

A66-132

FRANCES H. & WILLIAM M. DOUGLAS

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION BY)
FRANCES H. & WILLIAM M. DOUGLAS, A66-132)

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION

The above petition to amend the Land Use District Boundaries from agriculture to urban having come on for hearing, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the petition encompasses approximately 40 acres of land, which is in the Agricultural District, located in South Hilo, County of Hawaii, (Tax Map Key 2-4-03: 23, Third Taxation Division).
2. That the area in the petition lies more than 2,000 feet by road from the Waiakea Homesteads Urban District in Hilo.
3. That electric power and telephone services are available but water is not.
4. That Waiakea Intermediate and Elementary School facilities are located approximately 2 1/3 miles distance by road from the property in question. The nearest fire station is located slightly more than 1 mile away, and the nearest police station is located in the civic complex in Hilo.
5. That most of the land in question is typical of the surrounding areas which are primarily pasture lands with some diversified agricultural activity and scattered residences.
6. That there are several non-conforming residential subdivisions in the area, some of which are vacant and unimproved.
7. That the soils of the area are generally of the Olaa series and described as being very stony, well drained but moist, and very poorly suited

for machine cultivation.

8. That the annual rainfall approximates 168 inches and the elevation is approximately 450 feet above sea level.

9. That the State General Plan and County Plan call for agricultural use of the subject area.

10. That there are conservatively approximately 2,400 acres of vacant, undeveloped lands within the Hilo Urban District, especially in the vicinity of the property in question.

11. That Komohana Street Extension into Hilo is under construction and will make the area in question more accessible in the future.

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

13. That the Hawaii County Planning Commission recommended that the subject petition be denied as the request is not in conformance with the County General Plan, nor contiguous to an Urban District, nor has a reasonable need been shown for additional urban lands.

CONCLUSIONS OF LAW

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

2. That sufficient lands for urban growth within close proximity of the area in question have already been placed in the Urban District.

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

4. That the area in question can be used for cattle ranching and pasture purposes and that surrounding lands are used primarily for pasture purposes.

5. That the proposed change would constitute spot zoning which would be

inconsistent with the general character of the area and would contribute to scattered urban development

6. While there is evidence that said lands could be developed for urban uses, there is overriding evidence that an agricultural classification is the proper classification of the lands under petition in the interest and welfare of the public.

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

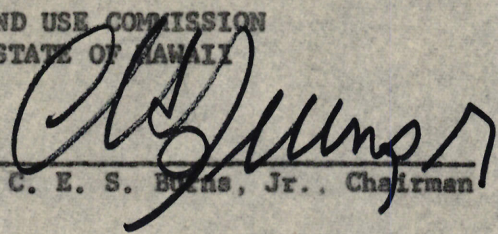
DECISION

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

Dated at Honolulu, Hawaii, this _____ day of April, 1967.

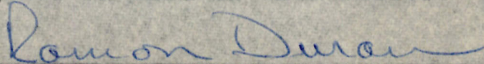
LAND USE COMMISSION
STATE OF HAWAII

By


C. E. S. Burns, Jr., Chairman

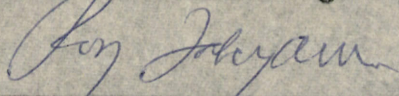
Certification:

