

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 143

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP, CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOMESTEADS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-31:1 (PORTION).

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(ii). The district classification of the following area situated at Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, Hawaii, shall be Agricultural (A-1a):

Beginning at a point at the southeast corner of this parcel of land and at the westerly side of Ainalako Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 18,694.83 feet South and 835.55 feet East and running by azimuths measured clockwise from true South:

- | | | | |
|----|------|-----|---|
| 1. | 85° | 40' | 446.66 feet partly along Lot 1101, Waiakea Homesteads, Second Series; |
| 2. | 175° | 40' | 578.60 feet along remainder of Lot 1001-A, Grant 10965 to Masataro Nagata; |
| 3. | 212° | 42' | 765.63 feet along remainder of Lot 1001-A, Grant 10965 to Masataro Nagata to a point at the westerly side of Ainalako Road; |
| 4. | 343° | 03' | 163.05 feet along the westerly side of Ainalako Road; |
| 5. | 347° | 39' | 120.00 feet along the westerly side of Ainalako Road; |
| 6. | 359° | 47' | 677.90 feet along the westerly side of Ainalako Road; |
| 7. | 0° | 04' | 236.40 feet along the westerly side of Ainalako Road to the point of beginning and containing an area of 9.95 Acres, a little more or less. |

"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 5.9 acres and the second, the remaining area. The effective date of zoning for the second increment shall be after development has occurred on the first increment. Development is defined as building permit issued for residential dwelling units and construction partially completed in the sense of having roofs on a minimum of twenty-five (25) percent of the units for the entire area of 9.95 acres; (B) the applicants, Masataro Nagata and Hiroshi Baba, 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 of the first increment. The applicant shall also be responsible for securing final subdivision approval of the second increment; (C) a fee for park and recreational purposes for the area shall be required at the time of subdivision approval, using the standards and guidelines of the Park Dedication Ordinance; and (D) a 5-foot wide strip be delineated and set aside along Ainalako Road for future road widening purposes. Should any of the foregoing conditions not be met, rezoning of the property to its former zoning designation shall 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:



