

LAND USE COMMISSION
Minutes of Meeting

Approved
2/25/98

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

January 21, 1999

COMMISSIONERS PRESENT: Rupert K. Chun
Lawrence N.C. Ing
M. Casey Jarman
Merle Kelai
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani
Pravin Desai
Isaac Fiesta, Jr.
Herbert Kaopua, Sr.

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Gloria Tavares, Court Reporter

Chairperson Kelai called the meeting to order at 9:40 a.m.

Chairperson Kelai announced that due to a lack of quorum, the County of Maui's Motion to Continue A&B Properties, Inc. Petition for Reclassification of Lands will be heard at the next Commission meeting scheduled for February 25, 1999 on Oahu.

STATUS REPORT

A92-677 - NORTH KONA DEVELOPMENT GROUP, a Hawaii limited partnership (Hawaii)

Appearances

Eric T. Maehara, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of Planning

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Chairperson Kelai announced that the County of Hawaii Planning Department would not be present to the proceeding.

Bert Saruwatari, 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. Maehara. After hearing the status report, Mr. Maehara and Dr. Warmington answered questions by Ms. Ogata-Deal and Commissioners.

ACTION

A90-658 - AMFAC/JMB HAWAII, INC.

Chairperson Kelai announced that this matter before the Commission is a continued action which was previously held on December 3, 1998 to consider Amfac/JMB Hawaii, Inc.'s Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order Dated March 18, 1991 which reclassified approximately 242 acres of land from the Agricultural District into the Urban District at Kaanapali, Maui, Hawaii for single-family and estate residential uses and existing golf course.

Appearances

Stacey Foy, Esq. Attorney for Petitioner

Kelly Cairns, Esq., Deputy Corporation Counsel, County of Maui

Clayton Yoshida, Deputy Director, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Arguments were heard from Ms. Foy, Ms. Cairns and Ms. Ogata-Deal.

Commissioner Ing moved to approve Amfac/JMB Hawaii, Inc.'s Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order Dated March 18, 1991 to amend Condition 1 which states as follows:

"Petitioner shall provide affordable housing opportunities for low, low-moderate and moderate income residents of the State of Hawaii to the satisfaction of the County of Maui. The County of Maui shall consult with the State Housing and Community Development Corporation of Hawaii prior to its approval of the Petitioner's affordable housing plan. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms and conditions as may be mutually agreeable between Petitioner and the County of Maui; provided, however, if no agreement is reached between Petitioner and the County of Maui, Petitioner's obligations with respect to affordable housing shall be as originally provided in that certain Findings of Fact, Conclusions of Law, and Decision and Order dated March 18, 1991, in Docket No. A90-658 ("Original Affordable Housing Condition").

The affordable housing condition as specified herein shall apply to all of the Petition Area save and except that portion of the Petition Area that was zoned Interim District at the time of the amendment of the Land Use District Boundary from Agriculture to Urban, which area is shown on the attached map and consists of two separate parcels containing 11.82 acres and 4.23 acres respectively. The Original Affordable Housing Condition shall continue to apply to said parcels; provided, however, that in the event Petitioner is able to secure an amendment to Ordinance 2663, or secure a new ordinance amending the County's affordable housing requirement such that the County requirement is consistent with the above, then the terms set forth in the prior paragraph shall apply to the Petition Area in its entirety."

The motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioners Ing, Chun, Yukimura, Jarman and Kelai

SP92-381 - WAIKOLOA DEVELOPMENT COMPANY

Chairperson Kelai announced that the Commission would take action to consider time extension requests to allow quarry operations and related uses on approximately 220 acres of land

situated within the Agricultural District at Waikoloa, South Kohala, Hawaii.

Chairperson Kelai announced that the County of Hawaii Planning Department would not be present to the proceeding and did not have any objections to Petitioner's motion.

Appearances

Ken Melrose, Petitioner

Arguments on the special permit were heard from Mr. Melrose.

Commissioner Chun moved to grant the time extensions requests by Waikoloa Development Company subject to amendments to Condition Nos. 3 and 12 as follows:

3. The quarry operations and related activities shall commence on or before December 10, 2003. A letter informing of commencement of operations shall be submitted to the Planning Department.
12. The life of this permit shall be until December 31, 2018; the date of completion of the proposed quarrying; or its abandonment, whichever comes first.

The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioners Chun, Jarman, Yukimura, Ing and Kelai

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting date of December 3, 1998. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

2. LEGISLATIVE MATTERS

The Executive Officer briefed the Commission on legislative hearings on the LUC budget.

The Commission discussed DBEDT procedures for preparing legislative testimony. The Commission authorized the chairperson

to send a letter to DBEDT regarding their concerns regarding DBEDT procedures. The Commission also authorized the chairperson to approve all LUC testimony.

3. LITIGATION MATTERS

A status report on litigation matters on the following docket was given by the Executive Officer:

- a) Department of Transportation petition for Kahului Airport Improvements (status of Circuit Court case; Civil No. 92-0698(1) (A92-684)). The court has determined that petitioner can proceed with their petition. DOT will be submitting a motion to the commission to restart the proceedings. The commissioners must make arrangements to come in to view all the records of this case.

The meeting was adjourned at 11:15 a.m.