

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms A & B
State Building
Lihue, Kauai

Approved
FEB 14 1980

September 26, 1979 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
William Yuen

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

CONTINUED HEARING

A79-452 - IRVING A. JENKINS & MAY C. JENKINS

Chairman Duke announced that the first item on the agenda today was a continued hearing of the subject petition.

Mr. Clinton Shiraishi, representing the petitioners, advised that Mr. and Mrs. Jenkins would like to withdraw their application, and the Chairman directed that the records reflect the withdrawal request.

CONTINUED ACTION

A76-418 - MOANA CORPORATION

For the record, Chairman Duke reported on the various correspondence on record between the Commission and the County Council, County Attorney's Office, Representative Kunimura, B. Thompson, and admitted them all into evidence. Additionally, a letter dated 9/17/79 from the Moana Corporation to Mr. Thompson was also admitted into evidence.

Commissioner Pascua was excused due to a conflict of interest.

The Chairman called on Mr. Belles, County Attorney, to present his report.

Mr. Belles submitted that the County had prepared a chronology of events delineating activities that had occurred in the County of Kauai since the last meeting of the Commission when the subject matter was deferred, and requested that this be entered into evidence. Since there were no objections, it was so ordered by the Chairman.

The examinations and cross examinations of the parties and witnesses are set forth in the transcript on the pages noted.

COUNTY OF KAUAI

Eugene Jimenez - Housing Administrator for Kauai County

Direct examination by Mr. Belles-----13 to 17

Cross examination by Miss Tico-----17 to 18

Examination by Chairman Duke-----18 to 19

Examination by Commissioner Yuen-----20

Recross examination by Miss Tico-----20 to 25

Redirect examination by Mr. Belles-----25 to 27

Recross examination by Miss Tico-----27 to 28

Examination by Commissioner Whitesell-----28 to 30

INTERVENORS

David Chang - Koloa Resident

Direct examination by Miss Tico-----34 to 39

Examination by Vice Chairman Nakagawa-----40 to 43

Examination by Chairman Duke-----43 to 46

Chairman Duke announced that he had been advised by the Deputy Attorney General that 6 votes would be required to approve the subject motion to amend conditions imposed in the Decision and Order. Therefore, in fairness to all parties, the Commission will utilize the proposed decision method since there were less than eight Commissioners present today who would qualify to participate in the action on this motion. Details of the proposed

decision procedure, including the possibility of waiving oral arguments and filing written arguments in lieu thereof, were also discussed by the Chairman. All parties were advised that they will be notified of the meeting date when this matter will be acted upon.

The hearing was adjourned at 11:00 a.m.