

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

April 6, 1973 - 7:30 p.m.

Kauai Public Library
Lihue, Kauai

COMMISSIONERS PRESENT: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Alexander Napier
Shelley M. Mark
Sunao Kido
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Approved
AUG 30 1973

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer
Gordan Furutani, Planner
Benjamin Matsubara, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Chairman Inaba swore in persons testifying during tonight's proceedings.

HEARING

PETITION BY DORSEY W. EDWARDS (A72-354) TO RECLASSIFY 1.6 ACRES FROM AGRICULTURAL TO URBAN AT KAPAA HOMESTEADS, KAPAA, KAUAI

The staff report was presented by Mr. Gordan Furutani, staff planner, who also identified the area requested for reclassification. (See copy of report on file.)

Commissioner Kido raised several questions relating to the dedicated portion of the 1.6-acre parcel under petition. Mr. Furutani advised that .6 acre of the subject area was dedicated and that the minimum period for dedication was 10 years. Any removal of lands from dedication would become effective 5 years from the date of notification of intent to cancel. However, to date, Mr. Edwards has not indicated to the Tax Office that he wished to cancel the dedication so that it would continue to remain dedicated.

Commissioner Sakahashi stated it was his opinion that a dedication could be terminated upon mutual agreement between the

State and the property owner. Mr. Furutani agreed that for purposes of locating schools or other related facilities on dedicated land in the interest of the State, perhaps this was true. However, since this did not apply in this instance and as Mr. Edwards had not notified the proper authorities of his intent to cancel the dedication, he would be subject to the penalty clause under the dedication provisions of the statutes.

Commissioner Mark wondered what was meant by the recommendation from the Department of Agriculture "that the subject petition be held in abeyance". Mr. Fujimoto explained that petitioner's property was included in the Kauai Task Force's ongoing study of the Hawaiian Fruit Packers Cannery area and therefore it had been recommended that the amendment request be held in abeyance until the study was completed.

Mr. Wayne Gregg, Manager of Hawaiian Fruit Packers, appearing in behalf of the petitioner who lives on the mainland, submitted that there has never been any farming on the .6-acre portion of the subject property since it was too steep. However, it had been included in the dedication since it was part of a parcel under one ownership.

With respect to the Board of Agriculture's claim that the parcel ties in directly with the existing warehouse in the cannery area, Mr. Gregg indicated the location of the warehouse on the map to support his contention that the warehouse was in no way involved in the petition.

Mr. Gregg further advised that the 1.6-acre area would come under one ownership and there was no intention to further subdivide this parcel.

Thereafter, the hearing on the petition was concluded and Chairman Inaba advised that additional testimony will be received within 15 days.

ACTION

APPLICATION BY UNIVERSITY OF HAWAII (SP73-149) FOR A SPECIAL PERMIT TO ESTABLISH AN EDUCATIONAL INSTITUTION AT PUHI, KAUAI

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report recommending approval of the special permit request as conditioned by the Kauai Planning Commission, with the suggestion that an in-depth analysis be conducted during the boundary review to consider the inclusion of the entire proposed Puhi college site within the State Land Use Urban District (see copy of report on

file). A detailed description of the location and development plans of the proposed college was also offered. It was further noted that the General Plan Amendment for the college site has been approved.

Mr. Fujimoto advised that he had been informed by the Office of the Environmental Quality Control that it had not had sufficient time to evaluate the Environmental Impact Statement submitted by the petitioner.

With respect to water availability, Mr. Fujimoto stated that according to the recently developed master plan of the Water Department, an expansion was contemplated in this area.

In response to Commissioner Sakahashi's concerns over the access to the site, traffic noise generated by heavy trucks, housing provisions for the instructors, Mr. Fujimoto offered the following information:

1. There was no specific design plan of the facilities at the present time.
2. There will be a second feeder road and the most eastern access will be across the Puhi Subdivision.
3. The building area will be approximately 300-400 feet from the highway.
4. There was sufficient area to accommodate the housing facilities for the instructors.

Commissioner Mark wondered whether the staff's recommendation for approval of the special permit was contingent on the condition that an in-depth analysis be conducted to include the entire area into the Urban District. He was also interested in the existence of any natural boundary in terms of the ultimate containment of this particular area, and the loss of productive acreage. Mr. Fujimoto responded that the in-depth analysis was not a condition to the approval; however, it was staff's position that the entire area needed to be considered during the boundary review. He felt that the highway and the gulch on the opposite side, the sugar cane lands and the existing camp could be considered natural boundaries surrounding the proposed college site. He noted that 65 acres in the subject area were under cane cultivation but that there were other adequate lands available to the plantation.

