

W.H.SHIPMAN, LTD.

SP65-13

July 21, 1965

Mr. Richard E. Devine ✓
W. H. Shipman, Ltd. ✓
230 Kekuanas Street
Hilo, Hawaii

Dear Mr. Devine:

This is in reference to the problem posed by your special permit application SP65-13 and your letter of June 4, 1965. The problem has been under advisement for some time and we apologize for the delay.

However, we have been experiencing a rather serious staff shortage and was not able to handle your issue as expeditiously as we normally would. Mr. George Moriguchi succeeds to the position of Executive Officer on Friday, July 23, 1965 and we expect him, together with a staff member, to visit you in about a week to resolve the issue. We will call you early next week to set up a meeting for this purpose.

Your continuing cooperation on this and other matters is sincerely appreciated.

Sincerely yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Hawaii Planning Commission

June 15, 1965

Mr. R. E. Devine, Treasurer
W. H. Shipman, Limited
230 Kekuanaoa Street
Hilo, Hawaii

Dear Mr. Devine:

This letter is to acknowledge your letter dated June 4, 1965. We had hoped to provide you with a more detailed answer by this time but find that the issues you raise need further consideration.

We hope to provide you with a comprehensive reply shortly.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

RSY:km
cc: Mr. M. Thompson

W. H. SHIPMAN, LTD.

230 KEKUANAOA ST. • HILO, HAWAII

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June 4, 1965

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State of Hawaii
LAND USE COMMISSION

Mr. Raymond S. Yamashita
Executive Officer
Dept. of Planning & Economic Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

Following our phone conversation this afternoon I am writing you as suggested concerning the special permit request SP65-13 of W. H. Shipman, Ltd. to urbanize approximately 30.8 acres in six scattered areas in and around the village of Keaau. Your staff report recommended denial of this petition.

As explained to you by phone, five of these six parcels are existing plantation camps which were formerly part of a master lease to Puna Sugar Company, Ltd., which lease expired on December 31, 1964. These campsites were not included in the area now leased to Puna Sugar Company under their new lease effective January 1, 1965. The principal reason for this, according to my understanding, is the general desire of all plantations to get out of the housing business. Accordingly, prior to the expiration of the old lease, an agreement was reached between W. H. Shipman, Ltd., Puna Sugar Company, Ltd., the I.L.W.U. and others representing residents in these camps that W. H. Shipman, Ltd. would lease each camp to a hui of residents in the camp, each camp area as a separate lot. In other words, W. H. Shipman, Ltd. was not interested in leasing individual houses and the area occupied by each house to individual residents. The rental of each campsite was on the basis of \$25.00 per acre per year plus property taxes. The association or hui representing each camp agreed to prorate the total rental to each house and collect this rental and taxes and pay it to W. H. Shipman, Ltd.

I think it is obvious that the situation here is of a social nature rather than an economic one. Most of these camp residents, according to my understanding, are either employees or pensioners of the Puna Sugar Company. Most of them are on the elderly side. The houses in these camps were sold to the individual residents by the Puna Sugar Company for a very nominal sum several years ago on the understanding that they would have to move the houses or abandon them at the expiration of the plantation lease with W. H. Shipman, Ltd. as Puna Sugar Company could not guarantee that W. H. Shipman, Ltd. would be willing to lease to individuals.

The union and other representatives of the employees, as well as Puna Sugar Company, however, did approach W. H. Shipman, Ltd. with the resultant agreement that W. H. Shipman, Ltd. would lease each camp as one parcel. The houses are generally old and consequently have little or no resale value. As a result, the cost of acquiring an additional parcel of land and moving these houses thereon is practically impossible for most of the present owners.

Mr. Raymond S. Yamashita

June 4, 1965

Frankly, W. H. Shipman, Ltd. explored with the Union the possibility of opening up a tract of land somewhat removed from the present Keaau Village on the Puna Road where these substandard houses could be moved and not be a blight on adjoining property. This, too, proved impractical if not impossible.

It is not the intention of W. H. Shipman, Ltd. nor the Union representatives to try to perpetuate this camp housing situation but rather as present tenants pass on or move away, to gradually phase out this usage of the camp areas.

In line with this thinking, the lease term is for a period of ten years with an option to renew for an additional period if the housing use of the areas has not been phased out at that time. These, then, are the reasons for requesting a zoning change and, I believe, essentially why the County Planning & Traffic Commission recommended approval.


In the case of the 6th parcel, specifically Lot B, containing 1.8 acres, Tax Map Key 1-6-03: Por.8, this is the residence of the plantation physician. It has been used as a residence for many many years and recognizing this the County Master Plan proposes to zone it residential. Here, too, the resident physician, Dr. Steuermann, has purchased this house from the plantation and desires to lease or purchase the individual lot from W. H. Shipman, Ltd.

We are constantly besieged and beseeched by individuals in these camps as well as their attorneys as to when the camp leases will be executed. Our surveyors have prepared the necessary maps for submission to the Land Court creating separate lots for these six parcels but we have not filed our petition with the Land Court in the hopes that your Land Use Commission would grant approval to the rezoning.

We do appreciate your willingness to restudy the situation and we hope you will be able to recommend a course of action to us.

Yours very truly,

W. H. SHIPMAN, LTD.


R. E. Devine, Treasurer

STATE OF HAWAII
LAND USE COMMISSION

MINUTES OF PUBLIC HEARING AND
MEETING

Board Room, County Building
Hilo, Hawaii

1:00 P. M. - March 19, 1965

Commissioners

Present:

Myron B. Thompson
Charles S. Ota
Goro Inaba
Shiro Nishimura
Robert G. Wenkam
Leslie E. L. Wung
Jim P. Ferry

Absent:

C.E.S. Burns
Shelley M. Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Gordon Soh, Associate Planner
Alberta Kai, Stenographer

The public hearing was called to order by Chairman Thompson who opened the meeting with a prayer. The Commissioners and staff were introduced. The procedures of the public hearing were outlined. All persons participating or presenting testimonies during this hearing were sworn in by the Chairman.

PETITION OF MOLLY D. ZIMRING (A64-73) TO AMEND DISTRICT BOUNDARIES IN THE VICINITY OF THE JUNCTION OF KUPULAU ROAD AND AINALOA DRIVE IN HILO FROM AN AGRICULTURAL DISTRICT BOUNDARY TO AN URBAN DISTRICT BOUNDARY SO AS TO INCORPORATE 25.67 ACRES WITHIN THE HILO URBAN DISTRICT FOR DEVELOPMENT OF A 25 LOT SUBDIVISION: Described as Third Division, 2-4-36: 1 (formerly 2-4-05: 43), containing 25.67 acres.

The background and analysis on the above petition was presented by Gordon Soh (copy of report on file). The staff's recommendation was for denial on the following bases:

- (a) that the land in question is as much if not more so, surrounded by agricultural uses as urban uses;
- (b) that there are areas more suitably located and easily serviced by public agencies closer to Hilo;

- (c) that the area is not clearly identifiable with the existing developments at Camp 6;
- (d) that sufficient areas in Hilo have been districted for urban growth for the next ten years;
- (e) that the topography and drainage of the parcel is as much suitable for grazing as for urban uses;
- (f) that other low density areas contiguous to urbanized areas have already been districted;
- (g) that urbanization of petitioner's land would not be consistent with the development plan for Hilo;
- (h) that an overabundance of land with low agricultural capability has already been included in the Hilo urban district;
- (i) that the parcel in question would represent a large addition to the 92 acre Camp Urban district which is not fully developed; and that the parcel would not be the most logical extension of that district;
- (j) that the addition of the parcel would extend the area of low density urban districts near Hilo.

The County's recommendation was for approval on the basis that:

- (1) the parcel is adjacent to an existing urban zone;
- (2) the parcel will not be used for agricultural purposes, and the surrounding areas are evidenced by urban type developments;
- (3) the government road which the parcel fronts on has an existing county water system, electricity, and telephone service;
- (4) the nearby urban development is served with a public school, playground, and a gymnasium;
- (5) the parcel is not suitable for high capacity or intensive cultivation of agricultural products.

Mrs. Molly Zimring stated that back in 1920 there was a sugar operation known as the Waiakea Mill. At that time hand cultivation of sugar cane was used. From 1926 to 1930 the business of this mill dropped off because the land was not of very fine quality. At one time this land was owned by the Territory. The Territory subdivided it into homestead lots of 26.65 acres with the idea that homesteaders would become independent cane growers and sell their products to the mill. In 1931 or 1932, the mill went out of business. It was not a profitable operation in the area. The original homesteader was Mr. Haruo Maedo who sold these parcels to other homesteaders. They tried various expedients since they couldn't grow cane on it or profitably sell it. At the present time, this land which has

been in three ownerships is vacant. The area is very poor for grazing and for cattle in general. The nearest cattle raiser is Jack Russell. Mr. Russell leases 130 acres from the State near Camp 10 and can not earn a complete living from cattle raising. Around 1956, a Mr. Shipplay decided to try growing macadamia nuts. He spent \$20,000 on this agricultural venture. In 1959 which was his best year, he gave up and lost \$18,000. In 1962 this parcel (pointing to map) was subdivided and presently has 8 homes. The subdivision was completed less than two years ago. The 8 homes have been built in the last year and a half, and have added almost \$100,000 in taxable assessment and improvements to broaden the base of Hawaii County. This indicates the use to which this property can be suitably put to in this area, with no cost to the county. The staff has used this table in the staff report to show how slow development in Hilo is. By comparison with Oahu this may be slow, but by comparison with growth in Hilo this is very fast. There is only one parcel from Ainaloa to Kamani in agricultural use and quite successful. This is owned by a Mr. Yagi. However, this land which we owned for 6 years had been in part-time agricultural use. It has been used for anthurium raising, and a holding pen for cattle. At the present time it is useful for nothing. There is a paved road from Ainaola to Haihai Road for which the county spent \$1,000 in 1963. It is a 650 to 700 foot paved road. The first proposed 8 lots have paved roads. In addition there is an eight inch water line and all utilities are in. The land is suitable for nothing else and if it is taken out of its present classification, there is no loss. It is already subdivided into three 50,000 sq. ft. lots, or 1.1 acre lots. Our proposal is to put in small roadside lots which we propose to sell for \$2500 or less. These (pointing to map) being less valuable will probably be about \$2200 and these on the paved road about \$2500. The present zoning of this parcel is 1-A which permits 50,000 sq. ft. minimum lots, and roadside lots of 7,500 sq. ft. minimum.

Four things have happened since 1961 which have changed the mind of the County on this parcel. (1) $3\frac{1}{2}$ miles from this property, \$1 $\frac{1}{2}$ million has been spent to put in a very modern shopping center; (2) 3 miles from this property some \$6 million has been invested in the Holy Cross Church, the Holy Apostle Church, the ILWU building, the Army Reserve Building, a proposed YMCA building and the Univeristy of Hawaii Hilo Campus additions consisting of a library and a dormitory, etc. (3) 1 $\frac{3}{4}$ miles away (mileage by speedometer of car) the Kawanawakoa School complex and playground exists since 1962 and early 1963. It consists of the elementary-intermediate schools, large playground and the proposed high school. (4) All the subdivisions listed in the staff report on page 3 except the two 10 acre ones were not in or were not subdivided. The only subdivisions were the two 10 acre ones subdivided into big parcels. However, there were roadside lots which were subdivided directly across of Kapago. There was some delay about putting in the water line so there wasn't any building done on it. From 1962-64 the rest of these subdivisions went in. By comparison the number of houses (15 homes) in that space of time may be slow by Oahu standards but by Hilo standards that is amazing. The reason for

the development, which we consider very fast, is not because it is more desirable than any other place but rather because of its economics. There is one little factor left out of this 10 year urban expansion reserve in Hilo (1,190 acres) which is to fulfill all of our needs and that is 75% of our family population earn less than \$7,000 a year, and that land is 40-50¢ per sq. ft. with the minimum lot price at \$5,000. So 75% of our families are priced out of the market. There is only one place in the past year or two where people can buy at 25¢ a sq. ft., and that is in this area and these subdivisions of 15,000 sq. ft. lots priced at \$2,750 per lot. It is economical. Many of these lots are not built on because many of these lots were paid in cash - \$500 down and \$32.50 per month. These 15 homes in the past two years have added \$200,000 in taxes to broaden the county tax base and have done the county a great deal of good.

The past two years the county has put in a paved road and an eight inch water line. This water line which was completed in December 1962 is 2,250 ft. long and capable of serving 100 connections at a minimum. It costs \$15,000 to put this in. On the east side, there are 18 water connections. On the west side, there are 2, or a total of 20. Utilization of this water line is only 1/5th of its capacity. This same illustration of the water line can be applied to the road, school, recreational facilities, electricity, telephone which are there and available for this urban area. These are being used only on one side of the street. There is a 30 foot road all in this section, and no 15 foot soap box as down here. There is an access by Haihai and Ainaola. All of these services are there and available and useful for only one side of the road. We propose to bring in 25 more new users. The annual income from these 20 users is estimated to be \$720. With 25 more new users this will bring the utilization of these services to $\frac{1}{2}$ its capacity and raise the annual income to \$1620. If the cost were shared and the income doubled it would be no cost to the county since everything is presently there. It is true this is an isolated development, but it is there. The services are being paid for and it is being under used. Wouldn't it be a benefit to our county to get additional users? This is why the county has given its five reasons for approving this. In 1961 the county felt one way. At the present time as a result of what has happened since 1961, the master plan for 1965 has been changed. So if the Land Use Commission makes it a policy to go along with the master plan of the local governmental body then the recommendation contained in the staff report is in error because it recommends going along with the master plan as it existed in 1961.

In summary Mrs. Zimring stated that this parcel of land has never produced anything agriculturally. It is idle and vacant land. It could be producing improvements (taxable improvements) to broaden our tax rates at no cost to the county. The services are all there. It could help advertise the cost improvements already in and bring in some more income and broaden the tax base. It is eminently suitable for small lots. It is one of the few parcels of cheap land available. There is a need for lots priced at \$2500 or less. There isn't a one to be seen anywhere in this County now. About 75% of the people cannot buy lots. This area is in a wrong classification; there is a need for it. It is suitable for small house lots. There would be no cost to the county. In fact there would be a savings to the county,

and the demand for these houselots exists presently.

Mrs. Zimring rebutted staff arguments point by point:

- (a) There is only one land in agricultural use. The rest is vacant or in subdivision. The area would be classified as 40% idle, 10% in agriculture, and 50% in subdivision or urban use.
- (b) Although there are areas more desirable and closer to Hilo, they are priced out of the classification where people can afford to buy. If in the reserve areas (which are to provide for 10 years) there had been provided different economic classes of houselots, there would be no need to go farther out. However, this is the only area where land is cheap and where the market can buy.
- (c) The roads, water lines and utilities are shared. The boundary is up to the 30 foot road. The school, recreation and mail deliveries are shared. The facilities are used by Camp 6 which is the east side of the street. With a street as a boundary, wouldn't it be logical to include both sides of that street in the urban district? What other area is there more identifiable? This is the access to the area and Ainaloa. Perhaps it could be set across the street for it to be more clearly identifiable.
- (d) They are all of a single economic class. The further the City of Hilo moves Punaward, the more expensive the intervening land gets. So the medium lot price is now \$5,000. A year from now it will be \$6,000; two years \$7,000. The same people who has excess to it now will have excess to it then (25% of the population).
- (e) It is true that the topography and drainage, both being very good, are just as suitable for grazing as for houselots. The only problem is it can't be used for grazing because the quality of the land is too low and the size of the parcel too small. So that this quality in topography and drainage, which makes it as good for grazing as houselots, does not necessarily make it usable for that. It will remain idle and vacant if it can't be used for houselots because no other use has been thought of.
- (f) This is true. There are other areas contiguous to urban areas, but is this reason for denying this one. Where are the other areas? They must be on the outskirts. Specifically this parcel is in an area where the facilities are there and being under used, which the per capital cost in government to this county can be reduced and the taxable base can be increased, if this parcel was included.

- (g) This should have gone further to state, "Would not be consistent with the development plan of Hilo of 1961, but would be consistent with the development plan of 1965?" Hilo may move slower but this is no reason for moving the clock backwards.
- (i) Perhaps it would. "Our object is to get urbanization for the lots which we have illustrated." It was our understanding that we had to include the whole parcel. If this is in error we would amend our request that the boundary be amended for roadside lots which we feel there is a need. All of the area in Camp 6 which are accessible have been fully developed. Those areas not fully developed include a great big egg farm and land owned by these people, that is in an Urban district, which they are waiting to get higher prices before putting it on the market.
- (j) It will extend the area of low density urban districts near Hilo and recommend that it does so because there is a very real need and use for this urbanized land. This is an isolated urban area with wasted available service. So it would be most logical and money saving to add this area even though it is far from Hilo. However it is not as far from Hilo as it was in 1961. The City is creeping over to meet it. It now has school, churches, and shopping much more available. At that time it had a two-inch water line; now it has an eight-inch water line. It has partly paved road and more desirable now than at that time.

In closing Mrs. Zimring requested to change her statement made in her application to read: "There are a 100 lots zoned urban up to Ainaola Street and presently 56 have houses built on them." She stated that originally it stated: "There are a 100 lots zoned urban up to Ainaola Street and presently have houses built on them."

Mrs. Zimring, upon advice that she could petition for just a portion of her land to be changed, amended her petition for urbanizing roadside lots without limiting it to 7,500 sq. ft., which would range from 7,500 sq. ft. to 15,000 sq. ft. She stated that the Planning Commission doesn't have to grant them these small lots. They could grant them 15,000 sq. ft. minimum roadside lots. She informed the Commission that these smaller lots would sell from \$2200 to \$2500; the 15,000 sq. ft. lots (which demand is not too great) would sell at 22¢ a sq. ft. or \$3,000 a lot.

Commissioner Ferry asked the Acting County Planning Director whether there is such a zone established that would permit 7,500 sq. ft. lots in the area. Mr. Suefuji stated that if it is to be put in an urban zone the existing ordinance would allow 7,500. He added, however, that at a recent meeting the Board passed an amendment which would set forth one acre as a minimum in this area. This amendment is to become effective in one week. Mr. Suefuji stated that the present zone for this area is residential-agriculture. As far as the master plan is concerned, at the present time it is in Agriculture. The

Planning Commission has been apprised that if they are recommending that this area be put to urban use than the Commission is morally obligating itself to an amendment that is of necessity.

