

STATE OF HAWAII  
LAND USE COMMISSION  
HONOLULU, HAWAII

Minutes of Meeting

July 16, 1971 - 10 a.m.

APPROVED  
SEP 2 1971

Kahului Library  
Kahului, Maui

Commissioners Present: Goro Inaba, Vice Chairman  
Alexander Napier  
Eddie Tangen  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi  
Shelley Mark  
Sunao Kido

Staff Present: Tatsuo Fujimoto, Executive Officer  
Ah Sung Leong, Planner  
Walton Hong, Deputy Attorney General  
Jean Soma, Stenographer

ADOPTION OF MINUTES

Upon Commissioner Tangen's motion, seconded by Commissioner Sakahashi, the minutes of the May 21, 1971, meeting were approved as circulated.

HEARINGS

PETITION BY HANA RANCH, INC. (A71-293) TO RECLASSIFY APPROXIMATELY 39.5 ACRES FROM AGRICULTURAL TO URBAN AND 20 ACRES FROM URBAN TO AGRICULTURAL AT HANA, MAUI

Mr. Leong, staff planner, read the staff report (see copy on file).

Mr. Howard Nakamura, Planning Director, Maui County Planning Department, recommended that the 20 acres adjoining the existing Urban District be rezoned to Urban, as this is the area for which a demonstrated need for housing exists, and such rezoning would be a logical expansion to the Urban District.

July 16, 1971

Relative to the other 19-acre area, Mr. Nakamura stated that the State of Hawaii and the County of Maui Department of Water Supply propose to improve the existing water system above Parcel B by installing a transmission line.

Mr. John I. Hanchett, Vice President of Hana Ranch, Inc., indicated his acceptance of the County's recommendation that the 20-acre area only be rezoned to the Urban District.

Since there was no further testimony, Vice-Chairman Inaba closed the hearing and stated that the Commission would receive additional written evidence within the next 15 days.

PETITION BY RALPH S. YAGI (A71-294) TO RECLASSIFY APPROXIMATELY 14.8 ACRES FROM AGRICULTURAL TO RURAL AT KULA, MAUI

Commissioner Yamamura excused himself from the proceedings of this hearing because of a conflict of interest.

Executive Officer, Mr. Fujimoto, read the staff report and presented a detailed account of the area under petition.

Mr. Ralph S. Yagi, petitioner, advised that he and two others purchased subject property from Laulima, Inc. and the agreement of sale has been duly drawn and is on file in the office of the Bureau of Conveyances. At the request of Vice-Chairman Inaba, Mr. Yagi submitted a copy of the agreement of sale (see copy on file).

A letter was received from the County of Maui Department of Water Supply regarding the proposed reclassification and was read into the record by the Executive Officer.

In regard to Commissioner Kido's inquiry, Mr. Nakamura clarified the matter of the 3 to 1 vote by the Planning Commission by saying that such does not constitute a full recommendation of approval per se.

Mr. Yagi submitted a site plan for the proposed development of houselots. In addition, he stated that if his request is approved, he will be willing to put in a 6 inch or 8 inch waterline to serve the area. The price of the lots will average 70 to 80 cents per square foot and will be sold in fee simple.

July 16, 1971

Mr. Michael A. Town, Kula resident, spoke in opposition to the request and submitted a petition signed by 50+ Kula residents also opposing the proposed reclassification (see testimony and petition on file).

Mr. Philip H. Lowenthal, Kula resident, also spoke in opposition to the request (see testimony on file) because the petitioner has not submitted evidence that the land is needed within the next five years for rural use.

Shortly thereafter, the Vice-Chairman closed the hearing.

PETITION BY ULUPALAKUA RANCH, INC. (A71-295) TO RECLASSIFY APPROXIMATELY 27.5 ACRES FROM AGRICULTURAL TO RURAL AT ULUPALAKUA, MAUI

The staff planner informed the Commission that a letter had been received from Mr. Erdman, President of Ulupalakua Ranch, Inc., requesting a deferral on the boundary change until storage and water transmission problems have been resolved with the Maui County Department of Water Supply. Subsequently, Commissioner Napier moved for approval of the deferral request, seconded by Commissioner Tangen, and the motion was unanimously carried.

PETITION BY AMFAC COMMUNITIES, INC.-HAWAII (A71-296) TO RECLASSIFY APPROXIMATELY 4.6 ACRES FROM AGRICULTURAL TO URBAN AT KELAWEA, LAHAINA, MAUI

The Executive Officer delivered the staff report (see copy on file).

Mr. Peter A. Sanborn, representing the petitioner, commented that the three plantation camps that are being phased out are Wainee, Puokoli, and Crater Village.

Shortly thereafter, Vice-Chairman Inaba closed the hearing on this matter.

