

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 135

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:5.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 7.29 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.29(hh)The district classification of the following area situated at Waiakea Homesteads, Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the southeast corner of this piece of land, being also the southeast corner of Lot 815, Grant 11680 to Katsumi Nii, the southwest corner of Lot 814, Grant 11636 and on the north side of Road "12" also known as Haihai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 16,030.3 feet South and 265.7 feet West, as shown on Government Survey Registered Map No. 2650 thence running by azimuths measured clockwise from True South:

1. 85° 40' 257.78 feet along Haihai Street;
2. 175° 40' 1840.00 feet along Parcel A-3;
3. 265° 40' 257.78 feet along Lot 721;
4. 355° 40' 1840.00 feet along Lot 814 to the point of beginning and containing an area of 10.89 acres.

"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) the area be zoned in two (2) increments. The first increment shall consist of a maximum of 6.89 acres, and the second, the remaining area. The effective date of zoning for the second increment shall be after development has

occurred in the first increment. Development is defined as building permits issued for single family residential dwelling units and construction partially completed - partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the units for the entire area of 10.89 acres; (B) the applicant, Katsumi Nii, submit a subdivision plan for the first increment and secure tentative approval within one (1) year from the official date of approval of the change of zone, and also assume the responsibility of securing final subdivision approval for the first increment. The applicant shall also be responsible for obtaining final subdivision approval of the second increment. All other concerns, such as drainage and roadway requirements, shall be considered at the time of subdivision approval; (C) curbs, gutters, and sidewalks be constructed within the proposed subdivision; and (D) the applicant, Katsumi Nii, provide a cash contribution of ten thousand dollars (\$10,000) to the County of Hawaii. Said funds shall be expended by the County to further the area's parks and recreational development program. Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Frank W. Lytle

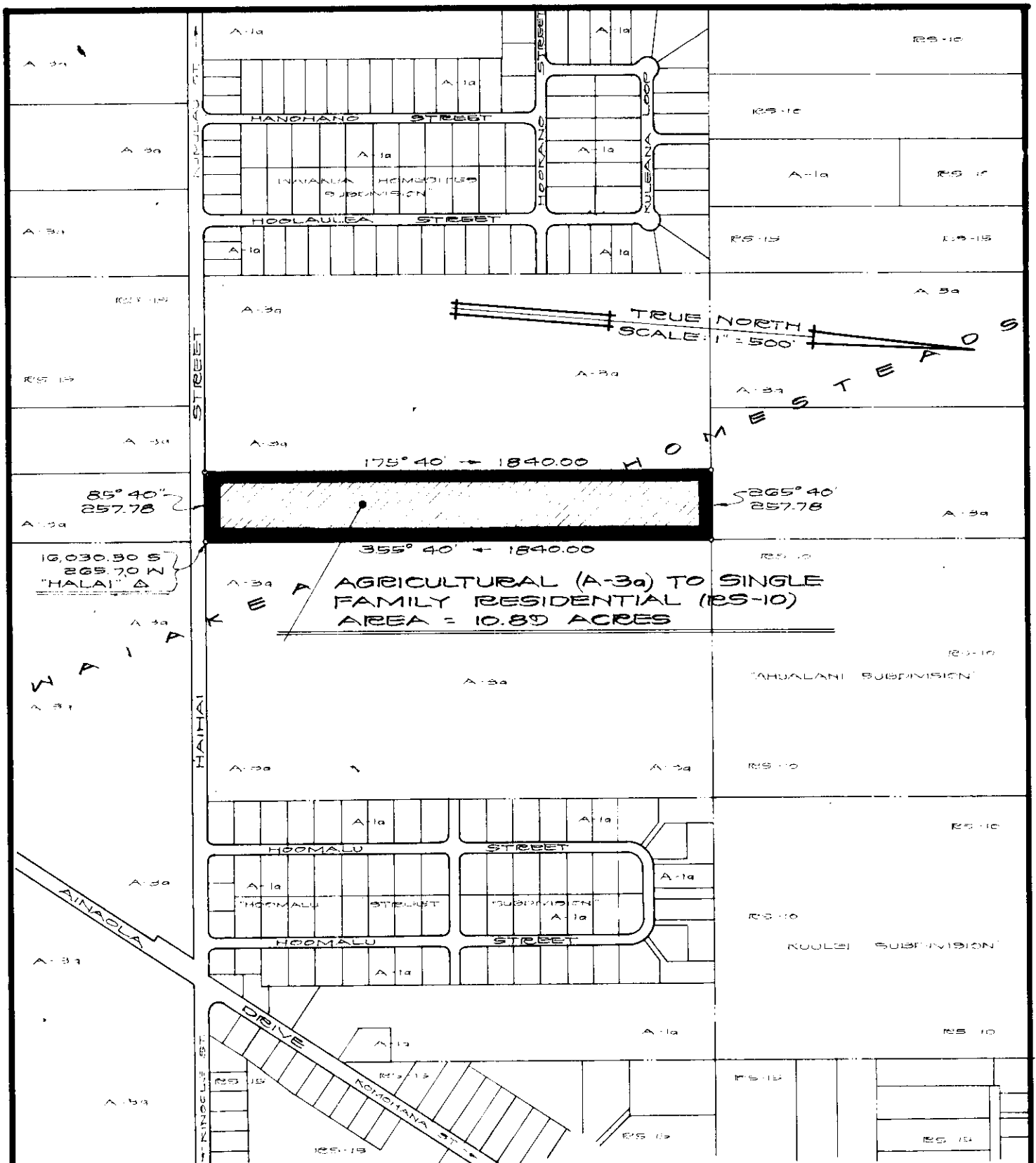
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 9, 1975

