

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room, State Building  
54 High Street  
Wailuku, Maui

Approved  
OCT 16 1979

May 16, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Mitsuo Oura  
George Pascua  
Carol Whitesell  
Edward Yanai  
William Yuen

COMMISSIONERS ABSENT: James Carras  
Shinichi Nakagawa, Vice Chairman

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

HEARING

A78-451 - MAHINAHINA VENTURE & RICHARD K. G. STURSBURG

Chairman Duke opened the hearing on the subject docket and announced, for the record, that the hearing on A78-451 will be continued until tomorrow morning, due to the absence of Vice Chairman Nakagawa.

The parties were identified as follows:

William F. Crockett, attorney, representing the petitioners

Roy Yempuku, Deputy Corporation Counsel, representing the  
Maui Planning Department

Esther Ueda, Planner, representing the Department of  
Planning & Economic Development

It was reported by Mrs. Ueda that Deputy Attorney General Annette Chock will represent the State at the continued hearing tomorrow.

The Executive Officer pointed out the location of the property on the maps and oriented it with various surrounding landmarks.

Thereafter, the hearing on Docket A78-451 was continued until 9:30 a.m., May 17, 1979.

ACTION

SP78-296 - CHRISTIAN BROADCASTING ASSOCIATION  
SPECIAL PERMIT TO AMEND CONDITION NO. 1 WHICH ALLOWED THE CON-  
STRUCTION AND OPERATION OF A RADIO TRANSMISSION FACILITY AT  
KALUAKOI, MOLOKAI

Since Commissioner Yuen's law firm represents Molokai Ranch, lessors of the land under discussion, Chairman Duke declared that Commissioner Yuen was in conflict and excused from the deliberation on this request. The Chairman also welcomed Commissioner Yuen as a new member of the Land Use Commission.

Mr. Yasui, staff planner, pointed out the location of the subject property and gave a resume of the time extension request by the petitioner.

Commissioner Miyasato moved to approve the Special Permit, subject to the conditions imposed by the Maui Planning Commission. It was seconded by Commissioner Pascua and unanimously passed.

At this time, Commissioner Yuen rejoined the Commission to participate in the proceedings.

SP78-298 - SUISAN COMPANY, LTD. (Amendment)  
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FROZEN FOOD STORAGE  
AND WHOLESALING OPERATION AT PANAWEA FARM LOTS, WAIAKEA, HAWAII

Mr. Yasui, staff planner, reported on the pertinent facts relative to the request by petitioner and located the area on the maps.

Discussion revolved around the conditions imposed by the County with regard to time, the question of lease approval by the Board of Land & Natural Resources, uses allowed on the subject property, etc.

At the Chairman's request, Mr. Yasui clarified for the Commission all of the conditions that had been imposed by the County in approving this amendment request.

Commissioner Oura moved to approve the amendment to the Special Permit as requested by petitioner, subject to the nine conditions imposed by the Hawaii County Planning Commission. It was seconded by Commissioner Yuen and unanimously passed.

SP79-340 - LIHUE PLANTATION CO., LTD.

It was recommended by the Chairman that action on SP79-340 be deferred until tomorrow, May 17, 1979, as requested by Vice Chairman Nakagawa. It was so moved by Commissioner Pascua and seconded by Commissioner Whitesell. The motion was carried.

SP79-342 - MOLOKAI CHILDREN'S DAY CARE CO-OP  
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A CHILDREN'S DAY  
CARE FACILITY AT MANAWAINUI, MOLOKAI

A resume of the subject request was presented by Mr. Yasui, and the area pointed out on the map.

Inasmuch as Molokai Ranch was involved in the agreement for the use of the unimproved roadway access, it was recommended by the Chairman that Commissioner Yuen abstain from voting on this request.

Upon motion by Commissioner Whitesell, seconded by Commissioner Miyasato, it was unanimously agreed to approve SP79-342, subject to the conditions imposed by the Maui Planning Commission.

SP79-343 - GOODFELLOW BROS., INC.  
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A TEMPORARY ROCK  
CRUSHING FACILITY, ETC., AT KIHEI, MAUI

Commissioner Yuen reported that his law firm represents Haleakala Ranch, lessor of the subject property, and therefore the Chair ruled that a conflict existed and excused Commissioner Yuen from the deliberation.

Staff planner presented a resume of the request and identified the parcel on the map.

Commissioner Yanai moved to approve SP79-343, subject to the conditions imposed by the Maui Planning Commission. It was seconded by Commissioner Miyasato and unanimously carried.

SP79-341 - BOARD OF WATER SUPPLY  
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION & OPERATION OF A WATER  
WELL AND RESERVOIR SYSTEM AT KIHEI, MAUI

Chairman Duke requested counsel from Deputy Attorney General Kawada as to whether subject request complied with the mandates

of Chapter 205, Section 4.5 of the Hawaii Revised Statutes.

Mr. Kawada advised that there was no information within the record upon which the Commission could make this determination, and therefore recommended that the application be remanded back to the City Planning Commission for clarification.

Commissioner Whitesell moved that subject request be remanded back to the City Planning Commission for clarification. The motion was seconded by Commissioner Yanai and carried.

Chairman Duke directed Counselor Kawada to communicate with the City Planning Commission regarding the Commission's foregoing action.

In response to a request by Commissioner Whitesell for a legal opinion by the Attorney General regarding the provisions of Chapter 205, Section 4.5, Chairman Duke advised that it was his intention to meet with the Attorney General and Counselor Kawada to discuss this matter.

The Executive Officer expressed his feeling that the Commission should employ a common-sense and practical approach in considering this request. Chairman Duke agreed in part with the Executive Officer's views; however, he felt that the Commission would be bound by the legal interpretation from the Attorney General's office.

The meeting was recessed at 11:36 a.m. to be continued at 9:30 a.m., May 17, 1979, at the Lanaina Community Center.