August 28, 1991

Mr. Brian J.J. Choy
Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

Subject: Negative Declaration for Proposed 3-lot Residential Subdivision at Kapaa Homesteads, Kauai
General Plan Amendment GPA-91-4
State Land Use Boundary Amendment A-91-12
Zoning Amendment ZA-91-15
Tax Map Key 4-6-12: Por. 18

The Planning Department has reviewed the environmental assessment for the subject General Plan, Land Use Boundary, and Zoning amendments, and has determined that the project will not have any significant impacts on the environment. Based on our determination, we are filing a negative declaration for this project.

Enclosed are four copies of the environmental assessment.

If you have any questions, please contact Bryan Mamaclay of my staff.

[Signature]
PETER A. NAKAMURA
Planning Director

Enclosures
NEGATIVE DECLARATION

GENERAL PLAN AMENDMENT GPA-91-4
STATE LAND USE BOUNDARY AMENDMENT A-91-12
ZONING AMENDMENT ZA-91-15

Applicant: Ho Enterprises, Ltd.
Max W. J. Graham, Authorized Agent

Approving Agency: Planning Department, County of Kauai

Agencies Consulted:
State: Office of State Planning
Land Use Commission
Department of Agriculture
Health Department

County: Department of Public Works
Department of Water
Fire Department

Project Characteristics:

General:
The subject property is located in Kapaa Homesteads, Kauai, immediately southeast of the Waialaeale Estates Subdivision at the end of Kahana Road. The property is further identified as the Tax Map Key 4-6-12:18 and contains a total area of 30 acres. The proposed amendments involve a portion of the property containing an area of approximately 43,322 square feet.

Technical:
The proposed amendments are noted as follows:

General Plan: Change from Agriculture to Urban Residential
District Boundary: Change from Agriculture to Urban
Zoning Amendment: Change from Agriculture District (A) and Open District (O) to Residential District (R-6)

These amendments are sought to allow development of a 3-lot single family subdivision which will be designed as a natural extension of the abutting Waialaeale Estates Subdivision. Overall, the amendments represent a joint effort between the applicant and developer of the adjacent subdivision because the additional inventory of lots generated is intended to further enhance housing opportunities in a major residential community of the Kapaa-Wailua planning area.

Access and utilities to the site will be made available through the extension of the roadway serving the existing lots in the adjacent subdivision.

The subdivision would generate a total of five (5) residential units. Based on the sizes of the three (3) lots depicted on Exhibit "C" of the applicant's Environmental Assessment, Lots A and B qualify for two (2) units each, with the single unit situated on Lot C.

Economic:
The applicant estimates that it will cost less than $50,000 to develop the three-lot subdivision. Furthermore, the applicant expects to sell the lots within the price range
of lots sold within the adjacent Waialeale Estates subdivision ($80,000 to $125,000).

Social:
As evidenced by the development of housing units in the adjacent subdivision, the Kapaa Homesteads area serves as a major residential community. When viewed against this overall function of the area, the additional lots/units generated would fulfill a social need by enhancing housing opportunities in the region.

Environmental:
The proposed development affects lands with satisfactory topography free from drainage, flooding constraints and related adverse environmental effects. However, during the construction of the subdivision, impacts associated with such construction are expected, such as noise and dust nuisances.

Summary of the Affected Environment:
The proposed development abuts a major residential subdivision and community of Kapaa Homesteads. The site is currently vacant and does not contain any endangered fauna, critical habitats, historical, archaeological and/or cultural sites. Formerly used for pineapple cultivation, the site has remained idle with some occasional pasture use and cattle grazing.

Summary of Major Impacts:

Short-term:
During construction of the subdivision, minor adverse impacts are anticipated such as noise and dust nuisances.

Long-term:

Air Quality: No significant impact to air quality is expected to be generated by the proposed development.

Water Quality: No significant impact to water quality is expected to be generated by the proposed development.

Noise: No significant noise impact is expected to be generated by the proposed development.

Traffic: Based on two vehicles per unit, the development of five (5) residential units is expected to generate 10 additional vehicles in the circulation system. As the extension of Kahana Road will be built according to County standards, no significant traffic impact is expected to be generated by the development.

Archaeological: As there are no known archaeological sites on the site, impacts of this nature are not expected. However, the applicant is prepared to address such impacts if encountered during construction of the subdivision.

Flora/Fauna: No known endangered flora or fauna are on the project site, therefore, impacts to such are not expected to be generated by the proposed development.

Visual: Although the proposed development would be visible from other areas nearby, the site is not in a visually sensitive area nor in a critical public view corridor. Therefore, no significant visual
impact is expected to be generated by the development.

Alternatives Considered:

The "no-action" alternative is considered unacceptable because there are benefits to be generated for the applicant and the developer of the adjacent subdivision. The applicant is attempting to achieve a reasonable use of the site by extending the availability of developable land for similar residential lot subdivision. The developer of the adjacent subdivision is in turn afforded an opportunity to refine the boundaries of the abutting lots with the applicant pursuant to a land exchange during the subdivision review process.

Proposed Mitigation Measures:

1. The temporary dust and noise nuisances that would occur during construction of the subdivision will be controlled through the application of appropriate pollution control measures.

2. Such nuisances would be non-existent when the lots are occupied by residential uses and the associated landscaping are planted by the respective landowners.

Determination:

The proposed 3-lot subdivision is not expected to cause significant impacts to the environment. Therefore, it has been determined that a negative declaration will be filed.

Findings and Reasons Supporting Determination

1. The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources.

2. The proposed project will not curtail the range of beneficial uses of the environment.

3. The proposed project will not conflict with the State's long-term environmental policies.

4. The proposed project will not substantially affect the economic or social welfare of the community or State.

5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.

6. The proposed project will not involve a substantial degradation of environmental quality.

7. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist in the project site.

8. The proposed project will not detrimentally affect air or water quality or ambient noise levels.

9. The proposed project will not be located in any environmentally sensitive area, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

For the reasons above, the proposed project will not have any significant effect in the context of chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.
LOWENTHAL, AUGUST & GRAHAM
MAX W. J. GRAHAM, JR. 926
LORNA A. NISHIMITSU 2291
Kokua Professional Building
2959 Umi Street, Suite 202
Lihue, Hawaii 96766
Telephone: 245-5700 (Kauai)
537-3902 (Oahu)

Attorneys for Applicant

BEFORE THE PLANNING COMMISSION
OF THE
COUNTY OF KAUI

In the Matter of the Petition
of
HO ENTERPRISES, LTD., a Hawaii Corporation, for a General Plan Amendment, State Land Use District Boundary Amendment and Zoning Amendment as to real property situate at Kapaa, District of Kauaihau, Island and County of Kauai, State of Hawaii, more particularly identified as Kauai Tax Map Key No.: 4-6-12; por. 18, containing an area of approximately 43,322 square feet

GENERAL PLAN AMENDMENT
GPA-91-4; STATE LAND
USE DISTRICT BOUNDARY
AMENDMENT A-91-12;
ZONING AMENDMENT
ZA-91-15

ENVIRONMENTAL ASSESSMENT;
APPENDIX 1

ENVIRONMENTAL ASSESSMENT

COMES NOW HO ENTERPRISES, LTD., a Hawaii corporation, whose principal place of business and mailing address is 2005 Kalia Road, Waikiki Beach, Hawaii 96815 (hereinafter "Applicant"), by and through its attorneys, Lowenthal, August & Graham, and respectfully submits the following Environmental Assessment pursuant to the requirements contained in Hawaii Revised Statutes Chapter 343 and Chapter 200, Title 11, Hawaii Administrative Rules.
1. **APPLICANT**
   The Applicant is HO ENTERPRISES, LTD., a Hawaii corporation.

2. **APPROVING AGENCY**
   The Approving Agency is the Planning Department of the County of Kauai.

3. **Consulted Agencies**
   The governmental agencies consulted with regard to the Applicant’s proposal include: the Public Works Department of the County of Kauai; the Department of Water of the County of Kauai; the Department of Health of the State of Hawaii; the Fire Department of the County of Kauai; the Office of State Planning of the State of Hawaii; the Land Use Commission of the State of Hawaii; and the Department of Agriculture of the State of Hawaii. The comments from these agencies are attached hereto and incorporated herein as Appendix 1.

4. **APPLICANT’S INTEREST IN THE SUBJECT PROPERTY**
   The Applicant is the sole owner of the property which is the subject of this Petition ("Subject Property").

5. **APPLICANT’S ADDRESS AND TELEPHONE**
   The Applicant’s address and telephone is:

   Ho Enterprises, Ltd.
   2005 Kalia Road
   Waikiki Beach, Hawaii 96815
   Telephone: (808)323-3981

   All communications having to do with this Application should be made to the Applicant’s attorney at the following address:
Max W. J. Graham, Jr.
Lowenthal, August & Graham
Kokua Professional Building
2959 Umi Street, Suite 202
Lihue, Kauai, Hawaii 96766
Telephone: (808)245-5700

6. DESCRIPTION OF SUBJECT PROPERTY

The Applicant is the owner of certain real property located in Kapaa, District of Kawaihau, County of Kauai, State of Hawaii, designated by Kauai Tax Map Key No. (4)4-6-12:18, containing 30.365 acres, more or less, as shown on the Vicinity Map attached hereto and incorporated herein as Exhibit "A" and on the Tax Map attached hereto and incorporated herein as Exhibit "B", and which is hereinafter referred to as the "Ho Property". The Subject Property is that portion of the Ho Property which is the subject of this Application and which contains 43,322 square feet, more or less, located in the northern portion of the Ho Property adjacent to Lots 33 and 34 of the Waialeale Estates Subdivision, as shown on the Subdivision map attached hereto and incorporated herein as Exhibit "C". The map designated as Exhibit "C" is drawn to scale, describes the Subject Property, and shows its location relative to surrounding properties and to known landmarks or improvements.

7. LAND USE CLASSIFICATIONS

The Subject Property has the following land use classifications:

A. State Land Use Commission. The Subject Property is located within the State Land Use Commission ("SLUC") Agricultural District, as shown on the State Land Use District
Boundary map attached hereto and incorporated herein as Exhibit "D".

B. **County General Plan.** The Subject Property is located within the Urban Residential Classification of the General Plan for the County of Kauai ("Kauai General Plan"), as shown on the General Plan map attached hereto and incorporated herein as Exhibit "D".

C. **Comprehensive Zoning Ordinance Use District.** The Subject Property is located within the Agriculture District and within the Open District of the Comprehensive Zoning Ordinance of the County of Kauai ("CZO"), as shown on the map attached hereto and incorporated herein as Exhibit "F".

8. **REQUESTED LAND USE AMENDMENTS.**

The Applicant has filed a verified Petition For General Plan Amendment, State Land Use District Boundary Amendment, and Zoning Amendment ("Petition") with the Planning Commission of the County of Kauai for the following amendments to the existing land use classifications:

A. **State Land Use Commission.** The Applicant has requested that the existing SLUC Agricultural District be amended to the SLUC Urban District. The Subject Property is situated adjacent to an existing SLUC Urban District, as shown on the map attached hereto as Exhibit "D".

B. **County General Plan.** The Applicant has requested that the County General Plan Classification of Agricultural be amended to the County General Plan Urban Residential Classification. The Subject Property is situated adjacent to lands within the Kauai
General Plan Urban Residential Classification, as shown on the map attached hereto as Exhibit "E".

C. CZO Use District. The Applicant has requested that the existing CZO Open and Agriculture Districts be amended to the CZO Residential District (R-6). The Subject Property is located adjacent to an existing CZO Residential District (R-6) as shown on the map attached hereto as Exhibit "F".

9. REASONS FOR REQUESTED AMENDMENTS

As can be seen by the maps attached to this Application, the Ho Property is rather odd shaped, with the appearance of a tilted hour glass. The northern, or upper, portion of the Ho Property ("Upper Ho Property") contains approximately 11 acres, and is connected to the lower or southern portion of the Ho Property ("Lower Ho Property") by a narrow neck. The Lower Ho Property is predominantly composed of low-lands through which two streams run. The Upper Ho Property also contains the streams, together with some low-lands, on its western and eastern sides. However, running down the middle of the Upper Ho Property is a plateau or ridge which is physically connected to the adjoining property, which is the Waialeale Estates Subdivision. The map which is attached hereto and incorporated herein as Exhibit "G", which is an aerial photograph with contour lines, gives a sense of the topography of this area. The area of the Waialeale Estates Subdivision which is contiguous to the Upper Ho Property is serviced by Kahana Street, as shown on the Waialeale Estates Subdivision Map attached hereto and incorporated herein as Exhibit "H". Kahana Street ends in a cul-de-sac, with Lots 33
and 34 of the Waialeale Estates Subdivision forming a barrier between the end of Kuahale Street and the Ho Property. Because of the present boundary configuration between the Ho Property and the Waialeale Estates Subdivision, Lots 33 and 34 also have irregular shapes.

