

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

Approved
10/8/98

September 10, 1998

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

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

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

Jeannette Iwado, Court Reporter

Chairperson Kelai called the meeting to order at 11:30 a.m.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the following meeting date: August 27, 1998. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Decision and Order for Docket No. A89-645 - Haseko (Hawaii), Inc. (Hawaii). The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

3. A discussion was held by the Commissioners regarding Staff's request to clarify Petitioner's Compliance with Condition

No. 9 (Requires that the proposed quarry operators not overlap with existing quarry operations beyond two years from date of commencement of grading/grubbing activities on the proposed site) and Condition No. 11 (Requires the Petitioner to commence quarrying operations no later than two years from date of approval by the LUC) of the Findings of Fact, Conclusions of Law, and Decision and Order dated March 19, 1998 on Docket No. SP92-382 - Grove Farm Rock Company (Kauai).

Michael Furukawa, representative from Grove Farm Rock Co. was present and answered questions by the Commissioners.

After questioning Mr. Furukawa, the Commissioners did not have any objections to the County's determination that Petitioner is in compliance with Condition Nos. 9 and 11 at this time.

SP98-392 - KAPAPALA RANCH (Hawaii)

Chairperson Kelai announced that the Commission would take action to consider a special use permit to allow overnight camping on approximately 23,941.902 acres of land situated within the State Agricultural District at Kapapala, Ka'u, Hawaii.

Appearances

J. Gordon Cran, Petitioner

Lani Cran Petrie, Petitioner

Rachael Keolanui, for Petitioner

Virginia Goldstein, Director, Planning Dept., County of Hawaii

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 use permit.

On August 24, 1998, the Commission received a letter and attached information from the Planning Department, County of Hawaii marked as LUC Exhibit No. 1 in response to Staff's request for clarification of the Special Permit record. The attached information included Applicant's current lease which includes metes and bounds maps and descriptions of the area leased by the Applicant from the State of Hawaii. This leased area is the subject of this special permit.

Commissioner Jarman moved to admit LUC Exhibit No. 1 into the record. The motion was seconded by Commissioner Ing and unanimously carried by voice votes.

Arguments on the special permit were heard from Mr. Cran, Ms. Cran, Ms. Keolanui and Ms. Goldstein. After hearing arguments, questions were asked by the Commissioners.

Commissioner Jarman moved to grant the special permit application by Kapapala Ranch subject to ten conditions as amended. The motion was seconded by Commissioner Ing and polled as follows:

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

A98-724 - STANFORD S. CARR DEVELOPMENT CORPORATION (Maui)

Pursuant to a notice published in the Honolulu Star Bulletin, 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 Stanford S. Carr Development Corporation 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

Abe Mitsuda, Land Use Division, Office of Planning

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

EXHIBITS

1. Petitioner's Exhibits P-1 through P-17 were admitted into evidence by the Land Use Commission.
2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.
3. OP's Exhibit Nos. 1 through 7 were admitted into evidence by the Land Use Commission.
4. OP's Exhibit No. 8, Water Commission's decision regarding the potential designation of the Iao Aquifer as a groundwater management area was admitted into evidence by the Land Use Commission. (Copies to be provided by OP.)
5. The following public witness letters were admitted into evidence by the Land Use Commission:
 - a. March 17, 1998 from Edwin T. Sakoda, CWRM, DLNR
 - b. July 1, 1998 from Don Hibbard, DLNR
 - c. September 9, 1998 from Douglas Sameshima
 - d. September 9, 1998 from Mark Beauchamp
 - e. September 9, 1998 from The Yahata Corporation
 - f. September 10, 1998 from Lite Electric Co.
 - g. September 10, 1998 from George Funai, B.G. Equipment Rental and Leasing with copy of letter dated September 9, 1998 from Eric Maehara to B.G. Equipment Rental and Leasing

PETITIONER'S WITNESSES

1. Stanford S. Carr
2. Vincent Shigekuni
3. Warren Unemori

OFFICE OF PLANNING'S WITNESS

1. Roy Hardy

COUNTY'S WITNESS

1. Will Freeman

PETITIONER'S WITNESSES (Continued)

4. Wayne Yoshioka
5. Ann Bouslog
6. Berdena Burgett
7. Milton Arakawa

COUNTY'S WITNESS (Continued)

2. Lisa Nuyen

OFFICE OF PLANNING'S WITNESS (Continued)

2. Abe Mitsuda

Chairperson Kelai instructed all parties of the post-hearing procedures. Proposed findings from the parties are due by October 9, 1998 and the parties have until October 23, 1998 in which to respond.

The meeting was adjourned at 4:10 p.m.