

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A85-591
)	
DEPARTMENT OF PLANNING AND ECONOMIC)	DEPARTMENT OF PLANNING AND
DEVELOPMENT, STATE OF HAWAII)	ECONOMIC DEVELOPMENT, STATE
)	OF HAWAII
For Reclassification of Certain)	
Lands Situate at Waiahole,)	
Koolaupoko, City and County of)	
Honolulu, State of Hawaii)	
_____)	

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)
DEPARTMENT OF PLANNING AND)
ECONOMIC DEVELOPMENT)

DOCKET NO. A85-591
DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

To Amend the State Land Use District)
Boundaries as follows:)

Property A - To Amend the Urban)
Land Use District Boundary to)
Reclassify Approximately 25.02)
Acres)

TMK: 4-8-8: portion of 1;)
TMK: 4-8-8: 10;)
TMK: 4-8-8: portion of 12;)
TMK: 4-8-8: portion of 18;)
TMK: 4-8-9: portion of 1;)
TMK: 4-8-11: portion of 1;)
TMK: 4-8-11: portion of 2; at)

Waiahole, Koolaupoko, City and)
County of Honolulu, Hawaii into)
the Agricultural Land Use District)
and)

Property B - To Amend the)
Agricultural Land Use District)
Boundary to Reclassify Approximately)
7.35 Acres)

TMK: 4-8-9: portion of 1;)
TMK: 4-8-12: portion of 5;)
TMK: 4-8-12: portion of 10; at)

Waiahole, Koolaupoko, City and)
County of Honolulu, Hawaii into)
the Urban Land Use District; and)

Property C - To Amend the Conservation)
Land Use District Boundary to)
Reclassify Approximately 3.49 Acres)

TMK: 4-8-01: portion of 1 at)

Waiahole, Koolaupoko, City and)
County of Honolulu, Hawaii into the)
Agricultural Land Use District)

FINDINGS OF FACT, CONCLUSION OF LAW
AND DECISION AND ORDER

The Department of Planning and Economic Development (hereinafter "Petitioner"), a principal executive department of the State of Hawaii, filed and subsequently amended this Petition on behalf of the Hawaii Housing Authority (hereinafter "HHA") on February 14, 1985, and on May 10, 1985, pursuant to Hawaii Revised Statutes Section 205-4, and the Rules of Practice and Procedure of the Land Use Commission, State of Hawaii, to amend the land use district boundaries of lands as follows:

Property A (Urban to Agricultural, 25.02 acres)

Oahu TMK: 4-8-8: portion of 1;
Oahu TMK: 4-8-8: 10;
Oahu TMK: 4-8-8: portion of 12;
Oahu TMK: 4-8-8: portion of 18;
Oahu TMK: 4-8-9: portion of 1;
Oahu TMK: 4-8-11: portion of 1;
Oahu TMK: 4-8-11: portion of 2

Property B (Agricultural to Urban 7.35 acres)

Oahu TMK: 4-8-9: portion of 1;
Oahu TMK: 4-8-12: portion of 5;
Oahu TMK: 4-8-12: portion of 10

Property C (Conservation to Agricultural, 3.49 acres)

Oahu TMK: 4-8-01: portion of 1

(hereinafter referred to as the "Properties") for an agricultural park and residential subdivision. The Land Use Commission (hereinafter the "Commission"), having heard and examined the testimony, evidence and argument of counsel presented during the hearings, and the proposed findings of

fact and conclusions of law, hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Commission held hearings on the Petition on July 23, 1985 and on July 24, 1985, pursuant to notice published on June 14, 1985 in the Honolulu Star-Bulletin.

2. On June 28, 1985, Robert Ah Chi, Mary Ann Freudenberg, Virginia K. Holt, Heirs of Edith Kakalia, Margaret F. Kaleikini, John Kaneaupio, Abraham Keaulana, Joseph Keaulana, Sr., Richard Keaulana, Elizabeth K.M. Kialoa, Annie Kini, Lillian K. Lopes, Heirs of Cecilia Makekau, Git Lum Moi, Elizabeth Okasionis, Charles Pila, Esther K.K. Shoaf, Dawn K. Wasson, Mary Jane Williams, Mary Jane Wong, Edward Young, and Joseph Young, represented by Native Hawaiian Legal Corporation (hereinafter the "Intervenor") filed a Petition to Intervene. The Commission granted the Petition to Intervene by Order filed on August 2, 1985.

3. David Chinen, Representative Robert Nakata and Gloria Fraiola on behalf of Charlene Hoe testified as public witnesses on July 23, 1985.

4. The HHA owns the Properties which comprise approximately 35.86 total acres located within Waiahole Valley, mauka of Kamehameha Highway in the Koolaupoko District. The Properties are part of an overall development plan for Waiahole

Valley encompassing approximately 590 acres (the "Waiahole Valley Project").

5. The boundaries of the Waiahole Valley Project are defined generally by Kamehameha Highway, Waiahole-Waikane boundary, the forest reserve to the west, and Waiahole Homestead Road. The Waiahole Valley Project comprises approximately 24 percent of the Waiahole Valley drainage basin.

6. The present use of the Properties are as follows:

Property A: Urban to Agricultural

Major portions of the 25.02 acres are presently leased to existing agricultural tenants. The vacant areas are suitable for farming. HHA proposes to issue long-term agricultural leases for Property A.

Property B: Agricultural to Urban

Major portions of the 7.35 acres are presently leased to existing residential tenants. The remaining vacant areas have been identified as marginal agricultural land. HHA proposes to issue residential leases for Property B. These remaining vacant areas are contiguous to other residential lots and the existing Urban District.

Property C: Conservation to Agricultural

Major portions of the 3.49 acres are presently leased to existing agricultural tenants and are presently used for agricultural production. HHA proposes to issue long term agricultural leases for Property C.

7. Ground elevations within the Waiahole Valley Project, which includes the Properties, range from 5 feet above mean sea level at Kamehameha Highway to 400 feet above mean sea level at its mauka end.

8. The Properties have slopes ranging from 0 to 15 percent.

9. The median annual rainfall for Waiahole Valley ranges from 59 inches near the shoreline to 200 inches near the Koolau Range crest.

10. The United States Department of Agriculture Soil Conservation Service, in its Soil Survey, classifies the soils of the Properties into four soil series: Pearl Harbor, Hanalei, Waikane and Alaeloa.

Property A (Urban to Agricultural) primarily consists of Pearl Harbor (Ph) and Hanalei (Hn) soils. The Pearl Harbor (Ph) soil series consists of very dark gray to gray-brown mottled clay on a muck or peat substratum and is found on level plains adjacent to the ocean, such as the northeastern portion of the Waiahole Valley Project and the area immediately south of Waiahole Valley Road near its intersection with Kamehameha Highway. The soils at these locations have very low permeability and are very good for taro and pasture, good for bananas, string beans, cucumbers, sweet potatoes and mountain yams if properly drained. These soils are suitable for shade house production of flowers and foliage, greenhouse tomatoes and prawn farms.

The Hanalei (Hn) soil series consists of dark gray to very dark gray silty clays with red and dark brown mottles

and a subsoil of mottled dark gray and dark grayish-brown silty clay loam. Substratum varies from massive marine clays to peat, muck, or stratified alluvium. Hanalei soils are found on floodplains along Waianu and Waiahole streams and have fair to poor drainage. These soils are moderately permeable with good agricultural workability.

The State Department of Agriculture ("DOA"), in its Agricultural Lands of Importance to the State of Hawaii ("ALISH") classification system designates most of Property A near Waiahole Stream as "Unique" agricultural land.

