

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Resolution Room, Kona Hilton Hotel  
Kailua, Kona, Hawaii

November 14, 1984 - 10:00 a.m.

Approved  
4-03-85

COMMISSIONERS PRESENT: William Yuen, Chairman  
Teofilo Tacbian, Vice Chairman  
Richard Choy  
Lawrence Chun  
Toru Suzuki  
Robert Tamaye  
Frederick Whittemore  
Winona Rubin (1:43 p.m.)  
COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer  
Raymond Young, Planner  
Dora Horikawa, Chief Clerk  
Barbara McLean, Court Reporter

ACTION

A84-583 - MAUNA LANI RESORT, INC.

It was announced by Chairman Yuen that the first item under consideration today was for a determination by the Commission as to whether the project being proposed under the subject petition constituted a significant effect on the environment pursuant to Chapter 343 of the Hawaii Revised Statutes.

Staff planner oriented the Commission to the property under discussion with the aid of the USGS and tax maps.

It was moved by Vice Chairman Tacbian that the Mauna Lanai Resort's request for reclassification of 168 acres of land in the Conservation District does constitute a significant effect on the environment and therefore will require the filing of an Environmental Impact Statement. It was seconded by Commissioner Whittemore and the motion was unanimously carried by voice vote.

A84-571 - COUNTY OF HAWAII PLANNING DEPARTMENT

In the matter of the petition by the County of Hawaii to reclassify approximately 477 acres of land from the Agricultural

District into the Urban District at North Kona, Hawaii, for residential and urban uses, a hearing had been conducted by Hearing Officer Benjamin Matsubara on September 26, 1984.

Appearances

Benjamin Matsubara, Hearing Officer

Sidney Fuke, Planning Director, Hawaii Planning Department

A graphic description of the property under discussion was presented by the Executive Officer.

Mr. Matsubara reported in detail his findings of fact and conclusions of law based on evidence adduced at the hearing. He also noted that the Department of Planning and Economic Development had recommended approval of the subject petition.

Commissioner Tamaye moved to approve Docket A84-571, County of Hawaii to reclassify approximately 477 acres of land from the Agricultural District at Kaloa 1st and 3rd, and Hienaloli 5th and 6th, North Kona, Hawaii, for residential and urban uses. The motion was seconded by Commissioner Chun and unanimously carried by voice vote.

HEARING

A84-574 - MAUNA KEA PROPERTIES, INC.

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on October 12, 1984 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mauna Kea Properties, Inc. to reclassify approximately 399 acres of land currently in the Agricultural District into the Urban District at Ouli 1st, South Kona, Hawaii, Docket A84-574.

Chairman Yuen noted for the record that Commissioner Chun had declared a conflict of interest and would not be participating in the proceedings for the subject petition.

Appearances

Douglas Ing ) - Co-counsel  
Benjamin Kudo)

Sidney Fuke - Planning Director, representing the Hawaii  
Planning Department

Annette Chock - Deputy Attorney General, representing the  
Dept. of Planning & Economic Development

Exhibits

Petitioner's exhibits 1 through 27 inclusive were admitted into evidence.

County's exhibits 1 and 2 were moved into the record.

DPED's exhibit 1 was admitted into evidence.

An orientation of the location and a general description of the subject property were presented by the Executive Officer.

All of the persons who testified today, having been duly sworn in, were examined as set forth in the transcript.

Public Witness

Jerry Rothstein - Member of Save Hapuna Committee

Oral testimony-----25 to 30  
 Cross examination by Mr. Ing-----30 to 32  
 Cross examination by Mr. Fuke-----32 to 33  
 Cross examination by Miss Chock-----33 to 35  
 Examination by Commissioner Whittemore-----35 to 36

PETITIONER

John Schneider - Employee of Westin Hotel Co.

Direct examination by Mr. Ing-----37 to 50  
 Cross examination by Mr. Fuke-----50 to 57  
 The Commission was in recess from 12:00 noon to 1:43 p.m.

1:43 p.m.

John Schneider (cont.)

Cross examination by Miss Chock-----58 to 65  
 Examination by Commissioner Whittemore-----65 to 66  
 Examination by Vice Chairman Tacbian-----66 to 67

John Schneider (cont.)

Examination by Chairman Yuen-----67 to 76

Redirect examination by Mr. Ing-----77 to 79

James R. Bell - President and General Manager, Belt Collins  
and Associates

Direct examination by Mr. Ing-----80 to 100

Following a short recess, Chairman Yuen announced that the Commission will now consider the balance of the action items on the agenda.

ACTION

SP83-358 - C. EARL STONER, JR. ON BEHALF OF S & F LAND COMPANY

To allow additional storage and fabrication uses on approximately 17.52 acres of land situated within the State Agricultural District at Puunene, Wailuku, Maui

The Executive Officer pointed out the area under discussion on the USGS and Tax Maps, and oriented it to various surrounding landmarks. He summarized the staff memo apprising the Commission of the use being proposed by the petitioner.

