

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

10:00 A.M. - November 1, 1963

Commissioners

Present:

Goro Inaba
Shelley Mark
Shiro Nishimura
Charles S. Ota
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

James P. Ferry

Staff

Present:

Raymond Yamashita, Executive Officer
Gordon Soh, Planning & Economic Development
Roy Takeyama, Legal Counsel
Richard Mar, Assistant Planner
Alberta L. Kai, Stenographer

Present:

Alan L. Goodfader, Honolulu Advertiser

The meeting was called to order by Acting Chairman Thompson followed by an opening prayer.

MINUTES AND TRANSCRIPTS

Mr. Soh offered the following suggestion to the Commission as to how it may want to keep a record of its proceedings.

A prepared summary of what transpired on a certain date which would be circulated well advanced to the Commission for their review and adoption at its next meeting; and a detailed transcript of Commission's meeting, hearing, and conference which would be available to Commission members upon request.

Mr. Soh stated that the brief form method was a disadvantage in light that it lost all the important details, and therefore felt it more

advantageous and desirable to have a detailed transcript. Chairman Thompson asked whether this would mean that the minutes would be transcribed from the tape in total and then summarized? Mr. Soh replied that it would be desirable to have someone at hand to take stenographic notes in addition to the practice of the tape recorder. Chairman Thompson stated, "We don't have this at the moment, I assume." Mr. Soh replied that because of the workload considerations it is something to be aspired to but at the present time not entirely practical. Chairman Thompson asked, "How was this handled in the past?" Mr. Soh replied, "The minutes as prepared by the Commission's staff were essentially minutes of the entire proceedings in brief form." Mr. Soh stated that for the benefit of the Commission and for all practical purposes the brief form minutes would suffice as the Commission will find themselves pressed for time. He added that for the purpose of ascertaining a particular or specific point, a very detailed discussion of what went on may be of value. After a lengthy discussion on this subject, it was the concensus of the Commission to continue the use of the tape recorder for a matter of record and to improve on it; and transcribe the minutes verbatim when necessary and upon request.

VOTE RECORD

Mr. Takeyama informed the Commission that any action that the Commission take (relating to granting of petitions, special permits) be by individual calling of names, so that a definite check on the side to see whether the person voted yes, no or, abstain, could be made. (A format of this procedure is on file.)

ADOPTION OF OCTOBER 11 AND 18, 1963 MINUTES

The minutes of October 11 and 18, 1963 meetings were accepted as circulated to the Commission.

SCHEDULE FOR HEARING OF PETITIONS

Two proposed schedules, Plans I and II, were circulated to each Commissioner for consideration. Plan II is a more condensed schedule but both plans take into account all the legal requirements in scheduling and advertising, and action to be taken by the Commission following the hearing. Mr. Soh informed the Commission that with the exception of one petition, by H.W.B. White, all petitions met the legal requirements by law. In respond to a question by the Chairman in regard to H.W.B. White's petition, Legal Counsel replied that this could not be helped as the petition was received in January 1963 and this Commission was appointed on October 11, 1963.

After discussing the two proposed plans Commissioner Wung moved to amend the schedule of November 29 and 30, 1963, which was seconded by Commissioner Nishimura as follows:

The public hearing scheduled for November 30, 1963 at 1:00 p.m. on Oahu be moved to November 30, 1963 in the morning on Oahu; the public hearing scheduled for November 29, 1963 at 7:00 p.m. on Kauai be moved to November 30, 1963 in the afternoon on Kauai; and the presentation by Kauai Planning Director scheduled for November 30, 1963 at 9:00 a.m. on Kauai be moved to November 30, 1963 at night on Kauai.

Discussion: Mr. Soh informed the Commissioners of the telephone call he had received from Mr. Lee of the City Planning Department who offered to present their recommendations with respect to the determination of the final district boundaries and the creation of the Rural district on November 22, 1963 at 10:00 a.m. It was the Commission's wish that the staff inform the City Planning Department whether they could work their schedule in with the Commission's schedule for November 30, 1963.

Motion carried unanimously.

Commissioner Mark moved that the Commission tentatively adopt Plan II subject to any conference that may follow by commission members, incorporating the last motion for amendment as adopted; seconded by Commissioner Ota. Motion carried unanimously.

A few minor questions were cleared concerning the adopted Plan II with no additional changes.

It was requested by Commissioner Wenkam that further study on the possibility of using charter flights be made by the staff.

