

STANLEY TABA & SACHIKO K. TABA

A65-86

(A65-85)

SEE ANCHOR FOLDER

for MAPS

CONCERNING THIS

PETITION

, October 4, 1965

Mr. Edward Stanwood
P. O. Box 282
Lihue, Kauai, Hawaii

Dear Mr. Stanwood:

Requests for boundary changes by the following petitioners
were approved by the Land Use Commission at its meeting on
October 1, 1965:

Arthur & Doris Achor (A65-85)

DK 4-2-06: 31 and 25 - Reclassified from Agricultural
to Rural District

Stanley S. & Sachiko K. Tabu (A65-86)

DK 4-2-06: 1 - Reclassified from Agricultural to
Rural District

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Mr. & Mrs. Achor
Mr. & Mrs. Tabu
Director, Plan. & Traff. Comm., Kauai
Department of Taxation
Dept. of Land & Natural Resources

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Taba A65-86
DATE 10-1-65
PLACE Cty Bldg Rm Lihue, Kauai
TIME _____

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	✓			
INABA, G.	✓			
OTA, C.	✓			
WENKAM, R.				✓
BURNS, C.E.S.	✓			
<i>M</i> NISHIMURA, S.	✓			
MARK, S.				✓
<i>S</i> FERRY, J.	✓			
THOMPSON, M.	✓			

COMMENTS:

Chong E. rural

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Board Room - Lihue, Kauai

October 1, 1965 - 2:20 P.M.

Commissioners
Present:

Myron B. Thompson, Chairman
C.E.S. Burns
Jim Ferry
Charles Ota
Goro Inaba
Leslie Wung
Shiro Nishimura

Absent:

Shelley Mark
Robert G. Wenkam

Staff Present:

George Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson called the meeting to order, followed by a short prayer.

SPECIAL PERMIT APPLICATION BY COMMUNICATIONS SATELLITE (SP65-18) TO CONSTRUCT
AND OPERATE A COMMUNICATION SATELLITE EARTH STATION AND RELATED FACILITIES WITHIN
AN AGRICULTURAL DISTRICT, TMK 5-9-06: 5

Mr. George Moriguchi presented the staff report and the Findings of Fact transmitted by the City and County Zoning Board of Appeals, in which it was recommended that a special permit be issued to the Communications Satellite Corporation to operate and construct a communication satellite earth station, because the request was for an unusual and reasonable use within the area, it would promote the effectiveness and objectives of the State Land Use Law, and the proposed use will not alter the essential character of the surrounding area.

Commissioner Ota expressed concern over the possible construction of additional facilities and accessories in the future, and the danger of developing a small community within a so-called prime agricultural area.

Mr. Moriguchi stated that according to the data submitted by the petitioner, the request was specifically for construction of antenna and related facilities and did not include houses and accessories.

Mr. Thomas P. Goodbody, attorney for the petitioner, reassured the Commissioners that the Communications Satellite Corporation was directed by an Act of Congress to proceed forth with this project specifically, and that there was no request for apartments or housing construction. For this reason, the land use will be restricted for this purpose only.

Commissioner Wung moved to approve the petition as recommended by staff, which was seconded by Commissioner Nishimura. The motion was carried with Commissioner Ota casting the only dissenting vote.

PETITION OF AMITY DEVELOPERS (A65-88) TO AMEND THE URBAN DISTRICT BOUNDARY AT KALANI-IKI, OAHU, SO AS TO INCORPORATE ABOUT 20.221 ACRES IDENTIFIABLE BY TAX MAP KEY 3-5-24: 9

Mr. George Moriguchi presented the memorandum prepared by staff on the above petition, in which it was recommended that the Land Use Commission rule that the project be permitted to proceed as a non-conforming use, based upon the following facts:

1. On December 19, 1963, the project was granted tentative approval by the City Planning Director. Temporary district boundaries were in effect at that time and lands of the subject parcel were within the Urban District.
2. On September 28, 1964, the Building Department issued a building permit for the construction of 6 units at the subject project.
3. On November 12, 1964, the City Planning Department granted tentative approval on a revised plan.
4. On February 8, 1965, a grading permit was issued.
5. On July 13, 1965, the Department of Land and Natural Resources approved construction of 21 of the 95 units of the project.
6. On July 19, 1965, the developers were issued a building permit for the construction of 14 units on the project.

Mr. Moriguchi read a letter submitted by Mr. H. William Burgess, attorney for the petitioner, in which he requested that the Land Use Commission make a determination that the subject petition qualifies under the "non-conforming" clause as defined in Part II, State Land Use District Regulations, Sub-part A, Section 2.19. (See copy of letter on file). Each Commissioner was handed a copy of the letter.

The steep lands recommended for non-use in the staff report were pointed out on the map by Mr. Moriguchi. He verified the fact that these lands were requested for development in the plans submitted to the Planning Department of the City and County.

It was also established that the interim urban boundaries which were in effect at that time included the subject lands; however, when the final boundaries were established, the urban line was changed to its present location. The City and County Planning Department recommended approval of the petition except for two steep portions.

Chairman Thompson stated that the petitioners were requesting a ruling on the total area based upon the preliminary approval.

Commissioner Ota commented that if the Commission ruled that the petition qualified under the "grandfather clause", we would be running away from the issue of non-use of the steep lands as recommended by the City Planning Department, unless we modified the boundary.

Commissioner Ferry felt that due to the sequence of events, the staff's recommendation to rule on the "grandfather clause" was entirely proper, and that the Commission did not have the jurisdiction to consider a boundary change at this time.

Upon Chairman Thompson's invitation, Mr. William Burgess, attorney for the petitioner, requested that Mr. Lee, who was the Planning Director of the City Planning Department at the time the project was first submitted to the Planning Department, be allowed to testify on behalf of the petitioners.

In reply to Mr. Takeyama's question as to whether approval was granted for the subdivision or for the use, Mr. Lee replied as follows: "In this case, on April 23, 1965, the State Land Use Commission had adopted an interim boundary within which this subdivision fits. We felt that in granting a tentative approval of the subdivision, we were complying with the State Land Use Commission's tentative boundary. That takes care of the State Land Use Commission. Specifically, for my part as Planning Director on the City and County level, we were granting a subdivision as such and the subdivision was a division of lands of one larger parcel, 3 smaller parcels--one parcel to remain with the Bishop Estate, one parcel to go to Amity and, within that one parcel, another parcel which was supposed to be for roads. Later, the sequence of events was such that they decided the road parcel should be eliminated and that they wished to retain ownership to increase the privacy of the area. At that time, they came back to me and asked that the road be deleted. The only method of deleting that was to resubmit new maps which would indicate subdivision of the two lots rather than subdivision of three lots."

Mr. Lee continued that in December of 1961, the City Planning Commission, by Resolution #406, zoned this area class A-1 residential area. Upon that the State Land Use Commission had super-imposed another requirement.

Commissioner Ferry wondered whether Mr. Lee had also given approval to the physical development of the subdivided 20-acre parcel. Mr. Lee replied that approval was given to the subdivision of three separate parcels for which a plan was submitted, provided they complied with certain requirements of the city agencies. Insofar as the condominium subdivision was concerned, Mr. Lee stated that there was no clear-cut ruling. The developers were required to check with the fire and police departments for adequate protection, and with the City Engineer for garbage service.

Commissioner Ferry commented that the Planning Commission now had some reservations about the development of the higher slopy areas, and wondered about the developers' plans in this connection. Mr. Lee advised that approval had been given by his department for the subdivision, but that this matter had never gone before the Planning Commission because it was out of their jurisdiction. The only way this could take place was to petition the Land Use Commission for boundary change, who in turn would seek the Planning Commission's recommendation.

Commissioner Ferry raised the question of whether Mr. Lee's approval, at the time he was the City Planning Director, would super-impose the decision of the present director. Mr. Lee advised that when he gave tentative approval to the developers' plans, he was acting as an agent of the City and County of Honolulu, and that his decision would have legal status and would hold.

In response to Commissioner Ferry's query as to whether the developers would carry out the recommendations of the Planning Commission, Mr. Tharp of Amity Developers stated that they had originally requested approval for 126 units but following their topographical survey, they had cut this request down to 95, and that additional units will be removed from the area. Mr. Tharp said that they were interested in developing a plan that would be a credit to the community.

