

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
9th Floor, Kamamalu Building  
250 South King Street  
Honolulu, Hawaii

October 29, 1990

*approved*  
*11/16/90*

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman  
Karen S. Ahn  
JoAnn N. Mattson  
Elton Wada  
Delmond J.H. Won (Portion of the  
Proceeding)  
James M. Shinno  
Eusebio Lapenia, Jr.  
Allen K. Hoe  
Allen Y. Kajioka

COMMISSIONERS ABSENT:

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney  
General  
Raymond Young, Staff Planner  
Steven Tagawa, Staff Planner  
Darlene Kinoshita, Chief Clerk  
Holly Hackett, Court Reporter

Vice-Chairman Hoe called the meeting to order.

Chairman Nip was excused from this proceeding due to a previously declared conflict of interest.

ACTION

A89-650 - WAIHE'E OCEANFRONT HAWAII, INC. (Maui)

Vice-Chairman Hoe announced that the Commission would take action to consider reclassifying approximately 105.648 acres of land currently in the Agricultural District into the Urban District and approximately 25.456 acres of land currently in the Urban District into the Conservation District at Waihee, Maui, for an 18-hole golf course, clubhouse, tennis courts, swimming pool, and other golf course accessory buildings.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County  
of Maui

Keone Fairbanks, Department of Planning, County of Maui

Rick Eichor, Esq., Deputy Attorney General, Office of  
State Planning

Jean Nishida Souza, Land Use Division, Office of State  
Planning

Burt Sakata, Intervenor

Arguments were heard from Mr. Maehara, Mr. Archer,  
Mr. Eichor, and Mr. Sakata. After hearing arguments, questions  
were asked by the Commissioners.

Vice-Chairman Hoe determined that all of the  
Commissioners present were eligible to participate in the  
action on the petition.

Commissioner Wada moved to go into executive session  
to confer with the Commission's attorney on legal matters. The  
motion was seconded by Commissioner Kajioka and unanimously  
carried by voice votes.

Commissioner Wada moved to approve the petition by  
Waihee Oceanfront Hawaii, Inc. subject to twenty-eight (28)  
conditions. It was further ordered that the reclassification  
of approximately 6.726 acres of land within the Agricultural  
District be denied reclassification to the Urban District. The  
motion was seconded by Commissioner Lapenia and polled as  
follows:

Ayes: Commissioner Wada, Kajioka, Lapenia, Mattson,  
Shinno, Ahn, and Vice-Chairman Hoe.

Chairman Nip and Commissioner Won joined the  
proceeding at this time.

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Commissioner Kajioka was excused from these proceedings due to a previously declared conflict of interest.

A88-622 - HOUSING FINANCE AND DEVELOPMENT CORPORATION, STATE OF HAWAII; A87-609 - MILILANI TOWN, INC.; A87-616 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU; A87-610 - TOM GENTRY AND GENTRY-PACIFIC, LTD. (Oahu)

Chairman Nip announced that the Commission would take action to consider Petitioners' Motion for Order Amending Decision and Orders to allow Petitioners' Participation in a regional transportation management program with other developers from surrounding projects to serve as an alternative means of addressing the Land Use Commission's concerns over traffic from the leeward area of Oahu, Hawaii.

Appearances

Burt Lau, Esq., Attorney for Housing Finance and Development Corporation

David Laxson, Esq., Attorney for Department of General Planning, City and County of Honolulu

Dawn Suyenaga Candon, Esq., Attorney for Tom Gentry and Gentry-Pacific

James Funaki, Esq., Attorney for Mililani Town, Inc.

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Gregory Turnbull, Esq., Attorney for Intervenor, Chevron U.S.A., in Docket No. A88-622, was not present to this proceeding at this time.

Arguments were heard from Mr. Lau, Mr. Laxson, Ms. Candon, Mr. Funaki, and Mr. Eichor. After hearing arguments, questions were asked by Commissioners.

