

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-581
OCEANIC PROPERTIES INC.)	OCEANIC PROPERTIES INC.
To Reclassify Approximately 50)	
Acres of Land currently in the)	
Agricultural District into the)	
Urban District, at Wahiawa,)	
Oahu, Tax Map Key 7-1-02:)	
portion of 6)	
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION AND ORDER

Oceanic Properties Inc., a Hawaii corporation (hereinafter "Petitioner"), filed this boundary amendment Petition on September 28, 1984, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundary for approximately 50 acres of land, Oahu Tax Map Key: 7-1-02: portion of parcel 6, (hereinafter the "Property"), situate at Wahiawa, Oahu, Hawaii, from the Agricultural District to the Urban District. The Land Use Commission (hereinafter the "Commission"), having heard and examined the testimony, evidence, and argument of counsel presented during the hearings, and the proposed findings of fact, conclusions of law, and decision and order, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

1. The Commission held the hearing on this Petition on March 19, 1985, in Honolulu, Hawaii, pursuant to notice published in the Honolulu Star Bulletin on February 15, 1985.

2. The Commission received public witness Samuel Lee's written statement into evidence on March 19, 1985.

3. The Commission did not receive any petitions to intervene in this proceeding.

DESCRIPTION OF THE PROPERTY

4. The Property consists of approximately 50 acres of land located adjacent to Whitmore Village at Wahiawa, Oahu, State of Hawaii.

5. Petitioner, a wholly-owned subsidiary of Castle & Cooke, Inc., holds an option to purchase the Property from its fee owner, Castle & Cooke, Inc. Castle & Cooke, Inc. has authorized petitioner to file this petition with the Commission.

6. The Property is located approximately one-half mile east of the intersection of Kamehameha Highway and Whitmore Avenue and about one mile north of Wahiawa in Central Oahu. It is bounded by Whitmore Village on the east, Whitmore Avenue on the south, and a small gulch, which is part of the Poamoho Stream drainage network, on the north. Dole Hawaii Division has planted the Property and lands to the west in pineapple.

7. The Property is located on the Schofield Plateau, a fairly smooth area in Central Oahu between the Waianae and the Koolau Ranges. Its topography is characterized by gradually sloping uplands.

8. Average temperatures for the area range from 82-88 degrees Farenheit during the day, and night temperatures range from 54-59 degrees Farenheit in the winter to 65-70 degrees Farenheit in the summer.

9. The Whitmore Village area receives about 60 inches of rainfall per year.

10. The United States Department of Agriculture Soil Conservation Service, Soil Survey Report for the Island of Oahu classifies the soil within the Property as follows:

Wahiawa silty clay (WaA), 0 to 3% slopes

In a representative profile, the 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. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight. This soil is best used for sugarcane, pineapple, pasture and homesites. Most of the proposed project site has soil in the Wahiawa series.

Kolekole silty clay loam, 1 to 6% slopes

In a representative profile, the surface layer is dark reddish-brown silty clay loam about 12 inches thick. The subsoil, about 48 inches thick, is

dark reddish-brown silty clay loam and silty clay that has subangular and angular blocky structure. The substratum is old gravelly alluvium. A compact, panlike layer typically occurs at a depth of 24 to 40 inches. The soil is extremely acid to strongly acid in the surface layer and medium acid to very strongly acid in the subsoil. Permeability is moderately rapid to the panlike layer and moderate in the compact subsoil. Runoff is slow, and the erosion hazard is slight. This soil is best used for sugarcane, pineapple and pasture.

Kunia silty clay (KyA), 0 to 3% slopes

In a representative profile, the surface layer is dark reddish-brown silty clay about 22 inches thick. A subsoil, 40 to 71 inches thick, is dark reddish-brown silty clay and silty clay loam. The substratum is dark reddish-brown gravelly silty clay. The surface layer is medium acid to extremely acid, and the subsoil is slightly acid to strongly acid. Permeability is moderate, runoff is slow, and the erosion hazard is no more than slight. This soil is best used for sugarcane, pineapple and homesites.

Manana silty clay loam (MoC), 6 to 12% slopes

In a representative profile, the surface layer is dark reddish-brown silty clay loam about 8 inches thick. The subsoil, about 42 inches thick, is dusky-red, dark reddish gray, and dark reddish-

brown silty clay that has subangular blocky structure. A nonporous, panlike sheet, 1/8 inch to 1/4 inch thick, occurs in the subsoil at depths ranging from 15 to 50 inches. The substratum is soft, weathered, basic igneous rock. The soil is very strongly acid in the surface layer and very strongly acid to extremely acid in the subsoil. The depth to the panlike sheet is 15 to 30 inches.