Chairman Thompson asked for additional testimony and clarification from Mr. Roy Takeyama, legal counsel. Mr. Takeyama made the following statement: "Staff's recommendation is based upon the fact that approval was granted by the Planning Director. I am in agreement with the staff-however, I am not in agreement as to the basis upon which petitioner has submitted it. In other words, petitioner is arguing that it falls within Rule 2.19B. I cannot read 2.19B as a provision upon which the petitioner can fall within a non-conforming use. This is a parcel which involves subdivision plans. However, I think Rule 2.18A regarding lawful use of land--lawful use being based mainly upon the fact that the petitioner has gotten the approval of the planning director, satisfying their mandates, and the substantial amounts of time and money spent, give him the vested right to continue. On those bases and facts presented, I am of the opinion that staff recommendation is in order."

Chairman Thompson directed that Mr. Takeyama's testimony be included in the records.

Commissioner Wung moved to accept the staff recommendation, which was seconded by Commissioner Burns. The motion was passed unanimously.

APPLICATION BY AMADOR DEL CASTILLO FOR A SPECIAL PERMIT (SP65-7) TO CONSTRUCT AN "ADULT CARE HOME" ON 1.53 ACRES OF LAND DESCRIBED BY SECOND DIVISION TMK 2-7-25: 4

Staff memorandum was read by Mr. Moriguchi (see copy on file) in which denial of special permit was recommended, based on the guidelines as set up and mandated for evaluation of special permits. Action on this request had been deferred at the August 20, 1965 meeting, pending receipt of recommendations from the Department of Health and Department of Social Services. Subsequently, these letters had been received and Mr. Moriguchi presented them to the Commissioners. Their recommendations were for approval of the special permit due to the need for such a facility in the community.

Replying to Commissioner Ferry's remark that the staff sought recommendation from the Department of Social Services and the Department of Health, yet maintained its original recommendation for denial, Mr. Moriguchi advised that these recommendations were sought at the request of the Commissioners and not by the staff.

Commissioner Ferry observed, with dismay, that many of the mainland cities have located their convalescent and nursing homes in noisy urban areas which did nothing to contribute to the patient's comfort or well-being. Fortunately, here

in Hawaii, the Land Use Commission could allow for this type of facility to be located away from an intensely developed urban area.

Mr. Moriguchi advised that there were minimum care requirement standards set up by the Department of Social Services for nursing homes.

Chairman Thompson brought out the fact that the Department of Health had jurisdiction over granting of licenses for these homes and therefore will be supervising all such facilities. It was also pointed out that no objections had been raised by property owners in the vicinity.

Commissioner Ota added that there was a definite need on Maui for a facility such as the one Mr. del Castillo was proposing. The present trend was to get away from pensioner's home and camp facilities, especially since many of the plantations were closing down. Mr. del Castillo's nursing home would serve retired plantation workers of Filipino extraction, primarily.

Chairman Thompson commented on the great need for special homes for mentally ill and retarded persons. He was of the opinion that these homes would be better served near urban facilities. In 1965 a housing act was passed and one of the provisions was that landowners charge reasonable fees, and that the federal government would supplement the difference.

Due to changing times and the severing of old ties, there will be a greater need for special care homes for the aged.

Commissioner Inaba moved, seconded by Commissioner Ota, to grant the special permit because the request was reasonable and unusual. The motion was carried unanimously.

PETITIONS OF ARTHUR AND DORIS ACHOR (A65-85) AND STANLEY & SACHIKO TABA (A65-86)
TO RECLASSIFY 5.6 ACRES AND 12.8 ACRES IN AN AGRICULTURAL AREA INTO A RURAL
DISTRICT

Chairman Thompson wondered if the two petitions could be discussed together since they were adjoining properties. Mr. Takeyama, legal counsel, advised that this was permissible but that action on the petitions would have to be voted upon separately.

Staff reports were presented by Mr. Moriguchi in which denial of both petitions was recommended on the following bases:

Achor - A65-85 - Mr. Achor and his former wife are merely asking to have the land subdivided for convenience in selling the lots. The area is agricultural in nature as evidenced by dedication of approximately 1,300 acres for agricultural purposes.

Taba - A65-86 - Petitioner contemplated use of portions of the land for commercial purposes. The area is agricultural in nature as evidenced by dedication of approximately 1,300 acres for agricultural purposes.

Mr. Moriguchi also read affidavits filed by Mrs. Bonnie Dunford and John D. Teixeira supporting approval of the above two petitions on the basis of the need and great demand for rural lands.

Mr. Moriguchi explained that Mr. Taba's plans for the 12.7 acres included subdividing the land into half-acre lots, plus a garden-type tourist attraction for which a fee would be charged. Commissioner Ota felt that this was a permitted use in an agricultural area--that it was no difference, for example, from a golf course. Commissioner Ferry wondered whether a special permit would be required by the petitioner for a fee garden-type operation, even if the Commission zoned the area as a Rural District. Chairman Thompson directed Mr. Takeyama to look into this matter and advise the Commission.

Commissioner Nishimura expressed his feeling that since the petitions involved small parcels of land contiguous to urban areas, the Commission should grant the petitioners' requests.

Commissioner Burns wondered if any objections to the petitioners' requests had been voiced by landowners in the vicinity, to which Commissioner Nishimura replied in the negative.

Mr. Takeyama reported on the matter of the special permit in connection with Mr. Taba's petition. According to the petitioner's plans, a fee garden was contemplated only after subdivision of the property, and Mr. Takeyama's opinion was that this was no different from the growing of crops for sale, which was a permitted use.

Commissioner Nishimura added that the Kauai Chamber of Commerce had on file 250 letter requests regarding availability of lands for retirement or second homes.

Commissioner Ota commented that if the petitioners were granted the rural classification, this might serve as a logical buffer from urban to rural to agriculture since lands along the main road across the subject parcels were in urban and the mauka area was in rural.

Commissioner Ota moved that A65-85, Arthur and Doris Achor, be reclassified from an Agricultural to a Rural District, since the subject parcel was not an economic unit for agricultural pursuit and abutted a Rural District. Commissioner Inaba seconded the motion. The Commissioners were polled as follows:

Aye: Commissioners Inaba, Ota, Burns, Ferry, Chairman Thompson.

No: Commissioner Wung

The motion was carried.

Commissioner Nishimura moved to approve A65-86, Stanley and Sachiko Taba, for change of boundary to a Rural District since it abutted the urban area and was rural in nature, seconded by Commissioner Ferry. The motion was carried unanimously.

REQUEST BY JOSEPH PARK

Mr. George Moriguchi read a letter written by Mr. Joseph Park, requesting reevaluation of District Boundary from urban to agricultural. Staff memorandum (see copy on file) recommended that Mr. Park's request be considered favorably since staff felt that classification of the subject parcel from agricultural to urban was the result of an oversight and should have properly been classified as agricultural.

Mr. Park agreed with the staff's recommendation and presented several documents and letters supporting his claim that his parcel was inadvertently zoned urban (see letters on file).

In response to Mr. Moriguchi's question, Mr. Park stated that the classified lease use for his property was strictly agricultural. Mr. Park only became aware of the discrepancy when he went to dedicate his land at the tax office, at which time he was informed that only his parcel in the area had been designated urban.

Commissioner Wung moved to accept the staff recommendation, seconded by Commissioner Nishimura. The motion was passed unanimously.

ADOPTION OF MINUTES

The following minutes of the previous meetings were approved as circulated:

July 23, 1965
July 27, 1965
August 2, 1965

A short recess was called by Chairman Thompson. Meeting was resumed at 4:30 p.m.

DETERMINATION OF LANAI CITY BOUNDARY LINE

Mr. Moriguchi advised the Commission that a request had been received from Mr. Robert Ohata, Planning Director of Maui Planning & Traffic Commission, for a delineation or interpretation of the Urban Boundary around Lanai City since they were ready to begin on a general plan for Lanai. Mr. Moriguchi indicated that the red boundary line was somewhat non-conforming and recommended that the green boundary line be established as the urban area.

Commissioner Ferry wondered if the green line could be construed as the finer delineation and the accurate urban boundary line. Mr. Takeyama advised that if the ambiguity was the result of a drafting error, the Commission could make a ruling on it. After some discussion, it was the consensus of the Commissioners present that an obvious error had been made by the staff.

