

approved
December 16, 1966

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

1:00 P.M. - September 16, 1966

Commissioners Present: Myron B. Thompson, Chairman
Robert Wenkam
Shelley Mark
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioners Absent: Jim P. Ferry
C. E. S. Burns

Staff Present: George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

The meeting was opened with a short prayer by Chairman Thompson, followed by an introduction of the Commissioners and staff, and a brief summary of the procedures to be followed during the hearings. Persons testifying during these hearings were sworn in.

PUBLIC HEARINGS

PETITION BY SEICHI HIRAI (A66-128) TO AMEND THE URBAN DISTRICT BOUNDARIES AT MOANALUA, OAHU, TO INCORPORATE APPROXIMATELY 811 ACRES PRESENTLY IN A CONSERVATION DISTRICT, Identifiable by Tax Map Key 1-1-12: 2 and 15

Mr. Moriguchi presented a letter submitted by the petitioner, requesting postponement of the hearing on his petition to some future date due to the petitioner's inability to appear before the Commission on this date (see copy on file).

Inasmuch as the Moanalua Community Association was represented by many of its members, Chairman Thompson opened the floor for an expression from them with reference to the petitioner's request.

Mr. Andrew Murakami, President of the Moanalua Community Association, advised that 20 or more people had taken time from their employment and housework to appear at this hearing and, if possible, they would appreciate proceeding with the hearing today.

Commissioner Wung wondered whether the petition couldn't be heard today as scheduled and continued at a later date.

Mr. Moriguchi pointed to the September 29, 1966 deadline involved in the hearing for this petition, and stated that it would be necessary to seek the petitioner's concurrence to go beyond the deadline.

Commissioner Wung moved to proceed with the public hearing on this petition today and to continue it at a later date. The motion was seconded by Commissioner Inaba and passed unanimously.

Staff recommendation (see copy of report) was for denial of the petition based on the evaluation of the condition involving matters of topography, drainage, traffic and sewerage as reported. A letter from the City and County Planning Commission (see copy on file) was also presented, recommending approval of approximately 315 acres of "developable" lands for amendment from conservation to urban.

Mr. Carl Muroda, engineer with the firm of Muroda & Tanaka, Inc., represented the petitioner on matters relating to the engineering aspects of the development. He submitted that although the City and County Master Plan indicated the boundary as the one shown on the map, the State General Plan prepared in 1960 recommended approximately 70 acres for urban uses.

On the matter of adequate sewer facilities, one of the major problem areas, Mr. Muroda stated that with slight improvements and modifications to the existing facilities, undertaken and paid for by the developers, more than 1,000 additional lots could be serviced. He indicated that this had been worked out with the City Sewer Division.

The Board of Water Supply Master Plan also showed that water service was available for the proposed project.

Mr. Muroda continued that they had not gone into a detailed analysis of the drainage problem but were presently in the process of gathering data and investigating the design aspects. Design capacities for the Moanalua Stream and the Manaiki Stream were 4440 CFS and 2700 CFS respectively, and a check with the residents revealed no flooding conditions around existing streams. They appeared adequate except at local points which seemed to be problem areas due to super elevation and extension of walls. However, Mr. Muroda did not feel that there was any immediate threat to the safety of the residents and repairs could be made to the channel to prevent it from over-flowing. The biggest problem was the unimproved conditions of the two streams. Mr. Muroda did not anticipate over-taxing the improved existing sections within the present residential development.

To alleviate traffic congestion at Ala Mahamoe and Jarett White Road, the State Highway Division plans propose an interchange in the Puuloa area. The target date for the construction of this interchange is August, 1967, and Mr. Muroda was confident that the project would be completed by 1969. The petitioner's proposed development was a long-term project and would not be totally completed by 1970, and that before any of the traffic that would be channeled in this area as a result of the development could over-tax the existing system, relief was in sight.

In reply to Mr. Moriguchi's question regarding sewer modifications mentioned

earlier, Mr. Muroda submitted that the developers proposed to increase the lines in the over-taxed areas such as Haku Street and other points at their cost.

Mr. Moriguchi stated that according to information he had received, the 8" lines at Haku, Onipaa and Mahiole would be greatly over-taxed and that they would require extensive relief.

Mr. Muroda argued that they had presented computations of the slopes and capacity of each segment of the sewer line to the Division of Engineering and the extent of required additional lines had been confirmed by them. Mr. Moriguchi requested Mr. Muroda to submit these computation figures to the Commission to clear up the discrepancy.

