

SP68-53

KAUAI HELICOPTERS

No. 288046

RECEIPT FOR CERTIFIED MAIL—30¢

SENT TO

Mr. Jerry W. Robinson

POSTMARK
OR DATE

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P. O. Box 788

P. O., STATE, AND ZIP CODE

Lihue, Kauai 96766

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and date
delivered*

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10¢ fee

*Shows to whom,
date, and where
delivered*

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35¢ fee

*Deliver to
Addressee Only*

☐

50¢ fee

POD Form 3800
Mar. 1966

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3. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED. (*Fees—10¢ or 35¢.*)
5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. (*Fee—50¢*). Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

288046

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
 PAYMENT OF POSTAGE, \$300

POSTMARK OF
 DELIVERING OFFICE



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
 TO**


NAME OF SENDER

LAND USE COMMISSION

STREET AND NO. OR P.O. BOX

P. O. BOX 2359

POST OFFICE, STATE, AND ZIP CODE

HONOLULU, HAWAII 96804

November 4, 1969

Mr. Jerry W. Robinson
General Manager
Kauai Helicopters
P. O. Box 788
Lihue, Kauai 96766

Dear Mr. Robinson:

At its meeting on October 31, 1969, the Land Use Commission voted to grant an extension of SP68-53 to expire on December 31, 1969, to allow Kauai Helicopters to relocate its heliport operation from the KTOH Radio Station site. It was also the Commission's decision that this extension shall be final and that no further extension will be considered regardless of whether Kauai Helicopters is successful in relocating its facilities by December 31, 1969. Your attention is also called to the fact that any continuance of the uses permitted by the special permit after December 31, 1969 will be subject to Section 2.40, subpart G of the new State Land Use District Regulations. A copy of 2.40 is enclosed for your information.

Should there be any questions concerning the above matter, please feel free to contact our office.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Brian Nishimoto
S. J. Lawrence
Dept. of Taxation

ORIGINAL

JCM:dwf
12-a
Op. No. 68-30

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
Honolulu, Hawaii
November 4, 1968

RECEIVED

NOV 6 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran, Executive Officer
Land Use Commission
Department of Planning and
Economic Development
426 Queen Street
Honolulu, Hawaii 96813

Re: Restrictions Upon Special Use Permit
(Kauai Helicopters)

Dear Mr. Duran:

By letter dated October 22, 1968 you requested our opinion as to whether or not the Land Use Commission possesses the power to approve an applicant's Special Use Permit (under §98H-6, Revised Laws of Hawaii 1955, as amended) for a duration in excess of that approved by the county planning commission. We understand that in this case, Kauai Helicopters filed an application with the Kauai County Planning and Traffic Commission in February, 1968 for use of a parcel of land within the State Agricultural District as a heliport; that the County Commission held a public hearing on the matter in April, 1968; that the County Commission approved the application in May, 1968, subject to termination upon June 30, 1969 or upon a determination sooner by the County Commission that such use is hazardous to public safety or a nuisance; and that the Land Use Commission subsequently "voted to approve the Special Permit request of Kauai Helicopters with the condition that the Special Permit application expire at the same time as the applicant's lease of the property -- December 31, 1969".

We think the Land Use Commission does not possess the power to extend a time limitation imposed by a county commission as a condition of its approval of an application for a Special Use Permit.

Op. No. 68-30

*copy to all Commissioners, Ekko + Hostetter, George Souza Dep. of Tol.,
Brian Nishimoto*

Mr. Ramon Duran
November 4, 1968
Page -2-

Examination of §98H-6, with relation to the question posed, reveals an unambiguous progression in the procedure necessary to obtain a Special Use Permit; i.e.:

1. "The county planning commission ... may permit certain unusual and reasonable uses within agricultural ... districts other than those for which the district is classified (by the Land Use Commission)";
2. "The county planning commission ... may under such protective restrictions as may be deemed necessary, permit such desired use ...";
3. "A (county planning commission's) decision in favor of the applicant ... shall be subject to the approval of the (Land Use Commission)"; and
4. "Within forty-five days after receipt of the county agency's decision (to approve the application), the (Land Use Commission) shall act to approve or deny."
(Emphasis added.)

The Legislature has granted the county commissions the specific power to place restrictions upon a use permitted specially under §98H-6. However, no such grant in favor of the Land Use Commission is made. Further, the Land Use Commission is granted no power to review an application for a Special Use Permit where the county commission has denied the application.

We think that the pertinent statutory language, by clearly granting to the county commissions the authority to place restrictions upon special uses approved by them and by omitting a grant of such authority to the Land Use Commission, leads irresistibly to the implication that the Land Use Commission may not remove or relax such restrictions upon its approval of a Special Use Permit.

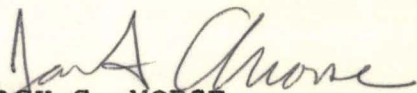
Mr. Ramon Duran
November 4, 1968
Page -3-

We therefore suggest that you advise the Land Use Commissioners that they should either:


- (a) Amend their action taken on this application so that the restrictions imposed thereon by the Kauai County Planning and Traffic Commission are incorporated in the Special Use Permit issued by the Land Use Commission; or
- (b) If the Land Use Commissioners feel that Kauai Helicopters should be allowed to operate its heliport until December 31, 1969 (subject to a hazard or nuisance determination as aforesaid) remand the application to the Kauai County Planning and Traffic Commission with such suggestion.

However, please note that under the latter procedure a new public hearing may be required at the county level if the original notice-of-hearing specified a time limitation earlier than December 31, 1969.

Very truly yours,


JACK C. MORSE
Deputy Attorney General

APPROVED:


BERT T. KOBAYASHI
Attorney General

Op. No. 68-30

11-2-69 S. S.B. 2A.

Land Board OKs Maui drag strip

LIHUE — The State Land Use Commission approved the use of the old Puunene Airport for a drag racing strip at a regular meeting held here Friday.

Maui Planning Director Howard Nakamura urged approval and said that Maui County would expend a substantial amount to develop the airport for recreational use and prepare it for drag racing. The airport is now under lease to Alexander and Baldwin's Hawaiian Commercial & Sugar Co.

APPROVAL of the drag strip was subject to review by the State Land Board and limited to 10 years.

The commission also granted Kauai Helicopters

an extension of their special use permit to land at radio station KTOH near the Lihue Airport until the end of the year.

Extension of the special use permit for a railroad running from Kaanapali Resort to a site near the Lahaina Shopping Center was granted.

ACTION was deferred 90 days on a petition for reclassification of 2.3 acres of land at Kalihiwai on Kauai. It was submitted by William and Frances Akana, who seek to divide the one-family property into four home sites.

A request for change of 27 acres at Koloa from agriculture to urban use submitted by William R. Keau was withdrawn.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP68-53 - KAUAI HELICOPTERS

DATE October 31, 1969

PLACE Conference Room, State Bldg.
Lihue, Kauai

TIME 1:00 p.m.

S
M

	YES	NO	ABSENT	ABSENT
INABA, GORO	✓			
YAMAMURA, TANJI	✓			
WUNG, LESLIE	✓			
NISHIMURA, SHIRO	✓			
TANGEN, EDDIE	✓			
NAPIER, ALEXANDER	✓			
MARK, SHELLEY				✓
KIDO, SUNAO	✓			
CHOI, WILBERT	✓			

COMMENTS:

approve
extension to Dec 31

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

October 31, 1969
1 p.m.

TO: LAND USE COMMISSION
FROM: STAFF
SUBJECT: SP68-53 - KAUAI HELICOPTERS

The following is a chronological list of events relative to the attached letters by Jerry W. Robinson, General Manager of Kauai Helicopters, and Mr. Tatsuo Asari, attorney:

1. July 1, 1967 - Kauai Helicopters obtained a two-year sublease from Garden Isle Publishing Company to use their radio station site for a heliport.
2. July 15, 1967 - At approximately this date, the applicant began using the facilities to park aircraft and was notified by the County Planning Director that the use was in violation of the Land Use Law.
- (SP67-47) 3. August 3, 1967 - The applicant filed a petition for a special permit which was approved by the Kauai Planning and Traffic Commission after a public hearing on October 5, 1967.
4. December 15, 1967 - The Land Use Commission unanimously denied this special permit request.

10-29-69 sent copy to J. Robinson

5. February 15, 1968 - Airports Division, Department of Transportation in Honolulu, stated Lihue Airport was occupied and crowded and requested the applicant to seek a location other than the airport for a heliport operation. They also recommended the KTOH site be approved as it is nearly ideal.
- (SP68-53) 6. February 16, 1968 - Kauai Helicopters refiled an application for a special permit with the County.
7. February 20, 1968 - Federal Aviation Administration acknowledged receipt of a request to operate a heliport at the KTOH Station.
8. April 2, 1968 - FAA approved the limited private VIR use of the heliport at KTOH Radio Station.
9. April 16, 1968 - Kauai County held a public hearing on the special permit request.
10. May 2, 1968 - County Commission approved the application for a special permit with the provision that it be approved up until the expiration of Kauai Helicopters' sublease with Radio Station KTOH on June 30, 1969, or until such time that the use is

considered a hazard to public safety or
a nuisance factor whichever occurs first.

11. July 9, 1968 - Amfac Properties, owners of the property in question, gave their consent to the use of the area as a heliport with the right to withdraw their consent should the operation adversely affect the surrounding area.

12. August 15, 1968 - Mr. Clinton Childs, realtor, handling the sale of homes in the adjacent subdivision objected to the approval of the special permit as it would adversely affect the development and cause a noise nuisance.

13. August 16, 1968 - Land Use Commission met to consider the special permit at Lihue, Kauai, and deferred action pending receipt of additional information. Staff report strenuously opposed the request because the site appeared hazardous because of the 60-foot high poles, 150-foot high antenna on the site adjacent to a high-speed highway, and is 370 feet from a residential subdivision development, thus not

satisfying the criteria established by the Commission for approving a special permit.

14. October 18, 1968 - Land Use Commission approved special permit over staff's recommendation for denial. The permit would extend to December 31, 1969, to permit applicant ample time to relocate his operations.
15. November 4, 1968 - Legal opinion from AG's office indicating that the six month's extension by the Land Use Commission beyond the June 30 deadline approved by the County is beyond the power of the Land Use Commission.
16. November 15, 1968 - Land Use Commission amended their action of October 18 to incorporate County's restrictions on the special permit to expire on June 30.
17. November 18, 1968 - Executive Officer to Kauai Planning Commission with cc to Pai, Asari, and Department of Taxation advising that the permit expires on June 30, 1969, due to Land Use Commission's latest action based on AG's legal opinion.
18. June 30, 1969 - Robinson to Kauai Planning Director requesting approval of special permit

extension to December 31, 1969. He mentioned in the letter that he had discussed the situation with Mr. Duran and that "subject to your approval, he (Duran) said he would consider an administrative extension of our special permit . . ."

19. July 24, 1969 - Letter from Kauai Planning Director to Executive Officer stating that the Planning Commission approved the extension request provided the statements in Robinson's letter are confirmed to be correct. However, after action was taken on the matter, the Director received Rom's memo of the conversation with Robinson which conflicts with statements in Robinson's letter.
20. August 1, 1969 - Land Use Commission voted to grant a 60-day extension of special permit.
21. August 20, 1969 - Letter to Brian from staff advising that the 60-day extension period commences August 21, 1969, and expires on October 20, 1969. It also indicated that it was the Commission's decision that the extension period ending October 20, 1969,

shall be final and that no further extension will be considered and that continuance of the uses after the deadline will be subject to penalty provisions of Regulations.

Carbon copy of letter to Asari by registered mail delivered date - August 25, 1969.

22. August 27, 1969 - Letter from Asari indicating he no longer represents Kauai Helicopters but that the August 20th letter concerning the October 20, 1969, deadline will be forwarded to Kauai Helicopters.

23. October 13, 1969 - Executive Officer wrote to Kauai Helicopters requesting status report on relocation since special permit would expire October 20.

24. October 15, 1969 - Robinson phoned Land Use Commission office to say that he had just received our letter asking for a status report but that he did not receive the letter concerning the October 20 deadline until a few days ago when he inquired at Attorney Asari's office.

25. October 20, 1969 - Letter from Robinson to Executive Officer reiterating above and again

asking for an extension to December 31, 1969.

26. October 22, 1969 - Asari to Executive Officer
confirming that the registered letter was
forwarded to Kauai Helicopters when he
received cc on August 25.

PHONE 245.3421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

3077
1st
P. O. BOX 126
Bain
Lau

October 22, 1969

RECEIVED

13

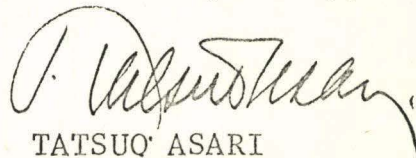
State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Dept. of Planning and Economic Development
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Duran:

Mr. Robinson came in a few days ago stating that he did not receive the copy of the letter forwarded to me and addressed to the Kauai Planning Commission dated August 20, 1969. I have discussed this matter with my secretary and to the best of her recollection, she did comply to the instructions with regards to forwarding said copy of the said letter to Kauai Helicopters. As to their not receiving same, I have no explanation for it. I do not believe we made any effort to confirm the receipt of same. I do not question Mr. Robinson's statement that they did not receive same, but we did, as indicated on our letter dated August 27, 1969, mail said copy to them. Mr. Robinson did come in to see me and requested a copy of said letter at which time my secretary made and handed him a copy.

Yours very truly,


TATSUO ASARI

TA:la



KAUAI HELICOPTERS

P. O. BOX 788 ♦ LIHUE, HAWAII 96766 ♦ PHONE 245.2371

Sunday meeting
Oct 31

October 20, 1969

RECEIVED

71

Mr. Ramon Duran
Executive Officer
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

State of Hawaii
LAND USE COMMISSION

Dear Mr. Duran:

As I stated to Mr. Leong in our phone conversation of October 15th, and to you on October 16th, Kauai Helicopters was unaware that our Special Permit expires October 20th until receipt of your October 13th letter on October 14th. This denial of extension until December 31st came as a complete surprise to us, particularly in light of the Commission's previous unanimous approval of extension of the Special Permit until that date.

The Lihue Airport situation has not changed. The Peat, Marwick and Livingston study, once scheduled for completion last March is now scheduled to submit recommendations for General Aviation facilities February 15, 1970. The amount of time required from submission of recommendations to acceptance and implementation by the Airport Division is anyone's guess. Until that report is submitted, accepted, and implemented, the best we can expect at Lihue Airport is a bare piece of ground on a month-to-month use permit. We have therefore abandoned the possibility of relocating to the Lihue Airport in the foreseeable future, and have once again begun our search for a suitable area within State Urban and County Limited Industrial areas.

Here again we are in the middle of planning changes. Consultants for the County General Plan are scheduled to present their initial recommendations late this week. The County Comprehensive Zoning Ordinance is scheduled for completion in March, 1970. It is extremely difficult to determine at this time what areas are available for our use.

For the above mentioned reasons, we again request extension of our Special Permit to December 31, 1969. We will make every effort to relocate our operation prior to that date.

Sincerely,

Jerry W. Robinson
Jerry W. Robinson
General Manager

JWR:wub

cc: Kauai County Planning Department
Mr. S. J. Lawrence

PHONE 245-3421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

3077
1st
P. O. BOX 126
Pau
Lau

October 22, 1969

RECEIVED

OCT 23

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Dept. of Planning and Economic Development
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Duran:

Mr. Robinson came in a few days ago stating that he did not receive the copy of the letter forwarded to me and addressed to the Kauai Planning Commission dated August 20, 1969. I have discussed this matter with my secretary and to the best of her recollection, she did comply to the instructions with regards to forwarding said copy of the said letter to Kauai Helicopters. As to their not receiving same, I have no explanation for it. I do not believe we made any effort to confirm the receipt of same. I do not question Mr. Robinson's statement that they did not receive same, but we did, as indicated on our letter dated August 27, 1969, mail said copy to them. Mr. Robinson did come in to see me and requested a copy of said letter at which time my secretary made and handed him a copy.

Yours very truly,


TATSUO ASARI

TA:la

October 22, 1969

Mr. Jerry W. Robinson
General Manager
Kauai Helicopters
P. O. Box 788
Lihue, Kauai 96766

Dear Mr. Robinson:

The Land Use Commission next meets on October 31, 1969 at 1:00 p.m. in the Conference Room of the State Building at Lihue, Kauai. At that time your request for an extension of your special permit will be considered.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Brian Nishimoto
Kauai Planning Dept.

Rom - o's call Jerry Robinson of
Kauai Helicopters at

2452371 (Kauai)
(he's expecting a call at 8:30 AM
or thereabouts)

He says that he just rec'd
your letter of Oct 13 asking
about a status report but
did not receive the
Aug 20th letter circulated
to Tatsuo Asari about

the LUC's decision to
grant a 30 day extension
ending on Oct 20 '69,

I told him that he'll need
to get a further extension
or possibly submit a
new app'l. in order to
continue operating but
he wants to speak w/you
(ASC 4:30 pm)

Send Po
until a
few days ago

October 16, 1969

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai 96766

Dear Mr. Asari:

The enclosed memo concerning a telephone conversation between Mr. Robinson of Kauai Helicopters and a Land Use Commission staff member indicates that Mr. Robinson did not receive the letter which we forwarded to you on August 20 until a few days ago. Since your letter of August 27 indicated your intention to forward this communication to Mr. Robinson, we would appreciate confirmation from you of the approximate delivery date of this letter to Mr. Robinson, for our records.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.



KAUAI HELICOPTERS

P. O. BOX 788 ♦ LIHUE, HAWAII 96766 ♦ PHONE 245-2371

October 20, 1969

3073
Sriday's meeting
Oct 31
RECEIVED

Mr. Ramon Duran
Executive Officer
Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

001 21
State of Hawaii
LAND USE COMMISSION

Dear Mr. Duran:

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For the above mentioned reasons, we again request extension of our Special Permit to December 31, 1969. We will make every effort to relocate our operation prior to that date.

Sincerely,

Jerry W. Robinson
Jerry W. Robinson
General Manager

JWR:wub

cc: Kauai County Planning Department
Mr. S. J. Lawrence

October 13, 1969

Mr. Jerry W. Robinson
General Manager
Kauai Helicopters
P. O. Box 788
Lihue, Kauai, HI 96766

Dear Mr. Robinson:

In August of this year, the State Land Use Commission voted to grant an extension of time to a Special Permit to allow Kauai Helicopters to relocate their heliport operation from the KTOH Radio State site. This extension of time expires on October 20, 1969.

