

April 24, 1974 - 2:00 p.m.

Conference Room 314
State Capitol

Commissioners Present: Eddie Tangen
Stanley Sakahashi
James Carras
Sunao Kido
Alexander Napier
Mitsuo Oura
Tanji Yamamura

Commissioner Absent: Shelley Mark

Staff Present: Tatsuo Fujimoto
Ah Sung Leong
Gordan Furutani
John McConnell
Dora Horikawa

Consultants Present: James Yamamoto
Yutaka Ishii
Bill Eads

Tats announced that all of the Commissioners will be attending 1974 Hawaii Congress of Planning Officials scheduled in June at the Sheraton Waikiki Hotel, and passed out pertinent information.

Eddie advised that during today's meeting there will be a discussion of the boundary review, particularly as it affects legal matters, and noted that John McConnell was present today to advise the Commission on legal matters.

During the 25 minutes or so available before the swearing-in ceremonies for Stan and Tanji, Eddie suggested that Jimmy present his summary of the review. However, upon Jimmy's recommendation,

the Commissioners paused to read through the draft copy of the "Summary of the Second Boundary Review to Date" which had been submitted by the consultants.

Thereafter, Jimmy prefaced his presentation with the statement that they had tried to put the whole review project in a neat package so that the Commission would get a cross-sectional view of where they were at and where they were going, and to offer some of the findings that the consultants have been coming up with.

Initially it was the consultant's understanding that the review would take a little different approach, that they would not look specifically at petitions or potential petitions, but would look at more fundamental kinds of issues--such as what would be an appropriate role for the LUC, what are some of the contemporary problems relating^{to} the Land Use Law and its application, and some of the basic regulatory relationships between the LUC and other agencies, and the counties especially.

It had been found that the Land Use game was quite different today. Federal statutes such as air and water pollution regulations are slowly coming into play; new state regulations with respect to discharge, unified collection treatment facility, etc.; are changing the complexion of the LUC. With that setting in mind, the consultants tried to put project objectives in a framework that related to what is going on in Hawaii, and specifically dealt with 5 kinds of objectives. These in turn were translated into review products to formulate an interim LUC policy assumptions and guidelines to

set the land use policy in context with other state policies. The next objective was to formulate a statewide strategy for land planning and management. The third was to alter the existing land planning and management system to assist in implementing the basic purpose of the Land Use Commission. Fourth, to improve process of decision-making by the LUC. Fifth, development of a better administrative practices of the LUC.

(See Draft of SUMMARY OF THE SECOND BOUNDARY REVIEW TO DATE which Jimmy covered)

ET Let me start off with some of the problems that I think some of the others have too. Before you go into point by point and specific recommendations. Perhaps, I don't understand this. I have a serious problem here in equating some of these--intention of the boundary review.

Way back, we had a lot of discussion about the 1974 review and there was agreement that it should be a better and different kind of review than 1969--rather than just reacting to petitions, to go further and decide what we can do to establish some guidelines for the benefit of the Commission, so that when we get to the boundary review where we are actually changing some boundaries, that we would have some guidelines to go by. We discussed conducting the review in terms of boundary changes on a regional basis so that we could have a complete look at the entire region, which are now or in the future become petitions for action of one

kind or another. That would include changing R&R to fit in.

A lot of good information has been gathered to help out. The whole question of the Commission basically in looking at petitions, as you said Jimmy at the outset, that the review should not take planning focus but management of land. As far as I can see, we are faced with conducting a boundary review and we have discouraged petitions so that we could devote full time and to get disclosure from landowners and developers as to what they intended to do and what they have in mind. Also to find out from the counties what problems they had and how they looked at some of these things so when we get down to putting in some guidelines, we would be able to come to some conclusions. In a couple of cases, the whole matter of the problem of water--regional and islandwide basis--came into play, where we should have some guidelines before we start to do something.

My concern is that there are time constraints as to how far down the line we go with this part, and also whether or not the concept that the consultants have is a concept that we're going to put in practice and effect.

