

JOANN A. YUKIMURA
MAYOR



COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

PETER A. NAKAMURA
PLANNING DIRECTOR

ROLAND D. SAGUM, III
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

August 28, 1991

RECEIVED

'91 SEP -5 10:42

OFC. OF ENVIRONMENTAL
QUALITY CONTROL

Mr. Brian J.J. Choy
Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, Hawaii 96813

Subject: Negative Declaration for Proposed 3-lot Residential
Subdivision at Kapaa Homesteads, Kauai
General Plan Amendment GPA-91-4
State Land Use Boundary Amendment A-91-12
Zoning Amendment ZA-91-15
Tax Map Key 4-6-12: Por. 18

The Planning Department has reviewed the environmental assessment for the subject General Plan, Land Use Boundary, and Zoning amendments, and has determined that the project will not have any significant impacts on the environment. Based on our determination, we are filing a negative declaration for this project.

Enclosed are four copies of the environmental assessment.

If you have any questions, please contact Bryan Mamaclay of my staff.

PETER A. NAKAMURA
Planning Director

Enclosures

149

1991-09-23- KA + FEA

FILE COPY

*

* *Kapaa*

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT GPA-91-4
STATE LAND USE BOUNDARY AMENDMENT A-91-12
ZONING AMENDMENT * ZA-91-15

Applicant: Ho Enterprises, Ltd.
Max W. J. Graham, Authorized Agent

Approving Agency: Planning Department, County of Kauai

Agencies Consulted:

State: Office of State Planning
Land Use Commission
Department of Agriculture
Health Department

County: Department of Public Works
Department of Water
Fire Department

Project Characteristics:

General:

The subject property is located in Kapaa Homesteads, Kauai, immediately southeast of the Waialeale Estates Subdivision at the end of Kahana Road. The property is further identified as the Tax Map Key 4-6-12:18 and contains a total area of 30 acres. The proposed amendments involve a portion of the property containing an area of approximately 43,322 square feet.

Technical:

The proposed amendments are noted as follows:

General Plan: Change from Agriculture to Urban Residential
District Boundary: Change from Agriculture to Urban
Zoning Amendment: Change from Agriculture District (A) and Open District (O) to Residential District (R-6)

These amendments are sought to allow development of a 3-lot single family subdivision which will be designed as a natural extension of the abutting Waialeale Estates Subdivision. Overall, the amendments represent a joint effort between the applicant and developer of the adjacent subdivision because the additional inventory of lots generated is intended to further enhance housing opportunities in a major residential community of the Kapaa-Wailua planning area.

Access and utilities to the site will be made available through the extension of the roadway serving the existing lots in the adjacent subdivision.

The subdivision would generate a total of five (5) residential units. Based on the sizes of the three (3) lots depicted on Exhibit "C" of the applicant's Environmental Assessment, Lots A and B qualify for two (2) units each, with the single unit situated on Lot C.

Economic:

The applicant estimates that it will cost less than \$50,000 to develop the three-lot subdivision. Furthermore, the applicant expects to sell the lots within the price range

of lots sold within the adjacent Waialeale Estates subdivision (\$80,000 to \$125,000).

Social:

As evidenced by the development of housing units in the adjacent subdivision, the Kapaa Homesteads area serves as a major residential community. When viewed against this overall function of the area, the additional lots/ units generated would fulfill a social need by enhancing housing opportunities in the region.

Environmental:

The proposed development affects lands with satisfactory topography free from drainage, flooding constraints and related adverse environmental effects. However, during the construction of the subdivision, impacts associated with such construction are expected, such as noise and dust nuisances.

Summary of the Affected Environment:

The proposed development abuts a major residential subdivision and community of Kapaa Homesteads. The site is currently vacant and does not contain any endangered fauna, critical habitats, historical, archaeological and/or cultural sites. Formerly used for pineapple cultivation, the site has remained idle with some occasional pasture use and cattle grazing.

Summary of Major Impacts:

Short-term:

During construction of the subdivision, minor adverse impacts are anticipated such as noise and dust nuisances.

Long-term:

- Air Quality:** No significant impact to air quality is expected to be generated by the proposed development.
- Water Quality:** No significant impact to water quality is expected to be generated by the proposed development.
- Noise:** No significant noise impact is expected to be generated by the proposed development.
- Traffic:** Based on two vehicles per unit, the development of five (5) residential units is expected to generate 10 additional vehicles in the circulation system. As the extension of Kahana Road will be built according to County standards, no significant traffic impact is expected to be generated by the development.
- Archaeological:** As there are no known archaeological sites on the site, impacts of this nature are not expected. However, the applicant is prepared to address such impacts if encountered during construction of the subdivision.
- Flora/Fauna:** No known endangered flora or fauna are on the project site, therefore, impacts to such are not expected to be generated by the proposed development.
- Visual:** Although the proposed development would be visible from other areas nearby, the site is not in a visually sensitive area nor in a critical public view corridor. Therefore, no significant visual

impact is expected to be generated by the development.

Alternatives Considered:

The "no-action" alternative is considered unacceptable because there are benefits to be generated for the applicant and the developer of the adjacent subdivision. The applicant is attempting to achieve a reasonable use of the site by extending the availability of developable land for similar residential lot subdivision. The developer of the adjacent subdivision is in turn afforded an opportunity to refine the boundaries of the abutting lots with the applicant pursuant to a land exchange during the subdivision review process.

Proposed Mitigation Measures:

1. The temporary dust and noise nuisances that would occur during construction of the subdivision will be controlled through the application of appropriate pollution control measures.
2. Such nuisances would be non-existent when the lots are occupied by residential uses and the associated landscaping are planted by the respective landowners.

DETERMINATION:

The proposed 3-lot subdivision is not expected to cause significant impacts to the environment. Therefore, it has been determined that a negative declaration will be filed.

Findings and Reasons Supporting Determination

1. The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources.
2. The proposed project will not curtail the range of beneficial uses of the environment.
3. The proposed project will not conflict with the State's long-term environmental policies.
4. The proposed project will not substantially affect the economic or social welfare of the community or State.
5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.
6. The proposed project will not involve a substantial degradation of environmental quality.
7. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist in the project site.
8. The proposed project will not detrimentally affect air or water quality or ambient noise levels.
9. The proposed project will not be located in any environmentally sensitive area, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

For the reasons above, the proposed project will not have any significant effect in the context of chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.

LOWENTHAL, AUGUST & GRAHAM

MAX W. J. GRAHAM, JR. 926
LORNA A. NISHIMITSU 2291
Kokua Professional Building
2959 Umi Street, Suite 202
Lihue, Hawaii 96766
Telephone: 245-5700 (Kauai)
537-3902 (Oahu)

Attorneys for Applicant

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In the Matter of the Petition)

of)

HO ENTERPRISES, LTD., a Hawaii)
Corporation, for a General Plan)
Amendment, State Land Use District)
Boundary Amendment and Zoning)
Amendment as to real property)
situate at Kapaa, District of)
Kauai, Island and County of)
Kauai, State of Hawaii, more)
particularly identified as Kauai)
Tax Map Key No.: 4-6-12: por.)
18, containing an area of)
approximately 43,322 square feet)

GENERAL PLAN AMENDMENT
GPA-91-4; STATE LAND
USE DISTRICT BOUNDARY
AMENDMENT A-91-12;
ZONING AMENDMENT
ZA-91-15

ENVIRONMENTAL ASSESSMENT;
APPENDIX 1

c:ea.htt

ENVIRONMENTAL ASSESSMENT

COMES NOW HO ENTERPRISES, LTD. a Hawaii corporation, whose principal place of business and mailing address is 2005 Kalia Road, Waikiki Beach, Hawaii 96815 (hereinafter "Applicant"), by and through its attorneys, Lowenthal, August & Graham, and respectfully submits the following Environmental Assessment pursuant to the requirements contained in Hawaii Revised Statutes Chapter 343 and Chapter 200, Title 11, Hawaii Administrative Rules.

1. APPLICANT

The Applicant is HO ENTERPRISES, LTD., a Hawaii corporation.

2. APPROVING AGENCY

The Approving Agency is the Planning Department of the County of Kauai.

3. Consulted Agencies

The governmental agencies consulted with regard to the Applicant's proposal include: the Public Works Department of the County of Kauai; the Department of Water of the County of Kauai; the Department of Health of the State of Hawaii; the Fire Department of the County of Kauai; the Office of State Planning of the State of Hawaii; the Land Use Commission of the State of Hawaii; and the Department of Agriculture of the State of Hawaii. The comments from these agencies are attached hereto and incorporated herein as Appendix 1.

4. APPLICANT'S INTEREST IN THE SUBJECT PROPERTY

The Applicant is the sole owner of the property which is the subject of this Petition ("Subject Property").

5. APPLICANT'S ADDRESS AND TELEPHONE

The Applicant's address and telephone is:

Ho Enterprises, Ltd.
2005 Kalia Road
Waikiki Beach, Hawaii 96815
Telephone: (808)923-3981

All communications having to do with this Application should be made to the Applicant's attorney at the following address:

Max W. J. Graham, Jr.
Lowenthal, August & Graham
Kokua Professional Building
2959 Umi Street, Suite 202
Lihue, Kauai, Hawaii 96766
Telephone: (808)245-5700

6. DESCRIPTION OF SUBJECT PROPERTY

The Applicant is the owner of certain real property located in Kapaa, District of Kawaihau, County of Kauai, State of Hawaii, designated by Kauai Tax Map Key No. (4)4-6-12:18, containing 30.365 acres, more or less, as shown on the Vicinity Map attached hereto and incorporated herein as Exhibit "A" and on the Tax Map attached hereto and incorporated herein as Exhibit "B", and which is hereinafter referred to as the "Ho Property". The Subject Property is that portion of the Ho Property which is the subject of this Application and which contains 43,322 square feet, more or less, located in the northern portion of the Ho Property adjacent to Lots 33 and 34 of the Waialeale Estates Subdivision, as shown on the Subdivision map attached hereto and incorporated herein as Exhibit "C". The map designated as Exhibit "C" is drawn to scale, describes the Subject Property, and shows its location relative to surrounding properties and to known landmarks or improvements.

7. LAND USE CLASSIFICATIONS

The Subject Property has the following land use classifications:

A. State Land Use Commission. The Subject Property is located within the State Land Use Commission ("SLUC") Agricultural District, as shown on the State Land Use District

Boundary map attached hereto and incorporated herein as Exhibit "D".

B. County General Plan. The Subject Property is located within the Urban Residential Classification of the General Plan for the County of Kauai ("Kauai General Plan"), as shown on the General Plan map attached hereto and incorporated herein as Exhibit "E".

C. Comprehensive Zoning Ordinance Use District. The Subject Property is located within the Agriculture District and within the Open District of the Comprehensive Zoning Ordinance of the County of Kauai ("CZO"), as shown on the map attached hereto and incorporated herein as Exhibit "F".

8. REQUESTED LAND USE AMENDMENTS.

The Applicant has filed a verified Petition For General Plan Amendment, State Land Use District Boundary Amendment, and Zoning Amendment ("Petition") with the Planning Commission of the County of Kauai for the following amendments to the existing land use classifications:

A. State Land Use Commission. The Applicant has requested that the existing SLUC Agricultural District be amended to the SLUC Urban District. The Subject Property is situated adjacent to an existing SLUC Urban District, as shown on the map attached hereto as Exhibit "D".

B. County General Plan. The Applicant has requested that the County General Plan Classification of Agricultural be amended to the County General Plan Urban Residential Classification. The Subject Property is situated adjacent to lands within the Kauai

General Plan Urban Residential Classification, as shown on the map attached hereto as Exhibit "E".

