

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

August 6, 1971
2:00 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A71-286 - LAND USE COMMISSION, CITY & COUNTY OF
HONOLULU

A public hearing was held on June 5, 1971 on this petition initiated by the Land Use Commission to affirm or modify the zoning of certain parcels rezoned during the 1969 5-year boundary review.

Area 1

As indicated at the public hearing, Area 1 comprises 9.7 acres of land within the Conservation District at Lahilahi Point, Waianae. Its classification prior to the 1969 review was Urban.

At the public hearing, the landowner and his representatives strenuously objected to the current Conservation classification on the bases that the property was improperly rezoned during the 1969 review; that real property taxes based on an Urban classification were paid on the property; that plans were prepared as early as 1960 for a resort development; and that based on an Urban designation by the State and a resort designation by the city, an offer was made by Island Holidays Resorts to lease the property for \$160,000 annually.

7-29-71 sent to Sue
8-3-71 " Area 1 portion only to Underhouse & Sharnick.

The following persons urged the Commission to retain the

Conservation classification:

RAFAEL K. KRIST

Raphael K. Christ, Chairman of the Waianae District
Neighborhood Planning Committee

David Klausmeyer, Member, Waianae District Neighborhood
Planning Committee

Beverly Chapman, Model Cities

The City Planning Director also recommended retention of
the current classification since the area conforms to the fol-
lowing Conservation standards:

- "a. Lands necessary for the protection of health and welfare of the public by reason of the lands' susceptibility to inundation by tsunami and flooding.
- "b. Lands necessary for the conservation, preservation, and enhancement of scenic, historic, or archaeological sites and sites of unique physiographic or ecological significance.
- "c. Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban or agricultural use.
- "d. Lands with a general slope of 20 percent or more which provide for open space amenities and/or scenic values."

However, it was the recommendation of the City Planning Commission that the matter be deferred pending a General Plan restudy of the Waianae area.

It was indicated at the public hearing by the staff that the property is a prominent landmark along Makaha's shoreline;

that a residence and roadway on the property are situated within the Urban District; and that the property was rezoned from an Urban to a Conservation classification during the 5-year boundary review principally because of the steep topography and its significance as a scenic site.

Attesting to the steep quality of the land in question is a publication entitled "Oahu Lands Classified by Physical Qualities for Urban Usage" by the Land Study Bureau. The map supplement shows almost the entire area of Mauna Lahilahi in the 30% and over slope category. It was indicated that "Lands with slopes exceeding 30 percent were not differentiated into Land Categories because it was observed that development is very limited on such areas".

The Land Study Bureau's Detailed Land Classification for Oahu shows that the Land Type is "E58" containing the following characteristics:

"Included are generally steep pali lands having little or no soil material over the rock material. Drainage is usually good because of the slope. Color varies with the rock composition and degree of weathering. Slopes generally do not exceed 35 per cent, although some inclusions may be more steep."

Based on a topographic map submitted by the petitioner, the staff has prepared a cross-section of the subject property (see Exhibit A) which clearly shows the extreme steepness of Mauna Lahilahi despite its relatively low elevation of 231 feet

above sea level.

Apparently, in recognition of the steep topography and even prior to the Conservation designation established by the Land Use Commission in 1969, the State Department of Taxation placed a lower assessed valuation on the major portion of the parcels owned by Mr. Waterhouse as indicated below:

Parcel 8 - 5.45 Acres

Parcel 9 - 5.695 Acres

On the years 1963 - 1968

2 ac. @ \$5,250/ac. = \$10,500
3.45 ac. @ \$105/ac. = 362
\$10,862

2 ac. @ \$5,250/ac. = \$10,500
3.695 ac. @ \$105/ac. = 388
\$10,888

During the 1969 and 1970 assessment years, the parcels were revalued as follows. It is emphasized that the revaluation occurred prior to the establishment of the Conservation classification in August, 1969.

Parcel 8

Parcel 9

1969 - 1970

2 ac. @ \$10,500/ac. = \$21,000
3.45 ac. @ \$105/ac. = 362
\$21,362

2 ac. @ \$10,500/ac. = \$21,000
3.695 ac. @ \$105/ac. = 388
\$21,388

Therefore, 7.145 acres out of the total area of 11.145 acres comprising Mr. Waterhouse's 2 parcels were given the lower valuation of \$105 per acre based on the steepness of the slopes. This clearly indicates that another agency of the State had independently recognized the steep character of Mauna Lahilahi

long before the Land Use Commission established a Conservation classification for the property in question.

Therefore, in view of the above, the staff recommends that the Conservation District classification be retained/for in part the land in question. However, based on a detailed topographic map (scale: 1"=200') prepared by Community Planning, Inc., the staff further recommends that the Conservation District boundary be refined to include only the area shown in green on the map marked Exhibit B, comprising a total of 7.6 acres. With the exception of a narrow isolated strip of land along the property's southern perimeter, the area recommended for Conservation districting includes all of the steep, undevelopable portions of the subject property, containing slopes of well over 30%.

