

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

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FEB 11 1966

State of Hawaii
LAND USE COMMISSION

February 10, 1966

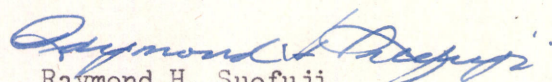
Mr. George Moriguchi
Land Use Commission
426 Queen Street
Honolulu, Hawaii

Re: Honokaa Sugar Company (A65-96)
TMK: 4-5-10-21

Parker Ranch (A65-89)
TMK: 6-4-01-15

The Planning Commission has received subdivision applications for the above parcels but as we have not heard from you as to the outcome of the January 14, 1966 meeting, we are unable to act on these requests.

We would appreciate your sending us as soon as possible, the exact boundaries where changes of boundaries have occurred.


Raymond H. Suefuji
Acting Director

mh

February 11, 1966

Mr. Norman Brand
Attorney-in-fact
Parker Ranch
Kamuela, Hawaii

Dear Mr. Brand:

The petition by Parker Ranch, A65-89, to amend the Land Use District Boundaries from an Agricultural District to an Urban District on a portion of Grant 4566, Puukapu Homesteads, First Series, Waimea, South Kohala, Hawaii, TMK 6-4-01: 15, was approved by the Land Use Commission at its meeting on January 14, 1966.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Planning Commission, Hawaii
Department of Taxation
Dept. of Land & Natural Resources

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Parker Ranch
DATE 1-14-68⁶
PLACE Hon.
TIME _____

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

COMMENTS:

for Approval

STATE OF HAWAII
LAND USE COMMISSION

January 14, 1966
Honolulu, Hawaii

MEMORANDUM

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: Parker Ranch (A65-89), Puna Sugar Co. (A65-92), Honokaa Sugar Co. (A65-96), Maui Meadows Subdivision (A65-91), Tony Hashimoto (A65-98), Nuuanu Ventures (A65-90)

1. PARKER RANCH (A65-89)

The petition for change from an Agricultural District to a Rural District was heard by the Land Use Commission on November 5, 1965 at Kona, Hawaii. On November 15, 1965, a modified request was received from the petitioners with an amendment which now requested change from an Agricultural District to an Urban District in lieu of a Rural District.

On the basis of the revised petition, and on the basis that land is presently used and has been used for urban purposes, with all community facilities and services available, and on the basis that subject lands presently abut an urban area, the staff modifies its original recommendation from a denial to an approval of the petition.

2. PUNA SUGAR COMPANY (A65-92)

Two parcels of land involving approximately 24,000 square feet and 23,000 square feet in the Mountain View town area on the Island of Hawaii are involved for a change from an Agricultural District to an Urban District. At the public hearing held on this petition, it was the staff's recommendation that the petition be granted since the area is urban in nature and community services and facilities are established and available within the immediate area.

Subsequent to the public hearing, the petitioners have amended their request in order to include the 40-foot road reserve adjacent to the parcels north of the highway. This will increase the total area from 24,000 feet to 30,000 feet for the mauka parcel.

The staff finds no change in its original evaluation and, therefore, maintains its recommendation for approval.

3. HONOKAA SUGAR COMPANY (A65-96)

At a public hearing held on November 5, 1965 at Kailua, Kona, Hawaii, the staff report and presentation by the petitioners were heard. Since that time, the petitioners have requested that the original petition be amended to

include approximately five acres of land to one of the two parcels requested for change from an Agricultural to an Urban District. This involved the Namoku lands immediately adjacent to the Camp 8 Subdivision.

Additional information on the petition has not been received and the staff maintains its original recommendation for approval of the petition, including the amended portion.

4. MAUI MEADOWS SUBDIVISION (A65-91)

A public hearing on this petition was held at the Kahului Library, Kahului, Maui on November 5, 1965. At that time, Mr. George M. Hasegawa, representing the owners, presented his testimony in support of their petition to reclassify approximately 401 acres from an Agricultural District to a Rural District. The Land Use Commission staff presented its recommendation for denial based on the extensive areas presently available for residential development in the Kihei area.

Subsequently, on November 9, 1965, the petitioners submitted the following:

1. That a comparable development by Mr. Walter Zane in Kihei, Maui, had sold nearly 80% of his rural subdivision and this, therefore, points out the demand for such a development.
2. That the petitioners disagreed with the staff's contention that excessive land area has already been zoned. They indicate that Mr. Zane's subdivision has been nearly sold out, and that the remaining 195 acres, located in the Makena area, are two miles from the nearest improved road system, without water available for development.
3. That the engineering plans prepared for the petitioners indicate that such a development is feasible.
4. That the State Farm Bureau and Mr. Erdman of Ulupalakua Ranch have expressed their feelings as to the present zoning of agriculture.

An item that is prominent by its omission from the petitioners' additional testimony is the fact that approximately 2,500 acres, within the present Kihei Urban District, are undeveloped and can be used for the purposes proposed by the petitioners. On the basis of development standards involving four lots per acre and four persons per family, the acreage available for urban development can provide for approximately 40,000 persons. In contrast, a prominent economist in Hawaii has estimated that the population of Maui would increase by approximately 20,000 persons in the next decade. This would indicate that even under the farfetched assumption that the entire population increase for the next decade would occur at Kihei, adequate residential lands are presently available to provide for the entire increase and more.

Notwithstanding the fact that the Land Use Commission has provided for adequate urban expansion in the Kihei area, the petitioners propose to add another 401 acres for rural residential purposes in this same area. The magnitude of their proposal can be clarified by its comparison with the

Kahului Dream City Development. Approximately 500 acres have been developed in the Kahului Dream City area and, in comparison, the petitioners' proposal involves an area approximately 80% of the Kahului Dream City Development. It is also noted that the available residential acreage at Kihei can provide for developments five times the size of the present Kahului Dream City Development. On the basis of these data, it is inconceivable that a petition for more residential lands can be justified upon the argument that this Commission has not provided adequate lands for residential purposes. Also, the argument that the subject lands are unsuitable for agricultural purposes cannot be received as a justification for change when other extensive areas are available for the proposed use.

Both the Maui County General Plan and the State General Plan classify the area within an Agricultural District.

Act 205, SLH 1963, Section 98H-4, stipulates that no change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified. Accordingly, the staff finds that it must adhere to its original recommendation for denial of the petition.

