

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

approved 6/7/90

May 21, 1990

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Frederick P. Whittemore, Vice-Chairman
Sharon R. Himeno (Portion of
Proceeding)

Elton Wada
Allen K. Hoe
Lawrence Chun
Allen Y. Kajioka

COMMISSIONERS ABSENT: James Shinno
Eusebio Lapenia, Jr. (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

Chairman Nip called the meeting to order.

ACTION

SP90-375 - STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL
RESOURCES, DIVISION OF FORESTRY AND WILDLIFE (Kauai)

Chairman Nip announced that the Commission would take action to consider the establishment of a commercial sand mining operation and the creation of an endangered waterbird nesting habitat and sanctuary situated at Kekaha, Kauai.

Appearances

Thomas Telfer, Acting Administrator, Div. of Forestry and Wildlife

Peter Morimoto, Esq., Deputy County Attorney, County of Kauai

Bryan Mamaclay, Department of Planning, County of Kauai

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

Raymond Young, Staff Planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and also gave a summary report of the special use permit request.

Comments on the special use permit were heard from Mr. Telfer and Mr. Morimoto. After hearing comments, questions were asked by the Commissioners.

Commissioner Hoe moved for approval of the special use permit subject to four conditions as recommended by the Planning Commission, County of Kauai, and subject to the following conditions:

1. That the commercial sand mining operation be established no later than December 31, 1990; and
2. That the wild bird sanctuary to commence its functions by December 31, 1991.

The motion was seconded by Commissioner Whittemore and unanimously approved by the following voice votes:

Ayes: Commissioner Hoe, Kajioka, Wada, Whittemore, Chun, and Chairman Nip.

A81-525 - Y-0 LIMITED PARTNERSHIP (Hawaii)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion for Modification of Condition "A" to Delete the Restraint on Alienation of the Decision and Order dated January 20, 1983 which reclassified approximately 213.473 acres of land from the Agricultural District into the Urban District and reclassified approximately 195.246 acres subject to incremental districting situated at Kaloko and Kohanaiki, North Kona, Hawaii for residential and commercial use.

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

Appearances

Terrence Yamamoto, Esq., Attorney for Petitioner

Duane Kanuha, Director, Planning Department, County of
Hawaii

Abe Mitsuda, Land Use Division, Office of State
Planning

Raymond Young, Staff Planner, oriented the Commission to the area of consideration on the Land Use District Boundaries and tax maps.

Arguments were heard from Mr. Yamamoto, Mr. Kanuha, and Mr. Mitsuda.

Commissioner Hoe moved that the motion be granted and that the language offered by Petitioner be reflected in the amended Condition A. Condition A to read as follows:

"Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by offering for sale, on a preferential basis, on its own or in cooperation with either or both the Hawaii Housing Authority or the County of Hawaii, ten percent (10%) of the lots or houses and lots to be developed on the subject property, to residents of the State of Hawaii of low and moderate family income as determined by the Hawaii Housing Authority from time to time. The preferential lots or houses and lots shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (e.g., Act 105 or Hula Mae) or federally-insured or assisted financing (e.g., FHA Section 245 Program) intended to encourage home ownership by low and moderate income families."

The motion was seconded by Commissioner Whittemore and unanimously carried by the following voice votes:

Ayes: Commissioner Hoe, Kajioka, Wada, Whittemore, Chun, and Chairman Nip.

Commissioner Himeno joined the proceeding at this time.

CONTINUED HEARING

A88-630 -PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA
(Hawaii)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on January 27, 1989, March 10, 1989, March 22, 1989, March 23, 1989, April 6, 1989, April 7, 1989, July 13, 1989, July 14, 1989, September 7, 1989, September 8, 1989, and February 23, 1990.

Commissioner Lapenia was excused from the proceeding due to a previously declared conflict of interest.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

Duane Kanuha, Director, Planning Department, County of
Hawaii

William Moore, Deputy Director, Planning Department,
County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Jean Nishida, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Glen Winterbottom, Intervenor

Alan Murakami, Esq., Attorney for Intervenor, Pa'a
Pono Milolii

Paul Lucas, Esq., Attorney for Intervenor, Pa'a Pono
Milolii

Chairman Nip allowed Pa'a Pono Milolii to retract its letter of withdrawal as Intervenor and allowed attorneys, Mr. Murakami and Mr. Lucas, to represent them. There were no objections from the parties.

EXHIBITS

1. All untimely letters received from public witnesses were admitted into evidence by the Land Use Commission.
2. Pa'a Pono Milolii's Exhibits C, D, and E were admitted into evidence by the Land Use Commission.
3. Petitioner's Exhibit No. 36 was entered into evidence by the Land Use Commission.
4. State's Exhibit Nos. 29 through 31 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. James Bell

A lunch recess was taken at 12:07 p.m. to reconvene at 1:30 p.m.

- 1:55 p.m. -

PETITIONER'S WITNESSES

1. James Bell (Continued)

Commissioner Chun was absent from the proceeding at this time.

STATE'S WITNESS

1. Tom Wright (Recalled)

The meeting was adjourned at 4:51 p.m.