

STATE OF HAWAII
LAND USE COMMISSION

Approved
11/22/85

Minutes of Meeting

Resolution Room
Kona Hilton Hotel
Kailua-Kona, Hawaii

September 24, 1985 - 10:00 a.m.

COMMISSIONERS PRESENT: Teofilo Tachian, Chairman
Frederick Whittemore, Vice Chairman
Winona Rubin
Lawrence Chun
Robert Tamaye
Richard Choy
Everett Cuskaden
Toru Suzuki

STAFF PRESENT: Esther Ueda, Executive Officer
Ray Young, Planner
Teri Oki, Acting Chief Clerk
Annette Chock, Deputy Attorney General
Holly Hackett, Court Reporter

ACTION

Chairman Tachian called the meeting to order.

A85-593 - DODO MORTUARY, INC.

In the matter of the petition by Dodo Mortuary, Inc. to reclassify approximately 3.001 acres of land from the Agricultural District into the Urban District at South Hilo, Hawaii for a mortuary complex and parking area, a hearing had been conducted by Hearing Officer Benjamin Matsubara on July 1, 1985.

Following a report of the findings presented at the hearing, it was Mr. Matsubara's recommendation that the petition be approved.

Commissioner Whittemore moved for approval of Petition No. A85-593, Dodo Mortuary, Inc., Hawaii, to reclassify approximately 3.001 acres of land currently in the Agricultural District into the Urban District at South Hilo, Hawaii for a mortuary complex and parking area. It was seconded by Commissioner Tamaye and unanimously carried as follows:

Ayes: Commissioners Chun, Whittemore, Tamaye, Suzuki, Choy, Cuskaden, Rubin and Chairman Tachian

A85-589 - A & B PROPERTIES, INC.

In the matter of the petition by A & B Properties, Inc. to reclassify approximately 218.5 acres of land at Koloa, Kauai, from the Agricultural District into the Urban District, for residential, recreational, and commercial use, hearings had been conducted by the Land Use Commission on June 18 and 19, 1985.

Appearances

- Paul Mancini - attorney representing the petitioner
- Bryan Mamaclay - representing Kauai County Planning Dept.
- Everett Kaneshige - Deputy Attorney General representing the Department of Planning & Economic Development

Closing Arguments

- By Mr. Mancini-----12 to 17
- Examination by Chairman Tacbian-----17 to 18
- Examination by Commissioner Cuskaden-----18 to 21
- By Mr. Mamaclay-----21 to 22
- Examination by Commissioner Rubin-----22
- By Mr. Kaneshige-----22 to 26
- Examination by Commissioner Cuskaden-----27 to 29
- Examination by Chairman Tacbian-----29 to 30

Commissioner Suzuki moved for approval of Docket No. A85-589, A & B Properties, Inc., Kauai, to reclassify approximately 218.5 acres of land currently in the Agricultural District into the Urban District at Koloa, Kauai, for residential, recreational and commercial use. The motion was seconded by Commissioner Whittemore.

Commissioner Cuskaden proposed to include several conditions to the motion. The first condition requires that the petitioner develop and market 10 percent of the proposed 310 residential lots for the group known as gap group and moderate income households. The second condition requires that the petitioner coordinate the

proposed development with the State Historic Preservation Office. Condition three requires petitioner to coordinate development of its sewage treatment plant, water source, and related improvements with the Dept. of Health and County Public Works and Water Dept. Condition four states the conditions may be fully or partially released by the Commission. Condition five proposes incremental districting. It was moved and seconded by Commissioner Choy to impose the five conditions to the motion.

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

Commissioner Chun made a motion to amend the motion to permit the commissioners to vote on each different condition separately. It was seconded by Commissioner Tamaye and passed by voice vote. The Commissioners were polled on the five amendments as follows:

Condition #1 - Ayes: Commissioners Rubin, Chun, Tamaye, Whittemore, Cuskaden, Suzuki, Choy, Chairman Tacbian

The motion was carried.

Condition #2 - Ayes: Commissioners Tamaye, Rubin, Choy, Chun, Suzuki, Whittemore, Cuskaden, Chairman Tacbian

The motion was carried.

Condition #3 - Ayes: Commissioners Rubin, Tamaye, Choy, Cuskaden, Whittemore

Nays: Commissioners Chun, Suzuki, Chairman Tacbian

The motion was carried.

Condition #4 - Ayes: Commissioners Rubin, Chun, Tamaye, Cuskaden, Whittemore, Suzuki, Choy, Chairman Tacbian

The motion was carried.

Condition #5 - Ayes: Commissioners Cuskaden, Choy

Nays: Commissioners Whittemore, Tamaye, Chun, Rubin, Suzuki, Chairman Tacbian

The motion was defeated.

The Commissioners were polled on the approval of the petition of A & B Properties with the four conditions as follows:

Ayes: Commissioners Cuskaden, Whittemore, Chun, Suzuki, Tamaye, Choy, Rubin, and Chairman Tacbian

The motion was approved.

