

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room 1310  
State Office Tower  
235 Beretania Street  
Honolulu, Hawaii

October 21, 1993

*Approved*  
*11/17/93*

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

COMMISSIONERS ABSENT: JoAnn Mattson, Chairperson  
Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq., Deputy  
Attorney General  
Winfred K.T. Pong, Esq., Deputy  
Attorney General  
Leo Asuncion, Jr., Staff Planner  
Kathy Murakami, Staff Planner  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Jean McManus, Court Reporter

Presiding Officer Senda called the meeting to order.

Commissioner Hoe was absent from the proceeding at this time.

ACTION

A89-651 - HASEKO (Hawaii), INC. (Oahu)

Presiding Officer Senda announced that the Commission would take action to consider Petitioner's Motion for Approval of Job Credits under Condition No. 1 of the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 17, 1990, which reclassified approximately 403.008 acres of land

from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for specialty hotels and garden suite hotels; and international fitness and conditioning center; a golf course; a tennis complex; and various retail shops, restaurants, and professional offices.

Appearances

Steven Chung, Esq., Attorney for Petitioner

Frances Mossman, Esq., Planning Department, City and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Chung, Ms. Mossman, and Mr. Mitsuda.

At this time, Steven Chung, Esq., Attorney for Petitioner, moved to continue the motion for one month to clarify some issues with the Office of State Planning. There were no objections from the parties. Chairman Senda granted Petitioner's motion for continuance.

Commissioner Hoe joined the proceeding at this time.

A92-687 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED (Oahu)

Presiding Officer Senda announced that the Commission would take action to consider reclassifying approximately 1781.122 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for single- and multi-family residential, commercial, parks, roadways, and open spaces.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Mark Fox, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Lui-Kwan, Ms. Mossman, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

It was determined by Presiding Officer Senda that all of the Commissioners present were eligible to participate in the action on the petition.

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

Commissioner Won moved to approve the petition by The Trustees Under the Will and of the Esttae of James Campbell, Dec. subject to twenty-eight conditions. The motion was seconded by Commissioner Ahn and polled as follows:

Ayes: Commissioner Won, Lapenia, Won, Hoe, Kawakami, Senda, and Ahn.

#### DOE PRESENTATION

A presentation by Charles Toguchi, Superintendent, Department of Education, was given regarding school facilities.

The letter received on October 21, 1993 from John S. Porter and the letter dated October 11, 1993 from Gene Thompson were admitted into the record by the Land Use Commission.

#### PUBLIC WITNESSES

1. John Porter
2. Craig Champion
3. Dan Davidson

A lunch recess was taken at 12:25 p.m. to reconvene at 1:30 p.m.

-1:30 p.m.

Commissioner Hoe moved for an Order to Show Cause on Maui Palisades and C. Brewer Properties. The motion was seconded by Commissioner Won.

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

Commissioner Hoe withdrew his motion for an Order to Show Cause on Maui Palisades and C. Brewer Properties, Inc. and requested that the Land Use Commission staff work with the Office of State Planning to address this issue.

Presiding Officer Senda approved withdrawal of the motion.

Commissioner Hoe was absent from the proceeding at this time.

CONTINUED ACTION

A89-650 - WAIHE'E OCEANFRONT HAWAII, INC. (Maui)

Presiding Officer Senda announced that the Commission would take action to consider Petitioner's Motion to Amend Amended Findings of Fact, Conclusions of Law and Decision and Order filed on June 3, 1991 which reclassified approximately 98.922 acres of land from the Agricultural District into the Urban District and approximately 26.456 acres of land from the Urban District into the Conservation District and denied reclassification of approximately 6.726 acres from the Agricultural District to the Urban District at Waihee, Maui for an 18-hole golf course, clubhouse, tennis courts, swimming pool, and other golf course accessory buildings.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

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

Burt Sakata, Intervenor

Arguments were heard from Mr. Maehara, Mr. Archer, Mr. Mitsuda, and Mr. Sakata. After hearing arguments, questions were asked by Commissioners.

Mr. Maehara agreed to send Mr. Sakata, Intervenor, future copies of the annual reports by Petitioner. Petitioner also agreed to send the Land Use Commission annual reports on the conservation easement. Petitioner recommended an amendment of Condition #9 to reflect annual reports to include the Land Use Commission.

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning, moved that the Commission defer action on Petitioner's motion until such time that the Office of State Planning file their motion with respect to the issue of the Conservation Easement and the status of the escrow account.

Presiding Officer Senda suggested the Office of State Planning prepare the motion in writing.

Commissioner Wada moved to defer action on Petitioner's motion until such time that the Office of State Planning file its written motion. The motion was seconded by Commissioner Ahn and unanimously approved by voice votes.

CONTINUED HEARING

A92-678 - LUINAKOA DEVELOPMENT (Oahu)

This proceeding commenced at 1:30 p.m. and was a continuation of the hearing which was adjourned last night at 10:30 p.m.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State Planning

Rodney Uchida, Esq., Attorney for Intervenor

John Ishihara, for Ainakoa Community Association.

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 29 were  
admitted into evidence by the Land Use Commission.

2. County's Exhibit Nos. 1 and 2 were admitted into  
evidence by the Land Use Commission. County's Amended List of  
Witnesses was received by the Land Use Commission.

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

4. Intervenor's Exhibit Nos. 1, 2, amended 2, and 3  
through 5 were admitted into evidence by the Land Use  
Commission. Intervenor's Amended List of Witnesses was  
received by the Land Use Commission.

PETITIONER'S WITNESS

1. Fred Rodriguez

The meeting was adjourned at 4:30 p.m.