

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.

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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 WAIACEA, 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).

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(17,565 Sq. Ft., Kekaha, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
MARK, SHELLEY	✓			
KIDO, SUNAO	✓			
WUNG, LESLIE	✓			
SAKAHASHI, STANLEY	✓			
YAMAMURA, TANJI	✓			
INABA, GORO	✓			

COMMENTS:

Move to affirm the current Urban designation.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(1.01 Ac., Lawai, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
TANGEN, EDDIE	✓			
NAPIER, ALEXANDER	✓			
YAMAMURA, TANJI	✓			
KIDO, SUNAO	✓			
MARK, SHELLEY	✓			
SAKAHASHI, STAN	✓			
WUNG, LESLIE	✓			
INABA, GORO	✓			

Comments:

Move to affirm the current Urban designation.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(16 ac., Hanapepe Salt POND, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
LIHUE, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
5 KIDO, SUNAO	✓			
4 SAKAHASHI, STAN	✓			
WUNG, LESLIE	✓			
YAMAMURA, TANJI	✓			
NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
MARK, SHELLEY	✓			
INABA, GORO	✓			

Comments:
n Move to affirm the current Conservation designation.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(27 ac., Anahola, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
WUNG, LESLIE	✓			
SAKAHASHI, STANLEY	✓			
YAMAMURA, TANJI	✓			
KIDO, SUNAO	✓			
MARK, SHELLEY	✓			
NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
INABA, GORO	✓			

COMMENTS:

Move to affirm the current Urban-classification.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(25.04 Ac., Wailua, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
YAMAMURA, TANJI	✓			
NAPIER, ALEXANDER	✓			
MARK, SHELLEY	✓			
WUNG, LESLIE	✓			
KIDO, SUNAO	✓			
SAKAHASHI, STANLEY	✓			
TANGEN, EDDIE	✓			
INABA, GORO	✓			

COMMENTS: Move to accept staff recommendation to
reclassify to a Conservation designation.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM A71-289 - LAND USE COMMISSION DATE August 7, 1971
(216 ac., Kipu Kai, Kauai)
PLACE Kauai Public Library TIME 10:00 a.m.
Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
MARK, SHELLEY	✓			
TANGEN, EDDIE	✓			
YAMAMURA, TANJI	✓			
NAPIER, ALEXANDER	✓			
KIDO, SUNAO	✓			
WUNG, LESLIE	✓			
SAKAHASHI, STANLEY	✓			
INABA, GORO	✓			

COMMENTS: *Retain Agr. classif.*

Move to retain in ~~Agricultural~~ classification.
prior to the 1969 review which was Agricultural.