The Applicant would like to develop single family lots on the Upper Ho Property. However, access to such a development can only be provided by extending Kahana Street straight along its present alignment onto the Upper Ho Property. Utilities and water would also have to be provided by extending the present utilities services within Kahana Street onto the Upper Ho Property. In order to extend Kahana Street, it will be necessary to subdivide the flag portions of Lots 33 and 34 of the Waialeale Estates Subdivision and consolidate them into the extension of Kahana Street. Exhibit "C" shows the areas within Lots 33 and 34 which would become part of the extension of Kahana Street (referred to hereinafter as the "Kahana Street Extension"). The Applicant has entered into an agreement with the owner of the Waialeale Estates Subdivision, Obayashi Hawaii Corporation ("Obayashi"), to exchange the Kahana Street Extension for portions of the Subject Property. Obayashi will receive title to one of the new lots to be created by the proposed subdivision (either Lot "A", "B" or "C"). In order to accomplish this exchange, to meet changing State of Hawaii Department of Health ("DOH") wastewater disposal standards, and to straighten out and standardize existing lot configurations, the Applicant proposes, upon approval of its Petition, to apply for subdivision approval.
in order to:

1. Remove the existing flag portions of Lots 33 and 34 from their respective lots and make them part of the Kahana Street Extension;

2. Create a new Lot 33-A containing portions of Lot 33 and portions of the Subject Property, by reconfiguring the southern boundary of Lot 33 in order to create a new lot, more rectangular in shape, but containing the same area as the original Lot 33 (Obayashi will retain ownership of Lot 33-A);

3. Create a new Lot A composed of portions of the Subject Property and a small portion of the original Lot 33. Lot A will have a flag which will meet Kahana Street. The deed to Lot A will reserve the flag portion for the future extension of Kahana Street. When the flag portion is eventually dedicated, Lot A will still contain an area of at least 10,000 square feet (which will meet DOH standards for wastewater disposal by septic systems);

4. Create a new Lot 34-C containing portions of Lot 34 and portions of the Subject Property by reconfiguring the southern boundary of Lot 34 in order to create a new lot more rectangular in shape, containing a minimum area of 10,000 square feet. Obayashi will retain ownership of Lot 34-C;

5. Create a new Lot C composed of portions of the Subject Property and a small portion of the original Lot 34.

6. Create a new Lot B, with a flag portion which will be reserved for the future extension of Kahana Street.
Lots 33 and 34 of the Waialeale Estates Subdivision are located within Area 4 of Phase II of the Waialeale Estates Subdivision. Lots within Area 4 are presently being sold. Therefore, it is necessary at this time for the Applicant and Obayashi to reach an agreement on the proposed exchange of lands and the proposed extension of Kahana Street into the Subject Property. Such a proposal would be much more difficult if Lots 33 and 34 were sold to third parties. Because of its need to market its lots in a timely fashion, Obayashi would like this matter resolved at the earliest opportunity. Applications for General Plan amendments can only be submitted to the Planning Commission in January and July of each year, and must be submitted at least sixty days prior.

Therefore, in order to meet Obayashi’s time constraints, and to resolve the issue of the Kahana Street extension, the Applicant has filed its Petition for land use amendments for the Subject Property so that it can finalize the proposed land exchange and issue the extension of Kahana Street. Applicant believes that the immediate need to resolve a land exchange in order to extend Kahana Street makes the submission of its Petition appropriate at this time.

10. PROPOSED DEVELOPMENT

A. Single Family Lot. The Applicant proposes to develop three single family lots on the Subject Property. As shown on Exhibit "C", the lots will contain the following areas: Lot A - 12,171 s.f.; Lot B - 15,882 s.f.; Lot C - 10,283 s.f.
B. **Selling Price.** Obayashi is presently selling similarly situated Waialeale Estates Subdivision lots for prices ranging from $115,000 to $125,000, on the southwest side of Kahana Street, and from $80,000 to $115,000 on the northeast side of Kahana Street. The Applicant expects Obayashi to sell its Lot within that price range. The Applicant intends to convey one of its lots to the daughter of the President of the Applicant, for no consideration. The remaining lot would be sold within the same price range as indicated for the Waialeale Estates lots.

C. **Development Timetable and Costs.** The Applicant estimates that it will cost less than $50,000.00 to develop the proposed three lot subdivision of the Subject Property. The Applicant has the financial capabilities to complete all aspects of the development in full. The Applicant will apply for subdivision approvals immediately upon approval of its Petition. The Applicant would hope to complete the subdivision and development of the Subject Property before the end of 1992.

11. **SUBJECT PROPERTY ANALYSIS.**

A. **Location.** The Subject Property is located in Kapaa, Kawaihau, Kauai, Hawaii. It is bounded on the west and south by agriculture (pasture) lands. It is bounded on the northwest and north by the Waialeale Estates Subdivision. It is bounded on the east by residential properties fronting Laipo Road.

B. **Agricultural Use.** Portions of the Subject Property are periodically and sporadically used for pasture. The proposed development will result in the withdrawal of less than one acre from such agriculture use. The economic impacts of such
withdrawal will be minimal and will be mitigated by the resulting economic benefits of the development.

C. Elevation. The elevation of the Subject Property ranges from approximately 60' above mean sea level at its lowest point in the southerly low-lands to approximately 180' above mean sea level at the Waialeale Estates Boundary.

