

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

July 1, 1971 - 10:00 a.m.

Discovery Room, Kona Hilton Hotel  
Kona, Hawaii

APPROVED  
SEP 2, 1971

COMMISSIONERS PRESENT: Goro Inaba, Chairman Pro Tempore  
Leslie Wung  
Stanley Sakahashi  
Tanji Yamamura  
Alexander Napier  
Shelley Mark  
Sunao Kido

COMMISSIONER ABSENT: Eddie Tangen

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Dora Horikawa, Stenographer

ADOPTION OF MINUTES

Upon motion by Commissioner Yamamura, seconded by Commissioner Mark, the minutes of the March 5, 1971, April 16, 1971 and April 17, 1971 meetings were approved as circulated.

Chairman Inaba swore in persons wishing to testify during today's proceedings.

HEARINGS

PETITION BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (A71-297) TO RECLASSIFY APPROXIMATELY 15 ACRES FROM THE AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT AT KEALAKEKUA, HAWAII

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report.

Since there was no discussion nor testimony from anyone, the hearing was closed.

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PETITION BY THE LAND USE COMMISSION, COUNTY OF HAWAII (A71-287)  
TO AFFIRM OR MODIFY THE ZONING ON VARIOUS PARCELS REZONED  
DURING THE 1969 FIVE YEAR BOUNDARY REVIEW

Mr. Ah Sung Leong, Planner, read the staff report relating to the pertinent facts on this petition.

Area 1 - 113 acres at Kahului, North Kona, Hawaii

Mr. Alan Slim Tyler submitted that he was requested by the Life of the Land group to recommend that the Land Use Commission reopen hearings on the reclassification of the Kaloko lands from the Conservation into the Urban District during the 1969 5-year boundary review.

Chairman Inaba requested that Mr. Tyler confine his remarks to the 113 acres in Kahului presently under discussion.

Mr. Robert Wenkam, representative of the Friends of the Earth, spoke in opposition to the change from Agricultural to Urban for the above subject parcel, and added that his comments also applied to every single parcel of land reclassified from Agricultural to Urban during the 1969 boundary review. Referring to that section in Act 205 regarding proof of need before lands can be reclassified, Mr. Wenkam argued that no proof had been submitted that the land was needed for the proposed use, either today or previously at the hearing, and that the Friends of the Earth considered this a violation of the law. Based on the number of vacant undeveloped lands in Kona, he contended that these lands cannot be rezoned.

Mrs. Wattie Mae Hedemann, real estate broker, countered that a great number of people were seeking lands in Kona and they were not available. She stated private individuals should be given an opportunity to develop their lands and that there were county ordinances to regulate these developments.

Mr. Loren Hewitt, Vice President of the Kona Conservation Corps and liaison officer of the Kona Senior Citizens' Club, brought up the fact that both Governor Burns and Mr. Stewart Udall have recommended a moratorium on agricultural lands.

Area 2 - 52 acres at Puu Kohola Heiau, Hawaii

Mr. Leong continued with the staff report pertaining to the above subject area. It was reported that staff had

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not been advised of any alignment of Kawaihae Road from the Department of Transportation, although Mr. James Faries of the Olohana Corporation had indicated that there was a proposal for the realignment. Mr. Carlton Sloan, President of the Kona Conservation Council, offered the information that the map put out by the National Parks for the expansion of the road showed the road bypassing and going around the John Young Home. It was established by staff that the John Young home was not presently within the Conservation District.

Mr. Sloan offered an interesting and detailed account of the history and significance of the Puu Kohola Heeiau, dating back to 1795 during the reign of King Kamehameha. Mr. Sloan emphasized that to the Hawaiians and citizens of Hawaii, Puu Kohola Heeiau is as important and significant as Independence Hall is to the United States of America. He spoke of the Haleakapune Heeia which is under water and felt that this should be included in the Conservation District. Mr. Leong advised that this would automatically be within the Conservation District since it is underwater.

Mr. Robert Wenkam expressed the Friends of the Earth's support for the proposed Conservation designation for the subject area, with the suggestion that the Conservation classification be extended northward adjacent to the new highway.

Chairman Inaba advised Mr. Wenkam that any proposal for amendment, other than the area under discussion today, will have to be processed through the prescribed procedures.

Since there was no further testimony, the Chairman closed the hearing.

#### ACTION

PETITION BY FIRST HAWAIIAN BANK, MANAGING TRUSTEE FOR LILIUOKALANI TRUST (A69-230) TO RECLASSIFY 630 ACRES FROM AGRICULTURAL TO URBAN AT KEALAKEHE, NORTH KONA, HAWAII

Mr. Jim Bell of Belt Collins & Associates representing the petitioner referred to his letter to the Commission dated June 22, 1971 requesting deferral of action on the petition for an additional 3 months, pending adoption of the Hawaii County General Plan.

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Commissioner Sakahashi moved that the petitioner be granted a deferral for 3 months commencing this date, which was seconded by Commissioner Yamamura and passed unanimously.

PETITION BY THEODORE PIKE (A71-279) TO RECLASSIFY 5 ACRES FROM AGRICULTURAL TO RURAL AT KEEI, SOUTH KONA, HAWAII

It was recommended by the staff that the petition be denied based on its findings and the fact that the petitioner has not submitted any real evidence to support the need for the boundary change as required by the Land Use Law (see copy on file).

