

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room, State Building
Lihue, Kauai

APPROVED
AUG 6 1971

June 4, 1971 - 10 a.m.

Commissioners Present: Leslie Wung, Chaiman Pro Tempore
Shelley Mark
Eddie Tangen
Stanley Sakahashi
Tanji Yamamura
Alexander Napier
Sunao Kido

Commissioner Absent: Goro Inaba, Vice-Chairman

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Jean Soma, Stenographer

HEARINGS

PETITION BY JOHN J. & MARY F. CAMARA (A71-284) TO RECLASSIFY
APPROXIMATELY 1.5 ACRES FROM AGRICULTURAL TO RURAL AT KALAHEO,
KAUAI

Mr. Tatsuo Fujimoto, the Executive Officer, presented
the staff report (see copy on file) and described the area
under petition.

In reply to Commissioner Sakahashi's question regarding
the agricultural dedication, Mr. Fujimoto felt that the change
in zoning from Agricultural to Rural would not invalidate the
dedication unless the dedicated use is discontinued.

Mr. Tatsuo Asari, attorney for the petitioner, stated
that Mr. Camara is willing to incur the expense of putting in
a pipeline and the penalty for withdrawing the dedication. He
stated that Mr. Camara would not make any money from the
subdivision since the lots will be given to his grandchildren.

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Under questioning by Commissioner Kido, Mr. Asari stated that the petitioner owned about 20 more acres of land in the vicinity and that he is thinking of parcelling out this land later if his finances would allow.

Legal counsel Walton Hong asked Mr. Camara whether he would be willing to take whatever tax consequences will result if the petition is approved. Mr. Camara replied in the affirmative.

Mr. Reginald Gage, speaking on behalf of the Department of Taxation, testified that a five year advance notice is required in order to withdraw an agricultural dedication without penalty. The only other provision for withdrawal is when the Land Use Commission rezones the property to an Urban classification. Then, upon mutual agreement between the taxpayer and the Director of Taxation, the dedication can be terminated without penalty. Upon questioning from Commissioner Tangen, Mr. Gage stated that the law is silent on the matter of withdrawal when the rezoning is to a Rural classification.

Mr. Asari stated that the grandchildren are between ages 24 and 25 and that the question of waiting the five years was considered. However, the petitioner decided to proceed with the boundary change.

Acting-Chairman Leslie Wung notified Mr. Asari that he had 15 days in which to submit additional evidence and thereupon closed the hearing.

PETITION BY KAUAI PLANNING COMMISSION (A71-282) TO RECLASSIFY APPROXIMATELY 121 ACRES FROM URBAN TO AGRICULTURAL AT LAWAI, KALAHEO, KAUAI

The Executive Officer presented the staff report and briefly described the subject area (see report on file).

Mr. Brian Nishimoto, Kauai County Planning Director, presented a brief history of the reason for the requested change. He stated that this petition is an outgrowth of another petition which was withdrawn. The original petition did not include all of the property owners within the subject area and would result in a spot zone pattern if approved. Mr. Nishimoto pointed out that the area has drainage, access, and slope problems which would make it extremely difficult to develop into urban use. He felt that the area should be rezoned

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from its present Urban classification to its original Agricultural classification which existed prior to the 1969 boundary review.

Mr. Fusao Tanabe and other property owners within the subject area concurred with the recommendations of the Kauai Planning Director.

Upon questioning by Commissioner Mark, Mr. Nishimoto elaborated that other factors such as tax assessment and County subdivision ordinances were considered. It would burden the property owner to be taxed at an Urban rate and yet not be able to subdivide the land for urban purposes.

Acting-Chairman Wung called for additional questions. Since there was none, he advised that additional evidence would be received in the next 15 days. The hearing was closed.

PETITION BY THE LAND USE COMMISSION (A71-289) TO AFFIRM OR MODIFY VARIOUS PARCELS REZONED DURING THE 1969 FIVE-YEAR BOUNDARY REVIEW IN THE COUNTY OF KAUAI

The staff planner read the staff report and discussed the areas under consideration (see staff report on file).

It was noted for the record that all of the affected landowners were notified of this proceeding.

Acting-Chairman Leslie Wung stated that the seven areas would be taken up one at a time.

Mr. Brian Nishimoto indicated that the Kauai Planning Commission recommended an Urban designation for Area 3 (Hanapepe Salt Pond) since the County General Plan designates it as an historical site. An Urban classification would also avoid creating a spot zone of Conservation.

Commissioner Sakahashi questioned whether the pond area covered 16 acres as reported by the staff. The staff planner explained that the area shown is outlined on the USGS base map and staff measurement established that it comprises 16 acres.

Mrs. Esther Kumalua protested the Urban classification of Area 4, the Anahola residence lots owned by the Hawaiian Homes Commission. She felt that the residents wanted bigger houselots so that they may be able to farm.

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Regarding Area 5 at Wailua, Mr. Brian Nishimoto stated that the Kauai Planning Commission favored a Conservation designation because the land was swampy and flood prone.

He agreed with Commissioner Sakahashi that the area was recommended for Urban by the consultants for the Kauai General Plan study. However, he pointed out that it was because of the development of the Wailua River State Park.

Mr. John T. Waterhouse, owner of the area known as Kipu Kai and a portion of which is designated Area 6, testified that extensive improvements were made to develop the land for grazing use. He felt that the Agricultural designation would be more appropriate and should therefore be restored. He testified that of the total 1,070 acres comprising Kipu Kai, about 600 acres are in ranching use.

Mr. Nishimoto pointed out that the Kauai Planning Commission recommended an Agricultural designation for Area 7 situated next to the Wailua Golf Course.

After a short discussion, the hearing on this matter was closed.

ACTION

SPECIAL PERMIT APPLICATION BY KAUAI SEICHO NO IE SOAI KAI (SP71-88) FOR THE CONSTRUCTION OF A CHURCH COMPLEX AT OMAO, KOLOA, KAUAI

Mr. Leong presented the staff memorandum recommending approval of the special permit subject to the County's conditions (see memo on file).

Mr. Joseph Esaki, representing petitioner, stated that he did not have any objections to the conditions stipulated.

Commissioner Sakahashi moved that the special permit be approved subject to the County. The motion was seconded by Commissioner Tangen and unanimously carried.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m.