

A66-130

FRANK E. FERREIRA

January 16, 1967

Mr. Frank E. Ferreira
P. O. Box 78
Paauhau, Hawaii

Dear Mr. Ferreira:

Your petition (A66-130), for an amendment to the Land Use district boundaries from an Agricultural District to a Rural District for 3 acres of land at Paauhau, Hamakua, Hawaii, Tax Map Key 4-4-06: portion of 1 $\frac{1}{2}$ was denied by the Land Use Commission at its meeting on January 13, 1967.

Prior to taking action on your petition, the enclosed memorandum was presented to the Commission.

Should you desire any further information, or have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

cc: Chairman Thompson
Hawaii Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item A66-130 - Feneira

Date January 13, 1967

Place State (Highways
Hawaii)

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: Motion to approve petition

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

APPLICATION OF RICHARD SMART DBA PARKER RANCH (SP66-34) TO ALLOW A BUSINESS EXPANSION AT PUUKAPU HOMESTEADS, WAIMEA, HAWAII, TMK 6-4-01: 42

It was recommended by staff that the permit be approved on the grounds that the County General Plan indicated this area as commercial and the request is unusual (see copy of report).

Commissioner Ferry moved to accept staff recommendation for approval, which was seconded by Commissioner Wung and passed unanimously.

APPLICATION OF COUNTY OF MAUI (LANAI DUMP SITE SP66-36) TO USE APPROXIMATELY 10 ACRES OF LAND FOR A GARBAGE DUMP SITE ON THE ISLAND OF LANAI, TMK 4-9-02: portion 1

Favorable action of the application was recommended by staff based on the guidelines established by the Land Use District Regulations. Commissioner Nishimura moved to approve the special permit application, seconded by Commissioner Wung, and the motion was passed.

MISCELLANEOUS

FRANK & BESSIE MONIZ PETITION

The Executive Officer advised the Commissioners that during a previous discussion on Kauai, it was the consensus of those present that they would accept a new petition for the same subject lands only if the new petition contained additional pertinent information that had not been presented or available during the initial hearing. The petitioners had been apprised of this fact by letter.

Chairman Thompson commented that, therefore, the decision before the Commission was whether the additional information submitted by the petitioner warranted or justified acceptance of resubmittal of the petition. In the event the Commission voted to accept the petition, it would be processed through the normal channels of a public hearing.

Mr. Moriguchi added that if the Commission decided to accept the new application, staff would be mandated to review the additional data and make a recommendation. It was brought out that the additional information was comprised primarily of a petition signed by approximately 20 potential purchasers of the Moniz's property should the reclassification take place. There was also a letter from the Soil Conservation Service and the County Extension Agent.

Commissioner Ferry moved that this body declare that the additional information warrants another hearing on the petition. It was seconded by Commissioner Wenkam and passed.

PUBLIC HEARINGS

PETITION OF FRANK E. FERREIRA (A66-130) TO RECLASSIFY 3 ACRES OF LAND FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT PAAUHAU, HAMAKUA, HAWAII, TMK 4-4-06: 18

Staff report presented by Mr. Ah Sung Leong recommended retention of the

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

January 13, 1967
Hilo, Hawaii

TO: Land Use Commission

FROM: Staff

SUBJECT: A66-130 - FRANK E. FERREIRA; A66-131 - SUNRISE REALTY MORTGAGE CORPORATION; A66-132 - WILLIAM M. DOUGLAS

A66-130 - FRANK E. FERREIRA

The petition by Mr. Ferreira was publicly heard on October 29, 1966, involving a reclassification of 3 acres of lands from Agriculture to Rural. The subject lands are located at Paauhau, Hamakua, Hawaii. The sole reason offered by the petitioner for the reclassification was that he desires to subdivide the parcel into 3 one-acre houselots in order that he might retain one for his own use and convey the other two lots to his son and daughter. It is noted that the parcel was acquired by the petitioner from Paauhau Sugar Co., Ltd. as recently as June of 1966.

A recommendation for approval was made by the Hawaii County Planning Commission on the basis that the standards for classification for Rural Districts established by the Land Use Regulations apply to the subject lands.

A recommendation for denial was made by the Land Use Commission staff since:

1. The land was purchased by the petitioner less than a year ago, which was approximately 2 years after the final district boundaries had been established.
2. The petitioner had not substantiated the need for additional rural lands as required by the Land Use Law.
3. Subdivision of the 3-acre parcel into 3 lots for residential purposes would constitute spot zoning in complete contradiction to the intent of the Land Use Law.
4. The Honokaa Urban District, which involved a recent addition of 22 acres for residential purposes, is located approximately three-quarters of a mile west of the subject parcel.
5. The subject parcel had been used for many years as cane lands and are classified as suitable for agricultural use.

Additional data on the matter of the petition have not been received since the public hearing. Therefore, the petition should be denied as recommended originally.

January 13, 1967

A66-131 - SUNRISE REALTY MORTGAGE CORPORATION

The petitioner's request to reclassify approximately 19.3 acres of land located adjacent the Anuhea Volcano House Lots from Agricultural to Urban was heard on October 29, 1966. A residential subdivision is proposed for the area.

In summary, the prime reason for the petitioner's request for change is that although agricultural activities had been carried on in the area in the past, these activities have been discontinued. They also indicate that much of the adjacent areas have been subdivided for residential houselots.

A recommendation for denial of this petition was made by the Hawaii County Planning Commission. They indicated that the County General Plan designates the subject lands for agricultural use and that existing land use of the surrounding areas does not indicate a need for additional urban lands.

A recommendation for denial was also made by the Land Use Commission staff in noting that approximately 630 acres within an Urban District in the immediate vicinity of the subject lands are mostly vacant and unused for urban purposes. The lack of substantiation by the petitioners on the question of need for additional urban lands was also cited.

Since the public hearing, the petitioners have not submitted any further data. In light of the evaluations made to date on the matter of the petition, it is recommended that the petition be denied.

A66-132 - FRANCES H. & WILLIAM M. DOUGLAS

A petition to reclassify approximately 40 acres located at Waiakea Homesteads, South Hilo, Hawaii from Agricultural to Urban was heard by this Commission on October 29, 1966. The petitioners intend to prepare land for subdivision purposes and expect to sell the tract to local developers. The petitioner, along with his realtors, contend that there is a growing need for fee simple property on the neighbor islands for people planning to retire. Also cited as factors supporting their petition were the potentials in expansion of the tourist industry and the possible 2-year extension of the University curriculum in Hilo.

A recommendation for denial has been received from the Hawaii County Planning Commission since the request did not conform to the County's General Plan which designates the area for agricultural use, it is not contiguous to an existing Urban District, and the petitioners have not shown a reasonable need for additional urban lands.

The Land Use Commission staff recommended denial of the petition since a subdivision at the proposed location would add to scattered subdivisions which had occurred in the past prior to establishment of the Land Use Law. It was also pointed out that considerable vacant acreage presently occur within the Hilo Urban District.

January 13, 1967

Since that time, the petitioners have submitted a letter in further support of their petition. It is the staff's evaluation that this letter does not materially contribute to justification of the petition. Therefore, the staff joins the Hawaii County Planning Commission in recommending denial of this petition.

January 3, 1967

Mr. Frank E. Ferreira
P. O. Box 78
Paauhau, Hawaii

Dear Mr. Ferreira:

The Land Use Commission next meets at 2:30 p.m. in the District Engineers Office, State Highways Division, 50 Makaala Street, Hilo, Hawaii on January 13, 1967.

On or about that time a decision on the petition of Frank E. Ferreira (A66-130) 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,

GEORGE S. MORIGUCHI
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

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

9:30 A.M.
October 29, 1966

STAFF REPORT

A66-130 - FRANK E. FERREIRA

Background

Frank E. Ferreira has submitted a petition to amend the Land Use District designation from Agriculture to Rural for three acres of land described by Tax Map Key 4-4-06:18, located at Paauhau, Hamakua, Hawaii.

Mr. Ferreira's reason for the request is that he desires to subdivide the parcel into three one acre house lots, one to be retained for his own use and the others to be conveyed to his son and daughter. The petitioner's residence is situated in one corner of the property which fronts the mauka side of the old Mamalahoa Highway leading to Honokaa.

