

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Meeting Room
First Hawaiian Bank
Kailua, Kona, Hawaii

August 10, 1981 - 10:00 a.m.

HEARING OFFICER: Benjamin Matsubara

STAFF PRESENT: . Joseph Chu, Planner
Donna Kohls, Court Reporter

REOPENED HEARING

A80-501 - KUMAKA, INC.

The Hearing Officer explained that a hearing on subject petition had been opened on April 3, 1981. Subsequently, there was a request from petitioner to reopen the hearing for purposes of submitting new testimony. Therefore, a notice was published in the Honolulu Advertiser and the Hawaii Tribune Herald on July 6, 1981 together with notices to all parties and the hearing on subject petition was being reopened today.

Appearances

Paul Nolte, Attorney representing petitioner

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

Randy Iwase, Deputy Attorney General, representing the
Department of Planning and Economic
Development

Esther Ueda, Planner, DPED

Motion to Reopen the Hearing

Mr. Iwase enumerated the reasons DPED was opposed to the reopening of the hearing. Petitioner's attorney Mr. Nolte submitted that petitioner had "misled themselves" into believing that there would be no problem with this relatively minor request but were caught by surprise when they were faced with the resources available to the other parties at the initial hearing. Thus, they retained Mr. Nolte to represent them.

Approved
11/13/81

Mr. Kanuha stated that the County had no comments to add to the discussion.

Based on the documents on file regarding the issue to reopen the hearing, Mr. Matsubara announced that the hearing will be reopened and he will receive additional testimony regarding subject petition.

Exhibits

Mr. Kanuha requested that County's new Exhibit 4a be entered into evidence.

Mr. Matsubara called on Mr. Chu, staff Planner, to again point out the location of the subject property.

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

PETITIONER

Leo Fleming - Civil Engineer

Direct examination by Mr. Nolte-----11 to 15

Cross examination by Mrs. Ueda-----15 to 17

Redirect examination by Mr. Nolte-----17 to 18

Examination by Mr. Matsubara-----18 to 19

Redirect examination by Mr. Nolte-----20 to 21

During the examination of petitioner's witness by Mr. Nolte, the following exhibits were admitted into evidence.

Exhibits L and N

Harry Hasegawa - Realtor

Direct examination by Mr. Nolte-----21 to 30

Cross examination by Mr. Kanuha-----30 to 33

Cross examination by Mrs. Ueda-----33 to 17

Redirect examination by Mr. Nolte-----37 to 38

Harry Hasegawa (cont.)

Recross examination by Mrs. Ueda-----38 to 39

Examination by Mr. Matsubara-----39 to 43

During the examination of Mr. Hasegawa, petitioner's Exhibits J-1 through J-5 were identified and admitted into evidence.

Donald McIntosh - Licensed Surveyor, Civil Engineer and Realtor

Direct examination by Mr. Nolte-----44 to 62

Cross examination by Mr. Kanuha-----62 to 65

Cross examination by Mrs. Ueda-----65 to 68

Examination by Mr. Matsubara-----68 to 69

Petitioner's Exhibits K and H were identified and moved into evidence.

Samuel Kang - Owner, Hawaii Auto Center

Direct examination by Mr. Nolte-----70 to 73

Cross examination by Mr. Kanuha-----73 to 75

Cross examination by Mrs. Ueda-----75 to 78

Redirect examination by Mr. Nolte-----78 to 79

Examination by Mr. Matsubara-----79 to 81

Redirect examination by Mr. Nolte-----81 to 82

Petitioner's Exhibit N was moved into evidence.

COUNTY OF HAWAII

County's Revised Exhibit 1 and Exhibits 2 through 4-A were admitted into evidence.

Mr. Kanuha submitted that the County had changed its original position relative to this petition and was now recommending approval based on new evidence which was introduced, showing that the problem of water availability had been alleviated. However, he emphasized that the County's support of this particular boundary amendment should not be construed to

be an endorsement of the proposed commercial use; rather that the question of use will be determined when either a General Plan amendment or zone change is requested for this property.

