

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

LUC Hearing Room

Honolulu, Hawaii

June 25, 1965 - 1:00 P.M.

Commissioners

Present:

Myron B. Thompson
C.E.S. Burns
James P. Ferry
Goro Inaba
Shiro Nishimura
Charles S. Ota
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley M. Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Miyamoto, Legal Counsel
Gordon Soh, Associate Planner
Karen Maekawa, Stenographer

The public hearing-meeting was called to order by Chairman Thompson who gave a short prayer. The commissioners and staff were introduced and the procedures to be followed throughout the public hearing were outlined. All persons who would be presenting testimony during this hearing were sworn in by the Chairman.

PETITION OF HAROLD G. NISHIHARA, (A65-81) TO AMEND THE URBAN DISTRICT BOUNDARY IN UPPER PALOLO VALLEY, OAHU, SO AS TO INCORPORATE ABOUT TWO ACRES OF A $4\frac{1}{2}$ ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 3-4-21: 11

Mr. Gordon Soh presented the background and analysis of the above petition (see staff report on file). The staff recommended the incorporation of the two acres under petition into the Urban District on the basis that:

- 1) the lands substantially meet the standards for an Urban District and
- 2) the lands generally do not meet the standards for an Agricultural District.

Following the staff's presentation, Commissioner Wenkam asked why this area was omitted in the original determinations of the urban boundaries. The Executive Officer explained that at the time the final boundaries were being determined, the land in question was being utilized for limited agricultural activities and

the area was rough and broken with steep slopes. Therefore, because of the existing agricultural operations, the area was zoned Agricultural as the most suitable districting.

Since there were no further questions from the Commission or the public, the Chairman informed the public that the Commission will receive additional written comments or testimonies within the next 15 days, and will take action 45 to 90 days from this hearing.

The public hearing on this petition was closed.

PETITION OF KENZO AKINAKA, ET AL., (A65-83) TO AMEND THE URBAN DISTRICT BOUNDARIES AT SUNSET BEACH SO AS TO INCORPORATE A 1.017 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 5-9-14: 13

The background and analysis of the subject petition was presented by Mr. Gordon Soh (see staff report on file). On the basis that the parcel under question does not yet meet the standards for determining Urban Districts, the staff recommended denial of the petition.

Commissioner Wenkam questioned why staff report made no mention that the petition requests spot zoning. Mr. Soh conceded that Commissioner Wenkam has a point since 1) the area is somewhat isolated by the highway and 2) only one particular parcel is involved and that particular parcel is only about an acre in size. However, Mr. Soh explained that he did not care to defend a position on the contiguity or noncontiguity question if the separation is that created by a highway.

Mr. Clesson Chikasuye, counsel to petitioners Kenzo Akinaka, et. al., introduced himself to the Commission and presented his testimony. Mr. Chikasuye indicated that several points mentioned in the staff report were in support of the petitioners' request and he elaborated on them. Mr. Chikasuye felt that the majority of the nine standards for amending district boundaries as listed in the staff report suggested that this development is a proper one and he proceeded to analyze each of the standards as related to his petition and as outlined in the staff report. Summarizing, Mr. Chikasuye stated that standards 1, 2, and 3 are in support of the staff's recommendation; however, standards 4 through 9 indicate that the petitioners have a justifiable request.

Mr. Chikasuye further explained that the petitioners were permitted to subdivide the subject property into residential lots at the time their property was purchased in 1961. However, in 1962 the Land Use Commission placed this area in an Agricultural District. Therefore, an awkward situation arises in which they were at one time permitted to subdivide and now they are not.

Mr. Chikasuye pointed out that the General Plan of the City and County of Honolulu proposes residential use of the property. It was Mr. Chikasuye's understanding that the detailed land development plan currently being prepared by the City Planning Commission will incorporate a similar designation of this area.

Mr. Chikasuye informed the Commission that the petitioners' intentions are to subdivide the property into five lots, each lot comprising an area of at least 8,000 sq. ft. The petitioners intend to divide the lots among themselves and currently have no plans of placing them on the market.

Mr. Chikasuye stressed that the request is being made by small property owners and this fact should not be held against them. Mr. Chikasuye stated that this parcel is on the main highway and should pose no traffic problem. He noted that water facilities and supplies are available.

