

STATE OF HAWAII
LAND USE COMMISSION

Approved

Minutes of Meeting

DEC 3 1982

Conference Rooms A & B
State Building
3060 Eiwa Street
Lihue, Kauai

September 24, 1982 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Larry Chun
Shinsei Miyasato
Teofilo Tacbian
Robert Tamaye
Winona Rubin
Frederick Whittemore

COMMISSIONERS ABSENT: Richard Choy, Vice Chairman
Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer
Joseph Chu, Planner
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

James Filibeck Court Reporter

CONTINUED HEARING

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

It was announced by Chairman Yuen that the first item on the agenda was the continued hearing on the petition by Amfac Property Development Corporation to reclassify approximately 78 acres of land from the Agricultural District into the Urban District at Lihue, Kauai for a light industrial and resort development.

Appearances

Clinton Shiraishi, Attorney, representing the petitioner

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

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

Exhibits

Petitioner's exhibits 15, 16 and 17 were admitted into

evidence. Admittance of petitioner's exhibits 13 and 14 were held in abeyance.

County's exhibits 2 and 3 were admitted into evidence.

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

Public Witness

Upon motion by Commissioner Tacbian, seconded by Commissioner Whittemore, it was unanimously agreed to permit Mr. Charles Trembath to appear as a public witness and to accept his letter as the Commission's exhibit 1.

Charles Trembath - Resident of Koloa Pages

Oral testimony-----14 to 15

Cross examination by Mr. Shiraishi-----16

At this point, Chairman Yuen excused himself from the proceedings and turned the meeting over to Commissioner Tacbian.

PETITIONER

Dennis Hirota - Executive Vice President of Sam Hirota, Inc.

Direct examination by Mr. Shiraishi-----18 to 28

Cross examination by Mr. Graham-----29 to 38

Cross examination by Miss Chock-----38 to 44

Examination by Chairman Tacbian-----45 to 46

Examination by Commissioner Chun-----46 to 47

Due to a prior commitment, it was announced by the Chairman that Mr. Wallace Sonoda, State's witness, will be called out of turn to testify.

DPED

Wallace Sonoda - Department of Health Employee

Direct examination by Miss Chock-----47 to 50

Cross examination by Mr. Shiraishi-----50 to 52

Wallace Sonoda (cont.)

- Cross examination by Mr. Graham-----52
- Examination by Commissioner Whittemore-----52 to 53
- Examination by Commissioner Tamaye-----53
- Examination by Chairman Tacbian-----53 to 54

At 11:00 a.m., Chairman Yuen rejoined the Commission. He announced that he will entertain a motion to place on the agenda, for this afternoon, a request for early consideration of petition to intervene filed by the Legal Aid Society in the matter of the petition by A & B Properties, Inc. A82-535; and the adoption of various Decision and Orders of the Commission.

It was so moved by Commissioner Tacbian, seconded by Commissioner Chun and unanimously carried.

ACTION

A81-522 - JEFFREY CHOI AND KATHLEEN T. CHOI

In the matter of the petition by Jeffrey Choi and Kathleen T. Choi, Docket A81-522, a hearing was conducted by Hearing Officer Benjamin Matsubara on March 17, 1982.

At the conclusion of a comprehensive report of his findings and conclusions and evidence adduced at the hearing, it was recommended by Mr. Matsubara that the reclassification of the subject property was reasonable and non-violative of Section 205 of the Hawaii Revised Statutes.

It was moved by Commissioner Tamaye and seconded by Commissioner Tacbian to approve the petition. The motion was unanimously carried.

Chairman Yuen directed Mr. Matsubara to prepare the Commission's Decision and Order, reflecting the foregoing action.

ADOPTION OF DECISION AND ORDERS

It was moved by Commissioner Whittemore and seconded by Commissioner Chun to adopt the Commission's final Decision and Order for the following petitions:

- A82-529 - DPED (Honolulu International Airport)

Adoption of Decision and Order (cont.)

