

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

October 20, 1972 - 10:30 a.m.

Conference Room 310
State Capitol
Honolulu, Hawaii

Approved
JUN 1 1973

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Leslie Wung
Stanley Sakahashi
Tanji Yamamura
Shelley Mark
Sunao Kido

COMMISSIONER ABSENT: Alexander Napier

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Benjamin Matsubara, Deputy Attorney General
Dora Horikawa, Clerk Reporter

ADOPTION OF MINUTES

Upon motion by Commissioner Sakahashi, seconded by Commissioner Yamamura, the minutes of the meeting of August 24, 1972 were approved as circulated.

HEARING

PETITION BY INTERNATIONAL DEVELOPMENT COMPANY (A72-330) TO RECLASSIFY 30 ACRES FROM CONSERVATION TO URBAN AT MOANALUA, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, read a letter dated October 13, 1972, from Mr. Donald Iwai, Attorney for International Development Company requesting deferral of the hearing since its chief planning consultant, Mr. Frederick Lee, was presently out of town. Mr. Fujimoto added that Mrs. Mae Mull, Secretary of the Hawaii Audubon Society, had called to express her concern over the possible deferral of this scheduled hearing.

Deputy Attorney General Matsubara advised that the petitioner was not bound by any specific stipulation in the regulations when requesting a deferral, and that it was within the Commission's prerogative to set the hearing for another date if it deemed it just.

Despite the Chairman's repeated attempts to resolve the deferral question in the best interest of all concerned, there were many interruptions from the rather unruly audience demanding that the floor be opened for a public hearing so that the people who were present could present their views.

In defense of several accusations made by Mr. John Kelly of Save Our Surf, Vice Chairman Tangen made the following statements for the benefit of those present and for the records:

1. Mr. Kelly should be duly sworn in and recognized by the Chairman prior to testifying before the Commission.
2. Vice Chairman Tangen was not a member of the Land Use Commission in 1966.
3. The special permit application to fill in Salt Lake in 1966 was a matter before the Board of Land and Natural Resources and not the Land Use Commission. In fact, at that time, Mr. Tangen, representing another organization, vigorously opposed the filling of Salt Lake.
4. Vice Chairman Tangen is not a developer or resort owner in California.

A motion by Vice Chairman Tangen, seconded by Commissioner Wung, to grant the deferral request was passed. Chairman Inaba directed the Executive Officer to set another hearing date and advised that the public will be adequately notified of the new hearing date.

However, since a loud outburst of protests was registered by the people present, Chairman Inaba asked the petitioner's representative, Mr. Donald Iwai, whether he would have any objections to opening up the hearing on the petition today and continuing it at a later date. Mr. Iwai responded that he would have no objections; however, he submitted that the deferral request was not based on any intent to deprive the people present today their right to be heard. The request was merely for a deferral until such time as all the parties concerned could be heard. Should the Commission decide to conduct the hearing today and reopen it at a later date when the petitioner's consultant can make his presentation, there would be no objections.

Commissioner Kido's motion to open the public hearing on A72-330 with the proviso that the meeting be continued for the petitioner to appear and present his testimony, seconded by Vice Chairman Tangen, was carried with the following votes:

Ayes: Commissioners Wung, Sakahashi, Kido, Tangen, Chairman Inaba

Nay: Commissioner Yamamura

Absent: Commissioners Mark and Napier

Thereafter, Chairman Inaba opened the public hearing on A72-330, International Development Company, and swore in persons wishing to testify today.

With the aid of the USGS and Tax Maps, Mr. Fujimoto oriented the Commission to the exact location of the area under petition and uses within the surrounding properties. He further elaborated that permission was granted by the Board of Land and Natural Resources to fill in the lake for the purpose of developing a golf course. He advised that the area presently under petition was outlined in yellow on the map and the request involved 29+ acres from the Conservation into the Urban District.

Mr. Harold Hostetler, Advertiser reporter, questioned whether the staff report had been prepared for the subject petition. Chairman Inaba called upon the Executive Officer who presented the prepared staff report on subject petition (see copy of report on file).

Mr. Iwai offered additional information regarding the project; i.e., that portions of the lake had been filled in accordance with a permit obtained from the Board of Land and Natural Resources; the International Development Company owned the entire Salt Lake. He added that insofar as the residential areas were concerned, they were 100% sold and 100% built. The military has discontinued the use of Aliamanu Crater as an ammunition storage operation and has discharged the blast zone easement which had been requested from the owners in the past. Mr. Iwai further noted that the water in the lake came from surface water runoff and that it was presently stagnant. He elaborated on the pattern of the existing drainage tunnel emptying into Salt Lake from Aliamanu Crater. He remarked that, according to the sanitary engineer, the amount of water feeding into the lake was so insignificant as compared to the capacity of the lake that it could not improve the quality of the water. He concluded that the well was presently capped.

