

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310
State Capitol, Third Floor
Honolulu, Hawaii

approved
7/13/90

June 28, 1990

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Frederick P. Whittemore, Vice-Chairman
Lawrence Chun (Portion Proceeding)
Sharon R. Himeno (Portion of
Proceeding)
Elton Wada
Allen K. Hoe (Portion of Proceeding)
Allen Y. Kajioaka
James M. Shinno
Eusebio Lapenia, Jr. (Portion of
Proceeding)

COMMISSIONERS ABSENT:

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

Chairman Nip called the meeting to order.

Commissioner Hoe was absent from the proceeding at this time.

ACTION

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DECEASED (OAHU)

Chairman Nip announced that the Commission would take action to consider Petitioner's Motion for Order Approving Executed Agreement Satisfying Department of Health Condition in Decision and Order dated September 23, 1988, as amended, which incrementally reclassified approximately 813.02 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Dave Rae, for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Lui-Kwan and Mr. Mitsuda. The Department of General Planning had no comments.

Commissioner Kajioka moved to approve the executed agreement satisfying Department of Health's condition in Decision and Order dated September 23, 1988, as amended, and that this condition will be subject to review as to its applicability to the proposed Kapolei Industrial Park petition when it is filed with the Commission. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Kajioka, Himeno, Lapenia, Shinno, Wada, Chun, Whittemore, and Chairman Nip.

A89-649 - LANAI RESORT PARTNERS (Manele)

Chairman Nip announced that the Commission would take action to consider Intervenor's Motion requesting the Commission's determination as to whether an Environmental Assessment for the Petition is required since the proposed development involves the use of the shoreline area and to consider Intervenor's Motion to Continue Hearing to consider reclassifying approximately 458.024 acres of land currently in the Agricultural and Rural Districts into the Urban District at Manele, Lanai for single and multi-family residential, an 18-hole golf course and accessory uses.

Commissioner Kajioka was excused from this proceeding due to a previously declared conflict of interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Rick Eichor, Esq., Deputy Attorney General, Office of
State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

Livia Wang, Esq., Attorney for Intervenors

The Department of Planning, County of Maui, was not
present to the proceeding at this time.

Arguments on the motion to continue hearing were heard
from Ms. Wang, Mr. Funaki, and Mr. Eichor. After hearing
arguments, questions were asked by the Commissioners.

Commissioner Wada moved for an executive session to
confer with the Commission's attorney on legal matters. The
motion was seconded by Commissioner Whittemore and unanimously
carried by voice votes.

Commissioner Wada moved that Intervenor's Motion to
Continue Hearing on Docket No. A89-649 be denied. The motion
was seconded by Commissioner Lapenia and polled as follows:

Ayes: Commissioner Wada, Lapenia, Shinno, Whittemore,
Chun, Himeno, and Chairman Nip.

Arguments on the Motion to require an Environmental
Assessment were heard from Ms. Wang, Mr. Funaki, and Mr. Eichor.

Commissioner Wada moved that Intervenor's Motion to
request a determination as to whether an Environmental
Assessment for the petition is required be denied. The motion
was seconded by Commissioner Chun and polled as follows:

Commissioner Wada, Lapenia, Shinno, Whittemore, Chun,
Himeno, and Chairman Nip.

Commissioner Kajioka joined the proceeding at this time.

SP87-364 - KAHILI ADVENTIST SCHOOL (FIRST AMENDMENT) (Kauai)

Chairman Nip announced that the Commission would take action to consider adopting four additional conditions to the Commission's Decision and Order dated August 13, 1987, which allowed the establishment of a church, school and related uses on approximately 197.463 acres of land within the Agricultural District at Kahili Mountain Park, Koloa, Kauai.

Appearances

Raymond Hoe, for Petitioner

Shigenobu Arakaki

The Department of Planning, County of Kauai, was not present to the proceeding at this time.

Raymond Young, staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and also gave a summary report of the special use permit request.

Comments on the special use permit were heard from Mr. Hoe. After hearing comments, questions were asked by the Commissioners.

Commissioner Shinno moved to approve the adoption of the four additional conditions to the Commission's Decision and Order dated August 13, 1987. The motion was seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Shinno, Chun, Himeno, Kajioka, Lapenia, Wada, Whittemore, and Chairman Nip.

