

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) Docket No. A 78-441
of)
)
PACIFIC HAWAIIAN, LTD.)
)
To Amend the Agricultural)
Land Use District Boundaries)
to Reclassify 8.00 Acres,)
Tax Map Key 2-3-37:01 at)
Ponahawai, South Hilo, County)
and State of Hawaii, into the)
Urban Land Use District.)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, DECISION AND ORDER

FINDINGS OF FACT

1. The petition was filed on June 13, 1978, by Valta A. Cook, attorney at law, on behalf of Petitioner PACIFIC HAWAIIAN, LTD., to amend the Agricultural District boundary at Ponahawai, South Hilo, County of Hilo, State of Hawaii, to reclassify the subject property into the Urban District.

2. Notice of the hearing scheduled for November 2, 1978, was published in the Honolulu Advertiser on September 30, 1978, and the Hilo Tribune Herald on October 1, 1978.

3. On October 12, 1978, an application for intervention was filed by the Residents Group represented by William R. Higa.

4. The application for intervention by Residents Group was unopposed by the parties and was granted by the Commission on November 2, 1978.

DESCRIPTION OF THE SUBJECT PROPERTY

5. The property sought to be re-classified from a State Land Use Agricultural District to an Urban District is an eight acre parcel located in the Land Division of Ponahawai, South Hilo, tax map key 2-3-37: 01. The property fronts along the mauka side of Komohana Street and is adjacent to and South of the proposed Ponahawai Street extension. Approximately one mile South of the subject area is the University of Hawaii, Hilo Campus. The Hawaii Correctional Facility at the intersection of Waiuanue Avenue and

Komohana Streets is approximately 1/2 mile to the North. Hilo Bay is approximately 1-1/4 miles to the West.

6. The property is rectangular in shape and has approximately 660 feet of frontage along Komohana Street and approximately 500 feet of frontage along the proposed Ponahawai Street extension. The elevation along the makai side of the property is approximately 250 feet above mean sea level, while the mauka side is approximately 285 feet above mean sea level.

7. The property is owned in fee simple by the Petitioner, PACIFIC HAWAIIAN, LTD., whose address is 1990 Kinoole Street, Hilo, Hawaii 96720.

PROPOSAL FOR RECLASSIFICATION

8. The Petition proposes to reclassify the subject property from a State Land Use Agricultural District to an Urban District.

9. Currently, the subject property is vacant of any use, mostly wasteland and undeveloped. Nothing has been grown on the area of the subject property for a number of years. The area above the subject property was previously a sugar cane growing area. The soil on the subject property appears very rocky and very bad.

10. The Petitioner proposes to use the property for a neighborhood shopping center. The preliminary plans for the shopping center include a supermarket, variety store, women's clothing, men's clothing, barber, laundry, service station, and fast food. This is Petitioner's rough plan and

the only presently identified store in the shopping center would be another Food Fair Supermarket. The total square footage in the stores proposed for the neighborhood shopping center would be approximately 60,000 square feet. This 60,000 square footage would be broken down as follows: Approximately 25,000 square feet for the Food Fair Supermarket; approximately 25,000 square feet for the variety store; and the other small stores would be approximately 10,000 square feet.

11. The stores would employ approximately 75 employees.

12. The cost of constructing the shopping center and the stores therein would be approximately two and one-half to three million dollars.

13. The Petitioner has presented sufficient evidence to show that it has adequate financial resources to carry out the project.

14. The time table for development of the neighborhood shopping center would be around two years after the Petitioner receives approval from the State Land Use Commission and County agencies.

15. Utilities can be made available to the subject area.

16. The anticipated market area is primarily the adjacent residential areas of Kaumana, Halai Hill, and urban areas across Komohana Street.

STATE AND COUNTY PLANS

17. The property is located within the State Agricultural District as reflected on State Land Use District Boundary Map, H-66, Hilo, Hawaii. The existing County of Hawaii General Plan Land Use Allocation Map designates the property as Orchard/Alternate Urban expansion.

