

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Council Room
25 Aupuni Street
Hilo, Hawaii

Approved
APR 19 1979

November 2, 1978 - 10:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell

George Pascua (afternoon session only)

COMMISSIONER ABSENT: Edward Yanai

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

Benjamin Matsubara, Hearing Officer/
Consultant

Ray Russell, Court Reporter

ACTION

A78-436 - FLORO & TRINIDAD VILLABRILLE

In the matter of the boundary amendment petition by Floro & Trinidad Villabrilie, Docket A78-436, on which a hearing was held on May 26, 1978 by the Hearing Officer, a resume of his prepared report to the Commission was presented by Hearing Officer Benjamin Matsubara. It was Mr. Matsubara's recommendation that the Commission's conclusions reflect that the reclassification of the subject property consisting of approximately 7.42 acres situated at Kapaa, Kauai, from Agricultural to Urban, is reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and is consistent with the Interim Statewide Land Use Guidance Policy established pursuant to Section 205-16.1 of the Hawaii Revised Statutes, as amended.

During the discussion that ensued, Mr. Matsubara responded to questions raised by the Commissioners regarding configuration of the lots, slopes, county's control over the development through issuance of various permits, etc.

Commissioner Carras moved to approve the subject application, which was seconded by Vice Chairman Nakagawa. The motion was carried with the following votes:

Ayes: Commissioners Oura, Nakagawa, Miyasato, Carras, Whitesell, Machado, Chairman Duke

SP78-321 - EUNICE & JANE KAMANU
TO ALLOW THE ESTABLISHMENT OF A FAMILY CARE HOME AT PU'UKAPU,
SOUTH KOHALA, HAWAII

Staff planner pointed out the location of the property under discussion on the maps and oriented its location with various surrounding landmarks. A resume of the staff memo was also presented.

It was moved by Commissioner Carras and seconded by Commissioner Oura to approve the Special Permit request, subject to the conditions set forth by the Hawaii County Planning Commission. The motion was unanimously carried.

SP78-322 - J. M. TANAKA CONSTRUCTION, INC.
TO ALLOW THE CONSTRUCTION OF AN OFFICE BUILDING AT KEAUHOU
1ST, NORTH KONA, HAWAII

A description of the subject property and pertinent facts contained within the staff memo were presented by Mr. Daniel Yasui, staff planner.

It was moved by Commissioner Oura, seconded by Commissioner Carras, and unanimously carried to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

SP78-323 - SUNSET BEACH CHURCH OF CHRIST & CHRISTIAN TRAINING
SCHOOL
TO ALLOW THE ADDITION OF A CLASSROOM BUILDING TO AN EXISTING
PRIVATE SCHOOL COMPLEX AT PUPUKEA, OAHU, HAWAII

Mr. Yasui summarized the staff memo and pointed out the location of the subject parcel on the maps.

Discussion evolved around the question of the existing non-conforming buildings on the property and the proposed

addition being requested under the Special Permit, and the controls over any future expansion.

Commissioner Carras moved that condition No. 4 be amended to include the Land Use Commission, as well as the Planning Commission, in granting any time extension. The motion was seconded by Commissioner Oura and carried by voice vote.

Counselor Matsubara recommended that the County's condition No. 1 be extended to include: "Said uses shall not be expanded or increased in its intensity or changed to another non-conforming use without obtaining further Special Permit approval."

Vice Chairman Nakagawa moved that the Special Permit be approved, subject to the conditions imposed by the City Planning Commission, including amendments to conditions No. 1 and No. 4 as discussed by the Commission. The motion was seconded by Commissioner Machado and unanimously passed.

SP78-324 - AMERICAN INTERNATIONAL RENT-A-CAR
TO ALLOW THE ESTABLISHMENT OF A CAR RENTAL OPERATION AT
HOOLEHUA, MOLOKAI

Mr. Yasui presented a report of the subject request and identified the parcel involved on the maps.

Commissioner Machado moved to approve SP78-324, subject to the conditions imposed by the Maui County Planning Commission, which was seconded by Commissioner Carras and unanimously passed.

The Commission recessed for lunch at 12:00 m. and reconvened at 1:30 p.m.

1:30 p.m.

HEARING

A78-441 - PACIFIC HAWAIIAN, LTD.

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on September 30, 1978 and October 1, 1978 respectively, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Pacific Hawaiian, Ltd. to amend the land use district boundaries for approximately 8.0 acres of land presently in the Agricultural District into the Urban District at Ponahawai, South Hilo, Hawaii, Docket A78-441.

Appearances

Valta A. Cook, Attorney, representing the petitioner

Tatsuo Fujimoto, Land Use Division, representing DPED

Reginald Minn, Deputy Corporation Counsel, representing
Hawaii County Planning Department

Request for Intervention

It was indicated by the Executive Officer that a timely application had been received from Mr. William Higa representing Rodney Wong and Ronald Kimura, and homeowners and residents residing in close proximity to the subject property.

Upon motion by Vice Chairman Nakagawa, seconded by Commissioner Machado, it was unanimously agreed to admit Mr. Higa as a party to the proceedings.

The Chairman swore in all persons testifying during today's proceedings.

The Executive Officer pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

Exhibits

Mr. Cook reported that petitioner will withdraw Exhibit B-3 inasmuch as County's Exhibit O contained the same information. Petitioner's Exhibits A through O, excluding B-3, were admitted into evidence.

