

STATE OF HAWAII
LAND USE COMMISSION

MINUTES OF MEETING

Board Room, County Building
Hilo, Hawaii

10:00 A.M. - March 19, 1965

Commissioners

Present:

Myron B. Thompson
Charles S. Ota
Goro Inaba
Shiro Nishimura
Robert G. Wenkam
Leslie E. L. Wung

Absent:

C.E.S. Burns
Jim P. Ferry
Shelley M. Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Gordon Soh, Associate Planner
Alberta Kai, Stenographer

Chairman Thompson called the meeting to order. Mr. Raymond Suefuji, Acting Planning Director, Hawaii Planning and Traffic Commission, presented a letter from the Honokaa Sugar Company to the Land Use Commission. The letter in essence sought the approval of the County for a subdivision development in the Honokaa area. The problem posed by the letter was whether County zoning or the Commission's districting was the applicable rule for the area. Mr. Suefuji stated that the County Attorney has advised that the County zoning for the Honokaa area prevailed over the district boundaries set by the Land Use Commission.

The legal counsel stated that this Commission could not advise the County on this matter. He stated, however, that the statutes are clear that the Land Use Law does prevail over the County's zone. At the suggestion of the Commission, both counsels for the State and County met to discuss this issue in a separate meeting. The legal counsel informed the Commission that there was a misunderstanding on the part of the Honokaa Sugar people. The County Attorney has no power to advise private individuals on matters of this nature. The County Attorney concurred with legal counsel's interpretation that the Land Use Commission's boundaries prevailed over the County's zoning. Mr. Suefuji stated that he would recommend to the Honokaa Sugar Company that they initiate a petition for a boundary change.

ADOPTION OF MINUTES

The minutes of 1/19/65 and 1/22/65 public hearings were accepted as circulated by the Commission with the correction to:

1/22/65 Minutes of Public Hearing, page 6, third paragraph:
"Haena" to read "Haina."

STAFF REQUIREMENTS

There were no new developments on the matter of filling staff requirements since the Commission's meeting on February 19, 1965.

Commissioner Ota suggested that since recruitment seems to be a problem, the possibility of reallocating staff position and of recruiting someone at a lower level, be explored. The Executive Officer stated that the Administration has considered this but encountered some difficulties.

It was the consensus of the Commission that the Chairman recommend to Dr. Mark reallocating the Planning Draftsman position in the Land Use Commission, or that the minimum qualifications for the Assistant Planner position be modified.

REQUEST TO ATTEND THE NINTH BIENNIAL WILDERNESS CONFERENCE FROM APRIL 2-4, 1965, IN SAN FRANCISCO

The Executive Officer reported that Dr. Mark has indicated to him that there are other conferences which would more appropriately relate to the function of the Commission, or which would be more beneficial to the Commission. The Executive Officer also reported Dr. Mark's reservations about commissioners attending this conference, but that he is considering the possibility of sending a staff member.

Commissioner Ota moved to table this request. Seconded by Commissioner Wung; the motion was carried unanimously.

NOVEMBER 5, 1964 MEETING WITH THE KAUAI PLANNING AND TRAFFIC COMMISSION, LIHUE, KAUAI

The Executive Officer reported that he has not been able to follow-up on those matters which were requested of him since their meeting on Kauai with the Kauai Planning & Traffic Commission in November of 1964.

The Commission deferred this matter indefinitely.

LEGISLATIONS TO AMEND ACT 205, SLH 1963 INTRODUCED IN THE LEGISLATURE

Chairman Thompson informed the Commission that he attended the legislative hearings by the House Lands Committee, on Wednesday, 3/17/65,

at 8:30 a.m., in the Schuman Carriage Building. He stated that as directed by the Commission at its last meeting, he testified against House Bills 82 and 84. House Bill 82 proposes to transfer the special permit function of the Land Use Commission to the County, and House Bill 84 proposes to add all County Planning Directors to the Land Use Commission as ex-officio voting members. House Bill 82 was opposed on the basis that the power to zone should be exercised by the State; that one of the tools to implement the General Plan is State zoning; and that State zoning is necessary to consider comprehensive state planning aspects - economics, land use patterns, and the fiscal programming of the State. House Bill 84 was opposed on the bases that lay membership would be diluted by adding planning technicians; that the commission would become overly burdened with a total of 13 members; and that County planning directors would be overly taxed with this added responsibility. Chairman Thompson informed the House Lands Committee that the Administration has introduced a Bill similar to H.B. 84 which would include the County Planning Directors on the Board of Planning and Economic Development. He informed the Commission that the Honolulu Chamber of Commerce, the Outdoor Circle, and the Farm Bureau spoke in opposition of House Bills 82 and 84.

Chairman Thompson reminded the Commission that at their last meeting, the Commission went on record supporting Section 1 of S.B. 262 and advised that since that meeting, further study of Section 1 of S.B. 262 indicated that this provision was not necessary. He advised that Chapter 98H-5 of Act 205 already makes this provision. Section 1a of S.B. 262 would permit Counties to establish, from time to time, the minimum lot size in Agricultural Districts, and Section 1b of S.B. 262 would permit Counties to establish minimum lot sizes in Rural Districts. Commissioner Wenkam suggested that a ruling be obtained from the Attorney General's Office for an interpretation on Chapter 98H-5 of Act 205 to find out whether this Chapter does provide what is being proposed in Section 1a and 1b of S.B. 262, or whether it does not.

A discussion was held on this subject. The Commission agreed not to support Section 1 of S.B. 262 because there was a confusion in the Law. The Commission was in favor of the Counties increasing their minimum lot sizes, but were against their lowering the lot sizes to what is already stipulated in the Law and the Commission's regulations. It was the consensus of the Commission that Section 1 of S.B. 262 did not appear necessary since the Counties did appear to have the right to increase their minimum lot sizes. However, the Commission agreed to check this out with the Attorney General's Office, and obtain an opinion from this office.

The Executive Officer reported that the Commission's proposed amendment to Section 98H-4, Revised Laws of Hawaii 1955, as amended, has been processed by the Administration for introduction in the Legislature.

COMMUNICATION

The Executive Officer presented to the Commission a letter dated March 8, 1965, from Alfred Preis to Representative Philip P. Minn on House Bill 4, relating to taxation of lands in urban districts dedicated for landscaping, open spaces, public recreation and such similar uses (letter on file). The Commission, in giving its support to the intent of this legislation, expressed concern that it may be difficult to administer such a law.

TENTATIVE SCHEDULE FOR APRIL 9, 1965

The Commission approved the schedule set for Kauai on April 9, 1965 for the Commission's next meeting.

CONSERVATION COUNCIL CONFERENCE ON MARCH 20, 1965

The Executive Officer informed the Commission that the purchase order covering the conference fee for the Commissioners to attend the Conservation Council Conference on March 20, 1965, at the Princess Kaiulani Hotel has been mailed to the Conservation Council.

The meeting was adjourned at 12:00 noon.