

Farmland dispute may go to court

By Jason Armstrong
Tribune-Herald

Hawaii County will ask a judge to settle a land-use dispute it has with a mainland company wanting to divide and sell some of its 4,000 acres of Pepeekeo farmland.

At issue is whether 224 former homes should be recognized as individual properties, giving Alabama-based Continental Pacific LLC 318 distinct parcels rather than the 94 it says the county acknowledges.

Planning Director Chris Yuen denied Continental's request to recognize the pre-existing lots because the Kainole and Maukaloa sugar plantation

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camps are long gone.

Continental appealed his decision to the county Board of Appeals, which voted 4-1 Friday to reverse Yuen's action and side with the landowner.

"The county can appeal this to court, and that's what we are going to do," Yuen said Tuesday.

That action would have the county administration sue the county Board of Appeals, something Yuen said has been done before.

Yuen maintains that since the homes were demolished years ago the individual lots on which they were built no longer exist as separate parcels.

"They just can't make lots up out of the blue based on the fact that they used to have plantation camps there," he said. Granting such approval would have widespread ramifications for numerous other dismantled camps, he added.

Hilo Councilwoman Bobby Jean Leithead-Todd said she is drafting legislation that would prevent other former plantation camps from being recognized as current lots.

"I think this is the tip of the iceberg," she said. "I want to prevent this from happening again."

Continental only wants equal treatment, attorney Jerry Hiatt said.

He noted that the county's last planning director in 1995 recognized 10 former plantation camps as being made up of separate lots even though more than 70 of the parcels lacked homes.

Yuen maintains the county has never extended the kind of automatic zoning and subdivi-

sion approval to plantation camps years after the landowner stopped using the property for housing.

He said Continental should follow the normal process of asking the County Council to rezone the land into smaller parcels that could then be sold.

As a rezoning condition, the council has often charged the landowner about \$7,800 per lot to pay for the development-related impacts to parks, emergency services and other public operations.

By avoiding the rezoning process along with costly subdivision approval often requiring water and other improvements, Continental could save more than \$2 million and avoid the chance lawmakers will deny their rezoning request.

Continental hopes to sell at least 60 lots of up to 5 acres in size to area farmers, Hiatt said.

The company now leases about 400 acres to Richard Ha, the island's largest banana farmer.

Ha said he would like to buy some of land that he farms under a long-term lease, but cannot afford to own all of it. Ha added that Continental has told him of its plans, to which he has no strong feelings.

Peter Kubota, another attorney representing the company previously known as Henderson Timberlands, said it is working closely with the Pepeekeo community to ensure fishing access across the land it bought from C. Brewer & Co. Ltd. for about \$17 million.

"We have the long-term benefit of the community in mind," he said.