W. H. SHIPMAN, LTD. SP(T) 63-1

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM SP(T)63-1 - Shigemori

DATE 1/18/64

PLACE LUC Hearing Room

TIME 10: AM.

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	✓			
INABA, G.	✓			
OTA, C.		✓		
WENKAM, R.	✓			
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.				✓
FERRY, J.	✓			
THOMPSON, M.	✓			

COMMENTS: Motion by Ferry - Deny on bases not proper subject for Special Permit.

sec. - McLimmon ~~[illegible]~~

motion carried.

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM W H Shipman

DATE 11/22/63

PLACE LUC Hearing Rm - Honolulu

TIME

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.				
INABA, G.				✓
OTA, C.				
WENKAM, R.				
BURNS, C.E.S.				
NISHIMURA, S.				
MARK, S.				✓
FERRY, J.				✓
THOMPSON, M.				

COMMENTS:

Original letter in protest file

Ref. No. LUC 275

April 22, 1964

Mr. L. N. Nevels, Jr.
Nevels and Chang
Attorneys at Law
Hilo Hotel Building
Hilo, Hawaii

Re: Proposed Shipment Industrial Park, South Hilo, Hawaii, request for change of proposed permanent boundaries

Dear Mr. Nevels:

This is to acknowledge the receipt of your letter dated April 6, 1964.

Your protest will be fully considered by the Land Use Commission prior to the adoption of the final district boundaries sometime in late June 1964.

Should you have further questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Ref. No. LUC 38

January 22, 1964

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Edgar A. Hanson, Planning Director

Gentlemen:

The Land Use Commission in action taken on January 13, 1964, voted to deny the petition for special permit, SP(T)63-3, submitted by W. H. Shipman, Limited on the basis that the matter was not a proper subject for special permit. The Land Use Commission staff report is attached for your information.

It should be noted that the Land Use Commission received the full arguments by the petitioner and agreed to consider them prior to adoption of final district boundaries. As soon as the minutes can be prepared, we shall submit it to you for your information.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Attachment
cc: Mr. L. N. Revels, Jr.
Mr. Myron Thompson
Mr. Roy Takeyama

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

9:00 A. M. - January 18, 1964

Commissioners Present:	C.E.S. Burns James P. Ferry Goro Inaba Shiro Nishimura Charles S. Ota Myron B. Thompson Robert G. Wenkam Leslie E. L. Wung
Absent:	Shelley Mark
Staff Present:	Raymond Yamashita, Executive Officer Roy Takeyama, Legal Counsel Gordon Soh, Planning & Economic Development Richard Mar, Field Officer

The Chairman called the meeting to order, followed by an opening prayer. Introduction of the Commissioners and staff members was made by Chairman Thompson, who then outlined the procedures to be followed throughout the meeting.

APPLICATION OF W. H. SHIPMAN, LTD. (SP(T)63-1), FOR SPECIAL PERMIT TO SUBDIVIDE AND DEVELOP AN INDUSTRIAL PARK ON APPROXIMATELY 19 ACRES OF LAND SITUATED IN PUNA, HAWAII: Described as First Division, TMK 1-6-03.

The Chairman requested that all persons who would be participating and giving testimonies on this matter to stand and be sworn in. All complied.

Mr. Gordon Soh outlined and described the area and request involved, locating the area in question on a map.

Mr. Nevels stated that basically this is a combined application. It is an application to create an industrial park for heavy industry as well as light industry, although primarily they were interested in heavy industry; and an application for a proposed botanical garden which has already been created by way of a foundation by certain members of the Shipman family. The botanical garden is part of the development for two purposes: (1) as a botanical garden;

and (2) as an assistance in the preservation of the natural beauty and parklike surroundings of the proposed industrial site. Mr. Nevels stated that as far as the industrial park itself is concerned, this is a most desirable location for it. He stated that it was not far from all primary communications and transportation in the Hilo area, which is basically the metropolis of the Island, and would in no way, shape or manner, interfere with the Hilo area or create any nuisances which would cause concern to any surrounding situation. He stated that the only areas which are in use within several miles of this area are: (1) the Panaewa farm lots which are largely developed and a new Panaewa farm lot subdivision that is being developed for residential purposes a mile off Hilo; (2) a police academy about a mile and a half towards Hilo; and (3) a macadamia nut orchard, cane land, and forest land approximately one and a half miles from the residential area of Keaau Village. Mr. Nevels stated that this land has never been used for any agricultural pursuit. The land has been opened to bid to the Puna Sugar Company interest, but they do not want it. It has been available continuously to Puna Sugar Company, but they just said no, that it wasn't feasible to use it. The soil in the area is aa with excellent drainage. The forest which covers the area is thick and heavy and not useable from a forest point of view. Mr. Nevels stated that the negotiated lease which Shipman has with Olsen looks very doubtful at this point. This doubtfulness stems from minor factors and one large factor is that it has been roughly a year since the lease was negotiated. He stated, however, from a legal estimation this is still a firm, executed lease with considerations already paved. Mr. Nevels stated that he did not want to indicate that this is a situation which looks as though it is going immediately, as he did not think that it would. He stated, however, that there have been other people from time to time very much interested in this development who have made inquiries. There was one inquiry which he felt would definitely lead to a substantial plant for heavy industry. This plant is presently located in Hilo and is being evicted by reason of the Honolulu Redevelopment Agency. In addition to this there are presently negotiations going forward with the United States government who are interested in some closely adjacent lands. Mr. Nevels felt that these are some probabilities which indicate that this park may be put to immediate or almost immediate use. Mr. Nevels stated that without having something to offer or the ability to give a lease once it is negotiated, they are doing very well. He stated that there has been no advertising except by word "of mouth". He stated that there was an announcement in the late winter of 1962 but that was the only word that has ever been mentioned of this project. Because of its excellent location in every respect, Mr. Nevels felt that this was a justification for the land being used for industrial purposes.

Mr. Nevels stated that since the closing of Flintkote Plant, there are now almost 420, mostly full-time and some part-time, workers who are now seeking employment elsewhere. He stated that they are now involved in a severe employment situation in Hilo. He stated that there are indications that this particular area would be most suitable for papaya canning operations as it is within the Puna growing area; also interest has been shown for a citrus operation. Mr. Nevels stated that the Shipman family are well aware that considerable amount of money must be contributed to make this worthwhile, but are still interested in seeing this go forward. He stated that any improvement costs that would necessarily concern the government would be nil. The roadways to the area are ample to take care of any conceivable traffic of the industrial site; preliminary research

on the water problem indicates that drilling wells on the property will furnish ample water for all potential requirements. (This is an opinion based upon present but understandably not complete research.) Mr. Nevels stated, however, if county water were required, he could not think of any better way to invest tax payers money than for the creation of new employment and new wealth for the benefit of taxpayers. He stated that he did not feel that there would be any need for county improvements at this time.

Mr. Soh proceeded with the staff's analysis and recommendation. The recommendation of the staff was for denial of the special permit. It further stated that the Shipman's request should have probably been submitted for a boundary change in accord with the Attorney General's Opinion 63-37 which provides an excellent guideline in cases of this nature. The staff, however, recommended that should the petition have been processed as a boundary change the staff's recommendation would still be for denial.

Question and Answer Session

Chairman Thompson stated that the impression he has is that the petitioner is making a distinction between light and heavy industrial use. Mr. Nevels replied in the affirmative, stating that there is definitely a distinction and they were primarily and basically interested in heavy industrial uses. He stated that he did not want to exclude the light industrial uses because in many ways they support the heavy industries. He stated that this would be an ideal spot for noxious industries, but basically this would be up to the County Planning and Traffic Commission (though they did not want to exclude this).

Commissioner Wenkam stated that he felt that this request before this Commission was not within the premise of a Special Permit and felt that it would fall more within the scope of a Boundary Change. He stated that every consideration of this particular request indicates a petition for boundary change would be more proper.

Legal Counsel stated that there are two avenues that a petitioner may approach: (1) a special permit; and (2) a boundary change. The way the statute is written, it does not prohibit the petitioner from filing for a special permit, but holds within the jurisdiction and powers of this Commission to deny the special permit on grounds that this is a proper subject for boundary change. The legal counsel stated that the petitioner is entitled to a procedural hearing based on a procedure for special permit; however, in legal counsel's opinion basically it indicates that this application (in question) should be a proper subject for boundary change. However on the last page of legal counsel's opinion, it states that the petitioner cannot be prohibited from filing a special permit application with the (County) nor can he be denied the right to a public hearing to be heard on behalf of his petition.

Chairman Thompson asked legal counsel, "Should the Commission deny the petitioner's request, would the petitioner need to go through another hearing in terms of a boundary change?" Legal counsel replied in the affirmative.

Mr. Nevels stated that at the time this special permit was made, it was upon the advice of the then Executive Officer (William Mullahey), at which time there

was no commission. It was because of this reason that petitioners have used this procedure.

Mr. Nevels stated that the amount of acreage involved in this request is less than 600 at this point. He stated, however, if this Commission were to grant a boundary change or a special permit for this area, they would certainly want to be under the impression that additional area, mauka of this (as the need arose), would be permitted within this 600 acres of land. He stated that they are not at this time requesting for the entire 600 acres for both the botanical garden and the industrial park, but would want some indications on whether the district would be allowed. Mr. Nevels sated that if it were necessary for them to reapply, they would reapply. He confirmed that the request at this time is for 19 acres only.

Commissioner Wenkam suggested that the special permit request should be denied because it is not submitted in the proper form and that the petitioner be allowed to resubmit his petition for a change in temporary district boundary.

Commissioner Burns stated that as he understands legal counsel's recommendation it states in essence that this petition be a boundary change rather than a special permit on the basis of its potential magnitude.

Legal counsel stated that the procedural devise as set forth under the Law provides for it but when it comes to substitute action on the part of the Commission it seems as though this is a proper subject for boundary change. The statute provides two avenues of approach for procedural hearing, but when this Commission acts on this, this would seem a proper subject for boundary change, rather than a special permit.

Commissioner Wenkam stated that in other words the petitioner has a right to appear and request action on a special permit, but it is up to this Commission to decide whether it is proper to grant his request for a special permit. Legal Counsel replied in the affirmative.

Commissioner Burns asked whether there was any way which this Commission could expedite the petitioner's request on a boundary change? He felt that because the petitioner was advised to go this route, this Commission should find a way to expedite this request.

The Chairman directed Commissioner Burns question to the Legal Counsel and the Executive Officer.

Legal counsel stated that the petitioner is limited by Law. The Executive Officer stated that by Law it would take 5½ months before a decision would be forthcoming under a boundary change, if processed at this time. He pointed out for the petitioner's consideration the fact that the final district boundaries would be adopted by the time any action can be taken on a petition for a boundary change, if it were initiated at this time.

Mr. Nevels stated that with this consideration in mind that the final district boundaries will be adopted prior to the assumed time period for action of 5½ months, he would suggest that this matter be pursued (as today) and made part

of the record; so that when the establishment of the final district boundaries come up the Commission will have heard this matter (as it will be on record), and hope that the final boundaries will take care of this situation. He stated that they will appear at the public hearings on the proposed final district boundaries, but stated that since they were here at present and were advised to initiate this special permit, he would appreciate it if they could be given the opportunity to present their testimonies and rebuttals for the record at this time.

The Executive Officer was in accord with this request.

The Chairman stated that this Commission will then proceed with this matter on this basis, which in essence means that this Commission is denying this special permit.

Mr. Nevels acknowledged the Chairman's remarks, stating that they understand that their special permit request will be heard fully at this time, and will be considered by this Commission when the establishment of the final district boundaries takes place.

A lengthy discussion followed on this request which was summarized in closing statements by Mr. Nevels.

Mr. Nevels stated that the petitioner will not sell any of the lands for development but will lease out lands on a long term basis. Mr. Nevels commented on the lands mentioned as being now available or projected to be available for industrial areas. He stated that:

1. <u>the Hawaiian Home Lands</u>

   Are occupied by vast number of people living in the area and was certain that noxious industries of whatever type would not be permitted. He stated that the county dump in the area would not be an attractive location for an industrial development. He stated however, that the area had some advantages that it was near to the jet runway and docks.

2. <u>the Lands to be Available by the Department of Land & Natural Resources</u>

   Are not zoned for this and will need to be rezoned. He stated that he doubts there will be heavy industry in there as this has been made clear by the County Planning Office because of the residences already established in the area. He stated that competition would be evident between the State and private industry, but Mr. Nevels felt that this would be a healthy and new concept.

He also commented on the declining population and stated that this was true until two years ago, but apparently the population is now increasing. He added that employment is also increasing along with this. He remarked that at the present moment sufficient industrial land is not available and that there is no question it will be made available. He suggested that there are places for different types of industries and submitted that commercial and industrial

are different from heavy industries. He stated that this area is most fitting and most suitable for heavy industry.

Mr. Nevels commented on the master plan of the County of Hawaii. He stated that the master plan of Hawaii County (which indicate the area in question as agriculture) was adopted last week (1/8/64) merely to get something on the floor so it could be discussed by the Board of Supervisors. Mr. Nevels stated that in every likelihood the master plan as submitted will not be severly amended, and would remain generally in its present form.

The legal counsel expressing concern on this matter stated that he would recommend that the staff follow-up on this and obtain a formal statement from the Hawaii County Planning and Traffic Commission concerning their recommendation for approval on this special permit and adopting a master plan for Hawaii County contrary to this recommendation.

Commissioner Ferry clarified a point made by Mr. Nevels. He stated that the intention of the State is definitely not to compete with private enterprises. The State has an obligation to victims of the tsunami disaster Hilo area. The needs that are on record total 40 to 50 acres for those people who are supposed to be relocated but have not as yet, and the State is seeking areas to fulfill this need.

Mr. Nevels replied that he meant to indicate that if there were a need for lands other than what the State is proposing, they would like to be permitted to develop. Mr. Devine added that one frustration they have is not being able to get actively involve with people who have indicated interest in these lands.

Commissioner Burns asked if this Commission should deny this request, could it technically accept information that has been given at this time and make it part of the record for consideration at the time the final district boundaries are to be acted upon?

Legal counsel replied that the information presented today is a matter of public record which becomes public information. Therefore any information this Commission will use as basis for the determination of the final district boundaries would be from public information and would assume the information being submitted today would be considered as public information. The Executive Officer also added that the information presented today would be included in the minutes.

The general consensus of this Commission was that when the Commission holds a public hearing in the County that this area is situated, the information that has been offered at this meeting will be considered at that time.

Commissioner Ferry moved to deny the petition for special permit on the basis that it is not a proper subject for a special permit. Commissioner Nishimura seconded the motion.

The Executive Officer polled the Commissioners: Approval: Commissioners Wung, Inaba, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson. Disapproval: Commissioner Ota.

Meeting adjourned at 10:00 A. M.

Ref. No. LUC 25

January 9, 1964

W. H. Shipman, Ltd.
c/o Nevels and Chang
Hilo Hotel Annex
Hilo, Hawaii

Attention: Mr. L. N. Nevels, Jr.

Gentlemen:

This is a follow-up reminder to you of the Land Use Commission meeting scheduled for January 18, 1964 at 9:00 a.m. in the Land Use Commission hearing room, 426 Queen Street, Honolulu, Hawaii.

At the request of Mr. L. N. Nevels, Jr. your application for special permit has been placed on the Commission's agenda for consideration at this meeting. Final action may be taken at this time.

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

Eagle-31
Type-Chase

Ref. No. LUC 770

December 2, 1963

W. H. Shipman, Ltd.
c/o Nevels and Chang
Hilo Hotel Annex
Hilo, Hawaii

Attention: Mr. L. N. Nevels, Jr.

