

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 313 and 314
Third Floor, Keeliokalani Building
830 Punchbowl Street
Honolulu, Hawaii

approved
4/29/93

March 31, 1993

COMMISSIONERS PRESENT: Allen Y. Kajioka, Chairman (Portion
of Proceeding)
Renton L.K. Nip (Portion of
Proceeding)
Elton Wada
Delmond Won
JoAnn Mattson
Trudy K. Senda
Allen K. Hoe
Karen S. Ahn

COMMISSIONERS ABSENT: Eusebio Lapenia

STAFF PRESENT: Esther Ueda, Executive Officer
Russell A. Suzuki, Esq.,
Deputy Attorney General
Winfred Pong, Esq.,
Deputy Attorney General
Bert Saruwatari, Staff Planner
Leo Asuncion, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Commissioner Nip was absent from the proceeding at this time.

Presiding Officer Mattson called the meeting to order.

ACTION

A88-628 - FINANCE REALTY CO., LTD. (Oahu)

Presiding Officer Mattson announced that the Commission would take action to consider Petitioner's Amended Motion to Amend Findings of Fact, Conclusions of Law, and

Decision and Order filed November 20, 1989 which reclassified approximately 76.851 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for single-family residential use.

Appearances

Jordan Wagner, Esq., Attorney for Petitioner

Robert Johnsen, for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Ann Ogata-Deal, Deputy Attorney General, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. The letter dated March 12, 1993 to Jordan Wagner, Esq. from Joseph Conant, HFDC.

Arguments on the motion was heard from Mr. Wagner, Mrs. Mossman, and Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

Commissioner Won moved to grant Petitioner's amended motion to amend Findings of Fact, Conclusions of Law, and Decision and Order filed on November 20, 1989 with the following amendment to Condition 1(c) and addition of condition 1(e). All other conditions to the Decision and Order dated November 20, 1989, are hereby reaffirmed and shall continue in effect.

Condition 1(c): "Notwithstanding the aforementioned, full payment hereof shall be made no later than thirty six (36) months after the effective date of zoning approval which occurred on June 29, 1992."

Condition 1(e): "Petitioner may also satisfy the affordable housing requirements in a manner that otherwise meets with the approval of the State Housing Finance and Development Corporation (pursuant to the Affordable Housing Guidelines, effective 7/1/92 as periodically amended) and the City and County of Honolulu. Said requirements shall take into consideration affordable on-site or off-site housing units, for sale or rental, cash payments or other in lieu contributions, that satisfy the then current housing needs."

The motion was seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Won, Ahn, Hoe, Senda, Wada, Kajioka, and Mattson.

A93-688 - JOHN HUNT AND DEBRA HUNT (Oahu)

Presiding Officer Mattson announced that the Commission would take action to determine whether the anticipated effects discussed in Petitioner's Environmental Assessment to reclassify approximately 15,592 square feet of land currently in the Conservation District into the Urban District at Niu Valley, Honolulu, Oahu for residential use constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Roy Vitousek, III, Esq., Attorney for Petitioner

John Hunt, Petitioner

Scott Ezer, for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Ann Ogata-Deal, Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Arguments were heard from Mr. Vitousek, Ms. Mossman, and Ms. Ogata-Deal. After hearing arguments, questions were asked by the Commissioners.

Commissioner Won moved to accept Petitioner's Environmental Assessment. The motion was seconded by Commissioner Kajioka and polled as follows:

Ayes: Commissioner Won, Senda, Wada, Ahn, Hoe, Kajioka, and Mattson.

Chairman Kajioka and Commissioner Nip were excused from this proceeding due to a previously declared conflict of interest.

A92-686 - AMFAC PROPERTY INVESTMENT CORP., A HAWAII CORPORATION,
AND HOUSING FINANCE AND DEVELOPMENT CORPORATION (Maui)

Presiding Officer Wada announced that the Commission would take action to consider reclassifying approximately 298.993 acres of land currently in the Agricultural District into the Urban District at Hanakao, Lahaina, Maui for single- and multi-family residential, commercial, school, park, church, emergency/trauma clinic, lifecare facility, daycare, and community center.

Appearances

Ben Kudo, Esq, Attorney for Petitioner

Jon Pang, Esq., Attorney for Petitioner

Jocelyn Wood, Esq., Attorney for HFDC

Brian Miskae, Director, Planning Department, County of Maui

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

George Cooper, Esq., on behalf of Isaac Hall for
Intervenors.

EXHIBITS

1. The letter dated March 25, 1993 from Tony Krieg, Hale Makua was admitted into evidence by the Land Use Commission.
2. The letter dated March 27, 1993 from David Chenoweth was admitted into evidence by the Land Use Commission.

The Commission received today from Mr. Miskae, the Maui County Department of Planning's Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Decision and Order.

Arguments were heard from Mr. Kudo, Ms. Ogata-Deal, Mr. Miskae, and Mr. Cooper. After hearing arguments, questions were asked by the Commissioners.

Commissioner Hoe moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Won and unanimously approved by voice votes.