D. Topography, Soil Composition and Slope. The Subject Property is part of a central plateau which connects with the Waialeale Estates Subdivision. In the western and southerly portions of the Subject Property, the area slopes toward low-lands which are located below the Subject Property on the east, south and west. The buildable portions of the Subject Property are characterized by the C 41 Land Classification contained in the Detailed Land Classification, Island of Kauai, Land Study Bureau, University of Hawaii Publication. Such lands are generally characterized as non-stoney, having deep soil (greater than 30"), containing zero to 10% slopes, have moderate fine textured soil, have well-drained soil, are in areas receiving 40" to 60" of rainfall per year, are dusky red to dark reddish brown in color, and are classified as being within the Lihue and Kamilolo soil series. Portions of the Subject Property may also be within the C 43 Land Classification, which is similar to the C 41 Land Classification, except that it lies within areas containing ten to twenty per cent slope areas. A small portion of the Subject Property, on the fringe areas, may also be within the E 87 Land Classification, which is characterized by non-stoney to rocky soil, of a variable depth, with 36 to 80% slope, medium to
fine texture soil, well-drained soil, in areas of 40" to 60" in rainfall per year, are dark reddish brown to dark brown, and are characterized as rough broken lands.

According to the Agricultural Lands of Importance to the State of Hawaii (ALISH) rating system, portions of the Subject Property are rated as "other important agricultural lands" and "land of no agricultural importance".

E. Drainage. The Subject Property is not situated in any designated flood plain. Drainage from the Subject Property will flow into streams located in low-lands to the south and west of the Subject Property. These two streams connect within the Ho Property and flow through the Ho Property as a single stream that eventually flows into the Moikeha Canal in Kapaa. The limited amount of additional drainage from the proposed development of the Subject Property will not appreciably affect, nor overburden, this drainage system.

F. Traffic Impact. The proposed development will be serviced by the extension by Kahana Street. Kahana Street has a right-of-way with a 44' and has a paved surface 20' in width. This right-of-way and pavement will be extended into the Subject Property. Kahana Street connects directly to Kawaihau Road. The intersection between Kahana Street and Kawaihau Road, going in the mauka direction, has a left turn lane and a pull out lane. As a result, the present road configurations are more than adequate to allow access from Kawaihau Road onto Kahana Street and eventually to the Subject Property. The increase in traffic generated by the additional three lots proposed will be minimal,
and will have not impact on existing traffic conditions in the area.

G. Availability of Public Services and Facilities. The development of the Subject Property will not unreasonably burden public agencies to provide additional necessary urban amenities, services and/or facilities.

1. Schools. Kapaa Elementary, Kapaa Intermediate and Kapaa High School are located approximately one mile from the Subject Property. This three lot subdivision will not increase the students in these Kapaa Schools to any measurable or appreciably extent, and will not adversely impact the capacity of the school.

2. Parks. The Applicant proposes to pay a park dedication fee in lieu of dedicating land for park facilities.

3. Wastewater Disposal. There are no sewage facilities in this area. The proposed development will utilize either cesspools or septic systems, depending on the requirements existing at the time. Because the possibility exists that septic systems will be required by the time the subdivision of the Subject Property is approved, and because in such a case it appears that the minimum size for lots using septic systems will be 10,000 square feet, the lots in the proposed development of the Subject Property have been all designed to be 10,000 square feet or larger in size.

H. Solid Waste Disposal. Refuse collection service in this area is provided by the County of Kauai. As soon as the roadways within the subdivision of the Subject Property are completed,
they will be dedicated to the County so that refuse collection service can be provided to the residents of the subdivision lots.

I. Water. Water storage and transmission facilities are presently adequate to serve the proposed subdivision. A six-inch line is located within Kahana Street and will be extended into the Subject Property.

J. Electricity and Telephone. Underground electric and phone and cable television facilities are presently located within Kahana Street. These facilities will be extended underground to serve the Subject Property. These existing facilities, as well as the capacity of both the Citizens Utilities Co. (Kauai Electric Division) and the GTE Hawaiian Telephone Company, are sufficient to service the proposed three lot subdivision that will result from the development of the Subject Property.

K. Police and Fire Protection. This area is currently served by the Lihue Police Station located approximately 16 miles from the project site. County fire protection services are available from the Kapaa-Wailua Fire Station located approximately three miles from the Subject Property. The development of the Subject Property will not in and of itself create a demand for an expansion of either the police or fire services.

12. IMPACTS UPON RESOURCES OF THE AREA.

A. Flora and Fauna. The Applicant is not aware of any endangered species of plants on the Subject Property, nor of rare of endangered animals living in the area. The Applicant
understands that the property was formerly used for the cultivation of pineapple. More recently, cattle have been allowed to graze on it. It is overgrown by a large number of weedy plants species.

B. Historical and Archaeological. The Kauai Cultural Data Sensitivity Map indicates that the Subject Property does not fall within any area of cultural or historical sensitivity. The Applicant is not aware of any historical or archaeological sites on the surface of the Subject Property. As the Subject Property was apparently used for pineapple cultivation in the past, it would appear that any above-ground sites that may have existed have been removed and destroyed by such agricultural activities. However, the Applicant will protect and preserve any historic or archaeological resources or sites that may be found on the Subject Property as a result of its development.

C. Recreational Resources. The Subject Property is not used for, nor does it provide for, any present recreational opportunities.

D. Scenic Resources. Lands immediately adjacent to the Subject Property have been developed for residential purposes. The development of the Subject Property for residential uses will be compatible with these adjacent uses and compatible with the scenic characteristics of the surrounding area. Because of its location, the Subject Property is not readily visible from any public streets, although it may be visible from certain house sites within the Waialeale Estates Subdivision.
13. **MARKET DEMAND AND NEED.**

When the former owners of the Waialeale Estates Subdivision initially applied for a zoning amendment with the County (Planning Commission File ZA-82-8), they submitted a market analysis for the subdivision, which is adopted herein by reference. That market analysis projected the current demand for lots within the Waialeale Estates Subdivision. The three lots resulting from the Applicant’s proposed development will be similar in all respects to those within the Waialeale Estates Subdivision, and will satisfy the same market demand. Applicant has enclosed a letter from Carol Cummings, a licensed Realtor associated with Kauai Realty Incorporated, which is attached hereto and incorporated herein as Exhibit "I". Both Ms. Cummings and Kauai Realty are engaged presently in the sales of the Waialeale Estates Subdivision lots. Based on her knowledge of present sales activities, and her review of the past market analysis, Ms. Cummings is of the opinion that there presently is, and will continue to be, a demand for the three lots which will be developed if this Petition is approved.

