

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lahaina Community Center
Lahaina, Maui

May 17, 1979 - 9:30 a.m.

Approved
OCT 16 1979.

COMMISSIONERS PRESENT: C. Duke, Chairman
S. Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

CONTINUATION OF HEARING

A78-451 - MAHINAHINA VENTURE & RICHARD K. G. STURSBURG

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on April 11, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mahinahina Venture, et al, to amend the land use district boundaries for approximately 26.9 acres of land presently in the Agricultural District into the Urban District at Honokowai, Kaanapali, Lahaina, Maui, Docket A78-451.

Chairman Duke announced that there had been no request for intervention or to appear as a witness on this matter.

Appearances

William Crockett, Attorney representing the petitioners

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

Annette Chock, Deputy Attorney General, representing the
Department of Planning and Economic Development

The area under petition was pointed out by the Executive Officer on the maps.

Exhibits

Petitioners' Exhibits A through J were admitted into evidence

County's Exhibit A was admitted into evidence

State's Exhibit A was admitted into evidence

Miss Chock requested that a typographical error in the State's written testimony be corrected; i.e., under the heading of General Information on page 1, Exhibit A, the number of acres be changed from 20.635 acres to 26.905 acres. The Chair directed all parties to make the correction.

All of the witnesses appearing on behalf of all the parties were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PETITIONER

Douglas R. Sodetani - Assistant Manager, Vice President of Maui Realty Co.

Direct examination by Mr. Crockett----- 70 to 83

Cross examination by Mr. Yempuku----- 84

Cross examination by Miss Chock----- 84 to 93

Redirect examination by Mr. Crockett----- 93

Recross examination by Mr. Yempuku----- 93 to 95

Examination by Commissioner Whitesell----- 95 to 99

Examination by Commissioner Yuen----- 99 to 102

Examination by Vice Chairman Nakagawa-----102 to 103

Examination by Chairman Duke-----103 to 104

Redirect examination by Mr. Crockett-----105 to 106

Warren S. Unemori - Consulting Engineer

Direct examination by Mr. Crockett-----107 to 115

Warren S. Unemori (cont.)

Cross examination by Mr. Yempuku-----115 to 117
 Examination by Commissioner Whitesell-----118
 Examination by Commissioner Yuen-----119

John Lembeck - Economist and Real Estate Appraiser/Broker

Direct examination by Mr. Crockett-----120 to 127
 Cross examination by Mr. Yempuku-----127 to 129
 Examination by Vice Chairman Nakagawa-----130 to 131
 Examination by Commissioner Whitesell-----131 to 132

MAUI PLANNING DEPARTMENT

Chris Hart - Planner, Maui Planning Department

Direct examination by Mr. Yempuku-----133 to 145
 Cross examination by Mr. Crockett-----146 to 148
 Cross examination by Miss Chock-----148 to 152
 Recross examination by Mr. Crockett-----153 to 154
 Examination by Commissioner Yuen-----154 to 159
 Examination by Vice Chairman Nakagawa-----160
 Examination by Commissioner Whitesell-----160 to 162
 Examination by Commissioner Yanai-----162 to 163
 Redirect examination by Mr. Yempuku-----163 to 165

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner, DPED

Examination by Chairman Duke-----166 to 167

Closing Arguments

Counselors for the petitioner, the County and the State all waived their closing arguments.

Chairman Duke instructed all parties to file proposed findings, conclusions of law within 30 days after the completion of the transcript, and that 15 days will be allowed for the parties to respond to the proposals.

The meeting was in recess for 5 minutes.

ACTION

SP79-340 - THE LIHUE PLANTATION CO.

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A SANDMINING OPERATION AT KEALIA, KAUAI

It was noted by Chairman Duke that action on the subject Special Permit had been deferred from yesterday.

Staff planner pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks. A resume of the request was also presented.

Vice Chairman Nakagawa raised several questions regarding the relocation of the homes presently occupied by the plantation employees and whether there were any specific plans to accomplish this. Staff reported that the record from the County did not contain this information.

Vice Chairman Nakagawa moved to defer action on SP79-340 until such time as staff can contact the Kauai County Planning Commission for additional information regarding the relocation of the homes.

With respect to the time period for action on this Special Permit, the Executive Officer advised that since the total record from the County had been transmitted on different dates, the Commission would still be within the statutory requirements for action on Special Permits.

Vice Chairman Nakagawa amended his motion to "remand the Special Permit back to the County Planning Commission requesting additional information regarding the relocation program" rather than to defer action. The motion was seconded by Commissioner Whitesell and unanimously carried.

ADOPTION OF MINUTES

The minutes of November 16, 1978 and December 5, 1978 were approved as circulated.

The meeting was adjourned at 3:35 p.m.