

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kona Surf Resort
Mauna Kea Conference Room
Kailua, Kona, Hawaii
November 5, 1985 - 10:30 a.m.

Approved
11/5/86

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice Chairman
Winona Rubin
Robert Tamaye
William Yuen
Toru Suzuki
Everett Cuskaden

COMMISSIONERS ABSENT: Richard Choy
Lawrence Chun

STAFF PRESENT: Esther Ueda, Executive Officer
Ray Young, Planner
Teri Oki, Acting Chief Clerk
Annette Chock, Deputy Attorney General
Patricia Campbell, Court Reporter

ACTION

A84-563 - GILBERT AND MARGARET MCCONNELL

Chairman Tacbian announced that the Commission will act to consider the motion to amend the decision and order which reclassified approximately 5.153 acres of land from the Agricultural District to the Urban District at Kaauhuhu, North Kohala, Hawaii.

Appearances

Gilbert McConnell - petitioner

Norman Hayashi - representing County of Hawaii Planning Dept.

Everett Kaneshige, Deputy Attorney General - representing DPED

Closing Arguments

By Mr. McConnell----- 7 to 8

Examination by Commissioner Yuen----- 8 to 9

Examination by Commissioner Cuskaden-----10 to 12

Examination by Commissioner Rubin-----12 to 13

Examination by Chairman Tacbian-----13 to 14

Reexamination by Commissioner Rubin-----15

By Mr. Hayashi-----15

Examination by Commissioner Cuskaden-----15 to 17

Commissioner Tamaye moved to approve Gilbert and Margaret McConnell's motion on docket number A84-563 to amend the condition of the decision and order which reclassified approximately 5.153 acres of land from the Agricultural District into the Urban District at Kaauhuhu, North Kohala, Hawaii. The motion was seconded by Commissioner Rubin.

It was moved by Commissioner Rubin and seconded by Commissioner Whittemore to amend the motion to allow the lifting of the condition for two lots.

The motion was passed with the following votes:

Ayes: Commissioner Rubin, Whittemore, Tamaye, Suzuki, Yuen, Cuskaden, Chairman Tacbian

A85-592 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Appearances

Everett Kaneshige, Deputy Attorney General - representing DPED

Norman Hayashi, representing Hawaii County Planning Department

Commissioner Yuen moved to reopen the hearing to ask some questions of the Department of Planning and Economic Development. The motion was seconded by Commissioner Tamaye.

It was moved by Commissioner Cuskaden and seconded by Commissioner Suzuki to go into executive session with their deputy attorney general to get advice on reopening the hearing. The motion was passed by voice vote.

Commissioner Yuen moved to withdraw his motion. It was seconded by Commissioner Tamaye.

Closing Arguments

By Mr. Kaneshige-----25 to 32
 Examination by Commissioner Yuen-----32 to 39
 By Mr. Fujimoto-----39 to 41
 Examination by Commissioner Rubin-----41
 Examination by Commissioner Cuskaden-----41 to 42

Rebuttal

By Mr. Kaneshige-----42 to 43
 Examination by Commissioner Yuen-----43 to 44

Commissioner Yuen moved to approve a portion of the petition submitted by the Department of Planning and Economic Development on behalf of the Hawaii Ocean Science and Technology Park to reclassify approximately 500 acres at Keahole, North Kona, Hawaii, identified as portions of Hawaii Tax Map Key Nos.: 7-3-9: portion of parcel 5 and 3 from the Conservation District to the Urban District subject to the following conditions:

1. The Petitioner shall develop the property as a research and technology park for ocean-related science and technology users, which users shall be limited to industries promoting or providing research, the development and commercial application of technology, intensive activities that utilize ocean water as a resource or depend on proximity to the ocean, including aquaculture, mariculture and ocean-related activities.

2. Prior to any construction activity, the Petitioner shall submit to the Department of Land and Natural Resources' Historic Preservation Office a satisfactory historic preservation plan, which will include appropriate measures to preserve the Mamalahoa Trail and all sites deemed appropriate for preservation by a qualified archaeologist to be employed by the Petitioner.

