

Approved
MAY 18 1973

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahuku Community School Library
September 28, 1972 - 7:30 p.m.

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Leslie Wung
Shelley Mark
Tanji Yamamura
Stanley Sakahashi

COMMISSIONERS ABSENT: Alexander J. Napier
Sunao Kido

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

Persons wishing to testify during tonight's proceedings were sworn in by Chairman Inaba.

HEARING

PETITION BY WILLIAM L. PEREIRA ASSOCIATES (A72-326) TO RECLASSIFY APPROXIMATELY 4.04 ACRES FROM AGRICULTURAL TO URBAN AT HALEAHA, KOOLAULOA, OAHU

It was advised by Mr. Fujimoto, Executive Officer, that a letter had been received from the petitioner dated September 25, 1972, requesting deferral of the hearing until October 20, 1972 (see copy of letter on file).

Vice Chairman Tangen moved that the hearing be deferred as requested by the petitioner, which was seconded by Commissioner Sakahashi and unanimously passed.

PETITION BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO RECLASSIFY APPROXIMATELY 6.1 ACRES FROM AGRICULTURAL TO URBAN AT PUPUKEA, KOOLAULOA, OAHU (A72-324)

Mr. Fujimoto presented the staff report relating to the staff's findings and analysis, and also pointed to the area under petition on the maps.

Mr. Fujimoto confirmed that another petition had been submitted by DAGS on September 15, 1972 for the 6-acre parcel proposed for the Sunset Beach park for which a General Plan amendment application was presently pending before the City and County of Honolulu.

Mr. Howard Kurio of the Department of Accounting and General Services advised that the 6-acre parcel, presently under discussion, will be acquired through condemnation procedures at agricultural prices.

Testimonies from the following people relevant to the subject petition are summarized below for the records.

Mr. Fred Shimote, resident of Sunset Beach for 26 years, stated that he had fought for a school site for Pupukea for many years and the State should avail itself of the 6-acre site at the price offered before it skyrockets.

Mr. Kiyoshi Yamada, staff specialist for business services of the Windward District Office of the Department of Education, submitted that the DOE worked very closely with DAGS on acquisition of school sites. He spoke of the urgent need for the proposed school on the basis of the great distance between Kahuku High and Elementary School and Pupukea, and the growing population in Pupukea. Additionally, the proximity of the proposed county park made it an ideal site to locate a school.

Mr. Dave Watson stated that it had been necessary for him to enroll his 5-year old daughter in a private school due to transportation difficulties.

Mr. Bill Benz, President of Kahuku PTA, elaborated on the student enrollment in the elementary, intermediate and high school levels at the present Kahuku High and Elementary School, and the growing need for additional facilities to accommodate the projected increase in student population resulting from the planned development for hotels, condominiums, single family residents, etc. in the area. Mr. Benz strongly recommended approval of the petition.

Mrs. Lola Perry, member of the Board of the Sunset Beach Community Association, also spoke of the hardships of transporting children from the Sunset area to Haleiwa and Kahuku and urged for approval of the petition.

Mr. Robert Dale, President of Sunset Beach Association, submitted that the association's prime efforts have been directed at obtaining a school site in the Sunset Beach area and that it was 100 percent behind the proposed boundary amendment.

Vice Chairman Tangen observed that no one in the audience had spoken in opposition to the petition.

Since there was no further testimony, Chairman Inaba closed the hearing on the request by DAGS and advised that additional testimony will be accepted within 15 days from this date.

PETITION BY DOLORES L. DYER (A72-328) TO RECLASSIFY APPROXIMATELY 20,000 SQUARE FEET FROM THE CONSERVATION TO THE URBAN DISTRICT AT LANIKAI, KOOLAUPOKO, OAHU

The staff report relevant to this petition was presented by Mr. Leong, staff planner. (See copy of report on file).

Mr. George Dyer, representing his wife, submitted he had very little to add except to note that a soil test would certainly be in order before commencing with construction on the site, in response to the concern expressed by the City Planning Director over the possible adverse soil condition. He added that there was a retaining wall at the edge of the property which would be maintained, and that certain distinct characteristics on the property rendered it more appropriate for subdivision into two parcels. The petitioner's proposal for the second home on the property was a long range plan at some later date and only indicated in the petition to apprise the Commission of her future intent.

In response to a point raised by Commissioner Sakahashi, Mr. Dyer replied that he had discussed the appraisal and tax rates of the conservation portion of the property at urban rates with the Department of Taxation but had been informed that there would be no change.

Mr. A. C. Snodgrass, resident of Lanikai, stated that he had mixed feelings about the subject request. He acknowledged that it was ideally suited for urban use since it was reasonably flat and retained by a wall. However, he feared that the wall may not be capable of retaining the soil, and approval of the request may establish a precedent in the area. He also expressed concern over the possible danger to the residents below due to the questionable stability of the soil and the effects of the high rainfall.

Referring to a statement made by Mr. Snodgrass regarding several other petitions which had been denied for reclassification by the Land Use Commission in the Lanikai area, Vice Chairman Tangen reflected that they were incomparable to the parcel under consideration. Moreover, if Mr. Snodgrass' expressed concern over the dangers to the homes below were followed, no more than a single row of homes could be built on the hillside. Yet many rows of homes already

existed in the Lanikai area. He wondered how this relatively flat land with a retaining wall differed from the other developments already existing there.

Mr. Verne Winqvist, staff member of the City Planning Department, elaborated that the Planning Director's recommendation for approval with the condition that a suitable soil test be conducted was based on a 1966 report from the chief engineer recommending that no excavation on the adjacent Schuler property take place since it would be subject to slides if disturbed. He also agreed with Vice Chairman Tangen's appraisal that the Dyer property differed from the other steeper lands in the vicinity, and constituted an appropriate boundary between the Urban and Conservation Districts.

In response to Chairman Inaba's inquiry, Mr. Winqvist advised that there had been no commitment by the Planning Director for the subdivision approval; that it would be properly considered under the CZC Subdivision Rules and Regulations. The City was merely addressing itself to the question of the appropriateness of the boundary change.

Mr. Dyer agreed that he would comply with the requirements for a soil test regardless of the cost.

Since there was no further testimony, Chairman Inaba announced that the hearing on this petition was closed and that additional testimony will be received 15 days from this date.

ACTION

PETITION BY THE HAWAII LABORERS' HOUSING CORP. (A71-311) TO RECLASSIFY APPROXIMATELY 35.5 ACRES FROM AGRICULTURAL AND CONSERVATION TO URBAN AT KAIPAPAU, HAUULA, OAHU

Based on the staff's findings, it was recommended that the 18.5 acre portion of the subject property be included in the Urban District and that 17 acres be retained in its present Agricultural and Conservation classifications. Mr. Fujimoto added that there was one chicken farmer on the petitioner's side of the stream.

Mr. Raymond Aki, General Manager of the Hawaii Laborers' Housing Corporation, a wholly owned subsidiary of the Laborers' Union, submitted that in response to the ^{tomato} farmer's concern over possible adverse effects from the spraying operation, a road will be built between the farm and the subject property to act as a buffer zone. He also advised that details of the meeting between the community association and the Housing Corporation to iron out the differences were outlined in a letter addressed to the Commission.

Mr. Henry Lee, Vice President of the Hauula Heights Community Association, stated that their opposition was not addressed to the construction of homes, but to the Legislature for failure to provide for improvements concurrent with the developments, such as schools, fire protection, etc. The inadequacy of cesspool pumping service was also cited as a problem.

Mr. Aki Logan observed that Kaipapau Stream acts as a natural drain for the water runoff from the petitioner's property. Once the property is developed, Mr. Logan wondered who would be responsible for maintaining the stream to keep it clear of growth and debris to prevent the danger of an overflow, especially during heavy rains. Mr. Aki replied that this would be the responsibility of the petitioner. He added that a problem had existed in the lowlands, just before the bridge, but that it had been resolved.

