

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

Exhibit 44

note: use this document in a side-by-side presentation format

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 is the Commission's Executive Officer

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 ^{alter} 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. Now, 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

It is a fact that the State's Law HRS 205-2 (a) (3) Evidences that the State intended a mandatory requirement on the Commission to apply in its decision making authority....

(3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation;

It is a fact that the word "capacity", that is found in HRS 205-2 (a) (3) is a characteristic of land and not a land use.

It is a fact that the word "greatest" that is found, is a succinct stipulation, in HRS 205-2 (a) (3). It means no other land use district, other than Agriculture, is to be applied by the Commission in its decision making authority to land that has a high capacity for intensive cultivation , not even Conservation District, and particularly if a reasonable alternative exists that will provide a balance between State zoning priorities ie. pali land vs. prime agricultural land - for example map H59 vs. map H65.

It is a fact that the Commission's HAR 15-15-19 (1)'s mandatory stipulation that the Commission apply that the Agricultural District (1) *It shall include lands with a high capacity for agricultural production;*

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 ~~xxxxx~~ 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 historic 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 ~~xx~~ 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 ~~xx~~ 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 of any increment will require the approval 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 I'd like now, Mr. Chairman,

to ask Chris Dagenhart to come and explain the ~~issues~~ issues in dealt conservation and agricultural districts that we have ~~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

criteria 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.

Particularly I will refer to maps that are not exhibited in the record. They all come from the Report's pages 41-45. The Report is an Official Commission record and therefore exhibiting them is not necessary.

Re: "brown area" see Ref. 5, Report chapter 5, page 44

Re: "proposed for park development" see Exhibit 45, Hearing transcript, pages numbered 2 and 3 and see Ref 5. Report chapter 5, page 45 map

Re: "scenic areas" see Exhibit 45, Hearing transcript pages numbered 2 and 3 and see Ref 5. Report chapter 5, page 45 map

Re: "yellow areas" see Exhibit 45, Hearing transcript pages numbered 2 and 3 and see Ref 5. Report chapter 5, page 45 map

Re: "scenic sites" see Ref 5. Report chapter 5, page 45 map

Missing text line..... refers to Ref 5, Report chapter 5, map page 42, Agricultural Suitability Map

missing text... the map shows rust color "slight limitations", the pink color shows "moderate limitations" the white areas have "severe limitations"

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

The Point here is that the Maps that were being referred to are all shown in the Report's pages 41-45. Particularly map page 41 shows that the Commissioner's consultants were showing these 5 maps to the land owners, the County planners and the Commissioners. These 5 maps clearly show that the Property was neither proposed nor adopted to be redistricted in 1969 (see enlargements of map page 41 in the Motion's Exhibit 6).

The consultants and the Hearing attendees must have been shown other maps with dashed district lines on them because the 300 ft. coastal district line was referred to often in the text and was also generally first shown on all of the maps to the April Commission Hearings. The Hamakua Coastal quadrangle maps were all eneraly amended to depict the district line to follow contour lines on the quadrangle maps with the exception of Map H-65 where the Property is located. This appears to be an administrative error because no explanation exists in either the text of the Hearing transcripts of the Report that describes otherwise. Also Exhibit 45, pages 2 and 3, transcript describes the characteristics of "scenic areas" and "existing park" and "proposed park areas" and coastal land areas that were proposed for redistricting. These were all referenced to the Report's pages 41-45 maps.

The owners of the Property had no reason to question the district line on map H-65 because the consultants repeatedly assured the audience that Hamakua Coastal Ag. land was not proposed for redistricting (see Appendix 1 for text quotes from the Hearings). None the less several Hearing attendees did state "Opposition" to the proposed 300 ft. line for the entire area of the Hamakua Coast all of the way to the City of Hilo.

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

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

These references are to the Report's page 41 map. The Property is shown as a solid green area with a very narrow strip of blue striped land on the coastal pali. For comparison the striped blue area in the area of Stengle and Muragin's land is much wider than at the Property yet those 2 properties had the Coastal "ridge top" defined to be the district line.

Because the Report's maps are small in scale we did ask the LUC's staff if full size maps existed in old Commission records. Staff advised that the original maps did not exist.

The City of Hilo was the dividing line (not the "South Hilo" Judicial District as the Decision and Order mis-characterized the division to be). See Report page 42 and 43.

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 ~~xx~~ 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

Re: (below) "it is not a rigid or firm line. It is fleximble in the same manner as all boundaries are upon application."

Map H-65 does not need to be changed. It is the boundary interpretation that needs to be changed.

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 archaeologic 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 ~~foreseen~~ 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 ~~x~~ 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 ~~x~~ 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 Waieka 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 in the 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 proposing 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 *distinction* 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 ~~acre~~ acre lot be districted as urban and delineated ^{now} as such on LUC maps. These subdivisions are treated as non-conforming use in agricultural districts. This is not very clear inasmuch as ^{dwelling} 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 ~~a~~ 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

Regarding "dedicated" Ag. land. The Property was registered as "dedicated" Ag. land from 1953 to early 2000's (including the first decade of McCully's ownership). See Ref. 6 tax page.

The 1969 LUC's relevant Law and Rules require that a land owner be notified directly if his land has been redistricted if it was "dedicated" land. The Petitioners requested that the LUC's Administrative Office provide a copy of any such notice. None was provided. Further in this regard the Petitioners attended at the Office of the "Edmund Olson Trust No. 2" in the village of Papaikou where the Property's historical records are held. After a search of the records from 1968 through 1975 no such record was found to exist in either the Property's file nor in the general correspondence file relating to the owner of the Property, the "Wailea Milling Company" between 1953 and 12-19-75.

Similarly no record was found to exist that would have identified to the Property owner that the Property was under consideration for redistricting during that entire period. See Staff Report, Ref 8, page 3... "Some questions to focus on with regard to interpreting HRS Chapter 205 and HAR 15-15-22 are:

1. Whether or not, there is a lack of clarity with respect to the State Land Use District Boundary as identified in LUC boundary interpretation No. 92-48;
2. Whether the properties in question are located within the Hamakua District or Hilo District of the island of Hawai'i; or,
3. Whether the landowner at the time of redistricting in 1969 or 1974 filed objections to the reclassification of those properties from the State Agricultural to the State Conservation District.

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 ~~the~~ 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 ~~way~~ 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

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 ~~was~~ 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 Waialae 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 Waialae-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 Ainala and Pupulau and

Kawailani Streets. Now below Komohana 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 ~~xxx~~ 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 ~~land~~ 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 ~~fr~~ 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 ~~made~~ 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 \$150,000 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 Panaewa 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 ~~a~~ 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 this was not included within the
 urban district. There are around this Fukushima Store there is
 Mauna Kea Motors practically across the street and ~~for~~ 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 Kapoho 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 south right 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?

Kelper 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.

Richard Jichaku 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
airport
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 request the Land Use Commission's actions but at this time ~~of the~~ 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 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 year. As soon as the planning is completed, I would like to think that the state is willing to appropriate money for the project, otherwise, if not....

Any other questions?

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--
oh, Punaia 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 then 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.

Exhibit 45

STATE OF HAWAII LAND USE COMMISSION

Five-Year District Boundaries & Regulations Review Program Minutes of Meeting

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

April 25, 1969 - 1:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Wilbert Choi
✓ Shelley Mark
✓ Sumao Kido
✓ Leslie Wung
✓ Alexander Napier
✓ Shiro Nishimura
Goro Inaba

Consultants Present: Edward Williams
Howard Altman
Chris Degenhardt

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
William Gorst, Planner
George Pai, Legal Counsel
Jean Soma, Stenographer

LUC Rules & Regulations

Chairman Burns swore in persons wishing to present
testimony regarding proposed amendments to the ^{LUC Rules & Regulations} land use
districts. ~~BOUNDARIES~~ ——— Boundaries

Mr. Edward Williams of the consulting firm of Eckbo, Dean, Austin & Williams retained by the Land Use Commission to conduct the Five-year District Boundaries and Regulations Review Program presented to the public an overview of the recommended proposals to the Land Use Commission's Rules and Regulations. In addition, the district regulations were

Another meeting is held the next day in Hilo.

This Exhibit is best viewed in a side-by side format on a computer screen. Comments are added on the left hand page to the page shown on the right hand.

designed to clarify the Land Use Law as amended.

Mr. Chris Degenhardt - Eckbo, Dean, Assistant Williams

Proposed amendments to the Rural, Agricultural, and

Conservation Districts were presented by Mr. Chris Degenhardt.

Rural Districts

No significant changes have been made in this district classification.

Agricultural Districts

Criteria established for determining an Agricultural

District:

1. agricultural potential in terms of soil productivity
2. agricultural potential as expressed by existing land uses.

Conservation Districts

Criteria established for determining a Conservation

District:

1. lands containing slopes in excess of 20%, Not applicable
2. areas subject to tsunami inundation, Not applicable
3. scenic areas (existing parks, areas proposed for park use), and
4. shoreline areas.

re: 3. see below... The Property is not described to be a scenic area that is "proposed" for redistricting.
re: 4. "shoreline areas that are "proposed" for redistricting are described in 9. below. Not Property

Areas proposed by consultants for inclusion in the

Conservation District:

1. Kapoho Valley - proposed for park,
2. Waipio Valley - scenic value, stretch of shoreline at the present Conservation District boundary down to Wailuku Valley,

ACT 183 amended the Land Use Law to add scenic and open.

Note: *"Proposed amendments" to the Agricultural and Conservation Districts*

Note: the "*Criteria*" for changes are to based on the "*agricultural potential as expressed by existing land uses*" AND "*in terms of soil productivity*".

The Property was in Ag. use in 1969 and the Property is Prime Ag. land.

Note: the "*Criteria*" for "*determining*" the new Conservation District boundaries are based on 4 criteria. Only *criteria* number 4. is applicable. to the Property

Particularly the "*proposed scenic areas that are either existing parks or areas proposed for park use*".

Areas that are are "*proposed for park use*" are described in the next section "*Areas proposed*" clauses 1. through 9.

Only clause 9. , which is shown on the next page describes "*shoreline areas*" which does not describe the Property.

Note: clause 2. appears to describe the Report's page 36 reference "*from east Kohalaincluding the Hamakua Coast*" The Hamakua Coast ends at the Wailuku Valley at the northern boundary of the City of Hilo.

3. South Hilo - forest reserve area which is not include in Conservation District,
4. Kapoho Crater - forest reserve area adjacent to the park, which is proposed for expansion and lands on both sides are presently forested and characteristic of Conservation District; Green Lake - unique scenic resorts,
5. South Point - historic scenic sites in the area
6. Kealahou Bay - there is a plan to maximize the scenic facilities in this area and this can best be accomplished by including small areas of steep topography continuing along the shoreline,
7. dry forests - wildlife resources,
8. an area containing the second largest collection of petroglyphs in the State, majority of area is State-owned land - State should take action to assure preservation of this historic site, and
9. shoreline area ¹ - steep topography, ² scenic value, ³ large collection of artifacts, ⁴ King Kamehameha I and a series of ⁵ other archaeological remains.

