

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

First Hawaiian Bank
Kona Branch
Kailua, Kona, Hawaii

September 2, 1981 - 10:00 a.m.

Approved
11/23/81

HEARING OFFICER: Benjamin Matsubara

STAFF PRESENT: Joseph Chu, Planner
Marie C. Wagner, Court Reporter

HEARING

A81-507 - ROBERT C. PALMER

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on July 27, 1981, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Robert C. Palmer to amend the land use district boundaries for approximately 1.794 acres of land currently in the Agricultural District into the Urban District at Kaloko, North Kona, Hawaii for a residential subdivision, Docket A81-507. The hearing was conducted by Hearing Officer Matsubara.

Appearances

Mark Van Pernis, Attorney representing petitioner

Duane Kanuha, Deputy Planning Director, Hawaii Planning Department

Abe Mitsuda,) Planners, Land Use Division, representing the
Daniel Yasui,) Department of Planning & Economic Development

A description of the property was presented by Mr. Chu, staff planner, and the area was delineated on the USGS and tax maps.

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

PETITIONER

Petitioner's Exhibits B, C, D and E were marked for identification and moved into evidence.

Robert C. Palmer - Petitioner

- Direct examination by Mr. Van Pernis-----11 to 22
- Cross examination by Mr. Kanuha-----22 to 29
- Cross examination by Mr. Abe-----29 to 35
- Cross examination by Mr. Yasui-----35 to 37
- Redirect examination by Mr. Van Pernis-----37 to 38
- Examination by Mr. Matsubara-----38
- Recross examination by Mr. Kanuha-----43 to 45

A letter to be submitted later from the vendor of the agreement of sale on the subject property and financial statements (2) from the co-owners of the subject property were designated to be marked as Petitioner's Exhibits F, G-1 and G-2 respectively for identification.

The Hearing Officer advised that the hearing will remain open until receipt of the above documents and service upon all parties. Thereafter, the parties will have 10 days following receipt of the documents to request a rehearing, if necessary, for purposes of cross examination. If there is no request from any of the parties to examine the documents within the prescribed 10-day period, Mr. Matsubara will consider the hearing closed at that time.

COUNTY PLANNING DEPARTMENT

County's Exhibits 1 through 8 were identified and moved into evidence.

Duane Kanuha - Deputy Planning Director, representing Hawaii Planning Department

- Oral Testimony-----46 to 48
- Cross examination by Mr. Van Pernis-----48 to 58
- Cross examination by Mr. Mitsuda-----58 to 62
- Recross examination by Mr. Van Pernis-----62 to 64
- Examination by Mr. Matsubara-----64

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

DPED's Exhibits 1 and 2 were identified and entered into evidence.

Abe Mitsuda - Planner, Land Use Division

Oral Testimony-----65 to 69

Cross examination by Mr. Van Pernis-----69 to 75

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

Closing Arguments

By Mr. Van Pernis-----76 to 85

At the conclusion of all the presentations, Mr. Matsubara advised the parties of the post-hearing procedures and requirements.

A81-508 - MADELINE LESLIE

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on July 27, 1981 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Madeline Leslie to amend the land use district boundaries for approximately 7.3 acres of land currently in the Agricultural District into the Rural District at Kealia 1st, South Kona, Hawaii, Docket A81-508. The hearing was conducted by Hearing Officer Matsubara.

The location of the property was delineated on the maps by Mr. Chu.

Appearances

Milton Leslie, Petitioner's son representing Petitioner

Duane Kahuna, Deputy Planning Director, Hawaii Planning Department

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

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

PETITIONER

Milton Leslie - Petitioner's representative

Oral Testimony-----5 to 6
 Cross examination by Mr. Kanuha-----7
 Cross examination by Mr. Yasui-----8 to 12
 Examination by Mr. Matsubara-----12 to 15

COUNTY PLANNING DEPARTMENT

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

Duane Kanuha - Deputy Planning Director, representing Hawaii
Planning Department

Oral Testimony-----15 to 16
 Cross examination by Mr. Yasui-----16 to 17

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

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

Daniel Yasui - Planner, Land Use Division

Oral Testimony-----18 to 19

At the conclusion of the hearing, Mr. Matsubara advised all parties of the post-hearing procedures and closed the proceedings at 12:55 p.m.