

STATE OF HAWAII
LAND USE COMMISSION

Approved 1-24-68

Minutes of Meeting

City Planning Commission Hearing Room
Honolulu, Hawaii

October 28, 1967 - 9:30 a.m.

Commissioners Present: Wilbert Choi, Chairman Pro tem
Shelley Mark
Jim Ferry
Goro Inaba
Leslie Wung
Shiro Nishimura
Keigo Murakami

Commissioner Absent: C. E. S. Burns, Jr.

Staff Present: Ramon Duran Executive Officer
Ah Sung Leong, Planner III
Roy Takeyama, Legal Counsel
Dora Horikawa, Stenographer

The meeting was called to order by Acting Chairman Choi, followed by introduction of the Commissioners and swearing in of persons testifying before the Land Use Commission today.

HEARING

PETITION OF KEN UYEDA (A67-160) TO RECLASSIFY APPROXIMATELY 4.8 ACRES OF LAND FROM CONSERVATION TO URBAN AT KULIOUOU, OAHU

Based on the fact that sufficient urban reserves already exist in the subject area, steepness of the land and other factors contained in the staff analysis, it was recommended by Mr. Leong that the petition be disapproved (see copy of report on file).

Commissioner Ferry raised the question of the land ownership pattern of the 89 undeveloped acres in the Urban District at Kuliouou as reported by staff. Since 55 acres of this were owned by the State, as verified by staff, he did not feel this presented a true picture of urban lands immediately available for development.

Commissioner Mark noted that staff's recommendation for denial was based on the total 2,600 acres available in the surrounding Urban District and not on the 89 acres in the Kuliouou area alone.

Attorney James Funaki, representing the petitioner, prefaced his testimony with the observation that according to today's agenda, Mr. Uyeda's request for reclassification of 4.8 acres was admittedly a very small area when compared to the hundreds of acres being petitioned by the other 3 large landowners. He submitted that the Land Use Commission had within its power the

October 28, 1967

authority to grant urban districting because it was a small parcel, and referred to that section in the LUC District Regulations applicable in this respect "when surrounded by or adjacent to existing urban development, and only when such areas represent a minor portion of this District". Mr. Funaki commented that petitioner's property met these two criteria.

In further support of the petition, Mr. Funaki argued that the land can be adapted to residential uses and was urgently needed for fee simple residential purposes as opposed to its present idle state. The proposed subdivision will be developed in conjunction with the existing 6.3 acres within the Urban District; there is a city-like concentration of people in the adjacent Kuliouou Valley; it will be closer to downtown and its facilities than Hawaii Kai; basic services such as water, sewer, sanitation are adequately provided for or under construction through the Improvement District in which the developer will participate in the event he is allowed to subdivide. Schools, fire stations, shopping centers, playgrounds are all within a 3-mile radius of subject property. There are no serious drainage or flood problems that cannot be resolved.

He continued that subject parcel is a natural extension of the existing Urban District and that the present boundary following the improved drainage canal is not necessarily a logical boundary. Development of the proposed subdivision will not result in any urban scatteration since it is immediately adjacent to an urban area.

With respect to the conservation qualities of subject lands, Mr. Funaki submitted that there was nothing special, unique or historic and the land did not lend itself to preservation of open-space amenities. On the other hand, the parcel as a fee-simple residential subdivision development will serve real urban needs due to the rapidly growing population as attested by the estimated civilian population gains reported by the Department of Health as follows:

1960-66 - Maunaloa-Hawaii Kai	- 181.9%
Kuliouou-Niu Valley	- 32.4%
Average Oahu gains	- 26 to 27%

Mr. Funaki informed that 58 families had expressed a desire to buy into the proposed subdivision and had been placed on the waiting list. Aside from the need for housing, this development will serve another pressing need--the need for the individual to own lands in fee. There are very few fee simple lands from Waiialae-Kahala to Koko Head. It is a State policy that the need for fee simple lands be provided and this has been imposed and enunciated in Act 307, the Land Reform Act, recently passed by the Legislature. Mr. Funaki read a passage from the Findings and Declaration of Necessity in this act as follows:

"The Legislature finds that a prime goal in the United States is the promotion of the public welfare as enunciated in the Constitution of the United States through the attainment of fee simple ownership of residential lots by the greatest number of people."

