

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room B  
State Office Building  
54 High Street  
Wailuku, Hawaii

May 25, 1989

Approved  
6/9/89

COMMISSIONERS PRESENT: Renton Nip, Chairman  
Lawrence Chun, Vice-Chairman  
Allen K. Hoe (Portion of Proceeding)  
Toru Suzuki  
Robert Tamaye  
Frederick P. Whittemore  
Teofilo Phil Tacbian  
Allen Y. Kajioka (Portion of  
Proceeding)

COMMISSIONERS ABSENT: Sharon R. Himeno

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

Chairman Nip called the meeting to order.

ACTION

DR89-13 - WAIKAPU MAUKA PARTNERS (Maui)

Chairman Nip announced that the subject docket was a request for a declaratory ruling to determine whether "Dwelling" rather than "Farm Dwellings" are required on State Agricultural District Land with soils classification of "E" and further, pursuant to Petitioner's proposed subdivision, that said "Dwellings" be deemed to be a permitted accessory use.

Appearances

Edward Kushi, Jr., Esq., Attorney for Petitioner

Howard Hamamoto, 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

Commissioner Suzuki disclosed that he was orally  
advised by the Ethics Commission that he had no conflict of  
interest in this case.

Arguments were heard from Edward Kushi, Jr., Haunani  
Lemn, Esq., and John Anderson, Esq. After hearing arguments,  
questions were asked by the Commissioners.

Commissioner Hoe moved to go into executive session to  
consult with our Deputy Attorney General on legal matters. The  
motion was seconded by Commissioner Chun. The motion was  
unanimously carried by voice votes.

Edward Kushi, Jr. amended his petition to address only  
the first issue that Dwellings rather than Farm Dwellings that  
are required on State Agricultural District Land with soils  
classification of "E" lands in accordance with Section  
205-4.5. There were no objections by the parties.

Commissioner Tacbian moved that the requirement under  
Section 205-4.5, H.R.S. which requires that "Dwellings" be  
"Farm Dwellings" is not mandatorily applicable to C, D, E, and  
U agricultural lands. The motion was seconded by Commissioner  
Kajioka and unanimously carried by the following voice votes:

Ayes: Commissioner Tacbian, Tamaye, Suzuki,  
Whittemore, Hoe, Kajioka, Chun, and Chairman Nip.

Commissioner Hoe moved to go into an executive session to discuss legal matters with our Special Deputy Attorney General, Benjamin Matsubara, Esq. The motion was seconded by Commissioner Kajioka.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:52 p.m. -

Commissioner Kajioka and Hoe were absent from the proceeding at this time.

HEARING

A88-634 - ALEXANDER AND BALDWIN, INC. (Maui)  
(Kahului Industrial Park)

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on April 13, 1989 and notices sent to all parties, a hearing was conducted by the Land Use Commission in the matter of the petition by Alexander and Baldwin, Inc. to reclassify approximately 339.3 acres of land currently in the Agricultural District into the Urban District at Kahului, Maui, Hawaii for an industrial park.

Appearances

Paul Mancini, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

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

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

Clayton Yoshida, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

David Hulse, Land Use Division, Office of State  
Planning

Fred Rohlfing, Esq., Attorney for Potential Intervenors

Sally Raisbeck, Potential Intervenor

Chairman Nip announced that the Commission would take  
action on the Motion to Intervene filed by Sally Raisbeck.

Arguments on the motion for intervention were heard  
from Fred Rohlfing, Esq. There was no opposition from the  
State and County of Maui.

Commissioner Suzuki moved that the Motion for  
Intervention filed by Sally Raisbeck be granted. The motion  
was seconded by Commissioner Tamaye and unanimously carried by  
voice votes.

The Land Use Commission allowed the untimely public  
witnesses to testify.

#### EXHIBITS

1. Petitioner's Exhibit No. 1 through 31 were  
admitted into evidence by the Land Use Commission.

2. County of Maui's Exhibit No. 1 through 27 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.

Commissioner Hoe joined the proceeding at this time.

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

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

PUBLIC WITNESSES

1. John Bose
2. Michael Spalding
3. Pat Chaney-Fink
4. Abe Aiona
5. Manu Goodness
6. William Kennison
7. Danny Fong

The meeting was adjourned at 4:30 p.m.