

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Civil Defense Meeting Room  
County Building  
Lihue, Kauai

*Approved*  
*1/17/78*

October 6, 1977 - 9:30 a.m.

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

COMMISSIONERS ABSENT: Mitsuo Oura  
Edward Yanai

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

ACTION

SP77-274 - BOB MASON/NATIONAL ORGANIZATION OF APOSTOLIC CHURCH  
Special Permit application to establish a church at Waiakea  
Homesteads, Waiakea, South Hilo, Hawaii

Mr. Daniel Yasui, staff planner, located the subject property on the maps and presented the County's recommendations.

Questions were raised concerning the adequacy of the road to serve the proposed use, kinds of agricultural activities in the vicinity, type and size of the church, etc.

Mr. Bob Mason, petitioner and minister of the Apostolic Church, clarified for the Commission the various concerns which were expressed regarding the establishment of the church.

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

SP77-277 - E. T. IGE CONSTRUCTION, INC.

Special Permit application to establish a temporary rock crushing and concrete batching facility at Wailuku, Maui

Following a description of the property by Mr. Yasui, staff planner, Mr. Patrick Murakami, Vice President of E. T. Ige Construction, Inc. provided additional information to clarify the various points which were raised by the Commission members in connection with the proposed operation, dust problems, excavation of material from the existing stream bed on the property, location of the crusher, restoration and grading plans for the project site.

Commissioner Whitesell felt that the mitigative measures proposed in the application should be specifically listed by title and exhibit number so that there will be no doubt as to what measures were being proposed.

Chairman Sakahashi argued that if this were done, there was the danger of excluding or overlooking some condition that had been imposed by the County, and a general statement with respect to the mitigative measures might be more inclusive.

Vice Chairman Duke moved that the County's condition No.3 be clarified by adding: "measures proposed in the application and exhibits attached thereto". The motion was seconded by Commissioner Miyasato and unanimously carried by voice vote.

It was moved by Vice Chairman Duke and seconded by Commissioner Miyasato that the Special Permit be approved, subject to the conditions imposed by the Maui County Planning Commission, and as amended. The motion was carried by the following votes:

Ayes: Commissioners Carras, Nakagawa, Miyasato, Machado, Whitesell, Duke, Chairman Sakahashi

HEARING

A77-431 - BLACKWELL CONSTRUCTION, INC.

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on September 2, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Blackwell Construction, Inc. to amend the land use district boundaries for approximately 34.38 acres presently in the Agricultural District into the Rural District for low density residential-agricultural use, at Wailua, Kauai, Docket A77-431.

APPEARANCES

Clifford Nakea, Attorney, representing the petitioner

Michael Belles, Kauai County Attorney's Office, representing Kauai Planning Department

Maurice Kato, Deputy Attorney General, representing DPED

The swearing-in oath was administered to those testifying today by the Chairman.

Mr. Furutani gave a brief description of the property and responded to questions raised by the Commissioners.

EXHIBITS

Petitioner's Exhibits 1 through 5 were admitted into evidence. For the record, it was noted that the aerial photo of the property and surrounding areas presently being circulated among the Commissioners was being offered into evidence as petitioner's Exhibit 5.

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.

PETITIONER

James Blackwell, President of Blackwell Construction, Inc.

Direct examination by Mr. Nakea-----32 to 46

Cross examination by Mr. Belles-----47 to 52

Cross examination by Mr. Kato-----52 to 62

Examination by Vice Chairman Duke-----62 to 68

Michael Noonan, Principal Broker of Kauai Properties, Inc.

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

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

Cross examination by Mr. Kato-----72 to 81

Examination by Commissioner Machado-----81 to 85

Examination by Commissioner Nakagawa-----85 to 86

Examination by Vice Chairman Duke-----86 to 88

Reexamination by Commissioner Machado-----88 to 89

Examination by Chairman Sakahashi-----89 to 90

The meeting was in recess for lunch from 12:02 p.m. to  
1:40 p.m.

1:40 p.m.

Petitioner (cont.)

Itsuo Uyeda, Owner of the Property under Petition

Direct examination by Mr. Nakea-----90 to 93

Cross examination by Mr. Belles-----93

Cross examination by Mr. Kato-----94 to 101

Examination by Commissioner Nakagawa-----102

Mark Tanaka, Principal Broker at Kauai Realty, Inc.

Direct examination by Mr. Nakea-----103 to 104

Cross examination by Mr. Belles-----104 to 105

Cross examination by Mr. Kato-----105 to 111

Frank Sa, Wailua Half-Acres Home Owner

Direct examination by Mr. Nakea-----111 to 112

Cross examination by Mr. Belles-----113 to 115

Mrs. Ruth Carvalho, Wailua Half-Acres Home Owner

Direct examination by Mr. Nakea-----115 to 117

Cross examination by Mr. Belles-----117 to 118

Mrs. Alexandria Rumion, Wailua Half-Acres Home Owner

Direct examination by Mr. Nakea-----118 to 120

Cross examination by Mr. Belles-----120 to 122

KAUAI PLANNING DEPARTMENT

Tom Shigemoto, Staff Planner, Kauai Planning Department

Cross examination by Mr. Nakea-----123 to 124

Examination by Commissioner Whitesell-----124 to 125

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Paul Schwind, Staff Planner, Land Use Division, DPED

Direct examination by Mr. Kato-----125 to 129

Mr. Nakea agreed to provide appropriate record documenting the title to the property under petition, as requested by the Commission.

Chairman Sakahashi advised that the petitioner will have 45 days in which to submit proposed findings of fact, conclusions of law, etc., and that the parties will have 15 days to respond to the proposal.

The hearing on A77-431 was closed thereafter.

ADOPTION OF MINUTES

The following minutes were approved as circulated:

May 18, 1977  
June 2, 1977  
June 6, 1977  
June 7, 1977  
June 8, 1977  
June 13, 1977  
June 14, 1977

The meeting was adjourned at 2:59 p.m.