The fringe of the Honokaa Urban District is approximately 3/4 mile west of subject parcel while the nearest Rural District (Kapena) is over twenty miles away in the Hilo direction. With the exception of a large adjoining parcel in residential use, the surrounding lands are entirely in cane. It is noted that the parcel involved, formerly owned by Paauhau Sugar Company, Ltd., was acquired by the petitioner as recently as June of this year.

Soils within the parcel have fair overall suitability for agricultural use. It is deep, well-drained, none to slightly stony and moderately suited for machine cultivation. Elevation at this point is approximately 1,100' and median annual rainfall is approximately 84".

Water, electricity and telephone services are available, and urban facilities are located at Honokaa, less than a mile away.

The Hawaii County Planning Commission has recommended that this petition be approved on the following basis:

"1. Following the guidelines of the State Land Use regulations, the Commission finds no basis of denying the request as the applicant meets all criteria for an isolated rural district.

- a) Area is to be subdivided into small farms.
- b) To be characterized by low density residential use of one acre per unit.
- c) Parcel is less than five acres.
- d) There shall be no "city-like" concentration of people, structures, streets and urban level of services in the area.
- e) Parcel is not suitable for extensive agricultural use as adjoining land is cane.
- f) Will not alter the general characteristics of the area as subject's land is planned to be utilized as small farm use or house lot even if this application is not approved.

2. Commission also stipulated that they would recommend approval to this application but would not approve of a large-scale change of boundaries to rural district in this area to protect the extensive agricultural use of the adjoining areas."

Analysis

Other than the stated desire to subdivide the three acre parcel to accommodate his children, the petitioner has failed to submit any valid proof that the area is needed for a use other than that for which the the District in which it is situated is classified. Additionally, the staff has failed to find any evidence that the area needs to be redistricted. On the contrary, it feels that the existing classification is fitting and proper. To designate for rural use a three acre parcel which is virtually surrounded by plantation type agricultural uses and situated twenty miles from the nearest rural district would constitute a fine example of spot zoning which would clearly controvert the intent of the Land Use Law.

In January of this year, the Land Use Commission approved a petition for twenty-two acres of additional urban lands for residential purposes at Honokaa. This is mentioned since the use sought by the petitioner is primarily residential in nature.

Recommendation

Therefore, based on the evaluation presented above, the staff has no alternative but to recommend disapproval of this petition.

COUNTY OF HAWAII
PLANNING COMMISSION
RECEIVED

OCT 13 1966

State of Hawaii
LAND USE COMMISSION

AMENDMENT OF ZONE DISTRICT BOUNDARY

Applicant Frank E. Ferreira
Date petition received by
Planning Commission July 19, 1966
Date of Planning Commission
Meeting August 26, 1966
Date petition and recommendations
forwarded to LUC OCT 12 1966

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

Paaauhau, Hamakua, Hawaii
Tax Map Key: 4-4-06: portion of parcel 1

from its present classification in a(n) agricultural district
into a(y) rural district.

The Commission decided to recommend: approval

on the basis of the following findings:

1. Following the guidelines of the State Land Use regulations, the Commission finds no basis of denying the request as the applicant meets all criteria for an isolated rural district.
- a) Area is to be subdivided into small farms.
b) To be characterized by low density residential use of one acre per unit.
c) Parcel is less than 5 acres.
d) There shall be no "city like" concentration of people, structures, streets and urban level of services in the area.
e) Parcel is not suitable for extensive agricultural use as adjoining caneland.
f) Will not alter the general characteristics of the area as subject's land is planned to be utilized as small farm use or houselot even if this application is not approved.
2. Commission also stipulated that they would recommend approval to this application but would not approve of a large-scale change of boundaries to rural district in this area to protect the extensive agricultural use of the adjoining areas.

(Signed)

Raymond A. Ferguson
Director, County Planning Commission

October 4, 1966

Mr. Frank E. Ferreira
P. O. Box 78
Paauhau, Hawaii

Dear Mr. Ferreira:

The Land Use Commission next meets on October 29, 1966, at 9:30 a.m. at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii.

At that time, your application to amend the land use district boundaries as shown on Tax Map Key 4-4-06: portion of 1, Honokaa, Hawaii, will be heard.

Very truly yours,

George S. Moriguchi
Executive Officer

GSM/pjp

September 23, 1966

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

Dear Mr. Suefuji:

During the month of July, we sent you pertinent data relating to petitions submitted by Mr. Frank E. Ferreira (A66-130) and Sunrise Realty Mortgage Corporation (A66-131) involving reclassification of lands in Hawaii.

To date, we have not received your recommendations nor your comments on the matter and would appreciate hearing from you at your earliest convenience, since these petitions will be on our agenda for the public hearing scheduled for October 29, 1966 to be held in Hilo.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No. 136

RECEIVED from Frank E. Ferreira July 21, 1966

Fifty and no/100 DOLLARS

Public Hearing Fees — Land Use Commission

\$ 50.00

Henry J. Duarte
Public Accountant

July 14, 1966

Mr. Frank E. Ferreira
P. O. Box 78
Paauhau, Hawaii

Dear Mr. Ferreira:

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 4-4-06; portion of 1, Honokaa, 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

cc: Chairman Thompson
Planning Comm., County of Hawaii

July 14, 1966

Mr. Raymond Suefuji, Director
Planning Commission
County of Hawaii
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 Mr. Frank Ferreira, together with maps, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls. - Petition, Map

State Form B14

STATE OF HAWAII

OFFICIAL
RECEIPT

Nº

145

Land Use Commission

Department, Bureau or Commission

RECEIVED from

Frank E. Ferreira

July 12

19 *66*

Fifty & 00/100

DOLLARS

Petition for Boundary Change

\$50.00

Don G. Horkman

Public Accountant

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

JUL 12 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 _____

AGG-130

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 H-43, Honokaa 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 Map Key 4-4-06 *parcel 18* Map attached

3.0 Ac

Petitioner's interest in subject property:

Owner

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

See "A" 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.

