

STATE OF HAWAII
LAND USE COMMISSION

Approved
11/4/82

Minutes of Meeting

Conference Room
First Hawaiian Bank
Lihue, Kauai

April 20, 1982 - 9:00 a.m.

HEARING OFFICER: Benjamin Matsubara

Kelly Carle, Court Reporter

HEARING

A81-516 - GEORGE LEWIS SAGEN

Pursuant to a notice published in The Garden Island and the Honolulu Advertiser on January 25, 1982, a hearing was called by the Land Use Commission in the matter of the petition by George Lewis Sagen to reclassify approximately 5 acres of land from the Agricultural District into the Urban District at Kilauea, Kauai, Docket A81-516. The hearing was conducted by Hearing Officer Benjamin Matsubara.

It was explained by Mr. Matsubara that, by stipulation of all parties, the hearing on this petition had been rescheduled from the originally scheduled hearing date due to the illness of the petitioner.

Appearances

Michael R. Salling, Attorney representing the petitioner

Max Graham, County Attorney's Office, representing the
Kauai Planning Department

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

Exhibits

LUC tax map 5-2-19 was entered into the record as evidence for the purpose of clarity and reference.

A map, financial statement and site plan attached to petition were identified as petitioner's exhibits 1, 2 and 3 respectively and admitted into evidence. A letter from E. J. Jackson, General Manager of Jackson Pacific, dated April 16, 1982, was marked as petitioner's exhibit 4 and moved into evidence.

Public Witness

Blair Halasey - Adjoining Landowner

- Oral testimony----- 7 to 8
- Cross examination by Mr. Salling-----10 to 12
- Cross examination by Mr. Graham-----12
- Cross examination by Mrs. Ueda-----14 to 15

Mr. Salling advised that Mr. Michael Ching, expert witness on the issue of the need for industrially-zoned lands in the area, will be unable to appear today due to an unforeseen emergency but wished to submit his qualifications and written testimony into the record. Both the County and the State stated that they would have no objections to this procedure so long as they would have an opportunity to submit written rebuttal or request a continuance, if they so desire. Ten days were set as the time frame in which to request a continuance, following receipt of the document.

It was also reported by Mr. Salling that although the question of land ownership between petitioner and Richard Houar was still pending in the courts, Mr. Houar was in support of and consented to the boundary amendment petition filed by Mr. Sagen.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

PETITIONER

George Lewis Sagen - Petitioner

- Direct examination by Mr. Salling-----24 to 39

Jamie Sagen - Petitioner

- Direct examination by Mr. Salling-----39 to 41

George Lewis Sagen (cont.)

- Cross examination by Mr. Graham-----42 to 59
- Cross examination by Mrs. Ueda-----59 to 71
- Examination by Mr. Matsubara-----71 to 77

COUNTY OF KAUAI

Bryan Mamaclay - Planner

Direct examination by Mr. Graham-----78 to 82

Examination by Mr. Matsubara-----82 to 83

Cross examination by Mr. Salling-----83 to 94

Cross examination by Mrs. Ueda-----94 to 96

The County's written testimony was moved into evidence.

Recross examination by Mr. Salling-----96 to 98

Recross examination by Mrs. Ueda-----98 to 99

Recross examination by Mr. Salling-----99

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Esther Ueda - Planner

Read from prepared testimony-----100 to 102

Cross examination by Mr. Salling-----103 to 107

Cross examination by Mr. Graham-----107

At the close of the hearing, Mr. Matsubara advised all parties of the post-hearing procedures.

The hearing was concluded at 12:00 p.m.