



STATE OF HAWAII

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
LAND USE COMMISSION

P. O. BOX 2359 • HONOLULU, HAWAII 96804

July 6, 1971

JOHN A. BURNS
Governor

SHELLEY M. MARK
Director Department
of Planning and Economic
Development

RECEIVED

COUNTY PLANNING

Date: JUL 7 '71

File No. LUC 189

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Mr. Mauricio Valera, Jr.
Vice Chairman
Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Valera:

At its meeting on July 1, 1971 in Kailua, Kona, the Land Use Commission acted to consolidate petitions by Malani E. & Bernard Chun (A69-234), Iwao Jyo (A70-263), and the County of Hawaii (A71-278).

Subsequently, the above petitions 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 7-4-04: 42, and 11 through 20; and 7-4-09: 1, 26, 63, 71 and 72, were approved by the Land Use Commission.

Prior to taking action on these petitions, 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
TATSUO FUJIMOTO
Executive Officer

Encl.

- cc: All landowners involved
- 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: A69-234 - MALANI E. & BERNARD CHUN
A70-263 - IWAO JYO
A71-278 - COUNTY OF HAWAII

Subject to the Land Use Commission's concurrence, the staff recommends that action on petitions A69-234, A70-263, and A71-278 be consolidated as provided for under Section 1.16, Consolidations of the Land Use Commission's Rules and Regulations. It is noted that petition A71-278 by the County of Hawaii includes the lands requested for urbanization under petitions A69-234 and A70-263.

Petition A69-234, submitted by Malani E. and Bernard H. Chun, and petition A70-263, submitted by Iwao Jyo, were publicly heard on January 30, 1970, and October 13, 1970, respectively. Both applicants have requested their lands located at Kealakehe, North Kona, Hawaii, be reclassified from an Agricultural to an Urban designation for housing development.

On January 28, 1971, the Hawaii County Planning Commission submitted a petition which was publicly heard by the Land Use Commission on April 17, 1971, to reclassify 63.5 acres in this area from an Agricultural to an Urban designation based on a survey conducted by the Hawaii County

Planning Department. The County's petition includes the Chun and Jyo properties. The survey of the area included 16 parcels. Minutes of the Hawaii County Planning Commission's meeting of January 21, 1971, indicate that the results of the County's survey revealed that 15 of the 16 property owners are in favor of the change from an Agricultural to an Urban classification. There was no reply from the owner of parcel 72 TMK 7-4-09, which comprises 6.86 acres. The owner resides in Washington and was notified of the proposed change.

As requested by the Land Use Commission during the April 17 public hearing, the Hawaii County Planning Department asked all property owners affected by the subject petition about future development plans for their respective lots. We have received replies from 12 of the 16 property owners. The results of this survey revealed that all of the owners are intending to subdivide their lots and develop apartment units and homes, either for themselves or for sale.

(See Attachment "A".)

It is apparent that the County of Hawaii's petition is directed at consolidating pending and possible future boundary change requests from the Kealakehe Homesteads area, thus avoiding piece-meal consideration of separate petitions.

The County's petition, including the Chun and Jyo petitions, are also contiguous to the Kealakehe Urban District. Basic utilities, including County waterline along Palani Road, are available to the subject site.

Based on the following findings, the staff recommends that these petitions be approved:

1. The County of Hawaii's petition is contiguous to the Kealakehe Urban District.
2. Basic utilities, including an 8-inch County waterline, are available along Palani Road.
3. The survey conducted by the Hawaii County Planning Department resulted in no opposition to the County's request for Urban classification.
4. They are conveniently located in relation to Kealakehe Elementary School and employment and commercial centers.
5. Under the General Plan Review, urban usage is being considered for this area.

ATTACHMENT "A"

RESULTS OF SURVEY

<u>TMK</u>	<u>Owner</u>	<u>Intent</u>
7-4-04: 19	Malani E. & Bernard Chun	6 homesites (housing development)
20	" " " " "	garden apartments
42	James Pahee Helen P. Leong	build 2 or 3 bedroom homes homesites (housing develop.)
16	Malani E. & Bernard Chun	homesites (housing develop.)
18	" " " " "	apartments
13	" " " " "	homesites (housing develop.)
11	John Kaelemekule	homesites (housing develop.)
15	Josephine Freitas	subdivide & housing develop.
16	" "	" " " "
17	" "	" " " "
7-4-09: 26	Juanita Rutherford	subdivide & sell homesite for self
63	August Deguair	homesites for family
71	Iwao & Sumiko Jyo	subdivide & build homes sell as package (9 lots)

No reply from property owners of TMK 7-4-04: 12 & 14 and
TMK 7-4-09: 1 & 72.

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.