July 16, 1971

ACTION

PETITION BY TAKEO SAKAMOTO (A71-276) TO RECLASSIFY APPROXIMATELY 23,745 SQUARE FEET FROM AGRICULTURAL TO URBAN AT WAIKAPU, MAUI

The staff memorandum recommending approval of the subject petition was presented by the staff planner (see copy on file).

Mr. Takeo Sakamoto, petitioner, stated he had no further testimony.

Commissioner Sakahashi moved for acceptance of the staff memorandum, seconded by Commissioner Yamamura, and the motion was unanimously carried.

PETITION BY LAND USE COMMISSION (A71-288) TO AFFIRM OR MODIFY VARIOUS PARCELS REZONED DURING THE 1969 FIVE YEAR BOUNDARY REVIEW IN THE COUNTY OF MAUI

Mr. Leong presented the staff memorandum for Area 1 in which staff recommended that the current Agricultural designation be retained for the subject area.

Commissioner Wung moved that staff recommendation be accepted, seconded by Commissioner Yamamura, and the motion was unanimously carried.

Regarding Area 2, the staff recommended that the subject 25 acres at Kalae, Molokai, be retained in the Urban District.

Commissioner Wung moved that the Commission concur with staff recommendation, seconded by Commissioner Sakahashi, and the motion was unanimously carried.

SPECIAL PERMIT APPLICATION BY MAUI ELECTRIC COMPANY (SP71-104) TO ALLOW CONSTRUCTION AND OPERATION OF ELECTRIC GENERATION PLANT AND ACCESSORY FACILITIES AT KEALIA POND, MAALAEA DISTRICT, MAUI

Mr. Fujimoto, Executive Officer, read the staff report recommending "that the Commission approve the establishment of the diesel generators, gas turbine, and necessary accessory structures, subject to the five conditions stipulated by the Maui Planning Commission, with the further condition that

July 16, 1971

approval of the diesel generators and gas turbine facilities would in no way infer future approval of the proposed steam plant" (see copy on file).

Mr. Walton Hong, Deputy Attorney General, advised that a petition to intervene had been received from Mr. Michael Cleveland, attorney for Life of the Land; and, it was the opinion of the Attorney General's office that such petition was inappropriate. With respect to the request that Life of the Land be permitted to cross examine witnesses, Mr. Hong pointed out that in the Rules and Regulations of the Land Use Commission, the presiding officer has the discretion whether to permit such an act. In conclusion, Mr. Hong suggested that this petition to intervene be denied.

Mr. Howard Nakamura, Maui County Planning Director, advised that a public hearing was held at the County level. Subsequently, he summarized the arguments presented at that public hearing by those opposing and supporting the request (see Mr. Nakamura's memo on file). Also, the proposed location for the intended use would be such that any possible air pollution would be carried out over Maalaea Bay by the tradewinds. The Maui County Planning Commission recommended approval of the application subject to the conditions stated in the Land Use Commission's staff report, since certain questions and problems have not been satisfactorily clarified or resolved.

Mr. Frank Montgomery, Hawaiian Electric Company, Inc., submitted that studies will be commenced immediately to establish more definitive answers to those questions which were raised during the course of the public hearing held by the Maui Planning Commission and that these ecological studies will be made available to all governmental agencies.

Mrs. Frances Cameron, Hui Manu, believed the electric generation plant would threaten the future existence of the rare Hawaiian Stilt and other water birds in the Kealia Pond (see testimony on file).

Mr. Dick Mayer, instructor of economics and geography, Maui Community College, spoke in opposition to the proposed facilities. Upon advice of Mr. Hong, Mr. Mayer dispensed with that portion of his testimony relating to the steam generation plant, since the approval of the steam plant was denied by the Maui Planning Commission (see testimony on file). Mr. Mayer submitted copies of two U.S. Weather Bureau maps taken from the Stearn-Rogers report--"Surface Trade Wind Streamlines Daylight Hours" and "Currents in the Vicinity of Maui" (see copies on file).

July 16, 1971

Mr. Robert P. Bruce, President, Maui Chapter, Conservation Council for Hawaii, stated said organization "has strongly opposed any harbor, industrial, or commercial development in this flood plain area, and has completely endorsed the proposed permanent waterfowl and wildlife refuge, with a permanently controlled water level, improved and properly developed and protected wildlife habitat in the Kealia Pond and surrounding flood plain area, so that its natural functions as a flood plain, sedimentation basin, ocean, beach, and shore pollution preventative, be preserved in conjunction with its development as a perpetual waterfowl and wildlife refuge and living museum" (see testimony on file).

With respect to the granting of a permit for aquaculture ponds, Mr. Fujimoto advised that such was granted by the Department of Land & Natural Resources and not the Land Use Commission as indicated by Mr. Bruce.

