

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Plantation Room
Kaanapali Beach Hotel
2525 Kaanapali Parkway
Kaanapali, Maui

approved 4/24/90

April 10, 1990

COMMISSIONERS PRESENT: Frederick P. Whittemore, Vice-Chairman
Sharon R. Himeno (Portion of Proceeding)
Elton Wada
Eusebio Lapenia, Jr.
James M. Shinno (Portion of Proceeding)
Allen K. Hoe
Lawrence Chun

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman
Allen Y. Kajioka (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

A89-647 - LANAI RESORT PARTNERS (Koele)

In the matter of the Petition of Lanai Resort Partners (Koele) to reclassify approximately 38.7 acres of land currently in the Rural District and approximately 2.2 acres of land in the Conservation District into the Agricultural District at Koele, Lanai City, Lanai for golf course use and other accessory uses such as a driving range and clubhouse. A hearing had been conducted by Hearing Officer, Allen K. Hoe, on January 18 and 19, 1990.

Commissioner Kajioka was excused from this proceeding due to a previously declared conflict of interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Ralph Masuda, Deputy Director, Department of Planning,
County of Maui

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

Karen Yamamoto, Land Use Division, Office of State
Planning

Raymond Young, Staff Planner, oriented the Commission
to the area being requested for reclassification on the Land
Use District Boundaries and tax maps.

Commissioner Hoe presented his report and
recommendation that the subject property situated in Koele,
Lanai City, Lanai be reclassified from the Rural and
Conservation Districts into the Agricultural District and that
the district boundaries be amended accordingly subject to
eleven conditions with modifications to Condition No. 9.
Condition No. 9 to read as follows: "Petitioner may partially
realign and shall upgrade the existing 9-hole Cavendish golf
course situated within the Koele Project District, and shall
continue the traditional "free-play" for Lanai residents of
this golf course."

Commissioner Wada moved that the Commission adopt
Hearing Officer Hoe's report in the matter of Lanai Resort
Partners, Docket Number A89-647 subject to eleven conditions
including the modification of Condition No. 9. The motion was
seconded by Commission Lapenia and polled as follows:

Ayes: Commissioner Wada, Shinno, Himeno, Lapenia,
Chun, Hoe, and Vice-Chairman Whittemore.

A88-634 - ALEXANDER AND BALDWIN, INC. (Kahului)

Vice-Chairman Whittemore announced that the Commission
would take action to consider reclassifying approximately 339.3
acres of land currently in the Agricultural District into the
Urban District at Kahului, Maui for an industrial park.

Commissioner Himeno was excused from this proceeding due to a previously declared conflict of interest.

Appearances

Paul Mancini, Esq., Attorney for Petitioner

William Campbell, for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County
of Maui

Clayton Yoshida, Department of Planning, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Fred Rohlfing, Esq., Attorney for Intervenor

Sally Raisbeck, Intervenor

Mr. Mancini clarified that Petitioner is asking the Commission's consideration of Phase IA and IB and Incremental Districting on Phase II and has withdrawn Phases III, IV, and V from the petition. Petitioner will submit a revised Exhibit A, metes and bounds map to the Commission. Petitioner will also be filing, at a later date, a motion to use the materials presented on this petition for their petition on Phases III, IV, and V.

Vice-Chairman Whittemore announced that there will be no action today and this matter will be deferred to April 23, 1990 on Oahu. Petitioner is requested to submit the materials in order that the Commission may review and be certain that the matters are properly studied.

HEARING

A89-652 - HOUSING FINANCE AND DEVELOPMENT CORPORATION (Lahaina)

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on March 9, 1990 and notices sent to all parties, a hearing was called by the Land Use Commission

in the matter of the petition by Housing Finance and Development Corporation to reclassify approximately 1,097.7 acres of land currently in the Agricultural District into the Urban District at Wahikuli, Lahaina, Maui for a planned community primarily for affordable housing.

Commissioner Shinno and Commissioner Kajioka were excused from this proceeding due to a previously declared conflict of interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Dickson Lee, Esq., Attorney for Petitioner

Guy Archer, Esq., Deputy Corporation Counsel, County
of Maui

Colleen Suyama, Department of Planning, County of Maui

Ann Ogata-Deal, 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

Carolyn Burton, Esq., Attorney for Intervenor

Sally Raisbeck, Intervenor

A Petition to Intervene and Waiver of Filing Fee was filed by Carolyn Burton, Esq. Arguments on this motion were heard from Ms. Burton, Mr. Funaki, Mr. Archer, and Ms. Ogata-Deal.

Commissioner Himeno moved for approval of the Petition to Intervene and waive \$40.00 of the filing fee. The \$10.00 filing fee to be paid by the Maui Affordable Housing and Alliance. The motion was seconded by Commissioner Chun and unanimously carried by voice votes.

Vice-Chairman Whittemore requested Ms. Burton to get affidavits from the intervenors saying that they cannot afford \$10 a piece filing fee.

EXHIBITS

1. The letter dated January 31, 1990 from David Nobriga, March 14, 1990 from Elizabeth Ann Stone, March 15, 1990 from Richard Paglinawan, and April 6, 1990 from Representative Rosalyn Baker were admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. 1 - 3, 3a - 3c, 4 - 7, 7a - 7k, 8 - 10, 13a - 13c, 14 - 28 were admitted into evidence by the Land Use Commission.

3. County's Exhibit Nos. 1 was admitted into evidence by the Land Use Commission. County's Ex. No. 2 was withdrawn.

4. State's Exhibit No. 1 and 2 were admitted into evidence by the Land Use Commission.

5. Intervenor's Exhibit Nos. 1 through 30 were admitted into evidence by the Land Use Commission.

A lunch recess was taken at 11:56 a.m. to reconvene at 1:15 p.m.

- 1:15 p.m. -

A Motion to Amend Petition was filed by Mr. Funaki to include Tax Map Key No. 4-5-21:58 consisting of approximately .065 acres to the petition area. There were no objections to the amendment by the parties.

Commissioner Wada moved for approval of Petitioner's Motion to Amend Petition. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

PUBLIC WITNESSES

1. Linda Delaney
2. Frederick Sands
3. Mei Ling K.E. Akuna

4. Evelyn Jaramillo

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

PETITIONER'S WITNESSES

1. Joseph Conant
2. Bert Hatton (Taken out of Order)

A dinner recess was taken at 5:45 p.m. to reconvene at 7:00 p.m.

- 7:15 a.m. -

The court reporter at this time is Priscilla Gonzaga.

Vice-Chairman Whittemore was absent from the proceeding at this time.

Commissioner Hoe called the meeting to order.

PETITIONER'S WITNESSES (Continued)

3. Joseph Conant
4. Frank Brandt

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

The Decision and Order of the following docket was adopted:

A89-647 - LANAI RESORT PARTNER (KOELE)

The meeting was adjourned at 10:00 p.m.