

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

January 12, 1973 - 1:30 p.m.

Board Room  
Queen Liliuokalani Building  
Honolulu, Hawaii

COMMISSIONERS PRESENT: Goro Inaba, Chairman  
Sunao Kido  
Leslie Wung  
Tanji Yamamura  
Stanley Sakahashi

*Approved*  
AUG 30 1973

COMMISSIONERS ABSENT: Eddie Tangen, Vice Chairman  
Alexander Napier  
Shelley M. Mark

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

Persons testifying before today's hearing were duly sworn in by Chairman Inaba.

HEARING

PETITION BY THE TRUSTEES OF B. P. BISHOP ESTATE (A71-283) TO RECLASSIFY 620 ACRES FROM AGRICULTURAL TO URBAN AT WAIAWA, EWA, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report relative to the subject petition (see copy of report on file). He also read into the records the following correspondence which had been received subsequent to the writing of the staff report:

1. Letter dated January 10, 1973 from the Board of Water Supply
2. Letter dated January 11, 1973 from Citizens for Hawaii
3. Letter dated January 10, 1973 from the Outdoor Circle  
(See copies of letter on file)

Commissioner Sakahashi posed several questions to the staff regarding the availability of housing lots for actual development, the production rate of homes, and the ramifications of the urbanization of the 620 acres under petition to the Central Oahu area.

Mr. Fujimoto responded that according to the Vacant Urban Land Study, there were sufficient vacant urban lands general planned and zoned for projected housing needs, although actual housing production was not taking place on these lands. It was also his feeling that by virtue of its location, urbanization of the area under petition could shape the future pattern of land use in Central Oahu--more specifically the areas of Mililani Town and the Robinson Estate property.

Commissioner Sakahashi argued that development on much of the vacant lands was hampered by the county's restrictions.

Referring to a statement in the staff report concerning Stewart Udall's suggestion for a "creative pause" pending the completion of the 1974 boundary review, Commissioner Kido reasoned that this merely constituted a postponement of the decision on the subject request. Mr. Fujimoto stated it was the staff's position that the question of land use in Central Oahu should be undertaken during the review when the Commission will be in a better position to evaluate a matter of such gravity and importance.

Commissioner Yamamura noted that there had been no explanation for the contradictory positions taken by the City Planning Commission and the Planning Director.

Commissioner Sakahashi disagreed with the assumptions made by Overview in the Central Oahu Planning Study over the possible consequences for the future as hypothesized under the second alternative or Hawaii II; more specifically the inference that housing costs could be lowered with the utilization of less lands, and control of speculative use of land can be realized only if firm steps are taken by the State. He contended that government intervention usually resulted in higher costs and a scarcity of commodities.

Mr. Fujimoto offered his interpretation of Overview's projections to mean that they were recommending a more compact contained type of growth within the already existing Urban District which would also reduce the cost for public services and facilities. It was also implied that some kind of government intervention was necessary to meet the housing needs.

Chairman Inaba called on the petitioner's representative to present his testimony.

Mr. Francis Izumi, attorney representing the petitioner as well as Amfac Trousdale, developer, directed his statement to a reference in the staff report with respect to the area being considered under this petition. He emphasized that the request was addressed strictly and solely to the 620 acres and any subsequent development proposed was merely future land use planning and no part of the petition before the Commission. He further advised that the development scheme for the first increment was divided into two parts in conformance with the incremental zoning requirements of the Land Use Regulations. He also noted that there appeared to be no dispute insofar as meeting the criteria for the reclassification was concerned. He acknowledged that the issues involved were protection of the environment, preservation of agricultural lands and providing housing needs for the vast majority of Oahu's population.

Mr. Izumi charged that the staff report was replete with assumptions and biased in that it placed undue emphasis on two major State funded reports, namely, the Central Oahu Planning Study and the State of Hawaii Open Space Plan. He further claimed that the staff report reflected conscious selectivity of the two reports and accepted at face value the findings and conclusions arrived at therein, without testing the validity of these findings, while making only one reference to another major State financed study which was done by Marshall Kaplan, Gans, Kahn & Yamamoto.

