

LAND USE COMMISSION

Minutes of Meeting

Nahele Room  
Sandalwood Clubhouse  
2500 Honoapiilani Hwy.  
Waikapu, Maui

July 30, 1998

*Approved*  
*8/27/98*

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

COMMISSIONERS ABSENT: Isaac Fiesta, Jr.  
Herbert Kaopua, Sr.  
Merle Kelai (Excused)  
Pravin Desai

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Darcy Brokaw, Court Reporter

Presiding Officer Ing called the meeting to order.

Commissioner Chun moved to go into executive session to consult with the Commission's Deputy Attorney General on questions related to the Commission's powers and duties and including litigation matters. The motion was seconded by Commissioner Jarman and unanimously carried by voice votes.

Upon resuming the meeting, a discussion was held by Commissioners regarding Commission action in regards to Civil No. 97-0383(1) - Pono, etal vs. Molokai Ranch, etal. Commissioner Chun moved to intervene in Civil No. 97-0383(1). The motion was seconded by Commissioner Catalani and polled as follows:

Ayes: Commissioners Jarman, Yukimura, Catalani, Chun

Nay: Commissioner Ing

This motion did not pass.

Commissioner Jarman moved to instruct Jon Itomura, Esq., Deputy Attorney General, to file an Amicus Brief on behalf of the Commission in Civil No 97-0383(1). The motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioners Jarman, Yukimura, Catalani, Chun, and Ing

HEARING

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

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 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.

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

Appearances

Benjamin Matsubara, Esq., Attorney for Petitioner

Jason Yoshida, Esq., Attorney for Petitioner

Stanley Kuriyama, for Petitioner

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

Ann Cua, Planning Department, County of Maui

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

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

At this time, a disclosure was made by Commissioner Catalani. There were no objections by the parties to have Commissioner Catalani participate in the proceedings.

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

EXHIBITS

1. The letter dated April 23, 1998 from Edwin T. Sakoda, Acting Deputy Director, Commission on Water Resource Management to Richard Egged, Jr., Director, Office of Planning was admitted into evidence by the Land Use Commission.

2. LUC's Exhibit No. 1, letter dated July 23, 1998 from Don Hibbard, State Historic Preservation Office, Dept. of Land and Natural Resources to Hallett Hammatt was admitted into evidence by the Land Use Commission.

3. Petitioner's Exhibit Nos. 1 through 31 were admitted into evidence by the Land Use Commission.

4. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

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

PETITIONER'S WITNESSES

1. Stanley Kuriyama
2. JoAnn Hiramatsu
3. Winona Char
4. Hallett Hammatt
5. Tom Nance
6. Hideo Kawahara

COUNTY'S WITNESS

1. Lisa M. Nuyen

STATE'S WITNESS

1. Abe Mitsuda

Presiding Officer Ing instructed all parties of the post-hearing procedures. Proposed findings from the parties are due by August 24, 1998 and the parties have until September 7, 1998 in which to respond.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Chun moved to approve the minutes for the following meeting date: July 16, 1998. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Decision and Order for Docket No. A88-627 - Gentry Development Co. (Oahu). The motion was seconded by Commissioner Chun and unanimously approved by voice votes.

4. Commissioner Chun moved to defer the Election of Officers until the next meeting. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

The meeting was adjourned at 3:00 p.m.