

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kauai Regional Library
4344 Hardy Street
Lihue, Kauai

Approved
JAN 31 1980

August 24, 1979 - 9:00 a.m.

HEARING OFFICER: Benjamin Matsubara

COMMISSIONERS PRESENT: Charles Duke, Chairman
George Pascua

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Ray Russell, Court Reporter

HEARING

A79-453 - THE STATE LAND USE COMMISSION

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on July 20, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by the Land Use Commission to amend the land use district boundaries for "A", approximately 2.9 acres of land and "B", approximately 1.3 acres of land presently in the Agricultural District into the Urban District at Kilauea, Hanalei, Kauai, Docket No. A79-453. The hearing was conducted by Mr. Benjamin Matsubara who was appointed by the Commission as the Hearing Officer for the subject petition.

The Hearing Officer called on staff to orient the parties to the location of the petitioned property on the maps.

Appearances

Allan Kawada, Deputy Attorney General, representing the
Land Use Commission, Petitioner

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

Annette Chock, Deputy Attorney General, representing the
Department of Planning and Economic Development

All of the witnesses appearing on behalf of the parties were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

WITNESS

Mr. Matsubara stated for the record that the timely letter from Ms. Elizabeth Stone to testify as a witness will be accepted as a statement of a public witness. Ms. Stone was not present at the hearing.

INTERVENOR

Mr. Walton Hong, attorney representing Rex Financial Corp. and Roger Taniguchi, owners of parcels "A" and "B" respectively, stated that he had been under the erroneous impression they were automatic parties to the proceedings on this petition. Since there were no objections from any of the parties, Mr. Hong was admitted as a party. Mr. Matsubara noted for the record that intervenors will be identified as "intervenor-landowner".

EXHIBITS

Petitioner's Exhibit 1 was moved into evidence. Additionally, Mr. Kawada requested that the proceedings and transcript of the petition by Rex Financial Corporation, Docket A76-425, be incorporated by reference as a part of this petition.

Mr. Belles objected to the incorporation of the proceedings of Docket A76-425 as they pertained to parcel "B", since much of the testimony introduced in favor of the change for that parcel would not necessarily relate to the parcel being considered under the present petition.

The Hearing Officer declared that he will review those portions of Docket A76-425 which he finds relate to present petition for judicial purposes.

County's prepared statement was admitted into evidence.

DPED's written testimony, numbered Exhibit 1, was admitted into evidence.

Intervenor-Landowner's Exhibit 1 was admitted into evidence.

PETITIONER

Jack Bennington - Davies Pacific, Inc.

Direct examination by Mr. Kawada-----14 to 28

Cross examination by Mr. Belles-----28 to 45

Jack Bennington (cont.)

Cross examination by Miss Chock-----45 to 50
Cross examination by Mr. Hong-----50 to 51
Examination by Mr. Matsubara-----51 to 52

KAUAI PLANNING DEPARTMENT

Tom Shigemoto - Planner, Kauai Planning Department

Direct examination by Mr. Belles-----52 to 55
Cross examination by Mr. Hong-----55 to 59
Examination by Mr. Matsubara-----59 to 60

Rodney Yadao - Representing Constituents

Direct examination by Mr. Belles-----61 to 62
Cross examination by Mr. Kawada-----62 to 63
Cross examination by Mr. Hong-----63 to 65

JoAnn Yukimura - Concerned Citizen

Direct examination by Mr. Belles-----66 to 70
Cross examination by Mr. Kawada-----70 to 73
Cross examination by Mr. Hong-----74 to 77
Redirect examination by Mr. Belles-----77 to 78
Recross examination by Mr. Hong-----78 to 79
Redirect examination by Mr. Belles-----79

Gail Smith - Kilauea Resident

Direct examination by Mr. Belles-----80 to 81
Cross examination by Mr. Hong-----82

The hearing was in recess from 11:59 a.m. to 12:10 p.m.

12:10 p.m.

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Land Use Division

Direct examination by Miss Chock-----84 to 85

PETITIONER (cont.)

Jack Bennington - Rebuttal Witness

Direct examination by Mr. Kawada-----86 to 88

Examination by Mr. Matsubara-----88 to 89

Cross examination by Mr. Hong-----89 to 92

Cross examination by Mr. Belles-----92 to 93

Mr. Matsubara advised that he will issue his proposed findings of fact and conclusions of law and serve it upon all the parties.

The hearing adjourned at 12:28 p.m.