

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DPED Conference Room
Honolulu, Hawaii

March 29, 1976 - 9:30 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

Approved 5/12/76

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ADDITION TO THE AGENDA

It was moved by Commissioner Whitesell and seconded by Commissioner Duke to add the adoption of minutes to the agenda. The motion was unanimously passed with the following votes:

Ayes: Commissioners Duke, Machado, Oura, Whitesell, Yamamura.,
Yanai, Sakahashi, Chairman Tangen

ADOPTION OF MINUTES

Upon motion by Vice Chairman Sakahashi, seconded by Commissioner Yamamura, the minutes of February 12 and 20, 1976 were unanimously approved.

The agenda was rearranged to take action on the Special Permit first.

ACTION

APPLICATION BY PRINCEVILLE CORPORATION (SP76-236) FOR A SPECIAL PERMIT TO ALLOW THE REACTIVATION AND EXPANSION OF THE EXISTING HANAIEI AIR-STRIP AT PRINCEVILLE, KAUAI

Mr. Leong, Acting Executive Officer, presented a summary of the pertinent facts contained within the staff memo (see copy of report on file), and oriented the Commission to the area under petition with the aid of the District map.

It was moved by Vice Chairman Sakahashi, seconded by Commissioner Oura, to approve the Special Permit, subject to the 7 conditions imposed by the Kauai Planning Commission. The motion was unanimously carried.

A75-400 - HENRY R. MEYER, OTTO S. MEYER, ALEX I. EGUSA
TO RECLASSIFY APPROXIMATELY 10.3 ACRES FROM CONSERVATION TO
AGRICULTURAL AT KAPUAOKOOLAU, MOLOKAI

In the matter of the boundary amendment petition by Henry R. Meyer, et al, Docket A75-400, a hearing was conducted in Molokai on January 23, 1976 by Mr. Ben Matsubara, Hearing Officer. Chairman Tangen referred the Commission to the Hearing Officer's report, including his recommendation, which had been distributed earlier (see copy in file).

Mr. Leong identified the existing surrounding uses, highways, shoreline, etc. in relation to the subject property.

It was noted that this was the first instance of a hearing having been conducted by a Hearing Officer, and that the observations, findings and conclusions in his report were significant and pertinent to the petition. Therefore, it was moved by Commissioner Duke and seconded by Commissioner Yamamura to adopt the Hearing Officer's Findings and Conclusions, and to approve the petition.

During the discussion that followed, Commissioner Whitesell recommended that the following be included in the Commission's findings:

1. The request conforms to the County General Plan
2. The request was approved by the Molokai Advisory Committee

It was suggested by Mr. Marsh that the conclusions could include the following:

1. Agricultural designation would be more appropriate than Conservation for the subject parcel
2. The proposed uses are permitted within the Agricultural District, the amendment conforms to the standards of Rule 2.2 of the District Regulations, not violative of Chapter 205-2, HRS, and is consistent with the interim land use policy

The Chair called for a vote on the motion before the Commission, and the Commissioners were polled as follows:

Ayes: Commissioners Duke, Whitesell, Oura, Machado, Yamamura, Sakahashi, Yanai, Chairman Tangen

Absent: Commissioner Carras.

The motion was carried.

A75-401 - AMFAC COMMUNITIES INC. - HAWAII
TO RECLASSIFY APPROXIMATELY 65.4 ACRES FROM AGRICULTURAL TO
URBAN AT LAHAINA, MAUI

In the matter of the boundary amendment petition by Amfac Communities Inc. - Hawaii, Docket A75-401, on which a hearing was held on January 15, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Proposed Findings of Fact and Conclusions of Law
2. Comments of the Department of Planning & Economic Development on the Petitioner's Proposed Findings and Conclusions
3. Maui County Planning Department's letter dated March 22, 1976

(See copies on file)

Since there were no objections from any of the parties, Chairman Tangen declared that the following document was adopted by the Commission:

Petitioner's Motion, dated March 5, 1976, to correct transcript of the hearing held on January 15, 1976 on Docket A75-401
(see copy on file)

A graphic description of the area under discussion was presented by Mr. Leong, Acting Executive Officer. It was also noted that Commissioner Carras was not present at the hearing, and since Commissioner Yanai was present for only a portion of the hearing, he was excused from the proceeding.

Commissioner Whitesell felt that the petition should be approved since it was a pocket of Agricultural lands bounded by Urban on both sides and, therefore, a logical extension of the Urban District. Moreover, there did not appear to be any pressing environmental problems.

During the deliberation, it was agreed to include the following findings in the Commission's Decision and Order:

1. The soil classification by the Land Study Bureau, as reported in DPED's testimony
2. Petitioner's finding #6 stating that 46 new acres and another 15 acres will be put into cane cultivation to replace the loss by the proposed development
3. Reference to Rule 2.2 (a) (d), State Land Use District Regulations
4. Incremental districting was not appropriate since site improvement will be completed on entire parcel within 5 years and housing will be constructed in phases, and the proposed development will be substantially completed within 5 years as required by Rule 6-2 of the Regulations
5. Anti-speculation provisions be submitted for review and approval by the Maui Planning Commission
6. Subject project be initiated within 18 months from the time of approval
7. Petitioner plans to phase out dilapidated plantation housing and intends to sell to Amfac employees on a preferential basis.

Mr. Michael Marsh, Deputy Attorney General, suggested that the Commission include the following in its conclusions:

1. The proposed development is reasonable, not violative of Section 205-2 and consistent with the Interim State-wide Land Use Guidance Policies (6-1)

It was agreed to include other factual information contained in the Petitioner's Proposed Findings and Conclusions of Law in the Commission's final Decision and Order (see copy on file).