C. CZO Use District. The Applicant has requested that the existing CZO Open and Agriculture Districts be amended to the CZO Residential District (R-6). The Subject Property is located adjacent to an existing CZO Residential District (R-6) as shown on the map attached hereto as Exhibit "F".

9. REASONS FOR REQUESTED AMENDMENTS

As can be seen by the maps attached to this Application, the Ho Property is rather odd shaped, with the appearance of a tilted hour glass. The northern, or upper, portion of the Ho Property ("Upper Ho Property") contains approximately 11 acres, and is connected to the lower or southern portion of the Ho Property ("Lower Ho Property") by a narrow neck. The Lower Ho Property is predominantly composed of low-lands through which two streams run. The Upper Ho Property also contains the streams, together with some low-lands, on its western and eastern sides. However, running down the middle of the Upper Ho Property is a plateau or ridge which is physically connected to the adjoining property, which is the Waialeale Estates Subdivision. The map which is attached hereto and incorporated herein as Exhibit "G", which is an aerial photograph with contour lines, gives a sense of the topography of this area. The area of the Waialeale Estates Subdivision which is contiguous to the Upper Ho Property is serviced by Kahana Street, as shown on the Waialeale Estates Subdivision Map attached hereto and incorporated herein as Exhibit "H". Kahana Street ends in a cul-de-sac, with Lots 33

and 34 of the Waialeale Estates Subdivision forming a barrier between the end of Kuahale Street and the Ho Property. Because of the present boundary configuration between the Ho Property and the Waialeale Estates Subdivision, Lots 33 and 34 also have irregular shapes.

The Applicant would like to develop single family lots on the Upper Ho Property. However, access to such a development can only be provided by extending Kahana Street straight along its present alignment onto the Upper Ho Property. Utilities and water would also have to be provided by extending the present utilities services within Kahana Street onto the Upper Ho Property. In order to extend Kahana Street, it will be necessary to subdivide the flag portions of Lots 33 and 34 of the Waialeale Estates Subdivision and consolidate them into the extension of Kahana Street. Exhibit "C" shows the areas within Lots 33 and 34 which would become part of the extension of Kahana Street (referred to hereinafter as the "Kahana Street Extension"). The Applicant has entered into an agreement with the owner of the Waialeale Estates Subdivision, Obayashi Hawaii Corporation ("Obayashi"), to exchange the Kahana Street Extension for portions of the Subject Property. Obayashi will receive title to one of the new lots to be created by the proposed subdivision (either Lot "A", "B" or "C"). In order to accomplish this exchange, to meet changing State of Hawaii Department of Health ("DOH") wastewater disposal standards, and to straighten out and standardize existing lot configurations, the Applicant proposes, upon approval of its Petition, to apply for subdivision approval

in order to:

1. Remove the existing flag portions of Lots 33 and 34 from their respective lots and make them part of the Kahana Street Extension;

2. Create a new Lot 33-A containing portions of Lot 33 and portions of the Subject Property, by reconfiguring the southern boundary of Lot 33 in order to create a new lot, more rectangular in shape, but containing the same area as the original Lot 33 (Obayashi will retain ownership of Lot 33-A);

3. Create a new Lot A composed of portions of the Subject Property and a small portion of the original Lot 33. Lot A will have a flag which will meet Kahana Street. The deed to Lot A will reserve the flag portion for the future extension of Kahana Street. When the flag portion is eventually dedicated, Lot A will still contain an area of at least 10,000 square feet (which will meet DOH standards for wastewater disposal by septic systems);

4. Create a new Lot 34-C containing portions of Lot 34 and portions of the Subject Property by reconfiguring the southern boundary of Lot 34 in order to create a new lot more rectangular in shape, containing a minimum area of 10,000 square feet. Obayashi will retain ownership of Lot 34-C;

5. Create a new Lot C composed of portions of the Subject Property and a small portion of the original Lot 34.

6. Create a new Lot B, with a flag portion which will be reserved for the future extension of Kahana Street.

Lots 33 and 34 of the Waialeale Estates Subdivision are located within Area 4 of Phase II of the Waialeale Estates Subdivision. Lots within Area 4 are presently being sold. Therefore, it is necessary at this time for the Applicant and Obayashi to reach an agreement on the proposed exchange of lands and the proposed extension of Kahana Street into the Subject Property. Such a proposal would be much more difficult if Lots 33 and 34 were sold to third parties. Because of its need to market its lots in a timely fashion, Obayashi would like this matter resolved at the earliest opportunity. Applications for General Plan amendments can only be submitted to the Planning Commission in January and July of each year, and must be submitted at least sixty days prior.

Therefore, in order to meet Obayashi's time constraints, and to resolve the issue of the Kahana Street extension, the Applicant has filed its Petition for land use amendments for the Subject Property so that it can finalize the proposed land exchange and issue the extension of Kahana Street. Applicant believes that the immediate need to resolve a land exchange in order to extend Kahana Street makes the submission of its Petition appropriate at this time.

10. PROPOSED DEVELOPMENT

A. Single Family Lot. The Applicant proposes to develop three single family lots on the Subject Property. As shown on Exhibit "C", the lots will contain the following areas: Lot A - 12,171 s.f.; Lot B - 15,882 s.f.; Lot C - 10,283 s.f.

B. Selling Price. Obayashi is presently selling similarly situated Waialeale Estates Subdivision lots for prices ranging from \$115,000 to \$125,000, on the southwest side of Kahana Street, and from \$80,000 to \$115,000 on the northeast side of Kahana Street. The Applicant expects Obayashi to sell its Lot within that price range. The Applicant intends to convey one of its lots to the daughter of the President of the Applicant, for no consideration. The remaining lot would be sold within the same price range as indicated for the Waialeale Estates lots.

C. Development Timetable and Costs. The Applicant estimates that it will cost less than \$50,000.00 to develop the proposed three lot subdivision of the Subject Property. The Applicant has the financial capabilities to complete all aspects of the development in full. The Applicant will apply for subdivision approvals immediately upon approval of its Petition. The Applicant would hope to complete the subdivision and development of the Subject Property before the end of 1992.

11. SUBJECT PROPERTY ANALYSIS.

A. Location. The Subject Property is located in Kapaa, Kawaihau, Kauai, Hawaii. It is bounded on the west and south by agriculture (pasture) lands. It is bounded on the northwest and north by the Waialeale Estates Subdivision. It is bounded on the east by residential properties fronting Laipo Road.

B. Agricultural Use. Portions of the Subject Property are periodically and sporadically used for pasture. The proposed development will result in the withdrawal of less than one acre from such agriculture use. The economic impacts of such

withdrawal will be minimal and will be mitigated by the resulting economic benefits of the development.

C. Elevation. The elevation of the Subject Property ranges from approximately 60' above mean sea level at its lowest point in the southerly low-lands to approximately 180' above mean sea level at the Waialeale Estates Boundary.

D. Topography, Soil Composition and Slope. The Subject Property is part of a central plateau which connects with the Waialeale Estates Subdivision. In the western and southerly portions of the Subject Property, the area slopes toward low-lands which are located below the Subject Property on the east, south and west. The buildable portions of the Subject Property are characterized by the C 41 Land Classification contained in the Detailed Land Classification, Island of Kauai, Land Study Bureau, University of Hawaii Publication. Such lands are generally characterized as non-stoney, having deep soil (greater than 30"), containing zero to 10% slopes, have moderate fine textured soil, have well-drained soil, are in areas receiving 40" to 60" of rainfall per year, are dusky red to dark reddish brown in color, and are classified as being within the Lihue and Kamilo soil series. Portions of the Subject Property may also be within the C 43 Land Classification, which is similar to the C 41 Land Classification, except that it lies within areas containing ten to twenty per cent slope areas. A small portion of the Subject Property, on the fringe areas, may also be within the E 87 Land Classification, which is characterized by non-stoney to rocky soil, of a variable depth, with 36 to 80% slope, medium to

fine texture soil, well-drained soil, in areas of 40" to 60" in rainfall per year, are dark reddish brown to dark brown, and are characterized as rough broken lands.

According to the Agricultural Lands of Importance to the State of Hawaii (ALISH) rating system, portions of the Subject Property are rated as "other important agricultural lands" and "land of no agricultural importance".

E. Drainage. The Subject Property is not situated in any designated flood plain. Drainage from the Subject Property will flow into streams located in low-lands to the south and west of the Subject Property. These two streams connect within the Ho Property and flow through the Ho Property as a single stream that eventually flows into the Moikeha Canal in Kapaa. The limited amount of additional drainage from the proposed development of the Subject Property will not appreciably affect, nor overburden, this drainage system.

F. Traffic Impact. The proposed development will be serviced by the extension by Kahana Street. Kahana Street has a right-of-way with a 44' and has a paved surface 20' in width. This right-of-way and pavement will be extended into the Subject Property. Kahana Street connects directly to Kawaihau Road. The intersection between Kahana Street and Kawaihau Road, going in the mauka direction, has a left turn lane and a pull out lane. As a result, the present road configurations are more than adequate to allow access from Kawaihau Road onto Kahana Street and eventually to the Subject Property. The increase in traffic generated by the additional three lots proposed will be minimal,

and will have not impact on existing traffic conditions in the area.

G. Availability of Public Services and Facilities. The development of the Subject Property will not unreasonably burden public agencies to provide additional necessary urban amenities, services and/or facilities.

1. Schools. Kapaa Elementary, Kapaa Intermediate and Kapaa High School are located approximately one mile from the Subject Property. This three lot subdivision will not increase the students in these Kapaa Schools to any measurable or appreciably extent, and will not adversely impact the capacity of the school.

2. Parks. The Applicant proposes to pay a park dedication fee in lieu of dedicating land for park facilities.

3. Wastewater Disposal. There are no sewage facilities in this area. The proposed development will utilize either cesspools or septic systems, depending on the requirements existing at the time. Because the possibility exists that septic systems will be required by the time the subdivision of the Subject Property is approved, and because in such a case it appears that the minimum size for lots using septic systems will be 10,000 square feet, the lots in the proposed development of the Subject Property have been all designed to be 10,000 square feet or larger in size.

H. Solid Waste Disposal. Refuse collection service in this area is provided by the County of Kauai. As soon as the roadways within the subdivision of the Subject Property are completed,

they will be dedicated to the County so that refuse collection service can be provided to the residents of the subdivision lots.

I. Water. Water storage and transmission facilities are presently adequate to serve the proposed subdivision. A six-inch line is located within Kahana Street and will be extended into the Subject Property.

J. Electricity and Telephone. Underground electric and phone and cable television facilities are presently located within Kahana Street. These facilities will be extended underground to serve the Subject Property. These existing facilities, as well as the capacity of both the Citizens Utilities Co. (Kauai Electric Division) and the GTE Hawaiian Telephone Company, are sufficient to service the proposed three lot subdivision that will result from the development of the Subject Property.

K. Police and Fire Protection. This area is currently served by the Lihue Police Station located approximately 16 miles from the project site. County fire protection services are available from the Kapaa-Wailua Fire Station located approximately three miles from the Subject Property. The development of the Subject Property will not in and of itself create a demand for an expansion of either the police or fire services.

12. IMPACTS UPON RESOURCES OF THE AREA.

A. Flora and Fauna. The Applicant is not aware of any endangered species of plants on the Subject Property, nor of rare or endangered animals living in the area. The Applicant

understands that the property was formerly used for the cultivation of pineapple. More recently, cattle have been allowed to graze on it. It is overgrown by a large number of weedy plants species.

B. Historical and Archaeological. The Kauai Cultural Data Sensitivity Map indicates that the Subject Property does not fall within any area of cultural or historical sensitivity. The Applicant is not aware of any historical or archaeological sites on the surface of the Subject Property. As the Subject Property was apparently used for pineapple cultivation in the past, it would appear that any above-ground sites that may have existed have been removed and destroyed by such agricultural activities. However, the Applicant will protect and preserve any historic or archaeological resources or sites that may be found on the Subject Property as a result of its development.

