

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DOE Board Room
4th Floor, Queen Liliuokalani Bldg.
1390 Miller Street
Honolulu, Hawaii

December 15, 1989

*approved
2/16/90*

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

COMMISSIONERS ABSENT:

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

Chairman Nip called the meeting to order.

ACTION

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

Vice-Chairman Chun announced that this is a continuation of an action meeting in the matter of the petition by C. Brewer Properties, Inc. to consider reclassifying 624 acres of land currently in the Agricultural District into the Urban District at Wailuku and Piihana, Maui for residential communities.

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

Appearances

Eric Maehara, Esq., Attorney for Petitioner

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

Karen Yamamoto, Land Use Division, Office of State
Planning

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

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

Commissioner Wada moved that Petitioner's request in
the matter of Docket No. A89-642 C. Brewer Properties, Inc. be
granted subject to twelve conditions as agreed upon by the
State and Petitioner and three additional conditions as follows:

First additional condition to read: "C. Brewer
Properties, Inc. shall enter into an Agreement with the
Department of Hawaiian Home Lands (DHHL) that Petitioner shall
take no action within four years of the date of said Agreement,
on Petitioner's Piihana and Wailuku Project Districts, which
will jeopardize the ability of DHHL to apply for or obtain an
allocation of sewage treatment capacity from the County. Said
Agreement shall be recorded within thirty (30) days of the
effective date of the Commission's Decision and Order and shall
run with the land."

Second additional condition to read: "In the event
that Petitioner should sell its interest in its Piihana and
Wailuku Project Districts, Petitioner shall subject the
property to deed restrictions to run with the land which shall
require the successors and assigns to comply with the terms and
conditions set forth in the Commission's Decision and Order."

Third additional condition to read: "The Petitioner
shall provide annual reports to the Land Use Commission, the
Office of State Planning, and the County of Maui Planning
Department in connection with the status of the project and
Petitioner's progress in complying with the conditions imposed."

The motion to approve C. Brewer Properties, Inc. subject to fifteen conditions was unanimously approved as follows:

Ayes: Commissioner Wada, Whittemore, Hoe, Kajioka, Lapenia, Shinno, and Chun.

Chairman Nip joined the proceeding at this time.

HEARING

A89-648 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE
OF JAMES CAMPBELL, DECEASED (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on November 2, 1989 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by The Trustees Under the Will and Of the Estate of James Campbell, Deceased to reclassify approximately 63.569 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for maritime industrial uses and accessory facilities.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Oswald Stender, for Petitioner

Presley Pang, Esq., Attorney for Petitioner

Mark Fox, Esq., Attorney for Petitioner

Susan Sublett, for Petitioner

Dave Ray, for Petitioner

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

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

Anthony Ching, Land Use Division, Office of State Planning

EXHIBITS

1. Petitioner's Exhibits A through H, I-1, I-2, I-3, and I-4, J through W, and X-1 through X-5 were admitted into evidence by the Land Use Commission.
2. County's Exhibit No. 1 was admitted into evidence.
3. State's Exhibit No. 1 was admitted into evidence.
4. Letters from the Department of the Navy and Hawaiian Electric Company 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.

PETITIONER'S WITNESSES

1. Oswald Stender

Commissioner Himeno joined the proceeding at this time.

2. William Wankett
3. Susan Sublett

Commissioner Himeno was not present to the proceeding at this time.

4. Julian Ng

Commissioner Himeno joined the proceeding at this time.

A lunch recess was taken at 11:55 a.m. to reconvene at 1:30 p.m.

- 2:00 p.m. -

Commissioners Chun, Hoe, and Lapenia were not present to the proceeding at this time.

PETITIONER'S WITNESSES

5. John Zapotocky

Commissioner Himeno was not present to the proceeding at this time.

6. Craig Arakaki
7. Susan Sublett (recalled)

Commissioner Himeno joined the proceeding at this time.

8. David Rae

COUNTY'S WITNESS

1. Betsy Marcinkus

STATE'S WITNESS

1. Abe Mitsuda

Chairman Nip instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on January 16, 1990 and the parties have fourteen days from the date of service in which to respond.

MISCELLANEOUS

1. The Commission re-elected Renton L.K. Nip as its Chairman and elected Frederick P. Whittemore as Vice-Chairman.

The meeting was adjourned at 3:17 p.m.