

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

April 1, 1993

*approved
4/21/93*

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 (Portion of Proceeding)
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

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

Presiding Officer Wada called the meeting to order.

ACTION

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

Presiding Officer Wada announced that this is a continued action meeting 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 Maui County Council Resolution No. 93-28, adopted March 19, 1993 was admitted into evidence by the Land Use Commission.

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

An agreement between Intervenors and Petitioner was reached and the agreement to be filed with the Commission as soon as it is executed. At this time, Mr. Cooper withdrew as Intervenor to the proceeding.

It was determined by Presiding Officer Wada that all of the Commissioners present were eligible to participate in the action of the petition.

Commissioner Mattson moved to approve the petition by Amfac Property Investment Corp. and Housing Finance and Development Corporation subject to thirty-one conditions.

Commissioner Won was absent from the proceeding at this time and Chairman Kajioaka and Commissioner Nip joined the proceeding at this time.

ACTION

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

Presiding Officer Nip announced that the Commission would take action to consider Petitioner's Amended Motion for Third Amendment to Findings of Fact, Conclusions of Law and Decision and Order dated September 23, 1988, as amended on March 29, 1989 and May 30, 1989, which reclassified approximately 135 acres and incrementally approved approximately 755 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for a residential and business community.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Mark Fox, Esq., Attorney for Petitioner

David Rae, for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

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

Lorene Maki, Land Use Division, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

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

Commissioner Ahn moved to defer the motion until the
boundary amendment on A92-687 - THE TRUSTEES UNDER THE WILL AND
OF THE ESTATE OF JAMES CAMPBELL, DEC. (Makaiwa Hills) is
heard. The motion was seconded by Commissioner Senda.

Commissioner Hoe suggested deferring action on this
motion and having Petitioner present its case.

Petitioner's Witness, David Rae, testified.

At this time, Commissioner Ahn withdrew her motion to
defer action on this motion.

Presiding Officer Nip allowed Petitioner to combine
its presentations on the Amended Motion for Third Amendment to
Findings of Fact, Conclusions of Law and Decision and Order
dated September 23, 1988, as amended on March 29, 1989 and
May 30, 1989, and on Petitioner's motion to consider approving
reclassification of the subsequent increments.

HEARING & ACTION

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

Presiding Officer Nip announced that this is a hearing
to consider approving reclassification of the Subsequent
Increments of the subject docket consisting of approximately
527.339 acres of land currently in the Agricultural District
into the Urban District at Honouliuli, Ewa, Oahu, for the
development of the Kapolei Town Center.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Mark Fox, Esq., Attorney for Petitioner

David Rae, for Petitioner

Frances Mossman, Planning Department, City and County
of Honolulu

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

Lorene Maki, Land Use Division, Office of State
Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

EXHIBITS

1. Petitioner's Exhibits A through F for the Motion
for Amendment of Decision and Order were admitted into evidence
by the Land Use Commission.

2. Petitioner's Exhibit Nos. 1 through 23 for the
Approval of the Subsequent Increments were admitted into
evidence by the Land Use Commission.

A lunch recess was taken at 11:45 a.m. to reconvene at
1:15 p.m.

- 1:30 p.m. -

At this time, Ivan Lui-Kwan, Petitioner's Attorney,
withdrew Petitioner's Second Amendment to the Motion for Third
Amendment involving the residential component as reflected in
Condition Number 1.

PETITIONER'S WITNESS

1. Francis Oda
2. David Rae

A presentation on Petitioner's Motion for Third
Amendment to Findings of Fact, Conclusions of Law and Decision
and Order and approval of subsequent increments was made by
Ivan Lui-Kwan.

Commissioner Hoe moved to grant Petitioner's Motion for Third Amendment to Findings of Fact, Conclusions of Law and Decision and Order dated September 23, 1988, and as amended on March 29, 1989 and May 30, 1989. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

Commissioner Hoe moved to grant the reclassification of the Subsequent Increments of the subject docket subject to the following:

1. Condition No. 12 to read as follows: "The Petitioner shall develop the property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the property. Failure to so develop the property may result in reversion of the property to its former reclassification or change to a more appropriate classification."

Further, that in addition to those conditions already contained within the Decision and Order, the following conditions be added:

Condition No. 15: "Petitioner shall implement effective soil erosion and dust control measures during construction to the satisfaction of the State Department of Health."

Condition No. 16: "Petitioner shall cooperate with the State Department of Health and the City and County of Honolulu, Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes."

Condition No. 17: "Petitioner shall fund and construct adequate civil defense measure as determined by the State and City and County of Honolulu civil defense agencies."

Condition No. 18: "Petitioner shall contribute to the development, funding and/or construction of school facilities on an equitable pro-rata basis as a result of the development of the Property, as determined by and to the satisfaction of the Department of Education (DOE). Agreement by DOE on the level of funding and participation shall be obtained prior to the Petitioner applying for county zoning."

Condition No. 19: "Within seven days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement to the effect that the property is subject to conditions imposed by the Land Use Commission in the reclassification of the property and (b) shall file a copy of such recorded statement with the Commission."

Condition No. 20: "Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15 Section 92, Hawaii Administrative Rules.

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

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

Commissioner Hoe was absent from the proceeding at this time.

HEARING

A92-687 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin and notices sent to all parties, a hearing was conducted by the Land Use Commission to consider reclassifying approximately 1781.1222 acres of land currently in the Agricultural District at Honouliuli, Ewa, Oahu for single- and multi-family residential, commercial, parks, roadways, and open spaces.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Mark Fox, Esq., Attorney for Petitioner

David Rae, for Petitioner

Frances Mossman, Planning Department, City and County of Honolulu

Ann Ogata-Deal, 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

Leo Asuncion, staff planner, oriented the Commission
to the area being requested for reclassification on the Land
Use District Boundaries and tax maps.

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 35 were
admitted into evidence by the Land Use Commission.
2. County's Exhibit Nos. 1 and 2 were admitted into
evidence by the Land Use Commission.
3. State's Exhibit Nos. 1 through 3 were admitted
into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Donna Goth

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following meeting dates were
approved as circulated: March 17 & 18, 1993.

2. The Commission appointed Benjamin Matsubara, Esq.,
as hearing officer for Docket No. A93-688 - JOHN HUNT AND DEBRA
HUNT (Oahu)

The meeting was adjourned at 4:35 p.m.