

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. A86-607
of)	
HAWAIIAN TRUST CO., LTD.)	HAWAIIAN TRUST CO., LTD.
A HAWAII CORPORATION, AND)	A HAWAII CORPORATION,
TRUSTEE OF GEORGE GALBRAITH)	AND TRUSTEE OF GEORGE
TRUST)	GALBRAITH TRUST
To Amend the Conservation)	
Land Use District Boundary)	
to Reclassify Approximately)	
1.33 Acres, TMK: 7-3-06: 77)	
(por.) at Wahiawa, Central)	
Oahu, City and County of)	
Honolulu, State of Hawaii)	
into the Urban Land Use)	
District)	

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LAND USE COMMISSION
STATE OF HAWAII

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
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 HAWAIIAN TRUST CO., LTD.)
 A HAWAII CORPORATION, AND)
 TRUSTEE OF GEORGE GALBRAITH)
 TRUST)
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 To Amend the Conservation)
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 1.33 Acres, TMK: 7-3-06: 77)
 (por.) at Wahiawa, Central)
 Oahu, City and County of)
 Honolulu, State of Hawaii)
 into the Urban Land Use)
 District)
)

DECISION

THE PETITION

This matter arises from a Petition for an amendment to the Land Use Commission district boundary filed on August 11, 1986, pursuant to Section 205-4 of the Hawaii Revised Statutes, as amended, and Part VI, Rule 6-1 of the Land Use Commission's ("the Commission") Rules of Practice and Procedure and District Regulations by HAWAIIAN TRUST CO., LTD., AS TRUSTEE OF THE GEORGE GALBRAITH TRUST (the "Petitioner") to amend the designation of the property comprising of approximately 1.33 acres of land, situate at Wahiawa, Central Oahu, City and County of Honolulu, State of

Hawaii, identified as Oahu Tax Map Key No. 7-3-06: 77 (por.) (the "Property") from the Conservation to the Urban Land Use District.

PURPOSE OF THE PETITION

The Petitioner is requesting a boundary amendment from Conservation to Urban so that it can develop a residential cluster subdivision to include approximately 14 detached single-family units.

THE HEARING

The public hearing on this Petition was conducted on October 30, 1986, in Honolulu, Hawaii, pursuant to Notice published on September 23, 1986 in the Honolulu Star Bulletin. Petitioner was represented by Larry K. Fukunaga; The City and County of Honolulu was represented by Deputy Corporation Counsel Diane Kawauchi; The Department of Planning and Economic Development was represented by Deputy Attorney General Jan Takamine. The following witnesses presented testimony at the hearing:

Public Witness

Jared Kanemaru - Resident and property owner living on
Mala Street

Petitioner

Larry K. Fukunaga - Planning Consultant

Van Lee - Assistant Vice President of Hawaiian Trust Company

Tyrone Kusao - Planning & Zoning Consultant

City and County of Honolulu:

Gene Connell - Deputy Chief Planning Officer with the
Dept. of General Planning, City and
County of Honolulu

Dept. of Planning and Economic Development:

Abe Mitsuda - Acting Head of the Land Use Division,
Dept. of Planning & Economic Development

POSITION OF THE PARTIES

City and County of Honolulu - approval. The
Department of Planning and Economic Development - approval.

APPLICABLE REGULATIONS

Standards for determining the
establishment of an Urban District are found under Part II,
Section 2-2(1) of the State Land Use Commission's District
Regulations. Said regulation provides in pertinent part
that:

- (1) "U" Urban District. In determining the
boundaries for the "U" Urban District, the
following standards shall be used:
 - (a) It shall include lands characterized by
"city-like" concentrations of people,
structures, streets, urban level of
services and other related land uses.
 - (b) It shall take into consideration the
following factors:
 1. Proximity to centers of trading and
employment facilities except where the
development would generate new centers
of trading and employment.

2. Substantiation of economic feasibility by the petitioner.
 3. Proximity to basic services such as sewers, water, sanitation, schools parks, and police and fire protection.
 4. Sufficient reserve areas for urban growth in appropriate locations based on a ten (10) year projection.
- (c) Lands included shall be those with satisfactory topography and drainage and reasonably free from the danger of floods, tsunami and unstable soil conditions and other adverse environmental effects.
- (d) In determining urban growth for the next ten years, or in amending the boundary, lands contiguous with existing urban areas shall be given more consideration than non-contiguous lands, and particularly when indicated for future urban use on State or County General Plans.
- (e) It shall include lands in appropriate locations for new urban concentrations and shall give considerations to areas of urban growth as shown on the State and County General Plans.
- (f) Lands which do not conform to the existing standards may be included within this District:
1. When surrounded by or adjacent to existing urban development; and
 2. Only when such lands represent a minor portion of this District.
- (g) It shall not include lands, the urbanization of which will contribute towards scattered spot urban development, necessitating unreasonable investment, in public supportive services.