5. TONY HASHIMOTO (A65-98)

The public hearing for this petition was held on November 5, 1965, at Kahului, Maui. In addition to the testimony heard at the public hearing, letters in support of the petition have been received. Letters in support of the petition have been received from the petitioner, Mr. Tony Hashimoto, Mr. Tin Fook Tom, a landowner in Kihei, and Mr. Ben Miyahira, President of the Maui County Farm Bureau. All three letters base their support of the petition on the unsuitability of the area for agricultural purposes, and therefore suggest that an urban classification would be more appropriate.

The consensus of the staff is that the unsuitability of lands for agricultural purposes is not a justification for a boundary change in itself. If this alone were to be the criteria for permitting boundary changes, it would open the door to extensive scattered development, in view of the fact that there are any number of acres of land unsuited for agricultural purposes scattered throughout the State. As stipulated in the State Land Use Law, a change in boundary can only be justified by proof of need, which would also involve proof of the unavailability of lands for the proposed use.

There are presently approximately 2,500 acres of vacant urban lands in the Kihei area which would indicate that more adequate land is available.

Therefore, in compliance with Section 98H-4, Act 205, SLH 1963, the staff must maintain its original recommendation for denial of this petition.

6. NUUANU VENTURES (A65-90)

A public hearing was held on a petition filed by Nuuanu Ventures, Inc., on October 29, 1965. The petition involved reclassification of approximately 3.6 acres of land presently in the Conservation District to an Urban District. At that time, the staff recommended that only a 2.5 acre portion be changed to an Urban classification, with the remaining 1.1 acre to be disallowed. It was also recommended that this Commission ask the Department of Land and Natural Resources to resolve a satisfactory landscaping plan and its effectuation by the developer in the area of the high cuts, and to maintain the high cut banks within the Conservation District as unsubdivided lands.

During the public hearing, arguments against the petition were received from the Nuuanu Valley Community Association, the League of Women Voters, and from the ILWU. Subsequently, additional data have been received from the petitioners, supporting their position, and from the Hawaiian Trail and Mountain Club, and the Nuuanu Valley Community Association, opposing the petition. Copies of these data have been distributed to each of the members of this Commission. In addition, a letter dated November 2, 1965, from Commissioner Wenkam to Chairman Thompson, commenting on the public hearing and the staff report was received. These comments and the staff findings therefor are as follows:

1. Commissioner Wenkam indicated that where substantial evidence and technicalities of the law are available, these should be used to bolster and defend the Conservation Districts, and that he was disappointed in the staff report from this standpoint.

Staff Finding: Section 98H-4, Act 205, SLH 1963, specifically provides that amendments in district boundaries may be allowed and sets forth the conditions therefor. This leads the staff to believe that arguments for, as well as against any petition must be evaluated without the preconceived judgment that any petition for change is improper to begin with. The staff's recommendation is a consensus based on the facts available.

2. Commissioner Wenkam indicates that the Executive Officer fails to consider the fact that, on the basis of the temporary boundary, more than 17 lots come under discussion and that actually 31 lots are at stake. He also states that to base the staff report on the compromise redrawing of the Conservation District lines, in favor of the developer, as was done on June 28, 1965, appears indefensible and improper.

Staff Finding: The staff's plotting of the temporary district boundary is based upon Section 2.11 (b) (4) of the State Land Use District Regulations which stipulate that district lines for lands that are not subdivided shall be determined by the use of the scale contained on the map (Land Use District Map). This procedure was again confirmed by the Land Use Commission, during its general discussion on Rules and Regulations held on October 2, 1965, at Lihue, Kauai. The center line of the thick temporary district boundary was used in the staff plotting.

Insofar as "compromise redrawing of the Conservation District lines, in favor of the developer" is concerned, it should be noted that this was an official recorded action of this Commission based on a motion, a second to the motion, and a vote taken on June 25, 1965. Therefore, it is not apparent to the staff how the use of this line set by the Commission is "indefensible and improper".

3. Commissioner Wenkam indicates that a few minutes inspection would have revealed that the developers' engineers must have had full knowledge of the surveyed lines of the Honolulu Watershed Forest Reserve in which the lots are located. He also indicates that the corner stakes of Lots 58 and 60 coincide with the Territorial Survey's pipe monument locating the watershed reserve. And, also, that the engineer's lot stake was driven immediately alongside the Territorial monument which was apparently used as a reference point by the surveyors.

Staff Finding: "A few minutes inspection" by the staff of the pipe purported to be the Territorial Survey monument immediately raised a question in the staff's mind as to how it happened to be there in the first place. It was found to be loose and imbedded in grass and dead leaves, instead of being firmly imbedded into the ground as ordinarily staked by surveyors. There was absolutely no indication that this pipe was a Territorial monument and certainly not one that was used as a reference point by the surveyors. Moreover, survey data from the State Survey office indicate that this survey point would be located 33 feet mauka of the loose pipe.

4. Commissioner Wenkam indicated that the petitioners' engineer had placed a stake "about a month ago" to locate the lots. This is obviously false since, without lot stakes, the developer would have been unable to proceed with his grading on the basis of the grading permit obtained October 6, 1964. He also states "it is also of interest that the lot number on the stake is the old series of lot numbers used in 1963; lot numbers have since been renumbered."

Staff Finding: A verbatim transcript of the taped record of the public hearing has found that Commissioner Wenkam's quote is completely incorrect and, therefore, his allegations are also incorrect.

The reason for Commissioner Wenkam's reference to the change in lot numbers is not apparent. However, it is a known fact to anyone with any experience in subdivision development, that the State Survey Office will request renumbering of lots during their review of survey calculations for one reason or another and that this is common practice.

5. Commissioner Wenkam indicates that "the developers statement at the hearing that 'all cuts were completed when work was ordered stopped' is also false. Adequate site inspection by the staff would have revealed this not to be so. In both of these cases the testimony should be challenged by the Commission and charges for perjury initiated, if warranted."

Staff Finding: Reference to the last sentence of the first paragraph of the staff's report finds that subdivision construction has proceeded to the general grading stage with no other construction started or completed to date. On the matter of "charges for perjury", the staff feels that this does not warrant its comments.

6. Commissioner Wenkam censures the Executive Officer for ignoring "the entire history of the proceedings between the developers and the Honolulu Planning Commission which exists under a cloud of suspicion and accusations of corruption."