A82-531 - TheoDavies Hamakua Sugar Company
(Order denying petition for intervention by
Elizabeth Ann Stone)

SP72-128 - Tommy Ishimaru (time extension)

SP80-349 - Princeville at Hanalei (time extension)

SP82-355 - County of Maui Department of Public Works

The motion was approved by voice vote.

CONTINUED HEARING (cont.)

A82-530 - AMFAC PROPERTY DEVELOPMENT CORPORATION

Petitioner (cont.)

Richard Van Horn - Partner, Helber, Hastert, Van Horn & Kimura

Direct examination by Mr. Shiraishi-----61 to 64

Cross examination by Mr. Graham-----64 to 67

Cross examination by Miss Chock-----67 to 73

Redirect examination by Mr. Shiraishi-----73

Examination by Commissioner Chun-----74 to 75

Examination by Chairman Yuen-----75 to 77

The Commission was in recess from 11:45 a.m. to 1:15 p.m.

1:15 p.m.

Due to the departure of Chairman Yuen, the afternoon session was chaired by Commissioner Tacbian.

Petitioner (cont.)

Peter Garrod - Faculty Member, College of Tropical Agriculture,
University of Hawaii, Manoa

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

Petitioner's exhibit 12 was admitted into evidence.

Cross examination by Miss Chock-----84 to 86

Peter Garrod (cont.)

Redirect examination by Mr. Shiraishi-----86 to 87

James Shinno - Engineer, Lihue Plantation Co.

Direct examination by Mr. Shiraishi-----87 to 90

Cross examination by Mr. Graham-----90 to 93

Cross examination by Miss Chock-----93 to 97

Examination by Chairman Tacbian-----97 to 100

Redirect examination by Mr. Shiraishi-----100

Petitioner's exhibit 14 was moved into evidence.

Fred Kwock - President of Amfac Development Corporation

Direct examination by Mr. Shiraishi-----101 to 104

Petitioner's exhibit 19 was admitted into evidence.

Cross examination by Mr. Graham-----105 to 109

Cross examination by Miss Chock-----109 to 112

Examination by Commissioner Chun-----112

Examination by Chairman Tacbian-----112 to 113

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Owen Miyamoto - Chief of the Airport Division, Dept. of
Transportation

Direct examination by Miss Chock-----114 to 118

Cross examination by Mr. Shiraishi-----119 to 122

Cross examination by Mr. Graham-----122 to 124

KAUAI PLANNING DEPARTMENT

Avery Youn - Deputy Planning Director, Kauai Planning Dept.

Direct examination by Mr. Graham-----126 to 133

Cross examination by Mr. Shiraishi-----133 to 137

Avery Youn (cont.)

Cross examination by Miss Chock-----138 to 140

Redirect examination by Mr. Graham-----140 to 141

Kioji Miyasaki - Head of Division of Engineering, Kauai
Department of Public Works

Direct examination by Mr. Graham-----142 to 149

Cross examination by Mr. Shiraishi-----149 to 152

It was announced by the Chairman that the examination of Mr. Miyasaki will be interrupted at this time in order to dispose of some other matters before the Commission prior to the conclusion of the meeting today.

A82-535 - A & B Properties, Inc.

Motion for early consideration of petition to
intervene, by Legal Aid Society

Appearances

Isaac Hall, Attorney for Intervenors

Paul Mancini, Attorney for petitioner

Guy Archer, Deputy Corporation Counsel, Maui Planning
Department

Mr. Hall, attorney representing intervenors, requested a continuance of his motion for early consideration inasmuch as there were only 5 Commissioners present and it would require a unanimous vote in order to gain admittance as an intervenor.

Objections to Mr. Hall's request were expressed by Mr. Mancini. Both the County and State commented that they did not object to the continuance request.

It was moved by Commissioner Chun, seconded by Commissioner Whittemore, and unanimously approved to continue action on the request by intervenors for continuance.

The Chairman announced that the request to intervene will be resolved on the hearing date, October 6, 1982.

The meeting adjourned at 4:00 p.m.