

1990-01-08-KA-PEA

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

DEPARTMENT MASTER APPLICATION FORM

Taylor Singh Family residence
FILE COPY

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled in by Government Agency in control of property)

Name Helen M; Keith and Bruce Robinson.
Address Makaweli, Kauai, Hawaii 96769.

Telephone No. (808) 338 9869

SIGNATURE William M. Robinson, GCM

SIGNATURE Keith P. Robinson

SIGNATURE William M. Robinson

Date _____

II. APPLICANT (Water Use, omit if applicant is landowner)

Name Peter N. Taylor Incorporated,
Address 4444 Rice Street, Room 201A, Lihue, Kauai, HI.96766.

Telephone No. (808) 245 9154

Interest in Property Consulting Engineers retained as Agent.

(Indicate interest in property; submit written evidence of this interest)

*SIGNATURE Peter N Taylor

Date November 8th, 1990.
~~October 1st, 1990.~~

*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

- () A. State Lands
- (X) B. Conservation District Use
- () C. Withdraw Water From A Ground Water Control Area
- () D. Supply Water From A Ground Water Control Area
- () E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District 4th Division

Island Kauai

County Kauai

Tax Map Key 5-8-03:1, 2 & 5-8-02:2

Area of Parcel 2.5 acres.

(Indicate in acres or sq. ft.)

Term (if lease) _____

V. Environmental Requirements See attached shts 2a, 2b, 2c & 2d.

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. the Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)

See attached sheet 2d.

ENVIRONMENTAL IMPACT STATEMENT

V. ENVIRONMENTAL REQUIREMENTS;

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use is as follows:

1. Identification of applicant:
 - a. The applicant is Peter N. Taylor Incorporated, Consulting Engineer, acting as agent for the land owners. Business address: 4444 Rice Street, Suite 201A, Lihue, Kauai, Hawaii 96766, telephone 1-245 9154 or 1-245 8928.
 - b. Helen M. Robinson, Bruce Robinson and Keith Robinson, are the land owners of the two existing vacant land locked parcels located within lands also owned by them, namely TMK: (4th Div): 5-8-03 1 & 2 and also TMK: (4th) 5-8-02:2 respectively.
2. Identification of approving agency:

Department of Land & Natural Resources, State of Hawaii, P.O. Box 621, Honolulu, HI.96809.
3. Identification of agencies consulted in making assessment:
 - a. County of Kauai Planning Department, 4280 Rice Street, Lihue, Kauai, HI.96766.

Please see the attached letter from the Planning Department in which they state:
"The boundaries of the land locked kuleanas can be adjusted as proposed.....however.....a Conservation District Use Permit must be obtained....." (See next page).
 - b. County of Kauai Department of Water, 4398 Pua Loke, Lihue, Kauai, HI.96766.
4. General description of the action's technical, economic, social and environmental characteristics:
 - a. Applicant requests a permit to relocate two existing vacant land locked kuleanas located within a larger parcel of land owned by the same owners. Relocation will conform to the County of Kauai Comprehensive Zoning Ordinance No.164 as amended by Bill No.175.

JOANN A. YUKIMURA
MAYOR



COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

TOM H. SHIGEMOTO
PLANNING DIRECTOR

ROLAND D. SAGUM, III
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

January 22, 1990

JAN 22 1990 *EGY*

Mr. Peter N. Taylor
Peter N. Taylor Incorporated
4444 Rice Street, Rm. 201A
Lihue, Hawaii 96766

1/23/90
Direct

Subject: Kuleana Relocation of TMKs: 5-8-02:1 and 2 at Wainiha, Kauai

The boundaries of the landlocked Kuleanas can be adjusted as proposed through a consolidation and subdivision action which must receive Planning Commission approval. However, because the action is occurring within the State Land Use Conservation District, a Conservation District Use Permit must be obtained from the Department of Land and Natural Resources (DLNR) for the relocation.

In cases such as this, we normally recommend to the DLNR that the landowner be subject to County subdivision procedures.

For your information, adoption of Ordinance No. 559 eliminates "Relocation of Kuleanas" as an exemption from the one time agriculture subdivision. The action, therefore, of removing and replacing such kuleanas will be through a consolidation and resubdivision.

Should you have any questions, please contact Keith Nitta of my staff at 245-3919.

Tom H. Shigemoto
TOM H. SHIGEMOTO
Planning Director

Reference paragraph 3.a. preceding page.

The purpose of the relocation is to provide road frontage on to a paved public roadway with public water system, electrical power and telephone service. Presently access to the two parcels is over a difficult dirt field road with no public water system, electrical or telephone.

- b. The proposed action will include minor grading and clearing of land to enable driveway access. The majority of the land at the proposed sites have slopes greater than 20% with rock outcroppings. Fencing of the property with normal barbed wire field fencing is proposed.
- c. The owners, who have owned the land for more than one hundred years, have no knowledge of Archeological sites or grave sites at the proposed relocation areas.

The existing vegetation for both the existing location and proposed location is typical for Wainiha hillsides with no known environmentally endeangered flora or fauna consisting mainly of guava, scrub and poor grass cover.

- d. The relocation sites are not within the Shoreline Management Area or a Flood Zone.

The existing land locked Kuleanas are subject to flooding, see Flood Map.

- e. The proposed location and existing location of the Kuleanas are both within the Resource (R) subzone of the Conservation District being only half a mile between sites.
- f. Economically and socially the impacts of relocating two Kuleanas within the general Wainiha Valley area along Power House Road would be minor. The surrounding property belongs to the same land owners. Land along Wainiha Power House Road mainly consists of small parcels similar to those envisaged on the relocation sites. No additional costs or burdens will be incurred by the County.

