

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms A & B
State Office Building
Lihue, Kauai

Approved
October 13, 1977

May 18, 1977 - 9:30 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Shinsei Miyasato
Carol Whitesell

COMMISSIONERS ABSENT: James Carras
Mitsuo Oura
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Cassie Uyekubo, Court Reporter

HEARING

A76-425 - REX FINANCIAL CORPORATION

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on April 13, 1977, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Rex Financial Corporation to amend the land use district boundaries for approximately 35.72 acres presently in the Agricultural District into the Urban District at Kilauea, Kauai, for a residential subdivision; Docket No. A76-425.

All those testifying today were sworn in by the Chairman.

Appearances

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

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

Walton Hong, Attorney, representing the petitioner

At the Chairman's request, Mr. Furutani oriented the Commission to the parcel under petition with the aid of the posted maps. Mr. Furutani also pointed out the discrepancy of approximately 2.8 acres between the area requested by Rex Financial and staff evaluation of the existing land use district boundaries, and approximately 3,750 square feet of cemetery property, both of which had not been included in the legal notice. Therefore, both of these areas are not a part of the petition and must be excluded from the Commission's consideration. Chairman Tangen declared that, if the petition is granted, the Land Use Commission, on its own initiative, will move to reclassify these two areas into the Urban District.

Addition to the Agenda

It was moved by Commissioner Duke and seconded by Vice Chairman Sakahashi to add to the agenda an executive session of the Commission to discuss the conditions to be imposed on the Moana Corporation petition (A76-418) with legal counsel.

Witnesses

All of those persons who were called as witnesses by the parties, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

PETITIONER

Exhibits

Petitioner's exhibits 1 through 11, excluding 2, were admitted into evidence. Mr. Hong withdrew exhibit 2 showing the metes and bounds of various properties.

Geza Demeter - President of Rex Financial Corporation

Direct examination by Mr. Hong-----11 to 16
Cross examination by Mr. Belles-----16 to 18
Cross examination by Mr. Lee-----18 to 20
Examination by Vice Chairman Sakahashi-----20 to 22
Examination by Commissioner Duke-----22 to 23
Recross examination by Mr. Belles-----23
Reexamination by Vice Chairman Sakahashi-----23 to 24

Peter Taylor - Civil Engineer

Direct examination by Mr. Hong-----24 to 27
Cross examination by Mr. Belles-----27 to 28
Cross examination by Mr. Lee-----29 to 30
Redirect examination by Mr. Hong-----30 to 31
Recross examination by Mr. Belles-----32
Recross examination by Mr. Lee-----32 to 33

Jack Bennington - Developer

Direct examination by Mr. Hong-----34 to 49
Cross examination by Mr. Belles-----49 to 55
Cross examination by Mr. Lee-----56 to 60
Redirect examination by Mr. Hong-----60 to 61
Examination by Vice Chairman Sakahashi-----61 to 62

Michael Dyer - Principal Real Estate Broker & Property Manager

Direct examination by Mr. Hong-----63 to 80
During examination of Mr. Dyer by Mr. Hong, DPED's Exhibit
2 and County's Exhibits A and B were admitted into evidence.
Cross examination by Mr. Belles-----80 to 95
The hearing was recessed rom 11:57 a.m. to 1:48 p.m.

1:48 p.m.

Michael Dyer (cont.)

Cross examination by Mr. Lee-----96 to 101
Redirect examination by Mr. Hong-----102 to 103
Recross examination by Mr. Belles-----103 to 104

Jack Bennington - (Recalled)

Recross examination by Mr. Lee-----105 to 113

KAUAI PLANNING DEPARTMENT

Curtiss Ako - Planner

Direct examination by Mr. Belles-----114 to 116
Discussion of vacant lots, status of existing subdivisions, anticipated population in the Kilauea area--116 to 121
Redirect examination by Mr. Belles-----121 to 123
Examination by Chairman Tangen-----123 to 124
Redirect examination by Mr. Belles-----124 to 125
Reexamination by Chairman Tangen-----127 to 129
Redirect examination by Mr. Belles-----131 to 140
Cross examination by Mr. Hong-----140 to 145
Reexamination by Chairman Tangen-----145 to 158
Examination by Vice Chairman Sakahashi-----158 to 161
Redirect examination by Mr. Belles-----161 to 164
Reexamination by Chairman Tangen-----164 to 166

Dennis Ikehara - University of Hawaii Cooperative Extension Service

Direct examination by Mr. Belles-----168 to 169
Examination by Vice Chairman Sakahashi-----169 to 171
Summary of report-----172 to 173
Examinations by Chairman Tangen and Vice Chairman Sakahashi-----173 to 176
Cross examination by Mr. Hong-----176

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Exhibit

DPED's Exhibit 1 was admitted into evidence.

James Kirchhofer - Chief Planner, Dept. of Agriculture

Direct examination by Mr. Lee-----177 to 182
Cross examination by Mr. Hong-----182 to 203

James Kirchhofer (cont.)

Examination by Vice Chairman Sakahashi-----203

Redirect examination by Mr. Lee-----204 to 205

Paul Schwind - Planner, Land Use Division

Cross examination by Mr. Hong-----207

Examination by Chairman Tangen-----207 to 211

Examination by Commissioner Whitesell-----211 to 212

Thereafter, the hearing on A76-425 was closed and all parties were advised of the deadlines for filing the findings, conclusions, etc. and responding thereto.

A77-428 - MICHAEL & CHARLENE DYER

Due to the time constraints, Chairman Tangen announced that the hearing on the petition by Michael & Charlene Dyer, A77-428, will be held at a later date with all parties being notified 3 days in advance of the meeting date.

The meeting adjourned at 4:55 p.m.