A66-133 LAND USE COMMISSION (KEEAU)

November 22, 1966

W. H. Shipman, Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

A petition (A66-133) to amend the land use district boundaries at Keaau, Puna, Hawaii, affecting your property, was approved by the Land Use Commission at its meeting on October 29, 1966, as follows:

Reclassified to an Urban District (from an [redacted]ltural District)

Tax Map Keys - 1-6-42: 24 through 55 inclusive
1-6-42: Portion of 56
1-6-03: 59, 62, 69, portion of 11

Reclassified to an Agricultural District (from an Urban District)

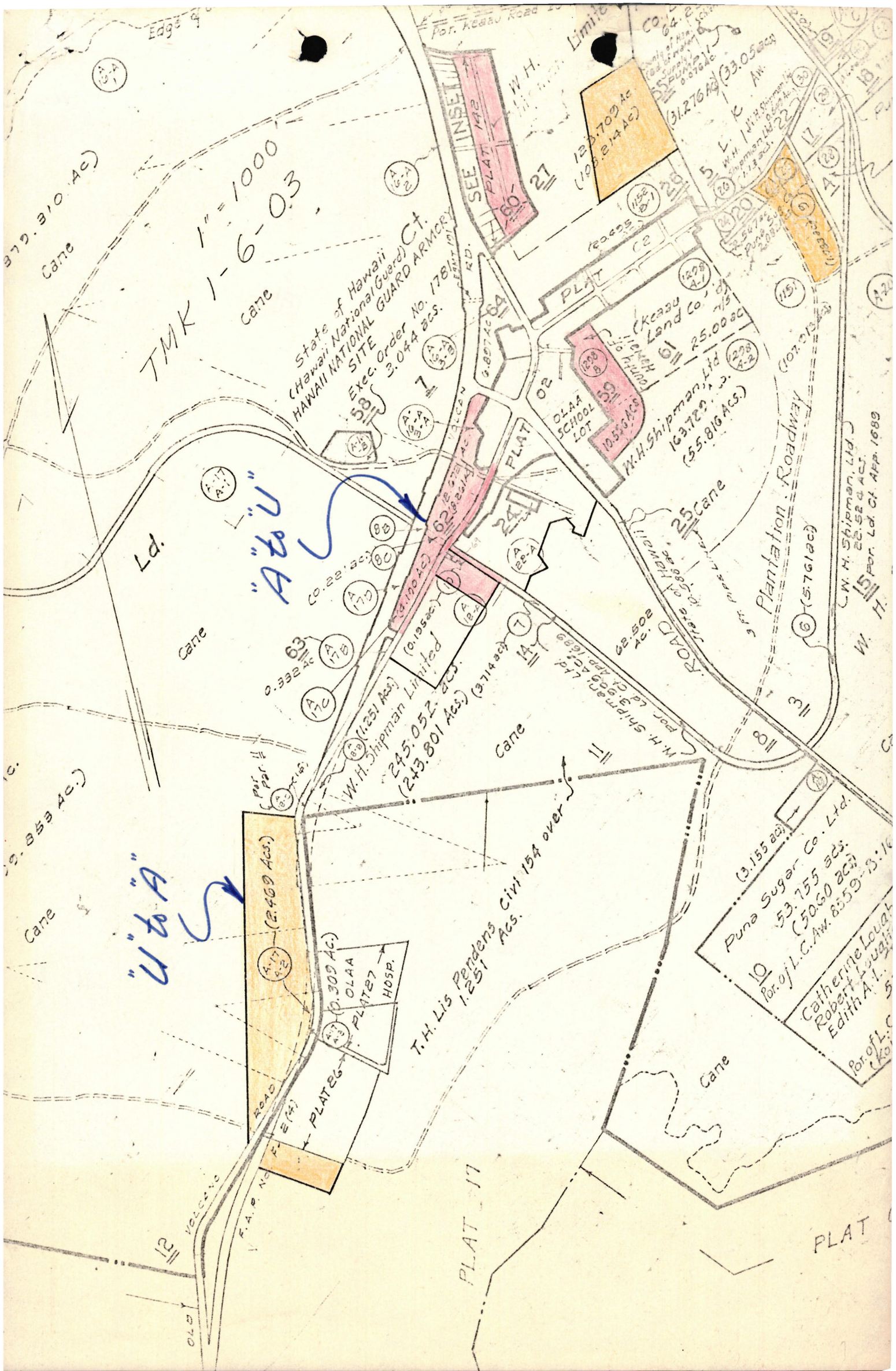
Tax Map Keys - 1-6-03: Portions of 3, 12, 73
1-6-03: 21
1-7-17: Portion of 1
(See map attached)

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

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

Same letter sent to: American Factors, Ltd.
Agent for Puna Sugar Co., Ltd.
P. O. Box 3230
Honolulu, Hawaii



TMK 1-6-03
1" = 1000'
State of Hawaii (Hawaii National Guard) Ct.
HAWAII NATIONAL GUARD ARMORY SITE
Exec. Order No. 1781
3.044 acs.
SEE INSET
PLAT 142
W.H. Shipman Limited
245.052 acs.
(243.801 Acs.)
(1.251 Acs.)
(0.195 ac.)
(0.221 ac.)
(0.332 Ac.)
(2.469 Acs.)
(0.309 Ac.)
OLAA
PLAT 27
HOSP.
PLAT 26
T.H. Lis Pendens Civil 154 over 1.251 Acs.
W.H. Shipman Ltd.
163.729 Acs.
(55.816 Acs.)
OLAA SCHOOL LOT
10.586 Acs.
(Keaau Land Co.)
25.00 ac.
Plantation Roadway
State of Hawaii
ROAD
Puna Sugar Co. Ltd.
53.755 acs.
(50.60 acs.)
Catherine Lough
Robert Lough
Edith A.L.
Cane
Ld.
PLAT 17
PLAT
VOLCANO ROAD
F.A.P. No. F-2(4)
OLD
Por. Keaau Road
Limited
W.H.
Edge of

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 5

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

VOTE RECORD

Item A66-133 L.U.C. Keaau Date 10-29-66

Place Hilo (Hwy 77) Time

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

Comments:

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 totpgraphy are the primary problems confronting the subject parce.

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.

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

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

October 4, 1966

W. H. Shipman, Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

The Land Use Commission 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 on Petition (A66-133), affecting your property located at Keaau, Puna, Hawaii, 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

GSM/pjp

cc: Chairman Thompson

Same letter sent to American Factors, Ltd., Agent for Puna Sugar Co., Ltd.
P. O. Box 3230, Honolulu, Hawaii

File

1992

COUNTY PLANNING COMMISSION
COUNTY OF HAWAII
HILO, HAWAII

RECEIVED
JUL 29 1966
State of Hawaii
LAND USE COMMISSION

July 26, 1966

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

The County Planning Commission at its monthly meeting of July 22, 1966 considered your proposed amendments of the land use district boundaries at Keaau, Puna, Hawaii and made the following comments and recommendations:

1. From Agricultural to Urban. Tax Map Key 1-6-1:42

   Portion of the existing subdivision at the entrance of Keaau Village from Hilo where there now exists 32 lots and 26 residential houses most of them recently constructed. General Plan indicates area as agricultural.

