

From: [D.BLANCETT-MADDOCK](#)
To: [DBEDT LUC](#)
Cc: dbmkona@aol.com
Subject: [EXTERNAL] A83-549 KONA VISTAS written testimony
Date: Tuesday, February 6, 2024 10:48:10 AM
Attachments: [Testimony Dave and Diane Blancett-Maddock State Land Use Committee 02-06-2024.pdf](#)



ALOHA,

Attached please find our written testimony in the matter of
A83-549 KONA VISTAS
February 7, 2024 hearing

Please confirm you received this attachment and were able to open it.

Mahalo.

With aloha,

David and Diane Blancett-Maddock
76-101 Kamehamalu St
Kailua Kona, Hi 96740

LAND USE COMMISSION: A83-549 Kona Vistas, LLC
FEBRUARY 7, 2024 HEARING



WRITTEN TESTIMONY OF DAVID AND DIANE BLANCETT-MADDOCK
76-101 KAMEHAMALU STREET, KAILUA KONA

For several consecutive years, the community introduced an application to the Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission (PONC) to place this property on the County PONC acquisition list based on the historical, cultural and natural resources of the site and newly discovered evidence of one or more historical trails traversing the property on an east west orientation.

The Successor Developer/Owner (Current Developer) was an unwilling seller. The initial Ponc Application and two subsequent applications were denied. In 2022 my wife, Diane and I renewed the application with focus on the newly discovered trail evidence.

Although the Current Developer had submitted thousands of pages of documents to the County on the environmental impact, none of these disclosed the readily discoverable fact that historical trail the USGS survey (1927) and NOAA Map #4115 (1937) had documented an East/West historical trail mauka/ makai traversing the entire property in the north and demarcated by an existing rock wall; nor the possibility that the even more prominent East/West double-wall construction traversing the entirety of the property to the south and indicative of typical prehistoric trail construction might be a trail.

Up until this point, the PONC, like the County and State had relied on the Current Developer's expert reports exclusively, as no access to the property had been granted to enter and inspect the property. In 2022, PONC conducted a field visit limited to the external parameter of the property. After viewing evidence of the alignment and continuation of the demarcation south wall and the externally visible double-wall construction on the south, the PONC examined other evidence of record and concluded that the property contained trails and sites of historical significance. The PONC

application to add the property to the PONC list was approved, and in the property was added to the PONC list for potential purchase by Hawai'i County to preserve for public access, open space and natural resources.

Although the Developers had submitted thousands of pages of documents to the County on the environmental impact, none of these disclosed the readily discoverable fact that historical trail the USGS survey (1927) and NOAA Map #4115 (1937) had documented an East/West historical trail mauka/ makai traversing the entire property in the north and demarcated by an existing rock wall Nor the possibility that the even more prominent East/West double-wall construction traversing the entirety of the property to the south and indicative of typical prehistoric trail construction might be a trail.

As the public record shows, the Original Developer completed only Phase I of the original development (Kona Vistas) and abandon the project without building a single unit of affordable housing or fulfilling any affordable housing alternative. The approvals of the Original Developer were not renewed and were permitted to expire.

In 2015, Current Developer acquired the remaining 68 acres, which is before you today for a payment of approximately \$600,000 or the current value of one or two single-family lots in Kona Vistas. Current Developer acquired with imputed knowledge of the expired permits and unfilled affordable housing promises of Original Developer but did not move immediately to cure.

The record shows a history of expired approvals,¹ long delays, withdrawals and an unreasonably prolonged public processes which have burdened the community with a responsibility to constantly appear and testify and actively preserve its opposition for almost a decade. Instead, Current Developer abandoned the use and reverted to

¹ 2002 was the last Ordinance Amendment – Sec.2(l) plans for the development within first increment of the RM zoned area shall be submitted to the Planning Department and final approval secured within five years from effective date of sixth amendment. Construction shall commence within one year from the date of receipt of final plan approval and be completed within three years thereafter.

agricultural use, running cattle on the property under contract to a third party. Cattle ranching was reported to the Planning Department and they responded by email that Current Developer admitted his contract for cattle on the property and promised. We have heard the bellowing of cows long after and community members have reported seeing cows and horses on the property long after.