October 28, 1967

With reference to the adverse recommendation made by the City Planning Commission on the subject petition, Mr. Funaki explained that due to the deadline imposed, the city was compelled to submit some kind of report to the Land Use Commission before they had had a full opportunity to explore all the possibilities for resolving the grading, slope and flood problems with the petitioner.

In addition to these arguments, there was also a hardship factor involved-- in that it would be economically unfeasible for the petitioner to develop the 6.3 urban acres without including the subject 4.8 acres into the total scheme. Mr. Funaki admitted that petitioner was remiss in not exploring the boundary more carefully, however, the whole concept of "green belt and district boundaries" was quite new to the State and many people were not aware of its effect on their properties.

Since the inference was made by the attorney that the City Planning Department did not have sufficient time to consummate discussions with the petitioner to resolve subdivision standards, etc., Commissioner Ferry directed the petitioner to submit documentation supporting this fact.

Responding to Commissioner Mark's query, Mr. Uyeda replied that the city had contacted him to acquire an easement to initiate a flood control program in the valley to take care of the flooding problem.

The hearing was closed thereafter.

PETITION OF ROBINSON TRUSTS, ET AL AND HSM VENTURES (A67-158) TO RECLASSIFY 352 ACRES FROM AGRICULTURAL TO URBAN AT WAIPAHAU, OAHU

Mr. Duran, Executive Officer, presented the staff report recommending denial of reclassification of parcel C situated above the H-1 Highway on the basis that there was not sufficient proof "that the area is needed for a use other than that for which the district in which it is situated is classified", on the basis that the purpose and intent of the Land Use Law is to "prevent the shifting of prime agricultural land into non-revenue producing residential uses when other lands are available that could serve adequately the urban need", and on the basis that the LUC boundaries will be reviewed and reestablished within the next two years; but that the two remnant parcels, parcels A and B, makai of the highway be rezoned to urban in order that the H-1 Highway may serve as a logical district boundary between the prime agricultural lands and the urban uses within the Waipahu area. (See copy of report on file.)

The Executive Officer referred to several maps on the wall showing the Pearl Harbor complex, Halawa, Aiea, Pearl City and the Waipahu property in question. He also pointed out the general alignment of the H-1 Highway.

If urban expansion were indicated in the Waipahu area, Commissioner Nishimura wondered where the logical location might be. The Executive Officer replied that, assuming all of the urban areas in the Waipio, Makakilo, and other areas that make up the total urban area were developed, the expansion should logically take place makai of the highway to tie in with the

October 28, 1967

Pearl Harbor urban area rather than shift mauka of the H-1 Highway into prime sugar cane lands.

Mr. Duran commented that, based on the figures of 385 homes built during 1964-65 and 345 during 1965-66, approximately 50 to 100 acres per year were being developed in the Waipahu area.

On the matter of the agreement between Oahu Sugar Co. and the Robinson Estate for the withdrawal of prime agricultural lands, Mr. Duran elaborated that 1,280 acres leased to Dole Pineapple Co. and planted in pine had not been released to them at the time of expiration of the lease. Instead, Robinson Estate negotiated to lease these lands to Oahu Sugar Co. for sugar production. So that we were still losing 350 acres of prime agricultural lands.

Commissioner Mark remarked that according to the present scheme of things, pineapple cultivation was being phased out and replaced by sugar cane.

Mr. Duran read a letter addressed to the Robinson Estate from Mr. J. Humme, Vice President of Oahu Sugar Co., Ltd., agreeing to "cooperate with and assist in any application for the reclassification and rezoning for urban use of the lands designated as Parcel B-2". (See copy of letter on file.)

The following people testified during the hearing as follows:

Captain Leonard Basset, Commanding Officer, Naval Ammunition Depot, Oahu, representing Rear Admiral Richard B. Lynch, USN, Commandant, 14th Naval District, Pearl Harbor

Captain Basset read a prepared statement of Rear Admiral Richard B. Lynch recommending that the Commission exclude approximately 25 acres of land in the request within the Waikele explosive hazard zone to any use than "agricultural". (See copy of report on file.)

