STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DPED Conference Room
9th Floor
Kamamalu Building
Honolulu, Hawaii

December 12, 1974 - 9:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Sunao Kido
Shelley Mark
Alexander Napier
Mitsuo Oura
Tanzi Yamamura
Edward Yanai

COMMISSIONERS ABSENT: None

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Harry Kim, Deputy Attorney General
Loretta Moon, Stenographer

ADOPTION OF MINUTES

The meeting was called to order by Chairman Eddie Tangen who made a motion to adopt the minutes of the December 2, 1974 meeting as circulated. The motion was seconded by Commissioner Yanai and approved as circulated.

ORAL ARGUMENTS:

1. Docket No. M74-25 (MAKENA, MAUI)

Chairman Tangen asked if there was anyone in the audience who wished to present oral argument on Docket No. M74-25, Makena, Maui. There were none. Mr. Tatsuo Fujimoto, Executive Officer of the Land Use Commission advised that a letter was received in the Land Use Commission office from counsel for Seibu, a party of interest in this docket, stating they had no oral arguments. At that point in the meeting, Commissioner Napier was excused from the room.

Deputy Attorney General Harry Kim stated for the record that all parties were asked by notice to be present to state oral arguments and that this meeting would be the second opportunity for parties to state their objections.
2. **Docket No. MO74-6 (KALUAKOI, MOLOKAI)**

   Commissioner Napier rejoined the Commissioners. Chairman Tangen called for oral arguments on this matter. No one was in attendance to present oral argument on Docket MO74-6, Kaluakoi, Molokai.

3. **Docket No. K74-16 (NUKOLII, KAUAI)**

   Chairman Tangen then proceeded to ask if anyone wished to present oral arguments on K74-16. However, no one wished to present oral arguments on Docket K74-16, Nukolii, Kauai.

4. **Docket No. K74-30 (KALAHEO, KAUAI)**

   Commissioner Kido was excused from participating in this docket by Chairman Tangen and left the room. The Chairman inquired if anyone wished to present oral arguments on K74-30, Kalaheo, Kauai, but there were none.

5. **Docket No. 074-22 (EWA TOWN, OAHU)**

   Commissioner Kido rejoined the Commissioners. Chairman Tangen asked for oral arguments on Docket 074-22. However, no parties were present to present arguments.

   Chairman Tangen then closed this portion of the meeting.

**ACTION**

SPECIAL PERMIT APPLICATION BY GTE SATELLITE CORP. (SP74-191) TO ALLOW A COMMUNICATIONS FACILITY IN THE AGRICULTURAL DISTRICT AT PAUMALU, OAHU

Mr. Ah-Sung Leong, staff planner, presented the staff memorandum after he and others who were intending to testify at today's meeting were sworn in. (See copy of Staff Memorandum)

Chairman Tangen suggested that LUC impose a condition to require that the document showing recordation of the conditions at the Bureau of Conveyances and the Land Court also be given to Land Use Commission so that our files will be complete.

Mr. Page Anderson, attorney for the petitioner stated that the proposed facility would have no effects one way or another on television reception. He explained that the frequencies used are entirely different. He further indicated that the station will be able to bring live television to the Islands, if economics are able to justify it.

Chairman Tangen asked Mr. Anderson if he had any objections to the Land Use Commission imposing a condition that copies of the document mentioned in the County's conditions also be provided to the Land Use Commission. Mr. Anderson stated he would be happy to provide that.

Deputy Attorney General Harry Kim recommended in light of the Town decision that 1) Land Use Commission should have for the record all communications transmitted by Federal, State and County agencies and that they be part of this application; and 2) a copy of the decision ratified
by the Planning Commission be sent to the Land Use Commission for the
record.

Commissioner Kido felt that it was unnecessary to bring in the case
of the Town decision and that it would complicate matters by making this
Special Permit a contested case. Chairman Tangen suggested that Counsel
for the Land Use Commission research this matter.

Commissioner Mark moved that this Special Permit be approved subject
to the conditions imposed by the City Planning Commission with the addi-
tional condition that whatever documents that may be transmitted in com-
plicity with these conditions also be submitted to the Land Use Commission.
Vice Chairman Sakahashi seconded the motion. The Commissioners were
polled and the motion was unanimously carried.

MISCELLANEOUS

REAFFIRMATION OF ACTION ON CONDITIONS RELATING TO HEADRICK DEVELOPMENT,
INC. (A72-344)

The staff memorandum was presented by Executive Officer, Tatsuo
Fujimoto. (See copy on file)

Commissioner Kido moved that Headrick Development, Inc. has satis-
factorily complied with conditions #1 & #2 imposed by the Land Use
Commission on petition A72-344, Headrick Development, Inc. Motion was
seconded by Commissioner Yamamura. Vice Chairman Sakahashi requested
that Mrs. Yarbrough be informed of the Commission's decision on this
matter. The Commissioners were polled on the motion by Commissioner Kido.
The motion was carried.

DOCKET NO. 074-2 - KALUANUI, OAHU

Deputy Attorney General Harry Kim stated that it was his under-
standing from communications with attorney Durrell Douthit and during
the course of the hearing on Docket No. 074-2 that Mr. Douthit had made
a request that he would like to be able to submit additional documenta-
tion to the Commission subsequent to the hearing. It was agreed upon
by attorney Lincoln Ishida that on any material to be submitted he would
have opportunity to submit written objections.

Since that time, the additional data was submitted but Mr. Ishida
made an objection that on some of these items he would like an opportunity
to cross examine and that is not what they agreed upon at that time.
Mr. Kim recommended that the Commission allow that data to be made a part
of record and note the objections by Mr. Ishida. The motion was seconded
by Commissioner Yamamura. The Commissioners were polled and the motion
was carried unanimously.

ADJOURNMENT

With no further business to be discussed before the Commission, the
meeting was adjourned by Chairman Tangen.