

LUC PUBLIC HEARING ON
PROPOSED DISTRICT BOUNDARIES
FOR THE COUNTY OF HAWAII
SATURDAY, APRIL 26, 1969
1 p.m.
COUNTY COUNCIL CHAMBERS
HILO, HAWAII

Choi The meeting will come to order. Yesterday in Kona our consultants presented all the boundary changes for the island of Hawaii. Today we will limit ourselves to the area in the vicinity of Hilo but in the event there is any area that you would like to have explained to you, will you do so freely. Will that be alright with those of you who are here today? Most of you are interested in mostly in the area around Hilo.

I'm also interested in Kamuela, Kona and Puna.

I'm also interested in the south point of the South Kona coast.

Choi Then if we cover the area around Hilo then went to those specific area that you are interested, would it be satisfactor?

Yes.

Choi All those that would like to testify at today's meeting, will you please rise and be sworn in. Anybody except attorneys, attorneys are excused. Will you please raise your right hand. (Swears in persons wishing to testify before LUC). Rom, do you want to start off?

Duran Mr. Chairman, gentlemen of the Commission, ladies and gentlemen, as you may have noted by our movie for those of you who were not here at the time, in 1961 the Legislature passed the Land Use Law and created the LUC and required the Commission to subdivide the State into 4 districts, Conservation, Urban, Agricultural and Rural. The law also required that the LUC review these district regulations

every five years. In 1964 the first boundaries, permanent boundaries, were adopted and it is now time for this five year periodic review. So for the last 6 or 8 months, the Commission has retained the consulting firm of Ecko, Dean, Austin and Williams to assist the Commission in preparing for this boundary review. We've been going around the State in various counties holding public hearings and as the chairman already stated we've ~~already~~ were in Kona yesterday conducting these hearings, asking the people in the community, what their interests were and soliciting recommendations for improving the Land Use Law. So at this point, Mr. Chairman, I would like to turn the meeting over to our consultants to explain to the public their findings thus far and the district boundaries that we are reviewing today. Mr. Williams of Eckbo, Dean, Austin and Williams.

Williams

Mr. Chairman, gentlemen of the LUC, ladies and gentlemen, the emphasis of the boundary review study is placed on the definition and review of the boundaries of the 4 Land Use Districts but it is also placed on the rules of practice and procedure of the LUC and the district regulations of the LUC. Before I begin this, I want to introduce Howard Altman, my associate, worked on the urban and rural districts, and my associate Chris Dagenhart has worked on conservation and agricultural districts, as well as other aspects of the project. What I will do is to review with you very briefly the changes that have been recommended for the rules of practice and procedure of the LUC and the changes that have been recommended for the district regulations. The rules of practice and procedure govern the pro-

ceedings of the LUC and are designed to assure the just

in determination of every proceeding. Many of the changes in these involve additions of phrases or words for the purpose of making the rules more clear and in no way later the original meanings. I might just add that all of the recommendations have been made in the rules of practice and procedure by our attorneys and by the Attorney General's office. We're getting quite a technical thing. I feel assured that because this is a public hearing on the boundary change, studies these things do have to be mentioned. However, a substantial series of changes in Sub-Part C of the rules and practice and procedure to remove references to rule making. In the original document the word rule making is used to describe LUC actions in amending district boundaries and rules and regulations. By substituting the word amendments for the word rule making, the land use becomes much more understandable. If you are interested and want to refer to that, you will see what I mean by that. Rom, are copies of those available?

Duran Yes, there are.

Williams/Copies of the rules and regulations and the rules of practice and procedures and regulations are available in case you are interested. A section on emergency rule making has been stricken as unnecessary. Two new sections regarding reconsideration of the petitioner, section 1.24, and reapplication by the petitioner, section 1.25, has been added to clarify the conditions under which these actions x

can and cannot take place. Now for the summary of the recommended changes in the State Land Use district regulations . But before I go into these changes, I want to define the regulations. The district regulations are intended to clarify the Land Use Law. They establish minimum requirements on a State-wide basis but in the event the County imposes stricter requirements the County's requirements prevail in that particular county. In the agricultural and rural districts, and as you may know, the urban district, the County has complete authority. In the conservation district the authority is in _____ is in the hands of the DLNR.

Now for the summary of the changes. The principle land use issues that we have identified as needing clarification in our opinion were changed insofar as the regulations have a controlling affect on them are first under the Urban District, provisions in the regulations for new towns, emphasis on the need for economic feasibility studies, recognition of the goals and objectives of the State and County and provision for utilization of sloping land over 20% slope with appropriate safeguards. Under the Agricultural Districts, a general strengthening of the definition of agricultural areas by deleting some of the modifying sections so that the Agricultural Districts _____ ~~xxxx~~ reflect the intention of the Land Use Law and protect prime agricultural land. Under the permissible uses under the Agricultural District, addition of a qualifying phrase to related permitted ~~public~~ uses to agriculture. To clear a specification for utility uses, such as water lines,

power lines and so forth, to avoid unnecessary special permit procedures, restatement of open area types of recreational uses so as to involve the County and the LUC more in review of the location of some of these such as golf courses through a special permit process. There was some question of that in Kona, so I just might explain the reasoning behind this change. Many uses that might be permitted in the Agricultural District are what we would call urban generating uses such as if you permitted factories. The development might be that additional factories might come in for application. You might end up with a tremendous pressure for a whole new city. Also applies to the location of a university or a school in an agricultural district, where a town might spring up ~~xx~~ around it or a pressure for it. This is also true as you quite well know about golf courses. So the regulation has been changed so that while these may still ultimately be permitted, it does take one additional step of going to the County for a special permit so that the location of it is carefully considered or I should say more carefully considered than it would have been in the past. Another change in the permissible uses was the deletion of all uses not mentioned in the law. Now under the Conservation Districts a provision of a more clearer regulation reflecting the ~~xx~~ requirements specified in the law, special attention was provided to shoreline and off shore conservation and utilization issues, with a new definition of the shoreline which has been taken out for a recent case here in Hawaii. The new

definition, we're speaking of, used. Those of you who have those regulations can find it under Definitions. It's in accordance with the finding of that case. It's a definition in a historical Hawaiian sense, incidently, rather the usual Mainland sense of what constitutes a shoreline. special attention provided for public safety in relation to utilization among unsuitable or unsafe lands and preservation of archaeological sites ecological systems. No significant changes were made in the rural district regulations. Some other elements of the regulatory nature have been added, changed or deleted. These are, first, the time limit is now required when issuing special permits, Section 2.25. Some of the Counties were already doing this but now this will mean that all of the Counties will in effect, your County here was using a limit time for special permits. This will affect those Counties that were not. Two, new sections have been added ~~to~~ dealing with zoning and increments, Section 2.32, and establishing a performance time in new districting, Section 2.33. Now I'll explain these two. Under incremental zoning the ~~purpose~~ purpose of this section is two-fold. First, to protect the public against large rezonings for projects that might go broke or otherwise fail in their initial purposes. And second, to protect the interest of developers who sometimes have to make huge advances investments called frontline in land, utilities etc., in the beginning stage of the development. Therefore, this new incremental zoning section means that if the Commission approves of the concept of the project with over 100 acres for an urban