Commissioner Yamamura moved to approve the petition on the basis of the Commission's findings and conclusions, and subject to the conditions recommended by the Maui County Planning Department. The motion was seconded by Commissioner Duke and the Commissioners were polled as follows:

Ayes: Commissioners Whitesell, Machado, Oura, Duke,
Yamamura, Sakahashi, Chairman Tangen

Abstain: Commissioner Yanai

Absent: Commissioner Carras

The motion was carried.

Commissioner Yanai rejoined the proceedings.

A75-399 - RICHARD K. G. STURSBURG
TO RECLASSIFY APPROXIMATELY 27.8 ACRES FROM AGRICULTURAL TO
URBAN AT LAHAINA, MAUI

In the matter of the boundary amendment application by Richard K. G. Stursberg, Docket A75-399, on which a hearing was held on January 15, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Findings of Fact and Conclusions of Law
2. Comments of the Department of Planning & Economic Development to Petitioner's Proposed Findings of Fact and Conclusions of Law, and DPED's Proposal for Conditions
3. Maui Planning Department's letter dated March 12, 1976

(see copies on file)

The District map was used by Mr. Leong to orient the Commission to the area under discussion. Mr. Carras' absence at the hearing was noted for the record.

Some of the concerns relative to the subject petition were expressed during the discussion as follows:

1. Lack of sewer facilities
2. Subject property is prime agricultural land rated "A" by the Land Study Bureau, although separated by the proposed realignment of the highway
3. Petitioner testified that 1/3 of the units will be sold for retirement and second homes; and 2/3 will be for the moderate income group
4. There is a need for housing in the Lahaina District but the petitioner has not substantiated that the proposed development will meet the needs of the community for housing.
5. Although there will be no serious impact on agriculture, it is not reasonably necessary for urban growth and development

The Commission also reviewed the subject petition in terms of the Interim Statewide Land Use Guidance Policy.

Various other proposed findings and conclusions by the petitioner, and comments from the Department of Planning & Economic Development concerning impact on the environment, economic impact of the development, etc. were deemed to be relevant and appropriate to be included in the Commission's findings and conclusions (see copy on file).

The Chair called for a lunch recess at 12:10 p.m.

The meeting reconvened at 1:30 p.m.

It was moved by Commissioner Duke and seconded by Commissioner Oura to approve the petition. The following votes were recorded:

Ayes: None

Nays: Commissioners Sakahashi, Oura, Yamamura, Duke, Yanai, Whitesell, Machado, Chairman Tangen

Absent: Commissioner Carras

The motion did not carry, and, therefore, the petition was not approved.

A75-397 - LIHUE PLANTATION COMPANY, LTD.
TO RECLASSIFY APPROXIMATELY 30 ACRES FROM AGRICULTURAL TO URBAN
AT LIHUE, KAUAI

In the matter of the boundary amendment application by Lihue Plantation Company, Ltd., Docket A75-397, on which a hearing was held on January 12, 1976, the Commission discussed and reviewed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Proposed Findings of Fact and Conclusions of Law
2. DPED's Proposed Findings of Fact and Conclusions of Law, in opposition to Petitioner's Proposed Findings and Conclusions
3. Objections to the Petitioner's Proposed Findings of Fact and Conclusions of Law by the Kauai Planning Department

(see copies on file)

Mr. Leong identified the subject area on the map.

Chairman Tangen referred to the Petitioner's Motion to correct the Transcript of the hearing held on January 12, 1976, and since there were no objections, it was ruled that the motion was adopted by the Commission.

The absence of Commissioner Carras from the hearing procedure was noted.

Mr. Leong advised that the Commission would have to act on the admissibility of the Lihue Development Plan into evidence as the County's exhibit. Chairman Tangen declared that it was admitted into evidence since there were no objections from the Commission.

By mutual agreement of all parties present, Mr. Takeyama, representing the petitioner, was permitted to clarify the area involved in the petition. He submitted that the petitioner's request involved those areas which were downzoned during the 1974 review from the Urban District into the Agricultural District under docket #K74-20. It was also established that the approximately 1½-acre triangular parcel owned by Wilcox Hospital was not a part of the present petition.

In the ensuing deliberation by the Commission, the following issues were discussed:

1. The contemplated increase in population in the Lihue area by 1985 as reported by the petitioner
2. The pros and cons of the subject area for commercial purposes
3. The conflicting positions of the County Council and the Kauai Planning Department regarding the subject request
4. The conflicting findings regarding the status of the Lihue Development Plan as reported by the petitioner, the County, and the Department of Planning & Economic Development
5. The adequacy of the water supply and the question of the diversion of the plantation mill water for domestic use
6. The sewer capacity in Lihue and the expansion of the existing public sewage system

Commissioner Whitesell felt that the petition was premature and should await the adoption of the Lihue Development Plan by the County. The same views were expressed by Commissioner Machado who added that there were also discrepancies that need clarification.

It was moved by Commissioner Duke and seconded by Commissioner Oura to approve the petition on the basis of the Commission's findings and conclusions. The Commissioners were polled as follows:

Ayes: Commissioners Yanai, Duke, Oura, Yamamura, Sakahashi,
Chairman Tangen

Nays: Commissioners Whitesell, Machado

Absent: Commissioner Carras

The motion to approve the petition was carried.

A short recess was called by the Chairman at 5:00 p.m.

The meeting reconvened at 5:10 p.m.

Due to the time constraints, Chairman Tangen announced that the meeting will be continued tomorrow at 10:00 a.m. He advised those in attendance that information regarding the place of the meeting will be available by calling the Land Use Commission office at 548-4611 after 9:00 a.m. tomorrow.

The meeting was adjourned thereafter.