

LAND USE COMMISSION
MINUTES OF MEETING

April 1, 2004

Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Kyong-Su Im
Lawrence Ing
Randall Sakumoto
Peter Yukimura

COMMISSIONERS ABSENT: Isaac Fiesta
Steven Montgomery

STAFF PRESENT: Diane Erickson, Deputy Attorney General
Anthony Ching, Executive Officer
Bert Saruwatari, Staff Planner
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter

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

ADOPTION OF MINUTES

Vice Chair Coppa moved to adopt the Land Use Commission meeting minutes of March 18, 2004 and March 19, 2004. Commissioner Desai seconded the motion. Said motion was unanimously approved by voice votes.

TENTATIVE MEETING SCHEDULE

Executive Officer Anthony Ching reported that the next meeting on May 6 - 7 will have three action items on the agenda. These items include consideration of the final environmental

assessment for the Waiolani Mauka docket; the stipulated order being put forth by the parties in the Maui Land and Pineapple docket; and a motion by Lanihau Properties for a time extension to perform the housing study. Mr. Ching also reminded the Commissioners that there will be no second meeting of the Commission in April. Vice Chairs Catalani and Coppa, along with staff, will be attending the American Planning Association's Annual Conference in Washington, D.C. at that time.

Mr. Ching also noted that the upcoming Land Use Commission calendar will be a full one as there are two anticipated filings from Kauai, two from Maui, and three petitions from the Big Island.

LEGISLATIVE REPORT

Executive Officer Anthony Ching briefly summarized three legislative proposals that he has been monitoring pertaining to IAL (Important Agricultural Lands). Where staff has provided testimony to the legislature, copies have also been provided to the Commission. There was a brief discussion by the Commissioners.

DOCKET NO. SP87-362 DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY & COUNTY OF HONOLULU (fka Department of Public Works, City & County of Honolulu) (Oahu)

Chair Ing stated that this was an action meeting on Docket No. SP87-362 Department of Environmental Services, City & County of Honolulu, Oahu.

On March 25, 2004, the Commission received from the Department of Environmental Services, via David Arakawa, Corporation Counsel, a motion to amend and/or Stay the Decision and Order Approving Amendment to Special Use Permit dated June 3, 2003.

Since March 20 to present, the Commission has received numerous correspondence from many individuals and council members.

On March 31, 2004, the Commission received the State Office of Planning's Position Statement on the County's Motion to Amend and/or Stay the Decision and Order Approving Amendment to Special Use Permit dated June 3, 2004, indicating that they were in favor of the extension of time.

APPEARANCES

Gary Takeuchi, Esq., represented City and County of Honolulu
Frank Doyle, represented Department of Environmental Services
David Tanoue, Esq., represented City Department of Planning and Permitting
Don Kitaoka, Esq., represented City and County of Honolulu
Ray Young, Department of Planning and Permitting
John Chang, Esq., represented State Office of Planning
Abe Mitsuda, State Office of Planning

Staff Report

1. Anthony Ching

Mr. Ching, Executive Officer, provided a brief summary of the Land Use law, Chapter 205, HRS, which allows the issuance of special permits by county planning commissions and the Land Use Commission for certain uses within the agricultural and rural districts other than those for which the district is classified.

Mr. Ching indicated that the role of this Commission, in this situation, is limited to:

1. Accepting and ratifying the decision and recommendation of the Planning Commission as is;
2. Accepting and ratifying the decision and recommendations of the Planning Commission and adding some additional conditions;
3. Remanding back to the County Planning Commission the special permit application while stating the objections of the Land Use Commission. In this situation, it is the prerogative of the Planning Commission to address the concerns specified by this Commission or take any other appropriate action.

Mr. Ching noted that it is important to understand that any amendment of the basic special permit and any of the county's conditions of approval would normally first require that the matter be approved by the County Planning Commission prior to any action taken by this Commission. However, questions or a petition for relief from conditions of approval imposed by this Commission may be considered.

Mr. Ching summarized the Department of Environmental Services' motion and listed the four points raised in the motion.

- o The first request is to amend or stay the site selection deadline imposed by the Land Use Commission for selection of a new landfill by the County Council. The motion seeks to change the June 1, 2004 deadline to December 1, 2004.