A75-404 - HONOKAA SUGAR COMPANY (Hawaii)

Vice-Chairman Whittemore announced that the Commission would take action to consider Petitioner's Motion to Delete Conditions No. 1, 2, and 4 of the Decision and Order dated June 3, 1976 which reclassified approximately 42 acres of land

from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use and Condition No. 3 of the Decision and Order on Motion to Modify Condition dated July 3, 1984 and to consider Petitioner's Motion to Modify Decision and Order for Interpretation of June 3, 1976 Decision and Order which reclassified approximately 42 acres of land from the Agricultural District into the Urban District at Honokaa, Hawaii for residential use.

Chairman Nip was excused from the proceeding due to a declared conflict of interest.

Appearances

Steven Lim, Esq., Attorney for Petitioner

Francis Morgan, Petitioner

Norman Hayashi, Department Planning, County of Hawaii

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Okamoto, Esq., Attorney for Hamakua Oceanview Estates and Milton and Leslie Hagiwara.

Arguments on both motions were heard from Mr. Lim and a statement was made by Mr. Morgan. Arguments on both motions were also heard from Mr. Hayashi, Mr. Mitsuda, and Mr. Okamoto. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia moved to delete the four conditions of the Decision and Order dated June 3, 1976. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Lapenia, Shinno, Wada, Chun, Himeno, Kajioka, and Vice-Chairman Whittemore.

Commissioner Wada moved to amend the decision and order to include a new condition as follows: "Hamakua Sugar Company, Inc., within two (2) years of the release of the existing mortgage and foreclosure agreements which cover the real property owned by Hamakua Sugar Company, Inc. located in the County and State of Hawaii, shall provide housing opportunities to the current employees and pensioners of Hamakua Sugar Company, Inc. by offering for sale or rent a minimum of 100 lots or units, or a combination thereof, wherein at least thirty percent (30%) of the lots or units at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Hawaii's median income can afford, and seventy percent (70%) of the lots or units at prices which families with an income range of one hundred twenty to one hundred forty percent (120% - 140%) of the County of Hawaii's median income can afford, at an off-site location or locations under such terms as may be mutually agreeable between Hamakua Sugar Company, Inc., the Housing Finance and Development Corporation of the State of Hawaii, and the County of Hawaii." Commissioner Wada also moved to correct the acreage of the petition area and to amend the State Land Use Commission's official maps accordingly. The motion was seconded by Commissioner Shinno and polled as follows:

Ayes: Commissioner Lapenia, Shinno, Wada, Chun, Himeno, Kajioka, and Vice-Chairman Whittemore.

Commissioner Hoe was present to the proceeding at this time and Commissioner Himeno was absent from the proceeding at this time.

CONTINUED HEARING

A89-651 - HASEKO (HAWAII), INC. (Oahu)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on April 23 & 24, 1990.

Appearances

Steven Chung, Esq., Attorney for Petitioner

Angela Fong, Esq., Attorney for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

MINUTES - June 28, 1990
Page 7

Rick Eichor, 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

Rebecca Greenway, Esq., Attorney for, Intervenor,
Department of the Navy

Stanley Uehara, for Intervenor, Department of the Navy

EXHIBITS

1. All untimely public witness letters that the
Commission received were admitted into evidence by the Land Use
Commission.

2. The petitions received from Jeffrey Alexander were
admitted into evidence by the Land Use Commission.

3. Petitioner's Exhibits PP, QQ, RR, RR-1, and SS
were admitted into evidence by the Land Use Commission.

4. State's Exhibit Nos. 4 through 7 were admitted
into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Jeffrey Alexander

2. Clifford Oliveira

The Motion to Seal Financial Records filed by
Petitioner was approved by Chairman Nip. There were no
objections heard from the parties.

A lunch recess was taken at 11:53 a.m. to reconvene at
1:30 p.m.

- 2:00 p.m. -

PETITIONER'S WITNESSES

1. Bruce Plasch

Commissioner Chun was absent from the proceeding at this time.

An untimely motion for intervention was filed by Save Ewa Beach Ohana. Arguments on this motion were heard from Mr. Alexander, Mr. Chung, Ms. Marcinkus, Mr. Eichor, and Ms. Greenway. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved to deny the motion for intervention by Save Ewa Beach Ohana. The motion was seconded by Commissioner Whittemore and unanimously carried by voice votes.

PETITIONER'S WITNESSES (Continued)

2. Ronald Darby
3. Jonathan Shimada
4. Berna Cabacungan
5. Barry Brennan
6. Winona Char

Commissioner Lapenia was absent from the proceeding at this time.

7. Hallett Hammatt

COUNTY'S WITNESS

1. Betsy Marcinkus

STATE'S WITNESSES

1. Ron Tsuzuki

The meeting was adjourned at 4:45 p.m.