

Approved

SEP 5 1979

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

4th Floor, Board Room #404
Queen Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

March 20, 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

ACTION

SP79-335 - STATE DEPARTMENT OF TRANSPORTATION
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A NON-CONFORMING
MAINTENANCE BASEYARD OPERATION AT SOUTH KOHALA, HAWAII

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

Upon motion by Commissioner Carras, seconded by Commissioner Oura, it was unanimously agreed to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

SP79-329 - KAUAI BIBLE CHURCH
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A CHURCH AT KOLOA,
KAUAI

The Commission deliberated on the subject Special Permit request which had been deferred from February 21, 1979, pending

clarification from the County regarding concerns expressed by the Commission relative to drainage, access, sewage, etc.

Chairman Duke called for a short recess to allow the Commission time to familiarize themselves with the contents of the letter dated March 16, 1979 from the Kauai Planning Department regarding the abovementioned concerns.

Excerpts from the staff report of the previous meeting and the salient points contained in the response from the Kauai Planning Department were reviewed by Mr. Yasui.

In response to the Chairman's request for clarification of County's condition No. 5, Counselor Kawada recommended the following amended wording: "Within two years from the effective date of approval of the Special Permit by the Land Use Commission, the petitioner shall complete construction of the project."

Commissioner Pascua felt that the 2-year time period for the completion of the site and foundation work was reasonable; however, he argued that it would be difficult to complete the total project, including the building itself, within a 2-year period.

Chairman Duke recommended the following amended wording to County's condition No. 5: "Within two years, the site work and foundation be completed, and that the entire project be completed within four years."

Commissioner Pascua moved to approve SP79-329, subject to the conditions imposed by the Kauai County Planning Commission, and as amended by the Chairman. It was seconded by Commissioner Carras. The motion was unanimously carried.

Commissioner Whitesell suggested that the counties be requested to address the Special Permit tests when submitting applications to the Commission. The Chair directed staff to follow through on this matter.

HEARING

A78-449 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
(Deep-Draft Harbor at Barbers Point, Ewa, Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on February 16, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Department of Planning and Economic Development, to amend the land use district boundaries for approximately 166 acres of land presently in the Agricultural District into the Urban District at Barbers Point, Honouliuli, Ewa, Oahu, Hawaii, for the construction of a deep-draft inland harbor, Docket A78-449.

Appearances

Annette Chock, Deputy Attorney General and
Maurice Kato, Deputy Attorney General, Co-counsel,
representing the Department of Planning
and Economic Development, petitioner

Roger Moseley, Deputy Corporation Counsel, representing
the Department of General Planning, City
and County of Honolulu

Upon motion by Commissioner Carras, seconded by Vice Chairman Nakagawa, the Waianae Land Use Concerns Committee and Environmental Law Center of the Pacific, Inc., represented by Attorney John F. Schweigert, were admitted as parties to the proceedings.

Motion for a Change in Time and Place of Hearing

The Commission considered Waianae Land Use Concerns Committee et al's motion for a change in time and place of hearing. It was moved by Vice Chairman Nakagawa that the motion to continue the hearing for 30 days be denied. It was seconded by Commissioner Carras and unanimously carried.

Chairman Duke declared that should the meeting continue beyond today, a decision will be made as to the change in place of the hearing prior to the conclusion of the proceedings.

Public Witnesses

Upon motion by Commissioner Whitesell, seconded by Vice Chairman Nakagawa, Mr. Douglas Meller was admitted as a public witness representing Life of the Land. The motion was carried.

Commissioner Carras moved and Commissioner Oura seconded the motion to admit David Parsons to appear as a public witness representing the Ewa Beach Community Association. The motion was passed.

Written Statements

Receipt of timely written statements from Elizabeth Stone, President of Environmental Citizens Against Progress; and F. C. Gross, Chairman of West Oahu Soil and Water Conservation District, was noted by the Chairman. Commissioner Whitesell moved that they be entered as the Commission's Exhibits 1 and 2 respectively and be made a part of the record. It was seconded by Commissioner Carras and unanimously carried.

Exhibits

DPED's Exhibits 1 through 21 were admitted into evidence. Both Messrs. Moseley and Schweigert reserved their objections to the admittance of DPED's Exhibits 22 through 25 until such time as they have had an opportunity to examine them more thoroughly. There were no objections from any of the parties to DPED's witness list.

Mr. Moseley advised that the County will be submitting two rather voluminous documents (population projections by DPED) into the record, reproducing only those pages that will be referenced during the hearing for the parties and the Commission members to satisfy the Commission's requirements. There were no objections from the parties to the County's witnesses.

The admissibility of Waianae Land Use Concerns Committee et al's exhibits was deferred, pending submittal of the required copies by the intervenors. It was also stated by Mr. Schweigert that a complete list of witnesses will be presented after the lunch break.

The Commission was in recess from 12:02 p.m. to 1:30 p.m.

1:30 p.m.

Upon motion by Vice Chairman Nakagawa, seconded by Commissioner Carras, the 7-day time period for request to appear as a witness was waived and Mama Loa (Rev. Leilani Hiaa Kalaeloa) was admitted as a public witness.

The meeting was in recess from 1:48 p.m. to 2:00 p.m. awaiting the appearance of one of the counsels.

2:00 p.m.

The Chairman called on staff to orient the Commission to the location of the property and to present a brief summary of the subject request for a boundary amendment.

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

Public Witnesses

	<u>Pages</u>
<u>Mama Loa (Rev. Leilani Hiaa Kalaeloa)</u>	
Oral testimony-----	82 to 88
<u>Douglas Meller - Life of the Land</u>	
Read from prepared testimony-----	89 to 94
Cross examination by Mr. Schweigert-----	94 to 95
<u>David Parsons - Member of Board of Directors, Ewa Beach Community Association</u>	
Examination by Chairman Duke-----	95 to 96
Read from prepared statement-----	97 to 100
Cross examination by Mr. Schweigert-----	101 to 105

PETITIONER - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Miss Chock noted the presence of Mr. Jon Johnson, Attorney with the U. S. Corps of Engineers, who was present today as counsel for the 3 employees of the Corps who will be testifying during the proceedings.

Before calling Mr. Charles Swanson, her first witness, to the stand, Miss Chock advised that several visual aids will be used during Mr. Swanson's testimony and properly identified at the appropriate time.

Charles Oscar Swanson - Deputy Director, Water Transportation Facilities Division, Daprtment of Transportation

Direct examination by Miss Chock-----	109 to 140
Cross examination by Mr. Moseley-----	140 to 154

At 5:00 p.m., Chairman Duke announced that the proceedings on this docket will be continued until tomorrow, March 21, 1979, at 9:30 a.m. in Conference Room 322 C, New State Building, Honolulu, Hawaii.