

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)
DEPARTMENT OF PLANNING AND ECONOMIC)
DEVELOPMENT, STATE OF HAWAII)
To Amend the Agricultural Land Use)
District Boundary to Reclassify)
Approximately 8.31 Acres of Land,)
Tax Map Key 1-5-03: 45)
at Pahoa, Puna District, Island and)
County of Hawaii, State of Hawaii,)
into the Urban Land Use District)

DOCKET No. A82-527

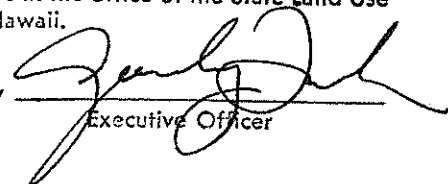
DECISION AND ORDER

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

OCT 19 1982

Date

by


Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the))
DEPARTMENT OF PLANNING AND ECONOMIC))
DEVELOPMENT, STATE OF HAWAII)	DOCKET NO. A82-527
To Amend the Agricultural Land Use))
District Boundary to Reclassify)	FINDINGS OF FACT,
Approximately 8.31 Acres of Land,)	CONCLUSIONS OF LAW,
Tax Map Key 1-5-03: 45)	DECISION AND ORDER
at Pahoa, Puna District, Island and))
County of Hawaii, State of Hawaii,))
into the Urban Land Use District))
_____))

FINDINGS OF FACT,
CONCLUSIONS OF LAW, DECISION AND ORDER

The above-captioned land use boundary amendment proceeding was initiated by the petition of the DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the Land Use District Boundary of certain land (hereinafter, the "subject property") consisting of approximately 8.31 acres situated at Pahoa, Puna, Island of Hawaii, from the Agricultural District to the Urban District. The Land Use Commission, having heard and examined the testimony and the evidence presented on the matter during the hearing held on June 2, 1982 in Hilo, Hawaii, and having considered the full record in this Docket, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The State Department of Planning and Economic Development (hereinafter "Petitioner") filed the petition on January 18, 1982 on behalf of the State Department of Education (DOE) and the State Department of Accounting and General Services (DAGS) to integrate

the subject property as part of the Pahoia High and Elementary School complex.

2. The Land Use Commission (hereinafter, the "Commission") held the hearing on the petition on June 2, 1982 in Hilo, Hawaii, pursuant to a notice published in the Hawaii Tribune-Herald and the Honolulu Advertiser on April 28, 1982.

3. There were no requests to intervene or to appear as a public witness.

DESCRIPTION OF THE SUBJECT PROPERTY

4. The subject property is located in Pahoia, in the Puna District of the Island of Hawaii, and lies adjacent to the existing Pahoia High and Elementary School.

5. The subject property contains approximately 8.31 acres, and is identified by Tax Map Key (TMK) 1-5-03: 45, (formerly TMK: 1-5-03: Portion of 12).

6. The State of Hawaii holds fee simple title to the subject property. The Governor of the State of Hawaii signed Executive Order No. 3109 on December 15, 1981 which assigned the subject property to the Department of Education for expansion of Pahoia High and Elementary School.

7. The subject property is presently vacant and overgrown with vegetation.

8. The General slope of the subject property is approximately 5%. Ground elevation varies from approximately 685 feet to 700 feet above mean sea level.

9. The median annual rainfall at the subject property is approximately 150 inches.

10. The U. S. Department of Agriculture Soil Conservation Service's "Soil Survey of the Island of Hawaii, State of Hawaii," 1973, describes the soil types within the subject property as: Oloa extremely stony silty clay loam (OID) and Papai extremely stony muck, 3 to 25 percent slopes (rPAE). In these soils permeability is rapid, runoff is slow, and the erosion hazard is slight.

11. The Land Study Bureau - "Detailed Land Classification - Island of Hawaii," November 1965, designates portions of the subject property as "U," or Urban. The overall master productivity ratings for agricultural use for the remainder of the subject property are Class "D" or Poor, and Class "E" or Very Poor.

12. The subject property is classified as "Other Important Agricultural Land" under the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system.

13. According to the Flood Insurance Rate Map (FIRM) prepared for the Federal Emergency Management Agency and which will become effective on May 3, 1982, the subject property is not within the flood hazard area.