Commissioner Ferry moved that the green line, as recommended by staff, be adopted as the urban boundary for Lanai City, seconded by Commissioner Inaba. Motion was carried unanimously. Commissioner Ota commented that any future similar discrepancies should be brought to the attention of the Commission.

Meeting was adjourned at 4:45 p.m.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

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Jim Ferry
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Chairman Thompson directed that Mr. Takeyama's testimony be included in the records.

Commissioner Wung moved to accept the staff recommendation, which was seconded by Commissioner Burns. The motion was passed unanimously.

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in Hawaii, the Land Use Commission could allow for this type of facility to be located away from an intensely developed urban area.

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Due to changing times and the severing of old ties, there will be a greater need for special care homes for the aged.

Commissioner Inaba moved, seconded by Commissioner Ota, to grant the special permit because the request was reasonable and unusual. The motion was carried unanimously.

✓
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Aye: Commissioners Inaba, Ota, Burns, Ferry, ^{Nishimura} Chairman Thompson.

No: Commissioner Wung

The motion was carried.

Commissioner Nishimura moved to approve A65-86, Stanley and Sachiko Taba, for change of boundary to a Rural District since it abutted the urban area and was rural in nature, seconded by Commissioner Ferry. The motion was carried unanimously.

REQUEST BY JOSEPH PARK

Mr. George Moriguchi read a letter written by Mr. Joseph Park, requesting reevaluation of District Boundary from urban to agricultural. Staff memorandum (see copy on file) recommended that Mr. Park's request be considered favorably since staff felt that classification of the subject parcel from agricultural to urban was the result of an oversight and should have properly been classified as agricultural.

Mr. Park agreed with the staff's recommendation and presented several documents and letters supporting his claim that his parcel was inadvertently zoned urban (see letters on file).

In response to Mr. Moriguchi's question, Mr. Park stated that the classified lease use for his property was strictly agricultural. Mr. Park only became aware of the discrepancy when he went to dedicate his land at the tax office, at which time he was informed that only his parcel in the area had been designated urban.

Commissioner Wung moved to accept the staff recommendation, seconded by Commissioner Nishimura. The motion was passed unanimously.

ADOPTION OF MINUTES

The following minutes of the previous meetings were approved as circulated:

July 23, 1965
July 27, 1965
August 2, 1965

A short recess was called by Chairman Thompson. Meeting was resumed at 4:30 p.m.

DETERMINATION OF LANAI CITY BOUNDARY LINE

Mr. Moriguchi advised the Commission that a request had been received from Mr. Robert Ohata, Planning Director of Maui Planning & Traffic Commission, for a delineation or interpretation of the Urban Boundary around Lanai City since they were ready to begin on a general plan for Lanai. Mr. Moriguchi indicated that the red boundary line was somewhat non-conforming and recommended that the green boundary line be established as the urban area.

Commissioner Ferry wondered if the green line could be construed as the finer delineation and the accurate urban boundary line. Mr. Takeyama advised that if the ambiguity was the result of a drafting error, the Commission could make a ruling on it. After some discussion, it was the consensus of the Commissioners present that an obvious error had been made by the staff.

Commissioner Ferry moved that the green line, as recommended by staff, be adopted as the urban boundary for Lanai City, seconded by Commissioner Inaba. Motion was carried unanimously. Commissioner Ota commented that any future similar discrepancies should be brought to the attention of the Commission.

Meeting was adjourned at 4:45 p.m.

STATE OF HAWAII
LAND USE COMMISSION

October 1, 1965
Lihue, Kauai

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: Petitions for Boundary Change by: Arthur & Doris Achor (A65-85)
Stanley & Sachiko Taba (A65-86)

1. Arthur & Doris Achor (A65-85)

On July 23, 1965 a public hearing was held by the Land Use Commission on the subject petition. During the hearing, the staff recommended denial of the petition which requested that 5.6 acres presently classified as "Agricultural" be re-classified to "Rural" at Wailua, Kauai.

Subsequent to the hearing, affidavits have been submitted by Bonnie Dunford and John D. Texeira, a licensed real estate salesman and a licensed real estate broker respectively (affidavits on file).

Based on the staff's original report and further based on the testimony presented by Arthur Achor during the hearing that he and his former wife are merely asking to have the land subdivided into two lots for their own convenience in selling the lots, and further based on the fact that the area is agricultural in nature as substantiated by dedication of approximately 1,300 acres in the area for agricultural purposes, the staff maintains its recommendation for denial of the petition.

2. Stanley & Sachiko Taba (A65-86)

A public hearing was held by the Land Use Commission on July 23, 1965 on the subject petition which requested that 12.8 acres presently classified as "Agricultural" be re-classified to "Rural" at Wailua, Kauai. At that time, the staff recommended denial of the petition.

Subsequent to the hearing, affidavits have been submitted by Stanley Taba, Bonnie Dunford and John D. Texeira, being the land owner, a licensed real estate salesman and a licensed real estate broker respectively (affidavits on file).

Based on the staff's original report and further based on the fact that the area is agricultural in nature as substantiated by dedication of approximately 1,300 acres in the area for agricultural purposes, and further based on the landowner's affidavit that he contemplates use of portions of the land for commercial purposes, the staff submits that there is no reason to alter its original recommendation for denial of the petition.

Dedicated Lands 44 Parcels

(vicinity Achor & Taba)

Dedicated Lands - Waialeale Kauai area

<u>TMK</u>	<u>Ded. Use</u>	<u>Exist. Use</u>	<u>TMK</u>	<u>Ded. Use</u>	<u>Exist. Use</u>
✓ 4-4-03-02	Grazing	Grazing	✓ 4-4-2-20	Pasture	Pine
✓ 05	"	"	✓ 48	Banana	Pasture
✓ 4-4-08-01	"	"	✓ 4-4-2-50	Grazing	Grazing
✓ 07	"	"	✓ 4-2-2-09	Pine / Trude	Pine
✓ 4-4-03-14	"	"	✓ 4-4-2-39	Grazing	Grazing
✓ 16	"	"	✓ 4-4-3-09	Pine	Pine
✓ 19	"	Pine	✓ 10	"	"
✓ 4-2-2-113	"	Grazing	✓ 4-2-3-13	Pasture	Pasture
✓ 4-2-3-14	"	"	✓ 18	Pine / Pasture	Pine / Pasture
✓ 15	"	"	✓ 4-4-2-23	Pine	Pine
✓ 4-4-4-07	Ranching	Ranching	✓ 4-2-2-27	Pasture	Pasture
✓ 10	"	"	✓ 4-4-6-7	"	"
✓ 23	"	"	✓ 4-4-6-5	"	"
✓ 4-4-2-20	Grazing	Grazing Orchard Garden			
✓ 4-2-2-18	"	Grazing			
✓ 4-4-2-16	"	"			
✓ 4-4-4-2	"	"			
✓ 28	"	"			
✓ 4-4-3-8	"	Piggery Pine			
✓ 4-4-4-8	"	Grazing			
✓ 4-4-3-27	"	"			
✓ 4-4-2-12	"	"			
✓ 13	"	"			
✓ 15	"	"			
✓ 4-2-2-36	"	"			
✓ 58	"	"			
✓ 59	"	"			
✓ 4-4-8-2	"	"			
✓ 4-4-9-16	"	"			
✓ 4-4-3-11	"	"			
✓ 4-4-2-14	"	"			

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lihue Police Station

10:00 A.M. - July 23, 1965

Commissioners
Present:

Charles S. Ota, Chairman Pro Tempore
Robert G. Wenkam
Leslie E. L. Wung
Goro Inaba
Charles Ota
Shiro Nishimura

Absent:

Myron B. Thompson
Shelley Mark
James P. Ferry
C.E.S. Burns

Staff Present

George S. Moriguchi, Executive Officer
Raymond S. Yamashita
Gordon Soh, Associate Planner
Ah Sung Leong, Draftsman
Roy Takeyama, Legal Counsel
Dora Horikawa, Stenographer

The public hearing was called to order by Acting Chairman Ota. Following the introduction of the Commissioners and staff members, persons presenting testimonies during this hearing were duly sworn in. Mr. Yamashita outlined the procedures to be followed:

PETITION OF DORIS AND ARTHUR ACHOR (A65-85) FOR BOUNDARY CHANGE TO RECLASSIFY 5.6 ACRES FROM AN AGRICULTURAL TO A RURAL DISTRICT: Described by Fourth Division TMK 4-2-06: 31 and 25.