5. Summary description of the affected environment, including suitable and adequate location and site maps:

- a. The parcel relocation will cause no irrevocable loss or destruction of any known natural cultural resource, flora or fauna. Both present and proposed sites have similar guava, scrub and grass, distance between sites being half a mile. Clearing of guava with cane knives and grass planting will occur.

- b. Since the relocation does not create any additional lots, and the relocation sites are within the same Resource R sub zone and will be similar to the existing neighborhood there will be no substantial degradation of environmental quality of the area. No grading work except minor driveways is proposed.
- c. The relocation of the two parcels within the same land parcel will not be in conflict with the State's long term environmental policies or goals and guidelines as expressed in Chapters 342 and 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, Court decisions or Executive Orders.
- d. Relocation of the existing lots and driveways to County Standards will have no substantial effect on the economic or social welfare of the community, County or State.

The economic or sociological activities in the area will not be affected.

Since no additional lots are being created, public facilities located in this area will not be affected nor will there be substantial secondary impacts, such as population change, resulting from the proposed relocation of these two lots.

- 6. Identification and summary of major impacts and alternatives considered, if any:
 - a. No major impacts to the environment will occur as a result of approval of the application.
- 7. Proposed mitigation measures, if any:
 - a. Mitigation measures will consist of grassing the property if wild guava is removed.
- 8. Determination:
 - a. The landowners, through their agent, request that based upon the data provided herein and the findings and supporting reasons, that a Negative Declaration of Impact be determined.
- 9. Findings and reasons supporting determination:
 - a. The relocation will provide the land owners with access to public services and will not involve a commitment for larger actions.

- b. No known rare, threatened or endangered species of animals or plants, or habitat will be affected, both present and proposed lot locations are similar in this respect.
 - c. Air or water quality or ambient noise levels will not be affected in any manner.
 - d. The area in which the relocations are proposed is not known to be environmentally sensitive and is not prone to tsunami inundation, being about one mile inland at an elevation of approximately one hundred feet.
 - e. The present lots are partially within the one hundred year flood plain of Wainiha Stream and subject to flooding. The proposed relocation sites are outside the one hundred year flood plain of Wainiha river and would not be subject to flooding.
 - f. The proposed relocation sites are located in Zone 'X', unshaded on the Federal Insurance Maps, which indicates not subject to flooding.
 - g. There are no known archeological remains of any type on the relocation site.
10. The purpose for the application is to make the Kuleanas more saleable.

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel See attached sheet 3a.

- A. Existing structures/Use. (Attach description or map).
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).
- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary). See attached sht 3a.

III. Commencement Date: March 1st, 1991.

Completion Date: May 1st, 1991.

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

- 1. Permitted Use (exception occasional use);
DLNR Title 13, Chapter 2, Section K-3; Subzone R.
- 2. Accessory Use (accessory to a permitted use):
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
- 3. Occasional Use: Subzone _____.
- 4. Temporary Variance: Subzone _____.
- 5. Conditional Use: Subzone _____.

INFORMATION REQUIRED FOR ALL USES

I. DESCRIPTION OF PARCEL;

- A. Existing Structures:
None.
- B. Existing Utilities:
Present location - none.
Proposed location - electricity, water and telephone.
- C. Existing Access:
Present location - difficult dirt field road.
Proposed location - paved County road 30' ROW.
- D. Vegetation:
Present and proposed locations have basically the same vegetation consisting mainly of wild guava and scrub with no known rare native plants.
- E. Topography:
Present and proposed locations have similar topography with the majority of the land having slopes in excess of 20%.
- F. If Shoreline area, describe shoreline:
The present and proposed locations are more than one mile from the shoreline.
- G. Existing covenants, easements, restrictions:
None.
- H. Historic sites affected:
None.

II. DESCRIPTION:

The proposed activity will be to partially clear the guava, plant grass, fence and to provide driveway access only where slopes are less than 20%.

Area of Proposed Use 2.5 Acres.
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark
Wainiha, a distance of one mile from the proposed location.

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone R (Both present & proposed).
County General Plan Designation Agriculture

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans: (All plans should include north arrow and graphic scale).

- A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners. EXHIBIT 'A'
- B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities. EXHIBIT 'B' Partial Preliminary Subdivision Map.
- C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
- D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included. Not Applicable.
- E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required. Not Applicable.
- F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans. Not Applicable.

