

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A82-538
))
DEPARTMENT OF PLANNING AND)	DEPARTMENT OF PLANNING
ECONOMIC DEVELOPMENT, STATE OF)	AND ECONOMIC DEVELOP-
HAWAII, (MAKAWAO INTERMEDIATE)	MENT, STATE OF HAWAII,
SCHOOL))	(MAKAWAO INTERMEDIATE
)	SCHOOL)
To Amend the Agricultural Land Use))	
District Boundary to Reclassify)	
Approximately 10.433 Acres, TMK:)	
2-4-32: portion of parcel 98, at)	
Makawao, Island and County of)	
Maui, into the Urban Land Use)	
District)	
_____)	

DECISION AND ORDER

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OF THE STATE OF HAWAII

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_____)	

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 be amended from the Agricultural to the Urban District. The requested change consists of property comprising approximately 10.433 acres of land, situated at Makawao, Island and County of Maui, State of Hawaii. The subject property is more particularly identified as Tax Map Key No. 2-4-32: portion of parcel 98.

PURPOSE OF PETITION

Petitioner's stated purpose for requesting the reclassification of the subject property from Agricultural to Urban is so that Petitioner's agent, the Department of

Accounting and General Services, can incrementally construct an intermediate school to accommodate 670 public school students in grades seven and eight from the areas of Makawao, Pukalani and Kula.

THE PROCEDURAL HISTORY

The Petition was received by the Land Use Commission on September 22, 1982. Due notice of the hearing on this Petition was published on January 10, 1983, in the Maui News and The Honolulu Advertiser. Notice of the hearing was also sent by certified mail to all parties involved herein on January 4, 1983. An Amended Certificate Of Service of the Notice Of Hearing was sent to all parties herein on January 5, 1983. No timely application to intervene as a party was received by the Land Use Commission. By letter dated February 7, 1983, Mr. Ed Tsuji of the United Brotherhood of Carpenters and Joiners of America, Local No. 745, AFL-CIO, requested permission to testify on behalf of the Hawaii Building and Construction Trades Council. On February 22, 1983, the Land Use Commission received written testimony from the Hawaii Building and Construction Trades Council, AFL-CIO.

THE HEARING

The hearing on the Petition was held on February 23, 1983, in Wailuku, Maui, Hawaii.

The Department of Planning and Economic Development, the Petitioner herein, was represented by Daniel Yasui; and the County of Maui was represented by Guy P. Archer, Deputy Corporation Counsel.

The witnesses presented by the aforementioned parties were as follows:

Petitioner

Stanley Shin - State Department of Accounting
and General Services Employee

County of Maui

Clyde Murashige - Staff Planner

POSITION OF THE PARTIES

County of Maui - Approval with conditions.

APPLICABLE REGULATION

- (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 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 existing 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 adduced herein, makes the following findings of fact:

- 1. The subject property, owned in fee by Frank Munoz, et al., which the Petitioner is currently moving to acquire as authorized by the Board of Land and Natural Resources on April 24, 1981, and by Governor George Ariyoshi on June 10, 1982, is located at Makawao, Island and County of Maui, State of Hawaii, and consists of approximately 10.433 acres, more particularly described as Tax Map Key No. 2-4-32: portion of parcel 98. The subject property is

located adjacent to the southwestern portion of the Eddie Tam Recreation Center. Makani Road delineates the subject property's southern border. Lying to the west of the subject property is the remainder of parcel 98 and an agricultural subdivision. To the east lies another portion of the adjacent agricultural subdivision, and to the north are house lots and Makawao Town.

2. The subject property is contiguous to the existing Urban District at Makawao along its southeastern border and abuts a portion of the Rural District along its southern border. The land use of the immediate area surrounding the subject property is a mixture of residential, rural residential agricultural and regional recreational use. Development surrounding the subject property includes the following uses:

North - open space/pasture (Agriculture)

South - Makani Road, Mokuahi Street and a partially developed subdivision. (Rural)

East - Pokole Place, residential subdivision (Urban)

West - Hale Kipa Road, partially developed subdivision (Agriculture).

The subject property was utilized for pineapple cultivation until 1976. Since 1976, the subject property has not been utilized for agricultural purposes and remains vacant. Vegetation on the subject property includes Kikuyu grass, castor bean plants and assorted common shrubs.