Property B (Agricultural to Urban) primarily consists of Waikane (Wp) soils. The Waikane (Wp) soil series consists of a dark reddish-brown silty clay subsoil above a substratum of soft, weathered gravelly alluvium or colluvium, with gravel content increasing with depth. Waikane soils, the predominant soils in Waiahole Valley, are found on alluvial fans, terraces, and on colluvium. Drainage is good, with moderately high permeability and moderate to rapid runoff. Workability is fair to difficult, depending on gravel content and slope. Slopes range from 3 to 8 percent (WpB), 8 to 15 percent (WpC), 15 to 25 percent (Wpd), 25 to 40 percent (AeE), and 40 to 70 percent (ALF). These soils are suitable for pasture, truck crops and homesites.

The DOA in its ALISH classification system, designates most of Property B as "Prime" and "Unique" agricultural land.

Property C (Conservation to Agricultural) consists primarily of Alaeloa (Ae) soils. The Alaeloa (Ae) soil series consists of well-drained soils on uplands of Oahu including Waiahole Valley. These soils developed in material weathered from basic igneous rock and are gently sloping to very steep. Elevations range from 100 to 1,500 feet above sea level. The annual rainfall amounts to 35 to 60 inches, which is well distributed throughout the year. These soils are suitable for pineapple, pasture, wildlife habitat, homesites and water supply. Small acreages are suitable for truck crops and orchards.

The DOA in its ALISH classification system, designates the majority of soils in Property C as "Other" important agricultural land.

11. Surface runoff within Waiahole Valley is generally good. However, areas along Waiahole Stream and Kamehameha Highway are low and flat and occasionally pond or are inundated. Portions of Property A bordering Waiahole Stream and portion of Property B along Kamehameha Highway are affected by surface runoff. Property C is not affected.

The Federal Insurance Administration, in its Flood Insurance Study, designates the lower portion of Waiahole Valley as Zone A - areas of the 100-year flood (a flood magnitude with 1 percent chance of being exceeded in any one

year) and Zone B - areas between the 100-year and 500-year flood limits (a 500-year flood has a 0.2 percent chance of being exceeded in any one year).

PROPOSAL FOR DEVELOPMENT

12. Petitioner proposes to develop the Properties in accordance with Hawaii Revised Statutes ("HRS") §§171-111 to 118, and §359G-4.1. Petitioner proposes to include the following uses in the Waiahole Valley Project: agricultural park, residential subdivision, commercial lots, a reservoir, open space, and necessary infrastructure. The Waiahole Valley Project development plan will include breakdown of land uses as follows:

A. Subdivision

1. Agricultural lots - 45 lots (380 acres), ranging from approximately 2 to 46 acres; 36 lots to be encumbered by existing tenancies and nine to be leased to new tenants.
2. Residential lots - 80 lots (40 acres), ranging from approximately 7,500 sq. ft. to 57,000 sq. ft.; 47 lots to be encumbered by existing tenancies and 33 to be leased by HHA to new tenants.
3. Commercial lots - Two lots (each approximately one acre) encumbered by existing tenants: an existing poi factory and a store.
4. Reservoir (two lots) and pumping station (one lot - three lots) (approximately 3 acres)
5. Open space - Five lots (approximately 148 acres)

B. Leases

HHA proposes to enter into long-term agricultural and residential leases for the Properties with preference to be extended to residents of record in Waiahole Valley as of March 1977. HHA will include provisions for mandatory agricultural uses of the land in the agricultural leases .

C. Physical improvements

1. Roads - widening, paving, realignment, new roadways, bridge replacement.
2. Drainage - roadside swales and an inlet pipe system.
3. Water - one system to provide for domestic and agricultural needs.
4. Wastewater - cesspools, closed vaults, or other approved systems by individual lessees.
5. Electrical and communications - overhead electrical and telephone lines to serve all lessees; street light up to fork on Waiahole Valley Road.

Petitioner proposes to start construction within three to four months after obtaining all government approvals and to complete construction of all improvements fourteen to sixteen months after starting construction.

PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

13. Petitioner estimates the cost of developing the proposed Waiahole Valley Project to be \$13,100,000.00, with funds to be allocated from the following sources to pay costs:

PROJECT COSTS

SOURCE OF FUNDS

	HHA (Dwelling Unit Revolving Fund)	Dept. of Agriculture (Capital Imp. Program)	Dept of Nat. Resources (CIP Fund)
<u>LAND</u>			
Acquisition	\$6,000,000		
Other Land Costs	200,000		
Feasibility	50,000		
Arch. & Eng. Fees	70,000		
Legal Fees	80,000		
Contingency	150,000		
Administrative Exp.	110,000		
Total	\$6,660,000	\$6,660,000*	
<u>AGRICULTURAL PARK IMPROVEMENTS</u>			
Planning	\$ 99,000		
Design	659,252		
Total Pln & Des.	\$ 758,252	\$ 758,252	
Construction (Est.)	\$1,414,060		
Roadway Improvements	741,060		
Drainage System	185,000		
Street Ltg. System	30,000		
Total Estimated Construction Cost	\$2,370,120		
Allocation of Est. Constr. Cost:			
a. Ag Park Share 65.10%		\$1,542,948	
b. Resid. Share 34.90%	\$ 827,172		
<u>WATER FACILITIES</u>			
Planning	\$ 40,000		
Design	363,747		
Total Plan. & Des.	\$ 403,747		\$ 403,747
Construction (Est.)	\$2,900,000		\$2,900,000
<u>AGRICULTURAL PARK COST</u>			
PER AGENCY	\$6,660,000	\$2,301,200	3,303,747
TOTAL	\$12,266,360		
<u>RESIDENTIAL LOT COSTS</u>			
PER AGENCY	\$ 827,172		
TOTAL	\$827,172		

* Excluding Interest Expense

14. The State Department of Land and Natural Resources ("DLNR") will operate and maintain the proposed agricultural park.

STATE AND COUNTY PLANS AND PROGRAMS

15. The Properties are situate within the State Land Use Agricultural, Urban and Conservation Districts.

16. The City's General Plan policy for the Koolaupoko District of Oahu is to maintain agricultural land for truck farming, flower growing, livestock production, and other types of diversified agriculture.

17. The City and County of Honolulu ("City") designates the entire Waiahole Valley, including Properties A and B (except for an elementary school site and Property C which is designated P-1, Preservation), for Agricultural use in its Koolaupoko Development Plan Land Use Map (Ordinance No. 83-8, adopted May 10, 1983). The proposed Waiahole Valley Project will not conform to the City's development plan in those areas where residential use is proposed or existing.

18. The City's zoning Ordinance No. 84-17, (dated March 1, 1984) designates Property A and Property B in the Ag-1 Agricultural District, and Property C in the P-1, Preservation District. Petitioner proposes to apply to the City Council for exemptions relating to zoning and subdivision standards pursuant to HRS §359G-4.1.

19. Portions of the Properties are within the City Special Management Area. Petitioner proposes to apply to the

City Council for an exemption with respect to the Special Management Area permit pursuant to HRS §359G-4.1.

NEED FOR THE PROPOSED DEVELOPMENT

20. The Waihole-Waikane Community Association ("WWCA") initially proposed the Waiahole Valley Project to ensure that the Property will remain in agricultural use. Petitioner proposes to develop the Waiahole Valley Project as a means of offering long-term leases to displaced Waiahole-Waikane Valley farmers as an alternative to purchase of land and in an effort to maintain the present lifestyle of Waiahole Valley.

IMPACT UPON RESOURCES OF THE AREA

21. Governor Ariyoshi accepted Petitioner's Environmental Impact Statement on February 19, 1985.

Air Quality

22. Petitioner believes open burning and cesspools are the major sources of air pollution in the area. Agricultural activities periodically generate odors, dust, and pesticide aerosols. Petitioner will require tenants to take appropriate measures to mitigate potential problems.

Petitioner proposes to take mitigating measures during construction to subdue fugitive dust. Petitioner does not anticipate that pesticides and animal manure fertilizer odor will cause significant adverse impacts on nearby residential uses due to dispersion and absorption of such contaminants by vegetation in Waiahole Valley. Petitioner also proposes to

locate residential areas in the central valley area and not directly downwind of pollution sources.

Noises

23. Petitioner proposes to comply with all noise regulations and requirements in order to minimize the effect of noise from construction activity on the proposed project.

Flora and Fauna

24. Much of the vegetation in the main valley floor, where most of the proposed activity will occur, consists of agricultural crops, fallow land, and pasture. A heavy growth of introduced grasses and scattered trees, shrubs, and introduced vines covers the fallow land.

The fauna in the area are introduced species of birds (e.g., cattle egret, doves, mynah, cardinals), reptiles (e.g. gecko), and mammals (rats, mongoose).

Instream Values

25. Waiahole Stream's primary instream value has been its significance as a stream fauna habitat. Petitioner proposes to maintain adequate instream flows for Waiahole Stream sufficient to provide a sustainable habitat for existing fauna.

Historic/Archaeological Sites

26. There are no known archaeological sites on the Properties registered with the State Register of Historic Sites. However, two known archaeological sites with the

Properties are considered significant in terms of research value. Construction of the proposed improvements on the bank of Waiahole Stream will adversely impact one site.

Petitioner's consultant Myra Tuggle conducted a field study during the months of June, July, and August 1984 to salvage the site's research value. Myra Tuggle indicated that past investigation of the Properties were adequate in providing historic and cultural information. The DLNR agrees with her findings.

27. DLNR recommends that if Petitioner discovers any archaeological sites or remains, Petitioner should stop construction in the immediate area and notify the State Historic Preservation Office.

Agricultural Resources

28. Petitioner anticipates reclassification of the Properties and the implementation of the Waiahole Valley Project will promote agriculture in the area.

ADEQUACY OF PUBLIC SERVICE AND FACILITIES

Water

29. Two water systems: the Board of Water Supply ("BWS") system and the McCandless system presently serve Waiahole Valley residents.

In 1977, the HHA purchased approximately 590 acres of land in Waiahole Valley including one-fourth interest in the McCandless water system from Mrs. Elizabeth Marks for

\$6,000,000.00. This interest entitled HHA to draw 125,000 gallons per day from the McCandless water system.

30. Petitioner estimates that when completed, tenants occupying the Waiahole Valley Project will require approximately 125,000 gallons of water per day for domestic consumption and approximately 700,000 gallons of water per day for agricultural purposes.

Petitioner proposes to develop two new 10-inch wells in upper Waiahole Valley with total capacity of 800,000 gallons per day. In addition, Petitioner will develop a new water system consisting of a 1 million gallon reservoir, twelve and eight-inch waterlines extending to this reservoir, and a 350 gallon per minute pump station and a 200,000 gallon steel reservoir for residents at higher elevations. Petitioner will also construct fire hydrants.

31. Petitioner proposes to abandon the existing water system and install the new water system within five years after receiving necessary government approvals. The proposed project will not require modification of the existing water system.

Sewerage System

32. There are no sewer mains or treatment facilities in the area. The current method of wastewater disposal in Waiahole Valley is through approximately 80 cesspools. Approximately 15 of these cesspools are located in low-lying areas near Kamehameha Highway where the soils are subject to

periods of prolonged saturation. These cesspools require pumping more than once a year.

33. The boundary between the "pass/no pass" zones, developed by BWS to protect potential groundwater supplies, cuts across the upper third of Waiahole Valley. Cesspools and leaching fields are not permitted in the "no pass" zone. All of the Properties are within the "pass" zone.

34. Petitioner will require that tenants provide their own individual wastewater disposal system in accordance with State Department of Health standards.

Drainage

35. There are no drainage facilities in Waiahole Valley. Storm drainage is by overland flow through agricultural lots to nearby streams which discharge into Kaneohe Bay. Petitioner proposes to install road culverts for gully crossings, and a drainage pipe system along Waiahole Valley Road from Kamehameha Highway to the South Branch intersection.

Petitioner will also improve Waiahole Stream by lining the stream banks with boulder riprap to minimize erosion beginning at Waiahole Poi Factory on the corner of Kamehameha Highway and Waiahole Valley Road and extending about 600 feet upstream. Petitioner will construct a new concrete bridge at the South Branch crossing of Waianu Stream to replace the

existing timber trestle bridge. High stream flows cause debris to be trapped by the existing bridge, resulting in flooding and damage to the bridge.

Electrical, Telephone, and Street Lighting Systems

36. Hawaiian Electric Company, Inc., will provide electrical service to the project site. Hawaiian Telephone Company will provide telephone service to Waiahole Valley residents. Petitioner shall install street lights along Waiahole Valley road from Kamehameha Highway to the South Branch intersection.

Vehicular Access/Roadways

37. Two existing roads provide access into Waiahole Valley from Kamehameha Highway: Waiahole Valley Road, which divides into a north and south branch, is a 40-foot right-of-way with a pavement width of about 14 to 20 feet. The paved portion of Waiahole Valley Road extends from Kamehameha Highway to about one mile up the north branch with the remaining portions of the north branch and the entire south branch being gravel dirt roads. Waiahole Homestead Road is a 30-foot right-of-way, is paved for a distance of 400 feet mauka from Kamehameha Highway, with the remaining portion in soil and exposed rock.

38. Petitioner proposes to expand the rights-of-way for Waiahole Valley Road and Waiahole Homestead Road to 44 feet and 32 feet respectively. Petitioner will resurface all

existing pavement and will provide asphaltic concrete pavement where none presently exists to a new pavement width of a minimum of 18 feet. Petitioner also proposes to realign Waiahole Valley Road in three places: (1) near the Kamehameha Highway intersection along Waiahole Stream, (2) at the north branch to eliminate a blind curve and (3) at the south branch, at Waianu Stream in conjunction with the construction of the new concrete bridge.

39. Petitioner anticipates that the proposed project will increase vehicular traffic volume on Kamehameha Highway by approximately five percent, which increase will not adversely impact the existing Kamehameha Highway transportation corridor.

Police and Fire Protection Services

40. The Kaneohe Police Station will provide police service to the project.

The Kahaluu Fire Station will provide fire fighting services with support service available from the Kaneohe and Kaaawa Fire Stations.

Schools

41. The Department of Education estimates the project will generate an increase of between 16 and 32 students from grades kindergarten to twelve, which increase can be accommodated by the existing and planned school facilities.

CONTIGUITY OF THE PROPOSED RECLASSIFICATION

42. The Properties are contiguous to the existing

State Land Use Urban and Agriculture Districts in Waiahole Valley.

CONFORMANCE TO STATE LAND USE DISTRICT REGULATIONS

43. Petitioner's proposed use of the Properties will allow for the creation of lots consistent with existing uses and proposed uses.

44. Property A and Property C are contiguous to agricultural uses and Property B is adjacent to urban activities.

45. Basic services such as water, power, communication, highways, sanitation, and police and fire protection, are available or can be made available to service the project site.

46. The reclassification of the Properties A and C is consistent with the City's agricultural policy for Waiahole Valley.

47. Property B of Petitioner's proposed project will not contribute toward scattered urban development necessitating unreasonable investment in public supportive services.

48. The Waiahole Valley Project will not have adverse impacts on existing water sources.

49. The Waiahole Valley Project will include mitigating any adverse impacts on historic sites and natural ecosystems.

INCREMENTAL DISTRICTING

50. Petitioner proposes to complete the Waiahole Valley Project within five years after obtaining all necessary governmental approvals.

CONFORMANCE WITH THE HAWAII STATE PLAN

51. The Waiahole Valley Project is in conformance with the following goals of the Hawaii State Plan, Chapter 226, Part 1, Section 4, as follows:

- (1) "A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations."

The Waiahole Valley Project establishes diversified agriculture as a long-term use in Waiahole Valley and pursues one means to a more stabilized economy.

- (2) "A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people."

Petitioner proposes to protect the natural resource and maintain the valley's environmental quality.

- (3) "Physical, social, and economic well-being for individuals and families in Hawaii that nourishes a sense of community responsibility, of caring, and or participation in community life."

The Waiahole Valley Project will encourage the people's sense of community by providing long-term leases and maintain the community's rural character.

Conformance to Functional Plans

54. The proposed action conforms to the State Agricultural Plan as follows:

The Waiahole Valley Project will enhance the development of agricultural parks. Petitioner proposes to utilize prime agricultural land for agriculture while attempting to limit residential development to the marginal lands.

In conformance with the State Housing Functional Plan, Petitioner proposes to offer a limited amount of residential lots at prices affordable by low and moderate income residents. Since the major objective of the Waiahole Valley Project is to preserve agriculture and maintain a rural environment, the amount of residential lots is limited.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by the Petitioner or the other parties not adopted by the Commission herein, or rejected by clear contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission finds upon a preponderance of evidence that the reclassification of the Properties, which are the subject of this Petition, Docket No. A85-591 by the Department of Planning

and Economic Development, consisting of approximately 25.02 acres of land from the Urban District to the Agricultural District, approximately 7.35 acres of land from the Agricultural District to the Urban District and approximately 3.49 acres of land from the Conservation District to the Agricultural District at Waiahole, Oahu, Hawaii, for an agricultural park and a residential subdivision, conforms to the standards established in the State Land Use District Regulations, is reasonable and non-violative of Section 205-2 and the Hawaii State Plan, Chapter 226, Hawaii Revised Statutes, as amended.

The Commission further finds that it has jurisdiction to act on the Petition inasmuch as the Petition was filed prior to the enactment of Act 230, 1985 Session Laws of Hawaii, and Commission completed the public hearing on the Petition and all parties to the Petition had submitted the matter to the Commission prior to the effective date of Act 230.

ORDER

IT IS HEREBY ORDERED that the Properties, which are the subject of the Petition Docket No. A85-591 by the Department of Planning and Economic Development on behalf of HHA, consisting of approximately 35.86 acres of land, and described as follows:

Property A - (Urban to Agricultural) approximately 25.02 acres of land, Oahu Tax Map Key Nos.: 4-8-8: 10, portion of 1, portion of 12, portion of 18, 4-8-9:

portion of 1; 4-8-11: portion of 1, and portion of 2, at Waiahole Koolaupoko, Oahu, Hawaii, approximately identified in Exhibit A attached hereto and incorporated herein, and

Property B - (Agricultural to Urban) approximately 7.35 acres of land, Oahu Tax Map Key Nos.: 4-8-9: portion of 1; 4-8-12: portion of 5 and portion of 10, at Waiahole, Koolaupoko, Oahu, Hawaii, approximately identified in Exhibit A attached hereto and incorporated herein, and

Property C - (Conservation to Agricultural) approximately 3.49 acres of land, Oahu Tax Map Key No.: 4-8-01: portion of 1, at Waiahole, Koolaupoko, Oahu, Hawaii, approximately identified in Exhibit A attached hereto and incorporated herein,

shall be and the same is hereby reclassified from the Urban District to the Agricultural District (Property A), from the Agricultural District to the Urban District (Property B) and from the Conservation District to the Agricultural District (Property C) and the State Land Use District boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 20th day of January
1986, per motions on October 17, 1985 and December 10, 1985.