Mr. Gordon Soh read the staff report on the above petition (see report on file) in which denial of the petition was recommended because the area was appropriately districted, the petitioners failed to submit proof that the land was required for the use being petitioned, it would contribute toward scattered development, and mixed uses would undermine tax assessment procedures based on general land use divisions.

Mr. Edward Stanwood, attorney for the petitioners, spoke up in behalf of the petitioners. He stated that he had not had sufficient time to prepare a statement, having received the staff report only the day before, but felt that some of the interpretations and statements in the report were subject to rebuttal. He made reference to the statement that scattered developments would result and said that this was not the case in this instance because the subject parcel was immediately adjacent to rural and urban areas and that it was a logical expansion of the existing rural district. Also, for this reason, the statement that mixed uses would affect the tax structure did not hold true. Mr. Stanwood said it was his feeling that the intent of the law enacted by the Legislature was

to further economic development.

Commissioner Nishimura wondered why the staff report had not been mailed in earlier to the petitioner. Chairman Ota explained that there had been a staff changeover and the reason for the delay. Mr. Yamashita added that while there was no obligation on the part of the Commission to make the staff report available to the petitioner, it was done whenever this was possible prior to the hearing date, to enable the petitioner to make a more thorough presentation. The Commissioners themselves receive a copy of the staff report only on the day of the public hearing. Chairman Ota informed Mr. Stanwood that he had 15 days in which to present the Commission with supporting data.

Mr. Arthur Achor, petitioner, presented additional information in his own behalf. He explained that prior to the enactment of the Land Use Law, he and his former wife had started proceedings to subdivide the subject parcel. However, somewhere along the line, between the County and State levels, the proceedings did not continue and the land was never subdivided. The Achors attempted to sell the whole parcel but were unsuccessful because of its size. All they were asking at this time was to have the land subdivided into two parcels so that Mr. Achor and his former wife could each do as he pleased with his own parcel of land.

In reply to Commissioner Wenkam's query as to whether this proposed subdivision had been approved by the County of Kauai, Mr. Norito Kawakami of the law firm of Kawakami & Stanwood, also representing the petitioners, stated that he had drawn up the deed for the subdivision after receiving a description from the surveyor. At that time he was not aware that this had not been approved by the Board of Supervisors. Soon thereafter, the Land Use Law became effective and so in order to remove any illegality, Mr. Kawakami had the deed cancelled.

Mrs. Bonnie C. Dunford, sales representative in the real estate business, commented that under the economic development of the entire island, land was to be put to its highest and best use in areas where this was practical. She said she believed that the highest and best use of this area under petition would be for it to be subdivided into two parcels. She stated that she had a firm offer in her office from a mainland person who would like to buy a 2-acre property, and that 5-acre parcels would be very difficult to sell. Mrs. Dunford thought that changing the area from agriculture to rural would attract more people to come for retirement and other purposes, and that the County and State would also benefit from higher taxes.

A brief background of the land use in this area was presented by Mr. Kawakami, who at one time was County Agent for the University Extension Service. He stated that although a fairly large urban area was shown, this did not mean that they were available on the market. Despite heavy rainfall, distribution was so uneven and irregular that irrigation for farming purposes was very difficult. Land lay idle for a long time when the plantations ceased to give individual contracts to grow sugar cane. Later, when the government redistributed the land, diversified truck farming was tried by experienced farmers, but very few were able to make an economic success of their operations. Pineapple farming has also dwindled due to the unsuitableness of the land and high cost. In evaluating the petitioner's request, Mr. Kawakami asked that the Commissioners take into consideration the demonstrated need and demand for urban-type use of the land and the hardship situation the petitioners have been placed in through no fault of their own.

✓ PETITION OF STANLEY S. AND SACHIKO K. TABA (A65-86) FOR BOUNDARY CHANGE TO RE-CLASSIFY 12.77 ACRES FROM AN AGRICULTURAL TO A RURAL DISTRICT: Described by Fourth Division TMK 4-2-06: 1.

Staff report on the above petition (see report on file) was read by Mr. Gordon Soh. Denial of petition was recommended on the basis that the area was appropriately districted, the petitioners failed to submit proof that the land was required for the use being petitioned, it would contribute toward scattered development, and mixed uses would undermine tax assessment procedures based on general land use divisions.

Since this parcel under petition is adjacent to the parcel owned by Mr. and Mrs. Achor, previously discussed, Mr. Stanwood stated that everything presented by Mrs. Dunford, Mr. Kawakami and himself in behalf of the Achors' petition would apply in the Tabas' petition, except for that portion in the Achors' petition dealing with title to the subdivision.

Mr. Stanwood informed that Mr. Taba was presently employed by the U. S. Department of Agriculture and was away from the island two weeks of the month and could not continue with any extensive farming activity.

Mr. Kawakami reiterated that no one has been able to make an economic success of farming in this area and to keep it in its present designation just for the sake of keeping it in agriculture would not serve the best interest of the community. He pointed out that the community needed a population of new people with new ideas and that the petitioners wanted to make this possible by meeting the existing demands for more urban-type land.

→ Commissioner Wenkam commented that since three-fourths of land in this area is actually being used for agricultural purposes, this would imply that agriculture is thriving in this community. In response, Mr. Kawakami stated that a good part of it was in pineapple and pasture and that in a few years most of it would be in pasture--the lowest type of land use.

Commissioner Nishimura added that most of the farmers who had dedicated their lands were seeking tax relief.

→ Commissioner Wenkam felt that the question of keeping the land in agriculture was a very important and relevant one because the Land Use Law was designed for the purpose of protecting agricultural land.

Since there was no further discussion, Acting Chairman Ota informed the petitioners that they had 15 days in which to submit additional data.

The public hearing was closed at 12:30 p.m.

September 22, 1965

Mr. Edward Stanwood
P. O. Box 282
Lihue, Kauai, Hawaii

Dear Mr. Stanwood:

The Land Use Commission next meets at 2:00 p.m. on October 1, 1965 in the County Board Room at Lihue, Kauai.

On or about that time, decisions on the petitions by Stanley and Sachiko Taba and Arthur and Doris Achor will be rendered.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Planning & Traffic Comm., Kauai

RECEIVED

AUG 4 1965

State of Hawaii
LAND USE COMMISSION

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR BOUNDARY CHANGE

STATE OF HAWAII)
COUNTY OF KAUAI)

STANLEY TABA being first duly sworn on oath deposes and says:

I

That he is a resident of Wailua, Kauai, Hawaii and one of the applicants in the Matter of Petition No. A-65-86 for amendment of district boundaries of Map No. K-5 to reclassify lands owned by him from agricultural to rural.

II

That said lands comprise 12.77 acres of land of which 5.9 acres are unsuited to farming as shown by a map thereof which is attached hereto; that portion 11 comprising 1.4 acres is land too steep for use of machinery, portion 6 comprising 4.1 acres is a swamp and portion 10 comprising 0.4 acres is an island in the swamp; that 1.00 acres is presently used for the applicants home, barns and storage sheds; that 5.87 acres are suitable for crops, but because of the irregular configuration and small size tillable areas, it is impossible to utilize the tillable areas as an economical farm unit.

III

That he has owned the said lands since 1941 having purchased the land to run a truck farm; that he had the assistance and advice of the Agricultural Extension Service of the University of Hawaii, the Farmers Home Administration and other governmental agencies in planning and operating the farm, but could not make a financial success of the farming venture and is now employed as a County Office Manager by the Agricultural Stabilization and Conservation Service, an agency of the Federal Government; that he farmed the lands in truck crops from 1941 to 1947 and in pineapples from 1947

to 1963, but both operations have been unprofitable; that he has considered a cattle ranching operation but decided against it because of the poor economical prospects and the land is now idle.

IV

That the experience of most of the other farmers in the area has been similar and of the approximately twenty (20) families who purchased land in the Wailua area at about the same time as the affiant for the purpose of engaging in truck crop farming not a single farmer remains who has been able to continue his truck crop operation; that lands involved are today, either in pineapple production if the owners are able to receive a growing contract with the cannery, or in pasture. One farmer has again resumed this truck farm operation because of lack of other means of livelihood, but has placed his land on the market for sale.

