

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Public Hearing

Hale Halawai Cultural Center

Kailua-Kona Hawaii

7:00 P. M. - January 31, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Goro Inaba
Shiro Nishimura
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley Mark
Charles S. Ota

Staff

Present:

Raymond Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Richard Mar, Field Officer
Gordon Soh, Associate Planner
Amy Namihira, Stenographer

The public hearing was called to order by Chairman Thompson, followed by an opening prayer. The Chairman introduced the Commissioners and staff members present, and outlined the procedures to be followed throughout the public hearing. All persons who would be entering testimonies during the public hearing were sworn in by the Chairman.

PETITION OF RICHARD T. G. CHOY AND WILLIAM D. H. LEE (A(T)63-50), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KAILUA-KONA, HAWAII: Described as TMK 7-5-17: 18.

Mr. Soh giving a background of the area and request involved, described and pointed out the location of the area on a map.

Mr. Kazuhisa Abe, representing the petitioners, stated that the subject lands were purchased by the applicants some time in 1960 for \$6,000 an acre. He stated that the 29 odd acres weren't sufficient to raise even 1 head of cattle and could not see how it could be classified as prime agricultural land. He felt, however, that it could reasonably be classified as Urban. The subject lands were in the area of a present industrial site and were subject under agreement of sale. The petitioners were required to pay unless they could develop the land into houselots

which would mean a substantial loss to them. Mr. Abe pointed out that the land could not be used for farming; the rainfall in the area was about 20 inches or less per year; there was no source of water which could be used for irrigation of subject land or other lands in the neighborhood; and that the soil of the land is pahoehoe and some aa. He stated that there was a subdivision adjoining the subject land called the Aloha Kona subdivision and that new streets and roadways were being constructed. With a reclassification the petitioners would have an opportunity to develop the subject land and to realize from it which he stated was a reasonable request.

The staff proceeded with the analysis and recommendation. The staff recommended denial of the petition: (1) not because of the value the petitioners' land must have to Agriculture but because urban land needs do not warrant the inclusion of these lands in the Kona urban district at this time; (2) because petitioners have not submitted the necessary proof that the land is required for the use being petitioned for in accordance with the requirements of Act 205; and (3) because the liberal amount of land has been placed in the urban district in the adjacent areas and further urban additions would promote scatteration at this time.

The recommendation of the Hawaii Planning & Traffic Commission was that this matter be held in abeyance until such time as Kona is zoned with County zoning.

Mr. Abe stated that basically if he understood the purpose of the so called "Greenbelt" or "Land Use Law", the basic intention behind that bill was to preserve prime agricultural land. As stated by the staff it says, "It is not because of any value petitioners' land might have to agriculture but because urban land needs do not warrant inclusion of these lands in Kona urban district at this time;" this Mr. Abe felt was not the function of this Commission. Whether there is enough urban land or not is a matter to be decided not by this Commission. If the land in question is not prime agricultural land the objective and intention of the Land Use Law, which is to prevent prime agricultural land from being used, has not been violated. This land as recommended by the staff is not prime agricultural land and should not be a criteria that there are vacant urban lands. The vacant urban lands were brought about because of the unreasonable price structure of lands being sold at 75¢ a square feet. By making lands available for houseslots or urban development in Kailua-Kona, it will tend to keep the prices of houseslots at a reasonable price that people can afford to buy; and will stir the economic growth in Kona which will benefit the County as well as the State. Mr. Abe stated that he hopes when lands (such as those in question) are not prime agricultural lands, this Commission will not deny the request on grounds that there are sufficient other urban lands which have been classified for subdivision purposes, but would consider the point that by making more urban lands available it would drive the price of houseslots to a reasonable price.

Commissioner Wenkam questioned the population figures for Kailua-Keauhou as stated in the staff's report. Mr. Richard Warfield stated that the population in the area at present was roughly 8,000. Mr. Gordon Soh stated that he had a copy of the 1960 population census which shows the figures for Kailua-Keauhou as quoted in the staff report. Mr. Soh stated that the intent and understanding of the staff report is restricted to the Kailua-Keauhou Road area alone. He stated that the examination of the urban district and of the population was limited to this area for the very reason that the figures available were just restricted to the area.

Commissioner Wenkam questioned the staff's comments with respect to scatteration. He felt that it should be explored a little more. He pointed out that just north of this subdivision is an existing subdivision and just south of it is another existing subdivision. He asked where is scatteration increase by having a little subdivision between two already existing subdivisions: one adjacent to it and one immediately southwest of it?

Mr. Soh stated that the point in scatteration is not precisely the matter of redistricting any areas adjacent or contiguous to present urban district. In this particular instance it would be adding more urban areas so that the expected or reasonable expectation for development over such a large area would be that much less and because of this the development would not progress as compactly as it might otherwise. This lower density would mean that much more in the way of public facilities would have to be provided that might unwisely be necessary if urban development were to occur in a compact manner. The exception in this case is that a sufficient reserve should be provided for foreseeable growth.

