

MOLLY D. ZIMRING

A 64-73

Molly D. Zimring

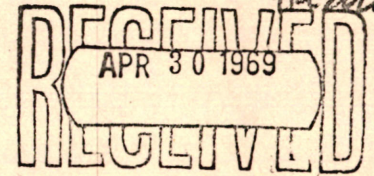
Attorney at Law

Xerox and mail copies to Leslie Wang Lee
and Don Durrant

Box 120, Hilo, Hawaii

April 29, 1969

Eckbo, Dean, Austin & Williams
Att'n Mr. Howard Altman
1649 Kapiolani Boulevard
Honolulu, Hawaii 96814



Re: Proposed Urban District Kupulau Road, Hilo, Hi.

Dear Mr. Altman:

✓ The present proposal of an Urban District in the Waiakea-Uka section of Hilo is excellent; however, it could be vastly improved by moving the boundary 968 feet mauka of Kupulau Road, instead of keeping it at the mauka side of Kupulau.

All of the mauka lots on Kupulau Road are 968 feet in depth; placing the Urban District makai of the back line makes good sense for the following reasons:

✓ 1. Kupulau Road has all of the utilities already in, paid for by the taxpayers of Hawaii County. To permit the under-use of these facilities is a waste of their money already invested.

Example: The Board of Water Supply spent \$15,000.00 to put in an 8 inch water line on Kupulau, between Ainaola and Hai Hai Streets. On the makai side there are 18 users of water, helping by their payments to make the Water Board self-supporting. On the mauka side there are 2 users; the 8 inch water line could easily supply another 20 users on the mauka side, but the agricultural classification prevents home development.

✓ 2. By having an urban use just across a 30 foot road from an agricultural use in an area which is not fit for any agricultural use except chicken and pig farming, future problems are a certainty. The smells and flies of these enterprises are depressingly incompatible with the residences across the street. (See enclosed report).

✓ 3. Kupulau Road is presently being improved as a feeder road to the newly constructed \$600,000 Komohana Street. It is now 10 minutes away from the downtown section of Hilo; its highest and best use is residential.

Sincerely,
Molly D. Zimring
Molly D. Zimring

REPORT
OF
THE WAIAKEA - UKA SUBURBAN
AND
AGRICULTURAL LANDS COMMITTEE

FOREWORD

On Friday, August 9, 1968, residents and landowners of the Waiakea-Uka district of Hilo met and organized themselves into the Waiakea-Uka Suburban and Agricultural Lands Committee, with the following officers:

President, Dale P. Crowley

Vice President, Benjamin T. Inouye

Secretary-Treasurer, Walter Freitas

Directors: Richard Ha, Kentoku Kaneshiro,

Diedrich Reimer, Kazuto Takayama

Two motions were made and carried:

- 1) That we go on record as recommending to the Planning Commission of the County of Hawaii that all agricultural lands in the Waiakea-Uka area be zoned for a minimum of one-acre lots.
- 2) That a survey be conducted to determine the actual land use, as a factual guide to assist in planning the best and highest use for the lands in the area.

The officers met on Monday, August 12, and drew up the proposed survey.

The officers met again on Monday, August 19, to discuss the data accumulated in the survey, and to plan its presentation at the next public meeting of the Waiakea-Uka Suburban and Agricultural Lands

Committee, set for Wednesday, August 28. It was also decided at that meeting to invite the Hon. Shunichi Kimura, County Chairman, together with the Board of Supervisors and the Planning Commission to attend the meeting for the purpose of hearing the results of the survey. Letters of invitation were duly sent. (Exhibit A)

At the public meeting of August 28, the following motions were made and carried:

- 1) That we reaffirm our original action, namely, that we are in favor of minimum one-acre zoning for the agricultural lands of Waiakea-Uka.
- 2) That the report of the survey, including pertinent remarks made by those attending the second meeting, be published and sent to all officials concerned with the matter.

THE SURVEY

Attached is Exhibit B, a copy of the survey-sheet used to gather the information needed to make this report. The land area covered by the survey consisted of 1950 acres surrounding Ainaola, Hoaka, and Malaai roads, mauka of Kupulau Street. This area represents about one-third of the Waiakea-Uka district, a more-than-adequate sample for a survey of this kind. (As a matter of fact, had the survey included acreage makai of Kupulau Street, the results would have been even more supportive of the conclusions reached through the limited survey.) Landowners contacted numbered 82.

We, the officers of the Waiakea-Uka Suburban and Agricultural Lands Committee, respectfully submit herewith facts and figures based on our survey of August, 1968, for the consideration of the Planning Commission of the County of Hawaii, State of Hawaii, in regard to the Waiakea-Uka district of Hilo, which area is presently proposed by the Commission to be zoned 20-acre, 10-acre, 5-acre, and 3-acre Agricultural.

We call your attention to the following data.

REPORT

I. ACTUAL AND PRESENT LAND USE.

- a) Out of 1950 acres surveyed, only 41 acres, or approximately 2%, are being utilized for intensive and diversified agriculture.¹
- b) Of 82 landowners surveyed, only 10, or 12.2%, may be considered to be full-time farmers.²
- c) The Waiakea Mill failed in 1946 because it was not able to work the land profitably in sugar cane.
- d) In 1950 the Federal Government came to the assistance of 27 homesteaders, giving them loans and technical assistance in order to help them put the land into diversified

¹Intensive agricultural use is defined as that use not depending upon the soil for sustenance, such as hog and chicken farms. Diversified agricultural use is defined as that use depending upon the soil for sustenance, such as growing flowers and vegetables.

In addition to intensive and diversified agricultural uses there is grazing agricultural use, which is characterized by a) the necessity for vast acreages to produce even a modest net income, and b) a relatively low gross and net income per acre. Those who own such acreages in the Waiakea-Uka district are extremely few, and they admit that the price of land in the area (minimum \$500.00 per acre) does not justify such use as a permanent, long-range enterprise.

²A full-time farmer is defined as one who is a member of a family unit, and whose labor is the only source of income for the family unit. There are indeed some seven hog farmers and seven poultry farmers in the area surveyed whose intensive agricultural enterprises are so substantial as to be considered full-time enterprises. However, the economics of these distinctions are relative, and the fact remains that in order to maintain a more favorable standard of living most of the fourteen depend upon other sources of income for the family

agricultural use, thus providing themselves a living from the land as full-time farmers. Not one of the original 27 have been able to implement the original plan for extensive, diversified, full-time farming. All but one have been forced to take up intensive farming and/or seek other employment.

Attached hereto as Exhibit C is a plan that failed, involving 26.2 acres of land formerly belonging to Haruo Maedo. This land has now been idle for years.

Conclusion: From the above facts it can be seen that the soil of the Waiakea-Uka area will not support diversified agricultural enterprises. Of the ten full-time farmers left in this area now, all but one make their living from three acres or less, in intensive agricultural enterprises.

Inasmuch as the facts show that this area is unfit for agricultural use, agricultural zoning such as that proposed in the eight-year-old General Plan is contrary to the public interest and welfare.

II. THE HIGHEST AND BEST POTENTIAL USE OF WAIAKEA-UKA

- a) The area surveyed (mauka of Kupulau Street) has 6.6 miles of paved roads, 5.6 miles of which have electricity, county water system, and telephone service. These improvements are presently under-used by 67 families, or 10.1 families per mile. (Compare with our count of 97 families on a mile of Komohana Street, and 106 families on a mile of Kinoole Street.)
- b) The proximity of this district, already within the City

Limits of Hilo, has been greatly enhanced by the opening of Komohana Street Extension, which makes it a 10- to 15-minute commuting distance to downtown Hilo.

- c) The patterns and trends of those who have settled here in the past decade, during which 47% of the parcels have changed hands, demonstrate that there are many people who appreciate the combination of living away from high-density areas and getting bigger houses at a cheaper price. This area is already in use as a suburban residential area.
- d) This district, with its great natural beauty, with magnificent views of the Pacific, Hilo Bay, Mauna Loa, and Mauna Kea, and its cool climate, is a magnet for those who are city-bound by their work but love the country life.

Conclusion: From the above facts it can be seen that Waia-kea-Uka lands have already been established as suburban residential in their present use -- not agricultural.

III. THE NEED OF OUR COMMUNITY FOR A SUBURBAN-RESIDENTIAL AREA.

- a) There is a tremendous pent-up need for modestly priced homesites; this lack of middle and lower income priced homesites has stifled the supply of residences, and will continue to do so unless relieved by proper zoning of cheaper outlying lands which have the utilities already in.
- b) Attention to this need must be given by our Commission

and Planners, because:

1. Teachers have come here this fall to work in our schools; many of them, unable to find housing, have returned to the mainland.
2. University professors, newly arrived within this past month, are still looking for housing.
3. Over 500 new hotel rooms are projected for the Hilo area by 1970. It is estimated that at least 500 more will be needed by 1972. At the ratio of .75 workers per room, these facilities will require 750 new workers, representing as many new families. It is imperative that these people find low and middle priced housing.

Conclusion: It has been pointed out, time and again, especially by the staff of the Land Use Commission, that there are many desirable vacant lots in Kawaiilani, Muny Golf Course area, Haihai and Branco subdivisions. They have remained vacant, and will continue to remain vacant, because they average \$8,000.00 per lot. It is not enough that we have vacant, subdivided lots; they must be within the price range of the present demand. People cannot live in tents, they must have homes. They cannot build \$15,000.00 and \$20,000.00 homes on \$8,000.00 lots, because no lending institution will make such loans. Even the Federal Housing Administration frowns upon such a ratio between house and lot values.

The present needs will be aggravated as the years pass unless accessible and cheaper homesites are planned for right now. Higher

priced lots will be sold in small quantities to higher income groups, and our present supply of high priced lots will be adequate for many years. If Hilo is to grow, however, it must be the present responsibility of our planners to make provision for modest income housing needs. Failure to shoulder this responsibility now will be catastrophic to the County of Hawaii.

IV. THE IMPORTANCE OF COUNTY PLANNING.

While the State Land Use Act at present limits to three acres any division of lands within agricultural boundaries, this restriction is being set aside by our courts in the various appeals from denials of petitions to the Land Use Commission to change boundaries. When these reversals are granted, the County's planning and zoning then become the important factor.

It is clearly in the public interest that more residents of the Big Island should not only be permitted, but encouraged by our County Government to take advantage of already available paved roads and utilities which are now being under-used, such as those in Waia-kea-Uka previously noted in Section II.a). The effect would be three-fold:

IT WOULD PROVIDE HOMESITES FOR LOWER AND MIDDLE INCOME FAMILIES.

IT WOULD HELP PAY FOR THE COST OF IMPROVEMENTS ALREADY IN.

IT WOULD ADD SUBSTANTIALLY TO THE TAX REVENUES OF OUR COUNTY.

SUMMATION

We respectfully suggest that the outmoded General Plan freezing Waiakea-Uka lands into agricultural divisions of 20 acres, 10 acres, 5 acres, and 3 acres be amended, and that our request for one-acre suburban-residential subdivisions be granted, since it is based upon incontestible facts gathered less than a month ago showing 1) that the land is not fit for agriculture, 2) that it is fit and is presently used for suburban residential, and 3) that our needs require a much larger supply of such areas within the City of Hilo.

In the words of Judge Ogata, who has just reversed the denial of the petition of Panaewa Subdivision owners requesting that their agricultural boundary be changed to rural or urban:⁴

"under the facts as shown by the record ***** continued imposition of an agricultural classification upon Appellant's property would be arbitrary, capricious, discriminating and illegal. The classification is manifestly not founded upon a legitimate exercise of the police power of the state, bears no relation to the public interest, benefits no one, and is unfair and discriminatory."

Respectfully submitted this 16th day of September, 1968,


Dale P. Crowley, President


Benjamin T. Inouye, Vice President


Walter Freitas, Secretary-Treasurer

WAIAKEA-UKA SUBURBAN AND AGRICULTURAL
LANDS COMMITTEE

⁴Allison, et al., vs State Land Use Commission, C.A. No. 1383, Third Circuit Court.

WAIAKEA-UKA SUBURBAN AND AGRICULTURAL LANDS COMMITTEE

Hilo, Hawaii

August 21, 1968

The Planning Commission of the County of Hawaii
The State of Hawaii
County Building
Hilo, Hawaii

Dear Mr. Suefuji, Madam Chairman, and Members of the Commission:

On behalf of the Waiakea-Uka Suburban and Agricultural Lands Committee, I want to extend to you an invitation to attend our next public meeting, scheduled for Wednesday, August 28 at 7:30 P.M., at the Waiakea-Uka Camp 6 gym.

The primary purpose of the meeting is to announce the results of a survey conducted in the Waiakea-Uka community, and to voice a variety of comments by the citizens who were surveyed. Dr. Diedrich Reimer of the University of Hawaii is now organizing the information and will make the presentation.

Please be advised also of the action taken at the last meeting of the Waiakea-Uka Suburban and Agricultural Lands Committee: The motion was carried that we recommend to the Planning Commission that the minimum possible division of all agricultural lands in the Waiakea district be set at 1 (one) acre.

We are most appreciative of your continued interest in the problems that confront us.

Sincerely yours,

Dale P. Crowley, President

for the committee and its officers:

Ben Inouye, Vice President
Walter Freitas, Secretary-Treasurer
Richard Ha, Director
Kentoku Kaneshiro, Director
Deidrich Riemer, Director
Kazuto Takayama, Director

WAIAKEA-UKA SUBURBAN AND AGRICULTURAL LANDS COMMITTEE

Hilo, Hawaii

August 21, 1968

The Honorable Shunichi Kimura
Chairman and Executive Officer
County of Hawaii, State of Hawaii
County Building
Hilo, Hawaii

Dear Mr. Kimura:

This is to acknowledge with gratitude your acceptance of an invitation extended to you by Mr. Walter Freitas on behalf of the Waiakea-Uka Suburban and Agricultural Lands Committee to attend the next public meeting of the residents and land owners of Waiakea-Uka, on Wednesday evening, August 28, 1968, at the Waiakea-Uka Camp 6 gym.

The primary purpose of this meeting is to announce the results of a survey conducted in the Waiakea-Uka community, and to voice a variety of comments by the citizens who were surveyed. Dr. Diedrich Reimer of the University of Hawaii is now organizing the information and will make the presentation.

We are looking forward to your meeting with us. (We are also inviting the Board of Supervisors as well as the Planning Commission to the meeting.)

Sincerely yours,

Dale P. Crowley, President

for the Committee and its officers:

Ben Inouye, Vice President
Walter Freitas, Secretary-Treasurer
Richard Ha, Director
Kentoku Kaneshiro, Director
Deidrich Riemer, Director
Kazuto Takayama, Director

WAIAKEA-UKA SUBURBAN AND AGRICULTURAL LANDS COMMITTEE

Hilo, Hawaii

August 21, 1968

The Board of Supervisors
County of Hawaii, State of Hawaii
The County Building
Hilo, Hawaii

Gentlemen and Mrs. Yadao:

On behalf of the Waiakea-Uka Suburban and Agricultural Lands Committee, I want to extend to you an invitation to attend our next public meeting, scheduled for Wednesday, August 28 at 7:30 P.M., at the Waiakea-Uka Camp 6 gym.

The primary purpose of the meeting is to announce the results of a survey conducted in the Waiakea-Uka community, and to voice a variety of comments by the citizens who were surveyed. Dr. Diedrich Reimer of the University of Hawaii is now organizing the information and will make the presentation.

We would be most appreciative of your interest in the problems that confront us, and honored to have you meet with us.

