

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Ekahi Ballrooms
Royal Waikoloan Hotel
Waikoloa, Hawaii

Approved
4/25/91

April 11, 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)
James M. Shinno

COMMISSIONERS ABSENT: 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

Jean McManus, Court Reporter

Chairman Nip called the meeting to order.

Commissioner Kajioka did not participate in this proceeding due to a previously declared conflict of interest.

ACTION

A89-649 - LANAI RESORT PARTNERS (Manele)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 120 acres of land currently in the Rural District into the Urban District, and approximately 40 acres of land currently in the Agricultural District into the Urban District at Manele, Lanai for an 18-hole golf course and accessory uses.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Thomas Leppert, Petitioner

Phil Ohta, Department of Planning, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

Alan Murakami, Esq., and Arnold Lum, Esq., Attorney
for Intervenor, indicated to the Commission that they would
not be appearing at this proceeding.

Arguments were heard from Mr. Funaki. No additional
comments were heard from the State and County. After hearing
Mr. Funaki's 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 Wada moved to approve the petition by
Lanai Resort Partners subject to twenty-six conditions. The
motion was seconded by Commissioner Hoe.

Commissioner Mattson moved to amend the conditions to
delete conditions 22 through 24 (Intervenor's Condition No. 2,
5, and 7). The motion was seconded by Commissioner Wada and
unanimously carried by voice votes.

The motion to approve the petition by Lanai Resort
Partners subject to twenty-three conditions as amended was
polled as follows:

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

Commissioner Kajioka joined the proceeding at this time.

A89-643 - McCLEAN HONOKOHAU PROPERTIES, A HAWAII LIMITED
PARTNERSHIP fka ROBERT S. McCLEAN AS TRUSTEE OF THE
ROBERT S. McCLEAN TRUST (Hawaii)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 89.527 acres of land currently in the Conservation and Agricultural Districts into the Urban District at Honokohau, North Kona, Hawaii for industrial uses and general urban expansion.

Appearances

Robert Smolenski, Esq., Attorney for Petitioner

Robert S. McClean, Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
of State Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Sandy Schutte, Esq., Attorney for Intervenor

Arguments were heard from Mr. Smolenski, Ms. Kiriu, and Ms. Schutte. 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 McClean Honokohau Properties, a Hawaii Limited Partnership fka Robert S. McClean as Trustee of the Robert S. McClean Trust subject to sixteen conditions. The motion was seconded by Commissioner Won and polled as follows:

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

A91-666 - KAHALA CAPITAL CORPORATION (O'oma II, Hawaii)

Chairman Nip announced that the Commission would take action to determine whether Petitioner's previously accepted EIS on Docket No. A86-602 adequately addresses the potential impacts of the subject petition to reclassify approximately 217 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an ocean science center, professional conference center, water recreation park, an 18-hole golf course with clubhouse, lodging inn, residential lots, condominiums, retail center, and a hotel, pursuant to Chapter 343, H.R.S. and LUC Rules 15-15-50 (b).

Appearances

Randy Vitousek, Esq., Attorney for Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

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

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

Abe Mitsuda, Land Use Division, Office of State Planning

Bert Saruwatari, staff planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. Wanda Dettling
2. Jerry Rothstein
3. Claire Hackmuth

The letter dated April 11, 1991 from Gerald Cysewski, Ph.D, Cyanotech Corporation was admitted into evidence by the Land Use Commission.

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

Commissioner Hoe moved that Petitioner prepare a supplemental Environmental Impact Statement. The motion was seconded by Commissioner Won and polled as follows:

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

CONTINUED HEARING

A89-646 - LILIUOKALANI TRUST (Kona)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on February 8, 1991.

Appearances

Ben Kudo, Esq., Attorney for Petitioner

Lyle Harada, Esq., Attorney for Petitioner

Norman Hayashi, Department of Planning, County of Hawaii

Connie Kiriu, Department of Planning, County of Hawaii

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

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

Abe Mitsuda, Land Use Division, Office of State Planning

Mark Van Pernis, Esq., Attorney for Intervenor

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

EXHIBITS

1. The letter dated February 26, 1991 from Brad Houser was entered into evidence by the Land Use Commission.
2. Petitioner's Exhibit Nos. 16 through 32 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESS

1. Puna Kihoi

PETITIONER'S WITNESSES

1. Monsignor Charles Kekumanu
2. James Bell

The meeting was adjourned at 6:35 p.m.