The Current Developer has not built or submitted any intention to build affordable housing. None of the plans of record show any qualifying affordable housing construction on the remaining 68 acres. In fact, it is not clear that Current Developer has any plans to build anything on its own, but rather intends to use a favorable approval to enhance the value of its holdings on paper and use this to leverage unknown investors at a yet underdetermined time. In Current Developer's 2022 Amendment, Current Developer identified 250 short-term vacation rentals for sale, more than half of the total proposed units.

At its last hearing on this matter, the Planning Commission questioned Current Developer at some length about affordable housing and its ability to proceed if approved. Current Developer did not demonstrate any plans to build any affordable housing on the site. Current Developer admitted that it did not have the resources to proceed with any construction on its own, nor had it secured any financing or investors for this purpose. In the 2022 annual report, which is more than 6 months delinquent, Current Developer leaves the issue of affordable housing unresolved. In short, Current Developer appears to be engaged in land speculation, relying on the actions of state and local bodies to provide it with approvals that it can leverage or sell to investors or buyers at a profit over the fair market value of a mere \$600,000 land purchase.

At the Planning Commission, we and other public members pressed the issue of newly acquired evidence that trails, unreported by the Current Developer to the State or County, existed and warranted protection under the laws and/or authority of the State and County. DLNR trails expert Jackson Bauer (Na Ala Hele), came forward with written and in person testimony and evidence about the trails and trail alignments. US

National Parks trails expert Rick Gmirkin also came forward with testimony about the trails. The County Planning Commission responded to the newly acquired evidence by referring the matter to the County Cultural Resource Commission for review and recommendation.

Diane and I, as well as other members of the community as well as State DLNR and US National Parks experts appeared before the Cultural Resource Commission. The Cultural Resource Commission responded by conducting a field visit. With the permission of the Current Developer, the Cultural Resource Commission along with the two trail experts were escorted through a limited portion of the property. This was the first time that anyone other than Developer funded experts had physically visited the property.

At a Cultural Resource Commission meeting, Tom Pohaku Stone appeared as native descendent and expert with previous experience on an adjacent trail investigation to testify. Tom Pohaku Stone testified at length. Among other important points, Tom Pohaku Stone testified that the walls that had been classified by developer experts as post contact cattle walls were actually not cattle walls at all. Walls running north south and others were part of an ingenious and sacred system of water diversion constructed in this most sacred and import flood plane for to preserve the precious sacred and scarce water for sustainability of the Hawai'ian people. He confirmed the presence of prehistoric trail networks and linkages mauka to makai.

Although the Cultural Resources Commission Recommendations (07/17/2023) speaks for itself unequivocally recommended preservation of the trails and the entire site in perpetuity. It unanimously and unequivocally concluded, "The CRC opinion of the project's impact to historical assets is that this project will likely have a substantial impact on historical assets." **A close review of the testimony before this committee is important evidence that needs to heard by this body and incorporated into the record. The long history of this case is a matter of public record preserved in audio and written formats with the County of Hawaii, in its Planning Department,**

Cultural Resources Commission and County Council Archives. We ask that the County be noticed to preserve all of these records until the completion of the development and any appealable period beyond, and that these records and evidence be incorporated by reference into the record today as part of the official record.

In summary, the record shows a project plagued by construction plans on existing flood plains, expired approvals, detrimental governmental reliance on the Developer's paid consultants who did not disclose substantial and material evidence of trails and other natural resources that are to be preserved, voluntary reversion by the applicant owner to agricultural use classification, and failure to fulfill essential promises and obligations to affordable housing and cultural preservation. We oppose this endless renewal of expired approvals and seek reversion of the land to its original classification of Agricultural.