Date of Adoption: July 23, 1975

Effective Date: July 29, 1975



AMENDMENT TO THE ZONING CODE

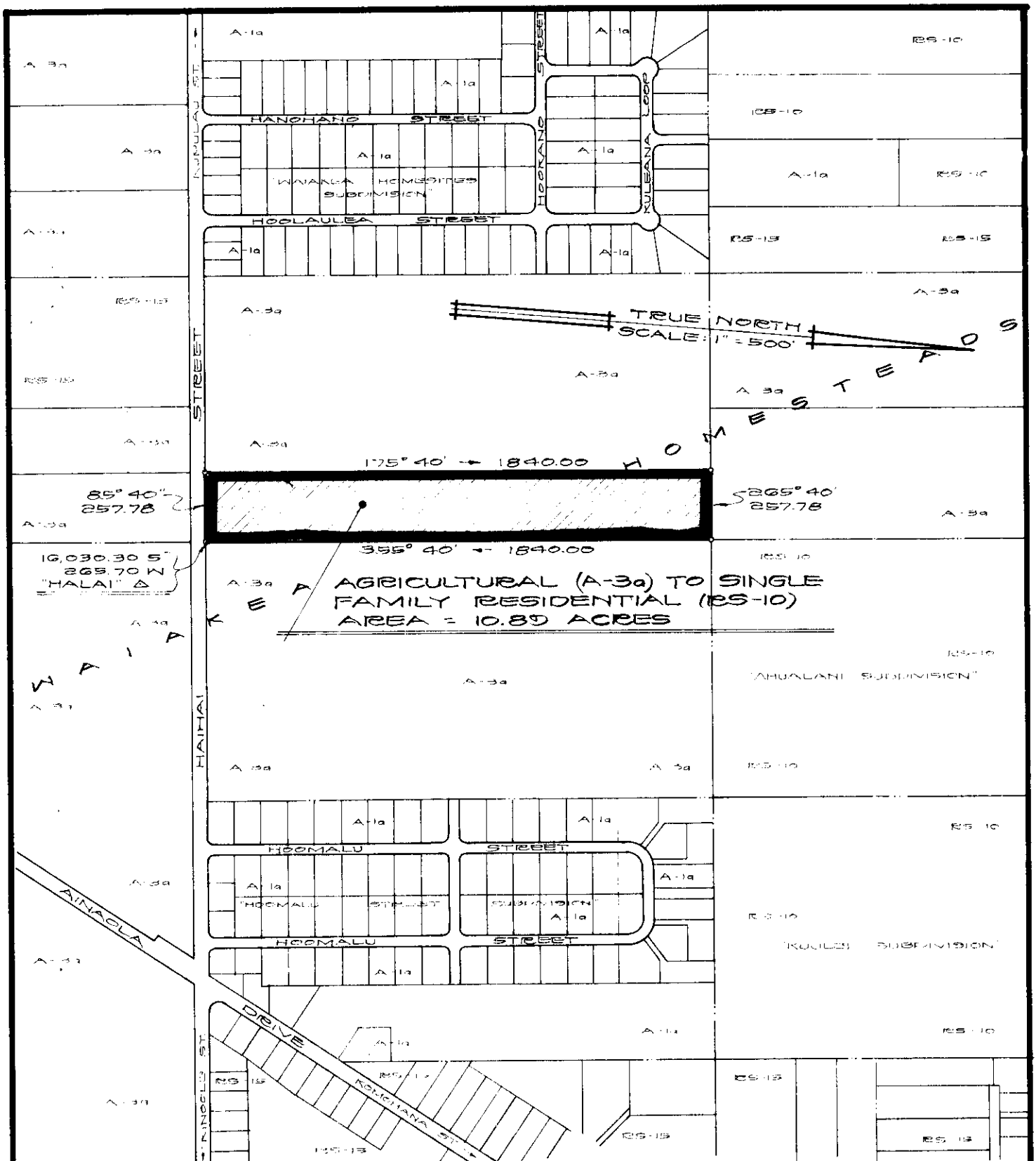
AMENDMENT NO. _____ OF CHAPTER 8, (ZONING CODE), ARTICLE 2, SECTION 7.20, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: MAY 21, 1975
 DATE OF APPROVAL:
 ORDINANCE NO.
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 2-4-03:5

