

STATE OF HAWAII
LAND USE COMMISSION

Approved
6/18/85

Minutes of Meeting

9th Floor, Kamamalu Building
250 South King Street
Honolulu, Hawaii

April 2, 1985 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Teofilo Tacbian, Vice Chairman
Richard Choy
Lawrence Chun
Everett Cuskaden
Winona Rubin
Toru Suzuki
Robert Tamaye
Frederick Whittemore

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk

Barbara McLean, Court Reporter

ACTION

A84-577 - HAWAIIAN AIRLINES

In the matter of the petition by Hawaiian Airlines to re-classify approximately 50 acres of land at Mahinahina and Kahana, Lahaina, Maui for an airstrip from the Agricultural District into the Urban District, hearings had been conducted by the Land Use Commission on November 27 and 28, 1985 and January 9, 1985.

Appearances

William McCorriston) - Co-counsel for petitioner
Bruce Lamon)

Annette Chock - Deputy Attorney General, representing the
Dept. of Planning & Economic Development

Alexander Marrack) - Co-counsel for Intervenor Mid Pacific
Jerrold Guben) Airlines

Mary Magnier - Counsel for Intervenor Native Hawaiian
Legal Corporation

Oral Arguments

By Ms. Magnier----- 4 to 8

By Mr. McCorriston----- 9 to 15

By Ms. Chock-----15 to 18

By Mr. Guben-----19 to 24

Examination by Commissioner Whittemore-----24 to 25

Examination by Commissioner Chun-----25 to 26

Examination by Commissioner Cuskaden-----26 to 31

Examination by Chairman Yuen-----31 to 33

Reexamination by Commissioner Chun-----33 to 34

The Commission went into executive session to receive counsel from its Deputy Attorney General, upon motion by Commissioner Cuskaden, seconded by Commissioner Chun.

Chairman Yuen announced that the Commission received counsel regarding the legality of the conditions proposed by MidPacific Airlines and the legal arguments raised by petitioner Hawaiian Airlines.

Commissioner Chun moved to approve the application of Hawaiian Airlines, Inc., in Docket A84-577, to reclassify approximately 50 acres of land at Mahinahina, Maui, Hawaii, from the Agricultural District into the Urban District, for the development of the West Maui airstrip, subject to the following conditions:

- "1. Petitioner shall, with the consent of the fee owner, Maui Land and Pineapple Company, Inc., develop the property for use as an airstrip including an aircraft runway, terminal building with commercial spaces and other facilities normally found in an airport. No other urban uses shall be permitted on the property.
- "2. Petitioner and Maui Land & Pineapple Company, Inc. shall cause an area of land equivalent to the area of land removed from cultivation for construction of the airstrip to be placed in active sugar cane or pineapple cultivation within five years after the construction of the airstrip.
- "3. Petitioner shall operate the airstrip and other facilities and shall make the same available for use

by other air carriers including all regularly scheduled air carriers, including commuter air carriers holding air carrier operating certification from the Federal Aviation Administration and/or the U. S. Department of Transportation or commercial aircraft operators who would qualify for such registration or certification if, in the future, the same is no longer required and utilizing aircraft equipment authorized by FAA regulations for use at the type of airstrip designed and constructed on the property including competitors of petitioner, and such shall be on a fair and equitable basis with regard to allocation of peak takeoff and landing times, ramp space and terminal facilities including counter area, baggage claim area and waiting area.

- "4. In order to assure that the airstrip satisfies the competitive needs of all scheduled air carriers who desire to fly to West Maui, as represented by petitioner, petitioner shall not use the airstrip or permit any acts in connection with the operation of the airstrip which would be destructive to or harmful of fair competition among inter-island air carriers or in violation of federal or state anti-trust laws.

Petitioner shall annually disclose to this Commission, the County of Maui, the user's committee, the air carriers utilizing the airstrip, and the public, a statement of income and expenses from airstrip operations for the preceding year. This financial information shall be prepared by petitioner in accordance with generally accepted accounting principles consistently applied and shall be examined by independent certified public accountants of recognized standing who shall express an opinion thereon.

These conditions may be amended or released at any time by the Commission upon timely motion and provision of adequate assurance of satisfaction by the petitioner."

The motion was seconded by Commissioner Suzuki.

