

LAND USE COMMISSION

Minutes of Meeting

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

January 22, 1998

COMMISSIONERS PRESENT: Rupert K. Chun
JoAnn Mattson
Merle A.K. Kelai
Peter Yukimura
P. Roy Catalani (Portion of Proceeding)
M. Casey Jarman
Isaac Fiesta, Jr.

*Approved
2/12/98*

COMMISSIONERS ABSENT: Lawrence N.C. Ing
Herbert Kaopua, Sr.

STAFF PRESENT: Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Emi Albright, Court Reporter

Chairperson Chun called the meeting to order.

A89-649 - LANAI RESORT PARTNERS (Manele)

Commissioner Catalani was absent from the proceedings due to a previously declared conflict of interest.

Chairperson Chun announced that the Commission would take action to consider Petitioner's Withdrawal of Motion, and of Renewal of Motion, to Amend Condition No. 10 of the Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Bruce Lamon, Esq., Attorney for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Alan Murakami, Esq., Attorney for Intervenor, Lanaians for Sensible Growth, was not present at the proceeding at this time.

Arguments on Petitioner's withdrawal were heard from Mr. Funaki, Ms. Cua, and Mr. Archer.

Commissioner Jarman moved to grant Petitioner's withdrawal of Motion, and of Renewal of Motion, to Amend Condition No. 10 of the Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

A97-722 - MAUI ELECTRIC COMPANY, LTD.

At this time, a disclosure was made by Commissioner Catalani. Commissioner Catalani chose to not participate in this proceeding.

Chairperson Chun announced that the Commission would take action to consider Petition for Intervention filed by Maui Tomorrow.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Neal Shinyama, for Petitioner

Mike Yuen, for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

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

Arguments on the Petition for Intervention were heard from Mr. Sheehan, Mr. Luna, Ms. Cua, and Mr. Archer.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Mattson moved to grant the Petition for Intervention filed by Maui Tomorrow with limitation to air quality issues. The motion was seconded by Commissioner Yukimura.

Commissioner Jarman moved to amend the motion to allow the issues as listed on Maui Tomorrow's petition for intervention.

Commissioner Mattson moved to amend the motion granting the Petition for Intervention filed by Maui Tomorrow with limitation to the following issues:

- a. Air quality impacts
- b. Alternative sources, fuels and processes
- c. Cumulative impact of industrialization
- d. Limited visual/aesthetic road impacts

The amended motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioner Fiesta, Jarman, Mattson, Yukimura, and Chun

Nays: Commissioner Kelai

Commissioner Catalani joined the proceeding at this time.

A97-721 - MAKENA RESORT CORPORATION (Maui)

Chairperson Chun announced that the Commission would take action to consider reclassifying approximately 145.943 acres of land currently in the Agricultural District into the Urban District at Makena, Maui for multi-family residential, hotel, and existing golf course uses.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Arguments were heard from Mr. Maehara, Ms. Cua, and Mr. Archer.

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It was determined the Chairperson Chun that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Mattson moved to approve Docket No. A97-721 - Makena Resort Corporation, the Findings of Fact as circulated among the parties, subject to 21 conditions as amended. The motion was seconded by Commissioner Fiesta.

Commissioner Catalani moved to defer action on this docket until the next Commission's meeting scheduled for February 12, 1998. The motion was seconded by Commissioner Jarman and polled as follows:

Ayes: Commissioner Jarman, Kelai, Mattson, Catalani, Fiesta, and Chun.

Nays: Commissioner Yukimura

Parties to submit supplemental memorandums by January 30, 1998.

ADOPTION OF DECISION AND ORDER

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Commissioner Jarman moved to adopt the Order Denying Intervenor, E Mau Na Ala Hele's Motion to Declare the Petition Still Defective; or in the Alternative, Portions Still Defective on the County of Hawaii's petition. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

Commissioner Mattson moved to go into executive session to discuss the status of litigation and legislative matters with the Commission's deputy attorney general. The motion was seconded by Commissioner Fiesta.

The meeting was adjourned at 11:40 a.m.