

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Hana Room
Maui Prince Hotel
5400 Makena Alanui Street
Kihei, Maui, Hawaii

approved 11/3/89

October 19, 1989

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman (Portion of Proceeding)
Lawrence Chun, Vice-Chairman
Elton Wada
James M. Shinno
Eusebio Lapenia, Jr.
Allen K. Hoe
Allen Y. Kajioka
Sharon R. Himeno (Portion of Proceeding)

COMMISSIONERS ABSENT: Frederick P. Whittemore

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A88-628 - THE LUSK COMPANY (Kapolei Knolls) (Oahu)

Chairman Nip announced that the Commission would take action in the matter of the petition by The Lusk Company (Kapolei Knolls) to consider reclassifying approximately 76.851 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for single family residential use.

Appearances

Lincoln Ishida, Esq., Attorney for Petitioner

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

Karen Yamamoto, Land Use Division, Office of State Planning

The Department of General Planning, City and County of Honolulu, was not present to the proceeding at this time.

Lincoln Ishida, Esq., Attorney for Petitioner, requested a two week extension to resolve some of the concerns that the landowner, Campbell Estates, has on the noise impact condition. There were no objections by the Office of State Planning.

Chairman Nip continued the action on this matter for two weeks.

CONTINUED HEARING

A88-633 - A & B PROPERTIES, INC. (Spreckelsville)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on April 20, 1989, August 24, 1989, and August 25, 1989.

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

Appearances

Stanley Kuriyama, Esq., Attorney for Petitioner.

John Anderson, Esq., Deputy Attorney General, Office of State Planning,

Abe Mitsuda, Land Use Division, Office of State Planning

The County of Maui was not present to the proceeding at this time.

Stanley Kuriyama, Esq., Attorney for Petitioner, requested the Commission to withdrawal the petition by A & B Properties, Inc. at this time. There were no objections by the Office of State Planning and the Commissioners.

Chairman Nip granted Petitioner's request to withdraw their petition.

ACTION

A89-635 - HENRY H. SHIGEKANE REVOCABLE TRUST, JOANNE H. SHIGEKANE REVOCABLE TRUST, ROBERT MIDKIFF, AND ELIZABETH M. MORRIS (Oahu)

Chairman Nip announced that the Commission would take action in the matter by Henry H. Shigekane Revocable Trust, Joanne H. Shigekane Revocable Trust, Robert Midkiff, and Elizabeth M. Morris to consider reclassifying 9.917 acres of land currently in the Conservation District into the Urban District at Nuuanu, Oahu, Hawaii for residential use.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

The Department of General Planning, City and County of Honolulu, was not present to the proceeding at this time.

Arguments were heard from Mr. Funaki, Esq., and Ann Ogata-Deal, Esq. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved to grant request by petitioner, Henry H. Shigekane Revocable Trust, Joanne H. Shigekane Revocable Trust, Robert Midkiff, and Elizabeth M. Morris to reclassify approximately 9.917 acres of land from the Conservation District into the Urban District subject to eight conditions. The motion was seconded by Commissioner Shinno.

Commissioner Hoe amended Condition Number 6 to reflect a change from "not less than 34,500 sq. ft. to not more than 6 lots in size."

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

The motion to approve the petition subject to eight conditions as amended was polled as follows:

Ayes: Commissioner Hoe, Shinno, Himeno, Kajioka, Chun, Lapenia, and Chairman Nip

Nays: Commissioner Wada

A89-632 - C. BREWER PROPERTIES, INC. (Waikapu)

In the matter of the Petition of C. Brewer Properties, Inc. (Waikapu) to reclassify approximately 24.318 acres of land currently in the Agricultural District into the Urban District at Waikapu, Wailuku, Hawaii for a single family residential subdivision. A hearing had been conducted by Hearing Officer, Benjamin Matsubara, on August 4, 1989.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Haunani Lemn, Esq., Deputy Corporation Counsel, County of Maui

Colleen Suyama, Department of Planning, County of Maui

John Anderson, Esq., Deputy Attorney General, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Benjamin Matsubara, Esq., Hearing Officer

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

Chairman Nip and Commissioner Himeno were excused from the proceeding due to a previously declared conflict of interest.

Mr. Matsubara presented his report and recommendation that the subject property situated in Waikapu, Wailuku, Maui, Hawaii be reclassified from the Agricultural District into the Urban District and that the district boundaries be amended accordingly subject to twelve conditions. After giving his report, questions were asked by the Commissioners.

Arguments were heard from Eric Maehara, Esq., Haunani Lemn, Esq., and John Anderson, Esq. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved that the hearing officer's report and recommendation regarding A89-632 C. Brewer Properties, Inc. be adopted in its entirety as proposed by Hearing Officer, Ben Matsubara. The motion was seconded by Commissioner Lapenia and unanimously carried by the following votes:

Ayes: Commissioner Wada, Hoe, Kajioka, Lapenia, Shinno, and Vice-Chairman Chun.

A lunch recess was taken at 12:16 p.m. to reconvene at 1:30 p.m.

- 1:42 p.m. -

CONTINUED HEARING

A88-634 - ALEXANDER AND BALDWIN, INC. (Kahului Industrial Park)
(Maui)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on May 25, 1989 and May 26, 1989.

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

Appearances

Paul Mancini, Esq., Attorney for Petitioner

William Campbell, For Petitioner

Haunani Lemn, Esq., Deputy Corporation Counsel, County
of Maui

Clayton Yoshida, Dept. of Planning, County of Maui

Ralph Masuda, Deputy Director, Dept. of Planning,
County of Maui

John Anderson, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Fred Rohlfig, Esq., Attorney for Intervenor

Sally Raisbeck, Intervenor

EXHIBITS

1. Petitioner's Exhibit Nos. 32 through 38 were admitted into evidence by the Land Use Commission.
2. County's Ex. Nos. 28 through 30 were admitted into evidence by the Land Use Commission.
3. Intervenor's Ex. Nos. 17 through 25 were admitted into evidence by the Land Use Commission.
4. Letter dated June 1, 1989 from Mr. William Wilmore was admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Demaris Frederickson
2. Hideo Kawahara
3. Randall Okaneku (Taken out of order)
4. Richard Bowen (Taken out of order)

The Petitioner will file an amended metes and bounds description of the area as indicated on Exhibit 33.

The meeting was adjourned at 5:34 p.m.