

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

January 17, 1984 - 9:00 a.m.

Approved

4/24/84

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Shinsei Miyasato
Winona Rubin
Robert Tamaye
Frederick Whittemore
Teofilo Tacbian

COMMISSIONER ABSENT: Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer
Benjamin Matsubara, Legal Counsel
Raymond Young, Planner
Dora Horikawa, Chief Clerk

Julie Sorenson, Court Reporter

ACTION

A83-561 - RICHFIELD OF HAWAII, INC.

It was announced by Chairman Yuen that the first item on the agenda was a determination by the Commission of whether the anticipated effects discussed in the environmental assessment filed by Richfield of Hawaii, Inc. constituted a "significant effect" pursuant to Chapter 343, Hawaii Revised Statutes.

Mr. Gordan Furutani, Executive Officer, oriented the Commission to the property under discussion.

Petitioner's representative, Mr. George Kaya, was called to the witness stand for examination.

George Kaya - Petitioner's representative

Examination by Commissioner Chun-----8 to 10

Upon motion by Commissioner Chun, seconded by Vice Chairman Choy, the Commission went into executive session to consult with its legal counsel at 9:21 a.m.

9:35 a.m.

Chairman Yuen advised Mr. Kaya that, based on the report on file, the Commission was unable to declare a negative assessment. It was suggested that petitioner withdraw the present report and refile another report covering an archaeological analysis of the property and the impact on the flora and fauna of the area, within 30 days.

DR83-9 - DOUGLAS MELLER (Declaratory Ruling)

It was moved by Vice Chairman Choy, seconded by Commissioner Rubin, to defer action on DR83-9, Douglas Meller. The motion was unanimously carried by voice vote.

SP83-358 - C. EARL STONER, JR. on Behalf of S. & F LAND COMPANY

Mr. Furutani presented background information pursuant to the subject special permit request. He also pointed out the area on the USGS and tax maps.

Commissioner Chun moved to approve SP83-358, C. Earl Stoner, Jr., et al, to allow the operation of a baseyard for the storage of construction equipment and material, the fabrication of large construction material items, and the storage of containerized household and freight goods on approximately 19.90 acres of land situated within the State Land Use Agricultural District at Puunene, Wailuku, Maui. It was seconded by Commissioner Whittemore.

Commissioner Chun agreed with Commissioner Rubin's understanding that his motion to approve the special permit included the conditions imposed by the Maui Planning Commission.

The motion was carried by voice vote.

SP77-265 - GEOTHERMAL EXPLORATION & DEVELOPMENT CORPORATION
SP80-347 - " " " "

Staff planner, Raymond Young, briefed the Commission on the requests for time extensions and modification of conditions relating to the drilling of the geothermal exploratory wells. He also responded to questions which were raised by Commission members.

The Commission went into executive session from 9:54 a.m. to 10:01 a.m., upon motion by Commissioner Rubin, seconded by Commissioner Chun.

10:01 a.m.

Chairman Yuen announced that the Commission had consulted with its Deputy Attorney General with respect to the consolidated requests by the petitioner.

Commissioner Chun moved to approve SP77-265, Geothermal Exploration & Development Corporation's request for a time extension and modification of conditions relating to the drilling of five geothermal exploratory wells on approximately 180.475 acres of land situated within the State Land Use Agricultural District at Opihikao, Puna, Hawaii; and SP80-347, Geothermal Exploration & Development Corporation's request for a time extension and modification of conditions relating to the drilling of 8 geothermal exploratory wells on approximately 118.180 acres of land situated within the State Land Use Agricultural District at Laepaoo, Puna, Hawaii; subject to the condition that the petitioner indemnify the Land Use Commission and Commissioners and hold them harmless, pursuant to an agreement satisfactory to the Land Use Commission's counsel.

It was seconded by Vice Chairman Choy.

Chairman Yuen declared that he would like the record to reflect that the petitioner indemnify the Commission as to the existing lawsuit and to any future litigation that might arise from the Commission's approval of these petitions.

It was also agreed that the 20 conditions imposed by the Hawaii County Planning Commission would apply to the Land Use Commission's approval.

The motion was unanimously approved by voice vote.

A83-559 - WALTER FILIPEK

It was announced by the Chairman that the next item concerned the acceptability of the Environmental Impact Statement of the petition by Walter Filipek to reclassify approximately 15.8 acres of land from the Conservation District into the Urban District at Kapalaoa, North Kona, Hawaii for a multi-family residential development.

Mr. Arnold Abe, attorney representing the petitioner, was called forward for examination by the Commission.

Arnold Abe - Petitioner's representative

Examination by Commissioner Rubin-----22 to 25

Commissioner Chun moved to accept Walter Filipek's Environmental Impact Statement. It was seconded by Commissioner Whittemore and unanimously carried.

HEARING

A83-558 - MSM & ASSOCIATES, INC.

Pursuant to a notice published in the Honolulu Star Bulletin on December 9, 1983 and copies sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by MSM & Associates, Inc. to reclassify approximately 181 acres of land currently in the Agricultural District into the Urban District at Oneula, Ewa, Oahu for a marina, residential and commercial development.

Appearances

Harry S. Y. Kim, Attorney representing the petitioner

Steven Lim, Deputy Corporation Counsel, representing the City Department of General Planning

Annette Chock, Deputy Attorney General, representing the Department of Planning & Economic Development

Exhibits

Petitioner's exhibits A through L were identified and admitted into evidence.

County's exhibit 1 was moved into evidence.

State's exhibits 1 and 2 were identified and admitted.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Public Witnesses

Lt. Commander Bruce Arnold - Assistant Operations Officer, Naval Air Station, Barbers Point

Oral testimony-----33 to 34

Lt. Commander Arnold (cont.)

Cross examination by Mr. Kim-----34 to 35
 Cross examination by Mr. Lim-----35 to 36
 Cross examination by Miss Chock-----36 to 39
 Examination by Commissioner Tacbian-----39 to 42
 Examination by Commissioner Rubin-----42 to 45
 Examination by Vice Chairman Choy-----45 to 46
 Examination by Chairman Yuen-----46 to 49
 Reexamination by Commissioner Rubin-----49
 Reexamination by Chairman Yuen-----50 to 52

Harry Ching - Advisory Chairman, Coalition of Homeowners and
Businessmen of Ewa Beach

Oral testimony-----54 to 55
 Cross examination by Mr. Kim-----55 to 58
 Cross examination by Mr. Lim-----58 to 61
 Cross examination by Miss Chock-----61 to 63
 Examination by Vice Chairman Choy-----63

Charles Dick Beamer - President, Ewa Beach Community Association

Oral testimony-----64 to 66
 Cross examination by Mr. Kim-----66
 Cross examination by Mr. Lim-----66 to 68
 Cross examination by Miss Chock-----68 to 71
 Recross examination by Mr. Kim-----72

The Commission was in recess from 11:45 a.m. to 1:41 p.m.

PETITIONER

As background information, Mr. Kim briefed the Commission on the petition which had been filed and granted approval by the Commission in 1981, and which decision was reversed by the court in 1982 on an appeal by the state and the county. He elaborated on the grounds upon which the judge had based his decision.

Chairman Yuen reminded Mr. Kim that it was incumbent upon him to qualify Mr. Tagawa as an expert in the various aspects of the development plan on which he will be testifying, to the satisfaction of all the parties concerned.

Voir Dire examination of Walter K. Tagawa

By Mr. Kim-----79 to 83

Both Mr. Lim and Miss Chock reserved their rights to request experts to answer questions on issues which they felt required expert testimony.

Chairman Yuen ruled that Mr. Tagawa may testify as an expert in the areas of architecture and planning. However, based on his foregoing testimony, his experience and expertise did not provide sufficient basis to qualify him as an expert in other areas. Therefore, he cautioned counsel that he will have to fulfill whatever burden was deemed appropriate in the relevant areas of concern before the Land Use Commission.

Walter K. Tagawa - Architect, President of MSM Associates
President of GACI, Inc.

Oral testimony-----88 to 96

Direct examination by Mr. Kim-----97 to 103

Examination by various Commission members-----103 to 105

Cross examination by Mr. Lim-----106

Andrew L. Gram - Civil Engineer, Moffatt and Nichol

Direct examination by Mr. Kim-----107 to 117

Cross examination by Mr. Lim-----117 to 120

Cross examination by Miss Chock-----120 to 126

Examination by Commissioner Tacbian-----127 to 128

Examination by Commissioner Rubin-----128 to 131

The Commission took a short recess at 3:40 p.m., at which time Chairman Yuen excused himself due to a prior commitment. The hearing was resumed at 3:45 p.m. chaired by Vice Chairman Choy.

3:45 p.m.

Walter K. Tagawa (cont.)

Redirect examination by Mr. Kim-----133 to 142

Examination by Commissioner Whittemore-----142 to 143

Redirect examination by Mr. Kim(cont.)-----143 to 145

Cross examination by Mr. Lim-----145 to 154

The hearing was adjourned at 4:30 p.m., to be continued tomorrow at 8:30 a.m.