

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

ILWU Union Hall
840 Ilima Avenue
Lanai City, Lanai

August 12, 1993

*Approved
9/9/93*

COMMISSIONERS PRESENT: Karen S. Ahn, Vice-Chairperson
Elton Wada
Lloyd Kawakami
JoAnn Mattson
Trudy K. Senda
Delmond J.H. Won
Renton L.K. Nip
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Allen K. Hoe

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
Kathy Murakami, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean McManus, Court Reporter

Presiding Officer Ahn called the meeting to order.

ACTION

A91-666 - KAHALA CAPITAL CORPORATION (Kona)

Presiding Officer Ahn announced that the Commission would take action to consider reclassifying approximately 217.566 acres of land currently in the Conservation District into the Urban District at O'oma 2nd, North Kona, Hawaii for a marine exploratorium, professional conference center, water recreation park, an 18-hole golf course with clubhouse, lodging inn, residential lots, condominiums, retail center, and hotel uses.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

Nani Rapoza, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Christine Barrada, for Petitioner

Robert Van Dorpe, for Petitioner

Norman Hayashi, Department of Planning, County of Hawaii

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

Karen Yamamoto, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., representing Mahealani Pai, Pai
O'hana

Stephen Martin, from Hui He'e Nalu

Councilman Jim Rath

EXHIBITS

1. The letter dated August 5, 1993 from Councilman Jim Rath was admitted into evidence by the Land Use Commission.

Arguments on Intervenor's Objection to Location of Final Action Meeting were heard from Mr. Murakami, and Mr. Vitousek. There were no objections heard from Mr. Hayashi and Mr. Eichor. Comments were received from Mr. Martin and Mr. Rath. Presiding Officer Ahn noted for the record all comments and arguments on the objection for the record.

Arguments on Petitioner's Motion to Strike Hui He'e Nalu's Response to Petitioner's Proposed D&O were heard from Mr. Vitousek, Mr. Hayashi, and Mr. Eichor. There were no comments from Mr. Murakami. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to grant Petitioner's Motion to Strike Intervenor, Hui He'e Nalu's Exhibits. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

Arguments on the petition were heard from Mr. Vitousek, Mr. Hayashi, Mr. Eichor, and Mr. Murakami.

Presiding Officer Ahn allowed the following public witnesses to testify:

PUBLIC WITNESSES

1. Stephen Martin
2. Councilman Jim Rath

Presiding Officer Ahn determined that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Lapenia moved to deny the petition by Kahala Capital Corporation and that the Commission submit Findings of Fact, and Conclusions of Law to all parties one week prior to the Commission's next meeting, at which time the Commission will consider and adopt a Decision and Order denying the petition. All parties will be able to respond to the Proposed Findings of Fact and Conclusions at the Commission's next meeting. The motion was seconded by Commission Senda and polled as follows:

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

Abstain: Commissioner Kawakami

A lunch recess was taken at 11:30 a.m. to reconvene at 12:30 p.m.

- 12:30 p.m. -

CONTINUED HEARING

A92-674 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Ahn announced that the present matter

before the Commission is a continuation of the hearing previously held on May 12 and 13, 1993.

Appearances

James Funaki, Esq., Attorney for Petitioner

Bill Medeiros, Planning Department, County of Maui

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

Karen Yamamoto, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenor

EXHIBITS

1. Petitioner's List of Exhibits, Pages 9 and 10, were received.

2. Petitioner's Exhibit Nos. 48A, 48B, 55 through 61 were admitted into evidence by the Land Use Commission.

3. Intervenor's Fourth Amended List of Exhibits, Amended List of Witnesses, and correction of Exhibit 108 to 108 A and B were received.

4. Intervenor's Exhibit Nos. I-11, I-12, I-14 through I-18, I-51, I-109 through I-150, I-152 through I-155 were admitted into evidence by the Land Use Commission.

LUC'S WITNESS

1. Rae Loui (Commission on Water Resource Management)

INTERVENOR'S WITNESSES

1. Bill Meyers

Presiding Officer Ahn was absent from the proceeding at this time and Commissioner Nip is the presiding officer.

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INTERVENOR'S WITNESSES

1. Bill Meyers (Cont'd.)
2. Goro Hokama, Councilchair, County of Maui

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