

Copy of December 15, 1972
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Ethics Commission

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

December 15, 1972 - 1:30 p.m.

Legislative Auditorium
State Capitol
Honolulu, Hawaii

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Sunao Kido
Shelley M. Mark
Alexander J. Napier
Leslie Wung
Stanley Sakahashi
Tanji Yamamura

Approved
AUG 3 1973

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Dora Horikawa, Clerk Reporter

The meeting was called to order by Chairman Inaba who swore in persons testifying before the Commission today.

HEARING

PETITION BY THE ESTATE OF JAMES CAMPBELL (A72-342) TO RECLASSIFY 324 ACRES FROM AGRICULTURAL TO URBAN AT HONOULIULI, EWA, OAHU

The staff report was presented by Mr. Ah Sung Leong, Planner.
(See copy of report on file.)

Mr. Robert H. Johnsen, Industrial Development Manager of Campbell Estate, submitted that the subject lands were designated "Industrial" in the General Plan of the City and County of Honolulu, and a total of 2,800 acres were projected for the industrial park.

Since there was no further testimony, the hearing on this petition was closed and Chairman Inaba announced that additional testimony will be accepted within 15 days.

PETITION BY HEADRICK DEVELOPMENT, INC. (A72-344) TO RECLASSIFY
228 ACRES FROM AGRICULTURAL TO URBAN AT WAIPIO, EWA, OAHU

Mr. Tatsuo Fujimoto, Executive Officer, read the staff report relative to this petition, and oriented the Commission to the area involved with the aid of various maps.

Due to the inability of Mr. Morio Omori, attorney for the Waipio Land Co., Ltd. and Dr. and Mrs. Stearns, to appear before the Commission today, Mr. Fujimoto read the letter from Mr. Omori in which certain information pertinent to the application by Headrick Development, Inc. was brought to the Commission's attention. The most pertinent legal issue involved in the application, according to Mr. Omori's letter, was the status of lot 2005 (Waikalani Drive, a private roadway), the only access road from Kam Highway to the petitioned area, which is owned by his clients. It was stated that the petitioner was only given an easement over lot 2005, in common with all other owners of lots abutting lot 2005. Therefore, the petitioner's representation that lot 2005 will be dedicated as a public roadway was "patently false". Additionally, the legal status of rights regarding the total development of the lots was presently under litigation in the First Circuit Court. The issue also involved Headrick's rights to develop these lots for other than agricultural use. Therefore, it was Mr. Omori's contention that any action by the Land Use Commission to change the use from Agricultural to Urban will pre-empt the judicial process by administrative decree. He concluded that the Commission's serious consideration of the foregoing would be appreciated. (See copy of letter on file.)

Taking exception to a statement in Mr. Omori's letter, Vice Chairman Tangen declared that the Land Use Commission had never pre-empted any judicial process, and that judicial authority will prevail regardless of the Commission's actions.

Mr. James Nakano, representing the petitioner, agreed with the Vice Chairman's position, and also requested that a copy of Mr. Omori's letter be made available to him so that a proper response may be made.

Mr. Benjamin Matsubara, Deputy Attorney General, stated that the proceedings today involved a public hearing and no action or decision will take place. However, any exhibits or copies of pleadings filed in the Circuit Court by Mr. Omori could be filed with the Commission for examination.

In response to questions raised by the Commissioners, Mr. Headrick, petitioner, offered the information that there were approximately 30 acres with 698 units in the first increment,

44 acres with 576 units in the second increment, and 150 single family dwellings and 1,650 apartment units proposed in the third increment. Due to the petitioner's adequate inventory and foresight in planning for the future, Mr. Headrick submitted that, barring any further delays, it will be possible to keep the price range of the homes at the increment 1 level.

On the matter of school facilities to serve the proposed development, Mr. Headrick advised that several meetings had been held with the Department of Education and the petitioner had agreed and was committed to providing the necessary lands and meeting all other requirements as recommended by the Department to accommodate the projected student population.

The following is a resume of the testimonies that were received during the hearing:

Mr. Charles R. Yarbrough, speaking as a private citizen and resident of Waipio Valley, opposed the reclassification primarily on the basis of the unresolved question of the public access road to Kam Highway, and the petitioner's plans implying a possible access from the valley area, which he alleged was a "misrepresentation". The present application was requesting urban zoning of an inaccessible agricultural area formerly grown successfully in small farms, which might again be developed into truck farms with the protection of fair tax laws, notwithstanding the great need for housing on Oahu (see copy of statement on file). In conclusion, Mr. Yarbrough respectfully requested that if the Commission should solicit an interpretation of the documents and title of the lots from the developer's attorney, that the same courtesy be accorded to the attorney for the Melemanu Woodlands Community Association.

Regarding the widening of Waikalani Drive to meet city standards, Vice Chairman Tangen observed that from his examination of some of the documents, there was a provision for an additional 13 feet with a 6-foot setback. Mr. Yarbrough replied that presently there was an 18-foot paved road and a 44-foot easement through the area which, if exercised, would encroach into some of the existing homes.

