

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapi'ilani Hwy.
Waikapu, Maui

Approved
8/13/93

July 28, 1993

COMMISSIONERS PRESENT: Karen S. Ahn, Vice-Chairperson
Elton Wada
Lloyd Kawakami
JoAnn Mattson
Trudy K. Senda
Delmond J.H. Won

COMMISSIONERS ABSENT: Renton L.K. Nip
Eusebio Lapenia, Jr.
Allen K. Hoe

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

Holly Hackett, Court Reporter

Presiding Officer Ahn called the meeting to order.

ACTION

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

Presiding Officer Ahn announced that the Commission would take action to consider acceptance of the Office of State Planning's Final Environmental Impact Statement to reclassify approximately 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

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

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Mary Lou Kobayashi, Office of State Planning

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no objections to the acceptance of the Final EIS.

Arguments were heard from Rick Eichor. After hearing arguments, questions were asked by the Commissioners.

Commissioner Won moved to accept the Office of State Planning's Final Environmental Impact Statement. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

SP93-385 - STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, DIVISION OF PUBLIC WORKS (Maui)

Presiding Officer Ahn announced that the Commission would take action to consider allowing the construction and operation of a 4-year high school on approximately 50 acres of land situated within the Agricultural District at Pukalani, Maui.

Appearances

Roy Kimura, for Petitioner

Theron Nichols, for Petitioner

Norman Sahara, for Petitioner

Dennis Saito, for Petitioner

Neil Kasamoto, for Petitioner

Brian Miskae, Planning Department, County of Maui

Leo Asuncion, 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.

After hearing orientation and summary of the special use permit, questions were asked by the Commissioners.

Commissioner Wada moved that SP93-385 - State of Hawaii, Department of Accounting and General Services, Division of Public Works to consider allowing the construction and operation of a 4-year high school be approved as follows:

Condition Nos. 1 through 16 as approved by the Maui County Planning Commission.

Additional Condition No. 17 to the Maui County Planning Commission conditions: "The applicant shall provide the County of Maui Planning Department and the Land Use Commission copies of the final approved metes and bounds map and description delineating the Permit Area of approximately 50 acres."

Additional Condition No. 18 to the Maui County Planning Commission conditions: "The applicant shall commence construction of the proposed high school no later than six months from the date of filing of this Decision and Order by the Land Use Commission."

Additional Condition No. 19 to the Maui County Planning Commission conditions: "The applicant shall promptly provide, without any prior notice, annual reports to the County of Maui Planning Department and the Land Use Commission in connection with the status of the subject project and the applicant's progress in complying with the conditions imposed."

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

Ayes: Commissioner Wada, Mattson, Senda, Won, Kawakami, and Vice-Chairperson Ahn.

A93-688 - JOHN HUNT AND DEBRA HUNT (Oahu)

Presiding Officer Ahn announced that the Commission would take action to consider reclassifying approximately 15,592 square feet of land currently in the Conservation District into the Urban District at Niu Estates, Niu Valley, Honolulu, Oahu for single-family residential use. A hearing had been conducted by Hearing Officer, Benjamin Matsubara, on June 3, 1993.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

John Hunt, Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

Benjamin M. Matsubara, Esq., Hearing Officer

The Planning Department, City and County of Honolulu, indicated by letter that they would not be appearing at this meeting and had no objections to the approval of the petition.

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

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

Petitioner's Exhibit J (Unilateral Agreement and Declaration for Conditional Zoning, filed at the Bureau of Conveyances on July 9, 1993) was admitted into evidence by the Land Use Commission.

Commissioner Won moved to approve the hearing officer's report and recommendation regarding Docket No. A93-688 - John Hunt and Debra Hunt. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Won, Kawakami, Mattson, Senda, Wada, and Vice-Chairperson Ahn.

CONTINUED HEARING

A92-684 - STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,
AIRPORTS DIVISION (Maui)

Presiding Officer Ahn announced that the present matter before the Commission is a continuation of the hearing which was previously held on June 29 and 30, 1993.

Commissioners Nip and Lapenia were excused from this proceeding due to a declared conflict of interest.

Appearances

Lane Ishida., Esq., Deputy Attorney General, Department of Transportation, Airports Division

Brian Miskae, Planning Department, County of Maui

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

Isaac Hall, Esq., Attorney for Intervenors

Presiding Officer Ahn announced that the Commission would take action to consider Intervenor's Second Objection to the Processing of this Application on Different Grounds filed by Isaac Hall, Esq.

Arguments on the second objection were heard from Mr. Hall, Mr. Ishida, Mr. Miskae, and Mr. Eichor.

Commissioner Won moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

Commissioner Won moved to deny Intervenor's Second Objection to the Processing of this Application on Different Grounds. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

The Petitioner's Third Amended Witness List and Petitioner's Fourth Amended Exhibit List were received by the Commission. Intervenors' Fourth Amended Exhibit List was received by the Commission.

EXHIBITS

1. Petitioner's Exhibit No. 53 was withdrawn. Petitioner's Exhibit Nos. 54 and 55 were admitted into evidence by the Land Use Commission.

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2. Intervenors' Exhibit Nos. 40 (Maui News Article dated August 10, 1992), 114, 115, 124, 130, 135, and 137 were admitted into evidence by the Land Use Commission.

A lunch recess was taken at 11:47 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

PETITIONER'S WITNESSES

1. Len Cowper
2. L. Doug MacClure
3. Don Malcolm
4. Steve Shalit

Commissioner Senda was absent from the proceeding at this time.

5. Roger Dubin
6. Philip Bruner
7. Lyle Wong

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