

Minutes of Meeting

County Council Room
Hawaii County Building
25 Aupuni Street, Room 201
Hilo, Hawaii

Approved
2/17/00

February 3, 2000

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

COMMISSIONER ABSENT: Lawrence N.C. Ing

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Andrea Vasconcellos, Court Reporter

Chairperson Kelai called the meeting to order at 9:40 a.m.

CONTINUED ACTION

A99-729 - THE NEWTON FAMILY LIMITED PARTNERSHIP (Hawaii)

Chairperson Kelai announced that this matter before the Commission is a continued action to consider whether the anticipated effects discussed in Petitioner's Draft Environmental Assessment, as supplemented, to reclassify approximately 885.40 acres of land currently in the Conservation District into the Agricultural District at Kukuau, South Hilo, Hawaii for an agricultural subdivision constitutes a "significant effect" pursuant to Chapter 343, H.R.S.

Appearances

A. Bernard Bays, Esq., for Petitioner

Alice Kawaha, Planner, County of Hawaii Planning Department

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Arguments on the environmental assessment were heard from Mr. Bays.

PETITIONER'S WITNESS

1. James R. Bell

Ms. Ogata-Deal expressed the State's concerns that Petitioner has not adequately addressed the significance criteria.

2. Dr. Paul Rosendahl

After hearing Petitioner's arguments, questions were asked by Ms. Ogata-Deal, Ms. Kawaha and the Commissioners.

Commissioner Yukimura moved to go into executive session to discuss legal matters with our deputy attorney general. The motion was seconded by Commissioner Fiesta and unanimously moved by voice votes.

Commissioner Jarman moved that the action be deferred so Petitioner can provide further information to complete the preparation of the Draft Environmental Assessment. The action will be scheduled after the Commission receives and reviews the draft. The motion was seconded by Commissioner Coppa and unanimously moved by voice votes.

Commissioner Jarman requested that all parties bring witnesses to support their positions at the next action meeting regarding this docket so that the Commission will have the opportunity to examine them.

Mr. Bays asked the Commission for permission to work with the LUC's deputy attorney general. The Commission recommended that Mr. Bays work with our Executive Officer, Esther Ueda, instead.

COUNTY OF HAWAII PLANNING DEPARTMENT PRESENTATION

The presentation on the County of Hawaii's General Plan Revision Program was deferred.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of January 20, 2000. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to amend the agenda to include the adoption of order for Docket No. A92-684 - State of Hawai'i, Department of Transportation, Airports Division. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

Commissioner Jarman moved to adopt the Order Granting Intervenor's Motion to Continue Hearing Date Scheduled for January 20 and 21, 2000 for Docket No. A92-684 - State of Hawai'i, Department of Transportation, Airports Division. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

3. LEGISLATIVE MATTERS

The Executive Officer updated the Commission on three pending bills at the legislature being proposed by the administration that impact the LUC. One of the bills establishes the standards and criteria and the process for the identification of important agricultural lands; another bill clarifies the intent and policies for the state land use districts, including the standards and criteria for uses in the agricultural district and the rural district; and the last one provides for temporary 5-year reclassifications to the urban district. She also noted that a letter was sent up to the administration informing them of the LUC's position with respect to preparing legislative testimony.

4. LITIGATION MATTERS

Commissioner Kelai moved to go into executive session to discuss legal matters with respect to litigation with our deputy

attorney general. The motion was seconded by Commissioner Jarman and unanimously moved by voice votes.

- a) Molokai Ranch Circuit Court case; Civil No. 97-0383(1), (DR97-20). Commissioner Roehrig moved that the Commission should not submit any further pleadings in this pending case. The motion was seconded by Commissioner Yukimura and unanimously carried by voice votes.

5. OTHER PENDING MATTERS

In light of recent press releases regarding the Kahului Airport runway extension, Commissioner Jarman expressed concern regarding Docket No. A92-684/Department of Transportation with respect to how the petitioner is going to be proceeding in this case. Staff was instructed to write a letter asking the petitioner to apprise the Commission on the status and plans regarding the subject docket.

The meeting was adjourned at 12:20 p.m.