

Minutes of Meeting

Approved
3/18/99

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

February 25, 1999

COMMISSIONERS PRESENT: P. Roy Catalani
Rupert K. Chun
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
Herbert Kaopua, Sr.
Merle A. K. Kelai
Peter Yukimura

COMMISSIONER ABSENT: M. Casey Jarman

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

Susan Soderberg, Court Reporter

Chairperson Kelai called the meeting to order at 10:00 a.m.

ACTION

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

Chairperson Kelai announced that the Commission would take action to consider reclassifying approximately 20 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu for a commercial shopping center.

Appearances

Benjamin Kudo, Esq., Attorney for Petitioner

Lloyd Haraguchi, Community Development Manager for
Petitioner

Gary Okino, Planning & Permitting Department, City and
County of Honolulu

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

David Blane, Director, Office of Planning

Arguments were heard from Mr. Kudo, Ms. Ogata-Deal, and Mr. Okino.

It was determined by Chairperson Kelai that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Chun moved on Docket No. A98-726 - The Trustees Under the Will and of the Estate of James Campbell, Deceased that the Commission accept his Proposed Decision and Order subject to fourteen (14) conditions. The motion was seconded by Commissioner Kaopua and polled as follows:

Ayes: Commissioners Chun, Desai, Fiesta, Ing, Kaopua, Yukimura, Chun and Kelai

A98-725 - A & B PROPERTIES, INC. (Spreckelsville, Maui)

Vice Chairperson Ing chaired this portion of the proceedings.

Vice Chairperson Ing announced that the Commission would take up the matter to consider County of Maui's Motion to Continue A & B Properties, Inc. Petition for Reclassification of Lands currently in the Agricultural District into the Urban District at Spreckelsville, Wailuku, Maui for residential units, 9-hole golf course, and park.

Commissioner Kelai and Commissioner Catalani were excused from this proceeding due to a conflict of interest.

Appearances

Benjamin Matsubara, Esq., Attorney for Petitioner

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

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Clayton Yoshida, Deputy Director, Planning Department,
County of Maui

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

David Blane, Director, Office of Planning

Arguments were heard from Mr. Zakian, with no objections
from Mr. Matsubara and Ms. Ogata-Deal.

Commissioner Chun moved to grant the County of Maui's Motion
to Continue A & B Properties, Inc. Petition for Reclassification
of Lands. The motion was seconded by Commissioner Kaopua and
polled as follows:

Ayes: Commissioners Chun, Desai, Fiesta, Yukimura, Kaopua
and Ing

* DR99-21 - ROBERT E. & CHRISTINE M. STENGLE (Hawaii)

Chairperson Kelai announced that the Commission would take
action to consider Petitioners' Petition for Declaratory Order
clarifying and correcting the boundary interpretations of the
Land Use Commission under Boundary Interpretation No. 98-36 dated
October 29, 1998 and Boundary Interpretation No. 98-50 dated
January 12, 1999.

The County of Hawaii Planning Department notified the
Commission that they would not be present to the proceeding.

On February 24, 1999, the Commission received Testimony of
the Office of Planning and a fax transmittal letter from Timothy
E. Johns, Chairperson of the Department of Land and Natural
Resources.

Appearances

Robert E. Stengle, Petitioner

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

David Blane, Director, Office of State Planning

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

Arguments on the declaratory ruling was heard from Mr. Stengle and Mr. Blane.

After hearing arguments, questions were asked by Ms. Ogata-Deal and the Commissioners.

Commissioner Fiesta moved to approve Petitioner's Motion for Declaratory Order. The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioners Fiesta, Desai, Ing, Kaopua, Yukimura, Catalani, Chun and Kelai

A lunch recess was taken at 11:00 a.m. to reconvene at 12:45 p.m.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of January 21, 1999. The motion was seconded by Commissioner Ing and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Chun moved to adopt the Order Granting Petitioner's Amended Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order Dated March 18, 1991 for Docket No. A90-658 - Amfac/JMB Hawaii, Inc. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Chun moved to adopt the Order Granting Applicant's Request to Amend Condition No. 3 and Condition No. 12 for Docket No. SP92-381 - Waikoloa Development Company. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

3. LEGISLATIVE MATTERS

The Executive Officer briefed the Commission on the status of LUC related bills.

4. LITIGATION MATTERS

- a) A status report on the litigation matter on the following docket was given by the Executive Officer: Status of Molokai Ranch Circuit Court case; Civil No. 97-0383(1), 97-0258(1) (DR97-20) - The Executive Officer pointed out that there is a court hearing on this matter today.
- b) Attorney General Jon Itomura gave a briefing on the Hanapi Supreme Court Case No. 19746.

- 12:45 p.m. -

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

Chairperson Kelai announced that the Commission would take action to consider Petitioner's Motion to Resume Administrative Hearing 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.

Appearances

Lane Ishida, Attorney 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

David Blane, Director, Office of Planning

Isaac Hall, Esq., Attorney for Intervenor

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Arguments were heard from Mr. Ishida, Mr. Zakian and Ms. Ogata-Deal and Mr. Hall.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Ing moved to approve Petitioner's Motion to Resume Administrative Hearing. The motion was seconded by Commissioner Fiesta and polled as follows:

Disclosures were made by Commissioner Kaopua, Commissioner Kelai, Commissioner Yukimura and Commissioner Desai.

Ayes: Commissioners Ing, Fiesta, Kaopua, Yukimura, Catalani, Chun, Desai and Kelai.

The meeting was adjourned at 1:15 p.m.