

STATE OF HAWAII
LAND USE COMMISSION
HONOLULU, HAWAII

Minutes of Meeting

Kaunakakai School Cafeteria
Kaunakakai, Molokai

October 8, 1971 - 7 p.m.

*approved
as amended*

NOV 5 1971

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Tanji Yamamura
Alexander Napier
Leslie Wung
Stanley Sakahashi

Commissioners Absent: Sunao Kido
Shelley Mark

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney Aeneral
Jean Soma, Stenographer

HEARING

PETITION BY DEPARTMENT OF ACCOUNTING & GENERAL SERVICES
(A71-298) TO RECLASSIFY APPROXIMATELY 36 ACRES FROM AGRICULTURAL
TO URBAN AT HOOLEHUA, MOLOKAI

Staff Planner, Mr. Leong, delivered the staff report
(see copy on file) and outlined the petitioned property on
the district map of the area.

Relative to Commissioner Wung's questioning, Mr. Leong
informed that the lands along Farrington Highway are owned
by the Hawaiian Homes Commission.

Mr. Howard Nakamura, Planning Director, Maui County
Planning Department, stated he had no testimony to present
but would answer any questions from the Commission.

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Commissioner Yamamura moved that the Commission accept staff recommendation; and, the motion was seconded by Commissioner Sakahashi and carried as follows:

Ayes: Commissioners Sakahashi, Wung, Yamamura, Tangen, and Inaba.

Absent: Commissioners Kido and Mark.

PETITION BY AMFAC COMMUNITIES, INC.-HAWAII (A71-296) TO RECLASSIFY APPROXIMATELY 4.6 ACRES FROM AGRICULTURAL TO URBAN AT KELAWEA, LAHAINA, MAUI

Mr. Fujimoto, Executive Officer, read the staff memorandum, recommending that subject petition be approved (see copy on file).

Mr. Peter Sanborn, representing the petitioner, stated he had no further testimony to present before the Commission.

Commissioner Wung's motion to approve this petition was seconded by Commissioner Yamamura. The Commissioners were polled as follows:

Ayes: Commissioners Napier, Tangen, Wung, Sakahashi, Yamamura, and Inaba.

Absent: Commissioners Kido and Mark.

DEFERRAL REQUEST BY RALPH S. YAGI (A71-294)

Commissioner Yamamura excused himself from the proceedings of this portion of the meeting because of a possible conflict of interest.

Mr. Fujimoto informed the Commission that he had advised Mr. Yagi that only five Commissioners would be present at tonight's meeting. Therefore, Mr. Yagi has submitted a letter dated September 30, 1971, requesting that action on his petition be deferred for "one month or to the month of November" (see letter on file).

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Mr. Teuane Tominaga, representing the Department of Accounting & General Services, did not wish to present any testimony at this time.

Mr. James Zablan, Commissioner, Hawaiian Home Lands, advised that this agency is in favor of rezoning subject land on the basis that it recognizes the need for expansion of the Molokai High and Intermediate School.

In reply to Commissioner Wung's question, Mr. Leong elaborated that the boundary amendment would recognize the existing school site (approximately 24.2 acres) and the proposed expansion (approximately 11.2 acres) thereby eliminating the need for further special permit processing, since schools are no longer permitted uses within the Agricultural District under the present Rules and Regulations of the Commission.

Since no one else wished to speak for or against this petition, Chairman Inaba announced that the Commission would receive additional testimony during the next 15 days, that the Commission will act on this matter within 45 to 90 days, and thereafter closed the hearing.

ACTION

PETITION BY HANA RANCH, INC. (A71-293) TO RECLASSIFY APPROXIMATELY 39.5 ACRES FROM AGRICULTURAL TO URBAN AND APPROXIMATELY 20 ACRES FROM URBAN TO AGRICULTURAL AT HANA, MAUI

Mr. Leong, staff planner, presented the staff memorandum, in which staff recommended approval of the 20-acre area identified as TMK 1-3-04: portion of parcel 1 from Urban to Agricultural; approval of the request to reclassify approximately 20 acres identified as TMK 1-4-05: parcel 1 from Agricultural to Urban; and denial of the request to designate approximately 19 acres identified as TMK 1-4-06: parcel 1 from Agricultural to Urban (see copy on file).

Commissioner Tangen moved that the request for deferral be granted, seconded by Commissioner Wung; and the motion was passed as follows:

Ayes: Commissioners Napier, Tangen, Wung, Sakahashi,
and Inaba.

Absent: Commissioners Kido and Mark.

Abstention: Commissioner Yamamura.

SPECIAL PERMIT APPLICATION BY UNITOURS, INC. (SP71-113) FOR
HOTEL DEVELOPMENT PLUS SUPPORTING FACILITIES AT KEAWANUI,
MOLOKAI

Following the presentation of the staff report (see copy on file) and orienting the Commission with the area under consideration, Mr. Fujimoto advised that a petition signed by 225 residents of Molokai has been received requesting the Land Use Commission to approve the subject special permit because:

- "1. The development will boost the economy of our island.
- "2. It will create job opportunities for our Molokai families.
- "3. It will beautify and enhance one of the 'ugliest' spots on the island.
- "4. This development has the approval of our Maui County Planning Commission, in whom we have a great deal of confidence."

In addition, letters have also been received from the following residents of Molokai requesting the Commission's favorable consideration with respect to subject application: Mrs. Henrietta Aki, Steven Petro, Mrs. Pearl Friel Petro, and Mrs. Julia M. Meyer.

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Mr. Fujimoto explained that any development involving Keawanui Fish Pond must be cleared through the Department of Land & Natural Resources. However, the fish pond itself is not involved in the special permit at hand.

In reply to Deputy Attorney General Walton Hong, Mr. Howard Nakamura, Maui County Planning Director, stated that Exhibit B, submitted by petitioner upon request of the Land Use Commission staff, substantially reflected the uses approved by the Maui County Planning Commission.

Mr. Roy Takeyama, attorney representing the petitioner, submitted written testimony (see copy on file), and stated the petitioner concurred with the staff report.

In response to Commissioner Sakahashi's inquiry, Mr. Takeyama informed that the 15 car minimum parking area and right-of-way for public access to the beach (conditions imposed by the Maui County Planning Commission) have not yet been delineated at this time. These will have to be established between the petitioner and County of Maui.

The meeting resumed after a five-minute recess, at which time Mr. John H. McAuliffe, Jr., Project Manager for Unitours, Inc., reported that petitioner intends to construct public restroom facilities, including showers, and possibly a snack shop on the peninsula, under the terms of the lease agreement between Bishop Estate and Richmond-Unitours, Inc. Access to the peninsula will be via an 8 foot wide paved area. General automotive vehicles will not be permitted in the beach recreation area, with the exception of a vehicle similar to a golf cart for service and maintenance of subject facilities. These facilities will be for general public as well as hotel clientele use.

Mr. Howard Nakamura, Maui Planning Director, commented that the position of the Maui County Planning Commission was well stated in the staff report presented by Mr. Fujimoto. In addition, the County of Maui has long felt, as indicated on the County General Plan (adopted approximately three years ago), that the proposed development at Keawanui would be the most desirable resort complex in terms of location and amenities on the east end of Molokai. In order to insure

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proper and orderly development of the area, the Maui County Planning Commission decided to recommend denial of the boundary change petition for 200+ acres and suggested that the petitioner (Unitours, Inc.) file a special permit, whereby conditions could be imposed to achieve this end.

Regarding Commissioner Yamamura's inquiry, Mr. Nakamura disclosed that the Board of Water Supply is presently in the process of installing a 12-inch waterline from the Ualapue source down to Puaahala. It is anticipated that this installation will be completed by January, 1972, prior to completion of construction of the hotel complex.

The following testified in favor of this special permit application:

1. Robert Kealor, President, Molokai Chamber of Commerce;
2. Eugene K. Duvauchelle, landowner;
3. Howard C. Geiger, Molokai International Development, Inc.; and
4. Mrs. Zelig D. Sherwood (submitted petition signed by 131 residents of Molokai in favor of the proposed development).

Mrs. Lorraine Luulua, Chairman of the Molokai Hawaiians, presented testimony regarding this special permit request stating that said organization supports the conditions imposed by the Maui County Planning Commission but recommended that additional conditions be met before final approval is granted by the Land Use Commission (see testimony on file).

