

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library
Kahului, Maui

January 11, 1979 - 9:00 a.m.

Approved

June 27, 1979

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

James Carras (10:30 a.m. arrival)

COMMISSIONER ABSENT: Colette Machado

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

SP78-314 - DEPARTMENT OF LAND & NATURAL RESOURCES
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF WATER STORAGE
TANKS AT KOLOA, KAUAI

Mr. Daniel Yasui, staff planner, oriented the Commission to the location of the property and presented a summary of the staff memorandum.

Mr. Allan Kawada, Deputy Attorney General, stated that upon review of the record, it was his opinion that the subject request would not come into conflict with the provisions of Section 205-4.5.

Commissioner Whitesell suggested that a letter be sent to all the county planning departments and planning commissions requesting that all Special Permit applications include the Land Study Bureau's soil classification information, as well as specific information regarding the land conveyance. The Chair directed staff to take care of this matter.

Commissioner Pascua moved that SP78-314 be approved, subject to the conditions imposed by the County Planning Commission, which was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-326 - T. T. MEYER, INC.
SPECIAL PERMIT TO ALLOW THE OPERATION OF A ROCK AND CINDER QUARRY AT KAPUAOKOOLAU, MOLOKAI

A resume of the subject request was presented by staff planner. The location of the property was also identified on the maps.

Commissioner Miyasato moved to approve the Special Permit, subject to the conditions imposed by the Maui County Planning Commission. It was seconded by Commissioner Pascua and unanimously passed.

SP78-327 - YAMADA ENTERPRISES, INC.
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A ROCK QUARRY AND CONCRETE BATCHING PLANT OPERATION AT KAIMU-MAKENA HOMESTEADS, PUNA, HAWAII

Staff planner pointed out the area under discussion and presented a summary of the request. Discussion revolved around the subject of the wind direction in relation to the residences located in the area, and the rationale for the A. C. and batching plant operations.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Vice Chairman Nakagawa and unanimously carried.

SP78-328 - KENNETH FUJIYAMA
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A COMMERCIAL BOTANICAL GARDEN AT OLAA, PUNA, HAWAII

Following presentation of the staff memorandum, several questions were posed regarding the uses and activities proposed on the subject site. Commissioner Whitesell pointed to the "vagueness" of information regarding the total number of shops intended and the specific uses proposed.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, seconded by Commissioner Pascua, and the Commissioners were polled as follows:

Ayes: Commissioners Oura, Miyasato, Pascua, Yanai, Nakagawa, Chairman Duke

Nay: Commissioner Whitesell

The motion was carried.

Upon motion by Commissioner Whitesell, seconded by Commissioner Oura, it was unanimously agreed to go into executive session to receive counsel from the Deputy Attorney General regarding SP78-316, Department of Transportation.

10:54 a.m.

SP78-316 - DEPARTMENT OF TRANSPORTATION
SPECIAL PERMIT TO ALLOW THE DEVELOPMENT OF THE NEW LIHUE
AIRPORT AT LIHUE, KAUAI

Chairman Duke called on Mr. Kawada, Deputy Attorney General, to elaborate on the applicability of the provisions of Section 205-4.5 on the Special Permit application by the Department of Transportation.

Mr. Kawada submitted that it was his advice to the Commission that the proposed use was an appropriate request under a Special Permit procedure. Insofar as any conflict with Section 205-4.5 was concerned, since a subdivision was definitely indicated in the petition, Mr. Kawada felt there was a good possibility that the purchase of the lands by the State will go by way of condemnation and thus preclude the necessity of a subdivision.

Chairman Duke excused Commissioner Pascua from participating in the deliberation of this Special Permit due to a possible conflict he may have since he is a sales representative of Amfac and is involved with the general contractors who may bid on the job.

Chairman Duke ruled that Vice Chairman Nakagawa would not be in conflict in his position as an employee of Oahu Sugar Co. which is a subsidiary of Amfac Corporation.

Mr. Yasui pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks. The staff memorandum relevant to the subject request was also presented.

The Executive Officer elaborated on the staff recommendation regarding the 2-year time frame to commence improvements from the effective date of the Special Permit. This was done to provide a target for the Commission to consider, which can either be expanded or shortened, depending upon the petitioner's needs.

Chairman Duke agreed that there was a critical need for development of the New Lihue Airport runway. However, it was strongly suggested that the Department of Transportation apply for a boundary amendment within one year from the approval of the Special Permit.

