

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

7:30 P. M. - January 17, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Goro Inaba
Shelley Mark
Shiro Nishimura
Myron B. Thompson
Charles S. Ota
Robert G. Wenkam
Leslie E. L. Wung

Staff

Present:

Raymond Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Richard Mar, Field Officer

The Land Use Commission, having adjourned at a dinner meeting from 5:00 p.m. to 7:00 p.m. at the Tropics, reconvened at this time and place.

The Chairman called the meeting to order and swore in those persons who would be participating in the matters for action before the Commission.

PETITION OF CADINHA LAND INVESTMENT COMPANY (A(T)62-21), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARIES FROM AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION FOR LANDS IN MAILE: Described as TMK 8-7-03: 10.

The Executive Officer gave a brief summary of the petition before the Commission. He stated that the staff recommended approval of this petition and the County recommended denial. He stated that no additional comments or protests were received since the public hearing. In answer to a question posed by Commissioner Wenkam, the Executive Officer stated that there are no dedicated lands in the immediate vicinity of this request.

Mr. Cadinha stated that the Company would not be developing themselves. He stated that there was no buyer at present because of the long delay on their petition. He was certain though that they would be able to secure buyers as soon as their petition was granted. He informed the Commission that there was sufficient water in the area; a school recently just built; and utilities and facilities that were adequate.

In respond to Commissioner Ferry's question concerning the proposed lines in the area, the staff was requested to make further study on how much of the land in the area should be utilized for urban at this time and to submit its recommendation on a proposed boundary line for the area at the time the Commission considers the proposed final district boundaries.

Commissioner Burns moved to accept the staff's recommendation on the petition; seconded by Commissioner Wenkam. The Executive Officer polled the Commissioners. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Mark, Ferry and Chairman Thompson. Disapproval: None.

PETITION OF EUGENE AND EVA KENNEDY (A(T)62-~~27~~), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARIES FROM AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION FOR LANDS IN LANIKAI: Described as TMK 4-2-03: Por. 1.

The following background information was submitted by Mr. Yim. Mr. Yim stated that in 1958 the Kennedys, representing a hui of 85 small investors, bought about 88 acres of land in Lanikai. It was hillside land which adjoined an area that had been developed for residential use or 10,000 sq. ft. lots. This land itself was zoned double A residential. They had hoped to develop it into a profit by some day developing it themselves. In October 1961, the Kennedys representing the hui applied to the City Planning Commission to subdivide approximately 28 of those 88 acres into double A residential subdivision. (Mr. Kennedy identified this 28 acres as immediately adjoining the already developed portion of the hillside as Unit I of this Tract.) The Planning Department was supposed to either approve or disapprove this subdivision within the given period of time, but the City wanted more time to study it. There were two extensions of time granted and agreed to between the Kennedys and the Planning Department for acting on this subdivision. In the meantime the Kennedys were asked to redesign some of their roadways in the subdivision and to develop plans for a sewage treatment plant and domestic water service facilities. These were done at a considerable expense, and just when they thought they had everything resolved, they got this letter in May 1962 from the Planning Director that the temporary boundaries had been established and nothing more could be done on this Unit I. It seemed that the temporary boundaries bisected Unit I, although it wasn't clear at the time just where it ran. The Planning Director was very sympathetic because of all the work that had been done, but there wasn't much he could do about it. It was in late 1962 that the Kennedys filed a petition with the Land Use Commission to amend the district boundary which bisected Unit I, making the lower portion urban, and the upper portion agricultural. The Kennedys petitioned the Land Use Commission to take the entire whole 88 acres out of an Agricultural classification and put it in an Urban district. The previous Land Use Commission had a hearing in March of 1963. The Commission was informed that Mr. Kennedy has been a real estate broker and developer for ten years; that there was a shortage of fee simple homesites on the island of Oahu particularly in the area in question; that there was no market for agricultural lands in that

area; that they had consulted with Dr. Nunns, Land Study Bureau of the University of Hawaii, whose staff had surveyed the area and found that the land which they termed as scrubby brush land, was very poor agricultural quality, where not even specialty orchard crop could be grown; that they had checked with the Forestry Division of the Department of Land and Natural Resources and talked with the Assistant Forrester, Mr. Armett, who indicated that there was no involvement of this land for any conservation program of the State; and that in a letter (which was submitted for record) from Chief Engineer of the City, Mr. Kunimoto, he stated that he believed that the land could be made suitable for residential use. Mr. Yim stated that, however, when they attended the hearing they were confronted with a bombshell from Mr. Lee, Director of City Planning Department, in a letter to the Commission which he indicated that he thought that there were enough homesites in the area and recommended that the entire area be classified in a conservation district. Mr. Yim stated that they immediately "ran over" to Mr. Lee in the Planning Department hoping to come up with a reconciliation. Mr. Lee's explanation was that their (Kennedys) request was for the entire 88 acres to be classified for urban use. Mr. Lee stated that if they had restricted their request merely to those 28 acres for which their petition for subdivision had been submitted earlier to the Planning Department, his recommendation would have been different. Mr. Yim stated that they had asked for a letter from Mr. Lee to this effect to submit to the Commission (Land Use Commission), but Mr. Lee stated that he did not think it was proper for him to volunteer anything. He stated, however, that if the Commission (Land Use Commission) wanted to discuss the matter with him, he would be happy to "come over". But the Land Use Commission wasn't confirmed and now there is a new Commission.