14. **COMPATIBILITY WITH APPLICABLE LAWS.**

The Applicant’s proposed development of the Subject Property into three single family lots is compatible with the Hawaii State Plan (Hawaii Revised Statutes Chapter 225), the Hawaii State Functional Plans, the Kapaa-Wailua Development Plan, and all other applicable laws, ordinances, or regulations. The proposed development will have no substantial negative environmental impacts on the Subject Property or the surrounding area.
15. **CONCLUSION.**

The Applicant respectfully requests that the Planning Department find that Applicant's proposed development will not have any significant environmental impacts and that the Applicant need not prepare an Environmental Impact Statement in this case.

DATED: Lihue, Kauai, Hawaii ________________

[Signature]

MAH W. J. GRAHAM, JR.
LORNA A. NISHIMITSU
Attorneys for Applicant
COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (BH)   DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and
         Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO:   ☑ Public Works Dept.
       ☑ Water Dept.
       ☑ State Health Dept.
       ☑ State Highways Div.
       ☑ Fire Dept.
       ☑ Sam Lee (DLNR)
       ☑ State Dept. of Agriculture
       ☑ Police Dept.
       ☑ Office of State Planning
       ☑ Land Use Commission

FOR YOUR COMMENTS (pertaining to your department): 6/4/91 PW5.398

PLEASE SEE ATTACHMENT

Signature
County Engineer

Please return one (1) copy by June 14, 1991. Thank you.
KK/cu

APPENDIX 1
To Planning
A-91-12
GPA-91-4
ZA-91-15
Ho Enterprises, Ltd.
June 4, 1991
Page (2)

FOR YOUR COMMENTS:

1. The parcel will have access to Kahana which have been built to our minor street standard with a 44 feet wide right of way and a 20 feet wide pavement. Kahana Road should be able to handle the traffic from the proposed subdivision. However, when the subdivision application is submitted, we will require the turnaround to be relocated and reconstructed at the new terminus of Kahana Street.

2. The subdivision and subsequent residential construction will increase storm water runoff. At the time of subdivision, a drainage study will be required to evaluate the impacts of the increased runoff. Mitigation measures will be required to handle any adverse drainage impacts.

3. Drainage study will also be required at the time of subdivision to establish provisions in the natural gullies to keep structures from being built in flood zones and to preserve and protect the function of the watercourse.
COUNTY OF KAUA'I
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (SM)   DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO: @x3 Public Works Dept.
   @x3 Water Dept.
   @x3 State Health Dept.
   ( ) State Highways Div.
   @x3 Fire Dept.
   ( ) Sam Lee (DINR)
   @x3 State Dept. of Agriculture
   ( ) Police Dept.
   @x3 Office of State Planning
   @x3 Land Use Commission

FOR YOUR COMMENTS (pertaining to your department):

June 12, 1991

We have no objections to this District Boundary Amendment and General Plan Amendment and Zoning Amendment provided the applicant is made aware that any actual subdivision or development of this area will be dependent on the adequacy of the water, storage and transmission facilities existing at that time. An 8-inch main extension from the Wailua Estate Subdivision to the proposed subdivision will be required. At the present time, the existing storage facilities are nearing capacity.

Signature: ___________________________

Please return one (1) copy by __________. Thank you.

June 14, 1991

Raymond F. Lee
FROM: PETER A. NAKAMURA, Planning Director (SM)  DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and Zoning Amendment ZA-91-15, KO ENTERPRISES, LTD.

TO: (x) Public Works Dept.  (x) Water Dept.
   (x) State Health Dept.
   ( ) State Highways Div.
   (x) Fire Dept.
   ( ) Sam Lee (DLNR)
   (x) State Dept. of Agriculture
   ( ) Police Dept.
   (x) Office of State Planning
   (x) Land Use Commission

FOR YOUR COMMENTS (pertaining to your department):

We have reviewed the subject application and have conducted an on-site survey of the property. We have no objection to the application at this time, provided the following environmental health concerns are complied with.

1. The type of wastewater disposal system permitted shall meet the minimum applicable requirements of the Administrative Rules, State of Hawaii, pertaining to wastewater systems.

2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 26, Vector Control, Title 11, Administrative Rules, State of Hawaii, the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

3. Effective soil erosion and dust control measures shall be implemented by the applicant during all phases of development.

4. The disposal of grubbed material shall be at a solid waste disposal facility permitted by the Department of Health.

5. Open burning is prohibited, except in accordance with the applicable requirements of Chapter 60, Air Pollution Control, Title 11, Administrative Rules, State of Hawaii.

6. The proposed development shall be provided with potable water from an approved source.

Due to the general nature of the proposed project, we reserve the right to impose further environmental health restrictions when more detailed information is submitted.

14 June 91

CT: GNT: DJ/plo

Signature ________________________________

(for) Clyde Takahama, Chief Sanitarian, Kauai

Please return one (1) copy by ______ June 14, 1991 _______. Thank you.
COUNTY OF KAUI
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (BM) DATED: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO: (X) Public Works Dept.
(X) Water Dept.
(X) State Health Dept.
() State Highways Div.
(X) Fire Dept.
() Sam Lee (DINR)
(X) State Dept. of Agriculture
() Police Dept.
(X) Office of State Planning
(X) Land Use Commission

FOR YOUR COMMENTS (pertaining to your department):

Comply with County Dept. of Water Standards (2)
Providing Fire Protection for the Development

Signature

Please return one (1) copy by June 14, 1991. Thank you.
June 18, 1991

The Honorable Peter A. Nakamura
Planning Director
Planning Department
County of Kauai
4200 Rice Street
Lihue, Kauai, Hawaii 96766

Dear Mr. Nakamura:

Subject: District Boundary Amendment A-91-12
General Plan Amendment GPA-91-4
Zoning Amendment ZA-91-15
Ho Enterprises, Ltd.

The applicant, Ho Enterprises, Ltd., is requesting a State Land Use District Boundary Amendment, a zoning amendment, and a General Plan Amendment to reclassify approximately 45,322 square feet of land (Tax Map Key: 4-6-12; portion of 18) located at Kapaa, Kauai, Hawaii from the Agricultural to the Urban Land Use District. The applicant proposes to develop three single family lots on the subject property which appears to be situated within the Urban Residential and Agriculture classification of the Kauai General Plan.

It is our understanding that the subject project is located on a plateau which drains into two streams. Therefore, the applicant should address potential adverse impacts and mitigative measures.

Thank you for the opportunity to comment.

