

Approved
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STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Legislative Auditorium, State Capitol
Honolulu, Hawaii

September 17, 1971 - 9:30 a.m.

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Alexander Napier
Sunao Kido
Shelley Mark
Leslie Wung
Stanley Sakahashi
Tanji Yamamura

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Dora Horikawa, Stenographer

Chairman Inaba called the meeting to order and swore in persons wishing to testify during today's proceedings.

ACTION

PETITION BY OCEANVIEW VENTURES (A71-275) TO RECLASSIFY 227.81 ACRES FROM AGRICULTURAL TO URBAN AT LUALUALEI, WAIANAE, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff memo recommending that a 178.6 acre portion of subject petition be reclassified from Agricultural to Urban since the development would not only help to relieve the urgent housing needs of low and moderate income families, but would also relieve some of the pressures to rezone prime agricultural lands on Oahu (see copy of report on file).

Mr. Roy Takeyama, attorney representing the petitioner, submitted that he concurred with the staff's recommendations. In response to Commissioner Sakahashi's question about the cost range of the proposed homes, Mr. Takeyama advised that a 3-bedroom home would cost \$31,500 under the FHA 235 Program, with monthly

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payments ranging between \$130 to \$160 a month.

Mr. Russell Blair, citizen, spoke in opposition to the petition on the bases that there were several on-going and proposed developments to meet the needs for low cost housing, and that there was an excess of undeveloped vacant urban zoned lands (see copy of testimony on file).

Both Mr. Raphael Christ, Chairman of the Waianae District Neighborhood Planning Committee, in a prepared statement (see copy on file), and Mr. Calvin Ontai, representing the Waianae Model Cities Resident Participation Organization, submitted that they supported the proposed development.

With regard to the conditions proposed by the WDNPC, Chairman Inaba advised that the Land Use Commission could not stipulate conditions in its approval of boundary amendments, but he was confident that the developer would be willing to continue to work with the WDNPC in the development of the plans for the site which would be mutually acceptable.

Commissioner Napier moved to approve the petition as recommended by staff, which was seconded by Vice Chairman Tangen and unanimously carried.

PETITION BY KEYSTONE INVESTMENT, INC. ET AL (A71-285) TO RECLASSIFY 50.8 ACRES FROM AGRICULTURAL TO URBAN AT LUALUALEI, OAHU

In an addendum to the staff memo prepared on August 16, 1971, the staff retained its previous recommendation that this boundary amendment petition be denied since the petitioner's latest submittal following the deferral request on August 6, 1971, did not constitute new and significant information (see copy of addendum on file).

Mr. Russell Blair, citizen, testified in opposition to the petition and stated that his position was similar to that submitted on the Oceanview Ventures petition (see copy of testimony on file).

Mr. Raphael Christ submitted a prepared statement from the WDNPC in support of the request (see copy of statement on file).

Mr. William Tsao, representing the petitioner, took exception to the staff's recommendation for denial and maintained that it

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was inconsistent with the recommendation on the Oceanview petition. He argued that their request was for only 55 acres, in comparison. In rebutting staff's objection to the inadequate access to the property, he stated that the property is only 350 feet from Farrington Highway.

With reference to the statement in the staff memo regarding the undesirable living environment in an abandoned quarry, Mr. Tsao claimed that it was the petitioner's intention to fill the area and landscape it into an attractive site. He elaborated that only 25% to 30% of the area will be built upon, including 440 homes, paving and parking, leaving approximately 75% in landscaped open space, and that the first unit will be built at least 100 feet from the bank. Furthermore, the area was contiguous to an existing urban development, and the comprehensive plan of the City and County of Honolulu indicated that this area was "intended to be zoned for an urban development".

Mr. Tsao continued that the developer will be able to offer 3-4 bedroom prefabricated homes on fee simple land at prices ranging between \$25,000 to \$28,000. He did not believe that the question of the school site bore any relevance to the subject petition.

It was further noted by Mr. Tsao that under the Planned Unit Development, maintenance of the homes and open spaces will be included in the management agreement fee of approximately \$45 to \$50 a month which will be assessed the home owners, and that under the FHA 235 program, the monthly payments would range between \$100 and \$110, including maintenance and taxes. He assured the Commission that the developer would hold to the selling prices represented here today.

