

1991-02-08-KA-FEA - Rita District Boundary General
Plan & Zoning Amendment

FILE COPY

PLANNING DEPARTMENT - COUNTY OF KAUAI

NOTICE OF DETERMINATION

APPLICANT: William C. and Anna F. Rita

TAX MAP KEY: 2-4-04: 7

LOCATION: Kalaheo, Kauai Approx. 300 ft. northwest of the
intersection of Lae and Poohiwi Rd.

APPROVING AGENCY: PLANNING DEPARTMENT, COUNTY OF KAUAI

AGENCIES CONSULTED:

County: Public Works Dept. State: Health Dept.
Water Dept. Dept. of Agriculture
Fire Dept. Land Use Commission
State Planning

A. DESCRIPTION OF PROPOSED ACTION & STATEMENT OF OBJECTIVES:

The Petitioner is requesting a General Plan Amendment from "Agriculture" to "Urban Residential", State Land Use District Boundary Amendment from "Agricultural" to "Urban", and Zoning Amendment from "Agriculture District (A)" and "Open District (O)" to "Residential District (R-2)" for the purpose of constructing two additional dwelling units on the property.

B. DESCRIPTION OF ACTIONS'S TECHNICAL, ECONOMIC, SOCIAL & ENVIRONMENTAL CHARACTERISTICS: (See Attached)

C. SUMMARY OF DESCRIPTION OF AFFECTED ENVIRONMENT:

The Kalaheo area consist of mainly single-family residential developments. Properties surrounding the project site are within the State Land Use Agricultural District and are zoned Ag. and Open District by the CZO.

D. DISCUSSION OF THE ASSESSMENT PROCESS:

1. Identification and Evaluation of Potential Impacts:

The subject property is within the Soil District. The Public Works Department has indicated that drainage or flood impacts should not be a problem due to the low density development of two units.

2. Areas Requiring Further Study:

Should the petitions be approved soils studies may be necessary.

E. IDENTIFICATION AND SUMMARY OF MAJOR IMPACTS AND ALTERNATIVES CONSIDERED:

No major impacts are anticipated from the proposed project. Secondary impacts, such as drainage and traffic problems are not anticipated.

F. PROPOSED MITIGATION MEASURES IF ANY:

Compliance with Public Works and State Health Department requirements regarding grading, soils test, and wastewater requirements.


G. DETERMINATION

IT IS HEREBY DETERMINED THAT AN ENVIRONMENTAL IMPACT STATEMENT IS:

NOT REQUIRED: THIS DETERMINATION IS THEREFORE A NEGATIVE DECLARATION;

REQUIRED;

BASED ON THE FOLLOWING FINDINGS AND REASONS:


Authorized Signature

Planning Director
Title

1/29/91
Date

DESCRIPTION OF ACTION'S TECHNICAL, ECONOMIC, SOCIAL, AND ENVIRONMENTAL CHARACTERISTICS:

- TECHNICAL - The subject property is zoned Agriculture District and qualifies for one dwelling unit. There is one farm dwelling on the 1.5 acre parcel. The Petitioner is requesting the amendments in order to construct two additional dwelling units for family members.
- ECONOMIC - The proposal will provide additional housing for family members.
- SOCIAL - Changes to the social and cultural fabric of the community are not anticipated.
- ENVIRONMENTAL - The proposed development of the property will not significantly affect the surrounding environment or ecology of the area. Compliance with State and County agencies requirements should mitigate environmental concerns that may be generated from the project.

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Attorneys for Petitioners

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition) DOCKET NO. _____
)
 of)
)
 WILLIAM C. RITA and ANNA F. RITA)
 to reclassify and/or amend 1.50)
 acres of land currently situated)
 within the Agricultural District,)
 General Planned Agriculture, and)
 Zoned Agriculture/Open, to State)
 Land Use Rural District, General)
 Planned to Urban Residential, and)
 Zoned to Residential R-2 located)
 at Kalaheo, Kauai, further)
 identified as TMK 2-4-04-7.)
 _____)

PETITION FOR STATE LAND USE DISTRICT BOUNDARY,
GENERAL PLAN AND/OR ZONING AMENDMENT

SECTION I: PETITIONERS' ADDRESS AND TELEPHONE

P.O. Box 257
Kalaheo, HI 96741
Telephone: 332-8950

SECTION II: IDENTIFICATION OF PETITIONERS

Petitioners, husband and wife, residents of Kalaheo, Kauai
are the fee simple owners of the subject property.