2 scenic value relates back to previous page item #3

See Report page 36 i.e. "*from east Kohala to Hilo*".The *Wailuku Valley* is directly at *Hilo*. Report page 36 - the Coastal "*ridge top*" be the boundary.

Note: Clause 3. describes the South Hilo Judicial District. The Property is located in the South Hilo Judicial District.

see Ref 5. Report chapter 5, page 45 map "existing and proposed parks" map and generally Re: Report chapter 5, maps pages 41-45

The Property:

(see page 2 definitions)..... "*Conservation Districts*

Criteria established for determining a Conservation District: 1. thru 4."

The only applicable *criteria* that may apply is *criteria #4.* on page 2. "*shoreline areas*" however #9. on page 3. lists 5 criteria none of which apply to the Property. While it may first be believed that #2 "*Scenic value*" in #9. refers back to what a "*scenic area*" is described to be on the previous page it does not meet the described definition i.e.....

3. scenic areas are described to be (existing parks, areas proposed for park use),

None of the 1. thru 9. "*Areas proposed by consultants for inclusion in the Conservation District:*" include the Property because the Property is not described in 1. thru 9. (see definition of scenic above).

Mr. Howard Altman - Eckbo Dean, Austin & Williams

Mr. Altman discussed the population figures for 1965 as compared to 1968, percent of increase in population during this same three-year period, and anticipated percentage of growth for 1978 (Judicial Districts for island of Hawaii). These were the bases considered for examining existing Urban Districts in the County of Hawaii in conjunction with the projected urban expansion that could occur during a ten year growth period (1968-1978).

over ➤

1. Kahua Ranch - Kawaihae	5,000
2. Dilrock-Eastern - Kawaihae	550
3. Signal Oil - Kawaihae	8,000
4. Huehue Ranch (First Study) - Kona	2,507
" " (Second Study) - Kona	(230)
5a. Hawaii Coastal Properties - Kona	460
5b. Huehue - Kona	(595)
5c. Lanihau Corp. (Honokohau Ltd.) - Kona	320
5d. Violet Greenwell - Kona	85
6. Kealakehe - Kona	360
7. Liliuokalani Trust - Kona	1,500
8a. Kona Realty - Kona	140
8b. " " - Kona	166
9. Bishop Estate - Keauhou	1,454
10. Bishop Estate - Kealakekua Report	650
11. Discovery Harbor - Kau	1,304

Mr. Howard Allman - Ekko Dean, Austin & Williams

~~for 1965 as compared to 1960, a present of 100,000 acres, and anticipated growth for 1970, which is 150,000 acres.~~

~~and anticipated growth for 1970, which is 150,000 acres.~~

~~and anticipated growth for 1970, which is 150,000 acres.~~

As of this date, there are approximately ^{24,455} ~~24,000~~ acres ^{THAT ARE} ~~to~~ be rezoned urban. Areas which the consultants have been asked to consider for inclusion in the Urban District are as follows:

<u>Landowner - Area</u>	<u>Acres</u>
1. Kahua Ranch - Kawaihae	5,000
2. Dilrock-Eastern - Kawaihae	550
3. Signal Oil - Kawaihae	8,000
4. Huehue Ranch (First Study) - Kona	2,507
" " (Second Study) - Kona	(230)
5a. Hawaii Coastal Properties - Kona	460
5b. Huehue - Kona	(595)
5c. Lanihau Corp. (Honokohau Ltd.) - Kona	320
5d. Violet Greenwell - Kona	85
6. Kealakehe - Kona	360
7. Liliuokalani Trust - Kona	1,500
8a. Kona Realty - Kona	140
8b. " " - Kona	166
9. Bishop Estate - Keauhou	1,454
10. Bishop Estate - Kealakekua Report	650
11. Discovery Harbor - Kau	1,304

4

12. C. Brewer - Kau	2,868
13. R. Allison - Puna	208
14. Kings Landing (Hawaiian Paradise Park) - Puna	2,120
15. C. Brewer - Hilo-Kaumana	210
16. Hawaii County Planning Staff - Hilo	805
17. C. Brewer - Hilo-Ainakoa	155
18. C. Brewer - Wainaku Camp	14
19. C. Brewer - Andrade Camp	85
20. Theo H. Davies - Laupahoehoe	18
21. Theo H. Davies	13
22. C. Brewer - Honokaa	49
23. Theo H. Davies - Honokaa-Camp 8	<u>95</u>
TOTAL - potential shifts to Urban District	28,136

In comparison to the total number of potential shifts to 25,000 acres or urban the Urban District mentioned above, ~~the island of Hawaii~~ land already exist on the island of Hawaii.
~~the 25,000 acres of land already~~

In order to insure proper phase development, Mr. Altman recommended that additional controls be stipulated on incremental zoning so that developers will of necessity have to carry out their proposals on a five-year basis. Therefore, landowners and developers should apply for boundary amendments the Rules and Regulations have been adopted; more after ~~the Rules and Regulations have been adopted; more~~
~~the Rules and Regulations have been adopted; more~~ specifically, the "Zoning in Increments" criteria.

All of the proposals on the western shore are of such scale and importance that they should be applied against the "Performance Time" and "Zoning in Increments" criteria.

6

Consultants propose that the following areas be included in the Urban District:

1. Waimea - two areas comprising approximately 100 acres--partially developed and are of the same character as existing urban area
2. Kona - ~~proposed~~ area between the proposed alignment--located in back of the town--(as soon as this is confirmed) makai to the existing urban zone
3. Hamakua - 95 acres in Honokaa Camp area to absorb growth from phasing out of the existing plantation camps
4. Hilo - 254 acres in Ainakoa, Wainaku Camp, Andrade Camp (C. Brewer) area to absorb growth from phasing out of existing plantation camps
- 4a. Hilo - inclusion of Hilo Airport boundary
5. South Point (Kau) - 2,868 acres (C. Brewer) should be examined on incremental zoning basis
6. Waipio - 800 acres and adjustments in the existing zone to include two areas that are being considered for development
7. Mountain View - existing rural area should be changed to urban because of nature and character of the area and development which exists
8. Olaa - existing rural area should be changed to urban

6

Mr. Raymond Suefuji, Planning Director, County of Hawaii,
Planning Commission

Suggested changes in the proposed rules and regulations:

1. Part I. Rules of Practice and Procedure

1.18 Notice of Proposed Amendment

Land Use Commission should publish legal notice twice before ~~A~~ public hearing as does the Hawaii County Planning Commission, i.e., 10 days prior to the public hearing and again 2 days prior to the public hearing.

2. Part II. State Land Use District Regulations

2.9 "C" Conservation Districts, (f)

Should subject regulation be adopted and enforced, such would "preclude the counties from applying zoning around its shorelines". Hawaii Planning Commission will submit a draft of an ordinance to the council, which under "the National Flood Insurance Act of 1968 requires counties to pass flood zone development ordinances that meet HUD criteria before homeowners can apply for the federally backed insurance". An agricultural designation of shoreline areas will enable the counties to apply the flood plain zoning ordinance in areas of necessity.

3. 2.15 Permissible Uses within the "C"

Conservation District

Subject regulation makes mention of Section 183-4

Hawaii Revised Statutes. "Section 183-4 refers

to general penalty for violation for Chapters 180-185."

Suggested that aforementioned section number be

changed to "183-41".

4. 2.19 Non-conforming Areas and Parcels

Suggested that a subsection (d) be added to read as

follows:

"(d) A non-conforming lot may be changed
into another non-conforming lot provided the area

of the lot then existing is not reduced in area."

This would allow property owners ~~owning~~ two small

lots to consolidate and ~~resubdivide~~ into two lots

withⁱⁿ the same area. Nevertheless, this would lead

to better planning and yet will not be contrary to

the objectives of the Land Use Law.

5. 2.29 Uses within Conservation Districts

Again, mention is made of Section 183-4, which should

read "183-41"

6. 2.32 Zoning in Increments

Made inquiry as to whether or not the county should

be the applicant requesting boundary amendment.

7. 2.33 Performance Time

Inquired if this regulation will apply to the counties; and if so, how.

Suggested changes in proposed land use districts:

1. H-2 - Keahole-Kailua - area should be in urban zone
 2. H-5 - Anaehoomalu - area around Bay and pond should be in conservation
 3. H-7 - Kailua - urban zone should include all areas below proposed Kuakini Highway and lands below the middle road should be bridged by all being placed into urban
 4. H-8 - Kealakekua - all lands up to Kamo Point from Kailua should be in urban
 5. H-9 - Honaunau - greater expansion of urban zones around the Civic Center and above Manago
 6. H-11 - Milolii - village area should be in urban
 7. H-13 - Hawi - increase urban area at Honomakau near school to meet housing demand
 8. H-43 - Honokaa - add Paauhau and beyond to Nienie
Suggested that additional lands be provided beyond Nienie Gulch to the next river particularly on the ocean side of the present state highway.
- Lands in this area have already been subdivided and should be recognized for urban expansion.

9. H-51 - Kukaiau - area should be re-examined
10. H-65 - Papaikou - add area along highway-Maulili

Stream to urban zone
(See presentation submitted at public hearing on file.)

Mr. Richard M. Frazier - Honokaa Sugar Company

Mr. Frazier queried Mr. Williams as to his definition of the 300-foot setback for shoreline areas. In acknowledgment, Mr. Williams answered that the 300-foot setback is used only in areas where there are no physical features, i.e., the top of a pali or ridge, a road, or any other identifiable feature. Furthermore, special uses are permitted within the 300-foot line (on the flat), but such uses must be secured through the special permit procedure.

Page 8. through 10. describes suggested changes in proposed land use districts for specific map areas H-65 is shown on page 9

The proposed change to map H-65 in item 10. triggered the concern of a Hamakua Coastal land representative, that is shown on the next page from Mr. Richard Fraser in regards to the 300 foot set back in shoreline areas on Map H-65 among others.

The Commission's consultant "Williams" responded stating "*the 300 foot setback is used only in areas where there are no physical features, i.e. , the top of a pali or ridge, a road, or any other identifiable feature.*"

In the case of the Property there exists a distinct "ridge top".

.....
The note: '(see presentation submitted at public hearing one file)' refers to the public hearing in Hilo which was held the previous day. There "Williams" described that only the "unused portion" of Coastal lands were to be redistricted using the Coastal "ridge top" as the boundary for Hamakua Coastal lands all of the way down to the City of Hilo. SEE EXHIBIT 44, its page 42

Williams speaking "*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*"

Mr. Randolph Galt - Hawaii Representative for Signal Properties, Inc.

Presented statement on status of "Puako" project in the South Kohala District. Public hearing was held on April 24, 1969, at the County level on subject area. In addition, Signal has submitted to the Hawaii County Planning Commission a request to amend the County General Plan. After the County has acted upon this matter, Signal will submit a petition for change in district boundary to the Land Use Commission. Request is for urban zoning of 8,000 acres at Kawaihae. *(Submitted letter which is on file.)*

Mr. Kenneth Young - Holualoa Project Manager, Dillingham-Kona Development Company, Inc.

Company is planning development of 736 acres at Holualoa. Property is located approximately 2½ miles from Kailua and 3½ miles from Keahou. More specifically, mauka from Alii Drive to Kuakini Highway up to Holualoa Road. Of the 736 acres, *(presently in a q.)* requested urbanization of 422 acres, on an incremental zoning basis. Property is centrally located between employment and recreational centers of North Kona and is the proposed site of the new Kona Fire Station. Project will consist of single family house and lots, multi-family housing, and a commercial shopping center. Requested immediate urbanization of 22 acres for the construction of the shopping center complex, which will be located on the mauka side of Kuakini Highway at the intersection of the proposed extension of aforementioned highway (to be accomplished on incremental basis). Dillingham-Kona has been working in conjunction with the State Department of Transportation, Highways Division, so as to avoid conflicts

which might arise from their proposed development plans and the State's plan for future highway construction in this area. Also requested immediate urban zoning of ¹⁷~~20~~ acres (for residential use) presently zoned agriculture, which abuts an urban parcel.

Submitted report entitled, "A Feasibility Report on Land Development, Holualoa 1, 2, 3, & 4, North Kona, Hawaii". (See report and letter submitted at public hearing on file.)

Mr. Donn Carlsmith - Attorney for Mrs. Kapua Wall Heuer
Kawainui,

Property is located ^{Kawainui,} at North Kona, comprises approximately 31.9 acres, is presently in an agricultural 5-acre classification, and is immediately adjacent to Mamalahoa Highway (TMK 7-9-08: 6). Of the total 31.9 acres, requested urbanization of 5 acres only in view of the fact that the property is in an unproductive status under the present zoning of agriculture. Mrs. Heuer's intention is to construct residential rental units on subject property. The present land use map of the area (H-8) indicates that the property is located in proximity to urban centers stretching from Keahou to Captain Cook. As a matter of fact, the area along the main highway from Honalu to Captain Cook contains an unbroken stretch of urban land. The urban area which is separated from Mrs. Heuer's property by the Mamalahoa Highway is being utilized for residential purposes. Furthermore, this

land does not require any bulldozing or grading whatsoever in order to utilize it for its proposed use. In addition, the County Board of Water Supply has indicated that water service in this area will be available for residential usage. (SEE LETTER OF PRESENTATION ON FILE.)

Mr. Donn Carlsmith - Attorney for H. C. Shipman, et al

Property consists of 8.8 acres in Honalo, North Kona-- TMK 7-9-03: 10. Requested rezoning from agriculture to urban in order to sell this property for home sites. Area is in proximity to Honalu community and is suited for urban community. Although coffee was previously grown on subject area, it is no longer economically feasible to conduct any agricultural operation on this small parcel of land.

Therefore, an extension of the nearby urban zone would be the most logical and natural course of action.

(SEE LETTER OF PRESENTATION ON FILE.)
HERBERT JACKSON - ^{MANAGER, KEAHOU-KONA COMPANY}
Keahou

Mr. Robert I. Bush - Keahou-Kona Company (Community Planning Consultant)

Keahou-Kona has submitted two suggestions for rezoning to the consultants--first, urbanization of substantial land area around Kailua town; second, urbanization of land in Keahou for development purposes.

^{Keahou}
Dr. Peter Oberlander - Keahou-Kona Company (Community Planning Consultant)

Requested urban classification of 1,400 acres presently existing in an Agricultural District to successfully complete construction of the new town around Keahou Bay. At the present time 1,100 acres are zoned for urban use.

GENERAL *Keahou*
MR. HERBERT JACKSON - MANAGER, KEAHOU-KONA COMPANY

u
Keahou-Kona Company is a successor developer and also a joint venture of Kamehameha Development Corporation. *(THIS IS AN ASIDE.)* On March 24, 1964, Bishop Estate filed protest with Land Use Commission for change in district classification from agriculture to urban for approximately 1,188 acres at Keahou, Kona, Hawaii - TMK 7-8-10 & 11. When the final district boundaries were established and adopted in 1965 (first five year district boundary review program), this request for urban zoning was so granted.)

The following *is a* ~~report~~ progress *report* thus far on the Keahou project:

1. completion of one golf course, *two more expected to be constructed*
2. contracts are currently under way for the construction of five major hotels totaling ~~1,215~~ 1,850 hotel rooms. The first hotel is expected to be in operation by Mid-1970 and the last before the end of 1973.
3. contracts are currently under way for the construction of 636 condominium-type residences, *Townhouses, & low-rise buildings* to be undertaken by three developers
4. *Plans are in effect for* ~~completion of~~ 250 employee and staff quarters - *apartments* 850 employee ~~homes~~ will be constructed all together
5. construction is currently under way for the first phase of improvements, namely; *waterlines* ~~water~~, sewers, ~~and roads~~ *underground utilities*

~~if~~ ~~it~~ 12 b

With the exception of two hotel sites both of which are in negotiation and another area of 16 acres which should be zoned urban, all of Keahou-Kona's lands have been committed; and developers are presently in a position to ^{begin} ~~begin~~ on the second developmental phase.

(SEE LETTER OF PRESENTATION ON FILE.)

Consideration was given to the state's economic and social programs, and this was related to the county's proposed developments in this area in order to establish a suitable RECREATION-RESORT COMMUNITY ~~_____~~. The creation of the new town or resort-recreation community will generate many employment opportunities through a diversification of recreation^{al} and ^{activities.} commercial. The trend of the 1950's and early 1960's whereby the island of Hawaii experienced a net migration particularly of the young who felt that more interesting positions were available in other locales of the state is ^{now} being reversed. Therefore, the new town on the Kona Coast will be contributing substantially to the availability of occupations.

Population forecast figures obtained from the ^{State} ~~_____~~ and the Hawaii Visitors Bureau indicate that of the anticipated visitor population, the island of Hawaii is to absorb approximately 50 percent of ^{the} ~~this~~ total for the 1970's. It appears that by 1980 the tourist industry on the Big Island could provide an additional 12,000 jobs which would employ half the labor force in the "Community for Leisure". Subsequently, employment opportunities will be available not only in the operation of hotels and condominiums but also in related activities, i.e., education, training, ~~_____~~ ETC.

14

Following are three major zones proposed for urban development:

~~discussed the three major zones for development~~

1. Hilo - major urban center based on existing development
and airport location

36,000 - present population

54,000 - anticipated "

4,000 - visitor "

2. Kawaihae

5,000 - present population

15,000 - anticipated "

4,000 - visitor "

3. Kailua (Keahou)

9,000 - present population

25,000 - anticipated "

10,000 - visitor "

(requested urban designation for this area)

15
Keahou-Kona

Urbanization of this area can occur either by:

(1) even expansion throughout the coastal area, or (2) concentration in two or three areas.

Open space is to be focused along the coastline. Secondly, costs involved in providing utilities and back-up facilities, e.g., schools, medical facilities, etc., are being localized. Therefore, developers are anticipating a settlement pattern approximately equi-distant to Kailua-Keahou (present new town under consideration) and the proposed settlement in the Honaunau area between the Captain Cook Monument and the City of Refuge. Subsequently, there will be equi-distant service centers on the Kona Coast accommodating the proposed economic growth while protecting and preserving the coast and some of the capital investments necessary to serve the anticipated population.

Developers are of the intention to absorb ~~two existing~~
two existing URBAN spot ZONES

~~two existing~~ and consolidate ~~them~~ so as to create a total community.

This proposal is to be accomplished hopefully should urbanization be granted which would allow developers to proceed with development from the shoreline up to Kuakini Highway.

Minimal urban-designated acreage acceptable will be one-half the original land area~~d~~ (1,400 acres) requested which amounts to approximately 700 acres. This will then enable ~~K~~ developers to substantially complete development of the new town.

Exemplifying the open space characteristic of the ~~K~~ new town, ^{if was} explained that one golf course has already been constructed and two more are proposed for construction.

In essence, developers are~~n~~ hopeful of accomplishing the following by creating the "Community for Leisure":

1. "implement the state's policy of strengthening and diversifying the outer islands by creating opportunities for employment and recreation",
2. above mentioned enumeration will be implemented through anticipated population as forecasted~~d~~ by state and county, and
3. utilization of aesthetic traits of Kona Coast without impairing its environmental character.

this section begins presentation by land owners

Mr. Robert Fairburn - General Real Estate Consultant,
Keahou-Kona Company

In support of urbanization for continued development of the area, Mr. Fairburn testified that instead of simply constructing on the perimeter of the boundary, developers anticipate locating the various developments or structures in such an arrangement that they may complement each other. Keahou-Kona and Bishop Estate possess the desire and financial capability to accomplish the proposed project.

Mr. Howard Marsh - Attorney and Business Consultant (represented
Mr. Troy ~~Cooke~~), Keahou-Kona Company

Economic studies conducted indicate that additional urban lands are necessary for the completion of the next increment of the planned community - "Community for Leisure". Interested parties have expressed the desire to establish a biological research laboratory in the area. Therefore, as Dr. Oberlander indicated, the "Community for Leisure" will include educational and technological facilities as well.

Mr. Sherwood Greenwell - Kealakekua Ranch, Limited

Requested urbanization of 400 acres presently in an Agricultural District located at Kealakekua. Area of request is immediately adjacent to an existing subdivision comprising 54 houselots all of which have been sold since they were placed on the market in January.

18

Mr. Greenwell was in complete agreement with Mr. Raymond Suefuji that all lands in Kealakekua up to Kamo Point from Kailua should be considered for inclusion in the Urban District.

Expressed desire for rural designation in 1972 for an area located above the 400-acre urbanization request from an elevation of approximately 1,600 feet to 2,000 feet.

One-acre agricultural houselots in residential array with a golf course is proposed for the area above. This proposed development will encompass the area below Manago's and the houselots will be available on a 50-year lease basis and will include sidewalks, underground utilities, and sewer.

Specified on map area to be utilized for commercial use and area for low-rent housing.

Mr. Roy A. Vitousek, Jr. - Kealakekua Ranch, Limited

Proposed development will consist primarily of cluster-type structures including four hotels and a golf course accompanied by underground utilities, ^{SEWERS} ~~conservation plan~~, and a great deal of open space throughout.

