

LAND USE COMMISSION MEETING

April 25, 1974 - 1:30 p.m.

Attorney General's Conference Room

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

Commissioners Absent: Sunao Kido
Shelley Mark

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

MEETING SCHEDULE

May 15, 1974 - Send Rules and Regs to Counties
July 15-22, 1974 - Public Hearings on Rules and Regs
August 15, 1974 - Send boundary change maps to Counties
September 5, 1974 - Final Action on Rules and Regs
October 14-21, 1974 - Hearings on Boundary Changes
December 6 -13, 1974 - Final Action on Boundaries on all
Islands

WORKSHOP MEETINGS

Eddie felt it was not necessary to conduct workshop meetings. Instead these should be called community association meetings that would not involve the whole Commission--only those who are able to attend. Basically, Eddie, Tats and Jimmy.
Commissioners of the respective counties

TIME REQUIREMENT RE -5-YEAR REVIEW

John advised that the statutes state in conducting the 5-year review, the assistance of the appropriate county shall be secured so there has to be county input. However, the statutes do not have specific requirement for county input in the manner that it does for boundary petitions. Tats asked whether the former could be applied to the Rules and Regs, but John felt it was a little harder on the Rules and Regs.

ACTION MEETINGS

Question as to whether Action meetings should be held in all Counties:
Tanji observed that discussions were not allowed during the action meetings. Tats cited an ^{example} instance where 1,000 acres were proposed by the LUC for urban, but after the testimonies at the hearing, only 200 acres were decided for urbanization. Eddie felt the Commission was empowered to reduce acreage.

Tats suggested action on boundary changes take place in the respective counties. Eddie agreed this was a good idea as it would enable the Commission/^{to explain}the reasons and rationale for its actions.

CONCEPT OF RULES AND REGULATIONS

Eddie announced that a sub-committee of Alex, Tats, Sunao, John and Eddie will meet to work up a rough draft of the Rules and Regs, after which the Commission will meet to make a final decision.

Consultant will prepare 2 sets of recommendations to the Rules

and Regs:

1. One that the Commission can live with now, administered by the 3 staff members.
2. One that will come from administrative recommendations by adding more staff to put these things into effect.

(He will have these ready by Monday, April 29, 1974)

Long-Range versus Short-term Concept

Eddie said the long-range concept could only be implemented through legislative action. He felt the Rules and Regs should be built around the short-term idea and all of the Commissioners concurred. It was decided that the long-range idea will be incorporated in the consultant's technical report.

Planning Tools or Policy Guidelines

Jimmy explained that he was talking in terms of 3 kinds of planning tools that will assist the commission in making determinations about designations:

1. Assessment Criteria (regional criteria)
2. Environmental Areas - These will be screened--soil, wetland, tsunami zones, etc.
3. County's policies

These items will be identified.

Jimmy explained what to look for in reviewing petitions--soil condition, flood zone, drainageway, water recharge areas, public services, etc., and specify the criteria the Commission will have to look at relative to petitions.

Regional Criteria

Jimmy elaborated that this will be a design thing to prevent scattered growth. It may be a growth criteria. Maybe more clustering should be considered. When you establish regional criteria, you're establishing planning criteria that is in the State's interest--for example designating tourist designation areas.

This will not be in the Rules and Regs but will be developed for each island.

Policy Guide

Jimmy was not sure policy guide should be in the Rules and Regs because the Commission has no control since they come from DPED, DOT, DOH, DOA, etc. But these are applied in the Commission's deliberation.

Referral Process

Commission will apply policies guide to the petition such as the environmental criteria. You refer these to the counties and other relevant state agencies. But before you refer them, you apply these criteria and raise questions. The proposed amendments to the Rules and Regs will say that petitions are referred to relative state and county agencies.

Tats expressed his opinion that Jimmy was making this more formal by spelling it out in the Rules and Regs--that we submit petitions to the counties ^{+ affected agencies} ~~not only~~ for their comments but ^{this proposal will} also ~~to~~ advise them how our policy guides will apply and our feelings on the matter.

Eddie observed that even if we make it mandatory on the Commission to refer all the petitions to the different agencies, we cannot make it mandatory that they return their comments to us. This has to be done statutorilly.

Eddie raised grave concern over staff's ability to assess all the environmental concerns of a particular petition or properly apply regional criteria within 5 days. He wondered what staff was going to say to the counties other than that the Commission was very interested in environmental concerns.

Jimmy explained that staff could use the 3 policy guides, that this was a systematic checklist. For example, staff could say that the State's interest with respect to an area is a, b, c, and the State's policy is 1, 2, 3, and given that context, how does this relate to the county's concern. The state policy would simply be a compilation of existing policies.

Eddie argued that nowhere was there any policy available for the DOA, DOT, etc. Jimmy said this will force the agencies to come up with policies and at least it was a start. Eddie replied that there was no way this Commission was going to force the different agencies to come up with policies. Also, this was entirely different from saying that there were policies. Jimmy advised that general policy statements were available--that these departments are supposed to have policies stating what they are doing.

Tats cited a policy statement in the agricultural area. He

explained that Jimmy will come up with a section in his technical report which will show the different state programs and policies, either formal or informal, related to land use functions. He is not going to establish a statewide policy from these sets of policies--he is merely going to identify these.

Tats elaborated further on the mapping system of historic site, parks, etc. which will be applied to petitions to get a quick look at what things are pertinent. Then the staff will write to the departments and say, according to our analysis, these are the kinds of questions we raise in relation to your policies and what kind of impact do you see? We do it now but not in a systematic way.

Statement of Facts

Jimmy stated that prior to the public hearing, the staff will issue a statement of facts to the relevant public agencies, petitioner and the public.

Tats added that this was a modification of our staff report. The staff report will be distributed prior to the public hearing, stating the findings and basis of the public hearing.

Jimmy added that this will be done 2 weeks prior to the hearing. A description and some of the implications.

Eddie protested that every representative, senator and politically motivated, councilman/will come in. John felt a community debate was desirable. Eddie still felt that he didn't want to encourage this any more than necessary.

Jimmy advised that the statewide survey indicated 92% of all people interviewed never discussed environmental matter with their friends, and that they will be educated from dissemination of information.

Items to be included in the Rules and Regulations:

1. Environmental Criteria
2. Referral
3. Statement of Facts
4. Standing
5. Incremental and Conditional Approval
6. Disclosure re petition
7. Annual Reporting
8. Dedication
9. Special Permits
10. Fees and Enforcement

Standing

John didn't know how Jimmy was proposing to handle the question of standing in the Rules and Regs. The Circuit Court has ruled that anybody who can show he is affected by the boundary change has standing. The courts will fight the Commission on this because the feeling is that they want public to get more involved. Our position could be incorporated in the Rules and Regs. Present rules say "any interested person". At least that removes the problem of going to court and arguing this point.

Eddie directed John to come up with the appropriate language.

Incremental and Conditional Approval

Jimmy explained that the petitioner should elaborate on the market, housing, financing, what they propose to do.

Annual Reporting

Status report of what petitioner is doing with the land.

Dedication

Clarify dedication. Land for public purpose, housing, park, etc.

Special Permits

Clarify spot-zoning aspect.

GUIDANCE POLICY

Tats suggested that the Commission take a dry run to see how this concept works, to avoid confusion at a later date when this concept is finally developed and the Commission has to analyze this in a substantive way.