

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room
Kamamalu Building
Honolulu, Hawaii

Approved
4-03-85

December 11, 1984 - 9:00 a.m.

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

COMMISSIONER ABSENT: Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk

Barbara McLean, Court Reporter

ACTION

At the outset of deliberations on each of the action items, Chairman Yuen determined that all of the Commissioners present today were eligible to participate in the proceedings by virtue of either having attended all of the hearings relative to the petitions being acted upon, or by having reviewed all of the pertinent transcripts.

A83-561 - RICHFIELD OF HAWAII, INC.

In the matter of the petition by Richfield of Hawaii, Inc., a hearing had been conducted by the Land Use Commission on May 16 and July 9, 1984.

Appearances

Roy Nakamoto, Attorney representing the petitioner

Norman Hayashi, Planner representing the County

Annette Chock, Deputy Attorney General, representing the
Dept. of Planning & Economic Development

Closing Arguments

By Mr. Nakamoto----- 5 to 6
 By Mr. Hayashi----- 6 to 8
 By Miss Chock----- 8

It was moved by Vice Chairman Tacbian to approve Docket A83-561, Richfield of Hawaii, Inc., to reclassify approximately 74.9 acres of land currently in the Conservation District into the Agricultural District at Kapoho, Puna, Hawaii, for agricultural use. The motion was seconded by Commissioner Choy and the Commissioners were polled as follows:

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

The motion was carried.

A84-566 - TSA INTERNATIONAL, LIMITED

In the matter of the petition by TSA International, Limited, Docket A84-566, a hearing had been conducted by the Land Use Commission on September 5, 1984.

Appearances

Wayne Minami, Attorney representing the petitioner
 Norman Hayashi, Planner, representing the County
 Annette Chock, Deputy Attorney General, representing the Dept. of Planning & Economic Development

The subject property was described on the USGS and Tax Maps by staff planner.

Closing Arguments

By Mr. Minami-----11 to 12
 Examination of Mr. Minami by Commissioner Chun--12 to 13
 Examination of Mr. Minami by Chairman Yuen---13 to 15
 By Mr. Hayashi-----15 to 17
 By Miss Chock-----17 to 19

It was moved by Commissioner Whittemore to approve Docket A84-566, TSA International, Limited, consisting of approximately 190 acres of land from the Agricultural District into the Urban District, at Kaloko and Kohanaiki, North Kona, Hawaii, Island of Hawaii, State of Hawaii, subject to the condition that petitioner construct an all-weather connector road to County of Hawaii standards from Queen Kaahumanu Highway to the mauka boundary of land owned by the petitioner, mauka of the subject property. It was seconded by Vice Chairman Tacbian.

Following a lengthy discussion regarding the imposition of the condition requiring the construction of a connector road, Commissioner Whittemore moved to amend the condition to read: "subject to the condition that the petitioner construct an all-weather connector road to County of Hawaii standards from Queen Kaahumanu Highway to the mauka boundary of lands owned by the petitioner mauka of the subject property within the time frame established by the County of Hawaii." The seconder of the motion agreed to the amendment.

Commissioner Chun moved to further amend the condition by adding: "That the petitioner shall be required to conduct an archaeological reconnaissance of all areas which will be impacted by the development and that the results shall be sent to the Department of Land and Natural Resources Historical Preservation Office for review and comment before development occurs." Commissioner Choy seconded the motion to amend the condition.

The motion to approve the petition, as amended, was carried with the following votes:

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

A84-570 - W. H. SHIPMAN, LIMITED

In the matter of the petition by W. H. Shipman, Limited, Docket A84-570, a hearing had been conducted by the Land Use Commission on October 4, 1984.

Appearances

Terence Yoshioka, Attorney representing the petitioner

Norman Hayashi, Planner, representing the County

Annette Chock, Deputy Attorney General, representing
the Dept. of Planning & Economic Development

Staff planner pointed out the property under discussion on the USGS and Tax Maps.

Closing Arguments

- By Terence Yoshioka-----31 to 32
- By Norman Hayashi-----32 to 34
- By Annette Chock-----35 to 39
- Examination of Miss Chock by Vice Chairman
Tacbian-----39 to 41
- Comments by Mr. Yoshioka-----41 to 43

It was moved by Commissioner Tamaye to approve petition A84-570, W. H. Shipman, Limited to reclassify approximately 487.74 acres of land currently in the Agricultural District into the Urban District at Keaau, Puna, Hawaii for an industrial park, with the condition that the lands within increment one of the petitioner's development plan comprising approximately 312 acres, more particularly identified as Tax Map Key 1-06-03: portion of 7, situated at Keaau, Puna, Hawaii, shall be reclassified from the Agricultural to the Urban classification; and that the lands within increment two of the petitioner's development plan comprising approximately 176 acres, more particularly identified as Tax Map Key 1-60-03: portion of 7, situated at Keaau, Puna, Hawaii, shall be approved for incremental districting, pursuant to State Land Use District Regulation 6-2; and that redistricting from the Agricultural to the Urban classification will be granted upon receipt of an application by petitioner and a prima facie showing that there has been a substantial completion of the off-site and on-site improvements within increment one in accordance with the petitioner's development plan. The motion was seconded by Commissioner Choy.

The motion was unanimously carried as follows:

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

CONTINUED HEARING

A83-562 - WEST BEACH ESTATES

Appearances

Kerry Komatsubara)
Dave Arakawa) - Co-counsels representing petitioner
Rodney Fujiyama)

Appearances (cont.)

Jane Howell, Deputy Corporation Counsel, representing
the City Dept. of General Planning

Annette Chock, Deputy Attorney General, representing
the Dept. of Planning & Economic Development

Alan Murakami, Attorney representing Intervenors

DEPARTMENT OF GENERAL PLANNING (cont.)

Herbert Minakami (cont.)

Cross examination by Mr. Murakami-----47 to 48

A lunch recess was called at noon. The Commission returned
to resume the hearing at 2:00 p.m.

2:00 p.m.

ACTION

DR83-9 - DOUGLAS MELLER

Chairman Yuen announced that the subject docket concerned
a request for a declaratory ruling regarding the shoreline and
zone of wave action. Inasmuch as the Commission had previously
received arguments from both Mr. Meller and a representative of
Campbell Estate, no additional testimony will be received today.

Commissioner Choy moved to respond to all of Mr. Meller's
questions in the negative and that the Commission prepare a
written Decision and Order to that effect. It was seconded by
Commissioner Suzuki and the motion was unanimously carried by
voice vote.

CONTINUED HEARING

A83-562 - WEST BEACH ESTATES

DEPARTMENT OF GENERAL PLANNING (cont.)

Herbert Minakami (cont.)

Cross examination by Miss Chock-----81 to 99

Intervenor's exhibits 19, 20 and 22 were received into
evidence at this time.

Herbert Minakami (cont.)

Examination by Chairman Yuen-----100 to 107

Examination by Commissioner Choy-----107 to 108

Verne Winguist - Planner, DGP

Oral testimony-----109 to 119

Direct examination by Miss Howell-----119 to 121

Cross examination by Mr. Arakawa-----121 to 123

Cross examination by Miss Chock-----124 to 127

Cross examination by Mr. Murakami-----128 to 145

Examination by Commissioner Chun-----145 to 148

Examination by Chairman Yuen-----148 to 152

Reexamination by Commissioner Chun-----152 to 155

The hearing was adjourned at 4:00 p.m., to be resumed tomorrow at 9:00 a.m.