

STATE OF HAWAII
LAND USE COMMISSION

Approved
6-16-67

Minutes of Public Hearing
and Meeting

Lihue District Court Room
Lihue, Kauai

December 16, 1966 - 2:30 p. m.

Commissioners
Present:

Myron B. Thompson, Chairman
C. E. S. Burns
Shelley Mark
Robert Wenkam
Leslie Wung
Goro Inaba
Shiro Nishimura

Commissioner
Absent:

Jim P. Ferry

Staff Present:

George Moriguchi, Executive Officer
Roy Miyamoto, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson opened the meeting with a prayer, introduced the Commission and staff members, explained the procedure to be following during the hearing, and swore in persons planning to testify during the meeting.

HEARINGS

PETITION OF LAND USE COMMISSION (WAILUA) (A66-139) TO AMEND THE DISTRICT BOUNDARIES FOR FOUR PARCELS LOCATED AT WAILUA, KAUAI FROM AGRICULTURAL TO RURAL

Mr. Ah Sung Leong presented the staff report recommending approval of the boundary changes on the basis of existing land use configurations, lot sizes, and contiguity to an existing Rural District (see copy of report on file).

Commissioner Wenkam raised the question on the effect this proposed land use amendment would have on the tax assessments of the properties concerned. Mr. Moriguchi thought that the lands would be reassessed on the new classification by the Tax Department at the time we notify them of the change. He also advised that all of the landowners affected by this petition for boundary change had been advised of the pending reclassification by letter.

At the request of Commissioner Wung, Mr. Leong elaborated on the present uses of the various colored areas on the map.

There was no further testimony and the hearing was closed.

ACTION

PETITION OF LIHUE PLANTATION CO. (A66-124) TO AMEND THE BOUNDARIES FOR 4.5 ACRES AT LIHUE, KAUAI, FROM AGRICULTURAL TO URBAN

Mr. Moriguchi read the staff memo recommending the approval of the petition (see copy of report on file). It was pointed out that with the exception of a small projection on the south side of Hoomana Road, the area was slated for residential development according to the Master Plan prepared for the petitioners.

Commissioner Wenkam moved that the petition be approved as recommended by the staff which was seconded by Commissioner Nishimura and carried unanimously.

DECLARATORY RULING

REQUEST FOR A RULING BY ROY JACOBSEN TO OPERATE "WORLD WISDOM CENTER" WITHIN AN AGRICULTURAL DISTRICT, ON LAND SITUATED AT ANAHOLA, KAUAI, TAX MAP KEY 4-9-05: 7

Based upon its field investigation and research into the request for a ruling, it was recommended by staff that this Commission rule that the proposed use as a park and museum not be permitted within an Agricultural District. (see copy of report on file).

The following definition of a "park", as defined in Webster's dictionary and adhered to by staff, was offered by Mr. Leong: "A tract of ground kept in its natural state as for game, for walking, riding, or the like; a portion of ground, in or near a city or town, kept for ornament and recreation; also, an area maintained in its natural state as a public property".

Funk and Wagnall's version of a park "an attractive land generally large and used for park and recreation" was quite inclusive and left the definition of a park open to debate. Mr. Jacobsen submitted that there was no fixed definition of a park by the Land Use Commission.

Mr. Jacobsen elaborated that his plan was to develop a portion of the area as a little replica of an ancient Hawaiian village depicting the old way of life with emphasis on the wisdom of that culture. This exhibition area would be in addition to the museum in which he would display quotations, proverbs, etc. from the "world's wisdom literature". Depending upon the success of this venture, Mr. Jacobsen thought perhaps he would like to lease the surrounding 9½ acres and develop it into a park with gardens, and possibly create a replica of the park in India in which Buddha taught his students.

During the ensuing hearing, the following facts were elicited from Mr. Jacobsen:

1. There would be no fee charged. There will be a place to drop donations which, hopefully, will be sufficient to cover expenses. Booklets will also be available for which voluntary donations may be made. This will be heavily dependent upon the tourist trade.

2. There will not be an affiliation with any particular religious group.
3. The land is presently being leased from Henry B. Thronas.
4. The museum was presently being operated on the premise that a park is a permissive use, and petitioner requested that it be considered a park.
5. \$2,000 had already been expended on lumber, interior decorating.
6. If this request were determined as a permissible use within an Agricultural District, the County's agricultural zoning ordinance would apply.

Chairman Thompson commented that the issue here was one of determining whether Mr. Jacobsen's museum could be considered as a park operation.

Commissioner Wenkam reflected that on the surface the proposed use was quite harmless; however, to make a declaratory ruling in favor of the project might leave the door open for other uses which could prove undesirable in an Agricultural District. It was further pointed out that a special permit might be a more proper procedure here inasmuch as this will afford the County an opportunity to fully investigate the use, impose conditions and restrictions that may be desirable.

It was moved by Commissioner Wenkam to declare that this was not a park use and to advise Mr. Jacobsen to take the special permit route. It was seconded by Commissioner Wung and passed unanimously.

INTRODUCTION OF NEW KAUAI PLANNING DIRECTOR

Mr. Brian Nishimoto was introduced by Mr. Yamasaki as the new Planning Director, filling the vacancy left by Mr. David Wong, effective as of January 1, 1967.

ADOPTION OF MINUTES

The minutes of September 16, 1966 were approved as circulated.