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



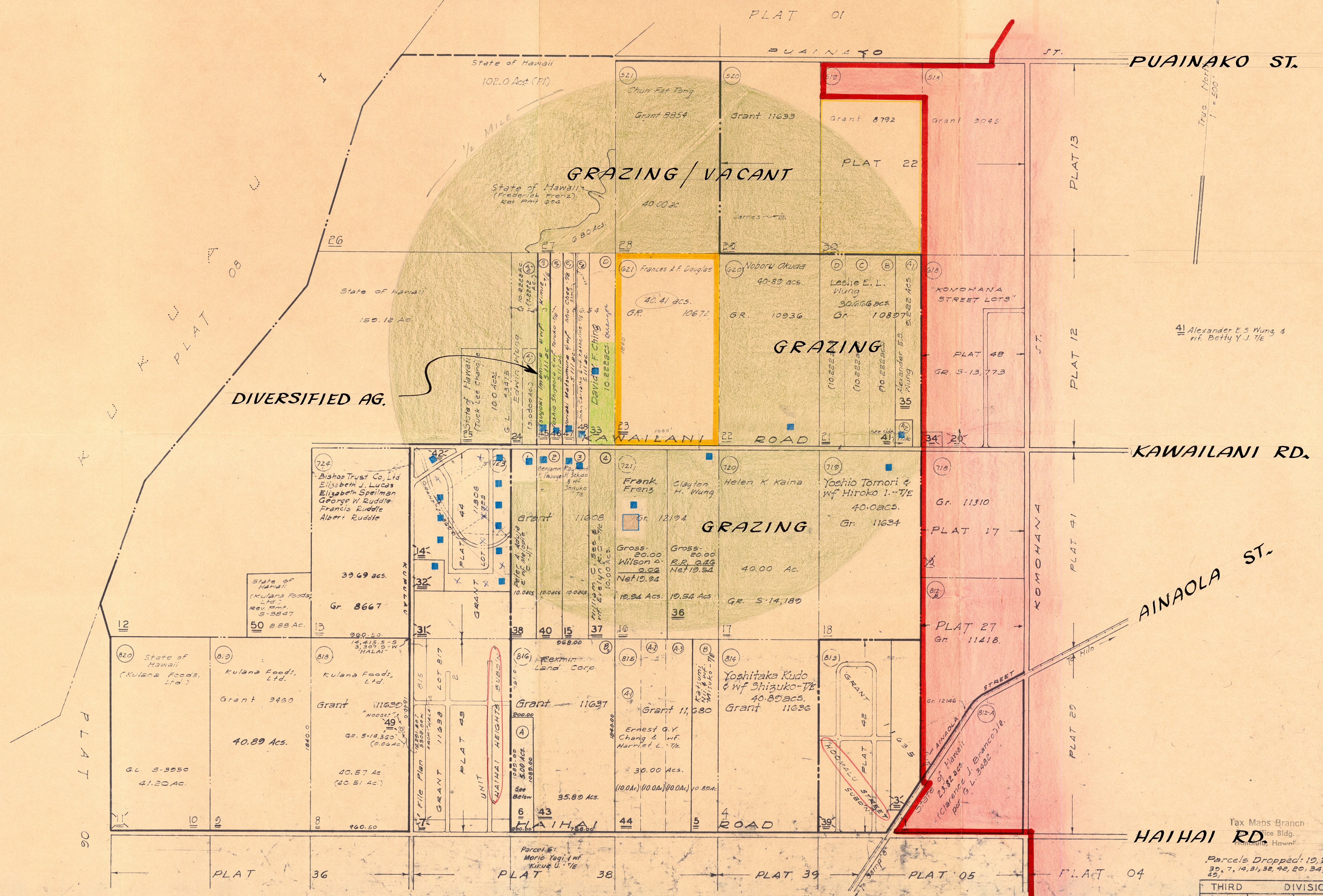
Ramon Duran, Executive Officer
Land Use Commission

Approved as to form and legality:



Roy Takeyama
Deputy Attorney General

A66-132 DOUGLAS



ADVANCE SHEET
SUBJECT TO CHANGE

THIRD		DIVISION	
ZONE	SEC.	PLAT	
2	4	03	
CONTAINING		PARCELS	
SCALE: 1 in. = 500 ft.			

REGISTERED NO.

31708

POSTMARK OF

Value \$

Doc.

Special
Delivery \$

Reg. Fee \$

.75

Return
Receipt \$

.10

Handling
Charge \$Restricted
Delivery \$

Postage \$

.05

☐ AIRMAIL

POSTMASTER (By)

L.K.

FROM

State of Hawaii
Land Use Commission

426 Queen St Hnl

TO

Mr. William M. Douglas

PO Box 761

Hnl Hi



648-16-79020-1

POD Form 3806, Dec. 1965

RECEIPT FOR REGISTERED MAIL

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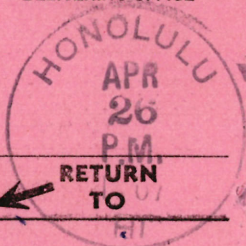
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Larry Lee Commerson

STREET AND NO. OR P.O. BOX

426 So. Queen Street

POST OFFICE, STATE, AND ZIP CODE

HONOLULU, HAWAII

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(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

31708

CERTIFIED NO.

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DATE DELIVERED

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

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2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED *(only if requested)*

APR 26 1967

April 10, 1967

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

Pursuant to your letter of January 29, 1967 regarding the reclassification of approximately 40 acres of land at Waiakea Homesteads, Hilo, Hawaii (A66-132), please be advised that your letter was presented to the Land Use Commission on February 18, 1967, and being acknowledged herewith by transmittal of a statement of findings of fact, conclusions of law and decision, for your information.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.

cc: Chairman Burns
Roy Takeyama, Legal Counsel

LAND USE COMMISSION
STATE OF HAWAII

IN THE MATTER OF THE PETITION BY)
FRANCES H. & WILLIAM M. DOUGLAS, A66-132)

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION

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FINDINGS OF FACT

1. That the petition encompasses approximately 40 acres of land, which is in the Agricultural District, located in South Hilo, County of Hawaii, (Tax Map Key 2-4-03: 23, Third Taxation Division).

2. That the area in the petition lies more than 2,000 feet by road from the Waiakea Homesteads Urban District in Hilo.

3. That electric power and telephone services are available but water is not.

4. That Waiakea Intermediate and Elementary School facilities are located approximately 2 1/3 miles distance by road from the property in question. The nearest fire station is located slightly more than 1 mile away, and the nearest police station is located in the civic complex in Hilo.

5. That most of the land in question is typical of the surrounding areas which are primarily pasture lands with some diversified agricultural activity and scattered residences.

