

Political Offices: State Legislature: Legislation: S.B 91: Postpone greenbelt

Thomas P. Gill Papers

Political Offices, State Legislature, Legislation, Box PO11, Folder 6

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MEMORANDUM

TO: Honorable Elmer Cravalho, Speaker
FROM: Lily M. Okamoto, House Attorney
DATE: March 7, 1962
SUBJECT: Constitutionality of Act 187, Session Laws of
Hawaii 1961

Deputy Attorney General Yoshio Shigezawa, defendants' attorney in the suit of certain Kauai residents contesting the constitutionality of Act 187, Session Laws of Hawaii 1961, has stated that on the basis of his research he is willing to defend the act's constitutionality and that it is necessary to so defend the act since so much time and money have been expended thereto.

It is our opinion that the House must also assume that Act 187 is constitutional until it is decided otherwise by the courts.

Tom - I managed to "sell" the Est. Socce bases on this job. - was badly needed. Hope you like it. As it turned out, did a consid. pt. of it too.

This mimeo version (hurried) will be followed by a version that has as an Appendix - the Act itself.

Fred. Nunn

Greenleaf

SOME QUESTIONS AND ANSWERS

ON ACT 187

OR

THE STATE ZONING LAW

Stephen M. Doue

Assistant Specialist in Agricultural Economics
Cooperative Extension Service, University of Hawaii

March 1962

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS
COLLEGE OF TROPICAL AGRICULTURE, UNIVERSITY OF HAWAII, HONOLULU 14, HAWAII
UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING
Y. BARON GOTO, DIRECTOR, HAWAII COOPERATIVE EXTENSION SERVICE
DISTRIBUTED IN FURTHERANCE OF THE ACTS OF CONGRESS OF MAY 8 AND JUNE 30, 1914

INTRODUCTION

This publication has been issued by the Cooperative Extension Service of the University of Hawaii as a Public Affairs Series, to help the public understand the basic provisions of Act 187, the State Zoning Law passed by the 1961 Legislature. It is not intended to support or to dispute the merits of the Act.

The purpose of Act 187 is "to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited." Legislative action was prompted by these findings: "Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully multiple-purpose lands; these are evidences of the need for public concern and action."

Persons interested in Act 187 are urged to attend the public hearings to be held by the Land Use Commission. The Cooperative Extension Service would like to urge farmers, particularly, to take active part in these hearings.

SOME QUESTIONS AND ANSWERS ON ACT 187

(1) Q. What is Act 187?

A. Act 187 is generally known as the State Zoning Law or the "Greenbelt" Law. It was passed by the First State Legislature at the 1961 General Session.

(2) Q. What were some reasons for passing Act 187?

A. These problems were considered in passing the Act:

- (1) Too many scattered urban developments without sound planning.
- (2) Prime agricultural lands needlessly being used for residential purposes.
- (3) Multiple-purpose lands not being fully utilized.
- (4) Inadequate guidelines for assessing land according to best use.

(3) Q. What are the major provisions of Act 187?

A. Act 187 gives the State the power to classify and district lands according to three major uses--urban, agriculture, and conservation--and establish broad land use regulations for these districts. The Act also mandates the Department of Taxation to consider the permissible uses to which land may be put when making assessments. By means of these provisions, better control of Hawaii's valuable land as well as sound bases for assessing land according to use is expected.

(4) Q. Who is to administer Act 187?

A. A nine-member State Land Use Commission is responsible for administering Act 187. The Governor appoints seven members--one from each of the six senatorial districts--plus one member at-large. The Director of the Department of Land and Natural Resources and the Director of Planning and Research serve as ex-officio members. All members have voting privileges.

(5) Q. What guidelines are to be used in setting "permanent" district boundaries?

A. Agriculture district boundaries will be set by giving the greatest possible protection to lands with high capacity for cultivation. Urban districts will include those lands now in urban use plus a reserve area for future urban growth. For conservation districts, the Act stipulates that the "forest and water reserve zones" of Act 234, passed by the 1957 Legislature, be the initial boundaries.

(6) Q. How soon will district boundaries and use regulations come into effect?

A. Temporary district boundaries and use regulations will be in effect first. These must be adopted by April 11, 1962. It is to be understood that certain revisions are likely to occur when the follow-up "permanent" boundaries and regulations are set. "Permanent" district boundaries and use regulations come into effect on July 11, 1963.

(7) Q. May the Counties participate in setting district boundaries?

A. Under Act 187, the Land Use Commission has the final word on setting district boundaries. However, the Commission will need the help of the Counties and will invite and urge each County to help draw up these boundaries. In addition, the Federal government (Housing and Home Finance Agency) has approved a \$50,000 Federal grant to match \$25,000 of State funds to help finance this project.

(8) Q. Who regulates zoning within the three districts?

A. The Counties will continue to regulate internal zoning in urban districts, as they have done. A County may establish agricultural zones in urban districts. In agriculture districts, the Counties will continue to exercise jurisdiction over land use, within limitations set by the Land Use Commission. The Land Use Commission may prohibit the development of urban-type small-lot subdivision in agriculture districts. In such a case, the County would be required to observe the minimum requirements of the Land Use Commission regulations.

The Department of Land and Natural Resources will regulate land use in conservation districts.

(9) Q. How will Act 187 affect established land uses that conflict with the Commission's district zoning?

A. Established land uses that conflict with urban and agriculture district zoning regulations may be continued as non-conforming uses.

(10) Q. Does Act 187 provide for land uses other than those for which the land is zoned?

A. Act 187 gives the Land Use Commission authority to grant special permits for unusual and reasonable uses other than those for which the district is classified. Petitions for special permits are to be made to the Land Use Commission. Not less than 30 nor more than 120 days after the petition is received, the Commission is required to hold a hearing in the County in which the petitioner's land is located. Five affirmative votes are required to approve such petitions.

(11) Q. Will there be public hearings for establishing and amending district boundaries?

A. The Land Use Commission is required to hold at least one hearing in each county before adopting either temporary ^{or} "permanent" district boundaries and use regulations.

(12) Q. When and where will hearings be held?

A. The newspapers will publish notices on the time and place of hearings. Maps indicating temporary district boundaries and use regulations will be available for public inspection before the hearings. Newspapers will tell where these can be seen. (As of March 6, 1962, the required hearings on the temporary district boundaries and use regulations for the Counties of Kauai and Maui were completed. Hearings for the Counties of Hawaii and Oahu must be held by the Land Use Commission before April 11, 1962.

(13) Q. Can district boundaries be changed?

A. The Land Use Commission has the power to amend district boundaries and use regulations at any time. In addition, it has been mandated to make a State-wide review every five years after the "permanent" boundaries and use regulations have been adopted on July 11, 1963.

