

LAND USE COMMISSION

Minutes of Meeting

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

May 14, 1998

COMMISSIONERS PRESENT: Merle A. K. Kelai  
Rupert K. Chun  
JoAnn Mattson  
M. Casey Jarman  
P. Roy Catalani  
Isaac Fiesta, Jr.

Approved  
5/28/98

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

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Gloria Tavares, Court Reporter

Presiding Officer Kelai called the meeting to order.

ACTION

A93-698 - CHARLES P. BOOTH, SANDRA E. BOOTH, EDWARD D. BRUFFEY,  
AND SHARON L. BRUFFEY (Oahu)

Presiding Officer Kelai announced that the Commission would take action to consider Petitioner's Motion for Modification of Conditions of the Commission's Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order filed October 24, 1994 which reclassified approximately 15,384.915 square feet of land from the Conservation District into the Agricultural District at Waimea, Waialua, Oahu to increase the size of an existing agricultural lot.

Appearances

Galen Leong, Esq., Attorney for Petitioner

Gary Okino, Planning Dept., City and County of Honolulu

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

Arguments on Petitioner's motion were heard from Mr. Leong, Mr. Okino, and Mr. Mitsuda.

Commissioner Jarman moved to grant Petitioner's motion for modification of conditions and Petitioner's request for an extension of time to acquire the petition area. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Jarman, Mattson, Catalani, Chun, Fiesta, and Kelai

A85-597 - KAUPULEHU DEVELOPMENTS (Hawaii)

Presiding Officer Kelai announced that the Commission would take action to consider Petitioner's Motion to Modify Condition "1" of Findings of Fact, Conclusions of Law, and Decision and Order dated October 24, 1986 which reclassified approximately 575 acres of land from the Conservation District into the Urban District, and approximately 123 acres of land from the Urban District into the Conservation District at Kaupulehu, North Kona, Hawaii for resort, residential, and golf course uses.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Richard Albright, for Petitioner

Abe Mitsuda, Land Use Division, Office of Planning

On May 14, 1998, the Commissioner received a Response to Petitioner's Motion to Modify Condition "1" filed by Virginia Goldstein, Director, Planning Department, County of Hawaii. The County of Hawaii was not present to the proceeding at this time.

The following letters were admitted into evidence by the Land Use Commission:

- a. May 5, 1998 from Roy Oshiro, HFDC
- b. May 13, 1998 from Warren Chong
- c. May 14, 1998 from Franklin Hayashida, Hawaii Electricians Market Enhancement Program Fund

LUC Exhibit No.1 (Amendment of Agreement), LUC Exhibit No. 2 (Agreement between Kaupulehu and County of Hawaii, and LUC Exhibit No. 3 (Ordinance No. 88-157) were admitted into evidence by the Land Use Commission.

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

PUBLIC WITNESS

1. Franklin Hayashida

Arguments on Petitioner's Motion were heard from R. Ben Tsukazaki and Mr. Mitsuda.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Fiesta moved to go into executive session to consult with the Commission's deputy attorney general regarding the implementation of the changing of conditions. The motion was seconded by Commissioner Mattson and approved by Presiding Officer Kelai.

PUBLIC WITNESS

1. John Santangelo

Commissioner Fiesta moved to deny Petitioner's motion to modify Condition No. "1". The motion was seconded by Commissioner Jarman and polled as follows:

Ayes: Commissioners Fiesta, Catalani, Chun, Jarman, Mattson, and Kelai

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following dates: April 23, 1998, April 24, 1998, and April 30, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

2. Discussions regarding legislative status and litigation matters were held by the Commission.