

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 A & B
Kalanimoku Bldg.
1151 Punchbowl Street

Honolulu, Hawaii

April 14, 1983 - 1:30 p.m.

Approved
6/10/83

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

COMMISSIONER ABSENT: Everett Cuskaden

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

Ray Russell, Court Reporter

ACTION

A82-526 - LIBBIE, INC.

In the matter of the petition by Libbie, Inc., A82-526, to reclassify approximately 1.262 acres of land currently in the Conservation District into the Urban District at Waialae Nui, Honolulu, Oahu, for recreational facilities, hearings were conducted by Hearing Officer Matsubara on May 25, 1982 and January 12, 1983.

Chairman Yuen announced that there were requests for oral arguments by the petitioner, DPED, and the City Department of General Planning relative to the subject petition.

Appearances

James Stubenberg, attorney representing the petitioner
Steven Lim, Deputy Corporation Counsel, representing the City Dept. of General Planning
Annette Chock, Deputy Attorney General, representing the Dept. of Planning & Economic Development

Hearing Officer Matsubara summarized his findings adduced from the record in this docket, testimony of witnesses and the evidence introduced therein. It was his conclusion that the reclassification request would not be in conformance with Section 205-2 of the Hawaii Revised Statutes and the Rules and Regulations of the Land Use Commission, in that the petitioner has failed to satisfy 6-1 (7) of the Commission's regulations which requires that "insofar as practicable, conservation lands shall not be reclassified as urban lands".

Closing Arguments

By Mr. Stubenberg-----13 to 15
By Mr. Lim-----15 to 18
Examination of Mr. Lim by V.C. Choy-----18 to 19
Examination of Mr. Lim by Chairman Yuen-----19 to 20
By Miss Chock-----20 to 23

Rebuttal

By Mr. Stubenberg-----23 to 25
Examination of Mr. Stubenberg by
Commissioners-----25 to 29

It was moved by Vice Chairman Choy and seconded by Commissioner Whittemore to approve A82-526, Libbie, Inc., to reclassify approximately 1.262 acres of land currently in the Conservation District into the Urban District at Waiialae Nui, Honolulu, Oahu, for recreational purposes, with the condition that petitioner use a permeable material on the tennis courts. It was seconded by Commissioner Whittemore and the Commissioners were polled as follows:

Ayes: Commissioners Whittemore, Miyasato, Choy, Chun

Nays: Commissioners Rubin, Tacbian, Tamaye, Chairman Yuen

The Chairman directed Mr. Matsubara to prepare the Commission's Decision and Order in this matter.

Upon motion by Commissioner Whittemore, seconded by Commissioner Rubin, the Commission went into executive session from 2:30 p.m. to 2:57 p.m. to discuss interrogatories that had been served upon the Commission relative to pending litigation.

Adoption of Decision and Order

It was moved by Vice Chairman Choy, seconded by Commissioner Rubin, to adopt the Decision and Order for the petition by Alma M. Chung, Docket A82-534.

The Decision and Order on the petition by A & B Properties, Inc., A82-535, was adopted, upon motion by Commissioner Whittemore, seconded by Commissioner Rubin.

A82-537 - WAILEA DEVELOPMENT COMPANY

Chairman Yuen declared a conflict of interest and turned the meeting over to Vice Chairman Choy.

Chairman Choy announced that the Commission will now consider action on the subject petition to reclassify approximately 1.132 acres currently in the Agricultural District into the Urban District, and 0.996 acre currently in the Urban District into the Agricultural District at Wailea, Maui. The hearing was conducted by Hearing Officer Benjamin Matsubara on February 23, 1983.

It was reported by the Hearing Officer that, based on the evidence introduced during the hearing, the testimony of the respective witnesses, and the oral suggestions and concerns made by the respective parties in regard to Maui County's recommendations, both the petitioner and DPED had no objections to the County's revisions and suggestions. It was therefore Mr. Matsubara's conclusion that reclassification of the subject property, as requested, was reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

It was moved by Commissioner Chun to approve petition A82-537, Wailea Development Company, along the lines that were suggested by Maui County, i.e., to reclassify approximately 2.202 acres of land currently in the Agricultural District into the Urban District, and .996 acre of land currently in the Urban District into the Agricultural District at Wailea, Maui, for a planned residential development. It was seconded by Commissioner Tacbian and the motion was unanimously carried.

A82-539 - GROVE FARM PROPERTIES, INC.

In the matter of the petition by Grove Farm Properties, Inc. to reclassify approximately 4 acres of land currently in the Agricultural District into the Urban District at Koloa, Kauai, a hearing was conducted by Hearing Officer Matsubara on February 8, 1983. Mr. Matsubara elaborated on the uses which were being proposed by the petitioner on subject lands, and advised that both the County and State were in support of the request.

Commissioner Tacbian moved to approve Docket A82-539, Grove Farm Properties, Inc., which was seconded by Commissioner Whittemore, and unanimously carried.

Adoption of Minutes

The minutes of January 26, 1983 and January 27, 1983 were approved as circulated.

The meeting was adjourned at 3:25 p.m.