Appearances

C. Earl Stoner, Principal of S & F Land Company

C. Earl Stoner

Examination by Vice Chairman Tacbian-----102 to 103

Examination by Chairman Yuen-----103 to 105

Vice Chairman Tacbian moved that under docket SP83-358, the Commission allow additional uses; one, storage of parts and equipment and minor fabrication for manufacture of outrigger canoes; two, storage of ceramic fluids and fabrication for a decorative and construction ceramics company; three, storage of contract appliances for a restaurant supply company; four, storage of disposal containers including the welding and maintenance of containers; subject to the condition that an application for a district boundary amendment from the Agricultural District into the Urban District be filed with the Land Use Commission within three years of this date. The motion was seconded by Commissioner Tamaye and carried as follows:

Ayes: Commissioners Tacbian, Choy, Chun, Suzuki,  
Tamaye, Whittemore, Chairman Yuen

A83-554 - FARMS OF KAPUA

In the matter of the petition by Farms of Kapua, Docket A83-554, to reclassify approximately 6,102 acres of land currently in the Conservation District into the Agricultural District at Kapua, South Kona, Hawaii, for agricultural use, hearings had been conducted by the Land Use Commission on October 26, 27, 1983, February 27 and 28, 1984, May 15 and 16, 1984, and July 9 and 10, 1984.

Appearances

Roy Takeyama) - Co-counsel, representing the petitioner  
Jan Sullivan)

Sidney Fuke - Planning Director, representing the Hawaii  
Planning Department

Annette Chock - Deputy Attorney General, representing the  
Dept. of Planning & Economic Development

Meredith Lenell &  
Gil Kahele - Representing Intervenors Pa'a Pono

Closing Arguments

By Mr. Takeyama-----107 to 117

By Mr. Fuke-----117 to 120

By Miss Chock-----120 to 124

By Mr. Kahele-----124 to 127

Examination of Mr. Kahele by Commissioner Choy-127 to 129

Commissioner Chun moved for partial approval of Docket No. A83-554, Farms of Kapua. Approximately 102 acres along the shoreline, a minimum of 300 feet inland, as shown on DPED's Exhibit 2, shall be retained in the Conservation District. The remainder of the 6,102 acres in the petition, about 6,000 acres, shall be approved from the Conservation to the Agricultural District, based on the following conditions:

1. The petitioner shall submit to the Commission a new map showing the Conservation line 300 feet inland with the approved acreage;
2. That any subdivision of the property shall be only for the expressed purpose of implementing the agricultural/aquacultural plan as represented to the State Land Use Commission, and that there shall be no homes constructed except as directly related to the operation and maintenance of the agricultural/aquacultural plan as represented;
3. That the petitioner shall be required to conduct an archaeological reconnaissance of all areas which will be impacted by development, and the results shall be sent to the Department of Land and Natural Resources Historical Preservation Office for review and comment before development occurs, and that the Historic Preservation Office must approve the findings;
4. That the petitioner shall be required to maintain public access routes along the shoreline, assure access to identified burial sites to family and friends, and provide the same mauka-makai access that presently exists.

The motion was seconded by Commissioner Whittemore.

Commissioner Chun submitted that he was recommending approval of the subject petition on the basis that new jobs will be created by the development of the proposed project, the open space and character of the area will be very nearly retained, and the proposed use was consistent with the goals of the State Plan and the County General Plan.

Commissioner Rubin addressed her comments to the Intervenor. Recalling her personal background deeply rooted in Hawaiian culture and lifestyle, and her great concern for the preservation and advancement of these things, she commended the Intervenor for their efforts in bringing forth these sensitive matters before the Commission. However, it was her belief that with the preservation of archaeological sites, access to burial sites, and the assurance that this will be strictly an agricultural development, the proposed use should create no adverse effects on the Hawaiian community in this area. Moreover, petitioner, as well as the County, had indicated that they will monitor the proposed development with careful sensitivity. Therefore, for the foregoing reasons, Commissioner Rubin spoke in support of the motion.

Chairman Yuen and Commissioner Tacbian also expressed their support for the approval of the petition. In addition, Chairman Yuen brought up his concern about the State's plan to acquire all or a portion of the property for a park and his feeling that the petitioner should not be put in a position of having to wait for the State to bring the park plans to fruition.

The Commissioners were polled as follows and the motion was carried:

Ayes: Commissioners Tacbian, Choy, Chun, Rubin, Suzuki, Whittemore, Chairman Yuen

HEARING (cont.)

A84-574 - MAUNA KEA PROPERTIES, INC.

PETITIONER (cont.)

James Bell (cont.)

Direct examination by Mr. Ing (cont.)-----138 to 152

At 4:51 p.m., the Commission recessed for a dinner break and returned to continue with the hearing at 7:45 p.m.

7:45 p.m.

James Bell (cont.)

Cross examination by Mr. Fuke-----152 to 157

Cross examination by Miss Chock-----157 to 163

Examination by Commissioner Whittemore-----162 to 163

Examination by Commissioner Rubin-----163 to 164

Examination by Commissioner Choy-----164 to 165

Examination by Commissioner Tacbian-----165 to 167

Examination by Chairman Yuen-----167 to 175

Ming Chew - Real Estate Economics and Marketing

Direct examination by Mr. Kudo-----176 to 190

At 9:10 p.m., it was announced by the Chairman that the hearing will be continued tomorrow at 8:30 a.m.