C. Recreational Resources. The Subject Property is not used for, nor does it provide for, any present recreational opportunities.

D. Scenic Resources. Lands immediately adjacent to the Subject Property have been developed for residential purposes. The development of the Subject Property for residential uses will be compatible with these adjacent uses and compatible with the scenic characteristics of the surrounding area. Because of its location, the Subject Property is not readily visible from any public streets, although it may be visible from certain house sites within the Waialeale Estates Subdivision.

13. MARKET DEMAND AND NEED.

When the former owners of the Waialeale Estates Subdivision initially applied for a zoning amendment with the County (Planning Commission File ZA-82-8), they submitted a market analysis for the subdivision, which is adopted herein by reference. That market analysis projected the current demand for lots within the Waialeale Estates Subdivision. The three lots resulting from the Applicant's proposed development will be similar in all respects to those within the Waialeale Estates Subdivision, and will satisfy the same market demand. Applicant has enclosed a letter from Carol Cummings, a licensed Realtor associated with Kauai Realty Incorporated, which is attached hereto and incorporated herein as Exhibit "I". Both Ms. Cummings and Kauai Realty are engaged presently in the sales of the Waialeale Estates Subdivision lots. Based on her knowledge of present sales activities, and her review of the past market analysis, Ms. Cummings is of the opinion that there presently is, and will continue to be, a demand for the three lots which will be developed if this Petition is approved.

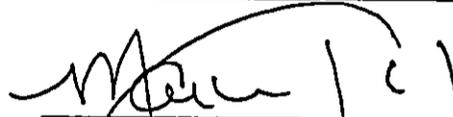
14. COMPATIBILITY WITH APPLICABLE LAWS.

The Applicant's proposed development of the Subject Property into three single family lots is compatible with the Hawaii State Plan (Hawaii Revised Statutes Chapter 225), the Hawaii State Functional Plans, the Kapaa-Wailua Development Plan, and all other applicable laws, ordinances, or regulations. The proposed development will have no substantial negative environmental impacts on the Subject Property or the surrounding area.

15. CONCLUSION.

The Applicant respectfully requests that the Planning Department find that Applicant's proposed development will not have any significant environmental impacts and that the Applicant need not prepare an Environmental Impact Statement in this case.

DATED: Lihue, Kauai, Hawaii _____.



MAY W. J. GRAHAM, JR.
LORNA A. NISHIMITSU
Attorneys for Applicant

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (BM)

DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and
Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO: Public Works Dept.
 Water Dept.
 State Health Dept.
 State Highways Div.
 Fire Dept.
 Sam Lee (DLNR)
 State Dept. of Agriculture
 Police Dept.
 Office of State Planning
 Land Use Commission

PLANNING DEPT.
'91 JUN -7 4:33
COUNTY OF KAUAI

FOR YOUR COMMENTS (pertaining to your department): 6/4/91 PW5.358

PLEASE SEE ATTACHMENT

Signature 

County Engineer

Please return one (1) copy by June 14, 1991. Thank you.
KK/cu

To Planning
A-91-12
GPA-91-4
ZA-91-15
Ho Enterprises, Ltd.
June 4, 1991
Page (2)

FOR YOUR COMMENTS:

1. The parcel will have access to Kahana which have been built to our minor street standard with a 44 feet wide right of way and a 20 feet wide pavement. Kahana Road should be able to handle the traffic from the proposed subdivision. However, when the subdivision application is submitted, we will require the turnaround to be relocated and reconstructed at the new terminus of Kahana Street.
2. The subdivision and subsequent residential construction will increase storm water runoff. At the time of subdivision, a drainage study will be required to evaluate the impacts of the increased runoff. Mitigation measures will be require to handle any adverse drainage impacts.
3. Drainage study will also be required at the time of subdivision to establish provisions in the natural gullies to keep structures from being built in flood zones and to preserve and protect the function of the watercourse.

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (BM)

DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO: Public Works Dept.
 Water Dept.
 State Health Dept.
 State Highways Div.
 Fire Dept.
 Sam Lee (DLNR)
 State Dept. of Agriculture
 Police Dept.
 Office of State Planning
 Land Use Commission

PLANNING DEPT.
91 JUN 19 2:00 PM
COUNTY OF KAUAI

FOR YOUR COMMENTS (pertaining to your department):

June 12, 1991

We have no objections to this District Boundary Amendment and General Plan Amendment and Zoning Amendment provided the applicant is made aware that any actual subdivision or development of this area will be dependent on the adequacy of the source, storage and transmission facilities existing at that time. An 8-inch main extension from the Waialeale Estates Subdivision to the proposed subdivision will be required. At the present time, the existing storage facilities are nearing capacity.

Signature Raymond B. Laro

Please return one (1) copy by June 14, 1991. Thank you.

RECEIVED
MAY 30 1991

COUNTY OF KAUAI
PLANNING DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES
KAUAI

FROM: PETER A. NAKAMURA, Planning Director (BM)

DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

TO: Public Works Dept.
 Water Dept.
 State Health Dept.
 State Highways Div.
 Fire Dept.
 Sam Lee (DLNR)
 State Dept. of Agriculture
 Police Dept.
 Office of State Planning
 Land Use Commission

PLANNING DEPT.
91 JUN 17 11:20
COUNTY OF KAUAI

FOR YOUR COMMENTS (pertaining to your department):

We have reviewed the subject application and have conducted an on-site survey of the property. We have no objection to the application at this time, provided the following environmental health concerns are complied with.

1. The type of wastewater disposal system permitted shall meet the minimum applicable requirements of the Administrative Rules, State of Hawaii, pertaining to wastewater systems.
2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 26, Vector Control, Title 11, Administrative Rules, State of Hawaii, the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
3. Effective soil erosion and dust control measures shall be implemented by the applicant during all phases of development.
4. The disposal of grubbed material shall be at a solid waste disposal facility permitted by the Department of Health.
5. Open burning is prohibited, except in accordance with the applicable requirements of Chapter 60, Air Pollution Control, Title 11, Administrative Rules, State of Hawaii.
6. The proposed development shall be provided with potable water from an approved source.

Due to the general nature of the proposed project, we reserve the right to impose further environmental health restrictions when more detailed information is submitted.

14 June 91

CT:GNT:DJ/plo

Signature *Clyde Takekuma*
(for) Clyde Takekuma, Chief Sanitarian, Kauai

Please return one (1) copy by June 14, 1991. Thank you.

MAY 29 1991

COUNTY OF KAUAI
PLANNING DEPARTMENT

FROM: PETER A. NAKAMURA, Planning Director (BM) DATE: May 28, 1991

SUBJECT: District Boundary Amendment A-91-12, General Plan Amendment GPA-91-4 and
Zoning Amendment ZA-91-15, HO ENTERPRISES, LTD.

- TO:
- Public Works Dept.
 - Water Dept.
 - State Health Dept.
 - State Highways Div.
 - Fire Dept.
 - Sam Lee (DLNR)
 - State Dept. of Agriculture
 - Police Dept.
 - Office of State Planning
 - Land Use Commission

PLANNING DEPT.
91 JUN -7 10:33
COUNTY OF KAUAI

FOR YOUR COMMENTS (pertaining to your department):

Copy with County Dept. of Water Standards in
providing fire protection for the development.

Signature  06/04/91

Please return one (1) copy by June 14, 1991. Thank you.

JOHN WAIHEE
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

ROUTE TO:

- Nisimoto
- Segum
- Nitta
- Kureta
- Lemclay
- Harvey
- Hironaka
- Nakamura
- Matoo
- Fernandez
- Hironaka
- Fukushima
- Tsuchiya
- Yamuchi
- Ferrara
- Kashiwabara
- Yamashiro

PLANNING DEPT.

'91 JUN 10 P 1:54

COUNTY OF KAUAI

June 5, 1991

Mr. Peter A. Nakamura
Planning Director
County of Kauai
4280 Rice Street
Lihue, Hawaii 96766

Dear Mr. Nakamura:

Subject: District Boundary Amendment A-91-12, General Plan
Amendment GPA-91-4, and Zoning Amendment
ZA-91-15/Ho Enterprises, Ltd., TMK No. 4-6-12:
por. 18

We have reviewed the information for the subject amendments transmitted by your letter dated May 28, 1991, and confirm that the property is located within the State Land Use Agricultural District.

According to our records, the property's north-western boundary is adjacent to the State Land Use Urban District that was amended from the Agricultural District on July 12, 1982, by the Commission in LUC Docket No. A81-519/Waialeale Partners.

Thank you for the opportunity to comment on this matter. If you have any questions, feel free to call me or my staff at 548-8101.

Sincerely,

ESTHER UEDA
Executive Officer

EU:to

JOHN WAIHEE
GOVERNOR



YUKIO KITAGAWA
CHAIRPERSON, BOARD OF AGRICULTURE

ILIMA A. PIIANAIA
DEPUTY TO THE CHAIRPERSON

FAX: 548-6100

Mailing Address:
P. O. Box 22159
Honolulu, Hawaii 96823-2159

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 So. King Street
Honolulu, Hawaii 96814-2512

June 14, 1991

To: Peter A. Nakamura, Director
Planning Department
County of Kauai

From: *Ilima A. Piianaia*
Yukio Kitagawa, Chairperson
Board of Agriculture

Subject: Petition for Amendment to the State Land
Use District Boundaries
A-91-12 (Ho Enterprises, Ltd.)
Agricultural to Urban, and
General Plan Amendment GPA-91-4
Portion of residential subdivision
TMK: 4-6-12: 18 Kapaa, Kauai
Area: 43,322 s.f. of 30.365 acres

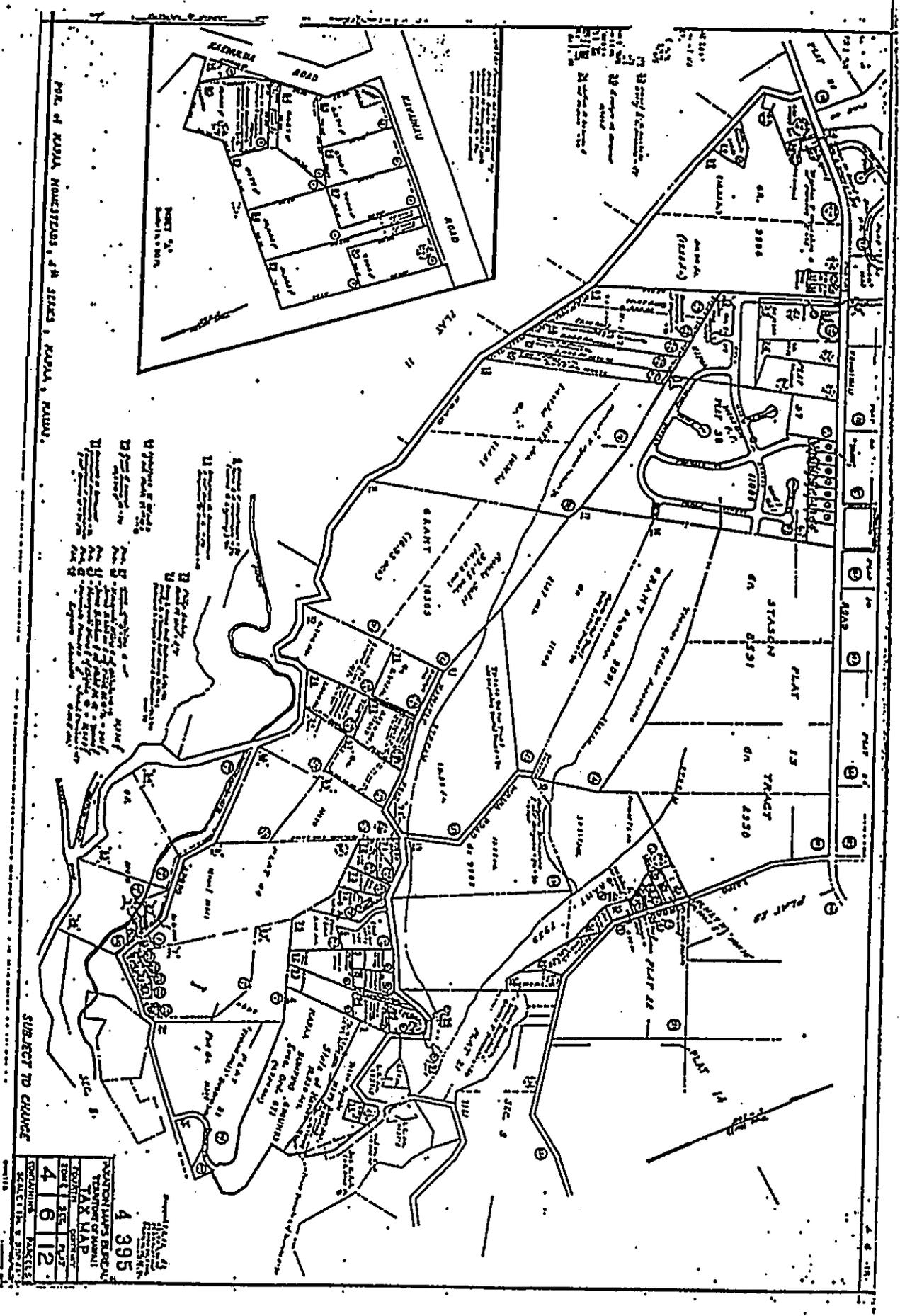
PLANNING DEPT.
JUN 16 1991
YUKIO KITAGAWA

