

Item #3 Bill 9 (2011)

TESTIMONY FOR ZONING COMMITTEE
for meeting on March 1, 2011 on Bill 9 (2011) Mokule'ia Zone Change (2010/Z-3)

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February 27, 2011

Aloha Members of the Zoning Committee,

CITY CLERK
HONOLULU, HAWAII

This testimony is submitted by a North Shore pro-bono community activist who has over twenty years experience working on North Shore issues and who is dedicated to protecting and preserving the quality of life for Mokule'ia and other North Shore residents.

Pertinent background information on the request includes the following:

- One has the right to request a change in zoning, but not a right to a zoning change.
- The Mokule'ia Community Association and North Shore Neighborhood Board No. 27 both voted to oppose the request for rezoning of the property involved (please see the three letters at attachments 1, 2 and 3).

The requested rezoning is opposed for five principal reasons:

- First, the property in question has no water of its own; there are no usable wells on the property; nearby wells are owned by Dillingham Ranch; and, the last time we checked, the Commission on Water Resource Management had not approved drilling new wells on the property for either potable or agricultural use.

- Second, the lack of any water raises questions about the property's capability to support viable agriculture because if no onsite water is available, the property could not be used for the agricultural purposes required by AG-2. Moreover, the Agricultural Feasibility Report done by Avalon Development on June 4, 2007, which is referred to in the Draft Environmental Assessment sent to the MCA by Analytical Planning Consultants, Inc., was not accepted by the Department of Agriculture and should not be used in support of the rezoning request. Therefore, the requested zone change should not be approved unless the Department of Agriculture has approved an acceptable agricultural plan for the property.

- Third, there appear to be questions about access to the property from Farrington Highway. The Draft Environmental Assessment claimed that, as a condition of the Department of Planning and Permitting's tentative approval of Dillingham Ranch's subdivision request, the State Department of Transportation "stipulated that access be provided to the subject property". But that is incorrect: The State Department of Transportation stipulated that access "not be denied". And our understanding is that Ralph Gray does not currently have legal access to the property, only temporary permission to travel through Dillingham Ranch to enter and access his property.

- Fourth, by his own admission and advertising, Ralph Gray specializes in ocean front property (attachment 4); he has no *bona fides* in agriculture; and, as documented in earlier testimony, Ralph Gray has previously paid administrative fines to settle charges against him for violating statutes governing the conduct of real estate brokers.

- Finally, considering all of the foregoing, the request for a zoning change is not in accordance with the specified vision on the North Shore Sustainable Communities Plan to preserve open spaces and view planes.

Based upon all the preceding information, the Zoning Committee is urged to deny the requested change in zoning.

Stewart Ring, 68-703 Crozier Drive, Waialua ,HI, 96791, Ring@hawaii.rr.com., 637-9241

MOKULE'IA COMMUNITY ASSOCIATION
68-411 Farrington Highway
Waialua, HI 96791

June 23, 2006

The Honorable Mufi Hannemann
Mayor of the City & County of Honolulu
Honolulu Hale, Honolulu, HI 96813

Dear Mayor Hannemann

At the Mokule'ia Community Association's June 17, 2006 meeting, the forty+ attendees were presented a request to upzone 40.59 acres of land from P-2 to AG-2.

During the meeting, attending residents reported that the land in question had been the site of the U.S. Army's ammunition storage during World War II and the site for Nike missile storage during the Cold War and they expressed concern about the chemicals that might be present in the earth. They also noted that since the property was completely within the Dillingham Ranch, but not owned by the ranch's owners, there was no separate access to or egress from the property. Further, the residents noted that the requested upzoning was not in accordance with the vision and stipulations of the North Shore Sustainable Communities Plan which called for the preservation of open spaces, view planes and a rural quality of life for the area.

A resident also pointed out that there was no legal right to upzone the property, but once rezoned to AG-2, there was a legal right to subdivide the property.

For all the foregoing reasons, the Mokule'ia Community Association voted without dissent to oppose the request to rezone the land from P-2 to AG-2.

Sincerely,



Michael Dailey
President

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Copy to: Director, Department of Planning and Permitting
Chair, City Council of the City & County of Honolulu
North Shore Neighborhood Board No. 27



NORTH SHORE NEIGHBORHOOD BOARD NO. 27

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July 24, 2006

Henry Eng, Director
Department of Planning and Permitting
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Eng,

This is to inform you that the North Shore Neighborhood Board at their June 27, 2006 meeting took the position not to support an upzoning request by Analytical Consultants on behalf of their client Ralph Gray. The property in question is located in Mokuleia within the Dillingham Ranch property and is currently zone P-2. They are requesting that the zoning be changed to Ag-2.

This property is completely surrounded by Dillingham Ranch and there is no separate access to or egress from the property. It was also the site of the U.S. Army's ammunition storage during World War II and the site for the Nike missile storage until fairly recently. Because of this, residents of the area have concerns about chemicals that might be present in the earth.

Finally, this request for the upzoning does not follow along with the vision and stipulations set forth in the North Shore Sustainable Communities Plan which calls for the preservation of open spaces, view panes and maintaining the rural quality of life for the area.

Mahalo for your time and consideration of this very important issue.

Gerry Meade
Gerry Meade, Chair
North Shore Neighborhood Board #27



MOKULE'IA COMMUNITY ASSOCIATION
 68-703 Crozier Drive
 Waiatua, HI 96791

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Director David K. Tanoe
 Department of Planning and Permitting
 850 South King Street, 7th Floor
 Honolulu, HI 96813

Aloha Director Tanoe,

This letter is in response to your memorandum of April 26, 2010 to Community Organizations concerning an application for a zone change, the Project File Number of which is 2010/Z-3, on which you had requested a response by May 28, 2010.

In June 2006, both the Mokule'ia Community Association (MCA) and North Shore Neighborhood Board No. 27 addressed the request to rezone the 40.59 acres of Mokule'ia land from F-1 Military and Federal Preservation to AG-2 General Agriculture. Both community organizations opposed the requested rezoning for the reasons clearly stated in Attachment G of the March, 2010 Zoning Change Application submitted by Analytical Planning Consultants, Inc.

Since those 2006 meetings there have been no overriding substantive developments which would convince the MCA to change its opposition to the change in zoning.

Perhaps more importantly, the Zoning Change Application of March, 2010 submitted to your department raises some additional reasons to oppose the requested rezoning:

- The application states, on page 10, that "Under the University of Hawaii Land Study Bureau (LSB) classification system, the Property is rated "D". Continuing, the application points out that the "Adjacent areas of land are designated as either Prime Agricultural Land or Other Important Agricultural Land". Continuing, it refers to the Agricultural Feasibility Report done in 2007 for the adjacent Dillingham Ranch Aina LLC agricultural subdivision and states that "The Report is applicable to the subject property". But that is not true because the report is only applicable to Dillingham Ranch.

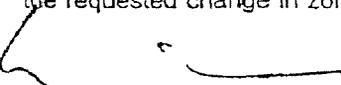
- Our understanding is that a request for rezoning to agricultural land must include an agricultural plan. But the application states, on page 23, that "At this stage of the project, soil mapping and analysis have not been performed for the subject property, therefore detailed agricultural plans are not available". Continuing, the application states "The Agricultural Feasibility Report done in 2007 for the adjacent Dillingham Ranch Aina LLC agricultural subdivision is applicable to the subject Property...". But that is not true because: 1) As reported on page 10, The Property's land is rated "D" and 2) The Department of Agriculture's report applies only to Dillingham Ranch.

- The application states, on page 37, that "According to the deed, there is no recorded access to the Property".

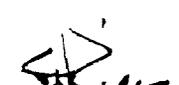
- And, as mentioned in numerous places, there are no known potable water sources, no surface water and there are no known wells on the Property which have been permitted by the Commission on Water Resources Management for either domestic or irrigation use.

- Finally, in spite of their earlier opposition to the change in zoning, on page 46, the application states that "... no additional presentations to the Mokule'ia Community Association or North Shore Neighborhood Board have been given".

For all the foregoing reasons, the officers of the Mokule'ia Community Association continue to oppose the requested change in zoning.


 Mike Dailey, President


 Lloyd O'Sullivan, Vice President


 Stew Ring, Secretary

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Suzi Olaes (RA), Aafke Zietz (Team Manager)

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