Urban land classification "between a line parallel with, but set back 1,000 feet mauka of the Conservation District boundary line at the top of Kealakekua pali and Napoopoo Road" was accorded by the Land Use Commission on June 7, 1968 (see boundary amendment approval letter on file). Consequently, this decision by the Land Use Commission has (at the urging of Lieutenant Governor Gill)

completely disrupted developmental plans. In this regard, the Creighton Report has recommended reducing the 1,000 foot conservation setback to 500 feet, which would allow development as proposed. Furthermore, an additional 500 feet of urban land area is required for proposed development.

Mr. Mark M. Sutherland - Resident and Property Owner - Kealahou

Requested change in zoning for both sides of Mamalahoa Highway between Honalo and Keahou Junction from rural to urban for the purpose of constructing single-family residences. Area of request abuts the Honalo Urban District.

Serious consideration should be given to the community's dire need and demand for low and middle income housing. Small landowners as well as large developers should be allowed to participate in providing housing for the residents in this community. (See copy of presentation on file.)

Mr. John S. Kay - C. Brewer & Company, Limited

Regional-resort plan is proposed for property located in Kau which stretches from the volcano area (about 50 miles from South Point). Requested urbanization of 2,868 acres at Kau.

Felt that incremental zoning approach is not the solution to the problem of developers carrying out their commitments.

The real test of the feasibility of a project can be tried on the basis of whether a firm can meet its financial obligations. Financing will be made available to subject company in order to proceed with planned development, provided the desired change in zoning is granted by the Land Use Commission.

Consultants retained by subject company have explored the Kau area by conducting a market ~~research~~ research study, field investigations for water resources, and cost estimates for the master planning of utilities.

Slides illustrating various areas of C. Brewer land, potential and proposed land uses for area in question, projection ~~N~~ charts indicating anticipated number of hotels and hotel rooms to be constructed, and suitability of Hilo as a gateway for tourists to the Hawaiian Islands as compared to Honolulu were presented.

Market ~~research~~ studies indicate that the island of Hawaii will need about 23,000 additional hotel rooms to accommodate the anticipated visitor population in 1982. Subsequently, in order to obtain approximately 10 percent of this population, C. Brewer is proposing to construct 2,038 hotel rooms.

Consumer ~~research~~ studies demonstrate that, in general, visitors are dissatisfied with the approach to arriving in Hawaii. Therefore, the Hilo gateway would be a more suitable

approach on the basis that Hilo offers a more scenic route in regard to visitor expectations in terms of scenery.

First area for proposed resort is Waikea Pond--approximately 870 hotel rooms are slated for development at this site.

Expansion of recently acquired Volcano House is already underway beginning with the golf ~~course~~ course. Construction of the clubhouse will commence during the next week.

In the Kaumana (?) area, land is being used for diversified agricultural purposes (sugar cane and macadamia nuts) as there is an abundant water supply. Monkeypod trees also in this area will be preserved.

First phase of resort development in Ninole-Punaluu area will occur around Ninole Stream--major facilities are within one-half mile. Ninole Stream resort consists of 240 hotel rooms and 240 condominium units. Second phase of development in this area is the Punaluu Black Sand Golf Course. This development also consists of 240 rooms. Finally the Waiahukini resort.

~~Cost-estimates-to-develop~~

Kau resort area, therefore, will include the following:

1. Punaluu-Ninole - three resorts,
2. Honuapo - one resort,
3. Waiahukini - one resort, and
4. expansion of the Volcano resort and the Hilo complex including the tourist attraction.

Cost estimates to develop land at Kauluwela revealed that it would not be economically feasible to do so as per the incremental zoning approach.

By 1973 developers anticipate construction of well defined, well conceived subdivisions with underground utilities, sewers, and building restrictions on each lot would be stipulated in order that the high degree of speculative land sales programs that exist today may be alleviated. This land sale program will be undertaken on 600 acres of land. Three-hundred acres of the 5,600 acres will be earmarked for employee housing. There is also a plan to subsidize low-cost housing in the communities at Naalehu and Pahala for support homes for construction workers and later homes for hotel employees.

Design schedule calls for the completion of 1,168 hotel rooms in the Kau region by 1977. The support communities of Naalehu and Pahala already contain medical facilities (hospitals), education facilities (schools), and churches.

~~There is a great deal of conservation land involved.~~

In the rezoning request area proposed for hotels, there is a great deal of conservation land involved. Subsequently, Mr. Kay was of the opinion that hotels are a permitted use within the Conservation District. However, if this is not so, he suggested that C. Brewer's request for urban districting

be given favorable consideration.

(Submitted zoning map for 1982 and report entitled, "Land Development Plan and Program for C. Brewer & Co., Ltd., 1969-1982".) Not reflected on April maps as contested

Mr. Harold A. Robinson - Theo H. Davies & Co., Ltd.

Primarily concerned with the proposed 200-300 foot setback along the Hamakua Coast. Most of subject area is plantation-owned land. Although a portion of the land is not presently being utilized for agricultural pursuits, agriculture would be the highest and best use for this area as opposed to the proposed conservation districting. Much of the area is inaccessible to the public, although there are a few State and County roads leading into this area. Therefore, Mr. Robinson requested that this area remain in the Agricultural District.

Mr. Leon Thevenin - Hamakua Mill

Opposed the proposed 300-foot conservation setback which comprises approximately 7 miles of shoreline area.

Mr. Guido Giacometti - The Dilrock Eastern Company

At the request of the consultants (EDAW), subject company submitted on March 11, 1969, a construction outline for the next five years. (See copy of letter on file).

The following program for the next five years was presented:

1. Hapuna Beach Hotel - construction to commence in the fall of this year, completion by 1971. Eighteen-hole golf course to be built mauka of State Highway.
2. Condominium apartment development - to be constructed between Mauna Kea Beach and Hapuna Beach, completion by mid-1971.
3. Second condominium apartment development - planned for the area mauka of the Hapuna Beach Hotel, construction to begin in early 1970.
4. Housing for permanent residents - to begin after Hapuna Beach Hotel project is underway.
5. Development of homesites - planned for area mauka of Mauna Kea Beach Golf Course, site improvements to commence this fall.
6. Waikui Beach - planning of hotel and golf course in this area will be in active stage by end of this year.

Of the above mentioned projects, the second condominium apartment and Waikui Beach developments will require redistricting.

In view of the fact that golf courses are no longer permitted in the Agricultural District as demonstrated in the Commission's proposed Rules and Regulations, should the Commission adopt this amendment, Dilrock Eastern will be required to obtain boundary changes for the proposed Hapuna Golf Course and the existing Mauna Kea Beach Golf Course (presently located in an Agricultural District). This proposed regulation, if adopted, will cause delay in Dilrock Eastern's development progress.

Section 2.32, Zoning in Increments, will place a tremendous hardship on developers based on the fact that all plans undergo changes. This incremental zoning approach will require continual alterations "in order to provide the flexibility necessary in order that developments be responsive to market demand". In addition, this regulation may be in conflict with the County's General Plan. The County General Plan should be the guideline utilized for delineating land use district boundaries.

Section 2.7, "U" Urban District, (b), (2), "Substantiation of economic feasibility by the petitioner" needs clarification. Although the economic feasibility of a development is an integral part of any project, economic feasibility as a measure for determining land use classifications will always be subject to interpretation.
(See copy of presentation and map on file.)

Mr. W. Thomas Davis = Huehue Ranch

Huehue Ranch (a long-established cattle ranch) comprises approximately 12,000 acres in the North Kona District of Hawaii. Of the aforementioned acreage, 6,000 acres have been earmarked for a Land Use Plan completed earlier this year by Community Planning, Inc. of Honolulu. Subsequently, 195 acres were requested to be redistricted--urbanization of 80 acres presently in conservation and urbanization of 115 acres presently in agriculture. Should urbanization be granted for the 80 acres, this area will be the first increment for a shoreline resort with pond, beach, and historical park.

Additionally, the 115 acres are planned as a first increment for a single family residential development emphasizing low-cost housing.

Mr. Philip Hooton - Kohala Sugar Company

Requested the following changes in boundaries in Kohala:

1. Honomakau-Kapua (TMK 5-4-08)-urbanization for entire area bounded by gulches from Kohala High and Elementary School to Kohala Sugar Company's cane haul road. Area is required for housing plantation employees and other service people in the community. This area under request comprises approximately 142 acres presently zoned agricultural.
2. Makai Hawi (TMK 5-5-14) - urbanization for this 45-lot subdivision (13.8 acres) situated in the Agricultural District. This subdivision is almost completely occupied by plantation employees.
3. Union Mill Park (TMK 5-4-10) - urbanization for this park/playground area of 3.2 acres at Union Mill Camp. Area is being utilized for park/~~playground~~ purposes in connection with adjacent Urban District of employee housing.
4. Makai Halaula-Maulili - requested this area (TMK 5-3-06, 07) presently zoned urban be returned to the ~~Agricultural~~ District because this area of 28.7 acres is being converted to sugar cane cultivation (old camp sites are being phased out).

5. Kynnersley Subdivision (TMK 5-4-02 & 03) - requested urbanization for this area, as 70-80 lots are required to complete the plantation's employee housing program and to provide housing areas for other service people in the Kohala District. Total requested acreage - 177 acres.
6. Conservation Setback - opposed proposed 300 foot conservation setback (Ainakea fields, Mookini, Heiau, Mahukona).
7. Urban boundary back of subdivisions - confirmation of property lines--had once been in canefields areas.
8. Mauka Kaauhuhu (TMK 5-5-02) - requested Rural classification (presently districted agricultural) to permit subdivisions of small farm lots not to exceed five acres in size. Total requested acreage - 90 acres.

Lieutenant Governor Thomas Gill

Congratulated the Commission for the proposed incremental zoning criteria to be stipulated as a condition for approving boundary change requests.

The Creighton Report suggests that the 1,000 foot conservation setback be reduced to 500 feet. In this regard, a topographic map has been developed which indicates that if roads were placed along certain contour lines, it would be quite difficult to perform ground surveys.

Although Lieutenant Governor Gill supported the 1,000 foot conservation setback, he suggested that conservation zones not be expanded in the future on the basis that some urban areas would be a matter of a few hundred feet.

Mr. Francis Foo

Requested Urban Districting for TMK 7-7-07: 23 (48,000 sq. ft.) in the North Kona District for the purpose of constructing low cost apartment housing.

Mr. Hubert Richards

Owner of TMK 8-1-07: 1 located in the South Kona District which comprises about 897.49 acres. In substantiation of urban redistricting for subject property, Mr. Richards submitted that several dwellings already exist in this area and much of the areas both north and south are used for urban type purposes. However, no definite development plans have been proposed, although the area is ready to accommodate urban development and should be so classified.