Mr. Ross Moody, contractor and engineer, distributed photos of the quarry taken from various viewpoints to the Commissioners. He referred to a study conducted by Belt Collins and Associates in 1965 which concluded that housing was the proper use for the area under petition. Mr. Moody observed that the area was one of the most desirable locations for housing in that it was close to beaches, public parks, employment areas of Pearl Harbor, Lualualei, Barbers Point, that was almost unobtainable anywhere. The site was sandy and could be easily graded to make it compatible with the highway. It was also surrounded on three sides by residential developments and the proposed project would help to upgrade the depressed Nanakuli area. He urged that all of these points be considered in the Commission's decision.

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Mr. Moody explained that the petitioner had been unable to contact the City Planning Commission for reconsideration of its recommendation due to the workload and extended vacation of a staff member within the City Planning Department.

In response to a point raised by Mr. Fujimoto, Mr. Moody advised that there would be a fence constructed at the top of the cliff and that shade trees would be planted at the bottom.

Mr. Calvin Ontai, representing the Model Cities Resident Participation Organization voiced his support of the petition.

Commissioner Tangen moved to concur with the staff recommendation to deny the petition, which was seconded by Commissioner Napier, and the Commissioners were polled as follows:

Ayes: Commissioners Kido, Tangen, Napier

Nays: Commissioners Yamamura, Wung, Sakahashi, Mark,
Chairman Inaba

The motion was not carried.

Commissioner Sakahashi moved to grant the petition, which was seconded by Commissioner Yamamura, and the Commissioners were polled as follows:

Ayes: Commissioners Wung, Yamamura, Sakahashi, Mark, Napier,
Chairman Inaba

Nays: Commissioners Kido and Tangen

The motion to reclassify the subject area from the Agricultural to the Urban District was carried.

PETITION BY LAND USE COMMISSION (A71-286) TO AFFIRM OR MODIFY THE ZONING OF CERTAIN PARCELS REZONED DURING THE 1969 5-YEAR BOUNDARY REVIEW IN THE CITY & COUNTY OF HONOLULU

Action on the 6 parcels within the City and County of Honolulu rezoned during the 1969 5-year boundary review was considered separately under this petition (see copy of staff memo on file).

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AREA 1 - LAHILAHİ POINT

Mr. Leong read the staff memo recommending that the Conservation District be retained in part to include only the area shown in green on the map marked Exhibit B, totaling 7.6 acres. He added that this generally followed the 20 foot contour line and was in keeping with the criteria established in the Commission's Regulations for the Conservation District concerning steep lands and areas containing scenic amenities.

Mr. George Houghtailing, planning consultant, submitted that it was Mr. Waterhouse's intention to preserve the unique quality of Lahilahi Point and the point itself will never be built upon. However, staff's recommendation precluded even the flat areas from development. Mr. Houghtailing felt that it would allow for more flexibility in the development plans if all of the buildable areas were put into Urban, even though some of this may encroach into the 30% slope. The building height would be controlled by the zoning ordinance of the City and County.

Mr. John T. Waterhouse, owner, expressed his desire to develop the whole area as one development, and objected to the staff memo recommending "taking away the cone which was the most valuable asset". He noted that he had done some planting on the top in an effort to beautify the area.

In response to Commissioner Wung's concern that although Mr. Waterhouse may have the welfare of the Waianae residents in mind, the developer may not share the same views, Mr. Waterhouse assured that he would make certain this did not happen.

Mr. Raphael Christ, Chairman of the WDNPC, presented a prepared testimony recommending denial of any urbanization of Lahilahi Point (see copy on file). He emphasized that the Commission should consider the broader scopes and implications of the proposal as it affects other such requests that may come before the Commission affecting the Waianae coast. He spoke of his fear that a compromising proposal like the one presently before the Commission would tend to support similar requests and there was no guarantee that this would remain an isolated case. He generally agreed with Commissioner Sakahashi that compromises were necessary for special situations but still had reservations about the impact of the proposed use.

