

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 161  
(Draft 2)

ORDINANCE NO. 94 4

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 2-2-48:8.

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 in concrete at the East corner of this lot and at the West corner of Makalika and Awa Streets, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 16,500.33 feet South and 14,028.02 feet East as shown on Government Survey Registered Map H.T.S. Plan 921, and running by azimuths measured clockwise from true South:

1. 71° 00' 1,352.80 feet along the northwesterly side of Makalika Street to a 1-inch pipe;
2. 161° 00' 644.00 feet along Lot 9 of Panaewa Farm Lots to a 1-inch pipe;

3. 251° 00' 1,352.80 feet along Lot 7 of  
Panaewa Farm Lots to a  
1-inch pipe;
4. 341° 00' 644.00 feet along the  
southwesterly side of Awa  
Street 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 applicants,  
successors, or assigns shall be responsible for complying with  
all of the stated conditions of approval; (B) the applicant  
shall indemnify and hold the County of Hawaii harmless from and  
against any loss, liability, claim or demand for the property  
damage, personal injury or death arising out of any act or  
omission of the applicant, its successors or assigns, officers,  
employees, contractors and agents under this ordinance or  
relating to or connected with the granting of this ordinance.  
(C) final subdivision approval shall be secured within three  
years from the effective date of the Change of Zone;  
(D) accesses to the subject property onto Makalika Street, for  
Lots B through F, shall be limited to a single driveway per  
lot, except for Lot A, which shall access from Awa Street.  
Except at driveway locations, a 10-ft. wide no access planting  
screen easement shall be provided along Makalika street. All  
improvements shall meet with the approval of the Department  
Public Works; (E) drainage improvements, if required, shall be

provided in a manner meeting with the approval of the Department of Public Works, prior to Final Subdivision Approval; (F) the applicants 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 the 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 imposition of exactions or the assessment of

impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance;

(K) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the ordinance. 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, (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:


a) 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; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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 e) 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 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:

  
COUNCIL MEMBER, COUNTY OF HAWAII

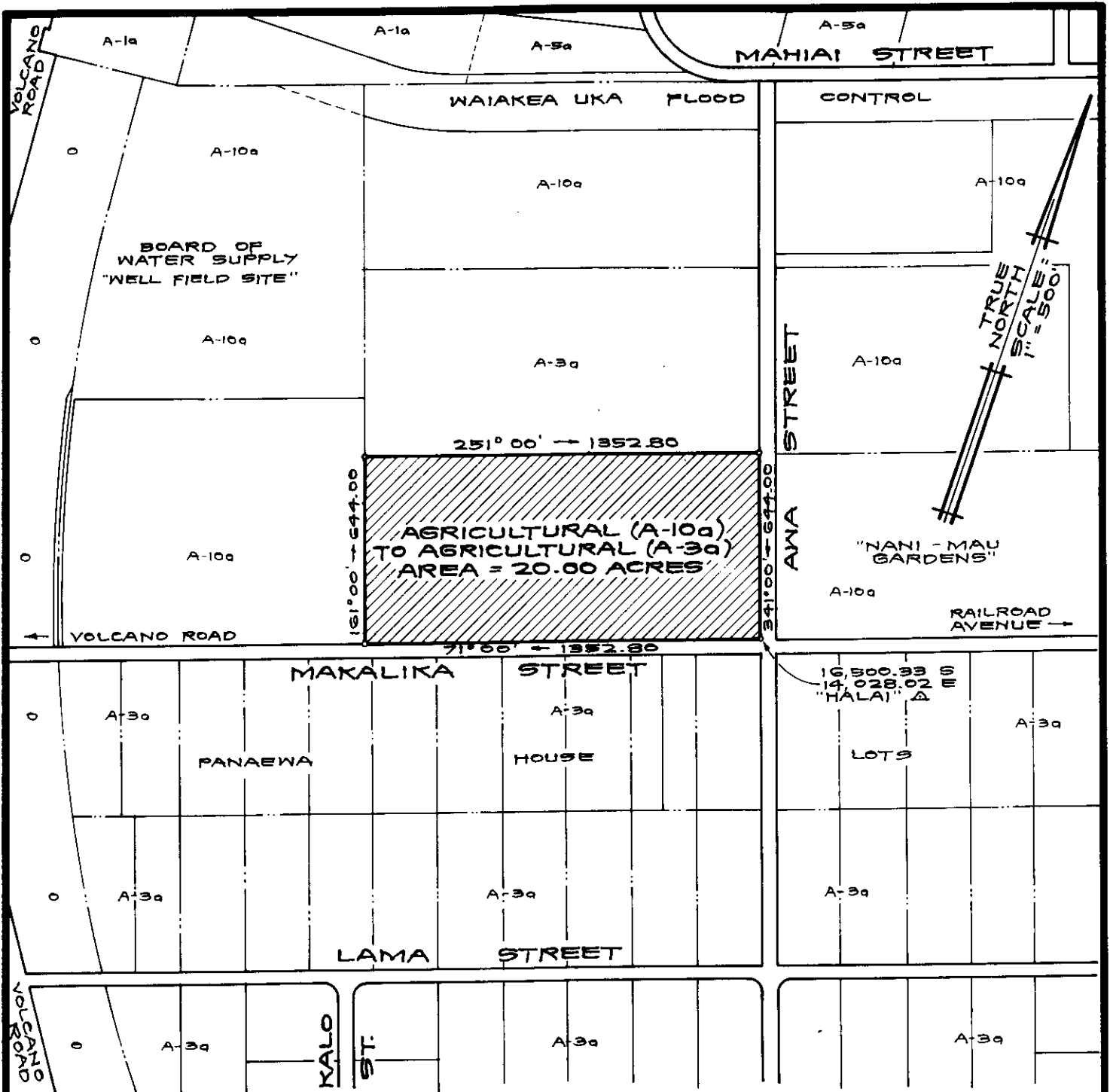
Hilo, Hawaii

Date of Introduction: December 22, 1993  
Date of 1st Reading: December 22, 1993  
Date of 2nd Reading: January 12, 1994  
Effective Date: January 26, 1994

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL

DATE: JAN 18 1994



# 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 : 8

SEPT. 29, 1993

EXHIBIT "A"

(SHIZUE KAYA, ET AL.)