district, then it may approve boundary changes by increments not to exceed five years and approval of a boundary change for the first increment will require the approval of any of the remaining increments as provided in that section. Under the performance time, this section is intended also as a protection to the public and to the developers. To protect the public in requiring substantial development within five years and protects developers by discouraging vacant urban zoned lands owned by others who are not using it for that purpose, from being used as an excuse for they not being able to get rezoning when they want to go ahead with a project. A long section in the old regulation dealing with dedicated lands, former Section 2.39, has been deleted since the LUC does not administer these proceedings. Now in addition to the above, many small changes have been made to clarify intentions or assist in understanding but these do not have any affect on the original intentions or meanings. So that is a summary of those changes in rules of practice and procedure and district regulations. I'd like now, Mr. Chairman, to ask Chris Dagenhart to come and explain the ~~xxxxxx~~ issues in conservation and agricultural districts that we have ~~dealt~~ dealt with in the proposal for the changes and/or not changes in some cases but in the agricultural and conservation districts. Thank you.

Dagenhart I'd like to start by explaining the procedure we went through in order to arrive at some recommendations or changes in boundaries. The regulations that define criteria be used for the definition of the district boundaries. When we map these various

criteria and put together we are able to draw boundaries which reflect those criteria of the ground. I would like to start with criteria for Conservation District. Can everybody see this alright? The first map shows two criteria that are spelled out in the regulations. The brown area represents lands over 20% slope. The red areas represent potential hazards in terms of tsunami and flood potentials. The next map we see a series of criteria used for defining conservation district concerned about scenic value, park lands and wildlife. The olive green area here represents areas that have been proposed for park development. The darker green represents areas which are presently already in park use. Broken lines here represent generalized scenic areas that have been indicated on a study recently done for the State in the Waipio Valley area, Valley, Mauna Kea, Kealekekua area. The yellow areas represent sandy beaches or seasonally sandy beaches. Then there a number of smaller areas which are referred to specific scenic sites. If we put these two sets of criteria together, we have a potential for defining a conservation district. I'll do the same kind of thing for an agricultural area, district. The criterial that we are looking at here are definitions from areas according to soil types, climatic factors, topography according to their potential for grazing and this in turn affects to a lesser degree their potential for cultivation. The darker of the two browns represent areas which according to the soil conservation service has slight limitations for grazing. The lighter areas

have limitations for grazing. The white areas have severe limitations for grazing. In addition, there is recognition of some specific crops on this land and this is information from the Land Study Bureau. The dotted outline here represents areas which have shown a potential for macadamia, papaya, coffee.

The point is there that if the soil is good for cultivating purposes then it is usually very good for grazing. So the soils with the highest potential for cultivation are those which have only slight limitations for grazing purposes. The second set of criteria we used in the agricultural district are existing agricultural uses. The brighter green areas represent lands presently being grazed. The darker green represents cultivated areas, primarily sugar but a variety of other crops too. If we put both the criteria for the conservation district together and the criteria for the agricultural district and compare them with the existing boundaries for these two districts we are in a position to identify areas where the criteria does not fit the existing district boundaries. Such areas show up on this map where the blue line represents the existing conservation district inside, the white area outside of it is the agricultural district. The yellow areas are the urban districts and the brown are the rural districts. The black circles are areas where the criteria which we have examined will show possible conflict between the criteria and the present district. Then examined

all these areas in the field, tried to adjust the boundary according to physical, defineable elements in the field which would resolve these problems. yellow area represents the urban district, the brown the rural, solid blue is the existing conservation district and the striped blue areas represent the failure to resolve the conflicts in the previous map. All of these areas are drawn in more detail and at another scale. I think I can describe this half of the island now at this scale and then for more detail we will look into these maps.

___ May I ask you a question about that map. Along the agricultural district, along the coast there, I see line along the coast.

Dagenhart Which coast? Along here?

___ All along Hamakua into Puna, is that conservation along there?

Dagenhart Yes, you mean here or along here?

___ Well, down below Hilo, between

Dagenhart This area here?

___ Yes. Is that conservation?

Dagenhart This is the proposed conservation district. Yes. What I would like to do now is go through each of these areas top of the island and describe them in more detail. We start the top here at Holualoa Valley which has been proposed for park development and presently supporting significant agricultural practices. It is of scenic topography and steep terrain, surrounded by conservation districts ~~which~~ should be more properly included. Waipio Valley, we start the area that you are referring to and line along the shoreline. I would like to speak to that in a

little more detail. The present conservation district comes to the line of debris left by the highest annual wave. The high water mark, the line of debris left by the high water mark. Typically, agricultural uses will cease considerably mauka of that line and what we're endeavoring to do here is to draw a line which would more properly represent the change.

We think that the high water mark is an adequate recognition of a real resource of the State. It is of tremendous importance which have been shown to us. It is a great concern to the public and so we have endeavored to define the shoreline with a boundary that more realistically represents the resources. In nearly all cases, we have been able to indicate a line which is physically defineable in the field. By this I mean top of a ridge top, cane haul road or a farm road or a road, vegetation line. In a situation where ~~it~~ there is not physical line which can represent these uses we have indicated a line which is 300 feet mauka of the existing conservation district. With respect to that it is not our thinking that this has to be a rigid or firm line. It is flexible in the same manner as all boundaries are upon application. We feel it is a more realistic distinction between agricultural uses and the shoreline than ~~presently~~ presently exists. The next area I'd like to describe are a series of valleys here Laupahoehoe Valley running all the way down here, Nuinui and so on all the way down to Wailuku. I think in here is that endeavor to recognize the water shed is incomplet without a recognition of the streams to include only the

very steep topography which are of scenic significance and recreational importance. In the case of Wailuku River already a portion of this is in conservation and I would like to see it connected to the mauka conservation district. The area below the Mauna Kea over here has pointed out to us is rich in wildlife resources and of the conservation boundary to include that seemed appropriate to us. The small area here which was a part of the original forest reserve which was not included in the original conservation district. It is forested and should be included at this time. Again indication along the shoreline

by the deep trail that runs along here that leads to another area which was in the original forest reserve and is presently being forested. I would like to speak to this area ~~xxx~~ here which joins the Puna forest reserve to the National Park Boundary. A portion of the National Park presently extends beyond the conservation district boundary and we think this should be included in the conservation district. There is a proposal to expand the park to include much of this area. It is presently not being farmed which would more logically draw a boundary ~~xxx~~ to join this whole area into one conservation district. Also an area above the road there, volcano which was in the forest reserve, it is being forested. Indicated on the shoreline here on down the south point where there is an area very rich in historic and archaeological resources. It should also be recognized in the conservation district. I'd like to leave the presentation there and deal only with this half, unless

any specific questions arise. I'd like to pass the presentation on to Howard Altman.

