

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

March 1, 1974 - 10:00 a.m.

Kauai Public Library
Lihue, Kauai

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Shelley M. Mark
Mitsuo Oura
Tanji Yamamura

COMMISSIONERS ABSENT: Sunao Kido
Alexander J. Napier

Adopted
APR 25 1974

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
E. John McConnell, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Chairman Tangen observed that funeral services for Mr. Edward DeMello, ILWU Legislative Representative, were being held in Honolulu today. He paid tribute to Mr. DeMello's record and dedicated service to the people of Hawaii and expressed condolences to his family in behalf of the Commission. He further noted that Mr. DeMello had been a forceful advocate for legislation which resulted in Hawaii's being the first state to enact a Land Use Law, and that the benefits to the people of Hawaii derived from this legislation are a matter of record.

It was also announced by the Chairman that the meeting place today had been moved from the County Council Room to the Kauai Public Library due to a conflict. Thereafter, persons testifying today were duly sworn in.

ACTION

SPECIAL PERMIT APPLICATION BY KAUAI HARDWOOD, INC. (SP74-167) TO CONSTRUCT A STORE ADDITION AND OFFICE ADDITION IN THE AGRICULTURAL DISTRICT AT HANAMAULU, KAUAI

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff memorandum recommending that the special permit be approved,

subject to the conditions imposed by the Kauai County Planning Commission (see copy of report on file).

Vice Chairman Sakahashi noted that in view of the present shortage of construction material, the County's requirement that the use be established within 18 months from the date of Land Use Commission approval might not be realistic. Mr. Malcom Smith, petitioner, advised that adequate surplus material from another project was available for the proposed structure.

Vice Chairman Sakahashi moved to approve the special permit as recommended by staff, which was seconded by Commissioner Yamamura and unanimously passed.

SPECIAL PERMIT APPLICATION BY DEPARTMENT OF PUBLIC WORK, COUNTY OF KAUAI (SP74-165) TO CONSTRUCT, OPERATE AND MAINTAIN A SEWAGE TREATMENT PLANT IN THE AGRICULTURAL DISTRICT AT ~~HANAPEPE~~, KAUAI

Hanapepe

The staff memorandum presented by Mr. Ah Sung Leong, planner, recommended that the special permit be approved, subject to the 3 conditions imposed by the Kauai County Planning Commission, with the further stipulation that all applicable State and federal requirements be met. It was further recommended that the subject site be included within the Urban classification during the 5-year review.

During the discussion that ensued, many questions were raised by the Commissioners regarding the future extension and costs of sewer lines to accommodate future developments in the Eleele/Hanapepe area, provisions for the expansion of the plant site, possible alternative sites, possible contamination to the water source, etc. Therefore, Chairman Tangen called on the petitioner's representative to clarify these points.

In response, Mr. Harry Funamura, engineer with the Kauai County Department of Public Works, submitted the following information:

1. Both the Hanapepe and Eleele sites were considered during the preliminary engineering study and, based on various factors, the Hanapepe site was selected which both the consultants and the Department felt were the logical site. Other areas were also considered but ruled out due to the significant difference in cost.
2. Under the proposed scheme, only 2 pump stations will be required for future expansion. Insofar as transmission lines for future developments were concerned, although

he was unable to quote any cost price at the moment, these figures were on file and available.

3. The water quality standard was included in the consultant's report.

Chairman Tangen questioned whether any consideration had been given to the utilization of the effluent for cane irrigation or for the nearby Kauai Electric Company's cooling well rather than merely disposing the effluent through injection wells. Mr. Funamura advised that because of the nutrient present in the effluent, it was deemed unsuited for direct use into the cooling system; however, reclamation for cane irrigation had been considered. In the latter instance, it had been planned to use a force main running northward on McBryde's cane lands into the irrigation reservoir, should there be sufficient increase in the volume of the effluent to make this feasible. However, this had been contemplated only if the injection wells failed to perform as anticipated.

Chairman Tangen pursued this matter further and wondered whether the Department of Public Works would have any objections to utilizing the effluent for irrigation if sufficient flow were present to make this economically feasible, even though the injection wells should prove adequate. Mr. Funamura replied in the negative.

Mr. Funamura assured Commissioner Yamamura that the treatment plant would not create an eyesore, and the odor from the plant would be minimized through the use of filters and due to favorable wind direction.

It was brought out by Chairman Tangen that Commissioner Mark, Mr. Fujimoto and he have been involved in current legislative hearings concerning various environmental bills, which, if enacted, would require the Commission to carry out their mandates. He raised questions about the propriety of the recommendation from the USDA Soil Conservation Service that alternative sites be considered on the basis that the proposed plant would detract from the view of the Eleele residents in the heights; or the Office of Environmental Quality Control's concern over the project costs. Chairman Tangen also criticized conflicting recommendations from the Department of Health, stating that the special permit request was premature on one hand, yet requiring construction of a permanent secondary sewage treatment facility by February, 1975.