Captain Basset confirmed that their objection was related only to the 25 acres identified within the blast hazard zone at Waikele.

Mr. Frank Gibson, Attorney for the Trustees of the Robinson Trust

Mr. Gibson gave a detailed background report of the lands owned by the Robinson Trust dating from 1897 up to the present time as follows:

1. In 1897 the bulk of the lands were leased to Oahu Sugar Co. for 60 years to expire in 1957. Early in 1950 the owners retained Belt Collins to make a study and development plan for the proper use of the lands. The study indicated a substantial demand for industrial, apartment, residential and other uses in the Waipahu area.
2. In 1956 a new 30-year lease was signed with Oahu Sugar Co. in which all lands below Waipahu Road were excluded from cane.

October 28, 1967

3. In 1966-67, a new lease arranged with Oahu Sugar Co. excluded all of the subject 352 acres from being used by Oahu Sugar Co. except on a crop to crop basis. These lands are zoned in the Rural District by the County which means they can be used for residential purposes. Robinson Trust leased 1,500 acres to Oahu Sugar Co. for cane cultivation which included 1,200 acres planted in pineapple by Dole Pineapple Company.
4. A great change and growth have occurred in the Waipahu area over the past 8 years.
5. Sewers in the area are all over-sized, paid for, and equipped to take care of the 352 acres.
6. The Trust feels that Herbert Horita who started development work early this year did a tremendous job of selling houses. There appears to be a substantial demand for homes in this area and the people are entitled to have that demand satisfied. Plans for residential development of this area were prepared in the early 50's.
7. The average size lot will range from 3,000 to 12,000 square feet with FHA and VA leases. Rent will be fixed for the first 40 years.

Commissioner Mark emphasized that the Land Use Law was passed by the Legislature for the preservation of prime agricultural lands as one of its primary purposes and wondered whether the Robinson Trust took any stand either for or against the measure at the time of its enactment. Mr. Gibson could not recall that any position was taken by the Robinson Trust.

Chairman Choi wondered whether the petitioner would be willing to delete the 25 acres in the explosive hazard zone from the petition and Mr. Gibson replied that they would have no intention of developing this area which was subject to blasting danger.

Mr. John Humme, Vice President, Oahu Sugar Company

Mr. Humme testified that Oahu Sugar Company was in favor of the petition because it was interested in having a developer come in and plan an orderly development, particularly if Oahu Sugar could work with the landowners who were interested in the long-term liability of the sugar industry and its ability to remain in business profitably.

Mr. Humme submitted statistics from Oahu Sugar's annual report on "Acreage in Cane as of December 31" (see copy of statistics on file) which indicated fluctuating acreages due to the land ownership pattern. He added that by intelligent planning the company has continued to grow despite its participation in residential developments and that the long-term trend in total acreage is upward. The net gain in acreage for 1967 will be in excess of 200 or more acres over and above the figure shown for 1966.

Mr. Humme further explained that of the 1,543 acres leased to Dole Pineapple Company, only 1,200 acres were planted in pineapple. However, Oahu

October 28, 1967

Sugar anticipated increasing the total acreage for cane cultivation by 50 to 60 acres on these lands due to the different road needs of pineapple and sugar cultivation. There were roughly 2,100 acres of cane presently on Robinson's land and the additional 1,200 acres would bring the total to 3,300 acres minus the 350 subject acres.

Mr. Humme assured Commissioner Murakami that although it was more expensive to grow cane farther upland than nearer the mill, it was within Oahu Sugar's economic limits of liability which assumes profitability.

On the matter of water availability for the 1,500 acres under discussion, Mr. Humme advised that these lands were above the Waihole Ditch. There are plans to boost the existing pumps up from approximately 690' to the highest point which is 821', a couple hundred feet in elevation and a mile in distance.

Mr. Humme felt that Oahu Sugar was doing the right thing--that it believed in cooperating with State and city agencies in clearing the way for the urgently needed housing near an existing metropolitan area and still keeping the company alive and profitable.

