

A67-167 - GEORGE R. SIMS

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

April 5, 1968 - 1:15 p.m.

Commissioners Present: Wilbert Choi, Vice Chairman
Alexander Napier
Leslie Wung
Goro Inaba
Keigo Murakami
Shiro Nishimura

Commissioners Absent: C. E. S. Burns
Shelley Mark
Jim Ferry

Staff Present: Ramon Duran, Executive Officer
George Pai, Legal Counsel
Ah Sung Leong, Planner III
Dora Horikawa, Stenographer

Following the swearing in of persons planning to testify during today's hearing, Acting Chairman Choi called for the first item on the agenda.

HEARING

PETITION OF FRANCIS H. I. BROWN (A68-175) TO RECLASSIFY 170 ACRES FROM CONSERVATION TO URBAN AT KALAHUIPUAA, SOUTH KOHALA, HAWAII

Recommendation for denial of the petition was presented by Mr. Duran, Executive Officer, based on the fact that the Land Use Commission will review its boundaries and policies within the next year, the lack of evidence of urban need, no access, etc., (see copy of report on file).

It was reported by Mr. Duran that the present CIP funds provided for the construction of a road from Kailua up to the proposed airport site. In 1970, additional monies will be requested for the extension of this road from the airport to Puako. However, it will probably be 1973 before it will actually be in use. Presently, the improved road was approximately 2,500 feet from the subject property.

Mr. Philip Yoshimura of the Hawaii Planning Commission submitted that the petitioner's property was continuous rather than contiguous to an Urban District as reported earlier in the County's recommendation and that some of the necessary facilities and improvements such as water and access would be provided by the owner. Mr. Duran added that the water system presently being constructed

April 5, 1968

Mr. Philip Yoshimura of the Hawaii County Planning Commission reported that the 1,350 urban sized-lots referred to in the County's report were either under preliminary or final subdivision approval. He explained that under preliminary approval prior to the Land Use Law, the property could come in later for final approval under the grandfather clause, and the lots could be sold only after the final approval of the subdivision. Under the present Ordinance, the County is not required to provide water to subdivisions.

The hearing was closed thereafter.

✓ DEFERRAL REQUEST BY GEORGE SIMS

Mr. Duran announced that staff was in receipt of notification from Mr. Sims, petitioner, that he would like to have the action on his petition deferred to a later date as he had to report to the hospital for surgery. Petition was continued.

34TH ANNUAL AMERICAN SOCIETY OF PLANNING OFFICIALS NATIONAL PLANNING CONFERENCE,
SAN FRANCISCO, CALIFORNIA

Chairman Choi directed the Executive Officer to investigate the possibility of sending the Commissioners who expressed a desire to attend the conference.

KAPAKAHI RIDGE - NURSING HOME REQUEST IN CONSERVATION DISTRICT

Mr. Duran reported that Bishop Estate had previously petitioned for a boundary change on Kapakahi Ridge which was denied by the Commission. Another request for the same area at a later date through a developer was also disapproved. Now, the Bishop Estate was appearing before the Board of Land & Natural Resources seeking approval to construct a nursing home on the site. The Commission directed the Executive Officer to advise the Land Board of the Commission's stand on this matter based on the previous reasons for denial.

EXTENSION REQUEST BY RICHARD SMART FOR SPECIAL PERMIT SP66-39

The request of Richard Smart for a 6-month extension to begin construction of a U-Drive station at the entrance to Kamuela Airport, on a special permit granted by the Commission, was approved on a motion by Commissioner Wung, seconded by Commissioner Napier.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center
Kona, Hawaii

January 12, 1968 - 1:00 p.m.

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

Commissioner Absent: Shelley Mark

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner III
Roy Takeyama, Legal Counsel
George Pai, Attorney General's Office
Dora Horikawa, Stenographer

Persons planning to testify before the Commission were sworn in by Chairman Burns.

HEARING

PETITION BY OLOHANA CORPORATION (A67-166) TO RECLASSIFY APPROXIMATELY 840 ACRES FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT KAWAIIHAE, HAWAII

A recommendation to approve the petition was presented by Mr. Duran in the staff report, on the basis that the request did not contribute toward scattered urban developments, conformed to the General Plans of the County and of the State of Hawaii, and the area was not suited for any agricultural pursuit.

Mr. Duran advised that staff was in receipt of a letter from the Queen's Hospital, owners of portions of the petitioned area, endorsing and concurring with petitioner's request for the reclassification. However, the signature of Richard Smart, owner of a portion of the area petitioned, supporting the request has not been received.

It was pointed out that since approximately two-thirds of the 400 acres owned by Mr. Smart were presently in golf course use, about 150 acres would be available for residential development.

It was Mr. Duran's understanding that adequate water was available in the Kawaihae District.

January 12, 1968

✓ PETITION BY GEORGE R. SIMS (A67-167) TO RECLASSIFY 3.05 ACRES FROM AGRICULTURAL TO URBAN AT OLAA, PUNA, HAWAII

Mr. Leong presented the staff report recommending denial of the request since the land is suitable for agricultural pursuits and rezoning would constitute spot zoning.

Mr. Sims submitted that the subject property was purchased by him in July, 1957 and vested in the name of his stepson, but that the title was transferred into Mr. Sims' name in 1965, and that this was not the purchase date as reported by staff. He has been in and out of Queen's Hospital these past few years due to illness, but has maintained his home on subject property all these years so that the property has never been vacant.

Mr. Sims added that the property was put on the market some 40-45 years ago as 1-acre houselots, according to Mr. Smith, surveyor. Although the whole area is classified as agricultural, there was no possibility of making a living from pursuing agricultural activities on a 3-acre lot, and all others have given up growing sugar cane in the area.

