

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

September 14, 1995

*Approved
10/3/95*

COMMISSIONERS PRESENT: Allen K. Hoe
Trudy K. Senda
Elton Wada (Portion of
Proceeding)
JoAnn Mattson
Rupert K. Chun
Lloyd Kawakami (Portion of
Proceeding)
M. Casey Jarman
Merle A.K. Kelai

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Esq.,
Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Chairperson Hoe called the meeting to order.

Chairperson Hoe welcomed Mr. Merle Kelai to the Commission.

ACTION

A88-631 - HEMMETER VMS KAUAI COMPANY V

Chairperson Hoe announced that the Commission would take action to consider a motion to issue an Order to Show Cause why approximately 91.479 acres of land reclassified from the Agricultural District into the Urban District at Kalapaki-Hanamaulu, Lihue, Kauai for golf course, golf academy, and related support facilities should not revert to its former land use classification or be changed to a more appropriate classification.

Appearances

Clyde Murashige, for Petitioner

Danny Navarro, for Petitioner

Jonathan Chun, Esq., Deputy 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

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

Arguments on the consideration of the motion to issue
an order to show cause were heard from Mr. Navarro,
Mr. Murashige, Mr. Mitsuda, and Mr. Crowell.

After hearing arguments, questions were asked by the
Commissioners.

Commissioner Senda moved to grant the Motion to Issue
an Order to Show Cause. The motion was seconded by
Commissioner Mattson and unanimously carried by voice votes.

PRESENTATION

An overview by the Planning Department, County of
Kauai, of the Kauai General Plans and Developments Plans were
heard from Dee Crowell and Keith Nitta.

ACTION

A76-418 - MOANA CORPORATION (Kauai)

Chairperson Hoe announced that the Commission would
take action to consider Motion to Confirm Satisfaction of and
to Partially Delete or Modify Conditions imposed by the Land
Use Commission on July 7, 1977, as amended on July 3, 1978, and
as amended on December 13, 1979 filed by Grace Kido, Esq.,
Attorney for First Hawaiian Bank and Hawaiian Trust Company and
D. Scott MacKinnon, Esq., Attorney for Sports Shinko Co., Ltd.

Appearances

Scott MacKinnon, Esq., Attorney for Sports Shinko Co.,
Ltd.

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

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

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

Abe Mitsuda, Land Use Division, Office of State Planning

Teresa Tico, Esq., Attorney for Intervenor, was not
present to the proceeding 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 motion were heard from Mr. MacKinnon,
Mr. Vitousek, Mr. Chun, and Mr. Mitsuda.

Commissioner Senda moved to grant First Hawaiian Bank,
Hawaiian Trust, and Sports Shinko Co., Ltd.s' Motion to Confirm
Satisfaction of and to Partially Release or Waive Conditions
Imposed by the Land Use Commission as to Conditions 1, 2, 3, 4
and 6. The motion was seconded by Commissioner Kawakami and
unanimously approved by voice votes.

Commissioner Jarman moved to deny First Hawaiian Bank,
Hawaiian Trust, and Sports Shinko Co., Ltd.s' Motion to Confirm
Satisfaction of and to Partially Release or Waive Conditions
Imposed by the Land Use Commission as to Conditions 5, 7, 8,
and 9. The motion was seconded by Commissioner Kawakami and
unanimously approved by voice votes.

A lunch recess was taken at 12:25 p.m. to reconvene at
1:30 p.m.

Commissioners Wada and Kawakami were absent from the
proceeding at this time.

- 1:30 p.m. -

Commissioner Mattson moved to go into executive session
to discuss with our Deputy Attorney General the status of
pending matters and amendments to the LUC Rules and
Regulations. The motion was seconded by Commissioner Senda and
unanimously carried by voice votes.

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 July 11 and 12, 1995.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Kris Nakagawa, Esq., Attorney 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

Robyn Loudermilk, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. Petitioner's Exhibit Nos. 4c, 51 through 59 were admitted into evidence by the Land Use Commission.

2. OSP's Exhibit Nos. 1 and 2 were admitted into evidence by the Land Use Commission.

Commissioner Mattson moved to grant Petitioner's Motion for Fourth Amendment to Petition. The motion was seconded by Commissioner Senda and unanimously approved by voice votes.

STATE'S WITNESSES

1. Abe Mitsuda

2. Lester Chuck

Chairperson Hoe instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on October 5, 1995 and the parties have until October 19, 1995 in which to respond.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Senda moved to adopt the Decision and Order for Docket No. SP94-387 - FONG CONSTRUCTION (Maui). The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

2. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting dates: August 10, 1995, August 25, 1995, and September 8, 1995. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

3. Commissioner Mattson moved to appoint Trudy K. Senda, hearing officer to conduct the hearing on the following docket: A88-631 - HEMMETER VMS KAUAI COMPANY V. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

4. ELECTION OF OFFICERS

Commissioner Kelai moved to re-elect Allen K. Hoe as Chairperson. The motion was seconded by Commissioner Jarman and unanimously carried by voice votes. Commissioner Kelai moved to elect Trudy K. Senda as Vice-Chairperson. The motion was seconded by Commissioner Hoe and unanimously approved by voice votes.

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