

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Land Use Commission Hearing Room
Honolulu, Hawaii

approved 3/8/68

December 15, 1967 - 2:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Shelley Mark
Jim P. Ferry
Goro Inaba
Leslie Wung
Keigo Murakami
Shiro Nishimura

Commissioner Absent: Wilbert Choi

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

Persons planning to testify before the Commission were sworn in by Chairman Burns.

HEARINGS

PETITION OF THE EPISCOPAL CHURCH IN HAWAII (A67-163) TO RECLASSIFY APPROXIMATELY 6.7 ACRES FROM AGRICULTURE TO URBAN AT PUULOA, EWA, OAHU

A recommendation for approval of the petition based on the staff analysis as outlined in the staff report was presented by Mr. Leong. The major land areas in the leeward section such as Barbers Point, Naval Air Station, Campbell Industrial Park, Makakilo, Waipahu were identified on the map.

Reverend David Kennedy of the St. Barnabas' Episcopal Church in Ewa testified that subject property was purchased for the construction of an additional church site in Ewa. Subsequently they selected another more centrally located site and now wished to dispose of the subject parcel for residential development.

Reverend Kennedy submitted that this was an ideal location for homes being right across from the Ewa Beach Park.

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

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PETITION OF PHILIP & WINNIE CHOCK (A67-165) TO RECLASSIFY APPROXIMATELY 10 ACRES FROM AGRICULTURAL TO URBAN AT WATHEE, KOOLAPOKO, OAHU

Mr. Duran presented the staff report recommending denial of the petition based on staff analysis as outlined in the report and also on the field investigation.

It was established by Mr. Duran that water was available to the site and that the owner would be required to provide for any necessary drainage facilities under the subdivision regulations. The ownership pattern in the area was described as being quite varied--generally the lot sizes ranged from an acre or more with some scattered 5 to 10-acre lots. Most of these lands are in fee except for the Ahuimanu Subdivision.

No construction has begun in the spot-zoned urban area above the petitioner's property. This area was grandfathered into the Urban District on the basis of tentatively approved subdivision plans by the City. In view of the fact that only 2% of the lands available for residential purposes in the general area were presently being utilized, Mr. Duran stated that the need for more urban lands could not be justified as mandated by the Land Use Law.

Mr. Leighton Louis, attorney representing the petitioners, submitted the following information in support of the reclassification request:

1. The land use pattern in the Kahaluu District was changing from agricultural to residential. Only a very few full-time farmers remained with the majority pursuing farming only or a part-time basis or not at all.
2. Lands in Kahaluu were originally sold in large agricultural lots of 1, 10 and 15 acres, primarily to farmers. However, most of the land was not being used for residential purposes.
3. With reference to the statement that only 2% of available urban lands were presently being used, it was pointed out that some of these areas were in swamp, others could not be developed until adequate flood control provisions were made, and some of the owners were not able to develop because of financing problems.
4. Petitioners purchased the 10-acre parcel 10 years ago for investment purposes and the lands had never been used for agriculture. Directly mauka of petitioners' property, an urban area has been designated for a resort type of development including restaurants, hotels, and a 9-hole golf course. The project was expected to get under way as soon as development plans were finalized.
5. In order to provide facilities for the elementary school, the city pushed through a 60-foot residential road over the protest of almost all of the property owners who were faced with improvement assessments.

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6. All of the property directly across the street on the Kahuku side of petitioners' property have been used for residential purposes for the last 7-8 years.
7. Petitioners' land has an assessed valuation of \$74,000 and petitioners are paying \$58,000 for improvement district assessments. Over a period of 20 years, they will pay close to \$100,000 on principal and interest. When owners protested the improvement district assessment, the City Council advised that the land use district boundary was out of their jurisdiction, but that they would support a request for reclassification since the area should be urbanized.
8. All of Kailua all the way to Kahaluu and makai of Waihee and Kahana Bay are in the Urban District. In the pocket zoned for agriculture, (shown in white on the map), there were only 4 or 5 full-time agricultural activities.
9. If petitioners' lands are reclassified to urban, it would still take them 2 years to fill the land and let it settle before they can begin construction. However, reclassification was immediately necessary to determine the engineering plans.
10. One beneficial effect of the 60' roadway is that the awai which used to flood the property has been diverted into a drainage system.
11. There is a need for single-family residences since most of the other lands are controlled by big property owners and in leasehold.

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

ADOPTION OF MINUTES

The minutes of the meetings of September 8, 1967 and October 13, 1967 were approved as circulated.

ACTION

PETITION OF TAKATO SOKEI (A67-155) TO AMEND THE BOUNDARY FROM AGRICULTURE TO URBAN FOR APPROXIMATELY 2.5 ACRES AT KAPAA, KAUAI

It was recommended by the staff that the 2.1 acres be approved for urbanization but that the 16,900 square foot parcel be denied (see copy of report on file).

Commissioner Nishimura suggested that since the smaller parcel was abutting an urban area and would eventually be zoned urban in the County General Plan, it also be approved.

Mr. Duran argued that the recommendation was based on the physical characteristics of the 2 areas--the road being the logical boundary for the

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smaller parcel and the extremely steep pali which physically separated the 2.1 acre parcel from the pasture.

Since there was a demand for residential lots in the area and such uses would result in additional taxes, Commissioner Nishimura felt that the petitioner's request should be approved. Also, that the petitioner would be compelled to pay the back taxes since the lands were presently dedicated for agricultural purposes.

Commissioner Nishimura moved that the petitioner's request from Agriculture to Urban for the 2 parcels be approved, which was seconded by Commissioner Murakami.

The motion was passed with Commissioner Mark casting the only dissenting vote.

PETITION OF MATSUKO TAGUMA (A67-156) TO AMEND THE LAND USE BOUNDARY FROM AGRICULTURAL TO URBAN FOR APPROXIMATELY 4.3 ACRES AT KALAHEO HOMESTEADS, KOLOA, KAUAI

It was the staff's recommendation that the petition be approved since it was a logical extension of the existing Urban District which abuts the property on three sides. (See copy of report on file.)

Mr. Leong elaborated that when the final boundaries were being drawn in 1964, the subject parcel was recommended for an urban classification. However, on the basis of a protest, it was zoned in the Agricultural District by the Commission. Since then, the Hawaiian Pineapple Company ceased operations on the land and it is presently idle. Now the petitioner wished to subdivide the property.

Commissioner Inaba moved that the petition be approved as recommended by staff, seconded by Commissioner Murakami, and the motion was carried unanimously.

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

Mr. Leong presented the staff memo recommending denial of the petition based on the existing sufficient urban reserves, the steep topography of subject land, the logical physical boundary line along the drainage facility, and the extremely dangerous precedent which could be established by approval of this petition. (See copy of report on file.)

The steep topography of subject land was pointed out on the cross-section map.

Commissioner Ferry took exception to the frequent referral made by the staff that sufficient urban-zoned lands were available for development in the

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area. He felt that the availability of lands within such a broad area did not present a true picture of the needs of the Kuliouou District for urban lands. Furthermore, some of the State-owned urban lands were not available for development due to lack of legislative appropriations, and other adjoining private lands in the area could not be reasonably or economically developed because of the restrictions imposed by the City Planning Department for subdivision approval.

Mr. Leong explained that of the 2,600 acres of available urban lands referred to in the staff report, only 55 acres were State lands, and the remaining 2,500 acres occurred within 2 miles of the petitioner's land.

Mr. Duran requested Commissioner Ferry to elaborate on the earlier statement he had made regarding the infeasibility of economically developing vacant lands in Kuliouou due to the existing county subdivision regulations, as contrasted with the feasibility of developing petitioner's lands.

Commissioner Ferry replied that sewer lines were immediately available to the petitioner's lands from the adjoining properties, whereas the other vacant lands did not enjoy this privilege. This again brought up the question of how much lands were actually available for economic development.

Mr. Duran commented that development of all urban lands were subject to the same County subdivision regulations, and that the vacant urban lands in the area were just as available as the petitioner's and topographically more suitable and merely awaiting development.

Referring to Mr. Leong's observation that there were 40% slopes within the petitioner's lands, Commissioner Ferry argued that the 20% slopes were set up only as guidelines for the Commission, and to refer to petitioner's lands as being undevelopable was wrong. He called the Commission's attention to the successful development of lands at Pacific Heights, Maunalani Heights, etc., with over 40% slopes.

In defense of the 20% guideline, Mr. Duran maintained that this was established on the basis that ample lands up to 20% slopes were available to accommodate the urban demands, and to discourage development of the steeper slopes whenever possible. He agreed the slope criteria was a flexible one but that every attempt should be made to adhere to the guideline established by the Commission until the demand warranted going into the steeper areas.

Commissioner Ferry pointed to the inability of the petitioner to continue with the project presently underway on the 6.3 acre urban parcel across the drainage ditch if this petition were denied, since the improvements would cost much more than the income he would realize from the sale of the subdivision.

The petitioner purchased the property in 1965 after the permanent boundaries were established and should have considered the restrictions within the Conservation District before purchase of the land, Mr. Duran stated.

Commissioner Nishimura expressed fear that once petitioner's lands are reclassified, other property owners in the lower areas will come in with

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similar requests. Commissioner Ferry felt that due to the land ownership pattern, this was not probable. Mr. Duran indicated on the map that it was very probable the other properties would be developed.

