

LAND USE COMMISSION  
STATE OF HAWAII

OCT 15 11 25 AM '79

State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

October 6, 1979

Attention: Mr. Gordon Furutani  
Executive Officer

Dear Mr. Furutani,

In re-reading my letter addressed to you dated September 27, 1979  
I noticed an error which I wish to correct.

In the second paragraph, third line, I refer to a letter authored by  
Mr. Ah Sung Leong dated ~~September~~ 23, 1979. The correct date is  
September 23, 1975.

I apologize for any problems incurred by your office as a result of  
my error.

Sincerely yours,

*Eric L. Knudsen*  
Eric L. Knudsen  
Manager

P.O. Box 298  
Koloa, Kauai HI  
96756

October 9, 1979

Mr. Eric L. Knudsen, Manager  
Kahili Mountain Park, Inc.  
P. O. Box 298  
Koloa, Kauai, Hawaii 96756

Dear Mr. Knudsen:

This is in reply to your letter of September 28, 1979 regarding the state land use district designation of Kahili Mountain Park (Tax Map Key 2-7-01: portion of 1) and the Special Permit granted for the expansion of the Park facility (SP75-214).

Please be advised that the subject property continues to be designated Agricultural by the Land Use Commission.

The last correspondence we have concerning this matter is dated September 23, 1975, from Mr. Ah Sung Leong to Mr. Brian Nishimoto, advising of the approval of the Special Permit.

Should you have any questions or require further information concerning this matter, please contact our office.

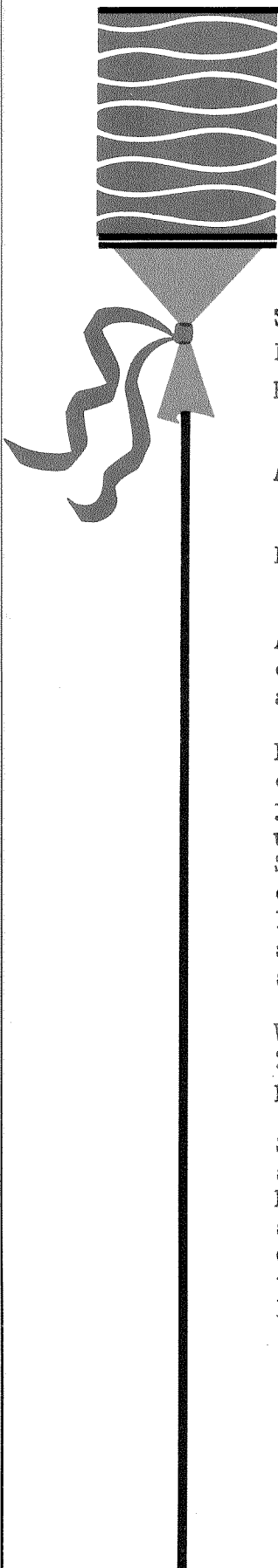
Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:jy

LAND USE COMMISSION  
STATE OF HAWAII

SEP 28 11 10 PM '79



State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

September 27, 1979

Attention: Mr. Gordan Furutani  
Executive Officer

Dear Mr. Furutani,

At a recent tax appeal hearing, September 24th, I was advised that our zoning for KAHILI MOUNTAIN PARK INC. was something other than agriculture.

From the correspondence that I have at hand there is no indication on record that our zoning is other than agriculture. Please refer to your letter (authored by Mr. Ah Sung Leong) dated September 23, 1979 whereby we received Land Use Commission approval of a special permit SP75-214 to expand an existing overnight camping facility on portions of a 215-acre property described as Tax Map Key 2-7-01: portion of 1, situated within the State Agricultural District at Koloa, Kauai; subject to the conditions imposed by the Kauai County Planning Commission.

Would you kindly confirm for my records that we are an Agriculturally Zoned parcel and that the special permit approvals applied to the proposed expansion of the facilities.

Should you have any other correspondence on record pertaining to this special permit - SP75-214 - which has been sent to the Tax Office or Real Property Tax Assessor, Dept. of Tax. may I please have copies of such correspondence. I do have a copy of the letter referred to above dated September 23, 1975 addressed to Mr. Brian Nishimoto and this is the only letter I have on record that shows a copy being sent to the Dept. of Tax or to the Real Property Tax Assessor.

Very truly yours,



Eric L. Knudsen  
Manager

George R. Ariyoshi  
xxxxxxxxxx

September 24, 1975

Mr. Eric L. Knudsen  
Kahili Mountain Park Inc.  
P. O. Box 298  
Koloa, Kauai, HI 96756

Dear Mr. Knudsen:

The original of the attached letter is on file in the office of the Kauai Planning Department, 3021 Umi Street, Lihue, Kauai.

Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

ASL/cbk

Encl.



September 23, 1975

Kauai Planning Commission  
P. O. Box 111  
Lihue, Kauai 96766

Attention: Mr. Brian Nishimoto  
Planning Director

Gentlemen:

At its meeting on September 22, 1975, the Land Use Commission voted to approve a special permit to Kahili Mountain Park, Inc. (SP75-214) to expand an existing overnight camping facility on portions of a 215-acre property described as Tax Map Key 2-7-01: portion of 1, situated within the State Agricultural District at Koloa, Kauai; subject to the conditions imposed by the Kauai County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

