

Minutes of Meeting

Conference Room 405  
State Office Tower, Leiopapa A Kamehameha  
235 South Beretania Street  
Honolulu, Hawaii

Approved  
3/03/00

February 17, 2000

COMMISSIONERS PRESENT: P. Roy Catalani  
Pravin Desai  
Lawrence N.C. Ing  
M. Casey Jarman  
Merle A. K. Kelai  
Stanley Roehrig  
Peter Yukimura

COMMISSIONER ABSENT: Bruce Coppa  
Isaac Fiesta, Jr.

STAFF PRESENT: Esther Ueda, Executive Officer  
Presley Pang, Esq., Deputy Attorney  
General  
Bert Saruwatari, Staff Planner  
Russell Kumabe, Staff Planner  
Teri Hee, Chief Clerk  
  
Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:30 a.m.

ACTION

A90-658 - AMFAC/JMB HAWAII, INC. (Maui)

Chairperson Kelai announced that this matter before the Commission is an action meeting to consider Petitioner's Motion to Further Amend or to Approve of Petitioner's Satisfaction of Condition No. 1 Contained in Findings of Fact, Conclusions of Law, and Decision and Order Dated March 18, 1991, As Amended, which reclassified approximately 242 acres of land from the Agricultural District into the Urban District at Kaanapali, Maui, Hawaii for single-family and estate residential uses.

On February 15, the Commission received a letter from John E. Min stating that the County of Maui Department of Planning has no objection to Petitioner's request and will not be attending today's meeting.

Appearances

Stacey Foy, Esq. Attorney for Petitioner

Tamara Edwards, President, Amfac/JMB Hawaii, Inc.'s Real Estate Division

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

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps.

At this time, a disclosure was made by Commissioner Ing. There were no objections by the Petitioner or State to have Commissioner Ing participate in the proceedings.

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

Commissioner Roehrig moved to approve Amfac/JMB Hawaii, Inc.'s Motion to Further Amend or to Approve of Petitioner's Satisfaction of Condition No. 1 Contained in Findings of Fact, Conclusions of Law, and Decision and Order Dated March 18, 1991, As Amended. The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioners Roehrig, Yukimura, Catalani, Desai, Ing, Jarman and Kelai

ACTION

A99-728 - HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, STATE OF HAWAII (Oahu)

Chairperson Kelai announced that the Commission would take action to consider Petitioner's Request to Modify Condition 3 and Findings of Fact 21, 69, and 178 of the Findings of Fact, Conclusions of Law, and Decision and Order Issued by the Land Use Commission on September 8, 1999, which reclassified approximately 1,300 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for residential, commercial, sports complex, school site, park, and open space uses.

On February 9, 2000, the Commission received a letter from Jane H. Howell stating that the Department of Planning and Permitting of the City and County of Honolulu will not be attending today's meeting and has no objection to Petitioner's request.

On February 9, 2000, the Commission received Haseko (Ewa), Inc.'s Response to Petitioner's request. Because Intervenor Haseko's scope of intervention was limited to issues relating to drainage and Petitioner's request does not pertain to drainage, Haseko offered no comments to Petitioner's request.

On February 14, 2000, the Commission received a letter from Yvonne Izu stating that Haseko (Ewa), Inc. will not be attending today's meeting.

On February 17, 2000, Gary Okino notified the Commission that the Department of Planning and Permitting will not be attending today's meeting.

Appearances

Nalani Wilson-Ku, Esq., Attorney for Petitioner

Leo Domingo, HCDCH

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

Abe Mitsuda, Land Use Division, Office of Planning

Arguments were heard from Ms. Wilson-Ku and Ms. Ogata-Deal.

Questions were asked by the Commissioners.

Commissioner Catalani pointed out that it may be appropriate to amend Petitioner's request to add the language "as such laws may be amended" wherever there is reference to Act 277.

Commissioner Roehrig moved to approve Petitioner's Request to Modify Condition 3 and Findings of Fact 21, 69, and 178 of the Findings of Fact, Conclusions of Law, and Decision and Order Issued by the Land Use Commission on September 8, 1999, with the amended language as suggested by Commissioner Catalani. The motion was seconded by Commissioner Desai and polled as follows:

Ayes: Commissioners Roehrig, Yukimura, Catalani, Desai, Ing, Jarman and Kelai

The modifications are shown in ramseyer format as follows:

Findings of Fact No. 21

21. Petitioner is committed to putting in the required infrastructure for the Project and contribute to development of the UHWOC or such other University of Hawai'i expenditures [as the Board of Regents shall determine once funding is available or as the Project is sold to individual developers.] in accordance with section 6 of Act 277, 1996 Session Laws of Hawaii and section 304-1.5, Hawaii Revised Statutes, as such laws may be amended.

Findings of Fact No. 69

69. The major social impacts associated with the Project are summarized as follows:

- Provision of needed housing for O'ahu;
- Enhancement of Kapolei's customer base;
- Development of a new community focus at the sports complex;
- Increase in traffic congestion;
- Possible impacts on social life due to construction noise or dust;
- Competition for community resources and facilities, namely parks and schools;
- Continued transformation of 'Ewa into a bedroom community; and
- Financing for development of the University of Hawai'i facilities[.] in accordance with section 6 of Act 277, 1996 Sessions Laws of Hawaii and section 304-1.5, Hawaii Revised Statutes, as such laws may be amended.

Findings of Fact No. 178

178. The State of Hawai'i will incur major costs as developer but also gain significant revenues from the Project. Development costs are estimated to be about \$95 million for infrastructure and \$27.5 million for the sports complex. Revenues include receipts from land sales, taxes on construction-related cash flows, operating revenues for the sports complex, and new income associated with visitor spending due to the sports complex.

Petitioner will be able to cover its development costs and supply the University of Hawai'i with funds [after major land sales occur.] in accordance with section 6 of Act 277, 1996 Sessions Laws of Hawaii and section 304-1.5, Hawaii Revised Statutes, as such laws may be amended. Overall, the Project will result in continuing cash flows for the State over and beyond State costs. By 2022, the net balance of revenues to the State over costs of the Project is estimated as \$193 million to \$245 million (1997 dollars).

Condition 3

3. The Petitioner shall contribute to the development, funding, and/or construction of public [school and University of Hawai'i facilities] schools as determined by, and to the satisfaction of, the State Department of Education (DOE) [and the University of Hawai'i. Any contribution by the Petitioner for the development, funding, and/or construction of University of Hawaii facilities shall be made in accordance with section 6 of Act 277, 1996 Session Laws of Hawaii and the University of Hawaii-West Oahu special fund set forth in section 304-1.5, Hawaii Revised Statutes, as such laws may be amended. The Petitioner[, ] and the DOE[, and University of Hawai'i] shall enter into written agreements on this matter prior to the Petitioner obtaining approval for City and County of Honolulu zoning. In the event the University of Hawaii is a party to any agreement between the Petitioner and the DOE or is a party to any separate agreement with the Petitioner, such agreement particular to the University of Hawaii shall be consistent with the requirements of section 6 of Act 277, 1996 Session Laws of Hawaii and section 304-1.5, Hawaii Revised Statutes, as such laws may be amended.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting date of February 3, 2000. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Roehrig moved to adopt the Order to Continue Action Meeting for Docket No. A99-729 - The Newton Family Limited

Partnership. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

3. LITIGATION MATTERS

- a) A status report on the following docket was given by Deputy Attorney General Presley Pang: Molokai Ranch Circuit Court case; Civil No. 97-0383(1), (DR97-20).

4. AR&R98-14

The Executive Officer announced that the rule amendments are ready to be resubmitted to the Governor for his consideration.

5. LEGISLATIVE MATTERS

The Executive Officer provided a status report of the legislative bills that the LUC has testified on.

6. OTHER PENDING MATTERS

Regarding Docket No. A92-684/Department of Transportation, the Executive Officer reported that a letter was sent asking the petitioner to apprise the Commission on the status and plans regarding the subject docket. To date, no response has been received.

The Executive Officer discussed plans for the field trip at the next Commission meeting.

The meeting was adjourned at 10:15 a.m.