

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting and Hearing

LUC Hearing Room

Honolulu, Hawaii

2:00 P. M. - May 15, 1964

Commissioners

Present:

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

Absent:

James P. Ferry
Shelley Mark

Staff

Present:

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

Chairman Thompson called the meeting to order. A short prayer was said by Father Furtado. The Commissioners and staff members were introduced by the Chairman. The agenda for the afternoon was outlined which included (1) a short business meeting; and (2) a public hearing.

ADOPTION OF MINUTES

The minutes of March 6, 1964, Hearing and Meeting in Honolulu, Hawaii were accepted as circulated.

PETITION OF CENTEX-TROUSDALE (A(T)62-29) FOR AN AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION, KAILUA, KOOLAUPOKO, OAHU: Described as TMK 4-2-16: 01 and 4-2-13: 22.

A letter of withdrawal submitted by Mr. Tom L. Peterson on behalf of Centex-Trousdale was read into the records by the Executive Officer.

Commissioner Wung moved to accept the petitioner's request for withdrawal, which was seconded by Commissioner Nishimura.

The Executive Officer polled the Commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura and Chairman Thompson

Disapproval: None

The motion was carried.

The procedures to be followed during this phase of the meeting were outlined by the Chairman. The Chairman announced that all persons who would be presenting testimonies during this public hearing would need to be sworn in. This was performed by the Chairman.

PETITION OF FATHERS OF THE SACRED HEARTS (A(T)63-57) FOR AN AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR RESIDENTIAL AND INSTITUTIONAL DEVELOPMENT IN KANEOHE, OAHU: Described as TMK 4-5-25: 1, 9, & 20 (approximately 62 acres more or less)

The Field Officer, Richard Mar, presented the background of the petition, and outlined the area on a map. The Field Officer stated that on March 12, 1964, the City Planning Commission concurred with the Planning Director's recommendation that the area below the forest reserve line be changed from an Agricultural district to an Urban district.

Mr. George Houghtailing, representing the Fathers of the Sacred Hearts, stated that all farm crops failed economically. Cattle raising was attempted on a small scale, but this also failed. He stated that this petition is being filed because (1) the parcel in question is definitely non-productive, therefore it is not suited for agricultural purpose; and (2) it does not have high capacity for agricultural protection, neither does it have significant protection for grazing. He stated that an urban districting is in order because of the area's proximity to trading, employment centers, shopping centers, etc., and the Keapuka-Kapunahala urban development complex. He added that negotiations for exchange of lands with Kaneohe Ranch Company have already taken place.

The Field Officer proceeded with the staff's analysis and recommendations. On the bases that: (1) the petition satisfactorily met the tests of Act 205; (2) the urban districting would not promote scatteration, create undue burden upon government, or be in conflict with the County or State General Plan; and (3) the scenic values, while significant, did not appear to override the reasons for urbanization in the lower lands, the staff recommended approval for urban districting for that portion of the lands lying below the forest reserve boundary and including about 45.691 acres.

Mr. David Sanford, representing the Hawaiian Trail and Mountain Club, submitted a letter from the Club in opposition of the petition for the record. The Club was opposed to any development that might tend to damage the natural beauty or features in the area. Mr. Sanford urged the Commission to retain the Conservation-Agricultural districting for the area and requested that the petition be denied.

Mr. Houghtailing stated that the area is definitely needed by the general community. He did not foresee any disturbance to the scenic beauty in the area.

In reply to Commissioner Ota's question whether uses such as institutional and educational were permitted in an Agricultural district, Legal Counsel stated that only public institutional uses were permitted.

Chairman Thompson announced that the Commission will accept additional comments and protests within the next 15 days from this hearing and will take action on this

petition 45 to 90 days from this hearing.

The public hearing in the matter of the Fathers of the Sacred Hearts was closed.

PETITION OF PHILLIP MINN (A(T)63-58) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO AN URBAN DISTRICT FOR RESIDENTIAL SUB-DIVISION AT UPPER KAMANAIKI VALLEY IN KALIHI, OAHU: Described as TMK 1-4-15: 11 (approximately 106 acres)

Mr. Minvielle, representing the petitioner, was permitted to outline their amended petition. Using a map to illustrate his request, Mr. Minvielle stated that their amended petition would include only 10 acres of the whole area shown in green. He submitted their request for amendment in writing for the records.

The Field Officer, Richard Mar, presented the background on the petition. The Field Officer stated that the City Planning Commission, at its meeting on April 9, 1964, recommended that the petition be granted for an Urban District for that area below the 500 foot contour line. He stated that the Board of Water Supply had recommended to the City that the petition be withdrawn on the bases that the planned use by the petitioner conforms to the present interim zoning of Kamaikai Valley; and that a nursery is a permitted use in a Conservation District, under the interim regulations of the Department of Land & Natural Resources.

Mr. Edwin H. Honda, attorney, spoke on behalf of Mr. Minn. He informed the Commission that at present there was an existing subdivision across from Mr. Minn's proposed subdivision.

The Chairman requested a clarification of the statement made by the Board of Water Supply as presented by the staff. Mr. Iwamura of the Board of Water Supply explained that the Board would not object to the proposed subdivision within the 500 foot contour.

The Field Officer proceeded with the staff's analysis and recommendations. The staff's recommendation, based on the original petition, was for denial (see staff report for bases).

In reply to Commissioner Burns' question, Mr. Minvielle stated that Unit 1 was developed and sold three or four years ago.

