

LAND USE COMMISSION

Minutes of Meeting

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

February 12, 1998

COMMISSIONERS PRESENT:

Rupert K. Chun
M. Casey Jarman
P. Roy Catalani
JoAnn Mattson
Merle A.K. Kelai
Herbert Kaopua, Sr. (Portion of
Proceeding)
Isaac Fiesta, Jr.

*approved
2/27/98*

COMMISSIONERS ABSENT:

Peter Yukimura
Lawrence N.C. Ing

STAFF PRESENT:

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

Michelle Kauth, Court Reporter

Presiding Officer Jarman called the meeting to order.

CONTINUED HEARING

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Presiding Officer Jarman announced that this matter before the Commission is a continuation of the hearing which was previously held on December 2, 1997.

Appearances

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

Virginia Goldstein, Director, Planning Dept., County of Hawaii

Norman Hayashi, Planning Dept., County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of Planning

Benjamin Kudo, Esq., Attorney for Intervenor, Queen
Liliuokalani Trust

Eric Maehara, Esq., Attorney for Intervenor, Hawaiian
Development Corporation

Steven Lim, Esq., Attorney for Intervenor, Kam Investments

Judith Graham, for Intervenor, E Mau Na Ala Hele

EXHIBITS

1. The letter dated December 23, 1997 from Joe Castelli was admitted into evidence by the Land Use Commission.

2. The letter dated February 4, 1998 from Representative David Tarnas was admitted into evidence by the Land Use Commission.

3. County of Hawaii's Exhibit Nos. 24a, 25, and 26 were admitted by the Land Use Commission.

4. E Mau Na Ala Hele's Exhibit No. 45, Testimony of Patricia Tummons, was admitted into evidence by the Land Use Commission.

5. Queen Liliuokalani Trust's Exhibit No. 3 was admitted into evidence by the Land Use Commission.

6. LUC Exhibit No. 1, letter dated August 1, 1996 from Don Hibbard to Esther Ueda.

PUBLIC WITNESSES

1. Lily Kong
2. Curtis Tyler
3. Sandra Scarr
4. Harry Fergerstrom
5. Laura Kamoku Na 'Opio O'Kahaluu
6. Hannah Kane Reeves

PUBLIC WITNESSES (Continued)

7. Betty Jean Kamoku
8. Kalani Kahulamu Hamm
9. Josephine Kamoku

ACTION

A97-721 - MAKENA RESORT CORPORATION (Maui)

Presiding Officer 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

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

Abe Mitsuda, Land Use Division, Office of Planning

It was determined by Presiding Officer Chun that Commissioner Kaopua was eligible to participate in the action on the petition.

Discussion on the pending motion pending was held by Commissioner Jarman.

Commissioner Catalani moved to amend the motion to add an additional condition.

Commissioners Mattson and Fiesta had no objections to the amendment.

Commissioner Catalani moved to add the following condition: "Petitioner shall coordinate with the County of Maui Board of Water Supply to incorporate the proposed project into the County Water Use and Development Plan for the area. Prior to the granting of the first discretionary permit for the development of the single-family and multi-family residential development

described in paragraph 20 hereinabove or the hotel described in paragraph 21 hereinabove and by or before one year from the issuance date of this Decision and Order, Petitioner shall furnish the Commission with a letter from the County of Maui Board of Water Supply confirming that (a) the potable water allocation that will be credited to Petitioner will be available to and sufficient for the proposed project as it is described in the Petition, (b) the availability of potable water will not be an obstacle or impediment to the development of the proposed project as described in the Petition and (c) the proposed project as it is described in the Petition has been incorporated into the County Water Use and Development Plan for the area and that this plan will prevent the continued overpumping of the sustainable yield of the 'Iao aquifer."

Commissioners Mattson and Fiesta accepted Commissioner Catalani's amendment.

The motion to approve the Petition by Makena Resort Corporation subject to 22 conditions, as amended, was polled as follows:

Ayes: Commissioner Mattson, Kelai, Catalani, Fiesta, Kaopua, and Chun

Nay: Commissioner Jarman

Commissioner Kaopua was absent from the proceeding at this time.

A lunch recess was taken at 11:40 a.m. to reconvene at 12:45 p.m.

- 1:55 p.m. -

CONTINUED HEARING

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Presiding Officer Jarman announced that this proceeding was a continuation from this morning.

COUNTY'S WITNESSES

1. Don Hibbard

Commissioner Kelai moved to go into executive session to discuss legal matters with our Deputy Attorney General regarding the provisions of Section 6E, HRS. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

COUNTY'S WITNESSES (Continued)

2. Wesley Takai
3. Peter Boucher
4. Robert Yanabu

HAWAIIAN DEVELOPMENT CORPORATION'S WITNESS

1. Richard Wheelock

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting date: January 22, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

The meeting was adjourned at 3:10 p.m.