

STATE OF HAWAII  
LAND USE COMMISSION  
HONOLULU, HAWAII

Minutes of Meeting

Kauai Public Library  
Lihue, Kauai

APPROVED  
NOV 5 1971

August 7, 1971 - 10 a.m.

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

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

Chairman Inaba swore in persons wishing to testify during today's proceedings.

ACTION

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

Mr. Ah Sung Leong, staff planner, presented the staff memorandum recommending approval of the reclassification from Urban to Agricultural based on the steepness of the terrain, inadequate roads, poor drainage, and water service limitations, etc. (see copy of memo on file).

It was again brought out that lots of less than 1 acre comprised only 11 percent of the total area.

Commissioner Sakahashi moved that the staff's recommendation be approved, which was seconded by Commissioner Yamamura and unanimously passed.

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

Mr. Tatsuo Fujimoto, Executive Officer, recommended approval of the request based on the reasons as outlined in the staff memorandum (see copy of memo on file).

Commissioner Sakahashi moved to grant the boundary amendment as recommended by staff, which was seconded by Commissioner Napier. The motion was unanimously carried.

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

The staff memorandum for the various parcels rezoned during the 1969 five-year boundary review was presented by Mr. Leong (see copy of memo on file).

Chairman Inaba recommended that the various parcels be acted on separately since they were located in various areas.

Area 1 - 17,565 square feet at Kekaha

It was the staff's recommendation that the current Urban designation be affirmed by the Commission.

It was reported that the lands involved were owned by the State of Hawaii and a private individual.

Commissioner Sakahashi's motion to approve the current Urban classification for Area 1 was seconded by Vice-Chairman Tangen and unanimously carried.

Area 2 - 1.01 acres at Lawai

Commissioner Sakahashi moved to accept staff's recommendation to affirm the current Urban designation for Area 2, which was seconded by Commissioner Mark and unanimously carried.

Area 3 - 16-acre Salt Pond at Port Allen

The current Conservation classification was recommended for reaffirmation by the staff.

Mr. Brian Nishimoto, Kauai Planning Director, stated that the action taken by the Kauai Planning Commission recommending reclassification to Urban for Area 3 was based on the County's desire to control the zoning of the particular area.

It was moved by Commissioner Sakahashi that staff's recommendation be accepted for Area 3. The motion was seconded by Commissioner Kido and unanimously carried.

Area 4 - 27 acres at Anahola

Staff's recommendation was for retention of the current Urban classification for Area 4.

Commissioner Sakahashi moved to accept staff's recommendation to retain the current Urban classification, which was seconded by Commissioner Kido and unanimously carried.

Area 5 - 25 acres at Wailua

It was recommended by staff that the area be reclassified into the Conservation District from the current Urban District.

Mr. Leong felt that the conflicting recommendation of Urban and Conservation from the consultant firm of Eckbo, Dean, Austin & Williams for the subject area may have been partially due to the State park development. He elaborated that the area was generally marshy, mostly in California grass, with a narrow improved road, and owned by the State, Lihue Plantation, and two other private individuals.

In response to Commissioner Sakahashi's question, Mr. Leong advised that farming was permitted under Regulation 4 within the Conservation District, upon due application and approval for such use with the Department of Land & Natural Resources. Mr. Leong further informed that the subject area was within the Wailua flood plain according to the Division of Water and Land Development of the Department of Land & Natural Resources.

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It was also brought out that the property owners affected were duly notified of the proposed boundary change.

Mr. Brian Nishimoto, Kauai Planning Director, offered additional information which had not been presented at the public hearing, that the Kauai County Council had adopted the County General Plan which recognized the subject area, as well as the existing Conservation District shown on the map, as part of the park system, and therefore it was consistent with the Conservation District criteria.

Commissioner Wung moved to accept the staff's recommendation, which was seconded by Vice Chairman Tangen and passed unanimously.

Area 6 - 216 acres at Kipu Kai

Mr. Leong continued with the staff memo recommending that the 216-acre area within Kipu Kai, owned by Mr. John T. Waterhouse, be retained in the Conservation District since the area conformed to the Conservation District standards in the district regulations and would be in accord with the provision that lands which are suitable for farming or grazing use may be included in the Conservation District. It was further noted that the consultants, Eckbo, Dean, Austin & Williams, had recommended a Conservation classification along the beach area to protect the shoreline amenities.