Sincerely yours,

Dale P. Crowley, President

for the committee and its officers:

Ben Inouye, Vice President
Walter Freitas, Secretary-Treasurer
Richard Ha, Director
Kentoku Kaneshiro, Director
Deidrich Riemer, Director
Kazuto Takayama, Director

S U R V E Y

(Under the auspices of the Waiakea-Uka Suburban and Agricultural Lands Committee)

YOUR NAME _____

ADDRESS _____ PHONE _____

YOUR ACREAGE IN WAIAKEA _____

WHAT YEAR DID YOU ACQUIRE THIS LAND? _____

IS YOUR LAND NOW BEING USED FOR AGRICULTURE? _____

IF SO, DESCRIBE THE USE. VEGETABLE CROPS _____

PASTURE, CATTLE _____

CHICKENS _____

HOGS _____

OTHER _____

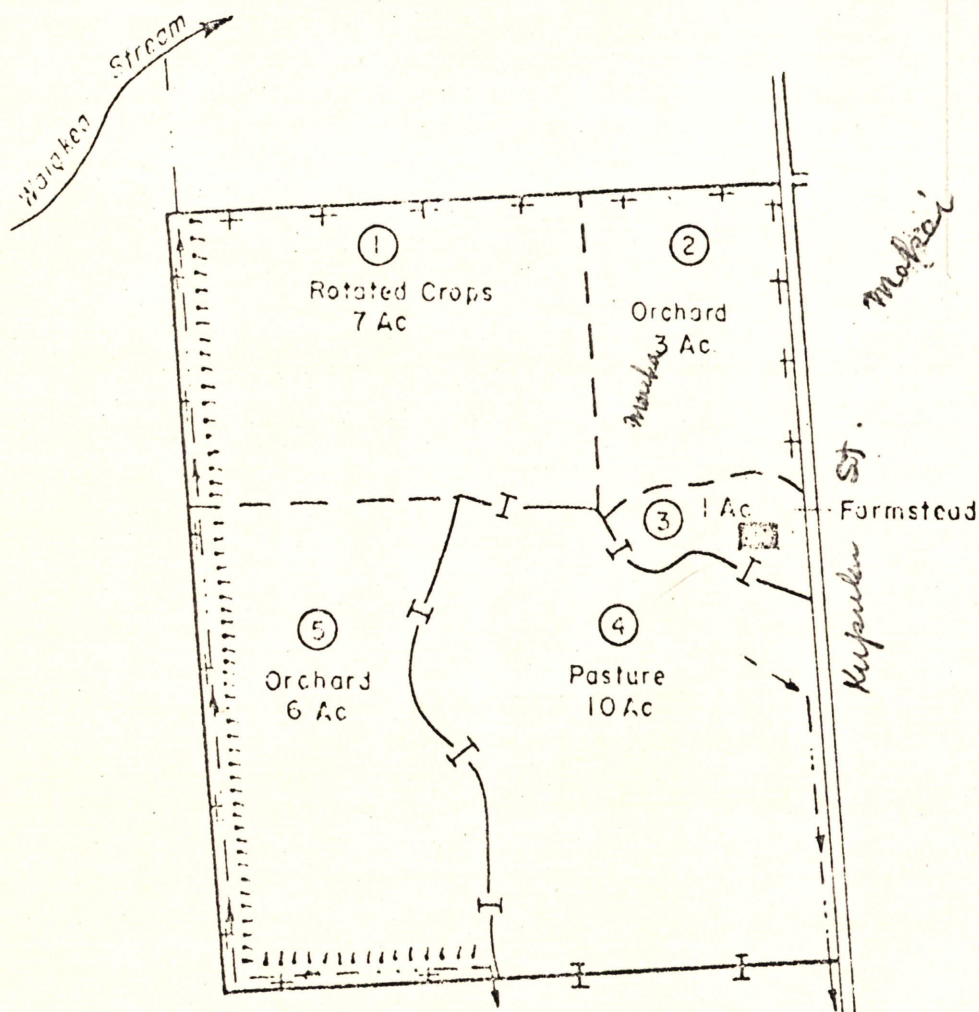
ARE YOU A FULL-TIME OR PART-TIME FARMER? _____

DO YOU OR YOUR WIFE WORK ELSEWHERE? _____

(ANY ADDITIONAL COMMENTS YOU WISH TO MAKE:)

EXHIBIT C

Page 1



LAND USE MAP

WAIAKEA SOIL CONSERVATION DISTRICT

OPERATOR	MARUO MAEDO	ADDRESS	WAIAKEA, CAMP C. HAWAII
OWNER	ISAMEL	ADDRESS	
LAND DESCRIPTION	LOT NO. 318	ACRES	27
		SCALE	1:330
		FARM NO.	17
		DATE	5/50-6/50
		TH	245

CONSERVATION FARM PLAN
WAIAKEA SOIL CONSERVATION DISTRICT
WAIAKEA, HAWAII, T. H.
Cooperating With

Haruo Maedo
Lot No. 918 27 Acres Diversified Farming

Waiakea Camp 6, Hawaii
Farm No. 17

SOILS, TOPOGRAPHY

The land on this farm is predominantly of gentle slopes with a few ridges concentrated in the South East quarter.

The soil is of medium texture with permeability moderately reduced in the subsoil.

The lower West and North areas are subjected to flooding during periods of heavy rainfall, a condition which may readily be corrected by installing a diversion channel on the West border as indicated on the Land Use Map.

ROTATED CROPS: 7 Acres in Field 1

The land, which is already cleared, will be planted to commercial truck crops and cover crops such as rattle pod (*Crotalaria*) under such a system that will result in approximately one-half of the field being under cultivation at any one time while the other half will be in cover crops. Cover crops are valuable as a means of increasing soil productivity, subduing weeds and controlling crop diseases.

ORCHARD: 9 Acres in Fields 2 and 5

These fields will be prepared by cutting the heavy vegetation into the soil to add to its organic fertility. The young trees will be set out in rows along an approximate contour to secure the best combination for drainage and cultivation. The area between the trees will be planted to a permanent low growing cover crop such as Kaimi Clover in combination with Dallis Grass. Maintenance will include such practices as tractor mowing or chopping, fertilization and possible grazing.

PASTURE: 10 Acres in Field 4

This area will be fenced and such pasture forage, now present in the area as California grass (Para grass) will be encouraged. Eventually other desirable grasses and legumes such as Dallis Grass and Kaimi Clover may be seeded to improve pasture productivity. Maintenance should include occasional tractor mowing or chopping, fertilization and controlled grazing. A drainage ditch will be installed on the East border as indicated on the Land Use Map.

FARMSTEAD: 1 Acre in Field 3

This area will be intensively used for home and farm buildings and commercial ornamentals.

SHELTER BELTS:

The borders so designated on the Land Use Map will be planted to trees for the purpose of windbreak. Enclosed are recommendations by the Board of Agriculture and Forestry. Management will include protection from grazing, eliminating smothering vegetation and selective cutting.

DISTRICT TECHNICIANS AT YOUR SERVICE

The technical staff, furnished the District by the Soil Conservation Service, with office in the Federal Building, is available to assist in putting this conservation program into operation according to District specifications. Terraces, contour plantings and outlet channels will be laid out by the technicians.

REGISTERED NO.

26771

Value \$ _____ Spec. del'y fee \$ _____

Fee \$ 60 Ret. receipt fee \$ 10

Surcharge \$ _____ Rest. del'y fee \$ _____

Postage \$ 8 ☐ Airmail



Postmaster, By _____

From State Land Use Commissioner

426 Queen St

Honolulu

To Mrs Molly D. Zimmerman

201 Lyckburgers Blvd

Hilo Hawaii

REGISTERED MAIL RECEIPT

SAVE THIS RECEIPT. Present it when making inquiry or claim.

Claim must be filed within 1 year from the date of mailing.

Consult postmaster as to fee chargeable on registered parcel post packages addressed to foreign countries.

INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver *ONLY* to
addressee



Show address where
delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

Mrs. Molly D. Zimring

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Judy Kodama

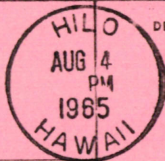
DATE DELIVERED

8-4-65

SHOW WHERE DELIVERED *(only if requested)*

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN
TO

REGISTERED NO.

26771

NAME OF SENDER

Land Use Commission

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

426 Queen St.

INSURED NO.

CITY, STATE, AND ZIP CODE

HONOLULU, HAWAII

C55-16-71548-6-F

POD Form 3811 Sep. 1963

George S. Moriguchi

XXXXXXXXXXXXXXXXXXXX

July 30, 1965

Mrs. Molly D. Zimring
201 Lycurgus Building
Hilo, Hawaii

Dear Mrs. Zimring:

Transmitted herewith are the findings, conclusions
and decision of the Land Use Commission in the matter of
your petition (A64-73).

Sincerely yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl. - 1
cc: Chairman Thompson
Roy Takeyama, Legal Counsel

George S. Moriguchi

XXXXXXXXXXXXXXXXXXXX

July 30, 1965

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201 Lycurgus Building
Hilo, Hawaii

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GEORGE S. MORIGUCHI
Executive Officer

Encl. - 1
cc: Chairman Thompson
Roy Takeyama, Legal Counsel

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
)
BY MOLLY D. ZIDRING, A 64-73)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION

The above Petition to amend the Land Use District Boundaries from Agriculture to Urban having come on for hearing on March 19, 1965, at the Board Room, County Building, Hilo, Hawaii, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition as originally submitted contains approximately 25 acres of land situated in South Hilo, Hawaii, TMK 2-4-36: 1, Third Taxation District, all of said lands being in the Agricultural District; that the Petition as amended, said amendment being approved by the Land Use Commission, contains approximately 7.6666 acres of the approximately 25 acres originally under petition.
2. That the Petitioner proposes to subdivide and develop said lands for residential use.
3. That the lands under petition are situated approximately 4,600 feet from the southwestern perimeter of the Hilo Urban District; that it is close to but not contiguous to the Camp 6 Urban District, a former plantation camp, which contains about 92 acres with a density of about one dwelling per 1.64 acres; that it is contiguous at one point to a 400 acre subdivided tract situated in the Agricultural District, which contains about 19 homes at a density of one dwelling per 21 acres and that most of the 400 acre tract is vacant or used for grazing.

4. That the lands under petition are presently lying fallow but were formerly used for grazing; that it lies in a large field of aa and pahoe-hoe; that the soil is suitable for pasturing but not for fattening of cattles; that the median annual rainfall in that vicinity is about 167.8 inches; that a public school and a gymnasium are situated close to the lands under consideration; that water, power and phone services are available but that sewer services are not; and that it is surrounded by lands actively used or potentially fit for grazing.

5. That the development plan prepared for the County of Hawaii proposes that the lands under consideration be in agricultural use.

6. That the Urban District bounded by Puainako, Kinooie, Haihai, Ainaloa and Komohana Streets contains about 1,191 acres with a density of one dwelling per 2.14 acres in 1960; and that if all homes built on this island of Hawaii since 1960 had been built in said 1,191 acres, the density of development would yet be lower than urban densities.

7. That the population of Hilo declined from 25,966 to 25,370 between April 1960 to July 1964.

8. That the per capita costs of government in the County of Hawaii are high in relation to mainland cities of comparable size and in relation to other counties in the State.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for a use other than that for which it is classified. While there is evidence that said lands could be developed for urban uses, there is overriding evidence that an agricultural classification is the proper classification of the lands under petition in the interest and welfare of the public.

2. That sufficient reserve areas for foreseeable urban growth in close proximity to the lands under consideration have already been placed in the Urban District. Nearly 9,000 acres in the vicinity of Hilo are placed in the Urban District which is more than adequate to meet Urban needs for the next ten years.

3. That other undeveloped lands already districted Urban are better located to centers of trading and employment facilities and more easily serviced by public agencies than the lands under consideration, thus alleviating any evidence of urban pressure in the area under petition.

4. That conditions and trends of development have not changed materially since the adoption of the present classification so as to justify amending the present boundary to permit urban uses of the lands under consideration.

5. That low density developments contribute to high government operating costs. Since adjacent lands, better situated to centers of urban growth than the lands under consideration, are 96% vacant and reflect a very low density of development, it is reasonable to deduce therefrom that there is a lack of urban pressure in this area.

6. That the lands under consideration have been used for grazing in the past and are suitable for grazing but do not have a high capacity for intensive cultivation.

7. That further extension of the existing Urban District to include the lands under consideration would contribute towards scattered urban development.

8. That urbanization of this land under consideration is contrary to the plan prepared for the County of Hawaii and may thus hamper coordination of government programs.

DECISION

Based on the evidence presented and the findings of fact and conclusions

of law, it is the decision of the Land Use Commission that the Petition be denied and that said lands be retained in the Agricultural District.

Dated: August 3, 1965, Honolulu, Hawaii.

STATE LAND USE COMMISSION

By

Myron Thompson
Myron Thompson

Authentication:

Done in the City and County
of Honolulu, State of Hawaii,
the third day of August, 1965.

George S. Moriguchi
George S. Moriguchi
Executive Officer
Land Use Commission

Approved as to form and legality:

Roy Y. Takeyama
Roy Y. Takeyama
Deputy Attorney General

DRAFT
RYT:ai
7/26/65

RECEIVED

JUL 27 1965

State of Hawaii
LAND USE COMMISSION

LAND USE COMMISSION

STATE OF HAWAII

IN THE MATTER OF THE PETITION)
)
BY MOLLY D. ZIMRING, A 64-73)
)
)
)

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said lands being in the Agricultural District; that the
petition as amended, ^{being} ~~and~~ said amendment ^{being} approved by the
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^{of the approximately 25 acres originally under petition.}
~~(TMK 2-4-)~~

2. That the Petitioner proposes to subdivide and develop said lands for residential use.

3. That the lands under ~~petition~~ are situated approximately 4,600 feet from the southwestern perimeter of the Hilo Urban District; that it is ~~reasonably~~ close ^{to} but not contiguous to the Camp 6 Urban District, a former plantation camp, which contains about 92 acres ^{with} ~~and~~ a density of about one dwelling per 1.64 acres; that it is contiguous at one point to ^a 400 acre ^{subdivided} ~~nonconforming urban~~ tract situated in the Agricultural District, which contains about 19 homes ~~and a~~ ^{at a} density of one dwelling per 21 acres and that most of the 400 ^{tract} ~~acres~~ is vacant or used for grazing.

4. That the lands under petition are presently lying fallow but were formerly used for grazing; that it lies in a large field of aa and pahoehoe; that the soil is suitable for pasturing but not for fattening of cattles; that the median annual rainfall in that ^v ~~vicinity~~ is about 167.8 inches; that a public school and a gymnasium are situated close to the

lands under consideration; that water, power and phone services are available but that sewer services are not; and that it is surrounded by lands actively used or potentially fit for grazing.

5. That the development plan prepared for the County of Hawaii proposes that the lands under consideration be in agricultural use.

6. That the Urban District bounded by Puainako, ^{sheets} Kinooole, Haihai, Ainaloa and Komohana [^] contains about 1,191

acres with a density of one dwelling per 2.14 acres in 1960; ^{and} *that all homes built on the island of Hawaii since 1960 had been built in such 1,191 acres, the density of development would yet be*

7. That the population of Hilo declined from 25,966 to 25,370 between April 1960 to July 1964.

8. That the per capita costs of government in the County of Hawaii ^{are} ~~is~~ high in relation to mainland cities of comparable size and in relation to other counties in the State.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for a use other than that for which it is

classified. While there is evidence that said lands could be developed for urban uses, there is overriding evidence that ^{an} ~~continued~~ agricultural ^{classification} ~~use~~ is the proper classification of the lands under petition in the interest and welfare of the public.

2. That sufficient reserve areas for foreseeable urban growth in close proximity to the lands under consideration have already been placed in the Urban District. Nearly 9,000 acres in the vicinity of Hilo are placed in the Urban District which is more than adequate to meet Urban needs for the next ten years.

3. That other undeveloped lands already districted ~~or appear as nonconforming subdivisions in an Agricultural District~~ Urban are better located to centers of trading and employment facilities and more easily serviced by public agencies than the lands under consideration, thus alleviating any evidence of urban pressure in ^{the} ~~this~~ area. ^{under petition.}

4. That conditions and trends of development have not changed materially since the adoption of the present classification so as to justify amending the present boundary to permit urban uses of the lands under consideration.

5. That low density developments contribute to high government operating costs. Since adjacent lands, which are better situated to centers of urban growth than the lands under consideration, are 96% vacant and ~~have~~ ^{represent} a very low density, it is reasonable to deduce therefrom that there is a lack of urban pressure in this area.

5. That developments reasonably close to the lands under consideration are mostly low density developments (96% vacant) which has contributed to high governmental operating costs.

6. That the lands under consideration have been used for grazing in the past and are suitable for grazing but do not have a high capacity for intensive cultivation.

7. That further extension of the existing Urban District to include the lands under consideration would contribute towards scattered urban development.

8. That urbanization of this land under consideration is contrary to the plan prepared for the County of Hawaii and may ^{thus} hamper coordination of governmental programs.

DECISION

Based on the evidence presented and the findings of fact and conclusions of law, it is the decision of the Land Use Commission that the petition be denied and that said lands be retained in the Agricultural District.

Dora:
Original and 4 cc's (use similar closing)
2
See Pao A 64-71

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
BY MOLLY D. ZIMRING, A 64-73)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

A public hearing in the matter of the petition by Molly D. Zimring, A 64-73, for amendment of the Land Use District boundaries in the vicinity of the junction of Kupulau Road and Ainaola Drive in Hilo, Hawaii, was held before the Land Use Commission on March 19, 1965. Notices of the hearing were published in the Honolulu Star-Bulletin and Honolulu Advertiser on March 9, 1965 and March 17, 1965.

FINDINGS OF FACT

On the basis of the record of said hearing and of the record developed pursuant to rules and policies of the Land Use Commission, the majority of the Land Use Commission makes the following findings of facts:

1. Molly D. Zimring, the petitioner, owns four lots totalling 24,638 acres.
2. The petitioner's lots are located near the junction of Kupulau Road and Ainaola Drive in Hilo, Hawaii in an Agricultural District established by the Land Use Commission.
- 3.(a) Petitioner originally requested that the area identifiable by Third Division TMK 2-4-05 be reclassified into an Urban District.

(b) On the basis of maps submitted with the petition and prior to the public hearing it was determined that the area formerly identifiable by Third Division TMK 2-4-05 and presently identifiable by Third Division TMK 2-4-36: 1

is the area which petitioner wishes reclassified into an Urban District.

(c) At the hearing on March 19, 1965 and by letter dated March 22, 1965, petitioner subsequently amended her petition to reclassify only two portions of the parcel presently identifiable by Third Division TMK 2-4-36: 1.

4.(a) Petitioner originally proposed that the area to be redistricted^{1/} be subdivided to create 21 lots ranging from 7,500 square feet to 8,625 square feet.

(b) At the hearing on March 19, 1965 and by letter dated March 22, 1965, petitioner subsequently proposed a revision of the area to be redistricted^{2/} and that this area be subdivided to create 29 lots ranging from 7,500 square feet to 67,325 square feet.

(c) Under either subdivision scheme, petitioner proposed that the lots created be located along Kupulau Road and a proposed extension of Haihai Road.

5. The lands under petition are located about 4,600 feet from the southwestern perimeter of the Hilo Urban District.

6. The lands under petition are contiguous at one point to the Camp 6 Urban District.

7. The Camp 6 Urban District contains about 92 acres, 56 homes, a small neighborhood grocery store and some farming.

8. The density of the Camp 6 Urban District is about one home per 1.64 acres.

9. The Camp 6 Urban District is a special Urban District encompassing a former plantation camp.

10. The lands under petition are contiguous at one point to a 400 acre tract which contained about 19 homes.

^{1/} Cf. para. 3(b)

^{2/} Cf. para. 3(c)

11. The 400 acre tract lies between the lands under petition and the Hilo Urban District.

12. Over half of the tract is vacant or used for grazing.

13. About 151 acres of the tract are in six subdivisions.

14. About fifteen of the 363 lots in the six subdivisions are occupied; the remaining lots are vacant.

15. The density of the 400 acre tract is one home per 21 acres; the density of the subdivided area is one home per ten acres.

16. Except for the Camp 6 Urban District and the 400 acre tract, the lands under petition are surrounded by grazing lands.