6. That there are several non-conforming residential subdivisions in the area, some of which are vacant and unimproved.

7. That the soils of the area are generally of the Olaa series and described as being very stony, well drained but moist, and very poorly suited

for machine cultivation.

8. That the annual rainfall approximates 168 inches and the elevation is approximately 450 feet above sea level.

9. That the State General Plan and County Plan call for agricultural use of the subject area.

10. That there are conservatively approximately 2,400 acres of vacant, undeveloped lands within the Hilo Urban District, especially in the vicinity of the property in question.

11. That Komohana Street Extension into Hilo is under construction and will make the area in question more accessible in the future.

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

13. That the Hawaii County Planning Commission recommended that the subject petition be denied as the request is not in conformance with the County General Plan, nor contiguous to an Urban District, nor has a reasonable need been shown for additional urban lands.

CONCLUSIONS OF LAW

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

2. That sufficient lands for urban growth within close proximity of the area in question have already been placed in the Urban District.

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

4. That the area in question can be used for cattle ranching and pasture purposes and that surrounding lands are used primarily for pasture purposes.

5. That the proposed change would constitute spot zoning which would be

inconsistent with the general character of the area and would contribute to scattered urban development

6. While there is evidence that said lands could be developed for urban uses, there is overriding evidence that an agricultural classification is the proper classification of the lands under petition in the interest and welfare of the public.

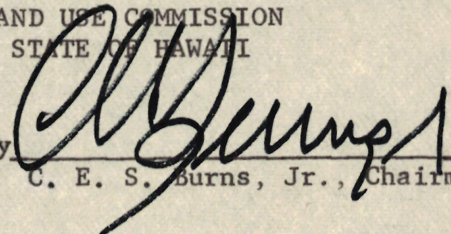
7. That an abundance of undeveloped lands already districted urban are better located to centers of trading and employment facilities and more easily serviced by public agencies than the lands under consideration, thus alleviating any evidence of urban pressures in the area under petition.

DECISION

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

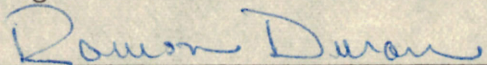
Dated at Honolulu, Hawaii, this 14th day of April, 1967.

LAND USE COMMISSION
STATE OF HAWAII

By 
C. E. S. Burns, Jr., Chairman

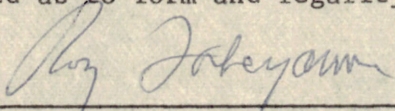
Certification:

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



Ramon Duran, Executive Officer
Land Use Commission

Approved as to form and legality:



Roy Takeyama
Deputy Attorney General

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

February 18, 1967 - 9:10 a.m.

Commissioners
Present:

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

Staff Present:

Ramon Duran, Executive Officer
George Moriguchi, Former 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 introduction of the Commission members and staff.

It was announced that the agenda was being rearranged to take care of the action items first due to previous commitments of one of the Commissioners.

The Chairman swore in all of the persons testifying before the Commission on all matters being considered today.

ACTION

PETITION OF JERRY J. NEVILLE (A66-137) TO AMEND THE LAND USE DISTRICT BOUNDARIES FROM CONSERVATION TO URBAN AND FROM URBAN TO CONSERVATION INVOLVING AN 8.1 ACRE PARCEL LOCATED AT PACIFIC HEIGHTS, HONOLULU

It was recommended by Chairman Thompson that the Commission accept the request submitted by Mr. Edward Berman, Attorney representing Jerry Neville, to delay decision on the petition until he was able to contact Mr. Neville, presently at sea, to gain his approval for monies to be expended on the necessary drawings to be submitted as additional evidence. Mr. Stebbings, realtor also representing Mr. Neville, agreed that it was all right if the delay resulted in exceeding the time limitation for action on this petition.

Commissioner Ferry moved to accept the request, seconded by Commissioner Burns. The motion was passed.

See page 12

Letter from William Douglas

Mr. Duran read a letter from Mr. William Douglas (A66-132) dated January 29, 1967, expressing his view that Commission's denial of his petition was unfair and that he had been denied his constitutional rights without satisfactory reason. (See copy of letter on file).

Mr. Takeyama advised that staff should prepare a Findings of Facts, Conclusion of Law to submit to the petitioner as required by law under the Administrative Procedure Act.

Tentative Schedule

Mr. Duran announced that the next hearing and meeting date was tentatively scheduled for March 17, 1967, Friday, in Hilo, Hawaii. He also suggested the possibility of working in field trips and investigations for the Commissioners on pending petitions. Chairman Thompson thought perhaps a trip to Wiliwilinui Ridge this afternoon should be arranged.

Hearing on Diamond Head

There was some discussion as to the exact intent of the motion "that the Land Use Commission direct the Executive Officer to initiate a petition to hold a public hearing in Honolulu on the Diamond Head Conservation District at a time agreeable to the Department of Land and Natural Resources" as recorded in the minutes of November 23, 1966. Mr. Takeyama advised that "to hold a public hearing" implied a public hearing for boundary change petition and that a further motion was not necessary.

