

LAND USE COMMISSION
Minutes of Meeting
Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

January 10, 2003

COMMISSIONERS PRESENT: Pravin Desai
Lawrence N. C. Ing
Steven Montgomery
Stanley Roehrig
Randall Sakumoto

COMMISSIONERS ABSENT: Peter Yukimura
Isaac Fiesta, Jr.
P. Roy Catalani
Bruce Coppa

STAFF PRESENT: Diane Erickson, Esq., Deputy Attorney General
Anthony J.H. Ching, Executive Officer
Bert Saruwatari, Staff Planner
Russell Kumabe, Staff Planner
Arlene Shimokawa, Chief Clerk
Holly Hackett, Court Reporter

Chair Lawrence Ing called the meeting to order at 9:32 a.m.

I. ADOPTION OF MINUTES

Commissioner Roehrig moved to approve the December 19, 2002 minutes as circulated. The motion was seconded by Commissioner Montgomery and said motion was unanimously approved by voice votes.

II. Panel Discussion – Issues and Opportunities Related to the Administration of the State Agricultural Land Use District.

Executive Officer Anthony Ching introduced the following participants on the panel:

Alton Arakaki, CTAR
Mary Lou Kobayashi, Office of Planning
Roy Takemoto, County of Hawaii Planning Department
Tom Hill, Hawaii Farm Bureau
Dan Davidson, Executive Director, Land Use Research Foundation
Alan Murakami, Esq., Native Hawaiian Legal Corporation
Jeff Mikulina, Sierra Club
Linnell Nishioka, Esq., formerly with DLNR
Glen Teves, CTAR, Molokai

Questions were posed to the panelists by Mr. Ching.

The first question posed was “What role should the Land Use Commission have with respect to land uses that are occurring in agricultural districts.”

The panel noted that agriculture was an important sector in Hawaii not only for potential economic value but also because of the public interest that agricultural lands be preserved. Comments and concerns recorded included:

- (1) that there are agricultural subdivisions that are not agricultural in character;
- (2) perhaps the land use law should be revised to allow more flexibility;
- (3) counties can check for consistency; legislature has set it up to give counties leverage;
- (4) agriculture is a leftover land use classification;
- (5) greater use of rural category is probably the ultimate key to creating a more rational land use pattern;
- (6) there are many condominiums in agricultural districts;
- (7) counties don't have exclusive jurisdiction;
- (8) there are many agricultural lands that do not belong; there are lands in agricultural districts that are only lava; small farmers need opportunity to farm fertile land;
- (9) LUC needs to be strengthened in terms of mandate;
- (10) there should be an agreement that special permits should come before the LUC before the development is started.

A 10-minute recess was taken at 10:35 a.m.

The meeting was reconvened at 10:45 a.m.

The next question for discussion was “what role, if any, might the LUC have with respect to home occupations?”

The following were the participants’ thoughts on this and other issues:

- (1) allow the county to enforce; LUC should deal with the bigger issues;
- (2) the Big Island feels that if there are concerns like traffic, the home occupation should not be allowed;
- (3) for instance, if papayas were raised, then jams or jellies can be made and sold; accessory activities should be related to farm activity;
- (4) LUC has a limited role; LUC mandate should be strengthened; redefinition in statute is needed;
- (5) county rules/processes are abused;
- (6) State resources should be put in conservation;
- (7) declaratory ruling doesn't give appellant authority of LUC over county;
- (8) county water use maps and policies are critically needed; land use petitions should be set aside until water plans/maps are available;
- (9) look at one time reclassification/boundary review from agricultural to rural;
- (10) in terms of promoting agriculture, more definition needed for permissible uses;
- (11) reclassification of agricultural land on Oahu takes away from a diminishing core resource;
- (12) there is a crisis with respect to enforcement/protection of agricultural district.

The meeting was adjourned at 12 noon.