

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kukui Ilima Room  
Hotel Inter-Continental Maui-Wailea  
Wailea, Maui

*Approved*  
*10/4/83*

August 10, 1983 - 4:00 p.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Richard Choy, Vice Chairman  
Lawrence Chun  
Shinsei Miyasato  
Winona Rubin  
Teofilo Tacbian  
Robert Tamaye  
Frederick Whittemore

COMMISSIONER ABSENT: Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer  
Carolee Aoki, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Jean McManus, Court Reporter

ACTION

Adoption of Decision and Orders

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

Vice Chairman Choy moved, seconded by Commissioner Rubin, to adopt the final Decision and Order on A82-530, Amfac Property Development Corporation, and it was unanimously carried by voice vote.

A82-536 - HALEAKALA RANCH

Upon motion by Vice Chairman Choy, seconded by Commissioner Whittemore, the Decision and Order on A82-536, Haleakala Ranch, was unanimously adopted.

HEARING

A69-222 - C. BREWER AND COPMANY

Chairman Yuen stated that the Commission was in receipt of a letter request from Mr. Oliver Dukelow, representing the Waihee Community Association, to reclassify certain lands at

Waihee, Maui due to a lack of progress in the development of the lands. It was further noted by the Chairman that the Commission will receive testimony today from Mr. Dukelow and a representative of C. Brewer & Company, and will subsequently take action, either today or at a later date, as to whether the Commission will initiate a petition to downzone the lands under discussion.

Since Mr. Dukelow had not yet made an appearance, it was decided to move on to the next item on the agenda.

ACTION (cont.)

A81-525 - Y-O LIMITED PARTNERSHIP

Motion to delete Condition C of the Decision & Order

Appearances

Wendell Kimura, Attorney representing petitioner

Arguments

By Mr. Kimura----- 7 to 9

Due to the absence of Mr. Sidney Fuke, Planning Director, Hawaii Planning Department, the matter was deferred to a later time.

Commissioner Chun moved, seconded by Commissioner Rubin, to go into executive session to discuss a communication which had been received from the Deputy Attorney General.

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Chairman Yuen stated for the record that during the executive session, the Commission received advice from its Deputy Attorney General concerning the implications of the litigation pending in the Second Circuit Court on the request for declaratory ruling before the Commission regarding the construction of a single-family dwelling within the Agricultural District.

DR83-8 - LAND USE COMMISSION (CIVIL NO. 4702(1), Kepoikai C. Aluli, et al, Second Circuit Court

Chairman Yuen advised that the issue before the Commission at this time was whether or not a farm dwelling can be established on lands within the Agricultural District, upon which agricultural activity for personal use only will be conducted.

Commissioner Rubin moved that in the matter of DR83-8, Civil No. 4702(1), the Commission accept the opinion rendered by its Deputy Attorney General. It was seconded by Commissioner Chun and the motion was unanimously carried by voice vote.

A81-525 - Y-0 LIMITED PARTNERSHIP (cont.)

Appearance

Sidney Fuke, Planning Director, Hawaii Planning Department

Arguments

By Mr. Fuke-----13 to 14

Examination of Mr. Fuke by Vice Chairman  
Choy-----14 to 15

Examination of Mr. Fuke by Chairman Yuen--15 to 16

Commissioner Whittemore moved to approve the petitioner's request to delete condition "C" of the Decision and Order on Docket A81-525, Y-0 Limited Partnership. It was seconded by Commissioner Tamaye and unanimously carried.

At 5:15 p.m., a recess was taken by the Commission and the meeting reconvened at 5:30 p.m.

5:30 p.m.

Chairman Yuen announced that the Commission will now consider the first item on the agenda which had been deferred.

HEARING (cont.)

A69-222 - C. BREWER AND COMPANY

Appearances

Oliver Dukelow, President of the Waihee Community Ass.

Paul Sato, Attorney representing C. Brewer and Company

At the Chairman's request, Mr. Furutani, Executive Officer, oriented the Commission to the area involved in the subject docket. Mr. Furutani also elaborated on the specific area which was of major concern to the Community Association.

Arguments

By Mr. Dukelow-----21 to 27

Examination of Mr. Dukelow by Commissioner  
Tacblian-----27 to 29

Examination by Vice Chairman Choy-----29 to 30

Examination by Commissioner Chun-----30 to 32

Examination by Commissioner Rubin-----32 to 34

Examination by Chairman Yuen-----34 to 38

Examination by Commissioner Whittemore-----38

By Mr, Sato-----38 to 42

Roland L. Herberg - Senior Vice President, C. Brewer & Co.

Oral testimony-----43 to 49

Examination by Commissioner Rubin-----50 to 51

Charles Street, Vice President, Hawaiiiana Investment Co.  
on Maui

Oral testimony-----51 to 52

Examination by Commissioner Rubin-----52

Examination by Chairman Yuen-----53 to 54

Roland L. Herberg (recalled)

Examination by Commissioner Tacbian-----54 to 55

Exhibits

Petitioner's exhibits A, A-1 and A-2 were marked for identification and moved into evidence.

Dukelow's exhibit 1 was admitted into evidence.

Public Witness

Bert Sakata - Waihee resident

Oral testimony-----56 to 58

Bert Sakata (cont.)

Examination by Chairman Yuen-----58 to 59

Commissioner Rubin moved, seconded by Commissioner Whittemore, to defer taking any action on the request by Mr. Dukelow. Chairman Yuen reiterated that Mr. Dukelow was requesting the Commission to initiate a petition to reclassify the subject property, upon its own motion, a step which the Commission did not take lightly. The motion was unanimously carried.

Chairman Yuen advised that the Commission will schedule action on Mr. Dukelow's request at some future date.

Adoption of Minutes

The minutes of April 14, 1983, April 18, 1983, May 3, 1983 and May 6, 1983 were adopted as circulated.

The meeting was adjourned at 6:50 p.m.