

April 28, 1965

Mr. A. F. Rapozo
P. O. Box 508
Lihue, Kauai, Hawaii

Dear Mr. Rapozo:

The property described by Fourth Division, TMK 3-9-04: 6 lies in an Agricultural District established by the Land Use Commission pursuant to provisions of Act 205/SLH 1963.

By letters dated April 21, 1964 and July 14, 1964, Dr. Patrick M. Cockett of Kealia, Kauai was advised that the special permit awarded him remains in effect at this time. So long as the property remains in an Agricultural District, we are reasonably sure that the special permit will remain effective.

The special permit was granted him on September 19, 1962 by the Land Use Commission pursuant to provisions of Act 187, SLH 1961. The permit is for a specific purpose:

"Conduct of the applicant's medical practice within the dwelling on the property, and the reasonable expansion of said dwelling to accommodate the applicant's practice of medicine."

Although the special permit was also sought for other uses, only the use specified above was authorized by the Land Use Commission.

Sincerely,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson
Mr. Roy Takeyama, Legal Counsel to the Commission
Kauai Planning and Traffic Commission

Ref. No. LUC 266

April 21, 1964

Dr. Patrick M. Cockett
Kealia, Kauai, Hawaii

Dear Dr. Cockett:

We have further studied your letter of March 31, 1964. While your specific problems are not entirely clear to us, it appears to read as follows:

1. You would agree with the proposed final boundaries unless it prevents you from developing certain business-like uses.
2. You are interested in leasing some of the adjacent state-owned lands.

In regards to the first problem, there is some question as to whether or not the proposed districting of your parcel will make the use of it more restrictive. The parcel is included in the temporary agricultural district but is shown in the conservation district on the proposed final district boundaries to be adopted no later than July 1, 1964. Uses of land in the agricultural district, other than that permitted in the regulations, are subject to approval or denial by the County and the Land Use Commission. The special permit you now have, which indicates the possible uses and the conditions, would continue to be effective should the parcel be kept in the agricultural district. We are not certain of the validity of the special permit previously granted you should the parcel be classified in the conservation district. Use of lands in the conservation district is under the jurisdiction of the Department of Land and Natural Resources. It would be conjectural for anyone to now state whether or not the agricultural or conservation district would be more restrictive. Proposed regulations on uses within the conservation district are now being prepared by the Department of Land and Natural Resources. These regulations will, again, soon be presented to the public. While the regulations, when adopted, will give an indication of policies on uses, it will even then be difficult to compare the degree of restrictiveness or liberality, with that of the controls in the agricultural or other district. Even consideration of a specific use of a parcel in one district would leave doubt as to what the reaction would have been had the parcel been in the other district.

Dr. Patrick M. Cockett
Page 2
April 21, 1964

You should also be aware of the possible change in the proposed districting of your parcel. The fact that you have a special permit which indicates urban use of your property would indicate that, ultimately, an urban districting might be appropriate.

Further, a use of a parcel other than that which the regulations now permit, is subject to certain procedures outlined in the law and to a decision by the County, the Land Use Commission or the Department of Land and Natural Resources as may be applicable. The outcome of any such actions, of course, would be conjectural at this point.

To get back to the first point, it would be difficult to state whether or not the proposed final boundaries will prevent you from developing certain business-like uses. However, your letter indicates that you are considering urban uses. In this respect, it would appear that an urban districting would be more appropriate if circumstances are favorable for such districting. However, the decision of submitting a protest and the specific districting desired is yours to make. Your letter is not clear on this point and we would appreciate clarification should you have intended a protest against the proposed boundaries (districting) as it affects your parcel.

In respect to the second point in your letter, we would suggest your contacting the Department of Land and Natural Resources for information on leasing State lands.

Should we have misinterpreted your letter or further confused you, please feel free to write us for further clarification or information.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Mr. C.E.S. Burns
Mr. Roy Takeyama
LAND + NATURAL RESOURCES

*Original
Kauai Postcard
file*

Ref. No. LUC 397

July 14, 1964

Dr. Patrick M. Cockett
Kealia, Kauai, Hawaii

Dear Dr. Cockett:

For your information regarding your letter of March 31, 1964 and our reply of April 21, 1964, TMK 3-9-04: 6, Island of Kauai, has been designated as agricultural in the adopted land use district boundaries.

The Land Use Law, Act 187, SLH 1961 as amended by Act 205, SLH 1963, mandates the Land Use Commission to prepare and adopt land use district boundaries and regulations not later than July 1, 1964. This legislative mandate has now been accomplished with the adoption of the land use district regulations, and the Kauai County and Maui County district boundaries on June 20, 1964; and the Hawaii County and City and County of Honolulu district boundaries on June 27, 1964. These adopted regulations and boundaries will become effective 10 days after they are filed in the Lt. Governor's Office. It is anticipated that the regulations and boundaries will be ready for filing in about a month and would become effective some time in August. In the meantime, the temporary regulations and district boundaries are in effect.

The recently adopted regulations and boundaries will be reviewed in its entirety every five (5) years. However, any landowner or lessee may, at any time, petition the Land Use Commission for a boundary change or petition the appropriate County for a special permit. Information, forms and assistance in initiating a petition may be obtained by contacting this office or the appropriate County Planning Agency.

Prior to the adoption, the proposed regulations and boundaries were discussed with the public at 12 public hearings conducted throughout the State. Further, additional written comments and specific requests were received from the public subsequent to the public hearings. Over 300 oral and written requests were submitted and each request was fully considered by the Land Use Commission prior to the adoption of the regulations and boundaries. About half of the specific requests were favorably considered, and about half were denied because of inadequate information at this time or because the granting of the request would be contrary to the intent and purpose of the Land Use Law.

Dr. Patrick M. Cockett
Page Two
July 14, 1964

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer