

STATE OF HAWAII
LAND USE COMMISSION

Approved
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Minutes of Meeting

Board Room, Queen Liliuokalani Building
Honolulu, Hawaii

February 4, 1972 - 10:00 a.m.

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Alexander Napier
Shelley Mark
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Commissioner Absent: Sunao Kido

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Dora Horikawa, Stenographer

The meeting was called to order by Chairman Inaba who swore in persons wishing to testify during today's proceedings.

LETTER FROM PUAHALA COMPANY REQUESTING DEFERRAL

The Executive Officer read a letter from Mr. M. L. Dayton of Friendly Isle Inc. dated January, 1972 (copy on file), requesting a deferral of his appearance before the Land Use Commission regarding development progress report of lands at Puaahala, Molokai. Commissioner Napier moved to grant the deferral request until the next Oahu meeting in April, which was seconded by Vice Chairman Tangen and unanimously approved.

HEARINGS

PETITION BY HAWAII LABORERS' HOUSING CORP. (A71-311) TO RECLASSIFY 35.5 ACRES FROM AGRICULTURAL AND CONSERVATION TO URBAN AT KAIPAPAU, HAUULA, OAHU

Mr. Fujimoto, Executive Officer, presented the staff report detailing the pertinent facts relative to this petition.

February 4, 1972

Mr. Raymond Aki, General Manager of the Hawaii Laborers' Housing Corp., an eleemosynary institution and totally owned subsidiary of the laborers' union organized for the purpose of providing housing within the range of the memberships' earnings, submitted prepared statements on the housing needs on Oahu, land class and use, building permit data (see copies on file), which he summarized as follows:

1. There is a current housing requirement backlog of 50,000 homes.
2. There has been a 30% drop in construction the past 2 years due to lack of governmental authorization which accounts for the 25-30% unemployment situation.
3. Their research factors indicate that 16,000 units per year over a 10-year period will need to be constructed to accommodate the backlog and the normal housing requirements.
4. 2,940 new acres per year will be needed to meet housing needs, based upon current density usage.
5. There are 75,854 acres of very good to moderately productive agricultural lands, and 31,195 acres in the poor to very poor agricultural potential and lands not economically usable due to size.
6. The policy of using lands only below the 20% slope is shortsighted in that these are also the lands most ideally suited for agriculture. If lands up to 35% slopes were utilized with increased residential density, this would prevent the necessity of taking good agricultural lands from production.

In response to Commissioner Sakahashi's question, Mr. Aki advised that the subject 35.5 acres under petition constituted a pocket of good agricultural lands which have remained idle for the past 7 years and which are only appropriate for small family type operation almost non existent today. For economic reasons, he added that the prime consideration should be the preservation of economically feasible large agricultural areas, utilizing the small pockets for the pressing housing needs in the best interest of the community.

February 4, 1972

Mr. Aki reviewed the slopes of the lands ranging between 20-35% slope on the map and stated that the greater slopes would probably be left in orchards and backyards.

Upon further questioning by the Commission members, Mr. Aki elaborated that the proposed subdivision would be sold in fee. It was anticipated that the majority of the buyers would be employed outside of the immediate area and that priority would not be given members. Mr. Aki also brought out that they were seeking an R-6, or 5,000 square foot minimum, designation from the City. Regarding the existing chicken farm located approximately 100 feet from the subject area, Mr. Aki did not foresee any problems that would force it out of business.

Mr. Robert Way, City Planning Director, touched upon a matter of policy concerning the adequacy of data submitted by the petitioner, especially the lack of detailed information on the topographic conditions. He felt that there were some areas which more properly belonged in the Conservation or Preservation classification which could be determined from topographic information. He suggested that a minimum standard for submittal of data should be required of the petitioner to enable the City to make a better evaluation of the proposed boundary change.

Commissioner Sakahashi wondered whether this type of information would not be readily available to the City staff from their contour maps. Mr. Way agreed that generally this was true but in this particular instance it was not so. The City was presently engaged in an extensive mapping program which could ultimately cost a million dollars, but until such time as this is available, it should be incumbent on the petitioner to supply the necessary information.

