

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Lihue Police Station

10:00 A.M. - July 23, 1965

Commissioners

Present:

Charles S. Ota, Chairman Pro Tempore  
Robert G. Wenkam  
Leslie E. L. Wung  
Goro Inaba  
Charles Ota  
Shiro Nishimura

Absent:

Myron B. Thompson  
Shelley Mark  
James P. Ferry  
C.E.S. Burns

Staff Present

George S. Moriguchi, Executive Officer  
Raymond S. Yamashita  
Gordon Soh, Associate Planner  
Ah Sung Leong, Draftsman  
Roy Takeyama, Legal Counsel  
Dora Horikawa, Stenographer

The public hearing was called to order by Acting Chairman Ota. Following the introduction of the Commissioners and staff members, persons presenting testimonies during this hearing were duly sworn in. Mr. Yamashita outlined the procedures to be followed:

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PETITION OF DORIS AND ARTHUR ACHOR (A65-85) FOR BOUNDARY CHANGE TO RECLASSIFY 5.6 ACRES FROM AN AGRICULTURAL TO A RURAL DISTRICT: Described by Fourth Division TMK 4-2-06: 31 and 25.

Mr. Gordon Soh read the staff report on the above petition (see report on file) in which denial of the petition was recommended because the area was appropriately districted, the petitioners failed to submit proof that the land was required for the use being petitioned, it would contribute toward scattered development, and mixed uses would undermine tax assessment procedures based on general land use divisions.

Mr. Edward Stanwood, attorney for the petitioners, spoke up in behalf of the petitioners. He stated that he had not had sufficient time to prepare a statement, having received the staff report only the day before, but felt that some of the interpretations and statements in the report were subject to rebuttal. He made reference to the statement that scattered developments would result and said that this was not the case in this instance because the subject parcel was immediately adjacent to rural and urban areas and that it was a logical expansion of the existing rural district. Also, for this reason, the statement that mixed uses would affect the tax structure did not hold true. Mr. Stanwood said it was his feeling that the intent of the law enacted by the Legislature was

to further economic development.

Commissioner Nishimura wondered why the staff report had not been mailed in earlier to the petitioner. Chairman Ota explained that there had been a staff changeover and the reason for the delay. Mr. Yamashita added that while there was no obligation on the part of the Commission to make the staff report available to the petitioner, it was done whenever this was possible prior to the hearing date, to enable the petitioner to make a more thorough presentation. The Commissioners themselves receive a copy of the staff report only on the day of the public hearing. Chairman Ota informed Mr. Stanwood that he had 15 days in which to present the Commission with supporting data.

Mr. Arthur Achor, petitioner, presented additional information in his own behalf. He explained that prior to the enactment of the Land Use Law, he and his former wife had started proceedings to subdivide the subject parcel. However, somewhere along the line, between the County and State levels, the proceedings did not continue and the land was never subdivided. The Achors attempted to sell the whole parcel but were unsuccessful because of its size. All they were asking at this time was to have the land subdivided into two parcels so that Mr. Achor and his former wife could each do as he pleased with his own parcel of land.

In reply to Commissioner Wenkam's query as to whether this proposed subdivision had been approved by the County of Kauai, Mr. Norito Kawakami of the law firm of Kawakami & Stanwood, also representing the petitioners, stated that he had drawn up the deed for the subdivision after receiving a description from the surveyor. At that time he was not aware that this had not been approved by the Board of Supervisors. Soon thereafter, the Land Use Law became effective and so in order to remove any illegality, Mr. Kawakami had the deed cancelled.

Mrs. Bonnie C. Dunford, sales representative in the real estate business, commented that under the economic development of the entire island, land was to be put to its highest and best use in areas where this was practical. She said she believed that the highest and best use of this area under petition would be for it to be subdivided into two parcels. She stated that she had a firm offer in her office from a mainland person who would like to buy a 2-acre property, and that 5-acre parcels would be very difficult to sell. Mrs. Dunford thought that changing the area from agriculture to rural would attract more people to come for retirement and other purposes, and that the County and State would also benefit from higher taxes.

A brief background of the land use in this area was presented by Mr. Kawakami, who at one time was County Agent for the University Extension Service. He stated that although a fairly large urban area was shown, this did not mean that they were available on the market. Despite heavy rainfall, distribution was so uneven and irregular that irrigation for farming purposes was very difficult. Land lay idle for a long time when the plantations ceased to give individual contracts to grow sugar cane. Later, when the government redistributed the land, diversified truck farming was tried by experienced farmers, but very few were able to make an economic success of their operations. Pineapple farming has also dwindled due to the unsuitableness of the land and high cost. In evaluating the petitioner's request, Mr. Kawakami asked that the Commissioners take into consideration the demonstrated need and demand for urban-type use of the land and the hardship situation the petitioners have been placed in through no fault of their own.

PETITION OF STANLEY S. AND SACHIKO K. TABA (A65-86) FOR BOUNDARY CHANGE TO RE-CLASSIFY 12.77 ACRES FROM AN AGRICULTURAL TO A RURAL DISTRICT: Described by Fourth Division TMK 4-2-06: 1.

Staff report on the above petition (see report on file) was read by Mr. Gordon Soh. Denial of petition was recommended on the basis that the area was appropriately districted, the petitioners failed to submit proof that the land was required for the use being petitioned, it would contribute toward scattered development, and mixed uses would undermine tax assessment procedures based on general land use divisions.

Since this parcel under petition is adjacent to the parcel owned by Mr. and Mrs. Achor, previously discussed, Mr. Stanwood stated that everything presented by Mrs. Dunford, Mr. Kawakami and himself in behalf of the Achors' petition would apply in the Tabas' petition, except for that portion in the Achors' petition dealing with title to the subdivision.

Mr. Stanwood informed that Mr. Taba was presently employed by the U. S. Department of Agriculture and was away from the island two weeks of the month and could not continue with any extensive farming activity.

Mr. Kawakami reiterated that no one has been able to make an economic success of farming in this area and to keep it in its present designation just for the sake of keeping it in agriculture would not serve the best interest of the community. He pointed out that the community needed a population of new people with new ideas and that the petitioners wanted to make this possible by meeting the existing demands for more urban-type land.

Commissioner Wenkam commented that since three-fourths of land in this area is actually being used for agricultural purposes, this would imply that agriculture is thriving in this community. In response, Mr. Kawakami stated that a good part of it was in pineapple and pasture and that in a few years most of it would be in pasture--the lowest type of land use.

Commissioner Nishimura added that most of the farmers who had dedicated their lands were seeking tax relief.

Commissioner Wenkam felt that the question of keeping the land in agriculture was a very important and relevant one because the Land Use Law was designed for the purpose of protecting agricultural land.

Since there was no further discussion, Acting Chairman Ota informed the petitioners that they had 15 days in which to submit additional data.

The public hearing was closed at 12:30 p.m.