

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 231

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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-44:1 and 77.

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 (YY). The district classification of the following area situated at Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the westerly corner of this parcel of land and at the easterly side of Kupulau Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 14,223.48 feet South and 3,292.37 feet West and running by azimuths measured clockwise from true South:

1. 175° 40' 80.00 feet along the easterly side of Kupulau Road; thence along Lot 2 along a curve to the left having a radius of 20.00 feet, the chord azimuth and distance being:
2. 310° 40' 28.28 feet;
3. 265° 40' 169.10 feet along Lot 2;
4. 175° 40' 68.00 feet along Lot 2;
5. 85° 40' 189.10 feet along Lot 2 to a point at the easterly side of Kupulau Road;
6. 175° 40' 142.35 feet along the easterly

- | | | |
|-----|----------|--|
| 7. | 265° 40' | 945.50 feet along Macadamia Grove Estates Subdivision; |
| 8. | 355° 40' | 460.71 feet along Lot 1, portion of Lot 722, Waiakea Homesteads, Second Series; |
| 9. | 85° 40' | 756.40 feet along Lot 45, Haihai Heights Subdivision, Unit 2; |
| 10. | 175° 40' | 210.36 feet along Lots 5, 4 and 3; |
| 11. | 85° 40' | 169.10 feet along Lot 3; thence along Lot 3 along a curve to the left having a radius of 20.00 feet, the chord azimuth and distance being: |
| 12. | 40° 40' | 28.28 feet to the point of beginning and containing an area of 8.7955 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 developed in two (2) zoning increments. The first increment shall consist of five (5) contiguous 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 single family 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 8.8 acres; (B) the applicant, Walter Freitas, submit a subdivision plan for the first increment and secure tentative approval within one

also assume the responsibility of securing final subdivision approval of the first increment. The applicant shall also be responsible for submitting a subdivision plan and securing final subdivision approval of the second increment; (C) a payment of fee or area for park and recreational purposes shall be required at the time of subdivision approval, using the standards and guidelines of the Park Dedication Code; and (D) all other applicable rules and regulations shall be complied with. 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:



