

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 A and B
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved
4/15/87

March 17, 1987

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

STAFF PRESENT: Esther Ueda, Executive Officer
Benjamin Matsubara, Special
Deputy Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk

Teri Andreason, Court Reporter

Vice-Chairman Whittemore called the meeting to order.

ACTION

A86-601 - RICHARD SMART REVOCABLE PERSONAL TRUST

Vice-Chairman Whittemore announced that the Commission would take action in the matter of the petition by Richard Smart Revocable Personal Trust to reclassify approximately 404.34 acres of land currently in the Agricultural District into the Urban District at Waimea, South Kohala, Hawaii for residential, commercial, and industrial uses. A hearing was conducted on January 13, 1987 and January 14, 1987.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Gary Wong, Esq., Attorney for Petitioner

Gilliard Smart, Petitioner

Norman Hayashi, County of Hawaii

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

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

Closing arguments were heard from Benjamin Kudo, Norman Hayashi, and Everett Kaneshige. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Tamaye moved for approval of Docket No. A86-601 - Richard Smart Revocable Personal Trust to reclassify approximately 404.34 acres of land situated in Waimea, South Kohala, Hawaii from the Agricultural District into the Urban District for residential, commercial, and industrial uses subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents 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 total number of residential units, or lots and units, to be developed on the Property, to residents of Hawaii 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 low and moderate preferential residential units, if offered for sale, shall be offered at prices that would enable such purchasers to qualify for and obtain State-assisted financing or Federally-insured or assisted financing intended to encourage home ownership by low and moderate income families.

2. Petitioner shall provide water pipeline easements on the Property as may be necessary for the State's Waimea Irrigation System and agricultural park developments as required by State and County agencies.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources and the County of

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Hawaii Department of Water Supply, develop necessary water source and transmission infrastructure to provide an adequate supply of potable water to the Property, prior to development of the property.

4. Petitioner shall fund and construct sewage infrastructure improvements necessary for development of the Property as may be required by State Department of Health and County agencies.

5. Petitioner shall be responsible for the design and construction of highway improvements as may be required by the State Department of Transportation and the County of Hawaii; provided that said highway improvements are rationally related to the mitigation of impacts caused by the development of the Property.

6. Petitioner shall prepare and execute an archaeological preservation and data recovery plan for review and approval by the Department of Land and Natural Resources and the County of Hawaii Planning Department.

7. Petitioner shall prepare a noise impact assessment study of aircraft operations at the Waimea-Kohala Airport relative to the Petitioner's proposed 2020 Plan to be submitted to the State Department of Transportation and County Planning Department for their review and comment.

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.

The motion was seconded by Chairman Tacbian.

The motion to approve the petition with eight conditions was unanimously approved as follows:

Ayēs: Commissioner Tamaye, Choy, Chun, Yuen, Cuskaden, Suzuki, Chairman Tacbian, and Vice-Chairman Whittemore.

SP87-362 - DEPT. OF PUBLIC WORKS, CITY AND COUNTY OF HONOLULU

Ray Young, staff planner, gave a summary report of the

special use permit request by Petitioner to allow a sanitary landfill on approximately 60.5 acres of land situated within the State Land Use Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu.

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

Comments were made by Frank Doyle, representing Petitioner. After hearing comments, questions were asked by the Commissioners.

Commissioner Cuskaden moved for approval of Docket No. SP87-362/Dept. of Public Works, City and County of Honolulu to allow a sanitary landfill on approximately 60.5 acres of within the Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu, subject to the following conditions:

1. That an earth berm shall be installed prior to the commencement of any waste disposal operations.

2. The landscaping plans which would include plant names, sizes, quantities and location shall be submitted to the Department of Land Utilization for approval and shall be implemented within 90 days of completion of the berm work.

3. The facility shall be operational between the hours of 7:00 a.m. and 4:30 p.m. daily.

4. The applicant shall obtain all necessary approvals from the State Department of Health, Department of Transportation, and Board of Water Supply for all on-site and off-site improvements involving access, storm drainage, leachate control, water and wastewater disposal.

5. The Planning Commission or Director of Land Utilization may at any time impose additional conditions when it becomes apparent that a modification is necessary and appropriate.

6. The applicant shall notify the Planning Commission of termination of use for appropriate Planning Commission action or disposition of the permit.

7. That the project be completed and operating within 3 years of the approval of the special use permit.

8. That the City and County indemnify and hold harmless the State of Hawaii and all of its agencies and/or employees for any lawsuit or legal action relating to any groundwater contamination or noise, odor pollution relative to the operation of the landfill.

The motion was seconded by Commissioner Chairman Tacbian.

The motion to approve the petition subject to eight conditions was unanimously carried by the following votes:

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

CONTINUED HEARING

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

The present matter before the Commission is a continuation of the hearing which had begun on December 2, 1986.

Appearances

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

Howard Murai, Project Manager, Department of Housing and Community Development, City and County of Honolulu

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

Jean Nishida, Land Use Division, Department of Planning and Economic Development

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

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Martin Wolff, Esq., Attorney representing Hawaii
Thousand Friends.

Mililani/Waipio/Melemanu Neighborhood Board No. 25
waived cross-examination and was not present to the proceeding.

Martin Wolff also waived cross-examination and was
excused from the proceeding.

STATE'S WITNESSES:

1. Dayton E. Fraim

Vice-Chairman Whittemore continued the hearing until
March 18, 1987 at 9:00 a.m. The hearing was adjourned at
11:40 a.m. A field trip to the petition site was held at
1:30 p.m. today.