

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
DEPARTMENT OF GENERAL PLANNING,)
CITY AND COUNTY OF HONOLULU)
)
To Amend the Agricultural Land)
Use District Boundary into the)
Urban Land Use District for)
Approximately 269.454 Acres at)
Waipio, Ewa, Oahu, Hawaii, Tax)
Map Key No.: 9-4-07: 1)
)
_____)

DOCKET NO. A86-606
DEPARTMENT OF GENERAL
PLANNING, CITY AND COUNTY
OF HONOLULU

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

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The City and County of Honolulu, a municipal corporation of the State of Hawaii, through its Department of General Planning, ("Petitioner") filed this Petition on July 28, 1986, pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the Land Use District Boundary for approximately 269.454 acres of land situate at Waipio, Ewa, Oahu, Hawaii, Oahu Tax Map Key No. 9-4-07: 1 (hereinafter referred to as the "Property"), from the Agricultural District to the Urban District for a residential subdivision, also known as the Waiola Estates Subdivision. The Land Use Commission (hereinafter referred to as the "Commission"), having heard and examined the testimony, evidence, arguments of counsels presented at the hearing, and

the proposed findings of fact and conclusions of law submitted, hereby makes the following findings of fact and conclusions of law and decision and order:

FINDINGS OF FACT

Procedural Matters

1. The Commission held hearings on the Petition on December 2, 1986, January 27 and 28, 1987, February 10 and 11, 1987, March 17 and 18, 1987, and April 15, 1987, pursuant to notice published in the Honolulu Star-Bulletin on October 20, 1986.
2. By Orders filed on December 19, 1986, the Commission granted two untimely requests to intervene by Samuel S.H. Lee, Chairperson of the Mililani/Waipio/ Melemanu Neighborhood Board No. 25 and by Martin Wolff on behalf of Hawaii's Thousand Friends.
3. The Commission received 12 timely requests and 9 untimely requests to appear as public witnesses. All requests to appear as public witnesses were granted. Witnesses testifying before the Commission included: Navy Lieutenant Victor L. Sibal; City Council Member Randall Iwase; State Representative Mitsuo Shito; Pam MacLane; Charley T. Rogers, Business Agent, Carpenters' Union, Local 745, United Brotherhood of Carpenters and Joiners of America; Robert Hafferman, representing the Gentry-Waipio Community Association; Cal Kawamoto, Chairperson, Waipahu Neighborhood

Board; and Charlene Palasio, Local 142, International Longshoremen's and Warehousemen's Union.

4. On May 20, 1987, and on May 27, 1987, the Commission filed Orders to approve the motions of the Department of Planning and Economic Development (DPED) to correct the transcripts for the following hearing dates: December 2, 1986, January 27, 1987, February 11, 1987, and March 17 and 18, 1987.

5. At the Commission's action meeting held on June 5, 1987, a motion was made by Commissioner Choy and seconded by Commissioner Cuskaden to approve reclassification of the Property consisting of approximately 269.454 acres from the Agricultural to the Urban District, subject to nine conditions. Subsequently, the motion was unanimously amended to add a tenth condition.

6. The two Commissioners voting in support of the motion, as amended, were Commissioner Richard Choy and Commissioner Everett Cuskaden.

The five Commissioners voting against the motion, as amended, were Commissioner William Yuen, Commissioner Toru Suzuki, Commissioner Robert Tamaye, Commissioner Lawrence Chun and Commissioner Teofilo Tacbian.

7. The motion, as amended, did not receive the necessary six affirmative votes as required by Section 205-4(h), Hawaii Revised Statutes, for a boundary amendment, and therefore, the Petition is denied.

Description of the Property

8. The Property is generally triangular in shape and is situated on the southern portion of the Schofield Plateau in the judicial district of Ewa, Island of Oahu. The Property is bounded on the northwest by the U.S. Department of the Army's Kipapa Military Reservation and the Naval Magazine, Lualualei (Waikele Branch) in Kipapa Gulch, on the east by Kamehameha Highway and the residential community of Gentry-Waipio, and on the south by fallowed sugarcane fields--site of the proposed planned community of Waikele, to be developed by Amfac Property Development Corp. The communities of Waipahu and Mililani Town are located approximately 2 miles to the south and north, respectively.

9. There is an existing military easement through the Property for the maintenance and security of operations in Kipapa Gulch by the U.S. Army. Petitioner indicated that the U.S. Army abandoned its operations in the gulch several years ago and has initiated an action to request the extinguishment of the military easement.

