

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

April 11, 1996

COMMISSIONERS PRESENT:

Allen K. Hoe
Merle A.K. Kelai
Rupert K. Chun
M. Casey Jarman
JoAnn Mattson

approved
4/25/96

COMMISSIONERS ABSENT:

Elton Wada
Trudy K. Senda
Lloyd Kawakami
Eusebio Lapenia, Jr.

STAFF PRESENT:

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

Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

A89-643 - McCLEAN HONOKOHAU PROPERTIES (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion for Extension of Time to Substantially Complete Increment I which reclassified approximately 45.50 acres of land from the Conservation and Agricultural Districts into the Urban District at Honokohau, North Kona for industrial uses and general urban expansion.

Appearances

Robert Smolenski, Esq., Attorney for Petitioner

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

Royden Yamasato, Planning Department, County of Hawaii

MINUTES - April 11, 1996

Page 2

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

Abe Mitsuda, Land Use Division, Office of State Planning

Commissioner Kelai moved to grant Petitioner's Motion for Extension of Time to Substantially Complete Increment. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

DR94-17 - JOHN GODFREY (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's John Godfrey's Motion for Order to Show Cause against the County of Hawaii, Planning Department in accordance with the Commission's Decision and Order dated December 6, 1994.

Appearances

Michael Matsukawa, 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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments on Petitioner's Motion for Order to Show Cause were heard from Mr. Matsukawa, Mr. Giannini, and Mr. Mitsuda. After hearing arguments, questions were asked by the Commissioners.

Commissioner Kelai moved to deny Petitioner's Motion for an Order to Show Cause against the County of Hawaii Planning Department. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

BR94-712 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion to Amend the

Petition Area to approximately 343.8 acres of land from the Agricultural District into the Conservation District at Kahuku, Koolauloa, Oahu for protection of wetland habitat.

Appearances

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 Intervenor, Campbell Estate

The Land Use Commission staff was notified by phone that the Planning Department, City and County of Honolulu, would not be present at this meeting.

Arguments on the motion were heard from Ms. Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning. Ms. Ogata-Deal informed the the Commission that they would be withdrawing the Motion to Waive Requirement for Letter of Authorization from the Landowner filed on April 9, 1996 and replacing it with the same motion filed today, April 11, 1996 with corrections. Ms. Ogata-Deal also informed the Commission that there was an omission of a tax map key no. 5-6-32: por. 1 on the amendment and would like the Commission to include this area in the petition. Ms. Ogata-Deal informed the Commission that an error was made including Mr. Mulleitner on the Certificate of Service since Campbell Estate now owns the property and requested to strike his name from the certificate of service. There were no objections by Mr. Kudo.

Chairperson Hoe granted OSP's request to include tax map key No. 5-6-32: por. 1 into the petition area and to strike Mr. Mulleitner's name from the certificate of service.

Further arguments on the motion were also heard from Mr. Kudo. After hearing arguments, questions were asked by the Commissioners.

Chairperson Hoe continued the action on the motions listed on the agenda until the next scheduled Oahu meeting to address the particular issue with regards to the U.S. Fish and Wildlife.

CONTINUED HEARING

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Chairperson Hoe announced that this matter before the Commission is a continuation of the hearing which was previously held on March 27, 1996.

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

Lorene Maki, Land Use Division, 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, E Mau Na Ala Hele

PUBLIC WITNESS

1. H. Peter L'Orange
2. Sherrie Ching
3. Sachi Noma
4. Jana Mugford

EXHIBITS

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

- a. March 21, 1996 from Lee Taylor, Mauna Kea Resort
- b. March 28, 1996 from Terry L. Hunt, UH, Dept. of Anthropology
- c. April 1, 1996 from Mark Richards, Maryl Development
- d. April 9, 1996 from H. Peter L'Orange, Hawaii Leeward Planning Conference

2. Petitioner's Exhibit Nos. 10 and 18 were admitted into evidence by the Land Use Commission.

Arguments on E Mau Na Ala Hele's Motion to Comply with HRS 6-E were heard from Ms. Graham, Mr. Giannini, and Ms. Ogata-Deal.

A lunch recess was taken at 11:35 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

At this time the parties agreed not to call Ms. Goldstein and Ross Cordy as witnesses at today's hearing.

PETITIONER'S WITNESSES

1. Randall Okaneku
2. Milton Pavao

Chairperson Hoe granted E Mau Na Ala Hele's motion to comply with HRS 6-E.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting date: March 27, 1996 (Day and Evening). The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.