

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
DEPARTMENT OF GENERAL PLANNING,)
CITY AND COUNTY OF HONOLULU)
)
To Amend the Agricultural Land)
Use District Boundary into the)
Urban Land Use District for)
Approximately 269.454 Acres at)
Waipio, Ewa, Oahu, Hawaii,)
Tax Map Key No.: 9-4-07: 1)
_____)

DOCKET NO. A88-623
DEPARTMENT OF GENERAL
PLANNING, CITY AND COUNTY
OF HONOLULU

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LAND USE COMMISSION
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FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS OF LAW,
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The City and County of Honolulu, a municipal corporation of the State of Hawaii, through its Department of General Planning ("Petitioner"), filed a Petition on July 5, 1988, pursuant to Chapter 205 and Section 201E-210 and 46-15.1 of the Hawaii Revised Statutes, as amended ("HRS"), and the Hawaii Land Use Commission Rules, Hawaii Administrative Rules Title 15, Subtitle 3, Chapter 15, as amended ("Commission Rules") to amend the Land Use District Boundary to reclassify approximately 269.454 acres of land situated at Waipio, Ewa ("the Property") from the Agricultural District to the Urban District for a residential subdivision referred to as "Waiola Estates" or the "Project". The Land Use Commission (hereinafter referred to as the "Commission"), having heard and examined the testimony and evidence presented and the arguments of the parties hereto, and the proposed findings of fact,

conclusions of law submitted, hereby makes the following findings of fact:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On April 27, 1988, Petitioner filed, served and published a Notice of Intent, Affidavit of Mailing and Affidavit of Publication to file a Land Use District Boundary Amendment in accordance with Subchapter 13 of the Commission Rules.

2. On May 5, 1988, Petitioner filed, served and published a Corrected Notice of Intent to File a Land Use District Boundary Amendment Petition, Affidavit of Mailing and Affidavit of Publication in accordance with Subchapter 13 of the Commission's Rules.

3. On June 15, 1988, Petitioner filed its Motion For Re-Application; Memorandum in Support of Motion For Re-Application; Affidavit of Donald A. Clegg and Certificate of Service.

4. On July 25, 1988, the Commission filed its Order granting said Petitioner's Motion for Reapplication under Section 15-15-76 of the Commission Rules.

5. The Commission held hearings on the Petition on August 9, 10, and 11, 1988, pursuant to notice published in the Honolulu Star-Bulletin on July 8, 1988.

6. The Commission received three timely requests to appear as public witness from Elizabeth Ann Stone, Representative Samuel S. H. Lee and Paul J. Cathcart.

The Commission also received two untimely statements from Martin Wolff, Esq., and untimely statements from Arthur Rutledge, President of the Hawaii Teamsters Union, Hawaii's 1000 Friends, the Department of the Navy and Waipahu 2000. All statements were accepted into evidence. Representative Lee, Ms. Betty Wightman of Hawaii's 1000 Friends, and Arthur Rutledge testified as public witnesses on August 9, 1988.

7. The Commission did not receive any petition to intervene in this proceeding.

DESCRIPTION OF THE PROPERTY

8. The Property is generally triangular in shape and is situated on the southern portion of the Schofield plateau at Waipio, Ewa, Oahu. The Property is bounded by Kamehameha Highway (adjoining the Gentry Waipio Subdivision at this location) to the east, Kipapa Gulch to the north and west, and Amfac's proposed Waikele residential community (Waikele Development) to the south.

9. The Property is identified as Oahu Tax Map Key No. 9-4-07: 1 and consists of approximately 269.454 acres. The Property is owned in fee by Castle and Cooke, Inc.

Easement No. 44, consisting of approximately 5.879 acres, is located on the Property along the border of the mauka

perimeter of the Project. Said easement is in favor of the United States government for maintenance and security purposes.

10. Petitioner has obtained permission from the landowner under a threat of condemnation notice, to file said Petition. Petitioner has also requested the United States government to relinquish said Easement No. 44.

11. Petitioner stated it intends to acquire the fee simple interest in and to the Property, subject to said easement, through condemnation as provided for by Section 70-80, HRS.

12. The Property has been used for agriculture and related activities in the recent past.

13. The Property is generally level, with a gentle slope of three to five percent. Elevations range from approximately 310 feet in the southern portion of the Property to 425 feet above mean sea level at the northern edge.

