

STATE OF HAWAII
LAND USE COMMISSION

2:30 P.M. Meeting

June 14, 1969

Kealahou, North Kona, Hawaii

STATE OF HAWAII
LAND USE COMMISSION

June 14, 1969

CHAIRMAN CHOY:

Will the meeting come to order. All those who wish to testify, will you please rise and raise your right hand? Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

RESPONSE:

I do.

CHAIRMAN CHOY:

(This entire tape contains a constant humming tone that was impossible to clear through the various dials on the transcription equipment I was working with. However, I shall include the bits of sentences I am able to pick up, though it may be difficult to piece the comments together.)
. . . would like to request an extension of time when more Commissioners are present.

MR. DURAN:

Alright.

CHAIRMAN CHOY:

We apologize for not having all the Commissioners . . .

PETITIONER:

Well, thank you. There's only one thing in it I would like to find out about. I understand there are 2 meetings scheduled: one on July 8th and one on July 18th. We would prefer July 18th, but that is one day past the 90-day period. Would be stretching it or should we take the July 8th?

CHAIRMAN CHOY:

(Comments were inaudible.)

PETITIONER:

The main reason is it's going to be in Kona, as I understand it . . .
the July 18th one.

CHAIRMAN CHOY:

. . . . the Commissioners. It's not his fault; it's ours.

COMMISSIONER:

(Comments totally inaudible.)

PETITIONER:

Very good. Would you like me to read this request or should I just
turn this copy to the secretary and have a written request?

CHAIRMAN CHOY:

(Comments inaudible.)

PETITIONER:

Alrighty. If you don't mind, even though there's only the 6 here,
there is a question that I would like to bring out in this thing that we
can't get clear in our mind. If you'd like, I'll go through this one
thing, and that is the fact that we're still between the Planning Commis-
sion and the Land Use Commission.

We went to the Planning Commission and they did not want to hear us
out. We received a letter from a Reverend Bouchard, which I have copies
of here and I quoted inside here, Mr. Bouchard stated and quotes, "The
proper step to take would be to return to the Land Use Commission for
further action on the basis that you have new evidence to support your
request and they, in turn, would ask for another opinion of our Planning
Commission, if they wish. In other words, the Land Use Commission must
make the request or take the initial step to urbanize this before our
local Planning Commission considers anything further." End of quote. So

PETITIONER (Cont'd.)

the County Planning Commission will not hear us out or see our presentation or anything. So this is the letter I've received from . . .

CHAIRMAN CHOY:

That letter . . (inaudible) . .

PETITIONER:

Do you have a copy of this letter from the Reverend or . . . is it included in here, or I can give you a copy of the . . .

COMMISSIONER:

Do you have a copy of that?

CHAIRMAN CHOY:

Yes. We'd like to . . (inaudible) . . the Attorney General's office.

PETITIONER:

Alrighty. Somewhere in these papers here I'm sure I've got it. I have some more copies in California. Here they are. Here.

COMMISSIONER:

I'd like Rom to clarify this . . . (inaudible) . . . from the Planning Commission. I'd like to know who's received them.

PETITIONER:

Yes, Rom, do you have a copy of that letter there? In it, I quoted the letter from the Reverend Bouchard.

COMMISSIONER:

I think with regard to the petition, if this Commission desires that the County Commission reconsider their original recommendation, we should, of course, send you back to them with that request. But if you'll recall during our public hearing, we pointed out to the applicants that the County General Plan didn't conform to their (inaudible) and that even if we rezone their land urban, they wouldn't be able to execute their project

COMMISSIONER (Cont'd.)

without the County first changing the General Plan and providing the proper zoning. So we had suggested that they talk to the County about amending the General Plan, this being the logical step. The initial letter there that we had written . . . the letter that we had written was to ask for a consideration to change the . . .

MR. DURAN:

. . . (inaudible) . . . as I understand it, to the County asking them to amend the General Plan and to reconsider their recommendations to the Commission, but the County refuses to initiate such an action, as I understand it, and in response, Bouchard says that they can't do anything until this Commission requests it and that's not true. It's true with regard to the application only . . .

CHAIRMAN CHOY:

That's right.

MR. DURAN:

. . . but not with regard to the amendment of the General Plan. So they could initiate an action for the General Plan anyplace in the Islands any time they want to.

PETITIONER:

I gave the gentleman there a copy of that letter asking for a change in the General Plan to the Planning Commission.

COMMISSIONER:

. . . (comments totally inaudible) . . .

MR. DURAN:

I think that Dr. McCoy has done both by letter, both to Raymond Suefuji, the Planning Director, and to the Chairman of the Planning Commission, and he received a response only from the Chairman.

COMMISSIONER:

Might I suggest this then: probably the Commission could write . .
(inaudible) . . state that it's just their impression that they could just
go ahead and . . (inaudible) . .

COMMISSIONER:

He's at least entitled to that.

MR. DURAN:

To initiate an action to amend their General Plan.

COMMISSIONER:

Yes.

MR. DURAN:

I did write to them, but I'm not sure whether I said that or . . .
Here's the letter that I wrote on May 26th. They stated that the Commis-
sion . . (inaudible) . . public hearing and that the Commission . . (in-
audible) . . in view of the adverse recommendation . . (inaudible) . .
General Plan in zoning did not reflect the intent of the petitioner,
that if urban zoning were granted by the Land Use Commission on the sub-
ject parcels, the petitioners still could not achieve this plan unless
the . . (inaudible) . . (It sounded as if Mr. Duran were reading from
a letter when he was speaking above, so if the letter is on file, per-
haps it would be of some assistance.) so . . .

