

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

State Conference Rooms A & B  
3060 Eiwa Street  
Lihue, Kauai

August 15, 1978 - 9:30 a.m.

*Approved*  
OCT 19 1978

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

COMMISSIONERS ABSENT: Colette Machado  
Mitsuo Oura

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

The meeting was called to order by Chairman Duke.

ACTION

SP76-248 - CITY & COUNTY OF HONOLULU, BUILDING DEPARTMENT  
REQUEST FOR A ONE YEAR TIME EXTENSION TO COMMENCE CONSTRUCTION  
OF A FIRE AND POLICE TRAINING FACILITY AT WAIPIO PENINSULA, OAHU

Mr. Daniel Yasui, staff planner, presented a resume of the staff memorandum and pointed out the area on the map.

In response to a request for clarification, Mr. Kawada expressed his opinion that the subject request was for a time extension of one year to commence construction and did not refer to the 5-year completion date of the project.

Chairman Duke suggested that the Commission add another condition to the Special Permit clearly stating that the project be completed within 5 years from original date of approval. It was his feeling that a fire and police training center was a much needed facility. He criticized the lack of funding by the City which was causing the delay in completing this project.

In response to Vice Chairman Nakagawa's questions, Chairman Duke recalled that the great concerns raised by the community regarding noise, smoke, interference with TV reception by the low-flying helicopters had been addressed at the County level and resolved to the community's satisfaction.

Vice Chairman Nakagawa moved that the time extension request by the City & County of Honolulu, Docket SP76-248, be approved, subject to the deletion of the last sentence in the County's condition No. 1 which states "----The Planning Commission may, with the Land Use Commission's concurrence, extend the time limit if it deems that unusual circumstance warrant the granting of such an extension".

Mr. Kawada counseled that he did not believe the Land Use Commission had the authority to delete any condition stipulated by the County.

Commissioner Pascua moved to go into executive session, seconded by Vice Chairman Nakagawa, for the purpose of discussing the legal aspects of the motion on the floor. The motion was defeated with the following votes:

Ayes: Commissioners Carras, Nakagawa, Pascua

Nays: Commissioners Yanai, Whitesell, Miyasato,  
Chairman Duke

Vice Chairman Nakagawa again moved that the request by the City & County of Honolulu, SP76-248, for a one-year time extension to commence construction of a fire and police training facility be approved.

The Executive Officer suggested that staff could express the Commission's position regarding the 5-year time limit for completion of the project, and the concern that this project be expeditiously implemented in the interest and betterment of the community, in its communication to the City.

Counselor Kawada noted for the record that the motion applied only to the commencement of the construction and in no way referred to the 5-year completion date.

Commissioner Carras seconded the motion and it was unanimously carried.

SP78-310 - COUNTY OF HAWAII FIRE DEPARTMENT  
SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF WATER STORAGE TANKS  
FOR VOLUNTEER FIRE FIGHTING PURPOSES AT HAWAIIAN OCEAN VIEW  
ESTATES SUBDIVISION, KAHUKU, KAU, HAWAII

Mr. Yasui apprised the Commission of the pertinent data concerning the subject request and pointed out the location on the maps.

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

SP78-311 - FRATERNAL ORDER OF EAGLES  
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A FRATERNAL HOME  
AT KEAAU, PUNA, HAWAII

A resume of the staff memorandum relevant to the subject request was presented by Mr. Yasui. The area was also pointed out on the maps.

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

SP78-312 - CASTLE & COOKE, INC.  
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A WATER RESERVOIR  
SYSTEM AT WAIPIO, OAHU

Mr. Furutani presented a summary of the staff memorandum and located the property on the maps and oriented it with various surrounding landmarks. Two exhibits were circulated; one of the water system master plan and the other showing the landscaping and grading plans submitted by the petitioner. A brief explanation of the two exhibits was offered by Mr. Furutani.

Vice Chairman Nakagawa moved that the Special Permit be approved, subject to the conditions imposed by the City Planning Commission and the 7th condition recommended by staff that construction of the first water reservoir commence within one year from the effective date of the Special Permit. The motion was seconded by Commissioner Carras.

Commissioner Whitesell went on record to indicate that the Commission was concerned with the overall water situation-- the availability, the direct impact, the overdraft situation, etc., in the Central Oahu area.

The motion was unanimously carried.

HEARING

A78-438 - GROVE FARM COMPANY, INC.

Pursuant to a notice published in The Garden Island and the Honolulu Advertiser on July 14, 1978, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Grove Farm Company, Inc. to amend the land use district boundaries for approximately 61 acres presently in the Agricultural District into the Urban District at Lihue, Kauai, Docket A78-438.

Appearances

Clinton Shiraishi, Attorney representing Grove Farm Company, Inc.

Morris Shinsato, County Attorney, representing the Kauai Planning Department

Maurice Kato, Deputy Attorney General, representing the Department of Planning & Economic Development

All of the witnesses appearing on behalf of all the parties and public witnesses were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Public Witnesses

Since there were no objections from any of the parties, and upon timely application, the following were admitted as witnesses:

Wallace Tasaka - President of Pua Loke Community Association

Read from prepared letter----- 45 to 46

Cross examination by Mr. Shinsato----- 47 to 48

Kazuo Kuboyama - Business Agent for the Carpenter's Union, Local 745, Kauai Division

Read from prepared statement----- 49 to 50

Cross examination by Mr. Shinsato----- 51

Examination by Vice Chairman Nakagawa----- 52

Examination by Commissioner Pascua----- 52 to 53

Exhibits

Petitioner's Exhibits 1 through 22 were admitted into evidence.

