

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

February 28, 1991

*Approved
3/12/91*

COMMISSIONERS PRESENT: Allen K. Hoe, Vice-Chairman
Karen S. Ahn
JoAnn N. Mattson (Portion of
Proceeding)
Elton Wada
Delmond J.H. Won
Allen Y. Kajioka (Portion of
Proceeding)
James M. Shinno

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman
Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Steven Tagawa, Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk
Benjamin Matsubara, Esq.
Holly Hackett, Court Reporter

Vice-Chairman Hoe called the meeting to order.

ACTION

A89-638 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY
OF HONOLULU (Oahu)

Vice-Chairman Hoe announced that the Commission would take action to consider Petitioner's Motion for Order Extending Time to Comply with a Precondition in Decision and Order dated September 18, 1989 to reclassify approximately 269.454 acres of land from the Agricultural District into the Urban District at Waipio, Ewa, Oahu.

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Appearances

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

The Department of General Planning, City and County of Honolulu, was not present to the proceeding at this time.

Vice-Chairman Hoe announced that the Commission received a letter dated February 21, 1991 from David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu, requesting a continuance of the motion until August 1991. The Commission also received a letter dated February 26, 1991 from Harold Masumoto, Director, Office of State Planning, having no objections to the continuation.

Commissioner Won moved to continue the motion until August 1991. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

A90-662 - LANAI RESORT PARTNERS (Koele)

Vice-Chairman Hoe announced that the Commission would take action to determine whether the anticipated effects discussed in the petition's Environmental Assessment to reclassify approximately 63.526 acres of land currently in the Agricultural District into the Urban District, approximately 4.382 acres of land currently in the Conservation District into the Urban District, and approximately 10.885 acres of land currently in the Agricultural District into the Conservation District at Koele, Lanai for residential use constitute a "significant effect" pursuant to Chapter 343, H.R.S.

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

Appearances

James Funaki, Esq., Attorney for Petitioner

Thomas Leppert, for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

The Planning Department, County of Maui, was not
present to the proceeding at this time.

Additional arguments were heard from Mr. Funaki and
additional testimony was heard from Mr. Thomas Leppert.

EXHIBITS

1. Petitioner's Exhibit Nos. 9 through 11 were
admitted into evidence by the Land Use Commission.

2. The letter dated February 13, 1991 from Elizabeth
Ann Stone, and letters dated February 25, 1991 and February 27,
1991 from the Native Hawaiian Legal Corporation were admitted
into evidence by the Land Use Commission.

PETITIONER'S WITNESS

1. Thomas Leppert

Commissioner Wada requested Petitioner to submit
copies of the community survey.

Commissioner Wada moved that the Commission issue a
negative declaration on this petition. The motion was seconded
by Commissioner Mattson.

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

The motion for the Commission to issue a negative
declaration was polled as follows:

Ayes: Commissioner Wada, Won, Ahn, Mattson, Shinno,
and Vice-Chairman Hoe.

Commissioner Kajioka joined the proceeding at this
time.

A84-572 - FOSTER PETROLEUM CORPORATION (Kauai)

Vice-Chairman Hoe announced that the Commission would take action to consider Petitioner'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.

Appearances

Calvin Murashige, Esq.

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

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Brian Schafer, Intervenor

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

Arguments were heard from Mr. Murashige, Mr. Morimoto, Mr. Eichor, and Mr. Schafer.

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

Vice-Chairman Hoe deferred action on this matter until A91-664 - F.B.D. Enterprises, USA, Inc. is heard.

A83-553 - PRINCEVILLE DEVELOPMENT CORPORATION (Kauai)

Vice-Chairman Hoe announced that the Commission would take action to consider Petitioner's Motion for Extension of Time to Substantially Complete Improvements on the Western Plateau and to file a petition for the Central Plateau consisting of approximately 197 acres of land currently in the Agricultural District into the Urban District at Hanalei and Kalihikai, Halelea, Kauai.

Appearances

Walton Hong, Esq., Attorney for Petitioner

Tom Shigemoto, for Petitioner

Paula Murakami, for Petitioner

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

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Bradford Dewan, Esq., Attorney for Intervenor

Susan Wilson, Intervenor

EXHIBITS

1. Dr. Jack Lundgren's letter dated June 4, 1990 was
admitted into evidence by the Land Use Commission.

2. Petitioner's Master Plan was admitted into
evidence by the Land Use Commission.

3. County's Exhibit A was admitted into evidence by
the Land Use Commission.

At this time, Mr. Dewan moved to strike affidavits
from Petitioner's memos. The County of Kauai and the Office of
State Planning joined in the motion also.

Arguments on the motion were heard from Mr. Dewan,
Mr. Morimoto, and Mr. Eichor.

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

Vice-Chairman Hoe granted Mr. Dewan's motion to delete from the record affidavits attached to memo submitted by the Petitioner.

Commissioner Mattson was absent from the proceeding at this time.

PETITIONER'S WITNESS

1. Tom Shigemoto

COUNTY'S WITNESS

1. Beryl Blaich

Closing arguments on the motion were heard from Mr. Hong, Mr. Morimoto, Mr. Eichor, and Mr. Dewan.

Commissioner Shinno moved to deny Petitioner's Motion for Extension of Time to Substantially Complete Improvements on the Western Plateau and to file a petition for the Central Plateau consisting of approximately 197 acres of land. The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioner Shinno, Ahn, Kajioka, Wada, Won, and Vice-Chairman Hoe.

CONTINUED HEARING

A90-656 - C & F FARMING, INC. (Kauai)

Vice-Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on November 15, 1991 and November 16, 1991.

Appearances

Calvin Murashige, Esq., Attorney for Petitioner.

Clinton Shiraishi, Esq., Attorney for Petitioner

Henry Fredericks, Petitioner

Heather Harvey, for Petitioner

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

Michael Laureta, Department of Planning, County of
Kauai

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

EXHIBITS

1. Petitioner's Exhibits GG-1 through LL-1 were
admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Steven Kiyono
2. Heather Harvey
3. Sherwood Conant

The meeting was adjourned at 6:50 p.m.