

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

February 26, 1998

COMMISSIONERS PRESENT: Lawrence N.C. Ing
Rupert K. Chun
JoAnn Mattson
Peter Yukimura
Isaac Fiesta, Jr.

*Approved
3/19/98*

COMMISSIONERS ABSENT: M. Casey Jarman
Herbert Kaopua, Sr.
Merle Kelai
P. Roy Catalani (Excused)

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

Gloria Tavares, Court Reporter

Presiding Officer Ing called the meeting to order.

ACTION

SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS, INC.
(Hawaii) (7th Amendment)

Presiding Officer Ing announced that the Commission would take action to consider an amendment to the special permit deleting approximately 30 acres of land from Nani Mau's commercial arboretum and nursery situated with the Agricultural District at Hilo, Hawaii.

Appearances

Sidney Fuke, Consultant for Petitioner

Andrey Chan, for Petitioner

On February 24, 1998, the Planning Department, County of Hawaii, notified the Commission and they would not be present at the proceeding today.

Leo Asuncion, Jr., 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.

Commissioner Fiesta moved to approve the amendment to the special permit by deleting approximately 30 acres of land from Nani Mau's commercial arboretum and nursery situated within the Agricultural District at Hilo, Hawaii. The motion was seconded by Commissioner Chun and unanimously carried by voice votes.

ADOPTION OF DECISION AND ORDER

A97-722 - MAUI ELECTRIC COMPANY, LTD.

Commissioner Chun moved to adopt the Order Granting Petition for Intervention by Maui Tomorrow. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

HEARING

A97-722 - MAUI ELECTRIC CO., LTD.

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 Maui Electric Co., Ltd. to consider reclassifying approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Allen R. Wolff, Esq., Attorney for Petitioner

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

Colleen Suyama, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Mark Sheehan, for Intervenor, Maui Tomorrow

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

EXHIBITS

The following letters were admitted into evidence by the Land Use Commission:

a. Letter dated February 10, 1998 from Warren Watanabe and Kenneth Okamura, Maui County Farm Bureau.

b. Letter dated February 20, 1998 from G. Stephen Holaday, Hawaiian Commercial and Sugar Co.

c. Letter dated February 20, 1998 from Harry H.K. Kameenui, International Brotherhood of Electrical Workers.

d. Letter dated February 23, 1998 from Clyde Murashige, Wailea Resort Co., Ltd.

e. Letter dated February 23, 1998 from Lynn Woods, Maui Chamber of Commerce.

f. Letter dated February 23, 1998 from Terry Vencel, Maui Hotel Association.

g. Letter dated February 24, 1998 from Robert T. Johnson, Maui Economic Development Board.

h. Letter dated February 24, 1998 from Richard Heede, Research Scholar, Rocky Mountain Institute.

1. LUC Exhibit No. 1, Letter dated December 10, 1997 from Rae M. Loui, Commission on Water Resource Management to Richard Egged, Jr., Office of Planning was admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. A, A-1 through A-6, B-1 through B-25, C-1 through C-118, and D-1 through D-21 were admitted into evidence by the Land Use Commission. Exhibit B-10 was withdrawn by Petitioner.

3. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

4. Office of Planning's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

5. Intervenor's Exhibit Nos. 1 through 5, 6A through 6F, and 7 through 21 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Jeffrey Parker
2. Madelyn D'Enbeau
3. Diana Dahl
4. Lucienne de Naie
5. Daniel Grantham
6. Glenn Shepherd
7. David Patton
8. Tom Ulick
9. Scott Crawford
10. Marc Drehsen for Maui Clean Air Coalition
11. Constance Palmore
12. Glenn Shepherd

Commissioner Fiesta moved to go into executive session to consult with our Deputy Attorney General on legal matters regarding public testimony. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

A lunch recess was taken at 12:30 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PUBLIC WITNESSES (Continued)

13. Marc Drehsen

PETITIONER'S WITNESSES

Parties stipulated that Petitioner's Witnesses, Glenn Lau and Evangeline Funk, would not need to testify orally, but were available for questioning by the Commissioners.

1. Edward Reinhardt
2. Amy Dunn
3. Yoichi Ebisu

The Land Use Commission took a field trip to the project site after the adjournment of the meeting.

The meeting was adjourned at 3:10 p.m. to reconvene tomorrow morning at 9:00 a.m.