- (h) It may include lands with a general slope of 20% or more which do not provide open space amenities and/or scenic values if the Commission finds that such lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

FINDINGS OF FACT

The Land Use Commission, having duly considered the record in this Docket, the testimony of the witnesses and the evidence introduced herein makes the following findings of fact:

1. The Property is owned in fee simple by the George Galbraith Trust, with its trustee Hawaiian Trust Co., Ltd., a Hawaii corporation acting as the Petitioner herein in requesting that the Property be reclassified from the Conservation to the Urban District. The Property consisting of 1.33 acres identified as Oahu Tax Map Key No. 7-3-06: 77 (por.), is located at Wahiawa, Central Oahu, City and County of Honolulu, State of Hawaii. The Property is sited on a projection of land extending into the Wahiawa Reservoir which lies to the north of the Property and surrounds almost three sides of the parcel. The gross area of the Property is 1.44 acres of which 1.33 acres is within the State Conservation District and the remaining .11 acre is situated in the Urban District. The southern portion of the Property

is contiguous with the Urban Land Use District. The Property is accessible via Mala Street which is situated off Kilani Avenue, west of Kamehameha Highway. The Property contains a non-conforming residential rental project consisting of 12 detached dwelling units which have existed thereon since 1955.

2. The Property's topography is characterized as having land surface elevations ranging from approximately 905 feet above mean sea level at its highest point at the Mala Street entrance to its lowest point of 875 feet above mean sea level at its northern boundary. Slopes upon the Property are characterized as gentle to moderate or ranging from 0 to 9.9 percent. Soil on the Property is primarily Helemano Silty Clays from igneous basalt rock parent materials. The Helemano Silty Clays have permeability rates of 2.0 to 6.3 inches per hour, or a moderately rapid rate, with a moderate shrink-swell potential. Erosion hazard is classified as severe to very severe, based on bare and unprotected conditions (i.e. - no protective layer or vegetation and organic matter).

3. Petitioner is requesting the reclassification of the Property from Conservation to Urban so that it can develop a residential cluster subdivision of approximately 14 detached single-family units. Each of the proposed single-family units will have three bedrooms and two

bathrooms, be of an average size of 1,000 - 2,000 sq. ft. with a garage and located on an average lot of 3,600 sq. ft. The Petitioner also proposes to provide a guest parking facility, fencing around the parcel boundary and possibly a tot lot. The proposed units will be developed for the rental or sale market and although firm selling prices have not been established due to the preliminary nature of the proposal, the Petitioner anticipates that qualifying households within the "gap group" incomes will be served. The definition of "gap group" households, based on the U.S. Department of Housing and Urban Development (HUD) guidelines, includes households with annual incomes of 80 to 100 percent of the median income for a given region. For a family of four persons, gap group incomes range from \$25,050.00 to \$35,600.00. The Hawaii Housing Authority has used figures higher than 120 percent of median income to define the gap group. The proposed project is projected to be completed in two (2) phases over a period of four years. Two years have been assigned to achieving all governmental approvals and an additional two years designated for the anticipated construction period. While the cost of the on-site and off-site preparation and utilities cannot be estimated at this time, pending the County's requirements, the approximate total development costs will range between \$1.14 to \$1.31 million dollars.

The financial statement summary of the George Galbraith Trust indicates that the Trust is the owner of more than 2,000 acres of land in the Wahiawa/Whitmore Village area of Central Oahu and also possesses liquid assets and reserves. Most of the property owned by the Trust are income producing properties on long term lease to various enterprises in the Central Oahu area. The 1985 financial summary for the Galbraith Trust shows that the Trust has current assets of \$25,229,163.00, tax liabilities of \$7,533.939.00 and has an estimated annual income of \$1,075,097.00.

4. Petitioner has presented evidence to reflect that the reclassification of the Property will not adversely impact the environmental, recreational, historic and scenic resources of the area due to the fact that the Property has been in its present residential use since 1955 when the 12 dwelling units were moved on to the site.

