

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room, First Floor  
Hilo Hawaiian Hotel  
71 Banyan Drive  
Hilo, Hawaii

April 29, 1993

*approved  
5/13/93*

COMMISSIONERS PRESENT: Allen Y. Kajioka, Chairman  
Elton Wada  
Delmond Won  
JoAnn Mattson  
Trudy K. Senda  
Allen K. Hoe

COMMISSIONERS ABSENT: Eusebio Lapenia  
Renton L.K. Nip  
Karen S. Ahn

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

Jean McManus, Court Reporter

Presiding Officer Won called the meeting to order.

ACTION

A83-549 - GAMREX, INC. (Hawaii)

Presiding Officer Won announced that the Commission would take action to consider approving reclassification of the Second Increment of the subject docket consisting of approximately 49 acres of land currently in the Agricultural District into the Urban District at Holualoa First and Second, North Kona, Hawaii for a single- and multi-family residential subdivision.

Appearances

Karl Kobayashi, Esq., Attorney for Petitioner

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

Virginia Goldstein, Director, Planning Department, County of Hawaii

Norman Hayashi, Planning Department, County of Hawaii

Rick Eichor, 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

Arguments were heard from Mr. Kobayashi, Mr. Giannini, and Rick Eichor.

It was determined by Presiding Officer Won that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Kajioka moved to approve the reclassification of the Second Increment by Gamrex, Inc. subject to six additional conditions. The motion was seconded by Commissioner Senda and polled as follows:

Ayes: Commissioner Kajioka, Hoe, Mattson, Senda, Wada, and Won.

A91-669 - NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY (Hawaii)

Presiding Officer Won announced that the Commission would take action to consider reclassifying approximately 83 acres of land currently in the Conservation District into the Urban District at Keahole, North Kona, Hawaii for ocean-related high technology industry uses.

Appearances

Michael Meaney, Esq., Deputy Attorney General, NELHA

Clare Hachmuth, for Petitioner

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

Virginia Goldstein, Director, Planning Department, County of Hawaii

Norman Hayashi, Planning Department, County of Hawaii

Rick Eichor, 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. Petitioner's Exhibit Nos. 28 & 29 were admitted into evidence by the Land Use Commission.

At this time, Petitioner moved for a continuance so that they may review additional evidence. There were no objections by the County of Hawaii and the Office of State Planning.

Presiding Officer Won granted Petitioner's motion for a continuance.

CONTINUED HEARING

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

Presiding Officer Mattson announced that the present matter before the Commission is a continuation of the hearing which had begun on December 17, 1992.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

B.G. Moynahan, for Petitioner

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

Virginia Goldstein, Director, Planning Department,  
County of Hawaii

Norman Hayashi, Planning Department, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of  
State Planning

Karen Yamamoto, Land Use Division, Office of State  
Planning

EXHIBITS

1. Petitioner's Exhibit Nos. 16 & 17 were admitted  
into evidence by the Land Use Commission.

2. The letter dated February 7, 1993 from Lenny Sutton  
was admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. B. G. Moynahan

A lunch recess was taken at 12:20 p.m. to reconvene at  
1:30 p.m.

- 1:30 p.m. -

Commissioner Hoe was absent from the proceeding at this  
time.

PETITIONER'S WITNESSES (Continued)

2. James Hallstrom

COUNTY'S WITNESS

1. Virginia Goldstein

STATE'S WITNESS

1. Abe Mitsuda

Presiding Officer Mattson instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on May 28, 1993 and the parties have until June 10, 1993 in which to respond.

HEARING

A84-570 - W.H. SHIPMAN, LIMITED (Hawaii)

Pursuant to a notice published in the Hawaii Tribune-Herald and Honolulu Advertiser and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying the Second Increment of the subject docket consisting of approximately 176 acres of land currently in the Agricultural District into the Urban District at Keeau, Puna, Hawaii for the W.H. Shipman Industrial Park.

Appearances

Steven Lim, Esq., Attorney for Petitioner

Robert Cooper, for Petitioner

Roy Blackshear, for Petitioner

Fred Koehnen, for Petitioner

Tom English, for Petitioner

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

Norman Hayashi, Planning Department, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Leo Asuncion, Jr., 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 10 were admitted into evidence by the Land Use Commission.

2. County's Memorandum in Support of Petitioner's Motion Requesting the State Land Use Commission to Confirm Substantial Completion of Development of Increment I and to Approve Redistricting of Increment II was admitted into evidence by the Land Use Commission.

3. The Office of State Planning's Memorandum in Support of Petitioner's Motion requesting the State Land Use Commission to Approve Redistricting of Increment II was admitted into evidence by the Land Use Commission.

Arguments on Petitioner's Motion to Confirm Substantial Completion of Development of Increment I and to Approve Urbanization of Increment II were heard from Steven Lim, Esq.

PETITIONER'S WITNESS

1. Robert Cooper

Presiding Officer Mattson instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on May 28, 1993 and the parties have until June 10, 1993 in which to respond.

REOPENED HEARING

A92-676 - HILO ONE, INC. (Hawaii)

Pursuant to a notice published in the Hawaii Tribune-Herald and Honolulu Advertiser and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 24.659 acres of land currently in the Agricultural District into the Urban District at Paukaa-Pahoehoe, South Hilo, Hawaii for single-family residential development.

Appearances

Sandra Pechter Schutte, Esq., Attorney for Petitioner

Roland Higashi, Petitioner

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

Norman Hayashi, Planning Department, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The letter dated April 4, 1993 to Sandra Schutte from Patrick Moore was admitted into evidence by the Land Use Commission.

2. The letter dated April 9, 1993 to Patrick Moore from Sandra Schutte was admitted into evidence by the Land Use Commission.

3. The letter dated April 6, 1993 to Sandra Schutte from Hugh Ono was admitted into evidence by the Land Use Commission.

4. The written testimony dated April 19, 1993 and attached newspaper article from Edward Johnston were admitted into evidence by the Land Use Commission.

5. The written testimony dated April 26, 1993 from Patrick Moore was admitted into evidence by the Land Use Commission.

6. The letter dated April 28, 1993 from Gordon Kurokawa was admitted into evidence by the Land Use Commission.

7. The photographs received from Edward Johnston on April 29, 1993 were admitted into evidence by the Land Use Commission.

8. Petitioner's Exhibit No. 23 through 26 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Patrick Moore
2. Robert Shioji
3. Edward Johnston
4. Seichi Nakamura
5. Jim Wang
6. Perry Hotchkiss

PETITIONER'S WITNESS

1. Roland Higashi

The County of Hawaii and Office of State Planning has submitted written testimonies and will not be presenting witnesses.

Presiding Officer Mattson instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on May 28, 1993 and the parties have until June 10, 1993 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Won moved to approve the minutes for the meeting dates of March 31, 1993, April 1, 1993, and April 23, 1993. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Won moved to adopt the decision and order for Docket No. SP73-155 - County of Maui, Department of Public Works (Kihei). The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

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