

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 A and B
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved 3/8/88

February 9, 1988

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
(Portion of Proceeding)
Renton L.K. Nip
Richard Choy (Portion of Proceeding)
Toru Suzuki
Robert Tamaye
Lawrence Chun (Portion of Proceeding)
Sharon R. Himeno (Portion of
Proceeding)

COMMISSIONERS ABSENT: Everett Cuskaden

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

Chairman Tacbian called the meeting to order.

ACTION

DR87-12/DONNA TING, HUNTON CONRAD, DAVID HAMILTON, AND
WILLIAM STATTON (Maui)

Today's proceeding is a continuation of the action
which had begun on January 19, 1988.

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

Appearances

Cynthia Thielen, Esq., Attorney for Petitioner

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

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

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

It was announced by Chairman Tacbian that the Commission had received a letter from the Ethics Commission which declared that Commissioner Suzuki did not have a conflict of interest in this petition. Therefore, Chairman Tacbian allowed Commissioner Suzuki to participate in the proceeding.

Petitioner's motions for a contested hearing and request that the parties have an opportunity to review the Commission's proposed Decision and Order prior to the action being taken were denied by the Chairman.

Objection by Petitioner's attorney, Cynthia Thielen, was noted for the record.

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

Commissioner Choy requested that Commissioner Himeno restate her motion previously made at the meeting held on January 19, 1988. The motion had been seconded by Commissioner Tamaye.

Commissioner Himeno repeated her motion that the Land Use Commission issue a declaratory order stating that a slaughterhouse in this petition is a permissible use of agricultural land as set forth in HRS 205-2 and 205-4.5.

The motion to issue a Declaratory Order that the slaughterhouse is a permissible use in an agricultural district was unanimously approved as follows:

Ayes: Commissioner Himeno, Chun, Choy, Whittemore, Tamaye, Suzuki, and Chairman Tacbian.

CONTINUED HEARING

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

Today's proceeding was a continuation of the hearing held on January 5 and 19, 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

PETITIONER'S EXHIBITS

Exhibits A-1 through A-10, A-13, CC-1 through CC-53, LL, X-16, OO, PP, QQ, RR-1, and RR-2 were admitted into evidence by the Commission.

Exhibits T and GG were withdrawn by Petitioner and approved by the Commission to be withdrawn.

PETITIONER'S WITNESSES

1. Representative Mike Crozier
2. Representative Peter K. Apo
3. Councilmember Leigh Wai-Doo
4. Mark Hastert (Recalled)

Petitioner's attorney reserved the right to recall Mr. Cornuelle and Mr. Stender as witnesses after the City's and State's testimony.

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

1:51 p.m.

Commissioners Chun, Whittemore, and Himeno were absent from the proceeding at this time.

COUNTY'S WITNESS

1. Betsy Marcinkus

Commissioners Whittemore and Himeno joined the proceeding at this time.

STATE'S WITNESS

1. Paul Schwind
2. Ron Tsuzuki

The Department of the Navy's letter received on February 9, 1988 was admitted into evidence by the Commission.

Mr. Anderson, Deputy Attorney General, representing the Department of Business and Economic Development, requested a continuance of the case until implementation of the proposed arrangements between the State and Campbell Estate were approved by the Probate Court and the Legislature.

Chairman Tacbian approved the continuance of this petition to sometime in May.

HEARING

A87-616/DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

Pursuant to a notice published in the Honolulu Star Bulletin on January 7, 1988 and notices sent to all parties, a

hearing was called by the Land Use Commission in the matter of the petition of the Department of General Planning, City and County of Honolulu to reclassify approximately 252 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for residential community primarily for affordable housing.

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel,
Department of General Planning, City and County of Honolulu

Howard Murai, Housing Division, Department of General
Planning, City and County of Honolulu

Ann Ogata, Esq., Deputy Attorney General, Department
of Business and Economic Development

David Hulse, Land Use Division, Department of Business
and Economic Development

Michael Tongg, Esq., representing Tongg Ranch

Chairman Tacbian announced that the Commission will
take action on the Petition to Intervene by Tongg Ranch.

Commissioner Nip moved to allow Tongg Ranch to
intervene. The motion was seconded by Vice-Chairman Whittemore
and unanimously approved by voice votes.

PETITIONER'S EXHIBITS

1. Exhibit No. 1 through 22 were admitted into
evidence by the Commission.

STATE'S EXHIBITS

1. DBED'S testimony, Exhibit No. 1 was admitted into
evidence by the Commission.

INTERVENOR'S EXHIBIT

1. Intervenor's Exhibit No. 1 (Lease Agreement) was
admitted into evidence by the Commission.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

PUBLIC WITNESSES

There were eleven timely requests to appear as public witnesses and one untimely request to appear as a public witness. All of these public witnesses were not present to the proceeding. The Commission admitted written testimonies from Mr. Ernest Kosaka (2), Calvin Kawamoto, Andy "C.O." Anderson, Elroy Chun, Calvin Miura, Greta C. Kilpinen, and William Sinclair into the record.

PETITIONER'S WITNESSES

1. Jeremy Harris

Chairman Tacbian was absent from the proceeding at this time.

Vice-Chairman Whittemore presided over the proceeding at this time.

A dinner recess was taken at 5:30 p.m. to reconvene at 6:30 p.m.

- 7:00 p.m. -

Vice-Chairman Whittemore called the meeting to order.

Commissioner Choy was absent from the proceeding at this time.

Commissioner Chun joined the proceeding at this time.

Michael Tongg, Esq., Attorney for Intervenor, was absent from the proceeding at this time.

The court reporter at this time was Holly Hackett.

PETITIONER'S WITNESSES (Continued)

2. Donald Clegg

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3. Mark Hastert

4. Uson Ewart

5. Bruce Plasch

The meeting was adjourned at 9:38 p.m.