

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kauai Regional Library
4344 Hardy Street
Lihue, Kauai

September 3, 1986 - 9:30 a.m.

Adopted
9/23/86

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore
Lawrence Chun
Winona Rubin
Toru Suzuki
Richard Choy
Everett Cuskaden
William Yuen

COMMISSIONERS ABSENT: Robert Tamaye

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

ACTION

Chairman Tacbian called the meeting to order.

A86-600 - WAITEC DEVELOPMENT, INC. (OAHU)

Commissioner Yuen did not participate in this proceeding due to a previously declared conflict of interest.

Roy Takeyama, Attorney for Petitioner, requested continuance of the action on Waitec Development. Chairman Tacbian polled the Commissioners with a motion to approve deferment as follows:

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

Minute - September 3, 1987
Page 2

Nays: Commissioner Rubin and Cuskaden.

The action was deferred until September 23, 1986 in Kona.

A86-607 - HAWAIIAN TRUST CO., LTD., A HAWAII CORPORATION AND TRUSTEE OF GEORGE GALBRAITH TRUST (OAHU)

Chairman Tacbian announced that the Commission will act to consider acceptance of the City and County of Honolulu's Negative Declaration that submission of an Environmental Impact Statement is not required by the Petitioner.

Commissioner Cuskaden moved to accept the City and County's Negative Declaration and that an Environmental Impact Statement is not required. It was seconded by Commissioner Rubin and unanimously carried by voice votes.

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST (HAWAII)

Gary Wong, Attorney for Petitioner, requested a continuance of the hearing set for September 23, 1986 in Kona until January of 1987 due to change of trustees. There were no objections by the parties. Commissioner Yuen moved to permit continuance of the hearing. It was seconded by Commissioner Whittemore. Said motion was moved to be amended by Commissioner Cuskaden to require that the petitioner write to the Commission by January 25, 1987 notifying the Commission of the trustees' actions. It was seconded by Commissioner Rubin and the amended motion was unanimously carried by voice votes.

HEARING

A86-604 - OKADA TRUCKING CO., LTD. (KAUAI)

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on July 25, 1986 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Okada Trucking Co., Ltd., Docket No. A86-604, to reclassify approximately 40.55 acres of land currently in the Agricultural District into the Urban District at Niunalu, Lihue, Kauai, for residential use.

Appearances

James Funaki, Esq. - Counsel representing the Petitioner.

Max Graham, Esq. - Counsel representing the County of Kauai, Planning Department.

Everett Kaneshige, Esq. - Counsel, representing the Department of Planning and Economic Development.

Jean Nishida - Representing the Land Use Division, Department of Planning and Economic Development.

David Bettencourt, Esq. - Counsel, representing the Niualu-Nawiliwili Community Planning Project, Inc.

Chairman Tacbian announced that the Commission will act to consider the untimely Petition for Intervention filed by the Niualu-Nawiliwili Community Planning Project, Inc. Commissioner Rubin moved that the Petition for Intervention be approved. It was seconded by Commissioner Whittemore and unanimously carried by voice votes to allow intervention by the Niualu-Nawiliwili Community Planning Project, Inc.

Chairman Tacbian reported that the Commission had received one timely request to appear as a public witness from Elizabeth Ann Stone and five untimely requests to appear as public witnesses from the Conservation Council for Hawaii, Michael Nii, Esq., Mr. James Tehada, Mrs. Cheryl Lovell-Obatake, and Mrs. Dorothy Tao representing the 1000 Friends of Kauai. Subsequently, before receiving any testimony from the public witnesses, Michael Nii withdrew his request to be a public witness. Elizabeth Ann Stone was not present at the hearing.

Commissioner Rubin moved to allow the untimely public witnesses to testify. It was seconded by Commissioner Yuen and unanimously carried by voice votes.

After receiving testimony from the public witnesses, Chairman Tacbian announced that the Commission will act to consider the Motion to Continue Hearing filed by James Funaki, attorney for the petitioner. Commissioner Whittemore moved for

approval of continuance of the hearing. Commissioner Rubin seconded the motion and the motion was unanimously carried by voice votes. The hearing was continued until a later date.

A lunch recess was taken at 11:11 a.m. to reconvene at 2:00 p.m.

2:00 p.m.

ACTION

LAND USE COMMISSION'S PROPOSED RULES AND REGULATIONS

Commissioner Suzuki was not present for the rest of the proceedings.

Commissioner Whittemore moved to approve amendments to Section 15-15-25, 15-15-50, and 15-15-78 in addition to changes recommended in hearing officer, Benjamin Matsubara's report. It was seconded by Commissioner Rubin. Commissioner Cuskaden suggested that the Commission vote individually on Section 15-15-78, Section 15-15-25, and Section 15-15-50. The Commission was polled as follows on Section 15-15-78 to permit discretionary incremental districting.

Ayes: Commssioner Whittemore, Rubin, Yuen, Chun, and Chairman Tacbian.

Nays: Commissioner Cuskaden.

Commissioner Choy did not vote on this motion.

The motions to incorporate changes to Section 15-15-25 and Section 15-15-50 were unanimously carried by voice votes.

It was moved by Commissioner Whittemore to adopt the proposed Rules and Regulations as presented by the hearing officer with the amendments approved by the Land Use Commission. It was seconded by Commissioner Choy and unanimously carried by voice votes.

Commissioner Whittemore also moved for a motion of appreciation to Ben Matsubara, Esther Ueda, Dexter Higa, Ray Young, and Annette Chock for their work on the rules and regulations. Commissioner Rubin seconded said motion and it was unanimously carried by voice votes.

Minutes - September 3, 1986
Page 5

MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

July 8, 1986 and July 9, 1986.

The meeting was adjourned at 2:40 p.m.