

COPY

PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

OCT 19 1149 AM '81

October 15, 1981

Mr. Kenneth Fujiyama
Kenneth Fujiyama Realty, Inc.
1059 Kilauea Avenue
Hilo, HI 96720

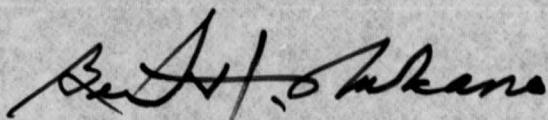
Dear Mr. Fujiyama:

Nullification of Special Permit No. 78-328 (LUC 404)
Establishment of Commercial Botanical Garden
TMK: 1-7-08:18

The Planning Commission at its regular meeting on October 9, 1981, voted to nullify Special Permit No. 78-228 (LUC 404) as a result of non-compliance with performance time condition. The permit allowed the establishment of a commercial botanical garden on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,


BERT H. NAKANO
Chairman, Planning Commission

lgy

cc: State Land Use Commission



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI

Mayor

SIDNEY M. FUKE

Director

DUANE KANUHA

Deputy Director

September 24, 1981

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

Special Permit 78-~~328~~ (LUC 404)
Establishment of Commercial Botanical Garden
TMK: 1-7- 08:18

Please be informed that the Planning Director is recommending to the Planning Commission that the above-captioned Special Permit be nullified as a result of non-compliance with Condition No. 2 which states, "That the petitioner or his authorized representative(s) shall submit plans for 'Plan Approval' within one year from the effective date of the Special Permit. The petitioner or his authorized representative(s) shall also be responsible for receipt of 'Final Plan Approval.' " The Permit further stated that should any of the conditions of approval not be met, the Special Permit may be deemed null and void. Since the effective date of the Permit was April 20, 1979, plans had to be submitted by April 20, 1980.

This matter will be discussed by the Planning Commission at its meeting on October 9, 1981. You may present your case to the Planning Commission at that time if you so desire. Enclosed for your information is a copy of the Planning Commission agenda.

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

Sincerely,

SIDNEY FUKE
Planning Director

NH:smn
Enclosure

cc: State Land Use Commission



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

April 20, 1979

GEORGE R. ARIYOSHI
Governor
CHARLES W. DUKE
Chairman
SHINICHI NAKAGAWA
Vice Chairman

COMMISSION MEMBERS:

James Carras
Colette Machado
Shinsel Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

GORDAN FURUTANI
Executive Officer

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

Dear Mr. Fuke:

Subject: SP78-328 - KENNETH FUJIYAMA

In reference to our letter to you dated
January 12, 1979, enclosed is a copy of the
Decision and Order on SP78-328 for your information
and records.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Kenneth Fujiyama

BEFORE THE LAND USE COMMISSION

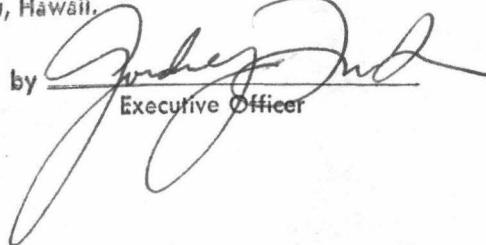
OF THE STATE OF HAWAII

In the Matter of the) SP78-328
Petition for Special Permit)
of KENNETH FUJIYAMA) KENNETH FUJIYAMA

)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

APR 20 1979
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-328
Petition for Special Permit)
of KENNETH FUJIYAMA)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above entitled
matter, makes the following findings of fact and conclusions
of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed by KENNETH FUJIYAMA to allow the establishment of a commercial botanical garden on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08: 18.

2. The subject property is located on the south-easterly side of the New Volcano Road at Olaa Reservation Lots.

3. The proposed botanical garden is to include 15 individually designed flora and/or foliage display areas; waterways and lagoons totalling approximately 15,000 square feet in area; various paths and shelters; a mall and court area where concessions, shops, displays, and information will be available; a maintenance area including an 8,000 square foot building; a 25,000 square foot plant holding area; and a 4,200 square foot main structure.

4. The main structure is to include shops, a snack bar/coffee shop, administration offices, activity areas, and other miscellaneous uses. Plans for the botanical garden also

include the provision of 48 auto parking stalls and 6 bus stalls.

5. Present County Zoning for the subject property is Agricultural-1 acre (A-1a).

6. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "D" or "Poor" for the subject property. The site is not included in the Agricultural Lands of Importance to the State of Hawaii classification system of the Department of Agriculture.

7. The subject property is presently vacant of any use. Surrounding lands are primarily agricultural in nature, including an anthurium farm immediately east of the subject site and sugar cane. Single family dwellings are also scattered throughout the area along the main highway.

8. The subject property is bounded by both the Old and New Volcano Roads. Access to the site is presently from the new road. The New Volcano Road has an 80-foot right-of-way and a 24-foot pavement width, while the Old Volcano Road has a 50-foot right-of-way and a 10-foot pavement width.

9. A one-inch water meter presently serves the subject area. All other utilities are or will be made available at the subject site.

10. The Petitioner has stated that the proposed use would not adversely affect the surrounding area, nor unreasonably burden public agencies to provide services and facilities.

11. The Petitioner has also submitted a conceptual development study for the proposed botanical garden.

12. The County Department of Water Supply had no objection to the Special Permit request but did note that

water service to the subject property would be restricted to a 1-inch meter until such time that the booster pump capacity can be increased.

13. The State Department of Health has cited applicable health regulations to which the Petitioner must comply.

14. The U.S.D.A. Soil Conservation Service has noted that drainage and runoff at the subject site should be adequately controlled.

15. The Hawaii County Police Department has cited a potential traffic problem at the entrance to the proposed botanical garden caused by vehicles entering and exiting the subject site. The Department has recommended the creation of acceleration and deceleration lanes to alleviate this problem.

16. The State Department of Transportation has stated that acceleration and deceleration lanes would be required at the Volcano Highway entrance to the subject site to alleviate potential traffic hazards.

17. The Hawaii County Department of Public Works has cited applicable roadway improvements to be completed by the Petitioner in the event that the old County Road is used for access to the site.

18. The Hawaii County Fire Department, Department of Parks and Recreation, Hawaii Electric Light Co., Inc., and State Department of Agriculture had no objections to the permit request.

19. The Hawaii County Planning Department has recommended approval of the Special Permit request.

20. A public hearing on the application for Special Permit was conducted by the Hawaii County Planning Commission

on October 26, 1978. The Petitioner, KENNETH FUJIYAMA, testified in support of the request. Mr. Charles Schuster of the State Department of Transportation testified that should the request be granted, the Petitioner would be required to put in deceleration and acceleration lanes for safe access onto the main highway. No other persons testified concerning the request.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an Agricultural District may be permitted by Special Permit pursuant to HRS Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The approval of the subject request would be consistent with the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The purpose of this Special Permit is to allow the establishment of a commercial botanical garden as well as related uses within the State Land Use Agricultural District. The proposed botanical garden will include 15 individually designed flora display areas, waterways and lagoon, various paths and shelters, mall and court area, maintenance area, plant holding area, as well as the main structure housing administrative offices, snack bar, and activity areas.

The garden areas will include both formal displays and "jungle" areas where the vegetation will be left in its natural state. These gardens as well as the proposed court

and mall will provide areas where plants and flowers can be displayed and sold to the visitors to the botanical garden. Botanical gardens, as well as the display and sale of products raised on the premises are permitted uses under both the State Land Use Law and Regulations and the County's Agricultural Zoned District Regulations. However, this Special Permit is required to allow certain ancillary activities including the sale of agricultural products not raised or produced on the subject area as well as commercial shops and restaurant activities. Although the granting of this request will allow the establishment of certain non-agricultural uses on the subject area, it is determined that these uses will be subsidiary to the operation of the proposed botanical garden.

The Petitioner's intent in establishing the proposed use is to provide the area where visitors as well as residents can view local agricultural products, native plants, and flowers; thereby providing a visitor destination area while at the same time promoting these agricultural products. These visitor facilities in turn will add to the cumulative attraction of the Volcano/Hilo destination area by providing additional opportunities and experience for the visitors. Although the visitor industry has emerged as a major economic force for the County in the past decade and a half, there is still the question of stability of the visitor industry. This industry, which caters to the recreational desires of people, is highly sensitive to not only exogenous factors such as the national economy, but also the amenities available within the area. As such, sufficient activities and interests should be made available to the visitors in order to achieve the County's goals and policies of maintaining economic stability. As an emerging economic force of the

County, the visitor industry will have a tremendous effect on the lives of the residents. The greatest impact of the visitor industry has been the creation of additional employment and economic opportunities for the residents. This industry greatly contributes to the economy of the island as well as the State. As such, it is determined that the establishment of the proposed use will be in the best public interest.

3. The proposed use will not have any significant adverse effects on the surrounding properties. Surrounding land uses include an anthurium farm immediately east of the subject area, other diversified agricultural activities and the raising of sugar cane. In addition, there are scattered single family dwellings in this area. While the proposed botanical garden will undoubtedly intensify the use of the subject area, it is determined that this area will still remain primarily agricultural in nature. Consequently, the granting of this request will not alter or change the essential character of this area.

4. The proposed use will not unreasonably burden public agencies to provide the necessary infrastructure for the operation of the proposed use. All essential utilities and facilities including water are or will be available to the subject area.

5. The use described in the Petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-328 for the establishment of a commercial botanical garden on

approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08: 18, be approved subject to the following conditions:

1. That the proposed development shall substantially conform to the plans submitted and representations made by the Petitioner except as conditioned herein.
2. That the Petitioner or his authorized representative(s) shall submit plans for "Plan Approval" within one year from the effective date of the Special Permit. The Petitioner or his authorized representative(s) shall also be responsible for receipt of "Final Plan Approval."
3. That development of the botanical garden and related improvements shall commence within one year of receipt of Final Plan Approval. This botanical garden shall be developed substantially as represented in the "Primary Site Plan" as described in the overall landscaping and design plan submitted by the Petitioner identified as Petitioner Exhibit A; and furthermore, shall be in operation within three years after commencement of development.
4. That none of the proposed commercial and/or restaurant uses shall be in operation prior to the opening of the botanical garden. Furthermore, the restaurant use shall be limited to one facility situated within the main structure.
5. That the proposed commercial and restaurant uses shall be open only during the established visiting hours to the main garden area. Furthermore, the office, restaurant, and commercial uses within the facility shall be ancillary to the operation of the proposed botanical garden.

6. That commercial sales and display areas in the proposed court and/or mall area shall be limited only to agricultural products.

7. That access to the area under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and/or the County Department of Public Works. Furthermore, that all required improvements to the roadway(s) shall be completed prior to the granting of the occupancy permit.

8. That prior to the commencement of construction, the Petitioner or his authorized representative(s) shall obtain a Grading Permit from the Department of Public Works.

9. That all other applicable rules, regulations and requirements shall be complied with.

10. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By

George R. Pascua

GEORGE R. PASCUA
Commissioner



By

Edward K. Yanai

EDWARD K. YANAI
Commissioner

No.

974916

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO

SIDNEY FUKE

STREET AND NO.

25 Aupuni St.

P.O., STATE AND ZIP CODE

Hilo, Hawaii 96720

POSTAGE		\$ 1.71
	CERTIFIED FEE	.89¢
	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
CONSULT POSTMASTER FOR FEES		
OPTIONAL SERVICES	SHOW TO WHOM AND DATE DELIVERED	.45¢
RETURN RECEIPT SERVICE	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$ 2.96
POSTMARK OR DATE		



SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered.
 Show to whom, date, and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$. . .
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

SIDNEY FUKE

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	974916	

1. (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY

4/23/79

POSTMARK

23
1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

No.

974922

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SP 78-328 Kenneth Fujiyama

SENT TO
KENNETH FUJIYAMA

STREET AND NO.

1059 Kilauea Avenue

P.O., STATE AND ZIP CODE

Hilo, HI 96720

POSTAGE		\$.54
CERTIFIED FEE		.80¢
OPTIONAL SERVICES	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED		.45¢
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
TOTAL POSTAGE AND FEES		\$ 1.79
POSTMARK OR DATE		APR 20 1979

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, afix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on
reverse.

1. The following service is requested (check one).

Show to whom and date delivered.

Show to whom, date, and address of delivery.

RESTRICTED DELIVERY

Show to whom and date delivered. ¢

RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

KENNETH FUJIYAMA

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.
974922

1 (Always obtain signature of addressee or agent)

I have received the article described above.

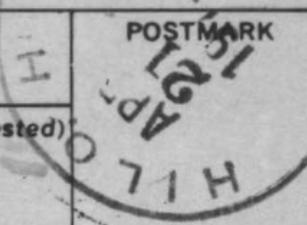
SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY

4/21/79

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN TO



State of Hawaii
LAND USE COMMISSION
Suite 1795, Pacific Trade Center
1190 South King Street
Honolulu, Hawaii 96813

(Name of Sender)

(Street or P. O. Box)

(City, State, and ZIP Code)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) SP78-328
for Special Permit of)
) KENNETH FUJIYAMA
KENNETH FUJIYAMA)
)
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the follow-
ing by certified mail:

SIDNEY FUKE, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

KENNETH FUJIYAMA
1059 Kilauea Avenue
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 20th day of April, 1979.


GORDAN Y. FURUTANI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library
Kahului, Maui

Approved

June 27, 1979

January 11, 1979 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

James Carras (10:30 a.m. arrival)

COMMISSIONER ABSENT: Colette Machado

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

SP78-314 - DEPARTMENT OF LAND & NATURAL RESOURCES
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF WATER STORAGE
TANKS AT KOLOA, KAUAI

Mr. Daniel Yasui, staff planner, oriented the Commission to the location of the property and presented a summary of the staff memorandum.

Mr. Allan Kawada, Deputy Attorney General, stated that upon review of the record, it was his opinion that the subject request would not come into conflict with the provisions of Section 205-4.5.

Commissioner Whitesell suggested that a letter be sent to all the county planning departments and planning commissions requesting that all Special Permit applications include the Land Study Bureau's soil classification information, as well as specific information regarding the land conveyance. The Chair directed staff to take care of this matter.

Commissioner Pascua moved that SP78-314 be approved, subject to the conditions imposed by the County Planning Commission, which was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-326 - T. T. MEYER, INC.

SPECIAL PERMIT TO ALLOW THE OPERATION OF A ROCK AND CINDER QUARRY AT KAPUAOKOOLAU, MOLOKAI

A resume of the subject request was presented by staff planner. The location of the property was also identified on the maps.

Commissioner Miyasato moved to approve the Special Permit, subject to the conditions imposed by the Maui County Planning Commission. It was seconded by Commissioner Pascua and unanimously passed.

SP78-327 - YAMADA ENTERPRISES, INC.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A ROCK QUARRY AND CONCRETE BATCHING PLANT OPERATION AT KAIMU-MAKENA HOMESTEADS, PUNA, HAWAII

Staff planner pointed out the area under discussion and presented a summary of the request. Discussion revolved around the subject of the wind direction in relation to the residences located in the area, and the rationale for the A. C. and batching plant operations.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Vice Chairman Nakagawa and unanimously carried.

✓SP78-328 - KENNETH FUJIYAMA

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A COMMERCIAL BOTANICAL GARDEN AT OLAA, PUNA, HAWAII

Following presentation of the staff memorandum, several questions were posed regarding the uses and activities proposed on the subject site. Commissioner Whitesell pointed to the "vagueness" of information regarding the total number of shops intended and the specific uses proposed.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, seconded by Commissioner Pascua, and the Commissioners were polled as follows:

Ayes: Commissioners Oura, Miyasato, Pascua, Yanai, Nakagawa, Chairman Duke

Nay: Commissioner Whitesell

The motion was carried.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP78-328 - KENNETH FUJIYAMA DATE January 11, 1979
PLACE Kahului Library, Kahului, Maui TIME 9:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	MIYASATO, SHINSEI	X			
S	PASCUA, GEORGE R.	X			
	MACHADO, COLETTE				X
	YANAI, EDWARD	X			
M	OURA, MITSUO	X			
	CARRAS, JAMES				X
	NAKAGAWA, SHINICHI	X			
	WHITESELL, CAROL		X		
	DUKE, CHARLES	X			

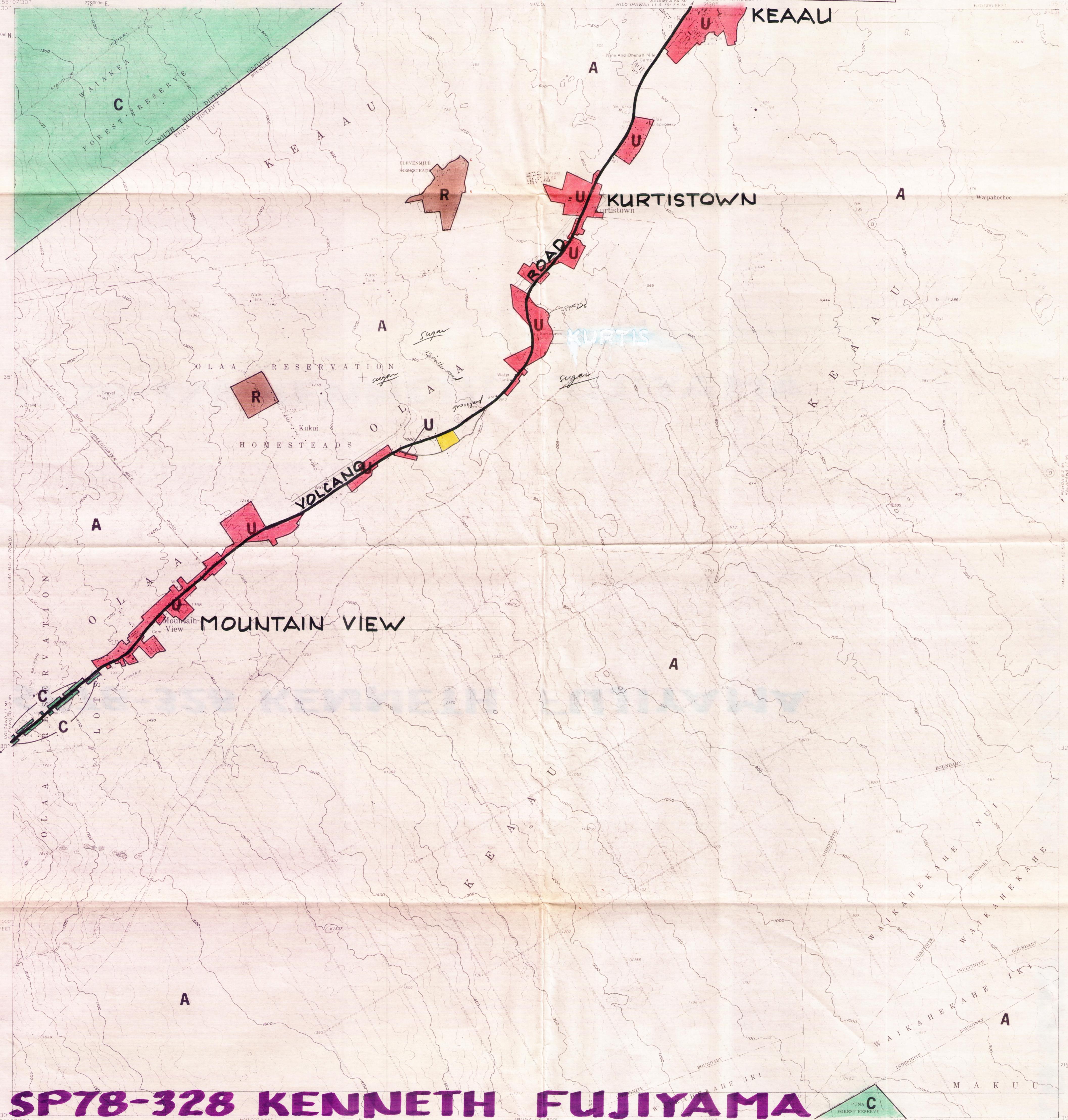
Comments: I move that we approve SP78-328, subject to the conditions imposed by the Hawaii County Planning Commission.