Choi Let's run through the presentation, then come back.

Altman Examining the existing urban area, we were charged with determining the expansion that could occur in a 10 year period of time, that is from '68-1978. & To examine that expansion against the existing urban area in each island. I will confine the statistical review to the east coast of this island. If there are any specific points, I will answer them as they come up. In the Hamakua Judicial district the first figure that you see that's 1965, is the approximate population that existed in the area at that time. The figure that says '68 shows the change and the percent change. In this instance there has been a negative 8% or I should say a loss of approximately 8% of the people in the entire area. Then the '78 projection shows that an approximate 27% increase to about 6,000 people by 1978. The two figures under the line indicates the acres of urban zoning as of '65 and the increase that has occurred through boundary changes through '68, 7% increase in this area. In the North Hilo area which is the judicial district as defined here has been an approximate 5% increase in population but '78, we perceive a loss of about 4%. Since '68, there has been a .3% increase in the existing urban zone. In the South Hilo area which includes the major urban area on the island, since 1968 there has been an approximate 4% growth and ~~xxxxxxx~~ foreseen through '78 approximately to about 37,000 people. Since '65, there has been a 1% increase

in the existing urban zoning through boundary changes. In the Puna area since '68, excuse me since '65, there has been an approximately 25% increase in population in this area and through '78 there isn't a great deal of growth foreseen on an approximate 2% loss in affect. Since '68 there has been a 17% increase, this is a minus and it should be a plus. A 17% increase in the existing urban zoning. Now on the island as a whole, since '65, our projection which I should add are based on the State's projections, Department of Planning and Economic Development, an increase from '65 to '68 for the island as a whole of 11% and through '78 it is foreseen that the island will expand approximately 12%. Since '68 there has been a 29% increase in the existing urban zoning that is the districts that have been added since 1968 through boundary changes a 3 year period of time about 29% increase. This figure as of '68 in terms of existing urban zones of about 24,500 acres is a key figure as I will explain. Now on this sheet at the island's scale, we have shown all of the proposals that have come to us for consideration to urban zoning and also other areas that show up on various reports. I will explain again the areas on the eastern side but I would like to say in total we have received requests to consider approximately 29,000 acres of urban zoning, that is over the existing urban zone of about 24,000. A considerable increase. In the Puna area we have been asked to consider by Mr. Allison approximately 208 acres for urban zoning here. The King's Landing area examined approximately 2,000 acres that is

presently subdivided but and in the ag zone but to consider it for urban. A C. Brewer request in the Kalapana area of about 200 acres here. A general area to consider for urban expansion from the County Planning staff of about 800 acres, that are shown with this key 16; 16a, b, c, d, generall in the Waikea and I should say also in the Kapaaa area here. 17, 18 and 19 which are located in these areas are also requests from C. Brewer to expand existing urban areas as a result of phasing out some of the older camps, totalling about 100 acres. I should add that these areas don't show up on our proposals but that it is our feeling, as consultants, that these areas should be added when the final boundaries are drawn. At Laupahoehoe, Theo Davies, 18 acres right off the coast and 13 acres inthe Honokau area. C. Brewer approximately 50 acres in the same area and camp 8 area, Theo Davies, 95 acres. That covers the various areas that we have been asked to consider for urban zoning. It is a portion of this 29,000 acres that I pointed out before and I'll just say as you can see the majority of the proposals are in the western coast and in the Kahu area. The primary area that shows up on the island in terms of a necessary area for urban expansion is in the Hilo area. That is a result of our thinking that the public owns land that has been considered for urban expansion should be considered but that it has been shown that private ownership could develop faster and so our concern was to provide adequate urban expansion

for five year period that was other than state owned. Our figures show an approximate need for 893 acres in the Hilo area for proposed expansion. The areas that we are proposing are the Waikea area, the area makai of the ^{Kamannu} Komanu (?) road extension and a portion mauka of that road. Additionally we proposed an adjustment in the urban zone around the airport to include the airport development. A second area, I should say a third area, again is an adjustment in the existing urban zone to include an area that is in our feeling falls under the definition of the urban zone. The norther coast further up, I'd like to show our proposals and then we can go back to the areas if there aren't any further questions. In the Honokau area we're propoxing 95 acres for urban expansion as a result of phasing out some of the older camps. This area is located mauka of the existing town in back of the hospital. Various other adjustments in the urban zone are ~~a~~ showing up from this area back up the coast and they are primarily ~~are~~ again the phasing out of the result of phasing out of older camps and to provide adequate expansion in such areas as Pepekeo, Laupahoehoe, etc. If there are any questions in these areas we can refer back to them. And also again we can speak to any other areas in the Kau location or on the western coast.

Choi Howard, I think in all fairness to everybody rather than there be questions asked at this time, we have so many people who wish to testify and so many of these questions that want to be asked probably will be answered while different portion of the property is being

discussed, let's have the questions at the end that are not covered in the testimony. Would that be a good guideline to follow? If so, are you through Howard? I would like to call on Mr. Miguel, Dept. of Taxation.

Miguel Gentlemen of the LUC, ladies and gentlemen, my name is Miguel and I'm with the Dept. of Taxation, our district office. This is in conjunction with some of the procedures and policies that we do have various land uses that has been established by the LUC. It is an area of clarification and not for a specific parcel involved. With your permission I would like to read this. Mr. Ramon Duran, Executive Officer, Dept. of Planning and Economic Development, Land Use Commission. Act 142, Pittsburgh Law or graded tax law, approved June 3, 1963, and became effective June 1, 1965, provided that Land Use Counties shall be classified upon consideration of size and best use into the following general . 1. Single family and two-family residential; 2. 3 or more two family apartments to resort; 3. commercial; 5. agricultural and 6. conservational. To further provide that in into one of the general classes the record of taxation which shall give consideration to the pursuant of Chapter 98 Act 187 and amended by Act 205, the State Zoning Law. The *districting* established by the county in each general plan and zoning ordinance use classifications establishing a general plan of the State and such other factors which influence highest and best use. Our present policies

in general practice take the above as the basis for our classification of land. As the _____ come in to have file copies of the classification maps showing district boundaries in the Dept. of Taxation. We have also on file maps showing zoning boundaries by the county general plan and zoning ordinances. However, we would like to suggest that residential subdivision of less than 1/2 ~~ac~~ acre lot be districted as urban and delineated as such on LUC maps. These subdivisions are treated as non-conforming use in agricultural districts. This is not very clear inasmuch as _____ dwellings are permitted in agricultural districts without having a special permit issued. We are now classifying this subdivision of less than 1/2 acre lot as urban residential. We believe that urban designation will be more definite as these subdivisions do not quite fit the meaning of the non-conforming uses _____ Chapter 98A related to the SLUC. I would like to quote the report where they explain the non-conforming use. The lawful use of land or building existing on the _____ base of establishment of any interim agricultural district or rural district in file form may become contiguous although such use including lot size does not conform with the provisions with this chapter provided that no non-conforming building shall be replaced, reconstructed or enlarged or changed to another non-conforming use. In addition, if any non-conforming use of land or building is _____ or held in abeyance for a period of one year, to the continuance of such use shall be prohibited. In

regard to another item, the urban districts include those lands now in urban use plus a reserve area for future urban growth. A sector of Kamuela was districted as urban by the LUC which subsequently county zoning agricultural comprehensive zoning ordinance adopted almost two years ago. The fact that the counties will regulate internal zoning in three of the 4 districts, urban, agricultural and rural districts, and give them the authority to change the district boundaries. However, the dedication feature of Act 205 can be affected as the requirement of agricultural dedication of urban districted land are different from agricultural dedication of agricultural district land. This is not clear and should be looked into so that lands can be correctly classified and petition for dedication can be acted on properly. Thank you.

Are there any other government agencies that would like to testify? If they would we would like to have them at this time. If not, the next name on our list here is Claude Moore, C. Brewer and Company.

Moore Mr. Chairman and members of the Commission, ladies and gentlemen, my name is Claude Moore and I represent C. Brewer and Co., the Land Department. I would like to talk briefly on the subdivision Pauhau, Pepeekeo, Mauna Kea Sugar and also in the Hilo District. We have submitted a request for about 50 acres at Pauhau to relocate the existing plantation village. These people have requested this and we have deferred any action on this for quite a while but now

we are having requests from our people for an area where they can either relocate the existing houses or build. We have selected two areas, one a triage between the new highway leading to Honokaa and the other area immediately mauka of that, separate from, bounded by the cane haul road on the mauka and the two streams on either side. We selected these primarily because they are adjacent to County water, County water is available, and they are areas rather hard to farm. By taking out these areas it would eliminate, I believe all needs of Paauhala trucks, sugar trucks to haul

We appreciate your consideration. At Pepeokeo in Kulaimanu we have an area zoned urban here. The area above the road is subdivided. I think there is 65 houses built on 69 lots. We are presently constructing 41 lots immediately below the state highway. Without even having it available for sale there are over 70 names in the office waiting for lots. We're trying to proceed with another 46 lots which will leave with us about 45 more in that area. There is another urban area here at Andrade camp, completely sold out. We're proposing an area immediately adjacent to the lower area over the gulch which is a natural boundary and then to connect from below Andrade camp, cane haul road, over to Kulaimanu area. This will consolidate two urban areas and we believe will make possible the elimination of Pepeokeo camp and at least the plantation houses at Onohina camp and also

. This will mean the eventual

elimination of these camps. Mauna Kea Sugar we have 17,000 left
in

We have a few houses in Hamaula which are suitable for moving.

We have a small urban area immediately below this Wainaku camping
area which is completely sold out. We would like a small strip
below this area so that road through there. If we can
get ~~150~~ a strip about 150 feet below that road would enable us to
put in

and then there is a narrow strip from this urban area right in the
middle of the it can come up part way

about a 220 foot contour and then our water pressure gets

and also a strip below Kawihi Road and the gulch in order to have
enough room. We have approximately 49 employees still living in
plantation housing in Onohua and Onomea. We would like to have
sufficient lots to take ~~xxxxx~~ care of these

Moving into the Hilo area, we have a request in for zoning of ~~xxx~~
this Ainako area from the top of Ainako and across in this existing
urban area. We believe this is ~~an~~ a ~~xx~~ legitimate request because
it's closing up new existing urban areas. We have
had several requests from developers who ~~say~~ they have money for
immediate development. We haven't been able to talk with them
because we haven't had any land available. They want large tracts
to develop. By the same token in the upper Honokawai area, there

is an area in there which is right now a flood plain. The

made the study.

houses in there

enough houses to justify a development to take care of the flood control and we have decided that we did not want to move old houses into the Hilo area next to the subdivision, so we would like to have this additional ~~above~~

Komohana zoned urban. We do not feel development can be feasible unless it can be a mass development because of the flood control problem. I stated that the contours I think it's quite possible

easy to take care of

streams

and some of the water is coming in across the Kamanalau will be converted ~~in~~ future by the County

and will eliminate part of that flooding and if possible to develop it into a ~~new~~ nice area because at one time

Mr. Moore would you submit maps to the LUC please on your suggested changes to facilitate our work.

Moore We have submitted maps for everything except this one area immediately above the Wainaku . I understand from Mr. Hoffman they were inadvertently misplaced and the plantation request was not ~~shown~~ shown on the map so perhaps we should submit new ones for this area because we had submitted the non-cane areas. It might make a better, if we submitted for the entire area.

I think it would be helpful, yes. Thank you, Mr. Moore. Mr. Nii.

Nii Mr. Chairman, members of the LUC, ladies and gentlemen, my name

is Katsumi Nii and I'm representing farmers up in the Waikeoka district. There is a proposal there that they want to make it into urban. The farmers are asking

. I spoke on behalf of them and myself at the public works' meeting in regards to

and how we learned that this LUC . We are asking again on behalf of them trying to get the land retained to agriculture and I'll read the letter was mailed to me from the Board of Supervisors. It says here, Mr. Katsumi Nii

. Dear Mr. Nii, In reply to your petition of December 12, 1968, regarding your opposition to rezoning of lands for agricultural, one acre, and requesting that the area be retained at . The Board of Supervisors at the December 18th meeting requested the Planning Commission to leave the area in the present zone. We are trying to inform the other Commissioners about the

Mrs. Margaret M. Crowell, County Clerk. The carbon copy has gone to the Planning Commission. Now the area the farmers are interested in is within the Waikea-uka Homestead area. on this map, it's kind of hard to define in the actual area that is proposed but according to the article that came out in the paper the other day, it was the area in Ainaola and Pupulau and Kawaiiani Streets. Now below Komohan Street it is already zoned, below Komohana Street it is already zoned as urban, 15,000 square feet. Above Komohana Street happens to be

Haihai Street, that street is located inbetween Kawailani and ~~an~~ Ainaola, within the triangle. Within the triangle the lot owners in there that farm in that lot and they have farmers up in the Ainaolu area that farm, which has been changed to urban by the LUC in the 1964. But actually those farmers have been farming there since the land was up for sale by Lihue Plantation. Mainly, there's Mr. Shiroma there who raises poultry and his brother Charlie Shiroma who has poultry products. We have Mr. Yagi there, he's one of the biggest island producer for cattle and poultry. He owns the Kolana Food Store in Hilo. Now ~~when~~ with the request for changing that area into urban comes into affect, then either all these farmers will be forced out, forced to move out of their farming area and they wouldn't have no other place to go because of the fact that there wouldn't be any land available. Now in this area where Mr. Yagi lives, at the Board of Supervisors' meeting requested for change of zoning there which was up for 5-10 acres lot, I think. I may be wrong.

. Anyway, we've asked for this to be ~~xxxx~~ considered as semi-agricultural lot because of the fact that right now slaughter house in the urban area. That is way below Komohana Street. In that area he has his slaughter house and eventually he would have to move out, so his ~~xxxx~~ plans are to move up into this agricultural area where he happens to have 150 acres. Now there was a proposal that came before the Planning Commission that 1500 feet above Pupulau road being included into

the urban zone. Now if 1500 feet of that area being taken out from Pupulau Road, his chicken coop where he raises couple thousands ~~fy~~ fryers and roosters would be affected 1500 feet.

That would mean that ~~w~~ he won't be able to farm on that area.

That would mean we would have to take out all these poultry farms and everything. This

in that 150 acre area. So on behalf of all the farmers that are with farming in that triangle, I'm asking the LUC to consider the farmers because of the fact that all these farmers saying why should they try and take the private land for urban when

farming. Now the State would go down below Pumuhana where the old Camp 4 area and all that State owns that land, if they needed land for urban useage they could very well use that land and leave the farmers where they are now. There are approximately, I would say,

get the names of all the people that ~~xxx~~ live within the triangle area and I have 39 names here that are located in that triangle. And when I made the petition I ~~xxxx~~ meant most of the large landowners in there that owns 40 acres, 20 acres and so forth. to sign the petition to ask the Board of Supervisors to go along and retain that area into agricultural zone. The triangel would be between Pumuhana , Kawaiiani and Ainaloa Road. I've gone ahead and asked farmers in the outlying areas whether they were going to keep their land into agricultural acres or would they rather go into urban. A majority of them, the ones that I've talked to, would want to hold onto their lands because that is the only property

they own so they're asking to help them in behalf of their and
 ask the LUC to go along with the recommendations of the Board of
 Supervisors, County of Hawaii, and retain that land into agricultural
 acres. Thank you very much.

Choi What percentage of the farmers in the area would rather

Nii The ones that I've spoken to are

Choi What percentage of the total?

Nii The ones affected within the triangle. Well, right here I ~~might say~~
 have to say it may have to affect all of the farmers that are involved
 in that area. There is Mr.

Choi I'm asking what percent

Nii Well, I would say at least 75%.

Walter Freitas.

Freitas Mr. Chairman, members of the LUC, general public, my name is Walter
 Freitas and I live on Kupulau Road in the exact area that the speaker
 prior to me discussed. I speak for quite a number of people in that
 particular area and I am speaking primarily in the triangle that
 is being proposed by the Planning Commission which is the subject
 matter of this hearing today, to change from agricultural use to
 urban use. I say strictly within that area. I am in the makai side
 of Kupulau Road. It is my understanding that this here is the
 area that we are talking about., not the mauka side. The mauka
 side as I understand it is to remain agricultural. The gentleman
 here on the Commission here asked a question as to what percent

of the people in this particular area favor retaining it in agricultural use. You can discuss this with 50 different people and get 50 different answers. I can safely say at this time there are over 900 acres that are being proposed in this area for change from agricultural to urban use. approximately 40%

right now that is being used for residential purposes on a nonconforming basis. In the area on the boundary by Kawalani, Pukalau and Haihai, there's a particular area of 160 acres that was zoned or changed by the Planning Commission as one-acre agriculture. These comprise the subdivision of Macadamia Haihai Heights, Waieka Homesights. This is the property that I own and a piece of the property of 40 acres which is in ownership of Mr. Ben Inouye and Mr. Raymond. Right below that right on the corner of Haihai and Ainaola, there is another subdivision, I'm not sure of the exact name, amounting to about 30 acres, that is all in residential subdivisions. Along Ainaola there are parts of the land that are two acres, one acre and the former camp site which the state subdivided, quite a number of years ago, after the plantation closed down. All in one acre houselots. The camp itself can't. It's almost 7500 square foot lots. Along Kawaiiani there was some transactions just within the week of the farmland that was discussed by the speaker prior to me that was sold in the area of \$15,000 for 40 acres and these people have no intention for farming. And these are some of the lands that are being farmed right now. I would like to say at this time that inasmuch as the survey

by the consultants here as shown without any doubt there is a lack of urban area within the Hilo district. That we wholeheartedly support this change from agricultural to urban district within the boundaries as proposed by the Planning Department of the County of Hawaii and the LUC. I speak mainly in Kawailani, makai Pukalau, and Ainaola district. To keep these areas in agricultural use for any longer period of time, we would only be fooling ourselves we'd only be trying to prolong what eventually will come and I mean progress in this particular area. Thank you.

Thank you Mr. Freitas. Mr. Allison.

Allison

Mr. Chairman, members of the board and the public, my name is Ralph Allison and I represent the owners of land in Panæewa Houselots. We requested that this be changed back to urban four years ago and the LUC turned us ~~down~~ down. We took it to court and as of March 14, this year, we given a judgement reversing the order of the LUC. There's a 176 acres involved, about 60 owners involved. The original petition has 57 of the owners on it. We would like to see this put into urban use and in many cases it is for the purpose of allowing the present owners to build an additional house or two, so that either children, parents or others can be housed in the same land and in some cases there will be a few rentals. But in any case we feel that this should be urban land and there is good roads in the area now and the recent addition of the land beyond this to these houselots 6 inch to 8 inch water pipeline into our area. So water is no longer a problem except for a few spots where

the additional piping will have to be taken care of for a few of the houses but not for the whole area. would like to see this made urban on the basis of the judges's decision. Thank you.

— Your request then is for this area definitely to be urban, not rural.

Allison Well, it could be rural, some of it prefer urban but either one would be better than what we have now.

— Thank you. Mr. Roy K. Nakamoto.

Nakamoto Do you want me to speak on all my five requests?

— Well, shall we limit you to 10 minutes per request. That fair enough?

