

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

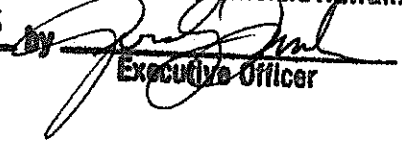
In the Matter of the Petition of)
)
COUNTY OF HAWAII PLANNING)
DEPARTMENT)
)
To Amend the Agricultural Land Use)
District Boundary to Reclassify)
Approximately 477 Acres, Tax Map)
Key 7-3-29 through 35, 7-3-39)
through 42, 7-3-11 (excluding)
parcels 43, 49, 56, 68), 7-3-12,)
7-3-37, 7-3-38, 7-3-44, 7-3-45,)
7-3-13 through 16, 7-3-22, 7-3-23,)
7-3-28, 7-5-26 through 29, 7-5-23)
(excluding parcels 58 through 67),)
at Kalaoa 1st, 2nd, 3rd and 5th,)
and Hienaloli 5th and 6th, North)
Kona, Island of Hawaii, State of)
Hawaii, into the Urban Land Use)
District)
)

DOCKET NO. A84-571
COUNTY OF HAWAII
PLANNING DEPARTMENT

**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 19 1985

Date

By 
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A84-571
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COUNTY OF HAWAII PLANNING)	COUNTY OF HAWAII
DEPARTMENT)	PLANNING DEPARTMENT
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To Amend the Agricultural Land Use)	
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parcels 43, 49, 56, 68), 7-3-12,)	
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7-3-13 through 16, 7-3-22, 7-3-23,)	
7-3-28, 7-5-26 through 29, 7-5-23)	
(excluding parcels 58 through 67),)	
at Kalaoa 1st, 2nd, 3rd and 5th,)	
and Hienaloli 5th and 6th, North)	
Kona, Island of Hawaii, 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 on July 11, 1984 pursuant to Section 205-4 of the Hawaii Revised Statutes, as amended, in Part VI, Rule 6-1, of the Land Use Commission's Rules of Practice and Procedure and District Regulation by the County of Hawaii which is requesting that the designation of the subject properties be amended from the Agricultural to the Urban District. The requested change consist of property comprising approximately

477 acres of land, situated at Kalaoa 1st, 2nd, 3rd and 5th and Hienaloli 5th and 6th, North Kona, Island and County of Hawaii. The subject property is more particularly identified as Tax Map Key Nos. 7-3-29 through 35, 7-3-39 through 42, Kona Palisades Estates Subdivision; 7-3-11 (excluding parcels 43, 49, 56, 68), 7-3-12, 7-3-37, 7-3-38, 7-3-44, 7-3-45, Kona Highlands Subdivision; 7-3-13 through 16, Kona Wonderview Lots Subdivision; 7-3-22, 7-3-23, 7-3-28, Kona Coast View Subdivision; 7-5-26 through 29, Kona Heights Subdivision; 7-5-23 (excluding parcels 58 through 67) Aloha Kona Subdivision.

PURPOSE OF THE PETITION

The Petitioner requests the reclassification in order to have the Land Use classification conform to the existing residential use and or character of the subject properties, all of which were subdivisions created prior to the effective date of the present date of the County zoning ordinance of May 24, 1967. The reclassification of the subject properties to Urban will allow the State and County Governments and the private sector to realistically plan for the further development of these land areas by recognizing the actual use of the land for residential purposes.

THE HEARING

The hearing on this Petition was held on September 26, 1984 in Kailua, Kona, Hawaii pursuant to notices published in the Honolulu Advertiser and the Hawaii Tribune Herald on August 15, 1984. Notice of the hearing was also sent by certified mail to all parties involved herein on August 15, 1984.

The County of Hawaii Planning Department, the Petitioner herein, was represented by Deputy Planning Director Duane Kanuha; and The Department of Planning and Economic Development was represented by Daniel Y. Yasui.

The witnesses presented by the aforementioned parties were as follows:

Petitioner

Norman Hayashi - Staff Planner, County of Hawaii Planning Department.

