

Station
July 10 - Aug 24

September 2, 1969

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Gentlemen:

At its meeting on August 29, 1969, the Land Use Commission voted to approve the grant of a special permit to Design-Kona, Inc. to establish and construct a private school at Kau, Hawaii, identifiable by Tax Map Key 8-7-09: 2, subject to the conditions set forth by the Hawaii Planning Commission.

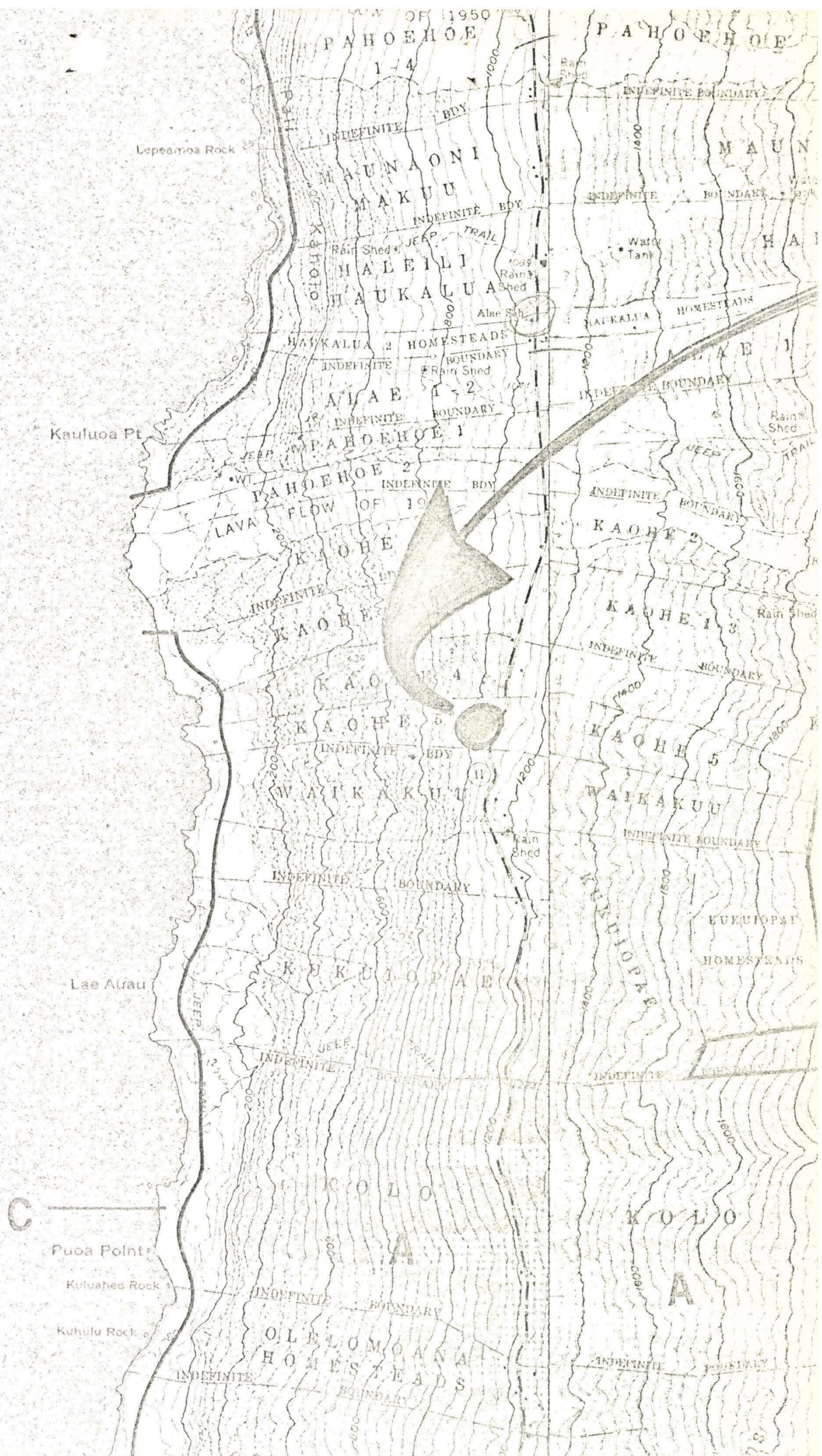
Enclosed for your information is the staff report.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosures: 2

cc: Dept. of Taxation
Design-Kona, Inc.



STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP69-63 - DESIGN KONA

DATE August 29, 1969

PLACE University Ext. Serv. Bldg.
Kainaliu, Kona, Hawaii

TIME 1 p.m.

	<u>yes</u>	<u>no</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
NISHIMURA, SHIRO	✓			
NAPIER, ALEXANDER	✓			
CHOI, WILBERT	✓			
KIDO, SUNAO			✓	
MARK, SHELLEY			✓	
YAMAMURA, TANJI			✓	
WUNG, LESLIE	✓			
INABA, GORO	✓			
<u>TANIGAWA</u> <u>BURNS, C. E. S.</u>	✓			

COMMENTS:

STATE OF HAWAII
LAND USE COMMISSION

University Extension Service Building
Kona, Hawaii

August 29, 1969
1 p.m.

STAFF REPORT

SP69-63 - DESIGN-KONA, INC.

A special permit application to construct and operate a private school on a 60-acre site (TMK 8-7-09: 2) for gifted high school age students at Kaohe, South Kona, has been filed by Design-Kona, Inc.

The site for the school is situated approximately 4,000 feet south of Alae School or about 15 miles south of the Manago Hotel on the makai side of the Belt Highway. It is also 2,000 feet south of the 1950 lava flow.

The soil characteristics are mostly aa with brush growth. The present land classification by the Land Study Bureau is primarily "E" (259) or very poor for agricultural productivity. There is a thin strip along the makai side of the highway classified "E" (260) indicating poor suitability for agricultural productivity. The annual rainfall is between 40 and 50 inches, and the elevation is approximately 1,000 feet. There is a dwelling on the lot, and some homes front the highway nearby.

The Department of Education has tentatively approved the school by letter dated June 12, 1969, to the County

This is our district map showing the Conservation Stage in green along the shore from Kealahou Bay to Honaunui. The parcel in question is about 5 miles south of Honaunui.

8-25-69 sent copy to petitioner

Planning Commission. The applicant proposes to board not more than 20 students.

The Hawaii County Planning Commission at its meeting of June 19, 1969, voted to approve the request based on the following conditions:

- "1. All health, fire and building codes shall be applicable to said development.
- "2. Full compliance with Zoning Ordinance No. 63.
- "3. Development shall basically follow plan submitted in January 17, 1969 by P. W. Miller of Design Kona with the stated capacity.
- "4. In the event that the private school use of the buildings as proposed in item #3 does not materialize or continue, only uses described in Ordinance 63 for agricultural zones shall be permitted.
- "5. Applicant is advised of the remote distances from supporting services and the lack of water in the area.
- "6. Construction shall begin within 1 year of approval of application by the State Land Use Commission should that body approve this request."

The Land Use Commission staff's analysis of the plan and request finds that such use will not be contrary to the

objectives of the Land Use Law and Regulations; that the surrounding property will not be adversely affected; that such use would not burden public agencies; that unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established to justify this request; that the land upon which the proposed use is sought is unsuited for intensive agricultural uses; that the proposed use will not substantially alter the character of the surrounding area; and that the proposed use will make the highest and best use of the land involved for the public welfare.

Therefore, it is recommended that this request be approved as recommended by the County.

August 18, 1969

Design-Kona, Inc.
P. O. Box 1144
Kailua, Kona, Hawaii

Gentlemen:

The Land Use Commission next meets at 1 p.m.
at the University Extension Service Building,
Kainaliu, Kona, Hawaii, on August 29, 1969.

At that time the application by Design-Kona, Inc.
for a special permit (SP69-63) 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

D R A F T

STATE OF HAWAII
LAND USE COMMISSION

University Extension Service Building
Kona, Hawaii

August 29, 1969
1 p.m.

STAFF REPORT

SP69-63 - DESIGN-KONA, INC.

A special permit application to construct and operate a private school on a 60-acre site (TMK 8-7-09: 2) for gifted at Kaohe, South Kona, high school age students/has been filed by Design-Kona, Inc.

The site for the school is situated approximately 4,000 feet south of Alae School or about 15 miles south of the Manago Hotel on the makai side of the Belt Highway. It is also 2,000 feet south of the 1950 lava flow. The soil characteristics are mostly aa with brush growth. The annual rainfall is between 40 and 50 inches, and the elevation is approximately 1,000 feet. There is a dwelling on the lot, and some homes front the highway nearby.

The present land classification by the Land Study Bureau is ^{primarily} "E" or very poor for agricultural productivity. ^{There is a thin strip of the makai side of along the highway classified "D" (260) indicating poor suitability for ag. productivity.}

The Department of Education has tentatively approved the school by letter dated June 12, 1969, to the County Planning Commission. The applicant proposes to board not more than 20 students.

The Hawaii County Planning Commission at its meeting of June 19, 1969, voted to approve the request based on the following conditions:

- "1. All health, fire and building codes shall be applicable to said development.
- "2. Full compliance with Zoning Ordinance No. 63.
- "3. Development shall basically follow plan submitted in January 17, 1969 by P. W. Miller of Design Kona with the stated capacity.
- "4. In the event that the private school use of the buildings as proposed in item #3 does not materialize or continue, only uses described in Ordinance 63 for agricultural zones shall be permitted.
- "5. Applicant is advised of the remote distances from supporting services and the lack of water in the area.
- "6. Construction shall begin within 1 year of approval of application by the State Land Use Commission should that body approve this request."

The Land Use Commission staff's analysis of the plan and request finds that such use will not be contrary to the objectives of the Land Use Law and Regulations; that the surrounding property will not be adversely affected; that such use would not burden public agencies; that unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established to justify this request; that the

land upon which the proposed use is sought is unsuited for ^{or} *intensive* agricultural uses; that the proposed use will not substantially alter the character of the surrounding area; and that the proposed use will make the highest and best use of the land involved for the public welfare.

Therefore, it is recommended ~~that~~ this request be approved as recommended by the County.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

August 5, 1969

ACCREDITATION AND
PRIVATE SCHOOL LICENSING BRANCH
1106 Koko Head Avenue
Honolulu, Hawaii 96816

2160
SP69-63
RECEIVED

AUG 8 1969

State of Hawaii
LAND USE COMMISSION

Hawaii County Land Use Commission
County of Hawaii
Hilo, Hawaii 96720

Gentlemen:

Dr. B. J. Keith of Berkeley, California, has asked that we inform you that he has filed an official application to establish a private school on his property in Kona. Attached is a copy of a letter on this subject sent to the Hawaii County Planning Commission.

Sincerely,

ALBERT J. FEIRER

Director, Accreditation and
Private School Licensing

AJF:ktk

Attachment

June 12, 1969

1106 Koko Head Avenue
Honolulu, Hawaii 96816

Hawaii County Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Gentlemen:

Please be advised that Dr. Bruno J. Keith, of Berkeley, California, has filed an application with the Department of Education to establish a private school on his property at Koloa, South Kona, Hawaii. The school is to be known as the Dr. B. J. Keith Kona Institute for O.I.E. Students.

Action on the application can be taken at such time as the applicant obtains certificates of occupancy and clearance for all school buildings and premises from the County Building Department and the State Department of Health. A fire safety clearance is also required.

Dr. Keith is a well-qualified educator and could be considered for a private school license provided that he complies with all requirements.

Sincerely,

William A. Waters
Deputy Superintendent

Albert J. Feirer
Director, Accreditation and
Private School Licensing

AJF:ktk

cc: Mr. Harry S. Chock, District Superintendent
Hawaii District Schools, Department of Education

Bruno J. Keith, Ph.D.
2400 Dwight Way
Apartment 307
Berkeley, California 94704

2443

SP69-63

July 30 , 1969

RECEIVED

JUL 31 1969

State of Hawaii
LAND USE COMMISSION

Land Use Commission
State of Hawaii
Honolulu , Hawaii

Dear Mr. Duran :

Your letter addressed to Design-Kona, Inc. asking for a week's extension for action on their application for approval of building my school in South-Kona (Tax Map Key 3-7-09:2) was referred to me for decision.

Since Design-Kona, Inc., are working as my agents, I am , of course, the one most involved. I certainly have the courtesy to let you make your decision on my building plans on August 29 when your Land Use Commission will meet in Kona. Please let Kona -Design know about details.

I am certain that you know that the local County Planning Commission has approved the construction of a school on my land there zoned as agricultural. Perhaps Mr. Albert Feirer, Director of Accreditation and Licensing of Private Schools, has also ~~xxx~~ informed you that my educational planning has the approval of his office.

There exists a great need of a place and ^{of} a trained educator to take care of the neglected and special needs of gifted students. I am certain that you will facilitate the life-long dream of an old teacher to do his share in helping the most deserving students from neglect to special attention to work counter the hippie-trend.