17. The lands under petition are now vacant but were formerly used for grazing.

18. Petitioner's land lies in a large field of aa and pahoe-hoe.

19. With the application of fertilizers the soils in the area are suitable for hand cultivation of cane; they are not very adaptable to machine cultivation.

20. The soils can provide large amounts of forage, but the forage is not very palatable and is low in dry matter.

21. The soils are suitable for pasturing but not for fattening cattle.

22. The slope of land is about 6%.

23. Median annual rainfall is about 167.8 inches.

24. Water is available to the lands under petition by an eight inch main along Kupulau Road.

25. Power and phone services are available; sewers are not.

26. In the vicinity of petitioner's land, Haihai Road is unpaved and Kupulau Road is a narrow, alternately paved and unpaved road.

27. A school and a gymnasium are located about 700 feet away.

28. The development plan prepared for the County of Hawaii proposes that the lands under petition be kept in agricultural use.

29. According to zoning maps prepared for the County of Hawaii, petitioner's land was at one time proposed for agricultural zoning with minimum lot sizes of ten acres.

30. In December 1964 the County of Hawaii was contemplating Residential-Agriculture zoning of petitioner's lands.

31. Between 1960 and 1965 it is estimated that the level of diversified agriculture on the island of Hawaii has not seriously changed.

32. Between 1960 and 1963 cash receipts from marketing cattle and calves have increased.

33. Census data indicate between Kinoole Street in Hilo and petitioner's land, the density of development is low even in areas included in the Hilo Urban District.

34. Census data indicate that development densities generally increase toward Kinoole Street from the lands under petition.

35. Within the Urban District of Hilo is a tract of about 1,191 acres.

36. The 1,191 acre tract constitutes that portion of the Hilo Urban District closest to petitioner's lands.

37. The density of 1,191 acre tract was about one home per 2.14 acres in 1960.

38. Net gain in housing units on the island of Hawaii between April 1960 and March 1963 was 637 units.

39. If all the island-wide net gain in housing between April 1960 and March 1963 had occurred in the 1,191 acre tract, the density of the tract would be about one house per acre.

40. The boundary lines for the Hilo Urban District were drawn for the express purpose of providing a sufficient reserve area for foreseeable urban growth.

41. The Hilo Urban District boundaries became effective on August 23, 1964.
42. Between April 1960 and July 1964, it is estimated that the resident population of Hilo declined from 25,966 to 25,370.
43. Per capita costs of government in the County of Hawaii is high in relation to mainland cities of comparable size and in relation to other counties in the State of Hawaii.
44. Low density developments and over extension of urban areas contribute to high governmental costs.

CONCLUSIONS OF LAW

Having related the foregoing findings of fact to the Standards for Determining District Boundaries, Sections 2.6, 2.7 and 2.8 of the State Land Use District Regulations, established pursuant to Sections 98H-2 and 98H-7, Revised Laws of Hawaii 1955, as amended; the Land Use Commission draws the following conclusions:

1. Except for the Camp 6 Urban District, the lands under petition and much of the surrounding area are not "characterized by 'city-like' concentration of people, structures, streets and other related land uses."^{1/}
2. Other undeveloped areas can be found more conveniently located to trading and employment facilities in Hilo than the lands under petition.^{2/}
3. Except for low standard roadways, the relative remoteness from public facilities centered in Hilo and the lack of sewers; the lands under petition are readily serviced by basic public facilities.^{2/}
4. The nearly 9,000 acres currently classified in Urban Districts in and near Hilo is more than adequate to meet the needs of the current population and

^{1/} Cf. Regulation 2.7(a)

^{2/} Cf. Regulation 2.7(b)

to provide "sufficient reserve areas for urban growth in appropriate locations, based on a 10-year projection."^{1/}

5. Except that portions of petitioner's lands lie below the level of Kupulau Road, the lands are reasonably free from the danger of floods and are characterized by satisfactory topography.^{2/}

6. The lands originally under petition are contiguous to the outlying Camp 6 Urban District and not to the Hilo Urban District and are contiguous only at one point. The lands under the revised petition are less than contiguous to the Camp 6 Urban District.^{3/}

7. The proposed use of the lands under petition would not conform to the general plan for Hilo prepared for the County of Hawaii.^{4/}

8. The lands under petition do not have a high capacity for intensive cultivation but are suitable for grazing. An overabundance of land with low agricultural capacity has already been included in the Hilo Urban District.^{5/}

9. The lands originally under petition would constitute a large addition to the Camp 6 Urban District. The lands under the amended petition would constitute an addition of reasonable size.^{6/}

10. There are extensive areas currently in Urban Districts. Large tracts are undeveloped or partially developed. Further extension of existing Urban Districts would contribute towards scattered urban developments.^{7/}

DECISION AND ORDER

It is the decision of the Land Use Commission that the reclassification of the lands, under either the original or amended petition, is not at this time

^{1/} Cf. Regulation 2.7(d)

^{2/} Cf. Regulation 2.7(e)

^{3/} Cf. Regulation 2.7(f)

^{4/} Cf. Regulation 2.7(g)

^{5/} Cf. Regulation 2.7(h), 2.8(b), 2.8(c), 2.8(d), and 2.8(f)

^{6/} Cf. Regulation 2.7(i)

^{7/} Cf. Regulation 2.7(j)

warranted by the Standards for Determining District Boundaries.

It is, therefore, the decision and order of the Land Use Commission that the petition by Molly D. Zimring (A 64-73) not be approved.

It is hereby ordered that a copy of this decision together with the findings of fact and conclusions of law be sent to the petitioners or their appointed representatives.

Dated at Honolulu, Hawaii this _____ day of June, 1965.

LAND USE COMMISSION
STATE OF HAWAII

Chairman
Land Use Commission

June 15, 1965

Mrs. Molly D. Zimring
Attorney at Law
201 Lycurgus Building
Hilo, Hawaii

Dear Mrs. Zimring:

This letter is to acknowledge your letter of June 2, 1965, and to inform you that we are still working on the reply. As soon as the reply is completed by the staff and reviewed by the Land Use Commission, we shall be forwarding it to you.

Very truly yours,

Raymond S. Yamashita
Executive Officer

cc: Chairman Thompson
Counsel Takeyama

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JUN 16 1965
JUN 16 1965

MOLLY D. ZIMRING
ATTORNEY AT LAW
201 LYCURGUS BUILDING
HILO, HAWAII

June 2, 1965

All Comm.
1583

MAILING ADDRESS
Box 120

RECEIVED

JUN 3 1965

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Dept. of Planning & Economic
Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: A64-73-as amended-MOLLY D. ZIMRING

Gentlemen:

I did not receive a copy of your staff report on my amended petition, and would appreciate your forwarding one to me for my file.

Pursuant to your chairman's request at the hearing of the above amended petition on May 28, 1965, that I submit written questions of fact to be answered for the record of the findings of fact upon which the Land Use Commission acted in denying the said amended petition, I hereby submit the following questions:

1. Is the parcel of land which is the subject of the petition in actual agricultural use? #17
2. Is the parcel adjacent to an existing urban zone? #6
3. Is it true that the parcel will not be used for agricultural purposes? 7 only owner can determine
4. Is it true that the surrounding areas are evidenced by urban type developments? #11
5. Is it true that the government road upon which the parcel fronts has an existing County water system, electricity and telephone service? ~~#24~~ #24, 25
6. Is it true that the nearby urban development is served with a public school, playground and a gymnasium? #27
7. Is it true that the parcel is not suitable for high capacity or intensive cultivation of agricultural products? #19

June 2, 1965

8. Is the addition of 7.666 acres an unreasonably large addition to the 92 acres of the Camp 6 Urban District?
9. Is it true that the Camp 6 Urban District is not fully developed? #7+8
10. Is it true that the parcel of land petitioned upon is not clearly identifiable with the existing developments at Camp 6? *
11. Is it true that sufficient areas in Hilo have been districted for urban growth for the next ten years?
12. Is it true that the topography and drainage of the parcel is as much suitable for grazing as for urban uses? #35
13. Is it true that the addition of the parcel would extend the area of low density urban districts near Hilo? #21
14. Is it true that there are areas more suitably located and more easily serviced by public agencies closer to Hilo?
15. Is a boundary for land district classification a reasonable boundary when it provides for urban use on one side of a 30-foot wide street and agricultural uses on the other side?

I hope that you will give this matter your prompt attention.

Very sincerely yours,

Molly D. Zimring

(Mrs.) Molly D. Zimring

MDZ:jk

RECEIVED

JUN 3 1965

June 2, 1965

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Dept. of Planning & Economic
Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: A64-73-as amended-MOLLY D. ZIMRING

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2. Is the parcel adjacent to an existing urban zone?
3. Is it true that the parcel will not be used for agricultural purposes?
4. Is it true that the surrounding areas are evidenced by urban type developments?
5. Is it true that the government road upon which the parcel fronts has an existing County water system, electricity and telephone service?
6. Is it true that the nearby urban development is served with a public school, playground and a gymnasium?
7. Is it true that the parcel is not suitable for high capacity or intensive cultivation of agricultural products?

June 2, 1965

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I hope that you will give this matter your prompt attention.

Very sincerely yours,

Molly D. Zimring

(Mrs.) Molly D. Zimring

MDZ:jk

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing and Meeting

County Board Room
County Building, Hilo, Hawaii

May 28, 1965
2:00 P.M.

Commissioners
Present:

C.E.S. Burns
Clarence Hodge
Goro Inaba
Shiro Nishimura
Charles S. Ota
Leslie E. L. Wung

Absent:

James P. Ferry
Myron Thompson
Robert G. Wenkam

Staff
Present:

Raymond S. Yamashita, Executive Officer
Roy Y. Takeyama, Legal Counsel
Gordon B. H. Soh, Associate Planner

The meeting was called to order by Commissioner Burns, Chairman Pro Tempore, and the commissioners and staff were introduced. All interested persons who would be presenting testimony during this hearing were sworn in.

PETITION OF EARL V. TRUEX (A64-78) FOR THE CREATION OF A FIFTY ACRE URBAN DISTRICT ALONG PECK ROAD IN THE AGRICULTURAL DISTRICT NEAR MOUNTAIN VIEW: Described as Third Division parcel TMK 1-8-06: 92

The background and analysis of the above petition were presented by Mr. Gordon Soh (report on file). The staff pointed out that population decline in the Mountain View area reflects a diminishing need for residential uses in this area. Further, staff reported there are strong reasons for limiting low density residential development to hold down public service costs. Staff also points out that the soil classification indicates agricultural potential and the proposed change to residential use will tend to raise tax assessments and thereby discourage legitimate agricultural enterprise in this area. On these bases, staff recommended denial of the petition.

The staff was asked whether the Hawaii Planning Commission has taken any action in this area in recent years.

Mr. Soh replied that the Planning Commission has proposed zoning maps for the area in question. The basic zoning ordinance is being adopted about this time; the maps, however, would have to be adopted on a case by case basis and this seems

See page 4

to be yet in the offing. None of the attempts to rezone the area has been fully materialized.

Mr. Soh also informed the Commission of a letter received from Mr. Truex (letter on file) acknowledging and thanking the Commission for advising him of the public hearing and that he will not be able to attend the public hearing because of prior commitments at this time.

Legal counsel pointed out that Mr. Truex wants to petition 50 acres of which he is the owner of only 45 acres and that Mr. Truex advised that the requested change would meet with Mr. Haa's approval. Legal counsel queried whether there is any evidence of Mr. Haa's approval to this change or is the staff merely accepting the petitioner's word for it.

Mr. Soh replied that he had spoken to Mr. Haa while on a field trip to this area two weeks prior and he doesn't think that Mr. Haa is thoroughly advised of the pros and cons on this matter.

Legal counsel emphasized that the question is whether Mr. Truex had the approval of Mr. Haa; if not, he can't make it part of the petition. Mr. Soh replied that it can't be said that Mr. Truex got Mr. Haa's approval.

There were no further questions or testimonies from the public or Commission. The Chairman announced that the Commission will receive additional written testimonies and protests within the next 15 days, and will take action on this petition 45 to 90 days from this hearing.

The public hearing on Earl V. Truex's petition was closed.

PETITION OF HILO SUGAR COMPANY (A65-82) TO INCORPORATE A TWO ACRE TRACT (HEREAFTER REFERRED TO AS TRACT A) AND A NINE ACRE TRACT (HEREAFTER REFERRED TO AS TRACT B) INTO THE HILO URBAN DISTRICT FOR AN UNSPECIFIED URBAN USE: Tract A described as a portion of Third Division parcel TMK 2-3-35: 1, Tract B described as Third Division parcels TMK 2-3-39: 3, 4, 5, 6, 7, and 8, a portion of Third Division parcel TMK 2-3-38: 3 and Third Division parcel TMK 2-3-44: 9

Mr. Gordon Soh presented the background and analysis of the petition. The staff recommended approval of only 36,000 square feet of Tract B which has been assigned a "plus value" by the Department of Taxation. This recommendation is made because the 36,000 square foot area meets most of the standards of the Land Use District Regulations, because the area is vacant and not in agricultural use, and because the area recommended is negligible with respect to any measure of need.

Mr. Claude Moore of C. Brewer and Company asked which area was assigned a "plus value." Mr. Soh pointed to the area on the map. Mr. Moore stated it was economically not feasible to have only a small portion available for residential use. He further pointed out that the Kaumana Gardens Subdivision, mauka of Tract B, has developed rapidly and that this reflects the need for low-priced housing in that area. In reference to Tract A, Mr. Moore indicated that a housing development there is desirable because that area is within walking distance to the elementary, intermediate, and high schools.

A brief discussion ensued regarding certain areas of the subject parcels. There were no additional testimonies or comments made and the Chairman announced that this Commission will receive additional written testimonies or protests within the next 15 days and will take action on this petition 45 to 90 days from this hearing.

The public hearing on this matter was closed.

PETITIONS PENDING ACTION

PETITION OF W. H. SHIPMAN, LTD. (A64-75) TO AMEND THE AGRICULTURAL DISTRICT BOUNDARIES IN THE VICINITY OF KEAAU SO AS TO INCORPORATE 18.4 ACRES WITHIN THE KEAAU URBAN DISTRICT FOR DEVELOPMENT OF VARIOUS URBAN USES: Described as portion of Third Division parcel TMK 1-6-03: 8

Mr. Gordon Soh of the staff presented a memorandum on the petition. The subject area is not only contiguous to an Urban District but is also close to the heart of Keaau and is in various urban uses. The staff recommended approval of the petition on the basis that the lands meet the standards of Regulation 2.7 and that redistricting would genuinely foster urban growth of Keaau.

Mr. Nevels, representing W. H. Shipman, Ltd., was pleased with the staff's recommendation and had no further comments.

Commissioner Inaba moved to accept the petitioner's request on the staff's recommendation. Commissioner Wung seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Nishimura, Hodge and
Chairman Burns

Disapproval: None

The motion for approval was carried.

At this point Mr. Lumen Nevels brought to the attention of the Commission the fact that he was not informed of this hearing until his client had notified him at 2:45 this afternoon. Mr. Nevels inquired whether his client's petition (SP65-13) would be considered at this time. The Executive Officer notified him that action had already been taken on that petition. Mr. Gordon Soh further informed Mr. Nevels that the minutes of March 19, 1965, concerning his client's petition had been adopted yesterday, May 27, 1965. Mr. Nevels informed the Commission that he will attempt to file a petition again and thanked the Commission for their time.

PETITION OF MOLLY D. ZIMRING (A64-73) FOR AMENDMENT OF THE DISTRICT BOUNDARIES IN THE VICINITY OF THE JUNCTION OF KUPULAU ROAD AND AINALOA DRIVE IN HILO FROM AN AGRICULTURAL DISTRICT BOUNDARY TO AN URBAN DISTRICT BOUNDARY SO AS TO INCORPORATE 25.67 ACRES WITHIN THE HILO URBAN DISTRICT FOR DEVELOPMENT OF A 25 LOT SUBDIVISION: Described as Third Division parcel TMK 2-4-36: 1, containing 25.67 acres 1/

A summary of the MOLLY D. ZIMRING petition as amended was presented by Mr. Soh. Denial of the petition was recommended on the basis that the lands under petition did not meet the standards under Regulation 2.7.

Mrs. Zimring stated that findings of facts of the County Planning and Traffic Commission are directly contrary to those in the staff report and requested that findings of fact be made on whatever action is taken on this petition.

Mrs. Zimring raised a question in regard to land adjacent to the Camp 6 area. She asked if it were reasonable to have a land use boundary which is urban on one side of Kupulau Street and agricultural on the other side of the street. Mrs. Zimring further requested written findings to the following four questions when action is taken:

1. Is the parcel of land in agricultural use?
2. Is the parcel of land adjacent to an urban area?
3. Are the areas surrounding the parcel in question presently in agricultural use?
4. Is the present district boundary a reasonable boundary which provides for urban use on one side of the street and agricultural use on the other side?

Commissioner Wung asked why is there a difference between the County's recommendation and the staff's recommendation. Mrs. Zimring stated she was bothered by the fact that staff's reports are made upon the basis of one examination by a person not familiar with the area, and where facts are conflicting with the local body and with testimonies presented before the Commission, the Commission should be more careful in its decisions.

Mrs. Zimring stated that some of the reasons in the staff's report for denial of the petition were untrue and misleading.

Commissioner Ota informed Mrs. Zimring for the record that at the time of the public hearing, the commissioners made a field trip to the subject parcel and that prior to today's meeting, a number of the commissioners again made an inspection of the parcel and its surrounding area.

Commissioner Nishimura asked Mrs. Zimring if she did not concur with the staff that the area was suitable for grazing. Mrs. Zimring agreed and explained that

1/ Summary of original petition subsequently amended.

she tried to lease the land for grazing to Mr. Yagi who is the only person in that area in agriculture and who has a slaughterhouse and that he was paying Mrs. Zimring only enough to pay taxes of \$87.50 every six months.

