

Approved
1/21/99

Minutes of Meeting

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

December 3, 1998

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

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

STAFF PRESENT: Esther Ueda, Executive Officer
Jon S. Itomura, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Leo Asuncion, Jr., Staff Planner
Teri Hee, Acting Chief Clerk

Diane M. Baker, Court Reporter

Chairperson Kelai called the meeting to order at 1:35 p.m.

ACTION

A90-658 - AMFAC/JMB HAWAII, INC.

Chairperson Kelai announced that the Commission would take action 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

Brian Moto, Esq., Deputy Corporation Counsel, County of Maui

Colleen Suyama, Planning Dept., County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Ms. Foy requested to continue the hearing of their motion to address concerns raised by the County regarding the affordable housing condition. Having no objections from the parties, Chairperson Kelai granted Petitioner's motion to continue.

A98-724 - STANFORD S. CARR DEVELOPMENT CORPORATION

Chairperson Kelai announced that the Commission would take action to consider reclassifying approximately 24.267 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a single-family residential subdivision and a park site.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Brian Moto, Esq., Deputy Corporation Counsel, County of Maui

Colleen Suyama, Planning Dept., County of Maui

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

Lorene Maki, Land Use Division, Office of Planning

Arguments were heard from Mr. Maehara, Ms. Ogata-Deal, and Mr. Moto.

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

Commissioner Jarman voiced concerns regarding the language of condition one pertaining to the affordable housing condition. She preferred the language to include the Commission's standard language which is highlighted below:

"1. Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents of the State of Hawai'i to the

satisfaction of the County of Maui. **The County of Maui shall consult with the State Housing and Community Development Corporation of Hawai'i 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 as may be mutually agreeable between Petitioner and the County of Maui.

Commissioner Ing moved on Docket No. A98-724 - Stanford S. Carr Development Corporation that the Commission accept his Proposed Decision and Order with the amendment to condition 1 as suggested by Commissioner Jarman and subject to sixteen (16) conditions. The motion was seconded by Commissioner Chun and polled as follows:

Ayes: Commissioner Ing, Jarman, Yukimura, Chun, Desai and Kelai

A representative from B.G. Equipment requested to have some documents entered into the record. Being that the hearing and action was over, the representative was given the opportunity to present oral testimony only.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Chun moved to approve the minutes for the meeting date of November 19, 20, 1998. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Chun moved to adopt the Order Granting Petitioner's Motion to Release, Discharge, and Delete All Conditions Imposed on Certain Land Made a Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated June 30, 1989, As Amended, and the Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated December 20, 1995 for Docket No. A89-636 - Grove Farm Properties, Inc. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

Commissioner Chun moved to adopt the Order Granting In Part and Denying In Part Motion to Amend Decision and Order Entered on September 21, 1984 for Docket No. A83-558 - MSM & Associates,

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

Commissioner Chun moved to adopt the Order Granting Motion for Release from Decision and Order Entered on September 21, 1984 for Docket No. A83-558 - MSM & Associates, Inc. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

Commissioner Chun moved to adopt the Order Granting Motion for Clarification of and Relief from Decision and Order Entered on October 17, 1990 for Docket No. A89-651 - Haseko (Hawaii), Inc. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

The meeting was adjourned at 1:50 p.m.