

MINN, Philip

A(1)63-58

Ref. No. LUC 422

August 4, 1964

Mr. Philip Minn
Moanalua Shopping Center
Honolulu, Hawaii

Dear Mr. Minn:

The Land Use Commission, at its meeting on August 1, 1964, at the Land Use Commission Hearing Room, 426 Queen Street, Honolulu, Hawaii, took action on your petition for an amendment to the Temporary Urban District Boundary to include First Division THK 1-4-15: Portion 11 in the Urban District. That area indicated as Liliuokalani Tract Unit 2 on the submitted Preliminary Plan dated October 18, 1963, was approved for inclusion in the Urban District. Unit 2, as shown, consists of 48 lots and about 10.2 acres.

The motion to include that area was made by Commissioner Ferry, seconded by Commissioner Burns and the motion was unanimously approved.

Although the identical area was already included in the recently adopted Land Use Urban District, this action on your petition was taken as your petition was still valid and before the Commission. Should you have further questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron Thompson
Roy Takeyama
City Planning Department
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A(T) 63-58 - Munn
DATE 8/1/64
PLACE LUC Hearing Room
TIME 9:50 AM.

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	✓			
INABA, G.	✓			
OTA, C.	✓			
WENKAM, R.	✓			
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.	✓			
FERRY, J.	✓			
THOMPSON, M.	✓			

COMMENTS: Ferry - Approve petition for portion,
Burns - Sec.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

9:00 A. M. - August 1, 1964

Commissioners

Present:

C.E.S. Burns
James P. Ferry
Goro Inaba
Shelley Mark
Shiro Nishimura
Charles S. Ota
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Y. Takeyama, Legal Counsel
Richard E. Mar, Field Officer
Alberta L. Kai, Stenographer

The meeting was called to order by Chairman Thompson.

PETITIONS PENDING ACTION BY COMMISSION

PETITION OF CAPITAL INVESTMENT COMPANY (A(T)63-60) TO AMEND THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR BEACH, RESIDENTIAL, FARM AND RESORT DEVELOPMENT IN MAKAHA VALLEY, WAIANAE, OAHU FOR ONLY 575.1 ACRES: Described as TMK 8-4-02: 1, 4, 5, 7, 8, 13, and 14 (comprising of approximately 5,210 acres)

A review of what had been discussed and learned since yesterday (7/31/64) was made by Commissioner Burns.

Commissioner Wenkam moved that the petition be denied except for that final portion designated urban in the adopted land use district boundaries as of July 1, 1964. Commissioner Ferry seconded the motion.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Mark, Ferry
and Chairman Thompson.

Disapproved: Commissioner Nishimura.

The motion was carried.

PETITION OF PHILIP MINN (A(T)63-58) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO AN URBAN DISTRICT FOR RESIDENTIAL SUBDIVISION AT UPPER KAMANAIKI VALLEY IN KALIHI, OAHU: Described as TMK 1-4-15: 11 (approximately 106 acres)

The general consensus of the Commission was that action be taken on this petition inasmuch as the required maximum days were about up, and the request by the petitioner for deferral was orally given.

Commissioner Ferry moved that the petition be denied except for that final portion designated urban in the adopted land use district boundaries as of July 1, 1964. Commissioner Burns seconded the motion.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Mark, Ferry, and Chairman Thompson.

Disapproved: None.

The motion was carried.

OTHER BUSINESS

The Executive Officer reported that the boundaries and regulations would be filed with the Lt. Governor's Office within 2 weeks.

The Chairman reported that a meeting will have to be scheduled some time prior to the convening of the Legislature to discuss possible amendments to the Land Use Law. He stated that Legal Counsel will be making a presentation in this area at the forthcoming Planning Conference on Kauai. (Legal Counsel was requested to circulate copies of his speech to each Commissioner prior to the conference.) He further reported that a written progress report to the Governor was made and that the Governor was very satisfied with the work of this Commission.

Commissioner Ota suggested that a Commissioner (other than from the County petition is concerned) accompany the staff when a field investigation of a petition is made.

Chairman Thompson asked whether it was possible to obtain federal funds to supplement this Commission's planned programs. He requested that the staff and Dr. Mark explore this area. He also requested that the staff and Dr. Mark explore the areas of grants that are available to this Commission. He suggested the various foundations, the legislative reference bureau, and the University of Hawaii. He stated that he has a book in his office with a list of various foundations that provide grants for different programs, which may be of help.

CONTINUED REVIEW OF LAND USE DISTRICT BOUNDARIES

The Commission continued reviewing the land use district boundaries which were not completed.

The meeting adjourned at 12:30 p.m.

Ref. No. LUC 409

July 21, 1964

Mr. Philip Minn
Moanalua Shopping Center
Honolulu, Hawaii

Dear Mr. Minn:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Oahu on July 31, 1964 in the Land Use Commission Hearing Room, 426 Queen Street, Honolulu, Hawaii, at 1:30 p.m.

As the waiting period prescribed by SECTION 98H-4 of Act 205/63 will have expired, your petition for change of temporary district boundary has been placed on the Commission's agenda for consideration at this meeting. In view of the recently adopted final land use district boundaries as explained to you in our letter of July 15, 1964, we would appreciate hearing from you whether you wish to withdraw your petition, or not.

We wish to advise you that this notice is simply to inform you as to the status of your petition before the Land Use Commission. Should it be convenient for you to attend, you may do so at your own discretion, though it is not necessary for you to be at this meeting.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron Thompson
City Planning Dept.
Edwin Honda

July 15, 1964

Mr. Philip Munn
Moanalua Shopping Center
Honolulu, Hawaii

Dear Mr. Munn:

51613 NO. 100-498

You now have a petition pending before the Land Use Commission for an amendment of the Temporary Urban District Boundary in upper Kaimaniki Valley, to include in the Urban District land below the 500 foot elevation and within the limits of a proposed subdivision. After you initiated your petition, the Land Use Commission deliberated upon and adopted final land use district boundaries as mandated by Act 205, SLH 1963. The adopted Urban District Boundary now includes all the lots shown on Preliminary Plan Liliuokalani Tract Unit 2. Since it appears that the relief you seek in your petition for a boundary change has been granted, you may wish to withdraw that petition. We would appreciate hearing from you, on this matter, at your earliest convenience.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: M. Thompson
R. Takeyama
Edwin H. Honda

ASSOCIATES
KWAN HI LIM
JOSEPH L. DWIGHT, JR.

