

Achoi
June 17 to Aug 1
(Sked for
July 30 '72)

SP76-241 - SOUTHWESTERN IMPROVEMENT & INVESTMENT CO. (HAWAII)

August 4, 1976

Mr. Ross Pendergraft
Vice President
Southwestern Improvement &
Investment Company
c/o Hawaii Tribune-Herald
P. O. Box 767
Hilo, Hawaii 96720

Dear Mr. Pendergraft:

The original of the attached letter is on file in
the office of the Hawaii Planning Department, 25 Aupuni
Street, Hilo, Hawaii 96720.

Very truly yours,

AH SUNG LEONG
Acting Executive Officer

ASL:jn

Encl.

August 4, 1976

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

Attention: Mr. Raymond Suefuji
Planning Director

Gentlemen:

This is to advise you that the Special Permit request by Southwestern Improvement and Investment Company (SP76-241) to allow the establishment of a newspaper publishing facility within the State Land Use Agricultural District at Lanihau 1st, North Kona, Hawaii, described as Tax Map Key 7-5-3: 19 was disapproved by the Land Use Commission at its meeting on July 30, 1976.

Prior to taking action on this request, the enclosed staff memorandum was presented to the Commission.

The Special Permit was disapproved since it did not meet the guidelines established in the Commission's Rules and Regulations for determining an "unusual and reasonable use" in the Agricultural District.

The Commission found that the proposed use would be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations since it would contribute to the scatter of urban type developments; that no unusual conditions have arisen to justify the location of the proposed facility at this location; and that within the Urban District, there are existing vacant areas which can accommodate the proposed use. "

Should you have any questions on the matter, please contact this office.

Very truly yours,

AH SUNG LEONG
Acting Executive Officer

Enclosure

cc: ✓ Mr. Ross Pendergraft

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 3 - State Capitol
Honolulu, Hawaii

July 30, 1976 - 10:00 a.m.

APPROVED

AUG 19 1976

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: Colette Machado

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General

Ray Russell, Court Reporter

Chairman Tangen announced that the Commission will consider the matter of the Motion to Intervene in Docket A75-405, Kula Alii, Ltd., submitted by Michael A. Town as the first item on the agenda.

The Chairman noted that Mr. Town had indicated that he would not be able to attend the meeting today.

Mr. William F. Crockett, attorney representing the petitioner Kula Alii, Ltd., voiced his opposition to Mr. Town's motion to intervene on the basis of the provision in Section 6-7 (c) of the Commission's Rules of Practice and Procedure. He contended that Mr. Town had not shown that he had grounds to intervene.

Mr. Gilbert Lee, Deputy Attorney General representing the Department of Planning and Economic Development, submitted that the State did not oppose Mr. Town's motion to intervene.

Commissioner Whitesell commented that Mr. Town did have a direct interest in the petition inasmuch as he is an abutting property owner.

Commissioner Duke moved to permit Mr. Town to intervene in Docket A75-405, Kula Alii, Ltd., which was seconded by Commissioner Whitesell. The motion was carried with the following votes:

Ayes: Commissioners Carras, Sakahashi, Yanai, Whitesell,
Miyasato, Duke, Chairman Tangen

Absent: Commissioners Machado and Oura

It was requested by Mr. Michael Marsh, Deputy Attorney General, that staff direct Mr. Town to submit a pre-hearing statement including exhibits, list of witnesses, etc. in advance of the hearing.

It was announced by Chairman Tangen that he had appointed Mr. Benjamin Matsubara, consultant, to conduct the pre-hearing conference on Docket A75-405, Kula Alii, Ltd.

ACTION

SP76-241 - SOUTHWESTERN IMPROVEMENT & INVESTMENT CO.
APPLICATION FOR A SPECIAL PERMIT TO ALLOW A NEWSPAPER PUBLISHING FACILITY IN THE AGRICULTURAL DISTRICT AT LANIHAU 1ST, NORTH KONA, HAWAII

Mr. Ah Sung Leong, Acting Executive Officer, presented the staff memo (see copy on file), and oriented the Commission to the area under discussion on the maps and drawings.

(At this point, Commissioner Oura joined in the proceedings.)

Both Chairman Tangen and Commissioner Duke questioned some of the inconsistencies, as reported in the staff memo, between the Hawaii Planning Department and the Hawaii Planning Commission concerning future uses for the area. It was also noted that a clarification was in order regarding the concept of the Kailua Village Urban Design Plan and the Proposed Kona Development Plan.

Mr. Sidney Fuke, Deputy Planning Director of the Planning Department, explained that the County's planning process for the area involved basically 3 stages: the General Plan, which is a broad plan; the Kona Community Development Plan, which is a refinement of the General Plan encompassing all of North and South Kona; and the Kailua Village Design Plan, which is primarily a redevelopment plan for the village of Kailua which does not encompass the subject area.

Chairman Tangen observed that the present General Plan indicated that the agricultural area between the Kailua and Kealahou Urban Districts will serve as an alternate urban expansion area and ultimately merge the 2 Urban Districts into one continuous Urban area. Commissioner Whitesell's understanding, based on Mr. Fuke's statement, was that the consultants felt these two areas should remain as separate Urban areas.

Commissioner Whitesell also recalled that according to the County Planning Department's statement, land was available for commercial use within the existing Urban District. Moreover, to justify the subject Special Permit on the basis that it would serve as a buffer area for some possible future urbanization, as submitted by the petitioner, did not appear to be a valid reason for allowing the proposed use.

At Commissioner Duke's request, Mr. Fuke pointed out the 12-15 acre areas in Kailua which are commercially zoned but undeveloped. He also felt that the major employment generators in North Kona would be industrial and resort functions and functions related to

the airport.

Commissioner Duke felt it was difficult to make a good decision based on the information available from the Planning Commission. He felt that the matter should be referred back to the Planning Commission.

Chairman Tangen agreed and pointed to the conflicting positions taken by the Planning Department and the Planning Commission. He felt that the findings of the Planning Commission are not sufficient to in effect overrule the Planning Department and the County General Plan.

On the basis of the findings available to the Commission, Commissioner Duke moved to deny the application, which was seconded by Commissioner Whitesell.

Mr. Marsh requested that the Commission develop for the record, an indication of the reasons for the denial of this Special Permit, i.e., particularly in terms of the tests to be applied in the Commission's Rules and Regulations in granting Special Permits.

The Commission found that the proposed use would be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations since it would contribute to the scatter of urban type developments; that no unusual conditions have arisen to justify the location of the proposed facility at this location; and that within the Urban District, there are existing vacant areas which can accommodate the proposed use.

The Commissioners were polled as follows:

Ayes: Commissioners Whitesell, Duke, Sakahashi, Carras, Yanai, Chairman Tangen

Nays: Commissioners Oura, Miyasato

Absent: Commissioner Machado

The motion to deny SP76-241 was carried.

SP76-242 - JOSEPH M. GONSALVES
APPLICATION FOR A SPECIAL PERMIT TO ALLOW CONSTRUCTION OF A SECOND DWELLING IN THE RURAL DISTRICT AT OMAO HOMESTEADS, KAUAI

The staff memo was read by Mr. Leong (see copy on file) who also pointed out the location of the property and other various land uses on the maps.

In response to Commissioner Whitesell's question, Mr. Leong advised that there had been other such similar requests in the past which had been denied by the Commission.

Chairman Tangen declared that the Commission would need to resolve this recurring issue in the near future. He also recalled that the problems accompanying Special Permit requests of this type had always concerned the Commission. In cases involving subdivision of the property, there was the possibility that the subdivided

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP76-241 - SOUTHWESTERN IMPROVE- DATE July 30, 1976
MENT & INVESTMENT CO.

PLACE State Capitol, Conference Rm. #3 TIME 10:00 a.m.
Honolulu, Hawaii

	NAME	YES	NO	ABSTAIN	ABSENT
S	WHITESELL, CAROL	X			
	MACHADO, COLETTE				X
	OURA, MITSUO		X		
M	DUKE, CHARLES	X			
	MIYASATO, SHINSEI		X		
	SAKAHASHI, STANLEY	X			
	CARRAS, JAMES	X			
	YANAI, EDWARD	X			
	TANGEN, EDDIE	X			

Comments:

On the basis of the findings available to the Commission,
I move that we deny the application.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

July 30, 1976
10:00 a.m.

FROM: Staff

SUBJECT: SP76-241 - Southwestern Improvement & Investment Company

Mr. Ross Pendergraft, Vice President of the Southwestern Improvement and Investment Company, has submitted a Special Permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated in the Agricultural District at Lanihau 1st, N. Kona, Hawaii, Tax Map Key 7-5-3: 19.

The property is located midway between the Kailua and Kealakehe Urban Districts and approximately 400 feet south of Palani Road. The unpaved portion of Ololi Road (Old Honokohau Road) fronts the west boundary of the site. A single family dwelling is located on the subject property approximately 250 feet from the road. The remainder of the land is vacant. Surrounding lands are also vacant or used for pasture. The land is of the Punaluu soil series which consists of well drained organic soils over pahoehoe lava bedrock. Slopes range from 6 to 20% and the rainfall is about 60 inches annually.

In substantiation of his request, the petitioner indicates that:

1. The proposed use will not be contrary to the objectives of the Land Use Law since the subject land is not presently utilized for any activity; its potential for agricultural use is severely limited because of the aa lava and scrub vegetation; the facility will provide a responsive local-oriented newspaper which will contribute to the long-term growth of the local economy.
2. Developing trends in the area are reflected by nearby urban usage and with further development expected to continue. The facility will not adversely affect surrounding properties since it will utilize only a small portion of the parcel and will in no way be noxious.
3. No additional requirements for police or fire protection will be imposed since the site is located between urban areas. It is anticipated that all necessary utility connections, as well as access will be provided by the petitioner.
4. The proposed use fits into an area which is undergoing development as a commercial area and additionally would provide a necessary service to the area. The parcel's proximity to the highway would act as a buffer to any residential developments which may occur. It was noted by petitioner that "the heavy use of the highway by trucks

EXCELLENT
makes the surrounding area unsuited for residential uses and thus our plan would not inhibit-but might assist-such developments."

5. Experience shows that agricultural use of the subject land is not economically feasible. Further, it has not been used for agricultural purposes for some time and will probably not be so used in the future.
6. The proposed facility will consist of one building with parking and driveway. The building design will complement and not detract from the surroundings.
7. The present owners have no desire or capability to utilize the property for agriculture. It would not be in the public's interest to require that the land be unused when the proposed facility will provide a necessary benefit to the community while imposing a very small burden on the public or the land. The location of a local newspaper near the center of growth activity could only strengthen Kona's development.

PERTINENT COMMENTS FROM VARIOUS AGENCIES:

1. Department of Police - no comments.
2. Fire Department - requires that plans be reviewed for fire and safety requirements; notes that fire station is located 0.2 miles away.
3. Department of Public Works - notes that Ololi Road is paved at Kuakini Highway for 900 feet, from which point it is unpaved; questions whether a direct access from Palani Road will be constructed by the developer; and feels that the County should not be responsible for maintenance and improvement of the present access.
4. Department of Water Supply - notes that there is no public water system near this area.
5. Department of Health - recommends approval.
6. Department of Agriculture - notes that the soils are fair for grazing but very poor for other agricultural activities.

The Hawaii County General Plan designates the area for Extensive Agricultural use and Alternate Urban Expansion. The zoning designations is Unplanned.

A public hearing on this petition was held by the Hawaii County Planning Commission on March 4, 1976. Mr. George Yuda, attorney representing the petitioner clarified that the facility will be a cluster type building; that the petitioner is part of the Donrey group who also owns the Hawaii Tribune-Herald; that the new facility is intended to replace the existing West Hawaii Today publishing facility at Kainaliu. A question arose on the ownership of the right of way on that portion of Ololi Road from Palani Road which is

proposed as the access to the property. It was agreed that if the road is government owned, the petitioner would have to be responsible to provide whatever improvements are necessary; and if it is determined that it is privately owned, the petitioner will be responsible for securing a right of way and provide the necessary improvements.

By letter dated March 5, 1976, Mr. Yuda transmitted a letter dated October 18, 1974 from Edward Harada, Chief Engineer, Hawaii County indicating that Ololi Street is a government right of way. Mr Yuda also informed that his client will improve and maintain the right of way from Palani Road to the property, a distance of approximately 350 feet; if the Special Permit is approved.

By letter dated March 22, 1976, Mr. Edward Harada further clarified that Ololi Road is a government right of way for 70 feet above Kuakini Highway. The rest of the street is considered a "County road by prescriptive use without right of way ownership in fee by the County since this road was the established access to Kailua prior to the Palani Road access."

At the Planning Commission's meeting on April 2, 1976, the Hawaii County Planning Department recommended that the Special Permit be disapproved since the desired use would be "incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations as well as by the County General Plan." It was noted that the the County's proposed Kona Community Development Plan indicates low density residential uses for this area while commercial cores are suggested for Kailua Village and Kealahou. Further, the intent of the Commercial Element of the General Plan is to encourage centralization and containment of commercial activities in Kona and to discourage "strip" development. Approval of the proposed commercial facility would place other lands in the vicinity in a vulnerable position and would create an undesirable scatteration of commercial activities, thus debilitating the strong commercial core of Kailua. It was noted that approximately 60 acres of commercially-zoned lands in Kona are not built upon and therefore available for the establishment of the facility. Of the 60 acres, 12 are in Kailua. Also there are a number of commercial spaces in Kailua which is available for rental or lease. It was also determined that no unusual conditions have arisen to justify granting of the proposed use since the development pattern for Kailua village and its surroundings is quite clear and that high density uses, such as that proposed, are not envisioned in this area.

Action on this petition was deferred at the April 2, 1976 meeting of the Planning Commission since the full Commission was not in attendance.

On May 13, 1976, the Special Permit was again considered and again deferred following the failure of a motion to deny the Special Permit.

At its meeting on June 3, 1976, it was indicated to the Planning Commission by the petitioner that initially, the project would employ 12-15 persons and ultimately up to 25 and that the initial facility would serve for the next 10 to 15 years. A motion to deny the

Special Permit was defeated. A subsequent motion to approve was carried, based on the following findings:

- "1. That the proposed site is close to Kailua Village. There are no residences in the immediate vicinity between the property and the Kailua commercial area, and the vacant lands will eventually go into commercial and not into residential uses.
2. That the soil of the property is poor and not suitable to agriculture.
3. That the proposed use would generate employment.
4. That the proposed use does not negate any of the plans of the Kailua Village Urban Design Plan.

The favorable recommendation was also subject to the following conditions:

1. That construction of the proposed use shall commence within one (1) year from the effective date of the Special Permit.
2. That the design and construction of the improvements will conform to the rendition presented by the petitioner to the Planning Commission.
3. That all other applicable rules and regulations be complied with."

