

1991-02-08- KA-F-A- Taylor Amendment "Ag" to "Urban"  
Residential in Kalaheo

PLANNING DEPARTMENT - COUNTY OF KAUAI

NOTICE OF DETERMINATION

APPLICANT: Geraldine R. Taylor  
\_\_\_\_\_  
\_\_\_\_\_  
TAX MAP KEY: 2-3-02: Por. 1  
\_\_\_\_\_  
LOCATION: Kalaheo, Kauai (See attached map)  
\_\_\_\_\_  
\_\_\_\_\_

APPROVING AGENCY: PLANNING DEPARTMENT, COUNTY OF KAUAI

AGENCIES CONSULTED:

County: Public Works State: Health Department  
Water Department \_\_\_\_\_  
Fire Department \_\_\_\_\_  
\_\_\_\_\_

A. DESCRIPTION OF PROPOSED ACTION & STATEMENT OF OBJECTIVES:

The Petitioner is requesting a General Plan Amendment from "Agriculture" to "Urban Residential" and a Zoning Amendment from "Open District" to "Residential District (R-4)" for the purpose of creating nine (9) single-family residential lots ranging from 10,000 to 42,000 sq. ft. in size. The property is with the State Land Use Urban District.

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. Abutting properties to the north, west, and south are zoned Residential District (R-4). Properties to the east are zoned Res. District (R-6) and Open District (O).

D. DISCUSSION OF THE ASSESSMENT PROCESS:

1. Identification and Evaluation of Potential Impacts:

A natural watercourse traverses through the property and serves as a drainageway. In accordance with the petition, the drainageway will remain in the Open District. Further, drainage and flood study for the property has been submitted to the Public Works Department for review. Compliance with the Public Works Department regarding these concerns should mitigate impacts. Access to the project is through Maka Rd. which has a 20 ft. right-of-way and a 10 ft. wide pavement. The Petitioner proposes to dedicate 12 ft. strip of land for roadwidening purposes.

2. Areas Requiring Further Study:

None

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 are anticipated.

F. PROPOSED MITIGATION MEASURES IF ANY:

Requirements and recommendations of the drainage and flood studies should mitigate flood hazard concerns. Roadwidening and roadway improvements to Maka Rd. should mitigate traffic concerns.

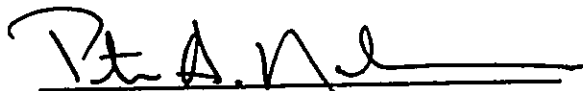
G. DETERMINATION:

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

7/20/90  
Date

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

TECHNICAL - Petitioner requests the proposed General Plan Amendment in order to develop the subject property into single-family residential (R-4) lots. The subject property falls within the State Land Use Urban District designation and is zoned Open District by the County CZO. The surrounding properties are within the Urban SLUC, General Planned Urban Residential, and zoned Residential District (R-4 and R-6) and Open District (O).

Access to the site is off of Maka Rd. and Papalina Rd. Petitioner is proposing roadway improvements to Maka Rd. Portions of the property is within the Slope Constraint District of the CZO (areas with slopes greater than 20 %). The area of amendment are confined to northern and western boundary of the property having slopes less than 20 %.

ECONOMIC - The proposal will provide additional market lots for housing on the Island of Kauai.

SOCIAL - Changes to the social and cultural fabric of the community are not anticipated as the proposal is for single-family residential use which is consistent with the surrounding land use.

ENVIRONMENTAL - The proposed use and/or development of the site for residential use is not anticipated to significantly affect the surrounding environment or ecology of the area. Compliance with the Public Works Department regarding drainage, flood, and erosion control requirements and wastewater requirements of the Health Department should mitigate environmental concerns that may be generated from the project.