   Commission concurs with the State Land Use Commission that this area be changed to Urban on the basis that area is presently built up as such and the County Planning Commission has recognized this when granting subdivision approval for urban use in 1962.

2. From Urban to Agricultural. Tax map key 1-6-03 portion of Parcel 73

   At present, this area is in Urban but existing land use indicates entire area in cane land. Originally this urban designation was for the mill site but inadvertently placed on the official map in this location. General Plan indicates area in agricultural.

   Commission concurs with the State Land Use request as the request is reasonable and present trends indicate that this area will remain as agricultural use.

3. Urban to Agricultural. Tax map key 1-6-03: parcels 21 and portion of 3

   Existing State Land Use designation is Urban with existing use in residential camp. There are 47 houses in this area, all in poor or fair condition with one grocery store and one community hall. The Puna Sugar Company has intentions

of reverting this area into agricultural use and relocate the people to the subdivision at the rear of Keaau School. However, this subdivision is in agricultural designation and is now being processed for boundary change to urban by the State Land Use Commission. The General Plan indicates west half of this area in residential and remaining in agricultural.

Commission recommends that the area be retained in urban as the plantation camp is characterized by business and community activities which would be more appropriate in an urban-zoned area. Another reason for recommending that area be retained as urban is because that although the Puna Sugar Company has indicated that area will eventually be reverted to agricultural use, this would not happen for approximately 10 years hence. At that time, the boundary change can be consummated.

4. Agricultural to Urban. Tax map key 1-6-03:59

The State Land Use Commission requests for this boundary change at the rear of Keaau School as existing use includes gym site, park area and pasture land. The General Plan indicates this area for public use.

Commission concurs with the Land Use Commission for this boundary change as the request is reasonable and in line with the Planning Commission's recommendation of changing the land use designation immediately adjoining this land from agricultural to urban purposes.

5. Agricultural to Urban. Tax map key 1-6-03:62

This area is on the west end of the Keaau Village and up to the new highway. Existing land use includes 25 homes all fair to poor condition, a church and remaining areas vacant. General Plan indicates entire area in urban classification of light industrial and village commercial.

Commission concurs with this request as area is built up for urban use and future designation is for urban.

6. Urban to Agricultural. Tax map key 1-6-03: portion of 69 and 11

This area is on the south side of the old highway adjacent to the Keaau Store. Existing land use includes some 18 homes mostly in poor or dilapidated condition. This is portion of the plantation camp near the old railroad bed. The General Plan indicates area in light industrial.

Commission recommends that area remain in urban as present land use indicates use as such and Puna Sugar has indicated that this area will not be converted to agricultural use. Also, the General Plan indicates area in light industrial.

7. Urban to Agricultural. Tax map key 1-6-03: portion of 11

Area is presently being utilized as cane land. General Plan indicates area in light industrial.

Commission recommends that area remain as urban as general plan indicates area as urban classification of light industrial.

8. Agricultural to Urban. Tax map key 1-6-03:12 (portion)

Area is presently the 9½ mile plantation camp consisting of some 50 homes mostly ranging from good to fair conditions with a few in poor condition. General Plan indicates future use as agricultural and Puna Sugar intends to revert camp to agricultural use within 10 years.

Commission concurs with State Land Use as although future plans for this area is for agricultural purposes and not urban, the Puna Sugar is now in the process of leasing each parcel of land to individual land owners with length of lease running for only 10 years.

9. Urban to Agricultural. Tax map key 1-6-03:71

Area is presently in cane and unused land. The General Plan indicates future classification as agricultural.

Commission concurs with this request as area is not planned for urban use.

10. Urban to Agricultural. Tax map key 1-6-03: portion of 1

Area is presently utilized as the water tank site and remaining area in cane land. The General Plan calls for agricultural use.

Commission concurs with this request.

Raymond H. Suefuji
Director

PIY:RHS:mh

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 3

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 Keeau 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 Keeau 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 KEAAU 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 houselots, 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 ½ 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 ½ 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 asthetic 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

A66-133 - LAND USE COMMISSION (KEAAU)

Background

Upon its own motion, the State Land Use Commission has initiated boundary amendment processing for several areas in the Keaau District. Accordingly, property owners have been notified and a public hearing has been called to consider these changes.

Changes in district boundaries from Urban to Agricultural and from Agricultural to Urban are involved. The following tabulation indicates pertinent data relating to these areas: (Area numbers correspond with those shown on map.)

Urban to Agricultural (Green)

Area #1	-	11.5 acres
Area #2	-	16 acres
Area #3	-	8.2 acres
Area #4	-	28 acres
Area #5	-	5 acres
Total		68.7 acres

Agricultural to Urban (Red)

Area #6	-	11 acres
Area #7	-	20 acres
Area #8	-	12.5 acres
Area #9	-	11 acres
Total		54.5 acres

Area #1 is a small isolated Urban District with approximately slightly more than half in use as a plantation camp and the remainder in cane. This area should more logically be classified Agricultural and the existing facilities permitted to remain as non-conforming uses to be phased out eventually. The homes in this area are substandard and have a relatively short span of future usability.

Area #2 is an isolated Urban District located in the middle of a cane field and is quite apparently erroneously districted.

Area #3 is located at the western fringe of the developed area of Keaau Town and planted in cane. The area is served by the Old Volcano Road and is proposed for light industrial facilities on the General Plan.

Area #4 is a strip of urban lands presently used for cane cultivation, generally, with a small portion in marginal unused land. It fronts on the Volcano Road opposite the Puna Dispensary in the outskirts of Kurtistown.

Area #5, presently planted in cane, is a small portion of an existing Urban District developed for urban purposes.

It is recommended that Areas 1, 2, 4, and 5, be reclassified from Urban to Agricultural on the basis that they tend to contribute to scattered urban developments. However, it is recommended that Area #3, which is at the outskirts of Keaau Town, be maintained as an Urban District in spite of its present use for agricultural purposes. This is based on the General Plan which provides for light industrial uses in the area eventually.

Area #6 is a parcel owned by the County and slated for use as an expansion area to the Keaau School. This area is unused at present.

Area #7 is a strip urban area created by the construction of the new highway and the Old Volcano Road. The area is presently intensively used for urban purposes.

Area #8 has been developed recently as a residential subdivision and most of it has been built upon. It borders on an existing Urban District.

Area #9 is known as the 9 1/2-mile Camp and consists of substandard homes.

It is recommended that Areas 6, 7, and 8 be reclassified from an Agricultural District to an Urban District based on their proposed and present use

for urban purposes. Area #9 is not recommended for change to Urban in that it is an isolated urban area intended for eventual discontinuance for urban purposes.

These recommendations, in summary, would change 60.5 acres from Urban to Agricultural and 43.5 acres from Agricultural to Urban.