Commissioner Mark expressed concern over the loss of employment by 800 people as reported by the Union. Mr. Humme stated that there has been a reduction of some 15,000 employees in the sugar industry over the last few years and that Oahu Sugar will lose more than a third of its people in the next 12 years through the natural process of retirement, etc., so that the 800 could be absorbed in this category.

Contrary to the fears of some of the people that there would be an eventual elimination of the sugar industry on Oahu, Mr. Humme felt the industry would continue to supply steady employment to many people since sugar was a necessary commodity all over the world.

Mr. Larry Matsuo, Engineer, Park Engineering, Engineers for the Developers

Several exhibits were posted on the board by Mr. Matsuo to illustrate his presentation. He clarified that Planning Area 15 referred to in the staff report included 36,000 acres and encompassed an area outside of Waipahu Road all the way up to Honouliuli, including Wahiawa, and was not confined to the Waipahu area.

Mr. Matsuo pointed out on the Detailed Land Use Map of the City and County of Honolulu the available lands in Waipahu and the land ownership pattern. He indicated that development in some of these areas would have to be a redevelopment type of program due to the condition of the existing structures. The only other remaining undeveloped areas are the Harbor View 6-A and Harbor View 7 presently under various phases of development and planning. There are no other lands available for immediate development.

A detailed schedule of the ratoon crops on the subject 352 acres indicated that most of them will be harvested by June of 1969. In the meantime,

October 28, 1967

the engineering and planning for the proposed development could take anywhere from 18 months to 3 years.

Mr. Duran suggested that the engineering and planning for the proposed subdivision could begin immediately and did not have to await the harvesting of the last ratoon crop. Mr. Matsuo agreed that this was possible. However, the cost of engineering plans could run into a considerable amount of money and there was a question of whether the developers wanted to commit large sums, plus interest charges, over a period of 2 or 3 years.

Mr. Hideo Okada, President, Waipahu Community Association

Mr. Okada read a prepared letter requesting deferral of the Robinson petition for at least another 2 years, enumerating several reasons for the deferral (see copy of letter on file).

Some of the difficulties confronting the Waipahu Community were the overcrowded conditions in the classrooms, the fact that construction of much needed school facilities was behind schedule, lack of funds and agreement on the location of the school site. Mr. Okada felt that any additional growth in the Waipahu Community should coincide with adequate facilities. He added that further urban expansion should take place only after a thorough study of the area has been made.

Commissioner Ferry observed that it was unusual for a community to discourage further expansion. Mr. Okada stated both the city and State were making a study of the area and the community had entered into discussions with them. He felt that in 2 years they would have a better idea of where the expansion should take place.

Commissioner Ferry noted that the community will not feel the impact of any development immediately due to the time involved in the engineering, planning and eventual marketing of the subdivision, so that if action on the petition were deferred for 2 years, there would be a period of time in which there would be no further expansion.

Mr. Clarence Kusumoto, President, Waipahu Businessmen's Association

Mr. Kusumoto read a letter addressed to the State Land Use Commission recommending approval of the reclassification request by Roginson Trusts (see copy of letter on file).

Mr. Herbert Horita, Real Estate Agent representing the developers and also one of the principal developers of the subdivision

Mr. Horita presented a prepared report in behalf of the developers, HSM Ventures, outlining arguments for the justification of the reclassification and also rebutting the staff report recommending denial of the petition (see copy of report on file).

On the matter of the tax revenues which will be realized from the development referred to in Mr. Horita's report, Mr. Duran commented that the

October 28, 1967

present agricultural lands do not require city services whereas a residential development will require them and that the expense of urban facilities is far greater than the taxes received.

Mr. Newton Miyagi, Secretary-Treasurer, ILWU, Local 142

Mr. Miyagi stated officially that as a matter of policy the position of the Union has always been to oppose any type of conversion of agricultural land into urban zoning. The Union had unofficially been advised that Kahuku Plantation will go out of business in December of 1969, and taking away agricultural land only compounds the problem. He urged that the Land Use Commission deny the petition.

