

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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Approved
4/14/76

March 4, 1976 - 9:30 a.m.

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman Pro tem
Charles Duke
James Carras
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

COMMISSIONERS ABSENT: Eddie Tangen
Colette Machado

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

Ray Russell, Court Reporter

HEARINGS

A75-408 WAILUA HEIGHTS, INC.

Pursuant to a notice published in the Garden Island and the Honolulu Star Bulletin on February 2, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Wailua Heights, Inc. to amend the land use district boundaries for approximately 49.78 acres from the Agricultural District into the Rural District at Wailua, Kauai for low density residential-agricultural use, Docket No. A75-408.

Appearances:

Jack Palk, President of Wailua Heights, Inc.

Michael Belles, Special Counsel attached to County Attorney's Office, representing the Kauai County Planning Department

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

Upon motion by Commissioner Whitesell, seconded by Commissioner Duke, it was unanimously passed to allow Mrs. Earl Arruda (adjacent property owner) to speak as a witness on her own behalf.

Chairman Sakahashi swore in all persons planning to testify today.

Mr. Leong oriented the Commission to the area under petition on the posted maps, and responded to questions posed by the Commissioners.

Upon motion by Commissioner Whitesell, seconded by Commissioner Duke, it was unanimously agreed to admit Father Palani as a witness.

PETITIONER

Exhibits

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

- Exhibit 1 - Title Report prepared by Security Title Corporation
- Exhibit 2 - Aerial photographs of subject property
- Exhibit 3 - Aerial photographs of neighboring property including subject property
- Exhibit 4 - Schematic Rural Subdivision, Wailua Homestead
- Exhibit 5 - Letter from present purchaser of adjoining property authorizing Jack Palk to proceed with request for Rural designation
- Exhibit 6 - Statement of environmental and historic considerations prepared by EDAW, Inc.

Yukio Arashiro - Witness

Mr. Yukio Arashiro, business representative for AFL/CIO, and adjoining property owner, 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. Palk - - - - - 18 to 30

	<u>Pages</u>
Questioned by Chairman Sakahashi, Commissioners Whitesell and Duke - - - - -	30 to 32
Cross examination by Mr. Lee - - - - -	32 to 34
Redirect examination by Mr. Palk - - - - -	34 to 35

A short recess was called at 10:31 a.m. and the meeting was reconvened at 10:40 a.m.

Yoshiko Kano - Witness

Mrs. Yoshiko Kano, real estate broker, 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. Palk - - - - -	37 to 41
Questioned by Commissioner Yanai - - - - -	41 to 42
Cross examination by Mr. Lee - - - - -	42 to 44

Toru Kawakami - Witness

Mr. Toru Kawakami, President and principal broker of Yoneji Realty, 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. Palk - - - - -	45 to 48
Questioned by Commissioner Duke - - - - -	48
Questioned by Commissioner Duke and responded by Mr. Palk - - - - -	48 to 50
Redirect examination by Mr. Palk - - - - -	50 to 51
Recalled and redirect examination by Mr. Palk - - - - -	79 to 80
Recross examination by Mr. Lee - - - - -	80

Carl Muroda - Witness

Mr. Carl Muroda, President of Muroda & Associates of 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. Palk - - - - -	51 to 58

Questioned by Commissioner Whitesell - - - - - 58 to 59

Cross examination by Mr. Lee - - - - - 60 to 63

Redirect examination by Mr. Palk - - - - - 63 to 65

Maggie Beth Arruda - Witness

Mrs. Maggie Beth Arruda, having been admitted as a witness on her own behalf and duly sworn in, was called, examined and testified as set forth in the transcript on - - - - - Pages

Oral Testimony - - - - - 65 to 70

Questioned by Commissioner Duke - - - - - 70 to 73

Questioned by Commissioner Whitesell - - - - - 73 to 74

Questioned by Chairman Sakahashi - - - - - 74 to 75

Cross examination by Mr. Palk - - - - - 75 to 77

Cross examination by Mr. Lee - - - - - 77 to 78

Cross examination by Mr. Belles - - - - - 78 to 79

A lunch break was called at 12:03 p.m., and the hearing was reconvened at 1:36 p.m.

Curtiss Ako - Witness

Mr. Curtiss Ako, Planner with 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. Belles - - - - - 82 to 83

Father Palani - Witness

Father Palani, having been admitted as a witness and duly sworn in, was called, examined and testified as set forth in the transcript on - - - - - Pages

Oral testimony - - - - - 83 to 98

Questioned by Commissioner Duke - - - - - 98 to 102

Questioned by Chairman Sakahashi - - - - - 102 to 104

Questioned by Commissioner Yanai - - - - - 104 to 106

Questioned by Commissioner Whitesell - - - - - 106 to 108

Cross examination by Mr. Palk - - - - - 108 to 115

Cross examination by Mr. Lee - - - - - 115 to 123

Exhibits

The following documents were marked for identification and introduced into evidence as Father Palani's Exhibits:

- Exhibit 1 - Petition to Deny Proposed Boundary Change
- Exhibit 2 - Schematic Master Plan - Subramuniya Yoga Order

KAUAI PLANNING DEPARTMENT

Mr. Belles submitted a memo prepared by Mr. Curtiss Ako, staff planner with the Kauai Planning Department, which was made a part of the record as set forth in the transcript on pages 124 to 126.

A short recess was called at 3:04 p.m. and the hearing was reconvened at 3:16 p.m.

Curtiss Ako - Witness

Mr. Curtiss Ako, having been duly sworn in, was examined and testified as set forth in the transcript on- - - - - Pages

Questioned by Commissioner Whitesell - - - - - 126 to 129

Cross examination by Mr. Lee - - - - - 129

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Mr. Lee requested that the reading of the portion of the written testimony relative to the background information be waived, and directed Mr. Fujimoto to read into the record the analysis portion of the report as set forth in the transcript on pages 130 to 132.

For the record, a correction was noted by Mr. Fujimoto in his testimony as follows:

Just above the sub-title "Description of Proposed Development", the figure "70" should be corrected to read "700 feet"

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, State Department of Planning and Economic Development, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript

on - - - - -	<u>Pages</u>
Questioned by Commissioner Whitesell - - - - -	133 to 136
Direct examination by Mr. Lee - - - - -	136
Cross examination by Mr. Palk - - - - -	137 to 138

Questions were raised by Commissioner Whitesell, to which responses were made by Mr. Palk, Mr. Belles, and Mr. Brian Nishimoto, Planning Director of the Kauai Planning Department as set forth in the transcript on pages 138 to 141.

Chairman Sakahashi requested that the petitioner submit Proposed Findings of Fact and Conclusions of Law relative to Docket A75-408 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, and that such parties will have 15 days from the date of service of the petitioner's Proposed Findings to respond thereto.

Thereafter, the hearing on A75-408 was closed.

* * * * *

A75-410 JANET L. GREENBLATH & MARCIA S. VESPOLI

Pursuant to a notice published in the Garden Island and the Honolulu Star Bulletin on February 2, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by Janet L. Greenblath and Marcia S. Vespoli, to amend the land use district boundaries for approximately 6.45 acres from the Rural District into the Urban District at Kalaheo, Kauai for single-family residential use, Docket No. A75-410.

Appearances:

Peter N. Taylor, engineer with Taylor-Hughes & Associates, Inc.,
representing the petitioner

Janet L. Greenblath, petitioner

Michael Belles, Special Counsel attached to County Attorney's
Office, representing the Kauai County Planning
Department

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

Mr. Leong was requested by the Chair to indicate on the map the subject property under petition.

Exhibits

The following documents were marked for identification and introduced into evidence as Petitioner's (Greenblath, et al) exhibits:

Exhibit 1 - Letter from Dr. Charles Taba reaffirming his plans to purchase subject property

PETITIONER

Mrs. Janet Greenblath, petitioner, having been duly sworn in, was examined and testified as set forth in the transcript

on - - - - -	<u>Pages</u>
Questioned by Commissioner Duke - - - - -	145 to 147
Cross Examination by Mr. Lee - - - - -	147

Peter N. Taylor - Witness

Mr. Peter N. Taylor, representing the petitioner, having been duly sworn in, was examined and testified as set forth in the transcript on - - - - -

the transcript on - - - - -	<u>Pages</u>
Oral testimony - - - - -	148 to 150
Questioned by Commissioner Whitesell, Duke, and Chairman Sakahashi - - - - -	150 to 154
Cross examination by Mr. Belles - - - - -	154 to 155
Cross examination by Mr. Lee - - - - -	155 to 158

KAUAI PLANNING DEPARTMENT

Mr. Belles requested that the testimony prepared by Mr. Greg Kamm, staff planner with the Kauai Planning Department, be made a part of the record, which is set forth in the transcript on pages 159 to 161.

Greg Kamm - Witness

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

Questioned by Commissioner Whitesell - - - - - 162 to 164

Cross examination by Mr. Taylor - - - - - 164 to 165

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Mr. Lee requested the Chair's permission to waive the reading of the written testimony, and advised that Mr. Fujimoto will be available for questioning.

Tatsuo Fujimoto - Witness

Mr. Tatsuo Fujimoto, State Department of Planning and Economic Development, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on - - - - - Pages

Questioned by Commissioner Whitesell - - - - - 166

Direct examination by Mr. Lee - - - - - 167

Cross examination by Mr. Taylor - - - - - 167

PETITIONER

Terry Kamer - Witness

Mr. Terry Kamer, Kauai resident, having been duly sworn in, was called as a witness by the petitioner, examined and testified as set forth in the transcript on - - - - - Pages

Oral testimony - - - - - 168 to 169

Questioned by Commissioner Yamamura - - - - - 169 to 170

Inasmuch as the petitioner on Docket A75-410 was not represented by legal counsel, Chairman Sakahashi requested that the State and County file the Proposed Findings of Fact and Conclusions of Law to the Land Use Commission within 45 days, and also serve this document to all parties admitted to the proceedings. Parties will have 15 days from the date of service of said proposed findings to respond thereto.

The petitioner was advised by Deputy Attorney General Marsh that the State and County's Proposed Findings of Fact and Conclusions of

Law will also be served to her and that she could make any comments or suggestions on the proposals to the Land Use Commission within 15 days.

The hearing on A75-410 was closed.

ADOPTION OF MINUTES

Upon motion by Mr. Yamamura, seconded by Commissioner Yanai, the minutes of the meeting of January 12, 1976 and February 13, 1976 were adopted as circulated.

Since there was no further business, the meeting was adjourned at 4:32 p.m.