A tentative approval had been granted this subdivision by the Hawaii Planning Commission. Utilities were available and a \$20,000 appropriation was available for a rural type water line extension. Mr. Sims made a plea to the Commission to allow him subdivision of the property into 5 lots.

Mr. Duran commented that since the property was designated as 1-acre houselots in 1957 and also by the present county ordinance, Mr. Sims could subdivide his property into 3 lots and still be within the intent of the Land Use Regulations as well as the County Regulations.

The hearing was closed thereafter.

PETITION BY RICHARD SMART (A67-169) TO RECLASSIFY 230 ACRES FROM AGRICULTURAL TO URBAN AT WAIMEA, SOUTH KOHALA, HAWAII

A recommendation for denial of the petition was presented by Mr. Leong on the basis that the petitioner had not submitted proof of the need for reclassification, sufficient urban reserves have been set aside, and the reclassification would result in increased operating costs at public expense.

Commissioner Ferry questioned the reason for the reversal of the County's original decision for a denial of the petition. Mr. Yoshimura of the County Planning office advised that the basis for their denial was to preclude the inflation of land values before land acquisition for highway purposes could be consummated by the government agency. However, since Mr. Smart has expressed willingness to donate the land for highway purposes, the Planning Commission reviewed the application again and came up with a recommendation for approval.

Pursuing the matter further, Commissioner Ferry wondered if the mere fact that the petitioner would donate the lands for highway purposes removed

July 8, 1968

Mr. John T. Ushijima
Ushijima, Nakamoto and Yuda
P. O. Box 964
Hilo, Hawaii 96720

Dear Mr. Ushijima:

The petition by George Sims (A67-167) for an amendment to the land use district boundaries from an Agricultural District to an Urban District for approximately 3 acres at Olaa, Puna, Hawaii, Tax Map Key 1-8-03: parcels 28 and 29, was denied by the Land Use Commission at its meeting on July 5, 1968.

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

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

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Hawaii Planning Comm.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A67-167 - George R. Sims

DATE July 5, 1968

PLACE Hale Halawai Cultural Center
Kona, Hawaii

TIME 12:00 noon

NAME	YES	NO	ABSTAIN	ABSENT
MURAKAMI, KEIGO		✓		
WUNG, LESLIE	✓			
INABA, CORO	✓			
MARK, SHELLEY	✓			
FERRY, JIM KIDO S.	✓			
CHOI, WILBERT	✓			
NAPIER, ALEXANDER	✓			
NISHIMURA, SHIRO	✓			
BURNS, C. E. S.	✓			

COMMENTS:

*Dated 8/28/68
Staff Report*

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

July 5, 1968

TO: LAND USE COMMISSION
FROM: STAFF
SUBJECT: A67-167 - GEORGE R. SIMS

A public hearing on this petition to reclassify 3.05 acres of agricultural lands into urban lands was held on January 12, 1968. The property is situated 7 tenths of a mile to the west of the Mt. View Urban District in Puna, Hawaii. (On April 5, Mr. Sims requested that action on his petition be deferred.)

At the hearing, Mr. Sims took issue with the staff report on the following:

1. That the subject property was purchased by Mr. Sims and his wife in July 1957 instead of December, 1965 as stated in the staff report.
2. That the transaction was not a purchase but a return of the property to Mr. Sims by his stepson.
3. That the property is not vacant as stated in the staff report but that it was his home all these years.

Regarding items 1 and 2, the staff report states: "Also, according to tax records, the land was acquired by Mr. Sims in December, 1965, and the subdivision of the lots took place in June of 1967." A search of the official records in the Department of Taxation brings out the following:

The deed to the property from Anna Durbenuik to Harold Marshall Kueffer and wife Theresa Widliska was executed on August 7, 1959. There was no mention of Mr. Sims interest in the property at this time. On December 10, 1965, the deed was acquired by Mr. Sims from Mr. Kueffer and wife for a consideration of \$10.00. Subsequently, the property was subdivided in

June of 1967 resulting in 3 parcels. This fact was mentioned in the staff report presented on January 12, 1968.

Regarding item 3, the staff report states: "Two homes are located on the subject site. However, the larger parcel comprising 1.8 acres is presently vacant." It is apparent that the petitioner misunderstood the context of these sentences, for the 1.8 acres which now comprises parcel 8 is presently vacant. The residence to which Mr. Sims refers is situated on the newly designated parcel 29.

However, aside from clarifying the statements contained in the staff report, the major issue presently before this Commission is whether this 3 acre parcel, which is situated in the middle of an agricultural district, is needed for urban use. At the hearing, the Land Use Commission staff concurred with the Hawaii County Planning Commission in recommending disapproval of the petition for the following reasons:

1. That approval of the petition would be contrary to the intents and purposes of the Land Use Law regarding scattered urban developments.
2. That the subject property is suited for the use for which it is presently districted.
3. That the character of the surrounding area is primarily agricultural and that approval of the request would constitute spot zoning.

Since no further evidence was submitted since the hearing to alter the staff's findings, it is again recommended that the petition be disapproved.

June 25, 1968

Mr. John T. Ushijima
P. O. Box 964
Hilo, Hawaii 96720

Dear Mr. Ushijima:

The Land Use Commission will next meet at 12:00 noon at the Hale Halawai Cultural Center, Kailua, Kona, Hawaii on July 5, 1968. At that time the applications by Kenichi Sugai and Kenichi Yamamoto (A67-172), and George Sims (A27-167) will be reviewed.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

RAMON DURAN
Executive Officer

Eagle
Type-Erase
25% COTTON FIBER

April 9, 1968

Mr. George R. Sims
c/o Ushijima, Nakamoto & Yuda
297 Waiianuenue Avenue
Hilo, Hawaii

Dear Mr. Sims:

Pursuant to your telephone request of April 5, 1968, this is to advise you that we are deferring action on your petition for a boundary change for a reasonable period of time or until such time as we hear from you.

Very truly yours,

RAMON DURAN
Executive Officer

*Mr. S. stated he wanted to
appear before the HVL but had to go into
the Hospital on 4-5. RD*

JOHN J. HULTEN
PRESIDENT

SAKAE TAKAHASHI
VICE PRESIDENT

DAVID McCLUNG
MAJORITY LEADER

WILLIAM E. FERNANDES
LARRY N. KURIYAMA
ASSISTANT MAJORITY LEADERS

WALTER M. HEEN
MAJORITY FLOOR LEADER

DONALD D. H. CHING
DUKE KAWASAKI
ASST. MAJORITY FLR. LEADERS

FIRST DISTRICT

NELSON K. DOI
WILLIAM H. HILL
JOHN T. USHIJIMA

SECOND DISTRICT

TOSHI ANSAI
MAMORU YAMASAKI

THIRD DISTRICT

D. G. ANDERSON
JAMES K. CLARK
JOHN J. HULTEN

FOURTH DISTRICT

DONALD D. H. CHING
LARRY N. KURIYAMA
JOHN C. LANHAM
NADAO YOSHINAGA

FIFTH DISTRICT

GEORGE R. ARIYOSHI
DUKE T. KAWASAKI
DAVID McCLUNG
SAKAE TAKAHASHI

SIXTH DISTRICT

EUREKA B. FORBES
PERCY K. MIRIKITANI
HEBDEN PORTEUS
WADSWORTH YEE

SEVENTH DISTRICT

WEBLEY EDWARDS
WALTER M. HEEN
FREDERICK W. ROHLFING
VINCENT H. YANO

EIGHTH DISTRICT

WILLIAM E. FERNANDES

The Senate
The Fourth Legislature
of the
State of Hawaii

HONOLULU, HAWAII

April 1, 1968



RECEIVED

APR 3 1968

State of Hawaii
LAND USE COMMISSION

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

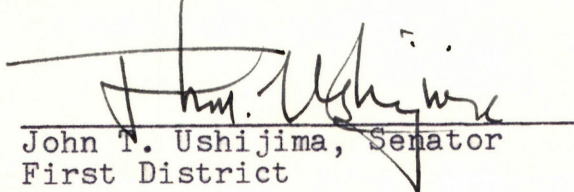
Re: George Sim's Application

Dear Mr. Duran:

Your letter of March 28, 1968, in reference to George Sim's application before the Land Use Commission is acknowledged.

This is to confirm our request for an extension of approximately 60 days for action on this petition until June 15, 1968.

Yours very truly,


John T. Ushijima, Senator
First District

JTU:mk

Eagle-17
Type-Erase
2570
April 3, 1968

Mr. John J. Ushijima, Attorney
P. O. Box 864
Hilo, Hawaii 96720

Dear Mr. Ushijima:

Inasmuch as we have not received communication from you agreeing to an extension of time for action on the petition by Mr. George Sims (A67-167) pursuant to our letter of March 28, 1968, this is to advise you that a decision on this petition will be rendered during the Land Use Commission's meeting on April 5, 1968 at the Hale Halawai Cultural Center, Kailua, Kona, Hawaii at 1:00 p.m.

Very truly yours,

RAMON DURAN
Executive Officer

March 28, 1968

Mr. John J. Ushijima, Attorney
P. O. Box 464
Hilo, Hawaii 96720

Dear Mr. Ushijima:

The Land Use Commission has scheduled a meeting in Kona on April 5, 1968. Since the period prescribed for action on the application by Mr. George R. Sims will expire on April 12, 1968, we have placed this item on our April 5th agenda. However, the affirmative vote of at least 6 members is required for the approval of a boundary change petition. Since 3 of our 9 members will not be available, we believe it is in the best interest of your petition, as well as the judicious administration of the Land Use Law, that this action be delayed.

We would appreciate a letter confirming your agreement to an extension of approximately 60 days for action on this petition until June 15, 1968. Meanwhile we will try to schedule a meeting as soon as it is reasonably possible to arrange for at least 8 Commissioners to be present at a meeting.

We will advise you of the meeting date when a decision on your application will be rendered. Thank you for your cooperation.

Very truly yours,

RAMON DURAN
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kona, Hawaii

January 12, 1968
1:00 p.m.

STAFF REPORT

A67-167 - GEORGE R. SIMS

Mr. Chairman + member of the Commission

Mr. John T. Ushimima, of the law firm of Ushijima, Nakamoto and Yuda, has submitted a petition on behalf of Mr. George R. Sims to have his property changed from an Agricultural to an Urban classification. The property in question comprises 3.05 acres and is situated at Olaa, Puna, Hawaii. The applicant desires to subdivide the lot into 5 lots of approximately 26,600 square feet each.

Background

The property under discussion fronts on Canney Road approximately 400 feet south from its intersection with Mamalahoa Highway. Extensive canelands owned by Puna Sugar Co. dominate the land use pattern in the area. The subject land is a part of the Canney Road Homesteads subdivision containing approximately 30 lots which are mostly a minimum of 1 acre in area. Only 10 homes exist on these lots, the others are either vacant or in pasture use. Two homes are located on the subject site. However, the larger parcel comprising 1.8 acres is presently vacant.

*MAP — The subject parcel
Mt. Vieh Urban District Res.
green area - Forest Reserve
8 miles to Kona + 15 miles to Hilo*

Soils of the subject property are described as moderately deep, stony, well-drained, moderately suited for machine tillage and rated "fairly suitable" for overall agricultural use. Topographically, the land is relatively flat and is situated 1,700 feet above sea level. Rainfall is approximately 195 inches annually.