SP700-388
Kenneth Fujitama
UC MAPS

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LAND USE DISTRICT BOUNDARIES
Subject To Change
DISTRICT MAP
H-67
STATE OF HAWAII
LAND USE COMMISSION
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT
EFFECTIVE DATE DEC 20 1974

MOUNTAIN VIEW QUADRANGLE
HAWAII-ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 HILO 15 QUADRANGLE
670,000 FEET 135,000 FEET
19°37'30" 155°07'30"



SP78-328 KENNETH FUJIYAMA

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial

photographs taken 1954 and 1962. Field checked 1962

Polyconic projection. Old Hawaiian datum

10,000 foot grid based on Hawaiian coordinate system, zone 1

1000 meter Universal Transverse Mercator grid ticks

zone 5, shown in blue

Fine red dashed lines indicate selected fence lines

115°
TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN DECLINATION, 1963

CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D.C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



5457

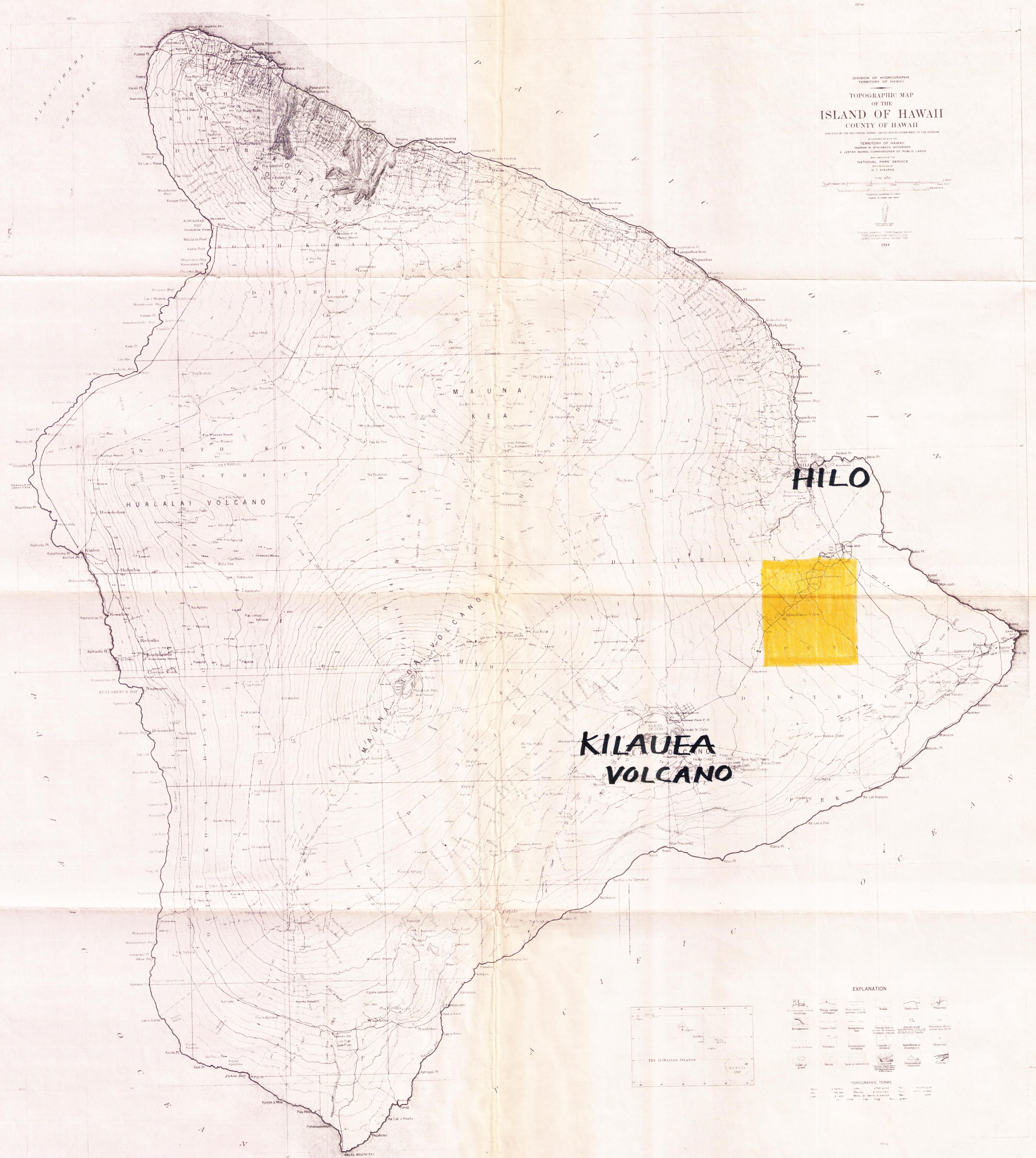
MOUNTAIN VIEW, HAWAII
SE/4 HILO 15 QUADRANGLE
N1930-W15500/7.5

1963

H-67

HAWAII ISLANDS
QUADRANGLE LOCATION

MOUNTAIN VIEW, HAWAII
HAWAII PROJECT



STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: SP78-328 - Kenneth Fujiyama

January 11, 1979

The petitioner, Kenneth Fujiyama, is requesting a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08: 18. The subject property is located on the south-easterly side of the New Volcano Road at Olaa Reservation Lots (see attached Location Map, County Exhibit R-1).

The proposed botanical garden is to include 15 individually designed flora and/or foliage display areas; waterways and lagoons totalling approximately 15,000 square feet in area; various paths and shelters; a mall and court area where concessions, shops, displays, and information will be available; a maintenance area including an 8,000 square foot building; a 25,000 square foot plant holding area; and a 4,200 square foot main structure.

The proposed main structure will include shops, a snack bar/coffee shop, administration offices, activity areas, and other miscellaneous uses. Plans also include the provision of 48 auto parking stalls and 6 bus stalls.

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

"The proposed botanical garden is an agricultural use which is consistent with the present zoning. In an adjacent lot, there is a commercial anthurium farm which is conceptually a similar type of operation as the proposed botanical garden.

"The County General Plan (September, 1971) specifically mentions in the economic element section that there is a potential for visitors facilities such as botanical parks in the Puna area. This further indicates the consistency of this proposed botanical park with the County General Plan. This facility will fill a void for more visitor facilities between Volcano and Hilo.

"A possible proposal is to contract out the maintenance of individual gardens to individual farmers who can promote their different types of agricultural products. The main building will contain gift shops which will emphasize and promote various local agricultural products such as anthuriums, papayas, etc. This will allow local agricultural farmers to market and promote their own agricultural products. This will be a great asset for the local farmers in the Puna district.

"The main building will also provide a good rest stop for the visitors to and from the Volcano and will have a restaurant which will provide food. The main building will also provide other miscellaneous gift shops for the tourists.

"The asthetic and educational aspect of the botanical gardens will benefit the local populous as well as the visitors to our island. It will educate the resident visitor about local agricultural products, native plants and flowers, as well as promote these products to the tourists.

"Surrounding properties consist mostly of various agricultural activities such as anthurium farms and sugar cane crop-lands. The botanical garden would blend in and enhance the natural beauty of the area. The botanical garden will not adversely affect surrounding properties nor create any type of unreasonable burden on the various public agencies.

"Another aspect of the proposed botanical garden is the added employment in the area. The garden areas alone will possibly employ 12 or more people. This does not include the added employment of the restaurant and gift shops. It will create employment opportunities in a limited type of agricultural area and will add to the economy of the whole area."

The petitioner has submitted a conceptual development study done by Iwamoto and Associates (landscape architects) for the proposed botanical garden.

The subject property is presently vacant of any use. Surrounding lands are primarily agricultural in nature, including an anthurium farm immediately east of the subject site and sugar cane. Single family dwellings are also scattered throughout the area.

The site is presently zoned Agricultural-1 acre (A-1a).

Soils of the subject area are of the Ohia Series which consists of well-drained silty clay loams that formed in volcanic ash. The surface layer is dark brown and very dark brown silty clay loam about 9 inches thick. The subsoil is dark reddish brown and is underlain by fragmented A'a lava. Runoff is slow to medium and the erosion hazard is slight.

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "D" or "Poor" for the subject property. The site is not included in the Agricultural Lands of Importance to the State of Hawaii classification system of the Department of Agriculture.

Average annual rainfall is approximately 165 inches at the site.

The subject property is bounded by both the Old and New Volcano Roads. Access to the site is presently from the new road. The New Volcano Road has an 80-foot right-of-way and a 24-foot pavement width, while the Old Volcano Road has a 50-foot right-of-way and a 10-foot pavement width.

At the time of subdivision approval for the 9.9 acre property in June, 1975, the following condition was attached:

"Should lot 2-C (the subject area) be further subdivided, access as permitted to the New Volcano Road shall be terminated and all access shall be off the Old Volcano Road."

There is a one-inch water meter presently serving the subject area. All other necessary utilities and infrastructures are or will be made available at the site.

Pertinent comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY

The Department of Water Supply had no objections to the request but commented that: "The applicant should address the water consumption demands of the proposed project. The area is being restricted to 1-inch size water meter services".

The petitioner, in a letter dated September 15, 1978, addressed these concerns when he stated:

"We have evaluated our water consumption demands and estimate it to be between 20,000 and 30,000 gallons per day. We would like to know whether we would be allowed to have a 1-1/2" water meter service which should be sufficient."

Subsequently, on September 27, 1978, the Department of Water Supply stated:

"...the area of the proposed project is presently being restricted to 1-inch metered water services. The restriction is primarily due to the booster pump capacities of the Olaa-Mt. View Water System. Until such time that the booster pump capacities

are increased, your request for a 1-1/2" meter will not be approved. For your information, a contract to increase the pumping capacity has been awarded."

2. U.S.D.A. SOIL CONSERVATION SERVICE

The Soil Conservation Service noted the following:

"Since the majority of the proposed development will contain vegetated ground cover, limited erosion or sedimentation problems are foreseen. However, due to lack of distinct drainage patterns in the area and high rainfall amount, the problem of runoff from the buildings, parking lots and lawns and overflow from the proposed lagoon and pond should be addressed."

3. DEPARTMENT OF HEALTH

The State Department of Health had the following comment:

"Public Health Regulation requirements in Chapter 1-A, Food and Food Service Establishment Sanitation Code and Sanitary requirements for public gathering places in Chapter 1, Sanitation are our concerns."

4. POLICE DEPARTMENT

The Police Department commented that:

"With the exception of a potential traffic problem caused by large busses entering and exiting from the proposed location into a 55 mph zone, there would appear to be no other adverse results from the granting of this Special Permit."

"Writer would recommend that a solution to the potential traffic problem be included in the Special Permit as a special condition to its granting. (Potential solution would be creation of acceleration and deceleration lanes at the entrance to provide for the normal traffic flow while making the turning movements safe.)"

5. DEPARTMENT OF TRANSPORTATION

The State Department of Transportation reviewed this request and commented as follows:

"We have no objections on the Special Permit for the requested use but should the proposed action be approved, access shall be off the Old Volcano Road right-of-way."

"During the subdivision review process, access to Lot 2-C (Subdivision Application No. 74-170) was agreed upon with the

understanding that the parcel would be utilized for agricultural purpose. This application would commercialize the land utilization with increase in vehicular traffic off the Volcano Road."

6. DEPARTMENT OF PUBLIC WORKS

The Department of Public Works provided the following comment:

"In the event, the Department of Transportation does not allow access from the Volcano Road, the applicant would be forced to use the County Road.

"This road has 10' of pavement with narrow grassed shoulders and is inadequate for bus traffic. If this road is to be used by the applicant, then it should be improved to a 20' pavement with 6' shoulders. The intersection should also be improved."

Other cooperating agencies, including the Fire Department, Department of Agriculture, Department of Parks and Recreation, and Hawaii Electric Light Company, Inc. had no objections to the permit application.

A public hearing on the Special Permit was held by the Hawaii County Planning Commission on October 26, 1978. At that time, the petitioner, Kenneth Fujiyama, provided clarification and testimony in support of the request. Mr. Charles Schuster, of the State Department of Transportation, testified that should the request be granted, the petitioner would be required to put in deceleration and acceleration lanes for safe access onto the main highway. No other persons testified concerning the Special Permit. For the Commission's information, the October 26, 1978 hearing transcript has been attached (County Exhibit V).

On November 16, 1978, the Hawaii County Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based on the following findings:

"That the granting of this request will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

"The purpose of this Special Permit is to allow the establishment of a commercial botanical garden as well as related uses within the State Land Use Agricultural

District. The proposed botanical garden will include 15 individually designed flora display areas, waterways and lagoon, various paths and shelters, mall and court area, maintenance area, plant holding area, as well as the main structure housing administrative offices, snack bar, and activity areas.

"The garden areas will include both formal displays and 'jungle' areas where the vegetation will be left in its natural state. These gardens as well as the proposed court and mall will provide areas where plants and flowers can be displayed and sold to the visitors to the botanical garden. Botanical gardens, as well as the display and sale of products raised on the premises are permitted uses under both the State Land Use Law and Regulations and the County's Agricultural Zoned District Regulations. However, this Special Permit is required to allow certain ancillary activities including the sale of agricultural products not raised or produced on the subject area as well as commercial shops and restaurant activities. Although the granting of this request will allow the establishment of certain non-agricultural uses on the subject area, it is determined that these uses will be subsidiary to the operation of the proposed botanical garden.

"Consequently, these non-agricultural uses will not significantly alter the agricultural character of the subject area. Furthermore, the granting of this Special Permit request may further the State and County policy of supporting and encouraging agricultural activities. The proposed botanical garden will provide new opportunities to market and promote locally raised and produced ornamental agricultural products. The provision of these new marketing opportunities as well as the increased visibility of the products will, to some extent, benefit the overall agricultural potential of this area and of the County and State in general.

"That the establishment of the proposed uses will also complement the goals, policies and courses of action of the Economic Element of the County of Hawaii General Plan. Specifically, this element states that the County 'shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents.' Furthermore, with respect to the Puna District, the element further states that:

'There is potential for limited visitor facilities in the form of small accommodations and support facilities, such as natural areas, botanical gardens, and limited commercial facilities.'

"The petitioner's intent in establishing the proposed uses is to provide the area where visitors as well as residents can view local agricultural products, native plants, and flowers; thereby providing a visitor destination area while at the same time promoting these agricultural products. These visitor facilities in turn will add to the cumulative attraction of the Volcano/Hilo destination area by providing additional opportunities and experience for the visitors.

"Although the visitor industry has emerged as a major economic force for the County in the past decade and a half, there is still the question of stability of the visitor industry. This industry, which caters to the recreational desires of people, is highly sensitive to not only exogenous factors such as the national economy, but also the amenities available within the area. As such, sufficient activities and interests should be made available to the visitors in order to achieve the County's goals and policies of maintaining economic stability. As an emerging economic force of the County, the visitor industry will have a tremendous effect on the lives of the residents. The greatest impact of the visitor industry has been the creation of additional employment and economic opportunities for the residents. This industry greatly contributes to the economy of the island as well as the State. As such, it is determined that the establishment of the proposed use will be in the best public interest.

"That the proposed use will not have any significant adverse effects on the surrounding properties. Surrounding land uses include an anthurium farm immediately east of the subject area, other diversified agricultural activities and the raising of sugar cane. In addition, there are scattered single family dwellings in this area. While the proposed botanical garden will undoubtedly intensify the use of the subject area, it is determined that this area will still remain primarily agricultural in nature. Consequently, the granting of this request will not alter or change the essential character of this area.

"That the proposed use will not unreasonably burden public agencies to provide the necessary infrastructure for the operation of the proposed use. All essential utilities and facilities including water are or will be available to the subject area.

"Furthermore, the petitioner shall be responsible for resolving all difficulties and concerns with respect to the provision of safe access to the subject area.

"It should be pointed out that the approval of this Special Permit is based on the principal use of the subject area being a private botanical garden to be established as a visitor attraction. Therefore, any of the permitted commercial and/or restaurant uses within this area shall be ancillary to this primary use."

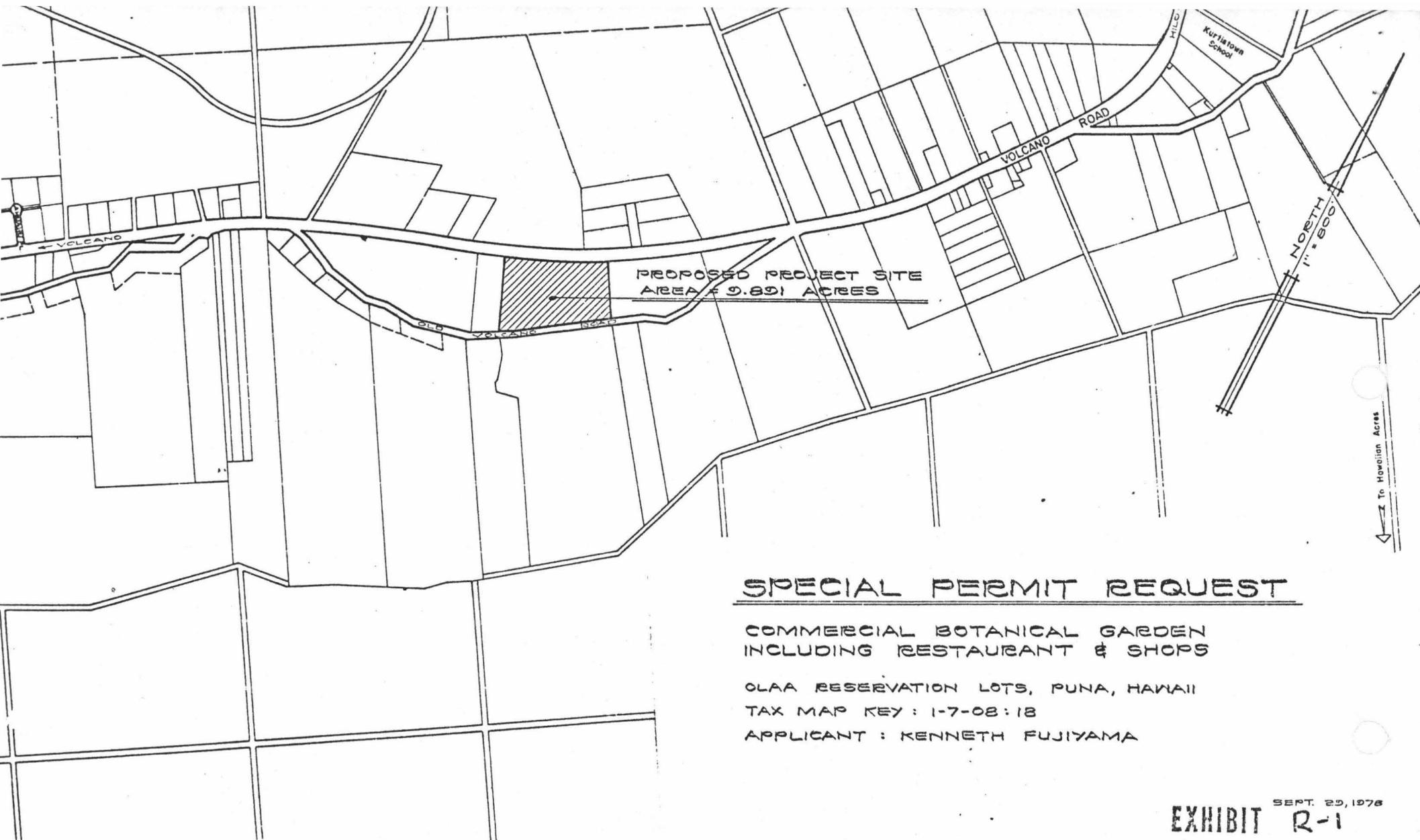
For the Commission's information, the meeting minutes of November 16, 1978 have been attached (County Exhibit CC).

The favorable recommendation was subject to the following conditions:

- "1. That the proposed development shall substantially conform to the plans submitted and representations made by the petitioner except as conditioned herein.
- "2. That the petitioner or his authorized representative(s) shall submit plans for 'Plan Approval' within one year from the effective date of the Special Permit. The petitioner or his authorized representative(s) shall also be responsible for receipt of 'Final Plan Approval'.
- "3. That development of the botanical garden and related improvements shall commence within one year of receipt of Final Plan Approval. This botanical garden shall be developed substantially as represented in the 'Primary Site Plan' as described in the overall landscaping and design plan submitted by the petitioner identified as petitioner exhibit A; and furthermore, shall be in operation within three years after commencement of development.
- "4. That none of the proposed commercial and/or restaurant uses shall be in operation prior to the opening of the botanical garden. Furthermore, the restaurant use shall be limited to one facility situated within the main structure.
- "5. That the proposed commercial and restaurant uses shall be open only during the established visiting hours to the main garden area. Furthermore, the office, restaurant, and commercial uses within the facility shall be ancillary to the operation of the proposed botanical garden.
- "6. That commercial sales and display areas in the proposed court and/or mall area shall be limited only to agricultural products.

- "7. That access to the area under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and/or the County Department of Public Works. Furthermore, that all required improvements to the roadway(s) shall be completed prior to the granting of the occupancy permit.
- "8. That prior to the commencement of construction, the petitioner or his authorized representative(s) shall obtain a Grading Permit from the Department of Public Works.
- "9. That all other applicable rules, regulations and requirements shall be complied with."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."



SPECIAL PERMIT REQUEST

COMMERCIAL BOTANICAL GARDEN
INCLUDING RESTAURANT & SHOPS

OLAA RESERVATION LOTS, PUNA, HAWAII

TAX MAP KEY : 1-7-08:18

APPLICANT : KENNETH FUJIYAMA

SEPT. 25, 1978

EXHIBIT R-1

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 26, 1978

A regularly advertised public hearing, on the application of Kenneth Fujiyama, was called to order at 4:12 p.m. in Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
Shigeru Fujimoto
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Lorraine R. Jitchaku
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Counsel Lionel Meyer

Sidney M. Fuke, Director
Ilima Piianaia, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada

and approximately 3 people in attendance

CHAIRMAN: Okay, we'll move on to item three. Public hearing on the application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District. The area involved is located on the southeasterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18. Before we proceed staff, I'd like to ask is the applicant present?

FUJIYAMA: Yes.

CHAIRMAN: Are there any interested parties present? If there are none, we will proceed with the background report.

PIIANAIA: (Presented background on file.)

CHAIRMAN: Thank you, Ilima. Commissioners, do you have any questions of the staff's background report on this application for a special permit?

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Sakamoto.

SAKAMOTO: Ilima, where's the new road they're talking about?

EXHIBIT V

MOORE: The new road is the existing Volcano Road.

CHAIRMAN: Further questions? Is the applicant or a representative present? Mr. Fujiyama, do you swear to tell the truth and nothing but the truth on the application now before the Hawaii County Planning Commission?

FUJIYAMA: Yes, sir.

CHAIRMAN: Thank you. Madam Secretary, let the record indicate the applicant is Mr. Kenneth Fujiyama. Ken, you've heard the staff's background report on your special permit application. Do you have anything to add for the benefit of the Commission?

FUJIYAMA: Well, couple of things. First of all, on the water application, you know, we asked if we could use an 1-1/2" water-line. The Water Department said they would allow us to use a 1" line temporarily, but they did award, from what I understand, the job which would tie in pretty well to our timetable so we could tap in later for an 1-1/2" line.

Another thing that we would probably want to mention, or two other things is that on our application we show that the cost of our first phase would probably be about 500 some odd thousand, but if you add in our total cost of improvements on the gardens, on the other improvements that we would be putting in there on our first, it will probably amount to about \$1.2 million. And this does not include our second phase which will come in at a later date.

The other area that I'm kind of concerned about right now is that we showed initially about 4,000 feet of building area. In talking to several people who have restaurants that would probably be interested in this type of operation, they said that the floor area might be too small and we'd probably need at least about 7,500 square feet for the restaurant space.

So those are the areas that - .

CHAIRMAN: Okay. Thank you. Commissioners, do you have any questions of Mr. Fujiyama?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: I don't know where your exit is going to be, whether from the existing highway, you know, in the event if you don't go, like the Police Department is recommending something like slow turning and the other one is that whether the State would allow you to enter direct because of the busses and all that. What is your comment as far as this?

FUJIYAMA: Offhand, I think, when we purchased the lot or the parcel, one of the conditions was that we do have access to the front so there is, where, we didn't know exactly what the final use would be, but I think it is in there that they say if we use it for agricultural purposes that we will be allowed one exit to the

front highway. As far as acceleration and deceleration lanes, I think I would agree to that. I don't know exactly what would be required, but I think from the safety standpoint I think that would be a better thing to put in.

MURAKAMI: Thank you.

CHAIRMAN: Commissioners, any further questions of the applicant?

NAKANO: Mr. Fujiyama, is this somewhere near Dan Hata's place?

FUJIYAMA: It's right next to Dan Hata. Dan Hata's parcel is right here. There's a very thick bamboo grove that borders his property and my property; and what I propose to do is develop from there further on up. If you look at the back map, there is a picture that shows the actual aerial photo of the parcel. And probably on the last page it shows more or less a colored picture of the parcel.

PIIANAIA: Mr. Chairman, staff has a few questions.

MOORE: For the record, Mr. Fujiyama, -?

CHAIRMAN: Proceed, Mr. Moore.

MOORE: Thank you, Mr. Chairman. Do you know the amount and extent of the shop area that you're proposing within this complex?

FUJIYAMA: I don't think, well, I don't know. All we've presented here was a very rough schematic idea; and we went on terms of, the main concern was the restaurant area because you have to have so many seatings to make it feasible. As far as the shop, I think we have to see what happens before we can actually say what would be required. I don't think we're looking at a real large shop concession type area. It's more of a supportive type of facility.

MOORE: Is the plan then fairly representative of the final project, or is it more of a conceptual plan?

FUJIYAMA: This is a conceptual type of plan, but I think it'll come pretty close to what we're proposing.

MOORE: Thank you. Do you have a timetable of development?

FUJIYAMA: Well, on a plan like this, a lot has to go into marketing before we actually get started; and I think we're looking at probably a year, year and a half, or two years.

MOORE: This would be after the approval?

FUJIYAMA: Yeah.

MOORE: Okay.

PIIANAIA: Mr. Fujiyama, would you be phasing this project or would you be developing the whole 9.891 acres at one time?

FUJIYAMA: Okay, we will develop the whole parcel. However, in our report we show it as two phases. The two phases represent the final gardens. If you look at the plan, if you look at this garden here, the layout, two sheets before this page here, we have a preliminary phase or primary phase. The two phases that we talked about is, on the first phase we'll probably put maybe 8 or 9 gardens, and on the second phase the remainder 6 or 7, whatever goes in there. Now this is just a preliminary approach.

PIIANAIA: Aside from your botanical, the foliage type of areas, what about your, what we would consider, commercial development in terms of phasing the restaurant, the shops, and that sort of thing?

FUJIYAMA: I think that would be all in phase one.

PIIANAIA: I have another question. It pertains to the lagoons and ponds that you propose in this concept. Could you elaborate on that and would there be a lot of grading? Cause the Soil Conservation pointed out that there's a undefined drainage pattern.

FUJIYAMA: As far as the lagoons, we're only talking of a very shallow type lagoon, just for the looks of a garden. In fact, I thought we did make a comment to that effect that we may not go into an intensive type of lagoon facility as was shown on the plan.

PIIANAIA: Basically though to do that kind of development, you'd have to have a pretty impervious lining because of the type of ground. I mean, it would take a lot of construction basically.

FUJIYAMA: I don't follow your question at all. Pertaining to what?

PIIANAIA: If you create a basin that would hold water.

FUJIYAMA: As far as the actual construction, I wouldn't know what type of material would be used at this point.

PIIANAIA: Thank you.

MURAKAMI: Mr. Chairman, I have another question.

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I notice from your plan, you know, on the new highway side where your exit will be, you have a beautification strip. I don't know how long it runs, but what type of beautification strip would you put up?

FUJIYAMA: Mr. Murakami, at this point here, the actual type of plans has not been determined. You know, we're just coming in with a conceptual layout. But we want to show some identity along the whole frontage of the property. So if a person were driving there would be definitely a break which they would recognize as the project.

MURAKAMI: Well, I just asked this question because of the fact that, you know, because you're entering and you exit, we want to make sure that you have enough sight distance when you put any kind of beautification.

FUJIYAMA: I'm not sure of the actual roadway, but I think Mr. Schuster could answer that. I think it's about 80 feet, right?

SCHUSTER: Right.

FUJIYAMA: So the paved section, there's a lot of visual, the beautification strip is well -.

MURAKAMI: Well inside?

FUJIYAMA: Yeah.

PIIANAIA: I have one other question, Mr. Fujiyama. Would you be developing this and would somebody else be running this or what kind of operation would it be under?

FUJIYAMA: The initial plans were that we would do everything on our own.

PIIANAIA: Thank you.

CHAIRMAN: Commissioners, anything further?

MURAKAMI: Can I ask a question?

CHAIRMAN: Yes, please, Commissioner Sakamoto.

SAKAMOTO: Mr. Fujiyama, there's a graveyard nearby some place -?

FUJIYAMA: It's diagonally across the street about a quarter mile down.

PIIANAIA: This is 13 Mile Road, it's on the top.

CHAIRMAN: Yes, Mr. Director.

FUKE: Mr. Fujiyama, it's my understanding that the primary intent is to create a botanical garden and from which then you're going to have some secondary commercial aspects which would include a restaurant, your display area, your concessions, etc.?

FUJIYAMA: Right.

FUKE: And so we are to assume, therefore, that the restaurants and the commercial, your concession area would come in subsequent, or after, to the development of the botanical garden?

FUJIYAMA: I think it will be done simultaneously because if we were to, let's say, have just the garden without any building or restrooms or anything, I think it has to be one integral part and more so because it's pretty far away from other facilities.

FUKE: Is there a possibility in giving your understanding of your own timetable and that the restaurant or the, well, particularly the restaurant area would be in operation way in advance of the botanical garden; and, in a sense, what we'd be seeing over there is just a restaurant?

FUJIYAMA: No. Okay, we're not going to build a restaurant per se to have a restaurant. We're going to build a botanical garden with a restaurant to provide facilities for the people that come into the area.

FUKE: So the restaurant is ancillary and supportive of the botanical garden.

FUJIYAMA: It's secondary. Right.

CHAIRMAN: Further questions, either Commissioners or staff?

PIIANAIA: I have one question. If the State Highways Division were to deny the type of access off of the new Volcano Highway that would be needed to accommodate busses and stuff, the Department of Public Works is recommending intersection improvements and paving the old Volcano Highway to a 20-foot width. It's now a 10-foot width with 6-foot shoulders; and I would just like to know if Mr. Fujiyama would be prepared to do that if that were the case.

FUJIYAMA: At the moment I would say no. I think if we lose the visual impact or the accessibility of the highway, you know, we'd sort of lose a great impact of the project itself, and if you drive through that road, it's a pretty narrow road. So if you look at the real advantage, whether you're coming out directly from the property or you're coming out from the road itself, you still have to enter the main highway. The road goes around like this, so whether we come out here, or we come out here or here, it's the same thing. We're still coming out on the highway.

CHAIRMAN: Okay, if there are no further questions, Mr. Fujiyama, we ask that you remain in the audience as this is a public hearing and Mr. Schuster may have something that he wants to offer, since he's the only one in the audience other than your associate.

Madam Secretary, this is Mr. Chas. Schuster. Do you swear you will tell the truth and nothing but the truth on the applications now before the Hawaii County Planning Commission?

SCHUSTER: I do.

CHAIRMAN: Fine. Mr. Schuster, please proceed.

SCHUSTER: Well, I would just like to point out that when this previous subdivision was made and we agreed to one access onto the highway with the condition that the property remain in agricultural use and no further subdivision, our concept was agricultural use in the terms of a single overall farming operation or such. And we were concerned about any intensification of use of that property. We did not conceive of a commercial operation such as being envisioned whether it's technically an agricultural use or not. And no such presentation was made to us at the time of that previous subdivision. So what I'm saying

is that had we known that this type of development was being proposed, we would have insisted on access off the old Volcano Road. And I believe the applicant would find it cheaper to improve that existing old road rather than to build a proper connection off the main highway that we might require.

MURAKAMI: In other words, what you're saying is that in the event this is granted, more likely you would suggest that they put in a deceleration and acceleration lane.

SCHUSTER: That is correct, and I believe the staff mentioned that requirement in their presentation.

CHAIRMAN: Any questions of Mr. Schuster, Commissioners? Staff? Mr. Fujiyama, did you want to ask Mr. Schuster anything on that?

FUJIYAMA: No. It's hard to say yes as to what he would require, but I think it's more important to us to have the access on the front than it is in the back.

CHAIRMAN: I think there's every indication that in the event that you are granted this special permit, an access permitted off the Volcano Road, that they would be thinking in terms of acceleration and deceleration lanes. Is that correct, Mr. Schuster?

SCHUSTER: Yes, sir.

CHAIRMAN: Okay, thank you. Commissioners, any questions of either the applicant or of Mr. Schuster? Staff?

PIIANAIA: No.

CHAIRMAN: Members of the Commission, this is a public hearing on the application of Kenneth Fujiyama. I will at this time ask if anyone else in the audience wishes to offer testimony either for or against the application now before the Commission. If there is none, the Chair will entertain a motion, one, to continue the public hearing or two, to close the public hearing. What is your pleasure?

PARIS: Mr. Chairman, I move that we close the public hearing.

CHAIRMAN: Is there a second to the motion?

ORITA: Second the motion, Mr. Chairman.

CHAIRMAN: It has been moved by Commissioner Paris and seconded by Commissioner Orita that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONER: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

The public hearing adjourned at 4:40 p.m.

A T T E S T:

William F. Mielcke
Chairman, Planning Commission

Respectfully submitted,

Sharon M. Nomura
Sharon M. Nomura
Secretary

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 16, 1978

EXHIBIT CC

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William F. Mielcke presiding, and at 7:00 p.m. in the Waimea Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Chairman Pro Tem William J. Paris, Jr., presiding.

PRESENT: William F. Mielcke
(Left at 3:47 p.m.)

Shigeru Fujimoto
Bert H. Nakano
Lorraine R. Jitchaku
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Haruo Murakami

Ex-officio Member
Akira Fujimoto
Deputy Corporation
Reginald Minn

Sidney M. Fuke, Planning Director
Ilima Pianaiia, Planner
Norman Hayashi, Planner (Left at 3:47 p.m.)
William Moore, Planner

Galen Kuba representing Ex-officio Member Edward Harada

and approximately 16 people in attendance at 9:00 a.m., 14 people at 10:00 a.m., 7 people at 11:00 a.m., 7 people at 1:30 p.m., 30 people at 7:00 p.m. and 30 people at 7:30 p.m.

SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA

Application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District. The area involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

Staff presented recommendation for approval with conditions on file.

Staff clarified that Condition No. 6 meant that as long as the commercial uses are ancillary to the operation of the botanical garden, it is allowed; however within the mall and court area, only agricultural products may be sold.

Staff pointed out that as far as access, it is up to the Department of Transportation and/or Department of Public Works and the petitioner to decide where it will be. If access is permitted from the State highway, the Department of Transportation could conceivably require acceleration and deceleration lanes; if not, the petitioner would be required to improve the old Volcano Highway.

With regard to Condition No. 5, staff clarified that the reason for suggesting that condition was they did not want to construe that the operation of the restaurant is independent of the garden and were not requiring that everyone who goes to the restaurant comes to dinner and walk through the garden.

Staff clarified that as far as having other commercial uses come into the establishment, as it is not an outright permitted use, it would have to be approved by the Planning Director.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

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

December 27, 1978

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

Dear Mr. Fuke:

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

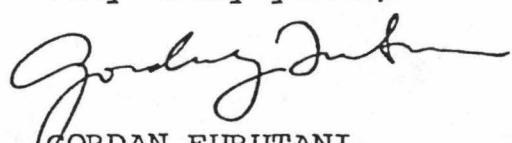
Please note that petitions

SP78-327 - Yamada Enterprises, Inc.
SP78-328 - Kenneth Fujiyama

will be acted on at that time.

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

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

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

December 27, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

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

Please note that petition

SP78-328 - Kenneth Fujiyama

will be acted on at that time.

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

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME & PLACE

January 11, 1979 - 9:00 a.m.
Kahului Library
Kahului, Maui

A G E N D A

I. ACTION

1. SP78-314 - Department of Land & Natural Resources (Kauai)

To allow the construction of water storage tanks on approximately 1.73 acres of land situated within the State Land Use Agricultural District at Koloa, Kauai.

2. SP78-316 - Department of Transportation (Kauai)

To allow the development of the new Lihue Airport terminal and runway within the State Land Use Agricultural District at Lihue, Kauai.

3. SP78-326 - T. T. Meyer, Inc. (Maui)

To allow the operation of a rock and cinder quarry on approximately 25 acres of land situated within the State Land Use Agricultural District at Kapuaokoolau, Molokai.

4. SP78-327 - Yamada Enterprises, Inc. (Hawaii)

To allow the establishment of a rock quarry and concrete batching plant operation on approximately 10 acres of land situated within the State Land Use Agricultural District at Kaimu-Makena Homesteads, Puna, Hawaii.

5. SP78-328 - Kenneth Fujiyama (Hawaii)

To allow the establishment of a commercial botanical garden, including restaurant and shops, on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa, Puna, Hawaii.

II. HEARING

1. A78-443 - Tony Hashimoto, et al (Maui)

To reclassify approximately 30 acres of land presently in the Agricultural District into the Urban District at Kihei, Maui, for light industrial use.

12/27/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS ON THE ATTACHED MAILING LISTS:

1. STATEWIDE 2. HAWAII 3. MAUI 4. MOLOKAI
5. KAUAI



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF
HAWAII

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

December 20, 1978

SP 78-328

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, HI 96813

Dear Mr. Furutani:

Special Permit Application
Petitioner: Kenneth Fujiyama

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

The special permit request was to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District at Ola'a Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08:18.

The Planning Commission at a duly advertised public hearing held on October 26, 1978 in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, discussed the subject request. The Commission on November 16, 1978, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

That the granting of this request will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

DEC 21 1978
LAND USE COMMISSION
190 S. KING ST.
HONOLULU, HI 96813

The purpose of this Special Permit is to allow the establishment of a commercial botanical garden as well as related uses within the State Land Use Agricultural District. The proposed botanical garden will include 15 individually designed flora display areas, waterways and lagoon, various paths and shelters, mall and court area, maintenance area, plant holding area, as well as the main structure housing administrative offices, snack bar, and activity areas.

The garden areas will include both formal displays and "jungle" areas where the vegetation will be left in its natural state. These gardens as well as the proposed court and mall will provide areas where plants and flowers can be displayed and sold to the visitors to the botanical garden. Botanical gardens, as well as the display and sale of products raised on the premises are permitted uses under both the State Land Use Law and Regulations and the County's Agricultural Zoned District Regulations. However, this Special Permit is required to allow certain ancillary activities including the sale of agricultural products not raised or produced on the subject area as well as commercial shops and restaurant activities. Although the granting of this request will allow the establishment of certain non-agricultural uses on the subject area, it is determined that these uses will be subsidiary to the operation of the proposed botanical garden.

Consequently, these non-agricultural uses will not significantly alter the agricultural character of the subject area. Furthermore, the granting of this Special Permit request may further the State and County policy of supporting and encouraging agricultural activities. The proposed botanical garden will provide new opportunities to market and promote locally raised and produced ornamental agricultural products. The provision of these new marketing opportunities as well as the increased visibility of the products will, to some extent, benefit the overall agricultural potential of this area and of the County and State in general.

That the establishment of the proposed uses will also complement the goals, policies and courses of action of the Economic Element of the County of Hawaii General Plan. Specifically, this element states that the County "shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents." Furthermore, with respect to the Puna District, the element further states that:

"There is potential for limited visitor facilities in the form of small accommodations and support facilities, such as natural areas, botanical gardens, and limited commercial facilities."

The petitioner's intent in establishing the proposed uses is to provide the area where visitors as well as residents can view local agricultural products, native plants, and flowers; thereby providing a visitor destination area while at the same time promoting these agricultural products. These visitor facilities in turn will add to the cumulative attraction of the Volcano/Hilo destination area by providing additional opportunities and experience for the visitors.

Although the visitor industry has emerged as a major economic force for the County in the past decade and a half, there is still the question of stability of the visitor industry. This industry, which caters to the recreational desires of people, is highly sensitive to not only exogenous factors such as the national economy, but also the amenities available within the area. As such, sufficient activities and interests should be made available to the visitors in order to achieve the County's goals and policies of maintaining economic stability. As an emerging economic force of the County, the visitor industry will have a tremendous effect on the lives of the residents. The greatest impact of the visitor industry has been the creation of additional employment and economic opportunities for the residents. This industry greatly contributes to the economy of the island as well as the State. As such, it is determined that the establishment of the proposed use will be in the best public interest.

That the proposed use will not have any significant adverse effects on the surrounding properties. Surrounding land uses include an anthurium farm immediately east of the subject area, other diversified agricultural activities and the raising of sugar cane. In addition, there are scattered single family dwellings in this area. While the proposed botanical garden will undoubtedly intensify the use of the subject area, it is determined that this area will still remain primarily agricultural in nature. Consequently, the granting of this request will not alter or change the essential character of this area.

That the proposed use will not unreasonably burden public agencies to provide the necessary infrastructure for the operation of the proposed use. All essential

utilities and facilities including water are or will be available to the subject area.

Furthermore, the petitioner shall be responsible for resolving all difficulties and concerns with respect to the provision of safe access to the subject area.

It should be pointed out that the approval of this Special Permit is based on the principal use of the subject area being a private botanical garden to be established as a visitor attraction. Therefore any of the permitted commercial and/or restaurant uses within this area shall be ancillary to this primary use.

The favorable recommendation was also subject to the following conditions:

1. That the proposed development shall substantially conform to the plans submitted and representations made by the petitioner except as conditioned herein.
2. That the petitioner or his authorized representative(s) shall submit plans for "Plan Approval" within one year from the effective date of the Special Permit. The petitioner or his authorized representative(s) shall also be responsible for receipt of "Final Plan Approval".
3. That development of the botanical garden and related improvements shall commence within one year of receipt of Final Plan Approval. This botanical garden shall be developed substantially as represented in the "Primary Site Plan" as described in the overall landscaping and design plan submitted by the petitioner identified as petitioner exhibit A; and furthermore, shall be in operation within three years after commencement of development.
4. That none of the proposed commercial and/or restaurant uses shall be in operation prior to the opening of the botanical garden. Furthermore, the restaurant use shall be limited to one facility situated within the main structure.
5. That the proposed commercial and restaurant uses shall be open only during the established visiting hours to the main garden area. Furthermore, the office, restaurant, and commercial uses within the facility shall be ancillary to the operation of the proposed botanical garden.

6. That commercial sales and display areas in the proposed court and/or mall area shall be limited only to agricultural products.
7. That access to the area under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and/or the County Department of Public Works. Furthermore, that all required improvements to the roadway(s) shall be completed prior to the granting of the occupancy permit.
8. That prior to the commencement of construction, the petitioner or his authorized representative(s) shall obtain a Grading Permit from the Department of Public Works.
9. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv
Enclosures
cc Kenneth Fujiyama
Land Use Division, DPED

LIST OF EXHIBITS - KENNETH FUJIYAMA

A. Applicant's letter 7/24/78

A-1. Application form

A-2. Applicant's location map

PETITIONERS EXHIBIT A - " A Botanical Garden"

B. Departmental acknowledgement letter 8/7/78

C. Memo to the agencies 8/7/78

D. Fire 8/14/78

E. Agriculture 8/14/78

F. Water Supply 8/14/78

G. Letter to the applicant regarding Water Supply comments 8/23/78

H. P & R 8/15/78

I. HELCO 8/15/78

J. Soil Conservation Service memo 8/15/78

J-1. Soil Conservation Service Report 8/15/78

K. Public Works 8/16/78

L. Health 8/17/78

M. Police memo 8/21/78

M-1. Police Report

N. Highways 9/5/78

O. Reply to Water Supply from the applicant regarding water consumption,
cc to Planning Department 9/15/78

P. Water Supply 9/27/78

Q. Public Works 10/19/78

R. Letter to the surrounding property owners 10/13/78

R-1. Map sent to the surrounding propertyowners

R-2. List of surrounding property owners

- S. Letter to the applicant 10/13/78
- S-1. Public Hearing Notice
- T. Voting Sheet - close hearing
- U. Minutes 10/26/78
- V. Transcript 10/26/78
- W. Letter to the applicant 10/27/78
- X. Letter to the applicant 11/1/78
- Y. Staff Background
- Z. Staff Recommendation
- AA. Location Map
- BB. Voting Sheet
- CC. Minutes 11/16/78

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

DEC 5 1 08 PM '78

November 22, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

Special Permit Application
Tax Map Key 1-7-08:18

The Planning Commission at its regular meeting of November 16, 1978, considered your application for a special permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District at Ola'a Reservation Lots, Puna, Hawaii.

a

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the proposed development shall substantially conform to the plans submitted and representations made by the petitioner except as conditioned therein.
2. That the petitioner or his authorized representative(s) shall submit plans for "Plan Approval" within one year from the effective date of the Special Permit. The petitioner or his authorized representative(s) shall also be responsible for receipt of "Final Plan Approval".
3. That development of the botanical garden and related improvements shall commence within one year of receipt of Final Plan Approval. This botanical garden shall be developed substantially as represented in the "Primary

Mr. Kenneth Fujiyama
November 22, 1978
Page 2

Site Plan" as described in the overall landscaping and design plan submitted by the petitioner identified as petitioner Exhibit A, and furthermore, shall be in operation within three years after commencement of development.

4. That none of the proposed commercial and/or restaurant uses shall be in operation prior to the opening of the botanical garden. Furthermore, the restaurant use shall be limited to one facility situated within the main structure.
5. That the proposed commercial and restaurant uses shall be open only during the established visiting hours to the main garden area. Furthermore, the office, restaurant, and commercial uses within the facility shall be ancillary to the operation of the proposed botanical garden.
6. That commercial sales and display areas in the proposed court and/or mall area shall be limited only to agricultural products.
7. That access to the area under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and/or the County Department of Public Works. Furthermore, that all required improvements to the roadway(s) shall be completed prior to the granting of the occupancy permit.
8. That prior to the commencement of construction, the petitioner or his authorized representative(s) shall obtain a Grading Permit from the Department of Public Works.
9. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MELCKE, Chairman
Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED

Lue

Kenneth
Fujiyama
Realty
Inc.

July 24, 1978

Sidney Fuke
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

The subject of this application is a proposed botanical garden which will cater to visitors to our island as well as the local populous. The garden will consist of 9.891 acres which will include jungle garden areas, formal garden areas, maintenance areas, paths, a parking lot, a main building and other miscellaneous features. A more detailed description can be obtained from the enclosed study done by Iwamoto & Associates (Landscape Architects).

The proposed site is located on the New Volcano Road, TMK: 1-07-08-18. It is located between Kurtistown and Mountain View, Hawaii. This site is convenient for the visitors who visit the Hawaii Volcanoes National Park and is an added attraction for the local populous.

The proposed botanical garden is an agricultural use which is consistent with the present zoning. In an adjacent lot, there is a commercial anthurium farm which is conceptually a similar type of operation as the proposed botanical garden.

The County General Plan (September, 1971) specifically mentions in the economic element section that there is a potential for visitors facilities such as botanical parks in the Puna area. This further indicates the consistency of this proposed botanical park with the County General Plan. This facility will fill a void for more visitor facilities between Volcano and Hilo.

A possible proposal is to contract out the maintenance of individual gardens to individual farmers who can promote their different types of agricultural products. The main building will contain gift shops which will emphasize and promote various local agricultural products such as anthuriums, papayas, etc... This will allow local agricultural farmers market and promote their own agricultural products. This will be a great asset for the local farmers in the Puna district.

EXHIBIT A

RECEIVED

978 JUL 28 PM 1 49

PLANNING DEPT.
COUNTY OF HAWAII
FILE NO

The main building will also provide a good rest stop for the visitors to and from the Volcano and will have a restaurant which will provide food. The main building will also provide other miscellaneous gift shops for the tourists.

The asthetic and educational aspect of the botanical gardens will benefit the local populous as well as the visitors to our island. It will educate the resident visitor about local agricultural products, native plants and flowers, as well as promote these products to the tourists.

Surrounding properties consist mostly of various agricultural activities such as anthurium farms and sugar cane croplands. The botanical garden would blend in and enhance the natural beauty of the area. The botanical garden will not adversely affect surrounding properties nor create any type of unreasonable burden on the various public agencies.

Another aspect of the proposed botanical garden is the added employment in the area. The garden areas alone will possibly employ 12 or more people. This does not include the added employment of the restaurant and gift shops. It will creat employment opportunities in a limited type of agricultural area and will add to the economy of the whole area.

Sincerely yours,

KENNETH FUJIYAMA REALTY, INC.



Kenneth Fujiyama
President

KF:phi

PLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: KENNETH FUJIYAMAAPPLICANT'S SIGNATURE: Kenneth FujiyamaADDRESS: 1059 KILAUEA AVE.

HILO, HI 96720

TELEPHONE: 961-3084TAX MAP KEY: 1-07-08-18 AREA: 9.891 ACRES
(Size of Parcel)OWNER: KENNETH FUJIYAMAOWNER'S SIGNATURE: Kenneth Fujiyama

APPLICANT'S INTEREST, IF NOT OWNER: _____

REQUESTED USE: COMMERCIAL BOTANICAL GARDEN FOR TOURISTS AND
LOCAL RESIDENTS WITH A COFFEE SHOP AND MISC. SHOPS.

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.

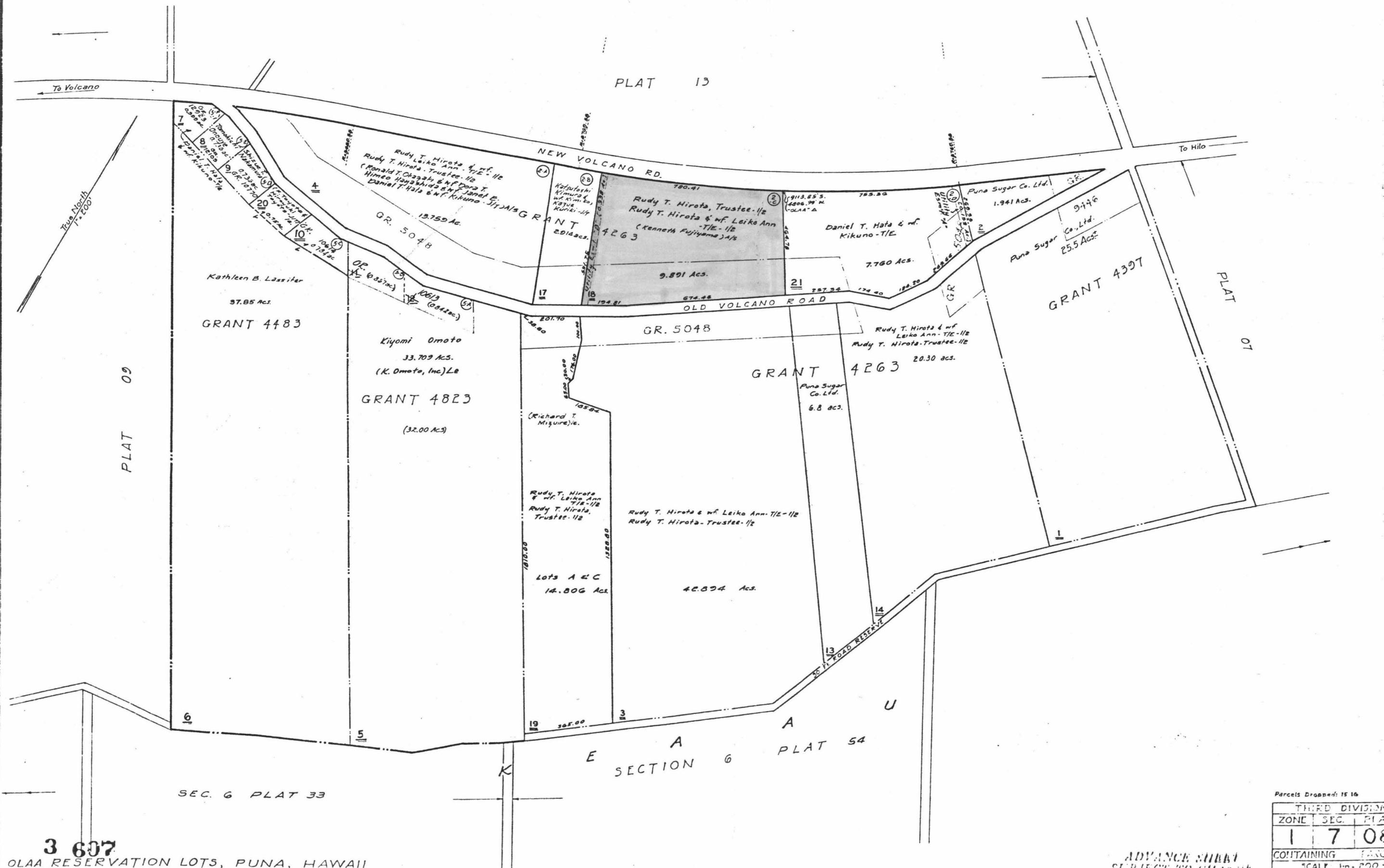
THIS APPLICATION MUST BE ACCOMPANIED BY:

- (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 _____

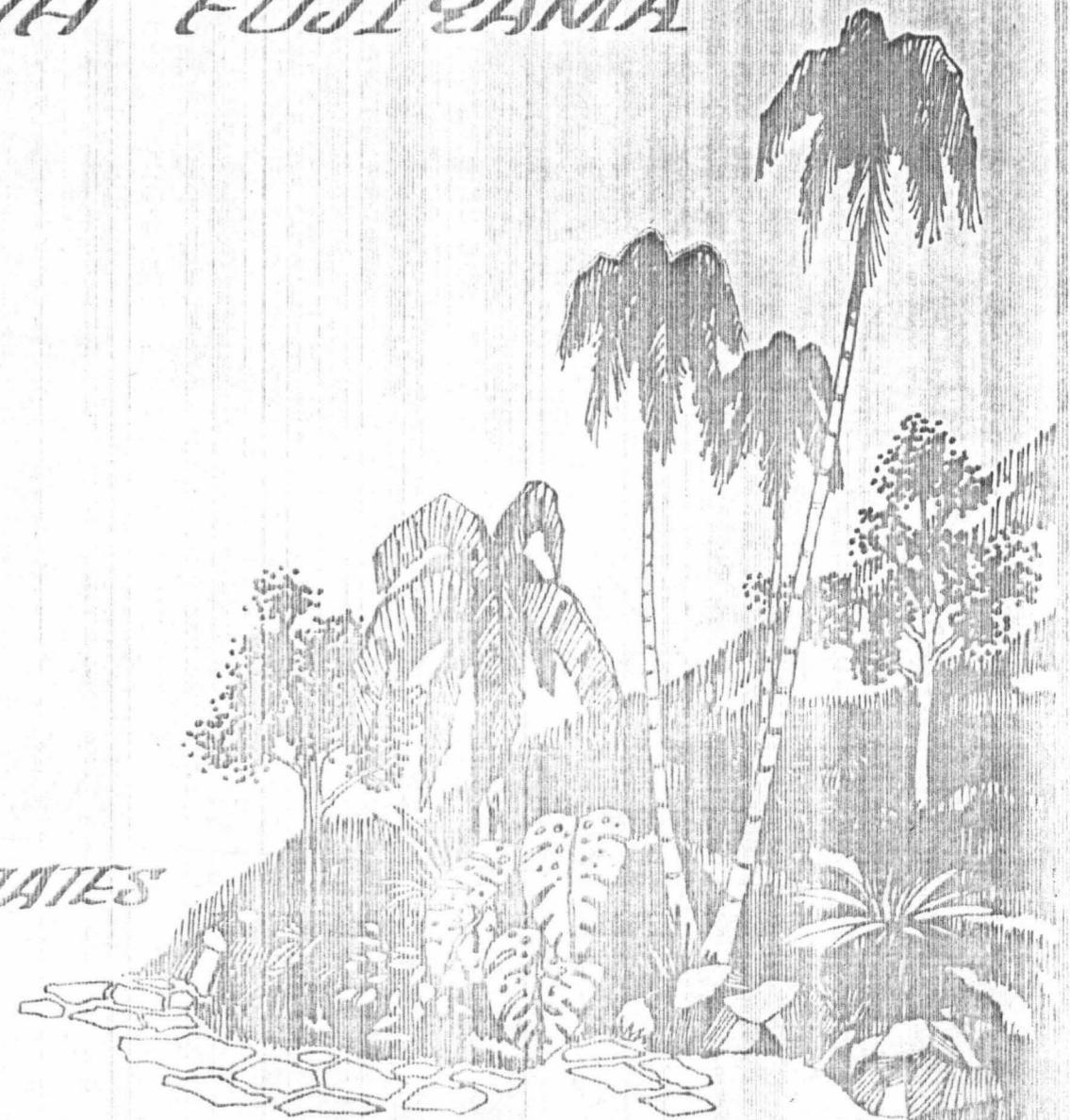
PLAT 13



A BOTANICAL GARDEN FOR KENNETH FUJIVAMA

PREPARED BY:

IWAMOTO & ASSOCIATES
LANDSCAPE ARCHITECTS



PETITIONERS EXHIBIT A

TABLE OF CONTENTS

LETTER OF TRANSMITTAL:	PAGE 1
INTRODUCTION:	PAGE 2
DESIGN CRITERIA:	PAGE 4
SITE RELATIONSHIP STUDY:	PAGE 7
PRIMARY SITE PLAN:	PAGE 8
ULTIMATE SITE PLAN:	PAGE 9
COST EVALUATIONS:	PAGE 11



LANDSCAPE ARCHITECTS

IWAMOTO & ASSOCIATES

1110 UNIVERSITY AVENUE • SUITE 506
HONOLULU, HAWAII 96814 • PH. 941-5688 / 947-7688

November 28, 1975

Mr. Kenneth Fujiyama
Kenneth Fujiyama Realty, Inc.
100 Pauahi Street, Suite 109
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

We are pleased to submit herewith our studies of your proposed Botanical Garden. The criterias you set have been compiled into a comprehensive development reaching beyond any other such Gardens.

Our presentation is based on conceptual development with objectives of implementing ideas on paper and a basis for extensive studies to come. The Ultimate Plan concluded would be an exciting one that is planned for year-round use for the pleasure of both tourist and local populous.

We are confident that your dream of a Botanical Garden, a comprehensive center of interest, will prove to be a worthwhile venture. We thank you for letting us be a part of this project.

Sincerely,

Wayne K. Iwamoto
Wayne K. Iwamoto

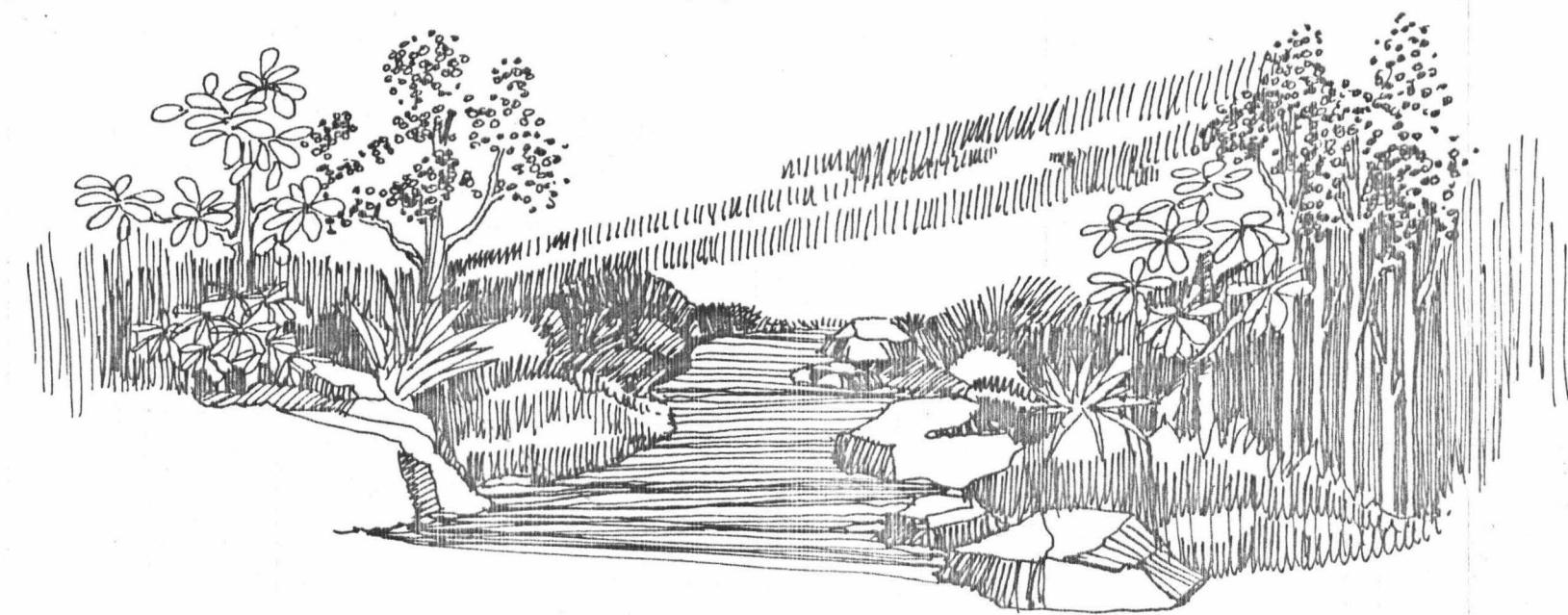
WKI:jsi

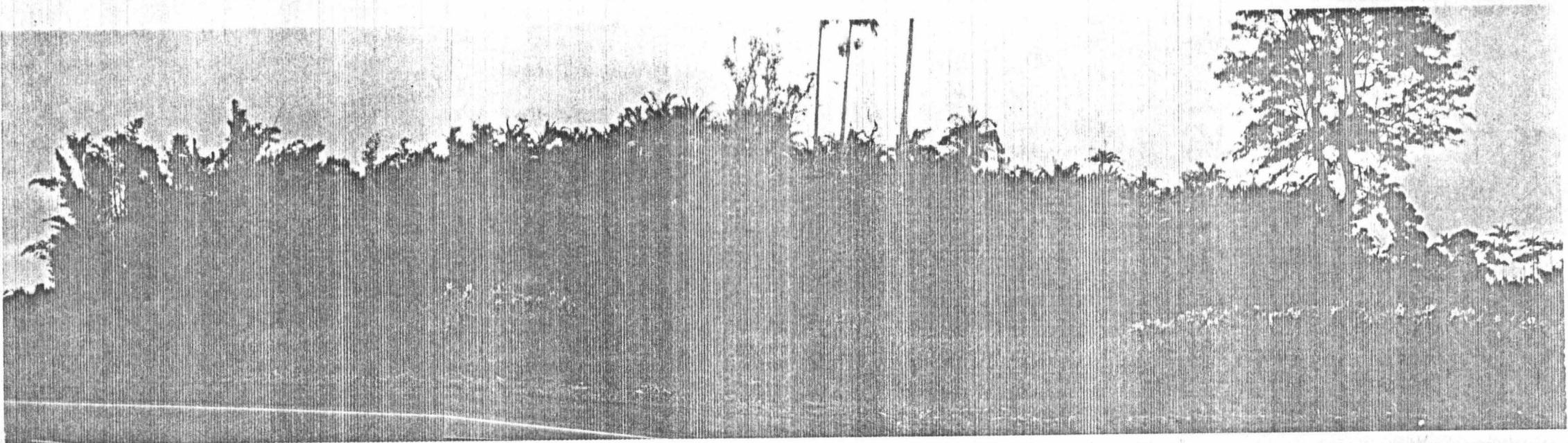
INTRODUCTION:

The Botanical Garden by Mr. Kenneth Fujiyama (Kenneth Fujiyama Realty, Inc.) is proposed in this study. A high quality, unique and people oriented center comprises the Botanical Garden.

With ~~9.981~~ acres in Mountain View, Hawaii, the project site is conveniently located along the New Volcano Road. The existing vegetation sets the theme and criteria with towering Alexander Palms, Bamboo forest, Tree Ferns, Gingers, etc. creating an environment with spaces perfect for the proposed Gardens.

Although a natural setting, the element of man would be evident which brings together a marriage of a planned, functional and aesthetically pleasing center of interest.





A TYPICAL CHARACTER OF THE EXISTING SITE

DESIGN CRITERIA:

The major design objective was based on the general public's (tourist and local populous) need of a center providing a comprehensive complex of a wide range of garden displays, information and sales. Such a center require cohesion to unify the complexities proposed to create an environment of a Botanical Garden. This cohesion is applied through a planned, ultimate development where maximum use of the entire site is made.

The following design areas are explored below which will provide supplementary information to the Ultimate Site Plan:

• MAIN BUILDING: The Main Building is proposed to be a uniquely designed structure initiating the theme of the garden. The building would be prominently located and elevated eight feet to 12 feet above existing grade which permits views to the garden features and lagoons. A grand entry is also proposed with an entry walk elevated over the cart service path and entry gardens. The building would house the following:

- office administration
- information desk
- snack bar/coffee shop located over the lagoon
- restroom facilities
- shops
- tower for observation
- basement activity rooms.

The total floor areas is suggested at approximately 4,200 square feet.

• GARDENS: There are 15 designated garden areas proposed, which could be still expanded from three to five more areas if necessary. These gardens would be individually designed displaying categorized flora and/or foliage. A stereo-type arrangement with only flora and/or foliage variations would not be acceptable, but a totally different design is necessary to include walls, rock formations, mounding and even water features.

Formal gardens and Jungle gardens are also indicated to insure variations.

Displays are not limited to the designated gardens, but small displays or speciality items should be judiciously placed along pedestrian view and traffic.

• PARKING LOT: Provisions for approximately 50 cars and six bus parking stalls are suggested. The layout is proposed whereby the grand entry would be the focal point when entering the project with parking conveniently nearby.

Employee parking should be kept separate as indicated on the Ultimate Site Plan. An informal lot with gravel base is proposed allowing 10 to 20 cars. The maintenance area could also provide for supplementary parking as the need arises.

• MAINTENANCE AREA: The maintenance area would consist of repair shops, storage buildings, shade houses and plant holding areas. The area requirement would vary greatly with the actual maintenance area of approximately 8,000 square feet to shade houses and plant holding areas up to 25,000 square feet area. Emphasis is made to provide plant holding areas to encourage plant rotation as per seasons and occasions. This would encourage repeated visits by the local populous.

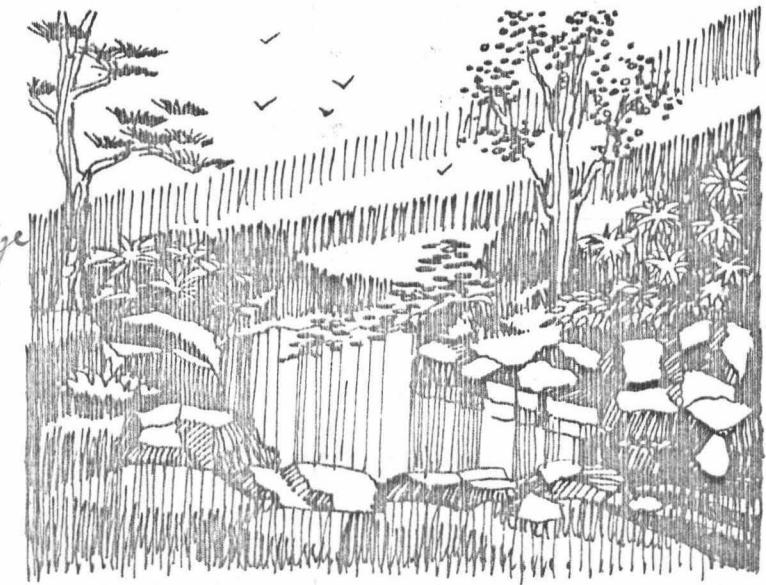
Equipment, although not a specific discussion category, should be emphasized. Convenience and expedient operations are requirements through use of all necessary tools, service carts, irrigation system and up dated practices.

These supporting facilities along with qualified personnel will determine the success of the overall gardens.

• PATHS: The primary pathway would be a meandering one providing a system of trafficking pedestrians and carts throughout the project area of nearly one half mile. The paths would be ^{phatic} aspatic concrete varying four feet to seven feet wide. Incorporated with the paths would be rest/viewing areas with benches, trash containers and ^{drainage} signage system.

The secondary paths are those paths within individual gardens. These paths would vary with the designs of the gardens. It would be conceivable that these paths could vary from gravel, stepping stones to concrete paths.

• WATER FEATURES/LAGOONS: The water development would be among the most expensive cost items. However, the



proposed lagoons and supplementary features would create and provide an inviting environment necessary to the overall project. Ultimately, approximately 15,000 square feet of water surface area is proposed. Waterfalls, fountains and dry beds would be incorporated.

On site wells should be investigated as possible water source. Even the irrigation system can be supplemented to utilize the lagoon water for efficiency of water usage.

The lagoons would vary in depth from six inches to 15 inches. Rocks would edge the lagoons. In formal gardens and entry feature, a concrete pool would be designed.

• MALL AND COURTS: The proposed mall area is centrally located and provided as a multi-use area. Concessions, shops, displays and information service are among the objectives. An opportunity is provided to make adjustments to the unanticipated requirements once the initial development is completed. The courts provide organized groups to collect and disperse information within designed settings.

Open lawn areas are also provided which provide a break in confined lines and spaces. These areas supplements the courts and the mall where open displays on occasions can be made as well as passive activities.

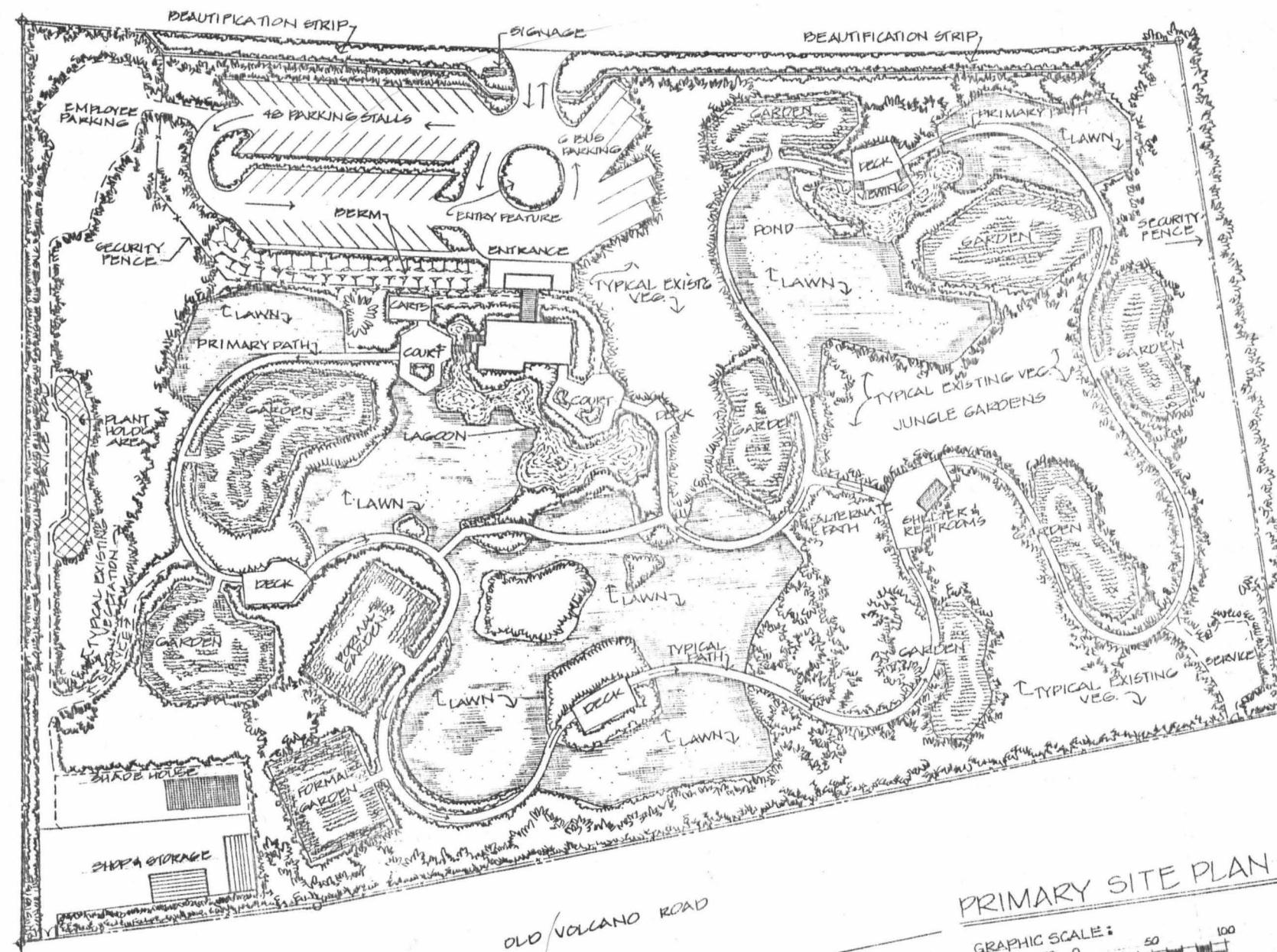
• SHELTERS: Shelters (Restrooms as noted) is placed judiciously to take advantage of views and spaced for rest stops and times of inclement weather conditions. Displays and information would be incorporated with the shelters.

• EARTH MOUNDS AND ROCK PLACEMENT: The entire site should be planned to incorporate mounding and rocks. These items would provide interest as spaces are defined with a rugged elevation variations.

• FOCAL FEATURES: Focal features are noted on the plans. These features consist of sculptures and specimen plants which would provide guides and direction to the pedestrian traffic flow.

• CARTS: Electric or gas operated carts are recommended for pedestrian use on occasions but mainly for service and maintenance considerations.

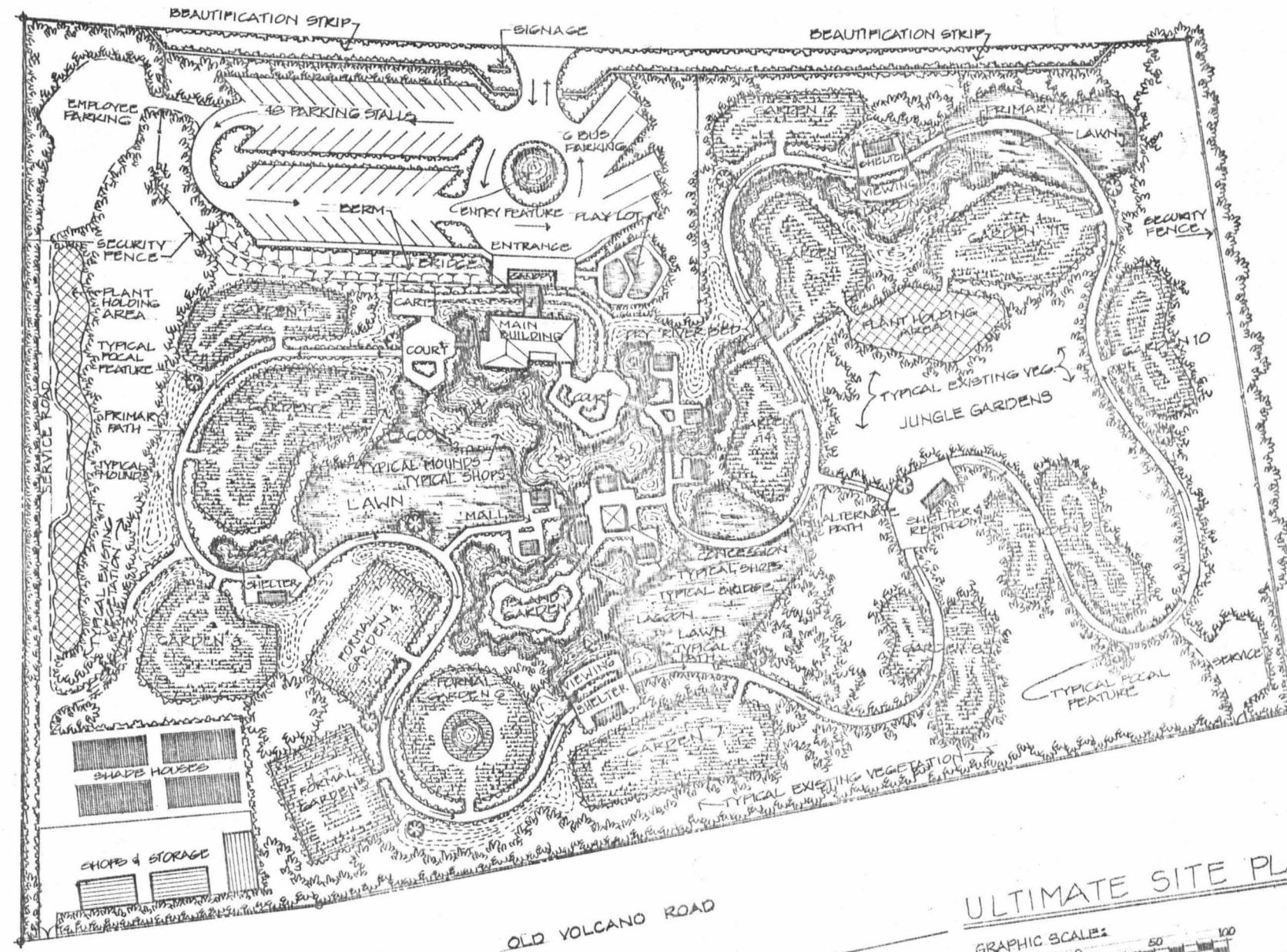
NEW VOLCANO ROAD



N

PAGE 8

NEW VOLCANO ROAD



ULTIMATE SITE PLAN

A graphic scale diagram showing markings from 10 to 100. The scale is marked with major tick marks at 10, 20, 50, and 100. There are also intermediate tick marks at 0, 40, and 80. The scale is labeled "GRAPHIC SCALE" at the top.

PAGE 9

NEW VOLCANO ROAD



ULTIMATE SITE PLAN

GRAPHIC SCALE:
40 20 0 50 100

PAGE 10

COST EVALUATIONS (ESTIMATED)

<u>Description</u>	<u>Primary</u> (Phase I)	<u>Ultimate</u> (Phase II)
1. Clearing, Grubbing & Rough grading	\$34,000.00	\$ 6,500.00
2. Fence (6' Ht. Chain-link)	21,680.00	
3. Maintenance/Service Areas (carts & equipment not included)	32,000.00	
4. Asphaltic Concrete Walks (Primary Paths)	19,250.00	4,400.00
5. Main Building (1 ea)	128,000.00	
6. Beautification Strip & Wall	19,000.00	
7. Parking	12,500.00 (Gravel)	18,000.00 (A.C. paving)
8. Shelter/Restrooms (1 ea)	9,800.00	
9. Shelters (3 ea)		1,860.00
10. Courts-(7 areas)	16,800.00	13,000.00
11. Lagoons/Water Features	112,600.00	190,000.00
12. Bridges (6 ea)	14,000.00	40,000.00
13. Tot Lot		5,800.00
14. Concession (Outdoor)		7,800.00
15. Additional Shops (8 ea)		28,800.00
16. Fine Grading/Mounding & Rocks	27,000.00	24,000.00
17. Planting (Common Areas)	54,000.00	21,000.00
18. Irrigation (Common Areas)	46,000.00	17,000.00
19. Miscellaneous Items: (Benches, Signage, Focal Features)	16,000.00	8,000.00
Total:	\$562,630.00	\$409,160.00
		Total: \$971,790.00

The Cost Evaluations listed on previous sheet are provided as guides. Estimated figures are based on our schematic drawings.

NOTE:

- A. Individual costs for Gardens not included.
- B. Area lighting not included.

FILE NO
COUNTY OF HAWAII
PLANNING DEPT.

78 JUL 28 PH 1 43

RECEIVED

August 7, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, HI 96720

Dear Mr. Fujiyama:

Special Permit - Commercial Botanical
Garden Including Restaurant and Shops
TMK: 1-7-8:18

This is to acknowledge receipt on July 28, 1978, 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 Ilima Piianaia or Keith Kato of this department at 961-8288.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Planning Director

IP:ak

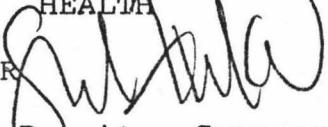
EXHIBIT B

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW POLICE HELCO
DWS FIRE SOIL CONSERVATION
R & D HIGHWAYS DEPT. OF AGRICULTURE
P & R HEALTH

Date: August 7, 1978

From: DIRECTOR 

Subject: Special Permit -- Commercial Botanical Garden
Including Restaurant & Shops
Kenneth Fujiyama
TMK: 1-7-8:18

The attached application for special permit is forwarded for your review. May we please have written comments within two (2) weeks.

Thank you.

ak
Enclosure

EXHIBIT C

AUG 8 1978

HAWAII FIRE DEPARTMENT • COUNTY OF HAWAII • Hilo, Hawaii 20

DATE August 14, 1978

Memorandum

TO : Planning Department

FROM : Hiroshi Shishido, Deputy Fire Chief

SUBJECT: SPECIAL PERMIT - COMMERCIAL BOTANICAL GARDEN
INCLUDING RESTAURANT & SHOPS
KENNETH FUJIYAMA
TMK: 1-7-8:18

The Fire Department has no objections to this project.

Hiroshi Shishido

HIROSHI SHISHIDO
DEPUTY FIRE CHIEF

HS/mo

EXHIBIT D

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

SIDNEY G. U. GOO
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

SUZANNE D. PETERSON
MEMBER - AT - LARGE

FEDERICO GALDONES
HAWAII MEMBER

JAMES E. NISHIDA
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

August 14, 1978

MEMORANDUM

To: Mr. Sidney Fuke, Director
Hawaii County Planning Department

Subject: Special Permit - Commercial Botanical Garden
Including Restaurant and Shops
Kenneth Fujiyama
TMK: 1-7-8:18

The Department of Agriculture has no comments to offer on
the subject special permit application.

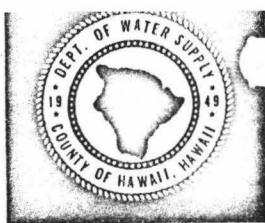
We appreciate the opportunity to comment.

A handwritten signature in black ink, appearing to read "John Farias, Jr.".

JOHN FARIAS, JR.
Chairman, Board of Agriculture

F:n:h

EXHIBIT E



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

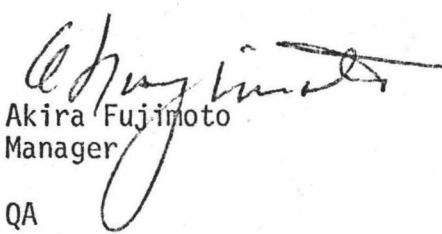
August 14, 1978

TO: Planning Department

FROM: Manager

SUBJECT: SPECIAL PERMIT - COMMERCIAL BONTANICAL GARDEN
INCLUDING RESTAURANT AND SHOPS
KENNETH FUJIYAMA
TAX MAP KEY 1-7-8:18

The applicant should address the water consumption demands of the proposed project. The area is being restricted to 1-inch size water meter services.


Akira Fujimoto
Manager

QA

EXHIBIT F

... Water brings progress...

August 23, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

Special Permit Application
Commercial Botanical Garden
Including Restaurant and Shops
TMK: 1-7-8:18

We received the attached comments from the County Department of Water Supply regarding your Special Permit application.

May we please have a response to this question regarding the water consumption demands of the proposed project, Botanical Garden, as soon as possible.

Sincerely,

Sidney Fuks
SIDNEY FUKE
Director

WLM:ak
Attachment

EXHIBIT G

AUG 24 1978

DEPARTMENT OF PARKS & RECREATION
COUNTY OF HAWAII

Date: August 15, 1978

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF PARKS & RECREATION
RE: CHANGE OF ZONE APPLICATION
 SPECIAL PERMIT APPLICATION - Botanical Gardens
 USE PERMIT APPLICATION
 VARIANCE

FOR: Kenneth Fujiyama TMK 1-7-8:18

We have reviewed the subject request and have no adverse comments to offer.

Thank you for the opportunity to review the application.

Milton T. Hakoda
Milton T. Hakoda
Director

EXHIBIT H

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720



August 15, 1978

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

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit - Commercial Botanical
Garden Including Restaurant & Shops
Kenneth Fujiyama
TMK: 1-7-8:18

We have no comments to the above application as per
your memorandum of August 7, 1978.

Very truly yours,

Niwao (cmh)

Jitsuo Niwao, Manager
Engineering Department

JN: cmh

EXHIBIT I

PUNA SOIL AND WATER CONSERVATION DISTRICT
P. O. Box 612
Hilo, Hawaii 96720

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

Dear Mr. Fuke:

The Puna Soil and Water Conservation District Board
has completed its review of the Special Permit application
submitted by Kenneth Fujiyama for land parcel
TMK 1-7-8:18.

We have attached the resource evaluation prepared by the USDA Soil
Conservation Service containing pertinent soils information.

Other Factors Affecting Development:

Upon completion of our field investigation with SCS technicians, it
has been determined

See attached SCS report.

We hope that we have been of some assistance. Please do not hesitate
to call on us for further clarification should the need arise.

Sincerely,



Charles Hoopai
Chairman

Attachment

EXHIBIT J

INVENTORY AND EVALUATION

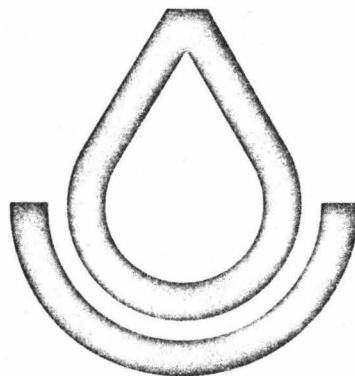
SOIL AND WATER RESOURCES

TITLE: SPECIAL PERMIT APPLICATION
KENNETH FUJIYAMA, TMK 1-7-8:18

FOR: COUNTY PLANNING DEPARTMENT

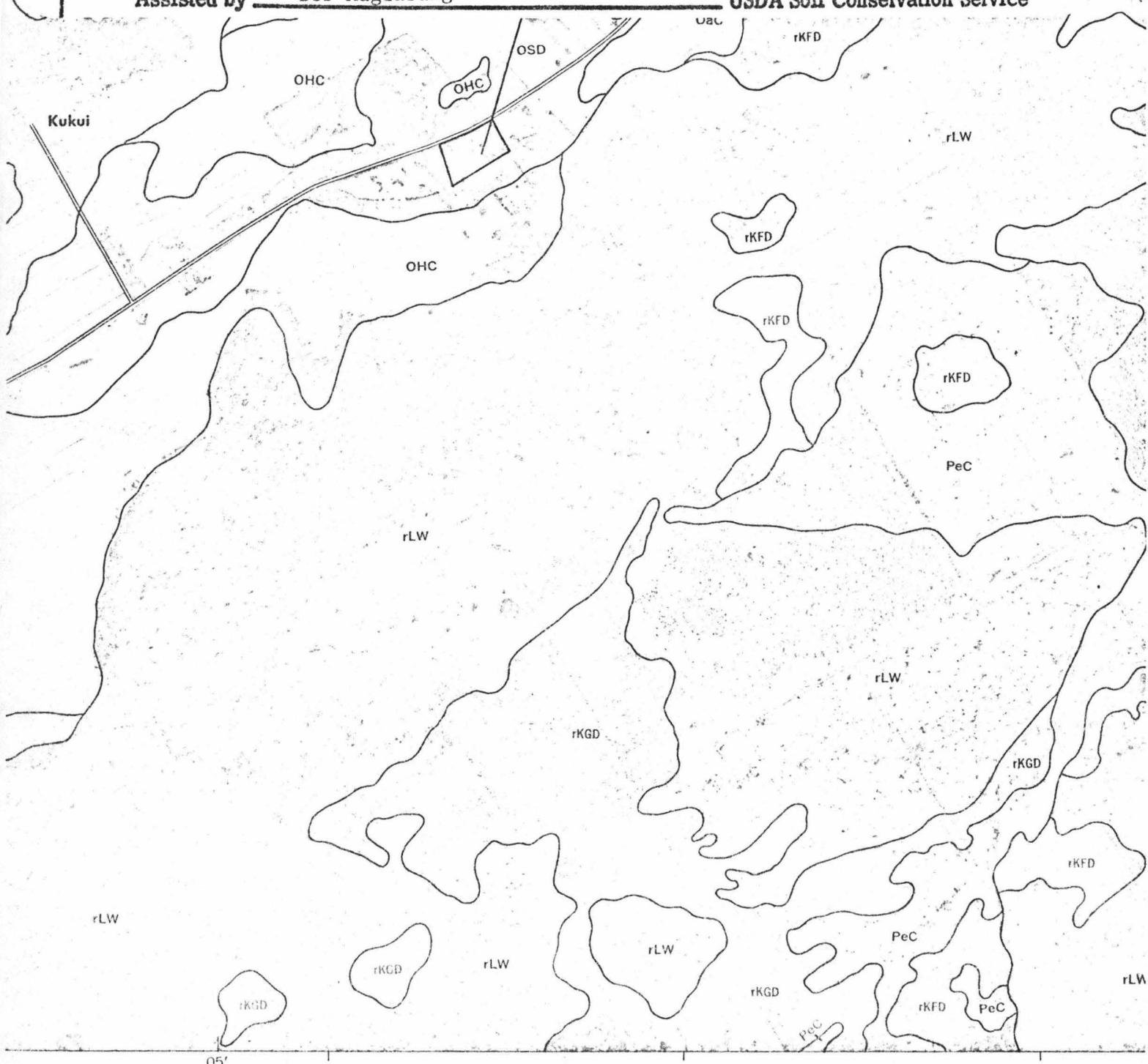
BY: BOB MAGLASANG, SWCD CONSERVATIONIST

IN COOPERATION WITH: PUNA SOIL AND WATER
CONSERVATION DISTRICT



SOIL CONSERVATION SERVICE
U.S. DEPARTMENT OF AGRICULTURE

EXHIBIT J-1

SOILS MAP
CONSERVATION PLAN MAPOwner Kenneth Fujiyama Operator
County Hawaii State Hawaii Date 8/15/78Approximate acres 9.891 Approximate scale 1:24000Cooperating with Puna Soil and Water Conservation DistrictPlan identification Photo number TMK 1-7-8:18Assisted by Bob Maglasang USDA Soil Conservation Service

OSD Ohia silty clay loam, 0 to 20 percent slopes.

Scale 1:24 000



INVENTORY & EVALUATION OF LAND, WATER, AND RELATED RESOURCES

REQUESTED BY County Planning Dept. LOCATION Puna, Hawaii
(Kenneth Fujiyama)

ASSISTED BY Bob Maglasang DATE August 15, 1978

* INDIVIDUAL GROUP UNIT OF GOVERNMENT

SITUATION: Hawaii County Planning Department has requested that a review be made on a Special Permit Application submitted by Kenneth Fujiyama. Mr. Fujiyama requests County approval for the development of a commercial botanical garden for tourists and local residents with a coffee shop and other miscellaneous shops.

Details of the proposal may be found in the attached permit.

*2 pages
to KENOP*

COMMENTS: The 9.891-acre parcel consists of soil from the
~~XXXXXX~~ profile and characteristics are cor
soils description. Since the majority of the proposed development will contain
vegetated ground cover, limited erosion or sedimentation problems are foreseen.
However, due to the lack of distinct drainage patterns in the area and high rain-
fall amounts, the problems of runoff from buildings, parking lots and lawns and
overflow from the proposed lagoon and pond should be addressed.

SOILS INFORMATION

OSD Ohia silty clay loam, 0 to 20 percent slopes.

Elevation: 1,000 feet
Annual rainfall: 165 inches

The Ohia soils consists of well-drained silty clay loams that formed in volcanic ash. In a representative profile, the surface layer is dark brown and very dark brown silty clay loam about 9 inches thick. The subsoil is dark reddish-brown and underlain by fragmental Aa lava. The dominant slopes is about 10 percent. Stones cover 3 to 15 percent of the surface. Runoff is slow to medium, and the erosion hazard is slight to moderate.

Features affecting ponds and foundations for low buildings are: poor workability, low density if compacted, high organic matter content, high compressibility, low bearing capacity and high shrinkage.

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE August 16, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Kenneth Fujiyama
Location: Olaa, Puna, HI
TMK: 1-7-8:18

We have reviewed the subject application and we have no comments to offer.

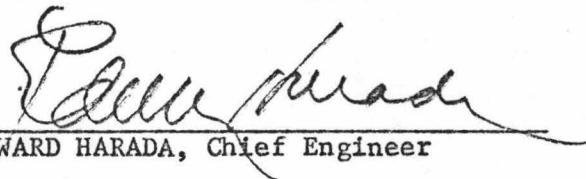

EDWARD HARADA, Chief Engineer

EXHIBIT K

MEMORANDUM:

PLANNING DEPARTMENT

County of Hawaii,

Hilo, Hawaii 96720

To: DPW POLICE HELCO
DWS FIRE SOIL CONSERVATION
R & D HIGHWAYS DEPT. OF AGRICULTURE
P & R HEALTH

Date: August 7, 1978

From: DIRECTOR

Subject: Special Permit - Commercial Botanical Garden
Including Restaurant & Shops

Kenneth Fujiyama

TMK: 1-7-8:18

The attached application for special permit is forwarded for your review. May we please have written comments within two (2) weeks.

Thank you.

Department of Health
August 17, 1978
Hilo, HI

ak
Enclosure

Public Health Regulation requirements in Chapter 1-A, Food and Food Service Establishment Sanitation Code and Sanitary requirements for public gathering places in Chapter 1, Sanitation are our concerns.

Harold
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT L



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

August 21, 1978

TO : SIDNEY FUKE, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT-COMMERCIAL BOTANICAL GARDEN
KENNETH FUJIYAMA
TMK: 1-7-8:18

The application for Special Permit submitted by Kenneth Fujiyama Realty for TMK: 1-7-8:18 has been reviewed by members of my staff.

Enclosed are comments by the Police District Commander relating to a potential traffic problem which may be created by the proposed project.

We concur with Captain Hoke's comments and recommendations and suggest that the State Department of Transportation Highways Division be consulted regarding this matter.


GUY A. PAUL
CHIEF OF POLICE

RLP/k

Enc.

EXHIBIT M

TO : GUY A. PAUL, Chief of Police
VIA : MARTIN K.L. KAAUA, Deputy Chief of Police
: GEORGE IRANON, Inspector, Country Operations
FROM : ARTHUR A. HOKE JR., District Commander, Puna
SUBJECT : APPLICATION FOR SPECIAL PERMIT

The application for Special Permit from Kenneth Fujiyama Realty for TMK: 1-7-8:18 in the Puna district was viewed by this writer.

With the exception of a potential traffic problem caused by large busses entering and exiting from the proposed location into a 55MPH zone, there would appear to be no other adverse results from the granting of this special permit.

Writer would recommend that a solution to the potential traffic problem be included in the special permit as a special condition to its granting. (Potential solution would be creation of acceleration and deceleration lanes at the entrance to provide for the normal traffic flow while making the turning movements safe.)

Submitted for your information and disposition.

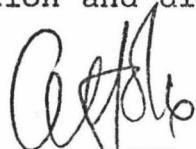

Arthur A. HOKE Jr. #5
Captain, District Commander, Puna
8-15-78 0939 HRS

EXHIBIT M-1

hcl

GEORGE R ARIYOSHI
GOVERNOR



Ryokichi Higashifonna, Ph.D.
DIRECTOR

DEPUTY DIRECTORS
DOUGLAS S. SAKAMOTO
WALLACE AOKI

Charles O. Swanson

STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKALA STREET
P. O. BOX 4277
HILO, HAWAII 96720

IN REPLY REFER TO:

LT-H 78-2.1055

September 5, 1978

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: () Change of Zone Application
() Variance Application
() Subdivision Application No.
(x) Special Permit Application
Commercial Botanical Garden, Including Restaurant & Shops
Kenneth Fujiyama
TMK 1-7-8:18

We have no objections on the Special Permit for the requested use but should the proposed action be approved access shall be off the Old Volcano Road rights-of-way.

During the subdivision review process, access to Lot 2-C (Subdivision Application No. 74-170) was agreed upon with the understanding that the parcel would be utilized for agricultural purpose. This application would commercialize the land utilization with increase in vehicular traffic off the Volcano Road.

Chas. Schmitt

CHAS L. SCHUISTER

EXHIBIT N

**Kenneth
Fujiyama
Realty
Inc.**

September 15, 1978

County of Hawaii
Department of Water Supply
25 Aupuni Street
Hilo, Hawaii 96720

ATTENTION: Mr. Fujimoto

Dear Mr. Fujimoto:

This is in reply to your letter requesting that we address the water consumption demands of the proposed Commercial Botanical Gardens, Tax Map Key: 1-7-8; 18. We have evaluated our water consumption demands and estimate it to be between 20,000 to 30,000 gallons per day. We would like to know whether we would be allowed to have a 1½" water meter service which should be sufficient.

Please reply at your earliest convenience. Thank you for your cooperation.

Sincerely,



Kenneth Fujiyama

KF:phi
cc County Planning Department

EXHIBIT O



COPY

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

September 27, 1978

Kenneth Fujiyama Realty, Inc.
1059 Kilauea Avenue
Hilo, HI 96720

SPECIAL PERMIT APPLICATION
COMMERCIAL BOTANICAL GARDEN
TAX MAP KEY 1-7-08:18

This is in response to your letter of September 15, 1978 regarding the water consumption demands for the proposed project.

As previously stated to the Planning Department, the area of the proposed project is presently being restricted to 1-inch metered water services. The restriction is primarily due to the booster pump capacities of the Olaa-Mt. View Water System. Until such time that the booster pump capacities are increased, your request for a 1½-inch meter will not be approved. For your information, a contract to increase the pumping capacities has been awarded.

Should there be any questions, please do not hesitate to contact us.

Akira Fujimoto
Manager

QA

cc -> Planning Department

EXHIBIT P

... Water brings progress...

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE October 19, 1978

Memorandum

TO : Planning Department

FROM : Chief Engineer

SUBJECT: Application for Special Permit

Applicant: Kenneth Fujiyama

Location: Olaa Reservation Lots, Puna, Hawaii

TMK: 1-7-8:18

"In the event, the Department of Transportation does not allow access from the Volcano Road, the applicant would be forced to use the County Road.

"This road has 10' of pavement with narrow grassed shoulders and is inadequate for bus traffic. If this road is to be used by the applicant then it should be improved to a 20' pavement with 6' shoulders. The intersection should also be improved."

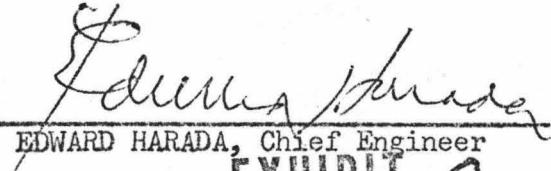

EDWARD HARADA, Chief Engineer

EXHIBIT Q



PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

SP Kuyama
HERBERT T. MATAYOSHI
Mayor

COUNTY OF
HAWAII

SIDNEY M. FUKE
Director

DUANE KANUHA
Deputy Director

October 13, 1978

Dear Property Owner: TMK:

Special Permit Application
Ola'a Reservation Lots, Puna, Hawaii
Tax Map Key 1-7-08:18

You are hereby notified that a request for a special permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Kenneth Fujiyama.

The property involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, Hawaii.

A public hearing on the subject among others will be held beginning at 3:00 p.m. on Thursday, October 26, 1978, in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii.

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

Sincerely,

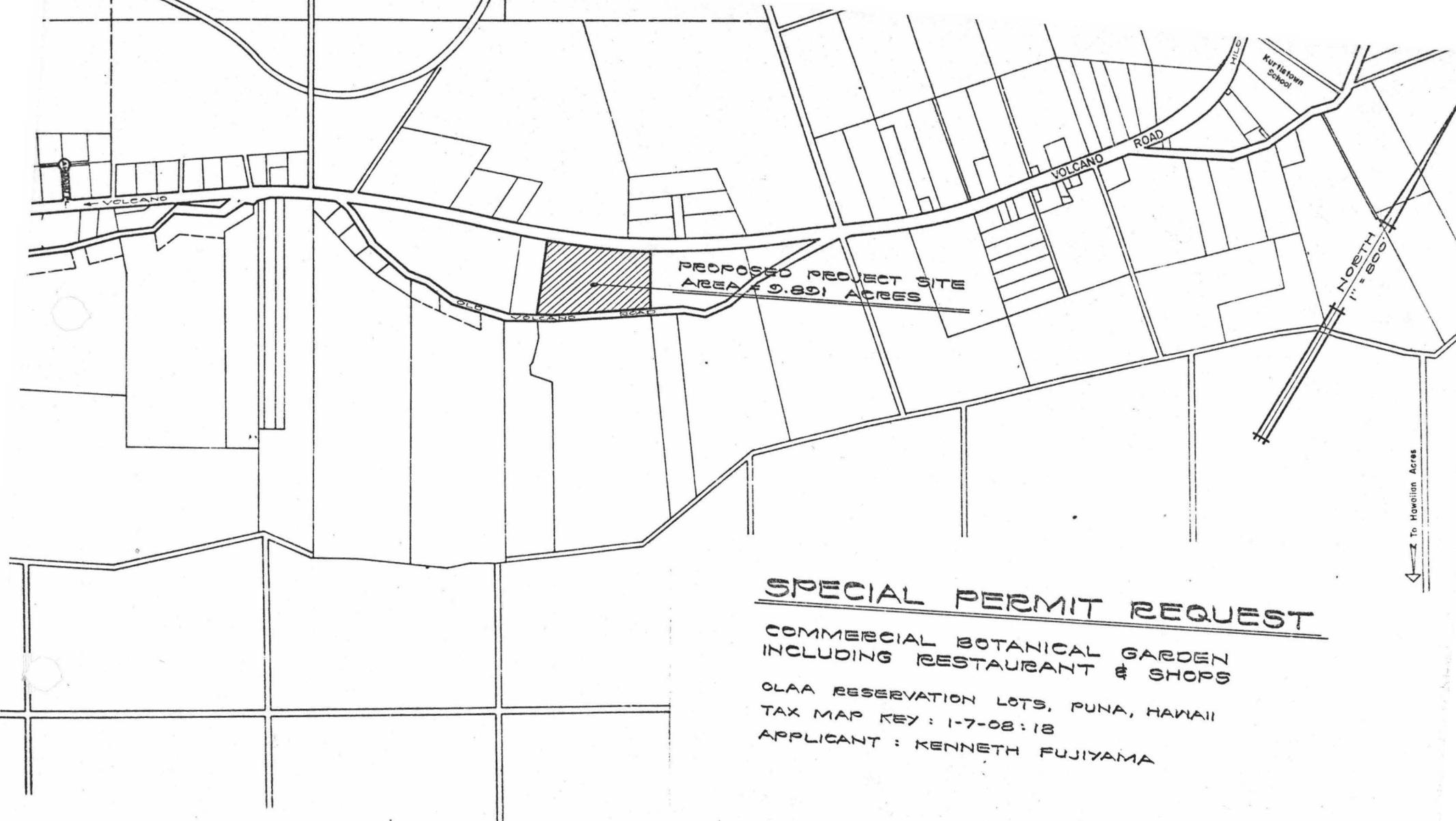
Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT R



SPECIAL PERMIT REQUEST

COMMERCIAL BOTANICAL GARDEN
INCLUDING RESTAURANT & SHOPS

OLAA RESERVATION LOTS, PUNA, HAWAII
TAX MAP KEY: 1-7-08:18

APPLICANT: KENNETH FUJIYAMA

EXHIBIT R-1
SEPT. 29, 1978

SPECIAL POINTS

SOMETHING FURTHER -

COMMERCIAL BUT ANCESTRAL GARDEN
INCLUDING RESTAURANT & SHOPS

1-7-08:18 (9.891 Acres)

(4)

Hirota, Rudy T.