The following is a resume of the testimonies that were presented by the residents of Salt Lake and other interested citizens:

Mrs. Patsy Crabtree - In behalf of Concerned Citizens of Salt Lake, Mrs. Crabtree stated that she had presented a petition to the Land Use Commission with 1,150 signatures of apartment, condominium and single dwelling residents in the Salt Lake area. Mrs. Crabtree, in her prepared statement, opposed the subject petition on the premise that if the proposed golf course area were put into urban, the use could someday convert to urban development; questioned the adequacy of the intended park site to service the number of future occupants in the proposed apartment buildings; pointed to the increasing environmental problems that will result from further urbanization (see copy of testimony on file).

Mrs. Mae E. Mull, Secretary, Hawaii Audubon Society, presented a comprehensive and informative report on the flora and fauna found in the Salt Lake area; the physical characteristics and habits of the wild life; the urgent need to consider the impact of urban zoning on the endangered species residents at Salt Lake as well as other consequences for the human environment, and earnestly requested denial of the petition. Vice Chairman Tangen requested Mrs. Mull to submit a copy of her prepared statement for the records (see copy of report on file).

Mr. Joseph Morocco, member of Lakeside Community Association and other various community organizations, pointed to the fact that Salt Lake was the only body of fresh water in the whole State. He stated that the water in the lake had not always been polluted and for years people had fished there. He asked that the Commission take into consideration the need for a water reservoir.

Mr. Robert Wenkam, Vice President of the Federation of Western Outdoor Clubs, delved into the history of Salt Lake in light of the previous discussion. He reminded the Commissioners that the original urban zoning in 1964 by the Land Use Commission was granted on the assurance by the developer that the lake will remain a lake, and that construction will only take place along the shore. A representation was also made at that time that there would be no buildings on the northern slopes. He also brought out that the developer had already begun to fill in the lake in 1965, exactly the same area under discussion today, which had been determined to be in the Conservation District and therefore in violation of the State law. At this time, the petitioner has come before the Land Use Commission in order to legalize an illegal action. He charged that the public hearing that was held by the Department of Land and Natural Resources was not conducted in accordance with legal procedures and therefore the filling in of the lake was illegal. Due to the foregoing circumstances, Mr. Wenkam questioned the sincerity and honesty of the developer and asked that the Commission deny this request.

Vice Chairman Tangen referred to the previous statements made by Mr. John Kelly regarding his membership on the Land Use Commission in 1966 and the fact that he was a developer and resort owner in California and wondered if Mr. Kelly would like to repeat the statements, now that he was under oath.

Mr. Kelly replied that he would be glad to submit clippings recording Mr. Tangen's vote on the Salt Lake issue. In regard to the second charge, Vice Chairman Tangen advised that he was connected with a children's summer camp which burned down in 1960.

Mr. John Kelly, Save Our Surf, remarked that Salt Lake should be preserved as one of our natural assets. He turned the presentation over to the following members of Save Our Surf--Robin and Dana Ishibashi, Kay Tokairin, Ernie Foster, Scott Stueber--who made a photographic presentation depicting Salt Lake as an ideal recreational area, minus high rises, as it existed many years ago; and the Salt Lake of today with its many highrises, overdevelopment, forcing the children to seek the parking areas as playgrounds.

They submitted that the lake could be cleaned out with assistance from the government. The developers were plundering and destroying the natural assets for profit. They concluded that the Commission's action on the subject request would clearly indicate to the people of Salt Lake and the community whose interests were being served.

In response to a question posed by Vice Chairman Tangen, Mr. Stueber replied that he did not believe that the petitioner was concerned with developing adequate parks, but even with the assurance of more park space, he would be opposed to the development since this represented only one aspect.

Mr. Kelly accused the developer of a gross miscarriage of justice in appearing before this government agency to bargain away the lake in return for a small park.

Mrs. Beatrice Sakai, resident in the Salt Lake area, submitted that at the time she purchased her home in Salt Lake two years ago, she had been assured that there would be a golf course in the back of her property. She stated that she had not been aware of the representation by the developer that the lake would forever remain a lake, as reported by Mr. Wenkam, or that the developer was going into the proposed golf course area to put up apartments. Based on this information, she expressed her fear that the developers could come back within the next 4 or 5 years with development plans for the total lake area in lieu of the golf course.

Mrs. Helen Devereux, read a prepared statement recounting the chronological events surrounding the Salt Lake development and the multiple increase in problems that will arise from over-urbanization and requested denial of the petition (see copy of statement on file).

