

LAND USE COMMISSION

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

January 23, 1963 - 8:30 A.M.

Commissioners

Present:

Edward C. Bryan
Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Roger T. Williams

Absent:

Stanley C. Friel
Franklin Y. K. Sunn

Ex-Officio Members

Present:

Philip T. Chun

Absent:

E. H. Cook

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer (FO)
Roy Takiyama, Legal Counsel

The meeting was called to order by the Chairman.

ITEMS PENDING ACTION

PETITION OF JOE DRAKE, ET. AL. (A(T) 62-17), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR LAND IN LUALUALEI, WALANAE: Described as First Division, TMK 8-7-21: 13, 17-19, 21-25, 30, 32; 8-7-22: 2, 3, 5-11, 13-14, 19-29, 31, 32.

The XO reviewed the situation that now existed in this petition and briefly outlined the area. The XO added that additional information was given by Mr. Drake, at the Public Hearing on the night of 1/22/63, contrary to that reported by the City Planning Commission, for example: the number of dairies in the area. According to Mr. Drake there are no dairies in the area. Mr. Drake had also stated that the majority of the property owners (with the exception of one person who has stated he wished to farm, and two people who he was unable to contact in the area) are for this petition to change the temporary district boundaries from Agricultural to Urban. The XO stated that the Land Study Bureau has stated that the land is exposed to coral and very rocky; on the whole very poor for farming. It was also stated, on the night of 1/22/63, that the consultants'

recommendation for this area was for Agricultural, as indicated on the proposed final boundary maps.

Following a question directed to Commissioner Ige who replied he felt that the area should remain in an Agricultural classification, Commissioner Chun amended his motion for approval for "deferment for further consultation with the City Planning Commission;" seconded by Commissioner Ige.

Discussion: Chairman Bryan brought out the fact that there was only one property owner in the area who objected to the change of classification and that the rest of the property owners were for the change; that there were no farmers affected in this area; and that consideration should be given to this point.

Commissioner Kanemoto pointed out that consideration should also be given to the fact that, although the area was originally set aside for agriculture, practically all the people who are there now are not farmers, and the farmers were given an opportunity to acquire this land; so that he felt to continue deferring this thing since the majority of the people are using this land for homesteading instead of farming is unfair to these people; and that this Commission should take an action.

Commissioner Ige replied, "It is my understanding that quite a few of these people are raising a few animals and as long as you are raising a few animals you are, in a sense, in agriculture. If all these people cannot follow the strict Board of Health regulations, then they can make the improvements; and I see no reason why they cannot make the improvements even with the agricultural condition as it is. If they are going to keep raising a few animals, then I feel that until such time they are unable to raise any animals this area should be kept and remain in agriculture, for the simple reason that, should we urbanize this district, the next section would be the line next to the Urban district; and diversified agriculture as it is today is being taken away and the only way we can hold that diversified agricultural land is to hold areas like this. This is that gray area where you have one that is urban and also agriculture. Eventually, I grant you, it has to become Urban; but for the moment, while there is still some agriculture in there and some animals in there, I feel it should remain in agriculture, as it is not causing too much hardship to the people in the area."

The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Ige, Chun and Chairman Bryan. Disapproved: None.

PETITION BY COOKE TRUST COMPANY (A(T) 62-16), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR LAND IN KAUNAKAKAI, MOLOKAI: Described as Second Division, TMK 5-3-03: Por. 1.

The XO briefly outlined the petition, described the area involved; and reviewed the facts and circumstances brought out in the public hearing on this matter, held in Kaunakakai, Molokai, on November 19, 1962.

Commissioner Chun moved for approval of this petition; seconded by Commissioner Williams. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Ige, Chun and Chairman Bryan. Disapproved: None.

PETITION OF HAYSELDEN RANCH CO., LTD. (A(T) 62-18), FOR CHANGE IN TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR TWO PARCELS OF LAND LOCATED IN KAU, HAWAII: Described as Third Division, TMK 9-4-1: Por. 8; and 9-4-2: 3.

The XO briefly described the area and reviewed the circumstances involved in this petition.

Commissioner Chun stated that in an informal discussion held on the night of 1/22/63, it was agreed that this matter would be deferred for further consultation with the County as to what their subdivision rules and standards would be with respect to this subdivision in this area.

Commissioner Williams asked for the County Planning Commission and Board of Supervisors' recommendations. The XO stated that the Planning Commission recommended denial and the Board of Supervisors recommended for conditional approval. The XO stated that it is legally impossible to give conditional approval on a rezoning. He stated that the staff's recommendation was essentially for denial until ^{there} are sufficient rules and regulations in the subdivision and zoning ordinances in the County of Hawaii to administer such an area.

Commissioner Williams moved to defer action on this petition until a request to the County for a statement as to what their future zoning ordinance and subdivision ordinance to cover such a development is obtained, and that a copy of this letter of request be forwarded to the land owners involved; seconded by Commissioner Kanemoto. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Ige, Chun, and Chairman Bryan. Disapproved: None.

PETITION BY THE LAND USE COMMISSION (A(TR) 62-1), FOR AMENDMENT OF CERTAIN PORTIONS OF THE COMMISSION'S INTERIM REGULATION 2.1(b) AND 2.1(d) RELATING TO "AGRICULTURAL DISTRICTS."

The XO recommended adoption of the proposed regulations made by Harland Bartholomew and Associates, in addition to the proposed changes as drafted by the Land Use Commission, particularly that portion of HB&A's recommendation which allows single family dwellings in an agricultural district. The XO informed that the HB&A recommendation was brought out at all of the public hearings held in each county.

The Legal Counsel stated that, after reviewing the XO's recommendation, it was his opinion that to include that portion of the consultant's recommendation regarding single family dwellings would be in violation of Act 187, and recommended further clarification be made before it be adopted. He suggested that the Commission adopt only the proposed changes as drafted by the Land Use Commission, and suggested all other changes recommended by HB&A be handled separately as tentative hearings would be set up to hear these recommendations.

On this basis the XO changed his recommendation, for adoption of only the suggested changes as drafted by the Land Use Commission.

Commissioner Chun moved for adoption of the Interim Regulation changes as originally proposed and recommended by the XO; seconded by Commissioner Kanemoto. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Gregg, Ige, Chun, and Chairman Bryan. Disapproved: None.

PROGRESS REPORT ON PROPOSED FINAL DISTRICT MAPS

The XO informed the commissioners on the progress of the proposed final district maps and informed that public hearings could be set for the Islands of Kauai and Maui, as these maps would be ready in time for advertisement. Tentative schedule was set for the ending week of February or the beginning week of March.

ITEMS TO BE SET FOR HEARING

Pending applications before the Commission to be heard were presented by the FO. Commissioners agreed that these items should be heard and scheduled for hearing at the same time that the proposed final district maps for the Islands of Kauai and Maui would be heard, tentatively scheduled for the last week of February or the beginning week of March.

APPROVAL OF MINUTES

Approval of the minutes was deferred pending a report from the FO as to which minutes were still outstanding and needed approval.

COMMUNICATION

A letter received from the Conservation Council requesting a display or exhibit from the Land Use Commission for their conservation conference to be held on February 12, 1963, at the Princess Kaiulani Hotel was read.

The XO stated that an exhibit could be prepared, using existing materials; and that no office time would be used other than that needed to set the exhibit up. He asked permission to attend the conference.

The Commissioners were in agreement that an exhibit be put on display during this conference; and that the XO could attend the conference.

Meeting adjourned at 12:00 p.m.