

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Conference Rooms A & B
State Building
3060 Eiwa Street
Lihue, Kauai

Approved
4/15/84

April 24, 1984 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Winona Rubin
Robert Tamaye
Teofilo Tacbian

COMMISSIONERS ABSENT: Lawrence Chun
Everett Cuskaden
Shinsei Miyasato
Frederick Whittemore

STAFF PRESENT: Gordan Furutani, Executive Officer
Raymond Young, Planner

James Filibeck, Court Reporter

ACTION

A83-559 - WALTER FILIPEK

In the matter of the petition by Walter Filipek, A83-559, to amend the land use district boundaries at Kapalaoa, North Kona, Hawaii, a hearing was conducted on April 11, 1984 by Mr. Gordan Furutani, Executive Officer, who acted as the Hearing Officer on this matter.

Appearances

Kazuhisa Abe, Attorney representing petitioner

Annette Chock, Deputy Attorney General, representing the Department of Planning & Economic Development

Mr. Furutani reported that after duly considering the record on this docket and the testimony of the witnesses and evidence introduced, the following findings were made:

1. Although at the time of the filing of the petition, the petitioner had an agreement of sale on the subject property, the Land Use Commission had been notified by Vernon Char and Peter Herman, attorneys for the

landowners, that Mr. Filipek no longer had any legal or equitable interest in the subject property.

2. By letter dated April 10, 1984, Vernon Char advised that a new offer by Mr. Filipek to purchase the property was being considered by the landowners.
3. At the time of the April 11 hearing, petitioner represented that negotiations between Mr. Filipek and the landowners could be reached approximately within 10 days.

Based on the foregoing and the unresolved question of the land ownership, Mr. Furutani recommended that the subject petition be declared defective as provided for in Section 2-3, Sub-section 5, of the Land Use Commission's Rules of Practice, and that the petitioner be granted 30 days from service of this order to cure the defect. However, if the defect is not cured within the specified time, the petition will be deemed null and void.

Mr. Abe submitted that petitioner was presently finalizing financial arrangements for the purchase of the property; however, as of this date there was no firm commitment.

Chairman Yuen stated that the Commission will take the matter under advisement and consult with its legal counsel before making a ruling.

CONTINUED CONSOLIDATED HEARING

A83-553 - PRINCEVILLE DEVELOPMENT CORPORATION

A83-557 - PRINCEVILLE DEVELOPMENT CORPORATION

Chairman Yuen noted that at the time the hearing adjourned on the subject petitions, Mr. Malcolm Tom, petitioner's witness, was being cross examined.

Since Commissioner Tacbian wondered about Ms. Beryl Blaich's status with the intervenors whom she was now representing in lieu of Mr. Lawrence McCreery, Chairman Yuen directed Ms. Blaich to submit a membership list of the Concerned Citizens of Anini.

Exhibits

Petitioner's exhibits 29 through 33 were moved into evidence.

All of the persons who testified today, having been duly sworn in, testified and were examined as set forth in the transcript.

PETITIONER (cont.)

Malcolm Tom (cont.)

Examination by Commissioner Tacbian-----27 to 29

Examination by Vice Chairman Choy-----30 to 31

Examination by Chairman Yuen-----31 to 33

John Knox - Independent Consultant, Social Impact Assessments,
Research, Community Involvement and Planning

Direct examination by Mr. Hong-----34 to 37

Cross examination by Mr. Graham-----38 to 41

Cross examination by Miss Chock-----41 to 42

Examination by Ms. Blaich-----42 to 61

Examination by Commissioner Rubin-----61 to 63

Examination by Commissioner Tacbian-----64 to 66

Examination by Vice Chairman Choy-----66 to 67

Examination by Chairman Yuen-----67 to 68

Mr. Hong clarified that petitioner's exhibits G and H were being identified as exhibits 26 and 27 respectively. Exhibits 34 and 35 were also identified and moved into evidence.

J. Ming Chew - Economics

Direct examination by Mr. Hong-----71 to 85

Cross examination by Mr. Graham-----85 to 94

A recess was taken and the hearing reconvened at 1:30 p.m.

1:30 p.m.

J. Ming Chew (cont.)

Cross examination by Miss Chock-----94 to 114

Cross examination by Ms. Susan Wilson-----114 to 125
(Intervenor's representative)

J. Ming Chew (cont.)

Examination by Commissioner Rubin-----125 to 128
Examination by Vice Chairman Choy-----128 to 131
Examination by Commissioner Tacbian-----132 to 136
Reexamination by Vice Chairman Choy-----136 to 137
Examination by Chairman Yuen-----137 to 143

KAUAI PLANNING DEPARTMENT

Brian Mamaclay - Planner, KPD

Direct examination by Mr. Graham-----143 to 154
Cross examination by Mr. Hong-----154 to 157
Cross examination by Miss Chock-----158 to 161
Cross examination by Ms. Wilson-----161 to 182

At 4:40 p.m., Chairman Yuen called a recess and announced that the hearing will be continued tomorrow at 8:30 a.m.