BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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In the Matter of the Petition of

OCEANIC PROPERTIES, INC.

DOCKET NO. A78-445

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To Amend the Agricultural Land Use District Boundary to Reclassify Approximately 227 Acres, TMK 9-4-06: portion of Parcel 1, at Waipio, Ewa District, Island of Oahu and City and County of Honolulu, into the Urban Land Use District.

DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

The above-captioned land use boundary amendment proceeding was initiated by the petition of Oceanic Properties, Inc., 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 of certain lands (hereinafter referred to as the "subject property") situated at Waipio, Ewa, Island of Oahu, from the Agricultural District to the Urban District. The Land Use Commission, having heard the evidence presented during the hearing held on February 27, 1979, February 28, 1979 and March 6, 1979 in Honolulu, Oahu, and having duly considered and examined the record in this Docket, the proposed findings of fact and conclusions of law, and the comments to the proposed finding of fact and conclusions of law, hereby makes the following findings of fact and conclusions of law:

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FINDINGS OF FACT

PROCEDURAL MATTERS

1. AV

1. The petition was filed on September 26, 1978, by Oceanic Properties, Inc., holder of a property interest in the subject property, requesting the Land Use Commission to amend the Agricultural District boundary at Waipio, Ewa, Island of Oahu by reclassifying the subject property into the Urban District, certificate of service of the petition being attached thereto.

2. Notice of the hearing scheduled for February 27, 1979, at 9:30 a.m. in Room 404, Queen Liliuokalani Building, 1390 Miller Street, Honolulu, Hawaii, was published in the Honolulu Star Bulletin on January 22, 1979, and served by mail on the parties.

3. On February 6, 1979, an application for intervention was filed by Gentry-Waipio and Gentry-Pacific, Ltd., a joint venture, which application was withdrawn by applicant by withdrawal filed on February 20, 1979.

4. On February 12, 1979, an application for intervention was filed by Neighborhood Board No. 25 (Mililani-Waipio-Melemanu) which application was withdrawn by applicant by withdrawal filed on February 20, 1979.

5. Requests to appear as public witnesses were received from Gale Drake, President of the Mililani Environ-

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mental Association, and Douglas Meller, representative of the Life of the Land; and a request to submit a statement in writing was received from Elizabeth Ann Stone. The aforesaid requests were unopposed by the parties.

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6. All public witnesses who had requested to appear were permitted to be heard on February 27, 1979; and the submittal of a written statement dated February 10, 1979, by Elizabeth Ann Stone was received by the Commission and filed on February 27, 1979.

DESCRIPTION OF THE SUBJECT PROPERTY

The subject property consists of approximately
 227 acres and covers a certain parcel of land described as
 Tax Map Key: 9-4-06: portion of parcel 1.

8. Castle and Cooke, Inc., a Hawaii corporation, is the owner of the fee simple title to the subject property.

9. The Petitioner, Oceanic Properties, Inc., also a Hawaii corporation, is a wholly owned subsidiary of Castle and Cooke, Inc.

10. The Petitioner has a property interest in the subject property under an agreement to purchase the subject property from Castle and Cooke, Inc.

11. The subject property is located on the Honolulu (southern) side of Kipapa Gulch; Mililani Town is located on the northern side of this gulch.

12. The subject property is bounded on its western and eastern boundaries by lands in active pineapple cultiva-

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tion; the northern boundary abuts Kipapa Gulch; the southern boundary borders a portion of the Mililani Memorial Park access road, and the H-2 freeway.

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13. The Gentry-Waipio Development is located south and adjacent to the subject property.

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> 14. Slopes on the subject property range from 0 to 5%. The wind is primarily from the northeast and temperatures range from a low of 66°F to a high of 82°F. Average yearly rainfall is approximately 30 to 40 inches and most of the runoff from the site currently flows into Kipapa Gulch as direct surface runoff.

15. The entire site is presently in pineapple cultivation and has been cultivated in pineapple for over three-quarters of a century.

16. According to the Land Study Bureau's "Detailed Land Classification Map No. 149 for the Island of Oahu", the soil for this area has a master productivity rating of "B". Selected crop productivity ratings for the area show "a" for pineapple.

17. The USDA Soil Conservation Service classifies the property as the Wahiawa silty clay series (WaA). Permeability is moderately rapid, runoff is slow and the erosion hazard is no more than slight.

18. The subject property is classified as Prime Agricultural Land on maps delineating Agricultural Lands of Importance to the State of Hawaii published by the Hawaii State Department of Agriculture in 1977.

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PROPOSAL FOR DEVELOPMENT

19. Petitioner proposes to develop the subject property into an employment center providing for light industrial use as permitted under the I-l zoning of the City and County of Honolulu, which zoning does not permit any noxious industries.

20. Petitioner proposes to subdivide and improve the subject property into approximately 160 lots with lot sizes as follows:

Area	No. of Lots
Less than 1.0 acre: 1.0 - 1.4 acre: 1.5 - 3.0 acre:	90 (1/2) acre/lot average) 45 20 4
3.0 - 4.9 acre: 5.0 acre or more:	4 3

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21. The lots shall be offered for sale in fee simple or leasehold as the buyers may prefer.

22. Petitioner proposes a planned employment center development which shall provide for:

a. An orderly clustering of similar land uses by areas.

b. A centrally located service center containing branch bank, print shop, eating establishments and other similar services primarily intended for users of the employment center.

c. Restrictive covenants affecting the lots and providing for minimum setbacks, landscaping, sign control, screening of parking and storage areas, and architectural control.

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The proposed project could employ 2500 to
 3600 people at full occupancy.

24. According to a study by John Child and Company the employment center could be composed of the following tenant mix:

	00	Acres
Automotive Parts and Services	11	19.8
Building Contractors	14	25.2
Building Materials	15	27.0
Wholesalers and Distributors	12	21.6
Manufacturing	13	23.4
Business Services	8	14.4
Eating, Drinking, Food	8	14.4
Health Services	· 1	1.8
Home Supplies and Services	7	12.6
Personal Services	3	5.4
Recreational	2	3.6
Transportation	6	10.8
	100%	180 Acres

25. The total salable lots could account for approximately 180 acres with the remaining acreage devoted to public streets, off-site improvements and community facilities.

26. Light industrial and heavy commercial use is envisioned for the subject property.

27. After all approvals necessary for the proposed project are issued by the appropriate State and County agencies, it is estimated that the development of the lots and sales period therefor would be about four years with an absorption rate of approximately 25 per cent per year.

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28. Industrial areas outside of Honolulu which are considered competitive to the proposed Kipapa Employment Center currently have land rates that fall within a range of \$9 to \$15 per square foot.

29. The intended market for the proposed employment center focuses on light industrial users and businesses serving Central and Ewa Oahu and businesses which are not dependent on a Honolulu location.

30. The total costs are projected to be as follows:

 Total On Site Cost
 \$6,617,300

 Total Off Site Cost
 2,497,700

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Total On and Off Site Cost \$9,115,000

STATE AND COUNTY PLANS

31. The subject property is in the State Land Use Agricultural District.

32. The City and County General Plan designates the Mililani-Waipio area, in which the subject property is located, as urban-fringe.

33. The General Plan (1964) and Detailed Land Use Map (DLUM) of the City and County of Honolulu designate the subject property for industrial use. Thus, the proposed district boundary amendment is consistent with the City and County of Honolulu Ordinance 77-9 regulating for an interim period the rezoning of land parcels within the City and County of Honolulu pending the adoption of all development

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plans. It is also consistent with the 1964 Waipio DLUM for the area including the subject property which DLUM continues to serve as an interim general guide for rezoning. Current county zoning designates the subject property as AG-1.

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34. The Department of General Planning testified that the Detailed Land Use Map (DLUM) does not address phasing of implementation and that there is a question as to whether these lands are needed at this time to meet industrial land requirements. A new study of the need for industrial land is being prepared as part of the development plan process.

NEED FOR GROWTH AND DEVELOPMENT

35. A reasonably conservative and reliable estimate of the vacant industrial land in the vicinity of the subject property can be made by adding the vacant industrial zoned acreage of Campbell Industrial Park (526.518), Gentry-Waipio (56.449), and Waiawa (47.971), which totals to 630.938 acres.

36. A conservative estimate of the total amount of industrial land required for all of Oahu during the period 1980 to 1990 is 519 acres.

37. There appears to be a surplus of 112(631-519) acres of industrial land in the vicinity of the subject property, relative to demands by 1990.

38. The Petitioner itself points out that if the available land at Campbell Industrial Park is considered, there would be no shortage of industrial land until 1990.

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39. Campbell Industrial Park, at Barbers Point in Leeward Oahu, has 1711 acres zoned for mixed industrial uses. Approximately 526 acres of these zoned areas are presently vacant. Long-range plans call for the eventual development of 3,000 acres for industrial uses. Testimony from Life of the Land indicated that there were only 371 acres of vacant industrial zoned land at Campbell Industrial Park, but this figure did not include vacant industrial zoned land that has already been leased. These lands could be available from the lessee.

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40. The park is master-planned to permit a variety of industrial uses ranging from the heavy industrial uses located along the periphery of the park near the ocean, to the light warehousing and manufacturing towards the center of the park. These are separated from the heavy incompatible uses by medium industrial uses. Because of the architectural and landscaping requirements levied by the park management and the restrictions on exposed storage and parking, the overall appearance of the park is pleasing and well maintained.

41. Many of the uses proposed for the Kipapa Employment Center could be accommodated within commercially zoned areas. These uses include business services, eating and drinking establishments, health services, home supply and services, personal services and building materials uses.

42. The above-mentioned commercial uses could be accommodated within the existing or proposed Mililani

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Town commercial areas which includes a proposed 100-acre Mililani Town Center and the commercial areas planned for the nearby Gentry-Waipio development.

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RESOURCES OF THE AREA

AGRICULTURAL RESOURCES

43. The subject property of 227 acres of prime agricultural land is among the best in the State for fresh pineapple production because of its southern slope, lower elevation and reduced periods of cloud cover. These land and climatic characteristics result in better winter conditions for pineapple growth and, therefore better fruit quality. Irrigation water is available permitting better crop regulation in that fruit can be produced in the fall and winter months when less mainland competition exists.

44. The conversion of the subject property to urban use would result in the unavailability of the subject property as an agricultural resource; however, it does not result in the loss of pineapple production because Dole Company will continue to annually plant approximately 1325 net acres in the aggregate, as it has done in recent years, or increase planting if market for pineapple should warrant, by readily adjusting the planting cycles to shorten the intercrop period of some of the crops on the remaining pineapple lands.

45. Without any loss in the production of pineapple, there will not be any loss of agricultural jobs resulting from the removal of the subject property from pineapple production.

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46. Hawaii pineapple production in 1977 was 690,000 tons compared to 680,000 tons in 1976. The farm value of production, however, jumped from \$53.0 million to \$62.5 million during that period.

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47. The proposed 227-acre Employment Center is located in the center of an existing agricultural plateau identified by TMK 9-4-06: 01 and 9-4-06: 02. Both TMK parcels total 532.103 acres of which the net acreage in pineapple cultivation, excluding field roads, is approximately 454 acres. The Department of Taxation classifies approximately 381 acres of the 454 as Class "A" pineapple lands and approximately 73 acres as Class "C" pineapple lands. Class "A" being the best lands for pineapple and Class "E" being the worst.

48. Removing the subject 227 acres in the middle of the above-mentioned Class "A" pineapple area may impact on the surrounding pineapple lands in terms of field cultivation and operation to a point that it may make the adjoining areas uneconomical for pineapple cultivation; hence losing not 227 acres, but 454 acres of excellent pineapple land.

WATER RESOURCES

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49. Most groundwater experts feel that the present rate of withdrawal of the Pearl Harbor Basal Lens is near the maximum safe rate and that the extent to which this basal aquifer is capable of supporting future development is limited.

50. The proposed project could increase withdrawals from the Pearl Harbor Basal Lens by almost 1 million gallons per day.