Mr. Bill Benz's concern centered around the additional burden that would be placed on the Kahuku School complex if an additional 130 units were to be built. Mr. Aki advised that he had contacted the Department of Education over a year ago of the proposed development and had been informed that it would be included in the DOE's plans. Mr. Benz stated that plans for 18 additional school rooms were on the board but that there were no construction funds available at the present time.

Mr. William Nihipali, longtime resident of Hauula, reported that Kaipapau Stream on the mauka side would present no problem, but that it was low on the side of the proposed subdivision. The stream was wide at the back but narrow at the bridge. Mr. Aki reiterated that this problem had been resolved by the construction of a concrete abutment. He added that, according to the engineer, there has never been a flood in 50 years in the Kaipapau Stream. He claimed that what was needed was a new bridge to widen the stream at that point.

Mr. Gerald Ferro, President of the Hauula Heights Community Association, alleged that the already inadequate police and fire protection, water supply, would be further aggravated by an increase in the population. Also, the site proposed for the cluster development was presently planted with Hao trees which served to hold back the stream water. Mr. Ferro suggested that a possible solution to this might be the construction of an abutment by the developer.

Under questioning by Commissioner Sakahashi regarding the general statements made by Mr. Ferro in his letter dated September 28, 1972 to the Commission, Mr. Ferro responded that he was referring to the flooding conditions, the inadequacy of the various services. Moreover, the housing shortage crisis should not dictate that homes can be built anywhere, but the accompanying problems should be taken

into consideration. He also claimed that Mr. Aki's plans were still in the preliminary stages.

Chairman Inaba acknowledged that Mr. Ferro's concerns were well stated but that it was the Land Use Commission's responsibility only to determine whether the lands should be reclassified. He therefore suggested that, in the event the subject petition is approved, Mr. Ferro express his concerns to the City Planning Department at the time the petitioner applies for the necessary permits.

Mr. Fujimoto observed that in an earlier testimony, Mr. Aki had submitted that single family dwellings would be constructed, and wondered whether there had been a change of mind to develop cluster type homes instead. In response, Mr. Aki pointed to a sketch showing only a preliminary plan of single family plus cluster type development. Using another map, which he explained had been prepared subsequent to the public hearing, Mr. Aki pointed to the single family, cluster development and recreational areas.

Vice Chairman Tangen summarized that some of the questions raised during the foregoing discussion were legitimate ones. However, as far as the development details were concerned, this was not within the jurisdiction of the Land Use Commission, but a matter for the City Planning Commission to determine; nor was it within the Commission's province to question the Legislature's action or inaction. The Land Use Commission can only determine whether the lands were appropriate for the reclassification request.

Mr. Lee commented that a recently passed house bill empowered the Land Use Commission to impose conditions on boundary amendments. For the records, Vice Chairman Tangen advised that although such a legislation had been enacted, it was necessary to amend the Rules and Regulations of the Commission, after duly conducted public hearings, for the implementation of this provision. However, in effect, some conditions had been exerted, in that there was a commitment from Mr. Aki to reserve priority for the residents in the area to purchase the homes. Moreover, the City has recommended approval of the reclassification, and there will be a control over the type of development, and ample opportunity for the citizens to testify when the matter is being considered at the City level.

Mr. Albert Keamo, agent for the Laborers' Union Local 368, submitted that the developer was interested in providing housing according to needs within the economic capability of the potential market. He acknowledged that problems may arise but that engineers were available to resolve them, and modern advanced technology could take care of the other needs such as police and fire protection, water services, etc.

Upon motion by Commissioner Wung, seconded by Vice Chairman Tangen, the staff's recommendation to reclassify the 18.5 acre portion of the subject property was unanimously approved.

TENTATIVE SCHEDULE

Mr. Fujimoto announced that the next meeting of the Land Use Commission will be held on Oahu on October 20, 1972.

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