

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)
 LAND USE COMMISSION, STATE OF HAWAII)
 To Amend the Agricultural Land Use)
 District Boundary to Reclassify)
 Approximately 4.2 Acres,)
 TMK: 5-2-12: portion of 18;)
 TMK: 5-2-12: portion of 16, at)
 Kilauea, Island and County of Kauai,)
 into the Urban Land Use District.)

DOCKET NO. A79-453

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PARTY	<u>DPED</u>
EXH. NO.	<u>1</u>
DATE IDENTIFIED	<u>8/24/79</u>
IN EVIDENCE	<u>8/24/79</u>
CLERK	<u>B. Jankawa</u>

TESTIMONY OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
IN SUPPORT OF PETITION

The Department of Planning and Economic Development (hereinafter referred to as DPED) recommends approval of the State Land Use Commission's request to reclassify approximately 4.2 acres located at Kilauea, Kauai from the Agricultural to the Urban District. The Department's recommendation is based on the following findings and analysis of the petition.

General Information

The subject petition is for the reclassification of approximately 4.2 acres, consisting of two separate parcels of land located at Kilauea, Kauai from the Agricultural to the Urban District. For purposes of identification, the petitioner refers to the subject properties as Properties "A" and "B".

Both parcels are situated on the northerly side of Kuhio Highway and Kauai Belt Road. Property A is crescent in shape and encompasses an area of approximately 2.9 acres (Tax Map Key 5-2-12: portion of 18). Property B is situated approximately 700 feet west of Property A and encompasses approximately 1.3 acres (Tax Map Key 5-2-12: portion of 16).

The petition was served on the Department of Planning and Economic Development on March 15, 1979 by the petitioner, Land Use Commission, State of

Hawaii. Tax office records reflect that Rex Financial Corporation, a California corporation with business and post office address at 14831 Maple Avenue, Gardena, California 90247, is the owner in fee simple of the tax parcels 5-2-12: 18 which consists of approximately 10.570 acres and 5-2-12: 16 which consists of approximately 7.001 acres.

State and County Plans and Programs

The subject properties are designated Agricultural by the State Land Use Commission as shown on Land Use District Map K-9, Anahola, Kauai. The property has been in the Agricultural District since 1964.

The County's General Plan designation for Property A is "Single-Family Residential", and "Agriculture" for Property B. The County Zoning Designation is presently "R-6" for Property A and "Agriculture" for Property B.

Past Land Use Commission Action in the Kilauea Area

In November 14, 1977 the landowner, Rex Financial Corporation, was granted a petition for a boundary amendment (Docket No. A76-425: Rex Financial Corporation) by the State Land Use Commission for certain property situated adjacent to the subject Properties A and B at Kilauea. The reclassification involved removing the adjacent property, identified as Tax Map Key: 5-2-4: portion of 8 which encompasses approximately 35.72 acres from the Agricultural District classification and placing it under the Urban District classification.

Due to a technical error involving the location of the land use district boundaries at that time, Property A and a 3,750 square foot parcel identified as Titcomb Cemetary Lot (Tax Map Key: 5-2-12: 17) were "inadvertently" excluded from Docket A76-425: Rex Financial Corporation. Consequently at both the time of the Hearing (May 18, 1977 Tr. pp. 6-8) and the Action (November 14, 1977 Tr. pp. 10-13) on Docket A76-425: Rex Financial Corporation, it was stated by the State Land Use Commission that should the petition be granted, the State Land Use Commission would initiate a petition to similarly reclassify Property A and the Titcomb Cemetary Lot from the Agricultural District to the Urban District.

Property B was not mentioned by the State Land Use Commission at the time of the Hearing (May 18, 1977 Tr. pp. 6-8) and Action (November 14, 1977 Tr. pp. 10-13) on Docket A76-425: Rex Financial Corporation.

Description of Area

The subject properties are located north of Kilauea School and to the west of Kilauea Stream. The Kilauea Slippery Slide area is located to the south of the sites. Property A is surrounded on all sides by lands of the Kilauea Urban District. Property B is situated adjacent to Urban lands on northern and western borders.

The subject properties are presently vacant and overgrown. The sites had been formerly used for sugarcane cultivation by the Kilauea Sugar Company until 1970 when it closed. Metcalf Farms subsequently utilized the property for sorghum cultivation and was successful in taking out one crop in 1972. The sites were taken out of agricultural use in 1973.