V

Many of the lands in the area have been subdivided into houselots and the trend of land use in the area is toward an urban use and away from an agricultural use of the land; that subdivided lands are valued at prices that range from forty cents (40¢) per square foot to \$1.00 per square foot; that the County of Kauai is presently in the midst of a road widening project to improve the access roads into this area; that lands used for pasture in this area will support at best one head of cattle per acre, giving such land a top value of perhaps \$300.00 per acre or less than 1 cent per square foot; that such lands used for pineapples may have a value of from \$500.00 to \$1,000.00 per acre or between one to two cents per square foot.

VI

That during the past three or four years, he has had about ten (10) requests for sale of houselots, and as a result of thinking about these requests he has developed a plan to dredge and landscape the swamp areas, and to

develop garden home plots of 1/2 acres each bordering upon the landscaped swamp, each of such plots having a right to the use of and access to the landscaped areas; that the garden will be developed into an attractive showplace to which admission may be charged; and that the attached map shows the plan of development of the entire project.

VII

N.P.
That during the past 18 months, he has gathered together plants and other material which are to be used for the landscaping of the area and that the granting of the petition will help to meet a need for rural type use land, and will be in conformity with the trend of land use in this area.

FURTHER THE AFFIANT SAYETH NOT.

Dated at Lihue, Kauai, Hawaii, this 6th day of August, 1965.

Stanley Taba
STANLEY TABA

Subscribed and sworn to before me this 6th day of August, 1965.

Charles Th. Muzjelani
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: 9/13/66

RECEIVED

AFFIDAVIT OF BONNIE DUNFORD AUG 6 1965

STATE OF HAWAII }
COUNTY OF KAUAI } SS:

State of Hawaii
LAND USE COMMISSION

BONNIE C. DUNFORD, of Koloa, Kauai, Hawaii, being first duly sworn, on oath deposes and says: That this affidavit is made to confirm and to supplement her statement made before the Land Use Commission, in the Lihue District Courtroom on July 23, 1965;

That she has held her State Real Estate Salesman License since April 25, 1960; that she has been engaged in the real estate business on Kauai, on a full time basis for 5 years, 5 years of this time having been connected with Kauai Realty, Inc., or its predecessor; that from this experience she is well acquainted with the real estate situation in the Wailua Homesteads area, and feels there is a need for more urban land there;

That she has had frequent requests for small parcels of from 10,000 square feet to 1/2 acre, for home sites and very few requests, if any, for 3 acres and up. Most enquiries are from mainland people desiring retirement homes and none wish very much property, --only enough for a comfortable small home. Therefore it is her suggestion that small parcels of Agricultural land 5 acres to 20 acres be re-zoned to Rural or, where possible if a water line is available, to Urban to fulfill this growing need for homesites.

This affidavit is made at the request of the attorneys for Stanley S. and Sachiko K. Taba, and Arthur and Doris Achor. Affiant has received no consideration for this statement, nor will she; and the only possible pecuniary interest affiant might have would be the possibility of acting as salesman for the sale of lots.

Further, affiant sayeth not.

DATED: Lihue, Hawaii, this 6 day of August, 1965.

Bonnie C. Dunford
Bonnie C. Dunford

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

BONNIE C. DUNFORD, being first duly sworn, on oath deposes and says: That she is the Affiant named in the foregoing Affidavit; that she has read the said Affidavit and understands the contents thereof; and that the statements contained therein are true to the best of her knowledge and belief.

Bonnie C. Dunford
Bonnie C. Dunford

Subscribed and sworn to before me
this 6th day of August, 1965.

Hilda G. Sanchez
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: 11/20/65

RECEIVED

AFFIDAVIT OF JOHN D. TEXEIRA

AUG 6 1965

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

State of Hawaii
LAND USE COMMISSION

JOHN D. TEXEIRA, of Kapaa, Kauai, Hawaii, being first duly sworn, on oath deposes and says: That he is, and has been for more than fifteen years next last past, a real estate broker licensed by the State of Hawaii; that during nearly all of this period he has been engaged on a full time basis in the business of real estate broker, primarily in the Kapaa area, within which lies Wailua homesteads; that from this experience he is familiar with lands available for sale and the market for such lands;

The County of Kauai is suffering from a lack of business activities to replace the progressive deterioration of our agricultural economy. The death of the pineapple canneries, the limited ranching, the hand to mouth existence of the small farmer, --these are established facts. World competition and lowered tariff barriers have enabled our foreign allies, with their pools of cheap labor, to over produce and undersell our own pineapple and beef producers. Fortunately we have a tropical climate and a paradise environment as only one fifth of the world knows, where peoples who live in areas of extreme cold or heat can escape for five to six months of each year. We are therefore a great senior retirement and a second house use destination. People who come here for these purposes do not desire large acreage. Most of them are prepared to buy and build the home of their dreams and for this, the needed small land areas must be made available. Much of the land best suited to the needs of these groups is located within areas classified as agricultural, very often adjacent to urban and rural areas.

Although there might seem to be available ample lands within the Wailua homesteads area, the climate of which is particularly

desired by such groups, such is not the case. Most of the present owners of lands now classified as urban and rural within this area do not wish to sell their lands, and there is a resulting shortage of available land of approximate one-half acre size, which is needed to satisfy the demands of senior retirement and persons desiring a second home during six months or so each year. And this is necessary for the development of the economy of Kauai and the Wailua Homesteads area of Kauai.

This affidavit is made at the request of the attorneys for Stanley S. and Sachiko K. Taba, and Arthur and Doris Achor. Affiant has received no consideration for this, nor will he; and the only possible pecuniary interest affiant might have would be the possibility of acting as broker for the sale of lots.

Further, affiant sayeth not.

DATED: Silue, Hawaii, this 6th day of August, 1965.

John D. Texeira
John D. Texeira

STATE OF HAWAII }
COUNTY OF KAUAI } SS:

JOHN D. TEXEIRA, being first duly sworn, on oath deposes and says: That he is the Affiant named in the foregoing Affidavit; that he has read the said Affidavit and understands the contents thereof; and that the statements contained therein are true to the best of his knowledge and belief.

John D. Texeira
John D. Texeira

Subscribed and sworn to before me
this 6th day of August, 1965.

KENNETH K. KAWANE
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: August 14, 1968

RECEIVED

AUG 6 1965

State of Hawaii
LAND USE COMMISSION

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR BOUNDARY CHANGE

STATE OF HAWAII)
)
COUNTY OF KAUAI)

STANLEY TABA being first duly sworn on oath deposes and says:

I

That he is a resident of Wailua, Kauai, Hawaii and one of the applicants in the Matter of Petition No. A-65-86 for amendment of district boundaries of Map No. K-5 to reclassify lands owned by him from agricultural to rural.

II

That said lands comprise 12.77 acres of land of which 5.9 acres are unsuited to farming as shown by a map thereof which is attached hereto; that portion 11 comprising 1.4 acres is land too steep for use of machinery, portion 6 comprising 4.1 acres is a swamp and portion 10 comprising 0.4 acres is an island in the swamp; that 1.00 acres is presently used for the applicants home, barns and storage sheds; that 5.87 acres are suitable for crops, but because of the irregular configuration and small size tillable areas, it is impossible to utilize the tillable areas as an economical farm unit.

III

That he has owned the said lands since 1941 having purchased the land to run a truck farm; that he had the assistance and advice of the Agricultural Extension Service of the University of Hawaii, the Farmers Home Administration and other governmental agencies in planning and operating the farm, but could not make a financial success of the farming venture and is now employed as a County Office Manager by the Agricultural Stabilization and Conservation Service, an agency of the Federal Government; that he farmed the lands in truck crops from 1941 to 1947 and in pineapples from 1947

to 1963, but both operations have been unprofitable; that he has considered a cattle ranching operation but decided against it because of the poor economical prospects and the land is now idle.

IV

That the experience of most of the other farmers in the area has been similar and of the approximately twenty (20) families who purchased land in the Wailua area at about the same time as the affiant for the purpose of engaging in truck crop farming not a single farmer remains who has been able to continue his truck crop operation; that lands involved are today, either in pineapple production if the owners are able to receive a growing contract with the cannery, or in pasture. One farmer has again resumed this truck farm operation because of lack of other means of livelihood, but has placed his land on the market for sale.

