

STATE OF HAWAII
LAND USE COMMISSION

approved
1/13/87

Minutes of Meeting

Resolution Room, Kona Hilton Hotel
Kailua-Kona, Hawaii

December 16, 1986

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

COMMISSIONER ABSENT: Winona Rubin

STAFF PRESENT: Esther Ueda, Executive Officer
Benjamin Matsubara, Special Deputy
Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Teri Oki, Clerk-Stenographer
Jean Marie McManus, Court Reporter

Chairman Tacbian called the meeting to order.

Before starting the hearing, Chairman Tacbian congratulated Commissioner Rubin on her new appointment as Director of Social Services and Housing. He also recommended to the other Commissioners that they send a letter of congratulations to her. It was unanimously approved by the Commissioners.

CONTINUED HEARING

A86-602 - KAHALA CAPITAL CORPORATION (Hawaii)

The present matter before the Commission was a continuation of the hearing which had begun on September 23, 1986.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Norbert Schlei, Petitioner

Albert Lono Lyman, Planning Director,. County of Hawaii
Virginia Goldstein, County of Hawaii

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

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

EXHIBITS

Petitioner's Exhibit 1 through 17 were admitted into evidence. Petitioner's original Exhibit 4d was substituted by a larger colored map of the same exhibit.

County's Exhibit 1 was admitted into evidence.

State's Exhibit 1 was admitted into evidence.

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

Commissioner Cuskaden moved to have the untimely public witnesses testify at this hearing. It was seconded by Commissioner Whittemore and unanimously carried by voice votes.

PUBLIC WITNESSES

1. Harold Adams
2. Representative Virginia Isbell
3. Arthur McCornack
4. Moanikeala Akaka

Commissioner Yuen noted that his firm, Case, Kay, and Lynch, had performed legal services for Petitioner. Petitioner advised that these services were done at the beginning of the petition and such services were terminated before the filing of the petition with the Land Use Commission. The State and County had no objections with Commission Yuen sitting on the Commission for this petition.

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Chairman Tacbian allowed Commission Yuen to preside in the proceedings.

PETITIONER'S WITNESSES

1. Mark Hastert, Planner

A lunch recess was taken at 12:15 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

At this time, Mr. Hastert's testimony was continued.

ACTION

A86-603 HUEHUE RANCH (Hawaii)

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Huehue Ranch to reclassify approximately 675 acres of land currently in the Conservation District into the Urban District at Kukio, North Kona, Hawaii for resort, residential, commercial, and recreational use. A hearing had been conducted by Hearing Officer Frederick Whittemore on October 7 and 8, 1986.

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

Following a report of the findings presented at the hearings, it was Hearing Officer Whittemore's recommendation that the petition be partially approved subject to eight conditions.

Following questioning of Mr. Whittemore and parties, Commissioner Chun moved for approval of Petition No. A86-603, Huehue Ranch to reclassify approximately 666.5 acres of land currently in the Conservation District into the Urban District at Kukio, North Kona, Hawaii for resort, residential, commercial, and recreational use subject to eight conditions as amended:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents and for employees

employed on the Property 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 Property, a number of residential units not less than ten percent (10%) of the residential units to be developed on the Property to residents of Hawaii and/or employees employed on the Property of low and moderate income as determined by the Hawaii Housing Authority or 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 at prices that would enable such purchasers to qualify for and obtain State-assisted financing (e.g. Act 105 for Hula Mae) or Federally-insured or assisted financing (e.g. FHA, Section 245 Program) intended to encourage home ownership by low and moderate income families or employees.

2. Petitioner shall prepare a traffic analysis study and shall fund the design and construction of highway improvements for access to the Property and any other improvements as may be required by the State Department of Transportation.

3. Petitioner shall develop a full service hotel on the Property in conjunction with the recreational and residential projects in order to assure greater employment opportunities.

4. Petitioner shall provide at least one mauka to makai public access from the Queen Kaahumanu Highway to the shoreline and a continuous trail along the seaward boundary of the Property, which trail shall be available to the public for recreational use. No distinction shall be made between the public and hotel guests. Petitioner shall provide space for parking at a location reasonably close to the shoreline for the mauka-makai access (es) and shall coordinate plans for shoreline access with the Department of Land and Natural Resources and the County of Hawaii.

