

LAND USE COMMISSION

PUBLIC HEARING

Board Chambers

Hilo, Hawaii

8:00 P.M. - September 18, 1962

Commissioners

Present:

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

Absent:

Edward Kanemoto

Ex-Officio Members

Present:

Frank Lombardi

Absent:

E. H. Cook

Staff

Present:

R. J. Darnell, Executive Officer (XO)  
W. M. Mullahey, Field Officer

Chairman Bryan opened the hearing with a prayer.

Notices of the public hearing published in the newspapers were read and made part of the record.

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PETITION OF HILO COUNTRY CLUB, LTD. (A(T) 62-7), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY ADJACENT TO THE HILO COUNTRY CLUB, SOUTH HILO DISTRICT, HAWAII, FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 2-5-03: Por. 8.

Chairman Bryan asked if there were anyone present to represent the Hilo Country Club.

A Mr. Paul Loo spoke up from the audience, stating he was an attorney and would represent the petitioner.

The XO was asked to outline the area involved. The XO described the area and located the area on the map.

Chairman Bryan then called upon Mr. Loo.

Mr. Loo stated that this piece of property borders the Hilo Country Club's golf course and the subdivision which was approved prior to the Land Use Commission's regulations, is pahoehoe land and cannot be used in any other way by the Hilo Country Club. The developers of the subdivision alongside of the Hilo Country Club have asked that this piece of property be sold to them. We believed that the developers are of sound character, good judgment; and if they are allowed to purchase this to develop into a subdivision alongside of what they now own, it will enhance the value of the area around Hilo Country Club.

Chairman Bryan asked if any of the Commissioners had any questions to ask of Mr. Loo.

Commissioner Sunn asked Mr. Loo if this plan is just a proposal for development. Mr. Loo replied in the affirmative.

The XO was sworn in and was requested to give the staff report. He presented a map of the proposed subdivision and read the staff report, which stated, in general: "It is believed that the Commission is faced with a virtually-accomplished fact, in that there is no reasonable use which can be designed for such a small area sandwiched between a golf course and a subdivision which was obviously designed with residential development of the subject area in mind." The staff recommended approval of the petition and recommended the Commission consider placing the subdivision adjoining to the north in an urban classification.

Chairman Bryan asked if the subdivision adjoining the north is now a non-conforming use. The XO replied not to his knowledge, stating that there are no houses in the subdivision to the north, and gave a description of surrounding area. Chairman Bryan stated that the XO is suggesting that the Commission place the adjacent area also in an urban classification, and he wondered whether it would be more satisfactory if the area to the north were included as urban on the final maps. The XO replied that it would be most satisfactory, provided the proposed interim regulation change is made. The XO stated that the reason for this is that if all the lots were approved, question will arise on each one unless the regulation is changed.

Chairman Bryan asked whether the County officials and government agencies were queried regarding this petition, and whether there were any replies. The XO replied in the affirmative and presented the following communications:

1. Communication received from Margaret M. Kaaua, County Clerk, in behalf of the Board of Supervisors, stating that they, upon recommendation of the Committee on Public Works, concurred with the Planning Commission's recommendations for approval of the petition for change of Temporary District Boundary.
2. Communication received from the Planning and Traffic Commission recommending favorable action on the petition and stating: "The lot, an unused remnant of the golf course, is not suitable for agriculture and can be best utilized to enhance the total layout of the adjacent subdivision which will be constructed with roads and water system to dedicable standards."

3. Communication received from the Department of Transportation stating that they had no comments or recommendations to make relative to the petition but wished to be informed of future applications.

Chairman Bryan asked if there were anyone who wished to speak or to ask any further questions, and there was no reply. The Chairman asked the XO if the staff report were prepared by him, to which the XO replied in the affirmative.

Hearing closed in the matter of the Hilo Country Club.

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PETITION OF THE PLANNING AND TRAFFIC COMMISSION OF THE COUNTY OF HAWAII (A(T)62-9), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY AT WAIAKEA CAMP SIX, IN THE SOUTH HILO DISTRICT, FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 2-4-20; 2-4-33; 2-4-37; 2-4-31: 1 & 2; and 2-4-39: Por. 1, & 2; and 2-4-39: Por. 1, 4, 6 through 11.