Mrs. Joyce Findley, testified that she had moved from Pacific Palisades to Salt Lake to escape the traffic congestion, only to be faced with the same problem. She also expressed concern over the inadequacy of the school, should 900 or more additional families locate in the area.

Mr. Aaron Dygart, Pacific Representative of Friends of the Earth, and also representing two other organizations which concurred with his stand on the issue, brought out that in 1966 when the special permit was granted by the Department of Land and Natural Resources, there was an agreement or stipulation that the Conservation land outside of the golf course would not be disturbed in any way. At that time, fear was also voiced that apartments rather than a golf course may be built on the filled area by the developer, but the petitioner had denied this on the basis that a 50-year storm would flood past the level of the first story.

Mr. Dygart submitted that he had worked for the engineering firm which developed the original design for the outlet box which controls the lake's level. Another question at that time concerned the source of the fill material.

Friends of the Earth submitted questions relating to the water quality of the lake, etc. to Governor Burns. Mr. Dygart stated that the developer had capped the artesian well and the water is presently dirty. He spoke of the possibility of substantially altering the condition of the water by the recharge rate of the fresh water over a period of years.

Regarding the type of development that was likely to occur, Mr. Dygart argued that from the records it appeared that too often the purchasers were speculating, non-occupying, overseas buyers. The price was far beyond the average means of the local people who are in need of housing.

Mrs. Joyce Sights, resident in Salt Lake, also spoke of the increased traffic problems which have occurred in the past few years due to the high density and the inadequacy of the present roads even for the residents who live there now.

Chairman Inaba stated that many of the questions raised during the foregoing presentations will be answered by the petitioner's

representative on November 16 when the hearing will be continued. There will be an announcement of the time and place at a later date.

PETITION BY WILLIAM L. PEREIRA ASSOCIATES (A72-326) TO RECLASSIFY 4.04 ACRES FROM AGRICULTURAL TO URBAN AT HALEAHA, KOOLAULOA, OAHU

The staff report was presented by Mr. Leong, Planner (see copy of report on file).

In response to Commissioner Kido's inquiries about the access to the subject property, Mr. Walter Zane, representing the petitioner, submitted that a road was being developed which will front Kamehameha Highway. He added that parcels 62 and 63 were already in urban designation, and they were requesting that parcel 64 also be included in this district. Taking exception to the City's reference to the inadequacy of the 22 foot pavement width on Kamehameha Highway to service apartment districts, Mr. Zane argued that this was an unjustifiable criteria in view of the 130-unit apartment building next to Pats of Punaluu already existing in the area. He claimed that there was a tremendous demand for second homes in Punaluu. Additionally, the petitioner will make available apartment units, including community facilities such as swimming pool, park, tennis courts, etc., at prices ranging from the middle 30's to \$40,000. Mr. Zane concluded that it was the developer's intent to provide a good development to meet the needs of the people.

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

A72-336 - LAND USE COMMISSION (PUAAHALA)

Mr. Elroy Austin, one of the principals of Puaahala Company, gave a progress report of the company's accomplishments to date as follows:

1. There was an option agreement between Friendly Isle, Inc. and Puaahala Company to repurchase the Molokai development.
2. Amfac Financial will participate in transaction with Puaahala Company.
3. Land planning and engineering will be done by Wilson Okamoto and Associates.
4. There was an agreement with Kaloi Corporation to exchange land for kuleanas.

5. At the same time the Austins were continuing to find a reliable and competent hotel operator, they were discussing development insurance with FHA, and a mortgage loan agreement with Loyalty Mortgage Company, Inc. of Honolulu to subdivide approximately 200 house lots.

During the ensuing discussion, the following facts were also brought out:

1. The work on the hotel site and the 200 house lot subdivision will occur simultaneously and will provide housing for employees when hotel construction begins.
2. Depending on the planner's findings, some housing units may be placed on the makai side.
3. Land swaps for the 3 small kuleanas have been agreed upon with the owners.

Vice Chairman Tangen recalled the statement he had made at the time of his motion to initiate a petition to rezone the Puaahala lands to its original designation on August 24, 1972; i.e. that he would be willing to withdraw the petition upon receipt of a satisfactory progress report within 60 days. Therefore, on the basis of the report by Mr. Austin, Vice Chairman Tangen moved that the Land Use Commission withdraw its petition initiated on August 24, 1972. He added that if development did not occur as represented today, he would introduce another motion to restore the lands to its original classification. The motion was seconded by Commissioner Yamamura and the Commissioners were polled as follows:

Ayes: Vice Chairman Tangen, Commissioners Yamamura, Kido, Sakahashi, Wung, Chairman Inaba

Nay: Commissioner Mark

Absent: Commissioner Napier

The motion was carried.

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