SECTION III: PROPERTY DESCRIPTION

The property is located on the northerly side of Poohiwi
Road, Kalaheo Homesteads, Kauai, being Lot 88-A, portion of
Grant 5467, Kalaheo Homesteads 1st series, area 1.50 acres, and
identified as Kauai Tax Map Key No. 2-4-04-7. A copy of Tax
Map 2-4-04 is attached hereto as Exhibit A with the subject
property highlighted thereon in yellow.

SECTION IV: STATE LAND USE, COUNTY GENERAL PLAN AND ZONING
DESIGNATIONS

The property is within the State Land Use Agricultural District, designated Agriculture on the County General Plan, and designated Agriculture/Open on the County Zoning Map.

SECTION V: DESCRIPTION OF PROPERTY

A. Location: The property is located in Kalaheo Homesteads, Kauai, on the northerly side of Poohiwi Road.

B. Existing Use(s): There is a single-family dwelling now occupied by Petitioners' son and his family.

C. Elevation: Approximately 800 feet above sea level.

D. Slope: The property is uneven and slopes makai towards Poohiwi Road.

E. Drainage: The natural drainage is makai towards Poohiwi Road, and this pattern will be continued unless otherwise directed by the County of Kauai.

F. Rainfall: The median annual rainfall is approximately 75 inches.

G. Soil Classification: The University of Hawaii Land Study Bureau classifies the property as D26, which is given an overall capability rating of D, on a scale of A to E, with A being the highest, and selected crop ratings of "d" for pineapples and sugarcane, "e" for vegetables and forage, "b" for grazing, and "c" for orchard.

SECTION VI: DESCRIPTION OF PROPOSED DEVELOPMENT

A. Type: The Petitioners propose to construct two additional single-family dwellings to be occupied by their children.

B. Prices: Not applicable.

C. Development Timetable: The Petitioners intend to proceed with construction of the two houses within 12 months of receipt of all governmental approvals.

D. Public, Services and Facilities:

1. Police and Firefighting Services: Police and fire protection services will be provided from the Waimea and Kalaheo stations, respectively.

2. Water: The source of water for the proposed houses is the County of Kauai Department of Water.

3. Sewer: Sewerage will be disposed of by way of private cesspools or septic tanks.

4. Solid Waste Disposal: Solid waste will be hauled away by the County Department of Public Works.

5. Electrical and Telephone Services: Electrical services to the area would be provided by the Kauai Electric Co. and telephone services would be provided by the Hawaiian Telephone Co. No problem is anticipated with regard to such services.

6. Schools. There is a public elementary school and a private elementary school in the town of Kalaheo. High school students may attend either the Kauai or Waimea High Schools.

E. Projected Costs of Development: Not applicable

F. Financial Ability: Not applicable

SECTION VII: EFFECTS UPON RESOURCES OF THE AREA

Since the intention is to construct not more than two additional single-family dwellings on the property for Petitioners' children, the impact on the resources and environment of the area should be insignificant.

SECTION VIII: REASONS AND JUSTIFICATION FOR THE PROPOSED RECLASSIFICATION

It is common knowledge that there is an inadequate supply of houselots for housing. Unless the Petition is approved, it would be financially impossible for Petitioners' children to construct and occupy their own homes.

SECTION IX: COMPLIANCE WITH LAND USE DISTRICT REGULATIONS

1. The proposed land use amendment is reasonably necessary to accommodate growth and development.

2. There will be no significant adverse effects upon environmental, ecological, agricultural, recreational, historical, archaeological, scenic or other resources of the area.

3. Adequate public services and facilities are available or can be provided at reasonable costs to the Petitioners and government.

4. Maximum use will be made of existing services and facilities, and the proposed development will not contribute towards scattered urban development.

5. The property has satisfactory topography and drainage, and is reasonably free from the danger of floods, tsunami, unstable soil conditions, and other adverse environmental effects.

6. The project site is close to an existing urban district.

7. The proposed development will provide needed housing for Petitioners' children.

SECTION X: COMPLIANCE WITH STATE AND COUNTY LAWS

For the reasons hereinbefore stated in this Petition, the proposed development is reasonable and non-violative of Chapter 205, HRS, as amended, is consistent with Chapter 226, HRS, as amended, and conforms with the County ordinances.

SECTION XI: CONCLUSION

Based on the foregoing discussions, it can be concluded that the requested amendments are justified and meet all of the requirements of State and County laws and rules and regulations of the State Land Use Commission.

DATED: Lihue, Kauai, Hawaii, August 14, 1990.

