

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Mauna Loa Conference Room
Kona Surf Hotel
Kailua-Kona, Hawaii

Approved
10/21/86

September 23, 1986 - 10:30 a.m.

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

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

ACTION

Chairman Tacbian called the meeting to order.

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

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

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Waitec Development, Inc. to reclassify approximately 691.5 acres of land currently in the Agricultural District into the Urban District at Waikele and Hoaeae, Oahu, for a residential community. A hearing was conducted by the Land Use Commission on June 17 and 18, 1986 and June 27, 1986.

Appearances

Jan Sullivan, Esq. and Roy Takeyama, Esq. - Attorneys representing the Petitioner.

Everett Kaneshige, Esq. - Deputy Attorney General
representing the Dept. of Planning and Economic Development.
Abe Mitsuda - Land Use Division, Dept. of Planning and
Economic Development.
Jean Nishida - Land Use Division, Dept. of Planning
and Economic Development.

The City and County of Honolulu and Mr. Sam Lee of the
Mililani/Waipio/Melemanu Neighborhood Board No. 25, Intervenor,
waived appearance at this hearing.

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 Jan Sullivan and
Everett Kaneshige. After hearing arguments, examinations by
the Commissioners were held.

Commissioner Whittemore moved for approval of Docket
No. A86-600, Waitec Development, Inc. (Oahu) to reclassify
approximately 547.5 acres of land situated in Waikele and
Hoaeae, Oahu, from the Agricultural District into the Urban
District subject to the following conditions:

1. Petitioner shall provide housing opportunities for
low and moderate income Hawaii residents by offering for sale
or rent on a preferential basis on its own or in cooperation
with either or both the Hawaii Housing Authority and the City
and County of Honolulu, a number of residential units equal to
ten percent (10%) of the residential units to be developed on
the Property, to residents of the State of Hawaii of low or
moderate family income as determined by standards promulgated
14 the Hawaii Housing Authority and/or the City and County of
Honolulu from time to time. The preferential residential units
shall be developed on the Property and shall be offered for
sale at prices not exceeding prices that enable such purchasers
to qualify for and obtain State-assisted financing (e.g. Act
105 or Hula Mae) or Federally-insured or assisted financing
(e.g. FHA Section 245 Program) intended to encourage home
ownership for low and moderate income families.

2. Petitioner shall coordinate the development with
the Department of the Navy to insure that no residential units

are constructed within the Naval Magazine Waikele Branch blast Zone.

3. 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.

4. Petitioner shall fund all costs for highway and access improvements for the proposed development as required by the State Department of Transportation.

5. 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.

IT IS HEREBY FURTHER ORDERED that the balance of the Property in the Petition, Docket No. A86-600, consisting of approximately 144 acres situate at Waikele and Hoaeae, Ewa, Oahu, Hawaii, Tax Map Key Nos.: 9-4-02: Portion of Parcel 30, Portion of Parcel 1, and also approximately identified on Exhibit A attached hereto and incorporated herein, shall be and hereby is denied reclassification into the Urban District and shall remain in the Agricultural District.

The motion was seconded by Commissioner Tamaye.

Commissioner Rubin moved to amend Condition #2 so that the condition reads: "Further, Petitioner shall construct a berm which shall be approximately landscaped at the minimum height of 10 feet in the area bordering the western end, the designated blast zone area, to insure that residents would be sheltered from adverse effects such as soundwaves, any turbulence, fragmentations in the event unexpected explosions does occur."

The motion to amend Condition #2 was seconded by Commissioner Whittemore.

Commissioner Cuskaden moved for incremental districting on phases 6 and 7, but there was no second on the motion so the motion was not carried.

The motion to approve the petition with five conditions as amended was unanimously approved as follows:

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

Commissioner Chun was not present for the rest of the proceedings.

During the recess break, an executive session was held by the Commission to seek legal advice from the Deputy Attorney General in regards to the special use permit.