Mr. Richard Ishida, attorney representing Mr. Pike, in rebutting the staff's basis for denial, argued that:

1. Contrary to the Hawaii County's concern that it would create a "spot zone" in the Agricultural District, there already exists a 20-acre subdivision of half acre lots, adjacent to subject parcel. Also, within a 3/4 mile radius of Mr. Pike's property, there are hundreds of residential dwellings, stores, post office, etc.
2. Refuting the Hawaii Department of Water Supply letter to the Commission indicating that the mauka half of Mr. Pike's property would be without water service, Mr. Ishida submitted that the Lincoln residence above Mr. Pike's parcel was presently served by county water.

Commissioner Sakahashi voiced his concern over the conflicting testimony submitted by Mr. Ishida and the Hawaii Department of Water Supply regarding the availability of water.

Mr. Ishida continued that there was no way in which to guarantee to the Commission that Mr. Pike would in fact construct dwellings on any subdivided lots, but it was the petitioner's intention to build homes, either for rental or for sale and that it was not for speculative purposes.

Referring to the staff report of April 16, 1971 regarding the unsuitability of the property for agricultural pursuits,

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Mr. Ishida maintained that the land will be rendered useless unless construction can be permitted. He added that allowing the half acre subdivision would not be contrary to the Land Use Law and would put the lands to the best possible use.

Mr. Ishida was not able to confirm whether the Department of Education had any plans for consolidating the schools in the area, in reply to a question posed by Commissioner Sakahashi.

Mr. Renwick Tassill, citizen, wondered how the \$150 rent could be considered as servicing the low-income group. He added that the people in the area wished to retain the entire South Kona area in the Agricultural designation.

Commissioner Wung moved to approve the petition as submitted, but there was no second to the motion.

Commissioner Napier then moved that the staff's recommendation for denial be accepted, which was seconded by Commissioner Mark. The motion was passed with Commissioner Wung casting the only negative vote.

PETITIONS BY MALANI & BERNARD CHUN (A69-234), IWAO JYO (A70-263), COUNTY OF HAWAII (A71-278) TO RECLASSIFY LANDS AT KEALAKEHE, NORTH KONA, HAWAII

Chairman Inaba declared a conflict of interest and did not participate in the proceedings.

It was recommended by the staff that action on the above three petitions be consolidated as provided for under Section 1.16 of the Land Use Commission's Rules and Regulations.

Acting Chairman Sakahashi announced that if there were no objections, the three petitions will be considered together.

Staff recommended approval of the petitions, based on its findings as outlined in staff memo (see copy on file).

Mr. Glenn Miyao of the Hawaii Planning Department staff advised that Kealakehe is being considered for urban uses in the County General Plan.

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Mr. Robert Wenkam declared that, in his opinion, the justification for need as mandated by law was not substantiated in the staff report.

Gladys Jose, Theresa Malani and Helen Leong, landowners in the affected area, all went on record as favoring the proposed reclassification.

A short recess was called by the Acting Chairman.

The meeting was resumed shortly thereafter.

Commissioner Wung moved to accept staff recommendation for approval of the three petitions, seconded by Commissioner Napier, and the Commissioners were polled as follows:

Ayes: Commissioners Napier, Mark, Kido, Wung, Yamamura,  
Acting Chairman Sakahashi

The motion was carried.

PETITION BY THE DEPARTMENT OF LAND & NATURAL RESOURCES (A71-271)  
TO RECLASSIFY 138 ACRES FROM AGRICULTURAL TO URBAN AT  
KEALAKEHE, NORTH KONA, HAWAII

Chairman Inaba directed that the 160 acres be corrected to read 138 acres on the agenda, for the record.

Mr. Fujimoto, Executive Officer, presented the staff memo recommending approval of the petition, based on its findings and belief that the request is a major effort on the part of the State to meet the acute housing shortage for moderate income families (see copy on file).

Mr. Renwick Tassill concurred that there was a pressing need for Hawaiian Home lands for people of Hawaiian ancestry and that he was in agreement with the staff's recommendation.

Commissioner Mark moved for the approval of the petition as recommended by staff, which was seconded by Commissioner Sakahashi, and carried unanimously.

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PETITION BY DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
(A71-274) TO RECLASSIFY 7 ACRES FROM AGRICULTURAL TO URBAN  
AT KANAUEUE, NORTH KONA, HAWAII

It was the staff's recommendation that the petition be approved on the basis that the site is the most desirable from the standpoint of services to the existing Kona population, and basic utilities are readily available (see copy on file).

Commissioner Wung's motion to accept staff's recommendation was seconded by Commissioner Sakahashi and unanimously carried.

PETITION BY CHIAKI KATO (A71-280) TO RECLASSIFY 4.12 ACRES  
FROM AGRICULTURAL TO URBAN AT KEOPUKA 2ND, SOUTH KONA, HAWAII

Mr. Leong, staff planner, read the staff memo recommending approval of the petition since it was contiguous to the existing Urban District, conformed to the Hawaii County General Plan, and basic utilities were readily available (see copy on file).

Mr. Tassill reiterated his earlier request to keep all of South Kona in the Agricultural designation, and added that truck farming was consistent with the area.

Mr. Iwao Jyo offered the information that there were two homes on the adjoining property.

During the ensuing discussion, it was established that Mr. Kato was merely seeking reclassification for the purpose of building a home for his brother and himself, and that the rest of the property will be retained in truck farming.

Commissioner Yamamura moved that the petition be granted, which was seconded by Commissioner Sakahashi and unanimously passed.

NEXT MEETING DATE:

It was announced by the Executive Officer that the next meeting of the Land Use Commission will be held on July 16, 1971 at 10:00 a.m. in the Kahului Library, Maui.

Since there was no further business, the meeting was adjourned.