

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Special) SP78-317
Permit of the)
)
DEPARTMENT OF PUBLIC WORKS,)
CITY AND COUNTY OF HONOLULU)

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Special)	SP 78-317
Permit of the)	
)	FINDINGS OF FACT,
DEPARTMENT OF PUBLIC WORKS,)	CONCLUSIONS OF LAW AND
CITY AND COUNTY OF HONOLULU)	DECISION AND ORDER
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FINDINGS OF FACT

1. The Petitioner, Department of Public Works, requested a Special Permit to allow the establishment of a sewage treatment plant on approximately 2.0 acres of land situated within the State Land Use Agricultural District at Kahuku, Oahu, Tax Map Key 5-6-02: portion of 1.

2. The subject property is located makai of Kamehameha Highway and north of the old sugar mill at Kahuku.

3. The proposed sewage treatment plant is to principally serve a 300-lot residential subdivision being proposed by the Department of Housing and Community Development.

4. The sewage treatment plant will also serve the Kahuku School complex, Kahuku Hospital and 80 existing residences.

5. The sewage treatment plant will be designed to have an initial sewage capacity of 0.20 MGD and an ultimate capacity of 0.80 MGD.

6. The sewage treatment plant is intended to be a temporary installation until the City and County of

Honolulu completes its regional sewage treatment plant.

7. The intent of the 300-lot residential subdivision proposed by the City Department of Housing and Community Development is to serve as relocation for families in the existing Kahuku Plantation homes and to meet the needs of the low and moderate income housing market in the Koolauloa District.

8. This proposed residential development is to be situated just mauka of the Kahuku Hospital.

9. The subject property is former sugar cane land that is presently vacant.

10. The present zoning for the subject property is AG-1, Restricted Agriculture.

11. The State Department of Agriculture and the U. S. Soil Conservation Service classifies the subject parcel as "other important" agricultural land.

12. The sewage treatment plant will be constructed, owned, and operated by the waste water Management Division of the Department of Public Works.

13. The sewage treatment plant is intended to provide the area with a more advanced form of waste water service than that presently being handled by old cesspools.

14. The location of the treatment plant is away from populated areas and is well located relative to the prevailing trade winds which will blow any odors which may arise over open agricultural areas rather than populated areas of Kahuku Town.

15. The major regional change in the area surrounding the subject property since the land use district

boundaries were established has been the closing of the operation of the Kahuku Sugar Plantation.

16. Certain urban uses such as the Kuilima development and the Koolauloa Housing Project have been planned partially to provide additional employment and housing opportunities in the Kahuku area.

17. The loan commitments secured from the Farmers Home Administration by the City and County of Honolulu for financing of the project will be jeopardized should the petition be denied.

18. The Campbell Estate, landowner of the subject parcel, is willing to convey the subject parcel to the City and County of Honolulu.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted within an agricultural district may be permitted by special permit pursuant to HRS Section 205-6, and State Land Use Commission District Regulation Part V.

2. The proposed use will not be contrary to the objectives sought to be accomplished by State Land Use Law and Regulations. Although a "subdivision" of the subject parcel is necessary in the conveyance of the parcel from Campbell Estate to the City and County of Honolulu, the exception to encumbrances provided under Chapter 205-4.5(b), when mortgage financing is jeopardized, is available to the Petitioner since the mortgage with the Farmers Home Administration would be terminated if the special permit is denied.

3. The use will not adversely affect surrounding property as the land surrounding the subject property was in prior agricultural uses but is presently vacant of any use. Additionally, the location of the treatment plant is away from populated areas and well placed in relation to the prevailing tradewinds which blow over open agricultural fields.

4. The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

5. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Kahuku Sugar Mill has since terminated its operations and a 300-lot subdivision which the sewage treatment plant in part will service, is expected to serve as relocation for families from the existing Kahuku Plantation homes.

6. Although the land upon which the proposed use is suited for the uses permitted within the district, the subject parcel is vacant of any use and is a relatively small part of a large area of unused agricultural land.

DECISION AND ORDER

IT IS HEREBY ORDERED, that Special Permit Number 78-317 for the establishment of a sewage treatment plant on approximately 2.0 acres of land situated within the State Land Use Agricultural District at Kahuku, Oahu, Tax Map Key 5-6-02: portion of 1 is approved subject to the following conditions:

1. The entire system shall be constructed in accordance with the requirements of the Department of Public Works and any other applicable agency.

2. The applicant shall prepare landscape and buffering plans for review and acceptance by the Director of Land Utilization prior to construction.

3. Within two years of the approval of the Special Use Permit by the State Land Use Commission, the applicant shall obtain a Building Permit from the Building Department. The facilities shall be completed within 18 months after the Building Permit date. If necessary, this time limit may be extended by the Director of Land Utilization with concurrence of the Planning Commission, provided that the applicant makes his request in writing and submits reasons which justify the time extension.

4. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained.

5. The Director of Land Utilization may approve reasonable requests for modifying the submitted plans.

DATED: Honolulu, Hawaii, January 11, 1979.

LAND USE COMMISSION

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 Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By _____
CAROL B. WHITESELL
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 certified mail:

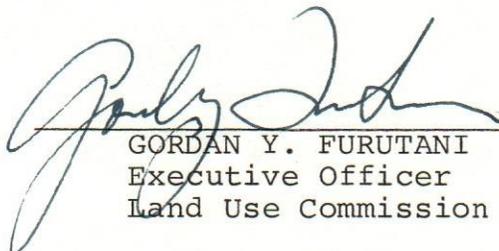
Mr. Eugene B. Connell, Executive Secretary
City Planning Commission
650 South King Street
Honolulu, Hawaii 96813

Mr. Wallace Miyahira
Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 South King Street
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Mr. George S. Moriguchi
Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Mr. Tyrone T. Kusao, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 12th day of January,
1979.



GORDAN Y. FURUTANI
Executive Officer
Land Use Commission