Since the Special Permit will soon expire, the Commission desires a status report on the relocation of this operation at your earliest convenience.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Kauai County Plan. Dept.
Mr. Tatsuo Asari
Mr. S. J. Lawrence

2987

PHONE 245-3421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

P. O. BOX 126

August 27, 1969

RECEIVED

AUG 28, 1969

State of Hawaii
LAND USE COMMISSION

Land Use Commission
Dept. of Planning and Economic Development
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

I received a copy of your letter dated August 20, 1969 addressed to the County of Kauai Planning Department. Please be informed that I no longer represent Kauai Helicopters. However, I will forward to Kauai Helicopters a copy of the communication submitted to me. I would appreciate it if all future matters regarding same be made directly with Kauai Helicopters.

Yours very truly,


TATSUO ASARI

TA:1a

RECEIPT FOR CERTIFIED MAIL—30¢

No. 288042

SENT TO <i>Tatsuo Asari</i>		POSTMARK OR DATE
STREET AND NO. <i>P.O. Box 126</i>		<i>cert. mail 30¢</i> <i>ret. receipt 15</i>
P. O., STATE, AND ZIP CODE <i>Lihue, Kauai 96766</i>		<i>6¢ postage</i> <i>51¢</i>
EXTRA SERVICES FOR ADDITIONAL FEES		
Return Receipt Shows to whom and date delivered <input type="checkbox"/> 10¢ fee		Shows to whom, date, and where delivered <input type="checkbox"/> 35¢ fee
		Deliver to Addressee Only <input type="checkbox"/> 50¢ fee

POD Form 3800
Mar. 1966

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See other side)

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to addressee

(Additional charges required for these services)

RECEIPT

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REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

288042

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

AUG 25 1964

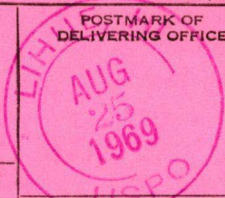
SHOW WHERE DELIVERED *(only if requested)*

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**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300**

**POSTMARK OF
DELIVERING OFFICE**



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**RETURN
TO**



NAME OF SENDER

LAND USE COMMISSION

STREET AND NO. OR P.O. BOX

P. O. BOX 2359,

POST OFFICE, STATE, AND ZIP CODE

HONOLULU, HAWAII 96804

c55-10-71548-10

Apr. 1967

POD Form 3811

August 20, 1969

County of Kauai
Planning Department
P. O. Box 111
Lihue, Kauai, Hawaii

Attention: Mr. Brian Nishimoto, Director

Gentlemen:

Subject: Kauai Helicopters Special Permit (SP68-53)

The Land Use Commission voted to grant an extension of 60 days to allow Kauai Helicopters to relocate their heliport operation from the KTOH Radio Station site. The 60 day extension period commences August 21, 1969, and expires on October 20, 1969.

It was also the Commission's decision that the extension period ending on October 20, 1969, shall be final and that no further extension will be considered. It should be noted that any continuance of the uses allowed by the above special permit after October 20, 1969, will be subject to Section 2.40, subpart G of the new State Land Use District Regulations.

Should there be any questions concerning the above subject, please feel free to contact our office.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Kauai Helicopters

Bayle-H
Type-Crase

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP68-53 - KAUAI HELICOPTERS DATE AUGUST 1, 1969

PLACE KAHULUI LIBRARY TIME 3 p.m.
KAHULUI, MAUI

NAME	YES	NO	ABSTAIN	ABSENT
CHOI, WILBERT	✓			
NAPIER, ALEXANDER		✓		
MARK, SHELLEY	✓			
KIDO, SUNAO				
INABA, GORO	✓			
WUNG, LESLIE	✓			
NISHIMURA, SHIRO	✓			
<i>Yamamura, Isiji</i>	✓			
MURAKAMI, KEIGO				
BURNS, C. E. S.	✓			

COMMENTS:

SP 60 day extension only

ANTONE VIDINHA, JR.
MAYOR



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

July 24, 1969

BRIAN K. NISHIMOTO
PLANNING DIRECTOR

THOMAS T. YAMASAKI
ADMINISTRATIVE ASSISTANT

RECEIVED

JUL 28 1969

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
State Land Use Commission
State Capitol
Honolulu, Hawaii 96813

Re: Special Permit
Kauai Helicopters (SP-68-53)

Dear Rom:

Enclosed is copy of a self-explanatory letter from Mr. Jerry Robinson of Kauai Helicopters, pertaining to their request for extension to the special permit. On this basis, the Planning Commission approved the request for extension provided that the statements in the letter are confirmed to be correct by you.

After taking action on this matter, we received your "memorandum to file" regarding your discussion with Mr. Robinson which conflicts with the enclosed letter. With reference to your memorandum, I might point out that I did not suggest that this matter be handled administratively. Rather, I advised Mr. Robinson that since the State Land Use Commission is the final approving body of special permits, that he discuss this matter of extension with the State Land Use Commission.

The heliport is still in operation. The above information is submitted for your review. Please advise.

Sincerely,

BRIAN K. NISHIMOTO
Planning Director

Enc.

7/30/69 xerox to Comm.

*Copies of staff file memo
& these in letter
to LUC for Maui meeting*

2927

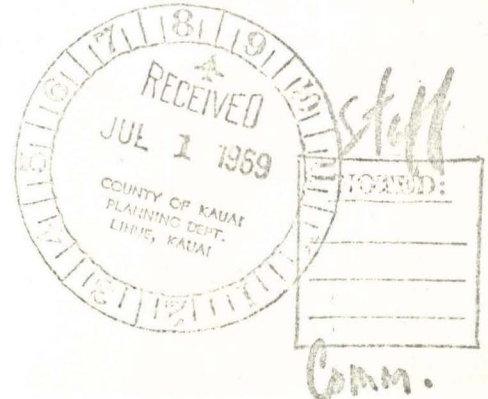


KAUAI HELICOPTERS

P. O. BOX 788 ♦ LIHUE, HAWAII 96766 ♦ PHONE 245-2371

June 30, 1969

Mr. Brian Nishimoto, Director
PLANNING & TRAFFIC COMMISSION
County of Kauai
P. O. Box 111
Lihue, Kauai



Dear Mr. Nishimoto,

Since approval of our temporary special permit by the State Land Use Commission, we have been attempting to find a more suitable location for our helicopter base of operations.

No new industrial areas have become available. Existing industrial areas are surrounded and criss-crossed by tall, high-voltage wires and poles, making helicopter flight operations impossible.

Application was made to the State Airports Division for space and facilities at Lihue Airport. State Airports Division is unable to make a long term space commitment at Lihue Airport pending completion of the Lihue Airport Master Plan study, now scheduled for completion by Peat, Marwick, & Livingston in late July, 1969.

Our special permit application was unanimously approved by the Kauai County Planning and Traffic Commission with the condition recommended in your staff report, "until the expiration of Kauai Helicopters' sublease from Radio Station KTOH on June 30, 1969...." The lease was subsequently extended to December 31, 1969, and the State Land Use Commission unanimously approved the application until that date. The decision was changed to June 30, 1969, on recommendation of the State Commission's legal advisor, to conform with the County Board's suggestion.

As you suggested last week, I discussed this situation with Mr. Ramon Duran, Executive Officer, State Land Use Commission. Subject to your approval, he said he would consider an administrative extension of our special permit to allow additional time for us to acquire space and facilities at Lihue Airport.

Your approval of extension of our special permit to December 31, 1969, is respectfully requested.

Sincerely,

Jerry W. Robinson
Jerry W. Robinson
General Manager

D-2

JWR:ns

7/30/69 xerox to Comm.

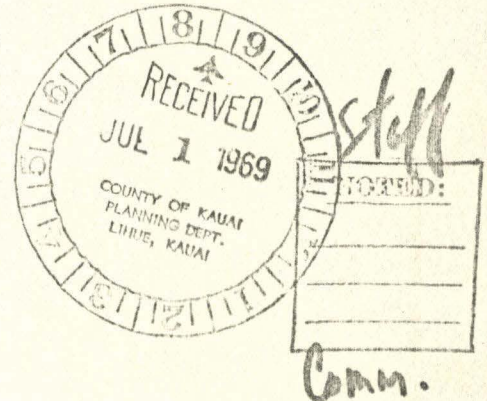


KAUAI HELICOPTERS

P. O. BOX 788 ♦ LIHUE, HAWAII 96766 ♦ PHONE 245.2371

June 30, 1969

Mr. Brian Nishimoto, Director
PLANNING & TRAFFIC COMMISSION
County of Kauai
P. O. Box 111
Lihue, Kauai



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No new industrial areas have become available. Existing industrial areas are surrounded and criss-crossed by tall, high-voltage wires and poles, making helicopter flight operations impossible.

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Your approval of extension of our special permit to December 31, 1969, is respectfully requested.

Sincerely,

Jerry W. Robinson
Jerry W. Robinson
General Manager

D-2

JWR:ns

MEMORANDUM

July 2, 1969

TO: The Files

FROM: Ramon Duran

SUBJECT: Special Permit - Kauai Helicopters

I received a call on June 30, 1969 from Mr. Robinson on Kauai of Kauai Helicopters regarding an administrative extension of their special permit to continue operating their helicopter at KTOH Radio Transmitter site. He said he had talked to Brian Nishimoto, Kauai County Planning Director, who advised him to request an administrative postponement from me. He said he applied for space at the Lihue Airport and Mr. S. J. Lawrence and he had agreed upon a particular location. However, the Honolulu office disapproved the request because the Master Plan, due May 20, had not been completed. It was anticipated that the Master Plan for the Lihue Airport would be completed in two to four weeks, at which time a new space would have to be agreed upon and facilities constructed. He is requesting that the special permit which expired July 1, 1969 be extended to December 31, 1969 which is the expiration date of their present sub-lease with KTOH. He also said that KTOH is negotiating the renewal of their lease with Amfac.

I requested that he submit his request in writing, stating all of the reasons for the extension, including a statement from Brian Nishimoto.

cc: Brian Nishimoto
S. J. Lawrence

December 23, 1968

Mr. S. J. Lawrence
Airport Superintendent
Kauai District
P. O. Box 386
Lihue, Kauai

Dear Mr. Lawrence:

Pursuant to your request, please find enclosed the staff reports and minutes regarding Kauai Helicopters' Special Permit application.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosures - sent 8/16/68 Staff Report
8/16/68 minutes
9/20/68 "
10/18/68 Staff Report
10/18/68 minutes

November 18, 1968

County of Kauai
Planning & Traffic Commission
P. O. Box 111
Lihue, Kauai

Attention: Mr. Brian Nishimoto, Director

Gentlemen:

Subject: Kauai Helicopters' Special Permit
SP68-53

The Land Use Commission, on November 15, reviewed the attached communication from the Attorney General's office. As a result of the Attorney General's opinion, the Commission reconsidered their previous action on this petition and voted to approve the Special Permit in accordance with the recommendations and conditions of the Kauai County Planning & Traffic Commission. Thus, the permit expires on June 30, 1969, which will allow the applicants approximately seven months to relocate the heliport operation.

Should there be any questions concerning the above subject matter, feel free to contact our office.

Very truly yours,

RAMON DURAN
Executive Officer

Attach.

cc: George Pai
Tatsuo Asari
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahilu Hall
Kamuela, Hawaii

November 15, 1968 - 12:00 p.m.

Commissioners Present: Wilbert Choi, Chairman Pro Tempore
Shelley Mark
Sunao Kido
Alexander Napier
Goro Inaba
Leslie Wung
Shiro Nishimura

Commissioners Absent: C. E. S. Burns, Jr.
Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Jack Morse, Legal Counsel
Dora Horikawa, Stenographer

Persons planning to testify during today's proceedings were duly sworn in by Chairman Choi.

HEARINGS

PETITION BY HISAHARU AND KIMIKO IKEDA (A68-198) TO RECLASSIFY 2.95 ACRES IN THE AGRICULTURAL DISTRICT INTO AN URBAN DISTRICT AT KAINALIU, KONA

Mr. Duran presented staff report recommending approval of the mauka portion of the property, comprising approximately one acre, since the property in question is in close proximity to trading and employment facilities, basic services are available, topography is satisfactory, and the land is contiguous to an existing Urban District (see copy of report on file).

A general description of existing uses and districts surrounding subject property was offered by Mr. Duran, with the aid of maps. A design showing the proposed supermarket and surrounding parking area was also presented. Mr. Duran elaborated that staff was recommending that one acre of the property in question be rezoned rather than the 2.95 acres to conform with the

See pg. 4

November 15, 1968

Commissioner Nishimura questioned the justification for such a reservoir in the absence of any development. Mr. Yoshimura advised that this provision in the CIP was based on a 20-year projection for the Kalapana area and the Puna District, the only visitor destination in the area.

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

✓ KAUAI HELICOPTERS (SP68-53) - LEGAL OPINION FROM THE ATTORNEY GENERAL'S OFFICE

Mr. Duran discussed the letter received from the Attorney General's office regarding the Kauai Helicopters' special permit. He summarized the legal opinion that in essence the Land Use Commission could not grant lesser restrictions than those imposed by the County on special permits. He reviewed that the Kauai Planning Commission had approved the special permit with an expiration date of June, 1969, but that the Land Use Commission's approval on October 18, 1968, had extended this to December, 1969. Therefore, two alternatives had been suggested by the Attorney General's office, i.e., the Land Use Commission could reconsider its decision to conform to the County's recommendation, or it could send its decision back to the County. It was Mr. Duran's recommendation that it would be more judicious to follow the first alternative since the latter would be complicated by the statutory time limitations and possibly the necessity for another public hearing at the County level.

Commissioner Nishimura commented that the County had set the expiration date merely to coincide with the termination of the petitioner's sublease with KTOH. He did not believe the facilities at the airport would be available by June, 1969, and felt petitioners may require additional time to relocate themselves.

Commissioner Mark observed that if an earlier target date were set for the petitioners, it might serve as an incentive for them to meet the deadline.

Commissioner Kido added that in any event, the Land Use Commission would be mandated to abide by the earlier expiration date, should the County maintain its original decision in a subsequent hearing.

Mr. Jack Morse of the Attorney General's office advised that the first alternative suggested would be the least complicated. Furthermore, if the petitioners are unable to move their

November 15, 1968

facilities by June, they could go to the County and initiate a request for an extension.

Commissioner Nishimura moved to amend the Land Use Commission's action of October 18, 1968, to incorporate alternative A recommended by the Attorney General's office (see copy of letter on file). The motion was seconded by Commissioner Inaba and unanimously passed.

NEXT MEETING DATE

November 29th on Molokai was set as the date for the next Land Use Commission meeting.

ASPO CONFERENCE

Mr. Duran reported that a savings of \$2,000 from the salary account in the LUC budget may be available for possibly two members to attend the 1969 ASPO Conference in April. However, insofar as the 1970 Conference is concerned, it would probably cost in the neighborhood of \$700 per conferee so that if 10 were to attend, it would mean an out-of-state travel request of \$7,000 in the budget.

RESCINDING OF SPECIAL PERMITS - COUNTY OF HAWAII

Mr. Duran called the Commission's attention to a letter received from the County of Hawaii requesting that the Land Use Commission rescind two special permits which were open-ended (with no definite construction date or failure to comply with construction date). Mr. Duran advised that this did not apply to the Ben Hess special permit mentioned in the letter since it did carry a time limitation and has expired.

However, in the case of Harry McKee, SP62-21, there was no cut-off date for the special permit to construct an office, restaurant, bar and hotel facilities. It was the County's feeling that ample time had elapsed for the construction to begin. Although a real estate office did exist, this was merely a conversion of an existing dwelling and not part of a new building as indicated in the special permit request.

It was Mr. Duran's feeling that the applicant should be given an opportunity to appear before the Commission and show justification for continuation of the special permit. Mr. Duran requested Mr. Morse to comment on the legal implications involved here.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM Kauai Helicopters
PLACE Waimea

DATE Nov. 15, 1968
TIME 12:45 P.M.

S	INABA, GORO	✓		
	MURAKAMI, KEIGO			
	WUNG, LESLIE	✓		
M	NISHIMURA, SHIRO	✓		
	CHOI, WILBERT	✓		
	NAPIER, ALEXANDER	✓		
	MARK, SHELLEY	✓		
	KIDO, SUNAO	✓		
	BURNS, C. E. S.			

COMMENTS:

conform to Co. Records

October 22, 1968

Mr. George Pai, Deputy Attorney General
Attorney General's Office
Iolani Palace Grounds
Honolulu, Hawaii

Dear Mr. Pai:

On October 18, 1968, the Land Use Commission voted to approve the Special Permit request of Kauai Helicopters with the condition that the Special Permit application expire at the same time as the applicants' lease of the property-- December 31, 1969.

The Kauai County Planning & Traffic Commission approved the applicants' request to permit a heliport operation on the KTOH site on the condition that the Special Permit expire on June 30, 1969, or whenever the use becomes objectionable or hazardous, whichever occurs first.

The Commission questions whether or not they have the authority to grant a Special Permit six months beyond that approved by the County. The Land Use Law stipulates that the County will conduct a public hearing and upon approval, with or without conditions, must transmit the approved application for review by the Land Use Commission. The County approved the request with the condition noted above. They may not have approved the Special Permit request beyond June, 1969, and the matter would never have been brought before the Land Use Commission.

Mr. George Pai, Deputy Attorney General
Page 2
October 22, 1968

The action of the Commission presently stands pending your decision. If the Commission acted beyond their legal authority, they will have to reconsider this action pursuant to your recommendation.

Your early consideration of this matter will be sincerely appreciated.

Very truly yours,

RAMON DURAN
Executive Officer

Eagle-It
Type-Erase
25% COTTON FIBER

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Board Room of the Board of Supervisors
Lihue, Kauai

October 18, 1968 - 2:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Wilbert Choi
Leslie Wung
Alexander Napier
Shiro Nishimura
Goro Inaba
Keigo Murakami

Commissioners Absent: Shelley Mark
Sunao Kido

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Jack Morse, Attorney General's Office
Jean Soma, Stenographer

Chairman Burns called the meeting to order and swore in persons wishing to testify at the hearing.

