

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 313 and 314
Keelikolani Building
830 Punchbowl Street
Honolulu, Hawaii

November 16, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
Toru Suzuki
Robert Tamaye
Lawrence Chun
Everett Cuskaden

COMMISSIONERS ABSENT: Renton Nip
Sharon Himeno
Richard Choy

STAFF PRESENT: Esther Ueda, Executive Officer
Annette Chock, Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A87-612 GROVE FARM PROPERTIES, INC.

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Grove Farm Properties, Inc. to reclassify approximately 60 acres of land currently in the Agricultural District into the Urban District at Lihue Kauai, for a light industrial subdivision.

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

Closing arguments were heard from Dennis Lombardi, Michael Belles, and John Anderson. After hearing arguments, parties were questioned by the Commissioners.

Vice Chairman Whittemore moved for approval of Petition No. A87-612, Grove Farm Properties, Inc. to reclassify approximately 60 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai for a light industrial subdivision subject to the following conditions:

1. The Petitioner shall comply with the regulations and directives of the State Department of Health and other appropriate agencies in funding the design and construction of wastewater facilities for the Property.

2. Petitioner shall comply with the requirements of the State Department of Health for storage and/or disposal of hazardous waste prior to their establishment within the Property.

3. The Petitioner shall fund the design and construction of highway improvements for access to the Property, and other improvements as may be required by the State Department of Transportation and the County of Kauai.

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

5. Petitioner shall prepare a drainage study to include an evaluation of the Property's existing drainage characteristics and the effectiveness of proposed drainage control measures. The completed drainage study shall be submitted to the Kauai Department of Public Works for their review and approval.

6. Petitioner shall cause a qualified archaeologist to conduct a field reconnaissance or survey of the Property and submit the findings to the Department of Land and Natural Resources, Historic Sites Office. Should any historical or archaeological sites or remains be discovered during construction, work within the affected area shall stop immediately and Petitioner shall notify appropriate State and County agencies and take such measures as required by the appropriate State and County agencies to preserve such sites or remains.

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

The motion was seconded by Commissioner Cuskaden and polled as follows:

Ayes: Commissioner Whittemore, Tamaye, Suzuki, Chun, Cuskaden, and Chairman Tacbian

The motion was unanimously carried.

CONTINUED HEARING

A87-609 MILILANI TOWN, INC. (Oahu)

Today's proceeding was a continuation of the hearing held on July 28, 1987, July 29, 1987, and August 26, 1987.

Appearances

James Funaki, Esq., Attorney for Petitioner

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

Diane Kawauchi, Esq., Deputy Corporation Counsel, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

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

James Funaki, Attorney for Petitioner, noted for the record that he will not be calling any more witnesses for rebuttal, but he is reserving his right to recall as his witness, Wally Miyahira.

EXHIBITS

1. Petitioner's Exhibit No. 27 was admitted into evidence.

2. State's Exhibit No. 3 was admitted into evidence.

COUNTY'S WITNESS

1. Betsy Marcinkus

STATE'S WITNESS

1. Paul J. Schwind
2. Ronald Tsuzuki
3. Harold Masumoto

PETITIONER'S WITNESS (Recalled)

1. Wally Miyahira

Commissioner Cuskaden requested additional information from Petitioner regarding the impact on the project based on a 60 percent affordable housing rate using a median income of 80 to 120 percent and a median income of a 140 percent limit.

Chairman Tacbian continued the hearing to allow Petitioner to prepare these materials.

A lunch recess was taken at 1:00 p.m. and reconvened at 2:30 p.m.

- 2:30 p.m. -

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD. (Oahu)

Today's proceeding was a continuation of the hearing which was held on July 14, 1987, July 15, 1987, August 11, 1987, August 12, 1987, and August 27, 1987

Commissioner Himeno joined the proceeding at this time. Commissioner Chun and Cuskaden were absent from the proceeding at this time.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Norman Dyer, Petitioner

Sidney Fuke, Petitioner

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

David Laxson, Esq., Deputy Corporation Counsel, City
and County of Honolulu

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

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

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

The Commission allowed a representative from the Navy
to testify as an untimely public witness.

PUBLIC WITNESS

1. Melvin Waki

EXHIBITS

State's Exhibit No. 1 was admitted into evidence.

STATE'S WITNESSES

1. Harold Masumoto

At this time, Petitioner's attorney, Alan Okamoto,
requested that the Commission allow a continuance of the
hearing to allow Petitioner to assess and respond to the
State's comments regarding affordable housing.

Commissioner Suzuki moved for an executive session to
discuss legal matters concerning this request for continuance
with the Deputy Attorney General. The motion was seconded by
Commissioner Tamaye and unanimously carried by voice votes.

Commissioner Himeno moved for approval of Petitioner's request for continuance. The motion was seconded by Commission Suzuki.

The motion to approve the Petitioner's request for continuance was unanimously carried by the following votes:

Ayes: Commissioner Himeno, Tamaye, Whittemore, Suzuki, and Chairman Tacbian.

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL, DECEASED (Oahu)

This proceeding is a continuation of the hearing which was held on September 29, 1987 and September 30, 1987.

Appearances

Ivan Lui-Kwan, Esq., Attorney for Petitioner

Oswald Stender, Petitioner

Mike Warren, Petitioner

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

David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

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

The Commission admitted into evidence the untimely testimony submitted by Jane Ross as LUC Exhibit No. 1.

PUBLIC WITNESS

1. Captain Walter D. West, III.

The meeting was adjourned at 4:56 p.m., to be reconvened November 17, 1987 at 9:00 a.m.