You are also aware that my plans are only for a very, very small school which could assist in ~~im~~proving the agricultural aspect of the area. You and I shall do all we can to make neglected ^{South} Kona a prettier, healthier and better planted horticultural and agricultural paradise.

Yours truly,

Bruno J. Keith

Bruno J. Keith
also for
Design-Kona, Inc.

LAND USE COMMISSION

P. O. Box 2359

96804

Design-Kona, Inc.
P. O. Box 1144
Kailua, Kona, Hawaii

Gentlemen:

Pursuant to your special permit application for the establishment of a private school in South Kona, Hawaii, Tax Map Key 8-7-09: 2, we would appreciate receiving a letter from you agreeing to a week's extension for action on your application, from August 24, 1969, the expiration date for action on your request, to August 29, 1969 when a Land Use Commission meeting is scheduled in Kona.

We will advise you of the exact date, time and place of this meeting when they are determined.

Very truly yours,

RAMON DURAN
Executive Officer

County of Hawaii
County Planning Commission

RECEIVED

JUL 10 1969

State of Hawaii
LAND USE COMMISSION

SPECIAL PERMIT

SP69-63

Applicant Design Kona/Agent for Owner
Date of Public Hearing April 24, 1969
Date of Decision June 19, 1969
Meeting Place County Council Room
Date Decision and Findings Forwarded
to LUC June 27, 1969

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:

Portion of a 60+-acre parcel of Agricultural zoned land located on the makai side of the South Kona Belt Road in Kahohe 5th, South Kona, Hawaii, for the following purpose(s):
covered by TMK: 8-7-09:2.

Establishment of a private school.

The Commission decided to: **recommend approval of this request**
on the basis of the following findings:

1. It is a permissible use under County Agricultural zoning.
2. The applicant has filed with the Dept. of Education to establish such a private school facility (per DOE letter dated June 12, 1969.).

subject to the following conditions:

1. All health, fire and building codes shall be applicable to said development.
2. Full compliance with Zoning Ordinance No. 63.
3. Development shall basically follow plan submitted in January 17, 1969 by P. W. Miller of Design Kona with the stated capacity.
4. In the event that the private school use of the buildings as proposed in item #3 does not materialize or continue, only uses described in Ordinance 63 for agricultural zones shall be permitted.
5. Applicant is advised of the remote distances from supporting services and the lack of water in the area.
6. Construction shall begin within 1 year of approval of application by the State Land Use Commission should that body approve this request.

(Signed)

Edmund H. August
Director, ~~Planning Commission~~
Planning Department

PLANNING COMMISSION

Planning Department
County of Hawaii

April 24, 1969

A regularly advertised public hearing on the application of Design-Kona, Inc., was called to order at 3:35 p.m., in the Classrooms of the Waimea Elementary and Intermediate School, Waimea, South Kohala, by Chairman Henry K. Boshard.

PRESENT: Henry K. Boshard
Kuniyoshi Arakaki
Eula Crawford
John T. Freitas
Hiroo Furuya
Masayoshi Onodera
Cirilo Valera
Philip I. Yoshimura
Donald S. Tong

ABSENT: Akira Fujimoto, Ex-officio
Member
Edward Harada, Ex-officio
Member

Arthur Isemoto, Dept. of Public Works

and approximately 70 persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Kaohe, South Kona

NOTICE IS HEREBY GIVEN of a public hearing to be held at the Waimea Elementary and Intermediate School, Waimea, South Kohala, Hawaii, State of Hawaii, at 3:30 p.m., April 24, 1969, to consider the application of Design-Kona, Inc., Agent for 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 development of a private school on a 60-acre parcel of Agricultural Zoned land under State Land Use Commission (Unplanned under County zoning) located on the makai side of the South Kona Belt Road, about 4000 feet south of Alae School and 2000 feet south of the 1950 lava flow, Kaohe 5th, South Kona, Hawaii and covered by tax map key 8-7-09:2.

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
HENRY K. BOSHARD, CHAIRMAN
By: Raymond H. Suefuji, Director

(Hawaii Tribune Herald: April 14 and 22, 1969.)

BOSHARD: "We will move on to public hearing No. 3 scheduled for 3:30 p.m. on the application of Design-Kona, Inc., for a special permit to allow the development of a private school on a 60-acre parcel of Agricultural zoned land under State Land Use Commission (Unplanned under County zoning) located on the makai side of the Mamalahoa Highway, about 4000 feet south of Alae School and 2000 feet south of the 1950 lava flow, Kaohe 5th, South Kona.

"We will ask for staff presentation please."

TONG: "Mr. Chairman and Commissioners. The applicant Bruno Keith, through his consultant Design-Kona, Incorporated, desires a special permit to allow a private school on the parcel, 68 acres in size, in South Kona. The location is 4500 feet south of Alae School. This is the map of South Kona (pointed out on the map) and in small red stripes shown here is the 68-acre parcel involved. It is about 14 or 15 miles south of Manago Hotel to give a better idea of its location to those not familiar with the area. This property fronts the Belt Highway. It is also 2000 feet south of the 1950 lava flow. The surrounding area is mostly aa with limited soil, some brush, and 40 to 50 inches of rain annually at the 1000 elevation. In the area, are found few isolated homes. There is an existing dwelling on the lot. This is the Belt Road (indicated on the presentation map). This red line indicates portion of the property which naturally extends down further. This parcel is about 800 feet wide along the road. There is an existing abandoned house which the applicant wishes to convert.

"There is no water in the area and the Department of Water Supply states that they have no plans to extend the water system to this area in South Kona. The County Zoning Ordinance does allow public and private school provided that there is at least one acre of land for a building site. However the State Land Use Commission does not allow a private school without a special permit. One of the important findings is that the State Department of Education has the requirement of licensing which all private schools must comply with and meet. The applicant at this stage has not followed this procedure yet and we so advised him of this requirement.

"This is the gist of the background. This is all that the developer submitted to us. This particular drawing shows the interior of a part of the building which would not be forthcoming until the permit is granted."

BOSHARD: "Thank you Mr. Tong. Any questions on the part of the Commissioners? Mr. Freitas."

FREITAS: "I don't know whether I am in order right now but did you mention that any school will have to be licensed by DOE? I don't really see the tie-in between what they are requesting from us and their future plans as far as actually when they are going into private school. I don't think we should cover this. We are just primarily here to approve or disapprove their request."

TONG: "Correct. But, may I just elaborate a little bit. Should this be allowed, there is no telling whether the structure and the plans for the school would meet DOE requirements so there is a slight question there."

