

January 11, 1971

Mr. Iwao Jyo
Jyo Realty
P. O. Box 244
Kealahou, Kona, Hawaii 96750

Dear Mr. Jyo:

The petition by Masaji Sakamoto, Yukio Yamamoto and Iwao Jyo (A70-245) to amend the land use district boundaries from an Agricultural District into an Urban District at Kalamakumu, South Kona, Hawaii, identifiable by Tax Map Key 8-2-09: 11, was approved by the Land Use Commission at its meeting on January 8, 1971.

For your information, we are enclosing herewith a copy of Section 2.33, "Performance Time" of the Rules and Regulations of the Commission.

Very truly yours,

RAMON DURAN
Executive Officer

Encls.: Staff Memo
Section 2.33

cc: Hawaii Planning Dept.
Dept. of Taxation, Hawaii
Board of Water Supply, Hawaii
Tax Maps Recorder, Dept. of Taxation
Planning Office, DLNR
Facilities & Auxiliary Services Branch, DOE
Board of Land & Natural Resources
Department of Transportation
Planning Division, DPED
Division of Public Works, DAGS
Property Technical Office, Dept. of Taxation
Land Use Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

January 8, 1971
1 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A70-245 - MASAJI SAKAMOTO, YUKIO YAMAMOTO & IWAO JYO

This petition to rezone 3.87 acres of land at Kalamakumu, South Kona, Hawaii, from an Agricultural to an Urban designation was publicly heard on April 17, 1970. The petitioners desire to develop the property, which was purchased in October, 1969, into a residential subdivision of 10,000 square foot lots to be sold, house and lot, for \$22,000 to \$25,000.

Action on this matter was deferred at the meeting of June 12, 1970, pending clarification of the Kona water situation. It was noted at the hearing that the Hawaii County Planning Commission also voted to defer this petition until the Kona water situation improves. We have since received a letter from the Hawaii County Water Department dated September 8, 1970, stating, in reference to this petition, that:

"Water is available from our 8-inch main along Mamalahoa Highway."

We have also since received the minutes of the Hawaii County Planning Commission meeting of September 10, 1970,

indicating that that agency voted unanimously to recommend approval of this petition based on the following findings:

- "1. The subject property is in close proximity to the existing Captain Cook Village Urban Center;
- "2. The subject property is contiguous to existing Urban designated areas to the north and mauka (across the highway);
- "3. The area is general planned for Medium Density Urban Development;
- "4. The housing development proposed by the applicants is to help alleviate the housing shortage experienced throughout the area. The anticipated population increase in the Kona area (from 10,000 to 16,000 in 1971) would require an annual out put of 450 to 500 housing units. The existing building trade in Hawaii can possibly turn out 200 to 300 in Kona;
- "5. The overall productivity rating of the area is 'fair,' and the amendment to an Urban designation would not be removing highly productive lands from the Agricultural District;
- "6. All essential utilities are available to this subject area."

In response to the staff's request for a development timetable, a letter dated April 18, 1970, has been received indicating that the petitioners have decided to "commence development of the 3.87 acres immediately upon approval received from the Land Use Commission and County of Hawaii, Planning Commission".

Mr. Jyo has additionally submitted that:

1. The Keopuka Mauka subdivision was developed by Mr. Jyo in 1959, and, at that time the lots were sold at 25 cents per square foot.
2. Mr. Jyo also developed the Ooma Heights subdivision last year and sold the lots at 50 cents per square foot.
3. Instead of developing the subject property into 14 lots of 10,000 square feet as previously represented, the petitioner now proposes to increase the number of lots to 16 lots of 7,800 square feet in order to be able to sell the house and lot package for between \$22,000 to \$25,000.

Evaluation of all the evidence submitted at the public hearing and since finds that:

1. The petitioners, all of who are directly engaged in the housing and building industry, have given

reasonable assurance that a house and lot package ranging in price from \$22,000 to \$25,000 will be developed immediately as proposed. It is felt that within reasonable limits, government should encourage the development of housing for those who are priced out of the current market situation.

2. The Water Department was advised that water is available for the development. It was noted previously that all the other basic utilities except sewers are also available.
3. The recently completed Hawaii County Housing Study has projected that a total of 155 additional residential units will be required to accommodate incoming population and replacement of old units by 1975. The proposed development will aid to alleviate the need.

The staff, therefore, has reconsidered its original recommendation for denial of this petition; and, based on the above findings, it concurs with the Hawaii County Planning Commission in recommending approval of this petition.

2.33 Performance Time.

Petitioners requesting amendments to District Boundaries shall make substantial progress in the development of the area rezoned to the new use approved within a period specified by the Commission not to exceed five (5) years from the date of approval of the boundary change. The Commission may act to reclassify the land to an appropriate District classification upon failure to perform within the specified period according to representations made to the Commission; provided that the Commission, in seeking such a boundary reclassification, complies with the requirements of Section 205-4, Hawaii Revised Statutes.

2.34 Notice and Hearing.

After 60 days but within 120 days of the original receipt of a petition, the Commission shall advertise that a public hearing will be held in the County in which the land is situated. Notice of the time and place of such hearing shall be published in the same manner as notices required for public hearings by the Planning Commission of the appropriate County.

2.35 Decision.

Within a period of not more than 90 days and not less than 45 days after such hearing, the Commission shall act upon the petition for change. The Commission may approve the change with six affirmative votes.

2.36 Amendments to Regulations.

By the same methods set forth in Rule 2.30, a petition may be submitted to change, or the Commission may initiate a change in, these Regulations. No such change shall be made unless a hearing is held in each of the Counties. Within not less than 45 and not more than 90 days after the last of such hearings, the Commission shall act to approve or deny the requested change. Such petition for a change shall be based upon proof submitted that conditions exist that were not present when the Regulations were adopted or that the Regulations do not serve the purposes of the Land Use Law.