The Department of Agriculture has reviewed the subject requests and is of the opinion that their approval will not adversely affect the agricultural resources of the area, or the plans, programs, and activities of this Department.

Thank you for the opportunity to comment.

c: Office of State Planning (attention: Land Use Division)





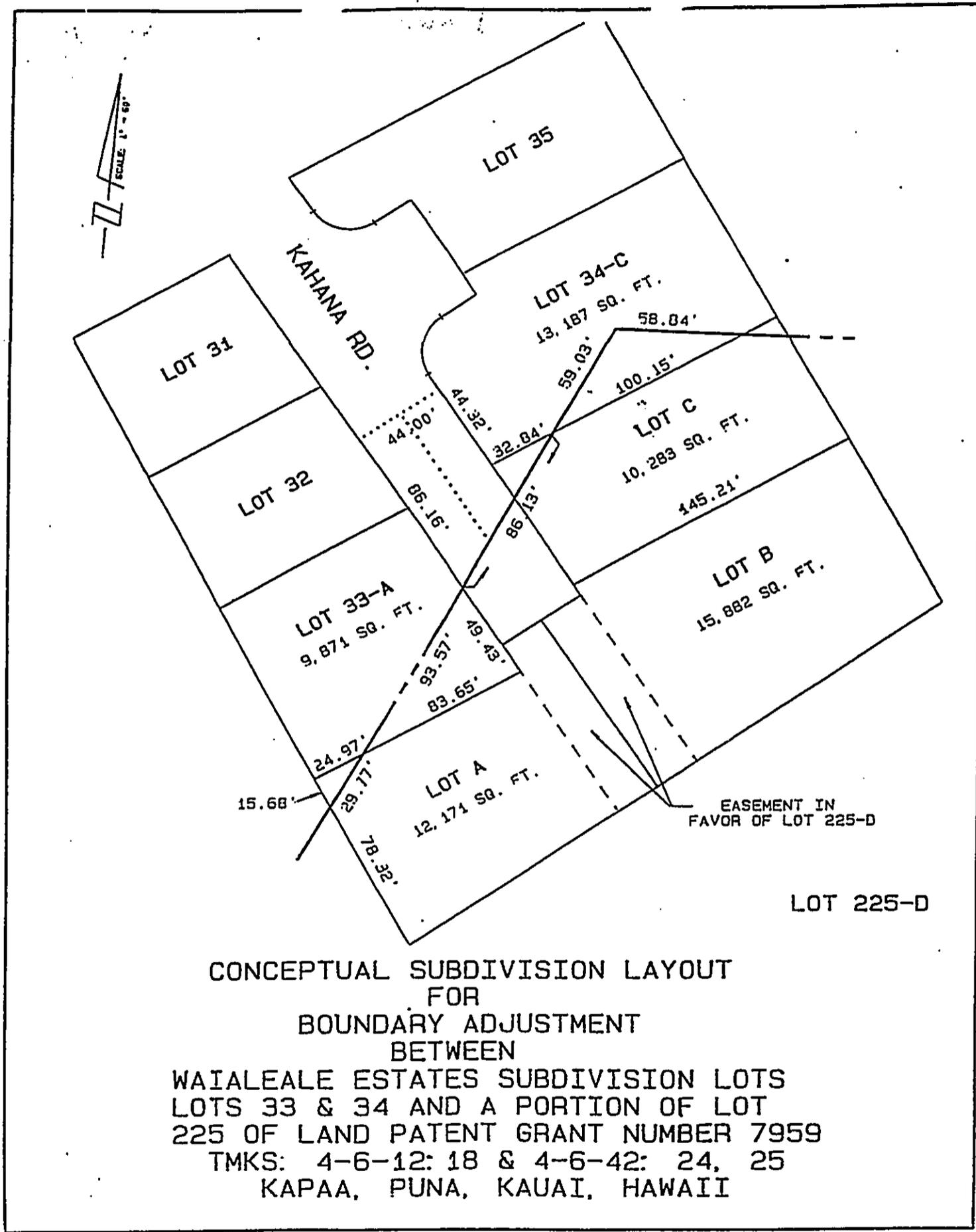
PORT OF HONOLULU, HAWAII, HONOLULU, HAWAII.

SUBJECT TO CHANGE

4 395	
PLANNING BOARD	
TERRITORY OF HAWAII	
TAX MAP	
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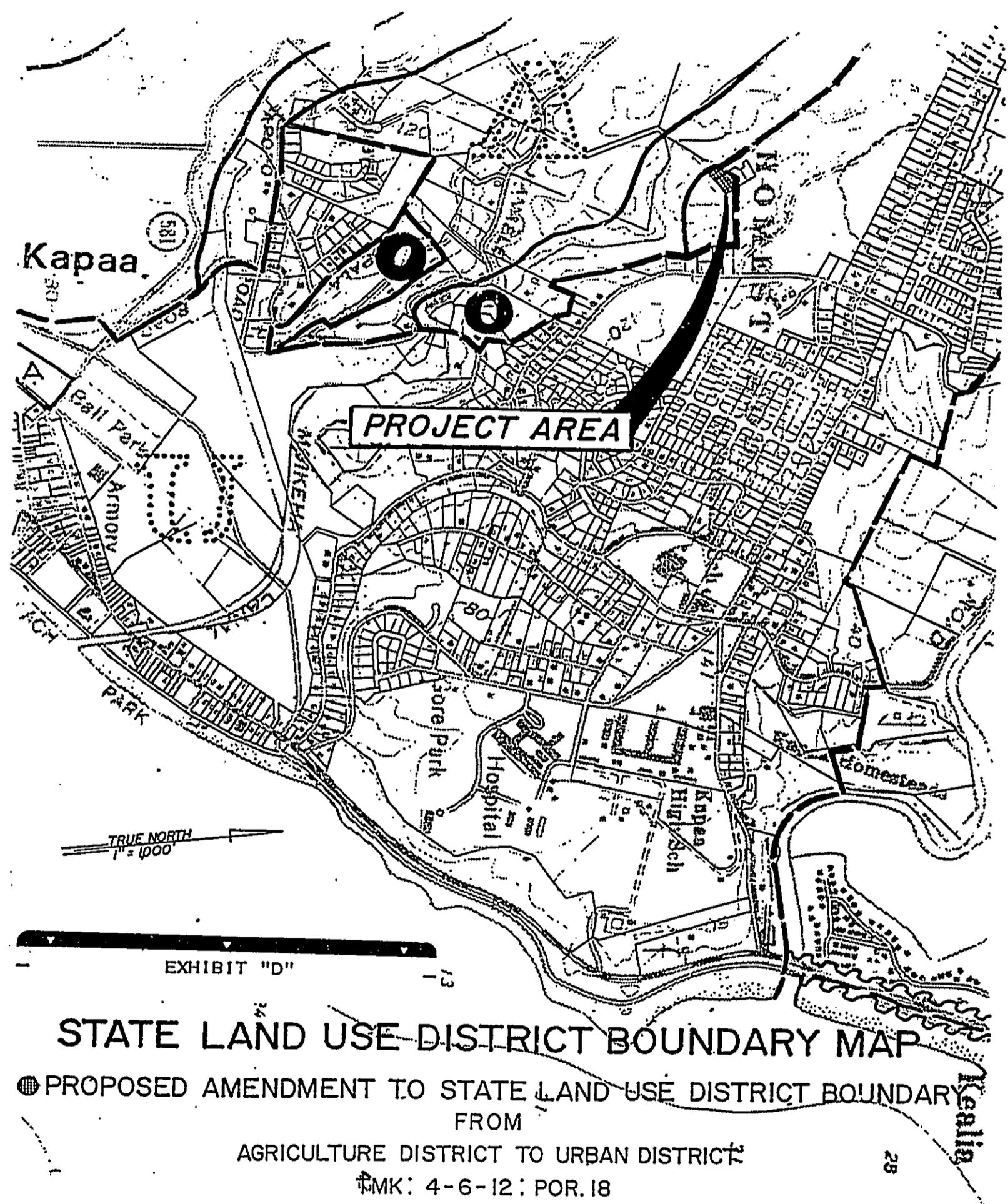
EXHIBIT "B"

DOCUMENT CAPTURED AS RECEIVED



CONCEPTUAL SUBDIVISION LAYOUT
FOR
BOUNDARY ADJUSTMENT
BETWEEN

WAIALEALE ESTATES SUBDIVISION LOTS
LOTS 33 & 34 AND A PORTION OF LOT
225 OF LAND PATENT GRANT NUMBER 7959
TMKS: 4-6-12: 18 & 4-6-42: 24, 25
KAPAA, PUNA, KAUAI, HAWAII



