

LAND USE COMMISSION

Minutes of Meeting

Nahele Room  
Sandalwood Clubhouse  
2500 Honoapiilani Hwy.  
Waikapu, Maui

November 4, 1999

Approved  
11/19/99

COMMISSIONERS PRESENT: P. Roy Catalani  
Bruce A. Coppa  
Isaac Fiesta, Jr.  
Lawrence N.C. Ing  
M. Casey Jarman  
Merle Kelai (portion of proceedings)  
Stanley Roehrig

COMMISSIONERS ABSENT: Pravin Desai  
Peter Yukimura

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

Gloria Tavares, Court Reporter

Chairperson Kelai called the meeting to order at 10:10 a.m.

CONTINUED ACTION

AR&R98-14

Chairperson Kelai announced that this is a continued action meeting on **AR&R98-14** to consider adoption of the proposed amendments to Chapter 15 of Title 15, Hawaii Administrative Rules of the Land Use Commission.

Executive Officer, Esther Ueda, reported that since the last Commission meeting, staff prepared two documents for the Commission's review. One is a summary of the major amendments to the proposed rules by section reference, and the other is a composite of all proposed amendments to the proposed rules in ramseyer form. The shaded areas are changes to the proposed rules that the Commission approved for hearings a few months ago.

Discussion was held by the Commissioners regarding the amendments.

Commissioner Ing recommended that the language "decision and order" be included in Sections 15-15-13(b) and 15-15-15(c).

Commissioner Roehrig moved to approve the amendments to the proposed amendments to Chapter 15 of Title 15, Hawaii Administrative Rules of the Land Use Commission as amended, to include the language recommended by Commissioner Ing. The motion was seconded by Commissioner Fiesta and polled as follows:

Ayes: Commissioners Roehrig, Fiesta, Jarman, Catalani and Kelai

Nayes: Commissioners Ing and Coppa

#### MISCELLANEOUS

##### 1. ADOPTION OF MINUTES

Commissioner Roehrig moved to approve the minutes for the meeting date of October 21, 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 Declaratory Order for Docket No. DR99-22 - City and County of Honolulu. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

#### CONTINUED HEARING

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

Presiding Officer Jarman announced that this matter before the Commission is a continuation of the hearing previously held on October 21, 1999 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., Attorney for Petitioner

Ben Schlapak, Department of Transportation

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

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

Presiding Officer Jarman entered the following exhibits into evidence:

1. Petitioner's Eleventh Amended List of Exhibits which includes: Exhibit Nos. 139, 140, 141 and 142.

PETITIONER'S WITNESSES (Cont'd.)

1. Dr. David J. Welch

A lunch recess was taken at 12:05 p.m. to reconvene at 1:00 p.m.

- 1:12 p.m. -

CONTINUED HEARING

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

PETITIONER'S WITNESSES (Cont'd.)

1. Dr. David J. Welch

MINUTES - November 4, 1999  
Page 4

Presiding Officer Jarman entered the following exhibit into evidence:

1. Petitioner's Exhibit No. 143.

PETITIONER'S WITNESSES (Cont'd.)

2. Eugene Dashiell
3. Kirk T. Tanaka
4. Lynne Woods

Mr. Matsui withdrew Ben Schlapak as a witness for today.

Presiding Officer Jarman announced that the Commission will be continuing the hearing at 10:00 a.m. on January 20, 2000.

The meeting was adjourned at 5:02 p.m.