

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Department of Land & Natural Resources
Board Room No. 132, 1st Floor
New State Building
Honolulu, Hawaii

Approved
NOV 20 1979

May 23, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakawaga, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

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

Ray Russell, Court Reporter
Benjamin Matsubara, Consultant

CONTINUED ACTION

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

Commissioner Yuen disqualified himself from the proceedings due to a conflict.

Chairman Duke announced that this was a continuation of the action meeting of May 9, 1979, when it had been decided that the Commission would utilize the proposed decision procedure to allow participation by the full Commission.

A short recess was called to permit the Commission sufficient time to review the written arguments prepared by the petitioner, State and County.

Commissioner Whitesell moved that the Commission use DPED's proposed findings of fact as a guide, which was seconded by Commissioner Carras. The motion was passed with the following votes:

Ayes: Commissioners Whitesell, Oura, Pascua, Miyasato,
Nakagawa, Carras, Yanai

Nay: Chairman Duke

The Commission discussed the subject document in detail, making minor corrections, additions, deletions to reflect the Commission's true findings.

Major discussion revolved around the adequacy of the existing water source and transmission system. The availability of public services to the area, agricultural potential, historical resources and access to the subject property were also reviewed by the Commission.

Commissioner Yanai moved that findings of fact 52 through 66 be held in abeyance until such time as a decision is reached on the subject petition. The motion was seconded by Commissioner Carras and unanimously passed.

Commissioner Yanai moved that A78-440 be approved, which was seconded by Commissioner Oura.

Commissioner Whitesell spoke against the motion based on her concern that the proposed use was in conflict with the County General Plan. Commissioner Carras supported her views.

Chairman Duke spoke in favor of the motion. He elaborated that the area did not possess any recreational or watershed qualities; there was no presence of any endangered species; it had no agricultural value; public services were available and water will become available in the near future. Insofar as the County's Revised General Plan was concerned, it was the Chairman's feeling that the needs of the County for the next 20 years had not been taken into consideration. Moreover, it was still subject to confirmation and adoption.

The Chair called for a vote on the motion to approve the petition and the Commissioners were polled as follows:

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

Nays: Commissioners Carras, Whitesell, Nakagawa

The motion failed to carry.

Commissioner Yanai moved that since the decision had already been reached on the subject petition, the review of findings of fact 52 through 66, including the conclusions of law, be left to the discretion of the Deputy Attorney General. The motion was seconded by Commissioner Pascua and unanimously approved.

Executive Session

Upon motion by Commissioner Yanai, seconded by Commissioner Oura, the Commission agreed to go into executive session for the purpose of discussing some problem areas with the Deputy Attorney General.

The meeting adjourned at 4:25 p.m.