

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 B
Kalanimoku Building
Honolulu, Hawaii

April 22, 1982 - 9:00 a.m.

Approved
7/1/82

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy
Everett Cuskaden
Shinsei Miyasato
Phil Tacbian
Robert Tamaye
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

ACTION

It was announced by the Chairman that all of the Commissioners present today were eligible to participate in the deliberation of all the petitions being acted upon today by virtue of either having attended the hearings or having reviewed the transcripts of the proceedings.

A81-513 - JOHN J. ARZADON

In the matter of the petition of John J. Arzadon to re-classify approximately 5.43 acres of land currently in the Agricultural District into the Urban District at Waipouli, Kawaihau, Kauai, hearings were conducted by the Land Use Commission on December 10, 1981 and January 15, 1982.

Appearances

Roy Takeyama, Attorney representing the petitioner

Avery Youn, Deputy Planning Director, representing the Kauai Planning Department

Annette Chock, Deputy Attorney General, representing DPED

CLOSING ARGUMENTS

By Mr. Takeyama----- 4 to 9
By Mr. Youn----- 9 to 10
By Miss Chock-----10 to 13

Commissioner Tacbian moved to approve the petition of John J. Arzadon, Docket No. A81-513, subject to the following conditions: 1. That the petitioner shall conduct a hydrology study of the subject property to insure that the proposed filling of the property will not adversely affect adjoining property, and that such study will be coordinated with and submitted to the County of Kauai, Department of Public Works, for their review and approval prior to the development of the subject property; 2. Prior to the development of any large waste water generating operation, such as laundries and restaurants on the subject property, the Department of Health shall be consulted regarding their requirements for a waste water disposal system. It was seconded by Commissioner Tamaye and unanimously approved.

Chairman Yuen recommended that the Commission adopt the petitioner's proposed findings with some modifications.

A81-515 - COUNTY OF KAUAI

In the matter of the petition by the County of Kauai, A81-515, a hearing was conducted by the Land Use Commission on December 10, 1981 and January 15, 1982.

Appearances

Max Graham, Deputy County Attorney, representing the Kauai Planning Department and the petitioner

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

CLOSING ARGUMENTS

By Mr. Graham-----18 to 19

Statement by Mr. Youn, Deputy Planning Director, Kauai Planning Dept.-----19 to 21

It was moved by Commissioner Tacbian and seconded by Commissioner Tamaye that the petition by the County of Kauai, A81-515, be approved.

Mr. Youn responded to questions raised by Vice Chairman Whitesell regarding the adequacy of the water system, the location of the subject property in relation to adjacent agricultural operations, etc.

The motion to approve the petition was unanimously carried.

It was recommended by Chairman Yuen that the Commission adopt the County's findings in substance, and directed the

Deputy Attorney General to make modifications in the findings to conform to the Commission's standard format and also recommended some substantive changes.

A81-519 - WAIALEALE PARTNERS

In the matter of the boundary amendment petition by Waialeale Partners, A81-519, to amend the land use district boundaries at Kawaihau, Kauai, a hearing was held by the Land Use Commission on January 15, 1982.

Appearances

Donald Wong, Attorney representing the petitioner

Max Graham, Deputy County Attorney, representing the
Kauai Planning Department

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

CLOSING ARGUMENTS

By Mr. Wong-----28 to 31

Examination by Commissioner Cuskaden-----31 to 36

Examination by Chairman Yuen-----36 to 37

By Mr. Graham-----38

By Miss Chock-----39

It was moved by Commissioner Tacbian that the petition by Waialeale Partners, Docket A81-519, be approved, subject to the following two conditions: 1. That the petitioner shall offer for sale to the County of Kauai 10 percent of the lots in the proposed development at cost; and 2. Offer for sale, on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the County of Kauai 10 percent of the lots, or houses and lots, to be developed on the subject property to residents of the State of Hawaii of low or moderate income as determined by the Hawaii Housing Authority or the County of Kauai from time to time; the preferential lots or houses and lots at prices not exceeding prices that enable such purchasers to qualify for and obtain state assisted financing (e.g. Act 105 or Hula Mae) or federally-insured or assisted financing (e.g., FHA or FmHA programs) intended to encourage home ownership by low and moderate income families.

The motion was seconded by Commissioner Cuskaden and unani-
mously approved.

In view of the foregoing action by the Commission, it was recommended by Chairman Yuen that the Commission utilize the petitioner's version in adopting the Commission's findings of fact, conclusions of law, with some modification.

DR82-6 - PHILO OWEN & OK SOON OWEN

At the Chairman's request, the Executive Officer elaborated on the Declaratory Order being requested by petitioner for a boundary interpretation involving Tax Map Key 5-9-04: 21, Oahu. A detailed chronological history of the boundary interpretations which had been rendered for the subject parcel was also offered.

Mr. Vance Owen, representing the petitioner, was also afforded an opportunity to argue in behalf of the request for a Declaratory Order by Mr. and Mrs. Owen, and to reply to questions which were posed by Commission members.

Chairman Yuen questioned whether the request for a Declaratory Order was the proper vehicle in determining the boundary. It was his feeling that this was really a request for a boundary change.

It was moved by Commissioner Cuskaden and seconded by Commissioner Choy to deny the Declaratory Order request by Philo Owen and Ok Soon Owen. The motion was unanimously carried.

The Chairman directed the Executive Officer to prepare the order and advised Mr. Owen that the petitioner could file a boundary amendment petition for the subject land.

ADOPTION OF MINUTES

The minutes of February 2, 1982, February 25, 1982 and February 26, 1982 were adopted as circulated.

The meeting adjourned at 11:10 a.m.