

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DLNR Board Room
Kalanimoku Building
Honolulu, Hawaii

Approved
JUL 9 1981

February 4, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk
Benjamin Matsubara, Hearing Officer
Ray Russell, Court Reporter

ACTION

A80-493 - WILLIAM G. AKI, ET AL

In the matter of the boundary amendment petition by William G. Aki, et al, Docket A80-493, a hearing was conducted by Hearing Officer Benjamin Matsubara on October 10, 1980.

Based on a review of the petition, evidence adduced at the hearing, the favorable recommendations of both the County and the State, it was recommended by Mr. Matsubara that the petition to reclassify approximately 1.51 acres of land from the Agricultural District into the Rural District at Keawanui, Kaamola, Molokai be approved.

Mr. Matsubara responded to questions which were posed by Commission members regarding petitioner's financial capability to construct his home, the type of diversified farming which had once been conducted on subject land, etc.

Commissioner Miyasato moved to accept the Hearing Officer's report and his recommendation for approval of subject petition. The motion was seconded by Commissioner Yuen and unanimously approved.

A80-487 - LONE STAR HAWAII, INC.

It was announced that action on subject petition will be carried out through the proposed decision procedure. The Chairman also established that all of the Commissioners absent during the hearing process had read the transcripts of those proceedings.

Appearances

Lincoln J. Ishida, Attorney representing petitioner

Steven Lim, Deputy Corporation Counsel, representing
Department of General Planning

Annette Chock, Deputy Attorney General, representing DPED

Oral Arguments

All of the parties were given equal time to present their oral arguments, and petitioner was given additional time to make his rebuttal statement.

It was noted that Mr. Tom Pico, counselor for intervenor, was not able to attend today's proceedings and had requested that his arguments during the hearing be considered as his oral arguments for today's record.

It was moved by Vice Chairman Nakagawa to approve Docket A80-486, Lone Star Hawaii, Inc. to reclassify approximately 71.9 acres of land presently in the Conservation District into the Urban District at Kailua, Koolaupoko, Oahu. It was seconded by Commissioner Pascua.

Commissioner Yuen moved to add the following amendment to the motion on the floor: "The petitioner will offer for sale in cooperation with either or both the Hawaii Housing Authority and/or the City and County of Honolulu to offer for sale on a preferential basis at least 10 percent of the total single family detached and attached residences to be developed within the subject property, to residents of the State of Hawaii who shall have low and moderate incomes as determined by the Hawaii Housing Authority or the Housing Agency of the City and County of Honolulu from time to time. Preferential single family detached and attached residences shall be offered for sale at prices not exceeding prices that will enable such purchasers to qualify and obtain state financing, i.e. Act 105, the Hula Mae fund, or federally insured or assisted financing, i.e. the FHA 245 program or other federally assisted programs. This condition may be fully or partially relieved by the Commission

as to all or any portion of the subject property upon timely motion and provision of adequate assurance of the enacting of this condition by the petitioner."

The amendment motion was seconded by Commissioner Whitesell and unanimously approved.

Commissioner Whitesell spoke against the motion to approve the petition since she felt that the petitioner had not met the burden of proof for the need of the project, and the lack of evidence on water availability for the area.

Commissioner Yuen disagreed and argued that there was a great need for housing on the Island of Oahu, and the only way to alleviate the housing crisis was to build more homes. Chairman Duke supported the position expressed by Commissioner Yuen.

The motion to approve the petition, as amended, was carried with the following votes:

Ayes: Commissioners Nakagawa, Pascua, Oura, Yanai, Miyasato, Yuen, Chairman Duke

Nays: Commissioners Whitesell, Choy

Since there were no objections from any of the parties, Chairman Duke stated that adoption of the true findings relative to this petition will be deferred until later in the day.

A80-485 - FINANCE REALTY COMPANY, LTD.

Since he had not attended the hearing on this petition, Commissioner Yanai was excused from participating in the action proceedings.

The Chair announced that a request had been made to discuss some legal points that needed clarification. Vice Chairman moved to go into executive session, which was seconded by Commissioner Oura and unanimously passed.

The Commission was in executive session from 11:29 a.m. to 11:49 a.m.

11:49 a.m.

Chairman Duke explained that the Commission had received counsel regarding the recommendation made by the County, i.e. reclassifying certain urban portions into the Conservation District rather than into the Agricultural District as requested by the petitioner.

Commissioner Yuen moved to approve the request of Finance Realty Co., Ltd. to reclassify approximately 113 acres presently in the Agricultural District at Makakilo, Ewa, Honouliuli, Oahu, into the Urban District subject to two conditions: "That the sales contract and deed for houses or apartments shall contain appropriate restrictions which notify buyers of the adverse effects of noise and dust from sugar cane burning in the area; and second, that the petitioner shall offer for sale in cooperation with both the Hawaii Housing Authority and/or the appropriate agency of the City and County of Honolulu, on a preferential basis, at least 10 percent of the total of houses or townhouses to be developed within the subject property to residents of the State of Hawaii of low or moderate family income as determined by the Hawaii Housing Authority or the City and County of Honolulu at prices not exceeding prices which would enable such persons to qualify and obtain State assistance or federal aid or assistance in financing such as the FHA Section 235 program or other federal programs. This condition may be wholly or partially relieved by the Commission as to all or any portion of the subject property, upon timely motion and provision of adequate assurance of satisfaction by the petitioner." I also move to deny the request to reclassify approximately 140 acres of land from the Urban District into the Agricultural District. The motion was seconded by Commissioner Whitesell.

The motion to approve subject petition with the conditions as stated by Commissioner Yuen was unanimously carried.

The Commission was in recess from 12:10 p.m. to 2:00 p.m.

2:00 p.m.

A80-487 - LONE STAR HAWAII, INC. (cont.)

The meeting was called to order to discuss the adoption of the findings on this petition which had been approved by the Commission earlier today.

Mr. Kawada informed that he had reviewed all of the proposals which had been filed by the parties, including comments which were filed by DPED to the petitioner's proposed findings. Chairman Duke ruled that in view of the Commission's decision, petitioner's proposal will be followed in adopting the Commission's findings.

Using the petitioner's proposal as a guideline, and also taking into consideration the proposals and comments from the other parties, the Commission adopted its true findings on Docket A80-487. Mr. Kawada was instructed to draw up the conclusions of law consistent with the findings.

A80-485 - FINANCE REALTY COMPANY, LTD. (cont.)

It was announced that the Commission was now ready to review all of the documents which had been filed by the parties pursuant to the adoption of the true findings.

It was agreed to utilize the petitioner's proposed findings in view of the Commission's favorable decision.

By process of amendments, deletions, additions and consideration of comments and recommendations found in the documents submitted by the other parties, the Commission adopted the findings relative to this petition.

The meeting was adjourned at 3:55 p.m.