

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

Approved
FEB 26 1980

September 27, 1979 - 9:00 a.m.

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

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

Ray Russell, Court Reporter

HEARING

A79-456 - THE LIHUE PLANTATION COMPANY, LIMITED

Pursuant to a notice published in the Honolulu Advertiser and The Garden Island on August 22, 1979, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by The Lihue Plantation Company, Ltd. to amend the land use district boundaries for approximately 13.683 acres from the Agricultural District into the Urban District at Lihue, Kauai, Docket A79-456.

Public Witness

A letter addressed to the Land Use Commission from Ms. Elizabeth Stone requesting that her written testimony be entered into the record was read by the Planner.

It was moved by Commissioner Yuen, seconded by Commissioner Whitesell, to enter Ms. Stone's letter into the record. The motion was carried with the following votes:

Ayes: Commissioners Yuen, Whitesell, Miyasato,
Nakagawa, Chairman Duke

Nays: Commissioners Pascua, Oura, Yanai

Intervention

Chairman Duke reported that an untimely request for inter-
vention had been filed by Mr. Solomon Holi. Ms. Holi, repre-
senting her father, maintained that she wished to retain the
request to appear as an intervenor.

Commissioner Pascua moved to disapprove the intervention
request by Mr. Holi, which was seconded by Vice Chairman
Nakagawa. The motion was carried with the following votes:

Ayes: Commissioners Miyasato, Pascua, Yanai, Oura,
Nakagawa, Chairman Duke

Nays: Commissioners Yuen and Whitesell

Upon motion by Commissioner Yuen, seconded by Commissioner
Pascua, it was unanimously agreed to allow Mrs. Holi to partici-
pate as a public witness on this petition.

Appearances

Clinton Shiraishi, Attorney for Petitioner

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

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

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

Public Witness

Wilma H. Holi - Representing Mr. Solomon Holi

Read letter by Mr. Holi-----20 to 21

Cross examination by Mr. Shiraishi-----23 to 24

Cross examination by Mr. Belles-----24 to 25

Wilma H. Holi (cont.)

Cross examination by Miss Chock-----25 to 26
 Examination by Commissioner Whitesell-----27 to 29
 Examination by Commissioner Yuen-----29 to 30

PETITIONER

Clinton L. Childs - Realtor

Direct examination by Mr. Shiraishi-----31 to 44
 Cross examination by Mr. Belles-----44 to 49
 Cross examination by Miss Chock-----49 to 53
 Examination by Commissioner Whitesell-----54
 Examination by Commissioner Yuen-----54 to 58
 Examination by Commissioner Pascua-----58 to 60
 Examination by Vice Chairman Nakagawa-----60

It was brought out by Commissioner Whitesell that a financial statement indicating the petitioner's capability to carry out the proposed project had not been filed. Mr. Shiraishi submitted that he will make this available to the Commission and parties.

Chairman Duke advised that the hearing will be officially closed upon submittal of the financial statement by the petitioner and after all the parties have had an opportunity to raise any questions regarding the statement, if they so desire.

Clinton L. Childs (cont.)

Examination by Chairman Duke-----65 to 66

KAUAI PLANNING DEPARTMENT

Tom Shigemoto - Planner, Kauai Planning Department

Direct examination by Mr. Belles-----66 to 68
 Cross examination by Mr. Shiraishi-----69

Tom Shigemeto (cont.)

Examination by Commissioner Whitesell-----69 to 71

Examination by Commissioner Yuen-----71 to 72

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Abe Mitsuda - Planner, DPED

Direct examination by Miss Chock-----75

Examination by Commissioner Yuen-----75 to 76

Examination by Commissioner Whitesell-----77

Reexamination by Commissioner Whitesell-----79 to 80

Exhibits

Petitioner's exhibits A & B, attached to the petition, were admitted into evidence. Upon receipt of the financial statement from the petitioner, the Chair stated that it will be marked as petitioner's exhibit C.

ADOPTION OF MINUTES

The minutes of April 6, 19, 1979, and May 9, 1979 were adopted as circulated, with the deletion of the term "overwhelming choice" on page 2, 7th paragraph in the minutes of May 9, 1979.

The meeting adjourned at 12:28 p.m.