HEARINGS

PETITION BY HERBERT AND DOROTHY MIYAHARA (A68-196) TO RECLASSIFY 13 ACRES FROM AGRICULTURAL TO URBAN AT OMAO HOMESTEADS, KOLOA, KAUAI

Staff's recommendation to approve this request was presented by Mr. Leong on the basis that the extent of existing rural-type developments beyond the present Omao Rural District and the restriction on development imposed by Omao and Poeleele Streams to the east and west lead to the conclusion that the Omao Rural District should extend southward to include the existing rural developments adjacent to the subject property. (See copy of report on file.) In addition, it was recommended by the staff that parcels 14 and 61 (TMK 2-7-06: 14 and 61 - 2.846 acres) and the small parcels across the road from the subject property be considered for inclusion in the Omao Rural District when the district boundaries are reviewed in the near future.

See pg. 7

11/23/68 sent copy to S.J. Lawrence, Kauai Airport Super.

October 18, 1968

for residential purposes. Considering the urban amenities, a one-acre parcel in this area would be most feasible. Furthermore, Rural Districting for the property in question should be approved.

In reply to Mr. Duran's question, Mr. Jenkins stated that he has owned this property for one year.

Mr. Nishimoto replied to Mr. Duran that under the County Subdivision Ordinance, Mr. Jenkins would be required to improve the dirt road leading to his property.

In answer to Commissioner Inaba's inquiry, Mr. Nishimoto commented that the Kauai County's General Plan for the area under discussion is in the residential category. Water facilities for the area include pipelines 2 inch in size. The smallest lot size in an Agricultural District is three acres.

Commissioner Nishimura moved that the Commission grant Mr. Texeira's request for Urban Districting parcels 7 and 61 and also Mr. Jenkins' request for Urban Districting parcel 24. The motion was seconded by Commissioner Napier and was defeated by the following votes:

Ayes: Commissioners Inaba, Napier, Nishimura, and
Chairman Burns

Nays: Commissioners Murakami, Wung, and Choi

The chair then entertained a motion from Vice-Chairman Choi who moved to accept staff's recommendation to approve Urban Districting for Mr. Texeira's parcels and disapproval of Urban or Rural Districting for Mr. Jenkins' parcel. The motion was seconded by Commissioner Wung and was carried with Commissioner Nishimura casting the only dissenting vote.

✓ APPLICATION BY KAUAI HELICOPTERS (SP68-53) FOR HELIPORT USE AT
LIHUE, KAUAI

Executive Officer, Mr. Duran, delivered the staff memorandum in which the staff again maintained its original decision that this Special Permit request be denied. Denial of this request is on the basis that an operation of this nature (heliport operation) should be conducted at the Lihue Airport approximately 1 mile away; the proposed landing pad does not meet minimum requirements recommended by the Federal Aviation Agency in their "Heliport Design Guide"; landings and takeoffs of helicopters next to the road obviously attract the attention of the motorists

October 18, 1968

causing a traffic hazard; and noise generated by the helicopters is not compatible with the desired living environment of the proposed residential subdivision less than 370 feet away.

Mr. Duran reminded the Commissioners that the Commission first met on this matter on August 16, 1968, at Lihue, Kauai, at which time action was deferred due to further investigation on this matter. At that time Mr. Jerry Robinson, General Manager of Kauai Helicopters, opposed the information submitted by the Kauai Fire Chief, Mr. Raymond B. Toguchi, in reference to the cost of the installation of the fuel pumps and tanks that were installed by the applicants. Fire Chief Toguchi stated that the equipment and installation costs amounted to \$23,508. Mr. Robinson corrected this figure by saying that the amount was in the neighborhood of \$7,000 and that the equipment had been installed prior to the Land Use Commission taking a stand on the subject matter and meeting on August 16, 1968.

Chairman Burns queried Mr. Duran as to the Federal Aviation Administration giving their approval of the heliport operation at its present site. In reply, Mr. Duran reported that the FAA fully endorses its retention as a heliport.

In reply to Commissioner Nishimura's question, Mr. Duran disclosed that the Kauai County Planning Commission approved Kauai Helicopters' operation of the heliport at its present location with the stipulation that this approval terminate on June 30, 1969, or at such time as the operation may be objectionable, whichever occurs first.

In response to Commissioner Nishimura's question about the properness of a motion being made upon the condition that the lease run until December 31, 1969, Chairman Burns answered that the applicants be asked if they have any new evidence to submit to the Commission.

In support of the approval of this request, Mr. Robinson submitted that the status of Kauai Helicopters' lease is uncertain at the present time because of the status of the variance. KTOH Radio Station is in progress of renegotiating their own lease with Amfac. Kauai Helicopters' lease has been extended until December 31, 1969, and KTOH has indicated that there should be no problems in doing so. Mr. Robinson requested the Commission grant approval of the permit contingent on a time limit of five years.

Commissioner Murakami asked Mr. Robinson if Kauai Helicopters would like to stay at their present site permanently and will

October 18, 1968

not attempt to relocate themselves for another five years. Mr. Robinson commented that if adequate facilities are available at the Lihue Airport, it may be as long as five years or possibly longer until anything suitable, facility wise, will be accepted by the applicants. Furthermore, Mr. Robinson added that it is very unlikely that the State will provide Kauai Helicopters with necessary and adequate facilities for their heliport operation.

Vice-Chairman Choi questioned Mr. Duran in regard to the Land Use Commission having the power or authority to deny KTOH Radio Station its continued use of their present location as a radio station site. Mr. Duran explained that it is the responsibility of the County to take such action, because the radio station according to the Land Use Law has a non-conforming status. It existed before the Land Use Law came into being and may continue but not change the use nor expand the use. Vice-Chairman Choi further added that KTOH is not using their land for which it was previously intended. Mr. Duran then assured him that the radio station is still using the tower. However, the tower is still a non-conforming use; and the use of it has not changed. The entire parcel is involved in the non-conforming status.

Following a ten-minute recess, Chairman Burns called the meeting to order at which time the Executive Officer announced that if a party is interested in new facilities at the airport, they would have to make an application for them through the Airports Division. Then, it is processed on that basis; but, it is not logical for the airport to construct new facilities in the hope that someone will move in.

Although they have not made a formal written application to Lihue Airport for the possible relocation of their heliport operation, Mr. Robinson agreed to do so at the request of Commissioner Murakami.

Commissioner Nishimura then moved that the Commission grant the applicants ample time to relocate themselves and that the lease be permitted to run until December 31, 1969. In the meantime, however, the applicants should attempt to relocate their operation. Motion was seconded by Commissioner Napier.

Commissioner Murakami reminded Mr. Robinson that the heliport operation on the KTOH Radio Station site was in complete violation of the State Land Use Law and that they should attempt to relocate themselves as soon as possible.

The motion was unanimously carried.

October 18, 1968

KALAUAO, OAHU - COMMUNITY PLANNING, INC. - APPLICATION FOR
INTERPRETATION OF DISTRICT BOUNDARY

Discussion on the subject matter was withheld until the
November 1, 1968, meeting in Honolulu, Oahu.

TENTATIVE SCHEDULE

November 1, 1968, on Oahu was decided on as the next meeting
date.

CLARIFICATION ON KAUAI HELICOPTERS' SPECIAL PERMIT APPLICATION

Meeting was adjourned at 3:25 p.m. but was resumed at
3:30 p.m. pursuant to Kauai Helicopters' Special Permit application.

Mr. Duran questioned the Commission's action on Kauai
Helicopters and reported that the Kauai County placed a condition
on this Special Permit that it be approved until June 30, 1969,
as per applicants' request. The Land Use Commission today took
action on this matter and approved it until December 31, 1969.
He commented that the Commission may be more stringent than the
County but not less restrictive. Mr. Jack Morse tended to agree
with the Executive Officer. He further commented that the proper
procedure to follow would be to have a reconsideration vote.
Commissioner Nishimura declined to agree with Mr. Duran and sug-
gested that the Attorney General's office make an investigation
and written decision on this matter and that the applicants
should be notified.

It was agreed that the Attorney General's office be
notified of the Commission's action and that if the Commission
was found to be correct in its action, then the motion and second
would be left as is with the December 31, 1969, stipulation.
However, if the Attorney General's office determined that the
Land Use Commission was incorrect in its proceedings, then the
Land Use Commission should correct its action by complying with
the instructions from the Attorney General's office.

ADJOURNMENT

Meeting was adjourned at 3:40 p.m.

Honolulu Star-Bulletin
October 19, 1968

Heliport on Kauai wins permit

LIHUE, Kauai — The State Land Use Commission yesterday allowed, for a very limited period, a special permit for a heliport operation at the KTOH radio station site in Lihue.

The action is designed to give Kauai helicopters "ample time to relocate" before the lease expiration date of Dec. 31, 1969.

Kauai Helicopters has been using the site, along the highway to Lihue Airport, for 15 months.

The commission at its meeting also approved the recommendation of its own staff and of the County Planning Commission, on the petition of Irving Jenkins and Joseph Texeira to amend the boundaries for three parcels comprising 18.8 acres at Kapaa.

It approved changing parcels 7 and 71 from the agricultural to the urban classification, but to deny reclassification of parcel 24, which is considered too steep for residential use.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP68-53 - KAUAI HELICOPTERS DATE October 18, 1968

PLACE Board Room of the Board of TIME 2:00 p.m.
Supervisors, Lihue, Kauai

NAME	YES	NO	ABSTAIN	ABSENT
MURAKAMI, KEIGO	✓			
WUNG, LESLIE	✓			
INABA, GORO	✓			
MARK, SHELLEY				✓
KIDO, SUNAO				✓
CHOI, WILBERT	✓			
NAPIER, ALEXANDER	✓			
NISHIMURA, SHIRO	✓			
BURNS, C. E. S.	✓			

COMMENTS:

Oppose
Ample time to rehear
Dec 31, 1969
Carried

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

October 18
~~September 20~~, 1968
1:00 p.m.

STAFF REPORT

SP68-53 - KAUAI HELICOPTERS

This is an application for a special permit for a heliport to be operated on the KTOH Radio Station site at Lihue, Kauai, also described as TMK 5-6-02: 4 located in the State Agricultural District.

Following is a chronological list of events pertinent to this request:

1. July 1, 1967 - Kauai Helicopters obtained a two-year sublease from Garden Isle Publishing Company to use their radio station site for a heliport.
2. July 15, 1967 - At approximately this date, the applicant began using the facilities to park aircraft and was notified by the County Planning Director that the use was in violation of the Land Use Law.
- (SP67-47) 3. August 3, 1967 - The applicant filed a petition for a special permit which was approved by the Kauai Planning and Traffic Commission after a public hearing. *on Oct 5 '67*
4. December 15, 1967 - The Land Use Commission unanimously denied this special permit request.
5. February 15, 1968 - Airports Division, Department of Transportation in Honolulu stated Lihue Airport was occupied and crowded and requested the applicant to seek a location other than the airport for a heliport operation. They also recommend the KTOH site be approved as it is nearly ideal.

- (SP68-53) 6. February 16, 1968 - Kauai Helicopters refiled an application for a

7/30/69 - copy to Comm.

12/23/68 - sent copy to S.J. Lawrence, Kauai Airport Super.

special permit with the County.

7. February 20, 1968 - Federal Aviation Administration acknowledged receipt of a request to operate a heliport at the KTOH Station.
8. April 2, 1968 - FAA approved the limited private VFR use of the heliport at KTOH Radio Station.
9. April 16, 1968 - Kauai County held a public hearing on the special permit request.
10. May 2, 1968 - County Commission approved the application for a special permit with the provision that it be approved up until the expiration of Kauai Helicopters' sublease with Radio Station KTOH on June 30, 1969 or until such time that the use is considered a hazard to public safety or a nuisance factor whichever occurs first.
11. July 9, 1968 - Amfac Properties, owners of the property in question, gave their consent to the use of the area as a heliport with the right to withdraw their consent should the operation adversely affect the surrounding area.
12. August 15, 1968 - Mr. Clint Childs, realtor, handling the sale of homes in the adjacent subdivision objected to the approval of the special permit as it would adversely affect the development and cause a noise nuisance.
13. August 16, 1968 - Land Use Commission met to consider the special permit at Lihue, Kauai, and deferred action pending receipt of additional information. Staff Report strenuously opposed the request because the site appeared hazardous because of the 60-foot high poles, 150-foot high antenna on the site adjacent to a high-speed highway, and is 370 feet from a residential

subdivision development, thus not satisfying the criteria

established by the Commission for approving a special permit. attach

Since the meeting, we received a letter from Jerry W. Robinson, General Manager, Kauai Helicopters, stating "Kauai Helicopters will be pleased to relocate its place of operation to the Lihue Airport at such time as adequate facilities are available".

A letter from Raymond B. Toguchi, Fire Chief, stated that two storage tanks, 4,000 gallons each, and fuel pumps at an estimated cost of \$23,508 was installed on the KTOH Radio Station site. These facilities were installed since the Land Use Commission denied the initial special permit request.

Another letter received from the Federal Aviation Administration, Richard T. Puckey, Chief, Airports Division, states in part "the responsibility for the safe operation of any aircraft always rests on the pilot in command and is completely independent of any of the other considerations, such as air-space clearance and authorization to carry passengers". FAA was asked to evaluate Lihue Airport and the KTOH site, which they refused to do. They did, however, state that their evaluation of the KTOH site found it completely safe for the type of operation proposed and also authorized Kauai Helicopters to carry passengers and cargo for hire into this as well as other helicopter sites. (The original request specifically stipulated Kauai Helicopters would not fly passengers into the site.)

Mr. Puckey further states that Lihue Airport is presently congested and a helicopter would further increase this congestion. Regarding noise affecting the surrounding area of the KTOH Radio Station, he states that these superior helicopters may safely land and take off at steeper angles, thus reducing the area of land adjacent to the landing site where the noise will be heard. He comments that Kauai Helicopters operate into and out

of several quality resorts on the Island of Kauai and that the discussion of noise is a subjective question. He believes that Kauai Helicopters, in their extremely maneuverable aircraft can approach the site and avoid direct overflights traveling at low altitudes over heavily congested areas. Helicopters are flown all over the mainland over super highways but have not experienced distraction resulting in traffic hazards. With regard to the towers and power lines, he states that they present no applicable hazard to the safety of operation at the heliport.

He further states that the zoning of the site for the use intended is a local responsibility and that FAA determinations refer to matters of safety, operation of aircraft and do not take into consideration the intended use of the site. They have determined that Kauai Helicopters is capable of operating into and out of the site under certain conditions with complete safety to themselves, the traveling public, and the adjacent landowners.

We are also in receipt of a letter from Lihue Airport's Superintendent, S. J. Lawrence, State of Hawaii, Airports Division, and he states that space is available at Lihue Airport for Kauai Helicopters' operation. However, no hangars or office space at the site are available and would require about a minimum of six months to construct this space. He also states that the "use of Lihue Airport by the helicopters would in no way adversely affect the operation of the airport".

A letter from Albert C. Zane, Chief, Highways Division, Department of Transportation, expresses opposition to this special permit for the following reasons:

1. Ahukini Road has a speed limit of 50 mph. Helicopter landings adjacent to the road would be distracting to motorists and would

therefore cause hazardous conditions on the highway.

2. High voltage power lines are located adjacent to the highway on the KTOH side. These may cause hazardous operating conditions for the helicopters.
3. The heliport would be more appropriately located in the vicinity of the Lihue Airport where aircraft facilities could better handle air traffic control and possible emergencies. Radio Station KTOH is located only one mile from the airport. Inasmuch as Ahukini Road has a very high speed limit, travel time between the airport and Radio Station KTOH is only a little over one minute.

The staff finds that no significant evidence has been introduced since the Commission denied this same request nine months ago that would warrant the reversal of that decision. There has been no evidence introduced that can establish that this use is "unusual and reasonable" on this particular site. It is, therefore, maintained that this special permit application be again denied.

October 15, 1968

Mr. S. J. Lawrence
Airport Superintendent
Kauai District
P. O. Box 386
Lihue, Kauai

Dear Mr. Lawrence:

The Land Use Commission will be in Lihue, Kauai this coming Friday, October 18, and may again consider the Kauai Helicopter special permit application.

What are your thoughts on the enclosed letter, particularly that portion "at such time as adequate facilities are available".

I will stop by your office Friday morning for your comments.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.

October 8, 1968

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai 96766

Dear Mr. Asari:

The Land Use Commission next meets at
2:00 p.m. at the Board Room of the Board of
Supervisors, Lihue, Kauai, on October 18, 1968.

At that time the application of
Kauai Helicopters (SP68-53) will be reviewed.

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

Very truly yours,

RAMON DURAN
Executive Officer

September 24, 1968

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai 96766

Dear Mr. Asari:

This is to advise you that the Land Use Commission deferred action on the special permit request by Kauai Helicopters (SP68-53) on September 20, 1968 at the request of Mr. James Reynolds.

We will advise you of the meeting date when this matter will be placed on the agenda.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Kauai Plann. Comm.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hale Halawai Cultural Center
Kona, Hawaii

September 20, 1968 - 1:00 p.m.

Commissioners Present: Wilbert Choi, Chairman pro tempore
Shelley Mark
Sunao Kido
Alexander Napier
Goro Inaba
Leslie Wung
Shiro Nishimura
Keigo Murakami

Commissioner Absent: C. E. S. Burns

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner IV
George Pai, Legal Counsel
Dora Horikawa, Stenographer

Following the swearing in of persons planning to testify during today's hearing and introduction of the Commissioners and staff, Chairman Choi called for the first item on the agenda.

HEARINGS

PETITION BY LILLIAN T. GOO (A68-193) TO RECLASSIFY 8.68 ACRES FROM AGRICULTURAL TO URBAN AT KUKUAU, SOUTH HILO, HAWAII

Mr. Leong presented the staff report recommending approval of the request on the basis that this was a remnant parcel not suited for agriculture, its central location to employment, commercial and educational centers, basic utilities were available and would not add to scattered urban developments (see copy of report on file).

Mr. Leong further elaborated on the location of the Alenaio Stream which appeared to be an intermittent stream which emptied out into the downtown area and eventually into the Wailoa River. The Corps of Engineers reported that there would be no adverse effect on flooding of the area if it were

see pg. 14
11/23/68 and copy to J.J. Lawrence, Kauai Airport Survey.

September 20, 1968

✓ APPLICATION BY KAUAI HELICOPTERS (SP68-53) FOR A SPECIAL PERMIT TO OPERATE A HELIPORT IN AN AGRICULTURAL DISTRICT AT LIHUE, KAUAI

Commissioner Nishimura requested deferment of action on the application since a full Commission was not present and particularly Mr. Burns.

Mr. Duran advised that this matter had already been extended once on the basis of obtaining additional information which staff was now prepared to present. Upon checking with the airport manager, it was established that space was available at the airport for a heliport, although the facilities such as hangars, sheds, etc., would have to be constructed which would take a minimum of six months.

Mr. Reynolds of Kauai Helicopters differed in his impression of the six-month period and said it was his understanding that this referred to acquisition of the land since this was presently in cane.

With respect to deferral of the application, Mr. Pai advised that applicant could request deferment based on hardship.

Mr. Reynolds then requested an extension of time for action on the application. Chairman Choi directed that this be reflected in the records.

Mr. Reynolds submitted that the estimated cost of \$23,500 for the installation of the two storage tanks at KTOH Radio Station reflected in the letter from Mr. Toguchi, Fire Chief, as reported in the staff report was not an accurate figure. The total cost did not exceed \$7,000; and this may be checked out with the Standard Oil Company, the vendor. These had been installed prior to the denial of the initial special permit request by the Land Use Commission.

Chairman Choi advised Mr. Reynolds that the extension was granted and that he would be notified of the next meeting date when this will appear on the agenda.

SPECIAL PERMIT APPLICATION BY GILBERT HAY SP(T) 62-7

Executive Officer advised that subsequent to the County's request for a clarification of the pending development on this special permit, Mr. Hay has been in contact with Mr. Suefuji,

JOHN A. BURNS
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

SEP 16 1968

2525
FUJIO MATSUDA
DIRECTOR

E. ALVEY WRIGHT
DEPUTY DIRECTOR
JOHN H. MCAULIFFE, JR.
DEPUTY DIRECTOR
LAWRENCE F. O. CHUN
DEPUTY DIRECTOR

IN REPLY REFER TO:
HWY-DT
2.62942

RECEIVED

SEP 16 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Department of Planning
and Economic Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Subject: Application for Heliport Adjacent to
Ahukini Road, Lihue

Reference is made to your letter of August 30 requesting
our comments on the subject application.

The Highways Division wishes to express its opposition
to the Special Permit application for the location of a
heliport adjacent to Ahukini Road, Lihue. Our recommendation
is based upon the following reasons:

1. Ahukini Road has a speed limit of 50 mph. Helicopter landings adjacent to the highway would be distracting to motorists and would therefore cause hazardous conditions on the highway.
2. High voltage power lines are located adjacent to the highway on the KTOH side. These may cause hazardous operating conditions for helicopters.
3. A helipad would be more appropriately located in the vicinity of the Lihue Airport where airport facilities could better handle air traffic control and possible

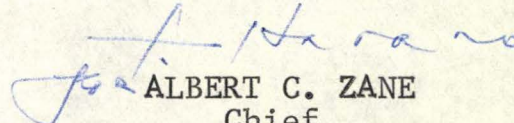
Mr. Ramon Duran
Page 2
SEP 16 1968

HWY-DT 2.62942

emergencies. Radio Station KTOH is located only one mile from the airport. Inasmuch as Ahukini Road has a fairly high speed limit, travel time between the airport and Radio Station KTOH is only a little over one minute.

Thank you for the opportunity to comment on this application. If we may be of further assistance please feel free to call on us.

Very truly yours,


ALBERT C. ZANE
Chief
Highways Division



LIHUE, KAUAI, HAWAII

September 10, 1968

RECEIVED

SEP 12 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
State of Hawaii
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Subject: Special Permit Request of Kauai Helicopters
to Locate and Operate a Heliport on KTOH
Radio Station Site

This is in reply to your letter of August 29, 1968
requesting information on the recently installed fuel
storage tanks and equipment at KTOH Radio Station site.

2 Storage tanks installed - capacity 4,000 gal. ea.

Cost of equipment and installation:

2 Storage tanks	@	\$9,828.00	\$19,656.00
Freight			152.00
2 Fuel pumps	@	650.00	1,300.00
Installation cost			2,400.00
			<u>\$23,508.00</u>

Sincerely yours,

Raymond B. Toguchi
Fire Chief

RBT:mi

2519



KAUAI HELICOPTERS

P. O. BOX 788 ♦ LIHUE, HAWAII 96766 ♦ PHONE 22-371

September 10, 1968

RECEIVED

SEP // 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Department of Planning and Economic Development
Land Use Commission
426 Queen St.
Honolulu, Hawaii

Dear Mr. Duran,

The following is submitted as additional information in regard to Special Permit Application SP68-53: Kauai Helicopters will be pleased to relocate its place of operation to the Lihue Airport at such time as adequate facilities are available.

Sincerely,

KAUAI HELICOPTERS, INC.

Jerry W. Robinson
General Manager

JWR:np

September 10, 1968

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai, Hawaii 96766

Dear Mr. Asari:

The Land Use Commission next meets at 1:00 p.m. at the Hale Halawai Cultural Center in Kailua, Kona, Hawaii on September 20, 1964. At that time, the application of Kauai Helicopters (SP68-53) will be reviewed.

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

Very truly yours,

RAMON DURAN
Executive Officer

cc: B. Nishimoto
Kauai Planning Commission

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

PACIFIC REGION
P. O. BOX 4009
HONOLULU, HAWAII 96812



SEP 6 1968

RECEIVED

SEP 9 1968

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Dept. of Planning and Economic Development
Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

This is in reply to your letter of August 29, 1968 inquiring about several points concerning the use of the KTOH Radio Station site in Lihue, Kauai for a heliport. Airspace clearance applies to landings, takeoffs, and operations at the site for which it is issued. At the subject site, it is further limited to visual flight rules (VFR) weather and the use of helicopters. The airspace clearance itself does not include the use of the site for picking up or discharging passengers.

The responsibility for the safe operation of any aircraft always rests on the pilot in command and is completely independent of any of the other considerations, such as, airspace clearance and authorization to carry passengers. He must always at all times assume this responsibility and exercise all necessary judgment and caution to operate his aircraft safely.

Your letter contains five specific questions to which an answer is requested:

1. Is the KTOH site a better site for the location and operation of a heliport than the Lihue Airport?

The Federal Aviation Administration evaluates each site on its own merits and does not compare them. The KTOH site has been investigated by staff members of the FAA General Aviation District Office. They have flown into the site and found it to be completely safe for the type of operation proposed and presently being conducted. They have also authorized Kauai Helicopters to carry passengers and cargo for hire into this as well as other helicopter sites.

Lihue Airport is used for helicopter operations and in all likelihood will continue to be so used. However, this field is

also used by a variety of types of fixed wing aircraft. Flight characteristics of helicopters and fixed wing aircraft are quite different. There is a definite safety advantage in having a separate site for helicopters well away from an active runway. Aircraft parking areas at Lihue Airport are often congested with present operations of air carriers, air taxis and private aircraft. The addition of the helicopter base to the airport site would further increase this congestion. Since the KTOH site is entirely safe and adequate for helicopter operations, there is some advantage in using this separate site for the helicopter base.

2. Has your approval of the site taken into consideration the noise effects of landings, takeoffs, and maneuvering on the ground to people who occupy and may occupy the extension of the adjacent residential subdivision under construction 370 feet downwind of the helicopter site?

At the time of the investigation of the site, there were no evidence of a subdivision this close to the site. However, the type of helicopter operated by Kauai Helicopters, Inc., is considerably less noisy than many other types of helicopters. In addition, its performance is superior to many helicopters. It may safely land and takeoff at steeper angles, thus reducing the area of land adjacent to the landing site where the noise will be heard. Paragraph 19b on page 16 of the "Heliport Design Guide" previously sent to you discusses this point in detail.

3. Will the noise of the helicopters approaching into the heliport over the subdivision for a landing into the wind add to the desirability of the residential character and improve the living environment of that area?

This is obviously a subjective question and will always be open to discussion. Kauai Helicopters operates into and out of several quality resorts on the island of Kauai. Helicopters also operate throughout the nation in very congested and highly developed areas apparently without detracting from the environmental qualities. A helicopter is an extremely maneuverable aircraft, and approach paths can be often varied to avoid direct overflights of a residential area. We believe that Kauai Helicopters will be willing to cooperate to any reasonable extent to develop a safe approach and departure pattern which minimizes any possible effects on the adjacent community. As you are aware many factors enter into the environmental quality of a community including the adjacent land uses, highways, physical layout, etc. It is difficult to state what one change will do to this quality.

4. Do you believe that the helicopters taking off or landing at the heliport site over the highway will in no way distract drivers or present a traffic hazard to motorists on the two lane 50 mph highway which passes the proposed heliport site?

Throughout the United States and the world, there are a large number of runways and heliport sites adjacent to major traveled highways. In some sections of the country, major interstate highways parallel or cross the ends of runways and interchange complexes are developed in an area where aircraft are flying at low altitudes. We are unaware of any evidence that this has caused a hazard to the pilot or motorist. Helicopters are also widely used throughout the United States for traffic patrols. In recent years, they have been used to bring rescue and investigative forces to the scene of an accident as well as enforce laws. These helicopters travel at low altitudes over heavily congested highways and when necessary land adjacent to these highways. Again, we are not aware of any evidence that this has caused distraction resulting in traffic hazards.

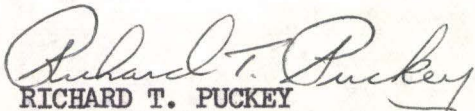
5. Comparing the proposed site with FAA's "Heliport Design Guide," the 60-foot power poles along the highway and 150-foot transmitting tower significantly affects the obstruction clearance plane laterally from the heliport. In view of these seemingly undesirable obstructions on the site, is this the best or most desirable site for a heliport in this vicinity?

As explained to you on the telephone, the "Heliport Design Guide" published by the FAA represents a highly desirable site for a heliport opened to the general public. The site would accommodate almost all types of helicopters flying today. This includes some very low performance type aircraft. Paragraph 2 on page 1 of the publication emphasizes this point and explains the need to consider each site individually. Investigation and certification of the Kauai KTOH Heliport site considered the type of aircraft to be flown at the site. This is a very high performance helicopter capable of operating fully, safely, and satisfactorily within the area available. The towers and power lines referred to present no appreciable hazard to the safety of operation at this heliport. As a result, the use of the site was approved by FAA for the type of operation proposed and presently being conducted.

As has been explained to you, the authorization to any operator to use the site by the FAA is entirely related to the safe, efficient use of airspace. The authorization to carry passengers is related to the consideration of the safety of the traveling public. None of these relates to whether the site is or is not zoned for the specific use

intended. The zoning of a site for the use intended is a local responsibility and must remain such under present regulations. The FAA determinations discussed in this letter refer only to matters of safety, operation of aircraft and do not take into consideration the proposed or intended use of the site. These determinations have found that Kauai Helicopters is capable of operating into and out of the site with the aircraft designated and under the conditions specified with complete safety to themselves, the traveling public, and adjacent land owners.

Sincerely,


RICHARD T. PUCKEY
Chief, Airports Division, PC-600

JOHN A. BURNS
GOVERNOR



2575
FUJIO MATSUDA
DIRECTOR
KAIPO F. KAUKA
DEPUTY DIRECTOR

RECEIVED

SEP 9 1968

State of Hawaii
LAND USE COMMISSION

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION

P. O. BOX 386
LIHUE, KAUAI, HAWAII 96766

AIR-K
1393

August 30, 1968

Land Use Commission
Attn: Mr. Ramon Duran
Department of Planning & Economic Development
426 Queen Street
Honolulu, HI 96813


Dear Mr. Duran:

This is in reply to your letter of August 29, 1968 in which you request my comments on whether or not space is available at the Lihue Airport to locate the Kauai Helicopter operation in facilities at least comparable to those at the existing KYOH Radio Transmitter site.

Space is available at Lihue Airport for the Kauai Helicopter operation. This space has no facilities, - hangars, office space, etc. Preparation of a space, depending on choice of the location, would require about six months for one location, and one year for the other. Kauai Helicopters would be required to build their own hangar(s) and office space.

Use of Lihue Airport by the helicopters would in no way adversely affect the operation of the airport.

Yours very truly,


S. J. Lawrence
Airport Superintendent
Kauai District

cc: Chief, Airports Division
Honolulu International Airport

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP68-53 - Kauai Helicopters

DATE August 16, 1968

PLACE Lihue District Court Room
Lihue, Kauai

TIME 2 p.m.

NAME	YES	NO	ABSTAIN	ABSENT
MURAKAMI, KEIGO				
WUNG, LESLIE				
INABA, GORO				
MARK, SHELLEY				
KIDO, SUNAO				
CHOI, WILBERT				
NAPIER, ALEXANDER				
NISHIMURA, SHIRO				
BURNS, C. E. S.				

COMMENTS:

*11/20/68 cont. in 11/20/68
SC adding to conforming
AN to study case
Alternate Site - Airport
Bm-70s
Legal opinion
is a S.P. needed since site is unconfining
all agreed*

Cable-A
Type-Base
September 5, 1968
25% COSTON MEER

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai, Hawaii 96766

Dear Mr. Asari:

Pursuant to your letter of August 29, we are presently awaiting information from various governmental agencies relative to Kauai Helicopters' Special Permit application and have tentatively set the September 20th meeting of the Land Use Commission in Kona for consideration of this matter. However, we will advise you at least one week in advance of the scheduled meeting at which time this matter will be considered.

Sincerely yours,

RAMON DURAN
Executive Officer

2505

PHONE 23-421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

P. O. BOX 126

August 29, 1968

RECEIVED

AUG 30 1968

State of Hawaii
LAND USE COMMISSION

Ramon Duran, Executive Officer
Dept. of Planning and Economic Development
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Would appreciate very much being informed as to when the matter continued at your last meeting held on Kauai relative to Kauai Helicopters permit application will be considered again by your Commission. Advance notice would be appreciated as it would permit us to plan to attend same.

Yours very truly,


TATSUO ASARI

TA:la

August 30, 1968

Mr. Albert C. Zane, Director
Highways Division
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Zane:

The Land Use Commission has a Special Permit application pending for a heliport adjacent to the highway leading to Lihue Airport.

The Commission desires to know whether landings and take-offs from this site over the highway or adjacent to the highway where two lanes exists, one in each direction, with a speed limit of 50 mph will in any way distract drivers' attention or present a possible hazard to vehicular traffic on the highway.

A map is enclosed for your information.

The Land Use Commission will meet on September 13, 1968, and may at that time take action on this request.

Your early evaluation and comments will be sincerely appreciated.

Very truly yours,

RAMON DURAN
Executive Officer

js
Enclosure

August 29, 1968

Mr. Richard T. Puckey, Chief
Airports Division
Department of Transportation
Federal Aviation Administration
Pacific Region
P. O. Box 4009
Honolulu, Hawaii 96812

Dear Mr. Puckey:

Subject: Special Permit Request by Kauai Helicopters to
Locate and Operate a Heliport on KTOH Radio
Station Site in Lihue, Kauai

The State Land Use Commission on August 16, 1968, considered the above caption matter at Lihue, Kauai. After considerable discussion, the Commission decided to defer action on this request pending further investigation in receipt of additional information.

We are in receipt of a copy of a letter from you to Kauai Helicopters dated April 2, 1968, referring to Form FAA-2681 concerning the approval of a heliport on the KTOH Radio Station. This letter states that your analysis of the KTOH site discloses no adverse effects on the safe and efficient use of the air space and accordingly an air space determination of no objection was made for this site and limited private use VFR operations was approved.

Telephone conversations with employees of FAA indicate this approval applies only to landings, take-offs, and operation in the control zone of the Lihue Airport and that it does not include the use of this site for picking up or discharging passengers. Further, that any taxing of the aircraft on the site is the responsibility of the pilot. Are these interpretations correct?

Additional answers desired by the Commission are as follows:

1. Is the KTOH site a better site for the location and operation of a heliport than the Lihue Airport?

Mr. Richard T. Puckey, Chief
Page 2
August 29, 1968

2. Has your approval of the site taken into consideration the noise effect of landings, take-offs, and maneuvering on the ground to people who occupy and may occupy the extension of the adjacent residential subdivision under construction 370 feet downwind of the heliport site?
3. Will the noise of the helicopters approaching the heliport over the subdivision for a landing into the wind add to the desirability of the residential character and improve the living environment of that area?
4. Do you believe that the helicopters taking off or landing at the heliport site over the highway will in no way distract drivers or present a traffic hazard to motorists traveling on the two lane 50 mph highway which passes the proposed heliport site?
5. Comparing the proposed site with FAA's "Heliport Design Guide," the 60 foot power poles along the highway and 150 foot transmitting tower significantly affects the obstruction clearance plane laterally from the heliport. In view of these seemingly undesirable obstructions on the site, is this the best or most desirable site for a heliport in this vicinity?

The Commission will again meet on September 13, 1968, at which time this Special Permit request may be considered. Your comments on the above questions at your earliest convenience will be sincerely appreciated. Should you have any questions, do not hesitate to contact me.

Very truly yours,

RAMON DURAN
Executive Officer

js

August 29, 1968

Mr. Raymond B. Toguchi
Fire Chief
Kauai Fire Department
Lihue, Kauai

Dear Mr. Toguchi:

Subject: Special Permit Request of Kauai Helicopters
to Locate and Operate a Heliport on KTOH Radio
Radio Station Site

The State Land Use Commission is considering a Special Permit request by Kauai Helicopters to use the KTOH Radio Station site as a heliport in the State Agricultural District. The Commission considered the application on August 16, 1968, and after considerable deliberation, deferred action on this request pending further investigation.

Therefore, pursuant to the request of the Commission, we would appreciate your commenting on the estimated cost of the fuel storage tanks and equipment which were recently installed--that is the total cost of installation and equipment. What is the capacity of the tanks?

The Commission will meet on September 13, 1968, at which time this matter may again be considered. Your comments at your earliest convenience will be sincerely appreciated. Should you desire any additional information, do not hesitate to contact me.

Sincerely yours,

RAMON DURAN
Executive Officer

js

August 29, 1968

Mr. Jack Lawrence, Manager
Lihue Airport
Lihue, Kauai

Dear Mr. Lawrence:

Subject: Kauai Helicopters Special Permit Request for
Heliport at KTOH Radio Transmitter Site

At our regular meeting of the Land Use Commission conducted August 16, 1968, at Lihue, Kauai, the above subject matter was considered. The Commission after considerable deliberation decided to defer action pending the receipt of additional information.

Therefore, the Commission is requesting that I contact you for your comments on whether or not space is available at the Lihue Airport to locate the Kauai Helicopter operation in facilities at least comparable to those at the existing KTOH Radio transmitter site. Secondly, would the use of the Lihue Airport as a heliport in any way adversely affect the operation of the airport?

