

LAND USE COMMISSION
STATE OF HAWAII

Minutes of Public Hearing

Kailua Intermediate School Cafetorium

Honolulu, Hawaii

9:00 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
Albert L. Kai, Stenographer

The public hearing was called to order by Chairman Thompson who said a short prayer before beginning the hearing. The procedures to be followed throughout the hearing was outlined by the Chairman who announced that because of the tight schedule the commission was faced, a limited time of 5 minutes would be given to each speaker.

PETITION OF EUGENE AND EVA KENNEDY (A(T)62-27), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LAND IN LANIKAI, OAHU: Described as TMK 4-3-02: Ppr. 1

Mr. Soh who was sworn in read the petition submitted by the petitioners, then outlined the area and request involved.

Mr. William Yim, introducing himself as an attorney, stated that he represented the petitioners. He stated that since filing the petition, the petitioners have amended their petition. Originally the petition requested that the temporary district boundary as it affected the property be changed so that the entire 80 acres owned by the petitioners would be classified in an urban district rather than an agricultural district. He stated that they have since amended their petition to restrict the request to that portion of the property which is identified as Unit I (as indicated on map submitted to the Land Use Commission) within an Urban district. He stated that Unit I takes just about 30 acres of the entire 80 acres. He stated that the reason for this amendment was with respect to a little past history with the City Planning Department. He stated that back in 1961 when the Kennedys submitted their proposed subdivision for approval to the City Planning Department it consisted of this

*Action deferred
minutes Feb-28-1964*

30 acre portion of the entire parcel. The land at that time when the property was bought by the Kennedys was zoned as double A residential use and this proposed subdivision reflected that zoning--lots not less than 10,000 sq. ft. in area. Because the staff of the Planning Department had some questions about the grade of the roadway, the water facilities, the sewage disposal, etc., they requested a couple of extension of time to further study this proposal. When the Kennedys just about felt that they had overcome every obstacle that led in the path of their subdivision approval, the Land Use Commission in April of 1962 established temporary district boundaries for the area which put the upper portion of Unit I in agriculture and the lower portion in urban. The City Planning Department then advised the Kennedys that they could no longer consider the proposed subdivision and suggested that the Kennedys apply to the Land Use Commission to have the district boundary changed, and this was done. Mr. Yim stated that the staff report points out a letter on file from the City Planning Director recommending denial of this petition. Mr. Yim stated that back in April of this year they appeared before the Land Use Commission in connection with this petition, and the Land Use Commission suggested that they talk with the City Planning Director and attempt to obtain some reconciliation of the seemingly same encouragement that the staff had given them when they first submitted their proposed subdivision for approval; and his recommendation to be contained in his report. Mr. Yim stated that they did and they had discussed the matter with Mr. Lee, the Director, who told them that as the petition was submitted to the Planning Commission, it requested putting the entire 80 acres into an Urban district to which he had objected. Mr. Lee had indicated that if the petition was restricted merely to Unit I, that portion of the 80 acres which the Kennedys had been working with the Planning staff, his position would have been different. Mr. Yim stated that yesterday he had gone to see Mr. Lee to find out whether he would be present at this hearing and Mr. Lee had indicated that he did not think he would but had authorized him (Mr. Yim) to report to the Land Use Commission that his position has and is to work willingly with the Kennedys in developing the (lower acres of the land.) Mr. Yim stated that Mr. Lee believes that the pali portion should be left for open space, but Mr. Yim pointed out that it should be noted that a portion of Unit I does consist of pali land. Mr. Yim pointed out the following for the Land Use Commissions's consideration: (1) the land when first bought by the Kennedys was zoned as double A residential use and prices predicated on that; (2) the work with the City Planning Department represents a pertinent event; (3) granting of this petition would be in the public interest. He stated that esthetically (Mr. Nunns of the Land Study Bureau indicates that land is in shrubbery and brush) the development of the land into 10,000 sq. ft. or more viewlots would enhance the appearance of the landscape; economically it would bring in better return in real property taxes to the State in making the best use of the land; and socially with the shortage of fee simple homesites and limited land area, and present population encroachment, it would be in the public interest.

Mr. Yamashita, who was sworn in, gave the staff report which was for denial.

