

PR 24C-211
8/1/72

August 30, 1972

Mr. John W. Anderson
Vice President
C. Brewer & Co., Ltd.
P. O. Box 3470
Honolulu, Hawaii 96801

Dear Mr. Anderson:

The petition by C. Brewer & Co., Ltd. (A72-321) to amend the land use district boundaries from the Conservation District to the Urban District for approximately 1.25 acres located at Punaluu, Ka'u, Hawaii, identifiable by Tax Map Key 9-6-01: 1, was approved by the Land Use Commission at its meeting on August 24, 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

Encls.

cc: Hawaii Planning Dept.
Dept. of Water Supply, Hawaii
Hawaii District Office, Dept. of Tax.
Property Technical Services, Dept. of Tax.
Tax Maps Branch, Dept. of Tax.
Chairman of the Board, DLNR
Planning Office, DLNR
Facilities & Aux. Svcs. Br., DOE
Director, Dept. of Transp.
Planning Branch, DAGS
Planning Division, DPED
State Forester, Div. of Forestry, DLNR
District Forester, Div. of Forestry, DLNR
Land Use Commissioners

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

August 24, 1972
1:30 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A72-321 - C. BREWER & CO., LTD.

A public hearing on C. Brewer & Company, Limited's request to reclassify approximately 1.25 acres of land from the Conservation District to the Urban District at Punaluu, Ka'u, Hawaii, was held on June 2, 1972. The property comprises TMK 9-6-01: 1.

The subject property is a "spot" Conservation designated site within the Ninole-Punaluu Urban District. The petitioner proposes to include the subject area as part of a restaurant complex in C. Brewer's proposed resort-recreational community development at Punaluu.

Staff evaluation of this request finds that:

1. The reclassification of the "spot" Conservation District will provide for a more coordinated and concentrated growth within the existing Urban District.
2. The subject lands are classified as "D" or poor for overall agricultural use and will not remove any lands presently in agricultural production.
3. This request satisfies the requirements of the general plan land use allocation guide map. The subject area has also been designated for urban-related use by the County.
4. The Hawaii County Planning Commission has transmitted a favorable recommendation regarding this request.
5. It was reported at the County hearing that "no record of any significant historical features exist for the property under consideration."
6. The land in question under this petition was not retained in the Conservation District because of the identification of the site as representing a significant physical, cultural, or historical feature. Ownership of the property had a major effect on the retention of this

property in the Conservation District. At the time of the original petition in 1969, C. Brewer & Co., Ltd. had no ownership interest in the subject property and therefore excluded this area in its urban reclassification request. Also, Mr. Matsuhei Okuna, the property owner, at that time did not request a change in State Land Use classification for his property.

Based on the above findings, staff recommends that this petition be approved.

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.