

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hearing Room, Room 204
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

June 28, 1996

approved
7/26/96

COMMISSIONERS PRESENT:

Allen K. Hoe
Trudy K. Senda
Lloyd Kawakami
Rupert K. Chun
M. Casey Jarman
Elton Wada

COMMISSIONERS ABSENT:

Eusebio Lapenia, Jr.
JoAnn Mattson
Merle A.K. Kelai

STAFF PRESENT:

Esther Ueda, Executive Officer
Jon Itomura, Esq., Deputy Attorney
General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Evelyn Miyata, Court Reporter

Chairperson Hoe called the meeting to order.

STATUS REPORT

A82-535 - A & B PROPERTIES, INC. (Maui)

Appearances

Kimo Steinwascher, for Pacific Land Co.

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Maui, was not present
to the proceeding at this time.

MINUTES - June 28, 1996
Page 2

Leo Asuncion, staff planner, oriented the Commission to the area which was reclassified on the Land Use District Boundaries and tax maps.

A status report was given by Mr. Steinwascher. After hearing the status report, questions were asked by the Commissioners and parties.

A88-624 - THE LUSK COMPANY (Oahu)

Appearances

James T. Funaki, Esq., Attorney for Castle & Cooke Homes Hawaii, Inc.

Roland Kim, for Castle & Cooke Homes Hawaii, Inc.

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, City and County of Honolulu, was not present to the proceeding at this time.

Leo Asuncion, Jr., staff planner, oriented the Commission to the area which was reclassified on the Land Use District Boundaries and tax maps.

A status report was given by Mr. Funaki and Mr. Kim. After hearing the status report, questions were asked by the Commissioners and parties.

A87-610 - TOM GENTRY AND GENTRY-PACIFIC, LTD. (Oahu)
A88-627 - GENTRY DEVELOPMENT COMPANY (Oahu)

Appearances

Dawn Suenaga, Esq., Attorney for Petitioner

Norm Dyer, for Petitioner

Deborah Lunning, for Petitioner

Patrice Tottori Liu, for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, City and County of Honolulu, was not present to the proceeding at this time.

Status reports on both Gentry projects were given by Mr. Dyer, Ms. Suenaga, and Ms. Liu. After hearing the status report, questions were asked by the Commissioners and parties.

ACTION

DR96-18 - SALLY RICE AND DEBRALEE KAILIWAI-RAY (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitioners' Petition for Declaratory Ruling that a members only 50-unit lodge that is part of a 27-hole golf course, country club and subdivision development is an urban use that cannot be placed in the State Land Use Agricultural District by a Special Permit under §205-6, HRS, and that if said lodge is permitted, the "affected area" of the proposed development includes the golf course/subdivision.

Appearances

Michael Matsukawa, Esq., Attorney for Petitioners

Sally Rice, Petitioner

Richard Wurdeman, Esq., Corporation Counsel, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Sandra Pechter Schutte, Esq., Attorney for Big Island Country Club & Estates

Since there were no objections, Chairperson Hoe granted the Motion for Intervention filed by Sandra Pechter Schutte, Esq.

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

Statements on their position with regard to their standing to raise and address the issue as parties were heard from Mr. Matsukawa, Ms. Schutte, Mr. Wurdeman, and Ms. Ogata-Deal.

At this time, Ms. Ogata-Deal moved to intervene as a party. Chairperson Hoe granted Ms. Ogata-Deal's oral request.

Arguments on the declaratory ruling were heard from Mr. Matsukawa, Mr. Wurdeman, Mr. Mitsuda, and Ms. Schutte.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Kawakami moved to go into executive session to discuss the ramifications of what is being proposed in terms of the legal requirements of the declaratory ruling. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Commissioner Jarman moved to defer the issuance or response to this Petition for Declaratory Order until such time that the County has determined a course of action with regard to the matter pending before it. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

A76-418 - MOANA CORPORATION (Kauai)

Chairperson Hoe announced that the Commission would take action to consider First Hawaiian Bank, a Hawaii Corporation, as Trustee of the Eric A. Knudsen Trust, and Hawaiian Trust Company, Limited, a Hawaii Corporation, as Trustee of the Augustus F. Knudsen Trusts' Motion to Dismiss Land Use Commission's Order to Show Cause Proceeding.

