

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

January 9, 2003

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Lawrence N. C. Ing
Stanley Roehrig
Randall Sakumoto

COMMISSIONERS ABSENT: Peter Yukimura
Pravin Desai
Isaac Fiesta, Jr.
Steven Montgomery

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

Presiding Officer Roy Catalani called the meeting to order at 9:31 a.m.

I. ACTION

A. A92-683 HALEKUA DEVELOPMENT CORPORATION (Oahu)

Presiding Officer Catalani announced that this was an action meeting to consider the Office of Planning's Motion for an Order to Show Cause to Rescind the Decision and Order dated on October 1, 1996, which reclassified approximately 503.886 acres of land from the Agricultural District into the Urban District at Waikele and Hoaeae, Ewa, Oahu, for residential, light industrial, school, and park uses.

APPEARANCES

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

Abe Mitsuda, Land Use Division, Office of Planning

Jonathan Durrett, Esq., attorney for Halekua Development Corporation

Herbert K. Horita, Halekua Development Corporation

Reuben Wong, Esq., attorney for HRT, Ltd.

Stephen Mau, Esq., attorney for Robinson Estates

Richard Mirikitani, Esq., attorney for Castle & Cooke

Randall Hara, City and County of Honolulu, Department of Planning and Permitting

Mike Watkins, City and County of Honolulu, Department of Planning and Permitting

Bert Saruwatari, LUC planner, provided the Commission with a map orientation.

Mr. Chang explained that the Office of Planning filed the Motion for an Order to Show Cause because the Petitioner (1) has not acquired the agricultural park site, (2) has no formal extension for agreement to sell and purchase according to the original agreement of the parties, (3) has not worked with the Department of Education for a school site, and (4) has not conveyed a park site. The Office of Planning requested a contested hearing.

Mr. Durrett (1) opposed the Office of Planning's Motion, (2) reported that the Land Use Commission staff has sought to resolve this matter by meeting with all parties, and (3) has attempted to work with DOE regarding the school site and negotiations were completed by the end of last year with a designated developer. Mr. Durrett also reported that since Mr. Horita was recently informed of a possible underwriter for this project, Mr. Horita may be working on a closing date of 60 days from January 17, 2003.

Mr. Mau reported that \$20 million was paid by HRT for its lands in the petition area.

Mr. Wong noted that if LUC proceeds with a contested hearing, HRT would like to intervene as an interested party. Although the LUC had approved of the sale of the petition lands to HRT, Ltd., Halekua had not met their obligations to the Commission despite being given many extensions.

Commissioner Roehrig moved to set this matter for a show cause hearing for the latter part of April to allow Mr. Horita to consummate the details and explain why the land should not revert to the Agricultural District. Commissioner Coppa seconded. The motion was amended to include all parties to be part of this hearing. The Commissioners were polled as follows:

Ayes: Commissioners Roehrig, Coppa, Ing, Sakumoto and Catalani.

The motion passed with 5 ayes and 4 absent.

A 10-minute recess was taken at 10:30 a.m.

The meeting was reconvened at 10:40 a.m.

ACTION

B. A93-689 – PALAUEA BAY PARTNERS (Maui)

Presiding Officer Catalani announced that this was an action to consider WCPT/GW Land Associates, LLC's Motion to Amend Decision and Order of Land Use District Boundary Amendment to amend Condition 10 and to delete Condition 15 of the Findings of Fact, Conclusions of Law, and Decision and Order dated September 20, 1994, which reclassified approximately 669.387 acres of land from the Agricultural District into the Urban District at Paeahu-Keauhou, Makawao, Maui, for residential, commercial, golf course, park, and electrical substation uses.

APPEARANCES

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

Abe Mitsuda, Land Use Division, Office of Planning

Martin Luna, Esq., attorney for Petitioner

Charles Jenks, representative of WCPT/GW

Russell Kumabe, LUC planner, provided the commission with a map orientation. A site visit was done in August 2002.

Commissioner Sakumoto disclosed that one of the partners of his firm McCorrison Miller Mukai MacKinnon is one of the attorneys who represent the petitioner. Although no objections were raised by the petitioner via their counsel, the Office of Planning or Presiding Officer Catalani, Commissioner Sakumoto indicated that he would participate in today's proceeding only because there was a need for a quorum.

Executive Officer Anthony Ching reported that a communication was received from the Maui Department of Planning that it was aware of the petitioner's plans, had no objections to the amendments, and, therefore, was not sending a representative to today's meeting.

The Office of Planning reported that it had reviewed petitioner's motion and had no objection with the amendment and the change that petitioner requests. Upon inquiry from Commissioner Catalani, the Office of Planning stated Petitioner's amended language was satisfactory.

Commissioner Ing moved to grant petitioner's motion to delete Condition No. 15 and to amend Condition No. 10. Commissioner Roehrig seconded the motion. The Commissioners were polled as follows:

Ayes: Commissioners Ing, Roehrig, Coppa, Sakumoto and Catalani.

The motion passed with 5 ayes and 4 absent.

Presiding Officer Catalani announced that the meeting will resume on Friday, January 10, 2003, at 9:30 a.m.

The meeting was adjourned at 10:50 a.m.