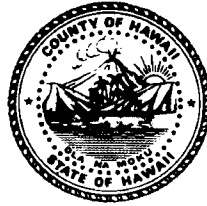


Mitchell D. Roth
Mayor



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**COUNTY OF HAWAI'I
OFFICE OF THE CORPORATION COUNSEL**

101 Aupuni Street, Suite 325 • Hilo, Hawai'i 96720 • Phone (808) 961-8251 • Fax (808) 961-8622

TRANSMITTAL

DATE: February 19, 2021
TO: State Land Use Commission
Attn: Riley Hakoda
P.O. Box 2359
Honolulu, Hawai'i 96804



FROM: Liza Osorio, Legal Technician I to
Diana Mellon-Lacey, Deputy Corporation Counsel

RE: Docket No. A18-806 - In the Matter of the Petition of KEVIN M. BARRY AND MONICA S. BARRY, TRUSTEES OF THE BARRY FAMILY TRUST DATED NOVEMBER 15, 2006, To Amend the Land Use District Boundary of Certain Lands Situated at Kea'au, Puna, County and State of Hawai'i, Consisting of 0.51 Acres from the Conservation District to the Agricultural District, Tax Map Key No. (3) 1-5-059:059

<i>COPIES/ITEMS</i>	<i>DATE</i>	<i>DESCRIPTION</i>
Original +1 copy	02-19-21	RESPONSE OF THE PLANNING DIRECTOR, COUNTY OF HAWAI'I, TO PETITIONER'S AMENDED PEITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT; CERTIFICATE OF SERVICE.

TRANSMITTED FOR:

- | | |
|--|---|
| <input type="checkbox"/> Your information and files | <input type="checkbox"/> Your approval |
| <input type="checkbox"/> Your signature and return | <input type="checkbox"/> Your review and comments |
| <input type="checkbox"/> Your signature and forwarding
as noted below | <input type="checkbox"/> See remarks below |
| <input type="checkbox"/> Per your request | <input checked="" type="checkbox"/> Filing with the LUC |

REMARKS: Enclosed are the original and one copy of the above referenced document. Should you have any questions with regard to the enclosed please do not hesitate to contact our office. Thank you.

ELIZABETH A. STRANCE 4715
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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of

KEVIN M. BARRY AND MONICA S.
BARRY, TRUSTEES OF THE BARRY
FAMILY TRUST DATED NOVEMBER 15,
2006

To Amend the Land Use District Boundary of
Certain Lands Situated at Kea'au, Puna,
County and State of Hawai'i Consisting of
0.51 Acres from the Conservation District to
the Agricultural District, Tax Map Key No.
(3) 1-5-059:059

DOCKET NO. A18-806

RESPONSE OF THE PLANNING
DIRECTOR, COUNTY OF HAWAI'I, TO
PETITIONER'S AMENDED PETITION
FOR LAND USE DISTRICT BOUNDARY
AMENDMENT; CERTIFICATE OF
SERVICE

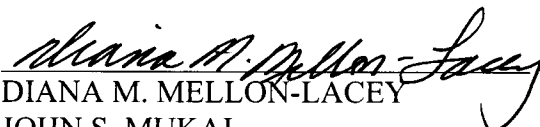
**RESPONSE OF THE PLANNING DIRECTOR, COUNTY OF HAWAI'I, TO
PETITIONER'S AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY
AMENDMENT**

COMES NOW the County of Hawai'i Planning Director, through his Counsel,
DIANA M. MELLON-LACEY, and JOHN S. MUKAI, and hereby submits his response in
support of petitioners' KEVIN M. and MONICA S. BARRY, Trustees of the Barry Family Trust
dated November 15, 2006. By virtue of their amended petition, Petitioners are seeking to modify
the status of their property, requesting that it be returned to the SLU Agricultural District from

which it was originally reclassified in 1969 into the SLU Conservation District. The fact that the property remains in the SLU Conservation District today was due to an inability to locate the property owner back in 1976. The near entirety of the coastal parcels in the Hawaiian Paradise Park subdivision were restored to their previous designation of SLU Agricultural by virtue of the Decision and Order of this Commission in 1977. As Petitioners have noted, the repatriation of petitioner's property back into the SLU Agricultural District will put Petitioners on an even footing with the adjoining property owners, and allow petitioners to utilize their property in a complementary fashion to their neighbors.

The Petitioners have complied with Chapter 343 Hawai'i Revised Statutes and now seek reclassification of their vacant property into the SLU Agricultural District. Petitioners have established standing, and provided details of their proposed project, which is in keeping both with adjacent properties and the subdivision's Community Master Plan. The County of Hawai'i Planning Department concurs with the Petitioners' request in asking that this Honorable Commission reclassify the subject property to SLU Agricultural District.

DATED Hilo, Hawai'i, February 19, 2021


DIANA M. MELLON-LACEY
JOHN S. MUKAI
Attorneys for County of Hawai'i Planning
Department

BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the Matter of the Petition of

KEVIN M. BARRY AND MONICA S.
BARRY, TRUSTEES OF THE BARRY
FAMILY TRUST DATED NOVEMBER 15,
2006

To Amend the Land Use District Boundary of
Certain Lands Situated at Kea'au, Puna, County
and State of Hawai'i, Consisting of 0.51 Acres
from the Conservation District to the
Agricultural District, Tax Map Key No. (3)
1-5-059:059

DOCKET NO. A18-806

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following by mailing the same, postage prepaid, or by hand delivery, on February 19, 2021 to:

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[via U.S. mail, postage prepaid]

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Honolulu, Hawai'i 96804

[via U.S. mail, postage prepaid]

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JOSEPH CLARKSON, CHAIR
Windward Planning Commission
County of Hawai'i
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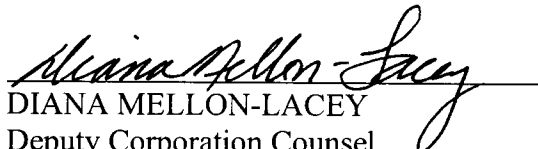
[via U.S. mail, postage prepaid]

ANGELIC MALIA HALL, ESQ.
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[via hand delivery]

Attorney for the County of Hawai'i Windward Planning Commission

Dated: Hilo, Hawai'i, February 19, 2021


DIANA MELLON-LACEY
Deputy Corporation Counsel