- The second request is for the Land Use Commission to clarify whether the Waimanalo Gulch Sanitary Landfill is a site that may be considered by the council.
- The third request involves a request to extend the May 1, 2008 deadline to close the landfill to November 1, 2008.
- The fourth item indicates that an application might be submitted by the County, which would allow for additional acreage to be utilized at the Waimanalo Gulch Landfill under this special permit.

Chair Ing described the procedure for this docket, and there were no objections to the procedure by the parties.

Chair Ing asked the City if the four bulleted points raised in the motion, as discussed by Mr. Ching, was correct as presented. Mr. Takeuchi replied in the affirmative.

Mr. Takeuchi added that they were here for two basic purposes, which are the first two bullets. The primary request is to extend the deadline for the city council to select a new landfill site from the current deadline of June 1 to December 1, 2004. The second request asks whether the council may consider the Waimanalo Gulch location as a possible landfill site. Mr. Takeuchi noted that it should be clear that they are not here today to request for any decision on the latter two bullet points or seek any type of conditional amendment in regard to those matters, as they are premature and were merely provided for informational purposes.

MOVANT'S WITNESSES

1. Rod Tam

Councilmember Tam stated that he is the Chairman of the Public Works and Economics Development Committee. Council member Tam expressed his appreciation to the Commission for allowing him the opportunity to testify and commented that the council is requesting an extension to the site selection deadline to December 1, 2004. The extension, if granted, will allow his committee to:

1. Seek additional financial information;
2. Develop a more comprehensive, long-term plan for the city to address future MSW disposal needs;
3. Explore alternative technologies and/or shipping waste strategies as an alternative to developing a new MSW landfill.
4. Allow the city council to conduct further research and convene additional public meetings; and

5. Further research the current contract with Waste Management, the operator of Waimanalo Gulch.

Councilmember Tam added that he realizes that no one wants the landfill site in their backyard. His committee needs to deal with the landfill selection process and will try to do so in a concrete manner with facts, figures, and community input.

After a discussion with the Commissioners, Vice Chair Coppa moved to meet in executive session to discuss legal issues with its counsel. The motion was seconded by Commissioner Im and the motion was carried by voice votes.

The Commission met in executive session at 11:00 a.m. The open meeting reconvened at 11:20 a.m.

Vice Chair Coppa noted that the Land Use Commission does not have the authority to instruct this Blue Ribbon committee, the City Council, or others where the landfill site should be. The only item that should be discussed by this commission is item number 1 for the extension of time. If the city requests to extend the landfill, they will need to return to the Planning Commission for approval, as this Commission does not have that authority.

Chair Ing indicated that in keeping with its limited authority, the Commission would appreciate that all testimony be limited to item number 1, the request for a time extension to December 1, 2004.

2. Mike Gabbard

Councilmember Gabbard expressed his appreciation to the Commission and for the opportunity to provide his testimony. He indicated his support of the extension of the deadline to select a new solid municipal waste landfill for the City and County of Honolulu.

Councilmember Gabbard added that it is important for the city council to make the right decision in this matter and appealed to the Commission for the time extension. He added that it is his future goal to have the city utilize landfill waste only on an emergency or contingency basis. Alternative disposal of MSW might involve shipping the waste out-of-state.

There was a brief discussion by the Commission.

3. Bruce Anderson

Dr. Anderson stated that he is the Director of Environmental Programs at the John A. Burns School of Medicine. Dr. Anderson indicated that he served as a member on the Blue Ribbon Committee and gave a brief overview of the committee's activities.

After Dr. Anderson provided his overview of activities, there were no questions posed by the parties and the Commission.

4. Cynthia Rezendes

Ms. Rezendes stated that she was testifying today in several capacities, primarily as an individual, but also as a member of the Blue Ribbon Committee.

Ms. Rezendes noted that the charge of the committee was essentially to review and select a potential landfill site, not to review alternate technology or recycling. This informational report was transmitted to the administration and then to the city council. She expressed her opposition to the 6-month extension and added that her concern is if the extension is granted, the city will be returning for another extension and for the expansion of the site.

After a brief discussion, there were no further questions by the parties and the Commission.

5. Kathy Bryant Hunter

Ms. Hunter stated that she was testifying in her capacity as a member of the Mayor's landfill site selection committee. She added that she is also the Chair of the Kailua Neighborhood Board, but will not speak on behalf of that board.

Ms. Hunter commented that she is in support of the extension. She believes that it is prudent to allow more time to gather information that the committee was unable to complete its work. Ms. Hunter commended Councilmember Tam and the city council for continuing on this process and protocol requirements in search for solutions.