Staff Finding: The Executive Officer has no data relating to the existence of a "cloud of suspicion and accusations of corruption." Moreover, he does not feel that this is an item for consideration within his scope of duties.

7. Commissioner Wenkam indicates that the staff is apparently not aware of the importance of forest reserve lands to the Honolulu Watershed Recharge Basin, and cites the expert testimony by the Board of Water Supply concerning another petition for change in boundary from Conservation to Urban in the Manoa Valley area. He also states that by voting denial to the Manoa petition, the Land Use Commission in effect recognized the boundaries of the Honolulu Watershed Forest Reserve, which is the same boundary the petitioner violated in Nuuanu Valley.

Staff Finding: The staff would again inform Commissioner Wenkam that the Board of Water Supply approved the petitioners' construction plans before the petitioner initiated construction. Moreover, the Board of Water Supply has indicated that it does not wish to comment on this matter since the subject lands are not within the watershed. This, of course, would completely negate Commissioner Wenkam's statement that the petitioner violated the watershed reserve in Nuuanu Valley.

8. Commissioner Wenkam indicates that "it is difficult to understand how the staff could recommend withdrawal of land from the Honolulu Watershed in complete opposition to the clear intent of the Legislature of the Territory and the State of Hawaii".

Staff Finding: This statement is unwarranted and incorrect in that the staff is not recommending any "withdrawal of land from the Honolulu Watershed" since the Board of Water Supply has indicated that the subject lands are not within the Honolulu Watershed.

9. Commissioner Wenkam disputes the staff's contention that the petitioners sought approval through "proper channels". He also indicates that the petitioner did not check with the Land Use Commission even when the Nuuanu Community pointed out the encroachment.

Staff Finding: Section 2.35 of the Land Use District Regulations stipulates that the appropriate County Officer or agency charged with the administration of County Zoning Laws shall enforce the use classification districts. On this basis, staff maintains that the petitioner sought approval through the "proper channels".

On or about June 4, 1965, the petitioners learned of the encroachment that was pointed out by the Nuuanu Community. On June 10, 1965, six days hence, the petitioners submitted maps to the Land Use Commission to check out this matter.

10. Commissioner Wenkam contends that the City & County of Honolulu, in issuing preliminary subdivision permits, specifically provides that all applicable City, County and State regulations must be satisfied before final approval is granted.

Staff Finding: The fact of the matter is that final approval was granted by the City and County of Honolulu on July 30, 1964, which would lead any developer to reasonably conclude that even State requirements had been met, since it is stipulated that final approval is only granted thereafter.

11. Commissioner Wenkam indicates that erroneous generalizations plague the staff report, including the strange statement that "land use in the surrounding area is primarily residential". He then indicates that "any study of our Land Use maps will reveal that the majority of lands in upper Nuuanu Valley to be in conservation".

Staff Finding: The staff report indicated that the subject lands are presently in the Conservation District and that land use in the surrounding area is primarily residential. On this basis, the staff finds it inconceivable that anyone should interpret this to mean that even lands in the Conservation District are used primarily for residential purposes and, therefore, the staff would offer no further comment.

12. Commissioner Wenkam contends that further investigation by the staff along the lines he proposes will permit a recommendation based on facts rather than generalizations. Also, that with full understanding of the history of this development, it will be impossible for the staff to conclude that the developers' illegal act was not surreptitious.

Staff Finding: Investigation along the lines of Commissioner Wenkam's comments as indicated in the items above has served to adequately substantiate the purported "generalizations" of the staff. Concerning the history of this development, which would make it impossible for the staff to conclude that the developers' illegal act was not surreptitious, the staff would suggest that Commissioner Wenkam elaborate on the matter for the benefit of the Commission, since this information is not available to the staff from any source in documented form.

13. Commissioner Wenkam contends that the General Plan of the City and County of Honolulu shows the area under contention in the "preservation" zone and that the City Planning Commission of Honolulu is contradicting its own General Plan in recommending approval of this petition.

Staff Finding: A check with the City Planning Department has determined that Resolution 124 of the City Planning Commission sets the zoning of the entire developers' lands as Class A Residential. As reported in the staff report at the public hearing, this is the official zoning of the subject lands. Moreover, the General Plan Map was adopted by Ordinance No. 2443 on May 7, 1964, less than two months before final approval of the petitioners' subdivision. Since tentative approval was granted on October 3, 1963, it is apparent that subdivision plans were nearing completion at the time of the adoption of the General Plan on May 7, 1964.

14. Commissioner Wenkam contends that the developers should have known of the watershed reserve since the Territorial Survey indicated pipe monuments which also marked the location of the Conservation District.

Staff Finding: A check with the State Surveyor indicates that the official forest reserve line runs along the top of the ridge and not as indicated by Commissioner Wenkam.

15. Commissioner Wenkam contends that survey work sheets prepared by Park Engineering showing location of corner of lots 58 and 60 coincide with Forest Reserve pipe monument, proving subdivision was surveyed with full knowledge of the Honolulu Watershed.

Staff Finding: This statement is incorrect in toto as confirmed by the State Surveyor.

Initial investigations conducted by the staff prior to preparation of its original report involved examination of Land Court Maps, Land Court Title documents, State Tax Maps, Tax Assessment records. The data presented in items 1 to 15 above only serve to substantiate official documents examined and used by the staff initially. Therefore, the staff takes strong exception to Commissioner Wenkam's allegations that "inaccuracies and generalizations" plague the staff report.

In their supplementary data submitted after the public hearing date, the Nuuanu Valley Community Association has offered comments in objection of the petition. These comments and the staff findings are enumerated below:

1. The Nuuanu Valley Community Association contends that maps submitted for preliminary approval to the City and County by the petitioner did not comply with the Subdivision Rules and Regulations since the map scale, contour interval and site information were not included. Also that the map did not clearly indicate the Nuuanu Stream. They also make the conjectural observation that "if these had been observed, Nuuanu Ventures would probably not have received preliminary approval of its plans."

Staff Finding: These observations are absolutely conjectural in nature. The fact of the matter is that the City and County did approve the subdivision.

2. The Nuuanu Valley Community Association contends that the developers should not have erred on the matter since the interim boundary had metes and bounds show on all U. S. Geological Survey Maps.

Staff Finding: There is no record on file in the Land Use Commission which establishes the interim boundary by metes and bounds.