3. As reflected on State Land Use District Boundary Map M-10 (Haiku), the subject property is situated within the State Land Use Agricultural District. The Maui County Makawao-Pukalani-Kula General Plan has designated the subject property and surrounding areas as "Country Town." A

community park and a proposed intermediate school are also indicated in close proximity to the subject site. The County of Maui, however, has almost completed a study for a Makawao-Pukalani-Kula Community Plan which is intended to replace the current Makawao-Pukalani-Kula General Plan. This proposed plan estimates a 1990 population of approximately 12,500 and a year 2000 population of approximately 17,200. The need for a new intermediate school in the area has been addressed in the proposed plan by designation of a public intermediate school site in Makawao. A portion of this designated school site overlaps on the proposed project site which lies within an area labeled as Public/Quasi Public.

4. The subject property has a ground elevation which varies from approximately 1,540 feet to 1,580 feet above sea level and a general slope of approximately 3% to 4%, except for the area near Makani Street which is 6% to 14%. The median annual rainfall for the area is approximately 48 inches. Drainage from the subject property flows naturally in a northwesterly direction into an existing gully. Runoff from the subject property's soil is medium and the erosion hazard is moderate.

5. According to the U.S. Department of Agriculture Soil Conservation Service's August 1872 "Soil Survey of Island of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii," the soil type of the subject property has been classified as HhC--Haliimaile silty clay with 7% to 15% slopes.

The Haliimaile series consists of well-drained soils on uplands on the island of Maui. These soils developed in material weathered from basic igneous rock.

They are gently to strongly sloping. Elevations range from 500 to 2,000 feet. In a representative profile, the surface layer is dark reddish-brown silty clay about 15 inches thick. The moderately fine textured subsoil is dark reddish-brown silty clay and very dark grayish brown clay to a depth of more than 60 inches.

6. With respect to the Urban Land Classification, the University of Hawaii's Land Study Bureau Circular No. 16, "Maui Lands Classified by Physical Qualities for Urban Usage," published in June, 1970, has determined the Urban Land Category Code for the subject property as I2L. The character of the soil is nonexpanding, nonrocky and surface well drained, with a depth from 6 to 10 feet to Consolidated Lava.

With respect to Agricultural Land Classification, the University of Hawaii's Land Study Bureau Bulletin No. 7, "Detailed Land Classification - Island of Maui," published in May, 1967, has determined the agricultural land classification for the subject property to be C49. The character of this land is well suited for machine tilling, nonstony, from 0% to 10% average slope with well-drained dark reddish-brown soil over 30 inches deep.

Under the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the subject property is classified as "Prime."

7. A Department of Agriculture memo dated October 6, 1982, indicated that according to the Land Study Bureau, the subject property has good productivity potential for orchard, grazing and forage use. The Department of

Agriculture memo further indicated that in accordance with the State Agriculture Plan (established through Administrative Directive No. 82-3) "important agriculture lands shall be classified in the State Agriculture District and zoned agriculture except where substantial injustice or inequity will result or where overriding public interest exist." [Emphasis added.] In this instance, the Department of Agriculture believes that the proposed use constitutes an overriding public interest despite the parcel's relatively good agricultural productivity potential, and therefore does not foresee significant adverse impacts upon the agricultural resources of the area.

8. Petitioner's stated purpose for requesting the reclassification of the subject property from Agricultural to Urban is so that Petitioner's agent, the Department of Accounting and General Services can, incrementally construct an intermediate school to accommodate 670 public high school students in grades seven through eight from the areas of Makawao, Pukalani and Kula. A total of 31 classrooms plus support facilities are planned for the subject site in accordance with the Department of Education's specifications and standards for school facilities. The site and building improvements will be developed incrementally to support the phasing in of students and subsequent enrollment increases.

The proposed first increment of 17 permanent and three portable classrooms to serve approximately 350 students is scheduled for occupancy in September 1985. The proposed second increment of eight classrooms is scheduled for occupancy in 1986. The development schedule for the third and future increments will depend on enrollment increases and CIP priorities.