Mrs. Zimring further added that during the six years she has owned the land and for 15 years under a previous owner, the land was rarely used for grazing because it is poor grazing land and is therefore economically not feasible.

Commissioner Nishimura further asked if staff's statement that 96 percent of the area is not occupied is correct. Mr. Soh explained that specific subdivisions located in the immediate vicinity of the subject parcel are 96 percent or more unoccupied.

In rebuttal, Mrs. Zimring stated that in a two-year period 15 new houses were added in an area and that only 600 units were added in all of the City of Hilo over a three-year period. She further stated that locally this is a big percentage to add in two years and is a tremendous increase in one area. Mrs. Zimring emphasized the demand for cheaper building lots. She stated that although staff report says there are many lots available at 45 to 50 cents a sq. ft. which are unoccupied, the reason they are unoccupied is that the people's income won't permit them to build small homes. She stated that her reason in wanting to subdivide the area is to permit these people to purchase homes at a reasonable cost.

Although staff report says progress is slow in Hilo, Mrs. Zimring feels it otherwise.

In response to Commissioner Hodge's question asking which portions of the staff report were inaccurate, Mrs. Zimring referred to page 9 of the staff's report "that the land in question is as much if not more so, surrounded by agricultural uses as urban uses." Mrs. Zimring claims this statement to be a misstatement because the land in question is not in agricultural use, but is idle land. In reference to staff observations that the area is not clearly identifiable with the existence of Camp 6, Mrs. Zimring stated that she went over that question earlier in the meeting.

To clarify Mrs. Zimring's concept of an agricultural use the Executive Officer, at Chairman Burns' request reviewed the standards used in districting certain areas in Hilo and throughout the State.

Commissioner Nishimura pointed to subject parcel on map and posed some questions to Mrs. Zimring and she replied.

Legal counsel asked Mrs. Zimring if it would be objectionable to her if page 9, sub-paragraph a, of staff's report be amended to read as follows: "That the land in question is as much if not more so, surrounded by agricultural lands as urban lands." Mrs. Zimring replied that there would be no objection but preferred it to read ... surrounded by lands zoned for agricultural uses ... Legal counsel asked also if the Hawaii Planning Commission has submitted, in writing, to the Land Use Commission any findings of fact. Mrs. Zimring replied in the affirmative.

In discussing the relevance of findings of facts, the Executive Officer informed Mrs. Zimring that there are certain bases upon which the Commission must react in making their decisions as set forth in the Commission's Rules and Regulations whereas, the county's listing of findings of fact need not necessarily follow the same bases that this Commission must consider.

In response to Commissioner Inaba's question as to how it is determined which lands should be in an agricultural district or not, the Executive Officer cited some of the Rules and Regulations.

Mrs. Zimring ended her testimony by reiterating her request for answers to the four questions she mentioned earlier. Chairman Burns informed Mrs. Zimring that after these questions are submitted in writing, the Commission will be happy to give them consideration.

Commissioner Nishimura asked Mrs. Zimring if she considered the area in question to be a rural district more than a densely populated subdivision. Mrs. Zimring responded that she would consider the area, with the exception of the old Camp 6 directly opposite in which the lots average about 5,000 sq. ft. with approximately 46 houses placed there, to be rural. A brief discussion ensued.

Commissioner Ota asked if there were any drainage problems. Mrs. Zimring replied that there has been a drainage problem in one certain area (pointing to map). However, as far as her area was concerned, Mrs. Zimring stated that there is no problem.

When asked by Commissioner Nishimura if Mrs. Zimring would provide the necessary improvements for drainage, she replied that she would as soon as the subject area is redistricted.

Before action is taken, the Executive Officer pointed out the fact that as amended, the petition indicates two separate lots contiguous to each other and to the existing urban district.

Commissioner Hodge had a question in connection with the proximity of the chicken farm to the subdivision. He asked what the health regulation was in connection with the distance in which a new subdivision should be with reference to certain types of activities such as this which creates a health hazard.

The Executive Officer replied that once an area is districted urban, the problem of whether it can or cannot be subdivided and under what restrictions becomes a county responsibility. Commissioner Nishimura added that when urban pressures are applied to an agricultural district, the farmer is compelled to move out.

Commissioner Ota made a motion to deny petition A64-73 as amended, on the basis of staff's recommendation. Commissioner Nishimura seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Burns, Hodge, Inaba, Nishimura, Ota

Disapproval: Commissioner Wung

The motion to deny the petition was carried.

The meeting was adjourned.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A64-73 Zimring
DATE May 28, 1965
PLACE City Bd. Rm., Hilo, Hawaii
TIME _____

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.		✓		
INABA, G.	✓			
OTA, C.	✓			
WENKAM, R.				✓
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
Hodge (Acting Director)	✓			
MARK, S.				
FERRY, J.				✓
THOMPSON, M.				✓

COMMENTS: Ota - motion to deny, as amended, on
indivisible

May 27, 1965

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: W. H. Shipman, Ltd. (A 64-75) and Molly D. Zimring (A 64-73)

1. The petition by W. H. Shipman, Ltd., was heard on March 19, 1965, in Hilo. Staff advised at that time that the petition for incorporation of three contiguous lots totalling 18.4 acres be approved.

The report points out that the area is not only contiguous to an Urban District but is in fact close to the heart of Keaau and is in various urban uses. Approval was recommended as the basis that the lands meet the standards of Regulation 2.7 and that redistricting would genuinely foster urban growth of Keaau.

Subsequent to the hearing, no additional testimony or evidence have been submitted to alter the findings and conclusions prepared for the Commission.

2. The petition by Molly D. Zimring was also heard on March 19, 1965, in Hilo. Staff advised at that time that her petition to place approximately 25 acres into the Camp 6 Urban District be denied.

The report points out that the land under petition is suitable for grazing and that the area surrounding the site is heavily committed to this use. The report points out that the developments in that area are extremely low density, that subdivisions in the area are about 96% vacant, that the addition of low density developments may not increase capital costs for government services but will tend to increase operating costs, that urbanization of this land is contrary to the plan prepared for the County of Hawaii and may hamper coordination of governmental programs; and that adequate lands (nearly 9,000 acres; 1964 population about 26,100) have already been districted for urban use. Denial of the petition was recommended on the basis that the lands under petition did not meet the standards under Regulation 2.7.

Subsequent to the hearing Mrs. Zimring by letter dated March 22, 1965, expressed the desire to amend her petition so as to place only seven and two-thirds acres into an Urban District. A map showing the revised area was submitted. A copy was prepared and submitted to the County of Hawaii for comment.

The revised petition does not appear to alter staff findings in this matter. Conclusions prepared for the Commission, therefore, remain the same.

STATE OF HAWAII
LAND USE COMMISSION

MINUTES OF PUBLIC HEARING AND
MEETING

Board Room, County Building
Hilo, Hawaii

1:00 P. M. - March 19, 1965

Commissioners

Present:

Myron B. Thompson
Charles S. Ota
Goro Inaba
Shiro Nishimura
Robert G. Wenkam
Leslie E. L. Wung
Jim P. Ferry

Absent:

C.E.S. Burns
Shelley M. Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Gordon Soh, Associate Planner
Alberta Kai, Stenographer

The public hearing was called to order by Chairman Thompson who opened the meeting with a prayer. The Commissioners and staff were introduced. The procedures of the public hearing were outlined. All persons participating or presenting testimonies during this hearing were sworn in by the Chairman.

PETITION OF MOLLY D. ZIMRING (A64-73) TO AMEND DISTRICT BOUNDARIES IN THE VICINITY OF THE JUNCTION OF KUPULAU ROAD AND AINALOA DRIVE IN HILO FROM AN AGRICULTURAL DISTRICT BOUNDARY TO AN URBAN DISTRICT BOUNDARY SO AS TO INCORPORATE 25.67 ACRES WITHIN THE HILO URBAN DISTRICT FOR DEVELOPMENT OF A 25 LOT SUBDIVISION: Described as Third Division, 2-4-36: 1 (formerly 2-4-05: 43), containing 25.67 acres.

The background and analysis on the above petition was presented by Gordon Soh (copy of report on file). The staff's recommendation was for denial on the following bases:

- (a) that the land in question is as much if not more so, surrounded by agricultural uses as urban uses;
- (b) that there are areas more suitably located and easily serviced by public agencies closer to Hilo;

Law

- (c) that the area is not clearly identifiable with the existing developments at Camp 6;
- (d) that sufficient areas in Hilo have been districted for urban growth for the next ten years;
- (e) that the topography and drainage of the parcel is as much suitable for grazing as for urban uses;
- (f) that other low density areas contiguous to urbanized areas have already been districted;
- (g) that urbanization of petitioner's land would not be consistent with the development plan for Hilo;
- (h) that an overabundance of land with low agricultural capability has already been included in the Hilo urban district;
- (i) that the parcel in question would represent a large addition to the 92 acre Camp Urban district which is not fully developed; and that the parcel would not be the most logical extension of that district;
- (j) that the addition of the parcel would extend the area of low density urban districts near Hilo.

The County's recommendation was for approval on the basis that:

- (1) the parcel is adjacent to an existing urban zone;
- (2) the parcel will not be used for agricultural purposes, and the surrounding areas are evidenced by urban type developments;
- (3) the government road which the parcel fronts on has an existing county water system, electricity, and telephone service;
- (4) the nearby urban development is served with a public school, playground, and a gymnasium;
- (5) the parcel is not suitable for high capacity or intensive cultivation of agricultural products.

Mrs. Molly Zimring stated that back in 1920 there was a sugar operation known as the Waiakea Mill. At that time hand cultivation of sugar cane was used. From 1926 to 1930 the business of this mill dropped off because the land was not of very fine quality. At one time this land was owned by the Territory. The Territory subdivided it into homestead lots of 26.65 acres with the idea that homesteaders would become independent cane growers and sell their products to the mill. In 1931 or 1932, the mill went out of business. It was not a profitable operation in the area. The original homesteader was Mr. Haruo Maeda who sold these parcels to other homesteaders. They tried various expedients since they couldn't grow cane on it or profitably sell it. At the present time, this land which has

been in three ownerships is vacant. The area is very poor for grazing and for cattle in general. The nearest cattle raiser is Jack Russell. Mr. Russell leases 130 acres from the State near Camp 10 and can not earn a complete living from cattle raising. Around 1956, a Mr. Shipplay decided to try growing macadamia nuts. He spent \$20,000 on this agricultural venture. In 1959 which was his best year, he gave up and lost \$18,000. In 1962 this parcel (pointing to map) was subdivided and presently has 8 homes. The subdivision was completed less than two years ago. The 8 homes have been built in the last year and a half, and have added almost \$100,000 in taxable assessment and improvements to broaden the base of Hawaii County. This indicates the use to which this property can be suitably put to in this area, with no cost to the county. The staff has used this table in the staff report to show how slow development in Hilo is. By comparison with Oahu this may be slow, but by comparison with growth in Hilo this is very fast. There is only one parcel from Ainaloa to Kamani in agricultural use and quite successful. This is owned by a Mr. Yagi. However, this land which we owned for 6 years had been in part-time agricultural use. It has been used for anthurium raising, and a holding pen for cattle. At the present time it is useful for nothing. There is a paved road from Ainaola to Haihai Road for which the county spent \$1,000 in 1963. It is a 650 to 700 foot paved road. The first proposed 8 lots have paved roads. In addition there is an eight inch water line and all utilities are in. The land is suitable for nothing else and if it is taken out of its present classification, there is no loss. It is already subdivided into three 50,000 sq. ft. lots, or 1.1 acre lots. Our proposal is to put in small roadside lots which we propose to sell for \$2500 or less. These (pointing to map) being less valuable will probably be about \$2200 and these on the paved road about \$2500. The present zoning of this parcel is 1-A which permits 50,000 sq. ft. minimum lots, and roadside lots of 7,500 sq. ft. minimum.

Four things have happened since 1961 which have changed the mind of the County on this parcel. (1) $3\frac{1}{2}$ miles from this property, \$1 $\frac{1}{2}$ million has been spent to put in a very modern shopping center; (2) 3 miles from this property some \$6 million has been invested in the Holy Cross Church, the Holy Apostle Church, the ILWU building, the Army Reserve Building, a proposed YMCA building and the Univeristy of Hawaii Hilo Campus additions consisting of a library and a dormitory, etc. (3) 1 $\frac{3}{4}$ miles away (mileage by speedometer of car) the Kawanakoa School complex and playground exists since 1962 and early 1963. It consists of the elementary-intermediate schools, large playground and the proposed high school. (4) All the subdivisions listed in the staff report on page 3 except the two 10 acre ones were not in or were not subdivided. The only subdivisions were the two 10 acre ones subdivided into big parcels. However, there were roadside lots which were subdivided directly across of Kapago. There was some delay about putting in the water line so there wasn't any building done on it. From 1962-64 the rest of these subdivisions went in. By comparison the number of houses (15 homes) in that space of time may be slow by Oahu standards but by Hilo standards that is amazing. The reason for

the development, which we consider very fast, is not because it is more desirable than any other place but rather because of its economics. There is one little factor left out of this 10 year urban expansion reserve in Hilo (1,190 acres) which is to fulfill all of our needs and that is 75% of our family population earn less than \$7,000 a year, and that land is 40-50¢ per sq. ft. with the minimum lot price at \$5,000. So 75% of our families are priced out of the market. There is only one place in the past year or two where people can buy at 25¢ a sq. ft., and that is in this area and these subdivisions of 15,000 sq. ft. lots priced at \$2,750 per lot. It is economical. Many of these lots are not built on because many of these lots were paid in cash - \$500 down and \$32.50 per month. These 15 homes in the past two years have added \$200,000 in taxes to broaden the county tax base and have done the county a great deal of good.

The past two years the county has put in a paved road and an eight inch water line. This water line which was completed in December 1962 is 2,250 ft. long and capable of serving 100 connections at a minimum. It costs \$15,000 to put this in. On the east side, there are 18 water connections. On the west side, there are 2, or a total of 20. Utilization of this water line is only 1/5th of its capacity. This same illustration of the water line can be applied to the road, school, recreational facilities, electricity, telephone which are there and available for this urban area. These are being used only on one side of the street. There is a 30 foot road all in this section, and no 15 foot soap box as down here. There is an access by Haihai and Ainaola. All of these services are there and available and useful for only one side of the road. We propose to bring in 25 more new users. The annual income from these 20 users is estimated to be \$720. With 25 more new users this will bring the utilization of these services to $\frac{1}{2}$ its capacity and raise the annual income to \$1620. If the cost were shared and the income doubled it would be no cost to the county since everything is presently there. It is true this is an isolated development, but it is there. The services are being paid for and it is being under used. Wouldn't it be a benefit to our county to get additional users? This is why the county has given its five reasons for approving this. In 1961 the county felt one way. At the present time as a result of what has happened since 1961, the master plan for 1965 has been changed. So if the Land Use Commission makes it a policy to go along with the master plan of the local governmental body then the recommendation contained in the staff report is in error because it recommends going along with the master plan as it existed in 1961.

In summary Mrs. Zimring stated that this parcel of land has never produced anything agriculturally. It is idle and vacant land. It could be producing improvements (taxable improvements) to broaden our tax rates at no cost to the county. The services are all there. It could help advertise the cost improvements already in and bring in some more income and broaden the tax base. It is eminently suitable for small lots. It is one of the few parcels of cheap land available. There is a need for lots priced at \$2500 or less. There isn't a one to be seen anywhere in this County now. About 75% of the people cannot buy lots. This area is in a wrong classification; there is a need for it. It is suitable for small houselots. There would be no cost to the county. In fact there would be a savings to the county,

and the demand for these houselots exists presently.

Mrs. Zimring rebutted staff arguments point by point:

- (a) There is only one land in agricultural use. The rest is vacant or in subdivision. The area would be classified as 40% idle, 10% in agriculture, and 50% in subdivision or urban use.
- (b) Although there are areas more desirable and closer to Hilo, they are priced out of the classification where people can afford to buy. If in the reserve areas (which are to provide for 10 years) there had been provided different economic classes of houselots, there would be no need to go farther out. However, this is the only area where land is cheap and where the market can buy.
- (c) The roads, water lines and utilities are shared. The boundary is up to the 30 foot road. The school, recreation and mail deliveries are shared. The facilities are used by Camp 6 which is the east side of the street. With a street as a boundary, wouldn't it be logical to include both sides of that street in the urban district? What other area is there more identifiable? This is the access to the area and Ainaloa. Perhaps it could be set across the street for it to be more clearly identifiable.
- (d) They are all of a single economic class. The further the City of Hilo moves Punaward, the more expensive the intervening land gets. So the medium lot price is now \$5,000. A year from now it will be \$6,000; two years \$7,000. The same people who has excess to it now will have excess to it then (25% of the population).
- (e) It is true that the topography and drainage, both being very good, are just as suitable for grazing as for houselots. The only problem is it can't be used for grazing because the quality of the land is too low and the size of the parcel too small. So that this quality in topography and drainage, which makes it as good for grazing as houselots, does not necessarily make it usable for that. It will remain idle and vacant if it can't be used for houselots because no other use has been thought of.
- (f) This is true. There are other areas contiguous to urban areas, but is this reason for denying this one. Where are the other areas? They must be on the outskirts. Specifically this parcel is in an area where the facilities are there and being under used, which the per capital cost in government to this county can be reduced and the taxable base can be increased, if this parcel was included.

- (g) This should have gone further to state, "Would not be consistent with the development plan of Hilo of 1961, but would be consistent with the development plan of 1965?" Hilo may move slower but this is no reason for moving the clock backwards.
- (i) Perhaps it would. "Our object is to get urbanization for the lots which we have illustrated." It was our understanding that we had to include the whole parcel. If this is in error we would amend our request that the boundary be amended for roadside lots which we feel there is a need. All of the area in Camp 6 which are accessible have been fully developed. Those areas not fully developed include a great big egg farm and land owned by these people, that is in an Urban district, which they are waiting to get higher prices before putting it on the market.
- (j) It will extend the area of low density urban districts near Hilo and recommend that it does so because there is a very real need and use for this urbanized land. This is an isolated urban area with wasted available service. So it would be most logical and money saving to add this area even though it is far from Hilo. However it is not as far from Hilo as it was in 1961. The City is creeping over to meet it. It now has school, churches, and shopping much more available. At that time it had a two-inch water line; now it has an eight-inch water line. It has partly paved road and more desirable now than at that time.

In closing Mrs. Zimring requested to change her statement made in her application to read: "There are a 100 lots zoned urban up to Ainaola Street and presently 56 have houses built on them." She stated that originally it stated: "There are a 100 lots zoned urban up to Ainaola Street and presently have houses built on them."

Mrs. Zimring, upon advice that she could petition for just a portion of her land to be changed, amended her petition for urbanizing roadside lots without limiting it to 7,500 sq. ft., which would range from 7,500 sq. ft. to 15,000 sq. ft. She stated that the Planning Commission doesn't have to grant them these small lots. They could grant them 15,000 sq. ft. minimum roadside lots. She informed the Commission that these smaller lots would sell from \$2200 to \$2500; the 15,000 sq. ft. lots (which demand is not too great) would sell at 22¢ a sq. ft. or \$3,000 a lot.

Commissioner Ferry asked the Acting County Planning Director whether there is such a zone established that would permit 7,500 sq. ft. lots in the area. Mr. Suefuji stated that if it is to be put in an urban zone the existing ordinance would allow 7,500. He added, however, that at a recent meeting the Board passed an amendment which would set forth one acre as a minimum in this area. This amendment is to become effective in one week. Mr. Suefuji stated that the present zone for this area is residential-agriculture. As far as the master plan is concerned, at the present time it is in Agriculture. The

Planning Commission has been apprised that if they are recommending that this area be put to urban use than the Commission is morally obligating itself to an amendment that is of necessity.

Commissioner Ferry stated, "Am I to understand that the Planning Commission of Hawaii is willing to change its zone in the present master plan and include this area in Urban." This would mean the one acre limitation would not hold. Commissioner Ferry asked the staff whether it was aware of the subdivision contemplated by the petitioner to the size of lots. Mr. Soh replied that the staff's primary interest in this petition was not so much the minimum lot size standard since it felt this was completely in the county's kuleana. Commissioner Ferry stated that he felt staff was not aware of this because staff's conclusion for denying this petition on the basis of (j) would not hold. This would not extend the area of low density urban districts near Hilo but rather high density. Mr. Soh replied that at that time we were talking of the entire parcel. Commissioner Ferry replied in the affirmative, stating that this is why he could see that staff was not of the knowledge of the 7,500 sq. ft. lot plan.

The remainder of the discussion centered around the county's zoning ordinances covering this area which were explained by the Acting County Planning Director.

There were no other testimony or questions relating to this petition. The Chairman announced that the Commission will receive additional written testimonies, protests, etc. within the next 15 days and will take action on this petition 45 to 90 days from this hearing.

The public hearing on the petition by Molly Zimring was closed.

PETITION BY W.H. SHIPMAN, LTD. (A64-75) TO AMEND THE AGRICULTURAL DISTRICT BOUNDARIES IN THE VICINITY OF KEAAU SO AS TO INCORPORATE 17.67 ACRES WITHIN THE KEAAU URBAN DISTRICT FOR DEVELOPMENT OF VARIOUS URBAN USES: Described as Third Division, TMK 1-6-03: portion of 8.

The background and analysis of the above petition was presented by Gordon Soh (see report on file). Staff recommended that the inclusion of petitioner's lands in an Urban District is reasonable. There is clearly the need for redevelopment in the area. The lands under petition are characterized by city-like concentrations; are close to the basic public and commercial services; do include plantation camps no longer ancillary to agriculture; are of moderate size; are urbanized but may be excessive to needs; are topographically suitable for urbanization; are contiguous to an Urban district; are proposed for urban use by the county general plan; are not particularly suitable for agricultural uses; do adjoin existing urban developments; do constitute a minor portion of the total urban area; will not contribute to scattered urban development if redistricted but will contribute to a lowering of population density. Staff added that resettlement of old time residents in recent subdivisions has already led to some

sprawl. Further sprawl can only weaken population concentration. In districting the urban areas in Keaau redevelopment ought to be encouraged rather than the continuation of sprawl. The proposed redevelopment of the areas close to the historic center of urban concentration according to a firm plan should be particularly encouraged. On these bases, staff recommended that the petitioner's request be approved.

The Hawaii Planning Commission confirmed that the land is now in urban use; adjoins the existing Keaau urban district, is proposed for urban use by the county master plan; is close to the civic center development; and is fully serviced by various public and commercial facilities. The County also suggests the importance of the developed Keaau as the hub district-wide development.

Mr. Richard Devine, representing the petitioner, was sworn in. He was very happy with the recommendation of the staff and had nothing further to add to the staff's report.

In response to Commissioner Ota's questions concerning their proposed development, Mr. Devine stated that these areas which were leased for agricultural pursuits are no longer being used as such, but rather for urban use. The other areas are mostly in cane, and at present petitioner wishes to have it remain as such. Ownership in this area is not limited to Mr. Shipman. Mr. Shipman has opened up his lands in these areas for houselots and has sold them to individuals. In his proposed development he intends to sell residential areas in fee simple to those individuals who are interested in buying. The business and commercial areas he intends to lease. Mr. Devine agreed with Commissioner Wenkam that the urban boundary in this area should join with the new Volcano Road.

There were no further testimonies or comments presented. The Chairman announced that the Commission will receive additional testimonies, protests, comments within the next 15 days and will take action 45 to 90 days from this hearing.

The public hearing was closed.

ACTION TO BE TAKEN

PETITION OF W.H. SHIPMAN, LTD. (A64-69) FOR AMENDMENT TO THE LAND USE DISTRICT BOUNDARIES FROM AN AGRICULTURAL TO AN URBAN DISTRICT FOR VARIOUS URBAN USES FOR LAND SITUATED BETWEEN THE NEW AND OLD VOLCANO HIGHWAY IN KEAAU, PUNA, HAWAII: Described as TMK 1-6-03: 64 containing 6.897 acres.

Since the public hearing held on the above petition in Hilo, on January 22, 1965, the petitioner's counsel has submitted a rebuttal to the staff's recommendation. A written summary was prepared to bring the Commission up to date on all the facts relating to this petition since the public hearing. This presentation was given by Gordon Soh (see summary on file).

The staff reported that the petitioner has provided strong and persuasive arguments in favor of its request and because of this has reversed its earlier recommendation on the following bases:

- (1) The county has jurisdiction of uses in Urban districts.
(Mr. Soh added that since the preparation of this memorandum staff has been advised that the use proposed by Mr. Blomberg is more nearly that of a hardware store than a lumber yard. Mr. Soh stated that this distinction is important since a hardware store is more nearly commercial than a lumber yard.)
- (2) The area is not suitable for agriculture.
- (3) The area is contiguous not on one but two sides of an urban district.
- (4) Volcano Road is a convenient boundary to be used in establishing the district lines.
- (5) The area in question has as much potential for growth as any other area in Keaau. It lies at the junction of two important routes and is near being a 100% corner as any other area in Keaau.
- (6) The area is easily served with public facilities. It is bordered on two sides by the newest roads in Keaau.

Commissioner Inaba moved to accept the staff's recommendation for approval to grant the urban change. Commissioner Nishimura second the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Ferry, and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

PETITION OF W.H. SHIPMAN, LTD. (SP65-13) FOR A SPECIAL PERMIT FOR THE PURPOSE OF ALLOWING URBAN DEVELOPMENTS OF THAT PORTIONS OF PROPERTY NOW USED FOR INTENSIVE RESIDENTIAL USE LOCATED IN AN AGRICULTURAL DISTRICT IN THE COUNTY OF HAWAII

Chairman Thompson asked, "Is this petition for a special permit for urban development and not of a specific nature?" He was answered by the Executive Officer in the affirmative. Chairman Thompson stated, "Is this avenue appropriate for a variance? A variance must be tied in with a specific use." Mr. Twigg-Smith, representing the petitioner, was informed by the Chairman that this procedure was improper because the request was for a broad urban use and not for a specific use. He suggested the avenue of a boundary change instead.

The Executive Officer stated that in essence the staff report (see report on file) goes into some detail as to the appropriate bases upon which a special permit may be initiated or considered. The conclusion is that none of the basic requirements is present in this issue. Further that the law clearly provides a procedure to petition for amendment of the district boundaries when the issue concerned is for an unspecified urban development. These are the two conclusions drawn after studying this petition and upon this basis staff would recommend denial of this petition.

Commissioner Ota suggested that the staff together with the Hawaii Planning Commission and petitioner meet on this problem and take a look at this whole urban area again, and perhaps come up with some kind of comprehensive report covering this area.

The Executive Officer stated that there is nothing in the document or correspondence relating to this. However this presents an opportunity to discuss it to reach a much easier solution, or discover some course of procedure to initiate.

Chairman Thompson stated that in terms of the petition at hand and as presented, there is but one course to take and that is to deny the petition.

Commissioner Wung moved to deny this petition on the basis that this was an inappropriate procedure for a special permit. Commissioner Ferry seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Ferry, and Chairman Thompson.

Disapproval: None

The motion to deny was carried.

PETITION BY ANN KALI (SP64-3) FOR A SPECIAL PERMIT TO ADD A HOUSE ON PROPERTY SITUATED IN HANAPEPE CONTAINING 30,361 SQ. FT.: Described as Fourth Division, TMK 1-9-3: 28

Mr. Gordon Soh presented the background and analysis on this petition (see report on file). Staff recommended denial of this petition on the bases that:

- (1) The proposed use is not unusual and reasonable in accordance to statutory requirements.
- (2) The proposed use will not promote the effectiveness and objectives of the Law as it would weaken the integrity of state zoning because there is no valid basis for granting the special permit.

- (3) It would tend to weaken rather than strengthen the complementary assessment basis and force adjacent lands into uses not in the best public interest.

While approval of this or similar issues would not appear to be grave or consequential issues for the moment or even in the near future, staff feels it can become grave and consequential in the long run.

Commissioner Nishimura pointed out that the federal government spent \$1,000,000 in this area for a flood control. The original intent was to evacuate everyone from the area, however, they decided to urbanize the area and built this flood wall. He stated that this area is contiguous to the urban town close by. He pointed out the swinging bridge in the area connects this area with that of the urban area. He corrected staff's statement that there was an unimproved road there. He stated that the road is paved. He stated that most of the agricultural activity in the area is in vacant pasture.

Mr. Soh confirmed that the reason the area is in low density use is that it used to be inundated. However, the character of development has been changed.

Commissioner Nishimura pointed out that this is a remnant kuleana of 30,000 sq. ft. This family faces this problem of not being able to subdivide this land because of a family will which prohibits this.

Commissioner Wenkam was of the opinion that granting family land to children is neither unusual or reasonable, and in this case it is not being subdivided. He pointed out that this is a special permit which has the tendency to increase the density and lead to a change in the type of use of the land. He argued that this particular use is of a family nature and of a change which assumes the sincerity of the people requesting the permit. The permit is for a family use which is something that should be given serious consideration and one which is not establishing a precedent or is an issue of much consequence.

The Executive Officer stated that granting a variance on the basis of hardship is possible. However, the only kind of hardship which the Commission should consider is the difficulty in implementing the use prescribed. In this particular case the land can and is used for the use permitted in this area. There is no hardship. Petitioner wants to go beyond the zoning regulation and this is not subject for a special permit.

Commissioner Ferry added that if it is to accommodate a larger family, it is always permissible to add on to the house.

Commissioner Ferry moved to deny the request. Commissioner Ota second the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Ferry and Chairman Thompson.

Disapproval: Commissioners Wenkam and Nishimura.

The motion for denial was carried.

Chairman Thompson stated that the Commission will review this property to see whether this area should be considered for an Urban district. Commissioner Nishimura requested that the staff, upon all field investigations, meet with each respective island commissioners on these trips.

The meeting adjourned at 5:00 p.m.

May 20, 1965

Ms. Molly D. Zimring
Box 120
Hilo, Hawaii

Dear Ms. Zimring:

The Land Use Commission next meets on May 28, 1965, at 2:00 p.m.,
in the Board Room, County Building, Hilo, Hawaii.

At that time the Commission will conduct a hearing on petitions for
boundary change. Following this hearing, the Commission will hold a
meeting at which time your petition to urbanize roadside lots will
be considered and action taken.

Although there is no requirement for you to be present, you may
nevertheless wish to be.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Hawaii Planning Commission

March 24, 1965

Ref. No. LUC 595

Mr. Raymond Suefuji
Acting Planning Director
Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Dear Mr. Suefuji:

The enclosures are copies of materials submitted by Molly D. Zimring in connection with her petition for a change of urban district boundaries near Hilo.

Comments and analysis of these materials are requested, particularly with respect to County ordinances, rules and regulations, procedures and proposals.

May we request the return of the enclosed map with your reply?

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

GS/ak
Enclosures
cc: Chairman M. Thompson

MOLLY D. ZIMRING
ATTORNEY AT LAW
201 LYCURGUS BUILDING
HILO, HAWAII

1525

March 22, 1965

RECEIVED

MAR 23 1965

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Dept. of Planning & Economic
Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Ref. No. LUC 588

Attention: Mr. Raymond S. Yamashita

Dear Mr. Yamashita:

At the hearing of the above petition March 19, 1965, I amended the same to reduce the area within the boundaries for which I requested urbanization to the roadside area which is depicted upon the amended map submitted herewith.

My amended petition now is to amend the district boundaries so as to change 7.6666 acres from an agricultural district into an urban district, leaving the remaining 16.9714 acres in its present classification.

These 7.6666 acres are shown on the amended map as the lots numbered 5 to 29 inclusive, plus the additional area shown on the map of 38,885 sq. ft. and 28,083 sq. ft. west of the lots fronting Kupulau Road, and 67,325 sq. ft. south of the lots fronting Haihai Street.

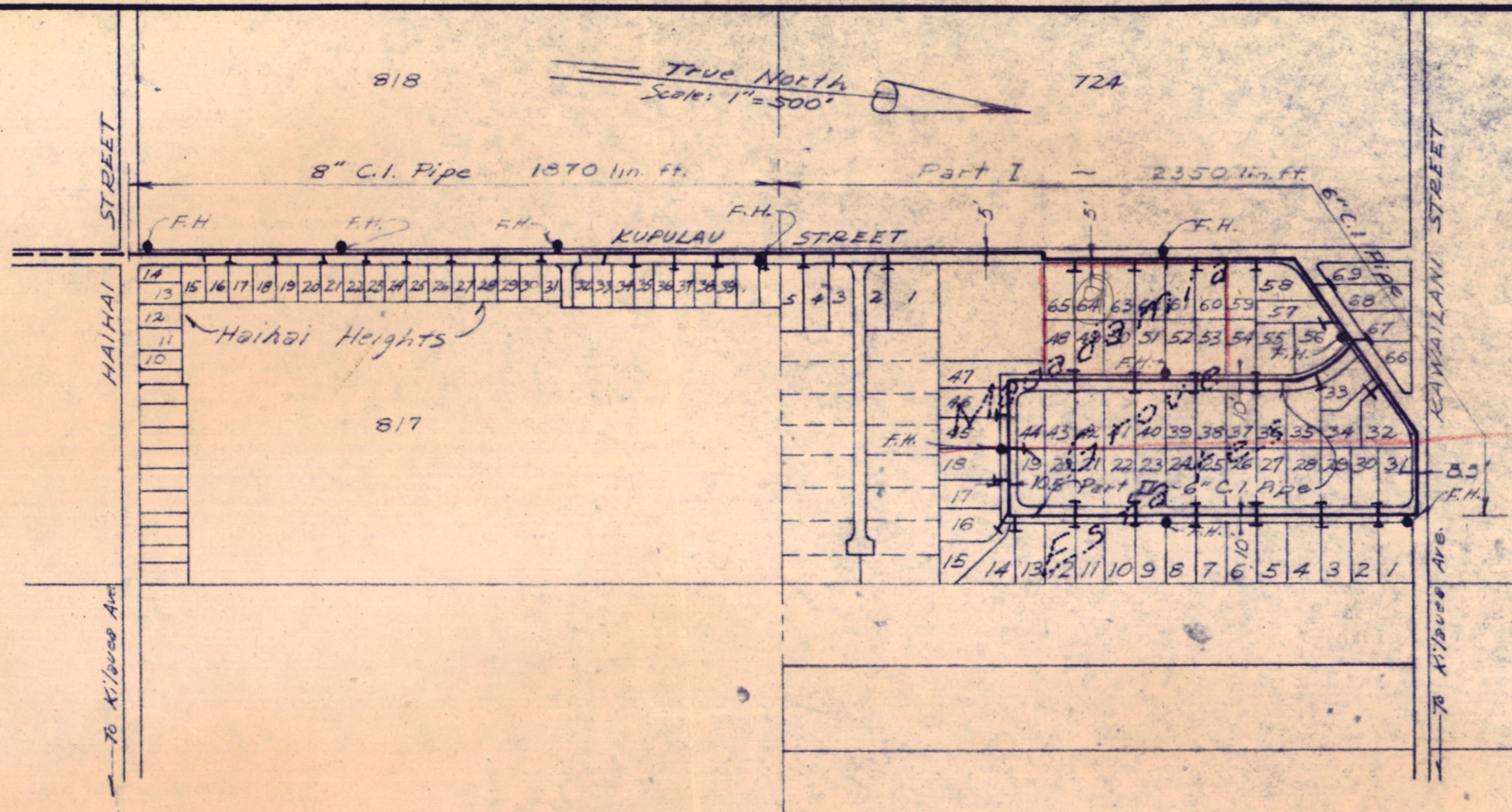
Very sincerely yours,

Molly D. Zimring

Molly D. Zimring

MDZ:jk

Enclosure



BOARD OF WATER SUPPLY, COUNTY OF HAWAII
 PLAN SHOWING
MACADAMIA GROVE ESTATES SUBDIVISION
WATER SYSTEM

LOT 723, GRANT 11308
 WAIAKEA HOMESTEADS, 2ND SERIES
 WAIAKEA, SOUTH HILO, HAWAII

Scale: 1" = 500'

JULY, 1963

APPROVED:

W. J. Thompson

MANAGER, ENGINEER, B.W.S.
 COUNTY OF HAWAII

TAX MAP KEY 2-4-03:14

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR CHANGE OF DISTRICT BOUNDARY WITHIN THE COUNTY OF HAWAII BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

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TIME AND PLACE

In the Board Room of the Board of Supervisors, County of Hawaii, Hilo, Hawaii, on March 19, 1965, at 1:00 p.m., or as soon thereafter as interested persons may be heard.