BEFORE THE COUNTY OF KAUAI

STATE OF HAWAII

REC'D  
'91 JAN 25 P4:13

In the Matter of the Petition

of

Geraldine R. Taylor

Applicant

To reclassify and/or amend  
2.0 acres of land currently  
situated within Urban District,  
General Planned Agricultural,  
and zoned open into R.4 zoning  
located at Kalaheo, District of  
Koloa, Kauai, Hawaii, further  
identified as TMK: 4th Div.  
2-3-02: portion of parcel 1

) DOCKET NO. \_\_\_\_\_  
) OFC. OF ENVIRONMENTAL  
) QUALITY CONTROL

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

SECTION I: PETITIONER'S ADDRESS AND TELEPHONE;

Geraldine Taylor,  
4444 Rice Street, Suite 201A.  
Lihue, Kauai, HI.96766.  
Telephone: (808) 245 9154

SECTION II: IDENTIFICATION OF PETITIONER;

Geraldine R. Taylor,  
816 Ortega Street,  
San Francisco, CA.94122.  
Telephone: 415 753 2454

Geraldine R. Taylor owns all of the land involved in the  
Petition

Diana G. Taylor (Mother), and Peter Taylor of Peter N. Taylor Incorporated, engineering consultants for the Petitioner, are authorised to represent the Petitioner in these proceedings, see Exhibit 'A'.

**SECTION III; PROPERTY DESCRIPTION;**

The actual land area that is the subject of this rezoning petition is two acres being a portion of Parcel 1 containing 4.868 acres located at Kalaheo, District of Koloa, Island and County of Kauai, State of Hawaii; further identified as TMK: 4th Div. 2-3-2: Parcel 1, having a total area of 4.868 acres.

Rezoning to R.4 is requested for only two acres, the balance of 2.86 acres remaining in Open Zone. A copy of a general location map with the Property outlined in red is attached hereto as Exhibit B.

**SECTION IV; COUNTY GENERAL PLAN AND ZONING DESIGNATION;**

The General Plan designation for the Property is Agriculture bounded on two sides by Urban. The total 4.868 acres is Urban zoned Open.

**SECTION V; DESCRIPTION OF PROPERTY;**

A. LOCATION: The Property is located at Kalaheo, Kauai, Hawaii, and is bounded on two of its four sides by Maka Road and Papalina Road. Access to the property will be over these existing roads which have a twelve feet (12 ft) wide pavement within a twenty feet (20 ft) right of way and a twenty feet (20 ft) wide pavement within a forty feet (40 ft) right of way, respectively.

- B. EXISTING USE: Fenced pasture.
- C. ELEVATION: The Property is approximately eight hundred feet (800 ft) above sea level.
- D. SLOPE: The Property has approximately two acres of land with a 10% slope along the Northerly and Westerly Boundary, being also Papalina and Maka Roads for which Rezoning is petitioned. The balance of the property has a slope in excess of 20% for which rezoning is not sought. See Exhibit 'D' that shows the 20% slope line.
- E. DRAINAGE: The natural drainage pattern is along the eastern side of the Property and will not be changed. Increased drainage runoff from the development of the Property will not materially affect lower land owners. A floodstudy to determine building set back lines has been compiled and transmitted to the Public Works Department.
- F. RAINFALL: The median annual rainfall is approximately sixty four inches (64").
- G. SOIL CLASSIFICATION: The Hawaii State Department of Agriculture's classification of the Agricultural Lands of Importance to the State of Hawaii (ALISH) categorizes the Property as neither prime agricultural land nor as any other important lands to the State of Hawaii. The University of Hawaii Land Study Bureau's classification categorizes the Property as E-87, with an overall capability rating of E, with irrigation, on a scale of A to E, with A being the highest.

SECTION VI: DESCRIPTION OF PROPOSED DEVELOPMENT:

A. TYPE: Petitioner proposes to subdivide the Property into nine lots; averaging 27,000 square feet per lot.

B. PROJECTED NUMBER OF LOTS: The amended zoning will permit nine lots with an average size of 27,000 square feet, ranging from 10,000 square feet to 42,000 square feet. See Exhibit 'E' Preliminary Subdivision Map. Selling prices have not been determined as yet, however the buyer profile will be the people who want a better than average house and lot.

C. LOCATION: The Property is contiguous to Urban R.4 zoned land.

D. DEVELOPMENT TIMETABLE: The Petitioner intends to proceed with the planning development and construction as soon as this rezoning application is granted. Petitioner estimates that the Project should be completed within four years after the rezoning is granted.

E. PRELIMINARY DEVELOPMENT PLANS: A preliminary subdivision plan is attached as Exhibit 'E'.

F. AVAILABILITY OF PUBLIC SERVICES & FACILITIES: Petitioner believes that public services and facilities are available and will not be unreasonably burdened by the proposed rezoning.

1. Police and Firefighting Services: Police and fire protection services are available from Kalaheo, Koloa and Hanapepe stations.

2. Water: The County of Kauai Department of Water's service and storage facilities are adequate for the proposed subdivision. A twelve inch (12") water main located in Papalina and Maka Roads will provide water. Petitioner is willing to construct the necessary waterline improvements to the system, and to dedicate the improvements to the Department of Water.

3. Sewage: Sewage will be disposed in accordance with the Department of Health Regulations. The anticipated system will consist of individual septic tanks with a seepage pit or leach field for each residence.

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

5. Electrical and Telephone Services: Electrical service to the proposed subdivision will be provided by Citizens Utilities Company and telephone service will be provided by Hawaiian Telephone Company.

6. Roads: Maka Road will be widened for a length of nine hundred and forty feet (940') starting at Papalina Road. A twelve feet (12') strip of land will be dedicated to the County of Kauai thus enabling the pavement width to be increased to twenty feet (20').

7. Schools: Kalaheo Elementary School and Holy Cross School are within close proximity to the proposed subdivision.

G. PROJECTED COST OF DEVELOPMENT: The total development cost, including assessed land value, is initially estimated at \$821,340.00. See Exhibit 'F'.



H. FINANCIAL ABILITY: The Petitioner's financial statement is attached hereto as Exhibit 'G'.

SECTION VII: EFFECTS UPON RESOURCES OF THE AREA:

A. ENVIRONMENTAL AND ECOLOGICAL;

1. Flora and Fauna: The Property has been used for grazing purposes for many years. Petitioner believes that there are no known endangered plant life or wildlife on the Property.

2. Coastal Waters: The proposed rezoning and subdivision will not affect the coastal waters.

3. Floodway: Ample land area is available above the one hundred year floodway as delineated on Exhibit 'D'.

B. AGRICULTURAL: The Property has been used for fenced grazing for many years. Development of the Property for residential purposes will have no observable impact on agricultural activities on Kauai.

C. RECREATIONAL: The proposed subdivision will not unreasonably burden the recreational resources of the area.

D. HISTORICAL AND ARCHAEOLOGICAL: The Property is devoid of archaeological or historic features.

E. SCENIC: The proposed subdivision will not have any significant visual impact on places of scenic value.

F. NOISE AND AIR QUALITY: Some noise and dust will occur during construction of the proposed subdivision; however, due care will be exercised during construction to minimize the noise and dust to neighbors.

SECTION VIII: REASONS AND JUSTIFICATION FOR THE PROPOSED RECLASSIFICATION:

A. NEED AND DEMAND:

1. The Kauai County Housing Agency completed an assessment entitled "Report on Kauai's Housing Needs", in October 1987. The assessment confirmed a critical shortage of housing. Recent construction of new hotels has resulted in unforeseen pressures on housing availability.

2. In 1987/1989 only a fraction of the needed housing units were developed and sold to the public. Hence, the demand established by the Housing Agency's assessment remains strong and unsatisfied.

3. Improvement of sub-standard Maka Road will be a part of the development improvements. Every year parents taking children to Kalaheo School complain about the sub-standard dangerous condition of Maka Road. The Petitioner will pay for Maka Road improvements initially estimated at \$280,000. } Serial

B. APPROPRIATENESS OF LOCATION AND TIME OF REZONING:

The Property is located within an existing urban district classification; public services and facilities are available and adequate to service a development of the Property; the Property is close to and readily accessible to existing employment centers; the existing supply of housing units for permanent residents is small, the demand for housing is and has been escalating. The adjoining parcels of land are single family residential lots.

A comparison of the zoning map of 1972 and the current zoning will show that many parcels of land along Papalina Road have been changed from Open Zoning to Residential Zoning. by the Planning Commission, therefore the appropriateness of the location for rezoning is logical.

C. CREATION OF EMPLOYMENT: Construction of the proposed subdivision will create short-term employment opportunities, for construction employees at various times during the construction period.

D. ECONOMIC BENEFITS: The proposed rezoning and subsequent subdivision will result in employment and income to local residents and local businesses during and after construction. The project will generate income taxes for the State and higher real property taxes for the County. Most importantly, the rezoning will permit Kauai residents to invest in a home which experience shows will increase in value over the years.

