

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 YAMADA ESTATES,)
) DOCKET NO. A75-406
 For Reclassification of Certain)
 Lands Situated at Waiakahiula,)
 Puna, Island of Hawaii)
 _____)

DECISION AND ORDER

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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 Urban approximately 5.3 acres of land situated at Waiakahiula, Puna, Island of Hawaii, was heard by the Land Use Commission at Hilo, Hawaii, on February 12, 1976. Yamada Estates, the Hawaii County Planning Department, and the Department of Planning and Economic Development, State of Hawaii, were admitted as parties in this Docket. The Commission having duly considered the record in this Docket, the proposed Findings of Fact and Conclusions of Law submitted by the Petitioner and the Comments of the Department of Planning and Economic Development, State of Hawaii on Petitioner's proposed Findings of Fact and Conclusions of Law, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property is located at Waiakahiula, Puna, Island of Hawaii, and consists of a portion of Block 45, Hawaiian Beaches and Hawaiian Parks Subdivisions, identified by Tax Map Key No. 1-5-65:72 through 1-5-65:90 inclusive (19 lots) and comprises approximately 5.3 acres. It is bounded by Kahakai Boulevard, Puni Makai North and Niuhi Street and is located about 5.8 miles from the Keaau-Pahoa Highway. The Petitioner, Yamada Estates, is a purchaser of the subject property under an unrecorded agreement of sale dated September 10, 1974 from the seller, Hawaiian Parks, Inc., and is a Hawaii partnership with the following partners: Donald K. Yamada, Robert M. Yamada, and Emma L. Yamada.

2. The subject property is classified as within the Agricultural District by the State Land Use Commission and is currently zoned Agricultural 1-Acre (A-1a) by the County of Hawaii. The Hawaii County General Plan Land Use Pattern Allocation Guide Map designations of the subject property are Orchard and Alternate Urban Expansion.

3. The subject property lies at about the 150-foot contour and less than one mile from the shoreline area which is deep and rugged and classified as within the Conservation District. The rainfall is about 100 to 150 inches annually. The Land Study Bureau productivity rating for soils is "E" or very poor for agricultural use. The United States

Department of Agriculture Soil Conservation Service Report identified soil types of the subject property as Malama extremely stoney mock series which consists of well-drained, thin, extremely stoney organic soils over a'a lava. The slope is three (3) to fifteen (15) percent. The surface layer varies from two (2) to eight (8) inches in the thickness. Permeability is rapid, runoff is very slow, and erosion hazard is slight. The subject property has no topographic and drainage problems which would render it unusable for an urban-type development; it is also free from danger of floods and unstable soil conditions.

4. The Petitioner proposes to develop the subject property for commercial uses; a small shopping complex that would include a small general store, service station, launderette, barber shop, beauty shop, restaurant and a United States Postal Service contract station. The requested Urban Classification conforms to the General Plan Land Use Pattern Allocation Guide Map which designates the subject property for Alternate Urban Expansion. Under such designation, low density and/or medium density urban development are allowable uses. Under the General Plan, the proposed commercial development is a use allowed in the medium density urban development category.

5. Hawaiian Parks, Hawaiian Beaches, and Hawaiian Shores Subdivisions are residential subdivisions within the State Land Use Agricultural District, created prior to the enactment of the State land use law. Hawaiian Beaches and Hawaiian Parks Subdivisions were

granted final subdivision approval in November of 1960 by the County Planning and Traffic Commission. The developers were Hawaiian Beaches, Inc. and Hawaiian Parks, Inc. The Hawaiian Shores Subdivision was granted final subdivision approval in May of 1961 by that same commission. The Hilo-Hawaii Development Company, Limited was the developer of this subdivision. The approximate 2,000 acres of land which comprises the three (3) subdivisions contain about 3,900 lots which range in sizes from 9,000 to 15,000 square feet. These subdivisions are non-conforming subdivisions in that they were created prior to the State land use law which establishes a minimum lot size of one acre for land classified as within the Agricultural District.