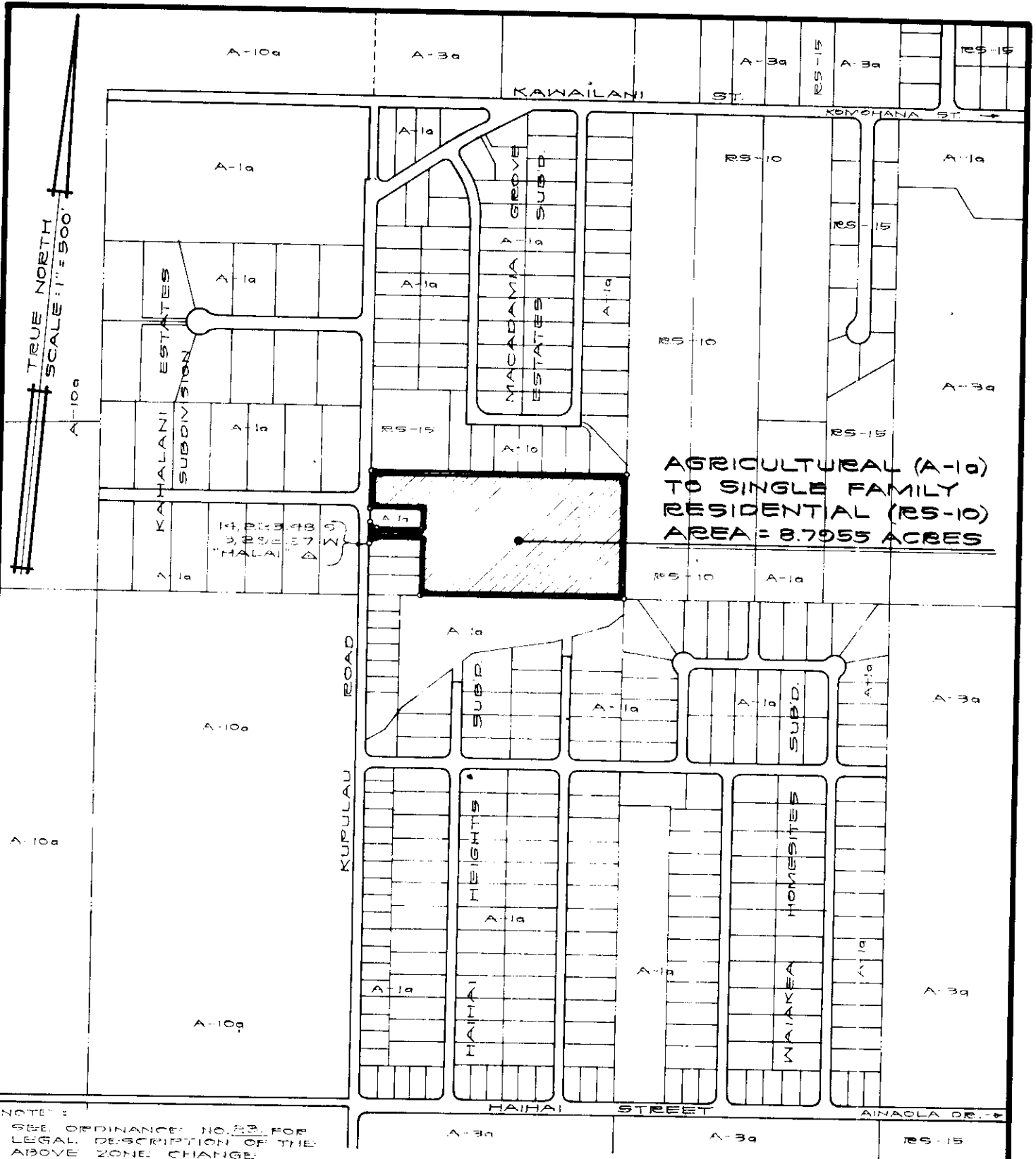
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 20, 1976

