

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

*approved
3/1/91*

February 7, 1991

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Allen K. Hoe, Vice-Chairman
Karen S. Ahn
JoAnn N. Mattson
Elton Wada
Delmond J.H. Won
Allen Y. Kajioka (Portion of
Proceeding)

COMMISSIONERS ABSENT: James M. Shinno
Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Steven Tagawa, Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A90-662 - LANAI RESORT PARTNERS (Koele)

Chairman Nip announced that the Commission would take action to determine whether the anticipated effects discussed in the petition's Environmental Assessment to reclassify approximately 63.526 acres of land currently in the Agricultural District into the Urban District, approximately 4.382 acres of land currently in the Conservation District into the Urban District, and approximately 10.885 acres of land currently in the Agricultural District into the Conservation District at Koele, Lanai for residential use constitute a "significant effect" pursuant to Chapter 343, H.R.S.

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

Appearances

James Funaki, Esq., Attorney for Petitioner

Thomas Leppert, for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Maui, was not present to the proceeding at this time.

Additional arguments were heard from Mr. Funaki. At this time, Mr. Funaki requested a continuance of this action so that the Commission may review Exhibit 8, Draft EIS of Manele, Lanai.

There were no objections by the Office of State Planning.

Commissioner Hoe moved to accept Exhibit 8 and moved to continue action on the motion at this time. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

A90-656 - WEST BEACH ESTATES (Oahu)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 372.6 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii, for an 18-hole golf course and accessory buildings; multi-family residential and commercial uses; and a transit station site.

Commissioner Kajioka was also excused from this proceeding due to a previously declared conflict of interest.

Appearances

David Arakawa, Esq., Attorney for Petitioner

Roy Takeyama, Esq., Attorney for Petitioner

Bill Blaisdell, for Petitioner

Ken Williams, for Petitioner

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

Louise Peterson, Land Use Division, Office of State
Planning

Myra Immings, Intervenor, Department of the Navy.

The Department of General Planning, City and County of
Honolulu was not present to the proceeding at this time.

Arguments were heard from Mr. Arakawa, Mr. Eichor, and
Ms. Immings. After hearing arguments, questions were asked by
the Commissioners.

Chairman Nip determined that all of the Commissioners
present were eligible to participate in the action on this
petition.

Commissioner Hoe moved to approve the petition by West
Beach Estates subject to twenty-one conditions. The motion was
seconded by Commissioner Won and polled as follows:

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

Commissioner Kajioka joined the proceeding at this
time.

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Second Amendment)
(Hawaii)

Chairman Nip announced that the Commission would take
action to consider a Second Amendment to Special Permit No.
70-85 which allowed the establishment of the Puu Hinai Quarry
(Site 1) and the Village Quarry (Site 2) and allied uses on
approximately 155.6 acres of land situated within the State
Land Use Agricultural District at Waikoloa Village, Waikoloa,
South Kohala.

Appearances

Ronald Lum, Esq., Attorney for Petitioner

Ken Melrose, for Petitioner

Norman Hayashi, Director, Department of Planning,
County of Hawaii

Steven Tagawa, Staff Planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit.

Arguments were heard from Mr. Melrose and Mr. Hayashi. After hearing arguments, questions were asked by the Commissioners.

Commissioner Kajioka moved for the adoption of the Second Amendment of SP70-85 - Waikoloa Development Company subject to ten conditions recommended by the County of Hawaii, Planning Commission with amendments. Conditions 2 and 9 are amended to read as follows:

Condition #2 - A map and metes and bounds description of Site 1 shall be filed with the Planning Department and the Land Use Commission within one year from the effective date of the amendment.

Condition #9 - An annual monitoring report shall be submitted to the Planning Director and the Land Use Commission prior to the anniversary date of the approval of this amendment. The report shall include, but not limited to, the amount of material quarried or removed, a detailed listing of public complaints or problems, and their disposition. Should conflict arise, which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the quarry use will have an adverse impact on surrounding properties.

The motion was seconded by Commissioner Mattson and polled as follows:

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

CONTINUED HEARING

A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA
(Hawaii)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on January 27, 1989, March 10, 1989, March 22, 1989, March 23, 1989, April 6, 1989, April 7, 1989, July 13, 1989, July 14, 1989, September 7, 1989, September 8, 1989, February 23, 1990, May 21, 1990, May 22, 1990, July 26, 1990, July 27, 1990, October 11, 1990, October 12, 1990, and November 28, 1990.

Commissioner Lapenia was excused from this proceeding due to a previously declared conflict of interest.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

William Yuen, Esq., Co-Counsel for Petitioner

Cynthia Charlton, Esq., Co-Counsel for Petitioner

Norman Hayashi, Director, Planning Department, County of Hawaii

Keith Kato, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

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

Alan Murakami, Esq., Attorney for Intervenor, Pa'a Pono Milolii

Paul Lucas, Esq., Attorney for Intervenor, Pa'a Pono Milolii

Glen Winterbottom, Intervenor

EXHIBITS

1. All untimely public witness statements received by the Commission were admitted into evidence by the Land Use Commission.

2. Pa'a Pono Milolii's Exhibit I-2 was admitted into evidence by the Land Use Commission. Exhibits A and B were withdrawn at this time. Exhibits I-2 through I-5 (not received by the Commission) were withdrawn at this time.

3. OSP's Exhibit No. 43 was admitted into evidence by the Land Use Commission.

PA'A PONO MILOLII'S WITNESSES

1. Dr. John Harrison
2. Lawrence Terlip
3. Richard Brock
4. Wilfred Kaupiko

The meeting was adjourned at 6:45 p.m.