

August 30, 1972

Mr. Herbert T. Matsunaga
383 Aipuni Street
Hilo, Hawaii 96720

Dear Mr. Matsunaga:

The petition by Herbert T. Matsunaga (A72-322) to amend the land use district boundaries from the Agri-cultural District to the Urban District for approximately 40 acres located at Waiakea Homesteads, Waiakea, South Hilo, Hawaii, identifiable by Tax Map Key 2-4-03: 17, 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 Trnsp.
Planning Branch, DAGS
Planning Division, DPED
Land Use Commissioners

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

August 24, 1972
1:30 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A71-322 - HERBERT T. MATSUNAGA

This request by Mr. Herbert T. Matsunaga to rezone 40 acres of land at Waiakea Homesteads, South Hilo, Hawaii, from an Agricultural to an Urban classification was publicly heard on June 2, 1972. A residential subdivision of 15,000 square foot lots is proposed.

At the public hearing, however, the petitioner indicated his desire to reduce the lot sizes to 10,000 square feet subject to the County's approval. This would further reduce the cost for the houselots. He also indicated his intention to install a waterline from the Komohana-Kawailani Streets junction as recommended by the County Department of Water Supply. The enlargement of the drainage culvert at the northeast corner of his property that is now being undertaken by the County would alleviate the flooding problem.

The Commission will recall that during the five year boundary review of 1969, our consultants, Eckbo, Dean, Austin & Williams, recommended the inclusion of 900 acres to the Hilo Urban District to provide for anticipated urban growth. Approximately 195 acres in the Ponahawai-Kukuau area were rezoned as recommended by Eckbo, Dean, Austin & Williams. However, the recommendation to rezone 790 acres at Waiakea Homesteads was not approved by the Commission because of substantial resistance by the agricultural interests in the Waiakea area. In July, 1971, after allowing ample time for those engaged in farming activities to dedicate their land for agricultural use, the Commission again considered this area and rezoned 410 out of the 790 acres considered from Agricultural to Urban to provide for urban expansion and to recognize several existing non-conforming residential subdivisions in the area.

It was noted at the public hearing on this request by Mr. Matsunaga that:

Mr. Katsumi Nii, owner of TMK 2-4-03: 5;
Mr. Yoshitaka Kudo, owner of TMK 2-4-03: 4; and
Mr. Yoshio Tomori, owner of TMK 2-4-03: 18,

the landowners abutting the subject property who protested the redesignation to Urban of the 790 acre area in 1971, have, in this instance, indicated their full support of the proposed reclassification.

A recommendation for approval of the petition has been submitted by the Hawaii County Planning Commission based on the favorable recommendation of the Hawaii County Planning Director.

The petitioner has indicated his intention to comply with County requirements for the provision of water, sewage disposal, and drainage. The Hawaii Department of Public Works has informed that improvement of the Kawaiilani Bridge and flood control measures for the area are in progress.

The subject land is less than 20 percent in slope, is usable and adaptable for the proposed use, and is unsuitable for intensive agricultural use. The proposed designation is in line with the County's general plan and lies within the area recommended for urban designation by our boundary review consultants. Moreover, the property is convenient to employment and commercial centers in the city of Hilo.

Therefore, based on the above considerations, it is recommended that the 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.