There were no further questions by the parties or the Commission.

6. Todd Apo

Mr. Apo stated that he is with the Ko`olina Resort Community Association and served as a member on the Blue Ribbon committee. He commented that he opposed the granting of the extension. The extension would unfairly impact the landowners of the four adjacent properties who would live for another six months unsure if their neighborhood is going to be the next landfill site.

Mr. Apo added that he understood today's decision has nothing to do with the May 1, 2008 deadline, but that he believes if they have the 6 months extension, it is likely Mr. Doyle will return seeking another extension for the 2008 deadline, as Mr. Doyle indicated in his affidavit.

After a brief discussion, there were no further questions by the parties or the Commission.

Commissioner Sakumoto noted that it appears the 6-month time extension would not be detrimental and that the permit for expansion or extension is not a matter that will be decided by this Commission. The only decision this Commission will make is whether or not to grant the 6-month extension of time in order to gather additional information and the investigation appears warranted. Commissioner Sakumoto asked if the initial decision on whether to grant or deny an application for a special use permit is made by the City and County's Planning Commission. Mr. Takeuchi replied in the affirmative.

Commissioner Sakumoto asked if the process entails Planning Commission approval and then Land Use Commission ratification. Mr. Takeuchi replied in the affirmative.

Commissioner Sakumoto commented that similarly, any subsequent decision on whether to amend the special use permit should initially be made by the Planning Commission, and if approved, comes before the Land Use Commission for ratification. He asked if this is what happened in this matter.

Mr. Takeuchi replied in the affirmative and explained that this request has not yet gone to the Planning Commission because it was a condition imposed by this body, not the Planning Commission. He added that because the deadline is looming quickly and this condition was imposed by the Land Use Commission, it is appropriate to come before the Land Use Commission for decision on the proposed time extension.

Commissioner Sakumoto requested that they provide a brief on this matter. Mr. Takeuchi indicated that they certainly would provide a brief on the subject to this Commission within a week.

A lunch break was taken at 12:30 p.m. The meeting reconvened at 1:40 p.m.

Chair Ing reconvened the meeting and noted that there were parties traveling from the neighbor island for the second item on the agenda. Chair Ing indicated that if this first agenda item is not finished within the next hour, a recess on this subject matter may be called, to bring the second item before the Commission in order for the parties to catch their return flights.

Mr. Takeuchi indicated that their last witness is Mr. Doyle.

7. Frank Doyle

Mr. Doyle stated that he is Director of the Department of Environmental Services, City and County of Honolulu.

Mr. Doyle commented that the Department's position remains the same, that they will cease operations at the Waimanalo Gulch by May 2008. He added that the city council currently has sufficient information to select a new site for a landfill by the June 1, 2004 deadline. Therefore, he strongly opposed the need for the 6-month extension being sought by the city council.

Commissioner Im asked if the Department of Planning and Permitting (DPP) was asked by Mr. Doyle's department to make this motion to extend the time line.

Mr. Kitaoka replied that the applicant in this case is the Department of Environmental Services. The DPP originally processed the initial request for the expansion to be presented to the Planning Commission. In this case, it is his department's motion for amendment of the Land Use Commission condition.

Mr. Kitaoka further stated that the DPP did not take a position with respect to this motion because this pleading addressed a condition imposed by the Land Use Commission, and not the Planning Commission. If the Department of Environmental Services is pursuing an extension of the time limit that was imposed by this body alone, it would be appropriate for this body to be the determiner since it imposed the condition in the first place. Mr. Kitaoka explained that for purposes of this hearing, he was acting as Deputy Corporation Counsel advising council members who are testifying before the Land Use Commission today.

After a brief discussion, there were no further deliberations by the Commission.

Mr. John Chang stated that the Office of Planning (OP) has submitted their testimony and it is their position that the designation of the site for the landfill should be done by the City and County of Honolulu. The OP has no objections to the extension of time to December 1, 2004 being sought for a naming of the site by the City and County.

There were no questions by the parties and the Commission.

Chair Ing noted at this time that public witnesses who have signed up will be called upon. Also, Chair Ing qualified that the Commission is only looking at one issue, testimony for or against the extension of time from June 1 to December 1, 2004.

