

Intended opening statement of Ken Church.

Good morning!

My opening statement should take about 5 minutes. My wife Joni asks to give her own statement also following my remarks. We will very much appreciate your patience.

We thank everyone at the LUC and the State and County Offices of Planning for their patience also and for encouraging us to this point of appearing before you! We also thank our neighbors and friends that have encouraged us. We recognize and sincerely appreciate the substantial service to the community that the **volunteer** Commissioners patiently provide.

My wife Joni and I purchased our Property in 2014. It lay along the Hamakua Coast and comprised a former sugar cane field. We intended to build our home there and develop the property for agricultural uses.

After the DLNR strongly advised that we hire a professional to develop and submit our applications we contacted 5 firms that provide such a service. They all told us to expect the process to be **very expensive** and that it would take a lot of time with an uncertain outcome. In the end they all turned us down. They generally said that successful permitting by the DLNR had become so difficult that they were no longer taking on new clients in this regard.

Therefore we undertook to submit our own applications. This has also been to the frustration of the Commission's staff who regularly reminded

us throughout this process to hire a professional. Going the professional route is simply too expensive of a process for us to use.

In 2018 we determined to file a Petition with this Commission to rezone our Property into the Ag. District **because its zoning simply seemed wrong** and we remained in fear of the DLNR. We were also concerned that our investments in our property were diminished by its apparent Conservation zoning. While waiting for over 3 years now for our Petition to be heard it became increasingly clear to us that our Property was never rezoned into the Conservation District.

Regarding our subsequent Petition to the Commission today we had to do an inordinate amount of sleuthing to find LUC evidenciary records which were not easily available through channels administered by the LUC's office and its web site. This resulted in further delays and the repeat of expensive filing fees.

Our Petition today references the Land Use Commission's record of its first five year boundary review in 1969. It is found in a book which I will refer to as the **"Report"**. **The Report not only documented its recommendations to the Commission but it also served as the Commission's official record of its actions when rezoning land.**

At a cursory read level it is easy to become confused and misapply the Report's **"recommendations"** vs. **"actions"** that the Commission **"approved"**. The OP's STATEMENT OF POSITION to this Petition also describes that it also has found the Report to be confusing.

While we very much appreciate that the State Office of Planning issued a Statement of Position that supports our Petition we disagree that its analysis of the Report is so narrowly focused to the unique characteristics of our Property.

If the Commission agrees to such a narrow focus it will result that other similar coastal property owners will continue to be improperly impacted. This will result in repeated needless wasting of scarce government resources, the waste of the Commissioner's volunteer time and an unnecessary and burdensome continuing cost and inconvenience to property owners.

Our Petition references the Commission's DR99-21 which is for very similar land to ours. Like our land it also lays along the Hamakua Coast. In that case the Commission corrected all of map H59 which comprised about 20% of the area from east Kohala to Hilo. We believe that the Commission should have corrected the 5 maps that cover this coastal area over 20 years ago. We believe that the remaining 4 maps should be corrected by the Commission now to reflect the Report's description of the Commission's 1969 **"approved"** rezoning of coastal land.

In DR99-21 the Commission quoted the Reports record of the Commission's 1969 rezoning **action** in its stated Applicable Legal Authorities section's items 1 and 2. These 2 sections referred to the coastal area that is shown on all 5 of the maps. Unfortunately the Commission's resulting Order only required that Map H-59 be changed even though the quoted reference from the Report described the 5 coastal map areas.

The Report is not an easily found record of the Commission. Recently we first uncovered a reference to it in an old Office of Planning document or we would never have known it existed. Then after an exhaustive search on-line for the Report, instead, we found a reference to the Commission's DR99-21. These were the first clues that caused us to believe that our property may have never been rezoned. Even then we could not find DR99-21 in the LUC's records other than a reference to its docket number on map H-59 and the Report was even harder to find. Since we made the LUC's administrative office aware of that error in June that Order now appears in the LUC's on-line files.

The Report describes that it never intended that its **"recommended"** maps were to be the only reference for district boundaries as the official record. It seems to us that, when combined, DR99-21 and the Report, points that the LUC's administrative office, the State Office of Planning and even the County of Hawaii were aware, or should have been aware that the LUC's Official District Maps could not be relied upon in the way they have been in determining coastal district boundaries since 1999. We cannot understand why these two records were so hard to first identify that they even existed and then were so equally hard to find?

This Petition is about errors, which we feel, have been made by the LUC. That is why our Petition also requests the refund of fees. We respectfully ask that the Commissioners grant our Petition. We hope that this brief introduction explains why we are appearing before the Commission today and we look forward to our exchange of information with the Commissioners with enthusiasm.