

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 A & B
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved JAN 28 1981

July 15, 1980 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
George Pascua
William Yuen

COMMISSIONERS ABSENT: Carol Whitesell
Edward Yanai

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

James Filibeck, Court Reporter

ACTION

A80-475 - KAUAI BIBLE CHURCH

In the matter of the petition by Kauai Bible Church to re-classify approximately 3.75 acres of land from the Conservation District into the Agricultural District at Omao, Koloa, Kauai, a hearing was conducted by Mr. Benjamin Matsubara, Hearing Officer, on April 22, 1980.

A description of the subject property was presented by staff planner, Mr. Joseph Chu.

At the conclusion of a detailed report of the testimony and evidence gathered at the hearing, it was Mr. Matsubara's recommendation that the petition be denied on the basis that it failed to comply with the applicable rules and regulations governing re-classification of the property.

Responding to questions raised by Commission members, Mr. Matsubara noted that specific characteristics of the property such as the steepness, portions being in the forest reserve, erosion hazards due to soil condition, etc. were considerations in his recommendation for denial. Moreover, the land was not going to be used for agricultural purposes and, should a favorable decision be rendered by the Commission, it was the petitioner's intent to apply for a special permit requesting church-related use of the property. It was Mr. Matsubara's conclusion that the conservation designation for subject property was more appropriate and recommended that petitioner file a Conservation District Use Application with the Board of Land & Natural Resources. In this way, the Land Board could exercise sufficient controls over the conservation lands.

Mr. Mark Pettinato, petitioner's representative, was afforded an opportunity to argue in favor of the agricultural designation of the subject property. It was also pointed out that petitioner had attempted to get a Conservation District Use permit from the Land Board but had been advised by a staff member that the Board would not entertain such a request under any circumstance.

Commissioner Pascua moved to defer action on subject petition until a more detailed report and specific plans can be submitted to the Commission. The motion was seconded by Commissioner Oura.

Vice Chairman Nakagawa moved to amend the motion to defer action on the petition until after petitioner has applied to the Land Board for a CDUA permit. Commissioner Choy seconded the motion.

Mr. Furutani advised that the deadline for action on this petition would fall on October 19, 1980.

Vice Chairman Nakagawa moved to amend his amendment to the original motion to include the condition that petitioner apply within 30 days for a CDUA with the Land Board. The motion was seconded by Commissioner Choy and unanimously carried.

The motion to defer action on the petition, as amended, was also unanimously carried.

At 10:45 a.m., Vice Chairman Nakagawa left the meeting to fulfill a prior commitment.

A80-476 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Kohala High School)

In the matter of the petition by DPED to reclassify approximately 9.51 acres of land from the Agricultural District into the Urban District at Kohala, Hawaii, a hearing was held by

Mr. Benjamin Matsubara, Hearing Officer.

Mr. Chu, staff planner, oriented the Commission to the location of the property with the aid of the posted maps.

It was recommended by Mr. Matsubara that the reclassification be approved based on his review of the petition and evidence introduced at the hearing, and on the policies and criteria of the Interim Statewide Land Use Guidance Policy and the County of Hawaii General Plan.

Commissioner Oura moved to approve Docket A80-476 to reclassify approximately 9.1 acres from the Agricultural District into the Urban District at Pahoia, North Kohala, County of Hawaii. It was seconded by Commissioner Pascua and unanimously carried.

Since there were no objections from any of the Commissioners, Chairman Duke declared that the Commission will adopt the proposed findings submitted by the Hearing Officer as the Commission's true findings.

A79-465 - MALCOLM S. SMITH

It was announced by the Chairman that action on subject petition will be conducted through the proposed decision route.

Petitioner's representative, Mr. Lawrence McCreery, presented his argument in support of his position. DPED, represented by Mrs. Ueda, submitted that it was in support of the petition and waived its closing arguments. There was no representation from the County of Kauai.

Commissioner Pascua moved to approve the reclassification of approximately 4.75 acres of land presently in the Agricultural District into the Urban District at Kapaa Homesteads, Kawaihau, Kauai for residential subdivision. The motion was seconded by Commissioner Oura and unanimously carried.

Thereafter, under Counselor Kawada's guidance, the Commission adopted its findings of fact, utilizing the proposed findings which had been filed by the petitioner.

Chairman Duke directed Counselor Kawada to prepare the Commission's findings of fact, conclusions of law and order as discussed today.

A79-466 - WILLIAM MOWRY & ROBERT KEOWN

During the proposed decision procedures, DPED, represented by Mrs. Ueda, waived its rights to closing arguments inasmuch as

it was in support of the petition. There was no representation from the County of Kauai. Petitioner's representative presented his arguments in support of subject petition.

Commissioner Pascua moved to reclassify approximately 5.9 acres of land presently in the Agricultural District into the Urban District at Kapaa Homestead, Kawaihau, Kauai for residential subdivision. The motion was seconded by Commissioner Oura and unanimously passed.

Thereafter, the Commission adopted the true findings of fact relative to this petition.

The meeting was adjourned at 12:09 p.m.