Mr. Kennedy, having been sworn in, stated that since the last hearing (for the record) portions of land, approximately 12.4 acres, no longer were owned by the Kennedys. The new owners were Lawrence Tom, Kurasaki and another owner which he couldn't recall his name at present. Mr. Kennedy stated that Mr. Tom was informed of this morning's hearing and if he wanted to be heard could make proper representation, since his property was affected by the Land Use Law.

Mr. Kennedy stated that their greatest contention on the matter is what is said about the 80% grade. He stated that the 80% grade is not really in Unit I. It is in Unit II and the future site in the upper area. (He pointed out the highest peak which attempts could be made but which they, themselves, haven't even attempted to do). He stated that they worked with the City and County Public Works Department and the City Planning Department concerning road design, which took approximately 10 months. They studied the sewer problem, and when it was learned that the Lanikai sewer program was not going through, the result was that they would install their own sewer system and carry it out to sea. Mr. Kennedy stated that a number of meetings was held with Mr. Woo and other people of the Board of Health and it was agreed that it would be feasible to go ahead especially with Unit I. Mr. Kennedy asked that his request be considered as he felt that it would enhance the Lanikai area from a presently unsightly area to a well developed, properly developed homesite requiring all new construction and design which would benefit the area as a whole. Mr. Kennedy stated that with respect to Mr. Lee's recommended letter for denial of his request, he had talked with Mr. Lee after a public hearing with the Land Use Commission on March 5, 1963. Mr. Kennedy stated that Mr. Lee had inferred the same remarks that were stated by Mr. Yim. (Mr. Lee stated that if he knew that it was limited to Unit I his opinion would be different. Mr. Kennedy stated that Mr. Lee did not give a letter to that effect but had stated that if anyone from the Land Use Commission contacted him that he would verify this.) Mr. Kennedy stated that up until yesterday he knew of no one contacting Mr. Lee, to verify what he (Mr. Kennedy) had submitted in a letter dated April 18, 1963 to the Land Use Commission.

Mr. Duran representing the City Planning Department, who was sworn in earlier, stated that the Land Use Commission has on file a letter from the Planning Director stating the position of the Planning Commission and Department, dated 12/28/62, which recommended that the boundary not be changed. Mr. Duran pointed out that on the County's general plan and the one that was previously adopted for the Kailua-Lanikai area, the area in question was designated for open space, which would commensurate with the land use conservation district. He stated that it is presently on the general plan but considered for adoption at this time. He stated that it is recognized that the land itself is excessively steep slopes that are unsuited for residential development or undesirable for residential because of excessive slopes and high costs of preparation. He stated that in order to prepare the land for development it will require excessive striping and deteriorating some of the esthetics of the area. Mr. Duran stated that the City and County have allocated sufficient land within the Lanikai-Kailua area for the anticipated 1980 population. He stated that further consideration by the Land Use Commission be given to amending its boundaries from agriculture to conservation to conform to the City and County General Plan of Honolulu. Mr. Duran stated that in reference to statements made by the petitioners, Mr. Lee is definitely opposed to the change of this entire area. However, he does feel that along the lower slopes of this area that it would be possible, perhaps for their Department, to work with the developer to delineate those areas which could feasibly be developed. He stated that once these areas are delineated and agreed upon the Planning Department would be willing to appear before this Commission in support of an amendment for the delineated areas.

Chairman Thompson presented two communications received by the Commission for the record: (1) letter from the Windward Oahu Community Association

voicing no comment on the matter; and (2) letter from the Hawaii Botanical Garden Foundation & Corporation voicing no comment on the matter also.

The Chairman posed a question to Mr. Duran who replied that he did not think that Mr. Fred Lee was completely in accord with statements made by the petitioners, although this may have been inferred in the gentleman's presentation. He stated that the Planning Department feels that it may be possible to work out some delineation in this area which would be suitable for development which the Department would support for the future.

Mr. Yim stated that he did not mean to infer that Mr. Lee was in accord with the entire area of Unit I; but Mr. Lee did say that as far as the pali area was concerned he would be against it; and I did note that portion of Unit I does consist what might be term as pali area. Mr. Yim cautioned the commission members against trying to apply mainland standards to the situation here on Oahu and curtailing and endeavoring hardship to our own local talents who need not take any backseat to anyone.