Signature (s) _____

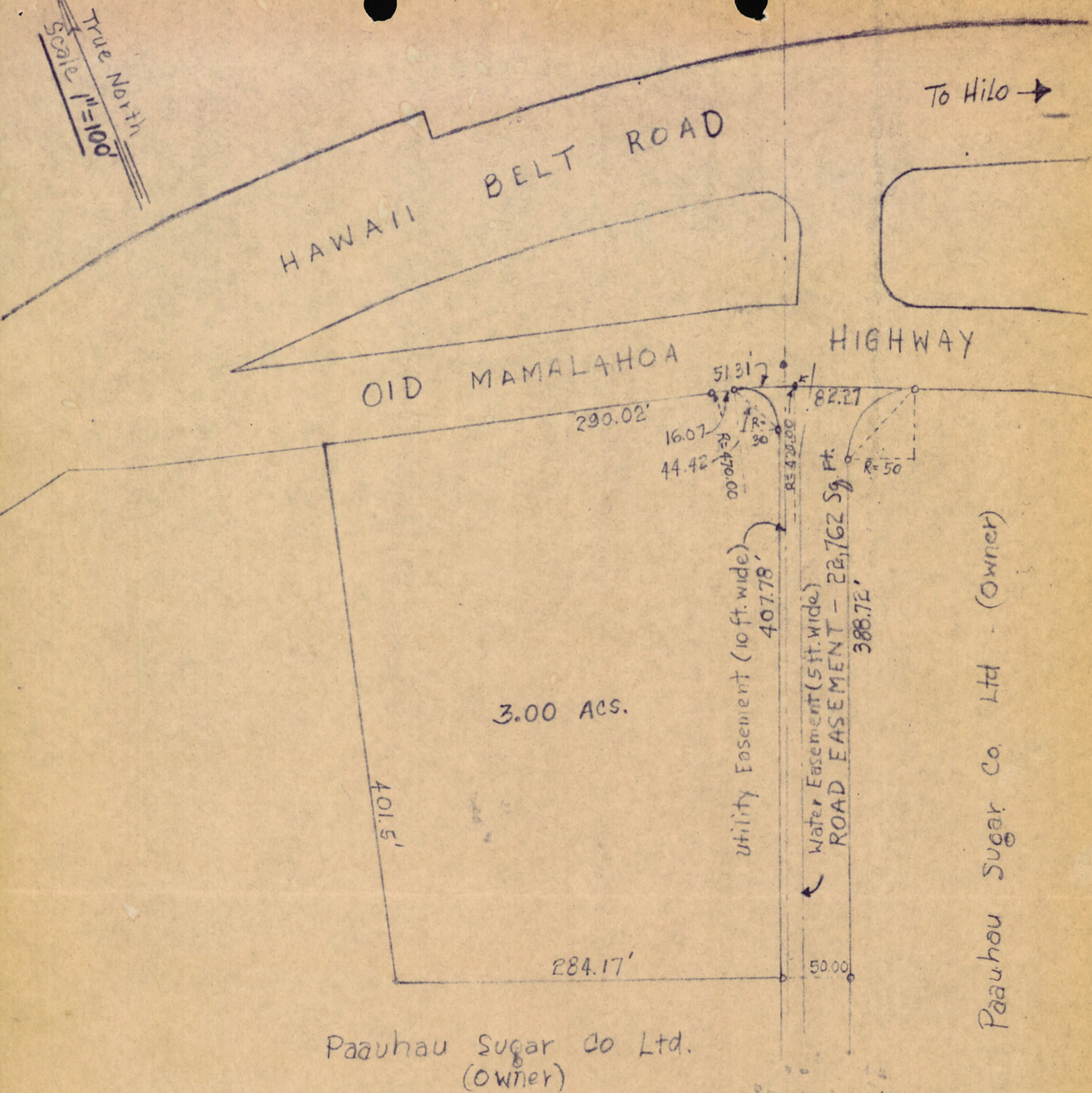
Frank E. Ferreira

Address: Box 78

Paaupau, Hawaii

Telephone: 752-553

True North
Scale 1"=100'



Portion of L.R. 8123,
L.C. AW 8452, Apana 14 to A. Keohokalole
Paauhau, Hamakua, Hawaii
Survey & plan by Murray, Smith & Assoc. Ltd
P.O. Box 612, Hilo

Tax Map Key 4-4-66 : 18
March 2, 1966
Copy - G.D.C. - 2/16/66

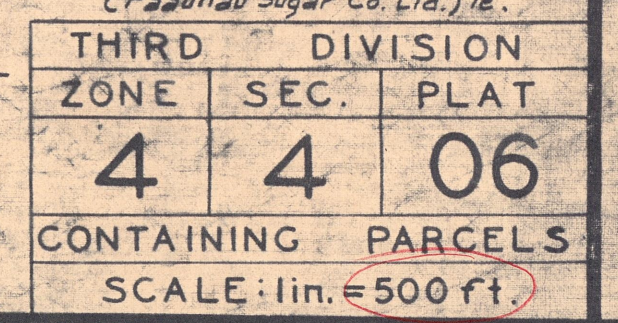
"A"

Petitioner's reasons for requesting boundary change:

Your petitioner has two children, FRANK W. FERREIRA and DIANA JOYCE FERREIRA, to whom he desires to convey portions thereof for houselots. The plan is to divide the parcel into three lots of one acre each. The said FRANK W. FERREIRA who is married has immediate future plans to build thereon. There is no intention whatsoever of subdividing for the purpose of selling. The premises in question fronts on a public highway, to wit: Old Mamalahoa Highway, and there would be no problem regarding utilities. There already exists on the premises the dwelling house of your petitioner.

Your Petitioner does own 29 acres nearby which is being devoted to agricultural purposes, to wit: growing of sugar cane. To take at least six acres of the same for houselot purposes would be to unnecessarily take valuable caneland out of circulation and controvert the intent of the law to preserve, where logically feasible, prime agricultural areas.