JOHN A. BURNS
GOVERNOR

GEORGE S. MORIGUCHI
EXECUTIVE OFFICER

STATE OF HAWAII
LAND USE COMMISSION
426 QUEEN STREET
HONOLULU, HAWAII 96813

July 20, 1966

CHAIRMAN
MYRON B. THOMPSON

VICE CHAIRMAN
C. E. S. BURNS

GORO INABA
SHIRO NISHIMURA
CHARLES S. OTA
ROBERT G. WENKAM
LESLIE E. L. WUNG

JAMES P. FERRY, EX-OFFICIO
LAND AND NATURAL RESOURCES

SHELLEY M. MARK, EX-OFFICIO
PLANNING AND ECONOMIC DEVELOPMENT

A Land Use Commission public hearing on a matter affecting your property (Tax Map Key 1-6-142:) located at Keaau Loop, Keaau, Puna, Hawaii, will be held on August 5, 1966, 9:45 a.m. at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii. At that time, a proposed change in classification from Agricultural to Urban will be considered.

Maps showing the areas for the proposed change are on file with the Hawaii County Planning Commission in Hilo and with this Commission in Honolulu. Should you have any questions on the matter, please check with any one of these offices. Your testimony on the subject may be presented in writing before the hearing or during the hearing.

Very truly yours,

George S. Moriguchi

GEORGE S. MORIGUCHI
Executive Officer

Copy of this letter sent to all landowners listed on Tax Map Key 1-6-142 (see copy of map on file).

July 20, 1966

W. H. Shipman, Ltd.
230 Kekuanaoa Street
Hilo, Hawaii

Gentlemen:

A Land Use Commission public hearing on a matter affecting your property located at Keaau, Puna, Hawaii will be held on August 5, 1966, 9:45 a.m., at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii. At that time, a proposed change in classification from Agricultural to Urban will be considered.

Maps showing the areas for the proposed change are in file with the Hawaii County Planning Commission in Hilo and with this Commission in Honolulu. A copy is also attached herewith. Should you have any questions on the matter, please check with any one of these offices. Your testimony on the subject may be presented in writing before the hearing or during the hearing.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

Eagle-A
Type-Erase
25% COTTON FIBER

July 20, 1966

American Factors, Ltd.
Agent for Puna Sugar Co., Ltd.
P. O. Box 3230
Honolulu, Hawaii

Gentlemen:

A Land Use Commission public hearing on a matter affecting your property located at Keaau, Puna, Hawaii will be held on August 5, 1966, 9:45 a.m., at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii. At that time, a proposed change in classification from Agricultural to Urban will be considered.

Maps showing the areas for the proposed change are in file with the Hawaii County Planning Commission in Hilo and with this Commission in Honolulu. A copy is also attached herewith. Should you have any questions on the matter, please check with any one of these offices. Your testimony on the subject may be presented in writing before the hearing or during the hearing.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.

July 13, 1966

A66-103

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

Dear Mr. Suefuji:

Upon its own motion, this Commission has initiated proceedings to amend the Land Use District Boundaries at Keaau, Puna, Hawaii as shown on the attached map.

Your comments and recommendations would be appreciated. A public hearing on this matter is tentatively planned for August 5, 1966.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.
cc: Chairman Thompson

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Board Room
Lihue, Kauai

October 2, 1965 - 9:20 A.M.

Commissioners Present:	Myron B. Thompson, Chairman C.E.S. Burns Charles Ota Goro Inaba Leslie Wung Shiro Nishimura
Absent:	Jim Ferry Shelley Mark Robert Wenkam
Staff Present:	George Moriguchi, Executive Officer Roy Takeyama, Legal Counsel Raymond Yamashita Ah Sung Leong, Draftsman Dora Horikawa, Stenographer
County Planning Directors Present:	Raymond Suefuji, Hawaii Robert Ohata, Maui Thomas Yamasaki (Representing Kauai Director) Philip Yoshimura (Assistant to Mr. Suefuji)

GENERAL SESSION

Chairman Thompson called the meeting to order with the comment that he was very happy to have representation from the neighbor islands and to have them act as consultants to the Commissioners. He mentioned that invitations had been sent out to all the Planning Directors of each county for this meeting and that a standing invitation was extended to all future Commission hearings and meetings. The Commissioners had found participation by the Planning Directors on petitions very helpful--in fact, comments need not necessarily be confined to matters pertaining to their respective islands. Chairman Thompson asked that the Planning Directors share their thoughts on the matter of participation with the Commission.

Commissioner Ota brought up the fact that very often decisions are rendered on petitions on islands other than that from which they originate, making it difficult for the petitioners to make their appeal, and that the Commission might be open to criticism. Mr. Moriguchi explained that these meetings were held according to the public hearing schedule and not on the action items; that the Commission was mandated by law to hold the public hearings in the County where the petition originates.

See page 7- Puna. Kauai, Hawaii

Chairman Thompson suggested that perhaps the County Planning Directors could speak up in behalf of petitions concerning their counties. Mr. Suefuji, Hawaii Acting Director, did not think they were in a position to speak in behalf of the petitioners since they were representatives of the counties reviewing and delving into the merits of the case, providing unbiased opinions to the Commission.

Mr. Robert Ohata, Maui Planning Director, expressed his opinion that once a hearing has been closed, it should not be reopened to the public at the time of the action meeting. He said that if this procedure were followed, it would be immaterial where the meetings were held. He also felt that it was unfair for him to appear in behalf of a petitioner, in that he would be representing only the one faction involved in the petition. Whenever possible, he thought that the Land Use Commission staff should attend the special permit hearings held on the neighbor islands. He said notification of such hearings were given the staff in advance.

Mr. Moriguchi wondered about the fact that petitioners were permitted to submit additional supporting data up to 15 days following the public hearing. Mr. Takeyama advised that the intent of the Rules and Regulations in permitting this was to allow the petitioner to submit any new evidence which might have a bearing on the case. He admitted there was a tendency to rehash the same facts over and over again, but felt that this could be controlled. This would also allow petitioner an opportunity to rebut recommendations and interpretations presented in staff report, since in many cases he would not have received the staff report before the hearing date.

Mr. Moriguchi observed that actually the 15 days cut-off period was meaningless because the petitioners were permitted to rebut during the action meeting. Commissioner Burns stated that there had to be a cut-off date because otherwise petitioners could come in at the last minute with reams of additional evidence and the staff would have difficulty making an intelligent analysis.

Chairman Thompson commented that this brought up the question of whether the Commission should change the 15-day time limit for additional testimony.

Chairman Thompson wondered if Mr. Ohata was experiencing any feed-back problems. Mr. Ohata replied that he found relationships with the Land Use Commission had improved tremendously and that the rapport was very good.

Mr. Ohata felt that it was very important for the County Planning Directors to be present at the public hearings whenever possible. He continued, although the Land Use Commission was a state agency, it should conform to the County General Plan rather than the State Plan.

Commissioner Ota felt that the suggestion made by Mr. Ohata to have a staff member present at the special permit hearings was an important one. He mentioned that a staff member had to go to the neighbor islands to make spot inspections anyway. Mr. Ohata assured that staff would be given equal opportunity to question the petitioner.

On the matter of staff going to county hearings, Mr. Moriguchi wondered whether this was permissible and if any provision permitted staff's making independent reviews. Mr. Takeyama advised that independent reviews were permissible.

