

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

March 27, 1996

*approved*  
*4/11/96*

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

COMMISSIONERS ABSENT: Elton Wada  
JoAnn Mattson  
M. Casey Jarman

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Esq.,  
Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Andrea Vasconcellos, Court Reporter  
Michelle Kauth, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

DR94-17 - JOHN GODFREY (Hawaii)

Chairperson Hoe announced to the parties that this proceeding would be deferred until April 11, 1996.

Appearances

Michael Matsukawa, Esq., Attorney for Petitioner

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

Virginia Goldstein, Director, Planning Department,  
County of Hawaii

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

HEARING

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT (Hawaii)

Pursuant to a notice published in the Hawaii  
Tribune-Herald, West Hawaii Today, and Honolulu Advertiser on  
January 18, 1996 and notices sent to all parties, a hearing to  
consider the reclassifying approximately 955.78 acres of land  
currently in the Agricultural District into the Urban District  
at Keahuolu through Keauhou, North Kona, Hawaii to allow uses  
for the area consistent with adopted State and County policies.

Appearances

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

Virginia Goldstein, Director, Planning Department,  
County of Hawaii

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Benjamin Kudo, Esq., Attorney for Queen Liliuokalani  
Trust

Eric Maehara, Esq., Attorney for Hawaiian Development  
Corporation

Steven Lim, Esq., Attorney for Kam Investment

Judith Graham and Lunakanawai Hauanio was not present  
to the proceeding at this time.

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

a. August 9, 1995 from Glenn Santos, President, Hawaii  
Island Chamber of Commerce

- b. February 29, 1996 from Robert Bethea, Japanese Chamber of Commerce & Industry of Hawaii
- c. February 27, 1996 from Ralston Nagata, State Parks to Dean Uchida, DLNR
- d. March 12, 1996 from Robert T. Burgess, KIAA
- e. March 18, 1996 from James K. Trask, Real Estate Development
- f. March 20, 1996 from F.L. Smothers

Commissioner Kelai moved to strike Mr. Hauanio's request for intervention at this time because Mr. Hauanio has not complied with the Luc Rules and Regulation regarding the payment of filing fees for intervention. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes.

Chairperson Hoe announced that the evidentiary hearing on this matter will be continued to April 11, 1996.

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 held on February 15 and 16, 1996.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Frederick Giannini, Esq., Deputy 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

Alfred Lerma, Esq., Attorney for Intervenors (Coalition)

Michael Matsukawa, Esq., Attorney for Intervenors  
(Coalition)

Maile David, Intervenor, Ka Lahui

Hannah Springer, Intervenor, Kona Hawaiian Civic Club

Leimana Damate, Kona Hawaiian Civic Club

Karen Eoff, Intervenor, Protect Kohanaiki

John Powell, Esq., Attorney for Intervenor, Plan To  
Protect

INTERVENOR'S WITNESSES

1. Jon Matsuoka
2. Rev. Leon Sterling, Jr.

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

- 1:30 p.m. -

INTERVENOR'S WITNESSES (continued)

1. Leimana Damate

EXHIBITS

1. Petitioner's Exhibit Nos. 40 through 44 were admitted into evidence by the Land Use Commission.
2. OSP's Exhibit Nos. 1 and 2 were admitted into evidence by the Land Use Commission.
3. Plan to Protect's Exhibit, Letter dated November 16, 1995 from Jack Davis to OSP was admitted into evidence by the Land Use Commission.

Commissioner Senda joined the proceeding at this time.

Arguments on Intervenors' (Ka Pa'akai O Ka 'Aina) Motion to Admit Stated Exhibits into evidence were heard from Michael Matsukawa, Esq.

Intervenors' Exhibit Nos. C-2 through C-57, C-65, C-66, C-71 through C-86 (Government publications and materials) were admitted into evidence by judicial notice by the Land Use Commission.

Intervenors' Exhibit Nos. C-87, C-88, C-90, C-91, C-93 through C-100 (Private Publications which are copyrighted and without copies) were moved into evidence by the Land Use Commission.

Intervenors' Exhibit Nos. C-1, C-59, C-60, C-68, C-70, C-74, C-82, C-88, C-89, C-92, C-101, C-104, C-105 through C-122 were admitted into evidence by the Land Use Commission.

Intervenors' Exhibit Nos. C-102 and C-103 were withdrawn.

Commissioner Lapenia was not present to the proceeding at this time.

COUNTY'S WITNESS

1. Virginia Goldstein

STATE'S WITNESS

1. Abe Mitsuda

PETITIONER'S WITNESS

1. Robert Lindsey

A dinner recess was taken at 5:00 p.m. to reconvene at 7:00 p.m.

- 7:00 p.m. -

PETITIONER'S WITNESS (Continued)

2. Kepa Maly

Chairperson Hoe informed the parties that they have an opportunity to file further written arguments on the pending

motions before the action meeting. These written arguments are due on April 26, 1996.

The parties were also informed by Chairperson Hoe that the evidentiary matters on this docket are concluded, but the hearing is not closed at this time. The proposed findings of fact, conclusions of law, and decision and order are due on April 26, 1996 and any responses from the parties are due on May 3, 1996.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Senda moved to approve the minutes for the following meeting dates: February 15, 1996, February 16, 1996, February 29, 1996, and March 14, 1996. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

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