

LUC-194

RECEIVED

72 JAN 13 PM 3 08

January 10, 1972

Mr. Harumi Nakano  
R R 1, Box 234  
Holualoa, Kona, Hawaii 96725

Dear Mr. Nakano:

Your petition (A71-305) to amend the land use district boundaries from an Agricultural District into a Rural District at Keauhou 1st, North Kona, Hawaii, identifiable by Tax Map Key 7-8-07: parcel 33, was approved by the Land Use Commission at its meeting on January 7, 1972.

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 Department
- Tax Maps Recorder, Dept. of Tax.
- Property Tech. Services, Dept. of Tax.
- Hawaii District Office, Dept. of Tax.
- Planning Office, DLNR
- Chairman of the Board, DLNR
- Dept. of Transportation
- Facilities & Aux. Svcs. Branch, Dept. of Education
- Planning Division, DPED
- Division of Public Works, DAGS
- Hawaii Board of Water Supply
- Land Use Commission

PLANNING DEPT.  
COUNTY OF HAWAII

ROUTE SLIP - DATE

DIRECTOR

DEPUTY DIRECTOR

PLANNING DIVISION

LONG RANGE DIVISION

SHORT RANGE DIVISION

DRAFTING SECTION

GENERAL ADMINISTRATION

SECRETARY TO COMMISSION

REVIEW & COMMENT

FILE

SEE ME

CHIEF CLERK

DRAFT

REMARKS

*[Handwritten initials and signatures]*

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

January 7, 1971  
10 a.m.

TO: Land Use Commission  
FROM: Staff  
SUBJECT: A71-305 - HARUMI & ASAYO NAKANO

A public hearing was held on November 5, 1971, on this petition by Mr. and Mrs. Nakano to reclassify 1.4 acres at Keauhou, North Kona, Hawaii, from an Agricultural to a Rural classification. The reclassification would allow the petitioners to construct another single-family dwelling on the property which presently contains a dwelling occupied by their daughter's family. Petitioners' current residence is located on Bishop Estate property on which the lease is about to expire.

A recommendation for approval of the petition was received from the Hawaii County Planning Commission. The Land Use Commission staff also recommends favorable action by the Commission based on the following findings:

1. The subject parcel originally comprised 2.47 acres of land which would have allowed the additional dwelling without a boundary change since the current County zoning is Ag 1 acre. However, in December, 1964, approximately 1 acre was acquired by the State for construction of the new Kuakini Highway,

thus necessitating the Rural classification in order that the petitioners may meet the density requirements.

2. The property in question abuts the Keauhou Rural District along 50 percent of its perimeter and is bounded on two sides by major roadways-- Kuakini Highway to the west and Mamalahoa Highway to the east. It is noted that the existing Rural District is substantially developed with residences and that the proposed expansion is relatively minor.
3. The proposed use would not contribute to scattered urban development nor would it adversely affect surrounding property. Further, the land is suited for the proposed use topographically and from the standpoint of availability of utilities.

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.