

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

May 5, 1973 - 10:00 a.m.

Lanai High & Elementary School
Lanai City, Lanai

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Alexander Napier
Sunao Kido
Shelley M. Mark
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Approved
AUG 3 1973

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Benjamin Matsubara, Deputy Attorney General
Dora Horikawa, Clerk Reporter

ACTION

PETITION BY LANAI COMPANY (A72-349) TO AMEND THE LAND USE DISTRICT BOUNDARIES ON THE ISLAND OF LANAI

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff memorandum recommending the reclassification of a total of 1,160 acres into the Urban and Rural Districts (see copy of report on file).

For the benefit of the Commissioners and residents in attendance, Mr. Fujimoto reviewed in detail the existing Land Use District Boundaries on Lanai, and the land use changes requested by the petitioner, with the aid of the posted maps.

Mr. Fujimoto further noted that the status of the General Plan amendment for Lanai as reported by Dr. Marland of the Office of Environmental Quality Control on pages 4 and 5 of the staff memo was inaccurate, in that the amendment had been adopted by the Maui Council prior to the date of the public hearing on February 16, 1973.

Commissioner Sakahashi called attention to another statement by Dr. Marland claiming that 22,340 acres were being requested for urbanization from the Conservation District, when in fact the request was for reclassification of 1,600 acres into the Urban District.

Chairman Inaba called for a 10-minute recess as requested by Vice Chairman Tangen to evaluate certain matters pertinent to the petition.

On behalf of Life of the Land, Mr. Dennis Hokama, former resident of Lanai, requested a response to two questions which had been raised during the public hearing by Life of the Land, as follows:

1. An environmental impact statement from the petitioner as mandated by the Governor's Executive Order.
2. The validity of the action of 3 members of the Land Use Commission whose terms have expired.

Mr. Fujimoto advised that the terms of only two members have expired, and not three, as alleged by Life of the Land.

Deputy Attorney General Benjamin Matsubara responded to the request from Life of the Land in the following manner:

1. The question of the requirement for an environmental impact statement as mandated by the Executive Order had been raised during the deliberation of several other petitions before the Commission. He reiterated his earlier opinion, which the Commission had accepted, that the Executive Order applied only to projects involving state funds or state lands, and since these two factors were not present in the subject petition, he deemed that the Executive Order did not apply in this instance.
2. Regarding the legality of the two Commission members who were serving beyond their terms, the matter was presently being studied by the Attorney General and Mr. Matsubara was unable to give a definitive answer at this time.

Commissioner Yamamura moved to approve the petition as submitted by the petitioner; including all representations made by the petitioner in documents filed with the Commission and oral representations and statements made at the public hearing. The motion was seconded by Commissioner Napier.

Vice Chairman Tangen observed that a valid question had been raised by the staff in terms of whether the request by Lanai Company should be considered during the 5-year boundary review which will be conducted very shortly. He maintained it was his position that the Commission should vote favorably on the foregoing motion with the clear understanding that the matter will be under close scrutiny during the 5-year boundary review and at all times thereafter to assure that the interests of the state were being properly served, and that if it proved otherwise the Commission will initiate a petition, upon its own motion, to downzone the property.

Chairman Inaba called on the Executive Officer to poll the Commissioners and the votes are recorded as follows:

Ayes: Commissioner Yamamura, Vice Chairman Tangen,
Commissioners Napier, Sakahashi, Kido, Wung,
Chairman Inaba

Nay: Commissioner Mark

The motion was carried.

The meeting was adjourned by the Chairman.