

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

February 14, 1974 - 1:30 p.m.

Board Room  
Department of Land & Natural Resources  
Honolulu, Hawaii

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
James Carras  
Sunao Kido  
Shelley M. Mark  
Alexander J. Napier  
Mitsuo Oura  
Tanji Yamamura

*Adopted*  
APR 25 1974

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Gordan Furutani, Planner  
E. John McConnell, Deputy Attorney General  
Dora Horikawa, Clerk Reporter

In view of the attendance of a large number of students from the Political Science Class of Kapiolani Community College, Chairman Tangen offered a comprehensive review of the procedures involved in the public hearing and action meeting for a boundary amendment petition, i.e. presentation of testimony, justification for the requested change, staff analysis and recommendation, statutory time limitation, etc. He also explained that public hearings on the amendment to the Land Use Commission's Rules and Regulations on today's agenda had been held on each of the counties and that the Commission will act on the matter following a presentation of the report and recommendation by the staff.

Thereafter, all persons wishing to testify today were duly sworn in.

ADOPTION OF MINUTES

Upon motion by Vice Chairman Sakahashi, seconded by Commissioner Yamamura, the minutes of the meetings of November 28, 29, December 6, 7, 1973 were approved as circulated.

HEARING

PETITION BY DERIK LA BENZ (A73-372) TO RECLASSIFY 1 ACRE FROM AGRICULTURAL TO URBAN AT PAUMALU, KOOLAULOA, OAHU

The staff report relevant to the above petition was presented by Mr. Ah Sung Leong, staff planner. (See copy of report on file.)

It was also reported that subsequent to the writing of the report, a letter had been received from Mr. Young Suk Ko, Director of the City Department of Recreation, recommending that the petition be denied since the subject property lies directly in the center of an area proposed for park expansion. Mr. Ko further advised that urbanization of the property will result in added costs to the City at the time it initiates acquisition of the subject site for park purposes.

Mr. Derik La Benz, petitioner representing the landowners Alfred La Benz (deceased) and Ethel La Benz, referred to a statement on page 6 of the staff report and advised that the La Benzes no longer owned the 7.9-acre parcel located in Ahuimanu Valley which was sold in 1964.

In response to questions raised by the Commissioners, Mr. La Benz submitted as follows:

1. The boundary amendment was being sought for the purpose of subdividing the 1-acre parcel into 4 lots for the La Benz children.
2. Development of the lots will probably take place within the next 5 to 10 years, depending upon each child's financial ability to build. A daughter will build immediately upon reclassification and subdivision; petitioner will follow shortly with a residential dwelling; a 19-year old and another son, on disability, will not be able to build until some future date.
3. Petitioner was a resident manager of a small condominium in town and employed as a life insurance agent.
4. Petitioner was not aware of any park expansion program and had, in fact, rejected a request by Texaco for lease of the land for commercial purposes. Moreover, there were several new homes in the area built within the last 5 years. Mr. La Benz expressed interest in the time table for the park expansion and the fair market value of the land in the event of condemnation.

5. The present General Plan designated the subject site as residential. (Staff report indicated that the property was designated residential on the City's DLUM; however, General Plan amendment to park use ~~has been~~ <sup>will be</sup> initiated.)

Mr. Leong advised that agricultural activity was at a minimum in the area, and there was presently sufficient water to accommodate domestic needs. He further noted that the Chief Planning Officer of the city had recommended that the area be considered during the 5-year review.

Since there was no further testimony, the hearing on A73-372 was closed, and the Chairman advised that additional testimony will be accepted by the Commission within the next 15 days.

#### ACTION

#### AR&R-73-2 - AMENDMENT TO RULES AND REGULATIONS

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff memorandum recommending amendment of Section 2.351 (b) and (e) of the proposed amendments to Part II of the State Land Use District Regulations (see copy of report on file).

For the benefit of those present today, Chairman Tangen explained that, by legislative act, the Land Use Commission had been empowered to impose conditions on boundary amendment approvals which necessitated amendments to the Rules and Regulations of the Commission to clarify the procedures for implementing the provisions of Act 187-72. The legislative intent of this provision was to assure substantial compliance with representations made by the petitioner in seeking the boundary change, which shall run with the land and be recorded in the Bureau of Conveyances. Thus, should there be a change in ownership, the new land owner will be held to the representations made before the Commission at the time of reclassification.

Public hearings had been held in each of the 4 counties and a decision will be rendered on the recommendation before the Commission today.

In response to a point raised by Commissioner Mark, Mr. Fujimoto felt that the recommended substitution of the language in subsection (b) and (e) to the proposed amendments will place the Commission in a more favorable position to resolve some of the concerns expressed by the counties. Moreover, the Rules and Regulations will again be reviewed during the 5-year project and, in the meantime, the adoption of the proposed amendments will provide a procedural mechanism to impose conditions.

Commissioner Mark moved to approve the proposed amendments to the Rules and Regulations of the Land Use Commission as further amended by the staff. The motion was seconded by Commissioner Carras and unanimously carried.

Chairman Tangen thanked the students from the Kapiolani Community College for attending the meeting today and expressed his hope that it had provided some insight into the functions of the Land Use Commission. He also elaborated on the geographical and senatorial representations on the Commission.

Since there was no further business, the Chairman declared the meeting adjourned.