14. Mean rainfall on the Property and surrounding area is approximately 32 inches per year.

15. The U.S. Soil Conservation Service, "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," dated August 1972, classifies the soils on the Property as Molokai silty clay loam (MuB). These soils are well drained and are formed in material weathered from basic igneous rock. On these soils, runoff is slow and the erosion hazard is slight; permeability is moderate.

The U.S. Soil Conservation Service crop classification is IIe, and IIIe if irrigated. Under this rating system, the highest productivity rating is I and the lowest is VIII. The crop classification scores indicate that the land has moderate to severe limitations that reduce the choice of crops or require moderate or special conservation practices.

16. The Property is designated "prime agricultural land" under the State of Hawaii Department of Agriculture's Agricultural Lands of Important to the State of Hawaii classification system (ALISH).

17. The Land Study Bureau productivity rating is A82i and B83i, with "A" the highest rating and "B" indicating some limitations.

18. The Department of the Navy's Naval Magazine, Lualualei, Waikele Branch, is a munitions storage facility located in Kipapa Gulch. The Project is outside of the facility's "Explosive Safety Quantity Distance" arc or blast zone.

19. In their letter to the Land Use Commission dated August 9, 1988, the Department of the Navy recommends that a 100-foot setback perpetually remain as a golf course to serve as a buffer zone should the project be approved by the Commission.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

20. Petitioner proposes to develop the Property as a master-planned residential community, under and in accordance

with Chapter 201E and Section 46.15.1, HRS, to be known as Waiola Estates Subdivision.

21. In its Petition, Petitioner proposed two subdivision alternatives. The first alternative would provide only single-family homes with amenities. This proposal was the subject of the previous Petition by Petitioner which was denied by the Commission. The second alternative proposed a mix of housing types--single family, low-rise town house residences, and apartments, a par three golf course, park and ride facility, a child care center, and school and park sites. Petitioner determined that Waiola Estates would benefit from a mix of housing types and the addition of a golf course as an amenity. Petitioner's witness, the City Managing Director, stated that the City desired the Commission to approve the second alternative only.

22. The Project will consist of 1355 housing units, fifty percent (50%) of which shall have purchase prices that are affordable to gap-group purchasers--those earning over 80 percent but not more than 120 percent of the median income established by the federal government for the Honolulu area. Approximately ten percent (10%) of the total units is proposed for multi-family dwellings for the elderly. The remaining forty percent (40%) of the units will be sold at prevailing market prices ("market units").

23. The Project will include a 9-acre Par 3 golf course, 10-acre park, a park-and-ride facility, a child care center, and an elementary/playground site.

24. The Project will include underground wiring, sidewalks, curbs, gutters, necessary utilities and roadways.

25. In summary, the following land use allocations have been proposed by the Petitioner for the second alternative:

<u>Use</u>	<u>Acres</u>	<u>Units</u>
Single Family Cluster	105.70	845
Townhouses	25.00	300
Apartments	10.50	190
School/Playground	5.00	
Childcare	1.00	
Park	10.00	
Exec. Golf Course	90.94	
Clubhouse	2.70	
Park and Ride	3.00	
Reservoir	1.60	
Main Roadways	13.60	
	TOTAL 269.14 ¹	1355

Source: Office of State Planning Exhibit No. 1

26. Petitioner's conceptual plan shows a 100-foot blast zone setback on the western boundary of the Property.

27. Petitioner indicates the total number of dwelling units, dwelling unit type, size of recreational/open space, configuration of land use elements, and commitment to the development of the proposed golf course may change pending completion of appropriate studies.

¹May not total to petition area due to rounding.

28. Petitioner's estimated cost for acquisition and development of the proposed Project is approximately \$64,724,000 and is broken down as follows:

Pre-development Approvals, Planning and Engineering		\$ 4,600,000
Land Acquisition		6,736,000
Site Improvements Construction		40,370,000
Off-site Construction	\$ 6,450,000	
On-site Construction	33,810,000	
Indirect Costs		6,958,000
Sales Processing	716,000	
Escrow and Closing	885,000	
Construction Management	500,000	
Financing/Carrying Costs	4,699,000	
Administrative Costs	158,000	
Contingency		<u>6,060,000</u>
	TOTAL	\$64,724,000

Source: Office of State Planning Exhibit No. 1

29. Petitioner intends to produce finished lots at an estimated price of \$45,000. Qualified contractors selected by the City and County of Honolulu ("City") will offer homes within a price range of \$55,000-\$80,000 to permit the purchase of a complete house-and-lot package at a price of \$100,000-\$125,000 for qualifying families.

