EARL V. TRUEX

A64-78

REGISTERED NO. 32503

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MAY 12 1966
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From Land Use Commission
426 So. Queen St. Honolulu

To Mr Earl V. Tuck
2722 Coolidge Ave
Oakland California

POD Form 3806—May 1964

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1 SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*) Earl L. Tuck

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POD Form 3811 Oct. 1965 055—16—71548-8

May 11, 1966

Mr. Earl V. Truex
2722 Coolidge Avenue
Oakland 1, California

Dear Mr. Truex:

Transmitted herewith are the findings, conclusions and decision of the Land Use Commission in the matter of your petition (A64-78).

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.
cc: Chairman Thompson
Roy Takeyama, Legal Counsel

Eagle-A
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LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
BY EARL V. TRUEX, A64-78)

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, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition encompasses approximately 50 acres of land, which is in the Agricultural District, located near Mountain View, Hawaii. (Tax Map Key 1-8-06: 92, Third Taxation Division)

2. That the Petitioner proposes to subdivide and develop the 50 acres of land into one-acre lots.

3. That the area in the Petition lies more than two miles by road from the Mountain View Urban District and is accessible by a single-lane improved road (Peck Road) and the two-lane Olaa Backroad.

4. That a 4-inch water main services the 16 or more homes along the nearly three mile stretch of Peck Road.

5. That school facilities are located in the Mountain View Urban District and that the nearest fire station and police sub-station are located in Olaa about fourteen miles away.

6. That only a modest level of urban facilities can be found in the Mountain View Urban District which in 1960 had a population of 562.

7. That the lots fronting Peck Road are generally on the order of 50 acres in size and that the overall density along Peck Road is on the order of one dwelling unit per 50 acres or thereabouts.

8. That most of the land is wild and overgrown with native vegetation, with some pasture lands having been cleared along various parts of the road.

9. That there are several subdivisions along the Olaa Back Road which are all vacant.

10. That the soils of the area are generally of the Ohia silty clay loam variety with mild slopes, generally not more than 10%. That the soil can be used for unirrigated cane and that vegetables may be grown with moderate success.

11. That the annual rainfall in the area ranges between 115 inches and 303 inches annually with a median of 195 inches.

12. That the published County plan calls for agricultural use of the subject area and that the proposed County zoning calls for agricultural uses with minimum lot sizes of 20 and 50 acres.

13. That the population decline in the Mountain View district reflects a diminishing need for residential uses in the area. The population in the district declined from 6,747 in 1950 to 5,030 in 1960.

14. That there are numerous subdivisions in Puna with most of the lots in the subdivisions (approximately 42,000 parcels) unoccupied and approximately half of them unsold.

15. That the area under Petition is not contiguous to either an Urban or a Rural District.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for use other than that for which the district in which it is situated is classified.

2. That sufficient reserve areas for foreseeable urban growth have already been placed in the Urban District.

3. 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 land under consideration.

4. That the soil classification of the area suggests agricultural potential.

5. That the proposed change would constitute spot zoning which would be inconsistent with the character of the area and would contribute to scattered urban development.

6. 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.

7. 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 pressures in the area under petition.

DECISION

Based on the evidence presented and the findings of facts and conclusions of law, it is the decision of the Land Use Commission that the Petition for change from an Agricultural District to an Urban District be denied.

Dated at Honolulu, Hawaii, this _____ day of April, 1966.

LAND USE COMMISSION
STATE OF HAWAII

By _____
Myron Thompson, Chairman

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
BY EARL V. TRUEX, A64-78)

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, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition encompasses approximately 50 acres of land, which is in the Agricultural District, located near Mountain View, Hawaii. (Tax Map Key 1-8-06: 92, Third Taxation Division)

2. That the Petitioner proposes to subdivide and develop the 50 acres of land into one-acre lots.

3. That the area in the Petition lies more than two miles by road from the Mountain View Urban District and is accessible by a single-lane improved road (Peck Road) and the two-lane Olaa Backroad.

4. That a 4-inch water main services the 16 or more homes along the nearly three mile stretch of Peck Road.

5. That school facilities are located in the Mountain View Urban District and that the nearest fire station and police sub-station are located in Olaa about fourteen miles away.

6. That only a modest level of urban facilities can be found in the Mountain View Urban District which in 1960 had a population of 562.

7. That the lots fronting Peck Road are generally on the order of 50 acres in size and that the overall density along Peck Road is on the order of one dwelling unit per 50 acres or thereabouts.

8. That most of the land is wild and overgrown with native vegetation, with some pasture lands having been cleared along various parts of the road.

9. That there are several subdivisions along the Olaa Back Road which are all vacant.

10. That the soils of the area are generally of the Ohia silty clay loam variety with mild slopes, generally not more than 10%. That the soil can be used for unirrigated cane and that vegetables may be grown with moderate success.

11. That the annual rainfall in the area ranges between 115 inches and 303 inches annually with a median of 195 inches.

12. That the published County plan calls for agricultural use of the subject area and that the proposed County zoning calls for agricultural uses with minimum lot sizes of 20 and 50 acres.

13. That the population decline in the Mountain View district reflects a diminishing need for residential uses in the area. The population in the district declined from 6,747 in 1950 to 5,030 in 1960.

14. That there are numerous subdivisions in Puna with most of the lots in the subdivisions (approximately 42,000 parcels) unoccupied and approximately half of them unsold.

15. That the area under Petition is not contiguous to either an Urban or a Rural District.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for use other than that for which the district in which it is situated is classified.

2. That sufficient reserve areas for foreseeable urban growth have already been placed in the Urban District.

3. 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 land under consideration.

4. That the soil classification of the area suggests agricultural potential.

5. That the proposed change would constitute spot zoning which would be inconsistent with the character of the area and would contribute to scattered urban development.

6. 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.

7. 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 pressures in the area under petition.

DECISION

Based on the evidence presented and the findings of facts and conclusions of law, it is the decision of the Land Use Commission that the Petition for change from an Agricultural District to an Urban District be denied.

Dated at Honolulu, Hawaii, this _____ day of April, 1966.

LAND USE COMMISSION
STATE OF HAWAII

By Myron Thompson
Myron Thompson, Chairman

Certification:

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

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

Approved as to form and legality:

Roy Y. Takeyama
Roy Takeyama
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION)
BY EARL V. TRUEX, A64-78)

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, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition encompasses approximately 50 acres of land, which is in the Agricultural District, located near Mountain View, Hawaii. (Tax Map Key 1-8-06: 92, Third Taxation Division)

2. That the Petitioner proposes to subdivide and develop the 50 acres of land into one-acre lots.

3. That the area in the Petition lies more than two miles by road from the Mountain View Urban District and is accessible by a single-lane improved road (Peck Road) and the two-lane Olaa Backroad.

4. That a 4-inch water main services the 16 or more homes along the nearly three mile stretch of Peck Road.

5. That school facilities are located in the Mountain View Urban District and that the nearest fire station and police sub-station are located in Olaa about fourteen miles away.

6. That only a modest level of urban facilities can be found in the Mountain View Urban District which in 1960 had a population of 562.

7. That the lots fronting Peck Road are generally on the order of 50 acres in size and that the overall density along Peck Road is on the order of one dwelling unit per 50 acres or thereabouts.

8. That most of the land is wild and overgrown with native vegetation, with some pasture lands having been cleared along various parts of the road.

9. That there are several subdivisions along the Olaa Back Road which are all vacant.

10. That the soils of the area are generally of the Ohia silty clay loam variety with mild slopes, generally not more than 10%. That the soil can be used for unirrigated cane and that vegetables may be grown with moderate success.

11. That the annual rainfall in the area ranges between 115 inches and 303 inches annually with a median of 195 inches.

12. That the published County plan calls for agricultural use of the subject area and that the proposed County zoning calls for agricultural uses with minimum lot sizes of 20 and 50 acres.

13. That the population decline in the Mountain View district reflects a diminishing need for residential uses in the area. The population in the district declined from 6,747 in 1950 to 5,030 in 1960.

14. That there are numerous subdivisions in Puna with most of the lots in the subdivisions (approximately 42,000 parcels) unoccupied and approximately half of them unsold.

15. That the area under Petition is not contiguous to either an Urban or a Rural District.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for use other than that for which the district in which it is situated is classified.

2. That sufficient reserve areas for foreseeable urban growth have already been placed in the Urban District.

3. 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 land under consideration.

4. That the soil classification of the area suggests agricultural potential.

5. That the proposed change would constitute spot zoning which would be inconsistent with the character of the area and would contribute to scattered urban development.

6. 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.

7. 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 pressures in the area under petition.

DECISION

Based on the evidence presented and the findings of facts and conclusions of law, it is the decision of the Land Use Commission that the Petition for change from an Agricultural District to an Urban District be denied.

Dated at Honolulu, Hawaii, this _____ day of April, 1966.

LAND USE COMMISSION
STATE OF HAWAII

By _____
Myron Thompson, Chairman

Certification:

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

_____
George S. Moriguchi
Executive Officer
Land Use Commission

Approved as to form and legality:

_____
Roy Takeyama
Deputy Attorney General

George S. Moriguchi
xxxxxxxxxxxxxxxx

July 30, 1965

Mr. Earl V. Truex
2722 Coolidge Avenue
Oakland 1, California

Dear Mr. Truex:

Your petition (A64-78) to establish a 50 acre Urban District, consisting of Third Division parcels TMK 1-8-06: 92, 129 and 130, in an Agricultural District near Mountain View, Hawaii was denied by the Land Use Commission at its meeting on July 23, 1965.

Prior to taking action on your petition, the enclosed memorandum and your letter of July 16, 1965 were read to the Commission. Should you desire further information, or have any questions, please feel free to contact us.

Sincerely yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl. - 1
cc: Chairman Thompson
Hawaii Planning Commission

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD ✓

ITEM A 65-78 Earl V. Toney

DATE July 23, 1965 ✓

PLACE Lihue, Kauai

TIME Afternoon

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

COMMENTS:

Motion by Commissioner Wung to deny petition seconded by Commissioner Inaba.

✓ Vote recorded July 26, 1965 from notes taken July 23, 1965. Notes filed with A 64-79.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lihue Police Station

1:30 P.M. - July 23, 1965

Commissioners Present:	Myron B. Thompson, Chairman Jim P. Ferry Shelley Mark Robert G. Wenkam Leslie E. L. Wung Goro Inaba Charles Ota Shiro Nishimura
Absent:	C. E. S. Burns
Staff Present:	George S. Moriguchi, Executive Officer Raymond S. Yamashita Gordon Soh, Associate Planner Ah Sung Leong, Draftsman Roy Takeyama, Legal Counsel Dora Horikawa, Stenographer

The meeting was called to order by Chairman Thompson.

ADOPTION OF MINUTES

Mr. Yamashita requested that the adoption of the minutes of the meetings held on May 7, 8, 27 and 28, 1965 be taken up first. Chairman asked for corrections, deletions or additions to the minutes. Commissioner Wenkam referred to page 4, paragraph 8, of the May 7th meeting. It was his feeling that Mr. Hansen's intent was not as recorded--but that Mr. Hansen felt an obligation to the stockholders. Commissioner Wenkam suggested and Chairman Thompson ordered that the following addition be made: "He felt he had to be fair to the stockholders as well."

Commissioner Wenkam also referred to page 32 of the May 7th meeting and requested that an omission be inserted in the minutes--between Mr. Hulten and Commissioner Ferry's conversation--namely, the fact that he made a motion to adjourn, which was seconded by Commissioner Mark.

Chairman Thompson approved the minutes as corrected. Since there were no corrections to the minutes of the May 8, 27 and 28, 1965 meetings, they were approved as circulated.

ACTION TAKEN

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

Mr. Gordon Soh presented the memorandum prepared by staff on the above petition (see memorandum on file). Staff recommended denial of the petition except for transfer of a 36,000 square foot (0.826 acre) portion of the 5.8 acre tract from an Agricultural to an Urban District on which they recommended approval. The denial was based on the lack of evidence on the need for additional urban lands and the agricultural use and potential of the lands under petition. The reasons for approval of the 36,000 square foot portion were the proximity to "city-like" concentrations, satisfactory topography and drainage and consistency with the County General Plan.

In reply to Commissioner Wenkam's query as to whether Hilo Sugar had any master plan of this area, Mr. Soh replied it was part of the County General Plan. Mr. Soh also agreed that the acres being petitioned by Hilo Sugar Company were part of the County General Plan for urban use, but that the staff was recommending urbanization of only a 36,000 square foot portion at this time, in answer to Chairman Thompson's question. To clarify the 36,000 square foot portion in question, Mr. Yamashita pointed out the parcel on the wall map and also stated that all of this parcel was not owned by the Hilo Sugar Company. Commissioner Wung raised the question of legality in the matter of Hilo Sugar Company petitioning for boundary change of land which did not belong to them.

Upon Chairman's invitation, Mr. Bill Hartman of C. Brewer Company testified in behalf of Hilo Sugar Company, after he was duly sworn in by the Chairman. Mr. Hartman proceeded to read a letter addressed to Mr. Martin Black of Hilo Sugar Co., originating from the office of Ushijima and Nakamoto, attorneys in Hilo, in which a firm offer had been made for the parcel under petition. Mr. Hartman continued that there seemed to be a great demand for land in this area. He went on to cite examples of other developments in the vicinity which had been completely sold out. He also pointed out that part of the land was now under planter's lease and assessed at such a high tax rate that the planters could not afford to raise sugar cane to pay the taxes and were about ready to give up this venture.

Following a brief question and answer period, Commissioner Ota moved to deny the petition because the land was being used intensively for agriculture at the present time, and that there were other lands in the Hilo vicinity which could be used for urban purposes. Commissioner Nishimura seconded the motion. The Commissioners were polled as follows:

Ayes: Commissioners Inaba, Ota, Mark, Nishimura, Ferry and Chairman Thompson

Nays: Commissioners Wung and Wenkam

The motion was carried and the total petition was denied.

PETITION OF LIHUE PLANTATION (A64-79) TO AMEND THE URBAN DISTRICT BOUNDARY AT LIHUE SO AS TO PLACE APPROXIMATELY 16.6 ACRES CURRENTLY IN AN AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT, AND APPROXIMATELY 11.1 ACRES CURRENTLY IN AN URBAN DISTRICT INTO AN AGRICULTURAL DISTRICT IN ORDER TO ACCOMMODATE A SPECIFIC PLAN FOR RESIDENTIAL AND INDUSTRIAL DEVELOPMENT: Area described by Fourth Division TMK 3-6 and 3-7 (Portion).

The background and analysis on the above petition were presented by Gordon Soh (copy of report on file). The original staff recommendation of May 7, 1965 to approve petition was revised as follows:

a) Approve the addition of 16.6 acres to the Lihue Urban District, and

b) Deny the removal of 11.1 acres from the Lihue Urban District except for that portion petitioned for between the Hoolaka Street extension and the Hanamaulu Cutoff Road alignment.

The revision was based on the petitioner's statement in a letter dated May 13, 1965 to the effect that the petition was merely to accommodate engineering requirements for the development except for the Ahukini triangle; and also on Regulation 2.7 (d) which requires the inclusion of Urban Districts of sufficient reserve areas for urban growth in appropriate locations based on a 10-year projection.

Chairman Thompson opened the floor for discussion. Commissioner Wenkam commented that his familiarity of the Lihue area would lead him to believe that the present Urban District encompassed by the present boundary lines which Lihue Plantation believes will be needed for urban growth over the next five years was a very conservative one. Within the next five years, there would be considerably more land needed in Lihue; that there was a shortage of land in the Lihue area, both fee simple and leasehold. He recommended that we should deny the petition in whole, with the idea that the petitioner will come at a later date to request a more reasonable amount of land to be rezoned in line with the master plan.

Chairman Thompson asked if any representative of the petitioner was present. Mr. Sam Keala, Engineer for Lihue Plantation, was duly sworn in and made the following presentation in behalf of Lihue Plantation.

