

A67-147

HAWAII MILL CO., LTD.

June 21, 1967

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

The petition by the Hawaii Mill Co., Ltd. (A67-147) to amend the land use district boundaries from an Agricultural District to an Urban District at South Hilo, Hawaii, identifiable by Tax Map Key 2-5-28: 16, was approved by the Land Use Commission at its meeting on June 16, 1967.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Chairman Burns
Department of Taxation
Department of Land & Nat. Res.
Hawaii Planning Commission

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item A67-147 - Hawaii Mill Co. Date June 16, 1967
Place Honolulu, Hawaii Time _____

Names	Yes	No	Abstain	Absent
WUNG, L.	✓			
INABA, G.	✓			
MURAKAMI, KEIGO NOTAKO	✓			
MURAKAMI, K.				
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.	✓			
FERRY, J.	✓			
THOMPSON, M.				

Comments:

approve

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

June 16, 1967 - 1:15 P. M.

Commissioners Present: C. E. S. Burns, Chairman
Leslie Wung
Shiro Nishimura
Keigo Murakami
Goro Inaba

Commissioners Absent: Shelley M. Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Planner II
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

It was moved by Commissioner Nishimura and seconded by Commissioner Inaba that the minutes of the meetings of December 16, 17, 1966 and February 17, 18, 1967 be approved as circulated. The motion was unanimously passed.

NEXT MEETING DATE:

After a short discussion, the next meeting date was set for July 28, 1967 in Kona, Hawaii.

BOUNDARY INTERPRETATION ON KAMILONUI RIDGE

Mr. Duran presented a letter received from Mr. Mineo Okamoto of Wilson Okamoto and Associates dated June 8, 1967, requesting a conservation boundary interpretation on Kamilonui Ridge, Tax Map Key 3-9-19 (see copy of letter on file). The Kamilonui Farmers Cooperative was proposing an agricultural subdivision in this area and a small sliver of land within the subdivision had been placed in the Conservation District by the Land Use Commission. This had been determined by measuring the USGS 1"=2000' scale district map and transferring the information on the subdivision map. It was the Cooperative's contention that the existing coral road with ground slopes of 12% was a more logical urban-conservation boundary. They are proposing an agricultural subdivision in an Urban District on Bishop Estate lease lands. The average size of the lots ranged from 2 to 4 acres.

See page 3

June 16, 1967

Commissioner Murakami moved to approve the petition on the basis that the information submitted by the petitioner falls within the criteria established for rural zoning and is of sufficient nature to warrant a change. Commissioner Ferry seconded the motion which was passed with Commissioner Mark casting the only negative vote.

PETITION BY COUNTY OF MAUI (A66-144) TO RECLASSIFY APPROXIMATELY 15,300 SQUARE FEET OF CONSERVATION LAND INTO RURAL LAND AT KEPANIWAI PARK, MAUI

Mr. Duran recommended in the staff report that the request again be denied since no additional significant information was submitted that would substantially alter the facts upon which the Land Use Commission based its original decision.

Commissioner Wung commented that during the earlier testimony, the petitioners had expressed that Mr. Duarte had no intention of any specific use for the land which the county would exchange.

Commissioner Nishimura felt that locating the caretaker's home on Mr. Duarte's property in exchange for the county property would not adversely affect the land use pattern in the area.

Commissioner Ferry expressed his stand that the County was responsible for its own destiny and for providing recreational facilities for its own people, and if it deemed it advisable to locate the caretaker's cottage in the park, it should be allowed to do so.

It was pointed out by Commissioner Inaba that had the conservation parcel abutting Mr. Duarte's rural lands belonged to Mr. Duarte at the time the boundary was established, it would have in all probability been districted rural; that the line was drawn where it was due to the land ownership pattern.

Commissioner Ferry moved that petition be granted on the grounds that the information submitted is valid. It was seconded by Commissioner Murakami and passed unanimously.

✓ PETITION OF HAWAII MILL CO., LTD. (A67-147) TO RECLASSIFY APPROXIMATELY 19.6 ACRES FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT HILO, HAWAII

Mr. Leong presented the staff memo recommending approval of the petition based on analysis and investigation as outlined in the memo (see copy of memo on file).

Commissioner Wung wondered whether Mr. Detor's property might be subjected to an increase in taxes once the rezoning to urban is effected for the parcel under discussion. Commissioner Ferry felt Mr. Detor's taxes would not be affected since assessments were based on present and actual use of the land.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

June 16, 1967

TO: LAND USE COMMISSION
FROM: STAFF
SUBJECT: A67-147 - HAWAII MILL CO., LTD.

A public hearing was held on March 31, 1967 at Hilo, Hawaii, on this petition to rezone approximately 19.6 acres from the Agricultural District to the Urban District for the purpose of developing a residential subdivision.

The Hawaii County Planning Commission recommended approval of the petition. Your staff also recommended favorably on the request because the site is presently occupied by urban structures; it abuts an Urban District which is characterized by city-like concentrations of people, structures, streets and other related land uses; it is in close proximity to public facilities, trading and employment centers; it conforms to the intent of the General Plans of the State and Hawaii County; and lastly, most of the urban lands in the vicinity of the subject property are already subdivided and developed with the exception of a 20-acre state-owned parcel.

Pursuant to a request made at the hearing by several members of the Commission, a subdivision plan of the proposed development was requested of the petitioner. However, through correspondence dated May 15, 1967, the petitioner indicated that it would be unwise to incur the cost of preparing subdivision plans until the redistricting has been approved. Therefore, there is no plan for development at present.

Also received since the public hearing was a letter from Mr. and Mrs. Nicholas Detor, owners of the half-acre parcel located in the center of the subject property but not a part of the present petition, which indicated that they have no objections to changing either parcel 16 (the subject parcel) or

parcel 20 (the Detor parcel) to an urban classification. They would object to any increases in their taxes as a result of the change, however.

In conclusion, the LUC staff recommends approval of the petition and further recommends that the Detor parcel and those subdivided parcels abutting the subject property to the east be included within the Urban District when the boundaries are reviewed in 1969.

June 6, 1967

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

The Land Use Commission next meets at 1:00 p.m. on June 16, 1967 in the Land Use Commission Hearing Room, 426 South Queen Street, Honolulu, Hawaii.

On or about that time a decision on the petition by the Hawaii Mill Co., Ltd. (A67-147) 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,

RAMON DURAN
Executive Officer

2176 file

C. WENDELL CARLSMITH
MERRILL L. CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
TOM C. INGLEDUE
TAMOTSU TANAKA
JAMES P. WOHL
DAVID L. IRONS
J. THOMAS VAN WINKLE
CURTIS W. CARLSMITH
C. DUANE CARLSMITH

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
HILO, HAWAII

May 15, 1967

P. O. BOX 686
HILO, HAWAII 96720
P. O. BOX 656
HONOLULU, HAWAII 96809

RECEIVED

MAY 17 1967

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

I have received your letter of May 3, 1967, which, I believe, relates to the application of the Hawaii Mill Co. to redistrict from agricultural to urban approximately 20 acres of land located in Pihonua, South Hilo.

In your letter you recommended that a proposed subdivision plan be submitted to indicate the nature of the proposed development. We would be most happy to submit such a plan if in fact one had been prepared. However, our clients have felt that it would not be wise to incur the substantial cost of preparing a development plan until the redistricting has been approved. There is no present plan of development.

As I recollect, the staff of the Land Use Commission recommended approval of our petition. I also recall that there was no adverse comment or evidence at the hearing held on March 31, 1967 in Hilo. If there has been a change of heart by the staff or if approval will be granted only if a plan is submitted, could you please let me know and perhaps indicate the standards to be required by the staff or the Land Use Commission for the proposed development. Thank you for your help in this matter.

Yours very truly,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

By Curtis W. Carlsmith
Curtis W. Carlsmith

CWC:p

May 3, 1967

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

It is recommended that a proposed subdivision plan be submitted to indicate the nature of the proposed development by the applicant, pursuant to a request from several members of the Commission. However, this is not mandatory and should you feel that your oral presentation was adequate to justify the petition, the plan may be submitted at your discretion.

Should you decide to submit a proposed subdivision plan, it will be accepted for presentation to the Commission when action is considered on your petition. Tentatively, the Commission has set the date of May 26, 1967 in Kona, Hawaii for action on your request. You will be notified of the official date, time and place.

Very truly yours,

RAMON DURAN
Executive Officer

2157
fth

RECEIVED

APR 5 1967

State of Hawaii
LAND USE COMMISSION

April 3, 1967

Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

We are writing at the request of our attorney, Curtis W. Carlsmith, to clarify to you our position with respect to the redistricting of Tax Keys 2-5-28-16 and 20 from agricultural to urban.

We have no objection to switching either of these parcels to urban uses. We would object, however, to any increase in our taxes as a result of this change.

Yours very truly,

Nicholas J. Deter Patricia B. Deter

Nicholas J. Deter & Patricia D. Deter

A67-147 Hawaii
Mill Co.