Total project development costs are estimated at \$16,000,000. The Petitioner has represented that the sources of funds for development of the subject property are as follows:

- A. Land Acquisition - Act 214, SLH 1980,
 Item G-251A - \$ 260,000
 Act 300, SLH 1979,
 Section 7 - \$ 362,000
- B. Planning - Act 1, SLH 1981,
 Item G-23 - \$ 30,000
 Act 1, SLH 1981,
 Item K-1 - \$ 20,000
- C. Design - 1982 CIP Act, Item G-23 - \$ 300,000
- D. First Increment Construction - Future
 CIP Appropriation - \$6,020,000

9. The reclassification of the subject property will not unreasonably burden public agencies to provide necessary urban amenities, services and facilities because:

a. Access and Circulation - The proposed intermediate school will be located in Makawao about 0.7 mile southwest of Baldwin Avenue bounded by Makani Road, Hale Kipa Road and Road B of the proposed Pau Hana Estates Subdivision Increment III. Makani Road will be partially widened and improved for a distance of approximately 300 feet from Makawao Avenue to the already improved section of Makani Road at Makawao Estates Subdivision. The other roads will not have to be improved. The proposed school will generate additional traffic, however, no serious traffic congestion is anticipated because most of the students will be bussed to school. Approximately 74% of the students live more than one mile away from the school and will qualify for bussing. The on-site

school development will provide sufficient parking, loading and turn-around areas to ensure vehicular and pedestrian safety. Appropriate traffic controls such as signs, crosswalks and barriers will be incorporated in the design of the school. The major roadways passing through the school service area are Haleakala Highway, Makawao Avenue, Baldwin Avenue and Makani Road.

The Department of Public Works, however, has expressed concern regarding sight distance, vehicular movement and the type of improvements planned along Makani Road. To facilitate the right-hand turn movement into the school, the Petitioner has represented that it will review the sight distances at the intersection of Makawao Avenue and Makani Road. The Petitioner has also represented that Makani Road improvements will be determined during the design of the first increment, topography surveys will be taken to determine the kind of improvements needed, and it will consult with the County of Maui regarding those improvements. Further, the Petitioner has indicated that the driveway entering the school grounds off of Makani Road will connect to a service roadway within the school grounds, leading to the back of the school, connecting to Hale Kipa Road.

b. Water - The Department of Water Supply has indicated that water is available to the subject property from two transmission lines, one proposed

to run through Eddie Tam Recreation Center, and the other to run along Makani Road.

c. Drainage - As there are no existing Maui County drainage facilities for the subject property, on-site drainage provisions will consist of swales, ditches and detention basins, if necessary, to control and dispose of surface runoff generated by the improvement of the subject property. The drainage facilities will be designed so as not to alter the natural runoff pattern.

d. Sewage - As the current method of sewage disposal in the Makawao area is by cesspool, the proposed school will similarly utilize cesspools as the means of sewage disposal. These cesspools will be designed and constructed in compliance with Department of Health requirements.

e. Sanitation - The Petitioner has represented that the solid waste generated by the school will likely be disposed of by contractors at the nearby Makani Refuse Disposal site.

f. Schools - It is necessary that a new intermediate school be built to serve the Makawao-Pukalani-Kula area because of increasing enrollment pressures at Haiku, Kula and Makawao. Existing facilities are operating at capacity and until a new intermediate school is constructed, it will be necessary to bring in additional portable classrooms to accommodate further enrollment increases.

g. Parks - The school site is adjacent to the Eddie Tam Recreation Center which presently

consists of a gym, paved courts, ballfields and parking. It is anticipated that the park will be used by the students for play purposes during regular school hours.

h. Police and Fire Protection - A County Fire Department fire station is located in Pukalani, approximately 1.5 mile from the school. The school campus will also be provided with adequate fire protection to include fire resistive construction, fire alarm systems, fire extinguishers and fire hydrants. Police services are available from the main station in Wailuku, 15 miles away, and from a police substation located at the Eddie Tam Gym which is in the recreation center adjoining the school property.

10. Construction of the proposed improvements, to include clearing, grubbing, grading and landscaping, will alter the existing condition of the land of the subject site. No historical or archaeological sites, however, are known to exist on the subject property.

11. No known rare or endangered species of wildlife are known to exist on the subject property. No known rare or endangered species of vegetation exist on the subject property. The Petitioner has represented that grassing and landscaping will be provided to partially offset the loss of vegetation resulting from clearing and grading operations in constructing the proposed improvements.

12. An environmental impact statement (EIS) for the proposed school was prepared and processed for approval in

1978. The EIS was accepted by Governor George Ariyoshi on November 24, 1978.

13. To encourage rather than inhibit the educational process, it is the State of Hawaii's goal to provide equal, adequate, modern and well-equipped educational facilities throughout the State. To accomplish this aim, the Maui School District is following a long-range district-wide plan to limit the elementary schools to K to 6 and to provide separate 7 to 8-grade schools where feasible. This plan would enable the intermediate schools to offer a more diversified program.