Lot of things in here have been stated by others. When we get to some of the findings or suggestions or recommendations of what should happen with relationship with counties, legislative action, changing the statutes; I think they do not properly belong here. We can at least make some recommendations as a result of this study, how things should occur. During time of study it's very

unlikely we're going to reach agreement--land management, etc. Anyone who has spent time here last few months in the legislature knows. We had legislation to take care of some of these things. We will end up at the end of the year without anything we can get ahold of and how we can do some of the things mentioned here.

Existing statutes are not being implemented, not used sufficiently. Maybe we ought to take a look at that. Most of the things we can do now, in terms of conditions. The whole matter of negotiating with landowners, we went through that matter legally--just what role we can play as negotiator.

Seems to me we're going to have to get into some decision on the letters of intent pretty quickly. This session and tomorrow--what the role of this Commission is going to be under the existing law and existing relationships that we have. Matter of more input from sister agencies--they can go in more depth. That might very well be an improvement and perhaps one of the sister agency will see some of the problems that the other also sees.

I'm not so sure it's an adequate description that the Commission should be a resolver of conflicts among the other agencies. Some other way to get them to function--some other system. Maybe we should concentrate on that. We have experienced this--HHA says we have to have more housing--Ag says park--DOE says this is an ideal spot to put in school--DOT says if you do that the roads are jammed up. That's the kind of system.

There isn't going to be any amendments to the Land Use Law at the end of the year when this review is scheduled to be completed. We ought to discuss this concept of getting guidelines. My understanding is that we're going to develop some land use guidance policies and apply those policies to petitions when we get down to doing physical boundary review of changing boundaries. I think probably we ought to get that part squared off first and further clarification of what some of these things mean and some of the recommendations to be carried out.

I would like to have some response from the commissioners-- whether or not it was their thinking also that we would develop some policies and apply those policies to changing some boundaries during the review and doing it on a regional basis.

One example: On Maui, for example, there is an area that has now worked out some water problem to be able to take care of what they expect, what they understand is practically on the books for some urban type development in a particular area that the county is looking at. It could happen that a petitioner 5 miles away has a good petition and justifies the petition. But if he comes in he's going to take that water away from the expansion that was planned. One of the reasons for regional concept.

We know what's going on in Central Oahu. Something is going to happen out there. I would like to hear from the other commissioners if they share this kind of feeling I have. Many things in here are very good but I'm concerned about the time. How we're actually going to face the boundary review.

AN This thing just about revises the whole present setup.
Et Substantially.

AN Practically starting with a new land use policy.

ET That's the way I look at it. Here we have a lot of things we can talk about but not be able to do. Sharing with counties is a good idea. But we couldn't get 5% from them--they want 102% in any of the legislation we had. It's fine, but it's not going to happen. As far as they're concerned, they can do away with LUC.

AN Doesn't this give them more power than we want them to have? On page 2, improvement of land use decisionmaking process, improvement of opportunities for citizen participation. What would you improve on land use decisionmaking process.

JY That happens to be in your application for 701 assistance. Gives an example of improvement of process. In the past everyone agreed that each petition was viewed on its merits without placing it in regional concept. Improvement by placing that in regional concept and applying state guidance policy. Conflict of the DOE, parks, transportation, shopping center. I think Kawainui is very interesting in regional concept. Should it be wetland, open space, should it be a park, should it be a shopping center--that's the kind of conflict. There is no policy or mechanism or procedure by which you can resolve these conflicts.

AN Does that come under our jurisdiction?

JY I think it does. If a guy comes in for C to U and gives market report--I'm willing to spend Xmillion dollars, and he has

a consultant's report that says it will do this--community center will employ large number of individuals, the LUC is forced to make decision based on merits of proposal.

ET Is it your thinking that we're going to proceed with this review and recommendations will be made for changes in R&R, and assuming they're adopted by Commission, we would then go into acting on these petitions?

JY That's right.