**SECTION IX: COMPLIANCE WITH LAND USE DISTRICT REGULATIONS:**

The Property is included in the Urban District and is contiguous to land that is zoned R.4 residential, hence, this petition is a logical extension of the Land Use Ordinances of the County. Since the Property is classified urban by the Land Use Commission, there are no issues regarding the Land Use Law and Regulations in this Petition.

**SECTION X: COMPLIANCE WITH STATE AND COUNTY LAWS:**

1. Information and data included herein confirm that the

proposed zoning amendments will promote the general welfare and convenience of the public by providing housing in a timely manner.

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

3. Adequate public services and facilities are available or can be provided at reasonable cost by the Petitioner to develop the Property.

4. Increased usage will be made of existing services and facilities without exceeding their capacity, and the proposed subdivision will serve to continue urban development in areas zoned for such purposes.

5. The topography and drainage patterns are favorable, and the proposed subdivision would not be endangered by floods, tsunami, unstable soil and other adverse environmental conditions.

6. The Property is located within an existing urban district and it is contiguous with other urban residential subdivisions of a similar character.

7. The proposed subdivision will provide short-term and long-term permanent employment and partially satisfy the need for housing which is accessible to existing employment centers.

**SECTION XI: CONCLUSION:**

The requested amendment meets the requirements of the State's and the County's laws, rules and regulations. The request for amendment is timely, appropriate and justified.

DATED: Lihue, Kauai, Hawaii, May 29th, 1990.

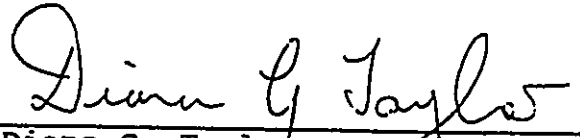
  
\_\_\_\_\_  
Diana G. Taylor,  
Agent for Petitioner.

EXHIBIT LIST

Exhibit 'A'	Letter of Authorisation
Exhibit 'B'	General Location Map
Exhibit 'C'	Zoning Map
Exhibit 'D'	Limit of Rezoning Request, 20% slope line.
Exhibit 'E'	Preliminary Subdivision Map
Exhibit 'F'	Cost Estimate
Exhibit 'G'	Statement of Financial Capability

May 29th, 1990.


Planning Commission,  
County of Kauai,  
4280 Rice Street,  
Lihue, Kauai, Hi.96766.

Dear Planning Commission,

This letter is to authorize either Diana G. Taylor or Peter N. Taylor, on my behalf, to petition the County of Kauai Planning Commission to rezone 2.0 acres of land, currently situated within the Urban District and zoned Open, into Residential R.4. The property is located in Kalaheo, Kauai, Hawaii and is identified as TMK: (4th Div): 2-3-02:1.

In addition, please be advised that I am the sole legal owner of the above described property.

