

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

Approved
10/22/98

October 8, 1998

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

COMMISSIONERS ABSENT: Herbert Kaopua, Sr.
Merle Kelai (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Teri Hee, Acting Chief Clerk

Cindy Mosqueda, Court Reporter

Presiding Officer Ing called the meeting to order at
11:30 a.m.

ACTION

A98-723 - A & B PROPERTIES, INC. (Haliimaile, Maui)

Presiding Officer Ing announced that the Commission would take action to consider reclassifying approximately 63 acres of land currently in the Agricultural District into the Urban District at Haliimaile, Maui for residential units, park, drainage basin, and wastewater treatment facility.

Appearances

Benjamin Matsubara, Esq., Attorney for Petitioner

Stanley Kuriyama, A & B Properties, Inc.

Brian Moto, Esq., Deputy Corporation Counsel, County of Maui

Ann Cua, Planner, Planning Department, County of Maui

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

Abe Mitsuda, Office of Planning

Arguments were heard from Mr. Matsubara, Ms. Ogata-Deal, and Mr. Moto.

It was determined by Presiding Officer Ing that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Chun moved on Docket No. A98-723 - A & B Properties, Inc. that the Commission accept his Proposed Decision and Order as amended and subject to seventeen (17) conditions. The motion was seconded by Commissioner Isaac Fiesta and polled as follows:

Ayes: Commissioner Chun, Jarman, Yukimura, Chun, Desai, Fiesta and Ing

HEARING

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

Commissioner Jarman chaired this portion of the proceedings.

Pursuant to a notice published in the Honolulu Advertiser and the Maui News and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by A & B Properties, Inc. to consider reclassifying approximately 212 acres of land currently in the Agricultural District into the Urban District at Spreckelsville, Wailuku, Maui for residential units, 9-hole golf course and park.

Commissioner Kelai was excused from this proceeding due to a conflict of interest.

Disclosures were made by Commissioner Catalani and Commissioner Desai. There were no objections by the parties to have Commissioner Catalani and Commissioner Desai participate in the proceedings.

Appearances

Benjamin Matsubara, Esq., Attorney for Petitioner

Stanley Kuriyama, for Petitioner

Brian Moto, Esq., Deputy Corporation Counsel, County of Maui

Bill Medeiros, Planning Department, County of Maui

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

Judith Henry, Land Use Division, Office of Planning

Presiding Officer Jarman announced that the Commission would take up the matter of the Maui Planning Department's Motion to Continue Hearing and Related Commission Deadlines or, in the Alternative, to Defer Final Decision on Petition. Deputy Corporation Counsel stated that an agreement had been reached by the parties that Petitioner and the State would be presenting its cases. The County of Maui Planning Department would not presenting its case at this time and reserves its right to present and cross examine witnesses at the continued hearing to be scheduled after 90 days. If the Commission approves this arrangement, the County proposed to withdraw its motion. Having no objections from the Commission, the motion was withdrawn and the Commission proceeded with the hearing.

Leo Asuncion, Jr., staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. Janet Lewis
2. Rene Sylva
3. Lucienne deNaie
4. Madelyn D'Enbeau, Esq.

EXHIBITS

1. The letter dated July 24, 1998 from Gary Gill to Richard Egged, Jr., Director, Office of Planning and letter dated

October 5, 1998 from John T. Vail, President of Maui Country Club to the Land Use Commission were admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. A and 1 through 27 were admitted into evidence by the Land Use Commission.

3. County reserved their right to submit evidence at the continued hearing.

4. Office of Planning's Exhibit Nos. 1 through 5 were admitted into evidence by the Land Use Commission.

5. LUC's Exhibit No. 1, pages 14 and 18 of A & B Properties' 1990 Annual Report, was admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Stanley Kuriyama
2. Thomas Witten
3. Hallett Hammatt
4. Ann Bouslog

STATE'S WITNESS

1. Abe Mitsuda

Commissioner Jarman announced that the hearing will be continued at some future date. The Land Use Commission staff will be notifying the parties of the continuation based on the agreement of the parties.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the following meeting date: September 10, 1998. The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

2. LUC Budget Update

Executive Officer Esther Ueda updated the Commissioners regarding additional Departmental restrictions on the LUC budget for the current 1998 fiscal year.

3. A discussion was held by the Commissioners regarding Alan Murakami's request to proceed with the Motion to Revert Property on Docket No. A89-649/Lanai Resort Partners.

4. A status report on litigation matters on the following docket was given by Deputy Attorney General Jon Itomura: DR97-20 - Pono, et al. (Molokai). He reported that LUC was granted their Motion to File an Amicus Brief.

5. The Executive Officer briefed the Commission on the tentative meeting schedule.

The meeting was adjourned at 4:20 p.m.