

Luc-181

September 3, 1971

Mr. Hugh H. Willocks
P. O. Box 275
Hilo, Hawaii 96720

Dear Mr. Willocks:

The petition by Hugh H. Willocks, et al (A71-290) to amend the land use district boundaries from a Conservation District into an Agricultural District at Panaewa Heights Subdivision, South Hilo, Hawaii, identifiable by Tax Map Key 2-4-18: parcels 1 through 14 and 16 through 20, was approved by the Land Use Commission at its meeting on September 2, 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 2

- cc: ✓ Hawaii Planning Dept.
- Tax Maps Recorder, Dept. of Taxation
- Planning Office, DLNR
- Facilities & Auxiliary Svcs. Branch, DOE
- Chairman of the Board, DLNR
- Department of Transportation
- Planning Division, DRED
- Hawaii District Office, Dept. of Taxation
- Hawaii Board of Water Supply
- State Forester, DLNR
- State Forestry Division, Hawaii
- Division of Public Works, DAGS
- Property Technical Services, Dept. of Taxation
- Land Use Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

September 2, 1971
1:30 p.m.

TO: Land Use Commission
FROM: Staff
SUBJECT: A71-290 - HUGH H. WILLOCKS, ET AL

A public hearing on Mr. Hugh H. Willocks' petition to reclassify approximately 8.6 acres of land from a Conservation to an Agricultural designation at Panaewa Heights Subdivision, South Hilo, Hawaii, was held on June 30, 1971.

It was noted at the hearing that the subject property is encompassed by State-owned Conservation classified lands and was included in the Conservation District during the 1969 boundary review. Prior to the review, the area was in the Agricultural District and the only subdivision in the area. It was also reported at the hearing that the Hawaii County Planning Commission decided to recommend approval of this petition based on the proposed boundary amendment's conformance to the County General Plan and the relationship of the present land use to agriculture.

An Agricultural classification of the subject property would be reasonable and appropriate, in that:

1. A major portion of the subject area is being utilized for macadamia nut production and has been since 1950.

2. The intended use of the land is the continuance of agricultural activity.
3. The applicant's boundary amendment request conforms to the County General Plan designation of agriculture.
4. No conservation values are evident on the property in question which would justify the retention of its present designation.

The staff therefore recommends that this petition be approved and the subject area be placed within the Agricultural District.

The staff further recommends that lands surrounding the subject area be reevaluated during the next five-year boundary review for possible adjustment of abutting lands to Agricultural classification.

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.