Submitted by Mr.
Curtis Carls Smith during
PUC Hearing on
March 31, 1967

STATEMENT IN SUPPORT OF PETITION

Property needed for other use

FIRST: Section 98H-2, Revised Laws of Hawaii 1955, as amended, states that:

" . . . in the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included."

Section 2.3 of the State Land Use District regulations states that in fixing or amending district boundaries, urban areas "shall include sufficient reserve areas for urban growth in appropriate locations, based on a ten-year projection."

Under the present zoning the area reserved for urban expansion is inadequate and will not satisfy growth needs for the next 10 years as required by law.

SECOND: The land is "needed" for another use because it is not suitable for agricultural development. The land is not suitable because:

(a) No crops can be economically raised on this land because the soil is shallow, rocky, and because there are large pahoe-hoe lava rock outcroppings spread throughout the land. Further, there are several urban structures located on the property including four homes, a large garage, a large circular concrete driveway, several large concrete pools, a well-kept rock garden, and several smaller structures.

(b) The land is sloping and quite hilly in many areas.

Same as
the original
submission
ASL
May 31

(c) The land is covered with beautiful large old trees, groves of large bamboo forests, gardens, citrus trees, and palm tree forests.

(d) For the above reasons the land is not and has never been suitable for the growing of sugar cane. Adjacent lands of similar topography and soil composition are in use for marginal grazing only.

Perhaps, the best indication of the unsuitability of the subject land for agricultural uses is the Detailed Land Classification for the Island of Hawaii, Land Study Bureau Bulletin No. 6 published November, 1965 at the University of Hawaii. This comprehensive study places the subject property in the E306 classification. The Land Study Bureau describes E306 land as follows:

Soil Series: Almost bare pahoehoe; Depth: No soil materials; Color: Brown to black; Parent material: Pahoehoe; Drainage: Moderately drained; Slope: Zero to 35 per cent; Climate: Very humid; Mean annual rainfall: Exceeds 100 inches; Elevation: 1,000 to 5,000 feet; Machine tillability: Unsuitable; Remarks: Covered with scrubby trees.

The E in the classification indicates that the property was given the lowest possible rating for over-all suitability for agricultural purposes. More specifically, the E306 classification has an E rating for vegetables, sugar cane, and foliage crops. It has a D rating for orchards and grazing. The Land Study Bureau's report indicates that the property is not suitable for commercial forestry.

The land productivity index for this property is only 7%.

THIRD: The land is needed for another use because of economic hardship on the owner when the land is zoned for agricultural uses only. Due to the urban structures and poor soil conditions no economical use of the land can be made considering its present zoning. Rentals from the existing structures would not provide sufficient funds even to maintain the yards, pools, gardens and plants. Nor would rent be sufficient to pay for maintenance and repair of the structures, several of which are old and in a state of disrepair.

FOURTH: This land is needed for other uses because the highest and best use of the land is for urban residential purposes. Further, the only reasonable use of the land is urban residential dwellings. To deprive the petitioners of the only reasonable use of their land would be to deprive them of property without due process of law in violation of the United States and Hawaii constitutions.

Usable for proposed use

The land is suitable for urban districting because it is directly adjacent to a long established and developed urban area to the east. A little further to the east, new subdivisions have largely been sold out and new house construction is prevalent, making a continuous urban area extending into downtown Hilo. In fact, for over 50 years, the subject property has been used solely for urban purposes; that is, residential use only.

County water, telephone, electricity and other services are readily available. County Reservoir No. 1 is directly adjacent to the subject property.

School and playground areas are not far from the property. Police and fire protection are only a short distance away.

The following recently calculated distances to important points in Hilo indicate that the land is located close to the important services of urban Hilo:

(1)	Hilo Fire Department	4.1 miles
(2)	Hilo Police Department	3.7 miles
(3)	Hilo Post Office	3.6 miles
(4)	Front street Hilo	3.8 miles
(5)	Gilbert Carvalho Park and Playground	1.4 miles
(6)	Hilo County Library	3.4 miles
(7)	Hilo High School	2.9 miles
(8)	Hilo Intermediate School	2.9 miles
(9)	Hilo Union Elementary School	3.2 miles
(10)	Piihonua Store	260 feet
(11)	Ernest De Silva Elementary School	1.8 miles
(12)	Piihonua Post Office	220 feet
(13)	New Manaolani Street Subdivision	.2 mile
(14)	Hilo Hospital	1.7 miles
(15)	Ainako Store	1.9 miles
(16)	Union Service Station	1.9 miles
(17)	Food Town Supermarket	3.9 miles
(18)	Kaiko'o Redevelopment Area	4.3 miles
(19)	Hilo Airport Terminal	6.3 miles

The property has close and easy access to Piihonua Road, otherwise known as Lahi Street, the major road in the area. The property is only 382 feet from Piihonua Road. A paved concrete roadway 30 feet wide connects it to that road.

Although the land is not suitable for agriculture, it is well suited for construction of houses and for other urban uses. The property has adequate drainage to a stream on the north of the property. There is no danger of flood.

Using this land for urban expansion would be consistent with the policy of the State Land Use Commission that good agricultural land should not be taken from agricultural uses and put into non-productive or less productive urban uses.

This land is excellent for residential expansion because of the altitude, approximately 1,100 feet above sea level. Areas at this elevation are much sought after by prospective homeowners because of the cool climate.

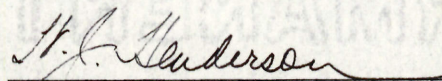
Improper original district boundary

In establishing the land use districts, the State Land Use Commission improperly included this essentially urban area in an agricultural district, contrary to the standards set forth in the land use law and the present land use regulations. The legislature in enacting the land use law intended that the commission place land which had been in urban use prior to enactment of the said statute to be continued in an urban district. This land has been in residential use for over 50 years.

The aerial photographs that are the larger part of the Detailed Land Classification for the Island of Hawaii are marked "U" in the subject property. This indicates that the property was in urban use at the time the land was fieldmapped in 1963 and 1964.

STATE OF HAWAII }
COUNTY OF HAWAII } SS:

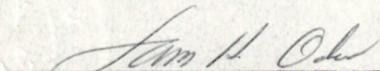
H. J. HENDERSON, being first duly sworn, deposes and says that he is the President of Petitioner Hawaii Mill Company; that he has read the foregoing Statement in Support of Petition, knows the contents thereof, and that the same is true.



H. J. Henderson

Subscribed and sworn to before me

this 31st day of March, 1967.



Notary Public, Third Judicial Circuit,
State of Hawaii

My Commission expires: 6/15/70

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Highways Division
Hilo, Hawaii

March 31, 1967 - 2:10 p. m.

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

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

The meeting was called to order by Chairman Thompson who offered a short prayer. An explanation of the procedures to be followed during the hearings and introduction of Commissioners and staff were followed by the swearing in of persons planning to testify before the Commission.

HEARINGS

PETITION OF BENJAMIN T. INOUE & PETER & MELODIE ADUJA (A66-146) TO RECLASSIFY 20 ACRES OF AGRICULTURAL LANDS TO URBAN LANDS, AT WAIKEA HOMESTEAD, SOUTH HILO, HAWAII, Tax Map Key 2-4-03: 38 and 40

A verbal request was made by Mr. Roy Nakamoto on behalf of John Ushijima, attorney representing petitioners, for continuation of this hearing to a later date, to afford the Hawaii County Planning Commission the opportunity to submit a reconsideration of its original recommendation for denial on this petition to the Land Use Commission. Mr. Nakamoto further advised that the Planning Commission agreed to conduct a general plan study of the entire area, including petitioners' lands, and that an amended recommendation would be forthcoming within a few months.

Inasmuch as no one voiced any objections to this request, it was moved by Commissioner Nishimura and seconded by Commissioner Wenkam to continue the hearing on this petition. The motion was carried by a unanimous vote.

PETITION OF HAWAII MILL CO., INC. (A67-147) TO RECLASSIFY 19.6 ACRES PRESENTLY IN THE AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT AT SOUTH HILO, HAWAII, Tax Map Key 2-5-28: 16

Staff report presented by the Executive Officer recommended approval of

the petition based on analysis and field investigation of the site in question; provided the Commission initiate a boundary change to include parcel 20 and the intervening lands into the Urban District (see copy of report on file).

Mr. Curtis Carlsmith, attorney for the petitioner, called on two witnesses, one a realtor and the other a former long-time resident on the subject parcel, to answer any questions that the Commissioners might want clarified.

Mr. William A. Beard, Manager of the Real Estate Department of the First Trust Company of Hilo, Ltd., testified that he has lived in Hilo for nearly 30 years and was very familiar with the subject parcel; that the soil was very shallow, poorly suited for agricultural uses. The land was part of a large estate belonging to Mr. James Henderson and has been in urban use continuously for the past 50 or 60 years. It was his belief that close to 20 acres could be subdivided into a very desirable subdivision.

Mr. Harold J. Henderson, 743 Kaumana Drive, President of Hawaii Mill Co., stated that the land had never been used for agricultural purposes and that the adjacent plantation camp had been in existence for more than 55 years.

Mr. Carlsmith offered "Statement in Support of Petition" signed by H. J. Henderson, as evidence for the records in lieu of making an oral presentation. (See copy of statement on file.)

Commissioner Wenkam asked about the small separate parcel located within the subject lands. Mr. Carlsmith advised that the owner, Mr. Detor, had been contacted, and had expressed indifference over the zoning of his property, that he would be equally agreeable to an urban or agricultural classification. Chairman Thompson requested Mr. Carlsmith to solicit a letter from Mr. Detor to this effect and Mr. Carlsmith agreed.

Mr. Carlsmith added that contrary to the original information submitted, the nearest school was located only about a mile away from subject lands and not 2.9 miles away.

The hearing was closed thereafter.

A short recess was called by Chairman Thompson.

The hearing was resumed at 2:50 p.m.

ACTION

PETITION OF HAWAII PACIFIC LAND CO. (A66-141) TO RECLASSIFY APPROXIMATELY 41 ACRES SITUATED AT KEALAKEHE, NORTH KONA FROM AN AGRICULTURAL TO AN URBAN DISTRICT, Tax Map Key 7-4-04: 10

Mr. Ah Sung Leong presented the staff memo on the above petition, recommending denial on the basis that sufficient reserve vacant land has been set aside for urban needs, petitioner had not conclusively substantiated the need for additional urban lands, and the proposed subdivision would be contrary to one of the principal objectives sought to be accomplished by the Land Use Law involving scattered urban developments. (See copy of report on file.)

Commissioner Burns wondered whether the proposed development was geared toward providing housing for people employed in the various industries or for general housing purposes, and was informed that it was aimed primarily at providing housing for people engaged in the tourist business. It was also brought out that there were no other similar developments known to the staff, in the vicinity of subject parcel.

Mr. Ben Gromet, President of Hawaii Pacific Land Company, developers, informed that the 3-bedroom homes, including fee simple land, would cost in the neighborhood of \$20,000. He explained that this figure might go higher, depending on the cost of the underground water system which was being installed.

Mr. Leong explained that presently there was an 8" pipeline going up to Honokohau School and that money was available to continue this on to Palani Junction. Additional funds were being requested to extend this to service the Kealakehe School site. Commissioner Ferry added that the testimony relating to the request for these additional funds before the Senate Ways and Means Committee and the House Appropriations Committee had been favorably received.

As substantiating evidence of need and demand for the proposed development, Mr. Kai advised that the petitioner had submitted, with his petition, letters from Inter-Island Resorts, Fair Trade Council, the Royal Hawaiian Air Service and others attesting to this effect. Mr. Kai mentioned that some employees were traveling 17 miles to get to work from Honokaa to Kailua. Through informal inquiries of the banks, Hawaii Visitors Bureau, Robert Schmidt of the Department of Planning and Economic Development, Bob Sousa, Mr. Kai was able to arrive at a formula projecting population growth for the area. The range varied from 2 employees per hotel room to 6 per room.

Mr. Kai emphasized that construction for the development would commence immediately upon approval by this Commission. He stated that petitioners were prepared to market a complete package deal of house and lot with financing. Mr. Gromet added that they had already developed a source of financing through the Bank of Hawaii, and very conceivably if they could get FHA backing, the project could be offered to the public for a nominal down payment.

Mr. Gromet assured the Commission that in contrast to low-cost housing which became "future slums", their project was going to be a cluster-type design, which will be done in assembly-line fashion to keep labor and re-production costs low.

Commissioner Ferry observed that competition in land uses encourages favorable prices and stabilizes the market. He said he believed that subject lands were best suited for an urban development in light of the anticipated developments planned for the area. He was also of the feeling that some credence should be accorded the developer on the basis of his past experiences and his ability to fulfill his commitments. Commissioner Ferry stated that a package deal of house and lot on the market would be tremendously successful. This in turn would force the absentee owners of urban lands in the vicinity to develop their lands for urban purposes, thus also resulting in equitable taxation.

Mr. Duran, Executive Officer, did not question Mr. Ferry's observations. However, he stated the Land Use Law mandates that this Commission justify boundary changes on the basis of need, and Mr. Duran felt that the staff had provided ample justification to show that there was a tremendous amount of vacant lands in the Kona area, not presently in use, that could be developed to accommodate the optimistic projection made by the petitioner. He could not see how the "need requirement" of the law was going to be justified in this case.

Commissioner Ferry commended the staff on the thorough job done of gathering statistical information. However, staff failed to note the diverse ownership pattern of urban lands in Kona--individual house lots owned primarily by absentee landowners, which did not contribute to the economy of the County or State.

In response to Commissioner Nishimura's question, Chairman Thompson advised that the Tax Office used the Land Use Commission's boundary lines as guidelines for determining the tax rates, but that the lands were probably assessed on their actual use.

Commissioner Burns moved to approve the petition on the basis that the petitioners had provided the necessary proof of need for this type of development in the area. Commissioner Wenkam seconded the motion and the Commissioners were polled as follows:

Ayes: Commissioners Burns, Ferry, Inaba, Nishimura, Wenkam, Wung,
Chairman Thompson

Nays: Commissioner Mark

The motion was carried.

SPECIAL PERMIT APPLICATION BY SHINOBU MORIMOTO (SP67-40) TO CONSTRUCT A BARBER SHOP AND STORE TO BE ATTACHED TO THE SOUTH SIDE OF THE EXISTING POST OFFICE ON THE MAUKA SIDE OF THE HAWAII BELT ROAD, Tax Map Key 2-8-16: 21

Staff report presented by Mr. Duran recommended approval of the special permit application based on evaluation of pertinent data and a field investigation of the site (see copy of report on file).

Commissioner Ferry moved to accept staff's recommendation for approval, seconded by Commissioner Inaba, and the motion was carried unanimously.

SPECIAL PERMIT APPLICATION BY PALMER SNYGG (SP67-41) TO CONSTRUCT AND OPERATE A HOTEL & SWIMMING POOL, ETC., ON MOLOKAI, Tax Map Key 5-7-07: 23, 25, 62, 63

On the basis of the analysis as outlined in the staff report and an investigation of the site, it was recommended by staff that the Commission accept the Maui County Commission's approval with the conditions.

Commissioner Nishimura requested clarification of the statement in the staff report "that special permit may be transferred to an unnamed corporation within 90 days from the date of final approval".

Commissioner Ferry explained that if the petitioner were unable to obtain the necessary financing to back such a project, he could form a corporation of individuals who would have the stability and ability to borrow the money to finance the project. This assured the County that this was ^{not} merely speculation, that construction would take place within 3 years.

Chairman Thompson raised another point for clarification in the staff report "that special permit apply to only those parcels which the applicant can acquire, provided these parcels are contiguous". Mr. Duran advised that the petitioner had taken options on some of these lots contingent on approval of the special permit by this Commission and that the maximum area would total 8 acres.

Mr. Snygg, petitioner, stated that the corporation, a California Corporation registered in Hawaii, had been formed and that they had purchased 3 pieces of the property.

Commissioner Ferry felt that Mr. Snygg should **not** have come in for a special permit request at this time if he were not in agreement with the stipulation imposed by the County Planning Commission that construction begin within three years from the date of final approval. Mr. Snygg replied that their original thinking was to begin construction within a year. However, there were many facets allied with the construction of a hotel that needed to be explored and Mr. Snygg felt that this might take a while.

Commissioner Ferry moved that staff recommendation be accepted and as stipulated by the County of Maui. The motion was seconded by Commissioner Wenkam and passed unanimously.

SPECIAL PERMIT APPLICATION BY TORAO MATSUYAMA FOR THE PURPOSE OF CONVERTING AN EXISTING NON-CONFORMING AUTO REPAIR SHOP TO A WASHERETTE AT KEALAKEKUA, SOUTH KONA, Tax Map Key 8-2-02: 28

Mr. Duran presented the staff report recommending approval of the special permit since the request met the guidelines established by the Commission in determining "unusual and reasonable" use within an Agricultural District.

Commissioner Ferry moved to accept staff's recommendation, seconded by Commissioner Inaba, and the motion was carried. Commissioner Nishimura cast the only dissenting vote.

Mr. Duran stated for the records that the area covered under this special permit be seriously considered for inclusion into the Urban District when the boundaries are re-evaluated in the near future since the property abuts an Urban District.

REPORT ON STATUS OF LEGISLATIVE BILLS

HB-168 - To include planning Director of each county as ex-officio voting

members.

HB-415 - To include the planning Director of each county as ex-officio non-voting members.

During the hearing before the House Committee on Lands, it was brought out that the primary concern here was the length of time it took to process a special permit.

Since then a new bill has been submitted, HB 780, providing for a maximum of 60 days in which to conduct a public hearing on special permits after receipt of application, as compared with the present provision of 120 days. Chairman Thompson stated that the Commission went on record supporting this measure.

SB-230 - The commission shall consist of 9 members who shall hold no other public office.

Chairman Thompson suggested that the Commission request the addition of the Director of the Department of Taxation to membership on the Land Use Commission. This would be especially desirable during the re-evaluation of the district boundaries. Commissioner Ferry added that a member of the Department of Taxation would also provide an insight into the comprehensive reasoning behind the zoning process.

SB-865 - Authorizing suit against the State by James Tamura for claimed damages caused by granting him land to be used for residential purposes in an Agricultural District.

NEXT MEETING SCHEDULE

Mr. Duran reminded the Commission that the next meeting will be held on Maui in April, with the meeting to be continued in Honolulu the following day.

DIAMOND HEAD HEARING

Commissioner Wenkam pointed out that pressure for a hearing on Diamond Head was becoming very real. He expressed concern over the proposed urbanization of government lands near the lighthouse, and felt it should be clearly understood that this and other government lands be put into the Conservation District.

Chairman Thompson asked if the Department of Land and Natural Resources would have any objection to scheduling a public hearing on the Diamond Head issue. Commissioner Ferry replied that he had no objections. The only area in question was the second increment of 60 house lots since they were presently involved in improving access into the crater. It was suggested that the Department of Land and Natural Resources review the boundary first and perhaps the hearing could be scheduled in May or June on a Saturday.

STATUS OF THE COMMISSION

Chairman Thompson advised that the appointment of a Maui Commissioner

was still pending. His own replacement will have to await his return from the mainland. Until such time as these replacements are effectuated, the Commission will have to operate with 7 members. It was important today to appoint a temporary chairman, and Chairman Thompson recommended Commissioner Burns for the position. It was moved by Commissioner Ferry and seconded by Commissioner Wenkam that Commissioner Burns serve as temporary chairman. The motion was passed unanimously.

Commissioner Burns agreed that until such time as the Commission was fully reconstituted, he was willing to serve in this capacity on an interim basis.

Chairman Thompson reflected that he had enjoyed working with the Commission over the years, and that it was an excellent learning experience. He emphasized that the success of the Commission would not have been possible without the excellent staff.

Commissioner Ferry paid tribute to Chairman Thompson in behalf of all the members who had served with him on the Commission. He acknowledged that the chairmanship was admirably served and deligently handled. He said that Chairman Thompson exercised discretion in avoiding serious conflicts and that the membership was always accorded equal opportunity to agree or disagree. The other members and the staff wished Chairman Thompson well in his new endeavors.

Commissioner Mark suggested that the foregoing be included in a resolution for the records.

Commissioner Burns requested that Mr. Roy Takeyama, legal counsel, prepare a resolution embodying the above expression of confidence.

STATE OF HAWAII
LAND USE COMMISSION

State Highways Division Office
Hilo, Hawaii

2:00 p.m.
March 31, 1967

STAFF REPORT

A67-147 - HAWAII MILL CO., INC.

Background

This is a petition to rezone parcel 16, Tax Map Key 2-5-28, containing 19.6 acres from the Agricultural District to the Urban District. The property is located at the end of Waianuenue Road just south of the Piihonua Village. The property in question is an old estate, containing a large old home, several smaller residences probably for caretakers, a carriage house and extensive lawns and gardens. In the center of the tract is a half-acre parcel (TMK 2-5-28: 20) with a house which is not included in this petition.

This petition has been referred to the County Planning Commission and this hearing has also been published in the Honolulu Star Bulletin on March 15 and 29, 1967 according to law.

Petitioner's Justification - Curtis W. Carlsmith, attorney for the applicant, has submitted the following in support of the petition:

1. The area reserved for expansion within the Urban District is inadequate for the next ten years' growth as required by the State Land Use Law.
2. The area is "needed" for other uses as it is not suitable for agricultural use:
 - a. No crops can be economically raised as the land is shallow, rocky, Pahoehoe outcroppings throughout and occupied by urban structures and a circular concrete drive.
 - b. The land is sloping and hilly.

- c. The area is covered with large trees.
- d. The adjacent lands, because of the soil composition, is used for grazing only. The Land Study Bureau has assigned the area in question the lowest classification for agricultural suitability (E).
- 3. The land is needed for another use because of economic hardship, the land cannot be used under the present zoning, and the rental of the residential structures would not yield enough income to maintain the grounds.
- 4. The highest and best use is urban-residential and to deprive the owner of the only reasonable use of the land would be in violation of the United States and Hawaii Constitution.
- 5. The petitioned area is usable for the proposed use for the following reasons:
 - a. It is suitable because it is directly adjacent to an urban area and the adjacent new subdivision is largely sold out.
 - b. The property in question has been used for residential purposes over the past 50 years.
 - c. Water, electricity, telephone and other urban services are readily available.
 - d. Access from Lahi (Piihonua Road) Street is by a paved 30 foot right-of-way road.
 - e. The land is suited for house construction and is not subject to flooding.
 - f. The area is excellent for residential expansion because of the altitude (1000 feet above sea level) and cool climate.

6. The property was improperly classified when the original district boundaries were determined. The Land Use Law intended to include urban lands in the Urban District, but the Land Use Commission improperly included the subject property in the Agricultural District although the area was being used for urban purposes and has ~~not~~ been used for this purpose the past 50 years.

Planning Commission Recommendation: The Hawaii County Planning Commission, on February 17, 1967, voted to recommend approval of this application for the following reasons:

1. Piihonua is considered as one community and local residents would like to continue living there.
2. There is no room for normal expansion of this community and studies showed that there is no readily available land for people living on leased land to relocate in the immediate vicinity.
3. Soil conditions show that subject's property is unsuitable for agricultural purposes.
4. Existing urban amenities are readily available to the immediate areas, such as adequate water, electricity, telephone, park, school and store and would therefore not increase governmental expenses in the area.

Analysis

The Land Study Bureau has classified the subject property as urban. The surrounding lands are designated E-306, very poor almost bare pahoehoe, very little soil material and characteristically covered with scrubby trees. The median annual rainfall approximates 180 inches. The elevation of the property in question varies between 950 feet to 1,000 feet above sea level. County water, electricity, telephone, parks, school and other public facilities

are readily available to the site.

The proposed residential use of the property in question is not in conflict with the General Plans of the State and the County of Hawaii.

An analysis of the existing physical characteristics of the site and the standards set forth to determine boundaries of the Urban District, have led to the following conclusions:

- a. The property in question is characterized by "city-like" concentrations of structures and the character of the abutting area has concentrations of people, structures, streets and other related land uses.
- b. The site in question is in close proximity to public facilities, centers of trading and employment. The heart of Hilo is approximately 4 miles distant by automobile.
- c. Piipihonua is an old plantation camp with several recently constructed residences. The addition of more new residences in the area will elevate the character of this village. The residential development into Hilo along Waianuenue Road is of a quality higher than normal and more of this type of housing should be encouraged in the area.
- d. Most of the land within the Urban District is subdivided and developed with the exception of about 20 acres of State land on the north side of Lahi Street, mauka of Peepee Falls Drive.
- e. The topography is rolling with good drainage and appears reasonably free from the dangers of floods.
- f. The property in question is contiguous to lands in urban use and at one point coincides with the adjacent Urban District boundary.
- g. The proposed Urban District conforms to the intent of the General Plans of the County and State of Hawaii.

- h. The land is extremely rocky and not suitable for intensive cultivation.
- i. This small area is adjacent to an existing urban development and represents only a minor portion of the district.
- j. Since this area is a continuation of the existing urban development and it is presently occupied by urban structures, the petition will not contribute toward scattered urban development.

Recommendation

On the basis of the analysis and the field investigation of the site in question, the staff recommends that the petition be approved.

March 20, 1967

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

The Land Use Commission next meets on March 31, 1967 at 2:00 p.m. at the State Highways Division Office, 50 Makaala Street, Hilo, Hawaii. At that time, the application by Hawaii Mill Co., Ltd. (A67-147) to amend the land use district boundaries in Hilo, Hawaii will be heard.

Very truly yours,

RAMON DURAN
Executive Officer

TYPE - CHASE
25% COTTON FIBER

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION
RECEIVED

MAR 3 1967

State of Hawaii
LAND USE COMMISSION AMENDMENT OF ZONE DISTRICT BOUNDARY

Applicant Hawaii Mill Co., Ltd.
Date petition received by
Planning Commission January 11, 1967
Date of Planning Commission
Meeting February 17, 1967
Date petition and recommendations
forwarded to LUC February 27, 1967

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

Tax key: 2-5-28:16

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

The Commission decided to recommend: Approval

on the basis of the following findings:

1. Piihonua is considered as one community and local residents would like to continue living there.
2. Studies show that there is no readily available land for people living on leased land to relocate in the immediate vicinity. Also there is no room for normal expansion of this community.
3. Soil condition show that subject's property is unsuitable for agricultural uses.
4. Existing urban amenities are readily available in the immediate area such as adequate water, electricity, telephone, park, school and store; therefore, no additional governmental expenses need to be increased.

