

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Public Hearing and Meeting

LUC Hearing Room

Honolulu, Hawaii

9:00 A. M. - March 6, 1964

Commissioners

Present:

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

Absent:

Goro Inaba

Staff

Present:

Raymond S. Yamashita, Executive Officer  
Roy Takeyama, Legal Counsel  
Richard Mar, Field Officer  
Amy Namihira, Stenographer

The public hearing was called to order by Chairman Thompson who said a short opening prayer. The introduction of the commissioners and staff members, and the procedures to be followed throughout the hearing were given by the Chairman. All persons who were entering testimonies in this hearing were sworn in.

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PETITION OF CENTEX TROUSDALE COMPANY BY H.W.B. WHITE (A(T)62-29) FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION OF ABOUT 800 ACRES OF KAWAINUI SWAMP FOR PURPOSE OF RESIDENTIAL AND PARK DEVELOPMENT: Described as TMK 4-2-16: 01 and 4-2-13: 22

Chairman Thompson informed the Commissioners that there was a request before them to defer action on the above petition.

Mr. Tom Peterson, representative of Centex Trousdale, informed the Commissioners that they were asking for a deferment because the City and County of Honolulu was making an appraisal of their property, which should be completed by March 27, 1964. Mr. Peterson stated that this delay was related to apparent illnesses on the part of the City's appraisers.

Mr. Frederick K. F. Lee, Planning Director of City Planning Department (who was sworn in), and Mr. Richard Au, City and County Attorney, confirmed these statements made by Mr. Peterson.

Commissioner Nishimura moved to defer action on this matter for a week following March 27, 1964 or thereafter. Commissioner Burns seconded the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Burns, Nishimura, and Chairman Thompson.

Disapproval: Commissioners Wenkam and Mark.

The motion was not carried due to insufficient votes.

The Chairman asked Mr. Peterson whether he was ready to present his case. Mr. Peterson requested that he be advised of his rights in the event they should wish to withdraw, and the opportunities that are afforded them in relation to the proposed final district boundaries.

The legal counsel informed Mr. Peterson that this Commission's actions are limited by Law. Should the petitioner withdraw, then later wishes to be reheard, he must initiate a new petition and wait for a period of approximately 100 days (minimum) to 200 days (maximum) before a public hearing is set. By Law this Commission is required to set permanent district boundaries by July 1, 1964. Therefore, the petitioner has an opportunity to voice his objections or approval of the proposed final district boundaries prior to, at, or within 15 days following the public hearing.

Mr. Peterson stated that they would go on with their presentation.

The Executive Officer gave the background of the petition and outlined the area involved on a map. He stated that the City Planning Commission in recommending denial of the petition also recommended that the district designation be changed to a Conservation district because of the important flood control and flooding basin factor of the area. He stated that on the Land Use Commission's proposed final district boundary maps, the Commission has designated Kawainui Swamp as Conservation.

Mr. George Houghtailing, developer, stated that the Corps of Engineers had no intention of improving the 470 acres of ponding area; and that the State Hawaii Water Authority indicated to the Corps of Engineers that the swamp was no longer needed as an irrigation water source. He stated that on the basis of their study, they felt that they could meet the requirement of providing a flood basin, and clearing out the ponding area to provide this urban development. They recommended that 100 acres would be given to the City for park use, and the remaining acres to be developed into apartments. He stated that the land owners were willing to spend 1½ million to 2 million dollars with no cost to the City to develop this area; but the City, however, did have an agreement with the Corps of Engineers to develop the 732 acres for a flood control plain. Mr. Houghtailing stated that in view of the Mayor and City Council's desire to have the area as a flood control plain, the owners stated that they would be willing to negotiate with the City and have them take over the land at the price that they had purchased it. Presently this negotiation is being held between the City and the petitioner, and this is the reason why the petitioner has asked that this public hearing be deferred.

The Executive Officer proceeded with the staff's analysis and recommendation. The recommendation by the staff was for denial of the petition to place about 686 acres, which generally include the limits of the existing swamp, now in the Temporary Agricultural District into the Temporary Urban District.

