

A66-118

JOHN COSTA AYRES

August 30, 1966

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai

Dear Mr. Asari:

The petition by Mr. John Costa Ayres (A66-118) for an amendment to the Land Use District Boundaries from an Agricultural District to an Urban District for approximately 1.2 acres of land at Lawai, Kauai, identifiable by Tax Map Key 2-5-05: 8, was approved by the Land Use Commission at its meeting on August 26, 1966.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Department of Taxation
Department of Land & Nat. Res.
Kauai Planning & Traffic Comm.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Public Hearing
and Meeting

Lihue Police Station

Lihue, Kauai

August 26, 1966

Commissioners

Present:

Myron B. Thompson, Chairman
Jim P. Ferry
Robert G. Wenkam
Shelley Mark
Goro Inaba
Leslie Wung
Shiro Nishimura

Absent:

C. E. S. Burns

Staff Present:

George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman

Chairman Thompson opened the public hearing and meeting with a short prayer, followed by an introduction of the Commissioners and staff members, outline of the procedures to be followed, and swearing in of persons testifying during the hearings.

APPLICATION OF MCBRYDE SUGAR COMPANY, LTD. (SP66-30) FOR A SPECIAL PERMIT TO
BUILD A SMALL AIRCRAFT RUNWAY AT KOLOA, KAUAI

Staff report (see copy on file) was read by the Executive Officer in which it was recommended that the application be approved since the proposed use may be classified as an unusual and reasonable use.

Mr. Moriguchi advised that the five-year lease referred to in the staff report was a stipulation imposed by the petitioner. The intent here was to enable McBryde Sugar Company to replant the area at some future date, should they choose to do so.

Mr. Moriguchi further elaborated that the construction of the aircraft runway would have to meet all federal and state requirements, and that the request was only for a 100' x 2600' strip and did not include any building or other facilities.

Commissioner Wenkam moved to approve the special permit as recommended by the staff, seconded by Commissioner Nishimura. The motion was carried unanimously.

PUBLIC HEARING

PETITION OF LIHUE PLANTATION COMPANY, LTD. (A66-124) TO AMEND THE URBAN DISTRICT BOUNDARY AT LIHUE, KAUAI FOR APPROXIMATELY 4.5 ACRES PRESENTLY IN AN AGRICULTURAL DISTRICT

Mr. Moriguchi presented the staff report (see copy on file) recommending approval of the petition as modified.

See page 3

Commissioner Wenkam brought out the fact that at the time of the last request by Lihue Plantation to reclassify agricultural lands to urban, due to the frequent recurrence of these requests, the Commission had requested staff to report on lands master-planned for urban uses by Lihue Plantation with the idea of entertaining a motion to bring this to a public hearing. He added that the Commission had acted previously to reclassify all lands master-planned for urban uses for other large landowners, under a single motion.

Mr. Moriguchi agreed to check back into the records and report on the Commission's request.

A detailed and comprehensive discussion of the surrounding uses, slopes in and around the area, elevations, depths of the lots, etc. was held by the Executive Officer and the Commissioners.

Commissioner Wenkam expressed his concern over setting a precedent by allowing the petitioner to build houses on the steep slopes, although he felt that in this instance it was a reasonable use due to the flatness of the major portions of the lands.

Chairman Thompson felt that this would not constitute a precedent since the Commission had taken similar action previously, that instead it could be considered as an adjustment.

Commissioner Nishimura commented that he could see no justification for urbanization of the yellow area jutting out as shown on the map. Mr. Moriguchi explained that the yellow area was actually the road.

Mr. Clinton Childs, representing the petitioner, presented his testimony. He commented that in order to upgrade the uses in the commercial area which heretofore had been interspersed with residences, they had moved the employee housing to the residential area. He added that these were not newly constructed homes.

In reply to Commissioner Wenkam's earlier reference to a master plan by Lihue Plantation, Mr. Childs advised that they were presently in the process of contacting John Carl Warnecke & Associates to conduct an analysis and re-evaluation of Lihue's holdings. They felt this was in order since their last master plan was six years old. Mr. Childs did not think the new master plan would be completed for several months.

