

STATE OF HAWAII  
LAND USE COMMISSION

approved  
6/5/87

Minutes of Meeting

Conference Rooms 322 A and B  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii

April 15, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore, Vice-Chairman  
William Yuen (Portion of Proceedings)  
Richard Choy  
Toru Suzuki  
Robert Tamaye  
Lawrence Chun (Portion of Proceedings)

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer  
Benjamin Matsubara, Special Deputy  
Attorney General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Teri Andreason, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A87-609 - MILILANI TOWN, INC.

Chairman Tacbian announced that the Commission would take action in the matter of the Motion for Reapplication by Mililani Town, Inc. to reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, for a residential community.

Appearances:

James Funaki, Esq., Attorney for Petitioner

David Laxson, Esq., Deputy Corporation Counsel, City  
and County of Honolulu

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

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

EXHIBITS

Petitioner's Exhibit 1 was admitted into evidence.

PETITIONER'S WITNESS:

1. Tyrone Kusao

COUNTY'S WITNESS:

1. Betsy Marcinkus

After hearing testimony of the witnesses and arguments from the parties, the parties were questioned by the Commissioners.

Commissioner Yuen moved to go into executive session to consult with our Deputy Attorney General on legal matters. It was seconded by Commissioner Chun.

Commissioner Chun moved to accept for filing, Docket Number A87-609, Mililani Town, Inc., to reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, for a residential community. However, the Petition will not be considered before June 25, 1987 pursuant to the Commission's subsection 15-15-76, because Petitioner has failed to show significant additional reasons which substantially strengthen its position.

The motion was seconded by Commissioner Yuen.

The motion to accept the petition for filing but not to consider the Petition until after June 25, 1987 was unanimously approved as follows:

Ayes: Commissioner Chun, Suzuki, Yuen, Choy, Tamaye,  
Vice- Chairman Whittemore, and Chairman Tacbian.

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DR87-10 - PHILO OWEN AND OK SOON OWEN

Chairman Tacbian announced that the subject docket was a request for a declaratory ruling regarding the location of the Urban District boundary situate Waimea, Koolauloa, Oahu.

Raymond Young, Staff Planner, presented a summary of the petition and pointed out the area on the maps.

Testimony was heard from Petitioner's witness and further arguments were heard from Petitioner.

Commissioner Chun moved to go into executive session to confer with our Deputy Attorney General. The motion was seconded by Commissioner Yuen and unanimously carried by voice votes.

Commissioner Yuen moved to deny the request and Commissioner Choy seconded the motion.

The motion to deny the request for declaratory ruling was unanimously carried by the following votes:

Ayes: Commissioner Yuen, Vice-Chairman Whittemore, Chun, Tamaye, Suzuki, Choy, and Chairman Tacbian.

\* SP87-363 - KUILIMA DEVELOPMENT CO.

Ray Young, staff planner, gave a summary report of the special use permit request by Petitioner to allow the establishment of a wastewater treatment facility on approximately 20 acres of land situated within the State Land Use Agricultural District at Kahuku, Koolauloa, Oahu.

Comments were made by Jan Sullivan, representing Petitioner. Ms. Sullivan also stated to the Commission that she would file a motion to correct condition #8 of Docket No. A85-595 - Kuilima Development Company which requires Petitioner to develop and operate a private sewage treatment plant and related infrastructure to accommodate the sewage demand of the Kuilima Resort Expansion.

Commission Whittemore moved to approve the Special Permit to establish a wastewater treatment facility on 20 acres of land in Koolauloa, Oahu subject to the following conditions:

1. The applicant shall submit for review and approval a landscape plan to provide visual screening.

2. The dedicated facility shall include an acceptable access driveway to be coordinated with the Department of Public Works and the Department of Transportation.

3. The applicant shall coordinate the effluent disposal with the Board of Water Supply and/or the Department of Public Works.

4. The applicant shall complete the project within three years after all government approvals have been received.

The motion was seconded by Commissioner Yuen.

The motion to approve the special use permit subject to four conditions was unanimously carried by the following votes:

Ayes: Vice-Chairman Whittemore, Commissioner Yuen, Chun, Suzuki, Tamaye, Choy, and Chairman Tacbian.

A86-602 - KAHALA CAPITAL CORPORATION

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Kahala Capital Corporation to reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort. A hearing was conducted on December 16 and 17, 1986 and March 3, 1987.

Appearances:

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Albert Lono Lyman, Planning Director, County of Hawaii

Everett Kaneshige, Esq., Deputy Attorney General,  
Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning  
and Economic Development

It was determined by Chairman Tacbian that all of the Commissioners present today were eligible to participate in the action of the petition.

Benjamin Kudo requested the Commission to reopen the hearing to admit the 2005 plan of the Department of Transportation, the Attorney General's memorandum opinion dated April 10, 1987, and to submit legal memorandum on the Attorney General's opinion. He further requested that the Petitioner be given 30 days to provide this additional evidence.

The County of Hawaii and State did not have any objections to this request and requested 30 days to provide responses to the submittals. The State also clarified that the April 10, 1987 memorandum was not a formal opinion of the Attorney General's Office.

A lunch recess was taken at 12:05 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioner Yuen was absent from the proceeding at this time.

A86-602 - KAHALA CAPITAL CORPORATION (Cont'd)

Commissioner Chun moved to approve the request to reopen the hearing on Docket No. A86-602 - Kahala Capital Corporation. The motion was seconded by Commissioner Whittemore.

The motion to approve the reopening of the hearing was unanimously approved as follows:

Ayes: Commissioner Chun, Choy, Vice-Chairman Whittemore, Tamaye, Suzuki, and Chairman Tacbian.

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It was noted by Chairman Tacbian that the County of Hawaii and State of Hawaii would have 30 days in which to respond to Petitioner's new evidence and that the parties could present further witnesses to testify on the evidence, however, public witnesses would not be accepted.

Commissioner Chun was absent from the proceeding at this time and Commissioner Yuen joined the proceeding at this time.

CONTINUED HEARING

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

The present matter before the Commission is a continuation of the hearing which had begun on December 2, 1986.

Appearances:

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel, representing Department of General Planning, City and County of Honolulu

Howard Murai, Project Manager, Department of Housing and Community Development, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General, Department of Planning and Economic Development

Jean Nishida, Land Use Division, Department of Planning and Economic Development

Martin Wolff, Esq., Attorney representing Hawaii Thousand Friends

Mililani/Waipio/Melemanu Neighborhood Board No. 25 was not present at the proceeding.

EXHIBITS

Elizabeth Stone's letter was admitted into evidence by Chairman Tacbian.

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City and County of Honolulu's Exhibit 57 was admitted into evidence.

Hawaii Thousand Friend's Exhibit 8 was admitted into evidence.

Mililani/Waipio/Melemanu Neighborhood Board No. 25's Exhibit 4 was admitted into evidence.

HAWAII THOUSAND FRIEND'S WITNESSES

1. Oswald Stender

It was noted that the State had filed a motion for correction of transcript of the March 17 and 18, 1987 meetings and that these corrections will be approved provided there are no objections received within ten days. Intervenor, Hawaii Thousand Friends waived any objections to the motion for correction of the transcript.

Chairman Tacbian instructed all parties of the post-hearing procedures.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDERS

The Decision and Order for the following dockets were adopted:

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

SP87-362 - CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS

2. ADOPTION OF MINUTES

The minutes for the following meeting dates were approved as circulated: March 17 and 18, 1987

The meeting was adjourned at 2:15 p.m.