

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Koloa Neighborhood Center
Koloa, Kauai

January 13, 1977 - 8:45 a.m.

APPROVED
4/5/77

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

The meeting was called to order by Chairman Tangen.

A76-422 - CLINTON I. SHIRAIISHI, ETAL

Due to the necessity of continuing with the hearing which had begun yesterday on the petition by Moana Corporation, A76-418, the Chair called for a motion to continue the hearing on Docket A76-422, Clinton I. Shiraishi, etal, to a later time today. It was so moved by Commissioner Duke, seconded by Vice Chairman Sakahashi and unanimously carried.

For those persons present today who were interested in the petition and who were not on the regular mailing list, Chairman Tangen requested that they leave their names and addresses with the secretary. He added that at least 10 days' notice of the next hearing date will be given to all concerned.

HEARING - Continuation

A76-418 - MOANA CORPORATION

Mr. Hong submitted that all parties to the proceedings had agreed to enter into a stipulation that all of the material contained in the petitioner's Exhibit LL (EIS), be incorporated by reference into the record and may be referred to in the drafting of the Findings of Fact, Conclusions of Law and Decision, without necessity of specific reference by page or line in the transcript.

PETITIONER (continued)

Nick Bahouth - Witness

Mr. Nick Bahouth, President of the Kauai Visitors' Industry Organization, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on--Pages

Direct Examination by Mr. Hong-----	241 to 243
Cross examination by Mr. Belles-----	243 to 245
Cross examination by Miss Tico-----	245 to 248
Questioned by Commissioner Whitesell-----	249

Bruce Adams - Witness

Mr. Bruce Adams, President of Poipu Community Association, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Mr. Hong-----	250 to 254
Cross examination by Mr. Lee-----	254 to 255
Cross examination by Miss Tico-----	255 to 261
Questioned by Commissioner Machado-----	261 to 264
Questioned by Commissioner Whitesell-----	264 to 265
Questioned by Commissioner Machado-----	265 to 266

Robert Rask - Witness

Mr. Robert Rask, registered contractor, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Mr. Hong-----	266 to 268
Cross examination by Mr. Belles-----	268 to 269
Cross examination by Mr. Lee-----	269 to 271
Cross examination by Miss Tico-----	271 to 275

Joseph Vierra - Witness

Mr. Joseph Vierra, Engineer with Belt Collins, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Mr. Hong-----	275 to 288
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	<u>Pages</u>
Cross examination by Mr. Belles-----	288 to 289
Cross examination by Mr. Lee-----	289 to 290
Cross examination by Miss Tico-----	290 to 295
Redirect examination by Mr. Hong-----	295
Questioned by Commissioner Whitesell-----	295 to 301
Redirect examination by Mr. Hong-----	301 to 302
Recross examination by Miss Tico-----	302 to 306
Redirect examination by Mr. Hong-----	306 to 307
Questioned by Commissioner Whitesell-----	307 to 308

Richard Smart - Witness

Mr. Richard Smart, one of the authors of the EIS, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Mr. Hong-----	309 to 316
Cross examination by Mr. Belles-----	316 to 317
Cross examination by Miss Tico-----	317 to 323
Redirect examination by Mr. Hong-----	323 to 324

Since there were no objections from any of the parties, Chairman Tangen admitted additional pages to be attached to the Petitioner's Exhibit GG.

COUNTY OF KAUAI

Exhibits

The County of Kauai's Exhibits 1 through 4 were identified and admitted into evidence.

Greg Kamm - Witness

Mr. Greg Kamm, Planner with the Kauai Planning Department, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Cross examination by Miss Tico-----	326 to 334
Direct examination by Mr. Belles-----	334 to 335

	<u>Pages</u>
Questioned by Commissioner Whitesell-----	335 to 337
 <u>Avery Youn - Witness</u>	
Mr. Avery Youn, Deputy Planning Director of Kauai, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on-----	<u>Pages</u>
Direct examination by Mr. Belles-----	338 to 339
Questioned by Vice Chairman Sakahashi-----	339 to 341
Questioned by Commissioner Whitesell-----	341

Greg Kamm - Witness (recalled)

Direct examination by Mr. Belles-----	344
Questioned by Commissioner Whitesell-----	344 to 349
Questioned by Commissioner Oura-----	349 to 350
Questioned by Commissioner Whitesell-----	350

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, Head of the Land Use Division, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on ----- Pages

Direct examination by Mr. Lee-----	351
Cross examination by Miss Tico-----	351 to 353
Redirect examination by Mr. Lee-----	353 to 354
Questioned by Commissioner Whitesell-----	354 to 356

A lunch recess was called at 12:03 p.m., and the meeting was resumed at 1:42 p.m.

It was announced by Chairman Tangen that the Commission will rule on the two pending motions by Respondent Intervenors, i.e. (1) request for continuance of the hearing, and (2) issuance of subpoena, which had been taken under advisement yesterday.

