

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

October 10, 1995

approved
11/2/95

COMMISSIONERS PRESENT: Allen K. Hoe
Trudy K. Senda (Portion of
Proceeding)
Lloyd Kawakami (Portion of
Proceeding)
Eusebio Lapenia, Jr. (Portion
of Proceeding)
M. Casey Jarman
JoAnn Mattson
Rupert K. Chun
Merle A.K. Kelai

COMMISSIONERS ABSENT: Elton Wada

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Esq.,
Deputy Attorney General
Kathy Yonamine, Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

STATUS REPORT

A87-617 - PUAKO HAWAII PROPERTIES, INC. (Hawaii)

Chairperson Hoe announced that the Commission would hear a status report on this petition which reclassified approximately 1,060 acres of land from the Agricultural District into the Urban District at Waikoloa, South Kohala, Hawaii for residential, commercial, park, and golf course uses.

Appearances

Keith Kato, for Nansay Hawaii

Richard Wurdeman, Esq., Corporation Counsel, County of
Hawaii

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

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

A status report was given by Keith Kato. After hearing
the status report, questions were asked by Mr. Yamasato, Mr.
Mitsuda, and the Commissioners.

A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA
(Hawaii)

Chairperson Hoe announced that the Commission would
hear a status report on this Petition to reclassify
approximately 2,420 acres of land from the Conservation
District and approximately 900 acres of land from the
Agricultural District into the Urban District at Kahuku, Ka'u,
Hawaii for a self-contained resort, support community, regional
airport, and access road.

Commissioners Lapenia and Senda were excused from this
proceeding due to a previously declared conflict of interest.

Appearances

Thomas Bodden, for Hawaii Ka'u Aina

Royden Yamasato, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Paul Nahoia Lucas, Esq., Attorney for intervenor, Pa'a
Pono Miloli'i

Wilfred Kaupiko, Pa'a Pono Miloli'i

Mr. Glenn Winterbotton, Intervenor, notified the Commission staff by phone that he would not be present to this proceeding.

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

A status report was heard from Mr. Bodden. After hearing the status report, questions were asked by Mr. Mitsuda, Mr. Lucas, and the Commissioners.

Chairperson Hoe announced that a reopened hearing on this petition would be set for November 30, 1995 and December 1, 1995 on the issue of the impacts of the water features on the Miloli'i Fishing Village and residents.

ACTION

BR94-702 - OFFICE OF STATE PLANNING (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider the Office of State Planning's Motion to Withdraw Petition to Amend State Land Use District Boundaries to reclassify approximately 10,895 acres of land from the Agricultural District into the Conservation District at Kealakekua, South Kona, Hawaii for the protection of groundwater resources and native forests.

Appearances

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

Marylou Kobayashi, Office of State Planning

Richard Wurdeman, Esq., Corporation Counsel, County of Hawaii

Royden Yamasato, Planning Department, County of Hawaii

Derek Kobayashi, Esq., Attorney for Kealakekua Ranch, Ltd.

Sandra Schutte, Esq., Attorney for Kealakekua Development Co. had previously notified the Commission staff that she would not be present to the proceeding at this time.

Commissioner Kelai moved to grant the Office of State Planning's motion to withdraw petition. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

BR94-707 - OFFICE OF STATE PLANNING (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 171.61 acres of land currently in the Agricultural District and Urban District into the Conservation District at North Hilo District, Laupahoehoe, Hawaii for protection and preservation of Manowaiopae, Kuwaikahi, Kihalani Streams and associated gulches.

Appearances

Benjamin Matsubara, Esq., Hearing Officer

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

Marylou Kobayashi, Office of State Planning

Richard Wurdeman, Esq., Corporation Counsel, County of Hawaii

Royden Yamasato, Planning Department, County of Hawaii

Thomas Young, Intervenor

Susan Li, Esq., Attorney for HELCO, notified the Land Use Commission by letter dated October 4, 1995 that she or a representative from HELCO would not be present to the proceeding at this time.

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

PUBLIC WITNESSES

1. Lisa Barton
2. John Stansfield
3. Nancy Pisicchio

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

Arguments on the Hearing Officer's report and recommendations were heard from Mr. Wurdeman, Mr. Nagle, and Mr. Young.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to deny Docket No. BR94-707 - Office of State Planning for reclassification. The motion was seconded by Commissioner Kelai and polled as follows:

Ayes: Commissioners Lapenia, Kelai, Mattson, Senda, Chun, Kawakami, and Hoe.

Nays: Commissioner Jarman

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

- 1:30 p.m. -

CONTINUED HEARING

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

Chairperson Hoe announced that the matter before the Commission is a continuation of the hearing which was previously heard on August 10, 1995.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Richard Wurdeman, Esq., Corporation Counsel, County of Hawaii

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

Robert Kim, Esq., Attorney for Intervenor, Plan to
Protect

Alfred Lerma, Esq., Attorney for Intervenors, Ka Lahui,
Kona Hawaiian Civic Club, and Protect Kohanaiki

Maile David, for Ka Lahui

Charles Young, Ka Lahui

Karen Eoff, Protect Kohanaiki

Hannah Springer, Kona Hawaiian Civic Club

Chairperson Hoe granted Petitioner's Motion to Correct
Transcript of Proceedings held on August 10, 1995. There were
no objections by the parties.

EXHIBITS

1. Petitioner's Exhibit Nos. 17, 29, 33 to 37 were
admitted into evidence by the Land Use Commission.

2. Intervenors' Exhibit No. C-102 was admitted into
evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Paul Rosendahl

A dinner recess was taken at 6:00 p.m. to reconvene at
8:00 p.m.

- 8:00 p.m. -

PETITIONER'S WITNESSES (Continued)

2. Herb Lee

The hearing was adjourned at 10:00 p.m.