An individual who disagrees with, or wishes to amend, the proposed district boundaries may file written protests, comments, or recommendations to the Land Use Commission within 15 days after the County hearings have been held. After adoption, protests, comments, or recommendations on "permanent" boundaries may be filed in writing with the Land Use Commission at any time.

(14) Q. How shall tax assessments be adjusted to Act 187?

A. The intent of the Act is that land assessments shall encourage rather than penalize those who make best use of their lands. To give the Department of Taxation a sound basis upon which land assessments can be made, the Land Use Commission will file copies of the classification maps with the Department of Taxation after district boundaries and use regulations have been adopted. Thereafter, the Department of Taxation will give full consideration to existing and permitted use of land in making assessments.

(15) Q. How will violations of Act 187 be handled?

A. The County Planning Commission is responsible for reporting violations to the Land Use Commission. Violators may be fined not more than \$1,000 or imprisoned for not more than one year or both.

(16) Q. May an individual choose a specific agricultural use for his land?

A. Personal choice in agricultural use is provided for in Act 187. An individual may file a petition in which he specifies the agricultural use and promises to use his land in this way for a period of 10 years. This is called dedication.

(17) Q. Who qualifies for dedication?

A. Anyone who owns or sufficiently controls land in an agriculture or conservation district may petition for dedication.

A lessee may dedicate his land only if he has 10 or more years remaining on his lease. However, the owner of the leased land may dedicate his land for 10 years even though his tenant's lease expires in 9 years.

(18) Q. How specific must a petition for dedication be?

A. In specifying agricultural use in a petition, broad statements such as "agricultural" will not be accepted. For diversified crops, it is not necessary to give the name of the crop, such as beans, cabbage, or tomatoes. Classifications such as truck cropping, grazing, or flower growing are acceptable.

A farmer may dedicate his land for several agricultural uses at the same time. For example, he may dedicate one half of his land for pineapple production and the other half for grazing.

A farmer may dedicate only a portion of his land by specifying location and use. He may also specify a system of rotation.

The Department of Taxation will advise the petitioner on the information required in a petition for dedication.

(19) Q. How permanent is dedication?

A. Once a petition has been approved, dedication is permanent until cancelled. It is automatically renewed every ten years unless cancelled. A farmer who wishes to cancel his dedication must give a 5-year notice of cancellation. However, if the farmer's dedicated land is later placed in an urban district, the dedication may be cancelled within 60 days without the 5-year notice by mutual agreement between the petitioner and the Director of Taxation.

(20) Q. What are the consequences of dedication?

A. (1) A farmer who dedicates his land automatically binds himself to the dedicated use for a minimum of 10 years.

(2) By dedicating his land to a "lower" use, a farmer may be able to qualify for a reduction in assessed valuation for tax purposes. For example, since grazing is considered a "lower" use of land than orchard culture, an orchardist may dedicate all or part of his land to grazing. The Department of Taxation must then assess this land on the basis of the dedicated use.

(3) A farmer may receive the benefit of an early tax adjustment by dedicating his land, because assessments become effective January 1 of the year following the approval for dedication.

(21) Q. What is the penalty for violating a dedication?

A. Should a farmer fail to use the land according to his dedication, his special assessment will be cancelled and he will be required to pay any difference in taxes that he would otherwise have paid. The tax difference must be paid going back to the date of the petition for dedication. Furthermore, a penalty at the rate of 5 percent per year will be charged on taxes that would have been due.

(22) Q. What procedure is necessary for dedication?

A. Step (1) A petition for dedication will be made to the Director of Taxation. Such petitions must be filed by September 1 of any calendar year after district boundaries and use regulations have been adopted.

Step (2) The Director of Taxation will request a finding of facts from two State agencies: (a) the Department of Planning and Research, as to whether the petition conflicts with the overall development plan of the State (the State General Plan); and (b) the Land Study Bureau of the University of Hawaii, as to whether the land is reasonably suited for the intended use.

Step (3) If both findings are favorable to the petitioner, the Director of Taxation will approve the petition and will declare the land to be dedicated. A decision must be given by December 15 of the same year the petition is submitted.

If a petition is not approved, the petitioner may appeal to the circuit court.

FOR SPECIFIC INTERPRETATIONS OF THE PROVISIONS OF ACT 187
THE DEPARTMENTS REFERRED TO IN THIS PUBLICATION SHOULD BE
CONSULTED.

* * * * *

ACKNOWLEDGMENT

The author wishes to thank the following for their help in preparing this publication: Land Study Bureau, University of Hawaii; Land Use Commission; Department of Land and Natural Resources; Department of Planning and Research; and the Department of Taxation.

present

American Camping Association
Hawaii Section

A Resolution

Requesting Conservation zoning for the Northwest extremity of the Island of Oahu.

WHEREAS, organized camping with quality program and leadership is a valuable experience for the growing children and youth of our society in that it promotes self-reliance and appreciation for the forces of nature and emotional, social and physical development, and

WHEREAS, these objectives are best achieved in a setting offering the camper an opportunity to rediscover nature and removed from the pressures of city and suburban life, and

WHEREAS, at least four organized camps on Oahu have suffered a basic change of environment due to having become surrounded by suburban development, and

WHEREAS, reliable population projections for the Island of Oahu indicate these pressures will increase, particularly in shoreline areas, and

WHEREAS, due to transportation costs and other factors and agencies serving the youth of Honolulu and Oahu are obliged to confine their camping programs almost entirely to this island, and

WHEREAS, recent suburban growth in the district of Mokuleia has brought a subdivision up to the boundary of yet another camp, portending the inevitable smothering of the church and social agency camps on the northwest shore and the loss to our community of their uniquely valuable programs, and

WHEREAS, the State owned lands of Mokuleia and Kuaokala Forest Reserves are being actively considered for State park development, which development would not only benefit the total population of the island but would be particularly advantageous for outpost camping from the several existing residence camps on the coastal plain below, and

WHEREAS, the wildland shoreline aspect of the Mokuleia, Kawaihapai, Kealia, and Kaena districts is still relatively unspoiled, and

WHEREAS, the effectiveness of the programs of the several organized residence camps, the public's enjoyment of out-of-doors recreation in its many forms, and the value of State park developments in the neighboring mountains, mutually depend upon the preservation of the integrity of the natural and unspoiled aspects of this region, now

THEREFORE BE IT RESOLVED, that this body, The Hawaii Section of The American Camping Association, request the Land Use Commission of the State of Hawaii to protect from further subdivision encroachment, or from any other form of high density development incompatible with the preservation of a natural or wilderness aspect, the northwest shoreline coastal plain and mountain areas of the Island of Oahu including the aforementioned districts of Mokuleia, Kawaihapai, Kealia, Kaena and Kuaokala.

