

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
Kauai Regional Library  
4344 Hardy Street  
Lihue, Kauai

Approved  
4-16-85

December 18, 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  
Dora Horikawa, Chief Clerk  
  
Benjamin Matsubara, Hearing Officer  
  
Connie Shankel-Simmons, Court Reporter

ACTION

A84-587 - 214142 HOLDINGS, LTD.

Chairman Yuen announced that the Commission will act to consider acceptance of the petitioner's Environmental Impact Statement which was prepared for the petition to reclassify approximately 15.8 acres of land from the Conservation District into the Urban District at North Kona, Hawaii.

Mr. Furutani, Executive Officer, oriented the Commission to the subject parcel on the USGS and Tax Maps.

Mr. Kazuhisa Abe, Attorney representing the petitioner, submitted that basically the present EIS was the same as the one which had been previously approved by the Hawaii Planning Commission for the same area under a different name. Therefore, on the basis of this information, he urged that the Commission accept the Environmental Impact Statement.

Commissioner Choy moved to accept the EIS and declare that there was a negative impact on the environment. It was seconded by Commissioner Rubin and unanimously carried by voice vote.

A84-567 - METROPOLITAN MORTGAGE & SECURITIES CO., INC.

In the matter of the petition by Metropolitan Mortgage & Securities Co., Inc. to reclassify approximately one acre of land from the Agricultural to the Urban District at Koloa, Kauai, a hearing had been conducted by Hearing Officer Matsubara on September 24, 1984.

Mr. Matsubara reported on the findings which were presented at the hearing by all parties, and on the basis of these findings, recommended that the petition be approved.

Vice Chairman Tacbian moved to approve Docket A84-567, Metropolitan Mortgage & Securities Co., Inc. to reclassify approximately 1 acre of land in Koloa Kauai from the Agricultural District into the Urban District, which was seconded by Commissioner Whittemore and unanimously carried.

A83-546 - GRAHAM BEACH PARTNERS

In the matter of the petition by Graham Beach Partners, a hearing had been conducted by Hearing Officer Matsubara on June 26, 1984.

Based on his findings and evidence adduced at the hearing, Mr. Matsubara recommended that reclassification be granted to that portion of the subject property upon which Building G is situated.

Petitioner's exhibit 1 on which the vegetation line was marked in red during the hearing was marked as petitioner's exhibit 1-A and moved into evidence. Chairman Yuen directed petitioner to submit the requisite number of copies to the Commission with the identical red markings.

Mr. Matsubara responded to questions posed by Commission members with respect to the exact acreage being recommended for urbanization, status of the improved areas surrounding the building, public access, etc.

Mr. Walton Hong, representing the petitioner, and Mr. Daniel Yasui, staff planner with DPED, offered closing remarks and recommended that the reclassification be approved.

Petitioner's Witness

Cesar Portugal - Engineer

Robert C. Oda - Project Manager

Examination by Chairman Yuen-----39 to 42

Vice Chairman Tacbian moved to approve Docket A83-546, Graham Beach Partners, to reclassify 12,676 square feet of land from the Conservation District into the Urban District at Hanamaulu, Kauai. It was seconded by Commissioner Suzuki and the motion was carried with the following votes:

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

A83-553 - PRINCEVILLE DEVELOPMENT CORPORATION  
A83-557 - PRINCEVILLE DEVELOPMENT CORPORATION

In the matter of the petitions by Princeville Development Corporation, A83-553 and A83-557, hearings had been conducted by the Land Use Commission on November 22, 1983, February 15, 1984, February 16, 1984, April 24 and 25, 1984, July 19, 1984 and August 24, 1984

Appearances

Walton Hong, Attorney representing the petitioner

Max Graham, County Attorney's Office, representing the Maui Planning Department

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

Beryl Blaich, representing Intervenor Concerned Citizens of Anini

Chairman Yuen called on the Executive Officer to describe the area being considered for reclassification. He added that the Commission will first address Docket A83-557 requesting urbanization of 421 acres of land for a golf course.

Closing Arguments

By Mr. Hong-----48 to 56

Examination of Mr. Hong by Chairman Yuen-----56 to 57

By Mr. Graham-----57 to 66

By Miss Chock-----66 to 70

By Ms. Blaich-----70 to 80

Chairman Yuen declared that all eight Commissioners present today were eligible to vote in this matter and called for a motion.

