

Approved
4/19/01

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

April 5, 2001

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce A. Coppa
Pravin Desai
Isaac Fiesta, Jr.
M. Casey Jarman
Merle Kelai
Stanley Roehrig

COMMISSIONERS ABSENT: Peter Yukimura
Lawrence N.C. Ing

STAFF PRESENT: John Deller, Esq., Deputy Attorney
General
Bert Saruwatari, Acting Executive
Officer
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk
Esther Ueda, Consultant

Holly Hackett, Court Reporter

Chairperson Kelai called the meeting to order at 9:35 a.m.

Commissioner Roehrig moved to go into executive session to interview candidates for the executive officer position. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

The meeting reconvened at 10:55 a.m.

Commissioner Coppa, Chairperson of the Screening Committee, announced that Mr. Anthony Ching was unanimously selected to be the new Executive Officer of the Land Use Commission. Commissioner Fiesta moved for a resolution to hire Mr. Ching as the Executive Officer of the Land Use Commission. The motion was seconded by Commissioner Roehrig and unanimously approved by voice votes.

ACTION

DR01-24 - STEVEN K. BAKER

Chairperson Kelai announced that this was an action meeting to consider Petitioner's Petition for Declaratory Order clarifying the location of the Urban District boundary for Petitioner's land.

On April 4, 2001, the Commission received Testimony of the Office of Planning.

Appearances

Grace Nihei Kido, Esq., representing petitioner

Scott Sullivan, Sea Engineering

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries map and tax map and gave a summary of the declaratory order.

Argument on the Petition for Declaratory Order was heard from Ms. Kido.

PUBLIC WITNESSES

1. Abe Mitsuda
2. Sam Lemmo

Questions were asked by the Commissioners.

Commissioner Jarman moved that the LUC affirm the Urban/Conservation boundary line of the property as of 1964 as approved in 1963 on the 1993 aerial photo. Lands located mauka of the 1963 Property line shall be designated within the State Land Use Urban District. Lands located makai of the 1963 Property line shall be designated within the State Land Use Conservation District, subject to Petitioner providing the Office of Planning, the Department of Land and Natural Resources, and the Commission with a legal description of the Property. The motion was seconded by Commissioner Roehrig and unanimously passed by the following votes:

Ayes: Commissioners Jarman, Roehrig, Coppa, Fiesta, Desai, Kelai and Catalani

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of March 8 and 9, 2001. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Fiesta moved to adopt the Order Granting Motion For Release From Decision And Order Entered On September 21, 1984 (Motion For Lot Area IC) for Docket No. A83-558 - MSM & Associates, Inc. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

Commissioner Fiesta moved to adopt the Order Granting Motion For Release From Decision And Order Entered On September 21, 1984 (Motion For Lot 13133) for Docket No. A83-558 - MSM & Associates, Inc. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

Commissioner Fiesta moved to adopt the Order Granting Request To Withdraw The Motion For Relief From Condition No. 7 Of The Decision And Order Entered On September 21, 1984 for Docket No. A83-558 - MSM & Associates, Inc. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

OTHER PENDING MATTERS

1. Mr. Saruwatari gave a legislative update of the pending bills affecting the Land Use Commission.
2. Status of LUC Budget
3. A00-733 - Harrison J. and Sharene Z. Klein - Amended Petition

Mr. Saruwatari reported that Steve Lim had requested a general plan interpretation of the Klein property from the County. The determination will have an impact on whether Petitioner amends its reclassification request from Conservation to Agricultural to Conservation to Urban.

4. Tentative Meeting Schedule - Chairperson Kelai announced that the tentative meeting date for May 3 and 4, 2001 has been cancelled.
5. Litigation Update - Pacific Star, LLC v. The Sierra Club, et al., Civil No. 00-1-0209K (3rd Circuit). Commissioner Jarman moved to go into executive session to discuss legal matters relating to the litigation update with our deputy attorney general. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.
6. A93-701 - KAUPULEHU DEVELOPMENTS

Acting Executive Officer, Bert Saruwatari, announced that Lists and Citations of Valued Cultural, Historical, and Natural Resources and Findings have been submitted by Staff, Petitioner, the County of Hawaii Planning Department and Intervenor Ka Pa`akai O Ka`aina. He further stated that this docket was put on for discussion to determine the next step the Commission will be taking on this matter.

After much discussion, the Commission requested that the parties submit to the Commission and serve upon all parties proposed findings of fact together with copies of the record on which the findings are based. Parties may also file exceptions to the previously filed findings. Staff will set the deadline for submission of these documents.

The meeting was adjourned at 12:30 p.m.