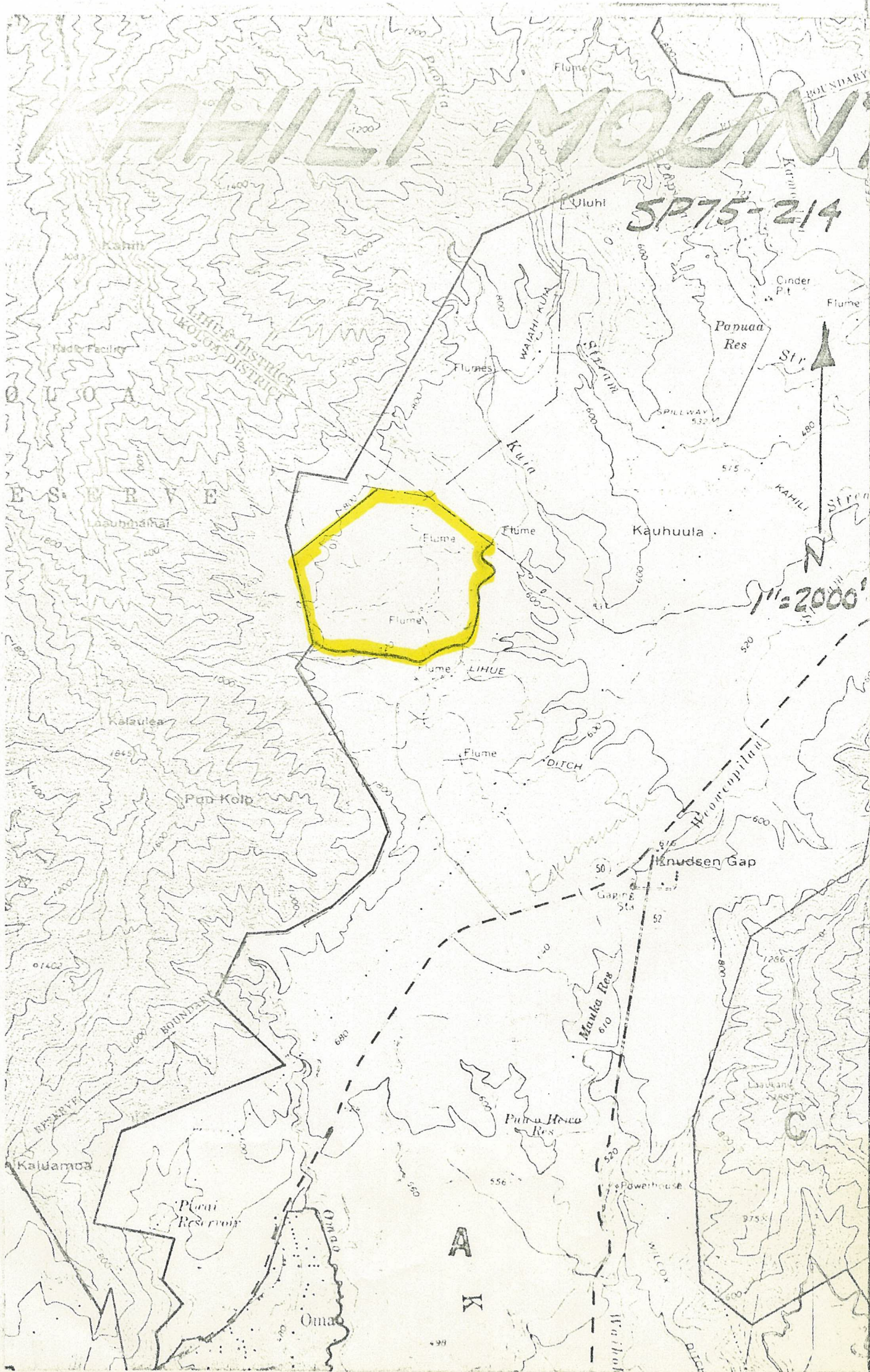
Very truly yours,

AH SUNG LEONG  
Acting Executive Officer

Encls.

cc: Kahili Mountain Park, Inc.  
Kauai Tax Administrator  
Property Technical Office, Dept. of Tax.  
Tax Maps Recorder, Dept. of Tax.  
Real Property Tax Assessor, Dept. of Tax.







STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

September 22, 1975 - 10:00 a.m.

Room 416 - State Capitol  
Honolulu, Hawaii

*Adopted*  
OCT 28 1975

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice-Chairman  
James Carras  
Charles Duke  
Colette Machado  
Carol Whitesell  
Tanji Yamamura

COMMISSIONERS ABSENT: Mitsuo Oura  
Edward Yanai

STAFF PRESENT: Ah Sung Leong, Acting Executive Officer  
Gordan Furutani, Planner  
Dora Horikawa, Clerk Reporter  
Ray Russell, Court Reporter

Due to the late appearance of the Chairman, Vice-Chairman Sakahashi called the meeting to order and called for the first item on the agenda.

ACTION

SPECIAL PERMIT APPLICATION BY MAUI BROADCASTING CORPORATION  
(SP75-204) TO CONSTRUCT A BROADCASTING TRANSMITTER AND ANTENNA  
SITE AT ULUPALAKUA, MAUI

Mr. Ah Sung Leong, Acting Executive Officer, presented the staff memorandum on the above Special Permit (see copy of report on file).

Mr. Kirk Monroe, President of Maui Broadcasting, responded to questions raised by the Commissioners; i.e. that the petitioner agrees to all the conditions that were imposed by the Maui County Planning Commission; the tower will be painted either a light green or yellow to make it as inconspicuous as possible. Maui Broadcasting is an FM station and is presently broadcasting two

Chairman Tangen called for a recess at 12:08 p.m.

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The meeting was reconvened at 12:18 p.m.

Chairman Tangen announced that if there were no objections from the Commissioners, the order of the agenda will be shifted to consider item No. 10 SP75-214, Kahili Mountain Park, to accommodate Mr. Gregg Kamm of the Kauai Planning Department since this was the only remaining item on which he wished to present testimony.

✓ SPECIAL PERMIT APPLICATION BY KAHILI MOUNTAIN PARK, INC. (SP75-214)  
TO EXPAND AN OVERNIGHT CAMPING FACILITY AT KOLOA, KAUAI

The staff memorandum was read into the records by Mr. Furutani (see copy on file).

During the discussion that followed, it was generally agreed that there would be very little likelihood of any flooding problems in the general area of the proposed facility.

Vice-Chairman Sakahashi moved that the Special Permit be approved, subject to the conditions imposed by the Kauai County Planning Commission which was seconded by Commissioner Yamamura and unanimously carried.

SPECIAL PERMIT APPLICATION BY HAWAII COUNTY DEPARTMENT OF PARKS  
AND RECREATION (SP-75-212) TO ESTABLISH A PUBLIC DRAG RACING STRIP  
AT PANAWEA, HAWAII

The staff memorandum was presented by Mr. Leong (see copy of report on file).

Since there was no question or discussion by the Commissioners, the Chair called for a motion.

Commissioner Carras moved that the Special Permit request be approved, subject to all conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Vice-Chairman Sakahashi and unanimously passed.

SPECIAL PERMIT APPLICATION BY SOLOMON A. KONG, SR. (SP75-213)  
TO ENLARGE A GENERAL STORE AT KALUAAHA, MOLOKAI

The staff memorandum was presented by Mr. Furutani (see copy of report on file).

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

Sept. 22, 1975  
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP75-214 - KAHILI MT. PARK

Mr. Eric L. Knudsen, manager of Kahili Mountain Park, Inc. requests approval of a Special Permit to expand an existing overnight camping facility on portions of a 215 acre property described as TMK 2-7-01: por. 1. The subject land is situated within the State Land Use Agricultural District, at Koloa, Kauai, approximately a mile northwest of Knudsen Gap.

A total of 20 two-bedroom, one bath cabins with kitchenettes, a recreation building and an employee gate cabin are proposed to be constructed on the property. Currently, Kahili Mountain Park contains 15 permanent tent structures, 7 cabins, shower and toilet facilities, a utility building, tennis court, supervisors' residence, generator shack, a central lodge building, a covered fire, garage, stables and a manager's residence. A Special Permit to allow the establishment of the existing uses on the property was approved by the Land Use Commission on December 15, 1967. The subject property is owned by the Knudsen Trust and leased to Kahili Mt. Park, Inc. The lease agreement is for a 50 year period beginning in 1966 and terminating in the year 2016.

In part, the applicant describes and justifies the request by stating that:

- "1. The proposed units are all two room, redwood construction, and sparsely furnished. They will be scattered randomly in the project area with individual sites located according to the natural topography or existing tree and sight lines."
- "2. At this time we wish to proceed with construction to broaden our earning base. We tend to be very seasonal, as camping families vacation during school recessed and we turn away considerable business during these vacation periods. Our cost of doing business have skyrocketed. You are familiar with energy costs, but you may not know that our property taxes since 1966 have risen from \$47.00 to over \$7,000 annually. The tax department does not assess this land as agricultural (we are currently appealing this assessment)."
- "3. ....we do not advertise and do not compete with the hotels on the State/County parks system for guests. We do considerable business within the Kauai Community where our location and physical plant layout is particularly suitable for youth groups, church, and school activities."

- "4. We did not raise our rates for seven years as the increased volume of business generated additional income to cover increasing costs. As we now operate close to full capacity, we cannot appreciably increase our income unless we raise our prices or unless we have more units available. Therefore, we wish to continue with our original plans for the development of this area and not increase our daily rates."
- "5. It is our intention to build approximately 10 units now. These would be very decentralized and scattered as shown on the plans. Our present unit density is 9.3 acres per unit and the additional density would result in approximately 6.5 acres per unit."
- "6. The plans submitted would cover our unit building plans for the next 5-10 years. Upon the completion of the 20 units shown, the project density would be approximately 5 acres per unit."

In addition to the above statements, the applicant has also submitted a master plan for the proposed development and architectural drawings of a typical cabin.

A public hearing on the Special Permit was held by the Kauai Planning Commission on July 23, 1975. At this time, the Planning Commission staff in part, advised that.:

"the proposed use is basically an expansion of the existing one, which has appeared compatible with the surrounding agricultural uses. It is set well back from Kaumualii Highway, which is designated a scenic route and access is purposefully kept unimproved to retain the sites rustic character."

The staff further noted that the following comments from public agencies were received:

"PUBLIC WORKS DEPT. - Access to the Kahili Mountain Park is through a dirt road.

The Kahili Stream flows through the subject property and the proposed developmental units may be exposed to the 100-year flood hazards from this stream. The County does not have any flood evaluation or studies on this area. It is suggested that flood precautions as prescribed by the CZO be provided prior to granting a use permit.

There are no public sewage facilities in the subject area.

"WATER DEPARTMENT - We do not have any comments as the Department does not have any system serving this area.

The water system contained within the Kahili Mountain Park area is privately-owned and operated; and quantity, quality, etc., are the sole responsibility of the owner with quality control monitored by the Department of Health.

"STATE HEALTH DEPARTMENT - The park's management is presently in the process of making improvements to their drinking water supply. No additional development should be allowed until said improvements are made.

Building plans subject to review at time of permit application.

"FIRE DEPARTMENT - No objections to the addition of more buildings of this type in this area. I recommend a faucet and a length of garden hose be provided outside each unit for fire protection.

"KAUAI ELECTRIC CO. - Power is available.

In summary, the following concerns were discussed at the public hearing:

1. Drinking Water - The existing water system at Kahili Mt. Park is not a part of the County water system. The drinking water has not met the DOH's chlorination standards and the applicant is now in the process of installing a chlorinator to meet these standards. The water system will be adequately chlorinated irrespective of the outcome of this Special Permit request.
2. Sewage Disposal System - Although the DOH has not addressed sewage seepage in its comments, the applicant will have to comply with public health regulations regarding sewage disposal.
3. Flood Evaluation Study - Mr. Morris Shinsato, County Attorney advised that, "In the absence of an official flood evaluation study, the County should do the best it can with whatever expertise they have to determine what the flood line would be."

Mr. Eric Knudsen added:

- "1. The area is steep; flooding pre se does not occur outside of the stream boundaries. I believe this report (Public Works) is related to our bridge crossings and stream crossings entering the property. At the present time, we don't have any unit at stream level; all of our units are a good 15-20 feet above where the stream runs... I don't think the interpretation by the Public Works Department has anything to do with these particular units. Flooding occurs downstream and the stream themselves are deeply channeled."

When asked, "If the Public Works Department does make a study of flooding in the area and that the proposed development found to be within the flood zone, would the applicant submit a waiver freeing the County of any liability?", Mr. Knudsen replied that he would have no objection. However, when asked if he would conduct an elevation study and establish the 100-year flood line prior to obtaining a building permit, Mr Knudsen objected on the grounds that it would be very expensive and that he would be arriving at factors that have

nothing to do with the cabins. The Planning Director subsequently requested that Mr. Knudsen provide information to the Public Works Department explaining why the area will not be flooded.

4. Access - A dirt road which is sometimes used for hauling cane provides access to the subject property. There are no problems when it's dry, however, when it's wet and the road is being used for hauling cane it can get quite messy.

*McNulty  
Grant*  
Under ~~the~~ adverse conditions, a grader is positioned on the road to keep it open.

#### COUNTY RECOMMENDATIONS

The Kauai Planning Commission staff recommended approval of this request based on the conclusion that "the use would not adversely affect the surrounding property, would not unreasonably burden the public facilities, and will not substantially alter or change the essential character of the land and present use."

On August 13, 1975, the Kauai Planning Commission voted to recommend approval of this request subject to the following conditions:

1. Each new unit be provided with an outside faucet and length of garden hose as a minimum fire protection measure.
2. The applicant complete improvements to the Park's drinking water supply to the satisfaction of the State Health Department, prior to commencing development of any further units.
3. Prior to issuance of the building permit, the applicant shall satisfy the County Department of Public Works that the new dwellings will not be subject to flooding by the theoretical 100-year flood.
4. Prior to and during development and use, all applicable State and County laws, codes, ordinances, rules and regulations be complied with.



STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM SP75-214 - KAHILI MOUNTAIN PARK, DATE September 22, 1975  
INC.  
PLACE Room 416 - State Capitol TIME 10:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
CARRAS, JAMES	✓			
YANAI, EDWARD				✓
YAMAMURA, TANJI	✓			
WHITESELL, CAROL	✓			
DUKE, CHARLES	✓			
OURA, MITSUO				✓
MACHADO, COLETTE	✓			
SAKAHASHI, STANLEY	✓			
TANGEN, EDDIE	✓			

Comments:

*App w/ County Co*

I move that this special permit be approved with the 4 conditions imposed by the Kauai County Planning Commission.

STATE OF HAWAII  
LAND USE COMMISSION  
P. O. BOX 2359  
HONOLULU, HAWAII 96804

September 10, 1975

Eric L. Knudsen  
Kahili Mountain Park Inc.  
P. O. Box 298  
Koloa, Kauai, HI 96756

The Land Use Commission next meets on September 22, 1975  
at 10:00 a.m., in the State Capitol, Room #416  
Honolulu, Hawaii

At that time the special permit application by Kahili  
Mountain Park, Inc. (SP75-214) to establish a  
overnight camping facility

in the Agriculture District at Koloa, Kauai  
will be considered.

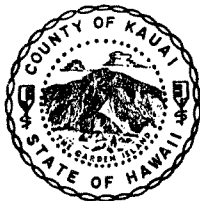
Should you have any questions regarding this matter, please  
feel free to contact us.

Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Enclosure - Agenda

EDUARDO E. MALAPIT  
MAYOR



BRIAN K. NISHIMOTO  
PLANNING DIRECTOR

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
P. O. BOX 111  
LIHUE, KAUAI, HAWAII 96766

RECEIVED  
AUG 19 1975

August 14, 1975

State of Hawaii  
LAND USE COMMISSION

State of Hawaii  
Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 96804

SP75-214

Subject: Application For Special Permit  
Our File No. SP-75-3  
Kahili Mountain Park, Inc.  
TMK: 2-7-01: 01 (por.) Koloa, Kauai

The Planning Commission at it's meeting on August 13, 1975, approved the subject permit for expansion of the Kahili Mountain Park facilities, subject to the following conditions:

- 1) Each new unit be provided with an outside faucet and length of garden hose as a minimum fire protection measure.
- 2) The applicant complete improvements to the Park's drinking water supply to the satisfaction of the State Health Department, prior to commencing development of any further units.
- 3) Prior to issuance of the building permit, the applicant shall satisfy the County Department of Public Works that the new dwellings will not be subject to flooding by the theoretical 100-year flood.

State of Hawaii  
Land Use Commission  
Page 2  
August 14, 1975

- 4) Prior to and during development and use, all applicable State and County laws, codes, ordinances, rules and regulations be complied with.

In accordance with provisions under Section 205-6 of HRS, we herewith transmit for your consideration the foregoing application, together with all pertinent information.



BRIAN NISHIMOTO  
Planning Director

cc: Mayor  
Applicant  
Public Works  
Water  
Health  
Taxation Br.

KAUAI PLANNING COMMISSION  
PUBLIC HEARINGS  
JULY 23, 1975

Public hearings of the Planning Commission of the County of Kauai were held on Wednesday, July 23, 1975, in the Council Chambers at the County Building, Lihue. Following Commissioners were present:

Mr. Alfred Louis, Jr., Chairman  
Mr. Anthony C. Baptiste, Jr.  
Mr. Reginald Doi  
Mr. Richard Johnston  
Mr. Masashi Kageyama  
Mr. Haruo Nakamoto

Absent & excused:  
Mr. Gisao Tateishi

Chairman Louis opened the hearings at 1:40 p.m. and the following are statements, in effect, of the proceedings:

✓ Use Permit U-16-75, Class IV Zoning Permit Z-IV-75-25 & Special Permit SP-75-3 = Kahili Mountain Park, Inc.

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Mr. Gregory Kamm, staff, presented the findings (on file) on the request to expand the present recreational facilities at Kahili Mountain Park in Koloa.

MR. JOHNSTON: Can you elaborate on the Health Department's comments regarding the drinking water? (Staff, "It's my understanding they have their own water source and they are also in the process of installing a chlorinator.")

MR. BAPTISTE: Why hasn't the Health Department commented that some check be made to the applicant's sewage system--to determine whether the seepage in the area would take care of what is necessary? (Staff, "The Health Department did not comment on the sewage disposal system, however, the applicant will have to comply with the public health regulations.")

MR. JOHNSTON: The galvanized roofs of the seven cabins were quite visible from the highway at 5:30 p.m. yesterday. Has there been any discussions with the applicant on the type of color that should be used? (Staff, "No; on the proposed cabins, the roof material is indicated as thick butt shingle and not reflective.")

MR. BAPTISTE: What is wrong with the drinking water system there? (Staff, "I believe to date they have not met the chlorination standards, but they are in the process of installing or constructing a chlorinator which will comply with the Health Department standards.")

Is the requirement of the Fire Department, "to provide a garden hose outside each unit," a part of the County ordinance? (Staff, "I'm not sure; I would guess the Fire Department is offering a helpful suggestion more than a requirement.") Don't you think in the absence of any recommendation from the Fire Department that the applicant should submit a waiver concerning fire? (Staff, "I think this would be a policy question and should be first reviewed by the County Attorney.")

MR. DOI: (To County Attorney) With regard to the Public Works report that there is no flood evaluation study for this area, will the County be liable if anyone should perish from flood in this development?

MR. MORRIS SHINSATO, County Attorney: In the absence of an official flood evaluation study, the County should do the best it can with whatever expertise they have to determine what the flood line would be. I think they do have some talent that can give an approximation of the 100-year flood level. I think the official study is made by the Corps of Engineers; they just can't do a statewide study all at one time so as the applications for certain areas come in, they try to satisfy the most pressing area.

MR. DOI: In your opinion, can this development go through without this factor being considered? (Attorney, "I think we should make whatever study within our capability.")

CHAIRMAN: Was there a flood study in 1967 when this development was established? (Staff, "I don't recall it in the file.")

MR. BAPTISTE: We do not want to deter improvements but I think, as Commissioners, we would like to see that all agencies of government have performed their duties to take care of the safety and welfare of the public. My concern is whether I should go along with something like this when we have been so stringent with others.