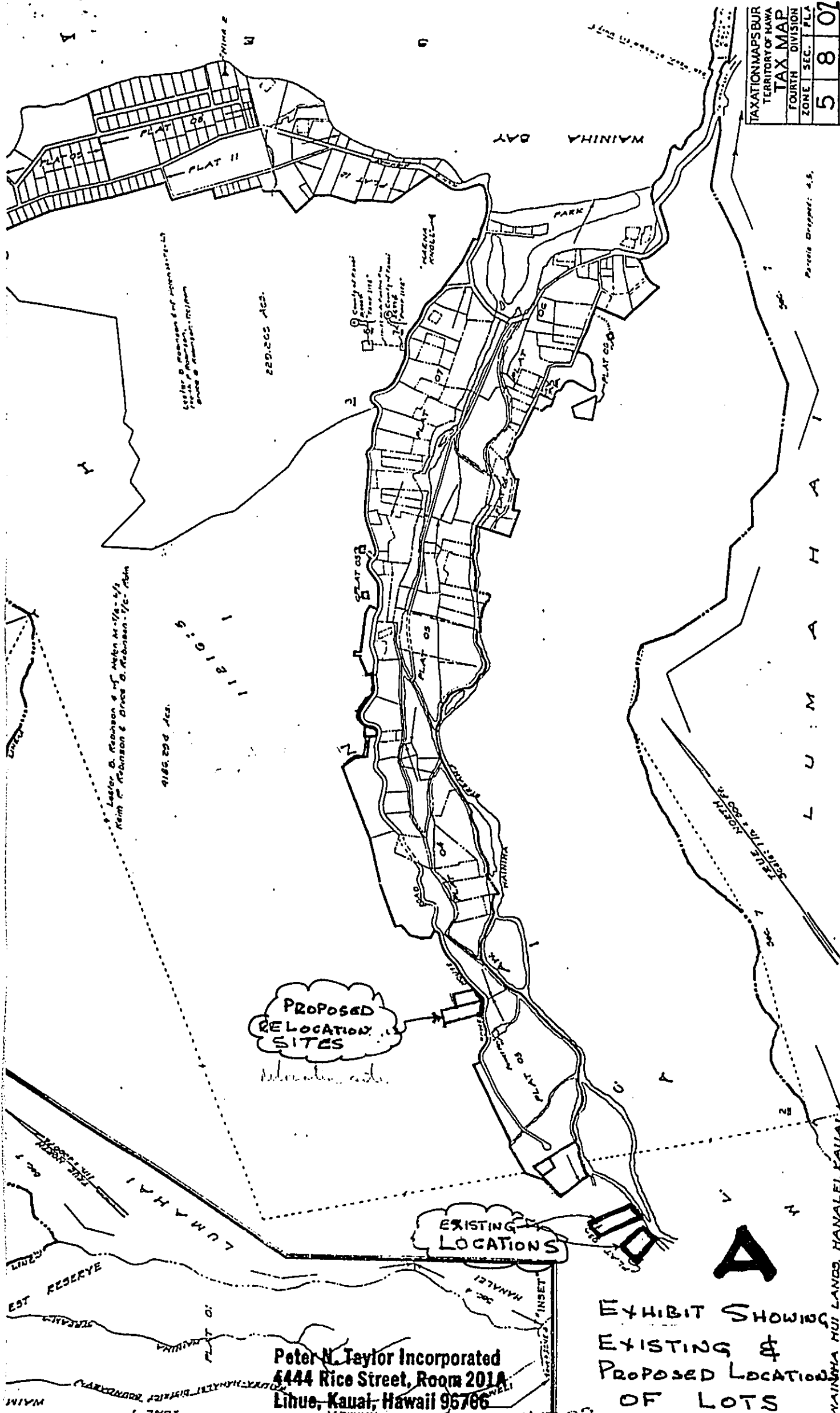
II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2). See attached sheet 4a.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY:

II. Subzone Objective:

The intended use is consistent with the objectives of the subject Conservation District Subzone as stated in Title 13, Chapter 2, since this application is solely for the relocation of two existing Kuleanas with no change in present usage.

TAXATION MAPS BUR
 TERRITORY OF HAWAII
TAX MAP
 FOURTH DIVISION
 ZONE SEC. FLA
5 8 07
 CONTAINING PARCEL
 SCALE: 1 IN. = 300 FT



SUBJECT TO CHANGE

Parcels Drapped: 4, 5.

PROPOSED RELOCATION SITES

EXISTING LOCATIONS

A

EXHIBIT SHOWING
 EXISTING &
 PROPOSED LOCATION
 OF LOTS

Peter H. Taylor Incorporated
 4444 Rice Street, Room 201A
 Lihue, Kauai, Hawaii 96766

MAINIHA MOI LANDS, HANALEI, KAUAI

Lester B. Robinson & M. Helen M. 1/2 - 1/2
 Neim P. Robinson & Alice B. Robinson 1/2 - 1/2 - 1/2

9186 200' Acs.

11810' 6'

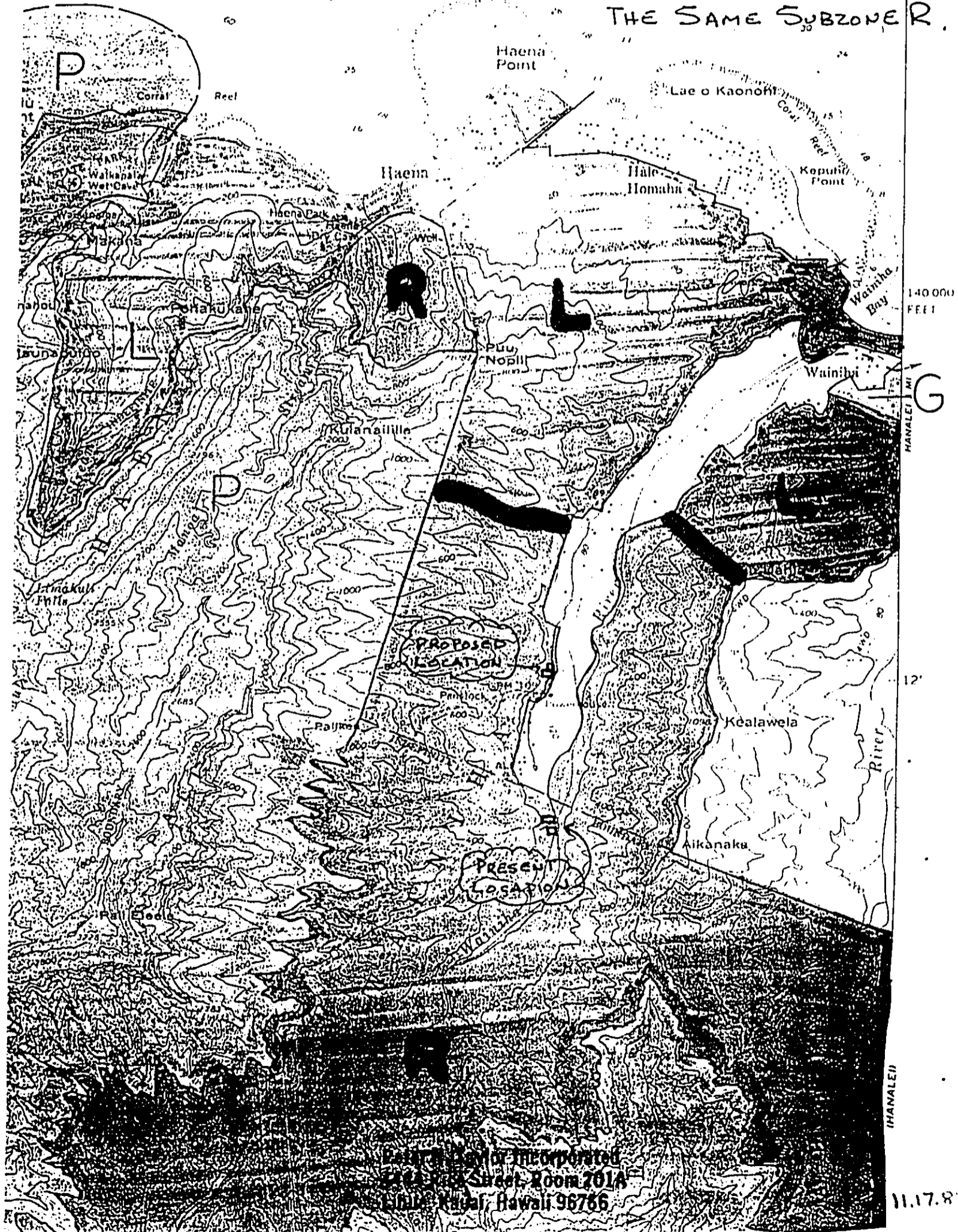
229,200' Acs.

EST RESERVE

MAINIHA

HAENA QUADRANGLE
HAWAII-KAUAI CO.
ISLAND OF KAUAI
7.5 MINUTE SERIES (TOPOGRAPHIC)

EXHIBIT SHOWING
CONSERVATION SUBZONES
EXISTING & PROPOSED
RELOCATION OF LOTS WITHIN
THE SAME SUBZONE R.



LAWSON & COMPANY, INCORPORATED
200 Kalia Street, Room 201A
HONOLULU, HAWAII 96766

11.17.83

BILL NO. 115
ORDINANCE NO. 186

AN ORDINANCE AMENDING SUBSECTION C OF SECTION 3.054 OF THE COMPREHENSIVE ZONING ORDINANCE PERTAINING TO THE RESUBDIVISION OF PARCELS IN AGRICULTURAL DISTRICT

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

Section 1. Subsection C of Section 3.054 of Ordinance No. 164 (1972), the Comprehensive Zoning Ordinance, is hereby amended to read as follows:

C. Limitations on Resubdivision of any Parcel in an Agriculture District Subsequent to the Date of this Ordinance:

No parcel resulting from a subdivision approved after the date of this Ordinance shall be resubdivided unless the parcel is transferred to the Urban District under the provisions of the State Land Use Law. The restriction in this subsection shall not apply to any lot resulting from: (a) subdivision requested by any governmental agency; (b) subdivision resulting from the construction of public improvements by governmental action; (c) subdivision requested for public utility purposes; (d) subdivision required to relocate kuleanas; provided that no additional lot other than the number of kuleanas relocated is created.

Section 2. This Ordinance shall take effect upon its approval.

INTRODUCED BY:

BURT K. TSUCHIYA
Councilman

APPROVED:

/s/ Shigeomi Kubota
Councilman

/s/ Abel Medeiros
Councilman

/s/ Burt K. Tsuchiya
Councilman

/s/ Eduardo F. Malapit
Councilman

/s/ Jerome Hew
Councilman

/s/ Rose Ono Shaw
Councilman

/s/ Robert K. Yotsuda
Councilman

ROUTE TO:

.....	Isaiah
.....	Yam
.....	Shigeomi
.....	Abel
.....	Eduardo
.....	Rose
.....	Jerome
.....	Burt
.....	Robert
.....	Shigeomi
.....	Abel
.....	Eduardo
.....	Rose
.....	Jerome
.....	Burt
.....	Robert

INTRODUCED: July 17, 1973

ADOPTED: August 21, 1973

APPROVED BY MAYOR: August 22, 1973

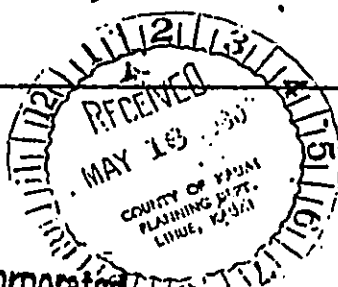
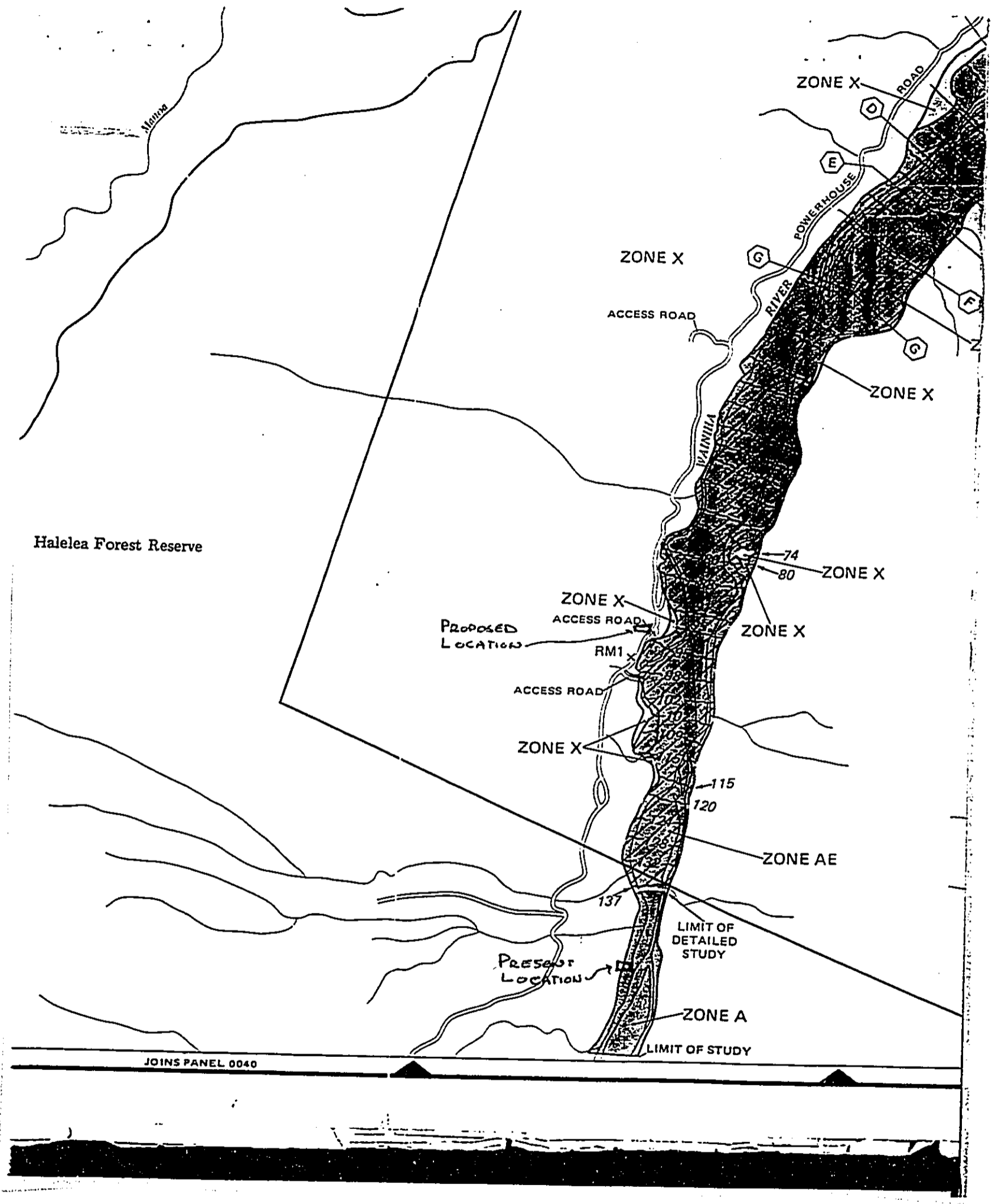
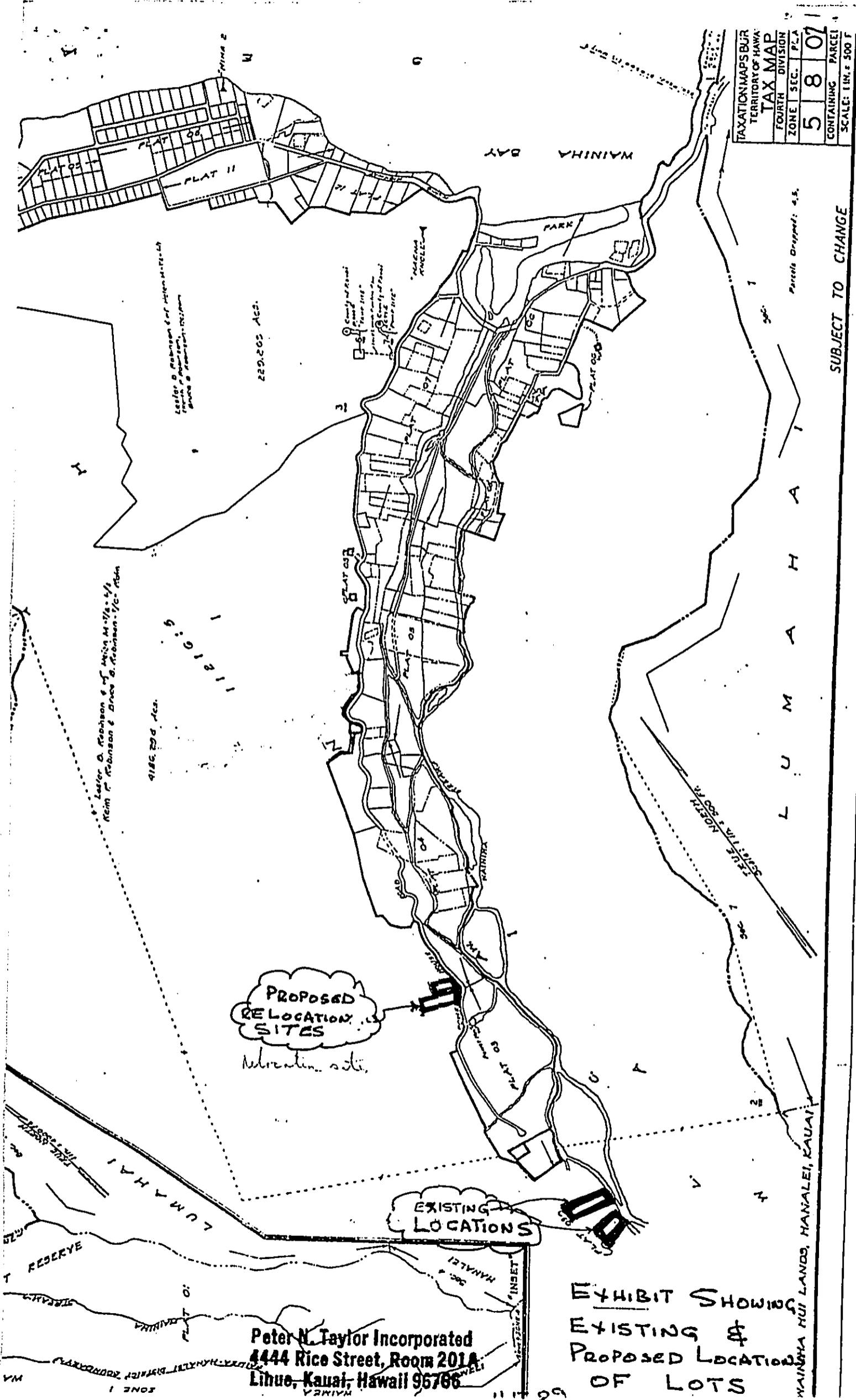


