

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library
Kahului, Maui

March 22, 1976 - 9:30 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

Approved 5/12/76

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Toni Hankinson, Court Reporter

CONTINUATION OF HEARING OF JANUARY 15, 1976

A75-405 - KULA ALII, LTD.

Chairman Tangen announced that the hearing today was a continuation of the hearing which had been called by the Commission on January 15, 1976 pursuant to a notice published in the Maui News and the Honolulu Star Bulletin on December 16, 1975.

Correspondence and documents received subsequent to January 15, 1976 were identified as follows:

1. Letter dated February 4, 1976 from Michael A. Town indicating that he and his wife wished to intervene in the proceedings on this docket

2. Petition to Intervene; Affidavit in Support of Late Filing; and a Certificate of Service dated February 11, 1976, submitted by Michael A. Town
3. Appearance of Counsel; Opposition to Petition to Intervene; Certificate of Service filed by William F. Crockett, attorney for Kula Alii, Ltd., dated February 17, 1976
4. Letter dated February 23, 1976 from C. Earl Stoner, Jr., requesting prehearing conference
5. Undated letter received on March 2, 1976 from Michael Town applying to be a witness in the hearing on Docket A75-405

At the Chairman's request, parties who had been admitted on January 15, 1976 identified themselves as follows:

1. Gilbert Lee, Deputy Attorney General, representing the Department of Planning and Economic Development
2. Tosh Ishikawa, Planning Director, Maui Planning Department
3. William Crockett, attorney, representing Kula Alii, Ltd.

The Chair also noted the presence of Mr. Michael A. Town.

As indicated during the prehearing conference held on March 15, 1976, Mr. Crockett made an oral request for leave to amend the petition. He added that this will be followed up by a formal written request. Mr. Crockett explained that the substance of the amendment involved the inclusion of parcels 17 and a portion of 18, Tax Map Key 2-2-16, in the petition. He called on Mr. Earl Stoner to identify these parcels on the map.

Chairman Tangen advised that it had been ruled by the Attorney General's office that since the requested amendment involved a substantial land area, it will be necessary to re-advertise the hearing. At that time, Mr. and Mrs. Town will have an opportunity to make a timely application to intervene. The Chair also ruled that the \$50 filing fee will be required to defray publication costs for the notice of hearing.

Since there were no objections from the Commissioners, Chairman Tangen granted the petitioner's motion to amend the petition. Mr. Town stated that he also had no objections.

Chairman Tangen announced it had been suggested that the Commission, staff and any interested parties take a field trip to view the subject site. No objections were raised by any of the parties.

ADDITIONS TO THE AGENDA

It was moved by Commissioner Duke and seconded by Vice Chairman Sakahashi to add the following items to the agenda:

1. Tentative meeting schedule
2. Discussion of procedures to follow at the March 29, 1976 action meeting

The Commissioners were polled as follows:

Ayes: Commissioners Machado, Whitesell, Duke, Yamamura, Yanai, Sakahashi, Oura, Chairman Tangen

The motion was carried.

WITHDRAWAL OF PETITION A75-409, BENJAMIN AND JOEANN HAMPEL SILVA

Chairman Tangen announced that the hearing scheduled today on petition A75-409 was cancelled due to the withdrawal of the petition by the petitioner by letter dated February 24, 1976.

ADOPTION OF MINUTES

Upon motion by Commissioner Yamamura, seconded by Vice Chairman Sakahashi, the minutes of January 15, 16 and 23, 1976 were unanimously adopted as circulated.

TENTATIVE MEETING SCHEDULE

It was agreed that the next meetings of the Commission will be held on March 29, 1976 in Honolulu, April 14, 1976 in Hilo, and May 12, 1976 on Kauai.

DISCUSSION OF PROCEDURES

Mr. Michael Marsh, Deputy Attorney General, discussed in detail the procedures to be followed by the Commission at its March 29, 1976 action meeting in Honolulu.

The meeting was adjourned at 10:25 a.m.