

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

August 10, 1995

*approved  
9/14/95*

COMMISSIONERS PRESENT: Allen K. Hoe  
Trudy K. Senda  
Lloyd Kawakami  
M. Casey Jarman  
JoAnn Mattson

COMMISSIONERS ABSENT: Rupert Chun  
Elton Wada  
Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Esq.,  
Deputy Attorney General  
Kathy Yonamine, Staff Planner  
Leo Asuncion, Jr., Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

A89-643 - McCLEAN HONOKOHAU PROPERTIES, a Hawaii Limited  
Partnership (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion for Amendment to Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991 which incrementally reclassified approximately 89.527 acres of land from the Conservation and Agricultural Districts into the Urban District at Honokohau, North Kona, Hawaii for industrial uses and general urban expansion.

Appearances

Robert Smolenski, Esq., Attorney for Petitioner

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

Virginia Goldstein, Planning Department, County of  
Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Sandra Schutte, Esq., Attorney for Intervenor, Isemoto  
Contracting Co., Ltd., SJA Partnership, and March E. Taylor,  
was not present to the proceeding at this time.

Arguments on the Motion were heard from Mr. Smolenski,  
Mr. Giannini, and Mr. Nagle.

Commissioner Mattson moved to grant Petitioner's Motion  
for Amendment to Findings of Fact, Conclusions of Law, and  
Decision and Order dated April 16, 1991 which incrementally  
reclassified approximately 89.527 acres of land from the  
Conservation and Agricultural Districts into the Urban District  
at Honokohau, North Kona, Hawaii for industrial uses and  
general urban expansion. The motion was seconded by  
Commissioner Kawakami and unanimously carried by voice votes.

A87-618 - ISEMOTO CONTRACTING CO., LTD., SJA PARTNERSHIP, AND  
MARCH E. TAYLOR (Hawaii)

Chairperson Hoe announced that the Commission would  
take action to consider Petitioner's Motion to Release  
Conditions Imposed by Order Adopting the Recommendation of  
Hearing Officer dated May 23, 1989 which reclassified  
approximately 9.9 acres of land from the Conservation District  
into the Urban District at Honokohau, North Kona, Hawaii for a  
light industrial subdivision.

Appearances

Sandra Schutte, Esq., Attorney for Petitioner

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

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

Abe Mitsuda, Land Use Division, Office of State Planning

Robert Smolenski, Esq., Attorney for Intervenor, McClean Honokohau Properties, was not present to the proceeding at this time.

Arguments on the motion were heard from Ms. Schutte, Mr. Giannini, and Mr. Nagle.

Commissioner Mattson moved to grant Petitioner's Motion to Release Conditions Imposed by Order Adopting the Recommendation of Hearing Officer dated May 23, 1989 which reclassified approximately 9.9 acres of land from the Conservation District into the Urban District at Honokohau, North Kona, Hawaii for a light industrial subdivision. The Motion was seconded by Commissioner Senda and unanimously carried by voice votes.

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Chairperson Hoe announced that the Commission would take action to consider the Office of State Planning's Motion to Declare Petition Defective and to consider requests for intervention filed by Liliuokalani Trust; Hawaiian Development Corporation; E Mau Na Ala Hele; John Tommy Rosas, Jr.; Councilman James Rath; Kamehameha Investment Corporation; and Lunakanawai Hauanio.

Appearances

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

Virginia Goldstein, Planning Department, County of Hawaii

Jim Nagle, Esq., Deputy Corporation Counsel, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Eric Maehara, Esq., Attorney for Hawaiian Development Corporation

Steven Lim, Esq., Attorney for Kamehameha Investment Corporation

Benjamin Kudo, Esq., Attorney for Liliuokalani Trust

Lunakanawai Hauanio

Judith Graham, for E Mau Na Ala Hele

John Tommy Rosas, Jr.

Councilman James Rath was not present to the proceeding at this time.

The letters dated May 25, 1995 from William Lazenby and from Lin McIntosh were admitted into the record by the Land Use Commission.

The Commission received Notice of Withdrawal of Petition to Intervene from the following:

- a. Palani Ranch Co., Inc. and Lanihau Partners
- b. Kona Scenic Land
- c. Tokyo Green Hawaii, Inc.
- d. Office of Hawaiian Affairs
- e. Nansay Hawaii, Inc.
- f. Life of the Land

Arguments on OSP's Motion to Declare Petition Defective were heard from Mr. Nagle, Mr. Giannini, and Ms. Goldstein.

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

James Nagle, Esq., Deputy Attorney General, moved at this time that the amended motion by the Planning Department, County of Hawaii, is deemed defective also.

Commissioner Jarman moved to grant the Office of State Planning's Motion to Declare County of Hawaii's Petition Defective. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

A lunch recess was taken at 11:30 a.m. to reconvene at 1:00 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 May 25 and 26, 1995.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

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

Royden Yamasato, Planning Department, County of Hawaii

Ann Ogata-Deal, 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

Leimana Damate, Kona Hawaiian Civic Club

Karen Eoff, Protect Kohanaiki

Hannah Springer, Kona Hawaiian Civic Club

EXHIBITS

1. Petitioner's Exhibit Nos. 16, 18, 21, 22, 24, 26, 27, 28, 30, 31, and 32 were admitted into evidence by the Land Use Commission.

Final arguments on the Motion to Quash were heard from Mr. Tsukazaki, Mr. Nagle, Mr. Giannini, Mr. Kim, and Mr. Lerma.

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

Commissioner Mattson moved to grant Petitioner's Motion to Quash Supboena. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

PETITIONER'S WITNESSES

1. James Bell
2. Joseph Vierra

A dinner recess was taken at 5:10 p.m. to reconvene at 6:30 p.m.

- 6:30 p.m. -

PETITIONER'S WITNESSES (Continued)

3. Phillip Bruner
4. Winona Char
5. Richard Green
6. James Hallstrom, Jr.

It was requested by Chairperson Hoe that Mr. Lerma and Mr. Kim file their Amended List of Witnesses, Amended List of Exhibits, and Exhibits by September 20, 1995.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the following meeting date: July 27, 1995. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

The meeting was adjourned at 9:30 p.m.