

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

July 11, 1995

*Approved
7/21/95*

COMMISSIONERS PRESENT: Allen K. Hoe
Trudy K. Senda
Elton Wada (Portion of Proceeding)
JoAnn Mattson
Rupert K. Chun
Eusebio Lapenia, Jr. (Portion of Proceeding)

COMMISSIONERS ABSENT: M. Casey Jarman
Lloyd Kawakami

STAFF PRESENT: Leo Asuncion, Jr., Acting Executive Officer
Jon Itomura, Esq.,
Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.
Chairperson Hoe welcomed Mr. Rupert Chun to the Commission.

ACTION

BR94-714 - OFFICE OF STATE PLANNING (Kauai)

Chairperson Hoe announced that the Commission would take action 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

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

Mary Lou Kobayashi, Office of State Planning

Jay Murobayashi, Esq., Deputy County Attorney, County of Kauai

Keith Nitta, Planning Department, County of Kauai

Arguments were heard from Ms. Ogata-Deal and Mr. Murobayashi.

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

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 and Conclusions of Law as circulated to the parties.

Commissioner Senda also moved to approve the petition by the Office of State Planning for approximately 29 acres of land currently in the Urban District into the Conservation District at Hanamaulu, Lihue, Kauai for protection of scenic coastal resources. The motion was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioners Senda, Lapenia, Chun, Mattson, Wada, and Hoe.

BR94-715 - OFFICE OF STATE PLANNING (Kauai)

Chairperson Hoe announced that the Commission would take action to consider reclassifying approximately 38 acres of land currently in the Agricultural District into the Conservation District at Homaikawaa and Kamalomaloo, Kawaaihou, Kauai for protection of a scenic coastal region (Donkey Beach).

Appearances

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

Mary Lou Kobayashi, Office of State Planning

Jay Murobayashi, Esq., Deputy County Attorney, County of Kauai

Keith Nitta, Planning Department, County of Kauai

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Arguments were heard from Ms. Ogata-Deal and Mr. Murobayashi.

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

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 and Conclusions of Law as circulated to the parties.

Commissioner Senda also moved to approve the petition by the Office of State Planning for approximately 38 acres of land currently in the Agricultural District into the Conservation District at Homaikawaa and Kamalomaloo, Kawaaihau, Kauai for protection of a scenic coastal region (Donkey Beach). The motion was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioners Senda, Lapenia, Mattson, Wada, Chun, and Hoe.

CONTINUED HEARING

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

Chairperson Hoe announced that the matter before the Commission is a continuation of the hearing which was previously held on May 11 and 12, 1995.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Kris Nakagawa, Esq., Attorney for Petitioner

Jay Murobayashi, 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

Robyn Loudermilk, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Commissioner Senda moved to amend the agenda to appoint hearing officers with regards to this petition. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

Commissioner Lapenia moved to appoint Commissioner Senda and Chairperson Hoe as hearing officers in regards to this petition. The motion was seconded by Commissioner Wada and unanimously approved by voice votes.

Commissioners Lapenia and Wada were absent from the proceedings at this time.

EXHIBITS

1. Petitioner's Exhibit Nos. 47 through 50 were admitted into evidence by the hearing officer.

PETITIONER'S WITNESSES

1. Ted Kawahigashi
2. Brad Mossman
3. Clyde Kodani

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

- 1:00 p.m. -

PETITIONER'S WITNESSES (Continued)

4. Bob Englund
5. Dan Lum

At this time the Commission adjourned the meeting to take a field trip to the project site on this petition.

The meeting was adjourned at 1:45 p.m.