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Mr. Calvin Ontai, representing the Waianae Model Cities Resident Participation Organization submitted that his basis for opposing the Lahilahi Point reclassification was essentially the same as those expressed previously by Mr. Christ. Moreover, petitioner had not appeared before the Model Cities group to discuss the details of the proposed use. He felt that the Waianae residents should be given an opportunity to voice their viewson such an important issue, and that they were now participating more actively in matters concerning the community.

Vice Chairman Tangen felt it was presumptuous of Mr. Ontai to imply that any petition for reclassification affecting the Waianae area should first be presented to the Model Cities group. He questioned whether an invitation had been extended to the property owner to appear at one of its meetings. Mr. Ontai replied that they conducted monthly open meetings which were publicized in the Newsletter, inviting anyone to come before the Model Cities group to present any problems.

Mr. Russell Blair, citizen, concurred with the testimony presented by Mr. Christ (see prepared statement on file).

Mr. Leong, staff planner, emphasized that the staff's recommendation is a refinement of the Conservation District boundary line based on the availability of a detailed topographic map submitted by the petitioner, and was definitely not a compromise as implied by Messrs. Christ and Blair. Vice Chairman Tangen agreed and added that to his knowledge, there had been no protest when the entire area was in the Urban District, prior to 1969. Furthermore, the petitioner had indicated his willingness to maintain the steep area in Conservation with the further commitment that no construction would take place in this area. Therefore, he moved that the area above the dotted brown line be retained in the Conservation District and the area below the 40 foot contour line be reclassified into the Urban District. The motion was seconded by Commissioner Sakahashi and the Commissioners were polled as follows:

Ayes: Commissioners Napier, Yamamura, Kido, Sakahashi,
Wung, Vice Chairman Tangen, Chairman Inaba

Nay: Commissioner Mark

The motion was carried.

AREA 2 - 130 ACRES AT KAHUKU

Mr. Leong continued with the staff report recommending retention of the Conservation classification for the subject area. He explained that the Conservation line varied approximately from 200 to 500 feet in depth, and in some cases followed the jeep trail and in others the shoreline.

Commissioner Napier felt that the comparative statistics cited in the staff report regarding the shorelines within the Conservation District for the other counties was misleading because most of these areas were pali lands. He added that since a 40 foot shoreline setback had been established for the whole State, the existing Conservation line for the subject property would seem to penalize the landowner.

Commissioner Kido commented that it would be more logical to follow some physical boundary. Mr. Leong advised that approximately two-thirds of the setback followed the jeep trail.

Mr. Wade McVay, Executive Officer of Campbell Estate, submitted that it was the Trustees' feeling that the Commission's action affecting their property was discriminatory and that if it were the Commission's intent to preserve the beach areas, the same line should be drawn through Waikiki and other beach areas within the Urban and Agricultural Districts. However, the Trustees would not be opposed to establishing a 150 foot setback on 3 miles of the shoreline, if the Commission would then follow up and direct the staff to make a study of the area together with the Trustees' planners with the idea of refining the line.

Deputy Attorney General Walton Hong advised that the Commission would have to establish a definite line. Any deviation from the line established today would have to be the subject of another petition, either by the Commission or the property owner. He added that he would research the applicable ruling concerning re-application by a petitioner.

Vice Chairman Tangen moved that the Conservation line be set 150 feet from the upper reaches of the waves, which was seconded by Commissioner Yamamura, and the Commissioners were polled as follows:

Ayes: Commissioners Yamamura, Napier, Kido, Sakahashi,
Vice Chairman Tangen, Chairman Inaba

Nays: Commissioners Wung and Mark

The motion was carried.

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AREAS 4 AND 5 - MAKIKI HEIGHTS, HONOLULU, HAWAII

It was moved by Commissioner Mark and seconded by Commissioner Sakahashi that the subject area be retained in the Conservation District as recommended by staff. The motion was carried unanimously.

AREA 6 - LAGOON AT KALIA, WAIKIKI, HONOLULU, HAWAII

Upon motion by Commissioner Napier, seconded by Commissioner Yamamura, the Conservation classification was retained for the subject area as recommended by staff.

