

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

February 2, 1995

Approved
2/23/95

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

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.
Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer
Winfred K.T. Pong, Esq.,
Deputy Attorney General
Kathy Yonamine, Staff Planner
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Evelyn Miyata, Court Reporter

Chairperson Hoe called the meeting to order.

STATUS OF DEVELOPMENT

A88-620 - KOHALA JOINT VENTURE (Hawaii)

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Frederick Giannini, Esq., Deputy Corporation Counsel,
County of Hawaii

Virginia Goldstein, Director, Planning Department,
County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Leo Asuncion, Jr., Staff Planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

PUBLIC WITNESS

1. Joann Tanimoto

Status of development report was heard from Mr. Tsukazaki. After hearing status, questions were asked by Mr. Eichor.

ACTION

A94-706 - KAONOULU RANCH (Maui)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 88.00 acres of land currently in the Agricultural District into the Urban District at Kaonoulu, Makawao-Wailuku, Maui for a commercial and light industrial subdivision.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Henry Rice, Petitioner

Lillian Koller, Esq., Deputy Corporation Counsel,
County of Maui

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

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Luna, Ms. Kohler, and Mr. Eichor.

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

It was determined by Chairperson Hoe that all of the Commissioners present were eligible to participate in the action of the petition.

Commissioner Wada moved to approve the petition by Kaonoulu Ranch subject to twenty conditions. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Wada, Jarman, Kajioka, Kawakami, Mattson, Senda, and Chairperson Hoe.

SP93-383 - COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS (Molokai)

Chairperson Hoe announced that the Commission would take action to consider a time extension request on Condition No. 3, regarding submission of the traffic assessment report to determine impacts on Maunaloa Highway, of the special permit to establish an integrated solid waste facility on approximately 37.9 acres of land situated within the Agricultural District at Naiwa, Molokai.

Appearances

Lillian Koller, Esq., Deputy Corporation Counsel,
County of Maui

David Wissmar, Department of Public Works, County of
Maui

Arguments were heard from Ms. Kohler.

Commissioner Wada moved to grant the County of Maui, Department of Public Work's request for a time extension to June 8, 1995 and subject to the following amendments to the County of Maui, Planning Department's condition:

Condition No. 3 - "A traffic assessment shall be developed to determine the impact of Maunaloa Highway once the sanitary landfill is operating. This assessment shall be completed and submitted by June 8, 1995. The findings of the assessment shall be submitted to the State Department of Transportation, Highways Division, and the Maui County Planning Department for review."

Condition No. 15 - "The applicant shall timely provide without any prior notice annual reports to the County of Maui Planning Department and the Land Use Commission in connection

with the status of the subject project and the applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive officer of the Commission."

The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

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

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion for Clarification of Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated December 6, 1994 which approved the reclassification of the second increment of the subject docket consisting of approximately 82.08 acres of land from the Agricultural District into the Urban District at Ouli 1, South Kohala, Hawaii, and for Extension of Time to record conditions at the Bureau of Conveyances.

Appearances

J. Douglas Ing, Esq., Attorney for Petitioner

Frederick Giannini, Deputy Corporation Counsel, County of Hawaii

Virginia Goldstein, Director, Planning Department, County of Hawaii

Rick Eichor, Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments on the motion were heard from Mr. Ing, Mr. Giannini, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

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

Commissioner Mattson moved that the conditions imposed by the Commission's Order be applied to both Phase 1 and Phase 2 of the property. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Commissioner Mattson moved to waive §15-15-92 and amend Condition No. 6 of the Commission's Decision and Order filed December 6, 1994 to read as follows: "The Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances within 60 days of the filing of this decision and order. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

A94-703 - THE LIHUE PLANTATION COMPANY (Kauai)

Chairperson Hoe announced that the Commission would take action to consider acceptance of The Lihue Plantation Company's Final Environmental Impact Statement to reclassify approximately 541.769 acres of land currently in the Agricultural District into the Urban District and approximately 12.873 acres of land currently in the Conservation District into the Urban District at Hanamaulu and Kalapaki, Kauai for residential, office, commercial, industrial and public/quasi-public facility uses, open space, and parks.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Timothy Johns, Petitioner

Tom Witten, for Petitioner

Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai

Keith Nitta, Planning Department, County of Kauai

Rick Eichor, Deputy Attorney General, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The letter dated January 17, 1995 and January 15, 1995 from Kazu Hayashida were admitted into evidence by the Land Use Commission.

Arguments on the Final EIS were heard from Mr. Kudo, Mr. Chun, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

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

A lunch recess was taken at 12:35 p.m. to reconvene at 1:45 p.m.

- 1:45 p.m. -

Commissioners Wada and Kawakami were absent from the proceeding at this time.

ACTION

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Chairperson Hoe announced that the Commission would take action to consider requests for intervention filed by Liliuokalani Trust; Nansay Hawaii, Inc.; Hawaii Development, Inc.; Lanihau Partners; Palani Ranch Co.; E Mau Na Ala Hele; Life of the Land; Tokyo Green Hawaii, Inc.; John Tommy Rosas, Jr.; Councilman James Rath; Kona Scenic Land, Inc., Kamehameha Investment Corporation; Office of Hawaiian Affairs, and Lunakanawai Hauanio.

Appearances

Frederick Giannini, Esq., Deputy Corporation Counsel,
County of Hawaii

Virginia Goldstein, Director, County of Hawaii

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

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Eric Maehara, Esq., Attorney for Hawaii Development
Corporation

Councilman James Rath

Roland Klegger and Judith Graham for E Mau Na Ala Hele

John Tommy Rosas, Jr.

Linda Lee, for Office of Hawaiian Affairs
Michael Gibson for Palani Ranch and Lanihau Partners
Steve Lim for Kamehameha Investments
Michael Moore for Tokyo Green
Gary Ashikawa for Kona Scenic Land
Keith Kato for Nansay Hawaii, Inc.
William Graham for Life of the Land
Benjamin Kudo for Liliuokalani Trust
Lunakanawai Hauanio

EXHIBITS

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

- a. August 3, 1995 - Daniel L. and Ann Roudebush
- b. December 1, 1995 - Jack C. Davis
- c. January 11, 1995 - L. Bunge
- d. January 24, 1995 - Francis I. Kuailani, Sr.
- e. January 28, 1995 - Toni Whittington
- f. January 30, 1995 - Tim Newstrom
- g. February 2, 1995 - Jack C. Davis
- h. February 2, 1995 - Thomas Langenstein

Leo Asuncion, Jr., Staff Planner, oriented the Commission to the area requesting reclassification on the Land Use District Boundaries and tax maps.

Arguments on the requests for intervention were heard from Mr. Giannini, Mr. Eichor, Mr. Maehara, Councilman Rath, Ms. Graham, Mr. Klegger, Mr. Rosas, Ms. Lee, Mr. Gibson, Mr. Lim, Mr. Moore, Mr. Ashikawa, Mr. Kato, Mr. Graham, Mr. Kudo, and Mr. Hauanio.

Chairperson Hoe announced that the requests for intervention would be taken under advisement. All parties would be allowed to file final written arguments by February 13, 1995. The Commission would take action on the requests for intervention on February 23, 1995 on Maui. Chairperson Hoe also announced that the exhibit and witness lists from the parties would be due on March 10, 1995. Any amendment to the exhibit and witness lists would be due on March 24, 1995. The prehearing conference is set for April 4, 1995 at 10:00 a.m. and the continued hearing is set for April 18, 1995.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the meeting dates of January 19, 1995. The motion was seconded by Chairperson Hoe and unanimously approved by voice votes.

The meeting was adjourned at 3:35 p.m.