

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP01-394
	)	
DEPARTMENT OF ACCOUNTING	)	DECISION AND ORDER
AND GENERAL SERVICES -	)	APPROVING AN
HAWAII ARMY NATIONAL GUARD	)	AMENDMENT TO A
AND HAWAII AIR NATIONAL	)	SPECIAL USE PERMIT
GUARD	)	
	)	
To Construct A New Armory, Organizational	)	
Maintenance Shop, Service, Storage, Parking,	)	
And Helipad Improvements, Other Related	)	
Improvements, And Future Spaces For A Post	)	
Exchange And The Hawaii Air National	)	
Guard Facilities On Approximately 30 Acres	)	
Of Land Within The State Land Use	)	
Agricultural District At Pulehunui, Maui,	)	
Hawaii, TMK: 3-8-08: Por. 1	)	
_____	)	

DECISION AND ORDER APPROVING AN AMENDMENT  
TO A SPECIAL USE PERMIT

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP01-394
	)	
DEPARTMENT OF ACCOUNTING	)	DECISION AND ORDER
AND GENERAL SERVICES -	)	APPROVING AN
HAWAII ARMY NATIONAL GUARD	)	AMENDMENT TO A
AND HAWAII AIR NATIONAL	)	SPECIAL USE PERMIT
GUARD	)	
	)	
To Construct A New Armory, Organizational	)	
Maintenance Shop, Service, Storage, Parking,	)	
And Helipad Improvements, Other Related	)	
Improvements, And Future Spaces For A Post	)	
Exchange And The Hawaii Air National	)	
Guard Facilities On Approximately 30 Acres	)	
Of Land Within The State Land Use	)	
Agricultural District At Pulehunui, Maui,	)	
Hawaii, TMK: 3-8-08: Por. 1	)	
_____	)	

DECISION AND ORDER APPROVING AN AMENDMENT  
TO A SPECIAL USE PERMIT

On October 3, 2003, the Department of Accounting and General Services – Hawaii Army National Guard and Hawaii Air National Guard (collectively “Applicant”) filed a written request to amend the Special Use Permit issued in the above-entitled docket (“Request”) with the County of Maui Planning Department (“Planning Department”), pursuant to section 205-6, Hawaii Revised Statutes (“HRS”), and sections 15-15-95 and 15-15-96, Hawaii Administrative Rules (“HAR”). The Applicant proposes to amend Condition Number 1 of the Decision And Order

Approving Special Use Permit dated October 30, 2001, by extending the life of the special use permit from two years to ten years.<sup>1</sup>

The Land Use Commission ("LUC") has jurisdiction over the Applicant's Request. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize the LUC to approve special use permits for areas greater than 15 acres.

On January 13, 2004, the Planning Commission conducted a hearing on the Applicant's Request. There was no public testimony provided on the Request. After due deliberation, the Planning Commission recommended approval of the Request to the LUC, subject to the following amendment to Condition Number 1:

1. That the Land Use Commission Special Use Permit shall be valid for ten (10) years from the date of approval, or for the period of the Conditional Permit, whichever is greater, subject to extension by the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.

On January 20, 2004, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Request. On July 15, 2004, the LUC received the remaining portion of the record.

On August 13, 2004, the LUC met in Kailua-Kona, Hawai'i, to consider the Applicant's Request. Lieutenant Colonel Alvin N. Satogata of the Hawai'i Air National Guard, Engineer Section, and Joseph M. Earing of the State Department of Accounting

---

<sup>1</sup> The special use permit allowed the construction of a new armory, organizational maintenance shop, service, storage, parking, and helipad improvements, and future space for a post exchange and the Hawai'i Air National Guard facilities ("Project") on approximately 30 acres within the State Land Use Agricultural District, identified as TMK: 3-8-08: por. 1, at Pulehunui, Maui, Hawai'i.



and General Services, Public Works Division, appeared on behalf of the Applicant.

John W. K. Chang, Esq., and Abe Mitsuda also were present on behalf of the State Office of Planning ("OP"). The Planning Department had previously notified the LUC staff that although they would not be present at the meeting, they supported the Request and the Planning Commission's recommendation.

