

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

October 19, 2001

Approved
11/01/01

COMMISSIONERS PRESENT: Bruce A. Coppa
Lawrence N.C. Ing
M. Casey Jarman
Isaac Fiesta, Jr.
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani (excused)
Pravin Desai
Merle Kelai
Stanley Roehrig

STAFF PRESENT: John Deller, Esq., Deputy Attorney
General
Anthony J.H. Ching, Executive
Officer
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Ing called the meeting to order at 8:40 a.m.

MISCELLANEOUS

With respect to the adoption of the decision and orders for Docket Nos. SP01-394/Department of Accounting & General Services, Hawaii Army National Guard & Hawaii Air National Guard and SP01-396/U.S. Coast Guard, Executive Officer, Anthony Ching reported a change in procedures to expedite the processing of the final order for these dockets as follows: 1) Copies of the proposed order for both special permits have been disseminated to the Commission; 2) Commissioner's comments or

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objections will be solicited within five working days from today; 3) Upon receipt of the transcript and review by the chair and by notice of the Commissioner's comments or objections to the staff's proposed order, the chair could then sign the order and it could be issued without having to calendar it again for formal adoption.

Mr. Ching also reported that he was recently served with some papers in the matter of a special permit on Maui and will be providing updates to the Commissioners in the future.

CONTINUED HEARING

A00-734 – CASTLE & COOKE HOMES HAWAII, INC. & PACIFIC HEALTH COMMUNITY, INC. (Oahu)

Presiding Officer Ing announced that this matter before the Commission was a continuation of the hearing which adjourned yesterday at 4:30 p.m.

Appearances

Dickson Lee, Esq., representing Petitioner

William Yuen, Esq., representing Petitioner

Jane Howell, Esq., City & County of Honolulu Corporation Counsel

Matt Higashida, Department of Planning and Permitting

John Chang, Esq., Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Bill Bass on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

Richard Poirier on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

Jeff Mikulina on behalf of Sierra Club, Hawai'i Chapter

Commissioner Catalani was excused from this proceeding due to a previously declared conflict of interest.

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EXHIBITS

1. Petitioner Pacific Health Community Inc.'s Exhibit Nos. 58B, and 77 through 82 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES (continued)

1. Bryant Terry Brothers
2. John DeShazzo
3. Gary Funasaki
4. Kay Muranaka
5. Craig Luke
6. Dr. Hallett Hammatt
7. Dr. Evangeline Funk
8. Dr. Jerry Vriesenga
9. Bruce Plasch

The meeting was adjourned at 1:15 p.m.

LAND USE COMMISSION

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Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

October 18, 2001

Approved
11/6/10/1

COMMISSIONERS PRESENT: P. Roy Catalani (portion of proceedings)
Bruce A. Coppa
Pravin Desai
Lawrence N.C. Ing
M. Casey Jarman (portion of proceedings)
Merle Kelai
Stanley Roehrig (portion of proceedings)
Isaac Fiesta, Jr.
Peter Yukimura

STAFF PRESENT: John Dellera, Esq., Deputy Attorney
General
Anthony J.H. Ching, Executive
Officer
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk
Caroline Lorenzo, Secretary

Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:00 a.m.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Fiesta moved to adopt the Findings of Fact, Conclusions of Law, and Decision and Order for Docket No. A93-701 – Kaupulehu Developments. The motion was seconded by Commissioner Roehrig and unanimously approved by the following votes:

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Ayes: Commissioners Fiesta, Roehrig, Coppa, Ing, Yukimura, Jarman, Catalani, Desai, and Kelai

Executive Officer, Anthony Ching, announced changes to the presentation and format of special permit and future boundary amendment summaries to the Commission. For the Commission's convenience, future staff reports will be tabbed where there are more than ten pages for easy access and uniformed sections will also be adopted. A form called "Forms of the Resolution" was circulated to the Commission members to assist them in their special permit decision-making process.

ACTION

SP01-395 – UNION OF OPERATING ENGINEERS LOCAL 3 HAWAII J.A.C. (O`ahu)

Chairperson Kelai announced that this matter before the Commission was an action to consider a special use permit to allow the establishment of a heavy equipment training facility on approximately 108.207 acres of land within the Agricultural District at Kahuku, O`ahu, Hawai`i.

Appearances

Dwight Kauahikaua, representing Petitioner

Jim Tam, Esq., counsel for Petitioner

Nelson Umiamaka, Administrator

Robert Reed, Department of Planning and Permitting

Bert Saruwatari, 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.

Arguments were heard from Mr. Kauahikaua, Mr. Tam, Mr. Umiamaka and Mr. Reed.

Questions were asked by the Commissioners. There was much discussion with respect to setting a time limit on the special permit.

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Commissioner Ing moved to approve the special use permit with the addition of eight conditions as recommended by the staff to allow the establishment of a heavy equipment training facility. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Ing, Fiesta, Yukimura, Catalani, Coppa, Roehrig, Desai, and Kelai

Nays: Commissioner Jarman

Commissioner Roehrig excused himself from the proceedings at this time.

SP66-31 – CONCRETE INDUSTRIES (Maui)

Chairperson Kelai announced that this matter before the Commission was an action to consider a special use permit to withdraw a Land Use Commission Special Use Permit allowing the operation of a quarry on approximately 28.19 acres of land within the Agricultural District at Puunene, Maui, Hawai'i.

Appearances

Michael Munekiyo, representing Petitioner

Eric Yoshizawa

Kirk Tanaka

Brian Moto, Deputy Corporation Counsel

Colleen Suyama, Maui County Planning Department

Executive Officer, Anthony Ching, 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.

Arguments were heard from Mr. Munekiyo and Mr. Moto. Questions were asked by the Commissioners.

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Commissioner Ing moved to approve the special use permit to withdraw a Land Use Commission Special Use Permit allowing the operation of a quarry. The motion was seconded by Commissioner Coppa and polled as follows:

Ayes: Commissioners Ing, Coppa, Jarman, Catalani, Yukimura, Desai, Fiesta, and Kelai

SP77-271 – AMERON HC&D (Maui)

Chairperson Kelai announced that this matter before the Commission was an action to consider a special use permit to obtain a fourth amendment of Land Use Commission Special Use Permit to add approximately 38.5 acres of land within the State agricultural districts for the quarry operations and to delete condition no. 13 and to modify condition no. 15 at Puunene, Maui, Hawai'i.

Appearances

Michael Munekiyo, representing Petitioner

Eric Yoshizawa

Kirk Tanaka

Brian Moto, Deputy Corporation Counsel

Colleen Suyama, Maui County Planning Department

Executive Officer, Anthony Ching, 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.

Arguments were heard from Mr. Munekiyo, Mr. Yoshizawa, Mr. Moto and Ms. Suyama. Questions were asked by the Commissioners.

Commissioner Ing moved to approve the special use permit with staff recommendations, to obtain a fourth amendment of Land Use Commission Special Use Permit to add approximately 38.5 acres of land within the State agricultural districts for the quarry operations and to delete condition no. 13 and to modify condition no. 15. The motion was seconded by Commissioner Fiesta and polled as follows:

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Ayes: Commissioners Ing, Fiesta, Jarman, Yukimura, Catalani, Coppa, Desai, and Kelai

SP94-387 – FONG CONSTRUCTION (Maui)

Chairperson Kelai announced that this matter before the Commission was an action to transfer the Special Permit from Fong Construction to Consolidated Baseyards, LLC, for the continued operation of a construction baseyard and accessory uses on approximately 31.164 acres of land within the Agricultural District at Waikapu, Maui, Hawai'i.

Appearances

Roderick Fong, Petitioner

Brian Moto, Deputy Corporation Counsel

Joseph Alueta, Maui County Planning Department

Bert Saruwatari, 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.

Arguments were heard from Mr. Fong and Mr. Moto. Questions were asked by the Commissioners.

Commissioner Ing moved to approve the special use permit to transfer the Special Permit from Fong Construction to Consolidated Baseyards, LLC, for the continued operation of a construction baseyard and accessory uses. The motion was seconded by Commissioner Coppa and polled as follows:

Ayes: Commissioners Ing, Coppa, Desai, Fiesta, Jarman, Yukimura, Catalani, and Kelai

A lunch recess was taken at 11:25 a.m. to reconvene at 1:00 p.m.

- 1:10 p.m. -

Commissioner Jarman was not present to the proceedings at this time.

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CONTINUED HEARING

A00-734 – CASTLE & COOKE HOMES HAWAII, INC. & PACIFIC HEALTH
COMMUNITY, INC. (Oahu)

Chairperson Kelai announced that this matter before the Commission was a continuation of the hearing previously held on September 20, 2001 to reclassify approximately 1,247.983 acres of land currently in the Agricultural District into the Urban District at Waipio and Waiawa, Oahu, for residential, school, commercial, and medical park complex uses.

The Commission entered the following correspondence into evidence:

1. Letter dated September 17, 2001, from Cal Kawamoto, State Senator, 19th District.
2. Facsimile memorandum dated October 12, 2001, from Pearl Johnson of The League of Women Voters of Honolulu requesting to testify.

Appearances

Dickson Lee, Esq., representing Petitioner

William Yuen, Esq., representing Petitioner

Jane Howell, Esq., City & County of Honolulu Corporation Counsel

Matt Higashida, Department of Planning and Permitting

John Chang, Esq., Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Richard Poirier on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

Bill Bass on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

Jeff Mikulina on behalf of Sierra Club, Hawai'i Chapter

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Commissioner Catalani was excused from this proceeding due to a previously declared conflict of interest.

Mr. Lee requested that Mr. Bryant Brothers be allowed to testify out of order on October 19, 2001. There were no objections from the parties of Mr. Lee's request.

EXHIBITS

1. Petitioner Castle & Cooke Homes Hawai'i, Inc.'s Exhibit No. 40 was admitted into evidence by the Land Use Commission.
2. County's Exhibit Nos. 10 and 11 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Pearl Johnson
2. Lisa Mitchell
3. Piilani Kaopuiki

PETITIONER'S WITNESSES

1. Harry Saunders
2. Michael Sklarz
3. John Kirkpatrick

MISCELLANEOUS (continued)

2. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of September 20, 2001 and October 3 and 4, 2001. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

The meeting was adjourned at 4:30 p.m. with the announcement that the Commission will reconvene tomorrow at 8:30 a.m.