The next meeting at which time the application may be considered will be September 13, 1968. A reply at your earliest convenience will be sincerely appreciated. Should you desire any information, do not hesitate to contact me.

Sincerely yours,

RAMON DURAN
Executive Officer

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lihue District Court Room
Lihue, Kauai

August 16, 1968 - 2:00 p.m.

Commissioners Present: C. E. S. Burns, Jr., Chairman
Wilbert Choi
Shelley Mark
Sunao Kido
Goro Inaba
Alexander Napier
Leslie Wung
Shiro Nishimura
Keigo Murakami

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner IV
George Pai, Legal Counsel
Jean Soma, Stenographer

The meeting was called to order by Chairman Burns, followed by the swearing in of persons testifying before the Land Use Commission today.

DEFERRAL REQUEST BY LOUIS PHILLIPS

Mr. Duran announced that the staff was in receipt of notification from Mr. Phillips, petitioner, that he would like to have the action on his petition deferred until the August 30th meeting in Honolulu because the engineering firm of Shoma, Hotta and Associates are presently drawing a preliminary Subdivision Map which would give the Commission a better idea of the layout of the subdivision and also because his wife has been ill and could not attend the meeting. There was no objection of having this petition deferred.

RAYMOND SUEFUJI'S LETTER RE: SP(T) 62-7 - GILBERT HAY

Mr. Duran acknowledged receipt of a copy of Raymond Suefuji's, Planning Director of the County of Hawaii, letter addressed to Mr. George Pai.

Chairman Burns stated that the best way to resolve a definite date of expiration of Mr. Hay's Special Permit would be to ask Mr. Hay to come in and report to the Commission why the permit should be continued if he does not have any plans to develop his property. Mr. Duran stated that Mr. Hay was authorized resort development and accessory uses and that no time limitation was stipulated on this petition.

It was agreed that the applicant, Mr. Hay, be called in to appear before the Commission. Chairman Burns asked Mr. Duran to circulate a resume regarding Mr. Hay's case to all of the Commissioners.

12/23/68 sent copy to S.J. Lawrence, Kauai Airport Superintendent

August 16, 1968

Abstain: Commissioner Kido

The motion was carried and petition approved.

APPLICATION BY KAUAI HELICOPTERS (SP68-53) FOR HELIPORT USE AT LIHUE, KAUAI

The recommendation that the Land Use Commission should reiterate its original decision and deny the Special Permit request was presented by the Executive Officer, Mr. Duran.

Mr. Duran advised that the present use of the site as a heliport is in violation of the Land Use Law and that the operation is situated only 370 feet from a new housing development.

When questioned about the Federal Aviation Administration's approval of the airspace as opposed to the fact that it does not meet the minimum requirements, Mr. Duran answered that each case is investigated on its own merits; and the FAA does make exceptions. However, the point is that Kauai Helicopters' site does not meet the minimum recommended standards as set by the FAA in their "Heliport Design Guide."

In a letter dated February 15, 1968, William T. Klopp, General Aviation Officer, Airports Division, Department of Transportation, Mr. Klopp stated that he had examined the location of the heliport site and fully endorses its retention as a heliport. Further, Mr. Klopp added that space is not available for aircraft at the Lihue Airport at present. Regarding this matter, Mr. Duran commented that he had contacted Lihue Airport's local manager. The manager advised that space is presently available for aircraft and that he was not aware of Mr. Klopp's correspondence to the Land Use Commission.

Mr. Duran assured Vice-Chairman Choi that the heliport operation is not part of the KTOH Radio Station and that the applicant, Kauai Helicopters, is subleasing the site from KTOH. Kauai Helicopters' operation is not permitted under the Land Use Law without a Special Permit from the LUC. Therefore, the heliport operation of Kauai Helicopters is violating the Land Use Law. KTOH Radio Station indicated in Kauai Helicopters' last petition (SP67-47) that they were going to relocate their operation. However, they are still operating their transmitter at the site.

Tatsuo Asari, attorney representing the applicant, submitted that the applicant was in receipt of a letter dated February 1968, from Mr. Clark of Lihue Airport stating that no sites are presently available for any aircraft at the airport.

Attorney Asari further commented that the presently located heliport site has been approved by the federal government, State agencies, and also the Kauai County Planning & Traffic Commission. He further stated that the sole landowner of the immediately surrounding adjacent urban area advised that the heliport site is not a nuisance or a detriment to the residential development. Also, it is not merely the Manager of Kauai Helicopters himself stating that it is a desirable and possibly the only site available for the operation but also the various agencies who expressed their feeling that the present heliport site is not of a hazardous nature.

August 16, 1968

Jerry Robinson, Manager of Kauai Helicopters, reported the reason why the heliport operation is located at its present site. In January, 1967, they applied through the local airport (Lihue Airport) for use of an airport hangar building and an underground fuel tank; and this application was active for six months. In the meantime, KTOH Radio Station informed Kauai Helicopters that they were relocating their studio but that their transmitting facilities would still be at the present location. Therefore, Kauai Helicopters withdrew their application for aircraft space at the Lihue Airport and entered into a sublease agreement with KTOH. Upon being notified by the Kauai Planning & Traffic Commission that they were in violation of the Land Use Law by operating at the KTOH Radio Station site, the applicant applied for a Special Permit which was approved by Kauai County. The Land Use Commission, however, denied the Special Permit. The applicant's reason for a rehearing on this heliport operation is that from the LUC staff's recommendation (denial of request), there seems to be a great deal of misunderstanding about the manner in which Kauai Helicopters is conducting their heliport operation.

In further support of the application, Mr. Robinson reported that they do not wish to relocate their heliport operation at the local airport because "none of the buildings are big enough for our helicopters." In addition, the jet blasts created by the jets can ~~cause~~ ^{cause} severe damage to the helicopters. Furthermore, being located at their present site, the noise generated by the helicopters blends in with the already-existing noise from the airport thereby causing no real noise problem with the helicopters. However, Mr. Robinson admitted that the noise created by the helicopters can be heard as far as the Tip Top Motel several miles away.

In reply to Commissioner Inaba's question as to any proposed building being erected, Mr. Robinson replied that the only building they intend to construct is a roof over the side away from the road no higher than the existing building and extending out about 30 feet and will not be visible from the road.

Commissioner Murakami questioned Mr. Duran if there has ever been a similar situation--two types of businesses in a non-conforming area--which has been approved by the Land Use Commission. Mr. Duran's reply was that to his knowledge there has never been such a case.

It was agreed upon that the Executive Officer, Mr. Duran, correspond with the Lihue Airport Manager and ask if there is a possibility of space being available for Kauai Helicopters' aircraft.

George Pai, Legal Counsel, added that there might be an enlargement of the scope of the non-conforming use while on the other hand, this case can be treated as if it were an agricultural use. Vice-Chairman Choi requested that Mr. Pai investigate whether or not a non-conforming use would ever become revocable because of not conforming to the original intent.

Action on this Special Permit was deferred until a later LUC meeting due to further investigation of this matter.

fill

SP68-53 - KAUAI HELICOPTERS

QUESTIONS THAT MUST BE ANSWERED

1. Dr. Mark - Did Klopp ask whether space was available at the airport itself? Do you have an opinion on that?

Rom - In his letter he says that space is not available but the manager says space is available.

Inaba - I think we should correspond with the Lihue Airport manager and ask if there is a possibility of land being available for Kauai Helicopters. ✓ *eth*

2. Chairman Burns - How much of an investment does Kauai Helicopters have in there? ✓ *eth*

Rom - I have no idea.

3. Murakami - Rom, by your knowledge, have we ever had two types of businesses in a non-conforming area like this situation that has been approved? ✓ *ap*

Rom - Not that I know of.

4. Kido - I think this is a legal question of whether or not you can enlarge the scope of the non-conforming use. Aren't you by virtue of giving a special permit for a heliport operation enlarging the original scope of the use?

5. Nishimura - Are any lands available for a heliport use in the Grove Farm area? ✓

Moraney (Grove Farm) - I would hate to answer that. I don't know what the requirements are. ✓

7. Choi - Would a non-conforming use permit ever become revocable because of not conforming to original intent? I would like George Pai to make an investigation on this.

8. Asari (Attorney for Kauai Helicopters) - Should there be any legal opinion on any question raised regarding this meeting, I would like to have a copy and a chance to rebut it next time.

EAGLE-A

TYPE-ERASE

25 COTTON EIDER

STATE OF HAWAII
LAND USE COMMISSION

Lihue District Court Room
Lihue, Kauai

August 16, 1968
2:00 p.m.

STAFF REPORT

SP68-53 - KAUAI HELICOPTERS

An application for special permit for a heliport has been filed with the Kauai Planning & Traffic Commission by attorney Tatsuo Asari for the petitioner. The property in question is described by TMK 3-6-02: 4 consisting of 2.8 acres and is located in the Agricultural District.

A similar special permit application requesting the approval of the heliport was requested by Kauai Helicopters in the latter part of 1967; and on December 15, 1967, the Commission unanimously denied this special permit request.

The property is situated along the south side of Ahukini Highway or Airport Road approximately 370 feet east of the Molokoa Unit II Subdivision. The property is presently used by Kauai Helicopters as a heliport for their two aircraft and by the Garden Isle Publishing Company KTOH radio as a radio transmitting station and includes a 150 foot radio tower and a one-story building for the transmitting facilities. On July 1, 1967, Kauai Helicopters obtained a two year sublease from the Garden Isle Publishing Company to use the radio station site for a heliport. The applicant began using the facility to park aircraft and was notified by the County Planning Director that the use in the Agricultural District was in violation of the Land Use Law and that a special permit was required. On August 3, 1967, the applicant filed a petition for a special permit with the Planning & Traffic Commission, County of Kauai; and, as stated earlier, this application was denied by the Commission on December 15, 1967. Three days prior to the action taken by the Commission, one of Kauai Helicopters' machines crashed at Hanalei. The petitioner

12/23/68 sent copy to S.J. Lawrence, Kauai Airport Superintendent

stated in a letter after the decision of the Commission that "circumstances beyond the control of the petitioner we believe influenced the Commission in its action to the detriment of the petitioner." Thus, a new application has been filed to approve the heliport on the radio station site.

The applicant desires to continue to use the property as a heliport to store aircraft, to perform repairs and maintenance, and to enlarge the transmitter building for office facilities. According to the submittal, there will be no passenger service on the site.

The frontage on the highway of the property in question is 165 feet. There are also approximately 60 foot high power poles and wires along the airport road in front of this property. The landing site will be in the front yard between the highway, power poles, tower, and existing building.

The Kauai County Planning & Traffic Commission voted to recommend the approval of the application until the expiration of Kauai Helicopters sublease from radio station KTOH on June 30, 1969, or until such time that the use is considered a hazard to public safety or a nuisance factor which ever occurs first.

Petitioner has submitted in support of their request information that the helicopters used by the applicant can operate in an area approximately 36 feet in diameter. The area of the landing site on the property in question between the 60 foot power poles and 150 foot high antenna tower and the one-story building is approximately 150 feet square.

There are two helicopter operators on the island of Kauai; Kauai Helicopters, the applicant, and Garden Isle Helicopters. Kauai Helicopters, in their brochure, claim to have 8 heliports. The Garden Isle Helicopters claim to have 6 main heliports. Recent investigations disclosed that Garden Isle Helicopters have eliminated their Waialua landings on the beach because

of danger to swimmers but that Kauai Helicopters now lands in Nawiliwili Park.

The Federal Aviation Administration in a letter dated April 2, 1968, stated in part "We are pleased to tell you that an analysis of the air space requirements for limited, private use VFR helicopter operations at the three subject sites disclosed no adverse affects on the safe and efficient use of the air space." Accordingly, an air space determination of no objection has been made for these three heliports (Hanalei Plantation, KTOH, and Nawiliwili Park).

The earlier application supporting material which is to be used in support of this application stated that the applicant made application for space at the Lihue Airport but reported that space was not available. A check with the airport's manager indicated that space is available. The applicant points out, however, that one of the undesirable features of leases on the airport is the stipulation by the State that they may be terminated upon 30 days notice. This feature is included in almost all leases on State land in the event the State abandons a facility or technological advances necessitate rearrangement of the facilities. The possibility of such an event occurring is extremely remote.

A letter was also received from Amfac Properties, Peter A. Sanborn, project manager, Kauai, stating that the present heliport will not encroach upon the housing area to the extent that noise and safety of the residences will be jeopardized within the next five years and therefore consents to the continued use of the site for a heliport until such time as it jeopardizes the development of the surrounding area.

A letter was also received from William T. Klopp, general aviation officer, Airports Division, Department of Transportation and states in part "I have

examined this location and find it nearly ideal for the type of operation presently being conducted. I endorse its retention as a heliport."

Since the special permit was denied by the Land Use Commission, the applicant had a 1,000 gallon fuel tank installed underground on the site in question, partitioned a portion of the transmitter building for a parts room, installed indoor-outdoor carpets, erected an identification sign on the front property line, and constructed a new driveway and parking lot.

Contrary to the petitioner's statement that the facility will not provide passenger service, he has admitted before the County Planning & Traffic Commission that passengers are flown in and picked up at the site.

Recommendation

Upon investigation of the application and evaluation of the criteria established by the Commission to determine the reasonableness of the request, it is recommended that the petition be denied for the following reasons:

1. The nature of this request is that it is industrial in character; that is, the parking, storage, servicing, and maintenance of aircraft. Activities of this type are presently being conducted one mile from this site at the Lihue Airport. It is only appropriate and logical that activities of this nature be conducted on the airport site or at least adjacent to the airport. The terminal facilities were designed for the convenience of our air passengers, and the airport is compatible with the surrounding land uses. This is not true of the existing heliport site.
2. Although the petitioner's helicopters may land and take off in a 100 foot square area, the site seems undesirable because of the obstructions of 60 foot power poles, the transmitter building, and the 150-foot tower on the heliport site. The proposed landing pad

does not meet minimum requirements recommended by the Federal Aviation Agency in their "Heliport Design Guide." A comparison of the obstructions on this site, that is the 50-foot tower, the transmitter building, and the 60 foot power poles with FAA's Heliport Design Guide clearly shows that the site does not meet the minimum recommended requirements.

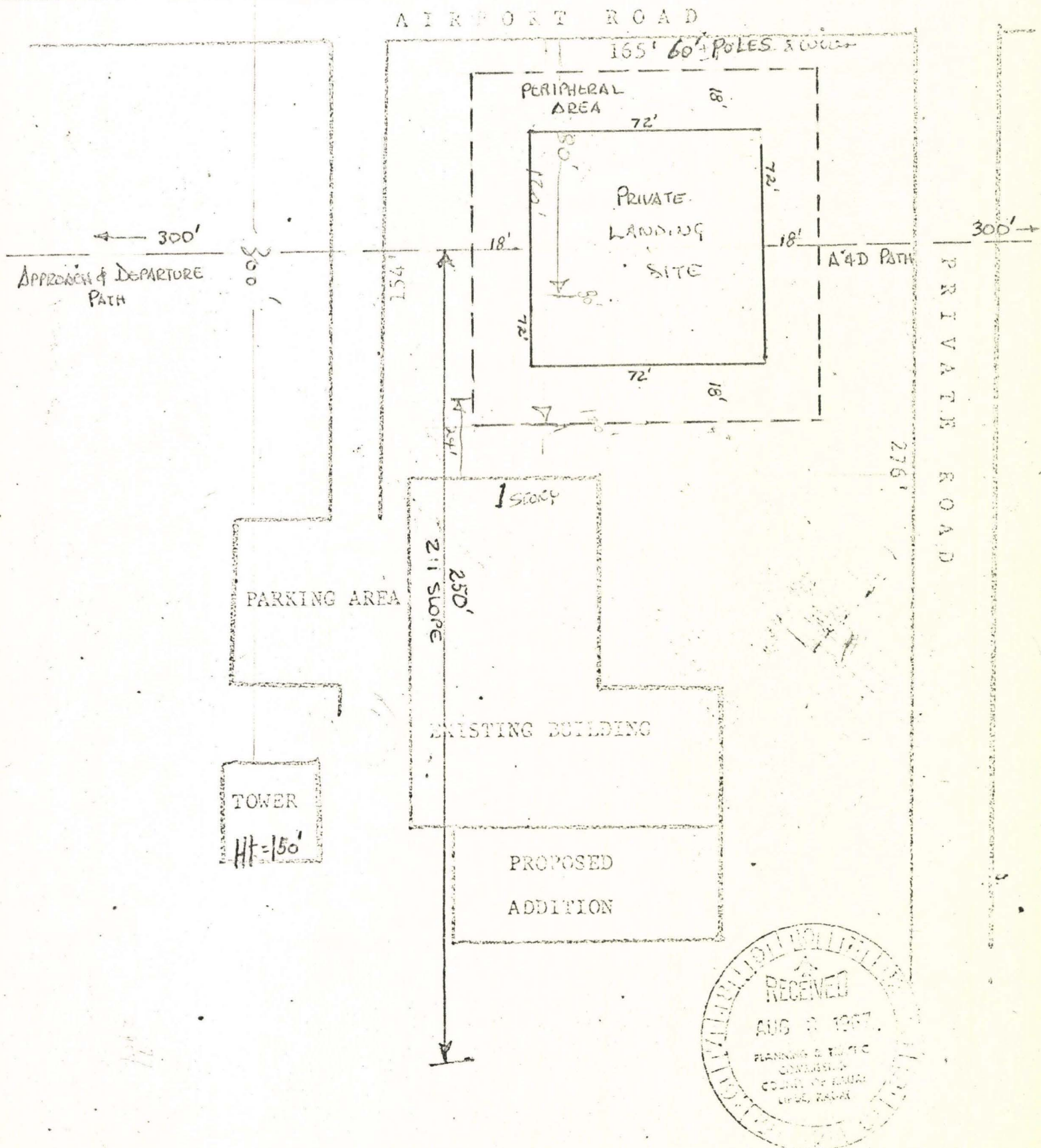
3. The airport road in front of the property in question has a speed limit of 15 miles per hour. The landings and takeoffs of the helicopters next to the road obviously attract the attention of motorists averting their attention to driving and perhaps could cause serious accidents particularly since this road is only two lanes wide for traffic moving in both directions.
4. Also significant is that a subdivision is being developed less than 370 feet from the existing heliport. The noise generated by the choppers is not conducive or compatible with the desired living environment of a new residential subdivision. The sound of the helicopter can be heard as far as the Tip-Top Restaurant, 2200 feet from the heliport site when these aircraft are landing.
5. Applying the test stipulated in the land use regulations adopted by the Commission to determine that a special permit is "unusual and reasonable", the staff believes that the request does not conform to the following established guidelines:
 - (d) that the desired use would not adversely affect surrounding property.
 - (e) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.
 - (f) that the proposed use will not substantially alter or