Vice Chairman Tangen wondered whether Mr. Yarbrough would still have any objections to the proposed housing in the valley if it developed that an access from the end of the valley to the H-2 Freeway did become feasible and it was also determined that Waikalani Drive could be used as an access road by the petitioner. Mr. Yarbrough replied that it would be improper for him to comment at this time since the petitioner's attorney had approached the Association's attorney on this matter.

Mr. Gerald Mueller, President of Melemanu Woodlands Community Association, recommended that the petition be disapproved in view of the tremendous impact of future development in this area on the H-2 Highway traffic and the immediate area of the gulch. He projected that there would be an increase in population of up to 15,000 people in the narrow gulch. He recommended that the State of Hawaii also give serious consideration to the rapidly disappearing rural areas on Oahu (see prepared statement on file). Mr. Mueller advised further that the lots in the Melemanu area were selling for \$16,000 to \$20,000 2 1/2 years ago, and between \$30,000 to \$50,000 for house and lot. He mentioned one recent resale in the neighborhood of \$80,000.

Vice Chairman Tangen remarked that cost was the major factor in determining the availability of homes within people's reach. He observed that Headrick Development had indicated that the homes would be sold at approximately \$29,000 in contrast to the resale of homes at the \$80,000 level.

Mr. Mueller argued that much lands on Oahu zoned for apartment density were not being utilized. However, in response to Commissioner Napier's request, he stated that he was not able to pinpoint these areas without reviewing the statistics. Commissioner Sakahashi reflected that many times in the past similar claims had been made before the Commission but had proved otherwise since the landowners were not interested in developing their lands. Mr. Mueller replied that he would follow up on this matter and submit a statement to the Commission.

Mr. Wilton C. Freddie, resident of Melemanu Woodlands, endorsed the proposed development which was making a valid attempt to meet the housing needs. He pointed to the inadequate egress and ingress into the valley, the need for an additional school, the need to upgrade the road, which would be resolved if Headrick were allowed to proceed with the development. He alleged that 40-50% of the homeowners in the valley have come to realize that the community association was not fulfilling the needs of the people who were in favor of the development as it will result in an improvement of Waikalani Drive, installation of sewers and utilities, etc. He further submitted that Melemanu Woodlands Community Association was comprised of a small group of the total residents in the valley. Mr. Freddie concluded that he will forward a statement supporting his testimony to the Land Use Commission.

As far as the agricultural activities were concerned, Mr. Freddie advised that people raised flowers for landscaping purposes and a few planted vegetables for home use, but that the valley was exclusively residential.

To alleviate the cesspool problem in the existing subdivision, Mr. Headrick advised that the sewer system will be taken right up to the properties to enable the property owners to hook on to it. All utilities in their project were underground and the poles have been removed up to the 1-acre lots.

In response to a question raised by Commissioner Sakahashi, Mr. Mueller advised that of the 36 owners of 42 lots, 20 were members of the Melemanu Woodlands Community Association, and out of the 18 existing homes in the valley, 13 or 14 of the homeowners were members.

Mr. Edmond Walker, resident in the area, stated that he was in favor of the development since Mr. Headrick had volunteered to widen Waikalani Drive at his expense and dedicate it to the City, proposed to install sewer lines with connecting trunks to the property lines, remove existing poles and install underground utilities, all of which would add to the value of the properties. He also felt that the proposal would make good use of marginal lands to alleviate the critical housing shortage in Hawaii.

Mr. Wallace Glaser, property owner in the valley, went on record as supporting the petition for reasons similar to those stated by Mr. Walker.

Mr. Donald Binning commented that being a member of an organization did not necessarily mean endorsement of its position. He also supported the subject petition on the basis of the two foregoing testimonies.

Mr. George Reinmiller, resident in the valley, stated that it would be akin to violating the law for a developer to take his land away or to attempt to change the covenants which run with his land. He reiterated that these matters were under litigation and even the City Council had postponed its decision until such time as the court makes a ruling. He added that he was pursuing farming on a full-time basis and had his property planted in bananas, macadamia nuts, papayas, poinsettias and thousands of plants.

Mr. Fujimoto requested that the documents referred to in the foregoing testimonies by Mr. Omori and the others be filed with the Land Use Commission.

Mr. Fujimoto also advised that Mr. Fred Erskine, Chairman of the Board of Agriculture, had indicated in a letter that they did not foresee any adverse effects on agriculture resulting from the proposed development.

In another letter from Mr. Edmund Salas, President of the Hawaii Rural Housing Development, the subject petition was supported on the basis that Headrick's past reputation has demonstrated that it will keep the units within the proposed price range.

After all testimonies had been presented, Chairman Inaba announced that additional data will be accepted within the next 15 days.

ACTION

PETITION BY WILLIAM L. PEREIRA ASSOCIATES (A72-326) TO RECLASSIFY 4.04 ACRES FROM AGRICULTURAL TO URBAN AT HALEAHE, KOOLAULOA, OAHU

Mr. Gordan Furutani, planner, presented the memorandum recommending denial of the subject petition based on staff's findings (see copy of report on file).

Commissioner Napier moved to deny the petition as recommended by staff, which was seconded by Vice Chairman Tangen, and unanimously carried.

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