

A66-126 - W. H. SHIPMAN, LTD. & KEAUA LAND CO., LTD.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the
Classification and
Districting of Certain
Lands at Keaau,
Island of Hawaii

Docket No. H74-14

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

4/23/75

Date

by *John J. Smith*
Executive Officer

DECISION AND ORDER

This matter, being a proceeding pursuant to Section 205-11, Hawaii Revised Statutes, to consider proposed district boundaries concerning certain lands situate at Keaau, Island of Hawaii, was heard by the Land Use Commission at Hilo, Hawaii on September 26, 1974. The Commission, having duly considered the record in this docket makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property comprises approximately 3.0 acres and is described as Tax Map Key 1-6-3: portion of parcel 3. The property is owned by W. H. Shipman Ltd. and leased to Puna Sugar Company. The property is situate at Keaau, Hawaii on the eastern fringe of the Keaau Urban District.
2. The proposed reclassification is from the existing Urban District to an Agricultural District classification.
3. The subject property is presently in sugar cane production and was included in a petition for agricultural dedication submitted by Puna Sugar Company in 1974 in order to realize tax benefits.
4. No urban development has taken place on the subject property since the Urban designation was established in 1964. There appears to be no plans to develop the subject property for the designated urban use in the foreseeable future.

CONCLUSIONS OF LAW

Pursuant to Section 205-11, Hawaii Revised Statutes and Sections 2.5 through 2.10 of the State Land Use District Regulations, it appears that the reclassification from the Urban District to the Agricultural District is reasonable.

ORDER

IT IS HEREBY ORDERED:

That the subject property covered by docket H74-14 comprising approximately 3 acres described as Tax Map Key 1-6-3: portion of 3, situate at Keaau, Hawaii, is hereby reclassified from the Urban District classification to an Agricultural District classification.

Done at Honolulu, Hawaii, this seventeenth day of April, 1975, per motion passed by the Commission on December 18, 1974.

LAND USE COMMISSION
STATE OF HAWAII


EDDIE TANGEN
Chairman

November 24, 1976

MR. FRANK HOLZ
Murray, Smith & Associates, Ltd.
Hilo Hotel Office Annex
Hilo, Hawaii 96720

Dear Mr. Holtz:

In response to your letter requests of October 21, 1976 and November 17, 1976, please find enclosed a copy of your map with our official designation of the State Land Use Urban-Agricultural District boundary outlined in red. Please note the minor deviation from your boundary interpretation in the southwestern corner of the Kula-Keaau Subdivision.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encl.

*maps filed in
Boundary Interpretation
file (include original letters)*

Murray, Smith & Associates, Ltd.

7523

CHAS. L. MURRAY
P.O. BOX 863
RES. PHONE 935-0250

HILO HOTEL OFFICE ANNEX
HILO, HAWAII
OFFICE PHONE 935-9725

LAND USE COMMISSION
STATE OF HAWAII
November 17, 1976
Nov 22 4 06 PM '76

Land Use Commission, State of Hawaii
Kamamalu Building
250 South King Street
Honolulu, Hawaii 96813

Re: Your file A 66-126 W.H. Shipman, Ltd., and
Keaau Land Co.

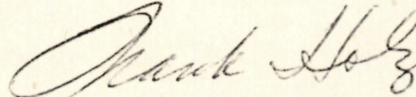
Gentlemen:

In accordance with your recommendation, we herewith submit two (2) copies of a revised map showing proposed boundaries for the Keaau Urban area. In this revision, we have removed the 5.773 Acre portion of Lot 1151-B, since, as you have informed us, this parcel has previously been returned to Agricultural zoning.

We hereby respectfully request your prompt consideration and approval of the boundaries as set forth on the enclosed map.

Very truly yours,

MURRAY, SMITH & ASSOCIATES, LTD.



Frank Holz

encls.
cc. John Dykes w/encl.
Planning Department w/encl.

FH:hm

7513

Murray, Smith & Associates, Ltd.

CHAS. L. MURRAY
P.O. BOX 863
RES. PHONE 935-0250

HILO HOTEL OFFICE LAND USE COMMISSION
HILO, HAWAII STATE OF HAWAII

OFFICE PHONE 935-0250

October 21, 1976

~~OCT 32~~ 11 24 AM '76

Land Use Commission, State of Hawaii *hov 1*
Kamamalu Building
250 South King Street
Honolulu, Hawaii 96813

Re: Your file A66-126 - W.H. Shipman, Ltd.
and Keaau Land Co.

Gentlemen:

Referring to your above-captioned file and to your staff report dated August 5, 1966, we wish to hereby respectfully request approval of our determination of the boundaries of the parcel for which urban zoning was approved, as shown on the enclosed map.

The last paragraph of your report recommends approval for 47.5 acres "as indicated by the limits of the orange line". The "orange line" followed certain proposed lot lines as shown on a General Development Plan prepared by Belt, Collins, & Associates dated March 1962. Since that time two increments of residential lots, totalling 19.644 acres, have been developed, and we now wish to develop the balance of the approved area. In planning this, however, we find the area to the orange line to be less than 47.5 acres, and further, that in the southeast corner of the parcel the orange line does not follow an existing lot line which would be the logical boundary.

The parcel as shown on the enclosed map, contains 46.823 acres, with the only changes from the "orange line" being an adjustment to conform to existing or proposed lot lines and with the recommended development pattern for the area, and to eliminate a small jog between the two long curves in the east boundary. It is interesting to note that the area of this parcel would have been 47.481 acres except for a subsequent widening of Pahoa Road and the acquisition therefore of a parcel of 0.658 acres.

We hereby respectfully request that your action of August 5, 1966, be amended to adopt the boundaries shown on the enclosed map for the final boundaries of the urban area.

A copy of this map and letter are being forwarded to the Hawaii County Planning Department with a request that a copy of their comments and recommendations be sent to you.

Your early attention to our request will be greatly appreciated. We are acting as agent for Keaau Land Co.

Very truly yours,

MURRAY, SMITH & ASSOCIATES, LTD.

Frank Holz
Frank Holz

encls.
cc. Planning Department

FH:hm

November 3, 1966

W. H. Shipman, Ltd.
Keaau Land Co., Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

The petition by W. H. Shipman, Ltd. and Keaau Land Co., Ltd. (A66-126) to amend the Land Use District Boundaries from an Agricultural District to an Urban District was approved for approximately 47.5 acres at Keaau, Hawaii, identifiable by Tax Map Key 1-6-03 portions of 3 and 61, by the Land Use Commission at its meeting on October 29, 1966.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

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

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1705-61020
100-10-21

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item A66-126 Shipman-Kesau Date 10-29-66
Place Hilo (Hwy 98.) Time _____

Commissioners	Yes	No	Abstain	Absent
BURNS, C.E.S.	✓			
FERRY, J.	✓			
INABA, G.	✓			
MARK, S.				
NISHIMURA, S.	✓			
OTA, C.				
WENKAM, R.	✓			
WUNG, L.	✓			
THOMPSON, M.	✓			

Comments:

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

State Highways Division
Hilo, Hawaii

9:30 a.m. - October 29, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Jim P. Ferry
Leslie Wung
Goro Inaba
Shiro Nishimura

Commissioner Absent: Shelley Mark

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

A short prayer was offered by the Chairman, followed by an introduction of the Commissioners and staff and a brief outline of the hearing process. Individuals testifying during the hearing were sworn in.

Chairman Thompson advised that a rearrangement of the agenda had been necessitated and that the items requiring Commission action would be considered first.

ADOPTION OF MINUTES

Minutes of the August 5, 1966 hearing and meeting were approved as circulated.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO RECLASSIFY APPROXIMATELY 5.3 ACRES AT MIKIOLA, KANEOHE, FROM CONSERVATION TO URBAN, identifiable by Tax Map Key 4-4-13: portions 55 and 56

Staff memorandum, presented by Mr. Moriguchi, recommended denial of the petition based on the extensive grading that would be required and the possible resultant slide and storm water hazards to the abutting landowners.

Commissioner Wenkam brought out the point that on this and previous occasions, the recommendation from the City and County Planning Commission did not seem to reflect any consideration from the resultant slide and water hazards

See page 4

during the hearing.

Chairman Thompson commented that the avenue of a special permit application with the Department of Land & Natural Resources was open to the petitioner which would impose stricter controls to insure against landslides and hazard to adjoining property owners.

It was the consensus of the Commission that a motion was in order to deny the petition without recommending petitioner's application to the Department of Land & Natural Resources because the position of the Commission could be misconstrued.

It was moved by Commissioner Wenkam that the petition be denied based upon the disapproval by the County Planning Commission; the fears of the Chief Engineer, the excessive slopes and the danger to the property below. The motion was seconded by Commissioner Burns and carried, with one dissenting vote cast by Commissioner Nishimura.

PETITION BY LILIUOKALANI TRUST (A66-122) TO RECLASSIFY APPROXIMATELY 14.5 ACRES FROM URBAN TO AGRICULTURE AT KAILUA KONA, identifiable by Tax Map Key 7-4-08: portion 2

Chairman Thompson declared himself ineligible to participate in the deliberation of this petition due to his employment status and asked Vice-Chairman Burns to conduct the discussion.

