

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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

Approved
2/25/82

December 10, 1981 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Carol Whitesell, Vice Chairman
Richard Choy
Everett Cuskaden
Shinsei Miyasato
Phil Tacbian
Robert Tamaye

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Jay Nelson, Deputy Attorney General
Dora Horikawa, Chief Clerk

Maureen Rooney, Court Reporter

HEARING

A81-515 - COUNTY OF KAUAI

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on October 26, 1981 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of a boundary amendment petition by the County of Kauai to reclassify 66.10 acres of land from the Agricultural District into the Urban District at Weliweli, Koloa, Kauai for a residential subdivision, Docket A81-515.

Appearances

Michael Belles, Kauai County Attorney's Office, representing petitioner and the Kauai Planning Dept.

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

A description of the property was offered by Mr. Furutani, Executive Officer, with the aid of the USGS and tax maps.

Exhibits

The quadrangle and tax maps were marked as LUC exhibits 1 and 2 respectively and entered into evidence.

The County's exhibits 1-A through J were admitted into evidence.

DPED's exhibit 1 was moved into evidence.

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

PETITIONER (County of Kauai)

Avery Youn - Deputy Planning Director, Kauai Planning Dept.

Direct examination by Mr. Belles-----12 to 21
 Cross examination by Miss Chock-----21 to 23
 Examination by Commissioner Choy-----23
 Examination by Vice Chairman Whitesell-----24
 Examination by Commissioner Cuskaden-----24 to 26
 Reexamination by Vice Chairman Whitesell-----26 to 28
 Examination by Chairman Yuen-----28 to 32
 Reexamination by Commissioner Cuskaden-----32 to 35

Kenneth Rainforth - Development Coordinator, Kauai County
Public Housing Agency

Direct examination by Mr. Belles-----35 to 40
 Cross examination by Miss Chock-----40 to 42
 Examination by Commissioner Cuskaden-----42 to 44
 Examination by Vice Chairman Whitesell-----45 to 46
 Examination by Chairman Yuen-----46 to 49
 Redirect examination by Mr. Belles-----49 to 52
 Reexamination by Commissioner Cuskaden-----52 to 53

Ray Sato - Manager of the Water Department

- Direct examination by Mr. Belles-----53 to 58
- Cross examination by Miss Chock-----58 to 59
- Examination by Commissioner Tacbian-----59 to 60
- Examination by Vice Chairman Whitesell-----60 to 62
- Examination by Commissioner Cuskaden-----62

Kiyoji Masaki - Head of Division of Engineering, Dept. of Public Works

- Direct examination by Mr. Belles-----63 to 79
- Cross examination by Miss Chock-----79 to 83
- Examination by Commissioner Cuskaden-----84 to 85
- Examination by Vice Chairman Whitesell-----86 to 87

William K. Kikuchi - Archaeologist

- Direct examination by Mr. Belles-----87 to 90
- Cross examination by Miss Chock-----90 to 91
- Examination by Commissioner Cuskaden-----91
- Examination by Vice Chairman Whitesell-----91 to 93

William Kaipō Asing - Councilman, Kauai County Council

- Direct examination by Mr. Belles-----94 to 96
- Examination by Chairman Yuen-----96 to 97
- Examination by Commissioner Cuskaden-----97 to 98
- Reexamination by Chairman Yuen-----98 to 99

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Daniel Yasui - Planner, Land Use Division

- Direct examination by Miss Chock-----99 to 102
- Examination by Commissioner Cuskaden-----102 to 104
- Examination by Chairman Yuen-----104 to 105

Chairman Yuen announced that a request had been made by one of the Commission members to obtain further evidence from the County to substantiate the need and demand for the proposed housing project, and in order to receive this additional information, a continuation of the hearing was necessary. The Chairman called for a motion to continue this hearing until January 15, 1982. There were no objections from any of the parties.

In response to Commissioner Tacbian's request for a clarification of the need to continue with the hearing, Commissioner Cuskaden elaborated that the petitioner had the burden of proof to persuade by providing adequate facts and figures to support the need for the proposed project. Vice Chairman Whitesell added that government too should be made to meet the same kind of criteria as required of the private sector.

It was moved by Commissioner Cuskaden and seconded by Vice Chairman Whitesell to continue with the hearing until January 15, 1982. The motion was carried, with Commissioner Tacbian casting the only dissenting vote.

The Commission was in recess from 12:30 p.m. to 1:15 p.m.

1:15 p.m.

A81-513 - JOHN J. ARZADON

Pursuant to a notice published in the Honolulu Advertiser and the Garden Island on October 26, 1981 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of a petition by John J. Arzadon to reclassify 5.43 acres of land from the Agricultural District into the Urban District at Waipouli, Kawaihau, Kauai for an industrial subdivision, Docket A81-513.

Appearances

Roy Takeyama, Attorney representing petitioner

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

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

Mr. Furutani pointed out the land under petition and oriented its location with various landmarks on the quad and tax maps.

Exhibits

Petitioner's exhibits 1 through 13 were identified and moved into evidence.

Exhibits (cont.)

County's exhibit 1 was admitted into evidence.

DPED's exhibit 1 was also admitted into evidence.

PETITIONER

Francis Oda - Architect

Direct examination by Mr. Takeyama----- 9 to 16
 Cross examination by Mr. Belles-----17 to 27
 Cross examination by Miss Chock-----27 to 30
 Examination by Vice Chairman Whitesell-----31 to 32
 Examination by Commissioner Cuskaden-----32 to 35

Gerald Daly - Economic Planner

Direct examination by Mr. Takeyama-----36 to 40
 Cross examination by Mr. Belles-----41 to 42
 Examination by Miss Chock-----42 to 44
 Examination by Chairman Yuen-----44 to 46

Cesar Portugal - Engineer

Direct examination by Mr. Takeyama-----46 to 51
 Examination by Miss Chock-----51 to 53
 Examination by Commissioner Cuskaden-----55 to 57

John J. Arzadon - Petitioner

Direct examination by Mr. Takeyama-----57 to 64
 Cross examination by Mr. Belles-----65 to 66
 Cross examination by Miss Chock-----67 to 70
 Examination by Commissioner Cuskaden-----70 to 74

At the conclusion of the petitioner's presentation, Chairman Yuen announced that the hearing on A81-511, John H. Arzadon, will be continued until January 15, 1982.

The meeting adjourned at 4:00 p.m.