

BOARD OF APPEALS  
COUNTY OF HAWAII

HEARING TRANSCRIPT  
OCTOBER 10, 2008

The following is public testimony provided by STACY DISNEY regarding the appeal of WILLIAM L. GEORGE AND GAY P. GEORGE (BOA 08-000067) at 10:15 a.m., with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel  
Charlene Hart  
Peter Hendricks  
Karen Maedo  
Kim Tavares

ABSENT & EXCUSED: David Drury

Renee Schoen, Counsel to the Board  
Alice Kawaha, Staff to the Board

And approximately 14 people from the public in attendance.

**PETITIONER: WILLIAM L. GEORGE AND GAY P. GEORGE (BOA 08-000067)**  
- Appeal of the Planning Director's Decision to Sign the Settlement Agreement and Mutual Release dated April 10, 2008 with Derrick Liu and Sonia Liu. The matter relates to a previous appeal BOA 07-000046 relating to an operation of an "Amusement and Recreation Facility, Major Outdoor" (motorcycle and dirt bike race track) in an Agricultural District. The property consists of approximately 19.5 acres and is located on the south side of Kapuna Road, Ahualoa Homesteads, Hamakua, Hawai'i, TMK: (3) 4-6-8:24.

DISNEY: Good morning ladies and gentlemen. I'm Stacy Disney. I'm representing Ahualoa. I work for Lava Rock Realty in Kamuela; and I am one of the top sales agents for the Honokaa area. I'd like to give a little bit of background. I'm going to be also reading a letter that you folks have in front of you from Kim Kinney who is a certified appraiser with Appraisal Solutions here in Hilo. I did ask her to write what kind of an effect a dirt bike race track would have on neighboring properties.

First of all I listed the property next door to the subject property for sale approximately eight months ago. The property was shown 19 times within 90 days. Well, that's a miracle these days. But I want to let you know it was never sold. Nineteen showings usually stimulates a sale. It is my job as a realtor to disclose noise, anything that adversely affects a property. Even though a seller doesn't disclose it, it's my job as a realtor, listing agent. Walking the property, I disclosed to every single buyer that the dirt bike track was next door. Not one person purchased the property after hearing that.

In addition to that, I would have a possible buyer that I would show the property for sale next door, disclose the bike track, the buyer decides not to purchase it, go up to the next street which was Puuono, showed a property up there. They would ask can you hear the dirt bike track? I would say yes, they didn't want to buy it. I went up another street, Kahana, three miles above, showed them another property for sale, all within the same price range. They would ask me can you hear the dirt bike track. I said yes, they decided not to purchase in Ahualoa because of that one subject property disclosure. This adversely affects all future sales in Ahualoa. I'm very concerned about future values in my neighborhood.

I also am a resident in Ahualoa. I would also like to point out that there are approximately 500 residential units in Ahualoa and approximately 90 percent of them are owner occupied. These are people with families, animals, and primarily Ag use, okay, farming and animals.

At this point I'd like to read just a last sentence in Kim Kinney's letter to you folks, actually to me but in regards to this case. I'm going to just basically start halfway through the last paragraph. Kim Kinney says, "However, the concerns by neighboring property owners regarding the potential value loss by such an activity in my opinion is valid." She is very concerned. If she has to do an appraisal on the subject property for sale next door, she doesn't know what she's going to do. There is nothing that has ever been set precedence prior that she can call from. So this is a major concern.

If you own ag property, this could happen in your back yard. So be careful when you make that decision. Thank you.

GIMPEL: Thank you. Are there any questions from Members of the Board?  
Thank you.

DISNEY: Oh, and that property is still for sale. I don't have it any more. I gave it back.

The discussion ended at 10:17 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary