

LIHUE PLANTATION COMPANY

SP(T)63-6

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP(T) 63-6 - (Lihue Pltn)
DATE 2/28/64
PLACE LUC Henning Rm.
TIME 3:40

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

COMMENTS: Motion by Ferry to approve but limited
to lands owned by Lihue Plantation.
Wing + Sec.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

LUC Hearing Room

Honolulu, Hawaii

1:00 P. M. - February 28, 1964

Commissioners

Present:

James P. Ferry
Shiro Nishimura
Charles S. Ota
Myron B. Thompson
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley Mark
C.E.S. Burns
Goro Inaba

Staff

Present:

Raymond Yamashita, Executive Officer
Roy Takeyama, Legal Counsel
Richard Mar, Field Officer
Amy Namihiro, Stenographer

The meeting was called to order by Chairman Thompson who said a short opening prayer.

ADOPTION OF MINUTES

The minutes of 1/17/64, 1/18/64, 1/24/64 and 1/25/64 meetings and public hearings were accepted as circulated with the understanding that changes would be made in sentence structures and phrases, particularly relating to the minutes concerning Oceanic Properties, Inc.

ELECTION OF A TEMPORARY CHAIRMAN

In view that both Chairman and Vice Chairman would be absent at tonight's meeting at 7:00 p.m., election of a temporary chairman was in order.

Commissioner Nishimura moved to elect Commissioner Ota as temporary chairman, to which Commissioner Wenkam seconded the motion. The motion was carried unanimously.

PETITIONS PENDING ACTION

PETITION OF EUGENE & EVA KENNEDY(A(T)62-27) FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN LANIKAI, OAHU: Described as TMK 4-3-2: Por. 1

Mr. William Yim, Counsel for petitioners, presented a letter to the Commission (which was read by the Chairman) requesting a withdrawal of their petition.

In light of this request Commissioner Wung moved to accept the request by Eugene and Eva Kennedy to withdraw their petition; which was seconded by Commissioner Nishimura. The motion was carried unanimously.

PETITION OF SADAMU TSUBOTA (SP(T)63-6) FOR A SPECIAL PERMIT TO CONSTRUCT A MULTI-UNIT RESIDENCE ON SUBJECT PARCEL LOCATED IN PUNA, HAWAII: Described as TMK 1-5-03: 28 containing 3.00 acres

The Field Officer, Richard Mar, gave a background on the petition, and pointed out the location of the area on a map.

The Executive Officer continued with the staff's analysis and recommendation. The recommendation was for disapproval of the petition on the basis that adequate areas, for which a development plan has already been prepared and for which detailed zoning maps will soon be adopted, have already been placed in the urban district. Approval of an urban use, outside of the areas now designated urban would adversely affect orderly development by setting a precedent which can only lead to further scatteration of developments in the area.

The Commissioners felt that the request was reasonable because the area is now serviced with facilities, the area would be most appropriate for a rural classification, and that the needs of this petition were of an unusual nature.

The Chairman asked whether this petition would be more appropriate for a boundary change rather than a special permit. The Executive Officer replied that the request was for a multi-residence use which was an unusual use. Therefore, the special permit procedure would be more appropriate than a boundary change. He stated that if it were a boundary change, approval would constitute spot zoning.

Commissioner Nishimura felt that these people should be given an opportunity to develop their lands, which are available, to their best and highest use. Commissioner Nishimura, recognizing the opportunity this petition would provide in fulfilling the need for more low cost housing in the area, moved to accept this petition by Sadamu Tsubota. The motion was seconded by Commissioner Wung. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioners Wung, Wenkam and Nishimura.

Disapproval: Commissioner Ota and Chairman Thompson.

The motion was not carried because of lack of votes. The petition was denied.

PETITION OF GILBERT ASHIKAWA (SP(T)63-7) FOR A SPECIAL PERMIT TO SUBDIVIDE PROPERTY INTO TWO LOTS CONTAINING 19,700 SQ. FT. SITUATED IN NORTH KONA, HAWAII: Described as TMK 7-6-10: 18 consisting of 49,300 sq. ft.

A background of the petition was given by the Field Officer, Richard Mar.

The Executive Officer presented a letter from Mr. Ashikawa which was read into the record (letter on file).

The staff recommended denial of the petition on the bases that:

1. The use petitioned for is common rather than unusual and does not meet the requirements of law in this respect.
2. The granting of this petition would constitute spot zoning and would be, in effect, the granting of a special privilege to an individual unless it is to be also made to all similar future petitions. Since the use and the circumstance are not unusual and hardship is not intimated (as has been true in other cases which have been denied), granting of this petition would set a precedence which would provide opportunity for scattered developments to occur.

The consensus of the Commission was that this area was typical of a rural designation and requested that the staff inform Mr. Ashikawa that the Commission would be considering this area (which includes Mr. Ashikawa's property) in a rural district during its deliberation on the final district boundaries.

Commissioner Ota moved to deny the petition on the basis of the staff recommendation. Commissioner Wung seconded the motion. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioners Wung, Ota, Wenkam, Nishimura and Chairman Thompson.

Disapproval: None.

The motion was carried.

A

PETITION OF PUNA SUGAR COMPANY (SP(T)63-8) FOR/SPECIAL PERMIT TO SUBDIVIDE A LOT OF 1.424 ACRES FROM A PARCEL OF 253.751 ACRES IN SIZE AND TO DEED THIS LOT WITH AN EXISTING DWELLING TO AN EMPLOYEE OF THE COMPANY, LOCATED IN PUNA, HAWAII: Described as TMK 1-8-05: 141

The Field Officer, Richard Mar reviewed the background on the petition and pointed out the location of the area on a map.