Mr. Miyagi expressed surprise over the position taken by Mr. Humme and was of the opinion that the sugar industry should be seeking additional cane lands to enable the remaining sugar companies to absorb the sugar tonnage loss which will be created by the closure of Kahuku Plantation.

Mr. Miyagi felt that urbanization should take place on the slopes of the mountains, much in the order of St. Louis Heights, etc.

Since there was no further testimony, the hearing was closed.

The Commission recessed for lunch at 12:00 noon.

October 28, 1967 - 1:40 p.m.

HEARING

PETITION OF TRUSTEES OF THE BERNICE P. BISHOP ESTATE (A67-161) TO RECLASSIFY APPROXIMATELY 702 ACRES PRESENTLY IN AN AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT IN WAI'AU, OAHU, TMK 9-8-02: 3

Mr. Duran, Executive Officer, read the staff report recommending that the boundaries remain unchanged in view of the vast amounts of vacant land in the area and inasmuch as the boundaries will be reviewed and reestablished by the Commission within the next two years.

Mr. Duran called attention to the population forecast discussed during the Robinson Trust hearing for the area between Fort Shafter and Kahe Point and advised that the increase in families should have read 15,900 instead of 1,590, and that the total requirement for this increase should be 6,500 acres rather than 500, but based on the assumption that all housing would be single-family detached homes on minimum lot sizes of 10,000 square feet. However, this does not alter the staff recommendation as this was only a hypothetical case and the other statistics of the staff report are factual.

October 28, 1967

Commissioner Ferry observed that the General Plan population projections appeared far less than what was actually attained.

Mr. Duran replied that the State General Plan Revision relied on different authoritative sources for its population projection and it has always been noted that the Bank of Hawaii and First National Bank's projections tended to over-exaggerate these figures. It has also been found that government projections have come much closer to the actual increase in population.

Commissioner Ferry stated that his concern was primarily in the area of tax revenue receipts. It was quite apparent to him that in establishing a budget for the year, the administration used a very conservative budget. However, the receipt of revenues has always exceeded the anticipated monies available. He therefore wondered about the authenticity of the projected population figures throughout the State.

In defense of the projections, Commissioner Mark commented that the government relied on information from several good sources--the Department of Health, the military, the Tourist Bureau, the Department of Transportation. Based on all of the information available, he felt that the projections made were realistic.

Commissioner Ferry pointed to the population projection figure of 900 in the Waipahu area brought out during the preceding hearing, wherein the developer was able to show an increase of 3,300 within his realm of developed area. He wondered whether the needs 10 years hence were being approached realistically.

Dealing directly with Waipahu Urban District, Mr. Duran replied that he was convinced there was not enough lands within the Urban District to accommodate a 10-year growth projection. However, this was not the issue being discussed today. The question is "Do we preserve prime agricultural lands or do we allow urban development to encroach into these areas?"

Mr. George Houghtailing, representing the petitioner presented a prepared letter outlining the background information, the demand for the proposed development, present and future plans (see copy of letter on file). In addition, the following facts and data were offered:

1. Prior to 1959, pressure was brought upon the major landowners by the government to make lands available to moderate and middle income families.
2. The H-1 Defense Highway will go through the residential as well as the agricultural areas, making Moanalua Road a very important secondary highway. The continued use of the Bishop Estate lands for agricultural purposes was not compatible with such a highway. The subject area would also be in line with the mass transportation being planned from downtown Honolulu to the leeward area.
3. The property was surrounded on both sides by urban development.

October 28, 1967

4. The Bishop Estate developers have undertaken the development of 200 acres in Kalauao which would be completed within 2 years. The development of the golf course has enhanced the surrounding areas and there has been a demand for residential lots in its proximity.
5. Of the total lands requested for classification, approximately 297 acres will be suitable for urban uses with slopes of up to 20%, and approximately 200 acres were in the 20-30% slope.

Mr. Houghtailing argued that much of the urban lands quoted in the staff report as being available would be absorbed by the interchange and by the re-alignment of the Moanalua Road. Also, some 200 acres in the mauka urban area were ruled unsuitable for residential uses because of its proximity to the quarry by the Department of Health and the FHA.