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Ross Pendergraft
Vice President
Southwestern Improvement &
Investment Company
c/o Hawaii Tribune-Herald
P. O. Box 767
Hilo, Hawaii 96720

Dear Mr. Pendergraft:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition

SP76-241 - Southwestern Improvement & Investment Co. (N. Kona, Hawaii)

will be Acted on at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Jim Wilson
General Manager
Hawaii Tribune-Herald
P. O. Box 767
Hilo, Hawaii 96720

Dear Mr. Wilson:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition

SP76-241 Southwestern Improvement & Investment Co. (N. Kona, Hawaii)
will be Acted on at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. George S. Yuda
Cook, Choi & Yuda
275 Ponohawai Street, Suite 201
Hilo, Hawaii 96720

Dear Mr. Yuda:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition
SP76-241 Southwestern Improvement and Investment Co. (N. Kona, Hawaii)

will be _____ Acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Clifford Lum
Corporation Counsel
Office of the Corporation Counsel
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Lum:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition

SP76-241 Southwestern Improvement and Investment Co. (N. Kona, Hawaii)
will be _____ Acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Raymond Suefuji
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition
SP76-241 Southwestern Improvement & Investment Co. (N. Kona, Hawaii)

will be _____ Acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Gilbert Lee
Deputy Attorney General
Department of Attorney General
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Lee:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition
SP76-241 Southwestern Improvement & Investment Co. (N. Kona, Hawaii)
SP76-242 Joseph M. Gonsalves (Omao, Kauai)

will be _____ Acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

July 16, 1976

Mr. Hideto Kono, Director
Dept. of Planning & Economic
Development
State of Hawaii
Kamamalu Building
250 South King Street
Honolulu, Hawaii 96813

Att: Mr. Tatsuo Fujimoto, Head

Dear Mr. Kono:

Enclosed is a Notice of Land Use Commission meeting
and the Agenda for the meeting.

Please note that petition
SP76-241 Southwestern Improvement and Investment Co. (N. Kona, Hawaii)
SP76-242 Joseph M. Gonsalves (Omao, Kauai)

will be _____ Acted on _____ at that time.

Should you have any questions on this matter, please
contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

July 30, 1976 - 10:00 a.m.
Conference Room 3, 2nd Floor
State Capitol
Honolulu, Hawaii 96813

A G E N D A

I. ACTION ON SPECIAL PERMITS

1. SP76-241 - Southwestern Improvement and Investment Co.
(North Kona, Hawaii)

Special Permit to allow a newspaper publishing facility on 5.08 acres of land in the Agricultural District at Lanihau 1st, North Kona, Hawaii. The property lies 4,000 feet mauka of the Kona Tradewinds Discotheque and is situated on the east side of Ololi Road.

2. SP76-242 - Joseph M. Gonsalves (Omao, Kauai)

Special Permit to allow construction of a second dwelling on a parcel containing 41,034 square feet (0.942 acres) situated in the Rural District at Omao Homesteads, Kauai. The property lies approximately 120 feet east of Punee Road.

II. MISCELLANEOUS

1. Action on Motion to Intervene in Docket A75-405 - Kula Alii, Ltd. submitted by Michael A. Town.
2. Appointment of Hearing Officer to conduct pre-hearing conference on Docket A75-405 - Kula Alii, Ltd. on August 3, 1976.
3. Adoption of Minutes
4. Meeting Schedule

* A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS. 7/16/76

1. All islands
2. Hawaii
3. Kauai

JUL 1 11 23 AM '76

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
June 3, 1976

The Planning Commission met in regular session at 1:00 p.m. at the Kuhio Hale, Hawaiian Homes Community Hall, Waimea, South Kohala and in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona at 7:00 p.m. with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr. ABSENT: Akira Fujimoto, Ex-officio Member
Scott Asai Edward Harada, Ex-officio Member
Lorraine Jitchaku
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles Sakamoto, Jr.

Sidney M. Fuke, Deputy Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Earl Nakasato, Deputy Corporation Counsel
David Murakami, Public Works

and about 21 people in attendance at 1:00 p.m. and about 100 people at 7:00 p.m.

MINUTES

Minutes of May 13, 1976 were approved as circulated.

SPECIAL MANAGEMENT AREA
(SMA) USE PERMIT
STATE DEPT. OF TRANSP.
HARBORS DIVISION
KAWAIHAE, SOUTH KOHALA

A duly advertised continuing public hearing was held for a Special Management Area (SMA) Use Permit to allow landscaping activity and installation of an irrigation system at Kawaihae Harbor, Kawaihae 1st, South Kohala, TMK: 6-1-03.

Staff reviewed background with additional information from the Department of Water Supply and read a letter from Peter W. Burk, Jr., of Cyprus Hawaiian Cement Corporation dated April 7, 1976 stating no objection. Staff recommended approval based on the findings and with conditions on file.

Commissioner Murakami announced that he will abstain from participation because of possible conflict of interest as an employee of the State Department of Transportation, Highways Division.

Consultant Kazu Shigezawa, after being duly sworn in, stated that he cannot elaborate on the arrangements with the Department of Water Supply because it was handled by the Harbors's Engineering Section; however, they are thinking about this alternative of utilizing the amount of water that has been allotted, which is one thousand gallons a day, for the initial planting to carry out their landscaping plans.

Mrs. Jitchaku moved to close the public hearing; seconded by Mr. Asai; carried.

✓ LAND USE COMMISSION
SPECIAL PERMIT
PERRY DICKENSON
WAIAKEA, SOUTH HILO

Special Permit request to allow temporary quarry activities on 4+ acres of land situated within the State Land Use Agricultural District. The property involved is situated off a 30-foot wide private road and approxi-

mately 1,300 feet north of Hoaka Road, Waiakea, South Hilo, TMK: 2-4-06: portion of 42.

Staff reported that this item has been deferred in order to give staff more time to confer with the Corporation Counsel on the question of quarrying.

✓ LAND USE COMMISSION
SPECIAL PERMIT
SOUTHWESTERN IMPROVEMENT &
INVESTMENT COMPANY
LANIHAU, NORTH KONA

Special Permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Deputy Planning Director clarified that no new additional information can be submitted - only clarification of what has been presented at the hearing. The petitioner can further summarize or rebut what has been presented.

Representative Jim Wilson and Attorney Valta Cook were sworn in by the Chairman.

After an answer and question period with the new Commissioner and Mr. Wilson, a summation arrived at were: Initial employment would be 12 or 15 and eventually up to 25; initial facility to serve for the next 10 or 15 years and roadway improvement agreeable.

Mr. Murakami moved to deny the application in accordance with the staff's recommendation; seconded by Mr. Sakamoto; defeated by five noes and two ayes.

Mr. Martin moved to send a favorable recommendation to the State Land Use Commission; seconded by Mrs. Jitchaku.

Mr. Martin proposed and Mrs. Jitchaku agreed that the conditions to be imposed were that construction of the proposed use shall commence within one (1) year from the effective date of the Special Permit and all applicable rules and regulations be complied with and whatever the staff feels necessary to be included.

The reasons for approval were given as follows: 1) That the proposed site is close to Kailua Village. There are no residences in the immediate vicinity between the property and the Kailua commercial area, and the vacant lands will eventually go into commercial and not into residential uses; 2) that the soil of the property is poor and not suitable to agriculture; 3) that the proposed use would generate employment; and that the proposed use does not negate any of the plans of the Kailua Design Plan.

The motion was carried with five aye votes and two noes.

RECESSED & RECONVENED

Chairman declared a short recess at 2:25 p.m. and the meeting was reconvened at 2:37 p.m.

All those testifying were duly sworn in.

MEMORANDUM:

LAND USE COMMISSION
STATE OF HAWAII

PLANNING DEPARTMENT

JUN 18 11 31 AM '76

County of Hawaii,

Hilo, Hawaii 96720

To: Mr. Ah Sung Leong, SLUC

Date: June 16, 1976

From: Hawaii County Planning Dept.

Subject: Special permit Application - Southwestern Improvement &
Investment Company

Enclosed are the remainder of the Exhibits which we had inadvertently failed to include when we originally mailed the whole set.

lat

EXHIBITS S + T
ASL



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

JUN 17 10 29 AM '76

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

June 9, 1976

Mr. Ah Sung Leong
Acting Executive Officer
Land Use Commission
190 S. King St., Suite 1795
Honolulu, HI 96813

Re: Special Permit Application
Applicant: Southwestern Improvement &
Investment Company

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, Hawaii, Tax Map Key 7-5-03:19.

The Planning Commission at a duly advertised public hearing held on March 4, 1976 at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii, discussed the subject request. The Commission on April 2 and April 22, 1976 and again on May 13, 1976 considered the request and on June 3, 1976, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the proposed site is close to Kailua Village. There are no residences in the immediate vicinity between the property and the Kailua commercial area, and the vacant lands will eventually go into commercial and not into residential uses.
2. That the soil of the property is poor and not suitable to agriculture.
3. That the proposed use would generate employment.
4. That the proposed use does not negate any of the plans of the Kailua Village Urban Design Plan.

SP 76-241

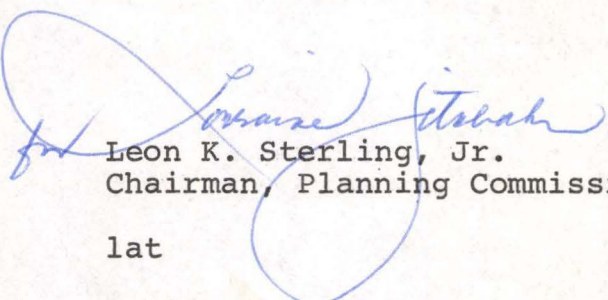
Mr. Ah Sung Leong

Page 2

June 9, 1976

The favorable recommendation was also subject to the following conditions:

1. That construction of the proposed use shall commence within one (1) year from the effective date of the Special Permit.
2. That the design and construction of the improvements will conform to the rendition presented by the petitioner to the Planning Commission.
3. That all other applicable rules and regulations be complied with.

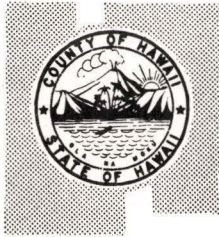


Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

Enclosures

cc Southwestern Improvement & Invest. Co.
Mr. Jim Wilson
Mr. George Yuda
Land Use Division, DPED
Mayor
Corporation Counsel



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

JUN 17 10 29 AM '76

HERBERT T. MATAYOSHI
Mayor


RAYMOND H. SUEFUJI
Director

June 15, 1976

SP 76-241

Mr. Ah Sung Leong
Acting Executive Officer
State Land Use Commission
190 S. King St., Suite 1795
Honolulu, HI 96813

We are transmitting the docket on the special permit application
by Southwestern Improvement and Investment Company.


Raymond Suefuji
Director

NH:lat

Enclosures

LISTS OF EXHIBITS - SOUTHWESTERN IMPROVEMENT & INVESTMENT COMPANY

- A. Application
- B. Departmental acknowledgment letter (1-21-76)
- C. Departmental letter for agencies' comments (1-21-76)
- D. Police (1-26-76)
- E. HELCO (1-27-76)
- F. Fire (1-30-76)
- G. Public Works (1-30-76)
- H. Water (2-4-76)
- I. List of surrounding property owners
- J. Location map - for property owners
- K. Letter to surrounding property owners (2-2-76)
- L. Public hearing notice
- M. Letter to applicant (2-2-76)
- N. Hawaii Tribune-Herald hearing notice
- O. Health (2-11-76)
- P. Agriculture (2-20-76)
- Q. Drawing of proposed structure (please return)
- R. Staff background
- S. Photo (please return)
- T. Location Map - Presentation (please return)
- U. Minutes (3-4-76)
- U-1. Public hearing transcript (3-4-76)
- V. Letter to petitioner (3-5-76)
- W. Letter from petitioner (3-5-76)
- W-1. Letter from Public Works to Chillingworth (10-18-74)
- X. Letter to Yuda (3-8-76)
- Y. Memo to Coproration Counsel (3-9-76)
- Z. Letter to petitioner (3-18-76)

EXHIBITS (Cont'd) - Southwestern Improvement & Invest. Co.

- AA. Public Work's memo to Corporation Counsel (3-22-76)
- AA-1. Staff recommendation
- BB. Minutes (4-2-76)
- CC. Voting sheet (4-2-76)
- DD. Letter to petitioner (4-9-76)
- EE. Letter to petitioner (4-9-76)
- FF. Letter to petitioner (4-20-76)
- GG. Minutes (4-22-76)
- HH. Letter to petitioner (4-26-76)
- II. Letter to petitioner (5-3-76)
- JJ. Minutes (5-13-76)
- KK. Voting sheet (5-13-76)
- LL. Letter to petitioner (5-14-76)
- MM. Letter to petitioner (5-20-76)
- NN. Voting sheet - denial (6-3-76)
- OO. Voting sheet - favorable (6-3-76)
- PP. Minutes (6-3-76)

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Southwestern Improvement & Investment Co.

APPLICANT'S SIGNATURE: By: [Signature]

Ross Pendergraft, Vice President

ADDRESS: P. O. Box 1359, Fort Smith, Arkansas 72901 and

c/o Hawaii Tribune-Herald, P. O. Box 767, Hilo, Hawaii 96720

TELEPHONE: (808) 935-6621

TAX MAP KEY: 7-5-003-019

AREA: 5.083 acres

(Size of Parcel)

OWNER: Southwestern Improvement & Investment Co.

OWNER'S SIGNATURE: By: [Signature]

Ross Pendergraft, Vice President

APPLICANT'S INTEREST, IF NOT OWNER: N/A

REQUESTED USE: Newspaper publishing facility

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect surrounding properties;
- (c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

Exhibit A

Reasons for Requesting a Special Permit

a) The legislature of the State of Hawaii, in enacting the Land Use Law stated that the objective of the law was to "preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited." This law and the resulting regulations were to avoid using lands for purposes that have a "short-term gain to a few but result in a long-term loss to the income and growth potential of our economy." The land which we propose to utilize is not being used at present for any activity. It is composed of aa lava and has a limited amount of wire grass and scrub brush (ekoa trees) on it. Its potential for agriculture uses is thus severely limited. Further, we believe our use will contribute to the long-term growth of the local economy. It will provide a responsive, local-oriented newspaper with immediate access to news and advertisements of the community. Such a utilization will be a gain for the entire community and be a loss to no one.

b) The use which we propose for the indicated site and the plans which we have drawn to accomplish that use (see attached), not only take into consideration the developing trends in area, i.e., urban usage quite near to the proposed location with further expected development to continue, but in fact utilizes only a small portion of the entire parcel. Thus any effect it will have on surrounding properties will be minimal. In addition, since the functioning of our facility will be in no way noxious, it is not expected that the small effect it will have on surrounding properties will be in any sense of the word "adverse." When all factors are considered, we believe our use will enhance, rather than denigrate the surrounding properties.

c) The proposed location is in between areas presently containing commercial facilities and thus no additional requirements in terms of police or fire protection will be imposed. Further, the requirements for our facility, in terms of water, sewage drainage, etc., will be no greater than those necessary to accommodate the personnel employed there. We anticipate providing, at our own expense, all of the necessary lines and hookups for such services. As for streets and roads, the present roadways are more than sufficient to meet our needs and any additional roadway or driveway that is necessary will be provided by us.

d) As an examination of the area would clearly demonstrate, the area in which we intend establish our facility has and is undergoing a continuing development as a commercial area. New structures have been established within the recent past and it would appear that our facility will not be the last of its type in the area. In addition, it should be noted that the entire Kailua-Kona area is a developing area with urbanization occurring beyond the areas presently established. These changes alone would seem to favor our proposed use, i.e. not only does our use fit into the overall development scheme for the larger area, it provides a valuable and necessary service to that developing area. It might also be noted that the parcel's proximity to the highway would allow it to act as a buffer to any residential developments that might later occur. The heavy use of the highway by trucks makes the surrounding area unsuited for residential uses and thus our plan would not inhibit--but might assist--such developments.

e) The land which we intend to use is generally made up of aa lava which has limited amounts of scrub brush,

wire grass and manjanita trees growing on it. It could conceivably be used for agricultural purposes but not in an economical sense. It has not been used for that purpose for some time and, like the immediately surrounding areas, will probably not be used for that purpose in the future. As a grazing area, it could support livestock for probably less than 3 months. Experience also seems to dictate that the use of the land for coffee or macadamia orchards is not economically feasible and none have been established in the area.

f) As noted in (b) above, our proposed facility will utilize only a small portion of entire parcel and will consist of one building with a parking and driveway area. The alteration of the land itself will be very minimal to provide such facilities and will alter the present use only to the extent that some of the land will be utilized for the building whereas at present it is not being utilized for any purpose. In addition, the design of the building--see attached--fits into the architectural designs of the surrounding buildings and compliments the land rather than defacing it. It is designed to fit the terrain and will not substantially alter it.

g) At the present, the parcel in question is not being put to any use whatsoever. The present owners have no desire or capability to use the land for agricultural pursuits. With the large amount of agricultural land that remains in the area that is not being used for those purposes, it would hardly seem to be in the public welfare to require that this land remain unused when the proposed facility will provide a valuable and necessary benefit to the entire community while imposing a very small burden upon the public or the land.