FREITAS: "Again I ask, were we to approve this, the DOE can still disapprove their plans; thereby, they cannot proceed with their overall venture."

TONG: "Correct, but the building presumably could be up."

FREITAS: "But they cannot have the school."

TONG: "Right, not yet. The application is for the school. Assuming that they came in with a school type of arrangement. The building may be up but the use may not be permitted by the DOE."

FREITAS: "But that is not our worry at all."

TONG: "But we know of the situation and we would be part of the complication there and we would be in a position of having a supposed school building built and somebody else (DOE) not allowing the use as such. This would complicate matters."

FREITAS: "I would imagine that these people knowing this would naturally go through the proper procedure to meet the requirements."

TONG: "Correct. To our knowledge, they have not as yet."

BOSHARD: "A special permit has come in for this kind of use, that is to establish the school site on this property; otherwise, they would be continuing in agriculture."

"Is there a representative here from Design-Kona, Incorporated, who would like to make a statement? Sir."

JACK PARAZETTE: "Yes."

BOSHARD: "Would you come up here please."

PARAZETTE: "I really don't have much of a statement other than, this is as I understand it more or less, a prerequisite for appearance before the State Land Use Commission which we must go before. Dr. Keith who is the owner is aware of this problem with the Department of Education and intends to comply with all the requirements. That is all I have to say on the subject. We do intend to comply with all of the Department involved."

BOSHARD: "Has there been any correspondence between your group and the DOE?"

PARAZETTE: "No. That's apparently the only problem we have. He is aware that he must contact them and he has their sample of requirements he must come up to and he is handling that anyway. I don't think there is any problem really germane to this deficiency here."

BOSHARD: "It is germane. Any further question? Mr. Freitas."

FREITAS: "What was the presentation made about the water - that there is no water in this area? You are aware of that?"

PARAZETTE: "Yes. We have consulted with Health Department and they said that is, as you see, the tank here (pointed out on the map), we are providing 50,000 gallon tank which probably would be adequate. This is for 16 students which is a very small school and the idea being that it is purposely out in the country. Dr. Keith wants to apparently conduct nature study and that kind of thing."

FREITAS: "You are fully aware of the situation for the requirement of conducting the school?"

PARAZETTE: "Yes."

FREITAS: "You people fully intend to comply with all requirements?"

PARAZETTE: "Yes, we are not trying to circumvent anything."

BOSHARD: "Any further questions on the part of the Commissioners? Thank you Mr. Parazette."

Anyone else here would like to speak for or against the proposal?"

Would you come up here please. Make room for the lady to pass. Would you state your name please."

JULIA KAUKU: "Thank you Chairman, gentlemen and ladies of the Commission. I am Mrs. Kauku and I live out in South Kona. The presentation that was made by the staff did not indicate what kind of school this will be. As you know, out in the South Kona area we do have what is known as 'operation living.' It is in our aid school. So, we are very much concerned as to what kind of private school this will be. We have taken the trouble to call the Department of Education and I have spoken with Mr. Chuck. However, he could not give me any information as to what kind of school this will be; and therefore I thought by coming here, the staff report would indicate what kind of school this is."

BOSHARD: "Julia, would you wait a moment. Any questions you would like to pose to Mrs. Kauku? Mr. Freitas."

FREITAS: "Probably the gentleman can answer."

PARAZETTE: "Yes, it is for gifted students. It is for high school age children capable of senior high school age for 16 living students and it would be gifted students themselves."

KAUKU: "Therefore, then, this special permit he is asking for, since it is a private school, would that not mean that it would also become a business for profit? In other words, it might be turned into a business zone? I am saying this because adjoining this property is a subdivision and so I am wondering now if this special permit is granted under the private school that means it will be a profit organization. Would it not then be also considered a business?"

BOSHARD: "I don't think I can answer that question. Maybe you can Philip."

YOSHIMURA: "Well, it is business in part for the teacher who is instructing in a private school. He is trying to provide a service that is not available in that area right now."

BOSHARD: "I don't believe we are equipped to answer that kind of questions Julia. You might direct a letter to our Corporation Counsel to look into this matter."

YOSHIMURA: "But also to the Department of Education. By their applying to them and if they are familiar with that kind of request, they can possibly comment under their department."

KAUKU: "Thank you."

BOSHARD: "Thank you Mrs. Kauku."

"Anyone else would like to speak on this subject?"

"In this case, it is a request for a special permit and there is a 15-day waiting period, so we will not act on this item."

The hearing was adjourned at 3:50 p.m.

Respectfully submitted,

Lei A. Tsuji
(Mrs.) Lei A. Tsuji
Secretary

. A T T E S T :

Henry K. Boshard
Henry K. Boshard, Chairman
Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

May 15, 1969

The Planning Commission met in regular session at 1:55 p.m., in the County Council Room, with Chairman Henry K. Boshard presiding.

PRESENT: Henry K. Boshard
Eula Crawford
John T. Freitas
Hiroo Furuya
Masayoshi Onodera
Cirilo Valera
Philip I. Yoshimura
Donald S. Tong

ABSENT: Kuniyoshi Arakaki
Akira Fujimoto, Ex-officio Member
Edward Harada, Ex-officio Member

Wendell Kimura, Corporation Counsel
Arthur Isemoto, Dept. of Public Works
Carl Okamura, Dept. of Water Supply

and 10 persons in public attendance

MINUTES

The approval of the minutes for the regular meeting held on April 17, 1969 was deferred until the second half portion of it were run off and distributed to the members.

The Chairman announced that the Planning Commission is now operating under the new rules and regulations and the quorum is five members to conduct business and so is the majority vote.

LAND USE COMMISSION
SPECIAL PERMIT
KAHUA KALAE, INC.
SOUTH POINT, KAU

A public hearing was held at its previous meeting on the application of Kahua Kalae, Inc., for a special permit to allow an airport use (95 acres) on agriculture designated land at South Point, Kau, about 500 feet from end of

the South Point (Kalae) Road.

