

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kipu and Haiku Room
Kauai Marriott Resort and Beach Club
Kalapaki Beach
Lihue, Hawaii

October 3, 1995

COMMISSIONERS PRESENT: Allen K. Hoe
Trudy K. Senda
Elton Wada
JoAnn Mattson
Rupert K. Chun
Lloyd Kawakami
Merle A.K. Kelai

approved
11/2/95

COMMISSIONERS ABSENT: M. Casey Jarman
Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer
Leo Asuncion, Jr.
Jon Itomura, Esq.,
Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean McManus, Court Reporter

Chairperson Hoe called the meeting to order.

STATUS REPORT

A84-572 - FOSTER PETROLEUM (Kauai)

A status report on F.B.D. Enterprises, USA, Inc.'s Motion to Modify Findings of Fact, Conclusions of Law, and Decision and Order filed December 2, 1985, which reclassified approximately 15 acres of land at Kilauea, Kauai for light industrial lots.

A91-664 - F.B.D. Enterprises, USA, Inc. (Kauai)

A status report on the petition to reclassify approximately 189.457 acres of land from the Agricultural District into the Urban District at Kilauea, Kauai for an 18-hole golf course, clubhouse, and other golf accessory uses.

SP90-373 - F.B. D. Enterprises, USA, Inc. (Kauai)

A status report on Petitioner's Motion to Delete Decision and Order Condition Number 26 filed June 4, 1990 which approved a special permit to establish an 18-hole golf course, golf clubhouse, and related accessory uses and structures on approximately 204.43 acres of land within the Agricultural District at Kilauea, Kauai.

Appearances

Richard Minatoya, Esq., Attorney for Petitions

Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai

Ann Ogata-Deal, Esq. Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

A representative from the Kilauea Neighborhood Board was not present to the proceeding at this time. Mr. Kenneth Martin, Intervenor, notified the Commission staff by phone that he would not be present at this time.

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps.

A status report on the above cases were heard from Mr. Minatoya, Mr. Chun, and Mr. Mitsuda.

AR&R94-13

Jon Itomura, Deputy Attorney General, presented a summary of the proposed amendments to the Land Use Commission Rules and Regulations.

Commissioner Kelai moved to authorize staff to proceed with public hearings on the proposed amendments to Chapter 15 of Title 15, Hawaii Administrative Rules of the Land Use Commission. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

MINUTES - October 3, 1995

Page 3

A76-418 - MOANA CORPORATION (Kauai)

Chairperson Hoe announced that the Commission would take action to consider County of Kauai's Motion for Modification of Conditions and the Office of State Planning's Motion to Propose Modifications, Deletions, and/or Additional Conditions to the Conditions imposed by the Land Use Commission on July 7, 1977, as amended on July 3, 1978, and as amended on December 13, 1979 which reclassified approximately 457 acres of land from the Agricultural District into the Urban District at Poipu, Koloa, Kauai for residential, commercial, outdoor theater, cultural center, and recreational uses.

Appearances

Roy Vitousek, III, Esq., Attorney for First Hawaiian Bank and Hawaiian Trust Company

Grace Kido, Esq., Attorney for First Hawaiian Bank and Hawaiian Trust Company

D. Scott MacKinnon, Esq., Attorney for Sports Shinko Co., Ltd.

Jonathan Chun, Esq., Deputy County Attorney, County of Kauai

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Lorene Maki, Land Use Division, Office of State Planning

Teresa Tico, Esq., Attorney for Intervenor, had previously notified the Commission Staff that she would not be present to the proceeding at this time.

The letter dated October 3, 1995 from Lyle Babka, Poipu Shopping Village was entered into the record at this time.

Arguments on the motions were heard from Mr. Chun, Ms. Ogata-Deal, Mr. Vitousek, and Mr. MacKinnon.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Kelai moved to deny the County of Kauai, Planning Department's motion for modification of conditions and the Office of State Planning's motion to propose modifications, deletions, and/or additional conditions imposed by the Land Use Commission on July 7, 1977, as amended on July 3, 1978, and as amended on December 13, 1979. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

Commissioner Senda moved to initiate the process to consider whether or not an order to show cause is appropriate at this time. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

HEARING

* A89-636 - GROVE FARM PROPERTIES, INC. (Kauai)

Chairperson Hoe announced that the Commission would take action to consider a request to accurately delineate the total acreage of the subject docket and to clearly delineate the boundaries of the increments established for the subject docket and to consider reclassification of the Second Increment of the subject docket consisting of approximately 112.275 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai for residential, commercial, golf course, and open space.

Appearances

Michael Belles, Esq., Attorney for Petitioner

Greg Kamm, for Petitioner

Jonathan Chun, Deputy County Attorney, County of Kauai

Keith Nitta, Planning Department, County of Kauai

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Lorene Maki, Land Use Division, Office of State Planning

Leo Asuncion, Jr., staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

PETITIONER'S WITNESS

1. Greg Kamm

COUNTY'S WITNESS

1. Keith Nitta

STATE'S WITNESS

1. Abe Mitsuda

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed . The proposed findings of fact from the parties are due on October 24, 1995 and the parties have until November 7, 1995 in which to respond.

Commissioner Senda moved to grant Petitioner's request to accurately delineate the total acreage of the subject docket and to clearly delineate the boundaries of the increments established for the subject docket. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

Commissioner Kelai moved to go into executive session to consult with our deputy attorney general to get a status report on the appeal on docket no. A93-701 - Kaupulehu Developments (Hawaii). The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

MINUTES

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting date: September 14, 1995. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

The hearing was adjourned at 12:15 p.m.