EDWIN H. HONDA

ATTORNEY AND COUNSELLOR AT LAW
SUITE 206-215 NATIONAL BUILDING
1109 BETHEL STREET
HONOLULU 13, HAWAII

June 19, 1964

Land Use Commission
426 Queen Street
Honolulu, Hawaii

Re: A(T)63-58
Philip P. Minn

Gentlemen:

Summarized herein are reasons in support of the amended petition of Mr. Philip P. Minn for amendment of the temporary district boundary in upper Kamaikai Valley, Kalihi, Honolulu, Hawaii from a conservation district to an urban district.

It may be stated at the outset that your staff report which was addressed to the unamended petition recommends denial of the petition as it applies to the entire valley which is under an Agreement of Sale to Mr. Minn as purchaser. However, a careful reading of the staff report, including the history of actions taken by other agencies of government, seems to support the amended petition which requests a change of temporary district for the parcel of land up to 500-foot elevation.

Among the evidence or testimony contained in the report, there is an 8-inch water line that can service the area which is proposed for a subdivision. Attached also is a letter from M. R. Hefty, Land and Contracts Administrator, addressed to the City Planning Commission indicating that the use of the land below the 500-foot contour for subdivision purposes is consistent with the present interim zoning of Kamaikai Valley.

Furthermore, the City Planning Director communicated with your office under date of April 9, 1964, after a visit to the site, recommending to the Planning Commission "...that the area below the 500-foot contour be changed from Conservation district to Urban district based on comments and advice of the Board of Water Supply..." The Planning Commission, reacting to the recommendation of its director, voted to recommend that the area below the 500-foot contour be designated for urban district. (See staff report, page 3.)

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JUN 20 1964

State of Hawaii
LAND USE COMMISSION

Land Use Commission
Page 2
June 19, 1964

Your staff report further states that on March 21, 1957, "...the owners of Kamaikai Valley secured tentative approval for the subdivision of all land below the 500-foot contour line, which is the limit of water service for that area. Subsequent to the tentative approval, "Unit 1" was completed while "Unit 2" never got past the drawing boards. Since tentative approval for "Unit 2" had expired, the petitioner submitted a new preliminary subdivision plan for "unit 2" requesting that the land use district designation be amended from conservation to urban district." The foregoing indicates tentative approval had been given for subdivision and that one unit or increment was in fact completed and sold to purchasers. Testimony of Mr. Minvielle, surveyor, at your hearing substantiated the feasibility of the use of the area for residential subdivision.

Should a visit of the site be made, it is quite apparent that the area in question has not particular scenic or conservation value but lends itself for residential use. The area is approximately 5-8 minutes' ride into the heart of Honolulu and would conveniently meet the needs of those who yearn for homes on fee simple land. The adjoining area is completely residential and the erection of houses in no way detracts from use of adjacent lands.

Petitioner, in view of the foregoing summation and the testimony presented at the hearing, contends that the area sought to be changed from conservation to urban district is "...usable and adaptable for the use it is proposed to be classified."

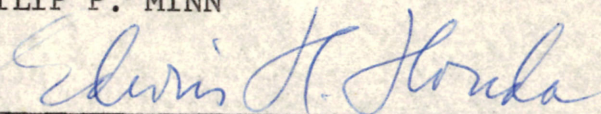
In addition thereto, petitioner maintains that the conditions and trends of development in the area are such that "the proposed classification is reasonable."

It appears, therefore, that on the testimony heretofore presented and the communications earlier received by your body from various governmental agencies (Board of Water Supply, City Planning Commission) constitute sufficient evidence in support of Mr. Minn's petition for change of temporary district from conservation to urban.

Petitioner respectfully requests favorable consideration of the amended petition.

Very truly yours,
PHILIP P. MINN

By


EDWIN H. HONDA, his attorney

EHH:sc

March 4, 1964

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JUN 20 1964

State of Hawaii
LAND USE COMMISSION

Planning Commission
City and County of Honolulu
Honolulu Hale Annex
Honolulu, Hawaii 96813

Attention: Mr. Frederick K. F. Lee
Planning Director

Gentlemen:

Subject: Change of Temporary District Boundary
Kalihi - Kamaikai Valley
Tax Map Key: 1-4-15-11
Applicant: Philip P. Munn

In response to your letter of February 12, regarding the above-referred-to petition, we advise as follows:

Some time ago, the owners of Kamaikai Valley secured tentative approval for the subdivision of all land lying below the 500-ft contour, which is the limit of water service in that area. Furthermore, the terrain above the 500-ft contour is such that it is not suitable for urban development.

All lands of Kamaikai Valley above that elevation were recommended to remain in the Forest Reserve or Conservation area by the then Board of Agriculture and Forestry continuously since 1950 to date. This Board so concurs.

It is our understanding that the applicant's intention is (1) to subdivide that portion of Kamaikai Valley below the 500-ft contour, and (2) to move his nursery from Palolo Valley to the area in "Conservation" above the 500-ft contour.

This planned use would conform to the present interim zoning of Kamaikai Valley. Insofar as the nursery is concerned, there would be no need to remove the area from the Kamaikai

Planning Commission

- 2 -

March 4, 1964

Valley Conservation District as such use could be permitted under paragraph D-(10)-(j) of the proposed "Interim Regulations for the Conservation District" of the Department of Land and Natural Resources.

In view of the foregoing, it appears that the petition should be withdrawn.

Very truly yours,

(Original)
(Signed) M. R. Hefty

M. R. Hefty
Land & Contracts Administrator

MRH:tf

copy 726, 717

Reference Number	Name	District & Island	
1296	Minn, Philip P.	Kalihi, Oahu	
TMK	Area	Proposed Classification	Requested Classification
1-4-15: Por. 11 LUC Map O-13	10 acres more or less	Conservation	Urban

Reasons for Protest

Tentative approval was given by the City & County to the owners of Kamanaiki Valley for the development of land for residential purposes up to the 500 foot contour line.

Staff Comments

Refer to staff report covering A(T)63-58

Staff Recommendations Disapprove the request.

Ref. No. LUC 324

May 21, 1964

Mr. Edwin H. Honda
Attorney & Counsellor at Law
Suite 206-215 National Building
1109 Bethel Street
Honolulu 13, Hawaii

Dear Mr. Honda:

This is in reference to your letter dated May 15, 1964 amending the petition of Mr. Philip P. Minn from 106 acres to approximately 10 acres for the area of land which falls within an elevation of 500 feet from sea level.