The Chairman called attention to several copies of letters attached to the agenda which pertain to this particular item of business. One was sent to the Planning Director dated May 7, 1969 from Mr. Piianaia, Chairman of the Hawaiian Homes Commission, who states in the third paragraph that Mr. Lum was notified that "he would not be allowed to continue the use of this area when the airport was constructed." A letter from Mr. Piianaia dated September 18, 1967, granting the use of this area of 600-acre parcel to Mr. Percy Lum noted in the second paragraph which states "a 5-year initial period" was granted for use of this area and in the third paragraph it reads, "after five years, if you have been successful in your operation, you will be granted a 99-year homestead pastoral lease;" A letter from Mrs. Hansen brought out various points for consideration. She also enclosed the study made by the Bishop Museum of the South Point Complex from the standpoint of history and archaeology; also, a letter from Irma Chillingworth to the Hawaiian Homes Commission in which the second paragraph reads, "If this is true, we are directly concerned as we do not believe that such a proposal, for a private airport, is within the intent or concept of the Hawaiian Rehabilitation Act that created the Hawaiian Homes Commission." A letter in reply to Mrs. Chillingworth from Mr. Piianaia. A letter from Mrs. Schultz, who is present today in the audience, in which she points out as noted in the fourth paragraph that "I have talked with C. Brewer officials in Naalehu and found that their use of an airstrip at South Point would not be feasible since they already plan a small service strip below

5. Developer shall ensure that pollution and dust condition be controlled. Department of Health and County inspection may be utilized to ensure this phase.
6. Development shall be basically according to plan as submitted for 6.2-acre plot with plan approval required.
7. Construction shall begin within 1 year of approval date by State Land Use Commission should that body approve this application.
8. This approving recommendation does not infer automatic approval of area becoming an expanded industrial zone in future.

It was moved by Mr. Onodera, seconded by Mr. Furuya and carried unanimously that a favorable recommendation be forwarded to the Land Use Commission with the conditions as stipulated by the staff.

LAND USE COMMISSION
SPECIAL PERMIT
DESIGN-KONA, INC.
KAOHE, SOUTH KONA

A public hearing was held in the April meeting on the application of Design-Kona, Inc., for a special permit to allow the development of a private school on a 60-acre parcel of Agricultural zoned land under State Land Use Commission

(Unplanned under County zoning) located on the makai side of the Mamalahoa Highway, about 4000 feet south of Alae School and 2000 feet south of the 1950 lava flow, Kaohe 5th, South Kona.

The Chairman called for staff recommendation.

The staff reported that at the time of the public hearing a question arose on the proposed school's compliance with the rules and regulations of the Department of Education. Subsequently, the representative had informed the staff that he had requested the developer to submit information to the Department of Education for verification as to the conformance with their regulations; and to date, there is still no communication on the proof of applicant's compliance with the Department of Education.

The staff recommended deferral until official word is received from the Department of Education.

The Corporation Counsel questioned whether there is a time limit to act on the matter.

The Chairman suggested an appropriate motion to withhold action until notified. He felt that if the Commission does not hear from the applicant that the Department of Education's approval has been given, the matter can be deferred again.

The Corporation Counsel stated that unless the Commission is forced to make a decision within a reasonable time, the Commission's action could be contingent to DOE's action. He also suggested that conditions can be imposed provided DOE gives their approval. He stated that the Commission would have to act within a reasonable time and it would be reasonable for action at the next meeting.

The Chairman suggested imposition of conditions and setting up of criteria for the establishment of the school.

The staff mentioned that normally the time limit to start construction is injected and that a condition could be stipulated on the clearance from DOE.

It was moved by Mr. Onodera, seconded by Mr. Furuya and passed unanimously that the matter be deferred to the next meeting for consideration at that time.

GENERAL PLAN AMENDMENT
SIGNAL PROPERTIES, INC.
PUAKO, SOUTH KOHALA

A public hearing was held at its meeting in April on the application of Signal Properties, Inc., for the purpose of amending the General Plan from its present Ranching, Single-family

Residential and Resort designations to additional and revised Park and Open, Resort, School and Public Facilities, Commercial, Multi-family Residential and Agricultural (Ranching) designations. Area consists of approximately 8000 acres located mauka of and adjacent to the existing Puako Beach Lots and between and including Puako Bay and Honokaope Bay in South Kohala.

The staff reported that at its previous meeting, the action was deferred so that the staff could discuss the details with the developer in setting up policies on the general plan. He stated that the applicant had requested further deferment until they are ready to proceed.

The Chairman declared that the matter remain as deferred.

RECONSIDERATION
HIGH-RISE PROBLEM
KAILUA VILLAGE

A letter dated April 21, 1969 was received from Dan Carmichael which the Chairman read as follows:

"Dear Sirs:

"I have just received today's copy of the Honolulu Star Bulletin, and on the fourth page there is an article entitled, "PLANNERS IN NEW ATTACK ON KONA HIGH-RISE." I have a copy enclosed in this letter. As we all know, this situation is approaching the critical level, what with, according to the newspaper, the developers proceeding with work on the foundation. Things are getting awfully hot, and a lot of people are really watching and praying that the concrete block doesn't go up and absolutely destroy everything that tourists come to Kona for. I won't go on and on, preaching to you about all the immense wrongs that would glare out towards all the people in the State of Hawaii. These things have all been made clear in all the arguments, issues, sub-issues and cross-examinations that have occurred in this battle over the last year and a half. It has been a battle between the People, and one or two, rich, wealthy, vocal and powerful developers. To the youth that have been involved in this encounter, it has been a real test, that is, a test in which we are receiving so many varied opinions of our government and how it works. It is really difficult at times, just give up, and say, "Well we've done what we can." You see, all of these people who have given of their time and energy to support the fight against the people who want to erect this monstrosity. Although there is now a bill in the State Legislature to buy the land adjacent to Mokuaukaia and build a state park there, and a bill in the Senate to protect Kailua-Kona, as it was once the capital of the State, there comes the feeling at times that no matter what the little people want, 'though there be many of them, the people with the money are bound to win out, regardless of the fact that they don't represent what the undisputed majority of the people want, and make their wants known.

"I've pleaded, begged and whined to the County Council in letters, and I really don't think it did a bit of good. So many people asked them not to sell the sewer easement to Patterson, but look what happened. This isn't to say that I'm condemning them for selling this easement, for the vote was 5-4, and four of those members knew what was morally and ethically right. They also were perceptive enough to see what the people felt about the issue.

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PLANNING COMMISSION

Planning Department
County of Hawaii

April 24, 1969

The Planning Commission met in regular session at 3:07 p.m., in the Classrooms of the Waimea Elementary and Intermediate School, Waimea, South Kohala, with Chairman Henry K. Boshard presiding.

PRESENT: Henry K. Boshard
Kuniyoshi Arakaki
Eula Crawford
John T. Freitas
Hiroo Furuya
Masayoshi Onodera
Cirilo Valera
Philip I. Yoshimura
Donald S. Tong

ABSENT: Akira Fujimoto, Ex-officio Member
Edward Harada, Ex-officio Member

Arthur Isemoto, Dept. of Public Works

and approximately 70 persons in public attendance

The Chairman opened the meeting with the introduction of the Planning Commission members for the benefit of the people present at this meeting. Also introduced were the members of the staff.

