

STATE OF HAWAII
LAND USE COMMISSION

approved
7/22/95

Minutes of Meeting

Planning Department Hearing Room, County of Maui
First Floor, Kalana Pakui Building
250 South High Street
Wailuku, Maui

June 23, 1995

COMMISSIONERS PRESENT: Allen K. Hoe
JoAnn Mattson
Trudy K. Senda
M. Casey Jarman
Eusebio Lapenia, Jr.
Elton Wada

COMMISSIONERS ABSENT: Renton L.K. Nip
Lloyd Kawakami

STAFF PRESENT: Esther Ueda, Executive Officer
Kathy Yonamine, Staff Planner
Leo Asuncion, Jr., Staff Planner
Darlene Kinoshita, Chief Clerk

Evelyn Miyata, Court Reporter

Allen K. Hoe, Chairperson, called the meeting to order.

STATUS OF DEVELOPMENT REPORT

A88-626 - GENSIRO KAWAMOTO (Maui)

Appearances

Carol Asai-Sato, Esq., Attorney for Petitioner

Ann Cua, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

Leo Asuncion, Jr., staff planner, oriented the
Commission to the petition area on the Land Use District
Boundaries and tax maps.

A status of development report was presented by Ms. Asai-Sato, Ms. Cua, and Mr. Nagle. After hearing the status report, questions were asked by the Commissioners.

Chairperson Hoe deferred any further action on this docket until the ending part of the year when the Commission can ask for another status report to see what progress, if any, has been made with the Council.

ACTION

BR94-709 - OFFICE OF STATE PLANNING (Maui)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 273 acres of land currently in the Agricultural District into the Conservation District at Kaapahu, Hana, Maui for preservation of Alelele Stream.

Appearances

Benjamin Matsubara, Hearing Officer

Clayton Yoshida, Planning Department, County of Maui

Gary Zakian, Esq., Deputy Corporation Counsel, County of Maui

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

Marylou Kobayashi, Office of State Planning

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

Commissioner Wada moved to approve the hearing officer's report and recommendations regarding Docket No. BR94-709 - Office of State Planning. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Wada, Lapenia, Mattson, Senda, Jarman, and Chairperson Hoe.

BR94-713 - OFFICE OF STATE PLANNING (Maui)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 932 acres of land currently in the Agricultural District into the Conservation District at Halehaku and Peahi, Makawao, Maui for preservation of watershed area.

Appearances

Benjamin Matsubara, Hearing Officer

Clayton Yoshida, Planning Department, County of Maui

Gary Zakian, Esq., Deputy Corporation Counsel, County of Maui

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

Marylou Kobayashi, Office of State Planning

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

Commissioner Wada moved to approve the hearing officer's report and recommendations regarding Docket No. BR94-713 - Office of State Planning. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Wada, Lapenia, Mattson, Senda, Jarman, and Chairperson Hoe.

BR94-712 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that the Commission would take action to consider the Petition to Intervene filed by B. Martin Luna, Esq., for the Estate of James Campbell, Deceased.

A Substitution of Counsel was filed on June 15, 1995 by Benjamin Kudo, Esq.

Appearances

Benjamin Kudo, Esq., Attorney for Potential Intervenor, Estate of James Campbell, Deceased.

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

Marylou Kobayashi, Office of State Planning

The Commission received a letter dated June 21, 1995 from Cheryl Soon, Chief Planning Officer, Planning Department, C&C of Honolulu, notifying the Commission that they will not be present at this meeting and had no objections to the Petition to Intervene.

There were no objections by the Office of State Planning on the Petition to Intervene.

Commissioner Mattson moved to grant the Petition to Intervene filed by The Estate of James Campbell, Dec. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

On June 19, 1995, the Commission received a Motion to Continue Hearing filed by Benjamin Kudo, Esq. At this time, Commissioner Wada moved to amend the agenda to allow Intervenor's request for Motion to Continue Hearing. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Arguments on the Motion to Continue were heard from Mr. Kudo and Mr. Nagle.

Chairperson Hoe granted Intervenor a continuance subject to the date for the continued hearing as determined by the Commission staff.

A88-628 - FINANCE REALTY, LTD. (Oahu)

Chairperson Hoe announced that the Commission would take action to consider Petitioner Finance Realty, Ltd.'s Motion for Second Amendment to Findings of Fact, Conclusions of Law, and Decision and Order filed on November 20, 1989 which reclassified approximately 76.851 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for single family residential use.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Commission received a letter dated June 21, 1995 from Cheryl Soon, Chief Planning Officer, Planning Department, C&C of Honolulu, notifying the Commission that they will not be present at this meeting and had no objections to Petitioner's Motion for Second Amendment.

Arguments were heard from Mr. Maehara and Mr. Nagle.

Commissioner Lapenia moved to grant Petitioner's Motion for Second Amendment. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DECEASED (Oahu)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion for Fourth Amendment to Findings of Fact, Conclusions of Law, and Decision and Order, and for Other Relief of the Land Use Commission's Decision and Order dated September 23, 1988, as amended on March 29, 1989; May 30, 1989; and June 4, 1989, which reclassified approximately 135 acres and incrementally approved approximately 755 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for commercial, industrial, and business center use.

Appearances

Steven S.C. Lim, Esq., Attorney for Campbell Estate

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Commission received a letter dated June 21, 1995 from Cheryl Soon, Chief Planning Officer, Planning Department, C&C of Honolulu, notifying the Commission that they will not be present at this meeting and supports Petitioner's Motion for Fourth Amendment.

Arguments were heard from Mr. Lim and Mr. Nagle.

It was determined by Chairperson Hoe that all of the Commissioners present were eligible to participate in the action on the petition.

Chairperson Hoe announced that the Land Use Commission had circulated the proposed Findings of Fact, Conclusions of Law and Decision and Order to the parties.

Commissioner Mattson moved to grant Petitioner's Fourth Amendment to Findings of Fact, Conclusions of Law, and Decision and Order subject to eleven additional conditions and other conditions as amended. The motion was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioners Mattson, Senda, Wada, Jarman, Lapenia, and Hoe.

REOPENED HEARING

A94-710 - WEST MAUI VENTURE GROUP (Maui)

A reopened hearing was called by the Land Use Commission in the matter of the petition by West Maui Venture Group to reclassify approximately 37.742 acres of land currently in the Agricultural District into the Urban District at Lahaina, Maui for a commercial and light industrial subdivision.

The hearing is being re-opened to address issues raised by the Commission, including concerns related to the projects conformance to the Hawaii State Plan, the State Functional Plans, the County of Maui's General Plan, and the Lahaina Community Plan.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Gary Zakian, Esq., Deputy Corporation Counsel, County of Maui

Ann Cua, 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

EXHIBITS

1. Petitioner's Exhibit Nos. P9 through P15 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Bruce Plasch

A lunch recess was taken at 11:45 a.m. to reconvene at 12:45 p.m.

- 12:45 p.m. -

PETITIONER'S EXHIBITS

2. John 'Jac' Kean

3. Christopher Hart

4. Ann Cua

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed Findings from the parties are due by July 14, 1995 and the parties have until July 28, 1995 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting dates: May 25, 1995, May 26, 1995, June 8, 1995 (Hearing Officer), and June 8, 1995 (LUC). The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

The meeting was adjourned at 2:00 p.m.