

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of the )	DOCKET NO. A80-476
)	)
DEPARTMENT OF PLANNING AND ECONOMIC )	DEPARTMENT OF PLANNING
DEVELOPMENT, STATE OF HAWAII )	AND ECONOMIC DEVELOP-
)	MENT, STATE OF HAWAII
)	)
To amend the Agricultural Land Use )	)
District Boundary to Reclassify )	)
Approximately 9.51 Acres at Pahoehoe, )	)
North Kohala, Island and County of )	)
Hawaii, into the Urban Land Use )	)
District. )	)
_____ )	)

DECISION AND ORDER

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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 filed by the Department of Planning and Economic Development, State of Hawaii, on behalf of the fee owner, the State of Hawaii, of the property in question, which is requesting that the designation of subject property be amended from the Agricultural to the Urban District. The requested change consists of property comprising approximately 9 acres of land situated within the land division of Pahoā, North Kohala, Island of Hawaii, State of Hawaii. The subject property is more particularly identified as Tax Map Key No. 5-5-8: 24.

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 redesign a portion of the Kohala High and Elementary School campus so that the present athletic field can be moved closer to the property boundary to allow more room for paved play courts, apparatus area, a gymnasium, and student parking area.

THE PROCEDURAL HISTORY:

The Petition was received by the Land Use Commission on January 21, 1980. Said Petition was amended on March 4, 1980, by deleting from the Petition the parcel identified as Tax Map Key No. 5-5-8: 42, consisting of approximately .425 acres. Due notice of the hearing on this Petition was published on February 26, 1980, 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 February 22, 1980. No timely application to intervene as a party or appear as a witness was received by the Land Use Commission.

THE HEARING:

The hearing on this Petition was held on March 28, 1980, in Hilo, Hawaii.

Department of Planning and Economic Development, State of Hawaii, the Petitioner herein, was represented by Esther Ueda, and the Hawaii County Planning Department was represented by Norman Hayashi.

The witnesses presented by the aforementioned parties were as follows:

Petitioner:

Edwin Tani - Department of Accounting and  
General Services

County of Hawaii:

Norman Hayashi - Staff planner, Hawaii County  
Planning Department

POSITION OF THE PARTIES:

County of Hawaii - 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 Regulation. 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 Hearing Officer, 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 is owned in fee simple by the State of Hawaii, is located in Pahoa, in the North Kohala District of the Island of Hawaii, and consists of approximately 9 acres, more particularly described as Tax Map Key No. 5-5-8: 24.

2. The subject property is part of the Kohala High and Elementary School complex which is located on the makai side of the Hawi-Niulii Road, approximately 1 mile east of Hawi. The Kohala High and Elementary School complex consists of four parcels totaling approximately 29 acres. Three of the parcels, totaling 20 acres, are within the State Land Use Urban District while the fourth parcel, consisting of the subject property, comprises the remaining 9 acres. The subject property was included in Special Permit 79-331 - State of Hawaii Department of Education, for the continued use of three school sites situated within the State Land Use Agricultural District at Honaunau, Hookena and Kohala School for public educational purposes. Condition No. 4 of Special Permit 79-331, granted on February 21, 1979, required ".... that the State Department of Education file a Petition for district boundary amendment with the Land Use Commission for the Kohala School site within two years from the date of approval of this Special Permit."

3. The existing State Land Use classification of the subject property is Agricultural.

4. The Land Use Pattern Allocation Guide Map, component of the County of Hawaii General Plan, adopted

as Ordinance 439 in December 1971, designates the subject property as Low-Density Urban Development. The Low-Density Urban designation applies to areas generally suitable to residential uses at a maximum density of 4 units per acre, as well as ancillary community and public facilities. The County zoning for the subject property is Agricultural-20 acres (A-20a).

5. The subject property is presently used as the school's major athletic play field complex and has one-third of the permanent classroom structures for the elementary classes located upon it.

6. Land adjacent and to the east of the subject property is in the State Land Use Urban District and contains portions of the Kohala High and Elementary School complex. The State Land Use Urban District extends continuously along the Hawi-Niulii Road all the way to Kapaau. Land to the west of the subject property is within the State Land Use Agricultural District. The existing land uses in the surrounding area include vacant land, a pistol range, residential uses, service station, snack shop, and a church.

7. The ground elevation of the subject property varies from approximately 500 feet to 520 feet above sea level except for the area in the Kumakua Gulch Drainage Channel. The general slope of the subject property is from 0 to 3% except for the steep slopes in the Kumakua Gulch Drainage Channel.

8. The median annual rainfall for the subject property is approximately 47 inches. The subject

properties contain soils with moderately rapid permeability so runoff is slow and the property drains naturally in a northerly direction with slight erosion hazard. A portion of the property is within the potential flood hazard area identified by the "Drainage Master Plan for the County of Hawaii" by the R. M. Towill Corporation in 1971.

9. The United States Department of Agriculture Soil Conservation Services "Soil Survey of the Island of Hawaii, State of Hawaii," published in December of 1973, gives the soil type of the subject properties as KhA-Kohala Silty clay with 0 to 3% slopes. The Kohala series consists of well-drained Silty clays that formed in material from basic igneous rock influenced by volcanic ash. In a representative profile, the surface layer is very dark grayish-brown and dark brown Silty clay about 14 inches thick. The subsoil is about 25 inches thick and consists of dark brown to dark yellowish-brown Silty clay loam and Silty clay. The substratum is weathered basic igneous rock.

