STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

March 6, 1970
1 p.m.

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A69-228 - THE REALTY INVESTMENT COMPANY, LIMITED

A public hearing was held on November 20, 1969, on this petition to reclassify approximately 428 acres at Kapoho, Hawaii, from the Agricultural and Conservation Districts to an Urban District.

The proposed development includes the following:

Resort - 500 to 750 hotel units,

Commercial - A regional shopping center and professional office complex,

Condominium - 368 planned units or townhouses, and

Residential - 996 lots @ 4 lots per net acre.

At the hearing it was noted that the recommendation of the Hawaii County Planning Commission had not been received. However, their findings and recommendation have been forwarded since and are as follows:

"1. Area 3 (Residential) 84 acres be changed to Urban.

"2. Area 10 (Resort) 34 acres be left in Conservation.

"3. Area 11 (Condominium) 57 acres.

a. 20± acres remain Conservation (that portion within the 250± acres watershed area).

b. 37± acres be changed to Urban.

"4. Area 12 (Commercial) 15 acres be changed to Urban.

"5. Area 13 (Residential) 227 acres.

a. 12± acres remain Conservation (that portion within the 250± acres watershed area).

b. 215± acres be changed to Urban.

"6. Watershed 250± acres remain Conservation (that portion outlined in red on the attached overlay)."

In summary, the County recommends that a total of 351 acres be changed to Urban and 250 acres be retained in the Conservation District.

The above recommendations are based on the following:

"1. The County General Plan designates the general area surrounding the cone as suitable for Urban development.

"2. The Commission finds that this land use arrangement is consistent with its interpretation of the overall plan for the area.

"3. Development should ultimately generate trade and employment.

"4. Urban growth is predictable on 10-year projection."

We have also since the hearing received supplementary data in support of the request from Mr. Paul Tajima,

Real Estate Economist for the petitioners. In a letter dated January 26, 1970, he indicates:

"that barring any unforeseen major problems, actual construction of 'off' and 'on-site' improvements will commence in January 1971 and will be completed in 12 to 15 months, or by March 1971.

"Detailed planning will commence in February 1970, and preliminary soils and engineering should be completed by the end of August 1970. Final eengineering and construction drawings will be completed between November 1970 and January 1971. During the interim, zoning and subdivision requests will be processed with the appropriate County agencies.

"The principals are confident that all major improvements will be completed within 3 years in accordance with the incremental zoning concept proposed by your commission."

Another letter submitted by Mr. Tajima and dated December 5, 1969, reiterates much of the data presented at the November 20 meeting but expands on the subject of the Kapoho water system. He states that approximately two acres comprising the well site, reservoir and easements were conveyed to the County by the petitioners in 1968. It was established that the Kapoho well pumped more than 400 gallons per minute on a 24 hour test basis. The safe yield is estimated at 200 gallons per minute which is sufficient to service 600 to 800 housing units. A 20 percent increase will service up to 1,000 units. However, a letter dated

November 20, 1969, and circulated to this office by the Hawaii Department of Water Supply advises that:

> "In checking with the Department of Land and Natural Resources, we were also informed that the capacity of the Kapoho Well is 200 gpm. A higher rate of pumping raises the chloride count to an undesirable level. For your information, this amount of water can supply 85 acres assuming each lot is 10,000 square feet. Also for your information the present urban area (Beach Lot area) can use all of this water should it take water from this source."

The petitioners state that the County's 10-inch main extending 4,200 feet along the Kaimu-Kapoho Road does not service a single consumer at present. Mr. Tajima continues that:

> "It seems only logical that water service should extend radially from the source. To this end, it seems incongruous to preclude the development of needed urban type residential lots which will include County standard roads, open areas, and water service and on the land owned by the same interests who own the water-shed of the existing water 'system' simply because of a hypothetical

service which cannot be presumed to exist either now or in the near future. In order to get water service to the Kapoho water front area, one of two events must occur. The first alternative is for all the land owners to request urban-type improvements including a water system on a 100 percent improvement district basis. The second alternative is for a developer to construct a transmission line from the highway to the coast line, and from which other landowners may receive service."

The petitioners speak of the difficulties to be resolved before water can be transmitted to the Kapoho waterfront area--a 355 acre Urban District containing only a few dozen homes. It is noted by the staff that the largest single ownership in this Urban District, comprising well over one-third of the area and totaling 135 acres is held by the petitioners. These lands are presently vacant, and according to the petitioners' Belt Collins plan is "available for immediate development".

The petitioners also speak of the development as <u>needed</u> urban type residential lots. Yet, they have not elaborated on this need nor submitted any real evidence to date substantiating the need, as required by Section 2.31 of the

State Land Use District Regulations before any boundary changes can be approved.

Our consultants for the boundary review, Eckbo, Dean, Austin & Williams, have submitted the following comments in a letter dated January 29, 1970:

"During the first Land Use Districts and Regulations Review we received requests for urban zoning of over 32,700 acres for the Island of Hawaii. Existing Urban Districts at the time of the review totaled approximately 24,445 acres of which it was estimated that about 13,800 acres were vacant.

"We further projected that population expansion interpolated to the year 1978 would absorb approximately 6,100 acres with roughly 7,800 acres remaining vacant. We therefore generally considered the existing urban areas sufficient for projected population growth to 1978.

"A69-228 Realty Investment Co., Ltd.

Particularly in the Puna Judicial District in which the subject petition is located did we find that sufficient vacant urban zoned land existed. In fact, of the 2,990 acres contained in the Urban Districts, 75% or 2,244 acres were estimated to be

vacant and available for development. We therefore concluded and still maintain that additional urban lands are not needed at this time."

Therefore, the staff again recommends disapproval of the petition based on the following findings:

1. No real evidence in substantiation of the need for redistricting the subject property was submitted.
2. Sufficient urban lands have been provided for in close proximity for the uses proposed by the petitioners.
3. The proposed use of the lands under petition for high density residential purposes is highly questionable in view of its susceptibility to volcanic activity which was evidenced as recently as 1955 and 1960.
4. Approval of this petition would contribute to the already scattered residential developments which are so evident in the Puna District and would therefore be contrary to the intents and purposes of the Land Use Law.
5. The petitioners can begin implementation of part of the plan prepared by Belt Collins & Associates

on the 135 acres already districted Urban if they so choose.

It is also recommended that the areas presently in the Conservation District which were under cultivation (shown cross hatched on district map) be reclassified to the Agricultural District.