

Approved

STATE OF HAWAII
LAND USE COMMISSION

MAY 6 1983

Minutes of Meeting

Conference Rooms A & B
State Building
Lihue, Kauai

February 15, 1983 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Shinsei Miyasato
Teofilo Tacbian
Robert Tamaye

COMMISSIONERS ABSENT: Everett Cuskaden
Winona Rubin
Frederick Whittemore

STAFF PRESENT: Gordan Furutani, Executive Officer
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

Phyllis Kushiner, Court Reporter

ACTION

A81-516 - GEORGE LEWIS SAGEN

In the matter of the petition by George Lewis Sagen to reclassify approximately 5.0 acres of land presently in the Agricultural District into the Urban District at Kilauea, Namahana, Hanalei, Kauai, a hearing was conducted by Hearing Officer Benjamin Matsubara on April 20, 1982.

Appearances

Benjamin Matsubara, Hearing Officer

Max Graham, Deputy County Attorney, representing the
Kauai Planning Department

Esther Ueda, Planner, representing the Department of
Planning & Economic Development

Michael Salling, Attorney, representing the petitioner

Staff planner pointed out the location of the subject property on the maps and oriented its location with various surrounding landmarks.

Mr. Matsubara presented a comprehensive report of his findings and conclusions of law based on evidence adduced at the hearing, and recommended that the petition be denied since it would not be in conformance with Section 205-2 of the Hawaii Revised Statutes and the Rules and Regulations of the Commission.

Closing Arguments

By Mr. Salling-----15 to 19

By Mr. Graham-----19 to 24

By Mrs. Ueda-----25 to 27

Rebuttal

By Mr. Salling-----28 to 29

Commissioner Tachian moved to approve the petition, which was seconded by Commissioner Tamaye. The motion was denied as follows:

Nays: Commissioners Choy, Tachian, Tamaye, Miyasato, Chun, Chairman Yuen

The Chairman directed the Hearing Officer to prepare the Commission's Decision and Order to comport with the action taken by the Commission.

CONTINUED HEARING

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

It was announced by Chairman Yuen that the next item on the agenda was the continued hearing on the request by Amfac Property to reclassify approximately 78 acres of land currently in the Agricultural District into the Urban District at Lihue, Kauai, for a light industrial and resort development.

Appearances

Clinton Shiraishi, Attorney, representing the petitioner

Max Graham, Deputy County Attorney, representing the
Kauai Planning Department

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

The Executive Officer pointed out the location of the property on the maps and oriented its location with various surrounding landmarks.

KAUAI PLANNING DEPARTMENT

County's exhibit 4 was identified and moved into evidence.

Avery Youn (recalled)

Direct examination by Mr. Graham----- 6 to 11
Cross examination by Mr. Shiraishi-----12 to 15
Cross examination by Miss Chock-----15 to 17
Examination by Commissioner Tacbian-----18 to 19
Examination by Commissioner Chun-----19
Examination by Vice Chairman Choy-----19 to 22
Examination by Chairman Yuen-----21 to 22
Reexamination by Vice Chairman Choy-----23 to 24
Reexamination by Chairman Yuen-----24 to 26

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

DPED's exhibits 6, 7, 8A, 8B and 9 were identified and admitted into evidence.

George H. Komatsu - Entomologist, State Department of Health

Direct examination by Miss Chock-----28 to 32
Examination by Vice Chairman Choy-----32 to 33
Examination by Commissioner Chun-----33
Examination by Commissioner Tacbian-----33 to 34
Examination by Chairman Yuen-----34 to 35

Theodore Inouye - Chief Sanitarian, State Dept. of Health

Direct examination by Miss Chock-----35 to 37

Theodore Inouye (cont.)

Cross examination by Mr. Shiraishi-----38 to 39

Cross examination by Mr. Graham-----39

Redirect examination by Miss Chock-----40

Examination by Vice Chairman Choy-----40 to 41

Examination by Chairman Yuen-----41 to 42

Abe Mitsuda - Planner, Land Use Division

Direct examination by Miss Chock-----42 to 45

Cross examination by Mr. Graham-----45 to 49

Examination by Commissioner Tacbian-----49

PETITIONER (cont.)

Petitioner's exhibit 20 was identified and moved into evidence.

Fred Kwock (recalled)

Direct examination by Mr. Shiraishi-----50 to 51

Cross examination by Mr. Graham-----52 to 55

Cross examination by Miss Chock-----56

Redirect examination by Mr. Shiraishi-----56

Examination by Commissioner Tacbian-----57 to 59

At 11:45 a.m., the hearing on A82-530, Amfac Property Development Corporation was concluded and the Chairman advised all parties of the post-hearing requirements.