

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
 of) DOCKET NO. A79-450
)
 THE DEPARTMENT OF PLANNING AND) THE DEPARTMENT OF PLANNING
 ECONOMIC DEVELOPMENT, STATE OF) AND ECONOMIC DEVELOPMENT,
 HAWAII,) STATE OF HAWAII
)
 To Amend the Agricultural Land Use)
 District Boundary to Reclassify)
 Approximately 6.8 Acres,)
 TMK: 8-1-02: portion of 40;)
 TMK: 8-1-05: portion of 22; and)
 TMK: 8-1-05: portion of 08, at)
 Kealahou, South Kona District,)
 Island and County of Hawaii, into)
 the Urban Land Use District)
)

DECISION AND ORDER

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 Kealakekua, South Kona District,)
 Island and County of Hawaii, into)
 the Urban Land Use District)
)
)

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 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, STATE OF HAWAII, which is requesting that the designation of the subject property, which is owned by the State of Hawaii, be amended from the Agricultural to the Urban district. The requested change consists of property comprising approximately 6.8 acres, situated at Kealakekua, South Kona District, Island and County of Hawaii. The subject properties are more particularly identified as Tax Map Key Nos. 8-1-02: portion of 40; 8-1-05: portion of 22; and 8-1-05: portion of 08.

PURPOSE OF PETITION

Petitioner's stated purpose for requesting the reclassification of the subject property from Agricultural to Urban is so that the Department of Education, State of Hawaii, can design and construct additional educational facilities for the Konawaena High and Elementary School Complex.

THE PROCEDURAL HISTORY

The Petition was received by the Land Use Commission on January 22, 1979. Due notice of the hearing on this Petition was published on March 7, 1979, in the Hawaii Tribune Herald and the Honolulu Advertiser. Notice of the hearing was also sent by certified mail to all parties involved herein on March 7, 1979. No timely application to intervene as a party or appear as a public witness was received by the Land Use Commission.

THE HEARING

The hearing on this Petition was held on April 6, 1979, in Kailua, Kona, Hawaii.

The Department of Planning and Economic Development, the Petitioner herein, was represented by Esther Ueda, Staff Planner, and the County of Hawaii was represented by Duane Kanuha, Deputy Planning Director for the County of Hawaii Planning Department.

The witnesses presented by the aforementioned parties were as follows:

Petitioner:

Norman Sahara - Department of Accounting and General Services

Herbert Watanabe - Department of Education

County of Hawaii:

Keith Kato - Staff Planner with the County of Hawaii Planning Department

POSITION OF THE PARTIES

County of Hawaii - 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 properties, owned in fee simple by the State of Hawaii, are located at Kealakekua, South Kona District, Island and County of Hawaii. The subject properties consist of approximately 6.8 acres, and are comprised of four (4) parcels for which the Tax Map Key Nos. are as follows:

Parcels 1 and 2: Tax Map Key No. 8-1-02: portion of 40;

Parcel 3: Tax Map Key No. 8-1-05: portion of 22; and

Parcel 4: Tax Map Key No. 8-1-05: portion of 08.

2. The subject properties are located in the Kealahou Village area, approximately 2,500 feet south of the Kona Branch of the Library of Hawaii and approximately 800 feet Mauka of the Mamalahou Highway. The subject properties adjoin the Konawaena Educational Cluster, which currently consists of approximately 35 acres of land and is within the State Land Use Urban district. It is the State's intent to set aside the subject properties to the Department of Education so that it can be consolidated with the Konawaena Educational Cluster.

3. Parcels 1 and 2 of the subject properties are presently both vacant pasture lands. Parcel 3 contains a 30-foot wide easement within which are located a driveway and overhead powerlines. The remainder of Parcel 3 is vacant and overgrown with vegetation. Parcel 4 presently is an unoccupied parcel containing an abandoned 16-foot by 20-foot one-story wooden building.

4. The subject properties lie within a low density (Urban) area in the Hawaii County General Plan. An amendment to the County General Plan will not be required if the Urban district boundary change is granted for the subject properties. The existing land uses in the surrounding area include the Konawaena Educational Cluster, commercial activities along the Mamalahou Highway north of the subject area in Kealahou Village, and single-family residential uses. In the vicinity of Kealahou Village there are also agricultural activities, principally orchard and pasture uses.

5. The property running along Mamalahou Highway is in the State Land Use Urban district and generally corresponds to the existing commercial and residential settlement

pattern in the Kealahou Village area. There is also a strip of Urban designated land Mauka of the Mamalahou Highway encompassing the Konawaena Educational Cluster and the single-family residential areas Mauka of the school. The area surrounding the State Land Use Urban district is within the State Land Use Agricultural district.

6. The present County zoning in the Kealahou Village includes village, commercial and single-family residential zone districts, and agricultural zoning with minimum lot sizes of 1, 5 and 20 acres.

