

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 A & B
New State Building
Honolulu, Hawaii

Approved
SEP 27 1979

April 19, 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

COMMISSIONERS 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

SP79-336 - FRANCES H. LINDSEY

SPECIAL PERMIT APPLICATION TO ALLOW THE CONSTRUCTION OF A SECOND
RESIDENTIAL DWELLING UNIT AT WAIALUA, MOLOKAI

Mr. Daniel Yasui, staff planner, presented a resume of the
staff memorandum relevant to the subject application and located
the subject property on the maps.

Mr. Yasui requested counsel from the Deputy Attorney General
regarding the following areas:

1. The increase in density within the Agricultural District
without benefit of a subdivision.
2. The permissibility of a residential dwelling within the
Agricultural District.
3. The appropriateness of processing this type of request
through the Special Permit procedure.

Mr. Kawada cited the applicable sections within the statute relative to the above concerns. It was his conclusion that a more appropriate avenue to pursue the proposed use would be via a boundary amendment application.

On the basis of the above advice, Commissioner Whitesell moved to deny the Special Permit. The motion was seconded by Commissioner Miyasato and unanimously carried.

Chairman Duke directed Counselor Kawada to prepare the Decision and Order and to communicate with the County suggesting the alternatives available to the petitioner for the proposed use.

SP79-337 - HENRY A. Y. AH SAM
SPECIAL PERMIT APPLICATION TO ALLOW THE ESTABLISHMENT OF A CHURCH
AT KEOPU 3RD, NORTH KONA, HAWAII

Following a presentation of the pertinent facts relative to the subject request by staff planner, Commissioner Whitesell moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Carras and unanimously approved.

SP79-338 - PUNA SUGAR CO., LTD. DBA PUNA PAPAYA & W. H. SHIPMAN, LTD.
SPECIAL PERMIT APPLICATION TO ALLOW THE ESTABLISHMENT OF THE EXIST-
ING PAPAYA PACKING PLANT AND A PAPAYA PUREE PROCESSING PLANT
ADDITION AND RELATED IMPROVEMENTS AT KEAAU, PUNA, HAWAII

A summary of the proposed use requested under this Special Permit was given by Mr. Yasui.

In response to Commissioner Whitesell's question as to why a Special Permit was required for the proposed use, Mr. Sidney Fuke, Planning Director of the Hawaii Planning Department, clarified that in interpreting the law in its strictest sense, the County had required a Special Permit for this particular use. Moreover, the County's Zoning Ordinance was a bit more prohibitive than the State Land Use Regulations, in that it permitted processing activities within the Agricultural District for only those products grown on the premises.

Commissioner Carras moved that the Special Permit be granted, subject to the conditions set forth by the Hawaii County Planning Commission. It was seconded by Commissioner Oura and unanimously passed.

SP79-339 - WEST HAWAII ASSOCIATES
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A VETERINARY HOSPITAL
AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII

The area under petition was located on the map by staff planner. A report of the proposed use being requested was also presented.

A discussion ensued concerning problems encountered in the past in interpreting Section 205-4.5 of the Statutes and the need to amend this section to comport with the legislative intent.

Commissioner Carras moved that the Special Permit be approved, subject to the conditions set forth by the Hawaii County Planning Commission. It was seconded by Commissioner Oura and carried.

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

Vice Chairman Nakagawa moved to defer action on subject petition on the basis that he did not have sufficient time to review all of the proposed findings, responses, etc. that had been filed by all of the parties. The motion was seconded by Commissioner Oura.

Commissioner Carras spoke against the motion since it was his feeling that there had been sufficient time to study all of the documents.

Commissioner Yanai was excused from voting on the motion since he had not participated in the total proceedings.

Chairman Duke observed that the Commission had been in session almost continuously the past few weeks on another petition, and therefore the motion to defer action on this petition, in his opinion, was not unreasonable.

The Commissioners were polled as follows:

Ayes: Commissioners Oura, Nakagawa, Pascua, Miyasato,
Chairman Duke

Nays: Commissioners Carras and Whitesell

The motion was carried.

It was announced by the Chairman that action on the Kobayashi petition will be rescheduled for May 4, 1979 in the New State Building.

Commissioner Pascua moved to go into executive session to receive counsel from Hearing Officer Matsubara, which was seconded by Vice Chairman Nakagawa and unanimously carried.

The Commission was in executive session from 11:26 a.m. to 12:20 p.m.

12:20 p.m.

A78-446 - PRINCEVILLE AT HANAIEI

In the matter of the boundary amendment petition by Princeville at Hanalei, Docket A78-446, a hearing was held on February 2, 1979 by the Hearing Officer. It was reported by Mr. Matsubara that, based upon review of the petition, the policies and criteria of the Interim Statewide Land Use Guidance Policy, both the Department of Planning and Economic Development and the County Planning Department had recommended that the reclassification be approved. In his proposed order, it was also recommended by Mr. Matsubara that the petition be approved.

At Commissioner Whitesell's request, the Executive Officer pointed out the various classification on the map and explained the existence of the sliver of Conservation land.

Additional discussion revolved around the questions which were raised regarding the impact of the development on the shoreline and the steepness of the land.

Commissioner Pascua moved that Docket No. A78-446 to reclassify .7 acre of land from the Conservation District into the Urban District for resort use at Princeville, Hanalei, Kauai be approved. The motion was seconded by Commissioner Carras and unanimously carried.

Mr. Matsubara stated that he will finalize the Decision and Order as presented in his report.

Chairman Duke announced that the Commission will go into a continuation of the executive session which began this morning.

The meeting was adjourned at 2:40 p.m.