MAY 2, 1975

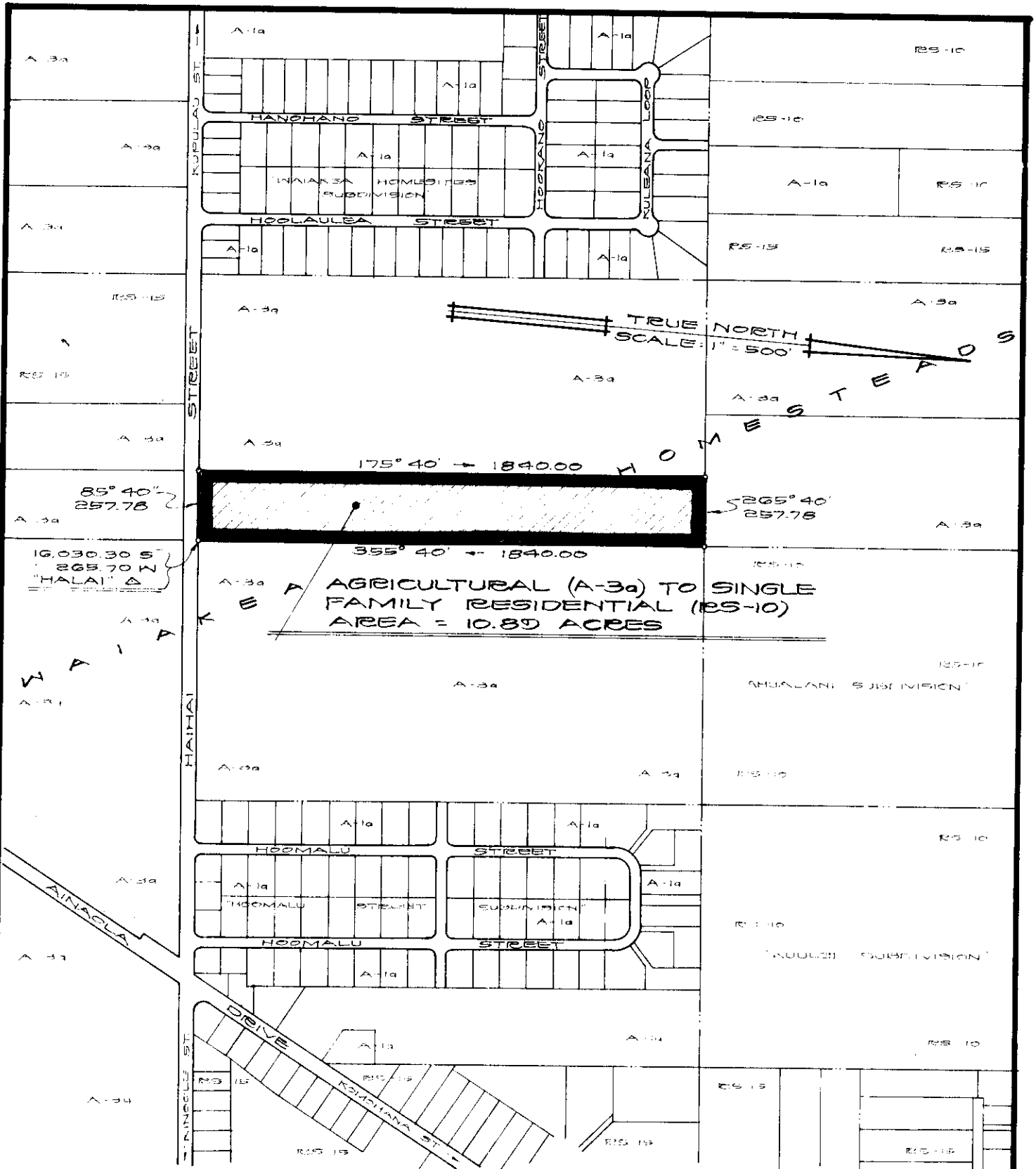
EXHIBIT "A"