State Department of Taxation records show that the 3.05 acres involve 3 parcels of land described by TMK 1-8-03. These are parcels 28 and 29, each

*43560
21,780 = 1/2 AC*

1957-
invested
in name
of stepson
& stepdaughter
vacant
parcel &
opened up for
1 acre house lots
20,000 appropriate
for water

comprised of approximately 26,600 square feet, and parcel 8, comprising 1.8 acres. Also, according to tax records, the land was acquired by Mr. Sims in December, 1965, and the subdivision of the lots took place in June of 1967. Messrs. Vincente Dayanan and Benjamin Dayanan have an agreement of sale on parcel 28.

The following reasons have been submitted by the petitioner to justify the request:

"The subject property covers an area of 3.05 acres and is re-subdivided into five (5) lots consisting of three (3) lots of 26,606 square feet and two (2) lots of 26,609 square feet. The parcel of property had been used previously as a house lot and is presently overgrown with guava and other growth. It had never been used for agricultural purposes.

"The property is located beyond Mt. View Village and off the Mamalahoa Highway.

"Although under the Land Use Classification the parcels are designated to be within an Agricultural District boundary, they are not suitable for homesites. The property had been utilized as a homesite and there are several homes located on the property.

"Applicant originally proposed to have the said property re-subdivided early in 1962 and did receive preliminary approval from the Planning and Traffic Commission, County of Hawaii, but because, in the meantime, Interim Regulations of the Land Use Commission became effective, the said approval was rescinded. In the meantime, Applicant became sick, and was not able to pursue the matter until now.

"Applicant already has purchasers for the lots and there is need for house lots within the area of Mt. View, Hawaii, as evidenced by inquiry of purchase."

County Recommendation

A recommendation for denial of the petition has been submitted by the Hawaii County Planning Commission based on the following:

1. General Plan indicates residential-agricultural; proposed zoning designation is 1-acre agriculture and the Commission finds no justification for use other than that for which it is now classified.
2. Soil is classed as moderately good for agriculture and moderately good for machine cultivation.
3. To create this urban district within an overall agricultural designation would constitute spot zoning and be contrary to sound zoning practice; to increase density for the 30-foot right-of-way and present 10-foot pavement would not be advisable.
4. It has not been found that applicant is denied proper use of his land.

Analysis

The nearest Urban District is Mountain View which lies 7 tenths of a mile away in the Hilo direction. Hundred foot wide strips of forest reserve lands line both sides of Mamalahoa Highway in this area.

The purpose of the Land Use Law is to preserve and protect prime agricultural lands whenever possible, and to prevent the scatteration of urban developments.

The granting of such a request could constitute "spot zoning", that is, favorable action would grant to a single property owner privileges which are not extended to other landowners in the vicinity and is in general against sound public policy. Such an act can only be justified when designed to serve the best interest of the community as a whole. The vice in spot-zoning lies in the fact that it singles out for special treatment a lot or a small area in a way that does not further the General Plan.

Recommendation

Inasmuch as the land in question is suitable for agricultural pursuits and sugar cane is grown immediately across the property in question, the character of the area is agricultural with a minimum of 1-acre per dwelling unit, and rezoning would constitute spot-zoning, it is recommended that the petition be denied.

① The property in question is indicated in yellow on the tax maps of the area. The Mt. View urban district is colored pink and the ~~green~~ strips of green along Mamalahoe highway are State owned F.R. areas.

② Power & telephone services are available to the site but water is provided for dry catchment. A 6" line from a half million gallon reservoir services the Mt. View urban district.

③ A blowup of the subject area shows the 3 parcels ^{as} recorded on the tax maps. Surrounding uses as you can see are mostly agricultural in nature.

④ The property is approx. 8 miles from Keanan
Are there any questions from
the Commissioners?

15 miles from
Hills & another
15 from the
Volcano House

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kona, Hawaii

January 12, 1968
1:00 p.m.

STAFF REPORT

A67-167 - GEORGE R. SIMS

Mr. John T. Ushimima, of the law firm of Ushijima, Nakamoto and Yuda, has submitted a petition on behalf of Mr. George R. Sims to have his property changed from an Agricultural to an Urban classification. The property in question comprises 3.05 acres and is situated at Olaa, Puna, Hawaii. The applicant desires to subdivide the lot into 5 lots of approximately 26,600 square feet each.

Background

The property under discussion fronts on Canney Road approximately 400 feet south from its intersection with Mamalahoa Highway. Extensive canelands owned by Puna Sugar Co. dominate the land use pattern in the area. The subject land is a part of the Canney Road Homesteads subdivision containing approximately 30 lots which are mostly a minimum of 1 acre in area. Only 10 homes exist on these lots, the others are either vacant or in pasture use. Two homes are located on the subject site. However, the larger parcel comprising 1.8 acres is presently vacant.

Soils of the subject property are described as moderately deep, stony, well-drained, moderately suited for machine tillage and rated "fairly suitable" for overall agricultural use. Topographically, the land is relatively flat and is situated 1,700 feet above sea level. Rainfall is approximately 195 inches annually.

State Department of Taxation records show that the 3.05 acres involve 3 parcels of land described by TMK 1-8-03. These are parcels 28 and 29, each

comprised of approximately 26,600 square feet, and parcel 8, comprising 1.8 acres. Also, according to tax records, the land was acquired by Mr. Sims in December, 1965, and the subdivision of the lots took place in June of 1967. Messrs. Vincente Dayanan and Benjamin Dayanan have an agreement of sale on parcel 28.