PROPOSAL FOR DEVELOPMENT

14. The proposed developments for the subject property include an agricultural field, a baseball field, portions of the football and track field, and paved courts.

15. The football and track field, baseball field, and playcourts are presently under design. Construction is tentatively scheduled to start in September, 1983 and is expected to take six months.

16. The current estimated cost of designing and constructing the above athletic facilities is \$1,256,000.

17. The source of funds for development of the subject property is as follows:

<u>Source</u>	<u>Amount</u>
Act 300, SLH 1980, Item G-239A	\$ 80,000
Future CIP (Funds to be requested in DOE 1983-85 Biennium budget)	1,176,000

STATE AND COUNTY PLANS AND PROGRAMS

18. The subject property is within the State Land Use Agricultural District. Adjoining lands are within the Urban District.

19. The Land Use Pattern Allocation Guide Map of the County of Hawaii General Plan designates the area for Low Density Urban Development. School facilities may be permitted within this General Plan land use designation.

20. The County zoning designation for the subject property is Agricultural 1-acre (A-1a). Schools are "conditionally permitted uses" within the County's agricultural zoned district.

21. The subject property is not situated within the Special Management Area.

NEED FOR THE PROPOSED DEVELOPMENT

22. It is the State of Hawaii's goal to provide equal, adequate, modern, and well-equipped educational facilities throughout the State.

23. The Pahoa High and Elementary School presently services Pahoa Town and the surrounding areas, including all areas south (Kalapana) and east (Kapoho) of the town, the Hawaiian Beaches Subdivision and a portion of the Hawaiian Paradise Park Subdivision. The September, 1981 enrollment at Pahoa High and Elementary School was 1,222 students in grades K-12. The enrollment projections for subsequent years are as follows:

<u>Year</u>	<u>Students</u>
1982	1,285
1983	1,321
1984	1,369
1985	1,439
1986	1,454

24. According to the DOE's "Educational Specifications and Standards for Facilities, Volume III: The High School," standard field facilities for the high school athletic and agricultural programs are as follows:

Outdoor grassed field area	75,000 s.f.
Playcourt	9,504 s.f.
Tennis Court	17,280 s.f.
Football/Track Field	160,000 s.f.
Baseball Field	132,308 s.f.
Agricultural Land Lab	10,000 to 53,560 s.f.

25. Existing field facilities at Pahoa High and Elementary School are below Department of Education standards. The high school shares the County playground across Kaohe Homestead Road with the elementary school for its physical education and athletic programs.

26. The reclassification of the subject property will allow for the development of adequate athletic and agricultural facilities including a football/track field, baseball field, paved courts, and an agricultural field.

IMPACTS UPON RESOURCES OF THE AREA

Environmental

27. DAGS prepared an Environmental Assessment for the proposed acquisition and development of the subject property. The Governor of the State of Hawaii determined that an Environmental Impact Statement was not required and a notice of his negative declaration determination was published in the May 8, 1980 Environmental Quality Commission Bulletin No. 9, Vol. VII. No challenges to this determination were received by the Environmental Quality Commission.

28. No rare, endangered, or threatened species of flora or fauna are known to exist on the subject property.

Agricultural

29. The reclassification of the subject property to urban use should not have any adverse impact on agriculture since the subject property is presently vacant and has not been used for agriculture for many years.

30. The State Department of Agriculture stated its support of the request since it will improve the facilities for agricultural programs at the school.

Historical and Archaeological

31. No historical or archaeological sites are known to exist on the subject property.

Recreational Resources

32. The 2.5 acre County Park situated adjacent to the

existing Pahoia High and Elementary School complex is used by the school for its athletic activities.

33. Development of the proposed athletic facilities will relieve the County park of heavy usage by the school. After the school athletic field is completed, school use of the County park will be limited to the elementary school.

34. The County Department of Parks and Recreation supports the proposed reclassification.

ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Water

35. The County of Hawaii Department of Water Supply has indicated that adequate water service is available to handle the present and future school needs through a 12-inch waterline along the Pahoia-Kalapana Road. The water is supplied by the Keonepokonui Deep Well and the Pahoia Deep Wells which have a safe capacity of 0.86 million gallons per day. The current maximum water consumption for the Pahoia water system is 0.25 million gallons per day.

