SP69-61 - ANTONE & JULIA SILVA ORSATELLI.

June 3, 1969 Mr. and Mrs. Antone Orsatelli Lawai Kauai, Hawaii Dear Mr. and Mrs. Orsatelli: The Land Use Commission on May 9, 1969, based on the staff recommendation denied your request to construct a second dwelling for your son and his family at Kalaheo, Kauai --TMK 2-3-01: 4. You will note in the attached staff report that your property is presently being considered for reclassification from the Agricultural District to the Urban District. The Commission's tentative schedule is to act upon these proposed district boundaries as a part of their mandatory five year district boundary review on July 8, 1969, in Lihue, Kauai. An urban designation of subject property places the regulatory control entirely within Kauai County's jurisdiction. The reclassification of this property into the urban area by the Commission at this time should resolve the problem particularly since the county is in support of your request. Should you desire further information or have any questions, feel free to contact this office. Very truly yours, RAMON DURAN Executive Officer Enclosure cc: Mr. Clinton Shiraishi Mr. Brian Nishimoto

May 12, 1969 Planning Commission County of Kauai P. O. Box 111 Lihue, Kauai Attention: Mr. Brian Nishimoto, Planning Director Gentlemen: This is to advise you that the special permit request by Antone and Julia Silva Orsatelli, Jr. (SP 69-61) to construct a second dwelling for their son and his family at Kalaheo, Kauai, Tax Map Key 2-3-01-4, was denied by the Land Use Commission on May 9, 1969. Prior to taking action on this request, the enclosed memorandum was presented to the Commission. Should you desire any further information, or have any questions, please feel free to contact us. Very truly yours, RAMON DURAN Executive Officer Enclosure cc: Mr. Clinton Shiraishi

STATE OF HAWAII LAND USE COMMISSION

VOTE RECORD

PLACE CANADAMAN SCHOOL	TIME 7 p.m.			
KAHUMI LIBRARY Kahumi, mani				
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INABA, GORO	. /			
MURAKAMI, KEIGO-				
WUNG, LESLIE	/			
NISHIMURA, SHIRO	w/			
CHOI, WILBERT				
NAPIER, ALEXANDER	1			
MARK, SHELLEY	V			
KIDO, SUNAO			/	
BURNS, C. E. S.			~	

COMMENTS:
Staff Planning of the

STATE OF HAWAII LAND USE COMMISSION

Kahului Library Kahului, Maui May 9, 1969 7:00 p.m.

STAFF REPORT

SP69-61 - ANTONE & JULIA ORSATELLI, JR.

The petitioners have requested a special permit to construct a second dwelling for their son and his family.

The petitioners are owners in fee of the 2.41-acre parcel described as TMK 2-3-01-4 located west of Lawai on the Kauai Belt Road at the corner of Lauoho Road.

Background

At present the subject parcel contains one residence located on a bench terrace in the northeast corner of the parcel. The remainder of the parcel provides pasture for a few beef cattle. A stream flows below the steep 10 to 15 foot embankment of Lauoho Road near both the west and south borders of the parcel. Some flat land exists adjoining the stream, but this is probably subject to flooding. The soil for the entire parcel is classed as C-73 by the Land Study Bureau and is normally non-stony, well drained soil used for sugar cane or grazing. However, the soil is normally found at elevations at least 100 feet lower and on gentler slopes than exists in this relatively small, narrow valley. The proposed house site is located on the bench terrace 10 feet from the

5/6/09 - sent eapy to petitioner

existing house and parallel to a steep slope to the narrow flood plain 20 or more feet below.

Water and electricity are available, but there are no sewers. Access to the proposed house site is a problem, and the County Engineer has recommended denial of the petition for this reason. A driveway is proposed onto the Kauai Belt Road, but the road has been cut through the edge of the bench terrace at this point, creating a steep embankment. Any driveway entrance would be steep, and visibility at its intersection with the main road would be poor without considerable earthmoving. The petitioners have indicated to the county that they are willing to do whatever is necessary to provide a safe access. Access from Lauoho Road is also difficult because of the embankment and stream.

County Recommendation and Analysis

The Kauai Planning Commission approved the subject petition for a special permit as recommended by the Planning Director. The only major drawback considered by the county was the access problem discussed above. This problem was apparently resolved when Mrs. Orsatelli advised that she would be willing to construct a new driveway to whatever safety standards the county required. In support of their action, the planning staff stated:

"In examining the immediate neighborhood such as the existing lot sizes and the character of the area, the staff considers that the desired special use would not alter or change the essential character of the land and the present use."

