

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

*approved  
7/19/91*

June 13, 1991

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman  
Allen K. Hoe, Vice-Chairman  
JoAnn N. Mattson  
Delmond J.H. Won  
Allen Y. Kajioka  
Eusebio Lapenia, Jr.

COMMISSIONERS ABSENT: Karen S. Ahn  
Elton Wada

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney  
General  
Steven Tagawa, Staff Planner  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Jean McManus, Court Reporter

Chairman Nip called the meeting to order.

ACTION

A84-572 - FOSTER PETROLEUM CORPORATION (Kauai)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion to Modify Findings Fact, Conclusion 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., Attorney for Petitioner  
  
Peter Morimoto, 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

Bradford Dewan, Esq., Attorney for Intervenor

A Motion for Continuance was filed by Mr. Murashige on  
June 12, 1991. Arguments on the motion were heard from  
Mr. Murashige. There were no objections on the motion from the  
County of Kauai, Office of State Planning, and Intervenor.

Commissioner Hoe moved to grant Petitioner's motion  
for continuance. The motion was seconded by Commissioner Won  
and unanimously carried by voice votes.

CONTINUED HEARING

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

Chairman Nip announced that the present matter before  
the Commission is a continuation of the hearing which had begun  
on November 15, 1990, November 16, 1990, February 28, 1991, and  
March 1, 1991.

Appearances

Calvin Murashige, Esq., Attorney for Petitioner

Peter Morimoto, 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

On May 20, 1991, Petitioner filed a Motion to Withdraw  
Petition. Arguments on the motion were heard from  
Mr. Murashige. There were no objections on the withdrawal of  
the petition from the County of Kauai and Office of State  
Planning.

Commissioner Hoe moved to grant Petitioner's Motion to Withdraw Petition. The motion was seconded by Commissioner Won and unanimously carried by voice votes.

HEARING

A91-664 - F.B.D. ENTERPRISES, USA, INC. (Kauai)

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on May 9, 1991 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by F.B.D. Enterprises, USA, Inc. to reclassify approximately 189.457 acres of land currently in the Agricultural District into the Urban District at Kilauea, Kauai for an 18-hole golf course, clubhouse, and other golf accessory uses.

Appearances

Calvin Murashige, Esq., Attorney for Petitioner

Peter Morimoto, 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

Louise Peterson, Land Use Division, Office of State Planning

Bradford Dewan, Esq., Attorney for Potential Intervenors

Petitions for Intervention were filed with the Commission on May 23, 1991 by the Kilauea Neighborhood Association, Craig and Sarah Wall, Gary L. Blaich, and Kenneth M. Martin. Arguments on the Petitions for Intervention were heard from Mr. Dewan. There were no objections heard from the County of Kauai and the Office of State Planning. After hearing arguments, questions were asked by the Commissioners.

It was noted for the record by Mr. Dewan, Attorney for Intervenor, that Craig Wall, Sara Wall, and Gary Blaich are members of the Kilauea Neighborhood Association and their interests can be represented by the Kilauea Neighborhood Association if the Association is admitted as an intervenor.

Commissioner Hoe moved to grant the petition for intervention filed by the Kilauea Neighborhood Association. The motion was seconded by Commissioner Won and unanimously carried by voice votes.

Commissioner Hoe moved to grant the petition for intervention filed by Mr. Kenneth Martin. The motion was seconded by Commissioner Won and unanimously carried by voice votes.

#### EXHIBITS

1. The letter dated June 13, 1991 from Jack Lundgren was admitted into evidence by the Land Use Commission.

2. The letter dated May 28, 1991 from Elizabeth Ann Stone was admitted into evidence by the Land Use Commission.

3. The newspaper article dated June 6, 1991 from Ed Uranian, Vice-President of the Hanalei Community Association, was admitted into evidence by the Land Use Commission.

A motion to continue hearing was filed by Petitioner on June 12, 1991. Arguments on the motion were heard from Mr. Murashige. There were no objections from the County of Kauai and the Office of State Planning.

Commissioner Hoe moved to grant the motion to continue hearing. The motion was seconded by Commissioner Won and unanimously carried by voice votes.