Commissioner Nishimura expressed concern over Lihue Plantation's reluctance to urbanize its lands despite the great demand by the people for such lands. Mr. Childs disagreed and replied that Lihue Plantation was just as interested in making more lands available for urban purposes.

Replying to Commissioner Inaba's comments about the adequacy of urban lands for the next ten years in Lihue as specified by Mr. Hansen during a previous hearing, Mr. Childs agreed that the statement was true - that this included a particular type of homes requiring certain architectural standards and in a higher price level, differing from the normal type of subdivision. He interpreted "normal" subdivision to mean tract-type homes varying in price from \$11,000 to \$30,000.

Commissioner Wenkam wondered if it would be feasible to continue the public hearing on the petition by Lihue Plantation until such time as the Commissioners

were able to examine the new master plan. Mr. Moriguchi advised that the deadline for the hearing on this petition was September 8, 1966. Commissioner Wenkam continued that he wanted to be fully satisfied that the extension of the urban boundary was in keeping with the proposed master plan. Mr. Childs thought that it was probably just outside of the master-planned urban area.

Mr. Takeyama advised that since the law specifies that the public hearing shall be advertised within 60 to 120 days, it would have to be held within a reasonable period of the specified number of days. It would be difficult to observe this stipulation if the hearing were postponed, in this instance, since there was no assurance of the completion date of the master plan.

Commissioner Nishimura referred to the master plan prepared by Mr. George Houghtailing and Mr. Childs replied that the Commission was in possession of a master plan in its files. He added that Lihue Plantation was not contemplating a new master plan - they were requesting a re-evaluation and analysis of the existing one.

Chairman Thompson felt that a deferral of the hearing was not justified at this time.

Mr. Walter Bryant, an interested party, urged that the Commission not delay action on the petition and give it its favorable consideration.

Since there was no further testimony, the hearing was closed.

ACTION

PETITION OF JOHN M., MARIE V., AND JULIET MEDEIROS (A66-114) TO RECLASSIFY APPROXIMATELY 18 ACRES OF LAND PRESENTLY IN AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT OMAO, KOLOA, KAUAI

Staff memorandum (see copy on file) presented by Mr. Moriguchi recommended approval of the petition since there was no adverse testimony presented at the public hearing or the period following thereafter.

Motion to accept staff recommendation for approval was made by Commissioner Nishimura, seconded by Commissioner Ferry, and carried unanimously.

PETITION OF JOHN COSTA AYRES (A66-116) TO RECLASSIFY 1.2 ACRES OF LAND FROM AGRICULTURE TO URBAN, AT LAWAI, KAUAI

Recommendation for approval of the petition was made in the staff memorandum (see copy on file) based on the fact that topographically the subject parcel was a part of the upper plateau of the existing Urban District.

Commissioner Wung's request for background information was supplied by the Executive Officer.

Commissioner Ferry moved to accept staff recommendation for approval of the petition, seconded by Commissioner Nishimura, which was passed unanimously.

PETITION OF WILLIAM FERNANDES & MARGARET ARCIA (A66-120) TO RECLASSIFY APPROXIMATELY 55 ACRES OF AGRICULTURAL LANDS TO A RURAL CLASSIFICATION AND APPROXIMATELY 5 ACRES OF URBAN LANDS TO A RURAL CLASSIFICATION

Staff recommended approval only for change of the fifty-five acre portion from Agricultural to Rural. The five acre portion involving change from Urban to Rural was not recommended. It was also recommended that the Commission initiate a petition to reclassify the three parcels fronting on the south side of Opaekaa Road from Agricultural to Rural, in the event that the Fernandes-Arcia petition was approved.

Commissioner Ferry moved to accept staff recommendation, seconded by Commissioner Inaba and the motion was passed unanimously. Commissioner Nishimura was not polled for this motion.

PETITION BY LAND USE COMMISSION TO RECLASSIFY THE THREE PARCELS FRONTING ON THE SOUTH SIDE OF OPAEKAA ROAD FROM AGRICULTURAL TO RURAL

It was moved and seconded that the Land Use Commission initiate petition to reclassify three parcels fronting on the south side of Opaekaa Road from the Agricultural District to the Rural District. The motion was carried unanimously.

