

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

April 6, 1995

*Approved  
4/18/95*

COMMISSIONERS PRESENT: Allen K. Hoe  
Trudy K. Senda  
Elton Wada  
M. Casey Jarman  
Lloyd Kawakami

COMMISSIONERS ABSENT: JoAnn Mattson  
Eusebio Lapenia, Jr.  
Renton L.K. Nip

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

Chairperson Hoe called the meeting to order.

STATUS OF DEVELOPMENT REPORT

A76-418 - MOANA CORPORATION (Kauai)

Appearances

D. Scott MacKinnon, Esq., Attorney for Sports Shinko  
Grace Kido, Esq., for Knudsen Trust

Jonathan Chun, Esq., Deputy Corporation Counsel, County  
of Kauai

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

Abe Mitsuda, Land Use Division, Office of State Planning

Teresa Tico, Esq., Attorney for Intervenor

On April 6, 1995, the Commission received the Testimony of Sports Shinko and Supplement to Testimony of Knudsen Trusts. Sports Shinko at this time intends to submit a motion to the Commission to amend and extend the time period in which to satisfy the remaining requirements of Condition No. 9.

Chairperson Hoe deferred the status report at this time until the Commission has received the motion to be filed by Sports Shinko.

A94-708 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 1,300 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for land exchange, the University of Hawaii-West Oahu Campus, housing, and public facility uses.

Appearances

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

Mary Lou Kobayashi, Office of State Planning

Benjamin Matsubara, Hearing Officer

The Commission receive a letter dated April 5, 1995 from Cheryl Soon, Chief Planning Officer, Planning Department, City and County of Honolulu, notifying the Commission that they would not be present at this meeting.

Chevron U.S.A., Inc., Intervenor, was not present at this time.

On April 3, 1995, the Commission received a motion to re-open hearing filed by the Office of State Planning.

Arguments on the motion were heard from Mr. Eichor and Mr. Matsubara.

Commissioner Senda moved to grant the Office of State Planning's motion to re-open hearing limited to the water resource for the projected developments in the area, whether or not the land has to be classified as Urban in order to be appraised as Urban, concerns regarding the Honouliuli Sewage

Treatment Plant, State plans for the 2500 acres of ag land that the State made in exchange with the Galbraith Estate, the transfer of some 200 acres to DHHL, Department of Hawaiian Home Lands, and the status of the conveyance of the Campbell Estate property to the State.

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

SP95-388 - COUNTY OF KAUAI, DEPT. OF PUBLIC WORKS, SOLID WASTE SECTION

Chairperson Hoe announced that the Commission would take action to consider a special permit to allow the establishment of a debris recycling station on approximately 32 acres of land situated within the State Land Use Agricultural District at Lihue, Kauai.

Appearances

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

Dale Burton, Dept. of Public Works, County of Kauai

George Kalisik, Planning Dept., County of Kauai

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

Abe Mitsuda, Land Use Division, Office of State Planning

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.

An overview was heard from Mr. Burton, Solid Waste Coordinator, Dept. of Public Works, County of Kauai.

Jonathan Chun, Esq., Deputy County Attorney, moved to strike the letter dated October 17, 1994 from the Department of Transportation which was submitted after the Planning Commission meeting.

Chairperson Hoe granted Mr. Chun's Motion.

Commissioner Senda moved to remand the special permit to the Kauai Planning Commission for further proceedings regarding additional information that was filed after the Planning Commission meeting. The motion was seconded by Commissioner Kawakami and unanimously carried by voice votes.

HEARING

BR94-714 - OFFICE OF STATE PLANNING (Kauai)

Pursuant to a notice published in the Honolulu Advertiser and The Garden Island on February 9, 1995 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Office of State Planning to consider reclassifying approximately 29 acres of land currently in the Urban District into the Conservation District at Hanamaulu, Lihue, Kauai for protection of scenic coastal resources.

Appearances

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

Mary Lou Kobayashi, Office of State Planning

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

Keith Nitta, Planning Department, County of Kauai

EXHIBITS

1. Petitioner's Exhibit A, Exhibit Nos. 1 through 14 were admitted into evidence by the Land Use Commission.

2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

A stipulation of the proposed findings of fact, conclusions of law, and decision and order were filed by the Office of State Planning and County of Kauai.

After reviewing written testimonies, questions were asked by the Commissioners.

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due by May 5, 1995 and the parties have until May 12, 1995 in which to respond.

BR94-715 - OFFICE OF STATE PLANNING (Kauai)

Pursuant to a notice published in the Honolulu Advertiser and The Garden Island on February 9, 1995 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Office of State Planning to consider reclassifying approximately 38 acres of land currently in the Agricultural District into the Conservation District at Homaikawaa and Kamalomaloo, Kawaihau, Lihue, Kauai for protection of a scenic coastal region (Donkey Beach).

Appearances

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

Mary Lou Kobayashi, Office of State Planning

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

Keith Nitta, Planning Department, County of Kauai

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 10 were admitted into evidence by the Land Use Commission.

2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

After review written testimonies, questions were asked by the Commissioners.

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due by May 5, 1995 and the parties have until May 12, 1995 in which to respond.

ACTION

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

It was announced by Chairperson Hoe that the Commission received a stipulation for continuance of the action meeting on this petition by the parties. Chairperson Hoe accepted the stipulation for continuance.

SP88-368 - COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS

It was announced by Chairperson Hoe that the Commission would take action to consider termination of the Special Permit issued in LUC Docket No. Sp88-368, in compliance with Condition #3 in LUC Docket SP94-386 which allowed for a special use permit to establish and operate expansion of the Lanai Sanitary Landfill on approximately 25 acres of land situated within the State Land Use Agricultural District at Lanai City, Lanai.

Appearances

The Planning Department and Dept. of Public Works, County of Maui were not present to the preceding at this time.

Commissioner Wada moved to grant Petitioner's motion to terminate the special permit to establish and operate expansion of the Lanai Sanitary Landfill on approximately 25 acres of land situated within the State Land Use Agricultural District at Lanai City, Lanai. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

The meeting was adjourned at 10:58 a.m.