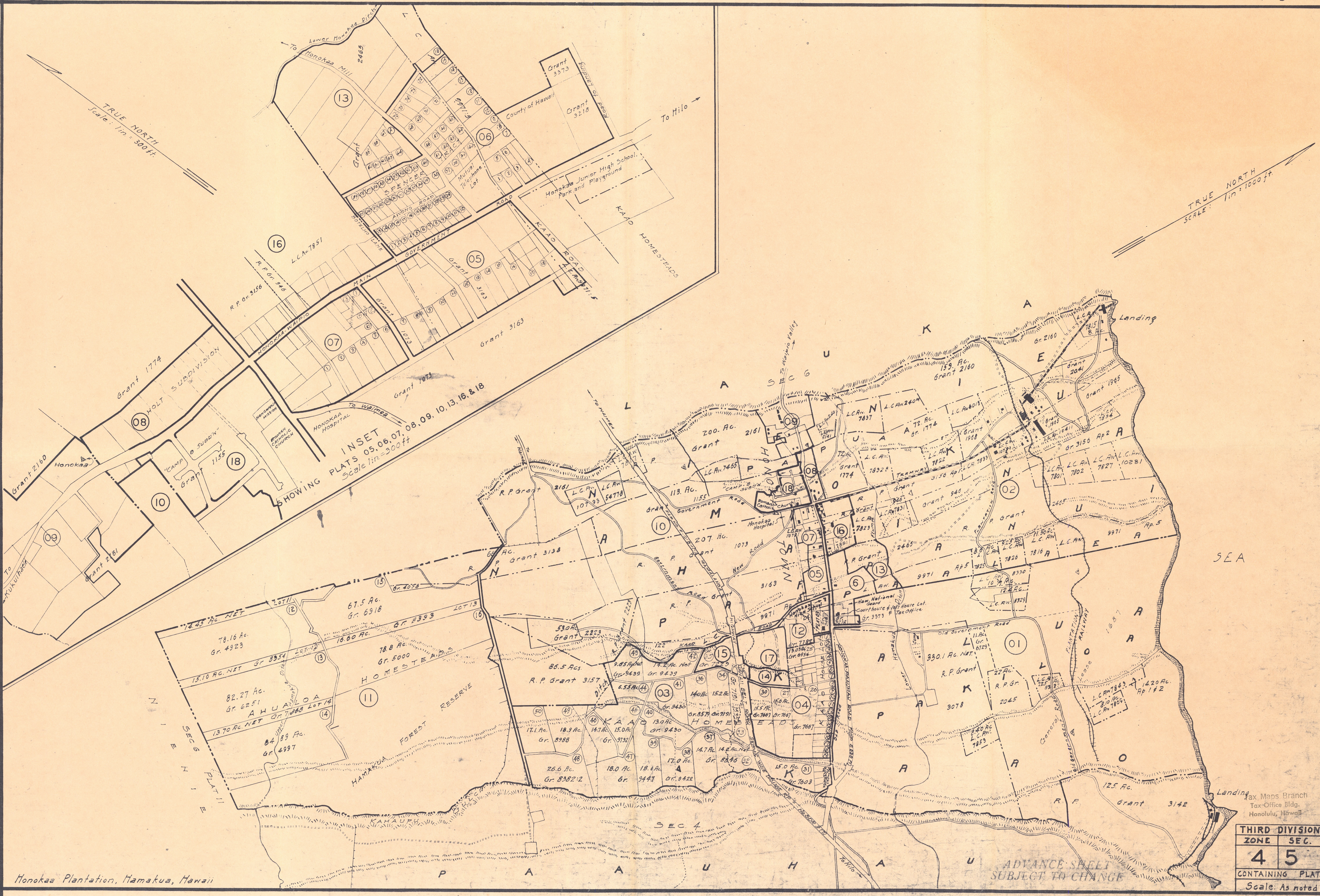
The proposal by your Petitioner to utilize the above three-acre parcel would be in line with the over-all common sense application of the law. For the bonafide purpose of setting aside houselots for his immediate family, your Petitioner respectfully requests approval of his application.



