



University of Hawaii at Manoa

Environmental Center
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July 20, 1993
RR:0094

Mr. Keith W. Ahue, Chairman
Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

**Petition to Amend Hawaii Administrative Rules Title 13,
Chapter 2, Regarding the Conservation District
TMK 3-6-2: 11; Laupahoehoe, Hawaii**

The subject petition would result in an amendment to existing subzone classification such that the subject parcel would be changed from the Limited to the Resource Subzone.

The Environmental Center has conducted an in-house review of the proposed petition, and we have the following comments to offer.

Based on a close examination of the topography and natural hazard exposure of the subject parcel, there is scant justification for this land to have been included in the Limited Subzone in the first place, according to criteria specified in Section 13-2-12 (b), Hawaii Administrative Rules. Recognition of this concern appears implicit in the prior action of the Board to approve the Gerrish's house construction contingent on reclassification of the property to the Resource Subzone.

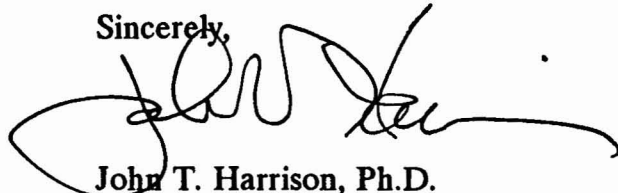
Concerns have been voiced that such a reclassification constitutes "spot zoning", and that widespread abuse of site-specific reclassification may result from approval of actions such as this. We feel that, while there is a likelihood of increased activity in this area, it is a legitimate function of administrative land use management to refine prior boundary designations. It is also arguable that an arbitrary boundary designation may, in itself, constitute a "spot zoning" where specific land characteristics do not conform to the assigned zoning criteria. In the end, as with most issues of environmental management, it is clear that equitable decisionmaking must reflect an evaluation of the relationship between the regulatory criteria and the site-specific characteristics of the land in question.

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It should be noted that the ongoing process of review of the Conservation District management system will no doubt have much constructive analysis to offer to this and related questions. Hence, directing the attention of the Board to this matter at this time is appropriate.

Thank you for the opportunity to provide comments on this petition, and we hope our remarks are helpful. Please don't hesitate to contact me should you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Harrison". The signature is fluid and cursive, with a large initial "J" and "H".

John T. Harrison, Ph.D.
Environmental Coordinator

cc: OEQC
R. Fujioka
K. Lowry