Chairman Bryan asked if there were anyone present to represent the petition.

Mr. Hiroshi Kasamoto, Director of the Hawaii Planning and Traffic Commission, stated he would speak in behalf of the Commission.

The XO was called upon to outline the various areas concerned. The XO requested that Mr. Kasamoto be called upon to present the problem and to outline the areas in question.

Chairman Bryan called upon Mr. Kasamoto and swore him in.

Mr. Kasamoto stated that Waiakea Camp Six is an old plantation camp located mauka of Waiakea Homestead houselot area. He stated that this is one of those embarrassing mistakes and oversights that occurred when his Planning Commission was rushed in preparing the land use maps. He stated that for approximately 10 years the County has had a residential zone on the southerly side of the main road leading up to Camp Six. The whole Camp itself, consisting of about 40 to 50 homes, have been zoned for residential uses; and in the preparation of the maps, the Commission forgot to include this area which is zoned for business. He stated that after the land use maps took effect, the Planning Commission received an application from Mr. Higa (present at hearing) to subdivide one of his lots for the purpose of using it for agriculture. It was below 3 acres, so there was a question on the basis of the 5 acres requirement. After that other applications were received from people who wanted to create 1 acre lots for houselot purposes from a large lot of 20 acres or so.

Mr. Kasamoto stated that the Planning Commission felt that since this whole roadway has been built up with residences, it would like to recommend rezoning from agricultural to urban in this whole area that is shaded in red, consisting of approximately 160 acres. Mr. Kasamoto stated that the Commission has circulated a petition and presented copies to the Commissioners stating that this petition

is being initiated for rezoning and this area has been under County zoning for many years, but through an oversight forgot to include it in the temporary maps. Mr. Kasamoto stated that this is a very peculiar situation. He stated that the County does not know whether the 10 years of county zoning went "out the window" when the Land Use Commission zoned this area as agricultural through an oversight.

Mr. Kasamoto stated that the Planning Commission is trying to reinstitute the original zone which existed prior to the effectuation of the Land Use law. He stated that the property owners in the area have asked how this can affect them and the Planning Commission has told them that all this Commission is trying to do is to put the residential area back into residence, the business area back into business, and the agricultural area (just the larger area surrounding the urban line zoned by agriculture) be put back into agricultural district, in which the County allows limited types of agricultural uses. Mr. Kasamoto stated that this is confusing and that the Planning Commission wants to put this area (agriculture) back into the population growth area which will not affect any person. He stated that a question was posed to him regarding permitted subdividing within an agricultural zone. He stated that subdividing is permitted under this agricultural zone but that one of the potentialities depends on the minimum lot size. If a person comes in for subdivision of 7500 sq. ft. lot which complies with the County's subdivision ordinance, this Planning Commission cannot deny this person the right to subdivide, assuming it is being rezoned back to urban and the Planning Commission has reinstated the original zone.

Chairman Bryan asked if there were any member of the Commission who wished to question Mr. Kasamoto.

Commissioner Sunn asked whether the petition showing portion of lot 914 is an entire area. Mr. Kasamoto did not have the information readily at hand and the XO volunteered to answer. The XO stated that it was just a small area, a very narrow strip, a few feet wide.

Commissioner Sunn inquired whether the land owners are in favor of the agricultural zone.

Mr. Kasamoto stated that some of them are in agricultural use now. Mr. Kasamoto stated that these people are concerned to the extent that if the subdivision is allowed they may be chased out eventually by public pressure which was the situation prior to the land use regulations. If there are objections, at least the business and residential area should be put into the urban zone.

Commissioner Lombardi asked which areas were zoned by the County for agricultural.

Mr. Kasamoto stated that the Camp itself was in residential zone, the Puna side in business zone and the remaining area in agricultural. Commissioner Lombardi asked whether the Planning Commission intends to leave it that way. Mr. Kasamoto stated that there will be no change. Commissioner Lombardi stated that this was more of a technicality when the lines were drawn. Mr. Kasamoto replied that it was an oversight which the Planning Commission would have included in the original maps and were amazed to find that it was not included.

The XO was requested to present the staff report. Chairman Bryan swore the XO in.