Duane Kanuha - Deputy Planning Director, HPD

Cross examination by Mr. Nolte-----87 to 89

Cross examination by Mrs. Ueda-----89 to 92

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Mrs. Ueda testified that the State had no additional testimony, evidence or witnesses at this time and it will rest its case on the basis of its record at the first hearing. It was also affirmed that DPED's position remained unchanged.

All parties waived closing arguments and the hearing on A80-501 was concluded at 1:00 p.m.

The Commission was in recess from 1:00 p.m. to 1:40 p.m.

1:40 p.m.

HEARING

A81-506 - NORMAN L. GREENWELL ET AL

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on July 6, 1981, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Norman L. Greenwell, et al to reclassify approximately 1 acre of land from the Agricultural District into the Urban District, Docket A81-506. The hearing was conducted by Hearing Officer Benjamin Matsubara.

Appearances

Robert Triantos, attorney representing the petitioner

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

Brian Nishimura, Planner, HPD

Daniel Yasui, Planner, representing the Department of
Planning & Economic Development

A description of the property was presented by Mr. Chu, staff Planner.

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

Public Witness

Since there were no objections from any of the parties, the untimely request to appear as a public witness by Mr. Michael Matsukawa was granted.

Michael Matsukawa, attorney representing Herbert Ushiroda, resident of the area

Oral testimony-----4 to 5

PETITIONER

Hubert F. Richards - Representing the Roman Catholic Church

Direct examination by Mr. Triantos-----6 to 8

Cross examination by Mr. Nishimura-----9 to 10

Cross examination by Mr. Yasui-----11 to 12

Petitioner's Exhibit 1 was admitted into evidence.

Steve Hicks - Representing Norman Greenwell

Direct examination by Mr. Triantos-----13 to 14

Cross examination by Mr. Nishimura-----14 to 17

Cross examination by Mr. Yasui-----17 to 20

Examination by Mr. Matsubara-----20 to 21

Recross examination by Mr. Nishimura-----21 to 22

Recross examination by Mr. Yasui-----23

Redirect examination by Mr. Triantos-----23 to 24

Reexamination by Mr. Matsubara-----24 to 25

Father Edward Fleming - Representing the Roman Catholic Church

Direct examination by Mr. Triantos-----25 to 33

Cross examination by Mr. Nishimura-----33 to 34

Examination by Mr. Matsubara-----34 to 35

Cross examination by Mr. Yasui-----35 to 40

Reexamination by Mr. Matsubara-----41 to 42

Father Ralph Sylva - Pastor of St. Michael's Church

Direct examination by Mr. Triantos-----43 to 45

HAWAII PLANNING DEPARTMENT

Mr. Nishimura noted an amendment to the County's Exhibit 1, item 39 as follows: "Although the State Department of Education originally commented that they had no objections to the application, more specific comments will be presented by the State Superintendent of Education, Mr. Charles Clark."

County's Exhibits 1 through 7 were marked for identification and entered into evidence.

Brian Nishimura - Planner

Oral testimony-----47 to 48

Cross examination by Mr. Yasui-----48

Examination by Mr. Matsubara-----48 to 50

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

DPED's Exhibits 1 and 2 were moved into evidence.

Herbert Watanabe - District Business Specialist, Department of Education

Direct examination by Mr. Yasui-----51 to 56

Cross examination by Mr. Triantos-----56 to 57

Examination by Mr. Matsubara-----57 to 59

Daniel Yasui - Planner

Summary of testimony-----60 to 61

Examination by Mr. Matsubara-----61 to 62

Closing Arguments

By Mr. Triantos-----62 to 64

By Mr. Nishimura-----65

Rebuttal by Mr. Triantos-----65

Mr. Robert Carlsmith, attorney also representing petitioner, entered into a discussion with the Hearing Officer regarding the condition that acquisition of the property by the Roman Catholic Church was contingent on obtaining the requisite zoning approvals.

The hearing was concluded at 3:40 p.m.