Commissioner Wenkam asked Mr. Chikasuye if he had any knowledge as to how the adjacent property owners felt about the rezoning of this particular parcel. Mr. Chikasuye replied that he has questioned his clients on this matter and that they do not know what the adjacent property owners plan to do or how they feel about this change.

With no additional comments or testimonies to be offered from the public or the Commission, the Chairman advised that the Commission will receive additional written comments or testimonies within the next 15 days, and will take action 45 to 90 days from this hearing.

The public hearing on this petition was closed.

PETITION OF THE ESTATE OF GEORGE H. HOLT (A65-84) BY ALEXANDER H. F. CASTRO TO AMEND THE URBAN DISTRICT BOUNDARY IN MAILI, OAHU, SO AS TO INCORPORATE ABOUT 65 ACRES OF A 433 ACRE PARCEL IDENTIFIABLE BY FIRST DIVISION TMK 8-7-10: 2

Mr. Gordon Soh presented the staff report covering the background and analysis of the petition (see staff report on file). The recommendation of the staff for denial of the request was made on the basis that the proposed urbanization cannot be fully sustained by the standards for Urban Districts.

The Executive Officer added that the City and County has not yet made any comments on the subject petition. He also read into the record a letter addressed to the Land Use Commission from Mr. Harry Choy, President of the Mikilua Farm Bureau in protest against the petition filed by the Estate of George H. Holt. (See letter on file).

Commissioner Wenkam took exception to a statement in the staff report that the lands under petition are not suitable for intensive cultivation. He stated that they are suitable for intensive agricultural uses such as hog raising and poultry farming. The Chairman ruled to accept Commissioner Wenkam's comment for the record.

Commissioner Nishimura pointed out that there is an existing elementary school just a mile away and therefore questioned the report of "plans for a new school on the parent property." Mr. Soh explained that the location of this new school site has been or can be justified because 1) it is consistent with the Oahu General Plan, 2) the other elementary school is quite a distance away and 3) in locating a school children should not have to walk on a main highway.

In response to Chairman Thompson's inquiry of whether the 57 acres of beach area, presently undeveloped, are State lands; Mr. Soh replied that a small amount of the land is State-owned and that a large portion belongs to a ranch.

Since there were no further questions from the commissioners in regard to the staff's presentation, Chairman Thompson called on Mr. H. F. Castro, who represented the petitioner. Mr. Castro informed the Commission that he is testifying as the sole trustee of the George H. Holt Estate and not as a realtor or developer.

Mr. Castro presented a brief history of the land and pointed out that he personally became acquainted with this land in 1936 when his father was appointed trustee of the Estate. Upon his father's death in 1957, Mr. Castro became the succeeding trustee. Since 1940, he assisted his father in negotiating leases for this land and nearby parcels owned by the Estate and has discussed the use of this land with many farmers, including poultry and pig farmers.

In answer to questions about poultry and pig farmers, Mr. Castro advised that they have interviewed several farmers and will be submitting their findings within the next 15 days. Mr. Castro explained that many farmers have shied away not only because of the distance to market but because they were afraid that nearby residential areas would object to this use and jeopardize the investment in capital improvements to put it in proper poultry or pig farm.

Mr. Castro stated he was not aware of the Mikilua Farm protest; however, he indicated that an inspection of this particular portion of the whole area would reveal that the type of crop that is raised in the Mikilua area by those farmers, who are dirt farmers, could not be raised here. He emphasized that there are outcroppings of coral throughout the area in question and that the only successful tenant they ever had on the property is currently quarrying coral limestone.

The dilemma, explained Mr. Castro, is that while the mauka lands are suitable for some kind of agriculture because those lands contain more soil, the subject area has absolutely defied use of any agricultural or farming type over the past 25 years. This area also happens to be immediately adjacent and mauka to a successful subdivision called the Hookele subdivision.