The growth and expansion of the Kona community is well known to all observers and the location of a local newspaper near the center of activity--providing information and advertising to both consumers and merchants--could only aid and strengthen such a development.

SITE PLAN

Attached hereto are two (2) copies of a site and location plan of the subject property. The proposed newspaper facility would be constructed in the area between the existing dwelling house and Old Honokahau Road.

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
June 3, 1976

The Planning Commission met in regular session at 1:00 p.m. at the Kuhio Hale, Hawaiian Homes Community Hall, Waimea, South Kohala and in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona at 7:00 p.m. with Chairman Sterling presiding.

PRESENT:	Leon K. Sterling, Jr.	ABSENT:	Akira Fujimoto, Ex-officio Member
	Scott Asai		Edward Harada, Ex-officio Member
	Lorraine Jitchaku		
	Arthur W. Martin		
	William F. Mielcke		
	Haruo Murakami		
	Charles Sakamoto, Jr.		

Sidney M. Fuke, Deputy Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Earl Nakasato, Deputy Corporation Counsel
David Murakami, Public Works

and about 21 people in attendance at 1:00 p.m. and about 100 people at 7:00 p.m.

LAND USE COMMISSION
SPECIAL PERMIT
PERRY DICKENSON
WAIAKEA, SOUTH HILO

Special Permit request to allow temporary quarry activities on 4+ acres of land situated within the State Land Use Agricultural District. The property involved is situated off a 30-foot wide private road and approxi-

mately 1,300 feet north of Hoaka Road, Waiakea, South Hilo, TMK: 2-4-06: portion of 42.

Staff reported that this item has been deferred in order to give staff more time to confer with the Corporation Counsel on the question of quarrying.

LAND USE COMMISSION
SPECIAL PERMIT
✓ SOUTHWESTERN IMPROVEMENT &
INVESTMENT COMPANY
LANIHAU, NORTH KONA

Special Permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Horokohau Road), approximately 4,000 feet mauka

of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Deputy Planning Director clarified that no new additional information can be submitted - only clarification of what has been presented at the hearing. The petitioner can further summarize or rebut what has been presented.

Representative Jim Wilson and Attorney Valta Cook were sworn in by the Chairman.

After an answer and question period with the new Commissioner and Mr. Wilson, a summation arrived at were: Initial employment would be 12 or 15 and eventually up to 25; initial facility to serve for the next 10 or 15 years and roadway improvement agreeable.

Mr. Murakami moved to deny the application in accordance with the staff's recommendation; seconded by Mr. Sakamoto; defeated by five noes and two ayes.

Mr. Martin moved to send a favorable recommendation to the State Land Use Commission; seconded by Mrs. Jitchaku.

Mr. Martin proposed and Mrs. Jitchaku agreed that the conditions to be imposed were that construction of the proposed use shall commence within one (1) year from the effective date of the Special Permit and all applicable rules and regulations be complied with and whatever the staff feels necessary to be included.

The reasons for approval were given as follows: 1) That the proposed site is close to Kailua Village. There are no residences in the immediate vicinity between the property and the Kailua commercial area, and the vacant lands will eventually go into commercial and not into residential uses; 2) that the soil of the property is poor and not suitable to agriculture; 3) that the proposed use would generate employment; and that the proposed use does not negate any of the plans of the Kailua Design Plan.

The motion was carried with five aye votes and two noes.

RECESSED & RECONVENED

Chairman declared a short recess at 2:25 p.m. and the meeting was reconvened at 2:37 p.m.

2nd motion

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 3 June, 19 76

Applicant: SOUTHWEST

Action: approval, denied, deferred or other (circle)

FAVORABLE

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.	✓			
DOMINGO, Takashi				
JITCHAKU, Lorraine	✓			
MARTIN, Arthur W.	✓			
MURAKAMI, Haruo		✓		
SAKAMOTO, Charles		✓		
STERLING, Leon K., Jr.	✓			
WATT, Ed C.				
<u>midcker</u>	✓			

EXHIBIT 00

1st motion

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 3 June, 1976

Applicant: SOUTHWESTERN IMPROVEMENT

Action: approval, denied, deferred or other (circle)

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.		✓		
DOMINGO, Takashi				
JITCHAKU, Lorraine		✓		
MARTIN, Arthur W.		✓		
MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
STERLING, Leon K., Jr.		✓		
WATT, Ed C.				
MIELCKE		✓		

EXHIBIT NN

May 20, 1976

Mr. Jim Wilson
General Manager
Hawaii Tribune-Herald
P. O. Box 767
Hilo, HI 96720

Re: Special Permit Application
Applicant: Southwestern Improvement
& Investment Company
Tax Map Key 7-5-03:19

This is to inform you that your application will be considered on Thursday, June 3, 1976 by the Planning Commission. The meeting will be held at the Hawaiian Homes Community Hall, Waimea, South Kohala, Hawaii, and is scheduled to begin at 1:00 p.m.

Since the staff is recommending denial, you may wish to have someone present to advance your verbal argument before the Planning Commission.

A copy of the agenda is enclosed for your information.

Sidney Suefuji

Raymond Suefuji
Director

lat

cc Mr. Ross Pendergraft
Mr. George Yuda
State Land Use Commission
Land Use Division, DPED

lat

Enclosure

EXHIBIT *MM*

MAY 24 1976

May 14, 1976

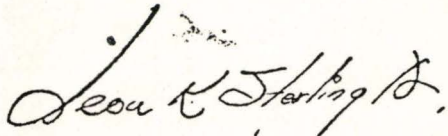
Mr. Jim Wilson
General Manager
Hawaii Tribune-Herald
P. O. Box 767
Hilo, HI 96720

Re: Special Permit Application
Applicant: Southwestern Improvement & Investment Co.
Tax Map Key 7-5-03:19

The Planning Commission at its regular meeting of May 13, 1976 reviewed your application for a Special Permit to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District at Lanihau 1st, North Kona, Hawaii.

Please be informed that the Commission voted to defer action on your request after a motion to deny resulted in a four to three vote. A majority of five votes is necessary to pass the motion.

We will notify you when your request is ready to be placed before the Commission. In the meantime, should you have any questions regarding the request, please feel free to contact the Planning Department at 961-8288.



Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

cc Southwestern Improvement & Investment Co.
George Yuda
State Land Use Commission
Land Use Division, DPED

EXHIBIT LL

MAY 19 1976

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 13 May, 19 76

Applicant: SOUTHWESTERN IMP. & INVEST. Co.

Action: approval, denied, deferred or other (circle)

STAFF - DENY

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.		✓		
DOMINGO, Takashi	✓			
JITCHAKU, Lorraine		✓		
MARTIN, Arthur W.	✓			
MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
STERLING, Leon K., Jr.		✓		
WATT, Ed C.				

EXHIBIT KK

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
May 13, 1976

The Planning Commission met in regular session at 3:30 p.m. in the County Councilroom, County Building and at the Seven Seas Luau House, Waiakea at 7:30 p.m. with Chairman Sterling presiding.

PRESENT:	Leon K. Sterling, Jr.	ABSENT:	Akira Fujimoto, Ex-officio Member
	Scott Asai		Edward Harada, Ex-officio Member
	Takashi Domingo		
	Lorraine Jitchaku		
	Arthur W. Martin		
	Haruo Murakami		
	Charles Sakamoto, Jr.		

Sidney M. Fuke, Deputy Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner
William Moore, Planner

Katsuya Yamada, Deputy Corporation Counsel
David Murakami, Public Works
Gary Kawasaki, Water Supply

and about 40 people in attendance at 3:30 p.m. and about 25 people at 7:30 p.m.

Mr. Sakamoto moved to approve the application with the conditions set forth by the staff; seconded by Mr. Asai; carried unanimously.

✓
LAND USE COMMISSION
SPECIAL PERMIT
SOUTHWESTERN IMPROVEMENT &
INVESTMENT COMPANY
LANIHAU, NORTH KONA

Special Permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Staff outlined the previous actions of the Commission as follows: public hearing was held and closed on March 4; staff recommended that the application be denied on April 2 and the action was deferred until such time that all seven members are present to vote on the matter; on April 22, Commissioners voted to reconsider and made a subsequent motion to defer until today. Staff reported that the recommendation is still denial as presented previously.

Attorney George Yuda and Attorney George Kleier representing the applicant were sworn in by the Chairman.

Mr. Yuda mentioned that high cost of land makes it prohibitive to establish publishing facility in the commercial area. He requested that consideration be given to the landowner for some equity on the use because it was not purchased for speculation purpose but merely to move their operation to a new area to serve public needs. In terms of time, there is a problem of precedent but they felt that it should be considered on the merits of each case. He pointed out that the soil is poor for agricultural pursuits; the client's proposal would not detract from the Land Use Law; there was no public opposition to this application; the proposed use would not impose on public facilities and would not generate any retail traffic; the building would be designed to fit the terrain and would not be noxious.

Mr. Kleier added that the property is located to the centers of trade and commerce and the 5.08 acre parcel was the only one available as to location and price. As far as to usage, he reiterated that this area is much more likely to be needed for commercial use because of land cost. They are proposing to build a 3,000 to 5,000 square foot building with the required parking.

Deputy Planning Director mentioned that the flexibility of the General Plan does not mean no control of planning direction and the inference made to alternate urban expansion does not give any individual automatic consideration for a medium or high density use. The Community Development Plan keeps the community involved with planning efforts. As far as the cost factor, he stated that any development could be located anywhere on this island; but the commercial use introduced in that particular area would further raise the price cost of that area. Although the soil is classified as poor on agricultural zoned land, the potential for some form of agricultural activity does exist in the surrounding area.

Mr. Kleier indicated that they are not abdicating the total right of land use control because he felt that the land use has to be regulated; but the desire is that a certain parcel be devoted to a particular use. The economic reality of that area and not economically feasible planning and zoning is with odds to economic situation.

Mr. Murakami moved to deny the request with reasons as outlined by the staff; seconded by Mr. Martin; motion did not pass with four ayes and three noes.

Deputy Corporation Counsel brought out that in order for any motion to pass, it would require a majority of members entitled to sit or a total of nine. There are five votes required to pass a motion. The application is not automatically approved because of a negative motion.

Mr. Martin then moved to defer; seconded by Mrs. Jitchaku; carried unanimously.

RECESSED & RECONVENED
5:15 p.m.

Chairman declared a five-minute recess at 5:07 p.m. and the meeting was reconvened at

LAND USE COMMISSION
SPECIAL PERMIT
THE SOURCE FAMILY
KAUMANA, SOUTH HILO

Special Permit request to allow the use of the former Hilo Country Club Clubhouse building and the existing single-family dwelling situated within the State Land Use Agricultural District as residences for extended family use.

The property involved is the former site of the Hilo Country Club Golf Course located along the mauka side of Country Club Drive, Kaumana, South Hilo, TMK: 2-5-43:7.

Staff recommended that the request be denied based on the findings on file.

One of the Councilwomen of the Family, Tantaleo, was sworn in by the Chairman.

Ms. Tantaleo stated that she found one error with the staff's presentation and that is on the heavy usage of the inadequate road. She mentioned that they have only few vehicles that use the road. In regard to the service being held at 3:00 a.m. and the effect upon the surrounding residents, Ms. Tantaleo mentioned that it is their natural lifestyle to get up at 2:30 a.m. everyday for seven years and this has always been a problem with the outsiders. She explained that this is their period of union with each other and that they consciously try to keep the noise down but sometimes it gets out of hand when they are joyous; and with so many voices, it does travel.

Mr. Sakamoto moved to deny this application with the reasons outlined by the staff; seconded by Mr. Domingo; carried with six ayes and one no vote.

The Deputy Planning Director stated that since they are in violation of the use of the premises, the Department will follow up with the Corporation Counsel to inform them when they must vacate.

PRELIMINARY HEARING
VARIANCE
BARRY TANIGUCHI
WAIAKEA, SOUTH HILO

Request for a density variance to allow the construction of another single-family dwelling on a 19,721 square foot parcel situated within the Single Family Residential - 10,000 square foot (RS-10) zoned district. The property involved is located along the west side of Kinooles Street, between Mohouli Street and Wailoa Street, Waiakea, South Hilo, TMK: 2-2-20:8.

Staff presented background information on file with recommendation for a public hearing.

Applicant Barry Taniguchi, after being duly sworn in, stated that the other parcel owned by his parents have two residences rather than one as reported by the staff. He mentioned that the proposed dwelling is for his sister who is contemplating marriage within a year.

May 3, 1976

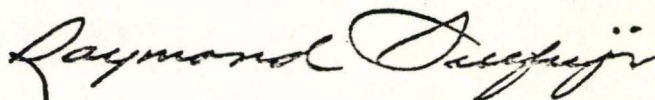
Mr. Jim Wilson
General Manager
Hawaii Tribune-Herald
P. O. Box 767
Hilo, HI 96720

Re: Special Permit Application
Applicant: Southwestern Improvement & Investment Company
Tax Map Key 7-5-03:19

This is to inform you that your application will be considered on Thursday, May 13, 1976 by the Planning Commission. The meeting will be held in the Councilroom, County Building, South Hilo, Hawaii, and is scheduled to begin at 3:30 p.m.

Since the staff is recommending denial, you may wish to have someone present to advance your verbal arguments before the Planning Commission.

A copy of the agenda is enclosed for your information.



RAYMOND SUEFUJI
Director

lat:jas

cc: Mr. Ross Pendergraft
Mr. George Yuda
State Land Use Commission
Land Use Division, DPUD

Enclosure

EXHIBIT II

MAY 4 1976

April 26, 1976

Mr. Jim Wilson
General Manager
Hawaii Tribune-Herald
P. O. Box 767
Hilo, HI 96720

Re: Applicant - Southwestern Improvement and Investment Co.
Special Permit Application for Newspaper Publishing Facility
TRK: 7-5-03:19

Please be informed that the Planning Commission at its meeting on April 22, 1976, voted to reconsider its motion made at the April 2 meeting. The motion made at the latter meeting was to defer action until such time that all seven Commissioners are present to vote on the matter. The Commission made a subsequent motion to defer action until the next scheduled meeting.

We shall notify you when the Commission is ready to take action on your request.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of the Planning Department.

for *Halea Thurakani*
Leon K. Sterling, Jr.
Chairman, Planning Commission

NE:sb

cc: Ross Pendergraft
George Yuda
State Land Use Commission
Land Use Division, DPED

EXHIBIT HH

APR 27 1976

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES

April 22, 1976

The Planning Commission met in regular session at 10:10 a.m. at the Kuhio Hale, Hawaiian Homes Community Hall, Waimea, South Kohala, and at the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona, at 6:35 p.m., with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr.
Scott Asai
Takashi Domingo
Arthur W. Martin
Haruo Murakami
Charles Sakamoto, Jr.

ABSENT: Lorraine Jitchaku (ill)

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

Sidney M. Fuke
Norman K. Hayashi
Ilima A. Piianaia

Earl Nakasato, Deputy Corporation Counsel
David Murakami, Public Works

and about 10 people in attendance at 10:00 a.m., 4 people at 1:00 p.m.
4 people at 2:30 p.m., about 12 people at 6:30 p.m. and about 20
people at 7:00 p.m.

MINUTES

Minutes of March 29 and April 1 and 2, 1976 were
accepted as circulated.

LAND USE COMMISSION
SPECIAL PERMIT
✓ SOUTHWESTERN IMPROVEMENT
AND INVESTMENT COMPANY
LANIHAU, NORTH KONA

Special Permit request to allow the establish-
ment of a newspaper publishing facility on 5.08
acres of land situated within the State Land Use
Agricultural District. The property is located
along the east side of Ololi Road (Old Honokohau
Road), approximately 4,000 feet mauka of the Kona

Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Chairman reported that the action of the Commission at its previous meeting
was to defer further consideration until the full membership is present. Since
one member is quite ill, it may be a matter of time before any action can be
taken.

Deputy Director reiterated that the applicant was so notified that the action
was not being taken today because of the motion requiring seven members to
vote on the matter and it was questionable whether Commissioner Jitchaku will
be returning in the very near future.

Mr. Martin moved to reconsider this matter; seconded by Mr. Sakamoto; carried.

Deputy Director pointed out that in deference to the applicant, subsequent
action should be to defer this application until our next meeting whether it
be in Hilo, Kona or elsewhere.

Mr. Martin so moved; seconded by Mr. Asai; carried.

EXHIBIT GG

April 20, 1976

Mr. Jim Wilson
Hawaii Tribune Herald
P. O. Box 767
Hilo, HI 96720

Re: Southwestern Improvement & Investment Co.
Special Permit Application for
Newspaper Publishing Facility
TMK: 7-5-03:19

This is to inform you that since only six of the seven County Planning Commissioners will be present at the April 22 meeting, a decision on the subject Special Permit application will not be made at that time. At its meeting on April 2, 1976, the Commission voted to defer action until such time that all seven Commissioners are present to vote on the matter.

We shall notify you when the Commission is ready to take action on your request. Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of this office.

for Sidney M. Fuji
RAYMOND SUEFUJI
Director

NH:rfd

cc: Ross Pendergraft
George Yuda

EXHIBIT FF

APR 21 1976

April 9, 1976

Mr. Ross Pendergraft
Vice President
Southwestern Improvement
and Investment Company
c/o Hawaii Tribune-Herald
Hilo, HI 96720

Re: Special Permit Application
Tax Map Key 7-5-03:19

This is to inform you that your application will be considered on Thursday, April 22, 1976 by the Planning Commission. The meeting will be held at the Hawaiian Homes Community Hall, Waimea, South Kohala, Hawaii, and is scheduled to begin at 10:00 a.m.

Since the staff is recommending denial, you may wish to have someone present to advance your verbal arguments before the Planning Commission.

A copy of the agenda is enclosed for your information.

Sidney M. Aube

Raymond Suefuji
Director

lat:sb

Enclosure

cc: Southwestern Improvement
and Investment Company
State Land Use Commission
Mr. Tatsuo Fujimoto

EXHIBIT

APR 12 1976

April 9, 1976

Mr. George Yuda
275 Ponahawai Street
Suite 201
Hilo, HI 96720

Re: Southwestern Improvement and Investment Co.
Special Permit - Newspaper Publishing Facility
TMK: 7-5-03:19

At its meeting on April 2, 1976, the Planning Commission voted to defer action on the above-described request until such time that all seven (7) commissioners are present to vote on the matter.

As you are aware, the staff recommended denial of the application. The reasons for denial are as follows:

That one of the guidelines for reviewing a request for a Special Permit is that such use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. These regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which those lands are best suited in the interest of public health and welfare. However, upon reviewing the type of use proposed for the area, it is felt that the granting of this particular request would in fact be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations as well as by the County General Plan.

The General Plan suggests alternate urban expansion for that particular area; thus, the potential for urban development for the area is quite real. In order to better determine the type of urban uses most logical for such suggested alternate urban expansion areas, however, we do have, or will be having, Community Development Plans (CDP) for various areas throughout the County. Although the Kona CDP has not been adopted as yet, preliminary plans indicate low density residential uses for this particular area. Major and subordinate commercial cores are suggested

EXHIBIT DD APR 12 1976

Mr. George Yuda
Page 2
April 9, 1976

for Kailua Village and Kealahou with declining density uses between these two (2) development nodes. As such, it is determined that the allowing of the facility at its proposed location would have an undesirable effect of introducing commercial-type activities in an area not envisioned for such.

Furthermore, the Commercial Element of the General Plan discourages "strip" commercial development. One of the specific courses of action for the Kona area is to centralize and contain commercial activities in existing urban centers. The area in question, which is situated off Palani Road and approximately 3,000 feet away from the Kailua Village core would tend to create a "strip" development of commercial facilities by the nature of its location. As a result, there would be a natural tendency for other commercial uses to be proposed between the commercial core and the area in question. "Strip" development is directly opposed to the cluster concept utilized in designing commercial areas. In this particular case, the intent is to centralize and contain commercial activities within given or identifiable areas.

It is also undeniable that approval of this request in this particular area would create a situation wherein other lands in its vicinity will be in a vulnerable position for similar action. It would also create an undesirable situation of a scatteration of commercial activities in the area. The further proliferation or scatteration of commerce-related activities may tend to debilitate the strong central commercial core of Kailua Village. As such, in this particular case, it is felt that the area's need would not necessarily be better served with the proposed use at the requested location.

In reviewing and evaluating the commercially zoned lands in the Kona area, it is felt that other lands or buildings are available for the proposed use in properly zoned locations. According to our survey, there are approximately sixty (60) acres of commercially zoned lands in Kona which have not been built upon. Of this amount, about twelve (12) acres is in Kailua Village. Also, there are a number of vacant commercial spaces within the Kailua area available for rent or lease. As such, it is determined that other alternative sites are available to the petitioner to establish his proposed use within the Kona area.

Another test applied in reviewing Special Permit request is whether unusual conditions have arisen since the district boundaries and regulations were established. However, it is

Mr. George Yuda
Page 3
April 9, 1976

determined that there are no such unusual conditions to justify the granting of the proposed commercial-type activity in this area. It is not like the Hawaiian Ocean View Estates or similar areas where the development pattern for urban-type uses is unpredictable at the present time. The development pattern for Kailua Village and its surrounding areas is quite clear.

It should be made clear that we are not against "spot zoning" per se, as an introduction of such use through a Special Permit would initially constitute a form of "spot zoning," provided, however, that a commitment has been or can be made to allow or further such uses in that area. Although the urban potential for this particular area is very real, we do not, however, envision high density uses in this area, such as commercial activities.

Consequently, it is determined that the establishment of the proposed use at the requested location does not meet the guidelines for granting of a Special Permit.

We will notify you when the Commission is ready to take action on your request. Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Ilima Piianaia of the Planning Department.

Sidney M. Aue

RAYMOND SUEFUJI
Director

NH:sb

cc: Jim Wilson
Ross Pendergraft

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 2ND APRIL, 1976

Applicant: SOUTHWESTERN IMPROVEMENT FUND -

Action: approval, denied, deferred or other (circle)

Also (CONTINUE) FOR OTHER COMMISSION MEMBERS

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.				
DOMINGO, Takashi	ABSENT			
JITCHAKU, Lorraine	ABSENT			
MARTIN, Arthur W.				
MURAKAMI, Haruo				
SAKAMOTO, Charles				
STERLING, Leon K., Jr.				
WATT, Ed C.				

EXHIBIT CC

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES

April 2, 1976

The Planning Commission met in regular session at 10:20 a.m., at the Sergeant Yano Memorial Hall, Captain Cook, South Kona, and at the Naalehu School Cafetorium, Naalehu, Ka'u, at 6:30 p.m., with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr. ABSENT: Akira Fujimoto, Ex-officio Member
Scott Asai Edward Harada, Ex-officio Member
Arthur W. Martin
Haruo Murakami Takashi Domingo
Charles Sakamoto, Jr. Lorraine Jitchaku

Sidney Fuke
Norman Hayashi
Ilima Piianaia

Clifford Lum, Corporation Counsel
David Murakami, Public Works (morning meeting only)
Ronald Okamura, Parks & Recreation

and about 15 people in attendance at both meetings.

UNFINISHED BUSINESS

LAND USE COMMISSION
SPECIAL PERMIT
SOUTHWESTERN IMPROVEMENT
& INVESTMENT COMPANY
LANIHAU 1st, NORTH KONA

Application of Southwestern Improvement and Investment Company for a Special Permit to allow establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. Property is located

on the east side of Ololi Road (Old Honokohau Road) about 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Staff presented background (on file) information, recommending denial.

George Yuda, attorney representing applicant was sworn in and he opined that, although land is within SLUC agricultural district, it has been declared not suitable for agricultural cultivation and therefore granting of this Special Permit will not jeopardize SLUC objectives. He said this quasi-public facility need not be located in a commercial complex nor will it require added fire or police protection. He also disagreed that any adverse precedent would be set by an approval since, according to law, all decisions should be made on individual merits of each case. Moreover, he observed, this is being considered before the Kona CDP has taken effect.

Staff countered that, knowing the Kona CDP has earmarked this area for low-density residential uses, it could not recommend any action other than denial by the Commission.

Commissioner Martin moved and Commissioner Asai seconded to defer further consideration of this request until full complement of the Commission is in attendance. Motion carried. (Clarification: seven members presently constitute full Commission membership)

EXHIBIT BB

RECOMMENDATION: SOUTHWESTERN IMPROVEMENT AND INVESTMENT

Upon initial review of this particular request, the staff submits that the proposed use would provide a certain desired level of services to the West Hawaii area. However, in reviewing the request against the Special Permit guidelines and the County General Plan, we must recommend that it be denied, based on the following findings:

That one of the guidelines for reviewing a request for a Special Permit is that such use would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. These regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which those lands are best suited in the interest of public health and welfare. However, upon reviewing the type of use proposed for the area, it is felt that the granting of this particular request would in fact be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations as well as by the County General Plan.

The General Plan suggests alternate urban expansion for that particular area; thus, the potential for urban development for the area is quite real. In order to better determine the type of urban uses most logical for such suggested alternate urban expansion areas, however, we do have, or will be having, Community Development Plans (CDP) for various areas throughout the County. Although the Kona CDP has not been adopted as yet, preliminary plans indicate low density residential uses for

this particular area. Major and subordinate commercial cores are suggested for Kailua Village and Kealahou with declining density uses between these two (2) development nodes. As such, it is determined that the allowing of the facility at its proposed location would have an undesirable effect of introducing commercial-type activities in an area not envisioned for such.

Furthermore, the Commercial Element of the General Plan discourages "strip" commercial development. One of the specific courses of action for the Kona area is to centralize and contain commercial activities in existing urban centers. The area in question, which is situated off Palani Road and approximately 3,000 feet away from the Kailua Village core would tend to create a "strip" development of commercial facilities by the nature of its location. As a result, there would be a natural tendency for other commercial uses to be proposed between the commercial core and the area in question. "Strip" development is directly opposed to the cluster concept utilized in designing commercial areas. In this particular case, the intent is to centralize and contain commercial activities within given or identifiable areas.

It is also undeniable that approval of this request in this particular area would create a situation wherein other lands in its vicinity will be in a vulnerable position for similar action. It would also create an undesirable situation

of a scatteration of commercial activities in the area. The further proliferation or scatteration of commerce-related activities may tend to debilitate the strong central commercial core of Kailua Village. As such, in this particular case, it is felt that the area's need would not necessarily be better served with the proposed use at the requested location.

In reviewing and evaluating the commercially zoned lands in the Kona area, it is felt that other lands or buildings are available for the proposed use in properly zoned locations. According to our survey, there are approximately sixty (60) acres of commercially zoned lands in Kona which have not been built upon. Of this amount, about twelve (12) acres are in Kailua Village. Also, there are a number of vacant commercial spaces within the Kailua area available for rent or lease. As such, it is determined that other alternative sites are available to the petitioner to establish his proposed use within the Kona area.

Another test applied in reviewing the Special Permit request is whether unusual conditions have arisen since the district boundaries and regulations were established. However, it is determined that there are no such unusual conditions to justify the granting of the proposed commercial-type activity in this area. It is not like the Hawaiian Ocean View Estates or similar areas where the development pattern for urban-type uses is unpredictable at the present time. The development pattern for Kailua Village and its surrounding areas is quite clear.

It should be made clear that we are not against "spot zoning" per se, as an introduction of such use through a Special Permit would initially constitute a form of "spot zoning," provided, however, that a commitment has been or can be made to allow or further such uses in that area. Although the urban potential for this particular area is very real, we do not, however, envision high density uses in this area, such as commercial activities.

Consequently, it is determined that the establishment of the proposed use at the requested location does not meet the guidelines for granting of a Special Permit.

COPY

COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
HILO, HAWAII 96720

March 22, 1976

Mr. Kats Yamada, Deputy Corporation Counsel

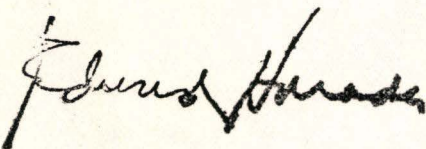
Chief Engineer

Old Honokohau Road
Re: Development by Southwestern Improvement

This is in reply to your March 17 memo to us relative to our October 18, 1974 letter to Nakamoto, Yoshioka and Chillingworth.

