

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms A, B & C  
Hilo State Office Building  
75 Aupuni Street  
Hilo, Hawaii

*Approved*  
APR 16 1980

January 8, 1980 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Shinichi Nakagawa, Vice Chairman  
Shinsei Miyasato  
George Pascua  
Carol Whitesell  
Edward Yanai  
William Yuen

COMMISSIONER ABSENT: Mitsuo Oura

STAFF PRESENT: Gordan Furutani, Executive Officer  
Daniel Yasui, Planner  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Ray Russell, Court Reporter

HEARING

A79-462 - KOMOHANA INVESTORS

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on November 30, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Komohana Investors to amend the land use district boundaries for approximately 212 acres of land presently in the Agricultural District into the Urban District at Punahoa 1st and Ponahawai, South Hilo, Hawaii, Docket A79-462.

Appearances

Valta Cook, Attorney, representing the petitioner

Duane Kanuha, Deputy Planning Director, Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing Dept. of Planning & Economic Development

Intervenor

The Executive Officer presented a chronological account of the untimely request for intervention which had been filed by Ms. Elizabeth Stone.

Objections to the petition for intervention were voiced by Mr. Cook and Mr. Kanuha. Miss Chock did not take any position.

It was moved by Vice Chairman Nakagawa that the petition to intervene by Ms. Stone be denied, which was seconded by Commissioner Whitesell and unanimously carried.

Vice Chairman Nakagawa moved to permit Ms. Stone to appear as a public witness, which was seconded by Commissioner Yuen and unanimously approved.

Chairman Duke directed Mr. Cook to draft the Decision and Order relative to the denial of Ms. Stone's intervention petition.

Public Witness

One untimely request to appear as a witness, filed by Jennifer Perry, President of the Hilo-Puna Young Farmers, was noted. Ms. Leslie Hill advised that she will be representing the Hilo-Puna Young Farmers in Ms. Perry's absence. The reasons for the untimely application were explained by Ms. Hill.

Commissioner Whitesell moved to waive the time requirement and allow the Hilo-Puna Young Farmers to testify. The motion was seconded by Commissioner Yuen and unanimously carried.

Exhibits

Petitioner's Exhibits 1 through 9 were admitted into evidence.

County's Exhibits 1 through 5 were admitted into evidence.

DPED's Exhibit 1 was admitted into evidence.

All of the persons appearing as witnesses today were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PUBLIC WITNESSES

Leslie Hill - Representing the Hilo-Puna Young Farmers

Oral Testimony----- 31 to 34

Leslie Hill (cont.)

Cross examination by Mr. Cook-----34 to 37  
 Cross examination by Mr. Kanuha-----37 to 38  
 Examination by Commissioner Whitesell-----38 to 39  
 Examination by Vice Chairman Nakagawa-----39

Jim McCully - Representing the Hilo-Puna Young Farmers, Hawaii  
County Chapter

Oral testimony-----41 to 45  
 Cross examination by Mr. Cook-----46 to 47  
 Examination by Commissioner Whitesell-----47 to 49  
 Examination by Commissioner Yuen-----49 to 51  
 Examination by Commissioner Pascua-----51 to 52  
 Examination by Vice Chairman Nakagawa-----52 to 54

Larry Soenen - District Conservationist, Soil Conservation  
Service, USDA

Oral testimony-----55 to 58  
 Cross examination by Mr. Cook-----58 to 59  
 Cross examination by Mr. Kanuha-----59 to 60  
 Cross examination by Miss Chock-----61 to 62  
 Examination by Chairman Duke-----62  
 Examination by Commissioner Pascua-----63 to 64  
 Examination by Commissioner Whitesell-----64 to 65

The Commission was in recess from 12:15 p.m. to 1:30 p.m.

1:30 p.m.

Public Witnesses (cont.)

Elizabeth Stone - President, Environmental Citizens Against  
Progress

Oral testimony-----68 to 77

Ms. Stone's Petition for Intervention was identified as her written statement and entered into evidence.

PETITIONER

Claude Moore - Civil Engineer

Direct examination by Mr. Cook-----80 to 91  
Cross examination by Mr. Kanuha-----92 to 93  
Cross examination by Miss Chock-----93 to 94  
Examination by Vice Chairman Nakagawa-----94 to 95  
Examination by Chairman Duke-----95 to 97

Hiroshi Kasamoto - Planning Consultant

Direct examination by Mr. Cook-----97 to 106  
Cross examination by Mr. Kanuha-----106 to 109  
Cross examination by Miss Chock-----109 to 111  
Examination by Commissioner Whitesell-----111 to 113  
Examination by Commissioner Yuen-----113

Philip Yoshimura - Civil Engineer

Direct examination by Mr. Cook-----114 to 128  
Cross examination by Mr. Kanuha-----128 to 132  
Cross examination by Miss Chock-----132 to 137  
Redirect examination by Mr. Cook-----137 to 138  
Examination by Commissioner Yuen-----138 to 140  
Examination by Commissioner Whitesell-----140

Roy Fujimoto - General Manager, Laupahoehoe Transportation

Direct examination by Mr. Cook-----141 to 145  
Cross examination by Miss Chock-----145 to 147  
Examination by Commissioner Yuen-----147 to 148  
Examination by Chairman Duke-----148

COUNTY OF HAWAII

David Murakami - Engineer with the Department of Public Works

- Direct examination by Mr. Kanuha-----149 to 152
- Cross examination by Miss Chock-----152 to 154
- Cross examination by Mr. Cook-----154
- Examination by Commissioner Whitesell-----155 to 157
- Examination by Commissioner Yanai-----158 to 159
- Reexamination by Commissioner Whitesell-----159 to 160
- Examination by Commissioner Yuen-----160 to 161
- Examination by Chairman Duke-----161 to 162

Norman Hayashi - Planner, Hawaii Planning Department

- Direct examination by Mr. Kanuha-----162 to 164
- Cross examination by Mr. Cook-----165
- Cross examination by Miss Chock-----165 to 166
- County's written testimony was admitted into evidence.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner, Land Use Division

- Direct examination by Miss Chock-----167 to 169
- Examination by Commissioner Whitesell-----170
- Examination by Commissioner Yuen-----170 to 171
- DPED's written testimony was admitted into evidence.

All parties waived closing arguments.

Chairman Duke instructed all parties to prepare proposed findings, conclusions of law, 30 days after the transcript becomes available, and to serve them upon each other. Thereafter, all parties will have 30 days in which to respond to each other's proposed findings. Miss Chock was granted permission to waive submission of State's proposed findings.

ADOPTION OF MINUTES

The following minutes were approved as circulated:

June 26, 1979 and June 27, 1979

July 11, 1979

July 12, 1979

The meeting adjourned at 1:00 p.m.