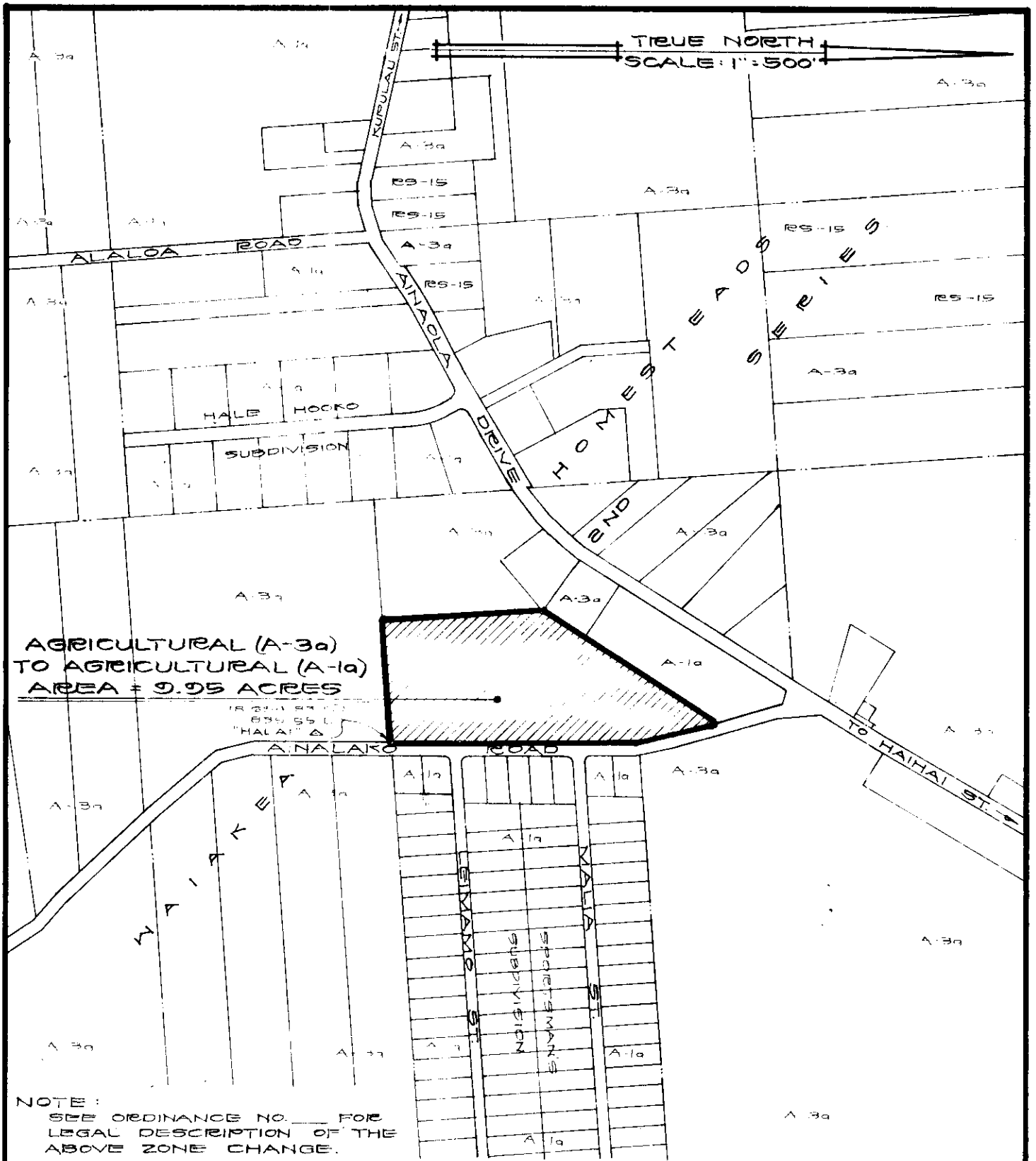
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 10, 1975

Date of Adoption: September 24, 1975

Effective Date: October 1, 1975



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. _____ OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOME-STEADS 2ND SERIES, WAIAKEA, SOUTH, HILO, HAWAII.

DATE OF PUBLIC HEARING: JULY 17, 1975

DATE OF APPROVAL:

ORDINANCE NO.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

CHANGE OF ZONE: MASATARO NAGATA/HIROSHI BABA

The applicants, Masataro Nagata and Hiroshi Baba, are requesting a change of zone for 9.95 acres of land from an Agricultural 3-acre to an Agricultural 1-acre zone district. The area in question is a portion of a 19-acre parcel located at the intersection of Ainaola Drive and Ainalako Road, Waiakea Homesteads, 2nd Series, Waiakea, South Hilo (TMK: 2-4-31:Por. 1).

In request of the change of zone, the applicants intend to create nine (9) 1-acre lots. However, they do not intend to construct any dwellings.

The General Plan land use pattern allocation guide map designates the area for low density urban development. Such a designation may allow single family residential uses at a maximum density of four (4) units per acre. The State Land Use district classification is Agricultural.

The land is of the Olaa Soil series which consists of extremely stony silty clay loams that formed in volcanic ash. The surface layer is about 16 inches thick and the subsoil is about 9 inches. It is underlain by Aa lava. Soil dehydrates irreversibly into gravel-size aggregates. It has a medium acid surface layer and a slightly acid subsoil. In places the surface is nonstony. The slope of the land is between 0 to 20 percent, and the annual rainfall is 150 to 200 inches.

(According to the Soil Conservation Service, approximately 50 percent of the area lies in a generally delineated flood hazard zone, and that ponded water and nonclay condition indicates that surface drainage and/or infiltration into ground is poor.)

The subject property was dedicated for agriculture in 1970, and is presently used for cattle grazing. The surrounding land uses include pastoral as well as residential lands. The adjacent area to the west of the property has fourteen (14) 1-acre lots and the area to the east is the 103-lot Sportsman's Paradise Subdivision. Both of these adjacent areas are presently zoned A-1a.

