the staff recommends that this special permit be disapproved. However, it suggests that the applicant consider petitioning for a boundary change under Sec. 2.29 of the District Regulations.

January 17, 1968

Mr. Hiram Kaoo
P. O. Box 218
Hawi, Hawaii

Dear Mr. Kaoo:

The Land Use Commission next meets at 7:00 p.m. at the Land Use Commission Hearing Room, Honolulu, Hawaii, on January 24, 1968.

On or about that time, your application for a special permit (SP67-50) 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,

RAMON DURAN
Executive Officer

cc: Hawaii Planning Commission

Soils

B117i =

Kohala; deep, moderately fine,
dark brown, volcanic as h,
non-stony, well drained
0-10% slopes, sub humid
climate; mean annual rainfall -
40-60", well suited for
machine tillage, winds may
be a problem, partially irrigated.

RECEIVED

DEC 27 1967

County of Hawaii

County Planning Commission

State of Hawaii
LAND USE COMMISSION

Applicant Hiram Kaoo

Date of Public Hearing November 17, 1967

Date of Decision December 15, 1967

Meeting Place County Building

Date Decision and Findings Forwarded
to LUC December 26, 1967

SPECIAL PERMIT

SP67-50

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

Lot 103, portion of L. C. Ap. 1120, Hawi, North Kohala, Hawaii,
Tax Map Key: 5-5-14:15, containing 14,971 square feet.
for the following purpose(s):

Construction of an additional dwelling in lot 103.

The Commission decided to: approve

on the basis of the following findings:

1. Proposed use is in conformance with the County General Plan.
2. Granting the construction of an additional dwelling will not require additional governmental improvements such as pipeline or street extension.
3. Proposed use will not change the general character of use in adjacent areas.
4. Existing lot is contiguous to the present Hawi Village complex and is almost centrally located in the commercial area of the village proper.
5. Village area adjacent to applicant's lot is due to be zoned as Village Commercial District.

subject to the following conditions:

1. The existing and proposed structure be used only as single-family dwelling.
2. Construction to start within one year from the date of approval.

(Signed)

Philip Yehman
Director, Planning Commission

Luc

COUNTY PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

November 17, 1967

A regularly advertised public hearing, on the application of Hiram Kao was called to order at 1:36 p.m., in the Conference Room of the Board of Supervisors by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada
John T. Freitas
Hiroo Furuya
Kenneth Griffin
Isamu Hokama
Masayoshi Onodera
Robert J. Santos
Edward Toriano
Cirilo E. Valera
Philip I. Yoshimura
Kaoru Nagai

ABSENT: William J. Bonk
Walter W. Kimura

Hiram Kao
and three persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Hawi, North Kohala, 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., November 17, 1967, to consider the application of Hiram Kao, owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the construction of an additional dwelling in lot located 150 feet north (makai) from the intersection of Hawi-Niulii Road and Hawi Road, on Lot 103, portion of L. C. Ap. 1120, Hawi, North Kohala, Hawaii, tax map key 5-5-14:15 and containing an area of 14,971 square feet.

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 County Building at 25 Aupuni 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: November 7, 15, 1967)

YAMADA: "We have scheduled only one public hearing at 1:30 p.m. I will read the notice of the public hearing. (Mr. Yamada read the public hearing notice in its entirety.)"

"Members, you heard the application for a special permit. Will the staff comment or give the background of this application."

NAGAI: "Mr. Chairman and members. I will give the background. The applicant, Hiram Kaoo, seeks a special permit as prescribed in the State Land Use regulations to construct an additional dwelling in Lot 103 of the lower Hawi Road Subdivision, and comprising an area of 14,971 square feet."

"This lot is located along the lower Hawi Road, 150 feet north (makai) from the intersection of Hawi Road and Niulii-Hawi Federal Aid Road and abuts on lower side of the Hawi Village area."

"The area is presently used as a residential lot with a dwelling already under construction on the extreme end of the lot. This building is approximately 80 per cent complete."

"The upper or southern side of this lot abuts an area which is proposed to be zoned as Village Commercial."

"The lower side (makai) is bounded by over 46 houselots of 15,000 square feet in area of which almost entirely has dwellings built on it. The cane land of Kohala Sugar Company abuts both the residential strip and the village area."

"Existing utilities such as telephone, electricity and adequate County water line are available."

"The County General Plan indicates the area as urban use."

"State Land Use has it designated as agriculture."

"Proposed zoning under the new ordinance will be A-20a."

"That concludes the background."

YAMADA: "Thank you, Mr. Nagai. Commission members have any question?"

TORIANO: "I have a question. What about the parking for the house in the back?"

NAGAI: "The building is to be located here between the side boundary leaving 20-foot space for the driveway. He has the building permit for which the existing house is in the process of being built now."

YAMADA: "Any other question? If not, Hiram, do you have any comment you would like to make? Any further comment other than what was presented by the staff?"

HIRAM KAOO: "No."

YAMADA: "Anyone in the audience would like to speak for or against the granting of this special permit? None. Then, we will consider this hearing closed."

"For your information, Hiram, we cannot act on this special permit request at this meeting according to the Land Use Commission's ruling, but we will take this matter up again at our next meeting."

No staff rec.

The public hearing was adjourned at 1:40 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.

It was moved by Mr. Santos, seconded by Mr. Toriano and carried that the staff make every effort to come up with the report at the next meeting on the possible routes to Mauna Kea's new observatory facility.