The following agencies presented their testimonies against the petition (written statements are on file):

1. The Outdoor Circle
2. The Garden Club of Honolulu
3. The Hawaiian Botanical Foundation
4. The Windward Oahu Community Association
5. The City Planning Commission

The Windward Chamber of Commerce supported the petitioner's request for a change in classification (statement on file).

Mr. Houghtailing in summarizing his presentation stated that there is need for a flood control plain and that they were not against this, but he emphasized that there was also the need for urban expansion in the area.

The Chairman announced that the Commission will receive additional written comments and protests within 15 days following this hearing, and will take action 45 to 90 days from this hearing.

The public hearing was closed.

#### PETITIONS PENDING ACTION

**PETITION OF THE ROMAN CATHOLIC CHURCH (A(T)63-40) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN MANOA VALLEY: Described as TMK 2-9-54: 7, 13 & 18; and 2-9-55: 5 & 10**

Mr. Christopher Cobb read into the record a letter which was transmitted to the Commission earlier. His presentation continued with a brief summary of the petitioner's request. He stated that the question concerning this petition and the reason for its denial is the need for this area as a watershed. In his opinion Mr. Cobb did not feel that the area was needed for a watershed. He felt that there were other areas available. He pointed out that the population in the area was increasing, and that an urban expansion of the area was needed to meet this demand.

Mr. Mink of the Board of Water Supply explained the importance the ground water in the area to the State. He stated that if this development is permitted, there would definitely be damage to the watershed in the area and a shortage in the State's water resources.

Mr. Ramon Duran of the City Planning Department stated that the petition should simply be denied. He stated that the City and County of Honolulu and the Board of

Water Supply agree that the natural water resources in the area should be preserved, and the area left in Conservation.

The Executive Officer stated that the staff's recommendation was for denial, and that the staff concurs with the testimonies presented by the Board of Water Supply.

Commissioner Wenkam moved to deny the petition on the staff's recommendation and testimonies given by the Board of Water Supply. Commissioner Nishimura seconded the motion. The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproved: Commissioner Ota.

The motion was carried.

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PETITION OF MABEL K. ENA (A(T)63-44) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN MANOA VALLEY, OAHU: Described as TMK 2-9-54: 05

A brief background of the petition was given by the Executive Officer. The analysis and recommendation of the staff followed this presentation. Staff recommended that the petition be approved.

Mr. Duran of the City Planning Department stated that the City Planning Commission accepted the petition because of the fact that the area was small.

In reply to Legal Counsel's question, Mr. Watson of the Board of Water Supply stated that the Board's position is the same concerning this area. The Board wishes to include this area as a watershed.

A motion by Commissioner Burns and seconded by Commissioner Nishimura to accept the petition was not carried.

A motion to reopen the petition for discussion was made by Commissioner Wung and seconded by Commissioner Ferry, and was carried.

As a result of this discussion a motion to approve the petition was made by Commissioner Burns, and seconded by Commissioner Nishimura. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Ota, Burns, Nishimura, Ferry, and Chairman Thompson.

Disapproval: Commissioner Wenkam.

The motion was carried.

PETITION OF CHARLES YANG, ET AL (A(T)63-45) FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN WAIAWA, PEARL CITY: Described as TMK 9-6-02: 6, 7, 17, 18, 19, 20, 23 & 24

The Field Officer, Richard Mar, gave a background summary on the petition, and the staff's recommendation for approval on the basis that the subject parcels are within a limited area in which urban uses now exist. The Executive Officer amended the staff's recommendation from approval to denial (due to an unfortunate technicality) on the basis that if the petition were granted for only subject parcels, it would constitute spot zoning.

Mr. Yang who was sworn in stated that the City Planning Commission has designated this area on their General Plan as Urban. Mr. Duran of the City Planning Department confirmed Mr. Yang's statement.

The staff's recommendation as amended (for denial) was deliberated upon by the Commission. It was the consensus of the Commission that since the area was surrounded by urban uses, and was of urban character, the best and highest use of the land would be for urbanization.

Commissioner Burns moved to approve the petition based on the highest and best use of the area which is already in urban character. Commissioner Wung seconded the motion. The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson.

Disapproval: Commissioner Ota.

The motion was carried.

The meeting was adjourned at 1:00 p.m.