

STATE OF HAWAII
LAND USE COMMISSION

Approved
SEP 5 1979

Minutes of Meeting

Conference Room, State Building
54 High Street
Wailuku, Maui
March 9, 1979 - 9:00 a.m.

HEARING OFFICER: Benjamin Matsubara

STAFF PRESENT: Gordan Furutani, Executive Officer
Ray Russell, Court Reporter

HEARING

A78-447 - JAMES M. LOWSON AND PETER Z. DYCK

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on February 2, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by James M. Lowson and Peter Z. Dyck to amend the land use district boundaries for approximately 2.4 acres of land presently in the Agricultural District into the Urban District at Mahinahina, Lahaina, Maui, Docket A78-447. The hearing was conducted by Mr. Benjamin Matsubara, appointed by the Commission as the Hearing Officer for the subject petition.

Appearances

For the record, all parties identified themselves as follows:

James Lowson, representing the petitioners

Tatsuo Fujimoto, Head of the Land Use Division, representing DPED

Roy Yempuku, Deputy Corporation Counsel, representing the Maui Planning Department

The Hearing Officer outlined the procedures to be followed and the order of the appearance of the parties.

The Executive Officer pointed out the subject property on the maps.

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

PETITIONER

James Lawson - Petitioner

Oral testimony and slide presentation----- 5 to 11
Cross examination by Mr. Fujimoto-----12 to 14
Cross examination by Mr. Yempuku-----15 to 26
Examination by Mr. Matsubara-----27

MAUI PLANNING DEPARTMENT

Chris Hart - Planner

Direct examination by Mr. Yempuku-----29 to 30
Comments by Mr. Lawson-----30 to 31

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Mr. Fujimoto recommended that the hearing be deferred until the condemnation proceeding presently pending on the parcel under petition is clarified and the ultimate ownership is determined.

It was further brought out that negotiations were presently being conducted between the parties involved to perhaps extricate subject property from the condemnation action. Therefore, rather than reconvene for another hearing, it was Mr. Matsubara's recommendation that in the event the subject parcel is extricated from the condemnation proceedings, the petitioner notify the Commission and all parties of this fact and the Commission will proceed with the petition, based on the evidence presented today.

The Hearing Officer directed that the petitioner draft an order incorporating the stipulation agreed upon today, including the waiving of the time restraints for action on this petition.

The hearing was closed at 11:00 a.m. to be continued at the time the question of title has been resolved.