

STATE OF HAWAII
LAND USE COMMISSION

Public Hearing

Kapaa, Kauai

March 5, 1963 - 1:30 P.M.

Commissioners Edward C. Bryan
Present: Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Franklin Y. K. Sunn
Stanley C. Friel
Roger T. Williams

Ex-Officio Members Frank Skrivanek
Present: George Siu

Staff R. J. Darnell, Executive Officer (XO)
Present: Roy Takeyama, Legal Counsel
Alberta Kai

The Chairman called the public hearing to order, and followed with an opening prayer.

THE LAND USE COMMISSION'S PROPOSED FINAL DISTRICT REGULATIONS FOR THE STATE OF HAWAII PERTAINING TO THE THREE DISTRICTS: URBAN, AGRICULTURE AND CONSERVATION

The Chairman inquired whether there was anyone present who wished to speak for or against the Commission's proposed final district regulations, There was no response and the Chairman closed the hearing in the matter of the proposed final district regulations.

THE LAND USE COMMISSION'S PROPOSED FINAL DISTRICT BOUNDARIES AS THEY APPLY TO THE COUNTY OF KAUAI ONLY.

The Chairman asked for any comments or information for or against the Commission's proposed final district boundaries for the County of Kauai. There was no one present to recommend any changes be made or not be made. With no comments for or against the boundaries the Chairman closed the hearing in the matter of the proposed final district boundaries for the County of Kauai.

APPLICATION OF JAMES BENDER (SP(T) 62-40), FOR SPECIAL PERMIT TO CREATE A 1.67 ACRE RESIDENTIAL LOT FROM A LARGER PARCEL OF LAND IN KAPAA, KAUAI: Described as Fourth Division, TMK 4-6-14: 61.

The XO briefly described the area and pointed out the location on the map.

Mr. James Bender, sworn in by the Chairman, reviewed his request for the Commission's information. He stated that they have an old home which was falling apart and wanted to build a home to replace the old home. He stated that the 15 somewhat acres have been used in grazing ever since it was bought in 1946. He stated that the present home which has become a little to small for the family was built in 1951, and it is this home they wished to sell to finance the new home they are building right now.

Chairman Bryan asked, "Is it my understanding that the 1.67 acre parcel is the home you built in 1950 and which you wish to sell now, or is that the piece you are going to keep?" Mr. Bender replied, "That is the piece we are going to keep to build the new home on."

Commissioner Sunn asked if it were Mr. Bender's intention to sell some 14 acres? Mr. Bender stated that he had hoped to be able to sell 9,944 sq. ft. including the home they had built in 1951.

Commissioner Kanemoto asked whether Mr. Bender intended to keep grazing? Mr. Bender replied in the affirmative, stating that it was a supplemental means.

Mr. Bender informed the commissioners that in order to finance his new home 1.67 acres was mortgaged under the retirement system through FHA through American Security Bank, which was all that was requested by the Finance Agency. He explained that the parcel he wants to sell plus the 1.67 acre is in a 10. somewhat acre lot; the home he wishes to sell and the lot he wishes to build on is part of this 10. somewhat acre lot.

Mr. Bender was asked the question why hasn't he cut his parcel into 3 acre lots instead as it would be in accord to the permitted county requirements under its agricultural subdivision standards. Mr. Bender replied that his neighbor who was purchasing the property could afford just so much and therefore was selling just the amount he requested.

The question was raised whether this application would be the concern of the Land Use Commission or the County, and it was suggested that more discussion be held with the County to consider this matter.

The XO presented the following communications:

1. Letter from the County Clerk's Office informing that the application by James Bender was referred to the Board of Supervisors' Public Works Committee for study and report.

2. Letter from David F. Wong, Planning Director, recommending to the Planning Commission that the special permit request be approved.
3. Letter from the Kauai Planning and Traffic Commission informing that the Commission approved the recommendations of the Planning Director.

The XO was sworn in by the Chairman and gave an oral report of the staff. The XO stated that this area is not proposed for an Urban district and the staff does not see anything unusual and reasonable of the request which is apparently to sell off the small portion of this property with the primary use as single family dwelling for residential purposes. The XO stated that he believed, as suggested previously that this problem may be solved by Mr. Bender in creating a number of agricultural lot sizes, 2 or 4, according to the county's land control. The XO also recommended that the commission inspect this lot.

There were no other comments or information to be given and the Chairman announced that there will be 15 days in which the Commission will receive any additional comments or statements; 45 days before any action will be taken by the Commission in respect to the final proposed regulations and proposed boundaries for the County of Kauai. The Chairman informed Mr. Bender that in his case the Commission is required to take an action after 15 days from this day of the hearing. The Chairman informed Mr. Bender that the staff will notify him of the time and place when the commission will meet to consider his request.

Public hearing closed.

Mr. C. Harbin of C. Brewer & Company asked for clarification of the following questions:

1. Would a private business connected with the agricultural district be included or considered as an accessory use to the agricultural enterprise? Chairman Bryan replied that it would be looked upon as a commercial activity and not as an agricultural accessory use.

Will the enterprise be discontinued if it were destroyed by fire, storm, etc.? Chairman Bryan stated that unless the use is discontinued for 3 years, it will remain in a nonconforming use.

2. What would you consider a subdivision of record? A subdivision recorded by the County showing the tax key, according to the county subdivision ordinance.