The Commissioners will recall that the applicant, Masataro Nagata, had 3 acres of the ^{Sheet} property along Ainaola Drive rezoned to Agriculture 1-acre (A-1a) in October of 1974. The purpose was to create three (3) 1-acre lots to convey to his children. The applicant has filed a subdivision application and tentative approval with conditions has been given on December 6, 1974, by the Planning Department. As part of the requirements of the rezoning approval, a single family dwelling had to be constructed on one (1) of the three (3) lots within three (3) years of final subdivision approval. Since final subdivision has not been granted as yet, the dwelling cannot be constructed.

Ainaola Drive has a right-of-way width of 50-feet and is proposed to be increased to an 80-foot right-of-way. Ainalako Road, which provides direct access to the property, has a 50-foot right-of-way with a 20- foot pavement. It is proposed to be widen to a 60-foot right-of-way, thus, affecting 5-foot of the subject property.

All essential utilities, including a 6-inch water line, are available to the area.

Upon review of the application, the Department of Agriculture has stated the following:

"The Department of Agriculture finds it difficult to adequately assess the subject application without knowing the landowner's intentions for the remainder of the tax key parcel 2-4-31:1. The Department is aware of a previous change of zone application in December, 1973 for another portion of the same parcel.

"The transition from agricultural to residential use in the Waiakea Homesteads areas is consistent with the County General Plan. One acre agricultural subdivisions are an intermediate step in the urbanization process. We note that 325 acres north of Ainaola Drive were reclassified from agricultural to urban during the 1974 boundary review. Continuing subdivision south of Ainaola Drive will accelerate the urbanization process."

The Department of Parks and Recreation commented in the following:

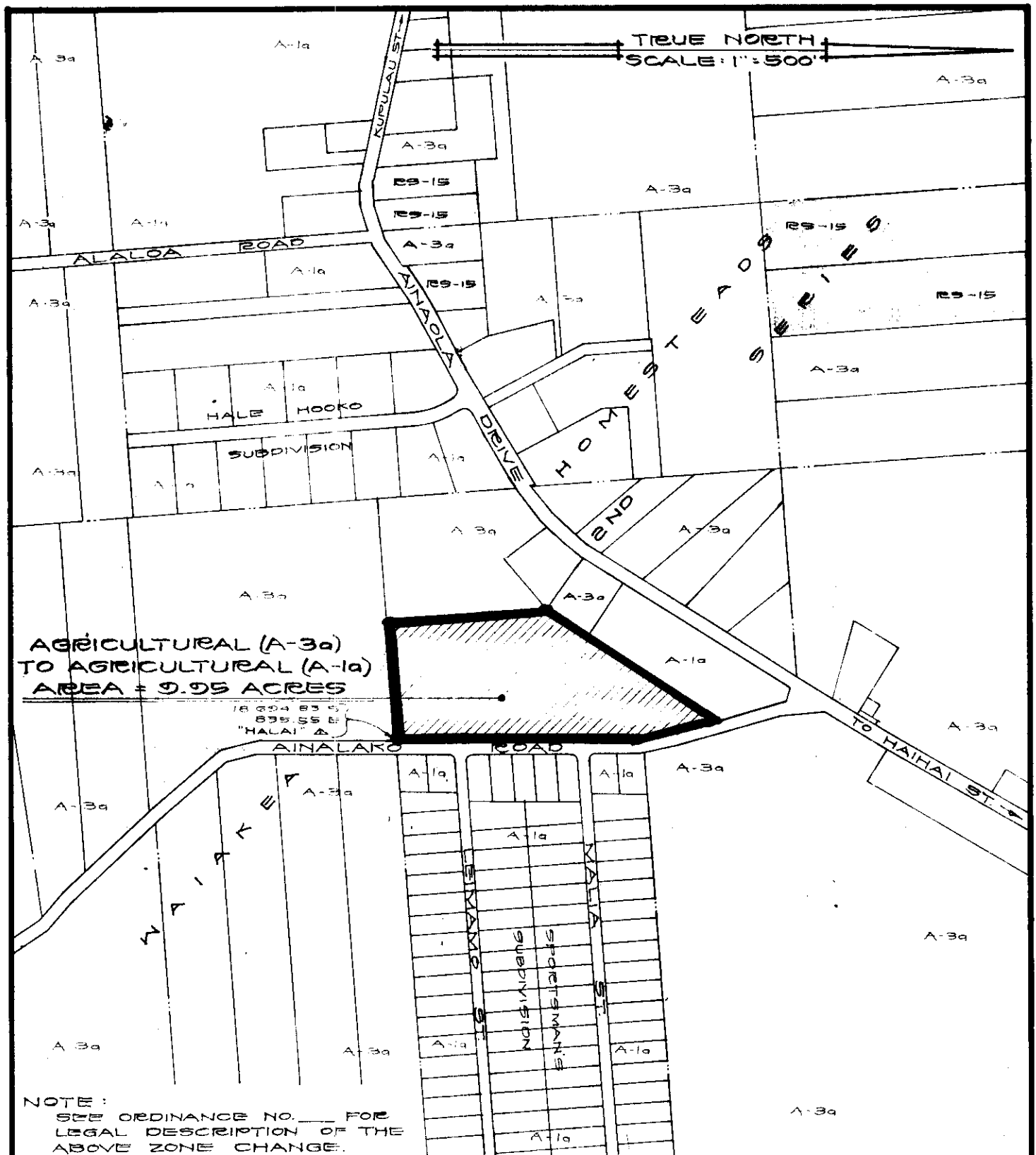
~~"Inasmuch as residential use is also contemplated, we recommend that monetary contributions, rather than dedication of land for park areas, be imposed based on the applicable requirements of the proposed park dedication ordinance."~~

