

LUC-18.0

September 3, 1971

Mr. Barney B. Menor
Room 516, 116 South King Street
Honolulu, Hawaii 96813

Dear Mr. Menor:

292

Your petition (A71-290) to amend the land use district boundaries from an Agricultural District into a Rural District at Kaniahiku, Puna, Hawaii, Tax Map Key 1-5-115; parcel 14, was approved by the Land Use Commission at its meeting on September 2, 1971.

Prior to taking action on your 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, DPED
- Hawaii District Office, Dept. of Taxation
- Hawaii Board of Water Supply
- 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: A71-292 - BARNEY B. MENOR

A petition to reclassify 17.55 acres of land from an Agricultural to a Rural District at Kaniahiku, Puna, Hawaii was publicly heard on June 30, 1971. It was noted at the hearing that the applicant intends to subdivide subject property into half-acre residential houselots and sell the lots for about 25 to 28 cents a square foot. It was also reported at the public hearing that the Hawaii County Planning Commission recommended approval of this boundary amendment request based on the following findings:

1. The proposed change conforms to the County General Plan.
2. The basic services such as water, utilities and school are conveniently located.

Since the public hearing, no further testimony for or against this petition has been received.

Upon evaluation of this request and a field investigation of the subject property, the staff finds that:

1. There are no Rural classified lands in the Pahoia area. This finding is significant in that during the 1969 five-year boundary review, Eckbo, Dean, Austin and Williams, consultants to the Land Use Commission, recommended discouraging further reclassifying of lands into the Rural District and have proposed the gradual phasing out of this classification. Granting of a Rural classification in this area may also encourage and set a precedence for more Rural classification requests.
2. Although the first increment of the petitioner's subdivision (Tangerine Acres Unit I) of 40 lots was sold out, only 12 lots contain single family residences. This represents about 30% of the total lots sold. In other words, only 30% of the 40 lots sold were developed in the last 9 years. The rate and extent of actual development of these lots do not indicate the need for more houselots.
3. The population of the Pahoia area has declined from 1,046 persons in 1960 to 924 in 1970, thus stabilizing, if not reducing, pressures for more residential land.
4. Although the Land Study Bureau's soil productivity rating for this area is "poor", verdant citrus,

papaya and anthurium plants are prevalent in the surrounding areas indicating the potential of the subject property for agricultural productivity.

5. As reported at the public hearing, several subdivisions are located in the Puna area. Some of the significant subdivisions include:

a. The Hawaiian Beaches and Hawaiian Shores

Subdivisions, located approximately 4 miles north of the Pahoia Urban District, which include over 3,500 lots.

b. The Leilani Estates, located approximately 4 miles south of Pahoia and includes over 2,000 lots.

c. The Nanawale Estates Subdivision, located near the Pahoia Urban District, contains approximately 2,000 lots.

d. The proposed Alohilani Meadows located just east of the Nanawale Estates proposes 846 one-acre and 197 three-acre houselot subdivisions.

It is the staff's opinion that sufficient lands in suitable locations have been provided for in surrounding areas to meet Pahoia's residential houselot needs at the present time.

Based on the above findings, the staff recommends that this request be denied and the classification of the subject property remain in Agriculture.

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.