

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of )	DOCKET NO. A84-582
)	)
THE TRUSTEES UNDER THE WILL AND )	THE TRUSTEES UNDER THE WILL
OF THE ESTATE OF JAMES CAMPBELL, )	AND OF THE ESTATE OF JAMES
DECEASED )	CAMPBELL, DECEASED
)	)
To Amend the Agricultural Land )	
Use District Boundary into the )	
Urban Land Use District for )	
approximately 29.543 acres at )	
Honouliuli, Ewa, Oahu, Tax Map )	
Key: 9-1-16:29 )	
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

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FINDINGS OF FACT,  
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The Trustees Under the Will and of the Estate of James Campbell, Deceased, acting in their fiduciary and not in their individual corporate capacities (hereinafter the "Petitioner"), filed this Petition on October 4, 1984, pursuant to Chapter 205-4, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary of approximately 29.543 acres of land, situate at Honouliuli, Ewa, Oahu, Hawaii, identified as Oahu Tax Map Key No.: 9-1-16:29, (hereinafter the "Property") from the Agricultural to the Urban District for a community shopping center. The Land Use Commission (hereinafter the "Commission"), having heard and examined the testimony, evidence, argument of counsel, the proposed findings of fact and conclusions of law, presented at the hearing, hereby makes the following findings of fact and conclusions of law:

## PROCEDURAL MATTERS

1. The Commission held hearings on the Petition on April 2, 3, 1985, pursuant to notice published in the Honolulu Star Bulletin on February 27, 1985.

2. On April 2, 1985, the Commission permitted Charles Dick Beamer, Representative Mike Crozier, Wallace Zoller and Bruce Edwards to testify as public witnesses.

## DESCRIPTION OF THE PROPERTY

3. Petitioner owns the Property in fee simple.

4. The Property is a narrow, triangular-shaped parcel containing approximately 29.543 acres located makai (south) of the Makakilo residential community, is bounded by the H-1 Interstate Highway to the north, Farrington Highway to the south and Makakilo Drive to the east.

5. The Property, which was in sugarcane production for approximately 50 years, has been fallow since 1982 and is overgrown with scrub brush.

6. The Property is generally level. Its elevation rises generally from approximately one to three feet above the grade of Makakilo Drive and Farrington Highway to six to ten feet below the H-1 Freeway grade. A small hill is located approximately one-third of the distance from the western boundary of the Property.

7. The United States Department of Agriculture (USDA) Soil Conservation Service Soil Survey classifies soils of the Property as the Ewa, Waialua, Kawaihapai and Molokai series.

The two specific Ewa series soil types comprising the Property include the Ewa silty clay loam, 3 to 6 percent slopes (EaB) and the Ewa stony silty clay, 0 to 2 percent slopes (EwA). The Ewa silty clay loam (EaB) has a dark reddish-brown silty clay loam surface layer of about 18 inches thick. Runoff is slow and the erosion hazard is slight for these soils. These soils are appropriate for sugarcane and truck crop cultivation and pasture. The Ewa stony silty clay (EwA) has a representative profile similar to the Ewa silty clay loam. Runoff is very slow and the erosion hazard is no more than slight. These soils are also appropriate for sugarcane and truck crop cultivation and pasture.

The Waialua series soil type comprising the Property consists of Wailua stony silty clay, 3 to 8 percent slopes (W1B), which has a dark reddish-brown silty clay surface layer about 12 inches thick. Runoff is slow and the erosion hazard is slight for these soils. This soil is used for sugarcane, truck crops and orchard cultivation and for pasture.

The Kawaihapai series soil type comprising the Property consists of Kawaihapai clay loam, 0 to 2 percent slopes (K1A) which has dark-brown clay loam surface layer about 22 inches thick. Permeability is moderate, runoff is slow and the erosion hazard is no more than slight. These soils are appropriate for sugarcane, truck crop and orchard cultivation and for pasture.