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

In further support of the application, the applicant has stated the following:

"The new subdivision will provide for 9 households. The purposed zoning change is one which retains the goals of the General Plan, to protect and maintain agricultural land of Hawaii. While

preserving the open spaces and the agricultural character, the A-la zoning will allow for further residential use, for intensification of farming by part-time farmers, and for hobbyists requiring such land areas while being able to enjoy the public conveniences provided within the Hilo City limits."



AMENDMENT TO THE ZONING CODE

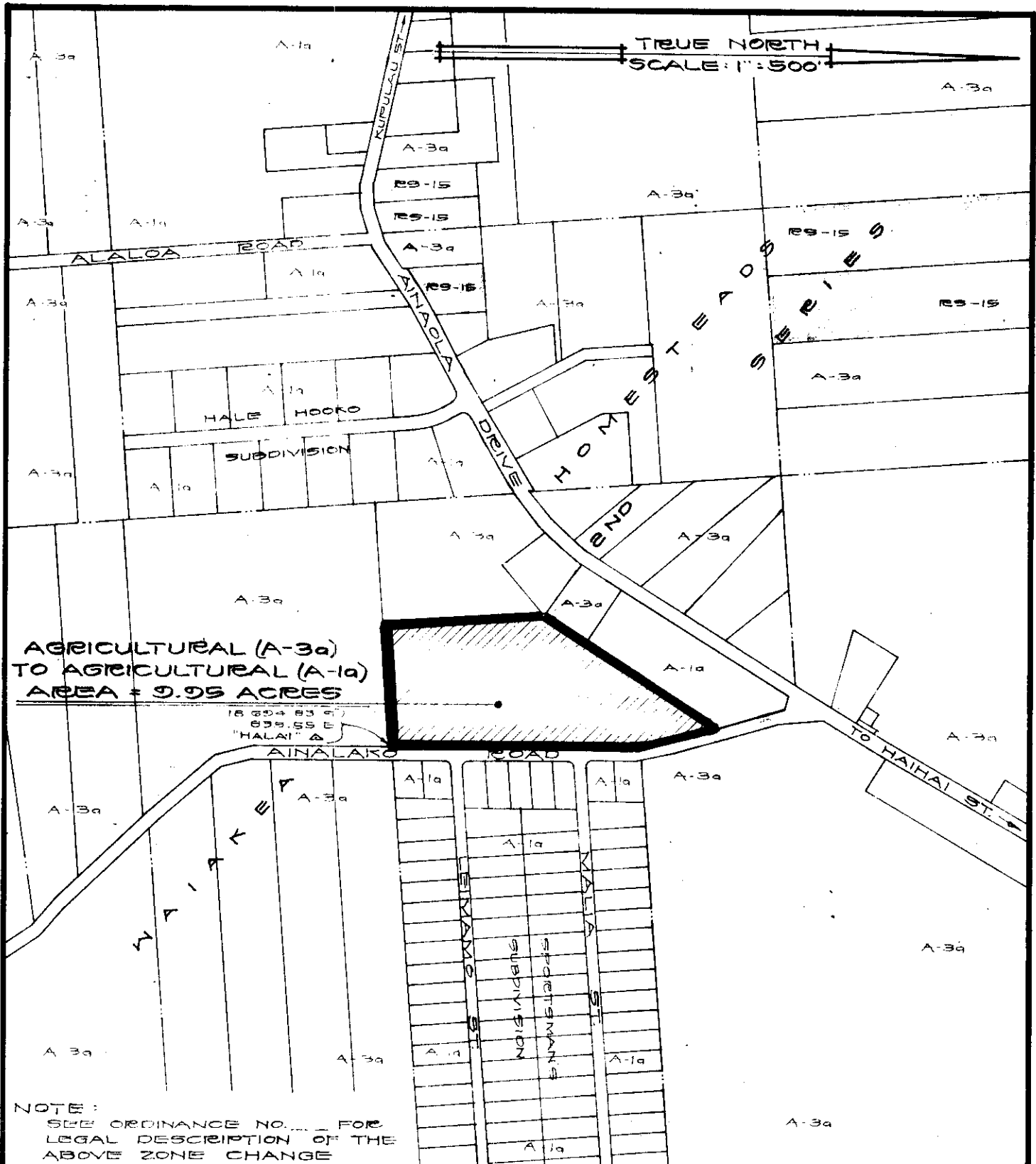
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DATE OF PUBLIC HEARING: JULY 17, 1975

DATE OF APPROVAL: _____

ORDINANCE NO. _____

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

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DATE OF PUBLIC HEARING: JULY 17, 1975
 DATE OF APPROVAL:
 ORDINANCE NO.
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: Hiroshi Baba / Masataro Nagata
(print or type)

(I) (We) hereby request an amendment of zoning to change the present classification in a(n) A-3a district into a(n) A-1a district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons: to subdivide the 3 acre zoned agricultural land into 1 acre agricultural parcels.

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*)

