

LAND USE COMMISSION

Minutes of Meeting

Hearing Room

Honolulu, Hawaii

November 20, 1962 - 9:00 P.M.

Commissioners

Present:

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

Ex-Officio Members

Absent:

E. H. Cook
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer (FO)
John Canright, Legal Counsel

Chairman Bryan called the meeting to order.

ITEM FOR ACTION

APPLICATION OF MINNIE TAVARES (SP(T) 62-8), FOR SPECIAL PERMIT TO SUBDIVIDE A 1.05 ACRE PARCEL INTO SIX LOTS FOR DISTRIBUTION AMONG THE MEMBERS OF HER FAMILY, ON PROPERTY LYING ALONG AN UNIMPROVED ROAD WHICH IS THE EXTENSION OF KUMUHAU STREET IN THE NORTHWEST CORNER OF WAIMANALO VALLEY, OAHU: Described as First Division, TMK 4-1-10: 42.

The XO outlined the area under consideration and gave the background of the item. He further stated that in view of previous staff recommendation given at the public hearing immediately preceding this item) in which the staff stated that they would withhold comment until such time as the Harland Bartholomew recommendations were received), it might be inferred that the staff would make the same recommendation in this instance. However, due to the lack of adequate road as utilities the original staff recommendation for denial would still hold.

Chairman Bryan stated that, while the hearing could not be reopened, he felt that due to the fact that Mrs. Tavares was present and was not able to testify at the original hearing he would ask if she or a member of the family wished to make additional comment. The Commission concurred.

Mr. Manuel Tavares stated that utilities were available and that on the five acres surrounding his property 23 homes presently existed. He further stated

that the City Planning Commission had issued moving permits to his neighbor after the "Greenbelt Law" went into effect and had refused permits to his family. Mr. Tavares stated that he felt that his family had been treated unjustly.

Commissioner Sunn asked if Mr. Tavares understood that even if the Land Use Commission granted approval of the Special Permit, the City Planning Commission could still deny the construction or moving of houses on his lot.

Mr. Tavares answered yes, that he realized this; but said that he did not see how they could withhold permission after they had granted six other permits for homes in this area while denying them the same right.

Chairman Bryan asked if the primary purpose of this request was to divide the land.

Mr. Tavares said that primarily they wished to build five houses on the property.

Chairman Bryan stated that it was his feeling that there might be some facts that had not been explained in the case.

Commissioner Sunn asked that a staff investigation be made into the points raised by Mr. Tavares. He moved that action be deferred until the next meeting so that the staff might present the facts regarding the points raised and so that a discussion may be had with the County people on this matter. Commissioner Williams seconded the motion which was approved unanimously.

11/20/62
Oahu Meeting

PETITION OF PHILO OWEN (A(T) 62-14), FOR CHANGE OF DESIGNATION FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION, FOR TWO PARCELS OF LAND ON THE NORTHERNSIDE OF WAIMEA BAY, OAHU: Described as First Division, TMK 5-9-05: 21 & 23.

The FO outlined the area, pointed out the location on the map, and described the request briefly. The FO stated that the staff's recommendation was for approval of the extension of the urban boundary to the foot of the pali, 20% slope, with the remainder of parcel 21, and the undeveloped areas left in the agricultural district.

Chairman Bryan asked if there were additional correspondence received since the hearing, to which the FO replied in the affirmative and presented the following:

1. Letter from E. H. Cook, Director of Land and Natural Resources, giving a description of the area and informing of the State Parks Division's interest in the area and their opposition to rezoning of the area.
2. Letter from Mr. Sanford, Hawaiian Trail and Mountain Club, informing that the Waimea Bay-Puu-O-Mahuka Heiau area is an area of great recreational value and agricultural importance; and recommending against the rezoning.
3. Letters from Mrs. Charles H. Davies of the Outdoor Circle recommending against the rezoning.
4. Letter from D. A. Seeley, Director of Parks and Recreation, giving the parks plan for the area and stating there is no justification that the area be put in an urban designation and that it is the public interest that the area remain in an agricultural district.
5. Letter from Philo Owen, petitioner, giving his reasons for his request and what he envisions through development of the area. He also gave examples of various natural scenic and historic settings around which resort development has been built on other islands.
6. Letter from Mr. Watson, President of the Conservation Council for Hawaii, requesting disapproval of the request for rezoning for the reason that the Council believes that the natural beauty of the islands should be preserved.
7. Letter from the City Council, dated October 17, 1962, from Emperor Hanapi, City Clerk, informing that the Committee of the Whole motion to adopt the recommendations of the Planning Commission to designate such property for urban use failed to carry by virtue of a tie vote, therefore the Committee of the Whole recommended that no action be taken by the Council on said matter.