William C. Rita
WILLIAM C. RITA, Petitioner

Anna F. Rita
ANNA F. RITA, Petitioner

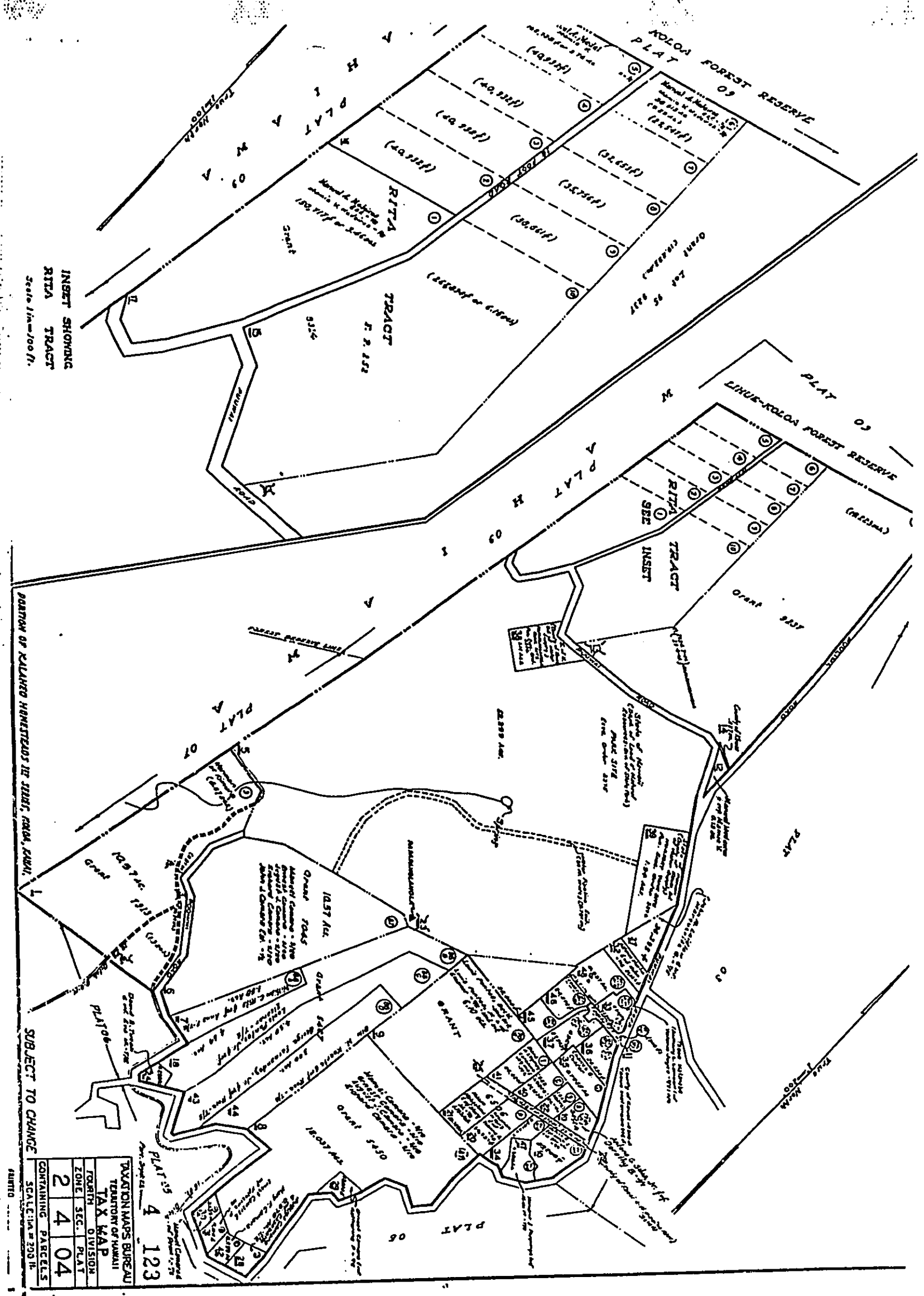
STATE OF HAWAII)
 : ss.
COUNTY OF KAUAI)

On this 14th day of August, 1990, before me personally appeared WILLIAM C. RITA and ANNA F. RITA, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

LS

Alicia S. Chung
Notary Public, State of Hawaii
My commission expires: 3-29-94.

DOCUMENT CAPTURED AS RECEIVED



INSET SHOWING
RITA TRACT
Scale 1/4"=100 ft.

PORTION OF KALAHEO HANALEIUA III SUBD. PARTIAL PLAN

SUBJECT TO CHANGE

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION		
ZONE	SEC.	PLAT	
2	4	04	
CONTAINING PARCELS			
SCALE 1/4" = 100 FT.			

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