Sincerely,

[Signature]

Harold S. Masumoto
Director
June 5, 1991

Mr. Peter A. Nakamura
Planning Director
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Nakamura:

Subject: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4, and Zoning Amendment ZA-91-15/Ho Enterprises, Ltd., TMK No. 4-5-12: por. 18

We have reviewed the information for the subject amendments transmitted by your letter dated May 28, 1991, and confirm that the property is located within the State Land Use Agricultural District.

According to our records, the property’s north-western boundary is adjacent to the State Land Use Urban District that was amended from the Agricultural District on July 12, 1982, by the Commission in LUC Docket No. A81-519/Walialoa Partners.

Thank you for the opportunity to comment on this matter. If you have any questions, feel free to call me or my staff at 548-8101.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to
To: Peter A. Nakamura, Director
   Planning Department
   County of Maui

From: Yukio Kitagawa, Chairperson
   Board of Agriculture

Subject: Petition for Amendment to the State Land Use District Boundaries
A-91-12 (Ho Enterprises, Ltd.) Agricultural to Urban, and General Plan Amendment GPA-91-4 Portion of residential subdivision TMK: 4-6-12: 18 Kapaa, Kauai Area: 43,322 s.f. of 30.365 acres

The Department of Agriculture has reviewed the subject requests and is of the opinion that their approval will not adversely affect the agricultural resources of the area, or the plans, programs, and activities of this Department.

Thank you for the opportunity to comment.

c: Office of State Planning (attention: Land Use Division)
CONCEPTUAL SUBDIVISION LAYOUT
FOR
BOUNDARY ADJUSTMENT
BETWEEN
WAIALEALE ESTATES SUBDIVISION LOTS
LOTS 33 & 34 AND A PORTION OF LOT
225 OF LAND PATENT GRANT NUMBER 7959
TMKS: 4-6-12:18 & 4-6-42: 24, 25
KAPAA, PUNA, KAUAI, HAWAII
STATE LAND USE DISTRICT BOUNDARY MAP

PROPOSED AMENDMENT TO STATE LAND USE DISTRICT BOUNDARY FROM AGRICULTURE DISTRICT TO URBAN DISTRICT

MK: 4-6-12: POR. 18
KAPAA, KAUAI
GENERAL PLAN MAP

PROPOSED AMENDMENT TO GENERAL LAND USE PLAN
FROM
AGRICULTURE TO URBAN RESIDENTIAL
TMK: 4-6-12: POR 18
KAPAA, KAUAI

EXHIBIT "E"
April 30, 1991

Lowenthal, August & Graham
2959 Umi St., Suite 202
Lihue, HI 96766

Attn: Max W. J. Graham, Jr., Esq.

Re: Proposed 3 lot subdivision
Waialeale Estates Subdivision Lots 33 & 34 a portion of Lot 225
of Land Patent Grant Number 7959

Dear Mr. Graham:

Per your request, enclosed is the current inventory status of
vacant land in the immediate vicinity of the above referenced
proposed subdivision.

The residential land inventory in the Kawaihau district (THK 45h-4-
6) has been extremely low during the past 2 years, with some relief
coming from the marketing of lots in Waialeale Estates and Ilima
Gardens. (Ilima Gardens, developed by Hawaii 4-0 Partners, is
located adjacent to Kawaihau Estates Subdivision.)

Currently, in this area, there are approximately 28 residential
lots on the market. Of the 28, 17 are at Waialeale Estates, 5 at
Ilima Gardens, and 4 are on the corner of Laipo and Hauaala Roads.
Almost every lot available now in Waialeale Estates and Ilima
Gardens have very little level area, with most of the lots on
slopes, making construction of "affordable" houses virtually
impossible. The 4 lots on the corner of Laipo and Hauaala are low
lying lots with drainage and floodways affecting buildable areas.

Based on the building restrictions of the lots currently on the
market, there is a definite need for additional vacant land
inventory in this neighborhood. After personally inspecting the
subject proposed subdivision, I have concluded that the three lots
would provide level, buildable homesites. Being adjacent to the
Waialeale Estates Subdivision, the 10,000+ square foot lots would
blend with the residential character of the immediate neighborhood.

EXHIBIT "I"

P.O. Box 1246 2970 Kress Street 808 245 1651 Lihue, Kauai, Hawaii 96766 Facsimile 808 245 6230
Current trends indicate that the market value for the proposed lots are between $110,000-$135,000 (FS), depending on whether these lots will qualify under County of Kauai guidelines for Additional Dwelling Units.

Please be informed that opinions expressed in this letter are my personal observations, based on my 6 years experience in Kauai's real estate market and my knowledge of marketing trends in the Kawaihau district, the neighborhoods in which I specialize. Market values and opinions are mine; this is not a reflection of Kauai Realty, Inc. Information provided was obtained from the Kauai Board of Realtors Multiple Listing Service, which includes property marketed via the MLS.

I hope the data provided is helpful. Please contact me at 822-1936 if I can be of further assistance.

Sincerely,

Carol Cummins  
Carol Cummins  CRS, GRI  
Realtor
SEARCH V2.2-0 30-APR-1991 :30:14.57
Enter FORM TYPE <RES> ? LND
Enter STATUS <A> ? LOTS PRESENTLY ON THE MARKET VIA
Enter AREA ? 46 THE MULTIPLE LISTING SERVICE.
PRICE Minimum 0-175 Not included, approximately 16 lots
Enter feature or <END>? still available at Waialeale Estates.
<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC'? Print: <A>bbreviated, <C>ustom,<X>tra,<M>edium,<F>ull,<H>ow many?

            MLS#  T  S  TMK  PRICE  FEE  LAND AREA  LO#
------------------------------------------------------------------
9741 L  A  446  17  21  120,000  FS  LAIPO ROAD  7521.00  6006
9739 L  A  446  17  21  125,000  FS  LAIPO ROAD  8200.00  6006
9740 L  A  446  17  21  145,000  FS  LAIPO ROAD  11976.00  6006
9742 L  A  446  17  21  145,000  FS  LAIPO ROAD  10436.00  6006

Searching

10111 L  A  446  17  48  95,000  FS  OHU ROAD  6074.00  6136
10110 L  A  446  17  48  99,000  FS  OHU ROAD  6016.00  6136
10112 L  A  446  17  48  115,000  FS  OHU ROAD  6001.00  6136
10113 L  A  446  17  48  117,000  FS  OHU ROAD  6016.00  6136
10113 L  A  446  17  48  120,000  FS  OHU ROAD  6016.00  6136
10271 L  A  446  15  8  125,000  FS  4791 IIUI ROAD  8502.00  9630
9433 L  A  446  24  29  138,000  FS  5372 KUMOLE  13591.00  6069

17 analyzed in 10 second(s) End of search

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC'?