10. The Property has been used for pineapple cultivation.

11. The elevation of the Property ranges from 310 feet to 425 feet above mean sea level. Slopes are gently sloping and average less than 5 percent, generally from north to south. There are two small gullies in the Property, one in the middle of the parcel, and another near the southeast corner.

12. Mean annual rainfall on the Property and surrounding areas is 32 inches.

13. The U.S. Department of Agriculture Soil Conservation Service, Soil Survey Report for the Island of Oahu classifies the soil within the Property as Molokai silty clay loam (Mu).

The Molokai series consist of well-drained soils on uplands, formed in material weathered from basic igneous rock. They are nearly level to moderately steep and exhibit low shrink-swell potential. Molokai silty clay loam with 3 to 7 percent slopes (MuB) covers most of the Property. On this soil, runoff is slow to medium and the erosion hazard is slight to moderate. These soils are used for sugarcane, pineapple, pasture, wildlife habitat, and homesites. They have good suitability for topsoil and roadfill.

Molokai silty clay loam with 7 to 15 percent slopes (MuC) occurs in linear patterns along the southern portion of the Property. This soil occurs on knolls and sharp slope breaks. Runoff is medium and the erosion hazard is moderate.

The soils along the slopes of Waikele/Kipapa Gulch immediately to the west of the Property are Rock land (rRK), where exposed rock covers 25 to 90 percent of the surface. Rock outcrops and very shallow soils are the main characteristics. Rock land has high shrink-swell potential.

14. The Property is adjacent to the existing explosive safety quantity distance, or blast zone, emanating from the Naval Magazine, Lualualei (Waikele Branch).

15. The Flood Insurance Study for the City and County of Honolulu conducted by the Federal Insurance Administration indicates that the project is located in Zone D, an area of undetermined but possible flood hazards.

16. Castle and Cooke, Inc., a Hawaii corporation, is the fee-simple owner of the Property and has consented to the filing of the Petition. Petitioner will acquire title to the Property prior to construction of the proposed project.

17. The Property encompasses land identified as Oahu Tax Map Key (TMK) No. 9-4-07: 1. Petitioner proposes to include as part of the Property, land identified as TMK No. 9-4-07: 12, which presently is under the ownership and control of Amfac Property Development Corporation (Amfac).

Petitioner's Addendum to Petition for Land Use Boundary Amendment dated September 18, 1986, states that Amfac is currently negotiating with Castle & Cooke, Inc., the owner of TMK No. 9-4-07: 1, and Petitioner for an exchange of certain portions of TMK No. 9-4-07: 12 for portions of TMK No. 9-4-07: 1. The parcels to be exchanged are to be equal in total size. Tax Map Key No. 9-4-07: 12 was recently reclassified by the Commission from Agricultural to Urban in Docket No. A85-594/Amfac Property Development Corporation. Amfac has

authorized the submittal of the Petition, and the inclusion of approximately 1.6 acres of Amfac land that is the subject of negotiation with Castle & Cooke, Inc.

Description of Proposed Development

18. Petitioner proposes to develop the Property as a residential project, also known as the Waiola Estates Subdivision (hereinafter referred to as the "Subdivision") consisting of approximately 1,500 single-family houses, a park and an elementary school site.

19. The land use allocations proposed by the Petitioner consist of: residential, 195 acres; park, 12 acres; school, 6 acres; circulation and public facilities, 54 acres; and reservoir, 2 acres.

20. Petitioner proposes to provide affordable home ownership for gap group and low-moderate income purchasers. The Subdivision will consist of single-family housing units situated on 5,000 square-foot lots that fully comply with all City and County of Honolulu R-6 zoning requirements and subdivision standards. The Subdivision will include underground wiring, sidewalks, curbs, and gutters. Petitioner proposes to attain a level of quality and appearance that is fully compatible with the surrounding communities.

21. Petitioner proposes to sell finished, construction-ready houselots to eligible purchasers at an estimated price of approximately \$35,000. Qualified home

builders, selected by the Petitioner, will offer homes of compatible design and appearance at maximum price of approximately \$70,000 to permit the purchase of a complete house-and-lot package at less than \$105,000.

22. Twenty percent of the units will be set aside for low-moderate income purchasers and will be conveyed in leasehold at an estimated purchase price of \$70,000, or marketed as rental units with a full purchase option, as a means of assuring affordability for this group.

23. Theouselots situated along Kipapa Gulch and other areas within the proposed project site that are larger, offer unique views and/or increased privacy, may be sold at prevailing market prices as an additional source of subsidization for the low-moderate income purchasers. This will avoid the necessity of subsidizing the project with tax revenues and provide the additional advantage of establishing a greater socio-economic mix of households within the development.