Commissioner Ferry stated, "Am I to understand that the Planning Commission of Hawaii is willing to change its zone in the present master plan and include this area in Urban." This would mean the one acre limitation would not hold. Commissioner Ferry asked the staff whether it was aware of the subdivision contemplated by the petitioner to the size of lots. Mr. Soh replied that the staff's primary interest in this petition was not so much the minimum lot size standard since it felt this was completely in the county's kuleana. Commissioner Ferry stated that he felt staff was not aware of this because staff's conclusion for denying this petition on the basis of (j) would not hold. This would not extend the area of low density urban districts near Hilo but rather high density. Mr. Soh replied that at that time we were talking of the entire parcel. Commissioner Ferry replied in the affirmative, stating that this is why he could see that staff was not of the knowledge of the 7,500 sq. ft. lot plan.

The remainder of the discussion centered around the county's zoning ordinances covering this area which were explained by the Acting County **Planning** Director.

There were no other testimony or questions relating to this petition. The Chairman announced that the Commission will receive additional written testimonies, protests, etc. within the next 15 days and will take action on this petition 45 to 90 days from this hearing.

The public hearing on the petition by Molly Zimring was closed.

PETITION BY W.H. SHIPMAN, LTD. (A64-75) TO AMEND THE AGRICULTURAL DISTRICT BOUNDARIES IN THE VICINITY OF KEAAU SO AS TO INCORPORATE 17.67 ACRES WITHIN THE KEAAU URBAN DISTRICT FOR DEVELOPMENT OF VARIOUS URBAN USES: Described as Third Division, TMK 1-6-03: portion of 8.

The background and analysis of the above petition was presented by Gordon Soh (see report on file). Staff recommended that the inclusion of petitioner's lands in an Urban District is reasonable. There is clearly the need for redevelopment in the area. The lands under petition are characterized by city-like concentrations; are close to the basic public and commercial services; do include **plantation** camps no longer ancillary to agriculture; are of moderate size; are urbanized but may be excessive to needs; are topographically suitable for urbanization; are contiguous to an Urban district; are proposed for urban use by the county general plan; are not particularly suitable for agricultural uses; do adjoin existing urban developments; do constitute a minor portion of the total urban area; will not contribute to scattered urban development if redistricted but will contribute to a lowering of population density. Staff added that resettlement of old time residents in recent subdivisions has already led to some

sprawl. Further sprawl can only weaken population concentration. In districting the urban areas in Keaau redevelopment ought to be encouraged rather than the continuation of sprawl. The proposed redevelopment of the areas close to the historic center of urban concentration according to a firm plan should be particularly encouraged. On these bases, staff recommended that the petitioner's request be approved.

The Hawaii Planning Commission confirmed that the land is now in urban use; adjoins the existing Keaau urban district, is proposed for urban use by the county master plan; is close to the civic center development; and is fully serviced by various public and commercial facilities. The County also suggests the importance of the developed Keaau as the hub district-wide development.

Mr. Richard Devine, representing the petitioner, was sworn in. He was very happy with the recommendation of the staff and had nothing further to add to the staff's report.

In response to Commissioner Ota's questions concerning their proposed development, Mr. Devine stated that these areas which were leased for agricultural pursuits are no longer being used as such, but rather for urban use. The other areas are mostly in cane, and at present petitioner wishes to have it remain as such. Ownership in this area is not limited to Mr. Shipman. Mr. Shipman has opened up his lands in these areas for houseslots and has sold them to individuals. In his proposed development he intends to sell residential areas in fee simple to those individuals who are interested in buying. The business and commercial areas he intends to lease. Mr. Devine agreed with Commissioner Wenkam that the urban boundary in this area should join with the new Volcano Road.

There were no further testimonies or comments presented. The Chairman announced that the Commission will receive additional testimonies, protests, comments within the next 15 days and will take action 45 to 90 days from this hearing.

The public hearing was closed.

ACTION TO BE TAKEN

PETITION OF W.H. SHIPMAN, LTD. (A64-69) FOR AMENDMENT TO THE LAND USE DISTRICT BOUNDARIES FROM AN AGRICULTURAL TO AN URBAN DISTRICT FOR VARIOUS URBAN USES FOR LAND SITUATED BETWEEN THE NEW AND OLD VOLCANO HIGHWAY IN KEAAU, PUNA, HAWAII: Described as TMK 1-6-03: 64 containing 6.897 acres.

Since the public hearing held on the above petition in Hilo, on January 22, 1965, the petitioner's counsel has submitted a rebuttal to the staff's recommendation. A written summary was prepared to bring the Commission up to date on all the facts relating to this petition since the public hearing. This presentation was given by Gordon Soh (see summary on file).

The staff reported that the petitioner has provided strong and persuasive arguments in favor of its request and because of this has reversed its earlier recommendation on the following bases:

- (1) The county has jurisdiction of uses in Urban districts.
(Mr. Soh added that since the preparation of this memorandum staff has been advised that the use proposed by Mr. Blomberg is more nearly that of a hardware store than a lumber yard. Mr. Soh stated that this distinction is important since a hardware store is more nearly commercial than a lumber yard.)
- (2) The area is not suitable for agriculture.
- (3) The area is contiguous not on one but two sides of an urban district.
- (4) Volcano Road is a convenient boundary to be used in establishing the district lines.
- (5) The area in question has as much potential for growth as any other area in Keaau. It lies at the junction of two important routes and is near being a 100% corner as any other area in Keaau.
- (6) The area is easily served with public facilities. It is bordered on two sides by the newest roads in Keaau.

Commissioner Inaba moved to accept the staff's recommendation for approval to grant the urban change. Commissioner Nishimura second the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Ferry, and Chairman Thompson.

Disapproval: None.

The motion for approval was carried.

PETITION OF W.H. SHIPMAN, LTD. (SP65-13) FOR A SPECIAL PERMIT FOR THE PURPOSE OF ALLOWING URBAN DEVELOPMENTS OF THAT PORTIONS OF PROPERTY NOW USED FOR INTENSIVE RESIDENTIAL USE LOCATED IN AN AGRICULTURAL DISTRICT IN THE COUNTY OF HAWAII

Chairman Thompson asked, "Is this petition for a special permit for urban development and not of a specific nature?" He was answered by the Executive Officer in the affirmative. Chairman Thompson stated, "Is this avenue appropriate for a variance? A variance must be tied in with a specific use." Mr. Twigg-Smith, representing the petitioner, was informed by the Chairman that this procedure was improper because the request was for a broad urban use and not for a specific use. He suggested the avenue of a boundary change instead.

The Executive Officer stated that in essence the staff report (see report on file) goes into some detail as to the appropriate bases upon which a special permit may be initiated or considered. The conclusion is that none of the basic requirements is present in this issue. Further that the law clearly provides a procedure to petition for amendment of the district boundaries when the issue concerned is for an unspecified urban development. These are the two conclusions drawn after studying this petition and upon this basis staff would recommend denial of this petition.

Commissioner Ota suggested that the staff together with the Hawaii Planning Commission and petitioner meet on this problem and take a look at this whole urban area again, and perhaps come up with some kind of comprehensive report covering this area.

The Executive Officer stated that there is nothing in the document or correspondence relating to this. However this presents an opportunity to discuss it to reach a much easier solution, or discover some course of procedure to initiate.

Chairman Thompson stated that in terms of the petition at hand and as presented, there is but one course to take and that is to deny the petition.

Commissioner Wung moved to deny this petition on the basis that this was an inappropriate procedure for a special permit. Commissioner Ferry seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Ferry, and Chairman Thompson.

Disapproval: None

The motion to deny was carried.

PETITION BY ANN KALI (SP64-3) FOR A SPECIAL PERMIT TO ADD A HOUSE ON PROPERTY SITUATED IN HANAPEPE CONTAINING 30,361 SQ. FT.: Described as Fourth Division, TMK 1-9-3: 28

Mr. Gordon Soh presented the background and analysis on this petition (see report on file). Staff recommended denial of this petition on the bases that:

- (1) The proposed use is not unusual and reasonable in accordance to statutory requirements.
- (2) The proposed use will not promote the effectiveness and objectives of the Law as it would weaken the integrity of state zoning because there is no valid basis for granting the special permit.

- (3) It would tend to weaken rather than strengthen the complementary assessment basis and force adjacent lands into uses not in the best public interest.

While approval of this or similar issues would not appear to be grave or consequential issues for the moment or even in the near future, staff feels it can become grave and consequential in the long run.

Commissioner Nishimura pointed out that the federal government spent \$1,000,000 in this area for a flood control. The original intent was to evacuate everyone from the area, however, they decided to urbanize the area and built this flood wall. He stated that this area is contiguous to the urban town close by. He pointed out the swinging bridge in the area connects this area with that of the urban area. He corrected staff's statement that there was an unimproved road there. He stated that the road is paved. He stated that most of the agricultural activity in the area is in vacant pasture.

Mr. Soh confirmed that the reason the area is in low density use is that it used to be inundated. However, the character of development has been changed.

Commissioner Nishimura pointed out that this is a remnant kuleana of 30,000 sq. ft. This family faces this problem of not being able to subdivide this land because of a family will which prohibits this.

Commissioner Wenkam was of the opinion that granting family land to children is neither unusual or reasonable, and in this case it is not being subdivided. He pointed out that this is a special permit which has the tendency to increase the density and lead to a change in the type of use of the land. He argued that this particular use is of a family nature and of a change which assumes the sincerity of the people requesting the permit. The permit is for a family use which is something that should be given serious consideration and one which is not establishing a precedent or is an issue of much consequence.

The Executive Officer stated that granting a variance on the basis of hardship is possible. However, the only kind of hardship which the Commission should consider is the difficulty in implementing the use prescribed. In this particular case the land can and is used for the use permitted in this area. There is no hardship. Petitioner wants to go beyond the zoning regulation and this is not subject for a special permit.

Commissioner Ferry added that if it is to accommodate a larger family, it is always permissible to add on to the house.

Commissioner Ferry moved to deny the request. Commissioner Ota second the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Ferry and Chairman Thompson.

Disapproval: Commissioners Wenkam and Nishimura.

The motion for denial was carried.

Chairman Thompson stated that the Commission will review this property to see whether this area should be considered for an Urban district. Commissioner Nishimura requested that the staff, upon all field investigations, meet with each respective island commissioners on these trips.

The meeting adjourned at 5:00 p.m.

March 24, 1965

Ref. No. LUC 597

Planning and Traffic Commission
County of Hawaii
Hilo, Hawaii

Attention: Mr. Raymond Suefuji
Acting Planning Director

Gentlemen:

At its meeting on March 19, 1965, the Land Use Commission voted to deny the grant of a special permit to W. H. Shipman, Ltd. to urbanize various parcels in Agricultural districts near Keanu.

The grant was denied on the basis that the special permit procedure is not a proper course to follow in this instance.

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

CS:ak
cc: W. H. Shipman, Ltd.
Chairman M. Thompson
Mr. L. N. Nevels, Jr.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP 65-13, W. H. Shipman, Ltd.
DATE 3-19-65
PLACE County Paddy, Hilo, Hawaii
TIME 3:10 pm

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:

Wung - M
Ferry - Sec.

STATE OF HAWAII
LAND USE COMMISSION

Board of Supervisors' Board Room
Hilo, Hawaii

3:00 P.M.
March 19, 1965

STAFF REPORT

HAWAII SP65-13 - W.B. SHIPMAN, LTD.

District Classification: AGRICULTURAL
and URBAN

BACKGROUND:

The County of Hawaii Planning and Traffic Commission has approved a petition for Special Permit by W. H. Shipman, Ltd., to use for "urban developments" six scattered areas which total 30.8 acres and which are scattered in and around the village of Keaau, Puna, Hawaii. The subject areas are included in both the Agricultural and Urban Land Use Districts. The areas are identified on the attached aerial photo and may be further described in detail as follows:

Lot A (1151-A, TMK 1-6-03: Por. 3) containing 6.5 acres. Plantation camp with about 48 residences. Most of Lot A now in Urban District. (Proposed) County zoning is Agriculture with 20 acre minimum lot size.

Lot B (A-22-A-3, TMK 1-6-03: Por. 8) containing 1.8 acres. Contains one single family residence of the Plantation Physician. Entirely within Land Use Agricultural District. (Proposed) County zoning is residential with a minimum lot size of 10,000 sq. ft.

Lot C (A-18-A-1, TMK 1-6-03: Por. 11) containing 5.8 acres called Keaau Camp and has about 18 homes. About $\frac{1}{2}$ of area in Land Use Urban District and $\frac{1}{2}$ in Agricultural District. (Proposed) County zoning is Industrial with minimum lot size of 20,000 sq. ft.

Lot D (A-17-A-1-B, TMK 1-6-03: Por. 12) containing 2.5 acres. Contains about seven (7) remaining homes as some have apparently been removed. Entirely within Land Use Agricultural District. (Proposed) County zoning in Agricultural with minimum lot size of 20 acres.

Lot E (A-17-A-1-A, TMK 1-6-03: Por. 12) containing 9.9 acres. Called Nine and One-Half Mile Camp with about 24 homes. Entirely in Land Use Agricultural District. (Proposed) County zoning is Agricultural with a minimum lot size of 20 acres.

Lot F (A-17-6, TMK 1-6-03: Por. 62) containing 4.2 acres and some 24 homes. Entirely within Land Use Agricultural District. (Proposed) County zoning is Industrial with a minimum lot size of 20,000 sq. ft.

All the lands in both the Urban and Agricultural Districts, in the area of concern, are classified indentically by available soil survey data. There is no differentiation between any of the lands. All lands contain soil of the Hilo family which are very shallow, 4 to 12 inches, and which require fertilizer when used for raising cane. The median annual rainfall is between 150 to 200 inches and indicates that no irrigation is necessary. The general topography is suitable for urban or agricultural uses.

As stated in the transmitted special permit document, the purpose of this petition is as follows:

"Allowing the applicant urban developments, that portions of his property now used for intensive residential use located in the State Agricultural zone."

From the minutes of the public hearing, the following reasons for this petition are indicated by the petitioner:

1. To perpetuate existing urban uses (not necessarily the existing use which is apparently plantation housing).
2. To subdivide as a technical necessity in transferring, by way of lease, ".....a huge master list all of the W. H. Shipman, Ltd., land to Puna Sugar."

The Hawaii County Planning and Traffic Commission recommended approval on the basis of the following findings:

- "1. Trends and needs have changed,....the plantation is not interested in maintaining housing for the employees. They are requesting that the areas involved, which provide housing for the employees, be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.
- "2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.
- "3. The land is not available for agricultural use and it is presently under urban use.
- "4. The use requested is for the highest and best use of the land involved for the general interest.
- "5. Land allotted under / the / present district boundary is insufficient for a planned community. Ordinance No. 294 adopted December 16, 1964, requires a minimum of one acre for.....a single-family dwelling. The Planning and Traffic Commission is granting variance/s / when requested in all urban areas on.....the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements."

ANALYSIS

In general the County's findings are not fundamentally proper bases for granting of special permits. While the nature of the findings may be supporting reasons for approval, they are not primary reasons. Some of the "findings" appear questionable while others lack supporting facts or logic. For example, item 1 states that trends and needs have changed on the basis of the Plantation's withdrawing interest in maintaining homes. This fact was noted in the Keaau Development Plan prepared some years ago and preceding the final adoption of boundaries. Item 4, regarding highest and best use of the land involved, is not substantiated. In item 5, the

granting of variance on the basis of the proposed zoning map is not a legal basis for the exercise of the variance authority and which fact can be substantiated by legal case histories. Further County approval for "urban developments" are contradictory to their proposed zoning map in several subject lots.

The Land Use Law provides two procedures for amelioration or relief from purported grievances and for obviously different situations. One is the petition for amendment to boundaries and the other is the petition for special permit. The petition for amendment basically provides relief from unreasonable classification and necessarily deals with major uses and the general land use patterns. The petition for special permit, such as the instant case, basically provides relief for any unusual use or extraordinary circumstances that could not reasonably have been anticipated when the district boundaries and regulations were adopted. In this respect, the special permit procedure is similar to variances, exceptions, and special use procedure in zoning.

Judicial history on zoning matters provides insight into grounds for variances, exceptions and special uses. The following are the general considerations with comments related to this petition:

1. Unnecessary hardship or difficulty is a basis for granting approval. This ground is considered in situations "...where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, so that the spirit of the ordinance will be observed, public safety and welfare secured and substantial justice done." To delve deeper, "...practical difficulties or unnecessary hardships are essential to the grant of a variance....mere hardship alone is not sufficient to justify granting a variance.....In any event, a variance may be permitted only in cases of practical necessity, where the reasons for it are substantial, serious and compelling....It is

fundamental that the difficulties or hardships must be unique to justify a variance...No one factor determines the question of what is practical difficulty or unnecessary hardship, but all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitation imposed upon them by reason of their classification in a specific zone; when this appears, the further question has to be determined, whether desirable relief may be granted without substantially derogating from the intent and purpose of the zoning law.....Moreover, the difficulty or hardship that grounds a zoning variance must come from the zoning ordinance or restrictions, and not from deeds, contracts or plat restrictions."

Comment: There is no evidence that such nature of unnecessary hardship or difficulty exists in this situation. A "technical necessity" for transfer of the parcels on a lease basis, from one owner to another, is indicated. But, this is not the nature of hardship described above and further, the existence of the "technical necessity" is questionable.

2. A special use within a zoned district may be established where the location of the use will substantially serve the public convenience and where it will not substantially and permanently injure the appropriate use of neighboring property.

Comment: There is no evidence that the public convenience will be substantially served by approval of this petition.

3. There must, as a rule, be exceptional or special circumstances to warrant a variance or exception from zoning restrictions.

Comment: There are no indications of any exceptional or special circumstances in this petition.

4. Where a zoning restriction is reasonable and no ground for a variance exists as to particular property when the restriction becomes effective, there must be a change of conditions to warrant a variance as to such property.

Comment: The available information does not indicate that the zoning restriction is unreasonable. That is, there does not appear to be any contention that there is inadequate urban land for foreseeable needs. However, this is an apparent contention that the subject parcels include urban uses. This apparent contention can be questioned as, in general, all plantation housing without a high degree of public facilities directly intermingled, have been placed in Agricultural

Districts as accessory uses. And while the County contends that "trends and needs" have changed, the situation is not different than when the law became effective.

5. It is not grounds for a special use when one seeks to use land in violation of zoning restrictions.

Comment: The stated purpose of this petition is to allow the applicant "urban developments" - which would obviously be in violation of such subject parcels now in the Agricultural District. The bases for granting a special permit cannot be properly examined against such a generalized use as "urban developments."

6. Neither a pre-existing nonconforming use nor a nonconforming use established by a variance grant can constitute a basis for granting a new variance.

Comment: From the minutes, petitioner states "Each of the pieces that we are dealing with today are presently being used intensively as residential use. In other words, we are not asking for a change in use." This implies that the existing uses are urban uses and this request is to continue the urban use of these lands. The point is that the present residential uses may be considered accessory to agricultural whereas the other "urban uses," not defined by the petitioner, may not be accessory. While the existence of a nonconforming use is a question of fact, the consideration of the present uses would lend credulity to the belief that these are non-conforming uses. If the existing uses may thus be considered non-conforming, it would, **thus**, not constitute a basis for granting a variance.

These above bases for granting variances, exceptions and special uses are, basically, interwoven in the guidelines established by the Land Use Commission's Regulations, Sub-Part E. Where the word 'use' appears in the several specific guidelines in Sub-Part E, it obviously refers to the certain "unusual and reasonable" uses that may be subjected to the Special Permit Procedure. It is clear that the word 'use' has not been intended to mean major, collective types of Use such as "Urban" or "Urban developments" which may include dozens of more specific uses. To interpret the word, "use", in its collective

sense, would obviously be nonsensical. Therefore, without knowing what the more specific use or uses would be, some of the guidelines in Sub-Part E cannot be properly evaluated against this petition. (The minutes of the public hearing indicate that petitioner is not prepared to commit or name the specific proposed urban uses and merely refers to "urban use".)

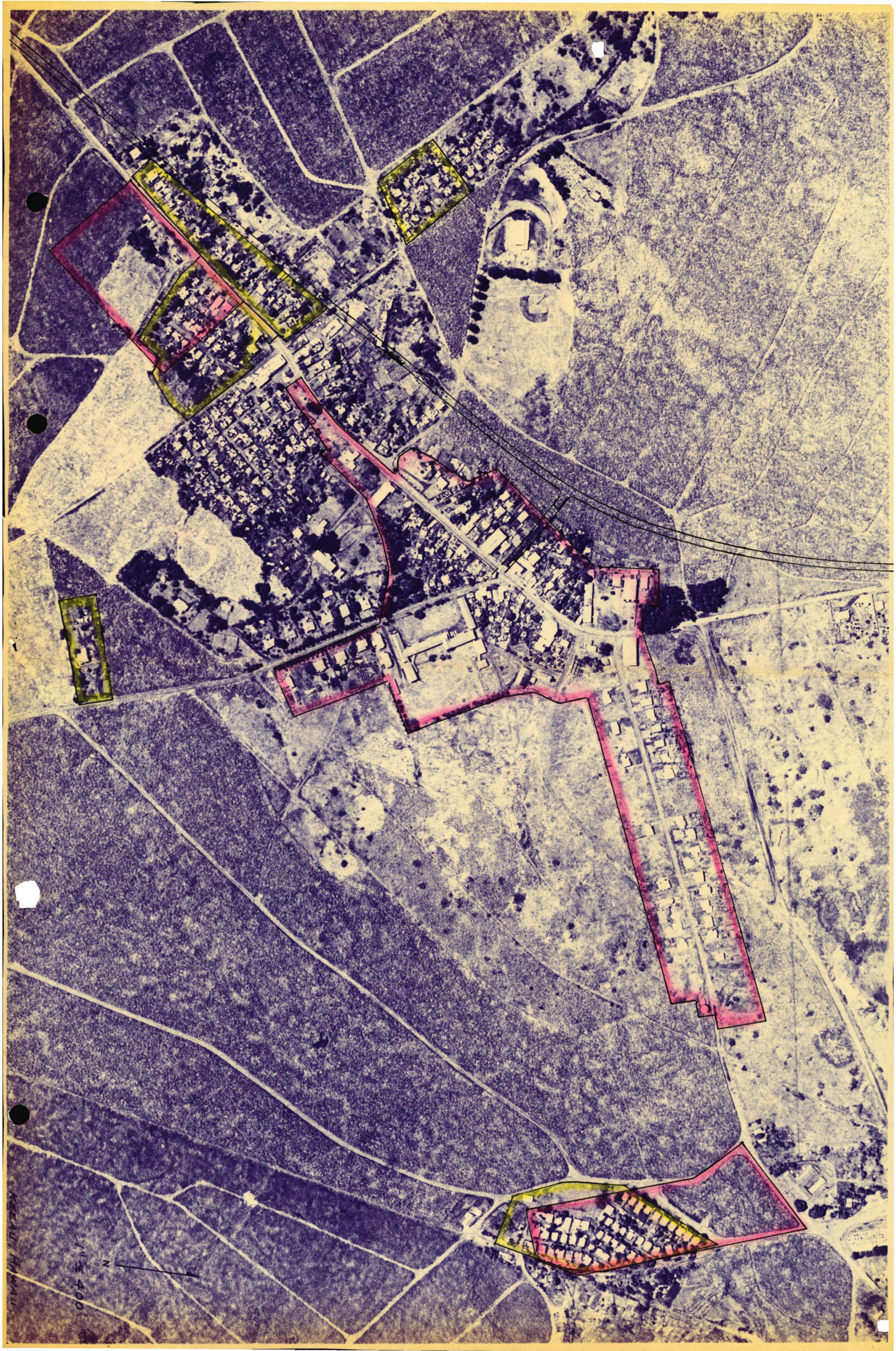
RECOMMENDATION

Staff recommends denial of this petition on the following reasons:

1. The circumstances of this petition does not meet any of the fundamental bases for granting approval in this type of procedure.
2. The law clearly provides the procedure of petition for amendment to the District Boundaries when the issue is concerned with "urban developments" or other such major, collective types of uses.

It may be additionally noted that those portions of areas already in the Urban district cannot be subjected to the Special Permit Procedure of the Land Use Commission since such areas are under the jurisdiction of the Counties. Further, that several of the areas, A, C & F, being in reality, contiguous and an extension of the Urban district and its appropriate uses, are properly the subject of the petition for amendment of District Boundaries as was the Shipman Petition for Amendment, A64-75, heard earlier today.

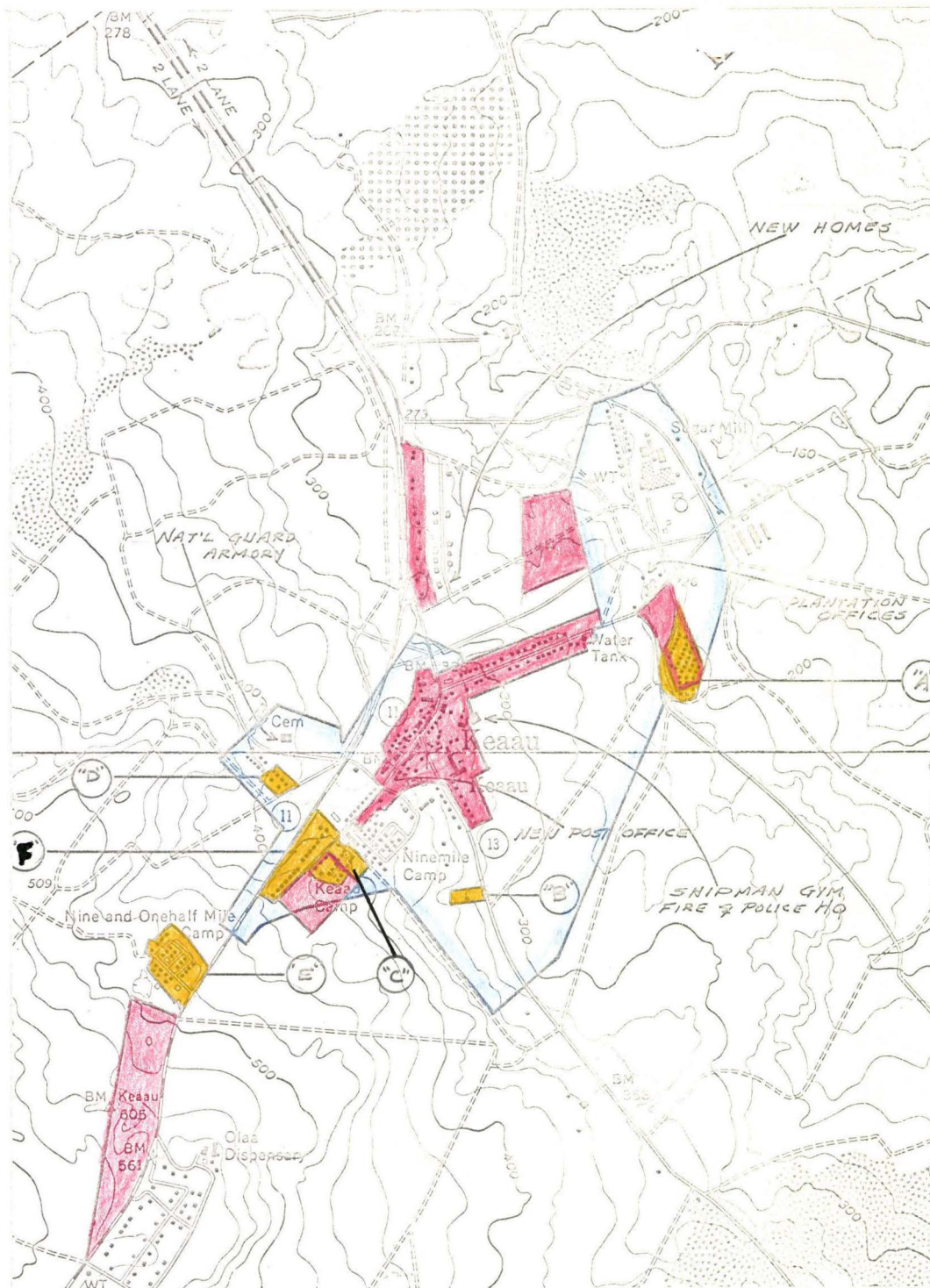
Also, the issues or considerations for each subject parcel are a little different. The County apparently did not make a separate analysis for each parcel. However, such further discussion on secondary issues would seem unnecessary in view of the above recommendation.



N

1" = 400'

KEAULA, HAWAII



February 26, 1965

Ref. No. LUC 590

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

Dear Mr. Nevels:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on March 19, 1965, at 1:00 p.m., in the Board of Supervisors' Board Room, County of Hawaii, Hilo, Hawaii. Your petition for change of district boundary from an Agricultural to an Urban district classification for TMK 1-6-03: portion of 8, Third Division, will be heard at that time. Legal Notices will appear in the Honolulu Star-Bulletin, Honolulu Advertiser, and the Hawaii Tribune-Herald on March 9, and March 17, 1965.

Following this hearing, the Commission will hold a meeting at which time they will consider the Hawaii Planning and Traffic Commission's action on your application for a special permit (SP65-13) for urban developments in that portion of property now used for intensive residential use, located in an Agricultural district as established by the Land Use Commission.

As prescribed by SECTION 98H-4 of Act 205/63, the Commission will also consider your petition for a boundary change for that area described as TMK 1-7-03: 64, Third Division, and final action may be taken at this time.

Your presence will be welcomed.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: W.H. Shipman, Ltd.
Chairman M. Thompson
Hawaii Planning & Traffic Commission

COUNTY OF HAWAII
PLANNING AND TRAFFIC COMMISSION

RECEIVED

FEB 4 1965

State of Hawaii
LAND USE COMMISSION

SPECIAL PERMIT

The Planning and Traffic Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

Lots 1151-A, A-22-A-3, A-18-A-1, A-17-A-1-B, A-17-A-1-A, A-17-C

for the following purpose(s): Allowing the applicant urban developments, that portions of his property now used for intensive residential use located in the State Agricultural zone.

The Commission decided to: recommend approval.

on the basis of the following findings:

1. Trends and needs have changed in that the Plantation is not interested in maintaining housing for the employees. They are requesting that the areas involved which provide housing for the employees be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.
2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.
 - a. All subdivision within this area must be developed with water and roads before approval is granted by the Planning and Traffic Commission.
 - b. School, police and fire protection are presently available.
3. The land is not available for agricultural uses and it is presently under urban use.
4. The use requested is for the highest and best use of the land involved for the general interest.
5. Land allotted under present district boundary is insufficient for a planned community. The reason herein stated has direct association with the ordinances of the County of Hawaii. Ordinance No. 294 adopted December 16, 1964, requires a minimum of one acre for the development and construction of a single-family dwelling. The Planning and Traffic Commission is granting variance when requested in all urban areas on the basis of the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements.

subject to the following conditions:

1. The said development will conform to all rules and regulations of the state and county after approval.

(Signed) Raymond A. Sugan
Acting Director, Planning and Traffic Commission

Applicant W. H. Shipman, Ltd.

Date of Public Hearing 12/21/64

Date of Decision 1/18/65

Meeting Place Board Room, County Bldg.

Date Decision and Findings Forwarded
to LUC

COUNTY OF HAWAII
PLANNING AND TRAFFIC COMMISSION

RECEIVED

FEB 8, 1965

State of Hawaii
LAND USE COMMISSION

SPECIAL PERMIT

The Planning and Traffic Commission of the County of Hawaii pursuant to consideration required by the provisions of Act 204, SLH 1963, hereby transmits the decision and findings of the above special permit request to use the following described property:

Lots 1151-A, A-22-A-3, A-18-A-1, A-17-A-1-B, A-17-A-1-A, A-17-C

for the following purpose(s): Allowing the applicant urban developments, that portions of his property now used for intensive residential use located in the State Agricultural zone.

The Commission decided to: recommend approval.

on the basis of the following findings:

1. Trends and needs have changed in that the Plantation is not interested in maintaining housing for the employees. They are requesting that the areas involved which provide housing for the employees be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.
2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.
 - a. All subdivision within this area must be developed with water and roads before approval is granted by the Planning and Traffic Commission.
 - b. School, police and fire protection are presently available.
3. The land is not available for agricultural uses and it is presently under urban use.
~~subject to the following conditions:~~
4. The use requested is for the highest and best use of the land involved for the general interest.
5. Land allotted under present district boundary is insufficient for a planned community. The reason herein stated has direct association with the ordinances of the County of Hawaii. Ordinance No. 294 adopted December 16, 1964, requires a minimum of one acre for the development and construction of a single-family dwelling. The Planning and Traffic Commission is granting variance when requested in all urban areas on the basis of the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements.

subject to the following conditions:

1. The said development will conform to all rules and regulations of the state and county after approval.

Applicant N. H. Shipman, Ltd.

Date of Public Hearing 12/21/64

Date of Decision 1/18/65

Meeting Place Board Room, County Bldg.

Date Decision and Findings Forwarded
to LUC

(Signed) Raymond J. Dwyer
Acting Director, Planning and Traffic Commission

RECEIVED

FEB 8, 1965

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
December 21, 1964

State of Hawaii
LAND USE COMMISSION

A regularly advertised public hearing, on the application of W. H. Shipman, Ltd., was called to order at 2:57 p.m., in the Conference Room of the County Board of Supervisors, by Chairman Robert M. Yamada.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Carlsmith
John T. Freitas
Walter W. Kimura
Herman Mulder
Russell Oda
Robert J. Santos
Rufus P. Spalding, Jr.
Edgar A. Hamasu
Raymond H. Suefuji

ABSENT: John Alconera
Miyoshi Matsushita

L. N. Nevels
Herbert C. Shipman, President, W. H. Shipman, Ltd.
Richard E. Devine, Treasurer, " " "
and approximately 10 persons in public attendance

NOTICE OF PUBLIC HEARING

Special Permit: Keaau, Puna, Hawaii

NOTICE IS HEREBY GIVEN of a public hearing to be held in the Board of Supervisors Conference Room, Hilo, Hawaii, State of Hawaii, at 1:30 p.m., December 21, 1964, to consider the application of W. H. Shipman, Ltd., owner, for a Special Permit within the County of Hawaii in accordance with the provision of Section 98H-6, Revised Laws of Hawaii 1955, as amended.

The Special Permit is for the purpose of allowing the applicant urban developments, that portions of his property now used for intensive residential use, located in the State Agricultural Zone.

Maps showing the area under consideration for Special Permit and the rules and regulations governing the application for Special Permit are on file in the office of the Planning and Traffic Commission in the Hilo Armory Building on Shipman Street and are open to inspection during office hours.

All written protests or comments regarding the above Special Permit application may be filed with the Planning and Traffic Commission before the date of the public hearing or submitted in person at the public hearing or no later than fifteen (15) days following the public hearing.

PLANNING AND TRAFFIC COMMISSION
OF THE COUNTY OF HAWAII
ROBERT M. YAMADA, CHAIRMAN
BY: EDGAR A. HAMASU, DIRECTOR

(Hawaii Tribune Herald: December 11 and 19, 1964)

YAMADA: "We will now commence with the third public hearing. This is the public hearing on the request of W. H. Shipman, Ltd., for a special permit to allow the applicant for urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.

"Mr. Hamasu, will you give the background to the members."

HAMASU: "As the announcement reads, this is a special permit request under the Greenbelt Law, Act 205, of the State Legislature. The request is for the development on portions of these properties used for intensive residential use. I believe the use of these scattered lands, which is the yellow area, are the lands we are concerned with here today. This Lot A-17-A-1-A contains 9.941 acres. It is abutting the Volcano Highway. It is already used for plantation camp. Same consideration is for Lot A-17-A-1-B and Lot A-17-A-1-A. This Lot 1151-A is presently used for forest land and this is also being used for residential purposes. Now in the area that is presently being used for residential purposes, the boundary lines have been established and the request is for the special permit to utilize it for urban purposes. I believe, this is the extent of my report. If there's any question, I would be willing to answer."

BAKER: "I don't quite know the area. Is that Keaau?"

HAMASU: "This is Keaau and the Volcano Highway. This is the proposed lot we have taken up in the Zoning Committee to rezone a portion of this area for urban use. The applicant is requesting for a special permit instead of a change of zone from agricultural to urban. He is requesting for a special permit to allow for urban uses."

YAMADA: "As he explained, you may ask the applicant or the Director as we go along. You have anything to present for the applicant?"

LUMEN NEVELS: "Yes, Mr. Chairman and members. I am Lu Nevels. I am the attorney for W.H. Shipman, Ltd., the applicant here. I would like to explain very, very briefly the needs of this thing. It is a little bit complex and actually this is one portion of a double application, one of which has been made on adjacent pieces of the land directed to the Land Use Commission because they are adjacent to already zoned urban areas. This then is made to this Commission for recommendation to the Land Use Commission because this particular pieces are ^{these} adjacent to already zoned areas. ^{not?}"

"Now, I would like to explain that most of these pieces are right in Olaa or Keaau town. It is not an extension outside. Each of the pieces that we are dealing with today are presently being used intensively as residential use. In other words, we are not asking for a change in use. We are asking that the use be permitted so-to-speak and they are going to be perpetuated as such. Each of these parcels is either adjacent or close to, I should say very close to, existing urban development. The only somewhat separate one is the place which belongs to the plantation physician and that is the piece on the Pahoia Road, which is shown here on the map.

"I would like to point out, if I may, that one of the principal reasons for doing this and the need for doing this is that all those pieces will be removed from the master list of the W. H. Shipman, Ltd., and Puna Sugar Plantation. In other words, this is a technical necessity on the part of W. H. Shipman, Ltd., and the Puna Sugar Company. I would be very happy to elaborate and answer any question that may come now."

YAMADA: "Is there any question from the members to Mr. Nevels or Mr. Director?"

CARLSMITH: "Mr. Nevels, as we understood in the Zoning Committee, the surrounding area is used for urban--this particular parcel for this variance, I should say."

NEVELS: "The special permit which is sought is presently being used for urban purposes. The surrounding, in some places are being used as agriculture. They do not wish to be disturbed in any way."

YAMADA: "These are now used as urban?"

NEVELS: "That is correct."

YAMADA: "Under the nonconforming category isn't it in the urban area?"

NEVELS: "We are asking for a subdivision of these lots so that we may in turn transfer lands by way of lease a huge master list all of the W. H. Shipman, Ltd., land to Puna Sugar. In other words, there must be a subdivision of these lands for that purpose in the Land Court. You see, this is all Land Court property No. 1."

YAMADA: "What kind of area are we talking about?"

NEVELS: "The areas range from less than 3 acres to somewhat considerably over 3 acres."

YAMADA: "What is the total?"

NEVELS: "I'm sorry I can't tell you. I would have to check with Mr. Hamasu. Do you know Mr. Hamasu?"

HAMASU: "There are about 5 areas shown on the map which is about 9 acres, 2½, 5½, 2 acres, and"

NEVELS: "I think that, excuse me, the total is about 25 acres for all part parcels."

YAMADA: "Are they contiguous?"

NEVELS: "No, they are not contiguous."

HAMASU: "What is the reason that you are thinking of subdividing this area for less than 3 acres?"

NEVELS: "Only with another application would we be saying to do that. It is conceivable that we will ask for an approval of a subdivision along urban lines for urban purposes."

HAMASU: "You are subdividing for 3-acre parcels?"

NEVELS: "We have no immediate plans for them."

HAMASU: "what I am saying is that if it is 3 acres it is still in the agricultural zone and you can subdivide for that size. If it is less than 3 acres you might have to ask for change of zone boundaries or special permit."

NEVELS: "We are attempting to do two things here. First of all, to subdivide or permission to subdivide. Now, we recognize that we do not want to come before this Commission nor even to the Land Use Commission for permission to subdivide if there's going to be a drastic revision. Some of these are not drastic revisions. However, we thought it would be much better to bring these whole thing to this Commission so that the Commission would understand it as part of the whole plan. Number two, we are asking simultaneously that these lands be recommended for urban use because they are now being used for urban purposes."

YAMADA: "The entire area requested for special permit are now being used for urban purposes?"

NEVELS: "All of the 5 parcels which we are asking to be subdivided are now being used for urban purposes. Now, the reason of the subdivision request is because we are subdividing out of much larger area. There's one lot that appears on this application which have several hundred of acres. We are asking only for a small piece to be taken out of that area because they are now being used for urban purposes. In other words, we are asking for two things. The subdivision which is not actually necessary for any parcel which is over 3 acres but we felt that it is proper to present this matter of a total picture. Secondly,

we are asking for a recommendation from the Land Use Commission for a special permit to be used for urban purpose; therefore, if we should subdivide this in the future, we would not have to go through the procedure again for urban use. We can come right back to this Commission and put our proposal before this Commission rather than going again to Honolulu for this purpose."

YAMADA: "Raymond, why aren't this made into a color chart? It is difficult to make out and hard to understand."

HAMASU: "This is the Keaau junction. This is the road coming into Keaau. Actually, this map is quite an old map. This is the Standard Oil property. Presently, this area is zoned for urban zoning."

"This was discussed by the Zoning Committee whether to approve or disapprove the recommendation to the Land Use Commission to place that area for urban zone district. The request was to place in the urban zone district for the most part those areas being used as urban uses at the present time. Today, we are considering 1, 2, 3, 4, and 5 parcels scattered in this area around Keaau plantation homes, old camps, and the areas of which is delineated, and they are requesting a special permit be granted to allow use of these areas for urban purposes. There is some confusion here because normally, whenever an urban use exists in an agricultural district, it becomes a nonconforming use. It can exist as long as the structures stands; however, I believe Mr. Shipman is requesting for a special permit to subdivide in the future. These areas, Mr. Nevels mentioned, are about 9 acres, 3, 2, acres, 5 acres, and so forth. The request is to subdivide these lands for urban-sized lots. Of course, I asked him and he said he has not been informed of the size of the lot."

NEVELS: "May I go one step further, Mr. Hamasu. I think we can clear this up rather rapidly. Under the law, as I understand it, if we were for example for the present situation to tear down some of the older houses there, this land would revert and would therefore be used only for agricultural purposes. To state the fact that it is not presently used for residential purposes, it may very well be that the applicant wish to destroy, tear down, and remove all improvements to it or either resubdivide it. Maybe without subdividing it however in no way put up a better, more modern improvements. This would be impossible under the Land Use Act. However, if we are now permitted to have the present use which is urban in size and be made an urban use by special permit, we would be permitted. If he says we would not have to come in to subdivide we wouldn't have to but if we do choose to subdivide, we would have to come before this Commission but we wouldn't have to go again before the Land Use Commission. Secondly, if we choose not to subdivide and just put up the multiple units without subdividing, then we would be permitted to use this for urban purposes. This is the background and the reasons for this. I do not wish to indicate I am attempting to withhold any information to this Commission. There is at the present time no intentions or plans for the purpose of subdividing but there is certainly plans for the continued urban use and we would like to have that for intensive use at the present time of regular lots so that we will not have our hands bound up and down to improve it until it is reverted to agricultural land because we do not want to grow sugar cane here."

YAMADA: "Even if we approve of this as a Commission to recommend this for the granting of special permit to the Land Use Commission, don't we have to show evidence before the Land Use Commission approves this?"

NEVELS: "As long as it is for an urban use. If we propose to do something which is not in the nature of residential purposes, then we would have to go back very possibly to the Land Use Commission, but at this time we have no such intention."

YAMADA: "Did you receive prior approval from the Land Use Commission."

NEVELS: "No, has to come here first for your recommendation."

YAMADA: "You still have to apply with us first."

NEVELS: "That is correct, Mr. Yamada."

YAMADA: "Eventhough we do grant here, you have to go to the Land Use Commission. But you will have to further appear at that particular time and they will ask you for what purpose you are applying, the reason, and what you plan to do."

NEVELS: "My explanation would be precisely what is being given here. In other words, we are trying to use it for residential purposes only and, of course, in conformity and would then come under the County ordinance in conformity with that County ordinance."

YAMADA: "Is there any more questions directed to Mr. Nevels? If not, thank you."

NEVELS: "Thank you."

YAMADA: "Is there anyone in the audience that would like to speak against the granting of this special permit? None. Anyone else who would like to speak for the granting or approving this special permit? None. Thank you very much."

NEVELS: "Mr. Chairman, I would like to say that Mr. Shipman is here, who is the president of the firm I represent. Do any of you members like to ask Mr. Shipman or Mr. Devine any questions pertaining to this particular hearing?"

YAMADA: "If not, the Chairman would consider the third public hearing closed."

The hearing was adjourned at 3:16 p.m.

Respectfully submitted,

Lei A. Tsuji
(Mrs.) Lei A. Tsuji, Secretary

A T T E S T :

Robert M. Yamada
Robert M. Yamada, Chairman
Planning and Traffic Commission

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
Hilo, Hawaii

February 3, 1965

1507
RECEIVED

FEB 8 1965

State of Hawaii
LAND USE COMMISSION

Mr. Raymond S. Yamashita
Executive Officer
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

Re: Special Permit Application by W. H. Shipman, Ltd.,
for Urban Developments.

Amendment of the Land Use District Boundaries from
Agricultural to Urban District applied for by
Department of Hawaiian Home Lands and Earl V. Truex.

For your information and files, we are transmitting all the materials on
W. H. Shipman, Ltd., pertaining to Planning and Traffic Commission's approval
on the petition for a special permit.

Also enclosed are the minutes of the meetings held on December 21, 1964,
and January 18, 1965, in reference to the Commission's recommendation on the
applications of Department of Hawaiian Home Lands and Earl V. Truex respec-
tively for amendment of the Land Use District Boundaries from Agricultural to
Urban District. A formal recommendation of the Planning and Traffic Commis-
sion on both of these applications will be forwarded to you at a later date
when time permits.

Yours very truly,

PLANNING AND TRAFFIC COMMISSION

Raymond H. Suefuji

Raymond H. Suefuji
Acting Director

lat

Enclosures

RECEIVED

FEB 8, 1965

State of Hawaii
LAND USE COMMISSION

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
January 18, 1965

The Planning and Traffic Commission met in regular session at 1:07 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Carlsmith
John T. Freitas
Walter W. Kimura
Robert J. Santos
Rufus P. Spalding, Jr.
Raymond H. Suefuji

ABSENT: Miyoshi Matsushita
Herman Mulder

Shunichi Kimura, County Chairman

Jack Bryan
Walt Southward
Lloyd Sadamoto

MINUTES

The minutes of the meeting held on December 21, 1964, were approved as circulated on a motion of Mr. Spalding, second of Mr. Kimura, and carried.

The meeting was recessed at 1:08 p.m., to conduct the following public hearings:

1. The request of Richard Smart for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5671, LCA 8521-B, Apana 1, Waikoloa, South Kohala.
2. Request of Thomas A. Kobayashi for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1098, L. C. Award 614, Honuaina Iki, North Kona.

The meeting was reconvened at 1:25 p.m., but recessed because of the lack in quorum to conduct business.

The next scheduled public hearing commenced at 1:30 p.m., on the request of D & S Pacific, Ltd., for a variance to allow the development and construction of a 68-unit apartment hotel condominium, located on a lot approximately 49,933 square feet in area, Land Court Application 1735, portion of Hienaoli 6th and Auhaukese 1st, North Kona.

The meeting was reconvened at 1:41 p.m.

TRAFFIC COMMITTEE
REPORT

and carried.

Mrs. Carlsmith moved to accept the entire Traffic Committee report under the unfinished and now business. The motion was seconded by Mrs. Baker

The meeting was recessed at 1:47 p.m., to conduct a public hearing on the request of Kona Hardwoods for a variance to allow the development and construction of a 10 x 36 addition to the existing building to be used as a beauty salon, located on a lot approximately 7,637 square feet in area, portion of L. C. Aw. 9971:46, Honuaula 1st, North Kona.

The meeting was reconvened at 1:57 p.m.

ZONING COMMITTEE
REPORT

The following were discussed and action taken on each item accordingly:

✓ 1. LAND USE COMMISSION
REZONING REQUEST
EARL V. TRUOX

The members considered the request from Land Use Commission for comments and recommendations on the application of Earl V. Truox for amendment of the Land Use District Boundaries from Agricultural

to Urban District on a portion of Olaa Reservation Lots, in Puna and fronting on Peck Road for the purpose of subdividing a 50-acre lot into 1-acre parcels.

The contention of the applicant was that under the Agricultural zone, the minimum area allowed would be 3-acres, but if Urban zone is granted, 1-acre parcels would be permissible allowing more retired couples to farm their own gardens which is more within their scope of living.

The staff report recommended change of zone boundaries to Rural District because the minimum area allowed is 1-acre under this zoning. The Master Plan reflects this area as Agricultural use. The land is not being used for anything at the present time. The criteria for which the applicant has to meet before ^{granting} change of zone boundaries to Urban District would be that the property must be adjoining or close to an existing urban boundary. In this case, the Urban District is completely detached from the property in question. The applicant is proposing a 1-acre lot which is the minimum area for agricultural-residential type of zoning which is comparable to the State and County interpretation.

Mr. Spalding moved to recommend the change of use to the Land Use Commission of the 50-acre parcel to a Rural District zoning. The motion was seconded by Mrs. Carlsmith, and carried.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted to accept and file Item Nos. 2 and 3 of the Zoning Committee report.

The meeting was recessed at 2:01 p.m., to conduct a public hearing on the request of Laurance S. Rockefeller for a variance to allow the development of a ranch type hotel and lodge, located on a lot approximately 11.340 acres in area, Grants 11059:2, 5272, 5273, portion of 5274 and L. C. Aw. 4513, South Kohala.

The meeting was reconvened at 2:10 p.m.

The Board of Water Supply recommended disapproval due to the inadequate pipeline which serves this subdivision until such time that the subdivider installs adequate pipeline in conformance with their requirements.

Mr. Santos moved that the subdivision be denied for the reasons indicated by the Board of Water Supply. The motion was seconded by Mr. Kimura, and carried as follows:

Ayes: Mr. Santos
Mr. Kimura
Mrs. Carlsmith
Mr. Aoyagi
Mr. Spalding

Noes: Mr. Freitas
Mrs. Baker

(Note: After the Commission's action, the Board of Water Supply called attention to the fact that the two homes already existing on the subdivided lot is being served on one meter, therefore recommended approval on the basis of no change in condition. Another letter was forwarded to the applicant after a telephone poll and majority vote of members indicating approval for recordation with usual modifications and conditions.)

21. STREET NAME
HUAPALA SUBDIVISION
CHARLES MAKAWEO, ET AL.

A request was made by the developer of the Huapala Subdivision to name their recently constructed roadway within the subdivision situated at Waiakea Homesteads, 1st Series. The Name

"Makaleka" was submitted for consideration.

The subdivider informed the Commission prior to the meeting that they would like to have the Commission select a name rather than defer for further consideration since the name "Makaleka" was not recommended for approval by the Committee because of the possible confusion with an existing street name of "Makalika."

On a motion of Mr. Freitas and second of Mr. Spalding, the Commission voted to designate the street name of "KUPAA" which mean steadfast.

The Chair declared a recess for 5 minutes at 3:45 p.m.

The meeting was reconvened at 3:55 p.m.

✓ LAND USE COMMISSION
SPECIAL PERMIT
W. H. SHIPMAN, LTD.

the State Agricultural Zone.

The request of W. H. Shipman, Ltd., was considered for a special permit to allow the applicant urban developments in that portion of his property now used for intensive residential use, located in

A public hearing was held last month on this request. It was moved by Mr. Santos seconded by Mrs. Carlsmith, and carried to recommend approval of the request for a special permit to the Land Use Commission on the basis of the following findings:

1. Trends and needs have changed in that the plantation is not interested in maintaining housing for the employees. They are requesting that the area involved which provide housing for the employees be extracted from their general agricultural lands. The ultimate plan is to have the employees own a parcel of land, build, and maintain a home of their own.

2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.
 - a. All subdivision within this area must be developed with water and roads before approval is granted by the Planning and Traffic Commission.
 - b. School, police and fire protection are presently available.
3. The land is not available for agricultural uses and it is presently under urban use.
4. The use requested is for the highest and best use of the land involved for the general interest.
5. Land allotted under present district boundary is insufficient for a planned community. The reason herein stated has direct association with the ordinances of the County of Hawaii. Ordinance No. 294 adopted December 16, 1964 requires a minimum of one acre for the development and construction of a single-family dwelling. The Planning and Traffic Commission is granting variance when requested in all urban areas on the basis of the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements.

The approval is subject to the condition that the said development will conform to all rules and regulations of the State and County after approval.

INTERIM ZONING
VARIANCE REQUEST
RICHARD SMART

After a duly held public hearing the request of Richard Smart was considered for a variance to allow the development and construction of a 40 x 100 administration building for Parker Ranch, located on a lot approximately 24,244 square feet in area, portion of R. P. 5671, LCA 8521-B, Apana 1, Waikoloa, South Kohala.

On a motion of Mr. Spalding and second of Mrs. Carlsmith, the Commission voted unanimously to approve the variance request on the basis of the following conditions:

1. A minimum off-street parking of 1 parking per 300 square feet of gross floor area be provided and paved.
2. The development be constructed in accordance with the plans submitted.
3. All requirements of the building code, health, fire, and the Board of Water Supply be complied with.
4. Construction shall start within a period of one year as of the date of the public hearing; otherwise, the variance shall be deemed null and void.

INTERIM ZONING
VARIANCE REQUEST
THOMAS A. KOBAYASHI

After a duly held public hearing the request of Thomas A. Kobayashi was considered for a variance to allow the development and construction of a storage room, loading and unloading facility and sales room in an existing retail furniture store, located on a lot approximately 30,415 square feet in area, portion of R. P. 1008, L. C. Award 614, Hanaia Rd, North Kona.

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RECEIVED

PLANNING AND TRAFFIC COMMISSION
County of Hawaii
December 21, 1964

FEB 8, 1965

State of Hawaii
LAND USE COMMISSION

The Planning and Traffic Commission met in regular session at 1:30 p.m., in the Conference Room of the County Board of Supervisors with Chairman Robert M. Yamada presiding.

PRESENT: Robert M. Yamada
Seiji Aoyagi
Marion Baker
Maxine Calsmith
John T. Freitas
Walter W. Kimura
Herman Mulder
Russell Oda
Robert J. Santos
Rufus P. Spalding, Jr.
Edgar A. Hamasu
Raymond H. Suefuji

ABSENT: John Alconera
Miyoshi Matsushita

L. N. Nevels
Richard Kimi
Albert Soloff
Yukio Naito

MINUTES

The minutes of the meeting held on November 16, 1964, were approved as circulated on a motion of Mr. Freitas,

and second of Mr. Kimura, and carried.

The meeting was recessed at 1:31 p.m., to conduct the following public hearings:

1. Request of Paul K. Tallett, for a variance to permit the continuance of a piggery use in a Class "A" Residential Zone, located on Lot 30, Parcel 25, Lehia Park Residence Lots (1st Series), a portion of Waiuli, Waiakea, South Hilo, containing an area of 18,000 square feet.
 2. Request of Inter-Island Resorts, Ltd., for a variance to allow the development and construction of a 59 -unit addition with a restaurant and a cocktail lounge to Mauna Loa Wing of the Kona Inn Hotel, located on a lot approximately 89,588 square feet in area, being Parcel 4, Honuaula 1st, North Kona.
 - ✓ 3. Request of W. H. Shipman, Ltd., for a Special Permit to allow the applicant for urban developments in that portion of his property now used for intensive residential use, located in the State Agricultural Zone.
 4. Request of Laguna-Kai Development Venture for a variance to allow the development and construction of a 2-story, 44-unit resort development with dining and recreational services, located on a lot approximately 56,853 square feet in area, being Lots Nos. 77, 78, and 79 of Puako Beach Lots, Puako, South Kohala.
-

stop at property line and changing it to mean intersecting line or the nearest crosswalk line or if no marked line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic. The foregoing applies to the yield sign where the driver is required to stop.

