

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room
9th Floor, Kamamalu Building
250 South King Street
Honolulu, HI

March 14, 1990

approved
3/29/90

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Frederick P. Whittemore, Vice-Chairman
Lawrence Chun
Elton Wada
Allen Y. Kajioka
Eusebio Lapenia, Jr.
James M. Shinno
Allen K. Hoe
Sharon R. Himeno

COMMISSIONERS ABSENT:

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

Jean McManus, Court Reporter

Chairman Nip called the meeting to order.

ACTION

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

Chairman Nip 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, Planning Department, County of Kauai

Bradford Dewan, Esq., Attorney for Intervenor

Beryl Blaich, Intervenor

The letters received from the Office of State
Planning, June Stark, and Don Hibbard were not accepted into
evidence by the Land Use Commission.

Commissioner Shinno moved for approval of the special
use permit subject to twenty-four conditions as recommended by
the Planning Commission, County of Kauai. The motion was
seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioners Shinno and Kajioka

Nays: Commissioners Chun, Himeno, Hoe, Lapenia, Wada,
Whittemore, and Chairman Nip

The motion did not pass.

A89-648 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DECEASED (Oahu)

Chairman Nip announced that the Commission would take
action in the matter of the petition by The Trustees Under the
Will and of the Estate of James Campbell, Deceased, to consider
reclassifying approximately 63.569 acres of land currently in
the Agricultural District into the Urban District at
Honouliuli, Ewa, Oahu for maritime industrial uses and
accessory facilities.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Betsy Marcinkus, Department of General Planning, City
and County of Honolulu

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

Abe Mitsuda, Land Use Division, Office of State
Planning

It was determined by Chairman Nip that all of the
Commissioners present were eligible to participate in the
action on the petition.

Questions were asked by the Commissioners of the
parties.

Commissioner Hoe moved to grant the petition by The
Trustees Under the Will and of the Estate of James Campbell,
Deceased pursuant to the stipulation as agreed upon by the
State and Petitioner and the Land Use Commission's standard
conditions. The motion was seconded by Commissioner Lapenia
and unanimously carried by the following voice votes:

Ayes: Commissioner Hoe, Kajioka, Lapenia, Shinno,
Wada, Whittemore, Chun, Himeno, and Chairman Nip.

A88-631 - HEMMETER-VMS KAUAI COMPANY V

Vice-Chairman Whittemore announced that the Commission
would take action on the matter of Hemmeter-VMS Kauai Company V
to consider Petitioner's Motion for Amendment to Decision and
Order to delete Conditions No. 1 and 6 and to amend Condition
No. 10 of the Decision and Order dated July 31, 1989 which
reclassified approximately 91.479 acres of land from the
Agricultural District into the Urban District at
Kalapaki-Hanamaulu, Lihue, Kauai, for golf course, golf
academy, and related support facilities.

Chairman Nip and Commissioner Himeno were excused from
this proceeding due to a previously declared conflict of
interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

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

Mike Laureta, Dept. of Planning, County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State
Planning

Arguments were heard from Mr. Funaki, Petitioner's
attorney. Petitioner's witnesses were called to testify in
support of the motion.

PETITIONER'S WITNESSES

1. Sidney Fuke
2. Robert Umemura

The County of Maui and Office of State Planning did
not object to the motion.

Commissioner Shinno moved to approve Petitioner's
motion to amend Condition No. 1 and 6 and to delete Condition
No. 10. The motion was seconded by Commissioner Chun and
unanimously carried by the following voice votes:

Ayes: Commissioner Shinno, Hoe, Kajioka, Lapenia,
Wada, Chun, and Vice-Chairman Whittemore.

A89-650 - WAIHE'E OCEANFRONT HAWAII, INC. (Maui)

Vice-Chairman Whittemore announced that the Commission
would take action in the matter of the petition by Waihe'e
Oceanfront Hawaii, Inc. to consider the Petitions to Intervene
filed by Mr. Isaac Hall for the Office of Hawaiian Affairs,
James Murakami, Thomas Yagi, Trudy Yip, and Burt Sakata.

Chairman Nip was excused from this proceeding due to a
previously declared conflict of interest.

Appearances

Ralph Masuda, Department of Planning, County of Maui

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

Jean Nishida, Land Use Division, Office of State
Planning

Linda Delaney, Office of Hawaiian Affairs, Potential
Intervenor

Burt Sakata, Potential Intervenor

Eric Maehara, Esq., and Raymond Iwamoto, Esq.,
attorneys for Petitioner were not present to the proceeding and
did not object to the intervention.

There were no objections to the intervention by the
County of Maui and the Office of State Planning.

The Commission received letters of withdrawal of the
petition to intervene from Mr. Murakami, Mr. Yagi, and Ms. Yip.

Commissioner Hoe moved to grant the petitions to
intervene by the Office of Hawaiian Affairs and Burt Sakata.
The motion was seconded by Commissioner Wada and unanimously
carried by voice votes.

Chairman Nip joined the proceeding at this time.

A84-568 - MAUD VAN CORTLANDT HILL SCHROLL TRUST (Maui)

Chairman Nip announced that the Commission would take
action in the matter of the petition by Maud Van Cortlandt Hill
Schroll Trust to consider Intervenor's Motion for Issuance of
An Order to Show Cause Why the Decision and Order in Docket No.
A84-568 Should Not Be Nullified and/or Reversed and/or Amended.

Appearances

Ferdinand Eranza, Esq., Attorney for Petitioner

Paul Horikawa, Esq., Deputy Corporation Counsel,
County of Maui

Ralph Masuda, Deputy Director, Dept. of Planning,
County of Maui

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

Abe Mitsuda, Land Use Division, Office of State
Planning

George Peabody, Intervenor

Arguments on the motion were heard from Mr. Peabody,
Mr. Eranza, John Anderson, and Paul Horikawa.

Commissioner Hoe moved for an executive session to
consult with our Deputy Attorney General on legal issues
relating to Intervenor's motion. The motion was seconded by
Commissioner Lapenia and unanimously carried by voice votes.

Commissioner Wada moved to defer Intervenor's motion
in the matter of Docket No. A84-568 - Maud Van Cortlandt Hill
Schroll Trust and to invite Mr. Peabody to file a new motion to
amend the condition regarding public access. The motion was
seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Wada, Lapenia, Shinno, Whittemore,
Himeno, Hoe, Kajioka, and Chairman Nip.

Abstain: Commissioner Chun

The motion was deferred until further notice.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

The Decision and Order of the following docket was
adopted:

SP90-374 - Richard Smart Trust dba Parker Ranch
(Hawaii)

The meeting was adjourned at 12:20 p.m.