STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

March 30, 1973
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A72-350 - YASUJI TAKASAKI, ET AL

This petition to reclassify 10.2 acres of land at Umauma, North Hilo, Hawaii, from an Agricultural to a Rural classification was publicly heard on January 19, 1973. The petitioners intend to subdivide the property and "pass on a lot to each of our children when they need to build their homes and hopefully also to carry on the orchid business."

At its meeting on January 11, 1973, the Hawaii County Planning Commission voted unanimously to recommend approval of this petition on the basis that "the area is rural in character and that any subsequent subdivision would still maintain the rural flavor of the area." However, the minutes of the Hawaii Planning Commission's meeting indicated that this action was contrary to the Hawaii County Planning Director's recommendations for denial of the petition based on the findings that approval of the request would be contrary to the County's policy of protecting its limited agricultural lands, and since the County's policy, as reflected in the General Plan land use allocation guide map, is to encourage urban development in the Ninole and Laupahoehoe areas and not in the subject area.

Since the public hearing, the petitioners have informed the Hawaii Department of Water Supply that they have their own water system consisting of a wellspring, 2 inch line and a 2,000 gallon water tank. Reserve tanks and larger lines will be installed when their children's homes are constructed. In a letter dated February 5, 1973, the Hawaii Department of Water Supply indicated that they have no objections since Mr. Takasaki's water system meets their requirements. However, the Hawaii Fire Department advises that the water system is inadequate for fire protection.

In a letter dated January 15, 1973, the Land Study Bureau advises that:

"These lands comprise the best croplands in the Hamakua coast with an Overall Productivity Rating of C. Soils are deep, nonstony and well drained on gently sloping lands. The entire parcel is usable for crop production. Annual rainfall is sufficient for certain crops without irrigation."

ANALYSIS

Since the permanent district boundaries were established by the Land Use Commission in August of 1964, there have been numerous requests involving subdivision of land within the Agricultural or Rural Districts below the allowable minimum lot size in order that these lands may be conveyed to relatives for residential use. A total of 15 such requests were processed under the boundary amendment procedure and a total of 7 requests came under the special permit procedure.

Of the 15 boundary amendment requests, 8 were approved primarily because the subject areas abutted the existing Urban District. Of the remaining petitions, 5 were disapproved and 2 were withdrawn.

Of the 7 special permit requests, 3 were approved and 4 were disapproved. Of the 3 special permits which were approved, 2 contained conditions that the old dwelling be demolished, and the 3rd petition involved homes that were existing before the establishment of the Land Use Law.

It can readily be seen from the above that all of the boundary change and special permit requests which were approved contained mitigating circumstances which prompted favorable consideration by the Commission.

An evaluation of the present petition shows the following:

1. If such spotzones are allowed to be established in districts designated for agricultural use throughout the State, the planning programs of both State and County governments to provide capital improvements and public services and facilities would become an impossible task. Those services and facilities already existing would become overloaded and inadequate, thus forcing premature extension and expansion of those amenities in widely scattered areas which were previously designated for agricultural use.

2. The random rezoning of small non-contiguous parcels to Rural or Urban uses would pose insurmountable problems to the Department of Taxation in its attempts to assess land equitably. Landowners surrounding the property rezoned who intend to continue agricultural uses would be subjected to higher assessments and economic hardship and would eventually be forced to abandon agricultural pursuits in favor of short-term gains from urban development, thus starting a vicious circle which will significantly lessen the role that agriculture plays in the State's economy.

3. The regulatory and zoning powers of an agency must apply equally to everyone concerned and must never be used to discriminate or grant special privileges to a few. If this petition is approved, other similar petitions requesting subdivision for co-owners or conveyance to relatives would have to be given the same favorable consideration. Such a prospect would be contrary to the purpose and intent of land use controls and regulations and weaken the implementation of the State Land Use District Boundaries and Regulations.

4. Staff would suggest that an in-depth analysis be conducted during the 5 year review to explore alternative solutions to these kinds of problems and its impact on land use planning.

In conclusion, the staff finds that approval of this request would be contrary to fundamental concerns expressed in Act 187 relating to inadequate controls on Hawaii's limited lands which result in long term loss of income and growth potential of our economy; inadequate bases for assessing lands; scattered subdivisions with expensive, yet reduced, public services, and the shifting of lands into residential uses when other lands are available to serve the urban needs.

Therefore, based on the above discussion, the staff has no alternative but to recommend that this petition be disapproved.