While the staff report appears to accept the premise that there are sufficient vacant urban lands to meet the housing needs on Oahu for the next 17 years, Mr. Izumi stated that there was no mention anywhere that these lands will deliver housing desperately needed for the 65 to 70% of the people on Oahu earning between \$11,000 and \$15,000. He alleged that if a moratorium on further urbanization were ever declared, it will create a monopoly for landowners or those in control of lands within the Urban District, who will dictate their own prices.

Mr. Izumi announced that Mr. Earl Stoner, President of Amfac Communities, Inc., Hawaii, will present a detailed and critical analysis of the Central Oahu Planning Study.

Mr. Earl Stoner, who is also a member of the development consortium, read into the record a letter addressed to the Commission claiming that the COPS was slanted strictly against the subject petition and other requests for urbanization in the Central Oahu area, and was based on entirely false information, according to the petitioner's findings. Mr. Stoner made extensive reference

to the purported developable parcels within the Urban District which were broken down into 3 "Counts" in the report. He countered that the results of the petitioner's review were devastating to the report in that they reduced the buildable parcels by half, the buildable net acreage by nearly half, and developable units by more than 28%, thereby invalidating the conclusions and recommendations in the study. (See copy of letter and index of the 45 parcels listed under Count III of COPS on file.)

Mr. Stoner concluded that they were currently reviewing Counts I and II and will report their findings in writing to the Commission within the 15-day period.

In response to several questions raised by Commissioner Sakahashi, Mr. Stoner replied that a tremendous amount of front money will be expended for the initial (620 acres) phase of the total Waiawa development and, at the very best, it will be a break-even proposition for this first phase; if the State is unable to fulfill the buy-back provision in the petitioner's proposal relative to the low and moderate income units, the development consortium will step into that position.

Mr. Charles Hamane of Amfac-Trousdale explained that the construction cost index in the petitioner's letter referred to single-family residences and was taken directly from the scientifically prepared report by the First Hawaiian Bank. He stated that the percentages were determined after an elaborate study and remained constant for each item. On the question of water availability, which was raised by Commissioner Sakahashi, Mr. Hamane advised that their engineering analysis was directed primarily to the 620 acres. Mr. Fujimoto added that in a recent submittal by the Board of Water Supply, it had been indicated that there would be no objections insofar as the 620 acres were concerned, but that they would look with disfavor upon any request for rezoning of the remaining lands lying above the 50-inch isophyet. Mr. Hamane argued that there were alternative methods to a development plan and they have never had any problems in overcoming objections from government agencies.

Mr. George Houghtailing, petitioner's consulting engineer, further elaborated that they have built additional wells and that a reserve of 5 million gallons could be released daily, if needed, from the water presently serving the plantation. There was also water from the tunnel that was available to this area. He acknowledged that more reservoirs and water source would have to be provided at certain elevations.

Mr. Hamane added that only 40% of the land was involved in the total development and noted that there was an abundance of open spaces that will capture the water and he expressed confidence that this problem could be resolved.

Following the petitioner's presentations, testimonies were received from various government agencies, community organizations, and interested citizens, which are summarized below.

Ms. Cynthia Brown, representing the Sierra Club, requested that the Land Use Commission reject the reclassification request since the need for the large-scale zoning was not evident; it would have an enormous effect on the nearby communities and the natural environment; conversion of prime agricultural land to urban development will make an irreversible commitment of an irreplaceable resource to the detriment of future generations; public facilities will be over-taxed; and there was a question as to the need for a second campus on Oahu (see copy of testimony on file).

Mrs. Pearl Kaauwai offered a short prayer in Hawaiian. She voiced her objections to the proposed development on the basis that it will desecrate the burial ground of her twin daughters who were still interred in the family plot at the Waiawa Cemetery. Mr. Hamane expressed surprise over Mrs. Kaauwai's claim since they were not aware of the situation. However, upon questioning Mrs. Kaauwai as to the exact location of the area involved, it was determined that the cemetery was located below Kam Highway near the Community College and therefore not a part of this petition.

Mr. Richard Lyman, President of the Board of Trustees of the B. P. Bishop Estate, offered his assistance to Mrs. Kaauwai to resolve her concern.