Presiding Officer Wada deferred the action regarding this matter until tomorrow morning so that the Commission may review the memo that was filed by the County of Maui today.

Chairman Kajioka and Commissioner Nip joined the proceeding at this time.

A92-676 - HILO ONE, INCORPORATED (Hawaii)

Presiding Officer Nip announced that the Commission would take action to consider Petitioner's Motion to Amend Petition for Land Use District Boundary Amendment to reclassify approximately 24.659 acres of land currently in the Agricultural District into the Urban District at Paukaa-Pahoehoe, South Hilo, Hawaii for a single-family residential development.

Appearances

Sandra Pechter Schutte, Esq., Attorney for Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
of State Planning

Karen Yamamoto, Land Use Division, Office of State
Planning

The Planning Department, County of Hawaii, indicated
earlier that they would not be appearing at this time and had
no objections to the motion.

Arguments were heard from Ms. Schutte and Ms.
Ogata-Deal.

Commissioner Hoe moved that Petitioner's Motion to
Amend Petition for Land Use District Boundary Amendment be
approved. The motion was seconded by Commissioner Won and
polled as follows:

Ayes: Commissioner Hoe, Mattson, Senda, Wada, Won,
Ahn, Kajioka, and Nip.

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

A87-609 - MILILANI TOWN, INC. (Oahu)

Presiding Officer Nip announced that the Commission
would take action to consider Petitioner's Motion for Order to
Release and Discharge Certain Lands from Operation of
Conditions of Decision and Order dated May 17, 1988, as amended
by Order dated November 30, 1990, which reclassified
approximately 723 acres and incrementally approved 477 acres of
land from the Agricultural District into the Urban District at
Mililani, Ewa, Oahu for a residential community.

Appearances

James Funaki, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County
of Honolulu

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

EXHIBITS

1. Petitioner's Exhibit Nos. 1 and 2 were admitted
into evidence by the Land Use Commission.

Arguments were heard from Mr. Funaki, Ms. Mossman, and
Ms. Ogata-Deal.

PETITIONER'S WITNESS

1. Larry Lum

Commissioner Hoe moved to grant Petitioner's Motion
for Order to Release and Discharge Certain Lands from Operation
of Conditions of Decision and Order dated May 17, 1988 and as
amended by Order dated November 30, 1990. The motion was
seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioner Hoe, Senda, Wada, Won, Ahn,
Mattson, and Nip.

Chairman Kajioka joined the proceeding at this time.

A92-678 - WILLIAM CROWDER (Oahu)

Presiding Officer Nip announced that the Commission
would take action to consider the Petition to Intervene filed
by Rodney Uchida, Esq., on behalf of the Aina Koa Community
Association, and to consider the Motion of Petitioner in
Intervention to Hold Contested Case Hearing in the Community
and for Commission to View Site of Proposed Development.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Don Kitaoka, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County
of Honolulu

Ann Ogata-Deal, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Rodney Uchida, Esq., Attorney for Intervenor

Brian Choy, Esq., Attorney for Intervenor

John Ishihara, Esq., Attorney for Intervenor

EXHIBITS

1. The letter dated March 18, 1993 from Councilmember
Leigh Wai Doo was admitted into evidence by the Land Use
Commission.

2. The letter dated March 24, 1993 from Richard
Turbin was admitted into evidence by the Land Use Commission.

Arguments were heard on the Petition to Intervene from
Mr. Uchida, Ms. Sullivan, Ms. Mossman, and Ms. Ogata-Deal.

Commissioner Mattson moved to approve the Petition to
Intervene. The motion was seconded by Commissioner Ahn and
polled as follows:

Ayes: Commissioner Mattson, Senda, Wada, Won, Hoe,
Kajioka, Nip, and Ahn.

Arguments on the Motion of Petitioner in Intervention
to Hold Contested Case Hearing in the Community and for
Commission to View Site of Proposed Development were heard from
Ms. Sullivan, Mr. Uchida, Ms. Mossman, and Ms. Ogata-Deal.

It was suggested by Chairman Kajioka that we hear the
public witness testimonies in the community with a site visit
and then have the regular hearing as decided by the Commission
downtown. There were no objections by Mr. Uchida and the
Motion to Hold Contested Case Hearing in the Community was
subsequently withdrawn.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:15 p.m.

- 1:30 p.m. -

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

CONTINUED HEARING

A92-683 - HALEKUA DEVELOPMENT CORPORATION (Oahu)

Presiding Officer Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on December 3 and 4, 1992.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

Don Kitaoka, Esq., Attorney for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Jean Nishida Souza, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. Petitioner's Exhibit Nos. 34 through 44 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Melvin Suzuki

2. Julian Ng

3. Charles Murdoch
4. Barry D. Neal
5. Albert Chee
6. Berna Cabacungan

Commissioners Ahn and Hoe were absent from the proceeding at this time.

7. Bruce Plasch

COUNTY'S WITNESS

1. Frances Mossman

STATE'S WITNESS

1. Abe Mitsuda

Presiding Officer Nip instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on April 30, 1993 and the parties have until May 14, 1993 in which to respond.

The meeting was adjourned at 4:40 p.m.