Adopted at the regular meeting of the membership of the Hawaii Section of the American Camping Association held on March 14, 1962.

Ben F. Youngblood, President

Lorin T. Gill, Legislative Chairman

Greenbelt

Aquarium, March 22, 1962

To: Secretary, Conservation Council for Hawaii

We would appreciate your forwarding of this letter to the members of the Conservation Council for Hawaii, asking their aid in defeating Senate Urgency Measure 149. This bill is designed to delay the execution of our present "greenbelt" act; in effect, opening the door for speculators to continue their destruction of natural resources. We have neither the time nor the space to detail the effects of Senate Urgency Measure 149, but we can assure you of its harmful effects on conservation. We therefore urge each of you to become familiar with this measure, to contact your Senators and Representatives, and to discuss your feelings with them.

Charles H. Lamoureux
Charles H. Lamoureux, Chairman
Coordinating Committee for Conservation

P.S. We have just been informed that this measure has now been designated Senate Bill 91.

C.L.

C O N S E R V A T I O N C O U N C I L F O R H A W A I I

March 23, 1962

This will describe the State Parks Conference organizational meeting which was held at the Chamber of Commerce on Tuesday, March 6, 1962. It is addressed to all who took part in the State Parks Conference at the Princess Kaiulani Hotel on February 8, 1962, and all others interested.

The meeting was called to order by Wm. V. Ward, Chairman of the State Parks Committee of the Chamber. He described conversations he had and meetings he attended since the Conference in an effort to find a way to effect a continuing organization similar to the Steering Committees we had prior to the Conference. In order to avoid having a third conservation organization, he suggested a merger into the 12-year old Conservation Council for Hawaii. Mr. Leslie Watson (of the Board of Water Supply), President of the Conservation Council, and Dr. Roland Force (Director of Bishop Museum), Vice President of the Conservation Council, then stated that the objectives of the Council were similar to and, in fact, even broader than those of the Parks Conference; and that the Council, in anticipation, had already commenced a reorganization to carry on the work of the State Parks Conference and other groups. It was stated that a Constitutional Revision Committee had been set up with Dr. Charles Lamoureux as Chairman, and a Legislative Committee with Wm. V. Ward as Chairman, as the first steps in a broader program.

Following a brief discussion, it was unanimously agreed to merge the State Parks Conference group into the Conservation Council. Mr. Ward then turned the meeting over to Mr. Watson. It was decided that this was an official meeting of the Conservation Council.

Different individuals and organizations expressed their hopes and ideals for the future of the organization. The representative from the YWCA suggested that a Recreation Committee be added to promote the interests of young people's groups. It was unanimously agreed.

Mr. Richard Dunlap, Director of State Parks, described his department's plans for a State Park at Kahana Valley, Oahu. The Council agreed to support these plans, and letters of recommendation were promptly sent to the appropriate committees in the Legislature where this park is being considered.

Since the March 6, 1962 meeting, officials of the Council have had numerous informal meetings. Governmental administrators already have contacted officials of the Council on various subjects, and it appears that the Council has commenced to act as a communications organization in the conservation, recreation and parks area in line with objectives of the Parks Conference.

All individuals and organizations who took part in the Parks Conference, and any other interested persons or organizations, are now hereby invited to join the Council to further this work. A membership information form is enclosed for this purpose.

Those organizations and individuals desiring the Council's support or assistance in promoting projects of mutual interest are invited to contact the Council. For those desiring to join the Council, please contact Miss Agnes Conrad, Public Archives, Iolani Palace, Honolulu, Hawaii.

Sincerely,



H. R. Welder, Jr.
Secretary

REMARKS MADE BY LESLIE J. WATSON, AS PRESIDENT OF
CONSERVATION COUNCIL FOR HAWAII, AT THE MARCH 6, 1962
MEETING OF THE "STATE PARKS CONFERENCE GROUP", WHICH
HAD SPONSORED THE "STATE PARKS CONFERENCE" HELD AT
THE PRINCESS KAIULANI HOTEL ON FEBRUARY 8, 1962

The Executive Board of the Conservation Council would welcome integrating the activity under discussion into the Council. In our opinion, the Council provides a suitable framework for this.

The stated objectives of the recent State Parks Conference and those of the Council are similar. The State Parks activity could well merge with our Flora and Fauna Committees, which we invite you to do.

Just as it is true of the Chamber of Commerce, any actual accomplishment of an organization is very dependent upon the chairmanship and membership of committees.

Although our chairmen for 1962 have been appointed, the membership of committees is still wide open. Or, as an alternative to utilizing existing committees, a special committee named say "Wild land and State Parks Committee" could be formed.

To meet some recent suggestions, our Board, at its last meeting, created a Legislative Committee with Mr. Ward, as chairman, and a Constitution Revision Committee with Dr. Lamoureux, as chairman.

An important point to be remembered is that many of the comments that have been made with respect to the Conservation Council are directly attributable to the fact that we have very limited funds.

The only income we have is from the dollar-green-back annual dues. (\$2 for companies and organizations). This system was adopted a few years ago for two purposes: First, and most important, to make it possible to keep up a list of interested members. Secondly, to provide postage stamp and other "ajar-box" funds for those who do not have personnel and facilities to call upon in their regular employment.

The Board believes that the Conservation Council has been producing satisfactory results, at least from the view of the great majority of its members. We hope that in the newly-inspired State Parks activity, you will carry out your objectives within our organization.

Dr. Force, Director of Bishop Museum and Vice President of the Conservation Council, has kindly consented to comment further.

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After Dr. Force's comments and some discussion, it was voted unanimously to conduct the desired new State Parks activity within the Conservation Council.



Thomas P. Gise
State Representative - 15th Dist,
198 S. Hotel St.
Honolulu 13 Hawaii

Testimony of
RALPH K. AJIFU, CHAIRMAN
STATE LAND USE COMMISSION
before the
JOINT COUNTY AND LANDS COMMITTEES, HOUSE OF REPRESENTATIVES
FIRST STATE LEGISLATURE, STATE OF HAWAII
April 3, 1962, 7:00 p.m.

I wish to testify on behalf of the State Land Use Commission. As I have stated at the Senate Lands Committee hearing, I wish to reiterate our protest on the proposed amendment changing the dates for the adoption of temporary district boundaries and land use regulations. According to the findings of the Senate Lands Committee report, it is implied that the Commission has been working under great pressure to meet the April 11, 1962 deadline and therefore there should be a delay in the adoption of boundaries and regulations so that the Commission can have additional time to make determination. We realize the heavy responsibility that was bestowed on us at the outset of our Commission. We have also realized and budgeted the time allocated to us to establish the temporary boundaries and land use regulations.

