

LAND USE COMMISSION

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

10:00 A.M. - August 21, 1962

Commissioners

Present:

Edward C. Bryan  
Stanley C. Friel  
Wayne D. Gregg  
Yuichi Ige  
Edward Kanemoto  
Franklin Y. K. Sunn  
Roger T. Williams

Ex-Officio Members

Present:

E. H. Cook  
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)  
John R. Canright, Legal Counsel  
Philip Chun, Department of Planning and Research  
W. M. Mullahey, Field Officer  
Alberta Kai

Chairman Bryan opened the meeting with a prayer.

Chairman Bryan announced that representative of our Attorney General's Office would be a few minutes late; and he thought that at this time the Land Use Commission would be able to listen to representatives of the Hawaiian Homes Commission who have a matter they wish to bring before this Commission. He stated that it was expected that at the time of finish our Legal Counsel would be present shortly, and then the Commission would continue with this morning's public hearing. The Commission would try to go through this matter as expeditiously as possible so that people present for the public hearing will not be held up.

The XO stated that he had received communications concerning this matter which he would like to read. Following were received, read and made part of the record. Letters from Mr. Akinaka, engineer, and Mr. Ainsley Mahikoa, Director of Hawaiian Homes Land. The XO stated that the pertinent thing in letters stated by Mr. Akinaka and Mr. Mahikoa, is that the public safety and public interests are involved in the removal of the 42 to 50 residences in the very close vicinity of the path and safety area of the new jet runway in Hilo. He stated that the staff would recommend that the rules be suspended in order to have the hearing as soon as it can be arranged in Hilo, if such arrangement can be made. It would be necessary to have the hearing in Hilo.

Chairman stated that as he understood it, the rules and regulations (rather than the Act itself) provide for emergency adjustments until such time as the Commission could go through the normal procedures. The rule is of this Commission and not part of

Act 187. It states that the Commission may proceed without prior notice or hearing, or upon such abbreviated notice of hearing, if it finds it is practicable to adopt. It has only to do with the time.

Chairman stated that perhaps what the Commission should do, when we have representation from the Attorney General's Office, is to determine the matter of the 20 days' notice and so forth. Some of these things are also provided for in Act 103 which probably were not considered at the time. In the meantime, maybe the Commission should pick up any information they would be interested in on this particular subject. Then later on in the day or maybe some time tomorrow, while we are meeting we can decide how we can go ahead. I don't want to get into a lengthy discussion at this time because we have other people waiting to be heard. If there is no objection from the members of the Commission I would ask the representatives of the Hawaiian Homes Commission to come forward and let this Commission find out the background information you have to offer this morning to us.

Mr. Clark, planner for the Department of Hawaiian Homes Land introduced himself and Mr. Akinaka, civil engineer, who will be doing the Hawaiian Homes Commission's planning. Chairman stated, before Mr. Clark presented his case, that Commission was more interested in the circumstances that required emergency action.

Mr. Clark informed the Commission that they have the money to go ahead with their plans, and the Governor has asked that they try to get all the families relocated by June 1963. This would mean 42 to 50 new homes and preparing the subdivision in this area for 50 new homes by that time. The Hawaiian Homes Commission started their planning work in July as soon as the appropriation was made by the Legislature and then found out that these lands were set in Agriculture. We then started to have this zoning changed to Urban. We just got a call from Mr. Kasamoto of the Hilo Planning & Traffic Commission, and he notified us that their Commission yesterday approved recommending to this Commission that zoning be changed. Chairman asked if Hawaiian Homes had a petition before this Commission at this time. Mr. Clark stated that we have a letter. Chairman asked whether the clock has been started, because there are certain time limits to abide by.

XO replied that the clock has not started until we receive the recommendation and application from the Hawaii Planning and Traffic Commission. Chairman stated that my point is if we have the application from them, can we not then set a public hearing 20 days thereafter, etc.; because after the public hearing we have to wait 45 days depending upon the request. In other words have we started the clock in this case.

Mr. Clark stated that the Hawaiian Homes Commission has applied with the Hilo Planning and Traffic Commission and it has been approved at yesterday's meeting so you will be getting notice shortly. XO stated that our clock will start running as soon as we receive this notification and application from Mr. Kasamoto. Chairman questioned whether Commission could start the clock on the basis of this letter. XO stated that he did not believe that could be done.

Mr. Clark stated that the Hawaiian Homes Commission has asked him to go ahead with their plans in the hope the rezoning will go through; and also, in case it does go through, they will be ready for construction. There is no other use for this land,

which comprises 2200 acres. Of this 130 to 171 will be taken out. The rest will all be left in farms. These lands requested for rezoning have not been used at all. It was layout for a housing project in 1954. It was over in the Survey Office and never came to the attention of the Land Use Commission.

The Chairman asked if Commission members had any questions.