**STREET NAMING
MT. VIEW AREA**

The County Chairman requested that the street names be assigned to all the County roads in Mt. View area.

The following are suggested names on the old existing Homestead Roads running perpendicular to the main government road:

Kopua Road - meaning sugar tassel
Kopola Road - meaning sugar bowl
Lauko Road - meaning cane leaf
Ihope Road - meaning back

On a motion of Mr. Griffin and second of Mr. Valera, the Commission voted to recommend adoption of the names to the Board of Supervisors.

**GOALS AND OBJECTIVES
KAILUA, KONA**

The Board of Supervisors in its latest action referred to the Planning Commission for an amendment to the "Kailua Resort Center Plan" and for a proposed plan to establish a mall on Alii Drive. Previously, the Commission presented to the Board for adoption of a modified mall plan which at one point was referred back to the Commission for determination on whether the Commission's recommendation was still the same in view of the new sentiments expressed by the property owners regarding the mall because of the proposed petition for the creation of an Improvement District by Inter-Island Resorts. The Commission went on record to defer action on any further recommendation of the modified mall plan until the application for an Improvement District was submitted. Subsequently, the petition for an Improvement District for Kailua, Kona, did not qualify as a bona fide application because the signatures of the lessees did not count as owners of the properties in question.

The staff explained that in presenting the mall plan, the Director wanted to know whether the Commission members would like to work on the plan itself or whether they would like to leave it up to the staff to come up with the plans. It was decided that the Commission members should look into the mall plan at a special meeting and to review the plans.

The staff apprised the members that the Director is now at the Board's Public Works Committee meeting and he will plan to ask for an extension on the original 60 days granted to formulate the plan. Actually, the deadline is on the 20th of next week.

The modified mall plan has been referred back to the Commission and it has been with us for a year or so for review of the plan. The Commission will have to consider whether they would like to have the same plan submitted to the Board or with modifications on the plan as previously made by Harland Bartholomew. The procedure in amending a General Plan is to hold a public hearing if a new plan is adopted.

The staff pointed out that basically time is of essence

and the intent here is to hold a special meeting prior to submitting Commission's plan to the Board.

Mr. Santos moved that the matter be deferred and that a special meeting be called for review of the proposals and that the staff prepare and report this to the Commission. The motion was seconded by Mr. Toriano and carried.

STREET NAMES The roadways within the Keopuka Kai
KEOPUKA KAI SUBDIVISION Subdivision in Keopuka, South Kona,
KEOPUKA, SOUTH KONA was dedicated to the County and
 recently accepted by the Board of
Supervisors. Suggested names of the streets were requested
by the Commission and submitted by the developers as follows:

Keopuka Road - meaning white hole
Keopuka Place - " " "

On a motion of Mr. Furuya and second of Mr. Toriano, the Commission voted to recommend approval of the names to the Board of Supervisors.

AMENDMENTS TO THE A discussion followed on the General
HILO GENERAL PLAN Plan for the city of Hilo and
 possible amendments for the various
areas before implementing zoning under the CZO. This is the
only area that a public hearing was not held for zoning of
districts under Ordinance No. 63. This has been delayed to
give the staff time to obtain statistics and to consider
possible amendments to the General Plan. The areas of ques-
tion are on the north side of Kekuanaoa Street where the
former Flintkote and canec plant was located and along the
Wailoa State Park where the Bishop Estate land is located for
a proposed resort development. Also areas of question are
the zoning for Puueo area, possible allocation of apartment
use next to the Technical School and perhaps expansion of
multiple residential use next to the Univeristy of Hawaii,
the higher use of Waiakea Houselots area, the Waiakea Uka
area, and the Reeds Bay area.

The Director mentioned in the Committee meeting that these are the areas the staff would like to have the Commis-
sion members express their views and come in with proposals
before the staff make up the maps. In preparation of the
zoning maps, the staff may not come up with the same proposal.
He expressed that the areas of question should be held in
residential use until such time that adequate sewer, water
and drainage is implemented. These are some of the things
that need to be reviewed and discussed with property owners
prior to holding a public hearing for zoning.

The discussion ensued on the matter of whether the Commission should consider amendments to the General Plan before implementing the Comprehensive Zoning Ordinance. The question the Director has pointed out is whether the Commis-
sion should adhere to the present General Plan in preparing the zoning maps. For example, designating industrial use along Kanoelehua in the Waiakea House Lots area since the General Plan reflects as such. However, the staff felt that possibly this may not be feasible at this time because of the many existing residences in the area. Also the Director has pointed out that we should be holding some meetings with

various organizations and community groups to discuss all aspects of zoning to have them clearly understood what the intentions of the Commission are before recommending zoning changes or any zoning to the Board of Supervisors.

Mr. Santos remarked that the purpose is to make the thoughts known to the general public. If there are any objections, he stated we should take another look.

Mr. Griffin added that also discussed in the Committee meeting were along these lines that if we are going to have particular types of developments in a particular area, consideration should be given as to what should be done and ways that can be done before we go to a public hearing.

Mr. Santos expressed that before we do this, we should have in our own minds the firm ideas of what we are going to do in a given area.

The staff replied that this is why the meeting with the various organizations is being proposed. The explanation on the change in use because of variances granted, the compliance with General Plan, and the intent of the General Plan are some of the suggestions in educating the general public.

The provisions under the CZO is not in effect for Hilo and with the present trend in hotel construction, the need for parking, height restrictions and setback requirements become more crucial.