Mr. Fred Bennion, president of the Lanikai Association, was sworn in. He posed two questions for the Commission to explore, review and consider. (1) The flood control problem. He stated that Lanikai at present during heavy rains are subject to floods. He stated that even though it would be possible to engineer the drainage for this particular development that it would be most costly and difficult to protect those homes below it with the run-off that is presently there. (2) Health aspect. He stated that Lanikai is known for its notorious and tremendous problems of cesspools. Everyone owns cesspools and many of them are being pumped. The proposal by the developer to put in a private sewage disposal which would flow into the ocean was not known to the Association. It is believed that the whole area should be under sewer system because of it being a fringe area. Mr. Bennion requested to be allowed to file an additional statement within 15 days.

Mr. Stowell Wright speaking as a private citizen, having been sworn in, stated that he has been a resident of Lanikai over 27 years and has seen the flood damage and run-off problems increase vastly. He said that this particular problem increased when they put in the Lanikai Heights subdivision which had no storm drainage facility and the engineering was not of the best. Now the streets Mokulua and Alapapa are frequently under water. Also as the population density and the run-off problems increase, the outfalls and storm drains must increase, which would erode more of the beaches. Mr. Wright questioned the type of sewage treatment that is proposed, which no evidence was given. He felt that there would be a loud protest if there were to be raw sewage "dumped-off" their beaches. Mr. Wright pointed out that an addition of 160 odd houses in the area would seriously increase the traffic problem, not so much as in Lanikai itself but in the exits from Lanikai where the traffic would have to join from Keolu Hills and etc. He stated that the use of the land in the area would be far more appropriate and in the public welfare if it were in Conservation than developed for a subdivision which is extremely a difficult thing to do.

In light of the comments that were presented by the people of Lanikai, Commissioner Wenkam asked Mr. Kennedy whether he felt that his subdivision would still be an asset to the community; and whether his subdivision would

affect the property values in the Lanikai area? Mr. Kennedy replied that personally he did think that it would be an asset to the area and it would not harm the values at all.

The public hearing was closed in the matter of Eugene and Eva Kennedy.

PETITION OF JAMES WOLTERS, ET AL (A(T)62-37), FOR AMENDMENT TO TEMPORARY DISTRICT BOUNDARY FROM AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION FOR LAND IN KAHANA VALLEY: Described as TMK 5-2-01 through 5-2-06

Mr. Soh read the petition as submitted by the petitioner, then outlined the area and request involved.

*General
1/17/64*

Mr. James Wolters, who was sworn in, stated that their petition was submitted on November 28, 1962 and that his master and zoning plans were prepared by James Puli and Associates together with his knowledge of the area as a resident of Oahu and owner of Kahana Valley. He stated that the vast areas of Kahana would be well worthwhile for developing and that many of his suggestions and ideas are based on the objectives and goals of the State General Plan of Hawaii. These aims are to be accomplished by his proposed plans as submitted with his petition. (He presented his proposed plans in detail.) In verbal discussions with Mr. Lee he stated that he had made it known that these plans were a general interim master plan based on the petition to change the designation of agricultural to urban. He stated that they will survey the area very carefully in order to preserve the contours and magnificent trees in the area and in order to keep the maximum beauty in the area alive. Such a survey would cost approximately \$400,000. He stated that it was necessary to have some of the primary agricultural designation changed to urban so that they could go to the City Planning Commission with specific areas showing incremental development, and have a close contact with the City people to know what the current economy is, and what is allowable and not allowable. He stated that the development of this proposal will take 15 to 20 years.