Chairman Thompson directed staff to set up a hearing date administratively following consultation with the Department of Land and Natural Resources.

Since there was no further business, the meeting was adjourned.

2122

RECEIVED

February
JAN 1 1967

State of Hawaii
LAND USE COMMISSION

January 29, 1967

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 97813

Gentlemen:

This will acknowledge receipt of your letter of January 17th and the minutes of the meeting of the Land Use Commission dated January 13, 1967 indicating that our application for reclassification of approximately 40 acres of land in Waiakea Homestead, South Hilo was denied.

We feel that the Commissions action in this case was unfair even though it was based upon the recommendations of the Hawaii County Planning Commission and the Land Use Commission Staff. Although we were previously advised that the Commission Staff customarily takes a negative attitude in matters of this type, we pursued the application with the hope that fair treatment could be obtained from the Commission.

We feel that we have been denied our constitutional rights without satisfactory reason by the Land Use Commission and would certainly take the matter to court except for the fact that there are other avenues that we can pursue at the present time.

Very truly, yours,

W. P. Young, Jr.

presented to L.U.C. at 2/18/67 meeting.

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 13

people from Honolulu who wished to purchase lots on subject lands. Mr. Carlsmith agreed to do this.

Mr. John Arujo, principal of Sunrise Realty, stated that the area between the yellow and red lines as shown on the map was densely wooded in ohia and fern.

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

PETITION OF FRANCES & WILLIAM M. DOUGLAS (A66-132) TO RECLASSIFY A 40.41 ACRE PARCEL FROM AGRICULTURE TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII, TMK 2-4-03: 23

Mr. Leong presented the staff report recommending denial of the petition since adequate provisions have been made for Urban lands in Hilo and the agricultural use conforms to both the State General Plan and the County General Plan (see copy of report).

Mr. William Douglas, petitioner, offered that there appeared to be contradictory statements in the staff report wherein on one hand it was admitted that the area was poorly suited for agricultural uses, while on the other it denied urban use of the lands.

Mr. Douglas submitted that an important factor had been overlooked in the report, that of the Kumahana Street extension, presently underway, which would bring subject lands very close to Hilo. He also brought out that water, electricity were available at the two tracts in the vicinity of petitioner's lands and that these tracts were surrounded by houses. The area was not suited for agriculture and should be put to the best and only use possible--urban development.

Mr. Royal Brian, developer, testified that with the Kumahana Extension the subject area would be only 10 minutes away from Hilo and very much in demand. He predicted that they would be sold readily once they were subdivided.

Commissioner Wenkam wondered how Mr. Brian could equate the need with the availability of urban lands when only a few lots were occupied with homes. Mr. Brian defined that the need was the need and desire of people to own their own lands. Carrying the discussion further, Commissioner Wenkam suggested that Mr. Brian was equating need with the availability of land for speculation. Mr. Brian agreed that this was possible. However, he added that this was a choice residential area with a beautiful view.

Upon Chairman Thompson's request for substantiating data with respect to the great demand for these lands, Mr. Brian replied that he would be glad to comply.

Mr. Douglas argued that he had observed many homes all along the vicinity of petitioner's lands and some subdivision activities as well.

The hearing was closed thereafter.

January 16, 1967

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

The petition by Frances H. and William M. Douglas (A66-132) for amendment to the Land Use district boundaries from an Agricultural District to an Urban District for approximately 40 acres of land at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-03: 23, 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 ALB-132
Trunks & Wm Douglas Date January 13, 1967
Place State Hearing
Hilo Hawaii Time _____

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

Comments:

Motion to deny - carried

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 Anuheia 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 house lots.

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 occurs within the Hilo Urban District.

MEMORANDUM

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.

RECEIVED

January 7, 1967

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

JAN 9 1967

State of Hawaii
LAND USE COMMISSION

Gentlemen:

Thank you for the opportunity to appear before the Commission on October 29, 1966, relative to the request for reclassification of 40.41 acres of land from Agriculture to Urban in South Hilo, tax key 2-4-03. Unfortunately we did not receive a copy of the Staff Report prior to the hearing in Hilo, and consequently, we were not adequately prepared to rebutt the unfavorable recommendation submitted by the Staff to the Commission.

It appears evident (page 2, second paragraph of Staff Report) that the Staff was influenced by the Hawaii County Planning Commission's findings. These findings can best be described as inconsequential and contentious. For example, county recommendation:

- No. 1. The request does not conform to the County General Plan's agricultural designation of the area.

Comment: This is perfectly obvious or there would have been no reason for filing the request for reclassification.

- No. 2. It is not contiguous to an existing Urban District.

