

April 29, 1969

Mr. James Krueger
Greenstein & Cowan
Suite 1316 Ala Moana Building
1441 Kapiolani Boulevard
Honolulu, Hawaii 96814

Dear Mr. Krueger:

Subject: Mr. Joseph Brun's Land Reclassification--
Kalaheo, Kauai

This will acknowledge receipt of your letter dated April 28. I recommend that you do nothing until the Land Use Commission reviews all of the requests for boundary amendments and readopts the Kauai district boundaries.

The Commission has tentatively set June 6, 1969, 7 p.m., Wilcox Elementary School Cafetorium, for taking the final action. You may again be given the opportunity to summarize your request before the Commission takes action. If the Commission's final action does not meet with your approval, then you may petition the Commission for rezoning this property in the same manner as the original application.

Very truly yours,

RAMON DURAN
Executive Officer

January 14, 1969

Mr. Joseph S. Brun
P. O. Box 45
Kalaheo, Kauai

Dear Mr. Brun:

This is to acknowledge receipt of your letter dated December 24, 1968, requesting a reconsideration on your petition A68-199.

Please be advised that I referred this matter to the Attorney General's office and received the attached reply. In essence, the attorneys advised the Land Use Commission that they had the power to reconsider the request. The Land Use Commission met on January 10, 1969, in Honolulu at which time Mr. Hyman Greenstein appeared in your behalf. The Land Use Commission, after considerable discussion, defeated a reconsideration motion made by Commissioner Nishimura by a 3-4 vote. Therefore, the action of the Commission on December 20, 1968, not to rezone your property from Agricultural to Urban as requested, remains in effect as the Commission's final action.

Your recourse at this time appears to be:

1. Appeal the decision of the Land Use Commission to the Circuit Court.
2. Refile another rezoning application with the Land Use Commission.
3. Write a letter to the Commission requesting that your property be included in the Urban District when the land use district boundaries for Kauai are reviewed this summer as the Commission will be conducting public hearings throughout the State to re-establish the district boundaries pursuant to the mandatory 5-year boundary review contained in the statute.

I would strongly urge that you follow the latter recommendation in view of the past history of this case. Should you desire additional information, feel free to call upon this office.

Very truly yours,

Encl.
cc: Kauai Plann. Comm.

RAMON DURAN
Executive Officer