TF Let me state something here which can clarify commission's thinking. I think the commission is thinking, at least is expecting, that once the 5-year review is done, we will be getting a document or recommendation from the consultant; that certain urban lands, certain changes on urban growth would occur within this period up to December, 1974. However, from discussion with you and, correct me if I'm wrong, you are not recommending that--you are recommending that we get so-called growth vector without any spatial dimensions, and within the interim from 1974 to next 5 years, the petitioners in this growth vector can come to the LUC and petition the LUC for change. This is a big change of concept. I think this is something that you should make clear to the commission at this point--whether this is the way in which you are moving. If you say yes we are going to make decisions on boundary changes, and you proceed in a growth vector process, it may be another year before there will be any boundary change. If you say within this period of review,

recommendations of growth will be in form of urban district change-- in this paper and discussion with you, that's not the case. This is one of the major difficulties.

The other point that should be cleared is that of the idea that the LUC is not a planning body or a zoning body but a management body. I don't think this concept of role of management is clearly understood by the commission. For one thing, another major point is land trust. The idea of management role, I don't think commission understands that policy guidelines will be a set of compilation of existing policies within agencies. I think commission feels you will analyze this, including some private policies, and make an analytic process in which that would be converted to a regional area such as Central Oahu in determining where growth will be. I don't think they're expecting the kind of concept of conflict resolution in this interim procedure, and that changes will occur not during the review but after the review. Big gap in the commission's view--in this review growth will be identified and a system will be set up. The LUC will have leverage to implement changes. This gap is there and they have to make a decision as to how they want to move.

SS Eddie, Tats and Alex pretty well pointed out what was in my mind. All it amounts--these 2 or 3 meetings--is just a bowl of confusion. I don't know which way we're going. All I expected from the consultants was that they present something we can act on.

You're floundering around legislative matters which we can't even act on right now. Eddie says maybe we should act within the statutes and devise something we can act on. Procedural matters or some guidelines that we're going by. Let's go by that.

Another thing. On page 9, 43% of residents feel that the island on which they live has too many people. I would like to know where this thing was taken so I can better interpret percentages.

JY On Kauai, Maui, big island and Oahu. Statewide total. 80% live on this island. It doesn't say 43% on each island. We'll give you a breakdown by islands.

JC What is our role? Change uses from ag to urban, that sort of thing. Is that still to be our role, or are we in a management business?

SS We are in the management area only to the extent that we can put conditions on the land. That's the only area we can go into management.

JC The state owns so much land. This is an area that can be controlled and developed through this trust.

ET That's DLNR. I think that needs little more clarification-- what it means. As far as recommendations, maybe to the next session of the legislature. But during this boundary review, some of these things are fine but I'm concerned if we keep moving on this track. Lot of good ideas which we cannot activate. We're still bound by this law and we got to start zeroing in what we can

do to make some changes--how can we change R&R. What kind of policies and guidelines can we get in this review so that we can then go to amend R&R and then apply those new R&R to those petitions sitting in the office.

TF I think the commission thinks that your process is one of going through petition and coming out with whether petition should be urbanized. But yours is a process of screening policy, of growth areas, different environmental maps, service maps--you're suggesting in the interim that process should be applied statewide and come up with areas you think, through this system of analysis, should be urbanized. I don't think they're expecting there's no urban district. The LUC by getting leverage should not urbanize areas, but through petition they can negotiate this land trust idea or dedication of land. I think the commission expects this process to be implemented by December. We should get a comment from you regarding this.

ET You said the way I feel. For example, I mentioned Central Oahu before. We have met with all the major landowners in that whole area and the developers, and said you guys lay out exactly what you intend to do and what you want to do. They have petitions in. All kinds of problems. Roads, water, particularly schools, public services. It was my idea in this regional approach--okay now we have a chance to put this whole thing together and say this one fits in here and when that comes in it's going to affect XYZ. We have to take action on what Campbell, Bishop Estate,

Castle and Cooke want to do.

What Tats says generally sums up what we're thinking. We're not going to act on Campbell alone but take whole region and do same thing in other areas. We have talked to all these people and they have laid their plans pretty candidly and we're going to have to act and make some decisions. I think Tats is right. How do you feel? Are we on the track?

TF Even on products, I don't see any boundary designations. So I'm assuming that you're not coming up with anything like that. Commission wants to know whether you are intending to do that. Or even whether there's still some alternative within the system you're working--if something like that can happen. You have to be candid, whether you're really going to do that or not. Otherwise nothing will happen and it will be too late when the Commission wants to take action. Consultant's report may come up and it may be too late.

