

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Department of Education Board Room
4th Floor, Queen Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

August 22, 1991

approved
9/5/91

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

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney General
Bert Saruwatari, Staff Planner
Teri Oki, Secretary
Leo Asuncion, Student Helper
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A91-669 - NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY

Chairman Nip announced that the Commission would take action to consider Petitioner's request for approval of previously prepared Environmental Impact Statements for the proposed reclassification of 83 acres currently in the Conservation District into the Urban District at Keahole, North Kona for ocean-related high technology industry uses.

Appearances

Clare Hachmuth, Representing Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

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

Karen Yamamoto, Land Use Division, Office of State Planning

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

Clare Hachmuth presented the Commission with background information on the project. The County and State had no objections to Petitioner's request, questions were asked by the Commissioners.

Commissioner Hoe moved in the matter of A91-669 - Natural Energy Laboratory of Hawaii Authority that the motion to consider Petitioner's request for approval of previous prepared Environmental Impact Statements be denied and that a supplemental EIS be submitted. The motion was seconded by Commissioner Won and unanimously carried as follows:

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

A91-667 - SMF ENTERPRISE, INC.

Vice Chairman Hoe announced that the Commission would take action to consider Petitions to Intervene filed by George Cooper, Esq., on behalf of the Waiahole Waikane Community Association, and the Kahalu'u Neighborhood Board No. 29.

Chairman Nip did not participate in these proceedings due to a declared conflict of interest.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

William Bartlett, Department of General of Planning, City & County of Honolulu

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

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

George Cooper, Esq., Attorney for Intervenor, Waiahole-Waikane Community Association

David Y. Chinen, Waiahole-Waikane Community Association

Amy Luersen, Kahaluu Neighborhood Board No. 29

Robert Fernandez, Kahaluu Neighborhood Board No. 29

Arguments were heard from Mr. Cooper, and Ms. Luersen. The State and County had no objections to the intervention requests. Questions were asked by the Commissioners.

Commissioner Won moved to accept the petitions to intervene filed by Mr. George Cooper on behalf of the Waiahole-Waikane Community Association and by Amy Luersen on behalf of the Kahaluu Neighborhood Board No. 29.

The motion was seconded by Commissioner Kajioka and unanimously carried by voice votes.

The Commission received letters from George Cooper, Astrid Monson & Arlene Kim Ellis and Steve Holmes requesting that the hearing take place in the community.

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

Commissioner Hoe announced a tentative schedule for the hearing on September 5, 1991. The meeting will open at the Kalanimoku Building as published in the notice of hearing. The Commission will meet at Waiahole Elementary School at approximately 3:00 p.m. to conduct a site inspection. The public witness testimony will commence at 7:00 p.m. that evening at Waiahole Elementary School Cafeteria. The meeting will reconvene on September 6, 1991 at the Kalanimoku Building.

A90-659 - STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,
AIRPORTS DIVISION, (Lanai)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 509.282 acres of land currently in the Agricultural District into the Urban District at Lanai, Maui, for expansion of the Lanai Airport facilities.

Commissioner Kajioka did not participate in these proceedings due to a declared conflict of interest.

Appearances

Derwin Hayashi, Esq., Attorney for Petitioner

Owen Miyamoto, Department of Transportation

Robert Kikuna, Esq., Deputy Corporation Counsel,
County of Maui

Phil Ota, Planner, County of Maui

Hal Schofield, Esq., Deputy Attorney General, Office
of State Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

Harold Masumoto, Director, Office of State Planning

Arguments were heard from Mr. Hayashi, Mr. Schofield,
and Ms. Kiriu. Mr. Hayashi introduced exhibit 42, Land
Transfer Agreement, which was admitted into evidence. Owen
Miyamoto and Tom Leppert were brought on as witnesses to answer
questions from the Commissioners.

It was determined by Chairman Nip that all of the
Commissioners present were eligible to participate in this
matter and called for a motion.

Commissioner Wada moved for an executive session to
confer with the Commission's attorney to discuss legal
matters. The motion was seconded by Commissioner Hoe and
unanimously carried by voice votes.

Commissioner Wada moved to approve the petition by the
State of Hawaii, Department of Transportation, Airports
Division subject to fifteen conditions. The motion was
seconded by Commissioner Lapenia and polled as follows:

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

A90-662 - LANAI RESORT PARTNERS

Chairman Nip announced that the Commission would take
action to consider reclassifying 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.

Commissioner Kajioka did not participate in these proceedings due to a declared conflict of interest.

Appearances

James Funaki, Esq., Attorney for Petitioner

Robert Kikuna, Esq., Deputy Corporation Counsel,
County of Maui

Phil Ota, Planner, County of Maui

Hal Schofield, Esq., Deputy Attorney General, Office
of State Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

The Commission received letters dated May 17, 1991 and June 21, 1991 from Mr. Glenn S. Oshiro; and a letter dated July 17, 1991 from Elizabeth Ann Stone which were admitted into the record.

Arguments were heard from Mr. Funaki, Mr. Kikuna and Mr. Schofield. Tom Leppert was sworn in as a witness to answer questions from the Commissioners.

Commissioner Wada moved for an executive session to confer with the Commission's attorney to discuss legal matters. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

Commissioner Wada moved to approve the petition by Lanai Resort Partners subject to sixteen conditions. The motion was seconded by Commissioner Hoe.

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

The Commissioners were polled as follows:

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

Nay: Chairman Nip

A lunch recess was taken at 12:20 p.m. to reconvene at 1:30 p.m.

- 1:35 p.m. -

A89-646 - LILIUOKALANI TRUST

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 1,107.724 acres of land currently in the Conservation and Agricultural District into the Urban District at Keahuolu, Kailua-Kona, Hawaii for a new urban center consisting of residential, office and commercial, judiciary complex, industrial and business park, financial plaza, hospital, and hotel with exhibition center, cultural facilities, and historic park uses.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Lyle Harada, Esq., Watanabe, Ing & Kawashima

Connie Kiriū, 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

Mark Van Pernis, Esq., Attorney for Intervenor

Arguments were heard from Mr. Kudo, Mr. Eichor, Ms. Kiriū, and Mr. Van Pernis.

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

Commissioner Lapenia moved to approve the petition by Liliuokalani Trust subject to twenty-five conditions. The motion was seconded by Commissioner Hoe and carried by the following votes:

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

A89-638 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF
HONOLULU

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion for Order Extending the Time to Comply with a Precondition in Decision and Order dated September 18, 1989 to reclassify approximately 269.454 acres of land from the Agricultural District into the Urban District at Waipio, Ewa, Oahu.

Appearances

David Laxson, Esq., Attorney for Petitioner

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

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

The Commission received a letter dated August 22, 1991 from Representative Samuel Lee.

Arguments were heard from Mr. Laxson and Mr. Eichor. Questions were asked by the Commission. Mr. Randy Iwase testified in opposition to the extension.

Commissioner Kajioka moved to extend the time until December 31, 1991.

Commissioner Won moved to go into executive session to consult with the Commission's attorney on legal matters. The motion was seconded by Commissioner Mattson and carried by voice votes.

Commissioner Kajioka repeated his motion to extend the time until December 31, 1991. That motion failed to be seconded. There being no further motions made to approve Petitioner's amended motion, the motion was denied.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: July 18, 1991 and July 19, 1991

The meeting was adjourned at 3:10 p.m.