

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Senate Conference Room 5
State Capitol
Honolulu, Hawaii

Approved
JUL 18 1978

May 11, 1978 - 10:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Colette Machado
Shinsei Miyasato
Edward Yanai
George Pascua
Carol Whitesell

COMMISSIONER ABSENT: Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ELECTION OF OFFICERS

Upon motion by Commissioner Pascua, seconded by Commissioner Miyasato, it was unanimously agreed to rearrange the order of the agenda to consider the election of officers as the first item.

Acting Chairman Duke relinquished the Chair to the Executive Officer, who called for nominations for the office of Chairman.

Commissioner Machado nominated Vice Chairman Duke for the office of Chairman of the Land Use Commission. Since there were no other nominations, Vice Chairman Duke was elected Chairman.

Chairman Duke opened the floor for nominations for the office of Vice Chairman.

Commissioner Whitesell nominated Commissioner Nakagawa for the office. Commissioner Nakagawa nominated Commissioner Carras; however, Commissioner Carras declined the nomination. Commissioner Pascua moved to close the nominations, which was seconded by Commissioner Machado and carried.

Chairman Duke declared that Commissioner Nakagawa was unanimously elected as Vice Chairman of the Commission.

Chairman Duke announced that the Commission had determined at a previous meeting that the election of officers be conducted in January of each year. However, today's election had occurred belatedly due to the uncertainty of the former Chairman's term on the Commission.

Commissioner Whitesell moved to rescind the Commission's previous action to hold the elections in January and moved instead to hold the election of officers in May or June of each year. It was seconded by Commissioner Pascua and unanimously carried by voice vote.

ACTION

A76-418 - MOANA CORPORATION MOTION TO AMEND CONDITIONS IN DECISION AND ORDER

The Executive Officer advised the Commission of the substance of the motion by the petitioner to amend the conditions imposed on the boundary amendment approval. He also reported that DPED and the County of Kauai had both indicated they would have no objections to the request.

Chairman Duke directed that the letter from Teresa Tico, attorney for the intervenors in this docket, regarding the motion be entered into the record in toto.

Mr. Walton Hong, representing the petitioner, offered a detailed account of the reasons which necessitated the request for an amendment to the condition. Basically, it was reported that the problem stemmed from a lack of commitment by Bishop Estate in terms of the time schedule and cost to conduct the archaeological study. In the meantime, Mr. Hong had contacted Mr. Francis Ching of the Archaeological Research Center, Inc., who indicated that his firm would be able to do the archaeological study and that he would come up with a proposal within the next few days.

Mr. Hong summarized his request as follows:

1. That they not be restricted to Bishop Museum as the only organization who can conduct the survey
2. Allow petitioner to apply for rezoning with the County although no construction will take place until the archaeological study is completed for a particular area
3. Permission to start on the golf course if the archaeologist and biologist can certify that there is no significant site worthy of preservation on a particular site.

Commissioner Machado expressed her concern that the study include not only findings of archaeological significance conducted by professionals, but also take into consideration findings of cultural significance, perhaps as viewed by Hawaiian scholars concerned with the preservation of Hawaiian culture.

Mr. Hong assured that the study will be conducted by qualified professionals who will have the necessary background and training.

The possibility of the necessity to revamp the plans for the golf course, depending on the findings that may surface from the archaeological study, was also discussed. In this regard, Mr. Hong stated that the golf course and fairways could be adjusted and bent to accommodate the archaeological sites, if any.

Miss Tico submitted that intervenors had no objections to the petitioner's motion to amend the conditions, subject to the conditions listed in her letter to the Commission dated April 25, 1978. However, she felt that the motion was premature and suggested that Mr. Hong request a ruling on the motion only after the archaeologist for the survey had been selected.

Mr. Hong argued that this would cause a delay in the project. He stated that whoever is selected for the study will be thoroughly qualified.

EXECUTIVE SESSION

Upon motion by Commissioner Nakagawa, seconded by Commissioner Pascua, the Commission went into executive session, for the purpose of receiving counsel on the request by Moana Corporation, as well as other matters.

The Commission was in executive session from 11:06 a.m. to 11:35 a.m.

11:35 a.m.

Commissioner Pascua moved to defer decision on the motion to amend conditions in the Decision and Order, filed by Moana Corporation, which was seconded by Commissioner Machado and unanimously carried.

A75-404 - HONOKAA SUGAR COMPANY MOTION TO AMEND CONDITIONS IN DECISION AND ORDER

Following a description of the property involved, Mr. Furutani summarized the petitioner's request to amend the conditions in the Decision and Order.

At the Chairman's request, Mr. Bush, representing the petitioner, offered a detailed account of the reasons for the motion. It was brought out that the request to develop the mauka area first was really an operational matter to eliminate the nuisance and hazards which could be created by the trafficking of cane haul trucks through the makai area.

For the record, it was stated by the Executive Officer that both the Hawaii County Planning Department and DPED had not voiced any objections to the request by Honokaa Sugar Company.

Commissioner Carras moved to grant the motion to amend the conditions in the Decision and Order, requested by Honokaa Sugar Company, which was seconded by Commissioner Pascua and carried unanimously.

SP76-251 - MANFRED B. CIESLIK
EXTENSION OF TIME REQUEST

Mr. Yasui noted a correction in the staff report; i.e. "billiard use" described as a facility within the bowling center on page 1, paragraph 3, in the staff report should be deleted. A resume of the report was also presented.

Chairman Duke noted for the record that the Commission had been advised by the Deputy Attorney General that when a time condition on a Special Permit expires--legally, the permit becomes null and void. However, since the legal opinion had only been rendered today, Chairman Duke did not feel the Commission should make an example of the subject Special Permit. Instead, he directed staff to notify all county planning commissions and planning departments that the Land Use Commission, in the future, will strictly enforce the time conditions stipulated in approving Special Permits, and in case of non-compliance with the time conditions, the Special Permit will automatically become null and void. Moreover, Chairman Duke stated that the responsibility for monitoring compliance of conditions imposed in Special Permits should lie with the county.

Commissioner Carras moved that the time extension request be approved. The motion was seconded by Commissioner Pascua and unanimously carried.

SP78-297 - HAWAII ISLAND HUMANE SOCIETY
SPECIAL PERMIT TO ALLOW THE ADDITION OF KENNELS AND A GARAGE,
AND TO LEGITIMIZE THE EXISTING HUMANE SOCIETY USE AT KEAAU, PUNA,
HAWAII

Mr. Yasui presented a resume of the subject request and pointed out the location of the property.

Commissioner Carras moved to approve the Special Permit, which was seconded by Commissioner Pascua and carried.

SP78-298 - SUIBAN COMPANY, LIMITED

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FRUIT PROCESSING PLANT WITH RETAIL SALES FACILITIES AT PANAEWA FARM LOTS, WAIAKEA, SOUTH HILO, HAWAII

Mr. Yasui reported on the significant aspects of the proposed use being requested under this Special Permit.

Discussion centered around the time period for the effective date of the Special Permit and the completion of the structures.

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

2:00 p.m.

ADOPTION OF MINUTES

The minutes of January 17, 1978, January 18, 1978 and January 19, 1978 were approved as circulated.

MEETING SCHEDULE

The tentative meeting schedule was discussed. It was agreed that the next meeting of the Commission will be held on Kauai on May 25, 1978.