

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
 of)
)
 THE LIHUE PLANTATION COMPANY,)
 LIMITED, for a Petition to amend)
 the District Boundary of property)
 situate at Lihue, Island and)
 County of Kauai, State of Hawaii)
 _____)

DOCKET NO. A79-456

DECISION AND ORDER

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DECISION

This matter, being a proceeding pursuant to Section 205-4, Hawaii Revised Statutes, as amended, to consider a Petition to amend District Boundaries and reclassify from Agricultural to Urban approximately 13.683 acres of land situate at Lihue, Island and County of Kauai, State of Hawaii, was heard by the Land Use Commission in Lihue on September 27, 1979, continued for further hearing on October 16, 1979, and the hearing was closed on October 16, 1979. The mandatory parties admitted to the proceedings were Petitioner, The Lihue Plantation Company, Limited, the Planning Department of the County of Kauai, and the Land Use Division of the State of Hawaii Department of Planning and Economic Development.

A letter dated September 18, 1979, from Elizabeth Stone and children read by a staff member was received into evidence on September 27, 1979.

The petition of Solomon Hanohano Holi to intervene as a party, received by the Land Use Commission on September 27, 1979, was denied because it was filed untimely and without payment of the required filing fee. However, his daughter, Wilma H. Holi, of Hanapepe, Kauai, as his representative, was permitted to testify as a public witness.

The Commission, after having duly considered the testimony given, the evidence presented, and the files and records in this Docket, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The petition of Lihue Plantation Company, Limited, was received by the Land Use Commission for filing on May 7, 1979.

2. The notice of hearing on the petition scheduled in September 27, 1979, was placed in the Honolulu Advertiser and The Garden Island News on August 22, 1979.

DESCRIPTION OF THE SUBJECT PROPERTY

1. The Petitioner, The Lihue Plantation Company, Limited, is a Hawaii corporation, with its principal place of business at Lihue, Kauai, Hawaii. Its mailing address is P. O. Box 751, Lihue, Hawaii 96766.

2. The land which is the subject of this petition is owned in fee simple by Petitioner, is situate at Lihue, Kauai, along the northerly side of Kaumualii Highway, opposite the junctions of Kaumualii Highway and Nawiliwili and Hala Roads, Tax Map Key 3-8-5: portion of parcel 3, containing approximately 13.683 acres.

3. The property has been used for residential purposes since the 1860's. Currently the land is improved with four buildings including the old plantation manager's mansion. All four buildings are being rented. There are several large trees on the property which will be maintained.

4. The average rainfall is 50 inches per year. The elevation of the land is 240 feet above sea level. The natural drainage slope is in the northerly direction towards a stream

and easterly towards Kaunualii Highway. The area is not susceptible to natural hazards and is removed from tsunami inundation.

5. The Land Study Bureau of the University of Hawaii classified the property as "U" for urban around the existing buildings and "E87" on the northern perimeter of the property.

6. The U.S.D.A. Soil Conservation Service has classified the soils as LhB: Lihue Series, dark, reddish brown, silty clay, 0 to 8 percent slope. The shrink-swell potential is classified as moderate. The corrosivity of the soil is classified as low for uncoated steel and moderate for concrete, which is suitable for the proposed development.

PROPOSAL FOR RECLASSIFICATION

7. The Petitioner has requested the reclassification of the property from an Agricultural Land Use District to an Urban Land Use District.

8. The current and historical uses of the property have been residential.

PROPOSAL FOR DEVELOPMENT

9. The property is being sold to two limited partnerships, Koamalu Associates and Kaunualii Investment Company for the sum of \$525,000.00. The purchasers plan to develop the property for a quality condominium apartment project for sale in fee simple primarily to mature local buyers who presently matriculate from Kauai to places like Pohai Nani and Arcadia in Honolulu. The density of the project will be not more than ten units per acre, and the units will be sold at prices ranging from \$160,000.00 for one-bedroom apartments and \$275,000.00 for three-bedroom apartments at today's dollars.

10. The development will start immediately after zoning approval from the County of Kauai.

11. The approximate cost of the project will be between \$10,000,000 to \$12,000,000.

12. The two purchaser-partnerships have the financial capacity to undertake and to complete the proposed project.

STATE AND COUNTY PLANS

13. The Land Use District Map K-11, Lihue, Kauai, shows the subject property to be in the Agricultural District.

14. The Kauai County General Plan designates the property as "Single Family Residential".

15. The present County of Kauai zoning on this property is "Open District (O)". The Lihue Development Plan, adopted by the County of Kauai in November, 1977, recognized the property as a potential single family residential area and that a R-4 type of development thereon would be compatible.

NEED FOR GROWTH AND DEVELOPMENT

16. The proposed development of the property as a quality condominium apartment project will provide housing to mature residents whose children have grown up and moved out of their homes, who presently have the leisure time but who choose not to maintain large homes and lawns. Some of these persons are former residents who now desire to return to Kauai. The purchasers of these units are expected to be resident owner-occupants rather than mainland transient investors.

RESOURCES OF THE AREA

Agricultural Resources

17. Title to TMK 3-8-5: 3, area 587.045 acres, of which the subject property is a portion, is owned by the Lihue Plantation Company, Limited. The subject property is separated by a roadway easement from the remainder of TMK 3-8-5: 3, which has never been used for agricultural purposes since the 1860's.

Reclassifying the property from an Agricultural Land Use District to an Urban Land Use District will have no adverse effect on the continued cultivation of sugar cane on the adjoining area.

Natural Resources

18. There are no endangered flora or fauna on the subject property.

Environmental Resources

19. There are no known archaeological sites on the property. The several large trees on the property will be maintained to screen the project from the noise and smell of the highway and the sugar mill.

Recreational Resources

20. The property has not been used by the public for recreation.

Scenic Resources

21. Since the property is presently surrounded by tall trees, and since the plan is to maintain these trees, the project will not adversely affect any view corridor.

Historic Resources

22. There is no historic or cultural value associated with the property. However, the site of the subject property was once the site of the Rice family home. The present mansion once served as the Lihue Plantation manager home.

PUBLIC SERVICES AND FACILITIES

Firefighting Services

23. There is a fire station in Lihue within a radius of one mile of the property which can service it.

Police Services

24. There is a police station in Lihue within a radius of one mile of the property which can provide service.

Schools

25. Wilcox Elementary School is about a mile away and Kauai High School is about 3¼ miles away from the subject property which will provide school services to the subject property.

Electrical Utility Services

26. Electric services are available to the property.

27. Telephone services are available to the property.

Water

28. Water is available for the project, however, transmission facilities will require improvements in order to service the project.

Sewage Treatment and Disposal Services

29. Presently there is no sewer system to serve the project. A private system will be constructed by the developers.

Solid Waste Disposal Services

30. Garbage disposal will be done through private contractors.

Roadway and Highway Services

31. The subject property runs along the northerly side of Kaumualii Highway and is accessed via a roadway designated as "Easement A". "Easement A" will be improved by the developer for use by the apartment owners of the project, The Lihue Plantation Company, and by members of the Holi family.

32. The proposed project will result in some increase in traffic on Kaumualii Highway. To minimize the traffic impact, the developers propose to provide a shuttle bus for the residents of the project.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

33. The proposed development is adjacent to an existing Urban District, will make use of existing public services and facilities and will not result in scattered urban development of the Lihue District.

CONFORMANCE WITH INTERIM STATEWIDE LAND USE GUIDANCE POLICIES AND STATE LAND USE DISTRICT REGULATIONS

34. The property is located in an area already characterized by the existence of a "city-like" concentration of people, structures, highway and urban levels of services.

35. The property is located near the existing center of all major business, commercial, government, cultural, educational, social and entertainment activities on Kauai.

36. The proposed development of the property is economically feasible.

37. The project will result in employment of general and subcontractors as well as structural workers.

38. After completion of the project, there will be some permanent employment in connection with the project.

39. The property is not presently being used for agricultural purposes.

40. The property is reasonably free from the danger of floods, tsunami, and unstable soil conditions.

41. The proposed development can be served by existing sewer, water, sanitation, school, park, police and fire protection facilities and services.

42. The reclassification of the subject property from an Agricultural Land Use District to an Urban Land Use District is consistent with the Kauai County General Plan and the Lihue Development Plan.

RULING ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioner or the other parties not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure, and the District Regulations of the Land Use Commission, the Commission concludes that all the legal requirements of notice and hearing were complied with in the Petition for reclassification of approximately 13.683 acres of land situated along the Northerly side of Kaumualii Highway, opposite the junction of Kaumualii Highway and Nawiliwili and Hala Roads, Lihue, Island of Kauai, State of Hawaii, from the Agricultural to Urban District, and the Commission having heard and examined all of the records, evidence and arguments of counsel, concludes that the boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with Section 205-2, Hawaii Revised Statutes, the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1, Hawaii Revised Statutes, and State Land Use District Regulation 6-1.

ORDER

IT IS HEREBY ORDERED:

That the property which is the subject of the Petition in this Docket Number A79-456, consisting of approximately 13.683 acres situated at Lihue, more specifically identified by Tax Map Key 3-8-05: portion of parcel 3, shall be and is hereby reclassified

from Agricultural to Urban and the district boundaries are amended accordingly.

DONE at Honolulu, Hawaii, this 6th day of May, 1980, per Motion on February 26,, 1980.