V

Many of the lands in the area have been subdivided into houselots and the trend of land use in the area is toward an urban use and away from an agricultural use of the land; that subdivided lands are valued at prices that range from forty cents (40¢) per square foot to \$1.00 per square foot; that the County of Kauai is presently in the midst of a road widening project to improve the access roads into this area; that lands used for pasture in this area will support at best one head of cattle per acre, giving such land a top value of perhaps \$300.00 per acre or less than 1 cent per square foot; that such lands used for pineapples may have a value of from \$500.00 to \$1,000.00 per acre or between one to two cents per square foot.

VI

That during the past three or four years, he has had about ten (10) requests for sale of houselots, and as a result of thinking about these requests he has developed a plan to dredge and landscape the swamp areas, and to

develop garden home plots of 1/2 acres each bordering upon the landscaped swamp, each of such pkts having a right to the use of and access to the landscaped areas; that the garden will be developed into an attractive showplace to which admission may be charged; and that the attached map shows the plan of development of the entire project.

VII

N.P.
48
That during the past 18 months, he has gathered together plants and other material which are to be used for the landscaping of the area and that the granting of the petition will help to meet a need for rural type use land, and will be in conformity with the trend of land use in this area.

FURTHER THE AFFIANT SAYETH NOT.

Dated at Lihue, Kauai, Hawaii, this 6th day of August, 1965.

Stanley Taba
STANLEY TABA

Subscribed and sworn to before me this 6th day of August, 1965.

Charles H. Thigerson
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: 9/13/66

RECEIVED

AUG 6 1965

AFFIDAVIT OF JOHN D. TEXEIRA State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII }
COUNTY OF KAUAI } SS:

JOHN D. TEXEIRA, of Kapaa, Kauai, Hawaii, being first duly sworn, on oath deposes and says: That he is, and has been for more than fifteen years next last past, a real estate broker licensed by the State of Hawaii; that during nearly all of this period he has been engaged on a full time basis in the business of real estate broker, primarily in the Kapaa area, within which lies Wailua homesteads; that from this experience he is familiar with lands available for sale and the market for such lands;

The County of Kauai is suffering from a lack of business activities to replace the progressive deterioration of our agricultural economy. The death of the pineapple canneries, the limited ranching, the hand to mouth existence of the small farmer, --these are established facts. World competition and lowered tariff barriers have enabled our foreign allies, with their pools of cheap labor, to over produce and undersell our own pineapple and beef producers. Fortunately we have a tropical climate and a paradise environment as only one fifth of the world knows, where peoples who live in areas of extreme cold or heat can escape for five to six months of each year. We are therefore a great senior retirement and a second house use destination. People who come here for these purposes do not desire large acreage. Most of them are prepared to buy and build the home of their dreams and for this, the needed small land areas must be made available. Much of the land best suited to the needs of these groups is located within areas classified as agricultural, very often adjacent to urban and rural areas.

Although there might seem to be available ample lands within the Wailua homesteads area, the climate of which is particularly

desired by such groups, such is not the case. Most of the present owners of lands now classified as urban and rural within this area do not wish to sell their lands, and there is a resulting shortage of available land of approximate one-half acre size, which is needed to satisfy the demands of senior retirement and persons desiring a second home during six months or so each year. And this is necessary for the development of the economy of Kauai and the Wailua Homesteads area of Kauai.

This affidavit is made at the request of the attorneys for Stanley S. and Sachiko K. Taba, and Arthur and Doris Achor. Affiant has received no consideration for this, nor will he; and the only possible pecuniary interest affiant might have would be the possibility of acting as broker for the sale of lots.

Further, affiant sayeth not.

DATED: Silue, Hawaii, this 6th day of August, 1965.

John D. Texeira
John D. Texeira

STATE OF HAWAII }
COUNTY OF KAUAI } SS:

JOHN D. TEXEIRA, being first duly sworn, on oath deposes and says: That he is the Affiant named in the foregoing Affidavit; that he has read the said Affidavit and understands the contents thereof; and that the statements contained therein are true to the best of his knowledge and belief.

John D. Texeira
John D. Texeira

Subscribed and sworn to before me
this 6th day of August, 1965.

Kenneth K. Kawana
KENNETH K. KAWANA
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: August 14, 1968

RECEIVED

AFFIDAVIT OF BONNIE DUNFORD

AUG 6 1965

STATE OF HAWAII
COUNTY OF KAUAI

} SS:

State of Hawaii
LAND USE COMMISSION

BONNIE C. DUNFORD, of Koloa, Kauai, Hawaii, being first duly sworn, on oath deposes and says: That this affidavit is made to confirm and to supplement her statement made before the Land Use Commission, in the Lihue District Courtroom on July 23, 1965;

That she has held her State Real Estate Salesman License since April 25, 1960; that she has been engaged in the real estate business on Kauai, on a full time basis for 5 years, 5 years of this time having been connected with Kauai Realty, Inc., or its predecessor; that from this experience she is well acquainted with the real estate situation in the Wailua Homesteads area, and feels there is a need for more urban land there;

That she has had frequent requests for small parcels of from 10,000 square feet to 1/2 acre, for home sites and very few requests, if any, for 3 acres and up. Most enquiries are from mainland people desiring retirement homes and none wish very much property, --only enough for a comfortable small home. Therefore it is her suggestion that small parcels of Agricultural land 5 acres to 20 acres be re-zoned to Rural or, where possible if a water line is available, to Urban to fulfill this growing need for homesites.

This affidavit is made at the request of the attorneys for Stanley S. and Sachiko K. Taba, and Arthur and Doris Achor. Affiant has received no consideration for this statement, nor will she; and the only possible pecuniary interest affiant might have would be the possibility of acting as salesman for the sale of lots.

Further, affiant sayeth not.

DATED: Lihue, Hawaii, this 6 day of August, 1965.

Bonnie C. Dunford
Bonnie C. Dunford

STATE OF HAWAII }
COUNTY OF KAUAI } SS:

BONNIE C. DUNFORD, being first duly sworn, on oath deposes and says: That she is the Affiant named in the foregoing Affidavit; that she has read the said Affidavit and understands the contents thereof; and that the statements contained therein are true to the best of her knowledge and belief.

Bonnie C. Dunford
Bonnie C. Dunford

Subscribed and sworn to before me
this 6th day of August, 1965.

Helen G. Sanchez
Notary Public, Fifth Judicial
Circuit, State of Hawaii

My Commission expires: 11/20/65

STATE OF HAWAII
LAND USE COMMISSION

Lihue District Courtroom (Police Station)
Lihue, Kauai, Hawaii

10:30 A.M.
July 23, 1965

STAFF REPORT

A65-86, STANLEY S. AND SACHIKO K. TABA
by Edward Stanwood

District Classification: AGRICULTURAL

Background

This petition is to amend the district boundaries in Wailua, Kauai, so that the parcels described by Fourth Division TMK 4-2-06: 1 would be reclassified from an Agricultural to a Rural district. Petitioners represent they are owners in fee simple as tenants by the entirety of this 12.77 acre parcel.

Access to the subject parcel from Kuhio Highway is by way of Kuamoo Road and Opaekaa Road. Opaekaa Road, which fronts petitioners' land is a paved road about ten feet wide and bridged where it crosses Opaekaa Stream. The road is presently in fair condition.

The topography of petitioners' land ranges from a wide swale slightly below road, level near the junction of Opaekaa and Puupilo Roads, to a hilly plateau about fifteen feet above road level on which the Taba residence and an accessory structure are situated. To the rear and on one side of the residence is a small nursery-like operation which contains lychee, citrus tree, flowering plants and a vegetable garden. The petitioners claim this is a "vegetable garden for family use." The land slopes down back of the residence and garden to Opaekaa Stream which forms the southern boundary of this parcel.

The subject parcel is situated about 300 feet above sea level in an area where the median annual rainfall is a little over 75 inches. North of the parcel are

lands which are planted to pineapple and truck crops. Some of the adjoining lands are vacant. To the east, adjacent to the instant parcel are the vacant lands owned by the Achors, who have also submitted a petition for boundary change. Farther to the east are large tracts of lands dedicated to cattle grazing. Across Opaekaa Stream to the south are lands which are vacant and generally unimproved. To the west, the lands are wild and unimproved.

The general land use of the area within a half mile radius is one of large areas of pasture and open land, with equally large areas planted to pineapple. Within this half mile radius is a portion of the upper Wailua Urban District; otherwise there are few family dwellings nearby. The non-urban areas circling the lands under petition, an area of about 300 acres, contain approximately 15 homes. The density is about one house per 20 acres.