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. _____ OF CHAPTER 8, (ZONING CODE),
 ARTICLE 2, SECTION 7.20, THE CITY OF HILO ZONE
 MAP, CHANGING THE DISTRICT CLASSIFICATION
 FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY
 RESIDENTIAL (RS-10) AT WAIKOLA HOMESTEADS,
 WAIKOLA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: MAY 21, 1975
 DATE OF APPROVAL:
 ORDINANCE NO.
 PREPARED BY: PLANNING DEPARTMENT
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AMENDMENT TO THE ZONING CODE

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DATE OF PUBLIC HEARING: MAY 21, 1975
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REZONING: KATSUMI NII

The applicant, Katsumi Nii, is requesting a change of zone for 10.89 acres of land from an Agricultural 3-acre (A-3a) to a Single Family Residential - 10,000 square foot (RS-10) zoned district. The area in question is situated along the north side of Haihai Street, approximately 1,500 feet mauka of the Haihai Street-Ainaola Drive intersection, Waiakea Homesteads, South Hilo (TMK: 2-4-03:5).

According to preliminary subdivision plans submitted, the applicant intends to create thirty-six (36) 10,000 square foot size lots.

The General Plan land use pattern allocation guide map designates the area for Low Density Urban Development which may allow single family residential uses at a maximum density of four (4) units per acre. The proposed development does fall within this density limit.

The area in question consists of Ohia and Olaa soils. The Ohia series, which makes up roughly 30 percent of the parcel, consists of deep, well drained silty, clay loam soils. This soil, consistently moist and mucky, has a high moisture holding capacity.

The Olaa soils, on the other hand, occupies the remaining area and also consists of deep, well drained silty, clay loam soils formed in volcanic ash. They are also consistently moist and exist on fragmental Aa lava. Depth to this lava base is about 20 to 30 inches.

Rezoning:
Katsumi Nii
Page 2

The slope of the land ranges between 0 to 10 percent, and the mean annual rainfall is between 100 to 175 inches.

Presently, a single family dwelling is situated on portion of the property, while the remaining area is overgrown and vacant. Surrounding land uses include several existing residential subdivisions, as well as those under construction and/or proposed. These subdivisions consist of 10,000 to 15,000 square foot lots. Abutting the property to the rear is a 40-acre area also zoned for Single Family Residential - 10,000 square foot (RS-10). This area is presently being developed.

In support of the request, the applicant has stated the following:

"The owner wishes to develop this parcel into a subdivision of 10,000 square foot lots to be sold to the general public. The State Land Use Commission recently designated this parcel as Urban. This requested residential zoning conforms to the County General Plan for this area and is a logical urban addition to the Hilo area. There are presently subdivisions consisting of 10,000 square foot lots. There is a present need for 10,000 square foot lots in this area to be developed into homesites for the Hilo residents."

The applicant also represented that:

- "1. That houses will be built primarily by the lot buyers.

- "2. That the number of homes will be built in accordance to the standard County of Hawaii requirements.
- "3. That homes built by the developer for resale purposes will be in the approximate price range of \$38,000.00 subject to economic escalations.
- "4. That the price range of lot sales will be approximately \$17,500.00 to \$19,500.00 subject to final improvement cost."

All essential utilities, including an 8-inch water line, are available to the area in question.

In review of the application, the State Department of Agriculture submitted the following:

(READ DOA'S LETTER - 2/24/75)

The Department of Public Works commented that "the subdivisions shall have curbs, gutters and sidewalks."

The Department of Parks and Recreation had the following comments to offer:

"We note that the subject property is adjacent to the proposed park site within the Matsunaga property (TMK: 2-4-03:17). Since the intent of locating the park site at one corner was to allow for its expansion, we strongly recommend that dedication of land be required for this development (amount of land to be determined by proposed park dedication ordinance)."

All other cooperating agencies had no comments on or objections to the subject request.