Mr. Houghtailing stated that the developers did not wish to expend any money to make a detailed drainage study until the land reclassification was approved. The Planning Department, realizing that this area was destined for urbanization, has required that the developers provide for elementary and high school sites. All of the facts pointed to urbanization of the area.

Commissioner Ferry questioned the reason behind the petitioner's request for the total area when only 397 acres were suitable for development. Mr. Houghtailing replied that it was based on the boundary line and also on the fact that there was a possibility of utilizing additional acreage depending on the slope of the land. He felt that the proposed development could be completed within 3-4 years.

Commissioner Feery objected to the petitioner's request for reclassification of 945 acres when only 397, of which 100 acres were already zoned urban, could admittedly be developed. The 20% adhered to by the Commission was only a criteria employed in its decisions, and that if the entire area were urbanized and fell under the jurisdiction of the county, it was conceivable that the 30 and 50% slopes might receive approval if a development plan warranted it. Commissioner Ferry felt it might be more reasonable for the petitioner to confine his request to only the developable areas. Mr. Duran added that the county had no slope limitations for the development of land.

Mr. Houghtailing argued that the drainage study would have to be made for the entire area and it would be unrealistic to create an irregular boundary.

Mr. Duran clarified the point made in the staff report that there are about 300 acres of land that are not developed in the Pearl City area contrary to Mr. Houghtailing's statement that they had all been developed.

Referring to the Kalauao Golf Course developed by the petitioner, Mr. Duran observed that no other development has taken place in the area, that most of it was still in fallow cane land. He also wondered about the other recreational uses, besides the golf course, which Mr. Houghtailing talked of.

Mr. Houghtailing replied that the developers were in the process of constructing roads, filing subdivision plans, and that the project should be completed within 2 years. A tennis court and swimming pool were in the plans for the use of the residents.

Mr. Duran submitted the following data for the past year in response to Commissioner Nishimura's interest in the construction rate for the area:

Halawa	-	300	homes	built
Aiea	-	191	"	"
Waimalu	-	117	"	"

Mr. Humme reported that 395 acres of Austin land and 390 acres of Bishop Estate lands (including 100 acres zoned urban) presently planted in cane will be lost, and that these areas were also taken into consideration along with the Robinson properties, when the 1,200 acres presently in pineapple were leased by Oahu Sugar Co. from the Robinson Estate.

Commissioner Murakami commented that on the basis of the foregoing discussion it could be assumed that economically speaking sugar is better business than pineapple, and real estate is better business than sugar.

Mr. Humme advised that Oahu Sugar Co. had agreed to sell the cane haul road to the State who in turn will turn it over to the city to make it into an auxiliary road feeding back out into Kam Highway at Waiau, on the condition that Oahu Sugar continue to farm cane in the area and that they would have exclusive use of the road on harvesting days for its heavy equipment.

Mr. William Van Allen, representing Bishop Estate, spoke of the impracticability of continuing to haul sugar out of this area due to the interchange contemplated. He elaborated that there was only one highway for carrying all the traffic through this area (Kam Highway) and the new H-1 Highway will add another arm. However, there was an urgent need for a third arm, the extension of Moanalua Road. In order to get an interchange at Moanalua as proposed, it is essential for the State to guarantee to the federal government that the right-of-way of Moanalua extension, the cane haul road, could be acquired. The State Highway Division has entered into discussions with Oahu Sugar Co. to determine a definite timetable for the cessation of cane harvesting. Then the Highway Division would be in a position to seek federal aid.

Commissioner Ferry asked how the sugar company would continue to develop cane if urbanization were granted up to a certain point since the main access to the cane fields would be affected. Mr. Humme replied that he would propose replacement of the road with one near the large power transmission line on Bishop Estate lands up to the old Waimalu Stable Camp which was the old railroad right-of-way to the refinery.

Mr. Duran observed that if the State and the federal government agreed on the cane haul road right-of-way and the location of the interchange at Moanalua Road, in 5 years cane will automatically be eliminated from the entire area. Mr. Houghtailing advised that the highway study should be ready in about 3 weeks.

