

Minutes of Meeting

Approved
8/9/01

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

July 18, 2001

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Isaac Fiesta, Jr.
M. Casey Jarman (portion of proceedings)
Lawrence N.C. Ing
Merle A. K. Kelai (portion of proceedings)
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Pravin Desai

STAFF PRESENT: Anthony J.H. Ching, Executive Officer
John Dellera, Esq., Deputy Attorney
General
Russell Kumabe, Staff Planner
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk
Esther Ueda, Consultant
Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:40 a.m.

ACTION

A00-734 – CASTLE & COOKE HOMES HAWAI'I, INC. & PACIFIC HEALTH
COMMUNITY, INC. (Oahu)

Chairperson Kelai announced that this was an action meeting to consider the Application to Intervene filed by William M. Bass on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25 and to consider the Petition to Intervene filed by

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Jeff Mikulina on behalf of Sierra Club, Hawai'i Chapter. The subject petition is a request to reclassify approximately 1,247.983 acres of land currently in the Agricultural District into the Urban District at Waipio and Waiawa, Oahu, for residential, school, commercial, and medical park complex uses.

Appearances

Dickson Lee, Esq., representing Petitioner

John Chang, Esq., Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Richard Poirier on behalf of Mililani/Melemanu/Waipio Neighborhood Board #25

David Frankel, Esq. on behalf of Sierra Club, Hawai'i Chapter

Chairperson Kelai noted for the record that the City and County Department of Planning and Permitting was not present at today's meeting.

Commissioner Catalani excused himself from this proceeding due to a conflict of interest.

Arguments were heard from Mr. Poirier and Mr. Frankel. Mr. Lee and Mr. Chang reported no opposition to the interventions. Questions were asked by the Commissioners. Mr. Frankel disclosed that he would not be representing the Sierra Club during these proceedings.

Commissioner Jarman moved to grant Mililani/Melemanu/Waipio Neighborhood Board #25's Application to Intervene. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Jarman, Fiesta, Coppa, Ing, Roehrig, Yukimura and Kelai

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Commissioner Jarman moved to grant the Sierra Club's Petitioner to Intervene and that the intervention shall be limited to environmental and infrastructural issues as noted in their petition. The motion was seconded by Commissioner Roehrig and polled as follows:

Ayes: Commissioners Jarman, Coppa, Ing, Roehrig, Yukimura and Kelai

Nays: Commissioner Fiesta

CONTINUED HEARING

A00-732 – TSA CORPORATION (Hawaii)

Chairperson Kelai announced that this matter before the Commission was a continuation of the hearing previously held on May 31 and June 1, 2001 to reclassify approximately 102.016 acres of land currently in the Conservation District into the Urban District at Kaloko, North Kona, Hawaii for the development of a mix of light industrial and industrial-commercial uses.

Appearances

Nathan Natori, Esq., representing Petitioner

Rodney Funakoshi, Wilson, Okamoto & Associates

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

Norman Hayashi, County of Hawaii Planning Department

John Chang, Esq., Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Nicole Walthall, Esq., representing Intervenor KAHO

Stanley Bond, representing Intervenor KAHO

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Chairperson Kelai announced that Intervenor will have its witnesses, Geraldine Bell, David Roy and Stanley Bond present their oral testimony.

Mr. Natori presented his arguments on Petitioner's Motion to Correct Transcript of Hearings on May 31 and June 1, 2001.

Commissioner Jarman moved that the Land Use Commission deny Petitioner's Motion to Correct Transcript of Hearings on May 31 and June 1, 2001 and that Petitioner submit an amended motion after consultation with all parties. The motion was seconded by Commissioner Fiesta and unanimously passed by voice votes.

EXHIBITS

1. Petitioner's Exhibit Nos. 55 through 60 were admitted into evidence by the Land Use Commission.
2. County's Exhibit Nos. 12, 13 and 14 were admitted into evidence by the Land Use Commission.
3. Intervenor's Exhibit Nos. 21D1, 21M, 21N, 21O, and 26A were admitted into evidence by the Land Use Commission.

COUNTY'S WITNESSES

1. Kiran Emler
2. Norman Hayashi

A lunch recess was taken at 11:30 a.m. to reconvene at 12:45 p.m.

- 12:55 p.m. -

STATE'S WITNESSES (continued)

1. Abe Mitsuda
2. Ross Cordy

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INTERVENOR'S WITNESSES

1. Geraldine Bell

Chairperson Kelai and Commissioner Jarman left the proceedings at this time.

2. David Roy

3. Stan Bond

The meeting was adjourned at 5:12 p.m.