3. The Nuuanu Valley Community Association has submitted a photograph showing the pipe marking the interim boundary and the Honolulu Watershed Forest Reserve Boundary. Therefore, they claim that the developers' statement that the line was "broadbrush" is farfetched.

Staff Finding: As indicated in the items above, the staff is satisfied that the pipe submitted is not the pipe marking the Honolulu Watershed Forest Reserve boundary. This is on the basis of data available at the State Survey office. Moreover, Mr. Mitchell, during the testimony at the public hearing, has admitted that this is based entirely upon an assumption on his part.

4. The Nuuanu Valley Community Association contends that the developers are asking their buyers to do what he claims is practically impossible for him to do himself.

Staff Finding: The developers' contention is that it would be practically impossible to restore the area to its original condition. He has made no statement that he expects his buyers to restore the area to its original condition.

5. The Nuuanu Valley Community Association contends that under the law, economic hardship is not to be considered.

Staff Finding: The staff's opinion is that this must be evaluated on the basis of the circumstances involved in each situation. Specifically, the petitioners of the subject lands had received final approval from an agency charged with enforcing the Land Use Law.

6. The Nuuanu Valley Community Association has submitted a plan which it considers a reasonable solution to the problem facing the developer. It also indicates that the developer should be forced to build underground retaining walls so that he can safely restore the bulldozed area to its original state as the law specifies.

Staff Finding: Staff is not aware of any law which specifies that the developer must restore the area to its original state. Upon checking with Mr. Mitchell, he has indicated that he also is not aware of such a law.

Nuuanu Valley Community Association's report and plan are contradictory in that they propose forcing the developer to build underground retaining walls. In the Association's report, its drawings specifically propose that "existing cut slope planted but not filled".

The developers' data submitted in addition to their testimony given at the public hearing have been circulated to each of the Commissioners. These data are in support of the need of the land for urban purposes, their contention that their encroachment has been entirely inadvertent, and other data in support of their petition.

The consensus of the staff is that additional data received and researched on the subject petition, since submittal of its original recommendation, indicate that this recommendation should stand as made.

January 4, 1966

Mr. Norman Brand
Attorney-in-fact
Parker Ranch
Kamuela, Hawaii

Dear Mr. Brand:

The Land Use Commission next meets at 1:30 p.m. in the hearing room of the Land Use Commission at 426 Queen Street, Honolulu, Hawaii on January 14, 1966.

On or about that time a decision of the petition by the Parker Ranch (A65-89) will be rendered.

There is no requirement for you to be present. However, should you wish to attend, please feel free to do so.

Very truly yours,

cc: Chairman Thompson
Hawaii Planning Comm.

GEORGE S. MORIGUCHI
Executive Officer

file 1788

PARKER RANCH
KAMUELA, HAWAII

November 9, 1965

RECEIVED

NOV 15 1965

State of Hawaii
LAND USE COMMISSION

Mr. George S. Moriguchi
Executive Officer
State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

This letter has reference to our petition for a change in the Land Use Commission District boundary, your number A65-89, concerning which a hearing was heard last Friday at Hale Halawai in Kona, Hawaii. The purpose of this letter is to request an amendment to our original petition which asked for a change in use from agricultural to rural. We should like to amend this to ask for a change in use from agricultural to urban.

We should like to emphasize to you and the members of the Commission that the area under discussion is not presently being used for agricultural purposes, and there is virtually no likelihood of its being used for such a purpose in the future. It is unquestionably a residential area.

Yours very truly,

RICHARD SMART

By:

Norman Brand

Norman Brand
His Attorney-in-Fact

NB:ky

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center

Kona, Hawaii

3:50 P. M. - November 5, 1965

Commissioners

Present:

Myron B. Thompson, Chairman
Charles S. Ota
Shiro Nishimura
Leslie E. L. Wung
Goro Inaba

Absent:

C.E.S. Burns, Jr.
Robert G. Wenkam
Jim P. Ferry
Shelley M. Mark

Staff

Present:

George Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a prayer, outline of the procedures, and swearing in of persons testifying during the hearings.

✓ PETITION OF PARKER RANCH (A65-89) TO AMEND THE RURAL DISTRICT BOUNDARY AT WAIMEA, HAWAII, TO INCORPORATE 54,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 6-4-01: 15

Denial of the petition was recommended in the staff report (see copy on file) presented by the Executive Officer on the grounds that the petitioner had not submitted adequate data to substantiate the need and the usability and adaptability of the subject lands, and in view of the fact that the soils of the subject lands are suited to agricultural pursuits.

Mr. Moriguchi reported that the Hawaii County Planning Commission recommended approval of the petition but did not give any reason. He further explained that the subject parcel was part of a large parcel of dedicated lands and the petitioner's proposal was to subdivide 34,000 square feet of it.

Mr. Suefuji stated, the Hawaii Planning Commission had approved the petition on the basis of existing use on said parcel, the general plan of the area

and contemplated use in the future. The Planning Commission felt that since this area was very close to the already built-up area, it should be included in the urban zone. Commissioner Ota remarked that this subject parcel would be the only piece designated rural in an Agricultural District.

Mr. Norman Brand, attorney for the petitioner, explained that the prime purpose of this request was to conform to Parker Ranch's adopted policy of making land available to its employees for houseslots. The land in question was a portion of an area that had been used for ranch housing for decades and the present occupant had expressed a desire to obtain ownership of it. Mr. Brand did not think that they were taking away the land from any agricultural pursuit because these lands had never been used for agriculture, to his knowledge. Insofar as the request for a rural classification was concerned, Mr. Brand said that they did so on the basis that it would have a better reception from the Commission than a request for urbanization. He felt the Commission could grant this request without exposing itself to any criticism whatever.

Commissioner Nishimura suggested that a land exchange could possibly be made in an urban area. Mr. Brand explained that they were merely tying on an existing use and had no thought of requesting urbanization.

Commissioner Wung wondered if it would be possible for the petitioner to change the request from rural to urban since rural designation here would constitute spot zoning. Mr. Brand replied that they would be very happy to do so in writing, and that they were also aware of the tax differential between dedicated lands and on urban classification.

Mr. Moriguchi explained that the subject parcel was right at the end of the urban area in the vicinity of the Hawaiian Homes Commission development. Commissioner Ota remarked that the area seemed more rural than urban since most of the lots were an acre in size and because of the restrictions imposed by the Hawaiian Homes Commission.

