

D-10A  
Approved effective

LAND USE COMMISSION  
STATE OF HAWAII

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

10:00 A.M. - October 18, 1963

Commissioners  
Present:

- James P. Ferry
- Clarence L. Hodge
- 1 Goro Inaba
- 5 Shiro Nishimura
- 6 Charles S. Ots
- 3 Myron B. Thompson
- 4 Robert G. Wenkam
- 2 Leslie E. L. Wung

Staff  
Present:

- Gordon Soh, Planning & Economic Development
- Roy Takeyama, Legal Counsel
- Alberta L. Kai, Stenographer

Guest  
Speakers:

- Donald Bell, University of Hawaii
- Frank Skrivanek, Planning & Economic Development
- Paul Tajima, Land & Natural Resources
- Donald Wolbrink, Harland Bartholomew & Associates

Present:

- Alan L. Goodfader, Honolulu Advertiser
- Dale Richeson, Honolulu Star-Bulletin

The meeting was called to order by Commissioner Thompson, Chairman pro tem.

ORIENTATION SESSION

Mr. Frank Skrivanek, Principal Planner of the Department of Planning and Economic Development, was introduced. First of a <sup>of speakers</sup> ~~member~~ of speakers participating in the scheduled orientation session, Mr. Skrivanek described the planning process both as a general practice and as it applies in Hawaii. He spoke of the organization of a planning agency in the state government, of the development of a general plan and the implementation of that plan through capital improvements and land use controls. He described the land use law as a pioneering effort in the governance of state economic development and pointed out the law use of both zoning and taxing powers of the State in implementing state development policies. Planning and zoning, Mr. Skrivanek remarked, should be open-ended and subject to periodic revisions. He assured commissioners that zoning was but a single element of the planning process complementing other state and county development programs.

Professor Donald Bell of the College of Business Administration, University of Hawaii offered a commentary on the legislative history of the land use law. He briefly described various pieces of legislation leading to Act 187/SLH 1961 and of the revisionary effort of Act 205/SLH 1963. He stated that the land use concept was a composite of ideas, feelings, and values put together; that the land use bills involved compromises and were largely nonpartisan in origin; and that the intention of legislators was to commit lands to their highest and best use rather than to freeze them in their present uses or to maintain the status quo. He pointed out that the districting and classification of lands in the State was a function without which effective administration, in areas such as real property tax assessments, could not operate. Mr. Bell commented on the national interest created by Hawaii's land use law and urged that commissioners at the outset devote time to the determination of basic policies under which the Commission would operate.

Mr. Roy Takeyama, Deputy Attorney General assigned to state regulatory agencies, complimented commissioners for having accepted a difficult assignment and recommended for their observance a regimen embracing: (1) knowledge of the land use concept and of the land use law; (2) "homework", study and inquiry which their duties require; and (3) cultivation of good judgment by letting individual consciences guide the commission's actions. Mr. Takeyama noted that virtually every duty imposed under Act 205 was tied to a vigorous schedule. He informed the Commission about the outline given to Counties by Mr. W. M. Mullahey and himself setting forth recommended procedures for handling special permits. He clarified for commissioners the differences between applications for special permits and petitions for boundary changes. (Opportunity for questions regarding these matters was given.) He advised commissioners of the purpose for public hearings and recommended that fact gathering be confined to these hearings and only at such other times as the Commission's practice and procedures permit.

Mr. Donald Wolbrink of Harland Bartholomew and Associates described the work performed for the last Commission in preparing the proposed permanent land use district boundaries and regulations. He outlined methods and procedures used in the project and enumerated several of the problems encountered. He cited the various standards used in determining the districts and the various types of uses that might be permitted in the districts. He also recalled five procedures which might be used to help guide the Commission in determining where boundary lines should be drawn in case of uncertainty.

