

April 24, 1972

Honorable Toraki Matsumoto  
Councilman  
City and County of Honolulu  
Honolulu, Hawaii 96813

Dear Councilman Matsumoto:

Mr. Sunao Kido has referred your letter of April 14, 1972 to this office. In your letter, you have expressed concern over the action of the Land Use Commission regarding the disapproval of a request to amend the district boundary of the 38.4-acre portion of Tax Map Key 4-7-01 from the Urban to Conservation District. Therefore, you have inquired as to whether or not the City Council can initiate a petition for change of boundary to the Land Use Commission, and whether or not there is a legal time limit to such a procedure.

Section 205-4, Amendments to district boundaries, of the Hawaii Revised Statutes states that: "Any department or agency of the State or county, or any property owner or lessee may petition the land use commission for a change in the boundary of any district. -----"

Section 1.24, Re-Application by Petitioner, under Part I, Rules of Practice and Procedure, of the Land Use Commission, states that: "The Commission shall not consider any petition covering substantially the same request for substantially the same land as had previously been denied by the Commission within one year of the date of such denial unless the petitioner submits significant new data or additional reasons which substantially strengthen his petition, provided that in no event shall any such new petition be accepted within six (6) months of the date of such previous denial."

Honorable Toraki Matsumoto

-2-

April 24, 1972

From the above provisions, we would conclude that the City Council cannot initiate a petition for boundary change, and that the subject parcel of 38.4 acres cannot be reconsidered for boundary amendment for a period of one year, unless the petitioner submits significant new data or additional reasons which substantially strengthen the petition.

We are also enclosing for your information the staff reports of both the hearing and action meetings, the minutes of the hearing, and the Rules and Regulations of the Land Use Commission. The minutes of the action meeting are not available at this time. We will be happy to transmit them to you subsequent to their adoption by the Land Use Commission.

I hope that this clarifies your concerns. Should you have any further questions, please feel free to call on us.

Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Encls.

cc: Mr. Sunao Kido

bcc: Land Use Commissioners

JOHN A. BURNS  
GOVERNOR OF HAWAII



DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 621  
HONOLULU, HAWAII 96809

April 18, 1972

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State of Hawaii  
LAND USE COMMISSION

Honorable Toraki Matsumoto  
Councilman  
City and County of Honolulu  
Honolulu, Hawaii 96813

Dear Toraki:

Thank you for your letter of April 14, 1972 requesting information on whether the City Council can initiate a petition for boundary change.

I have taken the liberty of transmitting your letter to the Land Use Commission for an appropriate reply. You should be hearing from them shortly.

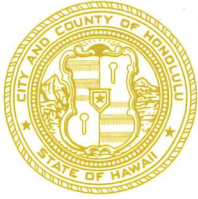
Very truly yours,

BOARD OF LAND AND NATURAL RESOURCES

SUNAO KIDO  
Chairman and Member

✓ cc: Land Use Commission

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**CITY COUNCIL**

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813 / TELEPHONE 546-7611

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TORAKI MATSUMOTO

CHAIRMAN

FINANCE, EXPENDITURES & OPERATIONS COMMITTEE

DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

April 14, 1972

Mr. Sunao Kido, Chairman  
Department of Land and Natural Resources  
465 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Kido:

I am writing to you at this time to express my concern to the action taken recently by the Land Use Commission regarding their disapproval for a request to amend the district boundary for a 38.4 acre portion of Tax Map Key: 4-7-01 from Urban to Conservation District.

Because of this action, I would appreciate information on whether the City Council can initiate the request to the Land Use Commission to down-zone the subject area from Urban to Conservation. Also, please inform me if there is any legal time limit to such a procedure.

I would appreciate a copy of the minutes of the meetings and the staff report on the above matter.

Very truly yours,

TORAKI MATSUMOTO  
Councilman

dsf

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