

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

*approved
2/2/95*

January 19, 1995

COMMISSIONERS PRESENT: JoAnn Mattson
Trudy K. Senda (Portion of the
Proceedings)
Elton Wada
Allen Y. Kajioka
Eusebio Lapenia, Jr.
M. Casey Jarman

COMMISSIONERS ABSENT: Allen K. Hoe
Lloyd Kawakami
Renton L.K. Nip

STAFF PRESENT: Esther Ueda, Executive Officer
Winfred K.T. Pong, Esq.,
Deputy Attorney General
Kathy Yonamine, Staff Planner
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Presiding Officer Wada called the meeting to order.

Commissioner Senda was absent from the proceeding at this time.

STATUS OF DEVELOPMENT REPORT

A76-418 - MOANA CORPORATION (Kauai)

Appearances

Andrew Daymude, for Keith Companies

Grace Kido, Esq., for Knudsen Trust

Keith Nitta, Planning Department, County of Kauai

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
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Abe Mitsuda, Land Use Division, Office of State Planning

Teresa Tico, Esq., for Intervenors

Leo Asuncion, Jr., Staff Planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

Mr. Daymude requested a continuance of the status of development report at this time for ninety days in order to get a marketing consultant. There were no objections by the parties.

Presiding Officer Wada granted Mr. Daymude's request for continuance until April 6, 1995.

ACTION

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED (Oahu)

Presiding Officer Wada announced that consideration of Petitioner's motion filed on this petition will be continued until February 23, 1994.

Commissioner Senda joined the proceeding at this time.

CONTINUED HEARING

A93-696 - KUKUIULA DEVELOPMENT COMPANY (Kauai)

Presiding Officer Wada announced that the matter before the Commission is a continuation of the hearing which was previously held on November 16 and 17, 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

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

Arguments on the Motions to Supplement Exhibit and Witness Lists were heard from Mr. Funaki, Mr. Chun, and Ms. Ogata-Deal.

EXHIBITS

1. The letter dated January 19, 1995 from Council Chairperson, Ronald Kouchi was admitted into evidence by the Land Use Commission.
2. OSP's Exhibit No. 11 through 16 were admitted into evidence by the Land Use Commission.
3. County's Exhibit Nos. 4 & 5 were admitted into evidence by the Land Use Commission.
4. Petitioner's Exhibit No. 38 and 39 were admitted into evidence by the Land Use Commission.

COUNTY'S WITNESS

1. Keith Nitta

PETITIONER'S WITNESS

1. William Campbell

Presiding Officer Wada instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on February 21, 1995 and the parties have until March 7, 1995 in which to respond.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:15 p.m.

- 1:15 p.m. -

ACTION

A94-703 - THE LIHUE PLANTATION COMPANY, LTD. (Kauai)

Presiding Officer Senda announced that the Commission would take action to consider acceptance of the Lihue Plantation Company, Ltd.'s Final Environmental Impact Statement

to reclassify approximately 541.769 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.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Timothy Johns, 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

Abe Mitsuda, Land Use Division, Office of State Planning

Commissioner Jarman moved to go into executive session to consult with our Deputy Attorney General on legal matters.

The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

Questions on the final EIS were asked by the Commissioners.

Commissioner Jarman moved to defer action on the acceptance of the Final Environmental Impact Statement until February 2, 1995. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the following meeting dates: December 1, 1994, December 2, 1994, December 9, 1994, December 15, 1994, and December 16, 1994. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

The meeting was adjourned at 2:15 p.m.