

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Resolution Room
Kona Hilton Hotel
Kailua-Kona, Hawaii

Approved
5-5-82

March 9, 1982 - 9:30 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy
Shinsei Miyasato
Phil Tacbian
Robert Tamaye

COMMISSIONERS ABSENT: Everett Cuskaden
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

Maureen Rooney, Court Reporter

CONTINUED HEARING

A81-518 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

It was announced by Chairman Yuen that the hearing on the subject petition was being continued from February 25, 1982 for the purpose of permitting the petitioner to present additional testimony regarding the availability of water to the subject property.

Appearances

Annette Chock, Deputy Attorney General, representing the petitioner

Sidney Fuke, Planning Director, representing the Hawaii Planning Department

Additional Exhibits

Petitioner's exhibits G-1, G-2 and H were admitted into evidence.

Mr. Fuke submitted that, in light of the information

contained in the petitioner's additional exhibits, the County was changing its position and was now recommending approval of the boundary amendment request.

At the conclusion of a discussion among the parties and Commission members over the water issue, Chairman Yuen declared that the hearing on A81-518 was closed. Post-hearing instructions for the submittal of proposed findings, conclusions of law were outlined by the Chairman. All parties waived closing arguments at this time and elected to defer arguments until the action meeting.

HEARING

A81-525 - Y-O LIMITED PARTNERSHIP

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on February 1, 1982 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Y-O Limited Partnership to reclassify 410.913 acres of land currently in the Agricultural District into the Urban District at Kohanaiki and Kaloko, North Kona, Hawaii, Docket A81-525.

Appearances

Clifford Lum, Attorney, representing the petitioner

Sidney Fuke, Planning Director, representing the
Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing the
Department of Planning & Economic Development

Mr. Chu, staff planner, oriented the Commission to the area under petition, and identified various land uses surrounding the property.

Exhibits

Petitioner's exhibits A through N, including A-1, B-1, B-2 and H-1 were identified and moved into evidence.

County's exhibits A through J were admitted into evidence.

DPED's exhibit 1 was admitted into evidence.

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

Public Witness

Upon motion by Vice Chairman Whitesell, seconded by Commissioner Tamaye, Mrs. Priscilla MacGregor was admitted to testify as a public witness.

Priscilla MacGregor - Resident of the area

- Oral testimony-----22 to 23
- Cross examination by Mr. Lum-----24 to 25
- Cross examination by Mr. Fuke-----26 to 27
- Cross examination by Miss Chock-----27 to 28
- Examination by Commissioner Tacbian-----28 to 29

PETITIONER

Stanley Himeno - President of Honolulu International Hawaii, Inc.

- Direct examination by Mr. Lum-----30 to 34
- Cross examination by Mr. Fuke-----34 to 40
- Cross examination by Miss Chock-----40 to 48

A short recess was called by the Commission

Chairman Yuen announced that, during the recess, the Commission had received a communication from the Kona Heavens Association expressing its concern over the problem of over-taxing the existing roadway system. Since there were no objections from any of the parties, the communication was entered into the record.

Stanley Himeno (cont.)

- Cross examination by Miss Chock (cont.)-----50 to 54
- Redirect examination by Mr. Lum-----54
- Examination by Commissioner Tacbian-----55 to 56
- Examination by Vice Chairman Whitesell-----56 to 58
- Examination by Chairman Yuen-----59 to 66

Francis Ching - President of Archaeological Research Center

Mr. Ching's resume was identified as petitioner's exhibit O and admitted into evidence.

Direct examination by Mr. Lum-----67 to 72

Cross examination by Mr. Fuke-----72 to 75

Examination by Vice Chairman Whitesell-----77 to 79

Examination by Commissioner Tacbian-----79 to 81

Gary Kawasaka - Hawaii Department of Water Supply

The Chairman granted petitioner leave to submit, at a later date, the required number of the map to which Mr. Kawasaka was referring during his testimony, to be identified as petitioner's exhibit P.

Direct examination by Mr. Lum-----83 to 88

The Commission was in recess from 12:20 p.m. to 1:40 p.m.

1:40 p.m.

Request by Elizabeth A. Stone

Vice Chairman Whitesell moved to permit Ms. Stone to testify as a public witness, which was seconded by Commissioner Tacbian. The motion did not carry.

Whereupon, Vice Chairman Whitesell moved to accept Ms. Stone's written testimony, if such becomes available, into the record. The motion was seconded by Commissioner Tacbian and unanimously approved.

Gary Kawasaka (cont.)

Cross examination by Mr. Fuke-----91 to 105-A

Cross examination by Miss Chock-----106 to 106-A

Redirect examination by Mr. Lum-----106-A to 107

Examination by Vice Chairman Whitesell-----107 to 110

Examination by Commissioner Choy-----110 to 111

Examination by Chairman Yuen-----111 to 122

Reexamination by Vice Chairman Whitesell-----122 to 123

Quirino Antonio - Hawaii Department of Water Supply

Examination by Vice Chairman Whitesell-----124 to 125

Direct examination by Mr. Lum-----125 to 127

Cross examination by Mr. Fuke-----127 to 132

Cross examination by Miss Chock-----132 to 134

Examination by Commissioner Tacbian-----134 to 135

Nick Berg - Real Estate Business Consultant

Direct examination by Mr. Lum-----137 to 140

Cross examination by Mr. Fuke-----140 to 142

Cross examination by Miss Chock-----142 to 147

Redirect examination by Mr. Lum-----147 to 148

Examination by Chairman Yuen-----148 to 153

Gerald Park - Urban Planner

Direct examination by Mr. Lum-----153 to 164

Cross examination by Mr. Fuke-----164 to 169

Cross examination by Miss Chock-----169 to 175

Examination by Vice Chairman Whitesell-----175 to 177

Examination by Chairman Yuen-----177 to 184

It was announced by the Chairman that the hearing on Docket A81-525, Y-O Limited Partnership will be continued until a later date, to be determined by agreement of all the parties.

The hearing recessed at 4:45 p.m., to be continued on an unspecified date.