

BOARD OF APPEALS
COUNTY OF HAWAII

HEARING TRANSCRIPT
JANUARY 25, 2008

The following is a public statement provided by PHILLIP GALLINGER regarding the appeal of **PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049)** at 10:03 a.m. in the West Hawai'i Mayor's Office, Conference Room, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i, with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel
Valta A. Cook
David Drury
Peter Hendricks
Diane Gentry
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

William Brilhante, Counsel to the Board
Alice Kawaha, Staff to the Board

Randy Vitousek representing Appellant
Bernard (Red) McClean, Intervenor
Christopher Yuen, Planning Director
Amy Self representing the Planning Director

And five people from the public in attendance

PETITIONER: PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049)
- Continued hearing on the Appeal of Decision by the Planning Director dated May 29, 2007 Denial of the Variance Application (VAR 07-028) relating to minimum water supply requirements of Chapter 23, Subdivision Code, for a proposed 6-lot subdivision. The subject property consists of approximately 47.906 acres and is located on the west (mauka) side of Mamalahoa Highway at approximately the 96 mile marker, Kukuiope 1st, South Kona, Hawai'i, TMK: (3) 8-7-10:9.

GIMPEL: Are there any people here who wish to make a statement from the public not under oath?

GALLINGER: Yeah.

GIMPEL: Yes, sir.

GALLINGER: Phillip Gallinger.

GIMPEL: Okay, why don't you come up here then and use the microphone, and please give us your name and address.

GALLINGER: Phillip Gallinger, G-a-l-l-i-n-g-e r, resident to Kukuiopea Homestead No. 4.

GIMPEL: Okay, go ahead and let's have your statement.

GALLINGER: I have rainfall records for the last 2 ½ years or so, if that's relevant to the proceedings today.

GIMPEL: Well, it may well be, but are you going to be called to testify under oath to present that as evidence?

SELF: I'm going to call him as a witness.

GIMPEL: Well, then you needn't do it now. Okay, okay. Thank you. All right. I'm informed by our counsel that if there is an objection to the witness being in here while others testify that we would have to excuse any witnesses until they are asked to testify. So is there an objection to Mr. Gallinger being present while others testify?

VITOUSEK: The applicant has no objection.

SELF: No objection.

GIMPEL: Okay, thank you. All right.

The discussion ended at 10:05 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary