

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

ILWU Union Hall
840 Ilima Ave.
Lanai City, Lanai

February 10, 1994

*approved
3/24/94*

COMMISSIONERS PRESENT: Allen K. Hoe
Elton Wada
JoAnn Mattson
Trudy K. Senda
Delmond J.H. Won
Karen S. Ahn
Renton L.K. Nip
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Lloyd Kawakami

STAFF PRESENT: Esther Ueda, Executive Officer
Winfred Pong, Esq.,
Deputy Attorney General
Leo Asuncion, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean McManus, Court Reporter

Presiding Officer Hoe called the meeting to order.

ACTION

A93-698 - CHARLES P. BOOTH, SANDRA E. BOOTH, EDWARD D. BRUFFEY,
AND SHARON L. BRUFFEY (Oahu)

The Commission received a letter dated February 3, 1994 from Shah J. Bento, Esq., attorney for Petitioners, requesting a continuance of the above-entitled action. The Petitioner's attorney and the Planning Department were not present to the proceeding. There were no objections by the Office of State Planning to continue this action. Commissioner Won moved to approve Petitioner's request for continuance. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

A93-697 - THE COUNTY OF KAUAI AND GROVE FARM PROPERTIES, INC.
(Kauai)

Presiding Officer Hoe announced that the Commission would take action to consider the Request for Intervention filed by Don Heacock at this time.

Appearances

Dennis Lombardi, Esq., Attorney for Petitioner

Gregg Kamm, for Petitioner

Jonathan, Esq., Deputy County Attorney, County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State Planning

Donald Heacock, Potential Intervenor

Arguments on the request for intervention were heard from Mr. Heacock, Mr. Lombardi, Mr. Chun, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

Commissioner Won moved to go into executive session to consult with our Deputy Attorney General on legal matters concerning procedural requirements of intervention request. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Commissioner Senda moved to grant the request for intervention by Donald Heacock and that the Intervenor be limited in scope to the effects of water quality arising from the proposed uses for the Petition Area and affecting Intervenor's property. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

AR&R93-11

Presiding Officer Hoe announced that the Commission would take action to consider the adoption of amendments to Sections 15-15-37, 15-15-50, and 15-15-74 of the Land Use

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Commission Rules and Regulations pursuant to Act 227 (1992),
Session Laws of Hawaii.

Winfred Pong, Hearings Officer, summarized his report
to the Commission as to the proposed additional amendments.

Commissioner Nip moved to approve adoption of the
amendments. The motion was seconded by Commissioner Wada and
unanimously carried by voice votes.

A lunch recess was taken at 11:30 p.m. to reconvene at
1:30 p.m.

- 1:30 p.m. -

ACTION

A89-649 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Hoe announced that the Commission
would take action to consider Petitioner's Motion for Order
Modifying Condition No. 10 of Decision and Order Dated
April 16, 1991 which reclassified approximately 110.243 acres
of land from the Rural District into the Urban District and
approximately 28.334 acres of land from the Agricultural
District into the Urban District at Manele, Lanai for 18-hole
golf course and accessory uses.

Appearances

James Funaki, Esq., Attorney for Petitioner

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

The letter dated January 27, 1994 from Stirling Morita,
Society of Professional Journalists was admitted into evidence
by the Land Use Commission.

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Rick Eichor, Esq., Deputy Attorney General, Office of State Planning moved for a continuance on Petitioner's motion at this time due to the pending consent judgement. There were no objections by the parties to continue this action.

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

Commissioner Won moved to approve Mr. Eichor's motion for continuance. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

CONTINUED HEARING

A92-674 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Hoe announced that the present matter before the Commission is a continuation of the hearing previously held on December 15 and 16, 1994.

Appearances

James Funaki, Esq., Attorney for Petitioner

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

Hearing no objections on the Motion to Supplement Record filed by Intervenor, Commissioner Won moved to accept the motion. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

EXHIBITS

1. Intervenor's Exhibits I-5 and I-7 were admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. 71 through 74 were admitted into evidence by the Land Use Commission.

3. County's Exhibit No. 9 was admitted into evidence by the Land Use Commission.

Presiding Officer Hoe announced at this time given Mr. Eichor's summary of the consent judgment and the nature and extent of the issues that have been raised. The Commission will continue the hearing until such time as the Commission has been provided additional information on this matter. Commissioner Won moved to continue the proceeding. The motion was seconded by Commissioner Nip and unanimously carried by voice votes.

MISCELLANEOUS

1. Adoption of Minutes

Commissioner Won moved to approve the minutes for the meeting dates of January 27 & 28, 1994. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

The meeting was adjourned at 3:15 p.m.