30. Petitioner projects construction to start in March 1990 with completion of on-site and off-site improvements by September 1993.

NEED FOR THE PROPOSED DEVELOPMENT

31. The need for affordable housing has been recognized by the State, the City and the private sector. The State has projected a need for 64,322 affordable units by the year 2000, with projected production of 15,355 units and a shortfall of 48,967 units.

32. According to the Petitioner, the success of the Project and the development of the affordable units will be dependent on the absorption of the "market units".

33. No market study for the proposed Project was undertaken by the Petitioner to determine the probable market absorption of either the affordable or market units.

34. Petitioner's Exhibit 7, "Socio-Economic Impact Assessment for West Loch", projects an excess supply of market units throughout the 1990s if large-scale developments proposed for Ewa and Central Oahu receive the appropriate approvals.

35. Petitioner has not conducted a market study to determine the need for an additional golf course in Central Oahu. Petitioner identified the need for a golf course based on the current high demand for starting times at other municipal golf courses on Oahu.

PETITIONER'S FINANCIAL CAPABILITY
TO UNDERTAKE THE PROPOSED DEVELOPMENT

36. The City administration has not sought nor obtained any approvals from the City Council including

approvals necessary to proceed with condemnation of the Property. The City Council has not committed any funds for Project planning, land acquisition, design, or construction of the Project.

37. Petitioner states that short-term (4 to 5 year maturity) general obligation bonds must be issued by the City to finance the proposed Project. These bonds will be redeemed at maturity by the proceeds from the sale of improved houselots or larger parcels sold to home builders. The builders will develop tracts of land within the Project and provide finished "house-and-lot packages" according to design, construction and cost specifications established by written agreement with the City.

38. Petitioner states that the Project is intended to be fully self-supporting and will not involve taxpayer subsidization. Petitioner states that all Project costs are to be paid entirely by the persons the Project has benefited.

39. The City Council has not committed the funding necessary for infrastructure development within the adjoining Amfac property in the event that the Waikele Development's portion of infrastructure development is not forthcoming on a schedule compatible with the Petitioner's.

40. There is no evidence to indicate that the offsite infrastructure necessary for the Project can be provided while maintaining the economic viability of the proposed Project.

STATE AND COUNTY PLANS AND PROGRAMS

41. The Property is located within the State Land Use Agricultural District, as reflected on the Commission's Official Map O-9, Waipahu.

42. Petitioner's proposal is not consistent with the current population guidelines of the City's General Plan or the Development Plan designation for the Property.

43. The Property is not within the City's Special Management Area.

44. Petitioner states that Chapters 201E-210 and 46-15.1 of the Hawaii Revised Statutes provide the City Department of Housing and Community Development with the authority to gain an exemption from the City's planning and land use regulations for affordable housing projects.

PAST LAND USE COMMISSION ACTION FOR THE PROPERTY

45. On July 28, 1986, Petitioner filed a petition Docket Number A86-606/Department of General Planning, City and County of Honolulu, to reclassify the Property from the Agricultural District to the Urban District. Petitioner proposed to develop the Property for affordable housing including 1,500 single-family homes, a park and an elementary school site.

46. The Commission filed its findings of Fact, Conclusions of Law, and Decision and Order denying the petition on August 13, 1987.

IMPACT UPON RESOURCES OF THE AREA

Water Resource Availability

47. The proposed Project is situated within the Pearl Harbor Groundwater Control Area (PHGWCA).

The PHGWCA serves as a major regional water source for all of southern Oahu, as well as portion of Honolulu and Waianae.

48. Petitioner estimates the water requirements of the Project to be approximately 0.70 million gallons per day (MGD) for residential consumption, 0.072 MGD for park and school uses, and 0.365 MGD for irrigation of the golf course.

49. Petitioner indicates that brackish or "reused" water may be used for irrigation purposes. However, no source of brackish or "reused" water was suggested by the Petitioner. In addition, the possible use of brackish or reused water may be limited by engineering, cost, and environmental considerations.

