

October 4, 1976 by Alma L. Prigmore for Paradise Hui Hanalike Association.

The original petition was for the reclassification of approximately 65.54 acres but was amended because several property owners had not joined in the petition.

The site is within the State Conservation District as shown on Land Use District Boundary Map H-71, Pahoia North, Hawaii. Land Use Commission records reflect that the subject properties have been in the Conservation District since 1969. Prior to 1969, the properties were in the Agricultural District.

The Hawaii County General Plan designates the area for Orchard use. The area is zoned Ag-1. The properties are also within the Special Management Area. (The County points out that single family residential uses are exempt from the provisions of the Special Management Area)

Description of Area

The subject properties are part of the Hawaiian Paradise Park Subdivision at Keaau, Puna, Hawaii. The subdivision is located approximately 5 miles southeast of Keaau Town and lies makai of Pahoia Road. The subdivision was established in 1959. It contains a total of 8,840 lots and covers an area of 9,470 acres extending from the coastline to mauka of Pahoia Highway. Most of the lots are approximately $\frac{1}{2}$ acre in size.

The subject properties lie at the makai end of the subdivision, between the coastline and the old government road which runs parallel to the shoreline. The government road consists of a narrow 10 foot wide unpaved roadway.

Coastal area on either side of the properties are within the Conservation District General Use Subzone. Areas mauka of the shoreline road are within the Agricultural District.

The Arcata January 1973 Aerial photo of the area reflects that the properties are vacant with the exception of two lots which have homes on them.

The Land Study Bureau report, "Detailed Land Classification - Island of Hawaii", reflects that soils of the area have a master productivity rating of "E". The area contains pahoehoe lava flows, no soil materials, and is unsuited for machine tillability. Vegetation consists of scrubby trees.

The USDA Soil Survey Report for the island of Hawaii also reflects that the area contains pahoehoe lava flows and is unsuited for cultivation. The area is classified as subclass VIIIs soils, having very severe limitations which restrict their use for wildlife habitat or recreation.

Description of Proposed Use

The petition represents approximately 85 landowners who own properties within the Hawaiian Paradise Park Subdivision. The landowners are requesting the reclassification from the Conservation to the Agricultural District in order that they may use their properties for residential and agricultural purposes.

The petition points out that at the time the petitioners purchased the lots the area was within the Agriculture District. The area was subsequently reclassified to the Conservation District. The landowners have been unable to obtain approval from the Department of

Land and Natural Resources for the residential use of the properties within the Conservation District. The Board of Land and Natural Resources has indicated that the proposed use of the properties are more suited to the Agriculture District considering the present use of the area and surrounding land use. The petitioners are therefore seeking relief from their situation by requesting the subject boundary amendment from the Land Use Commission.

Analysis

The subject properties and adjoining shoreline areas were placed in the Conservation District during the Land Use Commission's 1969 Five Year Boundary Review. The Commission's decision to reclassify this area from the Agriculture to the Conservation District was based primarily on the consultant's recommendation that the Conservation District for the area should include lands extending from the shoreline to a line 300 feet mauka. The consultant's recommendation also pointed out that the area from Hilo to Kapoho is rocky with only occasional beaches and is the unique product of recent lava flows running into the sea.

At the time of the Land Use Commission's decision, in 1969, the properties were already subdivided lots and part of the Paradise Park Subdivision.

The County zoning at that time was Ag-1, which permitted residential and agricultural uses of the properties.

Subsequent to the area being placed in the Conservation District, nine property owners have attempted to obtain Conservation District Use permits from the Department of Land and Natural Resources for residential use of the properties. The Department of Land and

Natural Resources has granted administrative approval for five requests on a non-conforming use basis. Two applications were approved by the Board of Land and Natural Resources and two others denied by the Board.

The latest position of the Department of Land and Natural Resources with respect to these properties has been that the properties would more appropriately be in an Agricultural District designation.

This has created a rather peculiar situation for the property owners who find that they cannot use the property for the purpose for which it was originally intended--that is, for residential and agricultural purposes. Meanwhile the County permits agricultural and residential uses on the adjoining properties in the subdivision which remain in the Agriculture District.

The Department of Planning and Economic Development is sympathetic with the plight of the property owners, however, a more important consideration is the appropriateness of the present classification of the area, and whether the area should be placed in the Agriculture District.

Reviewing the natural features of the area, we find that the area has no known resource values aside from its scenic coastal features. In terms of the area being an example of recent lava flows to the sea, there are numerous examples of this landtype in the Puna area.

In their comments to the Department of Planning and Economic Development, the Department of Land and Natural Resources indicates that the area does not have any particular conservation values which would necessitate that the area be protected by Conservation District status. The Department of Land and Natural Resources further points

out the area is within the County's Special Management Area. This designation would require strict controls on developments in the area to minimize aesthetic and environmental impact to the coastline areas.

The properties do not contain any known significant historic or archaeological features.

On the other hand, based on the Soil Survey Report and Land Study Bureau soil ratings for the area, the area has little agricultural potential. The Department of Agriculture also points this out in their comments to the Department of Planning and Economic Development. However Section 205-2, HRS and Section 2-2(3) of the Land Use Commission Rules and Regulations, "Standards for Agricultural Districts", state that "lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the Agricultural District."

The subject property is contiguous to lands in the Agriculture District. The question of the adequacy of utilities to support the proposed residential and agricultural uses, should the area be reclassified to the Agricultural District, should be addressed by the County. We note that the County Department of Water Supply has no water system in the area and that the Department of Public Works is proposing to make some improvements to the old government road abutting the properties.

Based on its analysis, the Department of Planning and Economic Development has no objections to the proposed reclassification request. We would however like to clarify our position with the following comments:

First of all, there are numerous other subdivided lots in a similar situation as the subject properties. That is, lots which were part of a legally approved County subdivision and subsequently placed in the Conservation District. The Department of Planning and Economic Development's position on the present request does not reflect a position that so-called "non-conforming" lots should in all cases be placed into their original or higher land use district classifications. But rather, the particular values and features of the properties should be considered to determine that they are in conformity with the particular District standards for which they are being reclassified.

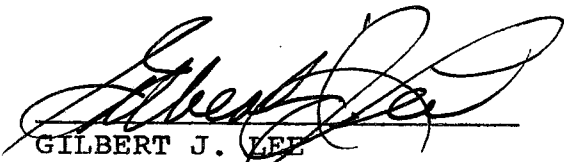
Another point is that the proposed reclassification would create many pockets of Conservation District lands, and result in a spotty land use district pattern for the area. It would be desirable that these deleted properties be considered for inclusion in the Agricultural District should the subject petition be approved.

Recommendation

The Department of Planning and Economic Development recommends that the Land Use Commission approve the petition by the Paradise Hui Hanalike Association for the reclassification of approximately 56.82 acres of land at Puna, Hawaii from the Conservation to the Agricultural District.

DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT


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