It was the staff's recommendation that the petition be approved since the primary intent was to refine the original preliminary layout of the industrial subdivision in accordance with more detailed plans.

Mr. Moriguchi elaborated on the significance of the various colored areas of the map.

Commissioner Ferry moved to accept staff's recommendation to amend the boundaries as set forth, seconded by Commissioner Inaba. The motion was passed unanimously.

PETITION OF W. H. SHIPMAN, LTD. & KEAAU LAND CO., LTD. (A66-126) TO AMEND APPROXIMATELY 112 ACRES FROM AGRICULTURAL TO URBAN AT KEAAU, HAWAII, identifiable by Tax Map Key 1-6-03: portion 3

It was recommended by the staff that the reclassification from Agriculture to Urban be allowed for the 47.5 acre portion only.

Commissioner Ferry wondered how rezoning of this area would affect the cane cultivation or mill operation. It was indicated that the petitioners did not feel this would be affected at all.

Mr. Moriguchi informed that, according to a study made by Belt and Collins, approximately 200 residences would have to be relocated in the phasing-out program. He further explained that most of these homes were in varying degrees

of dilapidation, and that there were several other areas districted urban presently in camps which could be phased out if the owners so desired.

Commissioner Wung Commented that he was familiar with the area and that the last two subdivisions were completely sold out even before the subdivisions were started, attesting to the great demand for urban lands in the area.

Mr. Philip Yoshimura of the Hawaii Planning Commission advised that contrary to the statement in the staff memorandum to the effect that "the total acreage requested by the petitioners was over and beyond the limits established by the County General Plan", the County General Plan did indeed embrace the entire area for residential purposes.

Commissioner Ferry moved to accept staff recommendation for amendment of 47.5 acres into an Urban District, seconded by Commissioner Nishimura. The motion was carried unanimously.

PETITION BY LAND USE COMMISSION (A66-133) TO AMEND 60.5 ACRES FROM URBAN TO AGRICULTURAL AND 43.5 ACRES FROM AGRICULTURAL TO URBAN AT KEEAU, PUNA, HAWAII

The original recommendation to reclassify 60.5 acres from urban to agricultural and 43.5 acres from agricultural to urban was maintained by the staff.

Referring to the camp which had been excluded in the subdivision plans, Commissioner Ferry expressed his feeling that to retain this on a leasehold basis for another 10 years was certainly to discourage the camp phasing-out program. However, it was pointed out by the Executive Officer that the residents were free to relocate themselves in the new subdivision if they chose to do so.

Commissioner Wung also added that perhaps one of the reasons for the exclusion of this camp could be traced to the fact that many of the present occupants were older retired people, who could not afford to buy into a subdivision, and wished to maintain the status quo.

It was established by the Executive Officer that the only point of disagreement between staff and the Hawaii Planning Commission was the area marked 9 on the map which had been recommended for reclassification to Agricultural by the staff.

Mr. Yoshimura advised that the lease problem in the camp would be resolved by the formation of a community association which would lease the entire camp area from the sugar company and assess each occupant on an equitable basis.

Commissioner Wenkam moved that reclassification of the specified parcels of land at Keaau, as recommended by the staff, be approved. Commissioner Nishimura seconded the motion and it was passed unanimously.

PETITION OF BISHOP ESTATE (A66-119) TO RECLASSIFY 35 ACRES OF LAND LOCATED AT PUNALUU, OAHU FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT, Identifiable by Tax Map Key 5-3-01

It was the staff's recommendation that approximately 18 acres, following

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

October 29, 1966
Hilo, Hawaii

TO: Land Use Commission

FROM: Staff

SUBJECT: A66-122 - LILIUOKALANI TRUST; A66-126 - W. H. SHIPMAN, LTD. & KEAAU LAND CO., LTD.; A66-133 - LAND USE COMMISSION (KEAAU); A66-119 - BISHOP ESTATE (PUNALUU); A66-123 - OCEANIC PROPERTIES, INC.; A66-125 - ERIK AND LEILA VANNATTA

A66-122 - LILIUOKALANI TRUST

This petition, to change approximately 14 1/2 acres from Agriculture to Urban and approximately 1 1/4 acres from Urban to Agriculture, located at Kailua, Kona, was publicly heard by this Commission on August 5, 1966. It was the recommendation of the Hawaii County Planning Commission and the Land Use Commission staff that the petition be approved since the primary intent is to refine the original preliminary layout of the industrial subdivision in accordance with more detailed plans.

Further information on the matter has not been received either for or against the petition. Therefore, the original recommendation for approval is maintained.

A66-126 - W. H. SHIPMAN, LTD. AND KEAAU LAND CO., LTD.

A hearing to reclassify approximately 112 acres from Agricultural to Urban was heard on August 5, 1966. These lands are located to the east of the Keaau School with portions owned by the Keaau Land Company, Ltd. and W. H. Shipman, Ltd.

A recommendation for approval of the entire area was received from the Hawaii County Planning Commission. The Land Use Commission's staff, however, recommended approval of approximately 47.5 acres since the total acreage requested by the petitioners was over and beyond the limits established by the County General Plan and since there appeared to be no justification for reclassification of the entire 112 acres.

Concurrence with the Land Use Commission staff's recommendation for reclassification of 47.5 acres was indicated by the attorney for the petitioners during the public hearing. Therefore, it is recommended that the reclassification from Agriculture to Urban be allowed for the 47.5 acre portion only.

A66-133 - LAND USE COMMISSION (KEAAU)

Based upon its own motion for reclassification of certain lands in Keaau, Puna, Hawaii, a hearing was held on August 5, 1966. Five separate areas presently districted Urban were considered for change to Agricultural. Four separate areas were considered for change from Agriculture to Urban.

During the hearing, it was recommended by the staff that the areas designated 1, 2, 4, and 5 be reclassified from Urban to Agriculture, and that area

number 3 be maintained as urban. The areas numbered 6, 7, and 8 were recommended by the staff for change from agriculture to urban. Area number 9 was not recommended for reclassification. In summary, the staff's recommendation would change 60.5 acres from urban to agricultural and 43.5 acres from agricultural to urban.

Recommendations received from the Hawaii County Planning Commission concurred for all areas excepting area number 9, which the County Planning Commission indicated should be reclassified from agricultural to urban in view of its present urban use.

The Land Use Commission staff maintains its original recommendation to reclassify 60.5 acres from urban to agricultural and 43.5 acres from agricultural to urban.

A66-119 - BISHOP ESTATE (PUNALUU)

A public hearing on a petition to amend the Land Use District boundaries involving approximately 35 acres of land located at Punaluu, Oahu, was held on August 6, 1966. A development to accommodate approximately 244 residential condominium units is proposed for the thirty-five acre parcel and the 7.5 acre portion along the highway that is presently districted urban.

During the public hearing the staff indicated that although there is no substantiation of the need for additional urban lands based on the petitioner's data, land use investigations conducted by the staff have found that some degree of addition to the urban district is justified. Therefore, it was recommended at that time that the alignment of the future highway as shown on the detailed Land Use Map of the City and County of Honolulu be used to establish the extent of expansion.

Since that time a City Planning Commission recommendation on the petition has been received with the proposal that the entire thirty-five acres be approved. In so doing, they have indicated that the proposal by the petitioners generally conforms with the adopted detailed Land Use Map and the General Plan. During subsequent contacts with them, they have indicated that the detailed Land Use Map and any departures therefrom would require council action only when zoning changes are proposed. Therefore, general planning which departs from the detailed Land Use Map can proceed in the event that no change in the County Zoning is required.

In view of the City Planning Commission's willingness to depart from the future highway alignment as indicated on their General Plan in the area of the petition, it is recommended that urban expansion under this petition be permitted up to the Makai side of a highway reserve strip, which would follow the toe of the 20% and steeper slopes. Accordingly, approximately eighteen acres are recommended for reclassification from agricultural to urban in the portion of the petitioner's lands between the existing urban boundary and the reserve strip at the toe of the steep slopes. The remaining 17 acres out of the original 35 acres are recommended for retention within the agricultural classification.

A66-123 - OCEANIC PROPERTIES, INC.

The petition by Oceanic Properties, Inc. to reclassify forty-eight acres from urban to agriculture and another forty-eight acres from agriculture to urban involving lands at Waipio, Ewa, Oahu was heard on August 6, 1966. Their request

is based on more detailed planning studies since submittal of their original plans for land use districting. The City and County of Honolulu Planning Commission recommends approval of the petition as requested.

The Land Use Commission staff recommended during the public hearing that the petitioner's request be approved with the exception of the area requested for change from urban to agriculture immediately adjacent and to the southwest of Kamehameha Highway. This recommendation would include reclassification of approximately 2.5 acres from agricultural to urban which were not part of the original petition. A letter has been received from the petitioners indicating that they would have no objection to this recommendation.

In summary, the staff's recommendation would reclassify 20.5 acres from urban to agriculture and 48 acres from agriculture to urban.

