

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310
State Capitol
Honolulu, Hawaii

August 27, 1987

Approved
9/29/87

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice-Chairman
Richard Choy
Everett Cuskaden
Sharon Himeno
Toru Suzuki
Robert Tamaye

COMMISSIONERS ABSENT: Lawrence Chun
Renton Nip

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Staff Planner
Annette Chock, Deputy Attorney General
Teri Oki, Clerk Steno

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

SP87-365 - MOLOKAI CONCRETE AND AGGREGATES, INC.

Chairman Tacbian announced that the Commission would take action on this special use permit.

Ray Young, Staff Planner, oriented the Commission to the area being requested and gave a summary report of the special use permit record transmitted by the Maui Planning Commission.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

The Commission allowed public witness, DeGray Vanderbuilt, to testify. After hearing comments from

Petitioner, Mr. Leroy Austin, and Clayton Yoshida from the County of Maui Planning Department, questions were asked by the Commissioners.

Commissioner Cuskaden moved for an executive session to discuss a point of technicality with staff. The motion was seconded by Commissioner Suzuki and carried unanimously by voice vote.

Commissioner Cuskaden moved for approval to allow the excavation of rock material and the operation of a sand and aggregate screening, washing and crushing plant on approximately 75.896 acres of land within the Agricultural District at Kamolo, Molokai subject to the following eleven conditions:

1. The Special Use Permit shall be valid for a period of one year from the date of its approval by the State Land Use Commission, subject to further extensions upon a favorable review by the Molokai Advisory Committee, Maui Planning Commission, and the State Land Use Commission; and the quarry facility shall be fully operational on or before June 30, 1988..

2. That vehicle, material, or equipment storage areas shall be visually buffered with natural plant material to screen it from view along Kam Highway, as determined to be appropriate by the Planning Department.

3. That the applicant shall hire a qualified professional archaeologist to conduct a survey within the project area as per the recommendation of the State Historic Office, Division of State Parks, DLNR in a letter dated May 18, 1987. The report and recommendations of the archaeologist shall be submitted to the State Historic Office and County Planning Department for review prior to initiation of the proposed action. Further, if it is determined by the Planning Department that additional archaeological work is warranted or mitigative measures are necessary, then the applicant is advised that full compliance with any such requirements, as may be imposed, shall be mandatory and shall be done by the applicant at its sole cost.

4. In the event any historic, archaeological, or cultural sites, remains, artifacts, or resources are discovered during project construction, work shall immediately stop and

the State Historic Office, Department of Land and Natural Resources, the County Planning Department, and the State Land Use Commission shall be duly notified by the applicant.

5. That full compliance shall be rendered with the requirements of the Department of Public Works per their memorandum dated May 26, 1987.

6. That upon termination of the subject operation or use, the applicant shall be responsible to suitably restore the subject properties (e.g. removal of structures; revegetation; etc.) in a manner determined to be appropriate by the Maui County Planning Commission at the applicant's sole cost.

7. The use(s) or structure(s) allowable by a Special Use Permit shall not be expanded or increased in size or area or changed to another special use, unless so authorized.

8. The special use, will be subject to periodic inspections by the Planning Department, Soil Conservation Service, or other Federal, State or County agencies for compliance with the terms and conditions of the Special Use Permit.

9. The conditions of the Special Use Permit shall be self enforcing and, accordingly, the permit shall be suspended from and after the time of breach of same. Upon due notice by the Planning Department that such a breach has occurred the applicant/permittee shall be entitled to a hearing on the restoration of the permit, provided that a written request for such hearing is filed with the department within ten (10) days of the date of receipt of said notice of breach. If no appeal is duly filed, the Planning Commission shall revoke said permit.

10. The project shall conform to the requirements of other Federal, State and County statutes, ordinances, rules and regulations or codes.

11. The applicant shall indemnify and hold the state harmless and be responsible for all repairs to the state roads or facilities in the event of flooding resulting from the quarry activities.

The motion was seconded by Commissioner Himeno.

Commissioner Choy moved to amend the motion to include a site inspection before a final vote on the special permit was taken. The motion was seconded by Commissioner Whittemore.

Commissioner Tamaye moved to table Commissioner Choy's motion. The motion was seconded by Commissioner Suzuki. The motion to table was carried by voice vote.

Executive Officer, Esther Ueda, polled the Commissioners on the motion to approve the special permit as follows:

Ayes: Commissioner Cuskaden, Himeno, Tamaye, and Chairman Tacbian.

Nays: Commissioner Choy, Whittemore, and Suzuki.

Having failed to receive the necessary votes for approval, the motion was defeated.

CONTINUED HEARING

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD.

Today's proceeding is a continuation of the hearing which had begun on July 14, 1987.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Sidney Fuke, Planner

Tosh Hosoda, Gentry Companies

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General
Department of Business and Economic Development

Abē Mitsuda, Land Use Division, Department of Business and Economic Development

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At this time Petitioner's attorney, Alan Okamoto, requested that the Commission allow a continuance of the hearing because the State is reassessing their position on this petition and has not completed the process and to allow time for discussions between the Petitioner and the State to clarify the positions and issues. There were no objections to this request from the State or County.

Chairman Tacbian granted the continuance of the hearing to be rescheduled sometime in late November or early December.

The hearing was adjourned at 11:10 a.m.