

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

School Cafetorium
Kealakehe Elementary School
Kailua, Kona, Hawaii

August 24, 1977 - 10:00 a.m.

Approved
1/17/78

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

COMMISSIONERS ABSENT: Shinichi Nakagawa
Edward Yanai

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

ACTION

SP77-270 - EDWIN YOUNG

Special Permit application to allow the operation of a food dispensing unit in conjunction with a proposed picnic ground at Hana, Maui

Mr. Daniel Yasui, staff planner, pointed out the subject parcel of land on the maps and oriented it with various surrounding landmarks; and read the conditions imposed by the Maui County Planning Commission.

There was a general discussion concerning the time period for the Special Permit and requirement for the petitioner to provide bathroom facilities.

It was moved by Commissioner Whitesell and seconded by Commissioner Miyasato that the Special Permit be approved, subject to the conditions imposed by the Maui County Planning Commission, and the additional condition that minimum bathroom facilities be provided; and that the question of the time period be cleared with the Maui Planning Commission. The motion was unanimously approved.

SP77-271 - AMERON HC&D

Special Permit application to allow the expansion of an existing quarry operation at Puunene, Maui

The Executive Officer located the subject property on the maps and oriented it with various landmarks. He also gave a resume of the staff report and presented the environmental analysis submitted by the petitioner.

In response to questions posed by Vice Chairman Duke, Mr. T. E. Bastis, Manager of HC&D, elaborated on the land reclamation program his company had engaged in, working together with the sugar plantation, and how many acres had been put back into successful cane production.

Commissioner Whitesell observed that in the petitioner's environmental analysis several problem areas were discussed but no specific control measures had been recommended. Vice Chairman Duke recommended that the County's condition No. 4 be clarified by specifying the mitigative control measures which the petitioner will be required to implement.

Vice Chairman Duke moved that the Special Permit be approved, subject to the conditions imposed by the Maui County Planning Commission and subject further to the clarification of condition No. 4. The motion was seconded by Commissioner Miyasato and unanimously carried.

SP77-272 - ALLIED AGGREGATES CORPORATION

Special Permit application to allow the establishment of a temporary quarrying operation at Puna, Hawaii

Mr. Furutani advised that the specific location of the 25-acre site which petitioner was proposing to quarry had not been defined. He read pertinent portions of the staff report and indicated on the map the location of the residents who had protested the proposed use during the County's hearing.

Vice Chairman Duke expressed concern about the lack of specific information regarding the operation. He therefore moved that the matter be deferred until additional information was available regarding the metes and bounds of the 25-acre area.

Mr. Gilbert Hara, attorney representing the applicant, submitted that he will be able to provide the specific metes and bounds to the Commission by September 8, 1977.

The motion was seconded by Commissioner Oura and unanimously passed.

Both Mr. Shigeki Iwashita, Vice President of Allied Aggregates, and Mr. Hara responded to several questions which were raised by Commissioner Whitesell regarding the archaeological walk-through survey that the petitioner was scheduled to conduct on the property.

HEARING

A77-430 - DEPARTMENT OF TRANSPORTATION

Pursuant to a notice published in the Hawaii Tribune-Herald and the Honolulu Advertiser on July 20, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Department of Transportation to amend the land use district boundaries for approximately 822.66 acres presently in the Conservation District into the Urban District at Keahole, Hawaii, for airport and energy research use; Docket No. A77-430.

EXHIBITS

Since there were no objections, all of the exhibits which were identified at the pre-hearing conference on August 15 by all of the parties on Docket A77-430 were admitted into evidence.

APPEARANCES

Tatsuo Fujimoto, Head, Land Use Division, DPED, representing the petitioner

Duane Kanuha, Deputy Director, representing Hawaii Planning Department

Norman Hayashi, Planner, Hawaii Planning Department

SWEARING IN

Chairman Sakahashi swore in all of those planning to testify today.

The Executive Officer pointed out the property under discussion on the maps and oriented it with various surrounding landmarks.

The Chairman called a lunch recess from 11:45 a.m. to 1:15 p.m.

1:15 p.m.

All of those persons who appeared as witnesses today, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Mr. Fujimoto called the Commission's attention to the inadvertent omission of Tax Map Key 7-3-43: 4 in the original petition, comprising approximately 7.745 acres, on which most of the present facilities are located, and requested determination from the Commission as to whether this parcel could be included

in the instant petition. Mr. Marsh counselled that there were two alternatives open to the Commission:

1. If the petition is amended to include Tax Map Key 7-3-43: 4, another hearing date would have to be scheduled and notice published 30 days in advance of the hearing date; or
2. The Commission could proceed with the hearing on the subject petition as advertised, and the Department of Transportation could file another petition for the 7.745 acres and simply incorporate, by reference, all of the documents and written testimony filed with the present petition to avoid duplication. The Commission could then schedule a separate hearing for this additional parcel, which hearing could be conducted by a Hearing Officer.

Mr. Fujimoto requested that the hearing proceed today as advertised.

John Keppler, Chairman, Natural Energy Laboratory of Hawaii, assisted by John Craven, representing the President of the University of Hawaii

Oral testimony in conjunction with a slide presentation-----46 to 51

It was stipulated by the County that the slide show need not be submitted into evidence:

Examination by Commissioner Oura-----52 to 55

Examination by Commissioner Whitesell-----55 to 56

Reexamination by Commissioner Oura-----56 to 57

Examination by Commissioner Machado-----57 to 58

Examination by Vice Chairman Duke-----58 to 60

Reexamination by Commissioner Whitesell-----61 to 62

Examination by Commissioner Carras-----62 to 65

Reexamination by Vice Chairman Duke-----66

Owen Miyamoto, Chief, Airports Division, DOT

Oral testimony-----67 to 69

Examination by Vice Chairman Duke-----70

Examination by Commissioner Whitesell-----70

Examination by Commissioner Carras-----70 to 71

Cross examination by Mr. Kanuha-----71 to 72

Tatsuo Fujimoto, Head, Land Use Division, DPED
Abe Mitsuda, Planner, " " " "

Cross examination by Mr. Kanuha-----73 to 78

Exhibit

DPED's Exhibit L was identified and admitted into evidence.

HAWAII PLANNING DEPARTMENT

Mr. Kanuha submitted that other than the written testimony exchanged at the pre-hearing conference, the County had no further presentation, except to affirm the County's support of the proposed change.

The hearing on A77-430 was closed and the Chairman advised the petitioner and parties of the deadlines for submitting the proposed findings, etc. and responses.