

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kaanapali Ballroom  
Maui Marriott  
Lahaina, Maui

October 29, 1992

*approved  
11/12/92*

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman  
Allen K. Hoe  
Allen Kajioka  
Karen S. Ahn  
Trudy K. Senda  
JoAnn Mattson

COMMISSIONERS ABSENT: Delmond J.H. Won  
Eusebio Lapenia, Jr.  
Elton Wada

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq., Deputy  
Attorney General  
Bert Saruwatari, Staff Planner  
Leo Asuncion, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A92-676 - HILO ONE, INCORPORATED (Hawaii)

Chairman Nip announced that the Commission would take action to consider the Office of State Planning's Motion to Reopen Hearing on the subject docket which consists of 24.659 acres of land currently in the Agricultural District into Urban District at Paukaa-Pahoehoe, South Hilo, Hawaii for a single family residential development.

Appearances

Sandra Schutte, Esq., Attorney for Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

The Department of Planning, County of Hawaii, was not  
present.

The letter dated October 17, 1992 from Patrick Moore  
was accepted into the record by the Land Use Commission.

At this time, a Stipulation to Re-open Hearing signed  
by the parties was received by the Commission.

Commissioner Hoe moved to accept the Stipulation to  
Re-open Hearing. The motion was seconded by Commissioner  
Mattson and polled as follows:

Ayes: Commissioner Mattson, Senda, Ahn, Hoe, Kajioka,  
and Chairman Nip.

A81-525 - Y-O LIMITED PARTNERSHIP (Hawaii)

Chairman Nip announced that the Commission would take  
action to consider Petitioner's Motion for Second Extension of  
Time to Apply for Redistricting of Phase II of the subject  
docket consisting of approximately 195.246 acres of land  
currently in the Agricultural District into the Urban District  
at Kohanaiki and Kaloko, North Kona, Hawaii for residential and  
commercial uses.

Appearances

Paul Sato, Esq., Attorney for Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

The Department of Planning, County of Hawaii, by letter dated October 27, 1992 informed the Commission that they would not be appearing at this time and that they are in support of the motion for extension of time filed by Petitioner.

Bert Saruwatari, staff planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps.

Arguments were heard from Mr. Sato and Mr. Mitsuda.

It was requested by Commissioner Kajioka that Petitioner submit the names of the partners of Y-O Limited Partnership.

Commissioner Hoe moved to grant Petitioner's Motion for Second Extension of Time to Apply for Redistricting subject to amendments to Condition A & E and additional conditions. The amended conditions and additional conditions are as follows:

Condition A - Petitioner shall provide housing opportunities for low and moderate income residents by offering for sale, on a preferential basis, on its own or in cooperation with both the Housing Finance and Development Corporation and the County of Hawaii, ten per cent (10%) of the lots or houses and lots to be developed on the subject property, to residents of the State of Hawaii of low and moderate family income as determined by the Housing Finance and Development Corporation and County of Hawaii from time to time. The preferential lots or houses and lots shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (e.g., Hula Mae) or federally-insured or assisted financing (e.g., FHA Section 245 Program) intended to encourage home ownership by low and moderate income families.

Condition E - Petitioner shall submit annual progress reports to the Commission, Office of State Planning and Hawaii County Planning Department as to its progress in satisfying these conditions.

Condition F - Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversing of the Property to its former classification, or change to a more appropriate classification.

Condition G - Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the property, prior to development of the Property.

The Motion was seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Ahn, Hoe, Kajioka, Mattson, Senda, and Chairman Nip.

CONTINUED HEARING

A91-671 - 3521 CORP. (Maui)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on November 21, 1991, May 28, 1992, and May 29, 1992.

Appearances

Paul Mancini, Esq., Attorney for Petitioner

Maurice Joyal, Petitioner

Keone Fairbanks, Department of Planning, County of Maui

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The letter dated June 6, 1992 from Leil Koch was admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. 35 through 39 were admitted into evidence by the Land Use Commission.

3. State's Exhibit No. 2 was admitted into evidence by the Land Use Commission.

Chairman Nip allowed Mr. Mancini to submit additional exhibits (ordinances passed by the Council, County of Maui) into evidence after the close of the hearing.

PETITIONER'S WITNESSES

1. Susan Uejo
2. Michael Munekiyo
3. Jan Medusky
4. Maurice Joyal

COUNTY'S WITNESS

1. Keone Fairbanks

STATE'S WITNESS

1. Abe Mitsuda

Chairman Nip instructed all parties of the post-hearing procedures and declared the hearings closed. The proposed findings from the parties are due on November 27, 1992 and the parties have until December 11, 1992 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: September 24, 1992, September 25, 1992, and October 2, 1992.

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2. The Land Use Commission took a field trip to the site of the Ameron Quarry (SP77-271) in the morning of October 29, 1992.

3. The Land Use Commission approved the continuance of the public hearing on the Rules and Regulations, AR&R92-9 and AR&R92-10, for the Island of Kauai. The public comments will be due two weeks after the hearing.

The meeting was adjourned at 5:30 p.m.