The proposed Makawao Intermediate School will be part of the Maui High Feeder Complex and will service grades 7 through 8. Makawao, Pukalani and Kula Elementary Schools will feed into this intermediate school while Kahului, Haiku and Paia Elementary Schools will continue to feed directly into Maui High School until such time that their 7 to 8 graders can be feasibly separated into an intermediate school. Students from Haiku and Paia, however, will be included in Makawao Intermediate on an optional basis. The school is designed to accommodate 670 students and the enrollment projections are as follows:

<u>Year</u>	<u>Students</u>
1980	550
1985	520
1990	630
1995	670
2000	700

As the subject property will become an integral part of the State's education system providing educational opportunities to enable individuals to fulfill their needs, responsibilities and aspirations, according to the Petitioner, the granting of this request will permit the

State Department of Education to construct needed school facilities and to provide these services. It is the Petitioner's opinion that the use of the subject property for the intended educational purposes should result in the highest and best use of the land for the public health and welfare.

14. The County of Maui Department of Planning has requested that compliance with the following conditions will be made part of the Petition's approval:

- a. That full compliance with the comments of the Department of Public Works memorandum dated October 14, 1982 (Exhibit C) shall be rendered.
- b. That the preliminary plan proposal for additional vehicular access drive shall be provided to the Department of Planning for review and approval prior to submittal for building permits.
- c. That the schematic building plans shall be submitted to the Maui Urban Design Review Board for its review and recommendations.

15. Based on a review of the Petition, the evidence adduced at the hearing, and the provisions of Chapter 205, Hawaii Revised Statutes, the County of Maui has recommended that the reclassification of the subject property be approved in accordance with the conditions set forth in Paragraph 14 above.

CONCLUSIONS OF LAW

Reclassification of the subject property, consisting of approximately 10.433 acres of land, situated at Makawao, Island and County of Maui, State of Hawaii, from the Agricultural District to the Urban District and an amendment to the district boundaries accordingly is

reasonable and non-violative of Section 205-2 of the Hawaii Revised Statutes.

ORDER

FOR GOOD CAUSE APPEARING, it is hereby ordered that the property which is the subject of the Petition in this Docket No. A82-538, consisting of approximately 10.433 acres, situated at Makawao, Island and County of Maui, State of Hawaii, identified as Tax Map Key No. 2-4-32: portion of parcel 98, shall be and hereby is reclassified from the Agricultural to the Urban District and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 27th day of May, 1983, per Motion on May 6, 1983, and May 18, 1983.

