

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A83-561  
RICHFIELD OF HAWAII, INC. ) RICHFIELD OF HAWAII, INC.  
To Amend the Conservation Land Use )  
District Boundary into the )  
Agricultural Land Use District )  
for approximately 74.9 acres at )  
Kapoho, Puna, Hawaii, Tax Map )  
Key 1-4-02: Portion of 92 )

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.

FEB 4 1985

Date

by   
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A83-561
	)	
RICHFIELD OF HAWAII, INC.	)	RICHFIELD OF HAWAII, INC.
	)	
To Amend the Conservation Land Use	)	
District Boundary into the	)	
Agricultural Land Use District	)	
for approximately 74.9 acres at	)	
Kapoho, Puna, Hawaii, Tax Map	)	
Key 1-4-02: Portion of 92	)	
	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
DECISION AND ORDER

Petitioner, Richfield of Hawaii, Inc., a Hawaii corporation, with its principal place of business at 211 Banyan Drive, Hilo, Hawaii 96720, filed this Petition for land use boundary amendment on November 30, 1983, 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 lands consisting of 74.9 acres, identified as Hawaii Tax Map Key 1-4-02: Portion 92 (hereinafter referred to as "Subject Property") situate at Kapoho, Puna, Hawaii, owned in fee simple by Petitioner, from the Conservation to the Agricultural Land Use District. The Land Use Commission

(hereinafter referred to as "Commission"), having heard and examined the testimony and evidence presented, hereby makes the following findings of facts and conclusions of law:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. Petitioner filed its Environmental Assessment on December 27, 1983, and an amendment to the assessment on February 17, 1984. On March 7, 1984, the Commission determined that no significant impacts would result from the proposed project.

2. The Commission conducted hearings on this Petition on May 16, 1984 and on July 9, 1984 pursuant to notices published in the Hawaii Tribune Herald and the Honolulu Advertiser on April 6, 1984 and June 20, 1984.

3. No petitions for interventions were filed.

4. The Commission accepted public testimony from the following: Virginia Spencer, Aaron Israel, Greg Owen and Andy Sarhanis on May 16, 1984 and additional public testimony from the following: Greg Owen, Dale Moore, Irene Bender, Paul Charbonneau, Moanikeala Akaka, Lucrezie Oddie, Tia Buchanan, Vickie Andrews, Katherine Marchese and Norman Frane on July 9, 1984.

DESCRIPTION OF THE SUBJECT PROPERTY

5. The Subject Property is located at Kapoho, Puna, Hawaii, at the intersection of the Kapoho-Pahoia Road and the Kaimu-Kapoho Road, and abutting the Green Lake hill.

6. The Subject Property is bounded on the north and west by the Kapoho-Pahoia Road, on the east by the Kaimu-Kapoho Road, and on the south by the Green Lake hill and the remainder of the Petitioner's property. Except for a cinder pit at the west end of the Subject Property, the land has a gentle slope (less than 20%) from the Kapoho-Pahoia Road and the Kaimu-Kapoho Road to the foot of the Green Lake hill. Green Lake and Green Lake hill's immediate environs are not included in the Subject Property.

7. The Subject Property's southeast area is used as a pasture. The northern area is covered by unused lava from the 1960 flow, a cinder pit is located in the west area, and the remainder covered by overgrown vegetation and trees.

8. The U.S. Department of Agriculture Soil Conservation Service, in its Soil Survey of the Island of Hawaii, has classified the soil type of the Subject Property as rCL (cinder land), rLV (Lava Flow Aa) and rLW (Lava Flow, Pahoehoe).

9. The climate is warm and the mean annual rainfall of the Subject Property is 50 to 100 inches.

PROPOSAL FOR RECLASSIFICATION

10. The Petitioner proposes to grow macadamia trees on the Subject Property and sell the nuts on a commercial basis.

11. A portion of the town of Kapoho had previously occupied a portion of the Subject Property.

12. The Petitioner has an existing 70-acre macadamia farm close to the Subject Property. The terrain, climate, location and amenities of the Subject Property are similar to the existing 70-acre macadamia farm of the Petitioner. The Petitioner, as shown by its experience, should operate a similar macadamia farm on the Subject Property.

13. The Petitioner estimates the costs of the site improvements to be \$79,530.00 and the estimated costs of cultivation to be \$28,920.00 for the macadamia farm. The Petitioner has one stockholder who had advanced funds to operate the company. The Petitioner will advance the funds to start and operate the macadamia farm.

STATE AND COUNTY PLANS

14. The State Land Use Commission's 1964 original land use district boundaries placed most of the Subject Property in the Agricultural District. The Commission reclassified the Subject Property into the Conservation

District in the 1969 five-year review because the area was within the recent 1960 Kapoho lava flow and was generally dry, barren and unproductive.

15. The County of Hawaii's General Plan designates the property as Conservation. However, the County's zoning designation is Open along the Kapoho-Pahoa Road and the remainder Agricultural one-acre. The Subject Property is not within the Special Management Area.

#### NEED FOR GROWTH AND DEVELOPMENT

16. The policy of the County of Hawaii and the Hawaii State Plan is to assist the expansion of the agricultural industry and that agricultural land receive preferential treatment.

