

Approved
8/26/87

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310
State Capitol
Honolulu, Hawaii

August 11, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
(Portion of Proceedings)
Sharon R. Himeno
Richard Choy (Portion of Proceedings)
Toru Suzuki
Robert Tamaye
Lawrence Chun (Portion of Proceedings)
Renton L.K. Nip

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Deputy Attorney General
Darlene Kinoshita, Chief Clerk

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

SP78-326 - T.T. MEYER, INC. (First Amendment) (Molokai)

Chairman Tacbian announced that the Commission would take action on this special use permit.

Esther Ueda, Executive Officer, gave a summary report of the special use permit request by Petitioner to allow the addition of an asphalt batching plant on approximately 25 acres of land situated within the State Land Use Agricultural District at Kapuaokoolau, Molokai.

The Commission allowed public witnesses, George Denison and Pat Bostwick to testify with regards to this special use permit. After hearing comments from Petitioner's representative, Mr. Leroy Austin, and Clayton Yoshida from the County of Maui, Planning Department, questions were asked by the Commissioners.

Commissioner Suzuki moved for an executive session to receive legal advice from our Deputy Attorney General. The motion was seconded by Commissioner Himeno and carried unanimously by voice votes.

Commissioner Nip moved for remand of this permit to the County of Maui, Planning Department to consider amending the special use permit to include the existing rock crushing and other associated uses. The motion was seconded by Commissioner Tamaye and carried unanimously by voice votes.

CONTINUED HEARING

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD.

Today's proceeding is a continuation of the hearing which had begun on July 14, 1987.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Jerrel Yamamoto, Esq., Attorney for Petitioner

Henry Nakamoto, assisting Mr. Okamoto

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business and Economic Development

EXHIBITS

An amended exhibit list was filed by Petitioner's attorney. An amendment was made only to reflect the correct appendices N and O of Exhibit 6. Petitioner at this time withdrew both of these appendices.

PETITIONER'S WITNESSES

1. Stephen Bolles

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

Commissioners Whittemore, Chun, and Choy joined the proceeding at this time.

ACTION

A86-602 - KAHALA CAPITAL CORPORATION (Kona)

Chairman Tacbian announced that the Commission would now consider Kahala Capital Corporation's Motion for Renewal or, in the Alternative, For Reconsideration by the Commission Sua Sponte, or, in the Alternative, For Reconsideration at the Instance of the Parties; and Motion to Postpone Filing of Findings of Fact and Conclusions of Law and to Reopen Docket A86-602 for Further Hearings to Reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Ferdinand Aranza, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Albert Lono Lyman, Planning Director, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business
and Economic Development

Arguments were heard from Ben Kudo, Al Lyman, and Everett Kaneshige. After hearing arguments, parties were questioned by the Commissioners.

Vice-Chairman Whittemore moved to reopen Docket No. A86-602 Kahala Capital Corporation for further hearings on new evidence. The motion was seconded by Commissioner Chun.

Commissioner Choy moved for an executive session to discuss legal questions with the Deputy Attorney General.

The motion was seconded by Commissioner Nip and carried unanimously by voice votes.

The Commissioners were then polled as follows on the motion to reopen Docket No. A86-602 Kahala Capital Corporation for further hearings on new evidence:

Ayes: Commissioner Whittemore, Chun, Suzuki.

Nays: Commissioner Tamaye, Himeno, Choy, Nip, and Chairman Tacbian.

The motion did not receive the required five votes to pass and failed.

CONTINUED HEARING

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD. (Oahu)

Questioning of Petitioner's witness, Mr. Bolles, was continued.

The meeting was adjourned at 5:00 p.m.