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

February 24, 1975

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Hawaii County Planning Department

Subject: Change of Zone Application N11
A-13 a to RS-10
TMK: 2-4-03:05

The Department of Agriculture has reviewed the subject application and finds the parcel was placed within the urban district during the 1974 Five-year Boundary Review. During that review the Department commented as follows:

"The change proposed in Docket No. H74-12 will affect Big Island agricultural production. Within the proposed urban district are a truck farmer (41 acres), a hog farmer (30 acres) and a poultry producer (10 acres). The Department understands and supports both the logic and the inevitability of eventual total urbanization of Waiakea Homesteads, and is also aware that the County General Plan provides for residential use. However, by delaying the boundary changes proposed in Docket No. H74-12 until absolutely necessary, agricultural production will be preserved and the unnecessary dislocation of the farmers will be prevented."

The Land Use Commission subsequently changed the zoning to urban and while we would wish to preserve agriculture, we are aware of your subdivision ordinance which gives the Planning Commission the authority to decide within this zone. Therefore, we ask that you consider the present ag uses and assist, where possible, the relocation of the existing enterprises. Otherwise, we concur with the request by Mr. Nii.

Thank you for the opportunity to comment.

John Farias, Jr.
for John Farias, Jr.
Chairman, Board of Agriculture

JF:k:h

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: Mr. & Mrs. Katsumi Nii
(print or type)

(I) (We) hereby request an amendment of zoning to change the present classification in a(n) Agricultural Zone 3 Acs. district into a(n) Residential 10,000 sq. ft. district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons:

The Owners wish to develop this parcel into a subdivision of 10,000 sq. ft. lots to be sold to the general public.

TMK: 2-4-03:5

Submittals: Petitioner shall submit sixteen (16) copies of the application and location/site plan drawn to scale, and one (1) copy of the questionnaire.

Petitioner's interest in subject property: (State if owner or lessee*)

Fee Owner

*must be for 5 years or more

Petitioner's reason(s) for requesting a change of zone:

NOTE: a. Please explain how the requested change of zone would be consistent with the goals, policies, and course of action (if applicable) of the General Plan document. Please, also, specifically indicate which goals, policies, and courses of action are involved. (Copies of the General Plan document are available at all public libraries and at the Hawaii County Planning Department.)

The State Land Use Commission has designated this parcel as residential. This residential zoning conforms to the County general plan for this area and is a logical urban addition to the Hilo area.

b. Please state any other reason(s) for your request.

There are presently subdivisions of 10,000 sq. ft. area in its immediate area. There is a present need for 10,000 sq. ft. lots in this area to be developed into home sites for the Hilo residents.

The application shall be accompanied with a deposit of \$100.00 to cover publication and administrative costs.

Signature Katsumi Nii Title _____
Name _____
Address 1030 Haihai Street, Hilo, Hi.
Telephone 959-7781

Bill No. 142 - 1975

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:5.

This Bill amends the City of Hilo Zone Map of the Zoning Code.

Date Introduced: July 9, 1975

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on July 9, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII

CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:5.

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NOES: Councilman Levin - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

ORDINANCE NO. 135
(Bill No. 142-1975)

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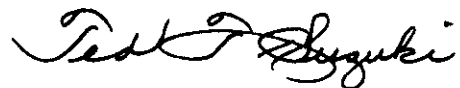
Date Approved: July 23, 1975
Date Effective: July 29, 1975

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on July 23, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII

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Date Effective: July 29, 1975
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I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on July 23, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: Councilman Levin - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(100-40000) Tribune Herald
August 3, 1975

Hilo, Hawaii
Date: July 9, 1975

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

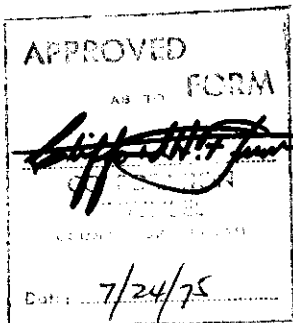
Publication Date: July 13, 1975

Hilo, Hawaii
Date: July 23, 1975

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin		X	
Yadao	X		
Yamada	X		
	8	1	

Publication Date: AUG 3 1975

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.



Robert M. Yamada
Council Chairman

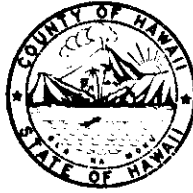
Ted Suzuki
County Clerk

Approved/Disapproved this 29th day of July, 1975.

Kubo Matayoshi
Mayor, County of Hawaii

Bill No. 142
Reference: C-1379/PRDLC-54
M.B. No. _____
Ord. No. _____

Ted T. Suzuki
COUNTY CLERK



Robert Shioji
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 142
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: JUL 24 1975