A Discussion of Act 205/63 was presented by Professor Donald Bell and Roy Takeyama. Dr. Bell stated that Act 205 definitely and purposely says that this Commission is to establish the boundaries of all of the districts. He stated that this Commission is not starting out to work with a set of boundaries given to them by the previous Commission except perhaps to the extent whereby the previous Commission's experience and recommendations could be helpful. He stated that the law is deliberately written so that the Commission is not to add a rural district into the other three districts but that it is to come up with its own recommendations for four districts. Dr. Bell remarked that from two opposing points of views relating to economic development - one

by not having controls; and the other by use of controls to select what development should be allowed - the idea of a special permit as a technique for encouraging desirable uses was developed. He suggested that this Commission provide some guidance to the counties in considering what should be special permits. Mr. Takeyama added that permitted uses within the conservation districts will be left to the Department of Land & Natural Resources and not to this Commission. He also added that since the interim boundaries make no provision for rural districts, entertaining boundary change petitions which would create rural districts was not possible. He stated that lands which could logically be placed in rural districts are frozen until the final boundaries are adopted in July, 1964.

Mr. Paul Tajima of the Department of Land & Natural Resources spoke on the Concept of Conservation and Act 234. He stated that conservation has many aspects and broad implications. He stated that what has been presented this morning is really part of the overall concept of conservation. From an economic and social standpoint, conservation involves the rational and comprehensive use of resources over a period of time. He observed that Act 187 had established a reference point in Act 234 in that Act 234 deals with clarifying certain powers of zoning and attempts to delineate the areas of interest between the state and the county. He found that Act 234 deals with water reserves and forest reservations but offers no explanation of conservation as such. He felt that Act 187 accords greater scope to conservation districts and attributed this to developing legislative interest in the multiple use concept. He gave a background history of Act 234, the statehood reorganization act and its amendment, and Act 187. He presented commissioners with draft copies of the interim regulations for conservation districts and indicated that it (interim regulations) would be presented to the Board of Land & Natural Resources at its next meeting.

Mr. Gordon Soh of the Department of Planning and Economic Development outlined the present status of county subdivision and zoning ordinances of each county, and informed the Commission that copies of the ordinances are available in the land use commission office files.

A brief summation was given by Mr. Soh of each presentation.

#### EXECUTIVE SESSION

Commissioner Wenkam moved to set aside all business in order to hold an executive session for interviewing applicants for the executive officer's position; Commissioner Wung seconded the motion. Motion carried unanimously.

#### BUSINESS SESSION

##### Selection of an Executive Officer

Commissioner Ferry moved to appoint Raymond Yamashita as Executive Officer for the Land Use Commission; the motion was seconded by Commissioner Wung. Motion carried unanimously.

Commissioner Hodge as Acting Director of Planning and Economic Development expressed his approval of the appointment. Commissioner Hodge accepted the responsibility to follow through on the appointment to see that the necessary papers were set up and processed through Civil Service promptly. Commissioner Hodge suggested that the Chairman pro tem. notify Mr. Yamashita of his appointment and to have Mr. Yamashita contact him (Commissioner Hodge) as soon as possible.

#### Authorizing the Service of Notices

Commissioner Wenkam moved that Mr. Soh be given authorization to notify Joseph Correia, Joseph Souza, Albert Shibuya, Benigno Miguel, Michael P. Chun and James Bender of the actions taken by the previous Commission; the motion was seconded by Commissioner Hodge. Motion carried unanimously.

#### Kaneohe-Keapuka Unit 3 Subdivision

Commissioner Hodge introduced Mr. Wallace Kim of the City Planning Department, City and County of Honolulu, and Messrs. Tanaka and Chock who represented the developers and engineers of Kaneohe-Keapuka Unit 3 subdivision. Mr. Kim informed the Commission that the City had received a letter from Dr. Shelley Mark placing doubt on the validity of the proposed subdivision. He stated that the developers requested that the Land Use Commission have its present staff review the boundary lines to see whether the subdivision fell in or out of the urban district. He stated that the developers felt that they were definitely within urban district. It was the concensus of the Commission to defer this matter and refer it to the new executive officer for consideration. Upon dismissal of the matter, Mr. Soh submitted his recommendation and comments on the proposed subdivision for the record and for referral to the new executive officer.

#### Staff Problem

Chairman pro tem. Thompson stated that there seems to be a need for stenographic help, and a definite need for staffing. He asked for the staff's impression of this problem. Mr. Soh replied that he left memorandums concerning this problem with Mr. Skrivanek and Dr. Hodge. Chairman pro tem. Thompson deferred this matter for the Commission's next meeting and requested that the staff have this information available for the Commission then.

#### Special Permits Needing Action by Present Commission

Legal Counsel Takeyama informed commissioners that all that is needed concerning the present six special permit applications pending under Act 205/SLH 1963 is its action for denial or approval within 45 days after receipt of the decision rendered by the local planning commission. It was also pointed out that a special permit application by Joseph and Helen Vierra, SP(T)63-47, was also pending under Act 187, SLH 1961.