Commissioner Wung reviewed the fact that the subject land was being exchanged with lands already in an urban area.

Hearing was closed thereafter.

PETITION OF PUNA SUGAR COMPANY (A65-92) TO AMEND THE URBAN DISTRICT BOUNDARY AT MOUNTAIN VIEW, PUNA, HAWAII, TO INCORPORATE APPROXIMATELY 47,000 SQUARE FEET OF LAND IDENTIFIABLE BY TMK 1-8-04 and 1-8-05

Mr. George Moriguchi, Executive Officer, presented the staff report which recommended approval of the petition in view of the evaluation on the basis of the test for need and usability of the Land Use Commission.

Mr. Suefuji advised that the Planning Commission recommended approval of the petition because of the existing homes and because the entire area had been recognized for urban use.

Mr. Jacob Fernandez, agent for Puna Sugar Co., advised the Commissioners that they too, like Parker Ranch, had adopted a policy of making more lands available to their employees. Homes have already been built on the premises and rented out to individuals. Now, Puna Sugar Co., subject to approval of the petition by the Land Use Commission, was going to make these lands available in fee to plantation employees. With reference to a certain portion of the parcel, Mr. Fernandez stated they would be willing to request for urbanization in writing.

Mr. Gilbert Lee, representative from the Tax Department, requested clarification of the areas that had been urbanized and Chairman Thompson called for a deferral of this matter until such time as the tax issue was discussed.

Hearing was closed thereafter.

PETITION OF HONOKAA SUGAR COMPANY (A65-96) TO AMEND THE URBAN DISTRICT BOUNDARY AT HONOKAA, HAWAII TO INCORPORATE APPROXIMATELY 22 ACRES IDENTIFIABLE BY TMK 4-5-10: 21 (PORTION) AND 4-5-01: 3 AND 10

Staff report, presented by Mr. Moriguchi, recommended approval of the petition in view of the positive evaluation for the need of these lands and the usability and adaptability.

Mr. Suefuji concurred with the staff's recommendation.

Mr. Harold Robinson, Assistant Secretary of Theo H. Davies & Co., testified that the Camp 8 parcels were made available and purchased by their employees a few years ago in fee simple. He also pointed to the Roman Catholic property. The 8-acre parcel had never been put to any agricultural use or any other use due to a steep gully running down the middle of the area. In 1961 several of their employees requested permission to clear the area to put it into homesteads for them, they did this on weekends and holidays over a period of nearly 3 years completing the job in 1964. Then the Land Use Commission came into being and classified it as an Agricultural District. The 14-acre parcel below was contiguous to the present urban area.

Mr. Robinson continued that there were about 24 lots in the whole Honokaa area that were available in fee simple. Their present plans were to phase out employee camps at Haina and Overend and would have to provide an alternate housing area.

Commissioner Nishimura wondered whether, in view of spot zoning in this area, it would be possible to make the urban line contiguous with Camp 8. Mr. Robinson advised that they had suggested in their petition that this area, together with another little piece, all be made into an urban area, which would make it one contiguous piece. He pointed out the portion that was pre-zoned for industrial purposes by the County Ordinance when the change to urban takes place.

Mr. Suefuji confirmed that this was the recommendation made by the Planning Commission, that when the change of boundary is affected, portions of the area would become Class A, Residential, 15,000 square feet for single family dwellings, and portions would be zoned for industrial uses.

Mr. Robinson pointed out the portions of land that the State was using as an operational yard for building roads, and the portions leased to Shell Oil, Standard Oil and Union Oil.

In response to Chairman Thompson's question regarding the Roman Catholic property, Mr. Robinson stated that they had suggested that the Roman Catholic Church ask for urbanization of their land. Mr. Suefuji informed that the Planning Commission had requested the State Land Use Commission to initiate change of boundary. He said that this request was included in their petition. In this regard, Mr. Takeyama advised that the Land Use Commission would have to initiate petition for change instead of the individual owners.

Chairman Thompson opened the floor for discussion as to whether Commission would like to initiate change in boundary at this time.

Commissioner Ota brought out the fact that if we initiated this change, it would involve a public hearing.

Commissioner Wung moved that the Land Use Commission initiate boundary change to put Camp 8, the Roman Catholic Church and the hospital into the Urban District. Motion was seconded by Commissioner Nishimura and carried unanimously.

The hearing was closed thereafter.

BOUNDARY INTERPRETATION ERROR (OLAA)

Mr. Suefuji informed the Commission that a subdivision approval had been granted on a parcel (TMK 1-8-02: 47) in Olaa, the boundary of which had been erroneously interpreted as Urban on the map. This was brought to the attention of the Hawaii Planning Commission by the Tax Department. The subdivision was approved in 1964 when the temporary boundaries were in existence. The area in question was pointed out on the map.

Chairman Thompson raised the question of whether the Commission was in a position to act on this matter. He suggested that the Hawaii Planning Commission work this out at the County staff level and report back to the Commission.

Platting of Tax Maps - Mr. Moriguchi brought up a point directly related to the foregoing discussion. He pointed out the difficulty of working with the present scale map. The Budget Bureau had been approached with respect to the need for additional help in updating the tax maps, but preliminary discussions indicated a denial of the request. It was their feeling that if the counties solicited clarification of boundaries from the Land Use Commission, this would adequately take care of the problem. However, the law requires enforcement of the Land Use Law at the County level so that updated tax maps were highly desirable.

Mr. Moriguchi advised that staff was meeting with the Budget Bureau personnel shortly to discuss fiscal matters, and that he would like to be able to report to them that staff's request carried with it the official backing of the Land Use Commission.

Commissioner Inaba moved to support staff request to the Department of Budget and Finance for additional manpower to plat district boundaries on tax maps, which was seconded by Commissioner Nishimura. The motion was carried.

ACTION

APPLICATION BY WALTER YAMAGUCHI (SP65-17) FOR A SPECIAL PERMIT TO CONSTRUCT A FRAME STORE BUILDING FOR RETAIL AND GENERAL MERCHANDISING PURPOSES AT KALAPANA, PUNA, HAWAII, IDENTIFIABLE BY TAX MAP KEY 1-2-03: 35

Mr. Moriguchi briefly reviewed the special permit request, since this was a deferral from the meeting of October 29, 1965, at which time a staff report had been presented. Mr. Yamaguchi was requesting permission to construct a retail business on the subject parcel. The Hawaii County Commission had granted approval, subject to approval by the Land Use Commission.

Mr. Suefuji presented the General Plan for the Kalapana area and commented that subject parcel fell within the village commercial area. Adjoining areas and their designated uses were also pointed out on the General Plan.

Commissioner Inaba moved to approve the special permit request, seconded by Commissioner Wung. The motion was carried unanimously.

TAX DEPARTMENT RECOMMENDATIONS - HAWAII

Chairman Thompson advised that any request for boundary change would entail a petition, initiated by either the Land Use Commission or the Tax Department, on each of the following parcels under consideration. However, a discussion at this time would be in order to feel out the views and thinking of the Tax Department in connection with these recommended changes.

Mr. David Lee of the Hilo Tax Office expressed his commendation for the manner in which the meetings were conducted, and the invitation extended by the Land Use Commission to other departments to participate in its meetings aimed towards better inter-agency coordination. Mr. Lee's recommendations and reasons for each recommended change are recorded below. A detailed listing of the recommended changes, comparables, remarks, etc., was presented by Mr. Lee (see copy on file).

TMK 1-4 - Kapoho - Agricultural to Urban

1. Involves Nanawale Homestead and typical lots that prevail in the Urban District also prevail in the Agricultural District, with comparable amenities such as utilities, etc.

2. Tax assessments for the Agricultural District and the Urban District are the same due to the fact that these are subdivided houselots, and the agricultural subdivision is part of the urban subdivision.

3. Typical area of lots - 9,000 square feet.

4. Staff comment: Concur

TMK 1-6-142 - Keaau - Agricultural to Urban

1. Subject subdivision is portion of subdivision presently zoned urban. The uses are the same, area size and amenities comparable to Urban District.

2. Tax assessed the same as the Urban District.

3. Typical area of lots - 15,000 square feet.

4. Staff comment: Concur.

TMK 1-8-02 - Mt. View - Agricultural to Urban

1. Actual and potential use and amenities, comparable to urban area.

2. Tax assessed the same as the Urban District.

3. Typical area of lots - 7,500 square feet.

4. Staff comment: Do not concur.

TMK 2-3-39.- Hilo - Agricultural to Urban

1. Area adjacent to American Factors Subdivision, with amenities comparable to urban area. Bounded on two sides by Urban District.

2. Staff comment: Concur.

TMK 2-3-44 - Hilo - Agricultural to Urban

1. Area adjacent to above parcel (2-3-39) and same reasons apply.

2. Staff comment: Concur.

TMK 2-4-42 - Hilo - Agricultural to Urban

1. This is a subdivision in its entirety, with dedicated roads, amenities, and 8 dwellings presently constructed. Comparable to Urban District located just below subject parcel.

2. Staff comment: Concur.

TMK 2-6-12 - North Hilo - Agricultural to Urban

1. Strip of land at the end of the old road that passes Kaaheo School and comes out by the monument-making establishment.
2. Land unsuitable for agricultural purposes because of slope. Subdividable into 10 lots and all necessary utilities are available.
3. Staff comment: Concur.

TMK 2-7-04 - North Hilo - Agricultural to Urban

1. Area being used for residential purposes. There are existing houses owned by the Mauna Kea Sugar Co. On both sides and directly in front of this parcel, lands are zoned urban.
2. Staff comment: Do not concur.

TMK 2-8-16 - Pepeekeo - Agricultural to Urban

1. Area highly developed into residential use, near area used for post office, liquor store.
2. Staff comment: Concur.

TMK 4-5-03 - Honokaa - Agricultural to Urban

1. Area is adjacent to urban residential subdivision, having all the necessary amenities.
2. Staff comment: Concur.

TMK 4-5-18 - Honokaa - Agricultural to Urban

1. The whole plantation camp has been subdivided and sold to employees. Since all lots have the same environment, recommended that the whole area be zoned urban.
2. Staff comment: Concur.

TMK 6-5-04 - Waimea - Agricultural to Urban

1. The area is in the heart of areas zoned urban. Lot size typical with those in the urban area, 2.3 acres, similar amenities, and highly suited for residential development.
2. Staff comment: Do not concur.

TMK 6-6-06 - Lalamilo - Agricultural to Urban

1. Adjacent to built-up residential subdivisions zoned urban. Part of the State of Hawaii Lalamilo Houselot development and should be zoned urban to conform to the rest of the similar subdivisions.

2. Staff comment: Do not concur.

TMK 8-1-05: 8 - Kealahakua - Agricultural to Urban

1. Area presently used as church lot, grave yard, coffee cultivation, bounded on both sides by County Road. Recommending total area of 1.653 acres, which includes east end and south end portions, be zoned urban.

2. Staff comment: Do not concur.

TMK 8-1-05: 22 - Kealahakua - Urban to Agricultural

1. Recommending change from urban to agricultural for 0.918 acres since it is contiguous to an Agricultural District and lacks frontage on existing road.

TMK 8-2-04: 1 - Napoopoo - Agricultural to Urban

1. Area close to urbanized area. Not suited for agricultural purposes due to its topography and geography.

2. Staff comment: Do not concur.

FINAL BOUNDARIES AT PUNA (Ehukai Subdivision)

Chairman Thompson brought up the problem faced by Mr. Raymond Suefuji, Hawaii County Planning Commission, in that there were two maps in the County office, both of which had been filed with the Lieutenant Governor, showing discrepancies in boundaries.

Mr. Moriguchi commented that there was a definite discrepancy between the two maps, each clearly indicating its own boundaries, and it was not a matter of which showed a finer line. He expressed his belief that the original intent was to use the larger scale map to show the boundary more clearly. However, he felt that errors occurred more often on the H-Puna map than on the 1"=62,500 scale map. Mr. Moriguchi suggested that the discrepancies on both maps be resolved into one final map and filed with the Lieutenant Governor.

Mr. Moriguchi continued that there was an immediate and specific problem before the Commission directly concerned with the aforementioned map discrepancy. The Hawaii County Planning Commission was presently processing a special permit request for the Ehukai Subdivision. If it was determined that the proposed subdivision fell within the Conservation District, as indicated on the 1"-62,500 scale map, the Hawaii Planning Commission would not need to consider the petition.