(Signed)

Raymond H. Fujiwara
Director, County Planning Commission

January 15, 1967

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

This is in reply to your letter of January 12, 1967 with reference to the County involved in your petition. You are correct in your statement that the land involved is in the County of Hawaii and not the County of Maui as mentioned in paragraph 3 of our letter, and that the hearing will be heard on the Island of Hawaii. This was a clerical error.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Erangle
Type Erase
25 X 30 TON PAPER

C. WENDELL CARLSMITH
MERRILL L. CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
TOM C. INGLEDUE
TAMOTSU TANAKA
JAMES P. WOHL
DAVID L. IRONS
J. THOMAS VAN WINKLE
CURTIS W. CARLSMITH
C. DUANE CARLSMITH

2112 ✓

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
HILO, HAWAII

P. O. BOX 686
HILO, HAWAII 96720
P. O. BOX 656
HONOLULU, HAWAII 96809

January 12, 1967

RECEIVED

JAN 16 1967

State of Hawaii
LAND USE COMMISSION

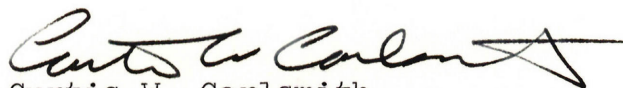
Mr. George S. Moriguchi
Executive Officer
State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

In reference to your letter of January 9, 1967 concerning the petition of the Hawaii Mill Co., Ltd. to amend the Land Use district boundaries as shown on Tax Map Key 2-5-28-16, H-City of Hilo, Hawaii, I am writing to point out that the land involved is in the County of Hawaii, and not the County of Maui as suggested in paragraph three of your letter.

I assume, but please inform me if I am incorrect, that the hearing will be held on the Island of Hawaii.

Very truly yours,



Curtis W. Carlsmith
CARLSMITH, CARLSMITH, WICHMAN AND CASE

CWC:h

January 9, 1967

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

Dear Mr. Suefuji:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32 SLH 1965, a copy of a petition for amendment to the land use district boundaries, submitted by Mr. Curtis W. Carlsmith, Attorney at Law, for Hawaii Mill Company, Ltd., together with supporting data, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Enclosures

January 9, 1967

Mr. Curtis W. Carlsmith
Attorney at Law
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

This is to acknowledge receipt of the check of Hawaii Mill Co., Ltd. in the amount of \$50 for an application by them to amend the land use district boundaries as shown on Tax Map Key 2-5-28-16, H-City of Hilo, Hawaii.

In accordance with Section 98H-4, RLH 1955, as amended, and Act 32, SLH 1965, this Commission must schedule a public hearing on your petition no sooner than 60 days and no more than 120 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

Hawaii
A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Maui. We will inform you of the date of the hearing as soon as it is determined.

Should any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson

2109

C. WENDELL CARLSMITH
MERRILL L. CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
TOM C. INGLEDUE
TAMOTSU TANAKA
JAMES P. WOHL
DAVID L. IRONS
J. THOMAS VAN WINKLE
CURTIS W. CARLSMITH
C. DUANE CARLSMITH

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
HILO, HAWAII

P. O. BOX 686
HILO, HAWAII 96720
P. O. BOX 656
HONOLULU, HAWAII 96809

January 3, 1967

RECEIVED

JAN 5 1967

State of Hawaii
LAND USE COMMISSION

Mr. George Moriguchi
Land Use Commission
Department of Planning and
Economic Development
426 Queen Street
Honolulu, Hawaii

Dear Mr. Moriguchi:

I have enclosed two copies of a petition by the Hawaii Mill Company to amend the land use district boundaries in Hilo, Hawaii, identifiable by Tax Map Key 2-5-28:16. Please note that we have deleted parcels 2-5-28:7 and 20 which are not owned by the Hawaii Mill Company, the petitioner.

*Note: Parcel
dropped into
2-5-28:16*

In order to preserve continuity of urban district boundaries, the Land Use Commission may wish to itself initiate a petition covering those two parcels.

Yours very truly,



Curtis W. Carlsmith
CARLSMITH, CARLSMITH, WICHMAN AND CASE

CWC:h

Enclosures

December 29, 1966

Mr. Curtis W. Carlsmith
Carlsmith, Carlsmith, Wichman and Case
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Carlsmith:

This is to acknowledge the receipt of a petition by the Hawaii Mill Co., Ltd. to amend the land use district boundaries in Hilo, Hawaii, identifiable by Tax Map Key 2-5-28: 7, 16, and 20.

We note that Hawaii Mill Co., Ltd. owns parcel 16 only and you indicated in your letter that you are not representing the owners of parcels 7 and 20. Therefore, before we can process this petition, it will be necessary for you to obtain the signatures of the other two owners on the petition signifying their approval to the boundary change.

We are therefore returning the check in the amount of \$50.00, Petition for Amendment to the Land Use Commission District Boundary, and Statement in Support of Petition, submitted by you as attorney for Hawaii Mill Co., Ltd.

We also wish to advise you that the petition and any accompanying data should be submitted in duplicate.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls.

2106

C. WENDELL CARLSMITH
MERRILL L. CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
TOM C. INGLEDUE
TAMOTSU TANAKA
JAMES P. WOHL
DAVID L. IRONS
J. THOMAS VAN WINKLE
CURTIS W. CARLSMITH
C. DUANE CARLSMITH

CARLSMITH, CARLSMITH, WICHMAN AND CASE
ATTORNEYS AT LAW
HILO, HAWAII

P. O. BOX 686
HILO, HAWAII 96720
P. O. BOX 656
HONOLULU, HAWAII 96809

December 21, 1966

RECEIVED

DEC 23 1966

State of Hawaii
LAND USE COMMISSION

AC 6 147

Mr. George Moriguchi
State Land Use Commission
Department of Planning and
Economic Development
426 Queen Street
Honolulu, Hawaii

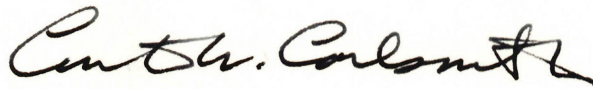
Dear Mr. Moriguchi:

I am enclosing herewith a Petition for Amendment to the Land Use Commission District Boundaries covering certain property in Hilo, Hawaii. I am also enclosing a check in the sum of \$50 payable to the State Land Use Commission and a Statement in Support of the Petition.

You will note that we have petitioned for a district boundary change covering land owned by three different people. I am representing the Hawaii Mill Company, which is the owner of most of the land involved. We have included the other two parcels to preserve continuity in the Land Use district boundaries, although we do not represent the owners thereof.

Could you please address any correspondence on this matter to the undersigned.

Yours very truly,



Curtis W. Carlsmith
CARLSMITH, CARLSMITH, WICHMAN AND CASE

CWC:h

Enclosures

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

164

1967

RECEIVED from

Hawaii Mill Co. Ltd.

Fifty and no/100

DOLLARS

Application fee

LHC

\$

50.00

Jean H. Kamitani

Public Accountant

STATE OF HAWAII

OFFICIAL
RECEIPT

No. 161

Land Use Commission

Department, Bureau or Commission

RECEIVED from

Hawaii Mill Co. Ltd. January 5

1967

Fifty & no/100

DOLLARS

Petition for Boundary Change

\$ 50.00

Don G. Hornbourn

Public Accountant

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

JAN 5 1967

State of Hawaii
LAND USE COMMISSION

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

A68-147

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

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

Description of property: Tax Key Nos. 2-5-28-16, ~~2-5-28-20 and 2-5-28-7.~~

Petitioner's interest in subject property:

Owner of Tax Key No. 2-5-28-16, 19.618 acres.

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

To enable Petitioner to make urban uses of subject property.

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

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

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

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

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

HAWAII MILL CO., LTD.

Signature (s) By H. J. Henderson Pres.

Address: Hilo Drug Building

Hilo, Hawaii

Telephone: 51415

STATEMENT IN SUPPORT OF PETITION

RECEIVED

JAN 5 1967

Property needed for other use

State of Hawaii
LAND USE COMMISSION

FIRST: Section 98H-2, Revised Laws of Hawaii 1955, as amended, states that:

" . . . in the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included."

Section 2.3 of the State Land Use District regulations states that in fixing or amending district boundaries, urban areas "shall include sufficient reserve areas for urban growth in appropriate locations, based on a ten-year projection."

Under the present zoning the area reserved for urban expansion is inadequate and will not satisfy growth needs for the next 10 years as required by law.

SECOND: The land is "needed" for another use because it is not suitable for agricultural development. The land is not suitable because:

(a) No crops can be economically raised on this land because the soil is shallow, rocky, and because there are large pahoehoe lava rock outcroppings spread throughout the land. Further, there are several urban structures located on the property including four homes, a large garage, a large circular concrete driveway, several large concrete pools, a well-kept rock garden, and several smaller structures.

(b) The land is sloping and quite hilly in many areas.

(c) The land is covered with beautiful large old trees, groves of large bamboo forests, gardens, citrus trees, and palm tree forests.

(d) For the above reasons the land is not and has never been suitable for the growing of sugar cane. Adjacent lands of similar topography and soil composition are in use for marginal grazing only.