Commissioner Kanemoto questioned whether the Hawaii County Planning and Traffic Commission had approved the moving of these people. XO stated that Mr. Kasamoto understands the request to declare an emergency for rulemaking, and he expected to hear from Mr. Kasamoto officially in the next day or two, as to the County's recommendation for rezoning to accommodate this proposed relocation of people.

Commissioner Sunn asked whether this particular area is included in the Urban area as planned by Belt, Collins in their master plan. Mr. Clark replied in the negative, stating that Belt, Collins has the full area zoned as Agriculture. But across the street from the main highway, there is an industrial district; this is at the end of the heavy industrial district; this is the balance of the 2200 acres.

XO stated that this area is adjacent to the area recommended by Belt, Collins as Urban. The Chairman asked whether this is adjacent to residential and whether this is across the street from industrial. This was confirmed.

Commissioner Ige asked Mr. Clark how this emergency arose -- because of the jet runway? Mr. Clark replied in the affirmative, stating that the government has to take 115 acres to extend the jet runway, and we have these 40 to 50 families living in this area. Commissioner Ige asked if this jet runway was decided all of a sudden. Mr. Clark stated it has been in two years of making, and that we have not been able to get the funds to open up our project to relocate these people. It is a State project that these people be paid for the homes they live in and nothing for the land. Commissioner Ige stated that this emergency had already existed at the time Legislature or the Hawaiian Homes Commission were deciding money. Mr. Clark replied in the affirmative, stating: "We thought we had the problem licked with regard to moving. The officials in Hilo and the Hawaiians were so much against it that they had the Legislature ask us to move them to Panaewa which was our own land. This involved the matter of land exchange." Commissioner Ige stated that the reason he asked that question was that the Commission is being pressed for an emergency decision because of a problem created by the Hawaiian Homes Commission, which a decision could have been decided sooner. Mr. Clark replied that the problem was not created by the Hawaiian Homes Commission -- they thought they had all agreements set up for moving to the Mohouli area, until the town went up ~~into~~ arms; and that the Legislature asked them to make this move to Panaewa. Commissioner Ige stated that the Commission does not want to set a precedent for any last minute move as an emergency. Chairman asked, "What is the problem; is it that almost every applicant coming before us has an emergency?" Mr. Clark replied that this was quite a surprise to us when we started to layout our plans and found out that this was zoned for Agriculture. Since 1954 our plans were set. We are just asking that this Commission help us in this problem.

Chairman Bryan asked: "If we were to approve this thing today what would you be doing in the next 60 days?" Mr. Clark stated that the Commission has decided that they would just have to go ahead with our plans anyway. The Chairman asked whether the next 60 days would be consumed in planning, groundwork, and so forth, or actually going in to run a bulldozer. Mr. Clark replied: "We will be running a bulldozer and clearing the area." The Chairman asked Mr. Clark what was the action or sentiment of the Legislature which prevented you from going ahead. Mr. Clark stated that, to begin with, it was the Hilo officials that started the action against moving into the Hawaii Housing-Mohouli area, and the possibility of moving or advancing 200 homes on 7500 sq. ft. lots. Then the Hawaiians in the Keaukaha area who were supposed to be moved (possibly all will be moved later) to clear the place for airport use went into arms and they convinced the Hawaiian Homes Commission that they did not want that area either. They went to the Legislature too, and asked that they be relocated on their lands in Panaewa. Chairman Bryan asked if the Panaewa location was tied up with the appropriation: "In other words, the question of where you go has no bearing; you will go anyway?" Mr. Clark stated: "We have no choice, and we have started with our plans here."

Chairman Bryan asked if there were any other questions by the Commissioners.

The Chairman stated that the Commission would probably have to take this up later the next day or so. Mr. Clark replied that we thought we would come and explain it. Mr. Lombardi asked whether Hawaiian Homes Commission were tied in with Hilo's streets, water and sewage. Mr. Akinaka replied in the affirmative, stating: "We have to extend their street systems off-site into the traffic, provide flood control provisions plus these streets, and bring in water mains two blocks away. There are a lot of County ordinances that we can't avoid." Mr. Lombardi asked if the Hawaiian Homes Commission is prepared to meet the County subdivisions standards. Mr. Akinaka replied in the affirmative. Chairman Bryan stated that this background has been helpful, and in any event the Commission should start the normal routine time limits. XO stated that the Commission expects to have a hearing in Hilo on the 18th of September, which may run the Hawaiian Homes Commission too long a period of time, into the first of November, before they will know whether or not they can proceed. Chairman stated that the Commission would see if there is any way they can hurry it up; but apparently, from the looks of it, there probably isn't. The Commission would have plenty of time to discuss that point.

The Chairman closed the meeting.

Respectfully submitted,

YUICHI IGE  
Secretary