County's Exhibits A through Q were admitted into evidence.

It was stipulated by all of the parties that they had no objections to all of the witnesses listed who will be testifying today.

Testimonies and examination of all the witnesses who appeared on behalf of all the parties are set forth in the transcript on the pages noted.

PETITIONER

An aerial map showing the surrounding countryside used by Mr. Cook to expand on the testimonies given by his witnesses was identified as Exhibit P.

<u>Richard Uejo, Pastor</u>	<u>Pages</u>
Direct examination by Mr. Cook-----	80 to 84
Cross examination by Mr. Fujimoto-----	84 to 86
Cross examination by Mr. Higa-----	87 to 88
Redirect examination by Mr. Cook-----	88 to 89
<u>Richard Haa, Jr. - Farmer</u>	
Direct examination by Mr. Cook-----	89 to 94
Cross examination by Mr. Higa-----	94 to 95
Examination by Commissioner Carras-----	97 to 98
Examination by Commissioner Machado-----	98 to 99
Redirect examination by Mr. Cook-----	99 to 100
<u>Albert Slim Holt - Tourist Business</u>	
Direct examination by Mr. Cook-----	100 to 103
Cross examination by Mr. Higa-----	104
Redirect examination by Mr. Cook-----	105
Recross examination by Mr. Higa-----	105 to 106
Examination by Commissioner Machado-----	107
<u>Karl Schwab - Manager, Miko Meat Corp.</u>	
Direct examination by Mr. Cook-----	108 to 111
Cross examination by Mr. Higa-----	111 to 112
<u>Louisa Freitas - Resident</u>	
Direct examination by Mr. Cook-----	113 to 115
Cross examination by Mr. Fujimoto-----	115 to 116
Cross examination by Mr. Higa-----	116 to 117
<u>George Inouye - Retired</u>	
Direct examination by Mr. Cook-----	117 to 121

George Inouye - (cont.)

Cross examination by Mr. Higa-----121

Examination by Commissioner Whitesell-----122

Betty Takeda - Retired School Teacher

Direct examination by Mr. Cook-----123 to 125

Doris Ishikawa - Doctor's Receptionist

Direct examination by Mr. Cook-----126 to 127

Hiroshi Ikeda - Retired Postal Carrier

Direct examination by Mr. Cook-----128 to 130

Cross examination by Mr. Fujimoto-----131

Ronald Miyashiro - Farmer

Direct examination by Mr. Cook-----132 to 134

Glenn Kaneshiro - Secretary of Pacific Hawaiian

Direct examination by Mr. Cook-----135 to 137

Cross examination by Mr. Fujimoto-----137 to 139

Cross examination by Mr. Minn-----139 to 141

Cross examination by Mr. Higa-----141 to 144

Eijiro Kaneshiro - President of Pacific Hawaiian

Direct examination by Mr. Cook-----145 to 162

Cross examination by Mr. Fujimoto-----163 to 165

Cross examination by Mr. Higa-----165 to 166

Examination by Commissioner Carras-----167 to 168

Examination by Commissioner Whitesell-----168 to 170

Redirect examination by Mr. Cook-----170 to 175

At Mr. Cook's request, petitioner's Exhibit P, the aerial photo of 1975, was admitted into evidence.

COUNTY OF HAWAII

Direct examination by Mr. Minn-----176 to 178
Cross examination by Mr. Cook-----178 to 179
Cross examination by Mr. Higa-----179 to 180
Examination by Commissioner Whitesell-----181
Examination by Commissioner Pascua-----181 to 182

Keith Kato, Planner, Hawaii Planning Department

Read from prepared testimony-----183 to 192
Cross examination by Mr. Cook-----192 to 193
Cross examination by Mr. Fujimoto-----196 to 200

Sidney Fuke, Planning Director

Cross examination by Mr. Cook-----195 to 196
Cross examination by Mr. Fujimoto-----201 to 202
Cross examination by Mr. Higa-----203 to 206
Recross examination by Mr. Cook-----207 to 208
(of Keith Kato)
Examination/by Commissioner Whitesell-----208 to 209
Mr. Fuke's response to Commissioner Whitesell-----209 to 211
Examination of Keith Kato by Commmissioner Machado--211 to 212
Mr. Fuke's response to Commissioner Machado-----212 to 214
Recross examination by Mr. Cook-----215 to 216

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner, Land Use Division

Summary of prepared testimony-----217 to 221
Cross examination by Mr. Higa-----222 to 223
Examination by Vice Chairman Nakagawa-----223

WILLIAM HIGA (Intervenor)

Oral Testimony-----224 to 232

Cross examination by Mr. Cook-----232 to 235

Closing arguments were waived by all parties to the proceedings.

Chairman Duke instructed all parties to file proposed findings of fact and conclusions of law, making appropriate reference to the page and line number of the transcript and/or exhibit numbers, when applicable. All parties were given 30 days following completion of the transcript to submit their proposed findings, and 15 days in which to comment on each other's findings.

At Mr. Fujimoto's request, Chairman Duke waived the requirement for DPED to submit proposed findings, etc.

Thereafter, the hearing on A78-441, Pacific Hawaiian, Ltd. was declared closed by the Chairman.

The meeting was adjourned at 7:10 p.m.