The three (3) specific Molokai series soil types found at the Property include Molokai silty clay loam, 3 to 7 percent

slopes (MuB), Molokai silty clay loam, 7 to 15 percent slopes (MuC) and Molokai silty clay loam, 15 to 25 percent slopes (MuD). Molokai silty clay loam, 3 to 7 percent slopes, (MuB) exhibits slow to medium runoff, and an erosion hazard which is slight to moderate. This soil is appropriate for sugarcane and pineapple cultivation, pasture, wildlife habitat and homesites. Molokai silty clay loam, 7 to 15 percent slopes, (MuC) occurs on knolls and sharp slope breaks. Runoff is medium and the erosion hazard is moderate. This soil is appropriate for sugarcane and pineapple cultivation, pasture, wildlife habitat and homesites. Molokai silty clay loam, 15 to 25 percent slopes, (MuD) exhibits medium runoff and severe erosion hazard. This soil is appropriate for sugarcane and pineapple cultivation.

8. The State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system classifies the Property as partially Prime and partially Other Important Agricultural Land.

9. The Federal Insurance Administration's Flood Insurance Study for the City and County of Honolulu designates the Property in an area of undetermined but possible flood hazard of Zone D.

#### PROPOSAL FOR DEVELOPMENT

10. Petitioner proposes to develop the Property as a community shopping center in two phases.

Phase I, located on the eastern half of the Property, will be buildings for approximately 157,100 square feet of

commercial space and will include a market, drugstore, variety store, restaurants, service station, offices and miscellaneous businesses.

Phase II, located on the western half of the Property, will be buildings for approximately 98,000 square feet of commercial space and will include a theater, home improvement, restaurant, offices and miscellaneous businesses.

The proposed shopping center will also include approximately 1,009 parking stalls, 675 to be built in Phase I and 334 in Phase II, for a parking ratio of 4 stalls for every 1,000 square feet of floor space.

11. Petitioner proposes to commence development as soon as all governmental approvals are obtained. Petitioner estimates that it will complete Phase I improvements by 1988 and Phase II improvements by 1990.

12. Petitioner estimates the cost of the proposed development to be, in 1984 dollars, \$12.9 million for Phase I and \$8.8 million for Phase II for a total cost of \$21.7 million.

#### PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

13. Petitioner's audited balance sheet as of December 31, 1983, lists assets of \$127,923,715.00, notes payable of \$55,209,749.00 and total liabilities of \$55,755,405.00.

#### STATE AND COUNTY PLANS

14. The Property is classified in the Agricultural District on the State Land Use District Map.

15. The City and County of Honolulu's (County) Ewa Development Plan designates the Property for Commercial use.

16. The County has zoned the Property in the Ag-1 Agriculture District. The Property is not situate within the County's Special Management Area (SMA).

#### NEED FOR THE PROPOSED DEVELOPMENT

17. John Child and Company, Inc., Petitioner's marketing consultant, indicated that significant support exists for additional retail space within the trade area of the proposed development. The primary trade area, consisting of Makakilo, Ewa and Barbers Point, is currently underserviced in the general retailing categories of convenience goods and shopper's goods by a total of approximately 90,000 square feet.

18. John Child and Company, Inc. predicts that the proposed community shopping center should be able to capture 35% to 65% of the retail sales volume which is currently escaping from the primary area because of the primary trade area's limited retailing facilities.

19. Approximately 90% of the residents of the primary trade area live within five minutes driving time of the proposed center and the remaining 10% are within five to ten minutes driving time.

20. Petitioner estimates that there is sufficient market support for the proposed 255,100 square foot shopping center facility. Petitioner projects the amount of additional retail floor area needed to serve the primary trade area through

1995 as follows:

	<u>Floor Space in Square Footage</u>			
	<u>1984</u>	<u>1985</u>	<u>1990</u>	<u>1995</u>
Convenience Goods	39,000	48,000	108,000	187,000
Shopping Goods	21,000	24,000	46,000	81,000
Personal Services	5,000	6,000	12,000	20,000
Other Retail	<u>16,000</u>	<u>18,000</u>	<u>30,000</u>	<u>47,000</u>
Total Floor Area	81,000	96,000	196,000	335,000

21. Petitioner concludes that the primary trade area can support 131,000 square feet of retail space proposed for Phase I of the project by 1987. Petitioner predicts the market will absorb the additional 65,000 square feet of retail space proposed for Phase II by 1990.

#### ECONOMIC IMPACTS

22. Petitioner estimates that the proposed development will provide approximately 210 construction jobs in Phase I and approximately 140 construction jobs in Phase II. Once in operation, the shopping center will support an estimated 400 to 500 full-time jobs.