LAND USE COMMISSION
STATE OF HAWAII

By *T. P. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner

By *William W. L. Yueng*
WILLIAM W. L. YUENG
Commissioner

By *Toru Suzuki*
TORU SUZUKI
Commissioner

By *Richard B. F. Choy*
RICHARD B. F. CHOY
Commissioner

By *Winona E. Rubin*
WINONA E. RUBIN
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

AGRICULTURAL

A85-591 DPED
RECLASSIFICATION

AT

WAIAHOLE, KOOLAUPOKO, OAHU, HAWAII

TAX MAP KEY: 4-8-1, 7, 8, 9, 10, 11, & 12

TRUE NORTH
Scale: 1" = 400'

T.M.K. 4-8-10:2

T.M.K. 4-8-12:10

EXCLUSION
0.23 Ac.

EXISTING URBAN/
AGRICULTURAL BOUNDARY

T.M.K. 4-8-09:1

URBAN/
AGRICULTURAL
BOUNDARY

Waiahole Elementary
& Intermediate School
T.M.K. 4-8-09:10

URBAN/
AGRICULTURAL BOUNDARY

AGRICULTURAL
DISTRICT
2.28 Ac.

EXCLUSION

URBAN

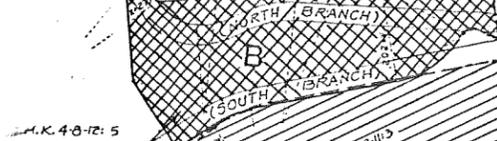
TOTAL AREA = 40.86 ACS.

T.M.K. 4-8-09:1

URBAN
RECLASSIFICATION
0.69 ACS.

WAIAHOLE VALLEY ROAD

EXCLUSIONS



URBAN/
AGRICULTURAL BOUNDARY

T.M.K. 4-8-11:2

AGRICULTURAL

AGRICULTURAL DISTRICT
22.74 ACS.

HIGHWAY

URBAN
RECLASSIFICATION
6.66 ACS.

EXCLUSION
0.51 Ac.

T.M.K. 4-8-11:6

T.M.K. 4-8-11:1

WAIAHOLE HOMESTEAD ROAD

T.M.K. 4-8-08:7

T.M.K. 4-8-08:1

T.M.K. 4-8-01:6

T.M.K. 4-8-11:1

EXISTING AGRICULTURAL/CONSERVATION BOUNDARY

T.M.K. 4-8-01:1

CONSERVATION

AGRICULTURAL DISTRICT
3.49 ACS.

LEGEND



URBAN RECLASSIFICATION



AGRICULTURAL RECLASSIFICATION

A - Amend Urban to Agriculture, 25.02

B - Amend Agriculture to Urban, 7.35 Ac

C - Amend Conservation to Agriculture,
3.49 Ac

NOTE:
COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION
STATION "PUU KAUAU"

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A85-591
)
DEPARTMENT OF PLANNING AND ECONOMIC) DEPARTMENT OF PLANNING AND
DEVELOPMENT, STATE OF HAWAII) ECONOMIC DEVELOPMENT, STATE
) OF HAWAII
)
For Reclassification of Certain)
Lands Situate at Waiahole,)
Koolaupoko, City and County of)
Honolulu, State of Hawaii)
_____)

CERTIFICATE OF SERVICE

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

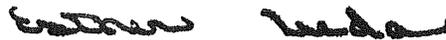
KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

TATSUO FUJIMOTO, Head
Land Use Division
Department of Planning and Economic Development
State of Hawaii
250 South King Street
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DONALD A. CLEGG, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

MARY ANNE MAGNIER, Attorney for Intervenors Robert Achi, Et Al.
Native Hawaiian Legal Corporation
1164 Bishop Street, Suite 900
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 20th day of January 1986.



ESTHER UEDA
Executive Officer

DOCKET NO. A85-591 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on January 21, 1986.

EVERETT KANESHIGE, Deputy Attorney General
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Board of Agriculture
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