A66-125 - ERIK AND LEILA VANNATTA

A petition to reclassify approximately 2 3/4 acres of land from conservation to urban was heard on August 6, 1966. However, since approximately 1/4 acre is presently within the urban district only the remaining 2 1/2 acres are under consideration for boundary amendment. These lands are located at Mikiola, Kaneohe, Oahu.

Since that time, a recommendation for denial of the petition has been received from the City Planning Commission on the basis of the following:

1. Provision of adequate access and steep topography are the primary problems confronting the subject parcel.
2. Topography and the long narrow shape is not favorable for intensive urban development as suggested in the applicant's site plan. The horizontal condominium development as suggested by the applicants will very likely require excavation of the hillside area necessitating some scarring, as well as the possibility of creating erosion and drainage problems.
3. The existing one-car width driveway which provides access presently to four homes is not of sufficient width to accommodate vehicular traffic generated by the development of additional homes.
4. Existing public facilities, particularly elementary school and playground are not conveniently located.

The Land Use Commission's staff recommended during the public hearing that only a triangular shaped area of approximately 8,400 square feet at the makai portion of the subject lands is deemed suited for urban development and, therefore, this area should be permitted for reclassification from conservation to urban with the remaining area kept within the Conservation District. The staff maintains this original recommendation for Commission action.

October 4, 1966

W. H. Shipman, Ltd.
Keau Land Co., Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

The Land Use Commission next meets at 9:30 a.m.
at the State Highways Division Office, 50 Makaala Street,
Hilo, Hawaii, on October 29.

On or about that time a decision of the petition of
W. H. Shipman, Ltd. and Keau Land Co., Ltd. (A66-126)
will be rendered.

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

Very truly yours,

George S. Moriguchi
Executive Officer

GSM/pjp

cc: Chairman Thompson

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Highways Division
Hilo, Hawaii

9:50 a.m. - August 5, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Goro Inaba
Shelley Mark
Robert G. Wenkam
Leslie Wung
Charles Ota
Shiro Nishimura

Commissioners Absent: Jim P. Ferry

Staff Present: George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson opened the meeting with a short prayer, followed by an outline of the procedures to be followed, introduction of Commissioners and staff members, and swearing in of persons testifying during the hearings.

PUBLIC HEARINGS

PETITION OF LILIUOKALANI TRUST (A66-122) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR APPROXIMATELY 14½ ACRES, AND FROM AN URBAN DISTRICT TO AN AGRICULTURAL DISTRICT FOR APPROXIMATELY 1¼ ACRES OF LAND AT KAILUA, KONA, HAWAII, identifiable by TMK 7-4-08: Portion 2

Staff report (see copy on file) presented by Mr. George Moriguchi recommended favorable action of the petition since utility services and access facilities were available in the area, and topographic conditions were suited for urban development.

Chairman Thompson requested that he be excused from participating in this hearing since his employment by the petitioner constituted a conflict of interest.

Mr. Robert Belt of Belt, Collins & Associates, Ltd. requested that the boundary be modified to permit a more orderly development than would be possible

See page 2

under the original boundary which was established arbitrarily on the basis of earlier plans. He added that the treatment plant was presently in operation.

Since there was no further testimony, the hearing was closed thereafter.

PETITION OF W. H. SHIPMAN, LTD. AND KEAAU LAND CO., LTD. (A66-126) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR APPROXIMATELY 112 ACRES AT KEEAU, HAWAII

Staff recommendation (see copy on file) was for approval of 47.5 acres of the petitioners' lands as indicated by the limits of the orange line on the map, on the basis of the need for additional houselots to provide for families being phased out of plantation camps and the need of additional urban lands in the Keaau area.

Mr. Moriguchi pointed out the 80% planted in cane and the remaining vacant lands on the map, which left an agricultural strip right in the center of subject lands. He advised that reclassification of this strip would be considered as the next item on the agenda.

Recognizing the need for expansion of the Keaau area, the General Plan proposal is for development of the urban by phasing out the old homes and providing residential homes.

Commissioner Ota felt that prime agricultural lands would be exploited and that there were other areas suitable for the proposed urban development.

Mr. Moriguchi supported the General Plan since it proposed a logical expansion of an already existing urban complex with all of the necessary facilities such as schools, fire station, police station, plus the fact that the new civic center is located in this area.

Mr. L. N. Nevels, Jr. representing the petitioners advised that it was their desire to provide the requisite house lots so that people could move out of their dilapidated homes in the existing Keaau Village. The petitioners would also be willing to accede to staff's recommendation for reclassification of 47½ acres to an Urban District, with the hope that upon evidence of proof of demand for additional urban lands within the next 5 years, they would receive favorable consideration from the Commission.

Mr. Nevels submitted that there were almost no urban lands available for residential use in the Keaau area at the present time.

Commissioner Ota commented that it was almost incumbent on the part of large landowners to prepare a master plan involving their lands, and that without such a plan the Commission would find it difficult to arrive at a sound decision.

Mr. Suefuji, Hawaii County Planning Director, advised that such a master plan had been drawn up as represented by Ordinance 317 of the County of Hawaii, which was a reflection of coordinated efforts of the County and the private landowners. He also added that the Hawaii Planning Commission was in accord with the staff's recommendation. The hearing was closed thereafter.

PETITION OF THE LAND USE COMMISSION (A66-133) TO AMEND THE DISTRICT BOUNDARY FOR SEVERAL AREAS IN THE KEEAAU DISTRICT

Staff report (see copy on file) submitted that the Land Use Commission, upon its own motion, was petitioning for boundary changes in the Keaau District, which would change 60.5 acres from Urban to Agricultural, and 43.5 acres from Agricultural to Urban. Mr. Moriguchi reported that the County of Hawaii was generally in concurrence with staff recommendation, although they felt that the 9½ mile camp should be retained in the Urban District.

Commissioner Ota reiterated his earlier comments with reference to the responsibility of the landowners to provide for an orderly phasing out program in a master plan to preclude the untimely eviction of the present tenants.

In response to Commissioner Nishimura's question, Mr. Moriguchi advised that presently there were 92 acres in the urban complex within Keaau town, which were densely developed, and that it would be unfeasible to phase out the whole structure within the urban complex until provisions were made in some other area for expansion. He felt that the 45 acres being considered under the Shipman petition could be considered a step in this direction.

It was also brought out that W. H. Shipman and Keaau Land Co. had engaged the services of Belt, Collins & Associates, Ltd. to prepare a master plan for the Keaau area, and that the County of Hawaii was also following a plan prepared by this same firm for the whole South Hilo area.

Mr. Suefuji reported that the Hawaii Planning Commission agreed with the staff's proposal except for the recommended change of Area #9 known as the 9½ mile camp. For purposes of facilitating rental transactions, and the fact that the owners would be compelled to apply for a special permit of the subdivision if the subject area were reclassified from Urban to Agriculture, the Hawaii Planning Commission complied with their request to retain the area in an Urban District for the next 10 years. Also, under the subdivision ordinance, roads would have to be brought up to County standards which would be impractical for a 10-year period.

Mr. Moriguchi advised that the primary concern here was continuation of the existing use, i.e. to permit present tenants occupancy until such time as they are able to relocate themselves, and that the present uses could be permitted even under a change in land designation. On the matter of the rental transactions, he wondered if some arrangement could not be worked out between the plantation and the tenants. Leaving Area #9 in urban would leave a pocket of urban lands in an agricultural area, Mr. Moriguchi concluded.

Mr. Nevels commented that Shipman and Keaau Land Co. were working on a community lease to enable the present occupants tenancy for a period of not more than 10 years, the expected life of the buildings. He said that the phasing out program involved making available good suitable lands within close proximity to those who may desire to situate themselves in the Keaau area. He agreed that the two firms concurred with the staff's recommendation except for Area #9 in the report.

It was pointed out by the Executive Officer that all of the individual landowners within the subject area of this petition, including Shipman and Keaau Land Co., were duly notified by mail of the hearing being held to reclassify the lands by this Commission, and in fact there were two such landowners present at this hearing.

The hearing was closed thereafter.

ACTION

PETITION OF MAUNA KEA SUGAR CO., INC. (A66-109) TO RECLASSIFY 36 ACRES PRESENTLY IN AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT IN HILO, HAWAII

Staff memorandum recommended denial of the reclassification involving the 36-acre since denuding these lands of the dense growth of trees can and will probably contribute to flood problems in the lower residential areas.

Mr. Kenneth Griffin, real estate broker, submitted that the developers were proposing a modified cluster type subdivision, after consulting with the Planning Director, which would allow for retention of some of the trees in the wooded areas. This would also permit 6 to 9 acres of the 36 acres to remain in its natural state. Mr. Griffin felt that these lands constituted prime residential areas and would be an asset to the City of Hilo.

Mr. Suefuji stated that flooding of Kaumana Terrace, Bay View and subdivisions surrounding subject lands resulted from waters coming from the mauka area 5½ miles away. Mr. Griffin added that there did not seem to be any appreciable flooding in the area under discussion.

