

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 625

ORDINANCE NO. 92 84

AN ORDINANCE AMENDING SECTION 25-96 (HAMAKUA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO MODIFICATIONS OF CONDITION C OF ORDINANCE NO. 90-26, WHICH RECLASSIFIED 33,119 SQ. FT. OF LAND FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT WAIKOEKOE, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-8-06:35(PORION).

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

SECTION 1. Ordinance No. 90-26 is amended as follows:

"SECTION 1. Section 25-96, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Waikoekoe, Hamakua, Hawaii, shall be Single Family Residential (RS-15):

Beginning at the northeast corner of this parcel of land and on the southerly side of Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU MANUU" being 6385.10 feet North and 3665.76 feet East and running by azimuths measured clockwise from True South:

- 1. 11° 44' 02" 37.08 feet along Honokaa-Waipio Road (Proj. No. 240-A-01-71);
2. Thence along Honokaa-Waipio Road (Proj. No. 240-A-01-71), along a curve to the left having a radius of 2,638.77 feet, the chord azimuth and distance being: 96° 42' 44" 461.96 feet;

3. 203° 23' 37.55 feet along Lot B (the remaining of L.C. Aw. 8559-B, Apana 2 to William C. Lunalilo) to the southwest corner of Lot 1, Honokaa Sugar Co. Camp 113 Subdivision;
4. 293° 23' 60.00 feet along Lot 1, Honokaa Sugar Co. Camp 113 Subdivision;
5. 203° 23' 125.20 feet along Lot 1, Honokaa Sugar Co. Camp 113 Subdivision;
6. 292° 27' 10" 375.10 feet along Government Road to the point of beginning and containing an area of 33,119 Square Feet.

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) the applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) submit plans for tentative subdivision review within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of tentative subdivision approval; (C) access shall meet with the approval of the Department of Public Works[. Further, no access shall be permitted from the State's Honokaa-Waipio Road] and/or the State Department of Transportation-Highways Division; (D) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (E) all other

applicable laws, rules, regulations, and requirements shall be complied with; (F) should the council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (G) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and, (H) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the General Plan or Zoning Code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and 4) the time extension granted shall be for a period not to exceed the period originally granted for

performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the director shall initiate rezoning of the area to its original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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 adoption.

INTRODUCED BY:

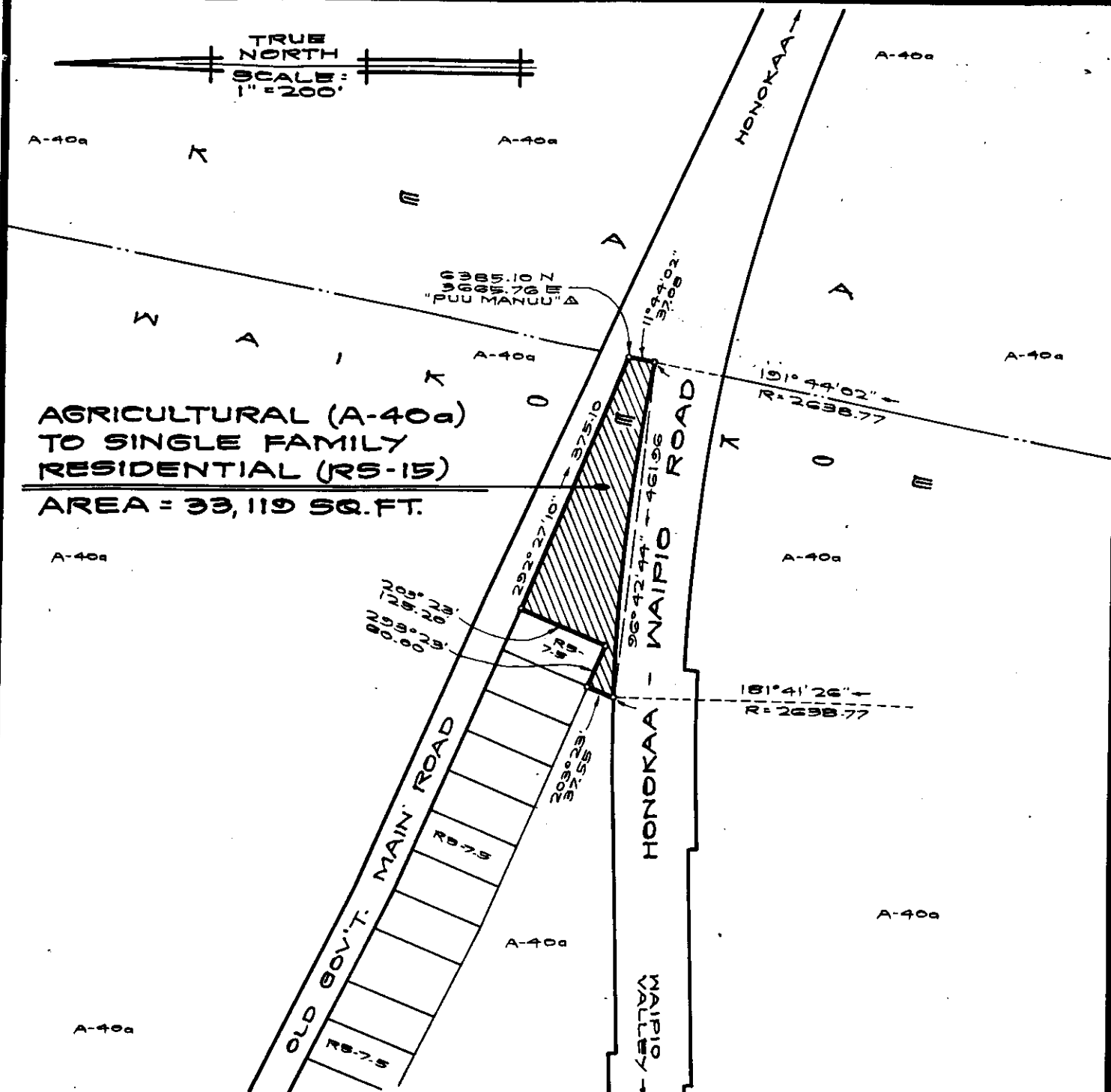
Juanke Domingo
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: July 1, 1992
Date of 1st Reading: July 1, 1992
Date of 2nd Reading: July 15, 1992
Effective Date: JUL 22 1992

APPROVED AS TO FORM AND LEGALITY:

Gerald Johnson
CORPORATION COUNSEL
DATE: MAY 2 , 1992



**AGRICULTURAL (A-40a)
TO SINGLE FAMILY
RESIDENTIAL (RS-15)**
AREA = 33,119 SQ. FT.

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-96 (HAMAKUA DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO SINGLE FAMILY RESIDENTIAL (RS-15) AT WAIKOEKOE, HAMAKUA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII