

LAND USE COMMISSION

Minutes of Meeting

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

March 19, 1998

COMMISSIONERS PRESENT: Rupert K. Chun  
P. Roy Catalani  
JoAnn Mattson  
Isaac Fiesta, Jr.  
Peter Yukimura  
Lawrence N.C. Ing

Approved  
4/24/98

COMMISSIONERS ABSENT: Herbert Kaopua, Sr.  
Merle A.K. Kelai  
M. Casey Jarman

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Michelle Kauth, Court Reporter

Chairman Chun called the meeting to order.

ADOPTION OF DECISION AND ORDER

SP73-159 - TOYAMA GARDENS HAWAII CORP. dba NANI MAU GARDENS, INC.  
(7th Amendment) (Hawaii)

Commissioner Fiesta moved to adopt the Order Granting an Amendment to the Special Permit Deleting Approximately 30 acres of Land from Nani Mau's Commercial Arboretum and Nursery situated within the Agricultural District at Hilo, Hawaii. The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioners Fiesta, Ing, Mattson, Yukimura, Catalani, and Chun

CONTINUED HEARING

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Presiding Officer Chun announced that this matter before the Commission is a continuation of the hearing which was previously held on February 12, 1998.

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

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

Lorene Maki, Land Use Division, 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

Debra Chang, for Intervenor, E Mau Na Ala Hele

EXHIBITS

1. Kamehameha Investment Exhibit No. 3, Letter dated June 6, 1996 from Don Hibbard to Greg C. Burtchard, was admitted into evidence by the Land Use Commission.

2. Kamehameha Investment Exhibit No. 4, Narrative Data of 1995 Archaeological Survey Site, was admitted into evidence by the Land Use Commission. (Mr. Lim to submit copies of Ex. 4 to the Commission.)

PETITIONER'S WITNESS

1. Virginia Goldstein

A lunch recess was taken at 11:39 a.m. to reconvene at 1:00 p.m.

Commissioner Mattson moved to go into executive session to discuss litigation matters with the Deputy Attorney General. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

- 1:00 p.m. -

INTERVENOR - KAMEHAMEHA INVESTMENTS' WITNESS

1. Joseph Spencer, III

OFFICE OF PLANNING'S WITNESS

1. Abe Mitsuda

INTERVENOR - E MAU NA ALA HELE'S WITNESSES

1. Debra Chang
2. Ian Birnie
3. William Barrera, Jr.
4. Pat Tummons

The hearing was adjourned at 3:30 p.m.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting date: February 26 & 27, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

2. LEGISLATIVE MATTERS

The Executive Officer briefed the Commission on pending Legislation.

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