

STATE OF HAWAII  
LAND USE COMMISSION

Approved  
FEB 15 1983

Minutes of Meeting

State Conference Room  
Wailuku, Maui

October 6, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Lawrence Chun  
Everett Cuskaden (11:50 a.m.)  
Shinsei Miyasato  
Teofilo Tacbian  
Winona Rubin  
Robert Tamaye (9:45 a.m.)  
Frederick Whittemore

COMMISSIONER ABSENT: Richard Choy, Vice Chairman

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

ADDITION TO AGENDA

It was moved by Commissioner Tacbian, seconded by Commissioner Whittemore, and unanimously agreed to amend the agenda by adding item 3 (under Action), i.e. a letter from George Peabody, and item 4, election of a temporary Chairman.

ACTION

A82-526 - LIBBIE, INC.

The Chairman announced that the question before the Commission on the subject petition was whether the proposed project had a negative impact on the environment.

Commissioner Tacbian moved that the proposed project, under Docket A82-526, did not have a negative effect on the environment and therefore did not require an Environmental Impact Statement. It was seconded by Commissioner Chun and unanimously carried.

DR82-7 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Chairman Yuen explained that this was a request by DPED for a declaratory ruling to determine whether a private beach dwelling and accessory uses qualified as permissive uses in the Agricultural District.

A description of the property was offered by the Executive Officer.

Deputy Attorney General Aoki advised the Commission that there was not sufficient information on which to form a conclusion at this time. The three options available to the Commission were listed as follows: 1) to deny the request due to insufficient information, 2) to grant a decision if the Commission felt there was adequate data, or 3) set the request for a hearing at which time the Commission could gather the facts on which to base its decision.

It was moved by Commissioner Tacbian to set the request for a hearing at the same time the Commission schedules a hearing on the petition. It was seconded by Commissioner Rubin and unanimously carried.

PUKOO PROPERTIES - Letter from George Peabody

It was explained by Mr. Furutani, Executive Officer, that the matter before the Commission resulted from a letter request by Mr. George Peabody to consider reclassification of a piece of property that the Commission had reclassified at Pukoo, Molokai, approximately 12 years ago, into the Urban District. It was Mr. Peabody's contention that to date the extent of the development on this property was a partially-filled fish pond.

Chairman Yuen observed that the Commission could either initiate a petition to reclassify the lands back to its original classification, or issue an order to show cause to the landowners to come before the Commission to explain why the property has not been developed to date.

Commissioner Whittemore moved that the Commission issue an order to show cause to the landowners for reasons of non-conformance. It was seconded by Commissioner Rubin and unanimously approved.

Election of Temporary Chairman

Chairman Yuen announced that he would have to disqualify himself from conducting the proceedings on the petition by A & B Properties, Inc., Docket A82-535. Commissioner Rubin moved that Commissioner Tacbian serve as Temporary Chairman,

which was seconded by Commissioner Whittemore and unanimously carried.

HEARING

A82-535 - A & B PROPERTIES, INC.

Pursuant to a notice published in the Maui News and the Honolulu Advertiser on August 30, 1982, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by A & B Properties, Inc. to reclassify approximately 680 acres of land from the Agricultural District into the Urban District at Wailuku, Maui, for a planned residential community, Docket A82-535.

Appearances

Paul Mancini, attorney representing petitioner

Guy Archer, Deputy Corporation Counsel, representing the Maui Planning Department

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

Request for Intervention - By Isaac Hall and Co-counsel Todd Boley of the Legal Aid Society representing various residents of Maui

Following arguments by Mr. Hall and all the parties, it was moved by Commissioner Tamaye and seconded by Commissioner Rubin to permit the Legal Aid Society to intervene in the present proceedings. The motion was carried.

Request to appear as Witnesses

It was moved by Commissioner Chun, seconded by Commissioner Whittemore, and unanimously carried to admit the following persons who had made timely requests to appear as public witnesses:

Donald Rickard  
Wayne Nishiki  
John Bose

The following people, who had made untimely requests to appear as public witnesses, were also admitted, upon motion by Commissioner Rubin, seconded by Commissioner Whittemore:

Ann Elizabeth Bowen  
Toshio Fujimoto  
B. Lynn Britton

The property under petition was delineated on the USGS and tax maps by staff planner, who also provided a description of the surrounding uses and land classifications.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

Public Witnesses

Donald Rickard - Business Agent for ILWU, Local 142, Maui Division

Oral testimony-----36 to 38

Wayne Nishiki - Maui County Council member

Read from prepared testimony-----39 to 50

Cross examination by Mr. Archer-----50 to 52

Examination by Commissioner Chun-----53

Examination by Chairman Tacbian-----53 to 54

Mr. Nishiki's written testimony was marked as LUC exhibit 1 and entered into evidence.

John Bose, II - Chairman of the Maui Group, Hawaii Chapter of the Sierra Club

Read from prepared testimony----- 55 to 57

Cross examination by Mr. Hall-----58

Examination by Executive Officer-----59

Examination by Chairman Tacbian-----69 to 60

Both Ann Elizabeth Bowen and Lynn Britton were not present today. Their written testimony and letter were marked as LUC exhibits 2 and 3 respectively and moved into evidence.

A letter from Alvin Fukunaga of the Contractor's Association was marked as LUC exhibit 4 and received into evidence.

Exhibits

Petitioner's exhibits 1 through 12 were identified and admitted into evidence.

County's exhibit 1 was identified and moved into evidence.

DPED's exhibit 1 was identified and received into evidence.

The admission of Intervenor's exhibits were held in abeyance until a later time.

Mr. Hall described in detail the various documents Intervenor's were requesting in the subpoena duces tecum they were proposing to serve. Due to the numerous documents being requested, Chairman Tacbian stated that the Commission will take the matter under advisement at this time.

PETITIONER

William Campbell - Manager of Planning and Property Development, Alexander and Baldwin, Inc.

Direct examination by Mr. Mancini-----78 to 88

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

1:30 p.m.

William Campbell (cont.)

Direct examination by Mr. Mancini (cont.)-----93 to 118

The examination of Mr. Campbell was interrupted to accommodate the following witness due to his inability to attend tomorrow's proceedings.

Kobe Shoji - Vice President and Chief Agriculturist, Alexander and Baldwin, Inc.

Direct examination by Mr. Mancini-----118 to 126

Cross examination by Mr. Boley-----126 to 129

William Campbell (recalled)

Direct examinaiton by Mr. Mancini-----129 to 140

Cross examination by Mr. Archer-----140 to 148

Cross examination by Miss Chock-----148 to 156

Cross examination by Mr. Hall-----156 to 580

William Campbell (cont.)

Examination by Chairman Tacbian-----180 to 181

Examination by Commissioner Rubin-----181

Chairman Tacbian announced that the Commission will recess at this time and continue with the examination of Mr. Campbell tomorrow when the hearing will reconvene at 8:00 a.m.

The hearing was recessed at 4:53 p.m.