Commissioner Wenkam replied that he understood, although this particular matter appears to be adjacent to already existing urban areas, almost across the street, and could not see that the addition of this area would add more to the public expense.

Mr. Soh stated that on the matter of point of view the staff would not continue on this. He stated that as a matter of fact in addition to this present urban district, the proposed district boundaries that have been drafted would extend this area up this way to include those enterprises at the junction of Kuakini Highway and Middle Road because of the uses existing there. So the question of County duty as far as this particular parcel is concerned would be that much more fortified by the inclusion of this area. The matter of county duty was not the point that staff wishes to make.

Commissioner Wenkam stated that he was mentioning it with respect to the question whether it would cause an increase in the public expenditures; that because it was so close to existing areas that the argument that it possibly was an undue expense on the county in the light of needed lots might not hold so well. Commissioner Wenkam felt that a subdivision in this location would have to be considered on a broader concept. He stated that Kailua is growing substantially and questioned the staff's comments with respect to scatteration. He pointed out that just north of this proposed subdivision is an existing subdivision; and just south of this is another existing subdivision. Where is scatteration increase when there is a subdivision adjacent to it and another immediate southwest to it? Commissioner Wenkam questioned the impression he got from the staff's report that in the area lands were not being sold rapidly and building as much. He noted a particular subdivision in the area where the lots were being sold very well and building steadily. He stated that this would somewhat indicate that there is a demand for growing urban population which did not reflect in the staff's report.

The Executive Officer stated that at the close of 1960 and early 1961 when the urban boundaries were drawn on the map there were allotted within the Kailua-Keauhou areas slightly more than three times the amount of land that would be needed for the projected population for the next 10 years. In other words if the

population growth for the next 30 years would be the same as it would be for the next 10 years this could accommodate 3 times the amount for 30 years. The Law further states that the Land Use Commission is obliged to review and make necessary adjustments to all the district boundaries every five years. In view of the fact that there are more than three times the amount of land that will be needed, and this Commission has to review the boundaries every 5 years, there is a considerable factor of safety built into this regardless of the slight variation in the actual occupancy of the land. The Executive Officer stated that the concern here is not only with the fact that subdivisions are being sold but also with the fact of how much of these subdivisions are actually being occupied, and this has a relationship to the scatteration problem and the cost of government in maintaining and providing public facilities and utilities.

Mr. Soh pointed out that on the proposed final district boundaries the urban lines for this area have been drawn back further makai which indicate that lands have been taken out of the urban proposed by the Commission's district boundaries.

Commissioner Ferry asked whether the staff has taken into consideration in their determination of a recommendation as to who owns the surrounding lands and as to whether or not these lands are available for development?

The Executive Officer stated that the staff has not considered land ownerships in making its analysis on the bases that: (1) it is neither the Land Use Commission nor the staff's prerogative or authority to consider ownership of properties in the delineation of the district boundary lines; and (2) the fact that in the Declaration and Findings of Act 187, the Law states that equitable bases of taxation, based to a large extent on the districting that is done by this Commission, will be one of the reasons that will force the proper lands into the proper use.

Commissioner Ferry stated that if ownership is not considered, then there is actually no room for expansion, especially when a landowner or a group of landowner who own the majority of urban zoned lands refuse to develop his land while surrounding landowners who want to develop are denied this request.

The Executive Officer stated that this statement (by Commissioner Ferry) is just a conjecture because the Law has not had an opportunity to be in effect and no precedence set yet. Until the Law is in effect for a few years whatever is set now, as to the effectiveness of the taxation related to the land use districting, would be under question until a few years have elapsed.

Commissioner Ferry stated that the staff's analysis is purely a conjecture then when it proposes to say that these urban areas that are now zoned will be developed.

The Executive Officer stated that the staff's analysis is based on the fact that there have been estimates made of the amount of land actually in urban use, the amount of people who occupy these areas, the densities that result from making these mathematical computations, and the provisions of three times more land than would be needed for the next 10 years.

Commissioner Burns stated that the question that is being stressed here is the availability of these lands. These lands may be zoned for urban but are they available now?

The Executive Officer stated at this moment we can only go on the assumption that what is stated in the Declaration and Findings will be an accomplished fact.

Commissioner Nishimura stated that because there are public facilities available in the area has the staff taken into consideration the factor that this area may be ready for urban development?

The Executive Officer stated, "We talk about contiguity to existing urban areas and we use that as a basis; and we use the fact that there are existing facilities in the area and that further use of these would lower the cost per capita served as a basis. If we were to consider these two factors alone we would have no basis for saying what is contiguous to this or this should not be urban because there are urban level of facilities present in this entire area districted as urban; and there would be no basis to stop or disapprove any petitioner abutting this area to be so classified into the urban district. There will be no end; we can go on and on until it covers the whole island. Some place, some line must be drawn. So someone must find as good a reason as may be acceptable to most people where that line is to be drawn and we have drawn it with sufficient basis in considering what would ultimately be in the benefit of the public, that is to prevent the free development of any parcel that anyone desires."