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51. The average annual head (height of water surface above sea level) of groundwater in the Pearl Harbor area has declined 10 feet since 1910 and the downward trend continues. There has also been a persistent rise in chloride content of the water from many of the wells. These trends indicate that the Pearl Harbor groundwater reservoir is approaching the limits of feasible development under prevailing technical and economic constraints.

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52. The downward trend of groundwater levels in the Pearl Harbor Aquifer indicates that the discharge or drafting of groundwater is greater than the recharge. This trend has accelerated in recent years.

53. The Honolulu Board of Water Supply, which is charged with the management of the County's use of the island's groundwater resources and the responsibility of determining the water commitments and availability for the proposed development has no objections to the subject petition for reclassification of land use district from Agricultural to Urban. However, the Board of Water Supply has not made a water commitment for the subject 227 acres. The matter of water availability will be addressed when a water master plan for development of the area is submitted for their review and approval.

ENVIRONMENTAL RESOURCES

54. The proposed Kipapa Employment Center will permanently increase ambient noise levels due to the "light

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industrial" and "heavy commercial" activities on the site and along road corridors in the area. 55. On the plateau, near and in the subject property, one can find common finches, thrushes, and rodents; all of these were introduced recently by man, and all of them are common. The fauna in the gulches is similar.

56. Pineapple has been cultivated on nearly all of the subject property atop the plateau for over three-quarters of a century, a practice which has all but eliminated endemic plant species from the area. Similarly, the herds of wild cattle that roamed the area during the mid-nineteenth century, and the clearing associated with the construction of the military's ammunition storage depot have led to the destruction of most of the original vegetation in Kipapa Gulch.

HISTORIC RESOURCES

57. There are no known historic or archaelogical artifacts, sites or structures on the subject property. Given the long period of pineapple cultivation on the subject property, it is unlikely that any unknown sites are present.

PUBLIC SERVICES AND FACILITIES

FIREFIGHTING SERVICES

58. Existing fire protection at Mililani, together with supportive services from Wahiawa Fire Station and the Waipahu Fire Station, are available to service the proposed development on the subject property.

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POLICE SERVICES

59. The Pearl City Police Station is available to respond to calls within the proposed development on the subject property.

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SCHOOLS

60. The proposed development which is to be an employment center is not expected to have any significant impact upon the schools.

UTILITY SERVICES

61. Petitioner has consulted with Hawaiian Telephone Company (HTCO) and has indicated that a system that can adequately handle this development could be programmed, enabling HTCO to provide the necessary service facilities and equipment. It is anticipated that a switching station will be required as part of the development. Extending through a portion of the subject property is an underground trans-Pacific communication cable which has been taken into account in the road and lotting pattern. The development is within the Waipahu area of service, and would probably be serviced in conjunction with the neighboring Gentry-Waipio development.

62. Major transmission lines of a significant size and capacity cross the development site. These lines have a 138 KV, 46 KV and 12 KV capacity. The two 138 KV transmission lines, the major cross island distribution main from Waiau Power Plant, cannot be relocated at an economical cost and,

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therefore, any plans will assume that these lines will remain. A third 138 KV transmission line is proposed to be located between the two existing 138 KV lines. The lands within the easement could be used for open storage, parking and with approval, one story non-residential structures. The 46 KV and the 12 KV transmission lines could be relocated at reasonable expense and consideration is being given to realignment. New electrical service within the development is predicated on an underground system. Sufficient capacity exists to service the proposed development.

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SEWAGE TREATMENT AND DISPOSAL SERVICE

63. The Mililani Sewage Treatment Plant (STP) presently has a federal permit to discharge effluent into Kipapa Stream subject to certain conditions and limitations. It expires March 3, 1980 and must be renewed.

64. The Mililani STP is currently not meeting two of the effluent limitations - suspended solids and bio-chemical oxygen demand which are indicators of the pollutant load.

65. The main reason for the non-compliance is due to the recently completed expansion of the facility from 1.8 million gallons per day to 3.6 million gallons per day and the necessary adjustments to the treatment process.

66. The federal permit compliance schedule requires that the Mililani STP eliminate discharge into Kipapa Stream by July 1982.