The Executive Officer reviewed the staff's analysis and recommendation (which is on file). The recommendation was for disapproval.

Commissioner Ferry moved to deny the petition by Puna Sugar Company on the basis of the staff's recommendation. Commissioner Wenkam seconded the motion. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioner Ota, Wenkam, Ferry and Chairman Thompson.

Disapproval: Commissioners Wung and Nishimura.

The motion was not carried because of insufficient votes.

A second motion to grant approval of the petition was made by Commissioner Nishimura and was seconded by Commissioner Wung. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioners Wung and Nishimura.

Disapproval: Commissioners Ota, Wenkam, Ferry and Chairman Thompson.

Motion was not carried because of insufficient votes. The petition was thus denied.

PETITION OF LIHUE PLANTATION COMPANY, LTD. (SP(T)63-6) FOR A SPECIAL PERMIT TO USE A PORTION OF ITS LANDS FOR THE CONSTRUCTION OF A SOUND MOVIE STUDIO COMPLETE WITH HOTEL, RESIDENTIAL AND RESTAURANT FACILITIES CONSISTING OF 30 ACRES LOCATED IN THE SOUTHWEST CORNER OF HANAMAULU BAY, KAUAI: Described as TMK 3-7-02

The Field Officer, Richard Mar, reviewed the background information on the petition and outlined the location of the area on a map.

The Executive Officer reviewed the analysis and recommendation of the staff report (which is on file). The recommendation was for approval in concurrence with the Kauai Planning and Traffic Commission's reasons as follows:

1. The development is directly necessary to the economic development of the County;
2. it is utilizing vacant lands of poor soil conditions to more productive use; and
3. the proposed use of the land is unusual and reasonable within an agricultural district.

However, the recommendation for approval was limited to the south bank of Hanamaula River where it meets the shore.

The question as to the ownership of about one-half of the Hanamaulu sand beach frontage was raised. Tax maps indicated that the sand beach frontage, which was included in the petitioner's petition, was not included as a portion of lands owned by the petitioner.

Commissioner Ferry moved to approve the petition but limiting the area to lands owned by Lihue Plantation as indicated by the tax maps. The motion was seconded by Commissioner Wung. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioners Wung, Ota, Wenkam, Nishimura, Ferry and Chairman Thompson.

Disapproval: None.

The motion was carried.

PETITION OF DONN CARLSMITH (SP(T)63-9) FOR A SPECIAL PERMIT TO SUBDIVIDE APPROXIMATELY 10.84 ACRES INTO TWO LOTS (38,160 sq. ft. lot and 9.96 acre lot) AND TO DEED THE PROPOSED 38,160 SQ. FT. LOT TOGETHER WITH A DWELLING AND A ROADWAY EASEMENT TO A PROSPECTIVE PURCHASER SITUATED AT ONOMEA, SOUTH HILO, HAWAII: Described as TMK 2-7-10: 5

A summary of the background of the petition was made by the Field Officer, who located the area on a map.

The Executive Officer reviewed the staff's analysis and recommendation. The staff recommendation was for disapproval on the bases stated in the staff report (on file).

Commissioner Wenkam, in response to a question raised by Commissioner Ota, felt that there was insufficient information available to set any standards that would categorize petitions of this nature.

Commissioner Wenkam, therefore, moved to defer action on this petition. The motion was seconded by Commissioner Wung.

The motion was carried unanimously.

PETITION OF EDWARD & GLADYS HORNER (SP(T)63-5) FOR A SPECIAL PERMIT TO CONSTRUCT A NEW HOME ON LAND SITUATED IN KOLOA, KAUAI: Described as TMK 2-5-06: 18

The Field Officer reviewed the background of the petition and pointed out the location of the area on a map.

The Executive Officer continued with a review of the analysis and recommendation. The recommendation of the staff was for denial on the bases that: (1) the use is not unusual; (2) approval would constitute spot zoning; and (3) justification for similar future petitions and effective control over scattered developments would be lost.

Commissioner Nishimura stated that the petitioners have been prevented from building on their property over a year and has caused them a great hardship.

The Executive Officer was sympathetic with the petitioners' views but stated that the petitioners' land is now in Agriculture and is proposed for an Urban classification. He stated that the special permit process should not be used to circumvent the procedures of a boundary change.

Commissioner Wenkam stated that the area, in reality, is an urban area and that most of the areas which were classified as agriculture under the interim boundaries were arbitrarily established. The previous zoning of the area in agriculture was in error. The argument that a special permit would be contrary to land uses in an agricultural district is purely a technicality. A factual look on the situation shows that the area should be urban and this Commission would be implementing what should have been done if it were to act on this special permit.

Chairman Thompson inquired as to what the possibility for relief to the petitioner would be should this Commission deny this special permit on a technicality. The Executive Officer replied that a petition for a boundary change would involve a waiting period as long as July 1st or longer. He stated that the denial is not only based on a technicality but also a principle. This Commission is mandated to follow the Law and accordingly should base its decisions and actions as mandated by Law.

Commissioner Nishimura moved to accept the petition for a special permit by Edward and Gladys Horner. The motion was seconded by Commissioner Ota. The Executive Officer polled the Commissioners with the following results:

Approval: Commissioners Wung, Ota, Wenkam and Nishimura.

Disapproval: Chairman Thompson.

The motion was not carried because of lack of sufficient votes and the petition was thus denied.

OLD BUSINESS

PETITION OF OCEANIC PROPERTIES, INC. (A(T)63-38), FOR AMENDMENT TO THE TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT CLASSIFICATION TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN WAIPIO, OAHU: Described as Portions of TMK 9-4 and 9-5. (Discussion only - not to take action)

The possible need for additional information on the above petition was stressed in discussions by Commissioner Wenkam. A suggestion to subpoena individuals was

turned down by the Commissioners, and a request to have the Executive Officer initiate letters to certain individuals was met with great reluctance.

The Executive Officer explained that it appeared there were indications that the area under consideration is in demand and in need for agricultural use. He requested permission to write to those individuals who would be qualified in answering questions which needed clarification. This request was granted by the Commission.

The meeting adjourned at 5:30 p.m.

Ref. No. LUC 173

March 10, 1964

Mr. David F. Wong
Planning Director
Planning and Traffic Commission
County of Kauai
Lihue, Kauai, Hawaii

Dear Mr. Wong:

The Land Use Commission, in action taken on February 28, 1964, voted to approve the petition for special permit, by Lihue Plantation Company, Ltd., to use the particular portion of TEE 3-7-02 shown, for a sound movie studio and the listed accessory uses. There is some question as to the ownership of a portion of the beach frontage and the approval by the Land Use Commission is limited to land owned by the petitioner only.

It is requested that notice of this approval by the Land Use Commission be served to the petitioner along with such awards and conditional awards as you may have elected to make.

Enclosed is the staff report as presented to the Commissioners on February 28, 1964. The petitioner received a copy at the Land Use Commission meeting. Should you have further questions, please feel free to contact us.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

REM/am
Encl.

cc: Lihue Plantation Co., Ltd.
Mr. Myron Thompson
Mr. Roy Takeyama

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
Honolulu, Hawaii

1:00 P. M.
February 28, 1964

STAFF REPORT

SP(T)63-6 - LIHUE PLANTATION
COMPANY, LTD.

Temporary District Classification: AGRICULTURAL

Background

The Planning and Traffic Commission of the County of Kauai has referred to the Land Use Commission their approval of an application for special permit by the Lihue Plantation Co., Ltd.

The Lihue Plantation Co., Ltd. is proposing to use a portion of its land for the construction of a sound movie studio complete with hotel, residential and restaurant facilities which will be primarily used by employees and other people connected with the production of movie projects. The developer plans to construct roads, water lines, and other utilities within the sound studio complex.

The subject property is located in the south-west corner of Hanamaulu Bay. It is approximately one mile away from the town of Hanamaulu and three miles away from the Lihue urban complex. Access to the property is by a paved road from Route 56 at Hanamaulu. The portion of land for the proposed use is about 30 acres and is described in the Kauai TMK as 3-7-02. The total area of subject parcel is approximately 341 acres.

The area is vacant land covered with coconut trees and heavy brushes. A very small portion of the land is in sugar cane. The area of the sugar cane is approximately one-half acre and is located in the south-west corner of the

proposed area. South and west of the proposed area are cane lands under cultivation. The land west of the proposed parcel also contains a few scattered residences. Immediately to the north and east of the 30 acre parcel are vacant lands. The 6½ acre Hanamaulu County Beach Park is in the eastern portion of Hanamaulu Bay. Approximately one-half of the beach in Hanamaulu Bay borders the subject property. The entire beach is 1500' long by 35' wide.^{1/} The Hanamaulu Stream meanders through the Lihue property and flows out at the beach where the sound studio is being proposed. A description of Hanamaulu Bay by the National Park Service is as follows:

"The deep indentation of Hanamaulu Bay contains some of the calmest water and safest swimming on Kauai. Hanamaulu Stream with its adjacent marshes meanders through a small valley and enters the sea at the south end of the ironwood-fringed beach. Numerous coconut palms form a pleasant backdrop to the quiet estuary. Beach morning glory and marsh grasses are also found in the area. Low cliffs covered with ironwood separate the bay and valley from the surrounding plateaus."^{2/}

The adjacent plateaus as mentioned in the above description are sugar cane fields.

According to the Land Study Bureau, the soil within the property is classified as unsuited for intensive agriculture. Rainfall in the general vicinity is below 50" per year.^{3/} There is a six inch water line to serve the urban area

^{1/} National Park Service, Hawaii Seashore and Recreation Areas Survey, 1962, p. 71.

^{2/} Loc. Cit. p. 70

^{3/} The General Plan - State of Hawaii

of Hanamaulu as well as the vicinity in which the subject parcel is located.^{1/} Public facilities such as governmental offices, schools, libraries, health center, and hospital are available in the town of Lihue.^{2/}

At a special meeting of the Kauai Planning and Traffic Commission held on January 24, 1964, the Commission approved the special permit filed by the Lihue Plantation Co., Ltd. The approval of the special permit was based on the following reasons:

- "1. The development is directly necessary to the economic development of the County.
2. It is utilizing vacant lands of poor soil conditions to more productive use.
3. The proposed use of land is unusual and reasonable within an agricultural district."^{3/}