PUBLIC WITNESSES

1. Jim Corcoran

Mr. Corcoran stated that he is representing the Kailua Neighborhood Board and the Vice Chair of the Environmental Committee. The neighborhood board will be meeting later in the evening and has not been able to take a position for or against this extension. After a brief discussion, there were no questions posed by the Commission.

2. Stann Reiziss

Dr. Reiziss stated that he is here today as an interested citizen and represent no one, but will speak for a few concerned citizens that he has had discussions with. He expressed his desire for the Commission to grant the time extension till December because he believes that the City Council definitely needs additional time for a variety of reasons. After a brief discussion, there were no questions by the Commission.

3. Kamaki Kanahele

Mr. Kanahele requested if Dr. Shintani could join him in providing testimony at the same time.

4. Terry Shintani

Dr. Shintani stated that he is a physician at the Waianae Coast Comprehensive Health Center.

Mr. Kanahele stated that he is the president of the Nanakuli Hawaiian Homestead Community Association, the Chair of the Hokupili Foundation, and the Director of the Native Hawaiian Traditional Healing Center at the Waianae Coast Comprehensive Center.

Dr. Shintani commented that he is in support of the time extension because of the need to sort out adequate information to be considered. Mr. Kanahele concurred with Dr. Shintani and added that he would like to state the community's voice. He expressed his support for the time extension as in the best interests of the community. There were no questions by the Commission.

5. Bill Hutton

Mr. Hutton stated that he has been a resident of Ko`olina for about 2 1/2 years. He added that initially he knew of the landfill, but did not notice any odor or noise in the area. After residing there for a little over two years, Waimanalo Gulch is filled up with a mountain of trash and the trash is straying all over and into the ocean. Mr. Hutton expressed his objection to the time extension because he believes there is a serious environmental problem there. There were no questions posed by the Commission.

6. Lorrie Stone

Ms. Stone stated that she is an attorney with Rolhfig and Stone representing Ko`olina Resorts. Ms. Stone commented that there are several major developments that will take place in

the resort area and expressed her strong desire for the Commission to not grant the time extension. There were no questions by the Commission.

Chair Ing indicated that the Commission will take a 10-minute recess break and reconvene with the second action item to accommodate the neighbor island travelers. The Commission recessed at 2:45 p.m. The meeting reconvened at 2:55 p.m.

DOCKET NO. A03-744 HILUHILU DEVELOPMENT, LLC (Hawaii)

This was a hearing on Docket No. A03-744 Hiluhilu Development, LLC to consider acceptance of the Final Environmental Impact Statement for reclassification of approximately 725.2 acres of land currently in the conservation and agricultural district into the urban district at Ka'u, North Kona, Hawai'i, Tax Map Key No. 3-7-2-005: 001.

On March 19, 2004, the Commission received Petitioner's Final Environmental Impact Statement.

APPEARANCES

Alan Okamoto, Esq. represented Hiluhilu Development
Guido Giacometti, Hiluhilu Development
Norman Hayashi, County of Hawaii Planning Department
John Chang, Esq., represented State Office of Planning
Abe Mitsuda, State Office of Planning

PUBLIC WITNESSES

- 1. Matthew L. Meyers

Mr. Meyers stated that he is representing the Office of Hawaiian Affairs, as their policy advocate. He added that after review of the final environmental impact statement, OHA has several concerns. Mr. Meyers stated that there were quite a few archaeological sites identified in the EIS and OHA requests that an overlay of the site plan with these sites identified be prepared by the petitioner. Mr. Meyers also indicated that the EIS was sketchy on the potable and non-potable water issue. After stating concerns regarding cultural resources, housing, education, and traffic, he concluded by noting that they have requested that the petitioner's prepare a more comprehensive EIS.

After a brief discussion, there were no further questions posed by the Commission.

The Land Use Commission provided its staff report via a PowerPoint presentation.

Mr. Okamoto stated that in light of the staff report, he reluctantly requested that the Commission allow the withdrawal of the current Final Environmental Impact Statement for re-submittal immediately. He added that they now have all the technical studies that are required and have a much better understanding of what they need to do to present this matter properly to the Commission.

Mr. Ching added that his recommendation would be that more clarification be provided, as the conservation district is the most highly regulated district and extra importance and emphasis needs to be placed whenever you reclassify lands from that district.

Vice Chair Coppa moved to allow the applicant to withdraw their final environmental impact statement as requested. The motion was seconded by Commissioner Yukimura.

