

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
of HONOKAA SUGAR COMPANY to) DOCKET NO. A78-439
Amend Land Use Commission)
District Boundary (Map H-43)) HONOKAA SUGAR COMPANY
to Reclassify from Agricultural)
to Urban the District Designa-)
tion of Approximately 0.731)
Acre of Land, TMK: 4-5-10:82,)
at Honokaa, County and State)
of Hawaii)
_____)

DECISION

THE PETITION

This matter arises from a petition for an amendment to the Land Use Commission district boundary filed pursuant to Section 205-4 of the Hawaii Revised Statutes, as amended, and Part VI, Rule 6-1 of the Land Use Commission's Rules of Practice and Procedure and District Regulations by the fee owner of the property who is requesting that the designation for the subject property be amended from Agricultural to the Urban district. The requested change consists of property comprising approximately 0.731 acre, situated at Papa'anui, Hamakua, Island of Hawaii. The property is more specifically identified as Tax Map Key No. 4-5-10:82.

PURPOSE OF PETITION

Petitioner's stated purpose for requesting the reclassification of the subject property from Agricultural to Urban is so that Petitioner can consolidate and develop the subject property along with adjoining property which was rezoned from Agricultural to Urban by the Land Use Commission, on May 26, 1976 (LUC Docket No. A75-404).

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DECISION AND ORDER

Petitioner intends a residential development for the subject area and adjoining property, which will be available to its current and future employees and pensioners.

The subject property was not included in the Petitioner's prior petition, LUC Docket No. A75-404, since at the time said petition was filed, the subject property was leased to Hawaiian Electric Company for use as a future utility substation. However, since the reclassification in Docket No. A75-404 was granted, Hawaiian Electric Company has requested and received a cancellation of their lease for the subject property, and in turn, obtained a lease for a portion of Petitioner's Urban designated land (LUC Docket No. H74-1), which resulted in a reduction of the total amount of Urban land useable for residential house lots. The requested change of the subject property from Agricultural to Urban would, according to the Petitioner, offset the reduction of Urban classified land useable for residential development.

THE PROCEDURAL HISTORY

The Petition was received by the Land Use Commission on May 10, 1978. Due notice of the hearing on this Petition was published in the Honolulu Advertiser and the Hawaii Tribune Herald on September 29, 1978. Notice of the hearing was also sent by certified mail to all of the parties involved herein and no timely application for intervention or request to appear as a witness was received by the Land Use Commission.

THE HEARING

The hearing on this Petition was held on November 1, 1978, in Hilo, Hawaii.

Honokaa Sugar Company, the Petitioner herein, was represented by Ellsworth Bush, Land Administrator for Theo H. Davies & Co., Ltd.; the County of Hawaii was represented by Deputy Corporation Counsel, Reginald Minn; Norman Hayashi, Planning Division Chief of the County Planning Department; and the Department of Planning and Economic Development was represented by Esther Ueda.

POSITION OF THE PARTIES

County of Hawaii - Approval.

Department of Planning and Economic Development - Approval.

APPLICABLE REGULATION

Standards for determining the establishment of an Urban District is found under Part II, Section 2-2(1) of the State Land Use Commission's District Regulations. Said regulation provides in pertinent part that:

- "(1) 'U' Urban District. In determining the boundaries for the 'U' Urban District, the following standards shall be used:
- (a) It shall include lands characterized by 'city-like' concentrations of people, structures, streets, urban level of services and other related land uses.
 - (b) It shall take into consideration the following specific factors:
 - 1. Proximity to centers of trading and employment facilities except where the development would generate new centers of trading and employment.
 - 2. Substantiation of economic feasibility by the petitioner.
 - 3. Proximity to basic services such as sewers, water, sanitation,

schools, parks, and police and fire protection.

4. Sufficient reserve areas for urban growth in appropriate locations based on a ten (10) year projection.
- (c) Lands included shall be those with satisfactory topography and drainage and reasonably free from the danger of floods, tsunami and unstable soil conditions and other adverse environmental effects.
 - (d) In determining urban growth for the next ten years, or in amending the boundary, lands contiguous with existing urban areas shall be given more consideration than non-contiguous lands, and particularly when indicated for future urban use on State or County General Plans.
 - (e) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the State and County General Plans.
 - (f) Lands which do not conform to the above standards may be included within this District:
 1. When surrounded by or adjacent to existing urban development; and
 2. Only when such lands represent a minor portion of this District.
 - (g) It shall not include lands, the urbanization of which will contribute towards scattered spot urban development, necessitating unreasonable investment in public supportive services.
 - (h) It may include lands with a general slope of 20% or more which do not provide open space amenities and/or scenic values if the Commission finds that such lands are desirable and suitable for urban purposes and that official design and construction controls are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape."

