

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Prince Kuhio Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawaii

*Approved*  
JUL 9 1981

January 28, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Shinichi Nakagawa, Vice Chairman  
Richard Choy  
Shinsei Miyasato  
George Pascua  
Carol Whitesell  
Edward Yanai  
William Yuen

COMMISSIONER ABSENT: Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer  
Joseph Chu, Planner  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Ray Russell, Court Reporter

ACTION

SP80-351 - HAWAIIAN AIRLINES, INC.

To allow the construction and operation of a new private airport at Launupoko, Lahaina, Maui.

Chairman Duke advised all parties of the procedure the Commission will follow this morning in arriving at a decision on the subject special permit application.

The Chairman also read a letter from the State Ethics Commission advising that Commissioner Miyasato was not in conflict and therefore able to participate in the deliberations.

The Chair also ruled that Commissioner Yuen's role as counsel for the petitioner over 5 years ago did not constitute a conflict.

A chronological account of the events which occurred since the filing of the application by the petitioner with the Maui Planning Commission was reviewed by the Chairman.

Mr. Furutani, Executive Officer, pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks. Mr. Furutani also responded to questions which were raised regarding the distances from various points to the proposed airport, the travel time from the Kahului Airport to Lahaina, etc.

It was moved by Commissioner Yuen and seconded by Commissioner Pascua to go into executive session to receive counsel from the Deputy Attorney General concerning the questions which had been raised by Counselors Anthony Kim and William Kinaka. The motion was carried by voice vote. The Commission was in executive session from 9:30 a.m. to 10:30 a.m.

10:30 a.m.

Chairman Duke explained that during the executive session, the request from intervenors for an opportunity to argue before the Commission was discussed. Although letters were sent out to all parties indicating that the Commission would not permit any arguments, the Commission had been advised by Deputy Attorney Kawada that, due to the voluminous nature of the record on file, arguments would be in order. Procedures for presenting these arguments were outlined.

Commissioner Yuen further elaborated that the Commission had received counsel by Deputy Attorney Kawada that when a special permit is granted pursuant to HRS Section 205-6, the use permitted under that special permit becomes a permitted use under HRS Section 205-4.5 and a subdivision could be granted. However, the approval or denial of a subdivision was within the county's jurisdiction and therefore not a pre-requisite to the approval of a special permit by the Land Use Commission.

The Chairman called on the Executive Officer to present the staff report, including the conditions imposed by the Maui County Planning Commission.

Both counselors for petitioner and the county submitted that they were prepared to present their oral arguments. Mr. Kim stated that his request as outlined in his letter was two-fold--1) that the Commission present a proposed decision to all parties first, and 2) accept oral arguments. Moreover, due to the earlier advice from the Commission, intervenors were not prepared to present closing arguments at this time.

Chairman Duke responded that the Commission had considered the Maui County's recommendation as a proposed decision. However, since intervenors were not prepared to argue today, each party

will be afforded 15 days in which to prepare his arguments and action on subject special permit will be continued until February 24, 1981. All parties will be notified of the time and place at a later date.

In response to a concern expressed by Mr. Hirano, Mr. Kim submitted that if the meeting were continued to a later date, he will waive any rights to require that the decision be rendered within the statutory 45-day period and will not use this as a basis for appeal.

ADOPTION OF MINUTES

The minutes of the following meeting dates were approved as circulated:

July 15, 1980  
July 16, 1980  
September 17, 1980  
October 10, 1980

The meeting was adjourned at 11:45 a.m.