

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

July 26, 1996

*Approved
8/22/96*

COMMISSIONERS PRESENT: JoAnn Mattson
Lawrence N.C. Ing
M. Casey Jarman
Lloyd Kawakami
Merle A.K. Kelai
Rupert K. Chun

COMMISSIONERS ABSENT: Trudy K. Senda
Herbert Kaopua, Sr.
Eusebio Lapenia, Jr.

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

Holly Hackett, Court Reporter

Presiding Officer Mattson called the meeting to order.
Presiding Officer Mattson welcomed Mr. Lawrence N.C. Ing to the
Commission.

ACTION

A92-680 - C. BREWER PROPERTIES, INC., a Hawaii Corporation
(Hawaii)

Presiding Officer Mattson announced that the Commission
would take action to consider Petitioner's Motion to Amend Findings
of Fact, Conclusions of Law, and Decision and Order filed January
5, 1994, which reclassified approximately 288.240 acres of land
from the Agricultural District into the Urban District at Puueo,
South Hilo, Hawaii for residential, commercial, school, park, and
open space uses.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Eban Dale, for Petitioner

Alice Kawaha, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of Planning

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

Arguments on the motion to amend findings of fact, conclusions of law, and decision and order were heard from Mr. Maehara, Ms. Kawaha, and Mr. Mitsuda.

Commissioner Kelai moved to approve Petitioner's Motion To Amend Condition No. 1 as follows: Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents in the State of Hawai'i to the satisfaction of the County of Hawai'i. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the County of Hawai'i."

The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

DR96-18 - SALLY RICE AND DEBRALEE KAILIWAI-RAY (Hawaii)

Presiding Officer Mattson announced that the Commission would take action to consider Petitioners' Petition for Declaratory Ruling that a members only 50-unit lodge that is part of a 27-hole golf course, country club and subdivision development is an urban use that cannot be placed in the State Land Use Agricultural District by a Special Permit under §205-6, HRS, and that if said lodge is permitted, the "affected area" of the proposed development includes the golf course/subdivision.

Appearances

Alice Kawaha, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of Planning

Petitioner and Intervenor, Big Island Country Club & Estates, were not present to the proceeding at this time.

On July 22, 1996, the Commission received a stipulation from the parties to extend the time for acting on the petition. On July 25, 1996, the Commission also received Petitioner's Motion for Extension of Time for Decision Making filed by Michael Matsukawa, Esq.

Additional comments regarding the declaratory ruling were heard from Ms. Kawaha.

Commissioner Jarman moved to approve Petitioner's Motion for an Order for Time Extension and the stipulation of the parties. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

A76-418 - MOANA CORPORATION (Kauai)

Presiding Officer Mattson announced that the Commission would take action to consider Petitioner, Sports Shinko (Kauai) Co., Ltd. and Intervenor's Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause.

Appearances

Carol Eblen, Esq., Attorney for Intervenor, KVH Partners and CGV Partners

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

Abe Mitsuda, Land Use Division, Office of Planning

On July 18, 1996, the Commission received Petitioner, First Hawaiian Bank and Hawaiian Trust Co., Ltd. joinder in the motion to continue. Petitioner was not present to the proceeding at this time. On July 25, 1996, the Commission also received the County of Kauai's Statement of No Position. The County of Kauai was not present to the proceeding at this time.

At this time, it was announced by Carol Eblen, Esq., that she was representing KVH Partners, CGV Partners, and Sports Shinko for the purpose of this motion.

Arguments of the motion were heard from Ms. Eblen and Mr. Mitsuda. After hearing arguments, questions were asked by the Commissioners.

Commissioner Jarman moved to grant Sports Shinko (Kauai) Co.'s motion to continue hearing and other proceedings on Land Use Commission's Order to Show Cause for 120 days. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

HEARING

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

Pursuant to a notice published in the Honolulu Advertiser and the Maui News and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by C. Earl Stoner, Jr. on Behalf of S & F Land Company, Inc. to consider reclassifying 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., Petitioner

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

Clayton Yoshida, Planning Department, County of Maui

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

Ruby Edwards, Land Use Division, Office of Planning

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

EXHIBITS

1. The letter dated May 16, 1996 to Gregory Pai from Gary Gill was admitted into evidence by the Land Use Commission.

2. The letter dated May 26, 1996 to Esther Ueda from Don Hibbard was admitted into evidence by the Land Use Commission.

3. Petitioner's Exhibit Nos. 1, 3A, 3B, 4A, 5A, 5B, 6A/7A, 8A, 9A, 10A, 15A through 19A, 20, 21, 21A, 22 through 24 were admitted into evidence by the Land Use Commission.

4. County's Exhibit Nos. 1 through 5 were admitted into evidence by the Land Use Commission.

5. OP's Exhibit Nos. 1, 2, 3A through 3D, and 4 were admitted into evidence by the Land Use Commission.

At this time, disclosures were made by Commissioners Mattson, Kelai, Ing, and Chun. There were no objections by the parties to have these Commissioners participate in the proceeding.

PETITIONER'S WITNESSES

1. C. Earl Stoner, Jr.
2. Mercer Vicens

COUNTY'S WITNESS

1. Clayton Yoshida

STATE'S WITNESS

1. Abe Mitsuda

Presiding Officer Mattson instructed all parties of the post-hearing procedures. The proposed findings from the parties are due on August 21, 1996 and the parties have until September 3, 1996 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Kelai moved to approve the minutes for the following meeting date: June 28, 1996. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 1:00 p.m.