Perhaps, the best indication of the unsuitability of the subject land for agricultural uses is the Detailed Land Classification for the Island of Hawaii, Land Study Bureau Bulletin No. 6 published November, 1965 at the University of Hawaii. This comprehensive study places the subject property in the E306 classification. The Land Study Bureau describes E306 land as follows:

Soil Series: Almost bare pahoehoe; Depth: No soil materials; Color: Brown to black; Parent material: Pahoehoe; Drainage: Moderately drained; Slope: Zero to 35 per cent; Climate: Very humid; Mean annual rainfall: Exceeds 100 inches; Elevation: 1,000 to 5,000 feet; Machine tillability: Unsuitable; Remarks: Covered with scrubby trees.

The E in the classification indicates that the property was given the lowest possible rating for over-all suitability for agricultural purposes. More specifically, the E306 classification has an E rating for vegetables, sugar cane, and foliage crops. It has a D rating for orchards and grazing. The Land Study Bureau's report indicates that the property is not suitable for commercial forestry.

The land productivity index for this property is only 7%.

THIRD: The land is needed for another use because of economic hardship on the owner when the land is zoned for agricultural uses only. Due to the urban structures and poor soil conditions no economical use of the land can be made considering its present zoning. Rentals from the existing structures would not provide sufficient funds even to maintain the yards, pools, gardens and plants. Nor would rent be sufficient to pay for maintenance and repair of the structures, several of which are old and in a state of disrepair.

FOURTH: This land is needed for other uses because the highest and best use of the land is for urban residential purposes. Further, the only reasonable use of the land is urban residential dwellings. To deprive the petitioners of the only reasonable use of their land would be to deprive them of property without due process of law in violation of the United States and Hawaii constitutions.

Usable for proposed use

The land is suitable for urban districting because it is directly adjacent to a long established and developed urban area to the east. A little further to the east, new subdivisions have largely been sold out and new house construction is prevalent, making a continuous urban area extending into downtown Hilo. In fact, for over 50 years, the subject property has been used solely for urban purposes; that is, residential use only.

County water, telephone, electricity and other services are readily available. County Reservoir No. 1 is directly adjacent to the subject property.

School and playground areas are not far from the property. Police and fire protection are only a short distance away.

The following recently calculated distances to important points in Hilo indicate that the land is located close to the important services of urban Hilo:

(1)	Hilo Fire Department	4.1 miles
(2)	Hilo Police Department	3.7 miles
(3)	Hilo Post Office	3.6 miles
(4)	Front street Hilo	3.8 miles
(5)	Gilbert Carvalho Park and Playground	1.4 miles
(6)	Hilo County Library	3.4 miles
(7)	Hilo High School	2.9 miles
(8)	Hilo Intermediate School	2.9 miles
(9)	Hilo Union Elementary School	3.2 miles
(10)	Piihonua Store	260 feet
(11)	Ernest De Silva Elementary School	1.8 miles
(12)	Piihonua Post Office	220 feet
(13)	New Manaolani Street Subdivision	.2 mile
(14)	Hilo Hospital	1.7 miles
(15)	Ainako Store	1.9 miles
(16)	Union Service Station	1.9 miles
(17)	Food Town Supermarket	3.9 miles
(18)	Kaiko'o Redevelopment Area	4.3 miles
(19)	Hilo Airport Terminal	6.3 miles

The property has close and easy access to Piihonua Road, otherwise known as Lahi Street, the major road in the area. The property is only 382 feet from Piihonua Road. A paved concrete roadway 30 feet wide connects it to that road.

Although the land is not suitable for agriculture, it is well suited for construction of houses and for other urban uses. The property has adequate drainage to a stream on the north of the property. There is no danger of flood.

Using this land for urban expansion would be consistent with the policy of the State Land Use Commission that good agricultural land should not be taken from agricultural uses and put into non-productive or less productive urban uses.

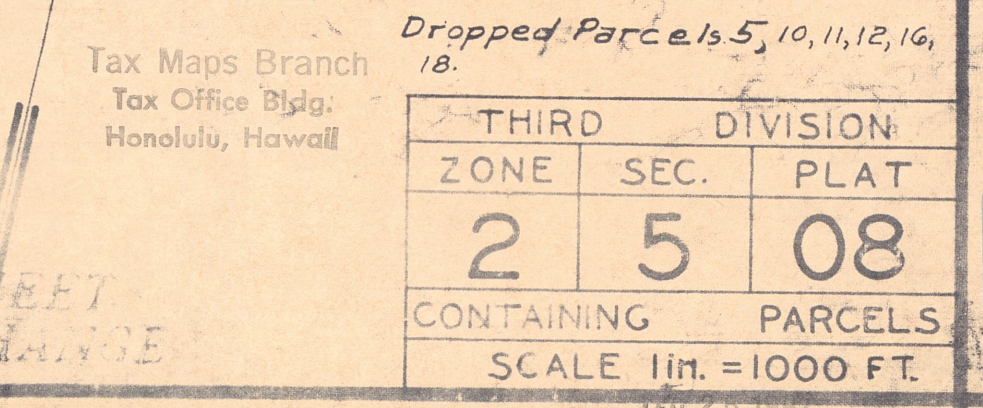
This land is excellent for residential expansion because of the altitude, approximately 1,100 feet above sea level. Areas at this elevation are much sought after by prospective homeowners because of the cool climate.

Improper original district boundary

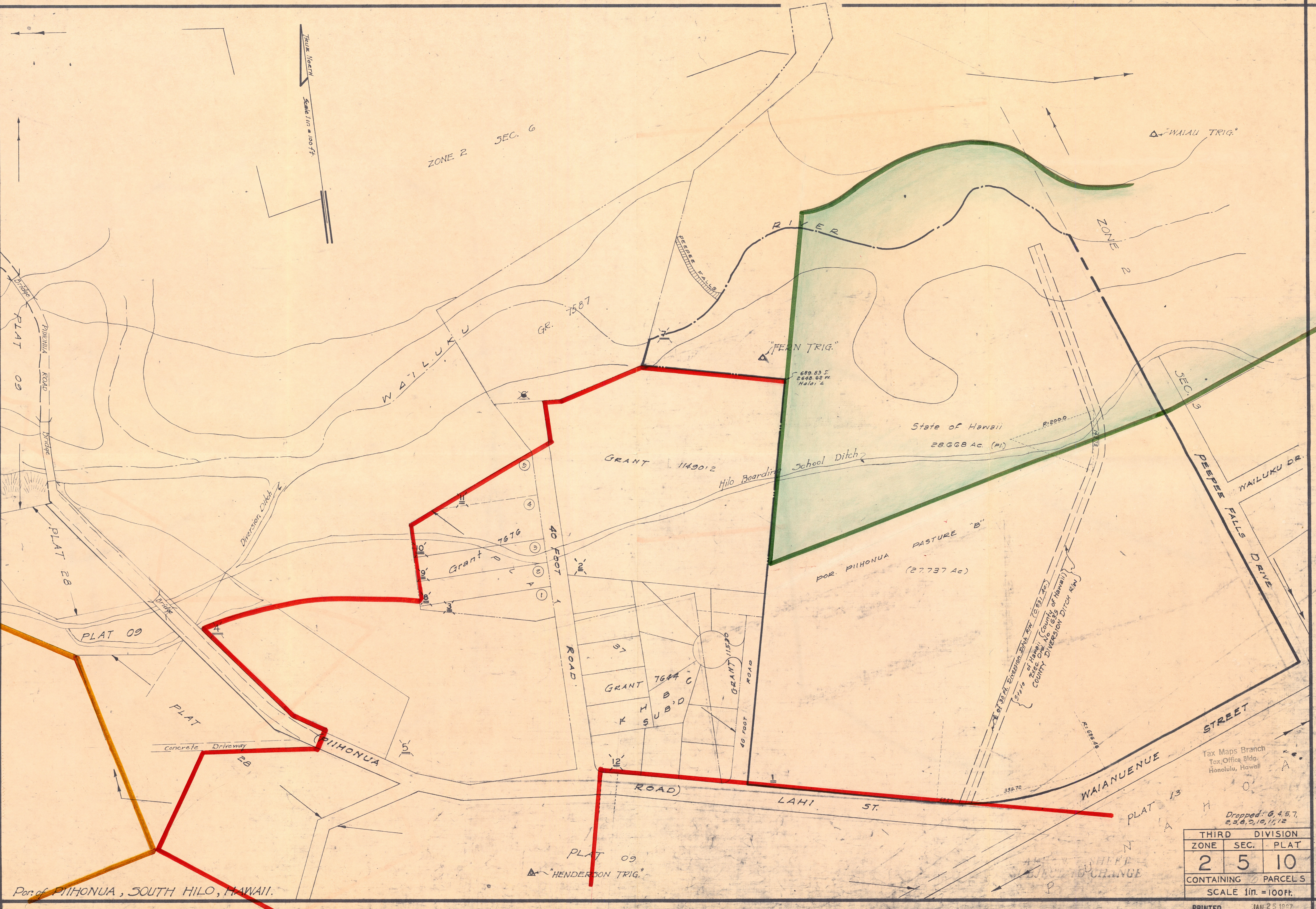
In establishing the land use districts, the State Land Use Commission improperly included this essentially urban area in an agricultural district, contrary to the standards set forth in the land use law and the present land use regulations. The legislature in enacting the land use law intended that the commission place land which had been in urban use prior to enactment of the said statute to be continued in an urban district. This land has been in residential use for over 50 years.