Analysis

The Kauai General Plan proposes Hanamaulu Bay as a park and public reserve. The subject parcel is a part of the proposed park and public reserve. In the State General Plan, Hanamaulu Bay is proposed as open land surrounded by diversified agriculture and sugar cane lands. The State Parks Division of the Department of Land & Natural Resources does not have any plans for park purposes in Hanamaulu Bay. The State shoreline plan has proposed the bay as a beach reserve. According to statistics from the shoreline staff, the Island of Kauai has 41.21 miles of sandy shoreline out of which only 2.59 miles

^{1/} Office of the Kauai Public Water Works

^{2/} The General Plan - State of Hawaii

^{3/} Letter from Kauai Planning and Traffic Commission dated Dec. 21, 1963. Action taken on January 24, 1964.

are considered as primary sandy beaches. Out of this 2.59 miles, .28 mile is situated in Hanamaulu Bay. This .28 mile represents approximately 11% of all primary beach lands on Kauai. The map accompanying the petition shows that about one-half of the Hanamaulu sand beach frontage is included in the petition. However, staff study of tax maps show that petitioners land are limited to the southern banks of Hanamaulu Stream near the beach area (See TMK 3-7-02). An aerial photo of the area shows that the mouth of the river is normally closed by a narrow spit of sand which, because the stream runs parallel to the shore of this point, forms a substantial portion of the existing sand beach.

According to the December 5, 1963 minutes of the Kauai Planning and Traffic Commission Regular Meeting, the petitioner apparently is of the opinion that about one-half of the beach does belong to petitioner. The minutes, in attributing statements by the petitioner, reads in part as follows:

"that about half of the beach would be open to the public and fishermen would be allowed to walk along the high water mark at all times:..."

Should the proposed final district boundaries affecting this area be adopted, then the question of ownership is not as much a concern of the Land Use Commission. At the moment, however, tax maps indicate that the sand beach frontage is not included as a portion of lands owned by petitioner. On this basis, it would appear that the Land Use Commission cannot consider the sand beach area as part of the subject area included in the petition.

The Kauai Planning and Traffic Commission and the consultants to the Land Use Commission have proposed that the area in which the parcel is located be incorporated into the urban complex of Hanamaulu. According to the proposed

final district boundaries of the Land Use Commission, the shoreline adjacent to the bay including the valley is in the urban district.

Mr. Clinton L. Childs, administrative assistant, Lihue Plantation Co., Ltd. stated before the Kauai Planning and Traffic Commission on January 9, 1964, that improvements from the airport to the proposed site will be put in by the developers. He stated that there was great urgency in this request from the standpoint of the developers' financing and option. Mr. Childs said that the site was selected because of the large coconut grove, Hanamaulu Stream, Hanamaulu beach and its proximity to a large town thru an access road from the Ahukini road.

The staff feels that it is important to preserve favorable recreation and beach areas on the Island. However, from the standpoint of economic development, there appears to be a greater current need for the proposed operation rather than letting the land remain in its present state. It would appear that the sound stage would not mar the area since the natural assets of the bay were a prime consideration for the selection of the site.

Recommendation

In concurrence with the Kauai Planning Director's basis for recommending approval, the Land Use Commission staff also recommends approval of the subject area, however, being limited ^{to the shore lands owned} ~~to the south bank of Hanamaulu River~~ ^{by the petitioner,} ~~where it meets the shore.~~

Ref. No. LUC 104

February 11, 1964

The Lihue Plantation Co., Ltd.
Lihue, Kauai, Hawaii

Attention: Mr. C. L. Childs, Administrative Asst. to Manager

Gentlemen:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Oahu on February 28, 1964 in the Land Use Commission hearing room, 426 Queen Street, Honolulu, Hawaii, at 1:00 p.m.

As prescribed by SECTION 98H-6 of Act 205/63, your application for Special Permit has been placed on the agenda for consideration by the Commission at this meeting. Final action may be taken at that time.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Dec. 3, 1963

Kauai Planning and Traffic Commission
Lihue, Kauai
Hawaii

Gentlemen: Re: Special Permit Application
 Hanamaulu Bay, Tax Key 3-7-02

We hereby petition for special permit for use of the area indicated on the enclosed maps. Our proposed use is for the construction of a sound movie studio, with hotel, residential and restaurant facilities which will be constructed primarily for the use of employees and other individuals concerned with the production and management of the movie projects underway. Provisions for adequate utilities have been discussed jointly with appropriate County officials.

At the present time this area is waste land, except for a very small parcel at the eastern tip of the area which is being used for sugar cane cultivation. We, therefore, request special permit for the indicated uses of the area.

Enclosed are four copies of maps of the area and \$25.00 to clear necessary costs of a Public Hearing.

Very truly yours,

THE LIHUE PLANTATION CO., LTD.



C. L. Childs
Administrative Assistant to the Manager

CLC/w
enc.

RECEIVED

JAN 27 1964

State of Hawaii
LAND USE COMMISSION





LIHUE, KAUAI, HAWAII

January 24, 1964

RECEIVED

JAN 27 1964

State of Hawaii
LAND USE COMMISSION

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

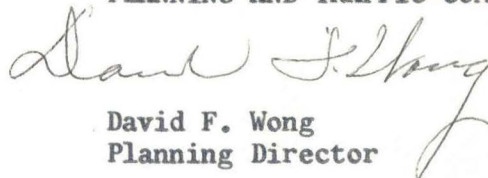
Gentlemen: Re: Application for Special Permit

At a special meeting of the Planning and Traffic Commission held on January 24, 1964, the Commission approved the application for special permit submitted by The Lihue Plantation Co., Ltd., File No. SP63-6.

In accordance with provisions under Section 98H-6 of Act 205, S.L.H. 1963, we herewith transmit for your consideration the foregoing application, transcript of proceedings attached.

Respectfully,

PLANNING AND TRAFFIC COMMISSION


David F. Wong
Planning Director

attach.

KAUAI PLANNING AND TRAFFIC COMMISSION
LIHUE, KAUAI, HAWAII

December 12, 1963

RECEIVED
JAN 27 1964

State of Hawaii
LAND USE COMMISSION

MEMO

TO: Planning Commission

RE: Special Permit SP63-6 - State Land Use Commission

Submitted herewith is a petition by Lihue Plantation Co., Ltd., for permission to use portion of their lands within the agriculture district for certain unusual and reasonable uses as described in their petition.

The property in question is situated in the Southwest corner of the Hanamaulu Bay, South of the County Park and also South of the Kapaia Stream entering into Hanamaulu Bay.

The parcel involved covers about 30 acres of vacant and waste lands covered with coconut trees and other vegetations with limited uses. According to the 1959 land use survey of the Land Study Bureau the soil within the property described is not suitable for intensive agriculture. A very small portion of cane land ($\frac{1}{2}$ acre) will be included in the entire project.

South and West of this area are cane lands presently under cultivation. Immediately North and East of this area are more vacant land including the County Hanamaulu Park.

The Lihue Plantation Co., Ltd., proposes to use this parcel of land for the development of a sound movie and television studio complex.

Within this studio complex construction of roads, water system and utilities will be undertaken by the developer and will include such facilities as hotels, restaurants and recreational activities for the use of the sound studio employees, actors and actresses.

The selection of the site was based on many factors such as the coconut groves, stream, beach, seclusion from other urban uses, waste lands unsuitable for agriculture, close proximity to the airport thru an access road from Ahukini Road and favorable environment for sound movie background.

It is recommended, for approval, of the petition by the Lihue Plantation Co., Ltd., for special permit (SP63-6) to use certain parcel of land as desired and described heretofore. This development is directly necessary to economic development and to the creation of employment opportunities. It is utilizing of vacant lands of poor soil conditions to more productive use. The proposed use of land is unusual and reasonable within an agriculture district. It is also recommended that consideration be given for inclusion of this parcel of land into the final urban district as proposed in our recommendation to the State Land Use Commission for the Hanamaulu area.



David F. Wong
Planning Director

**NOTICE OF PUBLIC HEARING
SPECIAL PERMIT, LAND USE - COUNTY OF KAUAI**

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Kauai Planning and Traffic Commission in the County Building at Lihue on Thursday, January 9, 1964, at 1:30 p.m., or as soon thereafter as those interested may be heard to consider an application for special permit within the County of Kauai as provided for in Section 98H-6, Act 205, Session Laws of Hawaii 1963.

**Docket Number
and Applicant**

Tax Map Key

Permission Requested

SP63-6

Lihue Plantation Co., Ltd.

3-7-02

Use of area for sound movie studio,
with supplementary hotel, residential
and restaurant facilities

Map showing the area under consideration for special permit is on file in the office of the Kauai Planning and Traffic Commission and open to the public for inspection during office hours.

All written protests or comments regarding the above application should be filed in writing to said Commission before the date of the public hearing or submitted in person at the time of the public hearing, or up to fifteen (15) days following this public hearing.

KAUAI PLANNING AND TRAFFIC COMMISSION
Masashi Kagayama, Chairman
By David F. Wong, Planning Director

(Dec. 25, 1963)
Garden Island

RECEIVED

JAN 27 1964

State of Hawaii
LAND USE COMMISSION

- B -

KAUAI PLANNING AND TRAFFIC COMMISSION
PUBLIC HEARING
APPLICATION FOR SPECIAL PERMIT - FILE NO. SP63-6

A public hearing on the above Application for Special Permit was opened by Mr. Masashi Kageyama, chairman, on Thursday, January 9, 1964 at 1:30 p.m. in the County Board Room, Lihue, Kauai, Hawaii. Other commissioners present were Commissioners Asakura, Hashisaka, Ibara, Prigge and Yama.

Thomas Yamasaki, staff member, presented background information relative to the petition by reading the letter of application dated December 3, 1963 (copy attached hereto) from the Lihue Plantation Co., Ltd.; pointed out the area under consideration and surrounding land uses on the Lihue General Plan. Read into the records was a report (Dec. 12, 1963) from David F. Wong, Planning Director, recommending approval of the application, copy attached hereto.

Mr. Clinton L. Childs, administrative assistant, Lihue Plantation Company called the attention of the Commission to his testimony presented at the last meeting (minutes of Dec. 5 meeting attached). Commissioner Yama inquired as to the construction and installation of road and water improvements to the development site and Mr. Childs stated that improvements from the airport area to the development site will be put in by the developers; that there is some urgency in their request from the standpoint of the developers' financing and option and asked for earliest consideration on the application.

The Chair announced that no action could be taken on the application until fifteen days after the public hearing; the matter, therefore, was taken under advisement and the hearing closed at 1:38 p.m.