Both the County General Plan and proposed comprehensive zoning maps have zoned this parcel agriculture as established by the Land Use Commission.

Analysis

Although the subject parcel and the surrounding area have always been classified as agriculture, the area does not fit into any of the four State land use categories. The area is just too varied with flat terraces, hilly slopes, steep gulches, and floodable sections. Perhaps the land use of the subject parcel and those in the immediate neighborhood could best be described as rural in character. There are over a dozen residential homes in the area on non-conforming lots of about one-fourth acre in size and lots several acres in size.

The varied land forms and land subdivision patterns do not lend themselves to intensive agriculture, and there are no Class A or B soils in the area although the petitioners' land is rated as Class B for grazing. On the other hand, the steeper slopes and floodable portions of the subject parcel and other places scattered throughout the area do not lend themselves to close residential subdivision either.

According to the Commission's consultants, Eckbo, Dean,
Austin and Williams, there is a demand for housing in the
area to absorb the general growth, plus meeting the expected
needs of employees of the tourist industry. This area
including the subject parcel was therefore selected as an
area for proposed urban districting. It was selected
because it is available fee simple land and because urban
growth in this direction will ultimately join the Kalaheo and
Lawai urban areas into a single urban complex. The better
agricultural lands makai of the urban complex have purposely
been avoided.

The Commission may permit "unusual and reasonable" uses within an existing Agricultural District. Although this phrase can have a wide range of interpretation, it should not be construed to include residential uses as "unusual" since they are already permitted in the district.

Recommendation

In view of the above analysis, the staff believes that rezoning the land during the boundary review is a more desirable solution to this application than granting a special permit. This should not cause any hardship to the petitioners if their land is rezoned urban as proposed in the 1969 boundary review. Therefore, the staff recommends that the special permit be denied.

May 2, 1969 Mr. Clinton Shiraishi P. O. Box 1146 Lihue, Kauai 96766 Dear Mr. Shiraishi: The Land Use Commission next meets at 7:00 p.m. at the Kahului Library, Kahului, Maui, on May 9, 1969. At that time, the application by Antone and Julia Silva Orsatelli for a special permit (SP-69-61) 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 cc: Kauai Planning Comm.

ANTONE VIDINHA, JR. MAYOR



BRIAN K. NISHIMOTO PLANNING DIRECTOR

THOMAS T. YAMASAKI ADMINISTRATIVE ASSISTANT

COUNTY OF KAUAI

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

April 7, 1969



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

Subject: Application for Special Permit

Our File No. SP-69-1 - Antone Orsatelli, Jr. & wf. Julia

Gentlemen:

At the regular meeting of the Planning Commission held on April 3, 1969, the Commission approved the subject application for special permit 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,

BRIAN K. NISHIMOTO Planning Director

attach.

cc: Clinton I. Shiraishi

C O P

CLINTON IKUZO SHIRAISHI Attorney and Counselor at Law P. O. Box 1146 Lihue, Kauai, Hawaii 96766

January 28, 1969

Kauai Planning Commission Lihue Kauai 96766

I transmit herewith, on behalf of Antone Orsatelli, Jr., and Julia Silva Orsatelli, husband and wife, of Kalaheo, Kauai, an Application for Special Permit together with a check in the sum of \$25.

Will you please let me know whether or not there is to be a hearing on the application and whether my appearance is required.

/s/ Clinton I. Shiraishi

CLINTON I. SHIRAISHI

CIS:jmr

Encls.

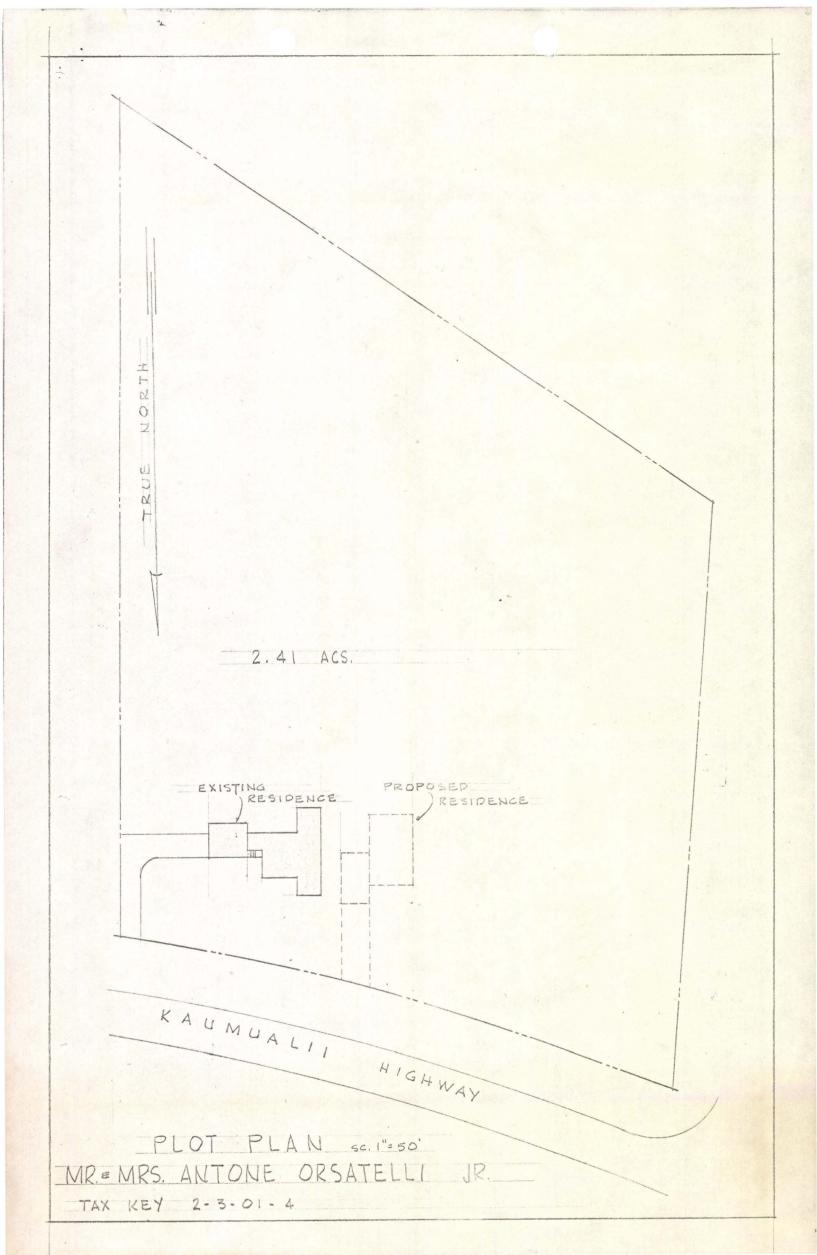
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COUNTY OF KAUAI
PLANNING AND TRAFFIC COMMISSION Lihue, Kauai, Hawaii

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APPL	ICATION FOR SP	ECIAL PERMIT
(I) (We) hereby request applicated in the County of Kauai, District Boundary map number and	Island of KA	UAI, Land Use Commission
, for the fe	ollowing-descr	ibed purpose:
Description of property: Porti	ion of Lot 51 a 2.41 acres,	, Kalaheo Homesteads, L.P. (Grant) Tax Key 2-3-01-4.
Petitioner's interest in subjectivety.	t property:	wners in fee as tenants by the
Petitioner's reason(s) for reque dwelling for occupancy by an at a reasonable rent are almost	esting special adult son an ost impossible	permit. To construct another dis family. Decent houses e to find in the Kalaheo area.
	Signature(s)	ANTONE ORSATELLI, JR. JULIA SILVA ORSATELLI By: Shiraishi Their Attorney
	Address:	Box 1146, Lihue, Hawaii 96766
	Telephone:	23361
The property is situated in		Agriculfure district, whose
regulations adopted by the Land	Use Commission	n prohibit the desired use.
	Signature(s)	Mamal I Gamane.
	For (agency)	
	Tor (agency)	



エレビのコ TRUE ntra, z Approx. ELEN. 447'& 2.41 ACS. PROPOSED EXISTING RESIDENCE ESTPENOE GWOULDY DIBJECT TO FLOODING BOTTON OF SLOPE Approv. ELEY. 434 L Approx ELEV. 40 t 35 MPH speed limit area KAUMUALIÏ HIGHWAY PLOT PLAN Sc. 1 = 50' MR. MRS. ANTONE ORSATELLI 2-3-01-4 TAN KEY 0 10 25 50

KAUAI PLANNING COMMISSION LIHUE, KAUAI

STAFF REPORT

TO: Planning Commission

RE: Special Permit Application SP-69-1

APPLICANT: Antone Orsatelli, Jr. & wf. Julia

General Location: Portion Kalaheo Homesteads, 1st Series

Kalaheo, Kauai, Hawaii.

