

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

Approved
10/21/99

October 7, 1999

COMMISSIONERS PRESENT: Bruce A. Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani
M. Casey Jarman
Merle Kelai

STAFF PRESENT: Esther Ueda, Executive Officer
James Chang, Deputy Attorney General
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk

Gloria Tavares, Court Reporter

Vice Chairperson Ing called the meeting to order at 9:57 a.m.

Vice Chairperson Ing introduced and welcomed Commissioner Coppa to his first Land Use Commission Meeting.

Commissioner Fiesta 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.

CONTINUED HEARING

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

Vice Chairperson Ing announced that this matter before the Commission is a continuation of the hearing previously held on September 23, 1999 to reclassify approximately 210.471 acres of land currently in the Agricultural District into the Urban

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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

Gary Zakian, Esq., Deputy Corporation Counsel, County of Maui

Bill Medeiros, 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

Deputy Attorney General James Chang reported that the Commission has received letters of intent from all four parties to this docket proceeding indicating that they are willing to participate in mediation. Mr. Chang announced that the Commission will assist in any way they can to help the mediation process. As the next step in facilitating the mediation process, Mr. Chang proposed staying the proceedings effective immediately in order for the parties to have time to work out a timetable to select a mediator and entering into mediation.

Arguments on Mr. Chang's proposal were heard from Mr. Matsui, Mr. Zakian, Ms. Ogata-Deal and Mr. Hall.

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

Having no objections from the parties, Vice Chairperson Ing announced that the Commission will continue the hearings set for today and tomorrow and by the next meeting the parties will give a progress report on the mediation, including the name of the mediator selected by all parties.

Vice Chairperson Ing informed Mr. Hall that his concerns regarding what would happen if the parties have not reached an agreement with respect to selecting a mediator would be taken under advisement.

Vice Chairperson Ing entered the following exhibits into evidence:

1. Petitioner's Tenth Amended List of Exhibits which includes: Exhibit Nos. 137 and 138.
2. Intervenor's Tenth Amended List of Exhibits which includes: Exhibit Nos. 267, 268, 269 and 270.

PETITIONER'S WITNESSES (Cont'd.)

1. Dr. Richard Lipsey

A lunch recess was taken at 12:05 p.m. to reconvene at 1:05 p.m.

- 1:10 p.m. -

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Roehrig moved to approve the minutes for the meeting date of September 23, 1999. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Roehrig moved to adopt the Order Granting In Part and Denying in Part Petitioner The Newton Family Limited Partnership's Motion to Continue Action on its Petition to Amend the Land Use District Boundary of the Conservation District Lodged on August 31, 1999 for Docket No. A99-729 - The Newton Family Limited Partnership. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

PETITIONER'S WITNESSES (Cont'd.)

1. Dr. Richard Lipsey
2. Myron Isherwood, Jr.

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Vice Chairperson Ing announced that the Commission will be continuing the hearing tomorrow morning at 9:00 a.m.

The meeting was adjourned at 4:30 p.m.