

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

June 5, 1987

*Approved
6/23/87*

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Sharon R. Himeno
William Yuen
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Everett Cuskaden

COMMISSIONERS ABSENT: Frederick Whittemore

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

Patricia A. Miller, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

A81-514 - PUKALANI HEIGHTS ASSOCIATES

In the matter of the Petition of Pukalani Heights Associates to show cause why the property of the subject docket should not revert to its former land use classification or be changed to a more appropriate classification due to the landowners failure to comply with the condition of the Commission's order and file the condition with the Bureau of Conveyances. A hearing had been conducted by Hearing Officer, Everett Cuskaden, on February 20, 1987.

Following a report of the findings presented at the hearing, it was Mr. Cuskaden's recommendation that the subject property, Pukalani Heights, situated in the eastern or mauka

edge of the residential development of Pukalani be reclassified from the Urban District to the Agricultural District and that the district boundaries be amended accordingly.

Following questions of Mr. Cuskaden, Commissioner Yuen moved to accept the recommendation of the Hearing officer with the additional finding that the reclassification of the property into the Agricultural District meets the various standards for properties to be included in the Agricultural District.

It was seconded by Commission Chun and polled as follows:

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

The motion was unanimously carried.

A86-606 - DEPARTMENT OF GENERAL PLANNING, CITY AND COUNTY OF HONOLULU

Chairman Tacbian announced that the Commission would take action in the matter of the petition by the Department of General Planning, City and County of Honolulu to reclassify approximately 269.454 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, for a residential subdivision. A hearing was conducted on December 2, 1986; January 27 and 28, 1987; February 10 and 11, 1987; March 17 and 18, 1987; and April 15 and 16, 1987.

Appearances

Gary Yokoyama, Esq., Deputy Corporation Counsel

Howard Murai, Dept. of General Planning

Everett Kaneshige, Esq., Deputy Attorney General,
Department of Planning and Economic Development

Jean Nishida, Land Use Division, Department of
Planning and Economic Development

Martin Wolff, Esq., representing Hawaii Thousand
Friends

Howard Criss, Jr., President, Hawaii Thousand Friends

Mililani/Waipio/Melemanu Neighborhood Board No. 25 was not present to the proceeding.

Commissioner Himeno did not participate in this proceeding due to a declared conflict of interest.

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 Gary Yokoyama, Everett Kaneshige, and Martin Wolff. After hearing arguments, parties were questioned by the Commissioners.

Commissioner Choy moved for approval of Docket No. A86-606 - Department of General Planning, City and County of Honolulu to reclassify approximately 269.454 acres of land currently in the Agricultural District into the Urban District at Waipio, Ewa, Oahu, for a residential subdivision subject to the following conditions:

1. The Property shall be developed for the purpose of providing affordable housing in accordance with Chapters 359G and 46-15.1 of the Hawaii Revised Statutes.

2. Petitioner shall offer for sale at least 60% of the houselots provided by the Project, to residents of Hawaii of low or gap income groups, provided that not less than 20 percent of the houselots shall be made available to residents of low or moderate income groups.

3. Development of the Property shall include a minimum setback of 100 feet from the common boundary shared with the U.S. Naval Magazine at Lualualei-Waikele Branch, that shall run to a point 1,020 feet from the point at which the Navy's northern boundary currently crosses Kipapa Gulch. No buildings are to be constructed within this setback area. Further, a chain link fence, at least 6 feet in height, shall be constructed within the setback area, not less than 20 feet from the common boundary line.

4. Petitioner shall include on the Property, a minimum setback of 50 feet along the boundary fronting the Kamehameha Highway right-of-way, between Ka Uka Boulevard and the makai boundary of the Property, to mitigate the adverse impacts of air quality and noise level changes. The setback shall include an earthen berm, wall, and/or landscaping necessary for the maximum mitigation of anticipated adverse impacts. Further, no two-story homes may be constructed within one hundred feet of the Kamehameha Highway right-of-way.

5. Petitioner shall contribute its share of funding, as required by the State Department of Transportation, for any costs associated with off-site highway and access improvements provided said highway or access improvements are rationally related to the mitigation of impacts caused by Petitioner's proposed project. Furthermore, Petitioner shall not begin construction on the Property until there is a sufficient funding commitment for the widening of Kamehameha Highway, the construction of Waipio Interchange, and the construction of the Paiwa Street Extension.

6. Petitioner shall obtain from the U.S. Department of the Army, an executed quitclaim deed to release Easement No. 44 to the Property owner.

7. Petitioner shall, in coordination with the State Department of Land and Natural Resources, Department of Health, and the Board of Water Supply, provide an adequate supply of potable water and the necessary transmission system to the Property.

8. Petitioner shall, in coordination with the developer of the Waikele Residential Development to the south, fund and construct sewage and drainage infrastructure improvements necessary for development of the Property as may be required by the State Department of Health and the County Department of Public Works.

9. 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 was seconded by Commissioner Cuskaden.

Commissioner Cuskaden moved to amend Commissioner Choy's motion to add condition number 10 that the appropriate approvals and funding for the development of the project would be obtained by the Petitioner within one year of the date of the Commission's decision and order. The motion was seconded by Commissioner Choy and unanimously carried by voice vote.

The Commissioners were then polled as follows on the motion to approve Department of General Planning's Petition subject to ten conditions:

Ayes: Commissioner Choy and Cuskaden

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

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

Commissioner Yuen suggested that the Commission use the proposed findings of the Department of Planning and Economic Development, subject to editing.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDERS

The Decision and Order for the following dockets were adopted:

DR87-10 - PHILO OWEN AND OK SOON OWEN

SP87-363 - KUILIMA DEVELOPMENT COMPANY

2. ADOPTION OF MINUTES

The minutes for the following meeting date was approved as circulated: April 15, 1987

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Commissioner Cuskaden presented to the Commission a summary of his recent trip to the APA Conference held in April 1987.

Esther Ueda, Executive Officer, gave a status report regarding Petitioners' Compliance in Filing Annual Reports, 1975 to present.

The meeting was adjourned at 12:14 p.m.