COMMISSIONER:

Doesn't it appear that even right now there's something . . (inaud-
ible) . . that somehow Dr. McCoy's problem is . . (inaudible) . . County
disposition and each one is saying, no, you go to the other one.

MR. DURAN:

Well, I can write a letter to them stating that the . . . it's the

MR. DURAN (Cont'd.)

opinion of this Commission that the County may initiate a General Plan in this area and affecting Dr. McCoy's property if they so desire.

CHAIRMAN CHOY:

And then . . . (inaudible) . . . And also, you might mention the fact that the meeting has been delayed until the 15th and that in the afternoon prior to . . . (inaudible) . . . something of that nature . . . (inaudible) . . .

PETITIONER:

Very good. I appreciate it. Actually, in this letter, I didn't read . . . we've pulled our ears in a little now in order to get started immediately to alleviate some of the pressure they have on the housing here on the 7-2/10ths acres, but according to the engineers, this thing won't fit in without an additional piece of land to just expand it to 11-2/10ths acres which . . . since this has been urbanized for years, we will go ahead and start with that which would take the pressure off the County to go ahead and get the rest of it then under the General Plan, but right now, we definitely would like to get started on that piece. But the 7-2/10ths acres will not quite fit into the construction plans that the engineers have in mind. They requested that if we could get it extended to 11-2/10ths acres, we would go ahead with that immediately and then work with the County in getting the General Plan to accept the rest of the area. And incidentally, the . . . since the 2 pieces of land were not contiguous, we are working with the people in between. They are quite interested. And we'll leave the co-developer with them or bring them into the plan some way. Probably by that time it will be a contiguous portion of land.

COMMISSIONER:

You'll be submitting your proposal for the 11-2/10ths . . .

PETITIONER:

When we have the next meeting with you gentlemen on the 18th, we will give you a time sequence . . . complete plans of everything on the 11-2/10ths acres, because they're concentrating on that right now and by then they'll have a traffic study, feasibility studies, and all the things that might be necessary for the 11-2/10ths acres.

CHAIRMAN CHOY:

This 11-2/10ths acres . . . is it urban land?

PETITIONER:

Yes, sir. See, the 7 and . . . 7.2, I think it is . . . many years ago, when they first designed this thing, there were 7.2 acres there that they called neighborhood-commercial, where the old stores and so forth are there, and that, of course, is in urban, but we would like to expand that to include down below it and develop an area of 11-2/10ths acres in that block which topographically and everything else, fits into a contiguous portion there and can be developed very well, I think. The engineers say that this is the feasible size that we should move to on this initial plot.

CHAIRMAN CHOY:

Then you'll be coming in on that date with almost a new application compared to your original . . .

PETITIONER:

Well, we won't be pressing so hard. We would still want to go ahead and get the whole thing urbanized, but we decided possibly that the best thing now would be to concentrate on that that's already been accepted by the County and the Land Use Commission. It's this area right in here where the old stores and the bar and all that stuff is now. That's been

PETITIONER:

there for years. This 7½ acres was urbanized in the beginning when they first . . (inaudible) . .

CHAIRMAN CHOY:

Then, Rom, the rest of it is not in urban zoning at this time?

MR. DURAN:

What he's referring to is that it's (inaudible) on the County General Plan.

CHAIRMAN CHOY:

Oh. That was recommended by the County. But you need about 4 more acres, huh?

PETITIONER:

We need to square this off. What they're planning though is cluster housing or an apartment complex which we'll make a presentation on both propositions to see which one would fit in, in order to conquer some of these low-cost housing problems.

CHAIRMAN CHOY:

Prior to your coming, we did . . (inaudible) . . so we did . . (inaudible) . .

COMMISSIONER:

May I say something about the . . (inaudible) . .

CHAIRMAN CHOY:

We don't have enough Commissioners to take any action.

COMMISSIONER:

(Comments totally inaudible.)

CHAIRMAN CHOY:

Rom, you are going to . . (inaudible) . .

MR. DURAN:

We're not going to request that they . . (inaudible) . . this area. We're telling the County that they may initiate a General Plan in this area based on this (inaudible) without permission from the Land Use Commission.

COMMISSIONER:

Oh, well actually . . (inaudible) . .

CHAIRMAN CHOY:

(Comments inaudible.)

MR. DURAN:

Yes, we're not asking . . (inaudible) . . at the request of the applicant.

COMMISSIONER:

(Comments inaudible.)

MR. DURAN:

Well, I don't believe that Dr. McCoy was aware of this. We've gone through the (inaudible), but I don't know that you've told him that in any correspondence. He's wondering how the Commission could . . (inaudible) . .

PETITIONER:

(Comments inaudible.)

MR. DURAN:

So you have initiated a (inaudible) in this area with regard to the General Plan?

COMMISSIONER:

Well, that's fine. Very good.

COMMISSIONER:

But actually, as far as approving or denying it . . (inaudible) . .

COMMISSIONER :

Sure.

CHAIRMAN CHOY :

O.K. The meeting will be adjourned.

* * *