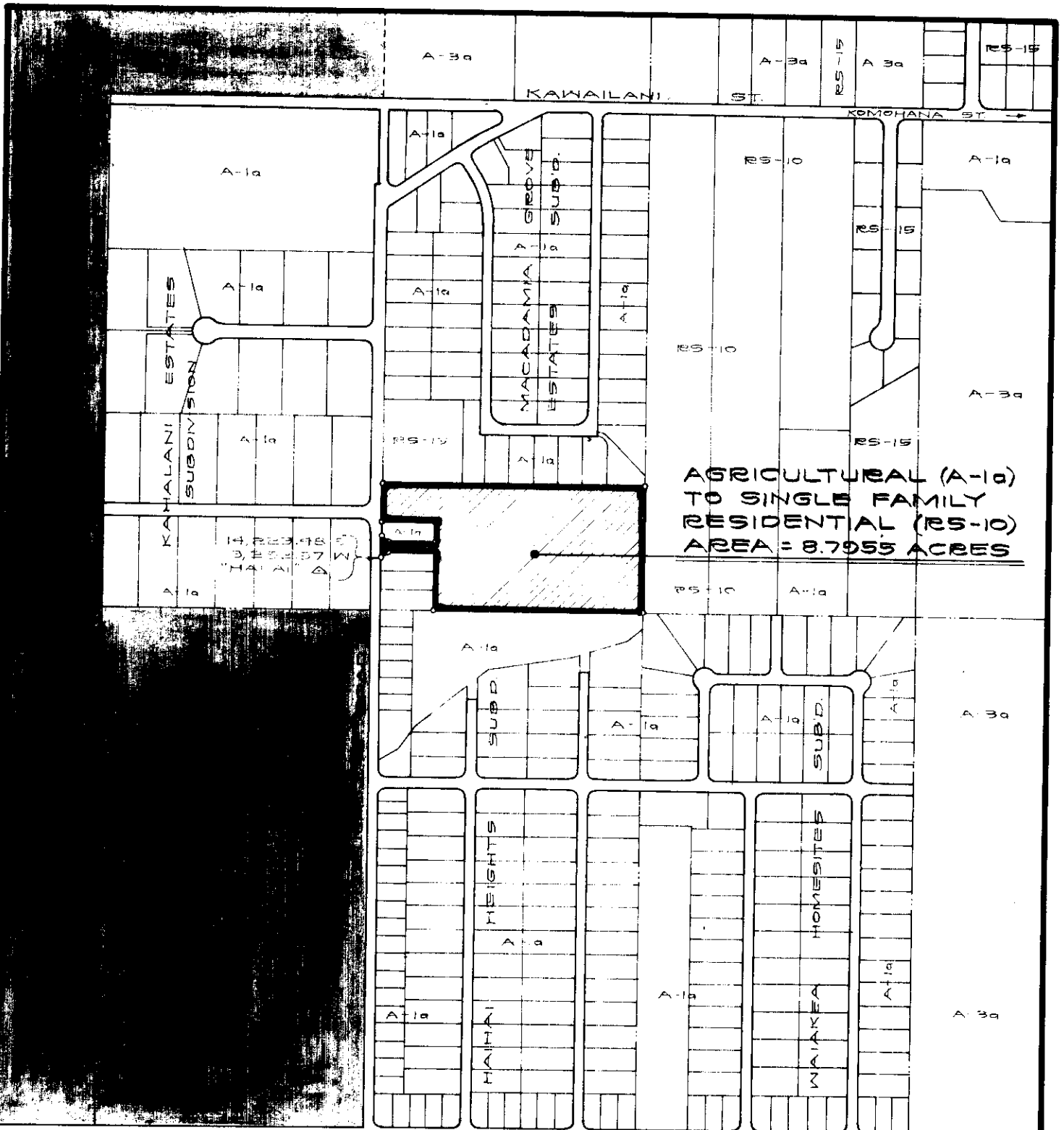
Date of Adoption: November 4, 1976

Effective Date: November 9, 1976



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 51 TO 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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIKAI HOMESITES SECOND SUBDIVISION.