24. The 12-acre park site proposed by Petitioner will include a multi-purpose building suitable for child day care services, meetings, and other community activities as well as recreational facilities.

25. A 6-acre site located adjacent to the park will be dedicated to the State Department of Education for an elementary school.

26. Petitioner estimates the cost of the Subdivision to be approximately \$52 million. This estimate includes the cost of acquiring the Property, constructing the site improvements and infrastructure, financing expenses and costs related to the sales and conveyance of the houselots.

The estimated budget for the development is as follows:

Land Acquisition	\$ 8.0 Million
Pre-development Approvals,	
Planning and Engineering	3.0
Site Improvements Construction	30.0
Indirect Costs	2.0
Interest and Financing Costs	5.0
Contingency	<u>4.0</u>
Total	\$52.0 Million

27. Petitioner estimates that the proposed Subdivision can be completed within a 4-year period. However, the approval of the Honolulu City Council is still required for land acquisition, financing and other incidental matters necessary for implementation of the Subdivision.

Means of Financing the Project

28. Petitioner proposes to obtain funds necessary for the Subdivision through the issuance of short-term General Obligation bonds having a maturity of four to five years. These bonds would be redeemed at maturity, through the use of revenues from the sale of the improved house lots. Any funds

remaining after redemption of the bonds would be distributed or "rebated" to the purchasers.

29. Petitioner does not anticipate any external subsidization by the taxpayers of Honolulu and expects the Subdivision to be paid for entirely by its beneficiaries-- the purchasers of homes within the Subdivision. The cost of all of the site improvements, planning, engineering, carrying and administrative costs will be incorporated in the purchase price of the houselots.

30. Improvements to Kamehameha Highway, estimated at \$2,860,000, are expected to be funded with Capital Improvement Program funds. The highway improvements include the widening of Kamehameha Highway and improved signalization of Kamehameha at Waipio Uka Street.

State, County Plans and Programs

31. The Property is located within the State Land Use Agricultural District, as reflected on Land Use District Boundary Map O-9, Waipahu.

32. The City and County of Honolulu (City) Central Oahu Development Plan (DP) designates the Property as Agriculture. The Public Facilities Map designates the Property as Golf Course and Park.

33. City Council Resolution No. 86-202 states that the Subdivision is exempt from the requirements of the Central Oahu Development Plan, as amended; the Public Facilities Map for

Central Oahu, as amended; Zoning Map No. 9 - Waipio (Makai), as amended; and Section 21-4.3 of the Comprehensive Zoning Code relating to regulations for an AG-1 Restricted Agricultural district.

34. The Property is not within the City and County of Honolulu's Shoreline Management Area.

35. Another affordable City housing project that has been presented to the City Council is for a 1,700-unit project along West Loch in Honouliuli. An additional 1,100 housing units may be added to a potential second phase located immediately adjacent to Waipahu. The housing market could be for a mix of market-priced, gap group, and low-moderate income units.

36. The Hawaii Housing Authority is planning to develop, in cooperation with the City, a mixed residential community on approximately 600 acres of land in the Ewa Development Plan area.

Past Land Use Commission Actions in the Area

37. On August 6, 1984, the Commission incrementally approved, with conditions, approximately 120 acres of a total of 256 acres situated at Waipio, Ewa, from Agricultural to Urban in Docket No. A83-551/Oceanic Properties, Inc. for a high technology park. The Petitioner proposed to subdivide and develop a high technology park over a five to ten year period.

38. On July 9, 1985, the Commission approved with conditions the reclassification of approximately 50 acres at Whitmore Village, Wahiawa, from the Agricultural District to the Urban District in Docket No. A84-581/Oceanic Properties, Inc. for 300 housing units for single- and multi-family residential development.

39. On July 9, 1985, the Commission approved with conditions the reclassification of 29.54 acres from Agricultural to Urban in Honouliuli, Ewa, in Docket No. A84-582/Estate of James Campbell for a community shopping center.

40. On July 9, 1985, the Commission approved with conditions, the reclassification of 642 acres from Agricultural to Urban to permit the Ko Olina Resort/ residential development at Honouliuli, Ewa in Docket No. A83-562/West Beach Estates. This project proposed 4,000 visitor units and 5,200 housing units, ten percent of which will be for low- and moderate-income households.

41. On December 10, 1985, the Commission approved with conditions the reclassification of 577.21 acres from the Agricultural to the Urban Land Use District in Docket No. A85-594/Amfac Property Development Corp. for the Waikele planned residential community consisting of residential uses, golf course, business center, commercial center, and open space.

