

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kamakahonu Ballroom  
King Kamehameha Kona Beach Hotel  
75-5660 Palani Road  
Kailua-Kona, Hawaii

September 22, 1994

*approved*  
*10/6/94*

COMMISSIONERS PRESENT:

Allen K. Hoe  
Trudy K. Senda  
Elton Wada  
JoAnn Mattson  
Lloyd Kawakami (Portion of  
Proceeding)  
M. Casey Jarman

COMMISSIONERS ABSENT:

Renton L.K. Nip  
Eusebio Lapenia, Jr.  
Allen Kajioka

STAFF PRESENT:

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

Chairperson Hoe called the meeting to order.

ACTION

AR&R94-13

Chairperson Hoe announced that the Commission would take action to authorize public hearings on the proposed amendments to Chapter 15 of Title 15, Hawaii Administrative Rules of the Land Use Commission.

Winfred Pong, Esq., gave the Commission a summary of the proposed Land Use Commission Rules to be amended.

Commissioner Senda moved to authorize public hearings on the proposed amendments. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

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SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS,  
INC. (Hawaii) (6th Amendment)

Chairperson Hoe announced that the Commission would take action to consider an amendment to Condition No. 8 of the Land Use Commission's Decision and Order dated June 17, 1993 and the deletion of a five-acre garden expansion area of the existing Nani Mau Gardens on approximately 58.786 acres of land within the Agricultural District at Panaewa Farm Lots, Waiakea, South Hilo, Hawaii.

Appearances

Sidney Fuke, for Petitioner

David Morgan, for Petitioner

Royden Yamasato, Planning Department, County of Hawaii

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 request were heard from Mr. Fuke and Mr. Yamasato.

Commissioner Senda moved that SP73-159 - Toyama Gardens Hawaii, Inc. dba Nani Mau Gardens, Inc. to consider an amendment to Condition No. 8 of the Land Use Commission's Decision and Order dated June 17, 1993 and the deletion of a five-acre garden expansion area of the existing Nani Mau Gardens on approximately 58.786 acres of land within the Agricultural District at Panaewa Farm Lots, Waiakea, South Hilo, Hawaii be approved subject to thirteen conditions. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes.

Commissioner Jarman abstained from voting on this matter.

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider acceptance of Kaupulehu Developments' Final Environmental Impact Statement to reclassify

approximately 1,010 acres of land currently in the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii for residential, 36-hole golf course and clubhouse, commercial center, arch preservation, ocean club, and public park space and large shoreline park.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Royden Yamasato, Planning Department, County of Hawaii

Jim Nagle, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

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

- a. February 10, 1994 from Lunakanawai Hauanio
- b. August 19, 1994 from Gary L. Blaich
- c. September 10, 1994 from Robert Bethea
- d. September 22, 1994 from C.J. Villa
- e. September 22, 1994 from April Maberry
- f. September 22, 1994 from Clifford Miller

PUBLIC WITNESSES

1. C.J. Villa
2. April Maberry
3. Curtis Tyler
4. Laura Kamoku

Arguments were heard from Mr. Tsukazaki, Mr. Yamasato, and Mr. Mitsuda.

Commissioner Mattson moved to accept Petitioner's Final Environmental Impact Statement. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

Commissioner Jarman abstained from voting on this matter.

BR94-707 - OFFICE OF STATE PLANNING (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider the Office of State Planning's Motion to Waive Landowner's Authorization to reclassify approximately 168.7 acres of land currently in the Agricultural District into the Conservation District at the Hamakua Coastline, Laupahoehoe, Hawaii for protection and preservation of Manowaiopae, Kuwaikahi and Kihalani streams and associated gulches.

Appearances

Jim Nagle, Esq., Deputy Attorney General, Office of State Planning

Rebecca Alaka'i, Office of State Planning

Royden Yamasato, Planning Department, County of Hawaii

At this time, Jim Nagle, Esq., withdrew OSP's motion to waive landowner's authorization because of the receipt of the authorization from Mr. George Tengan, Deputy Manager, Department of Water Supply, County of Hawaii, marked as OSP's Exhibit No. 5 and the authorization from Mr. H. William Sewake, Manager, Department of Water Supply, County of Hawaii, marked as Exhibit 6.

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

- 1:00 p.m. -

Commissioner Kawakami was absent from the proceeding at this time.

HEARING

A84-574 - MAUNA KEA PROPERTIES, INC. (Hawaii)

Pursuant to a notice published in the Honolulu Advertiser, Hawaii Tribune-Herald, and West Hawaii Today and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mauna Kea

Properties, Inc. to consider Motions to 1) Extend Time to Show Substantial Progress on Phase I, 2) Release Housing Condition, and 3) Approve reclassification of the Second Increment of the subject docket consisting of approximately 82.33 acres of land currently in the Agricultural District into the Urban District at Ouli 1, South Kohala, Hawaii for residential development.

Appearances

J. Douglas Ing, Esq., Attorney for Petitioner

Royden Yamasato, Planning Department, County of Hawaii

Jim Nagle, Esq., Deputy Attorney General, Office of State Planning

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The letter dated September 21, 1994 from Dennis Krueger, Esq., for Mauna Kea Community Association.

2. Petitioner's Exhibits A through Y and as amended were admitted into evidence by the Land Use Commission.

3. County's Exhibit Nos. 1 through 16 were admitted into evidence by the Land Use Commission.

4. OSP's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

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

PETITIONER'S WITNESSES

1. William Mielcke

2. Dick Van Horn

STATE

1. Abe Mitsuda

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on October 13, 1994 and the parties have until October 27, 1994 in which to respond.

MISCELLANEOUS

1. Commissioner Senda moved to approve the minutes for the meeting dates of September 8, 1994 and September 9, 1994. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

The meeting was adjourned at 1:45 p.m.