

April 11, 1972

Mr. William G. Among, Director
 Dept. of Hawaiian Home Lands
 P. O. Box 1879
 Honolulu, Hawaii 96805

Dear Mr. Among:

With reference to our notification to you dated March 20, 1972 regarding the approval of a boundary change identifiable by Tax Map Key 2-2-47: portions of 1, 7, 8, 9, 13 and 31, at Panaewa Tract, Waiakea, South Hilo, Hawaii, please be advised that the correct Tax Map Key designations are:

Tax Map Key 2-2-47: Portions of 1, 7, 8, 9 and 31

If there are any questions regarding the above, please contact this office.

Very truly yours,

TATSUO FUJIMOTO
 Executive Officer

cc: Mr. Thomas K. Mahaulu
 ✓ Hawaii Planning Department
 Hawaii Dept. of Water Supply
 Hawaii District Office, Dept. of Taxation
 Property Tech. Serv., Dept. of Taxation
 Tax Maps Branch, Dept. of Taxation
 Chairman of the Board, DLNR
 Planning Office, DLNR
 Dept. of Transportation
 Facilities & Aux. Svcs. Br., DOE
 Planning Branch, DASS
 Planning Division, DPED
 Land Use Commission

March 20, 1972

Mr. William G. Among, Director
 Dept. of Hawaiian Home Lands
 P. O. Box 1879
 Honolulu, Hawaii 96805

Dear Mr. Among:

The petition by the Department of Hawaiian Home Lands (A71-306) to amend the land use district boundaries from an Agricultural into the Urban District at Panaewa Tract, Waiakea, South Molo, Hawaii, identifiable by Tax Map Key 2-2-47: portions of 1, 7, 8, 9, 13, and 31, was approved by the Land Use Commission at its meeting on March 17, 1972.

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 - 3

cc: Mr. Thomas K. Mahaulu
 ✓ Hawaii Planning Department
 Hawaii Dept. of Water Supply
 Hawaii District Office, Dept. of Taxation
 Property Tech. Serv., Dept. of Taxation
 Tax Maps Branch, Dept. of Taxation
 Chairman of the Board, DLNR
 Planning Office, DLNR
 Dept. of Transportation
 Facilities and Aux. Svcs. Br., DOE
 Planning Branch, DAGS
 Planning Division, DPED
 Land Use Commission

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

March 17, 1972
10:30 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A71-306 - DEPARTMENT OF HAWAIIAN HOME LANDS
(Waiakea, Hawaii)

A public hearing was held on the Department of Hawaiian Home Lands' request to reclassify 50 acres of land from an Agricultural to an Urban District at Panaewa Tract, Waiakea, South Hilo, Hawaii, on January 7, 1972. The property is identified as Tax Map Key 2-2-47: portions of 1, 7, 8, 9, and 13. Approval of this request will allow the petitioner to subdivide the subject property and provide 120 lots to qualified Hawaiians under the Hawaiian Homes program.

At the Land Use Commission public hearing, it was reported that the Hawaii County Planning Commission voted to recommend denial of this reclassification request. However, at its February 25, 1972 meeting, the Planning Commission reconsidered its decision and voted to recommend that this petition be approved on the bases of the following new findings:

- "1. The newly adopted County General Plan designates the subject area for urban uses.
- "2. There are forty-six (46) vacant lots in the adjoining Hawaiian Homes Subdivision not forty (40) as previously stated and these lots will be committed by the end of March by building permits.
- "3. No request for a change of zone for residential use for the Keaukaha area will be forthcoming at the present time according to Hawaiian Homes officials.
- "4. Socio-economic mix, although desirable, is not applicable to the Hawaiian Homes lands since a maximum limitation on income is a guiding criteria in qualifying for these lands. Therefore, to achieve a socio-economic mix is virtually impossible.

"5. There is a definite need for additional lands when considering that there is a waiting list of approximately two hundred (200) people. This does not include the relocation of people in the Keaukaha area to the Panaewa Tract, Waiakea area."

Since the Land Use Commission's public hearing, a petition with 105 signatures requesting that the Land Use Commission approve the Department of Hawaiian Homes Commission's application for a boundary change was received on January 17, 1972. In part, the petition stated that "we have been waiting for many years for the Department (HHL) to develop the lands for suitable residential areas and now that funds have been made available and they can proceed with such a plan, the Department is strangled because the land is zoned agricultural even though it is not used as such".

Staff evaluation of this petition finds that approval of this request will allow the Department of Hawaiian Home Lands to help rehabilitate native Hawaiians through homesteading programs and provide land for residential houselots in accordance with intents of the Hawaiian Homes Commission Act. Providing homes for the Hawaiian people under this program will also alleviate some of the housing needs on the Big Island. Although the program is limited only to persons with at least 50 percent native Hawaiian blood, it does provide much needed homes for some of the low and gap group income families.

Based on field investigations, the staff finds that the land is level and topographically suited for the proposed use. The County planning staff also reports that urbanization of this area will cause no adverse effects on potable and recreational water and will not result in significant loss of flora and fauna.

Future proposed developments in the vicinity of the subject property complement the proposed land use under this petition. Some foreseeable developments in the area include:

1. A new high school to be situated near the present Waiakea Elementary and Intermediate School.
2. Extension of Puainako Road.

3. An 8-acre park to be located near the property in question under this petition.

The adjoining Panaewa Hawaiian Homes Houselots Subdivision can provide adequate access and ready connection of basic utilities to the proposed subdivision site.

Recommendation

Based on the above discussion, the staff recommends approval of this petition.

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.