*** You’ve escaped from the function. ***

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:31:29.81 LOTS PRESENTLY UNDER CONTRACT IN
Enter FORM TYPE <RES> ? LND THE KANAIHAU AREA (tmk 4th-4-6)
Enter STATUS <A> ? U THAT WERE MARKETED THROUGH THE
Enter AREA ? 46 MULTIPLE LISTING SERVICE.
PRICE Minimum 0-160 Not included, Waiāleale Estates
Enter feature or <END>? and Ilima Gardens.
<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC'? Print: <A>bbreviated,<C>ustom,<X>tra,<M>edium,<F>ull,<H>ow many?

            MLS#  T  S  TMK  PRICE  FEE  LAND AREA  LO#
------------------------------------------------------------------
9664 L  U  446  25  30  489,000  FS  4894-30-AO ROAD  1000.00  6906

Searching

10104 L  U  446  17  48  78,000  FS  HAU'OLI PLACE  6425.00  6136
10109 L  U  446  17  48  90,000  FS  OHU ROAI  5900.00  6136
10105 L  U  446  17  48  95,000  FS  OHU ROAD  5334.00  6136
10105 L  U  446  17  48  99,000  FS  HAU'OLI PLACE  6811.00  6136
8789 L  U  446  19  50  100,000  FS  HUAAILA ROAD  9207.00  6086

9 analyzed in 6 second(s) End of search

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC'? $0

End of Communication ***

Last NO >> = R(A)ST/477

Nei...
Enter listing number(s) or 'ESC' key ?

*** You've escaped from the function. ***

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:34:25.63
Enter FORM TYPE <RES> ? LND
Enter STATUS <A> ? S
Enter AREA ? 46
PRICE Minimum ? 0-

*** You've escaped from the function. ***

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:34:53.61
Enter FORM TYPE <RES> ? LND
Enter STATUS <A> ?

Please talk to me

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:38:33.44
Enter FORM TYPE <RES> ? LND
Enter STATUS <A> ? S
Enter AREA ? 46
PRICE Minimum ? 0-150

Enter feature or <END> ?
<Search, (M)odify, (R)eview input, (F)ile prospect or 'ESC'?
Print: <A>bbrviated, <C>ustom, <X>tra, <M>edium, <F>ull, <H>ow many?

Searching .............

MLS# T S TKK PRICE FEE LAND AREA LOT
--------- ------ ------- ---- ----- ------- ------- ------- -------------
9078 L S 446 34 45 95,000 FS ALIALI ROAD 10453.00 6135
SOLD DATA DOM:34 TERMS:CNY DATE:29-Jun-90 SOFF ID#:6012 PRICE:$92,500
7917 L S 446 39 11 79,500 FS AUIA PLACE 6026.00 6811
SOLD DATA DOM:27 TERMS:CNY DATE:18-Sep-90 SOFF ID#:6011 PRICE:$136,000
8055 L S 446 24 34 150,000 FS KUMOLE STREET 29476.00 6659
SOLD DATA DOM:167 TERMS:CNY DATE:12-Apr-90 SOFF ID#:6107 PRICE:$150,000

5 analyzed in 5 second(s) ................ End of search
<Search, (M)odify, (R)eview input, (F)ile prospect or 'ESC'?

*** You've escaped from the function. ***

NOT INCLUDED: lots under contract in Waialeale Estates and Ilima Gardens.
# Waialeale Estates Phase III Price List

## Vacant Lots

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<thead>
<tr>
<th>Lot #</th>
<th>Area Square Feet</th>
<th>Price</th>
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<td>2</td>
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<td>3</td>
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<td>9,311</td>
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<tr>
<td>60</td>
<td>193,012</td>
<td>$125,000</td>
</tr>
</tbody>
</table>

ERA Chaney Brooks, Realtors and Kauai Realty reserve the right to discontinue, substitute or change product or design and alter price or terms without notice or obligation. 7/13/90
BEFORE THE COUNTY OF KAUA'I
STATE OF HAWAII

In the Matter of the Petition
of
SAMSON K. APAO (legal title owner)
of the property), to reclassify
and/or amend 2.366 acres of land
currently situated within the
State Agricultural District, and
General Planned Agriculture and
zoned Agriculture, into the Rural
State Land Use District, Rural Res
General Plan Classification, and
Residential (R-2) zone, located at
Wailua Homestead, Kauai, Hawaii,
further identified as TMK:4-4-9:23.)

DOCKET NO. __________________

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

I. PETITIONER'S ADDRESS AND TELEPHONE:
   All communications in regard to this petition shall be
   addressed to:

   Samson K. Apao
   C/O Ms. Beverly Kaneakua
   4668 Hauaalaa Road
   Kapaa, Hawaii 96746
   Tel. (808)822-0039

II. IDENTIFICATION OF PETITIONER:
   The petitioner, Mr. Samson K. Apao, is the legal and equitable
   owner of the subject parcel.

III. PROPERTY DESCRIPTION:
   The subject parcel is at the Wailua Homesteads, along Olohena
   Road, approximately 250 feet west of the intersection of
   Olohena Road and Puuopae Road, further identified as
   TMK: 4-4-09:23, containing 2.366 acres. (Exhibit A & B)

IV. COUNTY GENERAL PLAN & ZONING DESIGNATION:
   State Land Use Boundary: Agricultural
   County General Plan: Agriculture (Exhibit C)
   County Zoning: Agriculture (Exhibit D)

V. DESCRIPTION OF PROPERTY:
   A. The subject parcel is located at 6285A Olohena Road at
      Wailua Homestead, approximately 250 linear feet west of
      the intersection of Olohena Road and Puuopae Road.

   B. Existing Use: Currently in pasture and residential use.

   C. Elevation: The property is approximately 350' above sea
      level.

   D. Terrain: Flat to gently sloping. There are no terrain
      features which limit the intended use of the parcel.

   E. Drainage: Sheet flows in an easterly direction.
F. Rainfall: The median annual rainfall is approximately 70 inches.

G. Soils: Classification "C" by the University of Hawaii Land Study Bureau Detailed Land Classification.

H. Demographic: The property has been used for farming and ranching for over 40 years. There are no endangered flora or fauna existing on this property.