Commissioner Nishimura moved to accept the boundaries as shown on the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The Commissioners were polled as follows:

Ayes: Chairman Thompson, Commissioners Inaba, Ota, Nishimura

No: Commissioner Wung

The motion was not carried.

Following a discussion, Commissioner Nishimura moved for a reconsideration of the votes on the motion to accept the 1"=62,500 scale map for the Ehukai Subdivision, seconded by Commissioner Inaba. The motion was carried unanimously.

This was followed by another motion by Commissioner Nishimura to accept the 1"=62,500 scale map only for the Ehukai Subdivision, seconded by Commissioner Inaba, and was carried unanimously.

The meeting was adjourned at 5:45 p.m.

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kona, Hawaii

3:45 P.M.
November 5, 1965

STAFF REPORT

A65-89 - PARKER RANCH

Background

Parker Ranch has submitted a petition for boundary amendment from an Agricultural District to a Rural District for approximately 54,000 square feet of land located at Waimea, Hawaii. The subject parcel is adjacent and contiguous to the urban boundary of the Mamalahoa Highway in Waimea. Land use in the area varies from urban uses to agricultural uses (see map). It is approximately three-quarters of a mile east of the Kamuela Post Office and urban area.

The petitioner has submitted that its reason for the request for change of classification is in order to effectuate a land exchange in order that an employee who lives on the subject parcel might obtain ownership of the house which he now occupies. The employee's family owns a small parcel in Kamuela Village which would be the other parcel subject to the land exchange.

Analysis

Soils in the subject area are classified as the Waimea loam nearly level phase, which is confined to the vicinity of Waimea on the Island of Hawaii. Most of the vegetable crops produced in this area are grown on this soil, and the soil is excellent for vegetable crops. Rainfall in the area ranges from 30 inches to 40 inches annually.

Except for a strip of urban lands along the Mamalahoa Highway, the subject lands

are bounded by lands presently in use as truck-crop farms, ~~cane fields~~, and pasture lands. Extensive acreage in this area, of which the subject lands are a part, have been dedicated by the owners for agricultural purposes.

omitted at public hearing

Upon action taken at its meeting of August 27, 1965, the County Planning Commission of the County of Hawaii voted to recommend approval for the petitioner's request. However, no reasons for its recommendations were included.

The test as established by the Land Use Commission relating to needs and the usability and adaptability of the lands have not been considered by the petitioner, in that no data in these regards have been submitted.

Recommendation

In view of the fact that the petitioner had not submitted adequate data to substantiate the need and the usability and adaptability of the subject lands, and in view of the fact that the soils of the subject lands and the lands surrounding the subject lands are suited to agricultural pursuits, it is the staff's recommendation that the petition be denied.

October 25, 1965

Mr. Norman Brand
Attorney-in-fact
Parker Ranch
Kamuela, Hawaii

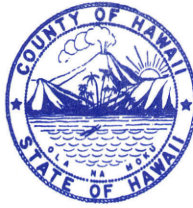
Dear Mr. Brand:

The Land Use Commission next meets on November 5, 1965 at 3:45 p.m. at the Hale Halawai Cultural Center in Kailua, Kona, Hawaii. At that time the petition by Parker Ranch (A65-89) for amendment of the Rural District boundary in South Kohala, Hawaii, will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

: Chairman Thompson
cc: Planning Commission, Hawaii



1728
RECEIVED

SEP 14 1965

State of Hawaii
LAND USE COMMISSION

COUNTY PLANNING COMMISSION

COUNTY OF HAWAII
HILO, HAWAII

September 2, 1965

Mr. George S. Moriguchi
Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

The County Planning Commission at its meeting on August 27, 1965 considered your request for comments and recommendations on the application of the Parker Ranch for an amendment to the Land Use District Boundaries for a change from Agricultural to Rural District on a portion of Grant 4566, Puukapu Homesteads, First Series, Waimea, South Kohala Hawaii.

The Commission voted to approve this amendment request.

Yours very truly,

COUNTY PLANNING COMMISSION

Raymond H. Suefuji
Acting Director

mh



July 13, 1965

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Raymond Suefuji
Planning Director

Gentlemen:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, a copy of a petition for an amendment to the Land Use District Boundaries, submitted by Norman Brand, Attorney-in-fact of Parker Ranch, is forwarded to you for your comments and recommendations.

Thank you for your cooperation in this and other matters.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Enclosure - 1 (petition w/map)

July 13, 1965

Mr. Norman Brand
Attorney-in-fact
Parker Ranch
Kamuela, Hawaii

Dear Mr. Brand:

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 6-4-01-15.

In accordance with Section 98H-4, RLH 1955, as amended and Act 32/SLH 1965, this Commission must schedule a public hearing on your petition no sooner than 60 days nor more than 120 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 any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson

1618

PARKER RANCH
KAMUELA, HAWAII

RECEIVED

July 9, 1965

JUL 12 1965

State of Hawaii
LAND USE COMMISSION

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

Gentlemen:

We are forwarding with this letter a Petition for Amendment to the Land Use Commission District Boundary covering a small parcel of land situate in the Puukapu Homesteads in the District of Waimea. This land and the land adjoining it comprise the site of a concentration of Parker Ranch employee housing and have been under this use for many decades, it would be safe to say that they have never been under agricultural use.

The reason for the request for change of classification is that we wish to exchange this portion, which houses a long time employee, for a small piece which his family owns in Kamuela Village, identified by Tax Key 6-5-05-9 and containing .43 Acre.

Our employee is most anxious to accomplish this exchange in order to obtain ownership of this house which his family has occupied for many years.

It is earnestly hoped that your Commission will lend a sympathetic ear to this petition, particularly since it is extremely likely that a change in classification for all of the adjoining land is a distinct possibility in the not too distant future.

Our check, in the amount of \$50.00, is enclosed herewith. This being the amount of filing fee for this petition.

Yours very truly,

RICHARD SMART D.B.A. PARKER RANCH

By: Norman Brand
Norman Brand
His Attorney-in-Fact

NB:ky

Enclosures

STATE OF HAWAII

OFFICIAL
RECEIPT

No.

59

Planning & Econ. Development

Department, Bureau or Commission

July 13, 1965

RECEIVED from

Parker Ranch

Fifty and no/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$ 50.00

Henry J. Oshida
Public Accountant

State Form B14

STATE OF HAWAII

Land Use Commission
426 Queen Street, Honolulu, Hawaii

Department, Bureau or Commission

OFFICIAL
RECEIPT

NO.

