

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Ginger Room
Kauai Hilton and Beach Villas
4331 Kauai Beach Drive
Lihue, Kauai

*approved
10/12/90*

September 13, 1990

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Allen Y. Kajioka
Karen S. Ahn (Portion of Proceeding)
JoAnn Mattson
Delmond J.H. Won
James M. Shinno
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Allen K. Hoe
Elton Wada

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Raymond Young, Staff Planner
Steven Tagawa, Planner
Darlene Kinoshita, Chief Clerk

Jean McManus, Court Reporter

Chairman Nip called the meeting to order.

Commissioner Ahn was absent from the proceeding at this time.

HEARING

SP77-271 - AMERON H C & D (First Amendment) (Maui)

Chairman Nip announced that the Commission would take action to consider amending the Special Permit to clarify that sublessees and sublicensees of a site used for concrete batching, manufacturing of concrete products, maintenance and storage facilities and related uses are permitted under the terms of the Permit covering approximately 194.5 acres of land situate at Puunene, Maui.

Appearances

Martin Luna, Esq., Attorney for Petitioner

Eric Yoshizawa, Petitioner

Christopher L. Hart, Director, Planning Department,
County of Maui

Roger Neher, Planner, Planning Department, County of
Maui

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.

Arguments were heard from Mr. Luna and Mr. Hart.

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

Commissioner Lapenia moved that SP77-271 Ameron H C & D be approved and that the use be limited to those activities in areas indicated in the application, and that the sublessees or the sublicensees be allowed under the terms of the subject permit issued to Ameron H C & D, provided, however, that Ameron H C & D shall continue to be fully responsible and liable for the satisfaction of all conditions herein.

However, in the event that Ameron H C & D intends to transfer its full interest in the subject permit, that said transfer shall be subject to review and approval by the Planning Commission and the State Land Use Commission.

The motion was seconded by Commissioner Won and polled as follows:

Ayes: Commissioner Lapenia, Shinno, Won, Kajioka, Mattson, and Chairman Nip.

A90-654 - A & B PROPERTIES, INC. (Kauai)

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on August 8, 1990 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by A & B Properties, Inc. to reclassify approximately 72.6 acres of land currently in the Agricultural District into the Urban District at Eleele, Koloa, Kauai for single and multi-family residential, industrial, and commercial uses.

Appearances

Stanley Kuriyama, Esq., Attorney for Petitioner

William Campbell, for Petitioner

Peter Morimoto, Esq., Deputy County Attorney, County of Kauai

Keith Nitta, Planner, Planning Department, County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State Planning

Louise Petersen, Land Use Division, Office of State Planning

Commissioner Kajioka moved to deny Elizabeth Ann Stone's request for intervention. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

EXHIBITS

1. The letter dated August 16, 1990 from Elizabeth Ann Stone was admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit A through I and Nos. 1 through 45 were admitted into evidence by the Land Use Commission.

3. County of Kauai's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

4. OSP's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

There were no public witnesses wishing to testify today.

PETITIONER'S WITNESSES

1. Amy Rice
2. William Campbell

A lunch recess was taken at 12:12 p.m. to reconvene at 1:15 p.m.

- 1:45 p.m. -

Commissioner Ahn joined the proceeding at this time.

PETITIONER'S WITNESSES

2. William Campbell (Continued)
3. Jan Medusky
4. Bruce Plasch
5. Steve Kyono
6. Henry Morita

COUNTY'S WITNESS

1. Keith Nitta

STATE'S WITNESS

1. Abe Mitsuda

Chairman Nip instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due October 12, 1990. The parties have fourteen days from date of service to respond.

MISCELLANEOUS

1. Commissioner Shinno moved to re-elect Renton L.K. Nip as Chairman, elect Allen K. Hoe as First Vice-Chairman, and elect Allen Y. Kajioka as Second Vice-Chairman. The motion was seconded by Commissioner Lapenia and unanimously carried by voice votes.

2. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: August 9, 1990 and August 10, 1990.

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