

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room B  
State Office Building  
54 High Street  
Wailuku, Maui

February 1, 1990

*approved  
2/16/90*

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman (Portion of Proceeding)  
Frederick P. Whittemore, Vice-Chairman  
Lawrence Chun, (Portion of Proceeding)  
Elton Wada  
Allen Y. Kajioka  
Eusebio Lapenia, Jr. (Portion of Proceeding)  
James M. Shinno  
Allen K. Hoe (Portion of Proceeding)

COMMISSIONERS ABSENT: Sharon R. Himeno (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
Holly Hackett, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

A88-626 - UNITED REALTY, INC. (Maui)

Vice-Chairman Whittemore announced that the Commission would take action in the matter of Petitioner's Motion for Clarification of Decision and Order dated February 28, 1989 which reclassified approximately 137.561 acres of land from the Agricultural District into the Urban District at Kihei, Maui for a residential development.

Commissioner Kajioka was excused from this proceeding due to a declared conflict of interest.

Appearances

Lawrence Ing, Esq., Attorney for Petitioner

Carol Asai-Sato, Esq., Attorney for Petitioner

Robert Tanaka, Engineer, for Petitioner

Ralph Masuda, Deputy Director, Planning Department,  
County of Maui

John Anderson, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Raymond Young, Staff Planner, oriented the Commission  
to the petition area on the Land Use District Boundaries and  
tax maps.

Arguments on the motion for clarification were heard  
from Lawrence Ing and John Anderson. After hearing arguments,  
questions were asked by the Commissioners.

Vice-Chairman Whittemore deferred action on the motion  
until the Commission receives a written motion from the Office  
of State Planning. The motion for deferral was seconded by  
Commissioner Chun and unanimously carried by a show of hands.

On January 24, 1990, a Motion for Approval and Notice  
of Change of Ownership was filed by Lawrence Ing, Esq.,  
Attorney for Petitioner. Arguments on this motion were heard  
from Mr. Ing and Mr. Anderson.

Commissioner Hoe moved to defer action on this motion  
until a later date. The motion was seconded by Commissioner  
Chun and unanimously carried by a show of hands.

SP90-373 - F.B.D. ENTERPRISES USA, INC. (Kauai)

Vice-Chairman Whittemore announced that the Commission  
would take action to consider allowing the establishment of an  
18-hole golf course, golf clubhouse, and related accessory uses  
and structures on approximately 204.43 acres of land situated  
within the State Land Use Agricultural District at Kilauea,  
Kauai.

Appearances

Clinton Shiraishi, Esq., Attorney for Petitioner  
Peter Morimoto, Esq., Deputy County Attorney, County  
of Kauai

Michael Laureta, Department of Planning, County of  
Kauai

Bradford Dewan, Esq., Attorney for Intervenor

Beryl Blaich, Intervenor

Commissioner Kajioka moved for an executive session to confer with the Commission's attorney on legal matters. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Raymond Young, Staff Planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and also gave a summary report of the special use permit request.

Oral arguments were heard from Mr. Morimoto, Mr. Shiraishi, and Mr. Dewan. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved for an executive session to confer with the Commission's attorney on legal matters. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

A lunch recess was taken at 12:35 p.m. to reconvene at 1:30 p.m.

- 1:44 p.m. -

Vice-Chairman Whittemore called the meeting to order.

Commissioner Chun was not present to the proceeding at this time.

Vice-Chairman Whittemore deferred action on this matter until a later date. Parties are to submit legal briefs on the issues raised by February 8, 1990.

CONTINUED HEARING

A88-634 - ALEXANDER AND BALDWIN, INC. (Maui)

Vice-Chairman Whittemore announced that the present matter before the Commission is a continuation of the hearing which had begun on May 25, 1989, May 26, 1989, October 19, 1989, and October 20, 1989.

Commissioner Himeno was excused from this proceeding due to a previously declared conflict of interest.

Appearances

Paul Mancini, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

William Campbell, For Petitioner

Haunani Lemn, Esq., Deputy Corporation Counsel, County  
of Maui

Clayton Yoshida, Department of Planning, County of Maui

John Anderson, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Fred Rohlfig, Esq., Attorney for Intervenor

Sally Raisbeck, Intervenor

EXHIBITS

1. County of Maui's Exhibit Nos. 31 through 37 were admitted into evidence by the Land Use Commission.

2. Intervenor's Exhibit Nos. 25 through 27 were admitted into evidence by the Land Use Commission.

Paul Mancini, Esq., Attorney for Petitioner, will submit the metes and bounds map after the close of the hearing.

Chairman Nip joined the proceeding at this time. Commissioner Hoe was not present at the proceeding at this time.

COUNTY'S WITNESSES

1. Ralph Nagamine

Commissioner Hoe joined the proceeding at this time.

2. Lloyd Lee

Commissioner Lapenia was not present to the proceeding at this time.

3. Francis Cerizo

Commissioner Chun joined the proceeding at this time.

The meeting was adjourned at 4:35 p.m.