After a one-hour recess, the meeting resumed at 2:15 p.m.

Mr. Michael Cleveland, general counsel for and President of the Maui Chapter, Life of the Land, presented a "Petition to Intervene" (see copy on file). Since this petition was denied by the Commission, Mr. Cleveland presented a supplementary statement (see copy on file).

Upon advice of Vice-Chairman Inaba, Mr. Hong explained that the Land Use Commission is not mandated to conduct public hearings on special permit applications.

Mr. Howard Nakamura reiterated that a public hearing was held at the County level and that a notice of this public hearing was duly advertised. The Maui County Planning Commission considered the entire request but approved only a portion; namely, the establishment of the diesel generators and a gas turbine, together with the necessary accessory facilities. In addition, it was brought out at that public hearing that the first phase of the proposed development would consist of diesel generators, and Life of the Land had testified to this effect.

Commissioner Tangen announced that the Commission will not preclude anyone from testifying on this special permit application. He then refuted Mr. Cleveland's statement with respect to the Land Use Commission acting as a "rubber stamp," since the Commission had never indicated it would approve the subject permit. Therefore, he requested that the rest of the testimony to be heard by the Commission be as factual as possible.

July 16, 1971

The Executive Officer advised that the initial data relating to this application was received by the Land Use Commission office on July 8, 1971; but, the formal petition was not received until July 14, 1971. On July 8, 1971, appropriate governmental agencies and all interested persons and organizations, including Life of the Land, were advised that the Commission would be considering Maui Electric Company's special permit via a form letter and accompanying agenda. Subsequent to this, the entire file on the subject request was made available to a representative from Life of the Land when she asked to see the file in the Land Use Commission office.

Mr. Nakamura reported that the Land Use Commission does not necessarily have to conduct a meeting to consider a special permit request on the island or the County wherein the land is situated, but he had indicated to the Executive Officer that the subject request should be considered on Maui, so that the public would be afforded an opportunity to present its views.

Dr. John A. Maciolek, Hawaii Cooperative Fishery Unit, presented testimony as a biologist in opposition to the power plant (see testimony on file).

In response to Commissioner Tangen's inquiry, Mr. Montgomery informed that it would take approximately two to three acres to accommodate the diesel operation.

Mrs. Sue Cahill spoke for her husband, Russell W. Cahill, a biologist, who is concerned about the plight of Hawaii's unique native bird population. Therefore, the proposed industrial plant should be located elsewhere so as not to endanger the habitat of the birds in the Kealia Pond area (see testimony on file).

Mrs. Sue Cahill also spoke for Mr. Jerome Pratt, Chairman of the Fish & Wildlife Resources Committee, Tri-Isle Resources Conservation and Development Project. Mr. Pratt's opposition was based on irreparable damage to the quality of Maui's environment and threat to endangered wildlife in the event the applicant's proposal is located on the subject site (see testimony on file).

Prior to answering Mr. Tim Prior's question, Mr. Frank Montgomery was advised by Deputy Attorney General Walton Hong that he need not answer any questions if he so desired.

July 16, 1971

Mr. Montgomery said that Hawaiian Electric Company is prepared to investigate other alternative sites for the proposed industrial plant. Furthermore, Hawaiian Electric Company is a member of the Edison Electric Institute and has fully cooperated with them in terms of research and ecological studies. In response to Mr. Prior's final question, Mr. Montgomery announced that he was not in a position to state what method of treatment will be utilized because Maui Electric Company is contemplating a diesel plant and not one of steam.

Mr. John Bose, resident of Haiku, spoke in opposition to the proposed plant being located at Kealia Pond and suggested that alternative sites be considered (see testimony on file).

Mr. Webb Beggs, Jr., Manager, Maui Chamber of Commerce, read a letter addressed to the Chairman and Members of the Maui Planning Commission endorsing the special permit (see copy of letter on file).

In answer to Mr. Bruce Hughes's inquiry, Mr. Montgomery stated that the particular site represents the best and most economical one for the proposed power plant on the island of Maui today, and it will be necessary for Maui Electric to have two generating sites.

Commissioner Sakahashi voiced his concern over the problem of flooding in the area, at which time he was informed by Mr. Montgomery that the level of the lower side of the lot must be filled.

Commissioner Tangen moved that the special permit be granted subject to the conditions imposed by the Maui County Planning Commission as recommended by staff and further that the proposed facilities be constructed on five acres of land and that any additional use of the five acres or use of any additional land shall be the subject of a new petition. The motion was seconded by Commissioner Yamamura, and the Commission was polled as follows:

Ayes: Commissioners Wung, Yamamura, Tangen, Napier, Kido, and Inaba.

Nays: Commissioners Sakahashi and Mark.

The motion was carried.



