

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

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LAND USE COMMISSION

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RAYMOND YAMASHITA
EXECUTIVE OFFICER

March 9, 1964

RECEIVED:

PLANNING & TRAFFIC COMMISSION

DATE: MAR 11 1964

FILE No. _____


Mr. Edgar Hamasu
Planning Director
Planning & Traffic Commission
County of Hawaii
Hilo, Hawaii

Dear Mr. Hamasu:

The Land Use Commission, in action taken on February 28, 1964, denied the request of Mr. Sadamu Tsubota for a special permit. A motion was made by Commissioner Nishimura to approve the petition but was defeated by a lack of majority vote. The Commission's denial of the petition was based on the staff report, copies of which are enclosed for your information and your transmittal to the petitioner. A copy of this letter is also enclosed for the same purpose.

Should there be any questions, please feel free to contact this office.

Very truly yours,



RAYMOND S. YAMASHITA
Executive Officer

REM/an
Encl.

cc: Mr. Myron Thompson
Mr. Roy Takeyama
Mr. Sadamu Tsubota

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
Honolulu, Hawaii

1:00 P. M.
February 28, 1964

STAFF REPORT

Subject: SADAMU TSUBOTA, Petition SP(T)63-6 for Special Permit to use TMK 1-5-03-28 containing 3.00 acres for a multi-unit residence. The subject parcel is located in Puna, Hawaii.

Background

On January 25, 1964, the Land Use Commission received a report on a special permit application from the Planning and Traffic Commission of the County of Hawaii. The report indicated that Mr. Sadamu Tsubota is owner in fee of land situated in the Pahoia-Kapoho area as described in TMK 1-5-03-28.

Mr. Tsubota proposes to construct a four unit workmen's quarters on his three acre property for bachelor farm laborers who are being displaced by the removal of plantation camps numbers 3 and 4.

The subject property is currently vacant. It is a portion of the Kaniahiku Houselots which comprises 13 lots and is accessible by a paved road originating at the junction of Highway 132 (Puna Road). Out of the 13 lots of the Kaniahiku subdivision, only two lots are occupied by single family residences. The houselots to the north and south of the subject parcel are vacant open land. The land to the east is owned by the State of Hawaii and is presently in forest reserve. Immediately across the road from the subject property is a large grove of orange trees while at the end of the road is another grove of orange trees. Other than the two orange groves and the two existing dwellings, all of the houselots are vacant open land.

Not far from the petitioner's property is a 2.9 acre parcel owned by Mr. Alfred H. Green. Mr. Green has one single family dwelling on his property facing the Puna Road. Approximately .30 mile from the Tsubota property along the Puna Road on the mauka side is the State subdivision called Kaniahiku Village. There are approximately 12 to 15 single family dwellings in the village. Across the Puna Road on the makai side is the extensive Naniwale Subdivision.

The area in which the subject parcel is situated is characterized by vacant lands with natural vegetation and scattered small farms and residences.

General rainfall in the area is about 140 inches per year.^{1/} The slope of land is below 6%. The lands have been classified as fair to marginal suitability for intensive agriculture.^{2/} According to Belt Collins and Associates, the subject parcel is located along the 1840 lava flow and is near the east rift zone^{3/} of Mauna Loa.

The Hawaii County Board of Water Supply mentioned that there is an existing 8" water line which services the residents in the general area. Electric power lines are also available to the residents.

The Planning and Traffic Commission of the County of Hawaii, subsequent to a public hearing on October 21, 1963, decided on December 20, 1963 to grant the request for special permit. The bases for this decision were the following:

- "1. Due to the expansion of papaya production in and around the Pahoa-Kapoho area, the cutting back of labor force in sugar plantation at Keaau and

1/ Belt Collins and Associates, A Plan for the Metropolitan Area of Hilo, pg. 101.

2/ Ibid, pgs. 101 & 103.

3/ Ibid, pg. 117.

the resultant removal of plantation camps #3 and #4 between October and December 1964, the need for modicum rental homes is becoming critical.

2. Despite the fact that this structure cannot be deemed accessory to the agricultural use since no farming is being done in the premises, the structure shall be used primarily to accommodate farm workers who work in proximity to the location of said structure.
3. This use may be considered exceptional as it would approximate an accessory use to agricultural production and as such it is a reasonable and compatible use to its proposed location.^{1/}

The development plan for Puna by Belt Collins and Associates, which is the basis of the County's proposed zoning maps, designated the area in which the subject area is situated as "residential agriculture."^{2/} According to the State General Plan, the area is designated as "open land and forest reserve."^{3/}

Analysis

One of the bases for the County's approval was that the need for rental homes is becoming critical "due to the expansion of papaya production in and around the Pahoia-Kapoho area, the cutting back of labor force in the sugar plantation at Keeau and the resulted removal of plantation camps #3 and #4...." Keeau is located some 12 miles north and the expansion in the papaya production area is taking place in Kapoho some 6 miles east of the subject parcel. Employment

^{1/} County of Hawaii - Planning and Traffic Commission, December 28, 1963.

^{2/} Belt Collins and Associates, A Plan for the Metropolitan Area of Hilo, p. 47.

^{3/} State Planning Office, General Plan of the State of Hawaii, p. 79.

is apparently declining in Keeau and increasing in the Kapoho area. Although Pahoia is about 5 or 6 miles away from Kapoho where agricultural activity and employment is increasing, Kapoho is apparently more susceptible to lava flows. Pahoia, therefore, provides a more convenient and logical residential area to accommodate the shift in employment opportunities from Keeau to Kapoho.

This basis for County approval would be logical except for the fact that the Land Use Commission, in general agreement with the County, have already designated an urban district for such requested urban uses. The proposed final urban districts incorporate the general town of Pahoia, which is less than a mile from the subject property for which a town plan has been prepared, and for which detailed zoning maps are about to be adopted. The intent of such districting and planning activities is to promote orderly development and the prevention of further scatteration of developments as now exist in the subject area. The approval of this petition would defeat such intent. Approval of this petition would in fact mean that multi-unit residences may be constructed in Agricultural districts on parcels which are not included within the limits of an agricultural operation.

The County further states, in support of their approval, that "Despite the fact that this structure cannot be deemed accessory to the agricultural use since no farming is being done in the premises, the structure shall be used primarily to accommodate farm workers who work in proximity to the location of said structure." There is agreement that the use is not directly accessory to agriculture. However, the Pahoia-Kapoho area referred to by petitioner, and where occupants might work, is a rectangular agricultural area some 6 miles wide by about 15 miles long.

If this petition is approved on the basis that "the structure will be used primarily to accommodate farm workers who work in proximity to the location...", and proximity means the Pahoa-Kapoho area (to quote the petitioner), then it would be a reasonable assumption by anyone that any residential structure which would serve the same purpose, can be constructed anywhere in the "Pahoa-Kapoho area." Thus, the approval of this petition would result in the loss of control in preventing further scatteration of developments in the area.

Recommendation

Staff recommends disapproval of the petition on the following basis:

Adequate areas, for which a development plan has already been prepared and for which detailed zoning maps will soon be adopted, have already been placed in the urban district. Therefore, approval of an urban use, outside of the areas now designated urban, would negate or adversely affect orderly development by setting a precedent which can only lead to further scatteration of developments in the area.