STATE OF HAWAII
LAND USE COMMISSION

March 17, 1965

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: W. H. Shipman (A64-69)

The following is an analysis of both the staff report to A64-69 and the rebuttal thereto by L. N. Nevels, Jr., attorney for the petitioner.

The petitioner requests a boundary change to the Urban District at Keaau to incorporate 6.9 acres of agricultural land into the urban district. The parcel is bounded to the west by the new completed Volcano, and to the southeast and north by two small urban districts. The inclusion of the 6.9 acre parcel would join the two urban districts.

The staff report recommends denial of the petition on the following basis:

(1) that the petition lacks "proof" of need;
(2) that the town is on a decline and no more reserve is needed for growth than already provided;
(3) that an industrial use of the property is proposed and as such is contrary to the County plan.

Up until the time of the public hearing, there doubtless was insufficient "proof" of need for the property. Testimony, however, can be admitted up to 15 days after the hearing. A rebuttal to the staff report may constitute such testimony.

The rebuttal argues that the proposed use would provide employment and activity to elevate employment levels in Keaau. This is doubtless true even though the contribution may be marginal. The rebuttal points out that the proposed use would be supported by building activity from subdivisions created in Puna in recent years. This thought lends substance to the feasibility of the proposed use although for the moment no one has demonstrated whether this building activity will in fact take place. The fact that a material supply will be available in Keaau may facilitate such building activity, however.

It may be that the proposal involves some speculation on the part of a Mr. Blomberg, the apparent entrepreneur who wishes to establish the supply business. He, apparently, wishes to take this risk. He should, in the staff's opinion, be given a chance to do so.

But where? Under the county plan an industrial area is proposed to the south. This area is postulated on a highway being built near this point to join the Volcano Highway with the route to Pahoa. This highway is not scheduled to be built at the present time; it may never be since another route has been built which will effectively rob it of traffic. Mr. Nevel's rebuttal points out that the building supply operation could be so designed as to be commercial in character, notwithstanding county determinations of uses permissible within its zones. This is possible, but rarely happens.

It is true that in establishing its districts, the Land Use Commission is obliged to follow county plans as much as possible. There is a danger, however, in trying to implement the county plan in too great a detail. It is the county's responsibility to prescribe for uses within an urban district not the State's.

The basis for staff recommendations in this regard was doubtless to destroy credibility that petitioner had a genuine and permissible use for the property in mind. The Commission, nevertheless, is to determine whether an urban use - any urban use - should be permitted on the parcel in question.

We have reviewed the Keaau Plan by Belt and Collins prepared in 1958 before the County Plan was prepared. It is an ambitious one proposing large acreages that may not ever materialize judging from past experience with growth in Keaau. Part of the proposal, however, was based on prior developments which existed at the time the plan was prepared and which were dispersed over a wide area.

It does seem overly ambitious, but it also demonstrates that public facilities have already been built to serve the scattered area. Within this service area, a consolidation of scattered urban districts should be encouraged. Moreover, it seems that the western boundary of this area can easily and reasonably be extended in the west to the Volcano Road. In establishing the urban districts at Keaau, it is surmised that boundary lines were drawn about existing developments and reserves provided where potentials for growth existed. In the case of Keaau potential for development is as great near the Volcano Road as elsewhere. So long as this does not lead to ribbon development, we fail to see what planning principle prohibits the Commission from re-establishing district lines on this basis.

Nevels pointed out that the proposed use promises some employment in an otherwise deteriorating town. It should make more sense to district areas for such growth rather than to district areas simply for residential growth. Without employment, residential areas will not grow. We ought to bear in mind that areas which the Commission

districted in the belief that it would provide for commercial and industrial growth have in fact been by passed by the construction of the connection between the Volcano Road and the road to Pahoa. The measure was undoubtedly undertaken because of expediency. It was a cheaper and immediate solution although inferior from the standpoint of traffic circulation and safety. The measure is now fact, however, bearing important implications on land use.

If we limit ourselves to the question as to what areas are needed as urban land and where they are needed based on existing facts, there appears to be strong and persuasive arguments in favor of the petitioner.

Fact 1: The County has jurisdiction over uses in urban districts.

Fact 2: The area is not suitable for agriculture.

Fact 3: The area is contiguous not on one but two sides to Urban Districts.

Fact 4: The Volcano Road is a convenient boundary to be used in establishing district lines.

Fact 5: The area in question has 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.

Fact 6: The area is easily served by public facilities. Indeed it is bordered on two sides by the newest roads in Keaau.

SUPPLEMENT

Since the preparation of this memorandum, the staff has subsequently been advised that the use proposed by Mr. Blomberg is more nearly that of a hardware store than a lumber yard.