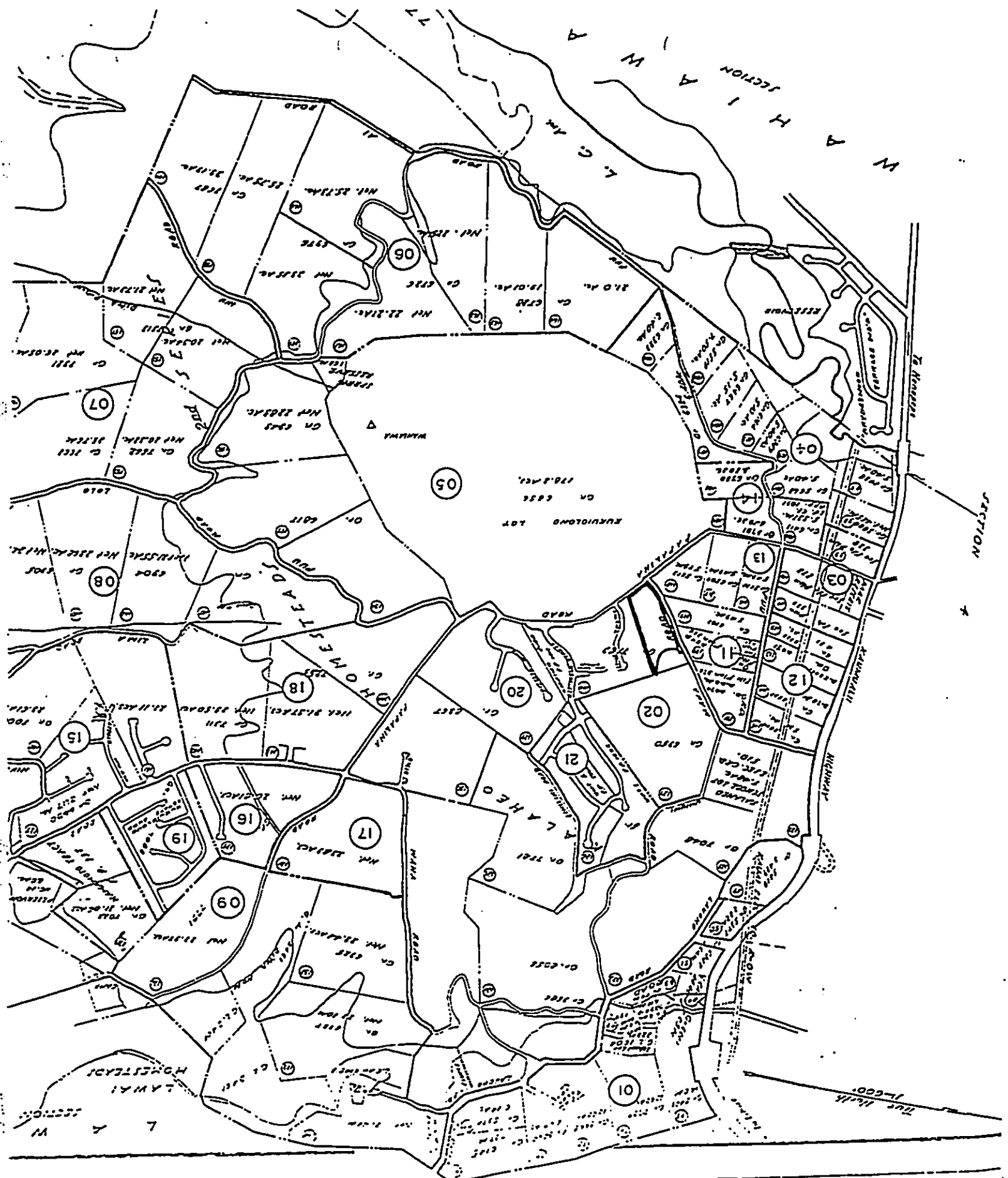
Very truly yours,



Geraldine R. Taylor,  
816 Ortega,  
San Francisco, CA.94122.

Exhibit 'A'

