

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

March 23, 2000

Approved
4/16/00

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce A. Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: Merle Kelai

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

Gloria Tavares, Court Reporter

Presiding Officer Ing called the meeting to order at
10:10 a.m.

ACTION

A91-672 - C. BREWER PROPERTIES, INC. (Maui)

Presiding Officer Ing announced that this matter before the Commission is an action to consider Petitioner's Motion to Release Conditions of Approval Due to Satisfaction of Conditions imposed in the Order Adopting Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order dated December 1, 1992, which reclassified approximately 20.644 acres of land from the Conservation District into the Agricultural District at Maalaea, Ukumehame, Wailuku, Maui to permit continued agricultural crop production.

Appearances

Clayton Suzuki, Wailuku Agribusiness Co., Inc.

Clayton Yoshida, Deputy Director, Planning Department,
County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to
the subject area on the Land Use District Boundaries and tax
maps.

PUBLIC WITNESS

1. Mark Sheehan

Arguments were heard from Mr. Suzuki, Mr. Yoshida and
Ms. Ogata-Deal.

Questions were asked by the Commissioners.

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

Presiding Officer Ing explained to Mr. Suzuki that he has
several options on how the Commission will proceed in this case;
(1) proceed and let the Commission makes its decision; (2) ask
the Commission to defer the matter, then the Commission will
decide whether or not the matter will be deferred; or
(3) withdraw the request. Mr. Suzuki requested that the
Commission decide on the matter today.

Commissioner Jarman moved to release conditions 2, 8, and 9
of C. Brewer Properties, Inc.'s Motion to Release Conditions of
Approval Due to Satisfaction of Conditions. The motion was
seconded by Commissioner Catalani and unanimously carried by
voice votes.

ACTION

A92-684 - STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,
AIRPORTS DIVISION (Maui)

Presiding Officer Jarman announced that this matter before
the Commission is an action to consider Petitioner's Motion to

Withdraw Petition Without Prejudice. The Petition is to reclassify approximately 210.471 acres of land currently in the Agricultural District into the Urban District at Kahului, Maui for expansion of Kahului Airport and facilities.

Commissioner Kelai was excused from this proceeding due to a previously declared conflict of interest.

Appearances

Bruce T. Matsui, Esq., Lane Ishida, Esq., Attorneys for
Petitioner

Ben Schlapak, Department of Transportation

Clayton Yoshida, Deputy Director, Planning Department,
County of Maui

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

Lorene Maki, Land Use Division, Office of Planning

Isaac Hall, Esq., Attorney for Intervenor

Arguments was heard from Mr. Matsui.

PUBLIC WITNESSES

1. Greg Westcott
2. Mark Sheehan
3. Jeffrey Parker
4. Dana Naone Hall

Mr. Yoshida and Ms. Ogata-Deal voiced no objections to Petitioner's motion but Mr. Hall requested that the withdrawal be accepted with prejudice.

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

Commissioner Ing moved that the Commission accept Petitioner's Withdrawal. Commissioner Catalani questioned Commissioner Ing as to whether his motion was pursuant to Hawaii Administrative Rules, section 15-15-76 rather than addressing the issue of with prejudice. Commissioner Ing agreed. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Ing, Coppa, Fiesta, Yukimura, Catalani, Roehrig, Desai and Jarman

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of March 2 and 3, 2000. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Roehrig moved to adopt the Findings Of Fact, Conclusions Of Law, And Decision And Order for Docket No. SP00-393 - Kamehameha Schools Bernice Pauahi Bishop Estate (KSBE). The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Roehrig moved to adopt the Order Partially Approving Motion To Release Conditions Imposed In Decision And Order On Reclassification Made A Part Of The Commission's Findings Of Fact, Conclusions Of Law, And Decision And Order Dated July 18, 1994 for Docket No. BR93-699 - Office of State Planning. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

3. OTHER PENDING MATTERS

The Executive Officer reported that the LUC proposed rule amendments was sent up to the Governor for approval. Subsequently, a meeting was held a couple of weeks ago with the Office of Planning staff to explain the Commission's position on the rule amendments. Deputy Attorney General Presley Pang added that the Office of Planning may be asking for clarification on the language with respect to the Commission having a sufficient number of votes. Mr. Pang also mentioned that we can modify the language without going out to public hearings again as long as it doesn't differ too much from what we sent out to the public.

4. LEGISLATIVE MATTERS

The Executive Officer provided an update on the summary of the legislative bills. Ms. Ueda reported that H.B. 179, H.D. 2, S.D. 1, which creates a new LESA Commission, is being heard today and that we are asking that if the bill passes, that the LUC become a member of the commission because it may have impacts on the operation of the Commission. Regarding H.B. 2743, H.D. 2 which proposes a land use task force, it's still alive and the Commission is included as a member of that task force. H.B. 2424, H.D. 2 is also alive and it also proposes a new LESA commission. We are also asking that the Commission be included as a member of the LESA commission.

The meeting was adjourned at 12:10 p.m.