MR. ERIC KNUDSEN, applicant: The area is steep; flooding per se does not occur outside of the stream boundaries. I believe this report (Public Works) is related to our bridge crossings and stream crossings entering the property. At the present time we don't have any unit at stream level; all of our units are a good 15-20 feet above where the stream runs. On January 24th we had a very heavy rain and the water went completely over the bridge, about 7 feet above the normal stream level. I don't think the interpretation by the Public Works Department has anything to do with these particular units. The cabins are at a minimum above the ground. Flooding occurs downstream and the streams themselves are deeply channeled.

The entire area is privately owned and we have cesspools for the cabins (2 cabins per cesspool, etc.). With respect to the water, the Board of Water Supply samples our water each month. We have various readings on the chloroform; the count varies and it seems to be related to how much rainfall we have. We are chlorinating our water now. We've had trouble finding the necessary equipment and proper way to effect the chlorination. This water system is the system put in 1910 (described the pipeline layout). The Kilauea Sugar properties are transferring their water system to the Board of Water Supply and we have been talking to Mr. Rapozo about purchasing their chlorinator. With respect to the Fire Department, I discussed with Mr. Rita about putting in extinguishers and the big problem seems to be a situation whereby how do you teach people to operate a fire extinguisher properly (described the different types). We found this is the most realistic way to go about it. With respect to the comment on the shiny roof, all the buildings have a non-reflective material. What was noticed by the Commissioner is a stallion barn that is to be painted.

MR. KAGEYAMA: Is this the same road McBryde uses for hauling cane? ("Yes.") Do you find any problems?

MR. KNUDSEN: It's a situation where there's no problem when it's dry; when it's a muddy condition when they're harvesting, they just make a terrible mess. What we have done, and both McBryde and Grove

Farm have been very nice, is position a grader on that road and keep it clear so that our egress and ingress is not affected.

MR. BAPTISTE: It was been implied by the Health Department that the drinking water is not adequate. How come you have been able to operate under standards not approved by the Health Department? (Mr. Knudsen, "I think the Department of Health is trying to upgrade all the water systems on Kauai, and it's a situation where they can't force me or put me out of business without doing that to a lot of other people. It's a situation where we don't own the water and it's not up to us to maintain the pipeline; it's a situation where the whole system has to be reworked and we're doing that.")

Assuming that you do not commence with further units, are you still going to correct the water system to meet the requirements of the Health Department? (Mr. Knudsen, "Right; we are going to chlorinate our water system irrespective of these additional units.")

MR. DOI: In regards to flooding in this area, would you object to our imposing a condition that if the Public Works Department does make a study and finds you are within the flood zone, that you would submit a waiver freeing the County of any liability? (Mr. Knudsen, "I would have no objection.")

MR. BAPTISTE: Would <sup>you</sup> have any objection to signing a waiver exempting the County from any liability in case of fire? (Mr. Knudsen, "I would not object to it.")

DIRECTOR: Mr. Doi, on behalf of the Department of Public Works, they normally prefer to have the applicant make the determination whether or not the building will be within the flood zone. I don't think at this point we should lock them in.

Mr. Knudsen, because it's not clear to us and the Public Works, who will be issuing any building permit in that area, it might be that they may request that a flood evaluation study be made and the limits of the flood line be established on the plot plan at the time of building permit. Would you object if the Commission imposed a condition that prior to securing the building permit, that you conduct an evaluation study and establish this 100-year flood line?; then you would know definitely that the structures would not fall within this flood line. If you fall outside of the flood line, there's no need for a waiver to the County; but if you are within the Flood District, variance may be granted based on the condition that you waive the County from any liability and responsibility.

MR. KNUDSEN: I object to the indication that a study be made because it would be very expensive and I would be arriving at factors that has nothing to do with the cabins. (Pointed out on the map the two major streams and described the topography of the land.)

DIRECTOR: If you feel confident that it will never flood in 100 years, can you provide information to Public Works that it will not flood? As I look at the contour map, the low point doesn't follow the stream; I'm not clear what is correct.

MR. BAPTISTE: In case of flooding in that area, will you go along with an amendment to the staff report; in case of flooding, damages, or death of any of your clients, will you stipulate that the County will not be responsible for any damages?

MR. KNUDSEN: If it pertains to my property, yes.

No one spoke against the applications and there were no letters of protest as of this date.

Class IV Zoning Permit Z-IV-75-24 = The Greenwich Group.

Mr. Tom Shigemoto, staff, presented the findings (on file) on the proposal to construct 74 condominium units within the Resort District (RR-20) at Wailua.

MR. CLINTON SHIRAISHI, attorney appearing on behalf of Mel Ventura and the Greenwich Group, introduced Mr. Ken Ibara and Mr. Rosy Maeda, engineer and contractor, respectively, for this proposed development.

I have looked over the comments made by your staff and we would like to ask that this application be approved subject to whatever conditions that may be imposed--Water Department regulations as well as Health Department requirements. We would like to tie-in directly to the County's sewage treatment plant, which capacity is .50 MGD and they plan to expand to 1.50 MGD and increase to be accomplished by 1978. We have talked to the Blackfield people and it seems they have no plans to build within the next three years, so we are hoping that they would release their commitment to us for the 74 units. If that is not possible, we are contemplating a sewage holding tank so that during the peak hours sewage generated from this development would be retained by the holding tank, and during the wee hours of the morning the raw sewage would be pumped into the present plant. The third alternative is to get a variance from the Department of Health to put in cesspools, until such time the County's sewage plant expansion is reached.

MR. DOI: What are the plans for construction?

MR. SHIRAISHI: Kauai Builders is prepared to start next month.

MR. KAGEYAMA: Are Mel Ventura and the Greenwich Group the legal owners now?

MR. SHIRAISHI: I believe they are. The latest document I saw was a year ago when Mrs. Achor was the owner, but since that time I think there was an agreement between Mrs. Achor and Mr. Ventura.

DIRECTOR: When is the anticipated completion period?

MR. SHIRAISHI: It would take about 10-12 months.

No one spoke against the application and there were no letters of protest as of this date.

The Chairman closed the public hearings at 3:00 p.m.

Respectfully submitted,

/s/ Brian Nishimoto

BRIAN NISHIMOTO  
Secretary to the Commission

my



KAUAI PLANNING COMMISSION  
LIHUE, KAUAI

STAFF REPORT

TO: Planning Commission

RE: Use Permit U-16-75  
Class IV Zoning Permit Z-IV-75-25  
Special Permit SP-75-3

APPLICANT: Kahili Mountain Park, Inc.