On a motion of Mrs. Carlsmith and second of Mr. Kimura, the Commission voted to accept the recommendation of the Police Department to amend Ordinance No. 25.

3. HAIRPIN TURN
KEAUMOKU, WAIHEA

The request of the Police Department was considered to improve the hairpin turn in the Keaumoku area in order to provide a more gradual turning radius. The hazard exists on the first bad turn, 3 miles from Waiheea Police Station, to Kona.

It was moved by Mrs. Carlsmith, seconded by Mr. Kimura, and carried that the recommendation on Item No. 3 under new business be accepted.

ZONING COMMITTEE
REPORT

The following were discussed and action taken on each item accordingly:

✓ 1-a. LAND USE COMMISSION
REZONING REQUEST
MOLLY D. ZIMRING

The members considered the request from Land Use Commission for comments and recommendations on the application of Molly D. Zimring for amendment of the Land Use

District Boundaries from Agricultural to Urban District on a portion of Lot 918, Grant 1609, Waiakea Homesteads, 2nd Series, South Hilo.

The parcel is located in the vicinity of an Urban zoned area of Waiakea Camp 6 and is adjoining the Shigeoka subdivision. It is located on the corner of Kupulau and Haihai Streets. An 8-inch water main runs along Kupulau Road and a portion of the roadway is paved. The proposed subdivision plans show small lots fronting on the two roads with the interior portion kept as a large parcel until future demand calls for further subdivision. The lots which front on Haihai Street is presently on a paper road. The applicant understands that the Planning Commission's approval will not construe to mean that the proposed subdivision will be granted as shown on the plat plans. It will still need the Land Use Commission's approval. The proposed uses will have to conform to the existing zoning ordinance and the Master Plan.

The staff report recommended rezoning to Rural District. The character of the land is rural. The Master Plan of the city of Hilo shows the area as Residential-Agricultural which has similar characteristics as the State's Rural Zone. The proposed zoning map shows this area in excess of 5 to 10 acres. It was pointed out that the Commission's responsibility is to control density and land uses and not to haphazardly increase urban districts in spotted areas.

Mr. Spalding moved for approval of the Committee's recommendation to recommend to the Land Use Commission that this area be placed in the Urban District. The motion was seconded by Mrs. Carlsmith, and unanimously carried.

✓ 1-b. LAND USE COMMISSION
REZONING REQUEST
W. H. SHIPMAN, LTD.

A discussion followed on the request of W. H. Shipman, Ltd. for amendment of the Land Use District Boundaries from Agricultural to Urban District on Lots A-22-A-5,

A-22-A-4, and A-22-A-1 in Keaau, Puna.

The staff reported recommended rezoning to Urban District since most of the lands in the immediate vicinity are being used for urban purposes. The Master Plan shows a portion of that area for residential uses.

It was moved by Mr. Spalding, seconded by Mr. Freitas, and unanimously carried that the Committee's recommendation be accepted.

✓ 1-c. LAND USE COMMISSION
REZONING REQUEST
STATE OF HAWAII (HHC)

The request of State of Hawaii, Department of Hawaiian Home Lands was next considered for amendment of the Land Use District Boundaries from Agricultural to Urban Dis-

trict on an additional Puukapu Village Houselot No. 86 in Puukapu, Waimea, South Kohala.

At the time of the Farm Lots subdivision, remnant lot resulted creating a houselot size in a corner of a previous residential subdivision. The adjacent small-lot subdivision is in an Urban District, therefore, the request to place this one houselot in the Urban District seems logical.

Mr. Spalding moved to accept the Committee's recommendation to recommend to the Land Use Commission that rezoning from Agricultural to Urban be approved. The motion was seconded by Mr. Mulder, and unanimously carried.

2. REZONING STUDY
CHONG MAN SUBDIVISION
RESIDENTIAL ZONE A.

The members considered the possible rezoning of the Charles Chong Man Subdivision in the land of Ponahawai from Class A to Class B Residential. The lots with-

in the subdivision are predominantly 3/4 acre to 1 acre in size. In the past, several resubdivision to a smaller sized lots were requested and approved by the Commission when the area was zoned Agricultural Zone 2. It was deemed undesirable to allow 10,000 square-foot lot to one property owner because of the fact that these parcels are very large. The adjacent Kaumana-Lani subdivision range in lot sizes from 8,000 to 10,000 square feet in a Class B. Residential area.

The staff recommended the extension of the present Class B Residential from the Kaumana-Lani Subdivision to the stream and following that line to the Kaumana Drive.

On a motion of Mr. Spalding and second of Mr. Mulder, the Commission voted to accept the Committee's recommendation to hold a public hearing at the next meeting to rezone the area from Class A to Class B Residential.

On Item Nos. 3, 4, and 5, which pertains to County Attorney's opinion on Ordinance No. 183, County Attorney's opinion on appeal from the decision of the Building Officials, and zone variance procedure under the Rules of Practice and Procedure adopted on July 16, 1962, the Chairman of the Zoning Committee recommended that the report be studied and sincerely urged everyone to read since it contains some of the criteria in rendering decisions on zoning cases.

6. REVISED PLANS ON
VARIANCE GRANTED
KID MCCOY, ET AL.

A revised development plans were submitted by Kid McCoy for approval by the Commission. The revised plans now conform to the construction drawings previously submitted on

roads and water system. The approval was held in abeyance pending submission of revised over-all plans. All conditions regarding parking and density remain the same. The staff recommended approval.

Mr. Spalding moved that the Commission approve the revised development plans. The motion was seconded by Mr. Mulder, and carried.

district. Pleasant and attractive environment with adequate open space around each building planted with tropical vegetation and greenery as well as ample, well-maintained, off-street parking area are definite means to achieve visitor satisfaction. Satisfied visitors are the best advertisement for Hawaii's visitor industry.

3. A rule of thumb is very often used in calculating off-street parking spaces for a commercial development. It is established that normally one hotel room would provide employment for one person. Adequate parking spaces need to be set aside for employees parking as well as visitors parking.
4. In view of items (2) and (3), it is indeed strongly suggested that from the standpoint of your long-range business success as well as to maintain a healthy economic climate and the betterment of Kailua Resort Region, that you give every consideration to provide attractive and pleasant environment in the vicinity of the hotel.

(Mr. Mulder abstained from voting.)

✓ LAND USE COMMISSION
SPECIAL PERMIT
W. H. SHIPMAN, LTD.

A public hearing was held on the request of W. H. Shipman, Ltd., for a Special Permit to allow the applicant urban developments in that portion of his property

now used for intensive residential use, located in the State Agricultural Zone.

Action was deferred until next month's meeting. Act 205 (LUC law) prohibits the Commission to act on such petition earlier than 15 days after the said public hearing.

ADOPTION
RES. NOS. 53 and 54

The Planning and Traffic Commission Resolution Nos. 53 and 54 are for the purpose of officially adopting the Master Plan of

South Hilo and Puna Districts and the Master Plan of Kohala-Hamakua Region.

On a motion of Mr. Santos and second of Mr. Mulder, the Commission unanimously voted to adopt the resolutions.

ADOPTION
RES. NO. 55

The Planning and Traffic Commission Resolution No. 55 is for the purpose of officially adopting the Master Plan of North

and South Kona Districts.

Mr. Mulder moved for the adoption of the Kona Master Plan with amendments in the light industrial use on the south side of the airport to reflect open space and the realignment of Kuakini Highway to be left for future discussion. The motion was seconded by Mr. Santos, and carried.

ADOPTION
RES. NO. 56

The Planning and Traffic Commission Resolution No. 56 creates Business Zone from Agricultural Zone 2 on a parcel described

as Lot 12, a portion of Grant 10551, Block 501, Waiakea Homesteads, Waiakea, South Hilo, situated at the corner of Kahaopea Street and Kanoelehua Avenue.

It was moved by Mr. Santos, seconded by Mr. Kimura, and carried that Resolution No. 56 be adopted.

STATE OF HAWAII
Department of PLANNING
AND ECONOMIC DEVELOPMENT

1. ~~Sox~~ 2. ~~Kara~~ 3. _____ 4. _____
5. _____ 6. _____ 7. _____ 8. _____

LUC _____

OTS _____

Originator:

Ray

DUE DATE _____

_____ For Your Information _____ Approval

_____ Appropriate Action _____ Signature

_____ See Me () _____ Please Type

_____ Note & Return to () _____ Investigate & Report

_____ Prepare Draft: letter, report, memorandum

_____ Verifax _____ copies _____ Comment &
_____ Recommendation

_____ Mail _____

_____ File _____ Discard ☐

_____ Direct Reply with copy to Director

*Prepare brief reply which essentially
says we received letter & working
on it*

(Keep routing slip attached to material)

f Commerce. The group visited
bers were afforded the opportunity
investment contacts.

various trade and industry groups
s and private individuals to
Foreign trade program and develop
ommerce.

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opment and Trade Tour, December
er the auspices of the Filipino

five-day trade mission to the
ere established for the export
Hawaiian wearing apparel and
rmy Exchanges and arrangements
o Hawaii. He also investigated
n the Ryukyu Islands.

ment Industries

pting to lay the groundwork for
"think industry" center of the

Mr. Richard E. Devine
W. H. Shipman, Ltd.
230 Kekuanaoa St.
Hilo, Hawaii

HOLD

Dear Mr. Devine:

Thank you for clarifying several points
in the matter of SP 65-13.

We were not aware that the homes
in the areas under petition were so dilapidated
that they cannot be ^{economically} moved. We were under
the impression that lots shown in the Belt
and Collins Plan for Keana would be made
available to local residents and pensioners since
we could not ^{otherwise} explain ~~the~~ the need for all the
~~the~~ residential lots shown on the plan.

We see ^{no} obstacle in leasing any parcel that
meets County minimum lot sizes. The problem
appears to be one of determining whether ^{the} existing
camps are "merely ancillary to agricultural use" or
constitute an ^{illegal} "non-conforming use" or are both. A use
merely ancillary to agricultural use may not be
a permissible use. ^{However we have not} ~~Not having~~ determined that
these camps, in the light of what you have
revealed to us, are any longer ancillary. The
use may, therefore, be ~~not conforming as the~~
~~signs are~~ "urban" (a word used in ^{the} SP 65-13 petition)
in which case it may be non-conforming if the
County of Hawaii so rules.

Although your letter leads us to understand that
these camps will be phased out, an urban use
once established is difficult to phase out. ^{There is} Nothing
~~the Commission can~~ do to deter a petitioner, whether his land is distrusted
as urban or whether he has a special permit for
a non-specific urban use, from ~~even~~ introducing
any urban use. Were this to include subdivision
~~of land~~ ^{Urban} ~~land~~, ^{districting} would be permanent indeed.

✓ Cf. Regulation 2.7(c), 2.14(d) and 2.14(m).

The preceding comments are presented to you not to deter ~~you~~ or dismay you but to apprise you of the study we have devoted to SP65-13 since March 19, 1965. Please be assured that we are continuing to give attention to the matter and regret that we have not yet found a ~~safe~~ resolution to this problem.

Sincerely,

RSY

STATE OF HAWAII
LAND USE COMMISSION

Board of Supervisors' Board Room
Hilo, Hawaii

3:00 P. M.
March 19, 1965

STAFF REPORT

HAWAII SP65-13 - W.H. SHIPMAN, LTD.

District Classification: AGRICULTURAL & URBAN

Background *all caps*

The County of Hawaii Planning and Traffic Commission has referred an application for special permit by W.H. Shipman, Ltd. The application covers ^{areas} six lots totalling about 30.8 acres which the applicant proposes to subdivide out of five parcels totalling about 1,886 acres. The five parcels are located in Agricultural and Urban Districts in and around the village of Keaau,

The County advises that the special permit would allow the applicant urban use of his lands. The attorney for the applicant points out that the purpose of the application is two-fold:

(1) to subdivide lands in Agricultural districts and

(2) to use the lots created by the subdivision for urban purposes.^{1/}

Space →
A Of the six lots, lot 1151-A^{2/} hereafter referred to as "lot A," is about 6.5 acres in size and appears to be a plantation camp containing about four dozen homes. Most of lot A is currently in an Urban District located near the offices of the Puna Sugar Company. The district lines, however, may be inaccurately drawn; vacant areas are included in the urban district, and a small portion of developed lands have been excluded. Lot A is virtually surrounded by cane fields. The county proposes to zone the area of lot A as Agriculture with a minimum lot size of 20 acres.

Lot A-22-A-3^{3/} hereafter referred to as "lot B" is about 1.8 acres in area

^{1/} See transcript of public hearing conducted by County of Hawaii Planning and Traffic Commission on December 21, 1964.

^{2/} A portion of Third Division, parcel TMK 1-6-03: 3 which contains 163.729 acres.

^{3/} A portion of Third Division, parcel TMK 1-6-03: 8 which contains 661.856 acres.

and contains a single home. The lot located on Pahoa road is ~~100,000~~ surrounded by cane fields. Proposed county zoning for lot B is Residential with a minimum lot size of 10,000 square feet.

Lot A-18-A-1,^{4/} hereafter referred to as "lot C" is about 5.8 acres in area and is the site of Keaau Camp. There are about a dozen and a half houses in the Camp. The southeastern portion of the lot appears to be vacant and covered with brush. The village of Keaau borders lot C to the north, cane fields to the south. A portion of lot C lies in an Urban District that doubtless is incorrectly drawn. Proposed county zoning for lot C is Industrial with a minimum lot size of 20,000 square feet.

Lot A-17-A-1-B,^{5/} hereafter referred to as "lot D" contains about 2.5 acres located near the Keaau armory. There are about seven homes on the lot. It appears that there was twice that number in 1958 but that some have been removed or destroyed. Lot D is bordered by cane fields to the southeast. ~~Lot D~~^{It} is proposed for agricultural use with a minimum lot size of 20 acres.

Lot A-17-A-1-A,^{5/} hereafter referred to as "lot E" contains about 9.9 acres on which about two dozen homes are situated. This is the site of Nine and One-Half Mile Camp. The camp is virtually surrounded by cane fields. Lot E is proposed for 20-acre agricultural zoning.

Lot A-17-C,^{6/} hereafter referred to as "lot F" is a little less than 4.2 acres in size. It contains a little over two dozen dwelling units. Urban developments can be found to the east and northeast of lot F. Lot F is proposed for 20,000 square feet industrial zoning.

The total area of all six lots is about 30.8 acres. There are about 115 homes on these lots or about 3.7 homes per acre on the average. Four of the proposed lots are over three acres in size; lots B and D are under three acres in size.

^{4/} A portion of Third Division, parcel TMK 1-6-03: 11 which contains 245.052 acres.
^{5/} A portion of Third Division, parcel TMK 1-6-03: 12 which contains 802.631 acres.
^{6/} A portion of Third Division, parcel TMK 1-6-03: 62 which contains 12.672 acres.

Soil surveys do not differentiate between lands in urban use and lands in cane. Soils are of the Hilo family, very shallow^{ow} phases, between 4 to 12 inches thick. They require application of fertilizer for raising cane. Median annual rainfall is between 150 and 200 inches. With the possible exception of portions ^{7/} of lot E, slopes are not excessive.

Analysis *all caps*

On February 8, 1965 the Land Use Commission received a notice that the Hawaii County Planning and Traffic Commission recommended approval of the application for special permit on the following bases:

- "1. Trends and needs have changed---the Plantation is not interested in maintaining housing for the employees. They are requesting that the areas involved, which provide housing for the employees, be extracted from their general agricultural lands. The ultimate plan is to have employees own a parcel of land, build, and maintain a home of their own.
- "2. The granting of the special permit would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire station.
- "3. The land is not available for agricultural use and it is presently under urban use.
- "4. The use requested is for the highest and best use of the land involved for the general interest.
- "5. Land allotted under the present district boundary is insufficient for a planned community. Ordinance No. 294 adopted December 16, 1964, requires a minimum of one acre for ---- a single-family dwelling. The Planning and Traffic Commission is granting variance/s/ when requested in all urban areas on --- the proposed zoning map. With such an approval, the area of land needed per single-family dwelling is doubled and tripled due to low density area requirements."

ANALYSIS

In making its recommendation, the County apparently did not make a separate determination for each lot nor isolate each of the issues within the propositions advanced by petitioner. The analysis which follows attempts to do this.

APPENDIX TO SP65-13 - W. H. SHIPMAN LTD.

Lot A (proposed)

Lot A is a portion of a 164 acre parcel. The lot is over three acres in size, *hence* a subdivision to extract lot A out of the 164 acre parcel is entirely permissible under existing ^{County + LUC} regulations, if the entire area of lot A is located in an Agricultural District.

^{7/} Not measurable on available maps.

Most of Lot A, however, lies in an Urban District. Roughly 1.6 acres lie in the Agricultural District. Section 98H-5(b), RLH 1955 provides that "The county standards for agricultural subdivision existing as of May 1, 1963, shall constitute the minimum lot sizes of Agricultural districts within the respective counties." It would thus appear that the County and not the State Land Use Commission has jurisdiction over lot size standards in Agricultural Districts.

Since most of lot A is already classified as Urban, it seems unnecessary that a special permit should be granted for urban use. The only areas where such a permit would be necessary would be the small portion^{8/} of the proposed lot outside the present Urban District. ⁹ Had such a lot existed at the time the Urban Districts were drawn, it is probable that the boundaries would have followed the proposed lot lines. Rule 2.11(b)(3) provides:

"Where the district lines are not otherwise indicated and where the property has been or may hereafter be subdivided into blocks and lots, the district lines shall be construed to be the lot lines. Where the Districts are bounded by lot lines, the lot lines shall be construed to be the district lines of such Districts, unless the district lines are otherwise indicated."

The only possible alternative to lot lines in this case is roadways which run through and about the area of lot A.

Rule 2.29(b)(1) provides:

"Whenever said land is contiguous to an Urban District and petitioner is seeking an urban use and his land is situated in either a Rural, or Agricultural, or Conservation District, petitioner should seek a boundary change."

Lot B (proposed)

1. Lot B is a portion of a 662 acre parcel. The ^{proposed} lot is about 1.8 acres, ~~that is,~~ less than three acres in size, and is classified as Agricultural. The subdivision of a 1.8 acre parcel out of an Agricultural district is currently discouraged under County administrative minimum agricultural lot ^{size standards} ~~sizes~~.

^{8/} About 1.6 acres, part of which appears to be developed.

Section 98H-5(b), RLH 1955 states that the County and not the Land Use Commission has power over minimum lot sizes in Agricultural Districts. The issue to be considered by the Land Use Commission is whether ^{any} urban use ^{should} ~~is to be permitted~~, ^{under the} ~~special permit procedure,~~ in the area of the proposed lot B.

The area is currently used ^{as the plantation physicians residence and may possibly} ~~for plantation housing, and it is not entirely clear~~ that ~~this use is not~~ ^{be a} ~~permissible~~ ^{use} in an Agricultural District. The applicant, however, does not necessarily seek continuance of the existing use but ^{without identifying specific uses.} ~~permission for urban use.~~ ^{Technically, the term can mean any and all urban} ~~It is reasonably clear that urban uses are not~~ ~~uses in general and collectively.~~ ~~Clearly such 'urban use' are not~~ ~~generally permissible in Agricultural Districts.~~

Rule 2.23 specifies that: "Any person who desires to use his land within an Agricultural or Rural District for other than an agricultural or rural use

may petition -- for permission to use his land in the manner desired." ~~It~~ ^{As previously} ~~stated in the report, it would be nonsensical to reason that such a vague description as~~ ~~is thus entirely appropriate for the applicant to seek relief through special~~ ~~'urban use', which can mean a collective type of uses, was intended to be a~~ ~~permit procedure.~~ ^{proper consideration for the special permit procedure.}

2. Rule 2.24 provides that: "The Commission may permit certain 'unusual and reasonable' uses within Agricultural and Rural Districts other than those for which the District is classified." Guidelines have been established to determine whether a use is unusual and reasonable. A discussion of these guidelines follows:

- (a) Lot B is located about 800 feet Paho of the nearest urban district.

If lot B is permitted to urbanize, the proposed County zoning would favor the development of the lot into a residential area having a minimum lot sizes of 10,000 square feet. Urbanization of lot B ^{as an isolated urban district} ~~at this time~~ would contribute to scattered subdivision of lands near Keaau ^{and raise serious question on the validity of such a decision.} The proposed use would therefore be contrary ^{several} to ~~one of the~~ objectives of the Land Use Law and Regulations.

- (b) Lot B is now in low density residential use. ^{Such use surrounded by the} ~~The use may or may~~ ~~particular agricultural use does not appear to be compatible,~~ ~~not be compatible with surrounding agricultural uses.~~ ~~Urbanization,~~ ~~especially if a precedence is set which would encourage other~~ ~~of lot B would invite intensification of urban uses in the area of~~ ~~small, isolated residential uses in the area.~~ ~~lot B which would not be compatible with the surrounding agricultural~~ ~~area.~~ ~~Intensification of urban influence on neighboring agricultural~~ ~~areas would be an adverse effect.~~

① Further, Such arbitrary urbanization of small, isolated lots would defeat the intent to establish a complementary assessment basis.

- (c) The area of lot B does not now pose an unreasonable burden on public services and facilities. Urbanization of lot B would invite intensification of any burden that now exists. Lot B, moreover, is not contiguous to any existing Urban District hence urbanization of lot B would not be entirely reasonable.
- (d) The most significant change between the area of lot B and the Urban district of Keaau is that the road to Pahoa is being improved. Otherwise unusual conditions, trends and needs have been negligible since the district boundaries and regulations were established in August 1964.

The withdrawal of plantations from the housing business should also be noted. This, however, was noted in the Keaau development plan some years ago well before the boundaries and regulations became effective in August 1964. Since lot B appears to meet now only a marginal need of plantation housing and since other areas closer to Keaau are available for relocating or establishing plantation housing, it is difficult to appreciate the necessity for urbanizing lot B.

- Available soil data indicate that as well as rainfall*
- (e) ~~It is not entirely clear that the area of lot B is not suited for agricultural uses or uses ancillary to agriculture. Soil and rainfall characteristics do not appear to differ substantially from surrounding cane fields.~~
- (f) ~~A special permit for urban use of lot B is being sought. The County of Hawaii proposes to zone this area for residential use with lot size minimums of 10,000 square feet. As many as six homes can be built on lot B. It is estimated that the density could be increased six times the existing density.~~ *Because the particular area is essentially agricultural, the urbanization of lot B could provide for as many as six homes, in accordance to land proposed County zoning, and thus change the character of the immediate area.*
- (g) ~~It is difficult to conclude that urbanization of a small isolated lot in an Agricultural District is the highest and best use of the land for the public welfare. It would seem that encouragement of scattered subdivisions in an Agricultural District is diametrically opposed to at least one of the purposes of Act 187/SLH 1961.~~ *There is no basis a major tenet of the Land Use Law.*

Lot C (proposed)

Lot C is a 5.8 acre portion of a 245 acre parcel. The area of the lot lies partly within an Urban District and partly (about 3.34 acres) in an Agricultural District. Under County administrative standards a subdivision to create lot C ~~appears to be entirely~~^{is} permissible.

~~From~~^T the map and photo attached to this report, ~~it can be seen~~^{shows} that the present Urban District boundaries do not logically divide existing urban uses from agricultural uses. It ~~seems clear~~^{appears} that the Urban District in which a portion of lot C falls has been drawn incorrectly. ~~Even were the Urban District lines correct,~~^T there seems to be little reason why half the area of lot C should have been included and the other half, which is closer to the Center of Keaau, not.

However, ~~much~~^{should} Urban districting of lot C ~~is~~^{be} warranted, the applicant should seek relief through boundary amendment rather than through special permit. Rule 2.29(b)(1) clearly specifies this.

Lot D (proposed)

1. The 2.5 acres comprising the proposed lot D lies entirely within an Agricultural District. The ~~proposed lot size is less than~~^{the min. agric. lot size currently allowed} ~~current County~~^{by the County,} ~~administrative lot size standards.~~

The County proposes to zone the area of lot D for agriculture with minimum lot sizes of twenty acres. ~~Nonetheless, it recommends approval of a~~^{In apparent contradiction, the County} special permit for urban use of the proposed lot D. ~~It is the understanding~~^{9/} of your staff that under Ordinance No. 294/1964 the applicant can construct no more than one house per acre on the 2.5 acres comprising lot D if a special permit is granted him. If the interpretation of your staff is correct, the grant of a special permit to the applicant may lead to a lower density of development than now exists. A variance granted by the County on the basis of the proposed zoning map presumably ~~would only~~^{should} result in a minimum lot size of twenty acres.^{10/}

^{9/} Not yet verified.

^{10/} Circumstance may apply to lots A and E as well.

Section 98H-5(b), RLH 1955 states that the County and not the Land Use Commission has power over minimum lot sizes in Agricultural Districts. The issue to be considered by the Land Use Commission is whether urban use is to be permitted in the area of the proposed lot D.

Lot D contains the remnants of a plantation camp. Perhaps about seven homes remain in the area of lot D. The density is low ^{at} only about three homes per acre. Although additional homes are located ~~to~~ immediately ~~the~~ northwest, the application does not cover them. Lot D is not contiguous to an Urban District. There is no school or normal commercial businesses on lot D.^{11/} For these reasons lot D might well remain in an Agricultural District. It would seem these uses are permissible and no special permit is needed.

Since urban use can mean a multitude of urban uses

The applicant, however, seeks to put lot D into 'urban use'. ~~Thus~~ ^{not} it does seem appropriate that the special permit procedure be used.

2. Comments regarding urban use of lot D with respect to the guidelines of Rule 2.24 follow:

- purely residential area*
- (a) Lot D is a small, ~~development~~ ^{development} which is not contiguous to an Urban District. Urbanization of lot D ~~might only~~ ^{will} contribute to scattered subdivision of land, which the Land Use Law seeks to minimize.
 - (b) An extension of urban influence into agricultural land should be discouraged in order to ^{provide a "complementary basis" for} ~~prevent an isolation of~~ real property assessment ~~values of~~ agricultural lands.
 - (c) The inclusion of small non-contiguous areas in Urban Districts should be avoided in order to increase the efficiency and standards of public services and facilities.
 - (d) Since August 1964 conditions, trends and needs have undergone little change. The new Volcano Road which was completed earlier merely serves to underscore the isolation of lot D from the center of Keaau.

^{11/} Cf. Rule 2.7(c).

- Available data indicate that
- (e) ~~Soil classification and rainfall~~ ^{are not} ~~do not appear to be substantially~~ different from ~~these~~ neighboring cane fields.
- (f) The effect of the proposed use on the character and use of the land is ~~perhaps not predictable~~ ^{unknown} at this time, ^{because the specific proposed use is unknown.}
- (g) Urbanization of a small, non-contiguous, development is contrary to a fundamental purpose of the Land Use Law.

Lot E (proposed)

1. Lot E contains about 9.9 acres. Subdivision to create a lot of this size is permissible under County administration standards. The County proposes to zone the area of lot E for agriculture with minimum lot sizes of twenty acres. ~~Thus, this is an apparent contradiction of County findings, item 5, Were the lot to be urbanized, it is the understanding of the staff that Ordinance 294/1964 requires that minimum lot sizes be one acre.~~

The area of lot E is now used for a plantation camp and contains about two dozen homes or about 2.4 homes per acre. By inference, Rule 2.7(c) provides that plantation camps can be permitted in Agricultural Districts if the camp does not contain ~~a school, and commercial uses.~~ ^{substantial public facilities.}

The application, however, is for urban use of lot E. Hence it is assumed that the application is not necessary for continuance of any existing use. It thus may be appropriate that an application be made for a special permit.

It should be pointed out, however, that to the southwest is an "Urban District which does not embrace any urban development and consequently exists without much apparent reason. It is entirely possible that this district was created for the express of embracing the area of lot E. If lot E were in an Urban District, there would be no need for a special permit. If the lot were contiguous to an Urban District, the appropriate procedure would be that outlined for a boundary change. Lot E, however, is neither in an Urban District nor contiguous to one.
2. Under Rule 2.24 the Commission may permit certain "unusual and reasonable" uses within Agricultural and Rural Districts other than those for which the District is classified. A discussion of guidelines established for determining

whether urbanization of lot E constitutes an "unusual and reasonable use" follows:

- (a) If lot E were vacant, their permitting the area to urbanize would lead to scattered development. This would be contrary to a basic objective of the Land Use Law. It is true that lot E is not vacant but contains a substantial number of homes. A reading of the record, however, will show that the applicant specifically requests permission for urban development and not necessarily a continuation of existing uses which may be ancillary to agricultural operations.
- (b) Urbanization of lot E would be contrary to long-range plans of the County for surrounding areas. The County proposes that these lands be used for agricultural purposes. To the extent that County plans reflect the highest and best use of these lands, then any contrary use must be less than superlative. The extension of urban influence on agricultural land values should also be minimized.
- (c) Lot E is located about a half mile from the proposed civic center of Keaau. There are many areas closer to this center that can be developed. Lot E, moreover, is separated from Keaau by the Volcano Road. For these reasons it would not be easy to furnish the lot E with a full and adequate range of public services and facilities. The necessity to do so could lead to a lower standard of services and facilities closer to Keaau.
- (d) Since August 1964 when the district boundaries became effective, conditions, trends and needs have not substantially changed nor have conditions of a particularly unusual nature arisen.

~~merely serves to underscore the physical separation of lot E from Keanu.~~ The program to resettle plantation workers has been underway for sometime. The construction of the Volcano highway merely serves to underscore the physical separation of lot E from Keanu. The county plan does not anticipate urbanization of lot E.

- e) The general nature of the soil, and rainfall conditions do not appear to differ substantially from surrounding cane lands.
- f) The effect of the proposed use on the essential character of the land and the present use is subject to interpretation of county proposals. Ordinance 294/1964 established a minimum lot size of one acre for urban areas. This density would encourage a lowering of ^{the} density of development on lot E. The county ~~plan~~ at the same ~~propo~~ time apparently proposes to zone the area for ~~twenty one~~ agricultural lots of twenty acres or more.
- g) To the extent that urbanization of lot E is necessary to facilitate ~~resettlement of plantation~~ housing problems of plantation workers, urbanization of lot E will doubtless benefit some. To the extent that urbanization of lot E contributes to scattered development, then urbanization of lot E works to the detriment of the broader public.

Lot F

Lot F is a 4.2 acre portion of a 12.7 acre parcel. The lot, however, is physically separated from the ~~parcel~~ rest of the parcel by a roadway. The lot is in- and is planned for urban use although it is currently restricted for Agriculture.

The subdivision of a 4.2 acre parcel out of an Agricultural District is entirely possible under county administrative minimum agricultural lot size standards.

The issue to be considered by the Land Use Commission is whether urbanization of lot F ~~is~~ should be permitted. The map and photo attached to this report show that at least half of lot F is already developed.

The map also shows that lot F is contiguous to an existing Urban District. Rule 2.29(b)(1) specifies that petitions covering lands contiguous to an Urban District should be handled through boundary change procedures.

Lots A through F

The six lots in question total ~~some~~ ^{about} 30.8 acres. Of this amount, approximately 17.9 acres are planned for industrial use and 18.9 acres for agricultural use. Only ~~a small parcel~~ lot B containing 1.8 acres and about half of lot C are proposed for residential use.

There are about 115 homes on these lots. Excluding lot A, which is almost entirely districted as Urban, there are about 67 homes on these lots. Excluding lots C and F, there are about 32 homes on these lots.

In determining the ~~dist~~ Urban District boundaries at Kean, the commission may wish to assure that adequate areas are provided for housing, but it will also wish to assure itself that ~~the~~ development is not scattered widely. This is especially true since between 1950 and 1960 the population of Kean declined 18% to 1,334.

In 1960, ~~there were~~ ^{there were} nearly 70% of the 384 housing units in Kean (the area circumscribed in blue on the attached map). Sixty-seven homes¹³ would comprise a substantial number of the total housing, thirty-two homes would represent a smaller number. Of the ~~total~~ 384 homes, 262 were classified as deteriorating. ~~There appears to be a clear need for renewal of housing areas in Kean.~~

A large number of homes on the six lots appear to be in need of renewal. This renewal could be facilitated by urban districting. Urbanization of these six lots, however, would generally be contrary to County plans and lead to scattered development. ~~Areas closer to Kean should be given priority for development.~~ The large number of homes covered by this petition suggests that the petition is of considerable import. Your staff would suggest, however, that urbanization of lands closer to the center of Kean would better satisfy needs. It is understood that while relocation may pose a problem of cost, cost would nevertheless occur since many of the homes are in need of renewal effort.

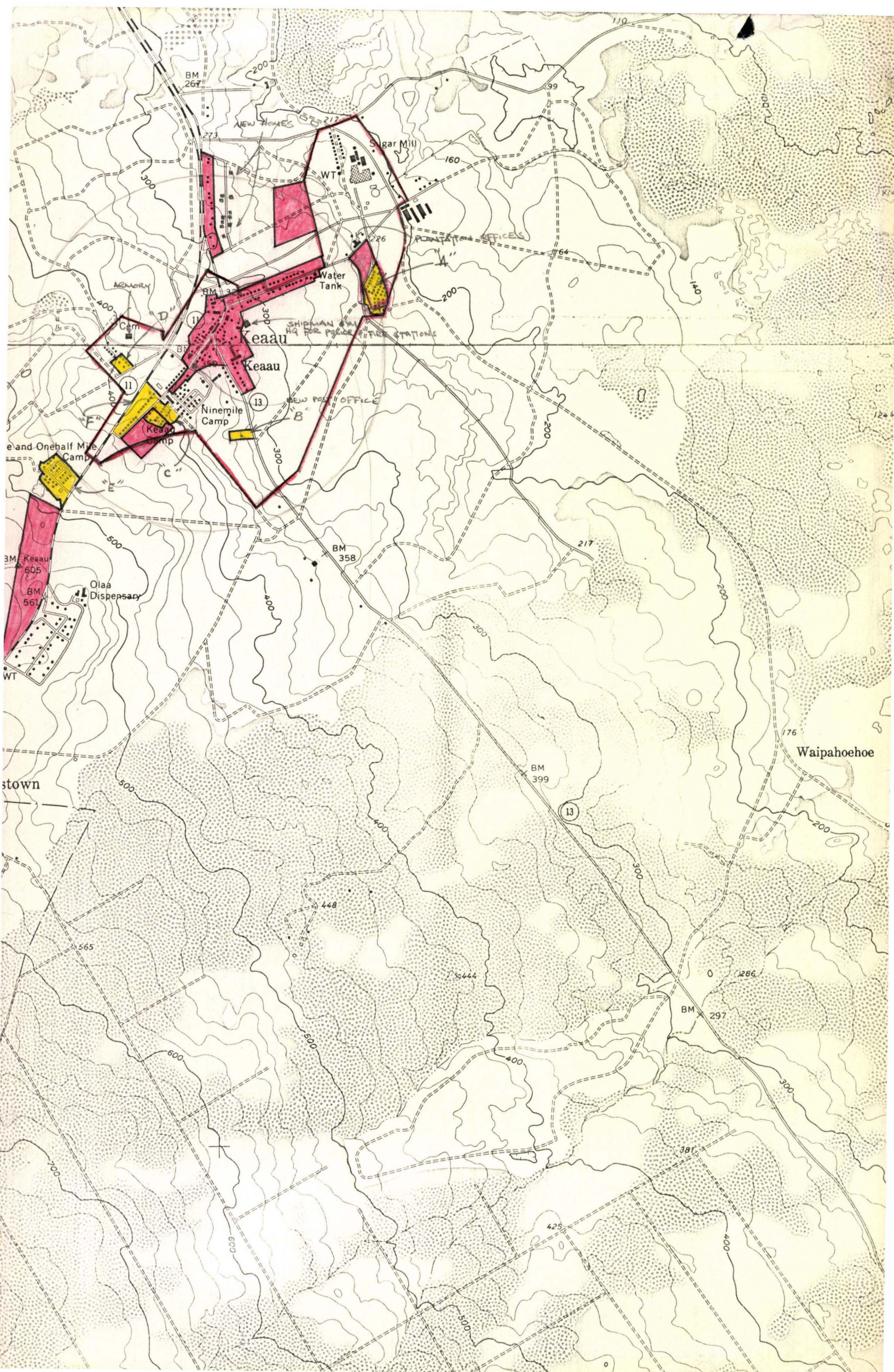
¹³ Not all of which are located in the blue area.

RECOMMENDATION

The application of special permit for lots A, C and F is procedurally in error under Rule 2.29 (b)(i) and ought to be dismissed on that grounds.

The application of special permit for lots B, D and E ^{appears to be} procedurally correct, however, a grant of special permit in these instances would ~~contribute to~~ encourage scattered development of Kanan. The staff, therefore, recommends that the grant be denied.

were a petition for amendment of district boundaries in the case of lots A, C and F submitted, the staff would wish to reconsider its thoughts on this matter.



5065-13

ZONE 2 SEC. 2

N 1697.1
E 2003.56 To Olaa Trig

W. H. Shipman Ltd.
2055.351 acs.

As Flow with dense forest

(644.981 acs.)

