

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

ILWU Union Hall
840 Ilima Ave
Lanai City, Lanai

December 15, 1993

approved
1/27/94

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

COMMISSIONERS ABSENT: Renton L.K. Nip

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

Jean McManus, Court Reporter

Presiding Officer Ahn called the meeting to order.

Commissioners Hoe and Lapenia were absent from the proceeding at this time.

CONTINUED HEARING

A92-674 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Ahn announced that the matter before the Commission is a continuation of the hearing which was previously held on August 12 and 13, 1993.

Appearances

James Funaki, Esq., Attorney for Petitioner

Keoni Fairbanks, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenors

Melissa Seu, Esq., Attorney for Intervenors

EXHIBITS

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

- a. November 29, 1993 from Edward K. Sowers
- b. December 4, 1993 from Mr. and Mrs. James Bartell
- c. December 6, 1993 from Jerry Knight
- d. December 8, 1993 from Matthew Bailey.

2. Petitioner's Exhibit Nos. 63 through 70 as well as
Petitioner's Amended Exhibit List filed December 3, 1993 were
admitted into evidence by the Land Use Commission.

3. County's Exhibit Nos. 1 through 8 were admitted
into evidence by the Land Use Commission.

4. Intervenor's Exhibit Nos. I-158, I-159, I-160,
I-161 A-C, I-162 A-C, I-163 A-B, I-164 A-B, and I-165 A-C as
well as Intervenor's Amended List of Exhibits filed December 6,
1993 were admitted into evidenced by the Land Use Commission.

INTERVENOR'S WITNESS

1. John Harrison

Commissioners Hoe and Lapenia joined the proceeding at
this time.

CONTINUED HEARING

A89-649 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Mattson announced that this proceeding was a continuation of the hearing which was adjourned yesterday at 4:00 p.m.

Appearances

James Funaki, Esq., Attorney for Petitioner

Keoni Fairbanks, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenors

Melissa Seu, Esq., Attorney for Intervenors

Arguments on the Motions to Supplement Testimony and Exhibit List filed by Alan Murakami, Attorney for Intervenors, were heard from Mr. Murakami, Mr. Funaki, Mr. Fairbanks, and Mr. Eichor. After hearing arguments, Presiding Officer Ahn deferred decision on admission until a later date.

James Funaki, Esq., Attorney for Petitioner, at this time moved for a continuance of the hearing on the order to show cause since he will be filing motion to modify Condition No. 10. There were no objections by the County and State. There was an objection by Intervenor.

Commissioner Senda moved to grant Petitioner's motion for continuance. The motion was seconded by Commission Won and unanimously carried by voice votes.

ACTION

A92-680 - C. BREWER PROPERTIES, INC. (Hawaii)

Presiding Officer Mattson announced that Commission would take action to consider reclassifying approximately

288.240 acres of land currently in the Agricultural District into the Urban District at Puueo, South Hilo, Hawaii for residential, commercial, school, park, and open space uses.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Pete Moynahan, for Petitioner

Norman Olesen, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Maehara, Mr. Olesen, and Mr. Eichor.

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

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

Commissioner Hoe moved to approve the Petition by C. Brewer Properties, Inc. subject to twenty conditions. The motion was seconded by Commissioner Lapenia and polled as follows:

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

CONTINUED HEARING

A92-674 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Hoe announced that this proceeding was a continuation of the hearing which was adjourned this morning.

Appearances

James Funaki, Esq., Attorney for Petitioner

Keoni Fairbanks, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenors

Melissa Seu, Esq., Attorney for Intervenors

INTERVENOR'S WITNESS (Continued)

1. John Harrison

Arguments on Intervenor's Motion to Compel Provision of Information were heard from Mr. Murakami, Mr. Funaki, Mr. Fairbanks, and Mr. Eichor.

Presiding Officer Hoe granted Intervenor's Motion subject to Petitioner's right to file protective order on whatever parts of information is sought and Petitioner has two weeks to comply with the Commission's order approving this motion.

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

A lunch recess was taken at 11:45 a.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioners Hoe and Senda were absent from the proceeding at this time.

INTERVENOR'S WITNESSES (Continued)

2. Reynold Butch Gima

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Won moved to approve the minutes for the meeting dates of December 2 and 3, 1993. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

2. APPOINTMENT OF HEARING OFFICER

Commissioner Senda moved to appoint Benjamin Matsubara, Esq., as hearings officer to conduct the hearing on the Office of State Planning's boundary review petitions. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 4:10 p.m.