

Approved

STATE OF HAWAII  
LAND USE COMMISSION

JUN 1 1983

Minutes of Meeting

Department of Education Board Room  
4th Floor, Liliuokalani Bldg.  
Honolulu, Hawaii

March 15, 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  
Barbara Mclean, Court Reporter

ACTION

A81-519 - WAIALEALE PARTNERS

Chairman Yuen announced that the first item on the agenda was a motion by Waialeale Partners to amend the condition in the Decision and Order concerning the sale of ten percent (10%) of the developed lots to the County of Kauai.

Appearances

Donald Wong, Attorney representing the petitioner

There was no representative from the County of Kauai. Miss Annette Chock, counsel for DPED, declared that the State did not wish to participate in this matter.

Mr. Wong submitted that the motion before the Commission was merely to accommodate a request by the County of Kauai to amend the condition to allow them the option of purchasing 10 percent of the lots at 10 percent below cost or, as an alternative, to receive an in-lieu payment of \$125,000 for the development of public housing.

Both Mr. Wong and Mr. Richard Tagawa, Managing General Partner of Waialeale Partners, responded to questions posed by Commission members regarding the value of the 25 lots, the selling price of the lots, other alternate options possible, and also elaborated on the reason the County was requesting the amendment to the condition.

It was moved by Commissioner Tacbian to amend the condition contained on page 10 (of the Commission's Decision and Order), to delete it in its entirety and, in its place, adopt the proposal of the petitioner as presented. It was seconded by Commissioner Tamaye. The Commissioners were polled and the motion to approve the amendment to the condition was unanimously carried.

#### A83-546 - GRAHAM BEACH PARTNERS

The Chairman announced that the next item before the Commission was an evaluation of Graham Beach Partners' Environmental Assessment to reclassify land currently in the Conservation District into the Urban District at Nukolii, Kauai.

#### Appearances

Walton Hong, Attorney representing the petitioner

Staff planner identified the subject property on the USGS and tax maps and gave a description of the surrounding areas.

Mr. Hong elaborated that the matter before the Commission today was a determination of whether the petitioner's request to move the Conservation-Urban District boundary would result in any significant adverse environmental effect on the property. He concluded that since the subject area will maintain its status quo, there will not be any significant adverse effect and respectfully requested that a negative declaration be issued by the Commission, in accordance with Chapter 343 of the Hawaii Revised Statutes.

Commissioner Tacbian moved that the petitioner's request will not have a significant effect on the environment and therefore will not require an Environmental Impact Statement. It was seconded by Commissioner Whittemore and carried with the following votes:

Ayes: Commissioners Whittemore, Chun, Tacbian, Tamaye, Miyasato, Rubin, Chairman Yuen

Nays: Commissioners Cuskaden, Choy

A82-534 - ALMA M. CHUNG

In the matter of the petition by Alma M. Chung to re-classify approximately .855 acre of land currently in the Conservation District into the Agricultural District at Kealia-Kawaihapai, Waialua, Oahu, a hearing was conducted by the Land Use Commission on December 3, 1982.

Appearances

Donald Chung, Petitioner's representative

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

Annette Chock, Deputy Attorney General, representing the  
Department of Planning & Economic Development

Vice Chairman Choy moved to approve Docket A82-534, Alma Chung, to reclassify approximately 0.855 acre of land currently in the Conservation District into the Agricultural District at Kealia-Kawaihapai, Waialua, Oahu for a private beach house and recreation area. The motion was seconded by Commissioner Whittemore and defeated by the following votes:

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

Adoption of Decision and Order

Upon motion by Commissioner Tacbian, seconded by Vice Chairman Choy, the final decision and order on Docket A81-516, George Lewis Sagen was adopted.

Chairman Yuen turned the meeting over to Vice Chairman Choy to conduct the proceedings for the procedural request by Kalau Koi Corporation, Docket A82-542, and action on the request by A & B Properties, Inc., Docket A82-535.