AN Are you saying consultants making all the recommendations on boundary changes?

TF The way I know at this point. Jimmy will not make any recommendation for boundary change. It's a procedurally-oriented kind of project that they're leaning toward--they'll come up with long-range goals and interim ways or better system LUC can work under. But the whole concept of changing agricultural to urban is not the way to do it, according to Jimmy. They're going into the

concept of directing growth, not even having a scale of growth, not even having a geographic scale like 1,000 acres. The direction of growth from economic and population projections for the City and County of Honolulu is X for next 10 years so that LUC has leverage in terms of making development occur. They're giving this system by giving growth vector. They're saying this is the movement of urbanization.

I'm telling Jimmy the Commission is expecting, in the 5-year review period, that if the growth area is here, that we're going to have X number of acres. This is what the Commission expects. I'm wondering, whether in Jimmy's viewpoint, he can direct his study to make sure that these things can occur in this manner, or state that it's not necessary and, if so, why and give us some rationale for not urbanizing. Although he did spell out in this summary, Jimmy should really clarify this point with you.

AN The old method we went through--we eliminate all the outside area, this area will stay same, there's a petition here and we're going to take action--we discuss this particular area.

ET I think it follows those lines. Here's where I think we're off the track. We have petitions before us now. It was my thinking and all of ours that one of the things to come out of this review. Central Oahu, we know what they want and what kinds of effects it's going to have. Should an area be urbanized? We have to act on it to tie in all together to know what's going to be created if all these things happen--problems, social-economic and otherwise.

We have actual things in front of us. We don't have to guess.

TF Question to Jimmy is we know there's an intent from Central Oahu owners. Are you going to, in a system developed, come up and say that no all of this area will stay or certain changes will occur? The way I know it today, such a thing will not occur. Instead, it will occur in terms of growth direction and after December, people will come up within this growth directed area to petition the LUC so LUC will have leverage to negotiate and to place conditions. I think this is one area the Commission needs to get real clear understanding so that later on they may not be in a position to say I didn't know this was going to happen.

JY Let me go to the wall and illustrate the idea. The idea was that there would be 3 planning tools that the LUC would use:

1. Policies guidance - These are state/county policies
2. Assessment criteria - LUC policies with state agency policies
3. Population growth - desired population growth and distribution - county/state policies

The first Land Use Law in 1961 gave you some guidelines with respect to some ecological concerns. Each county has a general plan. The idea that you would apply in the petition process, each of these sets of policies and the idea that the LUC wants to impose certain conditions and idea of incremental districting.

In the 5-year review, it's a little different. For example, if the existing boundary is here and you want to increase in 1974/79.

If you were to designate this, the question comes up--how would you apply conditions and how would you enforce these conditions since you have no control if you designated urban. How does the private owner become party to these conditions? Are we going to rely on existing system where county will enforce this and act as state agency to enforce state conditions? Or do you want a different system?

It would look like this. This is the first increment, second increment, but you will not designate that until the private party comes to the LUC and agrees on conditions and conditions are placed.

SS What I want to know. How are we to know this is logical without you telling us why we should do this?

JY We would apply these 3 policies--policy guidance, assessment criteria, population growth. We will do it. We will give you on the maps.

TF Jimmy is saying that the option he is taking there is no urban action. That may be only a diagrammatical concept. It doesn't have a scale to it.

ET Will you be coming to us with some findings and recommendations as to what should happen on the present petitions that we have on Central Oahu.

JY Yeah.

SS In other words, you will come with a plan like a general plan?

JY These 3 instruments will give you a policy direction.

SS If anybody should get ahold of this, he'll sit back and he won't give an inch.

ET We can put any conditions. Are you talking about recommendations of findings that it should be urbanized. For example, Campbell, Bishop Estate, etc. They have plans for urban development. Are you going to say yes, you're going to come up---

JY Let me give you an illustration here. Let us say this is the existing Urban District. This is the growth area based on population thing. Let's say this is petitioner A, this is petitioner B and this is petitioner C. Under C it's outside. So we're telling petitioner C we are not even going to consider because it is against 3 basic policies. It doesn't say that you will not consider it at some future date. But we're going to entertain A & B but we're not going to give everything to A & B.