Mr. Castro remarked that some of the urban areas toward Waianae have not been used because the acquisition cost has been so high that the type of homes built would not attract the market. Mr. Castro pointed out that under a leasehold basis, low cost homes could be built and that they are in heavy demand in the Nanakuli, Maili, and Waianae areas. He emphasized that it is the low cost housing which justifies the rezoning of this property to Urban. He explained that the only cost to the developer would be installing the road and renting the land from the Estate and that there is no other parcel in the area where these conditions for low cost housing can be achieved.

Mr. Castro advised that tax assessments on the land are being up-rated. He stated that the court had accepted from the Trustee in 1962 an estimate value of $1\frac{1}{2}$ million dollars for the total 478 acres but that the amount of taxes on this land will soon make this appraisal impractical and that the appraisal is going to have to be raised.

In conclusion, Mr. Castro stated that the land is not satisfactory for agriculture and that if this development seems ahead of its time statistically, a real practical view as to why the other lands now classified as Urban are not being developed will indicate that development of this land will fill a need.

Commissioner Burns inquired if there were any low cost residential subdivision in the Waianae area now. Mr. Castro replied that his definition of a low cost housing would mean homes in the vicinity of \$15,000 and below and that on this basis the answer is no.

Mr. Castro advised the Commission that in the last two years, he has been approached by many reliable and successful developers with unsolicited offers to buy the land. Certain developers are willing to lease the land in the knowledge that they can provide the market needs, meaning low cost housing.

Since there were no additional comments or testimonies from the public or the Commission, the Chairman announced that the petitioner has 15 days in which to submit additional written testimony and that the Commission will take action on this petition 45 to 90 days from this hearing.

The public hearing on the petition of the Estate of George H. Holt was closed.

ADOPTION OF MINUTES

The minutes of the April 9, 1965 and May 8, 1965 meetings were adopted as circulated.

ACTION TO BE TAKEN

PETITION BY GROVE FARM COMPANY (A64-77) FOR REMOVAL OF 920 ACRES FROM THE CONSERVATION DISTRICT TO BE PLACED IN AN AGRICULTURAL DISTRICT: Described as a portion of Fourth Division TMK 3-4-01: 1

Upon the Chairman's request, Mr. Gordon Soh presented a brief of the petition (copy of memorandum on file). The staff recommended approval, stating that the agricultural use of the land might be better fostered if the land is placed in an Agricultural District.

Commissioner Nishimura made a motion to accept the staff's recommendation to approve the petitioner's request. Commissioner Wenkam seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry and Chairman Thompson

Disapproval: None

The motion for approval was carried.

PETITION OF HUGH J. AND LURIE ADAMS (SP65-2) FOR A SPECIAL PERMIT TO STORE
SMALL VACATION TRAILERS ON THIS PROPERTY FOR SALE OR RENTAL TO ISLANDERS OR
TOURISTS ON KALAMA ROAD: Area described as Fourth Division TMK 4-4-07: 15

Mr. Gordon Soh presented the background and analysis of the above petition (copy of report on file). The recommendation of the staff was for denial on the basis that the proposed use is not unusual and reasonable and not permissible under the Land Use Law and Regulations. The staff concluded that under existing regulations, an urban business use is not appropriate in a rural area.

To clarify Commissioner Nishimura's understanding of the petitioner's intent, the Executive Officer advised that the petitioner does not wish to set a camp site on the property but rather to obtain the permission to store his trailers on the lot to be rented out.

In reference to staff report's statement, "The record indicates that the proposed use is a business use and that the applicant one day may locate in the downtown business district," Commissioner Ferry inquired if this statement was contained in the petitioner's application. Mr. Soh replied that Mr. Adams did make the statement and that it was noted in the record of the County hearing.

Commissioner Wenkam asked if the County agreed to allow the permit on a temporary basis only. Mr. Soh responded that the County record indicates the petitioner made the statement that it would be of a temporary nature.

The commissioners held a brief discussion on the rationale for determining an "unusual and reasonable" use.

In reference to staff's analysis which mentions that actions by the applicant and the County of Kauai suggest that the proposed use is not permissible, Commissioner Ota asked if this suggests that the proposed use is not a permitted use. The Executive Officer clarified the issue by stating that the point involved here is that it is a business use and the County in the Urban District does provide zoning for uses such as these.