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67. Meeting the federal permit compliance schedule is dependent on how quickly the additional expansion of the facility can be designed and constructed and Oahu Sugar Company use of the effluent for irrigation.

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68. Treatment and disposal of sewage would be accomplished at the County's Mililani Sewage Treatment Facilities. The County recently completed the Phase III expansion of the facility which now accommodates 3.6 mgd. The anticipated flows from the proposed development have not been included as a part of the facility's proposed Phase IV expansion, and a further expansion would be required. Petitioner's budget provides for such further expansion of the facility for Phase V to accommodate the proposed development. The basic sewage treatment facility is large enough to accommodate additional increments to the facility.

69. The Mililani STP presently is inadequate to service the proposed employment center. A Phase IV expansion will not accommodate the subject proposal so a Phase V expansion will be necessary.

SOLID WASTE DISPOSAL SERVICES

70. Private trash containers and haulers will be utilized for pick up service to dispose of solid wastes generated within the proposed development. The solid wastes can be disposed of at the privately operated Palailai Landfill in accordance with applicable regulations.

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ROADWAY AND HIGHWAY SERVICES AND FACILITIES

71. A traffic study for the Kipapa Employment Center by Alan M. Voorhees and Associates, Inc. estimates that 13,200 daily vehicular trips would be generated by the proposed development. The following represents vehicular trips which would go to or come from each of the areas indicated:

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Mililani/Wahiawa	21.7%
Ewa/Waianae	6.1%
Waipahu	5.7%
Pearl City	7.48
Honolulu	59.1%

From these figures it can be assumed that any advantage of locating the employment center close to Mililani/Wahiawa will be offset by the traffic going to or coming from Honolulu.

72. Petitioner anticipates that the solution for the increasing traffic impact on Kamehameha Highway, resulting from the development of the Gentry-Waipio project, the proposed development, and the general growth and development of the Mililani-Wahiawa area, would include widening of Kamehameha Highway and, eventually, constructing an interchange to connect to the H-2 Freeway. However, the widening of Kamehameha Highway would alone not provide sufficient capacity to accommodate the projected traffic.

Construction of an interchange into H-2 while maintaining the current Kamehameha Highway design would permit some of the traffic generated by the proposed project

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to enter the Interstate System directly without having to use Kamehameha Highway. The State Department of Transportation, while agreeing to the need for relieving such traffic impact, has no present plans or funds for the widening of Kamehameha Highway or the constructing of an interchange. But certain governmental commitments as they may affect a proposed development project on land being sought to be reclassified, cannot even begin to be made or issued at this time until the reclassification is first obtained and the development sufficiently defined upon which commitments can actually be determined. Petitioner intends to work in cooperation with the State Department of Transportation and Gentry-Waipio to obtain the necessary approvals and effect the necessary highway improvements and the financing of such improvements.

73. Implementation of both the widening of Kamehameha Highway and construction of an interchange into H-2 would enable the highway capacities to meet the projected demand. This is the only alternative that is desirable from the traffic impact point of view.

74. Due to the State's austerity climate, many projects of higher priority than Kamehameha Highway widening have had to be deferred. It is expected that a new H-2 interchange may be even less attainable in the near future.

75. Once funds, both Federal-aid and State are obtained, it appears that the following minimum time periods

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would be required for implementation:

- Kame	ehameha	Highway	Widening	5	yrs.
— н-2	Intercl	nange		8	yrs.

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76. Kamehameha Highway would need to be widened with full development of the Waipio Gentry project. When the Waipio Gentry and Kipapa Employment Center (subject petition) are fully developed, the traffic impact will be very severe even if Kamehameha Highway is widened.

77. By 1985, widening of Kamehameha Highway and the interchange to H-2 must be in place to accommodate the traffic conditions if the 227 acres of the Kipapa Employment Center are fully developed.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

78. The proposed development is a planned employment center intended to generate light industrial activities and employment.

79. The Petitioner, Oceanic Properties, Inc., as the developer, has the financial stability and capacity to construct the proposed development and to obtain the necessary financing.

80. The subject property is located in close or reasonable proximity to basic services, such as police, and fire protection, and electrical utility.