SPECIAL PERMIT APPLICATION BY KUNIO KOBAYAKAWA (SP71-112) TO CONSTRUCT A NEW DWELLING TO REPLACE AN EXISTING DILAPIDATED HOME AT HOLUALOA, NORTH KONA, HAWAII

It was moved by Commissioner Mark and seconded by Vice Chairman Tangen that the subject special permit be deferred until 2:00 p.m. when the meeting will be resumed. The motion was carried.

Chairman Inaba called the meeting to order at 2:00 p.m.

Mr. Leong, staff planner, presented the staff report on the subject special permit recommending approval of the request subject to the conditions set forth by the Hawaii County Planning Commission.

Commissioner Napier moved to approve the special permit as recommended by staff, which was seconded by Commissioner Yamamura, and the motion was carried unanimously.

PETITION BY THE ESTATE OF JAMES CAMPBELL (A70-268) TO RECLASSIFY 690 ACRES FROM AGRICULTURAL TO URBAN AT HONOULIULI, EWA, OAHU

Commissioner Napier was excused from the proceedings on this petition due to a conflict of interest.

Vice Chairman Tangen addressed the Chair to offer a suggestion before proceeding with the discussion on the subject petition. He prefaced his remarks with the statement that this

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petition, presently under consideration, was by no means an ordinary one, and that, although he was fully aware of the petitioner's desire for a decision on the request today, there were substantial ramifications of the proposed development to the whole State, and particularly the island of Oahu, that needed to be carefully examined. The petitioner proposed a new community development for which there was some need, and also proposed a solution to some of the housing problems. However, since the proposed development would remove prime agricultural lands from agricultural production, Vice Chairman Tangen felt that it was very important for the Land Use Commission to take another long look at the future of agriculture in this State, especially with respect to the sugar industry.

Therefore, due to the enormity of the impact of the Commission's action on this petition to the whole State, not only for our lifetime but perhaps for generations to come, Vice Chairman Tangen submitted that frankly he did not feel he was in a position to make a decision until some of these factors were crystallized, and without full knowledge of the entire situation. Therefore, he requested, through the Chair, that the petitioner consider asking for a deferral for an indefinite period of time, subject to 20 days' notice by either the petitioner or the Land Use Commission, to reconvene on this matter; and if the petitioner agreed with this recommendation, Vice Chairman Tangen indicated that he would make a motion that such a deferment be granted. However, he added that such a request would have to be initiated by the petitioner.

Mr. Fred E. Trotter, Trustee of the Estate of James Campbell, after being duly sworn in, expressed his great disappointment at the turn of events, pointing out that the petition has been pending before the Commission since November of 1970, and requested permission to go into a brief caucus with the other representatives from the Campbell Estate.

Chairman Inaba granted a 5-minute recess.

Continuing with the testimony, Mr. Trotter offered the following background information leading to the filing of subject petition:

1. The needs of the people of the State are divided into agricultural, recreational and housing.

2. Unlike the other landowners, the Campbell Estate had not been in a position to upgrade the value of its lands, and in the 70 years of conducting business, the Estate has not urbanized a single acre of agricultural land. However, since the State of Hawaii is at a crossroads now and faced with the problems of a growing population, which both the Federal and State legislators have not been able to cope with, the Estate strongly feels that the answer lies in planning for a better future, and they have taken a positive step toward solving this problem.
3. Sugar is an important part of the Estate's business and the Trustees share the Commission's concerns regarding preservation of agricultural lands. Rather than removing lands for other uses, the Estate has committed some 20,000 acres of land in the Leeward area back into agriculture for 25 years. It has attempted to use marginal lands for industrial and residential development.
4. The Estate has established certain performance criteria which makes it impossible to sell or assign development contracts, thereby eliminating the speculative element from the development.

In conclusion, Mr. Trotter asked for a definition of the term "indefinite" as suggested by Vice Chairman Tangen. Vice Chairman Tangen replied that it was exactly that, subject to 20 days' notice, either by the petitioner or the Land Use Commission.