Permeability is moderately rapid above the pan and moderate below. Runoff is medium, and the erosion hazard is moderate. This soil is best used for sugarcane, pineapple and pasture.

11. The Land Study Bureau of the University of Hawaii rates the Property's overall productivity as "B" which indicates a high suitability for agricultural production.

12. The State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system designates the Property as Unique Agricultural Land.

13. The Federal Insurance Administration designates the Property within Zone D in its Flood Insurance Study for Oahu.

PROPOSAL FOR DEVELOPMENT

14. Petitioner proposes to develop approximately 300 single-family and multi-family residences (hereinafter the "Project") on the Property to be similar in style to the neighboring Whitmore Village residential units.

The single-family residences will consist of 3 and 4 bedroom homes with two entries, private yards and carports. Lot size will be approximately 5,000 square feet, or approximately six homes per acre.

The multi-family units will be located on approximately three acres and will consist of 2 and 3-bedroom, attached, garden-townhouse units. Petitioner also proposes to include a 2.4-acre park.

15. Petitioner proposes to offer the units primarily to gap group income purchasers at prices affordable by them. Petitioner proposes to offer ten percent of the units for sale to low to moderate income purchasers at prices affordable by them.

16. Petitioner defines gap group households as those whose annual income is 81% to 121% of the median income for the City and County of Honolulu. Moderate income households are those whose annual income is 51% to 80% of the median. Low income households are those whose annual income is 0 to 50% of the median.

17. Petitioner proposes to sell the single-family housing units in fee simple, between \$75,000 and \$115,000 per house and lot in 1985 dollars.

18. Petitioner proposes to sell the multi-family housing units in fee simple or leasehold to make them affordable to a wider range of the low to moderate income household group.

19. Petitioner also proposes to develop a two-acre site within Whitmore Village for a 35- to 40-unit multi-family

housing project to satisfy the low to moderate income housing requirement of the City and County of Honolulu and this Commission as an alternative to the construction of the multi-family units within the Property.

20. Petitioner will develop all infrastructure improvements necessary for the proposed Project. Petitioner estimates that preliminary off-site and on-site improvement costs (not including the homes) are as follows:

Off-site Option A	\$2,334,000
On-site	<u>5,785,200</u>
	\$8,119,200
Off-site Option B	\$1,884,000
On-site	<u>5,785,200</u>
	\$7,669,200

Petitioner's estimate includes off-site water and sewer improvements and on-site roadways, curb, gutter, sidewalk, drainage, water, sewer, and electric, telephone and television improvements. The higher off-site costs under Option A are attributed to the expansion of the existing Whitmore Village Wastewater Treatment Plant. Option B calls for the centralization of treatment at the Wahiawa Wastewater Treatment Plant. The off-site and on-site costs per dwelling unit would be \$27,064 under Option A and \$25,564, under Option B.

21. Petitioner intends to implement the proposed Project within five years after Commission approval of the Petition.

PETITIONER'S FINANCIAL CAPABILITY
TO UNDERTAKE THE PROPOSED PROJECT

22. Petitioner's balance sheet as of June 16, 1984, lists total assets of \$101,079,000.00, stockholder's equity of \$48,874,000.00, and liabilities of \$52,205,000.00.

STATE AND COUNTY PLANS AND PROGRAMS

23. The Commission has designated the Property within the State Land Use Agricultural District as reflected on Land Use District Boundary Map O-4, Haleiwa.

24. The City and County of Honolulu's (hereinafter the "City") Central Oahu Development Plan Ordinance No. 85-48, adopted May 29, 1985, designates the Property for Residential use.

25. The City designated the Property in the Ag-1 Restricted Agriculture Zoning District.

26. The Property is not situate within the City's Special Management Area (SMA).

NEED FOR THE PROPOSED DEVELOPMENT

27. Daly & Associates, Inc., in its Affordable Housing Issue Paper prepared for the Department of Planning and Economic Development in December 1981, estimates that approximately 49,489 households, or 16.8% of the State's households are in the gap group households who presently rent but would like to purchase homes.

Petitioner estimates that, in 1980, Oahu's share of the gap group households was approximately 39,366 or 17.1% of all households, of which 27,292 were renters.

28. Petitioner's market consultant, John Child & Company, Inc., estimates that in 1985, 3,925 to 4,355 of the 30,660 gap group units needed for Oahu, will be needed for Central Oahu. In 1990, approximately 4,550 to 5,050 gap group units would be needed for Central Oahu based on an island-wide gap group need of 35,560. Petitioner projects a need for approximately 320 to 360 new gap group housing units per year from 1984 to the year 2000 in Central Oahu based on the City's estimates that Central Oahu will have 12.8% to 14.2% of the island-wide population.

29. John Child & Company, Inc. conducted a survey among 69 employees of the Dole Pineapple Company to test the market acceptance for a gap group housing development in Whitmore Village. The survey indicated that 83% of the 69 respondents would buy a home in the Whitmore Village area if they could afford one.

30. Petitioner projects that it can sell the proposed 300 housing units within three years.

IMPACT UPON RESOURCES OF THE AREA

Agricultural Resources

31. Residential development of the Property would remove 50 acres of land from pineapple production. Petitioner proposes a land exchange with Waialua Sugar Company to obtain additional land in order to replace the 50 acre Property currently cultivated by Dole Hawaii Division.

Flora and Fauna

32. Dole Hawaii Division has cultivated and planted the Property in pineapple for at least 30 years. There are no known rare or endangered plant or animal species located on the Property.

Historical/Archaeological Resources

33. The Property is not among properties listed on or eligible to be included on the Hawaii or National Registers of Historic Places. The Department of Land and Natural Resources is not aware of any significant resources on the Project site.

Petitioner will advise the State Parks Administrator if any historical or archaeological resources are found.

Recreational Resources

34. The Project is proximate to the North Shore as well as to the regional recreational facilities in Wahiawa. The development of the Project also includes a small neighborhood park of about 2.4 acres which would meet the park dedication requirements of the City.

Noise

35. Petitioner anticipates that major sources of noise will be local traffic, agricultural equipment and aircraft activities rather than traffic noise from Kamehameha highway. Petitioner's acoustical consultant, Darby-Ebisu and Associates, Inc., conducted a noise study in 1980 for the general aviation airfield at Poamoho, which was proposed to be located about 2.5 miles northwest of Whitmore Village, determined that the

existing background ambient noise levels are acceptable by the U.S. Department of Housing and Urban Development for residential areas.

Petitioner predicts that the noise level will also meet the applicable noise abatement standards of the State Department of Health. When Petitioner completes development of the Property, noise levels would not be any more severe than what the residents of Whitmore Village now encounter.

Air Quality

36. Petitioner anticipates that local traffic, agricultural activities, and temporary fugitive dust emissions from the construction activity will be sources of pollutants on the Property. Petitioner proposes to mitigate the fugitive dust emissions from the construction activity by watering of areas of exposed soil and putting up direct screens.

Petitioner will advise the agricultural operator to alert the State Department of Health and residents prior to agricultural burning.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water Services

37. Petitioner estimates that, based on a water use rate of 500 gallons per single family home per day and 400 gallons per multi-family home per day, the average domestic water demand for the proposed development is 145,500 gallons per day. Petitioner proposes to provide water by using the Board of Water Supply's Wahiawa 1,180-foot sub-system.

Petitioner proposes to improve this sub-system as required by the Board of Water Supply in the following manner:

- a. Extension of the 12-inch main along Whitmore Avenue to the critical point within the Property.
- b. Installation of approximately 5,000 linear feet of 16-inch main along California Avenue from the Wahiawa 1,180-foot reservoir to Hoomaha Street.
- c. Installation of approximately 1,350 linear feet of 8-inch main along Nakula Street from Uuku Street to the existing 8-inch main.
- d. Installation of approximately 1,600 linear feet of 8-inch main along Glenn Avenue from Royal Palm Drive to the west end of Wahiawa Elementary School.
- e. Installation of an additional 1,050 gallons per minute booster pump at the Wahiawa Booster Station No. 1.

38. The Wahiawa and Ewa Districts are within the Pearl Harbor Groundwater Control area. The Board of Land and Natural Resources (BLNR) must approve all permits for development of groundwater from wells in this area.

Transportation Services and Facilities

39. Petitioner's consultant, Belt Collins & Associates, Ltd. (BCA), estimates that upon completion the proposed Project would generate seven to ten vehicle trips per dwelling unit per

day or 2,100 to 3,000 vehicle trips per day. Using ten percent of the daily total or about 210 to 300 vehicles per hour as peak traffic generation, BCA estimates that the total of existing peak hour traffic and Project generated traffic will be approximately 1,025 to 1,115 vehicles per hour. BCA concluded that the capacity of Whitmore Avenue (1,548 vehicles per hour) would be adequate to handle the projected increase in traffic from the Project.

40. Based on a study of traffic on Kamehameha Highway-Whitmore Avenue Intersection to the year 2004, BCA estimates that the roadways and intersection have adequate capacity to accommodate the increased traffic from the proposed Project.

41. The State Department of Transportation will not require Petitioner to make any improvements to the Kamehameha Highway-Whitmore Avenue intersection for the Project.

Sewage Treatment and Disposal

42. Petitioner estimates the residents of the proposed Project would generate approximately 68,400 gallons per day of wastewater. Petitioner proposes to expand either the Whitmore Village Wastewater Treatment Plant or to centralize sewage treatment at the Wahiawa Wastewater Treatment Plant to accommodate the Project. The City Department of Public Works indicated that the Whitmore Village Wastewater Treatment Plant facilities must be expanded to accommodate waste from the proposed Project.

43. Petitioner has agreed to pay for all necessary improvements.

Drainage

44. Petitioner proposes to direct runoff from the Project to Poamoho Stream and will design the drainage system to County standards.

Power and Telephone

45. Hawaiian Electric Company, Inc. will provide electricity to the proposed Project.

46. Hawaiian Telephone Company will provide telephone services to the proposed Project.

Police Protection

47. Wahiawa Police Station will service the Wahiawa and North Shore area, including Whitmore Village and the proposed residential Project.

Fire Protection

48. Wahiawa Fire Station will provide fire protection to the Whitmore Village area with additional support from the Mililani Fire Station six miles away.

Schools

49. The State Department of Education indicates that the students generated by the proposed Project can be accommodated in existing or planned school facilities.

Medical Services

50. Wahiawa General Hospital is located in Wahiawa approximately two miles from the Property and will be able to provide care to the new residents of the proposed Project.

Solid Waste and Disposal Collection

51. The City Wahiawa Refuse Collection and Disposal Division will provide solid waste and disposal collection for the Property.

Bus Service

52. MTL, Inc. provides both westbound and eastbound bus service from Ala Moana Shopping Center or downtown Honolulu to Wahiawa and shuttle service from Wahiawa to Whitmore Village, adjacent to the Property.

CONTIGUITY OF DEVELOPMENT

53. The Property is contiguous to Whitmore Village, a residential subdivision within the State Land Use Urban District.

PREFERENCES FOR DEVELOPMENT

54. The Project will make available approximately 300 single-family and multi-family residences primarily for the gap group households with about 10% of the units intended for the low to moderate income households.

CONFORMANCE WITH THE HAWAII STATE PLAN

55. Petitioner's proposed Project is consistent with the following objectives of the Hawaii State Plan:

- a. Greater opportunities for Hawaii's people to secure reasonably prices, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals. (HRS,

Chapter 226, Section 19(a)(1))

- b. The orderly development of residential areas sensitive to community needs and other land uses. (HRS, Chapter 226, Section 19(a)(2))

In addition, the proposed Project is consistent with the following policies designed to achieve the housing objective:

- a. Effectively accommodate the housing needs of Hawaii's people, especially the elderly, handicapped, displacees or redevelopment areas, and newly formed households. (HRS, Chapter 226, Section 19(b)(1))
- b. Stimulate and promote feasible approaches that increase housing choices for low-income moderate-income, and gap-group households. (HRS, Chapter 226, Section 19(b)(2))
- c. Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing (HRS, Chapter 226, Section 19(b)(3))
- d. Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas. (HRS, Chapter 226, Section 19(b)(5))

COMPLIANCE WITH STANDARDS DETERMINING DISTRICT BOUNDARIES

56. The Property is adjacent to Whitmore Village which is within the State Land Use Urban District.

57. Public services and facilities are available to service the Project or can be so provided at reasonable costs to Petitioner.

58. The City's Central Oahu Development Plan Ordinance No. 85-48 designates the Property for residential use.

59. The Property does not have any adverse geographic or topographic constraints which would hinder or endanger the proposed Project nor is it susceptible to drainage problems, flooding, tsunami inundation, unstable soil condition or other adverse environmental effects.

60. Petitioner has the financial stability and capacity to undertake and complete the proposed Project.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure and Section 6-1 of the District Regulations of the Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of the Property, consisting of approximately 50 acres of land

situate at Wahiawa, Island of Oahu, State of Hawaii, Tax Map Key No: 7-1-02: portion of 6 from the Agricultural District to the Urban District for a single-and multi-family residential development, subject to the condition stated in the Order below, is reasonable, non-violative of Section 205-2, Hawaii Revised Statutes, and is consistent with the Hawaii State Plan as set forth in Chapter 226, Hawaii Revised Statutes, as amended, and the District Regulations of the Land Use Commission.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, which is subject of the Petition Docket No. A84-581 - Oceanic Properties, Inc., consisting of approximately 50 acres, at Wahiawa, Island of Oahu, State of Hawaii, identified by Oahu Tax Map Key 7-1-02: portion of parcel 6, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, shall be and the same is hereby reclassified from the Agricultural District to the Urban District, and the District Boundaries are amended accordingly, subject to the following condition:

Petitioner (or in the event Petitioner does not exercise its option and acquire the Property, then Petitioner's fee owner Castle & Cooke, Inc.) shall provide housing opportunities for low, moderate and gap-income Hawaii residents prior to assigning or transferring its interest in the Property by offering for sale to Hawaii residents of gap-group family income as determined from time to time by the Hawaii Housing

Authority and/or City and County of Honolulu at least 300 single family or multi-family housing units at prices affordable to such gap-group income purchasers, and by offering on a preferential basis on its own or in cooperation with either or both the Hawaii Housing Authority and the City and County of Honolulu, at least ten percent (10%) of such residential units to be developed on the Property, or in the alternative a number of residential units equal to ten percent (10%) of such residential units on lands other than the Property, to residents of the State of Hawaii of low or moderate family income as determined by standards promulgated by the Hawaii Housing Authority and City and County of Honolulu from time to time. The preferential residential units shall be offered for sale at prices not exceeding prices that enable such purchasers to qualify for and obtain State-assisted financing (e.g. Act 105 or Hula Mae) or Federally-insured or assisted financing (e.g. FHA Section 245 Program) intended to encourage home ownership by low and moderate income families.

This condition may be fully or partially released by the Commission as to all or any portion of the Property upon timely motion and provision of adequate assurance of satisfaction of this condition by the Petitioner.

DOCKET NO. A84-581 - OCEANIC PROPERTIES, INC.

Done at Honolulu, Hawaii, this 2nd day of October
1985, per motions on July 23, 1985 and August 21, 1985.

LAND USE COMMISSION
STATE OF HAWAII

By *T. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By *Winona E. Rubin*
WINONA E. RUBIN
Commissioner

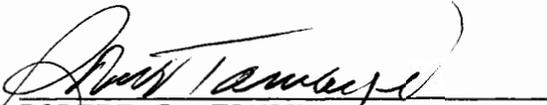
By *William W. L. Yuen*
WILLIAM W. L. YUEN
Commissioner

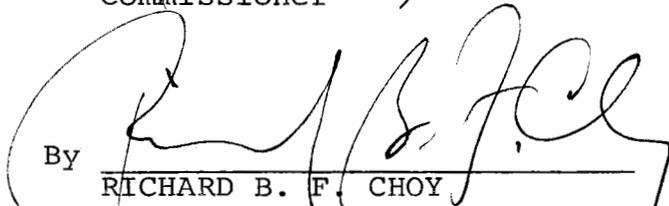
By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

DOCKET NO. A84-581 - OCEANIC PROPERTIES, INC.

By 
EVERETT L. CUSKADEN
Commissioner

By 
ROBERT S. TAMAYE
Commissioner

By 
RICHARD B. F. CHOY
Commissioner

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portion of 6)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

DONALD A. CLEGG, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

JAMES T. FUNAKI, Attorney for Petitioner
Okumura Takushi Funaki & Wee
Grosvenor Center, Suite 1400
733 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 2nd day of October 1985.

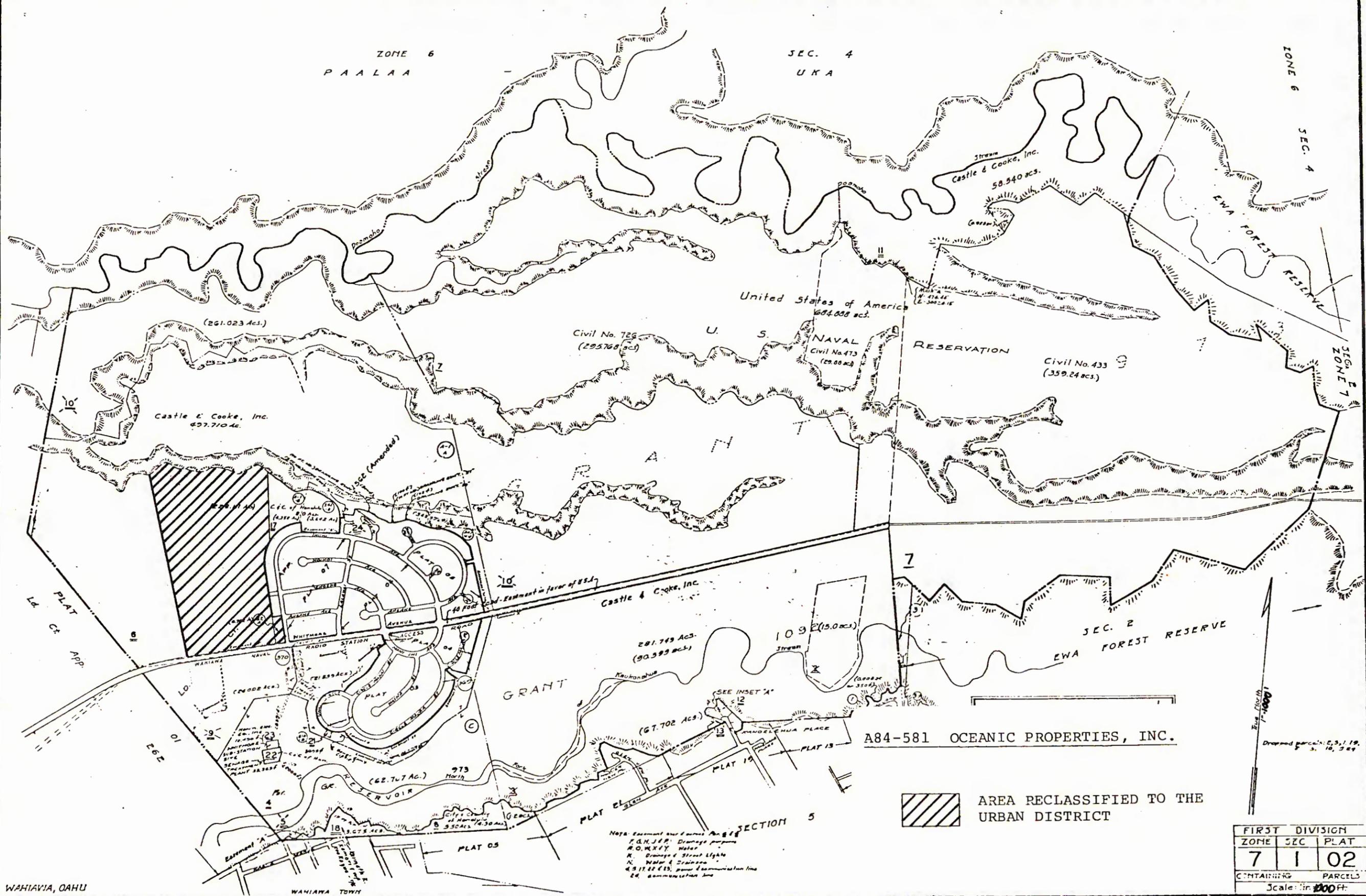


ESTHER UEDA
Executive Officer

PROJECTED
FEB 3 1946

FEB 2 1953
MAY 25 1954
JUL 15 1955
FEB 1 1951
MAY 1 1951

Draw. No. 1574
By D.S.C. & A.M.D. - June, 53
Source: Tax Maps Bureau



Wahiawa, OAHU

Wahiawa Town

A84-581 OCEANIC PROPERTIES, INC.

AREA RECLASSIFIED TO THE URBAN DISTRICT

FIRST DIVISION		
ZONE	SEC	PLAT
7	1	02
CONTAINING PARCELS		
Scale: 1" = 200'		

PRINTED

EXHIBIT A

DOCKET NO. A84-581 - OCEANIC PROPERTIES INC.

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on October 2, 1985.

EVERETT KANESHIGE, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, Hawaii 96813

RICHARD D. WURDEMAN, Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
3rd Floor, City Hall
Honolulu, Hawaii 96813

JOHN P. WHALEN, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813