Tax Map Key: 2-3-01:4 Lot No.: Portion 51

Lot Area: 2.41 Acres

BACKGROUND:

Specific Location:

Situated along the south boundary of Kaumualii Highway at the southeast corner of the junction of Lauoho Road, being a portion of Lot 51, portion of Grant 6247, Kalaheo Homesteads, 1st Series, and identified by Tax Map Key: 2-3-01:4, Kalaheo, Koloa, Kauai, Hawaii.

Existing Land Use:

Land use survey conducted in 1959-1960 indicated a pasture use with a single family residence on the lot.

Actual field check conducted on February 14, 1969, indicated a single family residence on a terraced section on the northeast portion of the lot and the remainder of the low-lying area being vacant at the time.

Land Use Commission District Boundary Designation:

Both the State Land Use Commission interim boundaries
established on April 21, 1962, and the final amended boundaries
established on August 23, 1964, classified the subject property
in the Agricultural District.

Petitioner's Reasons & Intentions for Requesting Special Permit: (See application)

To construct another dwelling for occupancy by an adult son and his family. Decent houses at a reasonable rent are almost impossible to find in the Kalaheo area.

ANALYSIS:

County Master Plan Designation: Both the County General Plan and the proposed comprehensive zoning map indicates agricultural classification as established by the State Land Use Commission on Aug. 23, 1964.

0

Public Facilities (comments from various agencies):

Board of Water Supply: Water is adequate for the proposed use. /s/ W. Briant

Public Works Department:

Roadway: Proposed dwelling fronts the Kaumualii Highway which is State owned.

Sewer System: There is no government owned sewerage system in this area.

Tsunami Inundation: Proposed dwelling is not within the Tsunami Inundation area.

Flooding: The proposed dwelling site is not subject to any adverse flooding.

Note: Entrance to highway should be made at one exit.

Recommend denial. /s/ J. Kaluna

Kauai Electric Company: No objections. Power is available. /s/ J. T. Orrick

Economic Development Office:

Subject request meets with no objection from Economic Development. Area is presently unproductive with no future agricultural use seen.

Suggest checking drainage and ingress/outgress path to proposed dwelling--may be a hazard to highway traffic.

/s/ B. Tsuchiya

TOPOGRAPHY & LAND TYPES:

The subject property falls within land type C-73* and terraced to variable degrees in elevations. Area on which the existing house is located and on which the proposed dwelling is also planned is approximately 20 feet higher than the remaining lot area. The assumed area of the terrance is approximately 20,000 sq. ft., which is located on the northeast corner of the subject property, and which constitutes approximately 19% of the overall area of the land.

Land Type C-73* is explained as follows: Class "C" in its overall productivity rating; 73 designates the land type which is described as lands having deep (over 30 inches), nonstony, well drained soils of moderately fine texture and dark reddish brown in color. The dominant soil series is "Pohakupu." This land type generally occurs in areas having 30-40 inches of median annual rainfall and at approximate elevations of between 0-350 feet. This land type is well suited for machine tillability. Topography is generally between 0 to 10%, predominantly 4%.

Albert (M. Gokan

Zoning Technician-Inspector

Feb. 19, 1969

KAUAI PLANNING COMMISSION LIHUE, KAUAI

TO: Planning Commission

RE: Special Permit Application SP-69-1

APPLICANT: Antone Orsatelli, Jr. & wf. Julia

COMMENTS & RECOMMENDATION:

During the public hearing, due to the abrupt difference in elevation from the lot to the highway, both the County Engineer and the undersigned expressed concern of the proposed driveway location which would very likely induce a hazardous traffic condition at its intersection to the State Highway caused by the limited sight distance created by the existing banks. One consideration therefore, in terms of the traffic safety element of review, was to utilize the existing driveway on the lot. In discussing this possibility further with Mrs. Orsatelli, she advised that the extension of the existing driveway at the rear of the existing residence and thence toward the proposed new residence would not be possible since the driveway must traverse over the existing cesspool and also affect other improvements on the land.

