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

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.
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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
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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 Kaipo 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.