

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

September 22, 1975 - 10:00 a.m.

Room 416 - State Capitol  
Honolulu, Hawaii

*Adopted*  
OCT 28 1975

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice-Chairman  
James Carras  
Charles Duke  
Colette Machado  
Carol Whitesell  
Tanji Yamamura

COMMISSIONERS ABSENT: Mitsuo Oura  
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer  
Gordan Furutani, Planner  
Dora Horikawa, Clerk Reporter  
Ray Russell, Court Reporter

Due to the late appearance of the Chairman, Vice-Chairman Sakahashi called the meeting to order and called for the first item on the agenda.

ACTION

SPECIAL PERMIT APPLICATION BY MAUI BROADCASTING CORPORATION (SP75-204) TO CONSTRUCT A BROADCASTING TRANSMITTER AND ANTENNA SITE AT ULUPALAKUA, MAUI

Mr. Ah Sung Leong, Acting Executive Officer, presented the staff memorandum on the above Special Permit (see copy of report on file).

Mr. Kirk Monroe, President of Maui Broadcasting, responded to questions raised by the Commissioners; i.e. that the petitioner agrees to all the conditions that were imposed by the Maui County Planning Commission; the tower will be painted either a light green or yellow to make it as inconspicuous as possible. Maui Broadcasting is an FM station and is presently broadcasting two

hours of classical programs and will be getting into some cultural type of programs.

Vice-Chairman Sakahashi advised petitioner that he was limited in his testimony to present only those facts which were presented at the public hearing at the county level.

Since there was no further discussion, the Chair called for a motion.

Upon motion by Commissioner Yamamura, seconded by Commissioner Duke, the Special Permit was unanimously passed, subject to the conditions as set forth by the Maui Planning Commission and also by the Ulupalakua Ranch.

SPECIAL PERMIT APPLICATION BY OCEANIC PROPERTIES, INC. (SP75-206)  
TO ESTABLISH A PRIVATE SANITARY LANDFILL AT WAIPIO, OAHU

The staff memorandum was presented by Mr. Leong (see copy of report on file). Chairman Tangen made his appearance at this time.

It was clarified by Mr. Leong that any additional condition imposed by the City Council would be acted upon under a Conditional Use Permit which has nothing to do with the Land Use Commission's Special Permit. By the same token, any additional restrictions imposed by the LUC would not be applicable to the City's Conditional Use Permit since they are two separate procedural requirements. However, both sets of conditions would be enforced by the City.

Mr. Hideo Okada, resident of Waipahu, spoke of some of the problems connected with open dumping. While supporting the sanitary landfill, he cautioned that the City and State should exercise strict controls over the operation to minimize any problems.

Commissioner Duke moved to approve the Special Permit subject to the conditions as outlined by the City, including the representations made by the petitioner in his original application. Commissioner Whitesell seconded the motion, and it was unanimously passed.

SPECIAL PERMIT APPLICATION BY HAWAIIAN OCEAN VIEW ESTATES COMMUNITY ASSOCIATION (SP75-206) TO ESTABLISH A COMMUNITY ASSOCIATION BUILDING AT KAHUKU, KA'U, HAWAII

Planner Gordan Furutani read the staff memorandum prepared for the above subject petition (see copy on file).

Mr. Furutani established that there was electricity along the Belt Road but that it was not available in the interior areas of the subdivision.

Commissioner Carras moved to approve the Special Permit subject to the conditions as set forth by the Hawaii County Planning Commission. It was seconded by Vice-Chairman Sakahashi and unanimously approved.

SPECIAL PERMIT APPLICATION BY KAUAI HELICOPTER, INC. (SP75-208)  
TO ESTABLISH A HELIPOINT AT WAIPOULI, KAUAI

Following the presentation of the staff memorandum on the subject application, Mr. Leong elaborated on the following points which were brought up during the ensuing discussion:

1. The use of the heliport will be restricted to the petitioner.
2. The Wailua houselots are within the Urban District with a few abutting the Conservation District.
3. The heliport will accommodate emergency situations besides catering to the tourist trade.
4. It was the petitioner's claim that the actual transfer of passengers would only take from one to one and a half minutes and did not necessitate any restroom facilities.

Mr. Alan Typer, on behalf of Friends of the Earth, contributed the following points in opposing the subject application:

1. The Rules and Regulations of the Land Use Commission, under 2-72, rule that airports are not permitted in the Agricultural District, and a heliport could be considered as a type of an airport.
2. The staff report does not specifically state that if it is found that there is noise pollution, anything further should be done about it. It was suggested that the Commission might wish to stipulate conditions along this line.
3. The heliport will not add to the scenic beauty of the island of Kauai.

