

STATE OF HAWAII
LAND USE COMMISSION

Approved
7-24-85

Minutes of Meeting

Conference Room - First
Hawaiian Bank
Lihue, Kauai

April 16, 1985 - 9:00 a.m.

COMMISSIONERS PRESENT: Teofilo Tacbian, Vice Chairman
Everett Cuskaden
Winona Rubin
Toru Suzuki
Robert Tamaye
Frederick Whittemore
William Yuen, Chairman (10:40 a.m.)
COMMISSIONERS ABSENT: Richard Choy
Lawrence Chun

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk
James Filibeck, Court Reporter

ACTION

Vice Chairman Tacbian called the meeting to order.

A84-576 - HALEAKALA GREENS CORP.

In the matter of the petition by Haleakala Greens Corp. to reclassify approximately 229.3 acres of land from the Agricultural District into the Urban District at Kula, Makawao, Maui for a golf course, a hearing had been conducted by the Land Use Commission on January 29, 1985.

Appearances

Martin Luna, attorney representing the petitioner

Everett Kaneshige, Deputy Attorney General, representing
the Dept. of Planning & Economic Development

The absence of County's counsel was noted for the record.

Closing Arguments

By Mr. Luna----- 3 to 4

By Mr. Kaneshige----- 4 to 9

It was determined by Vice Chairman Tacbian that all of the Commissioners present today were eligible to participate in the action on the various petitions.

Commissioner Suzuki moved to reclassify the property which is the subject of the petition consisting of approximately 229.3 acres of land in Kihei, Maui, for the development of a golf course and related facilities from the State Land Use Agricultural to the Urban District, subject to the following conditions:

1. Prior to any construction activity, an archaeological reconnaissance survey of the subject property shall be conducted by a qualified archaeologist. Copies of the completed survey report shall be submitted to the Historic Site Office of the State Department of Land and Natural Resources for their review and comment prior to the start of construction.
2. The petitioner shall make roadway and traffic improvements to the Lipoa Street/Piilani Highway intersection at the time it is deemed necessary due to increased traffic flow because of the golf course and R&T Park as determined in consultation with the State Department of Transportation. The petitioner shall share equally in the expense of such improvements with the developer of the R&T project.
3. The applicant develop a secondary irrigation water source which can be utilized for turf and landscape irrigation in the event the primary water system exceeds established safety levels.

The motion was seconded by Commissioner Whittemore.

Commissioner Cuskaden suggested, subject to the approval of the movant of the motion, that the following clause be added to the motion: "These conditions may be amended or released at any time by the Commission, upon timely motion and provision of adequate assurance of satisfaction by petitioner."

Both the movant and seconder of the motion agreed with the suggested addition.

The Commissioners were polled as follows:

Ayes: Commissioners Rubin, Cuskaden, Whittemore, Tamaye, Suzuki, Tacbian

The motion to approve the petition was approved.

A84-587 - MAUI ECONOMIC DEVELOPMENT BOARD, INC.

In the matter of the petition by Maui Economic Development Board, Inc. to reclassify approximately 300 acres of land from the Agricultural District into the Urban District at Kihei, Maui, a hearing had been conducted by the Land Use Commission on January 30, 1985.

Appearances

Martin Luna, attorney representing the petitioner

Everett Kaneshige, Deputy Attorney General, representing the Dept. of Planning & Economic Development

Again, the absence of a representative from the County of Maui was noted for the record.

Closing Arguments

By Mr. Luna-----16 to 17

By Mr. Kaneshige-----17 to 21

It was moved by Commissioner Suzuki to approve the reclassification of 150 acres of the southern portion of the property which is the first phase of the petitioner's proposed development, consisting of approximately 300 acres of land at Kihei, Maui, for the development of a research and technology park and related facilities, from the Agricultural District into the Urban District; and to approve on an incremental basis, upon substantial completion of the first phase within five years of the date of Commission's Order, and recommend the reclassification of the remaining 150 acres of the property to the Urban District, subject to the following conditions:

1. Prior to any construction activities, an archaeological reconnaissance survey of the subject property shall be conducted by a qualified archaeologist. Copies of the completed survey report shall be submitted to the Historic Sites Office of the State Department of

Land & Natural Resources for their review and comments before start of construction.

2. The petitioner shall make roadway and traffic improvements to the Lipoa/Piilani Highway intersection at the time it is deemed necessary due to the increased traffic flow because of the R&T park and golf course as determined in consultation with the State Department of Transportation, with the petitioner sharing equally in expense of such improvements with the developer of the golf course.
3. The petitioner shall develop and use the property for industrial uses, including research, technology development and manufacturing and related uses.
4. The applicant develop a secondary irrigation water source which can be utilized for turf and landscape irrigation.

The motion was seconded by Commissioner Cuskaden.

Commissioner Cuskaden suggested that the motion be amended, subject to Commissioner Suzuki's concurrence, by substituting the following condition for condition No. 3 above:

"Petitioner shall develop subject property as an industrial park for high technology usage. High technology means emerging industries which are technology-intensive, including but not limited to electronics and biotechnology."

The motion was carried with the following votes:

Ayes: Commissioners Tamaye, Suzuki, Cuskaden, Rubin, Whittemore, Tacbian

CONTINUED CONSOLIDATED HEARING

A84-572 - FOSTER PETROLEUM CORPORATION

A84-580 - GEORGE L. SAGEN & JANE A. SAGEN

Chairman Yuen recalled that previously hearings had been conducted on the subject petitions on December 18, 1984 and February 21, 1985.

Appearances

Clinton Shiraishi, Attorney representing Foster Petroleum Corporation

Appearances (cont.)

Eric Maehara, Attorney representing George Sagen et al
 Joanne Yoshimoto, representing intervenor
 Max Graham, County Attorney's Office, representing the
 Kauai Planning Department
 Everett Kaneshige, Deputy Attorney General, representing
 the Dept. of Planning & Economic Development

Exhibits

Sagen's exhibit F was moved into evidence.
 The USGS map was identified as LUC exhibit 1.

A84-572 - FOSTER PETROLEUM CORPORATION

Albert Lono Lyman - Private Consultant, Market Economics and
 Finance

Direct examination by Mr. Shiraishi-----38 to 50
 Cross examination by Mr. Graham-----50 to 74
 Cross examination by Mr. Mitsuda-----74 to 77
 Cross examination by Ms. Yoshimoto-----77 to 81
 Examination by Vice Chairman Tacbian-----81 to 83
 Examination by Commissioner Cuskaden-----83 to 86
 Examination by Commissioner Rubin-----86 to 88
 Examination by Chairman Yuen-----88 to 91
 A lunch recess was called between 12:05 p.m. and 1:15 p.m.

1:15 p.m.

ACTION

A83-553 - PRINCEVILLE DEVELOPMENT CORPORATION

Chairman Yuen called for a motion to approve an amended
 Decision and Order for the subject petition granting incremental
 districting in conformance with the oral action by the

Commission. It was so moved by Vice Chairman Tacbian, seconded by Commissioner Whittemore and carried unanimously by voice vote.

CONTINUED CONSOLIDATED HEARING

A84-572 - FOSTER PETROLEUM CORPORATION (cont.)

Frank Scott - Agricultural Economist

Direct examination by Mr. Shiraishi-----92 to 98
 Cross examination by Mr. Maehara-----98 to 99
 Cross examination by Mr. Graham-----99 to 103
 Cross examination by Mr. Kaneshige-----104 to 108
 Cross examination by Ms. Yoshimoto-----108 to 110
 Examination by Commissioner Cuskaden-----110 to 111
 Examination by Commissioner Whittemore-----111 to 112
 Examination by Vice Chairman Tacbian-----112 to 117
 Examination by Commissioner Rubin-----117 to 118

Chairman Yuen announced that the Commission was in receipt of an untimely request by Elizabeth Anne Stone to testify as a public witness. However, Ms. Stone was not present and her communication was entered into the record.

Edward Iida - Civil Engineer, Belt Collins and Associates

Direct examination by Mr. Shiraishi-----119 to 124
 Cross examination by Mr. Maehara-----124 to 126
 Cross examination by Mr. Graham-----126 to 133
 Cross examination by Mr. Kaneshige-----133 to 134
 Cross examination by Ms. Yoshimoto-----135 to 138
 Examination by Commissioner Cuskaden-----138

Mark A. Tanaka - Real Estate Licensed Broker, Kauai Realty

Direct examination by Mr. Shiraishi-----139 to 146

Mark A. Tanaka (cont.)