FINDINGS:

The subject property is located in the vicinity of Knudsen Gap, mauka of Kaumualii Highway, and is accessed by a dirt road approximately 1600 feet West of the junction of Maluhia (Tree Tunnel) Road and Kaumualii Highway. It is further identified as Tax Map Key: 2-7-01:1 (por.) and contains an area of approximately 215 acres.

Under provisions of Ordinance No. 164 (CZO), as amended, the applicant is seeking a Use Permit and a Class IV Zoning Permit to substantially expand the present Kahili Mountain Park facilities. The Use Permit is necessary as the subject property is zoned "Open District" and proposed use may only be permitted under Section 3.063 (C.) of the CZO. The Class IV Zoning Permit is required because the application requires a Use Permit and is so specified in Section 3.057 (D.) of the CZO. The State Land Use Commission Special Permit is required because the recreational park site is within the State Agriculture District and, under Section 2.72 (F) of the State Land Use Regulations, overnight camps are not an outright permitted use. Under those regulations, an applicant wishing to make a non-agricultural use of land must first petition the County Planning Commission for a Special Permit.

Kahili Mountain Park, Inc., holds a 50-year lease on the subject property, which is owned by the Knudsen Trusts. In September of 1967, the applicant petitioned for a Special Permit, which was approved by the then Planning & Traffic Commission subsequent to public hearing, on October 23, 1967. The State Land Use Commission approved the Special Permit on December 15, 1967, subject to several protective conditions.

Currently, Kahili Mountain Park contains 15 permanent tent structures, 7 cabins, shower and toilet facilities, a utility building, tennis court, supervisor's residence, generator shack, a central lodge building, a covered furo, garage, stables and the manager's residence. Through this permit procedure, the applicant is seeking to construct 20 new two-bedroom, one bath cabin units with kitchenettes, and a recreation building.

EVALUATION:

The proposed cabins will be located in a dispersed pattern throughout the site, "with individual sites located according to the natural topography or existing tree and sight lines." The applicant further states that, "...it is our intention to build approximately 10 units now.... The plans submitted would cover our unit building plans for the next 5 to 10 years. Upon completion of the 20 units shown, the project density would be approximately 5 acres per unit. We plan a recreation building as a plant addition which is not shown on these plans. We do show a gate cabin which would be for an employee but this unit would be built only if absolutely necessary."

Staff notes that the proposed use is basically an expansion of the existing one, which has appeared compatible with the surrounding agricultural uses. It is set well back from Kaumualii Highway, which is designated a scenic route and access is purposefully kept unimproved to retain the site's rustic character.

Public agencies and utilities made the following comments:

PUBLIC WORKS DEPT. - Access to the Kahili Mountain Park is through a dirt road.

The Kahili Stream flows through the subject property and the proposed developmental units may be exposed to the 100-year flood hazards from this stream. The County does not have any flood evaluation or studies on this area. It is suggested that flood precautions as prescribed by the CZO be provided prior to granting a use permit.

There are no public sewage facilities in the subject area.

WATER DEPARTMENT - We do not have any comments as the Department does not have any system serving this area.

The water system contained within the Kahili Mountain Park area is privately-owned and operated; and quantity, quality, etc., are the sole responsibility of the owner with quality control monitored by the Department of Health.

STATE HEALTH DEPARTMENT - The park's management is presently in the process of making improvements to their drinking water supply. No additional development should be allowed until said improvements are made.

Building plans subject to review at time of permit application.

FIRE DEPARTMENT - No objections to the addition of more buildings of this type in this area. I recommend a faucet and a length of garden hose be provided outside each unit for fire protection.

KAUAI ELECTRIC CO. - Power is available in accordance with our line extension policy (Rule 13).

By Gregory A. Kamm  
Gregory A. Kamm  
Planner

7/7/75

RE: Use Permit U-16-75  
Class IV Zoning Permit Z-IV-75-25  
Special Permit SP-75-3

APPLICANT: Kahili Mountain Park, Inc.

CONCLUSION:

Based on the foregoing findings and evaluation, it is concluded that the proposed 20 cabin and recreation building and possible gate cabin would complement the existing facilities. Utilizing the State Land Use Commission's criteria for determining if a Special Permit is appropriate, staff notes the use would not adversely affect surrounding property, would not unreasonably burden the public facilities, and will not substantially alter or change the essential character of the land and the present use.

RECOMMENDATION:

Based on the foregoing findings, evaluation and conclusion, it is hereby recommended that Use Permit U-16-75 and Class IV Zoning Permit Z-IV-75-25 be approved, subject to the following conditions:

- 1) Each new unit be provided with an outside faucet and length of garden hose as a minimum fire protection measure.
- 2) The applicant complete improvements to the Park's drinking water supply to the satisfaction of the State Health Department, prior to commencing development of any further units.
- 4) Prior to and during development and use, all applicable State and County laws, codes, ordinances, rules and regulations be complied with.

It is further recommended that no sooner than 15 days after this hearing, the Planning Commission act to recommend approval of Special Permit application SP-75-3, subject to all of the foregoing conditions of zoning and use permit approval and forward said recommendation to the State Land Use Commission for its consideration.

- 3) Prior to issuance of the building permit, the applicant shall satisfy the County Department of Public Works that the new dwellings will not be subject to flooding by the theoretical 100-year flood.

  
Gregory A. Kamm, Planner V

Approved & Recommended to Commission:

  
Brian Nishimoto, Planning Director

B-1

5/13/72

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
LILUO, KAUAI

SPECIAL PERMIT APPLICATION (X)  
ZONING PERMIT APPLICATION (X)  
USE PERMIT APPLICATION (X)  
VARIANCE APPLICATION ( )

APPLICANT Kahili Mountain Park Inc.

ADDRESS P.O. Box 298  
Kolaa, Kauai HI 96756

PHONE NO. 742-9757 TAX MAP KEY 2-7-01 LOT NO. Por. of lot 49 LOT AREA 215 acres  
Por. Par. 1

ZONING DISTRICT C/K open EXISTING LAND USE campground  
State Land use ag.

APPLICANT IS: (check one)

- A. Owner of property
- B. Lessee of property XX \*Number of Years Leased 50 From 1966 To 2000+
- C. Authorized agent

NOTE: \*Lessee must have an unexpired and recorded lease of five (5) years or more from date of filing this application.

DESCRIPTION OF PROPOSED USE, IMPROVEMENT, ALTERATION AND/OR CONSTRUCTION: (specify exact use, number of units, etc.) Proposed use is the continued camping and cut door recreation. Improvement, alteration and/or construction details are shown in the attached master plan and building plans.

