

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Legislative Auditorium, State Capitol  
Honolulu, Hawaii

December 18, 1970 - 7 p.m.

APPROVED  
FEB 26 1971

Commissioners Present: Goro Inaba, Chairman Pro Tempore  
Shelley Mark  
Sunao Kido  
Alexander Napier  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

Commissioner Absent: Eddie Tangen

Staff Present: Ramon Duran, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Jean Soma, Stenographer

Acting-Chairman Inaba called the meeting to order.

HEARING

PETITION BY DEPARTMENT OF ACCOUNTING & GENERAL SERVICES  
(A70-265) TO RECLASSIFY APPROXIMATELY 20.90 ACRES FROM  
CONSERVATION TO URBAN AT HALAWA, OAHU

Mr. Leong, the staff planner, presented the staff report  
and described the property in question.

The petitioner's representative, Mr. Stanley Shin, was  
sworn in and was asked by Commissioner Wung whether the  
school site can be situated in an area other than the one  
proposed in the Conservation District.

Since the proceeding was interrupted by those in the  
audience anxious to discuss the Olomana situation, the  
Executive Officer, Mr. Duran, asked that order be restored so  
that the Commission may proceed with the agenda.

Mr. Shin then replied that the site was previously selected by the Department of Education and that it is probably the best location, as it is situated next to an existing school and roadway.

Acting-Chairman Inaba asked for additional questions or testimony. Since there were none, he advised that the Commission will receive additional testimony in the next 15 days and thereafter closed the public hearing.

## ACTION

### SHORELINE SETBACK

Mr. Duran, the Executive Officer, presented the staff report recommending that a 40 foot shoreline setback be established throughout the State except that when certain situations exist with small lots, a 20 foot shoreline setback apply (see report on file). He referred to diagrams posted on the wall and described in detail the three conditions under which a 20 foot setback is applicable.

Upon Commissioner Yamamura's request, the Executive Officer clarified that the shoreline setback does not mean that the property affected would be open to public access. The land would still be owned by the private landowner and trespassing prohibited. As for tax assessment, the prerogative still is with the Department of Taxation, and the shoreline setback would probably be treated as yard setback areas. The Executive Officer then urged that the staff's recommendation be adopted and that the Land Use Commission amend its regulations to incorporate the shoreline setback provisions (see recommendation on file).

Mr. Harry K. Ching of Ewa Beach objected to the 40 foot setback but was advised by Mr. Duran that since the depth of his property is only 55 feet, a 20 foot setback would apply as it meets condition #2 of the staff's recommendation.

Mr. Tony Hodges thought that the emphasis under condition #3 should be on preservation of the shoreline and not on the yard setbacks imposed by the Counties.

Mr. B. J. Connell felt that the application of the shoreline setback provisions to non-beach areas on a State-wide basis was unreasonable.

Commissioner Mark moved that Part II of the State Land Use District Regulations be amended in the manner as recommended by the staff and that the shoreline setback line be established as mandated by the State legislature, to become effective 11 days after filing. The motion was seconded by Commissioner Kido.

Acting-Chairman Inaba raised a question regarding Opinion #35 of the Ethics Commission. Deputy Attorney General Hong stated for the record that it was an unofficial opinion from the Ethics Commission and "the procedure we will follow is that each Commissioner in turn if he has any interest on water-front property will be affected by the shoreline setback bill declare his interest in such property publicly and that he believes that under Opinion #35 of the Ethics Commission there is no conflict of interest in this case where the vote is taken on the State-wide basis".

Commissioners Napier, Inaba, and Yamamura publicly declared their interests in shoreline properties. Commissioners Sakahashi, Mark, Wung, and Kido indicated that they did not own shoreline properties.