The staff replied that the foregoing points were well taken, but we should take into consideration the Hilo General Plan as adopted. The plan itself was made five years ago and it needs to be updated.

Mr. Santos expressed his thoughts that the Zoning Maps should be adopted according to the present General Plan to expedite implementation of the CZO and then possibly make a review of changing the General Plan later.

The staff suggested the alternative to have a special education meeting and try to amend the General Plan for those problem areas.

Mr. Santos remarked that he wholeheartedly agrees on the General Plan amendment, but felt that the Hilo area should be zoned under the CZO by adopting the maps according to the existing General Plan and thereafter make immediate studies on the possible amendments.

The staff mentioned that we have to consider new trends and changes in conditions, and the Board may not adopt the maps as suggested because of the problem areas. Consideration is also being given to splitting the South Hilo District to two areas---one for the city area and the other for the remaining areas beyond Papaikou.

The staff members have undertaken land use studies of the problem areas; and as far as the timetable, it is fairly close to presenting the recommendations in one month's time.

Mr. Santos asked whether the staff can come up with firm proposals by next month, followed by meetings with various organizations and possibly holding the public hearing in

January. He mentioned that he can go along on a two or three months' schedule but not longer than that.

The staff mentioned that the public education should be carried out by the Commission members as one of their main functions.

Mr. Onodera expressed that he would like to have the staff educate the community as it was done in the other districts.

Mr. Griffin moved to accept the Committee's report on this item and that the Commission defer further action until the staff comes forward with their recommendations and their study of the problem areas. The motion was seconded by Mr. Toriano and carried.

LAND USE COMMISSION
SPECIAL PERMIT
HIRAM KAOO

A public hearing was held on the application of Hiram Kaoo for a special permit to allow the construction of an additional dwelling on a lot located 150 feet north (makai) from the intersection of Hawi-Niulii Road and Hawi Road, on Lot 103, portion of L. C. Ap. 1120, Hawi, North Kohala, and containing an area of 14,971 square feet.

*What happened
at public
hearing?*

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.

LAND USE COMMISSION
REZONING REQUEST
KEALAKEKUA RANCH, LTD.

The members next discussed the request by Land Use Commission for comments and recommendation on the petition by Kealahkekua Ranch, Ltd., for amendment of Land Use District Boundaries from Agricultural to Urban District to reclassify the following two areas:

- a. Approximately 265 acres of land, beginning from the coastal shores of Kealahkekua Bay and up to the Mamalahoa Highway in the land of Kealahkekua and Kaawaloa, South Kona, to enable development of the land for hotels, low-cost housing to facilitate employee housing, and single and multiple dwellings.
- b. Approximately 18 acres of land in Kealahkekua, South Kona, situated on the mauka side of the Mamalahoa Highway for the development of cluster housing, apartments, condominium, and a commercial building.

The staff gave the following background information: from the coast along Kealahkekua Bay and to the top of the pali, the area is presently designated under the General Plan as "Parks and Historic Sites" and as "Open" under the CZO. The State Land Use Commission designated this area as "Conservation District." Elevation begins from 0 along the Napoopoo Bay to approximately 650 feet on top of the pali and comprising an area of approximately 28 acres. The General Plan designates the area above the pali to approximately 1,500 feet inland as "Range Land and Waste." Under the present zoning, the area is in "Unplanned District" and as "Agricultural District" under the State Land Use designation. Soil is classified as moderately deep volcanic ash of fine texture, rocky, with low rainfall and not suitable for mechanical agriculture. Area is covered with shrubbery of no

no apparent agricultural value. Balance of the area up to the Middle Government Road is designated as "Intensive Agriculture" under the General Plan and "Agriculture" with a minimum lot size of 5 acres under the present zoning. State Land Use designates this area as "Agricultural District." A 9-hole golf course is planned for the area. They have surveyed all trees in the existing land area and intends to retain the trees.

The staff recommends a partial approval of changes in the land use boundaries. Areas designated as Conservation District be retained as such to enhance the historic Kealahou Bay, the Hikianau Heiau and the surrounding bayfront areas. Due to its extreme steep topography, the area is not adaptable for either urban, rural or agricultural use but to be kept in its original state. The granting of a change of boundaries from Agricultural District to Urban District is recommended on areas above the pali to the Mamalahou Highway and the 18 acres on the mauka side of the main highway. The staff also recommended that approval be on the basis that the general character of the land be retained by preserving the large trees and providing sufficient open areas as shown on proposed plan as submitted.

*cannot
condition a
zoning change*

Mr. Griffin asked whether the staff would say it appears that this would not be in heavy use and does not appear to disturb any historical boundaries. He also asked whether the staff had any particular reason against development.

The staff replied that this is a spot urban use. If the Conservation District is changed to Urban, it will come under the County jurisdiction; otherwise, the control is under the Department of Land and Natural Resources.

*conservation district
not a part of
this petition.*

(The Director arrived at this time for the meeting after attending the Board's Public Works Committee meeting.)

Mr. Griffin then asked if the resort development in that area was controlled as far as density, why would this hinder or have any particular adverse effect upon the historical sites at present.

The staff remarked that possibly the entire area is encroaching on the historical area. Whenever development takes place, they are the forerunners of urban encroachment which may overrun the historical significance of the area. The County will have some control if the area is changed to urban; however, once the area is zoned, the control is by density only and to some extent by plan approval. The historical area can be protected by placing it in Open District.

