

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hearing Room 204
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

October 10, 1996

COMMISSIONERS PRESENT: Trudy K. Senda
Merle A.K. Kelai
M. Casey Jarman
Lloyd Kawakami
Herbert Kaopua, Sr.
Lawrence N.C. Ing

*approved
11/1/96*

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.
JoAnn Mattson
Rupert K. Chun

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Senda called the meeting to order.

STATUS REPORT

A87-617 - PUAKO HAWAII PROPERTIES, INC. (Hawaii)

Appearances

Keith Kato for Nansay Hawaii

Roy Vitousek, III, Esq., for Hillwood Dev. Corp.

Patrick Daniels, for Hillwood Dev. Corp.

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of
Planning

Abe Mitsuda, Land Use Division, Office of Planning

The Planning Department, County of Hawaii, was not
present to the proceeding at this time.

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

A status report was given by Mr. Kato. After hearing the status report, questions were asked by Ms. Ogata-Deal and Commissioners.

ACTION

SP87-367 - ALLIED HAULING, INC. (Maui)
SP92-380 - HAWAIIAN CEMENT (Maui)

Chairperson Senda announced that the Commission would take action to consider a recommendation by the Maui Planning Commission to formally rescind the Special Permit issued on February 18, 1988 on Docket No. SP87-367 - Allied Hauling, Inc. that established a rock mining operation on approximately 45.957 acres of land situated within the State Land Use Agricultural District at Pulehunui and Waikapu, Wailuku, Maui and to consider an amendment to the Special Permit issued on July 13, 1992 on Docket No. SP92-380 - Hawaiian Cement to operate a rock quarrying/crushing operation and related uses on approximately 45.957 acres of land situated within the State Land Use Agricultural District at Pulehunui and Waikapu, Wailuku, Maui. The Amendment is to incorporate approximately 60 acres that is the subject of SP90-376 - Hawaiian Cement.

Appearances

William Horneman, for Petitioner

Clayton Yoshida, Planning Department, County of Maui

Leo Asuncion, staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and gave a summary of the special permit request.

After hearing the special permit summary, questions were asked by Commissioners of the parties.

Commissioner Ing moved to approve the proposed amendment to the Special Permit subject to twelve new conditions. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

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Commissioner Jarman moved to accept the Maui Planning Commission's recommendation to totally rescind the Special Permit issued on Docket No. SP87-367 - Allied Hauling, Inc. on February 18, 1988 that established a rock mining operation. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

A96-717 - C. EARL STONER, JR. ON BEHALF OF S & F LAND COMPANY
(Maui)

Chairperson Senda announced that the Commission would take action to consider reclassification of approximately 51.946 acres of land currently in the Agricultural District into the Urban District at Waikapu, Wailuku, Maui for an industrial baseyard and related uses.

Appearances

C. Earl Stoner, Jr., for Petitioner

Clayton Yoshida, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of
Planning

Abe Mitsuda, Land Use Division, Office of Planning

At this time, Mr. Stoner requested a continuance of the action on this matter.

Chairperson Senda granted Mr. Stoner's request until the Commission's November 1, 1996 meeting.

A76-418 - MOANA CORPORATION (Kauai)

Chairperson Senda announced that the Commission would take action to consider a Motion to Stay Pending Appeal filed by Roy A. Vitousek, III, Esq., attorney for First Hawaiian Bank, as Trustee of the Eric A. Knudsen Trust, and Hawaiian Trust Company, Ltd., as Trustee of the Augustus F. Knudsen Trust.

Appearances

Roy A. Vitousek, III, Esq., Attorney for First Hawaiian
Band and Hawaiian Trust Company

Shulammite Kim, Esq., Attorney for Sports Shinko

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Gary Slovin, Esq., Attorney for Intervenors, KVH and CGB

Ms. Elizabeth Toulon and Mr. William Baldwin, Intervenors, were not present to the proceeding at this time.

Planning Department, County of Kauai, were not present to the proceeding at this time.

Arguments on the motion for stay pending appeal were heard from Mr. Vitousek, Ms. Kim, Mr. Slovin, and Ms. Ogata-Deal. After hearing arguments, questions were asked by Commissioners.

Commissioner Kawakami moved to defer action on the motion for stay pending appeal. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

A95-716 - TOKYO GREEN HAWAII, INC. (Hawaii)

Chairperson Senda announced that the Commission would take action to consider acceptance of Tokyo Green Hawaii, Inc.'s Final Environmental Impact Statement for its petition to reclassify approximately 224 acres of land currently in the Conservation District into the Urban District at Kaloko-Kohanaiki, North Kona, Hawaii for residential commercial, office, school, and park uses.

Appearances

Michael Moore, Esq., Attorney for petitioner

Ned Dewey, for Petitioner

Glenn Kimura, for Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

The letter dated October 8, 1996 from Kazu Hayashida, Department of Transportation was admitted into evidence by the Land Use Commission.

Arguments on the acceptance of the Final Environmental Impact Statement were heard from Mr. Moore and Ms. Ogata-Deal.

Commissioner Jarman moved to accept Petitioner's Final EIS. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

BR94-712 - OFFICE OF PLANNING (Oahu)

Chairperson Senda announced that the Commission would take action to consider the Office of Planning's Motion to Set Aside Dismissal of Petition.

Appearances

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Richard Egged, Jr., Director, Office of Planning

Frances Mossman, Planning Department, City and County of Honolulu

Benjamin Kudo, Esq., Attorney for Intervenor

Kris Nakagawa, Esq., Attorney for Intervenor

Arguments were heard from Ms. Ogata-Deal, Ms. Mossman, and Mr. Kudo.

Commissioner Jarman moved to grant the Office of Planning's Motion to Set Aside Dismissal of Petition. The motion was seconded by Commissioner Ing.

Commissioner Kawakami moved to go into executive session to consult with the Commission's Deputy Attorney General to discuss legal matters concerning the motion to set aside dismissal. The motion was seconded by Commissioner Kaopua and unanimously approved by voice votes.

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The motion to grant the Office of Planning's motion to set aside dismissal of petition was polled as follows:

Ayes: Commissioners Jarman, Kaopua, Ing, Kawakami, and Senda

Nays: Commissioner Kelai

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Kawakami moved to approve the minutes for the meeting dates of August 22, 1996 and September 12, 1996. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

2. The Commission went into executive session to hear status reports on the litigation cases pending before the Circuit Courts from Jon Itomura, Esq., Deputy Attorney General.

The meeting was adjourned at 11:26 a.m.