Commissioner Burns pointed out that he has no strong feeling one way or the other, but that the staff report does not provide ample evidence to deny the request. Commissioner Ota suggested that the proposed use was in some ways analogous to a used car lot. He expressed the belief that such a use can be accommodated in the Urban Districts on Kauai.

Commissioner Nishimura moved that the petitioner's request be denied. Commissioner Ferry seconded the motion. The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura,
Ferry and Chairman Thompson

Disapproval: None

The motion for denial was carried.

OTHER BUSINESS

Mr. Gordon Soh presented the background and analysis on the issue of Pacific Skyways, Limited. The staff recommended denial of this request on the basis that this parcel was not "inadvertently zoned Agricultural instead of Urban" and that there were no protests against the proposed districting of this parcel at that time. The staff also concludes that the time element, as stated in the letter of request, is not a valid basis for this request.

A brief discussion concerning the limits of the boundary lines ensued. The Commission agreed to accept the staff's recommendation for denial of the request of Pacific Skyways, Limited.

The next issue discussed was the boundary line question for the Nuuanu Park Place subdivision. The Executive Officer advised that the Land Use Commission is now officially involved in this matter to the extent that the Board of Land and Natural Resources has requested for an interpretation of where the Conservation boundary line is. The Executive Officer presented maps showing the district boundaries in Honolulu and, specifically, the subject area. He explained that a subdivision plan was submitted to the City while the temporary Urban Districts were in effect. The City and County then gave approval to that subdivision and the developer proceeded. The Land Use Commission was not made aware of the matter until the Board of Land and Natural Resources brought forth the problem.

In response to Commissioner Burns' inquiry in determining which side of the boundary line should be Urban and which side Conservation, the Executive Officer pointed out the districts and explained that the boundary dividing the two districts drawn on the subdivision is the approximate location of the line.

Commissioner Wenkam pointed out that the only legal basis upon which the subdivision was approved in 1964 was on the basis of the first Land Use Commission for temporary boundaries. He suggested that if this basis is valid, the present boundaries would then be only of extra legal significance.

The Executive Officer reiterated that the question before the Commission is where is that boundary now.

Commissioner Wenkam stated he could not visualize the situation because the subdivision was approved before this date. He added that they were not bound to adjust their subdivision boundaries according to the present land use boundaries which were approved after the date the subdivision was approved.

Commissioner Ferry pointed out that there was an interim boundary established by the first Land Use Commission and in effect when the final boundaries were drawn by this Land Use Commission on December 31, 1963.

The Executive Officer indicated the temporary Conservation District line on the map. He also pointed out the approximate location of the final district line which became effective on August 23, 1964. He pointed out that in laying the final district boundaries over the temporary boundaries, both would fall within

the same line. However, if the maps were blown up, there is a marked difference between the lines. The Executive Officer also indicated a reasonable interpretation of where the final district boundary is and suggested approximately where it should be.

He advised that approximately 3 acres lie in a Conservation District and estimates the area to contain 17 lots.

A motion to accept the interpretation suggested by the Executive Officer was made, seconded, and approved by the Commission.

NEXT MEETING

The next meeting is tentatively scheduled to be held on July 23, 1965, at Lihue, Kauai.

COMMUNICATIONS

The Executive Officer read into the record a letter (letter on file) from the Maui Planning and Traffic Commission in regard to land use violations in the Wailua and Keanae area. The legal counsel advised that the responsibility for the enforcement of the law is vested within the County agency. The Executive Officer inquired as to why the matter would be referred to the Land Use Commission if it's the County's responsibility. The legal counsel remarked that the County is delegated to act as the "eye" for the Commission and if violations noted are reported in, the Commission is the appropriate agency to institute proceedings. The Chairman referred the matter to the Attorney General's office for a formal opinion.

The Executive Officer informed the Commission of several communications received from the legislature in the form of Resolutions. The Executive Officer gave a brief description of each material for the record as follows:

Senate Resolution No. 33 requesting the Board of Land and Natural Resources of the State to open public lands for all races.

Senate Concurrent Resolution No. 80 relating to increasing the efficiency, economy and productivity of the State government.

