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only

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

October 18, 1994

Approved
11/1/94

COMMISSIONERS PRESENT: Allen K. Hoe
Allen Y. Kajioka
Trudy K. Senda
Eusebio Lapenia, Jr.
Renton L.K. Nip
Lloyd Kawakami
Elton Wada

COMMISSIONERS ABSENT: JoAnn Mattson
M. Casey Jarman

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

Evelyn Miyata, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

A93-698 - CHARLES P. BOOTH, SANDRA E. BOOTH, EDWARD D. BRUFFEY,
AND SHARON L. BRUFFEY (Oahu)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 15,384.915 square feet of land currently in the Conservation District into the Agricultural District at Waimea, Waialua, Oahu to increase the size of an existing agricultural lot.

Appearances

Cindy Ching, Esq., Attorney for Petitioner

Edward Bruffey, Petitioner

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Sharon Bruffey, Petitioner

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Benjamin Matsubara, Esq., Hearings Officer

The Planning Department, City and County of Honolulu, was not present to the proceeding at this time, but had previously notified the Commission that they were in support of the hearings officer's recommendations.

Benjamin Matsubara, Esq., Hearings Officer, presented his report and recommendations to the Commissioners.

Commissioner Kajioka moved to approve the hearings officer's report and recommendations regarding Docket No. A93-698 - Charles P. Booth, et al. The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioner Kajioka, Nip, Senda, Wada, Kawakami, Lapenia, and Hoe.

A93-700 - OBAYASHI HAWAII CORPORATION (Oahu)

Presiding Officer Kawakami announced that the Commission would take action to consider reclassifying approximately 57.3 acres of land currently in the Agricultural District into the Urban District at Paumalu-Pupukea, Koolauloa, Oahu for single-family residential, elderly rental housing, water reclaim facility, and community facility.

Appearances

Lyle Harada, Esq., Attorney for Petitioner

Lloyd Yoshioka, Attorney for Petitioner

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Kamuela Price, Intervenor

Maui Loa, Intervenor

The Planning Department, City and County of Honolulu, was not present to the proceeding at this time, but had previously notified the Commission that they were in support of the boundary amendment request by Petitioner.

Chairperson Hoe moved to go into executive session to consult with our Deputy Attorney General on legal matters concerning the admittance of public witness statements and testimonies after the close of the hearing. The motion was seconded by Commissioner Lapenia and unanimously approved by voice votes.

Chairperson Hoe moved that the record remain closed and all public witness letters and comments received after the close of the hearing on July 28, 1994 not be admitted into evidence by the Commission. The motion was seconded by Commissioner Kajioka and unanimously carried by voice votes.

Closing arguments were heard from Mr. Harada, Mr. Mitsuda, Mr. Price, and Maui Loa.

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

Chairperson Hoe moved to approve the petition by Obayashi Hawaii Corporation subject to eighteen conditions. The motion was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioners Hoe, Wada, Kajioka, Lapenia, Nip, Senda, and Kawakami.

SP89-371 - CHRISTIAN BROADCASTING ASSOCIATION (Molokai)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to continue to operate a radio transmission facility on approximately 30 acres of land situated within the Agricultural District at Kaluakoi, Molokai.

Appearances

Del Gibbs, for Petitioner

The Planning Department, County of Maui, notified the Commission staff that they would not be present to the proceeding at this time.

Arguments were heard from Mr. Gibbs. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved to approve Petitioner's request subject to the conditions imposed by the Maui Planning Commission and the following conditions:

Condition No. 9 - "That the Applicant, KAIM Radio, be required to identify areas of impact in communication or health and develop an appropriate mitigation plan within a 60-day period of any changes in approved operating power levels or frequencies above 50 kw are initiated."

Condition No. 10 - "The Applicant shall timely provide without any prior notice, annual reports to the Maui County 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 herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission."

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

Ayes: Commissioners Wada, Senda, Nip, Lapenia, Kawakami, Kajioka, and Hoe.

SP92-381 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to allow quarry operations and related uses on approximately 220 acres of land situated within the Agricultural District at Waikoloa, South Kohala, Hawaii.

Appearances

Ken Melrose, for Petitioner

Virginia Goldstein, Director

The Commission was advised that Ernestine Felton had called indicating her concerns on the special use permit by Waikoloa Development Co.

Arguments were heard from Mr. Melrose and Ms. Goldstein.

Commissioner Lapenia moved to approve the time extension subject to amendment to Condition No. 2 as follows:

Condition No. 2 - "Final plan approval for the quarry operation shall be secured from the Planning Department on or before January 19, 1997. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans for the quarry operation shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures and parking associated with the proposed quarry operations."

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

Ayes: Commissioners Lapenia, Kajioka, Kawakami, Nip, Senda, Wada, and Hoe.

SP71-117 - WAIKOLOA DEVELOPMENT CO. (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider a time extension request to allow for continued operations while the planning and construction of the new site are completed; to allow for an orderly transition of operations between the two sites; and to allow for the restoration of the present site on approximately 309 acres within the Agricultural District at Waikoloa, South Kohala, Hawaii.

Appearances

Ken Melrose, for Petitioner

Virginia Goldstein, Director

Arguments were heard from Mr. Melrose and Ms. Goldstein. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to approve a time extension with the amendment of Condition No. 5 as follows: "This permit shall remain in effect until December 17, 1997." The motion was seconded by Commissioner Kawakami and polled as follows:

Ayes: Commissioners Lapenia, Kajioka, Kawakami, Nip, Senda, Wada, and Hoe.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the meeting dates of October 6, 1994 and October 7, 1994. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Lapenia moved to adopt the Decision and Order for Docket No. SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS, INC. (Hawaii) (6th Amendment). The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 11:47 a.m.