42. On May 14, 1986, the Commission denied the reclassification of 1,205.4 acres from Agricultural to Urban in Docket No. A85-598/Mililani Town, Inc. for the Mililani- Mauka planned residential community consisting of residential and commercial uses, parks and recreation facilities, education and religious facilities, and preservation areas.

43. On October 24, 1986, the Commission approved, with conditions, the reclassification of approximately 547.5 acres at Hoaeae and Waikele, Ewa, Oahu, from the Agricultural District to the Urban District in Docket No. A86-600/Waitec Development, Inc. for the expansion of the Village Park Subdivision. The Commission denied the reclassification of approximately 144 acres contiguous to the 547.5 acres because of hazards associated with the blast zone emanating from the U.S. Naval Magazine in Waikele Gulch.

IMPACT UPON RESOURCES OF THE AREA

Agricultural Resources

44. The Subdivision, if approved and constructed, would result in the irreversible withdrawal of approximately 269 acres of productive agricultural lands.

45. The Property is irrigated with water from the Waiahole Ditch, the most inexpensive source of water in the Central Oahu and Ewa areas.

46. The Land Study Bureau Overall Productivity Ratings for the Property are A82i and B83i. An "A" rating indicates the highest agricultural productivity and "E", the lowest.

47. The Agricultural Lands of Importance to the State of Hawaii (ALISH) Report classifies the petition area as "Prime".

48. Castle and Cooke's "Heirarchy of Agricultural Lands Study--Central Oahu Lands", dated March 1984, indicates that the Property is within the "prime economical production zone". The report states that the drier, lower and intermediate elevation fields are Castle and Cooke's prime agricultural lands and that the lower elevation drip fields nearer to Gentry Waipio, which includes the Property, are characterized by higher temperatures and very rapid growth rates.

49. The Department of Agriculture estimates that an additional 5,152 acres will be needed on Oahu for diversified crops, exclusive of grazing and pasture lands.

Water Resources

50. The Subdivision is situated within the Department of Land and Natural Resource's Pearl Harbor Groundwater Control Area (PHGCA). The Pearl Harbor aquifer, which lies beneath the PHGCA, is a major regional source of potable water for all of southern Oahu, as well as portions of Honolulu and Waianae. Its sustainable yield is about 225 million gallons per day, all of which is presently committed.

51. The Board of Water Supply indicated that a redistribution of water currently allocated to Oahu Sugar

Company may be reallocated for new development activities over the aquifer. However, it is not clear whether water is available for the Subdivision within the current sustainable yield of 225 million gallons per day.

52. The Waipahu Wells, a potable water source within the PHGCA, which serve approximately 60,000 to 70,000 customers, is situated about 3,000 feet south of the Property.

53. The hydrologic flow patterns of groundwater in the Pearl Harbor aquifer indicate that groundwater beneath the Property flows in the direction of the Waipahu Wells.

54. The Waipahu Wells are contaminated with ethylene dibromide (EDB), 1,2,3-TCP, trichloropropane, dichloropropene and dichloropropane.

55. The precise cause of the Waipahu Wells' contamination by EDB has yet to be determined. Two theories have been presented. One is that EDB, used as a lead scavenger in leaded fuels, came from leaking sources areas near the Property. Another theory is that EDB contamination came from the application of EDB by the pineapple industry for the treatment of nematodes.

56. The State Department of Health (DOH), which has been involved with other agencies in conducting surveillance on the quality of the drinking water supply, has expressed concern about land uses in the Property. The fact that EDB has been discovered in the Waipahu Wells raises the concern that

contamination of these wells needs to be studied to ensure that the wells are not further contaminated.

57. There is concern about the potential for new contamination of the groundwater from applications of pesticides associated with urban activities. There are also difficulties in assessing the contamination risks associated with the urban activities proposed by the Petitioner. There is apparently no practical way for a government agency to monitor the volume and types of chemicals that are applied to the soil in an urban residential setting.

58. Testing for contamination has been limited in scope. Within the next three years, the groundwater supplies will be monitored for 82 other compounds or contaminants. Such a broad scan will contribute to a better assessment of the presence of those contaminants in the groundwater. Chlordane is one of the chemicals that will be regulated by EPA and the Department of Health. After it becomes regulated, an aggressive monitoring program will be conducted of the water sources throughout the State for the presence of chlordane.