Heavy Forest

(1410.330 acs.)

Heavy Forest
W.H. Shipman, Ltd.

251.414 acs.

W. H. Shipman Ltd.
813.676 acs.

T.H. Lis Pendens Civil 154 over 2,459 Ac.

(810.898 Ac.)

Ld.

ct.

W. H. Shipman Ltd.
Hilo West
Cooperative Ltd.
2385 acs.

(1655000)

W. H. Shipman Ltd.
1784.33 acs.

- 30 Goro & Hilo
- 31 Masao Ueta
- 32 Taka & Hilo
- 33 Trinidad & Hilo
- 34 Antonio Ogas
- 35 N. A. Ship
- 36 Miyoshi Ma
- 37 Y. A. & Hilo
- 38 Shimichi
- 40 W. H. Ship
- 41 George M

ZONE 1 SEC. 1

OLAA TRIG - A

To Volcano

T.H. Lis Pendens Civil 154 over
1,251 Ac.

Olaa Sugar Co. Ltd.
53.755 acs.
(5060 acs)
Box of L.C.A.W. 8553-B:16
Catherine Lougher - 1/3
Robert Lougher - 1/3
Edith A. L. Thomas - 1/3
59.36 acs.
Box of L.C.A.W. 8553-B:16
(Kali Iwasaki 5000 acs.)

SEC. 7
PLAT 17

W. H. Shipman Ltd.
661.856 acs.

(349.388 acs.)

Olaa Sugar Co. Ltd.
5330 acs.

W.H. Shipman Ltd.
4.792 acs.

American Factors, Ltd.
Standard Oil Co. of Calif.
9.729 acs.

Olaa Sugar Co. Ltd.
5330 acs.

W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

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Olaa Sugar Co. Ltd.
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W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

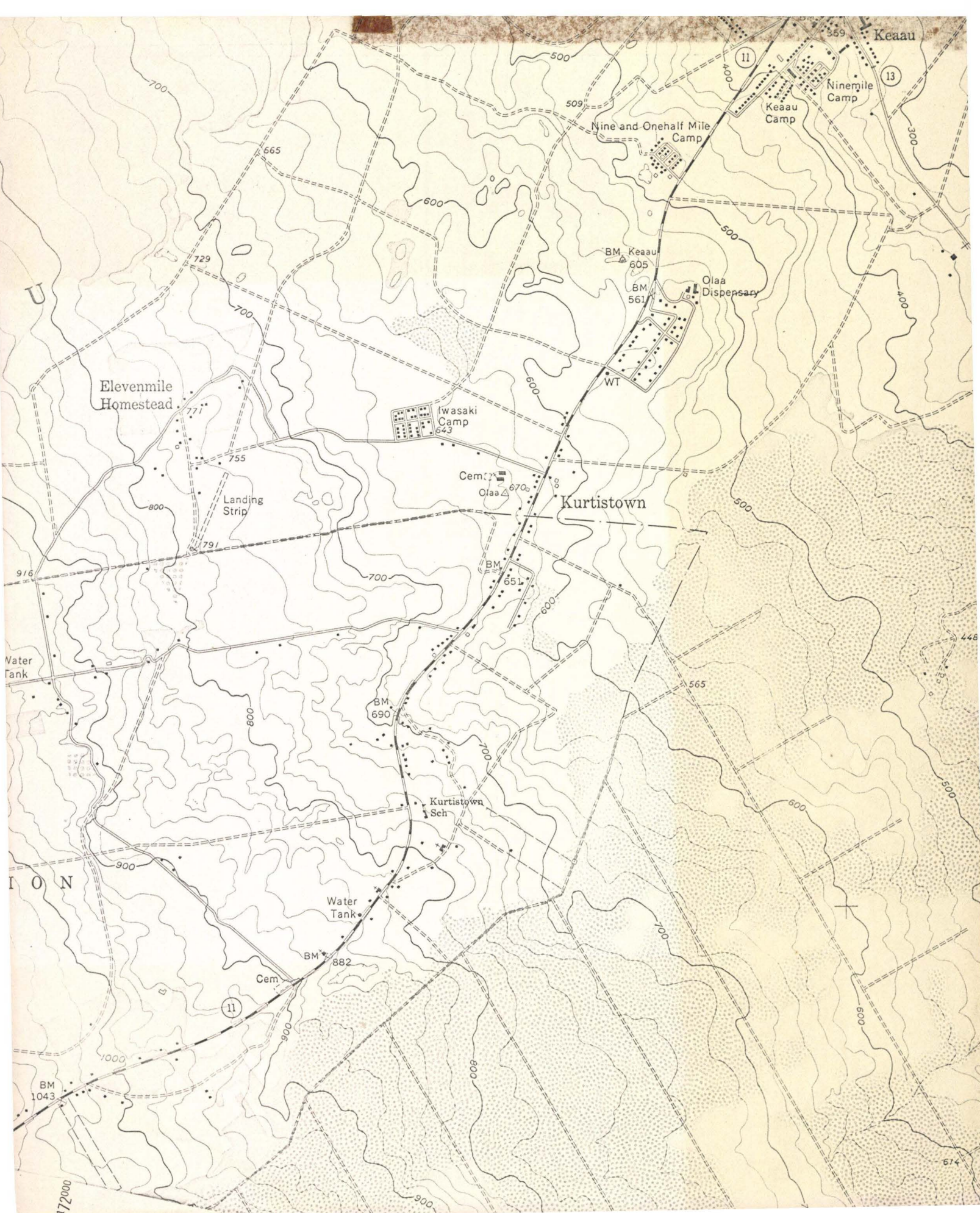
W.H. Shipman Ltd.
4.792 acs.

Olaa Sugar Co. Ltd.
5330 acs.

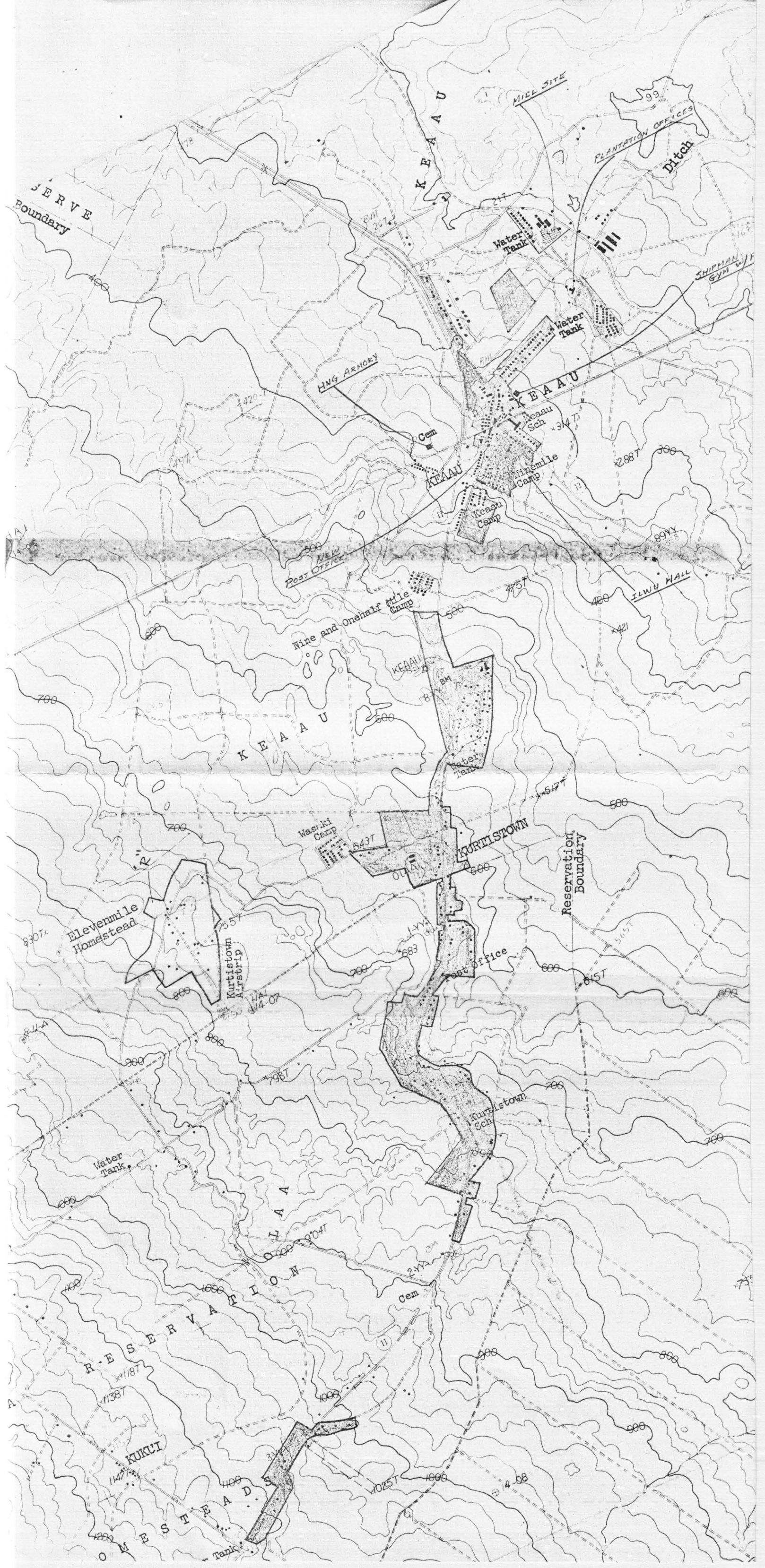
W.H. Shipman Ltd.
4.792 acs.

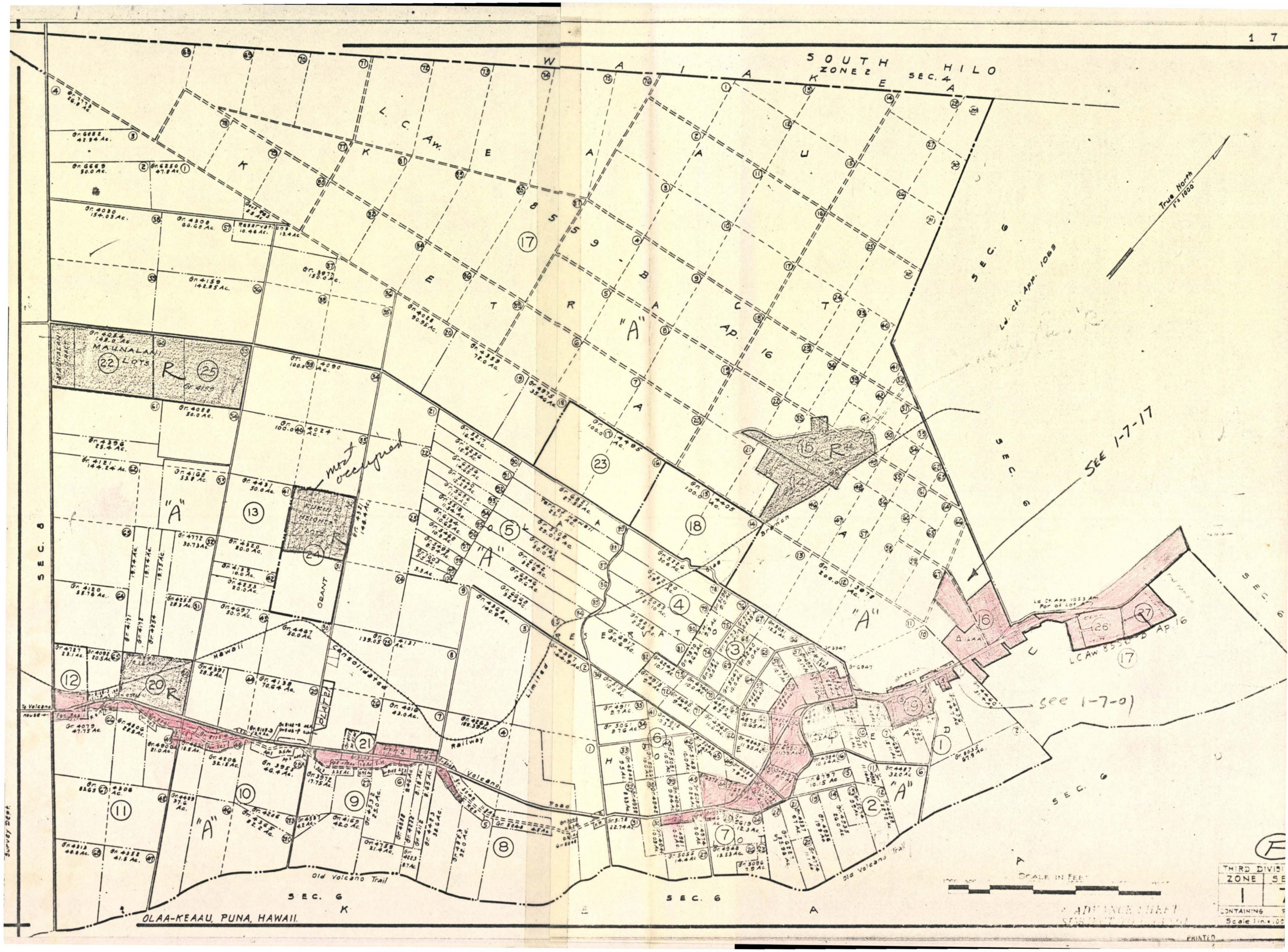
Olaa Sugar Co. Ltd.
5330 acs.







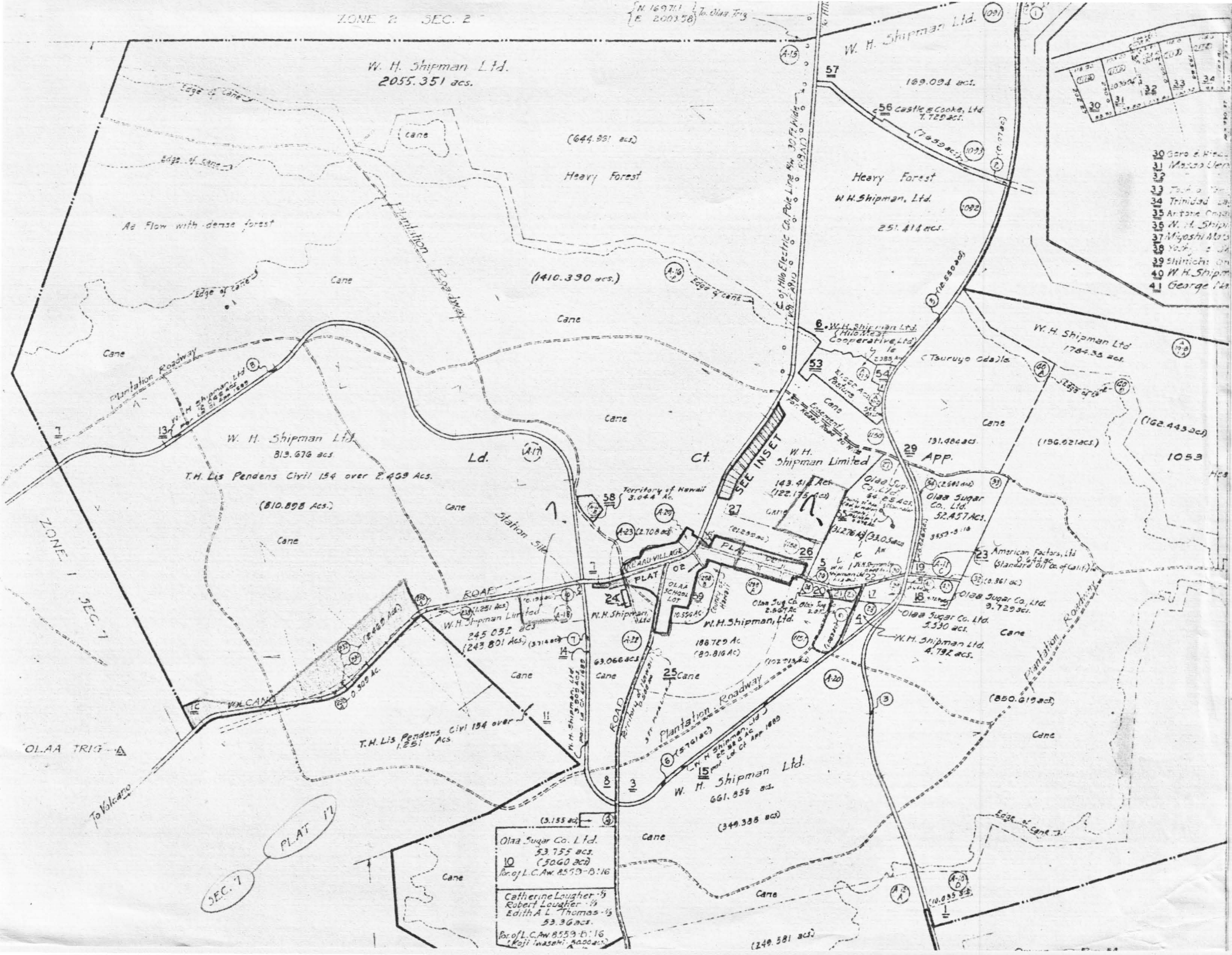




OLAA-KEAAU, PUNA, HAWAII.

