

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room
Kahului Library
Kahului, Maui

*approved
3/29/90*

March 20, 1990

COMMISSIONERS PRESENT: Frederick P. Whittemore, Vice-Chairman
Lawrence Chun
Elton Wada
Allen Y. Kajioka
Eusebio Lapenia, Jr.
James M. Shinno

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman
Allen K. Hoe
Sharon R. Himeno

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

A84-574 - MAUNA KEA PROPERTIES, INC. (Hawaii)

Vice-Chairman Whittemore announced that that Commission would take action to consider Petitioner's Motion for Extension of Time within which to file a petition for Phase II consisting of approximately 82.33 acres of land currently in the Agricultural District into the Urban District at Ouli 1, South Kohala, Hawaii and for Release of Housing Condition of the Commission's Decision and Order dated May 6, 1985.

Appearances

J. Douglas Ing, Esq., Attorney for Petitioner
William Mielke, Petitioner

Duane Kanuha, Director, Planning Department, County of Hawaii

Brian Nishimura, Housing Development, County of Hawaii

John Anderson, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

The letters dated March 14, 1990 from Elizabeth Ann Stone and Judith Graham were admitted into evidence by the Land Use Commission.

J. Douglas Ing, Esq., Attorney for Petitioner, announced to the Commission that he is withdrawing the motion for the release of housing condition of the Commission's Decision and Order dated May 6, 1985 and that he will be proceeding on the motion for extension of time within which to file a petition for Phase II at this time.

Arguments on the request for extension of time were heard from J. Douglas Ing, Duane Kanuha, and John Anderson. The State and County had no objections to the extension.

Commissioner Lapenia moved to grant the motion for extension of time within which to file a petition for Phase II as presented by Petitioner. The motion was seconded by Commission Shinno and unanimously carried by voice votes.

A75-404 - HONOKAA SUGAR COMPANY (Hawaii)

Vice-Chairman Whittemore announced that the Commission would take action to consider Petitioner's Motion to Delete Conditions No. 1, 2, and 4 of the Decision and Order dated May 28, 1976 which reclassified approximately 42 acres of land from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use and Condition No. 3 of the Decision and Order on Motion to Modify Condition dated July 3, 1978.

Appearances

Steven Lim, Esq., Attorney for Petitioner

Duane Kanuha, Director, Department of Planning, County
of Hawaii

John Anderson, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Elizabeth Stone's letter dated March 14, 1990 was
admitted into evidence by the Land Use Commission.

Steven Lim, Esq., Attorney for Petitioner, requested
another continuance until such time this matter can be resolved
with the various owners. The State and County had no
objections to the continuance.

Commissioner Lapenia moved to approve Petitioner's
request for continuance. The motion was seconded by
Commissioner Shinno and unanimously carried by voice votes.

A88-626 - UNITED REALTY, INC. (Maui)

Vice-Chairman Whittemore announced that the Commission
would take action to consider Petitioner's Motion for
Clarification of Decision and Order dated February 28, 1989
which reclassified approximately 147.561 acres of land from the
Agricultural District into the Urban District at Kihei, Maui
for a residential development.

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

Appearances

Lawrence Ing, Esq., Attorney for Petitioner

Carol Asai-Sato, Attorney for Petitioner

Gensiro Kawamoto, Petitioner

Ralph Masuda, Deputy Director, Planning Department,
County of Maui

John Anderson, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

The letter dated March 14, 1990 from Elizabeth Ann Stone was admitted into evidence by the Land Use Commission.

Arguments on the motion were heard from Mr. Ing, Mr. Masuda, and Mr. Anderson. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved to grant the motion as follows:

1. Petitioner's motion for clarification of Decision and Order dated February 28, 1989 be granted.
2. Petitioner's request that the change of ownership be accepted and that the docket name changed from United Realty, Inc. to Gensiro Kawamoto.
3. The agreements by the Office of State Planning and Petitioner with attached Exhibits A through C be accepted and granted specifically with respect to Condition Number 13 requiring Mr. Kawamoto to offer for sale all of the market price housing units and Condition Number 1 requiring Mr. Kawamoto to make a good faith effort to sell all units except the 50 units being set aside for elderly housing unless agreement is reached between Mr. Kawamoto, the County of Maui, and HFDC to the number of affordable units which may be provided as rentals and as to the rentals to be charged for such units.

The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

HEARING

A89-650 - WAIHE'E OCEANFRONT HAWAII, INC. (Maui)

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on February 8, 1990 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Waihe'e Oceanfront Hawaii, Inc. to reclassify approximately 105.64 acres of land currently in the Agricultural District into the Urban District and approximately 22.64 acres of land currently in the Urban District into the Conservation District at Waihee, Maui for an 18-hole golf course, clubhouse, tennis courts, swimming pool, and other golf course accessory buildings.

Chairman Nip was not present to the proceeding due to a previously declared conflict of interest.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Raymond Iwamoto, Esq., Attorney for Petitioner

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

Ralph Masuda, Deputy Director, Department Planning, County of Maui

John Anderson, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Jean Nishida, Land Use Division, Office of State Planning

Isaac Hall, Esq., Attorney for Intervenor, Office of Hawaiian Affairs

Burt Sakata, Intervenor

EXHIBITS

1. All public witness statements received on the docket were admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. P-1 through P-21 were admitted into evidence by the Land Use Commission.

A Motion to Continue the Hearing Until Such Time as a Complete Petition is filed was filed by the Department of Planning, County of Maui and received by the Commission today.

Commissioner Wada moved for an executive session to consult with our attorney regarding the motion filed by the County of Maui. The motion was seconded by Commissioner Kajioka and unanimously carried by voice votes.

Arguments on the motion for continuance were heard from Guy Archer, Esq., Deputy Corporation Counsel, County of Maui.

A lunch recess was taken at 11:55 a.m. to reconvene at 1:30 p.m.

- 1:39 p.m. -

Vice-Chairman Whittemore called the meeting to order.

A89-650 - WAIHE'E OCEANFRONT HAWAII, INC. (Maui)

This is a continuation of the hearing which was held this morning at 10:30 a.m.

Arguments were heard from Eric Maehara, Esq., Attorney for Petitioner. Mr. Maehara requested the Commission to defer the motion, hear the public witnesses, and have a field trip to the petition area tomorrow. The County and State had no objections to Petitioner's request.

Vice-Chairman Whittemore announced that the motion for continuance would be taken under advisement and continued at this time. The Commission would also be taking a field trip to the petition area tomorrow morning.

PUBLIC WITNESSES

1. John Blumer-Buell (Hana Community Association)
2. Warren Watanabe (Maui County Farm Bureau)
3. Jimmy Rust (Operating Engineers)
4. Jan Buen for Thomas Yagi
5. Dr. David Brown

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES (Continued)

6. Milton Lai
7. Dana Naone Hall
8. Greg West
9. Charles Maxwell
10. Aloysius Lincoln
11. Mary Evanson
12. Leslie Ann Bruce
13. Terry Holokai Murata
14. Charles Powell
15. Kahele Apo
16. Oliver Dukelow
17. Leslie Kuloloio

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

The Decision and Order of the following docket was adopted:

A89-648 - THE TRUSTEES UNDER THE WILL AND OF THE
ESTATE OF JAMES CAMPBELL, DECEASED (Oahu)

The meeting was adjourned at 4:50 p.m.