

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
7/19/91

June 27, 1991

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Allen K. Hoe, Vice-Chairman
JoAnn N. Mattson
Delmond J.H. Won
Allen Y. Kajioka
Eusebio Lapenia, Jr.
Elton Wada

COMMISSIONERS ABSENT: Karen S. Ahn

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Steven Tagawa, Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk
Leo Asuncion, Student Helper
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A91-668 - DON KARLEEN AND PEGGY KARLEEN (Kauai)

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 6,606 sq. ft. of land currently in the Conservation District into the Urban District at Wainiha, Kauai for residential use constitute a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Walton Hong, Esq., Attorney for Petitioner

Rick Eichor, Esq., Deputy Attorney General

Abe Mitsuda, Land Use Division, Office of State
Planning

The Department of Planning, County of Kauai, was not present to the proceeding at this time. The Commission received a letter dated June 26, 1991 from the Department of Planning addressing their concerns.

Leon Asuncion, student helper, oriented the Commission to the area of concern on the Land Use District Boundaries and tax maps.

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

Commissioner Hoe moved to to accept Petitioner's environmental assessment as a negative declaration. The motion was seconded by Commissioner Won and polled as follows:

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

Vice-Chairman Hoe requested Petitioner submit photographs of the subject area. The Office of State Planning also requested Petitioner submit topo maps of the general site and surrounding area of the property.

SP73-159 - TOYAMA GARDENS HAWAII CORPORATION dba NANI MAU
GARDENS, INC. (4th Amendment)

Chairman Nip announced that the Commission would take action to consider allowing an additional five acre-expansion to the existing Gardens for stockpiling, storage and establishing forest trails; to consider amending Condition No. 5 to allow the hours of operation for restaurant and commercial uses; to consider amending Condition No. 6 to allow expansion of retail functions; to consider amending Condition No. 6 to allow expansion of retail commercial activities beyond the existing 10,562 square foot structure to an area no greater

than 25,000 square feet, allowing for outdoor functions; and to consider amending Condition No. 7 to allow an additional access from Makalika Street for special events parking on approximately 53 acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Hawaii.

Appearances

Sidney Fuke, Planner Consultant for Petitioner

Chihaya Hojo, Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

Bert Saruwatari, 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 request by Petitioner.

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

Commissioner Lapenia moved to approve the special use permit subject to twelve conditions as modified by the Planning Commission, County of Hawaii. The motion was seconded by Commissioner Hoe and polled as follows:

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

A86-600 - WAITEC DEVELOPMENT, INC. (Oahu) AND
A89-640 - HALEKUA DEVELOPMENT CORPORATION (Oahu)

Chairman Nip announced that the action meeting on the above-entitled petitions would be continued since we have received a written stipulation by the parties to continue the action meeting.

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, April 11, 1991, and April 12, 1991.

Appearances

Ben Kudo, Esq, Attorney for Petitioner

Lyle Harada, Esq., Attorney for Petitioner

Monsignor Kekumanu, for Petitioner

Joseph Kamelamela, Esq., Deputy Corporation Counsel

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 Intervenors

EXHIBITS

1. Petitioner's Exhibit Nos. 33 through 35 were
admitted into evidence by the Land Use Commission.

2. Intervenor's Exhibit Nos. 1 through 6 were
admitted into evidence by the Land Use Commission. The written
testimonies from Rep. Virginia Isbell, Frank Zuzak, and the
letters dated March 25, 1991 and June 6, 1991 from Ben Kudo to
Mark Van Pernis marked next in order by Intervenor were
admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESS

1. Philip Ching

COUNTY'S WITNESS

1. Connie Kiriu

Chairman Nip requested the Office of State Planning
file an amended testimony to reflect its withdrawal and
amendment of certain conditions, after the close of the hearing.

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INTERVENOR'S WITNESSES

1. Wanda Dettling

The meeting was adjourned at 5:00 p.m.