Nakamoto That's more than adequate, I won't even take 10 minutes. My name is Roy Nakamoto and I'm an attorney. I represent several clients and that is why I have so many requests. Just briefly so that I will not take up the Commission's time, first of all I would like to speak on behalf of Robert Yamada who has, owner of some property out there in Kona which I will mention to the Commission and ask the Commission to consider this matter. This concerns that property that he owns, tax key 7-3-03. These are parcels and it is on an area that has approximately 24 acres. I believe this was once the subject of a Land Use change district boundary request which was denied. A portion of this land right near the highway is already in urban use and has been subdivided and it is below that he would like

to have included in the urban area. The reasons for this is that the character of this entire area is changing and there are many many other subdivisions there. The county is putting in the and other facilities there and we feel that this particular area will be needed for for the servicing of the resort industry that is moving out there in the Kona area. I would add that the be amended to include --

____ Could you point out the area on the big map, please?

____ Somewhere in the area designated H-7. It is near the Kona further north of the Kona Palisades, Kona

approximately 330 acres and situated just mauka of the area of the Kalapana Black Sands area which we understand is going into the resort of County planning department the urban districts of the Land Use Commission.

Now this area is just--will adjoin a resort area and we feel that this area will also be needed for a part of this resort that Kalapana Black Sands area is going to be .

are covered by one to six six twenty four and twenty five. There is water going to that area, road is coming in and I understand appropriations have already been made for the public service development and has the support of development for the resort area. We feel that it should be in an urban area so that it can be utilized for the purposes. Then now speaking on the behalf of the Aloha Importer Land Company they are the owners of a portion of land that is already in urban use and has under contract to purchase an area immediately above

this place in the urban . This is in the area right above the White Sands Beach of Kona. They have a White Sand Beach in the same subdivision on the urban areas. Now, their property extends from the --there's a row of properties above Alii Drive up until Kuakini Highway . They have a strip of land having a total area of approximately 200 acres. Now this particular property above the -- I think its

. Now we feel ; that this area is in great demand and needed for the growing urban character of that area and this particular property between two urban areas along Alii Drive and one urban area along Kuakini Highway and that it would have an area in between which would still be agricultural use. Now we feel that if this were also in urban use it would facilitate the orderly development of this area; that land although it is not in to that area problem of water drainage that would have to be met and also facilities bringing water down into this area from the mauka areas if roads and constructed in this area for this development of this property. Feel that Kona lacks the urban area for this type of support of the residential or resort use area of the makai or shoreward area and we feel that this particular property should also be put into the urban area. Now also in the Kona area there is a portion of land--SI do not know the exact number but this is the land that is just mauka of the Kuakini Highway - Palani Road intersection. This is the property that is owned by Don Rapoza on behalf of Edmund Yuen and Harold Natsu--took a portion of their

property on lease and are also purchasing a not a portion of it
 The land is just south of the Lilioukalani Trust lands and mauka
 of the Manihau property. And we understand therer is going to be
 a proposed road connecting the Road that will
 cut over to the Keahole area. And this land will be bisected
 by this road. Now we feel that this particular area again would
 be better to be enclosed by urban area , would be highly suitable
 and needed for the logical development of Kailua town in this
 mauka direction. It is right near the our affairs
 and would be for urban development
 or included within the urban boundaries. And finally I represent
 , Fukushima and a bunch of small landowners in the
 Kamuela area. Fukushima Store is along the highway from Honokaa
 to Kamuela town. Now the urban area ends just short of this
 Fukushima Store which is about the last boundary of this particular
 area. This land or a large part of this land is presently in
 urban use. Now perhaps time of the original
 creation of land use boundaries ths was not included within the
 urban district. There are around this Fukushima Store there is
 Mauna Kea Motors practically across the street and ~~fw~~ we feel that
 extending this urban district along the highway up until the place
 where the urban use is being made, urban commercialism is being
 made of the land, would serve the orderly development of Kamuela
 town, and ask the Commission to come in....

--- In reference to your Kona clients, have they any plans in regard
 to ? The reason I ask this question we're continually
 asked for urbanization of areas in Kona, and there's been a lot of

area urbanized there but the amount of building has been very little or nil.

--- Which particular one---

--- I'm speaking of -- in general of Kona, but I mean you have few clients, I think, ---

___ As far as the Aloha Newport plan is concerned, there is a portion down below which is the urban district. It is subdivided and land is being sold that the only thing now is that the actual construction of the road which is going in now has not been completed so we have not been able to get the required building permit although there has been waiting in my office an application for at least seven more building permits on these lots. The land has not been on the market very long but those who have purchased are already interested in building and I think there is already one building going up which is very near to the main road. There is access.

___ Now that is one particular piece; now that other piece that I spoke about about the property is immediately adjoining the Lanihau property which is now being under the process of the Planning and Development---

___ No that is the Village Commercial that would be some sort of general commercial use and I understand because I on this particular that there is a there has been an approach made to the Planning Commission here for the immediate development, but that development will be the next one of being able to be developed. And on that property there are eleven lots in that particular portion near the road to

which the other portion adjoins and although the eleven lots...
the sale of ... each of them is just about to be concluded....

Larry
Kelper

Mr. Chairman, Members of the State Land Commission, I'm Larry
Kelper of Architects of
Honolulu, This afternoon I'm representing T. C. MacMillan Associates
potential developers of land presently owned by Kapoho Land
and Development Company. The Kapoho Land and Development Company
owns about five thousand acres of land in the Kapoho area of
the state. As shown here, the land extends from Cape Kuakahi
mauka some six miles up to the intersection of Pahoa- Road
and Kapoho-Pahoa Road. The five thousand acre parcel has some
urban zoning at the present time, also a cultural zoning, and
a large area of conservation zoning corresponding to the 1960
lava flow of this general area. The urban zoning is located along
the coastal area about right here. Our firm has just completed the
general plans of Kapoho lands for Macmillan Associates to get it
into the development of the property. Macmillan Associates intends
to purchase the land, subdivide it and make improvements, and
market the land within the next five year period. Accordingly, we
would like favorable consideration for the urban zoning that
would greatly help. The general plan of Kapoho land shown on
this plate ; the Kapoho area is approximately 27 miles or
about a 30 to 40 minute drive to Hilo. The area is characterized
by several prominent volcanic cones and craters such as Kapoho
Crater in this area , Cone here, several historic sites
such as the old Hawaiian fish farms in this area, and a warm springs

