

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
9/10/82

Minutes of Meeting

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

July 8, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman (11:00 a.m.)  
Richard Choy, Vice Chairman  
Larry Chun  
Everett Cuskaden  
Shinsei Miyasato  
Winona Rubin  
Teofilo Tacbian  
Robert Tamaye  
Frederick Whittemore

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

ACTION

A81-520 - COOKE LAND COMPANY, INC.

In the matter of the petition by Cooke Land Co., Inc. to reclassify approximately 91 acres of land from the Agricultural District into the Urban District at Naiwa and Kahanui, Molokai, for an industrial park, a hearing was conducted by the Land Use Commission on March 31, 1982 and April 1, 1982.

Due to a previously declared conflict of interest by Chairman Yuen on the subject petition, the proceedings were conducted by Vice Chairman Choy.

It was determined that all of the Commissioners present today were qualified to participate in the deliberations.

Appearances

Paul Mancini - Attorney, representing the petitioner

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

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

Closing Arguments

- By Mr. Mancini----- 4 to 14
- By Mr. Archer -----15 to 19
- By Miss Chock -----19 to 25
- Rebuttal by Mr. Mancini-----25 to 27

It was moved by Commissioner Rubin that: "Increment 1 of petitioner Cooke Land Company, Inc.'s development plan for an industrial park, consisting of portions of Phases 1, 2A and 2B, comprising a total of 67 acres which includes approximately 7 acres for a drainage reserve and 4 acres for a sediment retention basin, more particularly identified as Maui Tax Map Key 5-2-11: portion of 29; and described in Exhibit A in the petitioner's proposed Decision and Order, situate at Naiwa, Molokai, County of Maui, State of Hawaii, shall be reclassified from the Agricultural to the Urban District.

"The reclassification of the subject property shall be subject to the following conditions:

- "1. The petitioner shall, as initial priority of the development, take appropriate measures to prevent the degradation of coastal wetlands and receiving waters from sewage seepage, runoff of non-domestic wastewater and soil erosion arising at the subject property. These measures shall be developed in consultation with appropriate State and County agencies.
- "2. The petitioner shall be responsible for treatment and removal of all industrial wastewater and toxic chemicals which may be generated by industrial use. The petitioner shall take appropriate protective measures in consultation with appropriate State and County agencies, to accomplish the same.
- "3. The petitioner shall make a complete archaeological survey in conjunction with Bishop Museum archaeologists or DLNR officials of the subject property and areas to be developed relative to the project and shall take appropriate measures to preserve areas to be developed relative to the project area, and the significant archaeological sites, including the Naiwa petroglyph.

"These conditions 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 these conditions by the petitioner."

The motion was seconded by Commissioner Miyasato.

Commissioner Rubin elaborated on her reasons for proposing 56 acres, plus 11 for drainage and sediment retention, rather than the 91 acres requested.

Commissioner Cuskaden expressed his basic support of the petition along the same lines subscribed to by Commissioner Rubin. However, he also agreed with the County's position that the conditions proposed by the petitioner be subject to prior approval by the appropriate County or State agencies.

It was moved by Commissioner Cuskaden to amend the motion by adding at the end of conditions 1 and 2: "and subject to prior approval of the said State and County agencies."

Both the maker and seconder of the motion stated that they had no objections to the amendment.

The amendment to the motion was unanimously approved.

The motion to approve the petition with conditions, and as amended, was also unanimously carried.

Thereafter, the Commission reviewed the various proposed findings which had been filed by the parties and adopted its true findings and conclusions of law.

At this time, Vice Chairman Choy turned the meeting over to Chairman Yuen.

A81-510 - HAROLD KUN CHUN AND SHIRLEY ANN CHUN  
A81-521 - JOSEPH M. LOPEZ & ROSALIND M. LOPEZ

In the matter of the petitions by Harold/Shirley Chun and Joseph/Rosalind Lopez to reclassify approximately 1 acre of land from the Agricultural into the Urban District at Ponahawai, South Hilo, Hawaii for residential subdivisions, hearings were held by Hearing Officer Benjamin Matsubara on March 17, 1982.

Inasmuch as the parcels in both petitions were adjacent to each other and the requests were of a similar nature, Chairman Yuen asked the Hearing Officer to consolidate his report on the two petitions.

Staff planner pointed out both parcels on the maps and oriented their locations with various surrounding landmarks.

Hearing Officer Matsubara pointed out the similarities and differences between the two petitions, and also presented a comprehensive and detailed report of the changes being requested. Based on the evidence that was adduced at the hearing, and other evidentiary material filed, it was concluded by Mr. Matsubara that the reclassification of the subject properties under the two petitions was reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes, and recommended that the reclassification be granted.

Commissioner Tamaye moved for the approval of Docket A81-510, Harold Kun Chun and Shirley Ann Chun, which was seconded by Commissioner Tacbian and unanimously carried.

Commissioner Tacbian moved to approve Docket A81-521, Joseph M. Lopez and Rosalind M. Lopez, which was seconded by Commissioner Tamaye and unanimously approved.

Chairman Yuen directed the Hearing Officer to prepare the findings of fact, conclusions of law for the above petitions, pursuant to the Commission's decision.

A81-523 - JAMES K. AHIA, SR. & FRANCES K. AHIA

The hearing on the above petition was conducted by Hearing Officer Matsubara on March 17, 1982.

Staff planner oriented the Commission to the parcel under petition.

Mr. Matsubara reported on his findings adduced at the hearing and also responded to questions which were raised relative to the County's objections based on the unavailability of water to the subject site. Mr. Matsubara explained that petitioner was in a catch-22 situation where he was unable to get a water waiver from the Board of Water Supply to start his own water catchment until the land designation was changed to Urban. Therefore, it was his conclusion that the goals and objectives of the Land Use Commission would be enhanced by granting an Urban designation in this instance, and recommended that the reclassification be granted.

It was moved by Commissioner Tamaye and seconded by Commissioner Tacbian that Docket A81-523 be approved. The motion was unanimously carried.

Chairman Yuen directed Mr. Matsubara to prepare the Decision and Order in accordance with the Commission's decision just rendered.

SP80-349 - PRINCEVILLE AT HANAIEI

It was moved by Vice Chairman Choy and seconded by Commissioner Tacbian to approve the issuance of the Decision and Order denying Princeville at Hanalei's special permit. The motion was unanimously approved.

A82-529 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

In the matter of the petition by the Department of Planning and Economic Development to reclassify approximately 887.5 acres of land in the Conservation District into the Urban District at Honolulu International Airport for a reef runway, taxiways and aviation-related lease lots, the Land Use Commission conducted a hearing on May 5, 1982.

All of the Commissioners present today were declared qualified to participate in today's proceedings.

Appearances

Annette Chock - Deputy Attorney General, representing the petitioner

Jane Howell - Deputy Corporation Counsel, representing the City & County of Honolulu

Closing Arguments

By Miss Chock-----61 to 62

By Miss Howell-----62 to 64

Upon motion by Commissioner Cuskaden, seconded by Commissioner Whittemore, the petition by DPED to reclassify approximately 887.5 acres of land from the Conservation District into the Urban District at Honolulu International Airport was unanimously approved.

Chairman Yuen directed the Deputy Attorney General to prepare the findings of fact, conclusions of law, in accordance with the Commission's decision, utilizing petitioner's proposed findings with minor modifications.

ADOPTION OF MINUTES

The minutes of April 21, 1982 and April 22, 1982 were approved as circulated.

The meeting was adjourned at 11:59 p.m.