LAND USE COMMISSION
State of Hawaii

By *C. W. Duke*
C. W. DUKE, Chairman and
Commissioner

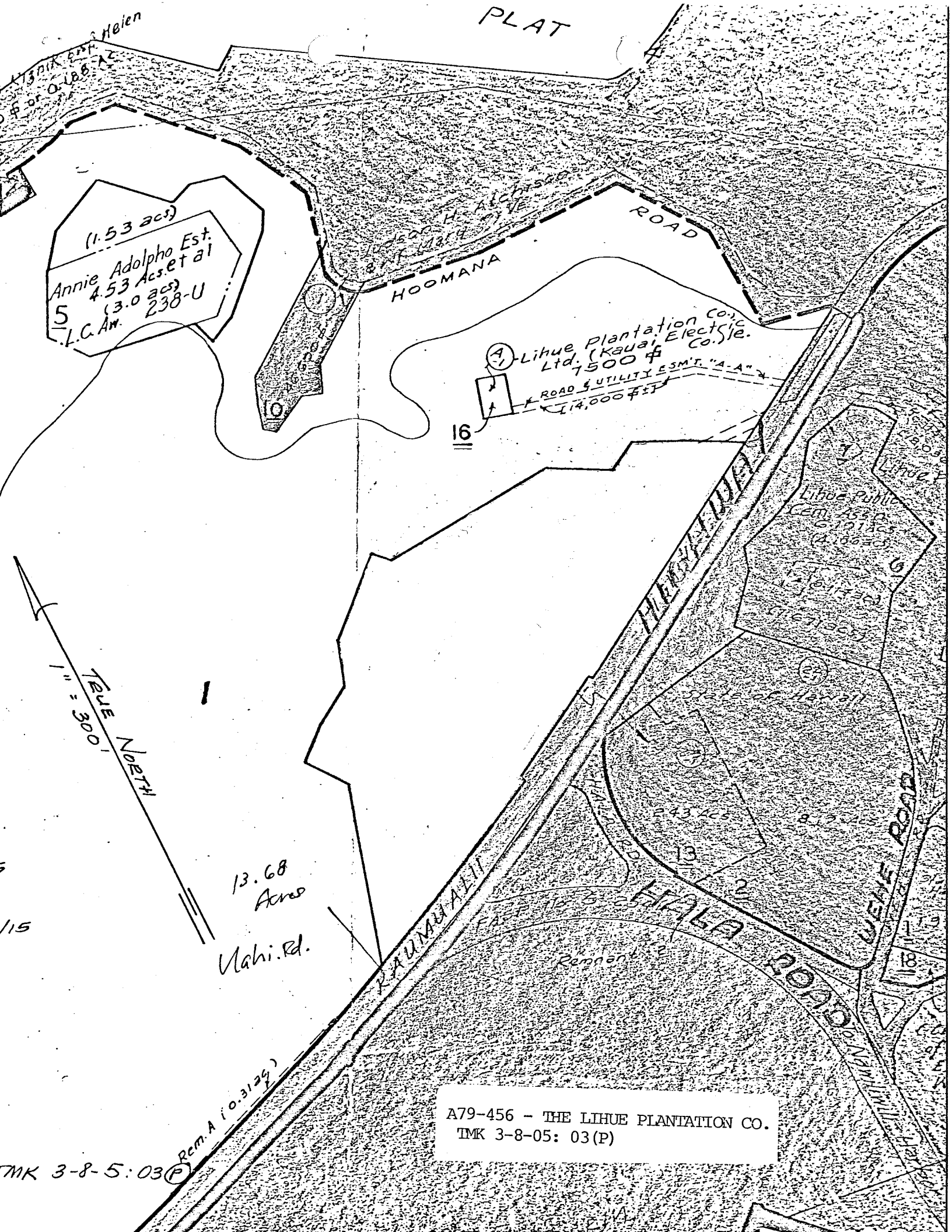
By *Shinichi Nakagawa*
SHINICHI NAKAGAWA, Vice Chair-
man and Commissioner

By *Shinsei Miyasato*
SHINSEI MIYASATO, Commissioner

By *Mitsuo Oura*
MITSUO OURA, Commissioner

By *George Pascua*
GEORGE PASCUA, Commissioner

By *William W. L. Yuen*
WILLIAM W. L. YUEN, Commissioner



(1.53 acs)
 Annie Adolpho Est.
 4.53 Ac. et al
 5 (3.0 acs)
 L.C. Am. 238-U

④ Lihue Plantation Co.
 Ltd. (Kauai Electric Co.)
 7500 ft
 ROAD & UTILITY ESMT. "A-A"
 14,000 FT

True North
 1" = 300'

13.68 Acres
 Uahi Rd.

Rem. A (0.3125)

A79-456 - THE LIHUE PLANTATION CO.
 TMK 3-8-05: 03(P)

TMK 3-8-5:03(P)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
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ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
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BRIAN NISHIMOTO, Planning Director
Planning Department
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Lihue, Hawaii 96766

MORRIS SHINSATO, County Attorney
Office of the County Attorney
County of Kauai
4396 Rice Street
Lihue, Hawaii 96766

CLINTON I. SHIRAISHI
Shiraishi and Yamada
P. O. Box 1246
Lihue, Hawaii 96766

Dated: Honolulu, Hawaii, this 27th day of May, 1980.



GORDAN J. FURUTANI
Executive Officer