

Approved
12/3/98

Minutes of Meeting

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

November 19, 1998

COMMISSIONERS PRESENT: P. Roy Catalani
Rupert K. Chun
Pravin Desai
Lawrence N.C. Ing
M. Casey Jarman
Merle A. K. Kelai
Isaac Fiesta, Jr.

COMMISSIONERS ABSENT: Herbert Kaopua, Sr.
Peter Yukimura

STAFF PRESENT: Esther Ueda, Executive Officer
Jon S. Itomura, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Acting Chief Clerk

Diane M. Baker, Court Reporter

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

ACTION

A89-636 - GROVE FARM PROPERTIES, INC.

Chairperson Kelai announced that the Commission would take action to consider Petitioner's Amended Motion to Release, Discharge and Delete All Conditions Imposed on Certain Land Made A Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order, Dated June 30, 1989, as Amended, which reclassified approximately 491.838 acres of land from the Agricultural District into the Urban District and the Commission's Findings of Fact, Conclusions of Law, and Decision and Order, Dated December 20, 1995, which reclassified approximately 108.070 acres of land from the Agricultural District into the Urban District at Lihue, Kauai, Hawaii for residential, commercial, golf course, and open space.

Commissioner Fiesta moved and Commissioner Ing seconded to admit the following letters into evidence:

1. October 22, 1998 from Ernest Y. W. Lau, Manager and Chief Engineer of the County of Kauai Water Department.
2. October 22, 1998 from Robert P. Smith, Pacific Islands Manager of the Fish and Wildlife Service.
3. November 16, 1998 from Dee M. Crowell informing the Commission that the County of Kauai Planning Department will not be attending today's meeting and have no objections to Petitioner's motion.
4. November 17, 1998 from Hartwell H.K. Blake informing the Commission that the Kauai County Attorney's Office will not be attending today's meeting and have no objections to Petitioner's motion.

Appearances

Stacey Foy, Esq., Attorney for Petitioner

Mike Furukawa, Grove Farm Properties, Inc.

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 Petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

Arguments on the motion to release, discharge and delete all conditions were heard from Ms. Foy and Mr. Mitsuda. After hearing arguments, questions were asked by the Commissioners.

Commissioner Jarman moved to approve the Petitioner's Motion to Release, Discharge and Delete All Conditions Imposed on Certain Land Made A Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order, Dated June 30, 1989, as Amended. The motion was seconded by Commissioner Chun and polled as follows:

Ayes: Commissioner Jarman, Catalani, Chun, Desai, Fiesta, Ing, and Kelai

A89-651 - HASEKO (HAWAII), INC./A83-558 - MSM & ASSOCIATES, INC.

Chairperson Kelai announced that the Commission would be consolidating their consideration of the action of the following motions:

Docket No. **A89-651 - HASEKO (Hawaii), INC.** to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion for Clarification of and Relief From Decision and Order Entered on October 17, 1990 which reclassified approximately 403.008 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for hotel/condominium, fitness center, tennis and yacht club, commercial, golf course, and park uses.

Docket No. **A83-558 - MSM & ASSOCIATES, INC.** to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion for Release From Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses.

Docket No. **A83-558 - MSM & ASSOCIATES, INC.** to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion to Amend Decision and Order Entered on September 21, 1984 which reclassified approximately 181 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for marina, residential, commercial, public facility, and park uses.

Appearances

Yvonne Izu, Esq., Attorney for Petitioner

Angela Fong, Esq., Attorney for Petitioner

Gary Okino, Planning Department, City and County of Honolulu

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 Petition area on the Land Use District Boundaries and tax maps and gave a summary of the petition.

PUBLIC WITNESS

1. Anna Marie N. Kahunahana-Castro-Howell

Chairman Kelai announced that the Department of the Navy was not present at today's hearing.

A slide show presentation was heard from Vicki Gaynor, Haseko's Community & Government Affairs Manager, regarding background of the project as well as to apprise the Commission of where the project is today.

After the presentation, Ms. Izu gave the Commission a background summary of the subject petitions.

PUBLIC WITNESS

2. Ninia Parks

Rebecca Hommon, Esq., representing the Department of the Navy, was present to the proceeding at this time.

Arguments on the motion in Docket No. A89-651 - Haseko (Hawaii), Inc. to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion for Clarification of and Relief From Decision and Order Entered on October 17, 1990 to clarify that .289 acres can be used for residential purposes and to release said land from the Commission's conditions were heard from Ms. Izu, Ms. Fong, Mr. Okino, Mr. Mitsuda, and Ms. Hommon. After hearing arguments, questions were asked by the public and the Commissioners.

