

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-579
)	
PECA-IBEW TRAINING FUND)	PECA-IBEW TRAINING
)	FUND
To Amend the Agricultural Land Use)	
District Boundary to Reclassify)	
Approximately 6.089 Acres,)	
TMK: 5-9-5: 17 and Portion of 69)	
at Pupukea, Island of Oahu, State)	
of Hawaii into the Urban Land Use)	
District)	
<hr/>		

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-579
)	
PECA-IBEW TRAINING FUND)	PECA-IBEW TRAINING
)	FUND
To Amend the Agricultural Land Use)	
District Boundary to Reclassify)	
Approximately 6.089 Acres,)	
TMK: 5-9-5: 17 and Portion of 69)	
at Pupukea, Island of Oahu, State)	
of Hawaii into the Urban Land Use)	
District)	

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 Regulation filed by PECA-IBEW (Pacific Electrical Contractors Association - International Brotherhood of Electrical Workers) Training Fund (hereinafter "Petitioner") on September 13, 1984, which requests the designation of approximately 6.089 acres of land, situate at Pupukea, Island of Oahu, State of Hawaii, more particularly described as Oahu Tax Map Key No. 5-9-5: 17 and Portion of 69 (the "Property") be amended from the Agricultural to the Urban District.

PURPOSE OF THE PETITION

The Petitioner requests the reclassification of the Property from Agricultural to Urban in order to construct and develop a training center for electrical industry employees in Hawaii. The proposed training center building will contain classrooms, laboratory, shop, administrative office space, food preparation area and dining area. The training facility will also include four residential complexes, each with eight bedrooms, to provide overnight or short term living quarters for trainees and their families. The training center will also have limited outdoor training facilities for overhead, underground and underwater wiring exercises.

THE HEARING

The Commission's Hearing Officer held the hearing on this Petition in Honolulu, Oahu, Hawaii, on December 14, 1984, pursuant to notice published on November 13, 1984, in the Honolulu Star Bulletin.

No timely application to intervene as a party or appear as a witness was received by the Land Use Commission. The Petitioner herein was represented by Thomas P. Gill, Esq.; The Department of General Planning, City and County of Honolulu was represented by Deputy Corporation Counsel David Laxson; The Department of Planning and Economic Development

was represented by Abe Mitsuda. The witnesses presented by the aforementioned parties were as follows:

Petitioner

Dean Matsumura - PECA-IBEW Training Fund Manager

Walter Chun - President of SAMCON, Educational Training Program Consultant

City and County of Honolulu

Verne Winkvist - Staff Planner

Department of Planning and Economic Development

Abe Mitsuda - Staff Planner

POSITION OF THE PARTIES

The Department of General Planning, City and County of Honolulu - Conditional Approval. The Department of Planning and Economic Development - Approval.

APPLICABLE REGULATIONS

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 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 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 interests in the aesthetic quality of the 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. Petitioner herein, a joint labor-management training trust, established pursuant to the Labor Management Relations Act, Section 302 (29 USC 186), and the Employees Retirement Income Security Act (29 USC 1001 et seq) owns the Property in fee simple. The Property consists of two separate parcels identified as Oahu Tax Map Key No. 5-9-5: 17 consisting of 0.909 acres and Oahu Tax Map Key No. 5-9-5: 69 (portion) consisting of 5.180 acres. The Property is a portion of Uwila Ranch and is located mauka (east) of Kamehameha Highway at Pupukea, Oahu. Sunset Beach Elementary School and Sunset Beach Neighborhood Park are

located within the Urban District immediately abutting the north boundary of the Property. The Urban District to the west (makai) across Kamehameha Highway is in residential use with Ehukai Beach Park and Sunset Beach beyond. The Property is presently used for raising corn and watermelon and some pasturage.

2. The Property is located within the State Land Use Agricultural District as reflected on Land Use District Boundary Map O-3, Waimea, Hawaii. The Property abuts on the west an existing State Land Use Urban District on its Kamehameha Highway boundary. The east and south boundaries of the Property abut the State Land Use Agricultural District. The North Shore Development Plan, Ordinance No. 83-10, designates the Property for Agricultural use. The Chief Planning Officer proposed an amendment to the North Shore Development Plan Land Use Map to redesignate the Property from Agricultural to Residential and Commercial uses. The City Council will consider this amendment in May of 1985.

The Property is located in the Special Management Area of the City and County of Honolulu. The Federal Insurance Administration, in its Flood Insurance Rate Map, classifies the Property as Zone C indicating minimal likelihood of flooding.

3. The topography of the Property is relatively flat and gradually rises toward the mauka boundary. The Land Study Bureau's Detailed Land Classification - Island of Oahu, classifies the soil within the Property as "D" on a rating scale from "A" to "E", "E" being the least productive agricultural land. The United States Department of Agriculture (U.S.D.A.) Soil Conservation Service Soil Survey report for the island of Oahu classifies most of the soils of the area as Waialua silty clay (WkA) with 0 to 3 percent slopes and is the type of soil found on smooth coastal plains. In a representative profile, the surface layer is dark reddish-brown silty clay about 12 inches thick. The subsoil, about 26 inches thick, is dark reddish-brown and reddish brown silty clay that has subangular blocky structure. The substratum is dark reddish-brown, mottled silty clay. The soil is neutral in the surface layer and slightly acid in the subsoil. Permeability is moderate, runoff is slow, and the erosion hazard is no more than slight. This soil is used for sugarcane, truck crops and pasture. The State Department of Agriculture in its Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, classifies approximately 70 percent of the Property as "Prime Agricultural Land" with the remainder classified as "Other Important Agricultural Land".

