

LAND USE COMMISSION

PUBLIC HEARING

LUC Hearing Room

Honolulu, Hawaii

10:00 A.M. - August 2, 1962

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne Gregg
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Absent:

Yuichi Ige

Ex-Officio Members

Present:

Absent:

Frank Lombardi
E. H. Cook

Staff

R. J. Darnell, Executive Officer (XO)
Yoshio Shigezawa, Legal Counsel
W. M. Mullahey, Field Officer
Philip Chun, Department of Planning
and Research
Alberta Kai

Chairman Bryan called the public hearing to order and invoked divine aid that the Commissioners may give consideration in matters before them with a mind toward fairness and justice to the citizens of the State.

The Chairman announced that this public hearing was being held in accordance with notices published in the Honolulu Advertiser and Star Bulletin, July 10, 1962. The matters for consideration are the petition of Waianae Associates; of Yamaguchi et al; and of M. Kido et al; all petitions for change from Agricultural to Urban district classification.

After an affirmative answer from the XO that City Planning Commission and City Council had been notified of the hearing by letter, the Chairman requested that the letters and legal notices be made a part of the record.

Chairman Bryan stated that each applicant, interested person or agency would be given an opportunity to be heard and ask questions. Technical rules of evidence would not apply and everyone would confine any testimony to the matter in question.

Members of the Land Use Commission staff or anyone speaking in support of or in opposition to the applicant would also be available for questioning. In addition to the oral testimony, there would be a period of fifteen days from close of hearing for acceptance of written comments and protests; and these would be transmitted to applicants, interested parties and governmental agencies for their comments, if any.

PETITION OF WAIANAE ASSOCIATES FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE WAIANAE DISTRICT, OAHU: Described as TMK 8-6-01-4, 168.32 acres.

Hirotooshi Yamamoto of Waianae Associates (in absence of Senator Sakae Takahashi, who was on reserve duty with the military government) and a party in the venture, was sworn in and asked to state his business.

Mr. Yamamoto stated that the property in question, although purchased about two years ago, could not be developed previously, due to water shortage. Development was also hindered during the consideration of the Waianae Section of the General Plan for the City and County of Honolulu, which was adopted November of 1961 and cleared the way for urban development in the area. The Land Use Commission then designated the area as agricultural. He added that property taxes were now being assessed on the basis of over \$5,000 per acre, more suitable for residential land. Also, interest of over \$4,000 is being paid every month.

Chairman Bryan asked the XO to describe the subject property. The XO pointed out the location of the request on a map, and explained that the property totals 298.332 acres between the crest of Puu Pahehe on the north and Puu Maililili, mauka of Waianae. The valley is bisected by Lualualei Road, leaving a little less than half of the property on the south side of the road and approximately 168 acres on the north side. The farthest makai portion of the property is already in an urban area.

Mr. Yamamoto called attention to the fact that adjacent to the property is a lime plant operated by Gaspro, Ltd. (Hawaiian Cement Co. receives \$1.00 a year for the lease), which has a 99 year lease from January 29, 1960 with rights of perpetual renewal and expansional lease. Their area covers approximately seven acres and will probably operate perpetually.

Questions were deferred until the XO gave the staff report.

The XO stated that, before giving testimony, he would like to ask legal counsel whether he would have to disqualify himself from making a recommendation, since he had previously been involved in making suggestions as to the physical layout design of the subject property, when he was employed in the Department of Planning and Research.

In answer to questions of Mr. Shigezawa, the XO stated that he had no interest in the property; he was never retained by anyone to make recommendations regarding

the property, and did so as part of his former duties with the Department of Planning and Research. He stated that he had no reason to believe that his recommendation now would be other than impartial and objective.

Mr. Yamamoto gave his consent for the XO to speak; and the Commission concurred.

The XO was sworn in and again described the property and its location. He stated that since the more level portions of the area were requested for expansion of the town of Waianae into adjacent land not suitable for agriculture, and were shown on both the State and City Council general plans for urban designation, the staff would recommend that the urban line be changed to follow the urban lines of the City and County general plan; leaving in Agricultural classification the very steep portion, generally that over twenty percent in slope, since it would not affect the petitioners' interests and was not suitable for urban development.

Mr. Yamamoto requested that the petitioners' engineers set the boundary line because the water pressure and street layouts would depend on the elevation contour. At present the engineers are being hindered from making a final report because it involves sewage treatment plans by the city which have not materialized. Also, after City Planning approves the subdivision, the developers will be satisfied with the elevation boundaries set by the city engineers.

