

STATE OF HAWAII
LAND USE COMMISSION

Approved
6/18/86

Minutes of Meeting

May 14, 1986

COMMISSIONERS PRESENT:

Teofilo Phil Tacbian, Chairman
Fred Whittemore
Richard Choy
William Yuen
Robert Tamaye
Toru Suzuki
Everett Cuskaden
Winona Rubin
Lawrence Chun

STAFF PRESENT:

Esther Ueda, Executive Officer
Raymond Young, Planner
Darlene Kinoshita, Chief Clerk
Annette Chock, Deputy A.G.

Teri Andreasen, Court Reporter

ACTION

Chairman Tacbian called the meeting to order.

A86-600 - WAITEC DEVELOPMENT, INC. (OAHU)

In the matter of the petition of Waitec Development, Inc. (Oahu) to consider the Petition to Intervene filed by the Mililani/Waipio/Melemanu Neighborhood Board No. 25.

Appearances

Jan Sullivan, Attorney representing the Petitioner

Everett Kaneshige, Deputy Attorney General for DPED
Nancy Kilonsky, Planner for Land Use Division, DPED

Diane Kawauchi, Deputy Corporation Counsel
Betsy Marcinkus, Representing Department of General
Planning, City and County of Honolulu

Samuel S. H. Lee, Representing
Mililani/Waipio/Melemanu Neighborhood Board No. 25

Since there were no objections from the parties and the Commission, the motion to intervene was granted to allow intervention of the Mililani/Waipio/Melemanu Neighborhood Board No. 25

A84-576 - HALEAKALA GREENS CORPORATION (MAUI)

In the matter of the petition of Haleakala Greens Corporation (Maui) to consider Petitioner's request for release of all conditions of the Decision and Order which reclassified approximately 229.3 acres of land from the Agricultural District into the Urban District at Kula, Makawao, Maui, for a golf course. Mr. Brian Miske, Vice-President of Haleakala Greens advised the Commission that he is withdrawing his request at the present time because he was informed that the County of Maui was objecting to his request and that he needed more time to discuss the matter with them. The Commission had no objections to his request for withdrawal.

SP86-359 - COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS

Ray Young, Planner, gave a summary report of the special permit request by petitioner to allow a sanitary landfill on approximately 55 acres of land situated within the State Land Use Agricultural District at Puunene, Wailuku, Maui.

After questioning of Christine Okuda, representative of R.M. Towill Corporation who is assisting the County of Maui in the designing of the landfill, Commissioner Yuen moved to go into executive session to consult with the Deputy Attorney General as to the legalities of two special permits running concurrently. It was seconded by Commissioner Cuskaden. After the executive session, Chairman Tacbian deferred action on this special permit until later in the day so that they could get more information from the County of Maui to make a determination.

A85-598 - MILILANI TOWN, INC.

In the matter of the petition by Mililani Town, Inc. to reclassify approximately 1,205.4 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, for a residential community. A hearing had been conducted by the Land Use Commission on December 10, 1984, February 4 and 5, 1986, and March 11, 1986.

Appearances

James Funaki, Esq., Attorney representing Petitioner

Diane Kawauchi, Esq., Deputy Corporation Counsel
Betsy Marcinkus, Representing the Department of
General Planning

Everett Kaneshige, Esq., Deputy Attorney General for
Department of Planning and Economic Development
Nancy Kilonsky, Planner for Land Use Division,
Department of Planning and Economic Development

Samuel S.H. Lee, Intervenor, Mililani/Waipio/
Melemanu Neighborhood Board No. 25

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

Closing arguments were heard from James Funaki and upon questioning by Commissioner Cuskaden, it was questioned by Commissioner Yuen whether the Commission could take testimony from one of Mr. Funaki's witnesses at this time. Thereupon it was moved by Commissioner Yuen to go into executive session to discuss this legality with the Deputy Attorney General. The motion was seconded by Commissioner Cuskaden. After the executive session, it was determined by the Commission to dismiss Mr. Funaki's witness at this time.

Further closing arguments were heard from Diane Kawauchi, Everett Kaneshige, and Sam Lee. After hearing arguments, questions was asked by the Commissioners.

