

SMOLENSKI & WOODDELL

ROBERT J. SMOLENSKI 1059-0  
1628 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813  
Telephone No. (808) 524-5750

LAND USE COMMISSION  
STATE OF HAWAII

2015 SEP -9 A 11: 59

Attorneys for Petitioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of

McCLEAN HONOKOHAU PROPERTIES, a  
Hawaii Limited Partnership,

To Amend the Land Use District Boundary to  
Reclassify Approximately 89.527 acres of land  
in the Conservation and the Agricultural  
Districts to the Urban District at Honokohau,  
North Kona, Hawaii, Tax Map Key Nos.: 7-4-  
24: 1, 2, 4, 6, 7, 8, 9, 10, 11 and 12

DOCKET NO. A89-643

McCLEAN HONOKOHAU PROPERTIES  
LIST OF WITNESSES; LIST OF EXHIBITS  
1-22; CERTIFICATE OF SERVICE

McCLEAN HONOKOHAU PROPERTIES  
LIST OF WITNESSES; LIST OF EXHIBITS 1-22; CERTIFICATE OF SERVICE

LAND USE COMMISSION DOCKET 89-63

PETITIONER McCLEAN HONOKOHAU PROPERTIES LIST OF WITNESSES

	NAME ORGANIZATION	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBITS	LENGTH OF DIRECT
1.	James S. McClean McClean Honokohau Properties		Project history, and compliance with LUC Conditions	No	1-21	15 minutes
2.	David Elbogen McClean Honokohau Properties		Compliance with LUC Conditions	No	1-21	15 minutes
3.	Cheryl M. Palesh, PE, LEED AP, Vice President and Director of Engineering Belt Collins	Civil/Sanitary Engineering	Compliance with LUC Condition 3	Yes, Exhibit 21	8, 9, 10, 21	N/A

LAND USE COMMISSION DOCKET 89-63

PETITIONER McCLEAN HONOKOHAU PROPERTIES LIST OF EXHIBITS 1-22

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
<p>Petitioner's Exhibits 1-5 were filed with Petitioner's Motion to Release Conditions in Docket 89-643 on December 23, 2014, and were served on all parties.</p> <p>Petitioner's Exhibits 6-20 were filed with Petitioner's First Supplemental Memorandum and Exhibits in Support of Motion to Release Conditions in Docket 89-643 on August 24, 2015, and were served on all parties.</p> <p>Petitioner's Exhibits 21-22 were filed with Petitioner's Third Supplemental Memorandum on September 9, 2015, and were served on all parties.</p>			
1.	November 19, 1996 Letter from Housing Finance and Development Corporation		
2.	December 11, 2000 Letter Agreement with State of Hawaii Department of Transportation		
3.	Tenant License Agreement Terms and Covenants and Restitution		
4.	November 29, 2001 Letter from State Historic Preservation Division		
5.	November 29, 2000 Letter from State Department of Health Clean Air Branch		
6.	County of Hawaii Ordinance 99-89		
7.	Division 14 (ML, Limited Industrial Districts) and Division 15 (MG, General Industrial Districts) of Chapter 25 of the Hawaii County Zoning Code		
8.	Drainage Site Plan prepared by Belt Collins, Final Report for Drywells dated 11/28/00 and January 9, 2001 letter from State Department of Health		
9.	Erosion Control Plan prepared by Belt Collins in May, 2004		
10.	Documents prepared by Riehm Owensby that are the equivalent of an erosion control plan		
11.	Chapter 10 of the Hawaii County Code relating to Erosion and Sedimentation Control		
12.	August 13, 2001 and August 21, 2001 letters from the County of Hawaii Department of Water Supply		

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
13.	Correspondence with the State Department of Health indicating the construction of the waste-water disposal improvements		
14.	August 18, 2008 letter from the County Planning Director		
15.	Correspondence with HELCO		
16.	July 27, 1999 photo showing the Increment I area existing at that time		
17.	April 19, 2002 letter from Dr. David A Ziemann		
18.	Graphic of Increment I and neighboring properties		
19.	Isemoto Motion to Release Conditions and the Isemoto Memorandum in Support of Motion to Release Conditions		
20.	August 22, 1995 Land Use Commission Order granting the release of the Isemoto conditions		
21.	Written Testimony of Cheryl M. Palesh, Belt Collins Vice President and Director of Engineering; Cheryl M. Palesh CV		
22.	List of Increment I Conditions		

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following by e-mailing a pdf copy and by depositing a copy in the U.S. Postal Service on the date hereof:

DUANE KANUHA, Director  
Planning Department  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720  
[Duane.Kanuha@hawaiiicounty.gov](mailto:Duane.Kanuha@hawaiiicounty.gov)

LEO ASUNCION, Acting Director  
Office of Planning  
P.O. Box 2359  
Honolulu, Hawaii 96804  
[Leo.Asuncion@dbet.hawaii.gov](mailto:Leo.Asuncion@dbet.hawaii.gov)

I hereby certify that a copy of the foregoing document was served upon the following by depositing the same in the U.S. Postal Service on the date hereof:

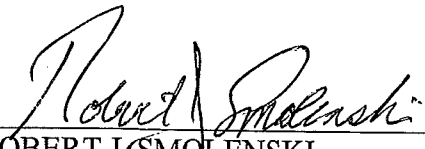
INTERVENORS:

Isemoto Contracting Co., Ltd.  
648 Piilani Street  
Hilo, Hawaii 96720

SJA Partnership  
P.O. Box 429  
Captain Cook, Hawaii 96704

Tiffany Taylor  
Taylor Family Limited Partnership  
73-5601 Maiau Street  
Kailua-Kona, Hawaii 96740

DATED: Honolulu, Hawaii, September 9, 2015.

  
\_\_\_\_\_  
ROBERT J. SMOLENSKI  
Attorney for Petitioner  
McClean Honokohau Properties