

STATE OF HAWAII
LAND USE COMMISSION

Lihue District Court Room
Lihue, Kauai

2:30 p.m.
December 16, 1966

DECLARATORY RULING

ROY JACOBSEN

Mr. Roy Jacobsen of Anahola, Kauai, has requested a ruling as to whether or not a park with a museum situated in it would be a permitted use within an Agricultural District.

Basically, Mr. Jacobsen proposes to establish a "World Wisdom Center" in order to exhibit inscribed plaques consisting of quotations, proverbs, and teachings from the "world's wisdom literature." He submits that the outdoor park area is the primary use, since "visitors to the center usually spend more time in discussions under the trees than they do inside the museum." An admission fee of 50¢ would be charged. Mr. Jacobsen has indicated that this would be dropped if it creates an issue, and other means of supporting the project would be found.

Although the matter before the Commission is a ruling on a permitted use and not a petition for a special permit or a boundary change, the staff feels that a description of the site and other background data should be presented, in view of the novel character of the World Wisdom project.

Field investigation shows the museum to be an old residence, which at present is in various stages of deterioration. The inscribed plaques Mr. Jacobsen mentions are pieces of colored cardboard with literature hand-printed thereon. A few examples of this literature are:

"Every man I meet is my superior in some way; in that I learn of him." --

Emerson

"Nine tenths of existing books are nonsense." -- Disraeli

"The little fish cannot swallow the big fish." -- Hawaiian proverb

The park Mr. Jacobsen mentions is a relatively level area of perhaps 30,000 square feet with old mango trees dominating the greenery. A few royal palms, a lychee tree, an avocado tree, and a Norfolk pine also contribute to the park's vegetation. A few wooden benches and a table round out the park's facilities. Mr. Jacobsen's future plans includes a flower garden and other landscaping.

Webster defines museum as a place of study, a building in which are preserved and exhibited object^s of permanent interest in one or more of the art^s and sciences. If the "inscribed plaques" tacked up by Mr. Jacobsen are to be interpreted as "objects of permanent interest," then the building may be considered a museum.

Item (f) of Section 2.14 of the State Land Use District Regulations, dealing with permissible uses within the Agricultural District, states,

"Public and private "open land" types of recreational uses including parks, playgrounds, country clubs, and golf courses but not including dragstrips, private airports, and drive-in theaters, and commercial, recreational facilities, such as but not limited to miniature golf courses and golf driving ranges."

It is the staff's opinion that item (f) is not applicable since the uses permitted are "open-land" types of recreational uses. Despite Mr. Jacobsen's contention that the primary use would be centered in the park (which is open to question), the proposed use is inextricably tied in with the museum which is

not a use expressly permitted in an Agricultural District and is therefore prohibited. Apparently, the park would not be maintained without the museum. Other items under Section 2.14 of the District Regulations are not applicable.

Based on the foregoing discussion, it is recommended that this Commission rule that the proposed use as a park and museum is not a permitted use within an Agricultural District.