

Approved 1/31/02

LAND USE COMMISSION

Minutes of Meeting

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

January 18, 2002

COMMISSIONERS PRESENT: Bruce Coppa
Isaac Fiesta, Jr.
Lawrence N. C. Ing
P. Roy Catalani
Peter Yukimura
Stanley Roehrig
M. Casey Jarman

COMMISSIONERS ABSENT: Merle Kelai
Pravin Desai

STAFF PRESENT: Diane Erickson, Esq., Deputy Attorney General
Anthony J.H. Ching, Executive Officer
Bert Saruwatari, Staff Planner
Caroline Lorenzo, Secretary
Holly Hackett, Court Reporter

Presiding Officer Ing called the meeting to order at 8:35 a.m.

ACTION

A00-732 – TSA CORPORATION (Hawaii)

Presiding Officer Ing announced that this matter before the Commission is a continuation of the hearing last heard on November 1-2, 2001 to consider reclassifying approximately 102.016 acres of land currently in the Conservation District into the Urban District at Kaloko, North Kona, Hawaii for the development of a mix of light industrial and industrial-commercial uses.

MINUTES – January 18, 2002

Page 2

Appearances

Nathan Natori, Esq., representing Petitioner

Rodney Funakoshi, Wilson, Okamoto & Associates

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

John Chang, Esq., Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Nicole Walthall, Esq., representing Intervener KAHO

Stanley Bond, representing Intervener KAHO

Commissioner Jarman moved to go into executive session to discuss legal matters pertaining to this matter with our deputy attorney general. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

The meeting reconvened at 9:25 a.m.

Commissioner Fiesta subsequently moved to defer any action on this matter to February 1, 2002 due to the lack of review and time to comment on Commissioner Roehrig's Draft Proposed Findings of Fact, Conclusions of Law, and Decision and Order by the Commission. The motion was seconded by Commissioner Jarman and polled as follows:

AYES: Commissioners Fiesta, Jarman, Yukimura, Catalani, Roehrig, Coppa, Ing

The motion was unanimously carried.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of November 15 and 16, 2001. The motion was seconded by Commissioner Roehrig and unanimously approved by voice votes.

Presiding Officer Ing deferred the approval of the minutes for the Land Use Commission Agency meeting of December 7, 2001 to a future time.

2. OTHER PENDING MATTERS

a. Tentative Meeting Schedule – Executive Officer Anthony Ching reported that the next hearing is scheduled for January 31, 2002 and February 1, 2002. Another meeting is also tentatively scheduled for February 7, 2002 to complete the Commission's deliberation on the TSA docket and the Castle & Cooke Homes Hawaii Inc./Pacific Health Community, Inc. docket. The Commission meeting scheduled for March 21 and 22, 2002 may be held on Maui.

b. A01-735/GENSIRO KAWAMOTO – Executive Officer Anthony Ching reported that Mr. Kawamoto's application for district boundary amendment was returned because it was defective. The application was deemed defective because of a lack of critical element such as a cultural impact assessment.

STATUS REPORT

A92-677 – NORTH KONA DEVELOPMENT GROUP, A HAWAII LIMITED
PARTNERSHIP (Hawaii)

Presiding Officer Ing announced that the matter before the Commission was a presentation by WB Manini`owali, LLC, successor-in-interest to the original petitioner, North Kona Development Group, on its development plans and progress in complying with conditions of approval imposed in the subject docket. The presentation highlighted features of the current master plan and ongoing efforts to conform with representations previously made before the Commission.

APPEARANCES

Steven Lim, Esq., representing Petitioner

B.J. Kobayashi, Kobayashi Group, owner's representative

Norman Hayashi, County of Hawaii, Planning Department

James Leonard, PBR Hawaii

John Chang, Esq., Land Use Division, Office of Planning

Abe Mitsuda, Office of Planning

Mr. Lim introduced the owner's representative (Mr. B.J. Kobayashi) and project consultant staff. Mr. Lim then presented an overview of the project as well as proposed designs for the project. Mr. Lim noted that the project staff had met extensively with state, county, and community representatives to ensure that the project complied with the Commission's condition of approval.

Besides noting the progress or status for each of the twenty-one (21) conditions of approval, Mr. Lim also noted that the project has been downsized. Besides a reduction in the density of the project, the golf course portion of the project had been eliminated. Mr. Lim also noted that the site plan had been specifically altered to accommodate public and shoreline access and resource preservation.

The Commission thanked the representatives for their presentation.

A93-689 – PALAUEA BAY PARTNERS (WAILEA RANCH) Maui

Presiding Officer Ing announced that the matter before the Commission was a presentation by WCPT/GW Land Associates, LLC, successor-in-interest to the original Petitioner, Palauea Bay Partners, on its development plans and on progress in complying with conditions of approval imposed on the subject docket. Besides an update of the master plan, the presentation highlighted features of the current master plan and ongoing efforts to conform with representations previously made before the Commission.

APPEARANCES

David Nakamura, Esq., representing the Petitioner

Charles Jencks, Wailea 670 Associates, owner's representative

John Chang, Esq., Land Use Division, Office of Planning

Abe Mitsuda, Office of Planning

Messrs. Nakamura and Jencks presented an overview and powerpoint presentation of the project. Proposed design graphics were also displayed for the benefit of the Commission. Mr. Jencks noted that the project had sought to extensively coordinate with community and governmental input on the project. Mr. Jencks specifically noted that Maui County officials had indicated that dedication of land

MINUTES – January 18, 2002

Page 6

within the project area for a fire station would not be required. Mr. Jencks indicated that the Petitioner would submit a motion for release of that condition in the near future.

Upon questioning by the Commission, Mr. Jencks indicated that meetings were scheduled with the Water Commission staff to resolve the enforcement action brought against the applicant. Mr. Nakamura indicated that his client accepted responsibility for the carryover issue and would work to resolve the issue.

The meeting was adjourned at 11:45 a.m.