1941
1947

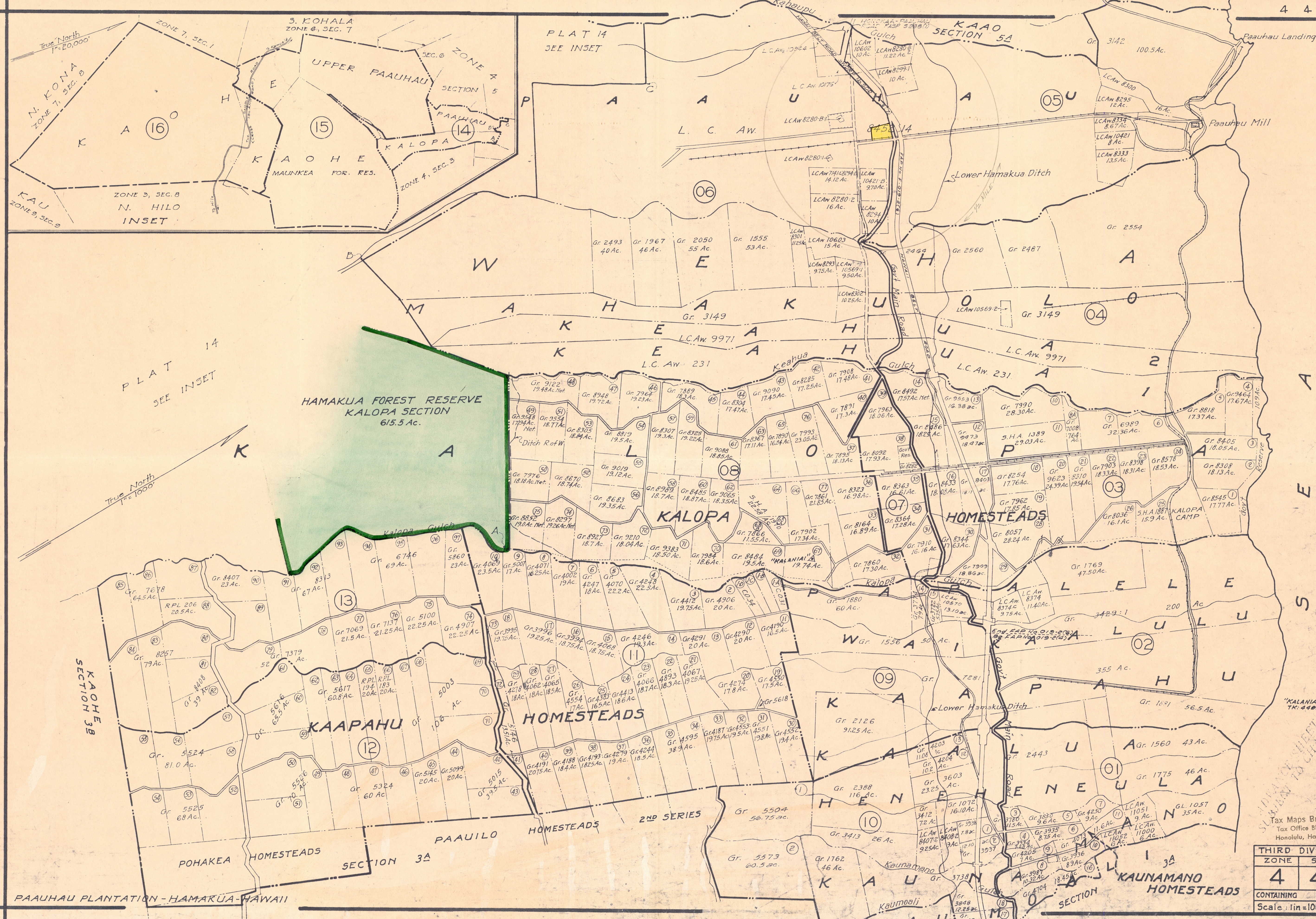
1942

Dwg. No. 76
Br. G.B. 10/32
Source: Survey Dept.



Honokaa Plantation, Hamakua, Hawaii

THIRD DIVISION
ZONE 4 SEC. 5
CONTAINING PLATS
Scale: As noted
JUL 22 1966
PRINTED



Dwg No. 877
Appr. by: D.S.C. Oct. 1932
By: D.S.C. Oct. 1932
Source: Tax Maps Branch - Survey Dept. Appr. by: D.S.C. Oct. 1932

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

THIRD DIVISION	
ZONE	SEC.
4	4

CONTAINING PLATS
Scale: 1 in = 1000 ft.

PRINTED JUL 25 1966

HONOKAA

KAHAUPO GULCH

PAUAHAW SUGAR CO.