The General Plan Land Use Pattern Allocation Guide Map designated the subject property as Orchards and Alternate Urban Expansion. The Alternate Urban Expansion designation reflects the potential suitability of the area for urbanization in the event it becomes necessary to supplement designated urban areas to accommodate urban growth. Hilo Community Development Plan reflects the area as Ag-1. County Zoning for the area is Ag-1.

NEED FOR GROWTH AND DEVELOPMENT

18. There have been two major boundary amendments in the area during the last ten years; one on September 28, 1968, for the re-classification of approximately 32.5 acres at Hilo, Hawaii (TMK: 2-4-8: 20) from an Agricultural to the Urban District (the area approved for re-classification is approximately 314 feet south of the subject property along Komohana Street), and on November 29, 1968, the re-classification of approximately 8.7 acres at Hilo, Hawaii (TMK: 2-3-43: 27) from the Agricultural District to the Urban District (This area is now known as Komohana Heights Subdivision and is located approximately 500 feet south of the subject

property along Komohana Street).

19. Because of the present and future residential growth of Kaumana and the area Makai of Komohana Street, the proposed neighborhood shopping center would add to the community services available. The impact on the construction and construction related industries would also be of benefit to the local economy as will the operation of the proposed shopping center. Further, the proposed development will increase the property tax base of the County of Hawaii substantially. The proposed shopping center would be anchored by a new Food Fair Supermarket.

20. The new shopping center would be convenient to the residents who would be served by the shopping center. There was testimony received at the hearing which indicated that the proposed shopping center would satisfy the needs and convenience of the residents in the area for the particular services proposed to be provided by the development. The proposed shopping center would have an indirect impact on the economy of the island by increasing the outlet for local products, thereby increasing productivity of the island and the employment.

The County of Hawaii testified that due to the growth of residential areas, there is a need for additional urban land.

An area including the subject property has been proposed by the Hawaii County Planning Department and approved by the Hawaii County Planning Commission for Medium Density

Urban Designation. Neighborhood commercial centers may be allowed in medium density areas.

RESOURCES OF THE AREA

AGRICULTURAL RESOURCES

21. While this property is classified Agricultural, no agricultural use has been made of the subject property since the termination of cane cultivation at the site. The parcel is not ideal for intensive agricultural use due to marginal soil conditions. The soil survey of the Island of Hawaii issued in December 1973 by the United States Department of Agriculture, Soil Conservation Service, shows the soil on the subject property to be in the Keaukaha and the Hilo Soil series. The majority of the area under consideration consists of Keaukaha extremely rocky muck. The Land Study Bureau's Master Productivity rating for this soil is class "D" or "Poor".

22. The property immediately surrounding and abutting the subject property are vacant and undeveloped, except for a parcel identified by TMK: 2-3-37: 7, owned by the Medical Development Associates which lies immediately Northeast of the subject property across the intersection of Komohana and Ponahawai Streets.

Surrounding land uses include vacant land to the West, a single family residential development 1,000 feet to the North and 400 feet to the South, and the Ka Waena Lapa'au Medical Building diagonally across the subject property at the Ponahawai Street-Komohana Street intersection.

NATURAL RESOURCES

23. Vegetation on this property is predominantly California grass ground cover, while sugar cane, bamboo, strawberry guava, rose apple, avocado, plumeria, rubber tree, and immature African tulips are also present.

24. There are no known significant State resources values of the area.

25. The subject property is traversed by a tributary of the Alenaio Stream. Land adjacent to the tributary is within a designated flood area. This flood plain originates in the Kaumana area. While the Wailuku-Alenaio Flood Control Projects will protect property in the Kaumana area, they will not reduce the flood plain for the subject area. However, after approval by this Commission, the County of Hawaii will require the necessary flood control measures prior to development of the subject area.

ENVIRONMENTAL RESOURCES, RECREATIONAL RESOURCES, SCENIC RESOURCES, AND HISTORIC RESOURCES

26. The area under consideration does not contain any historic sites listed on the Hawaii Register of Historic Places, nor is there any indication that sites of historic interest are present. Further, the development of the subject area is not anticipated to have adverse effects on the natural or recreational resources of the area as no such sensitive or valuable resources are known to be present in the area under consideration.

PUBLIC SERVICES AND FACILITIES

FIREFIGHTING SERVICES

27. There are two fire stations within two miles of the proposed development. The Deputy Fire Chief of the County of Hawaii had no objections to granting this proposed amendment.

POLICE SERVICES

28. Guy A. Paul, Chief of Police of the County of Hawaii, has reviewed the application and "from the police stand point we can foresee no adverse effects from the requested land use."

SCHOOLS

29. The proposed development is within one mile of Hilo High School and Hilo Intermediate School.

ELECTRICAL UTILITY SERVICES

30. Utilities can be made available to the subject areas. Jitsuo Niwao, Manager, Engineering Department, Hawaii Electric Company, Inc., had no objections to the Petition for Boundary Amendment.

WATER

31. Water for the proposed development is available from the County of Hawaii's 12-inch water line which

runs along Komohana Street. This water line will be adequate for use by the neighborhood shopping center.

SEWAGE TREATMENT AND DISPOSAL SERVICE AND SOLID WASTE DISPOSAL SERVICES

32. There is no public sewage system in the immediate vicinity. The State of Hawaii, Department of Health has indicated that the primary environmental health concern is for the sewage generated from the proposed development and the sewage treatment and disposal system should be evaluated and approved by that department.

ROADWAY AND HIGHWAY SERVICES

33. The subject property fronts along Komohana Street, which is a two-way secondary arterial road within an existing 80 foot right-of-way. Komohana Street would be sufficient to handle traffic created by urbanization in this area. The Petitioner has represented that it will construct the masonry improvements to Ponahawai Street near the subject property and also construct turning lanes at the Komohana Street intersection.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

34. The subject property abuts the Urban District on its Eastern boundary, and the Agricultural District on its Northern, Western, and Southern boundaries.

PREFERENCE FOR DEVELOPMENT

35. This development will provide permanent employment.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

The Urban District shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services, and other related land uses.

36. The subject property is located in an area with a "city-like" concentration of people. It is adjacent to well traveled streets, is adjacent to urban designated lands, and has available utilities, water, and other necessary services.

The following shall take into consideration specific factors in establishing the Urban District:

Proximity to centers of trading and employment facilities except where the development would generate new centers of trading and employment.

37. The property is approximately one mile from the central downtown area. There are sufficient potential employees available in the Hilo area to fill the need for new employees created by the proposed neighborhood shopping center.

Substantiation of economic feasibility by the Petitioner.

38. Petitioner has had prior experience in developing a neighborhood shopping center and is confident that this proposed neighborhood shopping center is economically feasible.

Proximity to basic services such as sewers, water, sanitation, schools, parks, and police and fire protection.

39. See paragraphs 27, 28, 29, 30, 31, and 32 herein.

Sufficient reserve areas for urban growth in appropriate locations based on a ten (10) year projection.

40. There is a need for additional urban lands in the general area of the proposed neighborhood shopping center.

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.

41. See paragraphs 6, 21, and 25.

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 and County General Plans.

42. The subject property is contiguous to existing urban lands.

The Urban District shall include lands in appropriate locations for new urban concentration and consideration shall be given to areas of urban growth as shown on the State and County General Plans.

43. The land is currently designated as Alternate Urban use on the County of Hawaii's General Plan and the County of Hawaii's Proposed Amendments to its General Plan.

The Urban District shall not include lands, the urbanization of which will contribute towards scattered spot

urban development, necessitating unreasonable investment in public supportive services.

