

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Approved
APR 19 1979

Holualoa Community Center
Holualoa, Kona, Hawaii

November 15, 1978 - 10:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: Colette Machado

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

Ray Russell, Court Reporter

CONTINUATION OF HEARING

A78-440 - KOBAYASHI DEVELOPMENT & CONSTRUCTION, INC.

Chairman Duke called the meeting to order and announced that the hearing on A78-440 was being continued today.

Appearances

Roy Nihei, Attorney, representing the petitioner

Reginald Minn, Deputy Corporation Counsel, representing
County of Hawaii

Maurice Kato, Deputy Attorney General, representing
DPED

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

PETITIONER

Sumio Nakashima - Owner and principal broker, Kona Realty, Inc.

Direct examination by Mr. Nihei----- 7 to 10

Cross examination by Mr. Kato----- 10 to 11

Exhibit A, Mr. Nakashima's written testimony, was admitted into evidence.

Examination by Commissioner Whitesell----- 11 to 12

Charles Kimura - President and principal broker, Charles Kimura Realty, Inc.

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

Exhibits

Petitioner

Petitioner's exhibits exchanged during the pre-hearing conference were all admitted into evidence.

County

All county's exhibits exchanged during the pre-hearing conference were admitted into evidence.

DPED

Exhibits 1 through 6 were admitted into evidence.

Due to an amendment to the petition, it was declared by Chairman Duke that reference to the 214 acres be amended to 90 acres. It was moved by Commissioner Whitesell and seconded by Commissioner Pascua to accept the amended application and the contents thereof be considered at this hearing. The motion was unanimously carried.

PUBLIC WITNESSES

Shirley J. Gilb - Kona Outdoor Circle

Read from prepared testimony-----38

Cross examination by Mr. Kato-----38 to 39

Examination by Commissioner Whitesell-----39

Shirley J. Gilb (Cont.)

Examination by Commissioner Oura-----39 to 40
Examination by Vice Chairman Nakagawa-----40
Examination by Commissioner Pascua-----41 to 42

Elizabeth Stone

Examination by Chairman Duke-----43 to 47
Read from prepared testimony-----47 to 48

PETITIONER (cont.)

Kenneth M. Young - Real Estate Broker and Developer

Direct examination by Mr. Nihei-----50 to 51
Cross examination by Mr. Fuke-----51 to 53

Clyde Courtney - Contractor and Developer

Direct examination by Mr. Nihei-----53 to 54

Louis Kahanamoku - Realtor and Salesman

Direct examination by Mr. Nihei-----56 to 57

John Harvey - Owner, Hawaiian Divers

Direct examination by Mr. Nihei-----57 to 60

Kent M. Nakashima - Realtor

Direct examination by Mr. Nihei-----60 to 61
Cross examination by Mr. Fuke-----61 to 63

Michael La Plante - Real Estate Broker, Kona Realty

Direct examination by Mr. Nihei-----64 to 65

Mark Onaka - Real Estate Broker

Direct examination by Mr. Nihei-----66 to 69
Cross examination by Mr. Kato-----70 to 73
Examination by Vice Chairman Nakagawa-----74

A lunch recess was called at 12:40 p.m. and the meeting was reconvened at 2:30 p.m.

2:30 p.m.

It was noted by Chairman Duke that counselor for Hawaii County will not be present for the remainder of today's hearing and that the county will be represented by Mr. Sidney Fuke, Planning Director.

PETITIONER (cont.)

Ralph Fukumitsu - Insurance Agent

Direct examination by Mr. Nihei-----76 to 77
 Cross examination by Mr. Fuke-----77 to 78
 Cross examination by Mr. Kato-----78
 Examination by Vice Chairman Nakagawa-----79

William Thompson - Chairman, Board of Land & Natural Resources

Direct examination by Mr. Nihei-----80 to 110
 Cross examination by Mr. Fuke-----110 to 121
 Cross examination by Mr. Kato-----121 to 123
 Examination by Commissioner Whitesell-----124
 Examination by Vice Chairman Nakagawa-----125
 Examination by Chairman Duke-----125 to 126
 Recross examination by Mr. Fuke-----127
 Redirect examination by Mr. Nihei-----127 to 128

COUNTY

At the County's request, the following witnesses were called out of order and testified as follows:

Gary Kawasaka - Civil Engineer, Department of Water Supply

Direct examination by Mr. Fuke-----129 to 130

Gary Kawasaka - Cont.

Cross examination by Mr. Nihei-----130 to 131
Cross examination by Mr. Kato-----131 to 132
Examination by Commissioner Pascua-----132

PETITIONER (cont.)

Gary T. Okamoto - Wilson Okamoto & Associates

Direct examination by Mr. Nihei-----134
Read from prepared testimony-----140 to 152
Cross examination by Mr. Fuke-----152 to 163
Cross examination by Mr. Kato-----163 to 169
Redirect examination by Mr. Nihei-----169 to 171

It was announced by the Chairman that the hearing on this petition will be continued until 9:30 tomorrow morning, November 16, 1978, at the same location.