Mr. Keala pointed out that unlike Oahu and some of the other highly developed islands, which communities have already excelled themselves as far as development is concerned, Kauai was just getting into the development phase. He stated that he believed Lihue Plantation was the only landowner on Kauai who had started such a big development. He felt that urban land presently planted in cane could accommodate the present needs of the people of Kauai. He emphasized that these were in fee simple and not leasehold.

Commissioner Ferry moved that urbanization as recommended by the staff report be accepted. Commissioner Mark seconded the motion. The Commissioners were polled as follows:

Ayes: Commissioners Wung, Wenkam, Mark, Ferry

Nays: Commissioners Nishimura, Inaba, Ota and Chairman Thompson

The motion to accept staff report was not carried.

Chairman Thompson announced that the Commission would now vote on the total petition. Commissioner Wung moved for denial of the petition which was seconded by Commissioner Inaba. The votes were as follows:

Ayes: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura

Nays: Commissioners Mark, Ferry and Chairman Thompson

The motion for denial was carried.

PETITION OF HAWAIIAN HOMES LAND COMMISSION (A64-72) TO AMEND THE KUHIO (PUUKAPU) VILLAGE URBAN DISTRICT BOUNDARY IN KAMUELA TO INCORPORATE A SINGLE LOT OF 0.89 ACRES: Described as a portion of Third Division parcel TMK 6-4-04

Mr. Gordon Soh read the memorandum prepared by staff on the above petition. No additional evidence was submitted to alter original staff findings or recommendations to approve the petition to add a 0.89 acre remnant of an agricultural subdivision to the adjoining Kuhio Urban District. Since there was no further discussion or question, Commissioner Wung moved to accept the staff recommendation, which was seconded by Commissioner Nishimura. The motion was carried unanimously.

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

Staff memorandum on the above petition was presented by Mr. Gordon Soh (See copy on file). Mr. Soh also read a letter written by the petitioner dated July 16, 1965, in which he expressed his dissenting views concerning staff's recommendation to deny his petition. Since there was no further discussion, Commissioner Wung moved that the petition by Mr. Earl Truex be denied, seconded by Commissioner Inaba. The Commissioners were polled as follows:

Ayes: Commissioners Wung, Inaba, Ota, Wenkma, Mark, Ferry, Nishimura and Chairman Thompson

Petition was denied.

PETITION OF DILLINGHAM INVESTMENT CORPORATION (A65-80) FOR AN EXTENSION OF THE URBAN DISTRICT BOUNDARIES AT CAPTAIN COOK, IN THE SOUTH KONA DISTRICT ON THE ISLAND OF HAWAII SO AS TO INCORPORATE AN AREA OF APPROXIMATELY NINE ACRES: Described as a portion of Third Division Parcel TMK 8-0-08: 1

Memorandum prepared by staff was read by Mr. Gordon Soh (See copy on file). Staff denial of petition was based on the fact that no evidence had been presented to substantiate a need for the addition of nine acres to the Urban District and that the existing Urban District provided a sufficient reserve area for foreseeable urban growth. The memorandum also pointed out that the proposed development was inconsistent with the plan for Kona, scattered ribbon developments were contrary to the intent and purpose of the Land Use Law and the potential for economic and urban growth near Captain Cook was currently marginal at best.

Commissioner Inaba wondered about development of the civic center which was being planned for the near future in relation to the petitioner's request for extension of the urban district boundary. Mr. Soh replied that he had been unsuccessful in his attempt to contact the architects in Honolulu to get an exact count of agencies involved and people presently employed.

Mr. Tom Peterson, attorney for the petitioner, asked if it would be possible for the Commissioners to look at the file containing supporting evidence which had been submitted by the petitioner. He proceeded to enumerate the several points outlined in file as follows:

1. The land had no agricultural value.
2. Trading and employment facilities stimulate growth in need for residences at location of lot.
3. Close location of every urban service necessary.
4. Lot is adjacent to area already urban.
5. Vicinity does not have reserve of urban land sufficient for the expected growth of the next 5 to 10 years.
6. Good drainage.
7. Compatible with general plans.
8. Kona's urban growth will be in the "highlands".
9. Coffee orchards are a spare time, family garden project.

Chairman Thompson made reference to the public hearing held previously at which time availability of water had been posed as a problem in this area and the reason for the non-development of adjacent lands. In reply, Mr. Peterson stated that he did not think this would be a major problem since he had seen pipe lines that had been recently installed in the area and his belief that they would continue to put the rest of the line all the way through.

Commissioner Inaba moved to approve the petition, which was seconded by Commissioner Wung. The Commissioners voted as follows:

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

Nay: Commissioner Mark

Motion to approve petition was carried.

PETITION OF MAUI PINEAPPLE COMPANY (A(T)64-70), FOR A BOUNDARY CHANGE TO ADD ABOUT 178 ACRES PRESENTLY IN AN AGRICULTURAL DISTRICT AND 136 ACRES PRESENTLY IN A CONSERVATION DISTRICT TO THE HONOLUA URBAN DISTRICT FOR RESORT, HOUSING AND OTHER DEVELOPMENTS: Described as a portion of Second Division TMK 4-2-01

Mr. Gordon Soh presented staff memorandum on the above petition. (See copy on file). Staff recommendation was for incorporation of 93 acres into the Urban Districts of Honolua and Napili, which together with the existing 85 acres in the Honolua Urban District, would give a total of 178 acres for urban districting. Mr. Soh pointed out on the map the areas which would remain in conservation if staff recommendation were followed, in answer to Commissioner Wenkam's question.

Commissioner Wenkam expressed his concern over the inaccessibility of beaches and shorelines to the general public whenever a resort hotel was constructed along these areas. He felt that broad public use of the beaches and shoreline should continue to the maximum, and also that the economic well-being of Maui was dependent upon having the shorelines accessible to the general public. He continued that the staff recommendation to conserve the strip of shoreline would not in any way infringe on the plans for the proposed construction by Maui Pineapple Company.

Commissioner Ferry commented that recently the State auctioned several lots, but due to the restrictions imposed by the condition of sale, people were very interested in other available fee simple house lots. He said that these were practically nil in this area. He said that the survival of any business is de-

pendent upon the land prices that prevail, and with urban districting of this particular area, there will be a large portion of the acreage devoted to fee simple residential sale. Commissioner Ferry chose to differ with the impression given that the retention of a portion of the shoreline in conservation would not materially affect the development. He stated that in order for the developer to get the maximum loan possible, the land would have to be unencumbered and free from impediments.

Commissioner Wenkam felt that land was zoned not to create greater market values, but rather in the broad interest of the State and community, and where there was no demonstrated injury to the land owner, he felt the public interest should prevail. He continued that the Land Use Commission was charged with setting up and determining boundaries for conservation to include parks and beaches.

Mr. Colin Cameron, Executive Vice-President of the Maui Pineapple Company, was sworn in by Chairman Thompson. Mr. Cameron opened his testimony with the statement that he wholly agreed with Commissioner Wenkam's views, that he was extremely conscious of the long-term desirability of retaining open areas and that the petitioner's plans called for retention of this area. However, the reason for their request to have the entire area zoned urban was primarily for the purpose of facilitating loan negotiations. The petitioners could not commit large sums of money unless they were fairly certain that they could proceed with the entire development as planned--a plan that would include a well-balanced community of fee simple homes, commercial co-ops, condominium and resort developments, which will be a permanent addition to the welfare of the State. Mr. Cameron stated that the petitioners were looking for long-term improvement and advantages to the community and that they would not think of jeopardizing the long-term plan.

At Chairman Thompson's direction, Mr. Soh pointed out on the map the areas requested for urbanization in the petition, and the areas recommended for urbanization by the staff.

Commissioner Wung wondered whether staff recommendation for urbanization included Kapalua Bay. Mr. Soh replied that staff recommendation was to retain Kapalua Bay in conservation.

Commissioner Mark asked Mr. Cameron how the development would be affected if Kapalua Bay were kept in conservation. Mr. Cameron replied that they had not reached a final agreement with the developer operator and that what they had presented to the Commissioners was just a rough schematic plan.

Chairman Thompson brought up the point that the question before the Commission was the right of way to Kapalua Bay and other beach areas and not one of conservation or urban.

Commissioner Ota responded that accessibility to any piece of property, be it in conservation, urban or agriculture, was important if the land were to be of any use. He felt that there was no problem here if the petitioners agreed with the staff recommendation to keep the beach frontage in conservation.

Mr. Cameron stated that he was not a hotel man and could not say what problems might arise if Kapalua Bay were kept in conservation. However, he pointed out, the success of the proposed development depended upon their being able to proceed with the entire plan. In order to make available reasonably-priced fee simple lots that people could afford, the petitioners had to allocate costs of

major improvements such as water and sewer to other areas. At best it was a slow long-term return project.

Commissioner Ota pointed out that the Commission had granted large areas to petitioners in Kona, Makaha, Kihei without benefit of any proposed plans. However, Maui Pineapple Co. was proposing development of not only a resort area but a growing community for which there was a definite need. He could not see the compatability of public or semi-public use of Kapalua Bay on which petitioners were proposing to build low-density, high class hotel, and the request to have this area put in urban was not an unreasonable one.

Commissioner Mark wondered about the highway realignment in connection with this petition and when this was going to come about. Commissioner Ferry replied that an appropriation had been made in the last Legislature and, in answer to Chairman Thompson's request for clarification, remarked that this was earmarked for improvement of existing roads. Mr. Cameron interrupted at this point with the information that two appropriations had been made under the 1965 CIP, both affecting the roads in this area--one was for improvement of the present highway and the second was specifically for realignment of the highway.

Mr. Yamashita reminded the Commissioners that about a year ago, the area under discussion was examined by them and it was their conclusion at that time that the land below the highway was appropriately zoned in the Conservation District for reasons of scenic attraction and preservation of recreation and beach facilities. An inquiry was also made as to whether or not the land owners were contemplating any future projects to which they received no reply.

Commissioner Ferry amended the foregoing impression with the statement that the Land Use Commission had zoned this area in conservation at the time the final boundaries were determined, with the thought that the petitioners would wait until this occasion to present their development plans and request a boundary change.

Mr. Yamashita felt that the Land Use Commission had provided more than an adequate amount of land for Urban use in this area. Even the findings of the economic studies made by the petitioners' consultants could only justify the use of approximately 93 acres.

Referring to the staff report that there were adequate reserve urban lands in this area, Commissioner Ota stated that this was not the case and the very reason why prices were going out of hand.

Commissioner Wenkam moved to approve staff recommendations which was seconded by Commissioner Mark. The votes were recorded as follows:

Ayes: Commissioners Wung, Wenkam, Mark

Nays: Commissioners Inaba, Ota, Nishimura, Ferry and Chairman Thompson

The motion was defeated.

Commissioner Ferry moved to grant the petitioners' request, seconded by Commissioner Ota.

Commissioner Mark asked whether Commissioner Ferry would entertain an amendment to the motion to keep the shorelines in the Conservation District.

Commissioner Ferry replied that he would not, for the following reasons. The County of Maui is very well abreast of the development plans of the petitioner and the engineering firm has cooperated with the County in seeing that the scheme of development would not damage any of the conservation areas, a point about which the County is very sensitive.

At this point, Commissioner Mark introduced an excerpt from the Honolulu Star Bulletin which referred to the increasing pressure brought about to turn over the most desirable island areas into tourist resorts, relegating the resident to second-class in his own home land. He wondered if this was not a reference to the petition under discussion.

Commissioner Wenkam made an amendment to the motion to keep the shoreline in conservation, including Kapalua Bay, seconded by Commissioner Mark. Motion to amend was carried by the following votes:

Ayes: Commissioners Wenkam, Inaba, Wung, Mark, Nishimura

Nays: Commissioners Ota, Ferry and Chairman Thompson

Commissioner Ota asked whether he could make another amendment to Commissioner Wenkam's amendment. The Chairman informed him that he could only make an amendment to the original motion which was for urbanization of the total area minus the shoreline.

Commissioner Ota then made a motion to amend the original motion so that it would exclude Kapalua Bay.

At this point, Chairman Thompson called for a short recess.

The meeting resumed in 5 minutes. Chairman Thompson informed Commissioner Ota that his motion was out of order.

Commissioner Nishimura stated that he would like to reconsider his vote on the amendment made by Commissioner Wenkam. Chairman Thompson called for a show of hands to signify approval of Commissioner Nishimura's request. Request was granted.

Chairman Thompson called again for a vote on Commissioner Wenkam's amendment to include all the shoreline in conservation which resulted as follows:

Ayes: Commissioners Wenkam and Mark

Nays: Commissioners Wung, Inaba, Ota, Nishimura, Ferry and Chairman Thompson

Motion to amend did not pass.

Commissioner Ota then moved to amend the original motion to include all the shoreline in conservation except for Kapalua Bay, which was seconded by Commissioner Nishimura. The Commissioners were polled as follows:

Ayes: Commissioners Wung, Inaba, Ota, Ferry, Nishimura and Chairman Thompson

Nays: Commissioners Wenkam and Mark

Motion was carried.

Following this, a vote was taken on the original motion as amended, which resulted in the following:

Ayes: Commissioners Wung, Inaba, Ota, Ferry, Nishimura and Chairman Thompson

Nays: Commissioners Wenkam and Mark

Motion was carried.

MEETING

Chairman Thompson commented that he would prefer to defer the dates of the general session meeting which was scheduled for August to September. Since there were no objections, this was agreed upon.

Commissioner Ferry made a few comments regarding the forthcoming Western States Commissioners' Conference. He felt that this would be a very informative meeting which would also provide many opportunities for the members to share views regarding land use laws with the visiting state officials. He also invited the Commissioners to join the group on their island-to-island trek.

All other matters were deferred until the next meeting.

The meeting was adjourned at 4:30 p.m.

MEETING RECONVENED

The meeting was reconvened at 4:45 p.m. at the request of Mr. Clinton Childs of Lihue Plantation for reconsideration of the action on the petition. Mr. Childs appealed to the Commissioners for reconsideration since their decision would impose a great hardship on the petitioner. Commissioner Wung moved that the Commission schedule a special meeting on either Monday, July 26, 1965 or Tuesday, July 27, 1965, at which time Mr. Childs will present additional testimony in behalf of Lihue Plantation. Commissioner Inaba seconded the motion and it was carried unanimously.

1631

JUL 20 1965

NEW BUILDING

RESIDENTIAL

COMMERCIAL

Earl V. Truex . . . GENERAL CONTRACTOR

OAKLAND OFFICE
2722 COOLIDGE AVENUE
OAKLAND 1, CALIFORNIA
PHONE: KELLOG 6-2715

July 16 1965

Mr. Raymond S. Yamashita
Department Of Planning & Land Use.
426 Queen Street
Honolulu Hawaii;

Dear Mr. Yamashita;

Thank you for your letter of the 14th adviseing me of the hearing to be held atKauai in the Lithue District Court Room by the Land Use Commission, at which time my application for a change of my property from agricultural to urban will be considered.

At this time I will not be able too attend this meeting, allthough I would very much like too in t he face of of the last item on page (6) concerning the staffs recommendations of a Denial of this petition.

I take serious offence of opinions with your staff report on the mention of the three paragraphs on page five (5) concerning the many parcels of land now opened for residential purposes. It fails to point out the facts about this property to the Commission that at the present time as in the past this land is nothing but lava. They have run a dozer down to show about where the roads are going to be, but no roads. No water, no phone service, no water. in fact no nothing but a beautiful map that may be seen at some of the more prominent hotels at Honolulu.

I personally know of many people whom have bought this property, made tpips over to see it only to have to go to the District Attorney at Hilo in disgust only to find out that the subdividers have not got the money to go ahead and put all of the promised facilities in. No wonder that no one is going ahead on these subdivisions.

With your recommendations on page six of a petition denial for some good propertythat has Water, Roads, Electric, Telephone service, it leaves me with only one thought in mind. How did they get away with it, and I wonder if the Commission are aware of the true bill of goods.

