

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Queen's Audience Hall
Coco Palms Resort Hotel
Wailua, Kauai, Hawaii

October 27, 1987

approved
11/17/87

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun (Portion of Proceeding)

COMMISSIONERS ABSENT: Renton L.K. Nip
Everett Cuskaden
Sharon R. Himeno (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

James D. Lavielle, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A81-525 - Y-0 LIMITED PARTNERSHIP (Hawaii)

Chairman Tacbian announced that the Commission would take action on the Motion for Extension of Time to Apply for Redistricting of Phase II filed by Petitioner, Y-0 Limited Partnership.

Appearances

Stephen Menezes, Esq., Attorney for Petitioner

Albert Lono Lyman, Planning Director, Planning Dept.,
County of Hawaii

Norman Hayashi, Planner, Planning Dept., County of
Hawaii

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

Abe Mitsuda, Land Use Division, Department of Business
and Economic Development.

After hearing comments from Petitioner and Mr. Lyman, questions were asked by the Commissioners.

It was requested by Mr. Mitsuda that the Commission defer action on the motion for 60 days since the State is in the process of conducting a study of West Hawaii.

After questions were asked by the Commissioners of Mr. Mitsuda, Commissioner Choy moved for an executive session to discuss legal matters with the Deputy Attorney General. The motion was seconded by Commissioner Chun and carried unanimously by voice votes.

Vice-Chairman Whittemore moved for approval of Petitioner's motion for extension of a five-year period to apply for re-districting of Phase II into the Urban District at Kohanaiki and Kaloko, North Kona, Hawaii for residential and commercial uses.

The motion was seconded by Commissioner Tamaye.

The motion to approve the extension was unanimously carried and approved by the following voice votes:

Ayes: Commissioner Whittemore, Suzuki, Tamaye, Choy, Chun, and Chairman Tacbian.

HEARING

A87-614 - HEMMETER - VMS KAUAI COMPANY III

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on September 22, 1987 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition of Hemmeter-VMS Kauai Company III to reclassify approximately 299.79 acres of land currently in the Agricultural District into the Urban District at Kalapaki, Lihue, Kauai, for resort.

Appearances

James Funaki, Esq., Attorney for Petitioner
Christopher Hemmeter, Petitioner

Michael Laureta, Planner, County of Kauai, Planning
Department
Lorna Nishimitsu, Esq., Deputy County Attorney, County
of Kauai

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development
David Hulse, Planner, Land Use Division, Department of
Business and Economic Development

Commissioner Chun and Commissioner Himeno both
declared conflict of interests and were excused from the
proceedings.

EXHIBITS

Petitioner's Exhibits 1 through 16 were admitted into
evidence.

County of Kauai's Exhibits 1 through 6 were admitted
into evidence.

State's Exhibit 1 was admitted into evidence.

Raymond Young, Staff Planner, oriented the Commission
to the area being requested for reclassification on the USGS
and tax maps.

PUBLIC WITNESSES:

Gary Blaich, President, 1000 Friends of Kauai and
Senator Lehua Fernandes Salling were not present to the
proceeding.

Senator Lehua Fernandes Salling's written testimony
was admitted into evidence as LUC Exhibit No. 1.

PETITIONER'S WITNESSES:

1. Christopher Hemmeter

It was stipulated by the parties that the model being
used in the hearing would not be introduced into evidence.

A lunch recess was taken at 12:00 p.m. to reconvene at
1:00 p.m.

MINUTES - October 27, 1987

Page 4

- 1:00 p.m. -

PETITIONER'S WITNESSES:

1. Christopher Hemmeter (Continued)

Chairman Tacbian announced that there will be a field trip to the petition site this afternoon at 2:30 p.m.

MISCELLANEOUS:

1. The Commission moved to accept Benjamin Matsubara's recommendation not to intervene in Civil No. 87-0403(3), Fred Rohlfing, Corporation Counsel vs. William Kapuni dba Molokai Luau.