7. The elevation of the parcels comprising the subject properties, are as follows:

<u>Parcel</u>	<u>Elevation</u>
1	1,620 feet to 1,750 feet
2	1,590 feet to 1,635 feet
3	1,530 feet to 1,555 feet
4	1,540 feet to 1,545 feet

8. The slope for the subject properties ranges between 12% to 20%.

9. The median rainfall for the subject properties is approximately 67 inches. Drainage should not pose a problem for the subject properties since it contains soils with high permeability, which is a common property of soils in the South Kona area. Accordingly, only during times of heavy rainfall will some surface runoff be generated, and such runoff will be disposed of by overland flow.

10. The United States Department of Agriculture, Soil Conservation Service's Soil Survey Report dated December, 1973, categorized the soils for Parcels 1, 2, 4 and a portion of Parcel 3 as "HUD" (Honuaulu very stony silty clay loam to 6% to 20% slopes. A representative profile has a surface

layer of very dark brown silty clay loam about 9 inches thick. The subsoil is dark brown cobbly and stony silty clay loam about 28 inches thick. The substratum is Aa lava. The surface layer is strongly acid. The subsoil is medium acid. This soil dehydrates irreversibly into fine sand-size aggregates. Some areas are very stony or extremely stony. Permeability is rapid, runoff is slow, and the erosion hazard is slight), and the remaining portion of Parcel 3 is categorized as "HRD" (Honaunau extremely rocky silty clay loam, 6% to 20% slopes. Rock outcrops occupy 25% to 50% of the surface of this soil. Permeability is rapid. Runoff is slow, and the erosion hazard is slight).

11. The State of Hawaii Land Study Bureau's overall agricultural productivity rating for soils comprising the subject property is Class "B", or good.

12. Public services and facilities available to the subject property are as follows:

- (a) Schools: Konawaena Elementary and High School will be better able to service the students utilizing its facilities and that the proposed reclassification will permit the construction of adequate play and athletic fields for the schools and also provide for greater student safety.
- (b) Sewerage: Sewage disposal in the Kealahou area is by cesspool. One of the improvements to be constructed as a result of the reclassification will not require the construction of any additional cesspools. The State Department of Health has commented that no environmental health concerns were found relative to the subject request.

- (c) Parks: The County Department of Parks and Recreation has commented that public use of the recreational facilities proposed by the subject Petition will help meet the recreational needs of the community in that there are no parks in the Kealahou area.
- (d) Water: The Hawaii County Department of Water Supply has indicated that adequate water will be available to the subject properties with the completion of the Kahaluu Shaft Project, Phase III, in April, 1979.
- (e) Sanitation: The Kailua sanitary landfill will be utilized for solid waste disposal.
- (f) Drainage: On-site drainage improvements consisting of swales, inlets, drainlines and dry wells will be constructed to dispose of the surface runoff generated by the improvement of these properties. The drainage improvements will be so designed that the runoff flowing off-site will not be concentrated nor greater than present quantities.
- (g) Roads: Access to the subject properties and the Konawaena Educational Cluster is off the Mamalahou Highway via the Konawaena School Road. The Konawaena School Road has a right-of-way width of 35 feet with a 20-foot wide pavement and in addition to serving the Konawaena Educational Cluster, provides access to 37 residential zoned

lots Mauka of the school. Both Mamalahoa Highway and the Konawaena School Road will not have to be improved as a result of the proposed reclassification.

- (h) Fire and Police Protection: Fire and police protection are available from Captain Cook, located approximately 2 miles from the subject property.

13. The "Master Plan for the Konawaena Educational Cluster" has been developed to provide the Department of Education with a guide for the orderly addition, replacement and/or renovation of facilities to best meet the educational needs of the school. According to the Master Plan, Parcel 1 will be used to provide a playfield for the elementary school which presently lacks adequate play facilities. The improvements within the playfield will include a softball field, approximately 8,000 sq. ft. of kindergarten play area, and a 96-foot by 72-foot paved playcourt. Parcel 2 will be used to expand the present high school athletic field to allow construction of a standard size track and football field which the school is presently without. Parcels 3 and 4 will be used to construct a new roadway which will reroute vehicular traffic along the Educational Cluster's south boundary. The rerouting of traffic will eliminate a hazardous traffic condition which presently exists. The elementary school playfield located within Parcel 1 is presently under design and scheduled for construction in July of 1979 with the proposed completion date of April, 1980. The athletic field expansion and roadway will be designed and constructed as State funds become available. The estimated cost for constructing the elementary

school playfield and expanding the high school athletic field and constructing the roadway is approximately \$1,200,000.00.