Commissioner Ferry briefed the commissioners of the Western States Land Conference to be held at Princess Kaiulani on July 26 and 27. The purpose of the conference is to afford public land officials a forum for mutual problems. The Executive Officer advised the commissioners that the staff will make the necessary arrangements.

Commissioner Ota referred to the Commission a problem on the mix-up of the zoning procedure. He asked if there were a standard procedure for making boundary determinations in an area where the boundary line is not clearly drawn. The Executive Officer informed him that whenever there is any question or doubt as

to where the location of the line is, each respective County should write to the Land Use Commission asking for proper administrative advice. Commissioner Wenkam also suggested a careful study be made to determine where the Conservation District urban lines have been drawn.

The Chairman suggested that since the legislative session is over and the bulk of the work is caught up, the Commission should call a three day session to discuss all issues and recurring problems confronting the Commission and to consider amendments to the regulations as well as to take any legal action as necessary. The session would be a family affair, if this meets with the Commission's approval, and would be tentatively scheduled for the end of summer.

The Chairman informed the Commission that the President, at the White House Conference on Natural Beauty, has asked each of the 50 states to plan a similar conference. In response, Commissioner Wenkam has written to Governor Burns requesting that such a conference be held here. The Governor in turn has communicated with Mr. Jim Ferry, Dr. Mark and Chairman Thompson.

Chairman Thompson stated that he has written to the Governor recommending that a conference on natural beauty be held and also to combine this meeting with the State Planning Conference which is held annually. A meeting is scheduled with the Governor on Tuesday, June 29, 1965. The Chairman asked for the commissioners' reaction to this conference.

Commissioner Ota mentioned that it would be beneficial to have representatives from each County form a legislative council and hold sessions to discuss common problems prior to the conference.

The Chairman stated that he has made a suggestion that this conference be held close to the coming legislative session. Commissioner Ota remarked that a recommendation could perhaps be made for amendment of the Law. He stressed that these conferences could be a lot more meaningful in the future if these pre-sessions are held. The Chairman replied that this is the reason why it has been suggested that the two conferences be combined.

Chairman Thompson stated that according to his personal opinion the title White House Conference on Natural Beauty was really a misnomer because what took place in Washington was far broader than beautification. He observed, however, that the question "to preserve toward what end," which was not asked at the White House Conference in Washington could be discussed at this conference.

Commissioner Wenkam expressed opposition to combining the White House Conference on Natural Beauty with the State Planning Conference unless the Natural Beauty Conference is given emphasis. He felt that a conference on natural beauty is important enough to Hawaii and the State to have all the stature and prestige of a State-sponsored conference. Commissioner Wenkam did not think it should be combined with another conference and forced to share discussion and panel time with other subjects which may have only a remote relationship to natural scenic resources.

The Chairman informed Commissioner Wenkam that there is nothing yet discussed to this point which is contradictory to what has been said. Commissioner Wenkam

replied that it is just that he does not want the Natural Beauty Conference to be diluted with discussions on other matters and have other purposes enter into it. It should be a conference on natural scenic resources and how to relate contemporary living to these scenic resources.

Commissioner Nishimura asked if land use would be considered. Commissioner Wenkam replied that land usage would be a part of the conference, but part of the Natural Beauty Conference. Commissioner Nishimura concurred with Commissioner Wenkam.

Commissioner Wung inquired on the status of the land use bills that were introduced to the Legislature. The Chairman informed Commissioner Wung that all the land use bills introduced did not pass except H.B. 1070 which provides for shortening the processing times for changes in district boundaries.

PETITION OF HARRY M. FLAGG AND PAUL R. MILLER (A64-76) FOR AN AMENDMENT OF THE URBAN DISTRICT BOUNDARY AT KALAHEO-KAI SO AS TO INCORPORATE APPROXIMATELY 37 ACRES FOR RESIDENTIAL USE: Described as Fourth Division TMK 2-3-02: 30 and 31

A brief analysis of the petition was presented by Mr. Gordon Soh (copy of memorandum on file). The staff concluded that there is no evidence of the need for additional urban lands and that the Standards for Determining District Boundaries have not substantially been met. It therefore recommended the denial of the petition.

