

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

September 8, 1994

*approved
9/22/94*

COMMISSIONERS PRESENT:

JoAnn Mattson (Portion of
Proceeding)
Trudy K. Senda
Elton Wada
Renton L.K. Nip (Portion of
Proceeding)
Allen K. Hoe
Eusebio Lapenia, Jr. (Portion of
Proceeding)
Lloyd Kawakami (Portion of
Proceeding)
M. Casey Jarman
Allen Y. Kajioka

COMMISSIONERS ABSENT:

STAFF PRESENT:

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

Cynthia Murphy, Court Reporter

Presiding Officer Wada called the meeting to order.

Commissioners Kajioka and Jarman were excused from this proceeding at this time.

ACTION

A93-697 - COUNTY OF KAUAI, GROVE FARM PROPERTIES, INC. (Kauai)

Presiding Officer Wada announced that the Commission would take action to consider reclassification of approximately 34.402 acres of land currently in the Agricultural District into the Urban District at Niumalu, Lihue, Kauai for relocation of golf course holes.

Appearances

Dennis Lombardi, Esq., Attorney for Petitioner

Greg Kamm, for Petitioner

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

Ann Ogata-Deal, 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

Donald Heacock, Intervenor

Arguments were heard from Mr. Lombardi, Mr. Chun,
Ms. Ogata-Deal, and Mr. Heacock.

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 the
County of Kauai and Grove Farm Properties, Inc. subject to
thirteen conditions. The motion was seconded by Commissioner
Mattson and polled as follows:

Ayes: Commissioners Senda, Mattson, Kawakami, Lapenia,
Hoe, Nip, and Wada.

Commissioners Kajioka and Jarman were excused from this
proceeding at this time.

A93-689 - PALAUEA BAY PARTNERS (Maui)

Presiding Officer Hoe announced that the Commission
would take action to consider reclassification of approximately
669.387 acres of land currently in the Agricultural District
into the Urban District at Paeahu-Keauhou, Makawao, Maui for
residential, commercial, golf courses, parks and open space,
roadways, and an electrical substation site.

Appearances

David Z. Arakawa, Esq., Attorney for Petitioner

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Daniel Ide, for Petitioner

Edward Kushi, for Petitioner

Clayton Yoshida, Planning Department, County of Maui

Ann Ogata-Deal, 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

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

Commissioner Wada moved to approve the petition by
Palauea Bay Partners subject to twenty-one conditions. The
motion was seconded by Commissioner Nip and polled as follows:

Ayes: Commissioners Wada, Lapenia, Mattson, Nip,
Senda, Kawakami, and Hoe.

Commissioners Kajioka and Jarman joined the proceeding
at this time and Commissioner Nip was excused from this
proceeding due to a previously declared conflict of interest.

A90-661 - C. BREWER PROPERTIES, INC. (Kauai)

Presiding Officer Hoe announced that the Commission
would take action to consider Petitioner's Motion to Release
Conditions of Approval Due to Satisfaction of Conditions of the
Order Adopting Hearing Officer's Proposed Findings of Fact,
Conclusions of Law, and Decision and Order with Modification to
Conditions filed on May 28, 1991.

Appearances

Walton Hong, Esq., Attorney for Petitioner

Rick Prahler, for Petitioner

Keith Nitta, Planning Department, County of Kauai

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
of State Planning

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Abe Mitsuda, Land Use Division, Office of State Planning

Arguments on the motion were heard from Mr. Hong, Mr. Nitta, and Mr. Mitsuda.

Commissioner Senda moved to grant Petitioner's Motion to Release Conditions of Approval Due to Satisfaction of Conditions. The motion was seconded by Commissioner Wada and polled as follows:

Ayes: Commissioners Senda, Mattson, Wada, Jarman, Kajioka, Kawakami, Lapenia, and Hoe.

A lunch recess was taken at 12:05 p.m. to reconvene at 1:00 p.m.

-1:00 p.m. -

CONTINUED HEARING

A93-696 - KUKUI'ULA DEVELOPMENT COMPANY (Kauai)

Presiding Officer Wada announced that the matter before the Commission is a continuation of the hearing which was previously held on June 3, 1994.

Appearances

James T. 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

Ann Ogata-Deal, 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

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Arguments on OSP's Motion to Supplement Exhibit List and Amend Witness List were heard from Ms. Ogata-Deal, Mr. Chun, and Mr. Funaki.

Presiding Officer Wada granted OSP's Motion to Supplement Exhibit List and Amend Witness List.

PETITIONER'S WITNESSES

1. Julian Ng

Commissioners Kawakami, Mattson, Lapenia, and Nip were absent from the proceeding at this time.

2. Judith Williams
3. Julian Ng (Continued)

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Kawakami moved to adopt the Decision and Order for Docket No. SP94-386 - COUNTY OF MAUI, DEPT. OF PUBLIC WORKS (Lanai Landfill). The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

2. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting dates of August 9, 1994, August 10, 1994, and August 23, 1994. The motion was seconded by Commissioner Hoe and unanimously approved by voice votes.

3. ELECTION OF OFFICERS

Commissioner Kajioka moved to elect Allen K. Hoe as Chairperson. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes. Commissioner Kawakami moved to elect Allen Y. Kajioka as First Vice-Chairperson. The motion was seconded by Commissioner Jarman and unanimously carried by voice votes. Commissioner Kawakami moved to elect Eusebio Lapenia, Jr. as Second Vice-Chairperson. The motion was seconded by Commissioner Hoe and unanimously carried by voice votes.

The meeting was adjourned at 5:05 p.m.