14. The environmental data affecting the subject properties are as follows:

- (a) Land: Construction of the proposed improvements will alter existing site conditions through clearing, grubbing, grading and landscaping.
- (b) Vegetation: No rare or endangered species of vegetation will be affected. Grassing and landscaping will be provided to partially offset the vegetation that will be lost during clearing and grading operations in constructing the proposed improvements.
- (c) Wildlife: There will be minimal impact on the wildlife in the area. No endangered species of wildlife should be affected by the construction of the proposed improvements.
- (d) Agricultural: The loss of Parcels 1 and 2 as pasture lands should not have any adverse impact on agriculture. Also, because of their steep slope their usage for other agricultural purposes is very limited. Parcels 3 and 4 are not presently in agricultural use. The State Department of Agriculture has indicated that it does not anticipate any adverse effect on the agricultural activities in the area.
- (e) Recreational: The playfield and athletic field will be available to the public outside

of school hours for practice sessions and games to help meet the recreational needs of the community.

(f) Historic and Archaeological: No historic or archaeological sites will be affected by the proposed improvements.

(g) Environmental Impact Statement: a determination was made that an Environmental Impact Statement was not required for the acquisition of the subject properties and that no challenges to said determination for the acquisition have been made.

15. The Petitioner strongly argued that the proposed reclassification will permit it to continue its goal of providing equal, adequate, modern and well-equipped educational facilities throughout the State which would encourage rather than inhibit the educational process. It is the Petitioner's concern that the present facilities do not meet the State Department of Education's specifications and standards and that the proposed additions to the Konawaena Educational Cluster would alleviate these deficiencies. Further, from a safety standpoint, the rerouting of the through traffic around the southern boundary of the school complex would eliminate the hazardous conditions currently existing where such traffic presently travels through the school complex. Petitioner has also indicated that the requested reclassification will provide the Konawaena Educational Cluster with sufficient land area to accommodate projected student enrollment for the next ten (10) years.

16. Based upon a review of the Petition, the evidence adduced at the hearing and the policies and criteria of the

Interim Statewide Land Use Guidance Policy and the Land Use Pattern Allocation Guide Map of the Hawaii County General Plan, the Planning Department of the County of Hawaii has recommended that the reclassification be approved.

CONCLUSIONS OF LAW

Reclassification of the subject properties, consisting of approximately 6.8 acres of land, situated at Kealahou, South Kona District, 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 properties, which are the subject of the Petition in this Docket No. A79-450, consisting of approximately 6.8 acres of land, situated at Kealahou, South Kona District, Island and County of Hawaii, identified as Tax Map Key Nos. 8-1-02: portion of 40; 8-1-05: portion of 22; and 8-1-05: portion of 08, shall be and the same are hereby reclassified from the "Agricultural" district to the "Urban" district classification, and the district boundaries are amended accordingly.

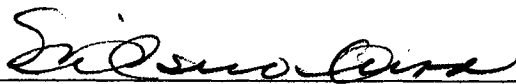
DONE at Honolulu, Hawaii, this 26th day of June, 1979, per Motion on May 30, 1979.


LAND USE COMMISSION
STATE OF HAWAII


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

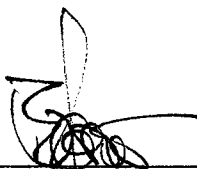
By 
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By 
SHINSEI MIYASATO
Commissioner

By 
MITSUO OURA
Commissioner

By 
GEORGE R. PASCUA
Commissioner

By 
CAROL B. WHITESELL
Commissioner

By 
EDWARD K. YANAI
Commissioner

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TMK: 8-1-05: portion of 08,)
at Kealahou, South Kona)
District, Island and County)
of Hawaii, into the Urban)
Land Use District)
)
)


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 & Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

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

DATED: Honolulu, Hawaii, this 28th day of June, 1979.


GORDAN Y. FURUTANI
Executive Officer



Jack B Greenwell
Henry A Greenwell
502 AC'S

Henry A Greenwell
5.00 AC'S

Parcel 2 / 1.894 AC'S

2.486 AC'S

Parcel 1 / 4.075 AC'S

STATE OF HAWAII
DEPT. OF PUBLIC INSTRUCTION
KONAWAENA HIGH SCHOOL
PER EXEC. ORDER NO. 11257

STATE OF HAWAII
DEPT. OF PUBLIC INSTRUCTION
KONAWAENA HIGH SCHOOL LOT
PER EXEC. ORDER NO. 11257

FEDERICK H. IIMOTO
MUSAO K. IIMOTO - 1/1
3.28 AC'S

True North
1" = 200'

TMR (3) 8-1-02, 05

8

3

11

12

15

1

11

170

17d

39
880 AC'S

38
18,382 AC'S

68
188 AC'S

69
9,368 AC'S

87
0.29 AC'S

37
30,000 AC'S

36
5,010.443 AC'S

5010.443 AC'S

5010.443 AC'S

5010.443 AC'S

5010.443 AC'S