Commissioner Chun moved to amend the 3rd condition in his motion with the following addition and deletion:

Addition: "Petitioner will have preferential use of one parking space with the remaining parking spaces to be made available to all carriers equally."

Deletion: (Petitioner shall annually disclose to this Commission, etc.) - Delete "this Commission,

the County of Maui, the user's committee.
and the air carriers utilizing the airstrip,"

The seconder of the motion agreed to the amendments.

All of the Commissioners voiced their support of the motion to approve the request by Hawaiian Airlines, as amended, and the motion was unanimously carried by voice vote.

HEARING

A84-582 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF
JAMES CAMPBELL

Pursuant to a notice published in the Honolulu Star Bulletin on February 27, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Estate of James Campbell, Docket A84-582, to reclassify 29.543 acres of land from the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, for a shopping center.

Appearances

Ben Tsukazaki) - Co-counsel, representing the petitioner
Pat Lee)

David Laxson - Deputy Corporation Counsel, representing
the Department of General Planning

Everett Kaneshige - Deputy Attorney General, representing
the Department of Planning & Economic
Development

Staff Planner oriented the Commission to the area being considered for reclassification on the USGS and tax maps.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

Public Witnesses

Charles Dick Beamer - Representing Senator Patsy K. Young

Oral testimony-----49 to 50

Representative Mike Crozier

Oral testimony-----50 to 52

Wallace Zoller - Resident of Makakilo

Oral testimony-----52

Bruce Edwards - Pastor of Makakilo Baptist Church

Oral testimony-----52 to 53

Examination by Commissioner Chun-----53

Exhibits

Petitioner's exhibits A through R were moved into the record.

County's exhibit 1 was accepted into evidence.

DPED's exhibit 1 was also moved into evidence.

PETITIONER

Stephen MacMillan - Manager of Commercial and Office Properties, Estate of James Campbell

Direct examination by Mr. Tsukazaki-----57 to 62

Cross examination by Mr. Laxson-----62

Cross examination by Mr. Kaneshige-----62 to 66

Examination by Commissioner Whittimore-----66 to 67

Examination by Commissioner Choy-----68

Redirect examination by Mr. Tsukazaki-----69

Examination by Chairman Yuen-----69 to 70

Examination by Commissioner Rubin-----70 to 73

A lunch recess was called from 12:00 to 1:30 p.m.

1:30 p.m.

Fred Rogriguez - Environmental Communications, Inc.

Direct examination by Mr. Tsukazaki-----74 to 79

Fred Rodriguez (cont.)

Cross examination by Mr. Laxson-----79 to 80

Cross examination by Mr. Kaneshige-----80 to 82

Examination by Commissioner Cuskaden-----82 to 88

Oswald Stender - Chief Executive Officer, Estate of James Campbell

Direct examination by Mr. Tsukazaki-----89 to 92

Cross examination by Mr. Kaneshige-----92 to 94

Examination by Commissioner Whittemore-----95

Uson Ewart - Market Specialist, John Child & Co.

Direct examination by Ms. Lee-----99 to 108

Cross examination by Mr. Mitsuda-----108 to 112

Examination by Commissioner Whittemore-----112 to 114

Examination by Commissioner Cuskaden-----114 to 116

Examination by Commissioner Choy-----116 to 119

Examination by Chairman Yuen-----119 to 122

Reexamination by Commissioner Cuskaden-----122

Terry Tusher - Partner, Stringer, Tusher & Associates, Ltd.

Direct examination by Ms. Lee-----123 to 130

Cross examination by Mr. Kaneshige-----130 to 131

Examination by Vice Chairman Tacbian-----132

Examination by Commissioner Cuskaden-----132 to 133

Henry Tuck Au - Traffic Consultant

Direct examination by Mr. Tsukazaki-----134 to 137

DEPARTMENT OF GENERAL PLANNING

Betsy Marcinkus - Chief of Community Development Division, DGP

Direct examination by Mr. Laxson-----137 to 141

Cross examination by Mr. Kaneshige-----141

Examination by Commissioner Cuskaden-----141 to 142

Examination by Vice Chairman Tacbian-----142 to 145

Examination by Chairman Yuen-----145 to 149

The hearing was adjourned at 4:00 p.m., to be resumed tomorrow at 9:00 a.m.