

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

May 11, 1995

COMMISSIONERS PRESENT:

Allen K. Hoe  
Trudy K. Senda  
Elton Wada  
M. Casey Jarman  
Lloyd Kawakami  
JoAnn Mattson  
Renton L.K. Nip (Portion of  
Proceeding)

*Approved  
5/26/95*

COMMISSIONERS ABSENT:

Eusebio Lapenia, Jr.

STAFF PRESENT:

Esther Ueda, Executive Officer  
Russell Suzuki, Esq.,  
Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Bert Saruwatari, Staff Planner  
Kathy Yonamine, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

ACTION

BR94-712 - OFFICE OF STATE PLANNING (Oahu)

Chairperson Hoe announced that the Commission would take action to consider Petitioner's Motion to Waive Requirements for Metes and Bounds Description on its petition to reclassify approximately 184.1 acres of land from the Agricultural District into the Conservation District at Kahuku, Koolauloa, Oahu for protection of wetland habitat and Petitioner's Motion to Waive Landowner's Written Authorization to File Petition.

The Commission received a letter dated May 5, 1995 from Carroll Takahashi, Acting Chief Planning Officer, notifying the Commission that they will not be present at this meeting and had no objections to Petitioner's motions.

Appearances

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

Marylou Kobayashi, Office of State Planning

Arguments on the motions were heard from Mr. Eichor. After hearing arguments, questions were asked by the Commissioners.

Lloyd Haraguchi, representative from the Estate of James Campbell, commented on the status of their discussions with the Office of State Planning.

The letter dated April 4, 1995 from Henry Eng, The Estate of James Campbell, was admitted into evidence by the Land Use Commission.

Commissioner Jarman moved to grant Petitioner's Motion to Waive Requirements for Metes and Bounds Description subject to the following condition: "That at any time in the future when an accurate metes and bounds description of any portion of the property is needed, at the the request of the Land Use Commission, the Office of State Planning will provide a metes and bounds description and map."

The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

Commissioner Jarman moved to grant Petitioner's Motion to Waive Landowner's Written Authorization to File Petition. The motion was seconded by Commissioner Senda and unanimously carried by voice votes.

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

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 822.142 acres of land currently in the Agricultural District into the Urban District at Lawai-Koloa, Kauai for single- and multi-family residential, golf course, clubhouse, commercial, marina, town center, school expansion, sewage treatment plant, botanical garden visitor center, parks, and open space.

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

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

Abe Mitsuda, Land Use Division, Office of State Planning

Commissioner Senda moved to accept the Office of State  
Planning's late addendum to the Office of State Planning's  
Response to Petitioner's Proposed Findings of Fact, Conclusions  
of Law, and Decision and Order filed on May 9, 1995.

The motion was seconded by Commissioner Kawakami and  
unanimously carried by voice votes.

Arguments were heard from Mr. Funaki, Mr. Chun, and  
Mr. Eichor. After hearing arguments, questions were asked by  
the Commissioners.

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

Commissioner Senda moved to grant the petition by  
Kukuiula Development Company, Inc. subject to forty-one  
conditions. The motion was seconded by Commissioner Mattson.

Commissioner Jarman moved to amend Condition No. 31 to  
include the following: "Petitioner agrees that in preparing an  
environmental impact statement for the marina, it will follow  
and be bound by HRS Chapter 343 pertaining to the preparation  
of, and contents of an EIS, including the public participation  
and judicial review provisions."

Commissioners Senda and Mattson approved the amendment  
of Commissioner Jarman.

The motion as amended was polled as follows:

Ayes: Commissioner Senda, Wada, Jarman, Kawakami,  
Mattson, Nip, and Chairperson Hoe.

A lunch recess was taken at 12:45 a.m. to reconvene at 1:45 p.m.

- 2:00 p.m. -

ACTION (Continued)

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

Chairperson Hoe announced that the Land Use Commission had circulated the proposed Findings of Fact, Conclusions of Law, and Decision and Order to the parties.

Commissioner Senda moved to adopt the proposed Findings of Fact, Conclusions of Law, and Decision and Order as circulated to the parties. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

HEARING

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

Pursuant to a notice published in the Honolulu Advertiser and The Garden Island and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by The Lihue Plantation Co., Ltd. to consider reclassifying approximately 541.769 acres of land currently in the Agricultural District into the Urban District and approximately 12.863 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.

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

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Christopher Nakagawa, Esq., Attorney for Petitioner

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

Keith Nitta, Planning Department, County of Kauai

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

Robyn Loudermilk, Land Use Division, Office of State  
Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The following letters were admitted into evidence  
by the Land Use Commission:

- a. April 20, 1995 from Keith Matsunaga
- b. May 2, 1995 from Patrick Kaihara
- c. May 11, 1995 from Russell J. Maeda, Kauai Builders,  
Ltd.
- d. May 11, 1995 from Conrad Murashige, Shioi  
Construction
- e. May 11, 1995 from Aaron Uyeda, Kauai Contractors  
Association.
- f. May 11, 1995 from Sue Kanohe, Kauai Economic  
Development Board

PUBLIC WITNESSES

1. Sarah Joseph
2. Malia Parker
3. Darcy Yukimura
4. Willie Crozier
5. Charles Trembath
6. Clara Morris
7. John Lopes
8. Mike Crowder
9. Floyd Fitzgerald

10. Billy Fernandez
11. Lavonne Pironti
12. William Neil Rapozo
13. Robbie Rask
14. Brian Fujiuchi
15. Eddie Sarita
16. Bill Jessup
17. Mel Rapozo
18. Rudy Miranda
19. Christopher Reimer
20. Ann Leighton
21. Turk Tokita
22. Cheryl Lovell-Obatake
23. Dee Idica
24. Robert Freeman

The meeting was adjourned at 4:15 p.m.