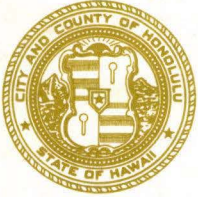


Action Span

Dec 1 to Jan 15

Jan 7.



OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 546-7611

EILEEN K. LOTA
City Clerk
WILBERT S. HOLCK
Deputy City Clerk

RECEIVED

FEB 14 1972

State of Hawaii
LAND USE COMMISSION

February 9, 1972

Mr. Tatsuo Fujimoto
State Land Use Commission
1010 Richards Street
Honolulu, Hawaii 96813

Dear Mr. Fujimoto,

Transmitted herewith for your information is a copy of
Resolution No. 35 which was adopted by the Council
of the City and County of Honolulu.


EILEEN K. LOTA
City Clerk

enclosure

RECEIVED

FEB 14 1972

RESOLUTION

State of Hawaii
LAND USE COMMISSION

WHEREAS, the Planning Commission held a public hearing on October 27, 1971, to consider the application of Oceanic Properties, Inc., hereinafter referred to as the "APPLICANT," for a Conditional Use Permit to continue operation of a private refuse dump/sanitary fill facility on land situated at Waipio near Kipapa Gulch, also identified as portion of Parcel 1, Tax Map Key 9-4-05; and

WHEREAS, the APPLICANT sets forth specifications on the plan indicating the manner in which the refuse disposal operation will be conducted with respect to clearing and grubbing, drainage and operation. The specifications are as follows:

1. Clearing and grubbing. "Clearing of the ravine prior to the sanitary landfill operation shall be kept to a minimum. Area only necessary to conduct proper operation of trucks and equipment shall be cleared. Approval of the owner or his representative shall be obtained prior to the clearing operation."
2. Drainage. "Drainage water and irrigation runoff enter into the area of the landfill operation from the various existing drainage areas.

"The existing five feet by eight feet box culvert in its drainage system shall be kept operational at all times. All drainage and runoff water entering this area shall be diverted to this system and conveyed downstream to the natural drainage channel without eroding abutting properties or silting of the downstream properties.

"Periodical inspection on soundness and reliability of the drainage system will be made. These inspections may reveal that additional drainage facilities may be necessary to properly convey or divert drainage water around the area of operation. These new facilities shall be constructed and maintained by the operator. The owner or his representative shall make the final determination as to the soundness and reliability of the drainage system.

"All collections of surface water or puddles resulting from landfill operation shall be either drained, filled, or treated with an effective chemical to prevent mosquito production or other disagreeable conditions."

3. Operation. "The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the waste material exposed during the operation day be minimal. Waste material shall be compacted upon discharging from trucks and void shall be kept to a minimum.

"Layers of compacted material shall not exceed eight feet in depth. The lower layers shall be covered with one foot of earth covered material, and the top layer with a minimum of two feet of earth covered material.

RESOLUTION

"Car bodies, solid waste, or building material shall be confined to the lower layers. Material of the type just described shall not be used in the top layer.

"Covered material may be obtained by scalping in the area that is cleared. No vertical cuts shall be permitted.

"The finished grade shall be constructed in accordance with the section shown on the site plan. All finished surface shall be seeded with suitable ground cover by the operator to prevent surface erosion. Precaution shall be exercised to the utmost to avoid seeding into adjacent agricultural land. Only seed approved by the owner or his representative shall be used to seed the finished grade.

"After the active period of filling operations is completed, repairs shall be made to cracks, depressions, and surface erosions. Drainage facilities as necessary shall be repaired or installed to insure conveyance of drainage water to a point of discharge into the natural channel;" and

WHEREAS, on October 27, 1971, the Planning Commission, having duly considered all of the evidence and reports offered at said public hearing, recommended to the City Council an approval of the subject application for a Conditional Use Permit with certain conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that a Conditional Use Permit be issued to the APPLICANT under the following conditions:

1. The provisions and specifications set forth on the submitted plan marked Exhibit A shall be complied with except as may be altered by any of the conditions stated hereunder;
2. The applicant shall comply with requirements which may be imposed by the State Department of Health, Board of Water Supply, State Fire Marshall and the Department of Public Works;
3. The permits hereby granted shall expire at the end of five years from the date of issuance. The subject permits may upon their expiration be renewed provided the applicant applies for renewal of the Conditional Use and Special Use Permits;
4. If for any reason either the Conditional Use Permit or the Special Use Permit is denied, the other shall be automatically declared null and void;

RESOLUTION

5. In the event that all conditions as set forth herein are not being met, the Planning Director may take action to terminate the use or halt its operation until such time as full compliance is obtained;
6. The recorded owner of the land encompassed by these Conditional Use and Special Use Permits shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions; and
7. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Planning Department as evidence of recordation.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and she is, hereby directed to transmit copies of this resolution to E. B. Connell, Chairman of the Planning Commission; Robert R. Way, Planning Director; Tatsuo Fujimoto, State Land Use Commission; and Oceanic Properties, Inc., P. O. Box 2780, Honolulu, Hawaii 96803.

INTRODUCED BY:

Akahane
James Y. Ferguson

Councilmen

DATE OF INTRODUCTION:

FEB 8 1972

Honolulu, Hawaii

-3-

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

Eileen K. Lota

EILEEN K. LOTA
CITY CLERK

George Koga
GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

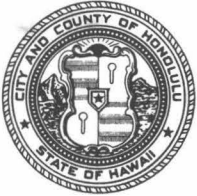
Dated FEB 8 1972

ADOPTED			
Meeting Held			
FEB 8 1972			
AYE	NO	A/E	
AKAHANE			
CHIKASUYE			
GEORGE			
HEEN			
LOO			
MATSUMOTO			E
PACARRO			
SHIGEMURA			
KOGA			

Referenced D 97
Report No. CP-139

Resolution No.

35



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 546-7611

GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

CLESSON Y. CHIKASUYE
VICE CHAIRMAN

WALTER M. HEEN
FLOOR LEADER

RUDY PACARRO
ASSISTANT FLOOR LEADER

GEORGE G. AKAHANE

MARY GEORGE

FRANK W. C. LOO

TORAKI MATSUMOTO

JAMES Y. SHIGEMURA

EILEEN K. LOTA, CITY CLERK

WILBERT S. HOLCK, DEPUTY CITY CLERK

February 10, 1972

RECEIVED

FEB 14 1972

State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
State Land Use Commission
c/o Planning & Economic Development
1010 Richards Street
Honolulu, Hawaii

Dear Mr. Fujimoto:

Transmitted herewith for your information is a
copy of a Committee Report which was adopted by the
Council of the City and County of Honolulu.

Sincerely,

CITY COUNCIL

By

Eileen K. Lota

EILEEN K. LOTA
City Clerk

REPORT OF THE
COMMITTEE
on

PLANNING and ZONING

George G. Akahane, Chairman; James Y. Shigemura, Vice Chairman; Walter M. Heen, Rudy Pacarro, Members

RECEIVED

FEB 14 1972

February 8, 1972

State of Hawaii
LAND USE COMMISSION

Mr. Chairman:

Your Committee on Planning and Zoning to which was referred communication:

D-97 - from Robert R. Way, Planning Director, submitting a draft of resolution, the Planning Director's report, and other materials concerning a request for a Conditional Use Permit/State Special Use Permit to continue operation of a private refuse dump/sanitary fill facility on land identified as Tax Map Key 9-4-05: portion of 1 and situated at Waipio near Kipapa Gulch; (applicant: Oceanic Properties, Inc.); and advising that the Planning Commission voted to recommend that a Special Use Permit be issued subject to the final approval of the State Land Use Commission and subject further to obtaining a Conditional Use Permit from the City and County of Honolulu; and that the request for a Special Use Permit was subsequently approved by the Land Use Commission subject to the conditions set forth by the Planning Director and Planning Commission;

recommends that the application of Oceanic Properties, Inc. for a Conditional Use Permit/State Special Use Permit to continue operation of a private refuse dump/sanitary fill facility on land identified as Tax Map Key 9-4-05: portion of 1 and situated at Waipio, be approved, subject to the conditions set forth by the Planning Director and Planning Commission; and that Resolution (No. 35) be adopted by the Council.

It is further recommended that the Clerk be directed to forward a copy of this report to E. B. Connell, Chairman of the Planning Commission; Robert R. Way, Planning Director; Tatsuo Fujimoto, State Land Use Commission; and Oceanic Properties, Inc., P. O. Box 2780, Honolulu, Hawaii.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing COMMITTEE REPORT was, on the date and by the vote indicated to the right hereof, adopted by the CITY COUNCIL of the City and County of Honolulu.

ATTEST:

Eileen K. Lota
EILEEN K. LOTA
CITY CLERK

George Koga
GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

Dated FEB - 8 1972

ADOPTED			
Meeting Held			
FEB - 8 1972			
	AYE	NO	A/E
AKAHANE			
CHIKASUYE			
GEORGE			
HEEN			
LOO			
MATSUMOTO			X
PACARRO			
SHIGEMURA			
KOGA			

Reference:

Resolution No. 35

Bill No.

COMMITTEE
REPORT NO.

138

8 01

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU
629 POHUKAINA STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR



ROBERT R. WAY
PLANNING DIRECTOR

GEORGE S. MORIGUCHI
DEPUTY PLANNING DIRECTOR

71/CUP-11
71/SUP-3

January 24, 1972

Honorable George M. Koga, Chairman
and Members of the City Council
City and County of Honolulu
Honolulu, Hawaii

CITY & COUNTY
CLERK'S OFFICE

1972 JAN 25 AM 10 27

RECEIVED

Gentlemen:

Transmitted for your consideration and adoption are a draft resolution, the Planning Director's report, and other materials concerning a request for a Conditional Use Permit/State Special Use Permit to continue operation of a private refuse dump/sanitary fill facility on land identified as Tax Map Key 9-4-05: portion of 1 and situated at Waipio near Kipapa Gulch (applicant: Oceanic Properties, Inc., P. O. Box 2780, Honolulu, Hawaii 96803).

This application was reviewed simultaneously as a Conditional Use Permit/State Special Use Permit under Act 136 of the Session Laws of Hawaii, 1970. A public hearing on this request was held on October 27, 1971. At its November 17, 1971 meeting, the Planning Commission voted to recommend that a Special Use Permit be issued subject to the final approval of the State Land Use Commission and subject further to obtaining a Conditional Use Permit from the City and County of Honolulu.

The request for a Special Use Permit was subsequently transmitted to the State Land Use Commission for final disposition. At its January 7, 1972 meeting, the Land Use Commission voted to approve

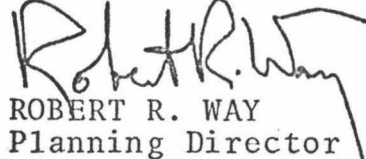
Honorable George M. Koga, Chairman
and Members of the City Council

Page 2

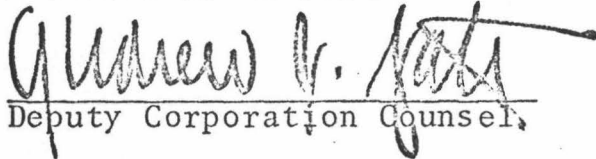
January 24, 1972

the Special Use Permit subject to the conditions set forth by the
Planning Director and Planning Commission.

