

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room, First Floor
Admissions Building, Puunene School
Puunene, Maui

November 23, 1992

*Approved
12/17/92*

COMMISSIONERS PRESENT: Allen K. Hoe, Vice-Chairman
Allen Kajioka
Karen S. Ahn
JoAnn Mattson
Eusebio Lapenia, Jr. (Portion of
Proceeding)
Elton Wada

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman (Excused)
Delmond J.H. Won
Trudy K. Senda

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

Vice-Chairman Hoe called the meeting to order.

Chairman Nip was excused from this proceeding due to previously declared conflict of interest.

ACTION

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

Vice-Chairman Hoe announced that the Commission would take action to consider reclassifying approximately 20.644 acres of land currently in the Conservation District into the Agricultural District at Maalaea, Ukumehame, Wailuku, Maui to permit continued agricultural crop production. A hearing on this matter was conducted by Hearing Officer, Benjamin Matsubara, Esq., on August 3, 1992.

Appearances

Jordan Wagner, Esq., Attorney for Petitioner

David Blane, for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel

Brian Miskae, Director, Department of Planning, County of Hawaii

James Nagle, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Benjamin Matsubara, Esq., Hearing Officer

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

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

Commissioner Wada moved that the hearing officer's report and recommendation regarding A91-672 - C. Brewer Properties, Inc. be adopted in its entirety as proposed by Hearing Officer, Benjamin Matsubara, Esq. and subject to nine conditions. The motion was seconded by Commissioner Mattson and polled as follows:

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

Commissioner Lapenia was absent from the proceeding at this time.

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

Vice-Chairman Hoe announced that the Commission would take action to consider the Petition to Intervene filed by

Isaac Hall, Esq., on behalf of the Sierra Club, Mary Evanson, Maui Air Traffic Association, Stephen Pitt, James Bendon, Hui Alanui O Makena, and Dana Naone Hall.

Appearances

Winfred Pong, Esq., Deputy Attorney General,
Department of Transportation

Bruce Matsui, Esq., Deputy Attorney General,
Department of Transportation

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

Brian Miskae, Director, Planning Department, County of
Maui

Jim Nagle, 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 Potential Intervenors

Arguments on the motion were heard from Isaac Hall,
Winfred Pong, Guy Archer, and Jim Nagle. After hearing
arguments, questions were asked by the Commissioners.

Commissioner Wada moved that the Petition to Intervene
filed by Mr. Hall, attorney for intervenors, be approved. The
motion was seconded by Commissioner Mattson and polled as
follows:

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

HEARING

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

Pursuant to a notice published in the Maui News and Honolulu Advertiser on October 12, 1992 and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 210.471 acres of land currently in the Agricultural District into the Urban District at Kahului, Maui for expansion of Kahului Airport and facilities.

Appearances

Wilfred Pong, Esq., Deputy Attorney General,
Department of Transportation

Bruce Matsui, Esq., Deputy Attorney General,
Department of Transportation

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

Brian Miskae, Director, Planning Department, County of
Maui

Jim Nagle, 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 Potential Intervenors

At this time, it was requested by Mr. Hall that Chairman Nip and Commissioner Lapenia be excused from participating in this proceeding due to conflicts of interest. Vice-Chairman Hoe announced that his request would be taken under advisement.

On November 23, 1992, Objections to the Processing of this Application were filed by Isaac Hall. Arguments on the objections were heard from Isaac Hall. The County of Maui, Petitioner, and OSP requested to file memoranda regarding Mr. Hall's objections. Vice-Chairman Hoe announced that the Petitioner, County, and State have until December 7, 1992 to file their memoranda, and Mr. Hall has until December 14, 1992 to file his response.

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 47 were admitted into evidence by the Land Use Commission.
2. County of Maui's Exhibit No. 1 was admitted into evidence by the Land Use Commission.
3. State's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Nelson Armitage
2. Marsha Wienert
3. Stephen Knox
4. Donald Reeser
5. Randy Piltz
6. Eldon Kerr
7. Buzzy Hong
8. Jerry Nago
9. Richard Shiigi
10. Senator Mamoru Yamasaki

A lunch recess was taken at 12:15 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PUBLIC WITNESSES (Continued)

11. Jeffrey Parkert
12. Jan Pinney
13. Carolann Guy
14. Suzanne Hills
15. Francis Kaniaupio
16. Leslie Ann Bruce
17. Peter Jones
18. Masako Westcott
19. Jack Thompson
20. Marc Hodges
21. Mary Evanson
22. Laurie Chang
23. Tom Cannon
24. Audrey Garcia
25. John P. Ortmann
26. Sally Raisbeck
27. Jody Mitchell
28. Irene Plunkett Mina
29. Vincent Mina

The meeting was adjourned at 4:10 p.m.