

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 A & B  
New State Building  
Honolulu, Hawaii

*Approved*  
SEP 27 1979

May 9, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Shinichi Nakagawa, Vice Chairman  
James Carras  
Shinsei Miyasato  
Mitsuo Oura  
George Pascua  
Carol Whitesell  
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer  
Daniel Yasui, Planner  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Ray Russell, Court Reporter

CONTINUATION OF ACTION

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

Chairman Duke called the meeting to order and announced that the meeting today was being held to continue with the action on the petition by Kobayashi Development & Construction, Inc.

Due to an emergency of a personal nature, Vice Chairman Nakagawa was excused from the meeting.

At Chairman Duke's request for counsel regarding procedural alternatives available to the Commission, Counselor Kawada advised that the Commission could either continue the action today without Vice Chairman Nakagawa's presence; or continue the meeting until a later date.

It was Commissioner Carras' feeling that another postponement would create an imposition on all the parties and moved that the meeting proceed today as scheduled. Commissioner Whitesell seconded the motion.

Commissioner Yanai stated that it was unfair to the petitioner to proceed with only 6 Commissioners present.

Commissioner Whitesell felt that there had been enough delays on the matter and the Commission should go ahead with the meeting as scheduled.

Chairman Duke stated it was his understanding that the motion was to proceed with the discussion on the subject petition, but to defer action until Vice Chairman Nakagawa has had an opportunity to read the transcript of today's discussion and qualify himself to vote on the matter. Commissioner Carras stated that this was a modification of his motion and therefore withdrew the motion, and Commissioner Whitesell likewise her second to the motion.

Commissioner Carras then moved that the meeting proceed today as scheduled, but that action be deferred until the 16th of May when the transcript will become available in order to permit Vice Chairman Nakagawa's participation.

Commissioner Whitesell moved to go into executive session to receive counsel regarding the foregoing matter, which was seconded by Commissioner Pascua and carried.

The Commission was in executive session from 9:57 a.m. to 10:15 a.m.

10:15 a.m.

Chairman Duke reported the Commission had been counseled that it could proceed with the arguments from the various parties today and take action at a later date. The other alternative would be to defer the whole matter to a later date.

From the views expressed by all of the parties, Chairman Duke concluded that there was a general consensus to continue with the entire proceeding until a later date to preclude any procedural defects. He added that a tentative date of May 23, 1979 had been agreed upon for the continuation of this proceeding.

Counselors for all the parties entered into a discussion over the issues of whether to proceed with oral or written arguments at the next meeting, the technical aspects of service, rebuttal, etc.

Upon Mr. Kawada's advice, all of the parties stipulated orally for the record that they were all waiving their rights to oral argument before the Commission and that written arguments will suffice.

A76-418 - MOANA CORPORATION

Upon motion by Commissioner Pascua, seconded by Commissioner Oura, it was unanimously agreed to add the matter of the Moana Corporation motion to the agenda for discussion today.

The Executive Officer advised that a motion had been filed by Mr. Walton Hong, attorney for the Moana Corporation, to modify a condition which had been imposed on the boundary amendment approval by the Commission. He elaborated that it was a request to waive the requirement to construct low-cost housing in lieu of providing the County of Kauai with \$2,000,000 as requested by the Kauai County Council.

Commissioner Pascua reported that the people of Koloa were opposed to the proposed amendment inasmuch as there were no stipulations as to where and when the money would be expended for housing by the County.

On the question of public participation on this matter, Counselor Kawada advised that the same procedure as that utilized during the hearing should be pursued; i.e. the public's views be expressed by a representative.

Chairman Duke directed staff to notify all parties of the time and place when the hearing on the motion by Moana Corporation will be heard, including the procedural instructions as outlined by Counselor Kawada.

The meeting was adjourned at 11:49 a.m.