

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
MILILANI TOWN, INC.)
)
For the Reclassification of)
Certain Lands situated at)
Mililani Town, Waipio, Ewa,)
Island of Oahu.)
_____)

DOCKET NO. A76-427

DECISION AND ORDER

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DECISION

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 590.09 acres of land situated at Mililani Town, Waipio, Ewa, Island of Oahu, was heard by the Commission in Wahiawa, Oahu, on March 1, 1977, and in Honolulu, Oahu, on March 9, 1977. Mililani Town, Inc., the Department of General Planning of the City and County of Honolulu, and the Department of Planning and Economic Development of the 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 And Order submitted by the Petitioner, the Response To Petitioner's Proposed Findings Of Fact, Conclusions Of Law And Order submitted by the Department of Planning and Economic Development, the Response To The Department Of Planning And Economic Development's Response

To Petitioner's Proposed Findings Of Fact, Conclusions Of Law And Order submitted by the Department of General Planning, and the Reply To Department Of Planning And Economic Development's Response To Petitioner's Proposed Findings Of Fact, Conclusions Of Law And Order submitted by the Petitioner, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property is located at Mililani Town, Waipio, Ewa, Oahu, and consists of three distinct areas designated as Area I, Area II, and Area III, respectively, which areas are made up of several parcels of land identified by Tax Map Keys and containing approximate acreages as follows:

Area I

<u>Tax May Key</u>	<u>Approximate Acreage</u>
9-4-05 por. 3	66.0
9-4-05 por. 27	0.28
9-5-01 por. 8	159.0
9-5-01 por. 10	6.0
9-5-01-11	8.3
9-5-01 por. 16	137.3
9-5-03 por. 1	<u>81.87</u>
Subtotal	458.75

Area II

9-4-05 por. 2	62.63
9-4-05 por. 24	<u>18.44</u>
Subtotal	81.07

Area III

9-5-01: por. 1	13.86
9-5-02: por. 1	<u>36.41</u>
Subtotal	50.27
TOTAL AREAS I, II & III	590.09

Area I and Area II abut that portion of Mililani Town lying mauka of Kamehameha Highway. Area I is bordered by Mililani Town on the west, by the H-2 Freeway on the north, and by Kipapa Gulch on the east and southeast; Area II is bordered by Kamehameha Highway on the west, by Mililani Town on the north and Kipapa Gulch on the east and southeast, and; Area III is located immediately northwest of Area I on the makai side of the H-2 Freeway.

2. Area I, Area II and Area III (hereinafter collectively referred to as "subject property") are within the Agricultural Land Use District. Area I and Area II are contiguous to the existing Mililani Town, a residential development, which is within an Urban Land Use District. Area III abuts and is contiguous to Area I. In relation to the existing Mililani town, the subject property is a logical expansion of the Mililani Town development.

3. The General Plan and Detailed Land Use Map of the City and County of Honolulu designate Area I for mixed urban uses. General Plan amendments are required for Area II and Area III, and the Detailed Land Use Map designates Area II and Area III for agricultural uses.

4. The subject property is contiguous to the existing Mililani Town and situated on the southern portion of the Schofield Plateau which slopes down to Pearl Harbor at about 3 percent to 5 percent. The plateau is crossed by several gulches. Waikakalaua Gulch runs north of Mililani Town, Waikele Gulch is to the west, and Kipapa Gulch to the east and south. Approximately 420 acres of the subject property have slopes less than 10% and approximately 50 acres have slopes of 11% to 20%. The remaining acres are

steep gulch areas leading down to Kipapa Stream and Wai-kakalaua Gulch. Based on U. S. Corps of Engineers Flood Maps for the area, the subject property lies outside of the flood prone areas. Average yearly rainfall is approximately 30 to 40 inches.

5. The soils in the Mililani Town Area are of the lithosol suborder and are further classed into one of the following soil series by the Soil Conservation Service:

Area I is comprised predominantly of Wahiawa silty clay (WaA, WaB), helemano silty clay (HLMG) and Manana silty clay (MpC). Area II lands are of the Helemano silty clay series (HLMG), Lahaina silty clay (LaB, Lac3) and Manana silty clay (MpD). The majority of Area III is Wahiawa silty clay (WaA), and the remainder is Helemano silty clay (HLMG).

Wahiawa Series (WaA, WaB)--the Wahiawa soil series have good suitability as a source of topsoil. Permeability is moderately rapid for slopes as much as 25 percent. There is high shear strength on slopes as much as 25 percent for foundations for low buildings. Shrink-swell potential is low.

Wahiawa silty clay, 0 to 3 percent slopes (WaA)--surface layer is very dusky red and dusky red silty clay about 12 inches thick. The subsoil, about 48 inches thick, is dark reddish-brown silty clay that has subangular blocky structure. The underlying material is weathered basic igneous rock. The soil is medium acid in the surface layer and medium acid to neutral in the subsoil. This subsoil is used for sugar cane, pineapple, pasture and homesites.

Wahiawa silty clay, 3 to 8 percent slopes (WaB)--runoff is slow and the erosion hazard is slight. This soil is used for sugar cane, pineapple, and pasture.

Helemano silty clay, 30 to 90 percent slopes (HLMG)--surface layer is dark reddish-brown silty clay about 10 inches thick. The subsoil, about 50 inches thick, is dark reddish-brown and dark-red silty clay that has sub-angular blocky structure. The substratum is soft, highly weathered basic igneous rock. The soil is neutral in the surface layer and neutral to slightly acid in the subsoil. Permeability is moderately rapid. Runoff is medium to very rapid, and the erosion hazard is severe to very severe. The topsoil suitability of the Helemano soil series is fair. Foundations for low buildings are susceptible to sliding; the shrink-swell potential is moderate.

Manana silty clay, 8 to 15 percent slopes (MpC)--depth to the panlike sheet is 30 to 50 inches. This soil is used for sugarcane, pineapple, and pasture. The topsoil suitability of the Manana soil series is good. The soil has moderate permeability. The shrink-swell potential is low to moderate.

6. Petitioner proposes to develop the subject property as an extension of the existing Mililani Town development pursuant to Petitioner's 3,500 acre Master Plan. The development will primarily include fee simple residential units together with land uses for community amenities.

a. The proposed land use allocations for subject property are as follows:

AREA I

<u>Type</u>	<u>Acreage</u>
Residential	172
Low Density Apartment	16
Medium Density Apartment	77
Commercial	40
Civic Center	6
School	6
Park	37
Open Space	96
Major Streets	6
	456

AREA II

Residential	38
Apartment	18
School (Reserve)	(6)
Open Space	25
	81

AREA III

Residential	36
Open Space	14
	50

b. The proposed City and County zoning, approximate density, acreages, number of units and expected population for the subject property is as follows:

AREA I: 460 Acres

<u>Land Use</u>	<u>Proposed City and County Zoning</u>	<u>Approx. Density</u>	<u>Acreage</u>	<u>Number Units</u>	<u>Popula- tion</u>
Single-family or Cluster Dev.	R-6	6.2 u/ac.	149.0	923	3,488
Planned Unit Development	R-6	12.0 u/ac.	23.0	276	828
Multi-Family	A-1	15.0 u/ac.	76.0	1,140	3,424
Apartment (Town Center)	A-3	33.0 u/ac.	<u>17.0</u>	<u>560</u>	<u>1,456</u>
SUBTOTAL			265.0	2,899	9,196

Land Use	Proposed City and County Zoning	Approx. Density	Acreage	Number Units	Popula- tion
<u>AREA II: 81 Acres</u>					
Single-family or Cluster Dev.	R-6	6.2 u/ac.	38	236	890
Multi-Family	A-1	15.0 u/ac.	<u>18</u>	<u>270</u>	<u>810</u>
SUBTOTAL			56	506	1,700
<u>AREA III: 50 Acres</u>					
Single-Family or Cluster Dev.	R-6	6.2 u/ac.	<u>30</u>	<u>186</u>	<u>700</u>
SUBTOTAL			30	186	700
TOTAL (Areas I, II & III)			<u>351</u>	<u>3,591</u>	<u>11,596</u>

7. Drainage for Areas I, II, and III would follow essentially the same pattern that now exists with pineapple cultivation. Runoff for Areas I and II concentrates in swales leading to the various small gullies which are tributary to Kipapa Gulch. Runoff for Area III is directed to a small gulch above Waipio Acres. Runoff will be collected by catch basin and piped to four major outlet structures discharging to Kipapa. The outlet structures will be designed as to discharge runoff at relatively low velocities to avoid erosion.

8. The existing water sources are adequate to service the subject property. Water for the development will come from the Mililani Reservoir, which is fed from wells dug into the Pearl Harbor basal lens. It is estimated that Petitioner's development of the subject property will result in water consumption ranging from a minimum 1,424,000 gallons per day to 2,189,400 gallons per day. The Board of Water Supply has stated that it has no objections to the proposed development and that it is presently working with

Petitioner on a water master plan and has concurred with the design concepts and requirements established thereunder for the subject property. It states that it has a commitment to provide the Mililani Town development with 8.0 millions gallons per day (mgd) and that estimated water requirements for the existing and proposed development is 5.6 mgd, 2.4 mgd below the amount committed.

There are 3 ground water sources in the Mililani area, the Waialua-Haleiwa Lens, the Schofield High Level Aquifer, and the Pearl Harbor Basal Lens. All of the water for Mililani Town comes from the Pearl Harbor Basal Lens. The Board of Water Supply indicated that since 1969 there has been an average overdraft of approximately 15.18 mgd from the Pearl Harbor Basal Lens. The Board of Water Supply does not, however, see any immediate problems with the additional water requirements of the development of the subject property, but it does recognize there is salt water intrusion into the Pearl Harbor Basal Lens which degrades the quality of water to coastal urban areas drawing upon the Lens. Since Mililani Town is of a higher elevation than coastal urban developments, it would not be affected by salt water intrusion. The extent of the degradation of quality is not yet appreciable, but the Board of Water Supply cautions that with continuing growth, the quality of the ground water in the area may become unacceptable due to an overdraft condition or to a lessening of the recharging capacity of the Lens. The Board of Water Supply plans to transport water from one ground water source area to another to balance availability with need and to keep from over pumping any one source.

9. The proposed development of the subject property will generate an estimated sewage effluent flow of 1.4 million gallons daily. This flow will be handled by the existing Mililani Sewage Treatment Plant owned and operated by the City and County of Honolulu Department of Public Works. The sewer lines proposed in Areas I, II, and III will be constructed to the standards required by the City and County of Honolulu. The present plant has a 1.8 million gpd capacity and will be expanded by another 1.8 million gpd by the City and County of Honolulu. The 1.4 million gpd of effluent flow from the proposed development is well within planned capacity.

Presently, effluent from the Mililani Sewage Treatment Plant is discharged into Kipapa Gulch, to Kipapa Stream, downstream of Mililani Town. The stream eventually runs into West Loch, which is classified as "AA" waters. Discharge of effluent from the present Mililani Sewage Treatment Plant degrades the Class "AA" waters of West Loch at Pearl Harbor. Increased discharge from the proposed development would further degrade the Class "AA" waters. The discharge from the existing facility will not be able to meet the new National Pollutant Discharge Elimination System (NPDES) permit effluent limitation standard for nitrogen and phosphorus removal which is to be in effect on July 1, 1977. The City and County Department of Public Works has indicated that the Mililani Sewage Treatment Plant will not be in compliance with the effluent limits of the NPDES Permit until January 31, 1983, but it was also indicated that if the City and County continues in good faith to seek a solution for compliance with the effluent limits within a reasonable time, the Federal authorities and Department of Health may reserve enforcement and not require compliance with the

standards as of July 1, 1977. Furthermore, development of the subject property will not begin until March of 1979 and the first phase of that development will not be completed until December of 1979, by which time this problem may be solved. Moreover, in that the City and County of Honolulu owns the Mililani Sewage Treatment Plant and could be subjected to a \$10,000 per day fine for discharging effluent in excess of its permit, and in that City and County of Honolulu can prevent the proposed development by not amending its General Plan and Detailed Land Use Map or its zoning ordinances, it is unlikely that a violation of federal law will occur. In addition, as a condition of complying with the effluent limits of the NPDES Permit, the Department of Health and Federal authorities may impose a moratorium on further expansion of the treatment facility. This is a problem which not only affects the proposed development but also affects the existing Mililani Town development. It also affects many sewer facilities throughout the nation such that there is legislation in Congress to change the effective date for compliance from July 1, 1977 to July 1, 1983. The City and County Department of Public Works is conducting a study of alternative effluent disposal plans including potential reclamation for sugar cane irrigation. As part of the study, the University of Hawaii Water Resources Research Center is assessing the feasibility of using the effluent discharge to irrigate and fertilize nearby cane lands. The Department of Public Works has stated that it is committed to find a solution by January 1, 1983.

10. The proposed development will generate approximately 3,415 auto trips each morning, with 1,536 auto trips

during the peak traffic hour. Almost all of this traffic is expected to be in a southerly distribution. Peak hour increase would be 13% north and 84% south. The Department of Transportation has no objections to the proposed development from a traffic standpoint. The Department of Transportation has approved the Master Plan for the Mililani Town development and provided an interchange on H-2 with the approval of the Federal Highway Administration. The Department of Transportation states that with the combination of H-2, and Kamehameha Highway, there is adequate capacity to accommodate the additional traffic generated from the proposed development on the subject property.

11. Arterials, collector and neighborhood roadways have been constructed within the Mililani Town development into an organized network that can ultimately tie the subject property as an integral part of the entire project, as well as provide rapid access to Kamehameha Highway and the H-2 freeway. Basic urban services are available. At the present time, a neighborhood shopping center exists with a recently opened expansion and includes among its tenants a supermarket, home improvement center and other retail outlets, financial services, medical, dental, and other personal services, and a substation of the U.S. Post Office. Public utilities are fully operative and are adequate for existing residents and current developments. Utilities have been constructed in such a way as to be incrementally expandable to service future development including the subject property. The City and County has acquired a site for a fire station which is presently in operation. A golf course, which is

open to the general public, restaurant, two community recreational and with a third under development, seven parks dedicated to the City and County including a 20-acre district park, and other community facilities are in operation.

12. As a result of its central location, Mililani Town residents are proximate to both the Waipahu-Pearl City trading and employment area and the Wahiawa trading and employment area with access to both by way of the existing Kamehameha Highway. Village Center North, a neighborhood shopping center is located in the initial increment of Mililani town. A 9-acre parcel located across from the Village Center North neighborhood shopping center was recently opened with new expanded facilities for the supermarket as well as additional other commercial facilities.

13. The proposed development has been included in the projections and facilities development plans for the Mililani area by the Department of Education. Projected enrollment increases are as follows:

<u>Grades</u>	<u>Area I</u>	<u>Area II</u>	<u>Area III</u>	<u>Total</u>
K-6	770-800	130-140	50-60	950-1000
7-8	200-220	30-40	10-20	240-280
9-12	360-380	60-70	70-80	490-530

Grades K-6 enrollment increases will be accommodated by Mililani-Waena, Kipapa and Mililani-Uka Elementary schools and a new school to be located in Area I. Grades 7-8 enrollment increases will be accommodated at Wheeler Intermediate and Grades 9-12 increases will be handled by Mililani High School.

14. The subject property has been farmed for pineapple production and is to be withdrawn from pineapple production for the proposed development. Approximately 455 acres are classified by the State Land Study Bureau as general land class B with a productivity rating of "a" in pineapple production. While the conversion of the land to urban use would perforce result in the irretrievable loss of this agricultural resource, it does not result in the loss of pineapple production or loss of revenue to the State economy. Representatives of Dole Company stated that notwithstanding the removal of the subject property from pineapple production, the company can and will continue to annually plant approximately 1,325 net acres in the aggregate, as it has done in recent years, by utilizing the existing remaining lands available to it for pineapple production. Without any loss in the production of pineapple, there will not be any loss of jobs resulting from the removal of the subject property from pineapple production. An expert from the Department of Agriculture testified that there is potential for feed and forage crop production on the subject property, and that a corn production attempt within the area was profitable although operations ultimately ceased. There will be no significant adverse effect upon the agricultural resources of the area.

15. There are no historic or archaeological artifacts, sites or structures on the subject property. There are no wild game animals, birds or fish that inhabit the subject property which has been used for pineapple production for many years. Except for its present use for pineapple production, the subject property does not have any known

significant resource value in terms of natural, environmental, recreational, historic, or scenic resources.

16. The subject property does not fall within the coastal zone (special) management area.

17. Approximately 96 acres of Area I fronting Kipapa Gulch lie within an area that had been designated as a safety zone by agreement between Castle & Cooke, Inc. and the Department of the Army. The safety zone was the control area within which habitable shelters would not be constructed because of the proximity of high explosive storage in the adjoining federally owned Kipapa Gulch area. The agreement designating the safety zone has been terminated, and the Department of the Army has indicated that planning is proceeding regarding alternatives for the storage of ammunition currently located at Upper Kipapa Military Reservation. The Department of Army has stated that it shall need until September 30, 1978 to implement an acceptable alternative site, and the Petitioner has agreed that if the petition is granted, Petitioner would not develop the control area until September 30, 1978.

18. The proposed development will have considerable impact on employment. The proposed development includes a Town Center which is planned as a community-scale shopping center (350,000 to 500,000 sq. ft. gross leasable area), located in the center of the total Mililani Town project, scheduled for commencement in 1982. A shopping center of this size could potentially employ approximately 1000 full-time and part-time persons. The condominium and apartment development portion of the proposed development would also

generate the need for property management services as well as custodial and maintenance services. The ongoing Mililani Town development itself has also required a large development and construction work force. Some 600 persons presently engaged in the development and construction of Mililani Town would face the possibility of unemployment if Mililani Town were to cease to expand at this point.

19. A strong market demand for housing in Mililani Town has been demonstrated. Approximately 4,500 housing units have been constructed in Mililani Town, of which only 25 single-family units and 75 multi-family units are unsold. The unsold multi-family units are presently rented so that there is virtually no vacancy. With respect to single-family units, the number of single-family units sold in Mililani Town constituted about 57% of the single-family units sold on Oahu in 1976. The evidence adduced from the report of Petitioner in support of the Petition as to the make-up and composition of the people living in Mililani Town indicates that housing in Mililani Town is providing a reasonably balanced housing supply for all economic and social groups at comparably reasonable prices.

The new General Plan for Oahu allocates a total of 39,000 people (± 5%) to the Mililani-Waipio area by the year 2000. The current (1975) population of the area is 20,300. At a family size of 3.5 persons per family, about 5,350 additional dwelling units would be needed by the year 2000. Presently, the Petitioner has City and County Zoning for 3,434 units west of Kamehameha Highway. Petitioner's proposed development of the subject property would provide about 3,591 units. The 3,434 units presently approved for development

and the 3,591 units proposed for the subject property would exceed the 5,350 units required by the year 2000 based on the allocations under the new General Plan. However, the stated purpose of the General Plan is to serve as a guide to public agencies and citizens in various areas of concern including population and housing; it is not a code of fixed and inflexible population allocations; it is a general statement of long range objectives that are subject to changes. As stated by the Department of General Planning of the City and County of Honolulu, if an area approaches the General Plan designated population capacity, the City Council, through the County's rezoning process, would take appropriate actions, either to re-evaluate the policy or not permit new rezoning to accommodate additional population levels. For this reason and other reasons submitted, the Department of General Planning has recommended that Area I be approved for Urban classification to permit the Petitioner to proceed to address current needs in housing.

20. The Petitioner is the owner in fee simple of a portion of the subject property, and Castle & Cooke, Inc. is the owner in fee simple of the remaining portion of the subject property. The Petitioner is the holder of rights to develop the lands owned by Castle & Cooke, Inc. who has authorized the petition for reclassification of the subject property. A certified copy of the consolidated balance sheet dated January 3, 1976 of Petitioner and subsidiary and the performance of the Petitioner in the development of the existing Mililani Town establish the capability, financial and otherwise, of the Petitioner to undertake the proposed development of the subject property.

CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 590.09 acres, situated at Mililani Town, Waipio, Ewa, Island of Oahu, from Agricultural to Urban, and amendment of the District Boundaries accordingly to permit the proposed development, is reasonable, not violative of Section 205-2, HRS, and consistent with the interim policies and criteria established pursuant to Section 205-16.1, HRS.

ORDER

IT IS HEREBY ORDERED:

That the property which is the subject of the Petition in this Docket No. A76-427, approximately 590.09 acres, situated at Mililani Town, Waipio, Ewa, Island of Oahu, a portion of Parcel 1, a portion of Parcel 8, a portion of Parcel 10, Parcel 11, and a portion of Parcel 16 identified by Tax Map Key 9-5-01, a portion of Parcel 1 identified by Tax Map Key 9-5-02, a portion of Parcel 1 identified by Tax Map Key 9-5-03, and a portion of Parcel 2, a portion of Parcel 3, a portion of Parcel 24, and a portion of Parcel 27 identified by Tax Map Key 9-4-05, shall be and hereby is reclassified from Agricultural to Urban and the District Boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 14~~th~~ day of
July, 1977, by motion passed by the Commission
on June 1, 1977, in Honolulu, Hawaii.

LAND USE COMMISSION
STATE OF HAWAII

By Eddie Tangen
EDDIE TANGEN
Chairman and Commissioner

By Stanley Sakahashi
STANLEY SAKAHASHI
Vice Chairman and Commissioner

By James R. Carras
JAMES CARRAS
Commissioner

By Charles Duke
CHARLES DUKE
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner