

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 A & B
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

September 17, 1980 - 9:00 a.m.

Approved JAN 28 1981

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

COMMISSIONER ABSENT: Mitsuo Oura

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

James Filibeck, Court Reporter

ACTION

A80-477 - MANOA FINANCE COMPANY, INC.

Chairman Duke announced that the Commission was considering today a motion by the Pinao Tenants Association for reconsideration of oral order reclassifying approximately 2.52 acres of land to the Urban District from the Conservation District.

Appearances:

Francis Izumi, Attorney, representing the Manoa Finance Co.

Jane Howell, Deputy Corporation Counsel, representing the
Department of General Planning

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

Jack Schweigert, Attorney, representing the Pinao Tenants
Association

Mr. Schweigert presented his arguments in support of the motion by Pinao Tenants Association, followed by rebuttals from Mr. Izumi and Miss Chock. Mr. Schweigert responded to the rebuttals.

At the Chairman's request, Mr. Kawada, Deputy Attorney General, gave his legal interpretation of the Commission's rules as they applied to the request by Pinao Tenants Association. Based on this interpretation, Mr. Kawada expressed his view that the Commission did not have the jurisdiction to reconsider its decision upon request by a party other than the Commission.

Commissioner Yuen moved that since the motion was not filed by a Commission member and, moreover, the motion was filed after 6:00 p.m. of the first weekday following the date of the Commission's action on this petition and therefore not in accordance with the Commission's rules, the Commission deny the motion. The motion was seconded by Commissioner Whitesell and unanimously carried.

Chairman Duke directed Counselor Kawada to prepare the order denying the motion by Pinao Tenant's Association.

A80-474 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Lihue Airport)

The Chairman excused Commissioner Yanai from participating in the action on subject petition since he had not been present during the hearing procedures.

Mr. Chu oriented the Commission to the area under petition and identified surrounding landmarks and uses.

Commissioner Pascua moved to reclassify approximately 784.65 acres of land presently in the Agricultural District and 26.16 acres of land presently in the Conservation District into the Urban District at Kalapaki and Hanamaulu, Lihue, Kauai for the expansion of Lihue Airport. The motion was seconded by Commissioner Yuen and unanimously carried.

Utilizing the petitioner's proposed findings of fact, and by process of deletions, amendments and additions, the Commission adopted its true findings relative to this petition. Counselor Kawada was directed by the Chairman to draw up the conclusions and order consistent with the adopted findings.

CONTINUED HEARING

A80-487 - LONE STAR HAWAII, INC.

Appearances

Lincoln Ishida, Attorney representing petitioner

Jane Howell, Deputy Corporation Counsel, representing
the Department of General Planning

Annette Chock, Deputy Attorney General, representing DPED

Thomas Pico, Jr., Counselor for Intervenor Kailua
Neighborhood Board

Additional Exhibits

The following additional exhibits were submitted by petitioner and admitted into evidence:

Exhibits Z-1, Z-2 and Z-3

Chairman Duke announced that the hearing on subject petition had been continued for the sole purpose of adding into the record the requirement for incremental districting of projects that exceed 5 years for completion.

PETITIONER

Jim Pearson - Architect

Direct examination by Mr. Ishida-----41 to 48

Cross examination by Ms. Howell-----48 to 50

Examination by Commissioner Yuen-----50 to 51

Examination by Chairman Duke-----51 to 53

Mr. Ishida, Ms. Howell and Ms. Chock waived closing arguments. Mr. Pico presented closing arguments opposing the reclassification request.

Post-hearing instructions were given by the Chairman and the hearing was closed at 11:15 a.m.