59. Measures taken by the Board of Water Supply to remove chemical contaminants from the public water supply include the use of granular activated carbon filtering systems and the aeration or air stripping method. These methods are costly, and have disadvantages such as the inadequacy of a safe method of disposal of carbon. Moreover, there are no toxic waste dumps in the State.

60. In resolving contamination of groundwater, it is easier to develop management strategies in an agricultural setting than in an urban setting.

61. Imposing a condition on a developer to make it responsible for any water contamination would be impractical or impossible to monitor due to difficulty in determining the source of a contaminant.

62. Should the Pearl Harbor aquifer under Mililani Town, Village Park, and the Property were contaminated, and the associated public wells had to be shut down, a significant problem would arise and would require transporting water from other sources.

Air and Aural Quality

63. Petitioner's Air Quality Study prepared by Barry Root indicates that existing air pollutants in the area include dust and smoke generated by pineapple cultivation, and emissions from automobiles traveling on nearby roadways.

Significant short-term direct air quality impacts are expected to consist of dust emissions during the site preparation and construction phases of this project. Actual emissions of fugitive dust from this project can be expected to vary daily depending upon the amount of activity and the moisture content of the exposed soil in work areas. According to the Air Quality Study, the movement of construction equipment over unpaved roadways during project development is a major generator of fugitive dust.

64. Petitioner indicated that the fugitive dust problem can be substantially mitigated by completing and paving roadways and parking areas early in the development process and that dust control during construction is regulated by City ordinance. No commitment to limit the fugitive dust was given by the Petitioner to implement the recommendation of paving roadways and parking areas early in the development process.

65. Increased traffic generated by the subject project will increase emissions of carbon monoxide, a poisonous substance, along Kamehameha Highway and the H-1 Freeway corridor. At its worst case, carbon monoxide levels will be substantially increased and at times may significantly exceed the State Air Quality standards at certain sites.

66. The Air Quality Study takes into account only those developments expected in 1990, which consists of Waiola Estates and Phase 1 of Waikele. The highest carbon monoxide levels would be further increased at full build-out of Waikele, Gentry Waipio, and Waiola.

67. According to Barry Root, if the proposed Paiwa Street extension is not completed as anticipated, the carbon monoxide levels would be higher than those computed. In addition, the higher carbon monoxide values resulting from the longer queue of cars along Kamehameha Highway will affect a greater expanse of the Subdivision.

68. Petitioner has made no commitment nor presented evidence indicating that measures to mitigate significant adverse impacts resulting from carbon monoxide exposure caused by the Subdivision will be implemented by the City.

69. According to the Environmental Impact Statement, traffic noise is expected to adversely impact houses fronting Kamehameha Highway at the Subdivision, Gentry Waipio south of Waipio Uka Street, and Crestview and Seaview Village subdivisions.

70. According to Yoichi Ebisu, acoustical engineering expert, Federal noise standards will be exceeded in the Crestview and Seaview subdivisions, in the vicinity of Waipahu Street. The upper floors of houses along the highway will be experiencing sound levels of 66 to 69 day-night noise levels (LDN).

71. Although the Petitioner believes that the agency or individual who improves Kamehameha Highway should be responsible for noise abatement measures, the Petitioner has not stated specifically whether it will be financially responsible for implementing sound attenuating measures for homes in the Crestview and Seaview subdivisions fronting Kamehameha Highway.

72. There is a potential for increased traffic noise impacts beyond those stated in the Traffic Noise Study should the traffic volume along Kamehameha Highway exceed 5,000 vehicles per hour.

Archaeological/Historical Resources

73. According to Chiniago, Inc. Petitioner's archaeological expert, no evidence of past utilization older than the pineapple production was observed during a one-day pedestrian inspection of the Property. No archaeological or historical sites have been previously recorded on the Property. Chiniago, Inc. recommends that development of the proposed project be allowed to proceed without any further archaeological work.

74. Should any archaeological or historical remains be uncovered during construction, the Petitioner will halt activity and notify the State Historic Preservation Office.

Flora and Fauna

75. The proposed project will involve the clearing of all existing vegetation. No endemic or indigenous plant species were found on the Property.

76. The fauna consisted of introduced species, considered pests to the existing agricultural activities. The proposed project is expected to have no significant impact on the fauna.

Hazards

77. The Naval Magazine, Lualualei (Waikele Branch) is located in Kipapa Gulch, along the western boundary of the Property. The Navy maintains active operations in the gulch. The Property is adjacent to the existing explosive safety

quantity distance, or blast hazard zone, emanating from the gulch.

