

STATE OF HAWAII
LAND USE COMMISSION

Approved
9/10/82

Minutes of Meeting

County Council Room
25 Aupuni Street
Hilo, Hawaii

June 1, 1982 - 9:30 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairamn
Lawrence Chun
Everett Cuskaden
Shinsei Miyasato
Winona Rubin
Teofilo Tacbian
Robert Tamaye
Frederick Whittemore

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

Maureen Rooney, Court Reporter

ACTION

A81-524 - CAMBRIDGE PACIFIC, INC.

In the matter of the petition by Cambridge Pacific, Inc. to reclassify certain lands from the Conservation into the Urban District, and from the Urban District into the Conservation District at Kaupulehu, North Kona, Hawaii, on which hearings had been held on February 25 and 26, 1982, the Commission considered a petition by Huehue Ranch to re-open the hearing and intervene in the petition.

A description of the property under discussion was offered by staff planner with the aid of the USGS quad and tax maps.

Appearances

Stephen Bess, Attorney representing Huehue Ranch
Roy Takeyama, Attorney representing Cambridge Pacific, Inc.
Norman Hayashi, Planner representing Hawaii County
Annette Chock, Deputy Attorney General representing the
Department of Planning & Economic Development

The arguments by each of the parties with respect to the motion before the Commission are recorded in the transcript on the pages noted.

Arguments

By Mr. Bess----- 6 to 12

Examination by Chairman Yuen-----12 to 17

Examination of Carl Carlson, General
Manager of Huehue Ranch by
Commissioner Cuskaden-----17 to 18

By Mr. Bess-----18

Reexamination of Mr. Carlson by Commis-
sioner Cuskaden-----19 to 21

By Mr. Takeyama-----21 to 25

By Miss Chock-----25 to 26

Commissioner Cuskaden moved to grant the petition to re-open the hearing and to intervene. The motion died for lack of a second.

Commissioner Tacbian moved to deny the petition to re-open the hearing and to intervene, which was seconded by Commissioner Tamaye.

Both Commissioners Tacbian and Rubin spoke in favor of the foregoing motion based on their assessment that the Commission had followed the due process according to the rules and proper notice had been served upon all parties. Commissioner Cuskaden maintained that good cause had been shown by Huehue Ranch for its request.

The motion was carried with the following votes:

Ayes: Commissioners Tacbian, Rubin, Miyasato, Chun,
Whittemore, Tamaye, Choy, Chairman Yuen

Nay: Commissioner Cuskaden

A81-518 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

In the matter of the petition by the Department of Planning and Economic Development to reclassify 190.237 acres of land from the Conservation District into the Urban District at Keahole, North Kona, Hawaii, for the expansion of facilities at Keahole Airport, a hearing was conducted by the Land Use Commission on February 25 and March 9, 1982.

Chairman Yuen declared that all 9 Commissioners present today were eligible to participate in the proceedings on this petition, by virtue of either having attended the hearing or by having reviewed the transcripts.

A description of the property was presented by staff planner.

Appearances

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

Norman Hayashi - Planner, representing the County of Hawaii

Closing Arguments

By Miss Chock-----34 to 40

The County waived its closing arguments.

Commissioner Tamaye moved to approve Docket A81-518 to amend the Conservation District into the Urban District for approximately 190 plus acres. It was seconded by Commissioner Tachian and unanimously carried.

In adopting the Commission's findings of fact and conclusions of law, Chairman Yuen recommended that the petitioner's proposal be used as the basis with minor changes.

CONTINUED HEARING

A81-525 - Y-O LIMITED PARTNERSHIP

It was announced by the Chairman that the hearing on subject petition was being continued from March 9, 1982. He called on staff planner to again orient the Commission to the property under discussion.

Appearances

Clifford Lum - Attorney, representing the petitioner

Sidney Fuke - Planning Director, representing the County of Hawaii

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

Exhibits

The admission of petitioner's additional exhibits P, Q and R were reserved, pending examination of the appropriate witnesses.

County's exhibit K was admitted into evidence.

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

PETITIONER

Richard Sato - Consulting Engineer

Direct examination by Mr. Lum----- 7 to 15
 Cross examination by Mr. Fuke-----15 to 22
 Cross examination by Miss Chock-----22 to 29
 Redirect examination by Mr. Lum-----29
 Examination by Commissioner Cuskaden-----30 to 33
 Examination by Commissioner Rubin-----33 to 34
 Examination by Chairman Yuen-----34 to 39
 The Commission was in recess from 12:00 noon to 1:20 p.m.

1:20 p.m.

Nick Berg - Realtor

Direct examination by Mr. Lum-----43 to 49
 Cross examination by Mr. Fuke-----50 to 52
 Cross examination by Miss Chock-----53 to 60
 Redirect examination by Mr. Lum-----60 to 61
 Examination by Vice Chairman Choy-----62 to 63
 Examination by Commissioner Whittemore-----64 to 65
 Examination by Chairman Yuen-----65 to 71

Nick Berg (cont.)

Examination by Commissioner Cuskaden-----71 to 79
Reexamination by Chairman Yuen-----79 to 87
Reexamination by Commissioner Cuskaden-----87

COUNTY OF HAWAII

Gary Kawasaka - Engineer, Department of Water Supply, County of
Hawaii

Direct examination by Mr. Fuke----- 89 to 100
Cross examination by Mr. Lum-----101 to 102
Cross examination by Miss Chock-----102 to 103
Redirect examination by Mr. Fuke-----103 to 104
Examination by Commissioner Tachian-----104 to 105
Examination by Commissioner Cuskaden-----105 to 111
Examination by Chairman Yuen-----111 to 113

Election of Officers

At this point, Chairman Yuen announced that he would entertain a motion to take an item out of order from the agenda due to the imminent departure of one of the Commissioners; more specifically, the Commission's annual election of officers. It was so moved by Commissioner Cuskaden and seconded by Commissioner Tachian, and the motion was unanimously carried.

Whereupon, Chairman Yuen turned the meeting over to the Executive Officer to conduct the election of officers.

Mr. Furutani called for nominations for Chairman of the Land Use Commission.

Commissioner Miyasato nominated William Yuen for Chairman and Commissioner Tamaye moved that the nominations be closed. All voted in favor of closing the nomination, and Mr. Furutani announced that William Yuen was re-elected as Chairman of the Land Use Commission. Thereafter, he turned the meeting over to the new Chairman-elect.

It was moved by Commissioner Miyasato to nominate Richard Choy as Vice Chairman. Commissioner Whittemore moved, seconded by Commissioner Cuskaden, to close the nomination. It was passed by voice vote and Richard Choy was announced as the newly elected Vice Chairman of the Commission.

A81-525 - Y-O LIMITED PARTNERSHIP (cont.)

COUNTY OF HAWAII (cont.)

Keith Kato - Planner, Hawaii Planning Department

Direct examination by Mr. Fuke-----116 to 127

The hearing was recessed at 4:15 p.m., to be reconvened at 8:30 a.m., June 2, 1982.