At the meeting, Lunakanawai Hauanio provided public testimony on the Request. In its appearance before the LUC, the Applicant pointed out, among other things, that the Army National Guard facility was near completion, while the site of the Air National Guard facilities presently was undergoing an environmental baseline study. The Applicant further noted that this entire process, including site acquisition, design, and construction would take approximately six to eight years to complete.

OP stated that it had no objections to the Request.

Following discussion by the Commissioners, a motion was made and seconded to approve an extension to the life of the special use permit with no end date provided the Applicant complied with all of the conditions of approval. Upon further discussion, the motion was amended and seconded to approve the Applicant's Request as recommended by the Planning Commission. Following deliberation by the Commissioners, a vote was taken on the motion, as amended. There being a vote tally of 8 ayes, 0 nays, and 1 absent, the motion carried.

ORDER

Having duly considered the complete record of the Applicant's Request and the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting on August 13, 2004, in Kailua-Kona, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, the LUC hereby APPROVES the Applicant's Request to extend the life of the special use permit, subject to the following amendment to Condition Number 1:

1. That the Land Use Commission Special Use Permit shall be valid for ten (10) years from the date of approval, or for the period of the Conditional Permit, whichever is greater, subject to extension by the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.

All other conditions to the Decision And Order Decision And Order Approving Special Use Permit dated October 30, 2001, are hereby reaffirmed and shall continue in effect.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 25th day of October, 2004. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 25th day of October, 2004, per motion on August 13, 2004, 2004.

APPROVED AS TO FORM

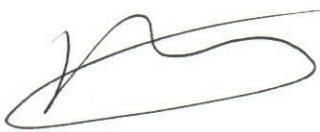
W. Alan Jackson  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By P. Roy Catalani  
P. ROY CATALANI  
Chairperson and Commissioner

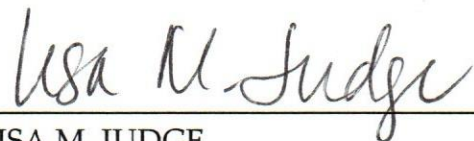
By Randall Sakumoto  
RANDALL SAKUMOTO  
Vice-Chairperson and Commissioner

By (absent)  
PRAVIN DESAI  
Commissioner


By   
\_\_\_\_\_  
KYONG-SU IM  
Commissioner

By   
\_\_\_\_\_  
ISAAC FIESTA, JR.  
Commissioner

By   
\_\_\_\_\_  
STEVEN LEE MONTGOMERY  
Commissioner

By   
\_\_\_\_\_  
LISA M. JUDGE  
Commissioner

Filed and effective on  
October 25, 2004

By   
\_\_\_\_\_  
MICHAEL D. FORMBY  
Commissioner

Certified by:

  
\_\_\_\_\_  
ANTHONY CHING

By   
\_\_\_\_\_  
PETER YUKIMURA  
Commissioner



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Application Of The ) DOCKET NO. SP01-394  
)  
DEPARTMENT OF ACCOUNTING ) CERTIFICATE OF SERVICE  
AND GENERAL SERVICES - )  
HAWAI'I ARMY NATIONAL GUARD )  
AND HAWAI'I AIR NATIONAL )  
GUARD )  
)  
To Construct A New Armory, Organizational )  
Maintenance Shop, Service, Storage, Parking, )  
And Helipad Improvements, Other Related )  
Improvements, And Future Spaces For A Post )  
Exchange And The Hawai`i Air National )  
Guard Facilities On Approximately 30 Acres )  
Of Land Within The State Land Use )  
Agricultural District At Pulehunui, Maui, )  
Hawai`i, TMK: 3-8-08: Por. 1 )  
\_\_\_\_\_)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision and Order Approving an Amendment to a Special Use Permit was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. MARY LOU KOBAYASHI  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

JOHN CHANG, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813



MICHAEL FOLEY, Director  
County of Maui, Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.  
JANE LOVELL, Esq.  
Corporation Counsel  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

ERNEST LAU, Public Works Administrator  
Department of Accounting & General Services  
P. O. Box 119  
Honolulu, Hawaii 96810

Dated: Honolulu, Hawaii, October 25, 2004.

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive Officer