In answer to Commissioner Gregg's question as to whether the original request referred to zoning the entire piece of property, Mr. Yamamoto replied in the affirmative.

Chairman asked if the City and County had submitted any communications and the XO read letters in which (1) the City Council supported the petition, inasmuch as the request conforms with the adopted general plan; and (2) the City Planning Commission recommended that the agricultural boundary be amended to conform with the petitioners' request for the same reason. These letters were made part of the record.

Commissioner Sunn questioned the fact that City Planning recommended the entire area be zoned to urban classification; and that this did not agree with the XO's recommendation.

Chairman Bryan stated that an answer would be given as soon as possible although September 16 would be the earliest. The matter of an earlier indication would be referred to the Attorney General's office, since the Commission had been advised that, technically, no action or declaration of intention can be given prior to 45 days. Mr. Yamamoto was asked to be present at the August 21 hearing in order to draw conclusions and hear any interpretation of regulations. The public hearing was closed in the matter of Waianae Associates.

PETITION OF YAMAGUCHI ET AL FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE NANAKULI AREA, OAHU: Described as TMK 8-7-09-1, 398.438 acres.

Upon request of the Chairman, George K. Nakamura, attorney at law, entered his name as a matter of record as attorney for the petitioners in this case, and stated that he would make a general statement of reasons supporting the petition.

The XO, in answer to question of the Chairman, stated that the applicant, the City Planning Commission and City Council had been notified of the hearing. He proceeded to describe the subject property near Nanakuli, and pointed out the alignment of the future major highway planned to pass through the area.

Mr. Nakamura stated that for the purposes of more specific identity, the particular parcel fronts Lualualei Road leading up to the Naval station and the Kaiser Permanente Cement plant is located across the gate. The actual lower boundary is approximately 200 feet mauka of the existing Farrington highway. The land is not susceptible to agricultural farming, as it is predominantly coral outcrop overrun with kiawe trees; and is more a semi-industrial area. During the course of the past few months the City Planning Commission has considered the petitioners' request for a change in the general plan (which designated the area as open space use); and on file is such a petition to change the general plan in conformance with the request for residential and golf course use, as set forth in the map. In a communication from the City Planning Commission, dated July 26, 1962, the petitioners were informed that a public hearing was held to consider such action, with recommendation for approval; and the office of the Corporation Counsel is prepared to receive the matter to make such a change. Mr. George Houghtailing is retained as principal planning consultant and can give any detailed reasoning of matters in consideration.

In answer to a question by the XO, Mr. Nakamura stated that, with respect to the actual area desired for rezoning to Urban, it is only that which is colored yellow and green (within the 398.4 acres as shown on the petitioners' submitted map); and the petitioners have no real interest in rezoning the remainder. Whether the Commission should decide to leave it in an Agricultural district or change it to a Conservation district would make no difference to the petitioners.

The Chairman requested that the staff make its report.

The XO read letters as follows (and which were made a part of the record):

1. from the City Planning Commission, recommending approval as follows:
 - a. designate a portion of existing open space area to residential;
 - b. adjust open space boundary accordingly;
 - c. amend temporary district boundary by designating a portion of the agricultural zone to an urban zone.
2. from the City Council, deferring action on any recommendations for further study.
3. from the State Department of Health: letter addressed to Mr. Lee (May 11, 1962) from Francis Woo of the Health Department recommending that the City Planning Commission carefully evaluate the situation due to

present industrial use. The department recommended that, in the event that the subdivision cannot be prevented, the area should be properly sewered.

The XO asked Mr. Houghtailing whether the petitioned area had access to Farrington Highway via the Navy's Lualualei Road, and received an affirmative reply.

The XO stated that the staff recommendation was for approval of reclassification of the less-steep portions of the area to Urban designation, which would include the lower triangle and a sliver of the remaining, eastern portion; leaving the land generally over 20% in slope in Agricultural classification. This addition would allow for expansion of the urban center of Nanakuli into an area with little if any agricultural potential. He stated that although there might be reason for concern (for reasons of health, due to the aerial effluent from the cement plant across the road), as to whether the area was to be developed into residential use, the specific types of intensive urban uses to be allowed were more properly the business of the local planning agency.

There followed considerable discussion regarding the problem of setting a line between areas suitable for urban development as opposed to areas unsuitable, based on slope of land as a criterion. Chairman Bryan stated that the decision as to where the 20% line would fall should be left with the County Planning Commission and County authorities.