Mr. James Bell (Belt, Collins & Associates) - Consultants
for Liliuokalani Trust

Liliuokalani Trust, the largest single landowner in Keahuolu (Kailua-Kona area) owns approximately 4,000 acres (more specifically, 3,880.12 acres) of land which extend from the Kona Airport. Of the 4,000 acres proposed for development, much of the area is basically zoned conservation, with some urban and agricultural lands.

In 1961 consultants (BCA) prepared a development plan for the Kona area. Since that time development has been proceeding according to consultants' plan. However, the Trust now requires additional urban land to continue with said development. (An outline summarizing the nature of the boundary amendment request has been forwarded to the LUC, LUC consultants, and Hawaii County Planning Commission.)

James M. Tanaka is the contractor for the light industrial subdivision which is currently under construction. An area mauka of this subdivision will be the site of the second increment. Both areas are within the ~~existing~~ existing Urban District. Nevertheless, because of the increasing demand for light industrial sites (homesites) in and around the Kailua-Kona area, Liliuokalani Trust (developer) proposes to extend this subdivision in the northerly direction beyond the existing Urban District. Therefore, Urban District should be extended 300 feet beyond the proposed extension

of the road to permit industrial expansion. This proposal could occur (with appropriate zoning) within the next five years in consideration of the interest and demand shown in these industrial sites.

The Trust has contracted a developer for the shopping center facility, which will be located at the intersection of Palani Road and the road to Honokohau. A grocery store (part of a major grocery ~~st~~chain), drugstore, bank, and post office are the potential users of this complex. The rezoning of a 2.2 acre triangular parcel is required in order that the bank and post office facilities may be constructed.

The Trust has negotiated with a developer to plan a residential subdivision in the area adjacent to the Kealakehe School. Also adjacent to this school and State-owned lands are the Hawaii Council for Housing Action land and the Hawaii Housing Authority project. Park Engineering, Inc. of Honolulu will be the developer for this proposed development.

Yamada & Son is presently in the process of improving the access road to a quarry site which will become part of an industrial subdivision designed to meet the needs of the County for medium and high density in the Kailua-Kona area for the future.

Development of the subdivision adjacent to the quarry site can commence immediately, granted the proper zoning is

acquired. In addition, the most logical approach would be to redistrict the entire area instead of leaving small islands of agricultural and conservation lands. In any event, the 1,500 acres will not be fully developed.

Negotiations for the project makai of the new highway in Honokohau are presently under way. (The Realty Investment Company will be developer for this project.)

The Land Study Bureau has given the subject property an overall agricultural suitability rating of "E" - very poorly suited for agricultural use.

Therefore, urban zoning of the area would be a logical extension of the existing Urban District, in view of the fact that the Kailua-Kona area is faced with a critical housing shortage and the Trust wishes to proceed with its development as originally proposed by its consultants.

Mr. Larry Matsuo , President, Park Engineering, Inc.
 (Engineers for Palani Development Company /Liliuokalani Trust/)

Requested urbanization of 300 acres comprising two parcels of land (200-acre parcel on East side of Palani Road and a 100-acre parcel on West side of Palani Road) presently zoned agricultural and adjacent to the new Kealakehe School.

Subject property is presently uncultivated and unused and contains slopes ranging from 10-15 percent (elevation ranges from 500 to 1,075 feet), with soils of pahoe-hoe and aa which are of good drainage texture. The Land Study Bureau has rated the soil in this area as "E" - very poorly suited for overall agricultural use.

County General Plan designates this area as "unplanned".

Public facilities are available to subject property, subject property is contiguous to an existing Urban District, and is within close proximity to a major employment area.

Palani Development Company is comprised of Lewers & Cooke Development Company, Hirano Brothers, Limited, and K. M. Young & Associates; and, said company is of the intent to provide housing in the area coupled with recreational facilities.

Hopefully, a Planned Unit Development will be instituted for this community.

~~(Submitted copy of presentation and map on file.)~~
 and map

(See presentation/submitted at public hearing on file.)

Mr. Kenneth Griffin - The Realty Investment Company

Plans have been initiated for multi-family residential units for the area located mauka of the present Honokohau Road consisting of approximately 60 acres (TMK 7-4-08:1) and presently designated agricultural (requested amendment of district boundary from agricultural to urban).

Subject company has negotiated with the Trustees of the Liliuokalani Trust for development rights. In addition, negotiations are currently underway for a lease with the Trust for approximately 35 acres below the Honokohau Road for the establishment of a shopping center complex. A portion of this proposed shopping center site is already classified urban (commercial).

As noted earlier by potential developers, Kona is in need of housing facilities. Therefore a multi-family residential development as intended by subject company for 60 acres directly above the proposed shopping center facility would serve to satisfy this need to some extent.

To date, development plans have not been finalized, but a multi-family condominium complex is contemplated for the area, provided the proper zoning is secured.

Mrs. Wattie Mae Hedemann

Mrs. Hedemann and her husband are owners of TMK 7-4-05: 19 comprising approximately 20.81 acres presently in the State's Agricultural District.

Subject property is located directly mauka of Kailua Bay, adjacent to Liliuokalani Trust lands, and in close proximity to the town of Kailua and therefore qualifies for an urban designation.

The realignment of Kuakini Highway will intrude on the bottom portion of subject property.

ACTION

PETITION BY CHIAKI AKAZAWA, ET AL (A68-206) TO RECLASSIFY
12.09 ACRES FROM AGRICULTURAL TO URBAN AT KOLOA, KAUAI

Executive Officer, Mr. Duran, apprised Commissioners of *location* property in question with the aid of the district boundary maps of the Kalaheo area. He then proceeded to orient ^{the} Commissioners with the conservation and agricultural areas surrounding property in question.

Since the public hearing on subject petition (February 28, 1969), McBryde Sugar Company has indicated that the agricultural lands surrounding petitioned area is not suitable for sugar cane *cultivation* (parcel comprises approximately 0.36 acres). Therefore, McBryde Sugar Company is attempting to negotiate a land swap.

Mr. Duran explained that the property includes the 12.09-acre parcel under petition, plus McBryde Sugar Company's 0.36 acres (not under petition). There is a drainage ditch that follows along the property line and to some extent continues into the petitioners' property.

~~McBryde Sugar Company has been trying to negotiate for the transfer of their land because this area located above the irrigation ditch is unusable.~~

Mr. Duran informed Commissioner Choi that according to the contour, this area had to be deleted because of the irrigation ditch.

Motion to accept staff recommendation "that only that portion not usable for sugar production be rezoned urban" (11.06-acre portion of TMK 2-6-01: parcel 2) "and that portion suitable for cane production remain in the Agricultural District" (0.67-acre portion of TMK 2-6-01: parcel 1 and 0.36-acre portion of TMK 2-6-01: 2) was made by Commissioner Nishimura, seconded by Commissioner Choi.

The Commissioners were polled as follows:

Ayes: Commissioners--Choi, Mark, Kido, Inaba, Wung,
Nishimura, and Chairman Burns

Kanalua: Commissioner--Napier

Motion was carried.

LETTER FROM HENRY HEIDTBRINK -- EAGLE COUNTY DEVELOPMENT CORP.

Mr. Duran read the letter of invitation from Mr. Heidtbrink in which he extended an invitation to the Commission to examine the/development plans ~~on the ground~~ of Princeville Ranch lands at Hanalei. Princeville Ranch is requesting a boundary amendment for 995 acres at Hanalei, Kauai, from the Conservation District to the Urban District.

LETTER FROM STERRY & MAH, ATTORNEYS AT LAW

Mr. Duran informed Commissioners that he was in receipt of a letter addressed to Eckbo, Dean, Austin and Williams "re: Development of Lands of Honokohau on the

38
Kona Coast immediately to the North of the State Small Boat Harbor now under construction at Kealakehe".

Since Belt, Collins & Associates are preparing the development plans for this resort area, Mr. Duran suggested that they be contacted in order that the Commission may be kept abreast of all development plans.

ADJOURNMENT

Meeting was adjourned at 4:45 p.m.

Exhibit 43

STATE OF HAWAII
LAND USE COMMISSION

1:00 P.M. Meeting

July 18, 1969

Kona, Hawaii

STATE OF HAWAII
LAND USE COMMISSION

July 18, 1969

CHAIRMAN CHOY:

We have today for action a petition by Mr. Smart and (inaudible) for a boundary revision. After the first portion of the meeting is concluded, then we'll go into our 5-year boundary review, covering all of the island of Hawaii.

At this point, I would like to call on those who will testify for the case regards Mr. Smart and . . (inaudible) . . be sworn in. Would you please rise and raise your right hand? All those who are not attorneys. Do you swear that the testimony you are about to give to the Land Use Commission is the truth, the whole truth, and nothing but the truth, so help you God?

RESPONSE:

I do.

CHAIRMAN CHOY:

Thank you. We have for today action SP69-62, Richard Smart, development of concrete batching plant and manufacture of concrete at Waikoloa.

MR. DURAN:

(The July 18, 1969 memorandum to the Land Use Commission from the staff re: SP69-62 - Richard Smart (Saddle Road), was read verbatim to a point where Chairman Choy requested Mr. Duran to stop.)

CHAIRMAN CHOY:

We have all previously heard the details of this matter. If you would just go into the staff recommendation,

MR. DURAN:

Yes. (Comments are inaudible due to the echo resulting from the use

MR. DURAN (Cont'd.)

of a microphone by the speaker.)

CHAIRMAN CHOY:

Now, would the petitioner like to make a statement in regard to . . .

MR. SMART:

No, I have nothing to say at this time. Thank you.

CHAIRMAN CHOY:

Thank you, Mr. Smart. Is there anyone from the County government who would like to speak for or against this action? Are there any private citizens who would like to speak for or against? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that we accept the staff recommendations.

COMMISSIONER NAPIER:

I second it.

CHAIRMAN CHOY:

Question. Mr. Duran, will you poll the Commissioners?

MR. DURAN:

Commissioner Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Mark.

COMM. MARK:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Thank you, Mr. Duran. We now proceed into action A68-208, Kid McCoy petition.

MR. DURAN:

Mr. Chairman, it is my understanding earlier that this matter was to be . . . that the petition was to . . . (inaudible) . . . on the matter, but I believe I now understand that they wish to proceed with the hearing.

MR. McCOY:

I don't want to take up your time on this but I would like to explain this. The reason is, we got a letter from the Mayor's office . . . (inaudible) . . . our petition has just not been able to be reviewed by the County. (Additional comment inaudible due to echo from microphone.)

CHAIRMAN CHOY:

Mr. Duran, are they asking for an extension?

MR. DURAN:

An extension on the deadline until they can work out differences with the County or until the County can evaluate their request and report back to the Commission. So it's the consensus of the Commission to continue the action period until we do receive some word from the County Planning Commission. That then is the prerogative of the Commission.