Gentlemen:

At the request of Mr. L. N. Nevels, Jr., by letter dated November 19, 1963, the Land Use Commission has deferred action on your application for special permit until January 18, 1964.

The deferral was made specifically at Mr. Nevels' request and in what is believed to be in your interest. We shall contact you should it become necessary to change the specific date to accommodate other issues which may arise in the area.

Sincerely,

R. YAMASHITA
Executive Officer

cc: Mr. Myron Thompson
~~Mr. Roy Takeyama~~
Hawaii Planning & Traffic Comm.

Luman N. Nevels, Jr.
Patrick L. McLane
Hilo Hotel Building
Hilo, Hawaii
Telephones:
44-101 45-775

Nevels and Chang

ATTORNEYS AT LAW

Charles K. C. Chang
Suite 920
1441 Kapiolani Blvd.
Honolulu 14, Hawaii
Telephone: 995-305

774

November 19, 1963

RECEIVED
NOV 20 1963
State of Hawaii
LAND USE COMMISSION

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu 13, Hawaii

Ref.: LUC 754

Dear Mr. Chairman and Members:

By letter received this morning, we were informed on behalf of W. H. Shipman, Limited, of the Commission meeting to be held on November 22, 1963, concerning the W. H. Shipman, Limited Application for Special Permit.

On behalf of W. H. Shipman, Limited, we respectfully request that we be permitted to present our views on the Staff Report, which was kindly sent us with the notice of the meeting, at the next regular meeting of the Commission which we understand is on the 18th day of January, 1964.

Ry told him 1/8/64 taking for granted he was referring to meetings in Honolulu. But there is a meeting scheduled in Dec. in Hawaii

We request this postponement of our appearance in view of prior commitments in the Circuit Court of the Third Circuit which matters have been set for some months prior to our notice from your Commission.

On behalf of our client, we would very much desire to present the point of view of the Company and to comment on the Staff Report. We do definitely desire to proceed with the development of the Industrial Park for which the Special Permit was requested and would appreciate the opportunity to be fully heard concerning this.

This letter is being written at the suggestion of your staff member, Mr. Yamashita.

Respectfully yours,

NEVELS AND CHANG
Attorneys for W. H. Shipman, Limited

By L. N. Nevels
L. N. Nevels, Jr.

LNNjr/jm
cc.: Mr. H. C. Shipman
Mr. R. E. Devine

Luman N. Nevels, Jr.
Patrick L. McLane
Hilo Hotel Building
Hilo, Hawaii
Telephones:
44-181 48-775

Nevels and Chang

ATTORNEYS AT LAW

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This letter is being written at the suggestion of your staff member, Mr. Yamashita.

Respectfully yours,

NEVELS AND CHANG
Attorneys for W. H. Shipman, Limited

By _____
L. N. Nevels, Jr.

LNNjr/jm
cc.: Mr. H. [illegible] Shipman
Mr. R. [illegible] Devine

Luman N. Nevels, Jr.
Patrick L. McLane
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NEVELS AND CHANG
Attorneys for W. H. Shipman, Limited

By L. N. Nevels, Jr.

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Respectfully yours,

NEVELS AND CHANG
Attorneys for W. H. Shipman, Limited

By L. N. Nevels, Jr.

LNNjr/jm
cc.: Mr. H. C. Shipman
Mr. R. E. Devine

Ref. No. LUC 754

November 18, 1963

W. H. Shipman, Ltd.
c/o Nevels & Chang
Hilo Hotel Annex
Hilo, Hawaii

Attention: Mr. L. N. Nevels, Jr.

Gentlemen:

The Land Use Commission will meet on November 22, 1963 to discuss your application for special permit. The meeting is scheduled to begin at 10:00 a.m. in the meeting room of the Department of Planning and Economic Development at 426 Queen Street (second floor), in Honolulu.

A copy of the staff report to the Commission prepared on your application is enclosed for your review. Should you desire to rebut any of the recommendations contained therein, you are invited to be present at the November 22 meeting in order to offer your comments.

Sincerely,

R. YAMASHITA
Executive Officer

Enclosure

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
426 Queen Street, Honolulu, Hawaii

10:00 A.M.
November 22, 1963

STAFF REPORT

W.H. SHIPMAN, LTD.

Temporary District Classification: AGRICULTURAL

Background

The Planning and Traffic Commission of the County of Hawaii has referred to the Land Use Commission their approval of an application for a special permit by W.H. Shipman, Ltd.

The Shipman firm proposes to subdivide and develop an industrial park on approximately nineteen (19) acres of land situated in Puna just south of the South Hilo judicial district and approximately two hundred (200) yards mauka of the Volcano load. According to the map forwarded with the application, the nineteen acres is part of a first increment seventy-one (71) acres in size. The map also shows in addition as much as three hundred (300) acres for second increment development and over one hundred (100) acres proposed for development of a botanical garden. The total development is perhaps less than five hundred (500) acres.

Soils of the land in question were not classified during the 1959 survey of the Land Study Bureau. The area is covered with dense forest growth including ohia, kukui and staghorn. The three quarters of a mile between the property and Keaau are chiefly in sugar cane. Hilo, mauka and makai of the property are more forest growth.

Downtown Hilo is approximately seven miles away but the Panaewa houselot and agricultural subdivisions are only about one mile away. Across the Volcano Road is the entrance to a macadamia nut orchard to which access is possible along two miles of partly paved road.

