

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Holualoa Community Center
Holualoa, Kona, Hawaii

November 28, 1978 - 10:00 a.m.

Approved
May 30, 1979

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

COMMISSIONERS ABSENT: Colette Machado
Edward Yanai

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 called for the disposition of any additional exhibits by any of the parties which had not been previously identified or admitted.

Additional Exhibits

Petitioner's following additional exhibits were admitted into evidence:

Omiya's Exhibits M through R

Okamoto's Exhibit H (attachment deleted)

Hoshide's Exhibit H

Additional Appearance

Roxanne Garcia - Deputy Corporation Counsel, representing
Hawaii Planning Department

<u>PETITIONER</u>	<u>Pages</u>
<u>Henry Hoshide</u> - Civil Engineer, Project Manager for Petitioner	
Direct examination by Mr. Nihei-----	31 to 40
Cross examination by Mr. Fuke-----	40 to 43
Cross examination by Mr. Kato-----	43 to 48
Redirect examination by Mr. Nihei-----	48 to 52
Recross examination by Mr. Fuke-----	52 to 53
Examination by Commissioner Whitesell-----	53 to 55
Examination by Commissioner Carras-----	55 to 56
Examination by Commissioner Pascua-----	56 to 58
Examination by Chairman Duke-----	58 to 59
The hearing was in recess from 11:55 a.m. to 1:30 p.m.	

1:30 p.m.

<u>William S. Kawahara</u> - Councilman and Real Estate Broker	
Direct examination by Mr. Nihei-----	60 to 66
Examination by Commissioner Carras-----	66 to 69
Examination by Chairman Duke-----	69 to 70
<u>Kazuo Omiya</u> - Vice President & General Manager of Kobayashi Development & Construction	
Direct examination by Mr. Nihei-----	70 to 99
Cross examination by Mr. Fuke-----	100 to 109
Cross examination by Mr. Kato-----	109 to 117
Examination by Commissioner Oura-----	117 to 119
Examination by Vice Chairman Nakagawa-----	119 to 123

COUNTY OF HAWAII

Ilima Piianaia - Planner, Hawaii Planning Department

Direct examination by Mr. Fuke-----124 to 138
Cross examination by Mr. Nihei-----139 to 161
Examination by Vice Chairman Nakagawa-----161 to 162

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Head of the Land Use Division

Direct examination by Mr. Kato-----162 to 164
Cross examination by Mr. Nihei-----164 to 176
Examination by Commissioner Carras-----176 to 177

At the conclusion of the hearing, Chairman Duke instructed all parties to file proposed findings of fact and conclusions of law 30 days after the transcript becomes available. All parties were given 15 days thereafter to respond to each other's findings, etc.

CONTINUED ACTION

SP78-317 - DEPARTMENT OF PUBLIC WORKS, C&C OF HONOLULU
SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A SEWAGE TREATMENT
PLANT AT KAHUKU, OAHU

Mr. Yasui, staff planner, pointed out the location of the property on the maps and oriented its location with various surrounding landmarks. He also presented a brief summary of events which occurred since September 27, 1978, when the Commission moved to remand subject Special Permit to the City and County for supplementary information with respect to the overall soil rating by the Land Study Bureau and the question of conveyance.

Mr. Allan Kawada, Deputy Attorney General, counselled that his interpretation of the law relieved the landowner from the restrictions as delineated in Section 205-4.5, based on the provision that a county enforcement officer can waive that encumbrance if it can be shown that mortgage financing will be jeopardized.

Chairman Duke expressed his thoughts on the matter and added that he also had been prepared to recommend that the

Commission approve the subject request.

Vice Chairman Nakagawa moved to approve the Special Permit, based on the advice from counsel, which was seconded by Commissioner Carras. The motion was unanimously carried.

Executive Session

Upon motion by Vice Chairman Nakagawa, seconded by Commissioner Carras, it was unanimously agreed to go into executive session to discuss a personnel matter.

The Commission was in executive session from 6:50 p.m. to 7:25 p.m.

7:25 p.m.

Since there was no further business, the Chairman declared the adjournment of the meeting.