

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 16

ORDINANCE NO. 93 16

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-48:9.

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

SECTION 1. Section 25-114, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Agricultural (A-3a):

Beginning at a 1-inch pipe at the north corner of this lot, the east corner of Lot 6 of Panaewa Farm Lots and on the southwesterly side of the 50-foot Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,282.50 feet South and 13,608.69 feet East, as shown on Government Survey Registered Map H.T.S. Plat 921, and running by azimuths measured clockwise from True South:

1. 341° 00' 644.00 feet along the southwesterly side of the 50-foot Road to a 1-inch pipe;
2. 71° 00' 1,352.80 feet along Lot 8 of Panaewa Farm Lots to a 1-inch pipe;

3. 161° 00' 644.00 feet along Lots 9 and 10 of Panaewa Farm Lots to a 1-inch pipe;
4. 251° 00' 1,352.80 feet along Lot 6 of Panaewa Farm Lots to the point of beginning and containing an area of 20.00 Acres.

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

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of this Change of Zone; (C) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the change of zone. Final subdivision approval shall be secured within two years from the date of receipt of tentative subdivision approval; (D) access to the subject property, to include minimum driveway standards for sight distance, shall meet with the approval of the Department Public Works; (E) drainage improvements, to include the installation of a drainage swale and reconstruction of the road shoulder away from the pavement, shall be provided in a manner meeting with the approval of the Department of Public Works, in

conjunction with Final Subdivision Approval; (F) the applicant shall install a wastewater treatment system meeting with the requirements of the Department of Health and the Department of Water Supply; (G) all new wastewater systems for lots within the subject site shall be located no closer than 1,000 feet from the Panaewa Wells or in conformance with the prevailing rules of the State Department of Health governing wastewater systems. At the time of subdivision review of the subject property, the Planning Director, upon consultation with the State Department of Health and County Department of Water Supply, shall determine whether easements and/or covenants are necessary to assure compliance with this requirement; and if so, they shall be reviewed and approved prior to granting of final subdivision approval of the subject property; (H) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (I) all other applicable laws, rules, regulations and requirements shall be complied with; (J) should the Council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or setting forth criteria for

the imposition of exactions or the assessment of impact fees, conditions included herein may, at the applicant's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (K) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the Change of Zone. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; and, (L) 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 applicant, 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 the Zoning code;
- 3) granting of the time extension would not be contrary to the original reasons for the granting of the Change of Zone;
- 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 3. In the event that any portion of the 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:


COUNCIL MEMBER, COUNTY OF HAWAII

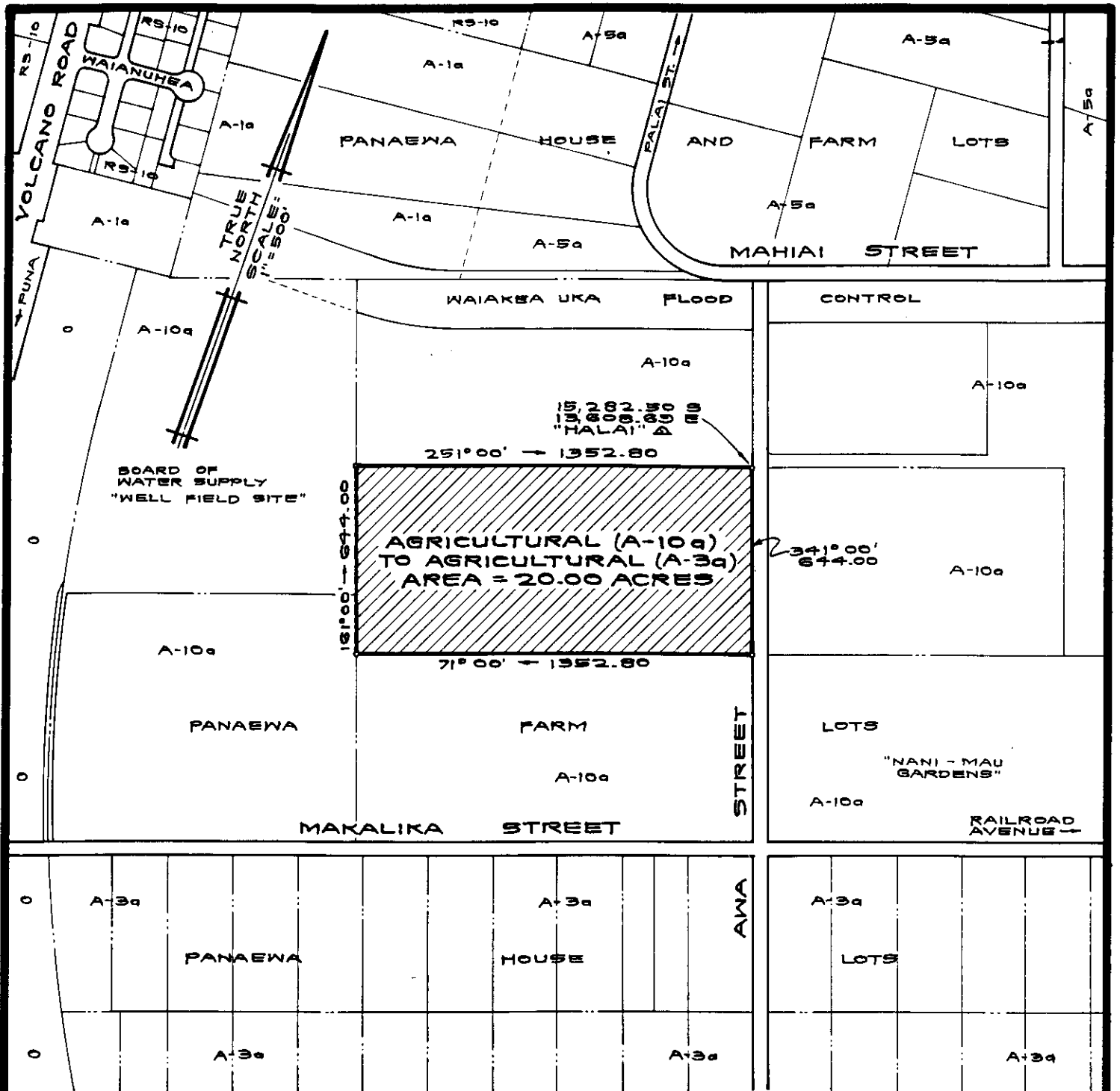
Hilo, Hawaii

Date of Introduction: January 27, 1993
Date of 1st Reading: January 27, 1993
Date of 2nd Reading: February 10, 1993
Effective Date: February 24, 1993

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATED: DEC 22 1992



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO AGRICULTURAL (A-3a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 2-2-48 : 9

NOV. 12, 1992