The Chairman remarked that if this meeting were to be held in Hilo, there would be one-fifth as many in attendance; so whenever possible, the Commissioners do like to get out to the various districts of the County.

PUBLIC HEARINGS

The scheduled public hearings were conducted and the action taken is as follows:

1. ZONING VARIANCE
KONA VENTURES, INC.
HOLUALOA, NORTH KONA

After a duly held public hearing, the application of Kona Ventures, Inc., was considered for a variance from the density requirements to permit 10 units (5 duplexes) instead of 9 units

allowable in a Double-family (Duplex-RD-3.75) zoned area of this size. The proposed use will be located on the north side of Holualoa Road, opposite the Kona Plantation Hotel and 1100 feet from the Kuakini-Holualoa Junction, North Kona, and containing an area of 36,182 square feet.

The Chairman called for staff recommendation.

The staff recommended denial based on the following reasons:

1. A 10-unit development would in effect allow 2 units on a lot of 5,182 square feet; whereas the ordinance already allows a reduction where an existing 6,500 square foot lot may have 2 units in a duplex zone in which case a 1,000 foot reprieve is already granted. Granting the request would be giving special privilege.
2. Granting this would theoretically consent to the creation of smaller than 7,500 square foot lots and higher than zoned densities. Zoning Ordinance already allows a 1000 square foot reprieve (where 6,500 square feet can contain 2 units). Granting would be contrary to the Zoning Ordinance.
3. There is found no hardship regarding the existing property which interferes with its best use.

3. LAND USE COMMISSION
SPECIAL PERMIT
DESIGN-KONA, INC.
KAOHE, SOUTH KONA

County zoning) located on the makai side of the Mamalahoa Highway, about 4,000 feet south of Alae School and 2,000 feet south of the 1950 lava flow, Kaohe 5th, South Kona.

The public hearing was held on the application of Design-Kona, Inc., for a special permit to allow the development of a private school on a 60-acre parcel of Agricultural zoned land under State Land Use Commission (Unplanned under

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.

4. GENERAL PLAN AMENDMENT
SIGNAL PROPERTIES, INC.
PUAKO, SOUTH KOHALA

dential and Resort designations to additional and revised Park and Open, Resort, School and Public Facilities, Commercial, Multi-family Residential and Agricultural (Ranching) designations. Area consists of approximately 8,000 acres located mauka of and adjacent to the existing Puako Beach lots and between and including Puako Bay and Honokaope Bay in South Kohala.

After a duly held public hearing, the application of Signal Properties, Inc., was considered for the purpose of amending the General Plan from its present Ranching, Single-family Resi-

The Chairman called for staff recommendation.

The Deputy Director recommended deferment on this matter so that the staff could discuss the details with the developer in setting up policies on the general plan; however, the staff would like to go on record as far as the configuration of land use is concerned, it is acceptable as it is to come before the Land Use Commission. He further clarified his statement by stating that the staff is in favor of the land use designation subject to the condition that it be deferred until the staff had an opportunity to discuss fully with the developers first, prior to incorporating the amendment to the General Plan.

The Chairman posed the question of working out the General Plan amendment in the form of an ordinance to the representative of the developer, Mr. Wootan, who agreed to cooperate with the staff and commented that it will be satisfactory with them to work within a framework of an acceptable General Plan.

It was moved by Mr. Freitas, seconded by Mr. Furuya and carried unanimously that the matter be deferred as recommended by the staff.

5. GENERAL PLAN AMENDMENT
AND CHANGE IN ZONING
RICHARD SMART/BOISE CASCADE
HOME & LAND CORPORATION
WAIKOLOA, ANAEOOMALU, KOHALA

dential (RS-10), Multiple Family (RM-1.5 and RM-3.0), General Commercial (CG) and Office Commercial (CO) and from Open to Resort (V) designations. Area consists of approximately 3,152 acres of land situated in Waikoloa and Anaehoomalu, South Kohala.

hearing
After a duly held public hearing, a discussion followed on the application of Richard Smart and Boise Cascade Home and Land Corporation for the purpose of amending the General Plan from Residential to Multi-family and Commercial and the rezoning from Unplanned to Resi-

The Chairman called on the staff to make its presentation.

The Deputy Director stated that his recommendation is directed toward the General Plan amendment of Boise Cascade Home and Land Corporation. Before making the staff recommendation, he commented that as presented earlier, Boise Cascade's request for General Plan amendment has undergone several changes, whether by designation of proposed land use boundaries or whether by basis of adjustment by State Land Use Commission. However, by the review and constant contact with Boise Cascade representatives, the Deputy Director stated that he understood that the last

COUNTY OF HAWAII

COUNTY PLANNING COMMISSION

FOR OFFICIAL USE ONLY

Date petition and fee received by
Commission _____

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 Kaaha, South Kona, Hawaii in accordance with provisions of Section 98H-6, Act 205, SLH 1963 for the following described purpose.

Description of Property: Tax Map Key: 8-7-09-2

Petitioner's interest in subject property: Design/Kona - agent for Owner.

Petitioner's reason(s) for requesting Special Permit: Per attached statement.

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

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

Signature DR. Hilde of Design/Kona

Address P.O. Box 1144, Kailua-Kona, Hawaii

Telephone 254-545 and 254-741

This space for official use

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

REMARKS:

PETITIONER'S REASONS FOR REQUESTING SPECIAL PERMIT

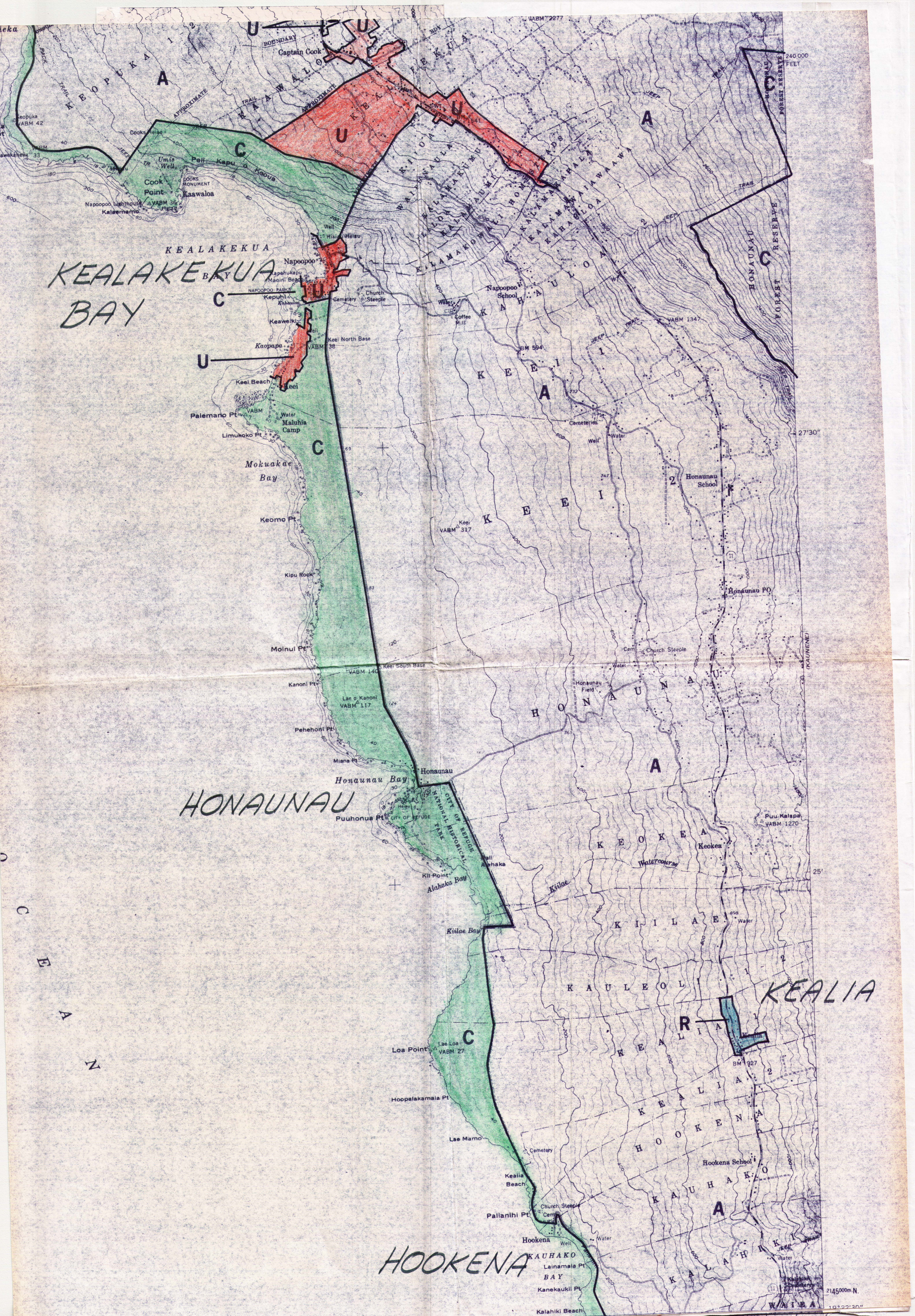
We hereby request a permit to locate a small private school on subject property in conformance with applicable laws and ordinances of the State of Hawaii, County of Hawaii.

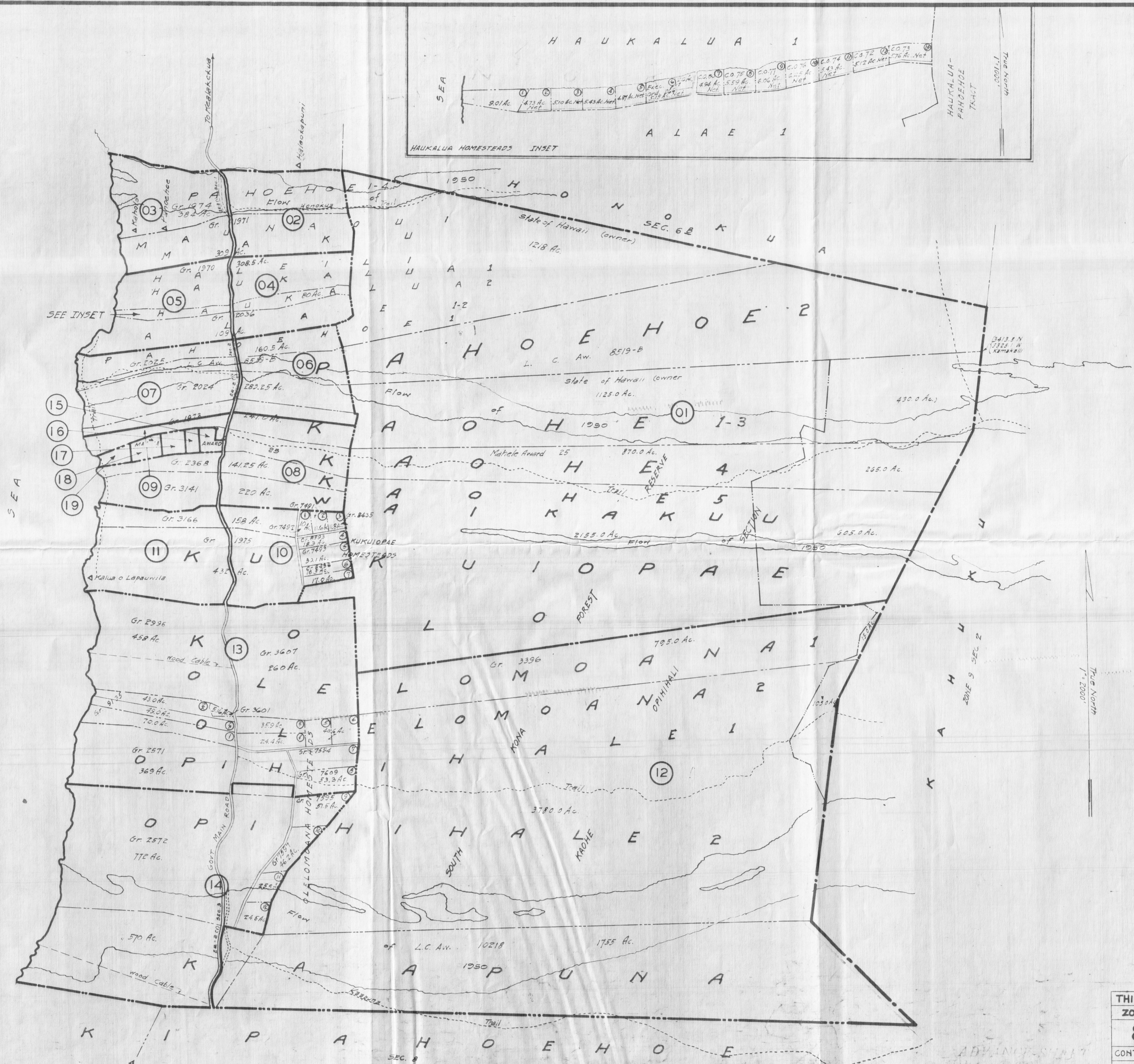
While this will be the only school use in the immediate area, it should not be incompatible with the low density residential and agricultural surroundings. Immediate plans are for fewer than twenty students living-in. No deviations from zoning regulations or developments contrary to master planning are contemplated.