Francis Ouye - Appraiser, Department of Finance, Real Property Tax Division, County of Hawaii.

Dewey Bergman - Vice President, Kona Palisades Estates Community Association.

Department of Planning and Economic Development:

Daniel Y. Yasui - Staff Planner

POSITION OF THE PARTIES

The Department of Planning and Economic Development
- Approval.

APPLICABLE REGULATION

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 proposed findings of fact:

1. The County of Hawaii Planning Department, Petitioner herein, has the requisite standing to initiate this Petition pursuant to Part VI, Section 6-1(3) of the State Land Use Commission's Rules of Practice and Procedure. The subject properties consisting of approximately of 477 acres are located at Kalaoa 1st, 2nd, 3rd and 5th and Hienaloli 5th and 6th, North Kona, Island and County of Hawaii, State of Hawaii.

2. KONA PALISADES ESTATES SUBDIVISION:

a. Kona Palisades Estates Subdivision is situated to the East (Mauka) of Keahole Airport at Kalaoa 5th, North Kona, Hawaii. The subdivision is located along and off Ka Imi Nani Drive. The subdivision comprises approximately 194 acres and is identified by Tax Map Key plats 7-3-29 through 35 and 7-3-39 through 42. The subject subdivision contains 711 lots which average 10,000 square feet in

size. According to the County of Hawaii Real Property Tax Division, there were 285 single family dwellings situated within this subdivision as of May 1983. Preliminary approval of the subject subdivision was granted on May 8, 1962, prior to the effective date of the zoning ordinance, and final approvals were granted on May 8 and November 9, 1968.

The elevation of the subject subdivision in a Makai-Mauka direction is about 400 to 1,640 feet above sea level with an average slope of approximately 9 percent. Average annual rainfall ranges between 40 to 45 inches.

- b. The U.S.D.A. Soil Conservation Service Soil Survey, classifies the soils of the site as Punaluu (rPYD) and Kaimu (rKED) soil series. The Punaluu soil consists of well-drained, thin organic soils over pahoehoe lava bedrock. Pahoehoe lava has low permeability although water moves rapidly through the cracks. Runoff is slow and erosion hazard is high for these soils. The Kaimu soils consists of well-drained, thin organic soils over Aa lava. The

surface layer is comprised of extremely stony peat about 3 inches thick. These soils exhibit rapid permeability, slow runoff and slight erosion hazard.

The Land Study Bureau's Overall Master Productivity Rating for Agricultural use is class "E" (very poor). The subject property is not classified according to the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation, according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

- c. The subject property and surrounding lands are classified Agricultural by the State Land Use Commission. The Eastern-most (Mauka) portion of the subdivision is situated in close proximity to a 1-acre Urban designated parcel. This site was reclassified from Agricultural to

Urban District in May 1983 for a neighborhood commercial complex (A82-541 - Hiroshi Matsuyama). The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the site Extensive Agriculture and Alternate Urban Expansion. The Kona Regional Plan designates the area as RES-4 (residential use, 4 units per acre). The County zoning of the property is Unplanned (U).

d. The proposed reclassification of the subjects subdivision is not expected to adversely impact agricultural resources on the property since the land is presently being utilized for residential purposes. There are no known archaeological resources nor are there any rare or endangered flora or fauna on the subject property.

e. The subject subdivision is presently served by a Public Water system. Improved roadways within the subdivision have been dedicated to the County and range between 20 and 24 feet in pavement width. There is no municipal sewerage system serving the area and

sewage disposal is presently accommodated by cesspools. Electrical and telephone services are available to the subdivision. Police and fire protection services are available from stations located at Kailua and at Captain Cook. The State Department of Education has no objection to the reclassification of the subject property since students from the subdivision are already being served by schools in the Kona area.

3. KONA HIGHLANDS SUBDIVISION:

- a. The Kona Highlands Subdivision is situated to the East (Mauka) of Keahole Airport at Kalaoa 1st and 2nd, North Kona, Hawaii. The subject property is specifically located West (Makai) of the Mamalahoa Highway, approximately 1 mile North of the Ka Imi Nani Drive-Mamalahoa Highway intersection. The subdivision consists of approximately 75 acres and is identified by Tax Map Key 7-3-11 (excluding parcels 43, 49, 56 and 68), 7-3-12, 7-3-37, 7-3-38, 7-3-44, and 7-3-45. The subject subdivision contains 363 lots which average 8,500 square feet in size. According to the

County of Hawaii Real Property Tax Division, there were 188 single family dwellings within this subdivision as of May 1983. Preliminary approval of the subdivision was granted on April 11, 1960, prior to the effective date of the zoning ordinance, and final approvals were granted on September 16, 1968, January 27, 1970 and June 18, 1971.

b. The elevation of this subdivision in a Makai-Mauka direction is 1,160 to 1,750 feet above sea level. The area has an average slope of about 6 percent. An average annual rainfall ranges between 40 to 45 inches.

c. The U.S.D.A. Soil Conservation Service Soil Survey classifies the soils of the subject site as Punaluu (rPYD) soil series. The Punaluu soils consists of well-drained, thin organic soils over pahoehoe lava bedrock. Pahoehoe lava has low permeability although water moves rapidly through the cracks. These soils exhibit slow runoff and high erosion hazard.

The Land Study Bureau's Overall Master Productivity Ratings for agricultural use are class "D" (poor) and "E" (very poor). The

subject property is not classified according to the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

d. The subject property and surrounding lands are classified Agricultural by the State Land Use Commission. The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the site Extensive Agriculture and Alternate Urban Expansion. The Kona Regional Plan designates the area as RES-4 (residential uses, 4 units per acre). County zoning of the property is Unplanned (U).

e. The proposed reclassification is not expected to have adverse impacts upon agriculture since the subject property is not presently utilized for agricultural activities. Surrounding lands are also not in agricultural

use and contain non-conforming residential subdivisions. There are no known archaeological resources on the subject property nor are there rare or endangered flora or fauna.

f. The subject subdivision is presently served by the public water system. Improved roadways having a pavement width of 20 feet within the subdivision have been dedicated to the County of Hawaii. Mahi Lani Drive serves as the primary vehicular access to the subdivision off the Mamalahoa Highway. There is no municipal sewerage system serving the subdivision and sewage is presently handled by cesspools. Electrical and telephone services are available at the subdivision and police and fire protection services are available from stations located at Kailua and at Captain Cook. The State Department of Education has no objection to the reclassification of the subject property since students from the subdivision are presently being served by schools in the Kona area.

4. KONA WONDERVIEW LOTS SUBDIVISION:

- a. The Kona Wonderview Lots Subdivision is situated to the East (Mauka) of Keahole Airport at Kalaoa 2nd, North Kona, Hawaii. The subject property is specifically located along the Makai side of Mamalahoa Highway, approximately 0.75 mile North of the Ka Imi Nani Drive-Mamalahoa Highway intersection. The subdivision comprises approximately 23 acres and is identified by Tax Map Key 7-3-13 through 16. The subdivision contains 136 lots which average 7,500 square feet in size. According to the County of Hawaii Real Property Tax Division, there were 101 single family dwellings situated within the subdivision as of May 1983. Preliminary subdivision approval of the subdivision was granted on October 19, 1960 and final approval was granted on October 27, 1961 prior to the effective date of the zoning ordinance.
- b. The elevation of the subject subdivision in a Makai-Mauka direction is 1,050 to 1,730 feet above sea level. The subject property has

an average slope of about 6.5 percent. The area receives an annual rainfall of between 40 to 50 inches.

