

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms 322 A & B
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

Approved
JAN 31 1980

September 5, 1979 - 9:30 a.m.

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

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

Ray Russell, Court Reporter

ACTION

A78-449 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Chairman Duke called on the Executive Officer to orient the Commission to the location of the property under petition on the maps. It was also announced by the Chairman that the Commission will exercise the proposed decision procedure in arriving at a final decision on this application.

The Chairman also noted that there were several motions pending before the Commission which will need to be resolved.

In response to a question posed by Mr. Jack Schweigert, representing the Waianae Land Use Concerns Committee and Environmental Law Center of the Pacific, Inc., Commissioner Yuen submitted that he had read the entire transcript and reviewed all the records and files relevant to this petition, and expressed satisfaction that the requirements of Chapter 91 had been fulfilled to qualify him to act on subject petition.

Mr. Roger Moseley, Deputy Corporation Counsel, representing the City Department of General Planning, submitted that the City

joined in with all of the motions filed by Mr. Schweigert.

ACTION ON MOTIONS FILED

1. Motion to Reopen the Hearing to Present Additional Evidence
By the Department of General Planning

It was moved by Vice Chairman Nakagawa, seconded by Commissioner Pascua, to deny the motion to reopen the hearing to present additional evidence. The motion was unanimously carried.

2. Motion to Continue Final Decision
By Intervenor, Waianae Land Use Concerns Committee et al

Counselor Moseley stated that the City will join in this motion to continue final decision.

Commissioner Yuen moved to deny the motion to continue final decision, which was seconded by Vice Chairman Nakagawa and unanimously passed.

3. Motion to Reach Decision After Review of Findings of Fact
and Conclusions of Law
By Intervenor, Waianae Land Use Concerns Committee et al

It was moved by Commissioner Whitesell, seconded by Commissioner Oura, to deny the motion, which was unanimously carried.

4. Motion to Strike Petitioner's Response to DGP's Proposed
Findings of Fact, Conclusions of Law and Decision and Order
By Department of General Planning

Vice Chairman Nakagawa moved to deny the motion, which was seconded by Commissioner Whitesell and unanimously passed.

5. Motion to Strike Petitioner's Comments on DGP's Comments to
Petitioner's PFF, CL & DC, or in the Alternative to Allow
Opportunity for Equal Response to Petitioner's Comments and
to Continue the Action Meeting
By Department of General Planning

Vice Chairman Nakagawa moved to approve the motion, which was seconded by Commissioner Whitesell. The motion was unanimously carried.

Chairman Duke announced that Intervenor's joinder in motion to strike petitioner's response to intervenor's PFF, CL & DC, etc., was incorporated into the motion filed by the Department of General Planning.

Miss Chock indicated that the State would like to file with the Commission a memorandum in opposition to Intervenor's joinder

in motion to strike petitioner's response to intervenor's proposed findings of fact, conclusions of law and decision and order. Permission was granted Miss Chock to file such a memorandum.

ORAL ARGUMENTS

Oral arguments by all of the parties regarding the petition are recorded in the transcript on the pages noted.

Annette Chock for petitioner-----63 to 68

The Commission was in recess from 11:55 a.m. to 2:30 p.m.

2:30 p.m.

Oral Arguments (cont.)

Roger Moseley for Dept. of General Planning-----69 to 75

Jack Schweigert for Intervenors-----75 to 79

REBUTTAL

Annette Chock for Petitioner-----80 to 82

Vice Chairman Nakagawa moved that Docket A78-449 by the Department of Planning and Economic Development to reclassify approximately 166 acres of land from the Agricultural District into the Urban District at Barbers Point, Honouliuli, Ewa, Oahu, Hawaii, for the construction of a deep-draft inland harbor be approved. Commissioner Oura seconded the motion.

Chairman Duke, Vice Chairman Nakagawa and Commissioners Yanai and Yuen expressed their views in support of the foregoing motion.

Commissioner Whitesell voiced her opposition to the motion due to the fact that uncertainties over the need for the proposed project within the next 20 or 30 years outweighed some of the excellent information that was brought out in support of the petition.

The Commissioners were polled as follows:

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

Nay: Commissioner Whitesell

The motion was carried.

Chairman Duke announced that the Commission will use petitioner's proposed findings of fact as a guide in adopting the Commission's true findings relevant to this petition.

Counselor Allan Kawada led the discussion in arriving at the findings of fact, correcting, deleting and interjecting facts which had not been included, where indicated. Both the Department of General Planning's and Intervenor's proposed findings were also noted and those facts incorporated in the Commission's findings which the Commission felt were more comprehensive or adequate.

Chairman Duke directed Counselor Kawada to draft the conclusions of law to correspond with the findings of fact just adopted.

ADOPTION OF MINUTES

The minutes of March 9, 20, 21, 28, 29, 1979; April 4, 5, 11, 12, 17, 18, 1979; and May 3, 1979 were approved as circulated.

The meeting was adjourned at 4:52 p.m.