

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 B & C
Kalanimoku Building
Honolulu, Hawaii

August 5, 1980 - 9:00 a.m.

Approved DEC 2 1980

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Richard Choy
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

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

Ray Russell, Court Reporter

ACTION

Chairman Duke announced that a request had been made by Counselor Schweigert to place the Manoa Finance matter first on the agenda. Vice Chairman Nakagawa moved to change the order of the agenda as requested by Mr. Schweigert. It was seconded by Commissioner Pascua and unanimously approved.

A80-477 - MANOA FINANCE CO.

The proposed decision procedures were outlined by the Chairman.

The Executive Officer pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

The Chairman announced that prior to taking action on the requested change, it was necessary for the Commission to rule on a motion which had been filed by the intervenors.

Motion to Dismiss and/or in the Alternative, Motion to Strike

Mr. Schweigert, intervenor's counsel, presented his arguments in support of the motion to dismiss or to strike.

Mr. Francis Izumi, attorney for petitioner, responded to the arguments. Both the County and the State waived their rights to respond. Mr. Schweigert was afforded additional time to respond to Mr. Izumi's remarks.

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Mr. Kawada elaborated/the rule under which Mr. Schweigert had filed his motion did not relate to the jurisdictional powers of the Commission and therefore did not preclude the Commission from hearing the subject petition (Manoa Finance Co.) presently before the Commission.

Commissioner Whitesell moved to deny intervenor's motion to dismiss which was seconded by Vice Chairman Nakagawa and unanimously carried.

Chairman Duke announced that the Commission was now ready to receive oral arguments regarding the petition.

Oral Arguments

By Mr. Izumi-----25 to 27

Mr. Davidson reaffirmed the County's position and offered no further arguments.

Mrs. Ueda, staff planner, also reaffirmed DPED's position and waived further oral arguments.

By Mr. Schweigert-----33 5o 38

Rebuttal argument by Mr. Izumi-----38 to 39

It was moved by Commissioner Yanai and seconded by Commissioner Miyasato to approve Docket A80-477, Manoa Finance Co., Inc. to reclassify approximately 2.52 acres of land presently in the Conservation District into the Urban District at Kahoiwai, Manoa, Honolulu, Oahu.

Both Commissioners Whitesell and Yuen spoke against the motion. Vice Chairman Nakagawa felt that the petitioner had presented sufficient evidence to show that the necessary requirements of the interim guidelines had been met. Commissioner Pascua also spoke in favor of the motion.

The Commissioners were polled as follows:

Ayes: Commissioners Nakagawa, Pascua, Choy, Oura, Yanai
Miyasato, Chairman Duke

Nays: Commissioners Yuen and Whitesell

The motion was carried.

In view of the foregoing decision by the Commission, the Commission utilized the petitioner's proposed findings of fact in adopting the Commission's true findings relative to this petition.

Election of Officers

It was moved by Commissioner Yuen, seconded by Vice Chairman Nakagawa and unanimously agreed to add to today's agenda the election of officers for the Land Use Commission.

Chairman Duke turned the meeting over to the Executive Officer to conduct the election.

Commissioner Pascua moved to nominate Charles W. Duke as Chairman of the Commission, which was seconded by Vice Chairman Nakagawa, and unanimously carried by voice vote.

Newly reelected Chairman Duke thanked the Commission for the vote of confidence and opened the floor for nomination of Vice Chairman. Commissioner Pascua nominated Shinichi Nakagawa as Vice Chairman. Nominations were closed and Shinichi Nakagawa was named Vice Chairman of the Commission.

ACTION (cont.)

A79-470 - THE TRUSTEES OF THE LILIUOKALANI TRUST

Chairman Duke excused Commissioner Yuen since he had previously declared a conflict of interest.

The Executive Officer pointed out the location of the subject property on the maps.

The Chairman announced that action on the subject petition will be conducted via the proposed decision route and instructed all parties of the procedures.

Closing Arguments

Pages

- By Judge Kawakami, representing the petitioner----84 to 91
- By Mr. Hayashi, representing the County of Hawaii-92 to 94
- By Miss Chock, representing DPED-----95 to 98

Rebuttal

By Judge Kawakami-----98 to 100

Commissioner Oura moved to approve Docket A79-470 to reclassify approximately 175 acres of land presently in the Agricultural District into the Urban District at Keahuolu, Kailua-Kona, North Kona, Hawaii, for industrial and commercial uses. The motion was seconded by Commissioner Pascua.

Commissioner Choy moved to amend the motion to approve the 100 acres for the industrial site, and to deny the 75 acres for the commercial site. Subsequently, Commissioner Choy withdrew his motion.

Commissioner Whitesell moved to amend the motion to consider the 100-acre industrial site and the 75-acre commercial site separately. The motion was seconded by Vice Chairman Nakagawa. For the record, the maker and seconder of the original motion, Commissioners Oura and Pascua respectively, objected to the amendment to the motion.

The Commissioners were polled as follows:

Ayes: Commissioners Nakagawa, Choy, Yanai, Whitesell, Miyasato, Chairman Duke

Nays: Commissioners Oura and Pascua

The motion was carried.

Commissioner Whitesell moved to approve the 100-acre described as Site I in Docket A79-470. The motion was seconded by Vice Chairman Nakagawa and carried with the following votes:

Ayes: Commissioners Whitesell, Pascua, Miyasato, Choy, Nakagawa, Oura, Yanai, Chairman Duke

Commissioner Oura moved to approve Site II, approximately 75 acres for a commercial development. The motion was seconded by Commissioner Pascua.

Commissioner Choy voiced his objections to the motion on his belief that the area could not economically support two shopping complexes at this time.

Commissioner Pascua supported the motion on the basis that competition was healthy and the Commission should be looking to the future growth of the area.

Commissioner Whitesell's major concern centered around the fact that the County had indicated its wish not to urbanize this

particular area at this time, and to keep commercial developments below Queen Kaahumanu Highway.

It was Chairman Duke's feeling that the Commission would be doing an injustice to the County of Hawaii and to the people of Kona if it were to delay the urbanization of the subject 75-acre parcel. Indications of the tremendous growth which will occur in Kona within the next decade pointed to the potential for supporting more than one shopping center, and despite the County's position on this matter, he felt it was proper for the Commission to urbanize the 75-acres.

The motion to approve Site II was defeated with the following votes:

Ayes: Commissioners Pascua, Oura, Miyasato, Chairman Duke

Nays: Commissioners Choy, Whitesell, Nakagawa, Yanai

The meeting was thereafter turned over to Counselor Kawada and it was agreed to utilize the County's proposed findings as a guide in arriving at the Commission's true findings. The petitioner's proposed findings, as well as comments from the County and DPED, were also considered.

Chairman Duke instructed Counselor Kawada to prepare the Commission's Decision and Order, including the conclusions of law based on the findings which had been adopted by the Commission.

The meeting was adjourned at 4:35 p.m.