However, Mrs. Orsatelli also advised that in regards to the proposed driveway, she would be willing to construct the new driveway to whatever standards of safety that is required by the County. This should be possible by the shaving or cutting of the banks to provide adequate safe sight distance.

In examining the immediate neighborhood such as the existing lot sizes and the character of the area, the staff considers that the desired special use would not alter or change the essential character of the land and the present use.

The staff therefore recommends approval of this special permit application.

Apr. 7, 1969

/s/ Brian Nishimoto
Brian Nishimoto
Planning Director

F-2

KAUAI PLANNING COMMISSION REGULAR MEETING MARCH 4, 1969

The regular meeting of the Planning Commission was called to order by Mr. Leorard Zalopany, Chairman, at 1:36 p.m. on Tuesday, March 4, 1969, in the Council Room at the County Building, Lihue. Following Commissioners answered roll call:

Mr. Leonard Zalopany, Chairman Mr. Welcome Albao Mr. Norman Hashisaka Mr. Richard Johnston Mr. Masashi Kageyama Mr. Takato Sokei

Temporarily absent: Mr. Gisao Tateishi

Others present: Mr. Kei Hirano, Deputy County Attorney

HEARINGS:

1

Interim Zoning Variance, Application V-69-3 - Tamotsu Shinseki, Apartment Use of Property, Lihue, Kauai:

Public hearing on the subject variance application was opened by hairman Zalopany at 1:37 p.m.

Mr. Albert Gokan, staff member, presented the report and analy-sis on same. (Staff Report on file)

The following are questions by the Commission:

Ar. Kageyama: If the applicant plans to add more apartment vaits, how many more can he build on the lot?

Mr. Gokan: Right now they have a lot coverage of 15.7% per acre. Actually, if they plan it right and stay within the lot coverage of 25%, they can put in 35 units; however, if the lot coverage exceeds 25%, then the density would be less.

Director Nishimoto: Mr. Gokan, you stated that he can put in 35 units. If the proposed density is 35 units per acre and they have a lot size of 30,560 sq. ft., it will be something less than 30 units.

Mr. Kageyama: What is the General Plan designation for the area?

Mr. Gokan: Both the General Plan and the proposed comprehensive zoning ordinance proposes multiple-family use. (1:45 p.m. Mr. Tateishi's presence was noted.)

There were no letters of protest as of this date.

No one spoke for or against the variance.

The hearing was closed at 1:47 p.m. with decision on the application to be made at the regular meeting which followed.

Special Permit, Land Use - County of Kauai, Application SP69-1, Antone Orsatelli, Jr., & wf. Julia, Use of Property for an Additional Single Family Dwelling, Kalaheo Homesteads, Kalaheo, Kauai:

Public hearing on the subject request for special permit was opened by Chairman Zalopany at 1:49 p.m.

Mr. Albert Gokan, staff member, presented the report and analysis on same. (Staff Report on file) The following are questions by the Commission: Mr. Tateishi: In that area, do you have drainage from Kalaheo coming into the property? Mr. Gokan: Yes, there's a stream that runs through the area. There is a bridge that runs across Laucho Road and into a portion of the Orsatelli property which had been washed out by a previous storm and replaced. Mr. Johnston: What is the speed limit in that area? Mr. Gokan: Thirty-five (35)miles per hour. Mr. Kageyama: What is the General Plan designation? Mr. Gokan: Agricultural use. There were no letters of protest of as of this date, The hearing was then opened to the public and the following are statements, in effect, of the proceeding: Mr. Clinton Shiraishi, attorney: I appear on behalf of the petitioners. At the time the plot plan was prepared, the petitioners were led to believe there would be no objection to the roadway to this lot from Kaumualii Highway. If this is going to be an objection, may I respectfully request that the Commission consider granting the petition on the basis of one driveway to the property from the Kaumualii Highway, or a driveway from the County road on the reverse side. If the driveway were to be constructed along Lauoho Road, then I believe the objection to safety would be removed. This property is substantially a "junk" piece of property; you can't farm and even for pasture purposes you can't use it. Due to financial difficulties at the present time, their son, who is married, has no place to stay so they have resolved to two family dwellings on this lot. Director Nishimoto: Their reason for building a residence is for their son and not to be rented out to some other family. Mr. Shiraishi: It is not for the purpose of renting out but for occupancy by the son. Director: It has been stated that reasonable rentals are almost impossible to find in the Kalaheo area. As a matter of information, would you have an idea of the kind of rental rates being asked in this area that would make it financially difficult for this family? Mr. Shiraishi: I'm sorry I don't have an up-to-date information, but this was as of six or eight months ago; in the town of Kalaheo fairly decent homes were rented at \$125-150 per month and her son is not making that kind of money. As far as in the rental area of \$65-90, you can't get that kind of house, Director: What do they plan to do with the rest of the pasture land in the rear? Mr. Shiraishi: My impression is that they don't intend to do anything. Director: The reason for my question is that if they are going to raise agricultural products on that land, they would not require a "special use" permit. Within an Agricultural District, the State Land Use law provides that you can put farm dwellings on the lot as -2-