The following reasons have been submitted by the petitioner to justify the request:

"The subject property covers an area of 3.05 acres and is re-subdivided into five (5) lots consisting of three (3) lots of 26,606 square feet and two (2) lots of 26,609 square feet. The parcel of property had been used previously as a houselot and is presently overgrown with guava and other growth. It had never been used for agricultural purposes.

"The property is located beyond Mt. View Village and off the Mamalahoa Highway.

"Although under the Land Use Classification the parcels are designated to be within an Agricultural District boundary, they are not suitable for homesites. The property had been utilized as a homesite and there are several homes located on the property.

"Applicant originally proposed to have the said property re-subdivided early in 1962 and did receive preliminary approval from the Planning and Traffic Commission, County of Hawaii, but because, in the meantime, Interim Regulations of the Land Use Commission became effective, the said approval was rescinded. In the meantime, Applicant became sick, and was not able to pursue the matter until now.

"Applicant already has purchasers for the lots and there is need for houselots within the area of Mt. View, Hawaii, as evidenced by inquiry of purchase."

County Recommendation

A recommendation for denial of the petition has been submitted by the Hawaii County Planning Commission based on the following:

1. General Plan indicates residential-agricultural; proposed zoning designation is 1-acre agriculture and the Commission finds no justification for use other than that for which it is now classified.
2. Soil is classed as moderately good for agriculture and moderately good for machine cultivation.
3. To create this urban district within an overall agricultural designation would constitute spot zoning and be contrary to sound zoning practice; to increase density for the 30-foot right-of-way and present 10-foot pavement would not be advisable.
4. It has not been found that applicant is denied proper use of his land.

Analysis

The nearest Urban District is Mountain View which lies 7 tenths of a mile away in the Hilo direction. Hundred foot wide strips of forest reserve lands line both sides of Mamalahoa Highway in this area.

The purpose of the Land Use Law is to preserve and protect prime agricultural lands whenever possible, and to prevent the scatteration of urban developments.

The granting of such a request could constitute "spot zoning", that is, favorable action would grant to a single property owner privileges which are not extended to other landowners in the vicinity and is in general against sound public policy. Such an act can only be justified when designed to serve the best interest of the community as a whole. The vice in spot-zoning lies in the fact that it singles out for special treatment a lot or a small area in a way that does not further the General Plan.

Recommendation

Inasmuch as the land in question is suitable for agricultural pursuits and sugar cane is grown immediately across the property in question, the character of the area is agricultural with a minimum of 1-acre per dwelling unit, and rezoning would constitute spot-zoning, it is recommended that the petition be denied.

January 2, 1968

Mr. John T. Ushijima, Attorney
297 Waianuenue Avenue
P. O. Box 964
Hilo, Hawaii 96720

Dear Mr. Ushijima:

The Land Use Commission next meets on January 12, 1968 at 1:00 p.m., at the Hale Halawai Cultural Center, Kona, Hawaii. At that time, the application of Mr. George R. Sims (A67-167) to amend the land use district boundaries at Mt. View, Hawaii, will be heard.

Very truly yours,

RAMON DURAN
Executive Officer

1620 1640
1680

COUNTY OF HAWAII
COUNTY PLANNING COMMISSION

Applicant George Sims
Date petition received by
Planning Commission October 2, 1967
Date of Planning Commission
Meeting October 20, 1967
Date petition and recommendations
forwarded to LUC November 17, 1967

AMENDMENT OF ZONE DISTRICT BOUNDARY

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

approximately 3.05 acres covered by tax map key 1-8-03:8

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

The Commission decided to recommend: Denial of the application

on the basis of the following findings:

1. General Plan indicates residential-agricultural; proposed zoning designation is 1-acre agriculture and the Commission finds no justification for use other than that for which it is now classified.
2. Soil is classed as moderately good for agriculture and moderately good for machine cultivation.
3. To create this urban district within an overall agricultural designation would constitute spot zoning and be contrary to sound zoning practice; to increase density for the 30-foot right-of-way and present 10-foot pavement would not be advisable.
4. It has not been found that applicant is denied proper use of his land.

RECEIVED

NOV 20 1967

State of Hawaii
LAND USE COMMISSION

(Signed)

Raymond H. Dwyer
Director, County Planning Commission

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

216

RECEIVED from

Ushijima, Nakamoto & Iyeda, Trustees
Fifty and no/100

DOLLARS

L.V.C. fees. re: George R. Sims

\$

50.00

Jean H. Kamitono

Public Accountant

October 3, 1967

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Attention: Mr. Raymond Suefuji, Director

Gentlemen:

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. George R. Sims, together with supporting data and map, is forwarded to you for your comments and recommendations.

Act 32 provides that within 45 days after receipt of the petition, the Commission of the County wherein the land is located shall forward its comments and recommendations to the Land Use Commission. It also provides that upon written request by the County Planning Commission, the Land Use Commission may grant an extension of not more than 15 days for the receipt of such comments and recommendations.

Thank you for your cooperation.

Very truly yours,

RAMON DURAN
Executive Officer

Encls.

October 3, 1967

Mr. John T. Ushijima, Attorney
297 Waiianuenue Avenue
P. O. Box 964
Hilo, Hawaii 96720

Dear Mr. Ushijima:

This is to acknowledge the receipt of your check in the amount of \$50.00 and petition by Mr. George R. Sims to amend the land use district boundaries as shown on Tax Map Key 1-8-3: 8, at Mt. View, Hawaii.

In accordance with Section 98H-4, RLH 1955, as amended, and Act 32 SLH 1965, this Commission must schedule a public hearing on this 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 this petition.

