

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Conference Room
Wailuku, Maui

November 28, 1973 - 1:30 p.m.

APPROVED
FEB 14 1974

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Sunao Kido
Alexander Napier
Mitsuo Oura
Tanji Yamamura

COMMISSIONER ABSENT: Shelley Mark

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
E. John McConnell, Deputy Attorney General
Dora Horikawa, Clerk Reporter

The minutes of October 4, 1973, October 5, 1973 and
October 17, 1973 were adopted as circulated.

Chairman Tangen swore in persons testifying during today's
proceedings.

ACTION

PETITION BY AMFAC COMMUNITIES, INC. - HAWAII (A73-366) TO RECLASSIFY
17.4 ACRES FROM AGRICULTURAL TO URBAN AT KAAHAPALI, LAHAINA, MAUI

Mr. Earl Stoner, President of Amfac Communities, Inc. requested
withdrawal of the subject petition at this time. He stated that
he was unable to respond, within the 15 day period provided by
statute, to earlier adverse testimonies which had been presented.
He indicated his intent to file a revised petition in the near
future.

Upon Commissioner Napier's motion, seconded by Commissioner
Yamamura, the withdrawal request was granted by unanimous consent.

HEARING

AMENDMENT TO THE RULES AND REGULATIONS (AR&R-73-2) - IMPOSITION OF CONDITIONS

Mr. Tatsuo Fujimoto, Executive Officer, presented background information of the proposed amendment to the Land Use Commission's Rules and Regulations regarding the imposition of conditions on boundary amendment petitions, followed by a brief summary of the affected sections (see copy of report on file).

Mr. Toshio Ishikawa, Deputy Director of the Maui Planning Department, read a letter from the Planning Director, Mr. Howard Nakamura, recommending revision of Sections 2.351 and 2.353 (see copy of letter on file).

Commissioner Kido observed that the County's recommendation that "conditions shall not be imposed without the concurrence of the Planning Commission of the respective counties" seemed to imply that the Land Use Commission would be subservient to the County Planning Commission, and would circumvent the legislative intent of authorizing the Land Use Commission to impose conditions.

Mr. Ishikawa explained that the Planning Commission was merely recommending that any conditions being proposed by the Land Use Commission be referred to the respective county planning commissions for concurrence. Mr. Ishikawa felt that conflicts, if any, would be the result of non-conformance with County's policies. He added that, in the past, there had been instances where the Planning Commission felt certain conditions should have been imposed which were consonant with the County's policies.

Commissioner Kido felt that a clear delineation of the State's and County's jurisdictions would obviate the necessity for the inclusion of this recommended revision to the Rules and Regulations by the County.

In view of the foregoing discussion, Chairman Tangen reviewed the procedure involved in a boundary amendment petition which included referral to the County for its recommendations, and the Land Use Commission staff's recommendation prior to final decision. He also noted that the Commission would take into consideration any further conditions that may be recommended by staff at the time of action on a petition.

Mr. Ishikawa advised that this was the area with which they were most concerned, i.e. at the time of the action meeting, there was no opportunity for the Planning Commission to either concur or

disagree, in line with the County's policies or requirements, to the additional conditions that the Land Use Commission may recommend. However, he acknowledged the spirit of cooperation which has existed between the Land Use Commission and the Maui Planning Commission in the past and did not foresee any serious difficulties.

Chairman Tangen reflected that there was really no great difference in the basic philosophy of the County, the Land Use Commission and the Legislature. He suggested that the Planning Commission review Section 2.351 further and submit its findings to the Land Use Commission. He also expressed appreciation to Mr. Ishikawa and Mr. Nakamura for the testimony.

Since there was no further testimony on this matter, Chairman Tangen closed the hearing on AR&R-73-2, and advised that additional testimony will be accepted by the Commission within 15 days and that a decision will be rendered within 45 to 90 days.

Chairman Tangen acknowledged the presence of Senator Mamoru Yamasaki in the audience and thanked him for his interest.

TENTATIVE SCHEDULE

It was announced by the Executive Officer that the next meetings of the Land Use Commission were scheduled on December 6 and 7, 1973 on Oahu and Kauai respectively.

Since there was no further business, the meeting was adjourned.