

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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Approved

MAY 6 1981

September 3, 1980 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Richard Choy (morning only)
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell

COMMISSIONERS ABSENT: Shinichi Nakagawa, Vice Chairman
Edward Yanai
William Yuen

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

Jean McManus, Court Reporter

ACTION

A80-479 - FRANCES H. LINDSEY

In the matter of the boundary amendment petition by Frances H. Lindsey, Docket A80-479, a hearing was conducted by Hearing Officer Benjamin Matsubara on July 17, 1980.

Staff Planner oriented the Commission to the location of the subject property on the USGS and Tax Maps.

Mr. Matsubara presented a comprehensive report of the proceedings relative to the subject request and advised that both the County of Maui and DPED had recommended that the reclassification be approved.

It was also Mr. Matsubara's recommendation that the petition be approved since the amendment from the Agricultural District into the Rural District was reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes and consistent with the interim statewide land use guidance policy.

Commissioner Miyasato moved to find that the proposed findings presented by the Hearing Officer are true findings. It was seconded by Commissioner Oura and unanimously carried.

Commissioner Miyasato moved to approve A80-479, Frances H. Lindsey, to reclassify approximately 1.0 acre of land presently in the Agricultural District into the Rural District at Waialua, Molokai. It was seconded by Commissioner Pascua and unanimously approved.

HEARING

A80-483 - A & B PROPERTIES, INC.

Pursuant to a notice published in the Honolulu Advertiser and the Maui News on July 30, 1980, and notices sent to all parties, a hearing was conducted by the Land Use Commission in the matter of the petition by A & B Properties, Inc. to amend the land use district boundaries at Wailuku and Kahului, Maui, Docket A80-483.

Admission of Witnesses

Chairman Duke announced that no request for intervention had been received by the Commission. However, there were two timely requests to appear as public witnesses from the following:

1. Owen Miyamoto, Chief of the Airport Division, DOT
2. Elizabeth Ann Stone, President, Honest Environmental Citizens Against Progress

Additionally, one untimely request to appear as a witness had been received from Mr. Eddie Tangen, ILWU International Representative.

Upon motion by Commissioner Whitesell, seconded by Commissioner Oura, it was unanimously agreed to allow Mr. Miyamoto to appear as a public witness.

Since Ms. Stone was not present today, Commissioner Whitesell moved to allow Ms. Stone's written testimony to become a part of the record. It was seconded by Commissioner Oura and unanimously approved. Ms. Stone's testimony was identified as LUC Exhibit 1.

Commissioner Oura moved to allow Mr. Tangen to appear as a public witness, which was seconded by Commissioner Pasuca and carried by voice vote.

Appearances

J. Kenneth Peterson - Counsel for Petitioner

Glenn Kosaka - Deputy Corporation Counsel, representing
the County of Maui

Annette Chock - Deputy Attorney General, representing
DPED

Exhibits

Petitioner's Exhibits A, B, C, 10-A, 10-B, 10-C, 11, 12
and 13 were admitted into evidence.

County of Maui's Exhibits A through E were admitted into
evidence.

DPED's written testimony was admitted into evidence.

A description of the property was presented by staff planner
utilizing the USGS and Tax Maps.

All of the persons who testified today, having been duly
sworn in testified and were examined as set forth in the trans-
cript on the pages noted.

Public Witnesses

Owen Miyamoto - Chief of the Airports Division, Department of
Transportaion

Oral Testimony-----25 to 27

Cross examination by Mr. Peterson-----27 to 28

Cross examination by Mr. Kosaka-----28 to 34

Cross examination by Miss Chock-----35 to 38

Examination by Commissioner Whitesell-----38 to 41

Examination by Chairman Duke-----41 to 42

Reexamination by Commissioner Whitesell-----42 to 43

Conflict of Interest

Chairman Duke read a letter from Commissioner Yuen declaring
a conflict of interest relative to this petition on the basis

that the law firm where he is employed is retained by the petitioner.

PETITIONER

James Levine - Planner

Direct examination by Mr. Peterson-----46 to 63

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

1:30 p.m.

Chairman Duke noted for the record that Commissioner Choy had to leave for Honolulu.

James Levine (cont.)

Direct examination by Mr. Peterson (cont.)-----64 to 72

Cross examination by Mr. Kosaka-----72 to 74

Cross examination by Miss Chock-----74 to 75

Examination by Commissioner Whitesell-----75 to 77

Steven Bowles - Geologist

Direct examination by Mr. Peterson-----78 to 79

Cross examination by Mr. Kosaka-----79 to 80

Cross examination by Miss Chock-----80 to 81

Examination by Chairman Duke-----81 to 84

William Campbell - Manager of Planning & Properties Development
A & B Properties

Direct examination by Mr. Peterson-----84 to 90a

Cross examination by Mr. Kosaka-----90a to 95

Cross examination by Miss Chock-----95 to 100

Redirect examination by Mr. Peterson-----100 to 101

Examination by Chairman Duke-----101 to 107

The following County witness was taken out of turn due to his inability to attend tomorrow's proceedings.

COUNTY OF MAUI

Toshio Ishikawa - Planning Director, Maui Planning Department

Direct examination by Mr. Kosaka-----109 to 110

Examination by Commissioner Whitesell-----111 to 113

PETITIONER (cont.)

Gerald P. Daly - Economic Planner

Direct examination by Mr. Peterson-----114 to 125

Cross examination by Miss Chock-----126 to 132

Redirect examination by Mr. Peterson-----132 to 133

Thomas Nance - Associate of Belt Collins & Associates

Direct examination by Mr. Peterson-----134 to 142

Cross examination by Mr. Kosaka-----142 to 146

Cross examination by Miss Chock-----146 to 148

Arthur Akinaka - Civil Engineer

Direct examination by Mr. Peterson-----149 to 154

Cross examination by Miss Chock-----154 to 155

Richard H. Cox - Civil Engineer

Direct examination by Mr. Peterson-----157 to 159

Cross examination
by Miss Chock-----159

The Chairman announced that the hearing on subject petition will be continued at 8:30 tomorrow morning.