

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Ekolu Ballroom
The Royal Waikoloan
Kohala Coast, Hawaii

April 30, 1992

*approved
5/28/92*

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

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.

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

Jean McManus, Court Reporter

Prior to the convening of the meeting, the Land Use Commission took a field trip this morning to the project site of Docket No. A91-666 - Kahala Capital Corporation and Docket No. A91-669 - Natural Energy Laboratory of Hawaii Authority. At Kahala Capital Corporation's site, the Commission toured the anchialine ponds and various archaeological sites. At NELHA, the Commission toured the Uwajima Farms, Cyanotech, Royal Hawaiian Seafarms, Aquaculture Enterprises, and Ocean Farms Hawaii, Inc.

Commissioner Wada was absent from the proceeding at this time.

Chairman Nip called the meeting to order.

ACTION

AR&R92-9

Chairman Nip announced that the Commission would take action to consider Petition filed by the Office of State Planning for amendment to the State Land Use Commission Rules of Practice and Procedure relating to the 5-year boundary review.

Appearances

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

Harold Masumoto, Director, Office of State Planning

Mary Lou Kobayashi, Office of State Planning

Arguments on the petition were heard from Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

Commissioner Kajioka moved for an executive session to consult with the Commission's attorney on legal matters. The motion was seconded by Commissioner Ahn and unanimously carried by voice votes.

Commissioner Hoe moved to accept the First Amended Petition and Petition filed by the Office of State Planning and in accordance with Rule 15-15-107, the Commission will proceed with the rule amendment. The motion was seconded by Commissioner Won and polled as follows:

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

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

Chairman Nip announced that the Commission would take action to consider 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

Grace Kido, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Margaret Masunaga, Esq., Deputy Corporation Counsel,
County of Hawaii

Connie Kiriou, 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

On April 27, 1992, a Stipulation as to Proposed Decision and Order on Amended Motion to Delete or Modify Condition was filed by the parties.

Arguments on the motion were heard from Mr. Vitousek.

Mr. Kelly Moorhead was allowed to testify as a public witness at this time.

Commissioner Hoe moved to grant Petitioner's Amended Motion to Amend Decision and Order subject to the conditions of the Decision and Order as stipulated by the parties and filed on April 27, 1992. The motion was seconded by Commissioner Won and polled as follows:

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

CONTINUED HEARING

A91-666 - KAHALA CAPITAL CORPORATION (Hawaii)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on March 19 and 20, 1992.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Nani Rapoza, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Margaret Masunaga, Esq., Deputy Corporation Counsel,
County of Hawaii

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

Karen Yamamoto, Land Use Division, Office of State
Planning

Kelly Moorhead, Intervenor

Jason Verity, Intervenor

Mahealani Pai, Intervenor

EXHIBITS

1. The letter dated April 12, 1992 from George R. Ariyoshi of Hawaii Cultured Pearls, Inc. was admitted into evidence by the Land Use Commission.

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2. The letter dated April 15, 1992 from Barbara McLean of The West Hawaii Sierra Club was admitted into evidence by the Land Use Commission.

3. Petitioner's Exhibit Nos. 87 through 93 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESS

1. Kenneth Sakai

The meeting was adjourned at 6:15 p.m.