In forwarding the special permit application the County of Hawaii Planning Director wrote "that 'a large new industrial plant with a lease already executed' is to be developed immediately upon governmental sanction of the special permit." He wrote further that "the plant will be hiring in excess of 250 persons when it is in full operation." Your staff has attached to these comments considerable importance because of the closing of Flintkote's Hilo plant at the close of last month. Additional time was therefore requested at the Land Use Commission's meeting on November 1, 1963 to ascertain whether the development were imminent or not, since the Planning and Traffic Commission's decision was doubtless motivated by the prospect of a new industry in Hilo.

The staff has found that the large industrial operation in question is a proposal by a Mr. Olsen to establish an ohia particle board manufacturing plant. However, the staff has not found that the development is imminent nor that the operation must necessarily be located on the Shipman property. Although the Hawaii County Planning Director's letter in part avers to a lease signed by the Olsen and Shipman interests, the staff does not believe that the particle board operation is firmly committed to the Shipman location.

Analysis

The proposal to develop a nineteen or twenty acre subdivision should be viewed in terms of long term effects on land use and land development. The

proposed subdivision is but a portion of the first increment of an industrial subdivision several hundreds of acres in size. As such the subdivision would mean a considerable change in the existing land use pattern which might one day lead to specific requirements for public facilities.

The Shipman property is about one mile from the Panaewa Houselot and Agricultural Lot Subdivisions being built by the Department of Land and Natural Resources. The staff inquired whether this would mean extension of the eight inch Panaewa water line for the Shipman property, but Mr. Nevels, attorney for the Shipman interests indicated that it need not since well supplies might be available on the property. Asked if test wells had been dug, Mr. Nevels replied that they had not.

Thus if an industrial subdivision were to be built on the Shipman property there is a distinct possibility that a public supply either from Keaau or Hilo (Panaewa) must be developed. If the supply were brought in from Panaewa, a forced main would have to be used part of the way and the existing low pressure at the Panaewa end increased in same way. It is doubtful if Keaau can supply much water for the Shipman subdivision, since the two million gallon per day well supplies may not be sufficient to satisfy all existing residential and industrial demands at Keaau on a sustained and economical basis.

Mr. Suefuji of the Hawaii Planning and Traffic Commission staff feels that there is a need for more industrial land in Hilo and on this basis the Shipman subdivision should be approved.When it was pointed out that considerable acreage surrounding Hilo airport was zoned for industry, he replied that although it was zoned for industry, the lands were not available since they were chiefly owned by the Department of Hawaiian Homes Lands whose lands

could not be leased for periods longer than five years.

Your staff is also obliged to point out that this situation is particularly acute at the present time due to the number of industries compelled to relocate because of the 1960 tsunami. The displaced operations are primarily engaged in contracting which for the most part now operate out the contractors' residences.

To relieve this pressure for industrial land, the Legislature in 1962 appropriated $300,000 to develop the first increment (21 acres) of a commercial and industrial subdivision. In addition the Department of Hawaiian Home Lands has three times requested legislative action to lift the five year limit on its leases and intends to approach the legislature again next year.

In a report prepared for the Department of Land and Natural Resources entitled Development of State-Owned Industrial in Hilo, Hawaii, dated March, 1962, consultants pointed out development opportunities on 225 acres of State land, 65 of which were then vacant and the remaining 160 acres to be withdrawn from National Guard control. Development plans for more than twenty acres of this area are now being developed although the development itself is subject to Land Use Commission approval of a boundary change petition now pending. In addition ten acres of land adjacent to Kanoelehua Avenue should be available for leasing in about a year.

The report further shows industrial development opportunities for 233 and 294 acres of Hawaiian Home Lands straddling Kanoelehua Avenue and

Puna of Kawili Street. It is felt that if the combined industrial acreage of the State and the Department of Hawaiian Home Lands were available, the need for the Shipman industrial subdivision would be nil since the area owned by the State and Hawaiian Homes are locationally superior; they are closer to transportation facilities and urban utilities and facilities available in Hilo proper.

Recommendation

The staff feels that the proposed Shipman industrial subdivision is a desirable use and is located on land suitable for industrial uses. However, the staff feels that at the present time the site is too far removed from supporting urban facilities,and from a locational standpoint other areas are more suitable for industrial development which are being made available. The staff believes there is no firm or urgent need for a radical departure from the State General Plan or the County of Hawaii's Plan for the Metropolitan Area of Hilo which the Shipman proposal would entail.

To grant a special permit for the Shipman industrial subdivision would in fact mean the creation of a special, non-contiguous urban district contrary to the intent and purposes of Act 187/SLH 1961 and Act 205/SLH 1963.

The staff feels that a special permit grant in this case would in fact be a sanctioning of an intensive urban use in an area where public facilities are not currently available except for a highway and electric and telephone utilities. Intensive urban development on the Shipman property at this time, the staff feels, would lead eventually, although not presently anticipated, to costly extension of a varied range of public facilities. The staff

believes that the government has higher priorities than this undertaking.

The staff, therefore, recommends that the application for special permit be denied at the present time.

In closing, your staff feels that the Shipman request should properly have been submitted as a petition for a boundary change to accord with the Attorney General's Opinion 63-37, which provides an excellent guideline in cases of this nature. However, were the petition to be processed in this manner, the staff's recommendation would still be for denial.