- c. The U.S.D.A. Soil Conservation Service Soil Survey, classifies the soils of the subject property as of the Punaluu (rPYD) series. The Punaluu soils consists of well-drained, thin organic soils over pahoehoe lava bedrock. Pahoehoe lava has low permeability although water moves rapidly through the cracks. These soils exhibit slow runoff and high erosion hazard. The Land Study Bureau's Overall Master Productivity Ratings for agricultural use is class "E" (very poor). The subject property is not classified according to the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

d. The subject property and surrounding lands are classified Agricultural by the State Land Use Commission. The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the site Extensive Agriculture and Alternate Urban Expansion. The Kona Regional Plan designates the area as RES-4 (residential use, 4 units per acre). County zoning of the property is Unplanned (U). There should be no impact through agricultural activities in the area since the subject property and the surrounding lands are not utilized for agricultural purposes. There are no known archaeological resources on the subject property nor are there rare or endangered flora or fauna.

e. The subject subdivision possesses a private water system although water is supplied through meters provided by the County Department of Water Supply. The Department of Water Supply has indicated that the subdivision possesses a substandard private water system and that the Department has no plans to upgrade the system to Department of Water Supply dedicable standards. Roadways within the

subdivision having a width of 16 feet have been dedicated to the County of Hawaii. Loloa Drive serves as the principal vehicular access to the subdivision from Mamalahoa Highway. There is no municipal sewerage system serving the area and sewage disposal is presently accomodated by cesspools. Electrical and telephone services are available at the subdivision and police and fire protection services are available from stations located at Kailua and at Captain Cook. The State Department of Education has no objection to the reclassification since students from the subdivision are presently being served by schools in the Kona area.

5. KONA COAST VIEW SUBDIVISION:

- a. The Kona Coast View Subdivision is situated to the East (Mauka) of Keahole Airport at Kalaoa 3rd, North Kona, Hawaii. The subject property is specifically located West (Makai) of Mamalahoa Highway, approximately 0.5 mile North of the Ka Imi Nani Drive-Mamalahoa Highway intersection. The subdivision comprises approximately 127 acres and is identified by TMK 7-3-22, 7-3-23 and 7-3-28. The subject subdivision contains 286 lots which

average 16,000 square feet in size. According to the County of Hawaii Real Property Tax Division, there were 156 single family dwellings within this subdivision as of May 1983. Preliminary subdivision approval was granted on November 20, 1961, prior to the effective date of the zoning ordinance, and final approvals were granted on October 20, 1963, May 20, 1964, January 22, 1966, July 21, 1967, January 22, 1968 and May 21, 1968.

b. The elevation of the subject subdivision in a Makai-Mauka direction is 810 to 1,730 feet above sea level. The subject property has an average slope of about 8 percent. The average rainfall for the subject area is between 40 to 50 inches.

c. The U.S.D.A. Soil Conservation Service Soil Survey, classifies the soils of the subject site as of the Punaluu (rPYD) and Kaimu (rKED) soil series. The Punaluu soils consists of well-drained, thin organic soils over pahoehoe lava bedrock. Pahoehoe lava has low permeability although water moves rapidly through the cracks. Runoff is slow and the

erosion hazard is high for these soils. The Kaimu soils consists of well-drained, thin organic soils over Aa lava. The surface layer is comprised of an extremely stony peat about 3 inches thick. These soils exhibit rapid permeability, slow runoff and slight erosion hazard. The Land Study Bureau's Overall Master Productivity Ratings for agricultural use are classes "D" (poor) and "E" (very poor). The subject property is not classified according to the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

- d. The subject property and surrounding lands are classified Agricultural by the State Land Use Commission. The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the site Extensive Agriculture and

Alternate Urban Expansion. The Kona Regional Plan designates the area as RES-4 (residential use, 4 units per acre). County zoning of the property is Unplanned (U).

e. The reclassification of the subject property is not expected to adversely impact agricultural resources in the area since the subdivision and surrounding lands are presently in residential use. There are no known archaeological resources or rare or endangered flora or fauna on the subject subdivision.

f. The subject subdivision possesses a private water system although water is supplied through meters provided by the County Department of Water Supply. The Department of Water Supply has indicated that the subdivision possesses a substandard private water system and that the Department has no plans to upgrade the system to Department of Water Supply dedicable standards. Roadways within the subdivision having a width of 16 feet have been dedicated to the County of Hawaii. Ahikawa Street serves as the principal vehicular access to the subdivision from Mamalahoa Highway. There is no municipal sewerage system serving

the area and sewage disposal is presently accomodated by cesspools. Electrical and telephone services are available and police and fire protection can be provided from stations located at Kailua and Captain Cook. The State Department of Education has no objection to the reclassification of the subject subdivision inasmuch as students from the subdivision are presently being served by schools in the Kona area.

