

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

ILWU Union Hall  
840 Ilima Ave.  
Lanai City, Lanai

December 15, 1994

*approved  
1/19/95*

COMMISSIONERS PRESENT:

Allen K. Hoe  
JoAnn Mattson  
Lloyd Kawakami  
Trudy K. Senda  
M. Casey Jarman  
Eusebio Lapenia, Jr.  
Elton Wada  
Renton L.K. Nip

COMMISSIONERS ABSENT:

Allen Kajioka (Excused)

STAFF PRESENT:

Esther Ueda, Executive Officer  
Winfred K.T. Pong, Esq.,  
Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Darlene Kinoshita, Chief Clerk

Jean McManus, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

SP94-387 - FONG CONSTRUCTION (Maui)

Chairperson Hoe announced that the Commission would take action to consider the establishment of a construction baseyard on approximately 31.16 acres of land situated within the Agricultural District at Waikapu, Wailuku, Maui.

Appearances

Roderick Fong, Petitioner

Gary Zakian, Esq., Deputy Corporation Counsel, County  
of Maui

Clayton Yoshida, Planning Department, County of Maui

The letter dated October 24, 1994 from David Nobriga and the letter dated December 6, 1994 from Hideo Kawahara, A&B, were received into evidence by the Land Use Commission.

Bert Saruwatari, staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit request by Petitioner

Arguments on the special use permit were heard from Mr. Fong and Mr. Zakian. After hearing arguments, questions were asked by the Commissioners.

Commissioner Mattson moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Commissioner Mattson moved to remand the special use permit request to the Maui Planning Commission to address the concerns raised by the Commission to supplement the record. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

#### HEARING

#### A89-649 - LANAI RESORT PARTNERS (Manele)

Chairperson Hoe announced that the matter before the Commission is a continuation of the hearing which was previously held on October 6 & 7, 1994.

#### Appearances

James T. Funaki, Esq., Attorney for Petitioner

Gary Zakian, Esq., Deputy Corporation Counsel, County of Maui

Clayton Yoshida, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenor

Ron McOmber, Intervenor

Arguments on Petitioner's and Intervenor's Motion to Supplement Exhibit List were heard from Mr. Funaki, Mr. Zakian, Mr. Eichor, and Mr. Murakami.

EXHIBITS

1. Petitioner's Exhibit Nos. 49 through 61 were admitted into evidence by the Land Use Commission.

2. Intervenor's Exhibit Nos. I-74 through I-113 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESS

1. Scotty Johnson

PETITIONER'S WITNESSES

1. Steve Sparks

A lunch recess was taken at 11:55 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

PETITIONER'S WITNESSES (Continued)

1. Steve Sparks

PUBLIC WITNESS

1. Kalia Solangron

PETITIONER'S WITNESSES (Continued)

1. Robert Donovan

MISCELLANEOUS

1. Commissioner Mattson moved to appoint Ben Matsubara, Esq., hearings officer to conduct the hearing on the following dockets: BR94-709 - Office of State Planning (Alelele Stream) and BR94-713 - Office of State Planning (East Maui Watershed). The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

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At this time the Commission adjourned the meeting to take a field trip to the project site on Docket No. A89-649 - Lanai Resort Partners (Manele).

The meeting was adjourned at 2:20 p.m.