According to Section 98H-4, the Land Use Commission will act on the petition for a boundary change within a period of not more than 90 days and not less than 45 days after the public hearing on the subject petition.

When the date of the action on your client's petition is due, we will inform you on the date, time and place of the Land Use Commission meeting.

Should there be further questions, please feel free to contact this office.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

REM/an
cc: Philip Minn

ASSOCIATES
KWAN HI LIM
JOSEPH L. DWIGHT, JR.

EDWIN H. HONDA

ATTORNEY AND COUNSELLOR AT LAW
SUITE 206-215 NATIONAL BUILDING
1109 BETHEL STREET
HONOLULU 13, HAWAII

May 15, 1964

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MAY 15 1964

State of Hawaii
LAND USE COMMISSION

Land Use Commission of the
State of Hawaii
426 Queen Street
Honolulu, Hawaii

Re: Petition of Philip P. Minn for Amendment of
Temporary District Boundary in Upper Kamaikai
Valley, Kalihi

Gentlemen:

Mr. Philip P. Minn, petitioner in the above-captioned matter, seeks to amend or clarify the petition heretofore filed on 30 December, 1963, which called for a request in the change of classification from conservation to an urban district.

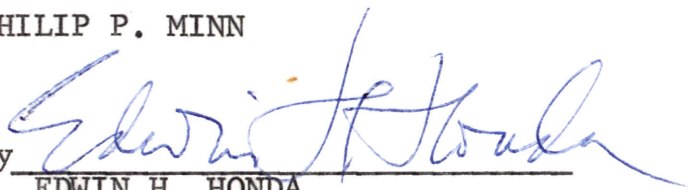
Petitioner modifies the request for change of district only as to land which falls within an elevation of 500 feet from sea level and not the entire 106 acres mentioned in the original petition. Petitioner feels that this request is consonant with use of the land in adjoining areas previously developed for residential use.

Your favorable consideration of the petition as thus amended would be sincerely appreciated.

Very truly yours,

PHILIP P. MINN

By


EDWIN H. HONDA
His Attorney

EHH:sc

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
426 Queen Street, Honolulu, Hawaii

2:00 P. M.
May 15, 1964

STAFF REPORT

A(T)63-58
PHILIP MINN

Temporary District Classification: AGRICULTURAL

CONSERVATION

Background

Mr. Philip Minn has petitioned the Land Use Commission for amendment of the temporary district boundary so that approximately 106 acres described by Oahu TMK 1-4-15: 11 would be changed from a conservation to an urban district classification.

The subject property is located in upper Kamaikai Valley, Kalihi, Oahu. Access to the property is by Nihi Street which extends into the petitioner's existing subdivision known as "Liliuokalani Tract I." The subject parcel is in the existing conservation district and is being proposed as such in the final district boundaries. The western end of the parcel is contiguous to the existing urban zone while the southern part is adjacent to the petitioner's existing subdivision which is also in the urban district. A small portion of about an acre may be argued to be in the temporary urban district but is subject to interpretation on the location of the boundary line.

The petitioner plans to subdivide the parcel of approximately 106 acres into 48 houselots ranging from 5,100 sq. ft. to 13,390 sq. ft. This proposed subdivision will be known as "Liliuokalani Tract Unit 2" and will be accessible by a new 44 ft. road.

The State General Plan designates the petitioner's land as open land and forest reserve.¹ The proposed general plan for the City and County of Honolulu designates the area ^aas/preservation zone. The preservation zone is virtually identical to the Land Use Commission's Conservation District.

The subject parcel is covered with a verdant growth of bushes and shrubs but is otherwise vacant. The Land Study Bureau has classified the petitioner's land as "steep areas outside the forest reserve."² Rainfall in the vicinity of the petitioner's land is about 75" - 100" per year.³ Detailed measurements of the petitioner's preliminary subdivision map showed that the general slope of land for "Unit 2" ranges between 30% to 40%. The USGS map shows a general slope of about 50%. The slope ^{of land}for scattered small areas range from about 20% to about 70%.

According to Mr. Etsuo Tonokawa of the Honolulu Board of Water Supply, there is an existing 8" water line to service the proposed subdivision.

The Sewers Division of the City and County of Honolulu mentioned that cesspools are used in the vicinity of the petitioner's land. A 10" sewer line is shown just outside of the southwest corner of the subject parcel but on the opposite side of the stream from the parcel. The possible use of this sewer to serve the proposed subdivision is not known.

In a letter dated November 13, 1963, the City and County Planning Director disapproved the proposed subdivision. In part, the letter reads as follows:

¹ State General Plan, p. 37.

² State General Plan, p. 32. Subject parcel is not in the Forest Reserve area.

³ loc cit.

"After due consideration, the Director disapproved the proposed subdivision on the basis that the area is designated for conservation purposes by the State Land Use Commission and that the proposed subdivision does not conform with the requirements of Class A-1 residential district with respect to the minimum lot area of 7,500 sq. ft. for each lot."

On December 30, 1963, the Land Use Commission received this petition and forwarded it to the City for comments.

In a letter dated April 14, 1964, the City Planning Director replied, in part, as follows:

"The Planning Commission at its meeting on Thursday, April 9, 1964, considered the matter after a visit of the site. The Planning Director recommended to the Planning Commission that the area below the 500-foot contour be changed from Conservation district to Urban district based on the comments and advice of the Board of Water Supply which is enclosed for your information.

"The Planning Commission, after due consideration of the Director's report, voted to recommend that the petition be granted approval and that the area below the 500-foot contour line be designated for Urban district."

The comments and advice of the Board of Water Supply, which is the basis of the Planning Director's recommendation reads, in part, as follows:

"Subject: Change of Temporary District Boundary
Kalihi - Kamananiki Valley
Tax Map Key: 1-4-15-11
Applicant: Philip P. Minn

"In response to your letter of February 12, regarding the above-referred-to petition, we advise as follows:

"Some time ago, the owners of Kamanaiki Valley secured tentative approval for the subdivision of all land lying below the 500-ft contour, which is the limit of water service in that area. Furthermore, the terrain above the 500-ft contour is such that it is not suitable for urban development.

All lands of Kamanaiki Valley above that elevation were recommended to remain in the Forest Reserve or Conservation area by the then Board of Agriculture and Forestry continuously since 1950 to date. This Board so concurs.

It is our understanding that the applicant's intention is (1) to subdivide that portion of Kamanaiki Valley below the 500-ft contour, and (2) to move his nursery from Palolo Valley to the area in "Conservation" above the 500-ft contour.

