

STATE OF HAWAII  
LAND USE COMMISSION

*Approved*

JAN 19 1983

Minutes of Meeting

Conference Rooms A, B & C  
Hilo State Building  
75 Aupuni Street  
Hilo, Hawaii

September 10, 1982 - 9:00 a.m.

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

COMMISSIONERS ABSENT: William Yuen, Chairman  
Everett Cuskaden

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

CONTINUED HEARING

A81-525 - Y-O LIMITED PARTNERSHIP

Chairman Choy announced that hearings on subject docket had been conducted by the Commission on March 9, 1982, June 1 and 2, 1982 and that proceedings were being continued today.

Miss Annette Chock, Deputy Attorney General representing the Department of Planning and Economic Development, reminded the Commission that at the conclusion of the proceedings on June 2, 1982, it was indicated by the Chairman that upon submission of the additional exhibits by petitioner, i.e. exhibits P and U, the Commission would reserve the right to reopen the hearing upon the request of any party. However, since no such request had been filed, she questioned the propriety of reopening the hearing at this time.

Mr. Terence Yoshioka, appearing on behalf of Mr. Clifford Lum who was unable to attend the hearing today, submitted that in reviewing the transcripts of the previous hearing, it was

his understanding that several areas were left unanswered or unverified by the petitioner and it was for the purpose of clarifying these areas that he was requesting a reopening of the hearing.

In response to a point raised by Miss Chock regarding the difference between "continued hearing" and "reopened hearing", Deputy Attorney General Aoki advised that this was a continued hearing inasmuch as the Commission had questions to pose to the petitioner. Miss Chock further argued that no notice had been served concerning the Commission's desire to examine the petitioner with respect to the two additional exhibits.

Mr. Fuke, Hawaii Planning Director, stated for the record that the hearing today be limited to areas that were discussed previously and purely for clarification purposes.

In light of her previous position, Miss Chock stated that the State would object to the introduction of any new evidence, either to confirm, support or substantiate what is already on the record.

Petitioner's exhibits P and U were admitted into evidence.

It was recommended by the Executive Officer that since the petitioner's exhibits were not in sequential order, the staff will re-identify the exhibits in proper order and send a corrected list of the exhibits to all the parties. It was so ordered by the Chairman.

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

PETITIONER (cont.)

Sidney Fuke, Hawaii Planning Director

Direct examination by Mr. Yoshioka-----19 to 22

Stanley Himeno - Project Coordinator for the petitioner

Direct examination by Mr. Yoshioka-----23 to 30

Richard Sato - Engineer

Direct examination by Mr. Yoshioka-----31 to 35

Examination by Commissioner Whittemore-----36

Examination by Commissioner Tacbian-----36 to 37

Petitioner's exhibits 15, H-2, W, W-2, W-3, W-4, W-5 were identified and admitted into evidence. Exhibit G-1 was withdrawn at this time.

Following a discussion of the status of the approximately 2½ acres presently under litigation in a quiet title action, the Chairman advised that a decision on the disposition of this matter will be rendered by the Commission at the appropriate time.

Post-hearing instructions were outlined by the Chairman and the hearing on Docket A81-525 was declared closed.

#### ACTION

##### SP72-128 - TOMMY ISHIMARU

To allow a time extension for the operation of a quarry at Kahilipali Iki, Ka'u, Hawaii

Staff planner, Joseph Chu, oriented the Commission to the parcel under petition and presented a summary of the history and background of the time extension being requested by the petitioner.

Upon motion by Commissioner Tamaye, seconded by Commissioner Tacbian, it was unanimously agreed to approve the 5-year time extension request by Tommy Ishimaru.

##### SP72-132 - OCEAN VIEW INVESTMENT COMPANY

To amend the Special Permit to allow the establishment of a gasoline service station and retail sales store at Kahuku, Ka'u, Hawaii

At the conclusion of a summary report by staff planner relative to the amendment being requested, it was moved by Commissioner Tamaye, seconded by Commissioner Tacbian, and unanimously agreed to approve the request by Ocean View Investment Company.

##### SP80-349 - PRINCEVILLE AT HANALEI

To allow a one-year time extension to commence construction of an 18-hole golf course at Princeville, Hanalei, Kauai

Chairman Choy announced that since there were no objections from any of the Commissioners, action on the time extension request by Princeville at Hanalei will be postponed until next Thursday, September 16, 1982, in Honolulu.

Adoption of Decision and Order

A82-530 - Amfac Property Development Corporation

Upon motion by Commissioner Chun, seconded by Commissioner Rubin, it was unanimously agreed to adopt the Decision and Order denying Elizabeth Ann Stone's request to intervene in Docket A82-530, Amfac Property Development Corporation.

A81-520 - Cooke Land Co.

It was moved by Commissioner Rubin and seconded by Commissioner Whittemore and unanimously carried to adopt the Decision and Order for Cooke Land Co., Docket A81-520.

Adoption of Minutes

The following minutes were adopted as circulated:

May 5, 1982  
June 1, 1982  
June 2, 1982  
June 8, 1982  
June 9, 1982  
July 8, 1982  
July 15, 1982

CONTINUED HEARING

A82-531 - THEODAVIES HAMAKUA SUGAR COMPANY

Appearances

Gene Aguiar, Land Coordinator for petitioner

Duane Kanuha, Deputy Planning Director, Hawaii Planning Department

Annette Chock, Deputy Attorney General, Dept. of Planning and Economic Development

The Executive Officer reported that intervenors Honokaa Businessmen's Association and Honokaa Merchant's Association indicated that they will waive their rights to appear at today's proceedings. He suggested that he could request intervenor ILWU's representative to submit a written statement waiving his right to appear before the Commission today.

PETITIONER (cont.)

Gene Aguiar (cont.)

Examination by Commissioner Tamaye-----79 to 82  
Examination by Commissioner Rubin-----82 to 88  
Examination by Chairman Choy-----88

Philip Yoshimura - Planner and Civil Engineer

Direct examination by Mr. Aguiar-----89 to 96  
Cross examination by Mr. Kanuha-----96 to 113  
Cross examination by Miss Chock-----114 to 115  
Redirect examination by Mr. Aguiar-----115 to 120  
Recross examination by Mr. Kanuha-----120  
Examination by Commissioner Tacbian-----120 to 121  
Examination by Commissioner Chun-----121 to 123  
Examination by Commissioner Rubin-----123 to 124  
Examination by Commissioner Tamaye-----124 to 126  
Reexamination by Commissioner Chun-----126

COUNTY OF HAWAII

Keith Kato - Planner, Hawaii Planning Department

Direct examination by Mr. Kanuha-----128 to 136  
Cross examination by Mr. Aguiar-----136 to 140  
Redirect examination by Mr. Kanuha-----141

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Head, Land Use Division

Direct examination by Miss Chock-----142 to 147  
Cross examination by Mr. Aguiar-----147 to 149

Tatsuo Fujimoto (cont.)

Examination by Commissioner Chun-----149

At the conclusion of the hearing, the Chairman instructed all parties of the post-hearing requirements.