The drainage problem would be taken care of by curbs and gutters in conformance with the County Engineer's requirements, although no detailed drainage system has as yet been drawn up. Mr. Griffin thought that the gutters would empty out into some pipe at the edge of the subdivision.

Commissioner Wenkam felt that the broad panoramic view of the Hilo Bay area would be enhanced by looking through the trees and felt that they should be kept tall and not topped off to 20 or 25' as suggested by Mr. Griffin.

Mr. Griffin also stated that fee simple lands were in demand in the area.

Mr. Moriguchi commented that although the runoff from the wooded area alone did not directly contribute to the flooding of the lower area during the recent storm, denuding the area would intensify the problem because of the topography.

Mr. Suefuji informed that in recommending approval of change from agriculture to urban, the County Planning Commission did not necessarily review the layout plan since the developers would be mandated to appear before the Commission prior to seeking approval of their subdivision plans.

Commissioner Wenkam felt that the question of leaseland versus fee simple lands should not be the concern of the Land Use Commission--that decision should

be based solely on good planning and on the need for urban use of the area in the City of Hilo.

Commissioner Inaba moved that the Land Use Commission grant the applicant the 36-acre boundary change from agriculture to urban based on petitioner's statement and the recommendation of the County of Hawaii, and also because the need has been shown, seconded by Commissioner Burns.

The Commissioners were polled as follows:

Aye: Commissioners Burns, Inaba, Wung

Nay: Commissioners Mark, Nishimura, Ota, Wenkam, Chairman Thompson

The motion was not carried.

PETITION OF ESTATE OF SOPHIE JUDD COOKE (DEC'D) (A66-110) TO RECLASSIFY APPROXIMATELY 4.9 ACRES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT MOLOKAI

Staff memorandum (see copy on file) presented two alternatives to the Commission involving the above-mentioned petition: (1) Process the original petition, or (2) accept the petitioner's request to withdraw the original petition and process the new petition for reclassification from Agricultural to Rural.

Chairman Thompson commented that the second alternative would require another public hearing since the request had changed from Agricultural to Rural rather than Urban.

Commissioner Ota moved to accept the petitioner's request for withdrawal of the original petition and process the new petition by scheduling another public hearing. It was seconded by Commissioner Burns.

In reply to Commissioner Nishimura's query, Mr. Moriguchi replied that the original request would contribute to the concept of scattered urban development.

The Commissioners were polled as follows:

Aye: Commissioners Burns, Inaba, Mark, Ota, Wenkam, Chairman Thompson

Nay: Commissioners Nishimura, Wung

The motion was carried.

PETITION OF FRANK & BESSIE MONIZ (A66-112) TO RECLASSIFY APPROXIMATELY 6.9 ACRES OF LAND AT KAONOULU, KULA, MAUI, FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT.

Staff memorandum (see copy on file) recommended denial of the petition because of the decreasing population trend in the Waiakoa area and the lack

of supporting data for need of additional rural lands.

In support of the need for additional rural lands in the Kula District, Commissioner Ota submitted that cost of land was an important consideration, and the minimum cost of land per acre in this area would run close to \$3,000. The construction of the new highway definitely contributed toward change in land use of subject parcel by separating it from the Kaonoulu Ranch. It was also pointed out by Commissioner Ota that contrary to staff's report, population was on the upward swing in the Kula area. The idea of vast amounts of rural lands and small percentage of development were not indications of population growth or adequate lands in the Kula area. As far as the subject parcel was concerned, Commissioner Ota commented that the terrain was uneven, bounded by two highways, adjacent to an Urban area with urban facilities available, appropriate for half-acre house sites. He continued that subdividing the parcel into 6 lots would not constitute an urban-like concentration, and that the Commissioners should take all of these factors into consideration.

Commissioner Ota agreed that an element of hardship did exist for the petitioner since he had purchased the land from the Kaonoulu Ranch with the intention of subdividing it for house lots, in reply to Chairman Thompson's question.

The mere fact that the petitioner was requesting reclassification of the land from Agricultural to Rural did not preclude the use of it for agricultural purposes; that supplemental income could be derived from agricultural pursuits on subject land, Commissioner Ota concluded.

Commissioner Wenkam agreed with staff that the fact petitioner claims the land is not feasible for ranching, truck crops or other related uses, should not place the land in rural or urban. However, at this particular highway junction, rural and urban uses already existed and it was highly probable that, upon subdivision of subject lands, they would be bought and built upon long before other vacant lots in the Kula area due to its proximity to the already existing residential areas.

Commissioner Nishimura expressed his concern for agricultural lands in Maui and felt that petitioner could come up with a subdivision of 2-acre minimum lot sizes without undue financial hardship.

Referring to Commissioner Wenkam's earlier comment, Mr. Moriguchi stated that even within the Urban District, lands were being used for pasture. Therefore, the Commission should be concerned with the need for urban lands and not so much with the fact that these lands are suitable and located near existing facilities.

It was moved by Commissioner Ota and seconded by Commissioner Wenkam that the petition be approved since the land is appropriate for rural development and on the basis of the petitioner's arguments in his petition. The Commissioners were polled as follows:

Aye: Commissioners Wenkam, Wung

Nay: Commissioners Burns, Inaba, Mark, Nishimura, Ota, Chairman Thompson

The motion was not carried.

SPECIAL PERMITS

APPLICATION OF SHIGE HIRANO (SP66-29) TO CONSTRUCT A SERVICE STATION, GENERAL MERCHANDISE STORE AND RESIDENCE ON AGRICULTURAL LANDS IN GLENWOOD, PUNA, HAWAII

Staff Report (see copy on file) recommended approval of the special permit application since no adverse factors were present.

Commissioner Burns moved to approve the special permit application on the basis of the staff's report, seconded by Commissioner Nishimura.

Chairman Thompson wondered whether the unsuitability of the land for agricultural or farming uses brought out in the staff report should not be deleted since this might set a precedent. Instead it was suggested that the reasonableness of the use requested might be substituted.

Mr. Moriguchi informed that this was just a quotation taken from documented information and that it should remain part of the report.

The Commissioners voted for unanimous approval of the petition.

The hearing was adjourned at 12:00 noon.

The hearing was resumed at 2:45 p.m.

ACTION

PETITION OF MAUI COUNTY (IAO) (A66-113) TO RECLASSIFY 15,300 SQUARE FEET OF LANDS FROM THE CONSERVATION DISTRICT TO THE RURAL DISTRICT IN IAO VALLEY, MAUI

Staff maintained its original recommendation for denial of the petition (see copy of report) due to lack of substantiation for the need of additional rural lands and the existence of several inconsistencies involving the proposed use of the subject lands.

During the discussion that ensued, the following points were brought out:

1. It was Mr. Duarte's desire to merely append the subject parcel to his property.
2. It was possible to effect land exchange without reclassification.
3. Mr. Duarte was not willing to exchange lands unless County's conservation land could be reclassified to rural.
4. The benefit to the people of Maui by this proposed land exchange was not obvious.
5. The County of Maui should be encouraged to expand Kepaniwai Park by purchasing this land outright from Mr. Duarte rather than going through a land exchange and using this parcel for the caretaker's home.

6. The Commission's decision should be based on the merits of the reclassification of subject land.

Commissioner Burns moved to deny the petition based on the staff recommendation, seconded by Commissioner Wung. The motion was passed with Commissioner Nishimura casting the only dissenting vote.

PETITION OF HAWAII COUNTY (A66-115) LALAMILO) TO RECLASSIFY 12.1 ACRES OF AGRICULTURAL LANDS INTO URBAN LANDS AT LALAMILO, SOUTH KOHALA, HAWAII

It was moved by Commissioner Wenkam and seconded by Commissioner Wung to accept the staff recommendation (see copy on file) for approval of the petition. The motion was carried unanimously.

PETITION OF HAWAII COUNTY (A66-117) (HILO) TO RECLASSIFY 3.25 ACRES OF LAND FROM AGRICULTURAL TO URBAN AT HILO, HAWAII

Commissioner Burns moved to approve the petition on the basis of staff's recommendation as presented by the staff report (see copy on file), which was seconded by Commissioner Wung and carried unanimously.

PETITION OF EDWIN & ELSIE IGE (A66-120) TO RECLASSIFY APPROXIMATELY 58 ACRES OF AGRICULTURAL LANDS TO A RURAL CLASSIFICATION AT WAIAKOA, MAUI

Staff report (see copy on file) recommended denial of the petition due to lack of evidence of demand for rural lots and the population decline in the Waiakoa area.

Commissioner Ota emphasized the lack of half-acre residential lots in the Kula area and the demand for such lands by people who desire a more spacious lot size than is usually available under an urban classification.

Commissioner Burns moved that the petition be denied on the basis of the staff report, seconded by Commissioner Wenkam. The motion was carried with Commissioner Wung casting the only negative vote.

RURAL DISTRICT STANDARDS

The floor was opened for a discussion of the Rural District standards. Chairman Thompson pointed to the fact that the present provisions under the Rural Districting allowed for only a grid-type subdivision of one house per $\frac{1}{2}$ acre. The question was raised as to whether an amendment of the law was in order to afford a more attractive, creative type of rural development, such as a cluster-type subdivision.

