

RECEIVED:
COUNTY PLANNING
Date: JAN 15 '71
File No.: LUC-159

January 11, 1971

Mr. Hiroshi Matsuyama
R.R. 1, Box 321
Holualoa, Kona, Hawaii

Dear Mr. Matsuyama:

The petition by Hiroshi Matsuyama (A70-255) to amend the land use district boundaries from an Agricultural District into an Urban District at Holualoa, North Kona, Hawaii was partially approved by the Land Use Commission at its meeting on January 8, 1971, to include approximately 3.7 acres north of the drainage canal (see map), identifiable by Tax Map Key 7-6-03: parcel 26.

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
Map

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

Virginia M. Gouveia &
Richard M. Gouveia - L/I
1.09 Acs.

L.C. Aw. 7947:1
(Richard M. Gouveia, Jr.) - Rdm.

Marion K. Aiu
(Hiroshi Matsuyama & wife Yoshino-TIE) A/S
7.77 Acs.
(1.8 Acs.)

L.C. Aw. 779A

(5.04 Acs.)

(0.93 Acs.)

Sadame T. Nozaki
0.94 Acs.

25

Clarence Y. Nozaki & wife
Sadame T.-T/E

0.92 Acs.

24

Kiyoshi Oka, Haruo Oka,
Kenneth T. Oka & Clara H. Oka
0.48 Acs.
1500 3/10 Miyoshi

23

Rose L. Schroeder
2.3 Acs.

22

John M. Gouveia, Jr.
3660 1.976 Acs

PLAT

PLAT
Kenneth M. Kroll
1.271 Acs

(MAMALNODA HIGHWAY)

Edm.
To Honekaiou

TRUE NORTH
1" = 100'

"MAHIPALI"

Edm.

L.C.
R.I

01 02

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02

02

02

02

STATE OF HAWAII
LAND USE COMMISSION

January 8, 1971
1 p.m.

MEMORANDUM

TO: Land Use Commission
FROM: Staff
SUBJECT: A70-255 - HIROSHI MATSUYAMA

A public hearing was conducted on September 11, 1970, on this request by Mr. Matsuyama to reclassify 7.8 acres of land at Holualoa, North Kona, Hawaii, from Agricultural to Urban in order to build "low-cost apartment units".

It was reported that the Hawaii County Planning Commission recommended approval of the petition based on the urban character of the neighborhood, close proximity to existing urban areas and conformance with the County's General Plan. However, it was also indicated that further rezoning by the County may be withheld pending a study of the water situation and that the favorable recommendation does not mean concurrence with the proposed apartment use. It was noted by the staff that the petitioner did not submit a feasibility study, market information, estimated cost of the proposed units or a proposed construction schedule.

Since there was a question as to the intent of the Hawaii Planning Commission in regard to its statement on the proposed apartment use, the Land Use Commission directed

the staff to write to the County agency for clarification of its views. A reply was received from Mr. Mauricio Valera, Jr., Vice-Chairman of the Hawaii Planning Commission, (circulated to the Land Use Commission on October 20, 1970) stating in part that:

"The Planning Commission will not be considering the matter again. The Commission's reason for evaluating Agricultural to Urban requests will not be based on development proposals because the specific use becomes a legislative matter under the County's jurisdiction once the land is changed to an Urban classification. The Commission will continue to make its recommendations to the Land Use Commission for approval only when the applicant's proposal for the specific use does correspond with the County General Plan or the County zoning and when they agree with the petitioner that the area should be redesignated from an Agricultural to an Urban District."

(circulated to the Commission on October 16)

Also received since the hearing is a letter from attorney Roy Nakamoto, stating that his client, Mr. Matsumoto will probably abandon his development plan if the multiple dwelling complex is not permitted by the County.

If permitted, and depending on when approval is received, he is prepared to begin construction early next year. Since cost figures are not available, the petitioner is unable to furnish rental figures. However, the rental would have to be competitive with similar units in Kona. It was further stated that he does not expect to sell the fee to the property.

In summary, the staff finds that:

1. The petitioner has not substantiated the need for reclassification of the subject property nor justified the need for the proposed apartment rental units.
2. Reclassification of the property would result in spot zoning and aberrate the Holualoa Urban District boundary since the subject parcel is not contiguous with the existing Urban District.
3. Since the petitioner has indicated that the development of this property is contingent on his receiving apartment zoning by the County, and since the County has not indicated its concurrence with such zoning, reclassification of the property at this time is not in the best interest of all concerned.

It is therefore recommended that this petition be disapproved.

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.