FINDINGS OF FACT

The panel of the Land Use Commission, after having duly considered the record in this docket, the testimony of the witnesses and the evidence introduced herein, makes the following findings of fact:

1. The subject property, owned in fee simple by the Petitioner herein, Honokaa Sugar Company, is located at Papa'anui, Hamakua, Island of Hawaii, and consists of approximately 0.731 acre, more particularly described as Tax Map Key No. 4-5-10:82. The subject property is situated along the north side of the old Mamalahoa Highway, approximately 700 ft. west of the Pakalana Street-Hawaii Belt Highway-Old Mamalahoa Highway junction.

2. The existing State Land Use classification of the subject property is Agricultural. On April 14, 1976, the Land Use Commission, in Docket No. A75-404, reclassified adjoining parcels of land more specifically identified as Tax Map Key No. 4-5-10:80, and a portion of Tax Map Key No. 4-5-10:31 from Agricultural to Urban in finding that the area would be developed into residential lots predominantly for sale to Honokaa Sugar Company's present and future employees and pensioners. The subject property was not included in Docket No. A75-404 because said property at the time was under lease to Hawaiian Electric Company for the development of an electrical substation. Subsequent, however, to the State Land Use Commission's approval of Docket No. A75-404, the lease with Hawaiian Electric Company was cancelled, and the Petitioner in turn now wishes to include said portion in its proposed residential development as more specifically outlined in its Petition filed in Docket No.

A75-404. Since the subject property is located adjacent to and will be developed in conformance with the plans as proposed by the Petitioner in Docket No. A75-404, it is relevant at this time to summarize the Land Use Commission's Findings of Fact and Conclusions of Law in Docket No. A75-404:

a. The Honokaa Sugar Company is proposing to develop approximately 127 acres (42 acres - Docket No. A75-404 and 85 acres - existing Urban lands) into 280 lots, an average of approximately 3 lots per acre;

b. The subdivided lots would be made available to: present/future employees and pensioners as well as independent cane growers in the Kalapoa area, in exchange for their lands;

c. Interest in the development has been continuously demonstrated by the Petitioner, the employees and the employees' union;

d. Public services and facilities (fire, police, sanitation), recreational and educational facilities (schools, playground), are located in nearby Honokaa town, and can accommodate the demand by the proposed development; water would be provided by developing an off-site well or on-site storage tanks;

e. Access would be furnished by the old Mamalahoa Highway in accordance with the State Department of Transportation recommendations;

f. Needed housing in close proximity to existing employment centers would be provided;

g. Vacated plantation camps would be used by the Petitioner for cane production;

h. No detrimental effects on the environment, agriculture, historic, scenic and other resources in the area were ascertained;

i. Reclassification would not greatly impede agricultural production in the area, and in fact, is essential to accommodate urban growth in the area.

3. The present County Zoning designation is Agricultural 40-acre (A-40a). The Land Use Pattern Allocation Guide Map of the County of Hawaii General Plan, presently designates the subject property as an area for Alternate Urban Expansion. Under the proposed General Plan Revision Program, which the County is presently embarking on, the Planning Department is recommending that the subject area be redesignated as a Low Density Urban Development category. Such a designation would allow single-family residential uses at a maximum density of four (4) units per acre. The Alternate Urban Expansion designation would also allow single-family residential uses.

4. The subject property is currently in cane production.

5. The subject property, consisting of approximately 0.731 acre, is bounded on three sides by existing Urban designated lands which, along with the subject property, are being proposed for a uniform residential development. According to the Soil Survey Report issued in December of 1973, by the U. S. Department of Agriculture's Soil Conservation Service, soil in the area is of the Kukaiiau Series, which consists of well-drained silty clay loams that formed in volcanic ash. The surface layer and subsoil are about ten (10) inches and forty (40) inches thick, respectively. The surface layer is extremely acid, and the subsoil is medium to slightly acid. This soil dehydrates irreversibly into aggregates the size of fine sand. Permeability is moderately rapid, run-off is slow, and the erosion hazard is slight. The land slopes from six (6) to

twelve (12) percent, and the area receives from seventy (70) to one hundred (100) inches of rainfall annually. According to the Land Study Bureau, the soil productivity for the area in which the subject property is situated is "C" or of moderate production capability. According to the Land Use District Map H-43, the subject property is approximately 1,400 ft. above sea level and is located 2-1/4 miles away from the coast. The slope of the land in the area is less than twenty percent (20%).

