

LUC-237

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*Handwritten notes: "6/11", "NU D", "NO", "KN".*

June 5, 1973

Mr. R. E. Devine, Treasurer  
W. H. Shipman, Limited  
P. O. Box 950  
Keaau, Hawaii 96749

Dear Mr. Devine:

The petition by W. H. Shipman, Ltd. (A73-357) to amend the land use district boundary from the Agricultural District to the Urban District for 14,172 square feet of land, identified by Tax Map Key 1-6-03; portion of parcel 27, situated at Keaau, Puna, Hawaii; was approved by the Land Use Commission at its meeting on June 1, 1973.

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

Encl.

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



STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

June 1, 1973  
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A73-357 - W. H. SHIPMAN, LTD.

A public hearing was held on March 30, 1973 on this request by W. H. Shipman, Ltd. to reclassify 14,172 square feet of land at Keaau, Puna, Hawaii from an Agricultural to an Urban designation. The subject property will be added to two adjoining residential lots whose owners wish to acquire the abutting lands.

The Hawaii County Planning Commission has recommended that this petition be approved. No opposing testimonies or comments on this request have been received.

The staff finds that the requested change is reasonable in that:

1. The subject property is contiguous to an existing Urban District and designated for low density and medium urban development by the Hawaii County General Plan.
2. The subject land does not have a high capacity for intensive cultivation, nor any adverse soil or topographic characteristics which would make it unsuitable for the proposed reclassification to the Urban District.
3. The requested reclassification will not remove land presently in agricultural production, nor endanger the continued agricultural use of adjacent sugar cane fields.
4. Since the property abuts residential lots already serviced by the basic utilities, the proposed reclassification will not unduly burden public agencies to provide services and facilities.
5. The reclassification would result in a refinement of the Urban-Agricultural boundary since the existing "pocket" configuration would be eliminated.

The staff 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.