

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

June 18, 1998

COMMISSIONERS PRESENT:

Rupert K. Chun
Merle A. K. Kelai
JoAnn Mattson
M. Casey Jarman (Portion of
Proceeding)
Peter Yukimura
Isaac Fiesta, Jr.
Lawrence N.C. Ing

*Approved
7/16/98*

COMMISSIONERS ABSENT:

Herbert Kaopua, Sr.
P. Roy Catalani

STAFF PRESENT:

Esther Ueda, Executive Officer
Russell A. Suzuki, Esq., Deputy Attorney
General
Jon S. Itomura, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Leo Asuncion, Jr., Staff Planner
Darlene Kinoshita, Chief Clerk

Gloria Tavares, Court Reporter

Presiding Officer Chun called the meeting to order.

Presiding Officer Chun welcomed Mr. Pravin Desai to the Land Use Commission.

Commissioner Jarman was absent from the proceeding at this time.

ACTION

A93-686 - KUKUI'ULA DEVELOPMENT CO. (Kauai)

Presiding Officer Chun announced that the Commission would take action 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 Campbell, for Petitioner

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

Richard Egged, Jr., Director, Office of Planning

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

Arguments were heard from Mr. Funaki, Mr. Chun, Ms. Ogata-Deal, and Mr. Egged.

It was determined by Presiding Officer Chun that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Yukimura moved that the Commission accept Docket No. A93-686 - Kukui'ula Development Co., Inc.'s Proposed Supplemental Modified Findings of Facts, Conclusions of Law, and Decision and Order. The motion was seconded by Commissioner Kelai.

Commissioner Chun moved to amend the proposed decision and order to correct the tax map key numbers on the caption, conclusions of law section, and first sentence of finding number 61. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Yukimura, Fiesta, Ing, Kelai, Mattson, and Chun

Commissioner Jarman joined the proceeding at this time.

A97-722 - MAUI ELECTRIC CO., LTD.

Presiding Officer Ing announced that the Commission would take action to consider reclassifying approximately 65.7 acres of land

currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Allen Wolff, Esq., Attorney for Petitioner

William Bonnet, for Petitioner

Brian Moto, Esq., Deputy Corporation Counsel, County of Maui

Lisa Nuyen, Director, Planning Dept., County of Maui

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

Richard Egged, Jr., Director, Office of Planning

Mark Sheehan, for Intervenor, Maui Tomorrow

Arguments were heard from Mr. Luna, Ms. Ogata-Deal, Mr. Moto, and Mr. Sheehan.

After hearing arguments, comments were made by the Commissioners.

It was determined by Presiding Officer Ing that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Mattson moved on Docket No. A97-722 - Maui Electric Co., Ltd. that the Commission accept her Proposed Decision and Order as amended and subject to seventeen (17) conditions. The motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioner Mattson, Chun, Fiesta, Kelai, Yukimura, and Ing.

Nay: Commissioner Jarman

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Presiding Officer Jarman announced that the Commission would take action to consider reclassifying approximately 955.78 acres of land currently in the Agricultural District into the Urban District at Keahuolu through Keauhou, 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

Virginia Goldstein, Director, Planning Department, County of Hawaii

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

Judith Graham, for Intervenor, E Mau Na Ala Hele

Steven Lim, Esq., Attorney for Intervenor, Kamehameha Investment Co.

Benjamin Kudo, Esq., Attorney for Liliuokalani Trust

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

The Commission noted for the record that it had received letters dated May 26, 1998, June 12, 1998, and June 15, 1998 from Mr. Lim.

At this time, Mr. Lim withdrew without prejudice Pualani's archaeological survey that was attached to his letter.

Arguments were heard from Mr. Giannini, Ms. Ogata-Deal, Ms. Graham, Mr. Kudo, Mr. Lim, and Mr. Maehara.

After hearing arguments, comments were made by the Commissioners.

It was determined by Presiding Officer Jarman that all of the Commissioner present were eligible to participate in the action on the docket.

Commissioner Fiesta moved to approve his proposed Findings Of Fact, Conclusions of Law, and Decision and Order on Docket No. A94-705 - County of Hawaii, Planning Dept. as amended and subject to nineteen (19) conditions. The motion was seconded by Commissioner Kelai and polled as follows:

Ayes: Commissioner Fiesta, Chun, Ing, Kelai, Mattson, and Yukimura

Nay: Commissioner Jarman

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Kelai moved to approve the minutes for the following meeting date: May 28, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

The meeting was adjourned at 12:05 p.m.