STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kauai Surf Hotel

Lihue, Kauai, Hawaii

5:30 P.M. - November 5, 1964

Commissioners Present:	Myron Thompson C.E.S. Burns Charles Ota Goro Inaba Shiro Nishimura Robert Wenkam Leslie Wung
Absent:	Jim Ferry Shelley Mark
Staff Present:	Raymond Yamashita, Executive Officer Roy Takeyama, Legal Counsel Richard Mar, Assistant Planner

Chairman Thompson called the meeting to order. The first item discussed was the scheduled November 13 field trip to Maui for the Maui Pineapple Company's petition for boundary change and the special permit application by the Department of Land and Natural Resources. Since the primary purpose of the field trip was for the preparation of the Staff Report, the Commission indicated a preference to make a site inspection in conjunction with the public hearing to be scheduled later.

The Chairman then suggested that the Commission meet on November 20, in Honolulu, from about 1:30 to 4:00 p.m. to act on several pending petitions for special permits and to discuss proposals for legislative amendments. This next meeting date was agreeable to the Commission.

Legal Counsel said much research and thought must go into the proposed amendments if they are to be effective and suggested that the Commissioners, themselves, work on the proposed amendments. Chairman Thompson replied that the Commission's concerns had been previously expressed and that Legal Counsel should get together with the Executive Officer to come up with appropriate suggested amendments.

It was decided that the Oahu Commissioners would form a sub-committee to study the proposals prior to the November 20 meeting and make recommendations to the entire Commission at the regular meeting on November 20, 1964.

The Legal Counsel then reported on the status of the Roman Catholic Church court suit. He said the findings of fact and conclusions of law must be filed and sent to the plaintiff before the case can be heard. As there was no rush in sending this information to the plaintiff, it would be quite some time before the case will be heard in court. Legal Counsel also reported that the Kauai County Chairman had filed a suit to contest the constitutionality of the Land Use Law. Since the present Chairman was not re-elected, the status of this suit will depend upon the actions of the New Kauai County Chairman.

Chairman Thompson suggested that the Commission send letters of congratulations to the new legislators. This suggestion was agreeable to the Land Use Commission.

In respect to public relations, Chairman Thompson suggested that personal contacts with the legislators, and further T.V. programs may be ways to further inform the legislators and the public of the Law. Chairman Thompson said he would discuss this with the Governor and try to come up with a workable solution.

The Executive Officer stated that the Planning Department, City and County of Honolulu, had submitted another request for comments and recommendations on a proposed residential subdivision in Waipahu, Oahu. The proposed subdivision is located in the southeast quadrant at the intersection of the proposed defense highway and Kunia Road. This quadrant is classified as an Urban District. In establishing the location of the Urban District Boundary, the intent of the Land Use Commission was to follow the makai boundary of the right-of-way of the proposed Defense Highway. The problem is that the alignment was then preliminary and subject to change. The alignment was subsequently altered slightly and is more specific, now. But, officially, is still subject to change.

There now is some discrepancy between the highway alignment and the Urban District Boundary as drawn. However, the amount of discrepancy cannot be precisely determined because of the large scale maps used to delineate the boundaries.

This matter was previously discussed between the Legal Counsel and Executive Officer. It was concluded that it would be appropriate for the Land Use Commission to consider the following reply:

that the intent of the Land Use Commission was that the makai right-of-way boundary of the proposed defense highway be the mauka limit of the urban district and, any approval for urban use should be subject to verification, of the location of the Defense Highway right-of-way, from the State Transportation Department.

The proposed subdivision layout map enclosed with the Planning Department's letter and the latest layout of the proposed highway location, imposed on an aerial photo and received from the Transportation Department, were presented. After examining the maps, Commissioner Burns moved to accept the staff's suggested reply. The motion was seconded by Commissioner Nishimura and was unanimously approved by the Land Use Commission.

The Executive Officer then presented several Land Use District Boundary problems in the Puna District, Hawaii, Third Taxation Division. The problem areas had been graphically shown on the Land Use Commission's map, H-Puna, and were shown to the Commission. The following specific problems were presented by the Executive Officer:

TMK 1-2-01: 3, 1-2-02: 1, 21 & 22. During final deliberations and adoption of Land Use District Boundaries in June of 1964, the Land Use Commission had included these parcels in the Conservation District. The boundaries were drawn correctly on the larger scale Map H-J but were not drawn on the smaller scale Map H-Puna. This was a drafting error, of omission, on Map H-Puna.

TMK 1-5-02, 11, 12, 13, 14, & 07: 24 through 47, 49 & 50 (Pahoa Town). During final deliberations and adoption of Land Use District Boundaries in June of 1964, the Land Use Commission had included these parcels in the Urban District. The boundaries were drawn correctly on the larger scale Map H-L but were not drawn on the smaller scale Map H-Puna. This, again was a drafting error, of omission, on Map H-Puna.

TMK 1-8-09: 18, 22 & 24. During final deliberation and adoption of Land Use District Boundaries in June of 1964, the Land Use Commission had included these lots in the Agricultural District as is now shown correctly on Map H-J. All of TMK 1-8-09: 19, being part of Olaa Forest Park Reserve and adjacent to TMK 1-8-09: 22, had been districted Conservation. A drafting error extended the Conservation-Agricultural boundary line to include subject parcels in the Conservation District on Map H-Puna.

TMK 1-7-11: 10. During final deliberations and adoption of Land Use District Boundaries in June of 1964, the Land Use Commission had included this parcel in the Urban District. Since the parcel is small, its inclusion in the Urban Districts shown on Map H-I looks doubtful. On the smaller scale Map H-Puna, however, there is no question that it has been erroneously omitted from the Urban District.

TMK 1-7-07: 6, 16 & Major Portion of 7. During final deliberations and adoption of Land Use District Boundaries in June of 1964, the Land Use Commission had included these areas in the Agricultural District. The Boundaries are shown correctly on Map H-I but a drafting error included the area in the Urban District, during the transfer of the lines to the smaller scale Map H-Puna.

The staff presented the work sheets, including the Tax Maps, used by the Commissioners during the deliberation and adoption of the Land Use District Boundaries. The Commissioners discussed and reviewed the problem areas noted by the staff and indicated concurrence.

Commissioner Wung then made the following motion: "Because uncertainty exists concerning the location of certain district lines in the Third Taxation Division, Puna, Hawaii, I move that the Land Use Commission hereby determine that certain of the district boundaries are established as follows:

"1. The Conservation-Agricultural boundary line follows those property lines of TMK 1-2-01: 3, 1-2-02: 1, 21 & 22 so that these parcels are included within the Conservation District.

"2. The Urban-Agricultural boundary line includes all of TMK 1-5-02, 11, 12, 13, 14 and TMK 1-5-07: 24 through 47, 49 & 50, being essentially the Town of Pahoa, within the Urban District.

"3. The Conservation-Agricultural boundary line entirely excludes TMK 1-8-09: 18, 22 & 24 from the Conservation District and in the Agricultural District.

"4. The Urban-Agricultural boundary line does include TMK 1-7-11: 10 within the Urban District.

"5. The Urban-Agricultural boundary line excludes TMK 1-7-07: 6, 16 and that major portion of 7 which lies away from the New Volcano Road and beyond a straight line extension of the rear lot line of TMK 1-7-07: 13 from the Urban District and in the Agricultural District."

The motion was seconded by Commissioner Inaba and, upon being polled by the Executive Officer, the seven present Commissioners unanimously approved the motion.

There being no further urgent business before the Land Use Commission, the meeting was adjourned at 6:30 p.m.