In answering Commissioner Tangen's question with regard to the suggested additional conditions by the Molokai Hawaiians, specifically "that every effort be made to hire local people and at prevailing wages, or above;" and "provide on-the-job training and/or collaborate with Manpower Development Training Act and Maui Community College to qualify for jobs local people who have the capability but not the experience, or training", Mr. Takeyama answered in the affirmative--petitioner is of the intention to hire local Molokai residents as employees of the proposed hotel. He then assured the Commission that this commitment will be passed on to the operating agency of the hotel, whether it be Island Holidays Resorts or any other

hotel-operating firm. In addition, Unitours, Inc. is presently working out an arrangement with Island Holidays Resorts for the management and operation of the hotel, as Unitours is not in the hotel-operating business.

Regarding condition #4 in Mrs. Luulooa's submittal ("that when final plans for siting and location of all buildings and structures are submitted for review for the Molokai Advisory Committee and the Maui County Planning Commission that these bodies hold public hearings on Molokai to allow citizen review of them before approval"), Deputy Attorney General Walton Hong advised that the Land Use Commission is not empowered to require other governmental agencies to hold public hearings. Therefore, he suggested to Mrs. Luulooa that the Molokai Advisory Committee and the Maui County Planning Commission be contacted to this effect.

Since no one else wished to speak for or against this petition, Commissioner Wung moved that the 20.5 acre area as shown on Exhibit B be approved as recommended by the staff, subject to the conditions imposed by the Maui County Planning Commission; with the further condition that if the sewage treatment plant is to be sited at another location, the petitioner be required to seek approval of another special permit; and further that the approval of this request should not be construed to mean approval of any uses, recreational or otherwise, within the Keawanui Fish Pond itself. The motion was seconded by Commissioner Tangen and passed as follows:

Ayes: Commissioners Tangen, Napier, Yamamura, Sakahashi, Wung, and Inaba.

Absent: Commissioners Kido and Mark.

SPECIAL PERMIT APPLICATION BY FIRST HAWAIIAN BANK (SP71-114)
FOR PRIVATE RECREATION CAMP AT KEAAU, WAIANAE, OAHU

Presentation of the staff report was made by Mr. Leong, in which staff recommended that this request be approved subject to the City Planning Commission's conditions.

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Relative to Commissioner Napier's query, Mr. Leong apprised that Phase 1 of petitioner's proposed development was expected to begin on October 1, 1971, according to a timetable developed prior to their submittal of the special permit request but has not commenced pending approval of this application. He then explained that the City Planning Commission has approved this permit with the 17 conditions. Therefore, the Land Use Commission cannot detract from these conditions but may impose more stringent ones.

Mr. Don Daley, Assistant Vice President in charge of bank properties for First Hawaiian Bank, stated that the petitioner has met with the City Planning Department and concurs with the conditions that have been imposed on the proposed development. He felt that there is a tremendous burden on public facilities and that a project of this type will provide recreational areas for the bank's employees and their families, thus lessening the burden on public beaches and parks. In this respect, First Hawaiian Bank will serve as a unique prototype, in the hope that other companies will follow.

Since no representative from the City Planning Department and/or Commission was present and no one in the audience wished to speak for or against this petition, Commissioner Napier moved that the Commission accept the recommendation of the staff. The motion was seconded by Commissioner Tangen and carried as follows:

Ayes: Commissioners Wung, Sakahashi, Yamamura, Napier, Tangen, and Inaba.

Absent: Commissioners Kido and Mark.

Following the above matter, Commissioner Napier commended the residents of Molokai present at the meeting for their fine presentations and overall community concern and participation.

VACANT URBAN LAND AT PUAHALA, MOLOKAI (A69-216 - PUAHALA COMPANY)

Commissioner Tangen made the following motion, which was seconded by Commissioner Sakahashi:

"In regard to petition A69-216 dealing with land located at Puaahala, Molokai, in the Paialoa Fish Pond area, the State Land Use Commission notify the owner and/or developer that unless a performance time schedule and development plan satisfactory to the Land Use Commission is presented to the Commission no later than at its meeting on Oahu, November 19, 1971, the Land Use Commission intends to initiate a petition to restore said land to its land use designation that was in effect prior to the Commission's rezoning approval of petition A69-216."

