

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
9/10/82

Minutes of Meeting

Community Service Building  
Maui Community College  
310 Kaahumanu Avenue  
Kahului, Maui

June 8, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Richard Choy, Vice Chairman  
Everett Cuskaden  
Shinsei Miyasato  
Teofilo Tacbian  
Robert Tamaye  
Winona Rubin  
Frederick Whittemore

COMMISSIONER ABSENT: Larry Chun

STAFF PRESENT: Gordan Furutani, Executive Officer  
Joseph Chu, Planner  
Carolee Aoki, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
Jean McManus, Court Reporter

ACTION

Upon motion by Vice Chairman Choy, seconded by Commissioner Tacbian, the agenda was rearranged to consider SP80-349, Princeville at Hanalei, as the first item.

SP80-349 - PRINCEVILLE AT HANALET (Amendment)

Request to amend approved boundaries and allow a time extension for development of a golf course at Princeville, Hanalei, Kauai

Staff planner pointed out the area under petition on the USGS and tax maps, and gave a resume of the special permit being requested.

Questions were raised regarding the fact that hearings were not conducted at the County level for the extension request or the amendment to the approved boundaries, and whether the petitioner would be bound by the one-year waiting period to reapply, should the Commission deny either request.

It was moved by Commissioner Tacbian, seconded by Commissioner Rubin to go into executive session to receive counsel.

The Commission was in executive session from 9:15 a.m. to 9:25 a.m.

Chairman Yuen announced that the Commission received counsel from the Deputy Attorney General regarding the options available to the Commission.

Commissioner Tacbian moved that the special permit request be denied, which was seconded by Commissioner Tamaye. In support of his motion, Commissioner Tacbian elaborated that the procedures for a special permit amendment were not followed by the County, i.e. a public hearing was not conducted.

The Chair indicated for the record that Commissioner Cuskaden had declared a conflict of interest in this matter and will not participate in the deliberations.

The motion to deny the special permit request was unanimously carried.

A81-524 - CAMBRIDGE PACIFIC, INC.

In the matter of the petition by Cambridge Pacific, Inc. to reclassify approximately 65 acres of land from the Urban to the Conservation District, and 65 acres from the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii, a hearing was conducted by the Land Use Commission on February 25 and 26, 1982. Both Commissioners Rubin and Whittemore were deemed eligible to participate in this action proceedings since they had reviewed the petition and transcripts of the hearings.

Appearances

Roy Takeyama - Attorney, representing the petitioner

Annette Chock - Deputy Attorney General, representing the Department of Planning & Economic Development

Chairman Yuen observed that the County of Hawaii was not represented today and presumed that it had waived its right to make comments or oral arguments.

Closing Arguments

By Mr. Takeyama-----18 to 28

By Mr. Enns (petitioner)-----28 to 31

By Miss Chock-----33

It was moved by Commissioner Tamaye to approve Docket A81-524 to reclassify approximately 65 acres from the Urban District into the Conservation District, and approximately 65 acres from the Conservation District into the Urban District, subject to the following conditions: That the petitioner shall provide housing opportunities for employees of the Kona Village Hotel and for the resort to be constructed on the subject property in any one or combination of the following manner prior to its signing or transferring its interest in the subject property:

1. To construct, either on or off the subject property (on land to be acquired by the petitioner), a number of residential units for sale or rental to employees of the Kona Village Hotel and/or the resort to be constructed on the subject property at the prices or rentals affordable by said employees, and or a size standard equivalent to Federal Housing Administration Minimum Property Standards, equal to ten percent (10%) of the number of condominium apartments or hotel rooms to be constructed on the subject property; or
2. To pay to the Hawaii Housing Authority or County of Hawaii, for use in a housing assistance fund or for the benefit of employees of the Kona Village Hotel and/or the resort to be constructed on the subject property or low and moderate income residents of the State of Hawaii, a sum determined by the Hawaii Housing Authority or County of Hawaii to be equal to the cost of acquiring land for, developing and constructing a number of residential units equal to ten percent (10%) of the number of condominium apartments or hotel rooms to be constructed on the subject property; and

Petitioner shall provide access from Queen Kaahumanu Highway to the shoreline, for public recreational purposes along the entire length of shoreline owned, leased or controlled by petitioner and its successors, and assigns, the location and form of said easements to be approved and accepted by the County of Hawaii.

These conditions may be fully or partially released by the Commission as to all or any portion of the subject property upon timely motion and provision of adequate assurance of satisfaction of these conditions by the petitioner.

The motion was seconded by Commissioner Tacbian.

Commissioner Cuskaden questioned representations made by the petitioner regarding the need and justification for the proposed development, and also expressed concern over the spot-zoning which will result from the reclassification of lands under petition.

The Commissioners were polled as follows:

Ayes: Commissioners Tamaye, Choy, Whittemore, Tacbian,  
Rubin, Miyasato, Chairman Yuen

Nay: Commissioner Cuskaden

The motion to approve Docket A81-524 was carried.

Chairman Yuen led the Commission in the adoption of the true findings of fact, conclusions of law and directed the Deputy Attorney General to prepare the Commission's Decision and Order relative to this petition.

