

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
11/5/86

Minutes of Meeting

Conference Room 314  
State Capitol  
Honolulu, Hawaii  
October 17, 1985 - 9:25 a.m.

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

COMMISSIONERS ABSENT: Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer  
Ray Young, Planner  
Teri Oki, Acting Chief Clerk  
Benjamin Matsubara, Special Counsel  
Wendy Munekata, Court Reporter

ACTION

A85-597 - KAUPULEHU DEVELOPMENT

Chairman Tacbian announced that the Commission will act to determine whether the anticipated effects discussed in Kaupulehu Developments' Environmental Assessment for its petition to reclassify approximately 123 acres of land currently in the Urban District into the Conservation District and 575 acres of land currently in the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii, for two golf courses and related facilities constitutes a significant effect pursuant to Chapter 343, Hawaii Revised Statutes.

Commissioner Yuen moved that the Commission find that the proposed petition constitutes a significant effect on the environment, and therefore, the Commission requires the petition to prepare an environmental impact statement in compliance with Chapter 343. The motion was seconded by Commissioner Rubin and carried with the following votes.

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

A84-587 - 214142 HOLDINGS, LTD.

Appearances

Kazuhisa Abe, attorney representing the petitioner  
Walter Filipek, President of 214142 Holdings, Ltd.  
Malcolm Lennie, officer of 214142 Holdings, Ltd.

Everett Kaneshige, Deputy Attorney General - representing DPED

Closing Arguments

By Mr. Abe-----6 to 12

By Mr. Kaneshige-----13 to 17

Examination by Commissioner Choy-----17

Rebuttal

By Mr. Abe-----17 to 18

Commissioner Tamaye moved to approve docket number A84-587 214142 Holdings, Ltd. to reclassify approximately 15.8 acres of land currently in the Conservation District into the Urban District at Kapalaoa, Puuanahulu, North Kona, Hawaii, for a multi-family residential development with the following conditions:

The petitioner shall provide housing opportunities for low and moderate income Hawaii residents in any one or a combination of the following manner prior to assigning or transferring its interest in the subject property.

1. To offer for sale on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority or the County of Hawaii, 10 percent of the number of condominium new units to be developed on the subject property to residents of the State of Hawaii of low and moderate family income as determined by the Hawaii Housing Authority for the County of Hawaii from time to time. The preferential condominium shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain State-assisted financing for federally insured or assisted financing intended to encourage homeownership by low and moderate income families.

2. To pay to the Hawaii Housing Authority or County of Hawaii for use in a housing assistance fund or for the benefit of low and moderate income residents of the State of Hawaii, a sum determined by the Hawaii Housing Authority or County of Hawaii to be equal to

ten percent (10%) of the number of condominium units to be offered for sale on the subject property; or

3. To construct either on or off the subject property a number of residential units for sale to low and moderate income residents of the State of Hawaii at prices not to exceed the limitation described in subparagraph (1) above, of a standard to be approved by the Hawaii Housing Authority, equal to 10 percent of the number of condominium units to be offered for sale on the subject property.

4. Petitioner shall provide access from Queen Kaahumanu Highway to the shoreline, for public recreational purposes along the entire length of shoreline owned, leased or controlled by Petitioner and its successors, and assigns, and provide parking and restroom facilities to be approved and accepted by the County of Hawaii. These conditions may be fully or partially released by the Commission as to all or any portion of the subject property upon timely motion and provision of adequate assurance of satisfaction of these conditions by the petitioner.

The motion was seconded by Commissioner Choy and defeated by the following votes:

Ayes: Commissioners Suzuki, Tamaye, Choy, Chun, Chairman Tacbian

Nays: Commissioners Yuen, Rubin, Whittemore

A85-591 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Appearances

Everett Kaneshige, Deputy Attorney General - representing the petitioner

Diane Kawauchi - representing the Corporation Counsel

Betsy Marcinkus - representing the Dept. of General Planning

Closing Arguments

By Mr. Kaneshige-----24 to 30

Examination by Commissioner Yuen-----30 to 32

By Ms. Kawauchi-----32 to 33

Examination by Commissioner Yuen-----33 to 35

Examination by Commissioner Chun-----35 to 36

Because of conflicting views of the State and the City regarding State legislative amendment to HRS 205, giving the County the jurisdiction over areas less than 15 acres, the Commission went into executive session to seek legal advice from counsel.

Commissioner Yuen moved to reclassify approximately 25 acres of land from the Urban District to the Agricultural District, approximately 7.35 acres of land from the Agricultural District to the Urban District and approximately 3.9 acres of land from the Conservation District to the Agricultural District out at Waiahole, Koolaupoko, Oahu, for agriculture and residential development as proposed by the Department of Planning and Economic Development in docket number A85-591.

The motion was seconded by Commissioner Tamaye and carried with the following votes:

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

It was determined by Chairman Tacbian that all of the Commissioners present today were eligible to participate in the action of this petition, by virtue of either having attended all the meetings or having reviewed all of the transcripts of the hearings.

#### MISCELLANEOUS

##### Adoption of Minutes

The following minutes were approved as circulated:

August 6, 1985  
August 7, 1985

The meeting was adjourned at 11:30 a.m.