REQUEST OF MAUI COUNTY PLANNING COMMISSION FOR RECONSIDERATION OF PETITIONS

At the request of the Chairman, Mr. Moriguchi gave a resume of the events leading up to the present request by the Maui County Planning and Traffic Commission to reconsider the Commission's decisions on three petitions involving lands in Maui, namely:

1. 58 acres from Agricultural to Rural
2. 6 1/2 acres from Agricultural to Rural
3. Approximately 15,000 square feet at Iao Valley, Kepaniwai Park, from Conservation to Rural

In addition, Mr. Moriguchi continued, the Commission was also in receipt of a resolution from the Maui County Board of Supervisors (see copy on file) also requesting reconsideration.

Chairman Thompson reminded the Commissioners that the Commission's policy in the past had always been for reconsideration of a decision only up to twenty-four hours following the decision, and thereafter all decisions became final.

Chairman Thompson observed that, at this point, the most logical course for the petitioners was to submit another petition with additional evidence which would be heard at another public hearing. The floor was opened for discussion.

Commissioner Ferry expressed surprise to learn of the Commission's decision on all three petitions, upon his return from the Mainland, since he was familiar with the areas involved and did not feel that any of them were controversial matters. He also pointed to the fact that there were only four Commissioners present at the time of the public hearings of the subject petitions.

Commissioner Wenkam stated that considerable discussion had taken place during the deliberation of the three petitions and that if there was additional

information now that had not been available at the time of the hearing, it would be wise for the petitioners to present it.

Mr. Takeyama, legal counsel, advised that in the light of the policy adopted by the Commission, it would not be possible to entertain a re-hearing of petitions. However, there was nothing in the Land Use Law nor in the Rules and Regulations that stipulated a time limit for reconsideration of petitions. On the other hand, he did feel that reconsideration should be entertained within a reasonable time following decision - say two days at the most.

Commissioner Wenkam raised the question of the propriety of changing the policy to accommodate one petitioner. Mr. Takeyama replied that since the policy was adopted by the Commission, the Commission was also empowered to change the policy. However, whether this would constitute a precedent was for the Commission to decide.

Commissioner Wenkam commented that if the petitioner could present additional new information never presented before, the Commission could re-open the petition or reconsider it.

Chairman Thompson summarized that the thinking of the Commission was to communicate with the Planning and Traffic Commission of Maui, recommending that new petitions be submitted with additional evidence.

For the records, Chairman Thompson advised that according to the law, the Executive Officer was empowered to conduct a public hearing by himself in the absence of any other Commissioner.

COMMUNICATIONS FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Mr. Moriguchi referred to two communications which were received by the Land Use Commission from the Department of Land and Natural Resources (copies transmitted to each Commissioner):

1. Decision of the Board of Land and Natural Resources to permit Hawaii Loa College to utilize approximately 149 acres of State lands for construction and operation of a four-year liberal arts college.
2. Notice of public hearing held on the application of Valley of the Temples Corporation for the proposed cemetery use of approximately 216 acres in the Conservation District in Ahuimanu Valley.

Commissioner Ferry agreed with Chairman Thompson that these communications were transmitted merely to keep the Land Use Commission apprised of applications either pending or acted upon by the Land Board within the Conservation District. The Land Board was not actively seeking any reaction or recommendation from the Land Use Commission.

Commissioner Ferry added that cemetery use was not covered within the permitted uses under Regulation IV of the Land Board; thus, necessitating a public hearing.

Commissioner Wenkam contended that at the time of the public hearing involving subject lands, the owners had indicated that they would not require any additional lands for development in the future if the Commission would place the conservation boundary as requested by the owners. Chairman Thompson concurred with

Commissioner Wenkam that this information would be relevant to the records of the Land Board.