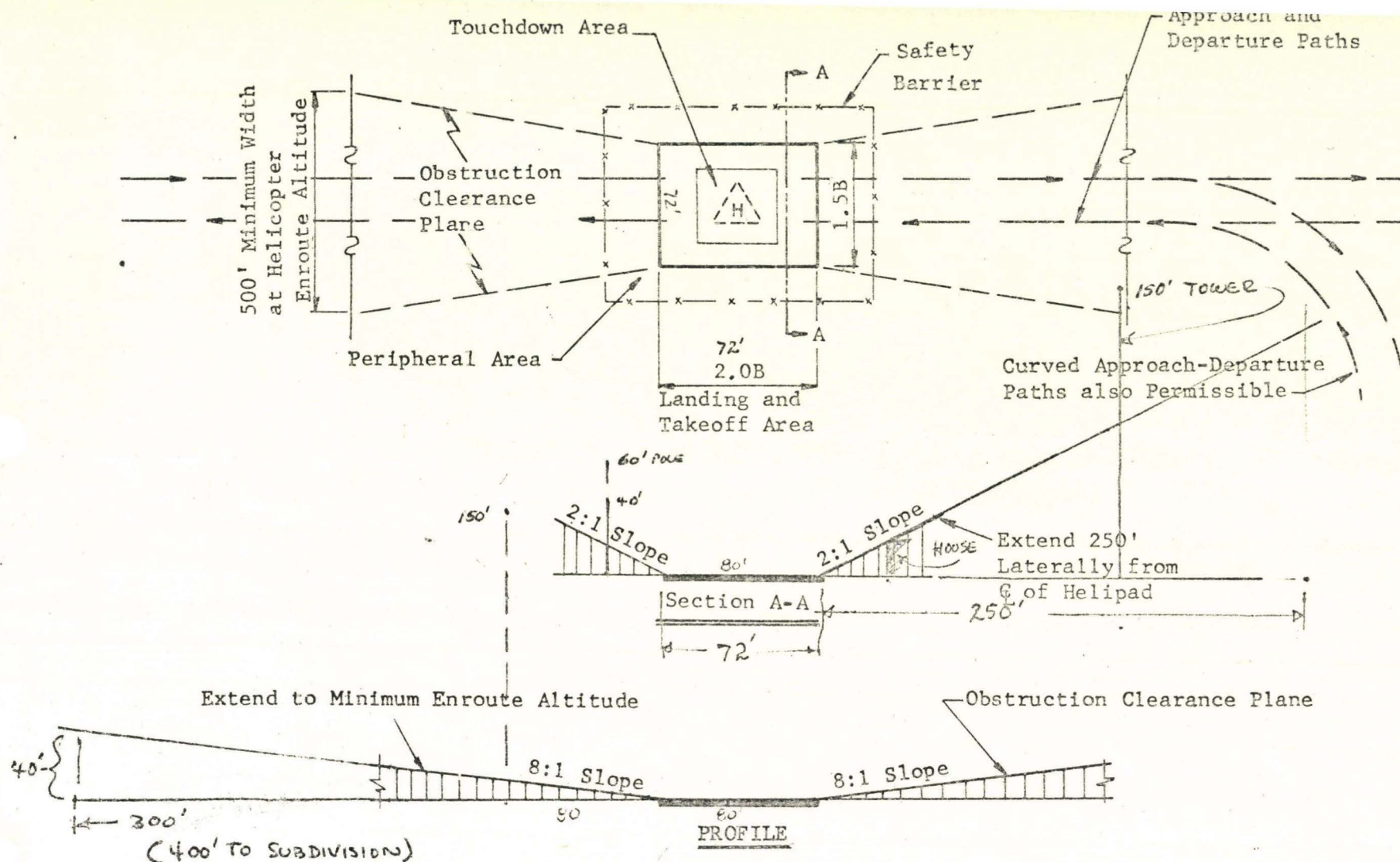
change the essential character of the land and the present use.

- (g) that the proposed use will make the highest and best use of the land involved for the public welfare.

In summation, there is no additional evidence so overwhelming that the Land Use Commission should reverse its original decision and approve or legalize this heliport as petitioned. Therefore, it is recommended that the Commission should reiterate its original decision and deny the petition on the basis of the aforementioned information; and the applicants should be required to correct the zoning violation immediately.

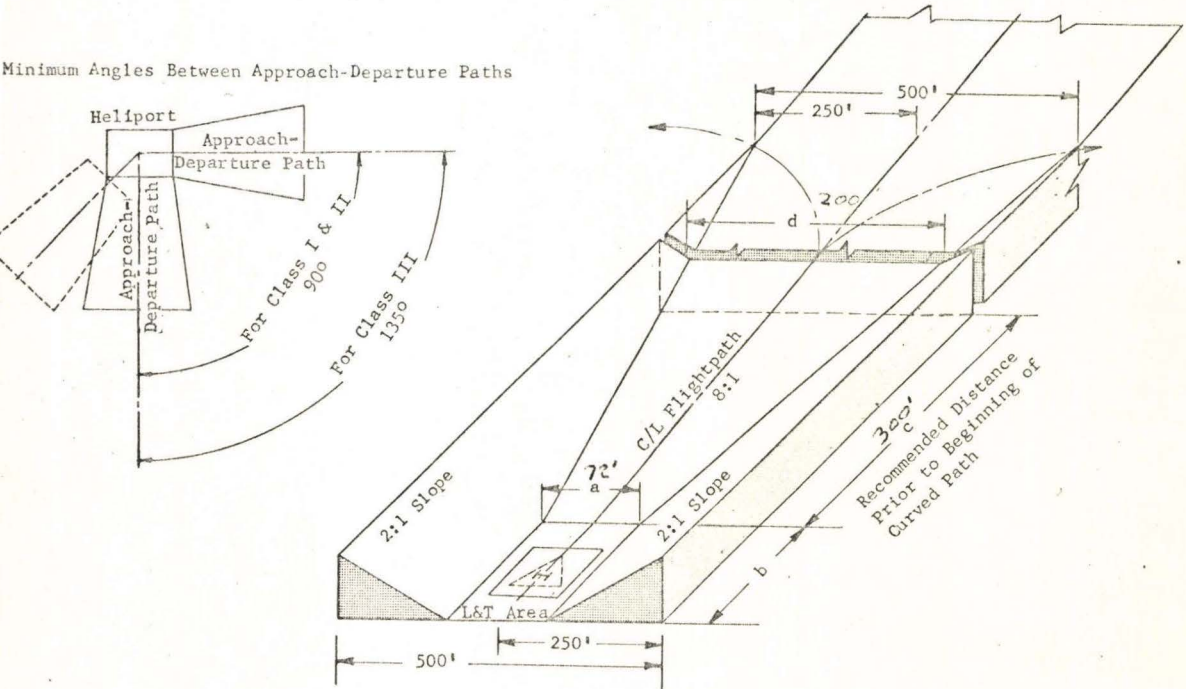
Wind Direction?





NOTE: Dimension B Equals Overall Length of Helicopter

FIGURE 9. SMALL HELIPORT LAYOUT



PERSPECTIVE VIEW OF APPROACH-DEPARTURE PATH

Heliport Class	FAR Category Helicopter	a	b	c	d	Minimum Angle Between Approach-Departure Paths
I Private	FAR Part 27, 29 (CAR 6 & 7)	1.5	1.5	300'	200'	90°
II Small Public	FAR Part 27 (CAR 6)	1.5	2.0	300'	300'	90°
III Large Public	FAR Part 27, 29 (CAR 6 & 7)	* 1.5	* 2.0	400'	300'	135°

Dimensions a and b:
(1) are expressed as multiples of overall helicopter length.
(2) may be increased or decreased upon evaluation of the site by FAA.

*For scheduled airline operations, other factors, related to a specific site would need to be considered.

FIGURE 11. APPROACH-DEPARTURE PATH AND OBSTRUCTION CLEARANCE DIAGRAMS

AIRPORT ROAD

165' 6" poles & wires

LANDING
SITE

154'

PRIVATE ROAD

276'

1 STORY

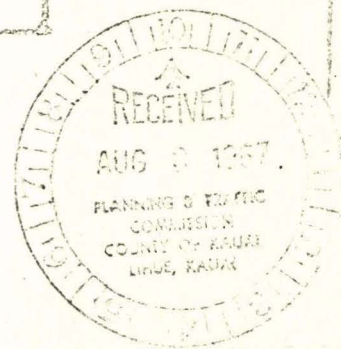
PARKING AREA

EXISTING BUILDING

TOWER

Ht = 150'

PROPOSED
ADDITION



FLIGHT DESCRIPTION AND RATES

JANUARY 1, 1967

ALL RATES ARE PER PERSON except charter rate. Tax is included.

	FROM HAENA HELIPORT	FROM HANALEI PLANTATION HOTEL	FROM ANY OTHER HOTEL OR HELIPORT
FLIGHT #1—INSIDE THE WAIALEALE CRATER (WETTEST SPOT ON EARTH)	\$20.00	\$20.00	\$20.00
FLIGHT #2—NA PALI COAST SCENIC FLIGHT	\$20.00	\$25.00	CHARTER RATE
FLIGHT #3—NA PALI COAST AND WAIMEA CANYON (Grand Canyon of the Pacific)	\$25.00	\$35.00	CHARTER RATE
FLIGHT #4—"EXPERI- ENCE OF A LIFETIME" (Covers virtually all the inaccessible beauty of Kauai)	\$60.00	\$60.00	\$60.00
FLIGHT #5—PICNIC OR CAMPING TRIP ON NA PALI COAST. ROUND TRIP.	\$30.00	\$40.00	CHARTER RATE
CHARTER RATE: For the helicopter carrying up to 3-4 passengers, maximum total passenger weight: 600 pounds. Minimum Charter: 30 minutes.			\$150.00 per flight hour

Reservations:

Phone collect from anywhere in Hawaii
Kauai 22-371 or 22-131
or write

KAUAI HELICOPTERS

P. O. Box 788
Lihue, Kauai, Hawaii 96766

or see your travel agent

Kauai Helicopters



Flight-Seeing On

Kauai

HAWAII'S GARDEN ISLAND

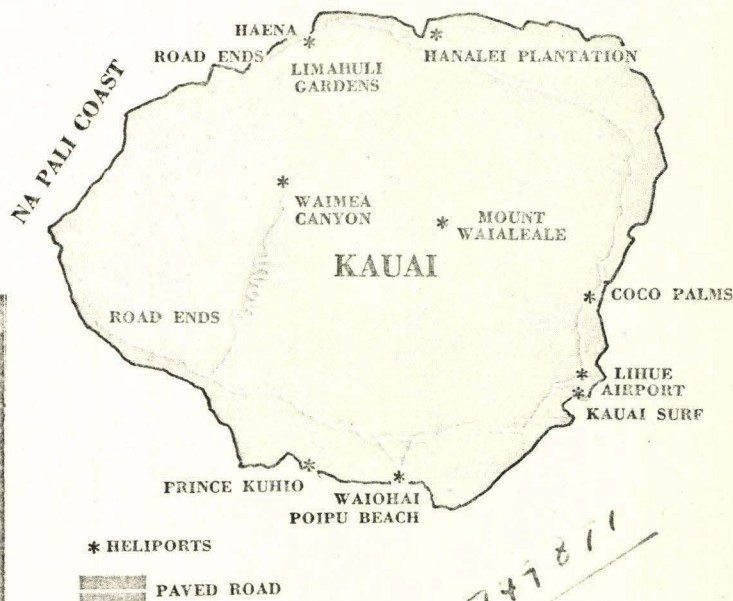
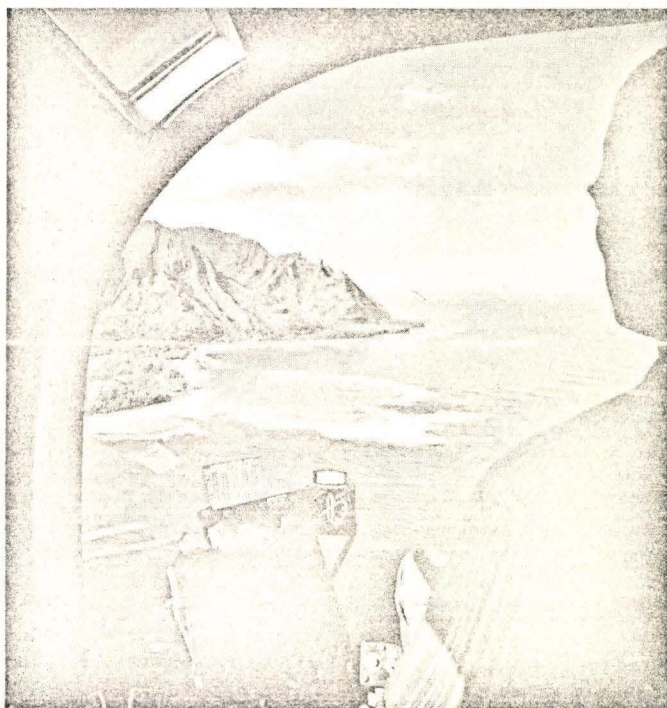
*Enjoy an Unforgettable
Experience on ...*

Kauai

Hawaii's Garden Island

*... literally a trip
into a remote paradise*

*a new dimension in travel awaits
you on the Garden Isle ... the famed
Na Pali Coast, Kalalau Valley, Mt.
Waialeale ... the wettest spot on earth,
the Valley of the Lost Tribe, plus
countless waterfalls and exquisite
beaches are yours in safety and comfort
aboard the Helicopters of Presidents.*



Na Pali Is

*A photographer's paradise
with remnants of an ancient
civilization to explore.*

We Invite You

*To plan picnics or camping trips
in the unspoiled valleys along
Na Pali Coast.*

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
PACIFIC REGION
P. O. BOX 4009
HONOLULU, HAWAII 96812

APR 2 1968

Kauai Helicopters, Inc.
P.O. Box 788
Lihue, Kauai, Hawaii 96766

IN REPLY
REFER TO: PC-640

only off the ground
doesn't mean it's a safe site

Gentlemen:

Reference is made to the three Forms FAA-2681 submitted by you for three heliports on Kauai. The sites referred to are located at Hanalei Plantation, KTOH, and Nawiliwili Park.

We are pleased to tell you that an analysis of the airspace requirements for limited, private use VFR helicopter operations at the three subject sites disclose no adverse effects on the safe and efficient use of the airspace. Accordingly, an airspace determination of no objection has been made for these three heliports.

Sincerely yours,

Frank V. Hermann

588-296

For Richard T. Puckey
Chief, Airports Division

does not effect safe operation on site

Gen. A's Dist. Office

does not deal with passage

Geo. Reese - 814-829

Owen

B-1

PHONE 23-421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

P. O. BOX 126

August 7, 1968

RECEIVED

AUG 9, 1968

State of Hawaii
LAND USE COMMISSION

Ramon Duran, Executive Officer
Land Use Commission
Dept. of Planning and Economic Development
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Subject: Special Permit Application
SP68-53, Kauai Helicopters

Attached you will find a copy of a letter received by Kauai Helicopters which is self explanatory. It was not received in sufficient time to be presented to the County Planning Commission but we feel it is pertinent exhibit which should be included in the hearing and we would like to take the opportunity to submit same.

The original in hand will be available for examination by the parties at the hearing.
Thank you.

Yours very truly,



TATSUO ASARI

TA:la

Enclosure

amfac properties

RECEIVED

AUG 9, 1968

State of Hawaii
LAND USE COMMISSION

P. O. Box 751
Lihue, Kauai, Hawaii 96766
Telephone 23-331

July 11, 1968

Kauai Helicopters
Lihue, Kauai, Hawaii 96766

Attention: Mr. Jerry Robinson

Gentlemen:

This letter is to confirm our conversation of last week and to set forth Amfac Properties' position concerning that certain parcel of land now occupied by your company for the purposes of a heliport.

Based on our projected development plans for the lands surrounding your present heliport location, we feel reasonably certain that housing will not encroach to within a distance such that the noise and safety of the residences will be jeopardized by your operation within at least the next five years. Therefore, we are willing to give our consent to the use of the present site for a heliport until such time that we feel it jeopardizes the surrounding area as it is developed, at which time at our discretion we reserve the right to withdraw our consent on the heliport use.

We feel that the helicopter sightseeing business is an asset and unique to the Kauai tourist industry, and we are willing to cooperate in every way possible to insure its success.

Very truly yours,

Peter A. Sanborn

Peter A. Sanborn
Project Manager - Kauai

PAS/db

July 30, 1968

Mr. Tatsuo Asari
Attorney at Law
P. O. Box 126
Lihue, Kauai, Hawaii 96766

Subject: Special Permit Application
SP68-53 - Kauai Helicopters

Dear Mr. Asari:

Pursuant to your letter request of July 24, 1968, please be advised that the Land Use Commission will meet in Kauai on August 16, 1968 at 2:00 p.m. in the Lihue District Court Room, 3060 Umi Street, Lihue, Kauai. On or about that time, action will be taken on the special permit request by Kauai Helicopters.

Very truly yours,

RAMON DURAN
Executive Officer

2474

PHONE 23-421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

P. O. BOX 126

July 24, 1968

RECEIVED
JUL 29 1968
State of Hawaii
LAND USE COMMISSION

Ramon Duran, Executive Officer
Dept. of Planning and Economic Development
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Duran:

Subject: Special Permit Application
SP68-53 Kauai Helicopters

We are most appreciative of your actions as set forth in your letter of May 24, 1968, delaying action on the above subject matter until after the 21st day of July. We would appreciate having this matter set for the latter part of August on Kauai, if possible. Otherwise, the matter may be heard on Oahu.

May we hear from you that we may notify the parties interested.

Yours very truly,



TATSUO ASARI

TA:1a

2398

P. O. BOX 111



TELEPHONE 23-661

Est

LIHUE, KAUAI, HAWAII 96766

May 3, 1968

RECEIVED

MAY 6 1968

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

State of Hawaii
LAND USE COMMISSION

Subject: Application for Special Permit
Our File No. SP-68-1 - Kauai Helicopters

SP 68-53

Gentlemen:

At the regular meeting of the Planning and Traffic Commission held on May 2, 1968, the Commission approved the subject application for special permit with the conditions as recommended by the Planning Director.