6. KONA HEIGHTS SUBDIVISION:

- a. The Kona Heights subdivision is situated to th East (Mauka) of Kailua town at Hienaloli 5th and 6th, North Kona, Hawaii. The subject subdivision is specifically situated adjacent to and North of the Kailua View Estates Subdivision. The subdivision comprises approximately 48 acres and is identified by TMK: 7-5-26 through 29. The subdivision contains 256 lots which average 7,500 square feet in size. According to the County of Hawaii Real Property Tax Division, there were 144 single family dwellings within this subdivision as of May 1983. Preliminary

subdivision approval was granted on April 11, 1960, prior to the effective date of the zoning ordinance, and final approvals were granted on August 30 and October 3, 1968.

b. The elevation of the subject subdivision in a Makai-Mauka direction is 250 to 720 feet above sea level. The subject property has an average slope of about 10 percent. The area receives between 35 to 50 inches of rainfall annually.

c. The U.S.D.A. Soil Conservation Service Soil Survey, classifies the soils of the site as of the Punaluu (rPYD) and Waiaha (WHC) soil series. The Punaluu soils consists of well-drained, thin organic soils over pahoehoe lava bedrock. Pahoehoe lava has low permeability although water moves rapidly through the cracks. These soils exhibit slow runoff and high erosion hazard. The Waiaha soils consist of shallow, well-drained silt loams that formed in volcanic ash. These soils exhibit moderately rapid permeability, slow runoff and slight erosion hazard. The Land Study Bureau's Overall Master Productivity Ratings for agricultural use is classes "C"

(fair), "D" (poor), "E" (very poor). The subject property is not classified according to the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

d. The subject property is designated Agricultural by the State Land Use Commission. Adjacent lands to the South are classified Urban and used for residential purposes. The County of Hawaii General Plan Land Use Pattern Allocation Guide Map designates the site Orchards and Alternate Urban Expansion. The Kona Regional Plan designates the site RES-4 (residential uses, 4 units per acre). County zoning of the property is Unplanned (U).

e. The proposed reclassification should not adversely impact agricultural resources since the subject property is principally used for

residential purposes. The adjacent subdivision to the South is situated in the Urban District. There are no known archaeological resources or rare or endangered flora or fauna on the subject property.

- f. The subject subdivision is presently served by a public water system. Roads within the subdivision having pavement widths ranging between 32 and 36 feet including curbs, gutters and sidewalks have been dedicated to the County. The Aloha Kona Drive serves as the primary vehicular access to the subdivision. There is no municipal sewage system serving the area and sewage disposal is presently accommodated by cesspools. Electrical and telephone services are available to the subdivision and police and fire protection services are available from stations at Kailua and at Captain Cook. The State Department of Education has no objection to the reclassification of the subject property since students from the subdivision are presently being served by schools in the Kona area.

7. ALOHA KONA SUBDIVISION:

- a. The Aloha Kona Subdivision is situated to the East (Mauka) of Kailua town at Hienaloli 5th and 6th, North Kona, Hawaii. The subject subdivision is specifically situated adjacent and North of the Kailua View Estates Subdivision. The subdivision comprises of approximately 10 acres and is identified as TMK: 7-5-23 (excluding parcels 58 through 67). The subdivision contains 57 lots which average 7,500 square feet in size. As of May 1983 all of the lots were improved with single family dwellings. Preliminary subdivision approval was granted on April 11, 1960 and final approvals were granted on October 25, 1960 and August 30, 1963, prior to the effective date of the zoning ordinance.
- b. The elevation of the subject subdivision in a Makai-Mauka direction is 152 to 250 feet above sea level. The subject property has an average slope of about 14 percent. The area receives between 35 to 50 inches of rainfall annually.

