

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

DPED Conference Room  
9th Floor  
Kamamalu Building  
Honolulu, Hawaii

*Adopted*  
OCT 7 1975

December 12, 1974<sup>n</sup> - 9:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
James Carras  
Sunao Kido  
Shelley Mark  
Alexander Napier  
Mitsuo Oura  
Tanji 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. O74-22 (EWA TOWN, OAHU)

Commissioner Kido rejoined the Commissioners. Chairman Tangen asked for oral arguments on Docket O74-22. 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 additional condition that whatever documents that may be transmitted in compliance 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 satisfactorily 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 understanding 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 documentation 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.