

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

ILWU Union Hall  
840 Ilima Ave.  
Lanai City, Lanai

June 16, 1994

approved  
7/15/94

COMMISSIONERS PRESENT:

Allen K. Hoe  
JoAnn Mattson  
Delmond J.H. Won  
Trudy K. Senda  
Elton Wada  
Renton L.K. Nip  
Lloyd Kawakami (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  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Presiding Officer Hoe called the meeting to order.

ACTION

A89-649 - LANAI RESORT PARTNERS (Manele)

Presiding Officer Hoe announced that the Commission would take action to consider Intervenor's Motion for Order to Compel Petitioner to Supplement its Environmental Impact Statement.

Appearances

James 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

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Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Intervenor

Ron McOmbler, Intervenor

Arguments on Intervenor's Motion for Order to Compel Petitioner to Supplement its EIS were heard from Mr. Murakami, Mr. Funaki, Mr. Zakian, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved that Intervenor's Motion for Order to Compel Petitioner to Supplement EIS be denied. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Wada, Nip, Senda, Won, Kawakami, Mattson, and Hoe

Presiding Officer Hoe announced that the Commission would take action to consider Intervenor's Motion for Order to Show Cause why Petitioner should not be held in violation of, or substantial non-compliance with, Conditions, 2, 5, 5(a), 5(e), 5(f), 5(g), 8, 8(b), and 18 and why sanctions should not be imposed including and not limited to, the reclassification of the subject property.

Arguments on the Intervenor's Motion for Order to Show Cause were heard from Mr. Murakami, Mr. McOmbler, Mr. Funaki, Mr. Zakian, and Mr. Eichor.

Commissioner Won moved to grant Intervenor's Motion for an Order to Show Cause. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes.

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 an 18-hole golf course and accessory uses.

Arguments on Petitioner's Motion were heard from Mr. Funaki. Further witnesses were called to testify by Petitioner in regards to Petitioner's motion.

PETITIONER'S WITNESSES

1. Tom Nance

A lunch recess was taken at 11:50 a.m. to reconvene at 1:15 p.m.

- 1:15 p.m. -

Commissioner Kawakami was absent from the proceeding at this time.

PETITIONER'S WITNESSES (Continued)

1. Tom Nance (Continued)
2. Vince Bagoyo, Jr.

EXHIBITS

1. Letter dated December 24, 1993 from Tom Nance to Bruce Babbitt was admitted into evidence by the Land Use Commission as Intervenor's Exhibit No. 12.

2. Letter dated March 22, 1994 from Robert M. Hirsch to Tom Nance was admitted into evidence by the Land Use Commission as Intervenor's Exhibit No. 13.

Further arguments on Petitioner's Motion were heard from Mr. Zakian, Mr. Eichor, and Mr. Murakami.

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

Presiding Officer Hoe deferred action on Petitioner's Motion to Modify Condition No. 10 until the Commission hears the continued hearing on A89-649 - Lanai Resort Partners set for tomorrow.

BR93-690 - OFFICE OF STATE PLANNING (Oahu)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 456 acres of land currently in the Agricultural District into the Conservation District at Olomana, Waimanalo-Kailua, Koolaupoko, Oahu for protection of a significant scenic resource.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, City and County of Honolulu, indicated by letter that they would not be appearing at this meeting and had no objections to the approval of the petition.

Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

Commissioner Nip moved to approve the hearing officer's report and recommendation regarding Docket No. BR93-690 - Office of State Planning. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Nip, Senda, Wada, Won, Mattson, and Hoe.

BR93-691 - OFFICE OF STATE PLANNING (Oahu)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 969 acres of land currently in the Agricultural District into the Conservation District at Kaena, Waialua, Oahu for protection of rare and endemic plants, scenic and recreational resources.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, City and County of Honolulu, indicated by letter that they would not be appearing at this meeting and had no objections to the approval of the petition.

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Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

Commissioner Won moved to approve the hearing officer's report and recommendation regarding Docket No. BR93-690 - Office of State Planning. The motion was seconded by Commissioner Senda and polled as follows:

Ayes: Commissioner Won, Wada, Mattson, Nip, Senda, and Hoe.

BR93-692 - OFFICE OF STATE PLANNING (Oahu)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 23.642 acres of land currently in the Urban District into the Conservation District at Fort Ruger, Diamond Head, Oahu for protection of significant scenic resources of Diamond Head State Monument.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, City and County of Honolulu, indicated by letter that they would not be appearing at this meeting and had no objections to the approval of the petition.

Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

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Commissioner Won moved to approve the hearing officer's report and recommendations regarding Docket No. BR93-690 - Office of State Planning. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Won, Mattson, Nip, Senda, Wada, and Hoe.

BR93-693 - OFFICE OF STATE PLANNING (Hawaii)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 4,470.22 acres of land currently in the Agricultural District into the Conservation District at Moaula and Kaalaiki to Ninole, Kau, Hawaii for watershed protection, protection and enhancement of native forest, bird and plant habitats, provision of areas for public hunting and recreation, and commercial forestry management.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no objections to the approval of the petition.

Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

Commissioner Won moved to approve the hearing officer's report and recommendations regarding Docket No. BR93-693 - Office of State Planning. The motion was seconded by Commissioner Senda and polled as follows:

Ayes: Commissioner Won, Wada, Senda, Nip, Mattson, and Hoe.

BR93-694 - OFFICE OF STATE PLANNING (Hawaii)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 5,914.963 acres of land currently in the Agricultural District into the Conservation District at Makaula-Ooma Mauka Tract, Honualu Tract 3 extension, and Honuaula Tract 2 and 3, North Kona, Hawaii for watershed protection, protection and enhancement of native forest, bird and plant habitats, provision of areas for public hunting and recreation, and commercial forestry management.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no objections to the approval of the petition.

Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

Commissioner Senda moved to approve the hearing officer's report and recommendations regarding Docket No. BR93-693 - Office of State Planning. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Senda, Mattson, Nip, Wada, Won, and Hoe.

BR93-695 - OFFICE OF STATE PLANNING (Hawaii)

Presiding Officer Hoe announced that the Commission would take action to consider reclassification of approximately 3,818.493 acres of land currently in the Agricultural District into the Conservation District at Honomalino, Olelomoana, Koahe, and Kukuiopae, South Kona, Hawaii for watershed

protection, protection and enhancement of native forest, bird and plant habitats, provision of areas for public hunting and recreation, and commercial forestry management.

Appearances

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

Marylou Kobayashi, Office of State Planning

The Planning Department, County of Hawaii, indicated by phone that they would not be appearing at this meeting and had no objections to the approval of the petition.

Benjamin Matsubara, Esq., Hearing Officer

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

Benjamin Matsubara, Hearing Officer, presented his report and recommendations to the Commissioners.

Commissioner Mattson moved to approve the hearing officer's report and recommendations regarding Docket No. BR93-693 - Office of State Planning. The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Mattson, Nip, Senda, Wada, Won, and Hoe.

AR&R93-12

Presiding Officer Hoe announced that the Commission would take action to consider the adoption of amendments to Subchapter 13 of Chapter 15 of Title 15, Hawaii Administrative Rules, entitled, "Petitions for Section 359G-4.1, H.R.S., Housing Projects."

Ben Matsubara, Hearing Officer, summarized his report to the Commission regarding the hearings conducted on the proposed amendments.



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Commissioner Mattson moved to adopt the Amendments to Subchapter 13 of Chapter 15 of Title 15, Hawaii Administrative Rules. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

The meeting was adjourned at 4:15 p.m.