A82-542 - KALUA KOI CORPORATION

Chairman Choy called on all parties to present their views regarding the request by the Office of Hawaiian Affairs to intervene in the petition by Kalua Koi Corporation, Docket A82-542.

James Funaki, Attorney representing petitioner

Oral arguments-----35 to 36

William Tagupa, Office of Hawaiian Affairs

Oral arguments-----36 to 38

Examination by Chairman Choy-----38

Examination by Commissioner Cuskaden-----38 to 40

Upon motion by Commissioner Cuskaden, seconded by Commissioner Chun, the Commission went into executive session.

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Chairman Choy stated that the Commission sought legal advice concerning OHA's petition for intervention during the executive session.

Annette Chock, Deputy Attorney General, representing DPED

Oral statement-----40 to 41

Guy Archer, Deputy Corporation Counsel, representing the Maui Planning Department

Oral statement-----41

Commissioner Rubin moved, seconded by Commissioner Tachian, to allow the Office of Hawaiian Affairs to intervene in the petition by Kalua Koi Corporation. The motion was carried by voice vote.

A82-535 - A & B PROPERTIES, INC.

In the matter of the petition by A & B Properties, Inc., to reclassify approximately 680 acres of land currently in the Agricultural District into the Urban District at Wailuku and Kahului, Maui, for a planned residential community, hearings were conducted by the Land Use Commission on October 6, October 7, November 4, and November 5, 1982.

Staff planner oriented the Commission to the subject parcel, utilizing the USGS quad and tax maps.

Appearances

Paul Mancini, Attorney representing petitioner

Guy Archer, Deputy Corporation Counsel, representing the  
Maui Planning Department

Annette Chock, Deputy Attorney General, representing DPED

Isaac Hall, Attorney representing intervenors  
Thomas Matsuda, co-counsel

Closing Arguments

By Mr. Mancini-----45 to 54

By Mr. Archer-----54 to 57

By Mr. Hall-----57 to 63

By Mr. Matsuda-----63 to 66

Rebuttal

By Mr. Mancini-----66 to 68

It was moved by Commissioner Whittemore that the property which is the subject of the petition by A & B Properties, Docket No. A82-535, consisting of approximately 680 acres situated at Wailuku and Kahului, Island of Maui, State of Hawaii, more particularly identified as Tax Map Key 3-8-07, portions of 2, 103 and 110 be reclassified from the Agricultural District to the Urban classification and that the land use boundaries be amended accordingly. The classification of the subject property shall be subject to the following conditions:

1. Petitioner shall provide housing opportunities for low and moderate income Hawaii residents by offering for sale on a preferential basis, 10 percent of lots or houses and lots to be developed on the subject property to residents of the State of Hawaii of low or moderate family income as determined by standards promulgated by the Hawaii Housing Authority or the County of Maui from time to time, provided, however, this requirement may be satisfied through the sale by petitioner of lots and houses and lots on the Island of Maui outside of the petition area.
2. Petitioner shall develop the petition area pursuant to land use requirements enacted by the County of Maui to

ensure that consideration is given to a variety of residential unit types, including, but not limited to, single-family and multi-family units, duplex, fourplex, zero lot line, cluster, single-family detached, and garden apartments, and to further ensure that variation in lot sizes and other development standards generate the requisite flexibility to foster housing opportunities for all segments of the community and to advance the objectives of affordability to all segments of the community.

3. Petitioner shall submit annual progress reports to the Commission, the Department of Planning and Economic Development, and the Maui County Planning Department as to its progress in satisfying these conditions.
4. These conditions may be fully or partially released by the Commission as to all or any portion of the subject property upon timely motion and provisions of adequate assurance of satisfaction of these conditions by the petitioner.

The motion was seconded by Commissioner Cuskaden.

The Commissioners discussed the conditions which were being proposed in the approval of the petition. The motion was unanimously carried.

#### Adoption of Minutes

The following minutes were approved as circulated:

November 4, 1982  
November 5, 1982  
December 3, 1982  
January 12, 1983  
January 19, 1983

The meeting adjourned at 12:05 p.m.