6. The subject property contains no known significant natural, scenic or recreational resources. No known archaeological or historic sites are present on the subject property. No significant adverse and environmental impacts are expected as a result of this reclassification.

7. The subject property will be provided with all essential services and facilities required for an urban-type development as said property is in very close proximity to the Honokaa Village, which is the employment center for the area. The hospital, educational and playground facilities are also within "walking" distance from the subject property.

8. The Petitioner would be required to provide necessary improvements to accommodate the water needs for the development of the subject and surrounding properties.

9. According to the County of Hawaii, the approval of the subject Petition would complement the policy of the General Plan's Land Use element which states to "Zone urban-type uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities." It would also complement the objectives and policies of the State Plan which state to

"Encourage urban developments in close proximity to existing services and facilities," and to "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."

10. The Petitioner has represented that the lot sizes for the proposed residential development will range from 7,500 sq. ft. to 12,000 sq. ft. The projected cost for the house and lot package for the proposed subdivision will range between \$38,000.00 to \$42,000.00 and the cost of development and improvements would be the primary cost involved in the ultimate sale package since the Petitioner intends to take "little or nothing for the value of the land."

11. Petitioner has represented that the development of the residential subdivision will commence approximately in the spring of 1979 and complete all five phases of the residential development by the summer of 1981.

12. The Petitioner intends to turn over a portion of the residential lots to the County of Hawaii for the development of elderly housing.

13. The County of Hawaii has affirmed that the proposed residential development would be in the direction of the General Plan's Housing goals and policies of attaining a diversity of socio-economic housing mix throughout different parts within the County of Hawaii, and of maintaining a housing supply which allows a variety of choice. The ultimate results of the proposed development would achieve the specific courses of action in the General Plan which state that the sugar companies provide their employees with suitable housing before phasing out of their rental plantation housing

market, and that the County of Hawaii shall support the plantation's plan to centralize housing in and around existing urban areas.

14. The subject property will be a small part of a larger project approved earlier by the State Land Use Commission, as set forth in Docket No. A75-404, which findings the Land Use Commission finds to be consistent and compatible to the evidence and testimony presented in this case.

15. Based on a review of the subject Petition, the evidence adduced at the hearing, and the policies and criteria of the Interim Statewide Land Use Guidance Policy, and the materials and evidence presented in Land Use Commission Docket No. A75-404, the Department of Planning and Economic Development and the County of Hawaii have recommended that the reclassification be approved.

CONCLUSIONS OF LAW

Reclassification of the subject property, consisting of approximately 0.731 acre, situated at Papa'anui, Hamakua, Island and County of Hawaii, from Agricultural to Urban and an amendment to the District boundaries accordingly is reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and is consistent with the Interim Statewide Land Use Guidance Policy established pursuant to Section 205-16.1 of the Hawaii Revised Statutes, as amended.

ORDER

FOR GOOD CAUSE appearing, it is hereby ordered that the property which is a subject of the Petition in this Docket No. A78-439, consisting of approximately 0.731 acre, situated at Papa'anui, Hamakua, Island and County of Hawaii, identified

as Tax Map Key No. 4-5-10:82, shall be and the same is hereby reclassified from the "Agricultural" district to the "Urban" district classification, and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 21st day of February, 1979, per Motion on February 6, 1979.

LAND USE COMMISSION
STATE OF HAWAII

By C. W. Duke
C. W. DUKE, Chairman and
Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA, vice
Chairman and Commissioner

By James R. Carras
JAMES R. CARRAS, Commissioner

By Colette Y. Machado
COLETTE Y. MACHADO, Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO, Commissioner

By Mitsuo Oura
MITSUO OURA, Commissioner

By George R. Pascua
GEORGE R. PASCUA, Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL, Commissioner

By Edward K. Yanai
EDWARD K. YANAI, Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's 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:

HIDETO KONO, Director
Department of Planning and Economic Development
250 South King Street
Honolulu, Hawaii 96813

SIDNEY FUKU, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

E. M. BUSH, Land Administrator
Theo H. Davies & Co., Ltd.
P. O. Box 3020
Honolulu, Hawaii 96802

Dated: Honolulu, Hawaii, this 23rd day of February, 1979.


GORDAN Y. FURUTANI
Executive Officer
LAND USE COMMISSION