#### ACTION

A87-667 - PUAKO HAWAII PROPERTIES, INC. FKA SIGNAL PUAKO CORPORATION (Hawaii)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order dated January 17, 1989 which reclassified approximately 1,060 acres of land currently in the Agricultural District into the Urban District at Waikoloa, South Kohala, Hawaii.

Appearances

Roy Takeyama, Esq., Attorney for Petitioner

Tom Yamamoto, for Petitioner

Greg Mooers, for Petitioner

Abe Mitsuda, Land Use Division, Office of State  
Planning

Jean Nishida Souza, Land Use Division, Office of State  
Planning

The County of Hawaii was not present to the proceeding  
at this time.

Arguments on the motion were heard from Mr. Takeyama  
and Mr. Mitsuda. After hearing arguments, questions were asked  
by the Commissioners.

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

Commissioner Hoe moved to approve the Motion to Amend  
Findings of Fact, Conclusions of Law and Decision and Order  
dated January 17, 1989 subject to the stipulation by the  
parties and the following amendments to the stipulation:

The amendment of Condition No. 1 as follows:

"Petitioner shall provide housing opportunities for  
low, low-moderate, and moderate income Hawaii residents by  
offering for sale at least thirty percent (30%) of the units at  
prices which families with an income range up to one hundred  
twenty percent (120%) of the County of Hawaii's median income  
can afford, and thirty percent (30%) of the units at prices  
which families with an income range of one hundred twenty to  
one hundred forty percent (120-140%) of the County of Hawaii's  
median income can afford, provided, however, in no event shall  
the gross number of affordable units be less than 1,000 units."

The amendment of Condition No. 12 as LUC's Condition No. 8 as follows:

"Prior to the development or transfer of any interests whatsoever in and to the Project, Petitioner shall provide community benefit assessments as agreed between Petitioner and the Office of State Planning and said agreement shall be filed with the Land Use Commission within 30 days of execution."

The addition of Condition No. 11 as follows:

"Petitioner shall make available adequate golf tee times, no less than forty (40) percent of total daily golf tee times, at affordable rates for public play by Hawaii State residents."

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

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

A83-553 - PRINCEVILLE DEVELOPMENT CORPORATION (Kauai)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion to Clarify Housing Condition of the Decision and Order dated April 30, 1985 which reclassified approximately 151 acres of land from the Agricultural District into the Urban District at Hanalei and Kalihikai, Halelea, Kauai.

Appearances

Walton Hong, Esq., Attorney for Petitioner

Michael Loo, for Petitioner

Bert Tsuchiya, for Petitioner

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

Bryan Mamaclay, Department of Planning, County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State  
Planning

Bradford Dewan, Esq., Attorney for Intervenor

EXHIBITS

1. Petitioner's Exhibit No. 1 through 4 were admitted  
into evidence by the Land Use Commission.

PETITIONER'S WITNESS

1. Chairperson Ronald Kouchi, County of Kauai
2. Michael Loo

Arguments on the motion were heard from Mr. Mitsuda,  
Mr. Morimoto, Mr. Dewan, and Mr. Hong. After hearing  
arguments, questions were asked by the Commissioners.

Commissioner Mattson moved to modify housing condition  
of the Decision and Order dated April 30, 1985 as follows:

"The Petitioner shall provide housing opportunities  
for low and moderate income Hawaii residents by offering for  
sale, on a preferential basis, on its own or in cooperation  
with either or both the Hawaii Housing Authority or the County  
of Kauai, ten percent (10%) of the lots or houses and lots to  
be developed on Western and Central Plateaus of the Property to  
residents of the State of Hawaii of low and moderate income as  
determined by the Hawaii Housing Authority or the County of  
Kauai from time to time or by contributing to the Housing  
Assistance Fund of the County of Kauai. The preferential lots  
or houses and lots shall be offered for sale at prices not  
exceeding prices that enable such purchasers to qualify for and  
obtain state-assisted financing, as an example, Act 105 or Hula  
Mae, or federally insured or assisted financing, the FHA  
Section 245 program, intended to encourage home ownership by  
lower and moderate income families.

The affordable housing condition may be fulfilled  
through construction of units either on-site or off-site under

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such terms and at locations as may be consented to by the Housing Finance and Development Corporation (HFDC) of the State of Hawaii and the County of Kauai."

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

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

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: May 29, 1991 and May 30, 1991.

The meeting was adjourned at 5:45 p.m.