

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

House Conference Room 310  
3rd. Floor, State Capitol  
Honolulu, Hawaii

*approved  
10/5/89*

September 21, 1989

COMMISSIONERS PRESENT: Lawrence Chun, Vice-Chairman (Portion  
of Proceeding)  
Frederick P. Whittemore  
James M. Shinno  
Allen Hoe  
Allen Y. Kajioka (Portion of  
Proceeding)  
Elton Wada  
Eusebio Lapenia, Jr. (Portion of  
Proceeding)  
Sharon R. Himeno (Portion of  
Proceeding)

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman

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

Vice-Chairman Chun called the meeting to order.

ACTION

SP87-362 - CITY AND COUNTY OF HONOLULU, DEPT. OF PUBLIC WORKS  
(Oahu)

Vice-Chairman Chun announced that the Commission would take action in the matter of the special use permit by the Department of Public Works to consider a 26-acre expansion of a sanitary landfill for a total of approximately 86.5 acres of land situated within the State Land Use Agricultural District at Waimanalo Gulch, Honouliuli, Ewa, Oahu, Hawaii.

Appearances

Melvin Lee, Engineer, Department of Public Works, City and County of Honolulu

Raymond Young, Staff Planner, oriented the Commission to the area on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit request.

Arguments were heard from Mr. Lee. After hearing arguments, questions were asked by the Commissioners.

Commissioner Kajioka moved that the first amendment to SP87-362, Department of Public Works, City and County of Honolulu be approved in order to include an additional 26 acres, effective on the date of approval by the State Land Use Commission and subject to all conditions of the original permit as well as to an additional condition, as recommended by the Director of the Department of Land Utilization, requiring coordination between the Department of Public Works and the Hawaii Electric Company during the construction and operation of the landfill.

The motion was seconded by Commissioner Hoe and unanimously approved by the following votes:

Ayes: Commissioner Hoe, Kajioka, Lapenia, Shinno, Wada, Whittemore, Himeno, and Vice-Chairman Chun.

SP73-159 - TOYAMA GARDENS HAWAII CORPORATION DBA NANI MAU GARDENS (Third Amendment) (Hawaii)

Vice-Chairman Chun announced that the Commission would take action in the matter of the special use permit by Toyama Gardens Hawaii Corp. dba Nani Mau Gardens to consider deletion of Condition Number 8 of the Commission's Decision and Order and a 33.786 acre expansion of the Special Permit area to include an agricultural museum, aviary and animal exhibits, horse stables and equestrian trails, a fruit and vegetable stand and related improvements for a total special permit area of approximately 53.876 acres of land situated within the State Land Use Agricultural District at Waiakea, South Hilo, Hawaii.

Appearances

Sidney Fuke, Planner Consultant, for Petitioner

Robert Jitchaku, for Petitioner

Junichi Adachi, General Manager, for Petitioner

Connie Kiriu, Planning Department, County of Hawaii

Raymond Young, Staff Planner, oriented the Commission to the area on the Land Use District Boundaries and tax maps and gave a summary report of the special use permit request.

Arguments were heard from Mr. Fuke and Ms. Kiriu. After hearing arguments, questions were asked by the Commissioners.

Commissioner Lapenia was absent from the proceeding at this time.

Commissioner Hoe moved to grant the special use permit amendment to delete Condition Number 8 and expand the Special Permit area subject to the twelve conditions recommended by the County of Hawaii, Planning Commission. The motion was seconded by Commissioner Kajioka and approved by the following votes:

Ayes: Commissioner Hoe, Kajioka, Shinno, Wada, Whittemore, Himeno, and Vice-Chairman Chun.

Abstain: Commissioner Lapenia

Vice-Chairman Chun and Commissioner Kajioka were absent from the proceeding at this time.

DR89-15 - WILLIAM C. PEEBLES (Oahu)

Commissioner Hoe announced that the Commission will take action to consider a request for declaratory ruling by Mr. Peebles regarding the location of the Urban District boundary for property situate at Kaneohe, Oahu, Hawaii.

Appearances

William C. Peebles, Petitioner

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

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Raymond Young, Staff Planner, oriented the Commission to the area on the Land Use District Boundaries and tax maps and gave background information on the declaratory ruling request.

Arguments were heard from Mr. Peebles, Betsy Marcinkus, and Ann Ogata-Deal, Esq. After hearing arguments, questions were asked by the Commissioners.

Commissioner Whittemore moved for an executive session to discuss probative value of admitting the letter that was received by the Commission and to discuss legal procedure to establish a boundary with our legal counsel. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Commissioner Wada moved that the July 13, 1989 boundary interpretation is a proper interpretation and that a request to change that line must be done through a boundary amendment. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:30 p.m.

- 1:32 p.m. -

ACTION

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

Commissioner Hoe announced that the Commission will

take action to consider Petitioner's Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order which reclassified approximately 547.5 acres of land from the Agricultural District into the Urban District at Waikele and Hoaeae, Oahu, Hawaii, for a residential community. Petitioner is requesting a release of Condition No. 2 which, in general, requires Petitioner to coordinate the development with the Department of the Navy and requires Petitioner to construct a berm bordering the designated blast zone area.

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

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

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Intervenor, Mililani/Waipio/Melemanu Neighborhood Board No. 25 was not present to the proceeding at this time.

Arguments on the motion were heard from Jan Sullivan, Esq., Betsy Marcinkus, and Ann Ogata-Deal, Esq. The Office of State Planning requested a representative from the Navy to testify in regards to the motion to delete Condition No. 2. Questions were asked of Lt. Chris D. Reiling by the parties.

Jan Sullivan, Esq., Attorney for the Petitioner, requested the Commission defer action on this matter until testimony on Docket No. A89-640 Halekua Development Corporation is heard. Commissioner Shinno moved to defer action on the motion by Waitec Development, Inc. The motion was seconded by Commissioner Whittemore and unanimously carried by voice votes.

Commissioner Himeno was absent from the proceeding at this time.

HEARING

A89-640 - HALEKUA DEVELOPMENT CORPORATION (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on August 7, 1989 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Halekua Development Corporation to reclassify approximately 163.4 acres of land currently in the Agricultural District into the Urban District at Hoaeae and Waikele, Ewa, Oahu, Hawaii for golf course complex and tennis courts.

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

Appearances

Jan Sullivan, Esq., Attorney for Petitioner

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

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 33 were admitted into evidence by the Land Use Commission.

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

3. State's Exhibit No. 1 and were admitted into evidence by the Land Use Commission.

4. The letter from Elizabeth Ann Stone was admitted into evidence by the Land Use Commission.

Commissioner Hoe allowed untimely public witnesses to testify.

PUBLIC WITNESSES

1. Lt. Chris Reiling
2. Deane Asato
3. Cal Kawamoto

Ray oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

PETITIONER'S WITNESSES

1. William Wankett
2. John Zapotocky

The meeting was adjourned at 4:15 p.m.