Comment: This recommendation is not and never has been an absolute criteria for reclassification. As pointed out at the hearing in Hilo, a considerable number of homes have been constructed farther away from Hilo in this same area than the property in question; utilities are therefore available and the Hawaii County Water Board has given the green light for the proposed development. It is not entirely accurate to describe the land in question as non-contiguous. It would be more appropriately described as being suitably located for Urban development for several reasons. For example, the property immediately across the street (Kawailani Road) is owned by Frank Frenz who has his residence and a meat packing plant containing approximately \$250,000 worth of machinery on the premises. Also, several homes have been constructed farther down Kawailani Road and on Kupulau Street, about 2,000 feet farther away from Hilo. Additional homes are being constructed in this area

thus illustrating a need for additional development. In addition, it would be unreasonable to conclude that the area concerned is not destined for urbanization because the State government has released \$467,000 for construction of the Komohana Street extension and the County has called for bids on the Kawaiilani Road project which will include widening the road immediately in front of the proposed development. It would be inconceivable to think that the State and County governments were investing substantial funds for improvements unless it was a forgone conclusion that the area would be developed to its best use and increased revenue from taxes realized.

It would be interesting to know whether the County Commission was aware of State and County plans for spending money to improve this area. If not, it would appear to be in order to ask the County Commission to review their recommendations in light of recent developments. Also, the fact that a County Planning Commissioner is interested in obtaining reclassification of this property should be of importance to the State Land Use Commission.

Attached to this statement is a letter from Mr. Royden Bryan proving the demand for lots in this area. Any statement to the contrary is based on conjecture.

The statement in the Staff Report that approximately 2,400 acres of vacant urban land lies within the Hilo Urban district is in need of clarification. We are only interested in property close in proximity to the area for which reclassification has been requested. It has been proven by facts and figures that this area is highly desirable for residential use. As far as agricultural use is concerned, everyone involved realizes and is in agreement that the property is not suitable for such purposes. On this grounds alone it should be reclassified.

The fact that all urban property in this area has not been improved is beside the point. As the Commission members well know, hundreds of persons invest in land for the purpose of having a lot on which to build when they retire. In addition funds for new construction have been extremely difficult to obtain for the past several months. It would be important in this connection to know how many lots in approved developments have not been sold- not how many lots contain houses.

It has been shown that reclassification of this property is in the best interests of the State because it will result in development of much needed lands in keeping with this administration's policy of making fee simple lands (house lots) available to

taxpayers; the land is in an area where considerable money for improvements has already been appropriated by both the State and the County; initial cost to the County will be negligible (this matter has been carefully checked by the developers who are all permanent residents of Hilo), while the long range revenue in the form of increased taxes will be considerable; and, the land proposed for reclassification is closer to Hilo city than other property already subdivided.

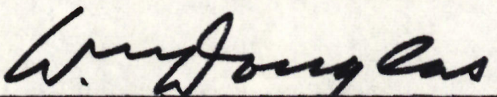
The delay in submitting this information resulted from hospitalization of the petitioner, William M. Douglas, due to a heart attack.

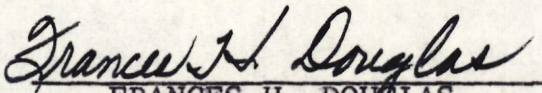
While we will not be present for your meeting in Hilo on January 13, 1967, due to doctor's orders, we will ask Mr. Royden Bryan to be present and answer any questions you may have, or telephone us for further information.

May we point out that there have been no objections to this reclassification from landowners in the community of Hilo, and such reclassification would certainly be in the best interests of justice since both the County Planning Committee and your Staff agree that the property is not suitable for use in the assigned designation of agricultural land. Further, gentlemen, recent newspaper reports indicate that approval has been granted for subdividing property in the Waiakea Homestead area and a new shopping center has also been approved.

Under the circumstances your favorable consideration of our request would be greatly appreciated by all concerned.

Sincerely yours,


WILLIAM M. DOUGLAS


FRANCES H. DOUGLAS

WMD:fh
Encl.

Blackshear and Devine

Real Estate Sales Appraisals Land Development

Roy C. Blackshear, Realtor

46 Waiianue Ave. Phone-Hilo 50-895

P. O. Box 1800

Lei Devine, Realtor

Hilo, Hawaii 96720

November 1, 1966

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

Further on the Land Use Commission meeting of Saturday last, we submit herewith pertinent information which you might want to use in your rebuttal to be presented to the committee within fifteen days.

In checking with Mr. Hiromu Yamanaka, who is the developer of Anela Lani Subdivision (the most recent subdivision in this area), Tax Key: 2-4-03-48, he states the following:

Subdivision consists of 76 lots of approximately 15,000 sq.ft. each.

Selling price - 45 to 50 cents per sq.ft.

Put on the market February 1966.

Sixty-three lots sold by October 31, 1966.

This subdivision is on the corner of Komohana & Kawaihani Streets.

This substantiates the fact that there is a genuine demand for residential lots in this area.

After listening to the remarks of the some of the commission members, I felt that too much emphasis was being placed on complete development (building a home) as a yardstick for measuring demand. To me, the fact that lots are selling in this area and that very few are being offered for resale is a much better criterion. We know that a good many of these lots are being sold to people who plan to use them for retirement, 5, 10, even 20 years hence. It is difficult to say just how many are being purchased for this purpose, because we only learn that this is the purpose when the buyer volunteers this information.