STATE LAND USE DISTRICT BOUNDARY MAP

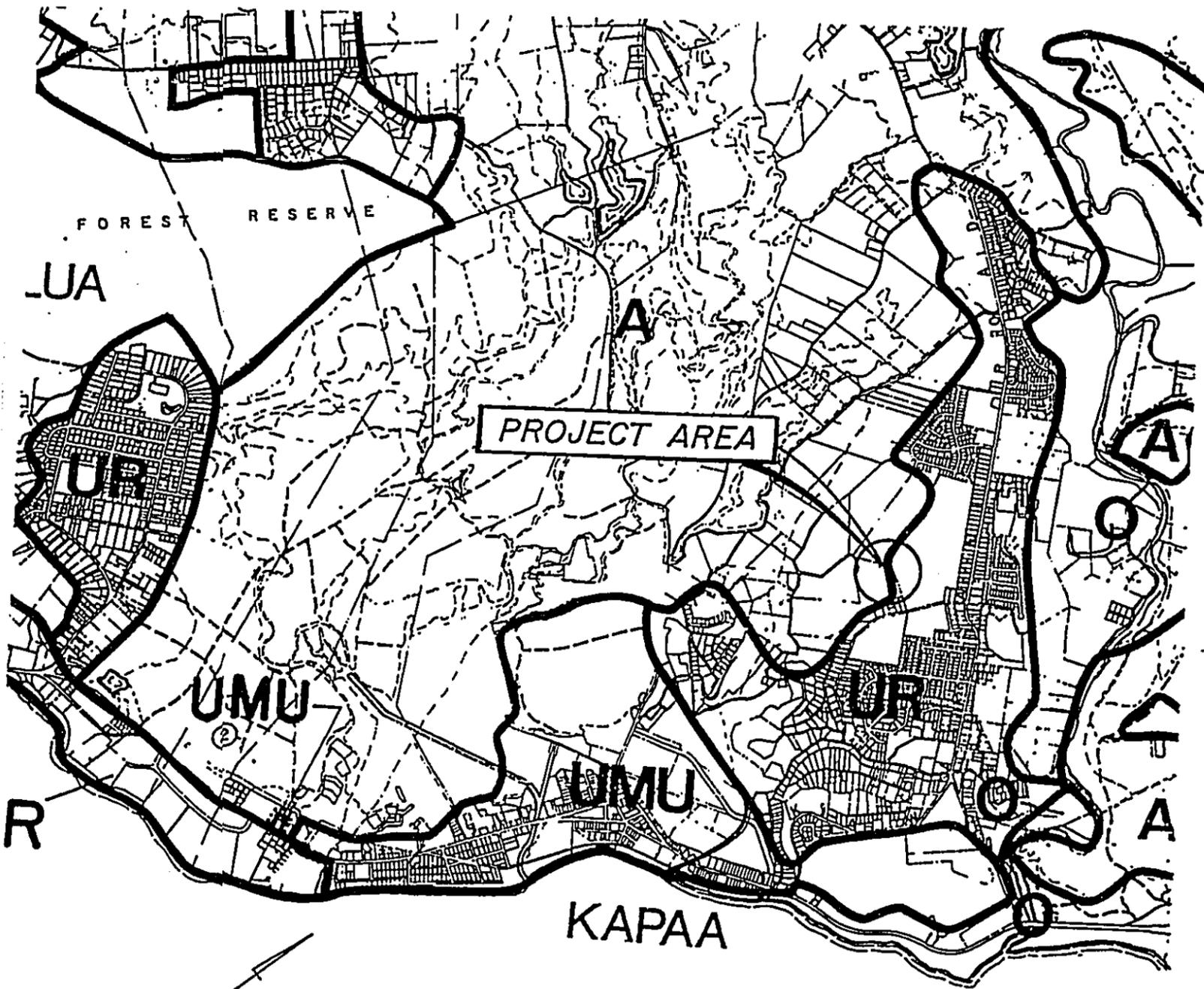
● PROPOSED AMENDMENT TO STATE LAND USE DISTRICT BOUNDARY FROM

AGRICULTURE DISTRICT TO URBAN DISTRICT

PK: 4-6-12: POR. 18

KAPAA, KAUAI

DOCUMENT CAPTURED AS RECEIVED



GENERAL PLAN MAP

PROPOSED AMENDMENT TO GENERAL LAND USE PLAN

FROM

AGRICULTURE TO URBAN RESIDENTIAL

TMK: 4-6-12: POR 18

KAPAA, KAUAI

EXHIBIT "E"

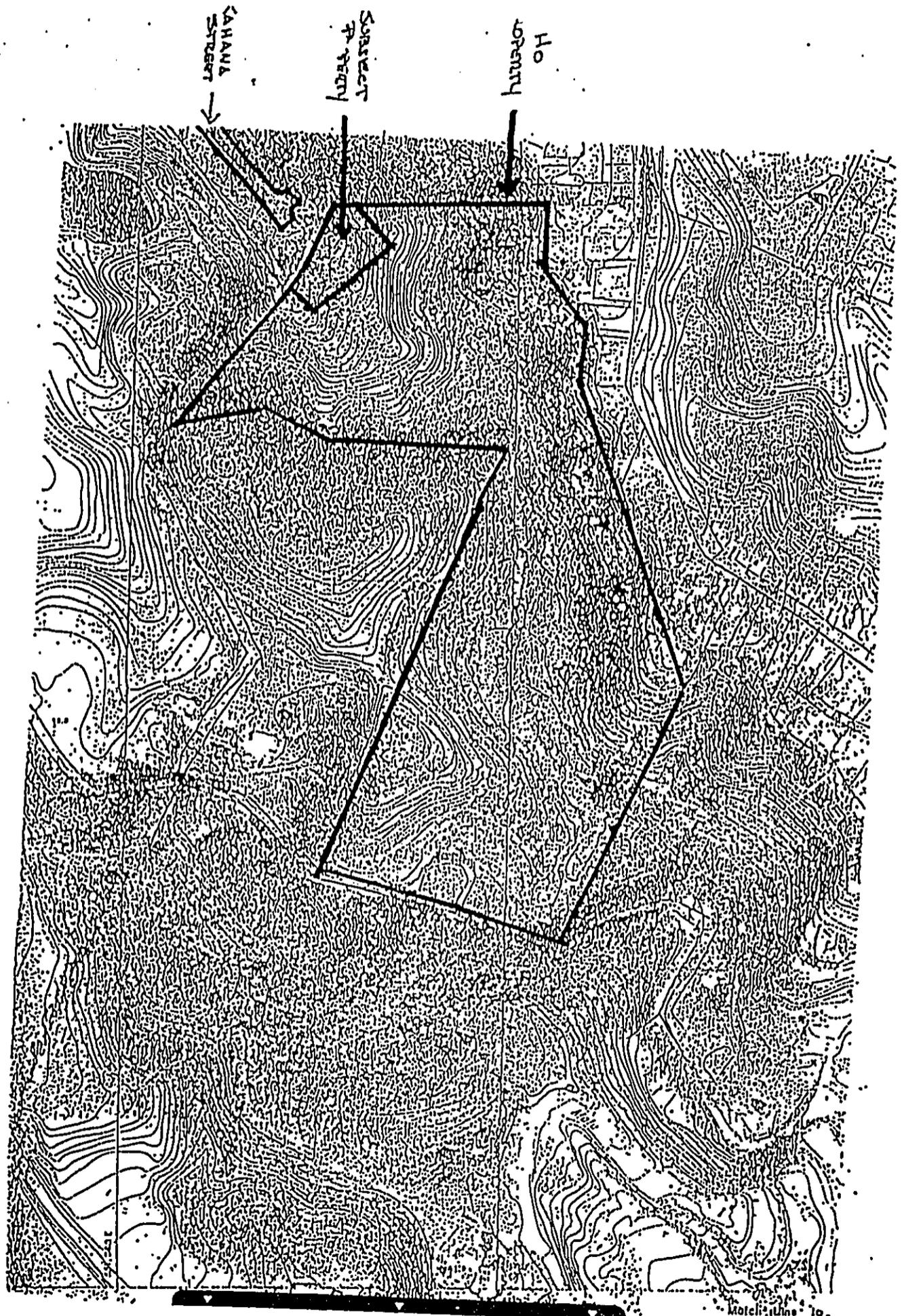
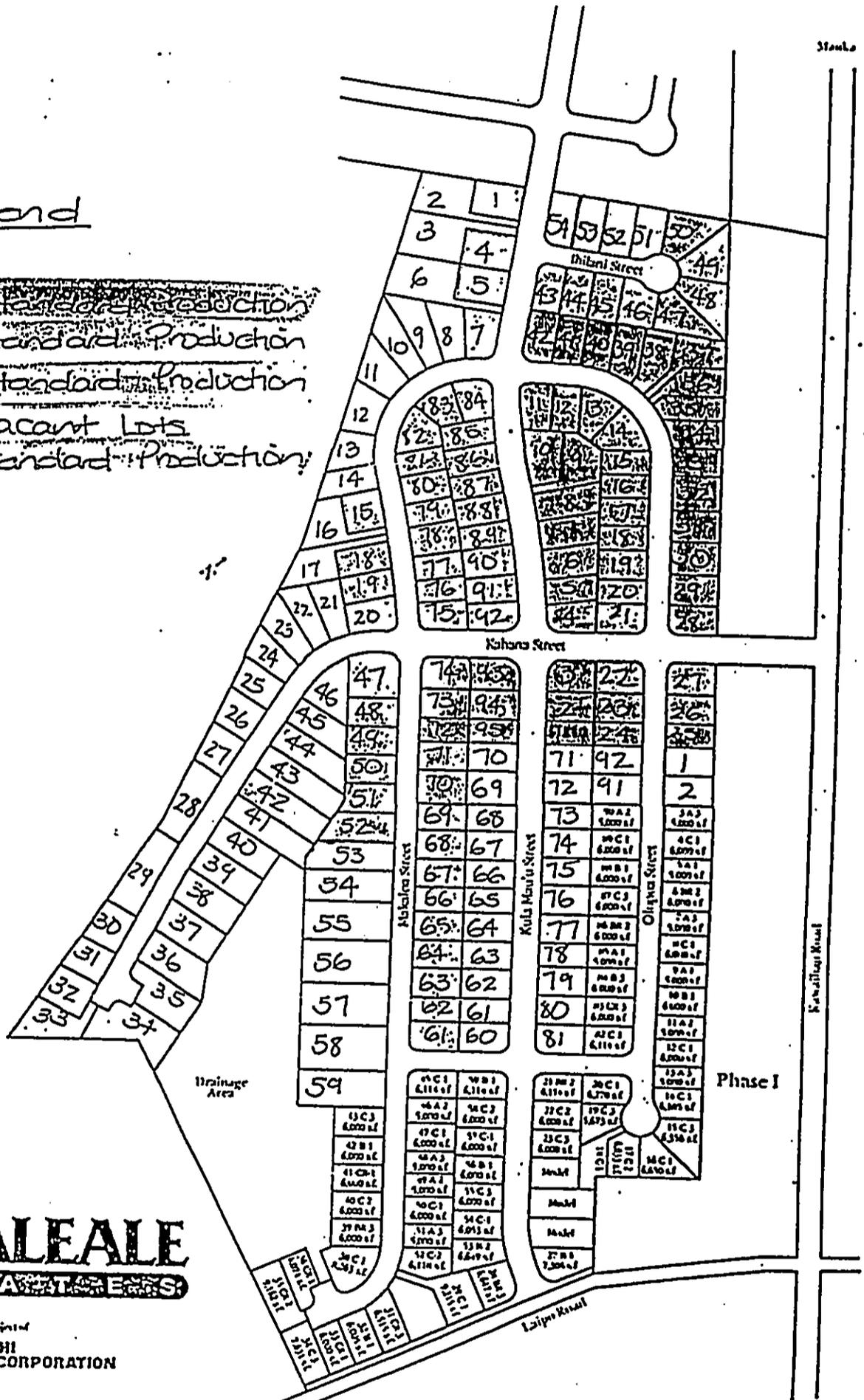


EXHIBIT "G"

Scale 1:100,000

Legend

- Area 1 - Standard Production
- Area 2 - Standard Production
- Area 3 - Standard Production
- Area 4 - Vacant Lots
- Area 5 - Standard Production



WAIALEALE
EXISTING APPLICABLE ZONING

Approved
OHYAYASHI
HAWAII CORPORATION

EXHIBIT "H"

Maui



April 30, 1991

Lowenthal, August & Graham
2959 Umi St., Suite 202
Lihue, HI 96766

Attn: Max W. J. Graham, Jr., Esq.

Re: Proposed 3 lot subdivision
Waialeale Estates Subdivision Lots 33 & 34 a portion of Lot 225
of Land Patent Grant Number 7959

Dear Mr. Graham:

Per your request, enclosed is the current inventory status of vacant land in the immediate vicinity of the above referenced proposed subdivision.

The residential land inventory in the Kawaihau district (TMK 4th-4-6) has been extremely low during the past 2 years, with some relief coming from the marketing of lots in Waialeale Estates and Ilima Gardens. (Ilima Gardens, developed by Hawaii 4-0 Partners, is located adjacent to Kawaihau Estates Subdivision.)