LAND USE COMMISSION
STATE OF HAWAII

By William W. Yuen
WILLIAM W. L. YUEN,
Chairman

By Richard B. F. Choy
RICHARD B. F. CHOY,
Vice-Chairman

By Lawrence F. Chun
LAWRENCE F. CHUN,
Commissioner

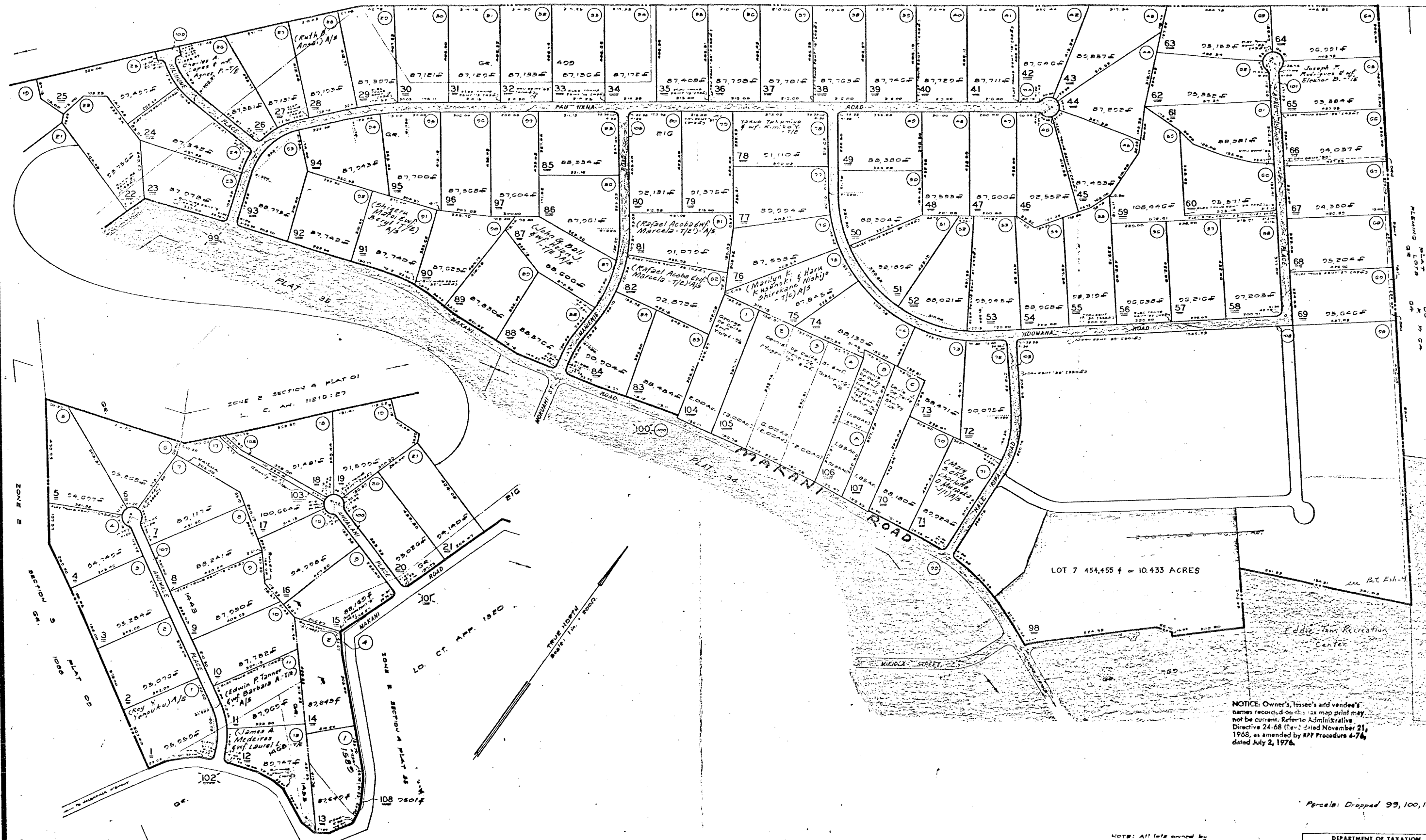
By Shinsei Miyasato
SHINSEI MIYASATO,
Commissioner

By Teofilo Phil Tacbian
TEOFILO PHIL TACBIAN,
Commissioner,

By Robert S. Tamaye
ROBERT S. TAMAYE,
Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE,
Commissioner

PLAT 01
L. C. AN. 11216:27



SOURCE: P.P. 1502 & 1503
BY: [unclear]
DATE: [unclear]
DWG. NO. 8225

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev. 11/21/68), as amended by RPP Procedure 4-74, dated July 2, 1974.

Parcels: Dropped 99, 100, 101, 102

NOTE: All lots owned by Frank Mung & D. H. Robinson - 7/2 (see address noted)

A82-538 DPED Makawao Int. School

PAU HANA ESTATES SUBD., F. B. 1502, KAILUA, HALIIMAJE, MAKAWAO, MAUI, HAWAII, (Formerly pars. 2-4-01 & 2-3-09)

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
SECOND TAXATION DISTRICT		
ZONE	SEC.	PLAT
2	4	32
SCALE 1 IN. = 200 FT.		

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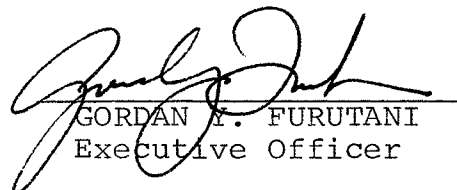
CERTIFICATE OF SERVICE

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:

KENT. M. KEITH, Director
Department of Planning and
Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

TOSH ISHIKAWA, Planning Director
Planning Department
County of Maui
200 South High Street
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, this 27th day of May, 1983.


GORDAN Y. FURUTANI
Executive Officer

DOCKET NO. A82-538 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT,
STATE OF HAWAII

A certified copy of the Land Use Commission's Decision and Order was served by regular mail to the following on May 27, 1983:

ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
Capital Investment Building
Penthouse, 850 Richards Street
Honolulu, Hawaii 96813

SUSUMU ONO, Chairman
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

HIDEO MURAKAMI, Comptroller
Department of Accounting and General Services
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

DEPARTMENT OF EDUCATION
Queen Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii 96813

H. RODGER BETTS
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

LANDCO
P. O. BOX 515
Kahului, Maui, Hawaii 96732
c/o Messrs. Frank Munoz and Donald Tokunaga

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c/o Messrs. Frank Munoz and Donald Tokunaga