

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Personnel Services Conference Room  
County Building  
200 South High Street  
Kahului, Maui

May 28, 1980 - 9:00 a.m.

*Approved* OCT 7 1980

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Richard Choy  
Shinsei Miyasato  
Mitsuo Oura  
George Pascua  
Carol Whitesell  
Edward Yanai  
William Yuen

COMMISSIONER ABSENT: Shinichi Nakagawa, Vice Chairman

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

ACTION

A80-482 - T.S.K., ASSOCIATES

To determine re-application status pursuant to Rule 6-14,  
of Land Use Commission Rules of Practice and Procedure

Chairman Duke called on staff to elaborate on the subject request before the Commission.

Mr. Yasui, planner, explained that the present request comprised an area of approximately 240 acres as compared to approximately 90 acres requested in an earlier petition which had been denied by the Commission. He delineated these areas on the posted maps.

The Chairman added that the Commission was in receipt of petitioner's memorandum in support of the re-application. It was also noted that the re-application had been filed prior to the expiration of one year from the denial of the first petition. Therefore, oral arguments were sought from each party regarding the subject re-application.

ORAL ARGUMENTS

By Mr. Funaki, Petitioner's Attorney----- 6 to 11  
 By Mr. Fuke, Hawaii Planning Director-----11 to 13  
 By Miss Chock, Attorney for DPED-----13 to 15  
 Rebuttal by Mr. Funaki-----15 to 16  
 Examination of Mr. Funaki by Commissioner Yuen 16 to 17  
 Examination of Mr. Funaki by Commissioner  
 Whitesell-----17  
 Examination of Mr. Fuke by Commissioner Pascua 18

Commissioner Oura moved to approve the re-application of T.S.K., Associates, Docket A80-482. The motion was seconded by Commissioner Pascua. The motion was carried with the following votes:

Ayes: Commissioners Yuen, Choy, Pascua, Oura, Miyasato

Nays: Commissioners Yanai, Whitesell, Chairman Duke

Chairman Duke declared that the time will start tolling from the date of receipt of the petition by the Commission on April 14, 1980, and that the Commission will conduct a hearing on this request within 60 to 180 days therefrom.

HEARING

A80-480 - MAUI 100 PARTNERS

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on April 25, 1980, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Maui 100 Partners to reclassify approximately 98.78 acres of land presently in the Agricultural District into the Urban District at Pulehunui, Kihei, Maui, for residential use, Docket A80-480.

Appearances

Tamotsu Tanaka - Attorney, representing the petitioner

Lee Ohigashi - Deputy Corporation Counsel, representing  
 the Maui Planning Department

Annette Chock - Deputy Attorney General, representing DPED

Requests to Appear as Public Witnesses

Ms. Cathryn Dearden, representing Life of the Land, was admitted as a public Witness.

It was moved by Commissioner Whitesell that the Commission waive the time requirement and admit Mr. Michael Banfield of the Central Maui Soil and Water Conservation to testify as a witness. The motion was seconded by Commissioner Oura and unanimously carried.

Exhibits

Petitioner's Exhibits A through N, with the exception of K and L, were admitted into evidence.

County's Exhibits A, B, C, C-1, D E and E-1 were admitted into evidence. County's written testimony was identified as Exhibit F and also admitted into evidence.

The 5th line on page 2 of DPED's Exhibit 2 (letter from the Hawaii Housing Authority) was amended as follows: substitute or for and. State's Exhibits 1 and 2, as amended, were admitted into evidence.

An additional exhibit, an unaudited balance sheet of the Maui 100 Partners, was identified as petitioner's Exhibit O and admitted into evidence.

Mr. Daniel Yasui, staff planner, presented a description of the parcel under petition on the posted maps and oriented its location with various landmarks.

All of the witnesses who appeared during these proceedings were duly sworn in and testified and were examined as set forth in the transcript on the pages noted.

Public Witnesses

Cathryn Dearden - Life of the Land

Oral Testimony-----25 to 26

Cross examination by Miss Chock-----27

Michael Banfield - Director of Central Maui Soil and Water Conservation District

Oral Testimony-----30 to 32

Michael Banfield (cont.)

Cross examination by Mr. Tanaka-----33 to 38

Cross examination by Mr. Ohigashi-----38

Cross examination by Miss Chock-----38 to 41

Examination by Commissioner Whitesell-----41 to 43

Examination by Commissioner Yuen-----43 to 44

Examination by Commissioner Pascua-----45 to 46

Recross examination by Mr. Tanaka-----46 to 47

The Commission was in recess form 12:00 noon to 1:30 p.m.

1:30 p.m.

PETITIONER

Warren S. Unemori - Consultant Engineer

Direct examination by Mr. Tanaka-----48 to 78

Cross examination by Mr. Ohigashi-----78 to 92

Cross examination by Miss Chock-----92 to 98

Redirect examination by Mr. Tanaka-----98 to 99

Recross examination by Mr. Ohigashi-----99

Examination by Chairman Duke-----100 to 101

Marvin Miura - Environment Impact Study Corp.

Direct examination by Mr. Tanaka-----101 to 102

Cross examination by Miss Chock-----102

Examination by Chairman Duke-----103

Marshall F. Goldman - Owner, Professional Realty, Inc.

Direct examination by Mr. Tanaka-----104 to 113

Cross examination by Mr. Ohigashi-----114 to 116

Marshall F. Goldman (cont.)

Cross examination by Miss Chock-----116 to 118

Examination by Commissioner Yuen-----118 to 120

Examination by Commissioner Choy-----120

Examination by Commissioner Pascua-----121

Chairman Duke announced that the hearing on subject docket will be continued at 8:30 a.m. tomorrow, May 29, 1980.