

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
State Building  
54 High Street  
Wailuku, Maui

Approved  
r/r/or

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

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A81-509 - COUNTY OF MAUI

DATE November 24, 1981

PLACE Conf. Room, State Building  
Wailuku, Maui

TIME 9:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
CHOY, RICHARD B. F.	X			
TAMAYE, ROBERT S.	X			
YANAI EDWARD K.	X			
WHITESELL, CAROL B.	X			
TACBIAN, TEOFILO PHIL	X			
CASKADEN, EVERETT L.				X
MIYASATO, SHINSEI	X			
YUEN, WILLIAM W. L.	X			

Comments:

Motion to approve petition as amended.



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VOTE RECORD

ITEM A81-509 - COUNTY OF MAUI

DATE November 24, 1981

PLACE Conf. Room, State Building  
Wailuku, Maui

TIME 9:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
CUSKADEN, EVERETT L.				X
WHITESSELL, CAROL B.	X			
TACBIAN, TEOFILO PHIL	X			
MIYASATO, SHINSEI	X			
TAMAYE, ROBERT S.	X			
CHOY, RICHARD B. F.	X			
YANAI, EDWARD K.	X			
YUEN, WILLIAM W. L.	X			

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Comments: I move to amend the motion by putting on a condition as follows: "The petitioner shall hook up the proposed residential project's sewage collection system to the proposed Paia sewage force main. Should development of the project be desired prior to the completion of the Paia sewage force main, dry sewers shall be constructed by the petitioner and individual wastewater 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.

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A81-509 - COUNTY OF MAUI

DATE November 24, 1981

PLACE Conf. Room, State Building  
Wailuku, Maui

TIME 9:00 a.m..

NAME	YES	NO	ABSTAIN	ABSENT
WHITESELL, CAROL B.				
TACBIAN, TEOFILO PHIL				
TAMAYE, ROBERT S.				
MIYASATO, SHINSEI				
CUSKADEN, EVERETT L.				
CHOY, RICHARD B. F.				
YANAI, EDWARD K.				
YUEN, WILLIAM W. L.				

Comments:

I move to approve Docket A81-509, County of Maui, to re-classify approximately 47.061 acres of land from the Agricultural District into the Urban District at Hamakuapoko and Haliimaile, Makawao, Maui for residential subdivision.