

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A83-556
)	
HONOLII PARTNERS)	HONOLII PARTNERS
)	
To Amend the Agricultural and)	
Conservation Land Use District)	
Boundaries to Reclassify)	
Approximately 8.7 Acres,)	
TMK: 2-7-3: 26, at Paukaa, South)	
Hilo, Island and County of)	
Hawaii, Into the Urban Land Use)	
District)	
_____)	

DECISION AND ORDER

PURPOSE OF PETITION

Petitioner has requested the reclassification of the subject property from the Agricultural and Conservation District to the Urban District in order to develop a single family residential subdivision comprised of 11 lots ranging in size from .54 acres to 1.11 acres.

THE PROCEDURAL HISTORY

The Petitioner filed the Petition with the Land Use Commission on July 27, 1983, and filed an amended Petition on September 22, 1983, to include the Conservation District portions of the property as part of the Petition area. Petitioner subsequently submitted an Environmental Assesement dated November 21, 1983, for which the Land Use Commission issued a negative declaration on the Environmental Assesement on December 1, 1983.

THE HEARING

The Commission held the hearing on this Petition on January 20, 1984, in Hilo , Hawaii pursuant to the notice published on December 16, 1983, 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 December 15, 1983. No timely application to intervene as a party or appear as a witness was received by the Land Use

Commission. Honolii Partners the Petitioner herein was represented by Wayne C. Metcalf III; the County of Hawaii was represented by Duane Kanuha, Deputy Planning Director, and the Department of Planning and Economic Development was represented by Esther Ueda. The witnesses presented by the aforementioned parties were as follows:

Petitioner:

Wayne C. Metcalf III

County of Hawaii

Royden Yamasato - Staff Planner

Department of Planning and Economic Development:

Esther Ueda - Staff Planner
Land Use Division

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 are found under Part II, Section 2-2(1) of the State Land Use Commission's District Regulations. Said regulations 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 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 considerations 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 interest in the aesthetic quality of landscape.

FINDINGS OF FACT

The Land Use Commission 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 is located at Paukaa, South Hilo, Island and County of Hawaii, State of Hawaii and consists of approximately 8.7 acres of land more particularly described as Tax Map Key No. 2-7-3: 26. The subject property is located on the east or makai side of the Hawaii Belt Highway approximately 1,100 feet north of the Kuikahi Street and Hawaii Belt Highway intersection. The subject property is

approximately 3 miles north of downtown Hilo. The subject property is bordered on its northern and southern boundaries by natural stream gulches. A third gulch runs through the center of the property. The gulches and coastal pali areas are steep ranging from sea level to approximately a 100 feet in elevation. The area between the gulches are relatively level with slopes of zero to twenty percent.

2. Approximately 1.6 acres of the subject Property which runs along the coastline is within the State Conservation District. The remainder of the subject property is within the State Agricultural District. The subject property abuts the northern boundary of Paukaa Urban District, and is located between Hawaii Belt Highway and the ocean. Urban district areas immediately south of the subject property are part of the Honolii Pali II residential subdivision. Areas to the north and west are in the state land use agricultural district and are presently utilized for sugarcane cultivation. The eastern or makai boundary of the property consist of steep cliffs which descend to the ocean. The subject property is presently vacant and consist of an abandoned sugarcane field.

3. The Land Study Bureau Overall Master Productivity Rating for the subject property is Class C and E lands. The USDA Soil Conservation Service Soil Survey Report classifies soils of the subject property as "Hilo

Silty Clay Loam", 10 to 20% slopes, (HoD), and "Hilo Silty Clay Loam" 20 to 35% slopes (HoE). The soils have medium runoff and the erosion hazard is moderate. Most of these soils are used for sugarcane production. Approximately 3/4 of the subject property is designated as Prime under the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Classification System. The remainder of the property is unclassified. According to the Flood Insurance Rate Map prepared by the Federal Insurance Administration, the subject property is designated as an area of minimal flooding of Zone C designation.

4. The portion of the subject property within the Conservation District is in the Resource Subzone. The objective of the resource subzone is to develop with proper management, areas to ensure sustained use of the natural resources of those areas. The Land Use Pattern Allocation Guide Map component of the County of Hawaii General Plan designates the subject property as Low Density Urban Development which is defined as "Low Density Residential, Neighborhood Commercial and ancillary Community and public uses, residential - no more than 4 units per acre." The subject property is within the study boundary area of the Northeast Hawaii Community Development Plan which was adopted by Ordinance No. 445 on June 26, 1979. The zone guide maps and land use recommendations in the Community Development

Plan have no specific designation for the subject property. The County Zoning designation is Agricultural 20-acre (A-20a). The subject property is also situated within the Special Management Area.