Very truly yours

Earl V. Truex

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION
RECEIVED
JUL 27 1965
State of Hawaii
LAND USE COMMISSION

Applicant Earl V. Truex
Date petition received by Planning Commission December 15, 1964
Date of Planning Commission Meeting January 18, 1965
Date petition and recommendations forwarded to LUC July 21, 1965

AMENDMENT OF ZONE DISTRICT BOUNDARY

The County Planning 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:

Tax Map Key 1-8-06:92, 129 and 130

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

The Commission decided to recommend: approval of this application to a rural zone rather than urban as requested.

on the basis of the following findings:

1. The General Plan of the County designates this area agriculture. Small farms ranging in sizes from 1/2 acre to 1½ acres could be used for intensive agricultural products such as the growing of anthurium and cymbidium with very substantial returns.

2. There are many subdivisions within the District of Puna but not many with comparable climate.

3. The need for small agricultural lots with the climate of this area and the added service of water, electricity, telephone, and roads as exist here would be in the interest of floral type farming.

4. The Commission can regulate lot sizes if zoned to Rural with a minimum area of one acre under the proposed ordinance or the now existing Interim Ordinance which has a 1 acre minimum even within an Urban Zone of the Land Use boundary.

(Signed) Raymond H. Suzuki
Acting Director, County Planning Commission

STATE OF HAWAII

LAND USE COMMISSION

July 23, 1965
Lihue, Kauai

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Lihue Plantation Company (A64-79), Hawaiian Home Lands (A64-72), and Earl V. Truex (A64-78)

1. Lihue Plantation Company (A64-79)

The public hearing on the petition by Lihue Plantation Company was held in Lihue on May 7, 1965. At that time the staff recommended approval of the petition to transfer:

a) 16.6 acres from an Agricultural District to the Lihue Urban District;

b) 11.1 acres from the Lihue Urban District to an Agricultural District;

on the basis that:

a) The petition is merely a request for a more practical location of the boundary based on refinements of the subdivision layout and requires only minor adjustments;

b) There is nothing in the proposed change which would be adverse to the intent or purpose of the Land Use Law.

Subsequent to the hearing, no additional evidence was submitted except a letter from Lihue Plantation Company dated May 13, 1965, which, in summary, states:

a) The present urban boundary lines in Lihue encompass an area which the company believes will be needed for urban growth over the next five years.

b) The petition is merely to accommodate engineering requirements for the development except for the Ahukini triangle.

c) The Ahukini triangle is being sought for urban use because it is surplus to agricultural use.

d) Real property tax assessment procedures based on long-term zoning penalize landowners for undertaking long-range plans.

e) Approval of the petition will facilitate coordination with County drainage and sewerage plans and the subdivision development contemplated.

Based on comment a) above of the letter of May 13, 1965 and on Regulation 2.7 (d) which requires the inclusion in Urban Districts of sufficient reserve

areas for urban growth in appropriate locations based on a 10-year projection, your staff wishes to revise its original recommendation to:

a) Approve the addition of 16.6 acres to the Lihue Urban District, and

b) Deny the removal of 11.1 acres from the Lihue Urban District except for that portion petitioned for between the Hoolaka Street extension and the Hanamaulu Cutoff Road alignment.

2. Hawaiian Home Lands, (A64-72)

The public hearing on the petition by the Department of Hawaiian Home Lands, State of Hawaii, was held in Kailua, Kona on May 27, 1965. At that time the staff recommended approval of the petition to add a 0.89 acre remnant of an agricultural subdivision to the adjoining Kuhio Urban District on the basis that:

a) The change is of a marginal nature and only a minor adjustment is required;

b) No threat or precedent is established to the detriment of agricultural uses; and

c) The area is appropriately located for urban expansion and urban use would be consistent with the County and State general plans.

Subsequent to the hearing, no additional evidence was submitted to alter staff findings or recommendations on the matter.

3. Earl V. Truex (A64-78)

The public hearing on the petition by Earl V. Truex was held in Hilo, Hawaii on May 28, 1965. At that time the staff recommended denial of the petition to create a 50-acre Urban District along Peck Road (near Mountain View, Hawaii) on the basis that:

a) The proposed change would constitute spot zoning;

b) The proposed use is inconsistent with the character of the area;

c) There is no clear need for additional urban land in this area; and

d) The proposed use would contribute scattered development.

Subsequent to the hearing, no additional evidence was submitted to alter staff findings or recommendations on this matter.

July 14, 1965

Mr. Earl V. Truex
2722 Coolidge Avenue
Oakland 1, California

Dear Mr. Truex:

The Land Use Commission next meets on July 23, 1965, at 10:30 a.m., in the Lihue District Court Room (Police Station), Lihue, Kauai.

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 change the district boundaries from agricultural to urban will be considered and action taken.

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

We are enclosing a copy of the staff report on your petition.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Hawaii Planning Commission

Encl. - 1

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

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 <u>lands</u> as urban <u>lands</u>." 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
Department of PLANNING AND ECONOMIC DEVELOPMENT

1. Soh 2. ..... 3. ..... 4. .....

5. ..... 6. ..... 7. ..... 8. .....

LUC..... OTS.....

Originator: Rey DUE DATE.....

.....For Your Information .....Approval

.....Appropriate Action .....Signature

.....See Me ( ) .....Please Type

.....Note & Return to ( ) .....Investigate & Report

.....Prepare Draft: letter, report, memorandum

.....Verifax .....copies .....Comment & Recommendation

.....Mail .....

.....File .....Discard ☐

.....Direct Reply with copy to Director

.....

.....

.....

(Keep routing slip attached to material)

NEW BUILDING
RESIDENTIAL
COMMERCIAL

Earl V. Truex . . . GENERAL CONTRACTOR

OAKLAND OFFICE
2722 COOLIDGE AVENUE
OAKLAND 1, CALIFORNIA
PHONE: KELLOG 6-2715

1579

RECEIVED
MAY 26, 1965
State of Hawaii
LAND USE COMMISSION

May 25 1965

Mr. Raymond S. Yamashita
Dept. Planning & Land Use Commission
426 Queen Street
Honolulu Hawaii;

Dear Mr. Yamashita:

Thank you for your letter of May 13th adviseing me of the public hearing to be held concerning my application of having my property (50) acres located in Mountain View Hawaii changed from Agricultural to Urban classification.

No doubt the Commission is aware of the fact that this property faces on Peck Road (State Road) paved, has water service, phone, and electric service all ready availleable and placed on Peck Road.

I will not be at this time in a position to attend this hearing due to prior commitments, And at this time may I thank you and the Commission for their time and consideration of this application.

Thanking you in advance for a reply that I hpoe will be favorable.

Very truly yours

Earl V. Truex

Notice of Public Hearing

TO CONSIDER PETITIONS FOR CHANGE OF DISTRICT BOUND[redacted] WITHIN THE COUNTY OF HAWAII B[redacted]ORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for a Change in the District Boundary as provided for in Section 98H-4, Revised Laws of Hawaii 1955, as amended.

TIME AND PLACE
In the Hale Halawai Cultural Center, County of Hawaii, Kailua-Kona, on May 27, 1965, at 3:30 p.m., or as soon thereafter as interested persons may be heard.

(1)	(2)
Docket Number and Petitioner	
A64-72 Hawaiian Homes Land	A65-80 Dillingham Investment Corporation
Tax Map Key	
Portion of Third Division TMK 6-4-04	Portion of Third Division TMK 8-1-08: 1
Present District Classification	
Agricultural	Agricultural
Change Requested	
To incorporate a 0.89 acre lot to the Kuhio Village Urban District for the purpose of converting a remnant parcel into a houselot.	To incorporate a 9 acre tract to the Kaawaloa Urban District for the purpose of developing a subdivision containing 20 lots.

TIME AND PLACE
In the County Board Room, County Building, Hilo, Hawaii, on May 28, 1965, at 2:00 p.m., or as soon thereafter as interested persons may be heard.

(1)	(2)
Docket Number and Petitioner	
A64-78 Earl Truex	A65-82 Hilo Sugar Company
Tax Map Key	
Third Division TMK 1-8-06: 92, 129 & 130	Portion of Third Division TMK 2-3-35: 1; portion of Third Division TMK 2-3-38: 3; Third Division TMK 2-3-39: 3, 4, 5, 6, 7, 8, 9, & 10; and portion of Third Division TMK 2-3-44: 9.
Present District Classification	
Agricultural	Agricultural
Change Requested	
To establish a 50 acre Urban District in the Agricultural District near Mt. View for the purpose of developing a subdivision containing one acre lots.	To incorporate a 2 acre tract and a 9 acre tract to the Hilo Urban District near Kaumana Drive for an unspecified Urban use.

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 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.

All written protests or comments regarding the above petitions may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii before the date of public hearing or submitted in person at the time of the public hearing, or up to fifteen (15) days following the hearing.

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

(Hon. Adv.: May 17, 25, 1965)

NOTICE OF PUBLIC HEARING

TO CONSIDER [redacted]ETITIONS FOR CHANGE OF DISTRICT [redacted]OUNDARY WITHIN THE COUNTY OF HAWAII BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for a Change in the District Boundary as provided for in Section 98-H-4, Revised Laws of Hawaii 1955, as amended.

TIME AND PLACE
In the Hale Halawai Cultural Center, County of Hawaii, Kailua-Kona, on May 27, 1965, at 3:30 p.m., or as soon thereafter as interested persons may be heard.

(1)	(2)
Docket Number and Petitioner	
A64-72 Hawaiian Homes Land	A65-80 Dillingham Investment Corporation
Tax Map Key	
Portion of Third Division TMK 6-4-04	Portion of Third Division TMK 8-1-08: 1
Present District Classification	
Agricultural	Agricultural
Change Requested	
To incorporate a 0.89 acre lot to the Kuhio Village Urban District for the purpose of converting a remnant parcel into a houselot.	To incorporate a 9 acre tract to the Kaawaloa Urban District for the purpose of developing a subdivision containing 20 lots.

TIME AND PLACE
In the County Board Room, County Building, Hilo, Hawaii, on May 28, 1965, at 2:00 p.m., or as soon thereafter as interested persons may be heard.

(1)	(2)
Docket Number and Petitioner	
A64-78 Earl Truex	A65-82 Hilo Sugar Company
Tax Map Key	
Third Division TMK 1-8-06: 92, 129 & 130	Portion of Third Division TMK 2-3-35: 1; portion of Third Division TMK 2-3-38: 3; Third Division TMK 2-3-39: 3, 4, 5, 6, 7, 8, 9, & 10; and portion of Third Division TMK 2-3-44: 9.
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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

(S.-B.: May 17, 25, 1965)

STATE OF HAWAII
LAND USE COMMISSION

County Board Room
Hilo, Hawaii

2:00 P.M.
May 28, 1965

STAFF REPORT

A64-78 EARL V. TRUEX

District Classification: AGRICULTURAL

BACKGROUND

Mr. Earl V. Truex of Oakland, California petitions for the creation of fifty acre Urban District along Peck Road in the Agricultural District near Mountain View. Mr. Truex is owner of two parcels totalling 45 acres identifiable by Third Division, TMK 1-8-06: 92 owned by Albert K. and Helen L. Haa. By letter dated January 23, 1965 Mr. Truex advised that the requested change would meet Mr. Haa's approval.

The petitioner represents that he has owned the property in question for a number of years. He advises that utilities such as water, electricity and phone services are available and that the property is accessible by road all year round. He requests a change to Urban districting in order to create a subdivision of one acre lots to "allow more retired couples to farm their own gardens.....that is more within their scope of living as well as bringing in taxes and populance growth."

The area under petition lies over two miles by road from the Mountain View Urban District. It is accessible by a one lane improved road (Peck Road) between the Volcano Highway and the two lane, mostly improved Olaa Back Road. A four inch main services the sixteen or so homes along the nearly three mile stretch of Peck Road.

School facilities are located in Mountain View. Students living on Peck Road are carried by a car or station wagon marked "School Bus." The nearest fire station and police substation are in Olaa about fourteen miles away. Only a modest level of urban facilities can be found in Mountain View which in 1960 had a population of 562.[1/] The Mountain View population was too small for a housing census to have been made in 1960. Lots fronting Peck Road are generally on the order of 50 acres in size although there are exceptions chiefly in the area near the Volcano Highway. Overall density along Peck Road is on the order of one dwelling unit per 50 acres or so. Most of the land is wild and overgrown with native vegetation. Some pastures have been cleared at various parts of the road. Near the Volcano Highway and on the Mountain View side of the road is a cane field of perhaps 600 or 700 acres. Along "15 3/4 Mile" Road and along Olaa Back Road near "15 3/4 Mile" Road are several subdivisions, all vacant.

Soils of the area under petition are generally of the Ohia silty clay loam variety. Slopes are mild, generally not more than 10%. The soils are acidic. The top layer is 4 to 6 inches thick, highly organic. Occasional outcrops of bedrock and loose stones on the surface need not seriously interfere with machine cultivation. Annual rainfall ranges between 115 inches and 303 inches a year with a median of 195 inches. The soil can be used for unirrigated cane. Vegetables may be grown with moderate success. Large amounts of low-quality forage can be produced. The soil responds to fertilization. Erosion control is not a problem. Control of diseases, insects, weeds and guava infestation is a serious problem.

1/ A decline from 662 in 1950 and 735 in 1940.

ANALYSIS

The published County plan calls for agricultural use of this area. The proposed County zoning also calls for agricultural uses with minimum lot sizes of 20 and 50 acres. On January 18, 1965 the Planning and Traffic Commission, now the Planning Commission, voted to recommend Rural districting of the lands under petition.

The county record on this issue makes note of the petitioner's reasons for requesting a change in the district classification and observes that the land is not used for anything at the present time. It points out that the applicant proposes a subdivision comprised of one acre lots "which is the minimum area for agricultural-residential type of zoning which is comparable to the State and County interpretation."

The county record also notes that "the Urban District (Mountain View) is completely detached from the property in question" but pursues this line no further than to point out the possibility for Rural districting and to recommend Rural classification of the area in question.

During a field trip in this area on May 14, 1965 your staff noted that the area was largely undeveloped. A few nonconforming uses - all residential - were noted in the area, but next to the virgin character of the land, the most dominant land use characteristic was agricultural. Several instances to convert the area to agricultural use were noted. Actual use of the land so converted was apparent. In contrast two subdivisions nearby - Hawaiian Island Paradise Acres and Pacific Paradise Subdivision - developed for residential use were not actually in residential use.

Population decline in Mountain View reflects a diminishing need for residential uses in this area. This decline is evidenced districtwide - from 6,747 in 1950 to 5,030 in 1960. Even in towns closer in to Hilo such as Keaau, decline is apparent. A rise in the need for residential uses, whether mixed as in Rural Districts or dominant as in Urban Districts, cannot honestly be projected for the near term in view of historic evidence to the contrary.

Reversal of the decline can be hoped for if the economic base is developed further, but it is suggested that incursions into potential farmland can only serve to impede long term growth.

There are numerous examples of subdivision activity on potential agricultural lands in Puna - none of which can be marked as an unqualified success. While this activity may in time result in a population increase in the district, it is doubtful if the increase can be sustained beyond a generation if economic opportunities do not materialize.

In any event indiscriminate proliferation of low density urban areas can only serve to increase the cost of government services to these farflung areas. The benefits to be realized from increased property taxes are dubious in terms of these costs. Real property taxes were one-seventh of Hawaii County revenues in 1963 and one-sixth in 1962 and 1961 and nearly one-fifth in 1953.[2/] Despite intensive subdivision activity on Hawaii in recent years the real property tax has footed a declining share of the total county revenue bill. Needless to say, assessments, real property tax rates,

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2/ Government in Hawaii 1965, Tax Foundation of Hawaii.

and revenues have risen in that period, but returns have not kept pace with the rise in costs.

Your staff believes there are strong reasons for limiting low density residential development to hold down the costs of public services.[3/] It is confident that the need for additional residential uses near Mountain View is practically nil for the near term.[4/] It observes that as recently as August 1964 a conscious effort was made to provide sufficient lands for a ten year urban growth. It points out that there are numerous subdivisions in Puna, that most of the lots in these subdivisions (approximately 43,000 parcels) are unoccupied and only about half sold.

It points out that the area under petition is not contiguous to either an Urban or Rural District[5/] and that the density of development along Peck Road is predominantly low. It suggests that other areas more suitable for residential development already exist[6/] and that the level of public services along Peck Road no more than meet standards for Agricultural Districts.

The soil classification of the area does suggest agricultural potential[6/] for the area. This is confirmed by various published plans[7/] and in part by apparent attempts to convert the land to this use. Your staff reasons that even a partial opening up of this area to residential use will tend to

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3/ Cf. Regulation 2.7(a), 2.7(b) and 2.7(j).
4/ Cf. Regulation 2.7(d).
5/ Cf. Regulation 2.7(f).
6/ Cf. Regulation 2.7(h).
7/ Cf. Regulation 2.7(g).

raise tax assessments and thereby discourage legitimate agricultural enterprises in this area.

RECOMMENDATION

Denial of the petition is recommended.

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Docket Number and Petitioner A64-72 Hawaiian Homes Land	A65-80 Dillingham Investment Corporation
Tax Map Key Portion of Third Division TMK 6-4-04	Portion of Third Division TMK 8-1-08: 1
Present District Classification Agricultural	Agricultural
Change Requested To incorporate a 0.89 acre lot to the Kuhio Village Urban District for the purpose of converting a remnant parcel into a houselot.	To incorporate a 9 acre tract to the Kaawaloa Urban District for the purpose of developing a subdivision containing 20 lots.

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Docket Number and Petitioner A64-78 Earl Truex	A65-82 Hilo Sugar Company
Tax Map Key Third Division TMK 1-8-06: 92, 129 & 130	Portion of Third Division TMK 2-3-35: 1; portion of Third Division TMK 2-3-38: 3; Third Division TMK 2-3-39: 3, 4, 5, 6, 7, 8, 9, & 10; and portion of Third Division TMK 2-3-44: 9.
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LAND USE COMMISSION
M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

(S.-B.: May 17, 25, 1965)

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

(Hon. Adv.: May 17, 25, 1965)

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
January 18, 1965

The Planning and Traffic Commission met in regular session at 1:07 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Carlsmith
John T. Freitas
Walter W. Kimura
Robert J. Santos
Rufus P. Spalding, Jr.
Raymond H. Suefuji

Shunichi Kimura, County Chairman

Jack Bryan
Walt Southward
Lloyd Sadamoto

ABSENT: Miyoshi Matsushita
Herman Mulder

MINUTES The minutes of the meeting held on December 21, 1964, were approved as circulated on a motion of Mr. Spalding, second of Mr. Kimura, and carried.

The meeting was recessed at 1:08 p.m., to conduct the following public hearings:

1. The request of Richard Smart for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5671, LCA 8521-B, Apana 1, Waikoloa, South Kohala.

2. Request of Thomas A. Kobayashi for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1098, L. C. Award 614, Honuaina Iki, North Kona.

The meeting was reconvened at 1:25 p.m., but recessed because of the lack in quorum to conduct business.

The next scheduled public hearing commenced at 1:30 p.m., on the request of D & S Pacific, Ltd., for a variance to allow the development and construction of a 68-unit apartment hotel condominium, located on a lot approximately 49,933 square feet in area, Land Court Application 1735, portion of Hienaoli 6th and Auhaukeae 1st, North Kona.

The meeting was reconvened at 1:41 p.m.

TRAFFIC COMMITTEE REPORT

Mrs. Carlsmith moved to accept the entire Traffic Committee report under the unfinished and new business. The motion was seconded by Mrs. Baker and carried.

The meeting was recessed at 1:47 p.m., to conduct a public hearing on the request of Kona Hardwoods for a variance to allow the development and construction of a 10 x 36 addition to the existing building to be used as a beauty salon, located on a lot approximately 7,637 square feet in area, portion of L. C. Aw. 9971:46, Honuaula 1st, North Kona.

The meeting was reconvened at 1:57 p.m.

ZONING COMMITTEE REPORT

The following were discussed and action taken on each item accordingly:

1. LAND USE COMMISSION REZONING REQUEST EARL V. TRUEX

The members considered the request from Land Use Commission for comments and recommendations on the application of Earl V. Truex for amendment of the Land Use District Boundaries from Agricultural to Urban District on a portion of Olaa Reservation Lots, in Puna and fronting on Peck Road for the purpose of subdividing a 50-acre lot into 1-acre parcels.

The contention of the applicant was that under the Agricultural zone, the minimum area allowed would be 3-acres, but if Urban zone is granted, 1-acre parcels would be permissible allowing more retired couples to farm their own gardens which is more within their scope of living.

The staff report recommended change of zone boundaries to Rural District because the minimum area allowed is 1-acre under this zoning. The Master Plan reflects this area as Agricultural use. The land is not being used for anything at the present time. The criteria for which the applicant has to meet before granting change of zone boundaries to Urban District would be that the property must be adjoining or close to an existing urban boundary. In this case, the Urban District is completely detached from the property in question. The applicant is proposing a 1-acre lot which is the minimum area for agricultural-residential type of zoning which is comparable to the State and County interpretation.

Mr. Spalding moved to recommend the change of use to the Land Use Commission of the 50-acre parcel to a Rural District zoning. The motion was seconded by Mrs. Carlsmith, and carried.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted to accept and file Item Nos. 2 and 3 of the Zoning Committee report.

The meeting was recessed at 2:01 p.m., to conduct a public hearing on the request of Laurance S. Rockefeller for a variance to allow the development of a ranch type hotel and lodge, located on a lot approximately 11.340 acres in area, Grants 11059:2, 5272, 5273, portion of 5274 and L. C. Aw. 4513, South Kohala.

The meeting was reconvened at 2:10 p.m.

MASTER PLAN COMMITTEE REPORT

The following was discussed and action taken accordingly:

3-a. TOWN SQUARE SITE

The Kohala Master Plan designated Hawi at the corner of Government Main Road and Hawi Road as the Town Square site with alternate proposal at Kapaau Kamehameha Statue Park for North Kohala. The request was to change the proposed site from Hawi to Kapaau where more land is readily available and would be part of the park where the statue of Kamehameha is located.

It was moved by Mr. Santos, seconded by Mr. Spalding, and carried that Item No. 3-a be referred to the Master Plan Committee for further study and that the staff and the Director look into the matter of the location and the area available for the site and make its recommendation to the Committee.

The meeting was recessed at 2:15 p.m., to conduct a public hearing on the request of Yoshito Uehara for a variance to allow the development and construction of an additional apartment unit to an existing duplex building, located on a lot approximately 13,300 square feet in area, L. C. Aw. 7343, Keopu 1st, North Kona.

The meeting was reconvened at 2:27 p.m.

MASTER PLAN COMMITTEE REPORT (CONTINUED)

On a motion of Mr. Spalding and second of Mr. Santos, the Commission voted to accept the Master Plan Committee's report on Item Nos. 1-a, 1-b, 2, 3-b, 4-a, and 4-b.

The meeting was recessed at 2:32 p.m., to conduct a public hearing initiated by the Planning and Traffic Commission for a change in zoning from a Residential "A" zone to a Residential "B" zone, portion of Charles Chong Man Subdivision, portion of Grant 4496, all of the area covered by Tax Map Key 2-5-15.

The meeting was reconvened at 2:50 p.m.

SUBDIVISION COMMITTEE REPORT

It was moved by Mr. Freitas, seconded by Mr. Kimura and carried that Item Nos. 1 to 3 inclusive, 8, 9, 11 to 15 inclusive, 17 to 20 inclusive of the Subdivision Committee report be approved.

The following were discussed and action taken on each item accordingly:

4. PROPOSED AMENDMENT ROAD MAINTENANCE ESCROW AGREEMENT

The Commission at its last meeting deferred action to adopt the road maintenance escrow agreement until all the differences in the proposal have been ironed out and resolved in a special meeting with the members of the Subdivision Committee, Mr. Nevels, and the Director and the staff members.

The special meeting resulted in a proposal to allow the subdivider a maximum period of 5 years to deposit the full amount of $5,000 per mile for road maintenance purpose. In the meantime, the roads shall be maintained by the subdivider within

the period of 5 years or until such time as the final approval for recordation is granted. The earnings derived from the money deposited during the period of 5 years may be used by the subdivider for the purpose of road maintenance.

The Committee recommended adoption of the agreement with the following proposed amendments:

a. Section A-1 to read as follows:

"Prior to final approval for recordation of a subdivision built with unpaved streets and roads, the Subdivider shall deposit with a depository acceptable to the Planning and Traffic Commission an amount equal to five thousand dollars ($5,000.00) per mile of roadway within the maximum period of five (5) years or at the time the request of final approval for recordation is made."

b. Section A-3 to read as follows:

"Said amount shall be retained in said depository to accumulate interest and said interest shall be used exclusively for the maintenance of roadways within the subdivision. Said amount may be used to maintain the roadways by the subdivider within the period of five (5) years or until such time as the final approval for recordation is granted."

c. Add a new section between A-4 and A-5 and change Section A-5 to A-6. Section A-5 then reads as follows:

"The subdivider shall maintain the roadways until final approval for recordation is granted. The earnings derived from the money deposited during the period of five (5) years may be used by the subdivider for the purpose of road maintenance."

d. Page 4- new paragraph to be inserted after the first paragraph which reads:

"When adequate funds are accumulated to install County standard roadways, said monies shall be expended to build the roadways to County standard, thereafter, said roadways may be dedicated to the County for maintenance and repair."

Mr. Freitas moved to accept and approve the drafting of a Road Maintenance Escrow Agreement with incorporation of all the amendments listed and that the document be referred to the County Attorney for approval on the legality. The motion was seconded by Mr. Santos, and carried.

5. EXTENSION REQUEST
ALOHA ESTATES SUBDIVISION
ALOHA DEVELOPMENT INCORP.

At its last Commission meeting, the subdivider was granted 11 months' extension to complete the road construction in Unit I, provided 1) the Road Construction fund Agreement is amended to give the subdivider a moratorium on the road construction deposit for 13 months, 2) provided a quarterly report on the sales of lots are submitted, and 3) an up-to-date audit on the Road Maintenance Escrow Fund is submitted by the January Subdivision Committee meeting.

To date, the subdivider has not complied with any of the foregoing request.

Further discussion ensued on the previous stipulation that "no lots in Unit II will be sold until all lots in Unit I are completely sold." The consensus of the members was that this imposition will cause undue hardship to the subdivider

because the developer mentioned in our previous discussion that he would like to retain all undesirable lots with watercourses and other factors because of terrain which makes it impossible to build homes. It was felt that he should be required to complete all the roadways in Unit I before proceeding with sales in Unit II. The subdivider should be required to record all unsold lots for the purpose of maintaining an accurate audit of Road Maintenance Escrow Fund on the receipt from sales of each lot.

Mr. Freitas moved to accept the Committee's report and stipulated that the subdivider be informed of our next Committee's meeting date and time in order for him to be present. The motion was seconded by Mr. Spalding, and carried.

6. PUUEO, KIOLOKAA-KEAA, KAU
NORMAN N. INABA
TMK: 9-4-04:1

Preliminary approval of the proposed "Kamaoa Haven Subdivision," Lot 12 of Kiolokaa-Keaa Homestead Lots, Land Patent (Grant) No. 11,084, Puueo, Kiolokaa-Keaa, Kau, Hawaii, into 32 lots all over 3.00 acres.

There is an amendment to Ordinance No. 183 which is pending before the Board of Supervisors for approval to require minimum width requirement of 150 feet for the first acre of required area plus 10 feet for each additional ½ acre of required area except that no building site shall be required to have an average width of greater than 300 feet. The Board of Supervisors at its December 16, 1964 meeting adopted an amendment to Ordinance 183 to require minimum area of one acre for each single-family dwelling.

Because of pending amendment to control the width requirement, the Committee recommended deferment in order that the subdivider can be required to provide a wider lot width than the proposed average width of 120 feet.

The staff recommended approval because the County Attorney ruled in his verbal opinion that Ordinance No. 24 (Subdivision Ordinance) allows this type of subdivision. The amendment to Ordinance No. 183, Ordinance No. 294, refers only to one-family dwellings. It states that no such dwelling shall be constructed on any lot having an area of less than one acre.

On a motion of Mr. Freitas and second of Mrs. Carlsmith, the Commission voted to defer for further study.

7. LALAMILO, WAIMEA, KOHALA
BENEDICT LUI KWAN
TMK: 6-6-04:30

Final plan approval of the proposed subdivision of Lot 26, Grant 13644, Lalamilo House Lots, 2nd Series, Lalamilo, Waimea, South Kohala, Hawaii, into 5 lots all in excess of 7,500 square feet.

A discussion followed on the possibility of allowing a variance to the area requirement in order that the subdivision may be approved on the basis of a 7,500 square-foot lot as shown on the plans. As mentioned, in the foregoing, the minimum area requirement of one acre applies to this subdivision and the question arises on what criteria the minimum area requirement should be based.

The Committee recommended deferment to resolve this matter at its next Committee meeting.

The staff recommended that a policy be established to guide the Commission and the staff on variance cases under Ordinance No. 294. It is in accord with high planning principles to recommend the approval of subdivisions on the basis of a proposed zoning map. However, under the present amendment, only the construction of a dwelling is prohibited on any lot having an area of less than one acre and the subdivision

Ordinance No. 24 sets forth a minimum area requirement of 7,500 square feet for single-family and agricultural lots outside the zoned boundaries. In view of the existing conflict in requirements set forth, the Commission must also review the cases before them to ascertain the reasonableness of the request. The case in question is granting of a variance from the area requirement to allow a single-family dwelling on each lot of less than one acre. Unlike the variance from the use of land where master plan has been adopted, a proposed zoning map regulating lot sizes has not been presented to the people for comments and hearing.

It was moved by Mr. Freitas, seconded by Mr. Santos, and carried that the matter be referred to the Subdivision and Zoning Committees for further study.

9. WAIAKEA, HILO
STATE OF HAWAII
TMK: 2-4-1

Final plan approval of the proposed "Lanakila Heights Residential Subdivision," First Series, Waiakea, South Hilo, Hawaii, into 12 lots all over 7,605 square feet.

For the purpose of clarification, the correction of subdivision approval follows after a discussion with the Subdivision Committee Chairman to omit the modification on sidewalks and sewers.

The Commission voted to grant final plan approval to the proposed subdivision, subject to each and every provision of Ordinance No. 24, as specified in the preliminary approval letter of December 19, 1963.

As a condition of approval, all lot corners shall be marked by one-half (½) inch galvanized pipe, or equal, firmly set on the ground.

Land shall not be offered for sale, lease, or rent until the recordation of the final subdivision map.

Final approval for recordation shall be granted upon completion of the necessary improvements as set forth in the preliminary approval and upon the acceptance thereof by the appropriate County agencies.

10. OLAA, PUNA
HARRY MATHEWSON
TMK: 1-9-05:04

Final plan approval of the proposed subdivision of a portion of Grant 5721, Olaa Summer Lots, Olaa, Puna, Hawaii, into 3 lots all in excess of 8,529 square feet.

The application is similar to the problem of minimum area requirement in the foregoing Item No. 7 where there is a question of granting variance to the area requirement.

The Committee recommended deferment until the next Committee's meeting.

The staff recommended approval on the basis of the County Attorney's verbal opinion.

On a motion of Mr. Freitas and second of Mr. Santos, the Commission voted for deferment for further study by the Subdivision and Zoning Committees.

16. WAIAKEA, HILO
emily d. carey
TMK: 2-4-14-21

Final approval for recordation of the proposed subdivision of Lot 9 of the Hooluana Tract, File Plan 396, portion of Lot 515-A, Grant 9700, Waiakea Homesteads, 1st Series, Waiakea, South Hilo, Hawaii into 2 lots of 21,792 square feet each.

The Board of Water Supply recommended disapproval due to the inadequate pipeline which serves this subdivision until such time that the subdivider installs adequate pipeline in conformance with their requirements.