To clarify several points which were raised regarding the conveyance of the property to the University, Mr. Brian Nishimoto,

Planning Director of the Kauai Planning Department, advised that under an agreement entered into between Grove Farm and the University of Hawaii, the conveyance of the approximately 200 acres was committed as follows:

1. Increment I will be conveyed immediately.
2. Options for the conveyance by Grove Farm for Increments II and III will be granted to the University as required, but no sooner than 5 years hence. However, the growing of sugar cane will continue until such time as the University exercises this option.

Mr. Kiyoshi Sasaki, member of the University Board of Regents, added that presently, there was no need for the entire 200 acres.

Mr. Nishimoto advised that there was a general plan for water distribution, including the Lihue and Puhi area, and that the Water Department had requested funds for this improvement. Also, studies for the implementation of a sewer system in the Puhi area will be completed sometime during the summer.

Mr. Robert Hara, Project Planner, Community College, submitted that they were presently conducting a study and the existing plan was preliminary in nature. However, he assured that there will be provisions for a setback area and open space between the buildings and the road.

In response to Vice Chairman Tangen's questions regarding the terms of the agreement between Grove Farm and the University, Mr. Hara reiterated that the University held the deed for the first increment; held perpetual options for the second and third increments, to be exercised after 5 and 10 years respectively; that there would be no forfeiture of option under this agreement for any reason, nor was there any time limit for the exercise of this option.

To further enlighten the Commission on this subject, Mr. Fujimoto read the agreement made on October 18, 1972 by Grove Farm, Incorporated and the University of Hawaii, stipulating the conditions and method of conveyance of the 200 acres (see copy of agreement on file).

Commissioner Yamamura expressed concern over possible pollution resulting from the burning of sugar cane. Mr. Nishimoto replied that in his opinion, based on the site plan and the wind direction in this area, he did not foresee any problems.

In response to Commissioner Mark's inquiry about the ultimate enrollment for the college, Mr. Ed White, Provost of Kauai Community College, offered that although their projections for the first increment were for 1,500 to 2,000 students; basically, their estimates have been pessimistic. Housing accommodations for 150 students were also planned for this increment. Insofar as faculty housing was concerned, Mr. White stated that this would be similar to student housing. However, from his point of view, it was his feeling that it would be desirable to have the faculty members scattered in and around the community rather than confined on the campus.

Commissioner Sakahashi moved that the special permit be approved as recommended by staff, which was seconded by Commissioner Yamamura and unanimously carried.

At this point, Vice Chairman Tangen observed that the foregoing special permit was the culmination of 7 years of planning, discussion and debate and yet there were only 13 people in attendance tonight, despite the many representations before the State Legislature expressing interest in Land Use Commission's proceedings. He concluded that of the 13 people present, 6 were representatives of the University and 2 were students.

PETITION BY SUN INVESTMENT CO. (A72-352) TO RECLASSIFY 8.1 ACRES FROM AGRICULTURE TO RURAL AT KAMEHAMEKI, MAKAWAO, KULA, MAUI

Mr. Gordan Furutani, planner, read the staff memo recommending approval of the petition as recommended by the Maui County Planning Commission. Commissioner Napier moved to approve the petition, which was seconded by Commissioner Sakahashi and carried.

PETITION BY HAROLD BLICK AND RONALD HARRIS (A72-348) TO RECLASSIFY 10 ACRES FROM AGRICULTURAL TO URBAN AT KIHALANI HOMESTEADS, NORTH HILO, HAWAII

Mr. Fujimoto announced, for the record, that action on this petition had been deferred from the last meeting in Hilo and therefore he was dispensing with the presentation of the memorandum (see copy of report on file).

Commissioner Sakahashi moved that the petition be approved as recommended in staff memorandum, which was seconded by Commissioner Yamamura and unanimously passed.

NEXT MEETING DATE

Mr. Fujimoto advised that the next meeting of the Land Use Commission will be held on Molokai and Lanai, May 4 and 5, 1973 respectively.

Since there was no further business, Chairman Inaba announced that the meeting was adjourned.