

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Department of Education Board Room
4th Floor, Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

Approved
2/16/88

January 19, 1988

COMMISSIONERS PRESENT: Frederick P. Whittemore, Vice-Chairman
Renton L.K. Nip
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Sharon R. Himeno

COMMISSIONERS ABSENT: Teofilo Phil Tacbian, Chairman
Everett Cuskaden,

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Esq., Deputy Attorney
General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean Marie McManus, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

A85-594 - AMFAC DEVELOPMENT CORPORATION (Oahu)

Vice-Chairman Whittemore announced that the Commission would consider a motion for issuance of an order to show cause why the Decision and Order which reclassifies approximately 579.21 acres of land from the Agricultural to the Urban District at Aualii, Waikele, Ewa, Oahu, should not be reversed or nullified.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

Betsy Marcinkus, Department of General Planning, City
and County of Honolulu

Linda C. "Fritz" McKenzie, Chairperson,
Mililani/Waipio/Melemanu Neighborhood Board No. 25 was not
present at this proceeding.

The parties stipulated to continue the hearing for at
least 30 days because of on-going discussions between the State
and Petitioner which may have a bearing on the motion.

The motion to continue the hearing for 30 days or more
was unanimously carried by voice votes.

DR87-12/DONNA TING, HUNTON CONRAD, DAVID HAMILTON

Vice-Chairman Whittemore announced that the Commission
would take action in the matter to consider a Petition for
Declaratory Order relating to a slaughterhouse use within the
Agricultural District.

Commissioner Nip declared a conflict of interest and
was excused from the proceedings.

Appearances

Cynthia Thielen, Esq., Attorney for the Petitioners.

Guy Haywood, Esq., Deputy Corporation Counsel, County
of Maui

Meyer Ueoka, Esq., Attorney for Up-Country Meats, Inc.

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business
and Economic Development

Petitioner's map and pictures were admitted into the
record for illustrative purposes only not as exhibits.

The letter received on January 18, 1988 from David Morihiara, Kula Community Association, was admitted into evidence as LUC Exhibit No. 1 by the Commission.

After hearing comments from Ms. Thielen, Mr. Ueoka, and Mr. Haywood, questions were asked by the Commissioners.

Commissioner Tamaye moved for an executive session to confer with the Deputy Attorney General regarding legal issues. The motion was seconded by Commissioner Choy. The motion was unanimously carried by voice votes.

It was announced by Vice-Chairman Whittemore that after the lunch recess the Commission will go into executive session.

A lunch recess was taken at 12:14 p.m. to reconvene at 1:30 p.m.

- 2:35 p.m. -

Commissioner Himeno moved to issue a Declaratory Order that under 205, H.R.S., the slaughterhouse is a permissible use on agricultural land. The motion was seconded by Commission Tamaye.

Commissioner Choy stated that he would abstain from voting on this petition.

Cynthia Thielen raised a possible conflict of interest concerning Commissioner Suzuki.

Commissioner Suzuki moved for an executive session to discuss legal matters with the Deputy Attorney General. The motion was seconded by Commissioner Himeno and carried unanimously by voice votes.

Commissioner Suzuki excused himself from the proceedings.

Vice-Chairman Whittemore announced that the Commission did not have a quorum to vote on this petition and action was deferred until January 20, 1988.

A87-619/CHARLES J. BOERNER AND CHARLES H. BOERNER

Vice-Chairman Whittemore announced that the Commission would take action in the matter to determine whether the anticipated effects discussed in the Boerner's Environmental Assessment to reclassify approximately 53.238 acres of land currently in the Conservation District into the Agricultural District at Kipahulu, Hana, Maui, for grazing use constitute a "significant effect" pursuant to Chapter 343, HRS.

Appearances

Bill Thompson, Consultant, for Petitioner

Guy Haywood, Esq., Deputy Corporation Counsel, County of Maui

John Anderson, Esq, Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

Commissioner Nip joined the proceeding at this time.

After hearing comments from Petitioner's consultant, Mr. Thompson, and Mr. Anderson, questions were asked by the Commissioners.

Commissioner Nip moved that the Commission adopt the position that there is no significant impact and that there is no need for an environmental impact statement. The motion was seconded by Commissioner Suzuki.

The motion was carried unanimously by voice votes and the petition was accepted for filing as of January 19, 1988.

CONTINUED HEARING

A87-613/THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DEC.

This proceeding is a continuation of the hearing which was held on September 29, 1987, September 30, 1987, November

16, 1987, November 17, 1987, December 17, 1987, December 18, 1987, and January 5, 1988.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Oswald Stender, Petitioner

David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

At this time, Petitioner's attorney, Ivan Lui-Kwan, requested a continuance based on the Kapolei Task Force report and the long range master plan report were not completed at this time.

The request for continuance was objected to by the State.

Commissioner Nip moved to approve the request for continuance by Campbell Estate. The motion was seconded by Commissioner Suzuki and carried unanimously by voice votes.

A87-609/MILILANI TOWN, INC.

Today's proceeding is a continuance of the hearing held on July 28, 1987, July 29, 1987, August 26, 1987, November 16, 1987, November 17, 1987, and December 17, 1987.

Appearances

James Funaki, Esq., Attorney for Petitioner

Wallace Miyahira, Petitioner

Diane Kawauchi, Esq., Deputy Corporation Counsel, City and County of Honolulu

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

Commissioner Nip and Commissioner Himeno did not participate in this proceeding due to a previously declared conflict of interest.

Elizabeth Ann Stone's letter dated December 15, 1987 was admitted into evidence by the Commission. It was requested by the Commission that the executive officer write to Ms. Stone to notify her that in the future the Commission will not admit her letters into evidence if they are untimely.

DBED's Exhibit No. 4 was admitted into evidence by the Commission.

Since no further questions or discussions were held, Vice-Chairman Whittemore instructed all parties of the post-hearing procedures and declared the hearing closed.

A87-610/TOM GENTRY AND GENTRY-PACIFIC, LTD.

Today's proceeding is a continuation of the hearing which was held on July 14, 1987, July 15, 1987, August 11, 1987, August 12, 1987, August 27, 1987, November 16, 1987, and December 17, 1987.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Norman Dyer, Petitioner

David Laxson, Deputy Corporation Counsel, City and County of Honolulu

Betsy Marcinkus, Department of General Planning, City
and County of Honolulu

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business
and Economic Development

Commissioner Nip and Commissioner Himeno were absent
from the proceeding at this time.

Elizabeth Ann Stone's letter dated December 15, 1987
was admitted into evidence by the Commission.

STATE'S WITNESS

1. Tom Arizumi

The meeting was adjourned at 4:30 p.m. to be
reconvened January 20, 1988 at 9:00 a.m.