

STATE OF HAWAII
LAND USE COMMISSION

MINUTES OF MEETING

Senate Conference Room 214
2nd. Floor, State Capitol
Honolulu, Hawaii

June 30, 1989

*Approved
8/11/89*

COMMISSIONERS PRESENT: Lawrence Chun, Vice-Chairman
Frederick P. Whittemore
Sharon R. Himeno
Allen Y. Kajioka
Teofilo Phil Tacbian
Robert Tamaye
Toru Suzuki

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman
Allen K. Hoe

STAFF PRESENT: Esther Ueda, Executive Officer
Russell A. Suzuki, Deputy Attorney
General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Vice-Chairman Chun called the meeting to order.

ACTION

A88-627 / GENTRY DEVELOPMENT COMPANY (Oahu)

Vice-Chairman Chun announced that the Commission would be considering approval of the Stipulation to Amend Findings of Fact, Conclusions of Law and Decision and order dated May 8, 1989 to correct the Tax Map Key Numbers and acreage of lands reclassified from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for a residential community.

Appearances

Robert Yamauchi, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Jean Nishida, Land Use Division, Office of State
Planning

Arguments were heard from Robert Yamauchi,
Betsy Marcinkus, and Abe Mitsuda. After hearing arguments,
questions were asked by the Commissioners.

Commissioner Whittemore moved that the stipulation to
amend findings of fact, conclusions of law, and decision and
order be approved that the property involved in this petition
be amended from 685 acres to 673.5 acres and to reflect a
portion of 30 rather than the whole of 30. The motion was
seconded by Commissioner Tamaye and unanimously carried as
follows:

Ayes: Commissioner Whittemore, Kajioka, Tamaye,
Suzuki, Tacbian, and Vice-Chairman Chun.

DR89-14 / WAIKAPU MAUKA PARTNERS (Maui)

Vice-Chairman Chun announced that the Commission would
take action in the matter of the petition for Declaratory Order
by Waikapu Mauka Partners to determine whether the dwellings to
be built in Petitioner's proposed subdivision of State
Agricultural District lands classified as "E" by the Land Study
Bureau situated at Waikapu, Maui, Hawaii, are permissible as
accessory uses.

Appearances

Edward Kushi, 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

Abe Mitsuda, Land Use Division, Office of State
Planning

Karen Yamamoto, 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.

A motion to dismiss declaratory order was filed by Haunani Lemn, Esq., Deputy Corporation Counsel, County of Maui. Arguments on the motion were heard from Haunani Lemn and Mr. Kushi.

Commissioner Kajioka moved for an executive session to consult with our deputy attorney general on legal matters. The motion was seconded by Commissioner Tacbian.

Commissioner Kajioka moved to deny the County of Maui's motion to dismiss. The motion was seconded by Commissioner Whittemore. The motion was unanimously carried by voice votes.

Arguments on the petition for declaratory order were heard from Mr. Kushi, Ms. Lemn, and Mr. Mitsuda. After hearing arguments, questions were asked by the Commissioners.

Commissioner Himeno moved that the Petition for Declaratory Order to determine whether the dwellings to be built in petitioner's proposed subdivision of state agricultural district lands classified as E by the Land Study Bureau situated at Waikapu, Maui, Hawaii is granted and therefore deemed to be permissible as an accessory use pursuant to Land Use Commission Rules and Regulations. The motion was seconded by Commissioner Tamaye.

Commissioner Himeno amended her motion to read, "I move to grant the petition for declaratory order to determine whether the dwellings to be built in petitioner's proposed subdivision of state agricultural district lands classified as E by the Land Study Bureau situated at Waikapu, Maui, Hawaii is permissible as accessory uses for the purposes of this particular project based on the unique facts, circumstances, and location of this project pursuant to Land Use Commission Rules and Regulations. The motion was seconded by Commissioner Whittemore and polled as follows:

Ayes: Commissioner Himeno, Tamaye, Whittemore,
Kajioka, Tacbian

Nays: Vice-Chairman Chun

Abstained: Commissioner Suzuki

The meeting was adjourned at 10:05 a.m.