Therefore, I do not want to question the findings of the Senate Lands Committee report but I would like to elaborate a little on the work that the Commission has done. I can say with all sincerity that this Commission, being aware of the time allowed, has worked very diligently and untiringly and has sacrificed much of its valuable time touring the various counties, reviewing the many county plans and all plans of companies and individuals for development of land in Hawaii, and discussing these plans with County and State officials and with individuals.

In the section stating the purpose of S.B. No. 91, under consideration by your Committees, there is the wording: "Strong objections have been raised to temporary district boundaries and interim regulations which have

been proposed." The maps and regulations referred to are the ones which were prepared for purposes of the hearings which have been held in each County.

After the hearings were held, protests were received and additional study meetings held by the Land Use Commission, resulting in a considerably changed set of district maps and regulations. The changes reflect land development "in progress" about which the Commission could not have known before the hearings were held. That was the purpose of the hearings.

Some land developers and others opposed to Act 187 have unduly emphasized the term "freezing" in criticism of the Act and the work of the Commission. There is no "freeze". The Land Use Commission has the authority to amend district boundaries at any time. Critics of Act 187 say that developers will suffer from undue delay in processing of applications for amendment of district boundaries and that the economy of the State will suffer as a result. We would like to call attention again to the Commission statement of policy to the effect that it will process within sixty days after receipt any application for amendment of district boundaries which offers indication of economic importance to the State or any County.

I wish to say at this time that we are on schedule and are ready to adopt the proposed interim boundaries and temporary land use regulations.

The real urgency right now is to allow the Commission to accomplish its work as originally prescribed by the Legislature in Act 187. The interim boundaries should be set, according to the present schedule, by April 11, 1962, and this work is virtually completed and ready for adoption by the Commission.

This will put the Commission "on top of the situation" and we can then devote the rest of this year to making our studies and to preparing the final regulations and boundaries, with the assurance that its work will not be undermined by the very type of premature development Act 187 was designed to prevent.

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TO: House of Representatives
Hawaii State Legislature

FROM: Hawaiian trail and mountain club
Box 2238 Honolulu 4, Hawaii

SUBJECT: Senate Bill-91; opposition to

The Hawaiian Trail and Mountain Club commends the Legislature for the wisdom and far-sightedness reflected in its enactment of Ordinance-187 (SLH-1961), the Greenbelt Law. The Club is opposed to any legislation tending to subvert the intent of this Ordinance. The Club feels that Senate Bill-91 would be legislation of this type, and therefore is opposed to the Bill.

There has been ample opportunity allowed for urban development plans to be presented to the Land Use Commission before the April 11 establishment of district interim boundaries. Also, during the next several months there will be additional time, ample for new proposals to be presented to the Commission and evaluated before the permanent boundaries are established. Postponement of the effective date of the boundaries would not be in the public interest.

It is apparent that there may be urban development plans now ready that do not have sound economic or social justification, and the proponents may be reluctant, therefore, to subject their plans to scrutiny by the Commission. They may feel that if they can gain time their plans may have a better chance of success. Obviously, such tactics are not in the public interest, and there is no sense in providing the opportunity for such tactics to be carried out.

The Hawaiian Trail and Mountain Club requests defeat of Senate Bill-91.

/s/ Richard H. Davis, President

House Hearing 25 copies
April 3, 1962

April 2, 1962

Hon. David C. McClung
House of Representatives
First State Legislature
Honolulu, Hawaii

Dear Sir:

The American Camping Association, Hawaii Section, is made up of individuals professionally interested in organized camping in Hawaii, and of representatives from many church youth programs, social welfare agencies, and private and public group work and recreation agencies including:

- Board of Public Parks & Recreation
- Boy Scouts of America
- Young Men's Christian Association
- Young Women's Christian Association
- Koapaka, Latter Day Saints Camp
- The Salvation Army Children's Facilities
- YWCA Camp Slogett, Kauai
- Dept. of Health, P.E., & Recreation, U. of Hawaii
- Palama Settlement
- Hawaiian Evangelical Association
- State Youth Camp of Congregational Christian Churches
- Hawaii Methodist Camp
- Girl Scouts of America
- U. H. Cooperative Extension Service
- Episcopal Conference Center

Among our several concerns we have been keenly interested in promoting organizational and public use of the forests for camping and recreational purposes.

We have, therefore, followed with great interest efforts on the part of the Department of Land & Natural Resources to develop State parks and to provide public access to the forest reserves.

We have also been greatly concerned with protecting from subdivision encroachment the few remaining camps on this island owned and operated by churches or private and public group work and social welfare agencies which have not already had their environments rendered unsuitable for residence camping by suburban sprawl. With this in mind we have petitioned the Land Use Commission to take measures which would preserve for the youth of Oahu the wild-land aspect near certain of these camps.

The American Camping Association, Hawaii Section, feels that the present law, Act 187, Session Laws of Hawaii, 1961, without amendment is Hawaii's best hope

#2 Hon. David G. McClung 4/2/62

for moving rationally in the area of rural zoning and thereby protecting the public's interest in the face of rapidly expanding urban growth.

We feel that the Land Use Commission should be given the opportunity provided under the original bill to stabilize the present situation, and that a fair test of its effectiveness is yet to be had.

We, therefore, urge that the House of Representatives, First State Legislature, defeat SB No. 91.

Respectfully,

AMERICAN CAMPING ASSN., HAWAII SECTION


Ben F. Youngblood, President


Lorin T. Gill, Legislative Chairman

LTG:cym

COORDINATING COMMITTEE FOR CONSERVATION

April 3, 1962

Honorable David C. McClung
Chairman, Lands Committee
State House of Representatives
Iolani Palace
Honolulu, Hawaii

Dear Sir:

The Coordinating Committee for Conservation, an organization composed of individuals interested in all aspects of conservation, and representatives of several groups, including the Hawaiian Trail and Mountain Club, the Hawaii Audubon Society, and others, opposes the adoption of Senate Bill 91 for these reasons:

1. The "greenbelt" law, Act 187, is a law which has been hailed throughout the land as a milestone of sound legislation. It put Hawaii in the vanguard of those states that look toward the future and prepare themselves for it by sound planning. By postponing the deadline for setting the interim boundaries of the various land zones, the legislature would, in effect, emasculate the greenbelt law.

2. Before such a decision is made, we would like the members of the legislature to give serious consideration to the principle of irreversibility. Agricultural, conservation, or scenic lands, once given over to urban developments cannot be reclaimed. On the other hand, permitting the Land Use Commission to set interim boundaries now, based on present and foreseeable needs, should harm no interests. The boundaries are always subject to review, so, should the need arise, revisions in the boundaries can be made.

3. We would like to emphasize that the best use of land is not necessarily the economically most profitable. It may be more important to return surplus agricultural land, for example, back to forestry or conservation for the use and enjoyment of all the people of Hawaii.