Mr. Wolters stated that he received a letter from Mr. Lee indicating that he recommended to the Land Use Commission to reject his proposal, but that Mr. Lee did not give him any explanation. He stated that he got further word from newspaper articles in the Pali Press. He indicated that he was fully aware of the water sources desire to keep the mauka area in water reserves as he had discussed this in earlier conference with them. He stated that however he had no letter on file to so state this and they therefore went ahead and did their planning. He stated that his planners did not think that the water situation would in any way affect their incremental development, if they found that this was absolutely necessary by the water people. A pipeline has been indicated coming through Kahana side which would be taken into consideration if the development got that far before the pipeline got through. He stated that he is convinced that they are not depriving the State of any prime agricultural land in their request for a change in district classification from Agriculture to Urban and he referred to a report put out by the Land Study Bureau of the University of Hawaii called Land Classification. Mr. Wolters concluded his presentation by quoting portions of his petition as submitted to the Land Use Commission.

Mr. Soh presented the staff's recommendation which was for denial.

The following communications were presented for record by the Chairman.

1. Letter from the Windward Oahu Community Association opposing to the granting of any change in classification and informing the Land Use Commission of its position in favoring the Kahana Valley area acquisition by the State for a state park.
2. Letter from the Hawaiian Botanical Garden Foundation, Inc. opposing the petition.

Mr. W.W.G. Moir, President, Hawaiian Botanical Gardens Foundation, Inc., was sworn in. He stated that the petitioner failed to show any way that he was in control of the Hui-O-Kahana and that he speaks for the Hui-O-Kahana. His discussion shows as if he were speaking as the complete owner and petitioner of this valley. Mr. Moir read his society's letter which was submitted to the Land Use Commission for the record.

Mr. Burnham Greeley, an attorney, asked what portion of the owners was the petitioner representing, and whether the petition as submitted was valid? He asked the Land Use Commission legal counsel whether he had voiced an opinion on the submitted petition in question, as he recalled said petition must be submitted by the owner?

Legal Counsel Takeyama stated that if Mr. Wolters represented that particular Hui than there is nothing wrong with the petition. Mr. Greeley replied, "If he is speaking for the entire Hui." (This question was left for discussion among the legal counsels, Mr. Greeley; Mr. Cullen, representing Mr. Wolters; and Mr. Takeyama, representing the Land Use Commission, after conclusion of the hearing on this petition.)

Mr. Richard Dunlap, Director of State Parks, Division of State Parks, Dept. of Land and Natural Resources, was sworn in. He stated that the State has a plan to establish a state park at Kahana which would encompass the entire drainage space of some 5,260 acres which would include the area under discussion. He stated that this was a result of a legislative policy established in 1961; further research and study by the Department to fulfill this intent; and a subsequent Act called, the State Resort Facility Law, which further emphasized this policy. He stated that the development of Kahana Valley for a state park is a long range program which would be designed to meet the public needs over a period of time. He stated that their studies show that the day to day recreational needs on Oahu is the greatest concentration of people which have to be met on this island. Mr. Dunlap gave a brief summary of what actions the State has taken in the last two years to implement this program. Chairman Thompson requested a written report of this from the Division of Parks, Department of Land & Natural Resources (report has now been received and part of record).

Mrs. Lester Marks, who was sworn in, spoke as a citizen and shareholder in Kahana. She stated that she wanted to enter her plea that the area remain master planned for Conservation-Agriculture, and if there is to be any change that it be for Conservation alone. She stated that as publicized the State is intending to utilize the area as a public park; and that the U. S. Congress has a bill requesting a national charter for establishment of a National

Tropical Botanical Garden which she hoped would be in Hawaii. The development of this Garden she stated, would involve approximately \$50,000,000. She stated that extensive park facilities are being recommended by the U. S. Department of Agriculture which made a survey of this in the islands. She stated that the U. S. Government is conscious of the need to preserve sufficient open space in the Conservation areas, and that just recently Secretary of the Interior, Udall, published a book urging long range planning for adequate conservation and recreational areas. She stated that we would be defeating our own ends if we did not keep in mind the necessity of preserving adequate sanctuary for our people. She could not find any conceivable need for urbanization of this area in question within any realistically foreseeable future. She stated that there is hardly enough land designated for Conservation to meet the present and future needs of our expanding population. She felt that Hawaii would be best served if the entire Kahana Valley area were designated as Conservation. She was willing to give a portion of her holdings in Kahana as a gift to Hawaii for such projects as a park, botanical garden, migratory bird refuge, and urged that the entire area be left in conservation or on a long range conservation project. Mrs. Marks informed the Commissioners of the number of shareholders involved in the Hui-O-Kahana and named the largest shareholder as a Mrs. Foster. She stated that a good deal of this property is held in judiciary capacity with Hawaiian Trust and other trusts. She stated that she received a copy of this petition in question and undoubtedly all of the other shareholders received similar copies, but yet she saw no other signatures except this group itself.

Mr. William P. Ward, representing the Conservation Council of Hawaii, was sworn in. He asked that the Land Use Commission follow the plans as outlined by the State Division of Parks and the Hawaii Botanical Foundation.

Mrs. Irene S. Collin was sworn in. She stated that she has lived in the islands for over 22 years and had come to the islands to acquire lands for the U. S. Navy. She stated that she has been an officer or member of every association in the Windward area since arriving here. She informed the Commission that she had appeared at the Princess Kaiulani and spoke on the famous "Blue Book" when it was unveiled, and at that time had stated what a mistake the City was making. She stated that the City spent \$360,000 for a master plan and unveiled it among a select audience but never once had gone directly to the people who were concerned with the master plan and asked what they wanted. She stated that she was not concerned whether this was a hui or an estate, or how many acres were involved. Her experience with heirs has been traveling through 31 states in the U. S. and trying to round them up because they would not deal with a single government, attorney or said power. She stated that we should "thank God" for this group who wishes to come here and spend their own money to do something for us. She stated that this community should get together and say, "We don't deny this petition." She stated that if every big piece of property were to be for park, there would be no jobs, taxes would be higher, people wouldn't be able to pay these taxes and there would be no revenue coming in. She stated that if necessary, the State should put their own lands into a state park. She urged the Commission to seriously consider this request.

Mr. Cullen, representing Mr. Wolters, stated that there were no owners present at this hearing today, opposing or favoring the petition, except Mrs. Lester Marks.

He stated that the City Planning Commission does not like to review preliminary plot plans for lands zoned as Agriculture or Conservation. He stated that the Land Use Commission in the past did not want to release lands from the Agriculture designation unless the City Planning Commission reviewed the preliminary plot plans. Mr. Cullen submitted that progression supplicates where there is prime agriculture land. He stated that if there is a sufficient number of people supporting for the release of the Agriculture designation, this should be done to include Urban, as they have asked, to Park.

In reply to Mr. Dunlap's statement, Mr. Cullen stated that it really didn't matter what designation the State classified this area as far as the park program was concerned. The designation could be Urban, Conservation or Agriculture. He stated that Mr. Dunlap has stated that the Division of State Park has been active in selecting a site for a state park on Oahu, but it seems that his office has not been the only one active. The City apparently had engaged Harland Bartholomew & Associates because their report as submitted to the City Council has set forth that the State and the City & County should acquire some 7,500 acres in the Waimea Bay and River Valley area for a proposed park for the benefit of Honolulu residents. Mr. Cullen submitted that there is contradiction in the State and County's report.

In reply to remarks concerning a Botanical Garden in the area, Mr. Cullen stated that this project would probably be in the location of a more fertile soil area and really wouldn't contradict with the development plans contemplated at this time.

In reply to statements made by the staff, the following were given:

Petitioners development plans are not in accordance with Oahu's General Plan.

Mr. Cullen stated that he is assuming that the staff refers to the General Plan, just recently put out by the City Planning Department and not the one they address to ("The Blue Book"). He submitted that their development plans are more in consistent with the Oahu General Plan than that of classifying the area as Agriculture. He stated that the City Planning is anticipating that Kahana would be developed.

The Land Use Commission consultant's recommendation that Urbanization of Kahana Valley is not necessary to the growth of Oahu at this time.

Mr. Cullen stated that this development is not a subdivision but rather a custom made development to fit in the beauty of Hawaii. He stated that their principals are prepared to break ground upon approval from the City. He stated that they plan to attract retired people who have accumulated wealth over a life time, and are attracted by the beauty of Hawaii.

Staff's statement concerning fertile soil and flood problem in the area.

Mr. Cullen pointed out that there are hardly any soils in the area that are fertile and referred to the soil quality chart that was on display. He stated that farmers would not want to do farming

in an area that is noted for flooding and submitted that the staff was inconsistent in their report.