The road is a County road by use (prescription). The County does not own in fee any right-of-way at this location. This old road was the access to Kailua prior to the present Palani Road. We would require a County standard 50-foot wide roadway with 20-foot pavement and 6-foot shoulders. The existing road is a one-lane road and is very narrow. One question nags us; i.e., Can a private party as a developer but other than the owner of the land through which the road traverses be made to widen a road beyond the traveled way width?

Ololi Street is a government right-of-way for about 70 feet above Kuakini Highway. The rest of the street is considered a County road by prescriptive use without right-of-way ownership in fee by the County since this road was the established access to Kailua prior to the Palani Road access. The roadway is shown on the tax map up to the Rapoza property (TMK: 7-5-03:09). The existing road from the Rapoza property to Palani Road traverses through Liliuokalani Trust Estate (TMK: 7-4-08:1) a distance of approximately 350 feet as scaled on the tax map.


EDWARD HARADA
Chief Engineer

cc: Planning Department

EXHIBIT AA

March 18, 1976

Mr. Ross Pendergraft
Vice President
Southwestern Improvement
and Investment Co.
c/o Hawaii Tribune-Herald
Hilo, HI 96720

Re: Special Permit Application
Tax Map Key 7-5-03:19

This is to inform you that your application will be considered on Friday, April 2, 1976 by the Planning Commission. The meeting will be held at the Sgt. Yano Memorial Hall, Captain Cook, South Kona, Hawaii, and is scheduled to begin at 10:00 a.m.

We shall notify you of the Commission's action.

A copy of the agenda is enclosed for your information.

Raymond Suefuji
Director

lat:sb

Enclosure

cc Southwestern Improvement & Investment Co.
State Land Use Commission
Tatsuo Fujimoto

EXHIBIT Z

MAR 18 1976

MEMORANDUM:

PLANNING DEPARTMENT

— County of Hawaii,

Hilo, Hawaii 96720

To: Kats Yamada, Deputy Corporation Counsel

Date: March 9, 1976

From: Planning Director

Subject: Southwestern Improvement & Investment Co.
Special Permit Application - Newspaper Publishing Facility
TMK: 7-5-03:19

May we please have your opinion as to the legal status of
Ololi Street.

Enclosed is a copy of George Yuda's letter as well as the
letter from the Chief Engineer.

Raymond Sulfuji
RAYMOND SULFUJI
Director

NH:lgv
Enclosure

MAR 10 1976

EXHIBIT Y

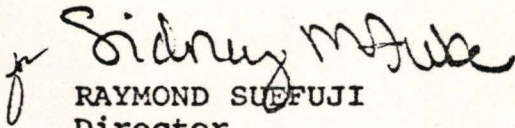
March 8, 1976

Mr. George S. Yuda
Cook, Choi & Yuda
275 Ponahawai Street, Suite 201
Hilo, HI 96720

Re: Southwestern Improvement & Investment Co.
Special Permit Application for
Newspaper Publishing Facility
TMK: 7-5-03:19

This is to acknowledge receipt of your letter of March 5, informing us of the status of Ololi Street. We are forwarding your letter as well as its enclosure, an October 18, 1974 letter from the Chief Engineer, to the Office of the Corporation Counsel for verification.

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


RAYMOND SUEFUJI
Director

NH:rfd

cc: Corporation Counsel

EXHIBIT X

MAR 9 1976

VALTA A. COOK
JEFFREY CHOI
GEORGE S. YUDA
S. V. (BUD) QUITIQUIT

COOK, CHOI & YUDA
ATTORNEYS AT LAW

PONAHAWAI PROFESSIONAL CENTER
275 PONAHAWAI ST. - SUITE 201
HILO, HAWAII 96720
961-6611 (808)

March 5, 1976

Mr. Sidney Fuke
Deputy Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Re: Southwestern Improvement & Investment Co.
Special Permit Application

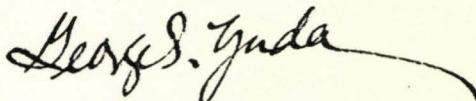
I am enclosing herewith a copy of the letter of Edward Harada, Chief Engineer, County of Hawaii, dated October 18, 1974, on the subject of the old Honokahau Road. This letter indicates that the old Honokahau Road, sometimes known as Ololi Street, is a government right-of-way. Please make this letter a part of the record in the above captioned subject application.

I also wish to inform you that my client, if the special permit application is approved, will improve and maintain the right-of-way from Palani Road to the subject parcel, which, I understand, involves approximately 350 feet.

Please call me if further discussion on this matter is required.

Yours truly,

COOK, CHOI & YUDA


GEORGE S. YUDA

GSY:mkc

Enc.

EXHIBIT 

EDWARD K. HARADA
CHIEF ENGINEER



BUREAUS AND DIVISIONS:
AUTOMOTIVE EQUIPMENT & MOTOR POOL
BUILDING CONSTRUCTION AND INSPECTION
PLANS AND SURVEYS
ROAD CONSTRUCTION AND MAINTENANCE
SEWERS AND SANITATION
TRAFFIC SAFETY AND CONTROL

COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
25 AUPUNI STREET
HILO, HAWAII 96720

OCT 22 1974

October 18, 1974

Nakanoto, Yoshioka and Chillingworth
80 Pauahi Street, Room 203
Hilo, HI 96720

Attention: Mr. William S. Chillingworth

SUBJECT: Old Honokahau Road

This is in reference to your October 15, 1974 letter requesting information on the subject road.

The entire length of the subject road is still a government right-of-way. The County regularly maintains the section of the road going mauka from the Kuakini Highway intersection for approximately 700 lineal feet and the remainder of the road receives minimal maintenance. Generally, the abutting property owner makes the request as need arises.

The County has no immediate plans to improve the road but with the ultimate development of the Lanihau Corporation shopping center complex, it has been conditioned upon them to improve the Old Honokahau Road abutting their proposed shopping center. Also, when the Department of Transportation implements its Kuakini Highway Realignment to tie-in to the Kailua-Kawaihae Highway, the Old Honokahau Road will be bisected and access will probably be provided from the State highway.

We wish to call your attention to the May 4, 1971 letter from Mr. Roy Nakanoto regarding "Realignment of Old Honokahau Road, Kailua-Kona" in behalf of Lanihau Corporation, and our July 9, 1971 response together with the Planning Department's comments of July 6, 1971. We believe the developer of the proposed commercial park should be consulted as to the status of the project plans.

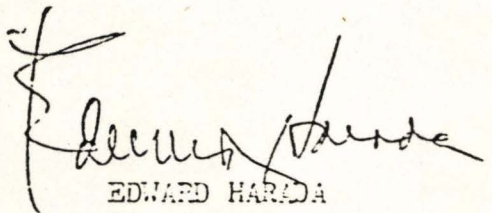

EDWARD HARADA
Chief Engineer

EXHIBIT W-1

March 5, 1976

Mr. Ross Pendergraft
Vice President
Southwest Improvement and
Investment Co.
c/o Hawaii Tribune-Herald
Hilo, HI 96720

Re: Special Permit Application
Tax Map Key 7-5-03:19

The Planning Commission at its meeting of March 4, 1976, held a duly advertised public hearing on your application for a special permit to allow the establishment of a newspaper publishing facility on 5.03 acres of land situated within the State Land Use Agricultural District at Lanihau 1st, North Kona, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Leon K. Sterling, Jr.
Chairman, Planning Commission

lat:sh

cc Land Use Commission
Southwest Improvement and Investment Co.
Tatsuo Fujimoto

EXHIBIT

MAR 5 1976

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
March 4, 1976

A regularly advertised public hearing, on the application of Southwestern Improvement and Investment Company, was called to order at 7:31 p.m., at the Waimea School Cafetorium, Waimea, South Kohala, by Chairman Sterling.

PRESENT: Leon K. Sterling, Jr. ABSENT: Lorraine Jitchaku
Scott H. Asai Akira Fujimoto, Ex-officio Member
Takashi Domingo Edward Harada, Ex-officio Member
Arthur W. Martin
Haruo Murakami
Charles Sakamoto, Jr.

Sidney M. Fuke
Norman K. Hayashi
Ilima A. Piianaia

Katsuya Yamada, Deputy Corporation Counsel
David Murakami, Public Works
Marvin Iida, Research & Development

and about 40 people in attendance

CHAIRMAN: Third item on the agenda for this evening. Public hearing on the application of Southwestern Improvement and Investment Company for a Special Permit to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

Mr. Hayashi?

HAYASHI: Mr. Chairman and Commissioners, Exhibits R and A are on file, Exhibit S is a photo being circulated, Exhibits T and Q are on the board. (Presented background information on file.) Thank you.

CHAIRMAN: Thank you Mr. Hayashi. I have a question on the second page of your presentation, third paragraph, "no public water system to the area"?

HAYASHI: That's correct.

CHAIRMAN: Are there any other questions? Mr. Martin.

MARTIN: In the same paragraph, how far away is the Kailua Fire Station?

HAYASHI: One-half mile from the subject site.

CHAIRMAN: Are there any other questions?

DOMINGO: Mr. Chairman.

EXHIBIT 4-1

CHAIRMAN: Mr. Domingo.

DOMINGO: How near is the water source?

HAYASHI: About 350 feet away along Palani Road.

SAKAMOTO: Can you show me where the existing dwelling is?

HAYASHI: According to our survey, it is approximately in the back of the property. For your information, this is a substantially large parcel. This is the back and the dwelling is here (indicated on the drawing).

CHAIRMAN: Are there any other questions to Mr. Hayashi? In the Kona Development Plan, it is not shown. How is that designated?

HAYASHI: The proposed Kona Community Development Plan zone guide map designates that as potential residential use.

CHAIRMAN: Where is the Lanihau Corporation shown on their application?

HAYASHI: The Lanihau property is situated in this location (pointed out on the presentation map).

CHAIRMAN: Almost adjoins this property?

HAYASHI: Right here (pointed out). The Kailua Fire Station is right here.

CHAIRMAN: Palani Road extension, by the Shell Service Station, isn't that adjacent to this?

HAYASHI: No. Just a matter of location, if the Commissioners are familiar with the truck ramp that goes off along Palani Road, that's a little further mauka of that.

CHAIRMAN: One more question, is this held in fee simple by the applicant?

HAYASHI: That's correct.

CHAIRMAN: It is held in fee simple.

HAYASHI: According to this application, the owner is the Southwestern Improvement and Investment Company.

CHAIRMAN: It is not being used for anything at all?

HAYASHI: Perhaps, the applicant here can have that verified.

CHAIRMAN: Is there any other question to the staff? Is there anyone here wishing to testify before the Planning? Is the applicant here?

APPLICANT: Yes Mr. Chairman.

CHAIRMAN: Do you swear please on this matter now before the Planning Commission to tell the truth and nothing but the whole truth so help you God.

GEORGE YUDA: My name is George Yuda. I represent the applicant Southwestern Improvement and Investment Company.

CHAIRMAN: Are there any question on the staff report?

YUDA: There are couple of things I didn't get. One - how much of that roadway is not paved?

HAYASHI: Perhaps, I can use the board. This is Kuakini Highway and off Kuakini, the Ololi Road goes up until Palani Road. Approximately 900 feet off Kuakini Highway is paved. The remaining area shown over here and this particular portion is also unpaved.

YUDA: What is the distance?

HAYASHI: Three hundred and fifty feet.

YUDA: Mr. Hayashi, also I would like to clarify the matter of maintenance. Nothing is done there now.

HAYASHI: According to the Department of Public Works, that road is not maintained beyond the 900-foot paving off Kuakini Highway.

YUDA: I think that's about it. I would like to clarify several things Mr. Chairman, if I may.

CHAIRMAN: Certainly.

YUDA: The applicant is part of the Donrey group. Publication intended here is for West Hawaii Today and I would like to point out that I didn't know this too. No printing facility is intended here; just publishing. The printing will still be done in Hilo. With respect to the statement relating to the type of building to be constructed, what is anticipated is a cluster type construction. I hope the members of the Commission were not misled. That picture will give some idea what is intended other than one single building.

I believe those things will clarify what Mr. Hayashi has already presented. As represented, we will make the necessary hookup for the water. Our understanding will be getting access from the nearest point on Palani Road rather than going up from Kuakini Highway.

If there are any further questions, I would be glad to answer them.

MARTIN: Mr. Yuda, since this is the publisher, what is the group?

YUDA: Donrey group who owns the Hawaii Tribune-Herald also.

MARTIN: This would be West Hawaii Today? Will this be in addition to or replace the present facility which West Hawaii use it today?

YUDA: This will replace now existing in Kainaliu.

MARTIN: I also noticed the statement from the petitioner, the applicant, that they are willing to provide any additional roadway or driveway that is necessary. Right here maybe I should ask the staff - if this is approved and goes on into the building, do you have an idea what would be required as roadway and would these people be willing to provide it?

HAYASHI: Commissioner Martin, before I answer, I would like to ask the applicant who owns the property from which they will be gaining access from. According to County Public Works, they do not own that portion of Ololi Road which comes off Palani Road.

YUDA: May I get my file.

CHAIRMAN: Chairman will declare a short recess.

(Recessed at 7:51 p.m. and reconvened at 8:00 p.m.)

CHAIRMAN: Planning Commission come to order. On this application there is a legal question they are trying to resolve. We will defer this matter until after our next item on the agenda.

(Recessed at 8:01 p.m. and reconvened at 8:20 p.m.)

CHAIRMAN: We will go back to Item 3 of the agenda - public hearing on the application of Southwestern Improvement and Investment Company. The question that have come up seems to have been resolved. I will call on the Deputy Director.

DEPUTY DIRECTOR: Part of the question was trying to resolve the old Ololi Road. That road is in fact a government right-of-way. The two attorneys conferred and I don't think there was a resolution on that situation. However, we can recognize the applicant's concern to continue the public hearing and at least get a decision one way or other from the Planning Commission.

The staff would have no objection if the applicant would be willing, if the permit is approved and if it is ascertained to be a government right-of-way, whatever improvements or conditions that the applicant comply; or if upon investigation, it is determined that the alleged right-of-way is not really government right-of-way that the applicant be responsible for securing a right-of-way through the property and put in necessary improvements.

CHAIRMAN: Is this condition upon approval process?

DEPUTY DIRECTOR: Access to the parcel is landlocked. Normally, we request that it be continued until this matter is legally resolved. If the application is to be expedited, we would be agreeable, with the applicant's understanding, that if upon our research we determine that the road is not a government right-of-way and the Commission approves the special permit request; it would be with the understanding that the applicant secure private easement through the private property and make the necessary easements thereon.

CHAIRMAN: The applicant is within the authority?

DEPUTY CORPORATION COUNSEL: Based on these conditions that the stretch of 350-foot roadway and such parcel is a government right-of-way and the applicant is then willing to pave to improve the roadway or if the 350-foot roadway to the private property is not a government right-of-way, the developer will secure the necessary easement and maintain that roadway.....

CHAIRMAN: Are you satisfied that the legal representative for the applicant had this authority to make this commitment?

DEPUTY CORPORATION COUNSEL: As an attorney to agree with that, I am satisfied.

CHAIRMAN: Do you fully understand what transpired?

YUDA: Yes.

CHAIRMAN: Would you be willing to comply with Corporation Counsel?

DEPUTY DIRECTOR: This is only an understanding.

YUDA: We thought we had this cleared up. Before purchasing this property, we had investigated and had been assured that we had public access to the property. This used to be the main roadway into Kailua and it has fallen into disuse because of the building of Palani Road. It is however being used. There is a residence on this property and people go to and from what was part of the road. It is still being maintained by the County below the road off Kuakini Highway; and we can represent to Mr. Chairman, insofar as improvement from the Palani Road through to the parcel of land adjoining, we will do that. That is improve and if it is not in dedicable standard also maintain the roadway.

DEPUTY CORPORATION COUNSEL: We will clarify the situation. If the developer is willing to improve the roadway, the only question remaining is maintenance. If it is government right-of-way, we will maintain it. On the other hand, if it does in fact belong to the private property, the developer will maintain it. The only question to be resolved is who will maintain that road.

CHAIRMAN: Mr. Murakami, does this satisfy your Department.

DAVID MURAKAMI: Yes.

YUDA: We also have a response of the County Engineer although at the moment I don't have that letter. We had this investigated in the purchase of this private property. This will be resolved.

CHAIRMAN: Is there any question? Mr. Martin.

MARTIN: I am the one that brought the question up. I think that I got an answer to that. My question now is will you be fixing the road up to what would be standard? I am assuming from what you say, I think in my mind, am saying with the County and with the applicant together you've worked out an agreement of what to do on the staff's recommendation on that road. You have worked out an agreement and understand whatever the legal things you will do that will be necessary to be done?

YUDA: We understand what the problem is and the way of resolving this problem.

MARTIN: Most likely in the final approval, there is stipulation to do something that you will be in agreement to doing it. You will be working on an agreement and the two of you will be agreeing on what to do?

YUDA: We will have to do what is necessary to provide access. Right now, it is just a gravel way. It is not being used very much. It would be in our interest for that roadway to be improved for a more accessible roadway.

CHAIRMAN: Is that satisfactory?

YUDA: Yes.

CHAIRMAN: Thank you very much.

YUDA: Thank you very much.

CHAIRMAN: Is there anyone now before this Commission who would like to speak on the matter? If not, the Chairman will entertain the motion to close the public hearing.

MURAKAMI: I so move.

SAKAMOTO: Second.

CHAIRMAN: It has been moved by Commissioner Murakami; seconded by Commissioner Sakamoto to close the public hearing. Is there a discussion on this matter? If not, all those in favor of closing the public hearing say aye.

COMMISSIONERS: Aye.

CHAIRMAN: All those opposed? Motion carried.

Any comment before action on this matter?

MARTIN: This is a special permit; we cannot act on this.

CHAIRMAN: Yes, this is a special permit, we will have to wait 15 days.

Public hearing was adjourned at 8:30 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

Leon K. Sterling, Jr.

Leon K. Sterling, Jr.
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
March 4, 1976

The Planning Commission met in regular session at 4:45 p.m. at the Waimea School Cafetorium, Waimea, South Kohala, with Chairman Sterling presiding.

PRESENT:	Leon K. Sterling, Jr.	ABSENT:	Lorraine Jitchaku
	Scott H. Asai		Akira Fujimoto, Ex-officio Member
	Takashi Domingo		Edward Harada, Ex-officio Member
	Arthur W. Martin		
	Haruo Murakami		
	Charles Sakamoto, Jr.		

Sidney M. Fuke
Norman K. Hayashi
Ilima A. Piianaia

Katsuya Yamada, Deputy Corporation Counsel
David Murakami, Public Works
Marvin Iida, Research & Development

and about 12 people in attendance at 4:30 p.m. and about 50 people at 7:00 p.m.

MEETING SCHEDULE

The staff announced that an additional meeting date has been added to the schedule for Monday, March 22, to be held in Hilo in the evening. The April 22, Kona meeting, is subject to change plus any additions for special meetings.

RECESS

Chairman called for a recess at 5:25 p.m. until the scheduled public hearing at 7:00 p.m.

RECONVENED FOR
PUBLIC HEARINGS

Meeting was reconvened at 7:01 to continue with the following public hearings.

CHANGE OF ZONE
ANTHONY PAUL
WAIHAHA, NORTH KONA

A duly advertised public hearing was held for a change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 5,227 square feet of land from a Resort-Hotel - 750 square foot (V-.75) to a Single Family Residential - 7,500 square foot (RS-7.5) zoned district. The property is located along the makai side of Kahakai Road in the vicinity of the Kona Hilton Hotel, approximately 300 feet makai of the Kahakai Road - Alii Drive junction, Waiaha 1st, North Kona, TMK: 7-5-18:86.

Staff recommended that the request be given a favorable consideration based on the findings and with a condition on file.

Mr. Domingo moved to send a favorable recommendation to the County Council for the reasons and with a condition as set forth by the staff; seconded by Mr. Asai; carried with five aye votes and one abstention.

VARIANCE
MARTIN MANGAN
KAWAIIHAE, WAIMEA
SOUTH KOHALA

A duly advertised public hearing was held for a variance request to allow a 5'-0" side yard setback in lieu of the minimum requirement of 8'-0" for a proposed addition to the existing dwelling. The property involved is located within the Kawaihae Village Planned Unit Development project, northwest of the Kawaihae Road, Kawaihae 2nd, Waimea, South Kohala, TMK: 6-2-03:14.

Staff recommended that the request be approved based on the findings and with conditions on file.

Mr. Murakami moved to approve the variance for the reasons and with the conditions set forth by the staff; seconded by Mr. Domingo; carried unanimously.

LAND USE COMMISSION
SPECIAL PERMIT
SOUTHWEST IMPROVEMENT &
INVESTMENT COMPANY
LANIHOU, NORTH KONA

A duly advertised public hearing was held for a Special Permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District. The property is located along the east side of Ololi Road (Old Honokohau

Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, TMK: 7-5-03:19.

EXHIBIT

4

Exhibits R and A are on file, Exhibit S was a photo circulated and Exhibits Q and T are on the board. Staff presented background information on file.

A question arose on the ownership of the road right-of-way on that portion of Ololi Road which is located off of Palani Road and which will be used as an access to the property in question. There was also the question of who will be required to improve and maintain this portion of the roadway.

While the attorney for the applicant was trying to resolve the legal question, the Chairman ruled to defer this hearing and move on to the next hearing.

LAND USE COMMISSION
SPECIAL PERMIT
SAM MONET
PUUKAPU, WAIMEA
SOUTH KOHALA

A duly advertised public hearing was held for a Special Permit request to allow the construction of a caretaker's quarters on 1.49 acres of land situated within the State Land Use Agricultural District. The property is located within the Waimea Vacationland Subdivision,

Unit I, situated approximately 940 feet south of the Old Mamalahoa Highway (Waimea to Honokaa Road), Puukapu, Waimea, South Kohala, TMK: 6-4-29:15.

Exhibits T and A are on file, Exhibit U was a photo circulated and Exhibits J and K are on the board. Staff presented background information on file.

Action was deferred in accordance with the State Land Use Commission's regulation regarding decisions on such petitions no earlier than 15 days after the public hearing.

RECESSED & RECONVENED

Chairman called for a recess at 8:17 p.m. and reconvened at 8:20 p.m.

✓ SOUTHWEST IMPROVEMENT &
INVESTMENT COMPANY
(CONTINUED)

Deputy Director reported that there does not seem to be a resolution on the situation but the applicant had expressed the desire to continue with the public hearing and at least get

a decision of the Commission. He stated that the staff would have no objection if the applicant would be willing to comply with the conditions or whatever improvements necessary if the road is ascertained to be a government right-of-way; or if upon investigation, it is determined that the right-of-way is not really government right-of-way then the applicant shall be responsible for securing a right-of-way through the property and put in necessary improvements.

Deputy Corporation Counsel was agreeable with the procedure.

Action was deferred in accordance with the State Land Use Commission's regulation regarding decisions on such petitions no earlier than 15 days after the public hearing.

CHANGE OF ZONE
SMA USE PERMIT
MAUNA LOA LAND, INC.
WAIKOLOA, ANAEHOOMALU &
KALAHUIPUA'A, S. KOHALA

A duly advertised public hearing was held for a change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 585.6 acres of land from Unplanned (U) and Open (O) zoned districts to Village Commercial - 10,000 square foot (CV-10), Resort-Hotel - 1,000, 1,250 and 2,000 square foot (V-1, V-1.25



STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

February 20, 1976

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Hawaii County Planning Department

Subject: Special Permit Application - Southwestern Improvement &
Investment Co. - Kailua, Kona
TMK: 7-5-03: 15

The Department of Agriculture has reviewed the application for a special use permit to construct a newspaper publishing facility.

The soils of the subject parcel are poor for agricultural use. The Land Study Bureau, Detailed Land Classification Bulletin, rates the soil as E285, which is fair for grazing and very poor for other ag activities. The USDA Soil Conservation Service assigns the soils to capability sub-class VIIIs, the lowest rating on a scale of eight.

The parcel is not in agricultural use.

Thank you for the opportunity to comment.

for Yukio Kitagawa
JOHN FARIAS, JR.
Chairman, Board of Agriculture

JF:k:h

Exhibit P

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720
Public Works Police Corp. Cnsl.
To: Water Supply Fire Virginia
Highways Div. Soil Conserv. Date: January 21, 1976
Health Dept. Dept. of Ag.
Res. & Dev. Helco

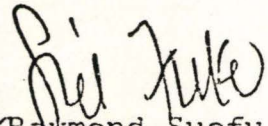
ok

From: Planning Department

Subject: Special Permit Application - Southwestern Improvement
& Investment Co.
TMK: 7-5-03:19

Attached is an application of Ross Pendergraft for a newspaper publishing facility in SLUC agricultural district. Please review and send us any comments within two weeks from the above date.

Thank you!



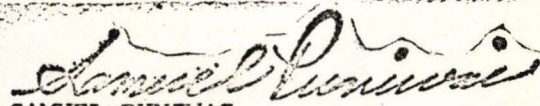
Raymond Suefuji
Director

lgv

Attach

February 11, 1976
Department of Health, Hilo

We recommend approval of the above request for special permit application.



SAMUEL PUNIWAI
Supervising Sanitarian, E.HI

Exhibit D

PUBLIC HEARINGS

PLANNING COMMISSION COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Waimea School Cafetorium, Waimea, South Kohala, Hawaii

DATE: Thursday, March 4, 1976

TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. APPLICANT: ANTHONY PAUL

LOCATION: Along the makai side of Kahakai Road in the vicinity of the Kona Hilton Hotel, approximately 300 feet makai of the Kahakai Road-Alii Drive junction, Waiaha 1st, North Kona.

TMK: 7-5-18:86

PURPOSE: Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 5,227 square feet of land from a Resort-Hotel—750 square foot (V-.75) to a Single Family Residential—7,000 square foot (RS-7.5) zoned district.

2. APPLICANT: MARTIN MANGAN

LOCATION: Within the Kawaihae Village Planned Unit Development project, northwest of the Kawaihae Road, Kawaihae 2nd, South Kohala.

TMK: 6-2-03:14

PURPOSE: Variance request to allow a 5'-0" side yard setback in lieu of the minimum requirement of 8'-0" for a proposed addition to the existing dwelling.

3. APPLICANT: SOUTHWEST IMPROVEMENT AND INVESTMENT COMPANY

LOCATION: Along the east side of Ololi Street (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona.

TMK: Special permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District.

4. APPLICANT: SAM MONET

LOCATION: Within the Waimea Vacationland Subdivision Unit I situated approximately 940 feet south of the Old Mamalahoa Highway (Waimea to Honokaa Road), Puukupu, Waimea, South Kohala.

TMK: 6-4-29:15

PURPOSE: Special permit to allow the construction of a caretaker's quarters on 1.49 acres of land situated within the State Land Use Agricultural District.

5. APPLICANT: MAUNA LOA LAND, INC.

LOCATION: Makai of the Queen Ka'ahumanu Highway between Puako and Anaeohomalulu Bay and comprising the Kalahuipua'a fishponds, Waikoloa, Anaeohomalulu, and Kalahuipua'a land divisions, South Kohala.

TMK: 6-8-01:portion of 22 and 6-9-01:3 and portion of 5.

PURPOSE: a) Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 561.5 acres of land from Unplanned (U) and Open (O) zoned districts to Village Commercial—10,000 square feet (CV-10), Resort-Hotel—1,000, 1,250 and 2,000 square feet (V-1, V-1.25 and V-2), Multiple Residential—1,500 and 3,000 square feet (RM-1.5 and RM-3), Limited Industrial—20,000 square feet (ML-20), and Open (O) zoned districts.

b) Special Management Area Use Permit request for development of Increment I-A which include a 350-unit hotel, 50 condominium units, 18-hole golf course and clubhouse facility, and necessary access roads and service/utility functions.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION

LEON K. STERLING, JR., Chairman

By RAYMOND SUEFUJI

Planning Director

(1133—Hawaii Tribune-Herald: February 13, March 2, 1976.)

Exhibit N

ERN

SPECIAL PERMIT: THE SOUTHWEST/ IMPROVEMENT AND INVESTMENT CO.

The Southwest Improvement and Investment Company has submitted a petition for a Special Permit to allow the establishment of a newspaper publishing facility on portion of a five (5) acre parcel situated within the State Land Use Agricultural District. The area under consideration is located along the east side of Ololi Street (old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona (TMK: 7-5-03:19).

The petitioner intends to construct a publishing facility on the subject parcel for the purpose of providing the community with a local-oriented newspaper.

The General Plan Land Use Pattern Allocation Guide Map designates the area for Extensive Agricultural uses. These areas are generally used as pasturage and range land. The area is also designated for Alternate Urban Expansion which may permit Low and Medium Density Urban uses. The County Zoning designation is Unplanned (U).

The land is of the Punaluu Soil Series which consist of well-drained organic soils over pahoehoe lava bedrock. (The surface layer is black peat about four (4) inches thick. The peat is rapidly permeable. The pahoehoe lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight.) The slope of the land is from 6 to 20 percent. According to the Soil Conservation Service Report, the area receives about 60-inches of rainfall annually.

Exhibit R

There is a single-family dwelling situated on the subject property. The remainder of the subject area is vacant. Surrounding land uses include [REDACTED] pastoral uses and vacant land.

Access to the subject property is via Ololi Street from the Palani Road, ^{distance of approximately 250 feet.} ~~Ololi Street, which is a County road,~~ has a 30-foot right-of-way but is unpaved.

There is no public water system to the area. The Kailua Fire Station is located approximately ^{1 1/2} two (2) miles from the site.

Upon review of the application, the Department of Public Works had the following comments to offer:

- "1. The existing Ololi Road is paved at Kuakini Highway for about 900 feet, from which point it is unpaved.
2. Presently, maintenance of this road is unnecessary because it is virtually not in use.
3. What is the status of the Lanihau Commercial Park?
4. Will a direct access to the site from Palani Road be constructed by the developer? If so, will there be a need to retain the existing road between the Queen Kaahumanu Highway extension and the site in question?
5. We do not feel that the County should be held responsible for the maintenance or improvement of the present access to accommodate the development."

