

STATE OF HAWAII  
LAND USE COMMISSION

approved  
6/19/92

Minutes of Meeting

Kaanapali Ballrooms  
Maui Marriott  
100 Nohea Kai Drive  
Lahaina, Maui

May 28, 1992

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman (Portion of Proceeding)  
Allen K. Hoe, Vice-Chairman  
Karen S. Ahn  
JoAnn N. Mattson  
Elton Wada  
Allen Y. Kajioka  
Trudy K. Senda

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

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney General  
Leo Asuncion, Staff Planner  
Bert Saruwatari, Staff Planner  
Steven Tagawa, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Jean McManus, Court Reporter

Chairman Nip called the meeting to order.

A presentation by HFDC on proposed changes to the affordable housing condition was given by Joseph Conant. Comments on the presentation were heard from Mr. Dan Davidson of the Land Use Research Foundation. After hearing the presentation and comments, questions were asked by the Commissioners. Questions by the Commissioners were answered by Harold Masumoto, Joseph Conant, Brian Yahata of The Lusk Company, David Rae of Campbell Estate, and Dan Davidson of LURF.

ACTION

A92-677 - NORTH KONA DEVELOPMENT GROUP, a Hawaii limited partnership

Chairman Nip announced that the Commission would take action to consider acceptance of North Kona Development Group's Environmental Impact Statement to reclassify approximately 388.057 acres currently in the Conservation District into the Urban District at Manini'owali/Kuki'o 2, North Kona, Hawaii for a residential community and recreational amenities including a golf course and tennis facility.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Michael Hands, for Petitioner

Jeff Overton, 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, indicated that they would not be appearing at this meeting and had no objection to the acceptance of the EIS.

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

Arguments on the acceptance of the EIS were heard from Ms. Sullivan and Ms. Ogata-Deal.

Commissioner Hoe moved to accept the Environmental

Impact Statement as proposed by Petitioner. The motion was seconded by Commissioner Kajioka and polled as follows:

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

SP92-380 - HAWAIIAN CEMENT (Maui)

Chairman Nip announced that the Commission would take action to consider a special use permit to operate a rock quarrying/crushing operation and related uses on approximately 45.957 acres of land situated within the State Land Use Agricultural District at Pulehunui, Wailuku, Maui.

Appearances

Lawrence Ing, Esq., Attorney for Petitioner

Robert Tanaka, for Petitioner

Bill Horneman, Petitioner

Robert Kekuna, Deputy Director, Department of Planning, County of Maui

The letter dated May 19, 1992 from Lawrence Ing, Esq., was admitted into evidence by the Land Use Commission.

Bert Saruwatari, staff planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit request by Petitioner.

Arguments were heard from Mr. Ing and Mr. Kekuna. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved for an executive session to confer with the Commission's attorney to discuss legal matters. The motion was seconded by Commissioner Hoe and unanimously carried by voice votes.

Commissioner Wada moved to approve the special use permit subject to the conditions proposed by the Maui Planning Commission, and as modified by the Land Use Commission. The motion was seconded by Commissioner Kajioka and polled as follows:

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

Chairman Nip was excused from this proceeding due to a previously declared conflict of interest and was absent from the rest of the proceedings at this time. Vice-Chairman Hoe conducted the meeting at this time.

A91-672 - C. BREWER PROPERTIES, INC. (Maui)

Vice-Chairman Hoe announced that the Commission would take action to determine whether the anticipated effects discussed in the petition's Amended Environmental Assessment to reclassify approximately 20.644 acres of land currently in the Conservation District into the Agricultural District at Maalaea, Maui to permit continued agricultural crop production on the Property constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Jordan Wagner, Esq., Attorney for Petitioner

David Blane, Petitioner

Robert Kekuna, Deputy Director, Department of Planning, County of Maui

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

Arguments were heard from Mr. Wagner, Mr. Kekuna, and Ms. Ogata-Deal.

Commissioner Wada moved in the matter of Docket No. A91-672 - C. Brewer Properties, Inc. that the anticipated effects discussed in the petition's amended Environmental Assessment to reclassify approximately 20.644 acres of land currently in the Conservation District into the Agricultural District at Maalaea, Maui to permit continued agricultural crop production on the Property does not constitute a "significant effect" pursuant to Chapter 343, H.R.S.

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

Ayes: Commissioner Wada, Kajioka, Mattson, Senda, Ahn, and Vice-Chairman Hoe.

CONTINUED HEARING

A91-671 - 3521 CORP. (Maui)

Vice-Chairman Hoe announced that the present matter before the Commission is a continuation of the hearing which had begun on November 21, 1991.

Appearances

Paul Mancini, Esq., Attorney for Petitioner

Maurice Joyal, Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County  
of Maui

Keone Fairbanks, Department of Planning, County of Maui

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

Karen Yamamoto, Land Use Division, Office of State  
Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

EXHIBITS

1. The following letters from public witnesses were admitted into evidence by the Land Use Commission:

- a. January 16, 1992 from Richard Cameron
- b. May 12, 1992 from William Nishibayashi
- c. May 18, 1992 from Foster M. Hull
- d. May 19, 1992 from Roger Vosika
- e. May 27, 1992 from Earl A. Kunkel
- f. May 27, 1992 from Carol Oliver
- g. May 27, 1992 from Byron "By" Walters
- h. May 28, 1992 from Allan "Al" K. Harty

2. Petitioner Exhibit Nos. 1 through 4, 5 - 5a, 6 through 34 were admitted into evidence by the Land Use Commission.

3. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

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

PUBLIC WITNESSES

1. David Chenoweth
2. Steven Suyat
3. Herman Nascimento
4. Ron Bentley
5. Dee Kelly

6. Bill Salawich
7. Foster Hull
8. Roger Vosika
9. Jim Gallagher
10. W.M. Woods

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

PETITIONER'S WITNESS

1. Jan Medusky

The meeting was adjourned at 5:45 p.m.