

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 B
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

*Approved
7/30/84*

March 7, 1984 - 9:00 a.m.

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

COMMISSIONER ABSENT: Shinsei Miyasato

STAFF PRESENT: Gordan Furutani, Executive Officer
Raymond Young, Planner
Benjamin Matsubara, Special Counsel

ACTION

SP79-340 - LIHUE PLANTATION CO., LTD.

Chairman Yuen announced that the first item on the agenda today was an application by Lihue Plantation Co., Ltd. for a 5-year extension to continue sand mining on 26 acres of land in the Agricultural District at Kealia, Kawaihau, Kauai.

Mr. Raymond Young, staff planner, summarized the staff memo prepared relevant to the subject request.

Mr. Bert Hattan, representing the petitioner, respectfully requested that the sandmining operation be extended until the project is completed rather than limiting it to a 5-year period. He submitted that this was the recommendation from the County Planning Commission.

Commissioner Rubin noted that in the communication from the County Planning Commission to the Land Use Commission dated February 9, 1984, it had been indicated that the recommendation was for approval of the extension until completion of the project.

It was moved by Commissioner Tacbian, seconded by Commissioner Rubin, to approve the extension request for the duration of the sand-mining project, subject to the conditions imposed by the Kauai Planning Commission. The motion was unanimously carried.

A83-561 - RICHFIELD OF HAWAII, INC.

It was recalled that the matter of determining whether the anticipated effects discussed in the Environmental Assessment filed by Richfield of Hawaii constituted a significant effect, pursuant to Chapter 343 of the Hawaii Revised Statutes, had been deferred during the last meeting for the purpose of receiving additional information. Subsequently, the additional information requested by the Commission had been filed by the petitioner.

Commissioner Chun moved to declare that there was no significant effect on the environment, which was seconded by Commissioner Tamaye.

Commissioner Rubin registered her disappointment at the sparsity of the information relating to the archaeological/historic survey portion of the report provided by the petitioner.

The motion for a negative declaration was unanimously carried.

A83-551 - OCEANIC PROPERTIES, INC.

In the matter of the petition by Oceanic Properties, Inc., hearings had been conducted by the Commission on September 21 and 22, 1983, October 4, 1983 and December 1, 1983.

Appearances

James Funaki, Attorney representing the petitioner

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

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

Samuel Lee, Chairman of the Mililani Neighborhood Board, Intervenor

Chairman Yuen determined that all of the Commissioners present today were qualified to act on the request, either by

virtue of having attended all of the proceedings or by having reviewed the transcripts of the proceedings.

The closing arguments and discussion are noted in the transcript on the pages noted.

Closing Arguments

By Mr. Funaki-----15 to 23

By Mr. Lim-----23 to 29

By Miss Chock-----29 to 35

By Mr. Lee-----35 to 39

Rebuttal by Mr. Funaki-----40 to 41

Upon motion by Vice Chairman Choy, seconded by Commissioner Tacbian, the Commission went into executive session to consult with special attorney Benjamin Matsubara.

Chairman Yuen called for a motion from the floor relevant to the subject petition.

Commissioner Whittemore moved to approve A83-551, Oceanic Properties, Inc. to reclassify approximately 120 acres of land within Phase I of the petitioner's development plan, more particularly identified as Tax Map Key 9-5-03, portion of 11, and illustrated in Exhibit A and incorporated by reference as situated at Mililani, Oahu, Hawaii, shall be and the same is hereby reclassified from Agricultural to Urban classification and the district boundaries amended accordingly.

It is further moved that the land within Phase 2 of the petitioner's development plan comprising approximately 136 acres, more particularly identified as Tax Map Key 9-5-02, portion of 11, and illustrated in Exhibit A and incorporated by reference as situated at Mililani, Oahu, Hawaii, shall be and the same is hereby approved for incremental development, pursuant to State Land Use District Regulations 6-2, and that redistricting from the Agricultural to the Urban classification will be granted upon receipt of an application by the petitioner for redistricting of this second phase and a prima facie showing that the petitioner has made substantial completion of the off-site and on-site improvements within Phase 1 and in accordance with the petitioner's development plan.