Commissioner Ota suggested that to improve working relationships between the Commission and county planning offices, a copy of the agenda be sent to each county commission. Mr. Moriguchi reported that he had already been so instructed by the Chairman.

Mr. Ohata felt that the best line of communication was between staffs since they had more permanency and were paid employees.

Commissioner Ota commented that at the time of the annual Planning Commissioners and Directors Conference, much could be accomplished if the two groups could act jointly on legislative matters.

Mr. Takeyama expressed his views on the matter of opening the floor to the public after the hearing. The intent of this was to afford Commissioners an opportunity to obtain additional information and data that were not brought out at the time of public hearing, to enable them to make an intelligent decision.

Chairman Thompson brought out the question of whether the Commission should change the 15-day time limit.

Mr. Ohata pointed out that the 15-day time limit was set forth in the Rules and Regulations of the Land Use Commission. However, he felt that the Commission could rule on whether any evidence was admissible or not after due consideration.

Mr. Takeyama also advised that the Commission had the authority to enforce the 15-day time limit.

Mr. Yamashita felt that the Commissioners were subjected to unfair psychological pressures at the time of decision since only one side of the picture is presented, usually in behalf of the petitioner, at the very last minute.

Commissioner Burns felt that if any major evidence were presented after the 15-day period, decision on the petition should be delayed. The possibility of opening up a second public hearing was also suggested. This would also allow the opposition equal opportunity to be heard.

Mr. Suefuji thought that the petitioner would agree to a deferment of decision under such circumstances.

Mr. Moriguchi requested that the Commission be given discretionary power to adhere to the 15-day time limit, as set forth in the Rules and Regulations, and to allow additional testimony thereafter only upon proof that petitioner or opposition was not aware of the existnece of such evidence.

Chairman Thompson asked legal counsel to comment on Mr. Moriguchi's request. Mr. Takeyama advised that in a court of law additional evidence can only be

presented which would have a substantial bearing on the case, and only if the parties were not aware of the evidence at the time of hearing. He also advised against conducting a second public hearing.

Chairman Thompson directed that the Commission would follow the foregoing procedure.

PLANNING DIRECTORS' ATTENDANCE

Chairman Thompson wondered if the county budget provided for the traveling expenses of the planning directors when they attended the Land Use Commission hearings. Mr. Ohata, Maui Planning Director reported that the County of Maui did not have any financial problem in this respect, but voiced his preference for hearings on days other than Saturday. Attendance would depend on the agenda which the staff would mail in advance.

Mr. Suefuji, Acting Director of Hawaii County, commented that County Chairman encourages his staff to attend the meetings whenever they concerned a county matter.

Mr. Yamasaki, administrative assistant to the Director of the Kauai County Planning Commission, reported that any inter-island travel to attend meetings had to have the approval of the Board of Supervisors, and that an agenda of the meeting would help in making this request to the Board.

Commissioner Nishimura observed that the Planning Director's attendance at meetings only when it touched upon his own county's problems defeated the intent of an overall participation at the state level. He was of the opinion that the directors should make every effort to attend each meeting.

Mr. Suefuji stated that the Legislature had this in mind during the last session when it attempted to include the Planning Directors as members of the Land Use Commission. However, this idea was rejected and the Directors were not clear as to what extent they were accepted by the Land Use Commission as participants in discussions, etc. Therefore, they have confined their participation to county matters. Mr. Suefuji did not think the voting privilege was important but expressions of opinion concerning planning matters were.

Chairman Thompson offered the Governor's thoughts on the matter of the legislation. The Governor felt that it was not necessary to pass such a legislation, that the matter could be handled administratively by the Land Use Commission. Mr. Takeyama advised, however, that the Commission could not vote to include County Directors as ex-officio members of the Land Use Commission without amendment to the Statutes.

Mr. Ohata pointed out that he did not believe, as a County Director, that his responsibility lay im implementing statewide programs; that his responsibility rested with matters concerning Maui County. However, in the event he wanted to contribute his thoughts on statewide matters, he would prefer to work through the Executive Officer of the Land Use Commission.

Commissioner Nishimura felt that this was unsatisfactory inasmuch as an intermediary would be introduced.

Mr. Yamashita was of the opinion that it was desirable to have the County Planning Directors present at the time of public hearing on the petitions; however, he felt their presence at the time of decision would prejudice either the petitioner or the public interest, depending upon the stand they take, since in some instances neither the petitioner nor the public representative would be present.

Commissioner Ota differed in his point of view. He felt that it was important to be able to question Planning Directors for clarification of various issues and to have them express the County's point of view.

Chairman Thompson summarized the foregoing discussion as follows:

1. In effect, the door is open to all the Planning Directors to attend all of the Land Use Commission hearings and meetings--that their presence will be expected.

2. We will try out this procedure and see how it works.

VIOLATION OF LAND USE LAW

Mr. Ohata brought up the matter of enforcement of the Land Use Law. He submitted that enforcement of the Land Use Law rested with the counties, but in the event of county violation of the Land Use Law, who would be the enforcement body. Could the Land Use Commission step in?

Mr. Takeyama, legal counsel, advised that the legal procedure would be to go through the Attorney General's office.

Mr. Ohata wondered about non-conforming uses as, for example, a residential subdivision in an Agricultural District. Mr. Ohata cited a few examples of such violations within the City and County of Honolulu. He felt that if these violations were allowed to exist, it would be setting undesirable precedents, and that the Land Use Commission should aggressively work towards a solution.

Mr. Takeyama felt that this was an enforcement problem at the county level since the violation took place after the area had been designated as an Agricultural District by the Land Use Commission.

SPECIAL PERMITS

Chairman Thompson commented that many times, in the past, special permit requests for an additional house to accommodate a family member in a Rural District have come before the Commission. However, since this is not permitted in the Rural District, under our Rules and Regulations, requests were denied. He wondered whether the Regulations could be amended to allow the Commission to act favorably in cases where this was warranted, until such time as a density problem was created as a result of such actions.

Mr. Suefuji added that in cases where the son desires to build a home on his father's property of say 40 acres, it was impractical for him to mortgage the 40 acres. He felt that many of the homestead lands on the Big Island were not being used for agricultural purposes, and to enforce agricultural lot sizes without agricultural pursuit, was defeating the Land Use Law of preventing scattered developments.

Chairman Thompson continued that the problems on the neighbor islands were unique and that they should not be considered in the light of Oahu's operations.

Commissioner Ota pointed out that in communities of less then 2,500 people, anyone who owned a piece of land outright could go to the federal agency and borrow money at a low rate of interest on a long-term loan. That was one of the reasons for the many special permit applications from the outside islands, to build on rural or agricultural lands on which there was an existing building.

Mr. Ohata felt that zoning should not be predicated on human hardship as there was no assurance that this condition would prevail in the future. It would set undesirable precedents, contrary to good planning concepts.

Mr. Ohata stated that on Maui, the zoning laws permitted an additional servant or guest house, not to exceed 500 square feet, and this took care of the need for the additional house while confining it to one person or a couple at the most.