Vice Chairman Tacbian moved to approve Docket A83-557, Princeville Development Corp. to reclassify approximately 390 acres of land currently in the Agricultural District into the Urban District at Hanalei, Kauai for a golf course, on the condition that this land be used strictly for golf course purposes and nothing else. It was seconded by Commissioner Tamaye and approved with the following votes:

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

With respect to Docket A83-553, Vice Chairman Tacbian moved to consider the three areas separately--Western, Central and Eastern.

Vice Chairman Tacbian moved to approve the section known as the Western Plateau at Hanalei, Kauai, subject to the following conditions:

1. That petitioner shall provide housing opportunities for low and moderate income Hawaii residents by offering for sale, on a preferential basis, on its own or in cooperation with either or both the Hawaii Housing Authority or the County of Kauai, ten percent of the lots or houses and lots to be developed on the subject property, to residents of the State of Hawaii of low and moderate income as determined by the Hawaii Housing Authority or the County of Kauai, from time to time, or by contributing to the Housing Assistance Fund of the County of Kauai. The preferential lots or houses and lots shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing; as examples Act 105 or Hula Mae, or federally insured or assisted financing, the FHA Section 245 program--intended to encourage home ownership by lower and moderate income families.
2. The petitioner shall establish building and lot setback, height, design, siting, color scheme and landscape restrictions and requirements enforceable as deed restrictions which will 1) preserve to the extent reasonably practicable, the view planes of the ocean and coastline across the Phase II lands as seen from Kuhio Highway, and 2) provide that none of the structures to be constructed on Phase II land will be visibly obtrusive when viewed from Anini Beach Road

or will unreasonably interfere with the view plane from the Anini Beach Road toward the mountains.

Further, that 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 or satisfaction of these conditions by the petitioner. The motion was seconded by Commissioner Suzuki.

Vice Chairman Tacbian and Commissioner Chun spoke in support of the motion. Both Commissioners Choy and Rubin expressed concerns over reclassification of the three plateaus and opposed the motion.

The Commissioners were polled as follows:

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

Nays: Commissioners Choy and Rubin

The motion was approved.

Vice Chairman Tacbian moved to approve the Central Plateau, on an incremental basis, subject to the same conditions as those imposed on the Western Plateau. It was seconded by Commissioner Suzuki and the Commissioners were polled as follows:

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

Nays: Commissioners Choy and Rubin

The motion was carried.

On Docket A83-553, Princeville Development Corporation, Vice Chairman Tacbian moved to deny reclassification of the Eastern Plateau. It was seconded by Commissioner Tamaye and the motion was unanimously approved.

#### HEARING

#### A84-572 - FOSTER PETROLEUM CORPORATION

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on November 9, 1984, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Foster Petroleum Corporation to reclassify approximately 28 acres of land from the Agricultural District into the Urban District at Kilauea, Hanalei, Kauai.

Appearances

Clinton Shiraishi, Attorney representing the petitioner

Max Graham, County Attorney, representing the Kauai  
Planning Department

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

Michael Salling, representing proposed intervenor George  
Sagen

Walton Hong, representing proposed intervenor Beta Pacific

A description of the property was presented by Executive  
Officer Furutani with the use of the USGS and Tax Maps.

Chairman Yuen advised that two other petitions had been  
filed with the Land Use Commission for similar uses in the  
general vicinity of the subject parcel. Therefore, the Commis-  
sion will conduct a consolidated hearing for the three peti-  
tions at a later date.

Intervenors' Requests

It was noted that only one written request for interven-  
tion had been received from Mr. Salling in behalf of George  
Sagen.

Commissioner Whittemore moved to permit George Sagen to  
intervene in the Foster Petroleum petition, which was seconded  
by Vice Chairman Tacbian and carried by voice vote.

Mr. Hong was notified that upon receipt of a written re-  
quest for intervention by Beta Pacific, the matter will be acted  
upon by the Commission.

Ms. Beryl Blaich was similarly advised, in response to her  
request on behalf of the Kilauea Neighborhood Association's  
possible intervention.

No objections were voiced by any of the parties regarding  
the consolidation of the three petitions for a hearing at a  
later date.

Commissioner Tamaye moved to consolidate the hearing for  
the three petitions (Foster Petroleum, George Sagen, Beta  
Pacific), which was seconded by Vice Chairman Tacbian and passed.

Adoption of Final Decisions & Orders

It was moved by Commissioner Rubin, seconded by Commissioner Chun, and unanimously carried to adopt the final Decisions and Orders on the following petitions:

A83-554 - Farms of Kapua

A84-565 - Hana Ranch

The meeting was adjourned at 12:30 p.m.