Docket Number and Petitioner:	(1)	(2)
	A64-73, Molly D. Zimring	A64-75, W. H. Shipman, Ltd.

Tax Map Key:	Third Division, 2-4-36: 1 (formerly 2-4-05: 43), containing 25.67 acres.	Third Division, 1-6-03: portion of 8, containing approximately 17.67 acres.
--------------	--	---

Present District Classification	Agriculture	Agriculture
---------------------------------	-------------	-------------

Change Requested:	To amend District Boundaries in the vicinity of the junction of of Keaau so as Kupulau Road to incorporate and Ainaloa Drive in Hilo, so in the Keaau urban district for 25.67 acres with development of in the Hilo urban various urban district for development of a 25 lot subdivision.	To amend District Boundaries in the vicinity of the junction of of Keaau so as Kupulau Road to incorporate and Ainaloa Drive in Hilo, so in the Keaau urban district for 25.67 acres with development of in the Hilo urban various urban district for development of a 25 lot subdivision.
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Maps showing the areas under consideration for change of District Boundary, and copies of the Rules and Regulations governing the petitions above are on file in the offices of the Planning and Traffic Commission, County of Hawaii, and the Land Use Commission and are open to the public during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

(Adv.: March 9, 17, 1965)

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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer
(S.E.: March 9, 17, 1965)

March 15, 1965

Miss Molly D. Zimring
Box 120
Hilo, Hawaii

Dear Mrs. Zimring:

Enclosed is a report that we have just prepared on your petition to amend the Urban District boundaries near Camp 6. This report will be presented to the Land Use Commission when it meets in the County Board Room in Hilo on March 19 to hold a public hearing on your petition.

The Land Use Commission will not receive the staff report until the actual public hearing on this issue is opened. In accordance with appropriate procedures, the staff does not discuss nor submit the staff report to the Land Use Commission until the public hearing is opened. This procedure is followed to protect the petitioner's interest.

Please note that the staff report is not favorable to your petition. You may wish to take advantage of the few days remaining before the public hearing to pull together data and reasons to strengthen your petition.

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

GS:ak
Enclosure - 1
cc: Chairman M. Thompson

STATE OF HAWAII
LAND USE COMMISSION

Board of Supervisors' Board Room
Hilo, Hawaii

1:00 P.M.
March 19, 1965

STAFF REPORT

A64-73-MOLLY D. ZIMRING

District Classification: AGRICULTURAL

Background

Molly D. Zimring petitions the Land Use Commission to amend the district boundaries so as to place ^(amended to 6.7) 24.638 to 24.67 acres identified by TMK 2-4-36: 1 (Third Division)^{1/} in an urban district. The land now is classified as Agricultural. It is located on Kupulau Road where Haihai Road ends some 4,600 feet from the southwestern perimeter of the Hilo urban district.

The petitioner is owner of the site. It contains four lots totalling about 24.638 acres. Three of the lots are 15,000 square feet in size. The site surrounds an acre parcel sold to a Mr. and Mrs. Aoki under an agreement of sale. Except for a house on the one acre parcel, the site is vacant.

The petitioner proposes to subdivide her parcel to create another 21 lots ranging from 7,500 square feet to 8,625 square feet along Kupulau Road and along an extension of Haihai Road which has not yet been constructed.

Haihai Road is paved between Kilauea Street and Ainaloa Drive. West of Ainaloa Drive, Haihai is an unpaved 20' wide cinder road.^{2/} Haihai ends at the Zimring property. Kupulau is alternately improved and unimproved; the right-of-way is about 30 feet wide but in some places the passable area is about 15 feet.

^{1/} Formerly TMK 2-4-05: 43 (Third Division).

^{2/} Right-of-way is approximately 40 feet.

An 8" water line runs along Kupulau Road and power lines are also available in the area. There are no sewers in the area. The nearest school (Waiakea-Uka) is about 700 feet away. Mail service for the general area is provided from the City of Hilo. Median annual rainfall for 17 complete years between 1900 and 1948 in the vicinity of the site in question (Camp 6) was 167.8 inches.^{3/}

The site has a slope of less than 6%, lies in an area of large fields of aa and pahoehoe. The soil mantle is from 4 to 12 inches thick. These soils are suitable for hand cultivated cane given application of fertilizer; they are not very adaptable to machine cultivation. The soils are suitable for pasturing and provide large amounts of forage; but the forage is not very palatable and is low in dry matter; consequently, the area is poor for fattening cattle.

Field investigation indicates that the site was once or is being used for grazing, as evidenced by the existing fence line. The north end of the property is relatively flat and is below Kupulau Road, while the south end of the property is touched by slightly rolling hills covered with Panicum and Hilo grass. The east and west portions of the subject property appear to be suitable for grazing. A few patches of sugar cane remnants are also growing on the land.

Except in two places the site is surrounded by grazing. To the east is a small urban district of 92 acres. This district includes the 37 homes in Camp 6, an additional 19 homes built around Camp 6, and a small neighborhood grocery store. The density is less than one home per acre (1 home/1.64 acres); this is partly due to areas in truck farming. To the northeast is a 400 acre tract bordering the Hilo urban district. There are about 19 homes in this tract or a

^{3/} Rainfall of the Hawaiian Islands, Hawaii Water Authority, 1959.

density of 1 home/21.05 acres. Over $\frac{1}{2}$ of the tract is in grazing or simply vacant land. The remainder is in six subdivisions:

Subdivision	Acres	Lots			Occupancy
		No.	Occupied	Vacant	
✓ Macadamia Grove Est.	24.98	71	8	63	11.3%
Freitas	10.00	6	2	4	33.3%
✓ Sonomura	10.00	<u>4</u> /	0	All	0.0%
✓ Haihai Heights	39.94	122	2	120	1.6%
Kapago	35.89	93	0	93	0.0%
Hayashi	30.00	71	3	68	4.2%
Total	150.81	363 ^{5/}	15	348 ^{5/}	4.1% ^{5/}

Within the subdivided area the density is 1 home/10.06 acres.

Analysis

The petition at hand is to amend the district boundaries so as to change the classification of a parcel of land from agricultural to urban. The present classification is based in part on a development plan prepared for the County of Hawaii proposing that the parcel be used for agriculture. This was in keeping with Act 205/SLH 1963 which provided that "In establishing the boundaries of the districts in each county, the commission shall give consideration to the master plan or general plan of the county."

Maps are on file in the Land Use Commission's office showing that the County proposed to zone the parcel in question as agriculture with a minimum lot size of 10 acres. The same classification was given to lands west and northwest of the parcel. Lands to the north were also classified as agricultural with a minimum lot size of 5 acres. Lands east and south were classified as Residential-Agricultural. Lands in the Camp 6 Urban district were classified as single-family residential areas.

^{4/} Not available.

^{5/} Excluding Sonomura Subdivision for which data are not completely available.

In December 1964 your staff was advised (orally) by the Acting County Planning Director of an ordinance to change the proposed zoning classification to Residential-Agriculture with a minimum. Up until the writing of this report the ordinance has passed first reading.

The Hawaii County Planning and Traffic Commission by notice received January 28, 1965 recommends approval of the districting change from Agricultural to Urban on the basis that:

- "1. The parcel is adjacent to an existing urban zone.
- "2. The parcel will not be used for agricultural purposes and the surrounding areas are evidenced by urban type developments.
- "3. The government road which the parcel fronts on has an existing County water system, electricity, and telephone service.
- "4. The nearby urban development is served with a public school, playground, and a gymnasium.
- "5. The parcel is not suitable for high capacity or intensive cultivation of agricultural products."

Between June 1961 when the development plans for Hilo were first completed and January 1965, County opinion on the parcel in question has changed. The capacity to sustain agriculture has doubtless not changed. Between 1960 and 1963 diversified crop marketings on Hawaii increased from \$5,907,000 to \$6,721,000; receipts from livestock and livestock product marketings increased from \$7,071,000 to \$7,970,000; cash receipts from marketing cattle and calves increased from \$4,795,000 to \$5,147,000.^{6/} On the basis of these data, your staff would generally estimate that the level of agriculture on the island of Hawaii has not seriously changed since 1960.

In 1960 a census^{7/} was taken of an area (census block 177) including the 400 acres tract northeast of the petitioner's land, and an additional 51.9 acres (approx-

^{6/} Cf. Statistics of Hawaiian Agriculture, 1960 and 1963. The report for 1964 is expected to be published in July 1965.

^{7/} U.S. Census of Housing 1960, "Hilo, Hawaii."

mate) just within the urban district. There were 36 homes in block 177; the overall density for block 177 was 1 home/12.55 acres. The density for the 51.9 acre parcel may have been as low as 1 home/3.05 acres. Adjoining blocks further within the Hilo Urban district had densities of 1 home/5.51 acres (block 169) and 1 home/3.13 acres (block 170).

The entire Urban district bounded by Puainako, Kinooles, Haihai, Komoliana and Ainaloa totals roughly 1,191 acres. In 1960 there were about 558 housing units. The density in this area was approximately 1 home/2.14 acres.

Two conclusions are drawn from the 1960 census data. First, that measured along existing roadways the density of existing development increases the closer an area is to the center of Hilo. Second, that the density of a large Urban area - at least 1,191 acres - "Hilo-side" of the petitioner's parcel was extremely low in 1960. A resolution of the problem of establishing the limits of the Hilo urban district was first suggested in the Hilo development which suggested a line roughly along Komohana Street. This limit was followed by the Land Use Commission in establishing the district lines. Low density areas chiefly east and southeast of Komohana were incorporated for the express purpose of providing "a sufficient reserve area for foreseeable urban growth."^{8/} Since the final district boundaries became effective on August 23, 1964, no more than seven months have gone by.

Based on estimates of population growth and housing construction on Hawaii, your staff assumes that little urban growth has occurred on Hawaii in the past seven months and that the reserve for growth provided in August 1964 is substantial judging by the experience between 1960 and 1964.

^{8/} Cf. Sec. 98H-2, Act 205/SLH 1963.

In the year ending March 1961, it is estimated that 206 homes were built and 200 homes demolished in the entire island of Hawaii. In the year ending March 1962, 378 homes were built and 74 demolished. In the year ending March 1963, 435 homes were built and 80 demolished. Between April 1960 and March 1963 a number of homes were converted resulting in a net loss of 28 homes. The net gain in housing over the entire period was 637 units.^{9/} If all the islands gain in housing units during this 3-year period were located on the 1,191 acres previously mentioned, the density of the area would increase to about 1 house/acre. This density is lower than the minimum lot size standard for Rural Districts. It is patently clear that ample provision for urban growth has been made in the vicinity of Hilo.

To substantiate this still further it is pointed out that if "the surrounding areas are evidenced by urban type developments;" it is also true that north of Haihai Road the development has not fully materialized and is less than 5% occupied and it is also true that the Camp 6 Urban District is a special instance of an isolated area, a carry over from plantation developments. As pointed out earlier, the density of a 400 acre tract north of Haihai and east of Kupulau is 1 home/21.05 acres and the density of the Camp 6 Urban district is 1 home/1.64 acres. Both densities are lower than the minimum lot size standard for Rural districts.

As of July 1, 1964 it is estimated that the resident population (including military) of Hawaii County was 59,151 and that of Hilo 25,370. These estimates indicate a decline of 2,181 in Hawaii County and 596 in Hilo since the 1960 census. Estimates of de facto civilian population indicate a decline of 1,200

^{9/} Cf. Statistical Report 21 "Housing Statistics for Hilo and Hawaii;" Department of Planning and Economic Development; July 31, 1964.

for Hawaii County and 466 for Hilo.^{10/} A projection of this historical trend will not indicate any startling prospects for urban development in the Hilo area.

It is true that the Land Use Law was, in part, first formulated because of public concern for "the shifting of prime agricultural lands into non-revenue producing residential uses when other lands are available that could serve adequately the urban needs." It is also true that public concern was expressed over "Scattered subdivisions with expensive, yet reduced, public services."^{11/}

The County Planning and Traffic Commission reports that "The government road which the parcel fronts on has an existing County water system, electricity, and telephone service." To the extent that roads and water facilities are adequate, there will doubtless be some minimizing of capital costs to the County. It is equally clear, however, that servicing of an overly extensive urban area will tend to increase County operating costs.

There is some indication of the need to avoid increasing the cost of government on the island of Hawaii. In 1960 per capita county operating costs appear to have been high compared to mainland cities of comparable size:

Function	Per Capita Cost ^{12/}	
	Hawaii County	Mainland Cities with Populations 25,000 to 50,000
General Government	13.64	4.33
Police Service	17.24	8.49
Fire Protection	7.69	7.46
Highways	20.43	6.84
Sanitation and waste removal	1.00	6.25
Recreation	7.79	4.02
Total	67.79	37.39

^{10/} Cf. Statistical Report 23, "The Population of Hawaii, July 1964," Department of Planning and Economic Development; October 30, 1964.

^{11/} Sec. 1, Act 187/SLH 1961.

Per capita government costs for the County of Hawaii were highest of the four counties of the State for 1962 and 1963.^{13/}

There are many possible explanations for the unfavorable comparisons. Among them is the cost of servicing low density developments. A report^{12/} prepared in 1962 by the Public Administration Service points out:

"Those rural areas which have urban-type services are in effect being subsidized by the more densely populated areas, for the same services that can be provided more economically in denser areas."

It is interesting to note that for 1962 and 1963 per capita government costs on Oahu, the most densely populated of the four counties was lowest of the four counties. In 1962 Oahu's cost was less than half of the Hawaii County per capita cost.^{13/}

It is important for Urban district lines in Hilo to be carefully drawn. In essence the Land Use Commission is describing areas to be developed for urban use, and it is essential that development and maintenance effort be confined to reasonable limits. To have practical effect, effort should not be diffused over too broad an area lest it seriously increase the burden on public financial resources.

In weighing areas one against another, in establishing priorities for development, in trying to reconcile and accommodate a variety of uses in Hilo, in coordinating the development of public facilities with land use, a comprehensive, rational, fairly predictable plan of action is needed. For the area of Hilo, the only document which meets this requirement is the development plan prepared for the County of Hawaii in 1961.

^{12/} Cf. State and Local Government Relationships in the State of Hawaii; Public Administration Service; November 1962.

^{13/} Cf. Government in Hawaii 1964, Tax Foundation of Hawaii.

Zoning is customarily regarded as a tool to implement a plan. Taken out of this context land use development becomes difficult to predict. Scheduling of construction, maintenance and administration of public facilities and services becomes troublesome task. Planning of government finances becomes almost impossible. Drainage ways and sewer lines can become inadequate. More schools, police and fire stations would have to be operated where fewer might have served. Programs for advanced land acquisition for parks and other sites for public uses are frustrated by the lack of predictability. The need to sustain extensive systems of public facilities and services can hamper attempts to elevate the standards of existing facilities and services.

Zoning which is taken out of the context of a plan is capricious. Arbitrary decisions must be made as to where exceptions will be made. Any attempt to determine exceptions based on zoning standards can only be mitigating, as the need to revise tax assessment, financing, acquisition, construction, maintenance, servicing, and operating schedules will continue. Zoning standards, if they exist at all, ought to be applied with care.

Recommendation

Your staff recommends that the petition be denied on the following bases:^{14/}

- (a) That the land in question is as much if not more so, surrounded by agricultural uses as urban uses.
- (b) That there are areas more suitably located and easily serviced by public agencies closer to Hilo.
- (c) That the area is not clearly identifiable with the existing developments at Camp 6.
- (d) That sufficient areas in Hilo have been districted for urban growth for the next ten years.

^{14/} Cf. Section 2.7 "State Land Use District Regulations."

- (e) That the topography and drainage of the parcel is as much suitable for grazing as for urban uses.
- (f) That other low density areas contiguous to urbanized areas have already been districted.
- (g) That urbanization of petitioner's land would not be consistent with the development plan for Hilo.
- (h) That an overabundance of land with low agricultural capability has already been included in the Hilo Urban district.
- (i) That the parcel in question would represent a large addition to the 92 acre Camp 6 Urban district which is not fully developed, and that the parcel would not be the most logical extension of that district.
- (j) That the addition of the parcel would extend the area of low density Urban districts near Hilo.

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Docket
Number and
Petitioner:

(1)	(2)
A64-73, Molly D. Zimring	A64-75, W. H. Shipman, Ltd.

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Present
District

Classification

Agriculture	Agriculture
-------------	-------------

Change
Requested:

To amend District Boundaries in the vicinity of the junction of Kupulau Road and Ainaloa Drive in Hilo so as to incorporate 25.67 acres with development of a 25 lot subdivision.	To amend District Boundaries in the vicinity of the junction of Keaau so as to incorporate 17.67 acres with development of various urban uses.
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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

(S.B.: March 9, 17, 1965)

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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

(Hon. Adv. March 9, 17, 1965)

February 26, 1965

Ref. No. LUC 588

Ms. Molly D. Zimring
Attorney at Law
201 Lycurgus Building
Hilo, Hawaii

Dear Ms. Zimring:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on March 19, 1965, at 1:00 p.m. in the Board of Supervisors' Board Room, County of Hawaii, Hilo, Hawaii. Your petition for change of district boundary from an Agricultural to an Urban district classification for TMK 2-4-36: 1, Third Division, will be heard at that time.