Commissioner Wenkam asked what the decision of the Kauai Planning and Traffic Commission was. Commissioner Nishimura replied that they recommended approval of the subject petition. He stated that many lands are not available for subdivision in that area. Pointing to the map, Commissioner Nishimura indicated all the other subdivisions that are already completed and occupied. He stated that no other subdivision is being planned and that this is to be the next one.

The Chairman pointed out that according to the staff report, there is 1 home per 2 acres, which is approximately 48 homes per 100 acres. Commissioner Ferry asked how many owners are involved and suggested that this is no criteria unless small lot owners are involved.

Pointing to small lots on the map, the Chairman asked how large these lots were. Commissioner Nishimura stated that the lots are 10,000 to 15,000 sq. ft. In response to the question of how many lots are occupied, Commissioner Nishimura replied that most are occupied.

Commissioner Ferry asked Mr. Soh to point out the existing urban areas in relation to this parcel. A brief discussion ensued.

Commissioner Ferry expressed that he is familiar with the topography of the region and stated that it is not the best area for agriculture and is also rather sloping. Commissioner Nishimura stated that the area, with a commanding view of the mountains and the Poipu area, would make a beautiful house lot area. He further stated that this is one of the reasons why the petitioners would like to

develop that area. It is not good for pasture at present and has not been in pineapple for some time. Commissioner Nishimura advised that the next property which has been in pineapple is currently fallow.

Referring to staff's report which states that there are 48 homes per 100 acres, Commissioner Ota stated that this does not necessarily reflect that the area is underdeveloped. It might mean that there are only 48 parcels owned by 48 people. In this instance, it may mean that some of the people do not wish to release their lands which is a common situation on the outside islands.

In reference to Commissioner Ota's comments, the Executive Officer commented that there are certain considerations which have not been mentioned that are not unique to this property under petition. From having visited the site, he stated that most will agree that the entire surrounding area contains the same attributes that this site has, as well as the adjoining urban parcels. The matter of land being placed in the Urban District and not being placed for sale by the owners is a problem of the Land Use Law only insofar as districting serves as a basis for taxation. The intent of the Law is to force those areas suitable for urban development into such uses.

The Executive Officer further stated that another concern in administering the Law is in respect to determining not only where but when areas become suitable for urbanization, the cost of government facilities and utilities and its relationship to the orderly growth or expansion of urban areas. The staff's findings indicate that the density of the adjoining urban area is only 1 house per 2 acres and the Executive Officer inferred that for an urban density it is extremely low and therefore very inefficiently serviced by public service facilities. In this respect, the parcel does not meet the requirements for urban districting.

Commissioner Ota concurred with the Executive Officer's comments in theory; however, Commissioner Ota felt in many instances taxation will not force the individual to put his land on the market.

In addition to what Commissioner Ota had mentioned, Commissioner Nishimura informed the Commission that an eight-inch line has already been installed in that section with a 250,000 gallon reservoir right on the golf course.

Mr. Clinton Shiraishi, attorney for the petitioner, testified before the Commission. He stated that he studied the staff report and agreed with the facts but respectfully suggested that some of the conclusions were wrong. He stated that emphasis was placed on the wrong areas and that in other areas, there was lack of emphasis. Mr. Shiraishi believed it significant that the land in question is not suitable for agricultural purposes because of the soil composition, climatic condition and its topographic nature. The staff also admits that there is a modest market for residential sites in this area and that the atmosphere and the climatic condition are looked upon with favor by the citizens in the area.

Mr. Shiraishi stated that the staff report mentions that they have not submitted any development plan. Mr. Shiraishi has mentioned this fact to Mr. Flagg and

Mr. Miller and they have stated that they do not wish to expend any funds until their petition has been granted because of the exorbitant fees involved in preparing a preliminary plan.

Mr. Shiraishi advised that some of the standards mentioned in the staff report are not applicable to such an island as Kauai. However, as far as the subject lot is concerned the improvements, namely the roads, adequate supply of water and utilities, needed to meet the standards of Kauai at present are furnished.

Mr. Shiraishi pointed out also that the staff report does not seem very optimistic about the future growth of this particular area. He has been reliably informed that within the next five years \$50 million will be expended for the development of Kokee and Bonham Air Base. With such encouraging information, Mr. Shiraishi felt confident that the growth impact will easily be felt as far as Kalaheo.