Agricultural zoning foresees and includes educational and recreational use of the land.

SP69-63 DESIGN-KONA

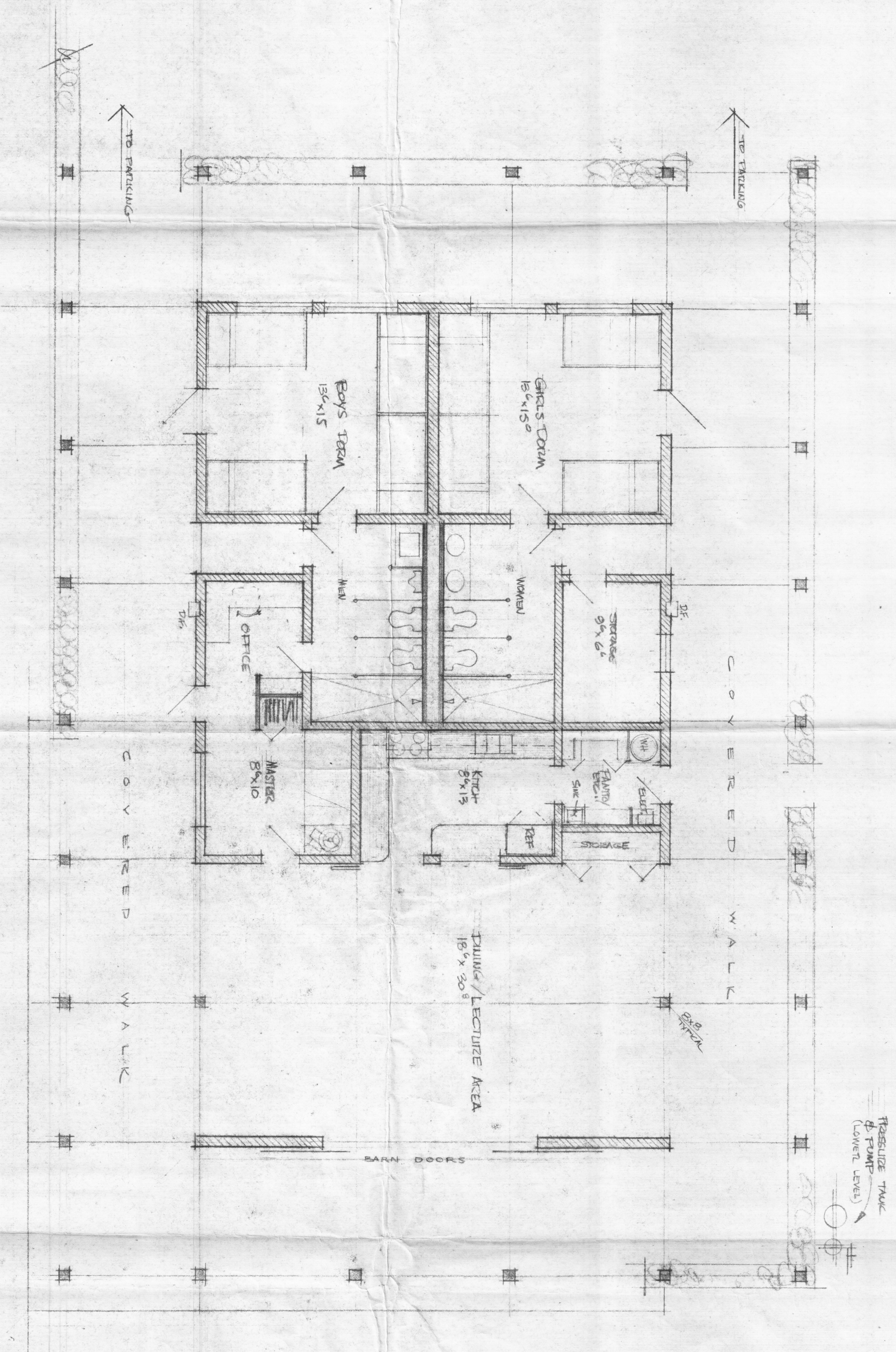


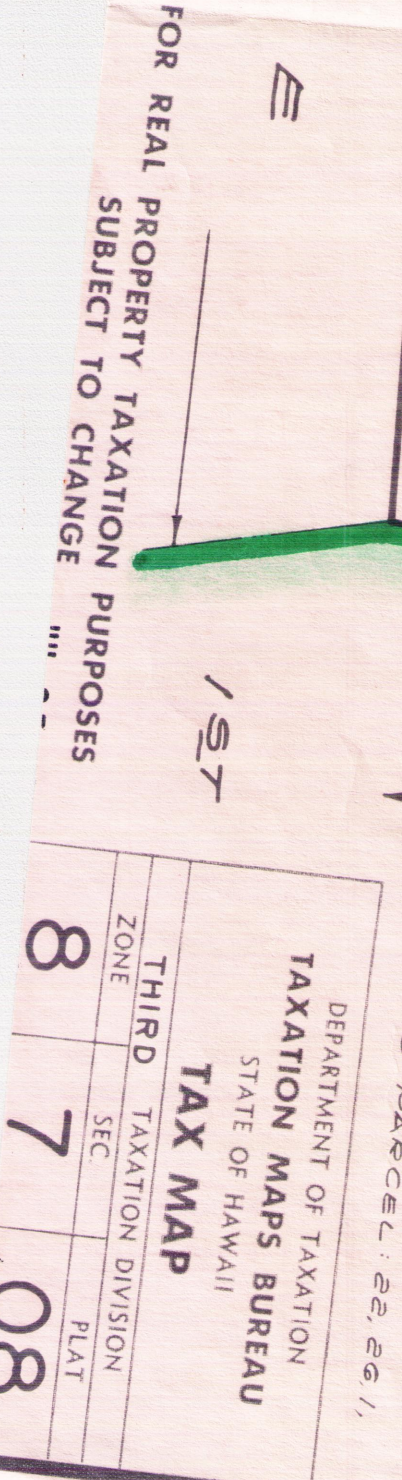




PRELIMINARY
KONA INSTITUTE FOR GIFTED STUDENTS

PLAN 1/4" = 1'-0"







3629-02 DESIGN-HOWE, INC.