Commissioner Shinno moved for an executive session to confer with our attorney on legal matters. The motion was seconded by Commissioner Hoe. The motion was unanimously carried by voice votes.

Commissioner Ahn moved to grant the motion to amend the decision and orders in Docket No. A88-622, A87-610, A87-609, and A87-616. The motion was seconded by Commissioner Hoe and polled as follows:

Ayes: Commissioner Ahn, Wada, Won, HOe, Lapenia, Mattson, Shinno, and Chairman Nip.

A89-649 - LANAI RESORT PARTNERS (Manele)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion to File Amended Petition for Amendment of District Boundaries in which Petitioner seeks an amendment of the petition presently before the Commission to change the request for reclassification so that in lieu of the reclassification of approximately 284.706 acres of land in the Rural District and approximately 173.318 acres of land in the Agricultural District into the Urban District, the request is for the reclassification of approximately 120 acres of land in the Rural District into the Urban District and approximately 40 acres of land in the Agricultural District into the Urban District.

Appearances

James Funaki, Esq., Attorney for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County of Maui

Phillip Ota, Department of Planning, County of Maui

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenor

Arguments were heard from Mr. Funaki, Mr. Archer, Mr. Eichor, and Mr. Murakami. Testimony from Thomas Leppert was heard. After hearing arguments and testimony, questions were asked by the Commissioners.

Commissioner Wada moved to grant Petitioner's motion to file amended petition without prejudice. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Wada, Won, Ahn, Hoe, Lapenia, Mattson, Shinno, and Chairman Nip.

A presentation on the 5-year boundary review was presented by Mary Lou Kobayashi of the Office of State Planning.

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

- 1:30 p.m. -

#### HEARING

#### A90-655 - WEST BEACH ESTATES (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on September 20, 1990 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by West Beach Estates to reclassify approximately 372.6 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for an 18-hole golf course and accessory buildings; multi-family residential and commercial uses; and a transit station site.

Commissioner Kajioka was excused from the proceeding due to a declared conflict of interest.

#### Appearances

David Arakawa, Esq., Attorney for Petitioner

Jan Sullivan, Esq., Attorney for Petitioner

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

Rick Eichor, Deputy Attorney General, Office of State  
Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Louise Peterson, Land Use Division, Office of State  
Planning

Rebecca Greenway, Esq., Attorney for the Department of  
the Navy

Commissioner Hoe moved to deny Elizabeth Ann Stone's  
request for intervention. The motion was seconded by  
Commissioner Lapenia and unanimously approved by voice votes.

Commissioner Hoe moved to approve the Petition for  
Intervention and Motion for Fee waiver filed by the Department  
of the Navy. The motion was seconded by Commissioner Won and  
unanimously approved by voice votes.

The Commission allowed the untimely public witnesses  
to testify today.

#### EXHIBITS

1. Petitioner's Exhibit No. 1, 1A, 1B, 2 through 6,  
6A, 7 through 8, 8A, 8B, 9, 9A through 9D, 10 through 11, 11A  
through 11C, 12, 12A through 12B, 13, 13A, 13B, 14, 14A, 14B,  
15, 15A, 15B, 16, 16A, 16B, 17, 17A through 17C, 18, 18A, 19,  
19A, 19B, 20, 21, and 21A were admitted into evidence by the  
Land Use Commission.

2. County's Exhibit No. 1 was 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.

4. Calvin Kawamoto's written testimony was admitted  
into evidence by the Land Use Commission.

The Commission allowed untimely public witnesses to  
testify today.

PUBLIC WITNESSES

1. Charles Beamer
2. Sterling Ing
3. Jane Ross
4. Agnes Cope
5. Kamaki Kanahele
6. George Kaeo
7. Francisco Lambago
8. Kauila Clark

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

PETITIONER'S WITNESSES

1. John Chapman
2. Ernest Takahashi
3. Paul Rosendahl
4. Brian Terry Brothers
5. Frank Scott, Jr.

The meeting was adjourned at 4:30 p.m. to reconvene at 8:30 a.m.