Mr. Santos moved that the subdivision be denied for the reasons indicated by the Board of Water Supply. The motion was seconded by Mr. Kimura, and carried as follows:

Ayes:	Mr. Santos	Noes:	Mr. Freitas
	Mr. Kimura		Mrs. Baker
	Mrs. Carlsmith		
	Mr. Aoyagi		
	Mr. Spalding		

(Note: After the Commission's action, the Board of Water Supply called attention to the fact that the two homes already existing on the subdivided lot is being served on one meter, therefore recommended approval on the basis of no change in condition. Another letter was forwarded to the applicant after a telephone poll and majority vote of members indicating approval for recordation with usual modifications and conditions.)

21. STREET NAME
HUAPALA SUBDIVISION
CHARLES MAKAWEO, ET AL.

A request was made by the developer of the Huapala Subdivision to name their recently constructed roadway within the subdivision situated at Waiakea Homesteads, 1st Series. The Name "Makaleka" was submitted for consideration.

The subdivider informed the Commission prior to the meeting that they would like to have the Commission select a name rather than defer for further consideration since the name "Makaleka" was not recommended for approval by the Committee because of the possible confusion with an existing street name of "Makalika."

On a motion of Mr. Freitas and second of Mr. Spalding, the Commission voted to designate the street name of "KUPAA" which mean steadfast.

The Chair declared a recess for 5 minutes at 3:45 p.m.

The meeting was reconvened at 3:55 p.m.

LAND USE COMMISSION
SPECIAL PERMIT
W. H. SHIPMAN, LTD.

The request of W. H. Shipman, Ltd., was considered for a special permit to allow the applicant urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.

A public hearing was held last month on this request. It was moved by Mr. Santos seconded by Mrs. Carlsmith, and carried to recommend appr val of the request for a special permit to the Land Use Commission on the basis of the following findings:

1. Trends and needs have changed in that the plantation is not interested in maintaining housing for the employees. They are requesting that the area involved which provide housing for the employees be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.

2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.

   a. All subdivision within this area must be developed with water and roads before approval is granted by the Planning and Traffic Commission.

   b. School, police and fire protection are presently available.

3. The land is not available for agricultural uses and it is presently under urban use.

4. The use requested is for the highest and best use of the land involved for the general interest.

5. Land allotted under present district boundary is insufficient for a planned community. The reason herein stated has direct association with the ordinances of the County of Hawaii. Ordinance No. 294 adopted December 16, 1964 requires a minimum of one acre for the development and construction of a single-family dwelling. The Planning and Traffic Commission is granting variance when requested in all urban areas on the basis of the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements.

The approval is subject to the condition that the said development will conform to all rules and regulations of the State and County after approval.

INTERIM ZONING
VARIANCE REQUEST
RICHARD SMART

After a duly held public hearing the request of Richard Smart was considered for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5671, LCA 8521-B, Apana 1, Waikoloa, South Kohala.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted unanimously to approve the variance request on the basis of the following conditions:

1. A minimum off-street parking of 1 parking per 300 square feet of gross floor area be provided and paved.

2. The development be constructed in accordance with the plans submitted.

3. All requirements of the building code, health, fire, and the Board of Water Supply be complied with.

4. Construction shall start within a period of one year as of the date of the public hearing; otherwise, the variance shall be deemed null and void.

INTERIM ZONING
VARIANCE REQUEST
THOMAS A. KOBAYASHI

After a duly held public hearing the request of Thomas A. Kobayashi was considered for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1099, L. C. Award 614, Honuaina Iki, North Kona.

The parcel in question is at present developed with two single-family dwellings and a store building with off-street parking on the front of the store. The store building and parking facility fronts on Mamalahoa Highway.

The staff report recommends approval since the findings at the completion of the hearing presents a situation wherein strict enforcement of the existing regulations would involve practical difficulty or unnecessary hardship and further that desirable relief be granted in such a way as to grant relief and at the same time protect the public interest and general welfare. A variance permit may be issued to the applicant upon such terms and conditions and for such period of time as the facts may warrant. The said proposed development is in an area designated a Commercial area in the Plan for Kona and meets the requirement for the prerequisite in that the surrounding areas are developed with the same type of uses. To restrict the owners for the uses allowed by Ordinance No. 183 would be unreasonable. The development may take place without injury to the intent and purpose of the Interim Zoning Ordinance.

It was moved by Mr. Kimura, seconded by Mrs. Carlsmith, and unanimously carried that the variance request be approved on the basis of the following conditions:

1. The development be constructed essentially in accordance with the plans submitted.

2. Off-street parking be developed and maintained on the basis of one parking stall per 300 square feet of gross floor area.

3. Construction shall commence within a period of one year as of the date of the public hearing; otherwise, said variance shall be null and void.

INTERIM ZONING
VARIANCE REQUEST
D & S PACIFIC, LTD.

After a duly held public hearing, the request of D & S Pacific, Ltd., was considered for a variance to allow the development and construction of a 68-unit apartment hotel condominium, located on a lot approximately 49,933 square feet in area, Land Court Application 1735, portion of Hienaoli 6th and Auhaukeae 1st, North Kona.

The staff reported that the prerequisites to any approval of a variance must show that the application presents a situation wherein strict enforcement of the existing regulations would involve practical difficulty or unnecessary hardship. The power to grant variance is an administrative act and not a legislative one. Therefore, the legislative body has set forth "practical difficulty or unnecessary hardship" as a guide to exercise the power for variance. A mere financial loss or pecuniary hardship is not sufficient to grant a variance because all zoning has that effect in individual cases. Applicant must show that there are peculiar and special hardship applicable to the property involved which are separate and distinct from the general hardship in the district. During the course of the hearing, it was found that the applicant is varying the requirement as set forth by the Commission to require the density of 1,250 square feet per unit. The said proposed development being in an area designated as a resort district in the Plan for Kona meets the requirement for unnecessary hardship and practical difficulty in that the surrounding areas are developed with the same type of uses. The staff recommended approval of the said variance provided the applicant conform to the density of 1,250 square feet per unit. The developer has excelled the parking requirement where one parking is provided for each one of the 68 units.

Mr. Freitas moved that the variance be granted on the basis that the property has sufficient open space with County park and recreational facilities on one side and ocean front on the other. The motion was seconded by Mr. Santos.

Further discussion ensued on the necessity and requirement of a density figure of 1,250 square feet per unit. It was the feeling of a member that this application was a pure cut and dried business proposition. There is no hardship involved. It was a mere speculation on the profit. It was pointed out that in a given area, development could be controlled by the number of people. High density would add to congestion, hazard, and so forth. Possibility of the developer to meet the density was discussed but no research was made on the economics of the proposed development by the staff.

The motion was carried as follows:

Ayes:	Mr. Freitas	Mrs. Baker
	Mr. Santos	Mr. Aoyagi
	Mrs. Carlsmith	Mr. Kimura
Noes:	Mr. Spalding	

INTERIM ZONING
VARIANCE REQUEST
KONA HARDWOODS

After a duly held public hearing, the request of Kona Hardwoods was considered for a variance to allow the development and construction of a 10 x 36 addition to the existing building to be used as a beauty salon, located on a lot approximately 7,637 square feet in area, portion of L. C. Aw. 9971:46, Honuaula 1st, North Kona.

The staff report was presented as follows: The surrounding area is well developed by uses compatible with the request. The proposed site is generally close to most of the hotel patrons to walk in for service. The addition as proposed will blend into the surrounding area and will not be materially detrimental to the public welfare or injurious to the property. Since the Plan for Kona designates this and surrounding area as a resort use, the granting of a variance will not be contrary to the objectives of the master plan, providing the applicant meets with our parking requirements.

On a motion of Mr. Spalding and second of Mrs. Baker, the Commission voted unanimously to approve the variance request on the basis of the following conditions:

1. The addition be developed essentially in accordance to the plans submitted.

2. Construction shall commence within a period of one year as of the date of the public hearing; otherwise, said variance shall be deemed null and void.

INTERIM ZONING
VARIANCE REQUEST
LAURANCE S. ROCKEFELLER

After a duly held public hearing, the request of Laurance S. Rockefeller was considered for a variance to allow the development of a ranch type hotel and lodge, located on a lot approximately 11.340 acres in area, Grants 11059:2, 5272, 5273, portion of 5274 and L. C. Aw. 4513, South Kohala.

The staff report recommends approval of the variance request since the proposed development is in an area approved by the Master Plan Committee for a redesignation from residential to a resort use. The existing facilities and atmosphere are ideal for converting this area into a ranch type resort development. The applicant proposed a low-density type of development and recreational facilities within the 11.340 acres. In most part, the major portion of the surrounding areas are vacant and presently being used for grazing purposes.

It was moved by Mr. Spalding, seconded by Mrs. Baker and unanimously carried that the variance be granted on the basis of the following conditions:

1. The use be developed essentially in accordance with the plans submitted.

2. Parking be provided on the basis of 1 stall per unit up to 15 units and 1 parking for each 2 units thereafter.

3. Construction shall commence within a period of one year as of the date of the public hearing; otherwise, said variance shall be deemed null and void.

INTERIM ZONING
VARIANCE REQUEST
YOSHITO UEHARA

After a duly held public hearing, the request of Yoshito Uehara was considered for a variance to allow the development and construction of an additional apartment unit to an existing duplex building, located on a lot approximately 13,300 square feet in area, L. C. Aw. 7343, Keopu 1st, North Kona.

The applicant is requesting a variance to convert his duplex unit into a multiple unit. The Commission previously granted the applicant a variance to develop a duplex building in August of 1963. The applicant states that the conversion is within the existing framework and there will be no extensions necessary to the exterior portion of the duplex building. The staff recommended approval of the variance request.

On a motion of Mr. Kimura and second of Mr. Freitas, the Commission voted unanimously to approve the variance request on the basis of the following conditions:

1. The proposed use will be developed essentially in accordance with the plans as submitted.

2. Adequate off-street parking shall be provided and maintained on the basis of one parking per unit. Said parking area shall be improved.

3. Construction shall commence within a period of one year as of the date of the public hearing; otherwise, said variance shall be deemed null and void.

REZONING
RESIDENTIAL "A" ZONE
CHONG MAN SUBDIVISION
PONAHAWAI

After a duly held public hearing on the rezoning initiated by the Commission, the members considered the change in zoning from a Residential "A" zone to a Residential "B" zone of a portion of Charles Chong Man Subdivision, portion of Grant 4496, all of the area covered by Tax Map Key 2-5-14.

Recently, several requests were received to subdivide lands into smaller parcels of approximately 10,000 square feet within the Charles Chong Man Subdivision which are predominantly 1 acre in size. Because of the demand for smaller lots, the rezoning was recommended by the staff. The rezoning will not include the DeSilva lot which is located outside of the boundary being considered for rezoning, but was requested at the hearing by a representative.

Mr. Santos moved for a change of zoning from Residential A to Residential B with exclusion of the DeSilva property. The motion was seconded by Mr. Spalding and unanimously carried.

BUILDING PERMIT
JAMES B. SIU

A building permit was submitted to the Commission for approval as to the use by James B. Siu. There was a question whether the construction of the rental unit is allowable on a 1.944-acre lot since another building exists on the lot. The minimum area requirement in Naalehu, Kau, is 1 acre per unit.

Mr. Freitas moved for referral to the Zoning Committee for further study. The motion was seconded by Mr. Santos and carried.

RESIGNATION
COMMISSION MEMBER

The letters from the County Chairman and the Board of Supervisors concerning acceptance of Mr. Oda's resignation as a Commission member were accepted and placed on file by a motion of Mr. Freitas, second of Mr. Spalding, and carried.

ENDORSEMENT
DIRECTOR'S APPOINTMENT

The Commission went on record to forward a communication to the County Chairman to consider Mr. Suefuji, Acting Director, for an appointment to the position as Director of the Planning and Traffic Commission on the basis of his ability, knowledge, and experience with the expression of full confidence in his capability to carry out the planning activities of the County of Hawaii on a motion of Mr. Spalding, second of Mrs. Carlsmith, and unanimously carried.

ADJOURNMENT

It was moved by Mr. Spalding, seconded by Mrs. Carlsmith, and carried to adjourn the meeting.

The meeting was adjourned at 4:50 p.m.

Respectfully submitted,

/s/ LEI A. TSUJI

(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada, Chairman
Planning and Traffic Commission

May 13, 1965

Mr. Earl V. Truex
2722 Coolidge Avenue
Oakland 1, California

Dear Mr. Truex:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on May 28, 1965, at 2:00 p.m., in the County Board Room, County Building, Hilo, Hawaii. Your petition for change of district boundary from an Agricultural district classification to an Urban district classification for Third Division, TMK 1-8-06: 92, 129 & 130, will be heard at that time.

Publication of Legal Notice will appear in the Honolulu Star-Bulletin and the Honolulu Advertiser on May 17 and 25, 1965, and will appear in the Hawaii Tribune-Herald on May 19 and 26, 1965.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Hawaii Planning Commission

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

NOTICE IS HEREBY GIVEN of public hearings to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider petitions for a Change in the District Boundary as provided for in Section 98H-4, Revised Laws of Hawaii 1955, as amended.

TIME AND PLACE

In the Hale Halawai Cultural Center, County of Hawaii, Kailua-Kona, on May 27, 1965, at 3:30 p.m., or as soon thereafter as interested persons may be heard.

	(1)	(2)
Docket Number and Petitioner	A64-72 Hawaiian Homes Land	A65-80 Dillingham Investment Corporation
Tax Map Key	Portion of Third Division TMK 6-4-04	Portion of Third Division TMK 8-1-08: 1
Present District Classification	Agricultural	Agricultural
Change Requested	To incorporate a 0.89 acre lot to the Kuhio Village Urban District for the purpose of converting a remnant parcel into a houselot.	To incorporate a 9 acre tract to the Kaawaloa Urban District for the purpose of developing a subdivision containing 20 lots.

TIME AND PLACE

In the County Board Room, County Building, Hilo, Hawaii, on May 28, 1965, at 2:00 p.m., or as soon thereafter as interested persons may be heard.

	(1)	(2)
Docket Number and Petitioner	A64-78 Earl Truex	A65-82 Hilo Sugar Company
Tax Map Key	Third Division TMK 1-8-06: 92, 129 & 130	Portion of Third Division TMK 2-3-35: 1; portion of Third Division TMK 2-3-38: 3; Third Division TMK 2-3-39: 3, 4, 5, 6, 7, 8, 9, & 10; and portion of Third Division TMK 2-3-44: 9.
Present District Classification	Agricultural	Agricultural
Change Requested	To establish a 50 acre Urban District in the Agricultural District near Mt. View for the purpose of developing a subdivision containing one acre lots.	To incorporate a 2 acre tract and a 9 acre tract to the Hilo Urban District near Kaumana Drive for an unspecified Urban use.

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 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.

All written protests or comments regarding the above petitions may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii before the date of public hearing or submitted in person at the time of the public hearing, or up to fifteen (15) days following the hearing.

LAND USE COMMISSION

M. THOMPSON, Chairman

R. YAMASHITA, Executive Officer

(Legal ad - 2 cols. w/border to appear:)
(May 17 and 25, 1965 - HONOLULU STAR-BULLETIN)
(HONOLULU ADVERTISER)
(May 19 and 26, 1965 - HAWAII TRIBUNE-HERALD)

NEW BUILDING

RESIDENTIAL

COMMERCIAL

Earl V. Truex . . . GENERAL CONTRACTOR

OAKLAND OFFICE
2722 COOLIDGE AVENUE
OAKLAND 1, CALIFORNIA
PHONE: KELLOG 6-2715

January 23 1965

RECEIVED
MAR 29 1965
State of Hawaii
LAND USE COMMISSION

Mr. Raymond S. Yamashita
Executive Officer
Dept. of Planning & Economic Development

Dear Mr. Yamashita;

In December of 1964 I sent to your department of Land Use Commission a request to have fifty acres of land that we have located on Peck Rpad known as lot # A-9 to be classified as urban property. I failed at that time to mention in my letter to you that five acres of the property includeing the house had been or is in the process of being sold to Mr. & Mrs Albert Haa a guard at the prison.