50. Potable water requirements may approximate 1.1 MGD if brackish or reused water is not available or suitable for irrigation purposes. This is approximately 0.4 MGD above Petitioner's previous estimates.

51. Petitioner proposes to meet the Project's water needs by developing on-site and off-site facilities consisting of two new wells at the 595-foot elevation Waipio Heights III site and a 1.5 million gallon concrete reservoir.

Petitioner states that the development of water sources for the Project must receive approval from the state Commission of Water Resource Management.

Presently, Petitioner does not have a sufficient allocation of water to service the Project.

52. In January, 1988, the Department of Land and Natural Resources indicated that only 2,000 gallons per day remained to be allocated before the sustainable yield of the Pearl Harbor Groundwater Control Area is reached. In addition, the available water allocation from the PHGWCA may be reduced further pending review by the State Commission of Water Resource Management.

Water Quality

53. The State Department of Health indicates that numerous potable water wells in Central Oahu contains detectable levels of pesticides. Pesticides ethylene dibromide (EDB) and dibromochloropropane (DBCP) have been found generally at concentrations ranging from non-detectable levels to 700 parts per trillion (ppt). Trichloropropane (TCP) has been found at concentrations up to 700 ppt. The State Department of Health (DOH) has proposed detectable limits for EDB and DBCP at 20 ppt. Activated carbon treatment units have been or will be installed to treat all well waters above the detectable limit of 20 ppt for EDB and DBCP, which are used as municipal water sources.

54. Due to past contamination of the Waipahu wells by EDB, the Office of State Planning (OSP) indicates it is concerned about the potential for new contamination of the groundwater from the application of pesticides associated with the Project.

55. In their comments of August 4, 1988, the Department of Health states "Additional contamination of the Waipahu Well may occur due to the application of pesticides for home and garden uses as well as for the maintenance of the proposed golf course and other uses. In addition, the use of brackish water or grey water for irrigation may contaminate these wells."

56. Petitioner has provided no evidence to conclusively eliminate the potential for groundwater contamination attributable to the Project.

Agricultural Resources

57. Conversion of the Property from agricultural to urban uses would result in the irreversible withdrawal of approximately 269.454 acres of prime agricultural lands. The Property, includes some of the most productive pineapple fields on Oahu, recently under cultivation by the Dole Hawaii Division of Castle & Cooke, Ltd.

58. Petitioner indicates that the Property is irrigated with water from the Waiahole Ditch which is the most inexpensive source of water in the Central Oahu and Ewa areas.

59. According to Castle and Cooke's report entitled "Heirarchy of Agricultural Lands Study--Central Oahu Lands", dated March 1984, the Property is designated in the "prime economical production zone". The report also states that the lower elevation drip fields nearer to Gentry Waipio, which include the Property, are characterized by higher temperatures and very rapid growth rates.

60. According to Castle & Cooke, the pineapple lands on the Property may be replaced by the conversion of sugarcane fields to pineapple in the Waialua District. However, Petitioner has presented no evidence of where the pineapple replacement fields are located, their productivity, current land use, or when they will be replaced.

Air and Aural Quality

61. Petitioner indicates that existing air pollutants on the Property and surrounding area include dust generated by pineapple cultivation and emissions from automobiles traveling on nearby roadways.

62. Petitioner's projected concentrations of carbon monoxide from motor vehicles along Kamehameha Highway under worst case peak hour traffic and meteorological conditions will not meet State of Hawaii air quality standards for either the one or eight hour periods. In addition, extreme worst case values could very nearly exceed allowable national eight hour limits.

63. Petitioner indicated that it can contribute to alleviating short term traffic generated air pollution by implementing measures to alleviate traffic congestion and the associated impact to air quality. These measures include mass transit, a park & ride facility, a traffic coordinator, widening Kamehameha Highway and phasing of Waiola Estates with the construction of the proposed Waipio and Paiwa Interchanges.

64. OSP states that the worsening air quality in the vicinity of the proposed project clearly indicates that growth should be directed to the Secondary Urban Center in Ewa where the creation of jobs could lessen the traffic impact.

