

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C  
Third Floor, Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

approved  
9/20/93

September 9, 1993

COMMISSIONERS PRESENT: JoAnn Mattson, Chairperson  
Elton Wada  
Allen K. Hoe (Portion of Proceeding)  
Lloyd Kawakami  
Karen S. Ahn (Portion of Proceeding)  
Trudy K. Senda  
Delmond J.H. Won  
Renton L.K. Nip (Portion of Proceeding)  
Eusebio Lapenia, Jr. (Portion of  
Proceeding)

COMMISSIONERS ABSENT:

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

Presiding Officer Won called the meeting to order.

Commissioner Lapenia was absent from the proceeding at this time.

ACTION

A87-617 - PUAKO HAWAII PROPERTIES (Hawaii)

Presiding Officer Won announced that the Commission would take action to consider Petitioner's Motion for Declaration of Satisfaction of Condition No. 8 of the Modified Decision and Order Dated July 9, 1991 which reclassified

approximately 1,060 acres of land from the Agricultural District into the Urban District at Waikoloa, South Kohala, Hawaii for residential, commercial, park, and golf course uses.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Jim Nagle, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no comments on Petitioner's motion.

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

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

Commissioner Senda moved to grant Petitioner's Motion for Declaration of Satisfaction of Condition No. 8 of the Modified Decision and Order Dated July 9, 1991 which reclassified approximately 1,060 acres of land from the Agricultural District into the Urban District at Waikoloa, South Kohala, Hawaii for residential, commercial, park, and golf course uses. The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioner Senda, Hoe, Kawakami, Mattson, Nip, Ahn, Wada, and Presiding Officer Won.

REOPENED HEARING

A92-683 - HALEKUA DEVELOPMENT CORPORATION (Oahu)

Pursuant to a notice published in the Honolulu Star-Bulletin and notices sent to all parties, a reopened hearing was conducted by the Land Use Commission to consider

reclassifying approximately 504.865 acres of land currently in the Agricultural District into the Urban District at Hoaeae-Waikele, Ewa, Oahu for single- and multi-family residential, light industrial park, 18-hole golf course, public park, and school uses.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Jim Nagle, 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

EXHIBITS

1. Petitioner's Amended List of Exhibits and Witnesses were received by the Land Use Commission.

2. Petitioner's Exhibit Nos. 45 through 55 were admitted into evidence by the Land Use Commission.

3. OSP's Second Amended List of Witnesses were received by the Land Use Commission.

PUBLIC WITNESSES

1. Tom Kagemoto
2. Fritz McKenzie
3. Jerry Souza

PETITIONER'S WITNESSES

1. Calvin Kawamoto

2. Mac Flores

3. Calvin Kawamoto reading Annette Yamaguchi's written testimony into the record.

4. C.O. "Andy" Anderson

5. C.O. "Andy" Anderson reading Allan McAngus' written testimony into the record.

6. Bruce Plasch

Commissioner Nip was absent from the proceeding at this time.

7. Albert Chee

A lunch recess was taken at 11:55 a.m. to reconvene at 1:30 p.m.

- 1:45 p.m. -

Commissioners Lapenia and Nip joined the proceeding at this time and Commissioner Hoe was absent from the proceeding at this time.

ADOPTION OF DECISION AND ORDER

A91-666 - KAHALA CAPITAL CORPORATION (Hawaii)

Presiding Officer Won announced that the Commission would take action to consider adoption of the Land Use Commission's Decision and Order on Docket No. A91-666 - Kahala Capital Corporation.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Jim Nagle, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Mr. Pai

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no comments on the adoption of the Commission's Decision and Order.

Hui He'e Nalu was not present to the proceeding at this time.

Petitioner's Objections to Land Use Commission's Draft Findings of Fact, Conclusions of Law, Decision and Order filed on September 7, 1993 was received by the Land Use Commission.

Arguments on the adoption of the Land Use Commission's Decision and Order were heard from Mr. Vitousek, Mr. Nagle, and Mr. Murakami.

Commissioner Lapenia moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Mattson. The motion was unanimously carried by voice votes.

Commissioner Lapenia moved to defer the adoption of the Land Use Commission's decision and order on this petition until the Commission's next meeting set for September 20, 1993 in Hilo. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

Commissioner Hoe joined the proceeding at this time.

REOPENED HEARING (Cont'd)

A92-683 - HALEKUA DEVELOPMENT CORPORATION (Oahu)

PETITIONER'S WITNESSES

7. Albert Chee (Cont'd)

8. Herbert Horita

Commissioner Hoe was absent from the proceeding at this time.

9. Julian Ng

10. Darrlyn Bunda

COUNTY'S WITNESS

1. Frances Mossman

Commissioner Ahn was absent from the proceeding at this time.

STATE'S WITNESSES

1. Ilima Piianaia
2. Alan Takemoto
3. Ronald Tsuzuki

Presiding Officer Won instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on October 8, 1993 and the parties have until October 22, 1993 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the meeting dates of August 12 and 13, 1993. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes.

2. Chairperson Mattson moved to add another action item on today's agenda, A89-649 - Lanai Resort Partners (Manele), a motion to initiate an Order to Show Cause proceeding by the Commission. The motion was seconded by Commissioner Nip and unanimously approved by voice votes.

3. Chairperson Mattson moved to approve the motion and instruct the Commission staff to prepare an Order to Show Cause in Docket No. A89-649 - Lanai Resort Partners (Manele) as to why the property should not revert to its former land use classification. After a discussion regarding the representations made in the docket related to water usage, the motion was seconded by Commissioner Nip and unanimously approved by voice votes.

The meeting was adjourned at 5:30 p.m.