

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A 79-462
KOMOHANA INVESTORS)	FINDINGS OF FACT;
To amend the District Boundary)	CONCLUSIONS OF LAW;
of the Properties situated in the)	DECISION AND ORDER
Land Divisions of Punahoa 1st)	
and Ponahawai, South Hilo,)	
Island of Hawaii)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER

The above-captioned Land Use Boundary Amendment proceeding was initiated by the petition of KOMOHANA INVESTORS, pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure and the District Regulations of the Land Use Commission, State of Hawaii, to amend the District Boundary of certain land, hereinafter referred to as the "subject property", situated at Punahoa 1st and Ponahawai, South Hilo, Island, County and State of Hawaii, from the Agricultural to Urban Land Use District. The Commission, having heard and examined the testimony and evidence presented at the hearing held on January 8, 1980, in Hilo, Hawaii, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The petition was filed on July 20, 1979, by KOMOHANA INVESTORS, requesting that the Land Use Commission

amend the Agricultural District Boundary of Punahoa 1st and Ponahawai, South Hilo, Island, County and State of Hawaii, to reclassify approximately 212 acres, more or less, to the Urban District for the development of a subdivision consisting of single-family lots with some multi-family uses and some neighborhood commercial uses.

2. Notice of the hearing scheduled for January 8, 1980, beginning at 9:30 a.m., Conference Rooms A, B and C, Hilo State Office Building, 75 Aupuni Street, Hilo, Hawaii, was published in the Honolulu Advertiser and the Hawaii Tribune Herald on November 30, 1979, and served by mail on all parties.

3. A Petition for Intervention was filed by Elizabeth Ann Stone, on behalf of "The Honest, Environmental Citizens Against Progress". The Petition for Intervention was denied on January 8, 1980 by the Commission.

DESCRIPTION OF THE SUBJECT PROPERTY

4. The subject property is a 212 acre, more or less, parcel of land situate in the land division of Punahoa 1st and Ponahawai, South Hilo, Island and County of Hawaii, TMK 2-3-37: 4 and 2-3-44: portion of 9. The area involved is located along and mauka of Komohana Street and extending to the vicinity of Ainako Avenue.

5. Petitioner, KOMOHANA INVESTORS, is a limited partnership, whose address is c/o Chiaki Matsuo, 35 Holomua Street, Hilo, Hawaii 96720. The subject property is owned in fee by the Petitioner and is located approximately one mile north of the downtown Hilo urban area.

6. The subject property is generally rectangular in shape. It is bounded by Komohana Street, along its

makai (east) boundary and will be bisected by the proposed Ponahawai Street extension. The elevation along the makai side of the area is approximately 240 feet above mean sea level while the mauka (east) side is approximately 400 feet above mean sea level. The slope of the land varies from zero to twenty percent.

7. The area receives from 90 to 180 inches of rainfall annually. The Alenaio Stream tributary which traverses the subject property and adjacent areas have been designated as a flood plain on the General Plan Facilities Map and the Draft Flood Insurance Rate Map (Firm) prepared by the U.S. Department of Housing and Urban Development (March, 1979). Basically, the land to the northeast and west of the subject property is already designated as Urban.

8. Lands adjoining this parcel on the north and northwest and west have already been developed into residential subdivisions. A medical center has been developed on the corner of Ponahawai and Komohana Street, makai of this parcel across Komohana Street. An eight-acre parcel, owned by Pacific Hawaiian Limited, along a portion of the eastern boundary, has been recently reclassified from Agricultural to Urban. A residential subdivision, Sunrise Ridge Subdivision, is currently being developed along a portion of the northern boundary of this property and along Komohana Street. There are some agricultural lands bordering this property along the northern boundary, but none of these lands are currently being used for agricultural purposes.

PROPOSAL FOR DEVELOPMENT

9. The Petitioner has requested the reclassification

of the subject property from an Agricultural Land Use District to an Urban Land Use District.

10. The subject property is presently not being used for any purpose. A portion of the subject property, approximately 45 acres, was formerly used for the cultivation of sugar cane; however, there has been no sugar cane grown on the subject property since 1972 or 1973.

11. The Petitioner plans to develop the subject property into thirty-four, 20,000 square foot and two hundred sixty eight, 15,000 square foot single-family dwelling lots. The developer also plans a seven acre multi-family development, an eight acre commercial development (neighborhood shopping center) and a 3 acre park. The estimated costs for the total improvements, the infra structures, including roadways, the water, electricity, sewage system and a drainage system is \$2,800,000.00.

12. The Petitioner expects to substantially complete the development of the subject property within five years of the date of the decision and order of the Land Use Commission. Upon redistricting, the County will impose housing performance and incremental zoning conditions, and other conditions at the time of rezoning.

13. Petitioner expects to sell or offer the lots in the price range of \$30,000.00 to \$40,000.00 per lot, as of July of 1979. Because of increased costs to improve the subject property and the existing demand for houselots, this estimate will probably be higher at the time when the lots are developed.

STATE AND COUNTY PLANS

14. The subject property is located within a State Land Use Agricultural District.

15. The Land Use Pattern Allocation Guide Map of the County of Hawaii General Plan designates the area for Medium Density Urban Development and Orchard Alternate Urban Expansion. The County Zoning Designations are Agricultural 1-acre (A-1a), and Open (O). The Open designation includes the Alenaio Stream and adjoining areas. The subject property is not located within the Special Management Area. This property which is located between the two major low density urban areas of Waiakea Homesteads and Kaumana, if rezoned Urban, would reinforce the concentric urban form of the City of Hilo, both in terms of land use and the transportation network.

NEED FOR GROWTH AND DEVELOPMENT

16. Recent trends in housing construction indicate that the residential land area designated by the Hilo Community Development Plan is inadequate to meet the objectives of the Plan. It was projected by that Plan that during the 1971 - 1975 period, 590 single-family residential units and 1,024 multiple-family residential units would be required. The actual figures during that same period show that 1,475 single family and 1,344 multiple-family residential units were constructed within the City of Hilo. That is 2.5 times the single family and 1.3 times the multiple-family residential units projected by the Hilo Community Development Plan.

17. Population growth projections for South Hilo indicate that there will approximately be a growth of 5,000 people between the years 1980 and 1985. This increase will necessitate additional lands being made available for housing.

RESOURCES OF THE AREA

Agricultural Resources

18. A portion of the subject property comprising approximately 45 acres, is considered to be prime agricultural land, however, it has not been used for agricultural purposes since at least 1973. It was last used for growing sugar cane by C. Brewer and Company. There is no probability that this land would ever be used again for sugar cane purposes. The reclassification of the subject property from the Agricultural Land Use District to the Urban Land Use District will not substantially impair actual or potential agricultural uses in the vicinity of the subject property.

Natural Flora and Fauna

19. There are no rare or endangered plant or animal species or bird life associated with the subject property.

Environmental Resources

20. The subject property has no unique natural environmental characteristics.

Recreational Resources

21. The subject property has not been used by the public for recreation.

Scenic Resources

22. The subject property has no unusual scenic resources.

Historic Resources

23. The proposed development will have no effect upon any known historic or archeological sites. The County

of Hawaii will require an archeological reconnaissance survey prior to development.

PUBLIC SERVICES AND FACILITIES

Fire Protection

24. There are two fire stations located near the subject property which will be able to service it. One is on the corner of Ponahawai and Kinoole Street, and the other is located on Kaumana Drive.

Police Protection

25. A police station located off Ponahawai Street and Kapiolani Street will be able to service the subject property.

Schools

26. There are public schools within a short distance of the subject property which will be able to service it.

Electrical Utility Services

27. Electrical service is available to the subject property.

Water

28. The County of Hawaii Department of Water Supply has no objections to the proposed reclassification provided that the required offsite and onsite water system improvements are made. Petitioner has agreed to comply with whatever requirements are made by the County of Hawaii Department of Water Supply at the time subdivision approval is sought. There is adequate water being brought into the subject property through Komohana Street and the proposed development will be able to tap into those water lines when they are connected.

Sewer Services

29. Public sewer services are not currently available at the subject property. Sewage disposal for the single-family development is expected to be by cesspool. Connection to existing sewer lines on Waiianuenue Avenue may be possible for the multi-family residential units. Petitioner has talked with the State Department of Health and will work with the County and State agencies on the problem of sewage and will do whatever is necessary to solve any specific problems.

Roadway and Highway Facilities

30. The subject property is bordered on the eastern (makai) boundary by a major street, Ponahawai Street. The subject property will also be bisected by a proposed extension of Ponahawai Street. Furthermore, the subject property will be bisected by the proposed extension of the Ainako-Mohouli Street. The State Department of Transportation has stated that the proposed boundary change will not significantly affect any of their existing and proposed programs for the subject area. The County of Hawaii may require the Petitioner to construct the portion of the roadways that traverse the subject property.

Drainage and Flood Control

31. The proposed development will significantly increase the amount of run-off from the subject property and increase the amount of water crossing Komohana Street. The Petitioner proposes the following improvements to accommodate the drainage from the subject property:

- a. Construction of drainage channels and a retention dam to intercept flood waters from the upper Alenaio watershed.
- b. Retention of the flood plain in the lower part of the proposed development in natural growth and open space to permit absorption of spillover waters from the dam into the ground.

