

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hawaii Housing Authority - Housing Finance
And Development Corporation Board Room
Building E
1002 North School Street
Honolulu, Hawaii

June 21, 1988

Approved
8/16/88

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman (Portion of Proceeding)
Lawrence Chun, Vice-Chairman (Portion of Proceeding)
Teofilo Phil Tacbian (Portion of Proceeding)
Richard Choy
Toru Suzuki
Robert Tamaye (Portion of the Proceeding)
Frederick P. Whittemore
Allen Kajioka
Sharon R. Himeno (Portion of Proceeding)

COMMISSIONERS ABSENT:

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

Chairman Nip called the meeting to order.

ACTION

A88-624 - THE LUSK COMPANY (OAHU)

Chairman Nip announced that the Commission would take action in the matter of the petition by The Lusk Company to consider acceptance of The Lusk Company's Environmental Impact Statement to reclassify approximately 26 acres of land currently in the Conservation District into the Urban District at Waiiau, Ewa, Oahu, Hawaii for single family residential use.

Appearances

Lincoln Ishida, Esq., Attorney for Petitioner

John Anderson, Deputy Attorney General, Land Use
Division, Dept. of Business and Economic Development

Abe Mitsuda, Land Use Division, Dept. of Business and
Economic Development

David Hulse, Land Use Division, Dept. of Business and
Economic Development

Betsy Marcinkus, Dept. of General Planning, City and
County of Honolulu

After hearing comments from Lincoln Ishida,
John Anderson, and Betsy Marcinkus, questions were asked by the
Commissioners.

Commissioner Whittemore moved for approval of the
acceptance of The Lusk's Company's Environmental Impact
Statement to reclassify approximately 26 acres of land
currently in the Conservation District into the Urban District
at Waiiau, Ewa, Oahu, Hawaii for single-family residential use.

The motion was seconded by Commissioner Tamaye and
polled as follows:

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

Abstain: Commissioner Kajioka

HEARING

A88-622 - HOUSING FINANCE AND DEVELOPMENT CORPORATION (Oahu)

Pursuant to a notice published in the Honolulu Star
Bulletin on May 20, 1988 and notices sent to all parties, a
hearing was called by the Land Use Commission in the matter of
the petition of the Housing Finance and Development Corporation
to reclassify approximately 830 acres of land currently in the
Agricultural District into the Urban District at Honouliuli,

Ewa, Oahu, Hawaii for a residential community primarily for affordable housing.

Appearances

Rodney Sato, Esq., Attorney for Petitioner

Lloyd Haraguchi, Housing Finance and Development Corporation

John Anderson, Deputy Attorney General, Land Use Division, Dept. of Business and Economic Development

Abe Mitsuda, Land Use Division, Dept. of Business and Economic Development

David Hulse, Land Use Division, Dept. of Business and Economic Development

Betsy Marcinkus, Dept. of General Planning, City and County of Honolulu

Rebecca Greenway, Esq., Attorney for Potential Intervenor No. 1, Dept. of the Navy

J. Gregory Turnbull, Esq., Attorney for Chevron U.S.A., Potential Intervenor No. 2

Melinda Yaki, Esq., Attorney for Chevron U.S.A., Potential Intervenor No. 2

Chairman Nip announced that the Commission will take action on the Petition to Intervene and Motion for Fee Waiver filed by the Department of the Navy.

Arguments on the motions were heard from Rebecca Greenway. After hearing her arguments, questions were asked by the Commissioners.

Commissioner Chun moved to allow the Navy to intervene and waive the filing fee. The motion was seconded by Commissioner Kajioaka and unanimously carried by voice votes.

Chairman Nip announced that the Commission will take action on the Petition to Intervene by Chevron U.S.A.

Arguments on the motion was heard by J. Gregory Turnbull. After hearing his arguments, questions were asked by the Commissioners.

Commissioner Chun moved to allow Chevron U.S.A. to intervene. The motion was seconded by Commissioner Kajioka and unanimously carried by voice votes.

PUBLIC WITNESSES

There were two untimely requests to appear as public witnesses from the United Church of Christ and the Episcopal Church. The two public witnesses were not present to the proceeding. There was also a letter dated June 9, 1988 submitted by Campbell Estate. Commissioner Whittemore moved for approval to accept the untimely requests and letter into evidence. The motion was seconded by Commissioner Kajioka and carried unanimously by voice votes.

PETITIONER'S EXHIBITS

1. Exhibit No. 1 through 6; 7a through 7e; 8 through 12; 13a through 13i; 14, 14a through 14b; 15; 15a; 16 through 16a; 17 through 20; 20a through 20d; 21 through 23; 23a through 23hhh; 24 through 29; 30a through 30c; 31; 32a through 32c; 33 through 47; 48a through 48e; 49 through 66; 67a through 67d; 68 through 87 were admitted into evidence by the Land Use Commission.

COUNTY'S EXHIBITS

1. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

STATE'S EXHIBITS

1. State's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

INTERVENOR NO. 1 - DEPT. OF NAVY'S EXHIBITS

1. Navy's Exhibit No. 3 through 5 were admitted into evidence by the Land Use Commission. Navy's Exhibit No. 1 and 2 were withdrawn.

INTERVENOR NO. 2 - CHEVRON U.S.A.'S EXHIBITS

1. Chevron's Exhibit A with supplemental map was admitted into evidence by the Land Use Commission.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

PETITIONER'S WITNESSES

1. John Sperling
2. Joseph K. Conant

Commissioner Chun was absent from the proceeding at this time.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:15 p.m.

- 1:40 pm. -

The court reporter at this time is Priscilla Gonzaga.

Commissioner Tacbian was absent from the proceeding at this time.

ACTION

A87-619 - CHARLES J. BOERNER AND CHARLES H. BOERNER (Maui)

Chairman Nip announced that the Commission will take action in the matter of the petition by Charles J. Boerner and Charles H. Boerner to reclassify approximately 53.238 acres of land currently in the Conservation District into the Agricultural District at Kipahulu, Hana, Maui, Hawaii for grazing and orchards.

Appearances

W.Y. Thompson, Planner Consultant

John Anderson, Deputy Attorney General, Land Use Division, Dept. of Business and Economic Development

Abe Mitsuda, Land Use Division, Dept. of Business and Economic Development

David Hulse, Land Use Division, Dept. of Business and Economic Development

Clyde Murashige, Planning Department, County of Maui

Closing arguments were heard from Mr. Thompson, Mr. Anderson, and Mr. Murashige. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Tamaye moved from approval of Docket No. A87-619, Charles J. Boerner and Charles H. Boerner, to reclassify approximately 53.238 acres of land currently in the Conservation District into the Agricultural District at Kipahulu, Hana, Maui, Hawaii for grazing and orchards, subject to the following conditions:

1. The provisions of the Declaration of Covenants, Conditions and Restrictions set forth by The Nature Conservancy and recorded at the Bureau of Conveyances, State of Hawaii, Liber 18210 beginning with page 446 (hereinafter "Declaration" and attached hereto as Exhibit B), which Declaration is for the purpose of protecting, preserving and maintaining the aesthetic, scenic and ecological values of the Nature Conservancy's land and of the National Park Service's land, shall become a part of this Order, and as such, shall be conditions to reclassification, which conditions may be enforced by the State of Hawaii. No removal or changes of any of the covenants, conditions and restrictions of the Declaration shall be made or take effect without the concurring approval of the Land Use Commission.

2. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. As represented, Petitioner shall develop the Property only for farming or farm related uses and there shall be no homes constructed except as directly related to the operation and maintenance of the agricultural development on the Property.

3. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in

trust, or otherwise voluntarily alter the ownership interest in the Property covered by the approved Petition, prior to development of the Property.

4. 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 subject to four conditions was seconded by Commissioner Suzuki.

Commissioner Himeno moved to amend the motion by adding an additional condition as follows:

Petitioner shall have the right to adjust the boundaries of his separate farm parcels or lots (identified by separate tax map parcel numbers) at any time for the purpose of consolidation and re-subdivision without increasing the number of lots in compliance with applicable County regulations; subject, however, to the requirement for requesting and obtaining permission from the Land Use Commission prior to applying with the County for the subdivision of the Petitioner's separate farm parcels or lots (identified by separate tax map parcel numbers) whenever additional lots are to be created.

The motion was seconded by Commissioner Whittemore.

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

The motion to approve the petition subject to five conditions as amended was unanimously carried by the following voice votes.

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

HEARING (Cont'd)

A88-622 - HOUSING FINANCE AND DEVELOPMENT CORPORATION (Oahu)

Chairman Nip was absent from the proceeding at this time.

PETITIONER'S WITNESSES (Cont'd)

3. Lloyd Haraguchi (Cont'd)

Chairman Nip joined the proceeding at this time.

4. Bruce Tsuchida (as a planning consultant)

Commissioner Nip was absent to the proceeding at this time.

5. Mark Hastert

Commissioner Tamaye and Commissioner Himeno were absent to the proceeding at this time. Commissioner Nip and Commissioner Tacbian joined the proceeding at this time.

The court reporter at this time is Jean McManus.

6. Roy Tsutsui

7. Bruce Tsuchida (testifying on the work of sub-consultants)

The meeting was adjourned at 8:00 p.m.