Mr. Moriguchi explained that in establishing the Rural District, the law indicated that it shall include small farms mixed with very low density residential lots. However, the actual uses within the Rural District have deviated

considerably from the original intent of the law, as evidenced by the Pukalani Subdivision which is at present primarily in intensive residential use.

Mr. Moriguchi continued that our law was specific in that it specified that the lot sizes in the Rural District shall be $\frac{1}{2}$ acre and not on the overall density of the subdivision.

Commissioner Ota expressed the idea that the foremost consideration should be whether the area was prime agricultural lands within the Rural District. If so, that area considered as prime agricultural lands could possibly be spot-zoned as an Agricultural District and the remainder permitted for intensive residential purposes within a Rural District.

Commissioner Wenkam expressed the view that he was opposed to any attempt to rewrite the Rural District Regulations increasing the density, since he felt that the rural areas were specifically designated for low density residential uses mixed with farm activities. Any change in the regulations would merely place into the rural areas, activities which are primarily urban. He added that the Rural District was established to afford the neighbor islands greater control and flexibility over their lands. Commissioner Wenkam suggested that perhaps it would behoove the Land Use Commission to abolish the Rural District and establish it as a non-conforming use within the Agricultural District, thereby confining urban uses to the Urban District.

Commissioner Inaba commented that the Mauna Loa Development's Volcano subdivision should have been more properly reclassified to Rural rather than Urban. However, due to the restrictions imposed by the rural classification, the developers could not pursue their cluster-type plan under this designation.

Commissioner Burns felt that it was difficult to associate each house with half-acre lots and still come up with an attractive cluster-type plan with open spaces between.

Mr. Roy Takeyama, legal counsel, advised that if the Commission were seeking control within a Rural District, petitioners could be encouraged to take the special permit approach. The only test to be applied here would be the unusual and reasonable use of the lands. The developers could proceed with their proposed plans and keep to the permitted density. He suggested that the Commission make a study of the special permit regulations to see how similar requests could be channeled through this method. This would also require amendment of Section 2.29 (b) of the Regulations concerning guidelines to aid petitioners whenever they are seeking an urban or rural use of lands in either a Rural, or Agricultural, or Conservation District, in determining which avenue they should follow.

In reply to Commissioner Mark's question, Mr. Takeyama advised that conditions could be imposed on special permits as opposed to boundary changes, since the petitioner would be bound by the plans that he submits at the time of the application.

Mr. Takeyama continued that he could not see how a residential subdivision could be considered as an unusual use under a special permit, but that a resort complex could conceivably fall within this description.

Chairman Thompson felt that a legal opinion was in order as to whether the Land Use Commission could impose conditions on special permits. However, he commented that this still did not solve the problem experienced by this Commission in the past whereby developers deviated from the intent of the law for uses within the Rural District. The basic issue here was one of assisting the developers to keep to the proposed plans and still keep within the intent of the law.

Along the lines proposed by Commissioner Wenkam, Mr. Moriguchi felt that by eliminating the Rural Districts and allowing for residential uses in Agricultural Districts under special permits, the Land Use Commission would have control over the actual final development of the land. The Rural District stipulation of "small farms mixed with residential uses" could also be satisfied in this way.

Mr. Takeyama was doubtful that this could be accomplished without changing the test to be applied under the special permit procedure.

Since considerable concern was expressed over the use of rural lands following reclassification, Mr. Takeyama advised that if the special permit procedure had been followed instead by the petitioner, control over the development of the lands could have remained with the Commission since its approval of the permit would have mandated the petitioner to adhere to the development plans as submitted during the hearing.

Commissioner Ota commented that rural districting had its place on the neighbor islands since it allowed for limited animal farming which would not be permitted in an Urban District. He was also of the opinion that eliminating the Rural District and employing the special permit procedure for marginal lands within an Agricultural District would not always be feasible.

Mr. Takeyama agreed that there was a definite need for rural districting and that perhaps the Commission should be more restrictive and selective in approving requests for rural classification.

Chairman Thompson took exception to this and submitted that the Commission had been very selective in granting rural districting and fully aware of the problem of implementing the intent of the law.

Commissioner Mark felt that Mr. Takeyama's suggestion of employing the special permit method with explicit instructions could possibly handle the situation.

As a result of the foregoing discussion, the following are some of the points that were brought out:

1. To maintain the Rural District as presently stipulated in the rules, but to amend and strengthen the special permit procedure to afford stricter controls over rural lands.
2. Request staff and legal counsel to report on a proposal to implement the above intent of the Commission, a sketchy one in September and a detailed report in October.

3. Look into the matter of assisting developers to follow original plans submitted at the time of public hearing, which was the basis for the Commission's reclassification approval.
4. The County could not impose conditions under the County Zoning Ordinances; that conditions could only be imposed under a zoning variance.

In summary, Chairman Thompson outlined the problems confronting the Land Use Commission:

1. Is there any way of holding the petitioner to the development plans and facts presented at the time decision was made?
2. If conditions or circumstances change necessitating alterations in the original plans, how can the regulations be implemented to enable Commission to negate the boundary change and require the petitioner to come in with amended plans for a new decision.
3. The Commission had the responsibility of seeing that State and County funds were expended judiciously.

With reference to the County's jurisdiction over petitioner's lands, Commissioner Mark suggested that perhaps the County Planning Commission might give tentative approval to a plan to be presented to the Land Use Commission, and grant final approval after the boundary change had been effected.

Mr. Moriguchi advised that the County Planning Commission develops a detailed land use map and the developer's plans would have to adhere to this.

Chairman Thompson requested legal counsel to research the possibility of having the County Planning Commission set conditions on the petitioner's plans before they apply to the Land Use Commission, by strengthening the County Ordinances.

CONSERVATION DISTRICT ADMINISTRATION

Commissioner Wenkam opened the discussion by expressing his fears and concerns over the administration of the Conservation District. Our regulations provide for procedures to amend district boundaries and within this section it provides for guidelines which the Commission established, namely: "Whenever a petition covers substantial acreage of land and petitioner seeks a use other than that for which it is districted, he should seek a boundary change."

Commissioner Wenkam pointed to three occasions recently where he felt the intent of the regulations had been violated: 1) Waialae-Iki special permit for use of 26 acres of conservation lands for subdivision purposes; 2) Lihue Plantation special permit to grow sugar cane on 372 acres of conservation land; 3) Church College of Hawaii special permit for 100 acres to establish a church college on conservation lands.

Commissioner Wenkam continued that when a major change of land use is proposed involving substantial acreage, the Land Use Law clearly states that the

petitioner should come in for a boundary change. He felt that the intent and essence of the Land Use Law were being injured, and that it was not being administered properly when such changes were allowed to occur under a special permit procedure with the Department of Land & Natural Resources. He did, however, advise that he felt that the uses in all three instances were reasonable and appropriate--he was only arguing from the standpoint that the proper procedure should have been through a boundary change following a public hearing.

Commissioner Ota argued that in the case of Lihue Plantation, if a boundary change had been effected from conservation to agricultural, abuse of the lands could have resulted since there would be no control over agricultural uses in an Agricultural District. Commissioner Wenkam replied that damage could occur by extensive, excessive use of the lands under any circumstances.

Commissioner Wenkam pointed out that in the past the Commission had rejected special permit applications when the requests involved large areas of land and he felt that the Department of Land & Natural Resources should respect our regulations and also do likewise under similar circumstances, especially since the Land Board was not mandated to conduct a public hearing. He thought the Land Board should guide the petitioner to seek boundary change in such instances.

Commissioner Wenkam recommended transmitting a letter to the Department of Land & Natural Resources, with a copy of the Land Use Regulations, pointing out the boundary change procedure whenever substantial lands were involved. He was of the opinion that the Division of Forestry could administer these conservation lands to evaluate whether or not the water shed areas were being observed, in much the same way the Counties administered agricultural lands. He continued that change of land use of substantial areas constituted a change in zoning and that the Land Use Law specifically spells out that urban uses shall occur within the Urban District and agricultural uses shall occur in an Agricultural District. Therefore, granting non-conservation uses in a Conservation District under a special permit was circumventing the intent of the Land Use Law. He thought perhaps the Land Board was not aware of these stipulations in the Land Use Law.

Mr. Moriguchi quoted that portion of the law, Section 19-70, which vested in the Department of Land & Natural Resources the authority to govern Conservation Districts, and that the Department of Land had no choice but to process special permit applications upon receipt.

Chairman Thompson commented that interpretation of the law was the prime consideration here and expressions of opinion from the other Commissioners in this respect were in order.

Commissioner Ota stated that at the time the Conservation District boundaries were drawn, the Commission included the grey areas suitable for limited agricultural pursuits as were areas of aesthetic value.

Commissioner Wenkam argued that provisions for residential uses within a Conservation District under Section 19-70 in the Revised Laws should not be construed to include subdivisions, in reply to Mr. Takeyama's reference to the law. At the time of the Conservation District hearings, it was clearly expressed

that permissible uses were cabin communities, casual beach houses, and not subdivisions or plantations or schools.