PLANNING AND TRAFFIC COMMISSION
COUNTY OF HAWAII
HILO, HAWAII, U. S. A.

RECEIVED
JUL 26 1963
State of Hawaii
LAND USE COMMISSION

July 26, 1963

JUL 30 1963

(1a)

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

Gentlemen:

In accordance with Section 98 H-6 of Act 205, State of Hawaii, the Planning and Traffic Commission of County of Hawaii shall hereby transmit the decision and findings on the following special permit cases:

1) 20-acre Industrial Subdivision of W. H. Shipman, Ltd.
2) Development and Construction of a single-family dwelling unit on a lot 23,727 square feet in area.
3) Development and Construction of a bulk-storage facility for Isle Gas on a lot 5,625 square feet in area.

1. Shipman Industrial Subdivision
Portion of L. C. Application 1053, Keaau, Puna, Hawaii
Tax Map Key 1-6-03.

FINDINGS.

Special permit is requested for 20 acres colored in yellow in the attached map. The request was amended from the original application of 300 acres. The land lies mauka of the present divided highway between Hilo and Keaau and Bordered on the Hilo side by State of Hawaii Panaewa Forest Reserve, on the Keaau side by sugar cane field on land owned by W. H. Shipman, Ltd., and across the Volcano Road (major highway) by Keaau Macadamia Nut Orchard on land also owned by W. H. Shipman, Ltd. The land immediately mauka of the Volcano Road is reserved for an extensive botanical garden. It is therefore felt that the site is sufficiently isolated and buffered from residential encroachment.

It has been indicated that "a large new industrial plant with a lease already executed" is to be developed immediately upon governmental sanction of the special permit. It was reported at the public hearing that the plant will be hiring in excess of 250 persons when it is in full operation.

According to Bush and Gerakas (Planning and Research) in the study, "Development of State-Owned Industrial Land in Hilo, Hawaii," it was mentioned that there was an immediate demand of over 50 acres of industrial land in the Hilo area by local industrialists.

The general area is under the State Agricultural Zone District and presently covered with indigenous vegetation. Soil type is believed to be relatively porous, aa type. The topography is gradually sloping toward mauka direction.

The Volcano Road, a divided State highway, provides rapid and readily accessible route to Hilo Harbor and to the airport.

For the above reasons, it is felt that the said use is reasonable and will not be detrimental to the surrounding land. The land is not now or ever was in use for agricultural pursuit, hence, agricultural land is not being taken out of production.

DECISION

The Planning and Traffic Commission approved the special permit request for 20-acre industrial land without any conditions.

Under Ordinance No. 23, County of Hawaii (Existing Zoning Ordinance for Hilo, Honokaa, and Keauhou Bay) it is stated that, "The term 'industrial uses' shall include such uses as boiler and steel works,planing mills, lumber yards, foundries, shipworks, canneries, oil storage plants, lime kilns, which do not emit dust nor noxious or offensive fumes, junk establishments, factories, machine shops employing more than ten people, blacksmith shops and all such works other than noxious industries."

The said Ordinance also stipulates that, "Commercial business and industrial buildings shall provide adequate off-street facilities for loading and unloading merchandise and goods in such manner as not to obstruct the freedom of traffic movement upon the public street."

It states further that, "No building permit shall be granted unless there is included with the plan for such building or improvement a plot plan showing required open space or garage to be provided in connection with such structural improvement for off-street parking together with means of ingress and egress to a street or alley ... "

2. Single-family dwelling unit for Archie Zane
Lot 1, a portion of L. C. Aw. 4983
Ponahawai, South Hilo, Hawaii
Tax Map Key 2-5-06-113.

FINDINGS:

Special permit is requested for the construction of a single-family dwelling unit on a lot 23,729 square feet in area. The said lot already is built with

two single-family dwelling units, presently they are being rented out. The buildable area for this request is on an area 8,850 square feet.

The two houses were built prior to the enactment of Act 187. The County Zoning of A2 - 7500 permitted such development.

The land abuts the interim urban zoned district on the Hilo side. It is about 2000 feet from Kaumana Village interim Urban Zoned District.

There are scores of single-family dwelling units built alongside Kaumana Drive in this general vicinity. The predominant lot size is in excess of 7500 square feet.

At the time the two other houses were under construction, a cesspool was dug at the site presently under concern.

The land is covered with pahoehoe lava, and relatively bare except for scattering of indigenous plants, mainly guava.

The land is in the State Agricultural Zoned District, however, it is not being used nor ever was used for agricultural pursuit.

The applicant reported that he had already purchased and is presently storing in a neighbor's yard, the lumber and construction material for the house.

The request is not a special permit for a subdivision, but simply for the construction of a third house on a lot 23,727 square feet in area.

The use as requested will not be detrimental to surrounding land uses nor would it have any deleterious effect on public health, safety, and general welfare.

DECISION

The Planning and Traffic Commission granted approval to the special permit to build a third single-family unit in a lot 23,727 square feet, with a buildable area of about 8,850 square feet without any condition.

3. Small Tank Farm with Pumping Facility for Honolulu Gas Equipment Company.
R. P. 5671, L. C. Aw. 8521-B, Apana 1, Waimea, South Kohala, Hawaii
Tax Map Key 6-7-02

FINDINGS:

Special permit is requested for the construction of a tank farm with pumping facility on a lot about 5,625 square feet in area and located approximately 1,000 feet southwest of the junction of Mamlahoa Highway and Lindsey Road.