Publications of Legal Notice will appear in the Honolulu Star-Bulletin, Honolulu Advertiser, and the Hawaii Tribune-Herald on March 9 and March 17, 1965.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Hawaii Planning and Traffic Commission

1495

COUNTY OF HAWAII
PLANNING AND TRAFFIC COMMISSION

RECEIVED

JAN 28 1965

State of Hawaii
LAND-USE COMMISSION

AMENDMENT OF ZONE DISTRICT BOUNDARY

Applicant Golly D. Zimring

Date petition received by
Planning Commission 11/16/64

Date of Planning Commission
Meeting 12/21/64

Date petition and recommendations
forwarded to LUC 1/22/65

The Planning and Traffic Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmit the petition, comments, and recommendations of the above request for amendment of zone district boundary of the following described property:

Lot 918, Grant 1609, Waiakea Homesteads, 2nd Series, South Hilo, Hawaii.

from its present classification in a(n) Agricultural district
into a(n) Urban district.

The Commission decided to recommend: Approval

on the basis of the following findings:

1. The parcel is adjacent to an existing urban zone.
2. The parcel will not be used for agricultural purposes and the surrounding areas are evidenced by urban type developments.
3. The government road which the parcel fronts on has an existing County water system, electricity, and telephone service.
4. The nearby urban development is served with a public school, playground, and a gymnasium.
5. The parcel is not suitable for high capacity or intensive cultivation of agricultural products.

(Signed) Raymond J. Dargatzis
Acting Director, Planning and Traffic Commission

Ref. No. LUC 526

November 13, 1964

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Edgar A. Hamasu, Planning Director

Gentlemen:

Pursuant to Section 98H-4, RLH 1955, as amended, copies of two petitions for the Amendment of the Land Use District Boundaries are submitted for your comments and recommendations as follows:

- (1) Molly D. Zimring, TMK 2-4-05
- (2) W. H. Shipman, Ltd. (by L. N. Nevels, Jr.)
TMK 1-6-02

Since we only have one map for the Molly D. Zimring petition, it would be appreciated if you can contact her office by calling 4315 or 51-248 for additional information.

Very truly yours,

Type-erase
RAYMOND S. YAMASHITA
Executive Officer

Enclosures

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

NOV 12 1964

State of Hawaii
LAND USE COMMISSION

This space for LUC use

Date Petition and Fee received
by LUC 11/12/64

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PERMANENT

PETITION FOR AMENDMENT OF ~~TEMPORARY~~ DISTRICT BOUNDARY

(I) (We) hereby request an amendment of Land Use Commission Temporary

District Boundary respecting the County of Hawaii, Island of Hawaii,

map number and/or name H-1, City of Hilo to change the district

designation of the following described property from its present classification in

a(n) agricultural district into a(n) urban district.

Description of property:

family - now - 2-4-36
TMK 2-4-05, Third Taxation District, a portion of lot 918,
Grant 11609 to Maedo, Waiakea Homesteads, 2nd Series, South
Hilo, Hawaii.

Petitioner's interest in subject property:

owner

Petitioner's reason(s) for requesting boundary change:

To subdivide the subject property into 25 low-cost residence
lots.

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the
district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following
statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to
be classified.

~~(b)~~ Conditions and trends of development have so changed since adoption
of the present classification, that the proposed classification is
reasonable.

Signature(s) Molly D. Zimmering

Address: Box 120 Hilo

Telephone: 4315

51-248

MOLLY D. ZIMRING
ATTORNEY AT LAW
201 LYCORGUS BUILDING
HILO, HAWAII

November 9, 1964

RECEIVED

NOV 12 1964

State of Hawaii
LAND USE COMMISSION

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Gentlemen:

Enclosed please find my Petition for Amendment of Permanent District Boundary, together with a check for \$50.00 in payment of the fee.

THE SUBJECT PROPERTY IS NEEDED FOR A USE OTHER THAN THAT FOR WHICH THE DISTRICT IN WHICH IT IS LOCATED IS CLASSIFIED.

There is an unfilled demand for low-cost residence lots in Hilo, none being presently available.

The subject property has not been in agricultural use for the past 25 years, and none is projected.

The lots numbered 1, 2, 3, and 4 (see map) have final approval as small residence lots, there being a residence presently upon lot No. 4.

Similar-sized small lots presently have final approval across Kupulau Road on the north adjoining lot, and also fronting Haihai Street. (See map **)

Across Kupulau Road, the south adjoining approximately 100 lots are zoned urban up to Ainaola Street, and presently all have houses built upon them. (See map *)

THE LAND IS USABLE AND ADAPTABLE FOR THE USE IT IS PROPOSED TO BE CLASSIFIED.

The subject property is very well suited for low-cost residential lots; it is centrally located and has all utilities, including an 8" County waterline available on Kupulau Road. It is surrounded by other small residence lots as above noted. It is also immediately adjacent to a large urban area as above noted.

Sincerely yours,

Molly D. Zimring

Molly D. Zimring

MDZ:jk
Enclosures

Preliminary

Discard on March 18, 1965

STATE OF HAWAII
LAND USE COMMISSION

January 22, 1965

STAFF REPORT

Subject: A64-73, Petition for Amendment of Land Use District Boundary
by MOLLY D. ZIMRING

MRS. MOLLY D. ZIMRING has petitioned the Land Use Commission to amend the district boundaries for TMK 2-4-36: 1, containing 25.67 acres (formerly TMK 2-4-05) from an Agricultural to an Urban district classification. The subject land is located ^{at} on the outskirts of Hilo, Hawaii and is about a 1,000 feet from the junction of Kupulau and Ainaloa Drive. Distance wise, the land is approximately 5.11 miles from the new Hilo Shopping Center via Haihai St. and Kilauea Avenue.

The land has a slope of less than 6% and median annual rainfall at Camp ⁶ ~~544~~ is 167.8".^{1/} According to the Soil Survey - Territory of Hawaii, the soils on the property have been classified as part of the Pahoe-hoe Lava complex ^{to} with soils ranging from 4 ^{and containing} 12" thick ~~that contain~~ a high proportion of bedrock outcrop ~~of the Pahoe-hoe lava~~. Because of a high proportion of bedrock, machine cultivation of the sugarcane is ^{not possible.} ~~prohibited~~. When the land is used for pasture, a large amount of the forage ~~that is~~ produced is low in ~~total~~ dry matter and ~~is also low in palatability which is poor for the fattening of cattle.~~ ^{not very palatable; the land}

The petitioner proposes to subdivide her lot into 21 low-cost residence lots ranging from 7,500 sq. ft. to 8,625 sq. ft. All of these lots will be facing either Haihai or Kupula ^{St. or Kupulau Road} Streets. In addition, The petitioner has ~~received~~ ^{each 1/3 acre in size and a fourth lot} final approval for three lots, ~~having an area about 1/3 acre and final approval~~ ^{one acre in size.} for another lot totaling about one acre. These four lots all have access to ^{Kupulau?} Kupula Street.

Gordon - this area might have been in sugar once - finishing - check with no. 4 for new forage species have probably done well since Soil Survey was written.

^{1/} Hawaii Water Authority, Rainfall of the Hawaiian Islands, p. 112.

area zoned urban by the Land Use Commission has been proposed as RS-20 (Residential 20,000 sq. ft.). Proposed ~~County~~ ^{County} Zoning for the subject property is A-10A (Agriculture 10 acres). The land across Kupulau ~~Street~~ ^{Pond} has been proposed as RA-1A (Residential Agriculture 1 acre). In December 1964, a conversation with Mr. Ray Suefuji, Acting Planning Director of the County of Hawaii, indicated that measures are being taken to enact Ordinance Number 2763 to change the zoning of the subject property to RA-1A (Residential-Agric. 1 acre). According to Mr. Suefuji, this ordinance has passed the first reading and the second reading will take place in the near future. As of this date, the staff has not received any indications on the status of Ordinance 2763 or the recommendations and comments on the subject petition as required in Section 98H-4 of Act 205.

Discussion

In accordance with Section 98H-4 of Act 205, the petitioner has submitted the following statements in support that the land in question "is needed for a use other than that for which the district in which it is located is classified."

"There is an unfilled demand for low-cost residence lots in Hilo, none being presently available.

"The subject property has not been in agricultural use for the past 25 years, and none is projected.

"The lots numbered 1, 2, 3, and 4 (see map) have final approval as small residence lots, there being a residence presently upon lot No. 4.

"Similar-sized small lots presently have final approval across Kupulau Road on the north adjoining lot, and also fronting Haihai Street. (See map**)

"Across Kupulau Road, the south adjoining approximately 100 lots are zoned urban up to Ainaola Street, and presently all have houses built upon them. (See map*)"

In support of (2)(a) on the petitioner's application form, the following statement has been submitted:

- "The subject property is very well suited for low-cost residential lots; it is centrally located and has all utilities, including an 8" County waterline available on Kupulau Road. It is surrounded by other small residence lots as above noted. It is also immediately adjacent to a large urban area as above noted."

Act 205 requires that all petitions for a boundary change must present 'proof' that the area is needed for another use; and, either additional proof that the land is usable and adaptable for the proposed use, or conditions and trends have changed.

In accordance with the testimony submitted by the petitioner, the petitioner stated that there is a demand for low-cost house lots in Hilo and that none is available at this time. An investigation of several recent subdivisions within the urban district reveals the following figures on the attached sheet.

Five recent subdivisions in the Hilo Urban district were analyzed. These five subdivisions had a total of 267 house¹lots of which 46 or 17% were sold and 221 or 83% were unsold and vacant. The high vacancy rate for the selected subdivisions ~~could~~^{two} represent at least ~~21~~^{two} basic considerations: (1) the lots being sold are not low-cost residential lots, or (2) there is an adequate amount of urban land in the Hilo area at this time. The Land Use Commission has provided an adequate amount of urban land for the district of Hilo for the next 10 years. Since a major consideration for the districting of urban lands is based on population, there is reasonable evidence that the population of Hilo has not risen to such a degree that more urban lands are needed at this present date.

Petitioner stated, "The subject property has not been in agricultural use for the past 25 years, and none is projected." In A Plan for the Metropolitan Area of Hilo^{2/} the consultants, except for one single family dwelling, have indicated

^{2/} Belt, Collins & Associates, Ltd., A Plan for the Metropolitan Area of Hilo, pp. 12 & 20.

that the petitioner's land is vacant and is surrounded primarily by grazing lands. In the development plan for the City of Hilo, the subject property has been proposed as diversified agriculture. Under the proposed County Zoning, the property is in A-10A (Agriculture-10 acres). Although the land has not been used for agricultural purposes for many years, there is no substantial reason why the land should be changed to an urban district. Section 2.8 of the State Land Use District Regulations states, "Lands which are not used for grazing but with limited potential for grazing or which require extensive development to reach moderate grazing quality, may be included either in this District or in the Conservation District depending on location with respect to other agricultural or conservation lands" (emphasis added). Also "Lands with limited potential for other agricultural uses or which require extensive development to reach moderate quality may be included in either this District or ~~in the Rural District~~ depending on location with respect to other agricultural or ^{rural} lands." ^{3/} The Commission has districted a substantial amount of land that is not ~~fitted~~ for agricultural purposes in the Agricultural district. Because of the general agricultural environment of the land in question, the present Agricultural district classification is adequate and reasonable from the land use viewpoint.

The petitioner also mentioned that 4 lots on the land "have final approval as small residence lots, there being a residence presently upon lot No. 4." Field investigation of the area indicates that the proposed lots have access to Haihai Street or to Kupulau Street, and is usable for residential house lots. However, the question of adaptability arises and because of the general agricultural nature of the land, an urban subdivision with lot sizes ranging from 7,500 sq. ft. to 8,625 sq. ft. is not in conformance with the ^{proposed} County

^{3/} "District" refers to the Agricultural District of the Land Use Commission. See "State Land Use District Regulations," on page 7.

Zoning or the land use pattern of the subject area.

The petitioner also said that small residential lots exist "across Kupulau Road on the north adjoining lot" and have been given final approval by the Land Use Commission. Likewise, it was mentioned that at least 100 lots, in the area zoned urban by the Land Use Commission up to Ainaola Street, are all occupied by houses.

Petitioner makes reference to the Haihai Heights Subdivision which has a total of 39.94 acres and has been subdivided into 122 lots with an average lot size of 7,600 sq. ft. The tax map reveals that only 41 lots have been recorded on the latest tax map, and out of the recorded 41 lots, only 2 lots are occupied with homes. Of the 41 recorded lots, approximately 19 lots have been purchased. Parcels 31 to 56 and 63 to 116 have been reserved by the developer. Thus, out of a total of 122 lots, only 2 lots are presently built with homes on them. In the immediate area of the Haihai Heights Subdivision are four other subdivisions: Macadamia Grove Estates (24.981 acres), Freitas Subdivision (10.0 acres), Sonomura Subdivision (10.0 acres), and Kapago Subdivision (35.89 acres). These four subdivisions contain a total of 80.87 acres with 170 house lots and only ten of the lots are occupied by homes. Average lot sizes for the Freitas Subdivision and the Macadamia Grove Estates range from about 12,000 sq. ft. to 15,000 sq. ft. No information is available at this date for the Sonomura and Kapago Subdivisions.

Staff has compiled a list of subdivisions that are in the vicinity of the petitioner's property which revealed that about 14 subdivisions are subdivided into at least 786 lots. Out of the 786 lots, about 23-28 lots are occupied by single family dwellings. The total area of all these subdivisions amounted to 433.89 acres of land. From the figures compiled, the staff concludes that there are adequate "low cost" residential lots available for the public, and the number

of vacant lots in ^{the} present subdivision indicate that there is not enough demand to justify the creation of a "strip-type subdivision" on the petitioner's property.

Secondly, the petitioner makes reference to the immediate urban area in which Camp 6 is located. As mentioned earlier, there are 92 acres of urban land within the vicinity of Camp 6. A field investigation showed that there are approximately 61 houses in the urban area and about 45 houses are in Camp 6. The remaining 16 houses are scattered about the remaining area along Ainaola Street. If a density ratio is calculated for the urban district of 92 more or less acres, a total of 61 houses would give 1:1.5, or one house to every one and a half acre. Within a one mile radius of the petitioner's property, there are approximately 140+ homes of which 61 homes are in the 92 acre urban district. The remaining 79+ homes are widely scattered about the existing subdivisions, or are farm dwellings.

The staff contends that, after studying the above figures, the petitioner has not submitted the necessary proof as required by Section 98H-4 of Act 205.