It was also brought out that most of the improvements on the property are located below the 200 foot contour line, but Mr. Waterhouse had reported that his cattle roamed into the area under discussion and therefore desired an Agricultural classification.

The Commissioners felt that Mr. Waterhouse was merely requesting that the 216 acres be restored to its original land use classification of Agricultural, since the area is presently being used for that purpose.

Commissioner Sakahashi moved that the 216 acres be restored to the classification prior to the 1969 review of Agricultural. The motion was seconded by Commissioner Wung and unanimously carried.

Area 7 - 33 acres at Wailua-Kawailoa

It was the staff's recommendation that Area 7, comprising 33 acres, be retained in the current Conservation classification on the basis that it would prevent the property from being spot zoned and it would be more logical since the total area was designated for park use.

Mr. Nishimoto, Kauai Planning Director, explained that the reason the Kauai Planning Commission did not concur with the Conservation classification was due to their concern over the allowable uses in the Conservation District under Regulation #4 of the Department of Land & Natural Resources.

Commissioner Sakahashi moved to accept staff's recommendation for retention of the Conservation classification, which was seconded by Commissioner Mark and unanimously carried.

SPECIAL PERMIT APPLICATION BY VICTOR LUND, ET AL (SP71-101)  
TO ESTABLISH AN INTERMEDIATE CARE FACILITY FOR THE AGED AND  
RETIRED AT WAIAKEA, SOUTH HILO, HAWAII

Commissioner Wung declared a conflict of interest (see copy on file) and abstained from the deliberations of subject special permit.

Mr. Tatsuo Fujimoto, Executive Officer, presented the staff report recommending approval of the special permit since it substantially meets the criteria for determining "unusual and reasonable" use in the Agricultural District subject to the County's conditions (see copy of report on file).

Mr. Fujimoto reported that subsequent to the writing of the staff report, a letter had been received from Dr. Richard Marland, Interim Director of the Office of Environmental Quality Control, indicating that their "concern directed itself to the term of the construction period and compliance with the county requirements for utilities, etc. to insure that this development would not burden the county in an environmental sense" (see copy of letter on file).

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In this connection, Mr. Fujimoto commented that all requirements for utilities and environmental protection would have to be complied with by the petitioner under the county regulations. He advised that a copy of Dr. Marland's letter would be transmitted to the county.

Commissioner Napier moved to accept staff's recommendation for approval of the special permit, which was seconded by Commissioner Sakahashi and carried. Commissioner Wung abstained from voting.

SPECIAL PERMIT APPLICATION BY ELDEN ROTH (SP71-102) TO  
CONSTRUCT A CHURCH WITHIN THE HAWAIIAN OCEAN VIEW ESTATES  
SUBDIVISION, KAU, HAWAII

A recommendation for approval of the special permit was recommended by staff, based on its evaluation that the request generally conforms with the criteria established by the Land Use District Regulations, Sub-Part E, subject to the conditions set forth by the Hawaii County Planning Commission (see copy of staff report on file).

Chairman Inaba recommended that a third condition be imposed, requiring that the petitioner be responsible for making available the necessary utilities for the proposed use.

Commissioner Wung moved to approve the special permit as recommended by staff, with the further condition that such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection. The motion was seconded by Commissioner Sakahashi and unanimously passed.

SPECIAL PERMIT APPLICATION BY JAY J. OTSUKA (SP71-107) TO  
USE AN EXISTING CESSPOOL TO DISPOSE SEWAGE ON A TEMPORARY BASIS  
AT KAPAA, KAUAI

The staff's recommendation for approval of subject special permit supported the findings and recommendations of the Kauai Planning Commission and the conditions imposed by the County agency (see copy of report on file).

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Mr. Fujimoto read into the records a letter from Dr. Richard Marland of the Office of Environmental Quality Control dated August 3, 1971, which had been received subsequent to the writing of the staff report (see copy of letter on file). He also acknowledged the presence of the District Health Officer and Chief Sanitarian of the Health Department who had appeared in response to a letter request from the Executive Officer, to answer any questions that may arise relating to their functions.