1-7-08:3 P.O. Box 225
1-7-08:34 and HILO HI 9672013 Puna Sugar Co.
Keeau, HI 9674917 Katsutoshi Kimura
Star Route Box 5
Mt. View HI 9677119 Richard Mizuire
P O Box 186
Kurtistown HI 9676021 Daniel T. Hata
P.O. Box 33
Kurtistown HI 96760

1-7-13:34 Same as 1-7-08:3

knows one type of map
type of map to be created

is this the final representative of the final
proposal or just a conceptual plan

October 13, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, HI 96720

Dear Mr. Fujiyama:

Notice of a Public Hearing
Special Permit Application
Tax Map Key 1-7-08:18

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 3:00 p.m. on Thursday, October 26, 1978, in the Conference Rooms A, B, & C, State Building, South Hilo, 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 and agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Planning Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT S

OCT 13 1978

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: Conference Rooms A, B, & C, State Building, South Hilo

DATE: Thursday, October 26, 1978

TIME: Item Nos. 1-3: Beginning at 3:00 p.m.
Item No. 4: Beginning at 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. PETITIONER: JEAN S. MADDEN

LOCATION: At the eastern corner of the Kawailani Street-Ainaola Drive intersection, Waiakea Homesteads, 1st Series, South Hilo.

TMK: 2-4-19:25

PURPOSE: Variance to allow the construction of a saran shade structure with a zero front yard setback in lieu of the minimum requirement of 15 feet as stipulated within the Neighborhood Commercial - 10,000 square foot (CN-10) zoned district.

2. PETITIONER: HILO CARE CENTER

LOCATION: Along the north side of Kawailani Street directly across the Kuulei Subdivision, Waiakea Homesteads, South Hilo.

EXHIBIT S-1

TMK: 2-4-03:52

PURPOSE: Variance for relief from providing 105 additional parking stalls required for the intermediate care facility.

3. PETITIONER: KENNETH FUJIYAMA

LOCATION: On the easterly side of the Volcano Road, approximately 2,000 feet, Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna.

TMK: 1-7-08:18

PURPOSE: Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: YAMADA ENTERPRISES, INC.

LOCATION: Approximately 400 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna.

TMK: 1-2-06:portions of 6 and 25

PURPOSE: Special Permit to allow the establishment of a quarry, rock crusher, A.C. plant and a concrete batch plant on approximately 10 acres of land situated within the State Land Use Agricultural District.

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,
WILLIAM F. MIELCKE, Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: October 15 and 23, 1978)

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date October 26, 1978

Petitioner Kenneth Fujiyama - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve

Deny

Defer

Continue

Schedule for public hearing

Other: Closed

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru	/			
HANLEY, J. Walsh		/		
JITCHAKU, Lorraine R.			/	
MURAKAMI, Haruo	/			
NAKANO, Bert H.	/			
ORITA, Alfredo	2 nd			
PARIS, William Jr.	M			
SAKAMOTO, Charles				
MIELCKE, William F.				

EXHIBIT T

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
October 26, 1978

The Planning Commission met in regular session at 10:10 a.m. in the Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke (Left at 10:12 and returned 10:20 a.m.)
Shigeru Fujimoto (Left at 5:00 p.m.)
Haruo Murakami
Bert H. Nakano (Left at 5:00 p.m.)
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Lorraine R. Jitchaku
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Counsel Lionel Meyer

Sidney M. Fuke, Director (From 1:33 p.m.)
Duane Kanuha, Deputy Director (Left at 11:43 a.m.)
Norman Hayashi, Planner (Left at 11:43 a.m.)
Ilima Piianaia, Planner (From 1:33 p.m.)
William Moore, Planner
Keith Kato, Planner (Left at 2:00 p.m.)
Virginia Goldstein (Left at 11:33 a.m.)

David Murakami, representing Ex-officio Member Edward Harada (From 1:33 p.m.)

and approximately 7 people at 1:30 p.m., 10 people at 3:07 p.m., 1 person at 4:45 p.m. and 11 people at 7:07 p.m.

DISCUSSION
COUNTY OF HAWAII
GENERAL PLAN

A discussion on the proposed revisions to the County of Hawaii General Plan was held at 10:00 a.m. Separate minutes will be submitted later.

RECESS: The Chair called a recess at 11:43 a.m. until the scheduled new business at 1:30 p.m.

RECONVENED: The meeting reconvened at 1:33 p.m.

MINUTES: It was moved by Commissioner Murakami and seconded by Commissioner Paris that the minutes of October 12, 1978, be approved as circulated; motion was carried.

ANNOUNCEMENTS: Staff amended the agenda as follows: Page 2, item 3, change 8.891 to 9.891 acres and easterly to southeasterly; and item 4, change 3-3-04 to 3-4-03.

EXHIBIT U

Staff presented background and recommendation for approval with conditions on file.

Staff clarified that 0.35 stalls per bed is roughly the equivalent of 1 stall per 3 beds.

The petitioner's representative, Gordon Ochs, clarified that the removal of the greenhouse would not dramatically affect the operation of the care center and that they are able to comply with the conditions as outlined by the staff.

There was no one from the public testifying on the application.

It was moved by Commissioner Sakamoto and seconded by Commissioner Murakami that the public hearing be closed; motion was carried.

It was moved by Commissioner Nakano and seconded by Commissioner Paris that the application be approved with the reasons and conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA Public hearing on the application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District. The area involved is located on the southeasterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

There were no interested parties present.

Staff presented background on file.

The petitioner, Kenneth Fujiyama, said that although the Department of Water Supply granted them a 1 inch waterline temporarily, they did award a contract which would tie in to their timetable so that they could tap in later to a 1-1/2 inch line. He added that their application did show that the cost of the first phase would probably be about \$500,000, however, if you add in the total cost of improvements for the gardens, it will probably amount to \$1.2 million, which would not include the second phase. He further added that their plans initially showed a 4,000-square foot restaurant, however, after talking to several interested people, they said it might be too small and that they would need at least 7,500 square feet of space.

Mr. Fujiyama clarified that the plans submitted was a conceptual plan and that their timetable of development is 1-1/2 to 2 years after approval is granted.

Upon staff's questioning, Mr. Fujiyama pointed out that they would be developing the 9.891 acres in two phases. The first phase would consist of 8 or 9 gardens with the restaurant and shops and the second phase would be the remainder 6 or 7 gardens.

Mr. Fujiyama said that at this point in time he did not know what type of materials will be used in the actual construction of the lagoons and beautification strip. He added that they did want to show some identification along the whole frontage of the property so that there would be a definite break which people would recognize when driving on the main highway. Commissioner Murakami expressed his concern on the sight distance on the main highway, and Mr. Fujiyama pointed out that it is their initial plans that everything will be done under his operation.

Mr. Fujiyama clarified for the Director that their primary intent is to create a botanical garden from then which they will be having some secondary commercial businesses, such as a restaurant, display area, concessions, etc., which will be done simultaneously in the first increment.

With regard to the Department of Public Work's recommendation that the intersection be improved and that the old Volcano Road be widened to 20 feet, Mr. Fujiyama pointed out that at the moment he would not agree to that because if they lost the visual impact and accessibility of the main highway they would lose a great impact of the project itself. He added that no matter what, people would still have to exit on to the main highway, whether it's from their property or from the old Volcano Road.

At this time, Mr. Chas. Schuster of the State Department of Transportation clarified that they would probably require that the petitioner put in deceleration and acceleration lanes, although he believed the petitioner would find it cheaper to improve the existing old Volcano Road. In response, Mr. Fujiyama said it was hard at this time to agree to the deceleration and acceleration lanes as they did not know exactly what would be required; however, he thought that it was more important for them to have the access on the front of the property rather than in the back.

There was no one from the public testifying on the application.

It was moved by Commissioner Paris and seconded by Commissioner Orita that the public hearing be closed; motion was carried.

RECESS: The Chair called a short recess at 4:40 p.m.

RECONVENED: The meeting reconvened at 4:45 p.m. to take up the public hearings scheduled for 4:00 p.m.

SMA USE PERMIT
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION,
LAND TRANSPORTA-
TION FACILITIES
DIVISION
KAHUKU HOMESTEADS
TO KULANIKI'I,
NORTH HILO

Public hearing on the application of the State of Hawaii Department of Transportation, Land Transportation Facilities Division for a Special Management Area (SMA) Use Permit to allow guard rail improvements for portions of the Hawaii Belt Road between Ahole and Waikaumalo Bridges, Kahuku Homesteads to Kulaniki'i, North Hilo, TMK: 3-2-02 to 04; 3-4-03.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 26, 1978

A regularly advertised public hearing, on the application of Kenneth Fujiyama, was called to order at 4:12 p.m. in Conference Rooms A, B, & C, State Building, South Hilo, Hawaii, with Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
Shigeru Fujimoto
Haruo Murakami
Bert H. Nakano
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Lorraine R. Jitchaku
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Counsel Lionel Meyer

Sidney M. Fuke, Director
Ilima Piianaia, Planner
William Moore, Planner

David Murakami, representing Ex-officio Member Edward Harada

and approximately 3 people in attendance

CHAIRMAN: Okay, we'll move on to item three. Public hearing on the application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District. The area involved is located on the southeasterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18. Before we proceed staff, I'd like to ask is the applicant present?

FUJIYAMA: Yes.

CHAIRMAN: Are there any interested parties present? If there are none, we will proceed with the background report.

PIIANAIA: (Presented background on file.)

CHAIRMAN: Thank you, Ilima. Commissioners, do you have any questions of the staff's background report on this application for a special permit?

SAKAMOTO: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Sakamoto.

SAKAMOTO: Ilima, where's the new road they're talking about?

EXHIBIT V

MOORE: The new road is the existing Volcano Road.

CHAIRMAN: Further questions? Is the applicant or a representative present? Mr. Fujiyama, do you swear to tell the truth and nothing but the truth on the application now before the Hawaii County Planning Commission?

FUJIYAMA: Yes, sir.

CHAIRMAN: Thank you. Madam Secretary, let the record indicate the applicant is Mr. Kenneth Fujiyama. Ken, you've heard the staff's background report on your special permit application. Do you have anything to add for the benefit of the Commission?

FUJIYAMA: Well, couple of things. First of all, on the water application, you know, we asked if we could use an 1-1/2" water-line. The Water Department said they would allow us to use a 1" line temporarily, but they did award, from what I understand, the job which would tie in pretty well to our timetable so we could tap in later for an 1-1/2" line.

Another thing that we would probably want to mention, or two other things is that on our application we show that the cost of our first phase would probably be about 500 some odd thousand, but if you add in our total cost of improvements on the gardens, on the other improvements that we would be putting in there on our first, it will probably amount to about \$1.2 million. And this does not include our second phase which will come in at a later date.

The other area that I'm kind of concerned about right now is that we showed initially about 4,000 feet of building area. In talking to several people who have restaurants that would probably be interested in this type of operation, they said that the floor area might be too small and we'd probably need at least about 7,500 square feet for the restaurant space.

So those are the areas that - .

CHAIRMAN: Okay. Thank you. Commissioners, do you have any questions of Mr. Fujiyama?

MURAKAMI: Mr. Chairman?

CHAIRMAN: Yes, Commissioner Murakami.

MURAKAMI: I don't know where your exit is going to be, whether from the existing highway, you know, in the event if you don't go, like the Police Department is recommending something like slow turning and the other one is that whether the State would allow you to enter direct because of the busses and all that. What is your comment as far as this?

FUJIYAMA: Offhand, I think, when we purchased the lot or the parcel, one of the conditions was that we do have access to the front so there is, where, we didn't know exactly what the final use would be, but I think it is in there that they say if we use it for agricultural purposes that we will be allowed one exit to the

front highway. As far as acceleration and deceleration lanes, I think I would agree to that. I don't know exactly what would be required, but I think from the safety standpoint I think that would be a better thing to put in.

MURAKAMI: Thank you.

CHAIRMAN: Commissioners, any further questions of the applicant?

NAKANO: Mr. Fujiyama, is this somewhere near Dan Hata's place?

FUJIYAMA: It's right next to Dan Hata. Dan Hata's parcel is right here. There's a very thick bamboo grove that borders his property and my property; and what I propose to do is develop from there further on up. If you look at the back map, there is a picture that shows the actual aerial photo of the parcel. And probably on the last page it shows more or less a colored picture of the parcel.

PIIANAIA: Mr. Chairman, staff has a few questions.

MOORE: For the record, Mr. Fujiyama, -?

CHAIRMAN: Proceed, Mr. Moore.

MOORE: Thank you, Mr. Chairman. Do you know the amount and extent of the shop area that you're proposing within this complex?

FUJIYAMA: I don't think, well, I don't know. All we've presented here was a very rough schematic idea; and we went on terms of, the main concern was the restaurant area because you have to have so many seatings to make it feasible. As far as the shop, I think we have to see what happens before we can actually say what would be required. I don't think we're looking at a real large shop concession type area. It's more of a supportive type of facility.

MOORE: Is the plan then fairly representative of the final project, or is it more of a conceptual plan?

FUJIYAMA: This is a conceptual type of plan, but I think it'll come pretty close to what we're proposing.

MOORE: Thank you. Do you have a timetable of development?

FUJIYAMA: Well, on a plan like this, a lot has to go into marketing before we actually get started; and I think we're looking at probably a year, year and a half, or two years.

MOORE: This would be after the approval?

FUJIYAMA: Yeah.

MOORE: Okay.

PIIANAIA: Mr. Fujiyama, would you be phasing this project or would you be developing the whole 9.891 acres at one time?

FUJIYAMA: Okay, we will develop the whole parcel. However, in our report we show it as two phases. The two phases represent the final gardens. If you look at the plan, if you look at this garden here, the layout, two sheets before this page here, we have a preliminary phase or primary phase. The two phases that we talked about is, on the first phase we'll probably put maybe 8 or 9 gardens, and on the second phase the remainder 6 or 7, whatever goes in there. Now this is just a preliminary approach.

PIIANAIA: Aside from your botanical, the foliage type of areas, what about your, what we would consider, commercial development in terms of phasing the restaurant, the shops, and that sort of thing?

FUJIYAMA: I think that would be all in phase one.

PIIANAIA: I have another question. It pertains to the lagoons and ponds that you propose in this concept. Could you elaborate on that and would there be a lot of grading? Cause the Soil Conservation pointed out that there's a undefined drainage pattern.

FUJIYAMA: As far as the lagoons, we're only talking of a very shallow type lagoon, just for the looks of a garden. In fact, I thought we did make a comment to that effect that we may not go into an intensive type of lagoon facility as was shown on the plan.

PIIANAIA: Basically though to do that kind of development, you'd have to have a pretty impervious lining because of the type of ground. I mean, it would take a lot of construction basically.

FUJIYAMA: I don't follow your question at all. Pertaining to what?

PIIANAIA: If you create a basin that would hold water.

FUJIYAMA: As far as the actual construction, I wouldn't know what type of material would be used at this point.

PIIANAIA: Thank you.

MURAKAMI: Mr. Chairman, I have another question.

CHAIRMAN: Commissioner Murakami.

MURAKAMI: I notice from your plan, you know, on the new highway side where your exit will be, you have a beautification strip. I don't know how long it runs, but what type of beautification strip would you put up?

FUJIYAMA: Mr. Murakami, at this point here, the actual type of plans has not been determined. You know, we're just coming in with a conceptual layout. But we want to show some identity along the whole frontage of the property. So if a person were driving there would be definitely a break which they would recognize as the project.

MURAKAMI: Well, I just asked this question because of the fact that, you know, because you're entering and you exit, we want to make sure that you have enough sight distance when you put any kind of beautification.

FUJIYAMA: I'm not sure of the actual roadway, but I think Mr. Schuster could answer that. I think it's about 80 feet, right?

SCHUSTER: Right.

FUJIYAMA: So the paved section, there's a lot of visual, the beautification strip is well -.

MURAKAMI: Well inside?

FUJIYAMA: Yeah.

PIIANAIA: I have one other question, Mr. Fujiyama. Would you be developing this and would somebody else be running this or what kind of operation would it be under?

FUJIYAMA: The initial plans were that we would do everything on our own.

PIIANAIA: Thank you.

CHAIRMAN: Commissioners, anything further?

MURAKAMI: Can I ask a question?

CHAIRMAN: Yes, please, Commissioner Sakamoto.

SAKAMOTO: Mr. Fujiyama, there's a graveyard nearby some place -?

FUJIYAMA: It's diagonally across the street about a quarter mile down.

PIIANAIA: This is 13 Mile Road, it's on the top.

CHAIRMAN: Yes, Mr. Director.

FUKE: Mr. Fujiyama, it's my understanding that the primary intent is to create a botanical garden and from which then you're going to have some secondary commercial aspects which would include a restaurant, your display area, your concessions, etc.?

FUJIYAMA: Right.

FUKE: And so we are to assume, therefore, that the restaurants and the commercial, your concession area would come in subsequent, or after, to the development of the botanical garden?

FUJIYAMA: I think it will be done simultaneously because if we were to, let's say, have just the garden without any building or restrooms or anything, I think it has to be one integral part and more so because it's pretty far away from other facilities.

FUKE: Is there a possibility in giving your understanding of your own timetable and that the restaurant or the, well, particularly the restaurant area would be in operation way in advance of the botanical garden; and, in a sense, what we'd be seeing over there is just a restaurant?

FUJIYAMA: No. Okay, we're not going to build a restaurant per se to have a restaurant. We're going to build a botanical garden with a restaurant to provide facilities for the people that come into the area.

FUKE: So the restaurant is ancillary and supportive of the botanical garden.

FUJIYAMA: It's secondary. Right.

CHAIRMAN: Further questions, either Commissioners or staff?

PIIANAIA: I have one question. If the State Highways Division were to deny the type of access off of the new Volcano Highway that would be needed to accommodate busses and stuff, the Department of Public Works is recommending intersection improvements and paving the old Volcano Highway to a 20-foot width. It's now a 10-foot width with 6-foot shoulders; and I would just like to know if Mr. Fujiyama would be prepared to do that if that were the case.

FUJIYAMA: At the moment I would say no. I think if we lose the visual impact or the accessibility of the highway, you know, we'd sort of lose a great impact of the project itself, and if you drive through that road, it's a pretty narrow road. So if you look at the real advantage, whether you're coming out directly from the property or you're coming out from the road itself, you still have to enter the main highway. The road goes around like this, so whether we come out here, or we come out here or here, it's the same thing. We're still coming out on the highway.

CHAIRMAN: Okay, if there are no further questions, Mr. Fujiyama, we ask that you remain in the audience as this is a public hearing and Mr. Schuster may have something that he wants to offer, since he's the only one in the audience other than your associate.

Madam Secretary, this is Mr. Chas. Schuster. Do you swear you will tell the truth and nothing but the truth on the applications now before the Hawaii County Planning Commission?

SCHUSTER: I do.

CHAIRMAN: Fine. Mr. Schuster, please proceed.