4. It appears that areas now classified as urban will provide for the needs of population growth for many years to come. It is difficult to understand why more land is needed within the next few months.

5. We therefore urge the Lands Committee and members of the House to vote against Senate Bill 91 or any other crippling amendments to Act 187, and so give the law and the Land Use Commission a chance to do its work for the benefit of Hawaii and the nation.

Charles H. Lamoureux
Charles H. Lamoureux,
Chairman, 3426 Oahu Avenue
Gunter R. Seckel
Gunter R. Seckel,
Legislative Chairman
2022-A University Avenue

FEDERATION OF WESTERN OUTDOOR CLUBS

April 3, 1962

Honorable David C. McClung
Chairman, Lands Committee
State House of Representatives
Iolani Palace
Honolulu, Hawaii

Dear Sir:

Your efforts on behalf of the people of Hawaii and the millions of conservationists and future Hawaii visitors in the western United States, represented by the Federation, is much appreciated and we urge your support in seeing that Hawaii's "Green Belt" law remains active and strong to carry out its original intentions.

Hawaii's famed "Green Belt" law, designed to protect agricultural lands from urban encroachment and preserve Hawaii's scenic beauty and forest reserves for future generations, is today undergoing only the first of many attacks to be expected by large land owners and real estate developers.

Naturally enough, the bill is "too tough and too restrictive", to short-sighted investors who would deface and exploit the land without due consideration to Hawaii's future tourist industry and the enjoyment of Hawaii's scenic beauty by our children and generations to come.

The "Green Belt" law is the only program we have in Hawaii today that will protect our natural scenic heritage, yet what we save in the next few years is all that will ever be saved.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Wenkam", with a long horizontal stroke extending to the right.

R. Wenkam
Hawaii Vice-President

THE CONSERVATION COUNCIL FOR HAWAII

FOUNDED IN
1950

BISHOP MUSEUM
HONOLULU 17, HAWAII

April 3, 1962

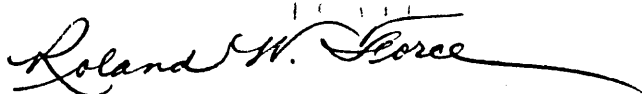
Honorable David C. McClung
Chairman, Lands Committee
House of Representatives
First State Legislature
State of Hawaii
Honolulu, Hawaii

Dear Representative McClung:

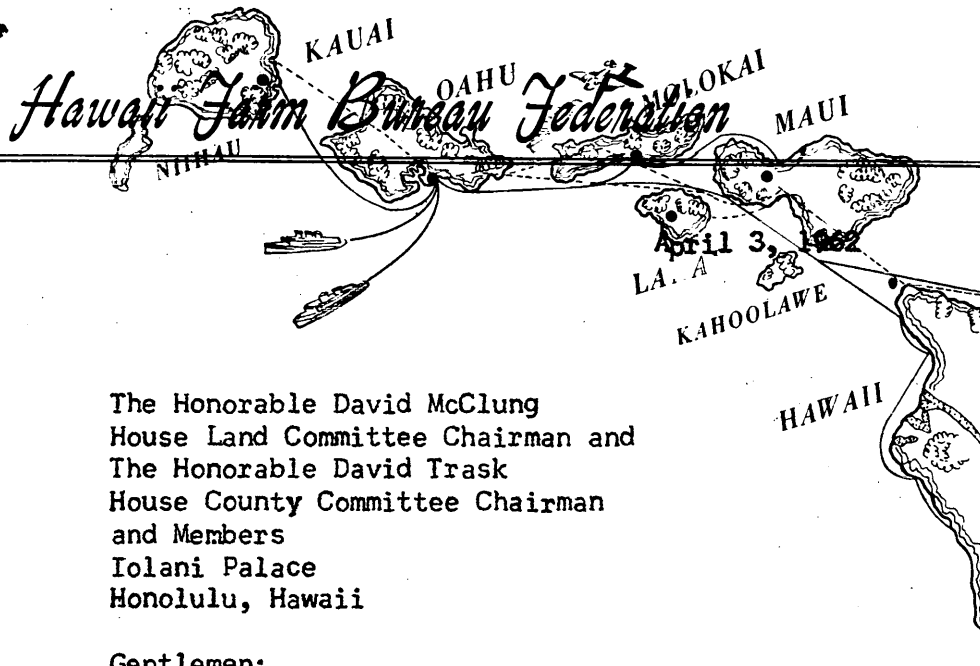
The Executive Board of the Conservation Council authorizes the Chairman of its Legislative Committee to express the Council's disapproval of Senate Bill 91 on the grounds that passage of this Bill would not be in the public interest.

Further, the Council wishes to note that it firmly supports the aims and objectives of the State Land Use Commission and commends the Commission for the progress made in unified urban-rural planning as indicated in the provisions of Act 187, S. L. 1961.

Very truly yours,



Roland W. Force
Vice-President



Telephones:
507-280, 65-035
208 Honolulu Armory
Honolulu 13, Hawaii

The Honorable David McClung
House Land Committee Chairman and
The Honorable David Trask
House County Committee Chairman
and Members
Iolani Palace
Honolulu, Hawaii

Gentlemen:

On behalf of the Hawaii Farm Bureau Federation, a statewide general farm organization, representing the producers of approximately 80 per cent of the diversified agricultural commodities, exclusive of sugar and pine, grown in this State. I wish to submit tis testimony in opposition to Senate Bill 91, S.D. 1.

As an opening remark, I have an excerpt from Act 187 so that we have a clear picture and some background information on our following testimony.

Act 187, Section 1: Findings and Declaration of Purpose.

"Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully multiple-purpose lands; these are evidences of the need for public concern and action."

"Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would development (sic) these'uses."

Having a clear understanding of the intent and purpose of Act 187 we wish to reiterate on our position in support of Act 187 and also inform the body here that the farmers and ranchers in this State have long waited for the opportunity which this act (187) brought to the agricultural industry in Hawaii. Especially in the area where we find creeping urban encroachment, many of our farmers and ranchers have suffered economic and community pressures where it became prohibitive for them to continue in farming and ranching. This Act will allow some of these farmers to continue their farming operation in spite of urban encroachment with proper establishment of agricultural boundaries. A classical example is the livestock farmers who are being displaced and have difficulty in relocating themselves due to urban encroachment and unavailability of land.

Another area of concern with our farmers and ranchers is the fact that many of us are prepared to dedicate our land so that we can bring about more equitable tax valuation for agricultural land. As it is, our farmers and ranchers in Hawaii are faced with very high cost of production which is placing us more and more into a non-competitive position. We are certain that the spirit of Act 187 is to preserve and develop income producing natural resource industry such as agriculture which is the largest industry today in Hawaii.