Since there was no further testimony, the Chairman closed the hearing on this petition.

PETITION BY THE LAND USE COMMISSION (A71-312) TO RECLASSIFY
36 ACRES FROM URBAN TO CONSERVATION AT MANOA VALLEY, OAHU

The staff report on subject petition was presented by Mr. Ah Sung Leong, staff planner (see copy on file).

February 4, 1972

Mr. Robert R. Way, City Planning Director, submitted that although the City Planning Commission has not yet had an opportunity to review the subject petition, a topographic map was available for the area and that the County has, by City Council action and the Mayor's approval, reclassified subject area into the Preservation District. He felt that this may create a bit of a dilemma for the City since the more specific requirements of the P-1, Preservation District, are more stringent than those of the Conservation District requirements.

There was no response from the audience to the Chairman's request for a representative from the Bishop Estate.

Mrs. Lynn Nakkim, property owner on Huelani Place and past Editor of the Manoa News, spoke in support of the proposed amendment from Urban to Conservation. She expressed grave doubts that a bulldozer could even approach the site from the given access at Huelani Place because of the hao trees and steep terrain (see prepared testimony on file).

Since there was no further discussion, Chairman Inaba closed the hearing on this petition.

PETITION BY LAND USE COMMISSION (A71-314) TO RECLASSIFY 38.4 ACRES FROM URBAN TO CONSERVATION AT KAHALUU, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, read the report prepared by staff on this petition (see copy on file). He acknowledged the following letters supporting the proposed change which were received subsequent to the writing of the staff report:

1. The Lani-Kailua Outdoor Circle
2. Windward Citizens Planning Conference
3. Life of the Land
4. American Association of University Women

Mr. Robert Way, City Planning Director, prefaced his testimony with the statement that "this proposal is important because it signifies a major turning point in the basic philosophy regarding the way in which the Land Use Commission finds its role from one of passive recipient of requests to extend the Urban boundaries to a more positive thoughtful role". He continued that in this particular instance, the request relates to the need for residential land versus the more qualitative

February 4, 1972

value of retaining the land in its natural use. Furthermore, in his review, he has found that vacant lands are available for residential development, particularly in the Koolaupoko area, which could readily satisfy the housing need which subject lands purportedly would support. He did not feel that the point had been reached where potentially developable land in the Urban District is so limited that the only choice is one of sacrificing quality of environment.

Mr. Way emphasized that contrary to testimonies presented from time to time, the 20% standard established by the Land Use Commission for determining the Urban boundaries was a logical one. The City has always found problems with lands in excess of 20%. Mr. Way urged that the Land Use Commission follow up on the initiative it has taken and place the subject parcel within the Conservation District.

Commissioner Sakahashi referred to a question raised in an earlier petition regarding the use of lands above the 20% slope due to the scarcity of lands. Mr. Way agreed that this was possible in a very limited way by employing more imaginative architectural designs. However, he pointed to the importance of taking into account the overall density and cautioned against the menace of disturbing the preservation qualities of the land.

Commissioner Sakahashi wondered whether the City could stop development of lots on the greater slopes which were deemed unbuildable. Mr. Way felt that this may be possible under the new regulations they were presently preparing which hopefully, when adopted, would give the City broader authorities. However, in denying a proposed use on the steeper slopes, Mr. Way stated that he had been advised by his attorneys that this should be done on the bases of substantial reasons such as technical requirements of the Engineering Department, soil conditions, drainage problems, etc. Otherwise, as long as all of the subdivision requirements were met, the City would be obliged to grant approval. Of course, if the Land Use Commission amended the lands under discussion into the Conservation District, the subdivision application would then become nullified. He added that had they looked at the subdivision plan more carefully at the time of the original application in terms of engineering requirements, etc., perhaps they may have been able to establish a basis for denying a portion of the request.

February 4, 1972

Mr. Way further submitted that it was within the landowner's prerogative to determine the form and character of a development, e.g. conventional subdivision or planned unit development, and that if it meets all the technical requirements, the City would have to render a favorable decision. However, in a planned unit development, there would be some control by the Planning Department by virtue of its recommendations to the City Council which would ultimately approve or disapprove the proposal.

Mr. Stephen Miyagawa testified that sometime before June, 1971, an offer was made by the present owners of the subject property to see whether he was interested in purchasing the property for development. A check with government agencies confirmed that there was nothing to indicate that the property could not be subdivided.

In July, 1971, Park Engineering Co., Inc. was retained to prepare a preliminary engineering report which, when completed, indicated that the property could be subdivided according to regulations. A tentative report and cost estimate was received from Park Engineering on July 27, 1971 and subsequently, a purchase agreement for the property was negotiated on August 20, 1971. Lewers and Cooke has a 50% interest in the transaction.

Up to the time that they learned of the Commission's actions, approximately \$20,000 was expended. Since the development will be well below the water service elevation of 165 feet, there will be water available. A temporary dry sewer facility will be constructed to serve the development until such time as a public sewer system is constructed.

Chairman Inaba inquired whether the agreement to purchase is binding. Mr. Miyagawa replied that it is binding provided that the property can be developed. He added that he was unaware of the Commission's intention to downzone the property until December of 1971, nor did he have knowledge that various community groups were planning to petition the Commission for a downzoning.

In reply to questions by Commissioner Sakahashi, Mr. Miyagawa clarified that approximately 70 lots of 10,000 square foot minimum size are proposed to be constructed. Approximately 60 acres mauka of the proposed subdivision will be deeded to the State or the City.

February 4, 1972

In answer to questions raised by the Commission's legal counsel, Mr. Miyagawa also stated that the agreement with the property owners was not recorded with the Bureau of Conveyances; that it is an option to purchase; ~~that~~ the amount of deposit was \$5,000; and that he was not present at the proceedings held by the Commission involving the 11-acre rezoning request by Wadco.

Mr. Clarence Tanonaka of Park Engineering testified that a solution to the drainage problem is being finalized with the Division of Engineering; that the only cut and fill they would like to do is for the roadway; and that 50% of the lots will be greater than 15,000 square feet.

Vice Chairman Tangen inquired of Mr. Miyagawa whether he intends to expend more money on the property pending a decision by this Commission. Mr. Miyagawa replied that they were already committed to do so since the City had requested additional data, and that the work was already ordered to be done. However, further expenditures cannot be afforded because of the uncertainty of the situation. Mr. Miyagawa also clarified that the withdrawal clause contained in the agreement to purchase was suggested by his associates and Lewers and Cooke since it was good business practice.

Mrs. Lois L. Fleming, Public Affairs Chairman, Kaneohe Outdoor Circle, submitted for the record a colored map showing the slope elevation. She addressed her opening remarks to the prospective developer of the property to counter his claim that he had not been aware of the potential downzoning of the property at any time during his negotiations with the landowner. She pointed to the May 7th public hearing which was held in connection with the 11 acres adjoining subject property when both the Kaneohe Outdoor Circle and the Hui Ko'olau Community Association made a request to the Land Use Commission to consider initiating the downzoning of the 38 acres, and which testimony had been duly recorded in both the Pali Press and The Kalama.

During the ensuing presentations by various community groups and concerned citizens which were coordinated by Mrs. Fleming, the following protests were recorded:

1. Mrs. Lois Fleming submitted that the subject property is unsuitable for urban development and the extensive

February 4, 1972

grading and bulldozing on the steep slopes above Iuiu Street would be hazardous to the already existing properties situated below, and would also add to an already polluted Kaneohe Bay (see testimony on file). She also requested that the entire testimony presented at the public hearing on May 7, 1971 covering the 11.2-acre parcel (A70-266) be included for the record as background for subject petition (A71-314).

2. Mr. William J. Matthews, professional engineer, Chairman of the Erosion Control Committee of the Governor's Kaneohe Bay Task Force, etc., established that the development of this land will bring serious erosion hazards, create serious structural stability problems; and the highest and best use for this land is to provide a natural wilderness area buffer zone between the highly developed urban areas (see testimony on file).