The Commissioners voted as follows:

Ayes: Commissioners Yamamura, Napier, Tangen, Sakahashi, Wung, and Inaba.

Absent: Commissioners Kido and Mark.

Mr. Leong oriented the Commission with the location of subject property on the district map and advised Deputy Attorney General Walton Hong that the fish pond under discussion has been dredged and filled.

Mr. Fujimoto called the Commission's attention to the fact that of a total of 800 acres requested for urban zoning by Puaahala Company, the Land Use Commission, on August 14, 1969, rezoned approximately 183 acres from the Conservation and Agricultural Districts to the Urban District.

VACANT URBAN LAND AT HAWAII LOA RIDGE, OAHU

Commissioner Napier excused himself from the proceedings of this portion of the meeting due to a possible conflict of interest.

Commissioner Tangen made the following motion:

"In reference to the vacant urban land at Hawaii Loa Ridge, Oahu, the Land Use Commission notify the owner and/or developer that unless a performance time schedule and development plan satisfactory to the Land Use Commission is presented to the Commission no later than at its meeting on Oahu, November 19, 1971, the Land Use Commission intends to initiate a petition to reclassify said land to the Conservation District."

This motion was seconded by Commissioner Yamamura, and carried, with the Commissioners being polled as follows:

Ayes: Commissioners Wung, Sakahashi, Yamamura, Tangen, and Inaba.

Absent: Commissioners Kido and Mark.

Abstention: Commissioner Napier.

TENTATIVE SCHEDULE

The Commission decided that it would conduct its next meeting in Kamuela, Hawaii, on November 5, 1971.

DOWNZONING OF WADCO, INC. UNDEVELOPED URBAN LAND AT KAHALUU, OAHU, COMPRISING APPROXIMATELY 38.4 ACRES

Mr. Fujimoto advised the Commission that letters have been received from the following regarding this subject matter: Mrs. Benjamin R. Fleming, President, Kaneohe Outdoor Circle; Edgar A. Jones, President, Kaneohe Community Council; and Joe C. Harper, President, Hui Ko'olau. In acknowledging these letters, Mr. Fujimoto advised each that "the Land Use Commission will be reviewing this matter at a later date. We do not have sufficient information as to their development progress in order to initiate a downzoning at this time. However, we do appreciate your concern and interest and will keep you informed of our progress on this matter".

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Furthermore, the Governor has also responded to Mrs. Fleming stating that he is asking the Land Use Commission to consider her request as speedily as possible and has also instructed the Office of Environmental Quality Control to examine the possibility of new legislation that may be needed to cover private development that may have an impact on the environment.

LETTER FROM OFFICE OF THE OMBUDSMAN RE: COMPLAINT FROM LIFE OF THE LAND--PROBLEMS RELATED TO FIVE YEAR BOUNDARY REVIEW PROCESS

Mr. Fujimoto submitted to the Commission a draft of a letter addressed to Mr. Yen L. Lew, Associate Analyst, Office of the Ombudsman. After their review, the Commission agreed that this letter should be forwarded to Mr. Lew, stating that "in reviewing the provisions of Chapter 205, of the Hawaii Revised Statutes, the Land Use Commission concluded that the statutes are flexible enough to permit the Commission to establish a procedural guideline for the next five-year boundary review by amending the present Rules and Regulations of the Land Use Commission".

STUDY OF LAND USE PLANNING BY LEAGUE OF WOMEN VOTERS

Mr. Fujimoto apprised the Commission of the fact that he had been interviewed by Mrs. Craig Whitesell relative to the study presently being undertaken by the League of Women Voters and that the Commission members will also be interviewed by said organization in the near future.

"PLANNING FOR LIVING IN HAWAII"

Mr. Fujimoto reported that the Home Builders Association of Hawaii will be sponsoring the "Planning for Living in Hawaii" conference at the Ilikai Hotel on October 20 and 21, 1971. The Commission agreed that Commissioner Tangen would represent the Commission at this conference.

AIP CONFERENCE, SAN FRANCISCO

Chairman Inaba announced that he and Commissioner Yamamura will be attending this conference from October 24 to 28, 1971, and suggested that the Executive Officer also attend.