

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

May 26, 1993

approved
6/16/93

COMMISSIONERS PRESENT: Allen Y. Kajioka, Chairperson
Karen S. Ahn
Trudy K. Senda
Eusebio Lapenia, Jr.
Delmond J.H. Won

COMMISSIONERS ABSENT: Allen K. Hoe
Elton Wada
Renton L.K. Nip
JoAnn Mattson

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

Cynthia Murphy, Court Reporter

Chairperson Kajioka called the meeting to order.

ACTION

SP73-159 - TOYAMA GARDENS HAWAII CORPORATION dba NANI MAU
GARDENS (Hawaii)

Chairperson Kajioka announced that the Commission would take action to consider a fifth amendment to the Land Use Commission's Decision and Order dated July 24, 1991 to establish a commercial arboretum for public tours and the sale of agricultural products on approximately 58 acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Hawaii.

Appearances

Sidney Fuke, Consultant for Petitioner

Kojiro Sorimachi, Petitioner

Fred Giannini, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, Planning Department, County of Hawaii

Leo Asuncion, staff planner, oriented the Commission to the area being considered on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit request by Petitioner.

Arguments were heard from Mr. Fuke and Mr. Hayashi. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved for an 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 Lapenia moved to approve a fifth amendment to the Land Use Commission's Decision and Order dated July 24, 1991 subject to Condition Nos. 3 and 8 as recommended by the Planning Commission, County of Hawaii and an amended Condition No. 12 as follows: "Should any of the conditions not be met or substantially complied within a timely fashion, the Director may initiate procedures to nullify the permit."

The motion was seconded by Commissioner Ahn and polled as follows:

Ayes: Commissioner Senda, Won, Ahn, Lapenia, and Kajioka.

CONTINUED HEARING

A91-666 - KAHALA CAPITAL CORPORATION (Kona)

Chairperson Kajioka announced that the present matter before the Commission is a continuation of the hearing which was held on February 24 and 25, 1993.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Fred Giannini, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

William Zimmerman, Esq., Attorney for Hui He'enalu

Jason Verity, for Hui He'enalu

Mahealani Pai, for Pai O'hana

EXHIBITS

1. The following letters were admitted into evidence by the Land Use Commission:
 - a. Letter dated March 8, 1993 from Councilman Jim Rath
 - b. Letter dated April 9, 1993 from Alastair Glennie
 - c. Letter dated April 28, 1993 from Joy Licavoli
 - d. Letter dated April 30, 1993 from Greg Gaffney
 - e. Letter dated May 3, 1993 from Terian Tyre
 - f. Letter dated May 4, 1993 from Kathryne J. Kent
 - g. Letter dated May 4, 1993 from The Evett Family
 - h. Letter received May 7, 1993 from Gail Bickett.
 - i. Letter dated May 21, 1993 from Senator Andrew S. Levin.
 - j. Letter dated May 26, 1993 from Anuhea Reimann-Greigerl and Maile P. David.

k. Newspaper articles and brochures from Margaret Johnson.

2. County of Hawaii, State of Hawaii, Resolution No. 536-92 (Draft 3) submitted May 26, 1993 by Mr. Pai was admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Margaret Johnson
2. Councilman Jim Rath

COUNTY'S WITNESS

1. Virginia Goldstein

PUBLIC WITNESSES (Continued)

3. Harry Foster
4. Jon Matsuoka
5. Douglas Blake

A lunch recess was taken at 12:05 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PUBLIC WITNESSES (Continued)

6. William Lazenby

INTERVENOR HUI HE'ENALU'S WITNESS

1. Dr. Bruce Halstead

PUBLIC WITNESSES (Continued)

7. Rep. Virginia Isbell
8. Anuheia Reimann-Giergerl
9. Maile P. David

10. Charles Young
11. Gail Bickett
12. Jonathan Kemp
13. Al Souza

STATE'S WITNESS

1. Abe Mitsuda

INTERVENOR PAI OHANA'S WITNESS

1. Mahealani Pai

At this time, Mr. Vitousek withdrew his Motion to Strike Intervenor Hui He'enalu's witnesses.

Chairperson Kajioka instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on June 25, 1993 and the parties have until July 9, 1993 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the meeting date of May 21, 1993. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

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