Mr. Matthews presented a series of slides to illustrate the terrain, the steepness of the lands, the potential structural hazards of building on these lands, the erosion problems and siltation of Kaneohe Bay.

3. Mr. Frederick R. Sims, Jr., Commander, USN(Ret.), professional meteorologist, called the Commission's attention to the meteorological considerations for the area and discussed several charts showing rainfall values, storm patterns, elevation contours, etc. (see testimony and exhibits on file).
4. Mr. Rod Ferreira, Director, Congress of Hawaiian People, spoke of the degradation of the area surrounding his property on the ocean off Miomio Loop due to the increased runoff and siltation of the Bay. He added that the type of homes proposed here would probably be in the neighborhood of \$60,000 to \$75,000 and not within the reach of the average family.
5. Mr. James Farley, President, Kaneohe Community Council, cited the necessity of pumping the cesspools frequently due to the heavy clay subsoil which has a slow absorption rate of water, and the accompanying costs to the City and County for this service. He concluded that further development in this area would be unwise

February 4, 1972

because of the present unsolved sewage disposal and drainage problems which had accrued primarily from existing developments (see testimony on file).

At this point in the hearing, Mr. Ferreira requested permission to show some slides that were taken a week before during the big weekend storm, illustrating the inadequacy of the drainage system, the siltation and mud deposits resulting from runoff from houses presently under construction, cesspool area, the discoloration of the once white sandy beach and the changing ecology of Kaneohe Bay.

6. Mrs. Robert Hamilton, Second Vice President of the Outdoor Circle, read a letter supporting the testimony of the Kaneohe Outdoor Circle and commending the Land Use Commission for its proposal to reclassify subject lands from Urban to Conservation (see letter on file).
7. Mr. Kurt E. Johnson, Acting President, Hui Ko'olau, also supported the proposed rezoning on the bases that urban development will irreversibly destroy a beautifully wooded area and the anticipated homes will not be within the economic reach of those in the community whose housing needs are of major concern to our housing priorities (see testimony on file).

In her concluding remarks, Mrs. Fleming stated that written supporting statements of those who were unable to attend today's hearing had been included in the testimonies submitted today (see copies on file), together with a petition signed by 270 residents of the Kahaluu community and their friends who share their belief that the entire 50 acres should be kept in the Conservation District.

Attorney Chuck Mau, representing Wadco, the owner of the subject property, testified that:

1. Town Properties is a wholly owned subsidiary of Wadco.
2. During the establishment of the final boundaries in 1964, Wadco owned 130 acres of which 92 acres were classified Conservation and 38.4 acres (subject property) were classified Urban.

3. Due to the tight money market in the 1960's, the development of Unit 2 was not initiated although tentative preliminary approval was granted by the City government.
4. During 1970, Wadco discussed the development of Unit 2 and in October of that year applied for the rezoning to Urban of an 11.2-acre area in order that the area may be developed at the same time. (At its meeting on August 6, 1971, the Land Use Commission denied Urban zoning for the 11.2 acres)
5. Early in 1971, negotiations were started with Mr. Miyagawa for the sale of the land. Mr. Miyagawa initiated engineering studies in June of that year; and in August, 1971, an agreement was made to sell the land to Mr. Miyagawa and Lewers and Cooke.
6. Following urbanization, taxes on the property increased 750% more in 1965 than in prior years. About \$19,000 has been paid in taxes in the 6-year period since 1965.
7. Prior to the motion to downzone, no notice of other communication was transmitted to the landowners of the Commission's concern over the lack of activity on the property.
8. A report from the City Planning Director to the City Planning Commission, dated November 5, 1970, relating to the 11.2 acres but having direct application to the 38.4 acres, concludes that the area is suitable for residential development as evidenced by DLUM residential designation, approvals of subdivision designs from the Public Works and Planning Departments in 1957, and that it is a logical extension of existing residential developments. The November 5, 1970 report recommended favorable consideration of the 11.2-acre area and further recommended that the Land Use Commission investigate further extension of the Urban District as it would result in a more comprehensive and efficient approach to the applicant's plans. However, the City Planning Director's recommendation presented before the Planning Commission on November 5, 1970, recommended denial of the Urban designation of the 11.2 acres. On

February 4, 1972

January 4, 1972, the Planning Director also recommended denial of the rezoning to Urban of the subject 38.4 acres, although he knew that Mr. Miyagawa and Lewers and Cooke had filed subdivision plans with the Planning Commission some 25 days before on December 10, 1971.

