

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kauai County Council Chambers
Lihue, Kauai

February 20, 1976 - 10:00 a.m.

Approved
March 29, 1976

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

COMMISSIONERS ABSENT: Tanji Yamamura
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Louis Carnazzo, Court Reporter

HEARINGS

A75-402 - AMFAC COMMUNITIES, INC., - HAWAII

Pursuant to the announcement made at the meeting on January 12, 1976 in Lihue, Kauai, a continuation of the hearing was called by the Land Use Commission in the matter of the application by Amfac Communities, Inc. to amend the land use district boundaries for approximately 34 acres from the Agricultural District into the Urban District at Lihue, Kauai for development and sale of lots for industrial use, Docket No. A75-402.

For the record, the Chairman noted the presence of the following parties who had been admitted at the January 12th meeting:

Appearances:

Francis Izumi, law firm of Izumi and Tanaka, representing petitioner, Lihue Plantation Company

Morris Shinsato, County Attorney, representing the Kauai
Planning Department

Gilbert Lee, Deputy Attorney General, representing the
Department of Planning & Economic Development

The oath was administered to persons testifying today.

At the Chairman's request, Mr. Leong oriented the Commission to the area under petition with the aid of the Land Use District Map posted on the board.

Petitioner

Exhibits

The following documents were marked for identification and introduced into evidence as Petitioner's (Amfac Communities, Inc.) Exhibits:

- Exhibit I-A - Letter from Citizens Utilities Co. dated March 10, 1975, expressing need for industrial park
- Exhibit I-B - Letter from Citizens Utilities Co., dated December 19, 1975, expressing interest in finding suitable industrial property in Lihue area
- Exhibit I-C - Balance Sheet of Lihue Plantation Co., dated December 31, 1974 and 1973
- Exhibit I-D - Statement of Income & Earnings Reinvested, for years ending December 31, 1974 and 1973
- Exhibit I-E - Amfac Annual Report, 1974
- Exhibit II - USGS Map, Lihue, Hawaii
- Exhibit III - Map marked K-11
- Exhibit IV - Preliminary Plat
- Exhibit V - Kauai County General Plan of Lihue and Overlay
- Exhibit VI - Reproduction of the Island of Kauai
- Exhibit VIII - Color Coded Map of Domestic Water Service, Kauai
- Exhibit VIII - Service Areas & Land Use for Lihue Wastewater
- Exhibit IX - Proposed General Land Use Plan Amendment

Letters indicating interest in leasing commercial area from:

- Exhibit X-A - Loves Bakery
- Exhibit X-B - Holo Holo Campers - Kauai
- Exhibit X-C - Economy Motors, Inc.
- Exhibit X-D - S&T Glass, Inc.
- Exhibit X-E - Best Chemicals & Fertilizer Co., Ltd.
- Exhibit X-F - John S. Clark

Letters from E. W. Broadbent indicating attachment of letter as part of evidence of actual demand to:

- Exhibit X-G - Best Chemical & Fertilizer Co., Ltd.
- Exhibit X-H - Economy Motors, Inc.
- Exhibit X-I - Holo Holo Campers
- Exhibit X-J - S. & T. Glass, Inc.
- Exhibit X-K - Citizens Utilities Company
- Exhibit X-L - Grayline-Kauai
- Exhibit X-M - Letter from John S. Clark confirming interest in Lihue Industrial Park
- Exhibit X-N - Letter from Grayline Kauai expressing interest in Lihue Industrial Park
- Exhibit X-O - Letter from J. S. Gilruth re interest in Park
- Exhibit XI - Colored Graph and attached statistics
- Exhibit XII - Environmental Impact Assessment Report
- Exhibit XIII - Flow Chart of Development of Property

A short recess was called for the exchange of exhibits.

Kelvin Kai - Witness

Mr. Kelvin Kai, Manager of Engineering of Citizens Utilities Co., having been duly sworn in, was called as a witness,

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| examined and testified as set forth in the transcript on - - - - - | <u>Pages</u> |
| Direct examination by Mr. Izumi - - - - - | 20 to 23 |
| Cross examination by Mr. Shinsato - - - - - | 23 to 24 |
| Redirect examination by Mr. Izumi - - - - - | 24 |

Edward W. Broadbent - Witness

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| Mr. Edward W. Broadbent, Amfac Communities-Hawaii, 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. Izumi - - - - - | 26 to 50 |
| Cross examination by Mr. Shinsato - - - - - | 50 to 54 |
| Cross examination by Mr. Lee - - - - - | 54 to 55 |

At Mr. Izumi's request, both Mr. Shinsato and Mr. Lee agreed to meet with him during the lunch break to discuss stipulations that would be mutually agreeable relative to the availability of the sewer system and water.

A lunch break was called at 12:04 p.m.

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Discussion of Stipulations

- Present: Francis Izumi, law firm of Izumi and Tanaka, representing Lihue Plantation Company
- Morris Shinsato, County Attorney, representing the Kauai Planning Department
- Gilbert Lee, Deputy Attorney General, representing the Dept. of Planning & Economic Development
- Akira Fujita, Director, Department of Public Works, Kauai
- Larry Nishikawa, Deputy Manager-Chief Engineer, Board of Water Supply, Kauai
- Louis Carnazzo, Court Reporter

The stipulations which were discussed are set forth in the transcript on Pages 59 to 61.

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The meeting was called back to order by Chairman Tangen at 2:05 p.m.

For the records, it was established that both Mr. Shinsato representing the County of Kauai, and Mr. Lee representing the State, stipulated that they agreed with the representation entered into the record with respect to the reasonable availability of water and sewer to the subject property.

Kauai Planning Department

Curtiss Ako - Witness

Mr. Curtiss Ako, Planner, Kauai Planning Department, 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. Shinsato - - - - - 63 to 64

Cross examination by Mr. Izumi - - - - - 65 to 67

Department of Planning & Economic Development

Mr. Lee requested that the reading of the prepared testimony be waived and stated that the testimony had been served to all the parties within 5 days of the hearing.

Esther Ueda - Witness

Mrs. Esther Ueda, Planner, Land Use Division, DPED, 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 - - - - - 68 to 69

Chairman Tangen requested that the petitioner submit Proposed Findings of Fact and Conclusions of Law relative to Docket A75-402 to the Land Use Commission within 45 days. The petitioner was also advised that he was required to serve his Proposed Findings of Fact and Conclusions of Law to all the parties. The parties will have 15 days from the date of service of the petitioner's Proposed Findings to respond thereto.

The hearing on A75-402 was closed.

ACTION

APPLICATION BY LIHUE PLANTATION COMPANY, LTD. FOR A SPECIAL PERMIT
TO ALLOW SAND MINING AT HANAMAULU, LIHUE, KAUAI

Mr. Leong, Acting Executive Officer, described the area under
petition and summarized the petitioner's request.

During the discussion that ensued, the following significant
points were noted:

1. The USDA Soil Conservation Service's conservation plan
for grading would be more stringent than the County's
regulations.
2. The sand will be used for plantation roadways and not for
commercial purposes.
3. Prior to commencement of any grading activity, a permit
shall be obtained from the Public Works Department,
except when an approved conservation plan is being followed.

It was moved by Vice Chairman Sakahashi and seconded by
Commissioner Duke to approve the Special Permit, subject to the
County's 4 conditions. The motion was unanimously passed.

The meeting was adjourned at 2:35 p.m.