Mr. Jay Otsuka, petitioner, submitted a letter he had received from Mr. Jeremiah Kaluna, Kauai County Engineer, dated March 23, 1971, regarding "Possible Cesspool Locations" (see copy of letter on file). Mr. Otsuka cited the frustrations, delays and difficulties he had experienced in obtaining approval for the proposed use, so that he was now considering withdrawing the special permit request and seeking another location that would be acceptable to the Department of Health.

Chairman Inaba pointed to the fact that staff was recommending approval for a period of 6 months and felt perhaps Mr. Otsuka may be able to relocate the cesspool within that time.

Commissioner Sakahashi argued that water pollution was a very serious matter and inasmuch as the petitioner had requested cancellation of the special permit, it would be in everybody's interest to grant his request. Vice Chairman Tangen agreed and added that the special permit would also be subject to cancellation if Mr. Otsuka failed to comply with any of the conditions.

In response to a point raised by Mr. Walton Hong, Deputy Attorney General, Mr. Otsuka declared that he was formally requesting cancellation of the special permit request for the records. Under the circumstances, Mr. Hong advised that a vote was not necessary.

Chairman Inaba announced that Mr. Otsuka's request to withdraw the special permit application was accepted by the Commission.

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SPECIAL PERMIT APPLICATION BY J. M. TANAKA CONSTRUCTION, INC.  
(SP71-103) TO ALLOW THE OPERATION OF A QUARRY SITE AT NORTH  
KONA, HAWAII

Mr. Tatsuo Fujimoto, Executive Officer, read the staff report recommending approval of the special permit since it substantially meets the guidelines established in the Regulations for determining an "unusual and reasonable use" within the Agricultural District, subject to the conditions imposed by the Hawaii County Planning Commission. He added that a letter had been received from Dr. Marland of the Office of Environmental Quality Control, dated July 30, 1971 (see copy of letter on file). Chairman Inaba commented that the additional conditions imposed by the Land Use Commission in the staff report adequately covered the concerns posed in Dr. Marland's letter.

Commissioner Wung moved to approve the special permit as recommended by staff, which was seconded by Commissioner Sakahashi and unanimously carried.

SPECIAL PERMIT REQUEST BY THE DEPARTMENT OF PUBLIC WORKS,  
COUNTY OF MAUI (SP71-111) TO ESTABLISH A HOUSING COMPLEX AT  
HANA, MAUI

Mr. Leong, planner, reported that staff was recommending approval of the subject special permit since its evaluation of the request supports the findings and recommendations of the Maui Planning Commission (see copy of report on file). He further noted that the Department of Planning & Economic Development's CIP Newsletter, dated August 4, 1971, had indicated that the sum of \$64,000 had been released by the Governor for the construction of the teachers' cottages.

Mr. Howard Nakamura, Maui Planning Director, offered the following information to clarify the applicant's interest in the subject request. The Maui Public Works Department, as the applicant, was acting in behalf of the County of Maui for the construction of the police cottages; and on behalf of the Hawaii Housing Authority which agency was responsible for the teachers' cottages. He recommended favorable consideration of the request, emphasizing that a real problem existed in



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Hana to provide living quarters for teachers and police personnel.

Commissioner Kido summarized that since the application was for an additional 5 cottages for a total of 7 cottages (including the 2 existing buildings), the request was really for only 3 additional structures over the allowable density in the Rural District.

In response to a question raised by Commissioner Kido, Mr. Nakamura did not feel that the State or County would consider subdividing the property into separate lots, and stated further that at some future date, it was anticipated that the area would be reclassified Urban since this would conform to their General Plan.

Based on its own merits and the fact that subject request was for a public purpose, it was <sup>the</sup> consensus of the Commissioners that it was a reasonable request.

Commissioner Yamamura moved to approve the special permit as conditioned by the Maui Planning Commission, which was seconded by Vice Chairman Tangen and unanimously passed.

MISCELLANEOUS

Mrs. Elizabeth Medeiros, owner of one of the properties involved in the Land Use Commission petition (A71-289), stated that she was unable to attend the previous hearing on the matter but concurred with the Agricultural classification for her property.

Since there was no further business, the meeting was adjourned upon motion by Commissioner Yamamura, seconded by Commissioner Sakahashi.