We wish also to inform you that the diversified agricultural industry today has formulated a program not only to capture the local market, but also to expand into export market thereby eliminating the long used term of pocket market. At this critical point of transition within our agricultural industry, time will play an important part in our overall scheme.

We are aware of the fact that an urban development is needed as much as any other industries and whole heartedly support any well-planned deeply thought out urban development which will be an asset to this community and not a detriment toward our economy and unnecessary burden to the citizens of Hawaii.

In closing I wish to thank the members of the House Lands Committee and House County Committee for giving us this opportunity to express our views on this matter.

Respectfully submitted,

HAWAII FARM BUREAU FEDERATION

Thomas N. Yamabe II
Executive Secretary

WILLIAM F. QUINN
GOVERNOR



FRANK LOMBARDI
DIRECTOR

STATE OF HAWAII
DEPARTMENT OF PLANNING AND RESEARCH

195 SOUTH KING STREET
HONOLULU 13, HAWAII

April 3, 1962

The Honorable David C. McClung
Chairman, House Lands Committee
and
The Honorable David K. Trask, Jr.
Chairman, House County Committee
First State Legislature
Honolulu, Hawaii

Subject: SB No. 91, Senate Draft 1 (amending Act 187)

Dear Sirs:

The subject bill seeks to amend Act 187 passed at the last session of the State Legislature, spring 1961. This proposed amendment changes adoption of temporary district boundaries from April 11, 1962 to April 11 of 1963 and would postpone the adoption of final district boundaries from July 11, 1963 to October 11, 1963. It is the opinion of this office that the result of this amendment will endanger the basic intent and purposes of Act 187 and for this reason this office must oppose SB 91.

Purpose of Act 187

Section 1 of Act 187 states:

"Findings and Declaration of Purpose. Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully

The Honorable David C. McClung
and
The Honorable David K. Trask, Jr.

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multiple-purpose lands; these are evidences of the need for public concern and action.

"Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would develop these uses."

The language used in the declaration purpose clause of Act 187 clearly expresses the intent of the Legislature in its passage of said Act, to wit: (1) the preservation of prime agricultural lands, (2) prevention of scattered subdivisions with expensive, yet reduced, public services, and (3) a basis for an equitable system of tax assessments. The means of achieving these purposes were included in Act 187 through the establishment of a State Land Use Commission with the responsibility of classifying lands into three land use districts. To make this Act effective, it was provided that temporary district boundaries be established as soon as possible, and that final district boundaries and regulations would follow later.

Delay through SB 91 is Unwise

The amendment proposed by SB 91, if enacted into law, would delay and frustrate the work of the Commission, in that within the next year it will allow the applications and approvals of developments by the counties to go ahead which may be inconsistent and damaging to the purposes of Act 187. The Land Use Commission during the past six months has labored industriously and with full consideration in its deliberation of the temporary district boundaries. It is now ready and able to meet the April 11 mandate of Act 187 and adopt the temporary district boundaries. Within the temporary district boundaries being considered by the Commission are included all developments which have been brought to the attention of the Commission, which are being proposed within the next twelve months or more. Therefore, any statement that the adoption of temporary district boundaries would hinder development within the State cannot be justified. Rather, SB 91 will allow certain urban subdivisions representing thousands of acres to go forward on good agricultural land, contrary to the intent and purpose of the original Act 187.

State General Plan at Stake

At the last session, the Legislature adopted by concurrent resolution the State General Plan set forth under Act 150, SLH 1957. This

The Honorable David C. McClung
and
The Honorable David K. Trask, Jr.

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April 3, 1962

Plan looks toward 1980 and sets forth a broad land use pattern. Urban development is planned to avoid the agricultural "greenbelts." On Oahu, for example, there is more than enough land for development under the highest population projection made, without using and wasting the basic natural resources, namely the limited good soil "greenbelts."

Act 187 should be considered as preventive rather than remedial legislation. The General Plan of the State of Hawaii makes certain specific recommendations for the sound, orderly development of the State: (1) that land resources be utilized in an intelligent manner, based on the capabilities and characteristics of the soil and the needs of the economy; (2) that partially developed areas already supplied with sewers, water, schools, streets and other public facilities be encouraged toward completion before new land areas are opened up and public investments made; (3) that the allocation of land for development purposes be staged in accordance with an orderly plan timed to meet needs and with due respect for the cost of providing public facilities; and (4) to conserve forest, water resources and land, particularly the State's prime agricultural lands which must be protected against urbanization in order to serve a very important segment of the Hawaiian economy. Act 187 was proposed and adopted as a means of accomplishing these specific proposals.

In the preparation of the General Plan, the danger of over-development and the increasing encroachment into areas most suitable and desirable for agricultural pursuits was recognized. It was felt, unless action be taken immediately, that within a decade or two, much of the lands needed for agriculture would be lost.

An example of possible dangers of development are evident in the growing concern of individuals and public groups over the development of Waikiki. The City and County of Honolulu is faced with a task of enacting ordinances and regulations which would merely result in holding the line. It is too late now to think of preventive or remedial action. In Act 187, the State has passed legislation which would prevent the State's falling into the position presently being faced by the County with respect to Waikiki. There is no doubt that Act 187 is far-reaching. However, this brings out only the far-sightedness of the Legislature in recognizing the problems which will face Hawaii in the future.

Dedication for Farming Delayed

An important feature of Act 187 is the provision relating to the dedication of lands within an agricultural or conservation district for a specific agricultural use. Through this provision, the Legislature has intended to give encouragement to farmers by allowing specific tax

The Honorable David C. McClung
and
The Honorable David K. Trask, Jr.

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April 3, 1962

advantages. This provision is based and can be effective only upon the adoption of land use districts pursuant to the provisions of Act 187. The delay proposed by SB 91 will, in effect, also result in a delay to the possible dedication of land for specific agricultural purposes by those farmers who desire to do so.

State Constitution and Natural Resources

The State Constitution provides that it is a State responsibility to encourage agriculture and to preserve the natural resources of the State. Hawaii has few natural resources except for certain good soil belts. It does not make sense to allow these limited top agricultural areas to be lost forever in urban developments. Contrary to testimony by the counties, the county governments have no responsibility to be concerned with the State's natural resources. SB 91, by delaying the effect of Act 187, will allow these soil belts to be invaded and lost in subdivision developments.

The Legislature has appropriated literally millions of dollars of public money to encourage agriculture. Large sums have been passed for irrigation developments, farm lots, homestead roads, small farm loans, a college of agriculture, experiment stations, and considerable thought has been given to the preservation and furtherance of the pineapple and sugar industries. Even at this session, a tax-cut for pine and sugar is under consideration.