Since cemetery use was not permitted in either the Conservation or Agricultural District, Chairman Thompson wondered if it more properly belonged in the Urban District. Commissioner Wenkam felt that a memorial park constituted one of the best uses within a Conservation District. Commissioner Ferry added that leading conservationists were exponents of the theory that cemetery uses were the highest uses within the Conservation District.

PETITIONS INVOLVING SUBSTANTIAL ACREAGE OF LAND

Chairman Thompson reviewed the thinking expressed during previous meetings with respect to special permit applications pending before the Land Board involving substantial acreage of lands:

1. Request for change of land use involving substantial acres should be referred to the Land Use Commission for boundary change.
2. Staff was directed to meet with the Land Board staff to arrive at some criteria for "substantial" acreage.

Commissioner Ferry argued that "substantial" on Oahu and "substantial" on Hawaii could have wide variance due to the differences in land ownership, population, etc.

Commissioner Ferry suggested that the Land Use Commission could, upon its own motion, initiate a petition for boundary change whenever it felt that the projected uses within the Conservation District were objectionable. He felt that the time factor involved in holding such a public hearing could be worked out between the two agencies.

Chairman Thompson commented that this was an approach which had not been considered during the previous meetings and that this was the kind of thinking the administration was seeking.

SALT LAKE APPLICATION

Commissioner Wenkam requested some affirmation or consensus from the Commission with respect to the reasons Salt Lake was placed in a Conservation District. He was convinced that the decision was based on very definite reasons in light of the fact that the surrounding areas were placed in urban.

Commissioner Ferry offered that his reason for voting it into the Conservation District was based on the fact that it was a body of water.

Chairman Thompson felt that Commissioner Wenkam's request for a consensus from the Commission on the reasons behind the decision to place Salt Lake in the Conservation District was unreasonable, coming at this time. However, the transcribed tape of the proceedings involving Salt Lake might provide the answer and the discussion could be re-opened at that time.

It was pointed out that the tape for this particular hearing had not been transcribed due to staff shortage. Requests for additional staff had never been

resolved. Commissioner Wenkam requested and Chairman Thompson directed that the minutes for the Salt Lake hearing be transcribed.

NEXT MEETING SCHEDULE

It was decided that the next Land Use Commission meeting will be held on September 16, 1966 at 9:00 a.m.

HOUSE RESOLUTION ON THE MATTER OF RURAL AND AGRICULTURAL LANDS

Chairman Thompson reminded the Commission of the pending House Resolution concerning conveyance of rural and agricultural lands to family members.

In the opinion of Mr. Takeyama, he did not believe this was a legal matter. Rather, during discussions the Commission had raised the question of good planning and had felt that allowing non-conforming subdivisions in a Rural or Agricultural District to accommodate a few families would be contradictory to the Land Use Law. However, a recommendation to the Legislature was in order. Chairman Thompson agreed that a study should be conducted and a recommendation readied for the next Legislature.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item Ayes A 66-118 Date 8-26-66
Place Lihue Time _____

Names	Yes	No	Abstain	Absent
WUNG, L.	✓			
INABA, G.	✓			
OTA, G.				
WENKAM, R.	✓			
BURNS, C.E.S.				✓
NISHIMURA, S.	✓			
MARK, S.	✓			
FERRY, J.	✓			
THOMPSON, M.	✓			

Comments:

Approved per staff recom.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

August 26, 1966
Lihue, Kauai

To: Land Use Commission

From: Staff

Subject: A66-114 - JOHN M., MARIE V., & JULIET MEDEIROS; A66-118 -
JOHN COSTA AYRES; A66-121 - WILLIAM FERNANDES & MARGARET ARCIA

A66-114 - JOHN M., MARIE V., & JULIET MEDEIROS

This petition involving approximately 18 acres located at Omao, Koloa, Kauai, was heard at the public hearing held on July 7, 1966. A change from the present Agricultural classification to a Rural classification is the request by the petitioners.

Recommendation for approval was made by the Kauai County Planning and Traffic Commission and by the Land Use Commission staff. There was no adverse testimony presented at the public hearing or during the 15-day period thereafter. Therefore, it is recommended that the petition be approved.