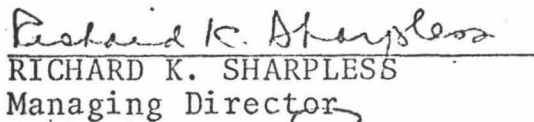
Respectfully,

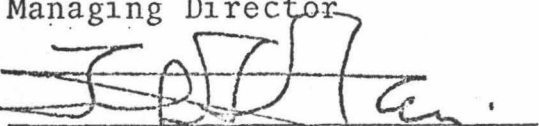

ROBERT R. WAY
Planning Director

APPROVED AS TO FORM:


Deputy Corporation Counsel

FORWARDED:


RICHARD K. SHARPLESS
Managing Director


FRANK F. FASI, Mayor
City and County of Honolulu

RRW/LH:nt

Attachments

RESOLUTION

WHEREAS, the Planning Commission held a public hearing on October 27, 1971, to consider the application of Oceanic Properties, Inc., hereinafter referred to as the "APPLICANT," for a Conditional Use Permit to continue operation of a private refuse dump/sanitary fill facility on land situated at Waipio near Kipapa Gulch, also identified as portion of Parcel 1, Tax Map Key 9-4-05; and

WHEREAS, the APPLICANT sets forth specifications on the plan indicating the manner in which the refuse disposal operation will be conducted with respect to clearing and grubbing, drainage and operation. The specifications are as follows:

1. Clearing and grubbing. "Clearing of the ravine prior to the sanitary landfill operation shall be kept to a minimum. Area only necessary to conduct proper operation of trucks and equipment shall be cleared. Approval of the owner or his representative shall be obtained prior to the clearing operation."
2. Drainage. "Drainage water and irrigation runoff enter into the area of the landfill operation from the various existing drainage areas.

"The existing five feet by eight feet box culvert in its drainage system shall be kept operational at all times. All drainage and runoff water entering this area shall be diverted to this system and conveyed downstream to the natural drainage channel without eroding abutting properties or silting of the downstream properties.

"Periodical inspection on soundness and reliability of the drainage system will be made. These inspections may reveal that additional drainage facilities may be necessary to properly convey or divert drainage water around the area of operation. These new facilities shall be constructed and maintained by the operator. The owner or his representative shall make the final determination as to the soundness and reliability of the drainage system.

"All collections of surface water or puddles resulting from landfill operation shall be either drained, filled, or treated with an effective chemical to prevent mosquito production or other disagreeable conditions."

3. Operation. "The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the waste material exposed during the operation day be minimal. Waste material shall be compacted upon discharging from trucks and void shall be kept to a minimum.

"Layers of compacted material shall not exceed eight feet in depth. The lower layers shall be covered with one foot of earth covered material, and the top layer with a minimum of two feet of earth covered material."

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

EILEEN K. LOTA
CITY CLERK

GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

Dated _____

ADOPTED Meeting Held			
	AYE	NO	A/E
AKAHANE			
CHIKASUYE			
GEORGE			
HEEN			
LOO			
MATSUMOTO			
PACARRO			
SHIGEMURA			
KOGA			

Reference:

Report No.

Resolution No.

RESOLUTION

"Car bodies, solid waste, or building material shall be confined to the lower layers. Material of the type just described shall not be used in the top layer.

"Covered material may be obtained by scalping in the area that is cleared. No vertical cuts shall be permitted.

"The finished grade shall be constructed in accordance with the section shown on the site plan. All finished surface shall be seeded with suitable ground cover by the operator to prevent surface erosion. Precaution shall be exercised to the utmost to avoid seeding into adjacent agricultural land. Only seed approved by the owner or his representative shall be used to seed the finished grade.

"After the active period of filling operations is completed, repairs shall be made to cracks, depressions, and surface erosions. Drainage facilities as necessary shall be repaired or installed to insure conveyance of drainage water to a point of discharge into the natural channel;" and

WHEREAS, on October 27, 1971, the Planning Commission, having duly considered all of the evidence and reports offered at said public hearing, recommended to the City Council an approval of the subject application for a Conditional Use Permit with certain conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that a Conditional Use Permit be issued to the APPLICANT under the following conditions:

1. The provisions and specifications set forth on the submitted plan marked Exhibit A shall be complied with except as may be altered by any of the conditions stated hereunder;
2. The applicant shall comply with requirements which may be imposed by the State Department of Health, Board of Water Supply, State Fire Marshall and the Department of Public Works;
3. The permits hereby granted shall expire at the end of five years from the date of issuance. The subject permits may upon their expiration be renewed provided the applicant applies for renewal of the Conditional Use and Special Use Permits;
4. If for any reason either the Conditional Use Permit or the Special Use Permit is denied, the other shall be automatically declared null and void;

-2-

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

EILEEN K. LOTA
CITY CLERK

GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

Dated _____

ADOPTED Meeting Held			
	AYE	NO	A/E
AKAHANE			
CHIKASUYE			
GEORGE			
HEEN			
LOO			
MATSUMOTO			
PACARRO			
SHIGEMURA			
KOGA			

Reference:

Report No.

Resolution No.

RESOLUTION

5. In the event that all conditions as set forth herein are not being met, the Planning Director may take action to terminate the use or halt its operation until such time as full compliance is obtained;
6. The recorded owner of the land encompassed by these Conditional Use and Special Use Permits shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions; and
7. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Planning Department as evidence of recordation.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and she is, hereby directed to transmit copies of this resolution to E. B. Connell, Chairman of the Planning Commission; Robert R. Way, Planning Director; Tatsuo Fujimoto, State Land Use Commission; and Oceanic Properties, Inc., P. O. Box 2780, Honolulu, Hawaii 96803.

INTRODUCED BY:

Councilmen

DATE OF INTRODUCTION:

Honolulu, Hawaii

- 3 -

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

EILEEN K. LOTA
CITY CLERK

GEORGE KOGA
CHAIRMAN & PRESIDING OFFICER

Dated _____

ADOPTED Meeting Held			
	AYE	NO	A/E
AKAHANE			
CHIKASUYE			
GEORGE			
HEEN			
LOO			
MATSUMOTO			
PACARRO			
SHIGEMURA			
KOGA			

Reference:

Report No.

Resolution No. _____

January 10, 1972

Mr. S. P. McCurdy
Vice President
Executive Offices
Castle & Cooke, Inc.
130 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. McCurdy:

The original of the attached letter approving the special permit request by Oceanic Properties, Inc. (SP71-121) for the continued use of a private refuse dump/sanitary fill facility comprising approximately 19 acres of land described as Tax Map Key 9-4-05: portion of 1 at Waipio, Ewa, Oahu, is on file in the office of the City Planning Commission, Honolulu, Hawaii.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosures 3

1.9 + 6.0 ACRES

January 10, 1972

Planning Commission
City & County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii 96813

Attention: Mr. Robert R. Way, Planning Director

Gentlemen:

At its meeting on January 7, 1972, the Land Use Commission voted to approve a special permit to Oceanic Properties, Inc. (SP71-121) for the continued use of a private refuse dump/sanitary fill facility comprising approximately 19 acres of land described as Tax Map Key 9-4-05: portion of 1 at Waipio, Ewa, Oahu, subject to the conditions established by the City Planning Commission.

A copy of the staff report is enclosed for your information.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosures 2

cc: Mr. S. P. McCurdy
Property Technical Office, Dept. of Taxation
Tax Maps Recorder, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation

ME
 & Utd
 Leaves Co. S-3
 Rev. Pmt. S-41
 Rev. 0.100 Ac

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Council Room
Hilo, Hawaii

January 7, 1972 - 10 a.m.

APPROVED
MAR 17 1972

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice-Chairman
Alexander Napier
Tanji Yamamura
Stanley Sakahashi
Sunao Kido
Leslie Wung

Commissioner Absent: Shelley Mark

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Staff Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

ADOPTION OF MINUTES

Upon motion by Commissioner Kido and seconded by Vice-Chairman Tangen, the minutes of the September 17, November 5, and November 19, 1971 meetings were approved as circulated to the Commission membership.

HEARINGS

PETITION BY DEPARTMENT OF HAWAIIAN HOME LANDS (A71-306) TO RECLASSIFY APPROXIMATELY 50 ACRES FROM AGRICULTURAL TO URBAN AT PANAEWA TRACT, WAIAKEA, SOUTH HILO, HAWAII

The Executive Officer presented the staff report (see copy on file) and outlined the location of the 50 acres under petition on the maps of the area.

LAND USE COMMISSION - MINUTES OF MEETING

January 7, 1972

Page 12

✓ SPECIAL PERMIT APPLICATION BY OCEANIC PROPERTIES (SP71-121)
FOR CONTINUED USE OF PRIVATE REFUSE DUMP FACILITY AT WAIPIO,
EWA, OAHU

Mr. Leong delivered the staff report (see copy on file)
and gave a detailed account of the area under consideration.

Chairman Inaba opened the floor for any testimony and
discussion. Since there was none, Commissioner Napier moved
that this special permit request be approved as recommended
by staff, subject to the conditions established by the
Planning Commission of the City & County of Honolulu. This
motion was seconded by Commissioner Sakahashi and carried.

TENTATIVE SCHEDULE

The Commission decided it would conduct its subsequent
meetings on February 4 in Honolulu and February 5 in
Kaunakakai, Molokai.

PROCEEDINGS OF THE 1971 MEETING OF THE HAWAII CONGRESS OF
PLANNING OFFICIALS

Mr. Fujimoto advised the Commission that the staff is
in the process of forwarding a copy of the proceedings of the
recently adjourned meeting of the "1971 Hawaii Congress of
Planning Officials" to each participant. Members of the
congress will also receive a copy of the business meeting
minutes and the resolution introduced by the Land Use Commission
and as adopted by the congress at the meeting. Mr. Fujimoto
noted that Commissioner Tangen's speech on "Land Use Planning:
Commissioners' Responsibility" has been incorporated and is
a part of the proceedings. The unique cover was designed by
staff planner, Gordan Furutani.

PUAAHALA COMPANY

Mr. Fujimoto recalled that at its November 19, 1971
meeting, the Commission voted to defer any action on the
subject property until the first meeting on Oahu after

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP71-121 - OCEANIC PROPERTIES

DATE January 7, 1972

PLACE County Council Room, Hilo

TIME 10:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
S WUNG, LESLIE	✓			
SAKAHASHI, STAN	✓			
YAMAMURA, TANJI	✓			
KIDO, SUNAO	✓			
MARK, SHELLEY				✓
M NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
INABA, GORO	✓			

Comments: *approve as recommended by sepp,
subject to City Planning Commission's
conditions.*

STATE OF HAWAII
LAND USE COMMISSION

County Council Room
Hilo, Hawaii

January 7, 1972
10 a.m.

STAFF REPORT

SP71-121 - OCEANIC PROPERTIES, INC.

Oceanic Properties, Inc. requests approval of a special permit for continued use of a private refuse dump facility within the Agricultural District at Waipio, Ewa, Oahu. The existing rubbish disposal and sanitary landfill operation was authorized by the City Council in May, 1966 for a period of 5 years.

The property in question comprises approximately 19 acres of land described as TMK 9-4-05: portion of 1 and is owned by Castle & Cooke, Inc. It lies approximately 1,500 feet west of Kam Highway in the vicinity of Kipapa Gulch. An asphalt roadway from Kam Highway provides access to the site and also to the nearby sewage treatment plant serving Mililani Town. A high tension transmission line bounds the makai side of the site which is otherwise surrounded by pineapple fields.

It was submitted by the petitioner that the operation of the facility will be in accordance with the following specifications:

1-4-72 send copy to CCC

"1. Clearing and grubbing. 'Clearing of the ravine prior to the sanitary landfill operation shall be kept to a minimum. Area only necessary to conduct proper operation of trucks and equipment shall be cleared. Approval of the owner or his representative shall be obtained prior to the clearing operation.'

"2. Drainage. 'Drainage water and irrigation runoff enter into the area of the landfill operation from the various existing drainage areas.

'The existing five feet by eight feet box culvert in its drainage system shall be kept operational at all times. All drainage and runoff water entering this area shall be diverted to this system and conveyed downstream to the natural drainage channel without eroding abutting properties or silting of the downstream properties.

'Periodical inspection on soundness and reliability of the drainage system will be made. These inspections may reveal that additional drainage facilities may be necessary to properly convey or divert drainage water around the area of operation. These new facilities shall be constructed and maintained by the operator. The owner or his representative shall make the final determination as to the soundness and reliability of the drainage system.

'All collections of surface water or puddles resulting from landfill operation shall be either drained, filled, or treated with an effective chemical to prevent mosquito production or other disagreeable conditons.'

"3. Operation. 'The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the waste material exposed during the operation day be minimal. Waste material shall be compacted upon discharging from trucks and void shall be kept to a minimum.

'Layers of compacted material shall not exceed eight feet in depth. The lower layers shall be covered with one foot of earth covered material, and the top layer with a minimum of two feet of earth covered material.

'Car bodies, solid waste, or building material shall be confined to the lower layers. Material of the type just described shall not be used in the top layer.

'Covered material may be obtained by scalping in the area that is cleared. No vertical cuts shall be permitted.

'The finished grade shall be constructed in accordance with the section shown on the site plan. All finished surface shall be seeded with suitable ground cover by the operator to prevent surface erosion. Precaution shall be exercised to the utmost to avoid seeding into adjacent agricultural land. Only seed approved by the owner or his representative shall be used to seed the finished grade.

'After the active period of filling operations is completed, repairs shall be made to cracks, depressions, and surface erosions. Drainage facilities as necessary shall be repaired or installed to insure conveyance of drainage water to a point of discharge into the natural channel.'"

The City Planning Director advises that:

1. The State Fire Marshall has approved the request.
2. The Department of Public Works feels that past operation of the facility has been satisfactory and that approval will be recommended.

3. The Board of Water Supply will approve the operation provided the refuse is limited to:
 - a. "Cannery pineapple waste and appurtenant skips, cardboard boxes, and cans.
 - b. "Field pineapple wastes, such as plant toppings.
 - c. "Inert building construction material from Mililani Town such as concrete, untreated lumber and metals. Treated materials such as wolmanized lumber are not permitted."
4. The State Department of Health indicated approval with the understanding that the use will be a sanitary landfill operation as defined by the American Society of Civil Engineers; that the operation will consist of the four basic steps set forth by the U.S. Public Health Service; that the operation will be in compliance with the Board of Water Supply stipulations set forth above; and, that the specifications enumerated on the plans dated June 23, 1971, are complied with.

County Recommendation

At its November 17, 1971 meeting, the City Planning Commission voted to recommend approval of the special permit subject to Land Use Commission approval and contingent on approval of a Conditional Use Permit by the City.

The following conditions were also stipulated:

- "1. The provisions and specifications set forth on the submitted plan marked Exhibit A shall be complied with except as may be altered by any of the conditions stated hereunder;
- "2. The applicant shall comply with requirements which may be imposed by the State Department of Health, Board of Water Supply, State Fire Marshall and the Department of Public Works;
- "3. The permits hereby granted shall expire at the end of five years from the date of issuance. The subject permits may upon their expiration be renewed provided the applicant applies for renewal of the Conditional Use and Special Use Permits;
- "4. If for any reason either the Conditional Use Permit or the Special Use Permit is denied, the other shall be automatically declared null and void;
- "5. In the event that all conditions as set forth herein are not being met, the Planning Director may take action to terminate the use or halt its operation until such time as full compliance is obtained;
- "6. The recorded owner of the land encompassed by these Conditional Use and Special Use Permits shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions; and
- "7. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Planning Department as evidence of recordation."

The rubbish dumping operation is conducted primarily during mid-morning or mid-afternoon hours, thus minimizing

any disruption of the traffic flow along Kam Highway. Dole Company and Mililani Town, Inc. are the primary users; and, as can be expected, Dole's refuse consists primarily of pineapple cannery and field wastes, while that from Mililani Town includes construction materials such as concrete, untreated lumber, and metals. The waste is deposited in a designated area to be spread and compacted by a bulldozer. At the close of the day or when the compacted material reaches a depth of 8 feet, a 2-foot layer of earth is spread over, compacted, and sloped at a 2 percent grade toward a drainage ditch. The finished grade will be approximately level with the surrounding area and will be planted to prevent erosion. The petitioner has indicated that it will take over 5 years to fill the area to the desired grade level.

Evaluation of this petition under the guidelines for determining an "unusual and reasonable" use finds that the proposed use would not be contrary to the objectives of the Land Use Law, since it would not remove lands from agricultural production nor will it contribute to the scatter of urban developments. Surrounding properties will not be adversely affected since they are owned by petitioner and are currently used for pineapple cultivation and the sewage treatment plant. The proposed use will not burden public

agencies to provide services nor will it change the character of the present use. Since the land is rated "E" or very poor for overall agricultural use, its potentials for agricultural production are limited.

Recommendation

Based on the above findings, the staff recommends approval of this special permit subject to the conditions established by the Planning Commission of the City & County of Honolulu.

BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA
POST OFFICE BOX 3410
HONOLULU, HAWAII 96801



3013

Members
ROBERT H. ROTZ, Chairman
RICHARD H. COX, Vice Chairman
GEORGE APDUHAN, Secretary
HENRY H. GEORGE, JR.
FUJIO MATSUDA
STANLEY S. TAKAHASHI
ALBERT C. ZANE

GEORGE A. L. YUEN
Manager and Chief Engineer

January 3, 1972

RECEIVED

JAN 5 1972

State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Fujimoto:

Subject: Notification of Special Permit Application
Applicant: Oceanic Properties, Inc.
File No.: SP71-121
Tax Map Key: 9-4-05:por. 1

We have reviewed the subject application and do not have any objections to the continued use of the area as a sanitary fill facility.

In a letter dated July 7, 1971 to Castle & Cooke, Inc. (Oceanic Properties, Inc.) we approved the continuance of the private landfill disposal operation subject to certain restrictions. The type of materials or products allowed to be disposed in the area are restricted to the following to minimize potential degradation of ground water by leachate from the landfill:

1. Cannery pineapple waste and appurtenant skips, cardboard boxes and cans.
2. Field pineapple wastes such as plant toppings.
3. Inert building construction material from Mililani Town such as concrete, untreated lumber and metals. Treated materials such as Wolmanized lumber are not permitted.

If you have any questions, please call me at 548-5239.

Very truly yours,

Masami Iwamura
Land Administrator

December 20, 1971

Mr. S. P. McCurdy
Vice President
Executive Offices
Castle & Cooke, Inc.
130 Merchant Street
Honolulu, Hawaii 96813

Dear Mr. McCurdy:

The Land Use Commission next meets on January 7, 1972, at 10 a.m., in the County Council Room, 25 Aupuni Street, Hilo, Hawaii.

At that time the application by Oceanic Properties, Inc. (SP71-121) to continue the use of subject property as a private refuse dump/sanitary fill facility at Waipio, Oahu, will be heard. If a deferral is necessary, notify the Land Use Commission any time before the matter is called for consideration by the Commission at the meeting. The Commission will evaluate the reasons and consider the request for a deferral.

Should you have any questions regarding this matter, please feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

December 20, 1971

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-121 - Oceanic Properties, Inc.
(Waipio, Oahu)

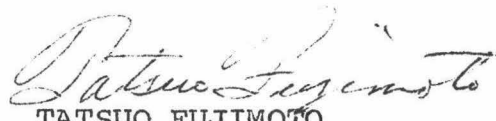
Please be advised that a special permit application has been filed with the Land Use Commission to continue use of subject property as a private refuse dump/sanitary fill facility on Tax Map Key 9-4-05: portion of 1. The property is generally located within the Agricultural District at Waipio, Oahu. The City and County of Honolulu Planning Commission approved this request on November 17, 1971.

An action meeting on this application is scheduled for January 7, 1972*.

We would appreciate any written comments for or against this request, or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

Very truly yours,


TATSUO FUJIMOTO
Executive Officer

*See enclosed agenda

2962

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU
629 POHUKAINA STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR



ROBERT R. WAY
PLANNING DIRECTOR

GEORGE S. MORIGUCHI
DEPUTY PLANNING DIRECTOR

71/CUP-11
71/SUP-3

November 26, 1971

SP71-121

RECEIVED

NOV 30 1971

State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
State Land Use Commission
State of Hawaii
Kamamalu Building
Honolulu, Hawaii 96813

Dear Mr. Fujimoto:

Request : Conditional Use Permit/Special Use Permit--
Private Refuse Dump/Sanitary Facility
Location : Waipio--Near Kipapa Gulch
Tax Map Key: 9-4-05: Portion of 1
Applicant : Oceanic Properties, Inc.

The Planning Commission held a public hearing on October 27, 1971, to consider the request of Oceanic Properties, Inc. for a Conditional Use Permit/Special Use Permit to continue use of subject property as a private refuse dump/sanitary fill facility on land located at Waipio--near Kipapa Gulch and designated as an agricultural district on the State Land Use District map.

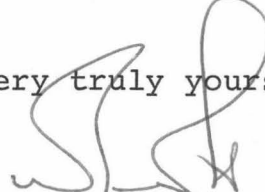
The public hearing was closed on October 27, 1971. At its November 17, 1971 meeting, the Planning Commission voted to recommend that a Special Use Permit be issued subject to the final approval of the State Land Use Commission and subject further to obtaining a Conditional Use Permit from the City and County of Honolulu.

Attached are the Planning Director's report, a Special Use Permit application and other materials. The Planning Commission minutes of November 17, 1971, will be transmitted to you as soon as it has been approved by the Planning Commission.

Mr. Tatsuo Fujimoto
Page 2

If you have any questions, please contact Mr. Tosh Hosoda of this department at 546-8042.

Very truly yours,



WILLIAM E. WANKET
Assistant Planning Director
Implementation Division

WEW/LH:au
Attach.
cc: Managing Director

546-8039

Meeting of the Planning Commission
Minutes
October 27, 1971

The Planning Commission met in regular session on Wednesday, October 27, 1971, at 2:05 p.m., in the Planning Commission Conference Room at the City Hall Annex with Chairman Rev. Eugene B. Connell presiding:

PRESENT:

Rev. Eugene B. Connell, Chairman
Fredda Sullam, Vice-Chairman
Roy R. Bright
James D. Crane
Thomas H. Creighton
Thomas N. Yamabe II

ABSENT:

James K. Sakai, ex-officio
Richard K. Sharpless, ex-officio
Andrew Sato, Deputy Corporation Counsel

STAFF PRESENT:

George S. Moriguchi, Acting Planning Director
Jack Gilliam, Branch Head, Development Controls
Bruce Duncan, Staff Planner
Tosh Hosoda, Staff Planner
Gerry Henniger, Staff Planner

MINUTES:

The minutes of October 13, 1971 were approved as circulated, on motion by Mrs. Sullam, seconded by Mr. Creighton and carried.