4. There has been quite a bit of local concern expressed against this heliport in Kauai.

Chairman Tangen rebutted the points raised by Mr. Tyler as follows:

1. The Commission had previously taken a position that a heliport was not an airport.
2. The County's condition No. 10 will adequately take care of any noise pollution that may occur.
3. The subject area is surrounded by haole koa which would block the heliport from view.
4. There were 3 people who testified before the County Planning Commission; five letters of protest and a petition containing 26 signatures from Kapaa-Wailua residents; which comprise only a small segment of the total population of the residents in the area.

Commissioner Whitesell observed that the opposition from the residents in the Wailua houselots seems to have been based on the flights that are presently occurring over the area which had nothing to do with the subject heliport.

Mr. Gregg Kamm of the Kauai Planning Department submitted that if the petitioner followed the flight path that was represented at the County's hearing, there will be little noise problem.

Commissioner Carras expressed his view that the advantages of the heliport would far outweigh the disadvantages to the community and that it was a step in the right direction to progress since helicopters were here to stay.

In response to the Commissioner's concern over the flight patterns, Mr. Kamm replied that the ultimate jurisdiction in this matter would lie with the FAA. In addition, should the petitioner depart from the flight pattern as represented to the County, the permit could be revoked. Mr. Kamm added that no pedestrian traffic was anticipated, according to the petitioner.

It was moved by Vice-Chairman Sakahashi, seconded by Commissioner Yamamura, that Special Permit SP75-208 be approved, subject to the conditions imposed by the County Planning Commission. The Special Permit was approved unanimously.

SPECIAL PERMIT APPLICATION BY MAUI CONCRETE AND AGGREGATES  
(SP75-209) TO ESTABLISH A CONCRETE BATCHING PLANT AT HONOKOWAI,  
MAUI

Mr. Furutani read the staff memo relative to the subject Special Permit.

Following a brief discussion of the rationale for the relocation of the batching plant to the subject site, it was moved by Commissioner Yamamura and seconded by Vice-Chairman Sakahashi that the Special Permit be granted subject to the conditions imposed by the Maui County Planning Commission. The motion was unanimously carried.

SPECIAL PERMIT APPLICATION BY CITY & COUNTY OF HONOLULU (SP<sup>B</sup>-210)  
TO ESTABLISH A FIRE & POLICE TRAINING FACILITY AT WAIPIO, OAHU

Mr. Leong submitted that staff was in receipt of a letter from the petitioner dated September 17, 1975, signed by Ernest T. Yuasa, Director & Building Superintendent, requesting that the subject application be withdrawn since they planned to reapply at a later date to accommodate the firing range.

Chairman Tangen declared that since there was no objection, the application will be withdrawn.

SPECIAL PERMIT APPLICATION BY HAWAII COUNTY DEPARTMENT OF PUBLIC  
WORKS (SP75-211) TO ESTABLISH SOLID WASTE TRANSFER STATIONS AT  
HILO AND HAMAKUA, HAWAII

The staff memorandum was presented by Mr. Leong (see copy of report on file).

Mr. Dennis Lee, staff engineer with the Department of Public Works, speaking from past experiences of existing transfer stations, commented it had been found that it was necessary to post someone at the station to take care of the site and to educate the public in the general use of the station.

Mr. Lee continued that the fly and odor problem would be eliminated since everything will be dumped into an enclosed container. It would also centralize the disposal of rubbish.

Commissioner Carras moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Duke and carried.

Chairman Tangen called for a recess at 12:08 p.m.

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The meeting was reconvened at 12:18 p.m.

Chairman Tangen announced that if there were no objections from the Commissioners, the order of the agenda will be shifted to consider item No. 10 SP75-214, Kahili Mountain Park, to accommodate Mr. Gregg Kamm of the Kauai Planning Department since this was the only remaining item on which he wished to present testimony.

SPECIAL PERMIT APPLICATION BY KAHILI MOUNTAIN PARK, INC. (SP75-214)  
TO EXPAND AN OVERNIGHT CAMPING FACILITY AT KOLOA, KAUAI

The staff memorandum was read into the records by Mr. Furutani (see copy on file).

During the discussion that followed, it was generally agreed that there would be very little likelihood of any flooding problems in the general area of the proposed facility.

Vice-Chairman Sakahashi moved that the Special Permit be approved, subject to the conditions imposed by the Kauai County Planning Commission which was seconded by Commissioner Yamamura and unanimously carried.