c. The U.S.D.A. Soil Conservation Service Soil Survey, classifies the soils of the site as of the Waiaha (WHC) soil series. The Waiaha soils consists of shallow, well-drained silt loams that formed in volcanic ash. These soils exhibit moderately rapid permeability, slow runoff and slight erosion hazard. The Land Study Bureau's Overall Master Productivity Rating for agricultural use is class "E" (very poor). The subject property is not classified according to the State of Hawaii Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. The subject property is not situated in any designated floodplain but rather in an area of minimal flooding of Zone C designation according to the Flood Insurance Rate Map prepared by the Federal Insurance Administration for the County of Hawaii.

c. The subject property is designated Agricultural by the State Land Use Commission. Adjacent lands to the West and South of the subject property are classified Urban. The County of Hawaii General Plan Land Use Pattern

Allocation Guide Map designates the site for Medium Density Urban Development. The Kona Regional Plan designates RES-4 (residential uses, 4 units per acre). County zoning for the subject property is Unplanned (U).

d. The proposed reclassification will not adversely impact agricultural resources at the site since the land is used for residential purposes. The adjacent subdivisions to the East and South are similarly used for residential purposes. There are no known archaeological resources or rare or endangered flora or fauna on the subject property.

e. The subject subdivision is presently served by a public water system. Roads within the subdivision having pavement widths of 16 to 18 feet have been dedicated to the County of Hawaii. The Aloha Kona Drive is the principal vehicular access in the subdivision. There is no municipal sewage system serving the area and sewage disposal is presently accommodated by cesspools. Electrical and telephone services are available at the subdivision and police and fire protection

services will be available from stations at Kailua and at Captain Cook. The State Department of Education has no objection to the reclassification of the subject subdivision since students from the subdivision are presently being served by schools in the Kona area.

8. All six of the subdivisions proposed for reclassification and are located in areas of expanding urban activity. The Kalaoa region which is situated Mauka of the Keahole Airport is predominantly residential in character and serves as a residential suburb of Kailua. This area includes the Kona Palisades Estates Subdivision, Kona Highlands Subdivision, Kona Wonderview Subdivision and the Kona Coast View Subdivision. Although the subject properties are situated within the State Land Use Agricultural District, the subdivisions contain non-conforming agricultural lots of less than 1 acre in size. The residential uses which predominate the area are typically low-rise with single family detached dwellings.

The Hienaloli area situated Mauka of Kailua town wherein the Aloha Kona and Kona Heights Subdivisions are located are similarly characterized by residential uses near the Urban fringe of Kailua. These subdivisions abut Urban

classified lands to the South which are used for residential purposes. The subdivisions are improved with single family detached dwellings located in very close proximity to the Urban commercial core at Kailua.

The preponderance of urban growth and activity in North Kona has historically centered in the coastal area between Kailua Town and the Keauhou Resort. This area contains numerous hotels and visitor facilities and serves as a major center of tourism for the North Kona area. Emanating from this coastal area are numerous residential developments which extend Eastward into the Mauka agricultural areas. Much of these Mauka agricultural lands are suitable for raising coffee and macadamia nuts, and for cattle grazing. The "Kona Coffee Belt" is included in this Mauka region commencing at Holualoa and extending South along the Mamalahoa Highway. The proposed reclassification requested by this Petition does not encroach into these productive agricultural areas.

The soils of the subject properties do not possess a high capacity for agricultural production and are not classified under the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system.

Basic infrastructure systems including water service, sewage treatment and disposal, roadways, police and fire protection, are available to the subject sites.

9. Based on a review of the Petition, the evidence adduced at the hearing and the provisions of Chapter 205 of the Hawaii Revised Statutes, The Department of Planning and Economic Development have recommended that the reclassification of the subject properties be approved.