Mr. Cullen concluded his presentation with a summary of their development plans as submitted for the record.

Mr. Duran informed the Commissioners that the staff's report to the Commission is correct. The Blue Book that reference has been made is not an official document and has not been adopted as such, which had been submitted in 1960. The document presently being considered, the Proposed Oahu General Plan, indicates all of the Kahana Valley as a park area, including the portion along the beach. Mr. Duran stated that in another statement that was made concerning the Waimea Bay report by Harland Bartholomew and Associates, the General Plan recommends that Waimea Bay Valley be a park. This report does not contradict the fact that Kahana Bay is designated as a park. He stated that the City Planning Department is responsible for planning the Island of Oahu, and are interested in both public and private development. He stated that he did not think that the statement that the Planning Commission does not like to review preliminary plans is true at all. These plans have been reviewed. After that a general plan for the Island of Oahu is prepared. A recommendation to this Commission would be made to have this area rezoned to include the makai section in the conservation district to extend and include all the valley as conservation. He stated that these plans were evaluated in light of anticipated growth. Appropriate land uses have been designated throughout the island in anticipation of this growth. In addition, perhaps 20% or more have been allocated for flexibility. We feel that this development is premature and there is no justification for this extensive growth. Mr. Duran stated that this plan shows extensive commercial areas along the highway, makai the aligned highway, that would be in direct conflict with the purpose and intent of developing the beach for recreational purposes.

The Chairman announced that this Commission will receive additional comments and protests within the next 15 days and action by this Commission on this petition will be from 45 to 90 days from this hearing date.

The public hearing was closed in the matter of James H. Wolters, Et. Al.

PETITION OF CENTEX TROUSDALE COMPANY (A(T)62-29), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL TO URBAN DISTRICT CLASSIFICATION OF ABOUT 800 ACRES OF KAWAINUI SWAMP, OAHU: Described as TMK 4-2-16: 01 and 4-2-13: 22

(A brief session was held by the Commission members in the hearing room of the Land Use Commission before adjourning and coming to Kailua. The meeting concerned two communications received by the Commission from Centex Trousdale and the City and County of Honolulu requesting a deferment of the hearing on Trousdale's request. The reason given was that negotiations were being held for purchase of property between Trousdale and the City and County of Honolulu.

An argument against Trousdale's request was made by Commissioner Wenkam who couldn't understand why Trousdale was keeping its petition alive with the Land Use Commission instead of withdrawing it.

Hearing continued until Feb 28, 1964

Commissioner Ferry explained that this was all part of good business and in keeping with fair business practice. He suggested that it would be proper to have Trousdale make an appeal at the public hearing for a continuation of the hearing rather than to cancel it.

The general consensus of the Commission was in agreement with this suggestion and therefore proceeded accordingly.)

Mr. James Wichman, attorney representing Centex Trousdale Company, stated that the Commission has on record two letters: one from Centex Trousdale; the other from the City and County of Honolulu; and both letters requesting postponement or continuance of the hearing. He stated that there has been a long history for the designation of the Swamp area. The City & County and Centex Trousdale are in the process of negotiating a sale of the property. The letter from the City and County spells out in detail the matter which is now holding up the conclusion of these negotiations. He stated that both the City and County and Centex Trousdale feel that it would serve no useful purpose to present their points of views to this Commission at this time. However, since the hearing has been called, he stated that they would leave it up to this Commission as to whether they wished to hear other interested parties at this time. Both the City and County and Centex Trousdale request that their positions be reserved and the hearing continued. He stated that in all likelihood they expect the meeting to be resolved then there would be no necessity for going ahead with any decision by this Commission.

Chairman Thompson asked Mr. Wichman, "Are you prepared to make any presentation at this time?" Mr. Wichman replied, "I was sent with only a limited authority which was to represent Centex-Trousdale with letters to the matter of postponement of the hearing, and my understanding is that the City & County is not prepared to go forward with anything either."

Commissioner Ferry stated that he presumed that negotiations were in the way of price only. Mr. Wichman replied that that was his understanding. He stated that as the City and County letter sets forth, the City is in the process at the present moment of making an appraisal of the property. The City does not want to proceed with any further discussions until they have these appraisals in hand.

