

STATE OF HAWAII
LAND USE COMMISSION

Approved
6/18/85

Minutes of Meeting

Conference Rooms 322 A & B
Kalanimoku Building
Honolulu, Hawaii

March 19, 1985 - 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: Esther Ueda, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk

Catherine Stanley, Court Reporter

ACTION

A83-550 - A. R. NYLEN AND RAYMOND H. NYLEN

In the matter of the petition by A. R. Nylén and Raymond H. Nylén to amend the boundary from the Conservation District into the Urban District at Kahaluu, Koolaupoko, Oahu, a hearing had been conducted by Hearing Officer Matsubara on October 11, 1984.

Appearances

Eric Maehara, Attorney representing the petitioner

Gary Yokoyama, Planner, representing the Department of
General Planning

Daniel Yasui, Planner, representing the Department of
Planning & Economic Development

Based on his findings adduced at the hearing, it was Mr. Matsubara's proposed conclusion of law that reclassification of the subject property below the 300-foot elevation contour line, consisting of approximately 7.9 acres at Kahaluu, Oahu, from the Conservation District into the Urban District was reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

Mr. Yokoyama spoke of the city's concerns with possible erosion problems, waste disposal system, availability of water, etc. However, upon a review of the Hearing Officer's report, it was the city's feeling that reclassification of a portion of the property, below the 300' elevation, as recommended by Mr. Matsubara would be acceptable.

It was moved by Commissioner Choy to approve the Hearing Officer's recommendation to reclassify a portion of the property up to the 300' level from the Conservation District into the Urban District at Kahaluu, Oahu, Docket A83-550. It was seconded by Commissioner Rubin and the Commissioners were polled as follows:

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

The motion was carried.

A84-579 - PECA-IBEW TRAINING FUND

In the matter of the petition by PECA-IBEW Training Fund to amend the boundary from the Agricultural District into the Urban District at Pupukea, Loa, Oahu, a hearing had been conducted by Hearing Officer Matsubara on December 14, 1984.

Appearances

Tom Gill, Attorney representing the petitioner

David Laxson, Deputy Corporation Counsel, representing the
Department of General Planning

Abe Mitsuda, Planner, representing the Department of
Planning & Economic Development

Mr. Young, staff planner, oriented the Commission to the area being considered for reclassification on the USGS and tax maps.

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

Commissioner Whittemore moved that the property which is the subject of this petition under Docket A84-579, consisting of approximately 6.089 acres of land situated at Pupukea, Loa, Oahu, be reclassified from the Agricultural District into the Urban District. It was seconded by Commissioner Chun and the Commissioners were polled as follows:

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

A84-573 - OCEANIC PROPERTIES, INC.

In the matter of the petition by Oceanic Properties to reclassify approximately 74 acres of land at Ainakea, North Kohala, Hawaii, from the Agricultural District into the Urban District, a hearing had been conducted by the Land Use Commission on November 1, 1984.

Appearances

James Funaki, Attorney representing the petitioner

Abe Mitsuda, Planner, representing the Department of Planning & Economic Development

Mr. Young pointed out the property under petition on the USGS and tax maps and identified various surrounding landmarks.

Closing Arguments

By Mr. Funaki-----32 to 34

Examination by Chairman Yuen-----35 to 36

Examination by Commissioner Choy-----36 to 37

Examination by Vice Chairman Tacbian-----37 to 39

Examination by Commissioner Whittemore-----39

By Mr. Mitsuda-----40

Commissioner Tamaye moved that the property which is the subject of this petition, Docket A84-573, Oceanic Properties, Inc., consisting of approximately 74 acres of land situated at Ainakea, Hawaii, be reclassified from the Agricultural District into the Urban District subject to the following conditions:

"Petitioner shall provide housing opportunities for low and moderate income Hawaii residents in any one or combination of the following manner, prior to assigning or transferring its interest in the subject property: First, to offer for sale on a preferential basis on its own, or in cooperation with either or both the Hawaiian Housing Authority or the County of Hawaii, to be developed on a 5.3 acre portion of the subject property to residents of the State of Hawaii of low and moderate family income as determined by the Hawaii Housing Authority or County of Hawaii from time to time. Preferential lots shall be offered for sale at prices not exceeding prices that enable such buyers to qualify for and obtain state assisted financing intended to encourage home ownership by low and moderate income families, or to dedicate to the development of

an elderly multifamily housing a 5.3 acre portion of the subject property. Petitioner shall continue to afford private doctors an opportunity to lease the existing Kohala Health Center for community medical services. 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 of satisfaction of these conditions by the petitioner."

The motion was seconded by Commissioner Choy and the Commissioners were polled as follows:

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

The motion was passed.

HEARING

A84-581 - OCEANIC PROPERTIES, INC.

Pursuant to a notice published in the Honolulu Star Bulletin and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Oceanic Properties, Inc. to reclassify approximately 50 acres of land currently in the Agricultural District into the Urban District at Wahiawa, Oahu for single and multi-family residential development.

Appearances

James Funaki, Attorney representing the petitioner

David Laxson, Deputy Corporation Counsel, representing the Department of General Planning

Everett Kaneshige, Deputy Attorney General, representing the Dept. of Planning & Economic Development

Chairman Yuen stated for the record that the law firm of which he is a member had represented Charles Hurwitz as well as Irwin Jacob in the past, and wondered whether petitioner's counsel had any objections to Chairman Yuen's participation in these proceedings. Mr. Funaki replied that petitioner had no objections.

Exhibits

Petitioner's exhibits 1 through 9 were identified and moved into evidence.

County's exhibit was admitted into the record.

DPED's exhibit 1 was also admitted into the record,

The Executive Officer described the area being requested for reclassification on the USGS and tax maps.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

PETITIONER

Les Goya - Project Manager, Oceanic Properties, Inc.

Direct examination by Mr. Funaki-----48 to 57
 Cross examination by Mr. Laxson-----57 to 60
 Cross examination by Mr. Mitsuda-----61 to 66
 Examination by Commissioner Whittemore-----67 to 69
 Examination by Vice Chairman Tacbian-----69
 Examination by Commissioner Rubin-----69 to 70
 Examination by Chairman Yuen-----70 to 72

Randolph Moore - President of Oceanic Properties, Inc.

Direct examination by Mr. Funaki-----73 to 74
 Examination by Commissioner Choy-----75
 Examination by Vice Chairman Tacbian-----75 to 77
 Examination by Commissioner Whittemore-----77 to 78
 Examination by Chairman Yuen-----78 to 82

A lunch recess was taken from 12:00 to 1:35 p.m.

1:35 p.m.

Thomas Papandrew - Director of Planning, Belt Collins & Associates

Direct examination by Mr. Funaki-----83 to 100
 Cross examination by Mr. Laxson-----100 to 102
 Cross examination by Mr. Kaneshige-----102 to 106

Bill Paty - Chairman of the Diversified Agricultural Task Force,
Castle & Cooke

Direct examination by Mr. Funaki-----107 to 115
Cross examination by Mr. Kaneshige-----115 to 116
Examination by Commissioner Rubin-----117
Examination by Vice Chairman Tacbian-----117 to 118
Examination by Commissioner Whittemore-----118 to 119

MISCELLANEOUS

Adoption of Minutes

The minutes of September 10, 1984, October 22, 1984 and November 1, 1984 were approved as circulated.

Adoption of Decisions and Orders

The following Commission's Decisions and Orders were adopted:

A83-546 - Graham Beach Partners

A84-568 - Maud Van Cortlandt Hill Schroll Trust

A84-578 - Niunalu-Nawiliwili Community Planning Project

Chairman Yuen and Commissioner Choy excused themselves from the hearing at 3:00 p.m.

HEARING (cont.)

A84-581 - OCEANIC PROPERTIES, INC.

PETITIONER (cont.)

Vice Chairman Tacbian directed petitioner to call the next witness to the stand.

Paul Cool - Real Estate Appraiser and Analyst, John Child & Co.

Direct examination by Mr. Funaki-----119 to 128
Cross examination by Mr. Laxson-----128 to 130
Cross examination by Mr. Mitsuda-----130 to 134

Paul Cool (cont.)

Examination by Commissioner Rubin-----134 to 136
Examination by Commissioner Whittemore-----136 to 137
Examination by Vice Chairman Tacbian-----137

DEPARTMENT OF GENERAL PLANNING

Betsy Marcinkus - Planner

Direct examination by Mr. Laxson-----138 to 144
Cross examination by Mr. Funaki-----144 to 148
Cross examination by Mr. Kaneshige-----148 to 150
Examination by Commissioner Chun-----150 to 151

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Abe Mitsuda - Planner

Direct examination by Mr. Kaneshige-----152 to 155
Cross examination by Mr. Funaki-----155 to 156
Cross examination by Mr. Laxson-----156 to 157
Examination by Commissioner Rubin-----157 to 158

Vice Chairman Tacbian announced that the hearing was concluded; however, the Commission reserved the right to reopen the hearing pending receipt of the additional information requested by Chairman Yuen concerning Castle & Cooke's status should certain options be exercised.

The meeting was adjourned at 4:25 p.m.