78. According to Navy Lieutenant Victor Sibal, the blast hazard zones are established as practical limits and do not guarantee absolute safety outside the zone. For this reason, the Navy suggests that the Petitioner refrain from any residential development adjacent to its common boundary.

79. Petitioner stated that an agreement has been reached between the Petitioner and the U.S. Navy concerning public safety, whereby the Navy will extend its jurisdiction approximately 1,000 feet further up into the gulch. In addition, the Petitioner will establish a 100-foot mandatory setback from its boundary with the Naval Magazine within which the construction of any buildings will be excluded. A 6-foot high chain link fence will be erected for safety reasons on the Property within the 100-foot setback, running parallel to an existing Navy security fence.

80. The Navy has not stated whether the residential uses beyond the 100-foot setback will be safe from blast hazards emanating from its operations at the Naval Magazine.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Roadway and Highway Services and Facilities

80. The existing roads within the Property are primarily for agricultural purposes. At the present time, access to the site is provided only by Kamehameha Highway.

81. According to Petitioner's Traffic Impact Report (Traffic Report) for the proposed Subdivision prepared by Austin, Tsutsumi & Associates, Inc., the proposed 1,535 unit, single-family residential development is expected to generate 15,350 trip ends per day. During the morning peak hour, 322 vehicles per hour (vph) are expected to enter the site and 845 vph are expected to exit. During the afternoon peak hour, 967 vph are expected to enter the site and 568 vph are expected to exit.

82. According to the Traffic Report, the following traffic impacts are expected:

- (A). The increased AM and PM peak traffic volumes would be in excess of the capacity of Kamehameha Highway intersections at Waipio Uka Street, Lumiauau Street and Waipahu Street.
- (B). The increased AM peak traffic volumes would be in excess of the capacity for the on ramp from Kamehameha Highway and eastbound on Farrington Highway to eastbound H-1 Freeway.
- (C). During the PM peak period, queuing would continue to occur on the Waipahu off-ramp from westbound H-1 Freeway and onto the freeway. Queuing from this off-ramp on the right westbound lane of the freeway would

leave only three lanes for through traffic. The through traffic demand, together with the Waipahu off-ramp traffic would result in full capacity conditions on westbound H-1 between the Waiiau and Waiawa interchanges.

(D). The connector ramp from westbound H-1 to the northbound H-2 Freeway would also be at capacity.

84. The Traffic Report assumed that the following improvements to the highway network would be in place by 1990:

(A). Widening of Kamehameha Highway from Waipahu Street to Ka Uka Boulevard to provide two lanes in each direction and exclusive left and right turn deceleration/storage lanes at all intersections;

(B). Signalization of major intersections on Kamehameha Highway;

(C). Addition of a fifth lane on eastbound H-1 Freeway from Waiawa Interchange to Halawa Interchange, as proposed by the State Department of Transportation;

(D). Waipio Interchange on the H-2 Freeway at the Mililani Cemetery Road Overcrossing, as proposed by the State Department of Transportation;

(E). Paiwa Interchange on the H-1 Freeway at the Paiwa Street Undercrossing, as proposed by Amfac Property Development Corp.

However, the Traffic Report indicated the Paiwa Street Extension through the Subdivision for access to the Paiwa Interchange at H-1 will not be completed by 1990. Furthermore, the limitation of the Traffic Report is that the combined, full build-out of both the Waiola Estates and Waikele subdivisions was not considered in either the Traffic Report or the Waikele traffic impact report.

85. The State Department of Transportation (DOT) stated that the Waipio and Paiwa Interchanges were planned and designed prior to any knowledge about the proposed Subdivision and therefore, are not adequate to handle the traffic generated by the proposed Subdivision.

85. DOT also indicated that the existing traffic problems will worsen if the proposed Subdivision is developed before highway improvements are implemented. Three existing problem areas are: (1) severe congestion on the H-1 Freeway between Waiawa Interchange and Halawa Interchange; (2) severe congestion at the on- and off-ramps in the Waiawa Interchange connecting Farrington Highway and Kamehameha Highway; and (3) congestion on Kamehameha Highway from Waipahu Street to the Property.

87. DOT recommended that, in the event the Petition is approved, the following improvements be completed before occupancy is allowed on the Property: the Waipio Interchange and Paiwa Interchange and connecting roadways through the Property; widening of Kamehameha Highway fronting both the Property and the proposed Waikele Subdivision; express lanes on the H-1 Freeway between Waiawa Interchange and Halawa Interchange; and a one-year promotional program for car pooling, ride sharing, bus riding, and other similar ideas.