The Chairman informed Mr. Nakamura that the earliest reply the Commission could make would be on September 18, 1962, but that if it is determined, between the present time and that date, that there is the possibility of giving an earlier answer, the Commission would try to do it.

The public hearing was closed in the case of Yamaguchi et al.

PETITION OF M. KIDO ET AL FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE HAUULA AREA, OAHU: Described as TMK 5-4-04: 4, 5 & 7; 214.591 acres.

Mr. Mitsuyuki Kido introduced himself and his partners and stated that they have retained Mr. George Houghtailing as their planning consultant; and that Mr. Houghtailing would represent them at this hearing. Mr. Houghtailing was sworn in.

Upon request by the Chairman, the XO outlined the particular area involved, describing the property and giving the location, which is just north of Hauula on the Windward side of Oahu.

Mr. Houghtailing stated that the petitioners had filed for a change of land use classification, because for over a period of a year the subsequent owners as well as the owners had made application to the Planning Commission for subdivision of this area. He added that the area as outlined by Mr. Darnell is in the path of

urbanization between Laie and Hauula. Laie is a growing community and this portion is very close to Laie where there are modern facilities, a college which is located along a good beach frontage, and which has a residential development for beach lots, and a monastery in the vicinity. He further gave the history of the proposed development; how the petitioners met the standards of the Board of Water Supply and Highway Department; and how the matter has been deferred many times by the City and County.

The XO, upon request by the Chairman to give the staff report, presented the communications received from the City Planning Department and the City Council which were made a part of the record:

1. from City Planning Department, recommending that the petition be granted and that the district boundary line be relocated in accordance with the General Plan proposed by the City Planning Department; stating that the subdivision was disapproved because of the minimum lot size requirement of five acres under the State Land Use Commission regulations. (The Planning Department also posed a question to the Commission, asking whether, in the matter of subdivisions such as this, the Planning Director can defer disapproval or approval on such subdivision until a decision is made by the Land Use Commission. Chairman Bryan deferred answering this question until after the hearing.)
2. from the City Council, recommending approval of the petition, and stating that the request was in conformity with the General Plan adopted by the City Council.

The XO stated that the staff recommendation was that the urban district boundary be changed to conform to the line showing the limits of intensive urban uses, which has been set by the City and County of Honolulu, as shown on the plan posted on the Hearing Room wall.

Commissioner Sunn questioned whether the plan referred to was a proposed General Plan, or an adopted General Plan.

Mr. Houghtailing stated that the plan was adopted the same day the letter was written to the petitioners disapproving the subdivision (June 19, 1962).

Commissioner Kanemoto asked Mr. Houghtailing if the City Plan boundary is the same as his boundary, to which Mr. Houghtailing replied in the affirmative.

The XO continued with the reasons for staff recommendation. He stated that, although the portion of the area recommended for Urban classification is suitable for some type of intensive agriculture (since it was previously planted in sugar cane), this is one of the areas on Oahu that was considered too small in extent to attempt to save; and that urban pressure to expand Hauula would eventually force this area out of agriculture. It is not presently in agricultural use. The State and City-County general plans both call for a major highway alignment through the property at the foot of the pali, but the State Highway division has set no alignment in this area.

Chairman Bryan raised a question regarding the adjacent agricultural land on the south side, stating that this parcel would still be in an agricultural district bordered on two sides by urban districts, and he wondered whether urban classification should not go all the way across the stream to the south of the property.

The XO stated that the urban district does not cross the highway in the vicinity of the stream at present.

Chairman Bryan replied that that was what he was getting at: one slice of agricultural land would be left down the middle.

Commissioner Sunn stated that the question is whether or not the Commission should zone more land into Urban, and follow the General Plan?

Mr. Houghtailing stated that the extra area in question is in the path of urbanization; and that if the Land Use Commission wants to include more, the petitioners would have no objection, because it looks like that is what it should be. He further stated that there is an urgency in the petitioners' matter, in that things have lapsed since 1961 and the development is still in the application process. They want to move along and there are people who are interested in some of the business areas right now.

The Chairman noted that the staff report was given orally.

Chairman Bryan informed Mr. Houghtailing that September 18th was the earliest date that the Commission could make its decision; but that if it is found that there is a possibility that the LUC could give an answer sooner, he would be contacted immediately. He declared that all maps, letters, and documents referred to in this morning's hearing be made part of the record.

The public hearing closed in the matter of M. Kido et al.