The XO gave a brief description of the area and read the staff's comments and recommendation for approval of the petition as submitted.

Chairman Bryan called upon various people present who wished to be heard on this matter. The following were heard:

1. Mr. Stanley Shiroma
2. Mr. Charles Shiroma
3. Mr. Andrew Higa
4. Senator Kazuhisa Abe

The above persons were concerned about the land in agricultural use at present.

It was pointed out by Commissioners that if the boundary is changed and the district becomes an urban classification, dedication of land to agricultural for tax purposes would not be allowed. This fact would be important to those carrying on agricultural pursuits in this area.

A question was raised by Mr. Higa as to the difference between a dedication under the Land Use Commission, and a dedication under the County. Chairman Bryan answered, stating that dedication under the County is not allowed by law. It can only be dedicated to agricultural if it is classified Agricultural or Conservation by the Land Use Commission.

Mr. Higa raised another question regarding subdividing of a parcel of land (approximately 26 acres) among 8 people and to what effect would they be involved with the Land Use Commission. Chairman Bryan stated that the best answer which could be given would be that originally in the Land Use Commission's ruling there was a 5-acre limitation; the Attorney General's Office has since knocked this out and this Commission is now in the process of amending its own regulations to cover this. Mr. Higa asked what would happen if he would request that his lot not be included in this rezoning at present, but request that it be rezoned to urban at some time in the future. Chairman Bryan stated that you then have the opportunity, if you want to put it in urban in the future, early next year when a series of public hearings will be held on each County on the adoption of the final maps. If by that time you want to have your land included in urban you can ask to have it included in these permanent maps. You also have another opportunity to petition, any time thereafter, in the similar manner the county is petitioning now, to have your land included in an Urban district. Mr. Higa replied that he now has the opportunity to do this because he has the County's backing and felt if he were to do it alone it would be a harder situation all together. Chairman Bryan stated that individuals are doing this every day and he didn't think there was anything different from a petition by a county or an individual, excepting for the fact that the Counties are asked by the Land Use Commission for their comments.

Chairman Bryan asked Mr. Kasamoto whether he had polled all the landowners in this area. Mr. Kasamoto replied in the negative.

Commissioner Sunn asked whether the property owners had any questions relating to Act 187 or would like to have more information on Act 187.

Representative Stanley Hara made the following statement:

"I would like to make an observation. As I sat here and seen the actions that had taken place thus far, one of the things that I have observed and kept feeling, as I sat here Mr. Chairman, that there is a need. Any law is only good as the people involved understand and sense its effect, both ways: the administrators as well as those that have been affected. There seems to be a breakdown of communication, complete breakdown between those who are affected by this measure and those who are attempting to administer it. I believe that this hearing (and in the sense of some of the people directly affected, not knowing at all the effect of the Land Use Act), certainly put both parties to a tremendous disadvantage in attempting to understand the roles you are trying to play and of their want. Your difficulty of understanding their want. I would like to leave this impression with you: that in the interim before the public hearing is scheduled and before the final plans are laid out for the people, for this county and for the people throughout the state, that emphasis and attention be given in educating the people as to the effort that is being developed or the desire of the Commission in wanting to get this across to them so that we have a better working relationship between the public and the Commission. There seems to be some dissatisfaction as to the philosophy. This I would not care to discuss at this time, it is late. I think the question is, 'How do we work this out?' I would like to emphasize this point: I feel that, how successful this act and how meaningful this act can be, is going to be widely rested upon this Commission. To me, there must be a stepped-up educational program so that people affected can understand what you are attempting to do in the role you are here for. This is indeed a deep complicated piece of legislation to administer. We understand that, those that have been close to it, but this is your challenge."

Chairman Bryan thanked Representative Hara and stated that this Commission agreed with him 100%; but the question is how and when can this Commission get this complicated relationship in law across to the people.