#### IMPACTS UPON RESOURCES OF THE AREA

##### Agricultural Resources

23. Petitioner does not anticipate that the reclassification of the Property will have significant adverse effects upon agricultural activities or resources of the area. The configuration of the Property and its isolation from surrounding agricultural



land by three separate roadways -- H-1 Freeway to the North, Farrington Highway to the South and Makakilo Drive to the East, inhibit its economic feasibility for agricultural uses. The Property is also bisected by a drainage channel.

24. The State Department of Agriculture did not oppose the proposed redesignation of the Property from Agricultural to Commercial.

#### Natural Resources

25. Environmental Communications, Inc., Petitioner's environmental consultant, concluded that no threatened or endangered species of flora or fauna are known to exist in or inhabit the Property.

26. Petitioner anticipates no adverse impacts on surface water quality during construction or after completion of the proposed project. Petitioner proposes to allow a gas station to locate near the existing Makakilo One well. Petitioner will implement mitigative measures including the option of eliminating the proposed gas station to avoid possible pollution of potable water drawn from the Makakilo One well.

#### Environmental, Recreational, Scenic and Historic Resources

27. Petitioner anticipates the development will have no significant adverse effects upon the environmental, recreational, scenic or other resources of the area. No archaeological or historic sites are known to be located on or directly adjacent to the Property, because the Property has

been in sugar cultivation for approximately 50 years.

## ADEQUACY OF PUBLIC SERVICES AND FACILITIES

### Wastewater Disposal

28. Petitioner will, in coordination with the County Department of Public Works, connect to the existing sanitary sewer line running through the Property. The capacity of the line and of the Honouliuli Sewage Treatment Plant is presently adequate to meet any increased demand generated by the proposed development.

### Solid Waste Disposal Services

29. Petitioner proposes to contract with a private company to dispose solid waste at a private certified landfill or a public landfill.

### Water

30. The proposed project will require approximately 71,000 gallons of potable water per day. Petitioner has secured a water allocation from the County Board of Water Supply, to withdraw water from the Makakilo One Well.

### Roadway and Highway Services

31. Access to the Property from the H-1 Freeway is prohibited. Petitioner proposes to provide direct access to the Property from Farrington Highway and Makakilo Drive. Farrington Highway is a 2-lane, 60-foot wide paved roadway and Makakilo Drive is a 4-lane paved roadway which increases to 6 lanes at its intersection with Farrington Highway.

32. Petitioner will construct a new Eastbound off-ramp to State Department of Transportation standards from H-1 Freeway to connect with Makakilo Drive.

33. Mass transportation servicing the Waianae coast and Makakilo will also serve the proposed development.

34. Petitioner expects the proposed development will not have any significant adverse impact on traffic flow, patterns or volume in the site area, and the roadway network surrounding the Property will be able to accommodate the additional traffic generated.

#### Electricity and Telephone Utility Services

35. Hawaiian Electric Company, Inc., will provide electricity to the Property. Hawaiian Telephone Company will provide telephone service to the Property.

#### Police and Fire Fighting Services

36. The Honolulu Police Department will provide police service to the Property from its Pearl City precinct police station.

37. The Honolulu Fire Department on Makakilo Drive will provide fire protection service for the proposed development with support service from the Waipahu and Nanakuli Fire Stations.

#### SCATTERIZATION AND CONTIGUITY OF THE PROPOSED DEVELOPMENT

38. The Property is in close proximity to existing areas designated in the Urban District. A major investment in public supportive services will not be required for development of the Property.

PRERERENTIAL DEVELOPMENT

39. The proposed development will provide approximately 400 to 500 permanent jobs once the center is operational. Many of these jobs will be newly created employment opportunities.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

40. The proposed development will generate a new center of trading and employment.

41. Petitioner has adequate financial resources to undertake the proposed development.

42. The Property is proximate to basic public services.

43. Potable water is available to the Property from the Makakilo One well located across Makakilo Drive from the Property.

44. The proposed development will not have any significant adverse effect upon agricultural, natural, recreational, scenic, historic, environmental, or other resources of the area.

INCREMENTAL DISTRICTING

45. Petitioner estimates that it will complete final construction of improvements for Phase I and II not later than the fourth quarter of 1990.

CONFORMANCE WITH THE HAWAII STATE PLAN

46. The Petition is consistent with the Objectives and Policies of the Hawaii State Plan which are applicable to the proposed development as follows:

Petitioner will satisfy Section 5(b)(3) by providing facilities for adequate support services to accommodate the desired distribution of future growth throughout the State;

Petitioner will satisfy Section 6(2)(1) by providing increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.

#### RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by the Petitioner or the other parties not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

#### CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of approximately 29.543 acres of land, Oahu Tax Map Key No.: 9-1-16:29, situate at Honouliuli, Ewa, Oahu, Hawaii, subject to the conditions stated in the Order below, conforms to the standards established in the State Land Use District Regulation, is reasonable and non-violative of section 205-2, Hawaii Revised Statutes, and the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes as amended.

ORDER

IT IS HEREBY ORDERED that the Property, being the subject of the Petition Docket No. A84-582 by the Trustees Under the Will and of the Estate of James Campbell, Deceased, consisting of approximately 29.543 acres of land situate at Honouliuli, Ewa, Oahu, Hawaii and more particularly identified as Tax Map Key No.: 9-1-16:29, shall be and the same is hereby reclassified from the Agricultural District to the Urban District and the State Land Use District Boundaries are amended accordingly, subject to the following conditions:

1. Petitioner shall coordinate construction plans for the proposed development with the State Department of Health and the Board of Water Supply to minimize the possibility of pollution of the Makakilo One well, located at the intersection of the H-1 Freeway and Makakilo Drive by business activities at the shopping center such as a proposed service station.

2. Petitioner shall coordinate with the State Department of Transportation plans for the highway improvements such as the off-ramp for the eastbound lanes of the H-1 Freeway, and improvements to the Makakilo Drive eastbound on-ramp to the H-1 Freeway.

These conditions may be fully or partially released by the Commission as to all or any portion of the Property upon timely motion and provision of adequate assurance of satisfaction of these conditions by the Petitioner.

A84-582 - TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

Done at Honolulu, Hawaii, this 10th day of October  
1985, per motions on July 23, 1985 and August 21, 1985.

LAND USE COMMISSION  
STATE OF HAWAII

By *Phil Tacbian*  
TEOFILO PHIL TACBIAN  
Chairman and Commissioner

By *Frederick Whittemore*  
FREDERICK WHITTEMORE  
Vice Chairman and Commissioner

By *Robert S. Tamaye*  
ROBERT S. TAMAYE  
Commissioner

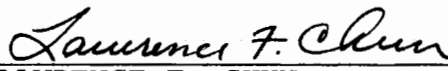
By *Toru Suzuki*  
TORU SUZUKI  
Commissioner

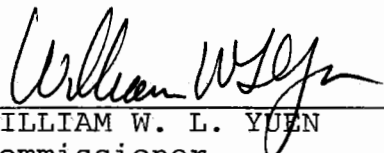
By *Richard B. F. Choy*  
RICHARD B. F. CHOY  
Commissioner

By *Everett L. Cuskaden*  
EVERETT L. CUSKADEN  
Commissioner

A84-582 - TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

By   
WINONA E. RUBIN  
Commissioner

By   
LAWRENCE F. CHUN  
Commissioner

By   
WILLIAM W. L. YUEN  
Commissioner



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CERTIFICATE OF SERVICE

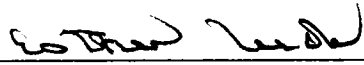
I hereby certify that a copy of the Land Use Commission Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

KENT M. KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

DONALD A. CLEGG, Chief Planning Officer  
Department of General Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

R. BEN TSUKAZAKI  
PATRICIA E. LEE  
Carlsmith, Wichman, Case, Mukai and Ichiki  
Attorneys for Petitioner  
Pacific Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii this 10th day of October 1985.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer

DOCKET NO. A84-582 - THE TRUSTEES UNDER THE WILL AND OF THE  
ESTATE OF JAMES CAMPBELL, DECEASED

A copy of the Land Use Commission's Decision and  
Order was served upon the following by regular mail on  
October 10, 1985.

EVERETT KANESHIGE, Deputy Attorney General  
Department of the Attorney General  
State Capitol, 4th Floor  
Honolulu, Hawaii 96813

RICHARD D. WURDEMAN, Corporation Counsel  
Department of the Corporation Counsel  
City and County of Honolulu  
3rd Floor, City Hall  
Honolulu, Hawaii 96813

JOHN P. WHALEN, Director  
Department of Land Utilization  
650 South King Street  
Honolulu, Hawaii 96813