

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

March 23, 1994

Approved
4/17/94

COMMISSIONERS PRESENT: Delmond J.H. Won
Lloyd Kawakami (Portion of Proceeding)
JoAnn Mattson (Portion of Proceeding)
Trudy K. Senda
Elton Wada
Karen S. Ahn (Portion of Proceeding)
Allen K. Hoe
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer
Winfred Pong, Esq.,
Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk
Jean McManus, Court Reporter

Presiding Officer Won called the meeting to order.

Commissioner Mattson was absent from the proceeding at this time.

ACTION

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

Presiding Officer Won announced that the Commission would take action to determine whether the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 15,384.915 square feet of land currently in the Conservation District into the Agricultural District at Waimea, Kawaihoa, Waialua, Oahu to increase the size of an existing agricultural lot constitute a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Shah Bento, Esq., Attorney for Petitioners

Frances Mossman, Planning Department, City and County
of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Arguments on the Final Environmental Assessment were
heard from Mr. Bento, Ms. Mossman, and Mr. Nagle.

Commissioner Hoe moved to accept the Petitioner's
Final Environmental Assessment and issue a Negative Declaratory
Order. The motion was seconded by Commissioner Wada and
unanimously carried by voice votes.

BR94-702 - OFFICE OF STATE PLANNING (Hawaii)

Presiding Officer Won announced that the Commission
would take action to consider the Petition for Intervention
filed by Sandra Pechter Schutte, Esq., Attorney for Kealakekua
Development Corporation.

Appearances

Sandra Pechter Schutte, Esq., Attorney for Potential
Intervenor

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

Marylou 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 Petition for Intervention.

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

Arguments on the petition to intervene were heard from
Ms. Schutte and Mr. Nagle.

Commissioner Lapenia moved to grant the Petition to Intervene by Kealakekua Development Corporation. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

HEARING

A93-700 - OBAYASHI HAWAII CORPORATION (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on January 28, 1994 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Obayashi Hawaii Corporation to reclassify approximately 57.3 acres of land currently in the Agricultural District into the Urban District at Paumalu, Koolauloa, Oahu for single-family residential, elderly rental housing, water reclamation facility, and community facility.

Appearances

Lyle Harada, Esq., Attorney for Petitioner

Lloyd Yoshioka, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Kamuela Price, Intervenor

Walter Schoettle, Esq., Attorney for Maui Loa

EXHIBITS

1. The following public witness letters were admitted into evidence by the Land Use Commission:

- a. March 19, 1994 from Brendan Shea
- b. March 19, 1994 from Larry McElheny
- c. March 21, 1994 from Blake McElhney

- d. March 21, 1994 from Mr. & Mrs. Michael Germain
- e. March 22, 1994 from Jean-Pierre & Kristin Kirk
- f. March 22, 1994 from Benjamin Hopkins
- g. March 23, 1994 from Dennis S. Nakasone and
Linda Liese-Nakasone
- h. March 23, 1994 from Janet Ashman
- i. March 23, 1994 faxed from Toni Sickler
- j. March 23, 1994 faxed from Diane Van Horn
- k. March 23, 1994 faxed from Yukali Ohno
- l. March 23, 1994 faxed petition of signatures

2. Petitioner's Exhibit Nos. 1, 2A-1, 2A-2, 2A-3, 2A-4, 2B, 2C-M, 3 through 14, 15, 15A, 16 though 40, 42 through 68 were admitted into evidence by the Land Use Commission.

3. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

4. OSP's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

5. Intervenor, Mr. Price, Exhibit Nos. P-1, and P-2 were admitted into evidence by the Land Use Commission.

Arguments on the Motion for Reconsideration on the petition for intervention were heard from Mr. Schoettle, Mr. Harada, Ms. Mossman, and Mr. Nagle. After hearing arguments, questions were asked by the Commissioners.

Commissioner Mattson joined the proceeding at this time.

Commissioner Senda moved to go into executive session to consult with our Deputy Attorney General to discuss legal matters. The motion was unanimously carried by voice votes.

Commissioner Hoe moved to grant the motion for reconsideration on the petition for intervention subject to native Hawaiian cultural economic interests.

Arguments on the motion to continue were heard from Mr. Price, Mr. Harada, Ms. Mossman, Mr. Nagle, and Mr. Schoettle.

Commissioner Hoe moved that the motion for continuance be denied subject to further examinations by Maui Loa if issues not adequately addressed in the hearing today, witnesses may be brought back again. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

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

Commissioner Hoe noted for the record that Mr. Schoettle left the proceeding at this time and had advised the Commission that Mr. Price will take care of his concerns today.

PUBLIC WITNESSES

1. Larry McElheny
2. Benjamin Hopkins
3. Fern Hayes
4. Paul Bradley
5. Houston Anderson
6. Mike Farrell
7. Mary Ellasos
8. Eno Plumley
9. Pae Galdeira
10. Peter Cole (testifying for himself and Dr. James Blattaу)
11. Bill Howes
12. Cora Majek
13. Scott Craycroft
14. Tom Lenchanko

15. James Awai
16. Eddie Rothman
17. Maile Kanemaru (testifying for Don Anderson, YMCA)
18. Norm Thompson
19. Perfecto Oga
20. Marlu Oliphant
21. Jacob Ing
22. Larry McElheny

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

- 1: 30 p.m. -

Commissioner Ahn was absent from the proceeding at this time. Maui Loa also was absent from the proceeding at this time.

PUBLIC WITNESS

23. Ken Newfield

PETITIONER'S WITNESSES

1. Jeffrey Overton

Commissioner Kawakami was absent from the proceeding at this time.

2. Paul Weissich

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