

Approved  
12/13/98

Minutes of Meeting

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

November 20, 1998

COMMISSIONERS PRESENT: P. Roy Catalani  
Rupert K. Chun  
Pravin Desai (Portion of Proceedings)  
Lawrence N.C. Ing (Portion of Proceedings)  
M. Casey Jarman (Portion of Proceedings)  
Merle A. K. Kelai  
Isaac Fiesta, Jr. (Portion of Proceedings)  
Herbert Kaopua, Sr.

COMMISSIONERS ABSENT: Peter Yukimura

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon S. Itomura, Esq., Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Teri Hee, Acting Chief Clerk  
  
Diane M. Baker, Court Reporter

Chairperson Kelai called the meeting to order at 8:30 a.m.

CONTINUED HEARING

A98-726 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

Chairperson Kelai announced that this matter before the Commission is a continuation of the hearing which was adjourned yesterday at 3:55 p.m.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Stacy Uehara, Esq., Attorney for Petitioner

Lloyd Haraguchi, Community Development Manager for Petitioner

Gary Okino, Planning Department, City and County of Honolulu

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

Scott Derrickson, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

PETITIONER'S WITNESS (Continued)

5. Myrna Cabacungan

6. Thomas Holiday

7. Craig Arakaki

8. Bruce Plasch

Commissioner Jarman joined the proceeding at this time.

9. Winona Char

10. Reed Matsuo

11. Hallett Hammatt

12. Barry D. Neal

Commissioner Fiesta and Commissioner Ing excused themselves  
from the proceeding at this time.

13. David Adams

Commissioner Desai excused himself from the proceeding at  
this time.

14. Recall of Lloyd Haraguchi

Mr. Kudo orally moved to file a 3rd Amended List of  
Witnesses to include Tosh Hosoda as a witness. Having no  
objections from the parties, Chairman Kelai granted Petitioner's  
request.

15. Tosh Hosoda

COUNTY

1. Gary Okino

STATE

1. Abe Mitsuda

Chairperson Kelai instructed all parties of the post hearing procedures. Proposed findings from the parties are due by December 11, 1998 and the parties have until December 24, 1998 in which to respond.

AR&R98-14

Deputy Attorney General Jon Itomura presented a summary of the proposed amendments to the Land Use Commission Rules and Regulations.

Commissioner Kaopua moved to authorize staff to proceed with public hearings on the proposed amendments to Chapter 15 of Title 15, Hawaii Administrative Rules of the Land Use Commission. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

MISCELLANEOUS

1. Executive Officer Esther Ueda updated the Commission regarding A92-684/Department of Transportation. The motion to Circuit Court to allow DOT to come back to the Land Use Commission to finish their contested case hearing was continued until late December. The Executive Officer will keep the Commission apprised of the outcome of that hearing.

2. A status report on litigation matters on the following dockets was given by Deputy Attorney Jon Itomura: DR97-20 - Pono, et al. (Molokai). He reported that arguments were moved to December 11, 1998; A93-701/Kaupulehu Developments request for oral arguments was denied by the Supreme Court; A89-649/Lanai Resort - no movement, no word from Judge Raffetto.

3. The Executive Officer announced that a response was sent to Alan Murakami's letter of September 4, 1998 requesting that the Commission move forward with the Motion To Revert Property To Its Former Classification ("Motion to Revert") filed by Intervenor Lanaians For Sensible Growth. According to Jon, the Commission cannot continue with the Motion to Revert until

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such time that the court resolves the issue of finality of the court's judgment on the appeal.

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