

RECEIVED
COUNTY PLANNING
JUL 7 '71
Date: _____
File No.: 442-173

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July 2, 1971

Tatsuo Fujimoto
XXXXXXXXXXXXXXXXXX

Mr. Sumio Nakashima
Attorney at Law
P. O. Box 133
Kealahou, Kona, Hawaii 96750

Dear Mr. Nakashima:

The petition by Chiaki Kato (A71-280) to amend the Land Use District Boundaries from an Agricultural District into an Urban District at Keopuka, South Kona, Hawaii, identifiable by Tax Map Key 8-1-07: 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

- cc: ✓ Mr. Chiaki Kato
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 Land & Nat. Resources
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: A71-280 - CHIAKI KATO

A public hearing on Mr. Kato's petition to reclassify 4.3 acres of land from an Agricultural to an Urban designation was held on April 17, 1971, at Kailua, Kona, Hawaii. The subject property is presently used for truck farming and is situated at Keopuka, South Kona, Hawaii. The petitioner proposes to build two homes on the subject parcel--one for his brother and the other for himself. There is a dwelling presently on the subject property that is occupied by the petitioner's parents.

Since the public hearing the State Department of Transportation in a letter dated April 19, 1971, has stated that the subject parcel may be affected by future highway realignment projects. However, no plans are presently available to determine the degree of impact of these projects on the land in question.

Water and electrical utilities are readily available to the subject property along Mamalahoa Highway. The subject property also has direct access to the main highway. Public facilities and services such as Konawaena School, Kona Hospital,

and the Kona Civic Center are conveniently located in relation to this property.

The Hawaii County Planning Commission has recommended approval of this request based on its contiguity to the existing Urban District, conformance to the intent of the County's General Plan which recommends the area for industrial urban use and to the General Plan review which is considering this area for urban use.

The subject request also conforms to the provision in the State Land Use District Regulations stating that the "lands contiguous with existing urban areas shall be given more consideration than noncontiguous lands . . ." Further, it would not be contrary to the intents of the Land Use Law regarding the prevention of the scatteration of urban developments.

The staff therefore recommends approval of this request based on the following:

1. The basic utilities and public facilities and services are readily available.
2. It is contiguous to the existing Urban District.
3. It conforms to the Hawaii County General Plan.

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.