This leaves me with forty acres left in the two remaining lots known as lots # A-9-C and #A - 9- A. I have no confermation that the five acre piece is as yet in his name. But I do know that it will meet with Mr. Haa,s approval if all of the property including his woul be classified as urban property.

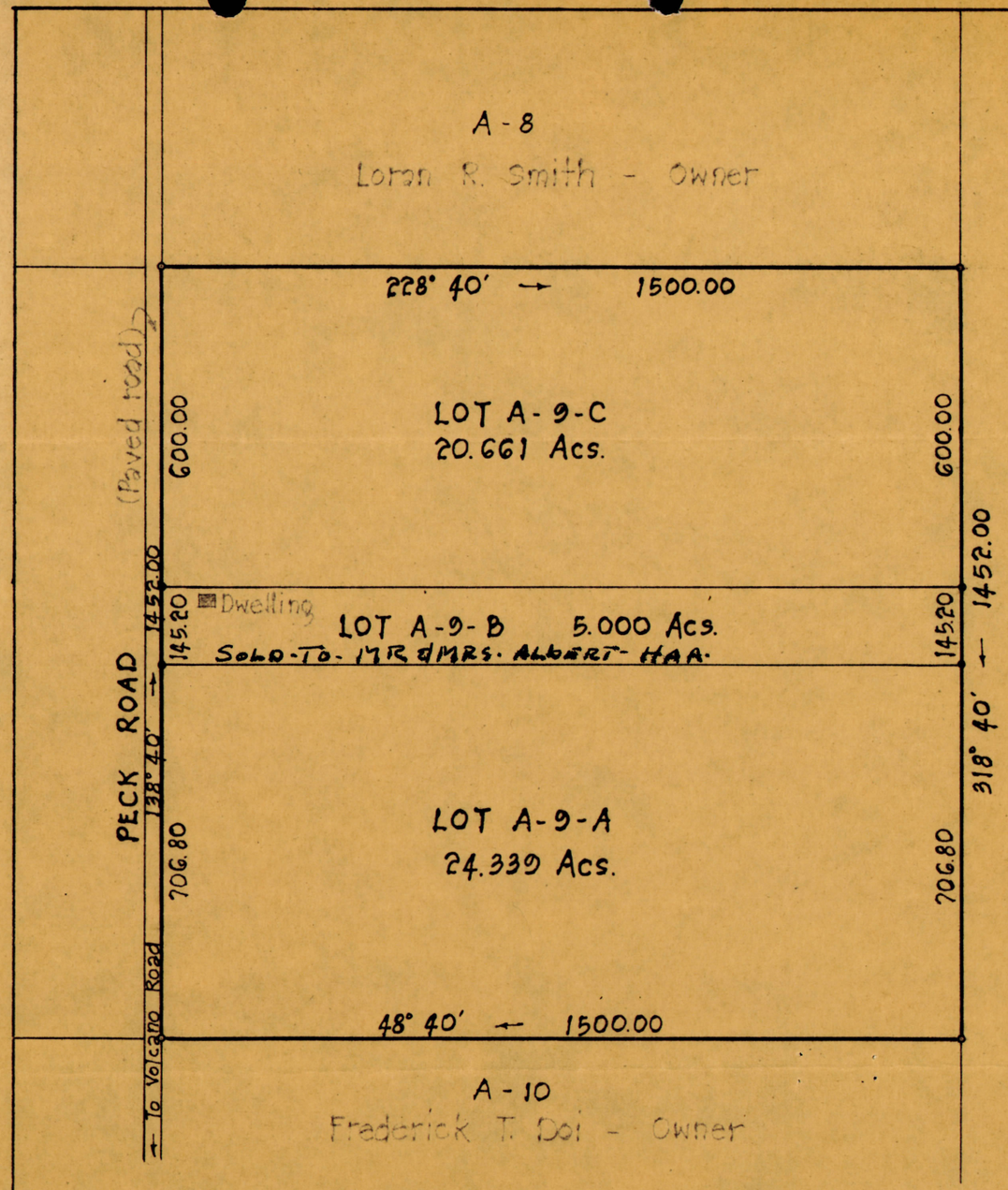
An authorized plan is enclosed for your information.

Very truly yours

Earl V. Truex

777

MAP 8



RECEIVED
MAR 29 1965
State of Hawaii
LAND USE COMMISSION

LAND COURT

STATE OF HAWAII

LAND COURT APPLICATION 777

SUBDIVISION OF LOT A-9

AS SHOWN ON MAP 2

INTO LOTS A-9-A, A-9-B AND A-9-C

OLAA, PUNA, HAWAII

By: Charles L. Murray
Registered Surveyor
Certificate No. 215-S

Hilo, Hawaii
April 30, 1964

OWNERS:
EARL TRUEX
GENEVIEVE TRUEX
% P.O. Box 803, Hilo

CHARLES L. MURRAY
REGISTERED LAND SURVEYOR
No. 215
HAWAII, U.S.A.

OWNERS' CERTIFICATE OF TITLE:

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE OF THE LAND COURT DATED:
BY ORDER OF THE COURT

REGISTRAR OF THE LAND COURT

Tax Map Key: 1-8-06-92

Size: 10" x 15" = 1.0 Sq. Ft.

xcd w/ltr dated 4/23/65
from Earl Truex
A64-18

Ref. No. LUC 545

December 11, 1964

Mr. Earl V. Truex
2722 Coolidge Avenue
Oakland 1, California

Dear Mr. Truex:

This is to acknowledge the receipt of your $50.00 check for an application to amend the land use district boundaries as shown on TMK 1-8-06: 92, Third Division, containing 50.0 acres.

In accordance with Section 98H-4 of Act 205, this Commission must schedule a public hearing on your petition no sooner than 100 days nor more than 210 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Hawaii. We will inform you of the date of the hearing as soon as it is determined.

Should we develop questions in the meantime, we will contact you. And, should you have any questions, please feel free to contact us.

Very truly yours,

Raymond S. Yamashita
Executive Officer

cc: Mr. Myron B. Thompson

Ref. No. LUC 541

December 10, 1964

Mr. Edgar Hamasu, Director
Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Dear Mr. Hamasu:

Pursuant to Section 98H-4, SLH 1955 (1961 Supplement), a copy of a petition for an amendment to the Land Use District Boundaries, submitted by Mr. Earl V. Truex is forwarded to you for comments and recommendations.

Thank you for your cooperation in this and other matters.

The Land Use Commission would like to take this opportunity to wish you and your staff a very Merry Christmas and a Happy New Year.

Very truly yours,

RAYMOND S. YAMASHITA
EXECUTIVE OFFICER

Enclosures

NEW BUILDING

RESIDENTIAL

COMMERCIAL

A copy to Ray Yamashita for information. Love

Earl V. Truex . . . GENERAL CONTRACTOR

OAKLAND OFFICE
2722 COOLIDGE AVENUE
OAKLAND 1, CALIFORNIA
PHONE: KELLOG 6-2715

DEC 7 3 51 PM 1964

DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

December 5th 1964

Mr. Jim Ferry (Chairman)
Department of Land & Natural Resources
State Office Building
Honolulu Hawaii

Dear Mr. Ferry:

It has been a few months since I was as your office in the State Building and had the pleasure of making your acquaintance.

The reason at that time for my visit was at the suggestion of the Planning and Traffic Commission and Mr. Edgar A. Hamasu to see about having the fifty (50) acres of land that I own in Mountain View that is at present zoned Agriculture zoned to Urban, so that it could be made into one (1) acre portions instead of the present (3) acre zone.

At your suggestion I was to let you know when I was presenting my petition to the State of Hawaii Land Use Commission for this request. This I am doing at the writing of this letter along with the necessary requested forms.

Thanking you in advance for your interest, and may you and Mrs Ferry enjoy the holidays at their best.

Yours very truly

Earl V. Truex

RECEIVED
DEC 10 1964
State of Hawaii
LAND USE COMMISSION

1507

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
Hilo, Hawaii

February 3, 1965

RECEIVED
FEB 4 1965
State of Hawaii
LAND USE COMMISSION

Mr. Raymond S. Yamashita
Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

Re: Special Permit Application by W. H. Shipman, Ltd., for Urban Developments.

Amendment of the Land Use District Boundaries from Agricultural to Urban District applied for by Department of Hawaiian Home Lands and Earl V. Truex.

For your information and files, we are transmitting all the materials on W. H. Shipman, Ltd., pertaining to Planning and Traffic Commission's approval on the petition for a special permit.

Also enclosed are the minutes of the meetings held on December 21, 1964, and January 18, 1965, in reference to the Commission's recommendation on the applications of Department of Hawaiian Home Lands and Earl V. Truex respectively for amendment of the Land Use District Boundaries from Agricultural to Urban District. A formal recommendation of the Planning and Traffic Commission on both of these applications will be forwarded to you at a later date when time permits.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Raymond H. Suefuji

Raymond H. Suefuji
Acting Director

lat

Enclosures

ZUC

RECEIVED
FEB 8, 1965
State of Hawaii
LAND USE COMMISSION

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
December 21, 1964

The Planning and Traffic Commission met in regular session at 1:30 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Caldwell
John T. Freitas
Walter W. Kimura
Herman Mulder
Russell Oda
Robert J. Santos
Rufus P. Spalding, Jr.
Edgar A. Hamasu
Raymond H. Suefuji

L. N. Nevels
Richard Kimi
Albert Soloff
Yukio Naito

ABSENT: John Alcenera
Miyoshi Matsushita

MINUTES

The minutes of the meeting held on November 16, 1964, were approved as circulated on a motion of Mr. Freitas, and second of Mr. Kimura, and carried.

The meeting was recessed at 1:31 p.m., to conduct the following public hearings:

1. Request of Paul K. Tallett, for a variance to permit the continuance of a piggery use in a Class "A" Residential Zone, located on Lot 30, Parcel 25, Lehia Park Residence Lots (1st Series), a portion of Waiuli, Waiakea, South Hilo, containing an area of 18,000 square feet.

2. Request of Inter-Island Resorts, Ltd., for a variance to allow the development and construction of a 59 -unit addition with a restaurant and a cocktail lounge to Mauna Loa Wing of the Kona Inn Hotel, located on a lot approximately 89,588 square feet in area, being Parcel 4, Honuaula 1st, North Kona.

3. Request of W. H. Shipman, Ltd., for a Special Permit to allow the applicant for urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.

4. Request of Laguna-Kai Development Venture for a variance to allow the development and construction of a 2-story, 44-unit resort development with dining and recreational services, located on a lot approximately 56,853 square feet in area, being Lots Nos. 77, 78, and 79 of Puako Beach Lots, Puako, South Kohala.

stop at property line and changing it to mean intersecting line or the nearest crosswalk line or if no marked line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic. The foregoing applies to the yield sign where the driver is required to stop.

On a motion of Mrs. Carlsmith and second of Mr. Kimura, the Commission voted to accept the recommendation of the Police Department to amend Ordinance No. 25.

3. HAIRPIN TURN
KEAUMOKU, WAIMEA

The request of the Police Department was considered to improve the hairpin turn in the Keaumoku area in order to provide a more gradual turning radius. The hazard exists on the first bad turn, 3 miles from Waimea Police Station, to Kona.

It was moved by Mrs. Carlsmith, seconded by Mr. Kimura, and carried that the recommendation on Item No. 3 under new business be accepted.

ZONING COMMITTEE REPORT

The following were discussed and action taken on each item accordingly:

1-a. LAND USE COMMISSION
REZONING REQUEST
MOLLY D. ZIMRING

The members considered the request from Land Use Commission for comments and recommendations on the application of Molly D. Zimring for amendment of the Land Use District Boundaries from Agricultural to Urban District on a portion of Lot 918, Grant 1609, Waiakea Homesteads, 2nd Series, South Hilo.

The parcel is located in the vicinity of an Urban zoned area of Shigeoka Camp 6 and is adjoining the Shigeoka subdivision. It is located on the corner of Kupulau and Haihai Streets. An 6-inch water main runs along Kupulau Road and a portion of the roadway is paved. The proposed subdivision plans show small lots fronting on the two roads with the interior portion kept as a large parcel until future demand calls for further subdivision. The lots which front on Haihai Street is presently on a paper road. The applicant understands that the Planning Commission's approval will not construe to mean that the proposed subdivision will be granted as shown on the plat plans. It will still need the Land Use Commission's approval. The proposed uses will have to conform to the existing zoning ordinance and the Master Plan.

The staff report recommended rezoning to Rural District. The character of the land is rural. The Master Plan of the city of Hilo shows the area as Residential-Agricultural which has similar characteristics as the State's Rural Zone. The proposed zoning map shows this area in excess of 5 to 10 acres. It was pointed out that the Commission's responsibility is to control density and land uses and not to haphazardly increase urban districts in spotted areas.

Mr. Spalding moved for approval of the Committee's recommendation to recommend to the Land Use Commission that this area be placed in the Urban District. The motion was seconded by Mrs. Carlsmith, and unanimously carried.

1-b. LAND USE COMMISSION
REZONING REQUEST
W. H. SHIPMAN, LTD.

A discussion followed on the request of W. H. Shipman, Ltd. for amendment of the Land Use District Boundaries from Agricultural to Urban District on Lots A-22-A-3, A-22-A-4, and A-22-A-1 in Keaau, Puna.

The staff reported recommended rezoning to Urban District since most of the lands in the immediate vicinity are being used for urban purposes. The Master Plan shows a portion of that area for residential uses.

It was moved by Mr. Spalding, seconded by Mr. Freitas, and unanimously carried that the Committee's recommendation be accepted.

1-c. LAND USE COMMISSION REZONING REQUEST STATE OF HAWAII (HHC)

The request of State of Hawaii, Department of Hawaiian Home Lands was next considered for amendment of the Land Use District Boundaries from Agricultural to Urban District on an additional Puukapu Village Houselot No. 86 in Puukapu, Waimea, South Kohala.

At the time of the Farm Lots subdivision, remnant lot resulted creating a houselot size in a corner of a previous residential subdivision. The adjacent small-lot subdivision is in an Urban District, therefore, the request to place this one houselot in the Urban District seems logical.

Mr. Spalding moved to accept the Committee's recommendation to recommend to the Land Use Commission that rezoning from Agricultural to Urban be approved. The motion was seconded by Mr. Mulder, and unanimously carried.

2. REZONING STUDY CHONG MAN SUBDIVISION RESIDENTIAL ZONE A.

The members considered the possible rezoning of the Charles Chong Man Subdivision in the land of Ponahawai from Class A to Class B Residential. The lots within the subdivision are predominantly 3/4 acre to 1 acre in size. In the past, several resubdivision to a smaller sized lots were requested and approved by the Commission when the area was zoned Agricultural Zone 2. It was deemed undesirable to allow 10,000 square-foot lot to one property owner because of the fact that these parcels are very large. The adjacent Kaumana-Lani subdivision range in lot sizes from 8,000 to 10,000 square feet in a Class B. Residential area.

The staff recommended the extension of the present Class B Residential from the Kaumana-Lani Subdivision to the stream and following that line to the Kaumana Drive.

On a motion of Mr. Spalding and second of Mr. Mulder, the Commission voted to accept the Committee's recommendation to hold a public hearing at the next meeting to rezone the area from Class A to Class B Residential.

On Item Nos. 3, 4, and 5, which pertains to County Attorney's opinion on Ordinance No. 183, County Attorney's opinion on appeal from the decision of the Building Officials, and zone variance procedure under the Rules of Practice and Procedure adopted on July 16, 1962, the Chairman of the Zoning Committee recommended that the report be studied and sincerely urged everyone to read since it contains some of the criteria in rendering decisions on zoning cases.

6. REVISED PLANS ON VARIANCE GRANTED KID McCOY, ET AL.

A revised development plans were submitted by Kid McCoy for approval by the Commission. The revised plans now conform to the construction drawings previously submitted on roads and water system. The approval was held in abeyance pending submission of revised over-all plans. All conditions regarding parking and density remain the same. The staff recommended approval.