Vice Chairman Nakagawa moved to amend County's condition No. 3 to include, after the words Urban District, "within one year after approval of the Special Permit by the Land Use Commission". It was seconded by Commissioner Carras and unanimously carried.

Vice Chairman Nakagawa moved to approve SP78-316, subject to the conditions imposed by the Kauai County Planning Commission and as amended by the Land Use Commission, which was seconded by Commissioner Carras. The motion was carried with the following votes:

Ayes: Commissioners Oura, Nakagawa, Miyasato, Carras
Yanai, Chairman Duke

Nay: Commissioner Whitesell

HEARING

A78-443 - TONY HASHIMOTO, ET AL

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on December 6, 1978, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Tony Hashimoto, et al, to amend the land use district boundaries for approximately 30 acres of land presently in the Agricultural District into the Urban District at Kihei, Maui, Docket A78-443.

Appearances

Meyer Ueoka, Attorney representing the petitioner

Roy Yempuku, Deputy Corporation Counsel, representing
the Maui Planning Department

Maurice Kato, Deputy Attorney General, representing
the Department of Planning and Economic
Development

All of the witnesses appearing on behalf of all the parties and public witnesses were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Public Witnesses

John Bose - Resident of Haiku, Maui, representing the Sierra Club, Maui Group

John Bose (cont.)

Read from prepared testimony-----57 to 58
 Examination by Chairman Duke-----58
 Examination by Commissioner Whitesell-----59

Elizabeth Stone

Letter read by Executive Officer-----59 to 60
 The meeting was in recess from 11:55 a.m. to 1:30 p.m.

1:30 p.m.

Exhibits

Petitioner's Exhibits 1 through 7 were admitted into evidence.

County's Exhibits 1 through 4 were admitted into evidence.

DPED's Exhibits 1 through 4 were admitted into evidence.

PETITIONER

Gerald M. Tavares - Fire Chief, Department of Fire Control,
Maui County

Direct examination by Mr. Ueoka-----72 to 76
 Cross examination by Mr. Kato-----76
 Redirect examination by Mr. Ueoka-----77

Kenneth Kong - Chief of the Division of Sewers, County of Kauai

Direct examination by Mr. Ueoka-----81 to 83
 Cross examination by Mr. Kato-----83

Eric Soto - Economic Development Coordinator, County of Kauai

Direct examination by Mr. Ueoka-----84 to 87

Paul Oshiro - Electrical Engineer, Maui Electric Company

Direct examination by Mr. Ueoka-----96 to 98

David P. Ting - Cold Storage Plant Business

Direct examination by Mr. Ueoka-----98 to 102

Cross examination by Mr. Kato-----102 to 104

Examination by Chairman Duke-----104 to 105

Douglas Sodetani - Real Estate Broker

Direct examination by Mr. Ueoka-----105 to 108

Cross examination by Mr. Kato-----108 to 113

Examination by Chairman Duke-----113 to 114

Ralph Yagi - Realtor

Direct examination by Mr. Ueoka-----115 to 120

Cross examination by Mr. Kato-----121 to 124

Tanji Yamamura - Farmer

Direct examination by Mr. Ueoka-----124 to 128

Cross examination by Mr. Kato-----128 to 131

Examination by Chairman Duke-----131

Tony Hashimoto - Petitioner and Farmer

Direct examination by Mr. Ueoka-----133 to 147

Cross examination by Mr. Yempuku-----147 to 148

Cross examination by Mr. Kato-----148 to 165

Bert R. Toba - Civil Engineer

Direct examination by Mr. Ueoka-----167 to 168

Cross examination by Mr. Yempuku-----168 to 169

Cross examination by Mr. Kato-----169 to 170

Examination by Commissioner Whitesell-----171

COUNTY OF MAUI

Toshi Ishikawa - Planning Director, Maui Planning Department

Cross examination by Mr. Kato-----178 to 180

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Paul Schwind - Planner, Land Use Division

Direct examination by Mr. Kato-----181 to 182

Examination by Commissioner Whitesell-----183 to 184

Examination by Commissioner Yanai-----184 to 186

CLOSING ARGUMENTS

By Mr. Ueoka-----187 to 188

By Mr. Yempuku-----188

By Mr. Kato-----188 to 190

Chairman Duke instructed all parties to file proposed findings, conclusions of law within 30 days after the completion of the transcript.

The meeting was adjourned at 6:25 p.m.