

LAND USE COMMISSION

Minutes of Meeting

Lawai Room
Sheraton Kauai Resort
2440 Hoonani Road
Koloa, Kauai

July 20, 2000

Approved
8/17/00

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce A. Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Merle Kelai

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Yukimura called the meeting to order at
1:10 p.m.

HEARING

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

Pursuant to a notice published in the Hawaii State & County
Public Notices of MidWeek and notices sent to all parties, a
hearing was called by the Land Use Commission in the matter of
the petition by Destination Villages Kauai, a Limited Liability
Company to consider reclassifying approximately 153.696 acres of
land currently in the Agricultural District into the Urban
District at Makaweli, Kauai, for the development of a resort and
accessory uses.

The Commission entered the following correspondence into
evidence:

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1. Memorandum dated May 12, 2000 from Linnel T. Nishioka, Deputy Director of the Commission on Water Resource Management (CWRM).
2. Letter dated June 23, 2000, from Don Hibbard, Administrator of the State Historic Preservation Division.
3. Request to Intervene dated June 28, 2000, from Joseph Punilei Manini, Sr.
4. Request to Withdraw Intervention dated July 12, 2000, from Joseph Punilei Manini, Sr. and request to be a public witness.
5. Facsimile letter dated July 14, 2000, from Bruce Pleas requesting to testify.
6. Facsimile letter dated July 17, 2000, from Carol A. Furtado requesting to testify.
7. Facsimile letter dated July 18, 2000, from Vida N. Mossman and Monica A. Davis requesting to testify.
8. Facsimile testimony dated July 18, 2000, from Mark Nellis, President of the West Kauai Business & Professional Association.
9. Letter received on July 19, 2000, from Toni Looney.
10. Letter received on July 20, 2000, from John Isobe, Coordinator of the Kauai Rural Development Project.
11. Testimony received on July 20, 2000, from Carol A. Furtado.
12. Approximately 157 facsimile letters in opposition to the project. (Three samples of facsimile letters were read by staff.)

Commissioner Coppa excused himself from this proceeding due to a conflict of interest.

A disclosure was made by Commissioner Fiesta. There were no objections by the parties to have Commissioner Fiesta participate in the proceedings.

Appearances

Michael Belles, Esq., representing petitioner

Scott Ezer, Helber, Hastert & Fee

Sanjay Bhatt, Esq., Deputy Corporation Counsel

Keith Nitta, Kauai County Planning Department, Staff Planner

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

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps.

Mr. Pang briefed everyone on Mr. Manini's request to intervene. After Mr. Manini presented his argument and having no objections from the parties, Presiding Officer Yukimura accepted Mr. Manini's motion to withdraw his intervention.

PUBLIC WITNESSES

1. Joseph Puilei Manini, Sr.
2. Bruce Pleas
3. Carol A. Furtado
4. Ian Emberson
5. Beryl Blaich
6. Charlie Okamoto
7. Vida N. Mossman
8. Monica A. Davis (testimony read by Vida Mossman)
9. Mark Nellis
10. Paul Matsunaga

11. Tsutomu Kojiri
12. Randall Uyehara
13. Juan Villalobos
14. Douglas Aviguatero
15. Jerry Lagazo
16. Cayetano Gerardo
17. Lissa Dunford
18. Angie Chinen
19. James Pacopac
20. Cheryl Lovell-Obatake
21. Rob Swigart
22. Kaleo Hookano
23. David Walker
24. Sandra Makuaole

The Commission entered the following correspondence into evidence:

1. Testimony received on July 20, 2000, from Vida Kilauano Mossman.
2. Testimony received on July 20, 2000, from Monica Anohea Davis.
3. Testimony dated July 20, 2000, from David Walker.
4. Testimony dated July 20, 2000, from Mamo P. Cummings, President of the Kauai Chamber of Commerce.
5. Testimony dated July 20, 2000, from Owen Moe, President of the West Kauai Community Development Corporation.
6. Testimony dated July 19, 2000, from Linda Faye' Collins, President of the Kikiaola Land Company, Ltd.

7. Testimony dated July 20, 2000, from Kris Nakata, Executive Director of the Kauai Economic Development Board.
8. Testimony dated July 20, 2000, from Pam Parker, Ready to Learn Coordinator of the Kauai Economic Development Board.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of July 6 and 7, 2000. The motion was seconded by Commissioner Catalani and unanimously approved by voice votes.

2. LITIGATION MATTERS

- a) A status report on the following docket was given by Deputy Attorney General Presley Pang:
 - i) Status of Civil No. 92-0698(1) Sierra Club et al. vs. Waihee, et. al. - Mr. Pang reported that the LUC was dismissed without prejudice subject to reinstatement should the DOT Defendants refile an application for a boundary amendment for any of the projects which are the subject of the EIS.

3. OTHER PENDING MATTERS

- a) Staff is recommending the submittal of a legislative proposal to give the Commission the authority to require mediation by the parties.
- b) Commissioner Jarman volunteered to be a moderator for one of the panels of the Smart Growth Workshop to be held on September 22, 2000. If she is unable to make it, Commissioner Catalani will be the back up person.
- c) LUC Meeting Schedule
 - i) Because of the Smart Growth Workshop, there will be only one meeting in September on the 14th and 15th for the continuation of the Kapalawai hearing.

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- ii) The HCPO materials have finally arrived. Please contact Angie by July 28th regarding your arrangements.
- iii) August 16, 2000 field trip to also include A92-679/White Hat Development, Corp. and the Natural Energy Laboratory of Hawaii.

The meeting was adjourned at 4:50 p.m. with the announcement that the Commission will reconvene tomorrow at 8:30 a.m.