Commissioner Jarman moved to approve the Petitioner's Motion for Clarification and Relief From Decision and Order Entered on October 17, 1990.

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

Ayes: Commissioner Jarman, Catalani, Chun, Desai, Fiesta, Ing, and Kelai

A83-558 - MSM & ASSOCIATES, INC.

Arguments to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion for Release From Decision and Order Entered on September 21, 1984 to release 11 conditions for Area IA were heard from Ms. Izu, Ms. Fong, Mr. Okino and Mr. Mitsuda. After

hearing arguments, questions were asked by the public and the Commissioners.

Commissioner Chun moved to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion to Amend Decision and Order Entered on September 21, 1984 to release the 11 conditions comprising of Area IA.

Further discussions were heard regarding Condition No. 5 relating to affordable housing. Petitioner clarified concerns of Commissioner Jarman that the release of Condition No. 5 is not releasing Haseko from its affordable housing obligation for Area IA.

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

Ayes: Commissioner Chun, Catalani, Desai, Fiesta, Ing, Jarman, and Kelai

A lunch recess was taken at 11:30 a.m. to reconvene at 12:45 p.m.

- 12:45 p.m. -

Arguments to consider Haseko (Ewa), Inc.'s and Haseko Homes, Inc.'s Motion to Amend Decision and Order Entered on September 21, 1984 to release Condition Nos. 4, 5 and 8 were heard from Ms. Izu, Ms. Fong, Mr. Okino and Mr. Mitsuda.

Commissioner Chun moved to approve the Petitioner's motion to Amend Decision and Order Entered on September 21, 1984 to release Condition Nos. 4, 5, and 8 from the Decision and Order entered on September 21, 1984. The motion was seconded by Commissioner Ing. Commissioner Jarman amended the motion to replace Condition Nos. 4 and 5 with the Office of Planning's recommended conditions which reads as follows:

4. Petitioner shall coordinate with the Honolulu Board of Water Supply, the Commission on Water Resource Management, the Ewa Plain Water Development Corporation, adjoining landowners and developers, and/or other Federal, State, or County agencies, measures designed to develop water for the Petition Area. Petitioner and other members of the Ewa Plain Water Development Corporation shall develop, at the expense of the Ewa Plain Water Development Corporation,

the necessary water source, storage, and transmission facilities to provide an adequate supply of potable water to the Petition Area prior to the development of the Petition Area.

5. Petitioner shall provide affordable housing opportunities for low, low-moderate, and moderate income residents in the State of Hawaii to the satisfaction of the City and County of Honolulu. The City and County of Honolulu shall consult with the State Housing and Community Development Corporation of Hawaii prior to its approval of the Petitioner's affordable housing plan.

The motion was seconded by Commissioner Fiesta as amended.

Further discussions were heard from Ms. Izu, Ms. Fong and the Commissioners.

The motion was polled as follows:

Ayes: Commissioner Jarman, Catalani, Chun, Desai, Fiesta, Ing, and Kelai

HEARING

A98-726 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

Pursuant to a notice published in the Honolulu Star Bulletin and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by The Trustees Under the Will and of the Estate of James Campbell, Deceased to consider reclassifying approximately 20 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for a commercial shopping center.

Commissioner Ing moved and Commissioner Fiesta seconded to admit the testimonies of the following people into evidence:

1. Representative Paul Oshiro
2. Senator Brian Kanno
3. Ben Kenui Flores

4. Blake D. McElheny
5. Adam C. Borrello
6. Jeff Malate
7. Brandon Rai Mitsuda

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Stacy Uehara, Esq., Attorney for Petitioner

Lloyd Haraguchi, Community Development Manager for
Petitioner

Gary Okino, Planning Department, City and County of Honolulu

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

Scott Derrickson, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

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

PUBLIC WITNESSES

1. Representative Paul Oshiro
2. Adam Borrello

Mr. Kudo presented his Motion for Leave to File Second Amended List of Witnesses and Second Amended List of Exhibits; Exhibits 35, 37, 46, A & B. Having no objections from the parties, Chairman Kelai granted Petitioner's request.

EXHIBITS

1. Petitioner's Exhibit Nos. 1-3, 3A-3C, and 4-46 were admitted into evidence by the Land Use Commission.

2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

3. Office of Planning's Exhibit Nos. 1 through 4 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Lloyd Haraguchi

STATE'S WITNESS

1. Ron Tsuzuki

PETITIONER'S WITNESSES (Continued)

2. Wendy Tolleson-Goodman
3. Phillip Bruner
4. William Wanket

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of October 22, 1998. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

The meeting was adjourned at 3:55 p.m. with the announcement that the Commission will reconvene tomorrow at 8:30 a.m.