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL
DISTRICT TO B-2
COMM. BUSINESS
DISTRICT
WAIANAE
MAUKA OF FARRINGTON
HWY. BEFORE OLD
PLANTATION RD. &
WAIANAE VALLEY RD.
WILLUM, LTD.
(FILE #71/Z-47)

A public hearing was held to consider a request for a change in zoning from R-6 Residential District to B-2 Community Business District for land situated at Waianae, mauka of Farrington Highway before Old Plantation Road and Waianae Valley Road, identified by Tax Key: 8-5-10: portions of 58, 59, and 60.

Publication was made October 17, 1971. One letter of protest was received from Mr. Timothy Au, owner of parcel 60.

Mr. Bruce Duncan reviewed the Director's report recommending approval of the proposal. The subject parcel is split-zoned R-6 Residential District and B-2 Community Business. The applicant is proposing to construct an addition to his present commercial building on parcel 58. The back B2 Community Business District portion of the property will be used for the proposed addition while the front 90-foot

portion of the lot which is in the R6 Residential District will be used for offstreet parking purposes. It was pointed out that the owner of parcel 60 did not wish to rezone his property at this time; however, the Planning Director is initiating the zoning for this parcel also.

The Commission questioned what problems might arise if parcel 60 remained residentially zoned. It was pointed out that there would be difficulty for the adjacent property owner who must conform to side yard and front yard setback requirements of the R-6 Residential zone. Consequently in this particular situation, the applicant would have to construct five feet from that portion of his neighbor's property that is residentially zoned. Under a B-2 Community Business zone, there are no setback requirements, and if parcel 60 is rezoned, the applicant could construct to his property line.

Questioned by the Commission, Mr. Duncan stated that the owner of parcel 60 gave no reason for not wanting to rezone his property.

The Commission had no further questions of the staff.

No one spoke AGAINST the proposal.

The following people spoke in FAVOR of the proposal:

1. Mr. Mike Meriwether, Planner, Waianae District Neighborhood Planning Committee
2. Mr. Norman Mau, President, Waianae Businessmen's Association

Reasons in SUPPORT--

1. The proposal is a logical step in the planning and development context for the Waianae Coast
2. It will add to the economic development of Waianae
3. The change will be in keeping with the present zoning and use of adjacent areas, and should facilitate the provision of commercial services to residents.

Questioned by the Commission, Mr. Mau stated that parcel 60 is owned by the applicant's brother who does not wish to rezone his parcel right now for personal reasons.

There were no further questions from the Commission, and no other person was present to speak either for or against the request.

The public hearing was closed, and the matter was taken under advisement on motion by Mr. Yamabe, seconded by Mr. Crane and carried.

ACTION: Based upon the recommendation of the Director, the Commission recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

AYES - Bright, Connell, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun, Crane

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSI-
NESS DISTRICT
WAIANAE
MAUKA CORNER OF
FARRINGTON HWY. &
OLD PLANTATION RD.
LAMBERT LAU
(FILE #71/Z-61)

A public hearing was held to consider a request for a change in zoning from R-6 Residential District to B-2 Community Business District at Waianae--mauka corner of Farrington Highway and Old Plantation Road, identified by Tax Key: 8-5-10: 8.

Publication was made October 17, 1971. No letters of protest were received.

Mr. Bruce Duncan reviewed the Director's report recommending approval of the applicant's proposal to construct a one-story commercial structure.

The Commission had no questions regarding the report.

No one spoke AGAINST the proposal.

The following people spoke in FAVOR of the proposal:

1. Mr. Mike Meriwether, Planner, Waianae District Neighborhood Planning Committee
2. Mr. Norman Mau, President, Waianae Businessmen's Association
3. Mr. James Aki, Waianae Coast Development Corporation

Reasons in SUPPORT--

1. The Hawaii Economic Development Corporation which is a Model Cities supported project has provided considerable assistance in getting this new business initiated. This is a good example of what can be accomplished through the initiation of entrepreneur assisted by the Model Cities project.
2. The chop suey operation which the applicant proposes is very much in demand in Waianae, and will afford employment for nine individuals. It is a sound business enterprise for the Waianae community.

No questions were raised by the Commission.

The public hearing was closed, and the matter was taken under advisement on motion by Mr. Crane, seconded by Mr. Yamabe and carried.

ACTION: Based upon the recommendation of the Director, the Commission recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

AYES - Bright, Connell, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun, Crane

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL
DISTRICT
KALIHI
DILLINGHAM BLVD.
CHARLES A. MIYATA
(FILE #71/Z-39)

A public hearing was held to consider a request for a change in zoning from R-6 Residential District to I-1 Light Industrial District at Kalihi--Dillingham Boulevard, identified as Tax Map Key: 1-2-03: 19 and 20.

Publication was made October 17, 1971. No letters of protest were received.

Mr. Bruce Duncan presented the Director's report recommending approval of the applicant's proposal to construct a two-story warehouse over a portion of the subject parcels for Masonry, Inc. The warehouse will be used for storage of cement and materials. The remainder area of the subject parcels will be used for the open storage of trucks and equipment.

There were no questions from the Commission regarding the report.

No person spoke AGAINST the proposal.

The applicant, Mr. Charles A. Miyata, was present and stated that he wishes to vacate his present South Street site which he rents on a month-to-month basis. The proposed site will be adequate for his operation. He is the prospective buyer of the parcel, contingent upon approval of the rezoning.

No other person was present to speak either for or against the proposal.

The public hearing was closed, and the matter was taken under advisement on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

ACTION: Based upon the recommendation of the Director, the Commission recommended approval of the request.

Discussion followed.

CHAIRMAN: Similar to the preceding application, why wasn't the initiation made for I-1 in other areas to square the area off?

MORIGUCHI: There are many, many situations such as this, and some that are worse existing throughout the City of Honolulu. A good example is the Sheridan area where we have residential, apartment, business, and even industrial mixed in throughout the area. The Planning Director saw the need for improving and clarifying the very old zoning classification. In light of this need, he went to the Administration to solicit funds to take on this effort because as you can see, if we try to do this island-wide, it involves quite a bit of effort because it will not be a matter of arbitrarily straightening out the planning. We would have to develop justification and investigate the services that will be required, etc.

We did go in requesting \$50,000 to the Administration to take on this effort. The Administration concurred and submitted the request to the Council after regular budget sessions for this fiscal year. However, we were unsuccessful in getting the program to the City Council. Council felt that the funds would better be expended to their effort under the study of the CZC as they are now doing with this Commission. Therefore, the funds are there for that purpose. Whether we should try again to specifically attack this problem at the next budget hearing is not resolved at this point and time. This is to give you some idea of how we feel about the situation and what we have attempted to do.

CHAIRMAN: The situation will continue with spot zoning to add to the present confusion we already have.

MORIGUCHI: We'll try to minimize this situation.

YAMABE: Mr. Chairman, I might enlighten the Commission here in the use of the word or the expression "spot zoning". A few years back, maybe 10 years ago, this was a bad word. Subsequently, we found out that no one could really define spot zoning. This has become some problem. I'm told that when we talk about spot zoning, it's actually the degree or the size; is it a big spot, small spot, or irregular spot.

Do we have a DLUM for this area?

DUNCAN: No, the General Plan.

YAMABE: What's going to happen to the need of establishing a DLUM for many areas? I realize there's quite a number of areas that we don't have a DLUM.

MORIGUCHI: We would use the General Plan. Of course, you know we have been to the Administration, approaching and discussing with the Council the possibility of the total General Plan Revision Program. In light of that possibility, we are not pursuing the creation of more of these specific block-by-block, parcel-by-parcel, General Plan which has hampered the development of the City in a sense because its so inflexible. Every parcel that doesn't fit or every highway or road that's shown on the General Plan that doesn't really fit the program that is being developed at the moment would have to go through a General Plan Amendment procedure. In short, we are pursuing a total General Plan Revision Program rather than trying to perpetuate the old DLUM approach. You are correct, we don't have the 36 or 37 DLUM areas finished. We have something like half of it finished.

YAMABE: Does that mean that we will not have the completion of the DLUM designation in these areas until such time that you people undertake revision of the General Plan?

MORIGUCHI: That is correct. For the areas that we don't have DLUMs, we are depending primarily on the General Plan itself. Granted we've started some areas and will have to continue these. For example, the Central Honolulu area where we had considerable effort expended, we may be able to continue that and finish it off. The same thing possibly with the Kalihi-Palama Model Neighborhood area, we may finish those off. A few of the more critical ones we would try to bring before you a so-called DLUM again. Hopefully for the rest of the city, we can get our General Plan Revision Program underway and have that update all the other areas instead of using the DLUM approach.

YAMABE: Have you had any serious problem, the fact that you're proceeding in this manner where you haven't revised the General Plan yet, you don't have a DLUM but you take the application on its own merit and process it individually?

MORIGUCHI: Not really because for example on this Miyata thing, it's very clearly industrial. It blankets the whole area so that it offers no problem. In a sense, it may be better to work more with a General Plan such as this where we're not so specific and there is some flexibility whereas if we go to the other plan, it's pretty well fixed.

You're very familiar with the situation faced with Mililani Town and Oceanic Properties. They continue to come into this Commission to revise the DLUM because their development proposals change with time. Hopefully the system we would have would allow this and still not jeopardize any kind of General Plan.

YAMABE: Maybe we don't need a DLUM.

MORIGUCHI: This is a serious situation. There are advantages to it and tremendous disadvantages.

CREIGHTON: This particular question that the Chairman has raised of undesirability of taking individual pieces in rezoning it to the General Plan, is that a separate question from a General Plan Revision in which we must consider an overall zoning review?

MORIGUCHI: That's correct. We did suggest it as a separate attempt. Just taking the General Plan as we have it now and the CZC, updating these old maps. In fact, they're not really maps. They're all separate bits and pieces of legislation over the years. We finally have all these single maps out by planning areas, of course, these are not official. The hope was that we could take these maps, make the adjustments, go to Council and the Commission, and have these formally adopted after adequate study. This was the intent.

CREIGHTON: Mr. Chairman, I wonder if under these circumstances, it isn't almost our responsibility if we feel this way to attend to our recommendation to the Council in a case like this, our unhappiness at having to consider these individual zoning requests in lieu of a new look at the zoning of the entire area. I see no harm in repeating the fact that this is an unsatisfactory way of approaching the question of zoning and rezoning.

YAMABE: Let us try to be as objective as possible in a situation such as this. We don't really have a problem because we do have the zoning as shown. The staff can take a small area and present the existing zoning. I recognize it's much more desirable if this was all consolidated into one map but it's not that they don't have the information, therefore the action such as the one we've taken today is difficult for us to say that we don't have adequate information to base our decision on, as it was presented in this manner. We do have the information. I think this is a bit different from re-examining the General Plan. The staff's proposal was to consolidate it into one map and attempt to straighten out the boundary and so forth. That is desirable but I don't think it seriously hampers our operation simply because they're not consolidated or they're not straightened out.

CREIGHTON: It isn't a question of-- This is General Planned for Industrial use. It's a question whether that entire block should be rezoned to be consistent with the General Plan for Industrial use which is proper for that area rather than take one little piece out of there.

YAMABE: That would be another matter, in my opinion. We can do that right now if we wish to. Should we zone the one parcel for Industrial use or should we zone the whole block for Industrial. It doesn't really require the consolidation of all this information throughout the City and County to make this determination. I think it's another issue. We can attack right now if we wish to, and go ahead and recommend the whole block be zoned as Industrial use. We have done this in the past.

CREIGHTON: It would require staff study first, and that's the request that the staff made and the Administration, and the Council turned it down.

YAMABE: Maybe I misunderstood the staff's position but I didn't think that was the reason.

Can you, George, if we had requested that you examine the whole block and see whether there's sufficient facilities to warrant the change in zoning from R-6 to Industrial?

MORIGUCHI: Well, in this particular case and with all the other little zoning cases, we do this. However, if we had the whole zoning picture consistent with the

General Plan in implementing the General Plan right now, these little bits and pieces would not be coming before you. The zoning would be implementing the General Plan and we wouldn't have to go through with this with you.

You may recall that Bruce had up here a large map when we first started meeting with the Council on the CZC of the consolidated zoning picture for each planning area. We were hopeful just to maybe clarify, Tom, what we're talking about, that each of these sectional zoning maps can be brought up to date in such a fashion that it would be consistent with the General Plan to the extent that in time it would implement the General Plan. As an example, the B-2 is not consistent with the General Plan. A-3 and R-6 and all the others are not consistent with the General Plan. We try to correct the inconsistencies but, of course, this can't be done merely by the stroke of a pen.

YAMABE: I was under the impression that you people do have this information. It's just that you haven't got the consolidation to one map. You had to go to many sheets and extract this information.

MORIGUCHI: You mean the existing zoning?

YAMABE: Right.

MORIGUCHI: The existing zoning we do have information on. That map you're looking at has the existing zoning yes, but what we were proposing to do is to do a restudy of all zoning throughout the City to pick up all the inconsistencies, the major inconsistencies, with the General Plan. For example, the B-2 at the corner of Dillingham and Kalihi, certainly the General Plan says it should be Industrial, and that's an area where we should start implementing Industrial if any place else because of the existing facilities on Dillingham. These are the kinds of maybe more acceptable changes without too much research that we can get into. We were hopeful of at least starting with these, having these corrected by ordinance and also getting into the more difficult changes.

YAMABE: What I'm saying is can't we do this right now without you consolidating all this because we do have the information. If we wish to, can't we take district by district and do exactly what you're talking about?

MORIGUCHI: The effort required is the thing that we're concerned about, Tom. You're right. We can start doing this right now; however, our staff is tied up doing all the things we have to do to the PDs, CUPs, and everything else. We're not able to direct any manpower to do the kind of study needed. When it comes to zoning things and the public comes in, we have to do it. We have to

accommodate the person so the effort is directed in that area. For the overall zoning study effort, we just don't have the capacity manpower-wise to put at it.

YAMABE: I meant when I say we can do this now, I was referring to Commission action. We can request this portion, take district by district to be brought to the Commission for their examination and see where its inconsistent.

MORIGUCHI: But we'd be faced with the same problem. We would have to respond by saying what do we put aside.

YAMABE: I can see the whole point. It's better to have this whole information compiled and have a procedure set up but I think its a bigger problem not just by consolidating this information but as to the subsequent information that you might recommend or the Commission might take. For example, you said B-2 is nonconforming, therefore we're going to change it to Industrial.

MORIGUCHI: You have to have the basis for it.

YAMABE: Right. This is going to be a monumental task.

MORIGUCHI: That's what our concern is.

YAMABE: It'll cost you more than \$50,000, I assure you.

MORIGUCHI: Well, this is one year only. We didn't say we'd finish. If there's a building already sitting on that B-2, we have all kinds of problems. This is why we can't, as I said, by the stroke of a pen change things.

CHAIRMAN: The other issue that has to be looked at is the number of man hours and the areas you now have. The Planning Department has to do the work which means more work for the City Council. It also means a slower implementation of the General Plan. There must be a way that this can be expedited if this is to be a Light Industrial area that it seems to be headed for very slowly, but that it can be done at one time. I think in the long run if a cost analysis were done on this, it would end up spending more money doing it this way.

YAMABE: Just to conclude my remark, I agree in the area of General Plan, to take a second look at the General Plan. This is an important issue because its a policy matter. I look at zoning as an implementing tool. Therefore, I don't place much importance on this zoning issue. The technicality of the simplification of implementation and so forth, I don't favor in working on that prior to working on the General Plan. The policy issue first. This is the reason why I say this particular area I don't think is as important. It is helpful.

MORIGUCHI: There's another area that you might consider, Mr. Yamabe. We do have a predicament that maybe goes beyond what you're saying. We have many areas right now. For example, you take the residential areas in Kalihi that's General Planned for Industrial. We have many areas where the zoning is apartment. If they request the building permit for an apartment building, we can't stop them. This does not implement the General Plan. The sooner we get to these inconsistencies in the zoning, as against the General Plan, the better chance we will have of actually implementing whatever General Plan we have.

YAMABE: I recognize this but we're just talking about deferring the problem to a later date because whether if a person comes in for an application but if the department feels there should be a change in zoning, you can initiate the change in zoning to be consistent with the General Plan. You can do this.

MORIGUCHI: Yes but on the other hand, if the owner desires to develop under the zoning that now applies to his parcel, and if it is not consistent with the General Plan, we can't stop him. This is the problem we face.

YAMABE: Can't you stop this on the basis that this is inconsistent therefore you're going to initiate a change in zoning?

MORIGUCHI: No. This has been thrashed out. We've been to court, especially where the General Plan shows areas for park for example. If the zoning as it is effective today for his parcel is right for what he wants to do, we can't stop him.

YAMABE: Don't you face the same situation if you should go through all these changes and decide that there's a parcel that's inconsistent, therefore you want to make the change, and simultaneously the applicant comes in with an application for a building permit?

MORIGUCHI: If we hadn't accomplished what we set out to do by the time he comes in with the building permit, that's right. So the longer we delay making the zoning consistent, the more in numbers we will have of these people exercising their building rights under the existing zoning. What I'm saying is the sooner we eliminate these inconsistencies, the less there will be of it in the long run.

CREIGHTON: I think the argument Tom's making is if you were to go the correct zoning that might be consistent with the General Plan, and then the General Plan is revised, conceivably you might have to go back and change it again, but if we wait until the General Plan is revised and then go through the process of correcting zoning, in the meantime we have this situation that George is pointing out.

This business of individual changes in zoning faces us continually. It seems to me that these are two parallel jobs which the Planning Department, if they had the staff and the budget, should be doing.

The point is almost, or at least I'm almost of the feeling that a request of this kind should be denied because I want to know what's going to happen to that entire block. Why should this be changed to Industrial when we don't know what's going to be the zoning around it? Yet obviously, that would be very unfair to an owner who has a good project that it be zoned, to be consistent with the General Plan. We're going to run into these inconsistencies continually. That's why I say we should be pointing this out to the Council that this is not the correct way to approach rezoning. I'm not making that in the form of an amendment to the motion but I'm simply suggesting that in whatever recommendation goes to the Council, that this be included.

YAMABE: Mr. Chairman, I can't help but feel-- I'm not in disagreement in trying to have some consistency here with the General Plan but this goes much further than what I consider is a pressing action that we're attempting to take. I think it really requires some sort of legislation where we can strengthen the General Plan. The problem we face today is the weakness of the General Plan. What good is General Planning an area when you can't implement the General Plan and this is the situation we have. We have the tail wagging the dog. So more important, I still say its to get back to strengthen the General Plan.

CREIGHTON: Oh, I can see that.

YAMABE: There's no strength in it. We have a General Plan. In actuality we're not going to have a development as shown on the General Plan. We never will if this continues, no matter what we do. We can make changes in the zoning and as time changes and the General Plan changes, we're going to have the same situation that's continually existing which is per se, not going to be resolved.

CHAIRMAN: Any further discussion? If not, are you ready for the question? All in favor?

(The motion was unanimously carried.)

AYES - Bright, Connell, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun, Crane

PUBLIC HEARING
SPECIAL USE/CONDITIONAL USE PERMIT
(CONTINUATION OF A
PRIVATE REFUSE DUMP
FACILITY)

A public hearing was held to consider a request for a Special Use Permit and a Conditional Use Permit for the continued operation of a private refuse dump/sanitary fill facility at Waipio--Wahiawa side of Kipapa Gulch.

WAIPIO
WAHIAWA SIDE OF
KIPAPA GULCH
OCEANIC PROPERTIES,
INC.
(FILE #71/SUP-3,
71/CUP-11)

Publication was made October 17, 1971. No letters of protest were received.

Mr. Tosh Hosoda presented the staff's report of the applicant's request to continue the rubbish disposal and sanitary landfill operation which was authorized by the City Council in May 1966 for a five-year period.

The following questions were raised:

1. What amount of fill would be needed to obtain the desirable grade level mentioned by the applicant?

Mr. Hosoda was not sure as to the amount needed but stated that the area is presently less than a third filled.

2. Clarification was requested regarding the following comment made in the staff's report: "The Board of Water Supply feels that the foregoing restrictions will minimize the potential degradation of ground water by leachate from the landfill."

The staff explained that the conditions imposed, plus the applicant's method of operating the refuse facility will reduce the possibility of pollution to groundwater. By being selective of the type of fill, the potential for polluting groundwater would be minimized to an acceptable level. It was also pointed out that the Board of Water Supply does not comment whether something will or will not cause pollution of groundwater; however, if there is any question that water might be polluted, they would want to minimize the potential of that pollution.

No one spoke AGAINST the proposal.

Mr. George Yim represented the applicant. Questioned by the Commission, Mr. Yim stated that it would take more than five years to fill area to the desired grade level. Concerning possible groundwater pollution, he agreed with the staff's comments, and stated further that although the Board endorses the staff's conditions, it is still very cautious concerning its comments on this issue.

There were no further questions of Mr. Yim, and no other person was present to speak either for or against the proposal.

ACTION: Mr. Yamabe moved, seconded by Mrs. Sullam and carried, that the public hearing be closed, and that the matter be deferred for the statutory period of 15 days.

AYES - Bright, Connell, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun, Crane

UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING DISTRICT
NANAKULI-WAIAE
FERGUSON DEVELOP-
MENT CORPORATION
(FILE #71/PDH-5)

The public hearing on this matter was held on October 13, 1971. At that time the Commission closed the public hearing, and deferred action for a period of two weeks.

Mr. Jack Gilliam brought the Commission up-to-date on the proposal. For the record, he stated that the conditions in the staff report have been amended to coincide with the revised site plans submitted by the applicant.

Discussion followed.

SULLAM: Aren't there any shopping facilities that would accommodate the immediate needs of the community?