A84-587 - 214142 HOLDINGS, LIMITED

Chairman Tacbian reported that petitioner's counsel was ill and not able to attend and deferment of the action on the subject petition was requested. It was moved by Commissioner Chun and seconded by Commissioner Cuskaden to defer docket no. A84-587 - 214142 Holdings, Limited. The motion was passed by voice vote. The action will be deferred until the next meeting on October 16, 1985 in Honolulu.

A84-585 - MAUI ECONOMIC DEVELOPMENT BOARD, INC.

Appearances

Martin Luna, attorney representing the petitioner

The action on the subject petition is to consider docket no. A84-585, Maui Economic Development Board, Inc.'s motion to amend the Decision and Order which reclassified approximately 150 acres of land from the Agricultural to the Urban District at Kihei, Maui, Hawaii.

The Commission approved the first increment of 150 acres of the property on July 15, 1985, and gave its approval for incremental districting to urban the remaining 150 acres of the property. The motion brought before the commission proposes to relocate the approved first increment from the south side to the north side of the 300 acres.

Commissioner Suzuki moved for approval of docket no. A84-585, Maui Economic Development Board, Inc. in a motion to amend the decision and order which reclassified approximately 150 acres of land from the agricultural to the urban district at Kihei, Maui, Hawaii. The motion was seconded by Commissioner Cuskaden and carried with the following votes.

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

MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

July 1, 1985, July 23, 1985, July 24, 1985, August 21, 1985

Adoption of Decisions and Orders

The following Commissioner's Decisions and Orders were adopted:

Docket No. A84-580/George L. Sagen and Jane A. Sagen

Docket No. A84-572/Foster Petroleum Corporation

Docket No. A85-575/County of Hawaii Planning Dept.

A lunch recess was called between 11:30 a.m. and 1:15 p.m.

1:15 p.m.

A84-583 - MAUNA LANI RESORT, INC.

Pursuant to a notice published in the Hawaii Tribune-Herald and the Honolulu Advertiser on March 9, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission on the matter of the petition by Mauna Lani Resort, Inc., Docket No. A84-583, to reclassify approximately 654 acres of land from the Agricultural and Conservation District into the Urban District at Kalahuip'a, Anaehoomalu and Waikoloa, South Kohala, Hawaii, for a hotel, single-family and multi-family, light industrial uses, and golf course.

Appearances

Benjamin Kudo) - Co-counsel representing the petitioner
Gary Wong)

Tom Yamamoto - Vice-president for Mauna Lani

Albert Lono Lyman - Planning Director) representing County
Norman Hayashi - Planner) of Hawaii Planning
Department

Everett Kaneshige - Deputy Attorney General) representing
Abe Mitsuda - Planner) DPED

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

PUBLIC WITNESSES

Chairman Tacbian announced that the Commission received three timely requests to appear as public witnesses, and one untimely statement from Kisuk Cheung of the U.S. Army Engineer District-Honolulu.

(Commissioner Cuskaden and Commissioner Yuen was not present for this portion of the proceedings.)

Executive Officer, Esther Ueda, oriented the Commission to the area being requested for reclassification on the USGS and tax maps, and pointed out various surrounding landmarks.

Edward Tsuji - representing the United Brotherhood of Carpenters and Joiners of America, Local No. 745, AFL-CIO

Oral testimony-----60 to 62

Chairman Tacbian admitted three untimely requests to be public witnesses since there were no objections.

Sam Hook - Historic Preservation Office of Waimea Hawaiian Civic Club

Oral testimony-----63 to 64

Elaine Flores - President, Waimea Civic Club

Oral testimony-----65 to 67

Colin Koholo - Employee of Mauna Lani

Oral testimony-----67 to 69

PETITIONER

Exhibits

Petitioner's exhibits 1 through 21 were received into evidence.

Kenneth Brown - President, Mauna Lani Resort, Inc.

Direct examination by Mr. Kudo-----70 to 80

Cross examination by Mr. Kaneshige-----81 to 82

James R. Bell - President, Belt Collins and Associates

Direct examination by Mr. Kudo-----82 to 115
Cross examination by Mr. Lyman-----115 to 118
Cross examination by Mr. Kaneshige-----118 to 120
Examination by Commissioner Rubin-----120 to 123
Examination by Commissioner Whittemore-----123 to 124
Examination by Chairman Tacbian-----124 to 125

Joseph Vierra - Director of Engineering for Belt Collins

Direct examination by Mr. Wong-----125 to 136
Cross examination by Mr. Kaneshige-----136 to 140
Examination by Commissioner Rubin-----140 to 143
Examination by Chairman Tacbian-----144 to 145

Ming Chew

Direct examination by Mr. Kudo-----145 to 160
Cross examination by Mr. Lyman-----160 to 166
Examination by Commissioner Chun-----166 to 167

(Chairman Tacbian and Commissioner Chun excused themselves from the proceedings. The Chair was turned over to Vice Chairman Whittemore).

Cross examination by Mr. Mitsuda-----167 to 176
Cross examination by Mr. Kaneshige-----176 to 177
Examination by Commissioner Rubin-----177 to 178

The meeting was adjourned at 5:10 p.m. to be resumed tomorrow at 8:30 a.m.