9. The Land Use Commission should not concern itself with subdivision planning but should exercise broad policy powers in the establishment of district boundaries and should give consideration to the General Plan of the county. If the decision to downzone is to be determined on the question of the land's suitability for residential development, then the Land Use Commission will be deciding a zoning question. Further, no evidence has been presented to show that any substantial changes in trends of development relating to the 38.4 acres have taken place since the adoption of the present classification.

10. In summary, the Commission should vote no on the motion to downzone in view of the fact that the Commission itself urbanized the 38.4 acres; that in 1957, the land was deemed to be developable and no substantial evidence has been presented to negate that sanction; that the DLUM designated the land for residential; that the company will suffer financial loss; that the higher taxes paid was due to the urbanization by the Commission; that the company and the buyers have expended time and monies on engineering plans and studies; that there is a dire need for housing which this development will help to alleviate and help to drive housing prices down; and that the buyer's engineer has testified that the land is developable.

Mr. Mau clarified that the agreement entered into by Lewers and Cooke, Mr. Miyagawa and the officers of Wadco is a legal written document which, however, is not recorded, and that it is a purely business deal with no fraudulent or hidden elements.

Mr. Leonard C. Moffitt, Planning Director of the Windward Citizens' Planning Conference, read a letter outlining the ecological, environmental and economic impacts in terms of

February 4, 1972

good developmental planning relative to the proposed development of subject property (see letter on file). He also referred to a letter dated December 29, 1971 from the State Department of Health to the City Planning Director stating that this proposed subdivision is located in the drainage basin adjacent to Kaneohe Bay and recommending that the proposed subdivision be considered only in the context of a connection to a community sewage system. Mr. Moffitt concluded that we need to recognize that Kaneohe Bay and its marine life need to be protected, as well as the rights of the people who already reside in the area.

Since there was no further testimony, Chairman Inaba announced that the Commission will accept additional testimony within the next 15 days, and that action on this petition will take place within 45 to 90 days; and thereafter closed the hearing on A71-314.

PETITION BY HAWAIIAN HOMES COMMISSION (A71-316) TO RECLASSIFY 76.5 ACRES FROM AGRICULTURAL TO URBAN AT NANAKULI, OAHU

Staff planner, Mr. Leong, reported on the pertinent facts relative to this petition (see copy of report on file).

Mr. Richard Paglinawan, Deputy Director, Department of Hawaiian Home Lands, provided the additional information that although there were approximately 220,000 acres of land under the Department's jurisdiction, only 7,000 acres were located on Oahu; and that of the approximately 2,500 applications for homesteads, 2,000 of these were requests on Oahu. Mr. Paglinawan stated that lands for homestead development were practically nil. In the event the subdivision is approved, there will be two accesses into the subdivision.

Mrs. Marie Olsen, speaking on behalf of the Nanakuli Hawaiian Homesteaders Association, Inc. supported the subject petition on the bases that the lands have remained idle for nearly 40 years due to the scarcity of water, and that the development of these lands which were designated for the use of qualified Hawaiians under the Hawaiian Homes Commission Act of 1920, would fulfill the urgent housing needs for Hawaiians (see copy of testimony). Mrs. Olsen also read a letter from Mr. Raphael Christ, resident in the Nanakuli Hawaiian Homestead, who expressed similar views (see copy on file).

February 4, 1972

Mr. Gordon Jacoby, planner with the Model Cities Program, representing the Resident Participation Organization and its Director, Mr. Henry Peters, also spoke in support of the boundary expansion. He cited the insufficiency of suitable Hawaiian homestead lands on Oahu and the need for moderate to low income housing of less than \$26,000 which only the Hawaiian Homes program can deliver. He concluded that the Nanakuli Hawaiian Homestead will be a means of maintaining the Hawaiian culture and benefit the State as a whole (see copy of testimony).

Mr. Mana Maunakea, member of the Resident Participation Organization, testified that he supported Mr. Jacoby's position.

Commissioner Sakahashi referred to page 5 of the staff report relative to the City's request for information from the petitioner regarding the availability of facilities and services. He argued that this type of information should be researched at the City level and reported back to the Land Use Commission. Mr. Fujimoto, Executive Officer, commented that he assumed some of this information and data would be available to the City to enable them to make a comprehensive analysis, but lacking this, the information would have to be sought from the petitioner.

Mr. Robert Way, City Planning Director, explained that the type of information required would vary with individual applications. He acknowledged information on drainage, water and public facilities presented no problem. However, in this instance, the City had a general knowledge of the slope and clayey condition of the soil in the area which would require stabilization, but not the extent of it. They were also concerned with the larger planning for the area. He maintained that this question referred to a matter of policy and it was his view that since it is the petitioner who is seeking the change, the burden of providing the proof should be placed upon him. He added that the resources of his staff in terms of time and talent were limited, especially in view of the 45-day time constraint for submitting the City's recommendation to the Land Use Commission. Mr. Way suggested the possibility of doing some preliminary screening with the Land Use Commission staff and also develop some basic standards to facilitate their review. Chairman Inaba recommended that this matter be resolved between the Executive Officer and Mr. Way.

Since there was no further discussion, Chairman Inaba closed the hearing on A71-316.

February 4, 1972

U. S. FINANCIAL/HAWAII CORP. (NANAKULI)

Chairman Inaba questioned staff about the vacant urban lands owned by U. S. Financial in the Nanakuli area. It was reported that the lands were reclassified into the Urban District during the 1964 review establishing the permanent boundaries, as a result of a letter request from the landowners. In line with the Commission's policy of reviewing undeveloped urban lands, Chairman Inaba wondered whether this matter should be pursued by the Commission.

Commissioner Wung moved that a letter be sent to U. S. Financial requesting that a representative appear before the Commission to give a status report. The motion was seconded by Commissioner Yamamura and unanimously carried.

ACTION

PETITION BY JAMES T. LAWRENCE (A71-304) TO RECLASSIFY 2,860 SQUARE FEET FROM CONSERVATION TO URBAN AT WAIALAE-NUI, OAHU

Mr. Leong, staff planner, presented the memo recommending approval of the petition based on staff's findings (see copy on file).

Commissioner Mark's motion to approve subject petition, seconded by Commissioner Yamamura, was unanimously passed.

Vice Chairman Tangen excused himself from the meeting to fulfill a prior commitment.

SPECIAL PERMIT REQUEST BY SIGNAL PROPERTIES, INC. (SP71-122) TO ESTABLISH A QUARRY TOGETHER WITH ALLIED USES AT WAIKOLOA, SOUTH KOHALA, HAWAII

Approval of the special permit request based on the staff's findings, subject to the conditions set forth by the Hawaii County Planning Commission, was recommended by staff planner Mr. Leong (see copy of report on file).

Mr. Lester Hawthorne, Manager of the Pacific Division of Signal Properties, reported that the aggregate material would be manufactured from aa lava and the sandy beaches were not the subject of this request.

February 4, 1972

Mr. Glenn Miyao of the Hawaii Planning Department staff confirmed that the subject area was basically aa, and that no complaints had been received from the residents of the area since the installation of the sprinkler system to curb the dust problem. Mr. Miyao also explained that as a result of the request from the Land Use Commission, a staff member from the Hawaii Planning Department will be present whenever any Hawaii petitions or controversial matters are being considered.