In accordance with provisions under Section 98H-6 of RLH 1955, as amended, we herewith transmit for your consideration the foregoing application, transcript of proceedings attached.

Very truly yours,

PLANNING AND TRAFFIC COMMISSION

Brian Nishimoto

Brian Nishimoto
Planning Director

attach.

cc: Tatsuo Asari

*Assoc. Leleto - Subm - Shipping Center - can't make out
Bessent Leleto - Hor. Run 2012 - when have we included in
Diplo - 223 (23855) - 1-19-70 - not to proceed with
Nashimoto - State land - Co. Park 23 - perfect noise
Co - gone permit - till June
site in control zone - needs FAS approval
see shell restaurant
Lum's land
jet fuel tank / 100 gals*

KAUAI PLANNING AND TRAFFIC COMMISSION
PUBLIC HEARING
SPECIAL PERMIT, LAND USE - COUNTY OF KAUAI

APPLICATION NO. SP-68-1

USE OF PROPERTY AS HELIPORT, WITH OFFICE AND REPAIR SHOP

A public hearing on the above application was opened by Chairman Masashi Kageyama at 1:37 p.m. on Tuesday, April 16, 1968, in the County Board Room at Lihue. Following Commissioners were present:

Mr. Masashi Kageyama, Chairman
Mr. Welcome Albao
Mr. Richard Johnston
Mr. Takato Sokei
Mr. Gisao Tateishi
Mr. Leonard Zalopany

Pertinent information on the application was presented by Director Nishimoto as follows: The proposed heliport site is land owned by The Lihue Plantation Company and leased to Radio Station KTOH, who in turn subleased the site to Kauai Helicopters for a two-year period terminating in June 1969; that the petitioner applied for a special use permit on August 3, 1967 and the staff recommended denial of the use, however, action on the matter was deferred for further study; that upon submission of additional information by the applicant, the Commission on October 5, 1967, approved the request for special permit on condition that the use be allowed up to the end of the sublease period or until such time that the use becomes hazardous to the surrounding vicinity; that although the Planning Commission approved the use, on December 15, 1967, the State Land Use Commission denied the application; that later upon inquiry to the Land Use Commission, Kauai Helicopters was advised to reapply for a special use permit and the Planning Commission was instructed to process the application in the regular manner for disposition by said Commission.

On query of Commissioner Tateishi regarding plans for further expansion of the Molokoa residential development, Director Nishimoto informed of a master plan prepared in 1960 by Community Planners for The Lihue Plantation Company designing a residential development in four or five incremental stages to encompass their lands down to the industrial site area; that the utilities installed are designed for future development also, however, it is difficult to determine the growth of expansions at this time.

There were no letters of protest as of this date.

The hearing was then opened to the public.

Mr. Tatsuo Asari, counsel for the petitioner, stated in effect that the land is being subleased from a lessor who in turn is leasing from The Lihue Plantation Company; that Lihue Plantation obviously approved the lease so they must know about the type of use; that one of the problems in the initial application was perhaps the contention that the applicant should go down to the airport, however, at that time there was a problem as to what was really available. Mr. Asari referred to the letters submitted by the State of Hawaii, to clarify the issue that space was not available at the airport; that they do not object to the use of the KTOH site for a heliport; that this disposes of the question and problem in the initial application. Mr. Asari stated that he is now finding there are many aspects about helicopters; that apparently, the Federal Government is interested in this type of sites and operations; that he is made to understand from Mr. Robinson that there are lots of helicopter sites in Honolulu. He stated that the question may be that

Special
available
- doesn't
want to pay for
it.

Jack
Hester
Garden Isle
23721

Kauai
Has 2 bells

Space to build on airport
a hangar

the heliport is so close to a seemingly congested area; that Mr. Robinson has provided a film to take care of the problem of where sites are located; that as far as the noise is concerned, it is not half as noisy as a lot of people seem to think and it was found that the noise of a helicopter is comparable to a passenger car at a certain level. Mr. Asari stated that the reason for this second application is that the first decision was hasty; that upon inquiry to the Land Use Commission, the reapplication procedure was recommended.

Mr. Jerry Robinson, manager of Kauai Helicopters, presented a film describing the use of jet ranger helicopters to solve mobility in metropolitan areas and the benefits of the helicopter in becoming an accepted way of life; that the jet ranger's noise will be a part of the routine urban noises in a few years.

Mr. Robinson informed the Commission that in relation to urban noises, the jet ranger helicopter at 200 feet is almost identical to that of a heavy truck at 50 feet; that they do not normally fly lower than 200 feet. Mr. Robinson made a comparison of affecting noise factors by decibel levels.

During the period of questioning, the following statements, in effect, were made:

Commissioner Zalopany: I want to find out what is the master lease between KTOH and Lihue Plantation.

Mr. Asari: I have no idea. (Note: Staff investigation after meeting shows lease runs to December 31, 1969.)

Director Nishimoto: Mr. Asari, did Mr. Klopp check with the manager of Lihue Airport prior to making his statement?

Mr. Asari: We assume that he is the immediate superior of the airport manager and I would think his statement is valid.

Director Nishimoto: The reason for the question is that you must remember that the special use permit is in the agricultural district and the Land Use Commission denied it pertinent to the land use law. I am wondering if Mr. Klopp realizes it is not whether the height is safe for helicopter flights but whether the special use within an agricultural district is permitted.

Mr. Asari: I realize that; I am not saying that Mr. Klopp is superior to the Land Use Commission but you would assume that there was coordination within that department. I cannot foresee one agency saying that they are totally disengaging themselves from another agency who really deals with the technical problems. I merely want to point out that we had a rather muddled situation originally and the letter seems to clarify this matter. I don't know whether there was actual communication between the manager and superior of the airports but his (Klopp) being the superior, he would have the authority to state what is stated.

Director Nishimoto: According to the FAA study on the three helicopter sites, it is mentioned that the KTOH site presently has a total of 200 landings per month with 250 estimated five years hence. I recall during the first hearing that this site would not have more than one or two landings per day.

Mr. Robinson: Frankly, I didn't notice this figure; these are not figures that we gave them. Present landings are about 50 per month and expansion in the neighborhood of 100 or so; we still are not using KTOH as a passenger pickup point.

Director Nishimoto: I understand that you are picking up passengers at the site.

Mr. Robinson: We may come back here with the passengers to refuel and have the tourists from Kauai Surf come to board; rarely do we come in specifically to pick up passengers at KTOH; we do only in conjunction with refueling.

At the request of Director Nishimoto, Mr. Robinson described the typical approach and landing degree to the site on the map.

Director Nishimoto: Should the action of this Commission and the State Land Use Commission stipulate that the use be permitted up to the end of the sublease period and you are to relocate, can you do this?

Mr. Asari: I don't think we can answer any further than the lease period because that is the extent of the applicant's right to use the land; the lease itself controls the period in which they (Kauai Helicopters) would stay.

Director Nishimoto: Am I correct in assuming that whatever improvements put in is based on the two-year period? (Mr. Asari's reply was affirmative.)

Commissioner Tateishi: On that basis, you would not have any improvements besides what you have there?

Mr. Asari: That is correct; not any further improvements.

Mr. Robinson: Additional improvements is to extend a roof on the side away from the road just to cover one helicopter; it will be a galvanized roof; other than that, there are no improvements.

Commissioner Albao: Would you relocate at the airport if space were available?

Mr. Asari: The problem at the airport is that they (airport) will not give you an extended time longer than 30 days. I don't see any possibility of changing their policy; it is not a situation where they (Kauai Helicopters) can rent and just move the operation there; they must alterate and renovate and under a 30-day rental arrangement, I would not recommend it.

Mr. Robinson: Another important consideration is that helicopters are not compatible around large aircrafts. The large airports in Los Angeles that have helicopters, have them much further away from the runway.


Commissioner Johnston: Do you have to pay landing fees at the airport for helicopters?

Mr. Robinson: Yes, but its not a considerable amount--25¢ per landing.

Commissioner Johnston: Do you plan to continue to use the older type aircraft or going strictly to this jet aircraft?

Mr. Robinson: Yes, jet aircraft.

Commissioner Johnston: This area was going to be used for parking and maintenance; it was mentioned today that you are picking up passengers and it will be a terminal.

Mr. Robinson: Yes, only when it is convenient to pick up passengers at KTOH rather than the airport. Picking up passengers would be in conjunction with refueling. 

Commissioner Johnston: You don't have plans for making a passenger terminal and sign?

Mr. Robinson: Not at all.

Commissioner Albao: How many helicopters do you have and are you projecting to have more helicopters?

Mr. Robinson: We have two and are hopeful to expect one additional next year. I think we will be saturated at three; don't see more than three here.

Commissioner Sokei: What is your standard operation procedure on the KTOH site, such as refueling, hold-over time, etc. 1?

Mr. Robinson: Hold-over time is normally in Hanalei; we come back to KTOH to refuel three times a day; we normally fly over this side of the island two days a week; the rest of the week we stay at Hanalei.

Commissioner Zalopany: Have you been doing any community service as far as rescue for the County?

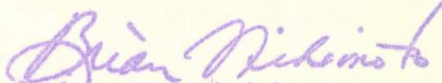
Mr. Robinson: When the need arises; the real rescue was almost three years ago when three boys got lost in Kokee; also when the person disappeared in Honopu Valley. There were no charges.

The hearing was closed at 2:30 p.m.

DECISION OF COMMISSION: At the regular meeting of the Commission held on May 2, 1968, the foregoing application for special permit was approved, with the conditions as recommended by the Planning Director, by the following vote: (See Director's recommendation on file.)

AYES: Albao, Hashisaka, Johnston, Sokei, Tateishi	
Zalopany, Kageyama	- 7
NOES: None	- 0
ABSENT, NOT VOTING: None	- 0

Respectfully submitted,


Brian K. Nishimoto
Secretary to the Commission

my

TO: Planning and Traffic Commission
RE: Special Permit Application SP-68-1
PETITIONER: Kauai Helicopters


RECOMMENDATION:

The staff has reluctantly considered this special use permit for two reasons:

- (1) the applicant knowingly violated the State Land Use rules and regulations by placing improvements and utilizing the property under consideration for the desired use prior to receiving approval from the State Land Use Commission; and
- (2) the State Land Use Commission denied the first special permit petition.

In view of the circumstances, however, and having once recommended approval for this special permit with certain conditions, the staff recommends that the special permit be approved up until the expiration of Kauai Helicopters' sublease from Radio Station KTOH on June 30, 1969, or until such time that the use is considered a hazard to public safety or a nuisance factor, whichever occurs first. The applicant should be fully aware that this recommendation of approval is only for the stated duration.

May 2, 1968



Brian Nishimoto
Planning Director

F-1

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

February 16, 1968

Kauai Traffic and Planning Commission
County of Kauai
Lihue, Hawaii 96766

Dear Sir:

The reasons as set forth in our letter dated August 3, 1967 to the Kauai Traffic and Planning Commission on the previous application are valide today as when first put forth and are incorporated herein by reference. Perhaps it should have been made clear at the time that it was and is presently the applicant's understanding that no long term lease will be available to it and it would be subject to a 30-day notice to vacate which would make it impossible to install any improvements, much less any new constructions.

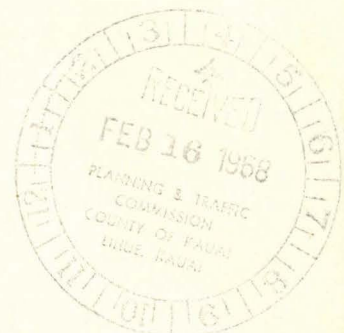
Any objections heretofore had, we hope to overcome by the presentation at the time of the hearing on this application, or at a time convenient to the Commission, in the nature of documents and hopefully by a short film, all of which are presently in the process of being assembled. Particularly what we feel was the underlying reasons explaining the action of the State Land Use Commission.

Yours very truly,


TATSUO ASARI

TA;la

cc



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

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

RECEIVED

MAY 6 1968

APPLICATION FOR SPECIAL PERMIT

State of Hawaii
LAND USE COMMISSION

(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 District Boundary map number and/or name K-4, Lihue, for the following-described purpose:

Description of property: Tax Map Key 3-6-02-4 consisting of 2.812 acres, owned by Lihue Plantation Co. and leased to Garden Island Publishing Co.

Petitioner's interest in subject property: Sub-lease running through June 30, 1969.

Petitioner's reason(s) for requesting special permit: For reasons as stated in the attached letter.

KAUAI HELICOPTERS

Signature(s) By

TATSUO ASARI
Attorney for Applicant

Address:

P. O. Box 126
Lihue, Hawaii 96766

Telephone:

23-421

This space for official use

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

Signature(s) _____

For (agency) _____

Mr. Duran:

Kauai
8-9-68

Checked with Taguchi's
office. Clerk says he's
off for the day but
can be reached at
the home of Mr.
Kitajima, #64319.

Chit Childs
Realtor for

Betty

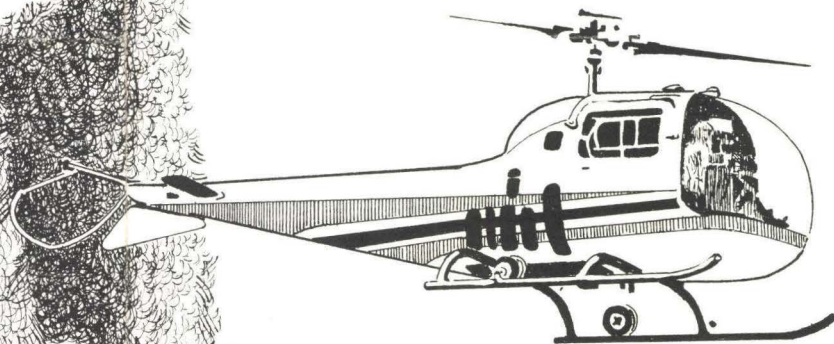
May 13

Honorable Chairman and Members
Kauai County Board of Supervisor
Lihue, Kauai, Hawaii

Gentlemen:

At its meeting of May 9, 19
Economic Development voted in fa
tional costs of the Kauai County
scheduled to be held on June 21st
motion expenses will amount to \$
adequate funds in our Promotion

GARDEN*ISLAND HELICOPTERS



*For reservations, see your travel agent
or write:*

GARDEN ISLAND HELICOPTERS

4122 Rice Street

Lihue, Kauai, Hawaii

Phone: 23-721

*In Honolulu call LEONARD HICKS: 923-6524
Suite 1205, 2222 Kalakaua Ave.*

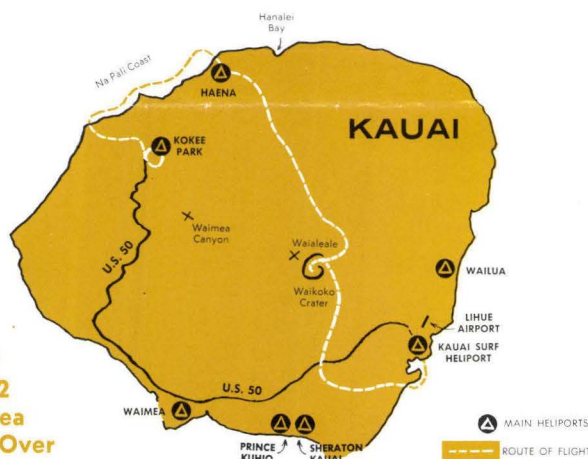
PRINTED IN HAWAII, U.S.A.



FLT No. 1

This is the most unforgettable experience you can enjoy on the Garden Island. It covers all of the outstanding, inaccessible scenery of Kauai. You will view Olokele, Waimea Canyon, Na Pali Coast, Waikoko Crater and much more.

**Helicopter fare per person
\$40.00**



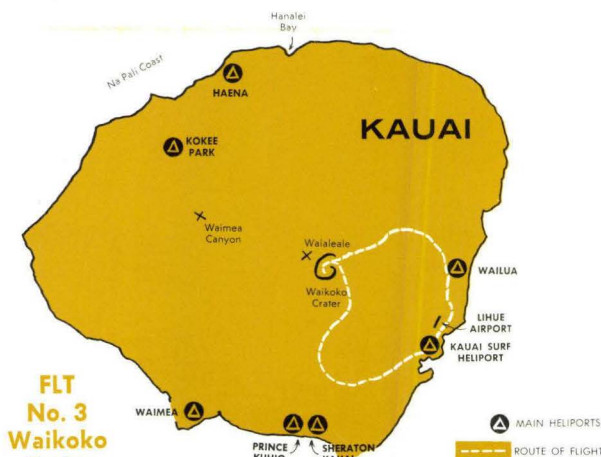
FLT No. 2 Waimea Change-Over

This Land-Air tour is an ideal way to see all of the best scenery without retracing your routes. A group of 4 or more is necessary. Half of the group travels, Via U.S. 50 to the Waimea Canyon and beautiful Kokee Park. The other half of the group will fly to Kokee via Waikoko Crater, Hanalei and Na Pali. At Kokee, an exchange is made and each group returns to the Kauai Surf by the opposite route. The land portion of this tour may be made either by Limousine or by U-drive car.

**Helicopter fare per person
\$25.00
(Minimum of 4)**



Jack Harter, originator of scenic helicopter flights on Kauai, is now based at the Kauai Surf Resort Hotel.



FLT No. 3 Waikoko Crater

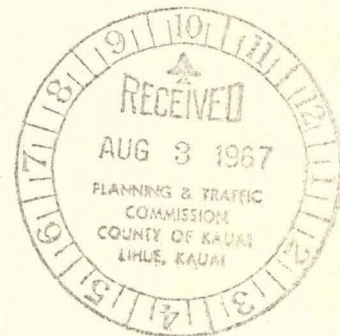
Waikoko Crater is one of the World's most unique places. At its top is Waialeale, the 'Wettest Spot on Earth.' The rainfall on the peak creates waterfalls of great beauty inside the Crater which can be reached only by copter. Enroute are the spectacular views of eastern Kauai.

**Helicopter fare per person
\$25.00
(Minimum of 2)**

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII

August 3, 1967

Planning and Traffic Commission
County of Kauai
Lihue, Hawaii 96766



Petitioners, Kauai Helicopters, respectfully submit herein "APPLICATION FOR SPECIAL PERMIT". Please be advised that the applicant did make application with the State of Hawaii for the use of one of the "T Hangers" located at Lihue Airport. The application was made in February, 1967 and to date no action has been forth coming after several inquiries. It becoming necessary to vacate from its present location, petitioners are most anxious to secure a more desirable site from that which it is presently operating. This means in and around Lihue.

