

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

May 6, 1999

Approved
6/6/99

COMMISSIONERS PRESENT: P. Roy Catalani
Rupert K. Chun
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
Herbert Kaopua, Sr.
Merle Kelai

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

Jeannette Iwado, Court Reporter

Presiding Officer Jarman called the meeting to order at
7:15 p.m.

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 which was
adjourned today at 5:00 p.m.

Appearances

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

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

PUBLIC WITNESSES (Cont'd.)

16. Paul Hugel
17. Nancy Plenty
18. Tara Lynn Mayer
19. Summer Wilson
20. Roy Smith
21. Megan Powers
22. Chris Carter
23. Sheryl Roberts
24. John Holliday

Presiding Officer Jarman announced that the Commission will be continuing the hearing tomorrow at 9:00 a.m.

MISCELLANEOUS

1. ADOPTION OF DECISION AND ORDER

Commissioner Catalani moved to adopt the Order Granting Petition For Intervention for Docket No. A99-728 - Housing and Community Development Corporation of Hawai'i, State of Hawai'i. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

Commissioner Catalani moved to adopt the Order Granting Motion Of Sierra Club To Withdraw As A Party for Docket No. A92-684 - State of Hawai'i, Department of Transportation, Airports Division. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

2. LEGISLATIVE MATTERS

The Executive Officer updated the Commission on the status of LUC related bills. H.B. 1409, H.D. 2, S.D. 1 which would allow the land use commission to receive reimbursements for court reports and other expenses as determined by the commission passed legislature and will become an act pending the Governor's signature.

3. The Commission asked staff to request that petitioners of the following dockets appear before the Commission to give a status report:

- a. A88-620 - Kohala Joint Ventures
- b. A92-686 - Amfac Property Investment Corp. and the Housing Finance and Development Corporation (Puukolii Village)

4. A status on LUC docket no. A89-649 - Lanai Resort Company concerning litigation matters was presented by the Commission's Deputy Attorney General Jon Itomura. Mr. Itomura reported that Judge Raffetto ruled against the Land Use Commission (that the LUC has no jurisdiction in the cease and desist and has no enforcement authority). Commissioner Ing moved and Commissioner Yukimura seconded to authorize the Deputy Attorney General to appeal Judge Raffetto's decision. The motion was carried by voice votes. It was noted for the record that Commissioner Catalani recused himself due to conflict of interest.

5. It was decided by the Commission to have the next meeting begin at 9:30 a.m. and go straight through 7:00 p.m. instead of taking a dinner break.

The meeting was adjourned at 9:05 p.m.