

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Mokihana Ballroom
Outrigger Kauai Beach Hotel
4331 Kauai Beach Drive
Lihue, Hawaii

Approved 6/30/94

June 3, 1994

COMMISSIONERS PRESENT:

JoAnn Mattson
Delmond J.H. Won
Trudy K. Senda (Portion of
Proceeding)
Elton Wada
Renton L.K. Nip
Allen K. Hoe

COMMISSIONERS ABSENT:

Lloyd Kawakami
Eusebio Lapenia, Jr.

STAFF PRESENT:

Esther Ueda, Executive Officer
Winfred Pong, Esq.,
Deputy Attorney General
Leo Asuncion, Staff Planner
Kathy Murakami, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Wada called the meeting to order.

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

ACTION

A94-703 - THE LIHUE PLANTATION COMPANY (Kauai)

Presiding Officer Wada announced that the Commission would take action to determine whether the anticipated effects discussed in Petitioner's Environmental Assessment to reclassify approximately 539.153 acres of land currently in the Agricultural District into the Urban District and approximately 12.873 acres of land currently in the Conservation District into the Urban District at Hanamaulu and Kalapaki, Kauai for residential, office, commercial, industrial and public/quasi-public facility uses, open space, and parks constitute a "significant effect" pursuant to Chapter 343, H.R.S.

APPEARANCES

Benjamin Kudo, Esq., Attorney for Petitioner

Tim Johns, for Petitioner

Jonathan Chun, Deputy County Attorney, County of Kauai

Abe Mitsuda, Land Use Division, Office of State Planning

Kathy Murakami, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

Arguments were heard from Mr. Kudo, Mr. Chun, and Mr. Mitsuda. A brief overview of the project was given by Mr. Tom Witten. After hearing arguments and overview, questions were asked by the Commissioners.

Commissioner Senda moved that the anticipated impacts of the project as reflected in the Environmental Assessment do constitute a significant impact and that an Environmental Impact Statement be required. The motion was seconded by Commissioner Hoe and polled as follows:

Ayes: Commissioner Mattson, Senda, Won, Hoe, and Wada.

Commissioner Nip joined the proceeding at this time.

A89-649 - GROVE FARM PROPERTIES, INC. (Kauai)

Presiding Officer Wada announced that the Commission would take action to consider a Motion to Approve Reclassification of a Portion of the Second Increment of the subject docket consisting of approximately 4.5 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai, and to clarify location of Parcel 12 on Increment II lands.

Appearances

Greg Kamm, for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Kamm, Mr. Chun, and Mr. Mitsuda.

It was determined by Presiding Officer Wada that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Senda moved to approve the petition by Grove Farm Properties, Inc. subject to conditions imposed in the Findings of Fact, Conclusions of Law, and Decision and Order filed in this docket on June 30, 1989 and the following additional condition:

Condition No. 15 - "Petitioner shall file an amendment to its declaration of Land Use Commission conditions filed on June 14, 1990 with the Bureau of Conveyances as docket number 90-088395 with the Bureau of Conveyances or Land Court of the State of Hawaii as applicable. Said amendment shall reflect the 4.5 acres reclassified by this Decision and Order and specified that said acreage shall also be subject to the conditions stated in the Commission's Decision and Order filed on June 30, 1989 in this docket. It is further ordered that the resiting of parcel 12 and its current proposed development as represented herein by Petitioner shall be and is hereby approved by this Commission."

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

Ayes: Commissioner Senda, Mattson, Nip, Won, Hoe, and Wada

CONTINUED HEARING

A93-696 - KUKUI'ULA DEVELOPMENT COMPANY, INC. (Kauai)

This proceeding commenced at 8:40 a.m. and was a continuation of the hearing which was adjourned at 5:30 p.m. yesterday.

Appearances

James Funaki, Esq., Attorney for Petitioner

William Campbell, for Petitioner
Keith Nitta, Planning Department, County of Kauai

Jonathan Chun, 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

Lorene Maki, Land Use Division, Office of State Planning

PETITIONER'S WITNESSES

1. Bruce Tsuchida

Commissioner Senda was absent from the proceeding at
this time.

2. Julian Ng

MISCELLANEOUS

1. Adoption of Minutes

Commissioner Nip moved to approve the minutes for the
meeting date of May 19, 1994. The motion was seconded by
Commissioner Mattson and unanimously carried by voice votes.

The meeting was adjourned at 12:50 p.m.