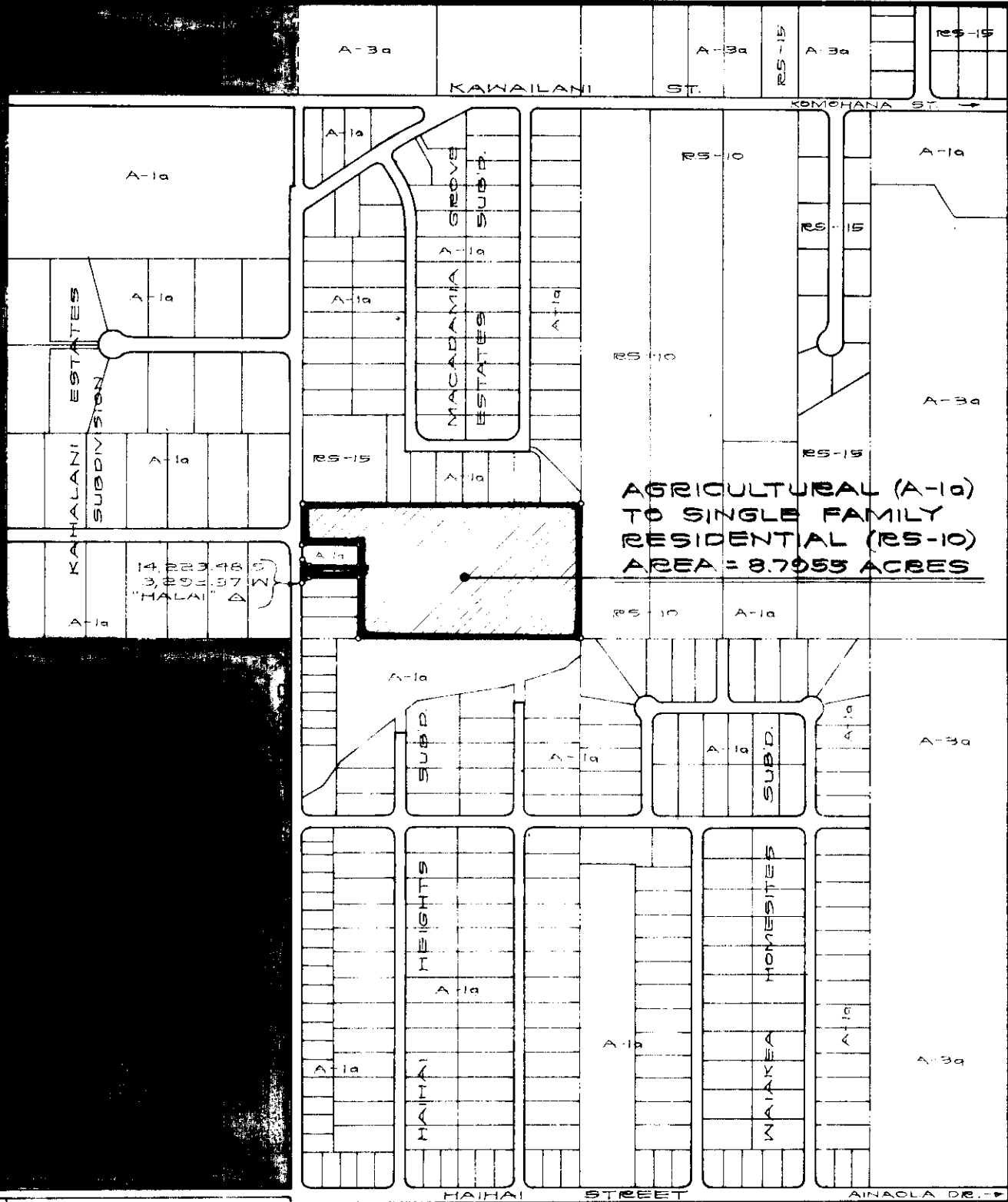


AGRICULTURAL (A-1a)
TO SINGLE FAMILY
RESIDENTIAL (RS-10)
AREA = 8.7955 ACRES

NOTE:
SEE ORDINANCE NO. 221 FOR
LEGAL DESCRIPTION OF THE
ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 21 TO 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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIKAE HOMESTEADS, SECOND SERIES.



**AGRICULTURAL (A-1a)
TO SINGLE FAMILY
RESIDENTIAL (RS-10)
AREA = 8.7953 ACRES**

NOTE: SEE ORDINANCE NO. 231 FOR LEGAL DESCRIPTION OF THE ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 51 TO 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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: Walter Freitas
(print or type)

(I) (We) hereby request an amendment of zoning to change the present classification in a(n) Agriculture one-acre district into a(n) RS-10 district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons:

Description and map of property: Petitioner shall submit twelve (12) copies of location and site plan, drawn to scale.

All that certain parcel situated at Waiakea Homesteads, Second Series, Waiakea, South Hilo, Hawaii, containing approximately 8.178 acres.
TMK 2-4-44:1

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

Walter Freitas is the owner of the subject parcel.

*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.)

A-2

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.

Please address all correspondence to:

Kenneth Fujiyama Realty, Inc.
100 Pauahi Street, #109
Hilo, Hawaii 96720

Signature Walter George Freitas
Name Title
Address Box 461 Hilo
Telephone 959 7389

ATTACHMENT

A-1

Mr. Walter Freitas, owner of the subject parcel, is seeking rezoning from Agriculture one-acre to RS-10. He is planning to develop this proposed subdivision into a 24-lot development with approximately ten lots sold as house and lot packages ranging from \$50,000 to \$60,000. The remainder of the 14 lots will be sold on a long term Agreement of Sale financing. Title to all lots will be in fee simple.

Attached find proposed subdivision map for the area. The subject parcel has been designated urban by the State of Hawaii and as low density residential by the Hawaii County General Plan.

