

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kamakahonu Ballrooms  
King Kamehameha's Kona Beach Hotel  
75-5660 Palani Road  
Kailua-Kona, Hawaii

May 19, 1994

Approved  
6/3/94

COMMISSIONERS PRESENT: JoAnn Mattson  
Delmond J.H. Won  
Trudy K. Senda  
Elton Wada  
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Allen K. Hoe  
Lloyd Kawakami  
Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer  
Winfred Pong, Esq.,  
Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Jean McManus, Court Reporter

Chairperson Mattson called the meeting to order.

HEARING

BR94-702 - STATE OF HAWAII, OFFICE OF STATE PLANNING (Hawaii)

Pursuant to a notice published in the Honolulu Advertiser, West Hawaii Today, and Hawaii Tribune-Herald and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Office of State Planning to reclassify approximately 10,895 acres of land currently in the Agricultural District into the Conservation District at Kealakekua, South Kona, Hawaii for protection of groundwater resources and native forest and habitat for endemic and indigenous wildlife.

Appearances

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

Marylou Kobayashi, Office of State Planning

Virginia Goldstein, Director, Planning Department,  
County of Hawaii

Richard Wurdeman, Corporation Counsel, County of Hawaii

Royden Yamasato, Planning Department, County of Hawaii

Sandra Pechter Schutte, Esq., Attorney for Kealakekua  
Development Corporation

Derek Kobayashi, Esq., Attorney for Kealakekua Ranch

Arguments on the Motion to Dismiss were heard from  
Ms. Schutte.

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

Arguments on the Motion to Dismiss were heard from  
Ms. Schutte, Mr. Kobayashi, Mr. Wurdeman, 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. The  
motion was seconded by Commission Lapenia and unanimously  
carried by voice votes.

Commissioner Senda moved that pursuant to LUC Rule  
15-15-34 which permits the Commission to waive any of its rules  
except for jurisdictional rules, that the Commission waive the  
requirements set forth in 15-15-50(c)(5B) which requires the  
written authorization of the fee owner for the filing of the  
petition. The motion was seconded by Commissioner Won and  
unanimously carried by voice votes.

Commissioner Senda moved to deny the Motion to Dismiss  
which had been filed by the Intervenor. The motion was  
seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Senda, Lapenia, Wada, Won, and  
Mattson.

Arguments on the Motion to Stay Proceedings were heard from Ms. Schutte and Mr. Eichor.

Commissioner Senda moved to deny the Motion to Stay Proceedings filed by Intervenor, Kealakekua Development Corporation. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Senda, Lapenia, Wada, Won, and Mattson.

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

- 1:00 -

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

PUBLIC WITNESSES

1. Lily Kong
2. Arthur Takahara
3. William J. Paris
4. Carol Ann Gall
5. Terry Dunlap
6. Richard Matsumoto
7. Marlee Herkes for Rodney Oshiro (Japanese Chamber of Commerce)
8. Carl Simons
9. Larry Jose for Kona Young Farmers
10. R. Crisafi
11. Robert K.Y. Lee
12. Raydean Schaefer for Amy Trowbridge
13. Fusao Sugai
14. Roy Honda for Kona County Farm Bureau
15. Marlee Herkes for Lani Kahawaii (Hawaii Island Chamber of Commerce)
16. Willy Crozier for Jessie Manlapit
17. Ken Shigeoka
18. William Cowell
19. Julia Kaupu
20. Gregg Owen for Dan Cromwell (Kona Board of Realtors)
21. John Tommy Rosas, Jr.

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22. Bea Van Wyngarden
23. Gerry Rott
24. Shanti Devi
25. Minoru Inaba
26. Heidi Pike
27. Art McCornack
28. Debra Ward
29. Nelson Ho

MISCELLANEOUS

1. Adoption of Minutes

Commissioner Won moved to approve the minutes for the meeting dates of April 7, 1994 and April 21, 1994. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

The meeting was adjourned at 3:10 p.m.