88. The DOT does not have any funds for improvements to Kamehameha Highway. Funding of other necessary highway improvements will require appropriations from the City Council and/or the State Legislature. No statement was made concerning the approval of such appropriations or the availability of funds for highway improvements.

89. Petitioner has not made any commitments to DOT that indicate necessary off-site roadway improvements will be completed prior to occupancy of the Subdivision nor did Petitioner obtain Amfac's commitment to complete the proposed Paiwa Street extension to the Property before occupancy in the Subdivision or before 1990.

Water Service

90. The water requirements of the Subdivision are estimated at 0.85 million gallons per day (MGD). This includes 0.750 MGD for residential use at full development and 0.072 MGD for park and school uses.

91. In their letter to the City Department of Land Utilization dated September 8, 1986, the Board of Water Supply states that on-site and off-site facilities shall be developed to meet the proposed project's water needs. These water facilities include two new wells at the 595-foot elevation at the Waipio Heights site and a reservoir of 1.5 million gallons.

Sewage Treatment and Disposal

92. Petitioner estimates the Subdivision will generate approximately 0.50 MGD of sewage effluent. The on-site collection system will require construction of a new trunkline which will connect up with the existing Mililani Sewage Treatment Plant Effluent Disposal System. This system discharges into the Waipahu Sewage Pump Station. Construction of the new trunkline will be done in conjunction with the adjoining Waikele project. Sewage effluent from the Subdivision will receive primary treatment at the Honouliuli Wastewater Treatment Plant and disposed of by a deep ocean outfall.

93. Petitioner indicated the Property is located in the "no-pass" zone where ground disposal of wastewater is not permitted.

Solid Waste Disposal

94. The City's Division of Refuse Collection and Disposal can provide refuse collection services which will necessitate increases in staff and equipment. Refuse will be hauled to the Waipahu Incinerator for disposal and the planned H-Power

facility. The Waimanalo Gulch Sanitary Landfill in Waianae can also serve the project.

Drainage Facilities

95. Petitioner's proposed drainage plans are premised upon shared use of facilities with the adjoining Waikele residential subdivision. The drainline would be constructed through the Waikele property and join with a drainage culvert which would flow into the Kipapa Gulch and Waikele Stream.

In addition, a small portion of the drainage from the Property will flow directly into the Kipapa Gulch using the natural drainageway on the Property.

96. In the event the Waikele drainage system is not available, the natural drainageway on the Property will be used to handle runoff from the Subdivision.

Schools

97. Existing schools will have difficulty accommodating students generated by this project since all elementary schools in the Waipahu area are overcrowded and secondary schools are operating at capacity.

98. Short-term alternatives to mitigate overcrowding include bussing elementary level students to Pearl City elementary schools and relocating portable classrooms to intermediate and high schools to accommodate secondary level students. In the long term, an elementary school site may have to be located on the Property.

Parks and Recreation Services and Facilities

99. According to the City Department of Parks and Recreation, the Subdivision will have a significant impact on public park and recreation facilities in the area.

100. Petitioner proposes to provide a 12-acre park as required by City park dedication Ordinance No. 4629.

Police and Fire Protection Services

101. Additional police officers will be required to service the project's population.

102. Current fire protection services for the Subdivision are not adequate. Fire protection for the Subdivision is expected to improve when a proposed City fire station is constructed in the Waikele area. No evidence was presented as to when the proposed fire station will be in operation.

Electrical and Telephone Services

103. Electrical and communication improvements required for the project can be accommodated by existing electrical and communication systems. The electrical system will be an underground facility with only switching vaults, transmission lines, and individual service transformers visible above ground.

CONFORMANCE TO STATE LAND USE DISTRICT STANDARDS

104. The Property has a high capacity for agricultural production. The Land Study Bureau rates the Property as "A", the highest productivity; DOA rates it as "Prime Agricultural Land".

105. An additional 5,152 acres will be needed for diversified crops from 1983 to 1995 and the DOA indicates the Property could be used for diversified agriculture.

106. The Property is adjacent to Kipapa Gulch which is currently in the Agricultural District. Lands west of the Property beyond Kipapa Gulch are planted in pineapple.

107. Petitioner failed to demonstrate that the removal of the Property from agricultural production will not impair actual or potential agricultural production in the vicinity or on the island.

108. Petitioner has not demonstrated that the Subdivision is reasonably necessary at this location. An alternate site for this type of housing is available in Ewa, mauka of Fort Barrette.

The Estate of James Campbell is also committed to building 15,000 to 20,000 low and moderate income housing through its implementation of its Ewa Long Range Master Plan.