A-2

The owner feels that it is appropriate to apply for rezoning to RS-10 because the area surrounding this parcel is not suited for agriculture or ranching at the present time. The makai area of Kupulau Street is an RS-10 residential area and a proposed Kawailani subdivision below will be subdivided into an RS-10 subdivision. Because of the annoyance a commercial operation may cause the surrounding area and the economics involved in ranching and/or farming, it is not feasible at this time to pursue any commercial venture in that area.

As previously stated the subject area has been designated as low density residential by the Hawaii County General Plan. Mr. Freitas' plan to provide house and lot packages as well as vacant lots follows the guidelines of the general plan. The housing packages would basically attract those potential owners in the so-called "gap group." The attached table showing the current listings in the Multiple Listing Service of the Hawaii Island Board of Realtors, shows the supply of housing that is available within this range. This table also shows the ages of the homes on the market. It is believed that Mr. Freitas' subdivision would not create an oversupply in the market and would be a definite asset to the inventory that is currently available as it does not give a potential buyer a wide selection. (TABLE C)

Mr. Freitas' subdivision will also help to provide potential home owners with a lot which will enable them to build in the future. Because Mr. Freitas proposes that his lots will be sold on a long-term agreement of sale basis, i.e., five to ten years, most families who are unable to afford homes at the present time will have the opportunity to purchase a lot with favorable terms and financing so that they may be able to build at a later time when their income can justify this new construction. It is believed that there are a number of families who fit into this category and would be attracted to this type of subdivision. The land in question is owned free and clear by Mr. Freitas.

Enclosed please find tables showing the number of renters in the South Hilo district. There are presently 1068 families in the Hilo district whose income is \$10,000 or more a year who are presently renting. It is believed that many of these families are unable to purchase a lot at the present time because of unavailability of financing from banks and other lending institutions for undeveloped lots. It is believed also that many of the renters in this category would like to purchase vacant lots so that they would accumulate enough equity in the future to enable them to build their own home. (TABLE A)

TABLE B shows the number of lots that presently are available in the South Hilo district by size and corresponding price range. In the \$15,000 to \$19,999 category there are currently five lots available. There are also two lots available priced at \$20,000 in the \$20,000 to \$24,999 category. Therefore, there is a total of seven lots currently available in Hilo below \$20,000. Since Mr. Freitas proposes that his lots will be marketed for between \$18,000 and \$20,000, the current market conditions suggest that he probably would be able to market these lots in a very short time. It is believed that the low supply of lots in that category does not meet the demand generated by potential users.

TABLE A

INCOME DISTRIBUTION OF RENTERS PAYING MORE THAN 25% OF GROSS INCOME FOR RENT¹
 South Hilo District, 1969

<u>South Hilo District</u>	<u>Total</u>	<u>Less than \$5,000</u>	<u>\$5,000 - \$9,999</u>	<u>\$10,000 - \$14,999</u>	<u>More than \$15,000</u>
Total No. of Renters	3,284	986	1,230	632(19.24%)*	436(13.27%)*
No. Paying over 25%	734	538	163	18	15
% of Income Group	22.4	54.6	13.3	2.8	3.4
% of Line 2	100.0	73.3	22.2	2.5	2.0

¹ Excludes one-family homes on ten acres or more.

Source: 1970 Census

Housing Inventory, County of Hawaii, 1973
 Department of Research and Development
 County of Hawaii, Hilo, Hawaii

TABLE B

HOUSING SUPPLY SUMMARY BY PRICE
South Hilo

\$50,000 to \$60,000

TOTAL NUMBER	19
0 to 5 years old	15
1 to 2 bedrooms	3
3 bedrooms	14
4 bedrooms and up	2

Source: Multiple Listing Service - Hawaii Island Board of Realtors
Volume 41, October 13, 1975

TABLE C

RESIDENTIAL LOT SUPPLY SUMMARY BY PRICE

SQUARE FOOTAGE	\$15,000 - \$19,999	\$20,000 - \$24,999	\$25,000 - \$29,999	\$30,000 and up	TOTALS
7500 to 9999 sqft.	1				1
10,000 to 14,999 sqft.	1	13	7	1	22
15,000 sqft. and up	3	15	8	10	36
TOTALS	5	28	15	11	59