The Hawaii County Department of Public Works has testified that it is not certain this retention system will work, but it believes that the problems are not insurmountable.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

32. The proposed development of the property as a residential subdivision, containing single-family and multiple-family residences and some commercial uses, will make use of existing public services and facilities and will not result in scattered urban development in the Hilo District. The subject property abuts existing urban districts on the northern, eastern and western boundaries. Southern boundaries abut an agricultural district. Urban district areas which abut the subject property to its west and northwest are primarily in single-family residential type uses. Urban district areas immediately to the north and east include vacant urban lands owned by Pacific Hawaiian, Nippon Shinpan Pacific, Inc. and Kenneth Fujiyama. The site of the proposed development is not presently being used for any active agricultural purposes.

CONFORMANCE WITH INTERIM STATEWIDE LAND USE GUIDANCE POLICIES AND STATE LAND USE DISTRICT REGULATIONS

33. The subject property is located in an area with ready access to community services and employment centers and there are adequate public utilities and facilities available to service the proposed development.

34. The proposed development of the property into:
a) approximately 268, 15,000 square foot lots; b) approximately 34, 20,000 square foot lots; c) a multiple-residential

development, having approximately 7 net acres; d) a neighborhood commercial development with approximately 8 net acres; and e) a neighborhood park having approximately 3 net acres, is feasible.

35. The subject property can be served by existing school, park, police and fire protection facilities and services. The developer can comply with all County and State agency requirements, prior to subdivision, concerning sewer, water and sanitation, as well as any drainage requirements.

36. The Hilo District presently lacks reserve areas for urban growth, particularly for housing. The subject property is not within the Coastal Zone Management area. The subject property is traversed by a tributary of the Alenaio Stream. Land adjacent to the tributary is within a designated flood plain. The County of Hawaii, prior to subdivision approval, will require the necessary onsite and/or offsite flood control measures prior to granting approval to subdivide.

37. Petitioner expects to be able to complete the proposed development of the subject property within five years from the date of approval. Petitioner plans to develop the subject property by increments, as approved by the County of Hawaii Planning Department.

38. The subject property is not presently being used for agricultural purposes. The existing County of Hawaii zoning ordinance permits the subdivision of the subject property (all except the portions of the subject property designated open) into one-acre agriculture lots. Development of the subject property into one-acre agricultural lots would not encourage the use of the property for agricultural purposes.

39. The proposed development of a portion of the subject property as single-family residential lots and a portion as a multiple-residential development would make more lands available to meet the present and future housing needs of the Hilo District.

RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioner or the other parties not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure, and the District Regulations of the Land Use Commission, the Commission concludes that all the legal requirements of notice and hearing were complied with in the Petition for Reclassification of approximately 212 acres of land situated mauka of Komohana Street, Punahoa 1st and Ponahawai, South Hilo, Island, County and State of Hawaii, from the Agricultural to Urban District, and the Commission, having heard and examined all of the records, evidence and arguments of counsel, concludes that the boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with § 205-2, Hawaii Revised Statutes, the Interim Statewide Land Use Guidance policies established pursuant to § 205-16.1, Hawaii Revised Statutes, and the State Land Use District Regulation 6-1.

DECISION AND ORDER

IT IS HEREBY ORDERED, that the property which is the subject of the Petition in this Docket Number A79-462, consisting of approximately 212 acres, situated at Punahoa 1st and Ponahawai, South Hilo, Island, County and State of Hawaii, identified as Tax Map Key 2-3-37:4 and Tax Map Key 2-3-44: portion of 9, shall be and hereby is, reclassified from Agricultural to Urban, and the district boundaries are amended accordingly.

IT IS FURTHER ORDERED, that the reclassification of lands described herein shall be subject to the following conditions:

- a) That the Petitioner shall prepare a drainage/hydrologic study of the subject property, to be submitted to the County of Hawaii in conjunction with any proposed change of zoning request. The Petitioner shall be required to make any drainage and related improvements within the subject property and on adjacent property as may be required by the Hawaii County Department of Public Works.

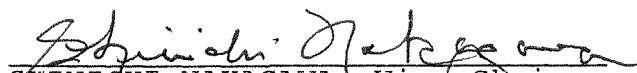
DATED: Honolulu, Hawaii, this 5th day of

August, 1980, per motion on the 3rd

June, 1980.

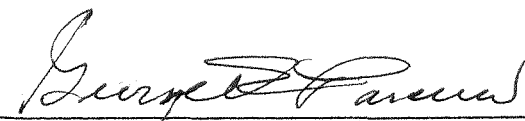
LAND USE COMMISSION
STATE OF HAWAII


C.W. DUKE, Chairman



SHINICHI NAKAGAWA, Vice Chairman


BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII
DOCKET NO. A 79-462
RE: KOMOHANA INVESTORS


SHINSEI MIYASATO, Commissioner


GEORGE PASCUA, Commissioner


CAROL WHITESELL, Commissioner


EDWARD YANAI, Commissioner


WILLIAM YUEN, Commissioner