SPECIAL PERMITS

APPLICATION OF HELEN AND JOSEPH VIERRA (SP(T)63-46), FOR SPECIAL PERMIT TO CONSTRUCT AN ADDITIONAL SINGLE-FAMILY DWELLING ON A 15,643 SQUARE FOOT PARCEL OF LAND IN WAIMANALO VALLEY, KOOLAUPOKO, OAHU: Described as First Division, TMK 4-1-25: 30.

Mr. Soh pointed out and described the area and request involved. He stated that the City Planning Commission's recommendation was for denial and that the staff's recommendation was also for denial. Copies of the staff's report were circulated to each Commissioner.

Commissioner Wung asked Mr. Soh, "How much does that whole area encompass?" Mr. Soh replied, "Approximately 15,000 sq. ft." He added that the petition indicates that there are already three dwelling units on it.

Commissioner Wenkam moved to denied the request of Helen and Joseph Vierra for special permit according to the staff's recommendation; seconded by Commissioner Nishimura.

The Chairman polled the Commissioners. Approval: Commissioners Inaba, Ota, Wenkam, Nishimura, Mark, and Chairman Thompson. Disapproval: Commissioner Wung.

APPLICATION OF ARCHIE ZANE FOR SPECIAL PERMIT TO CONSTRUCT A SINGLE-FAMILY DWELLING ON A 23,729 SQUARE FOOT LOT ON WHICH TWO OTHER SINGLE-FAMILY DWELLING UNITS ALREADY EXIST: Described as TMK 2-5-06: 113

Mr. Soh pointed out and described the area and request involved. The staff concurred with the recommendation of the Hawaii County Planning and Traffic Commission and recommended that the Commission in the establishment of the final district boundaries extend the urban lines to include the Zane property. The staff's report was circulated to each Commissioner.

Commissioner Inaba moved for acceptance of Archie Zane's request for special permit according to the County's findings; seconded by Commissioner Wung.

Discussion: Legal Counsel requested that the Chairman write to each county planning commission for their kokua in providing this Commission with as much information on each special permit request that comes before this Commission for its determination.

The Chairman polled the Commissioners. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Mark, and Chairman Thompson. Disapproval: None.

The staff's recommendation requesting that the Commission consider extending the urban lines to include the Zane property during the final determination of the district boundaries was referred to the staff to follow through.

APPLICATION OF HONOLULU GAS EQUIPMENT COMPANY FOR SPECIAL PERMIT TO CONSTRUCT A TANK FARM ON A PARCEL OF LAND 75 FEET BY 75 FEET APPROXIMATELY 900 FEET SOUTHEAST OF MAMALAHOA HIGHWAY AND 100 FEET NORTHWEST OF GRANT 5978: Described as TMK 6-7-02: 17

The area and request was described and outlined by Mr. Soh. The staff concurred

with the County's recommendation for approval and recommended that the Commission adjust its boundary lines to include this area in the urban classification when final district determination is made (the staff was in question as to where the line fell which in their determination was very close).

After a lengthy discussion on the matter whether this was proper for the area or not; whether it was in accord with the county's zoning and master plans for the area; or whether precautionary measures were met and therefore, more additional information needed; Commissioner Ota stated that in analyzing the matter there are two problems that this Commission is confronted. One, whether this area is within or out of the boundary lines which the County Planning Commission and the Land Use Commission staff are not certain; two, if it is in the interim agricultural boundary line than a special permit is in order. Commissioner Ota felt that the request would fall into the special permit category as it is a highly unusual type of business. He felt it wasn't a big issue and would not create any future hardship. He also added that it met with the County's approval.

Commissioner Wung moved for approval of the request according to the County's recommendation; seconded by Commissioner Ota.

The Chairman polled the Commissioners. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Mark, and Chairman Thompson. Disapproval: Commissioner Nishimura.

APPLICATION OF W.H. SHIPMAN FOR SPECIAL PERMIT TO CONSTRUCT A 20-ACRE INDUSTRIAL SUBDIVISION IN KEAAU, PUNA, HAWAII: Described as TMK 1-6-03.

A brief presentation to apprise the Commission of the request and area involved was given by Mr. Soh.

Highlights of Legal Opinion 63-37 which subject matter was similar to that matter before the Commission were presented by the Legal Counsel. Copies of this opinion were requested by the Commission.

The W.H. Shipman request was deferred to staff for further study and re-presentation to the Commission.

APPLICATION OF HAWAII AERIAL TRAMWAY CORPORATION FOR SPECIAL PERMIT TO CONSTRUCT AN AERIAL TRAMWAY COVERING APPROXIMATELY 115 ACRES IN LAUNIUPOKO, LAHAINA DISTRICT: Described as TMK 4-7-01: 2.

Mr. Soh apprised the Commission of the area and request. He requested that the staff's recommendation be deferred for further study on the matter.

Commissioner Wung moved that the request be deferred for further study by the staff, which was seconded by Commissioner Wenkam.

Discussion: Mr. Soh stated that he had gathered additional paper information from the County on this matter. Chairman Thompson requested that this information be circulated to the Commission for their information when the matter is to be considered for their review and action.

Motion carried unanimously.

AMENDMENT TO INTERIM REGULATIONS

Mr. Soh brought to the attention of the Commission the Land Use Commission's amendment to interim regulations which was not filed with the Lt. Governor's Office. He stated that the amendment becomes effective 10 days after filing. He informed the Commission that records on file show that public hearings were held on this matter, and that adoption of this amendment was taken by the previous Commission. He remarked that the only thing needed to perfect the amendment is to file it with the Lt. Governor's Office.

Commissioner Nishimura moved that the staff file the amendment to interim regulations with the Lt. Governor's Office as soon as possible. It was seconded by Commissioner Wung. Motion carried unanimously.

EXECUTIVE OFFICER'S SALARY

Commissioner Mark, speaking as the Director of Planning and Economic Development, stated that he concurred with Dr. Hodge's recommendation that Mr. Yamashita begin at the second step which he believed is a monthly salary of \$968. He stated that he had discussed this with Mr. Yamashita briefly this morning and this would be acceptable as far as he is concerned. Chairman Thompson stated that Dr. Hodge had talked with him briefly over the telephone on this matter and had stated that this step is appropriate as it meets all the requirements of Civil Service.

Commissioner Mark moved that the proposed salary of \$968 be accepted and placed on record by the Commission; seconded by Commissioner Ota. Motion carried unanimously.

STAFF REQUIREMENTS

The Executive Officer basing his report simply on the staff requirements gave the following recommendations:

1. That the fourth position for Assistant Planner/Field Officer be filled;
2. That Gordon Soh be authorized to assist the Land Use Commission staff temporarily during the period of its heavy workload;

3. That a full-time hearing type reporter be hired for a specific period of time (up to the end of this fiscal year); then a re-evaluation of the situation to see if additional stenographic help will be needed beyond that period.

He stated that he reviewed the operating budget and found that there was a surplus of \$5,000 (\$3,000 in reserve and \$2,000 from the first quarter). He requested that the Commission approve his recommendations, stating that this can be further worked out on the staff level and with Dr. Mark.

Commissioner Mark speaking as Director of the Department stated that the Department also has a heavy workload; but remarked, "Since Mr. Soh is familiar with the function of this Commission and has been involved in it up to now, I see no reason why he could not continue." (It was agreed that the loan would be approximately to the beginning of next year.) He emphasized that the Department's needs would still be primary.

Concerning the fourth position for Assistant Planner, Dr. Mark stated that he had just signed a payroll reallocation that Richard Mar be qualified as assistant planner and would be a member of the Land Use Commission staff. The Executive Officer concurred with the Department's recommendation.

A short interview was held between the Commission and Mr. Mar.

Commissioner Wenkam moved to hire Richard Mar for the Assistant Planner's position; seconded by Commissioner Wung. Motion carried unanimously.

Dr. Mark stated, "As far as the hearings reporter is concerned, I think it is desirable and understand that the funds are available in the budget. Will this service be needed for special occasions or consistently for a time on a temporary contract?" The Executive Officer replied, "It would be needed consistently for a time on a temporary basis." Dr. Mark suggested that a top rate stenographer be hired instead of a hearings type reporter. He felt that a hearings type reporter denoted a specific job.

Commissioner Wung moved that a stenographer on a temporary contractual basis be hired; seconded by Commissioner Wenkam. Motion carried unanimously.

Commissioner Wung stated that it has come to his attention that upon Mr. Yamashita's appointment, the Governor's Office was not informed of this. Commissioner Wung moved that a letter of courtesy be sent to the Governor informing him of Mr. Yamashita's appointment; seconded by Commissioner Ota. Motion carried unanimously.

KEAPUKA-KANEHOE SUBDIVISION

The Executive Officer stated that the Keapuka-Kaneohe Subdivision matter was just a question whether the subdivision was within the interim urban

district lines or not. He stated that the staff wrote a letter to the City Planning Department which stated in part that the subdivision was within the interim urban district lines. This letter was made part of the record.

TRUST FUND

Mr. Soh informed the Commission that during a routine check by the Field Auditing Division of the Accounting and General Services the following comments were stated in the Auditor's Report:

1. That an opinion should be obtained on the legality of the fees collected and deposited in the Land Use Commission's trust fund; and
2. That an opinion should be obtained on how these monies in the Land Use Commission's trust fund should be disbursed.

Chairman Thompson requested that the matter be referred to the Legal Counsel and that a copy of the Auditor's Report on this matter be transmitted to Legal Counsel and then reviewed again by the Commission at a later date.

COMMUNICATION

Mr. Soh stated that he felt there was an obligation to apprise the Commission of the communications that the staff has received and replied in their behalf. He presented an abstract of those communications which he felt were important enough for their attention and asked whether this would suffice rather than the full reading of Commission's communications. He stated that the determination of what communications should be included in the abstract would be left to the Executive Officer, and that hopefully enough of these would be included to arouse the Commissioners curiosity to consult the offices files.

The suggested abstract of commission's communications was accepted by the Commission.

WORK PROGRAM

The following tentative work schedule was proposed by the Executive Officer and submitted and accepted as record by the Commission:

1. Standards for districting. Preliminary standards of the four districts are to be prepared by the staff and reviewed by the Counties for their recommendations and comments.

Members are to familiarize themselves with their respective county district lines enough so they will be experts on any subject brought before the Commission on his county.

2. Working Relationship with Counties. Personal contacts with county officials to develop a closer and better working relationship was recommended.

Members were requested to contact their respective county officials (Chairman and Director of Planning Commission, County Chairman and/or Board Members) to invite them to participate in an orientation session on state zoning wherein they will submit their recommendations of the land use districts in their county. A tentative schedule was set and each member was to reply to the executive officer by November 4, 1963.

3. Final Land Use Districts and Land Use Regulations. A deadline set for early December was recommended. This would give the members ample time to discuss and adjust whatever they want to the district lines and regulations. The establishment of the district lines and regulations will be based on county recommendations, consultant's report and staff's own judgment.
4. Early LUC Deliberation on Conservation District. It was recommended that the consultant's report will be used as a starting point to follow, with adjustments and improvements, for the proposed Conservation district which can be considered and tentatively adopted at an early date in November.
5. Drafting. Commissioner Mark volunteered to help work out the additional drafting help that will be needed.
6. Land Use Regulations & Rules of Practice and Procedure. Legal Counsel's assistance was called upon to review the existing Rules of Practice and Procedure in view of Act 205, and to review the Land Use Regulations and submit his recommendations on these.
7. It was recommended that one field officer will have to be assigned to keep track of all pending petitions now before the Land Use Commission. This will require field investigations, evaluation, analyzing, etc. (This assignment was given to Mr. Soh.)

It was recommended that, within legal limitations, all hearings be postponed to as late a date as possible in order that the Commission may accomplish its primary mission and objective of setting up the land use district lines and regulations.

OTHER NEW BUSINESS

Chairman Thompson stated that there is a communication that was submitted to the Land Use Commission by the Hawaiian Homes Commission in March 1962 regarding the use of land out in Waimanalo, which a copy had been sent to him. He asked

whether there were other requests of this nature pending before this Commission.

Mr. Soh stated that this letter may have been submitted with respect to the interim boundaries which Commission acted on in April of that year. This would be in a nature of a protest. We do have requests of this nature on file.

Chairman Thompson asked if there are other protests that go back to that time that need to be considered.

Mr. Soh stated that we have a sizeable volume of protests to take into account. I think the thinking has been that these protests would be taken into account in the adoption of the final district boundaries. My impression might be incorrect.

Chairman Thompson requested that this matter be looked into and re-presented at the Commission's next meeting.

The Commission's next meeting was uncalled until the Executive Officer had a chance to work up a schedule, otherwise it was set for November 30, 1963.

The meeting adjourned at 3:30 p.m.

Respectfully submitted,



ALBERTA L. KAI
Stenographer