Perhaps an even larger percentage of the lots are being sold to young people who do not have the finances to fully develop their property until the land is paid for and can be used as collateral, for a loan, for building purposes.

We think that, in presenting your rebuttal to the Commission, you should emphasize the fact that there is a real demand for residential lots in this area, and that this demand is bound to increase with the expansion of Hilo, which is almost inevitable.

Blackshear and Devine

Real Estate Sales Appraisals Land Development

Roy C. Blackshear, Realtor

46 Waianuenue Ave. Phone-Hilo 50-895

P. O. Box 1800

Lei Devine, Realtor

Hilo, Hawaii 96720

Mr. William M. Douglas

-2-

November 1, 1966

Let us know if there is anything else we can do to assist you at this time or later. Best personal regards.

Sincerely yours,

BLACKSHEAR & DEVINE, REALTORS

Royden Bryan

Royden Bryan

RB:bj

January 3, 1967

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

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 your petition (A66-132) 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

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

people from Honolulu who wished to purchase lots on subject lands. Mr. Carlsmith agreed to do this.

Mr. John Arujo, principal of Sunrise Realty, stated that the area between the yellow and red lines as shown on the map was densely wooded in ohia and fern.

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

PETITION OF FRANCES & WILLIAM M. DOUGLAS (A66-132) TO RECLASSIFY A 40.41 ACRE PARCEL FROM AGRICULTURE TO URBAN AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII, TMK 2-4-03: 23

Mr. Leong presented the staff report recommending denial of the petition since adequate provisions have been made for Urban lands in Hilo and the agricultural use conforms to both the State General Plan and the County General Plan (see copy of report).

Mr. William Douglas, petitioner, offered that there appeared to be contradictory statements in the staff report wherein on one hand it was admitted that the area was poorly suited for agricultural uses, while on the other it denied urban use of the lands.

Mr. Douglas submitted that an important factor had been overlooked in the report, that of the Kumahana Street extension, presently underway, which would bring subject lands very close to Hilo. He also brought out that water, electricity were available at the two tracts in the vicinity of petitioner's lands and that these tracts were surrounded by houses. The area was not suited for agriculture and should be put to the best and only use possible--urban development.

Mr. Royal Brian, developer, testified that with the Kumahana Extension the subject area would be only 10 minutes away from Hilo and very much in demand. He predicted that they would be sold readily once they were subdivided.

Commissioner Wenkam wondered how Mr. Brian could equate the need with the availability of urban lands when only a few lots were occupied with homes. Mr. Brian defined that the need was the need and desire of people to own their own lands. Carrying the discussion further, Commissioner Wenkam suggested that Mr. Brian was equating need with the availability of land for speculation. Mr. Brian agreed that this was possible. However, he added that this was a choice residential area with a beautiful view.

Upon Chairman Thompson's request for substantiating data with respect to the great demand for these lands, Mr. Brian replied that he would be glad to comply.

Mr. Douglas argued that he had observed many homes all along the vicinity of petitioner's lands and some subdivision activities as well.

The hearing was closed thereafter.

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

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

Background

A petition to change the district designation of a 40.41 acre parcel from Agriculture to Urban has been submitted by Frances H. and William M. Douglas. The property involved is a portion of Waiakea Homesteads, South Hilo, Hawaii and is identified as parcel 23 of Tax Map Key 2-4-03.

The petitioners' reason for the request, as stated in the petition is: "To prepare land for subdivision purposes. Upon reclassification we expect to sell the tract to local developers." Petitioner submits that there is a growing need for fee simple property on the neighbor islands for people planning to retire. Also offered as evidence is a "projection" by Royden Bryan of Blackshear and Devine, Realtors, in which he mentions the proximity of this land to commercial and educational centers when the Komohana Street extension to Waianuenue Avenue is completed two years hence. Also cited as factors pointing to the need for additional urban lands are:

1. The hotel and resort development- proposed and underway.
2. The proposed direct air route from Hilo to the Mainland United States.
3. The general development of Hilo as a tourist destination.
4. The possibility that the present two-year term at the University will be extended to four.

The forty acres under discussion fronts the north side of Kawailani Road approximately 3,000' west of its intersection by Komohana Street. It presently shows no evidence of active grazing use although it is typical of the surrounding areas which are primarily pasturelands. Some diversified agricultural activity, scattered residences, and a meat products plant, all exist within a half mile of

the lands involved.

The soil on the subject parcel is in the Olaa series and is described as being very stony, well drained but moist, and very poorly suited for machine cultivation. Overall suitability for agricultural use is rated as fair to poor. Slopes are below 10% and elevation is approximately 450' above sea level. Median annual rainfall approximates 168".

A recommendation to deny the petitioners' request has been received from the Hawaii County Planning Commission based on the following findings:

1. The request does not conform to the County General Plan's agricultural designation of the area.
2. It is not contiguous to an existing Urban District.
3. The Petitioner has not shown reasonable need for additional urban lands.

