

11. The reclassification of the Petition Area will urbanize land that is not suitable for agricultural uses. The Petition Area's soil classifications and low annual rainfall make it unsuitable for intensive agricultural use.

12. The Petition Area is not classified as Important Agricultural Land under the ALISH rating system or Part III of HRS chapter 205.

13. Article XI, Section 7, of the Hawai'i State Constitution states that the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people.

14. The proposed drainage system will not increase offsite runoff, nor cause an adverse impact to adjacent and downstream properties.

15. The design of the Project will minimize adverse visual impacts of the Project.

16. The West Hawai'i Landfill has adequate capacity to support the needs of the Project, based on the assumption that when the existing landfill's capacity is reached the County will at that time have another landfill or some other method of handling the municipal solid waste.

17. The fair share agreement with the DOE is sufficient to mitigate the impact of the Project on the educational resources of the area.

18. Petitioner will enter into an agreement with the State Department of Transportation which will satisfy the Petitioner's fair share contribution obligation regarding mitigation of the traffic impacts of the Project.

V. DECISION AND ORDER

IT IS HEREBY ORDERED that the Petition Area, consisting of approximately 129.99 Acres in the state Land Use Agricultural District in the North Kona District, Island of Hawai'i, Tax Map Key Nos. (3) 7-3-007:038, 039, and (3) 7-3-009:007, and shown approximately on Exhibit "A," attached hereto and incorporated by reference herein, shall be and is hereby reclassified to the state Land Use Urban District, and the state Land Use District boundaries shall be amended accordingly.

Based upon the findings of fact and conclusions of law stated herein, it is hereby determined that the reclassification of the Petition Area will not significantly affect or impair the