

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

Approved
2/25/82

January 15, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy
Shinsei Miyasato
Phil Tacbian
Robert Tamaye

COMMISSIONERS ABSENT: Everett Cuskaden
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Jay Nelson, Deputy Attorney General
Dora Horikawa, Chief Clerk

Rhonda Heggem, Court Reporter

CONTINUED HEARING

A81-515 - COUNTY OF KAUAI

It was announced by Chairman Yuen that the hearing on subject petition was being continued pursuant to a notice published in the Advertiser and the Garden Island on December 23, 1981, and notices sent to all parties.

It was noted that subsequent to the hearing on December 10, 1981, the Commission had received two untimely requests to appear as public witnesses; one from Richard Cameron of McBryde Sugar Co., Ltd., and another from Elizabeth Ann Stone. There were no objections from either the State or the County to the admittance of these two witnesses.

Ms. Stone was not present in the audience today. Mr. Jack Claytor submitted that he was representing Mr. Cameron and would like to testify in his place.

Public Witness

Jack Claytor - Assistant Manager, McBryde Sugar Co.

Examination by Vice Chairman Whitesell----- 6 to 7

Cross examination by Mr. Belles----- 8 to 9

Appearances

Michael Belles - County Attorney's Office, representing
petitioner and the Kauai Planning Dept.

Annette Chock - Deputy Attorney General, representing the
Dept. of Planning & Economic Development

Exhibit

County's exhibit K was entered into evidence.

PETITIONER

Avery Youn (recalled)

Direct examination by Mr. Belles----- 9 to 14

At the conclusion of Mr. Youn's testimony, Chairman Yuen announced that the hearing on Docket A81-515, County of Kauai, was concluded and post-hearing instructions were outlined. All parties were requested to prepare proposed findings by March 1, 1982 and 10 days were allowed for each party to respond to the others' proposals.

A81-513 - JOHN J. ARZADON

The continuation of the hearing on subject petition was called by the Commission pursuant to a notice published in the Honolulu Advertiser and the Garden Island on December 23, 1981.

Appearances

Roy Takeyama, Attorney representing petitioner

Michael Belles, County Attorney's Office, representing
the Kauai Planning Department

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

The Chairman called on the State to make its presentation ahead of the County's.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner, Land Use Division

Oral testimony----- 4 to 8

Cross examination by Mr. Takeyama----- 9 to 12

Examination by Vice Chairman Whitesell-----12 to 13

Examination by Commissioner Choy-----13 to 14

COUNTY OF KAUAI

Michael Laureta - Planner, Kauai Planning Department

Direct examination by Mr. Belles-----15 to 17

Cross examination by Mr. Takeyama-----17 to 23

Cross examination by Miss Chock-----23 to 30

Redirect examination by Mr. Belles-----30 to 32

Examination by Vice Chairman Whitesell-----32 to 35

Examination by Commissioner Tacbian-----36

At the conclusion of the hearing, Chairman Yuen instructed the parties to submit proposed findings of fact by March 1, 1982 and allowed each party 10 days from that date in which to respond to findings prepared by the other parties.

HEARING

A81-519 - WAIALEALE PARTNERS

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on November 30, 1981 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of a petition by Waialeale Partners to reclassify 52.50 acres of land from the Agricultural District into the Urban District at Kapaa Homesteads, Kawaihau, Kauai for a residential subdivision, Docket A81-519.

Public Witness

It was noted that the Commission was in receipt of one timely request to appear as a witness from Mrs. Betty Odo of Odo Farms, Inc., and an untimely request from Ms. Elizabeth Ann Stone. Since neither was present in the audience, Chairman Yuen stated that their statements will be entered into the record.

Appearances

Donald Wong, Attorney representing the petitioner

Michael Belles, County Attorney's Office, representing the Kauai Planning Department

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

Exhibits

Petitioner's exhibits A through V were identified and admitted into evidence.

County's exhibits 1 and 2 were entered into evidence.

DPED's exhibit 1 was 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 on the pages noted.

Chairman Yuen called on staff to present a graphic description of the property under petition with the aid of the USGS quad and tax maps.

PETITIONER

Akira Fujita - Vice President of Park Engineering

Direct examination by Mr. Wong-----	10 to 15
Cross examination by Mr. Belles-----	15 to 17
Cross examination by Miss Chock-----	17 to 18
Examination by Vice Chairman Whitesell-----	19 to 21
Examination by Chairman Yuen-----	21 to 23
Reexamination by Vice Chairman Whitesell-----	23

Petitioner (cont.)

Gerald Daly - Marketing Analyst

Direct examination by Mr. Wong-----24 to 29
 Cross examination by Mr. Belles-----29 to 32
 Cross examination by Miss Chock-----32 to 35
 Examination by Vice Chairman Whitesell-----35 to 36
 Examination by Chairman Yuen-----37 to 44

Richard Tagawa - General Partner of Waialeale Partners

Direct examination by Mr. Wong-----45 to 57

The Commission was in recess from 12:15 p.m. to 1:30 p.m.

1:30 p.m.

Richard Tagawa (cont.)

Direct examination by Mr. Wong (cont.)-----57 to 59
 Cross examination by Mr. Belles-----59 to 64
 Cross examination by Miss Chock-----64 to 71
 Redirect examination by Mr. Wong-----71 to 73
 Examination by Commissioner Choy-----73
 Examination by Chairman Yuen-----73 to 80

COUNTY OF KAUAI

Keith Nitta - Planner, Kauai Planning Department

Direct examination by Mr. Belles-----81 to 85
 Cross examination by Mr. Wong-----86 to 87
 Examination by Vice Chairman Whitesell-----87 to 88
 Examination by Chairman Yuen-----89

County of Kauai (cont.)

Greg Fujikawa - Department of Water, County of Kauai

Direct examination by Mr. Belles-----90 to 91

Examination by Vice Chairman Whitesell-----92

Kenneth Rainforth - Development Coordinator, Kauai County
Public Housing Coordinator

Direct examination by Mr. Belles-----93 to 94

Cross examination by Mr. Wong-----94

Examination by Vice Chairman Whitesell-----95 to 97

Examination by Chairman Yuen-----97 to 98

Recross examination by Mr. Wong-----98 to 100

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Head, Land Use Division

Direct examination by Miss Chock-----100 to 103

Cross examination by Mr. Wong-----103 to 104

Examination by Vice Chairman Whitesell-----104 to 105

At the conclusion of the proceedings, all parties waived their closing arguments until the time of the action meeting.

Chairman Yuen requested that all parties submit proposed findings and conclusions by March 15, 1982, and allowed 10 days following this date for submittal of responses to the proposed findings that may be filed.

The hearing was concluded at 3:00 p.m.