

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

The Promenade Ballrooms
The Ritz-Carlton, Mauna Lani
One North Kaniku Drive
Kohala Coast, Hawaii

March 19, 1992

approved
4/15/92

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
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT:

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

A91-665 - KAMAAINA EIGHT, a Hawaii General Partnership (Hawaii)

Chairman Nip announced that the Commission would take action to consider reclassifying approximately 70.376 acres of land currently in the Conservation and Agricultural Districts into the Urban District at Kohanaiki, North Kona, Hawaii for a commercial/light industrial development.

Appearances

Robert Triantos, Esq., Attorney for Petitioner

Connie Kiriou, Department of Planning, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Arguments were heard from Mr. Triantos, Ms. Kiriu, and
Ms. Ogata-Deal.

Commissioner Lapenia moved to approve the petition by
Kamaaina Eight subject to eighteen conditions. The motion was
seconded by Commission Won and polled as follows:

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

A89-637 - ATPAC LAND COMPANY LIMITED PARTNERSHIP, WAIKOLOA
DEVELOPMENT COMPANY, AND WAIKOLOA LAND AND CATTLE
COMPANY (Hawaii)

Chairman Nip announced that the Commission would take
action to consider Petitioner's Motion to Clarify Condition of
Reclassification of the Decision and Order dated January 9,
1990 which reclassified approximately 853.187 acres of land
from the Agricultural District into the Urban District at
Waikoloa, South Kohala for resort, residential, 3 golf courses,
and commercial uses.

Appearances

William Yuen, Esq., Attorney for Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State
Planning

The letter dated March 15, 1992 from Elizabeth Ann
Stone was admitted into evidence by the Land Use Commission.

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

Arguments were heard from Mr. Yuen, Ms. Kiriu, and Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved that Petitioner's Motion be granted to clarify that the Petitioner's proposed development, as reflected in Petitioner's Exhibit "C" filed with the subject motion, conforms to Condition No. 2 of the Decision and Order dated January 9, 1990. The motion was seconded by Commissioner Lapenia and polled as follows:

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

A85-592 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
(HAWAII)

Chairman Nip announced that the Commission would take action on Petitioner's Amended Motion to Delete or Modify Condition Imposed by the Land Use Commission of the Decision and Order dated February 6, 1986 which reclassified approximately 547 acres of land from the Conservation District into the Urban District at Keahole, North Kona, Hawaii for a research and high technology park.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Connie Kiriu, Department of Planning, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State
Planning

The letter dated March 15, 1992 from Elizabeth Ann Stone was admitted into evidence by the Land Use Commission.

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

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

Commissioner Hoe moved to defer action on this matter so the parties can present a stipulated motion in writing for the Commission to review. The motion was seconded by Commissioner Won and carried unanimously by voice votes.

HEARING

A91-666 - KAHALA CAPITAL CORPORATION (Hawaii)

Pursuant to a notice published in the Honolulu Advertiser, West Hawaii Today, and Hawaii Tribune Herald and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 217.566 acres of land currently in the Conservation District into the Urban District at Ooma 2nd, North Kona, Hawaii for a marine exploratorium, professional conference center, water recreation park, an 18-hole golf course with clubhouse, lodging inn, residential lots, condominiums, retail center, and hotel uses.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Nani Rapoza, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Mike Matsukawa, Esq., Corporation Counsel, County of
Hawaii

Connie Kiriū, Department of Planning, County of Hawaii

Ann Ogata-Deal, 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

Kelly Moorhead, Potential Intervenor

Jason Verity, Potential Intervenor

Mahealani Pai, Potential Intervenor

Arguments on the motion for intervention were heard from Kelly Moorhead, Jason Verity, Mahealani Pai, Mr. Vitousek, Mr. Matsukawa, and Ms. Ogata-Deal. After hearing arguments on the motion, questions were asked by the Commissioners.

Commissioner Hoe moved to deny the requests for intervention by Mr. Moorhead, Cyanotech; Mr. Verity, Hui He'enalū; and Mr. Pai, Pai Ohana as not satisfying the Commission's rules.

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

Commissioner Hoe moved to withdraw his motion to deny the requests for intervention and moved to grant the requests for intervention limiting questioning of Cyanotech to sea drift and air drift concerns as applicable to pesticides and herbicides, Mr. Verity to water quality concerns and urbanization pressures, and Mr. Pai to cultural, historic and religious concerns. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

EXHIBITS

1. The letters from the following public witnesses were admitted into evidence by the Land Use Commission:

a. January 16, 1992 from Maurice H. Kaya, Energy Division, Department of Business, Economic Dev., and Tourism

b. January 23, 1992 from William Paty, Chairpersson, Department of Land and Natural Resources

c. January 8, 1992 and March 15, 1992 from Elizabeth Ann Stone

d. February 24, 1992 from Alice Goo

e. March 7, 1992 from Karen Klein of the Ocean Recreation Council of Hawaii

f. March 19, 1992 from George Yokoyama, Hawaii County Economic Opportunity Council

g. March 12, 1992 from Gilbert Kahele of Na Ala Hele

h. March 16, 1992 from Carol C. Moran

i. March 16, 1992 from Scott Fuller

j. March 17, 1992 from Rep. Virginia Isbell

k. March 18, 1992 from Frank Deluz, III, of the Hawaii Island Portuguese Chamber of Commerce

l. March 19, 1992 from the following:

1. Richard Nast
2. John Dye
3. John Wood
4. James Paulik
5. Jeff Hanlon
6. Jeff Brandenburg
7. Robert Meierdiercks
8. Henry Warner
9. Paul Reiss
10. Kent Nakashima

2. Petitioner's Exhibit A and B, Exhibit Nos. 1 through 8, 9, 9a through 9i, 10 through 86 were admitted into evidence by the Land Use Commission.

3. County's Exhibit No. 1 and 2 were admitted into evidence by the Land Use Commission.

4. State's Exhibit Nos. 1 and 2 were admitted into evidence by the Land Use Commission.

5. Intervenor, Jason Verity's Exhibit No. 1 and 2 were admitted into evidence by the Land Use Commission.

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

PUBLIC WITNESSES

1. Representative Mike O'Kieffe
2. Clare Hachmuth
3. Gerald Cysewski
4. J. Anthony Hanley
5. Buzzy Hong
6. Sam Rupp
7. James Schleiger
8. Warren Chong
9. Marty Herkes
10. Marilyn Debus
11. Barbara McClean
12. Maitland Akau

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13. Tom Allen
14. Howard Johnson
15. Robert Shane Rohan
16. Robert Glasser
17. Karen Eoff
18. Douglas Blake

The meeting was adjourned at 6:30 p.m.