6. The Hawaiian Beaches, Hawaiian Parks, and Hawaiian Shores Subdivisions are within one of the fastest growing areas in the County of Hawaii, in terms of population increase. The present population count is estimated to be over 1,500 persons who now travel five (5), fifteen (15), and twenty-five (25) miles away to Pahoia, Keaau, and Hilo, respectively, to obtain most of the daily necessities and services. Within the past four (4) to five (5) years, about 610 single-family dwellings have been constructed or are under construction within these subdivisions. It is anticipated that within the next five (5) years, there will be an even more substantial increase in the number of single-family dwellings and in the population.

7. Kahakai Boulevard, the primary road leading into these subdivisions, is a County roadway

constructed in accordance with dedicable standards and the subject property which fronts on Kahakai Boulevard is easily accessible to all residents of the subdivisions. The subdivisions are recognized as a residential area and are serviced by the public utilities provided by the telephone and electric companies. There is no public water system in the area, but there is a privately maintained water system which, although it was not constructed in accordance with County dedicable standards, is currently adequate for the demand. The sewage system is an individual cesspool system.

8. The Hawaiian Beaches, Hawaiian Parks, and Hawaiian Shores Subdivisions are already urban-like in character and are not considered as having a high capacity for intensive agricultural cultivation. Some lands in these subdivisions should be set aside for the urban support uses which are necessary to accommodate the needs of the present and future residents of these subdivisions. Because of the rapid development of these subdivisions as residential property, unless some areas are designated for commercial purposes now there may be no large areas available for commercial development in the future.

9. On November 29, 1973, the Commission approved a special permit to Aileen C. Odo to maintain a general store, gasoline station, laundromat, mail station, drive-in snack shop, barber shop, beauty shop, and related office uses within the Hawaiian Shores Subdivision on property containing 20,007 square feet and identified by Tax Map Key No. 1-5-99:11. This property is located about 2.6 miles mauka of the

subject property. As of this date, only a general store and an office space have been constructed and are presently in operation on this parcel of land.

10. The County is presently developing recreational facilities on an 11-acre area (Tax Map Key No. 1-5-57:35 and 1-5-83:37) approximately 2,500 feet mauka of the subject property. Presently under construction are a Little League and softball field, outdoor basketball court, tot lot, pavilion, and a parking area. Further expansion will include a comfort station, outdoor basketball court, volleyball court, tennis courts and a picnic area.

11. The estimated cost of construction of the proposed commercial complex is \$450,000, and the complex should create permanent employment for about 25 persons. The Petitioner's financial condition as reflected in his latest balance sheet on file herein indicates that Petitioner is financially able to complete the proposed commercial complex within a period of four years after approval is granted.

12. The subject property is neither in intensive agricultural use nor has a high capacity for intensive agricultural use, and reclassification from the Agricultural District to Urban District will not substantially impair actual or potential agricultural production in the vicinity of such lands.

CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 5.3 acres situated at Waiakahiula,

Puna, Island of Hawaii, from the Agricultural to the Urban District to permit the proposed commercial 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, and the State Land Use District Regulations.

ORDER

IT IS HEREBY ORDERED:

That the property which is the subject of this Petition and Docket No. A75-406, approximately 5.3 acres situated at Waiakahiula, Puna, Island of Hawaii, identified by Tax Map Key No. 1-5-65:72 through 1-5-65:90 and bounded by Kahakai Boulevard, Puni Makai North and Niuhi Street, is hereby reclassified from the Agricultural to the Urban District and the District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 28th day of May, 1976, by motion passed by the Commission on April 14, 1976, in Hilo, Hawaii.

LAND USE COMMISSION
STATE OF HAWAII

By *Edwin Tanaka*
Commissioner Tanaka, Chairman

Stan Sakahashi
Commissioner Sakahashi, Vice
Chairman

James R Carras
Commissioner Carras

Edward Duke
Commissioner Duke

Commissioner Machado

John E. Oura
Commissioner Oura

Paul B Whitesell
Commissioner Whitesell

Tanji Yamamura
Commissioner Yamamura

Commissioner Yanai