10. The Land Study Bureau and the State Department of Agriculture have not classified the soils of the subject property due to its inclusion in an area possessing urban characteristics.

11. The State of Hawaii, according to the complex development report for Kohala High and Elementary School, intends to shift the athletic field closer to the property boundary to allow more room for the paved play courts, apparatus area, gymnasium, and student



parking which will all be located on the subject property. The estimated January 1980 project costs of these facilities are approximately THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00). Construction of the improvements will be subject to funding and will depend upon the Department of Education, State of Hawaii's priority list, budget ceiling and Legislative appropriations.

12. Petitioner has stated that it is the State of Hawaii's goal to provide equal, adequate, modern and well-equipped educational facilities throughout the State that encourage rather than inhibit the educational process. The subject properties are an integral part of the State Educational System providing educational opportunities to enable individuals to fulfill their needs, responsibilities and aspirations. The granting of this request will enable the State Department of Education to continue providing these services and permit constructing other needed school facilities. The continued use of these areas for the intended educational purposes should result in the highest and best use of these lands for the public health and welfare.

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

- a. Schools: Kohala High and Elementary Schools service grades K-12 for the North Kohala area which in 1979 numbered 741.

b. Roads: Access to the subject parcels is from the Honomakau Road which divides the school campus. No road improvements will be required as a result of the proposed reclassification.

c. Sewage: Sewage disposal in the Kohala School complex area will be by cesspool.

d. Water: Water will be available through a six-inch line running along the Hawi-Niulii Road which is part of the County Water System. The present water supply is adequate for the future master-planned improvements.

e. Sanitation: The Hawi Road County Dump will be utilized for solid waste disposal.

f. Drainage: Since there are no County drainage facilities for the subject property, present on site drainage provisions consist of swales constructed to dispose of the runoff.

g. Fire and Police Protection: Fire and police protection will be available from Kapaau, Kohala, located approximately one and one-half miles from the educational complex.

14. None of the other cooperating State or County agencies voiced any objections to the subject Petition.

15. There are no rare or endangered species of flora or fauna on the subject site. Reclassification of the subject property to Urban should not have any adverse impact on agriculture inasmuch as the properties

are presently in use for educational purposes. The subject site also contains no known sites of archeologic or historic significance.

16. Negative declaration regarding the reclassification of the subject property was filed and a determination made that an Environmental Impact Statement was not required. A notice of this determination was published on July 23, 1979, in Environmental Quality Commission Bulletin No. 14. No challenges to this determination were received.

17. Based on 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 County of Hawaii General Plan, the Department of Planning for the County of Hawaii has recommended that the reclassification be approved.

CONCLUSIONS OF LAW:

Reclassification of the subject property, consisting of approximately 9 acres of land situated in Pahoia, North Kohala, Island 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:

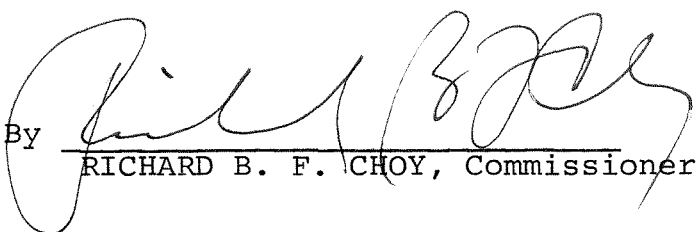
FOR GOOD CAUSE APPEARING, it is hereby ordered that the property which is the subject of the Petition in

Docket No. A80-476, consisting of approximately 9 acres of land, situated in Pahoia, North Kohala, Island of Hawaii, identified as Tax Map Key No. 5-5-8: 24, shall be and hereby is reclassified from Agricultural to Urban and the district boundaries are amended accordingly.

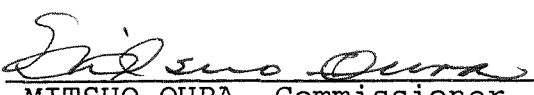
DONE at Honolulu, Hawaii, this 30th day of July, 1980, per Motion on July 15, 1980.

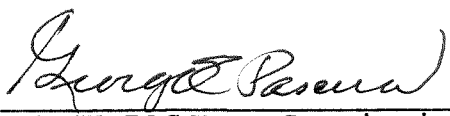
LAND USE COMMISSION  
STATE OF HAWAII

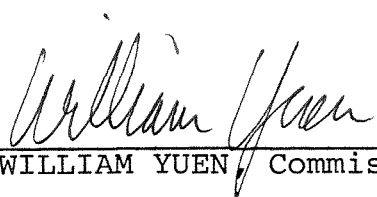
By   
C. W. DUKE, Chairman and  
Commissioner

By   
RICHARD B. F. CHOY, Commissioner

By   
SHINSEI MIYASATO, Commissioner

By   
MITSUO OURA, Commissioner

By   
GEORGE PASCUA, Commissioner

By   
WILLIAM YUEN, 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:

HIDETO KONO, Director  
Department of Planning and Economic Development  
State of Hawaii  
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Honolulu, Hawaii 96813

ANNETTE CHOCK, Deputy Attorney General  
Department of Attorney General  
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Hawaii Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

STEPHEN BESS, Corporation Counsel  
Office of the Corporation Counsel  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 4th day of August, 1980.

  
\_\_\_\_\_  
GORDAN Y. FURUTANI  
Executive Officer