long as the agricultural products are raised on the lot and the person occupying the farm dwelling works on the land. Mrs. Orsatelli seemed to indicate this in our early discussions. Mr. Shiraishi: Not to my knowledge. Mr. Sokei: Do the Orsatellis own other parcels of land besides this, and is the son going to put up the home; if so, how does the loan get into this? Mr. Shiraishi: I assume that the land is free and clear at this time and the parents would be the mortgagor. Mr. Johnston: Is there sufficient land to put in another single family dwelling? Mr. Shiraishi: Yes. Director: If it is required to put a much simpler access to the property, would it be possible for the son and the family to utilize the present driveway fronting the highway, to minimize the hazardous condition along the highway. Mr. Shiraishi: It is possible but they prefer two separate driveways. To get into the second dwelling from the existing driveway, the family would be using too much for driveway purposes. Director: Yes, if you base it on the present location of the dwelling, but looking at the site, it seems that it may be almost possible to place the structure in the rear of the existing dwelling, overlooking the pasture land; if they do that, they can utilize the common driveway. Mr. Shiraishi: The only trouble is the cesspool directly in the back of the existing dwelling. To extend the driveway to the rear, you would be going over the cesspool. Until I came into this meeting, I didn't know that the driveway would be objectionable. Chairman Zalopany: As Mr. Nishimoto mentioned that a special permit is not necessary provided there is some farming on the land, would you like to have this matter deferred until you learn what definite plans they have in mind? Director: The Commission must wait 15 days following the public hearing to act on this request. Mr. Shiraishi: May I take this question under advisement? Chairman: You may do so, Mr. Shiraishi. The hearing was closed at 2:04 p.m. with decision on the application to be made fifteen days after the hearing as required by the State Land Use regulations. MINUTES: Minutes of the regular meeting of January 15, 1969 and February 6, 1969, were approved as circulated on motion of Mr. Johnston, duly seconded and carried. COMMUNICATION: A communication (Feb. 7, 1969) from Ramon Duran, Executive Officer, State Land Use Commission, regarding a meeting on the State Land Use Regulations Review Project and requesting the presence of the Planning Director at the meeting. Mr. Albao moved to allow the Planning Director to attend said meeting, duly seconded. -3-



FEB 24 1969

State of Hawaii LAND USE COMMISSION

NOTICE OF PUBLIC HEARING

Special Permit, Land Use - County of Kauai NCTICE IS HEREBY GIVEN of a public hearing to be held by the County of Kauai Planning Commission in the County Building at Lihue on Tuesday, March 4, 1969, at 1:30 p.m. or soon thereafter to consider an application for special permit within the County of Kauai as provided for in Section 98M-6, RLH 1955, as amended. Docket Number

and Applicant

SP-69-1 Antone Orsatelli, Jr., & Tax Map Key 2-3-01:4

Permission Requested Additional Single Family Dwelling 7.41 ACS (69

Julia Silva Orsatelli

Subject property is situated along the south boundary of Kaumualii Highway at the southeast corner of the junction of Lauoho Road, being a portion of Lot 51, portion of Grant 6247, Kalaheo Homesteads, 1st Series, Kalaheo, Koloa, Kauai.

Map showing the area under consideration for special permit is on file in the office of the Planning Department at Lihue and is

open to the public for inspection during office hours.