This planned use would conform to the present interim zoning of Kamanaiki Valley. Insofar as the nursery is concerned, there would be no need to remove the area from the Kamanaiki Valley Conservation District as such use could be permitted under paragraph D-(10)-(j) of the proposed "Interim Regulations for the Conservation District" of the Department of Land and Natural Resources.

* In view of the foregoing, it appears that the petition should be withdrawn."

On March 21, 1957, the owners of Kamanaiki Valley secured tentative approval for the subdivision of all land below the 500-foot contour line, which is the limit of water service for that area. Subsequent to the tentative approval, "Unit 1" was completed while "Unit 2" never got past the drawing boards. Since tentative approval for "Unit 2" had expired, the petitioner submitted a new preliminary subdivision plan for "Unit 2" requesting that the land use district designation

be amended from conservation to urban district.

Analysis

The petitioner has not submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified or either of the following requirements has been fulfilled:

- (a) that the land is usable and adaptable for the use it is proposed to be classified, or
- (b) conditions and trends of development have so changed since the adoption of the present classifications that the proposed classification is reasonable.

The fundamental principal involved in this petition is the validity of the conservation districting. The basis of the conservation districting, in this specific instance, is to provide open space amenities and to preserve scenic values. Both of these elements have been deemed essential to the health and welfare of the community and recognized, by the courts, as a reasonable basis for zoning (or districting in this case).

The Constitution of the State of Hawaii, Article VIII, Public Health and Welfare, Section 5, states that "The State shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation". The Land Use Commission is the only state agency with real responsibility to contribute to the public health and welfare in this respect. This responsibility may be fulfilled by the judicious delineation of the conservation districts. The proposed conservation districting of steep areas by this Commission has not been arbitrarily done, Lands with general slopes of about

20% or more, which provide open space amenities and scenic values have been included. In addition, the economic adaptability for urban uses of such included steep lands was considered. The purpose was to establish a reasonable and more specific point of demarcation, between health and welfare values and economic values, which could be more uniformly applied. A slope of land map of Oahu was overlaid on existing urban developments. Since virtually all such urban developments were located on land below the 20% slope, that particular slope has been selected as a reasonable demarcation.

While this specific line of demarcation may not be wholly acceptable, there does not now appear to be a more reasonable or uniform guide for this Commission to use in delineating the boundaries in such steep areas.

With respect to this particular issue of conservation districting, however, it may be argued that (1) The parcel is located in the narrow upper reaches of the valley and the values of sightliness or good order, or open space and scenic amenities, as they affect the community, are considerably depreciated. (2) On the basis of (1) above, the economic values to the landowner assume greater significance in the consideration. There is less basis, then, for government to restrain the owner from using the land in its highest and best use in his (owner's) interest rather than in the public interest. (3) The subject parcel is contiguous to an urban district and the required facilities and services are either available or can be made reasonably available at no demonstrable difference in cost to the public.

Another major issue is the fact that the law mandates that "no change shall be approved unless the petitioner has submitted proof" for the two "tests". The petitioner has not submitted proof as of the writing of this report. On this basis, this omission would be sufficient legal basis for disapproval.

In addition, the proposed urban use does not conform to the State or County General Plan. The City's recommendation appears to be based on the fact that the area was once approved for subdivision (in 1957) and is ^{within} ~~not~~/watershed areas of the Board of Water Supply. However, the recommendation appears to be in conflict with the City's General Plan and the basis for the City's "preservation" zone was, apparently, not considered.

Recommendation

The staff recommends that this petition be denied on the following bases:

1. In accordance with the mandate of Act 205 that "no change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified..." To the present date, the petitioner has not submitted any evidence to support his application for a boundary change.
2. The staff contends that the generalized slope limits of 20% is a reasonable limit for urban developments when the public interest and welfare is deemed important. In view of the intense urban pressures in the City, the resulting confinement of virtually all developments up to the 20% slope limit, the **general** **acknowledgement** of the necessity for preservation of open space and scenic values as it contributes to the well being of communities, the staff contends that these are added bases for denial of this petition.
3. Conservation designation is in conformance with the proposed County General Plan, the State General Plan, and meets the mandate of the legislation that "conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic areas; providing park lands, wilderness

and beach reserves; conserving endemic plants, fish and wildlife; preventing floods and soil erosion; forestry; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept."

Ref. No. LUC 286

April 28, 1964

Mr. Philip Minn
Moanalua Shopping Center
Honolulu, Hawaii

Dear Mr. Minn:

This is to inform you of the public hearing called by the Land Use Commission of the State of Hawaii on May 15, 1964 at 2:00 p.m. in the Land Use Commission hearing room, 426 Queen Street, Honolulu, Hawaii. Your petition for Change of Temporary District Boundary from a Conservation district to an Urban district classification will be heard at that time.

Publication of Legal Notice appeared in the Honolulu Star-Bulletin and the Honolulu Advertiser on April 25, 1964 and will appear again on May 5, 1964.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Myron Thompson
C.E.S. Burns
City Planning Commission

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR CHANGE OF TEMPORARY DISTRICT
BOUNDARY WITHIN THE CITY AND COUNTY OF HONOLULU BEFORE
THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held by the Land Use Commission of the State of Hawaii in the City and County of Honolulu to consider petitions for Change of Temporary District Boundary as provided for in SECTION 2, Section 98H-4, Revised Laws of Hawaii 1955, as amended.

1. In the hearing room of the Land Use Commission, on the second floor of the Kapuaiwa Building, 426 Queen Street, Honolulu, Hawaii, on May 15, 1964, at 2:00 P. M., or as soon thereafter as interested persons may be heard in considering:

<u>Docket Number and Petitioner</u>	<u>Tax Map Key</u>	<u>Change Requested</u>
A(T)63-57 Fathers of the Sacred Hearts	4-5-25: 9, 20 & 1 (approximately 62.00 acres)	Change from an Agricultural district classification to an Urban district classification for residential and institutional development in Kaneohe.
A(T)63-58 Philip P. Minn	1-4-15: 11 (approximately 106 acres)	Change from a Conservation district classification to an Urban district classification for residential subdivision at upper Kamaikai Valley in Kalihi.
A(T)63-60 Capital Investment Company	8-4-02: 1, 4, 5, 7, 8, 13 & 14 (5,210 acres)	Change from an Agricultural district classification to an Urban district classification for beach, residential, farm and resort subdivision development in Makaha Valley, Waianae.

Maps showing the areas under consideration for change of Temporary District Boundary and copies of the Rules and Regulations governing the petitions above are on file in the office of the Land Use Commission and are open to the public during office hours.