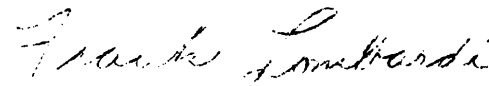
At the last session, a bill was passed to mark poultry as mainland grown so as to encourage local producers. The State has spent considerable sums studying and promoting better inter-island transportation of which shipment of agricultural products is a major factor.

It is not logical to expend these huge sums in promoting agriculture and on the other hand to take away from agriculture its greatest need -- prime agricultural soil. This may happen if SB 91 passes.

Conclusion

It is the opinion of this office that any delay in the effectuation of Act 187 will cause considerable harm and damage in the carrying out of the intent and purposes of Act 187. It is felt that the fears of developers are unfounded in that proposed developments have been considered and included in the interim boundaries where such have been shown to be practicable and reasonable. The fear of losing prime agricultural soils is real, present, and imminent. For these reasons, this office must oppose the passage of SB 91.

Respectfully submitted,



FRANK LOMBARDI
DIRECTOR

MEMORANDUM TO: Representative McClung

SUBJECT: Notes on Hearing for S B #91

A. General Observations

1. If this Senate measure can be stopped, "greenbelting" can be more easily labeled a "Democratic" measure for campaign purposes.

2. Since the Commission by law has to establish the boundaries by April 11th, the present law would be difficult, if not impossible to get amended before the boundaries would be established anyway. Therefore the proposed changes would, in effect, amount to a "vetoing" of their decisions before the Commission has had a chance to show what it is doing or intends to do.

3. The Land Use Commission has now met the legal deadlines and can set boundaries any time up until the 11th (next Wednesday). The Commission is scheduled to meet Monday night (April 12) to decide on boundaries and legally could adopt them at that meeting.

4. After discussion with Darnell, I suggested that he try to get the L.U.C. to agree on the boundaries but to refrain from final legal acceptance in face of your hearing the following night and Legislative reaction. (The problem of Senate confirmation of the members also exists.)

5. The attorney general has ruled that until the districts are established, the "dedication" and other tax provisions can not apply since they were tied to specific districts. Thus the outer island votes from last session do have a stake in preventing any delay in the deadlines if they are using this as a campaign measure.

B. Suggested Format For Hearing

1. Statement from law of what the Commission had to do by the deadlines, which is mainly a determination of fact on existing land uses.

2. Statement of what effect on taxes, dedication, etc. would be if deadlines are changed.

(Note: I could give a 3 minute version of ^{1 & 2} above if you want me to.)

3. Allow the supporters of the bill wanting to chance the deadlines to testify next. The reason would be that their approach is most likely to be that they want to "help" the Commission.

4. Have the Commission testify on the status of their work. Reasoning here would be to show that they have in fact done the job, would have the zones established if it were not for respect for the Legislature and do not need additional time.

5. Use quick statements from a variety of organizations opposed to changing deadlines as a show of strength (i.e. votes) for members of the Legislature who have been given the pressure treatment.

C. Reaction to the Bill

1. Support

(a) The delay is almost completely from Oceanic Properties - probably some support from Dillingham interests and maybe Hawaii-Kai.

(b) Outer island county government and other interests still hoping to kill the bill are, of course, having to use delay as a partial help to them.

2. Latent Opposition to Changes.

Because of their desire to avoid conflict with Castle & Cooke, many organizations who are basically in favor of getting the Commission going are hoping to avoid being asked to take a position. There are indications that American Factors, Bishop Estate, Campbell Estate and H.S.P.A. are in this position. (Dick Cooke indicates that the Chamber of Commerce wants more time for study.)

3. Opposition to Changing Deadlines.

The conservation and agricultural groups are thoroughly prepared to oppose changes. In addition to the Farm Bureau and the cattlemen's groups, Dairymen's Association apparently is opposed.

Although they have been put under considerable duress, the representatives of the Conservation Council are prepared to oppose. The Coordinating Committee on Conservation is of course prepared to be articulate for a wide variety of "hobby" interests.

Deimello from the I.L.W.U. appeared at the Waipahu hearing of the L.U.C. to oppose loss of sugar-pine lands and I think along with the small farm votes needed by some Representatives, this group will oppose the change.

The Teamsters Union will oppose.

(Note: I have talked to several persons on this to be sure their voice is heard. I have tried to be careful to avoid the appearance of "inviting" anyone to testify.)

AN ACT

TO AMEND ACT 187, SESSION LAWS OF HAWAII, REGULAR SESSION OF 1961, RELATING TO THE EXERCISE OF THE ZONING POWERS OF THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Purpose. Section 11 of Article III of the State Constitution provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said Section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said Section 11 of Article III of the State Constitution, this Act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

Section 2 of Act 187 of the Regular Session of 1961 enacted a new chapter relating to the exercise of the zoning powers of the state. The effective date of said Act, including said new chapter, was July 1, 1961.

Section 9 of said new chapter provided for temporary district boundaries to be adopted not later than nine months after the effective date of said new chapter. Section 9 of said new chapter provided for interim regulations to be adopted not later than nine months from the effective date of said new chapter. Strong objections have been raised to temporary district boundaries and interim regulations which have been proposed. It appears at the present time that it will be impossible to develop adequate and sound temporary district boundaries and adequate interim regulations in time for the issuance thereof by April 11, 1962, nine months from the effective date of said new chapter. It is to be noted that the Public Hearing for the setting of temporary districts for the City and County of Honolulu will not be heard until March 15, 1962. That the adoption of temporary regulations without proper study and in haste will have the effect of stifling economic development and will be harmful to our economy.

SECTION 2. Act 187, Session Laws of Hawaii, Regular Session of 1961, is hereby amended in the following manner:

Final 2nd 3 months

a. The figure "24" is hereby substituted for the figure "18" and the figure "27" is hereby substituted for the figure "24" in Section 4 of said chapter.

b. The last sentence of Section 5 is hereby amended to read:

"Such temporary district boundaries shall be established and mapped as soon as possible, but only after public hearings as provided in section 4, but in any case, not sooner than 21 months and not later than 24 months after the effective date of this chapter."

*9-21
1 yr
deferral*

c. The figure "24" is hereby substituted for the figure "18" and the figure "27" substituted for the figure "24" in Section 8 of said chapter.

d. The last sentence of Section 9 of said chapter is hereby amended to read:

"Such temporary regulations shall be adopted only after public hearings as provided in section 4, but in any case not sooner than 21 months and not later than 24 months after the effective date of this chapter."

SECTION 3. This Act shall take effect upon approval.

