

STATE OF HAWAII
LAND USE COMMISSION

Approved
6/14/77

Minutes of Meeting

Parker Methodist Church
Kaneohe, Hawaii

February 9, 1977 - 10:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Charles Duke
James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: Stanley Sakahashi, Vice Chairman

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray P. Russell, Court Reporter

Chairman Tangen called the meeting to order and announced that the evening portion of the hearing will be held at the Waiahole Elem. School. It was also pointed out that, upon advice of counsel, none of the Commissioners had examined any of the exhibits or posters displayed to the rear of the hearing room since these were not matters in evidence before the Commission.

HEARING

A76-423 - WINDWARD PARTNERS

Pursuant to a notice published in the Honolulu Star Bulletin on January 5, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Windward Partners to amend the land use district boundaries for approximately 429.20 acres from Agricultural to Urban at Waikane, Koolaupoko, Oahu, Docket No. A76-423.

Procedures to be followed were outlined by the Chairman. He also announced that at the Commission's meeting on February 4, 1977, the following were admitted to the proceedings:

Intervenors:

1. Koa Adolpho, et al
2. Kahaluu Neighborhood Bd. No. 29
3. Kaneohe Neighborhood Bd. No. 30
4. Lilinoe B. Ewaliko, et al

Mr. Edwin Y. Sasaki, representing Ewaliko et al, submitted that it had been stipulated between him and Judge Hawkins, representing the petitioner, that although the Ewaliko property lies within the Waikane Valley, it is not included in the request for reclassification under petition A76-423.

Witnesses

1. Life of the Land
2. Oliver Kupau

Upon motion by Commissioner Whitesell, seconded by Commissioner Machado, it was unanimously approved to permit Dr. John Charlot to appear as a witness.

On the matter of Mr. Wilbert Humphries' request for reconsideration of his application to appear as a witness which had been denied at the February 4th meeting, it was Chairman Tangen's suggestion that Mr. Humphries consult with one of the admitted parties to appear as its witness.

APPEARANCES

Allen Hawkins, Attorney representing petitioner

Jane Howell, Deputy Corporation Counsel, representing
the Department of General Planning

Gilbert Lee, Deputy Attorney General, representing DPED

Michael Hare, representing Koa Adolpho et al

Dr. Frederick Reppun, representing Kahaluu Neighborhood
Board No. 29

Dona Hanaike, representing Kaneohe Neighborhood Board No. 30

All those planning to testify during this hearing were duly sworn in by the Chairman.

Mr. Gordan Furutani, Executive Officer, located the subject parcel on the various maps and oriented its location with the surrounding landmarks.

PUBLIC WITNESSES

There was no representative present from Life of the Land.

Mr. Oliver Kupau, representing himself and several property owners in Waiahole Valley, read from a prepared statement.

Dr. Charlot presented his prepared testimony.

PETITIONER

Exhibits

Since there were no objections from any of the parties, Petitioner's Exhibits 1 through 11 were admitted into evidence.

Thomas Sahara - Witness

Mr. Thomas Sahara, specialist in land utilization at the University, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on---- Pages

Direct examination by Mr. Hawkins-----	25 to 33
Cross examination by Mr. Lee-----	34 to 38
Cross examination by Mr. Hare-----	39 to 45
Cross examination by Dr. Reppun-----	45 to 47
Recross examination by Mr. Lee-----	48 to 49
Redirect examination by Mr. Hawkins-----	49 to 51
Recross examination by Mr. Hare-----	51 to 52
Questioned by Commissioner Yanai-----	52 to 53

Richard S. Matsunaga - Witness

Mr. Richard Matsunaga, architect-planner who prepared the petition, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on--- Pages

Direct examination by Mr. Hawkins-----	57 to 66
Cross examination by Miss Howell-----	66 to 67
Cross examination by Mr. Lee-----	67 to 69

Mr. Hare raised objections to the fact that not all of the witnesses will be available for examination regarding certain subjects covered in the petitioner's Environmental Baseline Study.

Chairman Tangen ruled that in instances where a witness is not presented for cross examination, the Commission will note this fact and consider such evidence as hearsay.

The meeting recessed for lunch at noon and reconvened at 1:30 p.m.

Matsunaga - Cont.

	<u>Pages</u>
Recross examination by Mr. Lee-----	77 to 80
Recross examination by Mr. Hare-----	81 to 99

	<u>Pages</u>
Cross examination by Dr. Reppun-----	100 to 108
Questioned by Commissioner Yanai-----	109 to 111
Questioned by Commissioner Machado-----	111 to 113

Joseph R. Pao - Witness

Mr. Joseph Pao of Windward Partners, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Mr. Hawkins-----	113 to 125
Cross examination by Miss Howell-----	125 to 126
Cross examination by Mr. Lee-----	127 to 132
Cross examination by Mr. Hare-----	133 to 172
Cross examination by Dr. Reppun-----	174 to 175
Cross examination by Miss Hanaike-----	175 to 176
Questioned by Commissioner Yanai-----	177 to 180
Questioned by Commissioner Machado-----	180 to 182
Questioned by Counselor Marsh-----	182 to 184

CITY & COUNTY OF HONOLULU

County's Exhibits A through G were identified and entered into evidence.

Robert R. Way - Witness

Mr. Robert R. Way, Chief Planning Officer, Department of General Planning, City & County of Honolulu, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Howell-----	185 to 188
Cross examination by Mr. Hawkins-----	188 to 191
Cross examination by Mr. Lee-----	191
Cross examination by Mr. Hare-----	192
Questioned by Commissioner Whitesell-----	193 to 195

Chairman Tangen announced that at the continuation of the hearing commencing at 7:00 p.m. at the Waiahole Elementary School, there was a stipulation from all of the parties that intervenor Adolpho et al, represented by Mr. Hare, will be allowed to present their case to accommodate those residents who may not be able to participate otherwise.

Mama Loa - Witness

Upon request by Mama Loa, she was permitted to appear as a witness for Alolpho et al, at this time, testified and was examined as set forth in the transcript on----- Pages

Oral testimony----- 197 to 203

Cross examination by Mr. Hawkins----- 204 to 205

The meeting was recessed at 5:08 p.m.