81. The subject property is not necessary for a new center for trading and employment because other alternative areas for growth are available. Campbell Industrial Park has

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more than 500 acres of vacant industrially zoned lands. In addition, there are commercial areas planned for industrial development adjacent to the subject property at the Gentry-Waipio project.

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82. There are sufficient reserve areas for urban industrial growth on Oahu.

83. Adequate transportation and sewer services and facilities are presently unavailable to service the proposed development.

84. The subject property is in intensive agricultural use and the proposed reclassification has not been shown to be reasonably necessary for urban growth.

CONFORMANCE WITH DISTRICT REGULATIONS AND INTERIM STATEWIDE LAND USE GUIDANCE POLICIES

85. Urbanization of the subject property would not be a logical extension of the Urban District Boundary. The subject property is bounded for the most part by lands in the Agricultural District. Both the subject property and these adjoining Agricultural District lands are presently in active agricultural production. Urbanization of the subject property would lead to the further urbanization of these adjacent areas. Kipapa Gulch provides a natural separation of this Agricultural District area from the Mililani Town Urban District.

86. The proposed boundary amendment has not been shown to be reasonably necessary to accommodate growth and development as there is sufficient zoned industrial land on

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Oahu, especially at Campbell Industrial Park and Gentry-Waipio to supply the demand for these lands over the next 10 years.

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87. Reclassification of the subject property would have adverse effects upon the agricultural resources of the area. The subject property is among the best in the State for fresh pineapple production due to unique location and climatic conditions. These characteristics result in better winter conditions necessary for good fruit quality. The market for fresh pineapple is increasing and there is a need to maintain the best fresh fruit producing areas in the State.

88. The cumulative effects of major developments such as the proposed employment center would have adverse effects on the water resources of the area. The proposed development will be drafting groundwater from the Pearl Harbor aquifer which has experienced an accelerated rate of decline in recent years due to the fact that the discharge or drafting of groundwater is greater than the recharge.

89. Sewage treatment facilities are inadequate for the development at the present time. Meeting the federal permit compliance schedule regarding pollutant discharge into Kipapa Stream is dependent on the design and construction timing of the proposed expansion to the Mililani Town Sewage Treatment Facility and the Oahu Sugar Company use of the effluent for irrigation. Phase IV and V expansions of the STP are necessary to accommodate the proposed development.

90. Ground transportation facilities cannot accommodate the proposed development together with the full

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development of the Waipio-Gentry project even if Kamehameha Highway is widened to four lanes. An interchange to H-2 freeway is required together with the Kamehameha Highway improvements for adequate traffic conditions. Many projects of higher priority than the Kamehameha Highway widening have had to be deferred due to the State's austerity climate and it is expected that a new H-2 interchange may be even less attainable.

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RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioner or the Department of Planning and Economic Development, not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, is hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure, and the State Land Use District Regulations of the Land Use Commission, the Commission concludes that the proposed boundary amendment does not conform to the standards established for the Urban Land Use District by the State Land Use District Regulations and is not consistent with Sections 205-2, Hawaii Revised Statutes, or with the Interim Statewide Land Use Guidance

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Policies established pursuant to Section 205-16.1, Hawaii Revised Statutes, and by State Land Use District Regulation 6-1.

ORDER

IT IS HEREBY ORDERED that the property which is the subject of the Petition by OCEANIC PROPERTIES, INC., in Docket No. A78-445, approximately 227 acres, Tax Map Key 9-4-06: portion of Parcel 1, at Waipio, Ewa District, Island of Oahu and City and County of Honolulu, continue to be classified as Agricultural and remain in the Agricultural District.

DONE at Honolulu, Hawaii, this <u>16th</u> day of <u>October</u>, 1979, by failure of the motion heard by the Commission on August 1, 1979, in Honolulu, Hawaii.

By

LAND USE COMMISSION STATE OF HAWAII

Bv ICHI NAKAGAWA Vice Chairman and oner Omm iss

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JAMES CARRAS Commissioner

MITSUO OURA Commissioner

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GEORGE PASCUA Commissioner

Carol Whitesell CAROL WHITESELL Commissioner Ву____ By

EDWARD K. MANAI Commissioner