FOR VARIANCE OR USE PERMITS ONLY

CONDITIONS JUSTIFYING VARIANCE OR USE PERMIT APPLICATION: (use additional sheets as required)  
Please see attached letter of explanation.

For Planning Department Use Only  
U-16-75  
Application No. SP-75-3  
Zoning Permit Class IV Z-IV-75-25  
Date Received June 12 1975  
Date Approved By  
Date Rejected By  
Date Deferred By  
Reason

Permit Fee \$150.00  
Received by laf  
Date 6/12/75

Signature Eric L. Knudson  
(Owner/Applicant)  
Eric L. Knudson  
Manager, Kahili Mountain Park Inc.

COPY OF ORIGINAL

KAHILI MOUNTAIN PARK, INC.

KOLOA, KAUAI

May 17, 1975

Planning Dept.  
County Building  
Lihue, Kauai 96766

Gentlemen,

I have been requested to send you this letter explaining the building plans which were recently submitted for your approval.

The proposed units are all two room, redwood construction, and sparsely furnished. They will be scattered randomly in the project area with individual sites located according to the natural topography or existing tree and sight lines. This proposed expansion is as originally presented in our petition of January 10, 1966, approved February 2, 1966, and described in a newspaper article February 2, 1966. There was a subsequent review of our project by the Land Use Commission and we have followed the guidelines established in the staff report dated November 27, 1967.

Deviations from our original plans have been minor and consist of the following (together with our reasons for these changes): the golf driving range was not put in as we were fearful someone may be hit by a ball, we operated a restaurant with beer available but found that we could not generate enough business from our guests and to advertize for community patronage was contrary to our permit, we eliminated swings, teeter/totters, horseshoes, and archery because of liability consideration. Horseback riding is in tremendous demand by both our guests and the community- so these facilities have been expanded.

Our major change in concept was the "cluster". We originally planned for and had permission for random clusters of approximately 16 units each. Upon construction, we found that the Board of Health requires a campsite to be within 200' of a bathroom. (This requirement is for private campgrounds-not applicable to State or County campgrounds.) As a consequence it became necessary to place our units fairly close to each other and we were unable to take full advantage of the natural terrain. This area is very convoluted and broken up by streams and we do not have much flat land. This led us to building individual, self-contained, units that we could place anywhere. The type of people who come to a campground like ours enjoy the open space and do not wish to be close to other campers. These self-contained units are an average 150' apart and are full almost all year. We were only able to build eight units in addition to our original cluster of 15 units - we exhausted our funds. We have modified our original tents to be similar to those found at Yellowstone and the Jackson Hole Parks. We maintained the tent motif but have replaced the canvas walls and sheathed the conical roof primarily to cool the units and allow campers to control air circulation.

At this time we wish to proceed with construction to broaden our earning base. We tend to be very seasonal as camping families vacation during school recesses and we turn away considerable business during these vacation periods. Our costs of doing business have skyrocketed. You are familiar with energy costs, but you may not know that our property taxes since 1966 have risen from \$47.00 to over \$7,000.00 annually. The tax department does not assess this land as agricultural (we are currently appealing this assessment).

We generate our own customers primarily by referral - we do not advertise and do not compete with the hotels or the State/County parks system for guests. We do considerable business within the Kauai community where our location and physical plant layout is particularly suitable for youth groups, church, and school activities.

We did not raise our rates for seven years as the increased volume of business generated additional income to cover increasing costs. As we now operate close to full capacity, we cannot appreciably increase our income unless we raise our prices or unless we have more units available. Therefore, we wish to continue with our original plans for the development of this area and not increase our daily rates.

It is our intention to build approximately 10 units now. These would be very decentralized and scattered as shown on the plans. Our present unit density is 9.3 acres per unit and the additional density would result in approximately 6.5 acres per unit.

The plans submitted would cover our unit building plans for the next 5-10 years. Upon the completion of the 20 units shown, the project density would be approximately 5 acres per unit.

We plan a recreation building as a plant addition which is not shown on these plans. We do show a gate cabin which would be for an employee but this unit would be built only if absolutely necessary.

I hope to have presented an outline to you of our plans and should additional detail be necessary on any particular phase please let me know.