SCALE IN FEET

THIRD DIVISION
ZONE 1
CONTAINING
Scale 1:100,000
PRINTED

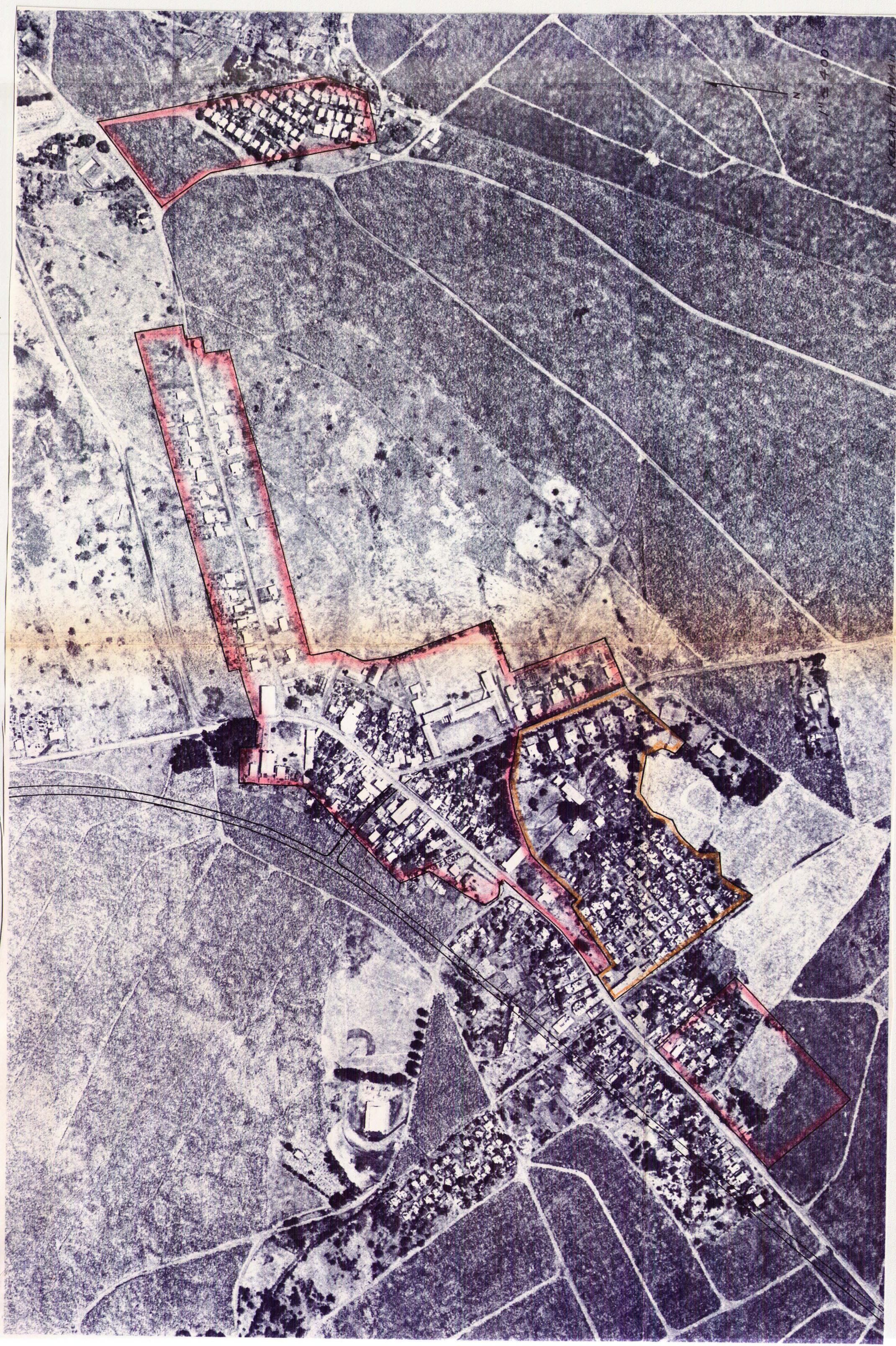




KEANO, HAWAII

1" = 400'

N



1" = 400'

KEEPAU HAWAII



N

1" = 400'

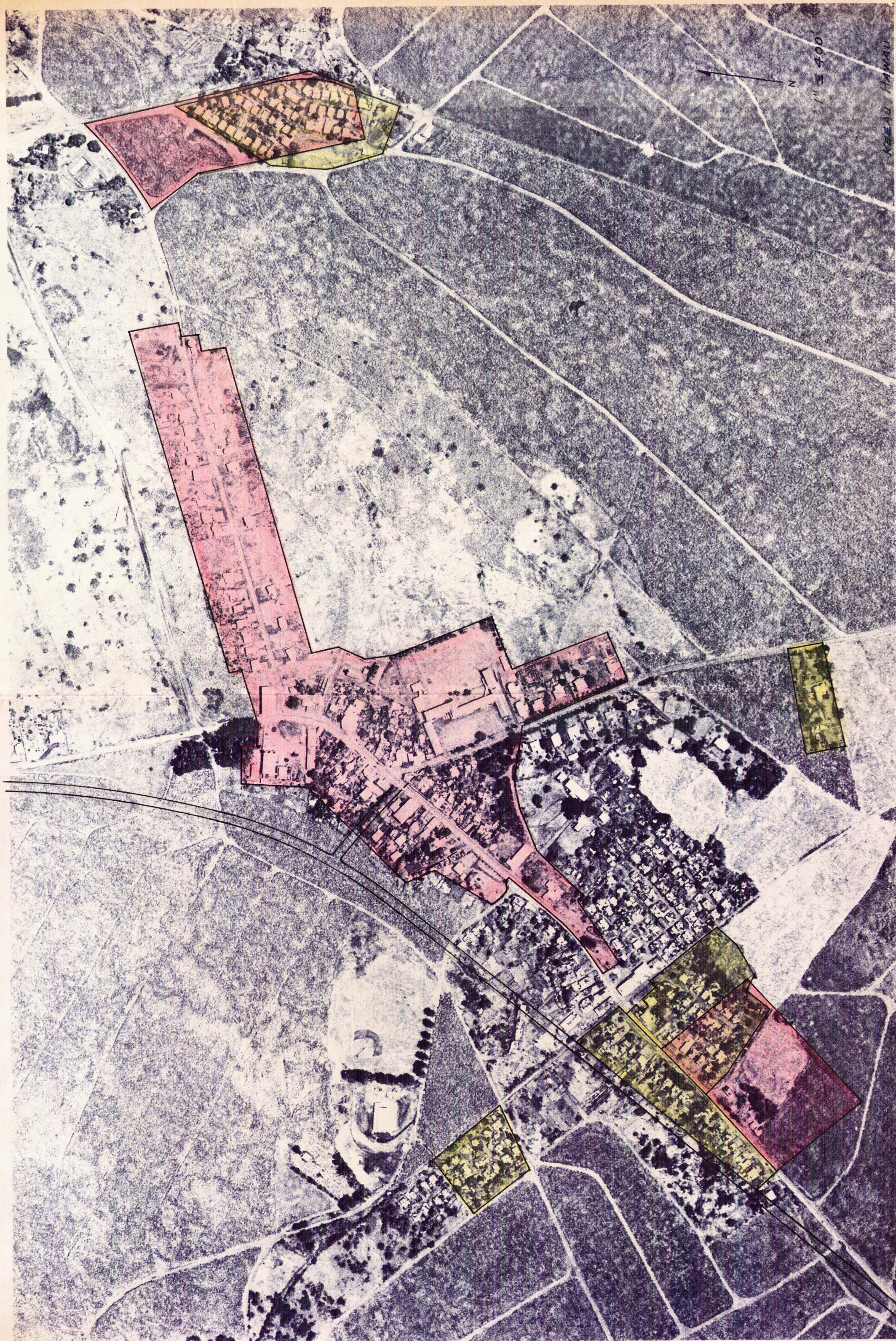
KEEAU, HAWAII



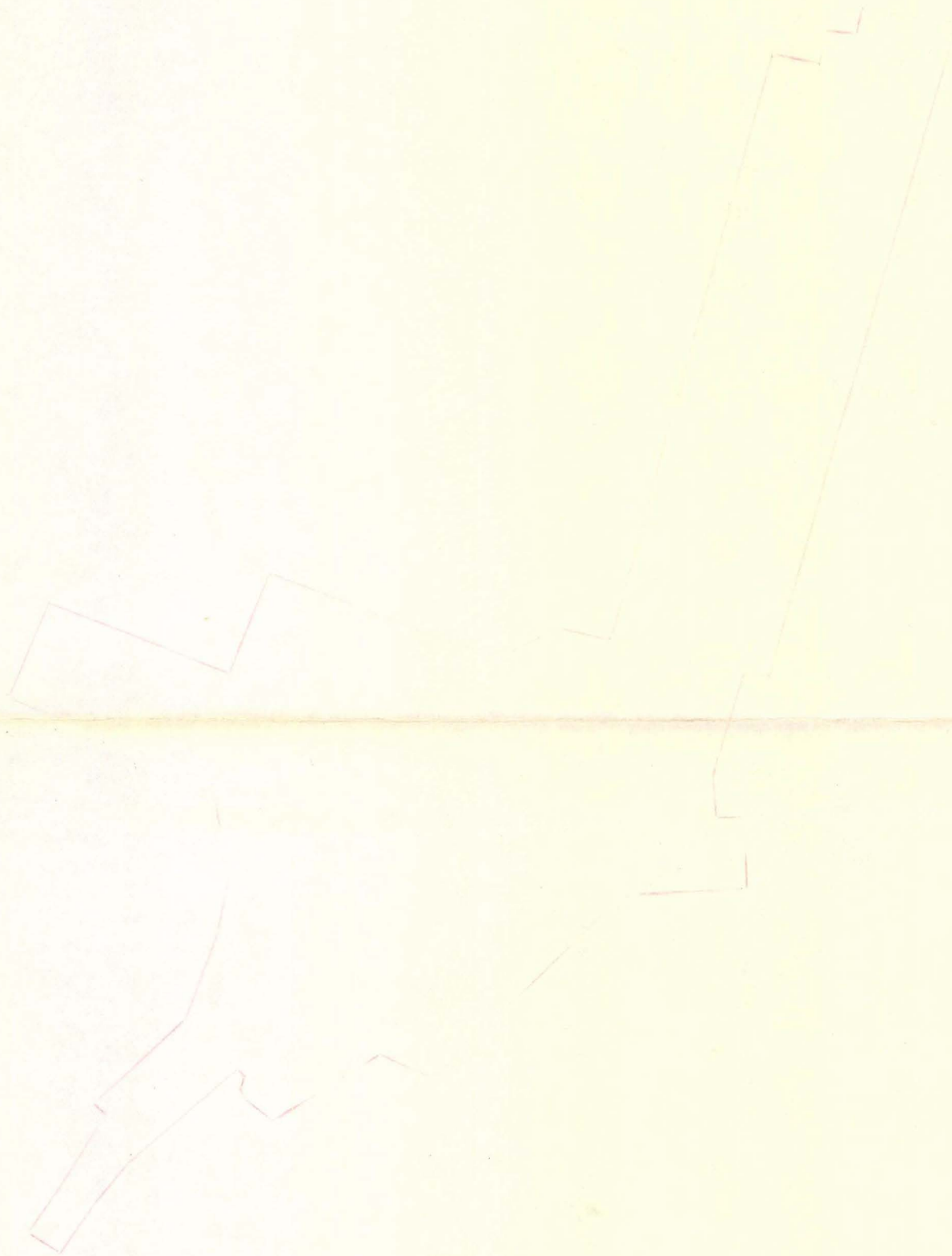


1" = 400'

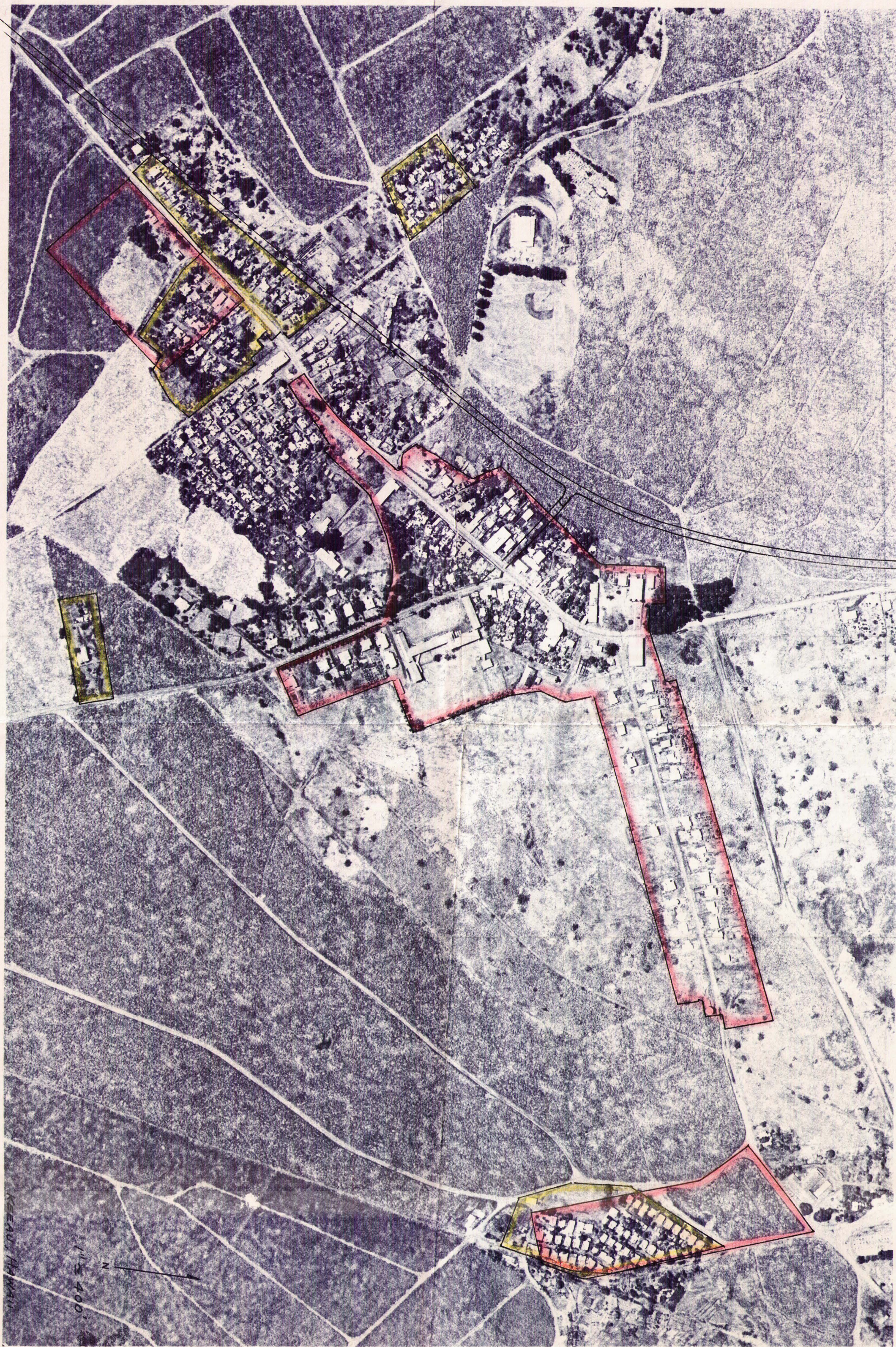
KEEAO, HAWAII



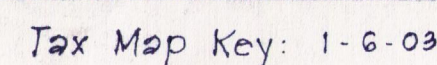
SP. 65-13







2



STATE OF HAWAII

SUBDIVISION OF THE FOLLOWING LOTS

Hilo, Hawaii
March 26, 1964

MURRAY, SMITH & ASSOCIATES, LTD.

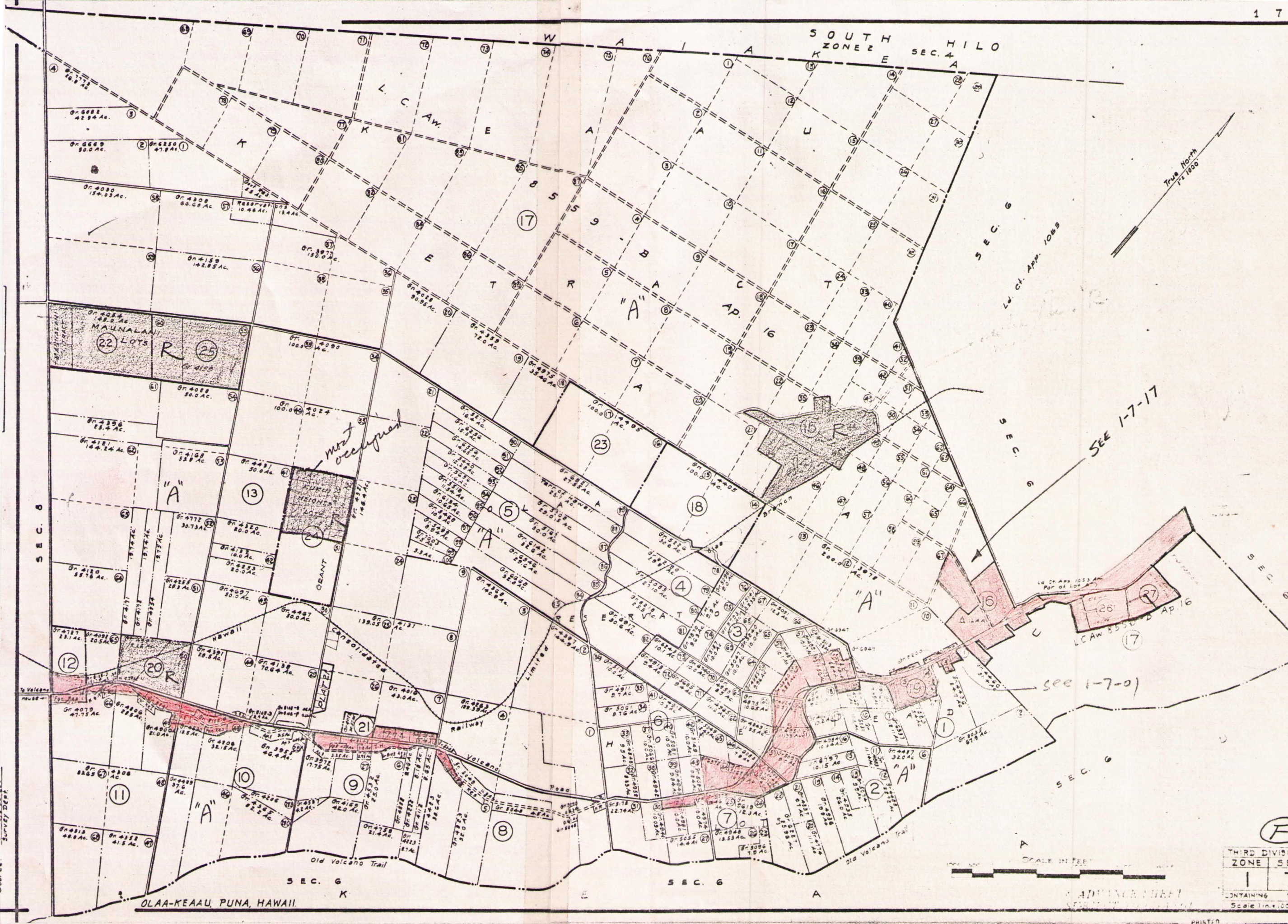
By: _____
Registered Professional Surveyor
Certificate Number 207-S

OWNER: W. H. SHIPMAN, LIMITED

OWNER'S CERTIFICATE OF TITLE:

AUTHORIZED AND APPROVED BY ORDER OF THE
JUDGE OF THE LAND COURT DATED
BY ORDER OF THE COURT

REGISTRAR OF THE LAND COURT



SEE 1-7-17

SEE 1-7-01

SCALE IN FEET

THIRD DIVISION
ZONE SE
1 7
CONTAINING
Scale 1 in. = 100

PRINTED