



TWO VALLEYS & AN ISLAND  
a case study of  
The Waiahole-Waikane Rezoning Issue

by  
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Almost all the information in this paper is derived from personal interviews with the following people:

Robert Anderson  
Bobby Fernandez  
George Houghtailing  
Jim Kirchhofer  
Bill Kloos  
Bob Nakata

I cannot begin to express my appreciation for our long and for me, delightful interviews. I have been truly grateful for the opportunity to meet and talk at length and in depth with these fine people. And as many others have been before me, I have been charmed by the beauty of the land and the people in the valleys. Mahalo.

Additional information was derived largely from the State Land Use Commission files. Special thanks goes to Gordon Furutani for his friendly assistance on several occasions; also to the office staff at the Commission.

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Errors and omissions are solely the responsibility of the author.

'Waiahole-Waikane'; a hyphenated name not arbitrarily connected. What does it mean? Literally, 'water hole' and 'water boy'; two streams and two valleys; brother landforms near the northern end of Kaneohe Bay with a long history of agricultural settlement. That distinctively rural Hawaiian lifestyle combining cultivation and fishing the bay. Images of warm, open, friendly people; a small, family-centered and close community. A beautiful reminder of 'old' Hawaii. What does it signify? For some, probably the blocking of 'progress' by conservative forces - the anti-developers. For others, probably the struggle of self-determination - tenants vs. landowner, long-time residents vs. developer. Whatever the perspective it is undeniable that Waiahole-Waikane is a manifestation of our current malaise; the question of land use priorities and how to arbitrate them; the question of the good life in Hawaii.

The situation seemed almost classic: a large landowner seeks to enhance the rate of return on his land and so plans for urban residential development. The tenants and other small landowners are opposed. But in this case there was an intervening factor - unlike Ota Camp or Kalama Valley - in that a forum existed for formal, official arbitration. The battleground was not on the contested soil but the State Land Use Commission hearings where the format and procedures were clear to all. And when the verdict came it was to deny the developers; in this case the 'people' had won.

I put the word 'people' in quotes because it is often used loosely on the basis of its emotional appeal. The residents of the two valleys number slightly more than four hundred; they are clearly not a majority of residents on Oahu. Yet in a real sense theirs is a victory for each and every one of us who desires responsible planning. Their experience is an encouragement to the rest of us to participate in decisions affecting our lives with as much energy and courage as they did. And it clearly raises the possibility of a new mode of planning with people playing a more positive role than at present. It is a taste of something fine.

Certainly the most exciting aspect of the history of events is the story of community mobilization. Slightly more than one year ago the Waiahole-Waikane residents were unorganized and fairly naive about political procedures, the land development process and even their own rights and capacities. In a short time they educated themselves, took charge of their destiny and are now looking forward to an active role in planning for their future. Prior to 1974 the 'future' was practically not an issue to them; there was enough regularity and inertia to consider that things would remain as they had been for some time to come. After all, they had been on one-month leases for the past fifteen years because development was 'expected'. Only when their status quo was disturbed did they begin to see the need for positive, determined action. The 'future' is now, in part, their responsibility; there is no possibility of returning to the status quo.

For purposes of this paper - in the context of the course for which it is written - I would like rather to focus on the role of formal planning agencies in this particular 'planning' process, and in particular the place of environmental information in the overall presentation of issues. We must begin by seeing that the 'process' involved many different actors each limited in their

perspective - often by convention or propriety - and participating in a rather complex communication network. In a sense there are two 'models' of planner-client interaction involved, represented by each side of this particular issue, and a third 'model' of interaction between these two groups as well as complex 'third-party' involvement in trying to reconcile the two. We can most simply identify these two as the 'developer's side' and the 'residents' side' even though these labels do not necessarily reflect principal actors.

