

LAND USE COMMISSION

Minutes of Meeting

Residence: Edward C. Bryan

Ewa Plantation, Oahu

July 25, 1962

Commissioners

Present:

Edward C. Bryan
Wayne D. Gregg
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Absent:

Stanley C. Friel
Yuichi Ige

Ex-Officio Members

Absent:

E. H. Cook
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer
Y. Shigezawa, Legal Counsel
P. T. Chun, Department of Planning
and Research

Chairman Bryan called the meeting to order at 11:30 a.m.

The XO presented two items which were received in the middle of June: An application for Special Permit and a petition for change of boundary on Kauai. Also four petitions for rezoning on the Big Island, with respect to which he was awaiting Mr. Shigezawa's report regarding clarification of the effects of the Attorney General's previous opinion regarding invalidity of the 5-acre lot size requirement, as to whether these four items should be withdrawn or continued.

Chairman Bryan questioned whether the Commission should not set a Field Officer hearing and suggested the 21st and 22nd as the days for the meeting. There was a discussion on a date to be set for a hearing, and during this discussion Commissioner Kanemoto stated that he would like to have the staff present all applications up to the time of the Commission's meeting and have the Commission try to look at them as much as possible so that repeated trips need not be made. It was suggested by Chairman Bryan, and agreed to by the Commission, to have a Commission Public Hearing on August 21st at 1:00 p.m. on Oahu and at 8:00 p.m. on Kauai the same day; then return to Honolulu the early part of August 22nd for the regular meeting.

The XO outlined the proposed schedules for August 1st through 5th.

Mr. Shigezawa questioned whether there was anything planned with the Board of Supervisors on Maui. XO replied in the negative. Mr. Shigezawa stated that he had been in contact with Maui Supervisor Toshi Ansai, who indicated a desire for the Commission to meet with the Maui Board of Supervisors. It was requested that XO prepare a letter to or contact the Maui Board of Supervisors, and to say the Land

Use Commission will be available to meet with them on Maui at some time during the conference of August 3rd to 5th.

BUDGET ITEM

The XO informed the Commission that the Land Use Commission returned approximately \$13,000 from the FY 1961-62 budget. He also informed the Commission that they would receive shortly a budget statement on the 701 project. The XO also presented the proposed FY 1962-63 budget, which was noted by the Commission.

REPORT BY LEGAL COUNSEL

1. A short report by Mr. Shigezawa on his trip to Kauai regarding the suit against the Land Use Commission showed there has been no progress or action in this matter. Kauai's answer to this was that they had not had the chance to sit down together to discuss the matter and arrive at a decision.
2. The matter respecting to the opinion previously rendered by the Attorney General's Office (that the five-acre lot size requirement is invalid) was presented by Mr. Shigezawa. (This became a formal opinion of the AG's office, and was delivered to Commissioners at Honolulu Airport on August 2, 1962.)

This presentation was taken into consideration by the Commission members and discussed at length. Commissioner Sunn suggested that the staff draft a modified interim regulation by August 2nd.

The XO replied that he has a draft but was waiting for Mr. Shigezawa's opinion. He passed copies of the draft regulation change to the members of the Commission.

The Commission discussed the two methods of handling single-family residences in Agricultural districts, when the residence was the sole or primary use of the land: one method, that of allowing a single-family dwelling provided it was to be located on a 5-acre parcel; and the other method, handling the single-family residence as a non-conforming use, as proposed by the XO's suggested rule change.

Commissioner Sunn asked if the non-conforming use provision would stop residential subdivisions in the Agricultural district if the county wanted to zone an area for farm lot subdivisions of 10,000 square feet. Mr. Chun replied that this condition was really not our business. If the county wanted to establish farm lots in an agricultural district of 10,000 square feet or even 5,000 square feet, the Land Use Commission could not stop the county from changing their ordinances to read in this fashion in any case. However, Mr. Chun doubted that the counties would "cut off their noses" to spite the Land Use Commission.

Mr. Shigezawa stated that the counties would have to satisfy themselves in this matter, and that the Land Use Commission should try to hold the line during the interim period.

Commissioner Sunn stated that the XO's draft of the proposed rule change in which the single family residence as a primary use of the land in an agricultural district was handled as a non-conforming use, looked okay; and this met with the approval of the Commission.

The XO stated that he felt that the proposed change would represent a sincere attempt on the part of the Commission to carry out the intent of the Legislature in Act 187.

Chairman Bryan then suggested that the XO's proposed rule change be put out to hearing as soon as possible; and that if, during the course of the hearing it became evident that further changes were necessary, the XO's proposal could be amended. This last was verified by legal counsel. So ordered; and the discussion on this matter was closed.

The XO read a communication from Mr. Kasamoto asking that the Commission hold its hearing on Hawaii one week before the Planning and Traffic Commission meetings.

Chairman Bryan requested the XO to reply, stating that the Commission would do so if possible; and to point out the fact that the County has 20 days' notice to prepare for this in order to communicate prior to a hearing or at a hearing.

Before the meeting was adjourned Commissioner Sunn questioned whether anyone had worked on the flow chart. Mr. Darnell answered that he was working on it.

Commissioner Gregg then suggested that the staff make a copy, from tape, of Mr. Shigezawa's talk given during the public hearing held in Kailua-Kona on June 27, 1962, explaining the purpose of the existence of the Land Use Commission, for the Commissioners use. The Commissioners were all in favor of this.

Meeting was adjourned at 12:50 p.m.