Very truly yours,

/s/ Eric L. Knudsen

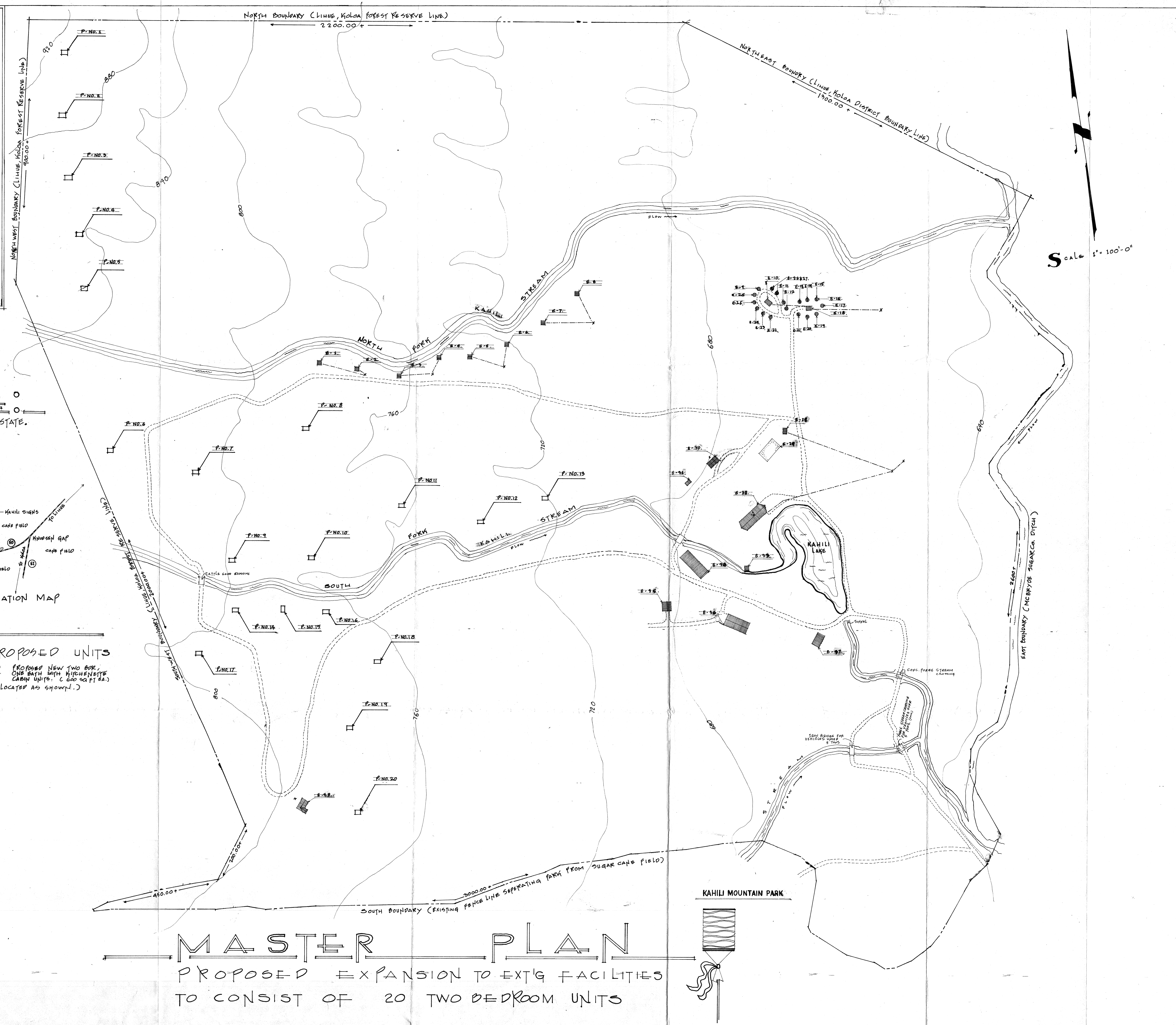
ERIC L. KNUDSEN  
Manager



5P75-214







LOT 49

MAUI MOUNTAIN PARK

MAUI SIGNS

CANE FIELD

NORFOLK FIELDS

CANE FIELD

CANE FIELD

CANE FIELD

CANE FIELD

HINOSSEN GAP

TO MAUI

50

R. MAUI

TO

LOCATION MAP

ROAD

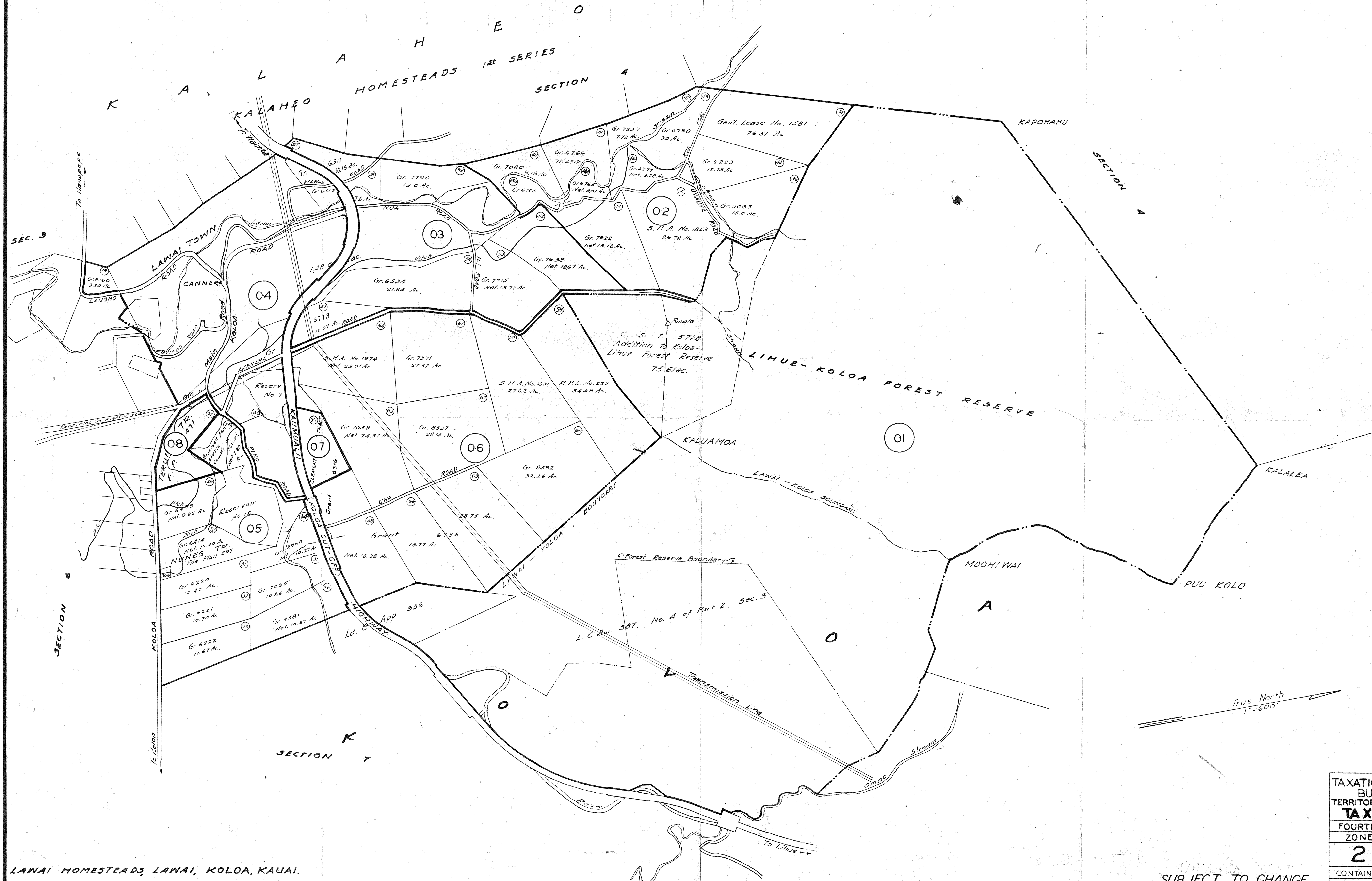
EXT'G SEWER LINE.

X = CESSPOD EXT'G

STREAM

MASTER PLAN  
PROPOSED EXPANSION TO EXT'G FACILITIES  
TO CONSIST OF 20 TWO BEDROOM UNITS





LAWAI HOMESTEADS, LAWAI, KOLOA, KAUAI.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU TERRITORY OF HAWAII <b>TAX MAP</b>	
FOURTH DIVISION	
ZONE	SEC.
<b>2</b>	<b>5</b>
CONTAINING PLATS	
SCALE: 1 in. = 600 FT.	

PRINTED OCT. 31 1967