SCHUSTER: Well, I would just like to point out that when this previous subdivision was made and we agreed to one access onto the highway with the condition that the property remain in agricultural use and no further subdivision, our concept was agricultural use in the terms of a single overall farming operation or such. And we were concerned about any intensification of use of that property. We did not conceive of a commercial operation such as being envisioned whether it's technically an agricultural use or not. And no such presentation was made to us at the time of that previous subdivision. So what I'm saying

is that had we known that this type of development was being proposed, we would have insisted on access off the old Volcano Road. And I believe the applicant would find it cheaper to improve that existing old road rather than to build a proper connection off the main highway that we might require.

MURAKAMI: In other words, what you're saying is that in the event this is granted, more likely you would suggest that they put in a deceleration and acceleration lane.

SCHUSTER: That is correct, and I believe the staff mentioned that requirement in their presentation.

CHAIRMAN: Any questions of Mr. Schuster, Commissioners? Staff? Mr. Fujiyama, did you want to ask Mr. Schuster anything on that?

FUJIYAMA: No. It's hard to say yes as to what he would require, but I think it's more important to us to have the access on the front than it is in the back.

CHAIRMAN: I think there's every indication that in the event that you are granted this special permit, an access permitted off the Volcano Road, that they would be thinking in terms of acceleration and deceleration lanes. Is that correct, Mr. Schuster?

SCHUSTER: Yes, sir.

CHAIRMAN: Okay, thank you. Commissioners, any questions of either the applicant or of Mr. Schuster? Staff?

PIIANAIA: No.

CHAIRMAN: Members of the Commission, this is a public hearing on the application of Kenneth Fujiyama. I will at this time ask if anyone else in the audience wishes to offer testimony either for or against the application now before the Commission. If there is none, the Chair will entertain a motion, one, to continue the public hearing or two, to close the public hearing. What is your pleasure?

PARIS: Mr. Chairman, I move that we close the public hearing.

CHAIRMAN: Is there a second to the motion?

ORITA: Second the motion, Mr. Chairman.

CHAIRMAN: It has been moved by Commissioner Paris and seconded by Commissioner Orita that the public hearing be closed. All those in favor so signify by saying aye?

COMMISSIONER: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

The public hearing adjourned at 4:40 p.m.

A T T E S T:

William F. Mielcke
Chairman, Planning Commission

Respectfully submitted,
Sharon M. Nomura
Sharon M. Nomura
Secretary

October 27, 1978

Mr. Kenneth Fujiyama
Kenneth Fujiyama Realty, Inc.
1059 Kilauea Avenue
Hilo, HI 96720

Dear Mr. Fujiyama:

Special Permit Application
Tax Map Key 1-7-08:18

The Planning Commission at its meeting of October 26, 1978, held a duly advertised public hearing on your application for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land Use Agricultural District at Ola'a Reservations Lots, Puna, 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.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgv
cc State Land Use Commission
Land Use Division, DPED

EXHIBIT W

November 1, 1978

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, HI 96720

Dear Mr. Fujiyama:

Special Permit Application
Tax Map Key 1-7-08:18

Your application will again be discussed on Thursday, November 16, 1978, by the Planning Commission. The meeting will be held in the First Hawaiian Bank Meeting Room, Kailua, North Kona, and is scheduled to begin at 11:00 a.m.

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fuke

Sidney M. Fuke
Director

gs

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT X

SPECIAL PERMIT: KENNETH FUJIYAMA

Kenneth Fujiyama is requesting a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shop, on approximately 9,891 acres of land situated within the State Land Use Agricultural District. The area involved is located on the south ^{eastern} side of the New Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna (TMK: 1-7-08:18).

The proposed botanical garden will include 15 individually designed flora and/or foliage display areas; waterways and lagoons totalling approximately 15,000 square feet in area; various paths and shelters; a mall and court area where concessions, shops, displays, and information will be available; a maintenance area including an 8,000-square foot building, a 25,000-square foot plant holding area, and a 4,200-square foot main structure.

The proposed main structure will include shops, a snack bar/coffee shop, administration offices, activity areas, and other miscellaneous uses. In addition, the petitioner is proposing to provide parking for 48 automobiles and 6 buses.

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

(SEE LETTER)

The subject area, which is presently vacant of any use, is situated within the Agricultural - 1 acre (A-1a) zoned district.

EX-1000 Y

The surrounding land uses are primarily agricultural in nature, including an anthurium farm immediately east of the subject area and sugar cane. In addition, there are single family dwellings scattered through this area.

The soils of the subject area are of the Ohia series which consists of well-drained silty clay loams that formed in volcanic ash. In a representative profile, the surface layer is dark brown and very dark brown silty clay loam about 9 inches thick. The subsoil is dark reddish brown and is underlain by fragmented A'a lava. Runoff is slow to medium and the erosion hazard is slight. The Land Study Bureau's Master Capability Rating for these soils is class "D" or "Poor". The average rainfall in this area is approximately 165 inches per year. This area has not been included in the Agricultural Lands of Importance to the State of Hawaii classification system of the Department of Agriculture.

The subject area is bounded by both the Old and New Volcano Roads with access presently from the latter. However, final subdivision approval for the 9.891-acre subject area was granted in June, 1975, subject to the condition that:

"Should lot 2-C (the subject area) be further subdivided, access as permitted to the New Volcano Road shall be terminated and all access shall be off the Old Volcano Road."

The New Volcano Road has an 80-foot right-of-way and a 24-foot pavement while the Old Volcano Road has a 50-foot right-of-way and a 10-foot pavement.

There is a one-inch water meter presently serving the subject area. All other necessary utilities and infrastructures are or will be available.

The Department of Water Supply had no objections to the request but commented that, "The applicant should address the water consumption demands of the proposed project. The area is being restricted to 1-inch size water meter services".

The petitioner, in a letter dated September 15, 1978, addressed these concerns when he stated:

"We have evaluated our water consumption demands and estimate it to be between 20,000 and 30,000 gallons per day. We would like to know whether we would be allowed to have a 1-1/2" water meter service which should be sufficient."

Subsequently, on September 27, 1978, the Department of Water Supply stated:

"...the area of the proposed project is presently being restricted to 1-inch metered water services. The restriction is primarily due to the booster pump capacities of the Olaa-Mt. View Water System. Until such time that the booster pump capacities are increased, your request for a 1-1/2" meter will not be approved. For your information, a contract to increase the pumping capacity has been awarded."

Upon review of the subject request, the Soil Conservation Service submitted the following comments:

"Since the majority of the proposed development will contain vegetated ground cover, limited erosion or sedimentation problems are foreseen. However, due to lack of distinct drainage patterns in the area and high rainfall amount, the problem of runoff from the buildings, parking lots and lawns and overflow from the proposed lagoon and pond should be addressed."

The State Department of Transportation reviewed this request and commented as follows:

"We have no objections on the Special Permit for the requested use but should the proposed action be approved access shall be off the Old Volano Road right-of-way.

"During the subdivision review process, access to Lot 2-C (Subdivision Application No. 74-170) was agreed upon with the understanding that the parcel would be utilized for agricultural purpose. This application would commercialize the land utilization with increase in vehicular traffic off the Volcano Road".

The Police Department commented that:

"With the exception of a potential traffic problem caused by large busses entering and exiting from the proposed

location into a 55 mph zone, there would appear to be no other adverse results from the granting of this Special Permit.

"Writer would recommend that a solution to the potential traffic problem be included in the Special Permit as a special condition to its granting. (Potential solution would be creation of acceleration and deceleration lanes at the entrance to provide for the normal traffic flow while making the turning movements safe.)"

None of the other cooperating agencies had any comments on or objections to the subject request.

The Dept. of Public Works had no objections to the subject request, commenting that:

(See Memo of 10/19/78)

RECOMMENDATION: KENNETH FUJIYAMA

Upon careful review of the Special Permit request to allow the establishment of a commercial botanical garden and related activities within the State Land Use Agricultural District, the staff recommends it be given favorable consideration based on the following findings:

That the granting of this request will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

The purpose of this Special Permit is to allow the establishment of a commercial botanical garden as well as related uses within the State Land Use Agricultural District. The proposed botanical garden will include 15 individually designed flora display areas, waterways and lagoon, various paths and shelters, mall and court area, maintenance area, plant holding area, as well as the main structure housing administrative offices, snack bar, and activity areas.

The garden areas will include both formal displays and "jungle" areas where the vegetation will be left in its natural state. These gardens as well as the proposed court

and mall will provide areas where plants and flowers can be displayed and sold to the visitors to the botanical garden. Botanical gardens, as well as the display and sale of products raised on the premises are permitted uses under both the State Land Use Law and Regulations and the County's Agricultural Zoned District Regulations. However, this Special Permit is required to allow certain ancillary activities including the sale of agricultural products not raised or produced on the subject area as well as commercial shops and restaurant activities. Although the granting of this request will allow the establishment of certain non-agricultural uses on the subject area, it is determined that these uses will be subsidiary to the operation of the proposed botanical garden.

Consequently, these non-agricultural uses will not significantly alter the agricultural character of the subject area. Furthermore, the granting of this Special Permit request may further the State and County policy of supporting and encouraging agricultural activities. The proposed botanical garden will provide new opportunities to market and promote locally raised and produced ornamental agricultural products. The provision of these new marketing opportunities as well as the increased visibility of the products will, to some extent, benefit the overall agricultural potential of this area and of the County and State in general.

That the establishment of the proposed uses will also complement the goals, policies and courses of action of the Economic Element of the County of Hawaii General Plan. Specifically, this element states that the County "shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents." Furthermore, with respect to the Puna District, the element further states that:

"There is potential for limited visitor facilities in the form of small accommodations and support facilities, such as natural areas, botanical gardens, and limited commercial facilities."

The petitioner's intent in establishing the proposed uses is to provide ^{the} area where visitors as well as residents can ^{view} see local agricultural products, native plants and flowers; thereby providing a visitor destination area while at the same time promoting these agricultural products. These visitor facilities in turn will add to the cumulative attraction of the Volcano/Hilo destination area by providing additional opportunities and experiences for the visitors.

Although the visitor industry has emerged as a major economic force for the County in the past decade and a half, there is still the question of stability of the

visitor industry. This industry, which caters to the recreational desires of people, is highly sensitive to not only exogenous factors such as the national economy, but also the amenities available within the area. As such, sufficient activities and interests should be made available to the visitors in order to achieve the County's goals and policies of maintaining economic stability. As an emerging economic force of the County, the visitor industry will have a tremendous effect on the lives of the residents. The greatest impact of the visitor industry has been the creation of additional employment and economic opportunities for the residents. This industry greatly contributes to the economy of the island as well as the State. As such, it is determined that the establishment of the proposed use will be in the best public interest.

That the proposed use will not have any significant adverse effects on the surrounding properties. Surrounding land uses include an anthurium farm immediately east of the subject area, other diversified agricultural activities and the raising of sugar cane. In addition, there are scattered single family dwellings in this area. While the proposed botanical garden will undoubtedly intensify the use of the subject area, it is determined that this area will still remain primarily agricultural in nature. Consequently, the granting of this request will not alter or change the essential character of this area.

That the proposed use will not unreasonably burden public agencies to provide the necessary infrastructure for the operation of the proposed use. All essential utilities and facilities including water are or will be available to the subject area.

Furthermore, the petitioner shall be responsible for resolving all difficulties and concerns with respect to the provision of safe access to the subject area.

It should be pointed out that the approval of this Special Permit is based on the principal use of the subject area being a private botanical garden to be established as a visitor attraction. Therefore any of the permitted commercial and/or restaurant uses within this area shall be ancillary to this primary use. Based on the above, it is therefore recommended that the subject request be given a favorable recommendation subject to the following conditions:

1. That the proposed development shall substantially conform to the plans submitted and representations made by the petitioner except as conditioned herein.
2. That the petitioner or his authorized representative(s) shall submit plans for "Plan Approval" within one year from the effective date of the Special Permit. The petitioner or his authorized representative(s) shall also be responsible for

receipt of "Final Plan Approval".

3. That development of the botanical garden and related improvements shall commence within one year of receipt of Final Plan Approval. This botanical garden shall be developed substantially as represented in the "Primary Site Plan" as described in the overall landscaping and ^{Identified as Reference Exhibit A} desing plan submitted by the petitioner ^A and furthermore, shall be in operation within three years after commencement of development.
4. That none of the proposed commercial and/or restaurant uses shall be in operation prior to the opening of the botanical garden. Furthermore, the restaurant use shall be limited to one facility situated within the main structure.
5. That the proposed commercial and restaurant uses shall be open only during the established visiting hours to the main garden area. Furthermore, the office, restaurant, and commercial uses within the facility shall be ancillary to the operation of the proposed botanical garden.
6. That commercial sales and display areas in the proposed court and/or mall area shall be limited only to agricultural products.

7. That access to the area under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and/or the County Department of Public Works. Furthermore, that all required improvements to the roadway(s) shall be completed prior to the granting of the occupancy permit.
8. That prior to the commencement of construction, the petitioner or his authorized representative(s) shall obtain a Grading Permit from the Department of Public Works.
9. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

County Exh. "AA"

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date November 16, 1978

Petitioner Kenneth Fujiyama - Special Permit

Preliminary hearing Public hearing Request Action

ACTION: Approve
 Deny
 Defer
 Continue
 Schedule for public hearing

Other: _____

Commissioners	Aye	No	Excused	Abstain
FUJIMOTO, Shigeru <i>2nd</i>	/			
HANLEY, J. Walsh			/	
JITCHAKU, Lorraine R.	/			
MURAKAMI, Haruo			/	
NAKANO, Bert H. <i>Moving</i>	/			
ORITA, Alfredo	/			
PARIS, William Jr.	/			
SAKAMOTO, Charles	/			
MIELCKE, William F.	/			

EXHIBIT BB

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 16, 1978

EXHIBIT CC

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William F. Mielcke presiding, and at 7:00 p.m. in the Waimea Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Chairman Pro Tem William J. Paris, Jr., presiding.

PRESENT: William F. Mielcke
(Left at 3:47 p.m.)
Shigeru Fujimoto
Bert H. Nakano
Lorraine R. Jitchaku
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Haruo Murakami
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Reginald Minn

Sidney M. Fuke, Planning Director
Ilima Piianaia, Planner
Norman Hayashi, Planner (Left at 3:47 p.m.)
William Moore, Planner

Galen Kuba representing Ex-officio Member Edward Harada

and approximately 16 people in attendance at 9:00 a.m., 14 people at 10:00 a.m., 7 people at 11:00 a.m., 7 people at 1:30 p.m., 30 people at 7:00 p.m. and 30 people at 7:30 p.m.

SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA

Use Agricultural District. The area involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

Staff presented recommendation for approval with conditions on file.

Staff clarified that Condition No. 6 meant that as long as the commercial uses are ancillary to the operation of the botanical garden, it is allowed; however within the mall and court area, only agricultural products may be sold.

Staff pointed out that as far as access, it is up to the Department of Transportation and/or Department of Public Works and the petitioner to decide where it will be. If access is permitted from the State highway, the Department of Transportation could conceivably require acceleration and deceleration lanes; if not, the petitioner would be required to improve the old Volcano Highway.

With regard to Condition No. 5, staff clarified that the reason for suggesting that condition was they did not want to construe that the operation of the restaurant is independent of the garden and were not requiring that everyone who goes to the restaurant comes to dinner and walk through the garden.

Staff clarified that as far as having other commercial uses come into the establishment, as it is not an outright permitted use, it would have to be approved by the Planning Director.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

SPECIAL PERMIT
YAMADA ENTER-
PRISES, INC.
KAIMU-MAKENA
HOMESTEADS, PUNA

is located approximately 4,000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portions of 6 & 25.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Terence Yoshioka, expressed his concern on Condition 6 and requested that the Commission reconsider this recommendation and instead have the petitioner cease quarrying operations only after it has been determined that the complaint is substantiated, to which the Planning Director agreed. The Planning Director suggested the following amendment to Condition 6, "Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operation, the Planning Director shall investigate the complaint.

Application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 16, 1978

EXHIBIT C

The Planning Commission met in regular session at 9:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William F. Mielcke presiding, and at 7:00 p.m. in the Waimea Civic Center Conference Room, Waimea, South Kohala, Hawaii, with Chairman Pro Tem William J. Paris, Jr., presiding.

PRESENT: William F. Mielcke
(Left at 3:47 p.m.)
Shigeru Fujimoto
Bert H. Nakano
Lorraine R. Jitchaku
Alfredo Orita
William J. Paris, Jr.
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
Haruo Murakami
Ex-officio Member
Akira Fujimoto
Deputy Corporation
Reginald Minn

Sidney M. Fuke, Planning Director
Ilima Piianaia, Planner
Norman Hayashi, Planner (Left at 3:47 p.m.)
William Moore, Planner

Galen Kuba representing Ex-officio Member Edward Harada

and approximately 16 people in attendance at 9:00 a.m., 14 people at 10:00 a.m., 7 people at 11:00 a.m., 7 people at 1:30 p.m., 30 people at 7:00 p.m. and 30 people at 7:30 p.m.

SPECIAL PERMIT
KENNETH FUJIYAMA
OLA'A RESERVA-
TION LOTS, PUNA

Use Agricultural District. The area involved is located on the easterly side of the Volcano Road, approximately 2,000 feet Ka'u side of 13 Mile Road, Ola'a Reservation Lots, Puna, TMK: 1-7-08:18.

Staff presented recommendation for approval with conditions on file.

Staff clarified that Condition No. 6 meant that as long as the commercial uses are ancillary to the operation of the botanical garden, it is allowed; however within the mall and court area, only agricultural products may be sold.

Staff pointed out that as far as access, it is up to the Department of Transportation and/or Department of Public Works and the petitioner to decide where it will be. If access is permitted from the State highway, the Department of Transportation could conceivably require acceleration and deceleration lanes; if not, the petitioner would be required to improve the old Volcano Highway.

With regard to Condition No. 5, staff clarified that the reason for suggesting that condition was they did not want to construe that the operation of the restaurant is independent of the garden and were not requiring that everyone who goes to the restaurant comes to dinner and walk through the garden.

Staff clarified that as far as having other commercial uses come into the establishment, as it is not an outright permitted use, it would have to be approved by the Planning Director.

It was moved by Commissioner Nakano and seconded by Commissioner Fujimoto to send a favorable recommendation to the State Land Use Commission with the conditions outlined by the staff. A roll call vote was taken and motion carried with seven ayes.

SPECIAL PERMIT
YAMADA ENTER-
PRISES, INC.
KAIMU-MAKENA
HOMESTEADS, PUNA

is located approximately 4,000 feet directly west of the Pahoa-Kalapana Road, Kaimu-Makena Homesteads, Puna, TMK: 1-2-06:portions of 6 & 25.

Staff presented recommendation for approval with conditions on file.

The petitioner's representative, Terence Yoshioka, expressed his concern on Condition 6 and requested that the Commission reconsider this recommendation and instead have the petitioner cease quarrying operations only after it has been determined that the complaint is substantiated, to which the Planning Director agreed. The Planning Director suggested the following amendment to Condition 6, "Upon receipt of any complaint which is accompanied by documented evidence relative to the impact of the quarrying operation, the Planning Director shall investigate the complaint.

Application of Kenneth Fujiyama for a Special Permit to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.891 acres of land situated within the State Land

January 12, 1979

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on January 11, 1979, the Land Use Commission voted to approve a Special Permit request by Kenneth Fujiyama (SP78-328) to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olaa Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08: 18.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission. Please be advised that the petitioner's failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-328 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Kenneth Fujiyama

January 12, 1979

Mr. Kenneth Fujiyama
1059 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Fujiyama:

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

Please be advised that failure to comply with any of the delineated conditions of approval, particularly those relating to time, shall be reason for termination of the Special Permit. The Land Use Commission will not consider any request for time extension which is filed after the stipulated commencement or expiration dates.

A copy of the staff memorandum is herewith enclosed for your information. The Land Use Commission's Decision and Order on SP78-328 will be forwarded to you at a later date.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encls.

January 12, 1979

Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

Attention: Mr. Hideto Kono, Director

Gentlemen:

At its meeting on January 11, 1979, the Land Use Commission voted to approve a Special Permit request by Kenneth Fujiyama (SP78-328) to allow the establishment of a commercial botanical garden, including a restaurant and shops, on approximately 9.9 acres of land situated within the State Land Use Agricultural District at Olao Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-08: 18. Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission.

Please note that a copy of the Land Use Commission's Decision and Order on this matter is on file at the Commission's office.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

Encl.

cc: Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Office of Environmental Quality Control
Division of Land Management, DLNR