Mr. Suefuji wondered if the courts could petition for subdividing rural or agricultural lands into smaller parcels. Mr. Takeyama was of the opinion that the courts could not order a petition.

Mr. Ohata suggested uniform enforcement of the Land Use Law in case of violations. He stated that he would like the Land Use Commission to show a greater concern for such violations. During the original drafting of Act 187, the intent was for the counties to police the law and inform the Commission of any violation, and the Commission would enforce the law. Mr. Takeyama disagreed with Mr. Ohata on this point.

Chairman Thompson thought that an amendment might be in order to clarify this matter. In summary, he suggested that the counties handle violations on the local level, and to refer the matter to the Land Use Commission only when this was not possible. The possibility of vesting the counties with the authority to police, as well as enforce the Land Use Law, was also presented.

There seemed to be some concern about equal application of the law throughout the State. It was felt that an investigation by the Attorney General's office, in this respect, might be in order.

Mr. Takeyama pointed to the difficulty of proving violations in cases where the property owners indicate their intention toward agricultural pursuit but do not confine their activities to such purposes.

Mr. Moriguchi commented that this problem was primarily one of enforcement. The City and County of Honolulu was presently revising its ordinances to increase agricultural lot sizes which might minimize this problem.

Mr. Suefuji advised that the opinions he had expressed at this meeting reflected the Hawaii County Planning Commission's views. The Planning Commission was advisory to him but where the ordinances specifically grant the Director administrative authority, he was advisory to the Commission.

****

1:15 P.M.

Present: Myron B. Thompson, Chairman
Goro Inaba
Charles Ota
Leslie Wung
Shiro Nishimura

George Moriguchi
Roy Takeyama
Raymond Yamashita
Ah Sung Leong
Dora Horikawa

Raymond Suefuji
Philip Yoshimura

PUNA-KEAAU, HAWAII

Mr. Moriguchi presented a map prepared by staff for possible reconsideration of boundary lines in the Puna-Keaau area. He explained the varied colored lines on the map as follows:

1. The red line represented the present Urban District.

2. The green line indicated staff's recommendation for reclassification of present Urban District to an Agricultural District.

3. The red shaded area was being recommended by staff to be put into an Urban District from its present agricultural classification.

Mr. Moriguchi explained that these recommendations were being made based on the actual use of the areas and also on the proximity to other similarly developed areas. It was also pointed out that the next evaluation of district boundaries will occur on August 23, 1969 as mandated by law.

Commissioner Wung moved that the Land Use Commission initiate boundary amendment in the Puna-Keaau area as recommended by staff. Commissioner Inaba seconded the motion and it was carried unanimously.

HANAPEPE, KAUAI

Mr. Moriguchi presented the staff report regarding evaluation of the Rural District in the Hanapepe area (see report on file). On the basis of the findings, it was recommended that the present Rural District in the Hanapepe area be maintained.

Commissioner Nishimura pointed out that the Richard Tongg plan and the Kauai County plan placed this area in an urban classification. He further contended that the area in question was overgrown with kiawe, opiuma, etc., and to keep it in a rural classification would tend to discourage development and constitute a blight in the Hanapepe area. With the urbanization of the area, the County could enjoy greater tax returns and an orderly development would result.

Commissioner Ota raised the question of traffic and potential flood problems.

Chairman Thompson wondered how much of the urban lands were presently unoccupied. Mr. Moriguchi pointed these out on the map and added that there were sufficient urban lands in the general area.

Commissioner Nishimura further maintained that it was economically unwise to take good cane land, which is producing income for the State, out of agriculture especially when these idle lands in Hanapepe were available.

Commissioner Wung moved to accept staff recommendation to maintain the present Rural District in the Hanapepe area, which was seconded by Commissioner Inaba. The Commissioners were polled as follows:

Aye: Commissioners Wung, Inaba, Ota, Chairman Thompson

No: Commissioner Nishimura

Motion was defeated.

Commissioner Ota suggested that since the Department of Land and Natural Resources owned so much of the lands in question, perhaps the matter should be deferred until such time as Commissioner Ferry could be present.

Following a discussion, Commissioner Wung moved that the Land Use Commission initiate a boundary change in the Hanapepe area through a public hearing, which was seconded by Commissioner Inaba. The Commissioners were polled as follows:

Aye: Commissioners Wung, Inaba and Nishimura

No: Chairman Thompson, Commissioner Ota

The motion was not carried.

HIGHWAY, URBAN LIMITS

Mr. Moriguchi advised the Commissioners that the State Highway Division had requested certification from the Land Use Commission for their interstate defense highway rights of way at Barber's Point, Oahu. It was further explained that the Commission regulations, as it is presently set up, does not make it clear whether the Commission is empowered to include highways within Agricultural Districts.

Mr. Takeyama observed that it was not clear whether highways were a permissible use within an Agricultural District, unless they were meant to provide access to agricultural areas. The Department of Transportation, in conjunction with the federal government, did not request a ruling from the Land Use Commission. To preclude the recurrence of a similar situation, Mr. Takeyama suggested amendment of the regulations to include highways as a permissible use in an Agricultural District.

Mr. Moriguchi wondered if highways might not properly qualify under "and quasi public utility lines" as provided in the regulations, under "Permissible Uses within the Agricultural District".

Commissioner Ota commented that preservation of scenic sights, as well as agricultural lands, was stipulated in the Land Use Regulations, and the granting of large parcels of land in prime agricultural areas or scenic areas for highways might constitute a violation.

Chairman Thompson expressed his feeling that if this situation were carried a little further, other departments in the State government might be required to come before the Land Use Commission whenever the situation was affected by our regulations.

Chairman Thompson asked legal counsel whether the Land Use Regulations could be interpreted to permit the State Highway Department to proceed without coming before the Land Use Commission. Mr. Takeyama advised that since federal funds were involved in the project, and the law specified that federal funds shall not be jeopardized for any reason, the State Highway Department would have much the same sanction or authority from the Legislature as does the Land Use Commission. For this reason, the Commission could not stipulate the location of the highway.

Mr. Moriguchi then summarized the discussion by concluding that it was the consensus of the Land Use Commission that the request by the State Highway Division be considered in the affirmative, to which Chairman Thompson agreed.

BOUNDARY INTERPRETATIONS

Mr. Moriguchi pointed out that our regulations provide that in interpreting location of boundaries, the scale of our district boundary maps shall be applied. These lines can be shifted 50 to 100', depending upon interpretation of the staff, since our maps are 2000 scale maps, and not nearly as accurate as the surveyor's map which property owners bring into our office. Mr. Moriguchi felt that it was the intent of the Land Use Commission to include and exclude certain

areas for urban purposes, depending on topography, desirability, etc. Therefore, he was requesting authority to interpret the boundaries according to staff's discretion. Mr. Takeyama wondered if the problem here was one of conflict between Land Use boundary maps and that submitted by the property owners, to which Mr. Moriguchi replied that it was a conflict in the intent of the Land Use Law as to where the boundary should be. The staff was mandated to use the scale line and sometimes this conflicted with staff's concept of the proper location of the boundary line.