Source: Multiple Listing Service - Hawaii Island Board of Realtors, Volume 40, October 6, 1975

CHANGE OF ZONE: WALTER FREITAS

BACKGROUND

The petitioner, Walter Freitas, is requesting a change of zone for ~~8.178~~^{8.8+} acres of land from an Agricultural 1-acre (A-1a) to a Single-Family Residential 10,000 square foot (RS-10) zoned district. The area under consideration is situated on the makai side of Kupulau Street, between the Macadamia Grove Estates and Haihai Heights subdivisions, Waiakea Homesteads, 2nd Series, Waiakea, South Hilo (TMK: 2-4-44:1 77).

The petitioner is requesting the change of zone to allow the creation of a twenty-four (24) lot subdivision ^{with lots} which range in sizes from 12,210 to 16,307 square feet. The ~~applicant~~^{petitioner} intends to construct single family dwellings on approximately forty percent (40%) of the lots.

For the Commissioners' and petitioner's information, the general configuration of the proposed subdivision, including the size and number of lots, are to be viewed as a conceptual plan. The actual layout of the subdivision, if this change of zone request is granted, will be determined at the time of subdivision review.

The General Plan Land Use Pattern Allocation Guide Map designates the area for Low Density Urban Development. This General Plan designated area may permit single family residential uses at a maximum density of four (4) units per acre. The Hilo Community Development Plan's Zone Guide Map recommends that the area be zoned for Single-Family Residential 10,000 or 15,000 square foot (RS-10 or RS-15) uses.

The area under consideration is presently vacant. The Haihai Heights Subdivision contains 107 lots ranging in sizes from 7,500 to 16,000 square feet in sizes. The Macadamia Grove Estates Subdivision consists of sixty-nine (69) 15,000 square foot sized lots. The surrounding area below Kupulau Street is basically residential in character.

The property adjacent and to the east of the area in question was rezoned to RS-10 in March 1974. A 2-acre parcel adjacent to the north of the property was rezoned to RS-15 in January 1973.

Soils of the area are of the Olaa extremely stony silty clay loam series. These soils are approximately 25-inches thick and are underlain by fragmented Aa. Permeability is rapid, runoff is slow, and the erosion hazard is slight. Medium rainfall for the area is approximately 165 inches per year.

(According to plans submitted, access to the subject area is by means of a forty (40) foot wide section of the parcel that abuts Kupulau Street. ^{The Subdivision Code, however, requires a 50-foot right-of-way. (See Part 5/3 later)} Kupulau Street has a fifty (50) foot right-of-way with a 20-foot pavement. It is proposed to be increased to a 80-foot right-of-way. All essential utilities, including a 6-inch water line, are or will be available to subject area.

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

"Mr. Walter Freitas, owner of the subject parcel, is seeking rezoning from Agriculture one-acre to RS-10. He is planning to develop this proposed subdivision into a 24-lot development with approximately ten lots sold as house and lot packages ranging from \$50,000 to \$60,000. The remainder of the 14 lots will be sold on a long term Agreement of Sale Financing. Title to all lots will be in fee simple.

"The owner feels that it is appropriate to apply for re-zoning to RS-10 because the area surrounding this parcel is not suited for agriculture or ranching at the present time. The makai area of Kupulau Street is an RS-10 residential area and a proposed Kawaiiani subdivision below will be subdivided into an RS-10 subdivision. Because of the annoyance a commercial operation may cause the surrounding area and the economics involved in ranching and/or farming, it is not feasible at this time to pursue any commercial venture in that area.

"As previously stated the subject area has been designated as low density residential by the Hawaii County General Plan. Mr. Freitas' plan to provide house and lot packages as well as vacant lots follows the guidelines of the general plan. The housing packages would basically attract those potential owners in the so-called "gap group." (The attached table showing the current listings in the Multiple Listing Service of the Hawaii Island Board of Realtors, shows the supply of housing that is available within this range. (This table also shows the ages of the homes on the market.) It is believed that Mr. Freitas' subdivision would not create an oversupply in the market and would be a definite asset to the inventory that is currently available as it does not give a potential buyer a wide selection.