5. The reclassification of the Property will not unreasonably burden public agencies to provide necessary amenities, services and facilities because:

a) Water Service:

The Board of Water Supply has no objections to Petitioner's request to reclassify the Property. The existing residential units on

the Property are presently being adequately served by the Board of Water Supply System on Mala Street, however, the availability of additional water to the proposed project will be determined when the Petitioner submits the construction plans for review and approval.

b) Solid Waste Collection & Disposal:

The City Department of Public Works indicates that the proposed residential development will not have any impact on refuse collection. The existing residential project is presently being served by the County Refuse Division twice a week.

c) Sewage Treatment & Disposal:

The City Department of Public Works indicates that the proposed residential development will not have any impact on the sanitary sewage system. The proposed project will require that a connection be made to the existing municipal sewage system. Sewer lines are presently available on Mala Street and are adequate to serve the proposed residential development.

d) Flood Control/Storm Drainage:

Petitioner proposes to construct an on-site system which will discharge storm runoff into the Wahiawa Reservoir.

e) Roadways:

The State Department of Transportation has indicated that it has no objections to the proposal to develop the Property and that the existing residential units are presently served by the public roadways of Mala Street, Kilani Avenue and Kamehameha Highway.

f) Fire & Police Protection:

The Wahiawa Police Station located .75 miles from the Property and the Wahiawa Fire Station, located .50 miles away, will serve the proposed development. Backup fire protection is also available from the Mililani and Waialua Fire Stations.

g) Schools:

The proposed development will be served by the Kaala Elementary School, Wahiawa Intermediate School and Leilehua High School. The State Department of Education has indicated that the boundary change and the proposed development thereon will have a negligible impact on the above-referenced schools.

6. During the course of the proceeding, the Petitioner has represented that it will:

- a) Provide a soil engineering report to the County prior to zoning and subdivision approval which will address the potential for erosion and subsidence and the resulting hazardous potential for residential use of the Property.
- b) Construct an on-site drainage system and will implement all such other actions required to minimize runoff and siltation to the reservoir and potential slumping as required by appropriate State and County agencies.
- c) Develop a subdivision designed for families with gap group incomes in coordination with the City and County of Honolulu Housing Agency and/or the State of Hawaii Housing Authority.
- d) In the event that any previously unidentified sites or remains such as artifacts, shells, bones, charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, the Petitioner will cease work and immediately contact the Historic Site Section of the Department of Land and Natural Resources.

7. Based on a review of the Petition, the evidence adduced at the hearing and the provisions of Chapter 205 of the Hawaii Revised Statutes, the Department of General Planning of the City and County of Honolulu and Department of Planning and Economic Development of the State of Hawaii have recommended that the reclassification of the Property be approved.

CONCLUSION OF LAW

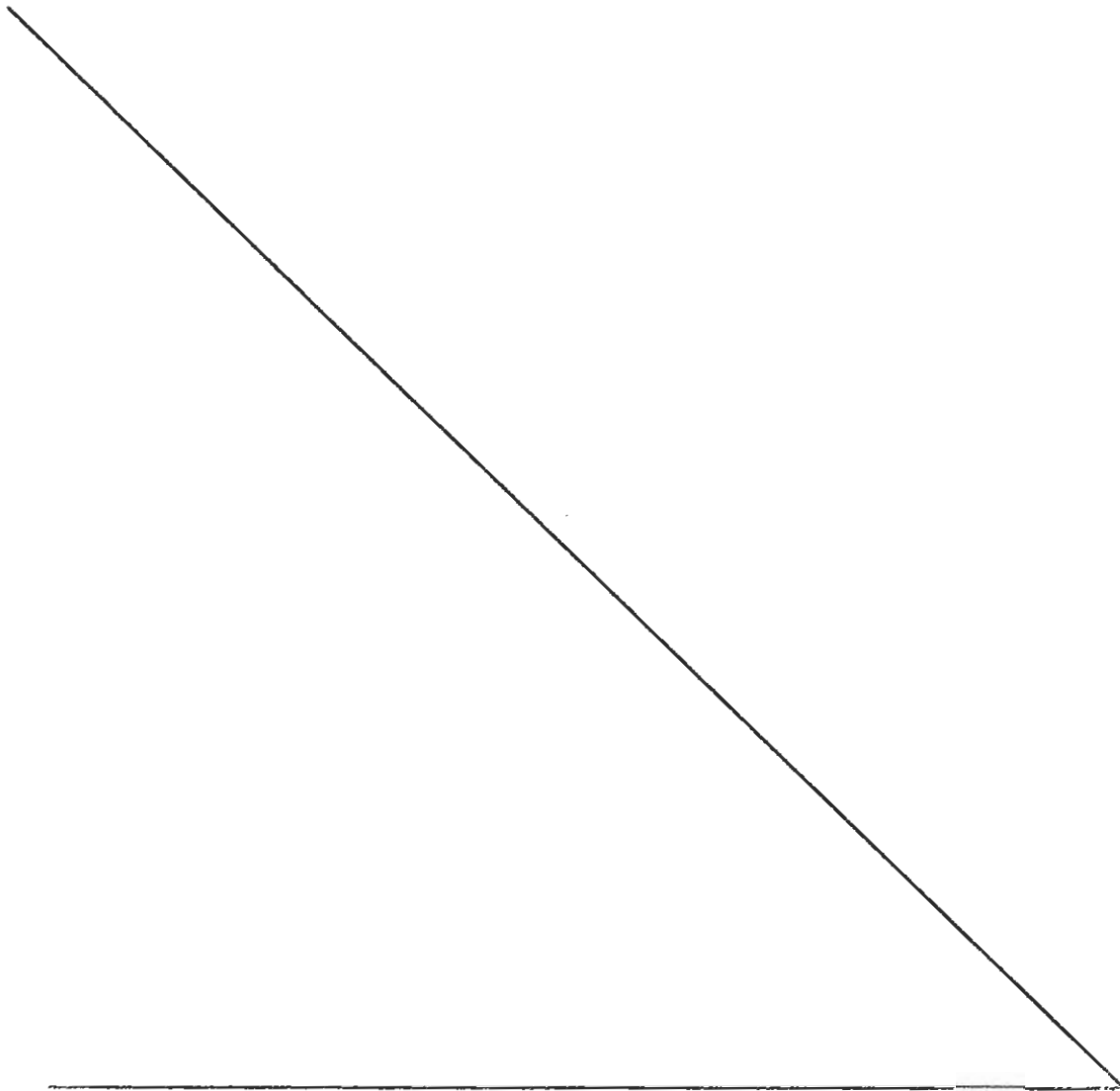
Reclassification of the Property, consisting of approximately 1.33 acres of land, situated at Wahiawa, Central Oahu, City and County of Honolulu, State of Hawaii, from the Conservation to the Urban district and an amendment to the district boundaries accordingly is reasonable and is non-violative of Section 205-2 of the Hawaii Revised Statutes.

ORDER

IT IS HEREBY ORDERED:

That the Property which is the subject in this Petition in Docket No. A86-607, consisting of approximately 1.33 acres of land, situate at Wahiawa, Central Oahu, City

and County of Honolulu, State of Hawaii, identified as Oahu Tax Map Key Number 7-3-06: 77 (portion) and approximately identified on Exhibit A attached hereto and incorporated by reference herein, shall be and hereby is reclassified from the Conservation District to the Urban District and the district boundaries are amended accordingly.



DOCKET NO. A86-607 - HAWAIIAN TRUST COMPANY, LTD., A HAWAII
CORPORATION AND TRUSTEE OF GEORGE GALBRAITH
TRUST

Done at Honolulu, Hawaii, this 28th day of January 1987,
per motions on December 16, 1986 and January 13, 1987.

LAND USE COMMISSION
STATE OF HAWAII

By *J.P. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

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

By *Everett L. Cuskaden*
EVERETT L. CUSKADEN
Commissioner

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

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner


By *Toru Suzuki*
TORU SUZUKI
Commissioner

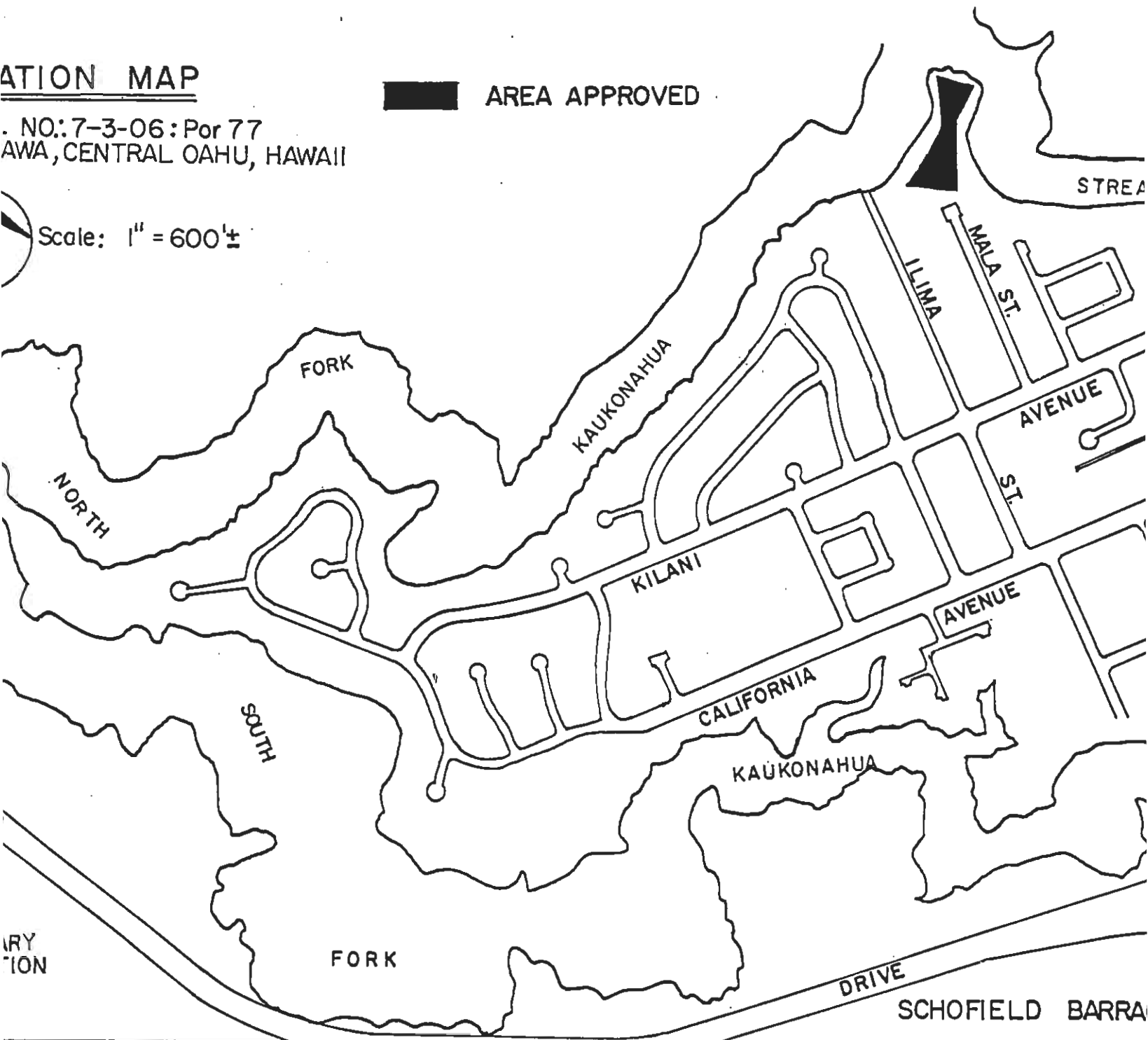
By *Richard B. F. Choy*
RICHARD B. F. CHOY
Commissioner

LOCATION MAP

NO. 7-3-06: Por 77
AWA, CENTRAL OAHU, HAWAII

 AREA APPROVED

 Scale: 1" = 600'±



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EXHIBIT A

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HAWAII CORPORATION, AND TRUSTEE)	A HAWAII CORPORATION, AND
OF GEORGE GALBRAITH TRUST)	TRUSTEE OF GEORGE
)	GALBRAITH TRUST
To Amend the Conservation Land Use)	
District Boundary to Reclassify)	
Approximately 1.33 Acres, TMK:)	
7-3-06: 77 (por.) at Wahiawa,)	
Central Oahu, City and County of)	
Honolulu, State of Hawaii into the)	
Urban Land Use District)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the 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:

ROGER A. ULVELING, Director
Dept. 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, HI 96813

MR. LARRY K. FUKUNAGA
Larry K. Fukunaga and Associates
P.O. Box 25421
Honolulu, HI 96825

Dated: Honolulu, Hawaii, this 28th day of January 1987.


ESTHER UEDA, Executive Officer

DOCKET NO. A86-607 - HAWAIIAN TRUST CO., LTD., A HAWAII
CORPORATION, AND TRUSTEE OF GEORGE
GALBRAITH TRUST

A copy of the Land Use Commission's Decision and
Order was served upon the following by regular mail on
January 28, 1987.

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