

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Department of Education Board Room
4th Floor, Queen Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii

approved
4/8/88

March 29, 1988

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

COMMISSIONERS ABSENT: 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

A88-621 KAHALA CAPITAL CORPORATION (Hawaii)

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Kahala Capital Corporation to consider acceptance of Petitioner's Environmental Impact Statement to reclassify approximately 349.05 acres of land currently in the Conservation District into the Urban District at Awake'e, North Kona, Hawaii, for intermediate resort and golf course uses.

Appearances

Sandra Pechter Schutte, Esq., Attorney for Petitioner

John Anderson, Esq., Deputy Attorney General,
Department of Business and Economic Development

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

The County of Hawaii was not present at the proceeding.

After hearing comments from Petitioner's attorney and Mr. Anderson, questions were asked by the Commissioners.

Commissioner Whittemore moved for acceptance of Kahala Capital Corporation's Environmental Impact Statement to reclassify approximately 349.05 acres of land currently in the Conservation District into the Urban District at Awake'e, North Kona, Hawaii, for intermediate resort and golf course uses. The motion was seconded by Commissioner Chun.

The motion was unanimously carried by voice votes and the petition was accepted for filing as of March 29, 1988.

A87-610 TOM GENTRY AND GENTRY-PACIFIC, LTD. (Oahu)

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Tom Gentry and Gentry-Pacific, Ltd. to reclassify approximately 1,395 acres of land currently in the Agricultural District into the Urban District at Waiawa, Oahu, Hawaii, for a residential community.

Appearances

Alan Okamoto, Esq., Attorney for Petitioner

Norman Dyer, Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development

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

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 Alan Okamoto, Betsy Marcinkus, and John Anderson. After hearing arguments, parties were questioned by the Commissioners.

Hearing no objections by the parties, amended conditions filed today by the Department of Business and Economic Development were accepted by the Chairman as an amendment to the conditions previously filed by DBED in their proposed decision and order.

Commissioner Nip moved for approval to reclassify approximately 1,395 acres of land currently in the Agricultural District into the Urban District at Waiawa, Oahu, Hawaii, for a residential community, subject to the following conditions:

1. A study funded by the U.S. Department of the Navy to review the potential for groundwater contamination resulting from the urbanization of the petition area shall be completed prior to any site development and construction unless the Department of Health after consultation with the U.S. Navy and review of the proposed study scope makes a determination that development and construction within a specified area will not cause groundwater contamination to wells in the area. The Petitioners shall not proceed with the project until the study shows, to the satisfaction of DOH that groundwater contamination will not occur as a result of the proposed project, or until DOH makes a determination that development or partial development may be allowed.

2. Any urban development within the Property shall be subject to the further review and approval with appropriate mitigative conditions and measures required by the state Department of Health with respect to the proposed development's impact on the groundwater resources in the area.

3. For the first 1,000 dwelling units which may be constructed on the Property, Petitioner shall provide housing opportunities for low, low-moderate, and moderate income Hawaii residents by offering for sale at least thirty percent (30%) of the units at prices which families with an income range of 80 to 120 percent of Oahu's median income can afford and thirty percent (30%) of the units which families with an income range of 120 to 140 percent of Oahu's median income can afford. This condition may be fulfilled through projects, under such terms

as may be mutually agreeable, between petitioners and the Housing Finance and Development Corporation of the State, or other appropriate governmental agency. This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation, through the construction of rental units to be made available at rents which families in the specified income ranges can afford.

4. For the balance of the Property, the affordable housing requirements shall be satisfied in a manner that meets with the approval of the City and County of Honolulu and the State Housing Finance and Development Corporation. Said requirements shall take into consideration affordable on-site or off-site housing units or cash payments that satisfy the then current housing needs, or other necessary or desirable community facilities as determined above.

5. Petitioner shall fund and construct the necessary improvements as determined by the State Department of Transportation which would mitigate impacts from the subject project. These improvements shall be implemented on a schedule acceptable to and approved by 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. This will include construction and operation of a park and ride facility or other activities to encourage transit use or ridesharing. These activities and facilities shall be implemented on a schedule acceptable to and approved by the State Department of Transportation.

7. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

8. Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development.

9. Petitioner shall provide public access to the Conservation District land mauka of the Property.

The motion was seconded by Commissioner Tamaye.

Hearing no objections from the Commissioners, Chairman Tacbian added Condition Number ten as follows:

10. Petitioner shall provide annual reports to the Land Use Commission, the Department of Business and Economic Development and the City and County of Honolulu Department of General Planning in connection with the status of the project and petitioner's progress in complying with the conditions imposed.

The motion to approve the petition subject to ten conditions was unanimously approved as follows:

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

MISCELLANEOUS

1. Esther Ueda, Executive Officer, gave a status report of legislative bills to the Commission.

2. Adoption of Decision and Order

The Decision and Order for the following docket was adopted:

A87-616 Department of General Planning, City and County of Honolulu (Oahu)

3. Adoption of Minutes

The minutes for the following meeting dates were approved as circulated: March 8 and 9, 1988

The meeting was adjourned at 10:52 a.m.