

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room, 9th Floor  
Kamamalu Building  
250 South King Street  
Honolulu, Hawaii

*Approved*  
*August 21, 1979*

February 21, 1979 - 9:30 a.m.

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

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  
Benjamin Matsubara, Consultant

Chairman Duke announced that the Commission will go into executive session later today to discuss a personnel matter; also that the order of the agenda will be shifted.

ACTION

A78-442 - MITSUGI & FUSAKO YAMAMURA

In the matter of the boundary amendment petition by Mitsugi and Fusako Yamamura, Docket A78-442, a hearing was held on December 5, 1978 by Mr. Benjamin Matsubara, Hearing Officer. Based on his findings and conclusions, it was recommended by Mr. Matsubara that the petition be approved since the request was reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and consistent with the Interim Statewide Land Use Guidance Policy.

Commissioner Miyasato moved to approve Docket A78-442, which was seconded by Commissioner Carras. The motion was unanimously carried.

A78-441 - PACIFIC HAWAIIAN, LTD.

Commissioner Yanai was excused from the deliberation since he had not participated in the hearing conducted on this petition.

The area under petition was pointed out on the maps by the Executive Officer.

The Commission discussed the following documents which had been previously distributed to the members, prior to taking action on the petition:

1. Petitioner's Proposed Findings of Fact and Conclusions of Law and Decision and Order
2. Partial Objections to the Petitioner's Proposed Findings of Fact and Conclusions of Law and Decision and Order - By the County of Hawaii
3. Petitioner's Written Comments Reference Objections to Proposed Findings of Fact and Conclusions of Law

Following the examination and discussion of the above documents, Vice Chairman Nakagawa moved that the Commission find the findings of fact adopted by the Commission as the true findings of fact. It was seconded by Commissioner Pascua and unanimously carried.

Commissioner Carras moved that the petitioner's request to reclassify approximately 8 acres of land presently in the Agricultural District into the Urban District be approved. The motion was seconded by Commissioner Pascua and unanimously passed.

It was moved by Commissioner Whitesell and seconded by Commissioner Carras that no conditions be imposed on the approval of this petition. The motion was approved.

The Chair directed Counselor Kawada to finalize the language of the Decision and Order, reflecting the deletions, amendments, etc. as discussed by the Commission.

The Commission was in recess from 12:10 p.m. until 1:40 p.m.

1:40 p.m.

SP79-329 - KAUAI BIBLE CHURCH  
APPLICATION TO ALLOW THE ESTABLISHMENT OF A CHURCH AT OMAO, KOLOA, KAUAI

Mr. Daniel Yasui, staff planner, pointed out the location of the subject property and presented a summary of the request.

Discussion of the subject request revolved around the question of ownership of the right-of-way, maintenance of the roadway, handling of the drainage, contour of the subject site and the degree of cutting and filling that will occur, jurisdictional authority over the land involved in the Special Permit.

Commissioner Pascua moved to refer the application back to the Kauai Planning Commission for clarification, which was seconded by Commissioner Oura.

At the Chairman's request, Commissioner Pascua stated that his reasons for the motion were based on the lack of data from the Planning Commission and the various agencies regarding problems of drainage, roadway, cesspools, etc.

Deputy Attorney General Kawada counseled that he did not see the necessity of supplementing the record since these matters had been addressed within the petition itself. Moreover, it was his opinion that these details were more appropriately considered at the County level at the time petitioner applies for the necessary permits.

Commissioners Pascua and Oura withdrew the motion and second respectively to refer the petition back to the Kauai Planning Commission.

Commissioner Pascua moved to defer action on the petition until the next meeting of the Land Use Commission on March 20, 1979. The motion was seconded by Commissioner Oura.

The Chair called on the Executive Officer to poll the Commissioners and the following votes were recorded:

Ayes: Commissioners Whitesell, Miyasato, Oura, Pascua, Carras, Chairman Duke

The motion was carried.

Commissioners Pascua and Whitesell enumerated the additional data they desired from the County as follows:

1. How the drainage is to be handled.
2. What portions of the roadway is to be privately owned and what portions publicly owned.
3. Status of subdivision in the Conservation District.
4. Type of sewage system proposed and the impact of the proposed development on the surrounding property.

Chairman Duke added that staff also solicit clarification of condition No. 5 regarding the tolling of time.

It was announced that action on SP79-329 will be deferred until March 20, 1979.

SP79-330 - MINOLU R. CHENG

APPLICATION TO ALLOW THE ESTABLISHMENT OF A MEDICAL OFFICE AT KEAUHOU 1ST, NORTH KONA, HAWAII

Following a presentation of the staff memorandum on the subject application by staff planner, Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Commissioner Pascua and unanimously passed.

SP79-331 - STATE OF HAWAII, DEPARTMENT OF EDUCATION

APPLICATION TO ALLOW THE CONTINUED USE OF THREE SCHOOL SITES AT HONAUNAU, HOOKENA AND KOHALA

Mr. Daniel Yasui described the property involved in the petition and presented the staff memorandum.

It was noted by the planner that basically the request was to legitimize a use that is already existing and no improvements were planned at the present time.

Commissioner Carras moved that the request be approved, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Oura.

Commissioner Whitesell moved to amend the motion by adding a condition that "the Kohala School site come in for a boundary amendment within two years". There were no objections from the maker and seconder of the original motion. The motion was carried.

The motion on the floor, and as amended, was unanimously approved.

SP79-332 - STANLEY S. SHIMIZU

APPLICATION TO ALLOW THE ESTABLISHMENT OF A 50' X 60' FREEZER/OFFICE BUILDING AT SOUTH KONA, HAWAII

A summary of the staff memorandum was presented by Mr. Yasui.

Commissioner Oura moved to approve SP79-332, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Carras and unanimously approved.

SP79-334 - HENRY OPUKAHAIA SCHOOL  
APPLICATION TO ALLOW THE ESTABLISHMENT OF A PRIVATE SCHOOL  
AT KEAAU, PUNA, HAWAII

Following a report from the staff planner, it was moved by Commissioner Carras and seconded by Commissioner Oura to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was carried.

SP78-292 - GARY'S AUTOMOTIVE SERVICE, INC.  
APPLICATION TO EXTEND THE LIFE OF THE SPECIAL PERMIT FROM 5 YEARS  
TO 10 YEARS TO ALLOW THE ESTABLISHMENT OF AN AUTO BODY REPAIR  
SHOP, TRUCK REPAIR AND VEHICLE STORAGE AREA AT SOUTH KOHALA,  
HAWAII

The staff memorandum was presented by the Executive Officer. Counselor Kawada recommended that the Commission impose an additional condition to the approval of the Special Permit "that the ten year extension of the Special Permit shall commence on approval of the modification by the Land Use Commission (February 21, 1979)".

Commissioner Carras moved that the petitioner's request for an extension from five to ten years be granted, subject to the conditions imposed by the Hawaii County Planning Commission, and the additional condition as recommended by Counselor Kawada. The motion was seconded by Commissioner Oura and unanimously passed.

ADOPTION OF MINUTES

Upon motion by Commissioner Whitesell, seconded by Commissioner Pascua, the minutes of October 19, 1978 were approved as circulated.

EXECUTIVE SESSION

Commissioner Pascua moved to go into executive session to discuss a personnel matter, which was seconded by Commissioner Oura and carried by voice vote.

The meeting was adjourned at 4:55 p.m.