

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

December 22, 1975 - 1:00 p.m.

DPED Conference Room 9th Floor
250 South King Street
Honolulu, Hawaii

*Approved
February 13, 1976*

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

COMMISSIONERS ABSENT: Colette Machado
Mitsuo Oura
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Gordan Furutani, Planner
Tany Hong, Deputy Attorney General
Benjamin Matsubara, Consultant
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

Chairman Tangen called the meeting to order.

REQUEST BY INSCON DEVELOPMENT COMPANY (SP75-228) TO CONSTRUCT A
WATER RESERVOIR AT KAHUKU, OAHU

The staff memo was presented by Mr. Ah Sung Leong, Acting
Executive Officer, (see copy on file).

Commissioner Whitesell raised several questions regarding the
area that the proposed reservoir was intended to serve, the
irreconcilable difference in the total acres represented by the
petitioner's consultant as the project area and the total acres both
general planned and zoned for resort and apartment use by the County.
She expressed concern over the need for a 2 million-gallon reservoir

for the density presently allowed in the area.

Chairman Tangen noted that there is an obvious need for a reservoir in the area, and the question before the Commission was whether a reservoir was an "unusual and reasonable" use in the Agricultural District.

Chairman Tangen agreed with Vice Chairman Sakahashi that any review of the conditions imposed by the County should also be subject to the Land Use Commission's approval.

Commissioner Duke expressed concern over the fact that the lands under discussion were presently leased to the military and there had been no clear indication that the military will either withdraw or release the landowners from the present lease. Mr. Leong concurred that there was nothing in the records transmitted by the County concerning the military's position on this matter.

Chairman Tangen observed that within the record transmitted by the County, it was reported that Mr. James Shon, member of various citizens' groups, had made a statement that the "proposed sewage treatment plant at Malaekahana had not received approval from the Land Use Commission". Chairman Tangen submitted that this statement was incorrect and that the record will indicate that the sewage treatment plant at Malaekahana was approved by the Land Use Commission on a deferred basis.

Commissioner Duke moved to approve the Special Permit subject to the conditions imposed by the City Planning Commission, with the additional condition that any extension of time will also be subject to the approval of the Land Use Commission as well as the Director of the Department of Land Utilization. The motion was seconded by Vice Chairman Sakahashi and unanimously carried.

REQUEST BY THE DEPARTMENT OF ACCOUNTING & GENERAL SERVICES (SP75-231)
TO ESTABLISH A CORRECTIONAL FACILITY AT WAILUA, KAUAI

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

Several questions were raised regarding the standards of the water system at the proposed site. Mr. Leong advised that the Kauai District Manager for the Department of Accounting & General Services had indicated that the water matter is being pursued and will be taken care of.

Vice Chairman Sakahashi moved to approve the Special Permit subject to the conditions imposed by the Kauai County Planning

Commission. Commissioner Carras seconded the motion and it was unanimously passed.

REQUEST BY BISHOP TRUST COMPANY (SP75-232) TO ESTABLISH A YOUTH HOME AT PUHI, KAUAI

Mr. Gordan Furutani, Planner, presented the staff memo (see copy of report on file).

Vice Chairman Sakahashi moved to approve the Special Permit request, subject to the conditions imposed by the Kauai County Planning Commission. The motion was seconded by Commissioner Duke and unanimously carried.

REQUEST BY DAVID & VALERIE HEPA (SP75-233) TO ESTABLISH A TACK AND SNACK SHOP AT WAILUA, KAUAI

Inasmuch as the staff memo had been circulated to the Commissioners prior to the meeting, Chairman Tangen dispensed with the reading of the report (see copy of report on file).

Vice Chairman Sakahashi moved to approve the Special Permit, subject to the conditions imposed by the Kauai County Planning Commission, which was seconded by Commissioner Whitesell and unanimously passed.

MISCELLANEOUS

EXTENSION OF TIME REQUEST BY BOISE CASCADE PROPERTIES, INC. ON CONDITIONS IMPOSED ON SP70-85

Chairman Tangen advised that the extension request was to continue with the same uses that were approved by the Commission in 1970.

Vice Chairman Sakahashi moved that the extension request to extend the time on Special Permit 70-85 until December 11, 1980 be approved as recommended by the Hawaii County Planning Commission. It was seconded by Commissioner Yamamura and unanimously carried.

DISCUSSION ON REQUIREMENT FOR AN EIS ON PETITION A75-400, HENRY MEYER

Chairman Tangen suggested that if there were no objections from the Commissioners, discussion on this matter be deferred since the Commission's counsel from the Attorney General's Office was out of town.

AUTHORITY TO DESIGNATE A HEARING OFFICER, AND DESIGNATION OF A HEARING OFFICER TO HEAR PETITION A75-400, HENRY MEYER, ON MOLOKAI

It was announced by the Chairman that the Commission's Rules and Regulations provides the Commission with authority to appoint a hearing officer. He therefore suggested that the Commission authorize the Chairman to appoint a hearing officer on any individual case, such authority to remain until such time as the Commission revokes that authority. He pointed out that during the discussion on the Rules of Practice and Procedure, the Commission was in agreement that on major matters, the hearings will be held before the full Commission. However, on minor matters, such as the Meyer petition from Molokai, a hearing officer will be designated to conduct the hearing. It was further explained that subsequent to the hearing, the hearing officer will report back to the Commission and make a recommendation. Chairman Tangen stated that he would have to agree with the Attorney General's opinion that a Commissioner's attendance at a hearing conducted by a hearing officer would "taint" him. He noted that this was a matter on which the Commission should seek legislative amendment at the next session.

Commissioner Yamamura moved that the Commission authorize the Chairman to appoint a hearing officer on any individual case. The motion was seconded by Vice Chairman Sakahashi and unanimously carried.

ADOPTION OF MINUTES

Vice Chairman Sakahashi moved that the minutes of the meeting of October 17, 1975 be adopted as circulated, which was seconded by Commissioner Carras and passed.

Chairman Tangen assumed that the Commission was in general agreement over the need to seek legislative amendment relative to the time constraints under which the Commission is presently operating.

Since there was no further business, the meeting was adjourned at 3:05 p.m.