

STATE OF HAWAII
LAND USE COMMISSION
HONOLULU, HAWAII

Minutes of Meeting

Board Room #404, Queen Liliuokalani Building
Honolulu, Hawaii

April 7, 1972 - 10:20 a.m.

APPROVED
JUN 2 1972

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Alexander Napier
Shelley Mark
Sunao Kido
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Ben Matsubara, Deputy Attorney General
Jean Soma, Stenographer

Chairman Inaba called the meeting to order and apologized for the delay in the commencement of this meeting.

ADOPTION OF MINUTES

The minutes of the February 4, 1972 meeting were approved by the Commission on Vice-Chairman Tangen's motion and seconded by Commissioner Sakahashi.

ACTION

PETITION BY HAWAII LABORERS' HOUSING CORPORATION (A71-311) TO RECLASSIFY APPROXIMATELY 35.5 ACRES FROM AGRICULTURAL AND CONSERVATION TO URBAN AT KAIPAPAU, HAUULA, OAHU

Executive Officer, Mr. Fujimoto, informed that he was in receipt of a letter from Mr. Raymond X. Aki, General Manager, Hawaii Laborers' Housing Corporation, requesting a deferral

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The motion was seconded by Commissioner Wung and carried as follows:

Ayes: Commissioners Mark, Kido, Wung, Sakahashi, Napier, Vice -Chairman Tangen, and Chairman Inaba.

Nay: Commissioner Yamamura.

✓ PETITION BY LAND USE COMMISSION (A71-314) TO RECLASSIFY APPROXIMATELY 38.4 ACRES FROM URBAN TO CONSERVATION AT KAHALUU, OAHU

Mr. Fujimoto presented the staff memorandum recommending approval of this petition initiated by the Commission (see copy on file). He reoriented the Commission to the area under petition on the maps displayed.

In reference to the staff memorandum, Mr. Stephen Miyagawa, who intends to develop the subject property, made the following observations:

1. drainage problems--Kahaluu residents in the area are now experiencing runoff from rainfall because of sub-standard streets (no sidewalks or curbing~~s~~) and inadequate drainage systems. In the event the proposed subdivision is developed, the residents in the area below the subject 38.4 acres will no longer be subjected to flooding due to installation of adequate drainage systems and proper channelling.
2. pumping of cesspools--This problem can perhaps be attributed to the fact that they were inadequately constructed. The property owners in this area contracted to build their own homes and to provide the cesspools. Moreover, half of the lots in the adjacent subdivision did not require any cesspool pumping at all last year.
3. initiation of petition by Land Use Commission-- Inspection of Land Use Commission and City Planning Department records indicated subject property as being zoned Urban--10,000 square foot lots (R-3), respectively. He pointed out that the property

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owners and developers relied on information supplied by these governmental agencies only to find that a short time later this Commission had initiated a petition to rezone the land to the Conservation District.

4. statistics (authorization of 4,500 single-family units)--He emphatically stated that a thorough analysis as to the location of these 4,500 units should have been conducted, as the construction of these units probably was undertaken within the city proper only.

Attorney Chuck Mau, representing Wadco, Inc., indicated that he had no new evidence to offer and testified as follows:

1. The staff memorandum should have included scientific data so as not to be "slanted" against the property owners.
2. The services of an engineer were not engaged to show how the so-called hazards could be solved or alleviated because of the financial situation of the company.
3. The City Planning Commission had previously deferred action on this matter and required Mr. Stephen Miyagawa and Lewers & Cooke, Inc. to submit a soil report. This report is now on file with the City Planning Department and seems favorable for the development of subject property.
4. The public will have "another day in court" before the City Planning Commission when this matter will be reviewed by the Sewer Department, Traffic Department, Board of Water Supply, Department of Health, etc., relative to the question of subdivision and zoning.
5. As a small company with no borrowing power, Wadco, Inc. has not been able to develop the land. Furthermore, this company does not possess

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the funds to acquire any more land and will probably no longer remain in the developing business because financially it cannot stand the stiff competition against the other developers and landowners.

6. Lands in the Kahaluu area can be developed as evidenced by an article that appeared in the March 30, 1972, Honolulu Star-Bulletin entitled "New Zoning for Kahaluu Favored" which reported that the City Planning Commission had approved a change in residential zoning for 7 acres to permit a housing project.
7. The property owners desire to recover a portion of the purchase price for this land since this Commission designated approximately 100 acres into the Conservation District in 1964. The property owners will suffer financially if subject area is not retained in the Urban District.

Mrs. Lois Fleming, Public Affairs Chairman of the Kaneohe Outdoor Circle, subsequent to being sworn in by Chairman Inaba, submitted that she resides makai of Kam Highway on Miomio Loop and that her property is at the mercy of runoff from the area situated above from just an ordinary rainfall. Mrs. Fleming read into the record a letter addressed to City Planning Director, Mr. Robert R. Way, from the USDA Soil Conservation Service, which indicated that the soil of subject land is rated as having severe limitations for homesites; that much of the land contains slopes of 30 percent or more; and that the high rainfall in this area could cause severe erosion and water pollution if the land is left unvegetated for any length of time.

Relative to the variations in pumping frequency of the cesspools, Mrs. Fleming explained that a cesspool that is operating ineffectively and overflowing is often left to run over and seeps through drainage holes in retaining walls on Iuiu Street. The cesspool water drains into the catch basins and eventually into Kaneohe Bay. In closing, Mrs. Fleming recalled that at the May 7, 1971 Wadco, Inc. public hearing, she and Mr. Joe Harper of Hui Ko'olau had requested this Commission to downzone the property now under discussion.

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Commissioner Kido commented that Mr. Mau had made refernece to a soil report prepared by a soils engineer as requested by the City and County of Honolulu and that it was not a soil conservation report by the USDA as indicated by Mrs. Fleming.

Under questioning by Commissioner Kido, Mrs. Fleming reported that a flood control project is being planned for the area surrounding the Hygienic Store but there are no plans for such a project or relief in sight for the properties in the immediate vicinity of the lands under petition, nor are there any plans for street improvements or new drainage systems for the existing roadways. Furthermore, there can be no adequate drainage systems to take care of the runoff until a sewer system is installed and even that could not handle all the surface runoff. For this reason, the vegetation in the area is very valuable and should not be uprooted and covered by non-permeable material.

Vice-Chairman Tangen noted that this matter had been publicly brought to the attention of Town Properties, Ltd. and Wadco, Inc.; a combination of factors such as rainfall and drainage problems, soil conditions and pollution of Kaneohe Bay constitutes substantial evidence to negate the continued Urban designation of this land; and upon field investigation of the land and data furnished by the Land Use Commission staff, other governmental agencies, and residents of the area, there have been valid changes since this land was originally designated Urban to justify the reclassification to Conservation. He then moved that the Commission accept staff's recommendation to amend the district designation of the subject property from Urban to Conservation.

The motion was seconded by Commissioner Napier and defeated with the Commissioners voting as follows:

Ayes: Vice-Chairman Tangen, Commissioners Napier, Mark, Kido, and Chairman Inaba.

Nays: Commissioners Sakahashi, Wung, and Yamamura.