The subject parcels lie within an area designated for agricultural uses in both the Kauai General Plan and the State General Plan.

Soils on petitioners' land are of two types: Lolekaa silty clay, nearly level phase, and Uaoa silty clay loam. The Lolekaa silty clay is well suited for heavy machine cultivation. It is deep, well drained, and essentially stone free. The Uaoa silty clay loam has been described as generally the most productive soil in the area.

The nearest schools are approximately 6 1/2 miles away in the Kapaa Urban District. These are the Kapaa Elementary and High schools, which are public, and the Kapaa Mission School and St. Catherine's School which are private. Fire protection facilities are also located in Kapaa. The Police Station is in Lihue. A 6-inch waterline services the area. Power and telephone services are available.

The Kauai Planning and Traffic Commission voted unanimously to recommend approval of the subject petition at its meeting on May 6, 1965. Their approval was based on the following:

"There is no evidence of intense agricultural activities except for the Taba residence. Truck farming in this area has been reduced considerably due to the closing of Hawaiian Canneries. The lands are usable and adaptable for the proposed use and conditions have developed where continued intense agricultural activities will be discontinued except for small subsistence farming."

Analysis

Your staff notes that the number and extent of lands dedicated to agricultural pursuits in the proximity of the lands under petition reflects continuing agricultural activity in this area. The fact that petitioners' land is idle does not detract from the fact that the area is essentially agricultural in nature.

The petitioners' reason for requesting a boundary change is that the land is more suitable for use as low density residential or small farm uses, but they have failed to substantiate a need for these uses, as required by Section 98 H-4 of Act 205.

It is clear that this petition is being initiated in concert with that by Arthur and Doris Achor (A65-85) and that the change in classification is being sought not because of any change in the character of the land or because of development trends but because of a personal necessity.

Recommendation

Your staff recommends denial of this petition for the following reasons:

1. The area under petition is appropriately districted in that the character of the land and of the surrounding area is more nearly agricultural than rural in nature.
2. Petitioners have failed to submit the necessary proof that the land is required for the use being petitioned for as required by Section 98 H-4, Act 205/SLH 1963. Your staff, moreover, can find no evidence that the land is required for the use under petition.
3. The creation or expansion of low density residential development in this area is in fact excessive to real or demonstrable needs.
4. The extension of low density residential uses mixed with agricultural uses would contribute toward scattered development and as such is contrary to the intent and purpose of the Land Use Law.
5. The proposed use will alter the general characteristics of the area by the introduction of low density residential developments.
6. The introduction or extension of an area of mixed uses will undermine tax assessment procedures based on general land use divisions.

NOTICE OF PUBLIC HEARING
TO CONSIDER PETITIONS FOR CHANGE OF DISTRICT BOUNDARY WITHIN THE COUNTY OF KAUAI
BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider petitions for a Change in the District Boundary as provided for in Section 98H-4, Revised Laws of Hawaii, 1955, as amended.

TIME AND PLACE

In the Lihue District Court Room (Police Station), Lihue, Kauai, on July 23, 1965, at 10:30 a.m., or as soon thereafter as interested persons may be heard.

Docket Number
and Petitioner:

Tax Map Key:

Change Requested:

A65-85

Doris Achor & Arthur Achor

4-2-06:25 and 31

To incorporate approximately 5.6 acres into the upper Wailua Rural District for small farm and residential uses.

A65-86

Stanley Taba & Sachiko K. Taba 4-2-02

To incorporate approximately 12.77 acres into the upper Wailua Rural District for a farm and residential subdivision.

Maps showing the areas under consideration for change of District Boundary, and copies of the Rules and Regulations governing the petitions above are on file in the offices of the Planning and Traffic Commission, County of Kauai and the Land Use Commission and are open to the public during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday.

All written protests or comments regarding the above petitions may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii before the date of public hearing, or submitted in person at the time of the public hearing, or up to fifteen (15) days following the hearing.

LAND USE COMMISSION

(Legal ad - 2 cols. w/border to appear:)
(July 16, 1965 - Honolulu Star Bulletin)
(July 16, 1965 - Honolulu Advertiser)
(July 21, 1965 - Garden Isle)

M. THOMPSON, Chairman
R. YAMASHITA, Executive Officer

July 13, 1965

Mr. Edward Stanwood
P. O. Box 282
Lihue, Kauai, Hawaii

Dear Mr. Stanwood:

This is to inform you of the public hearing being called by the Land Use Commission of the State of Hawaii on July 23, 1965 at 10:30 a.m. in the Lihue District Court Room (Police Station), Lihue, Kauai. The petitions of Stanley and Sachiko Taba and Arthur and Doris Achor for amendment of district boundaries will be heard at that time.

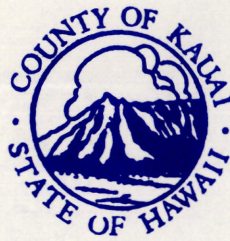
Legal notice will appear in the Honolulu Star Bulletin and the Honolulu Advertiser on July 16, 1965.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson

58-20010-11616
105-24833
69015-21



1564

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MAY 11 1965

State of Hawaii
LAND USE COMMISSION

LIHUE, KAUAI, HAWAII

May 10, 1965

RECEIVED

LAND USE COMMISSION

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: Petitions for Amendment of the Land Use District Boundaries

- (1) Stanley Taba and Sachiko K. Taba
Fourth Division, TMK 4-2-02: Por. 26 (12.41 acres)
- (2) Doris Achor and Arthur H. Achor
Fourth Division, TMK 4-2-02: Por. 26 (5.60 acres)

Gentlemen:

The Planning and Traffic Commission, at its regular meeting held on May 6, 1965, unanimously voted to recommend approval of subject petitions for boundary changes affecting the island of Kauai.

Enclosed for your information is the staff report covering same.

Very truly yours,

PLANNING AND TRAFFIC COMMISSION

David F. Wong, Planning Director

encl.

RECEIVED

MAY 11, 1965

KAUAI PLANNING AND TRAFFIC COMMISSION
LIHUE, KAUAI, HAWAII

State of Hawaii
LAND USE COMMISSION

April 23, 1965

TO: Planning and Traffic Commission

RE: Amendment of District Boundary

Reference is made to a communication of April 14, 1965 from the Land Use Commission regarding two petitions from Stanley & Sachiko K. Taba and Doris & Arthur H. Achor requesting amendment of the Land Use District Boundary.

The land areas in question are situated along the South side of Opaekaa Road in the vicinity of the intersection with Punopae Road, being portions of Land Grant 10900 to Stanley S. Taba, Wailua Homesteads, First Series, Wailua, Puna, Kauai, containing a total area of about 18 acres.

Presently the areas involved are in an agricultural district and the request is to change the district designation of said properties from its present classification of agricultural to rural. The abutting lands West and South of this particular property are presently classified as rural and urban respectively, with Opaekaa Stream as its district boundaries.

There is no evidence of intense agricultural activities on the properties except for the Taba residence. Truck farming in this area has been reduced considerably due to the closing of Hawaii Canneries. The lands are usable and adaptable for the proposed use and conditions have developed where continued intense agricultural activities will be discontinued except for small subsistence farming.

It is recommended for approval the change of district boundaries as proposed and requested in said petitions to encourage the most appropriate use of lands to promote the general welfare of the area which is reasonable and desirable.



David F. Wong
Planning Director

F-5(a+b)

RECEIVED



LIHUE, KAUAI, HAWAII

State of Hawaii
LAND USE COMMISSION

May 10, 1965

RECEIVED

LAND USE COMMISSION

State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Re: Petitions for Amendment of the Land Use District Boundaries

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Fourth Division, TMK 4-2-02: Por. 26 (12.41 acres)
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Fourth Division, TMK 4-2-02: Por. 26 (5.60 acres)

Gentlemen:

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Enclosed for your information is the staff report covering same.

Very truly yours,

PLANNING AND TRAFFIC COMMISSION

David F. Wong
David F. Wong, Planning Director

encl.

RECEIVED

KAUAI PLANNING AND TRAFFIC COMMISSION
LIHUE, KAUAI, HAWAII

LAND USE COMMISSION

April 23, 1965

TO: Planning and Traffic Commission

RE: Amendment of District Boundary

Reference is made to a communication of April 14, 1965 from the Land Use Commission regarding two petitions from Stanley & Sachiko K. Taba and Doris & Arthur H. Achon requesting amendment of the Land Use District Boundary.