65. Petitioner anticipates that traffic noise levels attributable to the Project may adversely impact houses of the Gentry Waipio, Crestview and Seaview Subdivisions fronting Kamehameha Highway. Petitioner also anticipates increase traffic generated noise levels along Ka Uka Boulevard which feeds the proposed Waipio Interchange and H-2 Interstate Highway.

66. Petitioner did not prepare a noise study for the Project. Petitioner cited recommendations from a previous noise study prepared by Y. Ebisu & Associates. This noise study was not introduced into evidence. Furthermore, Petitioner has made no commitment to implementing off-site sound attenuating mitigating measures.

67. OSP states that, "Without a noise study, it is difficult to determine suitable noise mitigation measures

required, their cost, and the party responsible for their implementation."

68. The State Department of Health in their letter dated August 4, 1988, cites an anticipated increase in noise levels attributable to maintenance activities at the proposed golf course and increased traffic generated by the proposed park-and-ride facility.

Archaeological/Historical Resources

69. Petitioner states that a field inspection was conducted for the Property and that structural remains would have been destroyed by the use of the site for agricultural production.

70. Petitioner proposes to contact the Department of Land and Natural Resources should any archaeological or historic resources be encountered during the Project's development.

Flora and Fauna

71. Petitioner indicates that the proposed Project will involve the clearing of all existing vegetation. The area has been greatly modified by agricultural activity.

72. No studies were introduced into evidence to identify any potentially endangered flora or fauna characteristics of the Property.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Roadway and Highway Services and Facilities

73. The Property is accessible from Kamehameha Highway which connects to the H-1 Interstate via the Waiawa Interchange. Petitioner indicates traffic congestion problems occur beginning at the Waiawa Interchange which backs up traffic onto the H-2 Interstate and the on-ramps of the Waiawa and Waiawa Interchanges. The result is a level of service flow of "F."

Kamehameha Highway between Gentry Waipio Subdivision and the Waiawa Interchange is also a congested area during peak hours.

74. In their letter to OSP dated August 3, 1988, the State Department of Transportation (DOT) stated:

"1. There are three existing roadway problems that will worsen with the development of the Waiola Estates if no highway improvements are implemented:

- a. Severe congestion on the H-1 Freeway between the Waiawa and Halawa Interchange (IC).
- b. Severe congestion at Waiawa IC's on and off ramps that connect to Farrington and Kamehameha Highways.
- c. Congestion on Kamehameha Highway from Waipahu Street to the proposed Waiola development.

- "2. DOT wants the Petitioner to widen Kamehameha Highway from 2 to 4 lanes along the frontage of the development along with intersection improvements and traffic signals at each of the connecting roadways to Kamehameha Highway.
- "3. The Petitioner has to fund all improvements to Kamehameha Highway fronting the development.
- "4. The Petitioner has to make a commitment to encourage residents to participate toward the State's ridesharing programs. The Petitioner should provide park-and-ride and daycare facilities. He should also assist us in promoting use of carpools, vanpools and buses and hire a transportation manager to coordinate all of these ridesharing activities.
- "5. Timing of the proposed Waiola Estates subdivision is very important. Occupancy of any new homes should not be allowed until the following transportation improvements are completed:
 - a. Construction of the Waipio and Paiwa Interchanges and their connecting roadways to Waiola Estates.
 - b. Widening of Kamehameha Highway fronting both the Waikele and Waiola developments, including intersection improvements and traffic signals.

c. Completion of at least one year of the DOT's promotional program to increase use of carpools, vanpools and buses.

"6. DOT wants close coordination between the Petitioner and the State Department of Transportation regarding the improvements to Kamehameha Highway and the implementation of traffic management programs.

"7. The Petitioner should be informed that DOT is seriously concerned about the effects of developments such as Waiola Estates on downstream sections of the State highway system. Consequently, DOT will be considering methods to obtain developer assistance to fund needed improvements."

75. Petitioner anticipates that the Project may result in a reduction of the projected number of vehicles entering and leaving the site as compared with Petitioner's previous proposal. However, no traffic impact study was introduced into evidence by the Petitioner to assess the impacts of the traffic generated by the Project.

76. OSP indicates that the timing of traffic improvements is a critical factor. Petitioner has not presented any evidence that the proposed Paiwa Interchange, Waipio Interchange and the road through the Property and the

proposed Waikele property connecting the two interchanges or the widening of Kamehameha Highway will be completed prior to occupancy of the Project. These improvements are dependent on the proposed Waikele Development to the south. Petitioner has not shown that the Project will be coordinated with the Waikele Development to provide necessary traffic improvements.