The Commission was polled as follows:

Ayes: Catalani, Coppa, Desai, Im, Ing, Sakumoto, and Yukimura.

The motion passed with 7 yes and 2 absent.

DOCKET NO. SP87-362 DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY & COUNTY OF HONOLULU (fka Department of Public Works, City & County of Honolulu) (Oahu)

Chair Ing stated that this was a continuation of public witnesses for Docket No. SP87-362.

7. Arvid Youngquist

Mr. Youngquist stated that he was Chair of the legislative committee of the Liliha Alewa Heights Neighborhood Board, but here before the Land Use Commission as a private citizen. He expressed his support for the time extension and also commended Mr. Doyle for his hard work. There were no questions from the Commission.

8. Herbert Hewlen

Mr. Hewlen stated that he is the President of Waianae Kai Homestead, a member of the Waianae Comprehensive Health Board, and a member of the Hukupili Foundation. He expressed his concern over the health and welfare of everyone in his community. There were no questions posed by the Commission.

9. Wade Wakayama

Mr. Wakayama stated that he works at Ameron and expressed his support for the time extension, primarily to allow for receipt and digestion by the Council of additional financial information, as cited earlier by Councilmember Tam. After a brief discussion, there were no further questions by the Commission.

10. Rod Tam

Councilmember Tam expressed his appreciation to the Commission for allowing him the additional time to add to his earlier testimony and requested to address some remarks regarding issue number one. He concluded by stating that he had just received news that the council has introduced a new Resolution No. 04-105 entitled Selecting A Site For A New City Landfill.

Commissioner Sakumoto asked if Council member Tam could provide the Commission with progress reports. Councilmember Tam agreed and noted that he, personally, will be attending future Land Use Commission meetings starting from next month to provide the Land Use Commission with reports on this matter.

Commissioner Im asked if the city could also provide a report or attend with Councilmember Tam to show progress in the communication between the two entities. Mr. Doyle replied in the affirmative.

Vice Chair Coppa moved to extend the timeframe for six months but to include that a joint written report or verbal report be submitted by both the city council and the administration to ensure that there is progress being made. The motion was seconded by Commissioner Yukimura.

Commissioner Desai requested that the motion include a report on what alternative technology is being explored and any concrete bids being considered.

Mr. Ching polled the Commission on the motion made to extend the June 1st deadline to December 1, 2004 with monthly written reports, progress reports being provided to the Land Use Commission which cover alternate technologies, as well as site selection, and that a brief be delivered by the Movant to the Commission in one week.

The Commission was polled as follows:

Ayes: Catalani, Coppa, Desai, Im, Ing, Sakumoto, and Yukimura.

The motion passed with 7 yes and 2 absent.

A recess break was taken at 3:55 p.m. The meeting reconvened at 4:10pm

COMMISSION POLICY REGARDING REIMBURSEMENT OF EXPENSES RELATED TO THE PUBLICATION OF NOTICE FOR HEARING OF PETITION FOR DISTRICT BOUNDARY AMENDMENT AND THE SERVICES OF THE COURT REPORTER

Mr. Ching conducted a brief presentation on the steady erosion of the Land Use Commission's operating expense allocation, the proposed FY 05 reductions to operating expenses, the increase in the number of associated Land Use Commission proceedings, especially on the neighbor islands, and the current hearing expenses associated by each county.

Mr. Ching proposed that the Land Use Commission fees has authority from its rules (15-15-30, HAR) to establish a policy requiring reimbursement of expenses related to the publication of hearing notices and the services of the court reporter by district boundary amendment petitioners.

After a brief discussion, Commissioner Im moved that the Commission support the policy that has been presented by staff for reimbursement of Land Use Commission fees. The motion was seconded by Vice Chair Coppa and the motion was unanimously approved by voice votes.

SP00-393 KAMEHAMEHA SCHOOLS BERNICE PAUAHI BISHOP ESTATE (Hawaii)

This was a meeting on Docket No. SP00-393 Kamehameha Schools Bernice Pauahi Bishop Estate (Hawaii) to receive a report by Petitioner on its progress in complying with conditions imposed by the Commission with Special Interest on the Actual Impact of the Development on Traffic Conditions and the effectiveness of its mitigation measures.