The Director further clarified by stating that he would like to have it preserved as Conservation District. As Mr. Griffin mentioned, this may not happen if the Board of Land and Natural Resources consider certain permitted uses. The County can accomplish the same means if all of the lower area is placed in Conservation and County regulates the uses and it only differs on the two levels of government - same results can take place.

Mr. Griffin remarked that if the whole area is placed under urban then the County would have control over the whole development and not two agencies working out later on.

The Director replied that in endorsing the mauka and the lower portion, we might have the Conservation strip.

Mr. Santos added that he would like to see it all under the County zoning in order to control the uses in the Conservation area.

The Director pointed out that the Commission cannot logically control only a small portion of the land since the whole area around it has historical value. In recommending the change to Urban, the Commission should make a commitment to place the historical sites in Open District.

Mr. Santos concurred that inasmuch as we would like the entire area urbanized, we should point out to the Land Use Commission that our intent is to leave the Conservation area in Open District.

The Director mentioned that the lower area on the beach proposed for a resort development with its natural pond is an added attraction; but the development of the mauka area stands alone with its supporting employee housing and residential project to the hotel uses in order to make the entire development economically feasible.

It was moved by Mr. Santos, seconded by Mr. Freitas, and carried that the Commission recommend to the Land Use Commission of reclassifying the entire area as Urban District on the basis of the following findings:

1. Change of trend of the Kona area from an agricultural district, primarily that of coffee cultivation to that of a tourist-oriented district, indicates a need for residential developments for the present and potential employment increase. Coffee areas declined by approximately 790 acres from 1960 to 1966, hotel rooms increased by 513 rooms with an increase in employment in the tourist industry by 200 during the same period.
2. Land upon which the proposed use is sought is unsuited for the use permitted due to scarce labor and limited possibility of conversion to mechanization in order to replace the lack of manpower.
3. Due to existence of the Captain Cook Village and the civic center complex, including the fire and police stations, located adjacent to subject land, the proposed urban development will be within close proximity to basic services.
4. Change will not adversely affect surrounding properties.
5. Commission will require that the general character of the land be retained by preserving the large trees and providing sufficient open areas as shown on proposed plan as submitted. The requirements will be requested upon applicant's submittal for County zoning changes and subdivision approval.
6. Commission also went on record that the cliff area which is now in Conservation District will be recommended to be zoned as Open Space under our County zoning.

CONFLICT OF INTEREST
COMMISSION MEMBERS

The members next discussed the ruling made by the County Board of Ethics, as it appeared in the local newspaper, that there is conflict of interest when a realtor serves on the Planning Commission.

Mr. Freitas expressed that there is no conflict now that the members do not act on subdivision applications.

(Mr. Griffin excused himself and left the conference room.)

Mr. Santos remarked that at one time or other any member of the Commission could be in conflict.

The Director pointed out that planning encompasses fields of business, profession, and many facets of the community; therefore, any member of the Commission could be in conflict.

Mr. Santos commented that a knowledgeable person representing the field of real estate is an asset to the Commission in making certain decisions.

Mr. Freitas pointed out that if the Commissioners are being closely scrutinized and being in conflict, consideration should be given to the members comprising the Electrical Board, the Plumbing Board, and the Automotive Board. They all consist of members in their respective trades. He strongly recommended that the Commission go on record in reinstatement of all professions.

Mr. Santos further added that he did not like to be involved by name and stated that we do need members involved in various professions, business, and other fields to make some decisions.

The Director mentioned that every individual as a citizen has conflict of interest. It is a matter of degree. The Commission members sit in on all matters such as planning, zoning, and variance applications from zoning and subdivision regulations. You can't find a person in any town who is without conflict.

The Director further stated that until a written opinion is forwarded to the Planning Commission by the Board of Ethics, there is nothing we can do except to make a recommendation to them as a body. He remarked that he is awaiting further outcome of the meeting by them. It is a little premature at this time, not knowing the reasons behind their rationale.

The consensus of the members was that persons serving on the Planning Commission should not be excluded by whole categories of business or profession in anticipation of conflict of interest problems. It was felt that the service of competent people of good character need not be sacrificed.

It was moved by Mr. Santos, seconded by Mr. Freitas, and carried that the Director be asked to look further into this and that the staff prepare a letter to the County Chairman pointing out the feelings expressed here that in effect we felt any conflict per se should be looked into by individual basis rather than by the occupation of individuals.

(Mr. Griffin returned to the meeting.)

CHRISTMAS PARTY
FOR COMMISSIONERS
AND STAFF MEMBERS

A discussion followed of having a
special dinner for the members of
the Commission and the staff.

It was generally agreed to have this affair after the
regular monthly meeting scheduled to be held on December 15.
The details of the plans will be left up to the staff members.

ADJOURNMENT

The meeting was adjourned at
3:38 p.m.

Respectfully submitted,

/s/ LEI A. TSUJI

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

/s/ ROBERT M. YAMADA

Robert M. Yamada, Chairman
County Planning Commission

COUNTY OF HAWAII

COUNTY PLANNING COMMISSION

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission OCT 5 1967

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 HAWI, KOHALA HAWAII in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

TO BUILD A DWELLING.

Description of Property: **LOT 103, area 14,971 square feet, as shown on Map 12 filed in the office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application 1120 of Kohala Sugar Co., and bieng portion of the lands described in Transfer Certificate of Title No. 84,227.**

Petitioner's interest in subject property: **OWNER**

*TMK 5-5-14:15
14,971 #*

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.