Chairman Thompson wondered if the Commission had the authority to shift the boundary lines. Mr. Takeyama suggested the possibility of referring to some provision, other than Section 2.11, of the Regulations.

Mr. Moriguchi recommended that the original intent of setting the lines be used in interpreting the boundaries.

Mr. Yamashita expressed his feeling that it would be unwise to rely on intent in the long run since staff personnel changes could affect interpretations. The only solution he could see was in expending much time and effort toward resolving this problem, with an ultimate change or amendment in the Regulations by the Commission.

Chairman Thompson concluded that the problem warranted further study, and that administratively staff set aside sufficient time to conduct such a study. It was also suggested that more money be requested for additional staff.

Mr. Moriguchi wondered if it was improper to encourage a developer to consider staff's recommendation of subdivision boundaries, especially where steep lands were concerned, and Mr. Takeyama replied that he did not think so.

If the developer agrees to abide by the staff's recommendation, Mr. Moriguchi wondered whether that line could be legally considered the new boundary line. Mr. Takeyama emphasized that the developer could not be legally bound to the staff-recommended line and that the line would remain where it was originally.

Chairman Thompson summarized the discussion with the following comments:

1. Proceed along present lines.

2. If the line is moved by the developer, it will be up to the Commission to initiate a boundary change.

MAPPING ON TAX MAPS

Mr. Moriguchi advised the Commissioners that work had begun in marking up the tax maps with the final boundaries as established. Much work was involved and staff was faced with shortage of personnel, and although request for additional staff had been made, there was no assurance that this would be granted. There was also the question of legalizing these maps and obtaining sanction from the Commission. There was no objection to Chairman Thompson's statement that the Commission was in full accord with staff on this matter.

DIAMOND HEAD

Discussion on this matter was deferred until a later date.

DEPARTMENT OF TAXATION RECOMMENDATIONS

This matter was also deferred until a later date.

1 6 03

ZONE 2 : SEC. 4

W. H. Shipman Ltd.

2009.012 Ac.

Edge of cane

cane

(629.708 Ac.)

Heavy Forest

Aa Flow with dense forest

Plantation Roadway

Cane

(1879.910 Ac)

1" = 1000

TMK 1-6-03

W. H. Shipman Ltd

802.631 Ac.

(799.858 Ac.)

Ld. Ct. App. 1053

ZONE 1 SEC. 7

State of Hawaii (Hawaii National Guard) HAWAII NATIONAL GUARD ARMORY SITE Exec. Order No. 1781 3.044 acs.

OLAA TRIG

T.H. Lis Pendens Civil 154 over 1.251 Acs.

OLAA SCHOOL LOT

OLAA PLAT 27 HOSP.

PLAT 26

PLAT 17

PLAT 04

PLAT 14

PLAT 01

W. H. Shipman Limited

(245.052 Acs.) (243.801 Acs.)

W. H. Shipman Ltd. 641.856 acs.

(349.388 acs)

(249.581 acs)

Puna Sugar Co. Ltd. 53.755 acs. (50.60 acs) Por. of L.C.Aw. 8559-B:16

Catherine Lougher -1/3 Robert Lougher -1/3 Edith A. L. Thomas -1/3 53.36 acs. Por. of L.C.Aw. 8559-B:16 (Koji Iwasaki - 50.00 acs.) 1e.

(County of Hawaii) 1e. 20.0 acs

(42.887 acs)

W. H. Shipman Ltd. (8.216 Acs.)

169.034 Acs. (160.818 Ac.)

Castle & Cooke, Inc. 7.729 acs. (7.659 acs.)

(0.972 ac)

(0.105 Ac)

(3.085 Ac)

W. H. Shipman Ltd. 17.841.33 acs.

(Tsuruyo Oda)le

Cane

131.484 acs.

(156.921acs.)

(162.443 acs)

1053 App.

(229.080 acs)

Heavy Forest

Castle & Cooke, Inc.

(261.222 acs)

494.484 acs.

Heavy Forest

(600.735 acs)

(850.619 acs)

Puna Sugar Co. Ltd. 52.457 Acs.

Puna Sugar Co. Ltd. 3.728 acs.

Puna Sugar Co. Ltd. 3.530 acs.

W. H. Shipman Ltd. 4.792 acs.

Puna Sugar Co. Ltd. 0.644 ac. (Standard Oil Co. of Calif.)le

(0.861 ac.)

Puna Sugar Co. Ltd. 9.729 acs.

W. H. Shipman Limited 82.458 Acs.

(31.276 Ac) (33.05 acs)

W. H. Shipman Ltd. 143.729 acs. (55.816 Acs.)

Keauu Land Co. Ltd. R5.00 ac.

Keauu Road

Plantation Roadway

Edge of Cane

Cane

Volcano Road

To Hilo

To Pahoa

INSET

DROPPED & TRANSFERRED TO PLAT 142

True North 1" = 200'

OWNER OF PAR 54 W. H. Shipman, Ltd. (Hilo Meat Cooperatives, Ltd.)le

NOTE: All lots owned by W. H. Shipman, Ltd. unless otherwise noted.

1-6-03 Por 1 3
1-6-Ct " 9 61

OLD MAP

Parcels Dropped: 16, 24, 6, 53, 54, 30 to 52, 60, SEE Other

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

THIRD	DIVISION	
ZONE	SEC.	PLAT
1	6	03

CONTAINING PARCELS

SCALE: 1 in. = 1000 ft.

PRINTED FEB 2 1985

Por. of Ld. Ct. App. 1053. KEAAU, PUNA, HAWAII. (& KEAAU VILLAGE)

Dwg. No: 2289
Source: Tax Maps & Land Survey Dept. of Ld. Ct. App. 1053
By: L.K.H. & D.S.C. - March 1935

7929

RECEIVED MAY 19 1939
SEP 1 1950
MAY 14 1951
MAY 21 1951

ZONE 2 : SEC. 4

W. H. Shipman Ltd.
2000.012 Ac.
Edge of Cane
Cane
Edge of Cane
Aa Flow with dense forest
Edge of Cane
Cane
Plantation Roadway
Cane
7
Plantation Roadway
W. H. Shipman, Ltd (By) 11.709 Ac.
13 W. H. Shipman, Ltd per L.C. Aw. 1689
W. H. Shipman Ltd.
802.631 Ac.
(799.858 Ac.)
Cane
Ld.
Cane
ZONE 1 SEC. 7
63 (3.382 Ac.)
(2.460 Ac.)
(1.251 Ac.) W. H. Shipman Limited
245.052
1243.801 Ac.
(3.714 Ac.)
(0.309 Ac.) OLAA PLATE 7 HOSP.
12 VOLCANO ROAD
K.A.H. No. F-8 (16)
PLAT 26
OLAA TRIG.
T.H. Lis Pendens Civil 154 over 1,651 Acs.
SHOULD BE "U"
CANE FIELD - SHOULD BE "A"
PLAT 11
SEC. 1
(689.702 Ac.)
Heavy Forest
SHIPMAN (A64-69)
(1379.310 Ac.)
Cane
SHIPMAN (A64-75)
Cane
State of Hawaii (Hawaii National Guard) Ct. HAWAII NATIONAL GUARD ARMORY SITE Exec. Order No. 178 3.044 acs.
58
7
Cane
Cane
64
62 (3.852 Ac.)
(4.100 Ac.)
Co. Rd. 28 (16)
PLAT 26
OE
OLAA SCHOOL LOT
59 10.596 Acs.
61 (5.004 Ac.)
W. H. Shipman, Ltd 163.782 (35.816 Acs.)
14
Cane
25 Cane
28.508 Ac.
W. H. Shipman Ltd (By) 3.000 Ac. Por. L.C. Aw. 8559
Plantation Roadway
(5.761 ac)
C.W. H. Shipman, Ltd per L.C. Aw. 1689
15 W. H. Shipman Ltd. 661.856 ac.
(340.388 ac)
Cane
(3.155 ac)
Puna Sugar Co. Ltd. 53.755 acs. 10 (50.60 acs) Por. of L.C. Aw. 8559-B:16
Catherine Laugher -1/3 Robert Laughter -1/3 Edith A.L. Thomas -1/3 53.36 acs. Por. of L.C. Aw. 8559-B:16 (Koji Iwasaki - 5.000 acs.) 9-16
PLAT 04
Cane
(249.581 acs)
PAHOA
2 (42.887 acs)
(20.0 acs)
To Pahoa
Edge of Cane
Por. of L.d. Ct. App. 1053. KEAAU, PUNA, HAWAII. (& KEAAU VILLAGE)

ZONE - 2 SEC. - 2.
(0.105 Ac.) 1-A
(8.216 Acs.) W. H. Shipman Ltd. 1091 B
1091 A
(SEE PAR. 1-B) 13.025 Ac.
1-B
By Volcano Rd.
To Hilo
57
169.034 Acs. (160.818 Ac)
56 Castle & Cooke, Inc. 7.729 acs.
(7.659 ac.)
1093
(0.078 ac)
2
1092
PLAT 141
(12.550 ac)
3
6
53
54
SHOULD BE "U"
CANE FIELD — SHOULD BE "A"
MILL AREA — SHOULD BE "U"
29 App.
(2.601 ac)
Puna Sugar Co. Ltd. 52.457 Acs.
8559-B:16
(31.276 Ac) (33.058 Ac)
33
55
Cane
131.484 ac).
(156.021 acs.)
(162.443 ac)
1053
(229.080 ac)
Heavy Forest
W. H. Shipman Ltd. 1784.33 acs.
Edge of Cane
Cane
Edge of Cane
PLAT 01
Castle & Cooke, Inc. (261.222 ac) 494.484 acs. Heavy forest
Edge of Cane
Cane
Keaau Road
28
(4.16 ac)
Cane
Edge of Cane
Cane
(600.735 ac)
(850.619 ac)
Cane
Plantation Roadway
Puna Sugar Co. Ltd. (Standard Oil Co. of Calif.)le
23
(0.861 ac)
Puna Sugar Co. Ltd. 9.729 ac.
Puna Sugar Co. Ltd. 3.530 acs.
W. H. Shipman Ltd. 4.792 acs.
Cane
(10.035 ac)
1
Edge of Cane
PLAT 01
OWNER OF PAR 54 W. H. Shipman, Ltd (Hilo Meat Cooperatives, Ltd.)le
NOTE: All lots owned by W. H. Shipman, Ltd. Unless otherwise noted.
True North 1" = 1000'

INSET
True North 1" = 200'
VOLCANO ROAD
To Hilo
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 49 50 51 52
Ld. Ct. App. 1053. Map 21
48
DROPPED & TRANSFERRED TO PLAT 142

Parcels Dropped: 16, 24, 6, 53, 54, 30 to 52, 60,

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

THIRD	DIVISION	
ZONE	SEC.	PLAT
1	6	03
CONTAINING		PARCELS
SCALE: 1 in. = 1000 ft.		
PRINTED DEC 1 1989		

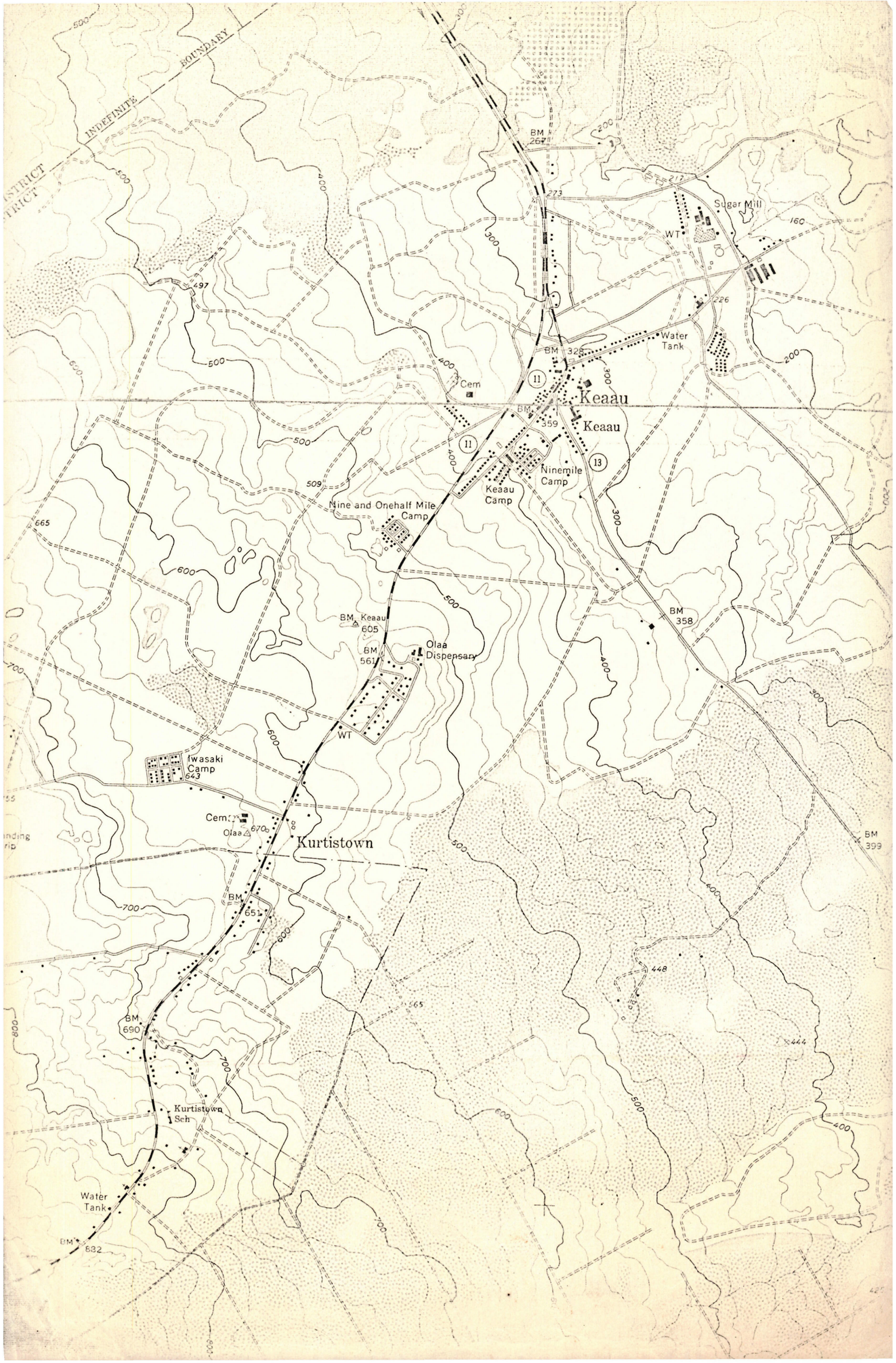
7930

Dwg. No: 2289
Source: Tax Maps Branch, Dept. of Lnd. Ct. App. 1053
By: L.K.H. of D.S.C. March 1935