July 16, 1971

SPECIAL PERMIT APPLICATION BY DEPARTMENT OF ACCOUNTING & GENERAL SERVICES (SP71-105) TO ALLOW CONSTRUCTION OF ADMINISTRATION BUILDING AND CLASSROOMS AT LAHAINALUNA HIGH SCHOOL, LAHAINALUNA, MAUI & SPECIAL PERMIT APPLICATION BY DEPARTMENT OF ACCOUNTING & GENERAL SERVICES (SP71-106) TO ALLOW CONSTRUCTION OF LIBRARY BUILDING AT MOLOKAI HIGH SCHOOL, HOOLEHUA, MOLOKAI

Commissioner Kido moved that the two special permit applications by the Department of Accounting & General Services be consolidated, seconded by Commissioner Sakahashi and unanimously carried.

Mr. Leong, staff planner, read the staff report recommending approval of both special permits as conditioned by the County of Maui (see staff report on file).

Commissioner Napier moved that staff recommendation be approved, seconded by Commissioner Tangen, and the motion was unanimously carried.

PETITION BY LAND USE COMMISSION (A71-277) TO RECLASSIFY APPROXIMATELY 800 ACRES FROM AGRICULTURAL TO URBAN AT WAIAKEA HOMESTEADS, HILO, HAWAII

Commissioner Wung excused himself from the proceedings on this matter due to a conflict of interest.

The Executive Officer read the staff memorandum recommending that only a 410-acre portion of the subject area be rezoned to the Urban District to provide for urban needs in the Hilo area and that during the 1974 boundary review, the Camp 6 Urban District be considered for reclassification to the Agricultural District by the Land Use Commission, since a significant portion of the area is in agricultural use (see staff memorandum on file).

Mr. Fujimoto advised that after the writing of the staff memorandum, three letters were received from property owners in the area favoring an Urban designation--Yet Chew Chun, et al; Ed Araujo; Mrs. Jennie Wung; and a letter opposing the reclassification from Mrs. Irene A. Wung.

Mr. Hong informed that according to Opinion No. 35 issued by the Ethics Commission, Commissioner Wung could appear before the Commission as a private individual, since he had

July 16, 1971

already declared a conflict of interest. Therefore, Commissioner Wung urged the Commission to rezone the area in question stating that Hilo "needs" houselots.

Commissioner Mark moved that the petition be denied, seconded by Commissioner Tangen. Pursuant to his motion, Commissioner Mark asked that the Executive Officer again read the staff recommendation. Mr. Fujimoto reiterated that only 410 acres as outlined on the map of the area be rezoned to the Urban District. Commissioner Mark then withdrew his motion, and Commissioner Tangen withdrew his second.

Commissioner Yamamura moved that staff recommendation be approved, seconded by Commissioner Tangen; and, the Commissioners were polled as follows:

Ayes: Commissioners Tangen, Napier, Yamamura, Kido, Sakahashi, and Inaba.

Nay: Commissioner Mark.

Abstention: Commissioner Wung.

The motion to rezone 410 acres from the Agricultural District to the Urban District as recommended by staff was carried.

LAND USE COMMISSION MEETING WITH DR. MARLAND, INTERIM DIRECTOR,  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Mr. Fujimoto informed the Commission that by letter dated July 8, 1971, he suggested August 6, 1971, as a tentative date for Dr. Richard Marland to meet with the Land Use Commission.

ADOPTION OF UNTRANSCRIBED TAPES AND VERBATIM TRANSCRIPTS OF  
PROCEEDINGS OF THE LAND USE COMMISSION

Commissioner Yamamura made the following motion, seconded by Commissioner Kido, and unanimously carried:

"Mr. Chairman, it has been brought to my attention that some tape recordings of the meetings of the Land Use Commission have not as yet been transcribed due to manpower limitations of the staff and therefore

July 16, 1971

have not been officially adopted as minutes of the Commission by this body. In view of the still present manpower limitations of the staff, such that it appears a considerable delay in transcribing these tapes and adopting them as official minutes of the Commission is imminent, I move that we adopt all tape recordings of those meetings which have not as yet been transcribed and adopted as official minutes of the Land Use Commission or have not been contracted out for transcribing by Manpower, Inc. be so adopted as the official minutes of the Land Use Commission for the respective meetings."

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE LAND USE COMMISSION

Commissioner Tangen moved that a Chairman and Vice-Chairman of the Land Use Commission be elected, seconded by Commissioner Wung, and unanimously carried.

Thereupon, Commissioner Tangen moved that Goro Inaba be elected as Chairman of the Land Use Commission, seconded by Commissioner Napier and unanimously carried.

Commissioner Wung then moved that Eddie Tangen be elected as Vice-Chairman of the Land Use Commission, seconded by Commissioner Sakahashi and unanimously carried.

ADJOURNMENT

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