Mr. Takeyama disagreed entirely with Commissioner Wenkam's contention that the Land Use Regulations stipulated that applicant come to the Land Use Commission for boundary change for lands of substantial nature. If petitioner chose to go before the Land Board for use within a Conservation District and the Department of Land & Natural Resources approved the request, the Land Use Commission had no say in the matter.

Commissioner Wenkam replied that he was not contesting the authority of the Department of Land & Natural Resources. He was only challenging the decision of the Land Board to accept the petition for a special permit involving substantial lands.

Commissioner Burns commented that following the establishment of boundaries, Conservation Districts were turned over to the Department of Land & Natural Resources to administer, urban lands fell under the jurisdiction of the counties. The Commission may not always agree with their decisions, but to superimpose one agency over another did not necessarily insure better administration of the lands. In essence, we would be arguing that the Land Use Commission was more knowledgeable and astute in making decisions.

Mr. Moriguchi pointed out that our own regulations stipulated that "any and all uses permitted by the regulations of the Department of Land & Natural Resources shall be allowed in this district".

Commissioner Mark observed that it was clear that the Land Use Commission had discharged its responsibility within the Conservation District very well, and that if there were any complaints over the administration or uses of these lands, they should be properly taken up with the Department of Land and Natural Resources.

Chairman Thompson summarized that basically Commissioner Wenkam's and the other Commissioners' interpretation and intent of the law differed. Therefore, a clear definition of the intent of the law was necessary before any decision could be reached.

Commissioner Wenkam countered that the Land Use Commission was the zoning power of the State and if any interpretation were going to be made, it should be rendered by this Commission.

Commissioner Wung moved that a letter be sent to the Department of Land & Natural Resources to consider the referral of petitioner to the Land Use Commission whenever petition involved change of land use for substantial acreage in a Conservation District. Commissioner Burns seconded the motion.

Mr. Takeyama cautioned that a letter of this nature might suggest the implication that the Department of Land & Natural Resources was not carrying out its responsibilities and tend to destroy the good rapport established between the Land Use Commission and the Land Board. In other words, it would be akin to advising the Land Board of the proper execution of its responsibilities.

The Commissioners were polled as follows:

Aye: Commissioners Ota, Wenkam, Wung

Nay: Commissioners Burns, Inaba, Mark, Nishimura, Chairman Thompson

The motion was not carried.

Chairman Thompson wondered whether staff might confer with a member of the Department of Land & Natural Resources staff to define the term "substantial" so that both agencies might have some guidelines to follow in determining whether a petition should come in for a special permit or a boundary change. He suggested that this might be accomplished on an administrative level. However, the final decision to accept a special permit application within a Conservation District or refer the matter to this Commission should be left to the discretion of the Land Board, since they would be more knowledgeable and in a better position to determine uses within a Conservation District.

Mr. Takeyama expressed doubt that a determination could be reached over the definition of "substantial" since there was no planning basis, nor legal basis one could be guided by--it was a very arbitrary matter and would depend largely on the circumstances.

Commissioner Wung moved to recommend that the Land Use Commission staff confer with the Department of Land & Natural Resources staff to discuss what constitutes substantial use, which was seconded by Commissioner Burns. The motion was passed with only Commissioner Ota voting in the negative.

SALT LAKE GOLF COURSE

Chairman Thompson felt that the Salt Lake Golf Course involved a jurisdictional matter which had been lengthily discussed under the foregoing heading of "Conservation District Administration" and therefore should be considered as having been covered under that discussion.

STATE OF HAWAII
LAND USE COMMISSION

State Highways Division, District Engineers
Office, 50 Makaala Street, Hilo, Hawaii

9:45 A.M.
August 5, 1966

STAFF REPORT

A66-126 - W. H. SHIPMAN, LTD. &
KEAAU LAND CO., LTD.

Background

The petitioners have submitted a request for amendment of district boundaries involving approximately 112 acres presently within an Agricultural District to be changed into an Urban District. The lands are located to the east of the Keaau School and Keaau Town with portions owned by the Keaau Land Company, Ltd. and W. H. Shipman, Ltd.

A summary of the petitioners' reasons for requesting the boundary change is as follows:

1. Long-range planning in anticipation of expiration of present residential leases has been carried out.
2. Keaau Land Company has demonstrated the need for residential lots, having successfully sold all of its previously developed lots.
3. There are no houselots for sale in the Keaau vicinity at present.
4. Some of the present inhabitants of the plantation camps have the affluence and desire to improve their living conditions.
5. Community facilities and utility services are available in the area.

A recommendation for approval of the petition has been received from the Hawaii County Planning Commission since, (1) the County General Plan indicates the subject lands for residential purposes and (2) the close proximity to the Keaau urban area and school makes this land a prime area for residential use.

The petitioners' lands are contiguous to the existing Urban District along the Puna Road and Ulu Street residential areas. With the exception of a small portion which is presently not used for agricultural purposes, the entire 112 acres are planted in cane. Rainfall of approximately 146 inches annually is experienced in the area at an approximate elevation of 300 feet. Soils of the Hilo family, very shallow phases (Aa lava complex), occur in the area in association with a very high proportion of bedrock outcrops that are scattered throughout. The soils planted in sugar cane require intensive use of a complete fertilizer.

Analysis

The 1960 population of Keaau was approximately 1300 persons which indicated a decline from 1600 persons in 1950. It is estimated that the present population approximates 1700. The petitioners' data does not include any projections for the area with their primary justification based upon the phasing out of existing plantation camp families. The actual number of families to be phased out eventually is not indicated nor is the proportion and number of families reported who might seek better housing in the Keaau area.

However, it is noted that a very high percentage of the 92 acres within the immediate Keaau Urban District is intensively used for urban purposes and very few vacant urban areas occur. Of the small percentage of vacant areas, the location and configuration are such that they are better suited for other urban uses than residential.

Examination of some of the plantation camp housing facilities indicate that these structures are dilapidated and are well below standards. Therefore, as indicated by the petitioners, provisions should be made for phasing out and relocation of a portion of these plantation camps. However, there is very

little to indicate the number of families that might have the affluence and desire to purchase new houselots.

The General Plan for the area shows development of a portion of the petitioners' lands for residential uses (see orange line on map). This is proposed for the period to 1980 and consists of the only data giving some indication of the future need for residential areas in Keaau. However, the acreage shown on the General Plan for this area is less than that suggested by the petitioners and amounts to approximately 58 acres as compared with the petitioners' request for 112 acres and the present Urban District of 92 acres. The General Plan also provides for residential development within the present Keaau Urban District and anticipates redevelopment of these older areas.

Recommendation

Recognizing the need for additional houselots to provide for families being phased out of dilapidated plantation camps and recognizing the General Plan for residential uses in the area to the east of Keaau School as an indicator of the extent of need, it is recommended that 47.5 acres of the petitioners' lands as indicated by the limits of the orange line be approved.

Luman N. Nevels, Jr.
Patrick L. McLane
Hilo Hotel Building
Hilo, Hawaii
Telephones:
44-101 45-775

File
1989.
Nevels and Chang
ATTORNEYS AT LAW

Charles K. C. Chang
Suite 920
1441 Kapiolani Blvd.
Honolulu 14, Hawaii
Telephone: 995-305

July 26, 1966

RECEIVED

JUL 27 1966

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

State of Hawaii
LAND USE COMMISSION

Re: Petition for Amendment to the Land
Use Commission District Boundary of
Keaau Land Co., Ltd. and W. H.
Shipman, Ltd.

and
Application for Special Permit of
W. H. Shipman, Ltd.

Gentlemen:

Your recent letter to Keaau Land Company, Ltd. and W. H. Shipman, Ltd. advising of a meeting of the Land Use Commission to be held in Hilo on August 5, 1966 is gratefully acknowledged. Please be advised that unfortunately neither Mr. Devine of W. H. Shipman, Ltd. nor the undersigned representing Keaau Land Co., Ltd. and W. H. Shipman, Ltd. will be in the State of Hawaii on that particular date. It is understood, however, that either Mr. Dykes or Mr. Beard, representing Keaau Land Co., Ltd. will be on hand for the hearing.

For this reason both Mr. Devine and the undersigned would appreciate being able to submit additional data upon returning from the mainland which is anticipated within ten days after August 5th. It is our understanding that it is possible to submit additional data, if desired by the Commission, within 15 days from the date of the hearing. We would like to avail ourselves of that opportunity in the event that additional data will be of use to the Commission. Unfortunately, both of our trips have been planned for several months and do not appear to be cancellable.

Respectfully yours,

NEVELS AND CHANG
Attorneys for Keaau Land Co., Ltd.
and W. H. Shipman, Ltd.

By

L N Nevels Jr
L. N. Nevels, Jr.

LNNjr/jm

cc.: Planning Commission, Co. of Hawaii
Keaau Land Co., Ltd.
W. H. Shipman, Ltd.

