

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (C)
New State Building
Honolulu, Hawaii

January 19, 1978 - 9:00 a.m.

Approved

MAY 11 1978

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman
Charles Duke, Vice Chairman
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONERS ABSENT: James Carras
Shinichi Nakagawa

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

CONTINUATION OF ACTION

A76-420 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Kawainui Marsh)

Deliberation on the petition by the Department of Planning & Economic Development (Kawainui Marsh), A76-420, continued into the third day with Chairman Sakahashi presiding.

The Commission's discussion today focused primarily on the following matters:

1. Total acres of vacant usable land in Kailua zoned for residential, apartment or planned development housing; potential population that could be accommodated by existing planned vacant land in the Windward area.
2. Removal of vacant usable residential zoned acres due to reclassification and the potential loss of future homes.

The meeting recessed at 11:56 a.m. and reconvened at 1:32 p.m.

1:32 p.m.

Vice Chairman Duke moved that the Commission arrive at its findings of fact, conclusions of law and reach a decision based on facts; moreover, the attorneys representing all parties were present only for purposes of offering clarification and not for purposes of presenting objections or arguments. However, all attorneys' rights to object to any of the findings and conclusions will be reserved. The motion was seconded by Commissioner Oura and unanimously carried.

Thereafter, the Commission continued with its deliberation and discussed the following matters:

1. Kawainui Marsh's significance to water-oriented bird life and the various species of migratory and resident waterbirds that use the area
2. Buffer zone against predators
3. Historical features and significant archaeological sites at Kawainui
4. Effect of residential homes fringing on the marsh
5. The need for additional recreational areas on Oahu, particularly in the Kaneohe-Waimanalo area, and the necessity of the petitioned area for the expansion of the city's proposed Kawainui Regional Park
6. The new master plan for Kawainui Marsh being developed by the City Parks Department and the city's interest in acquiring Kawainui Marsh for park purposes
7. Availability of public facilities such as sewers and roadways in the area
8. Consideration of the Interim Statewide Land Use Guidance Policy for determining district boundaries

Commissioner Whitesell moved to approve petition A76-420 to reclassify approximately 240 acres at Kawainui Marsh, Kailua. The motion was seconded by Commissioner Machado.

Commissioner Whitesell elaborated on the reasons for her motion. She submitted that the reclassification meets the Conservation standards; much of the subject lands are susceptible to flooding and as part of the wetlands will have ecological significance. The area also has great historical and archaeological value and is necessary for conserving the natural eco-system of the endemic plants and wildlife. Moreover, the subject property meets several of the interim guidelines for reclassifying urban lands that are incompatible with the guidance policy.

Commissioner Machado also spoke in support of the motion since the change into Conservation would protect the archaeological significance of the area, and her feeling that urban development here would be detrimental to the people of Hawaii from a historical viewpoint.

Vice Chairman Duke stated that he did not disagree with the City & County's compromise proposal as he believed certain lands should go into Conservation. However, a great deal of the value of Kawainui as a marsh had diminished through acts of man. Nevertheless, following disposition of the petition pending before the Commission, it was Vice Chairman Duke's intention to work with the dedicated citizens for the preservation of the marsh. He added that the facts developed during the hearing did not support the petition in its entirety.

Chairman Sakahashi called on the Executive Officer to poll the Commissioners who voted as follows:

Ayes: Commissioners Machado and Whitesell

Nays: Commissioners Oura, Yanai, Miyasato, Duke,
Chairman Sakahashi

The motion to approve petition A76-420, Department of Planning & Economic Development, did not carry.

Miss Howell, Deputy Corporation Counsel, asked whether the foregoing action of the Commission foreclosed any possibility of a compromise solution. In this respect, the Commission addressed itself to finding #30 in the City & County's proposed findings. Vice Chairman moved to reject the County's finding #30, which was seconded by Commissioner Yanai, and the motion was carried with the following votes:

Ayes: Commissioners Oura, Miyasato, Yanai, Duke,
Chairman Sakahashi

Nays: Commissioners Whitesell and Machado

Vice Chairman Duke moved to disregard finding #30 contained in the documents submitted by DPED, Ad Hoc Committee for Kawainui Marsh, and Castle, et al. The motion was seconded by Commissioner Oura and the Commissioners were polled as follows:

Ayes: Commissioners Yanai, Miyasato, Oura, Duke,
Chairman Sakahashi

Nays: Commissioners Machado and Whitesell

The motion was carried.

The meeting was adjourned at 8:25 p.m.