CHAIRMAN CHOY:

How much time have we got left?

MR. DURAN:

Do you have any idea how long the County may require to act on this?

MR. McCOY:

About 3 months.

MR. DURAN:

Do you think they'll be able to come back with a report?

MR. McCOY:

I certainly hope so. They said in their letter it would be worked

MR. McCOY (Cont'd.)

out as rapidly as possible and . . .

MR. DURAN:

Do you think 6 months or 3 months or . . . ?

MR. McCOY:

I'd have to ask the County.

MR. DURAN:

How about a 90 day extension? Ninety days, Mr. Chairman?

CHAIRMAN CHOY:

A request for 90 days extension is being requested. Do the Commissioners have any questions?

MR. McCOY:

If we can work it out sooner, . . . (inaudible) . . . ?

MR. DURAN:

That's the maximum.

CHAIRMAN CHOY:

We'll proceed on the basis that they have an extension of 90 days.

MR. McCOY:

Thank you.

CHAIRMAN CHOY:

All those who wish to testify today in regard to the overall island-wide 5 year boundary review, we have a testimony form that we'd like for you to fill in. If you haven't done so, would you please raise your hand? Also, have all of you been able to get up and see the maps and the posters which show the boundary changes as recommended by the Land Use Commission? Has everybody seen the maps? Is there anybody who hasn't seen them? Would

CHAIRMAN CHOY (Cont'd.)

you raise your hand?

We'll take a 5 minute break and allow you people to go up and see the particular parcels of land that you're interested in.

May I have your attention please? Before we start with the testimony before the Land Use Commission, I'd like to call on our Executive Officer, but prior to calling on Mr. Duran, I think for the convenience of the people present, I'd like to introduce those at the head table. On my extreme left is Mr. Kido, Land Commissioner, Mr. Nishimura, Kauai Commissioner, Mr. Goro Inaba, Kona Commissioner, our very brand new Commissioner from Maui, Tanji Yamamura, on my right is Mr. Wung from Hilo, Mr. Alex Napier, Oahu Commissioner, Mr. Shelley Mark, Oahu Commissioner, and also head of the Department of Land . . . I mean of the Economic Development and our secretary, Dora Horikawa. Also present in the audience is the consultants, Eckbo, Dean, Austin and Williams. They were hired by the State of Hawaii by your Land Use Commission to study . . . to work on the 5 year boundary review. Will you rise? Howard Altman and Don Austin. Do you have anybody else?

RESPONSE:

No.

CHAIRMAN CHOY:

So I think this will . . . Pardon.

COMMISSIONER:

Introduce yourself.

CHAIRMAN CHOY:

Oh. And I'm Wilbert Choy, vice chairman, acting in lieu of our chairman who couldn't be here, Mr. Burns from Honolulu.

CHAIRMAN CHOY (Cont'd.)

Now, Rom, are you ready?

MR. DURAN:

Mr. Chairman and Commissioners, . . (inaudible due to echo of microphone) . . was amended, public hearings were conducted through each town of the State on the rules of the practice and procedures in the Land Use Commission district regulations as well as the district boundaries for each of the (inaudible). Hearings were held in Kauai, April 11, 1969, and in Hawaii, April 25, 1969, and also we had meetings in Hilo on the 26th . . (inaudible) . . and Kalapana, 296 acres . . (inaudible) . . rural district must change to urban district. And near the town of Pauoa are 290 acres. Another significant proposal of these maps is the designation of the shoreline presently in the agricultural district but not in agricultural use, into the conservation district. The recognition of the shoreline as a natural resource is . . (inaudible) . . that both the conservation and this waterfront property should be (inaudible) together. Wide use of this first priority resource can be effected toward the long range public interest in adopting this proposal.

Today, Mr. Chairman, I've also received comments from several people and in your packet is a section devoted to comments that we've received in the past week and as late as yesterday dealing with protests on some of these proposed district boundaries. We've also received 5 year general development schedules . . . 5 year time performance schedules with regard to areas being considered for urban designation today and also I have received some protests today on construction schedules. They will all be put into the record now.

CHAIRMAN CHOY:

Thank you, Mr. Duran. We'll now proceed into the portion, adoption

CHAIRMAN CHOY (Cont'd.)

of Land Use District Boundaries of the island of Hawaii. At this time, I would like to have all of those that wish to testify rise and be sworn in. Would you please raise your right hand? All those that . . . those that are attorneys need not. Do you swear that the testimony you are about to give to your Land Use Commission is the truth, the whole truth and nothing but the truth, so help you God?

RESPONSE:

I do.

CHAIRMAN CHOY:

Thank you. I'd like to lay a few guidelines. Since there are so many of you who wish to testify, I would like to limit you to 10 minutes. In the event you cannot complete your testimony, after everybody has had a chance to testify, you may ask to give further testimony. In this manner, I believe we will give everybody a chance to speak. I would like to call at this time Mr. James Green.

MR. GREEN:

Mr. Chairman. I have here with me a letter that I submitted to your Executive Officer yesterday . . . (inaudible) . . . (A tremendous amount of static continually exists on this tape and it's next to impossible to make out any sentence structure in trying to listen past this distraction.) (Several sentences were inaudible.) . . . and they have advised me that they have in turn responsible resort people that can get going. Thank you very much for your time.

CHAIRMAN CHOY:

I'd like to call on Mr. Howard J. Marsh, Keauhou, Puna.

MR. MARSH:

Mr. Chairman and gentlemen of the Commission. My name is Howard J.

MR. MARSH (Cont'd.)

Marsh. I am here as the general manager of . . (inaudible) . . just developed. If I understand correctly, the map there is . . (inaudible) . . (Comments were again many times inaudible due to static continually present on the tape and the noise from traffic outside, plus the fact that the microphone produces an echo sound blurring the speaker's words.) I would like to challenge the basis of the consultants' projections and also their (inaudible) of their own criteria. The population prediction of 11% increase over the next 10 years for the island of Hawaii strikes me as being most incredible as that . . (inaudible) . . national standards for population increase as to think that the great state of Hawaii is not going to keep up with the national average is . . (inaudible) . . Because we're utilizing land for its best use in accordance with the general welfare, we concur 100%. What we're supposed to do is take the land that is now designated agriculture and have it designated as urban for utilization as living accommodations for those people who now need living accommodations and those who are yet to come without taking out prime agricultural land . . (inaudible) (inaudible) . . designated 500 acres in urban and have received zoning for resort development. This calls for approximately 7 resort hotels with a total room capacity of 3,000 units, and 3000 units calls for 3,000 employees and utilizing the rule of (inaudible), we'll have 6 to 1 in terms of . . (inaudible) . . which in and of itself is 50% more than the total estimate for the entire island of Hawaii, if I understand the consultants correctly.

The (inaudible) course we propose to the Commission is where are these people going to live if they don't live within the areas that are to be developed within a master plan or urban designation. . . (inaudible) . .

MR. MARSH (Cont'd.)

let me speak now not directly to our project but on the concept of incremental zoning. I speak not as an expert. I'm a lawyer by profession and training and a land developer by choice. The biggest problem that faces this great nation of ours in the next third of a century is to provide for the more than one hundred million increase in population that will come before the year 2,000. This is the greatest challenge that faces us and I want to be a part of that challenge; that's why I chose this activity. If (inaudible), I am now speaking somewhat as a prophet, I trust I will not get . . (inaudible) . . seems to me not to be in accord with the times and does not exercise the greatest (inaudible) I think to be brought to bear on the program. I say that . . (inaudible) . . I already disqualified myself; I don't speak as an expert. I speak, I believe, with some common sense; when you study the concept of incremental zoning, it is a sure (inaudible) by the year 2,000.

Back to our project. We are moving ahead. We already . . (inaudible) . . A sewage treatment plant is designed to carry . . (inaudible) . . All of our utilities are going in. . . (inaudible) . . the population for which we're building. This population will either have to go within a planned community in our project or catch as catch can throughout the . . (inaudible) . . Kona area. We feel these are undesirable results. We, therefore, petition the Commission to give favorable consideration to our request that we be given urban designation for the land that is now designated. We request urban designation for all the land makai of Kua-kini Highway which . . (inaudible) . . and, we therefore submit to you that our petition meets the (inaudible) of your department and meets all the criteria and we, therefore, request your favorable consideration.

MR. MARSH (Cont'd.)

Thank you very much.

CHAIRMAN CHOY:

Thank you, Mr. Marsh. You have a choice of filing a petition, and if you will do it promptly . . .

MR. MARSH:

I just wanted to make my record as to how I . . (inaudible) . . I'd like the chance to clarify my response and I believe . . (inaudible) . .

CHAIRMAN CHOY:

Mr. Campbell Stevenson.

MR. STEVENSON:

My name is (inaudible) Stevenson, vice president of First Hawaiian Bank (inaudible) and . . (inaudible) . . . Presently, we have a small subdivision going in . . . a small industrial subdivision . . . and out of that we found a situation which we didn't recognize but which (inaudible) has. We have opened up 17 lots. We're extending them 17 to . . (inaudible) . . . As a matter of fact, we're quite proud of it . . . we opened the first increment this afternoon and we're ready to . . (inaudible) . . . (inaudible) . . we will have a light industrial subdivision. Hopefully, it will be planted and landscaped and it will not be heavy in its vacancies. I imagine that out of this subdivision we ascertain . . (inaudible) . . a very substantial need for industrial property to back up the development on this side of the island, particularly in the community of Kailua-Kona. We received 55 applicants. There are 17 lots. Yesterday, gentlemen, I provided you with an outline of what's transpired and . . (inaudible) . . . What we do and (inaudible) heavy industrial property in this area. (Some comments inaudible.) On the other

MR. STEVENSON (Cont'd.)

side of my property . . . better yet, within our property, we have litigated about 30 acres to the quarry . . . (inaudible) . . . (inaudible) . . . and the quarry site would be an ideal location for a heavy industrial subdivision. We have the applicants . . . there are some of them in this room that . . . I say this with . . . (inaudible) . . . because I had hoped that the land use designation . . . (inaudible) . . . (A few sentences totally inaudible.) If you have any questions, I'd like to answer them.

CHAIRMAN CHOY:

Do the Commissioners have any questions of the petitioner? Have you a plan for this industrial development?

MR. STEVENSON:

We have a plan . . . (inaudible) . . . which we have followed. The first (inaudible) going in on this property is a (inaudible) residential development . . . (inaudible) . . . They plan to build a shopping center. (Additional comments inaudible).

COMMISSIONER:

Mr. Stevenson, did you deliver plans to the buyer after our first hearing?

