

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Orchid and Hibiscus Ballrooms
Outrigger Kauai Beach Hotel
4331 Kauai Beach Drive
Lihue, Hawaii

November 16, 1994

*approved
12/2/94*

COMMISSIONERS PRESENT: Allen K. Hoe
JoAnn Mattson
Trudy K. Senda
Elton Wada
Renton L.K. Nip (Portion of
Proceeding)
Allen Y. Kajioka

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.
Lloyd Kawakami
M. Casey Jarman

STAFF PRESENT: Esther Ueda, Executive Officer
Steven K. Chang, Esq.,
Deputy Attorney General
Winfred K.T. Pong, Esq.,
Deputy Attorney General
Kathy Yonamine, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

STATUS OF DEVELOPMENT REPORT

A88-631 - HEMMETER VMS KAUAI COMPANY V (Kauai)

Appearances

Dennis Navarro, for Petitioner
Clyde Murashige, for Petitioner
Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai
Keith Nitta, Planning Department, County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State Planning

A status of development report was heard from Mr. Navarro. After hearing report, questions were asked by the Commissioners.

Commissioner Senda moved for a motion for an order to show cause on the docket. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

ACTION

A93-701 - KAUPULEHU DEVELOPMENTS (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider Petitions for Intervention filed by Plan to Protect, Inc. and Kona Village Associates.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Robert Kim, Esq., Attorney for Intervenor, Plan to Protect, Inc.

John Yamano, Esq., Attorney for Intervenor, Kona Village Associates

Sharon Nishi, Esq., Attorney for Intervenor, Kona Village Associates

The Planning Department, County of Hawaii was not present to the proceeding at this time, and did not submit any objections to the petitions for intervention.

Arguments on the petitions for intervention were heard from Mr. Kim, Mr. Yamano, Mr. Tsukazaki, and Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

Commissioner Senda moved to grant the petitions for intervention by Plan to Protect, Inc. and Kona Village Associates. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

CONTINUED HEARING

A93-696 - KUKUIULA DEVELOPMENT COMPANY, INC. (Kauai)

Presiding Officer Wada announced that the matter before the Commission is a continuation of the hearing which was previously held on September 8 & 9, 1994.

Appearances

James Funaki, Esq., Attorney for Petitioner

William Campbell, for Petitioner

Jonathan Chun, Esq., Deputy County Attorney, County of
Kauai

Keith Nitta, Planning Department, County of Kauai

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

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

On November 4, 1994, the Commission received a Motion to Supplement Exhibit List filed by Petitioner and on November 10, 1994, the Commission received a Motion to Supplement Exhibit List and to Amend Witness List filed by the Planning Department, County of Kauai.

Arguments on the motions were heard from Mr. Funaki and Mr. Chun.

Presiding Officer Wada granted the motion to supplement exhibit lists and amend witness list.

EXHIBITS

1. Petitioner's Exhibit Nos. 33 through 37 were admitted into evidence by the Land Use Commission.

2. County's Amended List of Witnesses, Exhibits, and Exhibit No. 3 were admitted into evidence by the Land Use Commission.

3. OSP's Exhibit No. 10 was admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Robert Bourke

Commissioner Nip was absent from the proceeding at this time.

A lunch recess was taken at 12:15 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PETITIONER'S WITNESSES

1. Robert Bourke (Continued)
2. Leonard Freed
3. Berna Cabacungan

The meeting was adjourned at 5:00 p.m.