Mr. Trotter submitted that in the interest of everybody concerned the Estate would reluctantly agree to requesting the deferral and would prepare a letter addressed to the Land Use Commission to that effect.

Vice Chairman Tangen moved that the subject petition be deferred indefinitely, subject to 20 days' notice by the petitioner or the Land Use Commission, which was seconded by Commissioner Yamamura. The motion was carried with the following vote:

Ayes: Vice Chairman Tangen, Commissioners Sakahashi, Yamamura, Kido, Chairman Inaba

Nays: Commissioners Mark and Wung

Abstention: Commissioner Napier

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PETITION BY THE TRUSTEES OF B. P. BISHOP ESTATE (A71-283) TO RECLASSIFY 620 ACRES FROM AGRICULTURAL TO URBAN AT WAIAWA, EWA, OAHU

Commissioner Napier did not participate in the proceedings on this petition due to a conflict of interest.

Vice Chairman Tangen announced that his position on the subject petition was the same as that which he took on the Campbell Estate petition, and suggested again that the petitioner request a deferral.

Mr. Francis Izumi, attorney representing the Trustees of the B. P. Bishop Estate, also expressed his great disappointment over the suggested deferral and reiterated the sentiments expressed by the Campbell Estate representative. He added that the Bishop Estate would gladly furnish whatever data and information the Commission required to enable them to make a wise decision in the public interest. In conclusion, Mr. Izumi requested that the Land Use Commission defer the action on the subject petition, subject to 20 days' notice either by the petitioner or the Commission.

Vice Chairman Tangen moved that the action on the petition by the B. P. Bishop Estate be deferred indefinitely, subject to 20 days' notice by the petitioner or by the Land Use Commission. Commissioner Yamamura seconded the motion and the following vote was recorded:

Ayes: Commissioners Yamamura, Sakahashi, Kido, Vice Chairman Tangen, Chairman Inaba

Nays: Commissioners Mark and Wung

Abstention: Commissioner Napier

The motion was carried.

Chairman Inaba announced that the Commission would have to decide on whether to withhold the staff memo on the two foregoing petitions.

Vice Chairman Tangen moved that the memorandum containing the staff recommendation be held in abeyance until action is taken on either of these two petitions. Commissioner Sakahashi

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seconded the motion and it was carried with the following vote:

Ayes: Commissioners Wung, Sakahashi, Yamamura, Kido
Vice Chairman Tangen, Chairman Inaba

Nay: Commissioner Mark

MISCELLANEOUS

The Executive Officer, Mr. Tatsuo Fujimoto, advised that the 1971 Hawaii Congress of Planning Officials Conference will commence on Thursday, September 23, 1971, and asked whether the Land Use Commission contemplated introducing any resolutions.

Commissioner Mark suggested for the Commission's consideration, the introduction of a resolution which would embrace the following sentiments:

1. This Commission shall evaluate the existing vacant urban lands, especially on Oahu, take any necessary action to reclassify the land to an appropriate district classification, upon evidence of failure of the landowners or developers to perform as indicated; and
2. That the Commission, with the assistance of various State and County planning agencies, will take a comprehensive Statewide look at alternative land use and, in accordance with the basic principles of the Land Use Law, work toward a viable plan that can be related to the various petitions coming before the Commission.

In other words, the resolution implies that the Commission intends to take an active and positive role in dealing with land use problems. Commissioner Mark moved that if the Commission is in agreement, the Executive Officer, with the assistance from the legal counsel, shall draft such a resolution for presentation at the business meeting of the 1971 Congress of Planning Officials to be held next week in Honolulu. The motion was seconded by Vice Chairman Tangen and unanimously carried.

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NEXT MEETING DATE

Mr. Fujimoto advised that the next Land Use Commission meeting will take place on Molokai on October 8, 1971 at 7:00 p.m.

HAWAII LOA RIDGE

Chairman Inaba directed the Executive Officer to write a letter requesting that the owners of the Hawaii Loa Ridge property appear before the Commission to show what progress, if any, has been made to develop the vacant Urban zoned property.

ADJOURNMENT

Since there was no further business, the meeting was adjourned.