Cross examination by Mr. Graham-----147 to 153
Cross examination by Mr. Kaneshige-----153 to 156
Cross examination by Ms. Yoshimoto-----157 to 158
Examination by Commissioner Whittemore-----158
Examination by Chairman Yuen-----159 to 165
Examination by Vice Chairman Tacbian-----165 to 167
Examination by Commissioner Cuskaden-----167

Alan Kapali - Fire Fighter, Hanalei Fire Department

Direct examination by Mr. Shiraishi-----167 to 174
Cross examination by Mr. Graham-----174 to 176
Cross examination by Mr. Kaneshige-----176 to 177
Cross examination by Ms. Yoshimoto-----177 to 178
Examination by Commissioner Whittemore-----178 to 179
Examination by Vice Chairman Tacbian-----180 to 181
Examination by Chairman Yuen-----181 to 182

A84-580 - GEORGE L. SAGEN & JANE A. SAGEN

Edward Honda - Petitioner, JG&E Industrial

Direct examination by Mr. Maehara-----183 to 187

Mr. Maehara reported the preparer of the market analysis, marked exhibit D, was not present today. He, therefore, requested admittance of petitioner's exhibit D as his witness' full and complete testimony, waiving cross examination by all parties. All parties declared that they had no objections to waiving cross examination of this witness.

Chairman Yuen noted that the report had indicated the completion of a "more detailed study during the next two weeks", and solicited response from the Commission members regarding the acceptance of the report in its present form. Commissioner Cuskaden expressed an interest in reviewing the detailed report. Chairman Yuen ruled that the Commission will receive the completed

study as a supplement to petitioner's exhibit D, and upon an expression of a desire to cross examine the witness by any of the parties or Commission members, the hearing will be reopened.

Edward Honda (cont.)

Direct examination by Mr. Maehara (cont.)-----190 to 192
Cross examination by Mr. Shiraishi-----192 to 193
Cross examination by Mr. Graham-----193 to 195
Cross examination by Mr. Mitsuda-----195 to 196
Cross examination by Ms. Yoshimoto-----196 to 198
Examination by Commissioner Whittemore-----199
Examination by Commissioner Cuskaden-----199 to 200

Merritt Sakata - President of Kona Development Corporation

Direct examination by Mr. Maehara-----201 to 213
Cross examination by Mr. Shiraishi-----213 to 215
Cross examination by Mr. Abe-----215 to 216
Cross examination by Ms. Yoshimoto-----216 to 218
Examination by Vice Chairman Tacbian-----218 to 221
Examination by Commissioner Whittemore-----222
Examination by Commissioner Cuskaden-----222 to 224

KAUAI PLANNING DEPARTMENT

Michael Laureta - Planner, KPD

Direct examination by Mr. Graham-----225 to 231
Cross examination by Mr. Shiraishi-----231 to 234
Cross examination by Mr. Kaneshige-----234 to 236
Cross examination by Ms. Yoshimoto-----237 to 238
Examination by Vice Chairman Tacbian-----238 to 243
Examination by Chairman Yuen-----243 to 244

Exhibits

County's exhibits 5 and 6, the General Plan Update and the Comprehensive Zoning Ordinance respectively, were admitted into the record over the objections of intervenor Foster Petroleum.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Abe Mitsuda - Planner, Land Use Division

- Direct examination by Mr. Kaneshige-----247 to 249
- Cross examination by Mr. Shiraishi-----250
- Cross examination by Mr. Maehara-----251 to 252
- Examination by Commissioner Cuskaden-----252

NEIGHBORHOOD ASSOCIATION, INTERVENOR

Joanne Yoshimoto

- Oral statement-----253
- Cross examination by Mr. Mitsuda-----254
- Examination by Vice Chairman Tacbian-----254
- Examination by Commissioner Cuskaden-----255 to 256
- Reexamination by Vice Chairman Tacbian-----256 to 257
- Examination by Chairman Yuen-----257 to 258

At the conclusion of the hearing, post-hearing procedures were outlined by the Chairman.

Adoption of Minutes

The following minutes were adopted as circulated:

November 27, 1984, November 28, 1984, December 14, 1984, December 18, 1984, January 9, 1985.

The hearing was adjourned at 6:15 p.m.