

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room (Room 207)
David K. Trask, Jr. Office Building
2145 Kaohu Street
Wailuku, Maui, Hawaii

November 2, 1989

approved
11/17/89

COMMISSIONERS PRESENT: Frederick P. Whittemore
Elton Wada
James M. Shinno
Eusebio Lapenia, Jr.
Allen K. Hoe (Portion of the
Proceeding)
Allen Y. Kajioka

COMMISSIONERS ABSENT: Renton L. K. Nip, Chairman (Excused)
Lawrence Chun, Vice-Chairman
Sharon R. Himeno (Excused)

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

Commissioner Whittemore called the meeting to order.

ACTION

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

Commissioner Whittemore 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

Abe Mitsuda, 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. Ishida and Ann
Ogata-Deal, Esq. Testimony from Mr. Clinton Churchill, Chief
Executive Officer for Campbell Estate was heard. After hearing
arguments and testimony, parties were asked questions by the
Commissioners.

Commissioner Hoe moved for an executive session to get
legal advice from our Deputy Attorney General relative to
Condition Number 8 as proposed by the Petitioner. The motion
was seconded by Commissioner Lapenia and unanimously carried by
a show of hands.

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

Commissioner Hoe moved to grant the petition by The
Lusk Company (Kapolei Knolls) to reclassify 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 subject to fourteen conditions.
The Decision and Order to contain conditions stipulated by the
parties, Condition Number 1 through 7 and Condition Number 9
through 14 shall be accepted in its entirety. Condition Number
8 to read as follows: "Petitioner shall inform each
prospective purchaser of residential property of possible noise
impact from Barbers Point Naval Air Station and Honolulu
International Airport or other sources and will provide
covenants in the deed to such purchaser wherein such purchaser,
its successors and assigns, will release and discharge the
State of Hawaii and the City and County of Honolulu from all
liability, and provide that such purchaser, its successors and
assigns, will not file suit against the State of Hawaii, the

City and County of Honolulu on account of, or resulting from, any inconvenience, disturbance and/or injury due to aircraft and other vehicular traffic noise in the area affecting such purchaser or their property. Such covenants shall run with the land." The motion was seconded by Commissioner Kajioka and unanimously carried by the following voice votes:

Ayes: Commissioners Hoe, Kajioka, Lapenia, Shinno, Wada, and Whittemore.

HEARING

A89-642 - C. BREWER PROPERTIES, INC. (Wailuku & Piihana)

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on September 21, 1989 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by C. Brewer Properties, Inc. to reclassify approximately 624 acres of land currently in the Agricultural District into the Urban District at Wailuku and Piihana, Maui, Hawaii, for residential communities.

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

Appearances

Eric Maehara, Esq., Attorney for Petitioner

David Blane, Petitioner

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

Ralph Masuda, Deputy Director, Planning Department, County of Maui

John Anderson, 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

Elizabeth Ann Stone, potential intervenor, was not present to the proceeding at this time.

Commissioner Hoe moved to deny the Motion to Intervene filed by Ms. Stone. The motion was seconded by Commissioner Kajioka and unanimously carried by a show of hands.

EXHIBITS

1. Petitioner's Exhibit PA, P-1 through P-20 were admitted into evidence by the Land Use Commission.

2. County's Exhibit No. 1 through 6 were admitted into evidence by the Land Use Commission.

3. State's Exhibit No. 1 and 2 were admitted into evidence by the Land Use Commission.

4. The letters from Elizabeth Ann Stone, Lynn Britton, and Sheila Ludwig were admitted into evidence by the Land Use Commission.

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

PUBLIC WITNESS

1. Sally Raisbeck

A lunch recess was taken at 11:30 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

PETITIONER'S WITNESSES

1. David Blane
2. Stephen Knox
3. Tom Witten
4. Joseph Kennedy

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5. Warren S. Unemori

Commissioner Hoe was absent from the proceeding at this time.

6. Julian Ng

The meeting was adjourned at 4:34 p.m.