3. Petitioner shall submit to the Commission a metes and bounds map reserving approximately 47 acres in the green portion of Exhibit 20B running along the shoreline in the Conservation District; an 80-foot strip along or including the existing roadway which will be necessary for Petitioner's road and cold-water and return pipelines, and areas from the roadway to the ocean leaving sufficient room for the cold-water pipeline intake and outflow sources that would be developed at Wawaloli Beach would be reclassified to the Urban District. The remaining acreage

on both sides of that pipeline site would be left in Conservation. The motion was seconded by Commissioner Cuskaden

Commissioner Cuskaden moved and Commissioner Yuen seconded to go into executive session. The motion was carried by voice vote.

The Commission resumed the discussion on the motion after seeking advice from legal counsel. Commissioner Cuskaden proposed an amendment to the motion, to delete Condition Number 3, which reserved the approximate 47 acres in Conservation and reclassifying the approximately 80-foot strip with the roadway and pipes. The amendment is to continue to reserve the approximate 47 acres including the roadway and pipeline areas in the Conservation District and to reclassify the remaining approximately 500 acres of the land from Conservation into Urban. The motion was seconded by Commissioner Whittemore. Commissioner Cuskaden further clarified the condition by adding that a 300-foot setback in Conservation be established from the beach line, and that Petitioner submit a new map to reflect this 300-foot setback. The amendment was passed by voice vote.

The main motion of approval of approximately 500 acres as well as the three conditions were unanimously passed with the following votes:

Ayes: Commissioners Yuen, Tamaye, Rubin, Whittemore, Cuskaden, Suzuki, Chairman Tacbian

A84-587 - 214142 HOLDINGS, LTD.

Appearances

Terence Yoshioka - co-counsel for the petitioner

Chairman Tacbian announced that petitioner is asking that the Commission reconsider its decision of October 17, 1985 denying the petition.

Commissioner Yuen moved to deny the request for reconsideration of the decision on the basis that the time for acting on the motion to reconsider expired at the close of the day following the Commission's initial action. The motion was seconded by Commissioner Rubin.

Rebuttal of motion

By Mr. Yoshioka-----58 to 59

The Commissioners were polled as follows:

Ayes: Commissioners Rubin, Whittemore, Yuen, Suzuki, Tacbian
Nays: Commissioner Tamaye

HEARING

A79-461 - KAMEHAMEHA DEVELOPMENT CORPORATION

Pursuant to a notice published in the Honolulu Advertiser and Hawaii Tribune-Herald on October 4, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Kamehameha Development Corporation, Docket No. A79-461, to reclassify the second increment of the subject docket consisting of approximately 227.97 acres of land currently in the Agricultural District into the Urban District at Keauhou, North Kona, Hawaii, for resort use.

Appearances

James Funaki - attorney representing the petitioner

Norman Hayashi - representing the County of Hawaii Planning Department

Everett Kaneshige, Deputy Attorney General) - representing DPED
Tatsuo Fujimoto, Land Use Division Head)

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

EXHIBITS

Petitioner's Exhibits A through D were introduced into evidence.

County's Exhibit 1 was admitted into evidence.

Executive Officer, Esther Ueda, oriented the Commission to the area being considered for reclassification on the USGS and tax maps.

PETITIONER

Guido Giacometti - Director, Land Division of Bishop Estate

Direct examination by Mr. Funaki-----67 to 76

Cross examination by Mr. Hayashi-----76 to 77

Cross examination by Mr. Fujimoto-----78 to 79

Examination by Commissioner Yuen-----79 to 82

Examination by Commissioner Whittemore-----82 to 83

James Bell - President of Belt, Collins and Associates

Direct examination by Mr. Funaki-----84 to 92

Examination by Commissioner Rubin-----92 to 95

COUNTY

Norman Hayashi - Planner, County of Hawaii

Oral testimony-----95

STATE

Tatsuo Fujimoto - Head, Land Use Division

Oral testimony-----96

At the conclusion of the hearing, Chairman Tacbian announced post hearing procedures and requirements.

MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

September 10, 1985

September 11, 1985

Adoption of Decision and Order

The following Decision and Order was adopted:

A85-589 - A & B Properties, Inc.

The meeting adjourned at 1:15 p.m.