Mr. Yim stated that upon notification that this petition would again be considered by this new Commission, they amended their petition so that it was restricted merely to Unit I, 28 acres of that portion of the 88 acres for which they had submitted for approval for a subdivision with the City Planning Department earlier; and it is that 28 acres of Unit I for which they are seeking for a classification in the urban district. The temporary district lines run somewhere in the middle of Unit I which are outlined in yellow on the map submitted. Mr. Yim stated that where they did not meet with any objections or resistance at the March 1963 hearing, they were met with numerous objections from the people in the area at the November 30th hearing. Some of the objections voiced at the hearing were: (1) there was a flood control problem - everytime it rains water came down from the hillside; (2) if flood control measures were met, it undoubtedly will run out to the ocean and will cause beach erosion; (3) if the subdivision were developed, the sewage disposal facilities would involve sewage outfall into the ocean and this would pollute the beaches; and (4) having land in its natural state was better than having it developed. Mr. Yim stated that their answer to these objections is that they are unwarranted indictments of our city administration. Mr. Yim stated that in approving a subdivision, flood control is considered. If there is a flood control problem, having a portion of the hillside subdivided can only improve the situation. To say that this necessarily will create a pollution problem of the water, is to say there can't be anymore subdivisions on this island, because there is no other place for sewage outfalls to go but into the ocean. To say that sewage outfall into the ocean is going to pollute the water, is to say that the State Department of Health

and County Department of Health

_/have no consideration for the public interest. In considering the Conservation question, Mr. Yim stated that he did not know whether the area concerned could be used for any of the Conservation purposes which the Act spells out. He stated that the conservation districts are for improving areas necessary for protecting watersheds and water sources - he did not think this would concern this area; preserving scenic areas - he referred to Dr. Nunns description of the area as scrubby brush land and stated that these hillside homesites would improve this land in its natural state and provide a more pleasant view to see. In considering the Agricultural question, Mr. Yim stated that this land isn't useable for any of the established agricultural purposes. Mr. Yim invited the Commissioners to review the area in person and requested a possible continuance in order that they may do this. In considering Mr. Lee's statement that there are enough homesites in the area, Mr. Yim stated that he was sure Mr. Lee was referring to leasehold and fee simple homesites as one package. Mr. Yim stated that he felt that fee simple homesites were more desirable for a community than leasehold and apartment sites.

In reply to a question posed by the Chairman, Mr. Yim stated that they have held two discussions with the City Planning Department on the 28 acres which they are requesting for a boundary change at this time. One discussion was held before the March 1963 public hearing; and another discussion, before the November 30th public hearing in 1963. Mr. Yim stated that during the time of both of these discussions Mr. Lee had indicated that his recommendation would have been different if the petition were restricted to Unit I; that he was willing to work with us on this subdivision; and that he felt that a subdivision was feasible, excluding the pali areas.

In reply to questions posed by Commissioner Ferry, Mr. Yim stated that he was referring to lands in Lanikai which were not on the market and available for new home building. He stated concerning the traffic flow problem, he could not speak intelligently on the matter but would assume that the City Planning Commission in approving a subdivision, would obtain a report and recommendation from the Traffic Engineer's Office.

In reply to questions posed by Commissioner Nishimura, Mr. Yim stated that the area in question is serviced by cesspools, but that they would put in a sewage treatment plant which would meet the requirements of the Board of Health.

Commissioner Ferry stated that the Lanikai area is scheduled to have sewers about now, that they were about 2 years behind. He stated that it would be his guess that the developers of this 28 parcels would not invest in a sewage treatment plant because timing would be such that their development would be just about the time that Lanikai would have their sewers.

Mr. Yim confirmed Commissioner Ferry's statements and stated that in 1962 when they spoke to the City Sewers Department, they told them that they had made a survey in this area and had asked the people if they wanted an improvement district for sewers, and the people's reply was that even though they were having cesspool problems they did not want a sewer improvement district in there. The Kennedys then were willing to put in a permanent sewage treatment plant for their subdivision.

The Executive Officer presented the following communications (for the record) which were received since the hearing:

1. A letter from Mr. Yim summarizing the Kennedys' case.
2. A letter from the Lanikai Association (Mr. Fred W. Bennion, President), opposing to the subdivision and requesting that the Commission reclassify the lands in question to Conservation.

The Executive Officer stated that the staff's recommendation was for denial in concurrence with the County's recommendation for denial. The Executive Officer stated that the recommendation that was received from the County and denying the petitioners' request was for the original petition and the whole 88 acres. The Executive Officer submitted that the staff did not request the County's recommendation on the petitioners' amendment for only the 28 acres. The staff was requested to follow through on this and to communicate with the County.