County's Exhibit 1 was admitted into evidence.

DPED's Exhibit 1 was also admitted into evidence.

PETITIONER

Wallace Otsuka - President, Kauai Chamber of Commerce

Mr. Otsuka replaced Mr. Ronald Pipkin as a witness.

Read from prepared testimony----- 53 to 56

Cross examination by Mr. Shinsato----- 57

Examination by Commissioner Whitesell----- 58

Robert Girald - Puhi Community Association

Read from prepared statement----- 61

Direct examination by Mr. Shiraishi----- 61 to 62

Cross examination by Mr. Shinsato----- 62 to 63

Cross examination by Mr. Kato----- 63 to 64

Redirect examination by Mr. Shiraishi----- 64 to 65

Recross examination by Mr. Shinsato----- 66

Examination by Commissioner Pascua----- 67

A petition addressed to the Land Use Commission supporting Grove Farm Company's application for the land use change from Agricultural to Urban, signed by 232 members of the Puhi Community Association was presented by Mr. Girald. Since there were no objections, it was marked Petitioner's Exhibit 19 and admitted into evidence.

Yuriko Tasaka - Chairperson, Citizens' Advisory Committee

Direct examination by Mr. Shiraishi----- 69 to 71

Cross examination by Mr. Shinsato----- 71 to 73

The Commission was in recess from 11:50 a.m. to 1:30 p.m.

1:30 p.m.

PETITIONER (cont.)

David W. Pratt - President of Grove Farm Company

Direct examination by Mr. Shiraishi----- 76 to 90  
Cross examination by Mr. Shinsato----- 90 to 95  
Cross examination by Mr. Kato----- 95 to 101  
Redirect examination by Mr. Shiraishi-----101 to 102  
Examination by Vice Chairman Nakagawa-----102 to 104  
Examination by Commissioner Carras-----104 to 107  
Examination by Commissioner Whitesell-----107 to 109

Shizuo Doi - Executive Vice-President, Star Markets

Direct examination by Mr. Shiraishi-----110 to 111  
Cross examination by Mr. Shinsato-----111  
Examination by Vice Chairman Nakagawa-----111  
Examination by Commissioner Whitesell-----111

Norman Adams - Vice President for Hawaiian Operations of  
Long's Drug Store

Direct examination by Mr. Shiraishi-----112 to 113  
Cross examination by Mr. Shinsato-----113  
Examination by Chairman Duke-----113 to 114  
Examination by Vice Chairman Nakagawa-----114

Egan Nishimoto - Executive Vice-President & Chief Operating  
Officer for Dillingham Land Corporation

Direct examination by Mr. Shiraishi-----115 to 120  
Cross examination by Mr. Shinsato-----121 to 123  
Cross examination by Mr. Kato-----123 to 125  
Examination by Commissioner Whitesell-----125 to 127  
Examination by Commissioner Pascua-----128 to 129  
Examination by Vice Chairman Nakagawa-----129 to 130

J. Ming Chew - Hastings, Martin, Hallstrom & Chew, Ltd.  
Consulting Land Economists

Direct examination by Mr. Shiraishi-----131 to 133

Cross examination by Mr. Shinsato-----133 to 138

Jonathan Shimada - Alan M. Voorhees & Associates, Inc.  
Planning Consultants

Direct examination by Mr. Shiraishi-----139 to 141

Cross examination by Mr. Shinsato-----141 to 143

KAUAI PLANNING DEPARTMENT

Tom Shigemoto - Planner, Kauai Planning Department

Direct examination by Mr. Shinsato-----143 to 144

Cross examination by Mr. Kato-----144 to 146

Examination by Commissioner Whitesell-----146 to 148

Redirect examination by Mr. Shinsato-----148 to 149

Wayne Hinazumi - Engineer for the Water Department

Direct examination by Mr. Shinsato-----149 to 150

Cross examination by Mr. Shinsato-----151

Cross examination by Mr. Kato-----151 to 155

Examination by Commissioner Pascua-----155 to 156

Wallace Kudo - Engineer with the County of Kauai

Direct examination by Mr. Shinsato-----156 to 157

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Paul Schwind - Planner, Land Use Division

Resume of prepared testimony-----159 to 160

The closing arguments were waived by all the parties.

Chairman Duke instructed that all parties were required to file proposed findings of fact, conclusions of law. However, he

advised that he was administratively relieving the State and County from filing this document and directed that only the petitioner prepare a proposed findings of fact and conclusions of law, to be filed with the Commission 30 days after the transcript becomes available. All other parties will have seven days following receipt of the petitioner's proposal to respond therewith. A copy of the format to be followed in preparing the proposed findings was made available to the petitioner's counsel.

#### ADOPTION OF MINUTES

Upon motion by Vice Chairman Nakagawa, seconded by Commissioner Carras, the minutes of May 25 and 26, 1978 were adopted as circulated.

The meeting was adjourned at 4:56 p.m.