77. Although Petitioner stated it had discussions with Amfac, the developer of the Waikele Development, Amfac is under no obligation to participate in construction of the Paiwa Interchange unless Amfac proceeds with the adjoining Waikele Development.

78. Petitioner has not determined whether the costs of the proposed Paiwa Interchange and connecting roadways will adversely impact the success of Waiola Estates if these costs must be borne by the Petitioner.

Water Service

79. Petitioner has not demonstrated that water is available for the Project.

80. Petitioner proposes to develop on-site and off-site water source and transmission facilities including two new wells at the 595-foot elevation Waipio Heights III site and a 1.5 million gallon concrete reservoir. The development will be contingent upon approval by the State Commission on Water Resource Management.

Sewage Treatment and Disposal

81. Petitioner estimates the Project will generate approximately 0.50 MGD of sewage effluent.

82. As its first alternative for wastewater collection, Petitioner proposes to develop an on-site collection system by constructing a new sewer trunkline and feeder lines in conjunction with the adjoining Waikele Development to be connected to the existing Waipahu system which in turn will discharge sewage to the Waipahu Sewage Pump Station. Sewer collection in the southeastern portion of the Project will be collected by an existing 28-inch trunkline serving the Gentry Waipio Subdivision. Petitioner's proposed sewage system will flow by gravity to the Waipahu Sewage Pump Station. Sewage effluent from the Project will receive primary treatment at the Honouliuli Wastewater Treatment Plant which must be expanded to accommodate the Project. Petitioner has not provided evidence that its sewage improvements can be timed with the Waikele Development.

83. As a second alternative, Petitioner proposes to route sewage to the existing Mililani trunkline in the event the Waikele Development does not proceed. Petitioner has not provided adequate information concerning the location, cost, and timing of this alternate infrastructure improvement.

84. Petitioner did not introduce into evidence studies analyzing the two possible wastewater collection alternatives.

Solid Waste Disposal

85. Refuse collection service for the area is provided by the Department of Public Works Pearl City Corporation Yard. Disposal is handled by the Waipahu Incinerator. Future disposal will be at the H-Power garbage to energy facility currently under construction in the James Campbell Industrial Park.

Drainage Systems

86. The Flood Insurance Study for the City and County of Honolulu conducted by the Federal Insurance Administration indicates that the Property is designated in Zone D, an area of undetermined but possible flood hazards.

87. Petitioner proposes to provide a retention basin in the golf course on the Property. Excess water will collect in the basin and be released onto the golf course after the storm has passed.

88. No studies were undertaken or introduced into evidence which would determine whether the proposed golf course retention basin is feasible.

89. Petitioner's proposed drainage system must be either integrated with the adjoining Waikele Development or be constructed independently. Petitioner did not provide cost comparisons of the two alternatives.

Schools

90. The existing schools will have difficulty accommodating students generated by this Project.

91. Petitioner indicates that until a school can be constructed on the 5-acre school and playground located on-site, short-term alternatives involve bussing elementary level students to elementary schools in Pearl City. Intermediate and high school students are anticipated to attend Waipahu High and Intermediate Schools.

92. Petitioner projects that additional portable classrooms may have to be provided at Waipahu Intermediate and High School to accommodate the Waiola Estates students. Petitioner did not adequately discuss long term solutions.

93. Petitioner did not clarify whether the proposed school site will be dedicated to the State or provided for purchase by the State.

Parks and Recreation Services and Facilities

94. In compliance with the City's Park Dedication Ordinance, Petitioner proposes to set aside approximately 10.0 acres for a community park as part of the school/day care and park-and-ride complex.

Petitioner also proposes to use approximately 91 acres for an 18-hole golf course.

95. The final layout of the golf course and park have not been completed by the Petitioner. According to Petitioner, the size and configuration of these facilities may vary pending future studies.

96. Regional recreational opportunities have not been discussed.

Police and Fire Protection Services

97. The Property is in an area presently served by the Pearl City Police Station. This station is currently operating at capacity.

Petitioner indicates that additional police manpower, equipment and facilities will be made available.

98. Current fire protection for the Property is provided by the Pearl City and Waiiau engine companies and the Waiiau ladder company. Petitioner indicates that these fire protection services are not considered adequate for the Project due to lengthy response times and great distances from existing stations. Petitioner anticipates that fire protection for the Project is expected to improve if and when a proposed City fire station for the Waikele Development is constructed.

99. Petitioner did not provide information as to whether police and fire protection services proposed for the Waikele Development will be built in time to serve Waiola Estates.

Electrical and Telephone Services

100. Petitioner indicates that the electrical and communication improvements required for the Project can be supported by off-site improvements that are within the normal scope of activities for the utility companies.

CONTIGUITY OF THE PROPOSED RECLASSIFICATION

101. The Property is contiguous to an Agricultural District to the northwest. These lands are currently in sugarcane and pineapple cultivation.

The Property is also bordered on the east across Kamehameha Highway by the residential communities of Gentry Waipio, Crestview, and Seaview.

The southern boundary of the Property is adjacent to the planned residential community of Waikele approved by the Commission in Docket Number A85-594/Amfac Property Development Corp. Amfac proposes this development to contain approximately 2,640 housing units, a 12-acre commercial center, a 42-acre business center, an 18-hole golf course, a public elementary school site, and park and recreation areas.

CONFORMANCE WITH THE HAWAII STATE PLAN

102. Petitioner's proposed reclassification of the Property does not conform with the following objectives, policies, and priority guidelines of the Hawaii State Plan relating to agricultural lands:

Objectives and Policies

226-7(B)(6) "Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs."

Priority Guidelines

226-104(c)(2) "Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district."

226-104(c) (2) "Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of life styles."

226-106(1) "Seek to use marginal or non-essential agricultural land and public land to meet housing needs of low- and moderate-income and gap-group households."

Petitioner's proposed reclassification would remove a potentially highly productive agricultural area from the Agricultural District. According to the State Department of Agriculture, the Property is considered to be productive prime agricultural land. It has fertile soils, low incidences of cloud cover, high levels of insolation, and inexpensive irrigation water.

103. The proposed reclassification does not conform with the following objectives, policies, and priority guidelines of the Hawaii State Plan relating to the environment and public health:

Objectives and Policies

226-19(b) (5) "Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas."

226-20(a) (2) "Maintenance of sanitary and environmentally healthful conditions in Hawaii's communities."

Priority Guidelines

226-104(c) (9) "Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized."

The past contamination of the potable Waipahu wells, directly south of the Property, indicates the wells' vulnerability to new urban contaminants that may be introduced by the proposed Project. The Office of State Planning believes that due to the importance of these wells and the underlying groundwater resource, the Property can be considered a possible critical environmental area.

Petitioner has not submitted evidence to assure that this Project safeguards the groundwater resources and contributes to an environmentally healthful community.

CONFORMANCE WITH COMMISSION RULES

104. Petitioner's Petition and attached exhibits does not fully comply with the Commission Rules, Hawaii Administrative Rules, concerning the form and content of the Petition. Subchapter 6, §15-15-50(c) states that Petitioner shall provide the following information:

- "(6) Type of development proposed, such as single-family, multi-family, residential, planned development, resort, commercial, industrial, etc.
- "(7) Preliminary data such as projected number of lots, lot size, number of units, densities, selling price, intended market, development timetables, and projected costs;
- "(10) An assessment of the effects of the development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, and other resources of the area;
- "(11) Availability of public services and facilities such as schools, sewers, parks, water, sanitation, drainage, roads, police and fire

protection, adequacy thereof, or whether public agencies providing the services or facilities would be unreasonably burdened by the proposed development;

- "(13) Economic impacts of the proposed development including provision of employment opportunities and relationship to centers of trading and employment;
- "(15) An assessment of need for the reclassification. The assessment shall include an analysis of demand for the development proposed, projections as to the rate at which the project will be sold or absorbed by the market, and an assessment of the relationship between the development proposed, other projects proposed for the area and alternative uses for the property to be reclassified;
- "(16) An assessment of conformity of the reclassification to applicable goals, objectives, and policies of the Hawaii State Plan, Chapter 226, HRS, and applicable priority guidelines and functional plan policies."