CANE

A66-130 FERREIRA

TO WAINEA

TO PAAUHAW

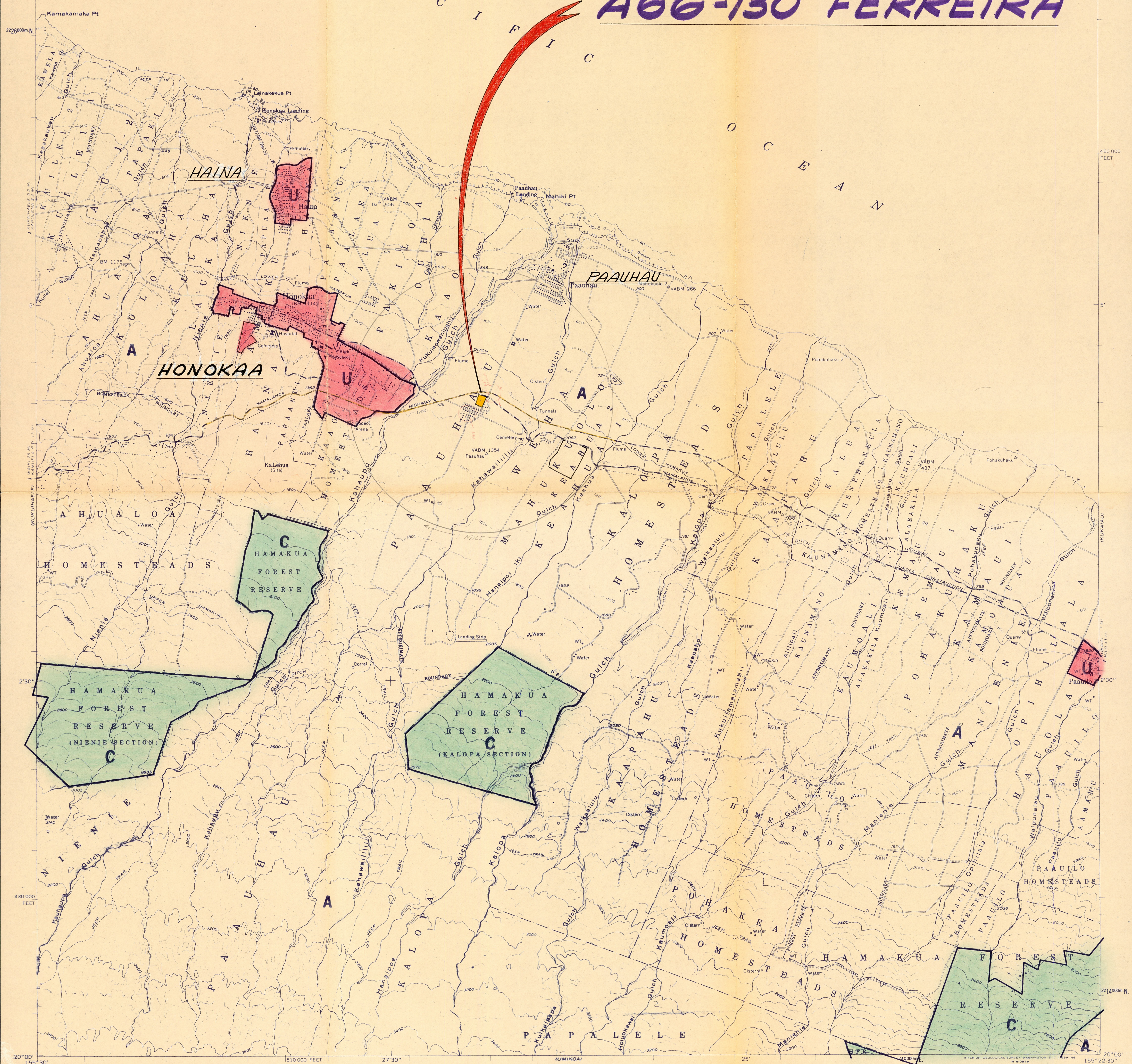
TRUE NORTH

SCALE: 1"=300'

7917

[illegible]

A66-130 FERREIRA



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954. Advance field check 1957
Hydrography compiled from USC&GS charts 4161 (1951) and 4162 (1950)

SCALE 1:24 000

ROAD CLASSIFICATION

Medium-duty  Light-duty
Unimproved dirt