July 20, 1966

W. H. Shipman, Ltd.
Keaau Land Co., Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

The Land Use Commission next meets on August 5, 1966, at 9:45 a.m., at the State Highway Division, District Engineers Office, Hawaii District, Hilo, Hawaii. At that time, the application of W. H. Shipman, Ltd. and Keaau Land Co., Ltd. (A66-126) to amend the land use district boundaries at Keaau, Puna, Hawaii, will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Eagle-A
Type-Erase
25% COTTON FIBER



COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

July 7, 1966

RECEIVED

JUL 13 1966

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

State of Hawaii
LAND USE COMMISSION

Re: Change of District Boundary request submitted by
W. H. Shipman, Ltd., and Keaau Land Co., Ltd.

The County Planning Commission at its meeting of June 30, 1966 recommended that approval be granted to the petition for amendment to the land use from agricultural to urban of the above subjects' land because of the following reasons:

1. Commission concurs with applicants' reasons for applying for this change of boundary request as the request is reasonable and need warranted.
2. The County General Plan indicates subjects' land for residential purpose.
3. Close proximity to Keaau urban area and school makes this land a prime area for residential use.

Raymond H. Suefuji
Raymond H. Suefuji
Director

PIY:RHS:mh

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

130

May 27,

19 66

RECEIVED from

W. H. Shipman, Ltd.

Fifty and no/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$

50.00

Henry J. Fukuda

Public Accountant

May 24, 1966

Mr. Raymond Suefuji, Director
Planning Commission
Hilo Armory
Hilo, Hawaii

Dear Mr. Suefuji:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, a copy of a petition for amendment to the land use district boundaries, submitted by the W. H. Shipman, Ltd. and Keasu Land Co., Ltd., together with supporting data and map, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls. - Petition, etc.

7-31-66
92043-6481
ASHA NOTICED

STATE OF HAWAII

OFFICIAL
RECEIPT

Nº

142

Land Use Commission

Department, Bureau or Commission

RECEIVED from

W. H. Shojman, Ltd.

May 24

19*66*

Fifty + ⁰⁰/₁₀₀

DOLLARS

Petition for boundary change

\$ *50⁰⁰*

Dora G. Honohan

Public Accountant

May 24, 1966

W. H. Shipman, Ltd.
Keaau Land Co., Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

This is to acknowledge the receipt of your check in the amount of \$50.00 for your application to amend the land use district boundaries as shown on Tax Map Key 1-6-03: portion 3, Keaau, Puna, Hawaii.

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 and no 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,

GEORGE S. MORIGUCHI
Executive Officer

EXCEPTION 7

27
(Map 6)

1150-D-2
(Map 87)

1152-B-1
(Map 97)

1152-B-2
1152-B-3

See Map 34 for
Subdivision

1298-A-1
(Map 88)

1298-A-2
(Map 88)

1298-B
(Map 42)

EXCEPTION 9
OLAA SCHOOL
LOT
282° 45' 30"
87.90

LOT A-22-A-5
0.770 Ac.

112 ± ACS.

LOT A-22-A-4
2.004 ACS.

(Pending)
LOT 1151-B
101.405 ACS.

A-22-A-3
1.813 ACS.

LOT A-22-A-2

43.101 ACS.

28
(Map 6)

Land Court Application 1689

LOT 1151-A (Pending)
6.508 ACS.

Land Court Application 1689

True North
Scale: 1 in. = 500 ft

A-20
(Map 5)

VICINITY MAP

EXCEPTION 12
Pahoa Government Road
(50 feet wide)

16.03' 12.00' 13.00' 9.00'

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED
MAY 24 1966
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 Keaau, Puna to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) Urban district.

Description of property: See attached plans
(Large map - showing proposed layout and use)
(Small map - showing vicinity)

Petitioner's interest in subject property:

Keaau Land Co., Ltd. and W. H. Shipman, Ltd. together own all of the 112 acres which are the subject of this Petition.

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

See attached statement.

- (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. See attached statement.

- (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.

W. H. SHIPMAN, LIMITED

By Herbert H. Shipman
Its President

230 Kekuanaoa Street
Hilo, Hawaii

Telephone: 50-841

Signature (s) KEAAU LAND CO., LTD.

By John Aykes
Its President

~~ADDRESS~~ c/o First Trust Co. of Hilo, Ltd
Keawe Street
Hilo, Hawaii

Telephone: _____

STATEMENT IN SUPPORT OF
PETITION FOR AMENDMENT OF DISTRICT BOUNDARY

Petitioners' Reasons For Requesting Boundary Change

As substantial landowners in the vicinity of Keaau, the Petitioners are desirous of orderly growth in the area. For many years, one of the Petitioners, W. H. SHIPMAN, LIMITED, in anticipation of the expiration of long-term leases (which had for many years resulted in a gradual decline of the maintenance of structures in the Keaau vicinity) has been planning a very complete redevelopment of the area. One evidence of this is the large map attached to this Petition which dates back in part to March, 1962.

Petitioner KEAAU LAND COMPANY, LTD., has already demonstrated the need for good subdivided lots, having successfully sold all of the lots previously developed (located in part as "D" on the vicinity map). Moreover, the adjacent land, on both sides of the road on the North side of this proposed boundary change, has been subdivided and long since sold out. In fact, there are no more lots, to the knowledge of the Petitioners, available for sale and the building of houses in the Keaau vicinity.

In the immediate future, a compelling demand for such building sites is expected. Some of the present inhabitants of plantation camps in the vicinity have the affluence and the desire to improve their living conditions. More will gradually grow to those conditions. There is no place that they can now go in the Keaau vicinity to obtain desirable building sites for homes.

The area outlined in red on the vicinity map is proposed to be redesignated urban instead of agricultural.

The land is ideal for urban development. Only relatively small portions thereof are more than marginal agricultural (sugar cane) lands.

The vicinity map attached clearly reveals that both on the North and West, the proposed lot lies adjacent to urban areas. Between the proposed boundary and the school, land has been reserved for school expansion (see Lot 1298-B, Map 42).

Within easy walking distance of the proposed parcel are the following services and facilities, without attempting to be all inclusive.

- Elementary school, Intermediate (to Grade 9) school
- Service stations
- Churches
- Stores and markets
- Movie theater
- Post office
- Fire station and police station
- Gymnasium
- Laundromat
- and other facilities

The use to which the land, if zoned urban, is desired to be put is a completely developed subdivision of 15,000 square foot lots. Development will include County standard paved roads, water and electricity.

The lands concerned are level, are in every way desirable as building sites. There is a gentle slope towards the sea.

Keaau's basic industry is the Puna Sugar Company. It is anticipated that the larger number of prospective lot

purchasers in this area would be employees of that corporation or entrepreneurs and their employees in the vicinity.

It cannot be overly emphasized that neither at the present time nor in the foreseeable future can the demand for improved building lots of modern design be satisfied unless some land is taken from agricultural zoning and placed into urban zoning. The particular parcel shown on the map consisting of 112 acres, more or less, is, we believe, by all standards, the most suitable, by reason of its propinquity to existing urban zones as well as being well drained and structured for residential use.

Dated at Hilo, Hawaii this 13th day of May, 1966.

By John Lykes
For Keaau Land Company, Ltd.

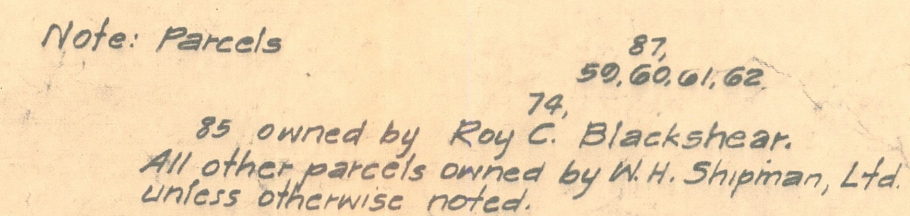
By Herbert H. Shipman
For W. H. Shipman, Limited



Overlay to Photo Contour Map
1" = 500'
Puna Sugar Co. Land
Kahala, Hawaii

Ld. Ct. App. 1053 & T.M.B. Data. (Revision of 1-6-02 & Plat 03.)
P.K. & R.T. Date: Sept. 1947