MR. STEVENSON:

He submitted plans . . . (inaudible) . . . some months ago . . . it's been 3, 6 or 8 months ago . . . (inaudible) . . . The plan that was submitted is here . . . (inaudible) . . .

CHAIRMAN CHOY:

I'd like to have Mr. Bell bring the proposed plan up for us. We shouldn't give more than 10 minutes, but I think it's a . . . the surprise to the Commission is . . . (inaudible) . . . for industrial area.

MR. STEVENSON:

(Some comments inaudible.) . . (inaudible) . . so called light industrial park . . (inaudible) . .

CHAIRMAN CHOY:

Mr. Bell, you may give us a very brief introduction.

MR. BELL:

I'd be happy to, Mr. Choy. The upper drawing shows the existing land uses; the lower drawing shows our long range plan which was originally prepared about 10 years ago but we have sort of followed it. On both drawings on colored paper, we have tried to duplicate the development that Mr. Stevenson has been talking about. The light industrial subdivision which is opening this afternoon at 4 o'clock is shown right at this location. The gray area next to it is the second increment which is undesignated at the present time. The red areas here are the commercial shopping facility which is indicated. The darker red here is the post office and bank site which we are happy to (inaudible) on your map is the (inaudible) additional urban zoning. The orange here is multi-family housing. The yellow here is the location next to the new (inaudible) school which also you're apt to see shown on your new boundary map for urban zoning. This project can go ahead and this project can go ahead. The area that we are particularly concerned about is shown here in purple with the access road and the quarry site and the heavy industrial subdivision backs up against the county dump, based on the application.

CHAIRMAN CHOY:

I'd like to ask our consultants if all of this data was in your hands when you made your recommendation.

MR. ALTMAN:

Do I get sworn in first?

CHAIRMAN CHOY:

Now, will you swear him in?

MR. DURAN:

Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MR. ALTMAN:

I do.

The consultants' recommendation was to zone the area makai of the road in urban. This is the entire area here. But if you'll recall, the Commission felt that they should first see a detailed plan of this area before adding any additional urban zoning. Our feeling was that everything makai should be zoned urban.

CHAIRMAN CHOY:

Mr. (inaudible), does that answer your question? Can you come in promptly with a condition . . . a plan showing the development of not only the lower area but of that industrial area?

MR. BELL:

As I have indicated to you, the construction drawings are under preparation in the bay area. The construction drawings . . . (inaudible) . . . dedicated land for it.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

I don't believe that we've got any plans like were shown today, Mr. Chairman.

MR. BELL:

Mr. (inaudible), exactly the same drawing was presented to the Commission on April 25th. I made the presentation. Also . . .

COMMISSIONER:

I wasn't here.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

I'm sorry, Mr. Bell. I wasn't aware of that.

MR. BELL:

Oh, I know.

CHAIRMAN CHOY:

We'll lay this on the table for a while. Thank you. Is there a Roy K. Nakamoto or (inaudible) Anderson?

MR. NAKAMOTO:

My name is Roy Nakamoto and I'm an attorney and I represent . . (inaudible) . . I spoke before the Commission down in Hilo, so I won't take much time of the Commission. I will just ask that the petition criteria . . (inaudible) . . (Ensuing several comments were inaudible due to intensive static.)

No on the other one, I represent (inaudible) Yamada . . (inaudible) . . (Again, this speaker's comments were almost totally inaudible. Only a few words out of each sentence were distinguishable, making the sentence structure impossible to decipher.)

CHAIRMAN CHOY:

Are there any questions by any of the Commissioners? Thank you.

MR. NAKAMOTO:

Thank you very much.

CHAIRMAN CHOY:

Mr. Louis P. (inaudible).

MR. TERRY: (?)

Mr. Chairman and Commissioners, my name is Louis P. Terry (?); I represent the (inaudible) Corporation in connection with the (inaudible) Corporation as developer of this area. At this point we are negotiating with . . (inaudible) . . for the hotel operators in connection with the development of this land. If we get an urban (inaudible) and get our zoning, we anticipate that the area here which is the complex of 3 hotels which will (inaudible) about 1,500 rooms will be built in a 3 year period. . . (inaudible) . . the area is made up of golf courses and residential areas and further down on the hill, additional resort areas which accommodate about an additional 1,000 rooms. And it is anticipated that the entire complex would be . . (inaudible) . . We note that with your present boundaries, it would be difficult to tell from the . . (inaudible) . . . here is your present boundary. . . (inaudible) . . and across the top but now down in here. This lower left hand area is the heart of the complex. This is the area in which . . . which should be developed first and then gone on around to the other portions. We feel that because of the fact that we now have a development in the harbor here that it is very natural and logical to urbanize this area so that the resort area can be zoned there close to the harbor and get the pressure off the Kailua area . . (inaudible) . .

I thank you.

CHAIRMAN CHOY:

Thank you. Any questions?

COMMISSIONER:

Isn't this area already urbanized?

MR. DURAN:

This is the . . (inaudible) . . You'll recall everything makai of the highway was zoned urban with the exception of the conservational strip along the shoreline and in this case, because of evidence that we had available at the time, there seemed to be an indication that there were a number of resort sites in this general area. And with what limited information we had, the conservation line came across here and excluded that area and the pond. So what they've indicated here is, I guess, some more detailed maps of these historic sites which is something that wasn't available at the time. So at the present time, as was indicated, this area in here is urban and down here. At least, that's what you reflected on our proposed maps, so that they could proceed with this area but not here at the present time.

CHAIRMAN CHOY:

Mr. Terry, what kind of artifacts are in that area?

MR. TERRY:

There is a very fine slide here and there are some old buildings and so on which are in good condition. I don't know that they are particularly important. The slide is very important. But I think that you will see in this overlay that we have prepared, and we've done this in connection with the Bishop Museum, we planned our development to leave out the area which there would be any building. The . . (inaudible) . . artifacts were in good condition and we should have some means of preservation. And I think that I should add in connection with that, in our negotiations with the land owners that areas of this sort . . (inaudible) . . so that we're . . . both the land owner and the developer are asked to try and preserve these things, if for no other reason than it provides an additional tourist attraction to the site of the resort area itself.

CHAIRMAN CHOY:

Any questions from the Commissioners?

MR. DURAN:

Mr. Chairman, we have a letter from Mr. Greenwell . . . James Greenwell and who also testified earlier that this is something that could be worked out at a later date with us and resolve this question of where these significant sites are and how they would be treated and also, I note that this information hasn't been available to us before, but they do indicate a park site. I am wondering if the intent here is to dedicate this for public purposes.

CHAIRMAN CHOY:

Mr. Terry, can you answer that question?

MR. TERRY:

Well, I can't speak for the land owner, but as far as the developer is concerned, we're certainly willing to dedicate the adjoining land and any area that should be set aside.

COMMISSIONER:

Thank you.

CHAIRMAN CHOY:

. . (inaudible) . . from the table. Mr. (inaudible).

MR. (?):

Mr. Chairman and members of the Commission. I would like to . . (inaudible) . . I know what I'm talking about, and I don't think I have anything to add at this time to answer your questions.

CHAIRMAN CHOY:

Thank you. Mr. Davis.

MR. DAVIS:

My name is Paul Davis and I'm one of the owners of the (inaudible)

MR. DAVIS (Cont'd.)

Ranch, together with (inaudible) who is part owner and my brother's family who is going to . . (inaudible) . . We have no additional requests to make. All of us would like to express our appreciation for the . . (inaudible) . . in a thorough and careful manner . . (inaudible) . . I consider this (inaudible) an important one. It's working in helping the overall plan. As a matter of fact, outsiders come into the Islands here to . . (inaudible) . . We know that this is kind of an historic spot in this great historic State of Hawaii, and we appreciate the fact that . . (inaudible) . . And we hope that you'll follow our development with interest and we hope that all of the results will be very worthy of the lot itself.

CHAIRMAN CHOY:

I'm sure that the Land Use Commission wishes you people well, Mr. Guido (inaudible).

GUIDO:

Gentlemen of the Commission, my name is Guido (inaudible), employee of (inaudible) Land Corporation. I have with me today a copy of a letter that . . (inaudible) . . dated July 17th and signed by . . (inaudible) . . I would like to take this opportunity just to read this letter to you today. "Gentlemen: We are appearing before you today to comment on your review of the boundaries . . (inaudible) . . These comments following our request made at (inaudible) April 20th, 1969. First, we understand that the urban zone will now cover . . (inaudible) . . makai of (inaudible) Road. Continued development, according to our (inaudible) requires . . (inaudible) . . a hotel and a golf course, within this newly developed land. Construction of the final complex will begin in mid-1970. Active

GUIDO (Cont'd.)

planning of hotels and the golf course will be underway early next year.

Secondly, we understand that an amendment to Part II, paragraph 2, 14, (inaudible), Rules and Regulations now excludes golf courses as permitted uses in agricultural districts. We are presently preparing plans for a golf course at Mapuna . . (inaudible) (inaudible due to traffic outside of building) . . . Since you are not recommending that this area be rezoned at this time, we will be petitioning the Commission for a special permit to allow the golf course development to proceed. This will be undertaken within the next several months. In addition, area for residential home use adjacent to the golf course will be planned. The plan will require a petition to your Commission for a change to urban zoning at some later date. Both petitions -- one for the special permit for the golf course and another for eventual rezoning -- could be (inaudible) by rezoning this property now to the urban classification.

Third, pursuant to your request by letter of July 11, 1969, we are resubmitting our schedules as outlined to you on April 25, 1969. This schedule is part of our letter of April 24, 1969, and . . (inaudible) . . . First, (inaudible) hotel scheduled to begin construction in the Fall of next year and will be completed in 1971. Concurrently, the 18 hole golf course . . (inaudible) . . . Second, a . . (inaudible) . . of apartment development will begin between Mauna Kea Beach and Mapuna Beach. The first increment of this project is scheduled for completion in 1971 along with the Mapuna Beach Hotel. Subsequent . . (inaudible) . . will follow.

Third, the second condominium apartment . . (inaudible) . . area north of Mapuna Beach Hotel. Construction of this project should begin in early 1970.

GUIDO (Cont'd.)

Four, rental housing for residents of the area will begin soon after the construction of the Mapuna Beach Hotel. Mr. Chairman, I should add here that before that date of the start of the Mapuna Beach Hotel is . . (inaudible) . . completion scheduled in 1971. Housing as a central part of the hotel operation would be phased in . . (inaudible) . .

CHAIRMAN CHOY:

Pardon me. You're speaking of all the areas that have already gotten urban zoning.

GUIDO:

Yes.

MR. DURAN:

This is their performance schedule for the next 5 years.

CHAIRMAN CHOY:

But these are the areas that they have gotten . . .

MR. DURAN:

No. This is the area that we're rezoning, part of which is being zoned and the other part that's existing but vacant.