The Department of Agriculture had the following comments:

"The Department of Agriculture has reviewed the application for a special use permit to construct a newspaper publishing facility.

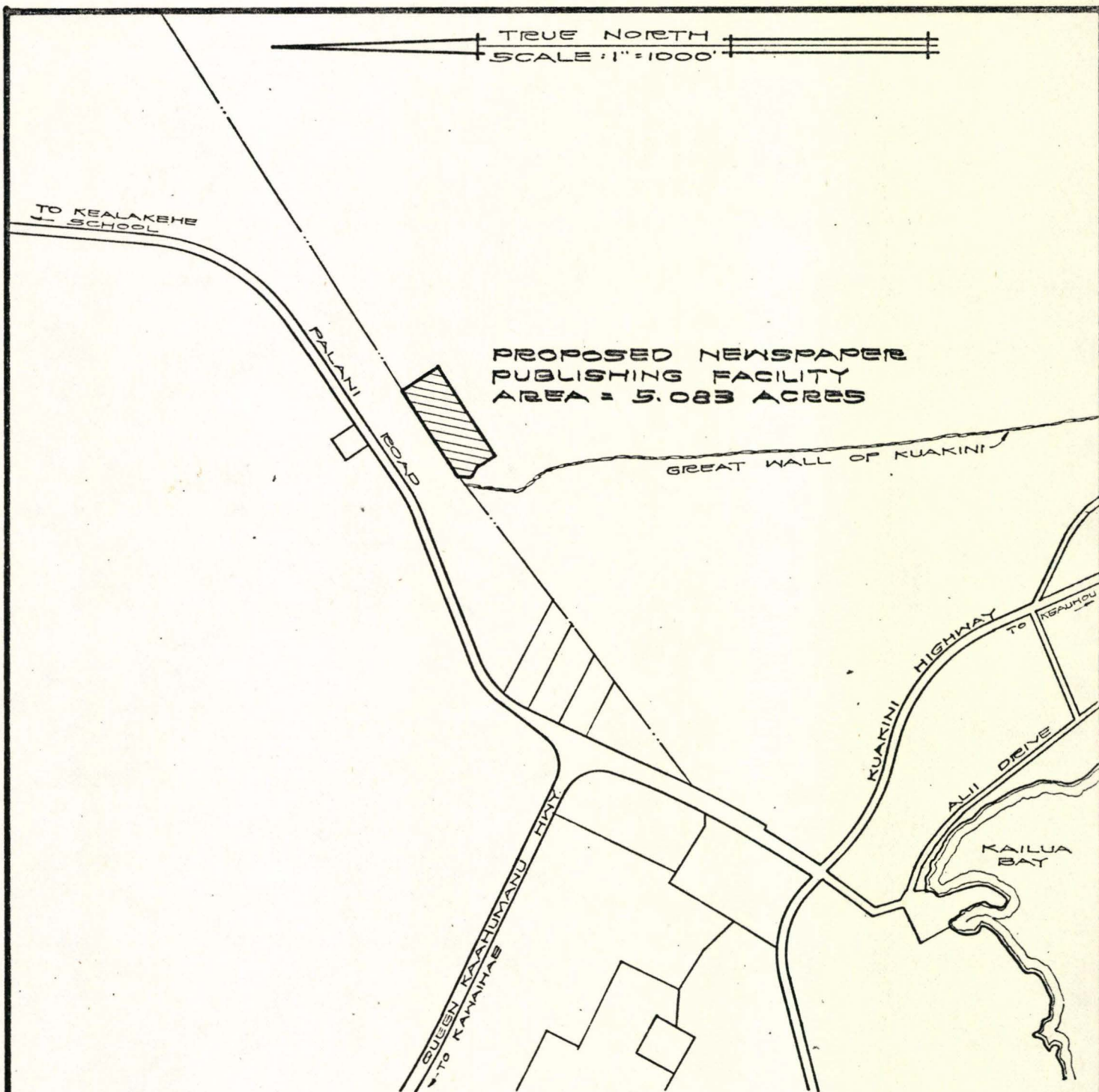
"The soils of the subject parcel are poor for agricultural use. The Land Study Bureau, Detailed Land Classification Bulletin, rates the soil as E285, which is fair for grazing and very poor for other ag activities. The USDA Soil Conservation Service assigns the soils to capability sub-class VIIIs, the lowest rating on a scale of eight.

"The parcel is not in agricultural use."

All other cooperating agencies had no comments on or objections to the subject request.

In support of the request, the petitioner has stated the following:

(Read Exhibit A)



SPECIAL PERMIT REQUEST

PROPOSED CONSTRUCTION OF A
NEWSPAPER PUBLISHING FACILITY

LANIHAW 1ST, NORTH KONA, HAWAII

TAX MAP KEY : 7-5-03:10

PERMIT REQUEST BY : SOUTHWESTERN IMPROVEMENT
AND INVESTMENT COMPANY

JAN. 30, 1976

Exhibit J

February 2, 1976

Mr. Ross Pendergraft
Vice President
Southwest Improvement & Investment Co.
c/o Hawaii Tribune-Herald
P. O. Box 767
Hilo, HI 96720

Re: Notice of a Public Hearing
Special Permit Application
Tax Map Key 7-5-03:19

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, March 4, 1976 at the Waimea School Cafetorium, Waimea, South Kohala, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.



Raymond Suefuji
Director

lat:am

Enclosure

cc: Southwest Improvement & Investment Co.

Exhibit 17
FEB 4 1976

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Waimea School Cafetorium, Waimea, South Kohala, Hawaii

DATE: Thursday, March 4, 1976

TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. APPLICANT: ANTHONY PAUL

LOCATION: Along the makai side of Kahakai Road in the vicinity of the Kona Hilton Hotel, approximately 300 feet makai of the Kahakai Road-Alii Drive junction, Waiaha 1st, North Kona.

TMK: 7-5-18:86

PURPOSE: Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 5,227 square feet of land from a Resort-Hotel - 750 square foot (V-.75) to a Single Family Residential - 7,000 square foot (RS-7.5) zoned district.

2. APPLICANT: MARTIN MANGAN

LOCATION: Within the Kawaihae Village Planned Unit Development project, northwest of the Kawaihae Road, Kawaihae 2nd, South Kohala.

Exhibit L

TMK: 6-2-03:14

PURPOSE: Variance request to allow a 5'-0" side yard setback in lieu of the minimum requirement of 8'-0" for a proposed addition to the existing dwelling.

3. APPLICANT: SOUTHWEST IMPROVEMENT AND INVESTMENT COMPANY

LOCATION: Along the east side of Ololi Street (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona.

TMK: 7-5-03:19

PURPOSE: Special permit request to allow the establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District.

4. APPLICANT: SAM MONET

LOCATION: Within the Waimea Vacationland Subdivision Unit I situated approximately 940 feet south of the Old Mamalahoa Highway (Waimea to Honokaa Road), Puukupu, Waimea, South Kohala.

TMK: 6-4-29:15

PURPOSE: Special permit to allow the construction of a caretaker's quarters on 1.49 acres of land situated within the State Land Use Agricultural District.

5. APPLICANT: MAUNA LOA LAND, INC.

LOCATION: Makai of the Queen Ka'ahumanu Highway between Puako and Anaehoomalu Bay and comprising the Kalahuipua'a fishponds, Waikoloa, Anaehoomalu, and Kalahuipua'a land divisions, South Kohala.

TMK: 6-8-01:portion of 22 and 6-9-01:3 and portion of 5.

PURPOSE: a) Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 561.5 acres of land from Unplanned (U) and Open (O) zoned districts to Village Commercial - 10,000 square feet (CV-10), Resort-Hotel - 1,000, 1,250 and 2,000 square feet (V-1, V-1.25 and V-2), Multiple Residential - 1,500 and 3,000 square feet (RM-1.5 and RM-3), Limited Industrial - 20,000 square feet (ML-20), and Open (O) zoned districts.

b) Special Management Area Use Permit request for development of Increment I-A which include a 350-unit hotel, 50 condominium units, 18-hole golf course and clubhouse facility, and necessary access roads and service/utility functions.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
LEON K. STERLING, JR., Chairman
By RAYMOND SUEFUJI
Planning Director

(Honolulu Advertiser: February 13, 1976)

Hawaii Tribune-Herald: February 13, 1976 and March 2, 1976)



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

February 2, 1976

Dear Property Owner: (TMK:

Re: Special Permit Application - Lanihau 1st, North Kona, Hawaii
Tax Map Key 7-5-03:19

You are hereby notified that a request for a special permit to allow establishment of a newspaper publishing facility on 5.08 acres of land situated within the State Land Use Agricultural District has been submitted by the applicant, Southwest Improvement and Investment Company.

The proposed facility is to be located along the east side of Ololi Street (Old Honokohau Road), approximately 4,000 feet mauka of the Kona Tradewinds Discotheque, Lanihau 1st, North Kona, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Thursday, March 4, 1976 at Waimea School Cafetorium, Waimea, South Kohala, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.

Raymond Suefuji
Raymond Suefuji
Director

lat

Enclosure

Exhibit K

7-5-03:19 (5.033 ACRES)

7-5-03:10

JOHN RAPOZA

P.O. Box 323, KAILUA, KONA 96740

21

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"

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"

"

7-5-04:19

JOHN RAPOZA & HEDEMANN EDMUND % CARLSMITH

P.O. Box 686, HILO 96720

29

MERRILL CARLSMITH ETAL

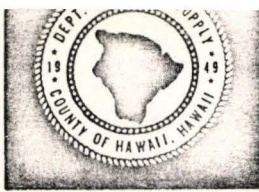
P.O. Box 686, HILO 96720

7-4-05:1

LILIUOKALANI TRUST ESTATE

% FIRST HAWAIIAN BANK TR. DIV.

Box 3200 HONOLULU, HI 96801



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

February 4, 1976

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT APPLICATION - SOUTHWESTERN IMPROVEMENT &
INVESTMENT CO.
TMK: 7-5-03:19

There is no public water system near this area.

Akira Fujimoto

Akira Fujimoto
Manager

GK

... *Water brings progress...* Exhibit H

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

MEMORANDUM

Date January 30, 1976

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit

Applicant: Southwestern Improvement & Investment Company

Location: N. Kona, Hawaii

TMK: 7-5-03:19

We have reviewed the subject application and our comments are as follows:

1. The existing Ololi Road is paved at Kuakini Highway for about 900 feet, from which point it is unpaved.
2. Presently, maintenance of this road is unnecessary because it is virtually not in use.
3. What is the status of the Lanihau Commercial Park?
4. Will a direct access to the site from Palani Road be constructed by the developer? If so, will there be a need to retain the existing road between the Queen Kaahumanu Highway extension and the site in question?
5. We do not feel that the County should be held responsible for the maintenance or improvement of the present access to accommodate the development.

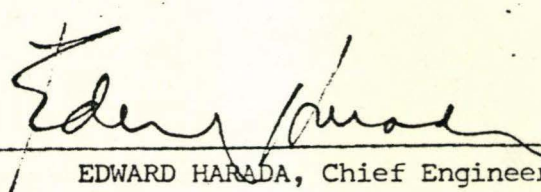

EDWARD HARADA, Chief Engineer

Exhibit G

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning

DATE: January 30, 1976

FROM: Fire

SUBJECT: Special Permit Application - Southwestern Improvement
& Investment Co.
TMK: 7-5-03:19

Applicant shall submit plans for life and fire safety
requirements. Fire protection provided by Kailua Fire
Station located .2 miles distant.

Teruie lu Ke has lu
Fire Inspector

HAWAII ELECTRIC LIGHT COMPANY, INC.

P. O. BOX 1027 HILO, HAWAII-96720



January 27, 1976

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

Attention: Mr. Raymond Suefuji
Director

Subject: Special Permit Application
Southwestern Improvement &
Investment Company
TMK: 7-5-03:19

Gentlemen:

We have no comments to the above application as per
your memorandum of January 21, 1976.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'J. Niwao', written over a horizontal line.

Jitsuo Niwao, Manager
Engineering Department

JN:bk

Exhibit E



COUNTY OF HAWAII
DEPARTMENT OF POLICE
HILO, HAWAII



OUR REFERENCE

YOUR REFERENCE

ADDRESS ALL
COMMUNICATIONS TO:
ERNEST J. FERGERSTROM
CHIEF OF POLICE
HILO, HAWAII

TO : MR. RAYMOND SUEFUJI, PLANNING DIRECTOR
FROM : ERNEST J. FERGERSTROM, CHIEF OF POLICE
SUBJECT: 1. APPLICATION FOR VARIANCE - STATE
TRANSPORTATION (AIRPORTS DIV)
✓ 2. SPECIAL PERMIT APPLICATION - SOUTHWESTERN
IMPROVEMENT & INVESTMENT CO.

The attached Variance Application for the Airports Division of the State Department of Transportation and Special Permit Application for Southwestern Improvement & Investment Company have been reviewed for traffic considerations.

We have no comments to offer at this time.

The opportunity to comment on these matters is appreciated.

Ernest J. Fergerstrom
ERNEST J. FERGERSTROM
CHIEF OF POLICE
JANUARY 26, 1976

GCA:mf

Attachments

EXHIBIT D

MEMORANDUM:

PLANNING DEPARTMENT
To: Public Works
Water Supply
Highways Div.
Health Dept.
Res. & Dev.

— County of Hawaii, Hilo, Hawaii 96720
Police
Fire
Soil Conserv.
Dept. of Ag.
Helco

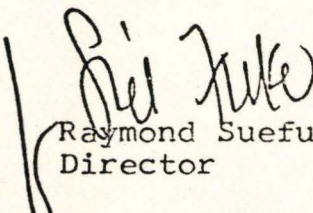
Corp. Cnsl.
Virginia
Date: January 21, 1976

From: Planning Department

Subject: Special Permit Application - Southwestern Improvement
& Investment Co.
TMK: 7-5-03:19

Attached is an application of Ross Pendergraft for a newspaper publishing facility in SLUC agricultural district. Please review and send us any comments within two weeks from the above date.

Thank you!


Raymond Suefuji
Director

lgv

Attach

Exhibit C

January 21, 1976

Mr. Ross Pendergraft
% Hawaii Tribune Herald
P. O. Box 767
Hilo, Hawaii 96720

Re: Southwester Improvement & Investment Co.
Special Permit - Newspaper Publishing Facility
TMK: 7-5-03:19

This is to acknowledge receipt on January 19, 1976 of the above described special permit application.

The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Should any questions arise, please contact Norman Hayashi or Ilima Piianaia of this department at 961-8288.

Sidney M. Fuji

Raymond Suifuji
Director

NH:lgv

cc Southwestern Improvement & Investment Co.