EXHIBIT
ORDINANCE
NO. 186

Peter N. Taylor Incorporated
4444 Rice Street, Room 201A
Lihue, Kauai, Hawaii 96766





TAXATION MAPS BUR	
TERRITORY OF HAWAII	
TAX MAP	
FOURTH DIVISION	
ZONE SEC. P.L.A.	
5 8 07 1	
CONTAINING PARCEL 1	
SCALE: 1 IN. = 500 FT	

SUBJECT TO CHANGE

Peter N. Taylor Incorporated
 4444 Rice Street, Room 201A
 Lihue, Kauai, Hawaii 96766

EXHIBIT SHOWING
 EXISTING &
 PROPOSED LOCATIONS
 OF LOTS

HAENA QUADRANGLE

HAWAII-KAUAI CO.

ISLAND OF KAUAI

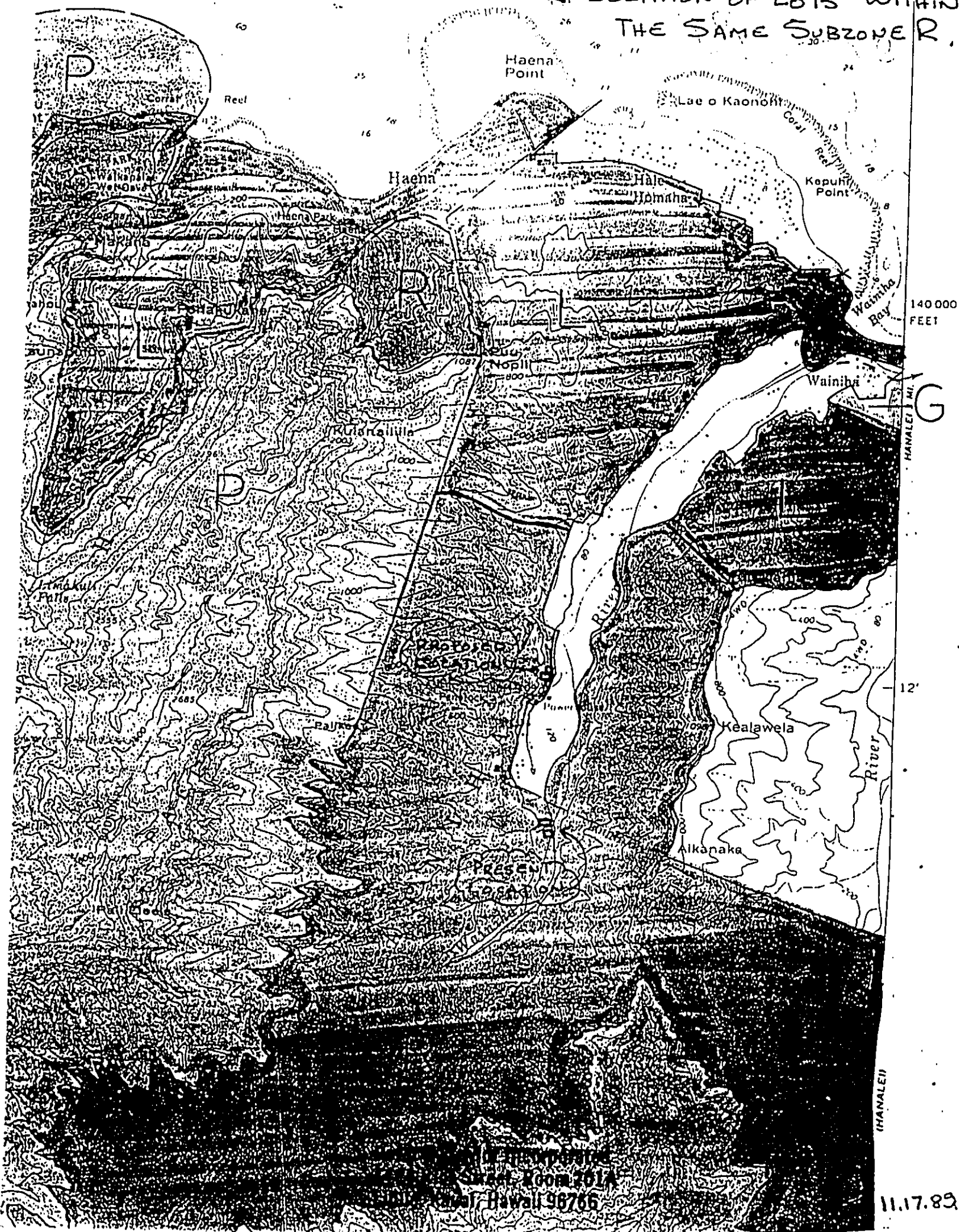
7.5 MINUTE SERIES (TOPOGRAPHIC)

400 000 FEET

159° 32' 30"

22° 14' 30"

EXHIBIT SHOWING
CONSERVATION SUBZONES
EXISTING & PROPOSED
RELOCATION OF LOTS WITHIN
THE SAME SUBZONE R.



