

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room
Kamamalu Building
250 South King Street
Honolulu, Hawaii

Approved
3/8/88

February 16, 1988

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
Renton L.K. Nip
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Sharon R. Himeno
Everett Cuskaden

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

Danny Kealakai, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A87-615/ C. BREWER PROPERTIES, INC. (Maui)

In the matter of the Petition of C. Brewer Properties, Inc. to reclassify approximately 29 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui, Hawaii for light industrial subdivision. A hearing had been conducted by Hearing Officer, Benjamin Matsubara, on December 4, 1987.

Commissioners Nip and Himeno did not participate in this proceeding due to a previously declared conflict of interest.

Raymond Young, Staff Planner, 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 subject property situated in Wailuku, Maui be reclassified from the Agricultural District to the Urban District and that the district boundaries be amended accordingly.

After questioning of Mr. Matsubara by the Commissioners, Commissioner Suzuki moved to accept the recommendation of the Hearing Officer.

It was clarified by Chairman Tacbian that the remnant parcels were also included in the motion.

It was seconded by Commissioner Tamaye and polled as follows:

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

The motion was unanimously carried.

A87-616 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY
OF HONOLULU

Chairman Tacbian announced that the Commission would take action in the matter of the petition by the Department of General Planning, City and County of Honolulu to reclassify approximately 252 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii, for residential community primarily for affordable housing. A hearing was conducted on February 9 and 10, 1988.

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel,
Department of General Planning, City and County of Honolulu

Howard Murai, Housing Division, Department of General
Planning, City and County of Honolulu

Ann Ogata, Esq., Deputy Attorney General, Department
of Business and Economic Development

David Hulse, Land Use Division, Department of Business
and Economic Development

Michael Tongg, Esq., representing Tongg Ranch, Intervenor, was not present to the proceeding.

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 Gary Yokoyama, and Ann Ogata. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Chun moved for partial approval of Docket No. A87-616 that portion of the property consisting of approximately 215 acres north of Balfour Boulevard being the subject of Docket No. A87-616 by the Department of General Planning, City and County of Honolulu, situated at Honouliuli, Ewa, Island of Oahu identified as Oahu Tax Map Key No. 9-1-17, portion of 6, portion of 9, portion of 10, 11, portion of 18, portion of 34, 9-1-22, 1, portion of 2, 3, portion of 5, portion of 13 for reclassification from the agricultural district to the urban district, shall be and hereby is approved subject to the following conditions:

1. The property shall be developed for the purpose of providing affordable housing in accordance with Chapters 201-E and 46-15.1 of the Hawaii Revised Statutes.

2. Petitioner shall provide housing opportunities for low and moderate income, low and low-moderate income, Hawaii residents by offering for sale on a preferential basis 60 percent of the residential units to residents of the State of Hawaii of low and low-moderate family income as determined by the Housing Finance Development Corporation of the State.

3. Petitioner shall fund and coordinate with the Honolulu Board of Water Supply and Department of Land and Natural Resources measures designed to obtain the required water for the project. In the event that water is not available from the proposed source due to insufficient supply and/or the source is not contaminant free, the Petitioner shall fund the necessary water resource, storage, transmission facilities, and filtration system.

4. Petitioner shall provide continuous professional archaeological monitoring of the project site's coastal areas

during all grading, digging, or other earthworking phases of project development in accordance with Department of Land and Natural Resources requirements. Should any archaeological resources such as artifacts, shells, bone, or charcoal deposits, human burial, rock or coral alignments, pavings, or walls be encountered during the project's development, the Petitioner shall immediately stop work and contact the State Historic Preservation Office.

5. Petitioner shall participate in the funding and construction of transportation improvements at project access points as identified in the petition. If necessary, these improvements shall include the widening of Fort Weaver Road to accommodate traffic generated by the proposed project on a schedule accepted and coordinated with the State Department of Transportation.

6. Petitioner shall appoint and fund a transportation manager whose function is the formation, use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems.

7. The 40-foot setback shall be established along the existing railroad right-of-way in a manner compatible with City Ordinance No. 84-94.

