

Approved  
10/31/02

LAND USE COMMISSION  
Minutes of Meeting  
Conference Room 405  
State Office Tower, Leiopapa A Kamehameha  
235 South Beretania Street  
Honolulu, Hawaii

October 17, 2002

COMMISSIONERS PRESENT: Bruce Coppa  
Pravin Desai  
Steven Montgomery  
Randall Sakumoto  
Peter Yukimura

COMMISSIONERS ABSENT: Lawrence N. C. Ing  
P. Roy Catalani  
Isaac Fiesta, Jr.  
Stanley Roehrig

STAFF PRESENT: Diane Erickson, Esq., Deputy Attorney General  
Anthony J.H. Ching, Executive Officer  
Russell Kumabe, Staff Planner  
Arlene Shimokawa, Chief Clerk  
Tina Schurr, Court Reporter

Acting Chair Bruce Coppa called the meeting to order at 9:50 a.m.

I. ADOPTION OF MINUTES

Commissioner Sakumoto moved to approve the minutes for the meeting of October 3, 2002. The motion was seconded by Commissioner Montgomery and said motion was unanimously approved by voice votes.

II. TENTATIVE MEETING SCHEDULE

Executive Officer Anthony Ching reported that pursuant to the TSA Decision and Order requiring staff to conduct a regional forum for Palani Road/Keahole corridor developers, a forum has been organized for November 4

in Kona at the King Kamehameha Hotel. A report of the forum will be made at the Commission's November 14-15 meeting on Oahu. State and County officials, together with regional developers, and individuals and organizations with LUC conditions, have been invited to participate.

It was also brought to the Commissioners' attention that at its November 14-15 and December 5 meetings, three petitions for declaratory rulings will be taken up. Acting Chair Coppa requested that staff provide the Commission with an orientation to subchapter 14 of the LUC rules at its next meeting.

### III. ACTION

#### 1. A81-525 Y-O LIMITED PARTNERSHIP (Hawaii)

Acting Chair Coppa announced that this was an action meeting to consider Petitioner's Motion for Fourth Extension of Time to Apply for Redistricting of Phase II that consists of approximately 195.246 acres of land situated in the Agricultural District at Kaloko and Kohanaiki, North Kona, Hawaii.

### APPEARANCES

Steven Menezes, Esq., representing Petitioner

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

Abe Mitsuda, Land Use Division, Office of Planning

Mr. Russell Kumabe, Staff Planner, presented a map orientation to the Commission using LUC Maps and staff's recommendations.

County of Hawaii Planning Department submitted its Response to Y-O Limited Partnership's Motion for Fourth Extension of Time to Apply for Redistricting of Phase II. Although they supported the Motion for Extension, they noted that they were unable to make an appearance due to scheduling conflicts.

Mr. Menezes outlined the substantial expenditures incurred by the Petitioner for the first increment. Y-O has obtained the rezoning from the

Department of Planning, and the 1500 water commitments from the Department of Water Supply that would be adequate to serve Phases I and II of the project. The wells have been serving the residents of Kona in that area for 20 years now. Mr. Menezes pointed out a typographical error in the acreage of the parcel dedicated to the DWS and corrected the acreage to 1.3875 acres.

Mr. Chang stated that the State had no objection to Petitioner's request for an extension but recommended that Petitioner return to the LUC around January 21, 2008 and (1) give a report to the LUC concerning a conceptual plan and marketing strategy for Phases I and II, and also (2) to present an agreement for affordable housing acceptable to both the State and county agencies at that time.

A 5-minute recess was taken at 10:25 am.

The meeting was reconvened at 10:35 am.

Mr. Menezes was asked to provide the Commission with necessary documentation indicating the proper total acreage of the project. A motion was made by Commissioner Desai and seconded by Commissioner Montgomery to grant the extension of time of 10 years from January 21, 2003 through January 20, 2013. There being a vote tally of 5 ayes, 0 noes and 4 excused, the motion carried.

#### IV. STAFF BRIEFING

Mr. Jeyan Thirugnanam from Office of Environmental Quality Control provided information to the Commissioners regarding Chapter 343 requirements and about an EIS.

The meeting was adjourned at 11:28 am.