

STATE OF HAWAII
LAND USE COMMISSION

Approved
9/10/82

Minutes of Meeting

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

May 5, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy (10:25 a.m.)
Shinsei Miyasato
Teofiló Tacbian
Robert Tamaye
Edward Yanai (10:25 a.m.)

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

HEARING

A82-529 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Honolulu International Airport)

Pursuant to a notice published in the Honolulu Star Bulletin on April 5, 1982 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by DPED to reclassify approximately 887.5 acres of land currently in the Conservation District into the Urban District at Honolulu International Airport, Honolulu, Hawaii, for a reef runway, taxi-ways and aviation-related lease lots, Docket A82-529.

Appearances

Annette Chock - Deputy Attorney General, representing petitioner

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

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

Exhibits

Petitioner's exhibits 1 through 10 were admitted into evidence.

County's exhibit 1 was admitted into evidence.

All of the persons who testified, having been duly sworn in, were examined as set forth in the transcript.

PETITIONER

Robert S. Chun - Assistant Chief, Engineering, Engineering Branch,
Department of Transportation

Direct examination by Miss Chock----- 8 to 13

Examination by Vice Chairman Whitesell-----13 to 14

Examination by Chairman Yuen-----14 to 20

Reexamination by Vice Chairman Whitesell-----20 to 21

Petitioner's exhibit 11 was identified and admitted into evidence.

Alan Vollert - Air Operating Adviser to the Chief of Police

Direct examination by Miss Chock-----22 to 24

Examination by Vice Chairman Whitesell-----24 to 25

At this time, the Commission was joined by Commissioners Choy and Yanai.

CITY & COUNTY OF HONOLULU

Melvin Murakami - Planner

Direct examination by Mr. Lim-----26 to 29

Cross examination by Miss Chock-----29

Examination by Commissioner Tacbian-----29 to 30

Examination by Vice Chairman Whitesell-----30 to 31

At the conclusion of the hearing, both the petitioner and the County waived their closing arguments until the action meeting.

Thereafter, the parties were advised of the post-hearing procedures and the Chairman declared that the hearing on A82-529 was closed.

ACTION

A81-514 - PUKALANI HEIGHTS ASSOCIATES

In the matter of the petition by Pukalani Heights Associates to reclassify approximately 28.8 acres of land from the Agricultural District into the Urban District at Keahua, Kula, Makawao, Maui, a hearing was conducted by the Land Use Commission on November 23 and 24, 1981 and on February 2, 1982. The Chairman determined that all Commissioners present today were eligible to participate in the deliberation of subject petition.

Appearances

Martin Luna, Attorney representing petitioner

Guy Archer, Deputy Corporation Counsel, representing the County of Maui

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

Each party was afforded 10 minutes to make his closing arguments, and petitioner's counsel also presented rebuttal arguments.

Commissioner Miyasato moved to approve Docket A81-514, Pukalani Heights Associates, to reclassify approximately 28.8 acres of land currently in the Agricultural District into the Urban District at Keahua, Kula, Makawao, Maui for a residential subdivision, subject to the condition proposed by the Maui County as follows: "That the petitioner shall offer for sale, or cooperate with either or both the Hawaii Housing Authority or the County of Maui, to offer for sale on a preferential basis at least ten percent (10% of the total single-family houselots and/or house-and-lot packages to be developed within the subject property to residents of the State of Hawaii who shall have low and moderate family income as determined by the Hawaii Housing Authority or the County of Maui from time to time. The preferential single-family houselots or house and lot packages shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for state assisted financing (e.g., Act 105 or Hula Mae) or federally assisted financing (e.g., FHA 245) intended to encourage home ownership by low and moderate income households. This condition may be fully or partially released by the Commission as to all or any portion of the subject property upon timely motion and provision of adequate assurance of satisfaction of this condition by the petitioner."

The motion was seconded by Commissioner Choy.

Vice Chairman Whitesell expressed her concern over conflicting testimony regarding the value of agricultural land and its potential, the availability of vacant lands for housing, price ranges. However, she acknowledged that the petition is in conformance with the County's current plan and its proposed community plan.

Chairman Yuen also expressed similar concerns.

The Executive Officer polled the Commissioners and the motion to approve the petition was unanimously carried.

Chairman Yuen instructed the Deputy Attorney General to prepare the Commission's findings and decision and order, utilizing the County's proposals, with slight modifications as recommended.

A81-517 - PARADISE DEVELOPERS, INC.

In the matter of the petition by Paradise Developers, Inc. to reclassify approximately 148 acres from the Agricultural District into the Rural and Urban Districts at Kamaole, Makawao, Maui for residential and commercial subdivision, a hearing was conducted by the Land Use Commission on February 2, 1982.

Although Commissioner Yanai was not present during the hearing proceedings, he had reviewed the transcript of those proceedings and therefore qualified to participate in the deliberations today.

Appearances

James Brock, Agent for the petitioner

Guy Archer, Deputy Corporation Counsel, representing the
County of Maui

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

At the conclusion of oral arguments by all parties and rebuttal by petitioner's agent, it was moved by Commissioner Miyasato, and seconded by Commissioner Choy, to approve Docket A81-517 to reclassify approximately 148 acres presently in the Agricultural District into the Rural and Urban Districts at Kamaole, Makawao, Maui for a residential and commercial subdivision.

Both Chairman Yuen and Vice Chairman Whitesell expressed opposition to the petition on the bases that the proposed use

was not in accord with the County's plans, and not an appropriate use within the Rural District. The lack of sufficient evidence regarding the need for the subject property for the proposed use was also noted.

The Commissioners were polled as follows:

Ayes: Commissioner Miyasato

Nays: Commissioners Whitesell, Tacbian, Tamaye, Choy,
Yanai, Chairman Yuen

The motion did not carry.

It was recommended by the Chairman that DPED's proposed findings be used as a guide in adopting the Commission's findings of fact and conclusions of law, substituting petitioner's and County's findings where appropriate.

ADOPTION OF MINUTES

The minutes of March 9, 1982 were approved as circulated.

The meeting adjourned at 11:47 a.m.