

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Resolution Room  
Kona Hilton Hotel  
Kailua, Kona, Hawaii

March 11, 1980 - 10:00 a.m.

*Approved*

JUL 1 1980

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

COMMISSIONER ABSENT: William Yuen

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

HEARING

A79-468 - PACIFIC BASIN RESORTS

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on February 8, 1980, and notices sent to all parties, a hearing was held by the Land Use Commission in the matter of the petition by Pacific Basin Resorts, A79-468, to amend the land use district boundaries at North Kona, Hawaii.

Appearances

Jon T. Miho, Attorney representing petitioner

Duane Kanuha, Deputy Planning Director, representing  
the Hawaii Planning Department

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

Intervenor

It was noted by the Chairman that a request for intervention from Elizabeth Stone had been received but that Ms. Stone was not present today.

It was moved by Commissioner Oura to deny the petition for intervention by Ms. Stone and seconded by Commissioner Pascua. The motion was unanimously carried. The Chairman directed Counselor Kawada to prepare the Decision and Order relevant to the foregoing action by the Commission.

Exhibits

Petitioner's Exhibits 1-A, 1-B, 1-C through 9, were admitted into evidence.

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

A description of the property under petition was presented by staff planner.

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

PETITIONER

Alan Haida - President, Sanal, Inc., one of the General Partners of Pacific Basin Resorts

Direct examination by Mr. Miho-----15 to 16

Cross examination by Miss Chock-----17 to 18

Examination by Chairman Duke-----18 to 21

Redirect examination by Mr. Miho-----21 to 22

Gregg Kashiwa - President of Gregg Kashiwa, Inc., one of the General Partners of Pacific Basin Resorts

Direct examination by Mr. Miho-----22 to 34

Cross examination by Mr. Kanuha-----34 to 40

Cross examination by Miss Chock-----40 to 49

The Commission was in recess from 12:00 m. to 1:30 p.m.

1:30 p.m.

Gregg Kashiwa (cont.)

Cross examination by Miss Chock (cont.)-----49 to 52  
Examination by Vice Chairman Nakagawa-----52 to 53  
Examination by Commissioner Pascua-----53 to 54  
Examination by Commissioner Whitesell-----54 to 55  
Examination by Chairman Duke-----55 to 61

Gerald Park - Planning Consultant

Direct examination by Mr. Miho-----63 to 67  
Cross examination by Mr. Kanuha-----68 to 69  
Cross examination by Miss Chock-----69 to 76  
Redirect examination by Mr. Miho-----76 to 77  
Recross examination by Miss Chock-----77 to 78  
Examination by Commissioner Whitesell-----79 to 80  
Examination by Vice Chairman Nakagawa-----81  
Reexamination by Commissioner Whitesell-----81 to 82

Hallett Hammatt - Archaeologist

Direct examination by Mr. Miho-----82 to 84  
Cross examination by Mr. Kanuha-----84 to 87  
Cross examination by Miss Chock-----87 to 90  
Examination by Commissioner Whitesell-----90 to 95  
Examination by Vice Chairman Nakagawa-----95 to 96  
Examination by Chairman Duke-----96 to 98

James Lovell, Jr. - President of James Lovell Associates, one  
of the General Partners of Pacific Basin

Direct examination by Mr. Miho-----99 to 103

James Lovell, Jr. (cont.)

Cross examination by Miss Chock-----104

Examination by Chairman Duke-----104 to 106

Cross examination by Mr. Kanuha-----106 to 107

Exhibit

Petitioner's Exhibit 10, financial statement, was identified and admitted into evidence.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

The following State's witness was called out of turn to testify:

Harold Kurihara - Hawaii Housing Authority

Direct examination by Miss Chock-----108 to 120

Cross examination by Mr. Miho-----120 to 131

Cross examination by Mr. Kanuha-----132 to 138

Redirect examination by Miss Chock-----138 to 139

Recross examination by Mr. Miho-----139 to 142

Recross examination by Mr. Kanuha-----142 to 144

Examination by Commissioner Yanai-----144 to 147

Examination by Commissioner Oura-----147 to 148

Examination by Vice Chairman Nakagawa-----148 to 150

Examination by Commissioner Whitesell-----150 to 152

Examination by Commissioner Pascua-----152 to 154

Examination by Chairman Duke-----154 to 157

COUNTY OF HAWAII

Norman Hayashi - Planner

Direct examination by Mr. Kanuha-----159 to 164

Norman Hayashi (cont.)

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|---|------------|
| Cross examination by Miss Chock-----                                | 164 to 169 |
| Comments by Mr. Kanuha-----   | 170 to 172 |
| Examination by Commissioner Yanai-----                              | 172 to 173 |
| Examination by Commissioner Whitesell-----                          | 173 to 177 |
| Examination by Vice Chairman Nakagawa-----                          | 177 to 178 |
| Mr. Kanuha's response to Commissioner<br>Whitesell's questions----- | 178 to 180 |

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT (cont.)

DPED's written testimony was identified as Exhibit 1 and admitted into evidence.

Tatsuo Fujimoto - Head, Land Use Division

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| Direct examination by Miss Chock-----      | 181 to 185 |
| Cross examination by Mr. Miho-----         | 186 to 188 |
| Cross examination by Mr. Kanuha-----       | 189 to 191 |
| Redirect examination by Miss Chock-----    | 191 to 192 |
| Examination by Commissioner Whitesell----- | 192 to 194 |

Closing Arguments

Each party to the proceeding was given equal time to present his closing arguments.

Chairman Duke granted the County's request to waive the submittal of the proposed findings of fact and conclusions of law. It was also announced that action on subject petition will be conducted through the proposed decision procedure.

Adoption of Minutes

The minutes of October 16, 1979 were adopted as circulated and as amended as follows:

Commissioner Whitesell did not vote on Docket A79-457, John H. Midkiff, Jr.

The meeting adjourned at 6:59 p.m.