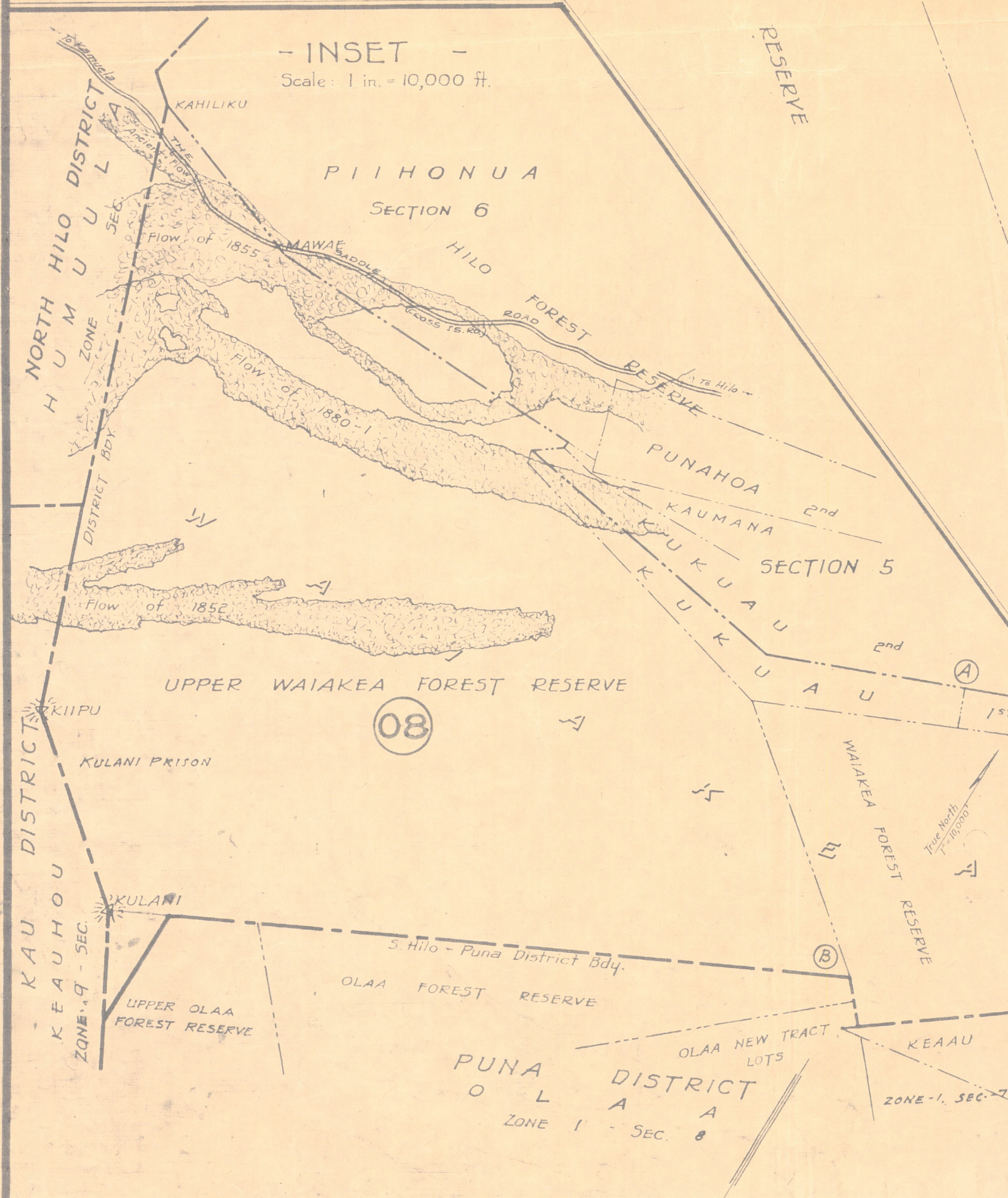
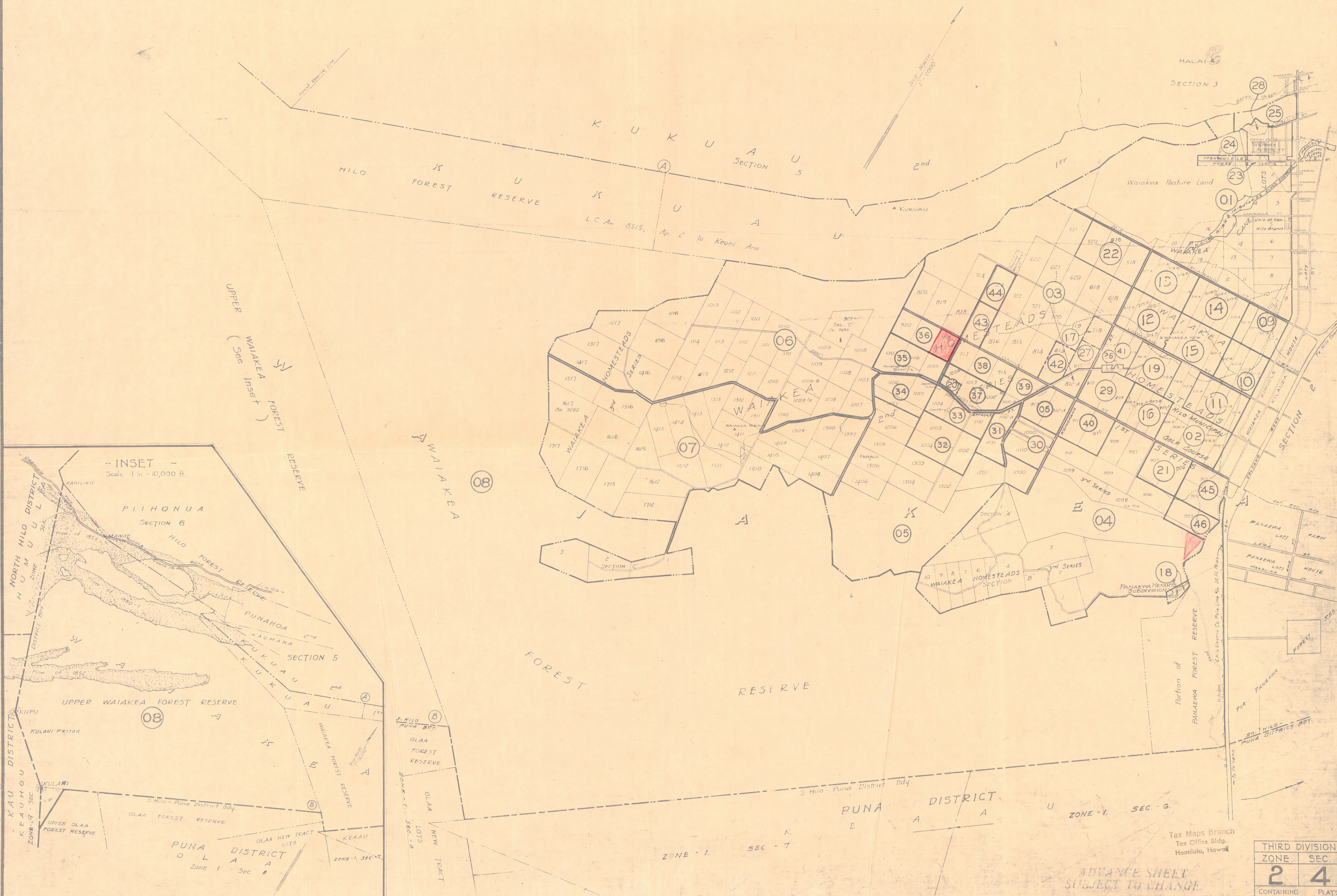
In addition to the necessary requirements for approval, the Land Use District Regulations provide the following guides for the granting of amendments to the district boundaries:

- "(a) It shall include lands characterized by "city-like" concentration of people, structures, streets and other related land uses.
- "(b) It shall take into consideration the following specific factors:
 - (1) Proximity to centers of trading and employment facilities.
 - (2) Economic feasibility and proximity to basic services such as sewers, water, sanitation, schools and playground, and police and fire protection.

Maps - ~~AG~~ 64-73

NOV 27 1945
MAR 10 1946
JAN 3 1946
JAN 27 1946
FEB 20 1950

Dwg. No. 36
By H.T. April 1932
Source: Survey Dept.



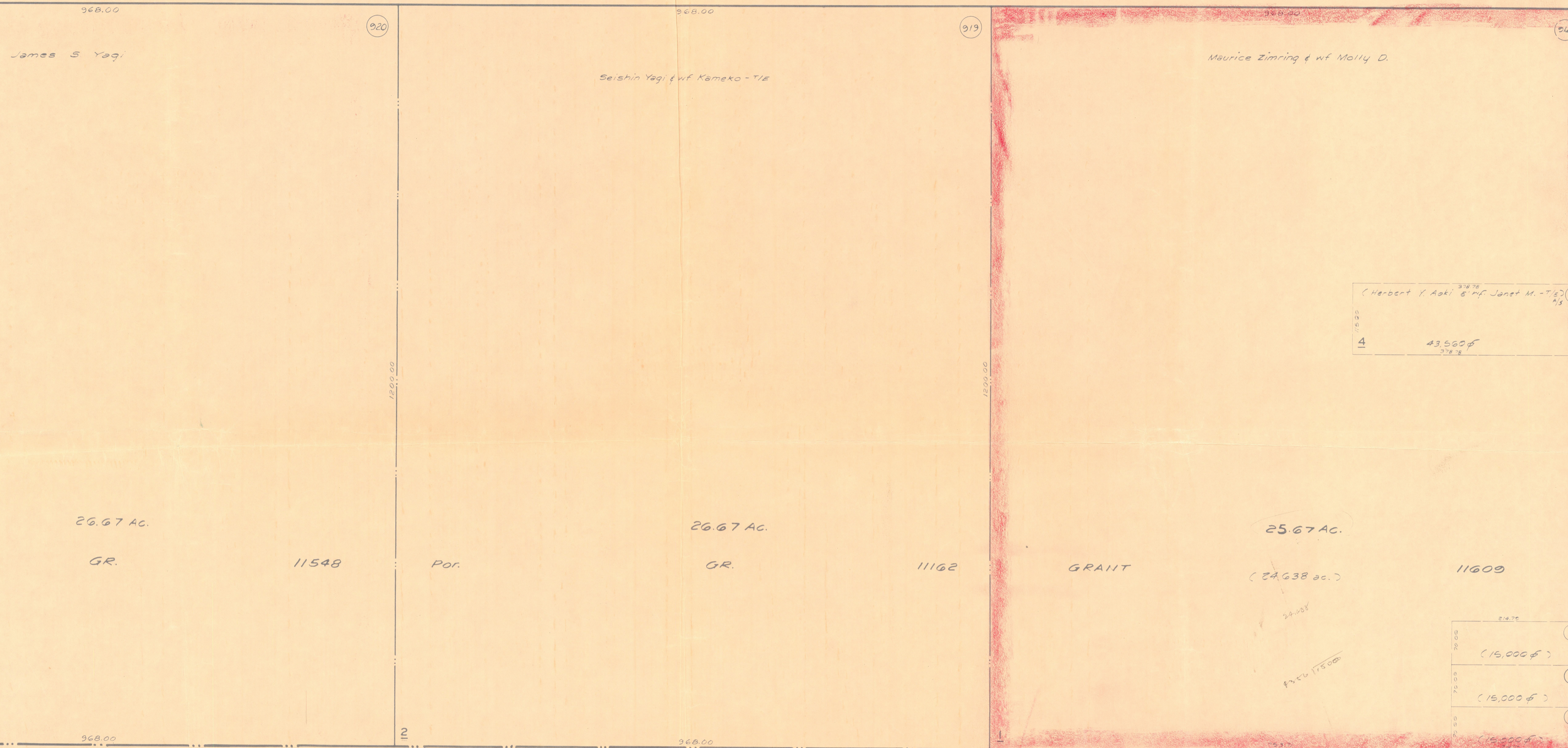
Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

ADVANCE SHEET
SUBJECT TO CHANGE

THIRD DIVISION	
ZONE	SEC.
2	4
CONTAINING PLATS	
Scale: 1 in. = 10,000 ft.	

PLAT 03

HAIHAI STREET



PLAT 35

TRUE NORTH
Scale: 1"=100 FT.

DWG. NO.: 118
SOURCE: Tax Maps Bureau
BY: L.H./J.E. May 18, 1960

2ND SERIES
Por. WAI'AKEA HOMESTEAD, SOUTH HILO, HAWAII (formerly por. of 2-4-05)

SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSIONER		
TAXATION MAPS BUREAU		
STATE OF HAWAII		
TAX MAP		
THIRD	DIVISION	
ZONE	SEC.	PLAT
2	4	36
CONTAINING		PARCELS
SCALE: 1 IN. = 100 FT.		

3862

DEC 1 1964

NOV 21 1942
MAR 19 1945
MAY 23 1946
AUG 1 1946
JAN 3 1946
JAN 27 46
FEB 20 1950
APR 8 50
APR 21 51
MAY 13 52
JUN 1 52
JUL 1 52
AUG 1 52
SEP 1 52
OCT 1 52
NOV 1 52
DEC 1 52



Dwg. No. 9
By H.T. April - 1932
Source Survey Dept.

THIRD DIVISION	
ZONE	SEC.
2	4
CONTAINING PLATS	
Scale: 1 in. = $\frac{2000}{10000}$ ft.	

PLAT 03

HAIHAI

STREET

Kulana Foods, Ltd.

Kulana Foods, Ltd.

Maurice Zimring & wf Molly D.

(Herbert Y. Aoki & wf Janet M. - 7/8)
4 43,560⁰⁰

26.67 AC.

26.67 AC.

25.67 AC.

Por.

GR.

11548

Por.

GR.

11162

GRANT

(24,638 ac.)

11609

(15,000⁰⁰)
(15,000⁰⁰)
(15,000⁰⁰)

PLAT 35

TRUE NORTH
Scale: 1"=100 FT.

2ND SERIES

Por. WAIAKEA HOMESTEAD, SOUTH HILO, HAWAII (formerly por. of 2-4-05)

SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSIONER TAXATION MAPS BUREAU STATE OF HAWAII		
TAX MAP		
THIRD	DIVISION	
ZONE	SEC.	PLAT
2	4	36
CONTAINING		PARCELS
SCALE: 1 IN. = 100 FT.		

3864

FEB 24 1985

DWG. NO.: 18
SOURCE: Tax Maps Bureau
BY: LHP/ES May 18, 1960

True North
Scale: 1" = 50'

Lot 218, Grant 11162

175° 40' → 1200.00
1075.00

Lot 1008-B, Grant

LOT 218, GRANT 11603 TO HARUO MAEDO

355° 40' → 210.00

38,885 sq. ft.

355° 40' → 115.00

H.Y. & J.M. AOKI

A/S

28,083 sq. ft.

KUPULAU

STREET

(30-foot wide)

355° 40' →

420.51

65.00

34.51

88.32

STREET (40-foot wide)

HAIHAI

PRELIMINARY PLAN

Subdivision of portions of
Lot 218, Grant 11603 to Haruo Maedo
Waiakea Homesteads, 2nd Series
Waiakea, South Hilo, Hawaii

Survey & plan by Murray, Smith & Assoc., Ltd.
P.O. Box 803, Hilo

Owner: Molly D. Zimring
Address: Rm. 201, Lycurgus Bldg.
Hilo, Hawaii
Tax Map Key: 2-4-05
November 6, 1964

RECEIVED

MAR 23 1965

State of Hawaii
LAND USE COMMISSION

Molly D Zimring
4-4-73
Boundary Change

- "(c) It shall include plantation camps that are characterized by residences, school, businesses and other related uses. It shall not include plantation camps that are not characterized by the foregoing uses but are merely ancillary to agricultural activities.
- "(d) It shall include sufficient reserve areas for urban growth in appropriate locations, based on a 10 year projection.
- "(e) It shall include lands with satisfactory topography and drainage and reasonably free from the danger of floods.
- "(f) In determining urban growth for the next ten years, or in amending the boundary, lands contiguous with existing urban areas shall be given more favorable consideration than non-contiguous lands.
- "(g) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the general plans of the Counties and of the State of Hawaii.
- "(h) Lands with a high capacity for intensive cultivation shall not be included in this District except when substantial evidences indicate that other lands are not available that could serve adequately the urban needs.
- "(i) Small areas, which do not conform to the above standards, may be included within this District;
 - (1) When surrounded by or adjacent to existing urban development; and
 - (2) Only when such areas represent a minor portion of this District.
- "(j) It shall not include areas of land which shall contribute towards scattered urban developments."

The presence of water, power, roads, and a school near the petitioner's property will partially support item (2) of subsection (b). However, the lack of sewer lines, local postal services and police and fire protection tend to negate the availability of the present services. Looking at section (b) in total, this section appears to be more adverse than positive.

Standard (f), contiguity to an urban district; is a basis for giving "more favorable consideration than non-contiguous lands," but more fundamental consideration required by Act 205 must first be satisfied.

Field investigation of the subject property will support the fact that the petitioner's land is relatively level and appears to have adequate drainage. It can also be safely assumed that the area is free from the danger of floods. In this case, standard (f) acts positively for the petitioner. Indirectly, the petitioner's statements would also satisfy standard (h), in respect to the exclusion of prime agricultural lands.

Standards (a), (b), (d), (g) and (j) appear adverse to an approval of this petition. The land is vacant and is located away from the center of trading and employment facilities which is in Hilo, Hawaii. There is no real indication that the existing urban districts are inadequate to meet the current demand for residential houselots. Furthermore, the subject land is not in an appropriate location for new urban concentrations as evident by the Belt, Collins Plan and the proposed zoning of the Hawaii Planning & Traffic Commission. Because of its agricultural character as related to the surrounding land uses, an approval of this petition would contribute towards scattered developments.

Standards (c) and (i) are not applicable to this petition.

Recommendation

A denial of this petition to amend TMK 2-4-36: 1 containing 25.67 acres from an Agricultural to an Urban district classification is recommended on the following bases:

1. There is no evidence that the area is needed for a use other than that for which the district in which it is situated is classified.
2. The conditions do not satisfactorily meet the standards, as established by the Land Use Commission, for the granting of amendments to the district boundaries.

Recent Subdivisions In Urban District of Hilo
(Approximate Figures Only)

Name of Subdivision	Location	No. of Lots & Average Size	Lots Sold	Vacant
Hawaii Fairway	Haihai Street	97 @ 15,000 sq. ft.	3 (3%)	94 (97%)
Mauna Kai Circle	Haihai Street	99 @ 20,000 sq. ft.	9 (9%)	90 (91%)
Komohana Lands	Komohana Road	34 @ 41,760 sq. ft.	13 (38%)	21 (62%)
Kapogo Lots	Puainako Street near Komohana Rd.	33 @ 15,000 sq. ft. to 149,000 sq. ft.	20 (61%)	13 (39%)
Todd Subdivision	Haihai Street	4 @ 16,000 sq. ft.	1 (25%)	3 (75%)
TOTAL - 5		267 (100%)	46 (17%)	221 (83%)

Recent Subdivisions In Vicinity of Subject Petition

NAME	AREA	PROPOSED COUNTY ZONING	NO. OF APPROXIMATE LOTS IN SUBDIVISION	EXISTING HOMES	VACANT LOTS
✓ Macadamia Grove Estates Subdivision	24.981 acs.	A-5A	71	8	63
Freitas Subdivision	10.0 acs.	A-5A	6	2	4
✓ Sonomura Subdivision (Kapago Inc.)	10.0 acs.	A-5A	No Info	0	All vacant
✓ Kapago Inc.	35.89 acs.	A-5A	93	0	93
✓ Haihai Heights Subdivision	39.94 acs.	A-5A	122	2	120
Hoomalu Street Subdivision	30.00 acs.	RA-1A	75	3	72
✓ Sportsman's Paradise	40.00 acs.	A-5A	107	4	103
Wakida Subdivision	40.00 acs.	A-10A	108	0	108
Victoria M. F. Taka	48.82 acs.	RA-1A	No Info	2*	No Info
Tegman Subdivision	29.39 acs.	A-5A	17	0	17
Ainaloa Heights (Kapago Inc.)	55.59 acs.	A-20A	155	1	154
✓ Freitas Subdivision	5.11 acs.	RA-5A	No Info	2*	No Info
Latorre Subdivision	29.84 acs.	A-10A	No Info	1*	No Info
Safe-T-Fallout Shelter Subdivision	34.33 acs.	A-20A	32	3	29
TOTAL 14		Average A-5A	786 (Inc.) (100%)	23 (not counting the *) (3%)	763 (Inc.) (97%)

HAYASHI

STATE OF HAWAII

Molly D. Zimmerman

OFFICIAL
RECEIPT

No

90

Land Use Commission

Department, Bureau or Commission

November 12, 1964

RECEIVED from

Hawaiian Land Investment Corp., by M. R. Zimmerman

fifty and 00/100

DOLLARS

*for public hearing for change of boundary from
Agricultural to Urban on Hawaii by the Land
Use Commission*

\$ *50.00* Check # *237*

Bank of Hawaii

Amy Kamukira

Public Accountant