

LAND USE COMMISSION

Minutes of Meeting

Nahele Room  
Sandalwood Clubhouse  
2500 Honoapiilani Hwy.  
Waikapu, Maui

July 8, 1999

Approved  
8/05/99

COMMISSIONERS PRESENT: P. Roy Catalani (portion of proceedings)  
Pravin Desai  
Isaac Fiesta, Jr. (portion of proceedings)  
Lawrence N.C. Ing  
M. Casey Jarman  
Herbert Kaopua, Sr. (portion of proceedings)  
Stanley Roehrig  
Peter Yukimura

COMMISSIONERS ABSENT: Merle Kelai

STAFF PRESENT: Esther Ueda, Executive Officer  
James Chang, Deputy Attorney General  
Jon Itomura, Esq.  
Bert Saruwatari, Staff Planner  
Russell Kumabe, Staff Planner  
Teri Hee, Chief Clerk

Gloria Tavares, Court Reporter

Presiding Officer Jarman called the meeting to order at 9:35 a.m.

ACTION

SP73-159 - TOYAMA GARDENS HAWAII, INC. DBA NANI MAU GARDENS (Hawaii)

Presiding Officer Jarman announced that this matter before the Commission is an action to consider an eighth amendment (time extension to complete Condition 7) to the Land Use Commission's Decision and Order dated July 24, 1991 to establish a commercial arboretum for public tours and the sale of agricultural products on approximately 58 acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Hawaii.

Appearances

Sidney Fuke, Consultant for Petitioner

Audrey Chen, Vice President, Nani Mau Gardens

On July 7, 1999, Alice Kawaha informed the Commission staff that the County of Hawaii Planning Department will not be attending today's meeting and have no objections to Petitioner's motion.

On July 7, 1999, the County of Hawaii Corporation Council notified the Commission staff that they will not be attending today's meeting.

Russell Kumabe, 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 on the special permit were heard from Mr. Fuke.

Commissioner Fiesta moved to approve the amendment to the special permit by extending the time to complete Condition 7. The motion was seconded by Commissioner Ing and polled as follows:

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

ACTION

A98-725 - A & B PROPERTIES, INC. (Spreckelsville, Maui)

Presiding Officer Jarman announced that the Commission would take action to consider reclassifying approximately 212 acres of land currently in the Agricultural District into the Urban District at Spreckelsville, Wailuku, Maui for residential units, 9-hole golf course, and park.

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

Appearances

Benjamin Matsubara, Esq., Attorney for Petitioner

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Stanley Kuriyama, Executive Vice President, A & B  
Properties, Inc.

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

John Min, Director, Planning Department, 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

CHAPTER 92 PUBLIC WITNESS PROCEEDINGS

1. Henry Kahula, Jr.
2. Buzz Fernandez
3. Diane Ackerman
4. Richard Lafond, Jr.
5. Patty Angolo
6. Earl Stoner
7. Richard De Coite
8. Ron Brumley
9. Jarret Roback
10. Don Varni
11. Patrick Borge, Sr.
12. Lucienne de Naie
13. Robert Parsons
14. Joe Bertram
15. Tom Witten

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16. Dick Mayer
17. Brian McCafferty
18. Mark Sheehan

Final arguments were heard from Mr. Matsubara, Mr. Zakian, and Ms. Ogata-Deal.

Commissioner Ing moved on Docket No. A98-725 - A & B Properties, Inc. that the Commission accept his Proposed Findings of Fact, Conclusions of Law, and Decision and Order, as amended. The motion was seconded by Commissioner Fiesta.

It was determined by Presiding Officer Jarman that all of the Commissioners present were eligible to participate in the action on the petition.

The Commissioners were polled as follows:

Ayes: Commissioners Ing, Desai, Fiesta, Kaopua, Roehrig, and Yukimura

Nayes: Commissioner Jarman

#### MISCELLANEOUS

##### 1. ADOPTION OF MINUTES

Commissioner Kaopua moved to approve the minutes for the meeting dates of June 24, 25, 1999. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

##### 2. ADOPTION OF DECISION AND ORDER

Commissioner Ing moved to adopt the Order Granting A & B Properties, Inc.'s Motion For Correction Of Transcript Of Proceedings Held On March 18, 1999 for Docket No. A98-725 - A & B Properties, Inc. The motion was seconded by Commissioner Kaopua and unanimously approved by voice votes.

Commissioner Ing moved to adopt the Order Denying Petitioner A & B Properties, Inc.'s Motion For Extension Of Time On Action Meeting On Petition Correction Of Transcript Of Proceedings Held On March 18, 1999 for Docket No. A98-725 - A & B Properties, Inc.

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

A lunch recess was taken at 11:45 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

CONTINUED HEARING

A92-684 - STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,  
AIRPORTS DIVISION (Maui)

Presiding Officer Jarman announced that this matter before the Commission is a continuation of the hearing previously held on June 24, 25, 1999 to reclassify approximately 210.471 acres of land currently in the Agricultural District into the Urban District at Kahului, Maui for expansion of Kahului Airport and facilities.

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

Appearances

Bruce T. Matsui, Esq., Attorney for Petitioner

Brian Ishii, Ed Noda & Associates

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

Bill Medeiros, Planning Department, County of Maui

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

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

Lorene Maki, Land Use Division, Office of Planning

Isaac Hall, Esq., Attorney for Intervenor

Presiding Officer Jarman entered the following exhibits into evidence:

1. Petitioner's Eighth Amended List of Exhibits which includes: Exhibit Nos. 130, 131, and 132 which are updates of exhibits previously submitted. The Commission received clean copies of Exhibit Nos. 128 and 129.

Commissioner Roehrig moved to amend the agenda to include Gary Zakian's oral motion to correct the June 24, 1999 transcript for Docket No. A92-684 - State of Hawaii, Department of Transportation. The motion was seconded by Commissioner Fiesta and approved by voice votes.

Commissioner Roehrig moved to amend the June 24, 1999 transcript to reflect that Bill Medeiros is represented on behalf of the County of Maui and not the State of Hawaii. The motion was seconded by Commissioner Fiesta and approved by voice votes.

PETITIONER'S WITNESSES (Cont'd.)

1. Barry Neal

Commissioner Fiesta excused himself from the hearing at this time.

2. Evangeline Funk
3. John Kirkpatrick

Presiding Officer Jarman announced that the Commission will be continuing the hearing tomorrow morning at 9:00 a.m.

The meeting was adjourned at 6:50 p.m.