✓ A66-118 - JOHN COSTA AYRES

A petition to reclassify 1.2 acres of land at Lawai, Kauai, from an Agricultural classification to an Urban classification was heard by this Commission on July 7, 1966. At that hearing, it was reported that the Kauai Planning and Traffic Commission recommended approval of the petition and the Land Use Commission staff recommended approval of the petition, since topographically the subject parcel is a part of the upper plateau of the existing Urban District and definitely not part of the Agricultural District which is located at the lower level.

No adverse testimony has been received during the hearing and to date. Therefore, it is recommended that the Land Use Commission approve the petition.

A66-121 - WILLIAM FERNANDES & MARGARET ARCIA

A petition to reclassify approximately 55 acres of Agricultural lands to a Rural classification and approximately five acres of Urban lands to a Rural classification was heard by this Commission on July 7, 1966. These lands are located in the Wailua Homestead area, County of Kauai.

The Kauai County Planning and Traffic Commission recommended approval of the petition as requested. The Land Use Commission staff recommended approval only for the requested change for the 55-acre portion from Agricultural to Rural. The 5-acre portion involving a requested change from Urban to Rural was not recommended. As no further significant data have been received since and during the public hearing, it is recommended that this Commission take final action to approve the Agricultural to Rural reclassification for the 55 acres and to deny the Urban to Rural reclassification for the 5-acre portion.

It is also recommended that this Commission initiate a petition to reclassify the three parcels fronting on the south side of Opaekaa Road from Agricultural to Rural in the event that the Fernandes-Arcia petition is approved.

August 17, 1966

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai

Dear Mr. Asari:

The Land Use Commission next meets at 2:30 p.m. at the Lihue Police Station, Lihue, Kauai, on August 26, 1966.

On or about that time a decision of the petition of John Costa Ayres (A66-118) will be rendered.

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

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson

STATE OF HAWAII
LAND USE COMMISSION

Lihue Police Station
Lihue, Kauai

2:00 p.m.
July 7, 1966

STAFF REPORT

A66-118 - JOHN COSTA AYRES

Background

A 1.2 acre parcel of land (TMK 2-5-05: 8) is the subject of a petition submitted by its owner, Mr. Ayres, which requests a change in district classification from Agricultural to Urban. The lands are situated at the southeast side of the Kaumualii Highway and Piko Road intersection at Lawai, Kauai. The petitioner indicates that he proposes to relocate a home on the subject parcel which would be used by his brother's family for residential purposes.

A recommendation for approval has been received from the Kauai Planning and Traffic Commission since (1) the subject parcel does not lend itself to intensive agricultural use, (2) the land is contiguous to an Urban District, and (3) it represents an isolated and minor portion of desirable land for urban development.

Analysis

The Lawai Urban District generally consists of scattered residences on lots platted prior to effectuation of the State Land Use Law. Adequate expansion areas within the Urban District is apparent by the extensive vacancies and wild, overgrown lands within this district. Therefore, the need for additional urban areas is not substantiated.

However, the subject parcel consisting of only 1.2 acres is situated and topographically shaped in a manner that clearly renders it unsuitable for any other than urban purposes. Two sides of the triangular-shaped parcel face a 20-foot drop down to a stream and a reservoir with the third side fronting on Piko Road. Topographically this parcel is a part of the upper plateau of the present Urban District and certainly not part of the Agricultural District at the lower level. Provision of reasonable access from the subject parcel to the agricultural lower lands is infeasible.

Kaumualii Highway is the primary route in this section of Kauai leading from Lihue to Waimea and Kekaha. Piko Road is a local service road quite adequate for the Lawai Urban District. The subject parcel fronts on both of these access routes and can be serviced without any further improvements.

Recommendation

In view of the analysis indicated above, it is recommended that the petition be approved.

June 24, 1966

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai

Dear Mr. Asari:

The Land Use Commission next meets on July 7, 1966, at 2:00 p.m., at the Lihue Police Station, Lihue, Kauai. At that time, the application of John Costa Ayres (A66-118) to amend the land use district boundaries at Koloa, Kauai, will be heard.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer



LIHUE, KAUAI, HAWAII

May 6, 1966

TELEPHONE 2781

RECEIVED

MAY 9 1966

State of Hawaii
LAND USE COMMISSION

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

Re: Petition for Amendment to Land Use District Boundary
John Costa Ayres

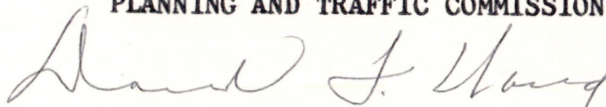
Gentlemen:

The Planning and Traffic Commission, at its regular meeting held on May 5, 1966, voted to recommend approval of subject petition for boundary change affecting the island of Kauai.

Enclosed for your information is staff report covering same.

Very truly yours,

PLANNING AND TRAFFIC COMMISSION



David F. Wong, Planning Director

encl.

KAUAI PLANNING AND TRAFFIC COMMISSION
LIHUE, KAUAI, HAWAII

April 27, 1966

TO: Planning Commission

RE: Amendment - Land Use District Boundaries

Submitted herewith is a report in regards to a petition submitted by John Costa Ayres for amendment to the land use district boundaries at Lawai, District of Koloa, County of Kauai, State of Hawaii.

The property is located at the Southeast corner of the junction of Kaunualii Highway and Piko Road, directly across from Garden Island Mortuary and along the South side of Kaunualii Highway and North of McBryde Sugar Co.'s Reservoir 18, being portion Grant 8960, Lot 34 of Lawai Homesteads, as shown on tax map 2-5-05 as tax parcel 8, containing an area of 1.191 acres.

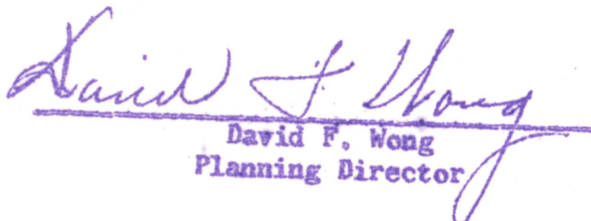
The existing property does not lend itself to high capacity for intensive agricultural use. There is an existing single-family dwelling on the lot with no physical indication of intense farming activities undertaken for the present or future.

The County General Plan designates this particular parcel of land for single-family residential use for the future. Presently it is in an agricultural district as established by the State Land Use Commission.

The property in issue is partially surrounded by and adjacent to the existing urban district. It also represents an isolated and minor portion of desirable land for urban residential development within an agricultural district. The parcel of land is contiguous to an Urban District.

The property in question is best suited for urban use rather than for agricultural use as it is adaptable, appropriate and usable for its proposed use.

To encourage the most appropriate use of land to its highest and best use within a reasonable land classification as proposed it is recommended that approval be granted to said petition with respect to unnecessary hardship, and the desired relief sought will not be detrimental to the public interest, convenience and welfare and will not involve any cost of public services and utilities. Because of its location, size, topography and unusual circumstances related to the physical characteristics of the property, the land in question cannot yield a reasonable return if used only for a purpose permitted in the agricultural district.


David F. Wong
Planning Director

E - 1

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No.

116

April 11,

1966

RECEIVED from

Tatsuo Asari

Fifty and no/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$ 50.00

Henry J. Fukuda

Public Accountant

April 11, 1966

Mr. David F. Wong, Director
Planning & Traffic Commission
County of Kauai
P. O. Box 111
Lihue, Kauai

Dear Mr. Wong:

Pursuant to Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, a copy of a petition for amendment to the land use district boundaries, submitted by Mr. John Costa Ayres, together with copy of a letter from Mr. Tatsuo Asari, attorney, and map, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls. - Petition, etc.

April 11, 1966

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai

Dear Mr. Asari:

This is to acknowledge the receipt of your check in the amount of \$50.00 for an application by Mr. John Costa Ayres to amend the land use district boundaries as shown on Tax Map Key 2-5-05: 8, Koloa-Poipu, Kauai.

In accordance with Section 98H-4, RLH 1955, as amended, and Act 32/SLH 1965, this Commission must schedule a public hearing on your petition no sooner than 60 days and no more than 120 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 any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

STATE OF HAWAII

OFFICIAL
RECEIPT

Nº

132

Land Use Commission

Department, Bureau or Commission

April 6

19*66*

RECEIVED from

Tatsu bear

Fifty & no/100

DOLLARS

*for public hearing on petition for boundary
change for John Costa Ayres*

\$ *50.00*

Don G. Horkawa

Public Accountant

1910

PHONE 23-421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII

P. O. BOX 126

April 4, 1966

RECEIVED

APR 6 1966

State of Hawaii
LAND USE COMMISSION

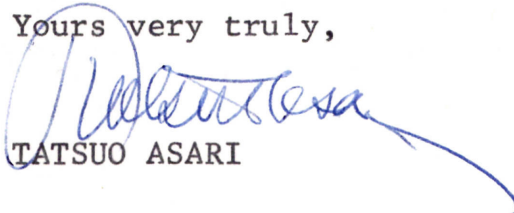
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii

Dear Sir:

You will find attached an original and copies of Petition For Amendment To The Land Use Commission District Boundary. Please be advised that the property in question are joint and is surrounded on three sides by urban classified lands. The owner finds it economically not feasible and in his memory (site by the old family home), never found it feasible to use it for agricultural purpose due to its location, size, shape and physical characteristics. Further it is the only land available to the owner to have move on it a used house. For if the request for reclassification is granted, the owner intends to locate a home on it to be used rent free by his brother and wife. The owner has no intention of selling all or any portion of the parcel in question. All factors that was against the agricultural classification for this parcel supports reclassification for urban use.

It is hereby requested that this matter be given your prompt attention and if there is any other matter requested of the Petitioner, we would be more than happy to supply same.

Yours very truly,


TATSUO ASARI

TA:jmr

Encls.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

APR 6 1966

State of Hawaii
LAND USE COMMISSION

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

ALL-118

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Kauai, Island of Kauai, map number and/or name K-3, Koloa-Poipu to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) urban district.

Description of property: 1.91 ^{1.91 ac.} acres more or less, Tax Key 2-5-05-8
(see attached map)

Petitioner's interest in subject property: Fee simple owner

Petitioner's reason(s) for requesting boundary change: So that another home can be relocated on said parcel (for more complete details see attached letter)

(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 usable and adaptable for the use it is proposed to be classified.

(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.

Signature(s) TATSUO ASARI, Attorney
for owner, John Costa Ayres

Address: P. O. Box 126, Lihue, Kauai

Telephone: 23421

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (~~We~~) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Kauai, Island of Kauai, map number and/or name K-3, Koloa-Poipu to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) urban district.

Description of property: 1.91 acres more or less, Tax Key 2-5-05-8
(see attached map)

Petitioner's interest in subject property: Fee simple owner

Petitioner's reason(s) for requesting boundary change: So that another home can be relocated on said parcel (for more complete details see attached letter)

(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 usable and adaptable for the use it is proposed to be classified.

(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.

Signature(s) TATSUO ASARI, Attorney
for owner, John Costa Ayres

Address: P. O. Box 126, Lihue, Kauai

Telephone: 23421

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Kauai, Island of Kauai, map number and/or name K-3, Koloe-Poipu to change the district designation of the following described property from its present classification in a(n) Agricultural district into a(n) urban district.

Description of property: 1.91 acres more or less, Tax Key 2-5-05-8
(see attached map)

Petitioner's interest in subject property: Fee simple owner

Petitioner's reason(s) for requesting boundary change: So that another home can be relocated on said parcel (for more complete details see attached letter)

(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 usable and adaptable for the use it is proposed to be classified.

(b) Conditions and trends of development have so changed since adoption of the present classification, that the proposed classification is reasonable.

Signature(s)

TATSUO ASARI, Attorney
for owner, John Costa Ayres

Address:

P. O. Box 126, Lihue, Kauai

Telephone:

23421





RED URBAN		
WHITE: AGRICULTURAL		
FOURTH DIVISION		
ZONE	SEC.	PLAT.
2	5	05
SCALE 1 in = 200 ft		