The aerial photographs that are the larger part of the Detailed Land Classification for the Island of Hawaii are marked "U" in the subject property. This indicates that the property was in urban use at the time the land was fieldmapped in 1963 and 1964.





Div. No. 23
Source: Tax Map Bureau & Survey Dept.
By: G.R.H. & J.K.H. March, 1935



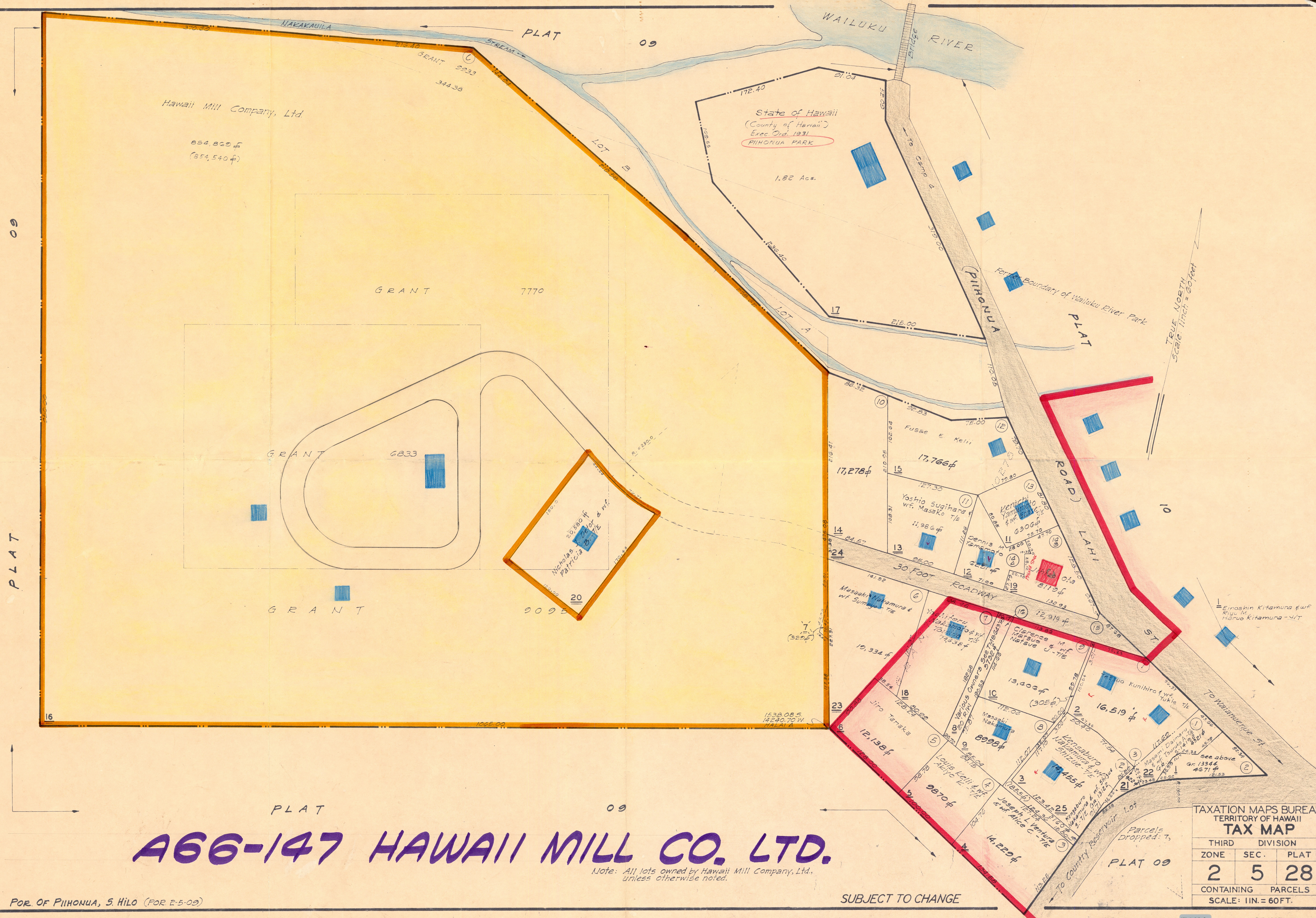
Por. of PIHONUA, SOUTH HILO, HAWAII.

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

Dropped: 6, 4, 5, 7,
8, 9, 10, 11, 12

THIRD DIVISION		
ZONE	SEC.	PLAT
2	5	10
CONTAINING PARCELS		
SCALE 1 in. = 100 ft.		
PRINTED JAN 25 1937		

Dwg No: 3851
Source: H.T.S. Reg. Map 2058 & T.M.B.
By: P.K. & C.W. Date: May 20, 1949



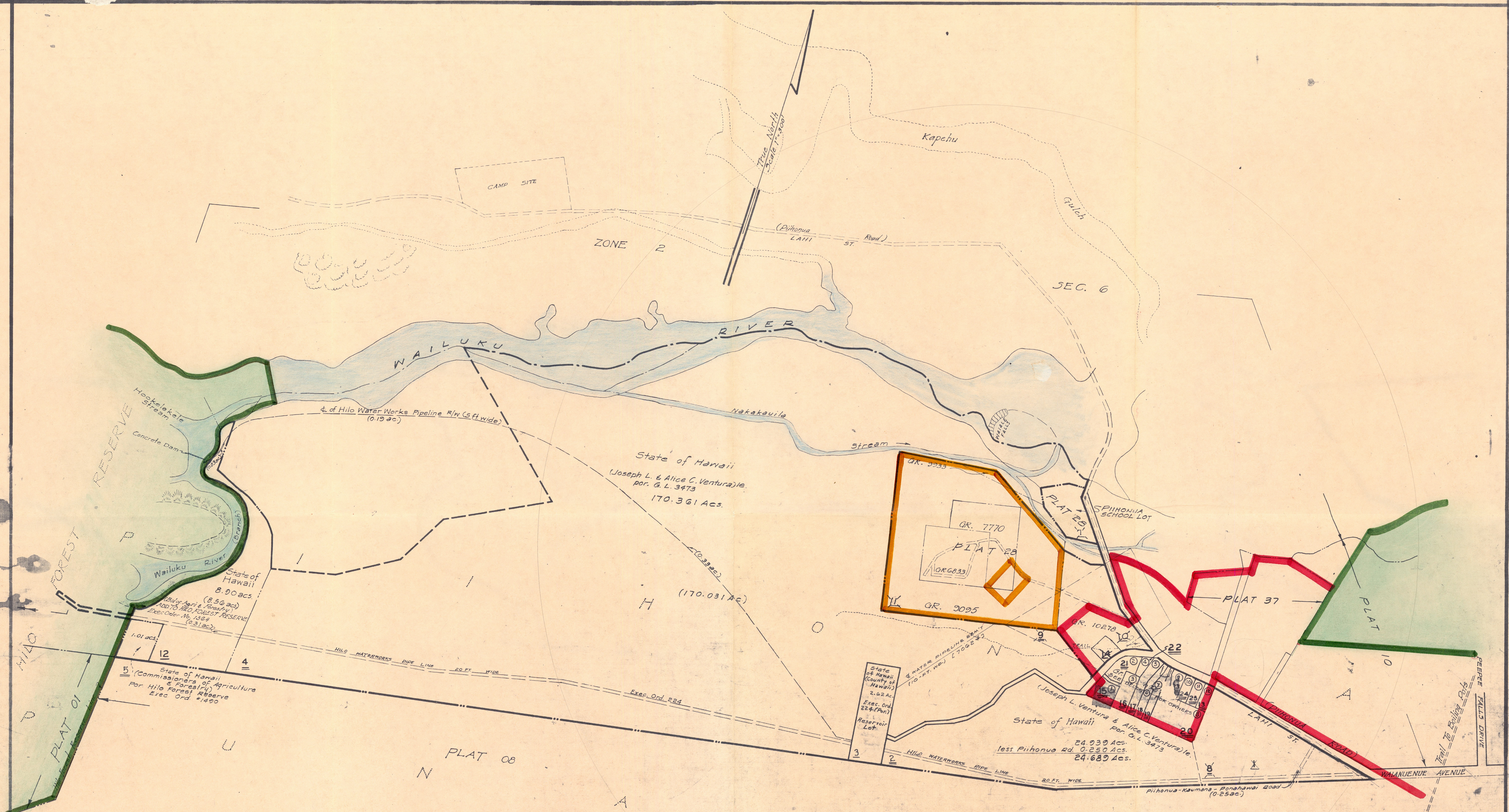
A66-147 HAWAII MILL CO. LTD.

Note: All lots owned by Hawaii Mill Company, Ltd., unless otherwise noted.