Commissioner Chun moved for approval of Docket No. A85-598, Mililani Town, Inc. to reclassify approximately 650 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu for a residential community subject to the following conditions:

1. Petitioner shall provide housing opportunities for low, moderate, and gap income housing Hawaii residents by offering for sale on a preferential basis on its own or in cooperation with either or both Hawaii Housing Authority and the City and County of Honolulu on or off the property a number of residential units not less than ten percent of the number of residential units to be developed on the property to residents of Hawaii of low, moderate, and gap income as determined by the Hawaii Housing Authority for the City and County of Honolulu from time to time. The preferential residential units shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain state assisted financing, for example, FHA Section 245, intended to encourage home ownership by low and moderate income families.

2. In the event Petitioner should discover any historic artifacts or archaeological sites during construction, Petitioner shall stop construction in the immediate area and immediately notify appropriate state and county agencies to preserve such historical artifacts or archaeological sites.

3. Petitioner shall, in coordination with the State Department of Land and Natural Resources, provide public access to the public trail rights-of-way for Waikakalau and Kipapa Valley and the ridge mauka of the subject land.

4. Petitioner shall fund the State's share of the design and construction of improvements to the Mililani interchange, including the transitions to H-2 after available federal funds have been applied to accommodate additional traffic generated by the proposed development as required by the State Department of Transportation. The construction schedule for these improvements shall be subject to the approval of the Department of Transportation.

5. The Petitioner shall cause approximately 650 acres, or an amount equivalent to the acreage removed from pineapple production for the development of the property to be replanted in pineapple.

6. Petitioner shall, by appropriate covenant or other document, subject to the Land Use Commission's approval, disclose the potential noise impacts or aviation activities associated with Wheeler Air Force Base to purchasers or residential units developed on the property.

7. The Commission may fully or partially release these conditions as to all or any portion of the property upon timely motion and the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

The motion was seconded by Commissioner Choy.

Commissioner Rubin moved to amend the motion to include a condition to read: "The Petitioner shall, in coordination with the State Department of Land and Natural Resources and the Honolulu Board of Water Supply, provide an adequate supply of contaminant-free domestic water to the property. In the event water is not available from existing sources, Petitioner shall develop additional contaminant-free water sources, storage and transmission facilities as required by state and county agencies.

The motion was seconded by Commissioner Whittemore.

The motion to amend the conditions to include a water condition was unanimously carried.

After further discussions on the motion, the Commissioners were polled as follows on the motion, as amended, to approve the petition of Mililani Town, Inc. subject to eight conditions:

Ayes: Commissioner Chun, Choy, Rubin, Whittemore, and Cuskaden

Nays: Commissioner Tamaye, Suzuki, Yuen, and Chairman Tacbian

The motion, failing to receive the required six votes to pass, was lost.

Commissioner Yuen moved that the Commission adopt findings of fact consistent with the remarks made by the Commissioners opposing the motion in order that the Commission's grounds for its negative action be properly reflected in the records.

It was seconded by Commissioner Cuskaden.

The motion was unanimously carried by voice votes.

SP86-359 - COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS (cont.)

Chairman Tacbian called Brian Hashiro of the County of Maui as a witness to answer questions that the Commissioners had in regards to the special permit.

After questioning the witness, Commissioner Yuen moved to approve the Special Use Permit for the County of Maui, Department of Public Works, SP86-359, subject to the twelve conditions that the County of Maui had imposed, and an additional condition that the County will submit a letter from Ameron H C & D stating that they will amend their Special Use Permit in the property to delete the area being applied for landfill purposes.

It was seconded by Commission Whittemore and carried by voice votes.

MISCELLANEOUS

Adoption of Minutes

The following minute was approved as circulated:

March 11, 1986

Adoption of Decision and Order

The following Decision and Order was adopted:

A80-482 - T.S.K., Associates (Hawaii)

Election of Officers

The Commission re-elected Phil Tacbian as Chairman and Fred Whittemore as Vice-Chairman.

The meeting was adjourned at 4:00 p.m.