INSUFFICIENT AREA FOR 2DWELLINGS. REQUEST VARIANCE ON AREA FOR ONE MORE DWELLING.

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 *Sam Koro*

Address P.O.Box 218 Hawi, Hawaii

Telephone 83-5495

This space for official use

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

REMARKS:



EXISTING

PROPOSED

PROPOSED
DWELLING

DRIVEWAY

HAWAII

ROAD

SP67-50 KA00

N. KOHALA, HAWAII. (Formerly por. 5-5-08,

TRUE NORTH
Scale: 1 in. = 100 ft

CANE

C P Z E

NON-CONFORMING LOTS IN AGRIC. DIST.

SP67-50 HIRAM KA00

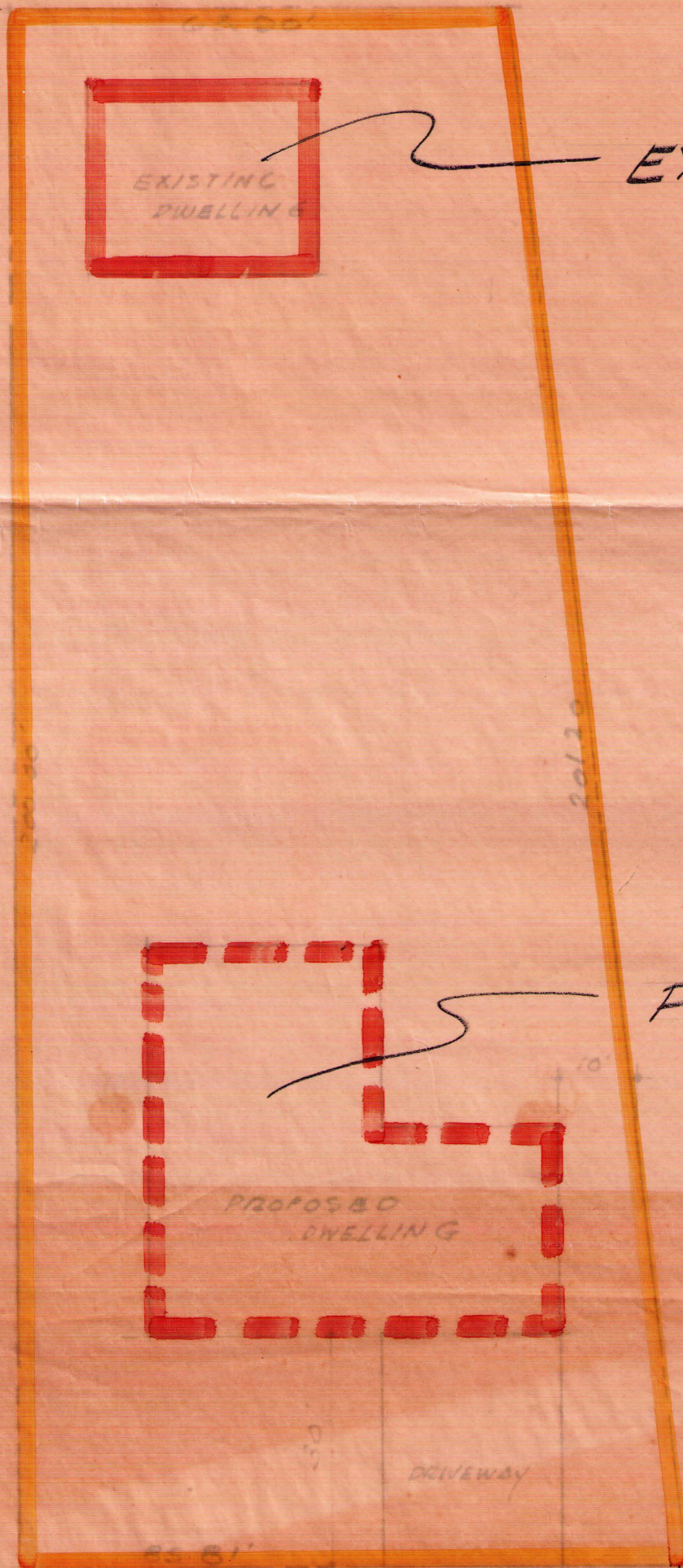
URBAN DISTRICT BDY.

HAWAIIAN NUT RD.