Appearances

Roy Vitousek, III, Esq., Attorney for First Hawaiian Bank and Hawaiian Trust Company

Grace Kido, Esq., Attorney for First Hawaiian Bank and Hawaiian Trust Company

D. Scott MacKinnon, Esq., Attorney for Sports Shinko

Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai

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

Lorene Maki, Land Use Division, Office of State Planning

Peter Crudo, Esq., Attorney for Intervenors

Dennis Lombardi, Esq., Attorney for Intervenors

Carol Eblen, Esq., Attorney for Intervenors

Arguments on the motion to dismiss were heard from Mr. Vitousek.

Commissioner Senda moved to deny Petitioner's Motion to Dismiss. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

A88-626 - GENSIRO KAWAMOTO (Maui)

Chairperson Hoe announced that the Commission would take action to consider OSP's Motion for Order Rescinding Decision and Order dated February 28, 1989.

Appearances

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

Lorene Maki, Land Use Division, Office of State Planning

Petitioner and the Planning Department, County of Maui, were not present to the proceeding at this time.

Commissioner Wada moved to grant OSP's motion for order rescinding decision and order dated February 28, 1989. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

A lunch recess was taken at 12:20 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

CONTINUED HEARING

A94-708 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that this matter before the Commission is a continuation of the hearing which was previously held on September 8, 1995.

Appearances

Winfred Pong, Esq, Deputy Attorney General, Office of State Planning

Mary Lou Kobayashi, Office of State Planning

Gregory Pai, Office of State Planning

Ralph Ukishima, Planning Department, C&C of Honolulu

Intervenor, Chevron USA, was not present to the proceeding at this time.

An overview of OSP's tentative plans were heard from Mr. Pong and Mr. Pai.

At this time Mr. Pong requested a 60 days continuance.

Chairperson Hoe granted Mr. Pong's request for continuance.

ACTION

A92-679 - WHITE HAT DEVELOPMENT CORP. (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion to Amend Conditions of Approval (Conditions 1, 4, & 5) of the Commission's January 7, 1993 Decision and Order which reclassified approximately 23.926 acres of land at Makaula, North Kona, Hawaii from the Agricultural District into the Urban District for a single family residential subdivision.

Appearances

Steven S.C. Lim, Esq., Attorney for Petitioner

William Boyle, for Petitioner

Richard Wurdeman, Esq., Deputy Corporation Counsel,
County of Hawaii

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

Lorene Maki, Land Use Division, Office of State Planning

Leo Asuncion, Jr., staff planner, oriented the Commission
to the area of reclassification on the Land Use District Boundaries
and tax maps.

Arguments on the motion were heard from Mr. Lim, Mr.
Wurdeman, and Ms. Ogata-Deal.

Commissioner Senda moved to grant Petitioner's motion to
amend Conditions 1, 4, & 5 as follows:

Condition No. 1 - Petitioner shall provide affordable
housing opportunities for low to moderate residents in the State of
Hawaii to the satisfaction of the County of Hawaii. The location
and distribution of the affordable housing or other provisions for
affordable housing shall be under such terms as may be mutually
agreeable between the Petitioner and the County of Hawaii.

Condition No. 4 - Petitioner shall fund, design and
construct necessary local and regional roadway improvements
necessitated by the proposed project in designs and schedules
accepted by the State Department of Transportation and the County
of Hawaii.

Condition No. 5 - Prior to the occupancy of the first
house in the subject project, the Petitioner shall provide a fair-
share contribution for school facilities as determined by the
Department of Education. The contribution may be a combination of
land, services and/or cash required to address the impact on school
facilities.

The motion was seconded by Commissioner Kawakami and
unanimously approved by voice votes.

MISCELLANEOUS

1. Commissioner Jarman moved to amend the agenda to include changes in the LUC Rules and Regs. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

Commissioner Jarman moved to approve the recommended changes of the LUC rules and regs. by staff. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

2. APPROVAL OF MINUTES

Commissioner Senda moved to approve the minutes for the following dates: May 30, 1996 & May 31, 1996. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 2:20 p.m.