

LAND USE COMMISSION

Minutes of Meeting

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

April 19, 2001

Approved  
6/01/01

COMMISSIONERS PRESENT: P. Roy Catalani  
Bruce A. Coppa  
Pravin Desai  
M. Casey Jarman  
Merle Kelai  
Peter Yukimura

COMMISSIONERS ABSENT: Isaac Fiesta, Jr.  
Lawrence N.C. Ing  
Stanley Roehrig

STAFF PRESENT: John Dellera, 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 9:30 a.m.

ACTION

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

Chairperson Kelai announced that this matter before the Commission was an action to consider whether the anticipated effects discussed in Petitioner's Final Environmental Assessment 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.

Chairperson Kelai reported that the County of Hawaii Planning Department would not be present at today's proceedings.

Appearances

A. Bernard Bays, Esq., for Petitioner

Jim Bell, for Petitioner

John Chang, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Arguments on the final environmental assessment were heard from Mr. Bays and Mr. Mitsuda.

Commissioner Jarman moved that the Land Use Commission find that the anticipated effects of this project did not constitute a significant impact pursuant to Chapter 343, H.R.S. The motion was seconded by Commissioner Coppa and unanimously passed by the following votes:

Ayes: Commissioners Jarman, Coppa, Yukimura, Catalani, Desai, and Kelai

ACTION

A00-733 - HARRISON J. & SHARENE Z. KLEIN

Chairperson Kelai announced that this was an action meeting to determine whether Petitioner's Final Environmental Assessment accepted for the Petition seeking reclassification of land currently in the Conservation District into the Agricultural District is acceptable for Petitioner's Second Amended Petition, to reclassify approximately 2.621 acres from the Conservation District to the Urban District at Keonepoko Iki, Puna, Hawaii for improvements to an existing single-family residential dwelling and related improvements and farming activities pursuant to Chapter 343, H.R.S.

Chairperson Kelai reported that the County of Hawaii Planning Department would not be present at today's proceedings.

On April 17, 2001, the Commission received a facsimile letter dated April 16, 2001, from Steven S.C. Lim.

Appearances

Steven S.C. Lim, Esq., representing petitioner

John Chang, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Arguments were heard from Mr. Lim and Mr. Chang.

Commissioner Jarman moved that the Land Use Commission find that the Petitioner's Final Environmental Assessment accepted for the Petition seeking reclassification of land currently in the Conservation District into the Agricultural District is acceptable for Petitioner's Second Amended Petition. The motion was seconded by Commissioner Desai and unanimously passed by the following votes:

Ayes: Commissioners Jarman, Yukimura, Catalani, Desai, Coppa and Kelai.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the meeting date of April 5, 2001. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Declaratory Order for Docket No. DR01-24 - Steven K. Baker. The motion was seconded by Commissioner Desai and unanimously approved by voice votes.

Acting Executive Officer, Bert Saruwatari, reported that a legal description and map were filed by the Petitioner and is currently being reviewed by staff.

OTHER PENDING MATTERS

1. Mr. Saruwatari gave a legislative update of two bills that were being monitored. H.B. 550, regarding HCDCH's motions before the Land Use Commission (Villages of Kapolei, Leialii, and La'i'opua), is currently in conference committee and a meeting has been scheduled for Monday, April 23, 2001. The other bill is SB 1473, relating to the Office of Planning's Smart Growth bill, which is in conference committee but no meeting has been scheduled at this time.
2. Tentative Meeting Schedule - Mr. Saruwatari reported that a meeting date for May 17 has been scheduled to include a possible special permit matter relating to Fong Construction, in addition to a presentation by staff regarding the annual reports and the status report in Docket No. A92-679/White Hat Development Corp.
3. Status of LUC Budget - Mr. Saruwatari reported that an Executive Memorandum was issued regarding restrictions on filling vacant positions. All positions that were previously approved by the Director of the Department now has to be approved by the Governor. This may affect filling of the vacant secretary position.
4. Litigation Update - Pacific Star, LLC v. The Sierra Club, et al., Civil No. 00-1-0209K (3<sup>rd</sup> Circuit). Commissioner Yukimura 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.

The meeting was adjourned at 10:30 a.m.