Representative Hara requested to make another suggestion, stating: "I think the question is the Commission too can suggest areas where we can amend the existing law. To me this law that created this Land Use Commission was man-made. It can again be amended to meet some of the problems that you are encountering in day-to-day administration. First, you will be facing it directly: you should be in the position then to amend the law so that it can become workable and realistic. Wherever you find the bugs you should be the one adjusting it for these various amendments. Second, I would like to suggest to the Commission that as much as possible at this time too, if necessary, to recommend to the legislature that they withhold these and cut out deadlines as much as is possible, until such time that the public and yourself, to sell to the public that is, become aware of the full impact of this greenbelt law and not to define and clearly box ourselves into a position where we get emotional. I would like to suggest that you draw general lines as guides first, and slowly work ourselves in refining it. Tonight's action for example: to appear before this

Commission and to take an oath to me is one of the first things that deters people from appearing and getting the expression of the people. If there are other means of getting it, responsible remarks, I would like to see that it is looked into. Because the people who are attempting to grow something, they are affected. This is their life, their land. You are talking about a man's livelihood. I would like to see an opportunity opened so that general guidelines be drawn. This, you explain to the people and explain from the general to the refined and finally the detailed lines - what is the impact? The gradual one, instead of one that was shifted and nailed down, and say this is it. This is the impression that they are getting and this is why they get emotional."

Chairman Bryan stated that this Commission will poll every landowner. This was done on Maui in a similar case. So if the landowner cannot make up his mind tonight, or is not present, he will have an opportunity to say how he feels about it, one way or another. This Commission has a 45-day waiting period before an action can be taken.

Representative Hara stated that this is what Mr. Higa has been looking for. Mr. Higa was wondering more or less whether he was to decide tonight.

Chairman Bryan stated that so many of these things can be ironed out within that 45 day period. The Commission realizes the seriousness about business first, and secondly, the difficulty of understanding the reasons for some of the regulations. This Commission has tried to obtain the maximum understanding between ourselves and the landowners in every case that comes forth. This has been a little burdensome; but, as you point out, it is very important. This is the extent of our real educational program at the moment although this Commission has discussed a program of education.

Mr. Shiroma stated, "Right now you have stated to Representative Hara that we have 45 days to write to the Commission if we have anything." Chairman Bryan replied that the law requires that this Commission receive any written comments within a period of 15 days but that this Commission cannot take action for another 45 days. Mr. Shiroma stated that there are owners who are not here and have lots below his property, which he and property owners present are asking to have rezoned. Chairman Bryan stated that this Commission will poll the landowners; and if there is wide divergence of opinion in the pattern, and it does not look like a workable pattern, this Commission would probably refer the matter back to the County, to work it out with the people.

Commissioner Sunn pointed out to the people present that the Land Use Act is available in printed form with its rules and regulations; and copies can be obtained from the staff.

Hearing closed in the matter of the Hawaii County Planning and Traffic Commission.

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PETITION OF THE DEPARTMENT OF HAWAIIAN HOME LANDS (A(T) 62-15), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY AT PANAEWA TRACT 1, WAIAKEA, SOUTH HILO DISTRICT, HAWAII: Described as TMK 2-2-47: Por. 1.

Chairman Bryan asked if there were anyone present representing the Department of Hawaiian Home Lands.

Mr. Alvin Akana introduced himself as representative and project manager from the Hawaiian Home Lands Department. Mr. Akana also introduced Hawaiian Home Lands Commissioners Sproat, and Tom Maoulu who was also project representative of the Department. Chairman Bryan swore Mr. Akana in.

The XO, requested to outline the petition area in question, briefly described the area and pointed out the location on the map.

Mr. Akana was then called upon to present his case. He stated the purpose of the petition is to provide residential areas into which the Department can move the people who are being displaced as a result of the Hilo Airport runway extension. The consensus of the people involved is that they are desirous to be relocated in the Panaewa area. The Department would like to have the classification changed expeditiously because there is urgency in the move.

Chairman Bryan asked if the land involved belongs to the Hawaiian Homes Commission. Mr. Akana replied in the affirmative. Chairman Bryan stated that it is his understanding that the legislature has approved funds for relocation to either this (Panaewa) area, or in the Mohouli area. Mr. Akana replied in the affirmative.

Commissioner Lombardi asked Mr. Akana whether this area will take care of all the families on the runway. Mr. Akana replied in the affirmative.