Area 2

Area 2 comprises a strip of land extending for nearly 3 miles along Oahu's north shore. This area, as well as other shoreline areas throughout the State, was rezoned from an Agricultural to a Conservation classification during the 1969 boundary review in order to protect this vital natural resource. The property is vacant and unused and is very poorly suited for overall agricultural use.

It was reported that the City Planning Director recommended that the existing Conservation designation be retained for the area. However, the City Planning Commission recommended that

a decision be deferred pending consideration of a General Plan change to Preservation.

Since the public hearing, we have received a letter dated June 21, 1971 from the Trustees of Campbell Estate, the landowners, objecting to the "hasty" and "discriminatory" manner with which the redesignation from Agricultural to Conservation was made. They feel that if it is the Commission's policy to impose such land use restrictions to protect shoreline property within the State, then such a policy should be appropriately adopted and equitably applied.

The protection of shoreline areas through Conservation districting was implemented on a statewide basis during the 1969 boundary, upon the recommendation of the consultants for the review, and after considerable deliberation on the matter by the Commission. During the five-year review, approximately 41 miles of shoreline/were added to the Conservation District, on the Island of Kauai bringing the total to 77 miles. This comprises approximately 68% of Kauai's 113 miles of shoreline.

On Maui, 74 miles of shoreline were added to the Conservation District for a total of 116 miles. This is 73% of the 159 miles comprising Maui's shoreline.

On Molokai, 59 miles of shoreline were added for a total of 78 miles in the Conservation District. This is 74% of the 106 miles of Molokai's shoreline.

On Lanai, 16 miles were added for a total of 50 miles. This is 96% of Lanai's 52 miles of shoreline.

On the Big Island, approximately 141 miles of shoreline were included in the Conservation District for a total of 274 miles. This is approximately 90% of the 306 miles of Hawaii's shoreline area.

On Oahu, the most populous and developed island in the State, only about 4 miles of shoreline were included in the Conservation District. This brings the total to 36 miles or approximately 18% of Oahu's 199 miles of coastline designated for Conservation purposes.

It is clear that the action of the Commission in designating 3 miles of Campbell Estate's shoreline property within the Conservation District is not discriminatory and is in accord with a statewide objective of preserving and protecting beach areas having scenic values or open space amenities.

Based on the above discussion, the staff recommends that the Conservation designation be retained for the property in question.

Area 3

During the boundary review, the staff recommended that this pocket of Agricultural lands, containing 4 dwellings and no apparent agricultural activity, be included in the Urban District in order that a more logical district boundary be

established.

It was the recommendation of the City Planning Director that the Urban District designation be retained. No evidence for or against the current Urban designation has been received since the public hearing. It is therefore recommended that the Urban designation be retained based on the reasons mentioned above.

Areas 4 & 5

Area 4 comprises an 18,000 square foot parcel containing 2 dwellings bounded by a plant nursery and the forest reserve and fronts on Makiki Heights Drive.

Area 5 contains 29 acres which nearly encircle Area 4. Most of Area 5 includes hillsides and gullies containing slopes of over 30%.

It was reported that the City Planning Commission recommended that the matter be deferred pending consideration of a General Plan change for the area. However, it was noted that the City Planning Director, in his recommendation, states that the Conservation designation be retained since the area meets the following standards for Conservation districting:

- "a. Lands necessary for the protection of health and welfare of the public by reason of the lands' susceptibility to inundation by tsunami and flooding.
- "b. Lands necessary for the conservation, preservation, and enhancement of scenic, historic, or archaeological

sites and sites of unique physiographic or ecological significance.

- "c. Lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban or agricultural use."

He further noted that Area 4 is Urban in nature but the reclassification of the isolated parcel to an Urban classification would create a spot zone which would be non-contiguous to an Urban District.

Three letters were received from residents in the area supporting Conservation designation for the area in question.

Based on the above data, the staff agrees with the City Planning Director that the area meets the standards for Conservation districting indicated previously. It is therefore recommended that the current Conservation classification be retained for the area in question.

Area 6

The property identified as Area 6 is the 4.4 acre swimming lagoon adjacent to the Hilton Hotel Complex at Waikiki.

The City Planning Director noted that Area 6 meets the following Conservation District standards and recommended retention of the Conservation designation:

- "a. Lands necessary for the protection of health and welfare of the public by reason of the lands'

susceptibility to inundation by tsunami and flooding.

"b. All marine waters, fish ponds, and tide pools of the State shall be included in this district."

The Planning Commission concurred with the Planning Director's recommendation to retain the Conservation designation because it is consistent with the General Plan.

No evidence for or against the Conservation designation has been received at or since the public hearing.

Therefore, the staff concurs with the findings and recommendation of the City Planning Director and also recommends that the Conservation designation be retained.