Upon motion by Commissioner Duke, seconded by Vice Chairman Sakahashi, the request for continuance of the hearing was denied

as follows:

Ayes: Commissioners Whitesell, Machado, Oura, Duke,
Sakahashi, Miyasato, Carras, Yanai, Chairman Tangen

It was moved by Commissioner Duke and seconded by Vice Chair-
man Sakahashi to deny the issuance of subpoenas in this case
and unanimously carried by the following votes:

Ayes: Commissioners Oura, Yanai, Miyasato, Machado, Whitesell,
Sakahashi, Duke, Carras, Chairman Tangen

RESPONDENT-INTERVENORS

Brad Mossman - Witness

Mr. Brad Mossman, University student, having been duly sworn
in, was called as a witness, examined and testified as set forth
in the transcript on----- Pages

Direct examination by Miss Tico----- 366 to 369
Cross examination by Mr. Belles----- 369 to 370
Redirect examination by Miss Tico----- 370 to 371
Cross examination by Mr. Lee----- 371 to 372
Cross examination by Mr. Hong----- 372 to 373

Judy Hamberg - Witness

Ms. Judy Hamberg, housewife, having been duly sworn in, was
called as a witness, examined and testified as set forth in the
transcript on----- Pages

Direct examination by Miss Tico----- 374 to 375
Cross examination by Mr. Belles----- 375 to 376
Cross examination by Mr. Lee----- 376
Cross examination by Mr. Hong----- 377

Josefina Cortezan - Witness

Mrs. Cortezan, senior citizen of Koloa, having been duly sworn
in, was called as a witness, examined and testified as set forth
in the transcript on----- Pages

Direct examination by Miss Tico----- 378 to 382

Mary Almeida - Witness

Ms. Mary Almeida, high school student, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico-----	382 to 384
Cross examination by Mr. Belles-----	384
Questioned by Commissioner Whitesell-----	384 to 385
Redirect examination by Miss Tico-----	385

Napua Emery - Witness

Ms. Napua Emery, resident of Moloaa, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico-----	386 to 391
Cross examination by Mr. Hong-----	391 to 392
Questioned by Commissioner Whitesell-----	393 to 395

Al Stiglmeier - Witness

Mr. Stiglmeier, CPA, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico-----	396 to 402
Cross examination by Mr. Belles-----	402
Cross examination by Mr. Lee-----	403
Cross examination by Mr. Hong-----	403 to 405
Questioned by Commissioner Whitesell-----	405

Robert Lee - Witness

Mr. Robert Lee, Architect, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico-----	405 to 411
Cross examination by Mr. Belles-----	411 to 413
Cross examination by Mr. Hong-----	413
Redirect examination by Miss Tico-----	413 to 414

Glenn Hamberg - Witness

Mr. Hamberg, emergency service coordinator, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico----- 415 to 427

Cross examination by Mr. Hong----- 427 to 429

David Elpern - Witness

Dr. Elpern, physician having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico----- 430 to 434

Cross examination by Mr. Hong----- 434

Ron Clark - Witness

Mr. Clark, tour driver, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Direct examination by Miss Tico----- 435 to 437

Cross examination by Mr. Lee----- 438

Cross examination by Mr. Hong----- 438 to 439

David Chang - Witness

Mr. Chang, resident of Poipu, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Oral testimony----- 439 to 446

Direct examination by Miss Tico----- 447

Cross examination by Mr. Hong----- 447 to 448

Questioned by Commissioner Whitesell----- 449

Laura Chang - Witness

Ms. Chang, resident of Poipu, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

Oral testimony----- 449 to 450

Cross examination by Mr. Hong----- 451 to 452

Allen Doyle - Witness

Mr. Doyle, Hanamaulu resident, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on -----Pages

Oral testimony----- 453

CLOSING REMARKS

Mr. Hong submitted that he had carried the burden of proof in setting forth the reasons why the subject property should be reclassified and asked for the Commission's favorable consideration.

Miss Tico urged the Commission to take into consideration the adverse effects the proposed development will have on the entire area, which had been brought up today.

Commissioner Yanai expressed the need for some assurance that the price of the proposed housing development will be within the reach of the Kauai residents, should the petition be approved.

Mr. Hong responded that the petitioner was committed to the price range as submitted during the proceedings, barring unforeseen increases in development costs, and that the sale will be offered only to the local market for a given period of time.

Chairman Tangen declared that it was within the Commission's prerogative to impose whatever conditions it felt was necessary, at the time of rendering a decision on the petition.

The petitioner was advised that he was required to file a proposed findings of fact and conclusions of law with the Commission within 30 days and that all parties will have 15 days in which to respond to the proposal.

The meeting was adjourned at 4:41 p.m.