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COUNTY PLANNING COMMISSION
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STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

September 20, 1968

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A65-107 - RALPH E. ALLISON, ET AL

CHRONOLOGICAL SUMMARY

December 3, 1965 - Petition dated December 2, 1966 for amendment of boundaries from Agricultural to Urban or Rural submitted by Allison, containing 48 signatures of owners of Panaewa Houselots subdivision in Hilo, for the reason that the Territory of Hawaii had restricted the lots for residential purposes only and had given the purchasers of the lot the right to subdivide and that the Agricultural designation by the LUC amounts to a breach of contract or a lack of good faith on the part of the State.

December 17, 1965 - Standard petition form, filing fee and supplemental evidence received, indicating that 96% of the owners of Panaewa Houselots, TMK 2-2-51 and 52, signed the petition.

February 4, 1966 - Hawaii County Planning Commission's recommendation for approval from Agricultural to Rural received based on the following:

a. Existing use of area indicates rural conditions.

b. Soils not suited for intensive agriculture.

c. Area should not be in urban since it is not contiguous to urban.

d. The County General Plan has provided for adequate residential areas in Hilo.

March 25, 1966 - Public hearing held in Kona. However, Attorney Curtis

Carlsmith testified that the public notice contained "irregularities" which needed to be corrected. He requested that the hearing be deferred. Request granted by the LUC.

April 12, 1966 - Amended petition for boundary amendment submitted by Allison, representing 59 owners, requesting change from Agricultural to Urban or Rural.

April 14, 1966 - LUC voted to initiate a boundary change for the owners who did not sign the Allison petition to expedite processing of the petition.

May 5, 1966 - Letter received from Suefuji indicating that the County Planning Commission's position remains unchanged in regard to the amended petition.

May 6, 1966 - Public hearing held in Hilo. LUC staff recommended disapproval of the petition on the basis of:

1. Lack of substantiation for need for boundary change.
2. An estimated 2,400 acres of vacant urban lands occur in the Hilo District.
3. Approval of ½-acre lots in the area would increase the number of lots from 67 to 313 and thereby overtax existing facilities.
4. Petitioners' arguments relating to their right to subdivide in accordance with sales agreement and Land Patents have been ruled upon negatively by the LUC.
5. The County Planning Commission recommended against Urban districting but recommends a Rural classification, and would not approve any subdivisions until improvement

district projects and density studies are initiated.

July 8, 1966 - LUC voted to accept staff recommendation for denial of Allison petition (7 ayes, 1 nay, 1 absent).

July 26, 1966 - C.A. #1383 filed on July 20 and 21, 1966 in Third Circuit Court received--Notice of Appeal, Designation of Record on Appeal, Motion to Hear Oral Argument and Receive Written Briefs, Order for Transcript and Statement of Case.

August 3, 1966 - Summons filed by Carlsmith on August 2, 1966 received.

August 5, 1966 - Motion to Dismiss, Affidavit, Memorandum in Support of Motion to Dismiss and Notice of Motion filed by Roy Takeyama on August 2, 1966 received.

August 22, 1966 - Answer to Statement of Case filed by Roy Takeyama on August 19, 1966.

August 24, 1966 - Certified Record on Appeal signed by Myron Thompson.

August 26, 1966 - Findings of Fact, Conclusions of Law and Decision delivered to Carlsmith.