

Approved  
7-24-85

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Resolution Room  
Kona Hilton Hotel  
Kailua-Kona, Hawaii  
May 14, 1985 - 10:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Teofilo Tacbian, Vice Chairman  
Richard Choy  
Toru Suzuki  
Robert Tamaye  
Frederick Whittemore

COMMISSIONERS ABSENT: Lawrence Chun  
Everett Cuskaden  
Winona Rubin

STAFF PRESENT: Esther Ueda, Executive Officer  
Raymond Young, Planner  
Dora Horikawa, Chief Clerk  
Benjamin Matsubara, Special Counsel  
Jean McManus, Court Reporter

HEARING

A84-587 - 214142 HOLDINGS, LTD.

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on April 10, 1985, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by 214142 Holdings, Ltd. to reclassify approximately 15.8 acres of land from the Conservation District into the Urban District at North Kona, Hawaii.

Appearances

Kazuhisa Abe, Attorney representing the petitioner

Albert Lono Lyman, Planning Director) - representing the  
Norman Hayashi, Planner ) Hawaii Planning  
Department

Everett Kaneshige - Deputy Attorney General) - representing  
Abe Mitsuda - Planner, Land Use Division ) DPED

Executive Officer Esther Ueda oriented the Commission to the area being requested for reclassification on the USGS and tax maps, and pointed out various surrounding landmarks.

Exhibits

Petitioner's exhibits 1 through 10 were admitted into the record.

County's exhibit 1 was received into evidence.

DPED's exhibit 1 was accepted into the record.

The tax map prepared by staff was identified as Land Use Commission's exhibit 1.

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

Public Witnesses

Mr. Jerry Rothstein, representing Public Access Shoreline Hawaii, submitted that he wished to appear as a public witness rather than as an intervenor, as previously indicated.

Jerry Rothstein - representing PASH

- Oral testimony----- 7 to 11
- Cross examination by Mr. Abe-----11 to 12
- Examination by Commissioner Choy-----12 to 13
- Examination by Commissioner Whittemore-----13
- Examination by Vice Chairman Tacbian-----13 to 14
- Examination by Chairman Yuen-----14 to 15

Allan White - North Kona Property Owner

- Oral testimony-----15 to 18
- Cross examination by Mr. Hayashi-----18 to 19
- Cross examination by Mr. Mitsuda-----20
- Examination by Commissioner Whittemore-----20 to 21
- Examination by Commissioner Choy-----21 to 22
- Examination by Chairman Yuen-----22 to 23

Chairman Yuen noted for the record that the Commission had received a letter incorrectly addressed to the Board of Land and Natural Resources from Attorney Mark Van Pernis regarding a claim of ownership to the property being sought for reclassification. The Chairman declared that it was the Commission's position to continue with the hearing as scheduled. It was not the Commission's function to deliberate or determine claims of ownership of property, other than making a finding that the petitioner is the owner of the property.

PETITIONER

Dr. Dennis Hirota - Civil Engineer

Direct examination by Mr. Abe-----24 to 27

Cross examination by Mr. Hayashi-----28 to 33

Cross examination by Mr. Kaneshige-----33 to 42

Examination by Vice Chairman Tacbian-----42 to 45

Examination by Chairman Yuen-----45 to 47

Ann Bouslog - Market Assessment, Peat Marwick Mitchell & Co.

Direct examination by Mr. Abe-----48 to 53

Cross examination by Mr. Lyman-----54 to 56

Cross examination by Mr. Mitsuda-----56 to 61

Examination by Commissioner Whittemore-----61 to 62

Examination by Commissioner Tamaye-----62

Examination by Commissioner Choy-----63 to 64

Examination by Chairman Yuen-----64 to 68

A lunch recess was called from 12:07 p.m. to 2:00 p.m.

2:00 p.m.

Dale Peterson - Bank Manager, North Alberta

Direct examination by Mr. Abe----- 69 to 72

Dale Peterson (cont.)

Cross examination by Mr. Kaneshige-----73 to 74

Examination by Commissioner Whittemore-----74 to 75

Examination by Chairman Yuen-----75 to 79

Chairman Yuen directed Mr. Peterson to furnish the requisite number of the bank's annual statement marked as petitioner's exhibit 11. Petitioner's exhibits 12, 13 and 14 were identified and entered into the record.

Walter Filipek - President of 214142 Holdings

Direct examination by Mr. Abe-----80 to 82

Cross examination by Mr. Hayashi-----82 to 89

Cross examination by Mr. Kaneshige-----89 to 92

Examination by Commissioner Tamaye-----92

Examination by Chairman Yuen-----92 to 95

Malcolm Lennie - Stockholder of 214142 Holdings

Direct examination by Mr. Abe-----96 to 107

Cross examination by Mr. Lyman-----108 to 110

Cross examination by Mr. Kaneshige-----110 to 112

Examination by Chairman Yuen-----112 to 114

Kazuhisa Abe - Attorney

Oral testimony-----114 to 116

Cross examination by Mr. Hayashi-----116 to 117

Cross examination by Mr. Mitsuda-----117

Examination by Chairman Yuen-----117 to 120

At 2:38 p.m., the hearing was adjourned, to be resumed tomorrow at the same location.