It is further moved that the reclassification of the incremental districting of the subject property shall be subject to the following conditions:

- A. The petitioner shall develop the subject property as an industrial park for high technology users--"high technology" means emerging industries which are technologically intensive, including but not limited to electronics and biotechnology;
- B. The petitioner shall develop a management plan for the high technology park. The management shall include provisions for the promotion of the park as well as for overall management responsibility by an ongoing management entity;
- C. The petitioner shall cause 142 acres of former Oahu Sugar, Limited cane fields, as outlined in the Exhibit B which is also attached hereto, to be placed in pineapple at Wahiawa, Oahu, by Dole Company to replace a substantial part of the pineapple production lost from the removal of the subject property from pineapple cultivation;
- D. The petitioner shall make needed off-site roadway and traffic improvements as may be required by the State Department of Transportation at the petitioner's expense.
- E. The petitioner shall obtain a water development permit from the State of Hawaii Board of Land and Natural Resources to withdraw adequate water for the project from the Pearl Harbor Ground Water Control Basin;
- F. The petitioner shall submit annual progress reports to the Land Use Commission, the Department of Planning and Economic Development, the High Technology Development Corporation, and the City Department of General Planning as to its progress in satisfying the above conditions and in the general status of development of the project;
- G. These conditions may be fully or partially released by the Land Use Commission as to all or any portion of the subject properties upon timely motion and the provision of adequate assurance of satisfaction of these conditions by the petitioner.

The motion was seconded by Commissioner Cuskaden. During the ensuing discussion, the Commissioners elaborated on their reasons for supporting the petition and were polled as follows:

Ayes: Commissioners Chun, Tacbian, Rubin, Whittemore, Cuskaden, Tamaye, Choy, Chairman Yuen.

The motion was unanimously carried.

A83-556 - HONOLII PARTNERS

In the matter of the petition by Honolii Partners, Docket A83-556, to reclassify approximately 8.7 acres of land from the Agricultural and Conservation Districts into the Urban District at Paukaa, South Hilo, Hawaii, a hearing had been conducted by Hearing Officer Benjamin Matsubara on January 20, 1984.

Following a comprehensive report by Mr. Matsubara of the evidence adduced at the hearing, he advised that the County of Hawaii and DPED had recommended approval of the reclassification. He also responded to questions which were posed by Commission members regarding the makeup of the partnership, whether any specific use was proposed for the lands in the Conservation District, the public accessibility to the shoreline, etc.

It was moved by Commissioner Tamaye to approve Docket A83-556, Honolii Partners, to reclassify approximately 8.7 acres of land from the Agricultural and Conservation Districts into the Urban District at Paukaa, South Hilo, Hawaii. The motion was seconded by Commissioner Tachian and carried unanimously with the following votes:

Ayes: Commissioners Rubin, Choy, Cuskaden, Whittemore, Tachian, Tamaye, Chun, Chairman Yuen

CONTINUED HEARING

A83-558 - MSM & ASSOCIATES, INC.

Previous hearings were held on the subject petition by the Commission on January 17 and 18, 1984, February 1, 1984.

Appearances

Harry Kim, Attorney representing the petitioner

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

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

Exhibits

Petitioner's exhibits V through Z, AA, BB, CC were identified and moved into evidence.

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

PETITIONER (cont.)

Paul Wuesthoff - Architect, Pearson & Wuesthoff

Direct examination by Mr. Kim-----63 to 72
 Cross examination by Mr. Lim-----72
 Cross examination by Miss Chock-----72 to 74
 Examination by Commissioner Cuskaden-----74 to 76
 Examination by Commissioner Tachian-----76
 Examination by Commissioner Rubin-----76 to 78
 Examination by Commissioner Chun-----78 to 79

William H. Whitney - Principal and Co-owner, Williams, Kuebelbeck & Associates (real estate economic consulting firm)

Direct examination by Mr. Kim-----80 to 93
 Cross examination by Mr. Lim-----93 to 96
 Cross examination by Miss Chock-----96 to 104
 A lunch recess was called by the Chairman.

William H. Whitney (cont.)

Examination by Commissioner Cuskaden-----105 to 112
 Examination by Commissioner Chun-----112 to 114
 Examination by Vice Chairman Choy-----114 to 116
 Examination by Commissioner Rubin-----116 to 122
 Examination by Commissioner Cuskaden-----123 to 125
 Examination by Chairman Yuen-----125 to 126

Tyrone Kusao

Direct examination by Mr. Kim-----127 to 129

Examination by Commissioner Cuskaden-----129 to 130

Chairman Yuen recalled that the County's presentation had been concluded at a previous hearing.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto, Head, Land Use Division, DPED

Direct examination by Miss Chock-----131 to 138

Cross examination by Mr. Kim-----138 to 145

Cross examination by Mr. Lim-----145 to 147

Examination by Commissioner Cuskaden-----147 to 148

Examination by Commissioner Chun-----148 to 149

Examination by Commissioner Rubin-----149 to 150

Examination by Vice Chairman Choy-----150

Examination by Chairman Yuen-----150 to 151

At the conclusion of the hearing, Chairman Yuen announced post-hearing requirements regarding the filing of proposed findings of fact, conclusions of law and order by all of the parties.

The hearing was closed at 4:05 p.m.