CHAIRMAN CHOY:

That area on the left of that highway triangled with . . . we zoned about 2 years ago, wasn't it?

MR. DURAN:

We've asked them for a timetable on the development of that area, too,

CHAIRMAN CHOY:

Thank you. Go ahead.

GUIDO:

Well, fifth then, is the development of homesites which are being

GUIDO (Cont'd.)

planned for the area mauka of the Mauna Kea Beach golf course. Site improvements for this project . . (inaudible) . . Finally, the hotel and golf course at Waikui Beach will be in the (inaudible) stage of planning by early next year.

This schedule is subject to adjustments and (inaudible) change. . . (inaudible) . . We appreciate the opportunity . . (inaudible) . .

Mr. Chairman, I'd be happy to answer any questions if you have them; otherwise, that's my presentation.

CHAIRMAN CHOY:

Any questions from the Commissioners? I believe that the Commission left the area above the road from urban zoning because the highway will be coming down in that particular area. And I would suggest that before you file further petitions that you check with the State Highway Division and try to find out what their alignments are.

GUIDO:

Mr. Chairman, we contact the State Highway Division periodically and we're working closely together as possible on this matter.

CHAIRMAN CHOY:

Well, the alignment is not settled yet so at this point the Commission feels it's not justified in urbanized area.

Any other questions? Alright, thank you.

Mr. Jamesville(?). (inaudible) Roofing?

MR. BISHOP:

My name is Fred Bishop. I'm with the Realty Investment Company representing (inaudible) Land and Development Company. . . (inaudible) . . we petitioned for to change the zone boundary and . . (inaudible) . .

MR. BISHOP (Cont'd.)

You'll notice from the projected . . . from the recommendations of the staff and the planners that the . . . none of the changes except in the conservation zone have been accepted by the staff. I would ask that the area that is designated as (inaudible) crater for . . (inaudible) . . known as Green Lake be set aside for the time being. I can't really understand why this area was put into conservation because at that area in Hilo, there was indeed a good deal of misunderstanding about volcanic activity in (inaudible) and I got to thinking that maybe the planners, not being very familiar with the area and where the volcanic (inaudible) took place. After the meeting in April, we asked our planners, Belt Collins, to consult with (inaudible) McDonald to see if everyone was aware . . (inaudible) . . the foremost expert on volcanic activity and a letter was written to this Commission at that time.

So our request today is just to basically allow conservation zones as set forth by the staff except in the area of (inaudible) and this be set aside for the time being. We asked Dr. McDonald to come today to explain or to answer any questions on chances of volcanic activity in (inaudible) and . . (inaudible) . . further land for buildings or any development. He is here in the audience. If you'd like to hear from him or if you have any questions, I'm sure that he'd be very happy to answer them.

CHAIRMAN CHOY:

Any questions for Mr. Bishop? Mr. Bishop, what area are you asking for at the present?

MR. BISHOP:

Well, it appears at the present time that as far as our request is

MR. BISHOP (Cont'd.)

concerned, we're not going to be granted the request, because we asked for a complete . . (inaudible) . . 500 acres. What I'm asking is that in the areas that are changing as far as the zone boundaries are concerned . . (inaudible) . . we would like to have set aside at the present time is the redesignation from agriculture to conservation of the area known as Green Lake (?) because looking at the map, it appears that the designated boundaries of that conservation zone go into areas that are already in some type of agriculture, and I don't really think that the planners understand or are aware of just exactly what type of property Green Lake is.

CHAIRMAN CHOY:

Are you asking for urban zoning or ag zoning?

MR. BISHOP:

We're asking for urban zoning on the whole thing. We'd very much like to get it, but it does not appear that we're going to get it. I mean, I think it's a fact of life. But what I'm arguing about here is that I don't think that Green Lake should be taken out of agriculture and put into conservation.

CHAIRMAN CHOY:

Any other questions?

COMMISSIONER:

Can we have Rom point out this area?

CHAIRMAN CHOY:

Rom, would you like to point out the area requested . . (inaudible) the plantation?

MR. DURAN:

(Comments totally inaudible; fantastic amount of static on this entire tape.)

CHAIRMAN CHOY:

It's been requested for urban?

MR. DURAN:

Urban . . (inaudible) . . and the Commission placed the . . (inaudible) . . in conservation. . . (inaudible) . . requesting that that not be zoned conservation at this time because there's land development . . (inaudible) . . although they would like to have their 5,500 acres in urban.

MR. BISHOP:

There's approximately 400 acres in and around Green Lake. We would like to have this . . (inaudible) . . zoning and take it away from that conservation.

COMMISSIONER:

Can we have a comment from the consultants? I think this is their . . .

CHAIRMAN CHOY:

Since you have a valuable man like Mr. McDonald who is here, I think we should take advantage of it and get your opinion as to the request for that whole portion of 400 acres, if there is any possibility of eruption or . . (inaudible) . . . (inaudible) . . to the map?

MR. DURAN:

Could we interrupt a minute, Mr. Chairman? There's a phone call from Honolulu for William Frances or France. Please call operator 71.

CHAIRMAN CHOY:

Is Mr. Frances here? Mr. Frances?

MR. McDONALD (Cont'd.)

other thinly populated growth?

CHAIRMAN CHOY:

Alright, let's say 10,000 square feet lots with a house on it.

COMMISSIONER:

Or high rise or . . .

MR. McDONALD:

No. I would not. Not high rise and that sort of thing. I think they . . . (inaudible) . . . like development might be reasonable but there might be considerable (inaudible) in the fact that a large number . . . (inaudible) . . .

COMMISSIONER:

Let me put it this way. Would you build a house on that area?

MR. McDONALD:

Yes sir.

COMMISSIONER:

And live there?

MR. McDONALD:

I would consider it a reasonable risk.

CHAIRMAN CHOY:

Thank you. Any other questions?

MR. BISHOP:

. . . (inaudible) . . . I say it again that this is the plan as was presented in increments. It does not urbanize the whole area. And what was brought out at that hearing was the urbanization was taking place around the higher ground of (inaudible) for homes and not in the actual (inaudible)

MR. BISHOP (Cont'd.)

area at 55 or 60.

CHAIRMAN CHOY:

Thank you. Mr. Richard (inaudible). I believe Mr. McCoy has . . .
I believe that's all the testimony we're going to have today. I'd like
to call on the Hawaii County Planning Department . . (inaudible) . .

UNIDENTIFIED:

(Comments totally inaudible due to continuous loud static on the
tape.)

CHAIRMAN CHOY:

Any questions? Phillip, this area that . . . this heavy industrial
area. Is that in your County's land?

UNIDENTIFIED:

(Comments again totally inaudible for reasons stated previously.)

CHAIRMAN CHOY:

That purple area.

UNIDENTIFIED:

(Comments again totally inaudible.)

CHAIRMAN CHOY:

Any questions? Is there anybody else here that would like to come
forward and testify? If not, prior to voting on the boundary changes,
we'd like to have a 10 minute recess.

(Recess.)

The meeting of the Land Use Commission will come to order. I have
a request from (inaudible), Chamber of Commerce, who would like to make
a brief statement.

MRS. (?):

(All comments totally inaudible due to continuous static.)

CHAIRMAN CHOY:

Thank you. Rom, why don't you . . (inaudible) . .

MR. DURAN:

(Comments inaudible.)

COMMISSIONER:

(Comments inaudible.)

CHAIRMAN CHOY:

Because she was actually testifying. Any questions?

COMMISSIONER:

Are we going to make a motion?

CHAIRMAN CHOY:

Well, is there any discussion on any of the Hawaii boundary . . .

UNIDENTIFIED:

Point of order, Mr. Chairman. This lady's statements are being placed on record.

MR. DURAN:

Yes, it's in the record, Mr. Chairman.

UNIDENTIFIED:

I would like to so move that it be a part of the record of it's not . . (inaudible) . .

CHAIRMAN CHOY:

We'll clear this up and show it on the record.

UNIDENTIFIED:

Thank you.

CHAIRMAN CHOY:

Is the tape on?

RESPONSE:

Yes.

CHAIRMAN CHOY:

It will be shown on the record. Is there any discussion on the Hawaii boundaries? Commissioners . . . any discussion?

COMMISSIONER:

Mr. Chairman, before we make a motion, could I say a few words?

CHAIRMAN CHOY:

Yes.

COMMISSIONER:

Being that we are going to land on the moon maybe Saturday or Sunday, I think this Commission ought to go on record to put that under conservation.

COMMISSIONER MARK:

Second.

COMMISSIONER:

I got a second from Shelley Mark on that.

CHAIRMAN CHOY:

It has been moved and seconded by the Hawaii State Land Use Commission that the moon be placed . . . zoned in conservation. Poll the Commissioners.

MR. DURAN:

Commissioner Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Mark.

COMM. MARK:

Aye.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

No.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is passed, Mr. Chairman.

CHAIRMAN CHOY:

We now . . (inaudible) . . in charge of the moon.

MR. DURAN:

I'll schedule a field inspection, Mr. Chairman.

COMMISSIONER NISHIMURA:

The reason I say no is that you might find a lot of (inaudible) there.

CHAIRMAN CHOY:

We'll get down to business now. Any discussion on Hawaii boundaries? If not, the chair will entertain a motion.

COMMISSIONER:

Mr. Chairman, I move that the district boundary maps for the County of Hawaii shown on the maps now before this Commission and dated July 18, 1969, be adopted with the rezoning of lands as shown by the revised district (inaudible) maps to be effective concurrently with and subject to the rules and regulations of this Commission, adopted July 8, 1969.

CHAIRMAN CHOY:

Is there a second?

COMMISSIONER:

Second.

CHAIRMAN CHOY:

Any discussion? Are you ready for the question?

COMMISSIONER:

Question.

CHAIRMAN CHOY:

Will you poll the Commissioners?

MR. DURAN:

Mr. Napier.

COMM. NAPIER:

Aye.

MR. DURAN:

Mark.

COMM. MARK:

No.

MR. DURAN:

Kido.

COMM. KIDO:

Aye.

MR. DURAN:

Inaba.

COMM. INABA:

Aye.

MR. DURAN:

Wung.

COMM. WUNG:

Aye.

MR. DURAN:

Nishimura.

COMM. NISHIMURA:

Aye.

MR. DURAN:

Yamamura.

COMM. YAMAMURA:

Aye.

MR. DURAN:

Chairman Choy.

CHAIRMAN CHOY:

Aye.

MR. DURAN:

Motion is carried, Mr. Chairman.

CHAIRMAN CHOY:

Thank you, Mr. Duran. Would those others whose (inaudible) have not been included in the boundary chain, you are privileged to file a petition . . (inaudible) . . Thank you.

Now, do you have anything else?

MR. DURAN:

No.

CHAIRMAN CHOY:

If not, the meeting is adjourned.

* * *