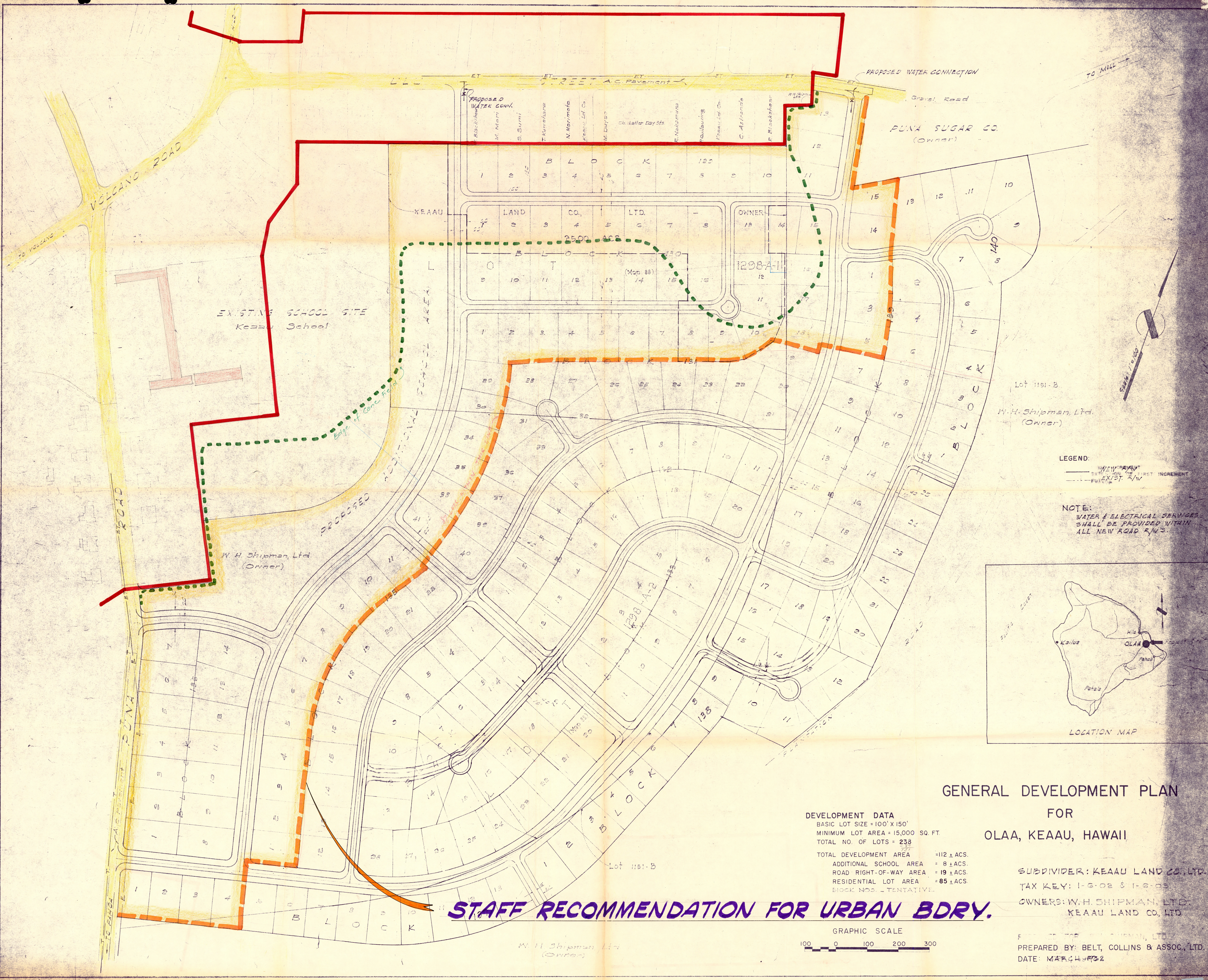
Date: Sep. 1947



Parcels Dropped: 5, 68, 26, 51, 62
18, 23,

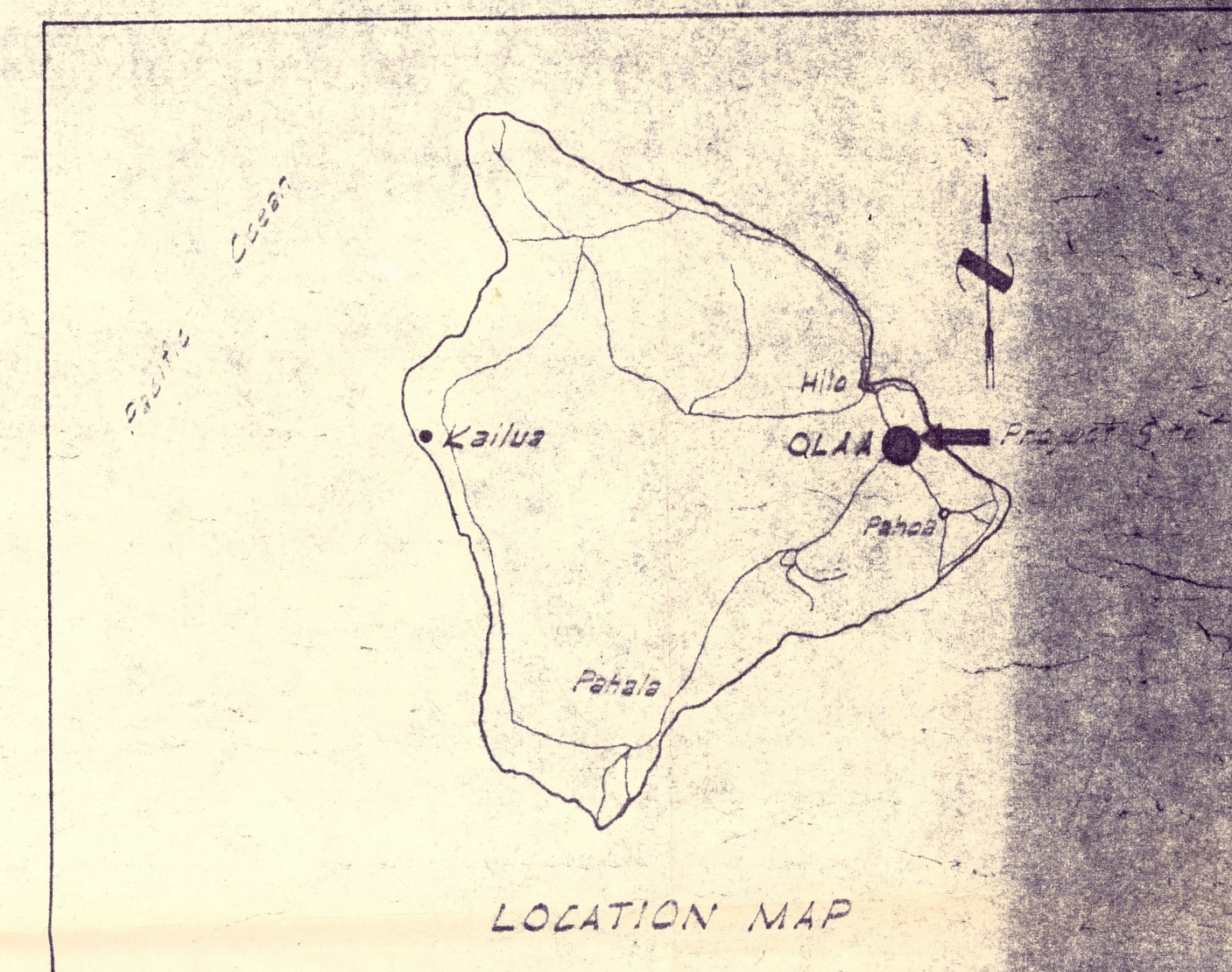
TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
THIRD		DIVISION
ZONE	SEC.	PLAT
1	6	02
CONTAINING		PARCELS
SCALE: 1 IN. = 100 FT.		

SUBJECT TO CHANGE



LEGEND:
— NEW PAVED
— EXISTING 1st INCREMENT
— FUTURE 2nd INCREMENT
— FUTURE 3rd INCREMENT

NOTE:
WATER & ELECTRICAL SERVICES
SHALL BE PROVIDED WITHIN
ALL NEW ROAD R/W'S.

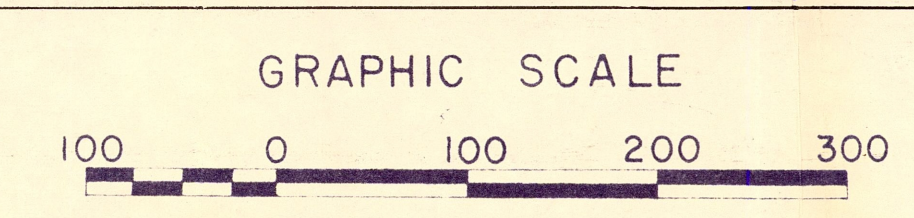


GENERAL DEVELOPMENT PLAN FOR OLAA, KEAAU, HAWAII

DEVELOPMENT DATA
BASIC LOT SIZE = 100' X 150'
MINIMUM LOT AREA = 15,000 SQ. FT.
TOTAL NO. OF LOTS = 238
TOTAL DEVELOPMENT AREA = 112 ± ACS.
ADDITIONAL SCHOOL AREA = 8 ± ACS.
ROAD RIGHT-OF-WAY AREA = 19 ± ACS.
RESIDENTIAL LOT AREA = 85 ± ACS.
BLOCK NOS. TENTATIVE

SUBDIVIDER: KEAAU LAND CO., LTD.
TAX KEY: 1-6-02 & 1-6-03
OWNERS: W. H. SHIPMAN, LTD.
KEAAU LAND CO., LTD.

PREPARED BY: BELT, COLLINS & ASSOC., LTD.
DATE: MARCH 1962



STAFF RECOMMENDATION FOR URBAN BDRY.