In reply to earlier questions raised by the Commissioners concerning the development of urban lands districted and none available, Mr. Soh stated that the staff has tried to restrict the scope of its inquiry to Act 205 but recalled that the Pittsburg Law which was passed in 1963 would tend to force the lands districted as urban into development by imposing a higher property tax on the land and relatively lower tax on improvements.

Commissioner Wenkam disagreed with the staff's findings, particularly in the area where the staff stated that the plans for Kona showed the petitioners' land to be partly in ranch land and partly in low density suburban development. Commissioner Wenkam stated that the master plan shows the petitioners' land to be half in residential use which could be interpreted as partly residential. He stated that the character of the area definitely shows that it is a center for residential development and asked whether this is orderly development or not?

Mr. Soh in attempting to answer Commissioner Wenkam's question was interjected by Commissioner Wung who stated that this was irrelevant and unnecessary to go into detail. He stated that this Commission has 45 to 90 days before action will be taken and may during this time obtain additional facts, comments and answers to their many questions.

Mr. Richard Warfield was the only person present who spoke in favor of this petition.

Mr. Abe had no further statements to make except to request permission to submit the petitioners' agreement of sale and subdivision lease.

The Chairman announced that this Commission will be receiving additional comments and protests within the next 15 days, and will be taking action 45 to 90 days from this public hearing.

The public hearing was closed in the matter of Richard T. G. Choy and William D. H. Lee.

PETITION OF IWAO JYO AND TOSHIO NAKAMOTO (A(T)63-51) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KEOPUKA, SOUTH KONA, HAWAII: Described as TMK 8-1-15: 1 & 2.

Mr. Gordon Soh gave the background of the request and area involved and pointed out the location of the area on a map.

Mr. Sumio Nakashima representing the petitioners stated that the district of Kona is like a string of frankfurters. Each frankfurter represents, according to this Plan, a density area of urban development; a unique geographical status of the Kona district. The main arterial is the Belt Road and the subject property abuts the government road and the Mamalahoa highway. The property consists approximately 4 acres and there is no coffee growing on the property any more. There are a paved road leading into the Sakamoto's subdivision with about 4 to 5 homes on it, and a paved private road. Mr. Nakashima stated that according to Mr. Jyo's developer there are about 18 people ready to commit themselves to purchase this property in the event Mr. Jyo obtains his approval from this Commission. He stated that these 18 people consist of mostly school teachers who live in the Konawaena School cottage and many of them have become long term residents who would like to buy this property because of the proximity to the shopping area, public facilities, school, doctors, dentists, etc.

Mr. Iwao Jyo stated that he has contacted the adjoining property landowners who are all in favor of his petition to amend the temporary district boundaries.

In reply to questions posed by Commissioner Wenkam Mr. Soh replied that the general physical feature of the land is flat and that there were no dedicated lands in the area.

In reply to Commissioner Burns question Mr. Soh replied that the Commission's proposed boundaries for the area include the petitioners' property in the urban district.

Mr. Iwao Jyo stated that the whole cost for subdividing these lots would be about \$34,000 - cutting back lots at 55¢ at a maximum of 8,000 sq. ft. and the front lots would sell about 70¢.

With no further comments the Chairman announced that this Commission will be receiving additional protests and comments within the next 15 days and will be taking action on this petition 45 to 90 days from this hearing.

The public hearing was closed in the matter of Iwao Jyo and Toshio Nakamoto.

PETITION OF RICHARD WARFIELD, ET AL (A(T)62-30) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN MIDDLE KEEI (KAAE), S. KONA, HAWAII: Described as TMK 8-3-10 & 8-3-13.

Mr. Richard Mar summarizing the background on Mr. Warfield's petition stated that a public hearing was held on this matter on December 7, 1963. He stated that the hearing was continued to give Mr. Warfield an opportunity to amend his petition to Rural, however, the staff has received a letter from Mr. Warfield stating that he wished to have his petition stand as an amendment from an Agricultural district to an Urban district. Mr. Mar stated that the Bishop Estate owns a substantial portion of the lands described as TMK 8-3-11. A letter was received from the Bishop Estate stating that they did not wish this area to be rezoned. The recommendation of the Hawaii Planning and Traffic Commission was for denial on the basis that the area requested for rezoning is too large for foreseeable needs. The recommendation of the staff was in concurrence with the Hawaii Planning and Traffic Commission. The staff's recommendation was based on the following: (1) that the Kona Plan made provisions to retain the area in intensive agriculture; (2) the Harland Bartholomew & Associates Plan for the Land Use Commission did not recommend urban district for the area; (3) the staff felt that the particular area would only tend to increase agricultural land prices; and (4) the staff believes that the urban classification in terms of demand would not be in the interest of the continuous gentlemen agricultural pursuits in the area.

Mr. Richard Warfield did not have any new testimony or comment to add to what was already testified and given at the last public hearing on December 7, 1963.

The Chairman announced that this Commission will receive additional comments and protests within the next 15 days and will be taking action 45 to 90 days from this hearing.

The continued public hearing was closed in the matter of Richard Warfield, Et Al.

The public hearing was closed at 8:30 p.m.