

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Senate Conference Room No. 5
2nd Floor, State Capitol
Honolulu, Hawaii

June 2, 1977 - 9:00 a.m.

Approved
October 13, 1977

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

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

Ray Russell, Court Reporter

Swearing In

All those planning to testify during today's proceedings were sworn in by Chairman Tangen.

ACTION

SP75-203 - KONA SEVENTH-DAY ADVENTIST CHURCH
APPLICATION FOR AN EXTENSION AND MODIFICATION OF TIME CONDITION
FOR THE ESTABLISHMENT OF CHURCH, SCHOOL, AND ALLIED FACILITIES
AT CAPT. COOK, SOUTH KONA, HAWAII

Mr. Daniel Yasui, Planner, identified the parcel under petition on the posted maps and summarized the county's recommendation and conditions.

It was moved by Commissioner Oura and seconded by Vice Chairman Sakahashi to approve the extension and modification of time condition request, subject to the county's conditions. The motion was unanimously carried.

SP77-262 - ROBERT BURITZ

APPLICATION TO ALLOW THE ESTABLISHMENT OF A FOOD/JUICE PROCESSING PLANT ON A PORTION OF A 6.4 ACRE LOT AT NORTH KONA, HAWAII

Mr. Yasui located the subject parcel on the maps and read the county's conditions and recommendations.

Commissioner Oura moved to approve the Special Permit, subject to the county's conditions. The motion was seconded by Commissioner Carras and unanimously passed.

SP77-263 - DOMINGO NAZARA, SR.

APPLICATION TO ALLOW AN EXISTING BUILDING TO BE USED FOR THE BAKING AND COMMERCIAL SALE OF PORTUGUESE SWEET BREAD AT HALEKII, SOUTH KONA, HAWAII

Mr. Yasui identified the subject parcel on the map and read the county's conditions and recommendations.

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

SP77-264 - CHARLES WITTIG

APPLICATION TO ALLOW THE EXPANSION OF A NONCONFORMING USE ON A 8,337 SQUARE FEET LOT AT OLAA RESERVATION LOTS, PUNA, HAWAII

Mr. Furutani, Executive Officer, explained the nature of the Special Permit request and oriented the parcel with the surrounding landmarks. It was further elaborated that the intensification of an existing non-conforming use had necessitated the Special Permit request.

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

A76-427 - MILILANI TOWN, INC.

In the matter of the boundary amendment petition by Mililani Town, Inc, Docket A76-427, on which hearings were held on March 1 and 9, 1977, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Proposed Findings of Fact, Conclusions of Law and Order - By Petitioner
2. Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Order - By DPED

3. Response to the DPED's Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Order - By City Department of General Planning
4. Reply to DPED's Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Order - By Petitioner

Commissioner Yanai was excused from the discussion since he had not participated in the hearing proceedings in its entirety.

During the Commission's deliberation to adopt findings and conclusions, the following areas were discussed in depth:

1. Adequacy of the water sources to service subject property.
2. Intrusion of salt water into Pearl Harbor Basal Lens.
3. Control of the ground water resources.
4. Discharge of secondary sewage treatment into West Loch.
5. Compliance with the effluent limitation.
6. Potential of the subject land for diversified farming.
7. Providing a reasonably balanced housing supply for all economic and social groups.

Counsellor Marsh advised that before going into the conclusions, it was necessary for the Commission to find that there will be no significant adverse effects upon agriculture, natural environment, recreation, scenic, historic or other resources of the area.

Vice Chairman Sakahashi moved to go into executive session to discuss with Counsellor Marsh the matter of "significant adverse impact on agriculture, etc." The Commission was in executive session for 10 minutes.

The Commission continued with its deliberation and discussed the conclusions of law.

Commissioner Duke moved that areas 1, 2 and 3 presently in the Agricultural District be approved for reclassification into the Urban District in accordance with the applicant's request. The motion was seconded by Commissioner Carras and the Commissioners were polled as follows:

Ayes: Commissioners Oura, Carras, Duke, Miyasato
Chairman Tangen

Nays: Commissioners Whitesell, Sakahashi, Machado

The motion to approve the petition did not carry.

Chairman Tangen called for a short recess at 12:57 p.m. and the meeting reconvened at 1:21 p.m.

1:21 p.m.

Vice Chairman Sakahashi moved for a reconsideration of his action on the earlier motion to approve the petition on the basis that he was not entirely satisfied with the findings regarding the effects on agriculture and the environment. Commissioner Duke seconded the motion and the Commissioners were polled as follows:

Ayes: Commissioners Miyasato, Oura, Duke, Sakahashi, Carras, Chairman Tangen

Nays: Commissioners Whitesell, Machado

The motion to reconsider was carried.

Commissioner Whitesell proposed that action on the subject petition be continued until such time as the Deputy Attorney General is able to prepare a formal opinion on the meaning of the Commission's Interim Guideline No. 1 (Guideline for approving land use amendments).

Vice Chairman Sakahashi moved that the petition be approved, subject to the findings of fact and conclusions of law that will be drawn up by Counsellor Marsh. The motion was seconded by Commissioner Carras.

Commissioner Whitesell argued that if there were going to be any revision to the findings by the Commission, these ought to be discussed today and not left to Counsellor Marsh to formulate.

Chairman Tangen called for a lunch recess at 1:30 p.m. and the meeting reconvened at 3:00 p.m.

3:00 p.m.

A review of the finding and conclusions which had been discussed earlier was made, particularly as they related to Vice Chairman Sakahashi's concerns regarding the withdrawal of subject property from pineapple production and its potential use for diversified agriculture; and the additional sewage effluent which will be pumped into West Loch.

It was moved by Commissioner Duke that the petition be approved and that areas 1, 2 and 3 be reclassified from Agricultural to Urban. The motion was seconded by Commissioner Carras

and the Commissioners were polled as follows:

Ayes: Commissioners Oura, Miyasato, Sakahashi, Duke,
Carras, Chairman Tangen

Nays: Commissioners Machado, Whitesell

The motion to approve the petition was carried.

Adjournment

The meeting was adjourned at 4:30 p.m.