5. The Petitioner intends to develop the subject property as a single family residential subdivision consisting of 11 lots ranging in size from .54 acres to 1.11 acres. The Petitioner intends to sell subdivided lots at prices beginning at \$75,000.00 and is targeting to satisfy a market for quality housing at prices exceeding \$200,000.00. The estimated improvement cost for the subject property is approximately \$162,648.00 or about \$15,786.00 per lot. The Petitioner indicates that the development of the proposed residential subdivision will occur immediately after all zoning and subdivision approvals have been received from the State and County. The unaudited statement of assets and liabilities of Petitioner's General Partner, Hilo One, Inc., appears to indicate that the Petitioner has sufficient assets to fulfill the requirements of its proposed project. Honolii Partners is comprised of firm individuals: Hilo One, Inc., American Trust Company of Hawaii as Trustee for Stanley H. Roehrig, Albert Nishimura and Yukio Taketa. The majority shareholder for Hilo One, Inc. is Roland Higashi.

7. Reclassification of the subject property will not unreasonably burden public agencies to provide necessary amenities, services and facilities due to the following:

a. Sewer: Cesspools may be used as a method of sewage disposal for this area of South Hilo.

b. Water: Water is available for the proposed development from an 8-inch water line which runs along the Hawaii Belt Highway. The Department of Water Supply has also approved a water commitment for the proposed development until September 26, 1986.

c. Solid Waste Disposal: The solid wastes would have to be disposed of by commercial refuse collectors or each individual household would have to dispose of its wastes at an approved disposal site. The South Hilo County disposal facility is approximately 5.9 miles from the subject property.

d. Drainage: According to the Flood Insurance Rate Map prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, the subject property is classified within the "Minimal Tsunami Inundation Area."

e. Access: The primary access for the subject property will be from the Hawaii Belt Highway, which is under the jurisdiction of the State Highways Division of the State Department of Transportation. The Hawaii Belt Highway

is a 100-foot wide right-of-way and a two-lane arterial with approximately 22 feet of pavement. The State Department of Transportation, Highways Division has already granted two access points to the subject property from the Hawaii Belt Highway.

f. Police and Fire Protection: The nearest Fire Station is the Hilo Central Fire Station which is approximately 3.6 miles from the subject property. Police service is provided by the Hilo Police Station which is approximately 4.3 miles from the subject property.

g. Schools: The State Department of Education has indicated that it has no objections to the requested boundary amendment since the proposed 11-lot subdivision will have a negligible impact on schools in the area. Kalaniana'ole School which has grades from kindergarten to the eighth grade is approximately 1.5 miles from the subject property. Hilo Intermediate and Hilo High Schools which provide grades 7 through 12 are located approximately 3.6 miles from the subject property.

h. Electrical and Telephone Service: Hawaii Electric Light Company and Hawaiian Telephone will provide electrical and telephone service to the subject property.

8. The Department of Land and Natural Resources records indicate that the proposed project does not occur on historic properties that are listed on the Hawaiian Register or the National Register of Historic Places or that have been determined eligible for inclusion on the National Register of Historic Places. The Petitioner has indicated however, that in the event it encounters anything of archaeological significance while clearing the subject property, that they will notify the Historic Sites Office of the Department of Land and Natural Resources immediately.

9. According to the Petition there are no known rare or endangered flora or fauna on the subject property.

10. Based on the review of the Petition, the evidence adduced at the hearing and the provisions of Chapter 205, H.R.S., the County of Hawaii and the Department of Planning and Economic Development have recommended that the reclassification of the subject property be granted.

CONCLUSION OF LAW

Reclassification of the subject property, consisting of approximately 8.7 acres of land, situated at Paukaa, South Hilo, Island and County of Hawaii, State of Hawaii, from Agricultural and Conservation to Urban and an

amendment to the district boundaries accordingly is reasonable and non-violative of Section of 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. A83-556, consisting of approximately 8.7 acres of land situated at Paukaa, South Hilo, Island and County of Hawaii, State of Hawaii, identified as Tax Map Key No. 2-7-3: 26, shall be and hereby is reclassified from Agricultural and Conservation to Urban and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 18th day of May, 1984, per Motions on March 7, 1984 and May 16, 1984.

LAND USE COMMISSION
STATE OF HAWAII

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

By Richard B. F. Choy
RICHARD B. F. CHOY
Vice-Chairman and Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN,
Commissioner

By Winona E. Rubin
WINONA E. RUBIN,
Commissioner

By T. Tacbian
TEOFILO PHIL TACBIAN,
Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE,
Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE,
Commissioner

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CERTIFICATE OF SERVICE

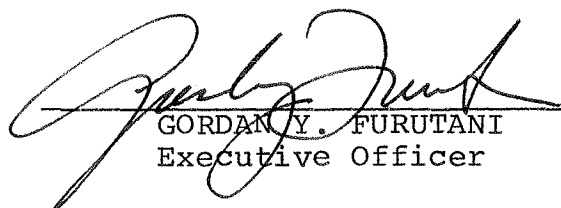
I hereby certify that a copy of the Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

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

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

WAYNE C. METCALF, III, Attorney for Petitioner
192 Kapiolani Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 18th day of May, 1984



GORDAN Y. FURUTANI
Executive Officer

DOCKET NO. A83-556 - HONOLII PARTNERS

A certified copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on May 18, 1984.

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