U.S. GEOLOGICAL SURVEY
WASHINGTON, D.C. 20508
HONOLULU, HAWAII 96766

11.17.89

AN ORDINANCE AMENDING SUBSECTION C OF SECTION
3.054 OF THE COMPREHENSIVE ZONING ORDINANCE
PERTAINING TO THE RESUBDIVISION OF PARCELS IN
AGRICULTURAL DISTRICT

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF
HAWAII:

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No. 164 (1972), the Comprehensive Zoning Ordinance, is hereby
amended to read as follows:

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Agriculture District Subsequent to the Date of this
Ordinance:

No parcel resulting from a subdivision approved after
the date of this Ordinance shall be resubdivided unless
the parcel is transferred to the Urban District under
the provisions of the State Land Use Law. The restric-
tion in this subsection shall not apply to any lot
resulting from: (a) subdivision requested by any
governmental agency; (b) subdivision resulting from the
construction of public improvements by governmental
action; (c) subdivision requested for public utility
purposes; (d) subdivision required to relocate kuleanas;
provided that no additional lot other than the number
of kuleanas relocated is created.

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BURT K. TSUCHIYA
Councilman

APPROVED:

/s/ Shigeomi Kubota
Councilman

/s/ Abel Medeiros
Councilman

/s/ Burt K. Tsuchiya
Councilman

/s/ Eduardo E. Malapit
Councilman

/s/ Jerome Hew
Councilman

/s/ Rose Ono Shaw
Councilman

/s/ Robert K. Yotsuda
Councilman

ROUTE TO:

INTRODUCED: July 17, 1973
ADOPTED: August 21, 1973
APPROVED BY MAYOR: August 22, 1973

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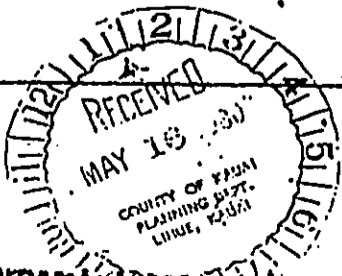
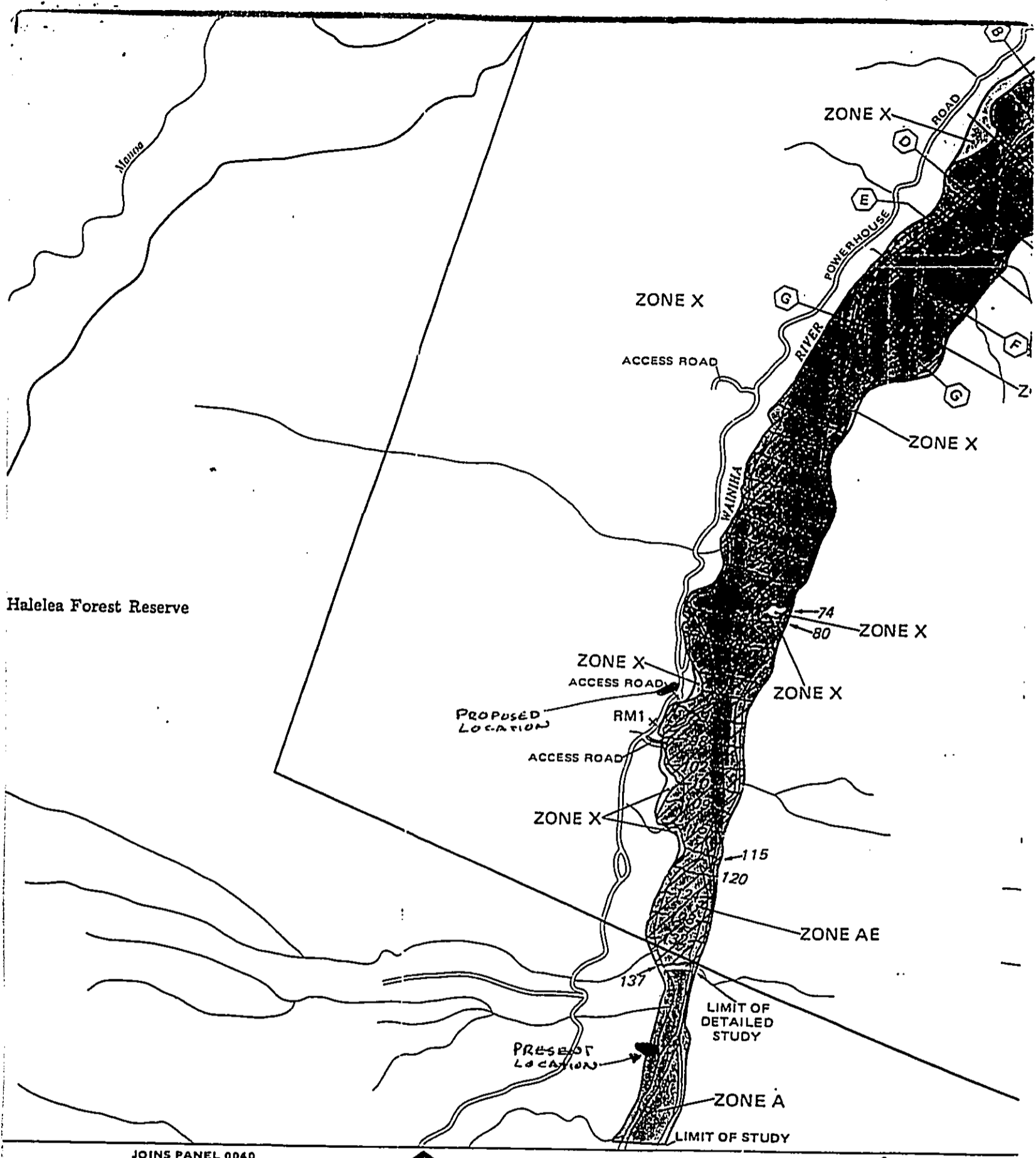