The developer's side is more straight-forward in a sense because actors and interactions are formalized by contractual relationships, and also more vague because it is not very clear who is actually making which decisions. We can perhaps identify two strata on this side: the landowner/developer, and the planning agents. Apparently the land has been held since 1959 by a group of four descendants of Lincoln McCandless through an entity known as 'McCandless Heirs'. By fall 1973 Elizabeth Marks, the daughter of McCandless and mother of the other three inheritors had managed through negotiation with them to acquire sole interest in their Waiahole-Waikane holdings, permitting her to consider implementing an urban development scheme. This idea had long been in her mind since as early as 1959 when Harland Bartholomew & Associates were hired to do a general plan for the area. Whether she still owns the land, or has already sold it, or has only offered an option on it is still a mystery. Members of the WWCA (Waiahole-Waikane Community Association) have been unable to find any documentation relating to a title transfer. In any case, Joe Pao became involved as the developer of the project. In the beginning he was apparently acting as the local agent for an investor from Guam - Ken Jones - who was reported to have an option on the first increment of the proposed development. The timing of Mr. Jones' involvement as well as his current status remains a mystery. Joe Pao has clearly been the one making decisions as a developer, despite the fact that his interest was not publicly revealed until September 1974 and he has only recently emerged as a 'direct' actor. Mrs. Marks continues to remain completely behind the scenes and it is possible that she has delegated the decision-making to Mr. Pao (if in fact she still owns the land).

Sometime around October of 1973, Mr. Pao contacted the firm of Community Planning, Inc. to request their services in drawing up a general land use plan for the valleys. Mr. Houghtailing, the president, accepted the contract and in turn subcontracted the market analysis to a consultant realtor, and the environmental analysis to two firms: a mainland firm to do the traffic impact study and the local firm of Environmental Communications, Inc. to do a community survey, bay impact study, water resources survey and other impact items. Houghtailing was then delegated to make all the necessary public arrangements - such as handling the Land Use Commission hearings - as well as draw up the plan itself. On December 1, he filed a Letter of Intent with the LUC on behalf of McCandless Heirs, promising to provide further documentation by mid-December.

In fact, the Environmental Communications research was largely carried out during the month of February and was submitted to Houghtailing in March. Each section of the EC report was written by a separate consultant; almost all of them are connected with the

University in one capacity or another; they are all 'academics'.

All of these many participants, through all the many 'levels', are in contractual relationship with the level above. Their interactions are governed by straight-forward client-consultant roles. The pivot of the system is at the interface of 'public' and 'behind-the-scenes' roles; ie. the understandings between Joe Pao and George Houghtailing.

The second major set of actors is the 'residents' side', and this is more complex in the interactive aspect due to the ad hoc and informal nature of the technical support functions, but also more straight-forward in the decisional aspects: the community planned their own overall strategy and retained the decision-making role for themselves. The community first had a general meeting in December of 1973 at the urging of Bob Nakata, an ACTION volunteer and community organizer with the Kahaluu Coalition but there was at this time no intimation of impending development despite a few rumors. By mid-February, however, the rumors were intense and also the community survey portion of the EC work was underway by Robert Anderson so it was becoming apparent that something was happening. Mr. Nakata approached the LUC and discovered the Letter of Intent which was on file. On April 8 the first General Meeting of the WWCA was held to inform the people about the situation and to prepare a strategy of defense. A temporary steering committee was established to work on a strategy.

By the May meeting one month later, the committee had met with representatives from the Department of Agriculture and the College of Tropical Agriculture and discussed the possibility of mounting an argument based on the importance of agriculture. It was agreed that the Extension Service would provide some data concerning agricultural suitability to the Association. At the General Meeting the steering committee membership was formalized in elections and further arguments were discussed.

From this time onward, the Community Association tried to contact as many different potential sources of support as possible. They were operating with two clear disadvantages: one, they were not 'savvy' about the development game and were unsure which arguments would be important and which ones would 'sell' and two, they obviously had not the financial resources to hire professional consultants. Therefore they brainstormed as many ideas as possible, solicited technical support from public agencies, and accepted the coordinating role themselves. The result was a highly interactive process. Essentially they had to rely on others' sympathy with their situation and willingness to donate energy to their cause. But the community sense of self-reliance and ability to learn quickly plus their emerging demonstration of astuteness helped to generate and sustain that sympathy.

Through Bob Nakata and another HESL field office planner contact was made with HESL (Hawaii Environmental Simulation Laboratory) and discussions initiated about possible supportive research. By September a group of tasks were worked out and HESL became the major contributor to the community's environmental arguments.

Other groups were also contacted by the WWCA and many of them made independent testimony at the LUC hearing in favor of the community

position. None of them, however, acted in a 'planning' rôle in terms of technical support. Another important group of actors, however, was Pete Thompson and several others from the Ethnic Studies Program. They helped in community organization and also provided insights based on their experience with the public decision process.

Interaction between the two major groups really only involved a few of the actors, but this interaction was so characterized by mistrust that meaningful communication never really took place. Potential problems were foreseen very early through Bob Anderson's survey. He reported, "current residents' attitudes towards the development of this land parcel are against the project's implementation." (Environmental Communications' report; p.2) Upon submission of his report and further discussions with Mr. Houghtailing and the developer it was decided on their part to approach the community with an explanation of the developer's plans in order to at least neutralize their opposition. Anderson undertook the task, under contract with Houghtailing, of acting a negotiator between the two sides and he hoped to approach it using a modified Delphi technique. The community, however, felt that notion was 'gimmicky' and they already harbored mistrust about Anderson from the survey since he had not been frank at that time about who he was working for and why the survey was being done.

The community countered with a demand that Mr. Houghtailing come in person to a WWCA meeting. Both sides stuck to their strategies until it became obvious that nothing was being resolved and so Houghtailing did come to talk and there was a subsequent informal dinner meeting the next night to try and establish better relations. The community however had already decided not to compromise and approached these sessions in terms of extracting as much information as possible. Indeed what they learned - that the rezoning request was much more acreage than initially necessary so that it could be cut back by the LUC without damage to the project.--simply reinforced their impressions that the developer and planner were not to be trusted at face value.

On the other side, neither was the developer willing to compromise, at least not substantively. So no really meaningful communication was in fact offered and the two sides stalemated while preparing for the confrontation of the LUC hearing.

A genuine 'third-party' attempt at reconciling the two parties was made by the Department of Agriculture who acted as a clearinghouse for revisions of the developer's proposal and passed them on to community. They felt that compromise which would protect agricultural interests while allowing some urban development could be worked out, but by the date of the LUC hearing nothing definite had been settled so they testified before the LUC against granting the request as it stood. Their efforts are even now continuing, however, in trying to evolve a workable solution.

Other 'third party' actors appeared on the scene briefly. Walter Kupau, president of the State Federation of Labor, hosted the dinner meeting referred to above. Although he was apparently trying to bring the two sides together in an amiable setting, he was not offering any specific compromise solution.

Senator Andy Anderson and Senator George Mills were keen on another approach to the whole situation; they opposed any ad hoc development of the Windward coast and proposed that a regional plan

be formulated by all the windward community groups and landowners acting in concert. He apparently put a lot of energy into organizing meetings to discuss this idea but it never really got off the ground partly due to the provincial perspectives of the community groups. WWCA in particular was so engrossed and deeply concerned about their own situation that they were not prepared to make a larger commitment at that time. Also they felt that Anderson's notion to have the regional planning study financed by the landowners was unrealistic and naive.

Parenthetically, I might mention here a concomitant outcome of the community's organization work was to judge the relevancy of 'peripheral' issues in terms of self-interest. Getting organized as a community was definitely a widening of consciousness over the formerly atomized one; they saw themselves as closely interdependent. Yet that perception has not fully extended beyond the community, and that fact is a hinderance to genuinely comprehensive regional planning. One manifestation of that is the reluctance to participate in a regional scheme which might after all compromise the position of the community; it is possible at least in theory that a regional solution might recommend urbanization of Waiahole-Waikane rather than other areas. The second manifestation is the WWCA position on TH-3. The proposed highway obviously will affect pressures for urbanization of W-W, and so in their own interests they have expressed opposition to its construction. Yet the tone of that opposition was quite soft, since neither do they want to upset their good relations with the State administration. A question this raises in terms of planning organizational theory is whether a new provincial perspective such as this can be accommodated in a larger point of view; whether it is simply a stage in an ever-widening political consciousness, or a new 'fixed' position of defensiveness.

Let us now focus on several propositions.-indicated by underlining - relating to the specific question of environmental issues. There is first a basic observation which underlies the subsequent propositions.

There are two 'levels' in the positions of participants on an issue: A) the 'real' or actual underlying values and desired outcome biases which usually reflect personal or self-interest, and B) the 'public' arguments which are used to justify action or encourage support for a particular position; this is most often the level at which the case is formally argued. On the developer's side the basic objective was stated succinctly in the EC report: "...goals of maximum economic development within the confines of the environmental laws, rules and regulations applicable to land development in Hawaii." Obviously, this 'real' goal was never made explicit throughout the proceedings although it was implicitly apparent. One effect this had was to generate mistrust on the part of the community; they saw the developer's motives as base and being pursued at their expense yet the arguments were all in different terms. The explicit arguments on the developer's side had to do with the need for housing on Oahu and this was their main appeal to larger public concerns as well as the employment that would be generated by construction. The explicit arguments used with the community was to try to persuade them of the 'inevitability' of urban development; it is the wave of the future and they should not stand against it. Clearly the latter was a morale-breaking

argument rather than a substantively appealing one. Something is happening to us - growing population, economic development - and we must accommodate ourselves to it. The naive implication here is that it's happening apart from our decisions and actions.

The substantive appeal of the housing argument is couched in terms of a middle-class life style: people should have a chance to own their own homes, they don't want to live in condominiums, they want open space, a good place to bring up their kids, a place to enjoy their leisure. It is people seeking this lifestyle who will be denied it by restricting development; but these benefits should be available to the widest possible participation. The appeal is to the aspirations of a potential market.

The residents of the valleys already enjoy precisely that kind of lifestyle and they simply want to preserve it; that means keeping out urban, or suburban, encroachment entirely. Their 'real' goal is preservation of the status quo, but there are a number of other values embedded here; particularly concern for the welfare of others in the community, especially the older residents, and the maintenance of livelihood among those who are wholly or partially dependent on agriculture. For the community, there is only one strategic option: to maintain the agricultural base. But they could hardly argue the benefit of this for four hundred of them versus the thousands to be accommodated by the proposed development.

The 'public' arguments therefore tried to generalize the appeal of lifestyle; to preserve a 'traditional Hawaiian' style of life as part of our heritage. They also tried to appeal, to a certain extent, to the same larger audience as the developers: the urban residents of Honolulu. The argument stressed the benefit of aesthetic open space which could be visited and appreciated for its purely rural setting. The other appeal to lifestyle was in terms of traditional values; the intrinsic qualities of a small community: trust and sharing. In fact, the actions of the community during their struggle - the way they organized, the way they approached others for support - evidenced a number of characteristic value-stances which enhanced their image; values such as self-reliance, solidarity and a fundamental trust in other people and the role of government. In this regard they 'came on' as quite sincere and genuine, and they argued their case much more directly from their 'real' interests than could the developer.

In order to make as strong an argument as possible in opposing the development, the community also had recourse to environmental arguments. Environmental arguments tend to be of the 'public' type. Environmental issues are therefore more a matter of strategy than of intrinsic merit. The fundamental concern of the community was not degradation of the natural environment but rather the human one. But environmental arguments are very conducive to positions which seek to maintain the status quo. If for no other reason than that a natural eco-system is already established and the burden of proof is on the ones who make proposals for change to argue that system is not vitally endangered. It is rare that an argument is made that a natural environment would be enhanced. In the Waiahole-Waikane case, it is also convenient that a technical resource existed and was available (HESL). Two main issues which emerged were impact on transportation facilities and flood hazard. The impact on Kaneohe Bay was also of potential importance, but HESL did not have the kind of documentation that could be useful. So the 'shopping list' of potential issues was narrowed by pragmatic concerns.

The planner for the developer was aware of the necessity for information on environmental impacts; this is required as supplemental information by the LUC and would in any case be a good foundation for a later more detailed EIS. The results of this analysis was never expected to alter the fundamental intention of maximum development, however; merely to indicate domains requiring special engineering attention. In other words, the developer accepted this as a political requirement in meeting certain procedural standards. It is interesting to note that the environmental report was both thorough and incisive; the implication of the report was not unambiguously in favor of development; in fact, there were strong points arguing against development, or at least more restricted development than the developer envisaged. The land use plan which was submitted to the Commission, in fact, disregarded at least one of the conditions recommended by the water resources consultants.

Further many of the reservations expressed in the report had implications for the engineering approach. Yet it was apparent in cross-examination at the hearing that the planner had not given any serious thought to an appropriate engineering plan, despite the fact that the land use plan was produced several months after the environmental report was submitted. Incidentally, this sequencing might be a drawback in environmental methodology. Without at least a tentative land use plan to guide them, the environmental consultants could hardly judge the implied impacts with any precision; they could only give general indications and some alternative strategies. Now it may be that engineering impacts would have been considered at the 'second round'; preparation for City and County after they had gotten the urban zoning.

Technical, environmental arguments are often not decisive in resolving land use issues. Partly this is due to limited information about environmental impacts; they are essentially conjectural. But more importantly, it is because almost all environmental constraints are amenable to technological solutions. It comes back to a question of value: is it worth the cost? But this question cannot be answered on technical criteria alone. A somewhat amusing incident in the W-W case illustrates this point in a way. ~~The only oral testimony~~ presented by HESL at the hearings had to do with the flood hazard in the area. There followed a skirmish in an exchange of letters between the EC consultants and HESL over that testimony. (One of the consultants is also a director of the HESL group and was never very happy about their involvement). The consultants charged that the HESL testimony was, "basically factual; however the general tenor of the text was obviously anti-development...which in our opinion did not demonstrate the objectivity that at least we should expect from an applied research organization." They stated that several statements were 'subjective' and 'political', and they countered that engineering solutions could be found to overcome these objections. Indeed, they themselves had mentioned the severity of the flood hazard in their own earlier report. Their report further had shown the high cost implications of the proposed development.

The remainder of the technical opinions were basically in agreement. The only real argument - and one which did emerge to some extent - was to point up the practical price inconsistencies in the developer's proposal. In effect, then it does come back to a lifestyle issue: who is going to be able to afford the housing

provided for the 'people'? Given the engineering constraints, the answer to that is obviously not consistent with the developer's 'public' intentions.

As long as environment in the narrow, technical sense is not the decisive issue, and there are no clear criteria for deciding the 'value' issue, decisions will continue to be made on political grounds; how many testimonies can you line up on your side? The Community Association realized this after the LUC workshop meeting in August, and between that time and the formal hearing in October, they made a very strenuous effort to solicit political support, in part because they realized that their testimony would have to be very strong merely to overcome the inertia of the usual 'developer's game'. Some independent observers suggest that the success of the Association was largely due to this political show during an election year. Yet the CA never did garner significant politicians' support, despite their optimistic understanding of Gov. Ariyoshi's statement about 'supporting diversified agriculture'. In any case, being a non-political independent Commission, the LUC should not have been influenced by those considerations. What was probably more important was the direct impression that the Community made during the testimony, especially their propriety and fairness in dealing with the LUC. They successfully presented themselves in a reasonable and controlled manner with extensive and thorough supporting evidence and obviously seemed better prepared than the representatives of the landowner.

In a sense, the possibility of this kind of presentation is 'fair' to the community and given their limited technical resources, provides a balance to the over-advantaged developers. The WWCA, however, enjoyed the unusual advantage of having enough lead time to carefully prepare their testimony. If they had had only the statutory required twenty days, it is doubtful they could have mounted such an effective defense. Yet this came about through their own vigilance rather than a 'normal' participation in the public decision process. This therefore raises the question of 'fairness' in the overall structure of land use arbitration. As the developer was aware: there is a tactical advantage to secrecy.

Further the process of land use decision by a review board in an explicitly 'judicial' role of arbitration is still based on a conflictual model of interaction. We are thrown back on the issue of effective institutional design for rational planning practices which could accommodate positive planning action by citizens' groups.

As it stands now, governmental agencies are not in a position to offer meaningful citizen participation. Their stance of 'impartiality' and 'objectivity' implicitly constrains participation. I doubt that this is an expression of aloof officials; in fact I get the impression from steering committee members of the WWCA that their reception by agency officials was generally warm, friendly and helpful. The constraint comes from bureaucratic procedures and an ethic of impartiality. There exist no established procedures by which a citizen group can easily tap agency expertise; it must be approached on an ad hoc basis. So even though officials might be sympathetic, they must seek justification for involvement with the group. This is illustrated by both of the 'official' organizations which provided assistance in the Waiahole-Waikane issue.

It took HESL several months of conversations with the CA representatives and internal discussions before finally deciding to assist the Association by providing testimony, despite the fact that HESL was originally funded to provide precisely that kind of planning service to the community. But there was a question about whether it would be construed as 'taking sides', and so HESL was very careful to present copies of all their testimony to Community Planning, Inc. as well as the WWCA and the Land Use Commission.

The Dept of Agriculture had very early contacts with the CA but was somewhat reluctant to become committed to a particular position. Yet the stance of the Dept was an activist one and they did come out very strongly on two other rezoning requests. Recognizing that they had a constituency to serve in the valleys,\* they adopted a role of middle-man between the community and the planners, requesting the latter to develop a revised plan which would consider the agricultural interest. By the time Community Planning did that, however, it was already too late for the LUC hearing. In any case when the revised plan was forwarded to the community, it was reasonably rejected as simply a 'cosmetic job'; most of the 'new' agricultural land was simply relabeled from what was labeled 'open space' on the original plan, including hills and gullies. The Dept of Agriculture therefore testified at the hearing against the re-zoning on the basis that a compromise could eventually be worked out given time and good faith on both sides, and the existing proposal was unacceptable. This adopted role is even now a continuing one for them.

The issue of Waiahole-Waikane was not ended at the Commission hearing. The developer still wants to build houses there and the Community Association must still find ways to protect their tenancy. The landowner still has legal right of eviction; so he can 'punish' his tenants for their opposition. Yet this would probably have unacceptable political repercussions which would be felt by all the big landowners and is more of a threat than a probability.

In terms of developing the land, the landowner basically has three options: 1) to submit a formal re-zoning request to the SLUC and go through the hearing process once again. This is probably not a realistic possibility in the near future. 2) to subdivide the land within the regulations of the present zoning, viz. 2-acre 'agricultural' plots. Yet this would permit only very expensive housing and a consequently limited market. This is probably a 'suicide' alternative which might recoup the initial investment but wouldn't be as profitable as full development. 3) to compromise with the community and develop a solution which would allow partial urban development, perhaps makai of the highway or in existing urban zones, and preserve agriculture in the valleys. It is likely that some decisions among these alternatives might be made within the next three months.

The community realizes that their best chance for countering another proposal is to have a positive counter-proposal of their own, preferably worked out with governmental agencies. They therefore submitted a concurrent resolution in the recent legislative session which would basically support their position. This resolution was stopped in committee, however, by Sen. Richard Wong. They then introduced the same resolution in the House and this passed on April 7. The resolution requested the DPED, DLNR and DOA to assist the community

in preparing a plan. If the Departments can now be coordinated, something might be worked out. Indeed the community had formed a committee to work on a plan and they have been deliberating now for almost a month.

This I see as one of the most exciting possibilities of the whole Waiahole-Waikane experience. Their attitude of 'Can Do' has already produced amazing results. And now they are taking responsibility for developing their own community plan and mobilizing the support of public agencies. This is in effect a pioneering effort in community participation, or rather 'community direction'.

The notion of an independent planning effort reflecting the views of community rather than merely the objectives of the landowner has been offered before in many forms. Senators Anderson and Mills have been advocating an approach along these lines for at least a year. But rather than one more 'outside' effort, the WWCA wants to mobilize the existing 'representative of the people', viz. government, to help in the job. The CA effort then is one of the converging forces which may lead to more public initiative, greater government responsiveness and a significantly altered process than we now operate with. This, plus the emerging recognition of the need for a land use policy in the State, is an important step in the awakening consciousness of people that we must all become active participants in the decisions which shape our environment; social 'forces' are not 'given', but are what we make them.

*May 6, 1975*

*R.A.H.*