#### RESOURCES OF THE AREA

17. Natural Resources. Study of the flora and fauna conducted by Lani Stemmermann showed that there were no endangered species.

18. Scenic Resources. The Subject Property, generally wild, unkept land, does not include Green Lake and its mountain.

19. Historic Resources. William Bonk, in his archaeology study, concluded that the Subject Property contained no artifacts or anything else of archaeological significance.

PUBLIC SERVICES AND FACILITIES

20. The Subject Property abuts the government Kapoho-Pahoa Road and the Kaimu-Kapoho Road, the main roads in the area.

21. Water to the Subject Property is available from the county's 10-inch water line and the Kapoho well. The County Department of Water Supply will provide water to the Subject Property from the Kapoho well, located approximately 500 feet due south. The Department feels that farming activity can be conducted without contaminating the Kapoho well.

22. Sewage disposal shall be by cesspools on the Subject Property as in the area.

23. Electricity and telephone utility services are available to the Subject Property.

24. County of Hawaii will provide firefighting, police, schools and solid disposal services to the Subject Property, the same as the adjoining Kapoho Beach Lot community.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

25. The proposed use of the Subject Property shall not impose further burdens on the existing services and facilities.

PREFERENCES FOR DEVELOPMENT

26. Petitioner proposes to employ two full-time, permanent local agricultural workers for the cultivation and the harvesting of the macadamia nuts. Petitioner does not propose to build on the Subject Property because Petitioner expects that persons living in the areas will provide labor.

STANDARDS FOR AGRICULTURAL BOUNDARIES

27. The Subject Property has been designated Conservation primarily because a part of the Subject Property is covered by a recent lava flow. The present use of the adjacent property, including lava flows, for macadamia cultivation demonstrates that the Subject Property is suitable for high capacity agricultural production.

INCREMENTAL DISTRICTING

28. The Petitioner will commence with the project immediately after approval of the Petition and complete the same within a short period since the Subject Property is only an addition to its existing farm.

CONCLUSIONS OF LAW

Pursuant to Chapter 205-2, Hawaii Revised Statutes, and the Rules of Practice and Procedure, and District Regulations of the State Land Use Commission, the Commission concludes that reclassification of the Subject Property, consisting of approximately 74.9 acres, situate at Kapoho, Puna, Hawaii, from the Conservation District to the



Agricultural District and an amendment to the district boundaries are reasonable and non-violative of Chapter 205-2, Hawaii Revised Statutes.

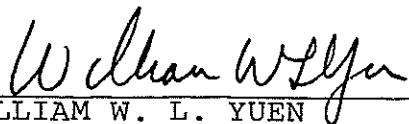
ORDER

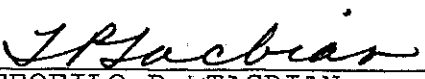
IT IS HEREBY ORDERED that the property, which is the subject of the Petition in this Docket No. A83-561, consisting of approximately 74.9 acres of land situate at Kapoho, Puna, Island and County of Hawaii, State of Hawaii, and more particularly identified on the map which is attached hereto as Exhibit A and incorporated herein, shall be and hereby is reclassified from the Conservation District to the Agricultural District and the district boundaries are amended accordingly.

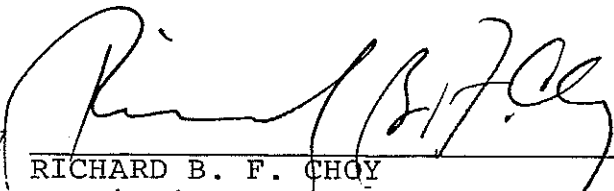
DOCKET NO. A84-561 - RICHFIELD OF HAWAII, INC.


Done at Honolulu, Hawaii, this 4th day of February,  
1985, per motions on December 11, 1984 and January 9, 1985.

LAND USE COMMISSION  
STATE OF HAWAII

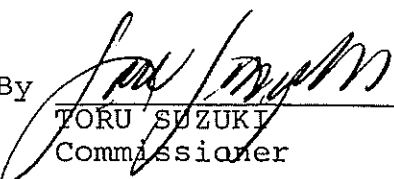
By   
WILLIAM W. L. YUEN  
Chairman and Commissioner

By   
TEOFILO P. TACBIAN  
Vice Chairman and Commissioner

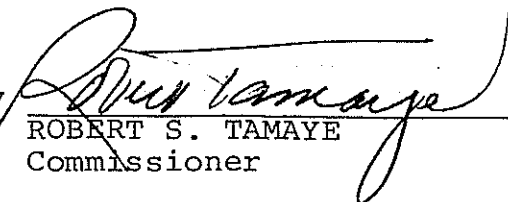
By   
RICHARD B. F. CHOY  
Commissioner

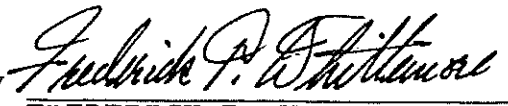
By   
LAWRENCE F. CHUN  
Commissioner

By   
WINONA E. RUBIN  
Commissioner

By   
TORU SUZUKI  
Commissioner

DOCKET NO. A84-561 - RICHFIELD OF HAWAII, INC.

By   
ROBERT S. TAMAYE  
Commissioner

By   
FREDERICK P. WHITTEMORE  
Commissioner