EXHIBIT
ORDINANCE
NO. 186

Peter N. Taylor Incorporated
4444 Rice Street, Room 201A
Lihue, Kauai, Hawaii 96766



JOINS PANEL 0040

0093 G

00994

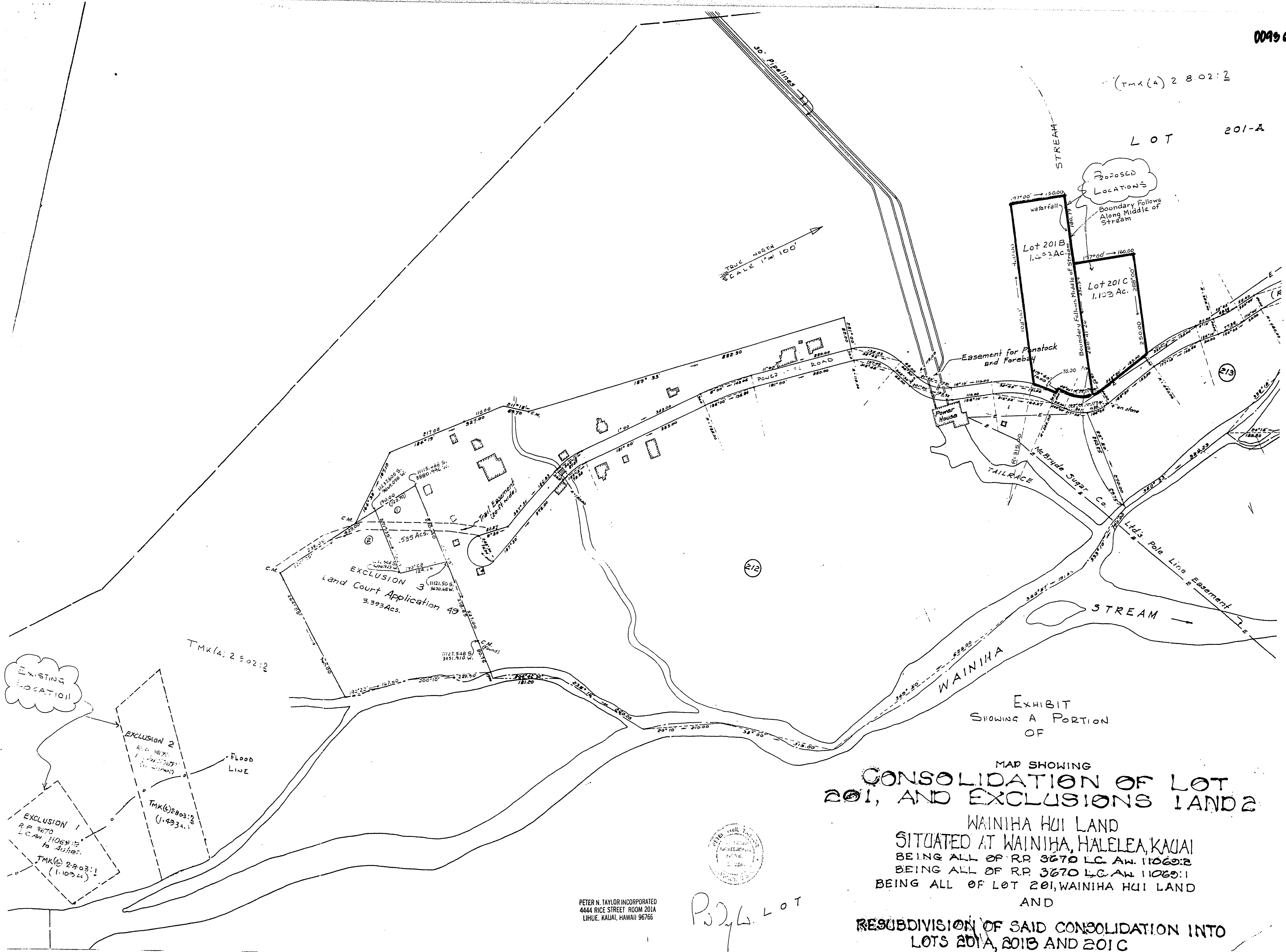


EXHIBIT
SHOWING A PORTION
OF

MAP SHOWING
**CONSOLIDATION OF LOT
 201, AND EXCLUSIONS 1 AND 2**
 WAINIHA HUI LAND
 SITUATED AT WAINIHA, HALELEA, KAUAI
 BEING ALL OF RP 3670 LC AW 11060:2
 BEING ALL OF RP 3670 LC AW 11060:1
 BEING ALL OF LOT 201, WAINIHA HUI LAND
 AND

**RESUBDIVISION OF SAID CONSOLIDATION INTO
 LOTS 201A, 201B AND 201C**

11.17.89

PETER N. TAYLOR INCORPORATED
 4444 RICE STREET ROOM 201A
 LIHUE, KAUAI, HAWAII 96765



P226 LOT