

Approved
1/15/86

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

December 10, 1985 - 9:00 a.m.

DPEO Conf. Room
9th Fl. Kamamaulu Bldg.
250 S. King Street
Honolulu, Hawaii

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

COMMISSIONERS ABSENT: Lawrence Chun

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

Teri Andreasen, Court Reporter

ACTION

Chairman Tacbian called the meeting to order.

A84-583 - MAUNA LANI RESORT, INC. (Hawaii)

In the matter of the petition by Mauna Lani Resort, Inc. (Hawaii) to reclassify approximately 654 acres of land from the Agricultural and Conservation Districts to the Urban District at Kalahuipa'a, Anaehoomalu, and Waiakoloa, South Kohala. A hearing had been conducted by the Land Use Commission on September 24 and 25, 1985.

Appearances

Benjamin Kudo, Esq.; Gary G.N. Wong, Esq.; and Jeffrey N. Watanabe, Esq., attorneys representing the petitioner.

Winston Wong, Esq., Deputy Corp. Counsel, County of Honolulu.

Everett Kaneshige, Esq., Deputy Attorney General,
representing DPED.

Tats Fujimoto, Administrator, Land Use Division, DPED.

County of Hawaii waived oral agrument.

Closing Arguments

By Benjamin Kudo-----4 to 5
Examination by Commissioner Yuen-----10 to 19
By Everett Kaneshige-----5 to 8
Examination by Commissioner Cuskaden-----8 to 10
-----19 to 20

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

Commissioner Yuen moved to approve Docket No. A84-583 by Mauna Lani Resort, Inc., to reclassify approximately 654 acres of land currently in the Agricultural and Conservation Districts to the Urban District subject to the following conditions:

1. The Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and/or employees employed at the Mauna Lani 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 County of Hawaii, within or without the subject property, a number of residential units, not less than ten percent of the number of resort residential units to be developed on the property to residents of Hawaii and/or employees employed at the Mauna Lani Resort of low and moderate income as determined by the Hawaii Housing Authority or the County of Hawaii 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 rental at prices that would enable such purchasers, including Bargaining Unit Employees of the Petitioner, 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 home ownership by low and moderate income employees.

2. The Petitioner shall design and construct, in conjunction with the Dept. of Transportation of the State of Hawaii, improvements to the Queen Kaahumanu Highway and Mauna Lani Drive intersection as may be required by the Department of Transportation.

3. The Petitioner shall provide public access to Honoka'ope and Pauoa Bays and provide public access along the seaward boundary of the property to connect with the existing shoreline easement to create a continuous shoreline trail at the Mauna Lani Resort area, which trail shall be available to the public for recreational use, including fishing, swimming, and viewing of historical and archeological sites in the Mauna Lani Resort area.

Petitioner shall provide such public access either by the dedication of an easement to the State of Hawaii or County of Hawaii, or by recording and filing with the Bureau of Conveyances and the Land Court of the State of Hawaii as appropriate, a unilateral declaration imposing such easement obligations upon the property.

4. In the event Petitioner shall discover new historic or archeological sites during construction, Petitioner shall immediately notify appropriate State and County agencies and take such measures as required by appropriate State and County agencies to preserve such historical or archeological sites as State or County agencies may require to be preserved.

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

The motion was seconded by Commissioner Suzuki.

Commissioner Cuskaden moved to amend Commissioner Yuen's motion to add three more conditions in reference to the full-service hotel, the water source, and the Management Plan.

The motion was seconded by Commissioner Rubin and passed by the following votes:

Ayes: Commissioner Cuskaden, Rubin, Whittemore, Tamaye, and Suzuki.

Nays: Commissioner Choy, Yuen, and Chrm. Tacbian

The Commissioners were then polled as follows on the motion to approve Mauna Lani's Petition subject to seven conditions:

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

The motion was carried.

A85-594 - AMFAC PROPERTY DEVELOPMENT CORP. (Oahu)

In the matter of the petition by Amfac Property Development Corp. (Oahu) to reclassify approximately 577.210 acres of land currently in the Agricultural District into the Urban District at Aualii, Waikele, Ewa, Oahu, Hawaii for a planned residential community. Hearing had been conducted by the Land Use Commission on September 11, 1985.