"Mr. Freitas' subdivision will also help to provide potential home owners with a lot which will enable them to build in the future. Because Mr. Freitas proposes that his lots will be sold on a long-term agreement of sale basis, i.e., five to ten years, most families who are unable to afford homes at the present time will have the opportunity to purchase a lot with

favorable terms and financing so that they may be able to build at a later time when their income can justify this new construction. It is believed that there are a number of families who fit into this category and would be attracted to this type of subdivision. The land in question is owned free and clear by Mr. Freitas.

"There are presently 1068 families in the Hilo district whose income is \$10,000 or more a year who are presently renting. It is believed that many of these families are unable to purchase a lot at the present time because of unavailability of financing from banks and other lending institutions for undeveloped lots. It is believed also that many of the renters in this category would like to purchase vacant lots so that they would accumulate enough equity in the future to enable them to build their own home.

"The following is the number of lots that presently are available in the South Hilo district by size and corresponding price range. In the \$15,000 to \$19,999 category there are currently five lots available. There are also two lots available priced at \$20,000 in the \$20,000 to \$24,999 category. Therefore, there is a total of seven lots currently available in Hilo below \$20,000. Since Mr. Freitas proposes that his lots will be marketed for between \$18,000 and \$20,000, the current market conditions suggest that he probably would be able to market these lots in a very short time. It is believed that the low supply of lots in that category does not meet the demand generated by potential users."

For the Commissioners' information, the applicant's statement that "There are a total of seven lots currently available in Hilo below \$20,000," refers to the number of lots, in the \$20,000 price range, that is currently listed on the Multiple Listing Service (MLS). Since lots may be listed privately by individual realtors, in addition to ~~MLS~~ Listing, the seven (7) lots referred to are not necessarily the total number of available lots in the District of South Hilo.

Upon review of this request, the Department of Water Supply had the following comments:

"Water service for this change of zone application is available from the 6-inch waterline along Kupulau Street. At the time of subsequent subdivision action, the subdivider will be required to comply with the minimum water requirements of the subdivision code.

"Although not entirely within the jurisdictional confines of our Department, we would like to have the road layout tie into the existing or proposed roads of the adjacent lots or subdivisions."

The Department of Public Works commented that "Conditions of approvals should be that the entrance road be increased to 50' in width and that the roadway be extended to the rear boundary."

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

Hilo, Hawaii
 Date: October 20, 1976

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	

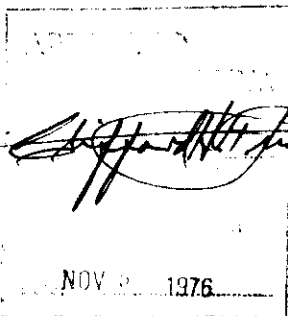
Publication Date: October 24, 1976

Hilo, Hawaii
 Date: November 4, 1976

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: November 15, 1976

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

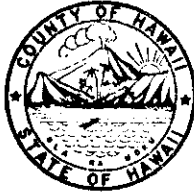


Robert M. Yamada
 Council Chairman

Ted J. Suzuki
 County Clerk

Approved/Disapproved this 9th day of

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. 248
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: November 5, 1976

Bill No. 248 - 1976

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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-44:1 and 77.

This Bill amends 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-1a) to Single Family Residential (RS-10) at Waiakea Homesteads, 2nd Series, S. Hilo.

Date Introduced: October 20, 1976

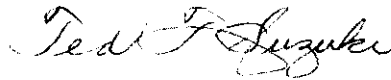
Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on October 20, 1976, by the following aye and no vote:

De Luz

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

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII



ORDINANCE NO. 231
(Bill No. 248-1976)

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-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKEA HOMESTEADS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-44:1 and 77.

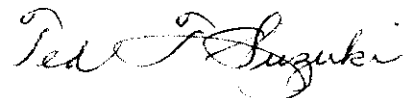
Date Approved: November 4, 1976
Date Effective: November 9, 1976

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 November 4, 1976, 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