DECISION OF COMMISSION: At a special meeting of the Commission held on January 24, 1964, the foregoing Application for Special Permit as submitted by the Lihue Plantation Co., Ltd., was approved by the following vote:

AYES:	Hashisaka, Ibara, Prigge, Kageyama	-	4
NOES:	None	-	0
ABSENT, NOT VOTING:	Asakura, Nakamoto, Yama	-	3

RECEIVED

JAN 27 1964

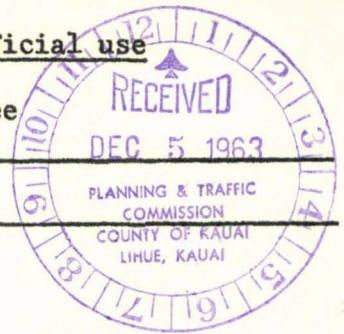
State of Hawaii
LAND USE COMMISSION

Respectfully submitted,

Thomas Yamasaki
Thomas T. Yamasaki, Secretary

COUNTY OF KAUAI
PLANNING AND TRAFFIC COMMISSION
Lihue, Kauai, Hawaii

This space for official use
Date Application and Fee
received by KP&TC



APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Kauai, Island of KAUAI, Land Use Commission Temporary District Boundary map number and/or name Tax Key 3-7-02, for the following-described purpose:

Description of property:

Waste land, beach land and sugar cane land fronting Hanamaulu Bay.

Petitioner's interest in subject property:

Owner

Petitioner's reason(s) for requesting special permit:

For use of the area for sound movie studio, with supplementary hotel, residential and restaurant facilities.

RECEIVED

JAN 27 1964

State of Hawaii
LAND USE COMMISSION

Signature(s) C. L. Childs
C. L. Childs, Administrative Asst. to Manager
THE LIHUE PLANTATION CO., LTD.
Address: Lihue, Hawaii
Telephone: 22-743

This space for official use

The property is situated in a(n) Agricultural district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) Shamab T. Yamashita
For (agency) _____

KAUAI PLANNING AND TRAFFIC COMMISSION
REGULAR MEETING
DECEMBER 5, 1963

The regular meeting of the Planning and Traffic Commission of the County of Kauai was called to order by Mr. Masashi Kageyama, chairman, on Thursday, December 5, 1963 at 1:40 p.m. in the County Board Room, Lihue, Kauai, Hawaii. Following members answered roll call:

Mr. Masashi Kageyama, chairman
Mr. Norman Hashisaka
Mr. Haruo Nakamoto
Mr. Diedrich Prigge, Jr.
Mr. Toshiharu Yama

Absent:

Mr. Ben Asakura
Mr. Itsuo Ibara

RECEIVED

JAN 27 1964

State of Hawaii
LAND USE COMMISSION

Public Hearing, Application for Special Permit No. SP63-5: A public hearing on the foregoing special permit application submitted by Mr. and Mrs. Edward J. Horner was opened by Mr. Kageyama, chairman. Transcript of proceedings, with related documents, is on file under Application SP63-5, Edward J. and Gladys S. Horner. The hearing was closed at 2 p.m. and matter taken under advisement.

Public Hearing, Interim Zoning Variance Application No. V-97: A public hearing on the foregoing variance application by Mr. Stan Sakahashi was opened by Mr. Kageyama, chairman. Transcript of proceedings, with related documents, is on file under Application No. V-97, Stan Sakahashi. The hearing was closed at 2:05 p.m., with decision on the application to be made at the regular meeting which followed.

Minutes of the regular meeting of November 7, 1963 were approved as circulated on motion of Mr. Yama, seconded by Mr. Hashisaka and carried.

Claims against the County of Kauai as follows:

General Fund G-2010	
Other Expenses, Planning and Traffic Commission	\$98.24
General Fund G-2012	
Conference Expenses, Planning and Traffic Commission	67.71

Total claims amounting to \$165.95 were approved for payment on motion of Mr. Prigge, seconded by Mr. Yama and carried.

Communication:

A communication (Nov. 26, 1963) from Jim P. Ferry, chairman, Board of Land and Natural Resources, to which is attached draft of proposed Interim Regulations for Conservation Districts, inviting comments on same, and advising of a public hearing to be

held on Kauai on December 17 on the matter. Mr. Wong reported that he had read and analyzed subject draft and had a few suggestions that he will be transmitting to them; also invited Commissioners to forward any suggested changes or corrections to his office.

Copy of a communication (Nov. 19, 1963) from Seymour E. Bushe and Sons to County Chairman Aki and the Board of Supervisors and copy of communication (Nov. 18, 1963) from Sigma Corporation to Dr. Shelley M. Mark, Director, State Department of Planning and Economic Development, relative to the Poipu Road extension and pipeline. Mr. Prigge expressed the feeling that there is a lot of talk about helping the economy of Kauai; that people come here, invest in property and then find that they can't get what they need in the way of improvements; that this may discourage some of them and they may pull their investments out of the Island; that if the County wants to help the economy of the Island they should float bonds at a low rate of interest and start this road and water project immediately; that the investment will come back to Kauai; that Kauai needs force, which is lacking right now, to go forward and somebody must do something. Chairman Kageyama brought the Commission up-to-date on the sentiments expressed by the people of Koloa at a public hearing in November on the subject matter; that they are not against the extension as such, only in the matter of setting priorities for the development of the area; that the people voted to set priorities in the following order: (1) complete first increment of Poipu Road, (2) develop Weliweli Houseslots, and (3) extend Poipu Road and pipeline additional 3,000 ft. Mr. Wong added that the State will be expending roughly \$500,000.00 for the construction of the first increment of the road and waterline and they would certainly like to see some kind of development within the area before going on any further; that the matter of concern here was not in the project but in the setting of priorities. After some discussion, Mr. Yama moved to acknowledge receipt of both letters and to place on file. So ordered.