Prospective buyer & subdivider

*must be for 5 years or more

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

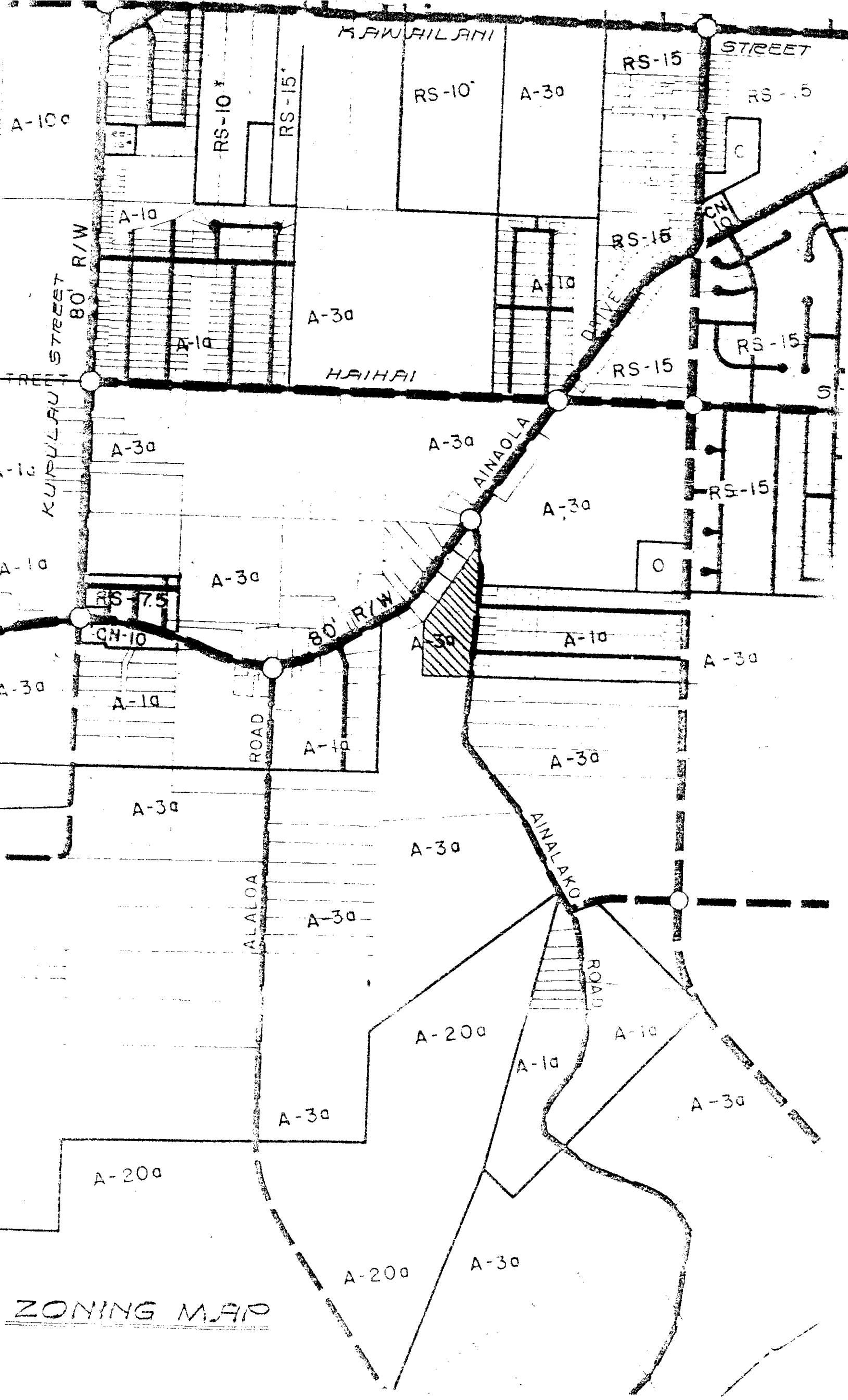
NOTE: a. Please explain how the requested change of zone would be consistent with the goals, policies, and course of action (if applicable) of the General Plan document. Please, also, specifically indicate which goals, policies, and courses of action are involved. (Copies of the General Plan document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

The proposed zoning change is one which retains the goals of the General Plan, to protect and maintain agricultural land of Hawaii. While preserving the open spaces and the agricultural character, the A-1a zoning will allow for further residential use, for intensification of farming by part-time farmers, and for hobbyist requiring such land areas while being able to enjoy the public conveniences provided within the Hilo city limits.

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

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

Signature Hiroshi Baba
Name Title
Address () 422 Iwaleni Street Hilo, Hawaii
Telephone 959-7458

