

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
State Building  
Wailuku, Maui

Approved  
9/25/81

August 5, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Carol Whitesell, Vice Chairman  
Shinsei Miyasato  
Everett Cuskaden  
Teofilo Tacbian  
Robert Tamaye  
Edward Yanai

COMMISSIONERS ABSENT: Charles Duke  
Richard Choy

STAFF PRESENT: Gordan Furutani, Executive Officer  
Joseph Chu, Planner  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
Hedy Coleman, Court Reporter

ACTION

A80-490 - CHRISTY T. MAMIYA

Chairman Yuen stated that Mr. Meyer Ueoka, petitioner's attorney had requested permission to bring a matter before the Commission.

Mr. Ueoka moved to withdraw the petition by Christy T. Mamiya, Docket A80-490 due to the fact that a number of the members on the present Commission had not been present during the entire proceedings. Commission Cuskaden stated for the record that he had read the transcripts of the entire proceedings and felt fully qualified to vote on the petition today.

Mr. Lowenthal, representing Intervenors Barbara Mattson and Peahi Community Association, argued against the withdrawal request on the basis of the untimeliness of the motion, and in fairness to the parties who had spent time preparing for the argument today. If the petition were to be withdrawn, he requested that it be withdrawn with prejudice.

After consultation with the Deputy Attorney General, Chairman Yuen reported that it would be in order for the Commission to accept the withdrawal by motion. He also pointed out that the rules of the Commission do not provide for withdrawal of petition with or without prejudice.

Mr. Lowenthal requested that if the motion by petitioner is granted, the evidence already in the record be considered as res judicata so as not to burden the parties with the task of reproducing the same evidence, should a new petition be filed.

It was the Chairman's feeling that it would not be in order for the Commission to make any determination as to the future proceedings at this time.

Miss Chock, representing DPED, stated for the record that the State would object to the motion for withdrawal at this time due to the untimeliness of the request and also on the basis that the reasons stated for the withdrawal were not valid.

Counsel for the Maui Planning Department, Mr. Lee Ohigashi, submitted that the County had no objections to the withdrawal request.

It was moved by Commissioner Yanai and seconded by Commissioner Miyasato to approve the withdrawal request. The motion was carried by a show of hands. For the record, it was noted that Commissioner Cuskaden and Vice Chairman Whitesell did not vote for the motion. The Chairman directed Deputy Attorney General Kawada to prepare the order pursuant to the motion just passed.

#### HEARING

#### A81-509 - COUNTY OF MAUI

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on July 1, 1981, and notices sent to all parties, a hearing was held by the Land Use Commission in the matter of the petition by the County of Maui to reclassify approximately 47.061 acres of land presently in the Agricultural District into the Urban District at Hamakuapoko and Haliimaile, Makawao, Maui for a residential subdivision, Docket A81-509.

#### Appearances

Glenn Kosaka, Deputy Corporation Counsel, representing both the County of Maui (petitioner), and the Maui Planning Department

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

Mr. Joseph Chu, staff Planner, identified the property under petition on the USGS and Tax Maps and oriented its location with various surrounding landmarks.

Chairman Yuen stated for the record that although his law firm performs services for Alexander & Baldwin, Inc., the fee owner of the property under petition, since A&B is going to donate the property to the County of Maui, he did not believe that he was in any conflict of interest.

Exhibits

Petitioner's Exhibits A through O were identified and admitted into evidence.

DPED's exhibits 1 and 2 were admitted into evidence.

The USGS quadrangle and Tax Maps were identified as LUC exhibits 1 and 2 respectively and admitted into evidence.

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

Public Witness

Joseph Franco - Resident of Upper Paia

Mr. Franco's written testimony was marked as LUC exhibit 3 and entered into evidence.

Oral testimony-----20 to 23

Examination by Vice Chairman Whitesell-----23 to 24

COUNTY OF MAUI (Petitioner)

Hannibal Tavares - Mayor of the County of Maui

Prepared testimony-----25 to 27

Examination by Commissioner Tamaye-----27 to 28

Examination by Commissioner Cuskaden-----28 to 29

Examination by Vice Chairman Whitesell-----29 to 31

Reexamination by Commissioner Cuskaden-----31 to 33

Edwin Okubo - Housing Coordinator, County of Maui

Direct examination by Mr. Kosaka-----34 to 42

Cross examination by Miss Chock-----42 to 45

Edwin Okubo (cont.)

Examination by Commissioner Cuskaden-----45 to 47

Examination by Vice Chairman Whitesell-----47 to 48

Examination by Chairman Yuen-----48 to 49

Mr. Kosaka requested permission to submit an additional exhibit, i.e. the budget ordinance of the County of Maui for the fiscal year 1981-1982, after the close of the hearing, which will be marked as County's exhibit P.

Phillibert Vierra - Director of Community Relations on Maui for Alexander and Baldwin

Direct examination by Mr. Kosaka-----52 to 54

Cross examination by Miss Chock-----54 to 56

Examination by Commissioner Cuskaden-----56 to 58

Examination by Vice Chairman Whitesell-----58

William Haines - Director, Department of Water Supply, County of Maui

Direct examination by Mr. Kosaka-----59 to 62

Examination by Commissioner Cuskaden-----62 to 63

Ralph Hayashi - Director of Public Works, County of Maui

Direct examination by Mr. Kosaka-----63 to 69

Examination by Commissioner Cuskaden-----69 to 73

Examination by Chairman Yuen-----74

Redirect examination by Mr. Kosaka-----75

Examination by Vice Chairman Whitesell-----75 to 76

Patrick Matsui - Planner, Maui Planning Dept.

Direct examination by Mr. Kosaka-----76 to 81

Cross examination by Miss Chock-----81 to 82

Examination by Vice Chairman Whitesell-----82

Response by Mayor Tavares-----82 to 86

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Daniel Yasui - Planner, Land Use Division

Direct examination by Miss Chock-----86 to 88

Counsels for both the County and DPED waived their closing arguments.

Chairman Yuen instructed all parties of the post-hearing requirements and declared the hearing closed at 12:25 p.m.

ADOPTION OF MINUTES

The following minutes were approved as circulated:

February 24, 1981  
February 25, 1981  
March 18, 1981  
March 19, 1981  
April 3, 1981  
April 8, 1981  
April 9, 1981