104

July 12
1965

RECEIVED from

Norman Brand for Parker Ranch

Fifty + 00/100

DOLLARS

for public hearing by LUC for boundary change from
Agricultural into a Rural District on Hawaii

\$50.00

Dora Y. Hunka

Public Accountant

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

JUL 12 1965

State of Hawaii
LAND USE COMMISSION

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Hawaii, Island of Hawaii, map number and/or name _____ to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) Rural district.

Description of property:

Tax Key 6-4-01-15

Map attached.

Petitioner's interest in subject property: Held in Fee.

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

Land Exchange. Please refer to letter of explanation, attached.

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

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

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

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

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

RICHARD SMART D.B.A. PARKER RANCH

By:
Signature(s)

Norman Brand

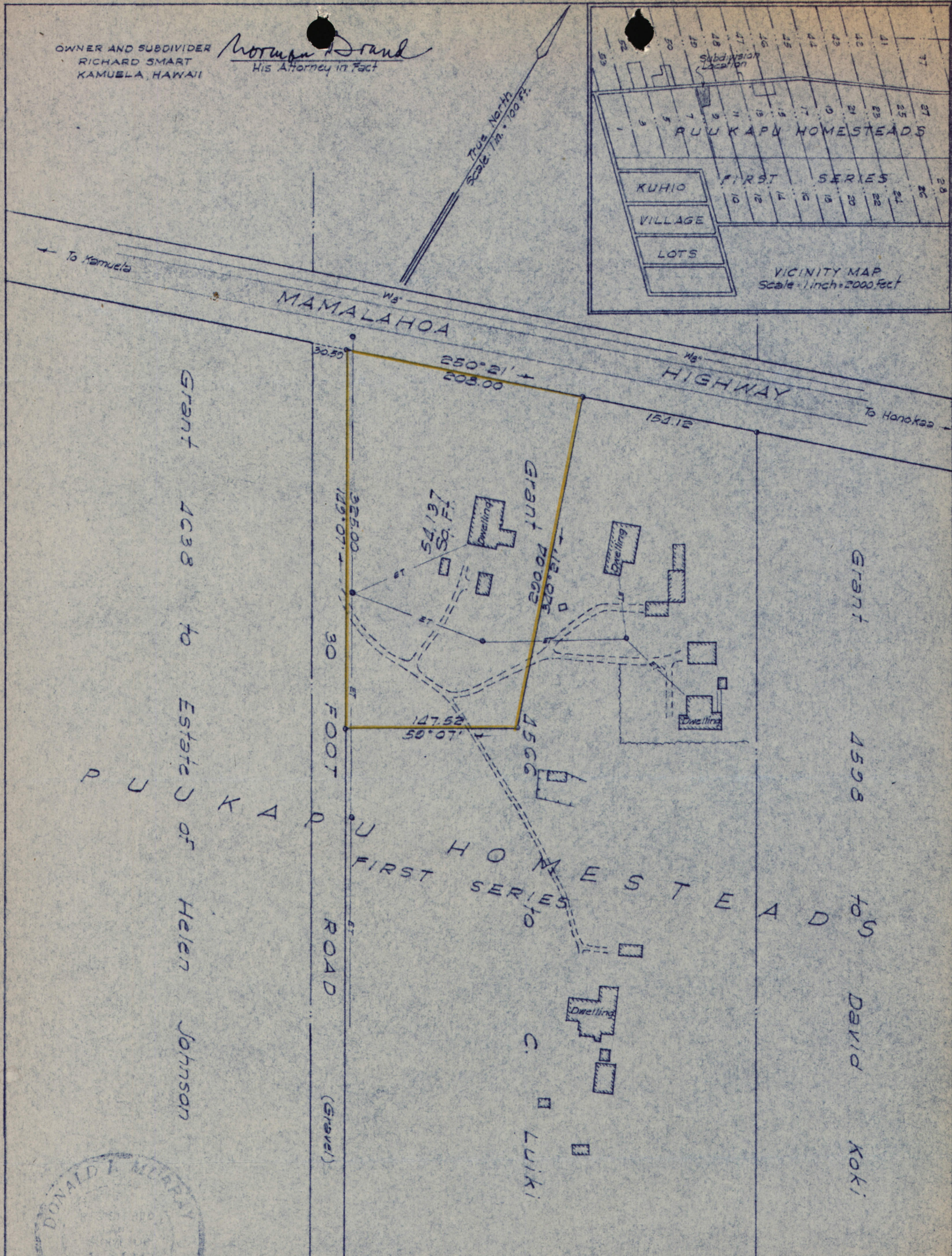
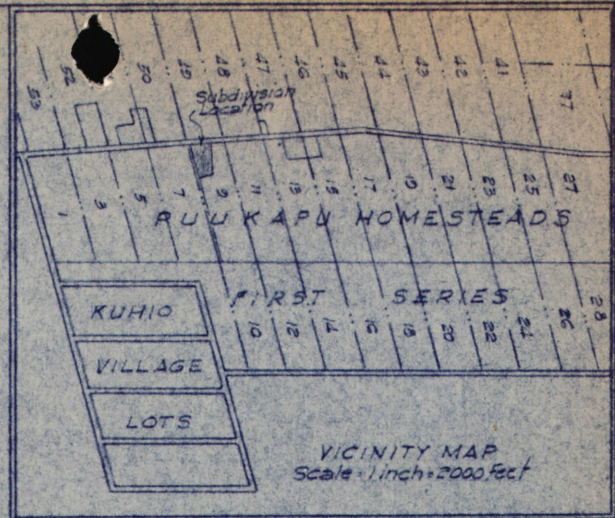
His Attorney-in-Fact

Address: Kamuela, Hawaii

Telephone: 855-115

OWNER AND SUBDIVIDER
RICHARD SMART
KAMUELA, HAWAII

Norman D. Smart
His Attorney in Fact



SUBDIVISION
Being Portion of Grant 4566 to C. Luiki
Puukapu Homesteads, First Series
Waimea, South Kohala, Hawaii
Scale: 1 inch = 100 feet
September 1964

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION

Donald James Murray

TAX MAP KEY: G-4-01
TRACING NO.

FILE NO. 137

PARKER RANCH
LAND DEPARTMENT

RECEIVED

JUL 12 1965

State of Hawaii
LAND USE COMMISSION