Chairman Thompson announced that the petitioner or any interested persons may submit comments, evidences or protests within the next 15 days from this hearing and that action will be taken on this petition 45 to 90 days from this hearing.

The public hearing in the matter of Philip Minn was closed.

PETITION OF CAPITAL INVESTMENT COMPANY (A(T)63-60) TO AMEND THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR BEACH, RESIDENTIAL FARM AND RESORT DEVELOPMENT IN MAKAHA VALLEY, WAIANAE, OAHU FOR ONLY 575.1 ACRES: Described as TMK 8-4-02: 1, 4, 5, 7, 8, 13, & 14 (comprising of approximately 5,210 acres)

The Executive Officer, Raymond Yamashita, presented the background of the petition

and outlined the area on a map. The Executive Officer informed the Commission that the petitioners' request is for only 575.1 acres as shown on their attached development plan submitted with their letter of April 16, 1963. He stated that in discussions with the Board of Water Supply, the Board indicated that there is a 16" water main along Farrington Highway which ends at Waianae High School. Thereafter, the water line consists of an 8" main which extends along that portion of Farrington Highway crossing Makaha Valley and fronting the proposed development. The Executive Officer stated that on April 9, 1964, the City Planning Commission recommended that the petition be granted for urban districting for approximately 575 acres of land in Makaha.

Mr. Morio Omori, attorney for Capital Investment Company, stated that the petition involves 575 acres: 73 acres for resort, 213 acres for a golf course, 32.9 acres for a park and the remaining acreage for residential. He stated that they were trying to develop this area into another Waikiki (without its concrete jungle), and a center for sportsmen. He stated that the golf course and the park would be made available to the public. He stated that this project in Makaha Valley would be Capital Investment's next project.

The Executive Officer continued with the staff's analysis and recommendation. The staff recommended approval for only that portion of the proposed development shown for resort use; the residential area now generally included in the County and State's General Plans; the beach park; and the portion of the drainage way included in the above areas, totaling about 200 acres in land area. Additionally, since the golf course is a permitted use in an Agricultural district, the petitioners would thus be allowed to proceed with their plans for about 413 acres of the 575.1 acres shown on their development plan.

Mr. David Sanford, representing the Conservation Council, requested that the makai area or the Makaha Beach shoreline area be included in a Conservation district. Speaking as an individual, Mr. Sanford commented favorably on the project.

Mr. David O. Klausmeyer stated that he owns a property on the beach area and that his property has been included (as shown in green on the petitioner's map) as part of Capital Investment Company's plans for development in the Makaha Valley area. He felt that the map was highly inaccurate. He stated that Capital Investment Company did not own any lands on the beach area.

In reply to Commissioner Wung's question as to how the petitioners were going to provide water for their development, Mr. Omori stated that they have made a study of the water situation and have found that there is sufficient water in the area. Mr. Omori stated that the 413 acres as recommended for approval by the staff would hamper the development of their project. Mr. Omori asked that all of their requests (575 acres) be approved by this Commission.

Chairman Thompson announced that the Commission will receive additional comments or protests within the next 15 days from this hearing and will act on this petition 45 to 90 days from this hearing.

The public hearing was closed.

OTHER BUSINESS

Request for Special Hearings

Two written requests for special hearings by the Commission were presented to the Commission by the Executive Officer:

1. A request by Christopher Cobb for the Roman Catholic Church in the State of Hawaii and Hawaiian Trust Company, Ltd., Trustee of the John Ena Estates, dated 4/23/64 and 5/11/64; and
2. A request by Henry Shigekane for Kaiser Hawaii-Kai Development Company, dated 4/13/64.

Legal Counsel informed the Commission that while the request by Hawaiian Trust Company may entitle them to a public hearing under the Administrative Procedures Act, he stated that in this instant case it did not apply. He stated that this was a protest against the proposed final district boundaries. Commissioner Wenkam made the following motion, which was seconded by Commissioner Burns:

"Due to the lack of time in granting a hearing to all landowners who have submitted protests, and based upon advice of counsel that Section 9 of the Administrative Procedures Act is not applicable in the instant situation, I move that the request of Hawaiian Trust Company, Limited, for a special hearing be denied."

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Nishimura, Burns and Chairman Thompson

Disapproved: None

The motion for denial was carried.

Legal Counsel informed the Commission that Hawaii Kai was making this informal request for the purpose of presenting to this Commission all of the facts relating to their petition. It was the general consensus of the Commission that this request could not be granted.

Land Use Commission District Regulations

Temporarily chairing the meeting, Vice Chairman Burns explained that the district regulations have been included on the agenda for this meeting, so that deliberations on the regulations would begin before the district boundaries. Legal Counsel added that in view of a relevant point raised by Mr. Cobb in his protest, that this Commission has not developed any standards as required by Law before the adoption of district boundaries, this Commission should deliberate on the regulations, then adopt it, before considering adoption of the district boundaries.

Field Investigations on all Protests

It was generally agreed that the Commission should make a field investigation of all the protests received against the Commission's proposed district boundaries for all islands.

The following schedule was accepted:

5/21/64 - Kauai

M. Thompson J. Ferry S. Nishimura
R. Wenkam S. Mark

5/21/64 - Maui

C.E.S. Burns
C. Ota

5/21/64 - Molokai

R. Yamashita

6/5/64 - Hawaii

Two groups to be picked: Group 1 to Kona;
and Group 2 to Hilo

The meeting adjourned at 5:45 p.m.