SPECIAL PERMIT APPLICATION BY HAWAII COUNTY DEPARTMENT OF PARKS  
AND RECREATION (SP-75-212) TO ESTABLISH A PUBLIC DRAG RACING STRIP  
AT PANAEWA, HAWAII

The staff memorandum was presented by Mr. Leong (see copy of report on file).

Since there was no question or discussion by the Commissioners, the Chair called for a motion.

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

SPECIAL PERMIT APPLICATION BY SOLOMON A. KONG, SR. (SP75-213)  
TO ENLARGE A GENERAL STORE AT KALUAHA, MOLOKAI

The staff memorandum was presented by Mr. Furutani (see copy of report on file).

In response to questions raised by the Commissioners, Mr. Furutani clarified that the general store had been in existence since 1957, or thereabouts, prior to the enactment of the Land Use Law. Subsequently, a building permit for the construction of a hobby shop had been granted.

Included in the conditions set forth by the Molokai Advisory Committee, upon which the Maui County Planning Commission based its approval of the Special Permit, is the proviso that off-street parking requirements be met and that all other State and County requirements also be met. Thus, the petitioner will have to meet all State and County standards in terms of the structure, health, safety, traffic, etc., relative to the extension of the building.

It was also brought out that there is a real need for the type of services which would be provided by the petitioner in this area for the residents on the East side of Molokai, who would otherwise have to travel a great distance to Kaunakakai for miscellaneous items, including food.

Commissioner Machado moved to approve the Special Permit subject to the conditions set forth by the Molokai Advisory Committee and the Maui Planning Commission, which was seconded by Commissioner Yamamura, and unanimously passed.

SPECIAL PERMIT APPLICATION BY HAWAIIAN ISLAND MISSION, INC.  
(SP75-215) TO ESTABLISH A CHURCH FACILITY AT HAIKU, MAUI

Following the presentation of the staff memorandum by Mr. Furutani, and since there was no discussion by the Commissioners, Chairman Tangen called for a motion.

Commissioner Duke moved and Commissioner Yamamura seconded the motion to approve the Special Permit subject to the conditions imposed by the Maui County Planning Commission. The motion was carried unanimously.

MISCELLANEOUS

REFILING OF PETITION A74-376 BY THE LAND USE COMMISSION RESPECTING  
KAWAINUI SWAMP, KAILUA, OAHU

Mr. Leong briefly summarized the prepared staff memo with regard to the above subject matter.

It was noted that due to the requirements of Act 193 and the time element involved, it was necessary for the Commission to refile the boundary amendment petition involving Kawainui Swamp, Oahu.

Commissioner Yamamura moved that the Commission, on its own behalf, refile boundary amendment petition A74-378, assign it a new number, respecting the change in boundaries of Kawainui Swamp, Oahu. The motion was seconded by Commissioner Whitesell and passed unanimously.

MOTION TO ADD THE MATTER OF A REQUEST BY OCEAN VIEW INVESTMENT COMPANY, INC. (SP72-132) TO DELETE A CONDITION

Chairman Tangen read into the records a letter which had been received from the Hawaii Planning Commission, dated September 11, 1975, recommending that the Land Use Commission approve a request by the above petitioner to delete the condition that a service station be constructed by September 21, 1975. Chairman Tangen explained that if the Commission does not act on this matter today the entire Special Permit will be deemed null and void. He also advised that a two-thirds vote was necessary to put this item on the agenda for consideration by the Commission.

Vice-Chairman Sakahashi moved to add the request on the agenda which was seconded by Commissioner Yamamura and unanimously carried.

Chairman Tangen elaborated that petitioner's failure to comply with this particular condition had resulted from the present national and international energy situation; and furthermore, deletion of this condition was not necessarily irreversible. Should the present fuel situation change in the future, a new Special Permit could be applied for the construction of the service station.

Commissioner Duke moved that the condition to construct a service station by September 21, 1975 be deleted, and that all other conditions attached to the Special Permit be complied with. It was seconded by Commissioner Yamamura and unanimously approved.

#### CHAMBER OF COMMERCE CONFERENCE

Chairman Tangen announced that on September 25, 1975 the Chamber of Commerce was putting on an all-day series of forums and panels on the question of property rights and that both Commissioner Whitesell and he will be participating on two different panels. Some of the most knowledgeable people on the subject will also be participating and he expressed the hope that the Oahu Commissioners would find time to attend the meetings. He also authorized the neighbor island Commissioners to attend, should they desire to do so. The meeting will take place at the Ala Moana Hotel in the Vanda Room beginning at 8:00 a.m.

Since there was no further business, the meeting was adjourned at 1:29 p.m.