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

KAUAI PLANNING COMMISSION

(Feb. 24, 1969)

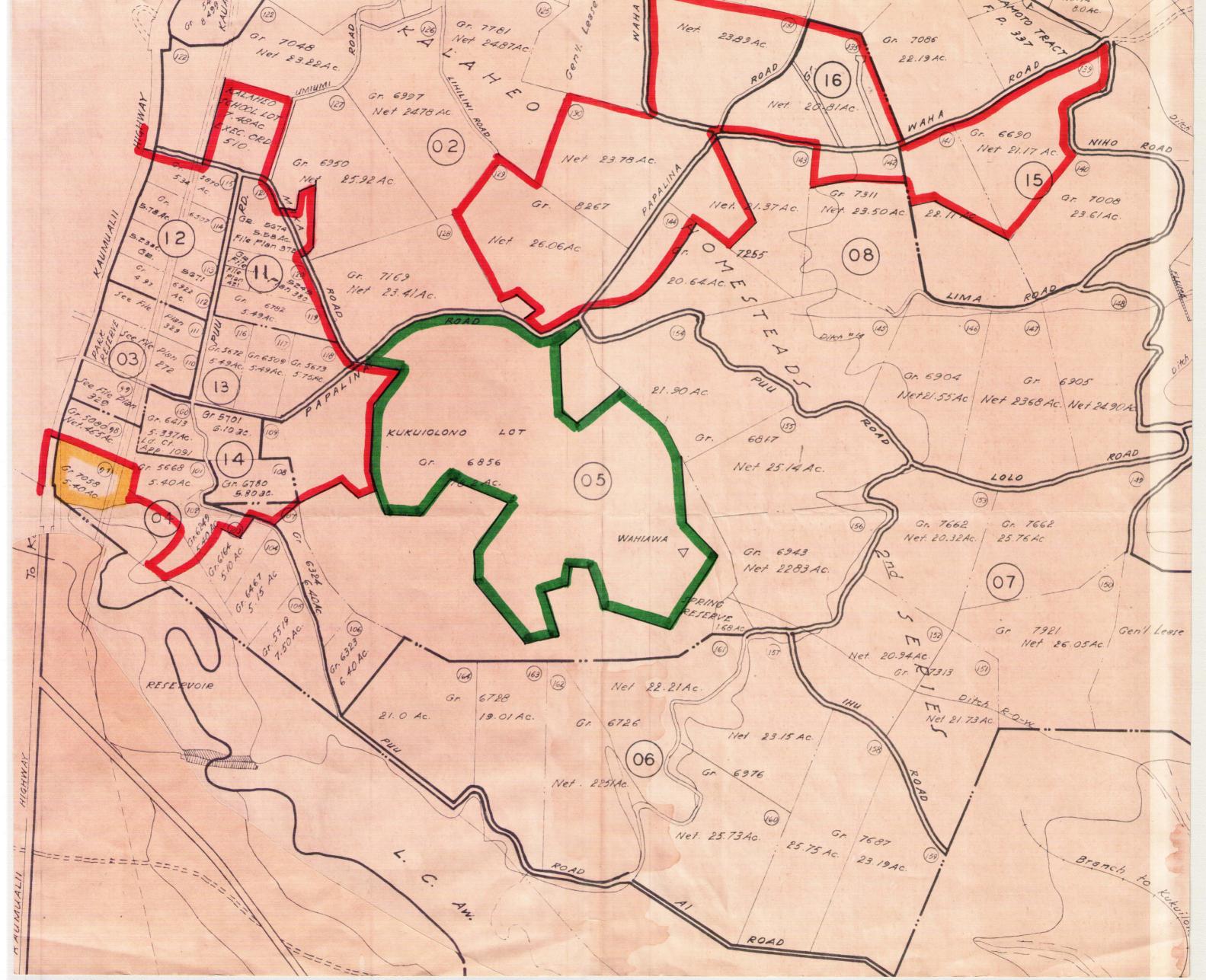
Leonard H. Zalopany, Chairman By Brian K. Nishimoto, Planning Director

