

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lihue Plantation Conference Room
2970 Kele Street
Lihue, Kauai

November 18, 1986

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice-Chairman
Robert Tamaye
Toru Suzuki
William Yuen
Everett Cuskaden
Richard Choy

COMMISSIONERS ABSENT: Lawrence Chun
Winona Rubin

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

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

CONTINUED HEARING

A6-604 - OKADA TRUCKING COMPANY, LTD. (Kauai)

It was announced by Chairman Tacbian that the present matter before the Commission was a continuation of the hearing which had begun on September 3, 1986.

The Petitioner filed a motion for withdrawal of their petition on November 12, 1986. Petitioner was not present to the proceeding. Commissioner Whittemore moved for approval of the motion for withdrawal on the petition. It was seconded by Commissioner Cuskaden.

Commissioner Yuen moved to go into Executive Session to confer with the Deputy Attorney General for legal advice. It was seconded by Commissioner Cuskaden and unanimously carried by voice vote.

After the Executive Session the Commission unanimously approved the withdrawal of the petition.

ACTION

SP86-361 - HEMMETER/VMS KAUAI CO. III (Kauai)

Ray Young, staff planner, gave a summary report of the special use permit request by Petition to allow "the establishment of a second 18-hole golf course with ponds, a driving range and miscellaneous accessory uses including carriage paths and landscaping on approximately 200 acres of land within the Agricultural District at Nawiliwili, Lihue, Kauai.

Arguments were heard from Sidney Fuke, representing Petitioner, and Max Graham, County of Kauai's attorney. After hearing arguments, questions were asked by the Commissioners.

Commissioner Whittemore moved for approval of Docket No. SP 86-361, Hemmeter VMS/Kauai Co. III to allow the establishment of a second 18-hole golf course with ponds, driving range and miscellaneous accessory uses, including carriage paths and landscaping of approximately 200 acres of land within the Agricultural District at Nawiliwili, Lihue, Kauai, subject to the following conditions.

1. Requirements and concerns of the State Health Department, County Public Works, Water and Fire Departments shall be met and resolved with the respective agencies.
2. Applicant shall apply for the necessary permits to establish such use within one year from the date of Land Use Commission review and approval, and complete construction of the golf course within three years from the date of Land Use Commission review and approval.
3. The Planning Commission of the County of Kauai may impose additional conditions, restrictions or requirements on the permits approved herein should unanticipated or unforeseen circumstances arise which require such additional conditions to insure compliance with the standards contained in the Comprehensive Zoning Ordinance of the State Land Use District Rules and Regulations.

4. This entire motion is subject to County Council zoning approval of the 750-room hotel.

The motion was seconded by Commissioner Tamaye.

Commissioner Cuskaden moved to go into executive session to consult with the Deputy Attorney General as to the appropriateness of condition number 4. The motion was seconded by Commissioner Choy and unanimously carried by voice vote.

Commissioner Yuen moved to amend two conditions. He moved to delete condition number 4 and amend condition number 2 as follows: "Applicant shall not apply for a necessary permit to establish such use until after the County of Kauai has enacted a zoning ordinance permitting construction of the proposed 750-room hotel at Kukii Point, and shall complete construction of the golf course within three years after the County's enactment of such zoning ordinance. The motion was seconded by Commission Tamaye.

The motion to delete condition number 4 and amend condition number 2 was unanimously carried by voice votes.

The motion to approve the petition subject to three conditions as amended was passed by the following votes:

Ayes: Commissioner Whittemore, Yuen, Tamaye, Suzuki, and Chairman Tacbian.

Nays: Commissioner Cuskaden and Choy.

MISCELLANEOUS:

The Commission ruled that an order to show cause proceeding be held on Docket No. A81-514/Pukalani Heights Associates.

The meeting was adjourned at 11:34 a.m.