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PLANNING DEPT.
COUNTY OF HAWAII
OFFICE

The petition by the Department of Land and Natural Resources (A72-331) to amend the land use district boundaries from the Agricultural District to the Urban District for approximately 40 acres, identifiable by Tax Map Key 5-5-03: 25 and 26, at Kahei, North Kohala, Hawaii, was approved by the Land Use Commission at its meeting on November 30, 1972.

For your information, we are enclosing herewith a copy of Section 2.33, Performance Time, of the Rules and Regulations of the Commission.

TATSUO FUJIMOTO
Executive Officer

cc: ✓ Hawaii Planning Comm.
Dept. of Water Supply, Hawaii
Hawaii District Office, Dept. of
Property Technical Services, Dep
Tax Maps Branch, Dept. of Tax.
Planning Branch, DAGS
Planning Office, DLNR
Facilities & Aux. Svcs. Br., DOE
Director, Dept. of Transp.
Planning Division, DPED
Land Use Commission

JIMOTO
 Officer
 ROUTE SLIP - DATE
 DIRECTOR
 DEPUTY
 INT. SECRETARY
 LONG RANGE DIVISION
 PLANNER
 SHORT RANGE DIVISION
 PLANNER
 Tax.
 GENERAL ADMINISTRATION
 REFERRED TO COM-SEC
 REVIEW & COMMENT
 APPROPRIATE ACTION
 INVESTIGATE & REPORT
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STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

November 30, 1972
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A72-331 - Department of Land and Natural Resources
(KOHALA)

A public hearing was held on September 20, 1972, on a request from the Department of Land and Natural Resources to amend the district boundaries for approximately 40 acres of land situated at Kahei, North Kohala, Hawaii, from an Agricultural to an Urban designation. The Urban designation would permit the petitioner to develop the subject property as a residential subdivision. Approximately 37 acres of the subject property will be developed into 86 houselots of 15,000 square feet in size, and the remaining 3-acre portion will be reserved for low income housing development by the HHA. The subject property is designated for "intensive agricultural uses and alternate urban expansion" on the Hawaii County General Plan land use allocation guide map.

Since the public hearing, no additional statements have been received either for or against this petition. However, we did receive a copy of a ^{non-}negative impact statement that was sent to the Office of Environmental Quality Control by the Department of Land and Natural Resources dated July 28, 1972. An approval of non-impact was given on October 4, 1972, by the Office of Environmental Quality Control.

The Hawaii County Planning Commission has recommended approval of this request and further recommended "that the request be approved subject to the condition that within one year from the date of the official boundary amendment, the applicant shall be responsible for submitting a rezoning application before the County."

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 noncontiguous 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. The basic utilities are available.
3. It is within reasonable proximity to urban centers.
4. A non-impact statement has been approved by the Office of Environmental Quality Control.
5. It would enable the State to make available residential lands for the North Kohala area and aid in the relocation of residents living within substandard plantation camps which are being phased out.

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.