

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
4/15/86

Minutes of Meeting

State Conference Room B  
54 High Street  
Maui, Hawaii

November 22, 1985 - 9:37 a.m.

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman  
Frederick Whittemore, Vice Chairman  
Toru Suzuki  
Winona Rubin  
Richard Choy  
Everett Cuskaden

COMMISSIONERS ABSENT: Robert Tamaye  
Lawrence Chun  
William Yuen

STAFF PRESENT: Esther Ueda, Executive Officer  
Ray Young, Planner  
Annette Chock, Deputy Attorney General  
Teri L. Andreasen, Court Reporter

HEARING

A84-585 - MAUI ECONOMIC DEVELOPMENT BOARD, INC.

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on October 11, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Maui Economic Development Board, Inc., Docket No. A84-585, to change, modify, or otherwise amend the Decision and Order which reclassified the first increment from the Agricultural to the Urban District and to redistrict portions of the second increment to the Urban District at Kihei, Maui.

Appearances

Martin Luna - attorney representing the petitioner

Toshio Ishikawa - County Planning Director, representing  
the County of Maui

Everett Kaneshige - Deputy Attorney General) - representing  
Tats Fujimoto - Land Use Division Head ) DPED

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

EXHIBITS

Petitioner's Exhibits 1 and A through G were marked for identification and received into evidence.

County's Exhibit 1 and 1A were admitted into the record.

State's Exhibit 1 was accepted into the record.

Ray Young, Staff Planner, oriented the Commission to the subject area on the USGS and tax maps.

PETITIONER

Donald G. Malcolm - President , Maui Economic Development Board

Direct examination by Mr. Luna----- 9 to 10

Examination by Commissioner Cuskaden-----10 to 13

Warren S. Unemori - Engineer

Direct examination by Mr. Luna-----13 to 16

Cross examination by Mr. Kaneshige-----16 to 17

Examination by Vice Chairman Whittemore-----17 to 18

Examination by Commissioner Cuskaden-----18 to 20

Examination by Commissioner Rubin-----20 to 21

DENNIS ROBERT BATES - Vice President of Arroyo Development Corp.

Direct examination by Mr Luna-----21 to 27

Examination by Vice Chairman Whittemore-----28 to 29

Examination by Commissioner Cuskaden-----29 to 32

Examination by Commissioner Choy-----32 to 33

Examination by Chairman Tacbian-----33 to 36

Reexamination by Commissioner Cuskaden-----36 to 38

COUNTY

Tosh Ishikawa - Maui County Planning Director

Oral testimony-----38 to 39

STATE

TATS FUJIMOTO - Department of Planning & Economic Development

Direct examination by Mr. Kaneshige-----40 to 41

Examination by Commissioner Cuskaden-----41 to 44

ACTION

A84-585 - MAUI ECONOMIC DEVELOPMENT BOARD

Commissioner Cuskaden proposed a motion that the Petitioner's motion to modify the 111 acres in the north mauka portion of the R and T Park, Maui Tax Map number 2-2-202, portion 41, situated in Kihei, Island of Maui, County of Maui, more particularly identified on the map which was attached as an exhibit to this proceeding and incorporated herein, be reclassified from the Agricultural to the Urban for inclusion into the first increment of the Petitioner's development plan and the district boundaries and be amended accordingly. Also, that the 111 acres within the south 150 acres of the R and T Park, more particularly identified as Maui tax map 2-2-02, portion of 42, City of Kihei, Island of Maui, and again more particularly identified on the map attached in this hearing on Exhibit A, shall be approved for incremental districting pursuant to State Land Use Regulation 6-2, for inclusion in the second increment of the Petitioner's development plan. And further, that the four conditions in the first Decision and Order adopted by the Commission on docket number A84-585 be incorporated and remain unchanged. The motion was seconded by Vice Chairman Whittemore and passed by the following votes:

Ayes: Commissioner Cuskaden, Whittemore, Suzuki, Choy, Rubin, Chairman Tacbian

MISCELLANEOUS

The following minutes were approved as circulated:

September 24, 1985 and September 25, 1985

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

State Conference Room B  
54 High Street  
Maui, Hawaii

November 22, 1985 - 10:00 a.m.

HEARING OFFICER: Benjamin Matsubara

STAFF PRESENT: Esther Ueda, Executive Officer  
Ray Young, Planner  
Annette Chock, Deputy Attorney General

Teri Andreasen, Court Reporter

HEARING

A85-596 - MIKE RESNICK, ET AL., INC.

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on October 11, 1985 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mike Resnick, et al., Inc., Docket No. A85-596, to reclassify approximately 4.198 acres of land currently in the Agricultural District into the Urban District at Kahana, Maui, for a commercial shopping center and business office.

Appearances

Martin Luna - attorney representing the petitioner

Colleen Suyama - representing the Department of Planning,  
County of Maui

Everett Kaneshige - Deputy Attorney General) representing  
Tats Fujimoto - Head, Land Use Division ) DPED

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

Esther Ueda, Executive Officer, pointed out the area under petition on the USGS and tax maps.

PETITIONER

Richard Cameron - Corporate Land Manager and assistant Secretary  
for Maui Land and Pineapple Company

Direct examination by Mr. Luna-----7 to 9

Myron A. Resnick - President of Mike Resnick, et al

Direct examination by Mr. Luna-----9 to 23

Examination by Mr. Matsubara-----23 to 24

Richard Cameron - Corporate Land Manager and Assistant Secretary  
for Maui Land and Pineapple Company

Examination by Mr. Matsubara-----24 to 30

Rogelio Hidalgo - Civil Engineer for Tanaka Engineers

Direct examination by Mr. Luna-----31 to 38

Cross examination by Ms. Suyama-----39 to 40

Examination by Mr. Matsubara-----40 to 42

Fred Rodrigues - President of Environmental Communications, Inc.

Direct examination by Mr. Luna-----43 to 47

Examination by Mr. Matsubara-----47 to 48

Steve Parker

Direct examination by Mr. Luna-----48 to 69

Examination by Mr. Matsubara-----70 to 71

COUNTY

Colleen Suyama - Maui Planning Department

Examination by Mr. Matsubara-----72 to 73

EXHIBITS

County's Exhibit 1 was received into evidence.

STATE

Tatsuo Fujimoto - Division Head, Land Use Division

Direct examination by Mr. Kaneshige-----74 to 75

EXHIBITS

State's Exhibit 1 was admitted into evidence.

Hearing Officer Matsubara requested that the Petitioner submit within ten days a memorandum on the stipulation by the Parties to the effect that because the Petition had been filed prior to the enactment of Section 205-3.1C, the Land Use Commission can continue to consider and act upon the Petition. The other parties would have ten days to respond or supplement or indicate that they concur with the memorandum.

Hearing Officer Matsubara instructed all parties of the post-hearing procedures. The hearing was declared closed.

The meeting was adjourned at 1:10 p.m.