

LAND USE COMMISSION

Minutes of Meeting

Kalakaua Room  
Kauai Marriott Resort and Beach Club  
Kalapaki Beach  
Lihue, Kauai

May 28, 1998

COMMISSIONERS PRESENT: P. Roy Catalani  
Isaac Fiesta, Jr.  
Lawrence N.C. Ing  
M. Casey Jarman  
Merle A. K. Kelai  
Peter Yukimura

COMMISSIONERS ABSENT: JoAnn Mattson  
Herbert Kaopua, Sr.  
Rupert K. Chun

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Lynann Nicely, Court Reporter

Presiding Officer Jarman called the meeting to order.

Presiding Officer Jarman announced that a field trip to the petition area for Docket No. A93-696 - Kukui'ula Development Co. was taken by the Commission this morning.

HEARING

A93-696 - KUKUI'ULA DEVELOPMENT CO. (Kauai)

Pursuant to a notice published in the Honolulu Advertiser and the Maui News and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Kukui'ula Development Co. to consider a request to amend the Findings of Fact, Conclusions of Law, and Decision and Order dated May 18, 1995, which reclassified approximately 537.313 acres of land from the Agricultural District into the Urban District and incrementally redistricted approximately 284.829 acres of land at Lawai, Koloa, Kauai for a planned community.

The motion requests that approximately 77 acres of land currently in Increment II be transferred to and included in Increment I to reflect proposed changes from Petitioner's Town Center concept to its Kukui'ula Bay Village concept, which includes the development of a resort component and deletes the development of a small boat marina. The motion also requests the modification and deletion of certain conditions of approval, and that a 10-acre portion of Increment I be released and deleted from the application of the conditions of approval.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

William H. Campbell, for Petitioner

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

Keith Nitta, Planning Dept., County of Kauai

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

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 37 were admitted into evidence by the Land Use Commission.

2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

3. OP's Exhibit No. 1 was admitted into evidence by the Commission.

PETITIONER'S WITNESS

1. William H. Campbell

COUNTY'S WITNESS

1. Keith Nitta

STATE'S WITNESS

1. Abe Mitsuda

Presiding Officer Jarman instructed all parties of the post-hearing procedures. The parties have until June 8, 1998 to submit any responses or comments on Petitioner's Proposed Supplemental and/or Modified Findings of Fact, Conclusions of Law, and Decision and Order filed on May 22, 1998.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Kelai moved to approve the minutes for the following meeting date: May 14, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Ing moved to amend the agenda to adopt the Decision and Order for Docket No. A93-698 - Charles P. Booth, etal. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

Commissioner Kelai moved to amend the agenda to adopt the Decision and Order for Docket No. A85-597 - Kaupulehu Developments. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Kelai moved to adopt the Decision and Order for Docket No. A85-597 - Kaupulehu Developments. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

Commissioner Kelai moved to adopt the Decision and Order for Docket No. A93-698 - Charles P. Booth, etal. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

The meeting was adjourned at 2:15 p.m.