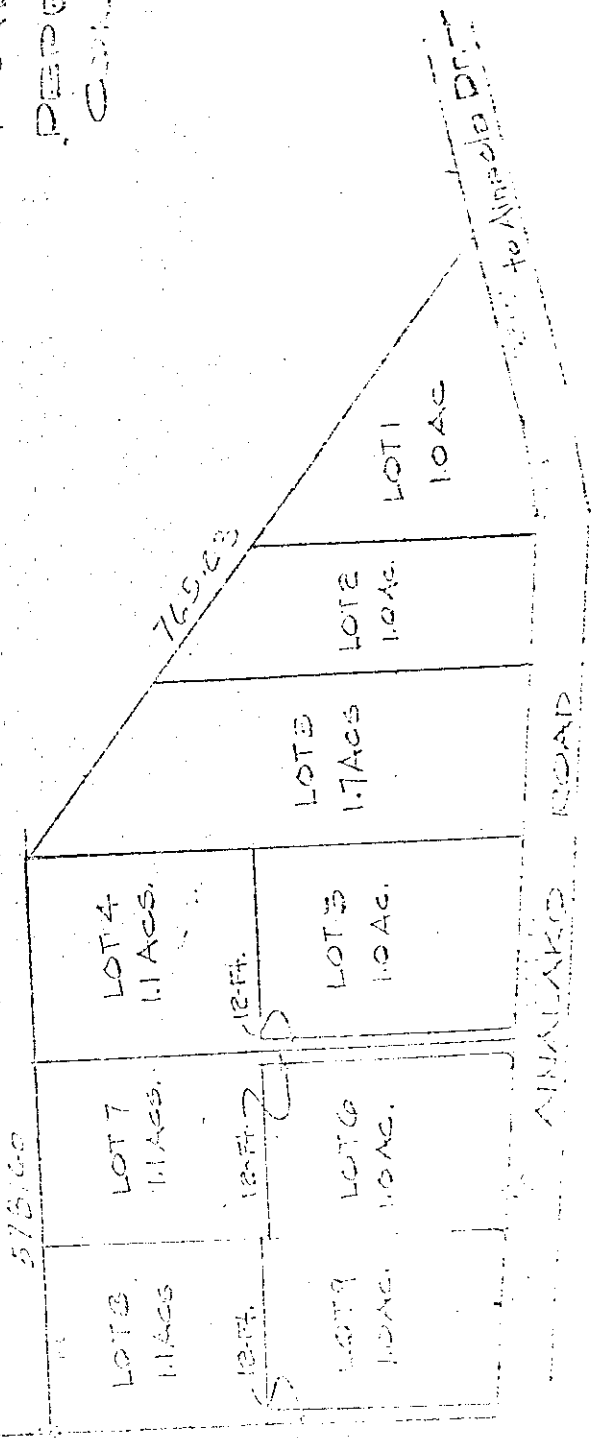


ZONING MAP

Preliminary Filing Fee = \$45.00
 Water Charge Fee = \$1,200.00
 1 Fire Hydrant = \$1,350.00
 Engineering & Survey = \$7,200.00
Total \$9,792.00

SUMMARY: (10 Acres Lots)
 Total Area = 9.95 Acres
 No. of Lots = 9 (Min. 10 Acres = 10 Acres)

NOTE: FINAL LAYOUT TO
 DEPEND ON FIELD
 CONDITIONS



TMK: Bnd Div E-4-31:1 (Por)

Bill No. 157 - 1975

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP, CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOMESTEADS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-31:1 (PORTION).

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

Date Introduced: September 10, 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 September 10, 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

Bill No. 157 - 1975
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NOES: Councilman Levin - 1.

TED T. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

Hilo, Hawaii
Date: September 10, 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	

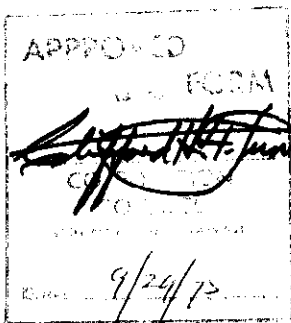
Publication Date: Sept. 15, 1975

Hilo, Hawaii
Date: September 24, 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: Sept 24, 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 J. Suzuki

County Clerk

Approved/Disapproved this 10th day of October, 1975

Hubert Matsuzaki

Mayor, County of Hawaii

Bill No. 157
Reference: C-1521/PRDLC-57, 58
M.B. No. _____
Ord. No. 149