

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Holualoa Community Center
Holualoa, Kona, Hawaii

November 16, 1978 - 9:30 a.m.

*Approved
May 17, 1979*

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

COMMISSIONERS ABSENT: Colette Machado
Edward Yanai

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

Ray Russell, Court Reporter

MISCELLANEOUS

A75-405 - KULA ALII, LTD.

Interpretation Regarding Minimum Lot Size in State Land Use Rural District.

Chairman Duke announced that the Commission will consider the matter of a request from Kula Alii, Ltd., A75-405, for an interpretation from the Commission regarding minimum lot sizes within the State Land Use Rural District.

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

Mr. Earl Stoner, representing the petitioner, offered a chronological account of the events that have occurred since the reclassification of the lands by the Land Use Commission on December 20, 1976. He explained that he was appearing before the Commission today concerning the matter of conveyance; i.e. petitioners were proposing to convey approximately 12,000 square foot lots plus a 1/32 interest in the open spaces within the project area. It was submitted that this was being proposed

to eliminate the concentration of the green open spaces to the bottom area of the subject site.

Mr. Allan Kawada, Deputy Attorney General, submitted that although he agreed with Mr. Stoner's concept of the planned unit development, in the absence of enabling legislation allowing planned unit developments within the Rural District, he could see no way to interpret the law to accommodate Mr. Stoner's request.

Chairman Duke agreed that the Commission could not change, nor operate outside of the law. He directed that the Deputy Attorney General write a letter to Mr. Stoner and the County of Maui, advising them of the Commission's position on this matter.

CONTINUED HEARING

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

Mr. Sidney Fuke, Planning Director of the Hawaii Planning Department, requested that the hearing on this petition be continued until November 28, 1978 because of his inability to participate in the proceedings due to a conflict. Counsel for both the petitioner and State submitted that they had no objections to the continuance of the hearing until November 28, 1978.

ACTION

Motion by Life of the Land to Compel Release of Information, Correct Erroneous Information, etc., on the Petition by Rolph B. Fuhrman, et al, A78-427

Mr. Furutani, Executive Officer, gave a resume of the motion before the Commission which had been filed by Life of the Land. It was also noted that counselors for both the petitioner and Life of the Land could not be present today but had submitted written testimony supporting their respective positions.

In response to a question raised by Chairman Duke, Mr. Kawada, Deputy Attorney General, advised that although representatives of all the parties were not present today, it would be in order for the Commission to discuss the proposed motion so long as no final decision is made.

Chairman Duke ruled that this discussion will be confined among the Commission members only and that DPED will not be permitted to participate.

At the conclusion of the discussion, Commissioner Pascua moved that action on the motion by Life of the Land be deferred until the time of the action meeting on the petition by Rolph B. Fuhrman, et al. The motion was seconded by Commissioner Oura and carried with the following votes:

Ayes: Commissioners Pascua, Miyasato, Carras, Nakagawa, Oura, Chairman Duke

Nay: Commissioner Whitesell

MISCELLANEOUS (cont.)

Discussion of Staff Examination of SP77-281 - Avis Rent-A-Car

Staff planner reported that Avis Rent-A-Car had terminated the illegal car rental operation in the Agricultural District on Molokai within the 90-day time limit specified as one of the conditions in the approval of the Special Permit. It was also noted that they were continuing with the operation at the present time within the Urban District.

Discussion of Defective Filing Guidelines and Special Permit Procedures

During the discussion concerning defective filing guidelines, the Commission felt that the following measures may be a step in the right direction toward resolving this problem:

1. Discourage petitioner from filing a "bare-boned" petition and then coming in later with voluminous supplemental information.
2. Have staff prepare a check list of requirements specified in the Commission's rules for boundary amendment petitions.
3. If a petition is considered defective, a letter should be written to the petitioner advising him of the specific defects.
4. At some future date, staff will present to the Commission suggestions for procedures relevant to determining defective petitions.

Chairman Duke announced that the matter of the Special Permit procedures will be considered at another time.

Following a discussion of future meeting dates, the meeting was adjourned.