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DEC 22 '70

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RECOMMENDATION	<input type="checkbox"/>
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APPROPRIATE ACTION	<input type="checkbox"/>
REVIEW & COMMENT	<input type="checkbox"/>

December 21, 1970

Mr. Richard A. Arakaki  
 Arakaki Electric  
 264 Mokauea Street  
 Honolulu, Hawaii 96819

Dear Mr. Arakaki:

The petition by Richard A. Arakaki & Fritz Rietfors (A70-260) to amend the Land Use District Boundaries from an Agricultural District into an Urban District, at Puaa 1, North Kona, Hawaii, identifiable by Tax Map Key 7-5-09: parcel 57, was approved by the Land Use Commission at its meeting on December 18, 1970, as per the Hawaii County Planning Commission's recommendation.

Prior to taking action on this petition, the enclosed memorandum was presented to the Commission.

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

Enclosures: 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  
 Dept. 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

December 18, 1970  
1 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A70-260 - RICHARD A. ARAKAKI & FRITZ RIETFORS

This request to amend the district designation for approximately 7 acres of land at Puaa 1st, North Kona, Hawaii, from Agricultural to Urban was publicly heard on September 11, 1970. A development of 128 apartment units comprising 23 separate two-story buildings is proposed. The project is intended to accommodate employees of the tourist industry. Rental of a typical two-bedroom, two-bath unit will range between \$200 to \$225 per month.

The Hawaii Planning Commission recommended approval of the petition since the property is adjacent to urban centers, services and areas of anticipated urban growth and would not add to the scatteration of urban developments. However, its recommendation does not mean concurrence with the proposed multi-family use.

In reply to our letter after the hearing requesting a clarification of the last statement, the Hawaii Planning Commission indicated in a letter dated October 12, 1970 (circulated to the Land Use Commission) 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.

It was recommended by the staff at the hearing that in view of the County's statement regarding the proposed multi-family use, the petitioners should indicate any alternatives they may consider if the County does not approve apartment zoning for the property and submit data accordingly. It was further noted that no feasibility or market study or development timetable for the proposed project was submitted.

Since the hearing and to date, none of the above data, which is essential to a proper determination of the requested reclassification, has been submitted.

However, the staff finds that the proposed reclassification has merit for the following reasons:

1. The subject property abuts the Kailua Urban District, is immediately adjacent to a well established hotel, and is in close proximity to existing employment and commercial centers.
2. Public utilities and services are readily available.
3. The land is very poorly suited for overall agricultural use.
4. A recently completed Housing Survey by Hawaii County shows that by 1975, North Kona will require 1,865 additional housing units to accommodate a projected population increase of 6,400 persons and an additional 86 new units to replace those in dilapidated condition. The proposed development will help to ease the situation.

Therefore, pending receipt and favorable evaluation of the additional evidence by the Land Use Commission, the staff tentatively recommends approval of this petition.

If additional evidence in support of the proposal to provide reasonably priced employee rental units and an acceptable construction schedule is not received by the

action meeting of the Land Use Commission, this petition should be denied. There are already over 1,600 acres of vacant Urban-zoned land within a 5-mile radius of the subject property and no more should be added unless assurances beyond a doubt are presented by the petitioners that construction will be initiated within the foreseeable future on an approved project.

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.