The subject properties are located at 300 feet elevation. The slope of the sites range from nearly level to less than 10 degree from west to east up to the bluff line overlooking Kilauea Stream. Annual rainfall averages 75 inches in the subject area. The properties drain naturally in an easterly direction into the Kilauea Stream, which flows to the ocean approximately two miles to the north. The properties are not within any known flood plain or tsunami hazard area.

The soils in the subject properties are classified by the U. S. Department of Agriculture, Soil Conservation Service (S.C.S.) as Makapili series. According to the S.C.S. Soil Survey of Islands of Kauai, Oahu, Molokai, and Lanai, State of Hawaii (August, 1972) Makapili soils are silty clay and clay loam, have a depth to bedrock greater than five feet, have a seasonal high water table greater than five feet, are moderately to highly permeable, have a low shrink-swell potential, and are highly corrosive. (Table 2, pp. 162-163) Also, Makapili soils have fair suitability for topsoil and good suitability for road fill, low fertility, and slight limitations for septic tank filter fields on slopes up to eight percent, with moderate limitations up to fifteen percent. (Table 3, pp. 186-187)

In terms of agricultural capability classification, the Makapili soils fall under Pasture Group 10, for which potential yields of 8,000 to 10,000 pounds of air-dry forage per acre per year on well-managed improved pasture is possible; 3,000 to 5,000 pounds are possible on unimproved pasture. (pp. 146-147) They also fall under Woodland Group 9, for which the estimated annual productivity is 400 to 800 board feet per acre.

The Capability Grouping Classification for the Makapili soils is IIe. The Capability Grouping provides an indication of the general suitability of soils for most kinds of crops. Class II soils have moderate limitations that reduces the choice of plants or that require moderate conservation practices. Subclass IIe soils are subject to moderate erosion if they are cultivated and not protected. (p. 153)

The Land Study Bureau in its Detailed Land Classification-Island of Kauai (L.S.B. Bulletin No. 9, Dec. 1967) generally classifies the soils in the subject property area as Humic Ferruginous Latosols. These are intensively weathered soils which occur throughout the island in the wetter climate area (50-90 inches annual rainfall). (pp. 4-5) An inherent characteristic of the soil is its erosive tendency. More specifically, the soils in the subject property have a land type classification of C29i. (Table 2, p. 13) They are dark brown to dark yellowish brown in color, deep (over 30 inches), well-drained moderately fine textured, and generally non-stony. Soils of this type have an overall Crop Productivity Rating of C with Selected Crop Productivity Ratings of C's for all uses except vegetable and orchard crops, for which a "b" rating applies. (Table 2, p. 13) The classification applies to a five-class productivity rating using the letters A through E, with A representing the class of highest production and E the lowest. Thus, irrigated conditions are identified with an "i" which is applicable in this case.

The subject property will have access primarily through the Kilauea Light-house Road and Kolo Road from Kuhio Highway. The property is in the existing Kilauea Elementary School and Kapaa High and Intermediate School districts. The subject property is in the Kilauea Water System service area. According to the Kauai County Department of Water, (April 4, 1979) the present system's source, storage and transmission facilities are adequate to serve the proposed subdivision. There are no water distribution lines fronting the proposed subdivision. Petitioner states that it will be necessary for Rex Financial Corporation to extend the water line from the existing Kolo Road water line for which costs will be borne solely by Rex Financial Corporation. There is no existing public sewage disposal system in the immediate area. Petitioner states that sewage disposal will be through the use of cesspools. Solid waste disposal will be through the use of the use of the Hanalei Sanitary Landfill. The Kilauea Park is in close proximity to the proposed

subdivision and will be available for the residents of the development. Petitioner states that other urban amenities such as electricity, gas, telephone service, police and fire protection can and will be provided.

Petitioner's Proposed Use of Property

According to petitioner Land Use Commission, landowner Rex Financial Corporation intends to develop Property A as part of the Puu Lani Subdivision, Phase III, which will consist of 35 residential lots covering a total of approximately 7.7 acres, inclusive of Property A. The average lot size will be approximately 7,500 square feet with a range of 6,000 to 9,000 square feet. The overall density of the subdivision will be 4.5 lots per acre. Petitioner anticipates that approximately 20% of the total area of the development will be used for roadways and other offsite improvements.

This subdivision encompasses a portion of the 35.72 acres which the Land Use Commission reclassified from the Agricultural to the Urban District under Docket A76-425: Rex Financial Corporation. Presently, (as of petition filing date - March 15, 1979) Puu Lani Subdivision Phase III is pending before the County of Kauai Planning Department for processing and approval.