Currently, in this area, there are approximately 28 residential lots on the market. Of the 28, 17 are at Waialeale Estates, 5 at Ilima Gardens, and 4 are on the corner of Laipo and Hauaala Roads. Almost every lot available now in Waialeale Estates and Ilima Gardens have very little level area, with most of the lots on slopes, making construction of "affordable" houses virtually impossible. The 4 lots on the corner of Laipo and Hauaala are low lying lots with drainage and floodways affecting buildable areas.

Based on the building restrictions of the lots currently on the market, there is a definite need for additional vacant land inventory in this neighborhood. After personally inspecting the subject proposed subdivision, I have concluded that the three lots would provide level, buildable homesites. Being adjacent to the Waialeale Estates Subdivision, the 10,000+ square foot lots would blend with the residential character of the immediate neighborhood.

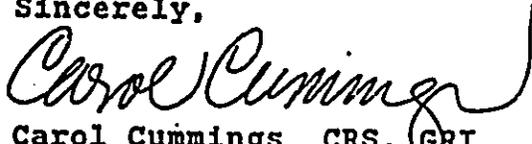
EXHIBIT "I"

Current trends indicate that the market value for the proposed lots are between \$110,000-\$135,000 (FS), depending on whether these lots will qualify under County of Kauai guidelines for Additional Dwelling Units.

Please be informed that opinions expressed in this letter are my personal observations, based on my 6 years experience in Kauai's real estate market and my knowledge of marketing trends in the Kawaihau district, the neighborhoods in which I specialize. Market values and opinions are mine; this is not a reflection of Kauai Realty, Inc. Information provided was obtained from the Kauai Board of Realtors Multiple Listing Service, which includes property marketed via the MLS.

I hope the data provided is helpful. Please contact me at 822-1936 if I can be of further assistance.

Sincerely,


Carol Cummings CRS, GRI
Realtor

DOCUMENT CAPTURED AS RECEIVED

SEARCH V2.2-0 30-APR-1991 12:30:14.57

Enter FORM TYPE <RES> ? LND

Enter STATUS <A> ?

Enter AREA ? 46

PRICE

Minimum ? 0-175

Enter feature or <END> ?

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

Print: <A>bbreviated, <C>ustom, <X>tra, <M>edium, <F>ull, <H>ow many ?

LOTS PRESENTLY ON THE MARKET VIA THE MULTIPLE LISTING SERVICE.

Not included, approximately 16 lots still available at Waialeale Estates.

MLS#	T	S	TMK	PRICE	FEE	LAND AREA	LO#
.....Copyright 30-APR-1991 12:30, KAUAI BOARD OF REALTORS.....							
9741	L	A	446 17 21	120,000	FS LAIPO ROAD	7521.00	6006
9739	L	A	446 17 21	125,000	FS LAIPO ROAD	8200.00	6006
9740	L	A	446 17 21	145,000	FS LAIPO ROAD	11978.00	6006
9742	L	A	446 17 21	145,000	FS LAIPO ROAD	10436.00	6006

Searching

10111	L	A	446 17 48	95,000	FS OHU ROAD	6174.00	6136
10110	L	A	446 17 48	99,000	FS OHU ROAD	6016.00	6136
10112	L	A	446 17 48	115,000	FS OHU ROAD	6260.00	6136
10113	L	A	446 17 48	117,000	FS OHU ROAD	6001.00	6136
10103	L	A	446 17 48	120,000	FS OHU ROAD	6016.00	6136
10271	L	A	446 15 8	135,000	FS 4791 IIWI ROAD	8502.00	9030
9435	L	A	446 24 28	138,000	FS 5372 KUMOLE	13591.00	6069

17 analyzed in 10 second(s) End of search

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

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FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:31:29.01

Enter FORM TYPE <RES> ? LND

Enter STATUS <A> ? U

Enter AREA ? 46

PRICE

Minimum ? 0-160

Enter feature or <END> ?

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

Print: <A>bbreviated, <C>ustom, <X>tra, <M>edium, <F>ull, <H>ow many ?

LOTS PRESENTLY UNDER CONTRACT IN THE KAWAIHAU AREA (tmk 4th-4-6) THAT WERE MARKETED THROUGH THE MULTIPLE LISTING SERVICE.

Not included, Waialeale Estates and Ilima Gardens.

MLS#	T	S	TMK	PRICE	FEE	LAND AREA	LO#
.....Copyright 30-APR-1991 12:32, KAUAI BOARD OF REALTORS.....							
7884	L	U	446 25 25	75,000	FS OCHIAO ROAD	11000.00	6094

Searching

10104	L	U	446 17 48	78,000	FS HAU'OLI PLACE	6425.00	6136
10109	L	U	446 17 48	90,000	FS OHU ROAD	5000.00	6136
10108	L	U	446 17 48	95,000	FS OHU ROAD	5330.00	6136
10105	L	U	446 17 48	99,000	FS HAU'OLI PLACE	6011.00	6136
8709	L	U	446 19 50	100,000	FS HAUAALA ROAD	9207.00	6008

9 analyzed in 6 second(s) End of search

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

* End of Communication ***

\$0

Zoning: PITT: 600
Nbhood: 4611

Last NO >>:=R[EA]T[...]

Enter listing number(s) or 'ESC' key ?

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FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:34:25.63

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Enter STATUS <A> ? S

Enter AREA ? 46

PRICE

Minimum ? 0-

*** You've escaped from the function. ***

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:34:53.61

Enter FORM TYPE <RES> ? LND

Enter STATUS <A> ?

Please talk to me

FUNCTION ? SL

SEARCH V2.2-0 30-APR-1991 12:39:33.44

Enter FORM TYPE <RES> ? LND

Enter STATUS <A> ? S

Enter AREA ? 46

PRICE

Minimum ? 0-150

Enter feature or <END> ?

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

Print: <A>bbreviated, <C>ustom, <X>tra, <M>edium, <F>ull, <H>ow many ?

Searching

MLS#	T	S	TMK	PRICE	FEE	LAND AREA	LO#
.....Copyright 30-APR-1991 12:39, KAUAI BOARD OF REALTORS.....							
9078	L	S	446 34 43	95,000	FS ALIALI ROAD	10453.00	6135
SOLD DATA: DOM:34 TERMS:CNV DATE:29-Jun-90 SOFF ID#:6012						PRICE:\$92,500	
7917	L	S	446 39 11	79,500	FS AWA'A PLACE	6026.00	6011
SOLD DATA: DOM:27 TERMS:CNV DATE:18-Sep-90 SOFF ID#:6011						PRICE:\$136,000	
8055	L	S	446 24 34	150,000	FS KUMOLE STREET	29476.00	6069
SOLD DATA: DOM:167 TERMS:CNV DATE:12-Apr-90 SOFF ID#:6107						PRICE:\$150,000	

5 analyzed in 5 second(s) End of search

<S>earch, <M>odify, <R>eview input, <F>ile prospect or 'ESC' ?

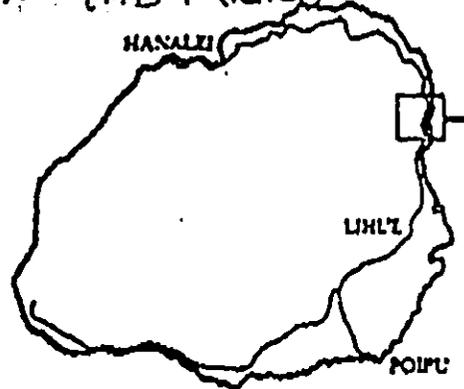
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NOT INCLUDED: lots under contract in Waialeale Estates and Ilima Gardens.

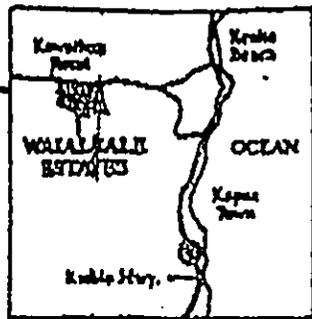
DOCUMENT CAPTURED AS RECEIVED

TO: MAX = 245-199
FROM: TAD MIURA

17/33



Island Of Kauai



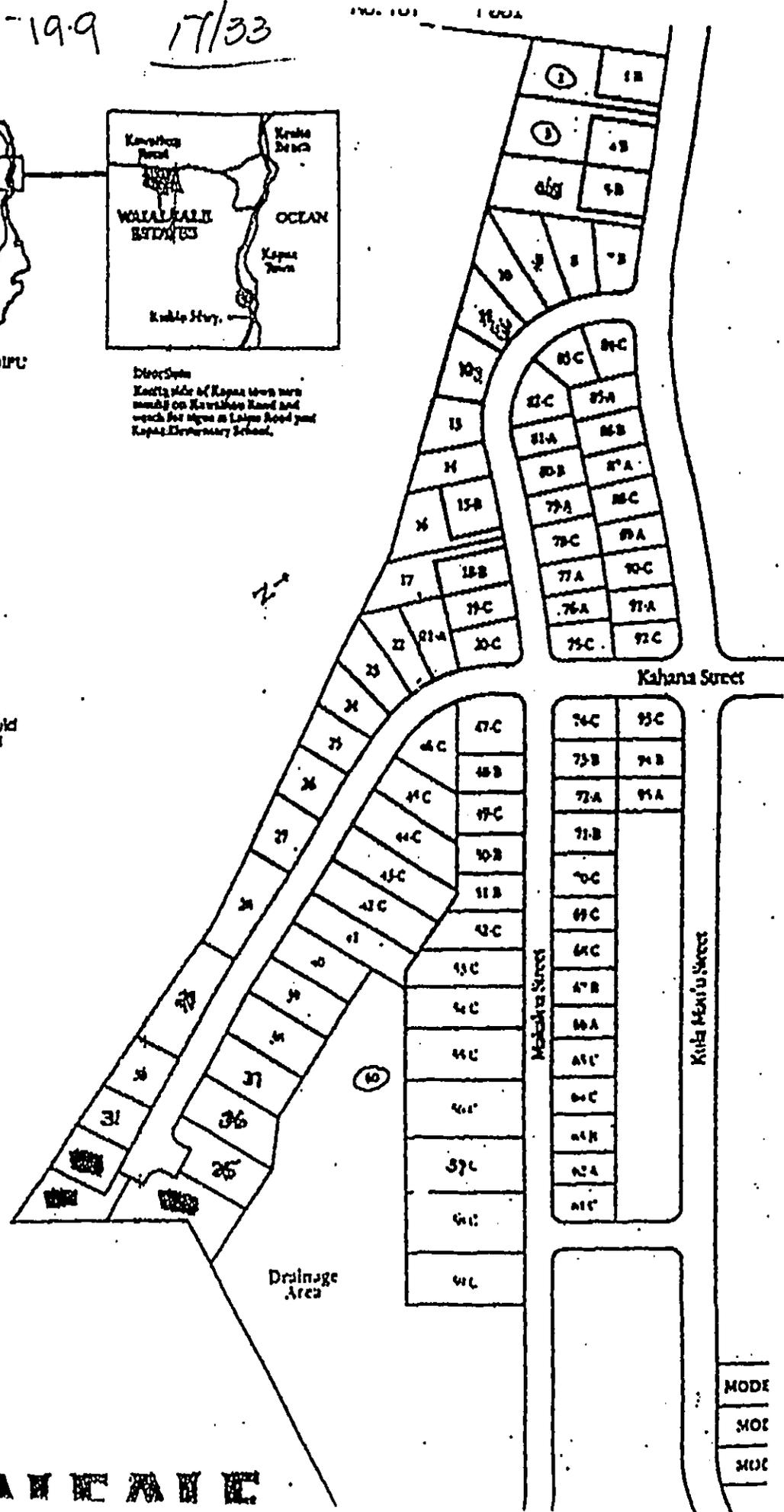
Directions
East side of Kaula Hwy near mouth of Kaula Road and watch for signs to Lihou Road just past Kaula Elementary School.

