

November 9, 1972

Mrs. Agnes P. Smith  
346 Ilimalia Loop  
Kailua, Hawaii 96734

Dear Mrs. Smith:

Your petition (A72-323) to amend the land use district boundaries from the Agricultural District to the Urban District for approximately 1.56 acres located at Kainaliu, North Kona, Hawaii, identifiable by Tax Map Key 7-9-7: portion of parcel 5, was approved by the Land Use Commission at its meeting on November 3, 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 Branch, DPED

Land Use Commissioners

AW.

Irma M. Cook  
w.f. Helen K. - T/E

(2)

Vance R  
Nallac  
0.988 ac

(2.50 ac.)

2

ROAD  
Kila Church  
Corp. 1.241 Acs.

(0.124 ac.)

1753 49  
Yukie Goto  
1.83 acs.

(2) Charles Aina &  
w.f. Alice T. T/E  
0.8732

Ida H.  
Bierstedt

59  
58 60

12.1061 acs

32.928  
or 0.756

1.461 Acs

William  
Hooper  
305.11 \$

YOSHITO TORISOE  
(PHILLIPS PETROLEUM  
COMPANY) sub. 1/2

ROAD EASEMENT

William J. Hooper Jr  
4680 \$

(HARO FUJIMORI) 1/2 (ALIE) - 909  
(UNION OIL CO. of CALIF.) - 909  
William J. Hooper Jr  
9025 \$

KONA

w.f. Masako T/E

3.84 Acs:

00 acs.

46

K.P. Smith - L/I  
of Agnes Smith - RDM

KAINALIU

14.667 Acs. TOWN

N

William J. Paris

19.609 Acs.

8559-B:7

TRUE NORTH  
1" = 200'

40-Ft. Rdwy  
Esm't in  
favor of  
M.A.  
Schaffauer  
(7-9-07-14)

Haruno Fujino

Isamu Oshima

Margaret A. Schattauer

Ichii Nakamoto,  
Minoru Nakamoto,  
Junichi Nakamoto, &  
George Nakamoto - J/T  
over (212 \$)  
Minoru Nakamoto,  
Junichi Nakamoto - T/O  
& George Nakamoto - T/O  
over (9661 \$)

0.45 ac.  
L.C. AW.  
8523-0

21.8439 Acs.  
(20.35 Acs.)

N Hisaharu I  
w.f. Kimiko  
5. - T/E

0.945 ac.

36

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

November 3, 1972  
10:30 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A72-323 - AGNES P. SMITH

A public hearing was held on August 24, 1972, on a request from Mrs. Agnes P. Smith to amend the district boundaries for 1.56 acres of land situated at Kainaliu, North Kona, Hawaii, from an Agricultural to an Urban designation. The Urban designation would permit the petitioner to lease the subject property to the Salvation Army who desires to construct a total of 26 low-cost housing units.

The Hawaii County Planning Commission has recommended approval of this request based on its satisfaction of the requirement of the general plan land use allocation guide map designation of medium density urban development; its encouragement of a concentration of residential uses while minimizing the potential for strip development; its location in an area conveniently located to shopping and other public and private services and within easy and convenient access to employment centers; and its limited agricultural potential, under existing technology.

The subject request also conforms to the provision in the State Land Use District Regulations stating that the "lands contiguous with existing urban areas shall be given more consideration than non-contiguous lands. . . .". Further, it would not be contrary to the intents of the Land Use Law regarding the prevention of the scatteration of urban developments.

Upon evaluation of this petition, the staff finds that the requested change is logical and desirable in that:

1. It is contiguous to the existing Urban District.
2. It conforms to the Hawaii County General Plan.
3. The basic utilities are readily available.
4. Access to shopping, entertainment, and other public and private services exists.

5. It would enable the Salvation Army to proceed with this non-profit project aimed at providing low-cost rental housing for elderly single persons in the community, the majority of whom are expected to be on the State's welfare rolls.

The staff therefore recommends approval of this request.

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.