DOCUMENT CAPTURED AS RECEIVED



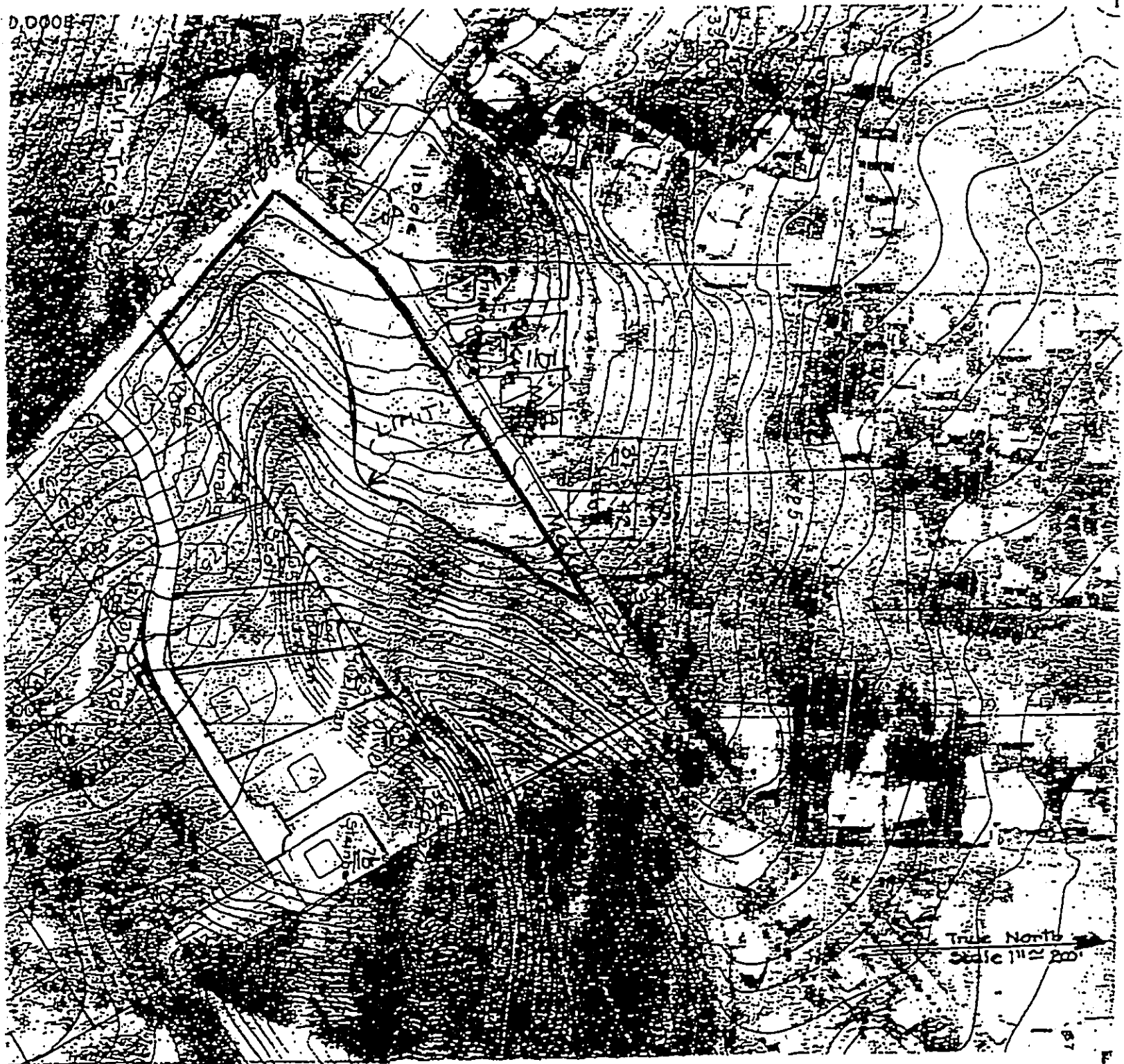
GENERAL LOCATION MAP Exhibit 'B'





ZONING MAP

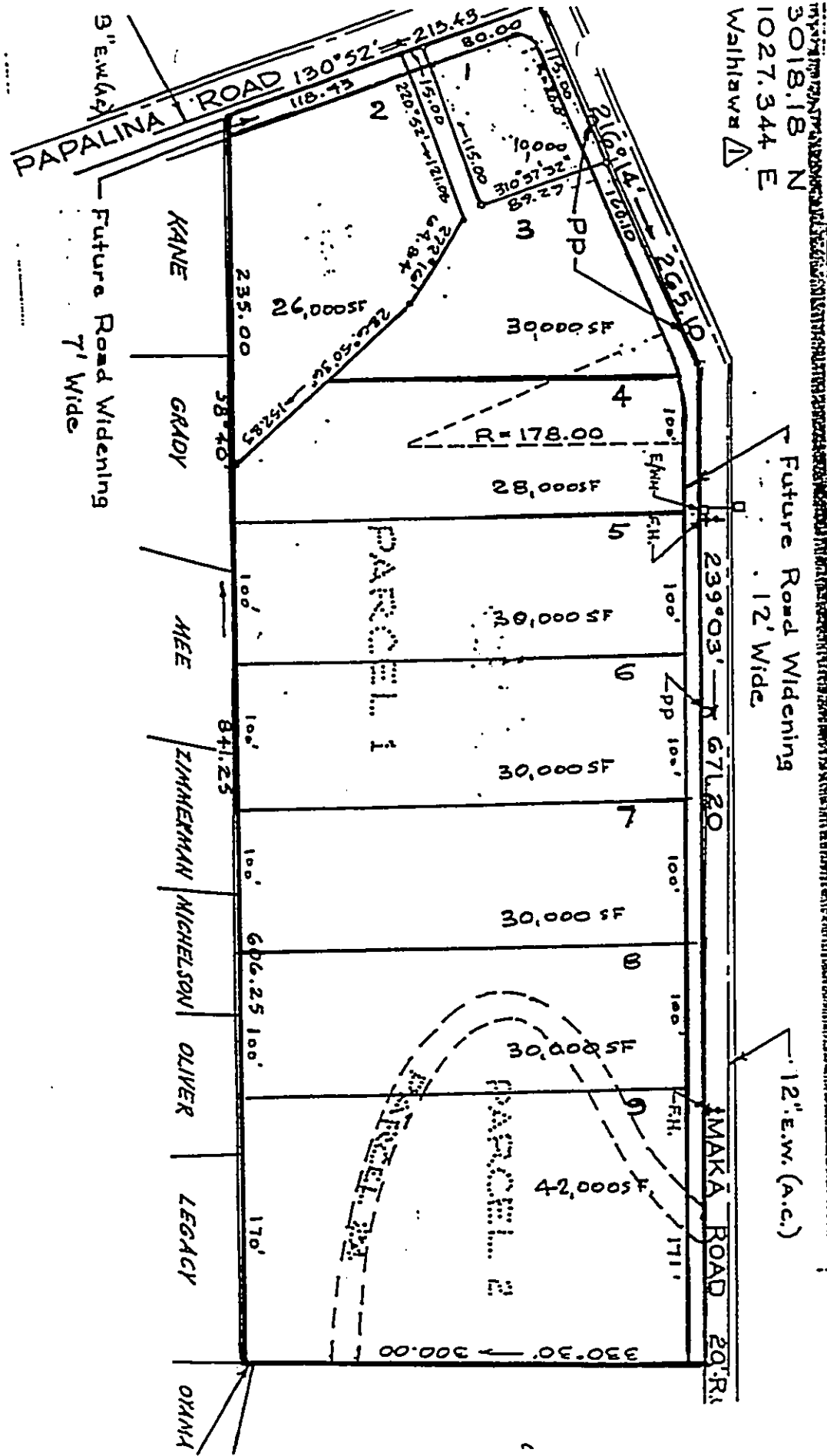
Exhibit 'C'



LIMIT OF REZONING REQUEST  
20% Slope Line

Exhibit 'D'

DOCUMENT CAPTURED AS RECEIVED



3018.18 N  
1027.344 E  
Walkway  $\Delta$

Future Road Widening  
.12' Wide

12" E.W. (A.C.)

PRELIMINARY SUBDIVISION MAP Exhibit 'E'

COST ESTIMATE

ESTIMATED CONSTRUCTION COSTS FOR NINE LOT SUBDIVISION  
PAPALINA/MAKA ROADS, KALAHEO, KAUAI.

1.	ROAD:		
	Maka Road improvements:	.. .. .	\$129,000.00
	<i>Grading</i>		
2.	WATER:		
	Hydrants, meters and appurtenances	..	10,000.00
3.	DRAINAGE:		
	Catchbasins, outlets and culverts	..	48,000.00
4.	ELECTRICAL:		
	Payment to Utility Company	.. ..	30,000.00
5.	CONSTRUCTION CONTINGENCY AND BOND	..	14,000.00
6.	SOFT COSTS:		
	Fees, assessments, insurance, taxes, professional fees, financing costs and charges, sales commissions, septic tanks and contingency	..	166,740.00
	TOTAL ESTIMATED CONSTRUCTION COSTS	..	\$397,740.00
7.	ASSESSED LAND VALUE PARCEL #1	..	423,600.00
	TOTAL ESTIMATED PROJECT COST	..	\$821,340.00

Exhibit 'F'

STATEMENT OF FINANCIAL CAPABILITY

COMBINED ASSETS OF  
GERALDINE and DIANA TAYLOR

ASSETS;

Real Estate	..	..	\$1,570,000.00
Short term deposits	..	..	20,000.00
Cash (Bank)	..	..	20,000.00
Miscellaneous (Personal Property	..	..	50,000.00
<b>TOTAL ASSETS</b>			<b>\$1,660,000.00</b>

LIABILITIES;

Real Estate Mortgages	..	..	\$54,000.00
Accounts Payable	..	..	\$3,000.00
<b>TOTAL LIABILITIES</b>			<b>\$57,000.00</b>

COMBINED EQUITY:  
Assets - liabilities .. .. \$1,603,000.00

Exhibit 'G'