All written protests and comments regarding the above petitions may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii before the date of public hearing, or submitted in person at the time of public hearing, or filed up to fifteen (15) days following the hearing.

LAND USE COMMISSION

MYRON B. THOMPSON, Chairman

RAYMOND S. YAMASHITA, Executive Officer

(Legal ad - 2 cols. w/border to appear:)
(THE HONOLULU STAR-BULLETIN AND THE)
(HONOLULU ADVERTISER - April 25 and May 5, 1964)

NEAL S. BLAISDELL
MAYOR



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APR 17 1964

State of Hawaii
LAND USE COMMISSION

CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT
HONOLULU HALE ANNEX
HONOLULU, HAWAII 96813

April 14, 1964

1090
PLANNING COMMISSION

FRANK W. HUSTACE, JR., CHAIRMAN
GEORGE F. CENTEIO, VICE-CHAIRMAN
STANLEY T. HIMENO
KINJI KANAZAWA
CYRIL W. LEMMON
THOMAS N. YAMABE, II
ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO
MANAGING DIRECTOR, EX-OFFICIO

ZONING BOARD OF APPEALS

HAROLD K. KOMETANI, CHAIRMAN
GEORGE I. BROWN, VICE-CHAIRMAN
HENRY C. H. CHUN-HOON

PLANNING DIRECTOR

FREDERICK K. F. LEE

Mr. Raymond S. Yamashita, Executive Officer
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

SUBJECT: Kalihi - Change of Temporary District Boundary
Tax Key: 1-4-14: 11
Applicant: Philip P. Minn

Reference is made to a petition filed by Philip P. Minn for amendment of temporary district boundary respecting the County of Honolulu, Island of Oahu, to change the district designation from Conservation to Urban district for area of land totalling approximately 106 acres, situated at upper Kamaikai Valley in Kalihi.

The Planning Commission at its meeting on Thursday, April 9, 1964, considered the matter after a visit of the site. The Planning Director recommended to the Planning Commission that the area below the 500-foot contour be changed from Conservation district to Urban district based on the comments and advice of the Board of Water Supply which is enclosed for your information.

The Planning Commission, after due consideration of the Director's report, voted to recommend that the petition be granted approval and that the area below the 500-foot contour line be designated for Urban district.

Very truly yours,

PLANNING COMMISSION

By

Frederick K. F. Lee
Frederick K. F. Lee
Planning Director

CONCUR:

Neal S. Blaisdell
Managing Director

Mayor

Copy of a letter from
BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU

1690

March 4, 1964

Planning Commission
City and County of Honolulu
Honolulu Hale Annex
Honolulu, Hawaii 96813

Attention: Mr. Frederick K. F. Lee
Planning Director

Gentlemen:

Subject: Change of Temporary District Boundary
Kalihi - Kamanaiki Valley
Tax Map Key: 1-4-15-11
Applicant: Philip P. Minn

In response to your letter of February 12, regarding the above-referred-to petition, we advise as follows:

Some time ago, the owners of Kamanaiki Valley secured tentative approval for the subdivision of all land lying below the 500-ft contour, which is the limit of water service in that area. Furthermore, the terrain above the 500-ft contour is such that it is not suitable for urban development.

All lands of Kamanaiki Valley above that elevation were recommended to remain in the Forest Reserve or Conservation area by the then Board of Agriculture and Forestry continuously since 1950 to date. This Board so concurs.

It is our understanding that the applicant's intention is (1) to subdivide that portion of Kamanaiki Valley below the 500-ft contour, and (2) to move his nursery from Palolo Valley to the area in "Conservation" above the 500-ft contour.

This planned use would conform to the present interim zoning of Kamanaiki Valley. Insofar as the nursery is concerned, there would be no need to remove the area from the Kamanaiki

Planning Commission

- 2 -

March 4, 1964

Valley Conservation District as such use could be permitted under paragraph D-(10)-(j) of the proposed "Interim Regulations for the Conservation District" of the Department of Land and Natural Resources.

In view of the foregoing, it appears that the petition should be withdrawn.

Very truly yours,

{ Original }
{ Signed } M. R. Hefty

M. R. Hefty
Land & Contracts Administrator

MRH:tf

February 4, 1964

Memo to: Planning Commission
From: Fred K.F. Lee, Planning Director
Subject: State Land Use Commission Application of Philip Minn to Award the Temporary State District Boundaries from Conservation to Urban to Include 106 Acres in Kamaikai Valley for Residential Development.

The Planning Department has evaluated this request and recommends that the Commission deny this application for the following reasons:

1. The proposed General Plan designates this area as a preservation area with the exception of approximately 15 acres, which is already subdivided and developed.
2. Practically all of the tract is within the forest reserve water-shed area
3. A visual inspection of the area indicates that the topography of the remaining tract, which has not been improved and developed, is extremely steep so as to render further development economically unfeasible. Most of the area appears to exceed an existing slope of 30% to nearly 40%.

Ref. No. LUC 795

December 30, 1963

City Planning Commission
City and County of Honolulu
Honolulu Hale Annex
Honolulu, Hawaii

Attention: Mr. Frederick K. F. Lee, Planning Director

Gentlemen:

Pursuant to section 98H-4, RLH 1955, as amended, a copy of the
Petition for Amendment of Temporary District Boundary submitted
by Philip Minn is forwarded for your comments and recommendations.

Sincerely,

R. YAMASHITA
Executive Officer

Enclosure

*Eagle-H
Type-Erase*

25% SUSTAINABLE

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

This space for LUC use

DEC 5 0 1963

Date Petition and Fee received
by LUC

State of Hawaii
LAND USE COMMISSION

Date forwarded to County
for recommendation

12/22/63

Date Petition, and County
recommendation received
by LUC

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

(I) (We) hereby request an amendment of Land Use Commission Temporary
City and
District Boundary respecting the/County of Honolulu, Island of Oahu,
map number and/or name _____ to change the district
designation of the following described property from its present classification in
a(n) conservation district into a(n) urban district.

Description of property:

Tax key 1-4-15-11; approximately 106 acres, upper Kamaikai Valley,
Kalihi, Oahu

Petitioner's interest in subject property:

Purchaser under Agreement of Sale

Petitioner's reason(s) for requesting boundary change:

To allow for sub-dividing for residential use

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the
district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following
statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to
be classified.

(b) ~~Conditions and trends of development have so changed since adoption
of the present classification, that the proposed classification is
reasonable.~~

Signature(s)

Philip P. Minin

Address:

Moanalua Shopping Center

Telephone:

401855

State Form B14

STATE OF HAWAII

LAND USE Commission
426 Queen St. Honolulu, Hawaii
Department, Bureau or Commission

OFFICIAL RECEIPT NO. 74

Dec. 30, 1963

RECEIVED from

Phillip C. Minn

Fifty + 00/100

DOLLARS

The due hearing for Temporary Boundary Change
for lands of Honolulu.

\$50.00

Bush

Quanta L. Kai

Public Accountant

Ref. No. LUC 758

November 20, 1963

Mr. Phillip Minn
Moanalua Shopping Center
Honolulu, Hawaii

Dear Mr. Minn:

This is to confirm our telephone conversations of November 19 and 20, 1963, regarding your query as to whether or not your proposed subdivision, tax key 1-4-15: 11 lies within the Temporary Urban District. We have examined the Temporary Urban District Boundaries and concluded that the parcel lies outside the Temporary Urban District and in the Conservation District.

You have expressed a desire that this particular parcel be included in the Urban District. At least two courses of action are possible. You may file a petition for a change in the Temporary District Boundaries (from Conservation to Urban) for which forms are enclosed as you have requested. You may also file a protest to the Land Use Commission which protest would be considered before adoption of the final district boundaries which must be adopted no later than July 1, 1964. The procedures for the courses of action outlined are contained in the enclosed copies of Act 187 and 205. Should you have any questions, please feel free to contact this office.

Very truly yours,

R. YAMASHITA
Executive Officer

Enclosures

cc: Frederick K. F. Lee, Planning Director
Myron B. Thompson, Chairman, Pro Tempore

RECEIVED

NOV 14 1963

State of Hawaii
LAND USE COMMISSION

November 13, 1963

Hawaiian Pacific Engineering Surveys, Inc.
1649 Kapiolani Boulevard
Honolulu 14, Hawaii

Gentlemen:

Proposed Subdivision: Kalihi - Nihi Street
Tax Key: 1-4-15: 11
Owner: Philip P. Minn
Surveyor A. E. Minvielle, Jr.

The Planning Director on November 7, 1963 reviewed the proposed subdivision of a portion of Grant 3424 to C. P. Laukea at Kalihi into Liliuokalani Tract Unit 2 of 48 lots with areas ranging from 5,100~~0~~ to 13,390~~0~~ together with a 44-foot right-of-way, and one remainder lot for future subdivision purposes.

After due consideration, the Director disapproved the proposed subdivision on the basis that the area is designated for conservation purposes by the State Land Use Commission and that the proposed subdivision does not conform with the requirements of Class A-1 residential district with respect to the minimum lot area of 7,500~~0~~ for each lot.

Very truly yours,

PLANNING DEPARTMENT

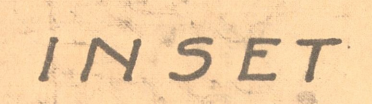

Frederick K. F. Lee
Planning Director

EY:ef

Enc.

cc: Mr. Philip Minn
State Land Use Commission ✓

Maps for Philip Main Petition A(t)63-58



Tax Maps Branch Tax Office Bldg. Honolulu, Hawaii	FIRST DIVISION	
	ZONE	SEC.
	1	4
	CONTAINING PLATS	
	Scale 1 in = 500 ft.	

Slope of land
40.00%
USGS shows
50%

9/1/63

Rainfall Data
Total Drainage Area 468 Acres
Rate of Rainfall 3.2 c.f.s./Ac.
100% Runoff
Total Est. Vol. 1500 c.f.s.

Water Service limited
to 500 ft. elevation

Total Area of Land 166.703 Ac
Approx. Area of Subdivision 443,280 sq ft
No. of Lots 48
Aver. Lot area 7900 sq ft

Areas & Distances are approx.

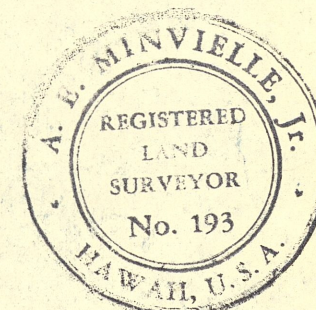
Lots 16, 17, 18, 19, 20 are not good
buildable lots because of cliff.

Lots 27 & 28 to be graded off to
500 ft. level.