109. Should the Subdivision be available for occupancy according to Petitioner's schedule, basic services such as sewers, transportation systems, potable water, schools and fire protection will not be adequate or available.

110. Petitioner failed to adequately demonstrate that there is a lack of sufficient reserve areas for urban growth in other locations in order to justify reclassification of the Property for urban growth.

111. Petitioner has failed to show that the Subdivision would not adversely impact groundwater resources.

CONFORMANCE WITH THE HAWAII STATE PLAN

112. The proposed reclassification does not conform to with the following objectives, policies, and priority guidelines of the Hawaii State Plan relating to agricultural lands, and the implementing actions of the State Agriculture Functional Plan:

Objectives and Policies

226-7(b)(6) "Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs."

Priority Guidelines

226-104(c)(2) "Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

226-104(c)(2) "Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of life styles."

226-106(1) "Seek to use marginal or non-essential agricultural land and public land to meet housing needs of low- and moderate-income and gap-group households."

Implementing Action

B(5)(c) "Until standards and criteria to conserve and protect important agricultural lands are enacted by the Legislature, important agricultural lands should be classified in the State Agricultural District and zoned for agricultural use, except where, by the preponderance of the evidence presented, injustice or inequity will result or overriding public interest exists to provide such lands for other objectives of the Hawaii State Plan."

The proposed reclassification would remove from cultivation a highly productive agricultural area.

Alternative sites for low- and moderate-income and gap-group housing are potentially available.

113. The proposed reclassification does not conform to the following objectives, policies, and priority guidelines of the Hawaii State Plan, and the objectives of the State Health Functional Plan relating to critical environmental areas, environmentally healthful conditions and natural resources:

Objectives and Policies

226-19(b)(5) "Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas."

226-20(a)(2) "Maintenance of sanitary and environmentally healthful conditions in Hawaii's communities."

Priority Guidelines

226-104(c)(10) "Identify critical environmental areas in Hawaii to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality; and scenic resources."

226-104(c)(9) "Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized."

Objectives

A "To prevent degradation and enhance the quality of Hawaii's air, land and water."

H "To reduce the amount and intensity of noise to acceptable levels."

Past contamination of the Waipahu Wells indicates the potential for increased groundwater contamination, should the Property be urbanized. Petitioner has not submitted evidence to conclusively assure that this project safeguards the groundwater resource and maintains or increases the environmental quality of the surrounding communities.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by the 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, the Commission finds upon the preponderance of evidence that the reclassification of approximately 269.454 acres from the Agricultural District into the Urban District at Waipio, Ewa, Oahu, Tax Map Key Number: 9-4-07:1 for a residential subdivision does not conform to the standards for the Urban District as established in the State Land Use District Regulations and is unreasonable and violative of Section 205-2, Hawaii Revised Statutes, and the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes, as amended.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, which is the subject of the Petition Docket No. A86-606 filed by the Department of General Planning, City and County of Honolulu, consisting of approximately 269.454 acres of land situate at Waipio, Ewa, City and County of Honolulu, State of Hawaii, identified by Oahu Tax Map Key No. 9-4-07: parcel 1, shall hereby remain in the State Agricultural District.

DOCKET NO. A86-606 - DEPARTMENT OF GENERAL PLANNING,
CITY AND COUNTY OF HONOLULU

Done at Honolulu, Hawaii, this 13th day of August 1987,
per motions on June 5, 1987 and August 12, 1987.

LAND USE COMMISSION
STATE OF HAWAII

By *J. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *William W. Yuen*
WILLIAM W. L. YUEN
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

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

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A86-606
DEPARTMENT OF GENERAL PLANNING,)	
CITY AND COUNTY OF HONOLULU)	DEPARTMENT OF GENERAL
To Amend the Agricultural Land)	PLANNING, CITY AND COUNTY
Use District Boundary into the)	OF HONOLULU
Urban Land Use District for)	
Approximately 269.454 Acres at)	
Waipio, Ewa, Oahu, Hawaii, Tax)	
Map Key No.: 9-4-07: 1)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and 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:


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Mililani, Hawaii 96789

MARTIN WOLFF, ESQ.
Hawaii's Thousand Friends
941 River Street, Suite 260
Honolulu, Hawaii 96817

Dated: Honolulu, Hawaii, this 13th day of August 1987.



ESTHER UEDA
Executive Officer

DOCKET NO. A86-606 - DEPARTMENT OF GENERAL PLANNING,
CITY & COUNTY OF HONOLULU

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on August 13, 1987.

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