

STATE OF HAWAII
LAND USE COMMISSION

APPROVED

Minutes of Meeting

DEC 11 1970

Wilcox Elementary School Cafetorium
Lihue, Kauai

October 10, 1970 - 1 p.m.

Commissioners Present: Leslie Wung, Chairman Pro Tempore
Eddie Tangen
Shelley Mark
Tanji Yamamura
Stanley Sakahashi

Commissioners Absent: Goro Inaba
Sunao Kido
Alexander Napier

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

HEARINGS

PETITION BY EAGLE COUNTY DEVELOPMENT CORPORATION (A70-261) TO
RECLASSIFY 1.25 ACRES FROM CONSERVATION TO URBAN AT PRINCE-
VILLE AT HANAIEI, KAUAI

The Executive Officer, Mr. Ramon Duran, presented the
staff report on the request to reclassify 1.25 acres from
Conservation to Urban at Hanalei (see report on file).

Mr. William McCarthy, project manager for Eagle County,
presented a status report on their project. He said that the
golf course is nearing completion; rough grading of interior
roads and installation of sewer lines have begun; two water
wells have been drilled; a plant nursery has been established;
and about \$1 million have been spent on engineering and design
of the first 1000 acres. He continued that two-story town-
house clusters containing 2-3 bedroom units are proposed for
the 1.25 acres under petition and the surrounding area. They
will be of superior design and will sell for about \$50-\$70,000
per unit. The area is situated about 130 feet above sea level

and is about 120 feet from the shoreline.

Commissioner Tangen expressed his satisfaction with the new design and agreed with the County in its recommendation.

Since there was no further testimony, Acting Chairman Wung said additional testimony will be received for the next 15 days and closed the hearing on this matter.

ACTION

PETITION BY DEPARTMENT OF ACCOUNTING & GENERAL SERVICES (A70-253) TO REZONE 15.483 ACRES FROM AGRICULTURAL TO URBAN AT KIKIAOLA, WAIMEA, KAUAI

Action on this petition was postponed to another date by the Acting Chairman due to a lack of quorum.

HEARING

SHORELINE SETBACK PUBLIC HEARING

The Executive Officer read the notice of the public hearing and presented the background information on the purpose and requirements of Act 136, the Shoreline Setback Law.

Acting Chairman Wung then called for testimony from those in attendance.

Mr. William Huddy asked why a 40 foot shoreline setback is proposed.

Commissioner Tangen explained that if the public hearing notice was for less than the maximum 40 feet the law allows the Land Use Commission to establish, and if the Commission decides to establish the setback line at 40 feet, then another public hearing would be required to consider the 40 foot setback. The Commission, therefore, decided on the 40 foot maximum. Testimony received at the public hearings will be considered before the final determination is made.

Mr. Huddy asked for a 20 foot setback since a 40 foot setback would take away part of his property.

Commissioner Tangen clarified that the land would not be taken away; that the purpose was to prevent construction within the shoreline setback.

Kauai Council member Ralph Hirota asked what area would be covered by the variance procedure. It was established by the Executive Officer that the area would be between the highest wash of the waves to the shoreline setback line established by the Commission, or any line beyond this which may be established by the County. Since the variance procedure allowed consideration of hardship cases, Mr. Hirota spoke in favor of the 40 foot setback.

Mr. Valentine Ako of Wailua asked that in the event the land is eroded by tsunami action, how would the setback line be determined. The Executive Officer replied that it would always be measured from the highest wash of waves. Mr. Ako stated that this will work an injustice on the middle class and would be partial to those hotel developments situated right along the shore.

Commissioner Sakahashi reminded Mr. Ako that the Commission was not here to take land away from people but to gather testimony in order to establish a shoreline setback line as mandated by the legislature.

Mr. Ako then stated that a 20 foot setback would be sufficient.

Mr. James Shinno speaking on behalf of the Lihue Plantation Company requested that a 20 foot setback be established for Lihue Plantation Company's land.

Mr. Sam Wilcox of Lihue and shoreline property owner at Hanalei asked whether it was possible to get a variance from the County for construction within the shoreline setback. He was answered in the affirmative by Commissioner Tangen.

The Acting Chairman asked if there was further testimony on the shoreline setback. Since there was none, he reminded those in the audience that any other testimony should be submitted within the next 15 days. The hearing was closed thereafter.

TENTATIVE SCHEDULE

The Executive Officer informed the Commission that the next meeting has been scheduled for October 29, 1970, in Wailuku, Maui, at which time the shoreline setback public hearing will be held for that County. Public hearings for Hilo and Kona on the shoreline setback will be held on October 30 and 31, respectively.

ADJOURNMENT

The meeting was adjourned at 2 p.m.