Mr. Shiraishi presented a sketch to the Commission and described the subject parcel and the surrounding subdivisions as well as the nearby schools and other facilities. Following the description, Mr. Shiraishi expressed the thought that it was logical that the subject property should be included in the urban classification.

According to the staff report much of the topography of this lot is between 15 to 20 percent slope. Mr. Shiraishi reported that it is very desirable today to have homes built on slopes which would command a view and that most of the subject property would command a good view. Mr. Shiraishi indicated that nearby property owners are planning to subdivide their property and to sell them as house lots. Mr. Shiraishi concluded that he eventually hopes to see the entire area developed into beautiful house lots.

Before any lot can be classified as Urban, factors such as whether or not it can be used for agricultural purposes should be considered. Mr. Shiraishi stated that this lot is not being used for agriculture at the present time and has not been used for that purpose during the last 10 years. He also pointed out that there is a golf course nearby and that the nearness of this recreational facility makes the area a desirable place for residential development.

Commissioner Burns asked if any communication was received regarding other landowners in the area in relation to this petition. The reply was none.

Commissioner Ota asked if the south boundary of the 37 acres is adjacent to an urban zone. Mr. Shiraishi replied that the subject parcel abuts an urban area.

Commissioner Ota inquired if the entire area in question was in compliance with the Kauai Subdivision Ordinance and the Executive Officer agreed by saying that the Kauai Subdivision Ordinance has no restrictions regarding the slopes of lands.

The Executive Officer advised that in examining the County of Kauai's population trends, there has been no indication that there will be any significant growth, particularly in this area, that would warrant such a

substantial amount of urban land. He stated that although this particular area is well suited for house lots, there is a question of when this area should be developed in relationship to the general plan and the scheduling of government finances for facilities and services. If there is a demand, thought should be given as to what would be the appropriate areas to add to the Urban District, and there are other parcels in the area that are just as well or perhaps better suited to urban uses than this particular parcel.

In response to Commissioner Ferry's question of why the others be granted when the request is made here, the Executive Officer replied that there has to be a relationship to the existing facilities and services and a relationship to the general plan of the area. Commissioner Ferry replied that there still would be a strain on the County to provide the services no matter what parcel is designated urban. A brief discussion ensued and the Executive Officer pointed out that it is the staff's obligation to bring out these facts before the Commission for their approval or disapproval.

Mr. Soh admitted that the question of land ownership was not seriously considered but was looked at, and he added that it can't be said that there are institutional landholdings in the Kalaheo-Kai Urban District. He pointed out that the Land Use Law is relatively new and that the land assessments are only now being tied to zoning. He pointed out that in addition the Pittsburgh Plan, in which the tax burden is being shifted on to land so as to be more like a single tax, is being scheduled over a long period of time and is just being initiated. It will take 10 or 20 years before a complete change will be effected. Mr. Soh stated that results can't be foreseen immediately where tax liabilities will definitely influence property owners in developing urban lands and that it is too premature to appraise the situation.

Commissioner Ota commented that Mr. Shiraishi's observations seem to indicate the subject area to be a desirable high- or middle-class residential district because it has the amenities of good living.

The Chairman asked Mr. Shiraishi if there has been any commitments or inquiries made to purchase lots in this area. Mr. Shiraishi replied in the affirmative. Mr. Shiraishi conceded that the Executive Officer's statement that the population is not increasing in the area is quite true but that the people who are purchasing these lots are not local residents but purchasers from Oahu and the mainland who wish to buy these lots and reside on Kauai upon retirement which is five to ten years hence.

Commissioner Nishimura made a motion to accept the petitioner's request to change the area from an Agricultural to an Urban District on the basis that the subject property is contiguous to an Urban District and to other urban facilities. Commissioner Ferry seconded the motion.

The Executive Officer polled the commissioners as follows:

Approval: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura, Ferry

Disapproval: Chairman Thompson

The motion for approval was carried.

The Executive Officer informed Mr. Shiraishi that formal communication regarding the Commission's final decision will be transmitted shortly.

The meeting was adjourned at 5:30 P.M.