Mr. Spalding moved that the Commission approve the revised development plans. The motion was seconded by Mr. Mulder, and carried.

district. Pleasant and attractive environment with adequate open space around each building planted with tropical vegetation and greenery as well as ample, well-maintained, off-street parking area are definite means to achieve visitor satisfaction. Satisfied visitors are the best advertisement for Hawaii's visitor industry.

3. A rule of thumb is very often used in calculating off-street parking spaces for a commercial development. It is established that normally one hotel room would provide employment for one person. Adequate parking spaces need to be set aside for employees parking as well as visitors parking.

4. In view of items (2) and (3), it is indeed strongly suggested that from the standpoint of your long-range business success as well as to maintain a healty economic climate and the betterment of Kailua Resort Region, that you give every consideration to rpovide attractive and pleasant environment in the vicinity of the hotel.

(Mr. Mulder abstained from voting.)

LAND USE COMMISSION
SPECIAL PERMIT
W. H. SHIPMAN, LTD.

A public hearing was held on the request of W. H. Shipman, Ltd., for a Special Permit to allow the applicant urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.

Action was deferred until next month's meeting. Act 205 (LUC law) prohibits the Commission to act on such petition earlier than 15 days after the said public hearing.

ADOPTION
RES. NOS. 53 and 54

The Planning and Traffic Commission Resolution Nos. 53 and 54 are for the purpose of officially adopting the Master Plan of South Hilo and Puna Districts and the Master Plan of Kohala-Hamakua Region.

On a motion of Mr. Santos and second of Mr. Mulder, the Commission unanimously voted to adopt the resolutions.

ADOPTION
RES. NO. 55

The Planning and Traffic Commission Resolution No. 55 is for the purpose of officially adopting the Master Plan of North and South Kona Districts.

Mr. Mulder moved for the adoption of the Kona Master Plan with amendments in the light industrial use on the south side of the airport to reflect open space and the realignment of Kualdini Highway to be left for future discussion. The motion was seconded by Mr. Santos, and carried.

ADOPTION
RES. NO. 56

The Planning and Traffic Commission Resolution No. 56 creates Business Zone from Agricultural Zone 2 on a parcel described as Lot 12, a portion of Grant 10551, Block 501, Waiakea Homesteads, Waiakea, South Hilo, situated at the corner of Kahaopoa Street and Kanoelehua Avenue.

It was moved by Mr. Santos, seconded by Mr. Kimura, and carried that Resolution No. 56 be adopted.

RECEIVED
FEB 8, 1965
State of Hawaii
LAND USE COMMISSION

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
January 18, 1965

The Planning and Traffic Commission met in regular session at 1:07 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Carlsmith
John T. Freitas
Walter W. Kimura
Robert J. Santos
Rufus P. Spalding, Jr.
Raymond H. Suefuji

Shunichi Kimura, County Chairman

Jack Bryan
Walt Southward
Lloyd Sadamoto

ABSENT: Miyoshi Matsushita
Herman Mulder

MINUTES The minutes of the meeting held on December 21, 1964, were approved as circulated on a motion of Mr. Spalding, second of Mr. Kimura, and carried.

The meeting was recessed at 1:08 p.m., to conduct the following public hearings:

1. The request of Richard Smart for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5671, LCA 8521-B, Apana 1, Waikoloa, South Kohala.

2. Request of Thomas A. Kobayashi for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1098, L. C. Award 614, Honuaina Iki, North Kona.

The meeting was reconvened at 1:25 p.m., but recessed because of the lack in quorum to conduct business.

The next scheduled public hearing commenced at 1:30 p.m., on the request of D & S Pacific, Ltd., for a variance to allow the development and construction of a 68-unit apartment hotel condominium, located on a lot approximately 49,933 square feet in area, Land Court Application 1735, portion of Hienaoli 6th and Auhaukoae 1st, North Kona.

The meeting was reconvened at 1:41 p.m.

TRAFFIC COMMITTEE REPORT

Mrs. Carlsmith moved to accept the entire Traffic Committee report under the unfinished and new business. The motion was seconded by Mrs. Baker and carried.

The meeting was recessed at 1:47 p.m., to conduct a public hearing on the request of Kona Hardwoods for a variance to allow the development and construction of a 10 x 36 addition to the existing building to be used as a beauty salon, located on a lot approximately 7,637 square feet in area, portion of L. C. Aw. 9971:46, Honuaula 1st, North Kona.

The meeting was reconvened at 1:57 p.m.

ZONING COMMITTEE REPORT

The following were discussed and action taken on each item accordingly:

1. LAND USE COMMISSION REZONING REQUEST EARL V. TRUEX

The members considered the request from Land Use Commission for comments and recommendations on the application of Earl V. Truex for amendment of the Land Use District Boundaries from Agricultural to Urban District on a portion of Olaa Reservation Lots, in Puna and fronting on Peck Road for the purpose of subdividing a 50-acre lot into 1-acre parcels.

The contention of the applicant was that under the Agricultural zone, the minimum area allowed would be 3-acres, but if Urban zone is granted, 1-acre parcels would be permissible allowing more retired couples to farm their own gardens which is more within their scope of living.

The staff report recommended change of zone boundaries to Rural District because the minimum area allowed is 1-acre under this zoning. The Master Plan reflects this area as Agricultural use. The land is not being used for anything at the present time. The criteria for which the applicant has to meet before change of zone boundaries to Urban District would be that the property must be adjoining or close to an existing urban boundary. In this case, the Urban District is completely detached from the property in question. The applicant is proposing a 1-acre lot which is the minimum area for agricultural-residential type of zoning which is comparable to the State and County interpretation.

Mr. Spalding moved to recommend the change of use to the Land Use Commission of the 50-acre parcel to a Rural District zoning. The motion was seconded by Mrs. Carlsmith, and carried.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted to accept and file Item Nos. 2 and 3 of the Zoning Committee report.

The meeting was recessed at 2:01 p.m., to conduct a public hearing on the request of Laurance S. Rockefeller for a variance to allow the development of a ranch type hotel and lodge, located on a lot approximately 11.340 acres in area, Grants 11059:2, 5272, 5273, portion of 5274 and L. C. Au. 4513, South Kohala.

The meeting was reconvened at 2:10 p.m.

The Board of Water Supply recommended disapproval due to the inadequate pipeline which serves this subdivision until such time that the subdivider installs adequate pipeline in conformance with their requirements.

Mr. Santos moved that the subdivision be denied for the reasons indicated by the Board of Water Supply. The motion was seconded by Mr. Kimura, and carried as follows:

Ayes:	Noes:
Mr. Santos	Mr. Freitas
Mr. Kimura	Mrs. Baker
Mrs. Carlsmith	
Mr. Aoyagi	
Mr. Spalding	

(Note: After the Commission's action, the Board of Water Supply called attention to the fact that the two homes already existing on the subdivided lot is being served on one meter, therefore recommended approval on the basis of no change in condition. Another letter was forwarded to the applicant after a telephone poll and majority vote of members indicating approval for recordation with usual modifications and conditions.)

21. STREET NAME
HUAPALA SUBDIVISION
CHARLES MAKAWEO, ET AL.

A request was made by the developer of the Huapala Subdivision to name their recently constructed roadway within the subdivision situated at Waiakoa Homesteads, 1st Series. The Name "Makaleka" was submitted for consideration.

The subdivider informed the Commission prior to the meeting that they would like to have the Commission select a name rather than defer for further consideration since the name "Makaleka" was not recommended for approval by the Committee because of the possible confusion with an existing street name of "Makalika."

On a motion of Mr. Freitas and second of Mr. Spalding, the Commission voted to designate the street name of "KUPAA" which mean steadfast.

The Chair declared a recess for 5 minutes at 3:45 p.m.

The meeting was reconvened at 3:55 p.m.

LAND USE COMMISSION
SPECIAL PERMIT
W. H. SHIPMAN, LTD.

The request of W. H. Shipman, Ltd., was considered for a special permit to allow the applicant urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.

A public hearing was held last month on this request. It was moved by Mr. Santos seconded by Mrs. Carlsmith, and carried to recommend approval of the request for a special permit to the Land Use Commission on the basis of the following findings:

1. Trends and needs have changed in that the plantation is not interested in maintaining housing for the employees. They are requesting that the area involved which provide housing for the employees be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.

2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.

   a. All subdivision within this area must be developed with water and roads before approval is granted by the Planning and Traffic Commission.

   b. School, police and fire protection are presently available.

3. The land is not available for agricultural uses and it is presently under urban use.

4. The use requested is for the highest and best use of the land involved for the general interest.

5. Land allotted under present district boundary is insufficient for a planned community. The reason herein stated has direct association with the ordinances of the County of Hawaii. Ordinance No. 294 adopted December 16, 1964 requires a minimum of one acre for the development and construction of a single-family dwelling. The Planning and Traffic Commission is granting variance when requested in all urban areas on the basis of the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements.

The approval is subject to the condition that the said development will conform to all rules and regulations of the State and County after approval.

INTERIM ZONING
VARIANCE REQUEST
RICHARD SMART

After a duly held public hearing the request of Richard Smart was considered for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5477, L.C.A. 8521-B, Apana 1, Waikoloa, South Kohala.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted unanimously to approve the variance request on the basis of the following conditions:

1. A minimum off-street parking of 1 parking per 300 square feet of gross floor area be provided and paved.

2. The development be constructed in accordance with the plans submitted.

3. All requirements of the building code, health, fire, and the Board of Water Supply be complied with.

4. Construction shall start within a period of one year as of the date of the public hearing; otherwise, the variance shall be deemed null and void.

INTERIM ZONING
VARIANCE REQUEST
THOMAS A. KOBAYASHI

After a duly held public hearing the request of Thomas A. Kobayashi was considered for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1078, L. C. Award 614, Kaunaina 1st, North Kona.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED
DEC 10 1984
State of Hawaii
LAND USE COMMISSION

This space for County or DLNR use

Date Petition and Fee received by County or DLNR _____

Date forwarded to LUC with recommendation _____

Date Petition, Fee and County/DLNR recommendation received by LUC _____

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

(I) (We) hereby request an amendment of Land Use Commission Temporary District Boundary respecting the County of Olaa Puna, Island of Hawaii, map number and/or name Tax key 1/8/06/092 LT A9 LCAPP 777 Mountain View Area to change the district designation of the following described property from its present classification in a(n) Agriculture district into a(n) Urban district.

Description of property: The property faces on a State paved road (Peck Road) for a distance of 4200' and is of a depth of 1500'
Utilities om spot & available consist of Telephone, Water, Electric, and easy assesable road all year round.
Petitioner's interest in subject property: I Have owned this property for a number of years now,

Petitioner's reason(s) for requesting boundary change: Being at the present time designated as Agriculture the present mandate is a subdivision of not less than three (3) acres. If Urban is granted one (1) acre parcels would be permissable, this would allow more retired couples to farm their own gardens & ect that is more within their scope of living as well as bringing in taxes &populance growth.

(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 not~~ usable or adaptable for use according to its present district classification.

(b) Conditions and trends of development have so changed since adoption of the present classification, that the present classification is unreasonable. The above (Petitioners reasons) are my thoughts on this matter , as well as the State of Hawaii putting in of recent date a new Water line on Peck Road. I am attaching here with copies of area and one(1) acre plots for your information.

Very truly yours Signature(s) Earl V. Truex
Earl V. Truex

Address: 2722-Coolidge Avenue
2722 Coolidge Avenue

Telephone: Oakland 1 California

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED
DEC 10 1964
State of Hawaii
LAND USE COMMISSION

This space for County or DLNR use

Date Petition and Fee received by County or DLNR _____

Date forwarded to LUC with recommendation _____

Date Petition, Fee and County/DLNR recommendation received by LUC _____

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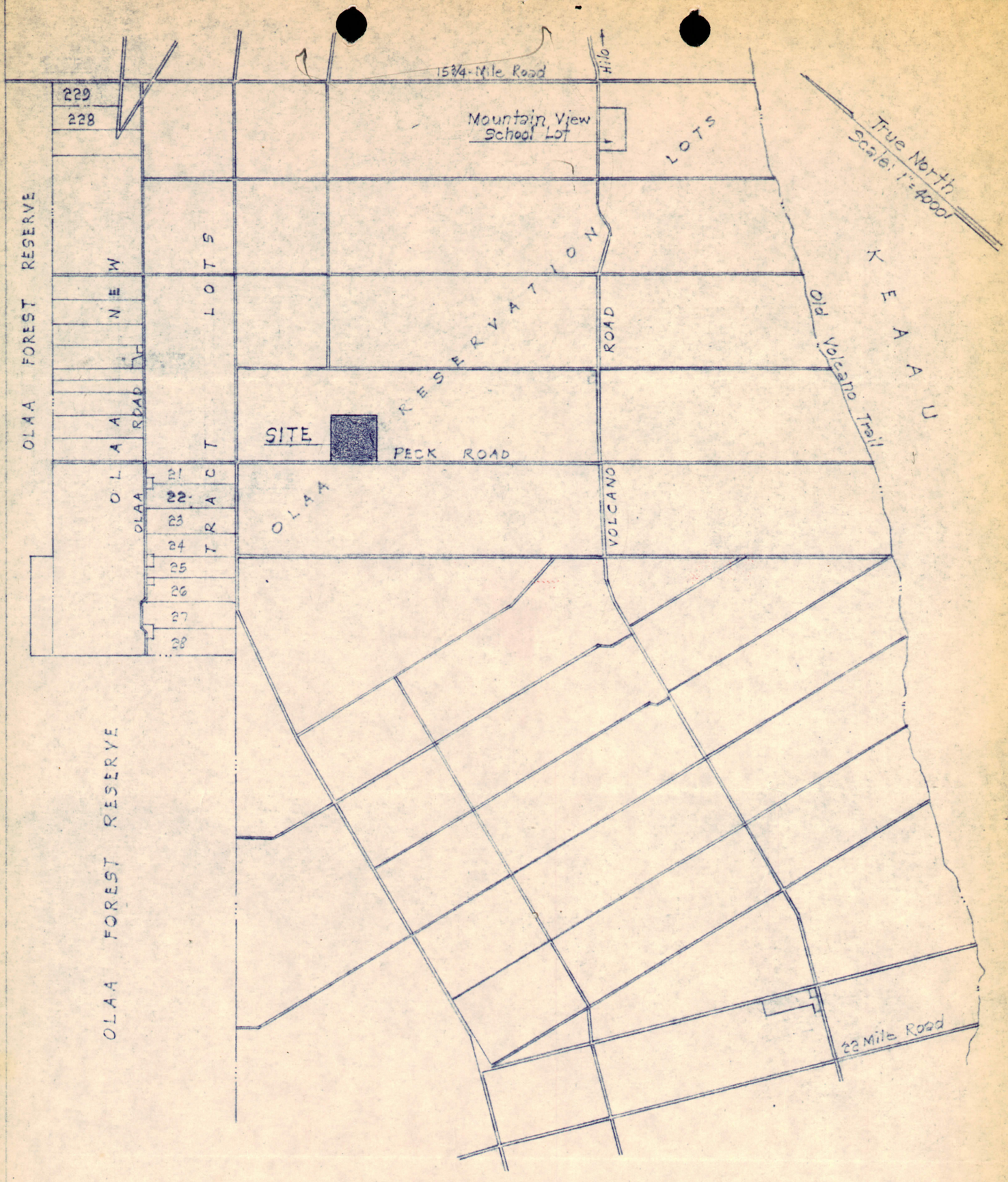
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Very truly yours

