

Minutes of Meeting

Approved
6/03/99

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

May 20, 1999

COMMISSIONERS PRESENT: Rupert K. Chun
Pravin Desai (portion of proceedings)
Herbert Kaopua, Sr.
Merle A. K. Kelai
Isaac Fiesta, Jr.
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani
Lawrence N.C. Ing
M. Casey Jarman

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

Holly Hackett, Court Reporter

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

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Fiesta moved to adopt the Order Granting Petitioner's Motion For Order To Release And Discharge Certain Lands From Operation Of Conditions Of Decision And Order Dated May 18, 1995, As Amended By Supplemental Decision And Order Dated June 22, 1998 for Docket No. A93-696 - Kukui'ula Development Company, Inc. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

Commissioner Desai excused himself from the hearing at this time.

ACTION

A99-727 - JOAN BEVERLY S. ASHFORD AND CLINTON R. ASHFORD (Oahu)

Chairperson Kelai announced that this matter before the Commission is an action to consider whether the anticipated

effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 9,350 square feet of land currently in the Conservation District into the Urban District at Kaneohe, Oahu for residential use constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

Clinton R. Ashford, Pro Se for Petitioner

Scott Ezer, for Petitioner

Gary Okino, Department of Planning and Permitting

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

David Blane, Director, Office of Planning

Arguments on the final environmental assessment were heard from Mr. Ashford. The State and County both indicated that they had no objections and found no significant impacts.

After hearing Petitioner's argument, questions were asked by the Commissioners.

Commissioner Chun moved that the anticipated effects discussed in Petitioner's Final Environmental Assessment to reclassify approximately 9,350 square feet of land currently in the Conservation District into the Urban District at Kaneohe, Oahu for residential use does not constitute a "significant effect" pursuant to Chapter 343, H.R.S. The motion was seconded by Commissioner Kaopua and polled as follows:

Ayes: Commissioners Chun, Yukimura, Fiesta, Kaopua and Kelai

A89-643 - McCLEAN HONOKOHAU PROPERTIES, a Hawaii Limited Partnership (HAWAII), INC.

Chairperson Kelai announced that the Commission would be considering Petitioner's Motion for Extension of Time to Substantially Complete Increment I which involved the reclassification of approximately 45.5 acres of land from the Conservation District into the Urban District at Honokohau, North Kona, Hawaii for industrial, commercial, and office uses.

On May 18, 1999, the County of Hawaii Planning Department informed the Commission staff that they will not be attending today's meeting and have no objections to Petitioner's motion.

Appearances

Robert Smolenski, Esq., for Petitioner

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

David Blane, Director, Office of Planning

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

Arguments on the Motion for Extension of Time to Substantially Complete Increment I was heard from Mr. Smolenski.

Ms. Ogata-Deal had nothing further to add the Office of Planning's testimony in support of the petition.

Commissioner Fiesta moved to accept Petitioner's Motion for Extension of Time to Substantially Complete Increment I. The motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioners Fiesta, Yukimura, Chun, Kaopua and Kelai

HEARING

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

Pursuant to a notice published in the Hawaii State & County Public Notices of MidWeek and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Housing and Community Development Corporation of Hawaii, State of Hawaii to consider reclassifying approximately 1,300 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for residential, commercial, sports complex, school site, park and open space uses.

Commissioner Kaopua moved and Commissioner Fiesta seconded to admit the following correspondence into evidence:

1. Memorandum dated April 19, 1999 from Edwin T. Sakoda, Commission on Water Resource Management.
2. Letter dated April 20, 1999 from Don Hibbard, State Historic Preservation Division.
3. Letter dated May 7, 1999 from Stanford B.C. Yuen, P.E., Department of the Navy.

Commissioner Chun moved and Commissioner Kaopua seconded to accept and admit into evidence the late filing of the Office of Planning's Second Amended List of Exhibits, Office of Planning's Exhibit No. 6 and Haseko (Ewa), Inc.'s Errata to Testimony of Daniel S.C. Hong.

Appearances

John Wong, Esq., Attorney for Petitioner

Yvonne Izu, Esq., Attorney for Intervenor

Jane Howell, Esq., Corporation Counsel, City and County of Honolulu

Gary Okino, Department of Planning and Permitting

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

David Blane, Director, Office of Planning

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

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 5, 5A, 5B, 5C, 6 through 12, 12A, 13, 13A, 14 through 43 were admitted into evidence by the Land Use Commission.

2. County's Exhibit Nos. 1 through 11 were admitted into evidence by the Land Use Commission.

3. Office of Planning's Exhibit Nos. 1, 1a, 2 through 6 were admitted into evidence by the Land Use Commission.

4. Intervenor's Exhibit Nos. 1 through 7, 7.1 through 7.5, 8, 8.1 through 8.9, 9 through 11 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Donald Lau

(Petitioner referenced a color version of the Kapolei Area Long Range Master Plan which was introduced and entered into evidence as Petitioner's Exhibit No. 44.)

2. Allan Ah San

3. David Hulse

(Petitioner referenced an aerial photo of the petition area which was introduced and entered into evidence as Petitioner's Exhibit No. 45.)

A lunch recess was taken at 11:50 a.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

PETITIONER'S WITNESSES (cont'd.)

4. Dr. Michael Sklarz

5. Dr. John Kirkpatrick

(Petitioner referenced Figure 6 of Exhibit 8 of the FEIS as Exhibit 46 for identification. Since it was already entered into evidence as Exhibit 8, Petitioner withdrew Exhibit 46.)

6. Steven Wong

(Petitioner referenced the Sports Recreational Complex Architectural Site Plan which was introduced and entered into evidence as Petitioner's Exhibit No 47.)

7. Alan Sanborn

8. James Yamamoto

(Petitioner referenced an aerial photo which was introduced and entered into evidence as Petitioner's Exhibit No. 48.)

9. Ronald Tsuzuki
10. Julian Ng
11. Bruce Plasch
12. Barry Neal
13. Thao Nguyen
14. Dan Lum
15. Winona Char
16. Yukie Ohashi

(Petitioner referenced photos of the Abutilon Menziesii which was introduced and entered into evidence as Petitioner's Exhibits 49a and 49b.)

COUNTY'S WITNESS

1. Marvin Fukagawa

The meeting was adjourned at 4:30 p.m. with the announcement that the Commission will reconvene tomorrow at 9:00 a.m.