4. The purpose of the training facility is to train apprentices and upgrade the skills of workers in the electrical industry. The training facility will supplement other training facilities in Honolulu and will allow a variety of training which is most effectively conducted over several consecutive days rather than merely after working hours. The training facility will allow the trainees including those from the neighbor islands to live on the premises while participating in the program.

The training facility will be operated by a non-profit trust for beneficiaries of and participants in the PECA-IBEW Training Fund. Federal law precludes commercial use of the training facility. Petitioner estimates approximate cost for the development of the training facility will be between \$700,000.00 and \$1,000,000.00 including site preparation, construction of the facilities and equipment necessary to provide the required training. Petitioner's current assets total \$3.1 million, comprised of its building facility at Hau Street, facilities at Pupukea Ranch and approximately \$952,000.00 in cash. Petitioner is contemplating financing the development of the project on its own and anticipates that the total project be completed within three years after all governmental approvals have been obtained.

5. There will be no adverse impact upon the recreational, archaeological, historical, scenic resources in the area, nor are there any endangered flora and fauna existing on the Property. By letter dated October 24, 1984, the State Department of Agriculture indicates that although the Property possess some of the qualities that may constitute important agricultural land the need for the proposed training facility may constitute an "overriding public interest" as intended by Implementing Action B(5)(c) of the State Agricultural Plan.

6. The reclassification of the Property will not unreasonably burden public agencies to provide necessary amenities, services and facilities because:

- a) Sewage Treatment and Disposal: Since there is no sewage system in the area cesspools will be required. The City and County Board of Water Supply has indicated that the proposed project is situate in an area where waste disposal by cesspool is permitted. The Board of Water Supply does not anticipate any significant impact upon the potable ground water resources in the area. The City and County Department of Public Works has no objection to the proposed project.
- b) Water Service: Water is presently available along Kamehameha Highway and is presently being supplied to the Property. Furthermore, the City and County of Honolulu Board of Water Supply have no objections to the request for the district boundary change.

- c) Roadway and Highway Services and Facilities: The State Department of Transportation has requested that the Petitioner should prepare and submit a traffic impact study for the proposed development. Petitioner has indicated that they will coordinate the development efforts with the State Department of Transportation to accommodate the concerns raised.
- d) Schools: The State Department of Education has indicated that proposed training facilities will not have any impact on schools in the Pupukea area.
- e) Other Municipal Services: Electrical, telephone, fire, police and refuse collection services are available or will be made available for the subject project.

7. Based on a review of the Petition, the evidence adduced at the hearing and the provisions of Chapter 205 of the Hawaii Revised Statutes, as amended, the Department of Planning and Economic Development has recommended that the reclassification of the Property be approved. The Department of General Planning, City and County of Honolulu has recommended approval of the Petition subject to three recommended conditions which can be imposed at rezoning:

1. The Petitioner will design an individual waste water system that is acceptable to the State Department of Health and the City and County Board of Water Supply.

2. The Petitioner will coordinate the design of access to the Property with the State Department of Transportation.

3. The Petitioner will use the Property only for a PECA-IBEW Training Center. Any other use of the Property will require a new Petition to the State Land Use Commission.

The Commission has declined to impose these conditions on the reclassification, because the County has the power to impose such conditions at the rezoning, special management area and subdivision approval stages.

CONCLUSION OF LAW

Reclassification of the Property, consisting of 6.089 acres of land situate at Pupukea, Island of Oahu, State of Hawaii, from Agricultural 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, as amended.

ORDER

IT IS HEREBY ORDERED:

That the property which is the subject of this Petition in this Docket No. A84-579, consisting of approximately 6.089 acres of land situate at Pupukea, Island of Oahu, State of Hawaii identified as Oahu Tax Map Key No. 5-9-5: 17 and Portion of 69, more specifically described in Exhibit A attached hereto and incorporated herein by reference, shall be and hereby is reclassified from the Agricultural District to the Urban District and the district boundaries amended accordingly.

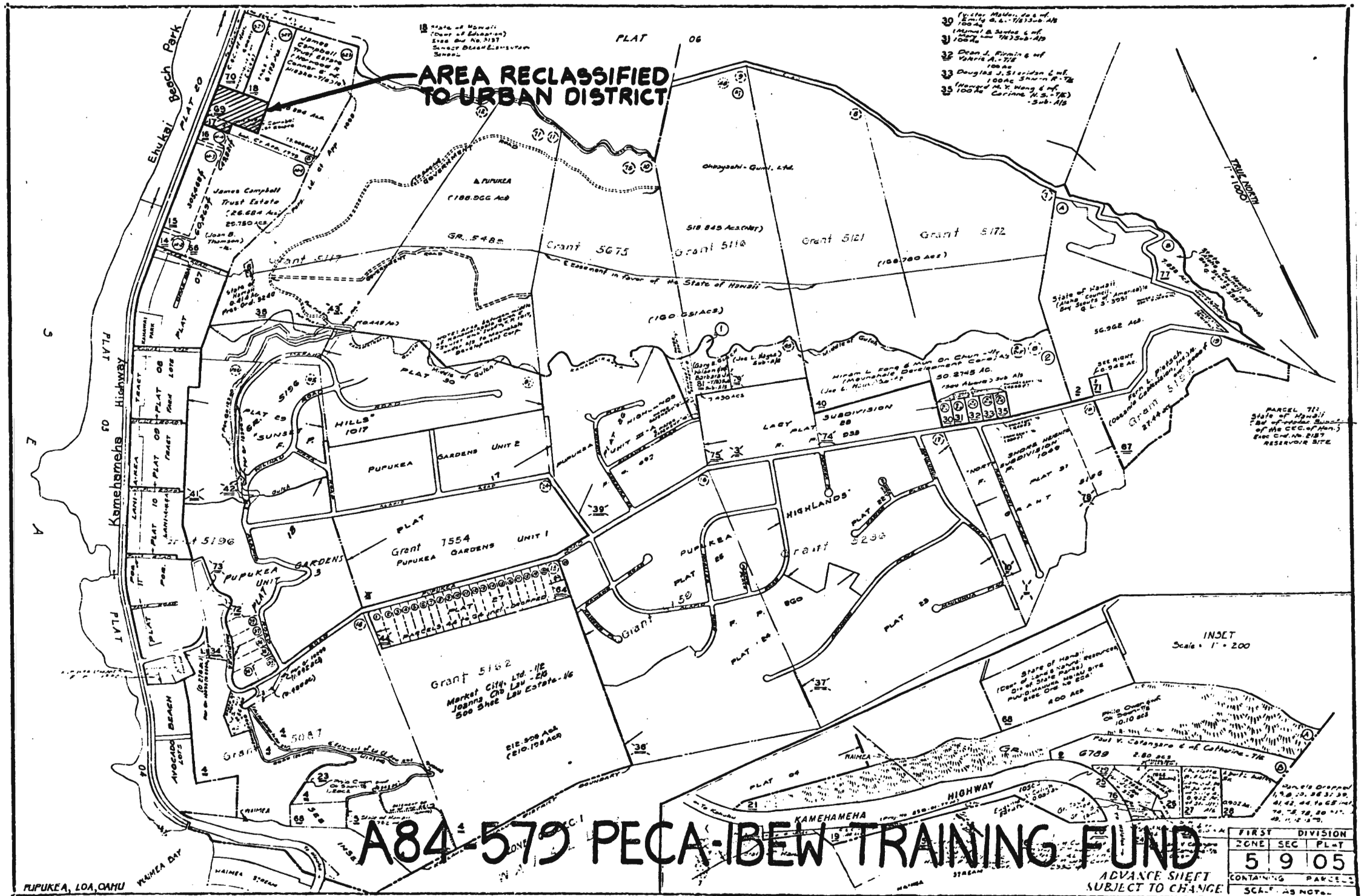


EXHIBIT A

DOCKET NO. A84-579 - PECA-IBEW TRAINING FUND

Done at Honolulu, Hawaii, this 16th day of May,
1985, per motions on March 19, 1985 and May 1, 1985.

LAND USE COMMISSION
STATE OF HAWAII

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

By Teofilo Phil Tacbian
TEOFILO PHIL TACBIAN
Vice Chairman and Commissioner

By Richard B. F. Choy
RICHARD B. F. CHOY
Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Winona E. Rubin
WINONA E. RUBIN
Commissioner

By Toru Suzuki
TORU SUZUKI
Commissioner

By Robert Tamaye
ROBERT TAMAYE
Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-579
)	
PECA-IBEW TRAINING FUND)	PECA-IBEW TRAINING FUND
)	
To Amend the Agricultural Land Use)	
District Boundary into the Urban)	
Land Use District for approximately)	
6.089 acres at Pupukea, Loa, Oahu,)	
Hawaii, Tax Map Key: 5-9-05: 17)	
and Portion of 69)	
)	

CERTIFICATE OF SERVICE


I hereby certify that a copy of the Land Use Commission 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

DONALD A. CLEGG, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

THOMAS P. GILL, Attorney for Petitioner
Gill Park Park & Kim
Suite 701, 333 Queen Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 16th day of May, 1985.



ESTHER UEDA
Executive Officer

DOCKET NO. A84-579 - PECA-IBEW TRAINING FUND

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on May 16, 1985.

EVERETT KANESHIGE, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, Hawaii 96813

RICHARD D. WURDEMAN, Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
3rd Floor, City Hall
Honolulu, Hawaii 96813

JOHN P. WHALEN, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

BENJAMIN MATSUBARA, Hearing Officer
1717 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813