

LUC
241

SEP 10 11 03
HAWAII

September 5, 1973

SEP 11 1973

Mr. and Mrs. Lawrence B. Denis
250 Country Club Drive
Hilo, Hawaii 96720

ROUTE #1 - DATE	
DIRECTOR	
DEPUTY	
INT. SEC. CLERK	
LONG RANGE DIVISION	
PLANNER	
SHORT RANGE	
PLANNER	
DRAFTING SECTION	
DRAFTSMAN	
GENERAL ADMINISTRATION	
SECRETARY	
FILE	
SEE ME	
CIRCULATE	
DRAFT REPLY	
EXHIBIT	

Dear Mr. and Mrs. Denis:

The petition by Lawrence & Agnes Denis (A73-360) to amend the land use district boundary from the Agricultural District to the Urban District for approximately 1.17 acres of land, identified by Tax Map Key 2-5-43; parcel 2 (26,634 square feet) and parcel 3 (24,758 square feet), situated at Kaumana, South Hilo, Hawaii; was approved by the Land Use Commission at its meeting on August 31, 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

TO: Land Use Commission August 31, 1973
10:30 a.m.

FROM: Staff

SUBJECT: A72-360 - LAWRENCE & AGNES DENIS

A public hearing was held on June 1, 1973 on a request by Lawrence and Agnes Denis to reclassify two parcels totaling approximately 1.17 acres of land situated at Kaumana, South Hilo, Hawaii, from an Agricultural District to an Urban District. The lands in questions are owned by the petitioners and described as Tax Map Key 2-5-43: parcel 2 (26,634 sq. feet) and parcel 3 (24,758 sq. feet).

The petitioners propose to create an additional parcel for their son by consolidating and re-subdividing the two existing parcels into three. The petitioners' son plans to build a home on the property for himself and his family.

Since the public hearing, no additional written testimony has been received.

At its March 15, 1973 meeting, the Hawaii County Planning Commission voted to recommend approval of this petition.

Upon evaluation of this request, staff finds that:

1. The subject property contains very little soil material and is classified "E" or very poor for overall agricultural productivity. Further, the property is not presently used for any active agricultural production and its removal from the Agricultural District would not substantially affect the agricultural activity in the area.
2. The property is contiguous to the Kaumana Urban District on all sides except for its southern boundary; thus the proposed reclassification would result in a refinement of the Urban-Agricultural boundary at this location.

3. The request is consistent with the County General Plan which designates the area for alternate urban expansion.
4. The area is usable and adaptable for the proposed use in that basic utilities are available and there are no adverse terrain or drainage problems.

Based on the above, staff recommends that the reclassification request by Lawrence and Agnes Denis 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.