#### HEARING

#### A82-528 - ALEXANDER & BALDWIN, INC.

Chairman Yuen declared a conflict of interest and disqualified himself from participating in the proceedings on this petition, and turned the meeting over to Vice Chairman Choy.

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on April 30, 1982 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the request by Alexander & Baldwin, Inc. to re-classify approximately 29.201 acres of land currently in the Agricultural District into the Urban District at Pulehunui, Kihei, Maui for a shopping center and office complex, Docket A82-528.

#### Appearances

Paul Mancini - Attorney, representing petitioner

Guy Archer - Deputy Corporation Counsel, representing the  
County of Maui

Annette Chock - Deputy Attorney General, representing the  
Department of Planning & Economic Develop-  
ment

Mr. Joseph Chu, staff planner, pointed to the parcel under petition on the USGS quad and tax maps and oriented it to various landmarks.

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

Public Witnesses

Harold Reilly

Oral testimony-----48 to 50  
 Cross examination by Mr. Mancini-----50 to 53  
 Examination by Commissioner Tacbian-----54

John Bose II - Chairman, Maui Group of the Sierra Club

Oral testimony-----55 to 57  
 Cross examination by Mr. Mancini-----57 to 58  
 Examination by Commissioner Whittemore-----58 to 59

Ms. Elizabeth Stone's and Patricia Ann English's written testimonies were moved into evidence.

Wayne Nishiki - County Councilman

Oral testimony-----60 to 66  
 Cross examination by Mr. Mancini-----66 to 68

Upon motion by Commissioner Cuskaden, seconded by Commissioner Tacbian, the Commission went into executive session.

----

Vice Chairman Choy clarified that the reason for the executive session was to discuss Commissioner Miyasato's role as an employee of Alexander and Baldwin, Inc. There were no objections from any of the parties to Commissioner Miyasato's participation in the proceedings.

Public Witnesses (cont.)

Christine Moschetti - Director of Sexual Assault Crisis Center

Oral testimony-----69 to 71  
 Cross examination by Mr. Mancini-----72  
 Examination by Commissioner Cuskaden-----72 to 73  
 Examination by Commissioner Tacbian-----73 to 74

Hans Riecke - Architect

Oral testimony-----74 to 77

Examination by Commisisoner Tacbian-----77 to 78

Bob Chambers - Owner of Maui Dive Shop

Oral testimony-----78 to 81

Letters from Wayne Hankins, Research Station Manager of Pfizer Genetics, Inc., and Bob Jones, President of Nani Kai Hale Owners' Association, were moved into evidence.

In the matter of the three identical anonymous letters which were sent to the Commission, Commissioner Cuskaden moved to deny their admittance into the record, which was seconded by Commissioner Rubin and unanimously approved.

Exhibits

Petitioner's exhibits 1 through 14 were marked for identification and moved into evidence.

County's exhibits 1 through 12 were marked for identification and moved into evidence.

DPED's exhibit 1 was admitted into evidence.

PETITIONER

William Campbell - Manager of Planning & Property Development for Alexander & Baldwin, Inc.

Direct examination by Mr. Mancini-----85 to 98

The Commission was in recess from 12:00 to 1:30 p.m.

1:30 p.m.

William Campbell (cont.)

Cross examination by Mr. Archer-----99 to 108

Cross examination by Miss Chock-----108 to 110

Examination by Commissioner Tacbian-----110 to 111

Examination by Commission Rubin-----111 to 112

William Campbell (cont.)

Examination by Commissioner Cuskaden-----112 to 117

Examination by Commissioner Whittemore-----117 to 118

Kobe Shoji - Vice President and Chief Agriculturist, Alexander  
& Baldwin, Inc.

Direct examination by Mr. Mancini-----119 to 127

Cross examination by Mr. Archer-----127 to 129

Examination by Commissioner Tacbian-----130 to 131

Examination by Commissioner Rubin-----131 to 132

Examination by Commissioner Cuskaden-----132 to 136

Thomas Nance - Project Engineer, Belt Collins & Associates

Direct examination by Mr. Mancini-----137 to 147

Cross examination by Mr. Archer-----148 to 156

Cross examination by Miss Chock-----156 to 160

Examination by Commissioner Tacbian-----160 to 161

Examination by Commissioner Cuskaden-----161 to 163

Examination by Commissioner Rubin-----163 to 164

Reexamination by Commissioner Cuskaden-----164 to 165

Hideo Kawahara - Manager of Engineering and Construction,  
Alexander & Baldwin, Inc.

Direct examination by Mr. Mancini-----167 to 179

Cross examination by Mr. Archer-----179 to 185

Cross examination by Miss Chock-----185 to 188

Redirect examination by Mr. Mancini-----188 to 189

Examination by Commissioner Tacbian-----189 to 192

Examination by Commissioner Whittemore-----192 to 193

Examination by Commissioner Cuskaden-----193 to 196

Vice Chairman Choy announced that the Commission will recess until 8:30 a.m., June 9, 1982.

Whereupon, the hearing was recessed at 4:40 p.m.