GILLIAM: Not directly on the site itself; however, there is commercial land almost immediately adjoining the subject property plus the Nakatani Store so that there is close commercial zoning.

SULLAM: While I see there is an effort to satisfy the needs of different sized families here since I understand most of the apartments will be three or four bedrooms, I don't see that there's been any effort to get a different economic level of people living here. The staff report says its being geared toward the gap group. Is there going to be any effort to get an economic mix in there?

(Mr. Richard Ferguson, the applicant, was called upon at this time to respond to Mrs. Sullam's question.)

FERGUSON: The market that we're attempting to reach here is-- We're currently applying under FHA 235 and 221 programs. The economic mix therefore would be generally speaking, employed people subsidized or non-subsidized, the 221 program roughly except the people who are over income for the 235 program. As far as housing goes, this is as low as non-public housing goes. The mix as far as different levels includes going from the townhouse to the three-story apartment which would be the least expensive probably for younger families. So for the older people, the subsidy will be available under the 235 program. People can either qualify for that program or not. So, there is a mix.

SULLAM: Will this mix be for the one-bedroom or the two-bedroom apartment, or are all these apartments going to go for the same amount?

FERGUSON: The pricing has not been established. We have two-bedrooms, three-bedrooms, and four-bedroom units. As you get up into the slopes, the land is virtually flat makai of the road area and mauka of that I think you're going to have more expensive units because we're getting into terrain where some units, 38 of them have garages underneath the house. These are actually view lots but they will be priced for the 235 program. There's a maximum of \$31,500. We're attempting to beat that maximum. We're currently

out for bid and unable to say what the price will be. The price is down to as low as possible under this subsidy program.

SULLAM: The entire project will be under subsidy program?

FERGUSON: That's right but what happens is that people who want to live side-by-side make too much for that program and don't qualify for the subsidy program. Those two programs are very close together.

YAMABE: Under the planned development proposal, is it a requirement for the applicant to seek federal participation program?

GILLIAM: No, it isn't.

YAMABE: Does the staff feel that this type of development is conducive to this area, forgetting the gap issue?

GILLIAM: Well you can't forget the gap issue when you're talking about housing, particularly in areas that are really looking for. There really is a need in this area for the gap group housing probably more so than other areas. You can't quite divorce that particular issue.

YAMABE: How can we include the gap situation in any development where there's no assurance that it will be put into that type of development. It's a question of their ability. They're going to attempt it.

GILLIAM: That's correct. We do not and have not at any time put any conditions as to if you get into maximum sales price types of units or sales ranges of units. We haven't got into that aspect in our planned developments.

YAMABE: Mr. Chairman, I would prefer to look at any request for development purely from the standpoint of the need as well as the compatability of the development itself to the immediate adjacent community. We have been discussing this gap problem for many, many months if not years. I don't really think we're solving the problem as we'd like to. I recognize there are many limitations but it might be a bit misleading if we continue to consider the gap problems to be the primary problem. I think it should be based on whether the need for this type of development exists.

GILLIAM: I would agree that the gap group problem as well as the total housing problem isn't going to be solved by any one particular type of housing unit. Of course, as you've seen come before you in the planned development project, the majority have been the two-story townhouse, getting into a single type of structure. They have gone into this one into three-story rental units here, and then the townhouses in the upper area. Other types of housing that would fit into the needed market I would say being the detached dwellings or getting into some zero lot lines, small lots, detached structures, in a different pattern, maybe the patio type units might be more conducive to the way of living of this area. The way of living there, people like their own little place with the big living room where they socialize. You have that kind of living, social living, in the

area. There was some comment at the public hearing about that particular question as to whether or not this type of housing, if you were to blanket the entire Waianae Coast with it. We've gone into previous development, blanketed areas with single-family detached 5,000-foot lots and we've found that's not the solution. I think we're going to have to be careful as we go along that we don't blanket the whole town with two-story townhouse condominiums. As the various projects come in, we're going to have to take a look at this particular problem. We are looking at an abutting PD which has a variety of houses from the detached dwelling zero lot line of cluster patio type, and some apartments of various levels, a mixture type of units in an approximate thousand-unit project that will be abutting this.

YAMABE: The thing I'm objecting to is the fact that just about every application that has come before us always emphasizes the fact that it will primarily take care of the gap group. I think you know as well as I do that the attempt might have been made to attack the gap group but we haven't really created housing to take care of the gap group. I'm not criticizing the developer or anyone else. I recognize that there are many, many areas that have problems; therefore we should minimize the consideration of taking care of the gap group but more importantly to consider whether this type of development is conducive to that particular area. If you feel this is desirable fine, but not merely because this project or any project is attempting to attack the gap group problem.

GILLIAM: That's correct. It's difficult to stay in that gap group once you build for it and sell it off to the first buyer as we found out in one of our PDs that has been built. It sold out within about a month. Right after it was sold out before it was built, the resale came up for \$6,000 profit. It got out of the group that it was destined to serve.

YAMABE: This is the point I'm making. I'm not objecting to anyone making a profit; however, I feel it's wrong for us to use any basic criteria that can be misleading to the people within the community, the developers, the landowners, the governmental officials, I think we ought to minimize this, not to mislead people into the fact that we're primarily concerned with the gap group. This has been an over-used subject and we should recognize it.

GILLIAM: Of course with the FHA programs, this problem becomes more minimum as to resale, speculative nature of the project. Generally you're going to get the owner-occupant buying the thing rather than a speculative nature. I would hope this is the trend that we would particularly get into this area which is needed so badly.

YAMABE: Why was this deferred, I was not at the last meeting.

SULLAM: I made the motion for exactly the reasons you've stated. Mr. Jacoby testified and said that there was going to be according to all planning studies, the growth of Waianae would be a very even one within the next 15 years. As indicated, the projects

that are coming before us, it will more than double the present population in five years. I wonder whether we need to have this kind of development on the Waianae side at this time? As Mr. Yamabe said, is it really going to satisfy the needs of the people who are in the gap group on the Waianae side? Yet I don't feel I'm against the project because there are probably people elsewhere who want to get in here.

GILLIAM: The only reaction I've had personally in going to a considerable amount of community meetings over the past year with 3,000 or 4,000 people is yes, we need gap group housing but don't put it in our area. This is becoming a prevalent attitude of the people.

I might add, for the benefit of those who were not at the public hearing that there were two conditions that we had recommended modifications on. One was condition 8.5 regarding the screening where we wanted to require fencing only where it was necessary for safety purposes along the drainage channel, rather than the entire project. Also in terms of the flexibility clause, no increase in density but allow some flexibility in the floor area depending on sales. He's programmed about 20% of the units for four bedrooms. If the sales go to 25%, he may want to change the three-bedroom to four-bedroom. There is adequate floor area allowed under the ordinance and we want to modify that particular statement to allow for this flexibility depending on the market situation out there.

SULLAM: Is it legally possible to add a condition that this be a subsidized project, 235?

MORIGUCHI: The Commission has that prerogative to recommend that but whether it is finally included is determined by the Council.

There was no further discussion.

ACTION: The Commission adopted the recommendation of the Director and approved the request, on motion by Mr. Bright, seconded by Mr. Creighton and carried.

AYES - Bright, Connell, Crane, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun

C.I.P. PROPOSED
AMENDMENTS TO
SIX-YEAR C.I.P.
OF BOARD OF WATER
SUPPLY

Submitted to the Commission for review and comment was a C.I.P. appropriation request from the Assistant Chief Engineer of the Board of Water Supply for the following two projects in the Waimanalo area:

1. 36-inch main along Hihimanu Street from Nonokio Street to existing 30-inch main at Nalu Street and Kalaniana'ole Highway, Waimanalo - 9,200 linear feet..... \$ 740,000
2. Waimanalo 364¹ Booster Station..... 120,000

The staff recommends approval of both projects.

No discussion followed.

ACTION: The Commission concurred with the recommendation of the staff and recommended approval of both projects, on motion by Mrs. Sullam, seconded by Mr. Bright and carried.

AYES - Bright, Connell, Creighton, Sullam, Yamabe
NAYES - None
ABSENT - Chun, Crane

DISCUSSION
LETTER FROM CHARTER
COMMISSION REQUEST-
ING MEETING WITH
PLANNING COMMISSION

The Chairman reported the receipt of a letter from the Charter Commission requesting a meeting with the Planning Commission relative to its comments regarding the City Charter.

It was decided that Planning Commission workshop sessions would be held to discuss the Commissioner's comments regarding the City Charter. The staff will arrange these sessions.

ADJOURNMENT:

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

October 6, 1971

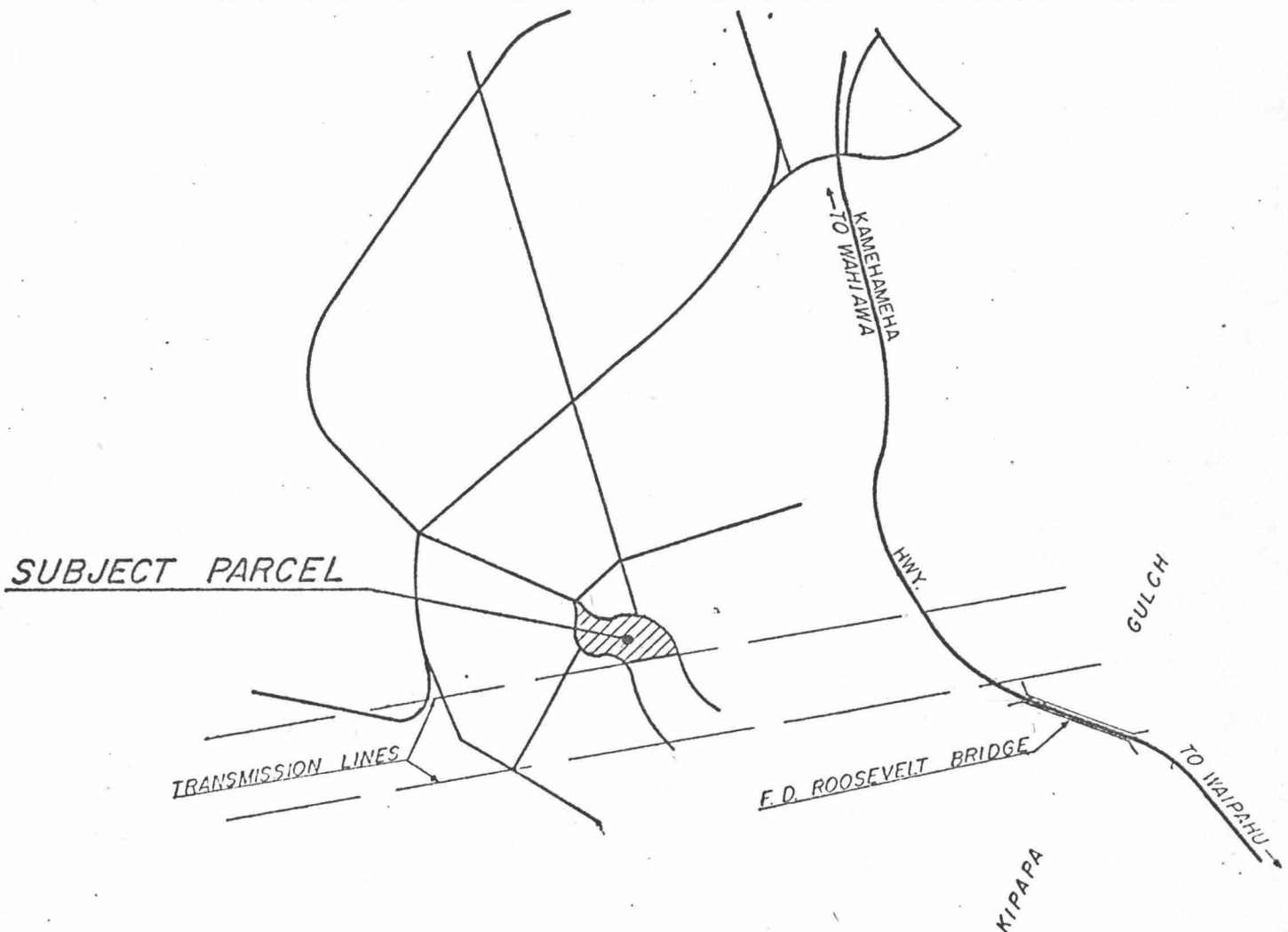
MEMORANDUM

TO : PLANNING COMMISSION

FROM : ROBERT R. WAY, PLANNING DIRECTOR

SUBJECT: A REQUEST FOR A CONDITIONAL USE PERMIT AND A
SPECIAL USE PERMIT FOR CONTINUED USE OF A
PRIVATE REFUSE DUMP FACILITY--WAIPIO

