

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C
Third Floor, Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

April 7, 1994

approved
5/19/94

COMMISSIONERS PRESENT:

Delmond J.H. Won
Lloyd Kawakami
JoAnn Mattson
Trudy K. Senda (Portion of
Proceeding)

Elton Wada
Karen S. Ahn
Allen K. Hoe
Renton L.K. Nip (Portion of
Proceeding)

COMMISSIONERS ABSENT:

Eusebio Lapenia, Jr.

STAFF PRESENT:

Esther Ueda, Executive Officer
Winfred Pong, Esq.,
Deputy Attorney General
Leo Asuncion, Staff Planner
Bert Saruwatari, Staff Planner
Kathy Murakami, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Mattson called the meeting to order.

Commissioner Senda was absent from the proceeding at this time.

ACTION

A88-632 - PUALANI DEVELOPMENT COMPANY (Hawaii)

Chairperson Mattson announced that the Commission would take action to consider Petitioner's Motion for Substitution of Parties.

Appearances

Steven Lim, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

The Planning Department, County of Hawaii, was absent from the proceeding at this time.

Kathy Murakami, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

Arguments on the motion for substitution of parties were heard from Mr. Lim and Mr. Eichor.

Commissioner Hoe moved to grant Petitioner's Motion for Substitution of Parties. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioners Hoe, Nip, Wada, Won, Ahn, Kawakami, and Mattson.

BR94-702 - OFFICE OF STATE PLANNING (Hawaii)

Chairperson Mattson announced that the Commission would take action to consider the Petition for Intervention filed by Raymond S. Iwamoto, Esq., Attorney for Kealakekua Ranch, Ltd.

Appearances

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

Marylou Kobayashi, Office of State Planning

Kellie Sekiya, Esq., Attorney for Kealakekua Ranch, Ltd.

The Planning Department, County of Hawaii, was absent from the proceeding at this time.

Sandra Pechter Schutte, Esq., Attorney for Kealakekua Development Company, was absent from the proceeding at this time.

Arguments on the Petition for Intervention filed by Kealakekua Ranch, Ltd. were heard from Ms. Sekiya and Mr. Eichor.

Commissioner Nip moved that the Petition for Intervention by Kealakekua Ranch, Ltd. be granted. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioners Nip, Wada, Won, Ahn, Hoe, Kawakami, and Mattson.

A89-651 - HASEKO (Hawaii), INC. (Oahu)

Chairperson Mattson announced that the Commission would take action to consider Petitioner's Motion for Relief from and/or Modification of Condition No. 1 of the Decision and Order entered on October 7, 1990, which reclassified approximately 403.008 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for specialty hotels and garden suite hotels, an international fitness and conditioning center, a golf course, a tennis complex, retail shops, restaurants, and professional offices.

Appearances

Steven Chung, Esq., Attorney for Petitioner

Angela Fong, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. Petitioner's Exhibit A, letter dated March 30, 1994 from Steven Chung to Abe Mitsuda, was admitted into evidence by the Land Use Commission.

1. The following public witness letters were admitted into evidence by the Land Use Commission:

- a. October 28, 1993 from Tim Tucker
- b. February 11, 1994 from Lunakanawai Hauanio
- c. March 31, 1994 from Donna Mercado Kim
- d. March 31, 1994 from Joseph Gaynor
- e. April 4, 1994 from John DeSoto
- f. April 7, 1994 from Elaine Mihock
- g. April 7, 1994 from Clerie Silva
- h. April 7, 1994 from Janenise Yoshimura
- i. April 7, 1994 from Kauila Clark
- j. April 7, 1994 from Deborah Higa
- k. April 7, 1994 from Lovey Kitt
- l. April 7, 1994 from Helen Enjada
- m. April 7, 1994 from Sylvia Lopes
- n. April 7, 1994 from Ernest Ahlo
- o. April 7, 1994 from Maryhood Berengue

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. M. Kauila Clark
2. Deborah Higa
3. Dick Beamer
4. Tim Tucker

Arguments on the Motion for Relief from and/or Modification of Condition No. 1 of the Decision and Order entered on October 7, 1990 were heard from Mr. Chung, Ms. Fong, Ms. Mossman, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

Commissioner Nip moved that Condition No. 2 be amended to read as follows: "As Petitioner has volunteered to ameliorate the anticipated social impacts of the project by the conveyance of its 9.4 acre beachfront land to the City and County of Honolulu pursuant to the terms of the Unilateral Agreement and Declaration for Conditional Zoning dated November 29, 1993, Petitioner may convey such property in lieu of the golf course play provision as set forth hereinafter.

