

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

*approved
3/18/93*

February 25, 1993

COMMISSIONERS PRESENT: Allen Y. Kajioka, Chairman
Delmond Won
Elton Wada
Eusebio Lapenia, Jr.
Renton L.K. Nip
Allen K. Hoe

COMMISSIONERS ABSENT: JoAnn Mattson
Karen S. Ahn
Trudy K. Senda

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

Brooke Anderson, Court Reporter

Chairman Kajioka called the meeting to order.

ACTION

A92-678 - WILLIAM CROWDER (Oahu)

Chairman Kajioka announced that the Commission would take action to consider acceptance of Petitioner's Environmental Impact Statement to reclassify approximately 8.74 acres of land currently in the Conservation District into the Urban District at Waialae Nui, Honolulu, Oahu for a residential lot subdivision.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Don Kitaoka, 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 Planning Department, City and County of Honolulu
had indicated earlier that they would not be appearing at this
meeting and had no position on the matter.

On February 19, 1993, a withdrawal and substitution of
counsel was filed by Jan Sullivan, Esq.

EXHIBITS

1. Petitioner's Exhibit A and B filed for the
acceptance of the Environmental Impact Statement were admitted
into evidence by the Land Use Commission.

2. The letters dated February 17, 1993 from the
Waiialae-Kahala Neighborhood Board No. 3 and Mr. William Crowder
were admitted into evidence by the Land Use Commission.

3. The letter dated February 19, 1993 from
Representative Barbara Marumoto was admitted into evidence by
the Land Use Commission.

PUBLIC WITNESS

1. Stephen Gainsley

PETITIONER'S WITNESS

1. Richard Fewell

2. Fred Rodrigues

Arguments were heard from Mr. Kitaoka and
Ms. Ogata-Deal. After hearing arguments, questions were asked
by the Commissioners.

Commissioner Nip moved to accept the Final Environmental Impact Statement as proposed by Petitioner. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Nip, Wada, Won, Hoe, Lapenia, and Chairman Kajioka.

A92-677 - NORTH KONA DEVELOPMENT GROUP, a Hawaii Limited Partnership (Kona)

Chairman Kajioka announced that the Commission would take action to consider reclassifying approximately 388.057 acres of land currently in the Conservation District into the Urban District at Manini'owali/Kukio 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

Don Kitaoka, Esq., Attorney for Petitioner

Norman Hayashi, Department of Planning, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Ms. Sullivan, Mr. Hayashi, and Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

It was determined by Chairman Kajioka that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Lapenia moved to approve the petition by North Kona Development Group subject to twenty-two conditions. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Lapenia, Hoe, Nip, Wada, Won, and Kajioka.

A86-603 - HUEHUE RANCH (Hawaii)

Chairman Kajioka announced that the Commission would take action to consider Petitioner's Motion for Amendment of Findings of Fact, Conclusions of Law, and Decision and Order dated January 28, 1987 which reclassified approximately 666.5 acres of land from the Conservation District into the Urban District at Kukio, North Kona, Hawaii for resort, residential, commercial, and recreational use; and Motion to Change the Petitioner's Name.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Don Kitaoka, Esq., Attorney for Petitioner

Norman Hayashi, Department of Planning, County of
Hawaii

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

Abe Mitsuda, Land Use Division, Office of State
Planning

PETITIONER'S WITNESS

1. FRANK BRANDT

Arguments were heard from Ms. Sullivan, Mr. Hayashi, and Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to grant Petitioner's Motion for Amendment of Findings of Fact, Conclusions of Law, and Decision and Order dated January 28, 1987 and Motion to Change the Petitioner's Name from Huehue Ranch to Huehue Ranch Associates, L.P. The motion was seconded by Commissioner Hoe and polled as follows:

Ayes: Commissioner Lapenia, Nip, Wada, Won, Hoe, and Chairman Kajioka.

SP92-382 - GROVE FARM ROCK COMPANY (Kauai)

Chairman Kajioka announced that the Commission would take action to consider the establishment of limestone and basalt quarrying and operations/storage areas on approximately 113 acres of land situated within the State Land Use Agricultural District at Mahaulepu, Koloa, Kauai.

Appearances

Max Graham, Esq., Attorney for Petitioner

Gregg Kamm, for Petitioner

Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai

Leo Asuncion, Jr., 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. Graham and Mr. Chun. After hearing arguments, questions were asked by the Commissioners.

Commissioner Won moved to approve the special use permit by Grove Farm Rock Company based on the eleven conditions as set forth by the Planning Commission, County of Kauai on February 24, 1992 with the following amendments:

Condition No. 4b - "Applicant shall submit a metes and bounds map of the site, prepared by a registered surveyor. A stake line shall be established on this perimeter utilizing 10 ft. high poles painted fluorescent orange, set in concrete, every 100 ft. The Planning Department shall confirm the type of pole to be utilized, and the staking of the site. Applicant shall maintain these poles so as to prevent equipment operators from exceeding the quarry limits. A copy of the approved metes and bounds map of the site shall also be submitted to the Land Use Commission."

Condition No. 5 -"Applicant shall submit an annual report (for information purposes) to the Planning Commission and the Land Use Commission on the anniversary date of the project's approval. Said report shall include:

- a. A map of the site showing the areas being quarried, intended to be quarried, those areas still under vegetation and those areas re-vegetated.
- b. Drainage and ponding areas
- c. Environmental, social or historical problems encountered and how they were handled.
- d. An aerial photo of the site reflecting the extent of operations from the past year.
- e. Applicant's progress in complying with the conditions imposed."

Condition 6 - "Should any archaeological or historic sites, artifacts, or remains be unearthed during the excavation and construction, the applicants shall cease all work at the site and contact the State Historic Preservation Division of the State Department of Land and Natural Resources and the Planning Department. Disinterment of any burial related items shall be resolved in accordance with Chapter 6-E, Hawaii Revised Statutes."

Condition 11 - "The applicant shall commence quarrying operations no later than two years from the date of approval by the Land Use Commission."

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

Ayes: Commissioner Won, Wada, Hoe, Lapenia, Nip, and Chairman Kajioka.

AR&R92-9 and AR&R92-10

Chairman Kajioka announced that the Commission would take action to consider adopting proposed amendments to the LUC

Rules and Regulations as follows: 1) a new Subchapter 17 of Chapter 15 of Title 15, Hawaii Administrative Rules, entitled "Petitions Initiated Under Section 205-18, Hawaii Revised Statutes" and 2) a new Subchapter 18 of Chapter 15 of Title 15, Hawaii Administrative Rules, entitled "Petitions for Hawaii Housing Authority Rental Housing Projects."

Appearances

Benjamin Matsubara, Esq., Hearing Officer

Russell Suzuki, Esq., Hearing Officer

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

Mary Lou Kobayashi, Office of State Planning

Benjamin Matsubara, Esq., presented his report and recommendations to the Commissioners. After giving his report, questions were asked by the Commissioners.

Commissioner Hoe requested a response by the Office of State Planning regarding concerns by the public witnesses.

After hearing Commissioner Hoe's request and the other Commissioners having no objections, Chairman Kajioka deferred the action on the proposed amendments until a response by the Office of State Planning was received.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: February 11, 1993 and February 12, 1993.

The meeting was adjourned at 12:30 p.m.