Analysis

The present designation of this area for agricultural use conforms to both the State General Plan and the General Plan formulated by Hawaii County for its orderly development. Admittedly, the parcel in question does not lend itself to intensive agricultural use, and, therefore, the concern over the "shifting of prime agricultural lands into non-revenue producing residential use" is minimized. However, the concern over "scattered subdivisions with expensive, yet reduced, public services" has a direct bearing in this case. It is granted that capital costs to the County would be minimized, since water, electricity and telephone services are nearby and available. However, the long-run servicing of an overly extended Urban Area, which is sparsely populated will tend to increase operating costs at public expense.

Moreover, adequate provisions have been made for Urban lands in the Hilo area based on a ten-year projection. This is evident in the amount of vacant and undeveloped lands that can be found within the confines of the existing Urban District of Hilo, especially in the vicinity of the petitioners' land. The staff conservatively estimates that approximately 2,400 acres of vacant urban

lands occur within the Hilo Urban District.

Although the "projections" submitted by the petitioner could not be considered as valid substantiating data pointing to the need for more urban lands, the staff finds that the 2,400 acres will more than meet the needs mentioned therein.

Recommendation

On the basis of the foregoing discussion, it is recommended that the Petition be denied.

October 4, 1966

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

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 2-4-03: 23, Waiakea, Hilo, Hawaii, will be heard.

Very truly yours,

George S. Moriguchi
Executive Officer

GSM/pjp

RECEIVED

File

SEP 1966

State of Hawaii
COUNTY OF HAWAII LAND USE COMMISSION
COUNTY PLANNING COMMISSION

Applicant Mr. & Mrs. William M. Douglas
Date petition received by
Planning Commission July 19, 1966
Date of Planning Commission
Meeting August 26, 1966
Date petition and recommendations
forwarded to LUC September 1, 1966

AMENDMENT OF ZONE DISTRICT BOUNDARY

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

Lot 621, Waiakea Homesteads, South Hilo, County of Hawaii
TMK: 2-4-03:23
Area: 40.89 Acres

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

The Commission decided to recommend:

denial of the petitioner's request

on the basis of the following findings:

1. The request is not in conformance with the County General Plan as the area is designated as agricultural in such.
2. The request is not contiguous to an existing State Land Use Urban District.
3. The petitioner has not shown reasonable need to open up additional land for urban use as urban areas to the east of subject's land have adequate vacant lands to handle additional population for the next 5 to 10 years.

(Signed)

Raymond S. Sugi
Director, County Planning Commission

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

135

~~July 2~~ July 21, 1966

RECEIVED from

W. M. Douglas

Fifty and no/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$

50.00

Henry J. Kukula

Public Accountant

State Form B14

STATE OF HAWAII

OFFICIAL
RECEIPT

Nº

147

Land Use Commission

Department, Bureau or Commission

RECEIVED from

William Douglas

July 14

19 *66*

Fifty & 20/100

DOLLARS

*Petition for Boundary Change
for Frances H. + Wm M. Douglas*

\$ *50⁰⁰*

Don Y. Houlawa

Public Accountant

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. and Mr. William M. Douglas, together with 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, Map

July 14, 1966

Mr. William M. Douglas
P. O. Box 761
Honolulu, Hawaii 96808

Dear Mr. Douglas:

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 2-4-03: 23, Waiakea, Hilo, 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

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

JUL 14 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 _____

ALL-132

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(X) (We) hereby request an amendment to the Land Use Commission

District Boundary respecting the County of HAWAII, Island of HAWAII,
Tax Key 2-4-03-23
map number and/or name Tract 621, Waiakea 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: Lot 621, Waiakea Homesteads, South Hilo, Island of
Hawaii, area 40 and 89/100 acres, Tax Key No. 2-4-03-23, Land Grant 10672.
→ 41/100

Petitioner's interest in subject property: OWNERS

Petitioner's reason(s) for requesting boundary change: To prepare land for
subdivision purposes. Upon reclassification we expect to sell the tract
to local developers.

(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.

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

Signature(s)

Frances H. Douglas
FRANCES H. DOUGLAS
William M. Douglas
WILLIAM M. DOUGLAS

Address: P. O. Box 761, Honolulu 96808

Telephone: Bus. 50511 Ex. 524 Res. 78426

P. O. Box 761
Honolulu, Hawaii 96808

TO: LAND USE COMMISSION, STATE OF HAWAII

FROM: WILLIAM M. AND FRANCES H. DOUGLAS

SUBJECT: GENERAL STATEMENT IN SUPPORT OF PETITION FOR AMENDMENT
TO THE LAND USE COMMISSION DISTRICT BOUNDARY - LOT NO.
621, WAIAKEA HOMESTEADS, SOUTH HILO, ISLAND OF HAWAII

ATTACHMENT NO. 4

The Zone Map of the City of Hilo indicates the close proximity of the property involved to the fastest growing residential area in Hilo. Actually the property for which we are asking your favorable consideration for reclassification from rural to urban will be closer to the City of Hilo, when Komohana Street is completed to Waianuenue Avenue, than much of the land in the adjoining residential area. The map also illustrates the location of two residential subdivisions already in this area but farther removed from town, known as the Haihai Heights Subdivision and the Hoomalu Subdivision. These two subdivisions have been practically sold out for sometime past.

