

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
                                          ) )  
                  JANET LEE GREENBLATH and ) )  
                  MARCIA SUE VESPOLI          ) )  
                                          ) ) DOCKET NO. A75-410  
For Reclassification of Certain )  
Lands situated at Kalaheo, Island) )  
of Kauai                               ) )  
\_\_\_\_\_ )

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 Rural to Urban approximately 6.45 acres of land situated at Kalaheo, Island of Kauai, was heard by the Land Use Commission at Lihue, Kauai, Hawaii, on March 4, 1976. The property owners, Janet Lee Greenblath and Marcia Sue Vespoli, as well as the Kauai 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 Department of Planning and Economic Development, State of Hawaii, on Petitioners' Proposed Findings of Fact and Conclusions of Law, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject property is situated at Kalaheo, Island of Kauai, is identified as Lot 26, Kalaheo Homesteads (First Series) bearing Tax Map Key No. 2-4-14-1, and comprises approximately 6.45 acres. The property is situated at the intersection of Puuwai Road and Wawae Road, along the northern boundary of the Kalaheo Urban District.

2. The subject property is presently classified as within the Rural District, and Petitioners seek reclassification from the Rural District to the Urban District and amendment of District Boundaries accordingly.

3. The County of Kauai General Plan designates the subject property as "single-family residential," and the present county zoning is "R-2".

4. The subject property adjoins and is contiguous with lands to the east and south which are within the Urban District. Lands to the north of the subject property are within the Rural District and lands to the west are within the Agricultural District. Most of the properties between the town core of Kalaheo and the subject property are zoned by the county as Residential District R-4 or R-2 and have been developed as single-family residential dwellings.

5. The subject property is presently vacant. Adjoining parcels are either vacant or in residential use.

6. The topography of the subject property is

irregular, with slopes ranging from 5% to 25%. The Land Study Bureau Detail Land Classification for Kauai rates productivity of lands in the area as "B" and "D." The United States Department of Agriculture Soil Conservation Service Soil Survey Report identifies soil types in the area as Puhī silky clay loam. Run-off ranges from medium to low and erosion hazard is slight to moderate.

7. The application sets forth a proposal and schedule for development of the subject property into residential lots. Testimony indicated that if the land is reclassified Petitioners will sell the subject property prior to development, but that the buyer intends to develop the subject property through subdivision and sale of residential lots in a manner similar to that set forth in the application.

8. Basic urban services such as electricity, water, telephones, fire and police protection, and the like are presently or will be available to the site by the time the the proposed development is undertaken.

9. The Kalaheo town core, with its schools, fire station, commercial shopping areas, and restaurants, is in close proximity to the subject property.

10. The subject property is in the path of a logical extension of the Kalaheo Urban District.

11. The Kauai County Planning Department and the State of Hawaii Department of Planning and Economic Development recommend approval of the requested reclassification of the subject property.

CONCLUSIONS OF LAW

Reclassification of the subject property, approximately 6.45 acres situated at Kalaheo, Island of Kauai, from Rural to Urban 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 the property which is the subject of the Petition in this Docket No. A75-410, approximately 6.45 acres situated at Kalaheo, Island of Kauai, identified as Lot 26, Kalaheo Homesteads (First Series), bearing Tax Map Key No. 2-4-14-1, shall be and hereby is reclassified from Rural to Urban and the District Boundaries are amended accordingly.

Done at Honolulu, Hawaii, this 2<sup>nd</sup> day of June, 1976, by Motion passed by the Commission on May 12, 1976.

LAND USE COMMISSION  
STATE OF HAWAII

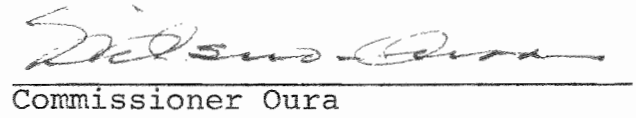
By \_\_\_\_\_  
Commissioner Tengen, Chairman

  
Commissioner Sakahashi, Vice-  
Chairman

  
Commissioner Carras

  
Commissioner Duke

\_\_\_\_\_  
Commissioner Machado

  
Commissioner Oura

  
Commissioner Whitesell

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Commissioner Yamamura

  
Commissioner Yanai