

Approved
5/04/00

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

April 20, 2000

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig

COMMISSIONER ABSENT: Isaac Fiesta, Jr.
Merle A. K. Kelai
Peter Yukimura

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Ing called the meeting to order at
9:30 a.m.

ACTION

A00-730 - LANIHAU PARTNERS L.P. (Hawaii)

Presiding Officer Ing announced that this matter before the Commission is an action meeting to determine whether the anticipated effects discussed in Petitioner's Environmental Impact Statement Preparation Notice with the Petition to reclassify approximately 337 acres of land currently in the Conservation District into the Urban District at Honokohau, North Kona, Hawaii for the development of a mix of light industrial and commercial uses, as well as the expansion of the existing quarry and quarry-related uses constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

On April 19, 2000, Alice Kawaha of the County of Hawaii Planning Department notified the Commission staff that they will not be attending today's meeting.

On April 19, 2000, the Commission received TSA International, Ltd.'s Notice of Intent to Intervene.

Appearances

Michael Moore, Esq., Attorney for Petitioner

James Greenwell, President of Lanihau Management Corporation

William Moore, Planning Consultant

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

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Russell Kumabe, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries map and gave a summary on the Petition and Environmental Impact Statement Preparation Notice.

Arguments were heard from Mr. Moore and Ms. Ogata-Deal.

Questions were asked by the Commissioners.

Commissioner Roehrig moved that there is a need for an Environmental Impact Statement. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Roehrig moved to approve the minutes for the meeting date of April 6, 2000. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

With respect to Special Permit No. SP90-374/Richard Smart Trust, dba, Parker Ranch, there was discussion with respect to the meaning of the second sentence of Condition No. 7 which states, "The life of this Special Permit shall run co-terminous with the Parker Ranch lease. Any amendments to the terms of the

lease with Parker Ranch shall be submitted to the Planning Director and the State Land Use Commission."

Staff informed the Commission that they had written to the Applicant to request a copy of the lease. Staff was instructed to write letters to the Applicant and the County of Hawaii Planning Department requesting clarification of their interpretation of Condition No. 7.

Presiding Officer Ing questioned whether a stipulation could be made between the parties to amend condition no. 7 by adding the word "existing" before "Parker Ranch lease."

Presiding Office Ing announced that the adoption of the Order Granting Applicant's Request To Expand Existing Quarry And To Amend Condition Number 7 would be deferred to allow staff time to follow up on the clarifications.

3. LITIGATION MATTERS

- a) A status report on the following dockets were presented by Deputy Attorney General Presley Pang:
- 1) Pono vs. Molokai Ranch, Circuit Court case, Civil No. 97-0383(1), (DR97-20) -
 - 2) Sierra Club et al. vs. Waihee, et al., Civil No. 92-0698(1) - Mr. Pang reported that there will be a hearing at Circuit Court on May 4, 2000, to hear Plaintiffs' Motion to Reinstate Case and Objections to the Notice of Proposed Dismissal. He advised the Commission as to legal options for proceeding at that hearing. Because DOT withdrew its petition before the Commission and the Commission filed an Order Accepting Petitioner's Motion to Withdraw Petition on April 7, 2000, Commissioner Roehrig moved to have the Deputy Attorney General file a motion to have the Commission dismissed as a party without prejudice. The motion was seconded by Commissioner Coppa, carried by voice votes, with Commissioner Jarman abstaining.

4. LEGISLATIVE MATTERS

The Executive Officer provided a status report of legislative bills that were monitored but do not directly affect the LUC. All bills that directly impacted the LUC have died.

5. OTHER PENDING MATTERS

Based on the February 18, 2000 letter received from Ben Tsukazaki representing the new landowners, the field trip for Kohala Joint Ventures was deferred for about four months so that the new property owners can prepare a master plan for the development of their property.

The status report scheduled for June regarding Amfac Properties in Lahaina will not be scheduled until the first meeting in July to allow Amfac time to complete their community based planning efforts.

The hearings for the new Kapalawai petition will be scheduled for the second meeting in July on Kauai. A field trip will be scheduled in the morning on the first day.

A discussion was held regarding changing the starting time of meetings scheduled on Oahu to mid-morning.

The executive officer announced that at the next meeting there will be an important presentation regarding the Ewa Region Highway Transportation Masterplan.

The executive officer reported that the LUC is sponsoring jointly with the Office of Planning and APA a Smart Growth Workshop sometime in July. She also announced that the LUC has entered into a joint project with the Office of Planning for an Agricultural Inventory Project. This project is for the Big Island and will identify non-agricultural uses in the agricultural district.

The meeting was adjourned at 10:15 a.m.