The land areas in question are situated along the South side of Opaekaa Road in the vicinity of the intersection with Pumopae Road, being portions of Land Grant 10900 to Stanley S. Taba, Wailua Homesteads, First Series, Wailua, Puna, Kauai, containing a total area of about 18 acres.

Presently the areas involved are in an agricultural district and the request is to change the district designation of said properties from its present classification of agricultural to rural. The abutting lands West and South of this particular property are presently classified as rural and urban respectively, with Opaekaa Stream as its district boundaries.

There is no evidence of intense agricultural activities on the properties except for the Taba residence. Truck farming in this area has been reduced considerably due to the closing of Hawaii Canneries. The lands are usable and adaptable for the proposed use and conditions have developed where continued intense agricultural activities will be discontinued except for small subsistence farming.

It is recommended for approval the change of district boundaries as proposed and requested in said petitions to encourage the most appropriate use of lands to promote the general welfare of the area which is reasonable and desirable.



David F. Wong
Planning Director

F-5(a+b)

STATE OF HAWAII

OFFICIAL
RECEIPT

No. 34

Planning & Econ. Dev.

Department, Bureau or Commission

April 15 19 65

RECEIVED from

Kawakami & Stanwood

One Hundred & no/100

DOLLARS

Achov & Taba Petitions - Public Hearings Land Use
Comm.

\$ 100 00

Henry J. Duker
Public Accountant

April 14, 1965

Mr. Edward Stanwood
P. O. Box 282
Lihue, Kauai, Hawaii

Dear Mr. Stanwood:

This is to acknowledge the receipt of your \$100.00 check for applications to amend the land use district boundaries as shown on Fourth Division, TMK 4-2-02: Por. 26 (12.41 acres) by Stanley Baba and Sachiko K. Taba; and Fourth Division, TMK 4-2-02: Por. 26 (5.60 acres) by Doris Achor and Eugene Oregon.

In accordance with Section 98H-4 of Act 205, this Commission must schedule a public hearing on your petition no sooner than 100 days nor more than 210 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Kauai. We will inform you of the date of the hearing as soon as it is determined.

Should we develop questions in the meantime, we will contact you. And, should you have any questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

cc: Chairman M. Thompson

April 14, 1965

Planning and Traffic Commission
County of Kauai
Lihue, Kauai, Hawaii

Attention: Mr. David F. Wong
Planning Director

Gentlemen:

Pursuant to Section 98H-4, RLH 1955, as amended, copies of two petitions for the Amendment of the Land Use District Boundaries are submitted for your comments and recommendations as follows:

- (1) Stanley Baba and Sachiko K. Taba
Fourth Division, TMK 4-2-02: Por. 26 (12.41 acres)
- (2) Doris Achor and Eugene Oregon
Fourth Division, TMK 4-2-02: Por. 26 (5.60 acres)

Thank you for your cooperation in this and other matters.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Enclosures - 2
cc: Chairman M. Thompson

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED
This space for County or DLNR use

Date Petition and Fee received
by County or DLNR

Date forwarded to LUC with recommendation

Date Petition, Fee and
County/DLNR recommen-
dation received by LUC

PETITION FOR AMENDMENT OF ~~TEMPORARY~~ DISTRICT BOUNDARY

(I) (We) hereby request an amendment of Land Use Commission ~~Temporary~~
District Boundary respecting the County of Kauai, Island of Kauai,
map number and/or name K-5; Kapaa-Kealia-Wailua to change the district
designation of the following described property from its present classification in
a(n) Agricultural district into a(n) Rural district.

Description of property:

See attached description and map

Petitioner's interest in subject property:

Petitioners are owners in fee simple as tenants by the
entirety.

Petitioner's reason(s) for requesting boundary change:

See Attached Statement

- (1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the
district in which it is located is classified.

- (2) The petitioner will attach evidence in support of either of the following
statements (cross out one):

- (a) The land is not usable or adaptable for use according to its
present district classification.

~~(b) Conditions and trends of development have so changed since adoption
of the present classification, that the present classification is
unreasonable~~

KAWAKAMI & STANWOOD
P. O. Box 282
Lihue, Hawaii

Attorneys for Stanley S. Taba
and Sachiko K. Taba.

Signature(s)

Address:

Telephone:

Stanley S. Taba
Sachiko K. Taba
RR1, Box 293
Kapaa, Kauai, Hawaii
6-4330

RECEIVED

APR 14 1965

State of Hawaii
LAND USE COMMISSION

DESCRIPTION OF LOT 13-A-1

Being a Subdivision of Lot 13-A, Wailua Homesteads, First Series into Lots 13-A-1 and 13-A-2; being also a portion of Grant 10900 to Stanley S. Taba at Wailua, Puna, Kauai, Hawaii; Tax Map Key: (4th Div.) 4-2-02, and more particularly

Beginning at a pipe at the North boundary of this lot, and on the South R/W line of Puupilo Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being North 188.04 feet and West 7272.98 feet, and running by azimuths measured clockwise from the true South;

1. 289° 14' 374.40 feet along Puupilo Road to a pipe;
2. 202° 51' 450.00 feet along Lot 13-A-2 and passing over a pipe at 420.00, to the middle of Opaekaa Stream;

Along the middle of Opaekaa Stream and running upstream for the next three courses, the direct azimuths and distances are:

3. 124° 35' 139.30 feet;
4. 46° 48' 824.20 feet;
5. 77° 03' 30" 41.30 feet;
6. 174° 16' 70.32 feet along Puupilo Road, to a point;
7. 170° 14' 498.90 feet along Puupilo Road, to a point;
8. 185° 05' 93.63 feet along Puupilo Road, to a point;
9. 205° 18' 92.72 feet along Puupilo Road, to a point;
10. 226° 20' 43.53 feet along Puupilo Road, to a point;
11. 240° 55' 45.63 feet along Puupilo Road, to a point;
12. 255° 15' 198.84 feet along Puupilo Road, to a point;
13. 245° 14' 102.99 feet along Puupilo Road, to a point;
14. 231° 54' 198.87 feet along Puupilo Road, to a point;
15. 241° 59' 30" 43.44 feet along Puupilo Road, to a point;
16. 266° 46' 30" 69.29 feet along Puupilo Road, to the point of beginning and containing an AREA OF 12.41 Acres.

Excepting and reserving therefrom the waters and all riparian and other rights in or to all streams passing over and across said lot.

RECEIVED

APR 14 1965

State of Hawaii
LAND USE COMMISSION

Submitted w/ petition
A65-86
Robert V. V. V.

RECEIVED

APR 14 1935

State of Hawaii
LAND USE COMMISSION

STATEMENT

The petitioners reside on a small portion of this land. Formerly a large part was contracted to Hawaiian Fruit Packers, Ltd. for raising pineapple, but has been idle for the past two years. Petitioner Stanley Taba is regularly employed, full time, by the U. S. Department of Agriculture, and is unable to farm the land, even part time, because his work requires him to be absent from the island almost half the time, about two weeks each month.

The Lot along the westerly boundary is under rural classification. The Land adjoining the southeasterly boundary, across the Opaekaa Stream, is classified as urban. The Land along the west boundary is owned by Arthur Achor and Doris Achor who are also petitioning for a change in classification from agriculture to rural;

Granting this petition would further extend rural land surrounding the urban. This Land is more suitable for low density residential or small farm uses. The petitioners desire to subdivide into small farm or residential lots in the future. This Land is not presently used for any of uses cited in paragraph 2.14 of Sub. Part C, only part of it being used for a residential dwelling, and vegetable garden for family use.

April 14, 1965

MEMO TO FILES:

FOR REFERENCE SEE A65-85 - ACHOR & OREGON

A65-86

State Form B14

STATE OF HAWAII

LAND USE Commission
426 Queen St., Honolulu, Hawaii
Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

102

April 14

1965

RECEIVED from

Edward Stanwood for Acheson & Jeter petition

One hundred and no/100

DOLLARS

For public hearing by LUC for petition for boundary change
on Kani from Pt. K for Stanley Baker, Richard H. Zita,
& Louis G. Acheson & Eugene O. Meyer

\$100.00

FNB Check

Alfred L. Lai

Public Accountant