

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 WAILUA HEIGHTS, INC.,)
)
 For the Reclassification of)
 Certain Lands Situated at)
 Wailua, Puna, Island of Kauai)
 _____)

DOCKET NO. A75-408

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 WAILUA HEIGHTS, INC.,)
) DOCKET NO. A75-408
 For the Reclassification of)
 Certain Lands Situated at)
 Wailua, Puna, Island of Kauai)
)
 _____)

DECISION AND ORDER

This matter, being a proceeding pursuant to Section 205-4 of the Hawaii Revised Statutes to consider a petition to amend District Boundaries and reclassify from Agricultural to Rural approximately 49.78 acres of land situated at Wailua, Puna, Island of Kauai, was heard by the Land Use Commission at the Kauai Public Library, Lihue, Kauai, on March 4, 1976. Wailua Heights, Inc., the Kauai County Planning Department, and the Department of Planning and Economic Development, State of Hawaii, were admitted as parties. The Commission having duly considered the record in this Docket, the Proposed Findings of Fact and Conclusions of Law submitted by Petitioner, and the Comments on Petitioner's Proposed Findings of Fact and Conclusions of Law submitted by the Department of Planning and Economic Development, State of Hawaii, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The property which is the subject of this petition is owned in fee simple by the Petitioner, comprises all of Lot 15-A of the subdivision of Lot 15 of the Wailua Homesteads, First Series, being also a portion of Grant 12106 to Katsuto Arashiro, an approximate area of 49.78 acres situated at Wailua, Puna, Kauai, and identified by Tax Map Key 4-2-02-141. The property is bounded on the north by the Opaekaa Gulch and Stream; on the east (makai boundary) by Grant 12107, an area of approximately 34.38 acres owned by Itsuo and Matsuko Uyeda; on the south by Kuamoo Road, the main government road into the Homesteads area from Kuhio Highway which is approximately 4.5 miles from the subject property; and on the west (mauka boundary) by the Agricultural Experiment Station of the State of Hawaii.

2. The subject property is within the Agricultural District and is designated Agriculture on the County of Kauai's General Plan. The nearest Rural District is 700 feet makai of the subject property, the entire length of the south boundary of the Uyeda property which separates the Rural District from the subject property.

3. The subject property is located at an elevation of 450 feet, and slopes mauka to makai (west to east) from nearly level to less than 10 percent with an average slope of 2 to 2-1/2 percent. According to the Land Study Bureau's detailed land classification study of 1967, the soil of the property is

dark brown to reddish brown, deep, well drained and non-stony. The property drains naturally into the Opaekaa Gulch and Stream which meanders in the makai direction until it enters the Wailua River below the Homesteads area. The annual rainfall average for the subject property is 75 inches.

4. The subject property was acquired by Katsuto Arashiro in 1949 from the State for agricultural use. Vegetable crops were cultivated on ten acres for about five years until unstable market conditions forced termination of a marginal operation. Pineapple cultivation continued fairly successfully on most of the acreage until termination of the Hawaiian Fruit Packers' operation in 1973, which had contracted to purchase all of the pineapple from the subject property. The property was thereafter sold by the Arashiro family.

5. The Land Study Bureau's detailed land use classification study of 1967 rates the over-all and selected crop productivity for the subject property as "D" in a five-class rating where A represents the class of highest productivity and E the lowest productivity. The United States Department of Agriculture Soil Conservation Service Soil Survey Report of 1972 identifies soil types of the subject property as Halii gravelly, silty clay (Hfb), which is used for sugarcane, wildlife habitat and water supply, with capability classification of IVe, non-irrigated.

6. The Petitioner proposes to subdivide and develop 75 to 85 one-half-acre lots for rural use for

fee simple sale. The estimated sales price is \$25,000 to \$30,000 per lot and marketing is to commence within six to eight months after State and County rezoning approvals. These restrictions will include house construction within a ten-year period. However, no restrictions will be imposed on agricultural uses permitted by Chapter 205 of the Hawaii Revised Statutes, the State Land Use District Regulations, or the County Comprehensive Zoning Ordinance.

7. Water and power are available along Kuamoo Road. The present Puu Pilo storage tank with a capacity of 125,000 gallons is adequate to serve the subject property, but the existing booster pump of 40 gallons per minute will have to be replaced by a 75 to 100 gallons per minute booster pump. Also, a new parallel water transmission line would have to be installed from the existing Puu Pilo storage tank to the subject property. All of these water improvements will be installed at the cost of the Petitioner. The present water source for the area is adequate. The State Health Department will require percolation test for cesspool feasibility but no building permit has been disapproved because of poor percolation tests in the Homestead area.

8. There are no historic or archeological sites or structures on the subject property or in the immediate area. The Wailua Reservoir which is mauka of the subject property is a habitat for exotic and native water birds as distinguished from native forest birds. Development of the subject property approximately

three-fourths of a mile away will have no significant effect upon the Reservoir area, however. The subject property does not have any known important resource value in terms of agriculture, natural resources, environmental resources, recreational, historic or scenic resources.

9. Kauai has a continuing market need and demand for single-family residential lots to accommodate growth and development. Residential lots offered for sale from new subdivisions have been absorbed by the market at the rate of 100 to 150 lots per year. The existing inventory of newly subdivided one-half-acre lots available for sale in all of Kauai is less than 50 lots, which includes eight out of twenty-three lots in the new Wailua Half-Acre Subdivision located 700 feet makai of the subject property. The subject property, when developed with one-half-acre lots within eighteen to twenty-four months, would add some 75 to 85 lots to the inventory of one-half-acre lots on Kauai. The Wailua Homesteads area is located approximately eleven miles from Lihue town and three miles from Kapaa town and has developed into a prime residential district of Kauai. Subdivision of lands along Kuamoo Road in the Urban Rural Districts has resulted in over 480 single-family lots in sizes ranging from 7,500 square feet to half an acre or larger.

10. The Kauai County Planning Department supports the petition to reclassify the subject property from the Agricultural to the Rural District. This support is based on findings at the time of

adoption of the General Plan in 1971 that the Wailua Homesteads area (and the adjoining area), because of good climate, terrain, and visual amenities, would be in demand and would be suitable for residential use. The Planning Department's study of soils, based on the Land Study Bureau's soil data, found that the Agricultural District's soils within the Wailua Homesteads, First Series, were generally less suitable for agricultural purposes than that of the nine active Rural District's soils; and that of the nine active truck farmers in the entire Homesteads region, only one farmer is located in the vicinity of the subject property.

11. The State Department of Planning and Economic Development recommends approval of Petitioner's request for reclassification of the subject property from Agricultural to Rural District based on findings that:

- a. The subject property does not have any known important resource value in terms of agriculture, natural resources, environmental resources, recreational, historic or scenic resources;
- b. That the agricultural soils in the vicinity of the subject property have limited agricultural potential based on findings of the Department of Agriculture. Further, the records of the Department of Taxation show that of twenty-two parcels totalling 295.0 acres dedicated for agricultural purposes, approximately 255 acres were

dedicated for pasture use, a marginal agricultural activity; and

- c. That the Wailua Homesteads area between the Agricultural Experiment Station and the existing Rural District is a logical direction for future rural expansion, based on existing land use pattern and the limited agricultural potential for the area.

12. That development of a rural subdivision on the subject property will not adversely affect agricultural uses within the Agricultural District. There is substantial acreage of higher soil classification ratings at Kapaa, Kilauea and Moloaa which became available for other agricultural activity when the cane cultivation of Kilauea Plantation and pineapple cultivation and processing of Hawaiian Fruit Packers terminated. The State-County program to expand and strengthen diversified agriculture is under implementation by the Kauai Task Force at Moloaa and Kilauea.

CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 49.78 acres, situated at Wailua, Puna, Island of Kauai, from Agricultural to Rural and amendment of the District Boundaries accordingly to permit the proposed development is reasonable, not violative of Section 205-2, HRS, and consistent with the interim policies and criteria established pursuant to Section 205-16.1, HRS.

ORDER

IT IS HEREBY ORDERED:

That upon the condition that Petitioner cancel Agricultural Dedication the property which is the subject of the Petition in this Docket No. A75-408, approximately 49.78 acres, situated at Wailua, Puna, Island of Kauai, all of Lot 15-A of the subdivision of Lot 15 of the Wailua Homesteads, First Series, bearing Tax Map Key 4-2-02-141, shall be and hereby is reclassified from Agricultural to Rural and the District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 2nd day of June, 1976, by motion passed by the Commission on May 12, 1976 in Lihue, Kauai.

LAND USE COMMISSION
STATE OF HAWAII

By _____
Commissioner Tangen, Chairman

Stan Sakahashi
Commissioner Sakahashi, Vice-
Chairman

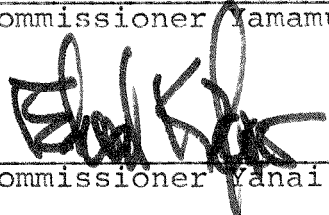
James R. Carras
Commissioner Carras

Bill Duke
Commissioner Duke

Commissioner Machado

Sidney Oura
Commissioner Oura

Carl B. Whitesell
Commissioner Whitesell

Commissioner Yamamura

Commissioner Yanai