Commissioner Ferry asked, "Is there a possibility because of negotiations that there would not be accommodation proceedings?" Mr. Wichman replied in the affirmative. Commissioner Ferry asked, "Would it include the 800 plus acres that have been involved which is known as all of the area that Centex Trousdale is involved. Whether it is the whole 880 acres, I'm not prepared to say."

Commissioner Wenkam remarked, "Your (Centex) letter makes no reference whether the property would be transferred to the City & County of Honolulu for park purposes or urban purposes, though the implication is that it would be for park purposes. If this is so why don't you cancel your petition instead of asking for a postponement?"

Mr. Wichman stated that the City and County and Centex Trousdale felt that it was at the moment the only thing that they could do - to maintain the status quo that it exists today - which meant holding secure as far as this hearing and anything else of concerned. He stated that as far as the acquisition by the City and County is concerned, once the land is owned by the City & County than it is up to them as to what and how they are going to put the property to. Centex would have no control of that; that would be entirely within the control of the City and County.

Commissioner Wenkam asked, "Why then don't you withdraw your petition?" Mr. Wichman replied that the idea here is that Centex wants to preserve the position that they are in now. In the event the negotiations should fall through than the hearing would have to go forward. If the negotiations were satisfactorily concluded, than there would be no necessity to go any further.

Chairman Thompson stated that the problem before us is to decide whether to defer this matter or continue this matter. According to law if this Commission decides to defer the matter it would require 5 affirmative votes on the part of the Commission, but if it is a matter of continuance, than it is within the power of the Chairman to so state this. However, at this point it is very difficult to set the time or the place, so that if a continuance is asked by the Commission, than the Commission would have to state that the people will be notified when this matter will be taken up.

Commissioner Ferry stated that at any rate this Commission would still need to notify the people if it is deferred or continued. Commissioner Ferry moved to defer the request until a later date.

Discussion: Commissioner Wenkam requested that the matter be continued instead of deferred in order to give the people here an opportunity to speak and submit their testimony.

Commissioner Ota asked how long would the petitioner ask for deferment? Mr. Wichman couldn't be sure, he stated that it could be two, four or six months.

Legal Counsel was asked to clarify the interpretation of deferment and continuance. Legal Counsel stated that if you deferred the hearing, this would mean that the proceeding now would be closed and no testimony can be received until further notice. On the other hand if you continued the hearing, the hearing can be held at another time with the public and testimonies can be accepted today.

Commissioner Mark requested an indication of the number of people present who were prepared to testify or offer comments on the matter at this time. The indication was six people.

Commissioner Ferry at this point withdrew his motion for deferral and hearing was continued.

The following people, who were sworn in, entered their testimonies for the record.

1. V. J. Kanohu, speaking for the Windward Chamber of Commerce, went on record opposing the change at this time. He stated that the entire area is needed for flood control. He stated that it was his understanding that the Army Engineer is planning to use almost the entire 700 acres as a ponding basin. He stated that any change at this time to urban while the City and County and Centex Trousdale are in the middle of negotiations may set the program back and jeopardize the whole flood control project.
2. Mrs. Robert Crep, representing the Outdoor Circle, presented for the record a letter from the Circle opposing the change in classification and requesting that it be retained as Agriculture at present, and for future conservation for the needed flood control project.
3. Mrs. Walter C. Lindley of the City Beautification Committee filed its Committee's letter for the record as supporting the urban designation for portion of the area not designated as flood control, but posed certain conditions which the developer must meet.
4. Mrs. Lester Marks representing the Garden Club of Honolulu went on record requesting that the Kawainui area and pali area be put in conservation and open space, and to deny the request for urban classification for the area.
5. Mr. Duran representing the City and County of Honolulu Public Works Department filed its letter for the record requesting that this Commission take no action at this time.
6. Chairman Thompson presented a letter for the record from the Windward Oahu Community Association opposing the change in classification and going on record approving the acquisition of Kawainui Swamp by the City and County for flood control purposes.

With no other comments from the people, the public hearing was declared to be continued until further notice.

Public hearing in the matter of Centex Trousdale was continued.

Public hearing was closed.