Property B will be developed in the future as either a residential subdivision or in conjunction with the private development of the Slippery Slide Park abutting the property. Property B was formerly part of the 7 acre Kilauea Slippery Slide parcel which Landowner Rex Financial Corporation wanted to convey to the County of Kauai, but which the County voted not to accept. According to petitioner, whether Property B is developed for residential or recreational use will depend on the "needs of the community and the owner at the time of development." (p. 3)

In terms of a development timetable, Property A is slated to commence as soon as all necessary governmental approvals have been obtained. Reportedly, marketing would commence within sixty days after the subject sites are reclassified by the Land Use Commission. As for Property B, development will be dependent on the development of the Slippery Slides area by the private group which purchased it, so as to make both parcels compatible with each other.

Petitioner's Justification for Request

The petitioner's justification for the boundary amendment request comes from the rationale that the development of Property A will aid in fulfilling the

growing need for moderately priced residential homesites in Kilauea. Kilauea Town is rapidly becoming the bedroom community for Kauai's North Shore and is consequently feeling the growth pressures.

The petitioner attributes the growth pressures to several factors. These are (1) increased employment opportunities resulting from the Princeville at Hanalei resort complex, (2) increased cost of residential homesites in the Hanalei-Haena area as well as the Kapaa area, and (3) the growing unavailability of moderately priced homesites elsewhere in the Northshore.

As for Property B, petitioner claims that since the Slippery Slides is gaining rapid recognition as a tourist attraction, if used in conjunction with the park it will constitute a better recreational use of the area. If it is developed for residential use then it will add to the housing stock and help to satisfy the demand.

Impact on Public Facilities and Services

Increases in school enrollment generated by the development of Properties A and B will not be critical. The Department of Education anticipates that the number of additional students can be accommodated by existing and planned school facilities.

Recreational needs will be accommodated by Property B if it is developed for recreational use in conjunction with the mentioned Slippery Slide Park.

DLNR stated in its letter of comment (dated April 18, 1979) that the Slippery Slide area has become a popular swimming and visiting site and that, "its recreational value has been recognized and included in the Kauai Parks and Recreation Master Plan prepared for the County of Kauai in 1978." (p. 2)

The County of Kauai Department of Public Works in its letter of comment dated April 11, 1979 pointed out that although the Kuhio Highway, which is under State jurisdiction, will convey traffic to various communities, the major collector will be Kolo Road. Kolo Road, under County jurisdiction, is narrow and also has a narrow bridge crossing Kilauea Stream. Therefore, it may be able to handle the burden of increased traffic generated by the total development. As DPW-Kauai states, "The change and future changes of the agricultural lands to an urban designation will hasten the need to improve the roadway."

Impact on Resources of the Area

As the soil characteristics revealed (as discussed previously) the subject properties are suitable for crop production.

According to the State Department of Agriculture's maps delineating Agricultural Lands of Importance to the State of Hawaii (prepared in January 1977), the subject properties are designated "Prime Agricultural Land." The adjoining, larger 35.72 acre parcel which was previously reclassified in Docket A76-425: Rex Financial Corporation on November 14, 1977 is also designated as Prime Agricultural Land with the exception of a small piece which is designated "Other Important Agricultural Lands."

Petitioner states that although the subject properties are suitable for crops, experience has shown that it is not feasible for farming.

Scatterization/Contiguity of Development

The subject properties are contiguous to existing Urban District areas and are a logical extension of the existing Urban District boundaries.

As indicated previously, Property A constitutes a pocket of Agricultural District lands surrounded by Urban District areas. Property B is situated adjacent to Urban lands on its northern and western borders and, if developed for residential purposes, would be a logical extension of proposed residential developments on adjoining Urban District lands.

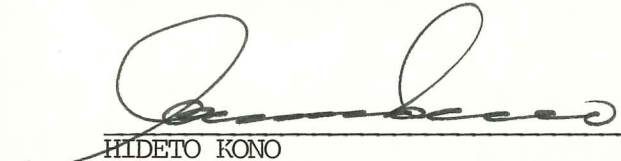
Conclusions and Recommendation

Based on the foregoing analysis of the petition and comments of other agencies, the Department of Planning and Economic Development finds that the proposed reclassification is:

- 1) reasonable;
- 2) in accordance with Section 205-2, HRS;
- 3) in compliance with the Interim Statewide Land Use Guidance Policies.

The Department therefore recommends that the Land Use Commission approve the petition to reclassify approximately 4.2 acres of land at Kilauea, Kauai into the Urban Land Use District.

DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT
STATE OF HAWAII


HIDETO KONO
Director of Planning and Economic Development