

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

April 22, 1999

Approved
5/21/99

COMMISSIONERS PRESENT: P. Roy Catalani
Rupert K. Chun
Isaac Fiesta, Jr.
M. Casey Jarman
Merle Kelai
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
Lawrence N.C. Ing
Herbert Kaopua, Sr.

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Gloria Tavares, Court Reporter

Chairperson Kelai called the meeting to order at 9:35 a.m.

ACTION

A99-728 - HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF
HAWAII, STATE OF HAWAII (Oahu)

Chairperson Kelai announced that the Commission would take action to consider the Application to Intervene filed by Angela Fong, Esq. and Yvonne Y. Izu, Esq. on behalf of Haseko (Ewa), Inc. The subject petition is a request to reclassify approximately 1,300 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for residential, commercial, sports complex, school site, park, and open space uses.

Chairperson Kelai announced that the City and County of Honolulu Department of Planning and Permitting notified the Commission that they would not be present to the proceeding.

Appearances

Diane Taira, Esq., Attorney for Petitioner

Donald Lau, for Housing Community Development Corporation of Hawaii

David Hulse, PBR Hawaii

Yvonne Izu, Esq., Attorney for Intervenor

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

David Blane, Director, Office of Planning

Arguments to consider the Application to Intervene were heard from Ms. Izu.

Ms. Taira had nothing further to add to Petitioner's earlier submittal of statement of no objection to the Petition For Intervention, limiting the scope of intervention to drainage issues. Ms. Ogata-Deal stated that they had no objections to the Petition For Intervention but requested that the scope of Haseko's intervention also be limited to drainage issues.

Commissioner Jarman moved to approve Haseko (Ewa), Inc.'s Application to Intervene but limited its intervention to drainage issues.

The motion was seconded by Commissioner Catalani and polled as follows:

Ayes: Commissioner Jarman, Yukimura, Catalani, Chun, Fiesta, and Kelai

ACTION

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

Presiding Officer Jarman announced that before the Commission begins the continued hearing on the subject petition, the Commission would take action to consider (1) Intervenor's Motion of Sierra Club to Withdraw as a Party, and (2) Intervenor's Motion to Disqualify.

Commissioner Kelai, Commissioner Desai and Commissioner Kaopua excused themselves from this proceeding due to potential conflicts of interest.

Disclosures were made by Commissioners Fiesta, Catalani and Jarman.

Appearances

Lane Ishida, Esq., Bruce T. Matsui, Esq., Deputy Attorneys General for Petitioner

Jerry Matsuda, Department of Transportation

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

Bill Medeiros, Senior Planner, Planning Department, County of Maui

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

David Blane, Director, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Isaac Hall, Esq., Attorney for Intervenor

Commissioner Fiesta moved to request legal opinions from the Attorney General's office and the Ethics Commission regarding Commissioners possible conflicts of interest. The motion was seconded by Commission Yukimura and approved by voice votes.

Discussion regarding Intervenor's Motion to Disqualify were heard. Having no objections from the parties regarding the motion to request legal opinions from the Attorney General's office and the Ethics Commission, the Intervenor's Motion to Disqualify was deferred until the next meeting.

Having no objections from the parties, Sally Raisbeck presented public testimony regarding Intervenor's Motion to Disqualify.

Arguments on Intervenor's Motion of Sierra Club to Withdraw as a Party was heard from Mr. Hall.

Ms. Ogata-Deal, Mr. Zakian and Mr. Ishida voiced their arguments that all of Intervenor's exhibits and oral testimony that were clearly attributable to the Sierra Club be stricken from the record. Based on advice from the Commission's counsel, Presiding Officer Jarman determined that Intervenor's exhibits and testimony related to the Sierra Club will not be stricken from the record.

Commissioner Catalani moved to accept Intervenor's Motion of Sierra Club to Withdraw as a Party. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

CONTINUED HEARING

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

Pursuant to a notice published in the Hawaii State & County Public Notices of MidWeek and notices sent to all parties, a continued hearing was called by the Land Use Commission in the matter of the petition by the State of Hawaii, Department of Transportation, Airports Division, to consider reclassifying 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.

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

Presiding Officer Jarman entered the following correspondence into evidence:

1. Testimony of Douglas R. Schenk of Maui Pineapple Company, Ltd. dated April 9, 1999.
2. Testimony of Daniel Tamura of the Masons Union dated April 15, 1999.
3. Testimony of L. Douglas MacCluer of Maui Pineapple Company, Ltd. dated April 15, 1999.
4. Letter from J. Barry Stokes, President of Citizens Against Noise dated April 16, 1999.

5. Testimony of Perry O. Artates of Hawaii Operating Engineers Industry Stabilization Fund dated April 14, 1999.
6. Testimony of Bill Bonnet of Maui Electric Company, Ltd. received on April 21, 1999.
7. Testimony of Friends of Haleakala National Park received on April 22, 1999.
8. Testimony of Sally Raisbeck received on April 22, 1999.
9. Testimony of Maui County Farm Bureau received on April 22, 1999.
10. Testimony of Sam Garcia, Jr. received on April 22, 1999.
11. Testimony of Pamela Polland received on April 22, 1999.
12. Testimony of Laureen Elizabeth received on April 22, 1999.

PUBLIC WITNESSES

1. Dana Naone Hall
2. Kahu Charles Maxwell, Sr.
3. Leslie Kuloloio
4. Leslie Sheridan
5. Kat Brady
6. Jody Mitchell
7. Kili Namau`u

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

- 1:05 p.m. -

Presiding Officer Jarman entered the testimony of Bonnie McFadden, Barbara Best, and Kat Brady of Life of the Land.

PUBLIC WITNESSES (Cont'd.)

8. Jeffrey Parker
9. Mary Evanson
10. Mark Sheehan
11. Masako Westcott
12. Rich Wilson
13. Tanya Delury
14. Hannah Bernard
15. Daniel Tamura

Presiding Officer Jarman entered the testimony of Jack Thompson, Jeffrey Parker and Ed Lindsey into evidence.

16. Ernie Van Leeuwen
17. Jack Thompson
18. Douglas MacCluer
19. Ed Lindsey
20. JoAnne Johnson
21. Jim Johnson

Presiding Officer Jarman entered the testimony of Geoffrey Graf into evidence.

22. Bill Watson
23. Perry Artates
24. Sally Raisbeck
25. Daniel Grantham
26. Elaine Wender
27. Douglas Schenk

MINUTES - April 22, 1999
Page 7

28. Richard "Dick" Mayer

Presiding Officer Jarman announced that the Commission will be continuing the hearing this evening at 7:00 p.m.

The meeting was adjourned at 5:10 p.m.