

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B & C
Kalanimoku Building
Honolulu, Hawaii

Approved
AUG 5 1981

February 25, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell

COMMISSIONERS ABSENT: George Pascua
Edward Yanai
William Yuen

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

Ray Russell, Court Reporter

ACTION

A80-492 - F & N CORPORATION

Chairman Duke announced that today the Commission will determine whether the defects of the subject petition as determined by the Land Use Commission on September 17, 1980 have been cured.

A chronological summary of the petition was presented by Mr. Furutani, Executive Officer, and a description of the property was offered by staff planner.

Mr. Clifford Lum, attorney representing petitioner, responded to questions from the Commissioners regarding the ownership of the property and assured that documentation of the authorization to represent the various owners will be transmitted to the Commission prior to the hearing date.

Vice Chairman Nakagawa moved that the defect in Docket A80-492, F & N Corporation, had been cured and that the petition be accepted by the Land Use Commission. It was seconded by Commissioner Oura and unanimously carried.

SP70-85 - TRANSCONTINENTAL DEVELOPMENT CO.

To allow a 10-year extension of quarry operations and allied uses at Waikoloa, South Kohala, Hawaii

A description of the location and characteristics of the subject property, and a summary of the staff report were presented by staff planner. Responses were also made to questions which were raised concerning noise and dust complaints and the need for the 10-year permit to quarry the site.

Commissioner Oura moved to approve the 10-year extension request by Transcontinental Development Co., SP70-85 for quarry operation from December 11, 1980 to December 11, 1990, subject to all conditions stipulated in the granting of the original special permit, including compliance with applicable Department of Health regulations. The motion was seconded by Vice Chairman Nakagawa.

Commissioner Choy moved to amend the motion to allow a 5-year extension and request petitioner to come before the Commission again after that time. Commissioner Whitesell seconded the motion.

Commissioner Oura felt that petitioner's request was justified since it was meeting a need for the construction of the golf course, roads, etc., and Commissioner Whitesell agreed with his views.

Commissioner Choy withdrew his amendment and Commissioner Whitesell, seconder of the motion, voiced no objections.

The original motion to approve the 10-year extension request was unanimously passed.

SP71-117 - TRANSCONTINENTAL DEVELOPMENT CO.

To allow a 10-year extension of quarry operations at Waikoloa, South Kohala, Hawaii

The area under petition was pointed out by the staff planner on the USGS and tax maps. A summary of the staff report was also presented.

Questions regarding vegetative restoration of the quarried area, the additional condition imposed by the County were discussed.

It was moved by Commissioner Oura to extend the expiration date of December 17, 1981 to December 17, 1991 on SP-117, Transcontinental Development Co., subject to all conditions stipulated

in the granting of the original special permit, including compliance with applicable Department of Health Regulations and the additional condition imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Whitesell and unanimously carried.

SP78-309 - PARADISE HUI HANALIKE

To amend conditions 4 and 5 relating to certain parking requirements at the Hawaiian Paradise Park Subdivision community center complex at Keeau, Puna, Hawaii

The location of the subject property was pointed out by staff planner who also presented a resume of the staff memo.

Commissioner Oura moved to approve the amendment of conditions 4 and 5 of SP78-309, subject to all conditions recommended by the Hawaii County Planning Commission. It was seconded by Vice Chairman Nakagawa and carried.

A80-494 - JOHN A. HARVEY, III) Motion to Defer Hearing
A80-500 - KAPALAOA, INC.)

Vice Chairman Nakagawa moved, seconded by Commissioner Oura, to go into executive session to get clarification on a legal point. The motion was carried and the Commission was in executive session from 10:34 a.m. to 11:07 a.m.

11:07 a.m.

Vice Chairman Nakagawa moved to consider Item 5, A80-494, John A. Harvey, III and Item 6, A80-500, Kapalaoa, Inc. simultaneously due to the similarity of the requests. The motion was seconded by Commissioner Oura and carried.

Appearances

Arnold Abe, Attorney representing both petitioners

Annette Chock, Deputy Attorney General, representing DPED

Sidney Fuke, Planning Director, Hawaii Planning Department

Each party presented arguments relative to the motion filed by petitioner to defer the hearings on subject petitions. Mr. Abe also offered rebuttal to the arguments.

At 11:40 a.m., Vice Chairman Nakagawa was excused due to a prior commitment.

In order to set a policy guideline of the Commission regarding time requirements as mandated by statute, Commissioner Whitesell made a motion that the Commission will not entertain a request for deferment beyond the time limits prescribed in the statute. It was seconded by Commissioner Choy and carried.

Staff was directed to apprise petitioners of the Commission's policy regarding motions for deferral of hearings.

In the case of the petition by John Harvey, A80-494, on which the 180-day time limit for holding a hearing had run out, inasmuch as the Commission had only today adopted a policy regarding strict adherence to statutory requirements, it was the consensus of the Commission members that a hearing date should be rescheduled as soon as possible.

It was moved by Commissioner Whitesell that the Commission deny the motion to defer the hearing on Docket A80-500, Kapalaoa, Inc. It was seconded by Commissioner Choy and approved.

Commissioner Whitesell moved to deny the motion by John A. Harvey, III, A80-494, to defer the hearing for a period of 180 days, but to reschedule a hearing as soon as possible. Commissioner Oura seconded the motion and it was carried.

The Commission was in recess from 11:55 a.m. to 1:30 p.m.

1:30 p.m.

The Commission was rejoined by Vice Chairman Nakagawa.

A76-411 - A & B PROPERTIES, INC.

Chairman Duke announced that the request before the Commission was a motion to amend certain conditions of the Decision and Order in connection with the reclassification of certain lands at Eleele, Kauai.

Mr. Ken Peterson, Senior Counsel for Alexander & Baldwin, Inc. explained the petitioner's reasons for requesting the amendment to certain conditions contained in the Decision and Order.

There were no objections to the amendment from either the State or the County.

Mr. William Campbell, Manager of Planning and Property Development for Alexander & Baldwin, was called by Chairman Duke to respond to questions raised by the Commissioners.

It was moved by Commissioner Whitesell to amend the conditions in the Decision and Order on Docket A78-411 as proposed

by A & B Properties, Inc. It was seconded by Commissioner Miyasato and unanimously carried.

The meeting was adjourned at 2:50 p.m.