

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

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

February 14, 1980 - 9:00 a.m.

Approved  
APR 30 1980

COMMISSIONERS PRESENT: Charles Duke, Chairman  
Shinichi Nakagawa, Vice Chairman  
Shinsei Miyasato  
Mitsuo Oura  
George Pascua  
Carol Whitesell  
William Yuen

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer  
Daniel Yasui, Planner  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

CONSOLIDATED HEARING

A79-465 - MALCOLM S. SMITH

A79-466 - WILLIAM MOWRY & ROBERT KEOWN

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on January 11, 1980, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petitions by Malcolm S. Smith, A79-465, and William Mowry & Robert Keown, A79-466, to amend the land use district boundaries at Kapaa Homesteads, Kawaihau, Kauai, from the Agricultural District into the Urban District.

Appearances

Walton Hong, representing petitioners William Mowry & Robert Keown

Lawrence McCreery, representing petitioner Malcolm S. Smith

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

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

Chairman Duke ruled that Commissioner Yuen's representation of Mr. Mowry in a very limited capacity over a year ago did not constitute a conflict and he was therefore qualified to participate in the hearing.

Public Witness

The Chair noted that there was one untimely request to appear as a witness by Ms. Elizabeth Stone regarding both petitions A79-465 and A79-466. Commissioner Oura moved that Ms. Stone's requests to appear as a witness and to file her statement for the record be denied. It was seconded by Commissioner Pascua and unanimously approved.

Exhibits

Petitioners Mowry and Keown's Exhibits A through L were admitted into evidence

Malcolm Smith's Exhibits 1 through 5 were admitted into evidence

County of Kauai's staff report was admitted into evidence

DPED's written statement was admitted into evidence

Mr. Yasui, staff planner, pointed out the location of the subject properties on the maps and oriented them with surrounding landmarks.

The Chairman administered the oath to all persons planning to testify during today's proceedings. All of the testimonies and examinations relevant to the two petitions are recorded in the transcript on the pages noted.

A79-466 - WILLIAM MOWRY & ROBERT KEOWN

PETITIONER

Gregory Kamm - Planner

Direct examination by Mr. Hong-----16 to 29

Cross examination by Mr. McCreery-----29 to 30

Cross examination by Mr. Belles-----31 to 32

Gregory Kamm (cont.)

Cross examination by Miss Chock-----32 to 37  
 Redirect examination by Mr. Hong-----37 to 38  
 Recross examination by Mr. McCreery-----38  
 Recross examination by Mr. Belles-----39  
 Examination by Commissioner Whitesell-----39 to 41  
 Examination by Commissioner Yuen-----42 to 46  
 Examination by Commissioner Pascua-----46 to 47

The Chairman ruled that the hearing on A79-466 will be continued until February 26, 1980, pending receipt of the petitioners' financial statement.

A79-465 - MALCOLM SMITH

Malcolm Smith - Petitioner

Direct examination by Mr. McCreery-----53 to 56  
 Cross examination by Mr. Belles-----57  
 Cross examination by Miss Chock-----57 to 58  
 Examination by Commissioner Whitesell-----59 to 60

Lawrence Kitamura - Ching, Kitamura & Associates

Direct examination by Mr. McCreery-----61 to 66  
 Cross examination by Mr. Hong-----67  
 Examination by Commissioner Yuen-----67 to 69  
 Examination by Commissioner Pascua-----69 to 70  
 Examination by Chairman Duke-----70 to 71

KAUAI PLANNING DEPARTMENT

Bryan Mamaclay - Planner, Kauai Planning Dept.

Direct examination by Mr. Belles----- 72 to 74

Bryan Mamaclay (cont.)

- Examination by Commissioner Whitesell-----74 to 78
- Examination by Commissioner Yuen-----79 to 81
- Examination by Chairman Duke-----82

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner

- Direct examination by Miss Chock-----83 to 85
- Cross examination by Mr. Hong-----85

It was announced that the consolidated hearing on dockets A79-465 and A79-466 will be continued until February 26, 1980.

ADOPTION OF MINUTES

The minutes of September 14 and 16, 1979 were approved as circulated.

The hearing adjourned at 12:06 p.m.