

LAND USE COMMISSION

Minutes of Meeting

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

July 31, 1997

COMMISSIONERS PRESENT:

Casey Jarman
JoAnn Mattson
Merle A.K. Kelai
P. Roy Catalani
Isaac Fiesta, Jr.
Peter Yukimura

*Approved
8/27/97*

COMMISSIONERS ABSENT:

Rupert K. Chun
Herbert Kaopua, Sr.
Lawrence N.C. Ing

STAFF PRESENT:

Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Jarman called the meeting to order.

ACTION

A88-624 - THE LUSK CO. (Oahu)

Presiding Officer Jarman announced that the Commission would take action to consider Petitioner's Motion for Order to Release and Delete Conditions Set Forth in the Findings of Fact, Conclusions of Law and Decision and Order dated April 24, 1989 which reclassified approximately 26.445 acres of land from the Conservation District into the Urban District at Waiau, Ewa, Oahu for a residential development.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Frances Mossman, 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

Mr. Funaki, Attorney for Petitioner, requested a continuance on this matter at this time. There were no objections from the parties.

Commissioner Kelai moved to grant Petitioner's request for a continuance. The motion was seconded by Commissioner Mattson and unanimously carried by show of hands.

A87-612 - GROVE FARM PROPERTIES (Kauai)

Presiding Officer Jarman announced that the Commission would take action to consider Petitioner's Amended Motion to Release, Discharge and Delete All Conditions Imposed on Certain Lands Made a Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated December 28, 1987 which reclassified approximately 60 acres of land from the Agricultural District into the Urban District at Puhi, Lihue, Kauai for a light industrial subdivision.

Appearances

Stacey Foy, Esq., Attorney for Petitioner

Michael Furukawa, for Petitioner

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

Abe Mitsuda, Land Use Division, Office of Planning

On June 23, 1997, the Commission received County of Kauai's Statement of No Opposition to Grove Farm Properties, Inc. Motion to Release, Discharge and Delete All Conditions Imposed on Certain Lands Made a Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated December 28, 1997. The County of Kauai also informed the Commission that they would not be present at the meeting today.

Commissioners Yukimura and Commissioner P. Roy Catalani disclosed potential conflicts of interest at this time. There were no objections by the parties to have Commissioners Yukimura and Catalani participate in this proceeding.

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

Arguments on the motion were heard from Ms. Foy and Ms. Ogata-Deal.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Kelai moved to grant Petitioner's Motion to Release, Discharge and Delete All Conditions Imposed on Certain Lands Made a Part of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated December 28, 1997. The motion was seconded by Commissioner Yukimura and unanimously carried by voice votes.

A88-628 - FINANCE REALTY, LTD. (Oahu)

Presiding Officer Jarman announced that the Commission would take action to consider Petitioner's Motion for Third Amendment to Findings of Fact, Conclusions of Law, and Decision and Order filed on November 20, 1989 which reclassified approximately 60 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for single family residential use.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Robert Miyasato, For Petitioner

Frances Mossman, 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

Leo Asuncion, Jr., staff planner, oriented the Commission as to the area of the motion on the Land Use District boundaries and tax maps.

Arguments on the motion were heard from Mr. Maehara, Ms. Mossman, and Ms. Ogata-Deal.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Mattson moved to grant Petitioner's Motion for Third Amendment to Findings of Fact, Conclusions of Law, and Decision and Order filed on November 20, 1989. The motion was seconded by Commissioner Fiesta and unanimously carried by show of hands.

A76-418 - MOANA CORPORATION (Kauai)

Presiding Officer Jarman announced that the Commission would take action to consider Petitioners', First Hawaiian Bank and Sports Shinko (Kauai) Co., Ltd. Motions to Dismiss Land Use Commission's Order to Show Cause.

Appearances

Roy Vitousek, III, Esq., Attorney for First Hawaiian Bank

Alan Zawtocky, First Hawaiian Bank

D. Scott MacKinnon, Esq., Attorney for Sports Shinko (Kauai) Co., Ltd.

Gary Slovin, Esq., Attorney for KVH and CGB

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

Abe Mitsuda, Land Use Division, Office of Planning

Commissioner Catalani declared a conflict of interest and excused himself from participating in this proceeding.

Arguments were heard from Mr. Vitousek, Mr. MacKinnon, Mr. Slovin, and Ms. Ogata-Deal.

Commissioner Kelai moved to grant Petitioners' Motion to Dismiss Land Use Commission's Order to Show Cause. The motion was seconded by Commissioner Mattson and polled as follows:

Ayes: Commissioners Kelai, Mattson, Yukimura, Fiesta, and Jarman

OFFICE OF PLANNING PRESENTATION

Appearances

Richard Egged, Jr., Director, Office of Planning

Mary Lou Kobayashi, Office of Planning

A presentation on the Office of Planning's efforts on Land Use Reform was heard from Mr. Richard Egged, Jr.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Kelai moved to approve the minutes for the following meeting date: July 17, 1997. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Mattson moved to adopt the Decision and Order for SP97-391 - DAGS (Hawaii). The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

Commissioner Kelai moved to adopt the Decision and Order for A76-418 - Moana (Kauai). The motion was seconded by Commissioner Mattson and approved by five votes.

Commissioner Kelai moved to adopt the Decision and Order for SP77-271 - Ameron H C & D (Maui) (3rd Amendment). The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

Commissioner Mattson moved to go into executive session to discuss status of litigation matters and to hear a presentation by the Commission's Deputy Attorney General on the Sunshine Law. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

The meeting was adjourned at 11:40 a.m.