Commissioner Napier moved to approve the special permit as recommended by staff. The motion was seconded by Commissioner Yamamura and carried with the following votes:

Ayes: Commissioners Napier, Yamamura, Mark, Sakahashi,
Wung, Chairman Inaba

Absent: Vice Chairman Tangen

SPECIAL PERMIT REQUEST BY PACIFIC GROUP, LTD. (SP71-124) TO ESTABLISH A PRIVATE COMMERCIAL AMUSEMENT FACILITY AT KAHUKU, OAHU

The Executive Officer, Mr. Fujimoto, read the staff report recommending approval of the subject special permit upon staff's evaluation and consideration of its findings, subject to the additional conditions as set forth in the report (see copy on file).

Deputy Attorney General Hong requested that it be recorded that Vice Chairman Tangen was not present during the deliberations for this special permit.

In response to questions raised by the Commissioners, Mr. Fujimoto advised that presently the only access to the public beaches was through the Campbell Estate property and that the distance of the proposed project from the Urban District was approximately 2,000 feet. Also, that conditions 1 and 3 were imposed to assure that the use would be limited to the theme park and substantially in agreement with the representations made by the petitioner.

Mr. Morio Omori, attorney for the petitioner, commented that he had no further comments to offer since the staff report

February 4, 1972

covered most of the salient points involved in this application, but that Mr. Francis R. Schuh, President of Pacific Group, Ltd., was present to answer any further questions.

On the matter of access to the 68-acre public area, Mr. Schuh advised that a public road existed making this available to the general public. He added that Inscon will provide a road leading into all the ocean front area and that the Pacific Group will build a 4-lane highway up to the access of the theme park.

In response to questions from the Commission members, Mr. Schuh submitted that the buildings in this development will be minimized and blended into the landscape in an effort to maintain the natural beauty of the beaches. The nearest building will be built approximately 300 feet from the waters.

Resumes of testimonies by county representative, community groups and individuals were recorded as follows:

1. Mr. Robert R. Way, City Planning Director, in a prepared statement, commented on the key issues relating to the request as follows:
 - a. The proposed facility is in fact an "urban type" use and questioned the need for this facility.
 - b. The effect of this proposal to areas currently designated on the City's General Plan for resort and commercial use.
 - c. The kinds of support facilities that will be required.
 - d. What alternative land uses have been considered for the site.
 - e. Campbell Estate's future plans for the Kahuku area.
 - f. State policy relating to tourist facilities.

(See copy of testimony on file)

Mr. Way further argued that these questions could not be addressed to the extent necessary through the special permit process and suggested that if the Land Use Commission felt the

February 4, 1972

proposal merited consideration, the land use policies for the Kahuku area be comprehensively reviewed through a land use district change and the City's General Plan amendment process.

2. Mr. Peter Cole, President of the Sunset Beach Community Association, recommended denial of the special permit on the bases that Pacific Group, Ltd. did not have the sufficient substance to undertake development and commercial operation of such magnitude; the increased traffic would cause both a hazardous and uncomfortable situation; that the employment situation in Kahuku has been exaggerated; and that the State should investigate the possibility of implementing a livestock agricultural system in Kahuku. Mr. Cole pointed to a possible conflict of interest in the favorable recommendation by an ILWU officer for the proposed park. He also challenged the credibility of petitioner's claim regarding the minimal effect on traffic. (See copy of testimony on file).
3. Mrs. Muriel K. Perry enlarged on the employment situation in Kahuku and submitted that enough job opportunities will be generated from various ongoing projects to absorb the presently unemployed, contrary to the petitioner's claim for the need for additional job opportunities (see copy of testimony on file).
4. Mr. Douglas Ackerman, past Director of the Windward Citizens Planning Conference, read an idealistic statement extolling the beauties of an unspoiled Oahu, and recommended denial of the special permit to assure the preservation of agriculture and "breathing space" for future generations.
5. Miss Sophie Ann Aoki, President of Life of the Land, urged denial of the special permit since it will remove agricultural use from the area and submitted that government powers must be coordinated to halt piecemeal planning keyed to the motive of private profit. She maintained that Life of the Land supported the efforts of the Windward Citizens Planning Conference and the Governor's Agricultural Coordinator's efforts for a well planned "agricultural park" in Kahuku (see copy of testimony on file).