Commissioner Ferry moved that the petitioner's request be granted for a change of zoning from Conservation to Urban on the theory that these lands are suitable for urban development. The motion was seconded by Commissioner Nishimura and defeated by the following votes:

Ayes: Commissioners Murakami, Nishimura, Ferry, Chairman Burns

Nays: Commissioners Wung, Inaba, Mark

SPECIAL PERMIT APPLICATION BY KAUAI HELICOPTERS (SP67-47) TO USE PROPERTY AS A HELIPORT TO STORE AIRCRAFT, PERFORM REPAIRS, AND ENLARGE BUILDING

A recommendation for denial of the special permit was presented by Mr. Duran as outlined in the staff memo (see copy of memo on file).

Commissioner Ferry commented on the conspicuous and hazardous nature of the operation which was visible from the road right off the airport, and the flagrant violation of the operators in landing almost anywhere.

In discussing the various sites operated by Kauai Helicopters with the FAA, Mr. Duran was advised that unless the operator called it to their attention, and particularly landing sites not involving paid passengers, the FAA had no reason to conduct an investigation. However, the operators would be 100% liable for any accidents.

Chairman Burns observed that the proposed site was the most unlikely site for a heliport since it was adjacent to a 150' tower and 60' poles.

Mr. Duran advised that the Kauai Planning Director had recommended denial of the application but that the Planning Commission recommended approval of a 2-year permit since the petitioners had a 2-year lease on the property.

Commissioner Nishimura moved to deny the special permit application, which was seconded by Commissioner Ferry and passed unanimously.

SPECIAL PERMIT APPLICATION BY KAHILI MOUNTAIN PARK, INC. (SP67-48) TO DEVELOP A CAMPING-RECREATIONAL FACILITY AT KOLOA, KAUAI

Mr. Leong presented the staff memo recommending approval of the special permit subject to the conditions outlined in the report (see copy of report on file). A detailed description of the proposed main building on the site was offered by Mr. Leong, based on the floor plan submitted by the petitioner.

There was a great need and clamor for this type of development in the area and Commissioner Ferry was entirely in favor of endorsing such an undertaking by private investment to meet the demand.

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Mr. Duran advised that the conditions for approval of the special permit as outlined in the staff memo were reviewed with the petitioner who expressed complete agreement with the conditions.

Commissioner Ferry moved to accept the staff recommendation for approval of the special permit, including the conditions imposed therein. Commissioner Mark seconded the motion and it was passed unanimously.

SPECIAL PERMIT APPLICATION BY HAWAIIAN CABLE VISION CORP. (SP67-49) TO CONSTRUCT A TELEVISION STATION AT LAHAINA, MAUI

Staff memo, presented by Mr. Duran, recommended relocation of the proposed facility slightly mauka and about 800 feet from the present location, or that the petition on the present site be denied.

Subsequent to the preparation of the staff memo, Mr. Duran had been in touch with the petitioners who stated that the reception on the alternate site recommended by staff was not adequate to conduct the proposed facility. However, they were able to locate another site a mile down the road toward Olowalu in a kiawe grove where the antenna will be set off about 300' from the road and only 20' of the antenna will be visible. Mr. Duran emphasized the undesirability of locating the antenna so close to the road along the scenic drive.

Mr. E. W. Carter, President of the Hawaiian Cable Vision Corporation, testified that although the alternate site in the kiawe groves could receive fairly good TV signals, it was bothered by the automobile traffic noise from the road which wound back behind the site since the highway was in line with the signal beam. He added that this could not be eliminated by any suppressive measures.

Commissioner Nishimura felt that permission should be granted to the site determined by the petitioners as offering the best reception.

Commissioner Ferry suggested that the staff's objections might be overcome by proper planting and landscaping to make the facility as inconspicuous as possible. Mr. Carter replied that the building will be painted brown to blend in with the background and surrounded by trees and bushes. He assured that the facility will be free of any funnels, fans or shining objects at the top.

Commissioner Ferry moved to grant the special permit request on the condition that the building will be painted to blend with the landscape and sufficient foliage will be planted to prevent the building from being conspicuous. The motion was seconded by Commissioner Nishimura and passed unanimously.

RECESS

A short recess was called by the Chairman.

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RECONSIDERATION OF DECISION ON PETITION BY KEN UYEDA (A67-160)

Commissioner Inaba moved for a reconsideration of the decision on the Ken Uyeda petition, seconded by Commissioner Murakami and passed by a show of hands.

Commissioner Ferry then made a motion to approve the petition on the basis that these lands are developable and should be urbanized. The motion was seconded by Commissioner Nishimura and carried. The only negative vote was cast by Commissioner Mark.

NEXT MEETING DATE

It was decided that the next meeting dates will be in Kona on January 12, 1968 and in Honolulu on January 13, 1968.

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