The XO was requested to give the staff report. The XO stated that the staff believes that a public safety and public health emergency does exist, in the necessity to remove some 42 families from the Keaukaha Tract adjacent to the jet runway presently under construction. The XO stated that the staff will recommend approval of Urban classification for the "first increment", containing approximately 27 acres, more or less, as shown on the maps submitted in the petition; but will request additional time to investigate the necessity to relocate all the Keaukaha residents into the Panaewa area and what additional public facilities and services the new community will require above those planned for the area.

Chairman Bryan asked Mr. Akana whether the 27 acres would be sufficient to take care of those families who would need to move immediately. Mr. Akana replied in the affirmative, stating approximately 28 acres would adequately take care of the people who must relocate as a result of the runway extension. Mr. Akana stated that the additional area will take care of the people who are residing adjacent to the extended runway and eventually the Department would have to move these people because of the proximity of the airport.

Chairman Bryan asked Mr. Akana to answer the XO's question regarding, "What additional public facilities and services the new community will require above those planned for the area." Will the new facilities proposed take care of the whole Keaukaha development? Mr. Akana replied, "A major portion."



Commissioner Lombardi asked Mr. Akana whether the Department has any reason for not going into the Mohouli area. Mr. Akana replied, "The reason for this is that the people decided to go to Panaewa rather than Mohouli." Commissioner Lombardi stated, "That is not Hawaiian Home's land, that is State land." Mr. Akana replied in the affirmative, and stated that it would create the necessity of exchanging lands. Mr. Akana also added that one of the bases for the people's desire to move to Panaewa is that it would place them adjacent to their farms. The Hawaiian Home Lands has in that area quite a number of farms on which the people to some extent have subsistence farming.

Chairman Bryan asked if there were anyone present who wished to be heard. There was no response.

The Chairman stated to Mr. Akana that the Commission is tied to the 45-day waiting period by law. The Chairman asked the Commissioners if anyone knew of any reason at present why this Commission should not grant this request.

Commissioner Lombardi stated, "I am not inclined to go along with creating a whole Hawaiian town. I don't like "China town", "Hawaiian town", "Japanese town". I don't like that idea at all. To put in a whole concentration of Hawaiian families in there, I don't think is a very good policy. I would go along with the first increment for safety purposes of the runway to extend that area. To end up with several hundred Hawaiian families, I don't think that is good sense."

The Chairman asked then if any member of the Commission would object to the approval of the first 27 acres at this time. The Chairman stated that this Commission will meet again on this and by that time should have additional information. The Chairman stated that if there is anyone present who would like to present any written information or comments within the next 15 days, the Commission will be very glad to receive it.

Senator Abe stated: "I was one of the people who were opposed to relocating the people from the Keaukaha district to the Mohouli area. As most of you know, in the Mohouli area there is quite a bit of low-cost housing and I felt it would not be to the best interest of the people in that locality as well as the Hawaiian people to move into the same locality as the people in the low cost housing. You talk about getting the slum area cleared, you are creating a slum area by moving the people from the Keaukaha district to stay near the people in the low cost housing. Therefore, I, for one, was opposed to the relocation of the people from Keaukaha to the Mohouli area. I, for one, felt most of the time up to this date, the Hawaiians should not be given the choice where to live. They have been shoved around too often; they have been shoved to Keaukaha, they have been shoved to Nanakuli; and I felt that once we should at least accede to their wishes."

The XO related the background of how relocation to the Mohouli area came to be recommended by the State Planning Office along with the Land Office and the University of Hawaii, Hilo Branch: the area originally recommended by these agencies was not in the low-cost housing area north of Mohouli Street, but south of Mohouli, toward the Hilo Campus of the University of Hawaii.

Commissioner Gregg asked Mr. Akana, "How many people are involved, approximately, and if they intend to move the entire community, not only the first increment, what does this involve, in future planning."

Mr. Akana stated that the Department is involved with something around 600 families.

Mr. Akana stated that "I would like to express the appreciation of the indication of the Commission to provide us to move ahead at least with the first increment. Also I understand that the 45-day wait could have been shortened if the suggestion had been made prior to the notice of the hearing." The XO stated that if the Commission had declared an emergency to exist as of the time the application was set for hearing, the period before the hearing could have been shortened; but the Commission did not take such an action. The 45-day waiting period after hearing cannot be shortened, according to the Commission's legal counsel.

The public hearing was closed.