October 28, 1967

Mr. Van Allen offered that the petitioner and the developer would certainly get together and consider the reduction of the total acreage requested for urbanization, as was suggested earlier, and that perhaps an amendment to the petition could be filed. Mr. Houghtailing also agreed that urbanization of only the upper residential areas shown in yellow on the map would be acceptable.

The hearing was closed thereafter.

PETITION OF BISHOP TRUST CO., LTD., & JOHN F. AUSTIN, ET AL (A67-162) TO RECLASSIFY APPROXIMATELY 1,276 ACRES IN THE AGRICULTURAL DISTRICT INTO THE URBAN DISTRICT AT WAIMALU, OAHU

Staff report, presented by Mr. Duran, recommended denial of the petition based on the vast amounts of vacant land in the area and inasmuch as the boundaries will be reviewed and reestablished by the Commission within the next two years. (See copy of report on file.)

Commissioner Ferry requested that the staff clarify the data on income to the State from sugar cane and the fact that the 3 staff reports involving the cane lands contained both recommendations from the Planning Director and the Planning Commission. Mr. Duran affirmed that the dollar volume realized from cane production was a gross figure and that the amount of revenues which would be curtailed from the loss of cane lands referred to circulation of the dollar in the whole economy.

Mr. Duran further advised that the Planning Commission was advisory to the Planning Director of the City and County of Honolulu. The Planning Director enjoyed a semi-autonomous position, unlike those on the neighbor islands, and was at liberty to make any decisions he felt was in the best interest of good planning, which may or may not be in consonance with that of the Planning Commission. Therefore, in essence, it was possible for two separate recommendations to go before the City Council. When this occurs for the Oahu petitions, the staff will report the two recommendations for the Land Use Commission's evaluation. In the case of the other counties, the LUC staff receives only the recommendation finally approved by the Planning Commission.

Mr. Morio Omori, attorney for the petitioners, discussed the statutes in the Land Use Regulations which the Commission was mandated to consider in relation to the subject petition. He pointed to two pertinent sections in the Regulations, specifically 2.30 "Test to be Applied" which permitted the Commission to amend "any district boundary provided that the petitioner has submitted proof that the area is needed for a use other than that for which the District in which it is situated is classified.....", and 2.7 "Urban Districts" which spelled out the standards in determining boundaries for the Urban District. Mr. Omori discussed in detail each of the 10 standards as they related to the petition as follows:

- a. The Detailed Land Use Map for Aiea to Wai'au showed that agricultural uses were being encroached upon by urbanization and indicated that

October 28, 1967

the uses should be changed. With due consideration to the "Green Belt Law", certain agricultural lands which have become untenable as agricultural lands due to urban encroachment should be rezoned.

- b. The subject area is within close proximity to the urban areas of Aiea, Pearl City and Pearl Harbor.

Basic services such as water, electricity, telephone, sanitation, sewer, are available.

If the schools and playgrounds for the projected population are inadequate, there are areas set aside in the proposed development for school, playground and community center.

- c. This would not be applicable since it refers to plantation camps.
- d. The Austin Estate and Bishop Estate lands are the only areas available for urbanization in this area. The fact that lands are available from Fort Shafter to Makakilo and Kahe would have no bearing here since these areas are too far removed for people desirous of living near Pearl City or thereabouts.

City Planning

During a hearing before the Commission, the Planning Director stated that the urbanization of this area should take place within two years.

- e. From the standpoint of topography and total development planning of the subject lands, there are certain unique characteristics which entered heavily into the consideration of the Planning Commission and its decision.

Subject petition involves 3 sleeves of land with gulches in between and to confine the development of these 3 sleeves to a lateral type of development by restricting or decreasing the boundary requested at a certain point would render the project impractical and impossible. In order to determine the needs and installation for water service, roadways, and other utilities, a general plan for the total area was necessary.

Furthermore, no lending institution would hazard a loan to such a restrictive and limited development.

The line proposed in the DLUM of the City and County of Honolulu was a very arbitrary line which was drawn without benefit of any study, as was admitted during the Planning Commission hearing.