Appearances

Benjamin Kudo, Esq.; Gary G.N. Wong, Esq.; and Jeffrey N. Watanabe, Esq., attorneys representing the petitioner.

Everett Kaneshige, Esq., Deputy Attorney General representing DPED.

Winston Wong, Esq., Deputy Corporation Counsel, City and County of Honolulu.

Verne Winquist, Dept. of General Planning, City and County of Honolulu.

Samuel S.H. Lee, Chairman, Mililani/Waipio/Melamanu Neighborhood Board #25.

Closing Arguments

By Mr. Kudo----- 4 to 6
 Examination by Commissioner Cuskaden---- 6 to 7
By Mr. Wong----- 7
 Examination by Commissioner Cuskaden---- 7 to 8
By Mr. Kaneshige----- 8 to 12
 Examination by Commissioner Yuen-----12 to 13
 Examination by Commissioner Cuskaden-----13 to 14
By Mr. Lee-----14 to 16
 Examination by Commissioner Choy-----16 to 17
 Examination by Commissioner Yuen-----17

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

Commissioner Yuen moved to approve Docket No. 85-594 Amfac Property Development Corporation, to reclassify on an incremental basis approximately 484 acres of land currently in the Agricultural District to the Urban District at Aualii, Waikele, Ewa, Oahu, for a planned residential community subject to the following conditions:

1. The Petitioner provide housing opportunities for low and moderate income Hawaii residents by offering for sale or rent on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority or the City and County of Honolulu. The number of residential units equal to ten percent of the residential units to be developed on the property to residents of the State of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or the City and County of Honolulu from time to time. The preferential residential units shall be offered for sale at prices not exceeding the prices that enable such purchaser to qualify for and obtain state-assisted financing, i.e. Act 105 or Hula Mae or

federally insured or assisted financing, i.e. FHA 245 Program intended to encourage home ownership by low and moderate income families.

2. The Petitioner shall design and construct the Paiwa Interchange to the H-1 Freeway and any improvements to Kamehameha Hwy. to standards required by the State Department of Transportation to handle additional traffic generated by the proposed project.

3. The Petitioner shall create a buffer zone between lands remaining in cane cultivation to the north of the subject property and residential units on the property to mitigate the impacts between the existing agricultural activities and the proposed residential development.

4. The Petitioner shall, by appropriate easement or other release, disclose the potential negative impact of agricultural activities adjacent to the subject property to purchasers of residential units on the subject property.

These conditions may be fully or partially released by the condition as to any or all portions of property upon timely motion and provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commissioner Suzuki.

Commissioner Tamaye moved to amend Commissioner Yuen's motion by deleting the work "incremental" and anything relating to that term "incremental." The motion was seconded by Commissioner Whittemore.

Commissioner Yuen moved to go into executive session to ask counsel for legal opinion. It was seconded by Vice Chairman Whittemore and unanimously passed by voice vote.

The commissioners were polled as follows on the motion to delete "incremental districting" from the Commissioner Yuen's motion:

Ayes: Commissioner Tamaye, Whittemore, Suzuki, Choy, Rubin, and Chrm. Tacbian.

Nays: Commissioner Yuen and Cuskaden.

The motion was carried.

Commissioner Yuen moved to amend his motion to add the additional condition that the Petitioner construct the Manager's Drive Bridge over the H-1 Freeway at the appropriate, or at the proposed location as shown on Exhibit I. Commissioner Yuen's motion, as amended, was seconded by Commissioner Whittemore. After hearing no objections to this motion, Chairman Tacbian incorporated that motion to the main motion.

Commissioner Rubin moved to amend Commissioner Yuen's motion to include a condition which states that the Petitioner shall coordinate with the State Department of Land and Natural Resources and the Honolulu Board of Water Supply to provide an adequate supply of water to the property. And in the event water is not available from existing sources, Petitioner shall develop additional water sources, storage and transmission facilities as required by the State and County agencies. The motion was seconded by Commissioner Whittemore.

