STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM July 5, 1968

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A67-172 - KENICHI SUGAI AND KENICHI YAMAMOTO

This petition to redistrict 24.4 acres of land situated at Makaula, North Kona from an Agricultural to an Urban designation was publicly heard at Kona, Hawaii on April 5, 1968. At that time, it was the recommendation of the staff that the petition be disapproved on the basis that:

1. The proposed development violates one of the fundamental tenets of the Land Use Law concerning the prevention of scattered urban developments;
2. The petitioner has failed to submit any real evidence that the land is needed for a use other than the use for which it is districted;
3. The reclassification, if approved, would be detrimental to the general welfare.

The Hawaii County Planning Commission also recommended denial of the petition based upon the findings of its staff.

Attorney George S. Yuda, representing the petitioner, submitted the following to supplement testimony given at the hearing:

1. The petitioner intended to subdivide the entire 24 acre parcel by increments, but only Unit 1 containing 3 acres was approved by the County prior to Land Use legislation. Subdivision of the rest of the property was not permitted due to the inception of the Land Use Law, and denial of the instant petition will work a hardship on the petitioner.

2. The construction of Kealakehe School in the Palani area will make the surrounding lands more desirable for urban use.

3. Funds have been appropriated for the drilling of exploratory wells for water in North Kona, one of which will be located at Kalaoa in the vicinity of the subject property. If results are fruitful, the availability of water is a significant factor for rezoning.

The staff offers the following comments in regard to the petitioner's latest submittals:

1. It is the staff's consensus that thousands of acres throughout the State were prevented from being subdivided by the Land Use Law since its effectuation. The prevention of widely scattered residential developments with expensive yet reduced public services is one of the declared purposes of this Law. Therefore, it is evident that the zoning powers of the State have prevented other lands besides the petitioner's from uses that do not best serve the welfare of the State.

2. The construction of Kealakehe School over 4 miles away has very little bearing on the need for redistricting the petitioner's land. In fact, the recent consolidation of the nearby Kalaoa School situated only 1 mile from the subject property with Kailua School serves to further emphasize the declining residential importance of this area.

3. It should be noted that exploratory wells are just that -- exploratory. However, even if results are positive, it does not add to the need for redistricting the subject property. The availability of this resource is only one of the many factors to be considered after the need for additional urban lands has been established.

Therefore, in the absence of any significant evidence justifying the need for creating an urban sliver in the middle of an extensive agricultural district, the staff again recommends denial of this petition.