- f. Petitioners' lands, together with Bishop Estate lands, are the only lands contiguous to an Urban District, on both the Honolulu and Waipahu sides, in the area.
- g. The City Planning Commission has recommended urbanization of the total area, based on the arguments presented at the hearing, and if

October 28, 1967

the Land Use Commission approves the petitioners' request, the DLUM of the City and County of Honolulu should be amended to include the total boundary recommended by the City Planning Commission.

- h. Although the application requests 1,276 acres for urbanization, the development plans envisioned by the planners include 608 acres of urban development, with the remaining 668 acres absorbed by the H-1 Highway, slopes and marginal lands.

The development plan is based on topography and the petitioners would be bound by all the subdivision rules of the City and County. Petitioners affirm everything submitted by the Bishop Estate regarding the urban needs in this area. In addition, subject lands will be sold in fee and in determining need, some distinction should be made between available leasehold and fee simple lands. It is the policy of the State administration to make available fee simple lands and Pacific Palisades and Momi Lani are the only subdivisions which fell in this category in this area. Salt Lake would not enter into any comparison of need since it catered to a higher income group.

- i. The area is surrounded by urban development and could be included in the Urban District.
- j. All of the utilities and accesses are available and this development would not lead towards scattered urban developments.

Mr. Omori referred to the correction pointed out by staff on page 9 of the report in the total acres needed to accommodate the 1975 population throughout the area from 569 to 5,690 acres, and felt there should be some reevaluation on the basis of the great variance.

Mr. Omori verified with staff that 693 acres, including Salt Lake, were available in the area and another 450 in the Pearl City District, or a total or approximately 1,000 acres for urbanization. On the basis of the need for 1,000 acres to accommodate growth up to 1965, if one were to go on the basis of figures given by the Planning Director of 700 acres available, there would be a deficit of 300 acres.

Regarding sugar cane acreage, approximately 1,105 acres involved in the three petitions would ostensibly be removed from cultivation. However, as was brought out during the earlier testimonies, 1,500 acres of Robinson lands would be leased to Oahu Sugar Co. so there would actually be an increase in sugar cultivation.

Mr. Omori argued that the loss to the State of \$482,000 annually reported by staff as a result of rezoning did not reflect the whole story. Other revenues will be gained by the State when the development takes place such as gross and net comes resulting from construction and engineering work, etc.

In conclusion, Mr. Omori submitted that the application conforms to every criteria of the guidelines set up for the Urban District, and that the development would meet not only the need for residential land but the more urgent need for fee simple residential lands.

Mr. Duran justified staff's position on the requested boundary change by citing the need based on population projections and the urban acres available for development. He reiterated the question he had posed earlier, "Do we have enough urban areas to justify not going into prime agricultural lands or must we rezone these cane lands because there is not sufficient area in view of the population densities anticipated by the General Plan?"

Commissioner Ferry expressed concern over the position taken by the petitioners that they could not settle for anything less than the entire 1,276 acres. He requested a breakdown of the uses of the 600 or more acres of developable lands and Mr. Omori listed them as follows:

Commercial	10.5 acres
School and Park	10.1
Community Center	10.5
Park and Open Area	82.4
Mountain Resort and Hotel	15
Medium Density Apartments	39.7
Town House	97.8
1-acre Lots	26.8
A-2 Lots	217.2
A-1 Lots	76.7
AA Lots	<u>21.3</u>

Total 608 acres

Since the petition involved three and possible four non-contiguous plateaus, Commissioner Ferry commented that the utilities will have to be installed in spread-eagle fashion anyway and he could see no reason why each plateau could not be developed separately up to a certain point. Mr. Omori argued that utility installations must be designed to accommodate the three sleeves in an economical way.

Mr. Omori submitted that petitioners did not mean to say that they could not settle for anything less than the 1,276 acres. However, due to the size of the scale map used and the contour of the land, if the approval were restricted to the 608 acres there would always be a question of encroachment into non-urban areas during the development.

Since there was no further testimony, the hearing was closed.

The meeting was adjourned at 5:00 p.m.