If the Petitioner does not convey its 9.4 acre beachfront land to the City and County of Honolulu pursuant to the Unilateral Agreement and Declaration for Conditional Zoning dated November 29, 1993, the Petitioner shall make available adequate golf tee times, (no less than 40 percent of the total tee times), at affordable rates for public play by Hawaii residents based on prevailing rates for public play at privately owned golf courses.

This condition may be fully satisfied by the development by the Petitioner of an 18-hole public play course within and/or outside the petition area acceptable to the Office of State Planning."

The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioners Nip, Wada, Won, Ahn, Hoe, Kawakami, and Mattson.

Commissioner Nip was absent from the proceeding at this time.

A83-562 - WEST BEACH ESTATES (Oahu)

Chairperson Mattson announced that the Commission would take action to consider Petitioner's Motion to Amend Findings of Fact, Conclusion of Law, and Decision and Order dated September 12, 1985, which reclassified approximately 642 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for a resort and residential community.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Intervenor was absent from the proceeding at this time.

EXHIBITS

1. The following public witness letters were admitted into evidence by the Land Use Commission:

- a. April 4, 1994 from Kamaki Kanahele
- b. April 4, 1994 from Agnes Cope
- c. April 7, 1994 from M. Kauila Clark
- d. April 7, 1994 from Charles Beamer

2. Petitioners Exhibit A through L were admitted into evidence by the Land Use Commission.

Kathy Murakami, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. Kauila Clark
2. Charles Beamer

Arguments on the motion were heard from Ms. Sullivan, Ms. Mossman, and Mr. Eichor.

Commissioner Hoe moved to grant Petitioner's Motion to Delete Condition No. 10 subject to the addition of the following standard conditions:

13. Petitioner shall develop the Property in substantial compliance with representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.

14. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interests in the Property, prior to the development of the Property.

15. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, Hawaii Administrative Rules.

The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioners Hoe, Wada, Won, Ah, Kawakami, and Mattson.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioner Kawakami was absent from the proceeding at this time and Commissioner Senda joined the proceeding at this time.

CONTINUED HEARING

A92-678 - LUINAKOA DEVELOPMENT (Oahu)

Presiding Officer Senda announced that the matter before the Commission is a continuation of the hearing which was previously held on January 13 and 14, 1994.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Abe Mitsuda, Land Use Division, Office of State Planning

Rodney Uchida, Esq., Attorney for Intervenor

John Ishihara, for Intervenor

EXHIBITS

1. The letter dated March 30, 1994 from Congressman Neil Abercrombie was admitted into evidence by the Land Use Commission.

2. The Amended Position Statement dated March 22, 1994 and filed by the Planning Department, City and County of Honolulu, was admitted into evidence by the Land Use Commission.

Jan Sullivan, Esq., Attorney for Petitioner, read into the record a statement withdrawing the petition.

Comments were heard from Mr. Uchida and Mr. Mitsuda.

Commissioner Won moved to go into executive session to consult with our Deputy Attorney General on legal matters regarding the Commission's rules. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

Presiding Officer Senda announced that intervenor's request for a ruling in regards to issues of reapplication are not ripe for consideration by the Commission at this time.

MISCELLANEOUS

1. Adoption of Minutes

Commissioner Hoe moved to approve the minutes for the meeting dates of March 23 & 24, 1994. The motion was seconded by Chairperson Mattson and unanimously carried by voice votes.

The meeting was adjourned at 1:55 p.m.