

STATE OF HAWAII
LAND USE COMMISSION

approved 3/11/86

Minutes of Meeting

Meeting Room
Kalanimoku Building
Conference Rooms 322 A & B
1151 Punchbowl Street
Honolulu, Hawaii

January 15, 1986 - 9:00 a.m.

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

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Planner
Darlene Kinoshita, Chief Clerk
Annette Chock, Deputy A.G.

Walter Smith, Court Reporter

ACTION

Chairman Tacbian called the meeting to order.

A85-596 - Mike Resnick, et al., Inc. (Maui)

In the matter of the petition of Mike Resnick, et al., Inc. (Maui) to reclassify approximately 4.198 acres of land currently in the Agricultural District into the Urban District at Kahana, Maui. A hearing had been conducted by the Hearing Officer on November 22, 1985.

Following a report of the findings presented at the hearing, it was Mr. Matsubara's recommendation that the petition be approved.

After questioning of Mr. Matsubara by Commissioner Yuen, Commissioner Cuskaden moved to go into executive session to get a legal opinion from counsel in regards to the

application of Act 230 to the Land Use Commission proceedings. It was seconded by Commissioner Chun.

Commissioner Cuskaden moved for approval of Petition No. A85-596, Mike Resnick, et al., Inc. (Maui), to reclassify approximately 4.198 acres of land currently in the Agricultural District into the Urban District at Kahana, Maui, Hawaii for a commercial shopping center and business office. It was seconded by Commissioner Suzuki and polled as follows:

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

Nays: Commissioner Yuen. Commissioner Yuen expressed to the Commission that he will be filing a dissenting statement.

Commissioner Yuen moved to go into executive session to consult with our Deputy Attorney General for further clarification of the advice given previously on Act 230. It was seconded by Commission Cuskaden.

A85-595 - Kuilima Development Company

In the matter of the petition by Kuilima Development Company to reclassify approximately 236 acres of land currently in the Agricultural District into the Urban District at Kahuku, Oahu. A hearing had been conducted by the Land Use Commission on October 16, 1985.

Appearances

Jan Sullivan, Esq. and Roy Takeyama, Esq. - Attorneys representing the Petitioner

Diane Kawauchi - Representing the Corporation Counsel
Betsy Marcinkus - Representing the Dept. of General Planning.

Everett Kaneshige - Deputy Attorney General for DPED
Nancy Kilonski - Planner for Land Use Division, DPED

It was determined by Chairman Tacbian that all of the Commissioners present today were eligible to participate in the action of the petition.

Closing arguments were heard from Jan Sullivan, Diane Kawauchi, and Everett Kaneshige. After hearing arguments, examinations by Commissioners were held.

Commissioner Whittemore moved for approval of Docket No. A85-595, Kuilima Development Company to reclassify approximately 236 acres situated in Kahuku, Koolauloa, Oahu, from the Agricultural District to the Urban District subject to the following conditions:

1. The Petitioner shall develop four full service hotels on lands outside of the property, as designated in Petitioner's Master Plan, for the Kuilima Resort in order to insure employment opportunities for North Shore residents.

2. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and employees, employed at the Kuilima Resort by constructing and offering for sale or rent on a preferential basis on its own, or in cooperation with either or both the Hawaii Housing Authority, and the City and County of Honolulu, within or without the property, a number of residential units not less than 10 percent of the number of the resort condominium residential units to be developed on the properties, to residents of Hawaii and employees employed at the Kuilima Resort of low and moderate income, as determined by the Hawaii Housing Authority, or the City and County of Honolulu, from time to time, or by contributing to the development of such housing without the property.

The preferential residential units shall be offered for sale or rent at prices not exceeding prices that enable such purchases or including bargaining unit employees of the Petitioner, or of the full service hotels at Kuilima Resort to qualify for and obtain state assisted financing, i.e., Act 105 or Hula Mae or Federally insured or assisted financing, i.e., FHA Section 245 program intended to encourage homeownership by low and moderate income families.

3. Petitioner shall fund the design and construction of improvements to Kamehameha Hwy. for the Kuilima expansion area as required by the State Department of Transportation, including fully channelized intersections at Marconi Road, Kuilima Drive, and West Kuilima Drive.

Petitioner shall also assist the State Department of Transportation in its attempt to acquire a 50 foot right-of-way for widening Kamehameha Hwy. parallel to the boundary of the Kuilima Resort Expansion.

4. Petitioner shall develop additional water sources and related infrastructure to accommodate demand of the Kuilima Resort Expansion.

5. Petitioner shall assist the U.S. Fish and Wildlife Service and the Department of Land and Natural Resources in their activities to improve Punahoolapa Marsh.

6. Petitioner shall take such measures as required by the State Historic Preservation Office, who was to protect archaeological sites F4-14 and T-1 from further disturbance, and to monitor construction activities.

Should any archaeological resources be discovered during the project's development, the Petitioner shall comply with directives of the State Historic Preservation Office.

7. Petitioner shall dedicate to the City and County of Honolulu or the State of Hawaii an exclusive easement in favor of the public access and non-exclusive easement in favor of the public for access and recreation purpose to the Kam Hwy., and along the shoreline of the proposed Kuilima Resort expansion, and shall dedicate approximately 10 acres for the County park purposes, and shall provide free public access in parking for parks and rights-of-way to the shoreline in order to take into consideration any existing structures.

8. The Petitioner shall develop and operate a private sewer treatment plant and related infrastructure to accommodate the sewage demand of the Kuilima Resort Expansion.

9. Petitioner shall establish a monitoring program of the coastal resource conditions at the east and west drains, and their effects upon offshore waters and marine ecosystems in conjunction with and under the direction of DL&NR.

The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commissioner Cuskaden.

Commissioner Chun moved to amend condition number one, to delete the number 4 in front of the full service hotels, so the condition will read, that the developer will have full service hotels and not specify the number.

The motion was seconded by Commissioner Rubin.

The motion to amend condition number one was passed by a show of hands, seven to two.

Commissioner Chun also moved to amend condition Number 7 and substitute in its place DPED's proposed condition, "The Petitioner shall insure free public access and parking for parks and rights-of-way to the shoreline. Continuous pedestrian access along the shoreline of the proposed Kuilima Resort Expansion shall also be assured by the Petitioner and that ten acres be dedicated for park purposes."

The motion was seconded by Commissioner Choy.

The motion to amend condition Number 7 as proposed was passed by a show of hands, six to three.

The motion to approve the petition with nine conditions as amended was unanimously approved as follows:

Ayes: Commissioner Cuskaden, Whittemore, Tamaye, Yuen, Choy, Rubin, Chun, Suzuki, and Chairman Tacbian.

MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

October 16, 1985, October 17, 1985, November 5, 1985,
November 22, 1985, and December 10, 1985

Adoption of Decision and Orders

The following Commission's Decisions and Orders were
adopted:

Docket No. A85-594 - Amfac Property Development Corp.
Docket No. A79-461 - Kamehameha Development Corp.

The meeting was adjourned at 12:19 p.m.