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

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

Very truly yours,

RAMON DURAN
Executive Officer

STATE OF HAWAII

OFFICIAL
RECEIPT

No. 180

Land Use Commission

Department, Bureau or Commission

RECEIVED from Ushijima, Kakimoto & Yusa Trustee Acct October 2 1967
Fifty & no/100 DOLLARS

Petition for boundary change by George R. Sims

\$ 50.00

Don V. Hornkawa

Public Accountant

JOHN T. USHIJIMA
ROY K. NAKAMOTO
GEORGE S. YUDA

LAW OFFICE

OF

USHIJIMA, NAKAMOTO AND YUDA

2259
P. O. BOX 964
HILO, HAWAII
96720

September 29, 1967

RECEIVED

OCT 2 1967

State of Hawaii
LAND USE COMMISSION

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

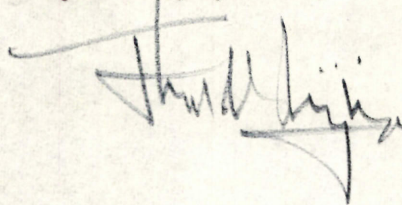
Gentlemen:

Enclosed herewith are the following:

1. Original and copy of Petition for Amendment to the Land Use Commission District Boundary of George R. Sims, with attached Statement;
2. Two copies of the map showing the land in question;
3. Check for \$50.00.

We would appreciate having this petition processed by your Commission.

Very truly yours,



JTU/lc

Enclosures

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

OCT 2 1967

State of Hawaii
LAND USE COMMISSION

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

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 _____

A67-167

(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 1-08-03:8 3ACT 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:

Heavy growth of guava and other trees

Petitioner's interest in subject property:

Fee simple

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

Property has been used as houselots and Petitioner wishes
to re-subdivide in 5 lots.

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

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

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

- (a) The land is usable and adaptable for the use it is proposed to
be classified.
- (b) Conditions and trends of development have so changed since adoption
of the present classification, that the proposed classification is
reasonable.

Signature (s) [Signature]
JOHN T. USHIJIMA, Attorney for
George R. Sims

c/o Ushijima, Nakamoto & Yuda

Address: 297 Waianuenue Avenue
Hilo, Hawaii

Telephone: 50-801

S T A T E M E N T

The subject property covers an area of 3.05 acres and is re-subdivided into five (5) lots consisting of three (3) lots of 26,606 square feet and two (2) lots of 26,609 square feet. The parcel of property had been used previously as a houselot and is presently overgrown with guava and other growth. It had never been used for agricultural purposes.

The property is located beyond Mt. View Village and off the Mamalahoa Highway.

Although under the Land Use Classification the parcels are designated to be within an Agricultural District boundary, they are not suitable for homesites. The property had been utilized as a homesite and there are several homes located on the property. } ????

Check when purchased → Applicant originally proposed to have the said property re-subdivided early in 1962 and did receive preliminary approval from the Planning and Traffic Commission, County of Hawaii, but because, in the meantime, Interim Regulations of the Land Use Commission became effective, the said approval was rescinded. In the meantime, Applicant became sick, and was not able to pursue the matter until now.

Applicant already has purchasers for the lots and there is need for houselots within the area of Mt. View, Hawaii, as evidenced by inquiry of purchase.

For the foregoing reasons, it is submitted that the petition of the Applicant herein be approved.

2M12 721-722

RECEIVED

OCT ✓ 1967

State of Hawaii
LAND USE COMMISSION

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

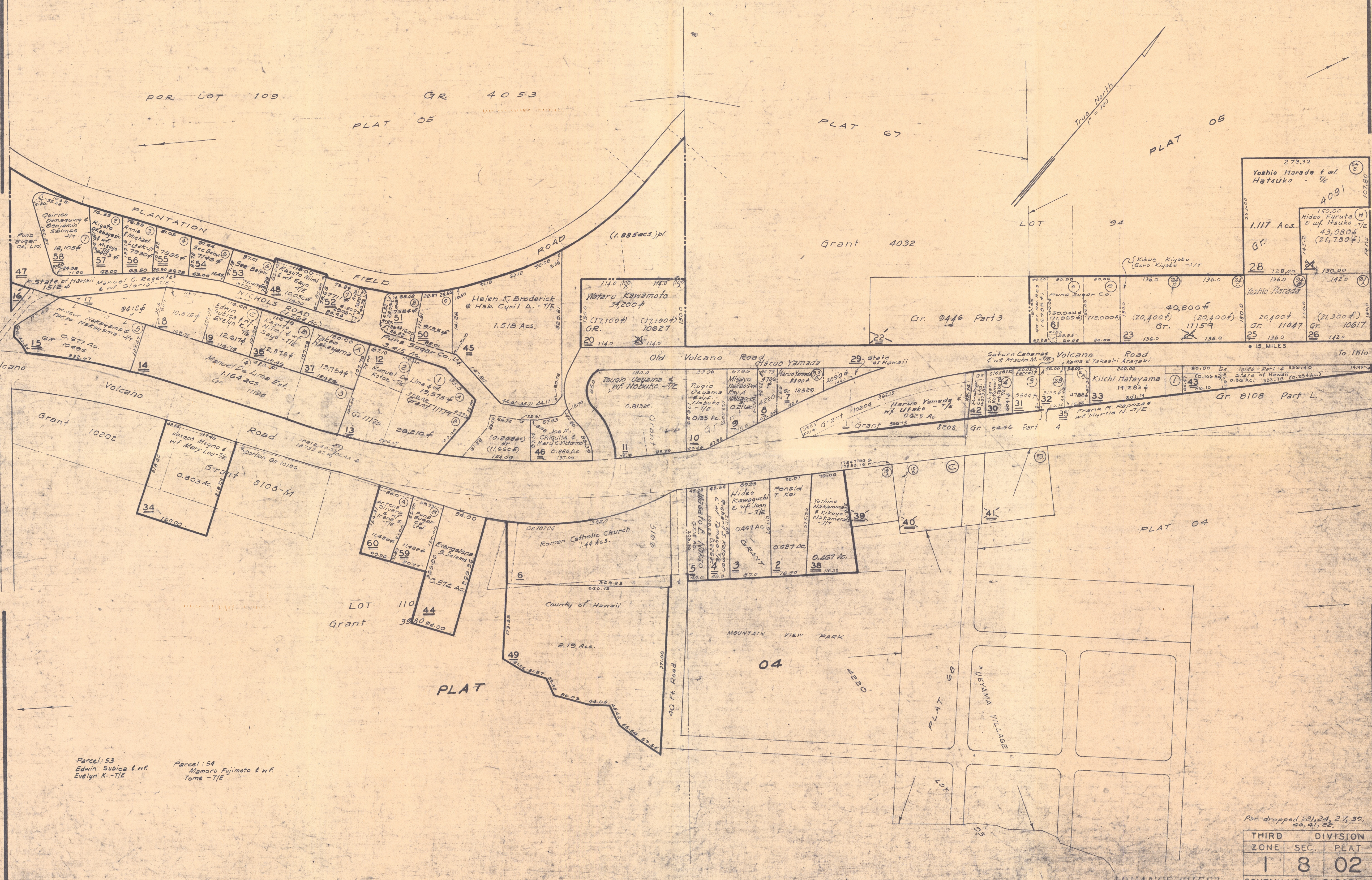
REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940