- Legend
- House & Lot
 - Vacant Lot

NOTE***Error in shading. Lots 15, 18, 19, 20, 21 should not be shaded. These will be sold as house & lot

Amount remaining
See plans for details
Subsequent large 2 acre lot

- NOT FOR SALE
- SOLD
- FIRST TIME BUYER



MODE
MOI
MOC

W A H A N A H A N E

DOCUMENT CAPTURED AS RECEIVED

WAIALEALE ESTATES PHASE III PRICE LIST VACANT LOTS

LOT #	AREA SQUARE FEET	PRICE
2	12,330	\$ 115,000
3	13,272	\$ 120,000
6	14,214	\$ 125,000
8	7,511	\$ 95,000
9	9,311	\$ 100,000
10	8,966	\$ 110,000
11	7,804	\$ 110,000
12	7,802	\$ 110,000
13	7,559	\$ 110,000
14	6,539	\$ 105,000
16 Available	8,643	\$ 110,000
17	9,347	\$ 120,000
22	7,513	\$ 100,000
23	6,847	\$ 110,000
24	6,452	\$ 110,000
25	6,298	\$ 110,000
26	7,097	\$ 115,000
27	7,121	\$ 115,000
28	10,736	\$ 125,000
29	11,881	\$ 125,000
30 AVAILABLE	7,016	\$ 115,000
31	6,763	\$ 115,000
32	6,806	\$ 115,000
33	9,780	\$ 125,000
34	13,576	\$ 115,000
35	11,225	\$ 85,000
36	11,112	\$ 80,000
37	9,767	\$ 80,000
38	10,047	\$ 80,000
39	10,188	\$ 85,000
40	8,754	\$ 90,000
41	10,800	\$ 95,000
60	193,012	\$ 125,000

ERA Chaney Brooks, Realtors and Kauai Realty reserve the right to discontinue, substitute or change product or design and alter price or terms without notice or obligation. 7/13/90

BEFORE THE COUNTY OF KAUAI

STATE OF HAWAII

In the Matter of the Petition)
of)
SAMSON K. APO (legal title owner)
of the property), to reclassify)
and/or amend 2.366 acres of land)
currently situated within the)
State Agricultural District, and)
General Planned Agriculture and)
zoned Agriculture, into the Rural)
State Land Use District, Rural Res)
General Plan Classification, and)
Residential (R-2) zone, located at)
Wailua Homestead, Kauai, Hawaii,)
further identified as TMK:4-4-9:23.)

DOCKET NO. _____

PETITION FOR STATE LAND USE DISTRICT BOUNDARY,
GENERAL PLAN AND ZONING AMENDMENT

I. PETITIONER'S ADDRESS AND TELEPHONE:

All communications in regard to this petition shall be addressed to:

Samson K. Apao
C/O Ms. Beverly Kaneakua
4668 Hauaala Road
Kapaa, Hawaii 96746
Tel. (808)822-0038

II. IDENTIFICATION OF PETITIONER:

The petitioner, Mr. Samson K. Apao, is the legal and equitable owner of the subject parcel.

III. PROPERTY DESCRIPTION:

The subject parcel is at the Wailua Homesteads, along Olohena Road, approximately 250 feet west of the intersection of Olohena Road and Puuopae Road, further identified as TMK: 4-4-09:23, containing 2.366 acres. (Exhibit A & B)

IV. COUNTY GENERAL PLAN & ZONING DESIGNATION:

State Land Use Boundary: Agricultural
County General Plan: Agriculture (Exhibit C)
County Zoning: Agriculture (Exhibit D)

V. DESCRIPTION OF PROPERTY:

- A. The subject parcel is located at 6285A Olohena Road at Wailua Homestead, approximately 250 linear feet west of the intersection of Olohena Road and Puuopae Road.
- B. Existing Use: Currently in pasture and residential use.
- C. Elevation: The property is approximately 350'± above sea level.
- D. Terrain: Flat to gently sloping. There are no terrain features which limit the intended use of the parcel.
- E. Drainage: Sheet flows in an easterly direction.

- F. Rainfall: The median annual rainfall is approximately 70 inches.
- G. Soils: Classification "C" by the University of Hawaii Land Study Bureau Detailed Land Classification.
- H. Demographic: The property has been used for farming and ranching for over 40 years. There are no endangered flora or fauna existing on this property.

VI. DESCRIPTION OF PROPOSED DEVELOPMENT:

- A. Type: The petitioner proposes to subdivide this property into four single family residential house lots.
- B. There are presently two dwelling units on the property. It is not the intent to speculate on these new lots, but rather to provide separate lots for family members. The family is comprised of farmers and cattlemen and cannot afford the high costs of real estate in the area.
- C. The property is surrounded by Agriculture Zoning. However, one parcel over to the east, the lots are zoned Rural Residential (R-1). In addition, the lots located to the immediate south are all a half-acre in size.
- D. Development Timetable: N/A
- E. Preliminary Development Plans: To subdivide into 4 one-half acre parcels.
- F. Water, paved roads, police, and fire protection services are presently available. There is no public sewer system servicing this parcel, however, cesspools and/or septic systems are presently permitted. Public agencies will not be unreasonably burdened by the additional lots.
- G. Projected Cost of Development: That required for creating the paper subdivided lots.
- H. Financial Ability: The petitioner has the financial resources to complete the proposed subdivision.

VII. EFFECTS UPON RESOURCES OF THE AREA:

An environmental Impact Statement is not needed for this project since no major adverse environmental impacts will be generated by this proposal. Furthermore, those impacts identified have mitigation measures proposed to resolve those matters. A negative declaration is hereto filed as part of this petition request.

- A. Environmental & Ecological:
 - 1. Flora: None
 - 2. Fauna: None
 - 3. Coastal Waters: None
- B. Agricultural: The site is not presently in agricultural use, but was used in the past for pasture purposes. Soils for the petition area are classified as "C", with "A" soils being the most prime and "E" being the poorest. As such, the removal of this area from the Agricultural District will not significantly affect the viability of agricultural pursuits of the area.
- C. Recreational: The petition area does not presently provide any recreational opportunities. In addition, the proposal will not reduce or restrict access to existing recreational facilities.

- D. **Historical & Archaeological:** According to the County of Kauai's Cultural Sensitivity Maps, the petition area does not fall within an area containing historical or cultural significance. No known archaeological sites exist within the petition area.
- E. **Scenic:** The petition area is not located along the ocean, and therefore will not impact view corridors to and along the shoreline.
- F. **Noise & Air Quality:** The proposed residential uses are consistent with the surrounding uses. The proposal does not involve noxious chemicals, equipment, or by-products.

VIII. REASONS & JUSTIFICATIONS FOR THE PROPOSED DEVELOPMENT:

- A. The subject property is located within an area where many lots are substandard in terms of minimum lot sizes in the Agriculture District. The adjacent parcels to the east are all one-half acre in size. Abutting those lots are parcels within the Rural District.
- B. This petition, if approved, would allow the owners to subdivide their property into four (4) one-half acre lots for family members.
- C. This petition, if approved, would not significantly alter existing land uses in the area since many of the adjoining lots are presently one-half acre in size.

IX. COMPLIANCE WITH LAND USE DISTRICT REGULATIONS:

- A. The proposed land use reclassification is reasonable and necessary to accomodate growth and development.
- B. There will be no significant adverse effects upon environmental, agricultural, recreational, historical, scenic or other resources of the area.
- C. Adequate public services and facilities are available and can be provided to the site by the petitioner. No need for upgrading of such facilities are anticipated.
- D. The site, although not located right adjacent to existing Rural lands, is abutting lots one-half acre in size (non-conforming in terms of agriculture minimum lot sizes) which touch the Rural State Land Use District.
- E. The amendments are necessary since the project is not permitted under the present land use, General Plan, and zoning designations.

X. COMPLIANCE WITH STATE & COUNTY LAWS:

- A. The petition is consistent with the objectives of the Hawaii State Plan and the County General Plan policies and guidelines, in that:
 1. **Growth and Housing** - The Kapaa-Wailua District is the fastest growing region of the island. The proposed amendment area will assist in providing housing for the immediate market demands. The amendment area is not excessive in terms of land size or project scope.
 2. **Classification** - the proposed amendment area, if reclassified into the Rural Residential classification shall be used predominately for low density residential development. The General Plan recognizes the need for such development to create less than one-acre parcels which are outside planned

Urban areas.

3. Land Use - The Kauai County General Plan boundaries are not intended to portray a precise land use definition. As such, the proposal can be considered since the petition area is located adjacent to existing one-half acre lots which abut the Rural State Land Use District.

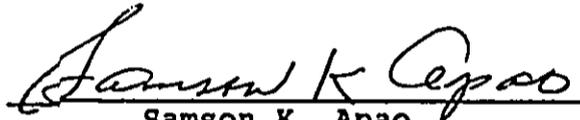
- B. All applicable State and County statutes, laws, and ordinances, rules and regulations as applicable to the proposed subdivision will be complied with.

XI. CONCLUSION:

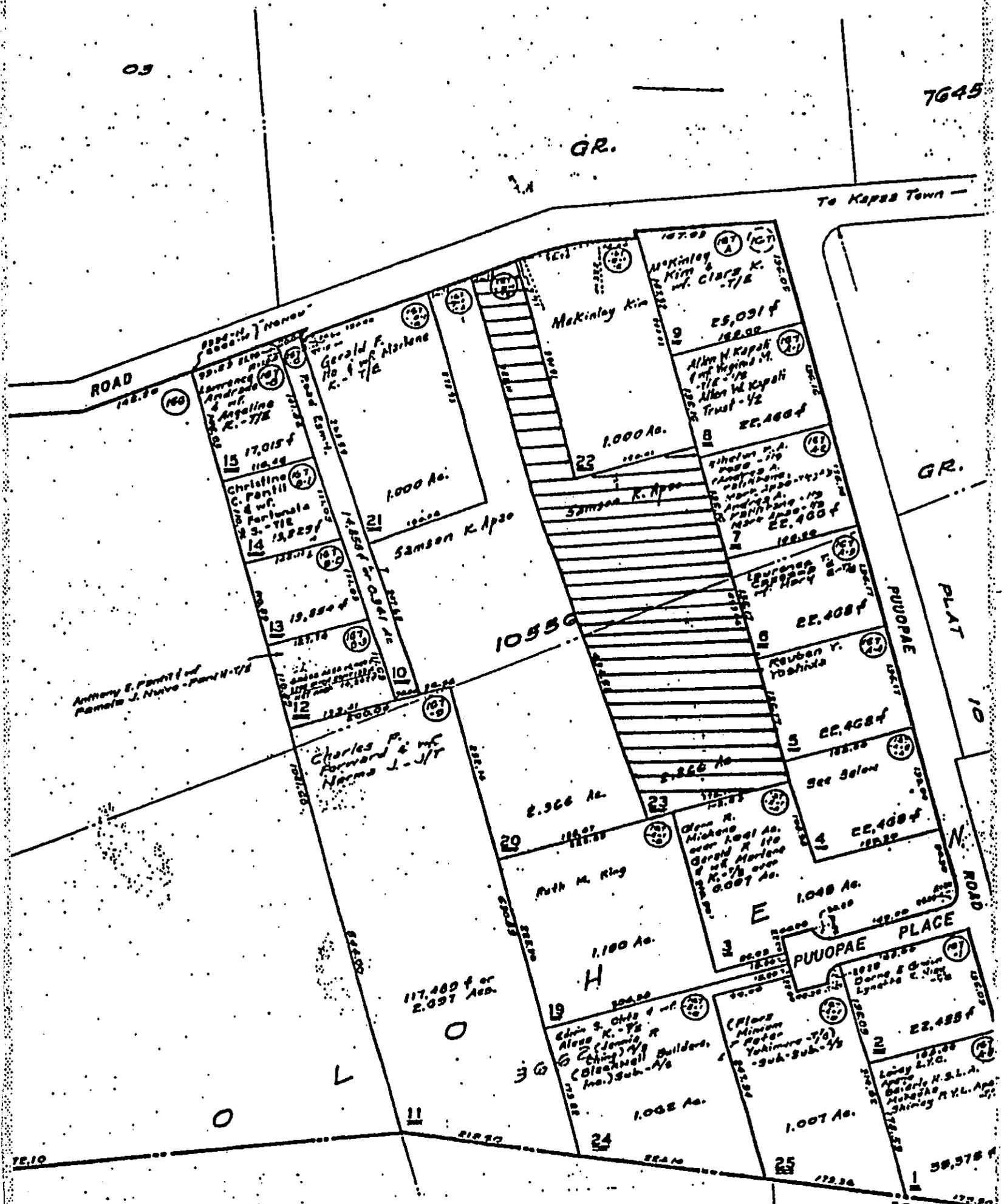
Based on the foregoing discussion, it can be concluded that the subject petition for a State Land Use District Boundary Amendment from Agricultural to Rural, and an amendment to the County General Plan from Agriculture to Rural Residential, and an amendment to the County Zoning Ordinance from Agriculture to Residential District (R-2) zone, is justified and generally meets all the requirements for the requested change.

