

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Orchid-Hibiscus Room  
Kauai Hilton and Beach Villas Hotel  
4331 Kauai Beach Drive  
Lihue, Kauai, Hawaii

February 23, 1989

*Approved  
March 9, 1989*

COMMISSIONERS PRESENT: Renton Nip, Chairman  
Lawrence Chun, Vice-Chairman (Portion  
of Proceedings)  
Allen K. Hoe  
Toru Suzuki (Portion of Proceedings)  
Robert Tamaye  
Frederick P. Whittemore  
Teofilo Phil Tacbian  
Allen Y. Kajioka

COMMISSIONERS ABSENT: Sharon R. Himeno

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney  
General  
Benjamin Matsubara, Special Deputy  
Attorney General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

Commissioner Chun was absent from the proceeding at  
this time.

ACTION

A88-621 - KAHALA CAPITAL CORPORATION (Awake'e, Hawaii)

Chairman Nip announced that the Commission would take  
action in the matter of the petition by Kahala Capital  
Corporation to reclassify approximately 349.05 acres of land  
currently in the Conservation District into the Urban District  
at Awake'e, North Kona, Hawaii, for intermediate resort and  
golf course uses.

Appearances

Sandra Pechter Schutte, Esq., Attorney for Petitioner  
Norbert Schlei, Petitioner

Virginia Goldstein, Planning Department, County of  
Hawaii

John Anderson, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Jean Nishida, Land Use Division, Office of State  
Planning

Christopher Yuen, Esq., Attorney for Intervenors

A motion to continue action on the petition was filed by Petitioner's attorney, Sandra Schutte. Arguments on the motion were heard from Sandra Schutte, John Anderson, Virginia Goldstein, and Chris Yuen. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved to grant the motion to continue action on the petition. The motion was seconded by Commissioner Tamaye and unanimously carried by voice votes.

A89-635 - HENRY H. SHIGEKANE REVOCABLE TRUST; JOANNE H. SHIGEKANE, REVOCABLE TRUST; ROBERT MIDKIFF; AND ELIZABETH M. MORRIS (Oahu)

Chairman Nip announced that the Commission will act to determine whether the anticipated effects discussed in the Petitioner's Environmental Assessment to reclassify approximately 9.917 acres of land currently in the Conservation District into the Urban District at Nuuanu, Honolulu, Hawaii for residential use constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

James Funaki, Esq., Attorney for Petitioner

John Anderson, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

Jean Nishida, Land Use Division, Office of State  
Planning

The City and County of Honolulu was not present to the  
proceeding.

Arguments were heard from Mr. Funaki. The State  
having filed their testimony, requested the Commission call  
Mr. Abe Mitsuda to testify on this matter.

STATE'S WITNESS

1. Abe Mitsuda

After hearing arguments from Mr. Funaki and  
Mr. Mitsuda's testimony, questions were asked by the  
Commissioners.

Commissioner Hoe moved to go into executive session to  
consult with our Deputy Attorney General on legal matters  
concerning the EIS procedures. The motion was seconded by  
Commissioner Tacbian and unanimously carried by voice votes.

Commissioner Hoe moved that the Commission require a  
submission of an Environmental Impact Statement from Petitioner  
because the project may have a significant impact on the area.  
The motion was seconded by Commissioner Kajioka and polled as  
follows:

Ayes: Commissioner Hoe, Whittemore, Kajioka, and  
Chairman Nip.

Nays: Commissioner Tacbian, Tamaye, and Suzuki.

The motion did not pass due to lack of votes.

Commissioner Hoe moved to go into executive session to  
consult with our Deputy Attorney General to clarify procedures

when the motion fails to pass. The motion was seconded by Commissioner Tacbian and unanimously approved by voice votes.

Commissioner Hoe moved to accept the document identified as Petitioner's Environmental Assessment as required pursuant to the Office of Environmental Quality Control's statutes and accept it as a negative declaration. The motion was seconded by Commissioner Tacbian and polled as follows:

Ayes: Commissioner Hoe, Whittemore, Tacbian, Tamaye, Suzuki, Kajioka, and Chairman Nip.

SP89-370 - HEMMETER-VMS KAUAI COMPANY V (Kauai)

Chairman Nip announced that the Commission will defer action on this special use permit so that the boundary amendment petition by Hemmeter-VMS Kauai Co. V can be heard.

HEARING

A88-631 - HEMMETER-VMS KAUAI COMPANY V (Kauai)

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on January 19, 1989 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Hemmeter-VMS Kauai Company V to reclassify approximately 91.479 acres of land currently in the Agricultural District into the Urban District at Kalapaki-Hanamaulu, Lihue, Kauai, for golf course, golf academy, and related support facilities.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Diane Plotts, Petitioner

Warren Perry, Esq., Deputy County Attorney, County of  
Kauai

Michael Laureta, Planning Department, County of Kauai

John Anderson, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

David Hulse, Land Use Division, Office of State  
Planning

EXHIBITS

1. Petitioner's Exhibit No. 1 through 20 were  
admitted into evidence by the Land Use Commission.

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

3. State's Exhibit No. 1 through 4 were admitted into  
evidence by the Land Use Commission.

4. Timely and untimely written statements submitted  
by public witnesses were admitted into evidence by the Land Use  
Commission.

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

PUBLIC WITNESSES

1. Mayor JoAnn Yukimura

2. Maxine Correa, Chairperson, County Council, County  
of Kauai

A lunch recess was taken at 12:30 p.m. to reconvene at  
1:30 p.m.

- 2:02 p.m. -

Commissioner Suzuki was absent from the proceeding at  
this time.

3. Councilman Kaipō Asing (Chairman Nip requested  
Councilman Asing to submit copies of the map that he used in  
his presentation.

Vice-Chairman Chun joined the proceeding at this time.

4. Jack Lundgren, D.D.S. (Photos used in Mr. Lundgren's testimony were admitted into evidence by the Land Use Commission.)

5. Patrick Childs

6. Thomas Oi

7. Hartwell Blake, Esq.

8. Cheryl Lovell-Obatake

PETITIONER'S WITNESSES

1. Diane Plotts (Petitioner to submit title search document as Exhibit 21.)

2. Sidney Fuke

The meeting was adjourned at 5:32 p.m.