Signature(s) Earl V. Truex
~~Earl V. Truex~~

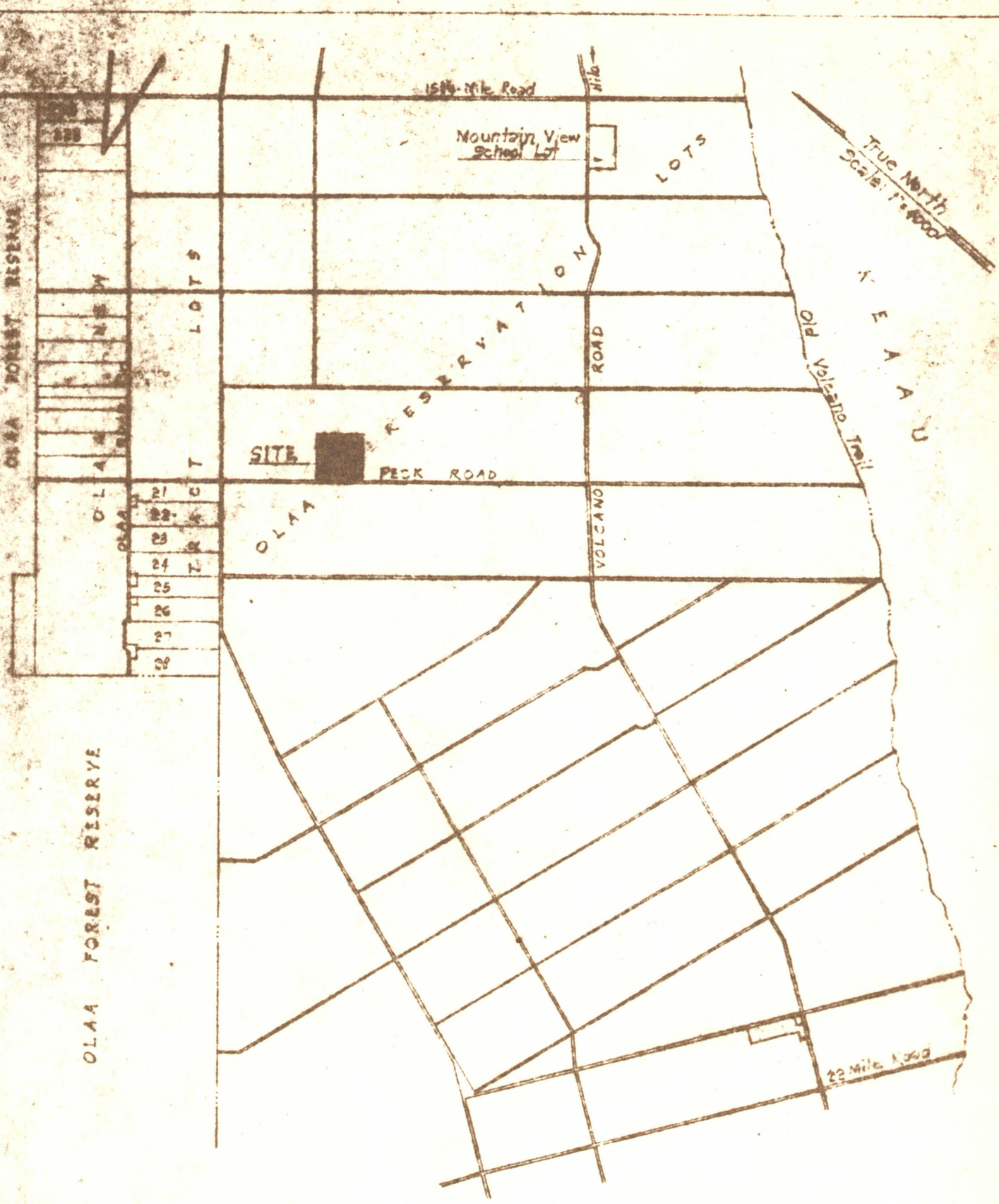
~~2722 Coolidge Avenue~~
Address: 2722 Coolidge Avenue
Oakland 1 California

Telephone: _____



RECEIVED
DEC 10 1964
State of Hawaii
LAND USE COMMISSION

VICINITY PLAN



RECEIVED
DEC 10 1964
State of Hawaii
LAND USE COMMISSION

VICINITY PLAN

State Form B14

STATE OF HAWAII

OFFICIAL RECEIPT No. 3

Planning & Econ. Development
Department, Bureau or Commission

12/10/ 19 64

RECEIVED from Earl V. Truex

Fifty and 00/100 **DOLLARS**

Application for Amendment on Peck Road property

$50.00

Cr. 03-T-64-901-B-035-1651

Alex. V. Monta
Public Accountant

State Form B14

STATE OF HAWAII

OFFICIAL RECEIPT No. 94

Planning & Econ. Dev.
Department, Bureau or Commission

12/10 19 64

RECEIVED from Earl V. Truex

Fifty and no/100 DOLLARS

application for amendment on Peck Road property

$ 50.00

Public Accountant

PARCEL 171:
State of Hawaii
(Bd. of Water Supply, County of Hawaii)
Ersee Grd. #2154
TANK SITE NO. 2
0.269 Ac.

PARCEL 47:
(Daniel Y. N. Yee & wf.
Mary W. - T/E 3 t/s
Melvin S. Kuramoto & wf.
Tomiko Y. - T/E

PARCEL 92:
Albert K. Hao & wf.
Helen L. - T/E

PLAT 12

122 Christopher T. Medeiros & wf. Dorothy I. - T/E
1.03 ac.
44 Antone Cabral & wf. Helen - T/E
2.70 ac.
Morris L. Jones & wf.
Gene G - T/E

(See Inset "B")

O L A A F O R E S T R E S E R V E

TRUE NORTH
1" = 1320'

GRANT 4996

State of Hawaii
145.38 acs.

State of Hawaii
(Anthony A. Arruda)
Por. G. L. 3103
197.711 Ac.

State of Hawaii
48.62 acs.
(Anthony A. Arruda)
Por. G. L. 3103

Elizabeth K. Albert et al
Grant 5531
30.0 acs.

Grant 6338
Geneviève L. Carvalho
14.63 acs.

Grant 5300
40 ft. easement (typ.)

State of Hawaii
(Hajime Harada)
49.08 acs.
R.P.L. 779

State of Hawaii
(Manuel Arruda, Jr.)
48.62 acs.
R.P.L. 785

Carl S. C. Wendell & Merrill L. Carlsmith J/T
98.16 acs.
Grant 9039

State of Hawaii
(Ritsuo Fujihara)
49.08 acs.
R.P.L. 804

State of Hawaii
49.08 acs.

Grant 6858
Puna Sugar Co. Ltd.
51.69 acs.

Grant 6432
Puna Sugar Co. Ltd.
51.69 acs.

SEE ENLARGEMENT

TRUE NORTH
1" = 1320'

ZONE 2 SEC. 4

PARCEL 99:
Hung Lum Young, Tad T. Kaya,
William H. Wong, Ernest Y. Chee,
Charles F. Ho, William K. Kam,
Mitsugu Nakamura,
Mike Kamikana, Gabriel F.
Chang, Nelson K. J. Chang &
Marty Tsubata, Trust.

PARCEL 113:
Hung Lum Young, Tad T. Kaya,
William H. Wong, Ernest Y. Chee,
Charles F. Ho, William K. Kam,
Mitsugu Nakamura,
Gabriel F. Chang, Mike
Kamikana, Nelson K. J.
Chang & Marty Tsubata
Trust.
(James E. Holton & wf.
Tomoe T. - T/E) A/S

Joan Grill
por. Gr. 4353
6.30 Ac.

Irene E. Mackenzie (Howard P. Dang & wf.) A/S
Irene E. Mackenzie (Howard P. Dang & wf. Kay W.) A/S
Howard P. Dang & wf. Kay W. - T/E
State of Hawaii
Grant 5531
Grant 6338
Grant 5300
Grant 6316
Grant 7478
Grant 7728
Grant 7729
Grant 7730
Grant 7731
Grant 7732
Grant 7733
Grant 7734
Grant 7735
Grant 7736
Grant 7737
Grant 7738
Grant 7739
Grant 7740
Grant 7741
Grant 7742
Grant 7743
Grant 7744
Grant 7745
Grant 7746
Grant 7747
Grant

1 8 05

PLAT 06

Gr. 4026
5.00 Ac. (1.00 ac.)
(1.00 ac.)
(1.00 ac.)
(1.00 ac.)
(1.00 ac.)
74
Parcel 74: J. Leo Throm & w.f. Rita L. - T/E
INSET "B" "THROM'S SUBD'N." Por. Gr. 4328
KULANI RD
TRUE NORTH Scale 1in = 600ft
51
50 15,000 sf
49 15,000 sf
48 15,000 sf
Tasuke Ota & w.f. Hideko - T/E
Tasuke Ota & w.f. Hideko - T/E
Note: All lots owned by Fiordelino A. Miguel & w.f. Felipa T. - T/E unless otherwise noted.
INSET "A"
PLAT 06

Puna Sugar Co. Ltd. 130.0 acs±
Grant
4514
4310
4128
1 MILE RADIUS
Mary Rogers
34 GRANT 5652
33.333 Acs.
Gr. Michael Pegyk
Helen Arbuje
8.333 Acs.
Mary E. Rogers 8.333 Acs.
Mary E. Rogers 8.333 Acs.
68.32
76 63 64 65 66 67 68 69 70
35
36 State of Hawaii 67 acs±
Puna Sugar Co. Ltd. 452.284 Acs. (447.57 acs)
Chiyoko Mirikitani Gr. 4026 99.67 Acs.
2450.00
83
See Inset B
74
THROM'S SUBDIVISION
Kapaa, Inc. (Scenic Land Hawaii, Inc) A/s 94.667 Ac.
4328
53
2970.00
Grant
Puna Sugar Co. Ltd. 242.718 acs.
4127
ROAD
SEC. 7 PLAT 12

Puna Sugar Co. Ltd. 94.16 acs.±
Gr. 4096
4365
4309
4129
PLAT 90
31
Puna Sugar Co. Ltd. 127.7 acs±
Howard G. Cambra 99.37acs. (97.89 acs)
PECK
Grant
Gr. 4086
Gr. 4053
Gr. 4091
4126
4167
Grant
Grant
Grant
Grant
Lot 65*
Lot 66*
Puna Sugar Co. Ltd. 22.828 Acs.
Puna Sugar Co.
Store Lot
PLAT 01 (To 1801 - Par. 45)
PLAT 01
PLAT 02
FAP # E (4)
15 Miles
16 Miles
VOLCANO ROAD
To Hilo
To the Volcano
PLAT 75
PLAT 74
PLAT 73
GLENWOOD INCREMENT
SUBDN. OF L.C. Aw. 828
32
(.79 ac.)
(0.63 ac.)
6.3 (ac.)
Manuel Barroso 16.466 acs
Eugene Magnani 24.430 Acs. 28.684 acs Gr. 3.97 G (23.363 ac)
James A. Tamura
Takayuki Kimura & w.f. Yoshiko T/E Tatsumi Kimura - T/E
14.958 acs
Gr. 4031
Leonora I. Kealoha 3800 sf
John B. Robertson & w.f. Julia - T/E 38,000 sf
33
156
141
37 Puna Sugar Company
County of Hawaii (Dpt. of Water Supply) 0.338 ac. T/E assessed @ $2.00 ($600.00 Val.)
71 assessed @ $2.00
State of Hawaii (Dpt of Agr. & Forestry) Exec. Order 484 FOREST RES.
Puna Sugar Co. Ltd. 250.6314 Ac.
State of Hawaii 0.346 Ac. Gr. 9446:2 Gr. 9446:1
Shigeru Kotomori & w.f. Takeyo T/E 0.831 Ac.
EQUIPMENT YARD & ROAD MAINTENANCE HEADQUARTERS
State of Hawaii 0.078 ac. (Dept. of Public Works) Exec. Orig 891
Thomas W. Evans & w.f. Marion M. - T/E 20,531 sf
17 Miles
Kasumi Hatayama & w.f. Aiko T/E
Seiso Kamimura & w.f. Miyeko T/E
Taro Yamada & w.f. Teruko T/E
Shinsuke Shimabukuro & w.f. Akiko T/E 0.852 ac.
PLAT 04
PLAT 03
PLAT 04
Parcels 15, 16, 19, 22, 24, 26, 28 owned by the State of Hawaii
Owners of Parcels 485: Kamado Kiyabu - L/I, Kikue Kiyabu, Goro Kiyabu, Clarence K. Kiyabu - Lit. Rdm.
True North 1"=600'
ADVANCE SHEET SUBJECT TO CHANGE

Tax Maps Branch
Tax Office Bldg
Honolulu, Hawaii

Dropped Par.-s 52, 20, 10, 58, 9, 57, 3, 6, 40, 42, 44, 46, 7, 56.

THIRD DIVISION		
ZONE	SEC.	PLAT
1	8	05
CONTAINING		PARCELS
SCALE: 1 in. = 600 ft.		

Por of OLAA RESERVATION LOTS, PUNA, HAWAII

Dwg No. 23
Source Tax Map Bureau
By: M.A. & D.S.C.

4281

ENTERED APR 26 1985

CORRECTED

PLAT 10 ROAD

PLAT 11

PLAT 44

PLAT 45

PLAT 46

PLAT 47

PLAT 48

PLAT 49

PLAT 50

PLAT 51

PLAT 52

PLAT 53

PLAT 54

PLAT 55

PLAT 56

PLAT 57

PLAT 58

PLAT 59

PLAT 60

PLAT 61

PLAT 62

PLAT 63

PLAT 06

PLAT 05

PLAT 04

PLAT 08

ROAD

VOLCANO ROAD

To Volcano

To Keaau

State of Hawaii 25.95 acs.

W. H. Shipman, Ltd 30.0 acs.

Maurilynn, Inc. 347.347 Acs.

Maurilynn, Inc. 197.460 Acs.

Maurilynn, Inc. 32.304 Acs.

Grant Benjamin F. Kong 165.242 Acs.

Maurilynn, Inc. 32.168 Acs.

Ernest S. Ramos & Jordan S. Ramos - Jr. 17.832 Acs.

Maurilynn, Inc. 29.562 Acs.

John S. Ramos 162.598 Acs.

W.H. Shipman, Ltd 50.0 Acs.

Jerome H. Mooney - 1/2 Opal A. Jordan Trust - 1/2 118.46 Acs.

John S. Ramos Gr. 5164 44.75 acs.

por. Gr. 4082 [5.25 ac.]

Benjamin F. Kong 106.251 Acs. (28.93 Acs.)

Ernest S. Ramos & Jordan S. Ramos - J/T 153.200 Acs.

Kenneth Hiratsuka & wf. Caroline Y. - 1/2 Gr. 4023 47.25 Acs.

George M. Hudson, Ronald H. Fong, William G. Mooney, et al, Norman K. Nichols, Charles A. Grimes & Carl U. Hanson - 1/6 Gr. 4013 28.821 Ac.

Gr. 4323

Gr. 4324

Gr. 4325

Gr. 4326

Gr. 4327

Gr. 4328

Gr. 4329

Gr. 4330

Gr. 4331

Gr. 4332

Gr. 4333

Gr. 4334

Gr. 4335

Gr. 4336

Gr. 4337

Gr. 4338

Gr. 4339

Gr. 4340

Gr. 4341

Gr. 4342

Gr.

OLAA
TO HILO
KEAAU
HAWAII 13
KURTISTOWN
U
R
A
C
MOUNTAIN VIEW
2 MILE RADIUS
1 MILE RADIUS
HAWAII 11
HAWAII 144
GLENWOOD
PUNA - SOUTH HILO DISTRICT BOUNDARY
OLAA FOREST RESERVE
HAWAII NATIONAL PARK
KULANI PROJECT
UPPER OLAA FOREST RESERVE
PUNA FOREST RESERVE
NAPAU CRATER
NANAWALE FOREST RESERVE
KAPOHO
KAPOHO CRATER
HALEKAMAHINA
KAHOLUA O HAHAWALI CRATER
POHOIKI
PUU HONUAULA
PUULENA CRATER
MALAMA-KI FOREST RESERVE
PAHOA
OPIHIKAO
MAIKOIKO
WAIPUKU PT.
KAIMU
KALAPANA
HAKUMA PT.
KA LAE KUPAPAU
KAMOKUNA
KA LAE A PUKI