

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Wahiawa Recreation Center  
Wahiawa, Ohau, Hawaii

March 1, 1977 - 9:00 a.m.

*Approved*  
*6/28/77*

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

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

ACTION

SP77-258 - MAKOTO NITAHARA DBA NANI MAU GARDENS  
APPLICATION FOR SPECIAL PERMIT TO SERVE FOODS AND DRINKS, AND  
TO PROVIDE ENTERTAINMENT AT THE NANI MAU GARDENS IN THE AGRI-  
CULTURAL DISTRICT AT PANAWEA FARM LOTS, WAIAKEA, SOUTH HILO, HAWAII

Chairman Tangen called on the Executive Officer to identify the subject parcel on the map and to summarize the pertinent facts contained in the staff memo.

Following a brief discussion, Commissioner Carras moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Oura and unanimously carried.

SP77-257 - DEIRDRE WALLER  
SPECIAL PERMIT APPLICATION TO ESTABLISH A DAY CARE CENTER IN THE  
AGRICULTURAL DISTRICT AT NIENIE, HAMAKUA, HAWAII

Mr. Furutani, Executive Officer, located the subject parcel on the map and enumerated the conditions imposed by the County Planning Commission.

Upon motion by Commissioner Oura and seconded by Commissioner Duke, it was unanimously carried to approve the Special

Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

HEARING

A76-427 - MILILANI TOWN, INC.

Pursuant to a notice published in the Honolulu Star Bulletin on January 28, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Mililani Town, Inc. to amend the land use district boundaries for approximately 591 acres presently in the Agricultural District into the Urban District at Mililani Town, Oahu, Docket No. A76-427.

Petition for Intervention

Timely Request by Neighborhood Board No. 25

Upon motion by Commissioner Duke, seconded by Commissioner Machado, Neighborhood No. 25, represented by Mr. John C. Holmstrom, was admitted as a party to the proceedings.

Untimely Request by Life of the Land

It was moved by Commissioner Duke and seconded by Commissioner Carras to deny the intervention request by Life of the Land due to its untimeliness. The motion was carried unanimously.

Admittance of Public Witness

Commissioner Duke moved to waive the requirement for timely application and to admit Mr. Edward Brown of Life of the Land as a public witness. The motion was seconded by Commissioner Whitesell and carried.

Swearing In

All those testifying during these proceedings were duly sworn in by the Chairman.

Mr. Furutani identified the petitioned area on the map.

Public Witness

Mr. Edward Cooper Brown, representing Life of the Land, having been duly sworn in, testified and was examined as set forth in the transcript on----- Pages

Oral testimony-----	22 to 24
Examined by Commissioner Machado-----	25
Examined by Commissioner Whitesell-----	25 to 26

EXHIBITS

All of the following exhibits were identified and admitted into evidence:

Petitioner

Exhibits 1 through 20 (including 6-A). DPED and County reserved their objections to Exhibits 15 through 19 since they involved storage problems at Kipapa and there was no indication that someone from the Army will be available for examination.

DPED

Exhibits 1 through 5. It was noted by Mr. Lee that a smaller version of the large pictorial exhibit, marked Exhibit 1, will be submitted for the record.

County

Exhibits A through H.

WITNESSES

All of the persons who were called as witnesses by either the petitioner or the parties were duly sworn in, testified and examined as set forth in the transcript on the pages as noted.

PETITIONER

Witnesses

Pages

Wendell Brooks, President and General Manager of Mililani Town

Direct examination by Mr. James Funaki----- 30 to 58

Cross examination by Mr. Gilbert Lee----- 58 to 66

The hearing was recessed for lunch from 11:51 a.m. to 1:30 p.m.

Wendell Brooks - Cont.

Continuation of examination by Mr. Lee----- 66 to 80

Cross examination by Mr. John Holmstrom----- 80 to 84

Redirect examination by Mr. Funaki----- 85

Recross examination by Mr. Lee----- 86

Examination by Commissioner Machado----- 87

Examination by Commissioner Duke----- 88

Examination by Chairman Tangen----- 88 to 90

COUNTY

At Miss Howell's request, the following witnesses for the County were called out of order since their presence had been requested by the other parties and the Commissioners:

Chester Lao, Hydraulic Geologist, Board of Water Supply

Direct examination by Miss Howell-----	92 to 93
Cross examination by Mr. Funaki-----	94 to 95
Examination by Chairman Tangen-----	95 to 98
Examination by Commissioner Whitesell-----	98 to 99
Recross examination by Mr. Funaki-----	99 to 101
Cross examination by Mr. Lee-----	101 to 108
Cross examination by Mr. Holmstrom-----	108 to 109
Recross examination by Mr. Funaki-----	110 to 111
Examination by Commissioner Duke-----	111 to 113
Examination by Vice Chairman Sakahashi-----	113 to 114
Reexamination by Commissioner Whitesell-----	114 to 116

George Richardson, Chief of the Sanitary Engineering and Laboratory Branch of the Division of Sewers

Direct examination by Miss Howell-----	117 to 118
Cross examination by Mr. Funaki-----	118 to 121
Cross examination by Mr. Lee-----	121 to 124
Examination by Vice Chairman Sakahashi-----	124 to 125
Examination by Commissioner Whitesell-----	125 to 126

PETITIONER - Cont.

Witnesses

Keiji Amemiya, Superintendent of Accounts Payable, Dole Wahiawa Plantation

Direct examination by Mr. Funaki-----	126 to 131
Cross examination by Mr. Lee-----	131 to 141

Cross examination by Mr. Holmstrom----- 141 to 146  
 Redirect examination by Mr. Funaki----- 146 to 147  
Peter Ulrich, Director of Budget and Cost Control, Dole  
 Company  
 Direct examination by Mr. Funaki----- 147 to 150  
 Examination by Chairman Tangen----- 150 to 151  
 Cross examination by Mr. Lee----- 151 to 157

Chairman Tangen announced that during the recess, it had been agreed by all parties that two more witnesses for the petitioner will be heard today, and that the hearing will be continued on March 9, 1977 at 9:00 a.m., place to be announced later.

George Yim, Vice President and Secretary of Mililani Town,  
 Inc.

Direct examination by Mr. Funaki----- 158 to 170  
 Cross examination by Mr. Lee----- 170 to 175

Malcolm Maehara, Vice President of Agriculture at  
 Wailua Sugar Co.

Direct examination by Mr. Funaki----- 175 to 176  
 Examination by Commissioner Yanai----- 177 to 178

It was announced by the Chair that Conference Room 322 in the new State Building had been confirmed as the meeting site for the continuation of this hearing on March 9, 1977 at 9:00 a.m.

The meeting was adjourned at 5:25 p.m.