

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
 )  
 KAISER CEMENT AND )  
 GYPSUM CORPORATION, )  
 )  
 For Reclassification of Certain )  
 Lands Situated at Maili, Waianae, )  
 Island of Oahu )  
 \_\_\_\_\_ )

DOCKET NO. A75-403

DECISION AND ORDER

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This matter, being a proceeding pursuant to Section 205-4 of the Hawaii Revised Statutes to consider a Petition to amend District Boundaries and reclassify from Agricultural to Urban approximately 25 acres of land situated at Maili, Waianae, Island of Oahu, was heard by the Land Use Commission at the Liliuokalani Building, Honolulu, Oahu, on January 16, 1976. Kaiser Cement and Gypsum Corporation, the Department of General Planning of the City and County of Honolulu, and the Department of Planning and Economic Development, State of Hawaii, were admitted as parties in this Docket. The Commission having duly considered the record in this Docket, the proposed findings of fact and conclusions of law submitted by the Petitioner and the comments thereto by the Department of General Planning of the City and County of Honolulu, and the Department of Planning and Economic Development, State of Hawaii, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property is approximately 25 acres located at Maili, Waianae, Island of Oahu, and is identified by Tax Map Key No. 8-7-21:35. Kaiser Cement and Gypsum Corporation, a California company, with its principle place of business at 300 Lakeside Drive, Oakland, California 94666, is the owner in fee simple and the sole user of the subject property.

2. The subject property was zoned by the City and County of Honolulu for rural noxious industry on July 31, 1959, prior to enactment of the State Land Use Law in 1961.

3. Construction of the cement plant began in 1959 in reliance on the industrial zoning made by the City and County of Honolulu.

4. The subject property was subsequently classified Agricultural under the Land Use Boundaries first adopted on August 23, 1964.

5. The City and County Comprehensive Zoning Code (Ordinance No. 3234), effective January 2, 1969, under the terms of its transition clause, zoned all lands included in the State Land Use Agricultural District as AG-1, Restrictive Agricultural Zoning.

6. The Detailed Land Use Map General Plan of the City and County of Honolulu designates the parcel for industrial use.

7. Petitioner is seeking reclassification of the subject property because the present use is a use not conforming with the Land Use Agricultural classification and the City and County Agricultural Zoning and it is, consequently, difficult to obtain building permits necessary to modernize and modify the plant as necessary and desirable for future expansion, or as may be required to comply with federal and State pollution control regulations.

8. Since 1960, the cement plant has been the employment center for approximately 112 employees, all of whom reside on the Leeward coast. The annual production of the plant has ranged from 230 to 300,000 tons of cement, representing annual revenues of \$11 to \$15 million dollars.

9. The subject property is adjacent to and contiguous with land to the southwest which is classified as Urban.

10. There are no recreational, scenic, or historic resources on the subject property. Petitioner is in compliance with both the federal and State regulations pertaining to noise and air control standards.

11. Adequate public facilities are already available to the subject property. Reclassification will not result in an increase of the demand upon those facilities and services.

12. Inasmuch as the property has been used for the production of cement since 1960, reclassification will not substantially impair actual or potential agricultural production in the vicinity of the subject property.

13. The Department of Planning and Economic Development, State of Hawaii, recommends approval of the requested boundary change from Agricultural to Urban.

14. The Department of General Planning of the City and County of Honolulu has found the requested application to be in conformity with the General Plan of the City and County of Honolulu and has recommended approval of the petition.

#### CONCLUSIONS OF LAW

1. The proposed amendment is reasonably necessary to accommodate an existing use together with growth and development of the plant, and there will be no significant adverse effects upon the agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

2. The proposed amendment is entitled to preference pursuant to § 205-16.1(5), HRS, as providing for continued permanent employment.

3. Amendment to the District Boundary as Petitioner proposes is reasonable, not violative of § 205-2, HRS, and is consistent with the interim policies and criteria established pursuant to § 205-16.1, HRS,

and with the State Land Use District Regulations.

ORDER

IT IS HEREBY ORDERED:

That the property which is the subject of this Petition in Docket No. A75-403, approximately 25 acres of land situated at Maili, Waianae, Oahu, and identified by Tax Map Key No. 8-7-21:35, is hereby reclassified from the Agricultural to the Urban District and the District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 15<sup>th</sup> day of April, 1976, by Motion passed by the Commission on March 29, 1976.

LAND USE COMMISSION  
STATE OF HAWAII

By *Eddy Tange*  
Commissioner Tange, Chairman

*Stan Sakahashi*  
Commissioner Sakahashi, Vice-  
Chairman


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Commissioner Carras


*Bill Duke*  
Commissioner Duke

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Commissioner Machado

  
Commissioner Oura

  
Commissioner Whitesell

  
Commissioner Yamamura

  
Commissioner Yanai

CERTIFICATE OF SERVICE

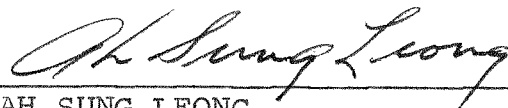
I hereby certify that a copy of the Land Use Commission's Decision and Order for Docket A75-403 was personally served on this 15th day of April, 1976 to:

Mr. Hideto Kono, Director  
Department of Planning & Economic Development  
Kamamalu Building  
Honolulu, Hawaii 96813;

and served by certified mail on this 15th day of April, 1976 to:

Mr. Robert Way  
Chief Planning Officer  
Department of General Planning  
City & County of Honolulu  
650 S. King Street  
Honolulu, Hawaii 96813

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AH SUNG LEONG  
ACTING EXECUTIVE OFFICER  
LAND USE COMMISSION