

Minutes of Meeting

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

Approved
9/14/00

August 17, 2000

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Isaac Fiesta, Jr.
M. Casey Jarman
Merle A. K. Kelai
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Lawrence N.C. Ing

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

Andrea Vasconcellos, Court Reporter

Chairperson Kelai called the meeting to order at 8:30 a.m.

ACTION

A92-680 - C. Brewer Properties, Inc., a Hawaii Corporation
(Hawaii)

Chairperson Kelai announced that this matter before the Commission is an action to consider Petitioner's Motion to Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agriculture. The Petition reclassified approximately 288.240 acres of land from the Agricultural District into the Urban District at Puueo, South Hilo, Hawaii for residential, commercial, school, park, and open space uses.

Appearances

Ben Tsukazaki, Esq., for Petitioner

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

Abe Mitsuda, Land Use Division, Office of Planning

Arguments on the motion were heard from Mr. Tsukazaki and Ms. Ogata-Deal.

Commissioner Jarman moved to approve Petitioner's Motion to Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agriculture. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

A91-665 - KAMAAINA EIGHT, a Hawaii general partnership (Hawaii)

Chairperson Kelai announced that this matter before the Commission is a continued action meeting to consider Petitioner Kamaaina Eight's Request to Withdraw their Motion to Release, Discharge and Delete All Conditions in the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order Filed April 6, 1992 which reclassified approximately 70.65 acres of land from the Conservation and Agricultural Districts into the Urban District at Kohanaiki, North Kona, Hawaii for a commercial and light industrial development.

Appearances

Daryn Arai, Planner, County of Hawaii Planning Department

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

Abe Mitsuda, Land Use Division, Office of Planning

Mr. Arai and Ms. Ogata-Deal had no objections to Petitioner's motion to withdraw.

Chairperson Kelai noted for the record that counsel for Petitioner was not present at today's meeting.

Commissioner Coppa moved to accept Petitioner's request to withdraw their motion. The motion was seconded by Commissioner Roehrig and unanimously passed by voice votes.

STATUS REPORT

A92-679 - WHITE HAT DEVELOPMENT CORP. (Hawaii)

Chairperson Kelai announced that the Commission received a letter dated August 9, 2000, from Petitioner's counsel, Renton L.K. Nip, informing the Commission that he would not be able to attend today's meeting and asking for a continuance to the next Commission meeting in Kona.

The request to continue was granted until the next available meeting in Kona.

A88-620 - KOHALA JOINT VENTURE (Hawaii)

Chairperson Kelai announced that this is a meeting to receive information on the status of development, which reclassified approximately 1,288 acres of land from the Agricultural District into the Urban District at Kahua and Waika, North Kohala, Hawaii for a residential community.

The Commission received a facsimile letter dated July 20, 2000, from Kelly Pomeroy and a facsimile testimony dated July 20, 2000, from Dr. John A. Broussard.

Appearances

R. Ben Tsukazaki, Esq., for Petitioner

Robert Acree, Petitioner

Lee Sichter, Belt Collins

Bill Moore, Planning Consultant

Daryn Arai, Staff Planner, County of Hawaii Planning
Department

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

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. Norm Cohler
2. John Broussard
3. Kelly Pomeroy
4. Don Kephart
5. Jim Truitt
6. Jorene Lett
7. Phil Slott
8. Mary Spears
9. Susan Fischer

Mr. Tsukazaki introduced the following exhibits, which were entered into the record by Chairperson Kelai:

1. Figure One - Location Map
2. Figure Two - Vicinity Map
3. Kohala Ranch Map
4. Hawaii County Zoning Map

PETITIONER'S WITNESSES

1. Lee Sichter
2. Robert Acree

Mr. Tsukazaki addressed further concerns of the Commission and Ms. Ogata-Deal.

PRESENTATION

DEPARTMENT OF TRANSPORTATION

Stan Tamura, Big Island District Engineer from the Department of Transportation, gave a briefing regarding highway improvements in the North Kona area. After hearing the presentation, questions were asked by the Commissioners.

MISCELLANEOUS

1. ELECTION OF OFFICERS

Commissioner Fiesta moved to elect Merle Kelai as Chairperson. The motion was seconded by Commissioner Coppa. Commissioner Fiesta moved to close the nominations for chairperson. The motion was seconded by Commissioner Roehrig. Commissioner Kelai was unanimously elected as chairperson by voice votes. Commissioner Fiesta moved to elect Lawrence Ing as Vice-Chairperson. The motion was seconded by Commissioner Roehrig. Commissioner Fiesta moved to close the nominations for vice-chairperson. The motion was seconded by Commissioner Roehrig. Commissioner Ing was unanimously elected as vice-chairperson by voice votes.

2. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting dates of July 20 & 21, 2000. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

3. ADOPTION OF DECISION AND ORDER

Commissioner Roehrig moved to adopt the Order Granting Request to Withdraw Petition for Intervention for Docket No. A00-731 - Destination Villages Kauai, LLC. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

4. OTHER PENDING MATTERS

Smart growth workshop will be held on September 22, 2000.

The following petitions will be forthcoming to the Commission:

- a) Klein petition
- b) Koa Ridge petition
- c) KAIM special permit for time extension
- d) HCDCH motions to amend housing condition (Kona, Oahu, Maui)

The Commission directed staff to arrange a field trip for Docket No. DR00-23 and that the meeting on the matter be held in Kona.

The meeting was adjourned at 11:25 a.m.