Copy of a communication (Nov. 26, 1963) from Masashi Kageyama, Chairman, Planning and Traffic Commission, to the Board of Supervisors, reporting on seminar on "Cluster Housing and Planned Unit Developments." Mr. Kageyama reported that the seminar attended by himself and two staff members was very informative and worthwhile. Mr. Wong also reported on this new concept in development of properties; stated that he felt that as far as Kauai is concerned we are not ready for this as yet, transition presently being from plantation camps to individual homesites. Mr. Yama moved that the report be forwarded to the Board of Supervisors, seconded by Mr. Nakamoto and carried.

A communication (Nov. 27, 1963) from Turk Tokita, Secretary, Kauai Charter Commission, requesting Commission's decisions or opinions on its status relative to county makeup and organization. Chairman Kageyama reported that he had met with the Charter Commission and statements made before them at that time were strictly his own and did not represent the Commission's thinking; that his recommendation was to keep the Commission as is and if possible, to give the Commission a little more power; in other words, to try and take politics out of the actions of the Commission and instead of referring variances and decisions to the Board of Supervisors they be handled by an Appeals Board as is done in Honolulu. Mr. Wong felt that the present operations of the Commission are working out well and recommended to keep the Commission as is; also stated that traffic problems are all within the jurisdiction of the Board of Supervisors as outlined in the Traffic Ordinance. Mr. Yama expressed the desire that the Commission should be given more power. After some discussion it was decided to recommend to the Kauai Charter Commission that the Planning and Traffic Commission be kept as is, with the further recommendation that the name be changed to "Planning Commission" only.

Mr. Wong reported that he had received a special permit application from the Lihue Plantation Company late "this afternoon"; that the development covered a portion of the Hanamaulu Bay area consisting of approximately 30 acres for a sound studio and such uses including hotels, restaurants and other uses within the complex of a movie studio development. He explained that the application had to be processed in the usual manner and that this was preliminary information to the Commission of the development proposed. He felt that rather than asking for a special permit it would be better for the applicant to petition for a change of interim boundaries from agricultural to urban designation. He stated that the request is included in the latest recommendations for urban boundaries and felt the development would be a desirable one. Mr. Yama requested that Mr. Childs of Lihue Plantation be summoned to appear before the Commission. (See later for Mr. Childs' statement.)

Commission Action, Application for Special Permit, File No. SP63-4, Mrs. Clara K. Kim: Mr. Prigge moved that the application as submitted be denied, seconded by Mr. Nakamoto. Mr. Yama, in support of the application, stated that roads, water and all government improvements are presently available; that the lot was subdivided many years ago into half-acre lots and saw no reason why the applicant should not be allowed to further subdivide into 11,000 square foot lots; that she should be given a chance to

stabilize the value of her property; that this was in line with the Planning Director's report "to stabilize the value of property and encourage an appropriate use of the land" as nothing but grass is growing in the lot right now. Mr. Wong stressed that if urbanization is encouraged in the area by allowing the lots to be further subdivided into smaller parcels the density of the area will be increased, then government facilities will have to be increased; that the present roads and water may not be adequate if intensification is allowed; that nothing will stop the others in the area from cutting up their lots also; that if the Commission agrees that the area is a potential urban area then the special permit should be allowed, otherwise, it should be denied and the area remain agricultural. The motion for denial was then put and carried by the following vote:

AYES: Hashisaka, Nakamoto, Prigge, Kageyama	- 4
NOES: Yama	- 1
ABSENT, NOT VOTING: Asakura, Ibara	- 2

Variance Application No. V-97: Mr. Prigge moved that the variance application as submitted by Stan Sakahashi for the construction of facilities for use as a commercial building be approved, seconded by Mr. Hashisaka and carried by the following vote:

5 Ayes; None Dissenting.

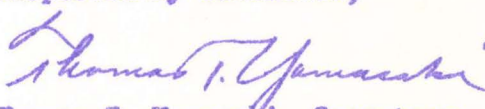
The presence of Mr. Clinton L. Childs having been noted, the rules were suspended to permit him to explain the Hanamaulu Bay development for a sound studio. Mr. Childs stated in effect that: the area for said development has been under negotiation with people from Honolulu and Hollywood for some time; that this would involve establishing a colony for sound film production which would not only be used by Hollywood studios but by Japanese studios as well; that this would insure relatively high usage of the investment throughout the year; that negotiations have been successful and conclusive enough for the investors to pick up the option on the land; that the area involved approximates 30 acres which is primarily wasteland, with only a very small portion presently in sugar production; that this would involve construction of a sound studio and other facilities including hotel rooms and restaurants to take care of the movie people involved; that this represents an investment of about two million dollars; that the indoor studio will give the flexibility of keeping the actors and workmen active even if the weather turns bad; that the principals involved could not be divulged at this stage as negotiations are not complete as yet; that the land would be leased to the studio for a 40-year term; that plans are pretty much along and development is

possible within the year; that this would create economic activity not only in Lihue but would involve employment over the Island; that the portion of the beach now owned by the County would still be open to the public; that about half of the beach would be open to the public and fishermen would be allowed to walk along the high-water mark at all times; that the area is blessed with natural assets such as a coconut grove, river, beach, and its proximity to a large town. In answer to questions by the Commissioners, Mr. Childs continued: that the reason for a special permit application rather than a change of boundaries petition was that a special permit can be processed within 45 days and they don't want to lose any more time on this; that the investors have picked up the option on the land, subject to the approval of the government agencies; that in all probability an access road will be built from the airport side and an agreement has been worked out as to the cost of water development in the area.

