

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
Hilo Hawaiian Hotel  
71 Banyan Drive  
Hilo, Hawaii

*approved*  
*1/14/93*

December 17, 1992

COMMISSIONERS PRESENT: Allen Kajioka, Chairman  
Karen S. Ahn (Portion of Proceeding)  
Elton Wada  
Trudy Senda  
Delmond Won  
Eusebio Lapenia, Jr.  
JoAnn Mattson

COMMISSIONERS ABSENT: Allen K. Hoe  
Renton L.K. Nip

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

Chairman Kajioka called the meeting to order.

ACTION

A92-685 - STATE OF HAWAII, OFFICE OF STATE PLANNING (Hawaii)

Chairman Kajioka announced that the Commission would take action to consider Petitioner's Motion for Permission to File First Amended Petition for Land Use District Boundary Amendment and to Include the Increased Acreage in the Order to Prepare an Environmental Impact Statement from approximately 2,589 acres of land to 2,640 acres of land currently in the Conservation and Agricultural Districts into the Urban District at Keahole, Hawaii for urban expansion including university use.

Appearances

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

Fred Gianini, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, Department of Planning, County of Hawaii

Arguments were heard from Ms. Ogata-Deal and Mr. Gianini.

The letter dated December 15, 1992 from Clarence Ono and the letter dated December 17, 1992 from Mitsugu Sumada, Hawaii Island Chamber of Commerce were entered into evidence by the Land Use Commission.

Commissioner Lapenia moved to approve Petitioner's motion for Permission to File First Amended Petition for Land Use District Boundary Amendment and to Include the Increased Acreage in the Order to Prepare an Environmental Impact Statement from approximately 2,589 acres of land to 2,640 acres of land. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Lapenia, Mattson, Senda, Wada, Won, Ahn, and Chairman Kajioka.

Commissioner Ahn was absent from the proceeding at this time.

A92-679 - WHITE HAT DEVELOPMENT, CORP. (Hawaii)

Chairman Kajioka announced that the Commission would take action to consider reclassifying approximately 23.926 acres of land currently in the Agricultural District into the Urban District at Makaula, North Kona, Hawaii for a single family residential subdivision.

Appearances

Steven Lim, Esq., Attorney for Petitioner

Jerard Jervis, Petitioner

William Boyle, Petitioner

Fred Gianini, Esq., Deputy Corporation Counsel, County  
of Hawaii

Norman Hayashi, Department of Planning, County of  
Hawaii

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

Abe Mituda, Land Use Division, Office of State Planning

Leo Asuncion, staff planner, oriented the Commission  
to the area being requested for reclassification on the Land  
Use District Boundaries and tax maps and gave a summary of the  
hearing officer's report.

Arguments were heard from Mr. Lim, Mr. Gianini, and  
Ms. Ogata-Deal.

Commissioner Lapenia moved to approve the hearing  
officer's report and subject to twenty conditions. The motion  
was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Lapenia, Mattson, Senda, Wada,  
Won, and Chairman Kajioka.

Commissioner Ahn joined the proceeding at this time.

HEARING

A92-681 - HAMAKUA SUGAR COMPANY, INC. (Hawaii) and  
A92-682 - HAMAKUA SUGAR COMPANY, INC. (Hawaii)

Pursuant to a notice published in the Hawaii Tribune  
Herald and Honolulu Advertiser on November 4, 1992 and notices  
sent to all parties, a hearing was conducted by the Land Use

Commission to consider reclassifying approximately 181.63 acres of land currently in the Agricultural District into the Urban District at Nienie to Paalaea, Hamakua, Hawaii for single family residential and pursuant to a notice published in the Hawaii Tribune Herald and Honolulu Advertiser on November 4, 1992 and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 129.582 acres of land currently in the Agricultural District into the Urban District at Hauola-Manienie, Hamakua, Hawaii for single family residential.

Appearances

Tim Lui-Kwan, Esq., Attorney for Petitioner

Fred Gianini, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, Department of Planning, County of Hawaii

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

Abe Mituda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Lui-Kwan, Mr. Gianini, and Ms. Ogata-Deal. After hearing arguments, the County of Hawaii and Office of State Planning had no objections to continuing the hearing.

The letter dated October 8, 1992 from Thomas Crabbe was admitted into evidence for Docket No. A92-682 by the Land Use Commission.

Chairman Kajioka continued the hearing until a later date.

Commissioner Nip was excused from this proceeding due to a declared conflict of interest.

HEARING

A92-680 - C. BREWER PROPERTIES, INC. (Hawaii)

Pursuant to a notice published in the Hawaii Tribune Herald and Honolulu Advertiser on November 4, 1992 and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 288.240 acres of land currently in the Agricultural District into the Urban District at Puueo, South Hilo, Hawaii for single family residential, commercial, school, park, and open space.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Jordan Wagner, Esq., Attorney for Petitioner

Fred Gianini, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, Department of Planning, County of Hawaii

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

Karen Yamamoto, Land Use Division, Office of State Planning

Abe Mituda, Land Use Division, Office of State Planning

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

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 15 were admitted into evidence by the Land Use Commission.

2. State's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

3. The letter dated November 23, 1992 from Dodo Mortuary was admitted into evidence by the Land Use Commission.

4. The letter dated December 9, 1992 from Julia D. Simmons was admitted into evidence by the Land Use Commission.

5. The letter dated December 17, 1992 from Mitsugu Sumada, Hawaii Island Chamber of Commerce.

PUBLIC WITNESSES

1. Robert Williams

PETITIONER'S WITNESS

1. Thomas Witten

A lunch recess was taken at 12:05 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioner Lapenia was absent from the proceeding at this time.

PETITIONER'S WITNESSES (Continued)

2. Edward Harada
3. Warren Yamamoto
4. Joseph Kennedy

Commissioner Lapenia joined the proceeding at this time.

5. James Hallstrom, Jr.
6. Richard Armstrong
7. B.G. Moynahan

Commissioner Won moved for an executive session to consult with the Commission's attorney to discuss legal matters. The motion was seconded by Commissioner Lapenia and unanimously approved by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: November 12, 1992, November 13, 1992, November 23, 1992, November 24, 1992, December 3, 1992, and December 4, 1992.

2. The Land Use Commission will be taking a field trip to the project site of Docket No. A92-680 - C. Brewer Properties, Inc. at 9:00 a.m. on December 18, 1992.

3. The Commission granted a thirty day extension to submit written public comments for the residents of Kauai regarding Subchapter 17 of the Land Use Commission Rules and Regulations.

The meeting was adjourned at 5:00 p.m.