area. From sea level the land slopes gradually to about a 600 foot elevation. The soil is principally of volcanic ash and cinders generally have been given a D and E rating, meaning general for agriculture. However they are actually very in raising certain crops such as vanda orchids, anthurium, papaya, and guava. The Kapoho area is the principal area in the state for growing papayas and about 75% of vanda orchids come from this general area. Kapoho is bisected by the -Kapoho road, this road right here, and is connected with the Black Sand Beach in Kalapana here and continues on to the Chain of Craters route. The road is planned in the near future to be extended as a scenic highway from Kapoho to Hilo. The general plan proposes development under agriculture and resort recreation community with agricultural green belts and areas of conservation surrounding urban settlement areas. The urban areas are shown as yellow for residential, and red for commercial, and orange for resort. The residential areas are located on the higher slopes of ancient volcanic cinder cones, and around the base of Kapoho Crater, in this general area. The plan suggests a wide variety of residential types of density with any planned developments on the upper slopes of the old cones, and situated around a commercial complex around the base of Kapoho Crater. A single family residential on an average quarter acre lot on the lower slopes of the old cones and around a proposed golf course area. A major commercial complex is proposed for here near the intersection of the two main roads in the area,

with secondary commercial centers located in the residential areas at about this point in here, the intersections of the main road, interior road into the residential area. A restaurant site is proposed for the top of cone. Two resort areas are proposed, one along the coast near the fishpond which is presently in an area of urban zoning, and one in the interior of Kāpoho Crater, this point right here. With the exception of the resort site within the crater, and the restaurant site on the cone here, the Kapoho Crater and the Kukui Cone and the upper parts of the ancient cones will retain this conservation or an open area. This would preserve the area in a natural wood state as it is now. About one third of the area would be retained for agriculture as shown in the bright or darker green areas. The plan envisions the expansion of the urban growing belt for floraculture crops with anthuriums on the upper and cooler slopes of the area. The orchid area is generally in this area here. Thus increasing Kapoho's importance as a major flower center of the state. Farm lots would be collectively managed through the formation of farm owner associations, and majority approval of all agricultural lots' owners would be required before any single owner could request and rezone his , thereby encouraging the preservation of agricultural land as we showed up here. The plan also indicates some 2000 acres of Kapoho retaining conservation, as shown in gray. This 1960 cinder cone, and a warm springs recreation area would be included within the conservation area. We request that some 1500 acres be reclassified

from an agricultural district to an urban district so that development--residential, commercial, and resort area can take place within the next five years. MacMillan Associates proposes a first increment development, the residential golf course and commercial area right here. Water is available from a well near Green Lake in Kapoho Crater. The presently extends along Kaimu-Kapoho Road from about this point roughly bound by this point, which could supply the water for an additional development. The development of the mauka residential areas would occur in later increments within the same five year period. Water for these areas could be provided by extending a line that now exists ^{about half-way} between Kapoho and the upper property bound at this point. As indicated earlier, the land has a D and E classification, the lowest in agricultural production ratings. This is principally because of the soil's composition, volcanic quartz. There are portions of the property which have little or no surface soil but are instead covered with lava and cinders. Considerable success has been obtained in farming certain crops in this type of condition, which either do well in lava and cinder material, or which use the lava purely as support, and not for Crops such as I mentioned before would be papayas, vanda orchids, anthuriums and so forth. The urban areas which we're requesting are generally situated in areas where soils of these grades exist. In much of these areas, between here, here, and here, are presently

in abandoned sugar cane. The plan retains considerable land covered with lava or cinder considered for growing a type of type crop for agricultural uses. The plan is not in the agricultural land for urban uses. The proposed urban areas are well situated for urban development. The slopes of the old cones afford magnificent for a year round vacation and retired residents. The interior of the crater--Kapoho Crater--is extremely picturesque for resort development and yet such development would not detract from the natural beauty of the dominant landscape features. The around the crater is well suited for a golf course community, and the increased number of visitors to the area, coupled with a proposed residential area and scenic highway for commercial development and the major intersection at this point, as well as each secondary point. Urban zoning is needed for the realization of the plan. Thus we request your consideration. In closing I would like to indicate that I would be happy to answer any questions of a specific nature dealing with plans, construction development, or the development program. Thank you.

Thank you very much

Could you tell me where the Nakamura Store used to be? Is that in that area?

Nakamura Store? That's in Kapoho; its southright in this area where the old town used to be.

Alley, he talks about ancient cones. Maybe by ancient he means 15 years. I was there not so ancient cones erupted. I wondered what you were going to do with the not so ancient ones.

Kelper The not so ancient cones for example

Well that's simple. That's up near the top too

Kelper I mean they're also...In 1955They're situated about right in here. Now this again is indicated by would be a conservation or a area to serve as an open space . It is a cone. It's not really a area but we would preserve it as an area of open space.

Has planning eliminated the possibility of a lava flow within the next five years?

Kelper This has been considered. We have had sessions with the at the University, and we of course this is one of the big concerns now the plan builds in certain aspects of that. For example, any residential development in this area are included on a higher slope. If there is volcanic activity it could occur on these higher slopes. It could also occur anywhere else and move down into the sea. On a higher land you have certainly more protection than you would on a lower...

You say you have an investor who is ready to proceed with the development? Is he aware of this risk and all?

Kelper Yes. Yes he is very much aware of that...

One more question. Would you buy a lot and build a house right on there?

Kelper Yes

Any other questions?

My that you build
crater?

No. Not actually, In this area for example it isn't, and I would
it's an old cone. Right now its the
uppermost part is very rugged there is lava outcropping
the majority of this area is a sloping land of about
two percent.

Isn't that much too steep?

No...this one here is much too steep, and of course this one here...
all this here.

Are there any other questions? Okay thank you.

Mr. Chairman, Members of the Land Use Commission, my name is
Richard Jichaku. I was asked to represent Mr. Dave
who is president of Hawaiian Paradise Park . . . he'd like to
have the King's Landing area which he has in pili
2100 acres to be considered for urban zone. At the present time
the 2100 acres is considered to be in
The land is divided into 20,000sq. ft. subdivision

would like to have this thing clarified
and urbanized that he may be able to proceed with the housing plan
that is now under consideration. Mike wanted me to present to
you the ~~Keahole~~ development, the Hilo airport development will
someway tie in with this subdivision. The planning as I under-
stand it in Honolulu with the legislature that the access road
to the new terminal will take place on Kuanakoa Street on the lower
side. And we also know that all development is going to take place

along this road to King's Landing appropriations that was made session of 1968. I am led to understand that

, Tanaka, and , Engineers are now causing the Water Resources Study and are planning for

It is probable that in order to clarify some of the ambiguities that now exist in the urban type shall we say the rural type of subdivision that is under the Grandmother Clause

because of the fact that the subdivision plans were filed prior to the Land Use Commission's actions but at this time ~~request~~ ^{request} ~~decisions~~ that you consider this request of ours and grant

Thank you just a minute. Are there any questions from any of the commissioners?

Yes. Now you talk about all these highways going down to King's Landing, the airport down to Kona, the Gold Coast highway from Kawaihae to Honokahau. You think that your so-called G. I. allows all these projects in Hawaii?

Jichaku I would like to think l so, yes.

enough money you think?