TF Under your recommendation, by December of 1974 they're not going to be urbanized?

JY That's right.

ET You're saying we'll just determine what meets criteria for future growth area and not taking any action, but to say to petitioner that's where we decided growth will be and some time between 1974/79 you can petition commission.

JY That's right.

ET That makes a lot of difference.

JY It would be very difficult to impose conditions and make conditions if you were to take on your initiative and urbanize.

ET I don't know why we can't impose conditions providing designation is null and void unless they do certain things. We get

Castle and Cooke and Mililani to trade off so we can get agricultural park here. Do you feel that the commission could not impose conditions? We tell them, look, it's being approved provided you do certain things. Of course, we can.

Maybe what Jimmy is saying--he now has plans and intent to use property for the greater part of Central Oahu. He assumes as information what is the future of ag for Central Oahu, what is water in Central Oahu. And if these intentions are carried out, what is the capacity for education? We got state major road alignments. How these present plans people have fit into criteria. Then, okay we'll give you 600 acres on this basis--however, first you're going to provide water for these property owners.

JY I think there is an assumption that all property owners who filed letters of intent have sufficient plans. I'm not sure all petitioners are in this state of planning.

ET Once we determine criteria, we can impose conditions.

JY The process of putting general conditions. You will dedicate certain portion of land. The key here is where these sites are. If you want to guide growth on a site--specific area or a generalized area? We raised that question. What do you mean by guidance? Law says you're going to guide urbanization. The best way to do it is incrementally, put some conditions and incrementally change as they perform.

ET If I understand what you're saying, we would differ in some cases--conceptual approval. But in Central Oahu very little can

JY I think you can do that.

TF Question is are you willing to do that for LUC during the 5-year review?

JY If you're going to place conditions. We can do that.

ET At what stage of the game, for example, Central Oahu, can you get into that one and be able to report to us how their plans meet the criteria or do not, and what the impact is going to be for the whole area?

JY Our schedule is, by August we should have all the maps ready and we will be able to assess all the letters of intent.

ET I think we got that part cleared up.

TF I want to ask Jimmy again.

JY We'll put it in writing.

SS The policy guidelines. Not only for boundary review but for the boundary changes.

SK What is the time schedule? Within what time frame can we do it?

TF We're suggesting that assuming he comes in by August with this kind of proposal. By August, the LUC has to get into position that they accept the kind of recommendation that Jimmy is coming up delineating the Urban District with certain recommended conditions to be imposed. At the latest by August 15, and that set of proposal accepted by the LUC will go out for public meeting for feedback by the public. So assuming that we get it August 15. Quickly, we have to get to workshop session. The latest was some time in October for the public hearing on final proposal, and LUC to act by December 13.

Jimmy, this is one condition that the commission will never let go in terms of 5-year process. By December 1 or thereabouts, action on boundary changes will take place so you have to work back. Final adoption of statewide boundaries have to occur December 1--no way out.

We're committed to the public. We're going to public on policy guidelines. Even at this point, we don't know what it is. So this kind of thing have to be cleared up by tomorrow.

SK When consultant comes in August 15 with their proposal--the assumption I hope is not that the commission is going to accept the recommendation in total. We receive that in August from the consultant. That in itself doesn't mean that the commission accepts in total the recommendation. What I'm saying is, at the point we receive, maybe there are a few changes we want to make before we take to public hearing for input. Will we have time before scheduling public hearing and time we receive consultant's report?

ET Do the thing backwards--final adoption and start moving back and see what kind of scheduling we have to have.

TF August 15 will be absolute outer limits for you to come in with recommendation.

JY We're saying, by July all technical work will be pau. We won't create any new information after July.

TF Jimmy is saying, at the workshop they're going to expose to the public the longterm goals.

SS We're going to be discussing this thing pro and con?

ET We've got to make some decisions on what we're going to do when we go out to public. Pin it down. We've got to get out to community workshops.

SS If we have policy guidelines, we can. We have told them we want policy guidelines.

TF You have to think about whether you accept long-range goals and whether you want to take this to the public. You'd better be sure.