

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 B and C  
Third Floor, Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

December 14, 1995

COMMISSIONERS PRESENT:

Allen K. Hoe  
Trudy Senda  
Lloyd Kawakami  
Rupert K. Chun  
JoAnn Mattson  
M. Casey Jarman  
Merle A.K. Kelai

*approved  
11/19/96*

COMMISSIONERS ABSENT:

Elton Wada  
Eusebio Lapenia, Jr.

STAFF PRESENT:

Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Leo Asuncion, Jr., Staff Planner  
Darlene Y. Kinoshita, Chief Clerk

Evelyn Miyata, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

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

Chairperson Hoe announced that the Commission would take action to consider reclassifying 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

Tim Johns, for Petitioner

Hartwell Blake, County Attorney, County of Kauai

Dee Crowell, 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

The letter dated December 13, 1995 from Councilmember  
Ron Kouchi was accepted by the Commission as a public witness  
statement.

Arguments on the Hearing Officer's report were heard  
from Mr. Kudo, Mr. Blake, and Mr. Mitsuda.

Commissioner Mattson moved to adopt the Hearings  
Officer's Report as amended. It was seconded by Commissioner  
Kawakami and polled as follows:

Ayes: Commissioner Mattson, Kelai, Kawakami, Senda,  
Chun, Jarman, and Hoe.

A89-626 - GROVE FARM PROPERTIES, INC. (Kauai)

Chairperson Hoe announced that the Commission would  
take action to consider reclassifying the Second Increment of  
the subject docket consisting of approximately 108.570 acres of  
land currently in the Agricultural District into the Urban  
District at Lihue, Kauai, for residential, commercial, golf  
course, and open space.

Appearances

Michael Belles, Esq., Attorney for Petitioner

Greg Kamm, for Petitioner

Hartwell Blake, Esq., County Attorney, County of Kauai

Dee Crowell, 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

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

Commissioner Senda moved to adopt the Proposed Findings of Fact, and Conclusions of Law that was circulated among the parties in Docket No. A89-636 - Grove Farm Properties, Inc. subject to twenty conditions. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Senda, Kelai, Mattson, Chun, Jarman, Kawakami, and Hoe.

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Chairperson Hoe announced that the Commission would be taking action to consider Petitioner's Motion to File Additional Information to Cure the Defect Presented in State Land Use Commission's Order Granting Motion to Declare Amended Petition Defective.

Appearances

Frederick Giannini, Esq., Deputy Corporation Counsel,  
County of Hawaii

Virginia Goldstein, Planning Department, County of  
Hawaii

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

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments on the motion were heard from Mr. Giannini  
and Ms. Ogata-Deal.

Commissioner Senda moved to grant the County of Hawaii's Motion to File Additional Information to Cure the Defect Presented in State Land Use Commission's Order Granting Motion to Declare Amended Petition Defective. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

A76-418 - MOANA CORPORATION (Kauai)

Chairperson Hoe announced that the Commission would

take action to consider Petitioners, First Hawaiian Bank (as Trustee of the Eric A. Knudsen Trust), Hawaiian Trust Company (as Trustee of the Augustus F. Knudsen Trust), and Sports Shinko (Kauai) Co., Ltd.s' Motions to Amend or Modify Condition No. 9 of the Decision and Order imposed by Land Use Commission on July 7, 1977, as amended on July 3, 1978, and as amended on December 13, 1979 which reclassified approximately 457.54 acres of land from the Agricultural District into the Urban District at Poipu, Kauai for residential, commercial, outdoor theater, cultural center, and recreational uses.

Appearances

D. Scott MacKinnon, Esq., Attorney for Sports Shinko

Roy Vitousek, III, Esq., Attorney for Hawaiian Trust Company and First Hawaiian Bank

Hartwell Blake, Esq., County Attorney, County of Kauai

Dee Crowell, 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

Teresa Tico, Esq., Attorney for Intervenor, notified the Commission staff by phone that she would not be present at the meeting at this time.

Leo Asuncion, Jr., staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

Arguments on the Motions to Amend or Modify Condition #9 were heard from Mr. MacKinnon, Mr. Vitousek, Mr. Crowell, and Ms. Ogata-Deal.

After hearing arguments, questions were asked by the Commissioners.

Chairperson Hoe deferred action on the motions until the Order to Show Cause hearing on this docket has been heard.

SP70-85 - WAIKOLOA DEVELOPMENT COMPANY (Hawaii)

Chairperson Hoe announced that the Commission would take action to consider an amendment to the Special Use Permit which allowed the establishment of the Puu Hinai Quarry (Site 1) and the Village Quarry (Site 2) and allied uses on approximately 161 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

Appearances

Ann Cobb, for Petitioner

Frederick Giannini, Esq., Deputy Corporation Counsel,  
County of Hawaii

Virginia Goldstein, Planning Dept., County of Hawaii

Bert Saruwatari, staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit by Petitioner.

Arguments were heard from Ms. Cobb and Mr. Giannini. After hearing arguments, questions were asked by the Commissioners.

Commissioner Senda moved to approve the amendment to the Special Use Permit subject to nine conditions with modifications as recommended by the County of Hawaii. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

A88-626 - GENSIRO KAWAMOTO (Maui)

Appearances

Carol Asai-Sato, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of State Planning

The County of Maui, Planning Department, notified the Commission staff by phone that they would not be present at the meeting at this time.

A status report was presented by Ms. Asai-Sato.

Chairperson Hoe deferred the matter pending action by the Maui County Council.

CONTINUED HEARING

BR94-712 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that this matter before the Commission was a continuation of the hearing which was previously held on November 3 and 4, 1995.

Appearances

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

Mary Lou Kobayashi, Office of State Planning

Frances Mossman, Planning Department, City and County of Honolulu

Benjamin Kudo, Esq., Attorney for Intervenor

Kris Nakagawa, Esq., Attorney for Intervenor

On December 14, 1995, the Office of State Planning filed a Motion to Amend the Petition Area. There were no objections by the parties.

Commissioner Jarman moved to grant OSP's Motion to Amend the Petition Area. The motion was seconded by Commissioner Kawakami and unanimously approved by voice votes.

EXHIBITS

1. Intervenor's Exhibit Nos. 10 through 23 were admitted into evidence by the Land Use Commission, Exhibit Nos. 24 through 26 were not admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Mary Lou Kobayashi
2. John Ford

A lunch recess was taken at 12:11 p.m. to reconvene at 1:15 p.m.

- 1:15 p.m. -

A briefing on the Conservation District Review Project was presented by Edward Henry, Department of Land Natural Resources.

CONTINUED HEARING

BR94-712 - OFFICE OF STATE PLANNING (Oahu)

PETITIONER'S WITNESSES

1. John Ford (Continued)

MISCELLANEOUS

1. APPROVAL OF MINUTES

Commissioner Mattson moved to approve the minutes for the following dates: November 30, 1995 and December 1, 1995. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

2. Commissioner Mattson moved to allow Chairperson Hoe to appoint a hearing officer on A94-708 - Office of State Planning (Kapolei, Oahu). The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

The meeting was adjourned at 4:00 p.m.