44. See paragraphs 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34.

INCREMENTAL DISTRICTING

45. See paragraph 14.

RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioners, Department of Planning and Economic Development, the County of Hawaii, not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, is hereby denied and rejected.

CONCLUSIONS OF LAW

Reclassification of the subject property, consisting of approximately eight (8) acres of land, situated at Ponahawai, South Hilo, Island and County of Hawaii, from Agricultural to Urban and an amendment to the District Boundaries is accordingly reasonable, non-violative of Section 205-2 of the Hawaii Revised Statutes, and is consistent with the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1 of the Hawaii Revised Statutes, as amended in that:

1. Reclassification of the subject property from Agricultural to Urban is reasonably necessary to

accommodate growth and development, and there will be no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, and other resources of the area because:

a) The proposed development would provide community services convenient to the growing residential areas surrounding the subject property.

b) There is a need for additional urban land in the area surrounding the subject property.

c) The subject property is not ideal for intensive agricultural use due to marginal soil conditions.

d) The properties surrounding the subject property are for the most part vacant and undeveloped.

e) There are no known historic, recreational, or natural resources in the area of the subject site.

2. There are adequate public services and facilities available or can be made available to the subject property at reasonable cost to the Petitioner in that:

a) Firefighting, police, school, water, sewage, solid waste disposal, electrical utility, roadway, and highway services can be reasonably provided to the proposed development.

3. Maximum use will be made of existing services and facilities, and the granting of the petition will not lead to scattered urban development and the subject property is contiguous to an existing urban district in that:

a) The General Plan Land Use Pattern Allocation Guide Map designates the subject property for Alternate Urban Expansion. The Alternate Urban Expansion designation reflects the potential suitability of the area for urbanization in the extent it becomes necessary to supplement designated urban areas to accommodate urban growth.

b) An area including the subject property has been proposed by the Hawaii County Planning Department and approved by the Hawaii Planning Commission for Medium Density Designation.

c) Residential and commercial uses are being made of areas surrounding the subject property.

4. Preference should be given to this amendment petition as it will provide permanent employment for approximately 75 employees at the proposed neighborhood shopping center.

5. The proposed development is not inconsistent with the General Plan Land Use Pattern Allocation Guide Map of the County of Hawaii in that the subject property is designated as Alternate Urban Expansion.

DECISION AND ORDER


IT IS HEREBY ORDERED:


That the property which is the subject of the Petition in the Docket No. A78-441, consisting of eight acres of land situated in the Land Use Division of Ponahawai, South Hilo, Island and County of Hawaii, identified as Tax Map Key

2-3-37: 01, shall be and is hereby re-
classified from Agricultural to Urban, and the District
Boundaries are amended accordingly.

DATED: Honolulu, Hawaii, May 23, 1979.


LAND USE COMMISSION

By 
C. W. DUKE
Chairman and Commissioner

By 
SHINICHI NAKAGAWA
Vice Chairman and Commissioner


By 
JAMES CARRAS
Commissioner

By 
SHINSEI MIYASATO
Commissioner

By 
MITSUO OURA
Commissioner

By 
GEORGE PASCUA
Commissioner

By 
CAROL WHITESELL
Commissioner

By 
EDWARD K. YANAI
Commissioner

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Urban Land Use District)
_____)
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's 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:

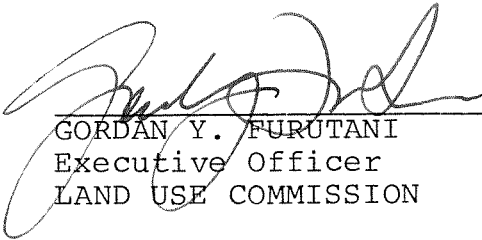
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Dated: Honolulu, Hawaii, this 25th day of May, 1979.



GORDAN Y. FURUTANI
Executive Officer
LAND USE COMMISSION