

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B & C)
New State Building
Honolulu, Hawaii

February 6, 1979 - 9:30 a.m.

*Approved
July 11, 1979*

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: Colette Machado

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

Benjamin Matsubara, Consultant

Ray Russell, Court Reporter

ACTION

A78-439 - HONOKAA SUGAR CO.

In the matter of the boundary amendment petition by Honokaa Sugar Co., Docket A78-439, a hearing was held on November 1, 1978 by Mr. Benjamin Matsubara, Hearing Officer. Mr. Matsubara presented his findings and conclusions that the reclassification of .731 acre from Agricultural to Urban at Papa'anui, Hamakua, Hawaii was reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and consistent with the Interim Statewide Land Use Guidance Policy.

Commissioner Carras moved that the Commission approve the request to reclassify approximately .73 acre of Agricultural land into the Urban District at Honokaa for residential use. It was seconded by Commissioner Oura and unanimously approved.

HEARINGA78-444 - LEAR SIEGLER, INC., ET AL

Pursuant to a notice published in the Honolulu Star Bulletin on December 30, 1978, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Lear Siegler, Inc., et al, to amend the land use boundaries for approximately 10.2 acres of land presently in the Conservation District into the Urban District at Kalauao, Ewa, Oahu, Docket A78-444.

Intervenors

Upon motion by Commissioner Whitesell, seconded by Vice Chairman Nakagawa, Life of the Land, represented by Mr. Frank Miller, was unanimously admitted as a party to the proceeding, pursuant to Section 6-7, (1), (d) of the Commission's Rules and Regulations.

Upon motion by Vice Chairman Nakagawa, seconded by Commissioner Pascua, the Pearlridge Estates Community Association, represented by Mr. Scott Nakagawa, was admitted as a party to the proceeding.

It was moved by Commissioner Whitesell, seconded by Commissioner Yanai, and unanimously agreed that Dr. Reginald Patterson, represented by Mr. Scott Nakagawa, be admitted as a party.

Witnesses

The Executive Officer advised that there were four (4) timely requests to appear as witnesses as follows:

1. Aiea Neighborhood Board Number 20
2. Nelson M. Yrizarry - Resident
3. Jack Reeves, President, The Hawaiian Trail and Mountain Club
4. Ed Colozzi - Resident

It was also reported that a timely written statement had been received from Steven L. Montgomery, representative of the Conservation Council for Hawaii, Oahu Chapter.

Two untimely requests--one a request from Senator Mizuguchi's office for permission to submit testimony regarding the petition, and the other, a letter from Ms. Elizabeth Anne Stone--were also received by the Commission staff.

Vice Chairman Nakagawa moved that the 4 timely requests

from the various persons and groups to appear as witnesses be approved. The motion was seconded by Commissioner Whitesell and carried.

Commissioner Whitesell moved that the time requirements for admittance of a public witness be waived and the representative from Senator Mizuguchi's office be allowed to appear as a public witness. It was seconded by Vice Chairman Nakagawa and unanimously approved.

Chairman Duke recommended that the testimony of Elizabeth Ann Stone be made a part of the record and, since there were no objections, it was so ordered.

The Chairman also ruled that the statement by Steven L. Montgomery will be made a part of the record.

Staff planner pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

Appearances

Francis Izumi, Attorney, representing the petitioner

Roger Moseley, Deputy Corporation Counsel, representing the City & County of Honolulu

Maurice Kato, Deputy Attorney General, representing DPED

Frank L. Miller, Attorney, representing Life of the Land, the Sierra Club, the Pig Hunter's Association of Oahu

Scott R. Nakagawa, representing the Pearlridge Estates Community Association and Dr. R. Reginald Patterson

Exhibits

Petitioner's Exhibits 1 through 24 were admitted into evidence.

County's Exhibit 1 was admitted into evidence.

DPED's Exhibits 1 through 4 were admitted into evidence.

Life of the Land's Exhibits 1 through 9 were admitted into evidence.

Pearlridge Estates Community Association, et al's Exhibit 1 was admitted into evidence.

The written testimony from Elizabeth Ann Stone and Steven Montgomery were entered into the records as the Land Use Commission's Exhibits 1 and 2 respectively.

All of those appearing as public witnesses, or in behalf of the parties, were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PUBLIC WITNESSES

Sherry Broder, representing Senator Norman Mizuguchi

Read letter from Senator Mizuguchi-----82 to 86
Cross examination by Mr. Izumi-----86 to 96
Cross examination by Mr. Moseley-----96 to 100
Examination by Vice Chairman Nakagawa-----100 to 101
Examination by Commissioner Yanai-----101

Quinna Renner - Representing Aiea Neighborhood Board No. 20

Read from prepared testimony-----102 to 106
Cross examination by Mr. Scott Nakagawa-----108 to 111
Examination by Commissioner Oura-----112
Examination by Commissioner Whitesell-----112
Examination by Vice Chairman Nakagawa-----112 to 113
Examination by Commissioner Pascua-----113 to 114
Examination by Commissioner Whitesell-----114

Colonel John L. Susott, Representing Mr. Ed Colozzi

Read letter-----120 to 122
Cross examination by Mr. Kato-----122 to 123
Examination by Commissioner Whitesell-----123 to 124

Richard H. Davis - Representing Hawaiian Trail & Mountain Club

Read from prepared testimony-----126 to 131

Richard H. Davis (cont.)

Cross examination by Mr. Izumi-----131 to 133
Cross examination by Mr. Kato-----133 to 134
Cross examination by Mr. Miller-----134 to 138
Examination by Commissioner Whitesell-----138 to 140
Examination by Chairman Duke-----140 to 141

Nelson M. Yrizarry - Resident

Read from prepared testimony-----141 to 144
Cross examination by Mr. Izumi-----144 to 145
Cross Examination by Mr. Miller-----146 to 147
Cross examination by Mr. Scott Nakagawa-----147 to 148

PETITIONER

Charles Hamane - President of the Hawaiian Property Division
of Lear Siegler

Direct examination by Mr. Izumi-----153 to 170
Cross examination by Mr. Kato-----170 to 174
Cross examination by Mr. Miller-----174 to 175
Cross examination by Mr. Scott Nakagawa-----176 to 189
Redirect examination by Mr. Izumi-----189 to 190

Barry Root - Geophysics Assistant to the Admiral of the
Third Fleet, Pearl Harbor

Direct examination by Mr. Izumi-----193 to 195
Cross examination by Mr. Scott Nakagawa-----195 to 198

At 5:24 p.m., Chairman Duke announced that the hearing will
be continued until 9:30 tomorrow morning, February 7, 1979.