APPLICANT : OCEANIC PROPERTIES, INC.
OWNER : CASTLE AND COOKE, INC.
TAX MAP KEY: 9-4-05: PORTION OF 1
AREA : APPROXIMATELY 19 ACRES



General Plan: Agriculture; Ordinance No. 2443; May 7, 1964.

Detailed Land Use Map: Agriculture; Ordinance No. 2473; July 29, 1964.

Development Plan: (None adopted for this area.)

Zoning: AG-1 Restricted Agricultural District. Within this district, the Comprehensive Zoning Code permits private refuse dumped as a conditional use.

State Land Use District: Agriculture. Under the State Land Use laws, a private refuse dump facility would be permitted as a special use.

Description of the Site in its Surrounding Area: The site is located approximately 2,400 feet on the Wahiawa side of Kipapa Gulch and approximately 1,300 feet leeward of Kamehameha Highway. The site, located at the terminus of a shallow ravine, is surrounded on three sides by pineapple fields. An easement for a high tension transmission line cutting through the shallow ravine delineates the Waipahu boundary of the site. A sewage treatment plant serving Mililani Town is located approximately 300 feet from the site. An existing asphalt paved roadway provides access to the site from Kamehameha Highway.

Applicant's Proposal: The applicant is requesting the subject Conditional Use and Special Use Permits in order to continue the rubbish disposal and sanitary landfill operation which was authorized by the City Council in May 1966 for a five-year period.

The specifications set forth on the plans submitted by the applicant indicate the manner in which the refuse disposal operation will be conducted with respect to clearing and grubbing, drainage and operation. The specifications are as follows:

1. Clearing and grubbing. "Clearing of the ravine prior to the sanitary landfill operation shall be kept to a minimum. Area only necessary to conduct proper operation of trucks and equipment shall be cleared. Approval of the owner or his representative shall be obtained prior to the clearing operation."
2. Drainage. "Drainage water and irrigation runoff enter into the area of the landfill operation from the various existing drainage areas.

"The existing five feet by eight feet box culvert in its drainage system shall be kept operational at all times. All drainage and runoff water entering this area shall be diverted to this system and conveyed downstream to the natural drainage channel without eroding abutting properties or silting of the downstream properties.

"Periodical inspection on soundness and reliability of the drainage system will be made. These inspections may reveal that additional drainage facilities may be necessary to properly convey or divert drainage water around the area of operation. These new facilities shall be constructed and maintained by the operator. The owner or his representative shall make the final determination as to the soundness and reliability of the drainage system.

"All collections of surface water or puddles resulting from landfill operation shall be either drained, filled, or treated with an effective chemical to prevent mosquito production or other disagreeable conditions."

3. Operation. "The face of the working fill shall be kept as narrow as is consistent with proper operation of trucks and equipment in order that the waste material exposed during the operation day be minimal. Waste material shall be compacted upon discharging from trucks and void shall be kept to a minimum.

"Layers of compacted material shall not exceed eight feet in depth. The lower layers shall be covered with one foot of earth covered material, and the top layer with a minimum of two feet of earth covered material.

"Car bodies, solid waste, or building material shall be confined to the lower layers. Material of the type just described shall not be used in the top layer.

"Covered material may be obtained by scalping in the area that is cleared. No vertical cuts shall be permitted.

"The finished grade shall be constructed in accordance with the section shown on the site plan. All finished surface shall be seeded with suitable ground cover by the operator to prevent surface erosion. Precaution shall be exercised to the utmost to avoid seeding into adjacent agricultural land. Only seed approved by the owner or his representative shall be used to seed the finished grade.

"After the active period of filling operations is completed, repairs shall be made to cracks, depressions, and surface erosions. Drainage facilities as necessary shall be repaired or installed to insure conveyance of drainage water to a point of discharge into the natural channel."

Comments from Various Governmental Agencies:

Section 21-251 of the Comprehensive Zoning Code requires that for private refuse dumps, sanitary fills and incinerators "certificates of approval shall be required from the State Department of Health,

State Fire Marshall, the Board of Water Supply, and the Department of Public Works." The applicant has requested approval from these agencies and has submitted the responses received which are as follows:

State Fire Marshall approved the request.

Department of Public Works states that "our department has been observing the operation of this landfill for the past five years and, in our opinion, the operation has been satisfactory. We will be recommending approval of the permit required by Section 9-3.8 of the Revised Ordinances and the Conditional Use Permit required by the Comprehensive Zoning Code."

Board of Water Supply reports that the operation will meet with the approval of the Board of Water Supply provided disposable products are limited to:

- "1. Cannery pineapple waste and appurtenant skips, cardboard boxes, and cans.
- "2. Field pineapple wastes, such as plant toppings.
- "3. Inert building construction material from Mililani Town such as concrete, untreated lumber and metals. Treated materials such as wolmanized lumber are not permitted."

The Board of Water Supply feels that the foregoing restrictions will minimize the potential degradation of ground water by leachate from the landfill.

State Department of Health has indicated its approval of this request with the understanding that the use will be a sanitary landfill operation as defined by the American Society of Civil Engineers; that the operation will consist of the four basic steps set forth by the U. S. Public Health Service; that the operation will be in compliance with the Board of Water Supply stipulations set forth above; and, that the specifications enumerated on the plans dated June 23, 1971, are complied with.

The American Society of Civil Engineers defines sanitary landfill as "a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with the layer of earth at the conclusion of each day's operation, or such at more frequent intervals as may be necessary."

The Department of Health states "according to the U. S. Public Health Service, a sanitary landfill consists of four basic operations:

- (1) The solid wastes are deposited in a controlled manner in a prepared portion of the site;
- (2) The solid wastes are spread and compacted in thin layers;
- (3) The solid are covered daily or more frequently if necessary with a layer of earth;
- (4) The cover material is compacted daily."

Analysis:

Need. According to the applicant, a need exists for the continued use of the refuse dump for the convenient disposal of rubbish from affiliate companies of Castle and Cook, Inc. Dole Company and Mililani Town, Inc. are the principle users of the dumping facility. Rubbish from Dole Company include cannery pineapple waste and appurtenant skips, cardboard boxes, and cans, and field pineapple wastes such as plant toppings. Wastes from Mililani Town, Inc. include inert building construction materials such as concrete, untreated lumber and metals.

Location. The location is considered appropriate for the refuse dump site. Its location in the midst of the pineapple field is convenient to the primary users and is sufficiently far enough

from developed areas that its operation will not cause any problems to people living in the area.

Site Plan Evaluation. The site plan was reviewed with regard to the requirement of the Comprehensive Zoning Code that "the proposed conditional use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district." (Section 21-242,a)

The following items are considered germane to this proposal:

Traffic Flow and Control. The paved roadway to the site intersects with Kamehameha Highway approximately a quarter of a mile Honolulu of Mililani Town. Kamehameha Highway at this point is a two-lane undivided highway. Since rubbish from Dole Company and Mililani Town, Inc. is delivered primarily within the midmorning and mid-afternoon hours, the flow and control of traffic along Kamehameha Highway are not affected by the refuse dump operation.

Access to the Site. An existing private roadway approximately a mile and a half long provides access to the site from Kamehameha Highway. Its asphalt pavement is generally in good condition and is considered to be adequate for the low volume of traffic generated by the subject use.

Hours and Manner of Operation. The rubbish dumping operation is conducted during the daylight hours. The operation of the dump site facility includes the following steps:

1. Rubbish is deposited in a designated area;
2. A bulldozer spreads and compacts the rubbish;
3. At the close of each operating day or when the layers of compacted material near eight feet in depth, the bulldozer spreads a layer of earth cover material over the exposed rubbish;
4. The top layer of exposed rubbish will be covered with a two-foot layer of earth after which it will be compacted and sloped at a 2 percent grade toward a drainage ditch to be provided along the edge of the filling operation.
5. The finished grade will be approximately level with surrounding grades and will be seeded with ground cover to prevent surface erosion.

The above described operation has the general approval of applicable agencies.

Noise, Dust and Odor. The refuse dump operation is not expected to cause problems in terms of noise, dust and odor because of its location and the manner of operation described above.

Additional Analysis:

Because a Special Use Permit is also required, the proposed operation was reviewed with respect to the following guidelines set forth in the Land Use Regulations for determining whether or not the refuse dump operation is "unusual and reasonable."

1. "Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations."

The primary objective of the State Land Use Law and Regulation is to preserve productive agricultural lands and protect lands which have a significant potential for agricultural purposes. The continued use of this site for refuse disposal purposes would not be contrary to this objective since the site was never used agriculturally and its potential for agricultural use is diminished by the fact that the topography and makeup of this site reduce its suitability for agriculture use.

2. "That the desired use will not adversely affect the surrounding property."

The area surrounding the site is owned by the applicant and is used primarily for the growing of pineapples. A sewage treatment plant serving Mililani Town is located nearby. These uses are not expected to be affected by the refuse operation.

3. "Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection."

The nature of the use and its size and manner of operation would not place an unreasonable burden on public agencies to provide public facilities.

4. "That the land upon which the proposed use is sought is unsuited for the uses permitted within the district."

According to the information contained in the Detailed Land Classification - Island of Oahu, a publication prepared by the Land Study Bureau of the University of Hawaii, the subject site is not suited for agricultural purposes. This study classifies the subject parcel as E57. The letter "E" rates the site as being very poor for agricultural uses. The number "57" of the code refers to the section in the study which describes the land type of the site. The land type is described as follows:

"Included are stony or rocky, shallow, well drained, medium to fine-textured lands having variable surface and subsoil colors. The soils have developed on uplands or upland alluvial positions from residuum of basic igneous rocks or from alluvium. Soil reaction is quite variable. Slopes range from 36 to 80 percent. Soil series and complexes included are Ewa, Ewa-Lualualei complex, Kaena, Kunia, Lahaina, Lolekaa, Lualualei, Lualualei-Ewa complex, Mahana, Manana, Molokai, Waikapu, and the (Rough Broken Land) Soil complexes. Lands are virtually impossible to work because of the slope. In some cases, erosion is a serious problem. Median annual rainfall varies from 15 to 100 inches. Elevations range from nearly sea level to 1,500 feet."

