

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

approved 4/24/90

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

March 29, 1990

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

COMMISSIONERS ABSENT: Allen K. Hoe
Sharon R. Himeno

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

Holly Hackett, 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 Petitioner's Request for Reconsideration of Land Use Commission's Denial of Applicant's Application for Special Permit 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

Beryl Blaich, Intervenor

Arguments on the motion for reconsideration were heard from Mr. Shiraishi, Mr. Morimoto, and Ms. Blaich. After hearing arguments, questions were asked by the Commissioners.

Commissioner Chun moved for reconsideration of the special use permit by SP90-373 - F.B.D. Enterprises USA, Inc. to allow 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. The motion was seconded by Commissioner Lapenia and polled as follows:

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

Commissioner Chun moved for approval of SP90-373 - F.B.D. Enterprises USA, Inc. (Kauai) subject to the conditions proposed by the County of Kauai and subject to the additional conditions presented by Petitioner with amendments to Condition Number 2 to read as follows:

"2. Applicant shall file a petition for boundary amendment to the Land Use Commission within 2 years from filing of the Decision and Order of the Land Use Commission approving this application, for reclassification of the lands which are subject of this application, from the Agricultural District into the Urban District subject to the condition that the uses will be for golf course use only."

Commissioner Kajioka moved to amend Condition Number 4c to read as follows:

"4c. The Petitioner shall provide opportunities for local Kauai residents to utilize the golf course and its related facilities by setting aside a minimum forty percent (40%) play for Kauai residents. The fee structure shall be consistent with Condition No. 17. Reservations for these tee-times must be made no less than 24 hours in advance of starting time. Implementation of this requirement shall be with the concurrence of the Office of State Planning, provided that the Kauai Planning Commission's requirements regarding fees and starting times shall be met."

Commissioner Chun further amended his motion by adding language to the first sentence to read as follows:

"This Application is granted and conditioned upon satisfactory fulfillment of the Applicant providing the following additional community benefits, provided, however, that the covenants restricting the utilization of the land for no additional non-golf course structures or uses including resort, residential, and commercial should not apply to such conveyed parcels."

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

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

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: March 8, 1990, March 9, 1990, March 14, 1990, and March 20, 1990.

The meeting was adjourned at 10:51 a.m.