Some general statistics and data concerning this tract #621, follows:

1. The area is presently $5\frac{1}{2}$ miles from downtown Hilo, but will only be 4 miles with the completion of the Komohana Street to Waianuenue Avenue above the High School (this should be completed within the next two years.)
2. The distance to other places of interest to probable homeowners is: $2\frac{1}{3}$ miles to Waiakea Intermediate School; 4 miles to University of Hawaii, Hilo Campus; and 3 miles to the new Taniguchi Shopping Center. The Komohana Street extension will shorten the distance to the University of Hawaii Hilo Campus to $2\frac{3}{4}$ miles.
3. Every lot in the proposed subdivision will be located on land that will command a lovely panoramic view of the City of Hilo, Hilo Harbor, and the mountains. In other words, this property is ideally located and suited for residential use.

Non-Conforming
Resid Subdivs
15,000 # lots

ATTACHMENT NO. 2

The statement from Mr. Royden Bryan of Blackshear and Devine indicates that electric power and telephone service is already available at the site of the proposed subdivision. Water service can be made available at minimum expense. Police protection is adequate and Fire Hydrants and protection would be assured with the required water main installation.

There is a growing need for fee simple property on the neighbor islands for people planning to retire. With the recent improvement in retirement system benefits, both State and County, it would be safe and conservative to estimate that an important number of elderly employees will be retiring in Honolulu and moving to the other islands. The City of Hilo will attract a large number of these retirees because of the availability of large tracts of exceptionally fine land.

All prognostications indicate that the City of Hilo will continue to grow in the mauka direction and land in the area of tract #621 will represent prime property for expansion. Within ten years this entire area should be covered with residences, shopping centers and other service operations.

Upon retirement next year after twenty-seven years service with the State government we will be moving to Hilo to establish residence. Several other government workers have stated that upon retirement they too, would be moving to the Big Island and we are convinced that the Island of Hawaii will become very popular as far as retired workers are concerned providing land is made available.

Residential Development of
Waiakea Homesteads, Mauka

This projection is particularly for that area on Tax Map Key: 2-4-03, above Komohana Street, and bounded by Haihai Street on the south and Puainako Street on the north.

With the completion of the proposed Komohana Street extension to Waianuenue Avenue, the distance to the High School and downtown Hilo would be about four miles, or an easy ten minute drive on a good highway. It would be about two and one-third miles from the new Waiakea Intermediate and Elementary School, two and three-fourths miles from the University of Hawaii, Hilo Branch, three miles from the new Shopping Center which is nearing completion at Puainako Street and Ka noelehua Street, and about the same distance from the proposed Food Fair Supermarket on Kinooole Street.

The hotel and resort development now under construction and proposed for the Hilo area, the proposed direct air service to Hilo from the mainland United States, and the general development of Hilo as a tourist destination will demand additional services making for more residential development to meet this increase in population.

This area would be ideally situated to suit this purpose as it is located at a cool elevation, commanding an excellent view of the ocean and/or mountains and the subdivided lots could be reasonably priced for popular sale.

There is a good possibility that the present two-year course offered by the University of Hawaii will be increased to four years in the very near future, thus creating a need for increased residential development in this area to meet the demands of both students and faculty.

All factors considered, we believe this area to be one of the most desirable residential areas in Hilo, and that there is a definite need for its being reclassified from rural to urban in order that this growing need be met, and in order that the developers of this area may offer choice residential building lots, attractively priced, to our growing population.

BLACKSHEAR & DEVINE, REALTORS

Royden Bryan

Royden Bryan

RB:md
July 8, 1966



HILO BAY

COCOANUT ISLAND

REEDS BAY

GENERAL LYMAN FIELD

WAILUKU RIVER

Proposed Kihuna Road Extension

Lot #621

HAWAII NIGHTS

HAWAII

Municipal Golf Course

ATTACHMENT No. 1

ZONE MAP CITY OF HILO

LEGEND

- SAFETY ZONE
- RESIDENTIAL ZONE A
- RESIDENTIAL ZONE B
- RESIDENTIAL ZONE C
- RESIDENTIAL ZONE D
- HOTEL AND APARTMENT
- RESTRICTIVE BUSINESS
- BUSINESS
- LIGHT INDUSTRIAL
- GENERAL INDUSTRIAL
- NOXIOUS INDUSTRIAL
- AGRICULTURAL ZONE 1
- AGRICULTURAL ZONE 2
- NEIGHBORHOOD SHOPPING DIST.
- RESORT HOTEL AND RESORT APARTMENT HOTEL

PLANNING AND TRAFFIC COMMISSION

SCALE 0 500 1000 1500 2000 FEET