

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

S. W. King Intermediate School Cafeteria
Kaneohe, Oahu

APPROVED
AUG 6 1971

May 7, 1971 - 7 p.m.

Commissioners Present: Goro Inaba, Chairman Pro Tempore
Stanley Sakahashi
Sunao Kido
Shelley Mark
Eddie Tangen

Commissioners Absent: Alexander Napier
Leslie Wung
Tanji Yamamura

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

Chairman Inaba called the meeting to order and swore in persons wishing to testify before the Commission. He then introduced the new Executive Officer, Tatsuo Fujimoto.

HEARINGS

PETITION BY POLYNESIAN CULTURAL CENTER (A71-281) TO RECLASSIFY APPROXIMATELY 7 ACRES FROM AGRICULTURAL TO URBAN AT LAIE, OAHU

Mr. Leong, staff planner, presented the staff report (see copy on file).

Mr. Hardisty, the petitioner, testified that the staff report had adequately stated the situation of the Cultural Center and added that his facilities at the Polynesian Cultural Center are presently too small to accommodate the increase in visitors.

In answer to Commissioner Tangen's question regarding the nearby quarry and crushing operation as a possible problem, Mr. Hardisty stated that the operation will be moved to another location in about a year.

Mrs. Michelle Wilde testified that she represented the Kaaawa Community Association and wished to go on record as being opposed to this petition. Mrs. Wilde indicated that urbanization has increased the problems of polluted water, traffic congestion, inadequate police and fire protection and presented data regarding traffic accidents and deaths.

Chairman Inaba closed the public hearing shortly thereafter and advised that the Commission will receive additional written testimony within 15 days after the hearing.

PETITION BY WADCO, INC. (A70-266) TO RECLASSIFY APPROXIMATELY 11.2 ACRES FROM CONSERVATION TO URBAN AT KAHALUU, KOOLAUPOKO, OAHU

The staff planner referred to a letter dated May 4, 1971, from attorney Chuck Mau requesting that the public hearing for this petition be postponed to a later date since he was not given the opportunity to be heard before the City Planning Commission, nor did he receive any notice of the proceedings at the City level. Should postponement be granted by the Land Use Commission, Mr. Mau intends to ask for a hearing before the City Planning Commission.

Mr. Walton Hong, Deputy Attorney General, noted that the Executive Officer, Mr. Fujimoto, has contacted the petitioner and his attorney and informed them that a postponement of this petition is not certain and that they should be prepared to come forth with their testimony, should the Land Use Commission deny the request for deferral.

Representative from Wadco, Inc. was not present at the hearing.

It was indicated that a 90-day deferment was previously granted on this petition and that the date of this public hearing constitutes the 90th day.

Commissioner Tangen moved that the Commission deny the request for a deferment. The motion was seconded by Commissioner Kido and unanimously carried.

Mr. Leong presented the staff report (see copy on file) and a description of area under consideration.

A coordinated presentation lasting an hour to an hour and a half was presented by the Kaneohe Outdoor Circle, Hui Ko'Olau (Kahaluu's Community Association), Kaneohe Community Council, residents of the area, and others opposing the urbanization of this request (see testimonies on file).

The presentations brought out the problems and concerns of the community relative to environmental considerations, safety and welfare, physical characteristics, and housing needs.

A slide presentation depicting the subject land and the problems encountered when building on such steep slopes was also made. A petition signed by approximately 125 residents of Kahaluu objecting to the rezoning application of Wadco, Inc. was filed with the Commission.

Chairman Inaba again asked if a representative from Wadco, Inc. was present. Since there was no reply, the public hearing was closed and the Chairman advised that the Commission will receive additional written testimony within 15 days after the hearing.

DECLARATORY RULING REQUEST BY CLYDE & HELEN GRIGGS

Mr. Tatsuo Fujimoto presented the staff report (see copy on file). The oral presentation of the background information was waived on request of Mr. Ted Tsukiyama, attorney for the petitioner.

Mr. Tsukiyama presented his testimony (see copy on file).

Commissioner Kido queried whether the Land Use Commission's actions subsequent to July 11, 1961, were in fact based on maps and that, as stated in Section 205, the authority to determine boundaries shall be the Land Use Commission, and that Conservation District does not necessarily mean that it should be forest and water reserve boundary lines.

Mr. Tsukiyama stated that if this were so, subsequent action taken five or six years after the initial determination amounts to a down zoning without giving the petitioner a due process requirement.

Mr. Hong indicated that the Land Use Law does not require the Commission to notify each particular landowner of boundary changes with respect to the five-year boundary review.

Commissioner Mark asked the Executive Officer whether the subject area was over 20 percent in slope. Mr. Fujimoto complied by graphically indicating the slope of the lands in question. He indicated the lands were steep and indicated that one of the bases for recommending denial of this request was the steep slope condition.

Commissioner Mark questioned whether the slope situation enters in at this point.

Mr. Tsukiyama replied that the slope criteria would be a valid point when the Commission makes subsequent determination of boundary lines after the initial boundary line has been set. However, Mr. Tsukiyama stated that the issue at hand is addressing ourselves to what was the proper forest reserve line which the Commission should have adopted to establish that initial boundary line.

Mr. George McLaughlin, representing the owner of the property adjacent to the Griggs, testified that the property in question was too steep for any type of urban development.

Mr. Tsukiyama stated that he was asking for a declaratory ruling on the Griggs' property alone and no one else's.

Commissioner Kido made a motion to accept the staff recommendation, indicating that the line affecting the subject parcel shown on the Land Use District Map O-13 which became effective on April 21, 1962, and subsequently retained on August 23, 1964 and August 14, 1969, is in fact the Conservation District boundary for the subject parcel.

Commissioner Tangen seconded the motion. The motion was carried unanimously.

Thereafter, the public hearing was adjourned at 11:15 p.m.