The land is in the State Agricultural Zoned District. The use of the land is presently for grazing. There is a single-family dwelling unit about 200 feet southerly of the said site. The site abuts a gravel surfaced roadway about 15 feet in width which leads to Parker Ranch Breaking pens.

The present owner of the land is Richard Smart. It is to be leased for the requested purpose.

The Master Plan of Hamakua-Kohala which this area is a part, has not been crystalized as yet.

The use as requested will not now have detrimental effect on surrounding land uses, however, it is suggested that proper conditions be stipulated to safeguard possible future land uses, should the surrounding area be developed for residential purposes.

DECISION

The Planning and Traffic Commission granted approval of the special permit for the development of a tank farm and pumping facility (bulk storage facility) for Honolulu Gas Equipment Company with the following conditions:

1. A buffer strip, a row of thickly planted hedges, approximately 2-3 feet in width be developed and adequately maintained inside or outside of the proposed cyclone fence abounding the said site.

2. The use of the site and of the adjacent land shall be examined periodically by the staff of the Planning and Traffic Commission for any major changes in circumstance or trend in development.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Edgar A. Hamasu

Edgar A. Hamasu
Director

EAH:mh

cc Enclosure

NEVELS AND CHANG

July 1, 1963

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Re: Shipman Industrial Park

Dear Mr. Chairman and Members:

Please find enclosed W. H. Shipman, Limited check in the amount of $30 as the required fee.

On behalf of W. H. Shipman, Limited and Keaau Land Company, Limited, we hereby request a variance limited in time until the final Zoning Ordinance shall have been adopted allowing the permanent use of the lands hereinbelow described as an industrial park.

The lands concerned are 300 acres on the north Hilo side of the boundary with South Hilo.

The lands concerened lie entirely mauka of the present divided highway between Hilo and Keaau.

The proposed use for which this temporary variance is sought is for light and heavy industry in the described area. Particular care shall be taken to maintain a park-like atmosphere through the entire development. In this connection, please be advised that an extensive botanical garden is planned in conjunction with the industrial park itself.

As can be observed from the map and the vicinity map attached hereto, the site lies directly makai of the extensive macadamia nut orchard operated by Castle & Cooke. The land itself consists of medium to heavy rain forests. No portion of the land is being, nor has it been during historical times, used for agricultural pursuits or for any other income-producing purpose other than the sporadic gathering of hapuu. The lands to the south are used for sugar cane production; the lands to the north are similarly dense forest.

The proposed industrial park has been under consideration since early 1961. Extensive engineering thought has been given and a large number of proposals have been considered. At the present time there is a large new industrial plant with a lease already executed subject only to governmental permission to utilize these lands for industrial purposes. Our clients are therefore, as may well be imagined, extremely interested in proceeding as rapidly as possible with the extensive developments that will be necessary. We would therefore appreciate as expeditious handling of this request for temporary variance as may be given by your Commission.

As mentioned above, a plot plan and vicinity map is attached herewith.

Respectfully submitted,

NEVELS AND CHANG
Attorneys for W. H. Shipman, Ltd.

By /s/ L. N. NEVELS, JR.
L. N. NEVELS, Jr.

LNNjr/jm
Encs.

Ref. No. LUC 637

August 13, 1963

Mr. L. N. Nevels, Jr.
Hilo Hotel Building
Hilo, Hawaii

Dear Mr. Nevels:

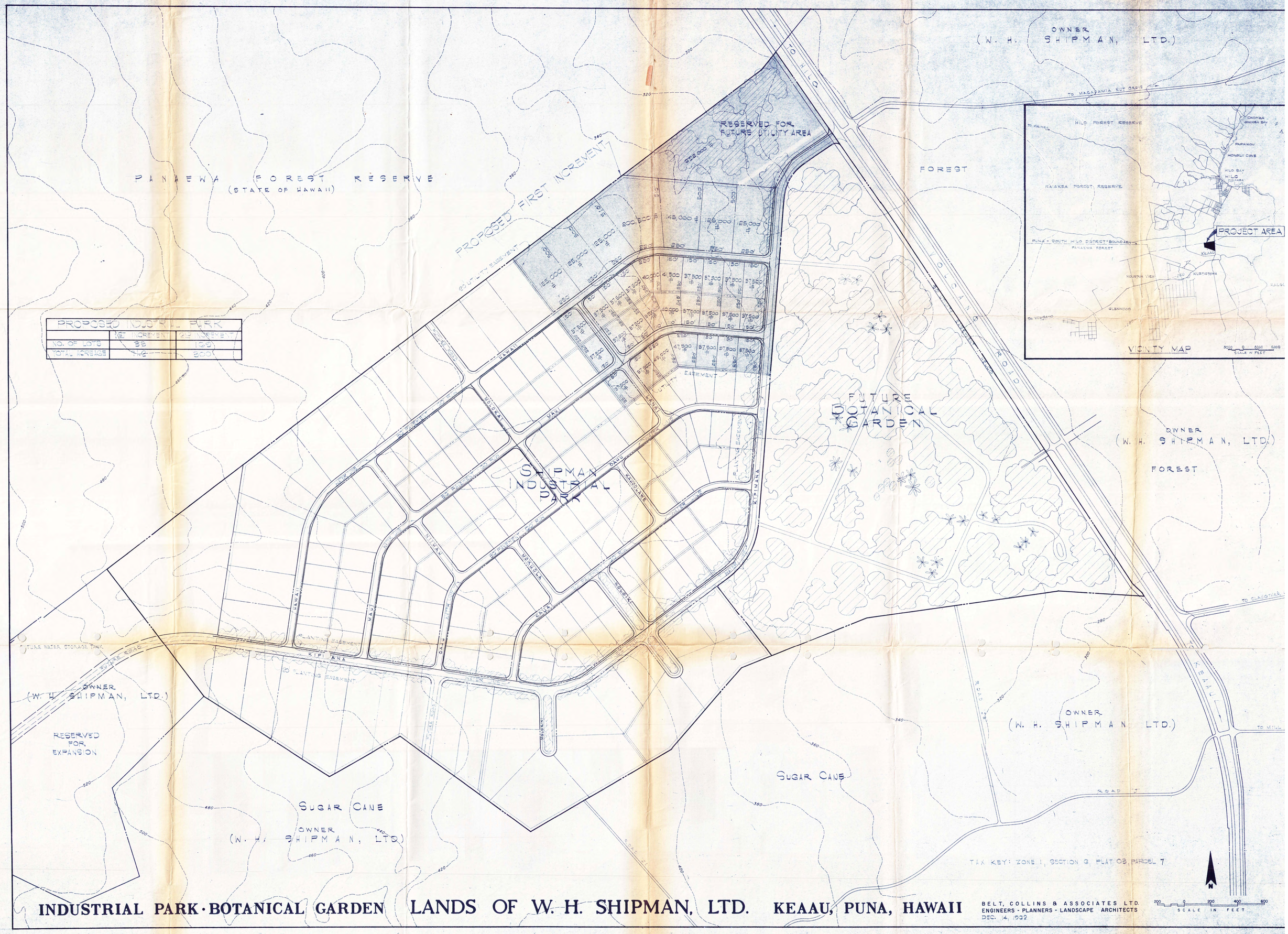
This is to inform you of the status of your application for Special Permit which received an affirmative decision from the Hawaii County Planning & Traffic Commission. Your application for Special Permit has been forwarded to this office for the review and final action by the Land Use Commission.

Your application will be reviewed by the Land Use Commission shortly after their appointment; indications point toward the naming of a new commission on or before September 1, 1963.

You will be notified of developments pertaining to your application as they occur. Thank you for your patience shown thus far.

Very truly yours,

W. M. MULLAHEY
ACTING EXECUTIVE OFFICER



INDUSTRIAL PARK · BOTANICAL GARDEN LANDS OF W. H. SHIPMAN, LTD. KEAAU, PUNA, HAWAII

BELT, COLLINS & ASSOCIATES LTD.
ENGINEERS - PLANNERS - LANDSCAPE ARCHITECTS
DEC. 14, 1962

ZONE 2, SEC. 4

Heavy Forest

(889.708 Ac)

Edge of cane

Cane

Aa Flow with dense forest

(1879.310 Ac)

W. H. Shipman Ltd.

802.631 Ac.

(702.858 Ac)

Ld.

State of Hawaii (Hawaii National Guard) Ct.
HAWAII NATIONAL GUARD ARMORY SITE
Exec. Order No. 1786
3.044 acs.

SEE INSET

W. H. Shipman Limited

App.

131.484 acs.

Puna Sugar Co. Ltd.
54.25 Acs.
Puna Sugar Co. Ltd.
52.457 Acs.

W. H. Shipman Ltd.
(8.216 Acs)

163.034 Acs.
(140.818 Ac)

Castle & Cooke Inc.
7.729 acs.

(Tsuruya Cdaple

PLAT 141

VOLCANO ROAD

Plantation Roadway

Kaeau Road

Plantation Road

PLAT 01

Castle & Cooke, Inc.
(251.222 acs)
494.484 acs.
Heavy Forest

(600.735 acs)

(850.619 acs)

(349.388 acs)

(249.581 acs)

(20.0 acs)

(42.887 acs)

(10.035 acs)

W. H. Shipman Ltd.
661.856 acs.

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

Catherine Laughor -1/3
Robert Aoudier -1/3
Edith A.L. Thomas -1/3
53.36 acs.
Por. of L.C. Aw. 8559-B:16
(Koji Iwasaki 6.00 acs)

Owner of Par 54
W. H. Shipman, Ltd.
(Hilo Meat Cooperatives, Ltd.) le

OLAA TRIG.

T.H. Lis Pendens Civil 194 over 1.251 Acs.

PLAT 86

PLAT 27

PLAT 11

PLAT 04

To Pahoa

True North
(1" = 200')

INSET

DROPPED & TRANSFERRED TO PLAT 142

True North
(1" = 1000')

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

Parcels Dropped: 16, 24, 6, 53, 54
30 to 52, 20;

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

Dwg. No. 12209
Source: Tax Map Dept. Survey Dept. L.I.Cl. Apr. 1953
By: J.K.H. & D.C. March 1955

Portion of L.C. Aw. 8559-B:16 Apr. 1953. KOHALA, HONA, HAWAII. (& KEAAU VILLAGE)