REVISED TO
JAN 19 1939
APR 8 1939
JAN 2 1940



Parcel: 53
Edwin Subica & wife
Evelyn K. - T/E

Parcel: 54
Mamoru Fujimoto & wife
Tome - T/E

Part dropped: 21, 24, 27, 30, 40, 41, 22

THIRD DIVISION		
ZONE	SEC.	PLAT
1	8	02

CONTAINING PARCELS
SCALE: 1 in. = 100 ft.
PRINTED NOV 22 1937

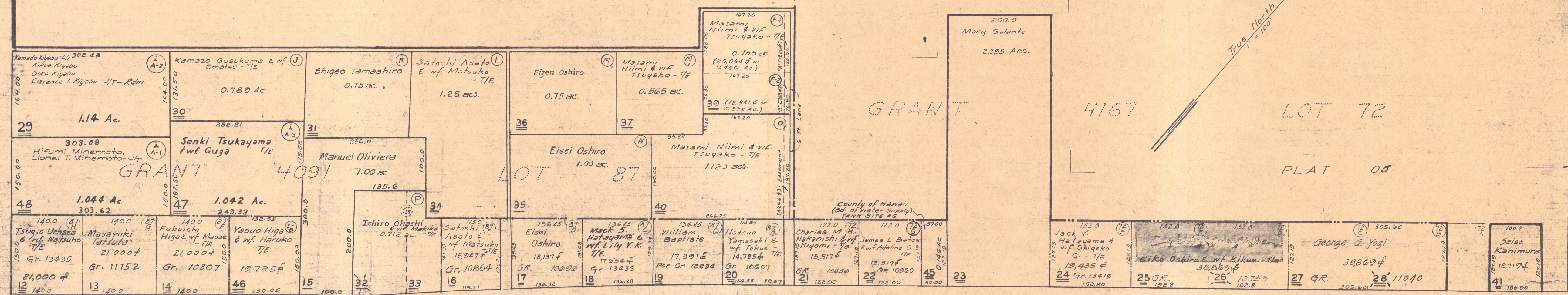
POR. OF MT. VIEW, OLAA, PUNA, HAWAII.

ADVANCE SHEET
SUBJECT TO CHANGE

[illegible]

PLAT 05

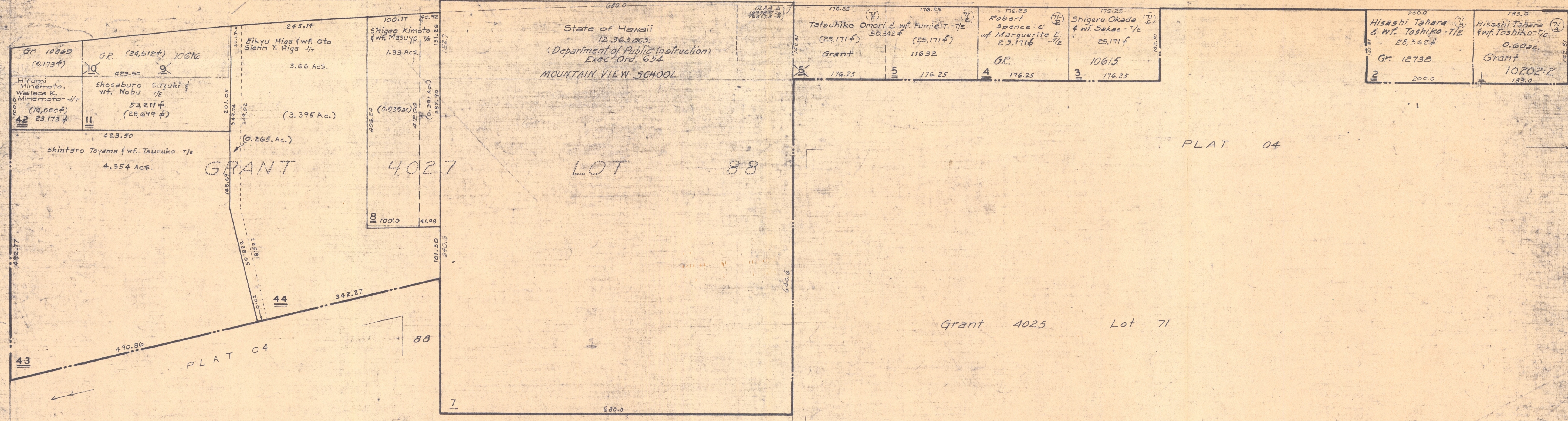
True North
1" = 100'