Corrected MAY 19 1939
MAY 1 4 1951
MAY 2 1951
MAY 2 1951

ZONE 2 . SEC. 4

W. H. Shipman, Ltd.
(Puna Sugar Co., Ltd.)le.
3006.012 Acs.
(680.702 Acs.)
Heavy Forest
Aa Flow with dense forest
Edge of Cane
Cane
Plantation Roadway
(1870.310 Acs.)
Ld.
(Puna Sugar Co., Ltd.)le.
700.858 Acs.
W. H. Shipman, Ltd.
Victor Shipman, Ltd. (Puna Sugar Co. Ltd.) 11.709 Acs. Por. of R.P. 1688 to Vol. 21 Pge. 168
State of Hawaii (Hawaii National Guard) HAWAII NATIONAL GUARD ARMORY SITE Exec. Order No. 1781 3.044 acs.
Ct.
SEE INSET
PLAT 141
Access Restricted
Easement for Access Road 25' wide
W. H. Shipman Limited
29 App.
Puna Sugar Co., Ltd. 64.25 Acs. (Por. of R.P. 1688 to Vol. 21 Pge. 168 Exchange)
(2.600 acs)
Puna Sugar Co., Ltd. 52.457 Acs.
8559-B:16
(31.276 Ac)
(33.05 acs)
Puna Sugar Co., Ltd. (Standard Oil Co. of Calif.)le
(0.861 acs)
Puna Sugar Co., Ltd. 9.729 acs.
Puna Sugar Co., Ltd. 5.530 acs.
W. H. Shipman, Ltd. 4.792 acs.
(Puna Sugar Co., Ltd.)le
Cane
Plantation Roadway
(850.619 acs)
(600.735 acs)
(Puna Sugar Co., Ltd.)le.
1454.931 Acs.
Keaau Road
(4.180 acs)
Edge of Cane
Castle & Cooke, Inc.
(281.222 acs)
494.484 acs.
Heavy Forest
PLAT 01
W. H. Shipman, Ltd.
310.364 Acs.
(Tsuruyo Oda)le.
(156.021 acs.)
(162.443 acs)
1053
(229.080 acs)
Heavy Forest
131.484 acs.
Cane
Edge of Cane
W. H. Shipman, Ltd.
(Puna Sugar Co., Ltd.)le.
(240.581 acs)
Owner of Par. 54
W. H. Shipman Ltd.,
(Hilo Meat Cooperatives, Ltd.)le
(10.035 acs)
67
66
68
PAHOA
To Pahoa
(County of Hawaii)le.
20.0 acs
65
42.887 acs.
2
NOTE: All lots owned by W. H. Shipman, Ltd. Unless otherwise noted.
PLAT 17
PLAT 04
SEC. 17
ZONE 1 SEC. 7
OLAA TRIG
OLAA 10 MILES PLAT 26
PLAT 27
OLAA SCHOOL LOT
HOME FOR INDIGENT & HOSPITAL
S.H. Lis Pendens Civil 154 over 1.251 Acs.
W. H. Shipman, Limited
(Puna Sugar Co., Ltd.)le.
243.801 Acs.
63.355 Acs.
Puna Sugar Co., Ltd. 53.755 acs. 10 (50.60 acs) Por. of L.C.Aw. 8559-B:16
Catherine Lougher - 1/3
Robert Lougher - 1/3
Edith A.L. Thomas - 1/3
53.36 acs.
Por. of L.C.Aw. 8559-B:16 (Koji Iwasaki - 50.00 acs)
(3.155 acs)
W. H. Shipman, Ltd. 163.720 Acs. (55.816 Acs.) (Puna Sugar Co., Ltd.)le
(107.904 Acs)
W. H. Shipman, Ltd. 103.214 Acs.
(Puna Sugar Co., Ltd.)le
Keaau Village Lots
Puna Sugar Co., Ltd. 25.00 acs
Puna Sugar Co., Ltd. 9.877 acs
Puna Sugar Co., Ltd. 3.587 acs
Puna Sugar Co., Ltd. 1.000 ac
Puna Sugar Co., Ltd. 1.000 ac
Puna Sugar Co., Ltd. 1.000 ac


INDEFINITE BOUNDARY
BM 267
Sugar Mill
WT
Water Tank
BM 328
Cem
Keaau
BM 359
Keaau
Ninemile Camp
Keaau Camp
Nine and Onehalf Mile Camp
BM Keaau 605
BM 561
Olaa Dispensary
WT
BM 358
Iwasaki Camp
Cem
Olaa
Kurtistown
BM 651
BM 690
Kurtistown Sch
Water Tank
BM 832
BM 399

TRUE NORTH

Scale: 1 in. = 100 Ft.

PLAT 03

DWG. NO. 5402 (DIRECT TRACING)
SOURCE: LCApp 1053, MAPS 2, 84, 87 & 91
BY: RYT - K DATE: JANUARY 8, 1943

EOFT KEAAU ROAD EASEMENT 1"=

1966 Directory

Keaau Loop
Keaau, Hawaii

OLD VOLCANO ROAD

VOLCANO ROAD

FAP No. EF-011-2 (2)

To Hilo

To Volcano

3.120 Ac. (2,228 Ac.)

| | | |


A66-133 LAND USE COMMISSION (KEAAU)
= PRESENT URBAN DISTRICT
= RECOMMENDATION – "U" TO "A"
= RECOMMENDATION – "A" TO "U"
1
2
3
4
5
6
7
8
9
NO CHANGE
NO CHANGE
DISPENSARY
FIELD H
FIELD C-2
FIELD D
FIELD C-3
FIELD J-2
FIELD J-1
FIELD J-3
FIELD A
FIELD A-1
FIELD R
FIELD R-1
FIELD Q
FIELD P
FIELD K
FIELD N-3
AIRSTRIP
PHOTO CONTOUR MAP
SHOWING PORTION OF THE LANDS OF
PUNA SUGAR COMPANY, LTD.
OLAA, HAWAII
7933
7277-0-P
R.M. TOWILL CORPORATION
233 MERCHANT STREET
HONOLULU, HAWAII

RECEIVED
AUG // 1965
State of Hawaii
LAND USE COMMISSION

RECEIVED
AUG // 1965

RECEIVED
AUG // 1965
State of Hawaii
LAND USE COMMISSION