

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Board of Supervisors' Chambers

Wailuku, Maui, Hawaii

1:45 P. M. - October 22, 1964

LUC Present:

Jim P. Ferry
Charles S. Ota
Shiro Nishimura
Goro Inaba
Robert G. Wenkam
Leslie E. L. Wung

MP&TC Present:

Joseph S. Medeiros
Kazuo Kage
Masao Nagasako
Jean R. Lane
Masao Sone
William Eller
Koichi Hamada
William Hong
Robert O. Ohata

Staff Present:

Raymond S. Yamashita
Roy Y. Takeyama
Richard E. Mar
Amy Y. Namihira

Chairman Ota, pro tempore, called upon Mr. Joseph Medeiros, Chairman of the Planning and Traffic Commission, to introduce the Commission members.

To start off the discussion, the Executive Officer gave a brief presentation on the district boundaries for the County of Maui and pointed to the differences between the County General Plan and the Land Use District Boundaries. The apparent bases for differences were (1) a different time interval being considered and, (2) the inherent difference between a general plan and the "zoning" map of the Land Use Commission. The principal differences were in the Kula area and the shoreline area around the East Maui mountains.

Mr. Kazuo Kage asked the Executive Officer if it was the intent (of the Land Use Commission) that there be absolute concurrence between the State and the County plans. The Executive Officer stated that his opening remarks was not intended to indicate that the Land Use Commission was seeking concurrence but merely to initiate discussion. Because of the apparent differences, it appeared that discussion could be stimulated in this area.

Mr. Kage then further inquired if the Executive Officer, personally, would like to have concurrence. The question was not answered directly inasmuch as the Executive Officer felt that some differences should normally be expected. Further, the question appeared to be related to a concern previously expressed -- why have both County and State plans? (if absolute concurrence was desired). The State and County plans, while overlapping in some respects, are developed on somewhat different bases or factors. For example, conservation areas are of more concern to Statewide interests and much more can be accomplished in alleviating the public's concern in these areas by the State -- as is now being done by the Department of Land and Natural Resources.

Legal Counsel added that the County is more concerned with local problems. County planning is in more detail and the State's on a broader level.

Commissioner Wenkam stated that both the County and State have a different role in this matter, but does not mean that the Land Use Commission is in conflict with the County.

Mr. Medeiros asked whether the Planning and Traffic Commission were transmitting sufficient materials. Chairman Ota and the Executive Officer stated that at times there were inadequate information, especially on the special permit applications. Chairman Medeiros stated that the Land Use Commission should then ask for more information from the County.

Commissioner Ferry stated that there should be a criteria of questions which should be answered by the Counties -- basic questions. He questions whether the Planning and Traffic Commission supported the land use legislation. He stated that the Planning and Traffic Commission have to believe in the Land Use Law and cooperate with the Land Use Commission to make the Law more effective.

Mr. Jean Lane suggested that the Land Use Commission set up the guidelines as to what the Counties should provide the Land Use Commission with.

Legal Counsel mentioned paragraph 2.27 of the Land Use Regulations and stated that the Land Use Commission should also receive the recommendations of the Planning Director as well as the Commission. Mr. Robert Ohata, Planning Director, felt that he shouldn't submit his recommendations when in conflict with the conclusions of the Maui Planning and Traffic Commission.

Commissioner Ferry stated that any ruling is based on facts submitted. He also stated that the Planning and Traffic Commission should be more specific and more firm in holding petitioners to the planning concept of the proposed development and that which the County may feel would best protect the public's concerns. This was interpreted to mean strict adherence to submitted development plans. However, the matter was further clarified by Commissioner Ferry. The concern was to provide adequate County controls so that a developer would not be able to deviate, later on, from professed land uses, densities of uses, improvement standards, etc., on which approval may have been granted.

Chairman Ota raised the problem of agricultural subdivision and cited the different standards of the various Counties. As an example, the 1 acre minimum lot size in Honolulu was cited as a probable distortion. Mr. Ohata was in favor of amending the acreage for an agricultural subdivision. He stated that the 1 acre subdivision was too small. He also stated that the burden of proof should be on the applicant. Legal Counsel stated that there is a loophole in the law regarding this matter. Commissioner Ferry stated that some agricultural subdivisions create an urban atmosphere. The land use pattern forces an eventual change in the zoning to urban. He stated that the problem was in planning and zoning. The urban needs will continue to increase. In instances where urbanization expands into these agricultural subdivisions, there will be some serious land use problems related to density controls and the incorporation of good design features.

Mr. Nagasako raised the point on beach reserves. Commissioner Ferry stated that the demands made for natural resources are severe. We should not be so short sighted as today's gain will offset tomorrow's losses. He stated that the provision of adequate accesses to beach areas is very important. Commissioner Wenkam added that tourist and public access to the beach areas of Kapalua are very important. Mr. Kazuo Kage stated that before Kaanapali was developed, no one went there, but after being developed, it was utilized. Mr. Lane indicated that Maui had many beaches to meet the public and resort need. At this time, the resort need is greater and the public's need can be met elsewhere. Mr. Ohata stated that Kaanapali was going very well.

Mr. Lane asked on what basis did the Land Use Commission question the support of Maui Planning and Traffic Commission on the Land Use Law. Chairman Ota replied that it probably is a misconception of the situation.

Mr. Ohata stated that the time for processing petitions should be shortened. He further stated that when a person comes in for a boundary change to the County, and the petitioner does not do what he proposes, then the County will deny it. The State should have faith in the County. The Land Use Commission must make its decision on its own findings. It's up to the Land Use Commission to make its own studies. The Land Use Commission should not think the County is inadequate and should do its own work. The County will do their own. The Executive Officer stated that reference was made to petitions for special permits. The County holds the hearing on special permit applications and, therefore, the Land Use Commission must depend on the County for adequate information.

Legal Counsel stated that the County is doing an injustice if they submit inadequate records. Since the Land Use Commission is like an appellate body on petitions approved by the County, the petitioner's interest is best protected by the submittal of as much data as possible. Mr. Ohata questioned the status of the Land Use Commission as an appellate body and stated that the Land Use Commission does not have any power to override the action.

The meeting concluded at 3:30 p.m.

STATE OF HAWAII
 LAND USE COMMISSION

Roll Call
VOTE RECORD

ITEM Maui Meeting
 DATE 10/22/64
 PLACE _____
 TIME _____

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	0			
INABA, G.	0			
OTA, C.	0			
WENKAM, R.	0			
BURNS, C.E.S.				✓
NISHIMURA, S.	0			
MARK, S.				✓
FERRY, J.				late 2:00
THOMPSON, M.				✓

COMMENTS:

0 - Action on Keweenaw request for approval.
 ✓ - Absent for meeting