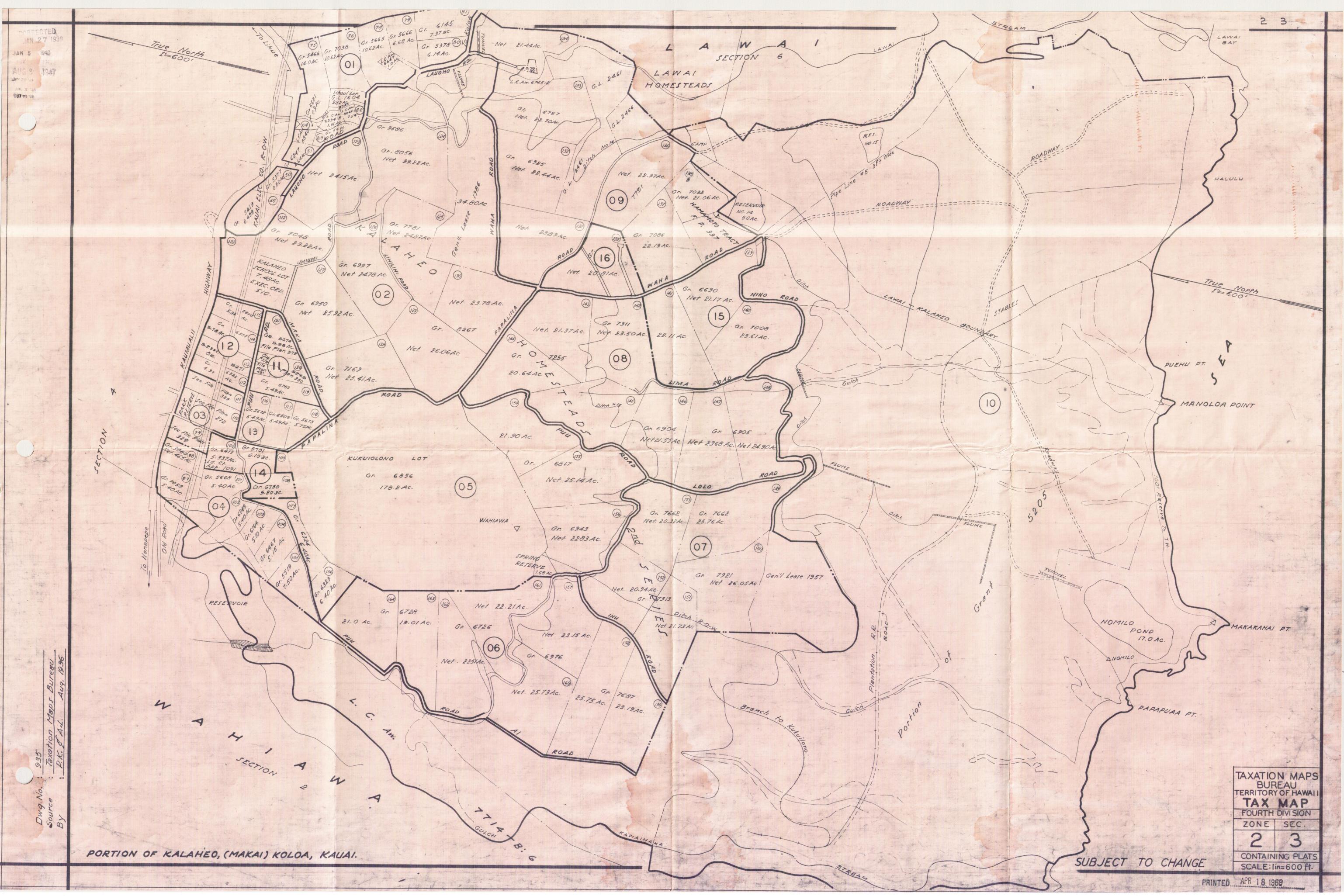
SPECIAL PERMIT APPL. SP-69-1

ANTONE ORSATELLI, JR., & WF. JULIA

We request the presence of the applicant or representative at the public hearing on March 4 to answer any questions by the Planning Commission.

Planning Dept.







LAND USE DISTRICT BOUNDARIES SP69-61 ORSATELLI STATE OF HAWAII DISTRICTS DEPT. OF PLANNING & ECONOMIC DEVELOPMENT

EFFECTIVE DATE: AUG 23, 1964

U = URBAN

R = RURAL

A = AGRICULTURAL

C = CONSERVATION 1000 2000 3000 4000 5000 KOLOA - POIPU PLANNING AND TRAFFIC COMMISSION COUNTY OF KAUAL THE PARTY LIHUE, KAUAI, HAWAII DECEMBER, 1960 THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE HOUSING AND HOME FINANCE AGENCY, UNDERTHE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED.