Chairman Tangen concluded that the Commission would be acting on the request for approval of the proposed site for the sewage treatment plant and that it would be incumbent on the petitioner to meet all federal and county requirements. Mr. Leong added that

staff was recommending that the subject site be placed in the Urban District during the 5-year review, only if the special permit is approved.

Vice Chairman Sakahashi moved that the special permit be approved in accordance with staff's recommendation, and that every effort be made to pursue the reclamation of the effluent for irrigation purposes. The motion was seconded by Commissioner Yamamura and unanimously carried.

SPECIAL PERMIT APPLICATION BY THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF KAUAI (SP74-166) TO ESTABLISH A PUBLIC REFUSE DISPOSAL SITE IN THE AGRICULTURAL DISTRICT AT HANALETI, KAUAI

It was recommended in the staff memorandum presented by Mr. Leong that the special permit be approved, subject to the 2 conditions stipulated by the Kauai County Planning Commission (see copy of report on file).

Vice Chairman Sakahashi commented on the aesthetic qualities of the area selected for the proposed dumping site and also expressed concern over possible runoff from the landfill into Anini Beach during heavy rains. Mr. Harry Funamura, engineer with the Kauai Department of Public Works, replied that the dumping site will be hidden away from the highway. Moreover, through proper grading and design and provision for a sedimentation pond at the end of the landfill, runoff should not occur.

Mr. Funamura also assured Commissioner Carras that it was in their plans to plant grass or other low maintenance landscape material to upgrade the area after the landfill is completed. Mr. Leong added that this was a requirement under the Department of Health's regulations. Chairman Tangen assumed that the county will be able to adequately police this requirement.

Vice Chairman Sakahashi moved to approve the special permit as recommended by staff, which was seconded by Commissioner Mark and carried.

SPECIAL PERMIT REQUEST BY HANALETI BAY REALTY, INC. (SP74-168) TO REOPEN NONCONFORMING COMMERCIAL STORE WITHIN THE RURAL DISTRICT AT WAINIHA, KAUAI

It was the staff's recommendation that the special permit be approved, subject to the County's conditions, with the added condition that should the use established under this special permit be discontinued for a continuous period of 6 months, the special permit shall be considered null and void (see copy of report on file).

In response to several questions raised by Vice Chairman Sakahashi, Mr. Leong advised that Mrs. Paula Irons of Hanalei Bay Realty, Inc. was the authorized agent for James Nakatsuji, landowner of the subject property, to lease the property for the proposed use. Presently, a family occupied the residential portion of the structure and had expressed a desire to operate the store, although there has been no final decision from Mrs. Irons.

Vice Chairman Sakahashi felt that the special permit should be granted only if a need could be established for the proposed use. Chairman Tangen observed that the nearest facility, such as the one proposed by the petitioner, was located 7 miles from the subject site (3 1/2 miles on either side of the property), and the special permit request indicated that there was a need for this type of service in the area. Additionally, the County's condition that the use be established within 6 months from the date of Land Use Commission approval placed a tight control over the special permit.

Upon motion by Commissioner Yamamura, seconded by Vice Chairman Sakahashi, the special permit was approved as recommended by staff.

SPECIAL PERMIT REQUEST BY THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF MAUI (SP74-169) TO CONSTRUCT A FIRE SUBSTATION IN THE AGRICULTURAL DISTRICT AT HOOLEHUA, MOLOKAI

Based on staff's evaluation of the request, it was recommended that the special permit be approved, subject to the conditions imposed by the Maui County Planning Commission (see copy of report on file). Mr. Fujimoto stated he had been advised by Mr. Howard Nakamura, Planning Director of the Maui Planning Department, of his inability to attend today's meeting due to a previous commitment.

Chairman Tangen noted for the record that, at this point in the meeting, there was not a single person in attendance at the meeting other than the Commissioners and staff.

Commissioner Yamamura moved to approve the special permit as recommended by staff, which was seconded by Vice Chairman Sakahashi and carried.

MISCELLANEOUS

EXTENSION REQUEST FROM MAUI ZENDO OF THE DIAMOND SANGHA, INC.
(SP71-92)

Mr. Fujimoto reported that staff concurred with the Maui Planning Commission in recommending approval of the special permit

extension request, subject to the conditions imposed by the Maui County Planning Commission (see copy of report on file). It was the staff's further recommendation that under the County's condition #2, any further extension also be subject to the approval of the Land Use Commission.

Chairman Tangen ruled that Commissioner Yamamura was not in any conflict and could therefore participate in the decision.

Commissioner Mark moved to approve the extension request, subject to the conditions imposed by the Maui County Planning Commission and additional condition by the Land Use Commission staff. The motion was seconded by Commissioner Yamamura and unanimously carried.

ADJOURNMENT

Since there was no further business, the meeting was adjourned.