

STATE OF HAWAII  
LAND USE COMMISSION

*Adopted*  
OCT 7 1975

Minutes of Meeting

Waiakea-Waena School  
Hilo, Hawaii

August 5, 1974 - 2:00 p.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
James Carras

COMMISSIONERS ABSENT: Sunao Kido  
Shelley M. Mark  
Alexander J. Napier  
Mitsuo Oura  
Tanji Yamamura  
Edward Yanai

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Gordon Furutani, Planner  
Loretta Moon, Stenographer

Chairman Tangen called the meeting to order and those intending to testify were sworn in.

HEARING

AMENDMENTS TO THE RULES & REGULATIONS (AR&R 74-3) SECOND 5 yr. BOUNDARY & REGULATIONS REVIEW.

The Executive Officer, Tatsuo Fujimoto, presented a summary on proposed changes to Parts I & II of the Rules & Regulations. (See Staff Report dated July 29, 1974.)

Mr. Sidney Fuke, Deputy Planning Director of the Hawaii County Planning Department, testified that his agency generally concurs with the proposed changes but had reservations over several of the proposals. These included uses within the Rural and Agricultural Districts and a procedure for granting lot size reliefs within the Agricultural and

Rural Districts. He felt that some provision should be made to include use of non-farm single family dwellings within the Agricultural District; that a provision be made to include roadways as permitted uses in the Agricultural District; that Section 2.16 (c) in the Rural District relating to the allowance of public, quasi-public and private utility facilities should not be deleted; and that the definition of shoreline as handed down by the Hawaii State Supreme Court be used in the Commission's Regulations. (See letter dated July 24, 1974.)

Mrs. Mae E. Mull, Hawaii County's representative of the Hawaii Audubon Society testified that the "letter of intent" should be incorporated in the Commission's Rules and Regulations if this is a sound procedure to inform the public of land use proposals. She also stated that the Commission should clarify the letters of intent procedure so that interested persons will know just what they are responding to.

Chairman Tangen indicated that the matter of letters of intent has been referred to the Attorney General's office and emphasized that this hearing is to consider proposed changes to the Rules and Regulations only.

Mrs. Mull then continued with her testimony and recommended the following: that tape recordings of meetings and public hearings of the Commission should be included as part of the public record to insure that there is a verbatim account of findings of fact, statements and decisions; that the Contemptuous Conduct provision be deleted from the final draft; that public hearings be held at least once on the island to be affected by the proposed amendment of district boundaries or rules and regulations; that the Commission allow "any interested person" to petition for a boundary change; that filing fees for boundary changes not be increased; and that a section be added to the rules that the Commission support its decisions, rulings and dismissals by stating the reasons for the action taken.

On the subject of contemptuous conduct, Chairman Tangen asked if there was any time in the 5 years he had been on the Commission at any meeting held by this Commission that people were not permitted to express their views.

Mrs. Mull recalled one incident of a scheduled public hearing at Honolulu for redistricting of Conservation lands at Salt Lake in which she testified. She indicated there was great distress on the part of the audience since the Commission was considering a postponement of that hearing because the developer's representative was not able to come from California to be at that hearing. The crowd was unruly &

demanded that the public hearing not be postponed.

Chairman Tangen recalled that in 4 hours of testimony at that hearing, recesses had to be called on two occasions because of the unruly individuals who started to shout when the developer tried to make his presentation. He had to make it clear that everyone, including the developers, have their rights to testify. Another meeting was scheduled to continue the hearing. Chairman Tangen emphasized that only when it was impossible for a person to be heard was the meeting recessed.

For the benefit of those people present at today's hearing, Chairman Tangen asked Mrs. Mull if she was afforded an opportunity to speak at the public hearing held in Honolulu and whether the public hearing was continued at the Salt Lake School so that all the people living there who would be directly affected could be present. Mrs. Mull answered in the affirmative.

However, Mrs. Mull noted that the Land Use Commission has given every person an opportunity to speak in the past without the contemptuous conduct provision in the Rules and Regulations.

Chairman Tangen stated that the contemptuous conduct provision is necessary when certain individuals refuse to let other people have their right to speak under any circumstances.

Since there was no further testimony, the public hearing on the proposed Rules and Regulations was closed by Chairman Tangen. He announced that all parties have 15 days in which to submit written testimony or comments to the Land Use Commission office in Honolulu.