

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hearing Room, Room 204
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

August 22, 1996

approved
10/10/96

COMMISSIONERS PRESENT:

Trudy K. Senda
Herbert Kaopua, Sr.
Rupert K. Chun
M. Casey Jarman
JoAnn Mattson
Lawrence N.C. Ing

COMMISSIONERS ABSENT:

Eusebio Lapenia, Jr.
Lloyd Kawakami
Merle A.K. Kelai

STAFF PRESENT:

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

Evelyn Miyata, Court Reporter

Vice-Chairperson Senda called the meeting to order. Vice-Chairperson Senda welcomed Commissioners Ing and Kaopua to the Commission.

SP84-572 - FOSTER PETROLEUM (Kauai)
A91-664 - F.B.D. ENTERPRISES, USA, INC. (Kauai)
SP90-373 - F.B.D. ENTERPRISES, USA, INC. (Kauai)

Vice-Chairperson Senda announced that the Commission would take action to consider Petitioner's Request to Withdraw the following:

1. Motion to Modify Findings of Fact, Conclusions of Law, and Decision and Order filed December 2, 19985 which reclassified approximately 15 acres of land at Kilauea, Kauai for light industrial lots;

2. District Boundary Amendment Petition to reclassify approximately 189.457 acres of land from the Agricultural District into the Urban District at Kilauea, Kauai for an 18-hole golf course, clubhouse, and other golf accessory uses; and

3. Motion to Delete LUC Decision and Order Condition No. 26 of the Findings of Fact, Conclusions of Law, and Decision and Order filed June 4, 1990 which approved a special permit to establish an 18-hole golf course, clubhouse, and related accessory uses and structures on approximately 204.43 acres of land within the Agricultural District at Kilauea, Kauai.

Appearances

Richard Minatoya, Esq., Attorney for Petitioner

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

Abe Mitsuda, Land Use Division, Office of Planning

The Planning Department, County of Kauai, and Intervenors, Mr. Hutchins and Mr. Martin, were not present to the proceeding at this time.

Arguments on the withdrawal of the motions and district boundary amendment were heard from Mr. Minatoya, Ms. Ogata-Deal, and Mr. Mitsuda.

Commissioner Mattson moved to grant Petitioner's request to withdraw its motions and district boundary amendment. The motion was seconded by Commissioner Kaopua and unanimously approved by voice votes.

A76-418 - MOANA CORPORATION (Kauai)

Vice-Chairperson Senda announced that the Commission would take action to consider Intervenor, Moir Family Partnership's Motion to Withdraw from Proceedings.

Appearances

Peter Crudo, Esq., Attorney for Moir Family Partnership

Shulammite Kim, Esq., Attorney for Sports Shinko

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

Abe Mitsuda, Land Use Division, Office of Planning

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No further arguments were heard. The Office of Planning had no objections to the motion.

Commissioner Mattson moved to grant Intervenor's motion to withdraw from proceedings. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Vice-Chairperson Senda announced that the Commission would take action to consider Intervenor, E Mau Na Ala Hele's Motion to Declare the Petition Still Defective; Or in the Alternative, Portions Still Defective on the County of Hawaii's Petition to reclassify approximately 955.78 acres of land currently in the Agricultural District into the Urban District at Keahuoulu, North Kona, Hawaii to allow uses for the area consistent with adopted State and County policies.

Appearances

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

Norman Hayashi, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of Planning

Isaac Hall, Esq., Attorney for Intervenor, E Mau Na Ala Hele

Judith Graham, E Mau Na Ala Hele

Steven Lim, Esq., Attorney for Kam Investments

Eric Maehara, Esq., Attorney for Hawaiian Development Corp.

Arguments were heard from Mr. Hall, Mr. Giannini, Mr. Mitsuda, Ms. Ogata-Deal, Mr. Maehara, and Mr. Lim.

Commissioner Mattson moved to defer action on E Mau Na Ala Hele's motion to declare petition still defective due to the County of Hawaii, Planning Department's 6E appeal to the State Historic Preservation Board. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

A89-649 - LANAI RESORT PARTNERS (Manele)

Vice-Chairperson Senda announced that the Commission would take action to consider acceptance of Lanai Company's water plan filed pursuant to the Commission's Decision and Order issued on May 17, 1996.

Appearances

James Funaki, Esq., Attorney for Petitioner

Clayton Yoshida, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Alan Murakami, Esq., Attorney for Intervenor

At this time, a disclosure was made by Commissioner Ing. There were no objections by the parties to have Commissioner Ing participate in the proceeding.

The presentation of the water management plan was heard from Mr. Funaki. Arguments were heard from Mr. Yoshida, Mr. Mitsuda, and Mr. Murakami.

After hearing presentation and arguments, questions were asked by the Commissioners.

Commissioner Jarman moved to defer any action with respect to admission of Petitioner's water plan and allow Petitioner 45 days to submit a supplement to the water management plan addressing the possibilities of developing alternative sources outside the high-level aquifer and also providing the Commission with sufficiently detailed analysis of the alternative uses. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

MISCELLANEOUS

1. ELECTION OF OFFICERS

Commissioner Mattson moved to elect Trudy Senda as Chairperson. The motion was seconded by Commissioner Ing and unanimously carried by voice votes. Commissioner Mattson moved to elect Rupert Chun as Vice-Chairperson. The motion was seconded by Commissioner Ing and unanimously carried by voice votes.

2. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the meeting date of July 26, 1996. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

The meeting was adjourned at 11:00 a.m.