The meeting having reconvened, Mr. Wong presented to the Commission a set of maps showing proposed areas on Kauai for land use rural districts, existing interim boundaries and additional areas suggested for inclusion in the urban areas. He reported that a set of these maps had been turned over to Mr. Raymond Yamashita of the State Land Use Commission when he met with them "last Saturday." Mr. Prigge's motion that the maps as presented be approved was duly seconded and carried.

There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,


Thomas T. Yamasaki, Secretary



LIHUE

SOUND STUDIO
30 ACRES ±

NORTH

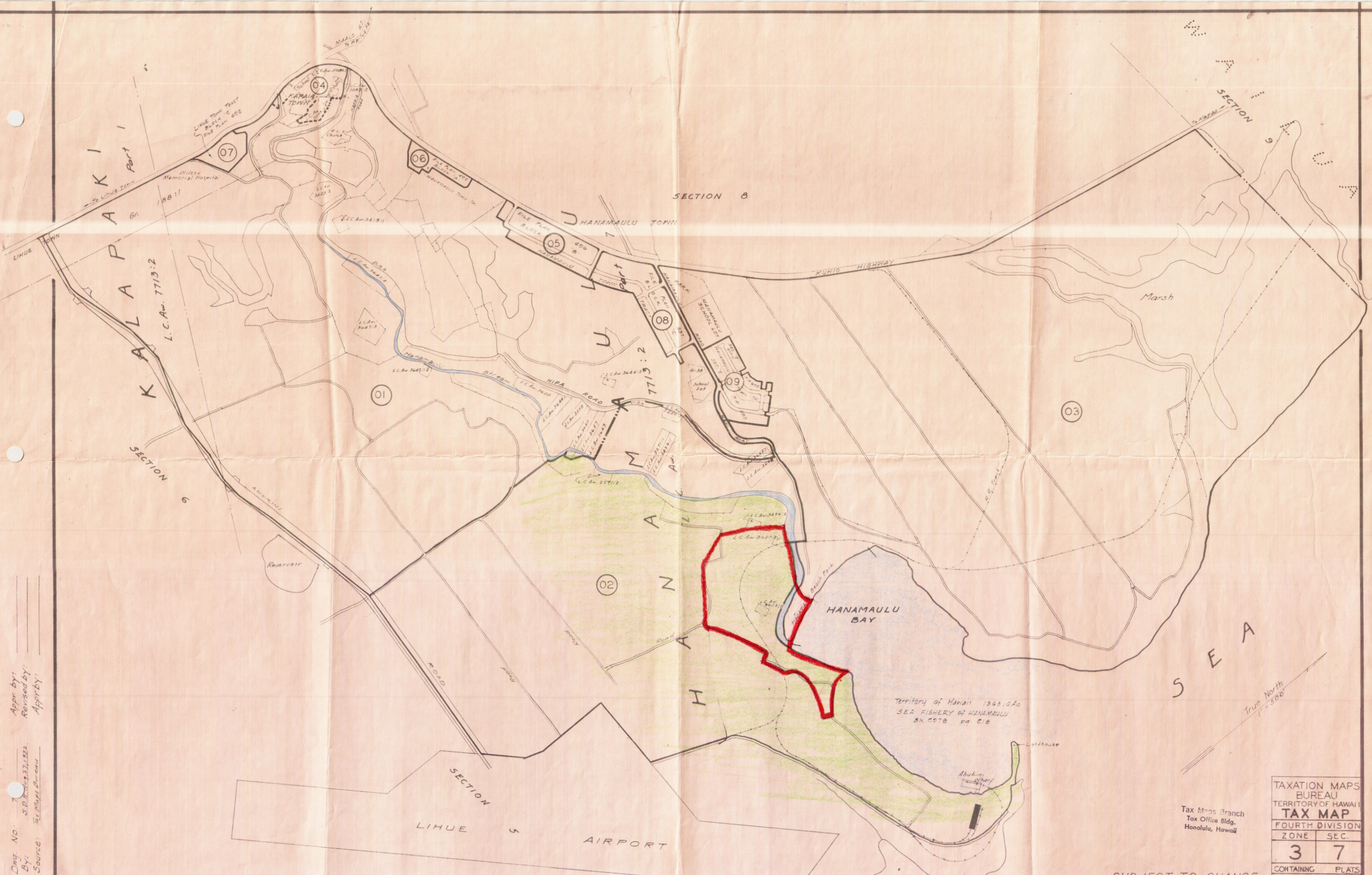


State of Hawaii
LAND USE COMMISSION

JAN 27 1964

RECEIVED

Dwg. No. 1
 By: S.D. HICKS
 Source: Tax Map Bureau
 Appr. by: _____
 Revised by: _____
 Appl. by: _____



LIHUE PLANTATION, LIHUE, KAUAI.

Tax Maps Branch
 Tax Office Bldg.
 Honolulu, Hawaii

SUBJECT TO CHANGE

TAXATION MAPS	
BUREAU	
TERRITORY OF HAWAII	
TAX MAP	
FOURTH DIVISION	
ZONE	SEC.
3	7
CONTAINING	PLATS
Scale 1 in = 500 ft	

PRINTED FEB 19 1964