Commissioner Wenkam who was not in complete accord with Mr. Yim's remarks, asked Mr. Yim if he had gone back to the City (since the November 30th hearing), to discuss with the City the delineated lines in the area which the City felt could be feasible for development? Mr. Yim, who did not know such a statement was made at the hearing, replied that they did not, and requested that this Commission continue this matter, in order that they may follow up on this matter.

Chairman Thompson stated that in all fairness to the petitioners in order that they may have an opportunity to discuss this matter with the City Planning Department, the Commission will defer action on this matter. The Commission will continue this matter on this petition until the petitioners and the City Planning Department can delineate an area that can be agreed upon for resubmittal to this Commission. The petitioners are to keep in close contact with this Commission on this matter.

The action was deferred in the matter of Eugene and Eva Kennedy.

PETITION OF JAMES H. WOLTERS ET AL (A(T)63-37), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN KAHANA VALLEY: Described as TMK 5-2-01, 02, 03, 04, 05 and 06.

The Executive Officer gave a brief summary on the background of the petition. He stated that the recommendation of the County and the staff was for denial of the petition. He stated that the Land Use proposed lines show the area in Conservation. He presented the following communications all opposing the petition received since the hearing for the record:

1. Letter from the Department of Land & Natural Resources.
2. Letter from Oahu Sugar Company.

3. Letter from the Garden Club.
4. Letter from the Board of Water Supply.
5. Letter from the Mountain and Trail Club.

Chairman Thompson stated that a question was raised at the hearing concerning the appropriateness of this petition submitted by Mr. Wolters. The Chairman stated that Mr. Wolters has signatures of 68% of the owners of this particular area and therefore would assume that Mr. Wolters petition is appropriate. (A letter from the Attorney General's Office confirms this statement which is on file.)

Commissioner Ferry moved to deny the petition which was seconded by Commissioner Nishimura.

Discussion: The following bases for denial were given - This Commission is working for the State; State plans development in this Valley and feels it will be the major park in the State. The present State Park policy is to develop a major park in each County. Kahana Valley will be the major park in the City and County of Honolulu. The area is under extensive planning by the State to the extent where appropriations have been made to carry this Plan out.

This Commission has acted upon the districting of this area for the proposed final district boundaries and has classified the area as Conservation which in itself constitutes a legitimate reason.

The Executive Officer polled the Commission. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Mark, Ferry and Chairman Thompson.
Disapproval: None.

PETITION OF SENSUKE UEUNTEN (A(T)63-35), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT CLASSIFICATION FOR LANDS IN KALAHEO, KAUAI: Described as TMK 2-3-2: 42.

A summary of the petition was given by the Executive Officer. The staff recommendation was approval of the petition but not as an endorsement of the petitioner's plans to subdivide. The County's recommendation was for approval. The Commission's proposed lines show the area in Urban.

The Executive Officer stated that there were no communications received since the hearing.

Commissioner Wung moved to approve the staff's recommendation which was seconded by Commissioner Nishimura. The Executive Officer polled the Commissioners. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Mark, Ferry and Chairman Thompson. Disapproval: None.

PETITION OF THE DEPARTMENT OF LAND & NATURAL RESOURCES (A(T)63-41), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN WELIWELI, KAUAI: Described as TMK 2-8-22.

A brief summary of the petition was presented by the Executive Officer. He stated that the staff and the County recommended approval of the petition. The Commission's proposed lines show the area in Urban. No additional communications were received since the hearing.

Commissioner Burns moved to accept the staff's recommendation and reasons outlined in its report; seconded by Commissioner Inaba. The Executive Officer polled the Commissioners. Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Mark, Ferry and Chairman Thompson. Disapproval: None.

Request for Additional Per Diem by Commissioner Wenkam

It was the general consensus of the Commission that Commissioner Wenkam request was not in consistent with the policy of the Commission. The Commission's policy in essence encourages that field inspections, investigations or other land use activities be made at the time an official meeting or hearing is scheduled for a particular county by the Commission; and that per diem would be issued. Any other traveling status other than the time an official meeting or hearing is called would not be considered official and basis for per diem.

Motion for Withdrawal by Chairman Thompson

Chairman Thompson stated that he would like to have his statement to withdraw his vote on the motion concerning Pukalani placed on record which had no effect at the time it was stated ^{on 12/20/63} as the Commission was still in executive session. Chairman Thompson stated that the vote on the motion concerning Pukalani still stands 6 to 1, but he would like the record to show that if he were able to vote again, he would withdraw his vote,

Proposed Final District Boundary Maps

The following questions were raised:

When will the proposed final district boundary maps be made available, if not to the public, to the Commissioners themselves? The Executive Officer stated that the staff has set the deadline for the middle or ending of February.

What is the problem? The Executive Officer stated that manpower was the problem.

It was suggested that the Executive Officer inquire at the Land Study Bureau to see if this manpower could be obtained and to look into the problem to see if this additional help is needed or a revision in the time schedule is needed. (This has been done and additional help has been obtained from the Department of Land & Natural Resources; and the staff is planning to meet the deadline as originally set.)

The meeting adjourned at 9:00 p.m.