5. "That the proposed use will not substantially alter or change the essential character of the land in the present use."

The request is to continue the existing refuse disposal operation. When the operation is completed, the site will be seeded with ground cover and will, except for its topography, have essentially the same character as the site was originally.

Conclusion:

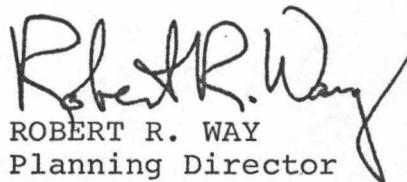
From the information and analyses above, it is concluded that the continued use of the private refuse dump can be conducted without adversely affecting the health, safety, or comfort of persons or working in the area, and will be no more injurious economically or otherwise to property or improvements in the surrounding area than would any use generally permitted in the agricultural district.

Recommendation:

It is recommended that the request for Conditional Use Permit and Special Use Permit to continue the operation of an existing private dumping facility be approved subject to the following conditions:

1. The provisions and specifications set forth on the submitted plan marked Exhibit A shall be complied with except as may be altered by any of the conditions stated hereunder;
2. The applicant shall comply with requirements which may be imposed by the State Department of Health, Board of Water Supply, State Fire Marshall and the Department of Public Works;
3. The permits hereby granted shall expire at the end of five years from the date of issuance. The subject permits may upon their expiration be renewed provided the applicant applies for renewal of the Conditional Use and Special Use Permits;

4. If for any reason either the Conditional Use Permit or the Special Use Permit is denied, the other shall be automatically declared null and void;
5. In the event that all conditions as set forth herein are not being met, the Planning Director may take action to terminate the use or halt its operation until such time as full compliance is obtained;
6. The recorded owner of the land encompassed by these Conditional Use and Special Use Permits shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions; and
7. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Planning Department as evidence of recordation.


ROBERT R. WAY
Planning Director

RRW/TH:

RECEIVED

71 JUN 30 PM 10:57

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee
received by LUC _____

APPLICATION FOR SPECIAL PERMIT

(X) (We) hereby request approval of a special permit to use certain property located in the ^{City and} County of Honolulu, Island of Oahu, Land Use Commission ~~Temporary~~ District Boundary map number and/or name 0-9, Waipahu, Hawaii, for the following-described purpose: continued operation of existing private refuse dump/sanitary fill in Agricultural District.

Note: See Application for Conditional Use Permit filed with Planning Department, City and County of Honolulu.

Description of property:

Approximately 19 acres of gulch land at Waipio, Ewa, Oahu, near Kipapa Gulch, being a portion of Tax Key parcel 9-4-05-1.

Petitioner's interest in subject property:

Owner

Petitioner's reason(s) for requesting special permit:

Desire to continue to operate its private refuse dump/sanitary fill at the same site for the disposal of plant and fruit wastes of Dole's pineapple field and plant operations, Mililani Town development and for refuse from other Castle & Cooke, Inc. affiliate companies only.

Signature(s) CASTLE & COOKE, INC.

By *S. P. [Signature]*
Its VICE PRESIDENT

Address: 130 Merchant Street

Telephone: 548-6611

This space for official use

The property is situated in a(n) _____ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) _____

For (agency) _____

SPTI-121 OCEANIC PROPERTIES, INC.

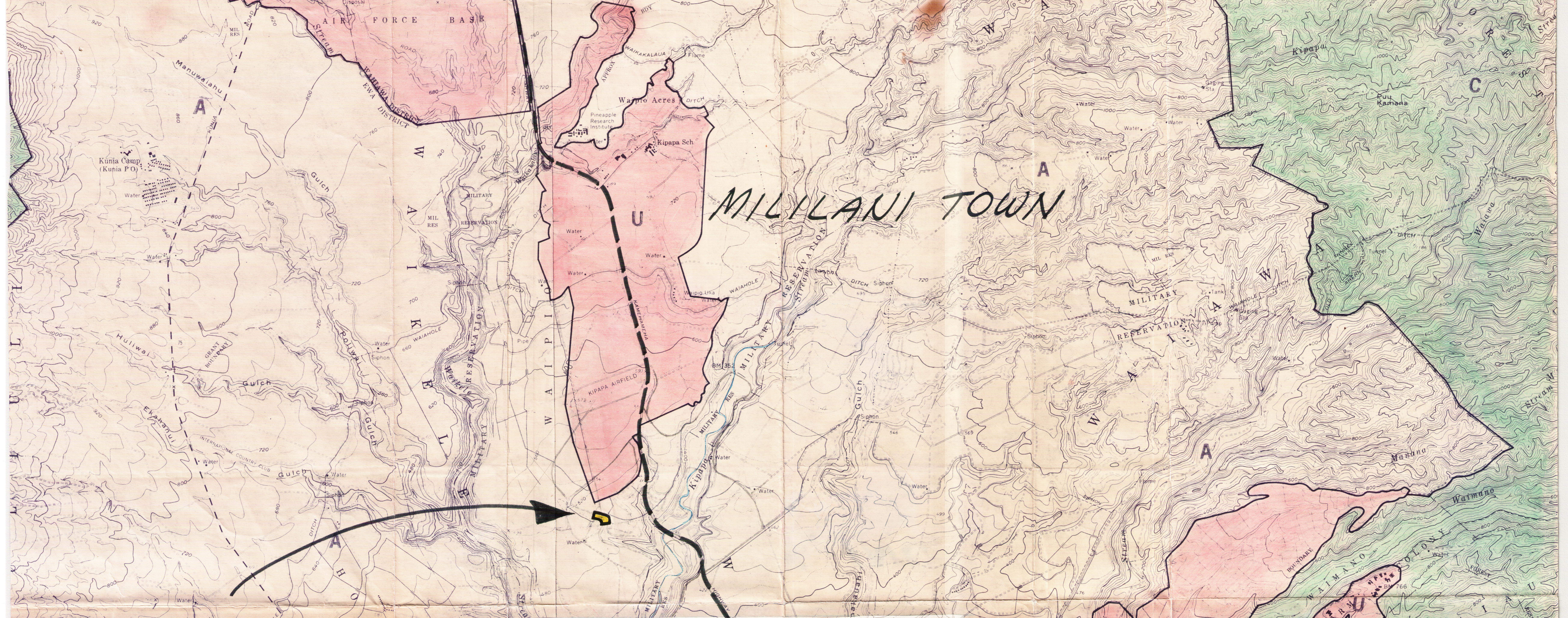
MILILANI TOWN

KIPAPA BRIDGE

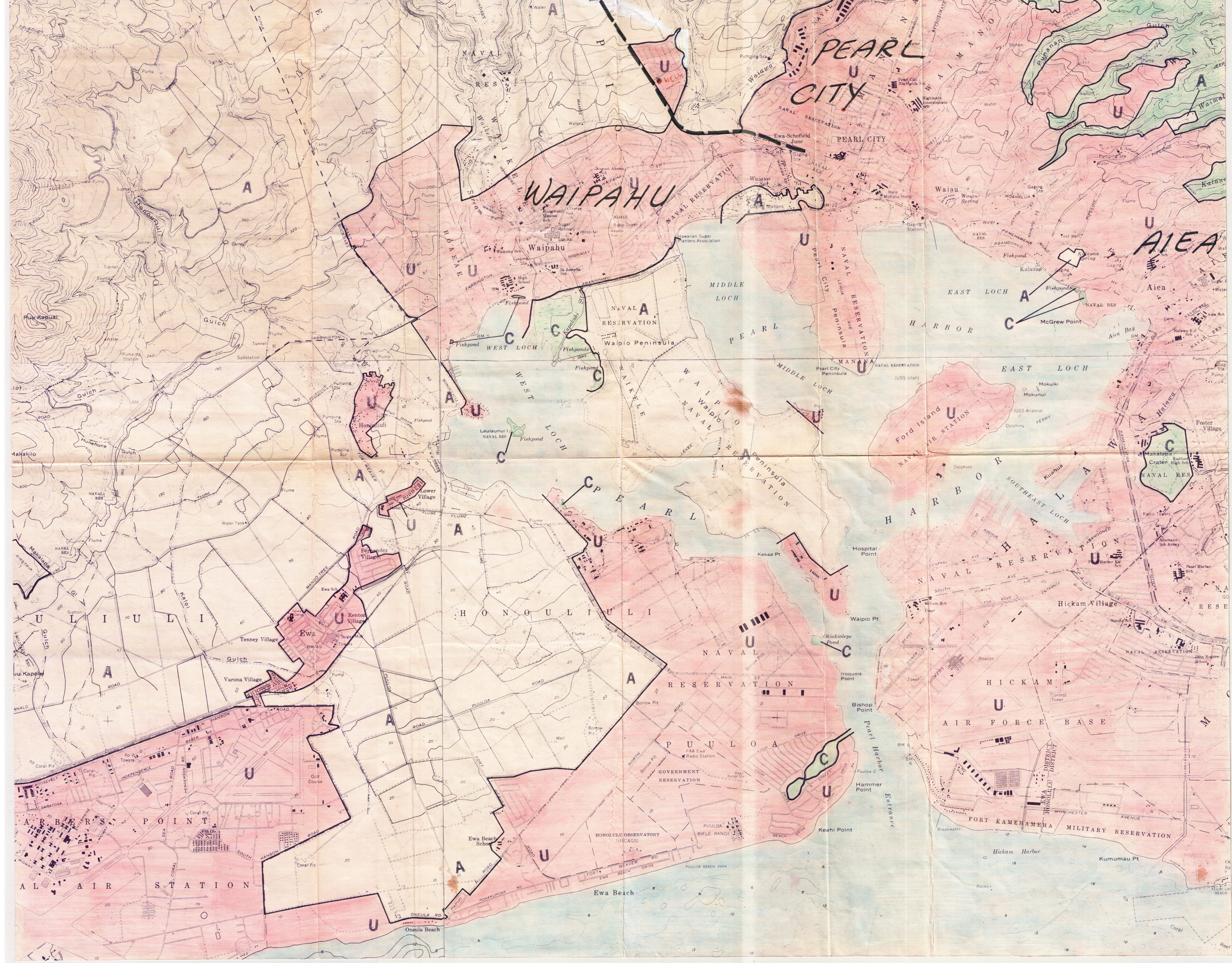
RUBBISH DUMP

SEWERAGE TREATMENT PLANT

TRUE NORTH



SP71-121 OCEANIC PROPERTIES, INC.



DWG No. 104
 Revised to:
 By: F.B. J.H.N. Dec. 1933
 Source: Tax Maps Bureau Ewa Plantation Map



NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current.
 Administrative Directive 24-68 (Rev.) dated November 21, 1968

Dropped Parcel/s: 4,

ALL IN AGRICULTURE

FIRST DIVISION		
ZONE	SEC.	PLAT
9	4	06
CONTAINING		PARCELS
SCALE: 1 in. = 600 ft.		

WAIPIO, EWA, OAHU (Ld Ct. App 1000)