*gives chance
for review
in 1963 session*

THIRD READING

STANDING COMMITTEE REPORT NO. 188

Honolulu, Hawaii
March 27, 1962

Honorable William H. Hill
President of the Senate
First Legislature of the State of Hawaii
Budget Session of 1962
Honolulu, Hawaii

S. B. No. 91

Sir:

Your Committee on Lands and Natural Resources, to which was referred S. B. No. 91 entitled:

"AN ACT AMEND ACT 187, FIRST STATE LEGISLATURE, REGULAR SESSION OF 1961, RELATING TO THE EXERCISE OF THE ZONING POWERS OF THE STATE",

begs leave to report as follows:

The purpose of this bill is to amend Act 187, First State Legislature, Regular Session of 1961, by changing the dates for the adoption of temporary district boundaries, district boundaries and land use regulations. Act 187 requires that the State Land Use Commission adopt temporary boundaries by April 11, 1962.

After hearing the testimonies of the representatives of the Land Use Commission and of the Department of Planning and other interested parties, the Committee has found that the Commission has been working under great pressure to meet the April 11, 1962 deadline and therefore there should be a delay in the adoption of boundaries and regulations so that the Commission can have additional time to make its determinations.

Your Committee has made the following amendments to S.B. No. 91:

1. Amended the title to read as follows:

"AN ACT TO AMEND ACT 187, SESSION LAWS OF HAWAII, REGULAR SESSION OF 1961, RELATING TO THE EXERCISE OF THE ZONING POWERS OF THE STATE"

2. Amended SECTION 2 to read as follows:

"SECTION 2. Act 187, Session Laws of Hawaii, Regular Session of 1961, is hereby amended in the following manner:

a. The figure "24" is hereby substituted for the figure "18" and the figure "27" is hereby substituted

for the figure "24" in Section 4 of said chapter.

b. The last sentence of Section 5 is hereby amended to read:

"Such temporary district boundaries shall be established and mapped as soon as possible, but only after public hearings as provided in section 4, but in any case, not sooner than 21 months and not later than 24 months after the effective date of this chapter."

c. The figure "24" is hereby substituted for figure "18" and the figure "27" substituted for the figure "24" in Section 8 of said chapter.

d. The last sentence of Section 9 of said chapter is hereby amended to read:

"Such temporary regulations shall be adopted only after public hearings as provided in Section 4, but in any case not sooner than 21 months and not later than 24 months after the effective date of this chapter."

Your Committee on Lands and Natural Resources is in accord with the intent and purposes of S. B. No. 91, as amended in S. D. 1, hereto attached, and recommends that it pass third reading.

Respectfully submitted,

Marquis F. Calmes
MARQUIS F. CALMES

Francis M. F. Ching
FRANCIS M. F. CHING, CHAIRMAN

John T. Ushijima
JOHN T. USHIJIMA

Bernard G. Kinney (AR)
BERNARD G. KINNEY, VICE CHAIRMAN

Thomas S. Ogata
THOMAS S. OGATA

Randolph Crossney
RANDOLPH CROSSNEY

Sakae Takahashi
SAKAE TAKAHASHI

Calvin C. McGregor
CALVIN C. MCCREGOR

A N A C T

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

Section 1. Purpose. Section 11 of Article 111 of the state constitution provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said Section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said Section 11 of Article 111 of the state constitution, this act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

Section 2 of Act 187 of the Regular Session of 1961 enacted a new chapter relating to the exercise of the zoning powers of the state. The effective date of said Act, including said new chapter, was July 11, 1961.

Section 5 of said new chapter provided for temporary district boundaries to be adopted not later than nine months after the effective date of said new chapter. Section 9 of said new chapter provided for interim regulations to be adopted not later than nine months from the effective date of said new chapter. Strong objections have been raised to temporary district boundaries and interim regulations which have been proposed. It appears at the present time that it will be impossible to develop adequate and sound temporary district boundaries and adequate interim regulations in time for the issuance thereof by April 11, 1962, nine months from the effective date of said new chapter. It is to be noted that the Public Hearing for the setting of temporary districts for the City and County of Honolulu will not be heard until March 15, 1962. That the adoption of temporary regulations without proper study and in haste will have the

effect of stifling economic development and will be harmful to our economy.

section 2. Means.

a. The figure "36" is hereby substituted for the figure "18" in section 4 of Act 187.

b. The last sentence of section 5 is hereby amended to read:

"Such temporary district boundaries shall be established and mapped as soon as possible, but only after public hearings as provided in Section 4, but in any case, not sooner than 21 months and not later than 24 months after the effective date of this chapter."

c. The figure "36" is hereby substituted for the figure "18" and the figure "36" substituted for the figure "24" in Section 8.

d. The last sentence of section 9 is hereby amended to read:

"Such temporary regulations shall be adopted only after public hearings as provided in section 4 of this chapter.

Section 3. Effective date. This Act shall take effect upon approval.

INTRODUCED BY:

[Handwritten signatures and names including: J. Ward Russell, J. M. Hill, Richard Sprague, Makuki Chaskis, Francis M. Chung, Bernard H. Johnson, J. M. Hill, Richard Sprague, Makuki Chaskis, Francis M. Chung, Bernard H. Johnson, J. Ward Russell, J. M. Hill, Richard Sprague, Makuki Chaskis, Francis M. Chung, Bernard H. Johnson]

3/21/62

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SECTION 2. Act 187, Session Laws of Hawaii, Regular Session of 1961, is hereby amended in the following manner:

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THIRD READING

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Honolulu, Hawaii
March 27, 1962

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President of the Senate
First Legislature of the State of Hawaii
Budget Session of 1962
Honolulu, Hawaii

S. B. No. 91

Sir:

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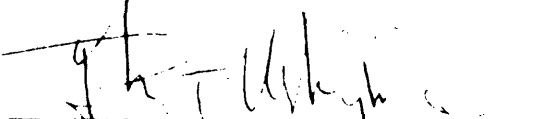
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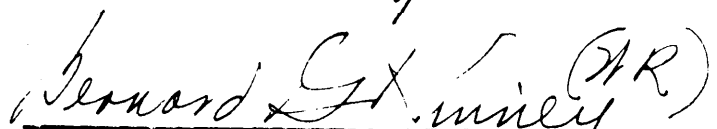
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Respectfully submitted,

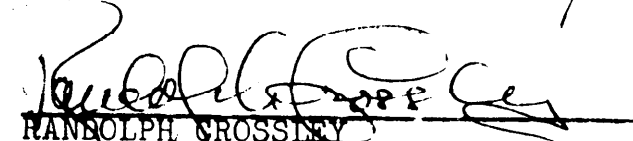

MARQUIS F. CALMES

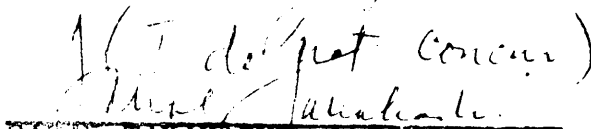

FRANCIS M. F. CHING, CHAIRMAN


JOHN T. USHIJIMA


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