

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

March 9, 1988

approved  
3/24/88

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

COMMISSIONERS ABSENT: Renton L.K. Nip (Excused)  
Sharon R. Himeno (Excused)

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

Chairman Tacbian called the meeting to order.

ACTION

A87-609 / MILILANI TOWN, INC. (Oahu)

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Mililani Town, Inc. to reclassify approximately 1,200.38 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Hawaii, for a residential community.

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

Appearances

James Funaki, Esq., Attorney for Petitioner

Diane Kawauchi, Esq., Deputy Corporation Counsel,  
City and County of Honolulu

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 James Funaki, John Anderson, and Diane Kawauchi. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Whittemore moved for approval that a portion of the Property, identified as Phase I, consisting of approximately 723 acres, being the subject of Docket Number A87-609 by Mililani Town, Inc., situated at Waipio, District of Ewa, Island of Oahu, State of Hawaii, identified as Oahu Tax Map Key 9-5-01: Portion of 1, portion of 11, portion of 16, 40; 9-5-02: portion of 1, and approximately identified on Exhibit "A", attached hereto and incorporated by reference herein, for reclassification from the Agricultural District to the Urban District, subject to the following conditions:

1. That the 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 twenty percent (20%) of the units which families with an income range of 120 to 140 percent of Oahu's median income can afford, and in this area at the discretion of the City and County of Honolulu. This condition may be fulfilled through projects, under such terms as may be mutually agreeable, between petitioner, City and County of Honolulu and the Housing Finance and Development Corporation of the State, or other appropriate governmental agency.

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

3. Should any archaeological resources such as artifacts, shell, bone, or coral alignments, pavings or walls are encountered during the project's development, the Petitioner shall immediately stop work and contact the State Historic Preservation Office.

4. The Petitioner shall provide public access over the Property to public trail rights-of-way for Waikakalaua and Kipapa Valleys and the ridge mauka of the Property.

5. The Petitioner shall fund and construct the necessary improvements to the Mililani Interchange, including the transitions to H-2, to accommodate traffic generated by the proposed project on a schedule acceptable and in coordination with the state Department of Transportation.

6. The 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. The Petitioner shall cause to be provided the operation of a park-and-ride facility or other activities to encourage transit use or ridesharing.

7. The Petitioner shall inform prospective occupants of possible noise impacts from Wheeler Air Force Base and other military activities in the area, and include appropriate comments in the deeds to prospective occupants to indemnify and defend the State of Hawaii and City and County of Honolulu in the event any suit is brought arising out of and resulting from inconvenience, disturbance and/or injury from noise and/or other military activities in the area.

8. The Petitioner shall participate in an air quality monitoring program with the State Department of Health.

9. The Petitioner will ensure no loss of pineapple production as a result of the proposed development.

10. The areas designated by the Petitioner for the university shall not be used for other purposes without Land Use Commission review and approval of the proposed alternative use or uses, unless the University of Hawaii notifies the Petitioner not to locate at Mililani at the designated site.

IT IS ALSO HEREBY ORDERED that the remaining balance of the Property, identified as Phase II, consisting of approximately 477 acres, situated at Waipio, District of Ewa, Island of Oahu, State of Hawaii, identified as Oahu Tax Map Key 9-5-02: portion of 1, and approximately identified on said Exhibit "A", shall be and the same is approved for incremental development pursuant to §15-15-78 of the Hawaii Land Use Commission Rules and that redistricting from the Agricultural to the Urban classification will be granted upon receipt of an application by Petitioner for redistricting of this second increment upon a prima facie showing that there has occurred substantial completion of the on-site and off-site improvements within Phase I and in accordance with the Petitioner's development plan as indicated above, within five years of the date of this order; subject to the conditions as aforesaid.

The motion was seconded by Commissioner Tamaye.

Commissioner Choy moved to amend the motion to add Condition Number eleven to require Petitioner to submit an annual report to the Land Use Commission and the Department of Business and Economic Development in connection with the status of the project and Petitioner's progress in complying with the conditions imposed.

The motion to amend the motion to include Condition Number eleven was unanimously approved by voice votes.

Commissioner Cuskaden moved to go into executive session to consult with our Deputy Attorney General on legal matters. The motion was seconded by Commissioner Whittemore and unanimously carried by voice votes.

Commissioner Cuskaden moved to modify and correct the proposed conditions as follows: Condition Number six, modify the phrase "the Petitioner shall cause to be provided the operation of a park-and-ride facility," to read as "the

Petitioner shall construct and provide the operation of a park-and-ride facility or other activities to encourage transit use of ridesharing; Condition Number one, delete the phrase "at the discretion of the City and County of Honolulu"; Condition Number seven, the word "comments" should be "covenants"; Condition Number ten, insert the word "prior" so that the phrase would read, "the areas designated by the petitioner for the university shall not be used for other purposes without prior Land Use Commission review and approval."

Hearing no objections from the other Commissioners, Chairman Tacbian incorporated all the corrections into the main motion.

A lunch recess was taken at 11:30 a.m. to reconvene at 12:30 p.m.

- 12:30 p.m. -

The motion to approve Phase I, and Phase II on an incremental basis subject to 11 conditions as amended was unanimously approved as follows:

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

The meeting was adjourned at 12:55 p.m.