8. Petitioner shall inform all prospective occupants that the Hawaii Right to Farm Act, Chapter 165 of Hawaii Revised Statutes, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

9. Petitioner shall relocate existing agricultural operations which may include livestock processing facilities and sugar cane haul roads as necessary to maintain the uninterrupted agricultural operation of these facilities.

10. Petitioner shall participate in an air quality monitoring program with the State Department of Health. In the event that State Air Quality Standards are exceeded, Petitioner shall take actions as determined necessary by the Department of Health.

11. Petitioner shall participate in an animal control program, in coordination with the United States Department of

the Interior, Fish and Wildlife Service, to mitigate increased predation of endangered wildlife species from domestic and/or stray animals in the vicinity of the Pearl Harbor National Wildlife Refuge at Honouliuli.

12. As represented, Petitioner shall include a covenant in the deed of every purchaser of the Phase II lots indicating that Balfour Boulevard is a cane haul road including possible odor, noise, and dust pollution resulting from the adjacent Fort Weaver Road and surrounding agricultural operations and forbidding them from bringing any suit or any action to impair the use of Balfour Boulevard for any cane operation to the south of the project. In addition, Petitioner shall mitigate the potential adverse impacts of the agricultural use of Balfour Boulevard by providing a landscaped buffer and continuous fencing on the northern boundary of Balfour Boulevard.

It is also hereby ordered that the balance of the property consisting of approximately 37 acres situated at Honouliuli, Ewa, Island of Oahu, identified as Oahu Tax Map Key No. 9-1-17, a portion of six, also proximally identified on exhibit attached hereto and incorporated by reference herein, is denied reclassification from the agricultural district to the urban district and shall remain in the agricultural district.

The motion was seconded by Commissioner Cuskaden.

Commissioner Nip moved to amend condition two of Commissioner Chun's motion by adding to paragraph condition number two the following: That the proposed elderly housing rental project shall be excluded from determining the 60/40 percent mix. The motion was seconded by Commissioner Cuskaden.

Commissioner Suzuki moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Cuskaden.

Commissioner Nip requested that his motion be withdrawn. The Commission unanimously allowed Commissioner Nip to withdraw his motion by voice votes.

Commissioner Nip moved to amend condition two as follows: Petitioner shall provide housing opportunities to low

and low-moderate income Hawaii residents by offering for sale or rental on a preferential basis 60 percent of the residential units to residents of the State of Hawaii of low and low-moderate family income as determined by the Housing Finance Development Corporation of the State, provided, however, that Petitioner shall comply with Chapters 46 and 201-E of the Hawaii Revised Statutes. The motion was seconded by Cuskaden.

The motion to amend condition number two was carried unanimously by voice votes.

Commissioner Cuskaden moved to amend condition number twelve as follows: Petitioner shall include a covenant in the deed of every purchaser of the Phase II lots indicating that Balfour Boulevard is a cane haul road including possible odor, noise, and dust pollution resulting from the adjacent Fort Weaver Road and surrounding agricultural operations and forbidding them from bringing any suit or any action to impair the use of Balfour Boulevard for any cane operation to the south of the project. In addition, Petitioner shall mitigate the potential adverse impacts of the agricultural use of Balfour Boulevard by providing a landscaped buffer and continuous fencing on the northern boundary of Balfour Boulevard. In addition, the Petitioner shall provide and grant to the State and any of its agencies an indemnification and hold harmless clause and shall defend the State at the County's cost in any action that may be brought by anyone relative to the use of the Cane Haul Road and its operations.

The motion was seconded by Commissioner Whittemore.

The motion to amend condition number twelve was unanimously carried by voice votes.

The motion for partial approval of Department of General Planning's Petition subject to twelve conditions as amended was unanimously approved as follows:

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

MISCELLANEOUS

1. Commission's attorney, Benjamin Matsubara, gave the Commission a status report of pending litigation.

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2. Esther Ueda, Executive Officer, gave a status report of legislature bills to the Commission.

The meeting was adjourned at 12:00 p.m.