5. Petitioner shall establish a pond management plan for the anchialine pond complex in coordination with the Department of Land and Natural Resources, the County of Hawaii, and other appropriate agencies. The anchialine pond management plan shall include provisions for a buffer zone of no less than

forty feet in width measured from the edge of the anchialine pond basin area to the outer edge of the buffer zone.

6. The Petitioner shall prepare preservation and date recovery plans for all significant historic sites which plans shall be submitted to the Department of Land and Natural Resources and the County of Hawaii Planning Department for their review and comment.

7. Petitioner shall establish a monitoring program of water quality and faunal assemblages in coordination with the Department of Land and Natural Resources and the County of Hawaii Planning Department. In the event of any deleterious event that may affect the pond ecology, Petitioner shall immediately implement remedial and corrective actions in consultation with the Department of Land and Natural Resources and the County of Hawaii Planning Department.

8. 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.

It is also hereby ordered that reclassification of the remaining balance of the Property, consisting of approximately 0.5 acres of land, situate at Kukui, North Kona, Hawaii, State of Hawaii and identified as Hawaii Tax Map Key No. 7-2-04: portion of parcel 5 shall be and is hereby denied and this remaining balance of the Property shall remain in the Conservation District.

It was seconded by Commissioner Yuen.

Chairman Tacbian declared that Commissioner Whittemore could vote on this Petition. He does not waive his right to vote as a Commissioner by being a hearing officer.

The Commission was polled on the motion as follows:

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

The motion was unanimously carried.

Mr. Takeyama commended the Commission on its timely decision and processing of this petition.

A86-607 - HAWAIIAN TRUST COMPANY, LTD., A HAWAII CORPORATION,
AND TRUSTEE OF GEORGE GALBRAITH TRUST

In the matter of the Petition of Hawaiian Trust Co., Ltd., A Hawaii Corporation, and Trustee of George Galbraith Trust to reclassify approximately 1.33 acres of land currently in the Conservation District into the Urban District at Wahiawa, Central Oahu, Hawaii for a residential subdivision. A hearing had been conducted by Hearing Officer, Benjamin Matsubara, on October 30, 1986.

Executive Officer, Esther Ueda, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

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

It was noted that the City and County of Honolulu waived its appearance at this meeting.

Following questions of Mr. Matsubara and parties, Commissioner Cuskaden moved for approval of Petition No. A86-607, Hawaiian Trust Co., Ltd., a Hawaii Corporation and Trustee of George Galbraith Trust to reclassify approximately 1.33 acres of land currently in the Conservation District into the Urban District at Wahiawa, Central Oahu, Hawaii for a residential subdivision. It was seconded by Commissioner Tamaye and polled as follows:

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

The motion was unanimously carried.

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

CONTINUED HEARING

A86-602 - KAHALA CAPITAL CORPORATION (Hawaii)

PETITIONER'S WITNESSES

At this time, Mr. Hastert was cross-examined by the Department of Planning and Economic Development and the County of Hawaii.

2. James Kumagai

MISCELLANEOUS

Adoption of Decision and Orders

The Decision and Orders for the following dockets were adopted:

A80-487 - Lone Star Hawaii, Inc. (Oahu)

SP86-361 - Hemmeter/VMS Kauai Co. III (Kauai)

Adoption of Minutes

The minutes for the following meeting dates were approved as circulated: November 6, 1986, November 7, 1986, November 18, 1986, November 25, 1986, December 2, 1986, and December 3, 1986.

On November 18, 1986, the Commission approved an order to show cause proceeding to take place against Pukalani Heights Associates. At this time, Commissioner Suzuki moved to have Commissioner Cuskaden act as hearing officer. It was seconded by Commissioner Chun and unanimously carried by voice votes.

Commissioner Chun moved for an executive session to discuss personnel matters. It was seconded by Commissioner Cuskaden and unanimously carried by voice votes.

Chairman Tacbian continued the hearing until December 17, 1986 at 8:00 a.m.. The hearing was adjourned at 5:00 p.m.