February 4, 1972

6. Miss Joan Entmacher, Life of the Land, also questioned the credibility of the applicant's representations regarding the minimal effect on traffic and gave a detailed account of her organization's research into this matter with the various governmental agencies concerned (see copy of testimony on file).
7. Miss Jennifer Parijs, Life of the Land, spoke of the accompanying increases in taxes on surrounding property which would force them out of agricultural use. Furthermore, an intense resort development in a rural area would change the essential character of the land, will create traffic hazards, overcrowding and destruction of the natural beauty. The increased need for water would impose an unreasonable burden upon public agencies to provide facilities. Miss Parijs cited City Planning Commissioner Creighton's statement that this type of use should only be considered under a General Plan change and not through a special permit.
8. Mr. Leon Sarafim, Life of the Land, supported the efforts of various government administrators to develop a planned diversified agricultural complex in Kahuku, and argued that a resort development will place greater tax pressures on surrounding lands and jeopardize agricultural pursuits (see copy of testimony on file).
9. Mr. Dennis Alger, Life of the Land, warned that the proposed development will create another "Waikiki". He also submitted a prepared statement for the records (see copy on file).
10. Mr. Bob Gould read a statement by Mrs. Lynn Nakkim, representing the Hawaii League of Conservation Voters and Friends of the Earth, pointing to the traffic congestion, and the need to preserve small farms and the beauty of the area (see copy on file).

Miss Parijs testified additionally that the increased influx of mainlanders to the area would create a sociological problem as well.

February 4, 1972

Commissioner Sakahashi observed that in fairness to everyone concerned, perhaps a decision on this application should be deferred until the next Oahu meeting of the Commission. Commissioner Yamamura also expressed the same views.

In this regard, Deputy Attorney General Walton Hong recalled the past practice of the Commission, in that once a discussion has begun to consider a petition, no request for deferral from the petitioner had been entertained. However, there were circumstances existing in this instance which distinguished it from the past experiences of the Commission, namely that it was a special permit request and not a boundary amendment application, and the deferral request was being initiated by the Commission. Mr. Hong cited Section 1.19(c) of the Land Use Commission's Rules and Regulations relative to continuance of a hearing, and felt that this would appear to permit a continuance of today's proceedings. However, since the time limitation for action on this special permit as mandated by the statutes will expire on March 4, Mr. Hong advised that concurrence to the deferral would have to be sought from the petitioner.

In rebutting the preceding adverse testimonies presented by the various community groups and citizens, Mr. Schuh submitted that at the Planning Commission hearing, 200 Kahuku residents personally appeared to signify their support of the proposed development; there was a petition with 500 signatures and another with 60 signatures of Sunset Beach residents, supporting the project. The proposed park also had the backing of the Chamber of Commerce, the Hawaii Visitors Bureau, the Lions Club. He argued that the people here today who claimed to represent the north shore only represented a small segment in the Sunset Beach area. Mr. Schuh contended that it was a case of 600 people for the project versus approximately 30 north shore residents who were against it. He emphasized the great desire of the Kahuku residents for this park which will add a beautiful asset to the community. In conclusion, Mr. Schuh observed that 5 years and 2 weeks had elapsed due to the countless delays on the project and expressed his wish to have the Commission come to a vote. However, he added that if the Commission felt the need for additional time, he was willing to cooperate in any way.

Mr. Cole took exception to the statement made by Mr. Schuh regarding the small segment representing the north shore.

February 4, 1972

He stated that there were 75 members in the Sunset Beach Community Association.

Chairman Inaba called for a discussion concerning the deferral. Shortly thereafter, Commissioner Napier moved to approve the special permit as recommended by the staff, which was seconded by Commissioner Wung. The Commissioners were polled as follows:

Ayes: Commissioners Sakahashi, Yamamura, Napier, Wung,
Chairman Inaba

Nay: Commissioner Mark

Absent: Vice Chairman Tangen

The motion was carried.

Since there was no further business, Chairman Inaba announced that the meeting was adjourned (4:30 p.m.)