With respect to rule §15-15-50(c)(6), Petitioner's descriptions of the type of development and land uses proposed within the Property have not been consistent. The Notice of Intent and the Petition state that two alternatives have been proposed. However, during the hearings, Petitioner's witness Jeremy Harris indicates that Petitioner proposes only one development alternative. Yet, in subsequent testimony Petitioner's witness Mayor Frank Fasi, a statement was made that the proposed golf course could be deleted from the Property if necessary to gain the Commission's approval.

With respect to §15-15-50(c)(7) and (15), Petitioner provides inadequate information on the number of lots, lot

sizes, unit counts, selling prices, intended markets and absorption for the proposed housing units.

OSP indicates that the uncertainty associated with the type of land uses proposed, the location and configuration of the uses, the size of the use areas and number of units has contributed to the difficulty in evaluating the impacts, appropriateness, and desirability of the proposed Project.

Petitioner's proposed development timetables for infrastructure for the Project appear to be dependent on the successful development of Amfac's Waikele Development.

With respect to §15-15-50(c)(10) and (11), the assessment of the effects of the proposed Project on the environment and other resources of the area have not been adequately addressed.

With respect to §15-15-50(c)(13), the estimated costs of the Project submitted with the Petition, do not reflect the eventual total costs of the Project. Petitioner did not commit to funding of drainage, sewage and road improvements through the Amfac Waikele Development site or for transportation improvements to Kamehameha Highway and the proposed Paiwa Interchange, in the event Amfac's Waikele Development proceeds after the development of Waiola Estates.

The evidence on record in this Petition, in scope and depth, is not sufficient to allow State agencies or the Commission to adequately evaluate the appropriateness of the

proposed reclassification. The Project description is nebulous. Any accurate assessment of the land use allocations, their locations, distributions, and configurations is tentative. The evidence on record has shortcomings in the areas of alternative sites considered, environmental impacts and mitigating measures, and the timing and adequacy of public services and infrastructure.

RULINGS ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by any of the parties to this proceeding not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Hawaii Administrative Rules, the Commission finds upon a preponderance of evidence that the request to reclassify approximately 269.454 acres at Waipio, Ewa, Oahu, State of Hawaii, from the Agricultural to the Urban District does not conform to the application requirements for boundary amendment set forth in the Land Use Commission Rules (§15-15-50), does not meet the decision-making criteria for boundary amendment established by the Land Use Commission Rule (§15-15-77), is not reasonable and violates Chapter 205-2, Hawaii Revised Statutes, as amended, and is not consistent with portions of the Hawaii State Plan, Chapter 226, Hawaii Revised

Statutes, as amended, and the City and County of Honolulu General Plan.

ORDER

IT IS HEREBY ORDERED that the Property, which is the subject of the Petition Docket No. A88-623 filed by the Department of General Planning, City and County of Honolulu, consisting of approximately 269.454 acres of land situate at Waipio, Ewa, City and County of Honolulu, State of Hawaii, identified by Oahu Tax Map Key No. 9-4-07: parcel 1, shall hereby remain in the State Agricultural District.

DOCKET NO. A88-368 - DEPARTMENT OF GENERAL PLANNING, CITY AND
COUNTY OF HONOLULU

Done at Honolulu, Hawaii, this 20th day of October 1988,
per motions on August 17, 1988 and October 13, 1988.

LAND USE COMMISSION
STATE OF HAWAII

By *Renton L. K. Nip*
RENTON L. K. NIP
Chairman and Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Vice Chairman and Commissioner

By *Allen K. Hoe*
ALLEN K. HOE
Commissioner

By *Sharon R. Himeno*
SHARON R. HIMENO
Commissioner

By *T. P. Tacbian*
TEOFILO PHIL TACBIAN
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Allen Y. Kajioka*
ALLEN Y. KAJIOKA
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A88-623
))
DEPARTMENT OF GENERAL PLANNING,)	DEPARTMENT OF GENERAL
CITY AND COUNTY OF HONOLULU)	PLANNING, CITY AND COUNTY
)	OF HONOLULU
To Amend the Agricultural Land)	
Use District Boundary into the)	
Urban Land Use District for)	
Approximately 269.454 Acres at)	
Waipio, Ewa, Oahu, Hawaii,)	
Tax Map Key No.: 9-4-07: 1)	
_____)	


CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

CERT. DONALD A. CLEGG, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 20th day of October 1988.



ESTHER UEDA
Executive Officer