VI. DESCRIPTION OF PROPOSED DEVELOPMENT:

A. Type: The petitioner proposes to subdivide this property into four single family residential house lots.

B. There are presently two dwelling units on the property. It is not the intent to speculate on these new lots, but rather to provide separate lots for family members. The family is comprised of farmers and cattlemen and cannot afford the high costs of real estate in the area.

C. The property is surrounded by Agriculture Zoning. However, one parcel over to the east, the lots are zoned Rural Residential (R-1). In addition, the lots located to the immediate south are all a half-acre in size.

D. Development Timetable: N/A

E. Preliminary Development Plans: To subdivide into 4 one-half acre parcels.

F. Water, paved roads, police, and fire protection services are presently available. There is no public sewer system servicing this parcel, however, cesspools and/or septic systems are presently permitted. Public agencies will not be unreasonably burdened by the additional lots.

G. Projected Cost of Development: That required for creating the paper subdivided lots.

H. Financial Ability: The petitioner has the financial resources to complete the proposed subdivision.

VII. EFFECTS UPON RESOURCES OF THE AREA:

An environmental Impact Statement is not needed for this project since no major adverse environmental impacts will be generated by this proposal. Furthermore, those impacts identified have mitigation measures proposed to resolve those matters. A negative declaration is hereto filed as part of this petition request.

A. Environmental & Ecological:

1. Flora: None
2. Fauna: None
3. Coastal Waters: None

B. Agricultural: The site is not presently in agricultural use, but was used in the past for pasture purposes. Soils for the petition area are classified as "C", with "A" soils being the most prime and "E" being the poorest. As such, the removal of this area from the Agricultural District will not significantly affect the viability of agricultural pursuits of the area.

C. Recreational: The petition area does not presently provide any recreational opportunities. In addition, the proposal will not reduce or restrict access to existing recreational facilities.
D. Historical & Archaeological: According to the County of Kauai’s Cultural Sensitivity Maps, the petition area does not fall within an area containing historical or cultural significance. No known archaeological sites exist within the petition area.

E. Scenic: The petition area is not located along the ocean, and therefore will not impact view corridors to and along the shoreline.

F. Noise & Air Quality: The proposed residential uses are consistent with the surrounding uses. The proposal does not involve noxious chemicals, equipment, or by-products.

VIII. REASONS & JUSTIFICATIONS FOR THE PROPOSED DEVELOPMENT:

A. The subject property is located within an area where many lots are substandard in terms of minimum lot sizes in the Agriculture District. The adjacent parcels to the east are all one-half acre in size. Abutting those lots are parcels within the Rural District.

B. This petition, if approved, would allow the owners to subdivide their property into four (4) one-half acre lots for family members.

C. This petition, if approved, would not significantly alter existing land uses in the area since many of the adjoining lots are presently one-half acre in size.

IX. COMPLIANCE WITH LAND USE DISTRICT REGULATIONS:

A. The proposed land use reclassification is reasonable and necessary to accommodate growth and development.

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

C. Adequate public services and facilities are available and can be provided to the site by the petitioner. No need for upgrading of such facilities are anticipated.

D. The site, although not located right adjacent to existing Rural lands, is abutting lots one-half acre in size (non-conforming in terms of agriculture minimum lot sizes) which touch the Rural State Land Use District.

E. The amendments are necessary since the project is not permitted under the present land use, General Plan, and zoning designations.

X. COMPLIANCE WITH STATE & COUNTY LAWS:

A. The petition is consistent with the objectives of the Hawaii State Plan and the County General Plan policies and guidelines, in that:

1. Growth and Housing - The Kapaa-Wailua District is the fastest growing region of the island. The proposed amendment area will assist in providing housing for the immediate market demands. The amendment area is not excessive in terms of land size or project scope.

2. Classification - the proposed amendment area, if reclassified into the Rural Residential classification shall be used predominately for low density residential development. The General Plan recognizes the need for such development to create less than one-acre parcels which are outside planned
Urban areas.

3. Land Use - The Kauai County General Plan boundaries are not intended to portray a precise land use definition. As such, the proposal can be considered since the petition area is located adjacent to existing one-half acre lots which abut the Rural State Land Use District.

B. All applicable State and County statutes, laws, and ordinances, rules and regulations as applicable to the proposed subdivision will be complied with.

XI. CONCLUSION:

Based on the foregoing discussion, it can be concluded that the subject petition for a State Land Use District Boundary Amendment from Agricultural to Rural, and an amendment to the County General Plan from Agriculture to Rural Residential, and an amendment to the County Zoning Ordinance from Agriculture to Residential District (R-2) zone, is justified and generally meets all the requirements for the requested change.

Accordingly, Petitioner respectfully requests a favorable decision by the Planning Commission of the County of Kauai.


[Signature]

Samson K. Apao
All of that certain parcel of land (being a portion of Grant 10556) being Lot 167-D-1-E, being a portion of Lot 167-D-2, Kapaa Homesteads, 2nd Series, situated on the Southerly side of Oloheana Road at Kapaa Homesteads, 2nd Series, Waipouli and North Oloheana, Island and County of Kauai, State of Hawaii and more particularly described as follows:

Beginning at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Lot 167-D-1-C and on the Southerly side of Lot 167-D-1-D, the coordinates of which referred to Government Survey Triangulation Station "HOKO" being 5281.31 feet North and 5592.86 feet West and running by azimuths measured clockwise from true South:

1. 12° 01' 291.91 feet along the remainder of 167-D-2 along Lot 167-D-1-C, Kapaa Homesteads, 2nd Series;

2. 282° 01' 150.01 feet along the remainder of Lot 167-D-2 along Lot 167-D-1-C, Kapaa Homesteads, 2nd Series;


4. 102° 01' 176.11 feet along Lot 167-E-1, Kapaa Homesteads, 2nd Series;

5. 188° 12' 40" 456.58 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-A;

6. 192° 01' 286.11 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-A;

7. 276° 10' 56.75 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-D, Kapaa Homesteads, 2nd Series, to the point of beginning and containing an area of 2.366 acres, more or less, as per survey by Wesley M. Thomas, Registered Professional Land Surveyor, State of Hawaii, Certificate No. 1166, State of Hawaii, Revised May 15, 1978.


EXHIBIT 'B'