Mr. Muroda stated that they had not been able to make a detailed analysis of the drainage needs, but should repairs be required by the city at the time of subdivision approval, he was certain this would be taken care of by the developers.

Chairman Thompson wondered whether Mr. Muroda would be in a position to present the aforementioned figures and computations requested by staff at the next hearing. Mr. Muroda replied that much depended on the next hearing date since this would require extensive and detailed study and analysis.

It was also pointed out that the Puuloa Interchange referred to during the earlier discussion had not taken into consideration the additional traffic that would be generated from the proposed mauka development area. However, Mr. Muroda added that the Highway Division was presently engaged in planning a new layout for this interchange.

Mr. Moriguchi read a letter from Mr. Donald G. Aten, 3277 Manoa Road, expressing opposition to two petitions involving conservation lands and urging that the Commission "scrutinize these petitions with the utmost care" (see copy on file).

Another letter from Mrs. Robert R. Midkiff of the Outdoor Circle was presented by Mr. Moriguchi (see copy on file) recommending denial of the petition by Seichi Hirai. A request was also made for a clarification of the Conservation Districts and Chairman Thompson assured that this would be forthcoming.

The following testimonies were presented by residents of the Moanalua Gardens Community Association, protesting the petition by Seichi Hirai:

Andrew Murakami - President, Moanalua Gardens Community Association

A 7-page prepared statement was presented in its entirety by Mr. Murakami, representing the Community Association, strongly opposing the petitioner's request to change the land use zoning from conservation to urban, and requesting denial of the petition by the Commission (see copy on file). He also submitted that they had obtained approximately 750 signatures from residents in Moanalua supporting their stand.

William M. Furtado - Tripler Subdivision

Mr. Furtado based his opposition on flooding conditions experienced in the

past in other subdivisions when the stream flow was diverted from its natural course. He added that as a State Representative, he had been repeatedly made aware of the dilemma facing the residents due to flooding conditions created by blocked drainage in the stream culverts. He also pointed to the tremendous traffic problem confronting the residents of the Moanalua Golf Subdivision owing to the lack of traffic lights, prohibited by the federal government. Opening up additional lands for development would only aggravate the existing flooding and traffic problems. The exploding classroom situation was also brought up as another reason for denial of the petition. Mr. Furtado concluded that a grave injustice would occur if this subdivision were allowed to develop.

Morio Iwanaga - Resident of Moanalua Gardens

Mr. Iwanaga stated that Haku Place had been frequently referred to as the "Puka" and many times in the past the so-called drainage canal on the Fort Shafter side had overflowed as evidenced by the marked soil erosion. He warned that this could turn into another "Keapuka" if the development were approved.

Forest McAfee - 1480 Mahiole Street

Upon being sworn in by Chairman Thompson, Mr. McAfee testified that he was in complete agreement with the Outdoor Circle and all of the opponents to this proposed development. He also spoke of the flooding problem and elaborated that he had observed the stream develop from a mere trickle into a width of 60 to 70' and a depth beyond 14'. Any additional run-off would overflow the stream.

As a member and Vice-President of the PTA, Mr. McAfee was fully aware of the inadequacy of the school facilities to accommodate any additional enrollment. In fact, the school system at Moanalua was geared for 900 pupils and they were already overtaxed with approximately 1000 homes in the area. He contended that the petitioner had made no provisions for schools or playgrounds.

Further development of the Moanalua area would deprive not only the residents in the area, but all of the citizens of Oahu, the scenic views afforded by conservation lands.

Stanley Hashimoto - President, Moanalua Valley Community Association

Mr. Hashimoto posed two questions to Mr. Muroda representing the petitioner, and was advised by Chairman Thompson that our procedure did not allow for cross-examination from the floor to the petitioner. However, the Chairman had been plagued by these same questions and therefore requested Mr. Muroda to explain how the developers proposed to resolve the school and traffic problems.

Mr. Muroda replied that they had been communicating with the Department of Education and their discussions had progressed only to the extent of a possible suitable site for the school construction within the proposed development. He agreed that he would have additional information concerning the traffic problem at the next meeting.

Commissioner Wenkam cautioned that due to the filling in of Salt Lake, 50% of the flood waters in a storm will flow immediately into Moanalua Stream, a few hundred feet below Moanalua Highway Bridge, and undoubtedly aggravate flooding situation.

James H. Wakatsuki - Resident, 1462 Ala Mahamoe

Mr. Wakatsuki offered a few salient facts that might be considered in arriving at a decision on this petition as follows:

1. School Situation - Classrooms for the area had been master-planned on the population trends of the present existing community and near vicinity. The additional burden which would be imposed on the school system by the proposed new subdivision would be to deny the residents who had invested thousands of dollars in their property the protection afforded by the Land Use Law.
2. If the Commission should vote in favor of this petition, it must do so based on its own conviction, beyond a reasonable doubt, that this proposed development is good for Honolulu and especially for the Moanalua Garden Community Association. It must also bear in mind the developer's obligation to provide for recreational parks, schools, traffic relief, flood control, etc.
3. Why were these conservation lands the subject of a petition when there were available much undeveloped lands in the Halawa, Pearl City, Aiea areas which were already zoned urban.
4. The decision rendered by this Commission on this petition would be subject to serious scrutiny, not only by the Moanalua Garden Community Association, but also by other associations and would seriously influence future subdivision sales.

Chairman Thompson qualified the Commission's position in direct response to two questions raised by Mr. Wakatsuki. First, the petitioner was exercising his rights in petitioning for a boundary change of conservation lands; and second, the decision rendered by the Commission would be based on a 100% conviction.

Since there was no further testimony, the hearing on this petition was closed, with the continuation of the hearing scheduled for December 17, 1966 in Honolulu.

PETITION BY ALVIN BADENHOP (A66-129) TO AMEND THE URBAN DISTRICT BOUNDARIES AT LANIKAI, OAHU TO INCORPORATE APPROXIMATELY 39,232 SQUARE FEET OF LAND PRESENTLY IN A CONSERVATION DISTRICT, Identifiable by Tax Map Key 4-3-05: 68 and 70

Mr. Ah Sung Leong read the staff report recommending denial of the petition, based on the topography of the lands and the dangers created by the proposed development to the existing homes below. (See copy of report on file.)

A letter from the City Planning Commission, dated September 13, 1966, advised deferment of action on petition by its Commission until a later date.

Mr. Badenhop, petitioner, advised that he was submitting revised plans of his proposal with two photographs of the site to supersede the plans that were posted on the board.

Mr. Badenhop continued that he did not intend to build any homes on the

rock piles and that none of the areas under the proposed construction would be over 30 or 40%, which was not unusual for the Lanikai area. He contended that his lands were a continuation of the existing contours on either sides of his property on which homes were already built. He also submitted that his property was within range of the water service.

In reply to Mr. Moriguchi's question, Mr. Badenhop stated that the slopes in excess of 100% as shown on his map were the areas where he proposed to place his last home.

Mr. Badenhop replied in the affirmative in response to Chairman Thompson's question regarding purchase of the land from Mr. Small after Mr. Small had received a variance from the City & County. However, Mr. Badenhop contended that he did not know that this variance was null and void following the establishment of the Land Use final boundaries in August of 1964.

Chairman Thompson wondered if a letter could be solicited from the Board of Water Supply confirming the fact that water service was available in the area of the subject petition.

Mr. Dwight Dixon, Mr. Badenhop's attorney, submitted that his client did not plan any building on the triangle piece of land, but only on the larger parcel suitable for building. The feasibility of a condominium type of development on this property had been determined by the Chief City Engineer who had made a statement in a letter agreeing that this was a reasonable variance, at the time the property was owned by Mr. Small. This was a natural continuation of a built-up community with all urban amenities available. At the time the property was placed in Conservation, Mr. Small had already obtained variance for four homes and was not aware of the change in district. Neither were the estate owners who lived next door, the Hawaiian Trust Co. who were the executors of the estate, nor Mr. Badenhop.

Mr. Dixon questioned the propriety of following the property boundary at right angles and in a straight line to determine the Conservation District. He felt that a straight line was unusual when following the natural contour of the land. He added that the road leading up to the subject parcel sloped very slightly and was presently being used as a garbage dump for old mattresses, boxes, etc. Mr. Badenhop had expended a great deal of money and effort on this property and it would work a tremendous hardship if he were denied this petition.

It was pointed out that the land transfer between Mr. Small and Mr. Badenhop took place on April 1, 1965.

Mr. Paul Jones, President of the Lanikai Association, presented a letter from the Association reiterating their earlier request for denial of the petition, based on serving the best interests of the community, and their concern over the steepness of the lands (see copy on file).

The hearing was closed thereafter.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO AMEND THE URBAN DISTRICT BOUNDARIES AT MIKIOLA, KANEOHE, OAHU, FOR APPROXIMATELY 5.3 ACRES, PRESENTLY IN A CONSERVATION DISTRICT, Identifiable by Tax Map Key 4-4-13: portions of 55 and 56.

Chairman Thompson informed the petitioner that only 6 Commissioners were present to cast their votes today. Since one negative vote today would mean a denial of the petition, Chairman Thompson offered the petitioner the option of deferring action on his petition until a future date when at least 7 Commissioners could be present. He also added that this deferred action may occur on another island.

Mr. Shiro Kashiwa, representing the Iida Subdivision, advised that the petitioner had no objection to the deferment. He expressed his conviction that the grandfather clause was involved in this particular case since tentative approval had been obtained in January of 1964. His client was paying for the sewer assessment and the City & County was willing to approve the subdivision plans as long as the Land Use Commission ruled favorably on this petition. Failure to renew the tentative approval was attributed to the technicalities involved in determining the exact sewer elevation.

Mr. Kashiwa cited that this was a case of extreme hardship to the petitioner

PETITION OF CARL G. & LENNA F. SCHULER (A66-116) TO AMEND THE URBAN DISTRICT BOUNDARIES AT LANIKAI, OAHU FOR APPROXIMATELY 105,338 SQUARE FEET OF LAND, PRESENTLY IN A CONSERVATION DISTRICT, Identifiable by Tax Map Key 4-3-06: 16 and 65

Chairman Thompson offered Mrs. Schuler the option of deferring action on her petition based on the same reasons set forth in the previous petition.

Mrs. Schuler agreed to the deferral but asked permission to make a few statements. She explained that it had never been their intention to subdivide the lots--they were merely seeking to build one home. She could not understand why this was placed in the Conservation District since an area had been levelled off obviously for building purposes, and the driveway and retaining walls were already built. A permit for the wall and for grading had been taken out with the City and the only reason they did not have one for the building was due to the fact that the building plans had not been completed. She felt it was unjust for the Commission to place the lands in Conservation without notifying the owners by registered letter.

Chairman Thompson asked Mrs. Schuler whether she required an answer to her question regarding the Conservation District and Mrs. Schuler indicated that she would like to have it answered at the next meeting.

Mrs. Schuler further testified that they have been assessed residential taxes right along and even had the assessment raised since it was zoned Conservation.

With reference to the point raised by Mrs. Schuler regarding notification to the owners of the proposed boundary change, Mr. Takeyama, legal counsel, advised that the law did not require posting notice of meeting by registered mail. Due notice had been given as required by law through the newspaper and radio mediums prior to the adoption of the temporary as well as the permanent boundaries.

Mr. Paul Jones, President of the Lanikai Association, advised that at the previous hearing on this petition, he had indicated that he was representing the Board of Directors of the Association. However, today he was representing the general membership who were in accord with the recommendations set forth in the letter filed by the Association during the previous hearing.

SPECIAL PERMIT

APPLICATION OF CONCRETE INDUSTRIES, INC. (SP66-31) FOR A SPECIAL PERMIT TO MAINTAIN AND OPERATE A ROCK PRODUCTS OPERATION ON 28.19 ACRES OF LAND AT PUUNENE, MAUI, Identifiable by Tax Map Key 3-8-01: 1, 3-8-03: 4, and 3-8-03: 16

Staff report recommended granting of the special permit in view of the fact that this type of operation already exists at the site, its remote location in relation to urbanized areas and its unusual and reasonable use.

No additional testimony was presented by the Petitioner. Commissioner Wenkam moved to grant the special permit request as recommended by staff, seconded by Commissioner Inaba, and the motion was passed unanimously.

NEXT MEETING SCHEDULE

The next meeting date was announced as October 28, 1966

The Commission was informed that the staff was in receipt of a petition from Frank and Bessie Moniz for boundary change involving the same lands which had been petitioned previously and which had been denied.

Mr. Takeyama advised that depending upon the substantial nature of the additional information covered by the second petition, the Commission could exercise its discretionary powers to accept or deny the new petition.

Chairman Thompson deferred decision on the matter until the October meeting.

There being no further business, the meeting was adjourned.