

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

Approved
JAN 8 1980

June 27, 1979 - 9:30 a.m.

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

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

Ray Russell, Court Reporter

ACTION

SP79-340 - LIHUE PLANTATION CO., LTD.
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A SAND MINING
OPERATION AT KEALIA, KAUAI

Mr. Daniel Yasui, staff planner, presented a resume of the staff memorandum relative to subject Special Permit and pointed out the location of the property on the maps and oriented its location with various surrounding landmarks.

Vice Chairman Nakagawa recommended adding another condition to the 4 conditions imposed by the County, stating "that all quarrying activities shall, as much as possible, minimize adverse impacts on the residents living in the area".

Counselor Kawada recommended the following wording: "All quarry activities shall as reasonably as possible be conducted in a manner to minimize adverse impacts on residents in the area."

Much concern was expressed by the Commission members regarding the time restraints. Counselor Kawada suggested that the Commission could impose another condition stating that mining activities shall cease at the end of five years from the date of approval of the Special Permit, subject to extension.

Commissioner Pascua moved that the Special Permit be approved, subject to the conditions imposed by the Kauai Planning Commission and to the two additional conditions imposed by the Land Use Commission. The motion was seconded by Vice Chairman Nakagawa and unanimously carried.

SP79-341 - BOARD OF WATER SUPPLY

SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A WATER WELL AND RESERVOIR SYSTEM AT KAHUKU, OAHU

Mr. Yasui read the staff memorandum and pointed out the location of the subject property on the maps.

Vice Chairman Nakagawa moved that the Special Permit be approved, subject to the conditions imposed by the City Planning Commission. It was seconded by Commissioner Whitesell and unanimously carried.

SP79-344 - MAUNA ZIONA CHURCH/STATE DEPARTMENT OF LAND AND NATURAL RESOURCES

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A PRIVATE SCHOOL AND AUXILIARY PURPOSES AT KALAOA, NORTH KONA, HAWAII

Following presentation of the staff memorandum by Mr. Yasui, it was moved by Commissioner Oura that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. It was seconded by Commissioner Pascua and carried. (Commissioner Carras abstained from voting on this matter since he had not heard the entire discussion.)

A78-444 - LEAR SIEGLER, INC. ET AL

In the matter of the boundary amendment petition by Lear Siegler, Inc. et al, Docket A78-444, on which a hearing was held on February 6, 1979 and February 7, 1979, it was announced by the Chairman that the Commission will act on this petition through the proposed decision procedure since only 6 Commissioners were present during the hearing. It was explained that this procedure will qualify the other Commissioners who have already read the hearing transcripts, to vote on this application after listening to the oral arguments to be presented by all of the parties today.

Appearances

Francis M. Izumi, Attorney representing petitioner

Roger Moseley, Deputy Corporation Counsel, representing
the City & County of Honolulu

Annette Chock, Deputy Attorney General, representing DPED

Frank Miller, representing Life of the Land

Paul McCarthy, substituting for Scott Nakagawa, representing the Pearlridge Homeowners Community Association and Dr. Reginald Patterson

Oral Arguments

The oral arguments are set forth in the transcript on the pages noted.

Francis Izumi----- 33 to 41

Roger Moseley waived the City's argument on the proposed decision.

Annette Chock-----42 to 45

Frank Miller-----45 to 51

Paul McCarthy-----51 to 59

Rebuttal

Francis Izumi----- 60 to 64

Chairman Duke directed that the record show that Commissioner Carras will not be able to participate on this matter this afternoon due to a prior commitment.

The Commission was in recess from 12:05 p.m. to 1:45 p.m.

1:45 p.m.

Following a discussion of the procedure to be pursued by the Commission in arriving at a decision on this application, it was moved by Vice Chairman Nakagawa that the Commission make a motion to approve or deny the application, and to amend the motion by adding conditions if any should develop during the discussion period. It was seconded by Commissioner Miyasato and unanimously carried.

Vice Chairman Nakagawa moved that Docket A78-444, Lear Siegler, Inc. to reclassify 8.4 acres of land from the Conservation District into the Urban District at Kalauao, Ewa, Oahu for residential use be approved. The motion was seconded by Commissioner Oura.

The ensuing discussion on the foregoing motion revolved around the question of water problems, rights of way for hunters and hikers, traffic problems, vehicular public access and the conditions recommended by the petitioner.

It was moved by Commissioner Yuen, seconded by Commissioner Pascua, and approved, to adopt the 3 conditions recommended by the petitioner in his proposed decision and order and as amended by the Commission as follows:

Condition No. 2

"The petitioners cooperate with the Pig Hunters Association of Oahu and Sierra Club, Hawaii Chapter, in providing hunters and hikers with a new trail head for safe access to the McCandless Ditch Trail."

Condition No. 3

"Petitioners, successors and assigns shall enter into negotiations in good faith with the Pig Hunters Association of Hawaii and Sierra Club, Hawaii Chapter, for vehicular access through and beyond the mauka perimeter of the subject property."

The motion was unanimously carried.

Deputy Attorney General Kawada was directed by the Chair to draw up the Commission's true findings and conclusions reflecting the discussion that took place today.

ADOPTION OF MINUTES

The minutes of December 13, 1978 and January 11, 1979 were adopted as circulated.

TENTATIVE SCHEDULE

The Executive Officer discussed the tentative meeting schedule with the Commission.

The meeting was adjourned at 4:02 p.m.