36. The County Department of Water Supply issued a water commitment to the petitioner until February 15, 1983.

Sewage Treatment and Disposal

37. There is no public sewerage system serving the area. Cesspools are the primary method of sewage disposal for the Pahoia area.

38. Additional cesspools for any future school improvements must meet the requirements of the Department of Health.

Solid Waste Disposal

39. There is no government-operated pick up service for solid waste disposal. Solid waste generated by the school is first taken to a transfer station in Pahoia by private commercial refuse collectors and then transported to the Hilo sanitary landfill.

Roadway Facilities

40. The subject property fronts the Pahoia-Kalapana Road.

Other public roadways serving the school are the Kaohe Homestead Road, which bisects the high school from the elementary school, and the main Pahoa Road. The main public access for the proposed development would be the Kaohe Homestead Road.

41. The Pahoa by-pass road proposed by the State Department of Transportation will lie north of Pahoa Village and will connect to the Pahoa-Kalapana Road near the high school athletic field. The timetable for the construction of this by-pass road has not been finalized.

Drainage

42. There are no Hawaii County drainage facilities in the vicinity of the subject property.

43. Drainage swales will be constructed to dispose of surface runoff generated by the improvement of the subject property. The drainage improvements will be designed so that runoff that flows offsite will not be concentrated and will not be greater than present quantities.

44. The U.S. Department of Agriculture Soil Conservation Service stated that it does not foresee any major flooding or erosion problem.

STANDARDS FOR DETERMINING DISTRICT BOUNDARIES

45. The subject property is contiguous to existing Urban District areas which are being used for urban type uses, and the proposed reclassification would not lead to scattered urban development.

46. The subject property is located in Pahoa, which is a center of trading and employment.

47. The subject property includes lands to be characterized by "city-like" concentration of people, structures, streets, urban level of services and other related land uses.

48. Basic services such as electricity, gas, water, sanitation, schools, parks and police and fire protection are already available.

49. The topography and drainage of the subject property are amenable to urban development. The subject property is free of unstable soil conditions and other adverse environmental effects.

50. The subject area is within an area designated on the County's General Plan as a low density (urban) area.

51. Reclassification of the subject property will provide educational facilities with sufficient capacity to accommodate projected student enrollments for the next ten years.

RULINGS ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by Petitioner or other party to this proceeding 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, and Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon the clear preponderance of the evidence that the proposed boundary amendment does conform to the standards established for the Urban District by the State Land Use District Regulations, is reasonable, and is not violative of Section 205-2 Hawaii Revised Statutes, as amended; and is consistent with the Hawaii State Plan, as set forth in Chapter 226, Hawaii Revised Statutes as amended.

DECISION AND ORDER

IT IS HEREBY ORDERED that the land which is the subject of the petition of the Department of Planning and Economic Development, State of Hawaii, in Docket No. A82-527, consisting of approximately 8.31 acres at Pahoia, Puna District, Island and County of Hawaii, State of Hawaii, identified by Tax Map Key 1-5-03: 45, is hereby reclassified from the Agricultural District to the Urban District, and the Land Use District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 19th day of October, 1982 per motions on September 16, 1982 and October 7, 1982.

LAND USE COMMISSION
STATE OF HAWAII

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

By Richard B. F. Choy
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Winona E. Rubin
WINONA E. RUBIN
Commissioner

By Teofilo Phil Tacbian
TEOFILO PHIL TACBIAN
Commissioner

By Robert S. Tamaye
ROBERT S. TAMAYE
Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE
Commissioner

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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:

HIDETO KONO, Director
Department of Planning & Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
Capital Investment Building
Penthouse, 850 Richards Street
Honolulu, Hawaii 96813

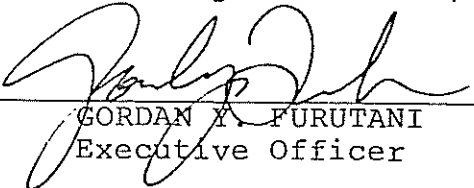
SIDNEY FUKU, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

STEPHEN MENEZES, Corporation Counsel
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DEPARTMENT OF LAND AND NATURAL RESOURCES
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 19th day of October, 1982.


GORDAN Y. FURUTANI
Executive Officer