

RECEIVED:

COUNTY PLANNING

JUL 7 '71

Date:

File No.:

262-173

XXXX XXXXXX
XXXXXXXXXXXXXXXX

July 2, 1971

Tatsuo Fujimoto
XXXXXXXXXXXXXXXX

Mr. Sunso Kido, Chairman & Member
Board of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Kido:

The petition by the Board of Land and Natural Resources (A71-271) to amend the Land Use District Boundaries from an Agricultural District into an Urban District at Kealakehe, North Kona, Hawaii, identifiable by Tax Map Key 7-4-08: portion of 3,? (17) was approved by the Land Use Commission at its meeting on July 1, 1971.

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,

TATSUO FUJIMOTO
Executive Officer

Enclosures: Map, etc.

cc: Hawaii Planning Dept.
Tax Maps Recorder, Dept. of Tax.
Planning Office, DLNR
Facilities & Auxiliary Svcs. Br., DOE
Dept. of Transportation
Planning Division, DPED
Board of Water Supply, Hawaii
Planning Division, DAGS
Hawaii Tax Administrator
Property Technical Services, DEPT. of Tax.
Land Use Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

July 1, 1971
10 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A71-271 - DEPT. OF LAND & NATURAL RESOURCES
(Kealakehe, Hawaii)

A public hearing was held on April 17, 1971, on this request by the Department of Land & Natural Resources to rezone approximately 160 acres of land at Kealakehe, North Kona, Hawaii, from an Agricultural to an Urban District in order to develop low-cost houselots and/or homes for sale or lease to moderate-income families as part of the Governor's housing program.

The preliminary development plan encompassing 160 acres which was initially submitted by the petitioner has been refined to show a total of approximately 138 acres and a slightly modified configuration along its east boundary. (See Exhibit A). In addition, the revised plan shows approximately 11.5 acres added to the 20 acres within the Urban District proposed to be developed for hotel workers' housing by the ILWU. Approximately 40 acres will be turned over to the Hawaiian Home Commission as part of a land exchange to allow initiation of their housing programs, and the remaining 86 acres will be developed by the State.

Development of the State's portion will take place in increments of 50 lots. The petitioner has indicated that funds are available for the initial increment and that additional support would be made available under the Housing Act 105 relating to the State Housing Program.

In evaluating this request, it is particularly important to note that the private sector has to date been unable to cope with the acute shortage of housing for moderate-income families. The staff believes that the present request is a major effort on the part of the State to meet this need in the Kona area. Moreover, the staff finds that:

1. The reclassification would not be contrary to the objectives of the Land Use Law regarding scattered urban developments.
2. Public utilities and facilities are available or conveniently located.
3. The land is unsuited for the uses permitted within the district.
4. The property is suited for the proposed use.
5. It will make the highest and best use of the land involved for the public welfare.

Therefore, the staff recommends that the district designation of the 138 acres be amended from Agricultural to Urban.

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.