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE JAN 15 1968

SCALE: 1 IN. = 100 FT

5-5-14 3RD DIV



EXISTING

PROPOSED

PROPOSED
DWELLING

DRIVEWAY

HAWAII

ROAD

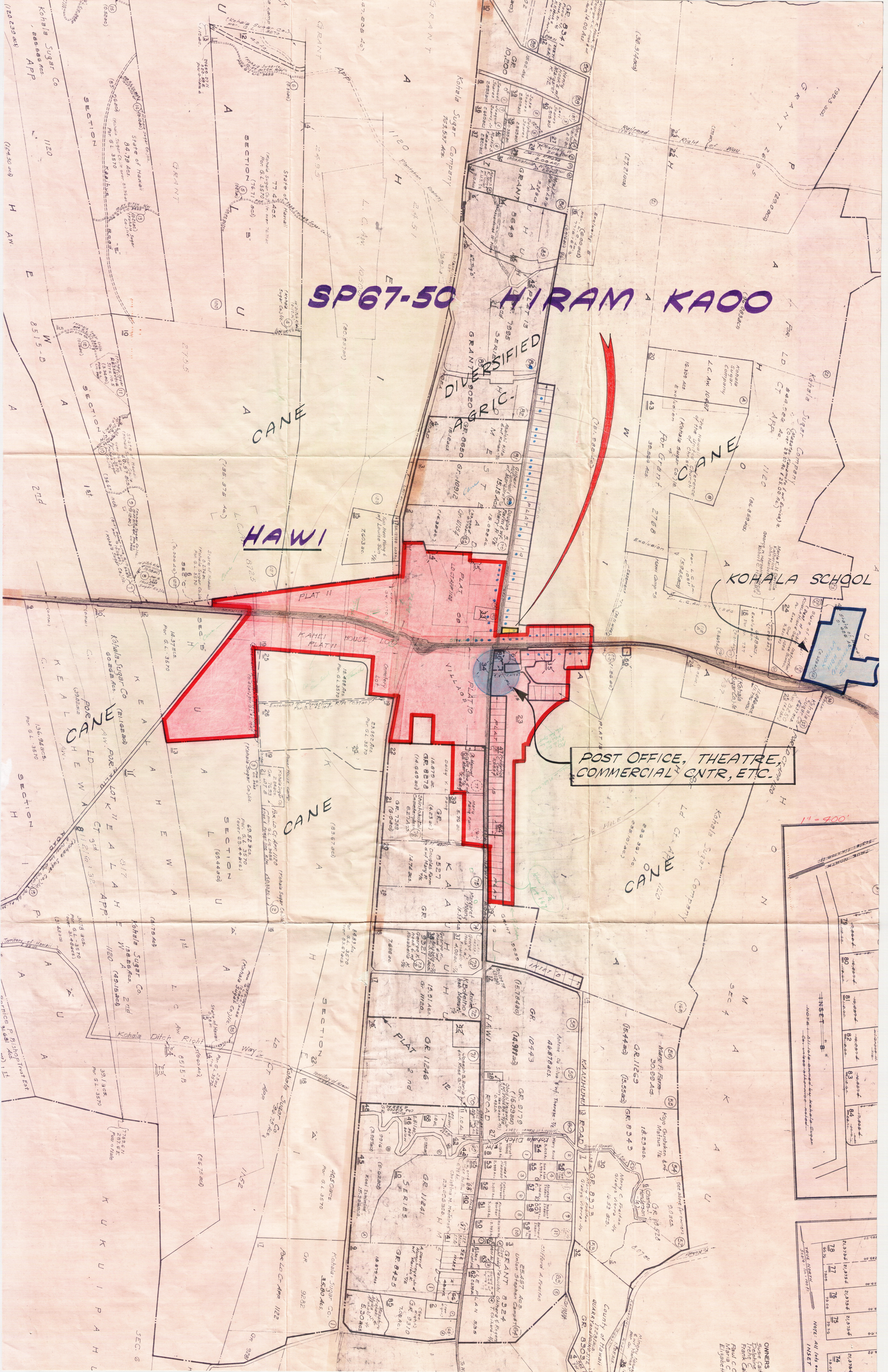
SP67-50 KA00

SP67-50 HIRAM KA00

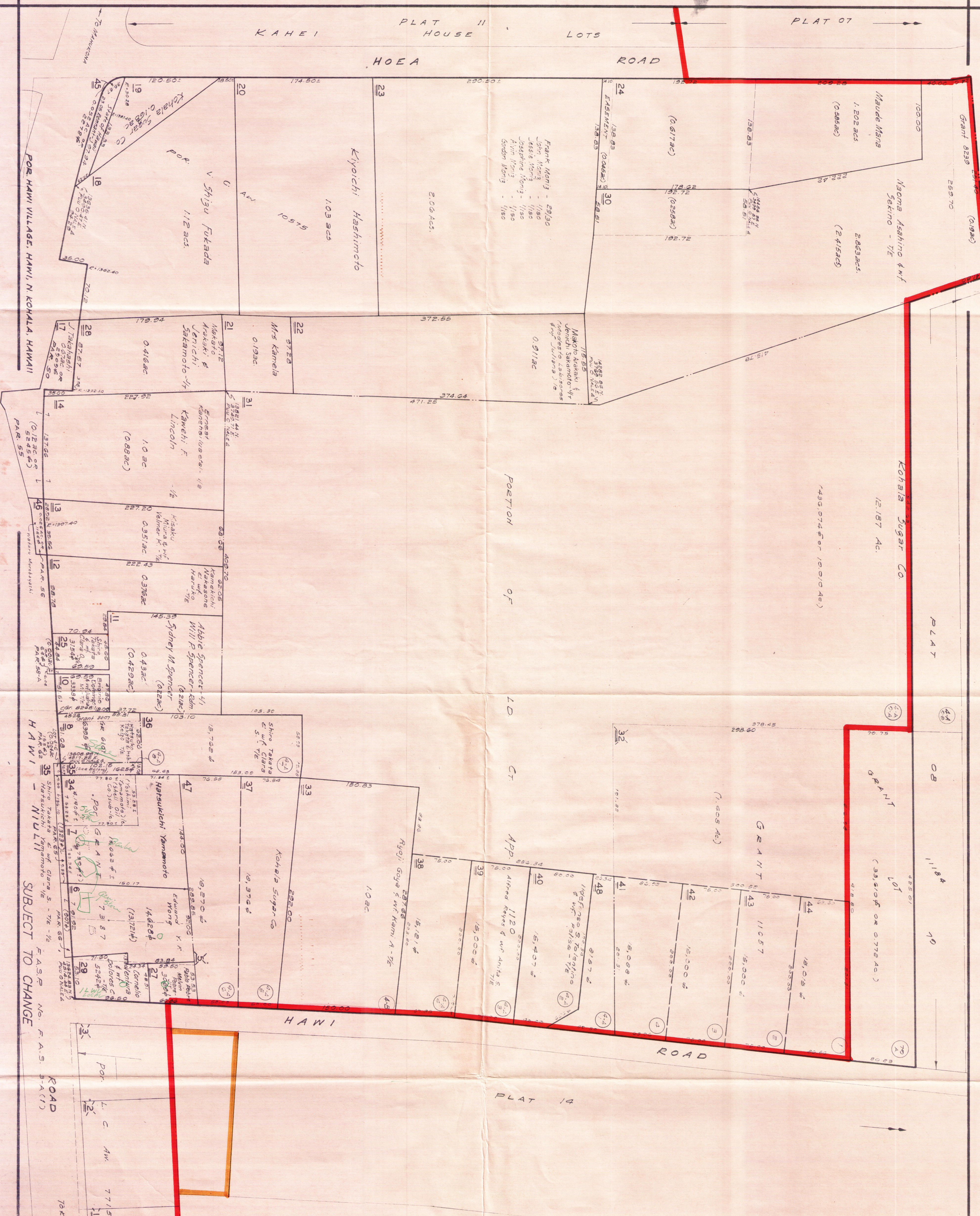
CANE
HAWI

POST OFFICE, THEATRE,
COMMERCIAL CNTR, ETC.

KOHALA SCHOOL



Dwg. No.: 528 Revised By: P.K. 10/6/49
Source: Survey Dept (Reg. Map 2570) & T.M.B. Data
By: P.K. Traced By: C.W. Date: 10/18/49



