

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hilo Armory
Hilo, Hawaii

Approved
March 29, 1976

February 12, 1976 - 10:35 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
James Carras
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

COMMISSIONER ABSENT: Colette Machado

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Benjamin Matsubara, Consultant
Dora Horikawa, Clerk Reporter

Louis Carnazzo, Court Reporter

HEARINGS

A75-404 - HONOKAA SUGAR COMPANY

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Star Bulletin on January 12, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Honokaa Sugar Company to amend the land use district boundaries for approximately 42 acres from the Agricultural District into the Urban District at Honokaa, Hawaii for residential lots, Docket No. A75-404.

It was announced by the Chairman that a Motion for Leave to Intervene in the application of Honokaa Sugar Company by Mr. Alan Tyler had been withdrawn and since there were no objections by the parties, the matter was not before the Commission.

Appearances:

Ellsworth M. Bush, Land Administrator of Theo H. Davies & Company, Ltd., representing the petitioner

Clifford Lum, Corporation Counsel of Hawaii, and
Kats Yamada, Deputy Corporation Counsel of Hawaii, representing
the County Planning Department

Gilbert Lee, Deputy Attorney General, representing the Department of Planning & Economic Development

Chairman Tangen declared that all of the above were admitted as parties to the proceedings.

At the Chairman's request, Mr. Leong, Acting Executive Officer, oriented the Commission and parties to the area under petition with the aid of the Land Use District Map posted on the board.

All those testifying today were sworn in by the Chairman.

Petitioner

Ellsworth M. Bush

Mr. Ellsworth M. Bush, Land Administrator of Theo H. Davies & Company, Ltd., having been duly sworn in, was examined and testified as set forth in the transcript on - - - - - Pages

Oral Presentation in support of the petition - - - - -	6 to 8
Questioned by Commissioner Yamamura - - - - -	8 to 12
Questioned by Commissioner Yanai - - - - -	12 14 to 18
Questioned by Commissioner Whitesell - - - - -	13 to 14
Questioned by Chairman Tangen - - - - -	18
Cross Examination by Mr. Lee - - - - -	23 to 32
Cross Examination by Mr. Yamada - - - - -	33 to 39

Exhibits

The following documents were marked for identification and introduced into evidence as the Petitioner's (Honokaa Sugar Company) exhibits:

Exhibit 1 - Petition for Amendment to the Land Use District Boundary

Exhibit 2 - Honokaa Sugar Company's Schematic Land Use Study

Exhibit 3 - Survey of Interest in Housing (to be submitted later by Mr. Bush)

Hawaii Planning Department

Sidney Fuke - Witness

Mr. Sidney Fuke, Deputy Planning Director of Hawaii, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on- - - - - Pages

Cross examination by Mr. Lee - - - - - 40 to 47

Questioned by Commissioner Whitesell - - - - - 48

Questioned by Commissioner Yanai - - - - - 49 to 53

Questioned by Commissioners Yamamura, Whitesell, Chairman Tangen - - - - - 71 to 74

Exhibits

The following document was marked for identification and introduced into evidence as the Hawaii County Planning Department's Exhibit:

Exhibit 1 - Written testimony of Mr. Raymond Suefuji, Planning Director, Hawaii Planning Department

Department of Planning and Economic Development

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, State Department of Planning & Economic Development, 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. Lee - - - - - 64 to 68

Questioned by Chairman Tangen, Vice Chairman Sakahashi, Commissioners Whitesell and Yamamura - - - - - 68 to 71

The Chairman noted for the record and Mr. Fujimoto agreed that the statement "25 miles mauka of the Hamakua Coastline" in Mr. Fujimoto's written testimony (on page 1) should be corrected to read "2.5 miles mauka...".

Exhibits

The following documents were marked for identification and introduced into evidence as the Department of Planning and Economic Development's Exhibits:

Exhibit 1 - Testimony in Opposition of Petitioner by Tatsuo Fujimoto for Hideto Kono, Director, Department of Planning & Economic Development

Exhibit 2 - Letter to Mr. H. Kono from Mr. John Farias of the Board of Agriculture, dated February 9, 1976, questioning necessity of reclassifying sugar cane lands to urban

Chairman Tangen sustained Mr. Yamada's objection to the admissibility of DPED's Exhibit B, i.e. Decision and Order by the Land Use Commission during the 1974 Boundary Review with respect to the reclassification request by Theo. H. Davies & Co., Ltd. for the same subject area.

A lunch recess was called at 12:35 p.m.

* * * * *

The meeting reconvened at 2:25 p.m.

Examination of Mr. Fujimoto was continued as set forth in the transcript on - - - - - Pages

Cross examination by Mr. Yamada - - - - - 76 to 84

CLOSING REMARKS

The closing remarks by the parties are as set forth in the transcript on - - - - - Pages

Mr. Lee - - - - - 85

Mr. Yamada - - - - - 85 to 89

Mr. Bush - - - - - 89 to 92

Mr. Bush responding to Chairman Tangen - - - - - 92 to 95

Chairman Tangen announced that the petitioner will have 30 days within which to submit to the Commission proposed findings of fact and conclusions of law according to Part 4 of the Rules and Regulations, and that copies of such findings of fact and conclusions of law be served upon all the other parties. The parties will have 15 days in which to respond to the petitioner's proposed decision and order.

The hearing on A75-404 was closed.

A75-406 - YAMADA ESTATES

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Star Bulletin on January 12, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Yamada Estates to amend the land use district boundaries for approximately 5.3 acres from the Agricultural District into the Urban District at Waiakahiula, Puna, Hawaii for commercial use.

Appearances:

Masanori Kushi, Attorney, representing the petitioner

Katsuya Yamada, Deputy Corporation Counsel, representing the Hawaii Planning Department

Gilbert Lee, Deputy Attorney General, representing the Department of Planning and Economic Development

All of the above were admitted as parties to the proceedings and the Chairman swore in all those testifying during these proceedings who were not attorneys.

Petitioner

Richard Chong - Witness

Mr. Richard Chong, Project Manager for Yamada Estates, 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. Kushi - - - - - 5 to 14

Cross examination by Mr. Lee - - - - - 14 to 16

Exhibits

The following documents were marked for identification and introduced into evidence as the Petitioner's (Yamada Estate) exhibits:

- Exhibit 1 - Petition for Amendment to the Land Use District Boundary
- Exhibit 2 - Hawaiian Beaches & Parks Ocean Front Development
- Exhibit 3 - Preliminary Proposed Neighborhood Shopping Facility
- Exhibit 4 - Balance Sheet of Yamada Estates, December 31, 1975
- Exhibit 5 - Photograph of existing Odo Store

Hawaii Planning Department

Sidney Fuke - Witness

Mr. Sidney Fuke, Deputy Planning Director, Hawaii Planning Department, 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. Yamada - - - - - 20 to 22

Cross examination by Mr. Lee - - - - - 22 to 23

Questioned by Commissioner Whitesell - - - - - 24

Exhibits

The following document was marked for identification and introduced into evidence as the County's exhibit:

- Exhibit 1 - Subdivision Map

The written testimony from the County of Hawaii was admitted into evidence.

Department of Planning and Economic Development

Mr. Tatsuo Fujimoto's written testimony was admitted into evidence.

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, State Department of Planning and Economic Development, having been duly sworn in, was called as a witness

examined and testified as set forth in the transcript
on - - - - - Pages
Directoexamination by Mr. Lee - - - - - 26

Closing Remarks

The closing remarks by the parties are as set forth in the
transcript on - - - - - Pages

Mr. Yamada - - - - - 26 to 27
Mr. Kushi - - - - - 27 to 28

The hearing on A75-406 was closed.

ACTION

APPLICATION BY DEPARTMENT OF PARKS AND RECREATION, COUNTY OF HAWAII
(SP76-234) FOR A SPECIAL PERMIT TO ESTABLISH A COMMUNITY CENTER
FACILITY AT HOLUALOA, NORTH KONA, HAWAII

Mr. Ah Sung Leong, Acting Executive Officer, gave a resumé of
the staff memo relative to the subject Special Permit request (see
copy of report on file).

Upon motion by Commissioner Oura, seconded by Commissioner
Yamamura, the Special Permit was unanimously approved, subject to the
4 conditions imposed by the Hawaii County Planning Commission.

Chairman Tangen announced that the meeting will be continued
tomorrow at 9:00 a.m. in the Aloha Room of the Hilo Lagoon Hotel to
adopt the minutes of previous meetings and to discuss legislative
matters.

The meeting was adjourned thereafter.