

STATE OF HAWAII  
LAND USE COMMISSION

Approved 11/09/85

Minutes of Meeting

Conference Rooms B & C  
State Building  
Hilo, Hawaii

October 4, 1984 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Teofilo Tacbian, Vice Chairman (10:25 a.m.)  
Winona Rubin  
Robert Tamaye  
Toru Suzuki  
Frederick Whittemore

COMMISSIONERS ABSENT: Richard Choy  
Lawrence Chun  
Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer  
Dora Horikawa, Chief Clerk  
  
Benjamin Matsubara, Counsel  
  
Rick Congdon, Court Reporter

HEARING

A84-570 - W. H. SHIPMAN, LIMITED

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser, and notices sent to all parties, a hearing was conducted by the Land Use Commission in the matter of the petition by W. H. Shipman, Ltd., to reclassify approximately 487 acres of land from the Agricultural District into the Urban District at Keaau, Hawaii, Docket A84-570.

Appearances

Terence Yoshioka) - Co-Counsel, representing the petitioner  
Alan Okamoto )

Sidney Fuke - Planning Director, representing the Hawaii  
Planning Department

Norman Hayashi - Planner, HPD

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

Mr. Gordan Furutani, Executive Officer, oriented the Commission to the location of the property on the USGS and tax maps and pointed out various landmarks.

Exhibits

Petitioner's exhibits 1 through 6, 7-A through K, 8 through 11, were admitted into evidence.

County's exhibits 1 through 5 were identified and moved into evidence.

State's exhibits 1 and 2 were admitted into the record.

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

PETITIONER

Roy Blackshear - President of W. H. Shipman, Ltd.

- Direct examination by Mr. Yoshioka-----10 to 29
- Cross examination by Mr. Fuke-----30 to 37
- Cross examination by Ms. Ueda-----37 to 49
- Examination by Commissioner Whittemore-----49 to 51
- Examination by Commissioner Rubin-----51 to 53
- Examination by Chairman Yuen-----53 to 55

The proceedings on subject petition were temporarily set aside to dispose of other matters on the agenda.

ACTION

A84-563 - GILBERT AND MARGARET MCCONNELL

In the matter of the petition by Gilbert and Margaret McConnell to amend the land use district boundary for approximately 5 acres of land from the Agricultural to the Urban District at North Kohala, Hawaii, Docket A84-563, a hearing had been conducted by Hearing Officer Matsubara on June 7, 1984.

A detailed report of the evidence adduced at the hearing was presented by the Hearing Officer, who recommended that the petition be approved based on his findings and the recommendations of the County and the State.

It was moved by Commissioner Tacbian, seconded by Commissioner Tamaye, to approve Docket A84-563 to reclassify the boundaries from the Agricultural District into the Urban District at North Kohala, Hawaii, subject to the condition that the property be retained by the family for at least 5 years. The Commissioners were polled as follows:

Ayes: Commissioners Tamaye, Whittemore, Suzuki, Rubin, Tacbian, Chairman Yuen

The motion was carried. Chairman Yuen directed the Hearing Officer to prepare the Commission's Decision and Order.

A84-564 - KAIWIKI HEIGHTS ASSOCIATES

In the matter of the petition by Kaiwiki Heights Associates (A84-564) to amend the district boundary for approximately 8.25 acres of land presently in the Agricultural District into the Urban District at Wainaku, Hawaii, a hearing had been conducted by Hearing Officer Benjamin Matsubara on June 29, 1984. It was recommended by Mr. Matsubara that the petition be approved, based on the petition as submitted and testimony presented during the hearing by the petitioner, the County and the State.

It was moved by Commissioner Tamaye and seconded by Vice Chairman Tacbian to approve Docket A84-564, Kaiwiki Heights Associates, to amend the district boundary from the Agricultural District into the Urban District. The motion was passed with the following votes:

Ayes: Commissioners Tamaye, Suzuki, Tacbian, Whittemore, Rubin, Chairman Yuen

A84-575 - COUNTY OF HAWAII

The Executive Officer reported to the Commission that he had been advised by the Hawaii County Planning Department that on environmental assessments filed by the County, it was within the County's purview to determine whether the anticipated effects constituted a significant effect on the environment. This interpretation had also been corroborated by the Office of Environmental Quality Commission as stipulated under Chapter 343. Since the County had made a negative declaration with respect to the 28 acres being proposed for reclassification from the Conservation to the Urban District at Puna, Hawaii, no Commission action was required at this time.

HEARING (cont.)

A84-570 - W. H. SHIMPAN, LIMITED

Paul N. Rosendahl - President and Principal Archaeologist of  
Paul N. Rosendahl, Inc.

- Direct examination by Mr. Okamoto-----73 to 76
- Cross examination by Mr. Fuke-----76 to 77
- Cross examination by Miss Chock-----77 to 78
- Examination by Commissioner Rubin-----78 to 79

Margaret Louise Rosendahl

- Examination by Commissioner Rubin-----80
- Examination by Chairman Yuen-----81
- A lunch recess was called from 11:50 a.m. to 1:00 p.m.

1:00 p.m.

Dennis Shigeoka - Civil Engineer

- Direct examination by Mr. Yoshioka-----82 to 98
- Cross examination by Mr. Fuke-----99 to 104
- Cross examination by Miss Chock-----104 to 115
- Examination by Commissioner Rubin-----116 to 121

Ernest Matsumura - Chairman, Hawaii County New Industries  
Development Committee

- Oral testimony-----121 to 123
- Cross examination by Mr. Fuke-----123 to 124
- Cross examination by Miss Chock-----124 to 125
- Examination by Chairman Yuen-----125

Winona Char - Botanist

- Direct examination by Mr. Okamoto-----126 to 129

Andrew J. Berger - Biologist

Direct examination by Mr. Okamoto-----130 to 133

Cross examination by Mr. Fuke-----133

Stephen P. Bowles - Hydrologist

Direct examination by Mr. Okamoto-----134 to 136

Cross examination by Mr. Fuke-----136 to 137

Cross examination by Miss Chock-----137 to 140

Examination by Commissioner Rubin-----140 to 141

Examination by Chairman Yuen-----141 to 143

Examination by Commissioner Whittemore-----143 to 144

Examination by Vice Chairman Tacbian-----144 to 145

Thomas Witten - Principal and Vice President, Phillip, Brandt,  
Reddick & Associates

Direct examination by Mr. Okamoto-----146 to 166

Cross examination by Mr. Fuke-----167 to 169

Dr. Youngki Hahn - Economist

Direct examination by Mr. Okamoto-----170 to 192

Cross examination by Mr. Fuke-----193

Examination by Chairman Yuen-----193 to 194

COUNTY OF HAWAII

Norman Hayashi - Planning Division Chief, Planning Department

Direct examination by Mr. Fuke-----195 to 197

Cross examination by Miss Chock-----197 to 200

County's exhibit 6 was identified and moved into evidence.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner, DPED

Direct examination by Miss Chock-----200 to 203

Cross examination by Mr. Yoshioka-----204 to 206

Cross examination by Mr. Fuke-----206 to 208

Chairman Yuen denied petitioner's earlier request to incorporate the text of the petition into the record with Mr. Blackshear's testimony.

At the conclusion of the hearing, the Chairman instructed all parties of post-hearing requirements, procedures and deadlines.