

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room
State Building
54 High Street
Wailuku, Maui

Approved
2/2/82

November 24, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy (9:15 a.m.)
Shinsei Miyasato
Phil Tacbian
Robert Tamaye
Edward Yanai (9:15 a.m.)

COMMISSIONER ABSENT: Everett Cuskaden

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

Jean McManus, Court Reporter

HEARING (cont.)

A81-514 - PUKALANI HEIGHTS ASSOCIATES (cont.)

PETITIONER (cont.)

David Takayesu (cont.)

Redirect examination by Mr. Luna-----204 to 210

(Commissioners Choy and Yanai joined the Commission at
this time.)

Recross examination by Mr. Archer-----210

Recross examination by Miss Chock-----210 to 213

Examination by Commissioner Tacbian-----213 to 214

Examination by Chairman Yuen-----215 to 218

Chairman Yuen announced that the Commission will continue
the hearing on subject petition, and will now consider item I
on the agenda, Action on docket A81-509, County of Maui.

ACTION

A81-509 - COUNTY OF MAUI

In the matter of the petition by the County of Maui to reclassify 47.061 acres of land from the Agricultural District into the Urban District at Hamakuapoko and Haliimaile, Makawao, Maui, a hearing was conducted by the Land Use Commission on August 5, 1981.

Chairman Yuen outlined the proposed decision procedure to all of the parties for presenting arguments and rebuttal in support of their respective positions.

It was moved by Commissioner Miyasato and seconded by Commissioner Tacbian to approve petition A81-509, County of Maui, to reclassify 47.061 acres from the Agricultural District into the Urban District at Hamakuapoko and Haliimaile, Makawao, Maui for a residential subdivision.

Vice Chairman Whitesell moved to amend the motion by imposing the following conditions:

1. That the petitioner shall hook up the proposed residential project's sewage collection system to the proposed Paia sewage force main. Should the development of the project be desired prior to the completion of the Paia force main, dry sewers shall be constructed by the petitioner and individual waste water systems or other systems acceptable to the State Department of Health may be used only on an interim basis until the Paia sewage force main project is completed.
2. That the owner of the subject property shall not commence any substantial development on the subject property until title is conveyed to the County of Maui, or its designee. The condition may be released upon timely motion, and after the property has been conveyed to the County of Maui or its designee.

The motion was seconded by Commissioner Tacbian.

Mr. Glen Kosaka, Deputy Corporation Counsel, representing the County of Maui, petitioner, expressed concern over timing problems that the County may face under condition 2 and requested that this condition be deleted.

Vice Chairman Whitesell agreed to withdraw condition 2.

The motion to add condition 1 as proposed by Vice Chairman Whitesell was unanimously carried.

The motion to approve the petition, as amended, was also unanimously approved.

It was agreed to adopt the County's proposal, with some modifications, in arriving at the Commission's findings of fact, conclusions of law. The Chairman directed the Deputy Attorney General to prepare the Commission's Decision and Order in conformance with today's discussion and action by the Commission.

HEARING (cont.)

A81-514 - PUKALANI HEIGHTS ASSOCIATES (cont.)

PETITIONER (cont.)

Wilfred Phillips - State Meat Inspector, Dept. of Agriculture

- Direct examination by Mr. Luna-----219 to 230
- Cross examination by Mr. Archer-----230 to 237
- Cross examination by Miss Chock-----237 to 240
- Examination by Vice Chairman Whitesell-----240 to 241

Marvin Miura - President, Environment Impact Study Corp.

- Direct examination by Mr. Luna-----241 to 254
- Cross examination by Mr. Archer-----255 to 264
- Cross examination by Miss Chock-----264 to 272
- Redirect examination by Mr. Luna-----272 to 274
- Examination by Commissioner Tacbian-----274 to 275
- Examination by Vice Chairman Whitesell-----275 to 277
- Examination by Chairman Yuen-----277 to 280

The following State witness testified and was examined at this time in order to permit him to catch a flight back to Honolulu.

DPED

Tatsuo Fujimoto - Head, Land Use Division

- Direct examination by Miss Chock-----281 to 284

Tatsuo Fujimoto (cont.)

Cross examination by Mr. Luna-----284 to 293
 Cross examination by Mr. Archer-----293 to 303
 Redirect examination by Miss Chock-----303

PETITIONER (cont.)

Gilbert Ikeda - Petitioner

Direct examination by Mr. Luna-----304 to 307
 Cross examination by Mr. Archer-----307 to 310
 Cross examination by Miss Chock-----310 to 312
 Redirect examination by Mr. Luna-----312 to 314
 Examination by Commissioner Choy-----314
 Examination by Chairman Yuen-----315 to 316
 Examination by Commissioner Tacbian-----316 to 318

It was requested by Mr. Luna that they be allowed to reassess the housing need and to present additional information regarding petitioner's financial capability at a later date.

COUNTY OF MAUI

Clyde Murashige - Planner Maui Planning Department

Direct examination by Mr. Archer-----319 to 325
 Cross examination by Mr. Luna-----325 to 326
 Cross examination by Miss Chock-----327 to 333
 Redirect examination by Mr. Archer-----333 to 335
 Examination by Commissioner Tacbian-----335 to 336
 Examination by Chairman Yuen-----336 to 337

It was announced by Chairman Yuen that the hearing on Docket A81-514, Pukalani Heights Associates, will be continued until the petitioner has submitted the required additional evidence to the Commission.

Addition to Agenda

Upon motion by Commissioner Tacbian, seconded by Vice Chairman Whitesell, it was agreed to add the request from Finance Realty Co., Ltd. (A80-485) for an extension for the filing of certain conditions with the Bureau of Conveyances.

A80-485 - FINANCE REALTY CO., LTD.

It was moved by Commissioner Tacbian, seconded by Vice Chairman Whitesell, and unanimously passed to approve the request by Finance Realty Co., Ltd. for an extension for the filing of certain conditions with the Bureau of Conveyances.

Approval of Minutes

The minutes of September 2, 1981 were approved as circulated.

The meeting was adjourned at 1:50 p.m.