POR. HAWI VILLAGE, HAWI, N. KOHALA, HAWAII

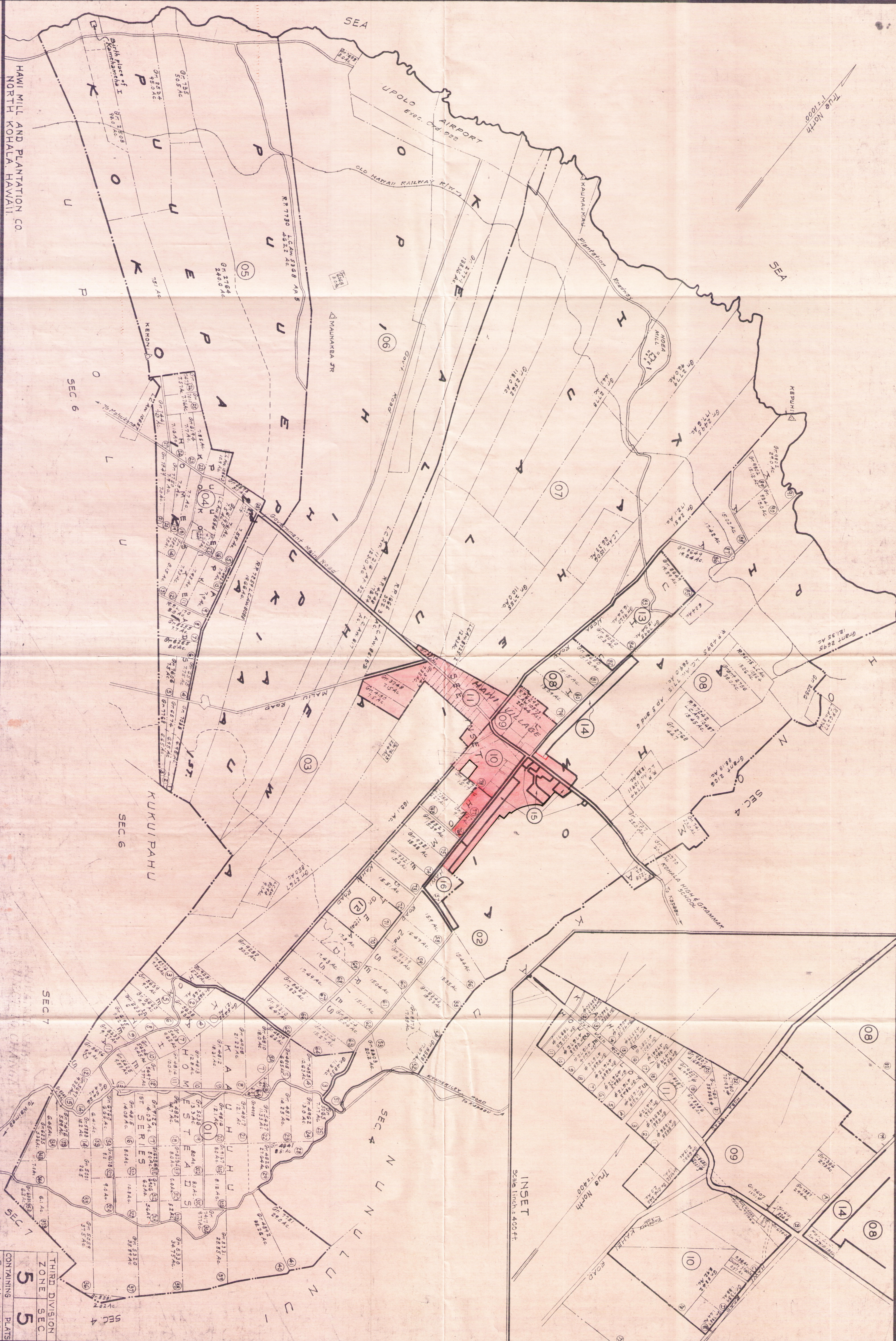
HAWI

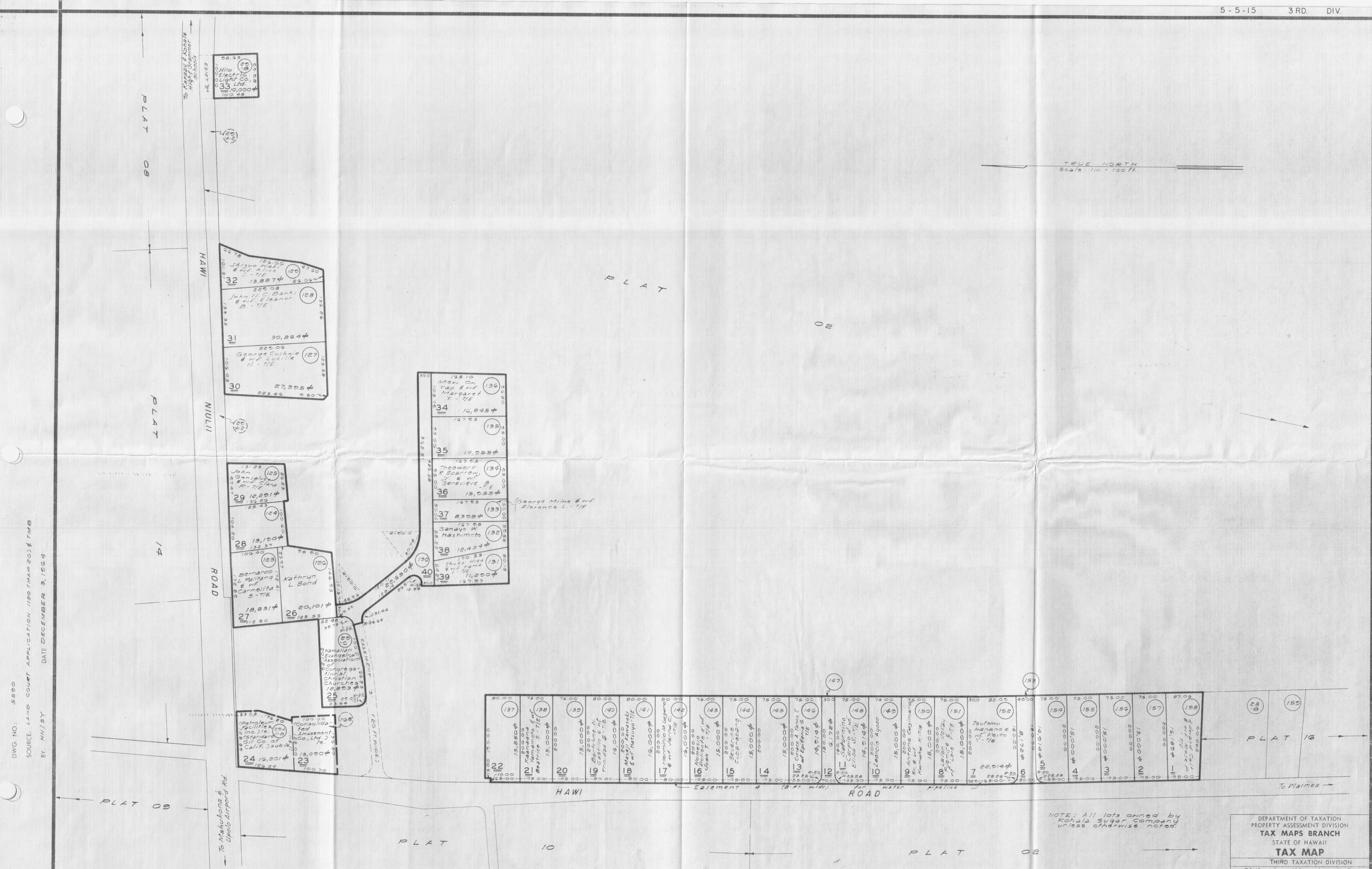
SUBJECT TO CHANGE

ROAD

JAN 15 1988

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
THIRD	DIVISION	PLAT	
5	5	09	
CONTAINING PARCELS			
SCALE: 1 IN. = 60 FT.			





DWG. NO.: 5590
SOURCE: LAND COURT APPLICATION 1120 (MAP 20) & TMB
BY: HW/SY DATE DECEMBER 9, 1964

POR. LAND COURT APPLICATION 1120 (MAP 20). HAWI, NORTH KOHALA, HAWAII. (formerly por. 5-5-02)

NOTE: All lots owned by
Kohala Sugar Company
unless otherwise noted.

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE JAN 15 1968

DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
THIRD TAXATION DIVISION		
ZONE	SEC.	PLAT
5	5	15
SCALE: 1 IN. = 100 FT.		



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954. Field check 1957
Hydrography compiled from USC&GS chart 4140 (1953)
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
10,000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue

SCALE 1:24,000
1 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 0 1 2 3 4 5 6 7 8 9 10 KILOMETER

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET

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

HAWAIIAN ISLANDS
QUADRANGLE LOCATION

H-13
HAWAII, HAWAII
NE PORTION KOHALA 15 QUADRANGLE
N2007.5—W15545/9x7.5
1957