FOR. OF PIHONUA, S. HILO (FOR E-5-09)

SUBJECT TO CHANGE

TAXATION MAPS BUREAU TERRITORY OF HAWAII TAX MAP		
THIRD DIVISION		
ZONE	SEC.	PLAT
2	5	28
CONTAINING PARCELS		
SCALE: 1 IN. = 60 FT.		



A66-147 HAWAII MILL CO.

Por. of PIIHONUA, SOUTH HILO, HAWAII.

- 13 Toshio Daimaru & wf. Suica - T/E
 10,280 #
- 15 Isho Kishimoto
 Iwao Kishimoto J/T
 20,075 #
- 16 Masaichi Arasaki & wf. Fumiko - T/E
 23,380 #
- 17 Anken Uchima & wf. Haruko - T/E
 (Masaichi Arasaki & wf. Fumiko) - le
 20,577 #
- 18 Ushi Tamanaha - L/T
 Tsutomu Tamanaha
 Tamotsu Tamanaha
 Haruyo Tamanaha } T/C 15,677 #
- 19 Eiijiro Miyahira & wf. Kazue - T/E
 15,068 #
- 20 Jihizo Ote & wf. Soteshi - J/T
 10,375 #
- 21 Takeshi Akamine & wf. Mildred T. T/E
 20,891 #
- 22 Yasumori Mabuni & wf. Fumiko - T/E
 6,718 #
- 23 Susumu Miura & wf. Yoshimi - T/E
 11,594 #
- 24 Jihizo Ote & wf. Gwai - T/E
 9,600 #
- 25 Susumu Miura & wf. Yoshimi - T/E
 10,272 #

Parcels Dropped: 7, 10, 11, 14, 8, 9.

THIRD		DIVISION	
ZONE	SEC.	PLAT	
2	5	09	
CONTAINING		PARCELS	
SCALE lin. = 300 ft.			

ADVANCE SHEET
SUBJECT TO CHANGE

UNCORRECTED

JAN 7 1934

JAN 7 1934

FEB 5 1934

MAR 1 1934

APR 1 1934

MAY 1 1934

JUN 1 1934

JUL 1 1934

AUG 1 1934

SEP 1 1934

OCT 1 1934

NOV 1 1934

DEC 1 1934

JAN 1 1935

FEB 1 1935

MAR 1 1935

APR 1 1935

MAY 1 1935

JUN 1 1935

JUL 1 1935

AUG 1 1935

SEP 1 1935

OCT 1 1935

NOV 1 1935

DEC 1 1935

JAN 1 1936

FEB 1 1936

MAR 1 1936

APR 1 1936

MAY 1 1936

JUN 1 1936

JUL 1 1936

AUG 1 1936

SEP 1 1936

OCT 1 1936

NOV 1 1936

DEC 1 1936

JAN 1 1937

FEB 1 1937

MAR 1 1937

APR 1 1937

MAY 1 1937

JUN 1 1937

JUL 1 1937

AUG 1 1937

SEP 1 1937

OCT 1 1937

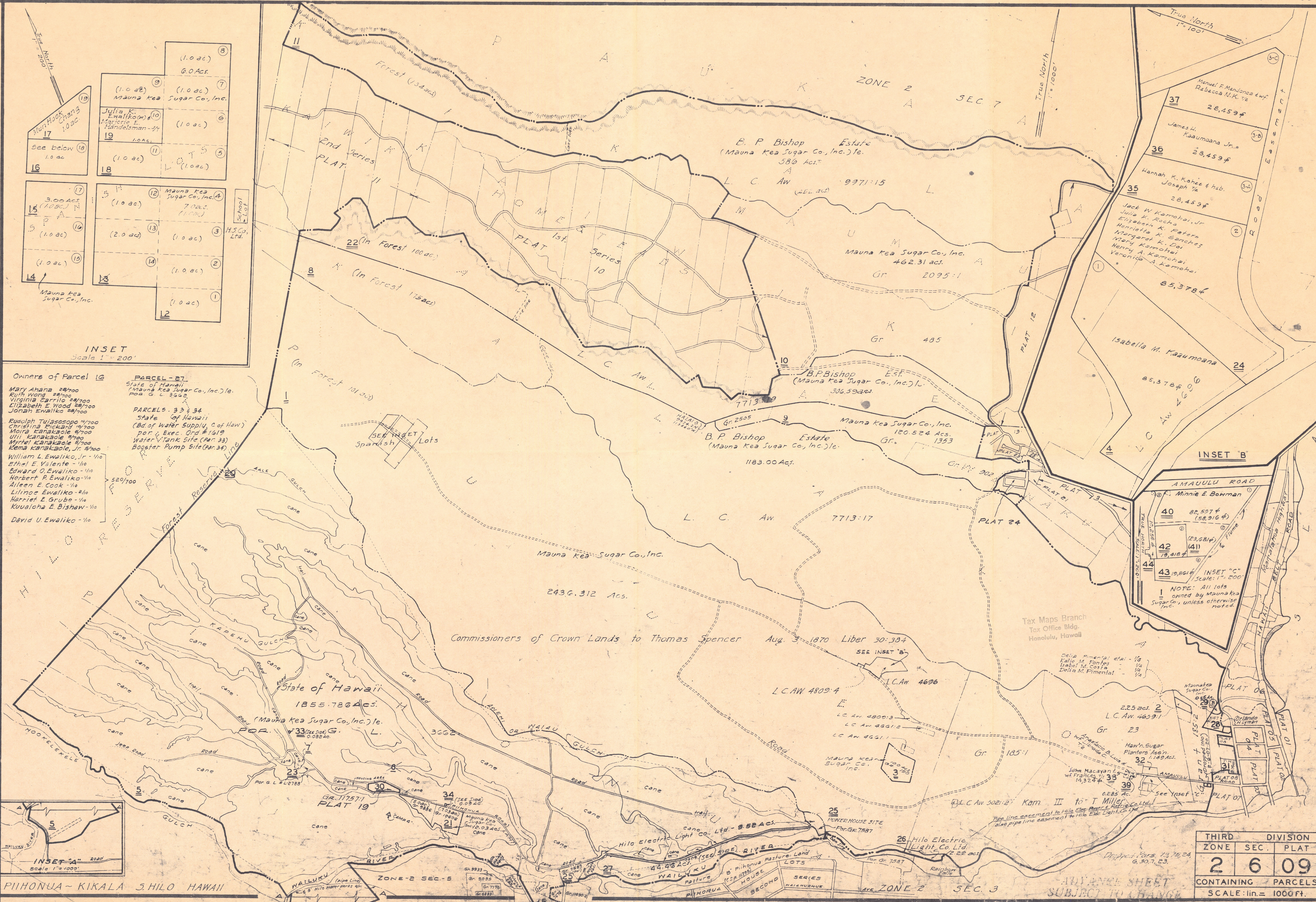
NOV 1 1937

DEC 1 1937

JAN 1 1938

FEB 1 1938

Revised to:
By H.N. Aug 1934
Source: Tax Maps Bureau & Survey Dept.

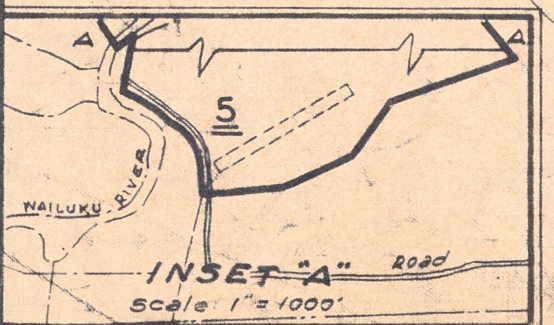


INSET
Scale 1" = 200'

Owners of Parcel 16
Mary Ahana 28/100
Ruth Wong 28/100
Virginia Carrillo 28/100
Elizabeth E. Wood 28/100
Jonah Ewaliko 28/100
Rudolph Tulasesopo 14/100
Christina Rickard 14/100
Moria Kanakaole 6/100
Ulli Kanakaole 6/100
Myrtle Kanakaole 6/100
Kema Kanakaole, Jr. 6/100
William L. Ewaliko, Jr. - 1/10
Ethel E. Valente - 1/10
Edward O. Ewaliko - 1/10
Herbert P. Ewaliko - 1/10
Aileen E. Cook - 1/10
Lilinoe Ewaliko - 1/10
Harriet E. Grube - 1/10
Kuvaloha E. Bishaw - 1/10
David U. Ewaliko - 1/10

PARCEL 27
State of Hawaii
(Mauna Kea Sugar Co., Inc.) 1e.
Por. G. L. 3562

PARCELS 33 & 34
State of Hawaii
(Bd. of Water Supply, Co. of Haw.)
por. Exec. Ord #1619
Water Tank Site (Par. 33)
Booster Pump Site (Par. 34)



INSET "B"
Scale 1" = 200'

NOTE: All lots owned by Mauna Kea Sugar Co., Inc., unless otherwise noted.

THIRD	DIVISION
ZONE	SEC. PLAT
2	6 09
CONTAINING PARCELS	
SCALE: 1 in. = 1000 ft.	
PRINTED JAN 25 1937	