← To the Volcano

Volcano Road (F.A.P. # F-2 (4))

To Hilo →



PLAT 04

Grant 4025 Lot 71

Parcels dropped: 28, 26, 6,
10, 0, 32

THIRD		DIVISION
ZONE	SEC.	PLAT.
1	8	01
CONTAINING		PARCELS

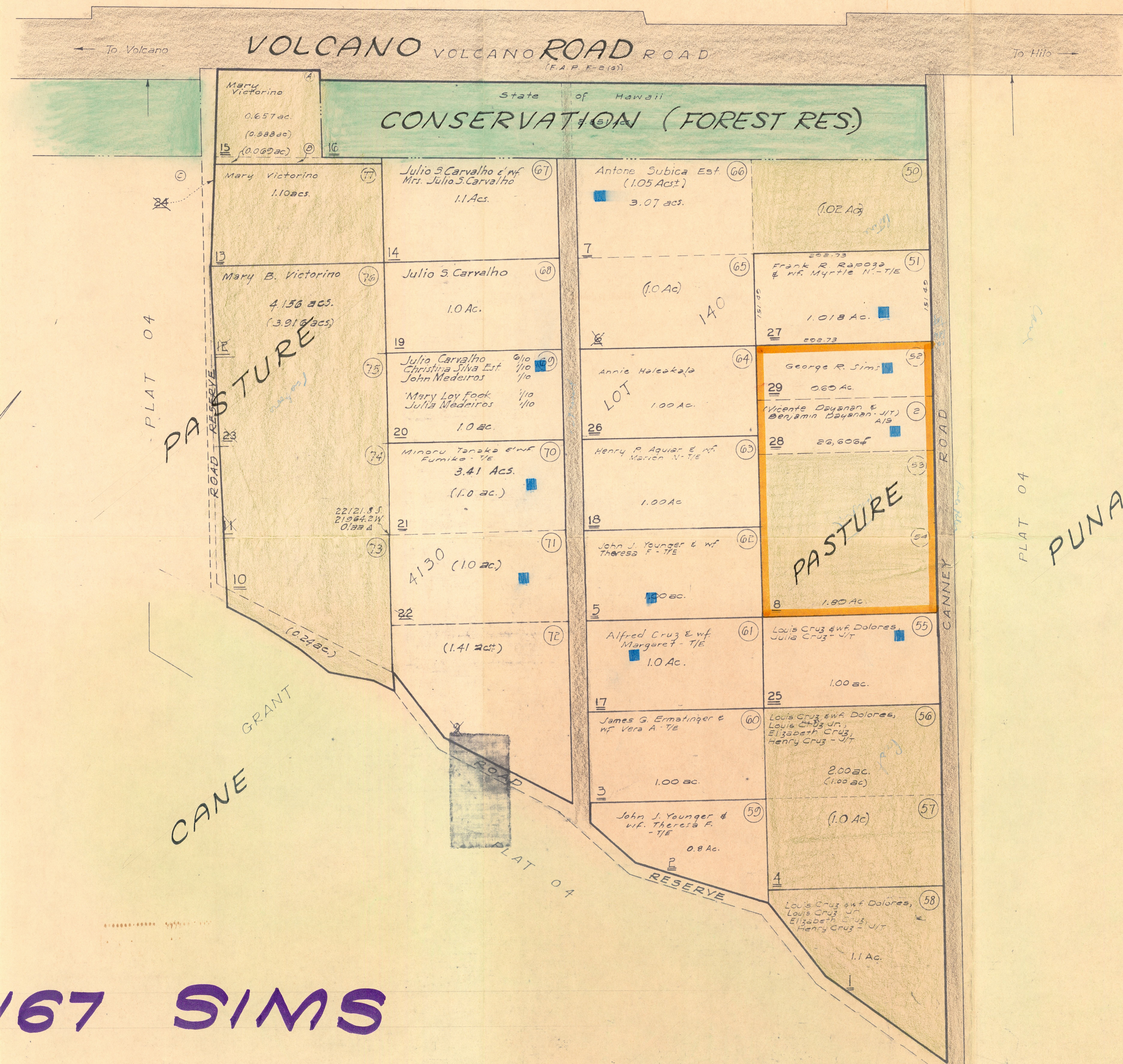
Lots owned by Territory of Hawaii
unless otherwise noted

ADVANCE SHEET
SUBJECT TO CHANGE

SCALE: 1 in. = 100 ft.

PRINTED NOV 22 1967

POR. OF MT. VIEW, OLAA, PUNA, HAWAII.



A67-167 SIMS

Dwg. No: P384
Source: Tax Maps
By: RB

CANNEY ROAD HOMESTEADS,
POR OLAA RESERVATION LOTS, PUNA, HAWAII

ADVANCE SHEET
SUBJECT TO CHANGE

Dropped Parcel 12, 23, 11, 22, 6, 26, 9

THIRD DIVISION		
ZONE	SEC.	PLAT
1	8	03
CONTAINING PARCELS		
SCALE: 1 in. = 100 ft.		
PRINTED NOV 22 1967		

A67-167 SIMS

CANNEY RD.

OLALA RESERVATION

Mountain View

TO KEAAU

Hila to Keaanu = 7 MILES
Keaanu to Sims = 8 MILES
① = 15 MILES

Map #614
EKL 6CC-22

350 Employees
Cluster type Employees (Hans)

