

LAND USE COMMISSION
MINUTES OF MEETING

November 6, 2006

Lihue State Office Building
*Lihue Videoconference Center
3060 Eiwa Street, Basement
Lihue, Kauai, Hawaii

Kalanimoku Building
*Kalanimoku Videoconference Center
1151 Punchbowl Street, Room B10
Honolulu, Hawaii 96813

COMMISSIONERS PRESENT:

Lihue State Office Building Thomas Contrades
Michael Formby

Kalanimoku Building Lisa Judge
Duane Kanuha
Steven Montgomery
Nicholas Teves
Reuben Wong

COMMISSIONERS ABSENT: Kyong-su Im
Ransom Piltz

STAFF PRESENT:

Lihue State Office Building Diane Erickson, Deputy Attorney General
Anthony Ching, Executive Officer
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter

Kalanimoku Building Maxwell Rogers, Staff Planner

Presiding Officer Formby called the meeting to order at 10:15 a.m.

A94-704 LIHUE PLANTATION COMPANY, LTD. (KAUAI)

Presiding Officer Formby stated that this was an action meeting on A94-703 Lihue Plantation Company, Ltd. (Kauai) to consider the Amended and Restated Motion to Amend Conditions 1, 2 and 7 Made a Part of Order Adopting Hearing Officer's Findings of Fact, Conclusions of Law, and Decision and Order Dated and Entered January 4, 1996, as Amended by Order Granting Motion to Amend Condition Nos. 2 and 7, Dated April 12, 1996, filed by Haili Moe, Inc.; Visionary LLC; and D. R. Horton-Schuler Homes, LLC.

APPEARANCES – Lihue, Kauai

Malia Lee, Esq., represented Petitioner

Tracy Nagata, D.R. Horton Schuler

Dave Hinazumi, Haili Moe

James Tagupa, Esq., Deputy Corporation Counsel, County of Kauai

Keith Nitta, Kauai County Planning

Barbara Pendragon, County Planning

Bryan Yee, Esq., represented State Office of Planning

Abe Mitsuda, State Office of Planning

Lorene Maki, State Office of Planning

Public Witness (Lihue Kauai)

1. Cheryl Lovell -Obatake

Ms. Obatake stated her concerns related to the proposed amendments, the affordable housing opportunities, fair share contributions, funding for transportation upgrades, and the clarification of the County's zoning at Hanamaulu and Kalapaki.

Presiding Officer Formby noted that there were no questions posed for Ms. Obatake from the parties or the Commissioners on Oahu and on Kauai.

There were no other public witnesses on Kauai and no public witnesses on Oahu.

Petitioner's Presentation

Ms. Lee provided a brief presentation and requested that the LUC grant petitioner's stipulated order.

Mr. Tagupa stated that the County has worked with the Movant and agrees to the conditions as amended. Mr. Tagupa added that the County requests that the LUC grant the stipulated order.

Vice Chair Montgomery raised a question regarding the discrepancy on the zoning map as discussed by Ms. Obatake.

Mr. Nitta stated that the discrepancy is that the zoning map identifies the Kalapaki area to be Nawiliwili. Ms. Obatake's concern is that the title is incorrect. It is just a matter of amending the title to the zoning map. Mr. Nitta added that he had promised Ms. Obatake that he would correct it before he leaves the planning department by the end of this year.

Ms. Obatake commented that as land award owners, they had concerns of whether this discrepancy to the zoning maps would shift its boundaries of Hanamaulu and wanted that clarified. Hopefully it would be consistent with their metes and bounds.

There were no further questions posed by the parties or the Commission.

Mr. Yee stated that the OP had no comments and will rest on their written pleadings as submitted.

Commissioner Contrades moved to accept the stipulated order from the Movant as discussed today. Chair Judge seconded the motion.

The Commission was polled as follows:

Ayes: Commissioners Contrades, Judge, Wong, Teves, Montgomery, Kanuha, and Formby.

The motion passed with 7 yes, 2 absent.

The meeting adjourned at 10:40 a.m.

(Please refer to LUC Transcript of November 6, 2006 for more details on this matter.)