

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Resolution Room
Kona Hilton Hotel
Kailua, Kona, Hawaii

Approved
AUG 5 1981

April 9, 1981 - 10:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai
William Yuen

COMMISSIONERS ABSENT: Shinichi Nakagawa, Vice Chairman
George Pascua

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

A80-484 - KUAKINI INVESTMENT INC., ET AL

It was announced by Chairman Duke that action on the subject petition will be conducted through the proposed decision method, and outlined the procedures to be followed.

Staff planner pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

Appearances

Robert Carlsmith, Attorney representing petitioner

Sidney Fuke, Planning Director, representing Hawaii
Planning Department

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

Terence Yoshioka, Attorney representing intervenors

Each of the parties was given equal time to present his closing arguments. Additional time was afforded petitioner's counsel for rebuttal.

It was moved by Commissioner Oura to approve Docket A80-484, Kuakini Investment, Inc. to reclassify approximately 29 acres of land from the Agricultural District into the Urban District at Laaloa and Kapalaalaea, North Kona, Hawaii for residential use. It was seconded by Commissioner Miyasato. The Commission was polled as follows:

Ayes: Commissioners Oura and Miyasato

Nays: Commissioners Whitesell, Choy, Yuen, Yanai,
Chairman Duke

The motion to approve A80-484 did not carry.

A80-491 - PARADISE DEVELOPERS, INC.

The location of the subject property was described by staff planner.

Appearances

James Brock, Senior Principal of Brock & Associates,
representing petitioner

Robert M. Rothwell, Deputy Corporation Counsel, representing
Maui Planning Department

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

Under the proposed decision procedure, all of the parties were given equal time to present their closing arguments. Petitioner's representative was also given an opportunity to offer his rebuttal.

Upon questioning by Commissioner Yuen, Mr. Brock submitted that he will be agreeable to setting aside 10% of the proposed development for sale to low and moderate income purchasers who would qualify under the guidelines established by Hula Mae.

It was moved by Commissioner Miyasato, and seconded by Commissioner Choy to approve Docket A80-491, Paradise Developers to reclassify approximately 28 acres of land presently in the Rural District into the Urban District at Waiakoa, Wailuku, Maui for residential use.

Commissioner Yuen moved to amend the motion by imposing a condition that 10 percent of the lots sold in any subdivision obtained by the petitioner be sold to low and moderate income purchasers as defined by the Hawaii Housing Authority Hula Mae standards or the FHA 235 Program, the exact wording of the condition to be similar to the condition imposed in the petition of Maui 100 Partners. It was seconded by Commissioner Whitesell. The amendment motion was carried with Commissioner Oura casting the only dissenting vote.

The motion to approve the petition, as amended, was carried unanimously.

A80-495 - ROBERT & LINDA MCINTOSH

In the matter of a boundary amendment petition by Robert and Linda McIntosh, Docket A80-495, a hearing was conducted by Hearing Officer Benjamin Matsubara on December 11, 1980 in Kailua, Kona, Hawaii.

A description of the property under petition was presented by staff planner.

A comprehensive report of the evidence adduced at the hearing was presented by Mr. Matsubara. Based on the foregoing and the favorable recommendations by the County of Hawaii and the State Department of Planning and Economic Development, it was concluded by the Hearing Officer that the reclassification of the subject property from the Agricultural into the Urban District was reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

It was moved by Commissioner Oura that Docket A80-495 to reclassify approximately 2.50 acres of land presently in the Agricultural District into the Urban District at Keauhou 2nd, North Kona, Hawaii for residential use be approved. It was seconded by Commissioner Yuen and unanimously carried.

A80-499 - CLIFFORD JOSEPH SOARES, ET AL

The hearing on the request by Clifford Joseph Soares, et al was conducted by Hearing Officer Benjamin Matsubara on December 19, 1980 in Kaunakakai, Molokai. It was noted that at the time of the hearing, the petition was amended, without objection from any of the parties, to reclassify the subject property from the Agricultural District into the Rural District rather than into the Urban District.

A description of the subject property was presented by staff planner.

Based on a review of the petition, the evidence adduced at the hearing, and the provisions of Chapter 205-2 of the Hawaii Revised Statutes, both the County and the State had recommended approval of the petition. It was also the Hearing Officer's conclusion that the requested reclassification was reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

Mr. Matsubara responded to questions which were raised regarding the ownership of the property sought to be reclassified, and the tsunami inundation limit of the property.

Commissioner Miyasato moved to approve Docket A80-499 to reclassify 1.235 acres of land from the Agricultural District into the Rural District and it was seconded by Commissioner Oura. The motion was unanimously carried.

The Commission was in recess from 12:40 p.m. to 2:00 p.m.

2:00 p.m.

Chairman Duke announced that the Commission was now ready to adopt the true findings of the petitions that had been acted on this morning.

A80-484 - KUAKINI INVESTMENT, INC.

It was recommended by Deputy Attorney General Kawada that the Commission utilize the County's proposal as a guide in adopting the Commission's true findings.

Thereafter, by process of amendments, deletions, additions, and also taking into account the proposals filed by the other parties, the Commission's true findings relative to this petition were adopted.

A80-491 - PARADISE DEVELOPERS, INC.

Chairman Duke directed Mr. Kawada to use the petitioner's proposed findings as a guide in arriving at the Commission's true findings.

Under Mr. Kawada's guidance, the Commission reviewed the petitioner's proposals and adopted the findings relative to this petition. The proposals submitted by the County of Maui and DPED were also considered during the adoption of the findings.

Mr. Kawada was instructed to draw the conclusions of law and order to comport with the findings just adopted.

ADOPTION OF MINUTES

The following minutes were adopted as circulated:

August 19, 1980
August 20, 1980
October 7, 1980
October 29, 1980
October 30, 1980 (Kona)
October 30, 1980 (Molokai)
November 19, 1980
November 20, 1980

The meeting was adjourned at 3:10 p.m.