

STATE OF HAWAII
LAND USE COMMISSION

Approved

MAR 15 1983

Minutes of Meeting

Conference Room 322-B
Kalanimoku Building
Honolulu, Hawaii

January 19, 1983 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Everett Cuskaden
Shinsei Miyasato
Winona Rubin
Teofilo Tacbian
Robert Tamaye
Frederick Whittemore

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

A82-533 -ADELINE R. FRANCO & FLORA R. TAVARES

In the matter of the petition by Adeline Franco and Flora Tavares, a hearing was conducted by Hearing Officer Benjamin Matsubara on October 28, 1982.

Chairman Yuen called on Mr. Matsubara to report on his findings. Following a presentation of his report, Mr. Matsubara recommended that the petition be granted. He also responded to questions which were raised by Commission members regarding prior agricultural activities on the parcel, the selling price and expected income from the sale of the parcels, the disposition of historic sites, if any, the impact of the reclassification of subject parcel on adjoining parcels.

Commissioner Miyasato moved to approve Docket A82-533 to reclassify approximately 2.707 acres of land from the Agricultural District into the Urban District at Haiku, Maui for a residential subdivision. It was seconded by Commissioner Chun and unanimously approved.

DR82-7 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Chairman Yuen explained that the next item on the agenda was a request by the Department of Planning & Economic Development for a determination by the Commission as to whether a private beach dwelling and accessory boat equipment storage structure qualified as permissible uses in the Agricultural District.

Upon motion by Vice Chairman Choy, seconded by Commissioner Tacbian, the Commission went into executive session from 9:15 a.m. to 9:35 a.m. for the purpose of receiving counsel from the Deputy Attorney General.

9:35 a.m.

The Chairman advised that the Commission received counsel from the Deputy Attorney General as to the legality of several options available to the Commission in ruling on the declaratory request by DPED.

Commissioner Cuskaden moved that the Commission adopt the position of DPED as contained in the declaratory ruling request, because the proposed use was not a permitted use pursuant to the Rules and Regulations. It was seconded by Commissioner Tacbian and unanimously carried.

A81-525 - Y-O LIMITED PARTNERSHIP

Adoption of Final Decision and Order

It was moved by Commissioner Whittemore, seconded by Vice Chairman Choy and unanimously agreed to adopt the Commission's Decision and Order on the subject petition.

Motion to Modify and Delete Conditions

Appearances

Terence Yoshioka, attorney representing petitioner

Duane Kanuha, Deputy Planning Director, Hawaii Planning Dept.

Annette Chock, Deputy Attorney General, representing DPED

Arguments

By Mr. Yoshioka-----17 to 22

Examination by Commissioner Cuskaden-----22 to 30

Arguments (cont.)

By Mr. Kanuha-----30 to 31

Examination by Commissioner Chun-----31

By Miss Chock-----31 to 33

Examination by Commissioner Whittemore-----33

Examination by Commissioner Cuskaden-----33 to 35

Cross examination by Mr. Yoshioka-----35

It was moved by Commissioner Rubin that in the matter of Docket A81-525, Y-O Limited Partnership, the condition under discussion, condition B, be revised to read as follows: The petitioner shall afford lot purchasers public access from the subject property to Queen Kaahumanu Highway and to Mamalahoa Highway by participating in the construction of a roadway connecting the two highways and running through the subject property. The location and standard of design and construction of such roadway to be approved and accepted by the County of Hawaii. The petitioner shall be responsible for constructing such portions of the roadway within the subject property. The petitioner's participation for the portions of the roadway outside the subject property may be by way of loan, loan guaranties, purchase of county obligations or otherwise. It was seconded by Commissioner Tamaye.

Commissioner Cuskaden's motion to amend the condition to state "and full satisfaction of condition C below and completion of the entire roadway contemplated in condition B" died for the lack of a second.

The motion to amend condition B, as stated by Commissioner Rubin, was carried by the following votes:

Ayes: Commissioners Tacbian, Choy, Rubin, Chun, Whittemore
Tacbian, Cuskaden, Miyasato, Chairman Yuen

Adoption of Minutes

The following minutes were approved as circulated:

- September 10, 1982
- October 19, 1982
- October 28, 1982
- December 2, 1982

The meeting adjourned at 10:50 a.m.