The FO informed that the recommendation of the City Planning Commission was for the extension of the urban line to the triangulation station on the nose of the pali at an elevation of 250 feet.

8. Letter from Mrs. Sunn Hing Lim, property owner in the area (staff received letter through Mr. Owen at hearing; letter not in record), as follows:

"Gentlemen:

"Please place me on record as being in support of action which will favor Mr. Philo Owen's petition for rezoning. I believe Mr. Owen's development plans for his property as described in the news is just what has been needed in this area a long time. It is a natural halfway stop for local and tourist travelers. Mr. Owen's project seems bold, farsighted and feasible. If it is allowed to materialize, it could be a definite economic as well as visual asset to the entire community and the state as are the inns and hotels served by cable cars throughout the European Alps and other places. Much of the northshore section has been neglected too long and could easily be considered an economically depressed area. Its most obvious asset is its natural beauty. Private and government initiative should be encouraged in opening to the general public those scenic areas which are difficult to reach. Waimea Bay raised vistas are too beautiful to be enjoyed solely by a handful of residents, photographers, nature lovers, and mountain climbers. It should be made duly accessible to all. Besides, the economic outlook of this area could be greatly brightened. The existing agricultural zoning on Pupukea Heights plateau and the ridge overlooking Waimea Bay seems no longer justified. For a long period agricultural activity in this area has been spotted, and of little importance to the State's economic substance. I believe that the zoning change such as requested is in order. I would like to point out that Mr. Owen is a complete stranger to me, nor do my views represent any organization. I am a property owner at nearby Pupukea Beach and have always had a deep interest and concern in things affecting our area. I have actively encouraged City Councilmen to acquire Waimea Bay as a park site; extensive sand removal which nearly destroyed Waimea Bay beach a short time ago was stopped, following persistent protests by a few of us.

"Because of an earlier commitment, I regret that I cannot personally appear to present my views but I hope that you will give Mr. Owen a chance to realize his project by approving his request.

"Thank you for your consideration.

"Very truly yours,

MRS. SUNN HING LIM"

Commissioner Gregg asked, "This proposal that had a tie vote, what would the area amount to?" The FO replied by outlining the area on the map for Commissioner Gregg.

Commissioner Friel asked what the intentions of the Land Department are in regard to this area and whether they have reached any decision. Mr. Jean Bernard of the Parks Division informed that they have made some study of the area in regard to land exchange, and have proposed plans for the area; but that they were not completed as yet. Commissioner Friel questioned whether Mr. Owen has been approached or informed on these actions. Mr. Bernard stated that he is not involved in negotiations but knows there have been discussions.

Chairman Bryan asked whether Mr. Bernard could inform this Commission as to what areas their plans include, whether this includes the lower portion or just the area where the heiau is involved. Mr. Bernard replied that they are talking about the top of the pali, including the heiau and that general area. He stated though that the County has plans for the Waimea Bay area and discussions have been going on, no definite plans have been set.

Mr. Wenkam stated that the State is trying to acquire this area in exchange for some of their own lands and that the land is presently being appraised.

Mr. Nakamura spoke in behalf of Mr. Owen. He pointed out that from all indications everyone seems to agree that the area below the triangulation station could be put into urban use, except for the LUC staff who indicates it should go up to 20% slope, and beyond that slope should be left in agriculture. He indicated that though Mr. Owen would like to have his whole request approved he would go along with the recommendation of the people for the betterment of the community and the State.

Chairman Bryan asked for a description of the 20% slope and the triangulation station. Both the XO and the FO gave a picture of the difference of the County's recommendation and the staff's recommendation through drawings and map demonstration.

Commissioner Sunn moved to approve the staff's recommendation with the exception that the boundary line be extended up towards the triangulation station to the 40% slope point rather than the 20%. Commissioner Friel seconded the motion. The FO polled the Commissioners. Approved: Commissioners Kanemoto, Williams, Friel, Sunn, Ige, Gregg, and Chairman Bryan. Disapproved: None.

The meeting was adjourned at 11:30 p.m.