Mr. James Muneno spoke in behalf of the 35 to 40 people residing in the plantation camp outside of the west boundary of the 620 acres. He stated that this was one of the last remaining camps owned by the Waipahu Plantation, inhabited by 9 families. The homes were surrounded by 15 acres planted in banana patches, vegetable gardens and wild fruits. The proposed development will definitely affect the life style of these families who will have to be relocated. Therefore, he requested that the Commission should recognize this when considering the subject rezoning request.

Mr. Robert Souza, head of the Marketing Division of the State Department of Agriculture, read a prepared statement on behalf of Mr. Fred Erskine, Chairman of the Board, recommending that the application be denied. It was argued that the 620 acres were Class A prime agricultural lands and the most productive in the State,

currently planted in sugar cane, which could also be used for other diversified farming should it ever be taken out of sugar production. If given the opportunity, the Department will develop plans for diversified agricultural use of this 620-acre parcel. The removal of such a valuable agricultural resource should not be considered until all other high priority agricultural needs have been considered and other lands should be considered first for housing (see copy of testimony on file).

In response to Commissioner Sakahashi's inquiry regarding the Department's efforts to encourage farming, Mr. Souza advised that monies were available to prospective and new farmers under the Farm Loan Program, legislation has also been enacted to help the farmers and the Department was constantly working with the farmers in their search for good agricultural lands. Moreover, through the cooperative efforts of the College of Tropical Agriculture, farm groups and the Department of Planning and Economic Development, grants were available and a tremendous amount of research dollars are being plowed into research and promotion of products. Mr. Souza concluded that diversified farming on Class A lands would make production management economically profitable.

Mr. Billy Tokuda, Administrative Director of the Hawaii Farm Bureau Federation, stated that it was the Federation's position that this land should be retained in agricultural use and not become urban, commercial or industrial. In their Land Policy adopted by the delegates to their 25th Annual Convention last year, it was advocated that the best use of precious lands be insured through legislation and administrative procedures. To achieve this, it was recommended that lands having the best soil quality be set aside permanently for crop production, existing pasture lands be preserved, livestock areas be protected, lands suitable for sugar cane be planted to increase the crop, and houses and tourist recreational areas should not encroach on agricultural lands. Adjustments in assessment of agricultural lands for tax purposes were also recommended (see copy of report on file).

Mr. James Hughes, representing Life of the Land, voiced opposition to the rezoning request since these were prime agricultural lands that must be preserved, and it will significantly affect the quality of the human and natural environment. Also, Life of the Land demanded that the Land Use Commission comply with the Governor's Executive Order requiring that all State agencies include a statement on all major state actions utilizing state funds and/or state lands that significantly affect the quality of the human and natural environment (see copy of statement on file).

The Executive Officer asked Mr. Hughes whether, in his opinion, the COPS and its supplements met the requirements of the aforementioned Executive Order. Mr. Hughes replied that he did not believe so inasmuch as the COPS was only a study and did not address itself specifically to the Bishop Estate's application; whereas an Environmental Impact Statement would require a detailed statement and in-depth study of the impact of the development to the natural and human environment and the irreversible commitment of resource that will result.

Chairman Inaba observed that a clarification was in order since the Governor's Executive Order referred to projects utilizing State funds and/or State lands. Mr. Hughes refuted the implication on the basis that their attorney had interpreted that any major State action which significantly affected the environment was not confined to projects utilizing State funds or State lands.

Chairman Inaba called on Mr. Brian Taniguchi who stated that he did not wish to testify at this time.

University of Hawaii student Mr. Dave Wheeler's concerns centered primarily around the responsibility for and the cost factor involved in the additional urban amenities that will be necessitated by the development. He added that sugar cane was a leading money maker providing employment for many people.

Since there was no further testimony, Chairman Inaba declared that the hearing on the petition by the B. P. Bishop Estate was closed and the Commission will receive additional testimony within the next 15 days, and a decision on the request will be rendered within 45 to 90 days.

#### NEXT MEETING DATE

Mr. Fujimoto advised that the next meeting of the Land Use Commission will be held in Kona on January 19, 1973.

The meeting was adjourned.