STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

February 15, 1974
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A73-369 - KATSUMI NII

Mr. Nii's request to rezone 10.89 acres from Agricultural to Urban at Waiakea Homesteads, South Hilo, Hawaii was publicly heard on November 29, 1973.

Approval of the request was recommended by the Hawaii County Planning Commission based on its findings that the property is in conformance with the County General Plan; is currently serviced with an urban level of services; is in reasonable proximity to urban lands; has no severe topographic or drainage problems; and the rezoning would concentrate urban growth.

At the public hearing, attorney Jeffrey Choi, representing the petitioner, defended Mr. Nii's complete change in position relative to his previously expressed desire to protect agricultural lands from urban encroachment in the Waiakea Homestead area. He indicated that Mr. Nii's earlier testimonies were for the most part expressions made in behalf of the farmer-residents in the area. However, since the sentiment of those opposing urbanization has changed, Mr. Nii felt it would be impractical to "hold out against the tide". Mr. Choi further advised that the petitioner did not realize the full impact of the representations made by Mr. Kenneth Fujiyama, (principal broker acting in behalf of Mr. Nii) relative to the type of homes in the proposed development and the selling price. He therefore requested the retraction of Mr. Fujiyama's statements concerning these aspects of the proposal.

Mr. Nii's latest action apparently invalidates the following representations by Mr. Fujiyama:

1. That the type of homes proposed would have between 1,000 to 1,200 square feet of living area and be of double wall construction.

2. That the housing package will be marketed in the low $40,000 range.

Mr. Fujiyama had further stated that:

"The bulk of the packages in Hilo range in the high $40,000 to the mid $50,000 range. The market that we are proposing to create would be from families with gross earnings between $1,080 to $1,200. This market is not being satisfied!"

Since the above statement is a prime basis on which the petitioner addresses the need for reclassification, the staff wonders how the petitioner will now satisfy the needs of that segment of the housing market, in view of his latest retractions.

In the 1970 assessment year, Mr. Nii petitioned the Department of Taxation to dedicate 10.0 acres of his property for agricultural use for a minimum period of 10 years in order to secure tax benefits for keeping his land in agricultural use. This petition was approved by the Director of Taxation. To our knowledge, the dedication is still in effect.

With regard to the subject of dedication, it is noted that Mr. Nii's parcel is in the immediate vicinity of several other parcels which are presently dedicated for agricultural use over a 10 year span. Moreover, the property owner abutting the east boundary of Mr. Nii's parcel has dedicated his land and had voiced his objection to the urbanization of the Waiakea Homestead area in 1969 and in 1971. The possible adverse impact of Mr. Nii's proposed "spur" subdivision and of other possible rezonings on the continuation of agricultural activities in the area should be assessed comprehensively. In addition, the existing Urban District of Camp 6 should be reviewed closely for possible rezoning to an Agricultural designation. It is noted that several agricultural dedication petitions from the Camp 6 area were received over the past years but were disapproved due to the incompatibility of the agricultural use within the Urban classification.

Based on the above, the staff recommends disapproval of the petition at this time. However, it further recommends that the entire Waiakea Homestead area be comprehensively reviewed by the Land Use Commission for possible readjustments under the mandatory 5 year review procedure.