If the House of the should go through I think we have the

Jichaku It's a very.... Question that I would not be able to answer for you. This all depends on the legislators.... Now you know that \$20,000 was appropriated for the planning , for the roadway, and the water plans last yfar. As soon as the planning is completed, I would like to think that the state is willing to appropriate money for the dproject, otherwise, if not....

Any othre questons?

___ How many houses are in Paradise Park today?

Jichaku We are talking about something that is more particular than Paradise Park. We are talking about something that is kind of-- off, Pumaile Hospital...

___ I realize that but I was curious how many houses are actually built.

Jichaku I have no idea.

___ Another thing would Mr. Watumull be prepared to pay urban tax rates on this 2100 acres?

Jichaku I think if the tax office were to assess it, yes.

___ Any other Questions? All right thank you. Does anyone else wish to testify? We've run through the list of names we had and if anyone else has anything to say we'd be very happy to hear them.

___ Yes. There wasn't anything particular. I just wanted to know what's going to happen to the West, the East, and the West side of our South Point up towards the south corner and up to the National Park of the east side.

___ Any specific area?

___ No, I just wanted to know

___ I see. We'll try to briefly review the proposals ...

___ Mr. McGill, are you the tax assessor in Hawaii? I'd like to ask a question. There's so many people demanding for urbanization and once we urbanize them I just wondered if you tax them enough so that they develop these lands, by the way. I'm saying are you taxing them enough so that they don't speculate on land.

The land use boundaries are changed, you know into urban.

And you are taxing them enough?

The proposal was to extend this boundary along the shore to South point, and at South Point include a conservation district with the series of historic archaeological sites

and also include this

forked line which includes a number of historic artifacts and

and some burial caves. And that essentially

is the proposal about the South Point area.

Does that answer your question?

Now I've got another one, if I may.

Certainly. Would you state your name, please for our records?

My name is Mrs. Hansen from Volcano. I'm primarily interested in the preservation of Historical sites and also opened areas for recreation. I have one question I would like to ask you.

What is the length, width of that--15 a hundred feet?

As I recall, the Trail

about 300 feet in from the shoreline

Is there anyone else?

Yes. I'm Ken . I wanted a little more clarification on this 300 foot setback in agricultural. I'd like the staff to explain maybe a little bit about the philosophy behind it and what is the intended use for this route that ... as far as the private landowners are concerned.

I think what we're saying is that land , shoreline land which is not in agricultural use is easier to destroy. It is better to be classified as conservation than presently to be in agriculture agricultural uses so that the intention to that from agricultural products in any way. try to indicate the variety of situations that we have run into designating the shore line district. In the one case it represents the sea, the Pali Coast and would be the point at which we would classify it, or draw lines, classify land makai of that as conservation. In the second instance we're talking about gentle slopes near the sea. Here possibly is a windbreak with a cane haul road here, and this would be the line we would indicate on a map that makai of that point would be for conservation. In the second instance, others would also indicate a point where a strong vegetation line would begin there also as a designation. Then if there is no vegetation we'd simply use the cane haul or agricultural roads. In the absence of any of these we have a general slope or a steeper slope with no point where you can clearly identify the shoreline. We have indicated a line 300 feet from the present conservation district boundary.

You contemplate no use on that as far as residences or anything like this.

Now under the present circumstances if your property is confined within these 300 feet you will have

two alternatives still (1) To go to the Land Use Commission for Urban Rezoning; and the other is to go ~~to~~ to the Department of Land and Natural Resources -- its regulations could permit the certain uses. So the purpose is not to prevent it from being used or closely confined by law which says that a conservation district is lost as an agricultural district...

I can see projecting shoreline as giving people access along shorelines of property but I think 300 foot setback about all agricultural property that is not presently in intensive agriculture is access...

Are there any other

This does not give the public access to that 300 feet.

I don't understand.

No, I'm saying I think this is the beginning perhaps of something along this line but I'm saying that I am not against giving the public gifts of the oceanfront because I believe this is the way it should be done. I think that this is perhaps the mechanics of the whole thing starting to take this public land perhaps against private ownership interests.

In other words your concern is that the next step would be this 300 feet would be public property.

Well, I realize that they would have to . But what this basically does is drop the land value immediately by setting this into conservation and what it does than is allow perhaps government to come in and at this lower price

where presently it is carrying a very high value because it is oceanfront property. But the thing is there are peculiar things to this island perhaps that are not on the other islands, and there is so much property that is not agricultural property but is classified as agricultural property but it has no agricultural use. So what happens is that because we have no other designation except agriculture, and you know hundreds of thousands of acres are this way but have no agricultural potential, then perhaps should be in some other designation. This is the only point I make because it is crucial.

What would you suggest?

I don't know; whether there was a designation--another designation I don't know a _____ would set this aside or an urban reserve type of thing; I really don't know because I'm not a planner....But I'm just saying this I think, the agricultural designation for so much of this _____ of this island is not the correct designation. Its really kind of a subterfuge.

Will the consultant explain to us why this type of zone would more effectively control the shoreline than an agricultural zone.

I think my comments on the shoreline areas yesterday with the Commission if anybody wants to read it, it answers...

I would like to redevelop definitions for instance...

is that portion of land adjacent to any natural waterfall, or body of water that is normally dry, but is covered with water

during flood stages, or coastal land--that portion of land adjacent to the ocean, or other large body of water which is normally dry during normal tidal conditions but is covered with water resulting from abnormal marine conditions such as hurricanes, tsunamis, and unusually high seas. It shall also be referred to as flood plain. Now this regulation now this would be the same areas you are talking about. And yet, the Land Use Law precludes the County on zoning and this

zoning would have to apply . Section proposes Zone I Prohibitive Section; Zone II Restrictive Section, and Zone III the Warning Area. Therefore, I'll give you the land in Agricultural Allowance Zone. Putting it into Conservation would not allow us to apply regulation.

Yes, I think this is a legal matter we should have looked at because when the Federal Government intended this law I'm sure they didn't recognize the unique character of Hawaii, and you know we're the only state in the union that has state zoning, and we ought to examine this with our attorneys and look into this problem a little more. I think we can resolve to the County's satisfaction and take advantage of this provision of the law.

I feel that this is to think back to the higher and other laws that the County including the public law

It seems to me that there's a good possibility here for the County

and the state to work together if these areas are to be designated.

I think its a pretty good idea myself. If these areas are to be designated, I see no reason why we could not when the time comes.

Are you saying that if the County has a zoning interpretation along the shore like that according to the ~~definition~~ of the present land use law that you would as well as the interpretation of the law in relation to that?

That's right. It's what I would call a better definition than 300 feet.

Are there any other remarks that anyone cares to make on this subject? Do any of the commissioners have anything they wish to bring up? Well this concludes the hearing on the Proposed Boundary Changes and the Regulations.