The Acting Chairman called on the Executive Officer to poll the Commissioners on the motion before the Commission. The motion by Commissioner Mark was carried as follows:

Ayes: Commissioners Mark, Kido, Wung, Sakahashi,  
Yamamura, and Inaba

Nay: Commissioner Napier

PETITION BY LAND USE COMMISSION (A70-256) TO RECLASSIFY APPROXIMATELY 202.7 ACRES FROM CONSERVATION AND RURAL TO URBAN AT KALUAAHA-PUKOO, MOLOKAI

The staff planner, Mr. Leong, presented the staff memorandum recommending disapproval of the petition in its entirety and further recommended that the Land Use Commission initiate a rezoning of the 39 acre urban spot zone at Pukoo Pond back to its original classification (see staff memorandum on file).

Commissioner Wung moved and Commissioner Yamamura seconded that the entire area under petition be retained in its present Rural and Conservation classifications. The motion was carried unanimously.

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PETITION BY HELEN, FRANCIS & BERTHA CHUNG (A70-259) TO RECLASSIFY APPROXIMATELY 1.019 ACRES FROM AGRICULTURAL TO URBAN AT PAUMALU, KOOLAULOA, OAHU

The staff planner read the staff memorandum recommending disapproval of the petition (see memorandum on file), and described the area in question.

Acting-Chairman Inaba called for testimony for or against the request. There was none.

Commissioner Napier moved for acceptance of the staff's recommendation. Commissioner Wung seconded the motion, and it was carried unanimously.

PETITION BY EAGLE COUNTY DEVELOPMENT CORPORATION (A70-261) TO RECLASSIFY APPROXIMATELY 1.25 ACRES FROM CONSERVATION TO URBAN AT PRINCEVILLE AT HANAIEI, KAUAI

Mr. Duran, the Executive Officer, presented the staff memorandum recommending approval of the 1.25 acre site under petition for reclassification from a Conservation to an Urban designation (see memorandum on file).

Mr. Steve Smith, a Kauai resident, urged the Commission to deny the request since the beauty of Hanalei will be diminished by the addition of more townhouses on the bluff.

Mr. Tony Hodges felt that approval of the request would set a dangerous precedent in that the subject area, which contains 66.7 percent slopes, greatly exceeds the 20 percent slope standard of the Commission.

Commissioner Sakahashi's motion for approval of the petition was seconded by Commissioner Wung and unanimously carried.

PETITION BY RICHARD A. ARAKAKI & FRITZ REITFORS (A70-260) TO RECLASSIFY APPROXIMATELY 7.01 ACRES FROM AGRICULTURAL TO URBAN AT PUA A 1, NORTH KONA, HAWAII

The Executive Officer read the staff memorandum and described the area in question. Since the Hawaii Planning Commission has not indicated its willingness to support the proposal; since there is ample vacant land in the existing Urban District; and since the petitioners have not submitted

additional data to substantiate the original request, the staff recommended that the petition be disapproved.

Commissioner Kido queried the Executive Officer on the County's recommendation. The Executive Officer explained that it would be difficult for the Land Use Commission to implement the provisions in its new Regulations without reasonable cooperation from the Hawaii County Planning Commission.

Commissioner Wung's motion to accept the recommendation of the Hawaii County Planning Commission for approval of the petition was seconded by Commissioner Napier and was carried as follows:

Ayes: Commissioners Yamamura, Napier, Kido, Sakahashi, Wung, and Inaba

Nay: Commissioner Mark

HAWAIIAN PACIFIC INDUSTRIES URBAN ZONING (Mt. Olomana)

The Executive Officer, Mr. Duran, noted that it was 9 p.m. and that in the interest of time, representatives of the various groups present would be allowed to comment on the Olomana zoning issue, concerning 180 acres zoned Urban by the Land Use Commission during the 1969 boundary review.

Miss Jane Soderholm of the Lani-Kailua Outdoor Circle introduced Mr. Lionel Medeiros, spokesman for the newly organized Save Mt. Olomana Association. He expressed that the natural beauty of Hawaii is its prime asset and called on the Land Use Commission to preserve this asset and the quality of life for future generations (see copy on file).

Miss Soderholm, speaking on behalf of the Lani-Kailua Outdoor Circle, urged the Commission to document its actions in the decision process as recommended by the Land Use Commission's consultants, Eckbo, Dean, Austin & Williams. She urged reconsideration and repeal of the Olomana urban rezoning action (see copy on file).

Mr. Alan Sanborn, Planning Director of the Windward Citizens Planning Conference, stated that since the need for the two parcels proposed for urban development by Hawaiian Pacific Industries has not been demonstrated and since the public was not heard on the matter, he felt that the

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Commission should initiate the rezoning of this land in question in accordance with the Land Use Commission's consultant's recommendation (see copy on file).

Mr. Jack Latimer, President of the Olomana Community Association, submitted a petition containing 690 signatures of residents of Olomana. Including the Maunawili Community Association petition containing 110 signatures and 520 signatures collected tonight, a total of 1,320 persons are asking the Commission to reverse its decision of August, 1969, regarding the Olomana situation.

Conservation Chairman Richard H. Davis of the Hawaiian Trail & Mountain Club warned that the severity of the existing cuts surrounding the Enchanted Lake Subdivision have resulted in flooding and erosion problems. He felt that the Olomana rezoning was not carried out in accordance with the intent of the law.

Mr. Archie Eriksson of the Kaneohe Outdoor Circle and other Windward organizations urged that the Olomana landscape be conserved for this and future generations.

Mr. Tony Hodges, President of Life of the Land, presented a detailed summary of his findings regarding the procedures used by the Commission and staff during the five year boundary review. He felt that due process was not accorded the people of the State and that the changes made during the review be declared null and void and the petitioners be required to go through proper public hearings.

Mr. Don Griffin of the Kaneohe Community Council felt that the urban rezoning of the Olomana area for low-cost housing did not seem reasonable since it is well known that development and other costs rise with the steepness of the land.

Mr. Kent Monton, President of the Waimanalo Council of Community Associations, stated that the Council is opposed to the urban zoning of the Olomana area.

Mr. Duane Prebble, University of Hawaii art professor, hoped that the Land Use Commission understood not only the lettering but the spirit of the law regarding the protection of Agricultural and Conservation lands.

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Miss Jennifer Chiwa, University of Hawaii Survival Plus Art Seminar student, presented orchids to the Land Use Commission in hopes that its future decisions would be for the good of the people such as those gathered at the meeting.

Mrs. Marie Styers, Chairman of the Community Planning Committee for Sand Island State Park, added her support to that of the Windward citizens groups.

Mr. Franklin Fong, President of Maunawili Estate Community Association urged the preservation of Mt. Olomana.

Mr. Cecil Heftel inquired whether the Executive Officer or the Land Use Commission knew whether Mr. Pao did not own the land in question on May 23, the date of the Oahu public hearing. The replies were negative. Mr. Heftel felt that the increase in value is about \$30,000 an acre when lands are rezoned from Agricultural or Conservation to an Urban classification. He stated that Mr. Pao did not acquire the property in question until July 14, 30 days before the rezoning to Urban.

Mrs. John Schantz of the Executive Board of the Kailua Branch of the American Association of University Women strongly supported the efforts to preserve Olomana.

Mr. Olin Pendleton expressed his feeling that the Land Use Commission is probably the most significant Commission in the State and urged representatives of the organizations at future Land Use Commission meetings.

The Executive Officer summarized that the Land Use Commission was advised step by step by the Attorney General's office regarding the procedures that were followed during the five year boundary review. Mr. Duran further advised that a Commission initiated rezoning action would take about six months. Since the land in question is presently districted Urban, the County has full jurisdiction. He felt that those present should concern themselves at the County level since public hearings would have to be held by the County when the landowner applies for a change in the General Plan and again when a rezoning request at the County level is considered.

Mr. John Kelly of Save Our Surf urged some form of direct action, such as that used by his organization on the Kuhio Beach project, until the procedures of government can relate to the wishes of the people.

Shortly after, Mr. Duran thanked the people for coming.

He then called the Commission's attention to the tentative schedule and advised that the Kauai Planning Commission will initiate a petition covering the area around Tanabe's property. As a result, the Tanabe petition was withdrawn and the Commission will meet in Windward Oahu on February 5.

The meeting was adjourned at 10:40 p.m.