APPEARANCES

Linnel Nishioka, representing Kamehameha Schools
Yuki Takemoto, Kamehameha Schools
Peter Uchiyama, Kamehameha Schools
Randall Okaneku, Kamehameha Schools
Ron Tsuzuki, Department of Transportation
John Chang, Esq., represented State Office of Planning
Abe Mitsuda, State Office of Planning

Ms. Nishioka provided a brief overview of the East Hawaii Campus and presented a schematic view of the campus. Ms. Nishioka added that they have completed multiple traffic improvements, as requested by the Commission, under condition 7 of the Commission's order in April 2000. Ms. Nishioka noted that they have completed all of A through F to date, except

condition 7G, which is the other roadway improvements to the Volcano Highway, as required by the Department of Transportation.

Ms. Nishioka added that there was some concern related to their improvements. There was an impact in this area because two lanes would bottle neck into one. Even though it was not required, Kamehameha Schools agreed to re-stripe the area so there is an extra lane there. Completion should be at the end of the month. Ms. Nishioka noted that they had a traffic study analyzed and basically the consultant indicated that traffic would be kept at an acceptable level. The traffic study was based on a school enrollment of 1120 students. The school presently has a total enrollment of 830 students.

Mr. Takemoto noted that the traffic study and everything else was based on a full enrollment of 1120 students and that was the commitment to Kamehameha Schools. If they should extend the school or increase its enrollment further, they would need to have another impact study. Mr. Takemoto added that he believes that Kamehameha Schools has done whatever they could do to mitigate traffic to a level that actually is better than what it was before the existence of the school.

Ms. Nishioka stated that the Department of Transportation (DOT) is asking Kamehameha Schools to basically pay for the entire improvement of the highway; to put in an additional lane, a bikeway, and a traffic lane. She added that Kamehameha Schools feel that they have already contributed more than is needed to alleviate whatever impact is coming from the school.

Vice Chair Coppa asked how the DOT justifies this magnitude of work from the consultant.

Mr. Okaneku indicated that generally a traffic impact analysis measures the impacts of any development and from that point mitigation recommendations are made. The scope of this study would have been equivalent to one prepared for a district boundary amendment, although this study was for a special use permit.

Ms. Nishioka commented that they are seeking to comply with the condition, and not to remove it; that the improvements by Kamehameha Schools have fulfilled the requirement of the Land Use Commission order, under condition 7.

Mr. Takemoto stated that he had a long telephone conversation with the DOT's regional office and at that time, it was clear that they were contemplating having Kamehameha Schools pay for the highway improvements. Mr. Takemoto noted that he requested that DOT submit its needs in writing. He added that he had not received anything in writing to date, except for yesterday's memo dated March 31, 2004, regarding the improvements that the DOT expects Kamehameha Schools to do.

Mr. Mitsuda commented that the state has Ron Tsuzuki from DOT to discuss the traffic study. Mr. Mitsuda added that the conditions range from condition 5 through 11. It is a comprehensive list of conditions dealing with traffic and highways.

Mr. Tsuzuki stated that he had discussions with Kamehameha Schools and that he recalled when Mr. Takemoto spoke to Bob Taira of the Big Island's district office. Mr. Tsuzuki noted that if Mr. Taira had made any representations to the Kamehameha Schools that his views were not to be considered that of the DOT. Mr. Tsuzuki added that they had previously asked the DOT district engineer, Stan Tamura, what actions by Kamehameha Schools would be necessary to mitigate the impacts of the school. Mr. Tsuzuki commented that the recent March memo came from the DOT Director, with comments from the district engineer on the Big Island. Mr. Tsuzuki indicated that he personally does not know much about the situation.

Commissioner Desai stated that since the memo came from Mr. Hiraga, he or a representative should appear in front of the Commission to justify why they came up with these requirements. He added that there has been a traffic study completed and preliminary agreements made. The State DOT needs to justify their position if they require that certain additional traffic improvements be made by the Kamehameha Schools.

Commissioner Sakumoto concurred and added that Mr. Takemoto should ask the DOT for an explanation or rationale in writing. He added that it is incumbent upon the DOT to explain why they are making these requests.

Chair Ing indicated that this matter will be brought up at the next scheduled Commission trip to Hilo. At that time, we will seek to have the DOT Highways administrator from that district available. If that date does not come at an appropriate time, this matter be revisited within the next six months.

Vice Chair Coppa moved to adjourn the meeting, seconded by Commissioner Im. The meeting adjourned at 5:00 p.m.

(Please refer to the Land Use Commission transcript for additional details on all of the above matters.)