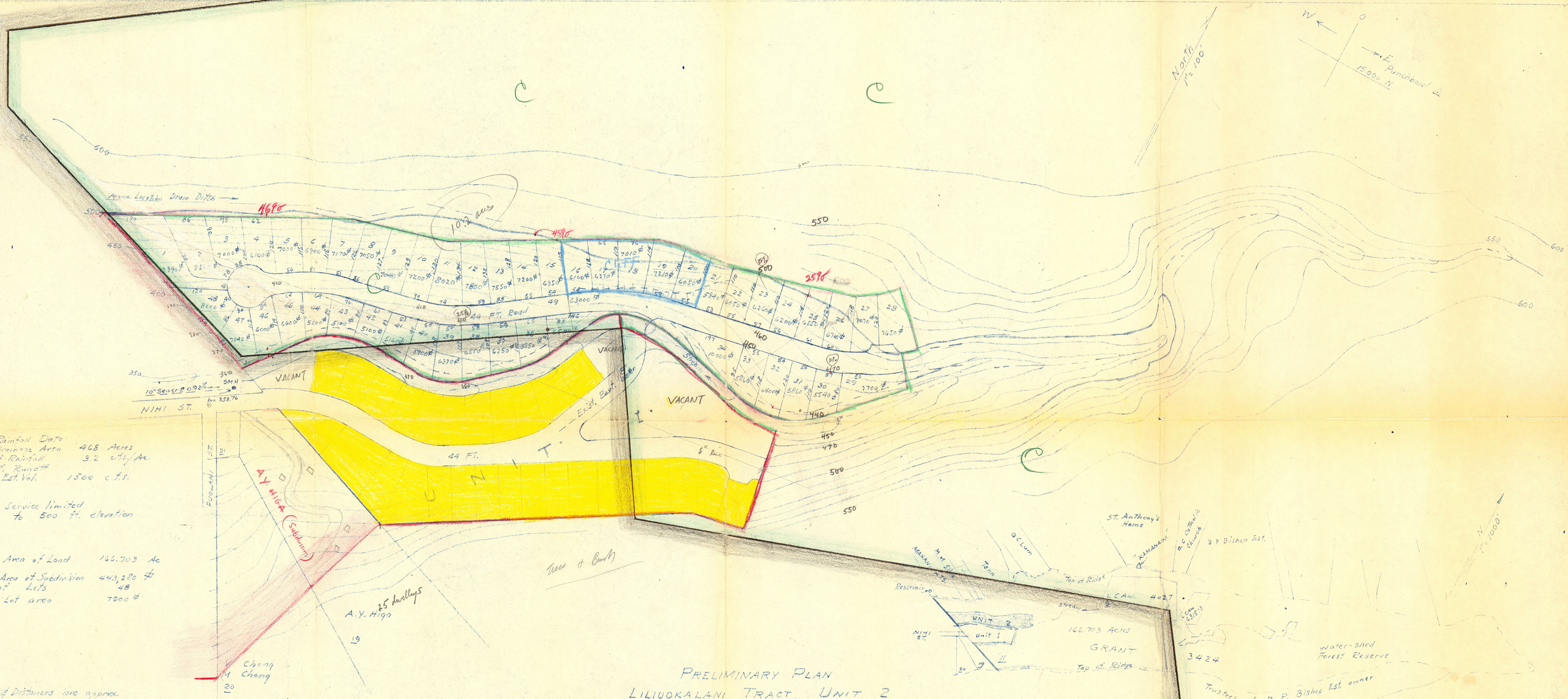
July 14, 1976

PRELIMINARY PLAN
LILUOKALANI TRACT UNIT 2
Portion of Grant 3424 to C. P. Iaukea
AT KAMANAIKI, KALIHI, HONOLULU, HAWAII
Owner: Philip P. Minn
October 18, 1963. Scale 1"=100'
Tax Map Key 1-4-15:11
BY

HAWAIIAN-PACIFIC ENGINEERING SURVEYS, INC.



General Location Plan
1"=1000'



Mum, Phillip
ACT 163-58

RECEIVED
NOV 20 1963
State of Hawaii
LAND USE COMMISSION

Rainfall Data
 Total Drainage Area 468 Acres
 Rate of Rainfall 3.2 c.f.s./Ac.
 100% Runoff
 Total Est. Vol. 1500 c.f.s.

Water Service limited
 to 500 ft. elevation

Total Area of Land 166.703 Ac
 Approx. Area of Subdivision 443,280 sq. ft. 10.2 Ac.
 No. of Lots 48
 Aver. Lot area 7800 sq. ft.

$\frac{166.7}{13.0} = 12.82$ acres
 $\frac{10.2}{13.0} = .78$ acres
 13.78 acres
 above 500' contour

Areas & Distances are approx.

Lots 16, 17, 18, 19, 20 are not good
 buildable lots because of cliffs.

Lots 27 & 28 to be graded off to
 500 ft. level.

V. Chong
 M. Chong
 20

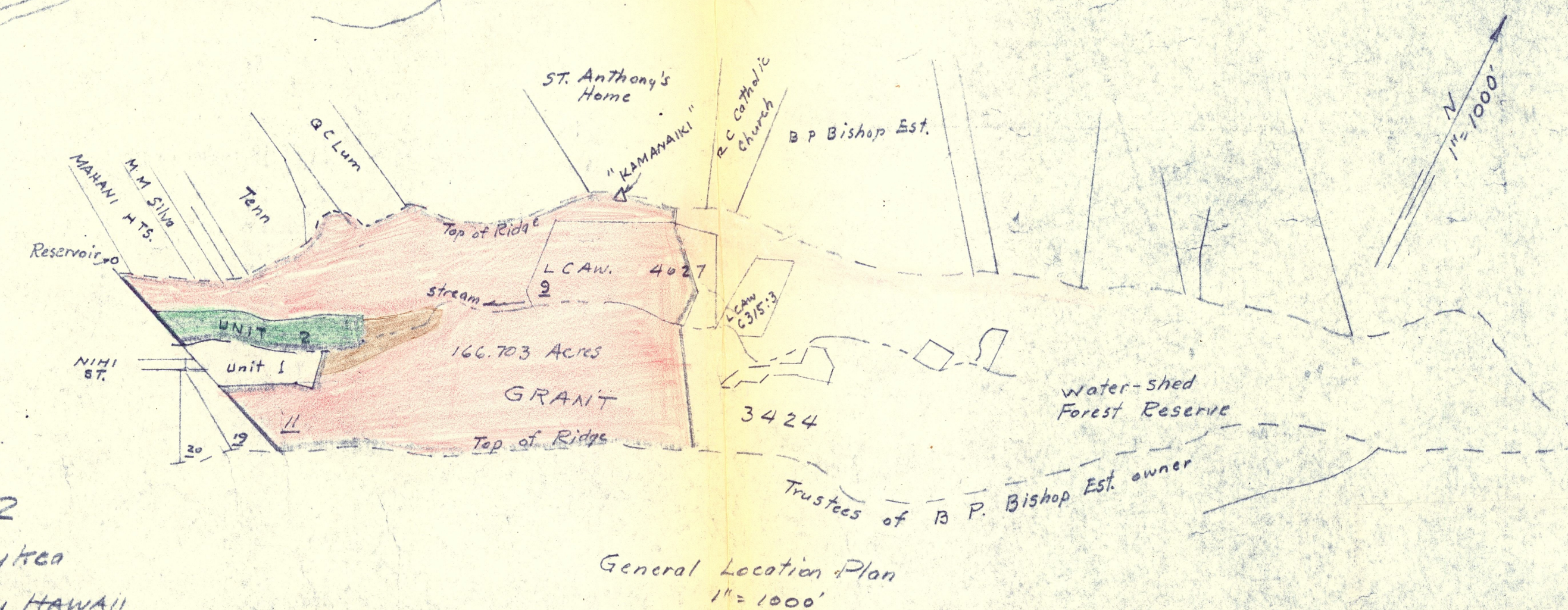
A.Y. Higa

19

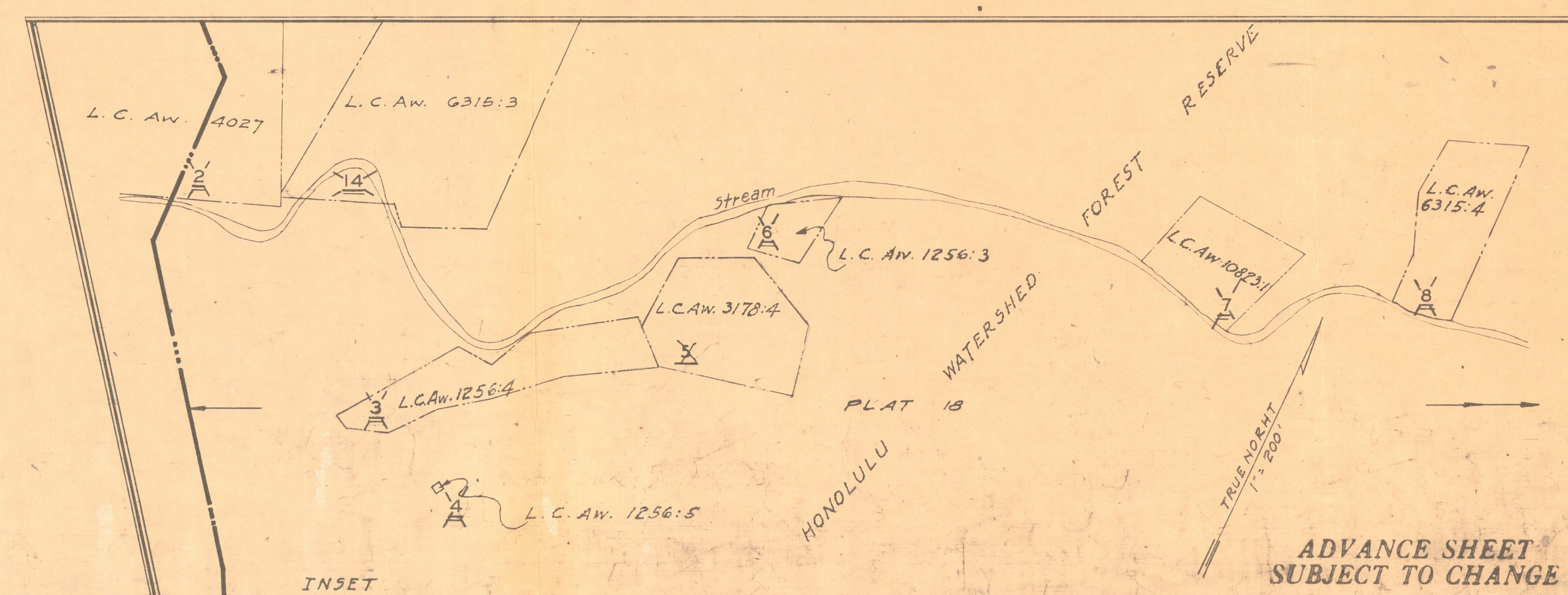
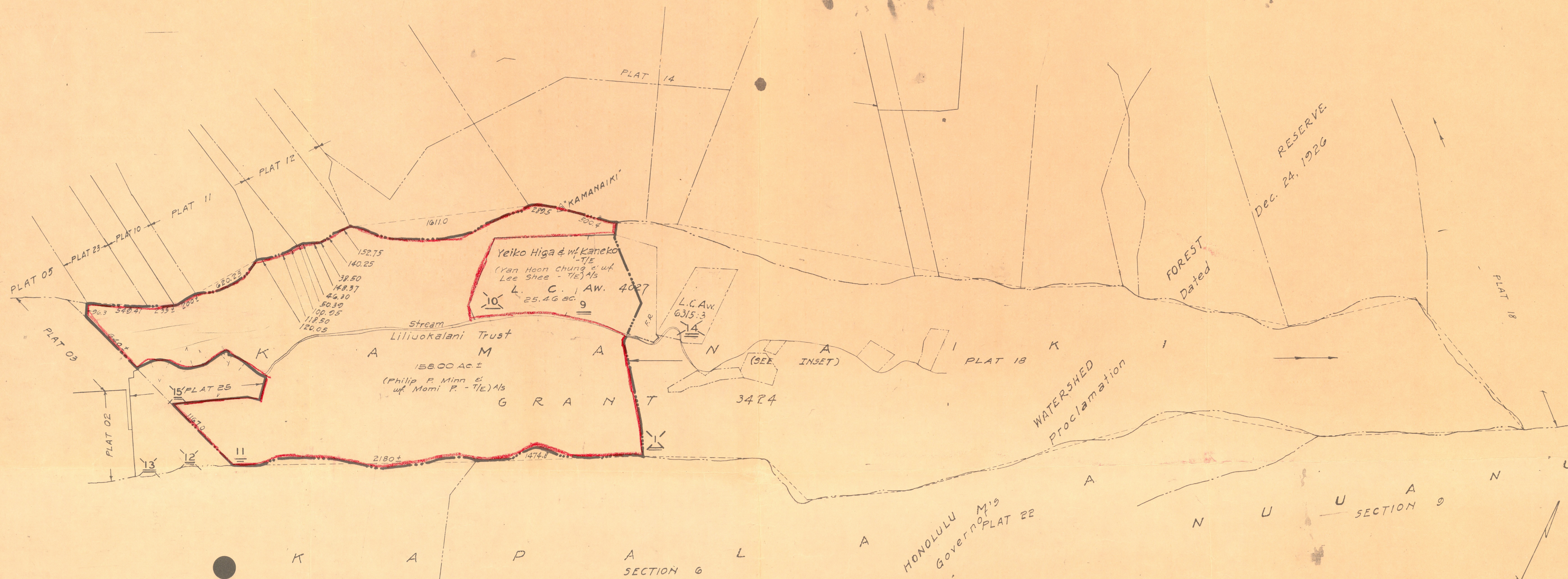
PRELIMINARY PLAN
 LILIOKALANI TRACT UNIT 2
 Portion of Grant 3424 to C. P. Louka
 AT KAMANAIKI, KALIHI, HONOLULU, HAWAII
 Owner: Philip P. Minn
 October 18, 1963. Scale 1"=100'
 Tax Map Key 1-4-15-11
 BY

HAWAIIAN-PACIFIC ENGINEERING SURVEYS, INC.

Philip P. Minn



CORRECTED
DEC 13 1939
MAY 21 1940
SEP 10 1948
MAY 4 1950
OCT 19 1950



Parcels Dropped: 2, 7, 5,
3, 4, 6, 8, 14, 1, 10, 12,
13, 15.

FIRST DIVISION		
ZONE	SEC.	PLAT
1	4	15
CONTAINING PARCELS		
SCALE: AS NOTED		

ADVANCE SHEET
SUBJECT TO CHANGE

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

PRINTED APR 14 1964

Div. No. 1456
By: G.B. May 1963
Source: Tax Maps Bureau & Survey Department

KALIHI UKA, HONOLULU