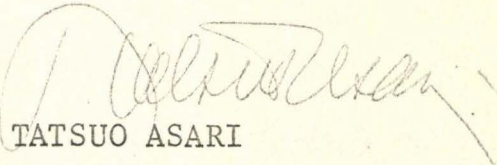
At the onset, it would clearly be stated that a heliport is distinct and separate from an airport. Treatment of each should not be synonymous. To illustrate this point, I am taking the liberty of attaching a picture taken on July 3, 1967 on my recent trip to New York City, showing a helicopter landing on the PANAM Building. Mr. Robinson of Kauai Helicopters informs me that its helicopter can operate in an area approximately 36' in diameter. Taking all factors into consideration, including gusty winds and inclement weather, a safe allowable area would be 100 feet square. It is herein respectfully requested that the Commission note that the area proposed is considerably in excess of this margin of safety.

On my inquiry to Mr. Robinson if there would be any other site he would select if all of the Lihue area was available, it appears that he would be hard pressed to pick another, inasmuch as portions of the building on this site will be utilized as offices and it goes without saying that the site is easily accessible to the tourists that are to utilize the services of the applicant. It, however, has the additional advantages of being located in an area where whatever noise caused by its operation can be discounted.

Applicant plans one addition to the existing structures. Said addition would in no way distract from the appearance of the site in question.

Planning and Traffic Commission
Page - 2 -
August 3, 1967

It is herein respectfully requested that the matter be given your careful attention. The undersigned will be most happy to answer any questions you may have in this matter.



TATSUO ASARI

TA:la

cc: Mr. Jerry Robinson

PHONE 23-421

TATSUO ASARI
ATTORNEY AT LAW
LIHUE, KAUAI, HAWAII 96766

P. O. BOX 126

March 20, 1968

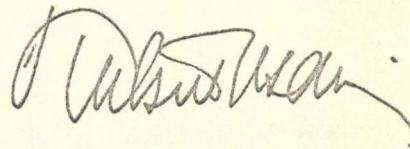
COUNTY OF KAUAI
PLANNING AND TRAFFIC COMMISSION
Lihue, Kauai, Hawaii

Re: APPLICATION FOR SPECIAL PERMIT:
Kauai Helicopters

Dear Sir:

Enclosed you will find a letter dated February 15, 1968, from William T. Klopp, General Aviation Officer, State of Hawaii, Department of Transportation, and a letter dated February 20, 1968, from Donald H. Long, Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration for your examination and information.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Tatsu Asari", written in a cursive style.

JOHN A. BURNS
GOVERNOR



FUJIO MATSUDA
DIRECTOR

JOHN B. K. BUR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION

HONOLULU INTERNATIONAL AIRPORT • HONOLULU, HAWAII 96819

IN REPLY REFER TO:

AIR-GA
68.294

February 15, 1968

To Whom It May Concern:

Kauai Helicopter, Inc., applied to the Department of Transportation during 1967 for hangar and operating space at Lihue Airport. At the time of their application all hangar space at Lihue Airport was occupied and crowded ramp conditions made it inappropriate to establish a heliport at the airport other than in an area somewhat remote from the terminal. The applicant was, therefore, requested to seek a location for his main operating base at a location other than Lihue Airport.

For a time Kauai Helicopters, Inc., operated from the edge of a golf course in southwestern Kauai but this finally proved less than satisfactory. Then they located at the KTOH site between Lihue and Lihue Airport from whence they operate today. I have examined this location and find it nearly ideal for the type of operation presently being conducted. I endorse its retention as a heliport.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. T. Klopp".

William T. Klopp
General Aviation Officer

FILE

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
PACIFIC REGION
P. O. BOX 4006
HONOLULU, HAWAII 96812

FEB 20 1968

IN REPLY
REFER TO. PC-530

Dear Sir:

MONROE CASE NO. 62-115-AM - ISLAND OF KAUAI - ESTABLISHMENT OF
HELIPORTS

The Federal Aviation Administration is conducting a study to determine the effects upon the safe and efficient use of the navigable airspace of the establishment of three heliports on the Island of Kauai.

The sponsor of the heliports is Kauai Helicopters, P. O. Box 788, Lihue, Kauai. Use of the heliports will be limited to VFR operations by two Bell Model 206A helicopters.

The sites under consideration, together with other pertinent information, are as follows:

1. Hanalei Plantation
Latitude: 22°12'31"N
Longitude: 155°30'00"W

Elevation: 180 ft. MSL

Direction of Principal Approach: 090°

Number of Landings Monthly: 300 at present
500 estimated 5 years hence.

2. KTOH
Latitude: 21°59'00"N
Longitude: 159°21'50"W

Elevation: 210 ft. MSL

Direction of Principal Approach: 060°

Number of Landings Monthly: 200 at present
250 estimated 5 years hence

(11)

3. Nawiliwili Park

Latitude: 21°57'41"N

Longitude: 159°20'59"W

Elevation: 10 ft. MSL


Direction of Principal Approach: 045°

Number of Landings Monthly: 75 at present
100 estimated 5 years hence

A chart depiction of the heliport sites is enclosed.

Comments from interested persons should reach this office not later than March 22, 1968. Objections to any or all of the heliports should state the reasons, and only those based on aeronautical factors can be considered in the development of an airspace determination.

Sincerely yours,



Donald H. Long
Chief, Air Traffic Division

Enclosure

Warning: National Defense Operations Areas Operations Hazardous to Flight of aircraft conducted within these areas

HAWAIIAN

COASTAL

AD

22°30'

Hanalei
Latitude: 22°12'31"N
Longitude: 159°30'00"W
Elevation: 180 ft. MSL

N-3101
A-C
SANDS
L 60
4 380 2 DF

ING
260°
O

KTOH
Latitude: 21°59'00"N
Longitude: 159°21'50"W
Elevation: 210 ft. MSL

Nawiliwili Park
Latitude: 21°57'41"N
Longitude: 159°20'59"W
Elevation: 10 ft.

VORTAC
SOUTH KAUAI
112.1 Ch 58 SOK

KAUAI

on Islands
on 14,500
ontrol area
R 3107,
1500 feet

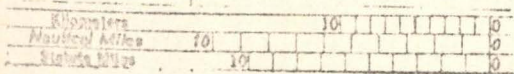
HONOLULU OCEANIC CONTROL AREA

NONRULE CASE NO. 68-PC-6NR

Establishment of Heliports
Island of Kauai

Feb. 19, 1968

5000 MSL



Aug 1 '69 - LUC voted to grant a 60-day extension of spec. permit

Aug 20 '69 - Ltr to Brian from staff advising that the 60 day extension period commences Aug 21 '69 and expires on Oct 20 '69. It also indicated that it was the Commission's decision that the extension period ending Oct 20 '69 shall be final & that no further extension will be considered & that continuance of the uses after the deadline will be subject to penalty provisions of Regs. Ltr cc to Asari by Registered Mail delivered date - Aug 25 '69.

Aug 27 '69 - Ltr from Asari indicating he no longer represents K.H. but that the Aug 20th letter concerning the Oct 20 '69 deadline will be forwarded

Oct 13 ExO to K.H. requesting status report on relocation since ^{Special} ~~Special~~ ^{Permit} ~~Permit~~ ^{expires at 20}

Oct 15 '69 - Robinson phoned LUC office to say that he had just rec'd your letter of ~~Oct 13 '69~~ asking for a status report but that he did not receive the letter concerning the Oct 20 deadline until a few days ago when he ~~received~~ ^{was captured} at Attorney Asari's office

Oct 20 '69 - Ltr from Robinson to EXO reiterating above and again asking for an extension to Dec 31 '69.

Oct 22 '69 - Asari to EXO ^{registered} ~~confirming that in discussing the matter of the letter with secretary,~~

the registered letter was forwarded to K.H. where he received cc on Aug 25.

THE END

Oct 18 '68 - Land Use Commission approved S.P. over staff's recommendation for denial. The permit would extend to Dec 31 '69 to permit applicant ample time to relocate his operations.

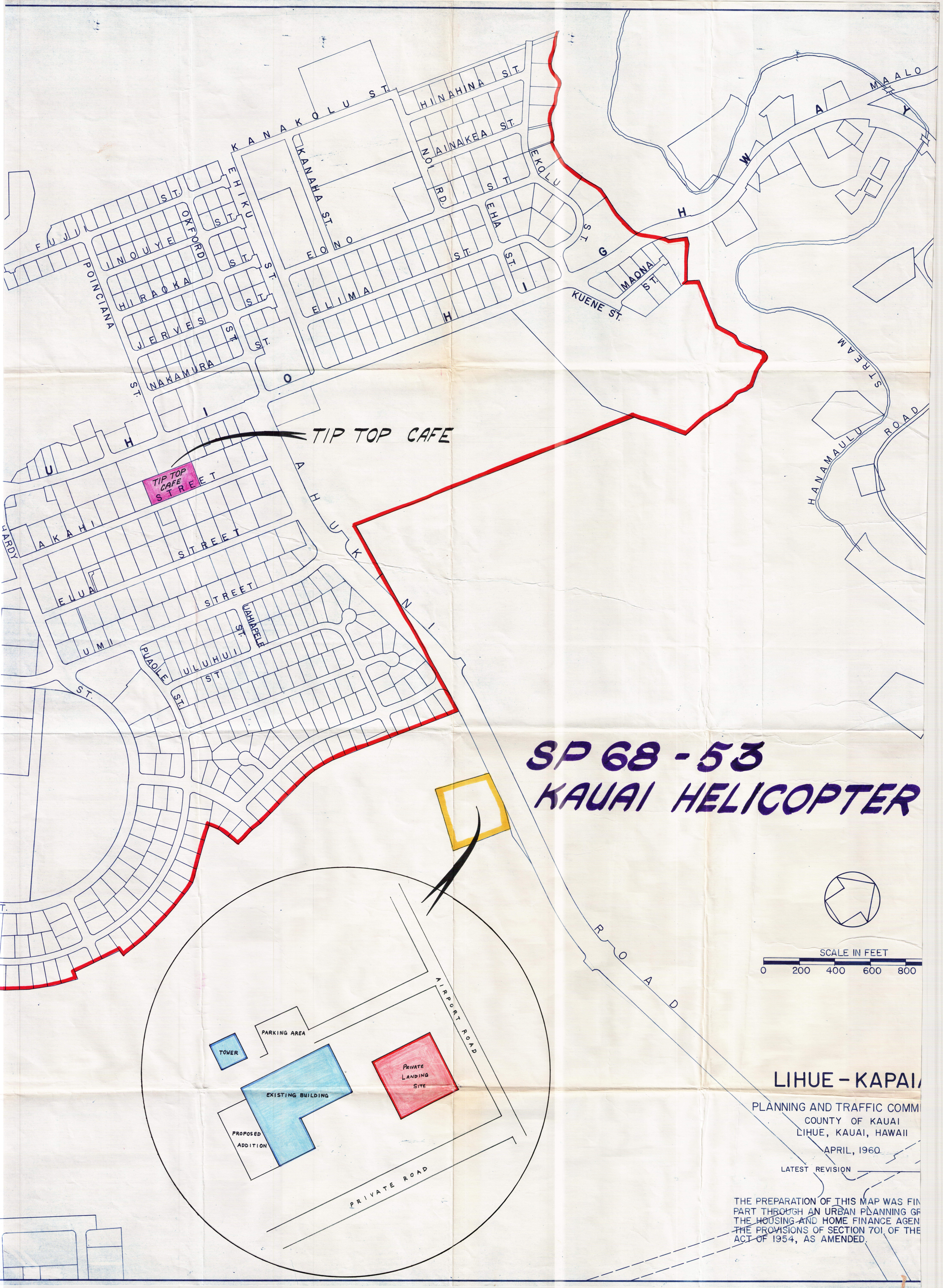
Nov 7 '68 - ^{Legal.} opinion from AG's office indicating that the 6 months' extension ^{by the} LUC beyond the Jun 30 deadline approved by the County is beyond the power of ^{the} LUC.

Nov 15 '68 - LUC amended their action of Oct 18 to incorporate County's restrictions on the S.P. to expire on June 30.

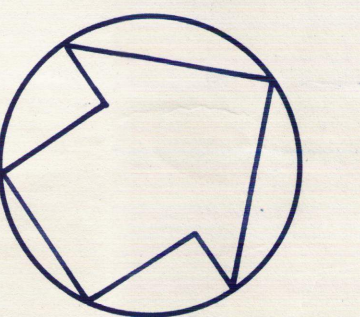
Nov 18 '68 - EXO to Kauai Planning Comm. w/cc to Pui, Asari, + Dept. of Taxation advising that the permit expires on Jun 30 '69 due to LUC's latest action based on AG's legal opinion.

Jun 30 '69 - Robinson to Kauai Planning Director requesting approval of Spec. Permit extension to Dec 31 '69. He mentioned in the letter that he had discussed the situation with Mr. Duran and that: "Subject to your approval, he (Duran) said he would consider an administrative extension of our spec. permit..."

July 24 '69 - Ltr from Kauai Planning Director to EXO stating that the Planning Commission approved the extension request provided the statements in Robinson's letter are confirmed to be correct. However, after action was taken on the matter, the Director rec'd Pui's memo of the conversation w/ Robinson which conflicts with statements in Robinson's letter.



SP 68 - 53 KAUAI HELICOPTER



SCALE IN FEET
0 200 400 600 800

LIHUE - KAPAI

PLANNING AND TRAFFIC COMM
COUNTY OF KAUAI
LIHUE, KAUAI, HAWAII

APRIL, 1960

LATEST REVISION

THE PREPARATION OF THIS MAP WAS FIN
PART THROUGH AN URBAN PLANNING GR
THE HOUSING AND HOME FINANCE AGEN
THE PROVISIONS OF SECTION 701 OF THE
ACT OF 1954, AS AMENDED.

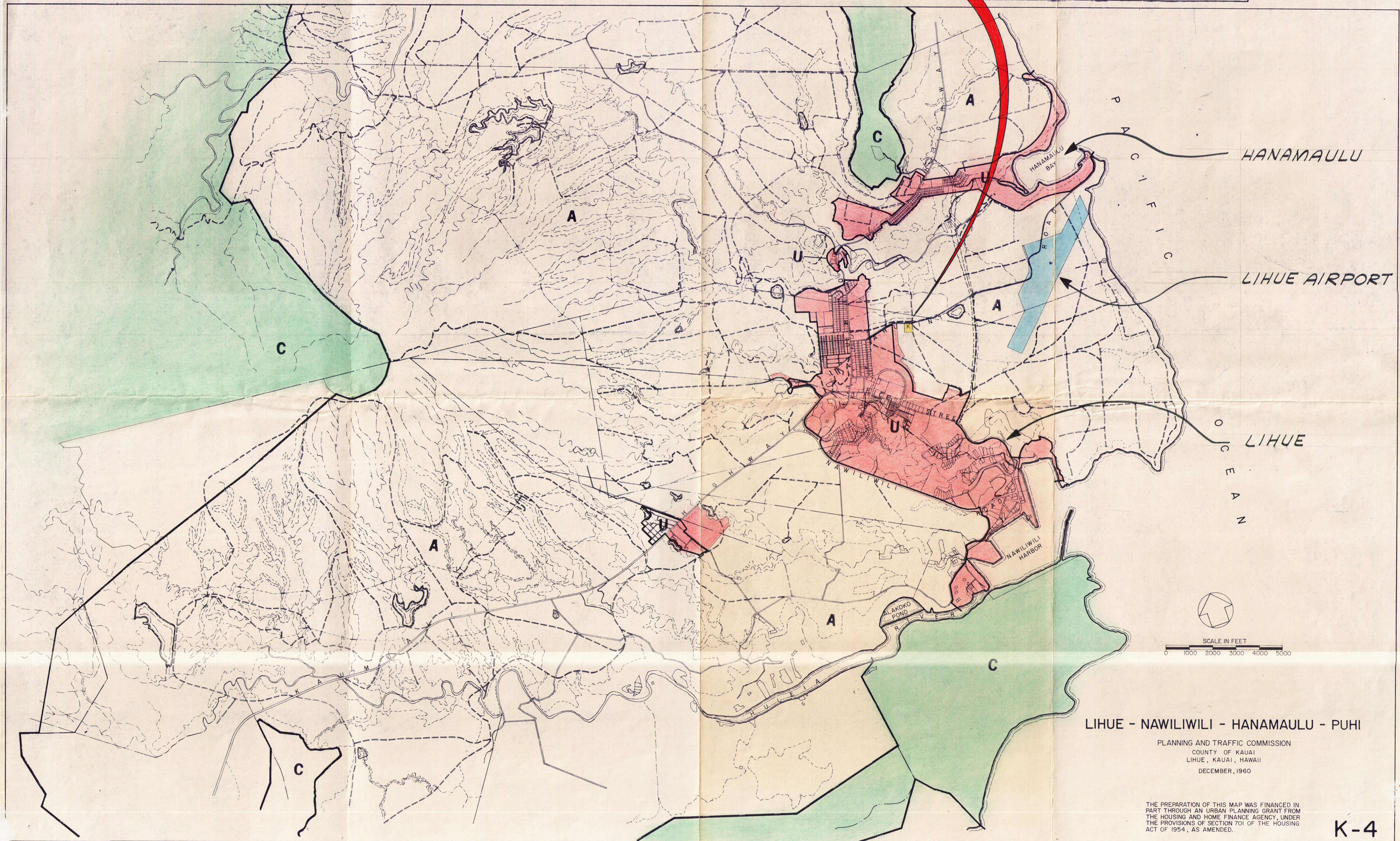
- LEGEND**
- LIGHT INDUSTRIAL
 - HEAVY INDUSTRIAL
 - EXISTING RESIDENTIAL
 - RESIDENTIAL
 - HOTEL - APARTMENT
 - BUSINESS
 - PUBLIC & SEMI-PUBLIC USE
 - PARK



PROPOSED DEVELOPMENT PLAN FOR LIHUE
REVISED BY R. M. TOWILL CORPORATION
LIHUE PLANTATION CO. LTD., LIHUE, KAUAI
PREPARED BY COMMUNITY PLANNING INC., 233 MERCHANT STREET, HONOLULU, HAWAII

SP 68-53 SP 67-47 KAUAI HELICOPTERS

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: AUG 23, 1964	DISTRICTS U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
K-4		



SP68-53
SP67-47 KAUAI HELICOPTERS

188
CLEARED

DEVELOPED
PLAS
REAS

CLEARED

URBAN-AGRICULTURE BOUNDARY

CANE