SP86-360 - HEMMETER VMS/KAUAI CO. III

Ray Young, staff planner, gave a summary report of the special use permit request by Petitioner to allow "the redesign of the existing 18-hole golf course and the establishment of a driving range and related golf course accessory uses, boat docks, lake and waterways, parking areas, boat maintenance facility, irrigation lagoon, access roads, two helicopter landing pads, restaurant, athletic club facilities, tennis courts, and other miscellaneous accessory uses on approximately 310 acres of land situated within the Agricultural District at Nawiliwili, Lihue, Kauai."

Arguments were heard from James Funaki, Petitioner's attorney and Max Graham, County of Kauai's attorney. After hearing arguments, questions were asked by the Commissioners.

A lunch recess was taken at 1:00 p.m. to reconvene at 2:00 p.m.

2:00 p.m.

SP86-360 - HEMMETER VMS/KAUAI CO. III (Cont'd)

Commissioner Yuen moved for approval of Docket No. SP86-360, Hemmeter VMS/Kauai Co. III, with the deletion of the Kauai County Planning Commission's condition that the Petitioner "Within one year from Planning Commission approval, the applicant shall submit a Land Use Boundary amendment application (from Agricultural to Urban) to the Land Use Commission for all lands within the agricultural District subject to all phases of development."

It was seconded by Commission Whittemore.

Commissioner Cuskaden moved for an amendment to the motion and not delete the Kauai County Planning Commission's condition.

It was seconded by Commissioner Choy.

Commissioner Yuen further moved to amend the motion to have Petitioner commence construction of proposed improvements within one year of the date of Commission approval and complete construction within 3 years.

It was seconded by Commissioner Choy.

After further discussions on the motion, the Commissioners were polled on the motion, as amended to approve the special use permit of Hemmeter VMS/Kauai Co. III subject to two conditions.

Ayes: Commissioner Yuen, Suzuki, Cuskaden, Rubin, Choy, Tamaye, Whittemore, and Chairman Tacbian. The motion was unanimously carried.

A86-603 Huehue Ranch (Hawaii)

The Commission acted to consider the untimely Petition for Intervention filed by Elizabeth Ann Stone. Ms. Stone was not present at the hearing.

Commissioner Yuen moved to deny Elizabeth Ann Stone's request for intervention. It was seconded by Commissioner Rubin. The motion was carried unanimously by voice votes.

A84-576 HALEAKALA GREENS CORPORATION (MAUI)

The Commission acted to consider Petitioner's request for release of all conditions of the Decision and Order which reclassified approximatey 229.3 acres of land from the Agricultural District into the Urban District at Kula, Makawao, Maui for a golf course.

It was moved by Commissioner Cuskaden to approve Petitioner's request to release all conditions. It was seconded by Commissioner Whittemore.

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Commissioner Choy moved to amend said motion to delete condition number 2 and 3. The motion was seconded by Commissioner Rubin.

The motion to approve release of condition number 1 only was unanimously carried by voice votes.

A86-602 - Kahala Capital Corporation (Hawaii)

Pursuant to a notice published in the Honolulu Advertiser and Hawaii Tribune Herald on August 8, 1986 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Kahala Capital Corporation, Docket No. A86-602, to reclassify approximately 313.66 acres of land currently in the Conservation District into the Urban District at O'oma II, North Kona, Hawaii for an intermediate resort.

Appearances

Gary Wong, Esq. - Representing the Petitioner
Norbert Schlei - Petitioner

Albert Lono Lyman - County of Hawaii
Norman Hayashi - County of Hawaii

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

Abe Mitsuda, Land Use Division, Department of Planning
and Economic Development

Chairman Tacbian reported that the Commission had received two (2) timely requests to appear as public witnesses from Owen Miyamoto and Ted Nestrom. The Commission also received two (2) untimely requests to appear as public witnesses from Elizabeth Stone and Clinton Taylor.

Mr. Miyamoto, Mr. Nestrom, and Ms. Stone were not present. Mr. Taylor requested to testify at the next scheduled hearing.

Petitioner's EIS was submitted to the County and requested the Commission to wait for County's acceptance, if any. Parties having no objections, Chairman Tacbian continued the hearing until a later date.

A85-597 KAUPULEHU DEVELOPMENTS (Hawaii)

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

Chairman Tacbian announced that the Commission would take action in the matter of the petition by Kaupulehu Developments to reclassify approximately 123 acres of land currently in the Urban District into the Conservation District, and to reclassify approximately 575 acres of land currently in the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii for intermediate resort and golf course uses. A hearing was conducted by the Land Use Commission on July 8 and 9, 1986.

Appearances

R. Ben Tsukazaki, Esq. - Attorney representing
Petitioner

Albert Lono Lyman - County of Hawaii
Norman Hayashi - County of Hawaii

Everett Kaneshige - Deputy Attorney General,
representing the Dept. of Planning and Economic Development
Abe Mitsuda - Land Use Division, Dept. of Planning and
Economic Development

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 R. Ben Tsukazaki, Albert Lono Lyman, and Everett Kaneshige. After hearing arguments, examinations by Commissioners were held.

Commissioner Tamaye moved to adopt Docket No. A85-597 Kaupulehu Developments, situate at Kaupulehu, North Kona, Hawaii, and identified as Hawaii Tax Map Key No. 7-2-03: portion of parcel 1, for reclassification from the Conservation

District to the Urban District; and the remaining balance of the Property, consisting of approximately 123 acres, situate at Kaupulehu, North Kona, Hawaii, and identified as Hawaii tax Map Key No. 7-2-03: portion of parcel 1, for reclassification from the Urban District to the Conservation District, shall be and hereby is approved subject to the following conditions:

1. Petitioner shall cause to be provided housing opportunities for low and moderate income Hawaii residents and for employees employed on the Property by constructing and offering for sale or rent, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Hawaii, within or without the Property, a number of residential units not less than ten percent (10%) of the number of residential units to be developed on the Property to residents of Hawaii and/or employees employed on the Property of low and moderate income as determined by the Hawaii Housing Authority or the County of Hawaii from time to time or by contributing to the development of such housing without the Property. The preferential units shall be offered for sale or rent at prices that would enable such purchasers to qualify for and obtain State-assisted financing (e.g., Act 105 or Hula Mae) or federally-insured or assisted financing (e.g., FHA, Section 245 Program) intended to encourage home ownership by low and moderate income families or employees.

2. Petitioner shall coordinate with Bishop Estate and Kona Village Resort to construct a buffer zone on the Property, separating the Kona Village Resort and expansion area from the Property as per agreement dated June 5, 1986, and as approximately located in Petitioner's Exhibit 24.

3. Petitioner shall fund the design and construction of highway improvements for access to the Property as may be required by the State Department of Transportation.

4. Petitioner shall develop a full service hotel on the Property in conjunction with the recreational and residential projects in order to assure greater employment opportunities.

5. Petitioner shall provide a minimum of two mauka to makai public accesses from the Queen Kaahumanu Highway to the

shoreline and a continuous trail along the seaward boundary of the Property, which trail shall be available to the public for recreational use. Petitioner shall provide space for parking stalls at each of the mauka-makai accesses. Petitioner shall coordinate plans for shoreline access with the Department of Land and Natural Resources and the County of Hawaii.

6. Petitioner shall conduct an intensive archaeological survey of the Property and submit the findings to the Department of Land and Natural Resources, Historic Sites Office. Should any sites be discovered during construction, work within the affected area shall stop immediately and Petitioner shall notify appropriate State and County agencies and take such measures as required by the appropriate State and County agencies to preserve such historical or archaeological site.

7. Petitioner shall develop a management plan for the existing anchialine ponds in coordination with the State Department of Land and Natural Resources and other appropriate agencies.

8. 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.

Chairman Tacbian asked Commissioner Tamaye if he had any objections in adding the County of Hawaii to Condition #7 after the Dept. of Land and Natural Resources and before other appropriate agencies. Commissioner Tamaye and the other Commissioners had no objections.

The motion to approve the petition with 8 conditions as amended was unanimously approved as follows:

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

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MISCELLANEOUS

Adoption of Minutes

The following minutes were approved as circulated:

September 3, 1986 and September 5, 1986.

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