Exhibit B

JAN 22 1976



EXISTING DWELLING



PRIVATE DRIVEWAY



OLOLI ROAD - GRAVEL

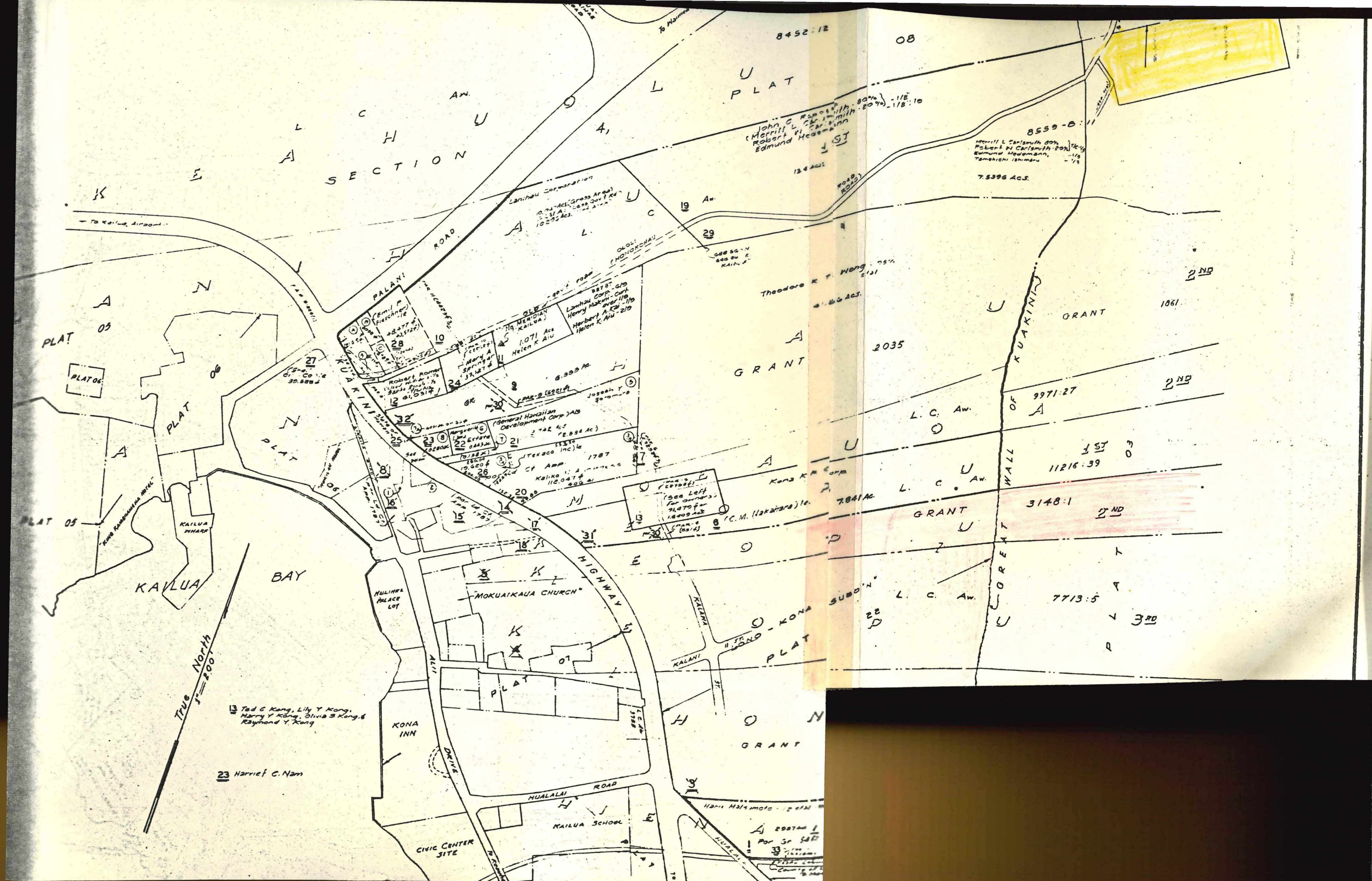
OLOLI ROAD

SOUTHWEST IMPROVEMENT
S.P. ~ NEWSPAPER PUB. FACILITY

EXHIBIT S

LAND USE COMMISSION
STATE OF HAWAII

JUN 18 11 31 AM '76



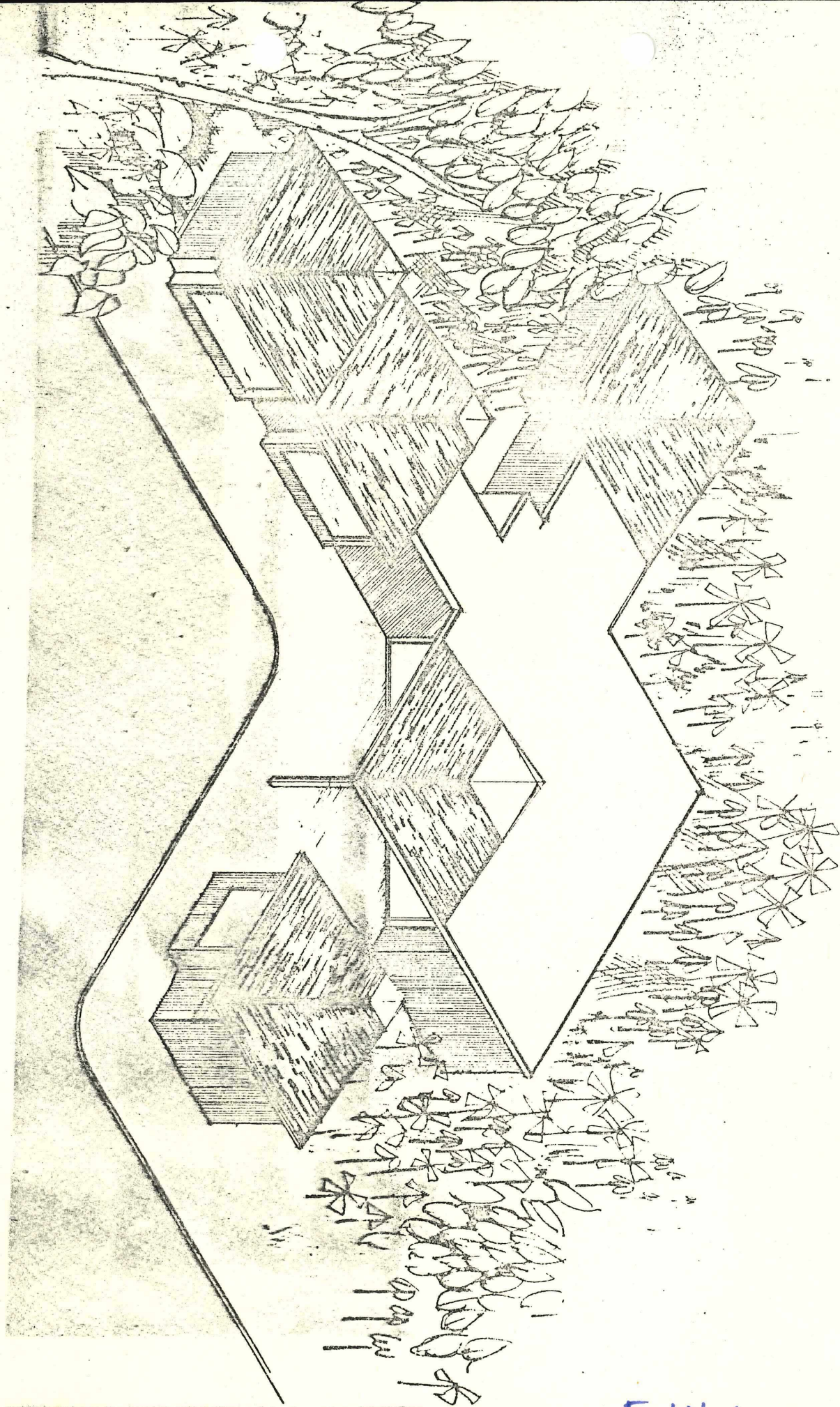


Exhibit Q

304.29'

LOT A
5.061 Ac.

718.87'

580'

35'

HOUSE

16' CESTERPOOL

PARKING

2,250'

10.9'

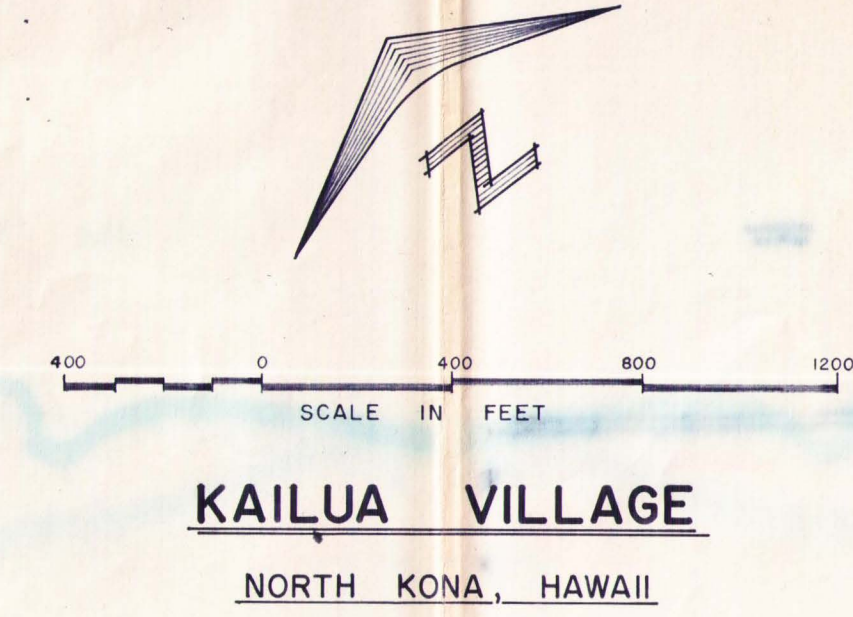
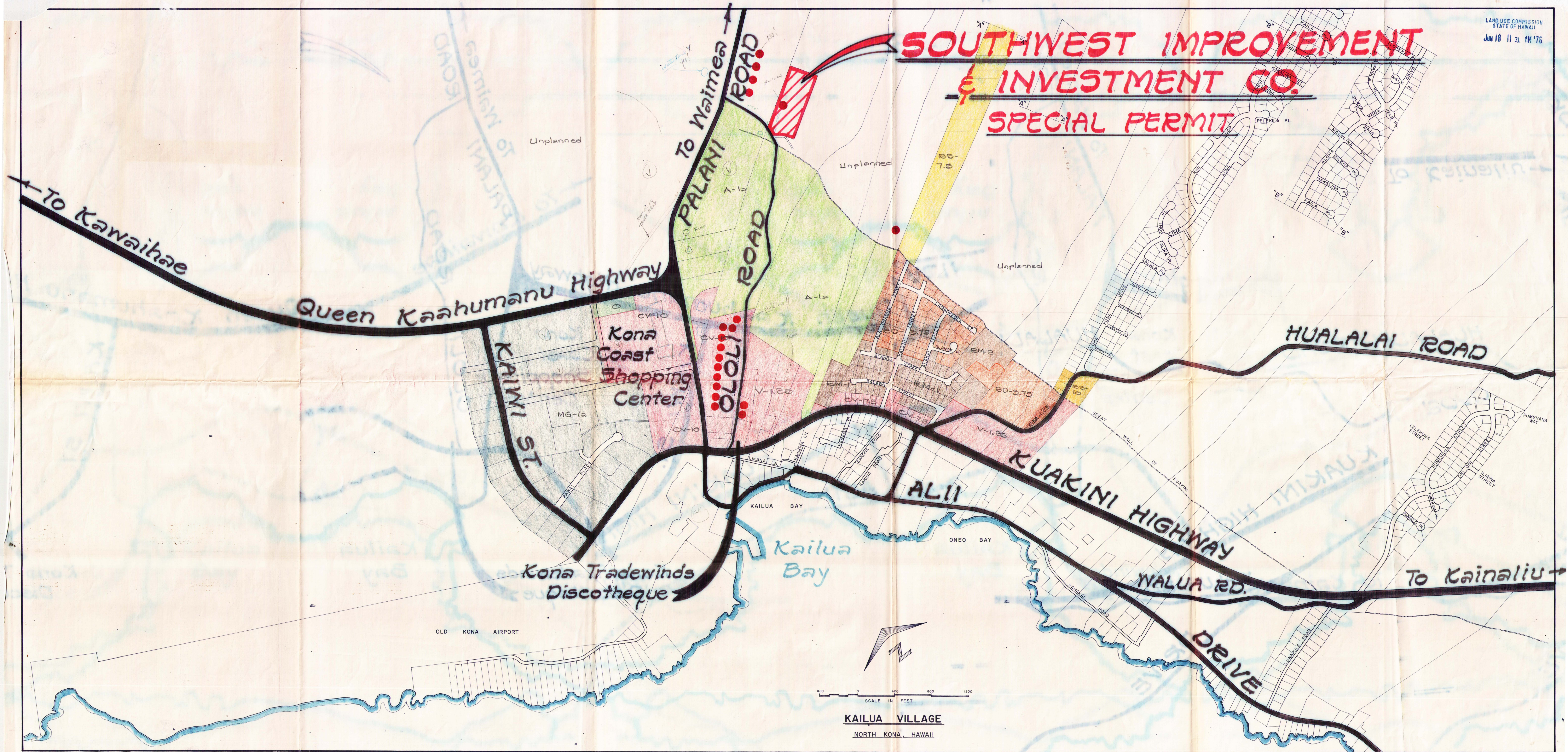
110'

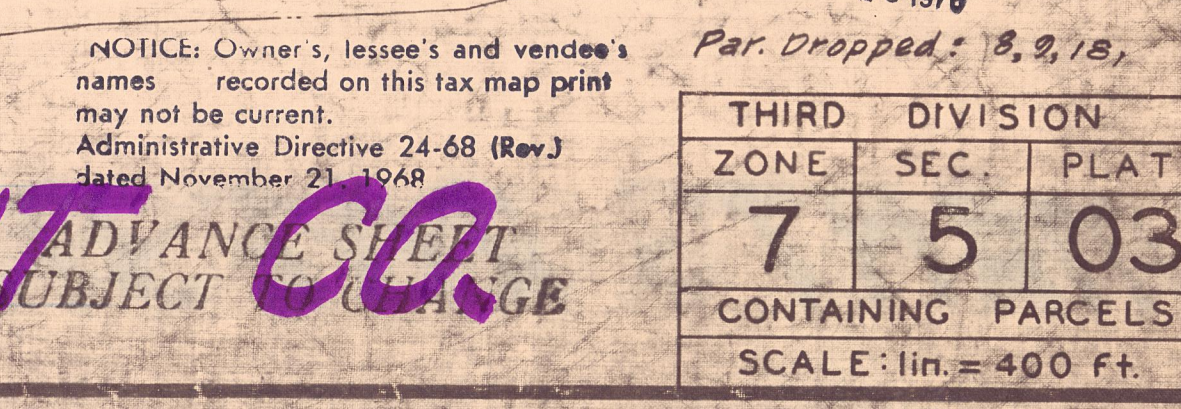
118'

OLD D

FORM 101

SOUTHWEST IMPROVEMENT & INVESTMENT CO. SPECIAL PERMIT





Orig. No.: 2
Source: Tax Maps Bureau (Field Survey)
By: F.W.B. & H.N. June 1936

SP76-241 SOUTHWESTERN IMPROVEMENT INVESTMENT CO.

POB. OF LANIHAU 1ST & HONUAULA, NORTH KONA, HAWAII