The commissioners were polled as follows on the amendment to add another condition regarding water:

Ayes: Commissioner Rubin, Tamaye, Suzuki, Choy, Cuskaden, Whittemore.

Nays: Commissioner Yuen and Chrm. Tacbian

The motion was carried.

After no further discussions of the motions, the commissioners were polled as follows on the original motion to approve the petition of Amfac Property Development subject to six conditions:

Ayes: Commissioner Suzuki, Tamaye, Choy, Rubin, Whittemore, Yuen, and Chrm. Tacbian.

Nay: Commissioner Cuskaden.

The motion was carried.

A80-482 - T.S.K., ASSOCIATES (Hawaii)

In the matter of the T.S.K., Associates' Environmental Impact Statement to reclassify a portion of the Second Increment consisting of approximately 8.5 acres of land

currently in the Conservation District into the Urban District at Kaloko, North Kona, Hawaii for a roadway use.

Commissioner Whittemore moved to accept T.S.K., Associates' Environmental Impact Statement. It was seconded by Commissioner Choy and unanimously carried by voice vote.

A lunch recess was called from 11:45 a.m. to 1:30 p.m.

1:50 p.m.

A79-461 - Kamehameha Development Corporation (Hawaii)

In the matter of the petition by Kamehameha Development Corp. to reclassify approximately 227.97 acres of land from the Agricultural District into the Urban District at Keauhou, North Kona, Hawaii for a resort development. A hearing had been conducted by the Land Use Commission on November 5, 1985.

Appearances

James T. Funaki, attorney representing the petitioner
Everett Kaneshige, Deputy A.G. representing DPED.

Closing Arguments

By Mr. Funaki-----4 to 7
Examination by Commissioner Yuen-----6 to 8
By Mr. Kaneshige-----7

Commissioner Cuskaden was not present for the rest of the proceedings.

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

Commissioner Yuen moved to reclassify the Second Increment of land consisting of approximately 227.97 acres in Keauhou, North Kona, Hawaii, from the Agricultural District into the Urban District, subject to the following condition:

1. That prior to any alteration of the subject property, the Petitioner shall have an archaeological

survey conducted by a professional archaeologist, to identify the nature, location and value of all historic sites present on the subject property.

The motion was seconded by Commissioner Rubin and unanimously carried as follows:

Ayes: Commissioner Yuen, Suzuki, Rubin, Choy, Tamaye, Whittemore, Chrm. Tacbian

The motion to approve the petition was approved.

A85-598 - MILILANI TOWN, INC. (Oahu)

Pursuant to a notice published in the Honolulu Advertiser on November 8, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission on the matter of the petition by Mililani Town, Inc. (Oahu), Docket No. A85-598, to reclassify approximately 1,205.4 acres of land currently in the Agricultural District into the Urban District at Mililani, Oahu, Hawaii, for a residential community.

Appearances

James T. Funaki, Esq., representing the petitioner.

Everett Kaneshige, Esq., Deputy Attorney General representing DPED.

Tats Fujimoto, Administrator, Land Use Division, DPED.

David Laxson, Esq., Deputy Corp. Counsel, City & County of Honolulu.

Samuel S. H. Lee, Chairman, Mililani/Waipio/Melemanu Neighborhood Board #25, Intervenor.

Intervention Request

Since there were no objections from the parties and the commission, permission was granted for the intervention of the Mililani/Waipio/Melemanu Neighborhood Board No. 25.

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

Chairman Tacbian announced that the Commission received one untimely request to appear as a public witness,

Elisabeth Ann Stone. At the time of the hearing, she did not appear as a witness.

Having had no witnesses present, Chairman Tacbian announced that the hearing on this matter will be continued tentatively to February 4 and 5, 1986 to give the County and the State Planning Departments more time to prepare their positions on this case.

MISCELLANEOUS

The following Commission's Decision and Orders were adopted:

A85-591 - DPED, Waihole

A85-592 - Keahole, High Tech Park

A84-587 - 214142 Holdings

A84-585 - Maui Economic Development Board

A85-593 - Dodo Mortuary, Inc.

The meeting was adjourned at 2:49 p.m.