

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Rooms 310 and 312
State Capitol
Honolulu, Hawaii

July 27, 1977 - 9:30 a.m.

Approved
12/2/77

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

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

Ray Russell, Court Reporter

ACTION

SP77-267 - KAUAI INTERNATIONAL BAPTIST CHURCH
Application for a Special Permit to allow the establishment of
a church and allied uses at Omao, Kauai

The Executive Officer gave a description of the property
involved and read the County's recommendation and conditions
imposed with respect to the subject Special Permit.

Commissioner Machado moved that the Special Permit be
approved, subject to the conditions imposed by the Kauai County
Planning Commission and subject further to the condition that
construction of the proposed church facility commence within one
year from the effective date of the Special Permit. The motion
was seconded by Commissioner Oura and unanimously approved.

SP77-268 - IGLESIA NI CRISTO
Applicaition for a Special Permit to establish a church and allied
uses at Keaau, Puna, Hawaii

Mr. Yasui, staff planner, pointed out the location of the
subject parcel on the maps and read the County's recommendation
and conditions imposed.

A general discussion took place concerning the fears expressed by the residents in the area over the increase in traffic which will be generated and the access into the property.

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

SP77-269 - INTER-ISLAND ENGINEERING, INC.

Application for a Special Permit to establish a macadamia nut processing plant at Keei 1st, South Kona, Hawaii

Commissioner Oura excused himself from the proceedings on this Special Permit due to a conflict of interest.

Commissioner Machado requested clarification from Counselor Marsh as to whether the proposed request did not qualify as a permissible use under Section 3-3 (10) of the Commission's regulations. Mr. Marsh responded that there was serious argument that this may be a permitted use within the Agricultural District. However, he would be unable to give a definitive answer until he has had an opportunity to research the matter.

In the absence of an opinion from Counsel on this matter, Chairman Sakahashi recommended that the Commission proceed with its deliberation of the subject application.

The following parties were available for questioning and to offer clarification:

1. Daniel Yee, Attorney representing the petitioner
2. Norman Hayashi, Hawaii Planning Department staff member
3. Tojiro Motoki, representative of Kona Farmers Cooperative

The major issues discussed were:

1. The nature of the petitioner's proposed operation.
2. The capability of existing Kona farmers Cooperative to process the total macadamia nut production in the Kona area.
3. Status of the merger between Pacific Coffee Cooperative and the Kona Farmers Cooperative

Mr. Marsh advised that both the question of the merger and the effects on the economy resulting from the proposed use were

not appropriate matters for consideration in the review evaluation of the subject application. Rather, the Commission should focus its discussion on the unusual and reasonableness of the request. He added that the nature of a free enterprise system was such that government fostered and encouraged competition.

Commissioner Yanai moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Whitesell.

Vice Chairman Duke spoke against the motion since there already existed several other nut processors in the area to adequately handle the production of nuts.

Commissioner Carras supported the approval of the Special Permit in the name of free enterprise.

The Commissioners were polled as follows:

Ayes: Commissioners Nakagawa, Carras, Yanai,
Whitesell, Miyasato, Chairman Sakahashi

Nays: Commissioners Machado, Duke

The motion was carried.

A76-423 - WINDWARD PARTNERS

Chairman Sakahashi turned the meeting over to Vice Chairman Duke since he had not participated in the hearing proceedings on the subject petition. Commissioner Nakagawa also excused himself since he was not serving on the Commission at the time of the hearings.

As a matter of public information, Chairman Duke called on Counselor Marsh to elaborate on the proposal which had been offered by former Commission Chairman Tangen, and on which the Commission had met in executive session to receive legal counsel.

Referring to the posted colored map on the wall, Mr. Marsh identified the subject parcel and explained the significance of the other colored areas.

A detailed account of the "Declaration of Covenants and Trust Agreement" proposed by Mr. Tangen, embracing a modified plan of the petitioner's request for the reclassification of lands at Waikane was presented by Mr. Marsh.

Chairman Duke stated that at this time the Commission should decide whether it wished to consider the aforementioned proposal. Commissioner Yanai moved to disregard Mr. Tangen's proposal, which was seconded by Commissioner Machado, and the motion was unanimously carried.

For the record, the Chairman affirmed that all of the Commissioners have taken sworn oaths to uphold the law and their decisions were based on evidence presented and not influenced by ex-parte oral statements, newspaper ads and articles, demonstrations or other forms of pressure; and that the Commission was never "forced" into a decision.

Prior to rendering a decision on the subject petition, the Commission examined and discussed the following documents which had been previously circulated to the Commission members:

1. Petitioner's Proposed Findings of Fact, Conclusions of Law, Decision and Order
2. Response of the Kahaluu Neighborhood Board No. 29 to the Petitioner's Proposed Findings of Fact, etc.
3. DPED's Response to Petitioner's Proposed Findings of Fact, etc.
4. Department of General Planning's Comments on Proposed Findings of Fact, etc.
5. Intervenor's Proposed Findings of Fact, Conclusions of Law, Decision and Order

Mr. Marsh suggested that a general discussion be held to identify each Commissioner's area of concern and perhaps resolve the differences in order to expedite the process.

Commissioner Whitesell felt that the question of the environmental impact, provision of public services and facilities, feasibility of the project, etc. had not been adequately addressed and stated that she opposed the petition.

Commissioner Machado also expressed her opposition to the petition on the basis of the inappropriate nature of the proposed use in the Waikane area.

Both Commissioners Yanai and Oura concurred with the foregoing views. Commissioner Yanai added that he was particularly concerned with the traffic problems that will result from the proposed development.

Since it had been suggested, Chairman Duke directed that the Commission initially consider the Intervenor's proposal in adopting the Commission's findings of fact. Mr. Marsh recommended that, in addition, the Commission consider all the findings in the various documents submitted from all of the parties relating to one topic, rather than discussing each document separately.

During the ensuing discussion to adopt findings of fact and conclusions of law, the following areas of concern, facts and

conclusions were discussed in depth:

1. City & County's General Plan designation for the area.
2. Windward Regional Plan.
3. Impact of the proposed development to the rural lifestyle of Waikane.
4. Whether or not the proposed development was reasonably necessary.
5. Estimated ceiling price of the single-family attached dwellings; difficulty of computing cost data for these homes (these figures were subject to considerable debate).
6. Economic feasibility.

The meeting was recessed for lunch from 12:00 m. to 1:30 p.m.

1:30 p.m.

The Commission continued with its deliberation.

7. The number of homes needed each year to satisfy the increase in the island population.
8. Availability of water for the proposed housing units; geologic sources of water.
9. The historical and archaeological significance of the area; the absence of any methodical historic or archaeological survey of the area.
10. The absence of plans for widening and expanding of the highways to adequately carry the additional traffic which will be generated by the development, and the fact that there are no appropriations for the biennium beginning 1975 and ending 1983.
11. Adequacy of fire fighting facilities, police protection, electric power, telephone services, refuse collection, sewage treatment and disposal facilities.
12. Adequacy of existing school facilities.
13. Significant adverse effect upon prime and important agricultural lands in Waikane Valley.
14. Water runoff into Kaneohe Bay, siltation from runoff and its effect on coral reef, effect of the flood plain.

15. Whether the development will be a self-contained urban center providing significant sources of employment for people.

Commissioner Yanai moved that the petition by Windward Partners, A76-423, be denied. Commissioner Machado seconded the motion and the Commissioners were polled as follows:

Ayes: Commissioners Yanai, Machado, Whit sell, Carras, Oura, Miyasato, Chairman Duke

The petition by Windward Partners was denied.

ADJOURNMENT

The meeting adjourned at 5:30 p.m.