

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DPED Conference Room
Honolulu, Hawaii

Approved
4/14/76

March 5, 1976 - 1:00 p.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
Colette Machado
Mitsuo Oura
Carol Whitesell
Tanji Yamamura
Edward Yanai

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Toni Hankinson, Court Reporter

HEARING

A75-407 - THE HAWAII CORPORATION

Pursuant to a notice published in the Honolulu Star Bulletin on February 3, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the application by The Hawaii Corporation to amend the land use district boundaries for approximately 179.1 acres from the Agricultural District into the Urban District at Lualualei, Oahu, for residential use, Docket No. A75-407.

Petition to Intervene by Alan Tyler

Chairman Tangen announced that a Motion to Intervene as a Defendent had been filed with the Commission by Mr. Alan Tyler, through his attorney. It was the Chair's recommendation that Mr. Tyler be admitted as an intervenor.

Commissioner Duke moved to admit Mr. Tyler as an intervenor which was seconded by Commissioner Whitesell.

Mr. Andrew Sato, Deputy Corporation Counsel, City & County of Honolulu, voiced a partial objection to the admission of Mr. Tyler as an intervenor, and requested that the Commission consider seriously the provision under Section 6-7 (1) (b) of the Commission's Rules of Practice and Procedure which states: "the Commission may deny an application to intervene when it appears that: the admission of additional parties will render the proceedings inefficient and unmanageable."

Mr. Gilbert Lee, Deputy Attorney General, representing the State Department of Planning and Economic Development submitted that the State had no objections to Mr. Tyler's intervention; however, it was requested that the records reflect that Mr. Tyler was not represented by legal counsel at the pre-hearing conference and that this could cause a problem as pointed out by Mr. Sato.

Mr. Donald Iwai, attorney representing the petitioner, also had no objections to Mr. Tyler's intervention, but added that he shared the County's and State's concerns.

Chairman Tangen assured all parties that he will exercise his prerogative at the time of the hearing to see that the hearing does not become unmanageable.

The Chair called for a vote on the pending motion by a show of hands and announced that the motion was carried. It was noted for the record that Vice Chairman Sakahashi opposed the motion.

Motion for Continuance by the Petitioner

It was announced by the Chair that a Motion for Continuance had been filed by the petitioner.

Mr. Sato representing the City and County of Honolulu, and Mr. Lee representing the State submitted that they had no objections to the motion. Although Mr. Tyler also had no objections, he stated that it would cause him some inconvenience.

The discussion that ensued among the parties and Commissioners concerning the Motion for Continuance is set forth in the transcript on pages 8 through 11.

It was moved by Commissioner Duke and seconded by Vice Chairman Sakahashi to grant the continuance for not more than 120 days. The motion was unanimously carried by a show of hands.

MISCELLANEOUS

CITIZEN'S GUIDE TO THE RULES AND REGULATIONS

Details of the discussion on the proposed Citizen's Guide to the Rules and Regulations which had been prepared by the sub-committee are set forth in the transcript on pages 12 through 20.

The Chairman announced that the Commissioners will be polled by phone for any additions or amendments to the proposed guide within the next few days after they have had an opportunity to review it. Thereafter, staff will proceed with the reproduction of the Citizen's Guide.

MEETING SCHEDULE

It was announced that the next meeting of the Commission will be held on March 22, 1976 and March 29, 1976 on Maui and Oahu respectively.

LEGISLATION

A discussion of the bills pending before the present Legislature affecting the Land Use Commission was held as set forth in the transcript on pages 21 through 28.

Since there was no further business, the meeting was adjourned.