

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322
New State Building
Honolulu, Hawaii

Approved
AUG 16 1977

April 26, 1977 - 9:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

A76-418 - MOANA CORPORATION

In the matter of the boundary amendment petition by Moana Corporation, Docket No. A76-418, on which a hearing was held on January 12 and 13, 1977, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Findings of Fact and Conclusions of Law
2. Respondent/Intervenors' Proposed Findings of Fact and Conclusions of Law
3. Petitioner's Objections to Intervenors' Proposed Findings of Fact and Conclusions of Law
4. Intervenors' Objections to Petitioner's Proposed Findings of Fact and Conclusions of Law

Mr. Furutani oriented the Commission to the location of the parcel under petition.

The main thrust of the Commission's discussion of the above documents revolved around the following subjects:

1. Adequacy of the petitioner's balance sheet and financial capability to pursue the proposed development.
2. Intervenors' objection to petitioner's EIS.
3. County's General Plan for the area.
4. Imposition of conditions by the Commission.
5. Restrictive covenants to minimize impact on lifestyle of present residents.
6. Priorities for the sale of houselots.
7. Biological studies or survey of rare species of animals and insects; also archaeological studies.
8. Development of additional water sources by the County Water Department.
9. Sanitary landfill.
10. Adequacy of emergency services.
11. Pollution to coastal waters from surface runoff.

The meeting was recessed at 12:06 p.m. and reconvened at 2:00 p.m.

2:00 p. m.

DEFERRAL OF ACTION

A76-423 - WINDWARD PARTNERS

Since it was obvious that the Commission would not be able to consider action on the petition by Windward Partners today, as listed on the agenda, Chairman Tangen announced that the matter will be deferred for approximately 2 weeks, and that all parties will be given at least 10 days' notice of the new meeting date to consider this item.

ACTION

A76-418 - MOANA CORPORATION (cont.)

The Commission continued with its deliberation of the various documents in connection with the above petition and discussed the following additional concerns:

1. Dust control and noise problems.
2. Development schedule and price range of single family homesites.
3. Population projections and the housing market which proposed development purportedly will serve.
4. Creation of employment; type of jobs, hiring of local contractors and workers.
5. Significant adverse effects on the scenic, historical, agricultural and other resources in the area.

During the discussion to find that the reclassification was reasonably necessary to accommodate growth and development, as required by the Commission's regulations, the following matters were brought out:

1. Existence of other lands classified as resort and future resort developments planned in general area.
2. Jobs and revenues which will be generated.
3. County General Plan designation for the area.

Some of the negative impacts of the proposed development, as submitted by the Intervenors, included the following:

1. Changes in social lifestyles.
2. Impact on current highway system resulting from proposed development.
3. The possibility of higher real property taxes on existing lots and homes.
4. Inadequate emergency services.
5. Effect on the tourist trade.

Commissioner Duke moved to approve the petition, which was seconded by Vice Chairman Sakahashi.

Commissioner Whitesell commented that this had been a difficult decision to reach; however, the following factors led her to a decision that this reclassification was reasonably necessary to accommodate growth and development: 1) the county's General Plan indicated resort development for this area; 2) the increase in the urban population will be spread out over a fairly long period of time; 3) there will be no significant adverse effects; 4) there will be major additions to public services and facilities; 5) property adjoins an existing urban area; and 6) will provide needed employment.

Commissioner Machado spoke in opposition to the motion in view of the adverse effects it will have on the people most concerned--the residents of the Koloa-Poipu area.

Commissioner Yanai supported Commissioner Whitesell's views and added that the approval be so conditioned as to make the fee simple lots available to the Kauai residents at prices they can afford.

Chairman Tangen suggested and Commissioner Duke agreed to add to his motion that the approval be subject to all representations made by the petitioner during the proceedings.

In response to Commissioner Yanai's inquiry, Mr. Hong elaborated on the relative increase in the sale price of the lots on a fee simple basis.

The Commissioners were polled as follows:

Ayes: Commissioners Sakahashi, Whitesell, Duke, Miyasato, Carras, Oura, Yanai, Chairman Tangen

Nay: Commissioner Machado

The motion to approve the petition was carried.

Thereafter, a discussion led by Counsellor Marsh regarding the conditions to be imposed on the reclassification of the lands under petition focused in the following areas:

1. Making the homesites available to Kauai residents on a preferential basis.
2. The degree of petitioner's involvement in the financial arrangements with the purchasers of the homesites.
3. Time frame for the construction of the houses.
4. Employee housing at reasonable cost to employees.
5. Use of the amenities by the public.
6. Dedication of land to the County for park purposes.
7. Survey and preservation of archaeological and historical sites.
8. Hiring of local contractors and construction workers.
9. Periodic progress report.

Vice Chairman Sakahashi suggested that Counselor Marsh draw up a document incorporating conditions addressing those concerns which had been expressed during the discussion and present them for the Commission's consideration.

Chairman Tangen advised that the petitioner and intervenors will be afforded an opportunity to review and respond to the conditions which will be drafted by Counselor Marsh, and the Commission will act to amend the conditions, if any, and finally adopt them.

ADOPTION OF MINUTES

Upon motion by Commissioner Duke, seconded by Vice Chairman Sakahashi, the minutes of January 20, 1977 and February 3, 1977 were adopted as circulated.

CONTINUANCE OF ACTION

A74-423 - WINDWARD PARTNERS

It was moved by Commissioner Duke and seconded by Vice-Chairman Sakahashi and unanimously approved to continue the action on the petition by Windward Partners, A76-423, until May 26, 1977, at a time and place to be designated, with all parties receiving at least 2 weeks' notice.

A76-422 - CLINTON I SHIRAISHI, ET AL

Upon motion by Commissioner Whitesell and seconded by Commissioner Duke, the Commission voted to continue action on the petition by Clinton Shiraishi, et al to May 11, 1977, at a time and place to be determined, with all parties receiving at least 7 days' notice.

The meeting adjourned at 6:52 p.m.