

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kealakehe Elementary School
School Cafetorium
Kailua-Kona, Hawaii

July 29, 1980 - 10:00 a.m.

Approved OCT 29 1980

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua

COMMISSIONERS ABSENT: Richard Choy
Carol Whitesell
Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

James Filibeck, Court Reporter

HEARING

A80-484 - KUAKINI INVESTMENT INC., ET AL

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on June 20, 1980, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Kuakini Investment Inc., et al, to reclassify approximately 48.959 acres of land presently in the Agricultural District into the Urban District at Laaloa and Kapalaalaea, North Kona, Hawaii, for residential use, Docket A80-484.

Appearances

Robert Carlsmith, Attorney representing the petitioner

Sidney Fuke, Planning Director, representing the Hawaii
Planning Department

Annette Chock, Deputy Attorney General, representing DPED

Request to Intervene

Vice Chairman Nakagawa moved to permit the parties represented by Attorney Terence Yoshioka to intervene in this petition. The motion was seconded by Commissioner Pascua and carried unanimously.

Chairman Duke instructed Counselor Yoshioka to prepare the Decision and Order approving the intervention request.

Exhibits

Petitioner's Exhibits 1 and 2 were admitted into evidence.

Amendment to Petition

Mr. Carlsmith submitted that petitioner was now requesting a reduced area for boundary change--from 48 acres to roughly 29 acres--as a result of their revised thinking after reviewing the State and County positions.

Chairman Duke called for expressions from all of the parties regarding the requested reduction in acreage. In his opinion, the proposed amendment was not merely a reduction in acreage but constituted a new petition which would require additional information regarding the water situation, traffic, sewage, etc. Therefore, he felt that to proceed with the hearing today would be disadvantageous to the petitioner.

It was the consensus of the County, State and intervenor's representatives that the substantial reduction in acreage would definitely affect their analyses, findings, etc.; moreover, that it would be a disservice to the petitioner if the hearing were held today.

Mr. Carlsmith made a formal request to continue the hearing to permit all parties to reassess the proposed amendment to the petition. It was also stated by Mr. Carlsmith that a revised petition will be prepared and served on all parties within 10 days from this date.

Responding to a question raised by Miss Chock, Mr. Kawada counseled that it would be advisable to re-advertise the hearing reflecting the reduced acreage inasmuch as this was substantially a new petition.

Commissioner Pascua moved that hearing on subject petition be continued to a later date and that the petitioner be required to amend his petition within 2 weeks. The motion was seconded by Commissioner Oura and approved.

Chairman Duke directed Counselor Carlsmith to prepare an order permitting the continuance of the hearing to a later date with stipulations from all of the parties that there were no objections.

The Executive Officer announced that the continued hearing will be advertised in the newspapers and notices will be sent to all parties and people on the mailing list.

Adoption of Minutes

The minutes of April 16, 1980, April 17, 1980, April 22, 1980, April 23, 1980 were adopted as circulated.