CONCLUSION OF LAW

Reclassification of the subject property, consisting of approximately 477 acres of land, situated at Kalaoa 1st, 2nd, 3rd and 5th and Hienaloli 5th and 6th, North Kona, Island and County of Hawaii, State of Hawaii from the Agricultural District 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.

ORDER

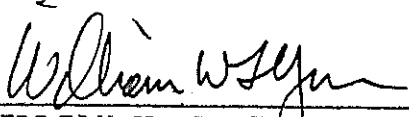
IT IS HEREBY ORDERED:


That the property which is the subject of this Petition in this Docket No. A84-571, consisting of approximately 477 acres of land situated at Kalaoa 1st, 2nd, 3rd and 5th and Hienaloli 5th and 6th, North Kona, Island and County of Hawaii, State of Hawaii identified as Tax Map Key No. 7-3-29 through 35, 7-3-39 through 42, 7-3-11 (excluding

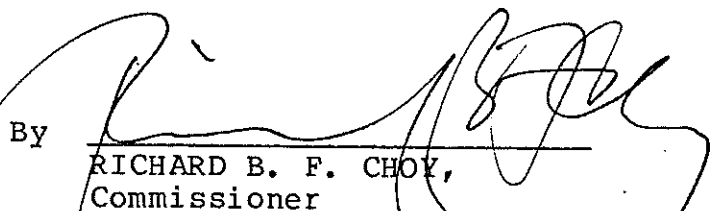
parcels 43, 49, 56, 68), 7-3-12, 7-3-37, 7-3-38, 7-3-44, 7-3-45, 7-3-13 through 16, 7-3-22, 7-3-23, 7-3-28, 7-5-26 through 29, 7-5-23 (excluding parcels 58 through 67) shall be and hereby is reclassified from the Agricultural District to the Urban District and the district boundaries are amended accordingly.

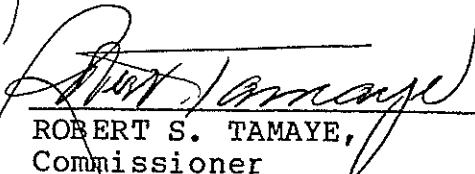
DONE at Honolulu, Hawaii, this 19th day of February, 1985, per Motions September 26, 1984 and December 13, 1984.

LAND USE COMMISSION
STATE OF HAWAII

By 
WILLIAM W. L. YUEN,
Chairman and Commissioner

By 
TEOFILO PHIL TACBIAN,
Vice-Chairman and Commissioner

By 
RICHARD B. F. CHOY,
Commissioner

By 
ROBERT S. TAMAYE,
Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Toru Suzuki
TORU SUZUKI,
Commissioner

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)
To Amend the Agricultural Land Use) COUNTY OF HAWAII
District Boundary to Reclassify) PLANNING DEPARTMENT
Approximately 477 Acres, Tax Map)
Key 7-3-29 through 35, 7-3-39)
through 42, 7-3-11 (excluding)
parcels 43, 49, 56, 68), 7-3-12,)
7-3-37, 7-3-38, 7-3-44, 7-3-45,)
7-3-13 through 16, 7-3-22, 7-3-23,)
7-3-28, 7-5-26 through 29, 7-5-23)
(excluding parcels 58 through 67),)
at Kalaoa 1st, 2nd, 3rd and 5th,)
and Hienaloli 5th and 6th, North)
Kona, Island of Hawaii, State of)
Hawaii, into the Urban Land Use)
District)
)
)

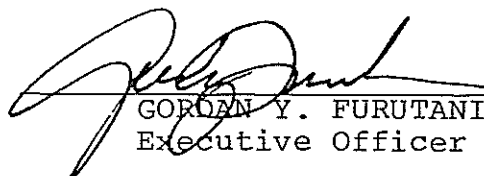
CERTIFICATE OF SERVICE

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:

KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ALBERT LONO LYMAN, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 19th day of February, 1985.


GORDON Y. FURUTANI
Executive Officer