

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Public Hearing

LUC Hearing Room

Honolulu, Hawaii

8:00 A. M. - November 30, 1963

Commissioners
Present:

C.E.S. Burns
James P. Ferry
Goro Inaba
Shelley Mark
Shiro Nishimura
Charles S. Ota
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Staff
Present:

Raymond Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Gordon Soh, Planning & Economic Development
Alberta L. Kai, Stenographer

Chairman Thompson called the public hearing to order and said an opening prayer. The Chairman outlined the procedures of the public hearing to be followed.

PETITION OF CADINHA LAND INVESTMENT COMPANY (A(T)62-21), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION FOR LAND IN MAILI, OAHU: Described as TMK 8-7-03: 10

*Approved
1/17/64*

Mr. Gordon Soh, having been sworn in, read the petition submitted by the petitioner; and then outlined the area and request involved.

Mr. Cadinha, who introduced himself, was sworn in. He stated that his request was heard by the previous commission in December of 1962. He stated that this property was purchased by their investment company over three years ago after abandonment of a chicken ranch, which property was then designated as Rural Protective. When it was acquired at that time, it was anticipated as an investment for homes and subdivision. He stated that it was known at the time of purchase that the requirement was for 5,000 sq. ft. homesites in the area, which was the reason why the Company entered into this investment. Mr. Cadinha stated that he has contacted the City Planning Department and found that this area is designated as residential. The area mauka of the easement is farming. He stated that his understanding from the City Council is that parts of the area would be thrown in Rural Protective. He stated that the area is mostly coral, and that it is not feasible to bring the property back into agricultural. (He could not see anyone going into agricultural

business.) He stated that today agricultural is so competitive, that acreage must be considered in order to go into business. He stated that all he asks is that this area be released from the Greenbelt, and be put into what the County general plan calls for it.

The staff's recommendation was for approval of the petition which was motivated in part by a number of nonconforming uses prevailing in the Waianae and Maili districts and felt that logical additions to the urban districts would serve the useful purpose of deterring continuance of nonconforming uses within the agricultural district.

Mr. Soh stated that the water situation in the Waianae area as indicated by the Oahu Water Plan shows that the area is served by low population density water facilities.

Mr. R. Duran, having been sworn in, introduced himself as a representative from the City Planning Department. Mr. Duran reiterated the Planning Commission and Department's position, stating that he believed this Commission has a letter on file dated October 30, from the Planning Director, Mr. Lee. He stated that as was pointed out by the staff member, the street coming upon property in question is a private street. It is substandard, and unimproved. He stated that it is true that this area on their General Plan is designated for residential. He stated that the City Planning Department is trying to program development in this area on an orderly basis, so that it would grow gradually to the extremity. This piece of property unfortunately lies on the very extreme or perimeter of our anticipated 20 year urban growth. The problem that the Planning Department saw was that the streets are unimproved and the land leads into the urban district and falls into what is termed the Rural Protective Zone. If the petitioner desires to subdivide, he would be required to put in curbs, gutters, sidewalks and the like. On the other hand, under the Rural Protective Zone, he may place one dwelling on the lot for every 5,000 sq. ft., the only requirement being a spacing of 10 feet between buildings. He stated that this is what has been happening up and down the Waianae Coast and the Maili area. Many of these condemn houses from the freeway and the urban renewal projects have been promiscuously spotted out into this area--it is putting quite a burden upon the tax payers in the way of services, schools, police, fire, garbage collections --and yet we have these substandard roads. These roads are entirely inadequate for this type of development. Since the Planning Department feels that this is premature, it respectfully requests that the district boundary not be changed.

Mr. Cadinha stated that it seems that the property which they acquired seemed to be the only piece that is causing all the pilikia with the City Planning Department. He stated that they know they would have to adhere strictly with the zoning requirements of the City; that the development would have to be a first class residential development according to what the City requires. He felt, however, since there were homes in the area and close to their property, he saw no reason why the area couldn't be zoned as Rural Protective. He stated that all they wanted was to have the zone restored that was in existence before the Greenbelt came into the picture. He stated that what they are planning to do will not affect the people or the community, but in effect would better the programs.

Commissioner Wenkam asked, "Is it my understanding that in this area where you plan to subdivide you are going to build through streets and put in improved

subdivisions?" Mr. Cadinha replied, "That was the original intention of the group. We have somebody who is interested in this subdivision. We came into this not to become developers, but will sell it to eventual developers. This is our plan, but if we continue to have farming, we won't be able to have developers." Commissioner Wenkam stated, "In other words you will not be developing yourself. If you achieve a change in zoning you will resell it to a developer. So you cannot assure us of anything in terms of how the developer would proceed?" Mr. Cadinha replied that they were not in the position to develop but had a group who wants to do the developing and would abide to whatever the county requires. Commissioner Wenkam asked, "Do you know anything with respect to the access route leading to the property which is apparently in poor shape?" Mr. Cadinha replied, "The access would have to be improved if there were to be a subdivision." Mr. Cadinha stated that he could not understand why the City could not put in the improvement, but he was sure that the developers would be able to work with the City and County.

Chairman Thompson asked Mr. Cadinha, "Your request is that the area be zoned to its original classification which is Rural Protective?" Mr. Cadinha replied in the affirmative, stating that it was so unfair that the property should be held in Greenbelt when the original intention, before the Greenbelt Law came into effect, was to allow people to build. Now they are stymied and cannot do anything.

Commissioner Ferry asked Mr. Duran, "Under a Rural Protective Zone when an application is filed for a subdivision, do you impose the same subdivision requirements as you would if it were urban?" Mr. Duran replied in the affirmative, stating that the point is this. There are two methods of developing that land. Should the developer choose to subdivide then he would comply with subdivision regulations. On the other hand, he need not do this and he is perfectly within his rights and that is just put houses there and have one house for every 5,000 sq. ft., as long as you have the spacing on the houses. This is the feature of the law that we are attempting to amend with our new general plan, just as soon as it is adopted. This would involve the adopting of our comprehensive zoning ordinance which will not permit this feature that is in the present ordinance--that of placement of houses based on square foot linear. It would have to be in an orderly planned fashion. The Planning Commission is not concerned with the question whether this is urban or not, but it gives the Commission time in which to put appropriate regulations on the books, so that control can be made to provide an orderly development. If this land is released and placed in the Rural Protective Zone it would be defeating the purpose of the City and County's General Plan.

Mr. Cadinha was not in agreement with the City's request. He stated that he did not feel it was fair to be penalized for a new program that the City and County has to offer and felt that they were entitled to that consideration by the Land Use Commission.

Commissioner Ota asked, "The particular parcel immediately adjacent to the particular property in question, what use is it in now?" Mr. Cadinha replied that it was in residential or 5,000 sq. ft. lots adjoining his property.

Commissioner Ferry asked, "How long ago was that subdivided?" Mr. Cadinha replied since they purchased their property or before three years ago.

The Chairman asked whether the area back of his property was in agriculture to which Mr. Cadinha replied it was in Rural Protective.

Chairman Thompson stated that all additional comments or protests will be received within the next 15 days from this hearing and that action will not be taken on the petition until 45 to 90 days.

The public hearing was closed.