Chairman pro tem. Thompson asked if the staff has had time to come forth with its recommendations to the Commission in terms of these applications. Mr. Soh replied it had not.

Commissioner Ferry suggested referring this matter to the staff and the new executive officer and stated that he felt it incumbent on any body serving on a Commission to require recommendations by the staff. Chairman pro tem. Thompson referred the matter to the staff.

Pending Petitions

Commissioner Ota suggested that a brief form letter be sent to all the petitioners and applicants informing them of the present status of the Commission.

Schedule for Public Hearings


Commissioner Hodge moved to authorize Gordon Soh to screen all petitions pending before the Commission and to present his recommendation for scheduling hearings for these petitions at the Commission's next meeting; the motion was seconded by Commissioner Ferry. Motion carried unanimously.

Meeting Date

Commissioner Ota suggested that another meeting should be considered as soon as possible before any hearings are held. The commissioners were in agreement and set the next meeting date for November 1, 1963, at 10:00 a.m., in Honolulu.

The meeting was adjourned at 6:00 P.M.

Respectfully submitted,

  
ALBERTA L. KAI  
Stenographer

STATEMENT ON MEETINGS, ACTIONS AND HEARINGS  
OF THE STATE LAND USE COMMISSION

By Myron B. Thompson, Chairman

The State Land Use Commission today completed its first round of hearings and meetings on the neighbor islands and Oahu.

Twelve public hearings and meetings are now in the minutes, and the newly appointed commissioners have begun to set policy guides, decide on land use criteria, and interpret Hawaii's pioneering land use legislation in anticipation of the important decisions to be made when action on pending petitions resumes next month.

Myron Thompson, commission chairman, states "The successful application of the State Land Use Law depends upon the continued integrity and fairness of all commission decisions and upon early setting of district zoning criteria and policy guidelines. In the administration of the amended Land Use Law the commission faces a difficult task in preparing final district boundaries and regulations by the mandated deadline. The commissioners are very dedicated and are giving long hours and careful consideration to all aspects of the Law.

"The property rights of every individual land owner, whether it be the smallest parcel or the largest estate, are being given thoughtful consideration, so that Hawaii's Land Use Law will prove to be in the best interests of all our citizens today and in the future."

Commissioners have instituted a program of close cooperation with county planning agencies so that individual neighbor island needs are supported in state land use districting.

Meetings have been held by the commission members and its executive officer, Raymond Yamashita, with all county planning directors to review and discuss their general plans and proposed zoning ordinances. Integration of these plans with proposed district boundaries is being carried out by the land use staff so that individual county recommendations, especially those concerning the new 'Rural' district boundaries, are fully considered in final boundary determinations.

The new commissioners have proven to be a hard working group of public servants. Their first meeting in Honolulu lasted from 10:00 a.m. until 6:00 p.m. with no time out for lunch -- it was brought in.

Both Maui and Hawaii meetings were characterized by extended post meeting discussions on land use definitions, lasting beyond midnight. The commissioners in collaboration with their professional staff are exploring every aspect of progressive planning concepts so as to better implement the Law and carry out legislative intent.

The original land use legislation in its declaration of purpose held that "inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy."

The new commissioners are implementing the Law to protect existing land values and investments and at the same time provide a climate of orderly statewide planning to promote new economic investments for Hawaii's future prosperity.

The first action taken by the new commission concerned a special permit application by Helen and Joseph Vierra of Waimanalo to construct an additional residence on a 15,643 square foot lot in Waimanalo Valley. The Vierras wished to provide a home for their son, living on the same property, who was planning to marry. The staff concurred with the recommendations of the Honolulu Planning Commission and asked for denial of the petition. The staff's recommendation was in part based on the effect urban development would have on dedicated agricultural lands nearby; and that the proposed general plan of the City and County of Honolulu and the interim boundaries of the Land Use Commission have zoned this area for agriculture.

Commissioners have mentioned the following as examples of some of the petitions reviewed during the past month.

Oahu - Kawainui Swamp

Trousdale-Centex request to rezone 686 acres of Kawainui Swamp from agriculture to urban to permit the developers to go ahead with plans for a residential subdivision combined with a 430 acre flood control pond and a 50 acre neighborhood park.



The petitioner requested postponement while negotiations proceeded with the City and County of Honolulu. Commissioners, however, continued the hearing to accept protests by community organizations and deferred testimony by the petitioner and further action until a later date.

Strong protests to the proposal were received from the Honolulu, Lanikai, and Kaneohe Outdoor Circles. The Windward Oahu Council and Associations also joined in opposition. The Honolulu Chamber voiced the suggestion to zone a portion of the land urban not designated as a flood control area, but added many conditions should residential use be allowed in the remaining acreage.

#### Oahu - Kahana Valley

James A. Wolters of Los Angeles, representing some of the owners of Kahana Valley, asked for change in zoning to allow him to build a modern complex of apartments, residential units and a commercial center in conjunction with a park in Kahana Valley. The Outdoor Circle and Windward Oahu Council joined with the Hawaiian Botanical Gardens Foundation, Hawaiian Botanical Society, and the State Division of Parks in opposing an urban development in Kahana. Commission action will be taken in January.

#### Kauai - Anini Beach

Petition by John Wade Company for special permit to convert a single-family dwelling unit to a duplex on agricultural zoned land on Anini Beach.

Commissioners discussed the possible deteriorating effect duplex use would have in a community of beach homes and the proper role of the commission in a matter which appeared to be primarily a concern of Kauai county zoning agencies.

Kauai - Kalaheo

Petition by Sensuke Ueunten of Kalaheo, Kauai to amend district boundaries so he may subdivide his 2½ acre lot. Ueunten's land is in a mixed farm and residential area near Kukuialono Park on the road to Kalaheo and was included in urban classification by the last commission's consultant. The Kauai Planning Commission supported Ueunten's petition and the commission's staff also recommended approval. Commission action will be taken in January.

Maui - Lahaina Aerial Tramway

Petition by the Hawaii Aerial Tramway Corp. for special permit to allow construction of a tramway to the summit of an 800 foot hill near Olowalu. Commissioners were favorable to the idea but deferred early action until further information were received from the County and petitioner. On December 6, the commission met on Maui and approved the petition on grounds that it was an "unusual and reasonable" use.

Maui - Pukalani

Petition from owners, Donald Tokunaga and Frank Munoz, to change land classification from agriculture to rural to allow subdivision into half acre lots, approximately 450 acres of unused pineapple lands, purchased from Libby Company. Many significant points interpreting

land use law were covered by petitioners' attorney, Senator Thomas S. Ogata, in his plea to grant approval. Much discussion surrounded the definition of 'Rural'; whether the proposed 'Rural' subdivision would actually be as the law provides: "small farms....intermixed with low density residential lots", and the question of whether the old pineapple fields were actually "prime agricultural lands". The many ramifications will greatly influence other petitions of a similar nature now pending before the commission. Action will probably be taken in February.

Hawaii - Kau Subdivision

Petition by Hayselden Ranch to permit subdivision of 422 acreages of unused marginal ranch lands at south point. This land is adjacent to Mark Twain Estates, a 1677 acre speculative subdivision, one of many sprawling developments covering large areas of the Big Island. The staff commented on how these already "...thousands of lots....will work serious hardship on local government to provide even a reasonable level of public services." The staff stated, "We feel there already exists an enormous inventory of unsold lots on Hawaii and to add more would compound the problem of low density, scattered and some instances poorly located developments", and therefore recommended denial of the petition. Commission action will probably be taken in February.

Hawaii - Keel, Kona

Petition by Richard Warfield representing some 40 small landowners and coffee farmers who desire to change their land from agriculture classification to permit urban subdividing and sale.

Claims were made that farming of any kind was no longer profitable in the area and they felt it was their "right" to subdivide and sell their land as they wished. Some wanted to sell out and retire on subdivision profits projected by their spokesman, Richard Warfield. Comments were made on agriculture problems in the area and questions raised concerning extensive agriculture expansion in the adjacent Honomalino lands. Bishop Estate and six farmers, land owners within the area opposed the change from agriculture use. Action will probably be taken in February.

Hawaii's Land Use Law is the only legislation of this kind in the United States covering statewide zoning of all lands, public and private. Investors, land users, owners, and conservationists everywhere are looking to Hawaii with great interest, and following the progress of our pioneering zoning and land use law.