

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

*Approved
2/1/87*

January 27, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick Whittemore, Vice-Chairman
William Yuen (Portion of Proceedings)
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun (Portion of Proceedings)

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer
Benjamin Matsubara, Special Deputy
Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Wendy Munekata, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A86-608 - GROVE FARM LAND CORPORATION (KAUAI)

In the matter of the Petition of Grove Farm Land Corporation to reclassify approximately 54 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai, Hawaii for commercial establishments. A hearing had been conducted by Hearing Officer, Benjamin Matsubara, on November 25, 1986.

Commissioner Yuen did not participate in this proceeding due to a previously declared conflict of interest.

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

Following questions of Mr. Matsubara and parties, Commissioner Whittemore moved for approval of Petition No. A86-608, Grove Farm Land Corporation to reclassify approximately 54 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai, Hawaii for commercial establishments subject to the following conditions:

1. The Petitioner shall comply with the regulations of the State Department of Health and other appropriate agencies in the utilization of Petitioner's sewage treatment facility proposed to service the Property.

2. The Petitioner shall fund the design and construction of highway improvements for access to the Property and other improvements to that portion of Kaumualii Highway fronting the Property as may be required by the State Department of Transportation.

3. The Petitioner shall provide notification to the future lessees or occupants of the odor, noise, and dust pollution resulting from the surrounding agricultural operations.

4. In the event that any previously unidentified sites or remains such as artifacts, shells, bones, charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered on the Property, the Petitioner shall stop work and contact the Department Land and Natural Resources Historic Sites Section upon the discovery of the same.

It was seconded by Commissioner Tamaye and polled as follows:

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

The motion was unanimously carried.

CONTINUED HEARING

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

The present matter before the Commission is a

continuation of the hearing which had begun on December 2, 1986.

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel, representing the Department of General Planning, City and County of Honolulu

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Howard Murai, Project Manager, Department of Housing and Community Development, City and County of Honolulu

Everett Kaneshige, Esq., Deputy Attorney General, Department of Planning and Economic Development

Abe Mitsuda, Land Use Division, Department of Planning and Economic Development

Jean Nishida, Land Use Division, Department of Planning and Economic Development

Martin Wolff, Esq, Attorney representing Hawaii Thousand Friends.

EXHIBITS

Petitioner's Exhibit 1 through 53 were admitted into evidence.

State's Exhibit 1 through 13 were admitted into evidence.

Staff Planner, Raymond Young, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

PETITIONER'S WITNESSES

1. Jeremy Harris

A lunch recess was taken at 11:57 a.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

Commissioner Yuen and Commissioner Chun were not present for the rest of the proceedings.

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ACTION

AR&R86-8 - LAND USE COMMISSION'S AMENDMENT TO RULES AND REGULATIONS

Commissioner Whittemore moved to adopt the 359G Amendment recommended by hearing officer, Benjamin Matsubara's report. It was seconded by Commissioner Tamaye and unanimously approved by voice votes.

CONTINUED HEARING

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

At this time Mr. Harris was cross-examined by Mr. Wolff and the Commissioners.

2. Donald Clegg

Chairman Tacbian continued the hearing until January 28, 1987 at 9:00 a.m. The hearing was adjourned at 4:00 p.m.