Accordingly, Petitioner respectfully requests a favorable decision by the Planning Commission of the County of Kauai.

Dated: Lihue, Kauai, Hawaii November 13, 1990.


Samson K. Apao

DOCUMENT CAPTURED AS RECEIVED



4 Edwin S.
 Jennie I.
 (Blackwell)
 Charles R.
 Gerald I.

EXHIBIT 'A'

4
 DEPARTMENT OF
 TAXATION MA
 STATE OF
 TAX
 FOURTH TAX

All of that certain parcel of land (being a portion of Grant 10556) being Lot 167-D-1-E, being a portion of Lot 167-D-2, Kapaa Homesteads, 2nd Series, situated on the Southerly side of Olohena Road at Kapaa Homesteads, 2nd Series, Waipouli and North Olohena, Island and County of Kauai, State of Hawaii and more particularly described as follows:

Beginning at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Lot 167-D-1-C and on the Southerly side of Lot 167-D-1-D, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 5281.31 feet North and 5592.86 feet West and running by azimuths measured clockwise from true South:

1. 12° 01' 291.91 feet along the remainder of Lot 167-D-2 along Lot 167-D-1-C, Kapaa Homesteads, 2nd Series;
2. 282° 01' 150.01 feet along the remainder of Lot 167-D-2 along Lot 167-D-1-C, Kapaa Homesteads, 2nd Series;
3. 12° 01' 453.66 feet along Lots 167-A-1, 167-A-2, 167-A-3, 167-A-4 and 167-A-5, Kapaa Homesteads, 2nd Series;
4. 102° 01' 176.11 feet along Lot 167-E-1, Kapaa Homesteads, 2nd Series;
5. 188° 12' 40" 454.58 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-A;
6. 192° 01' 286.11 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-A;
7. 276° 10' 56.75 feet along the remainder of Lot 167-D-2, along Lot 167-D-1-D, Kapaa Homesteads, 2nd Series, to the point of beginning and containing an area of 2.366 acres, more or less, as per survey by Wesley M. Thomas, Registered Professional Land Surveyor, State of Hawaii, Certificate No. 1166, State of Hawaii, Revised May 15, 1978.

Being a portion of the land conveyed to SAMSON K. APAO, single, by Partition Deed dated May 25, 1978, recorded on May 31, 1978 in the Bureau of Conveyances of the State of Hawaii in Book 12923 Page 461

EXHIBIT 'B'

DOCUMENT CAPTURED AS RECEIVED

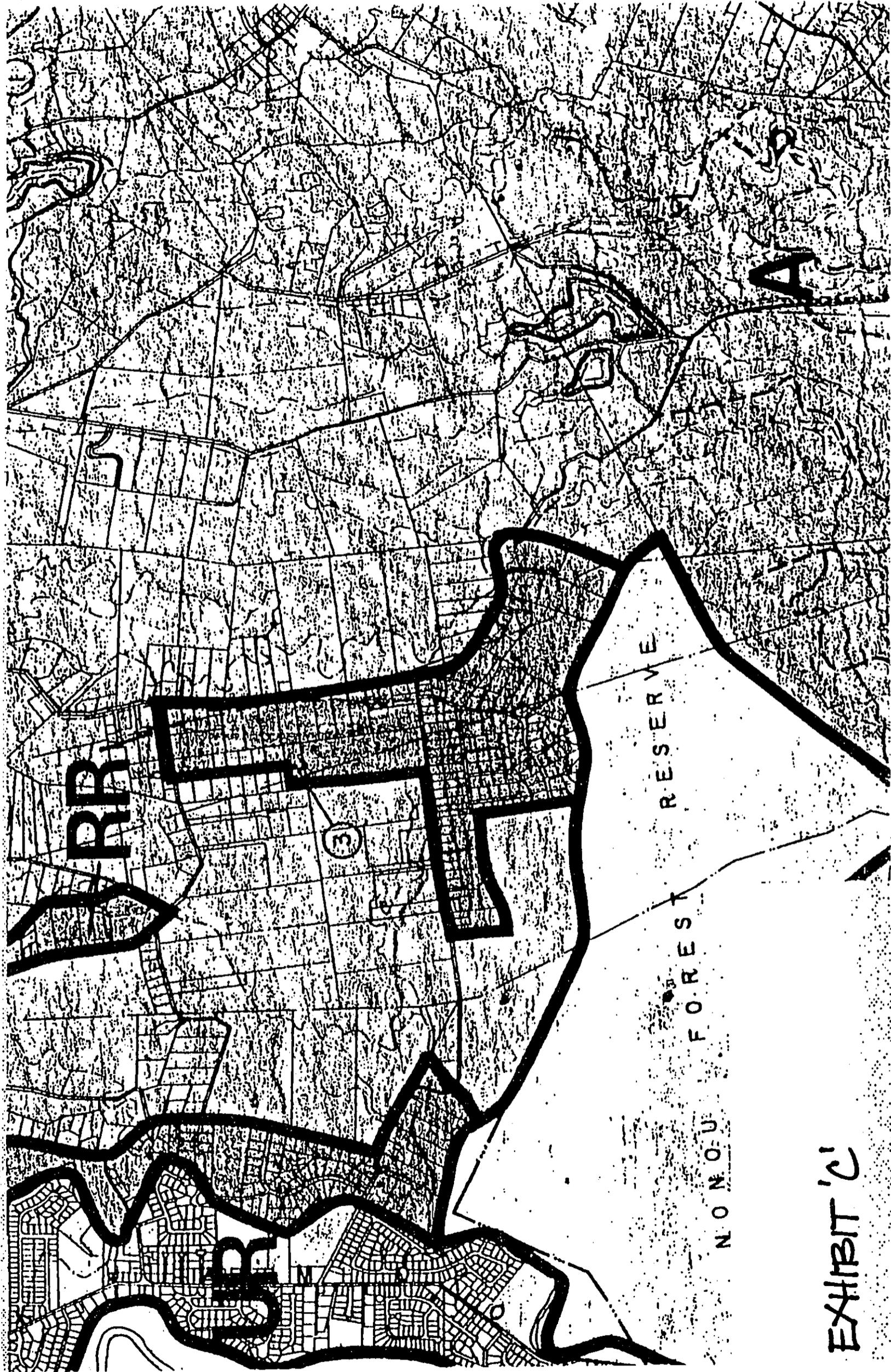


EXHIBIT 'C'

DOCUMENT CAPTURED AS RECEIVED

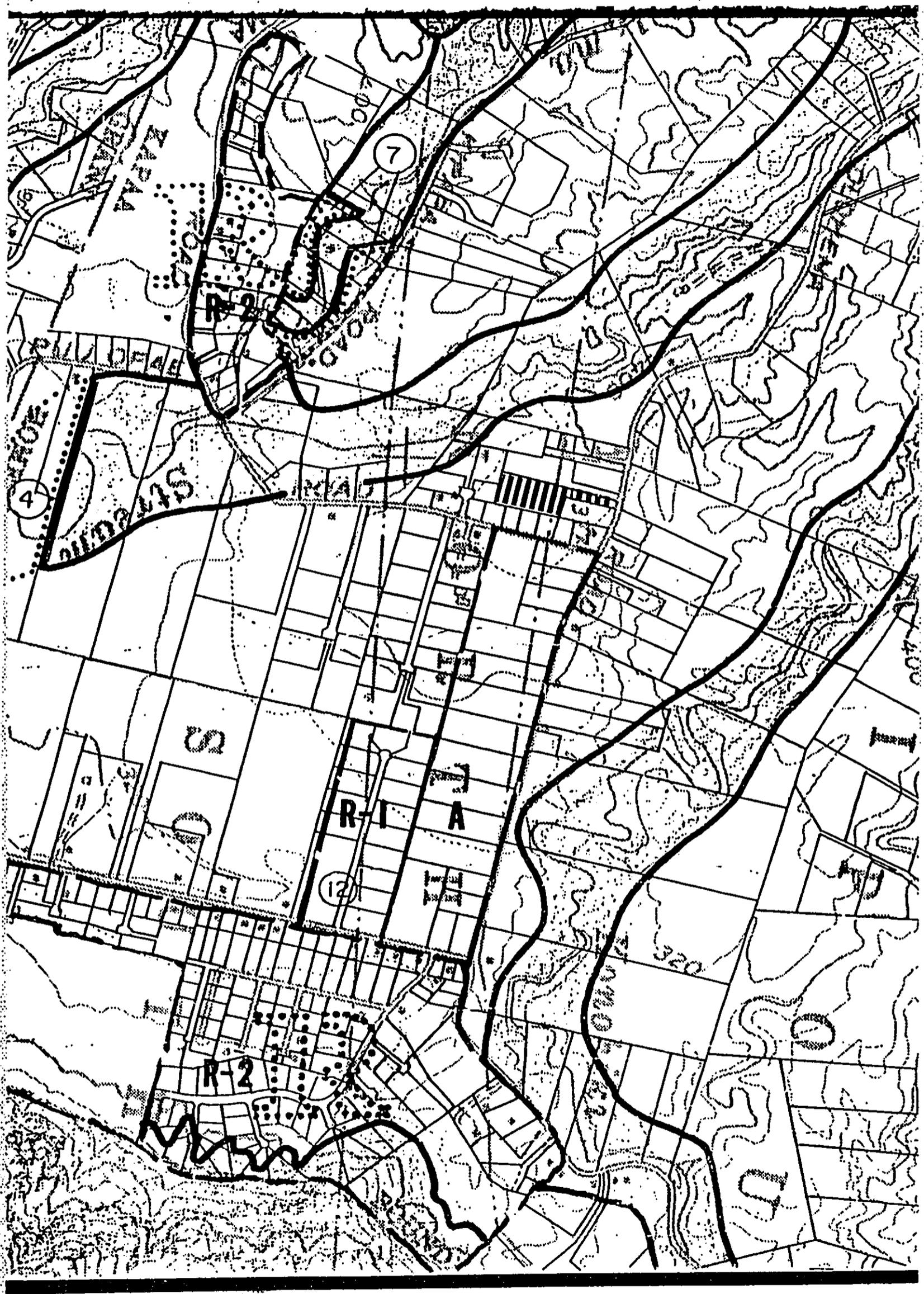


EXHIBIT 'D'