

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 32

ORDINANCE NO. 95 36

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKA 1 AND WAIAKA 2, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-5-01:PORTION OF 33. BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-95E, 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 Waiaka 1 and Waiaka 2, Waimea, South Kohala, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the north corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 15,076.05 feet north and 2,734.62 feet east, thence running by azimuths measured clockwise from True South:

- 1. 292° 23' 912.65 feet along the remainders of R.P. 1668, L.C. Aw. 8520-B to Lahilahi and Grant 662 to Kamaikui;
- 2. 314° 00' 149.13 feet along the remainder of Grant 662 to Kamaikui;
- 3. 27° 40' 30" 557.63 feet along the remainder of Grant 662 to Kamaikui;

4. 99° 14' 804.93 feet along the remainders of Grant 662 to Kamaikui and R.P. 1668, L.C. Aw. 8520-B to Lahilahi;
5. 187° 09' 822.21 feet along Grant S-14462 to Hawaii Preparatory Academy to the point of beginning and containing an area of 14.900 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 stated conditions of approval.
- B. The applicant, successors, or assigns shall secure Final Plan Approval for the proposed classroom and dormitory buildings. Plans shall indicate existing and proposed structures, landscaping, internal access roads, and parking areas associated with the new uses. Scenic views of the hills behind the school shall be preserved by designing buildings to minimize their visual impact on the landscape.
- C. The construction of the development shall be completed within five (5) years from the date of receipt of Final Plan Approval.
- D. A detailed Historic Preservation Plan which has been approved by the State Department of Land and Natural Resources - Historic Preservation Division shall be

submitted to the Planning Director prior to the issuance of Final Plan Approval for the development. This Historic Preservation Plan shall consist of an approved archaeological inventory survey for the property and an agreed upon mitigation plan. The State's Historic Preservation Division and the Planning Director shall verify in writing the successful execution of the plan, prior to any land altering activities on the site.

- E. Should any unidentified sites or remains such as artifacts, shell, bone, charcoal deposits, human burials, rock or coral alignments, paving, or walks be encountered, work in the immediate area shall cease, and the Planning Director shall be immediately notified. When sufficient mitigative measures have been taken, the Planning Director shall issue an archaeological clearance to allow work at the site to proceed.
- F. Access to the property from the Kohala Mountain Road shall meet with the approval of the Department of Transportation, Highways Division. Such approval shall be submitted to the Planning Director prior to the issuance of a Certificate of Occupancy for the first new building on the site.

- G. The roadway improvements to the internal access roads shall be completed prior to the issuance of a Certificate of Occupancy for the first new building on the site. These improvements shall include increasing the entry lane widths to a minimum of 10 feet, and increasing the curb radii to 30 feet.
- H. The wastewater treatment and disposal system shall be designed in accordance with Department of Health regulations, and shall be installed prior to the issuance of a Certificate of Occupancy for the first new building on the site.
- I. A drainage system which meets with the approval of the Department of Public Works shall be installed prior to the issuance of a Certificate of Occupancy for the first new building on the site. Any drainage improvements shall also meet State Department of Health, State Department of Transportation, and National Pollutant Discharge Elimination System standards.
- J. A solid waste management plan which meets with the approval of the Department of Public Works shall be adopted prior to the issuance of a Certificate of Occupancy for the first new building on the site. The applicant shall comply with the Integrated Solid Waste Management Plan as adopted by the County Council.

- K. Fire apparatus access roads and a water supply capable of supplying required fire flow for fire protection shall be installed and approved by the Fire Department prior to the issuance of a Certificate of Occupancy for the first new building on the site.
- L. 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 in the change of zone ordinance shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- M. An extension of time for the performance of conditions may be granted by the Planning Director only when 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 original reasons for granting of the change of zone; 3) granting of the time extension would not be contrary to the General Plan or Zoning Code; 4) the time extension granted does not 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.

- N. If any of the conditions are not met or substantially complied with in a timely fashion, the Director may 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.

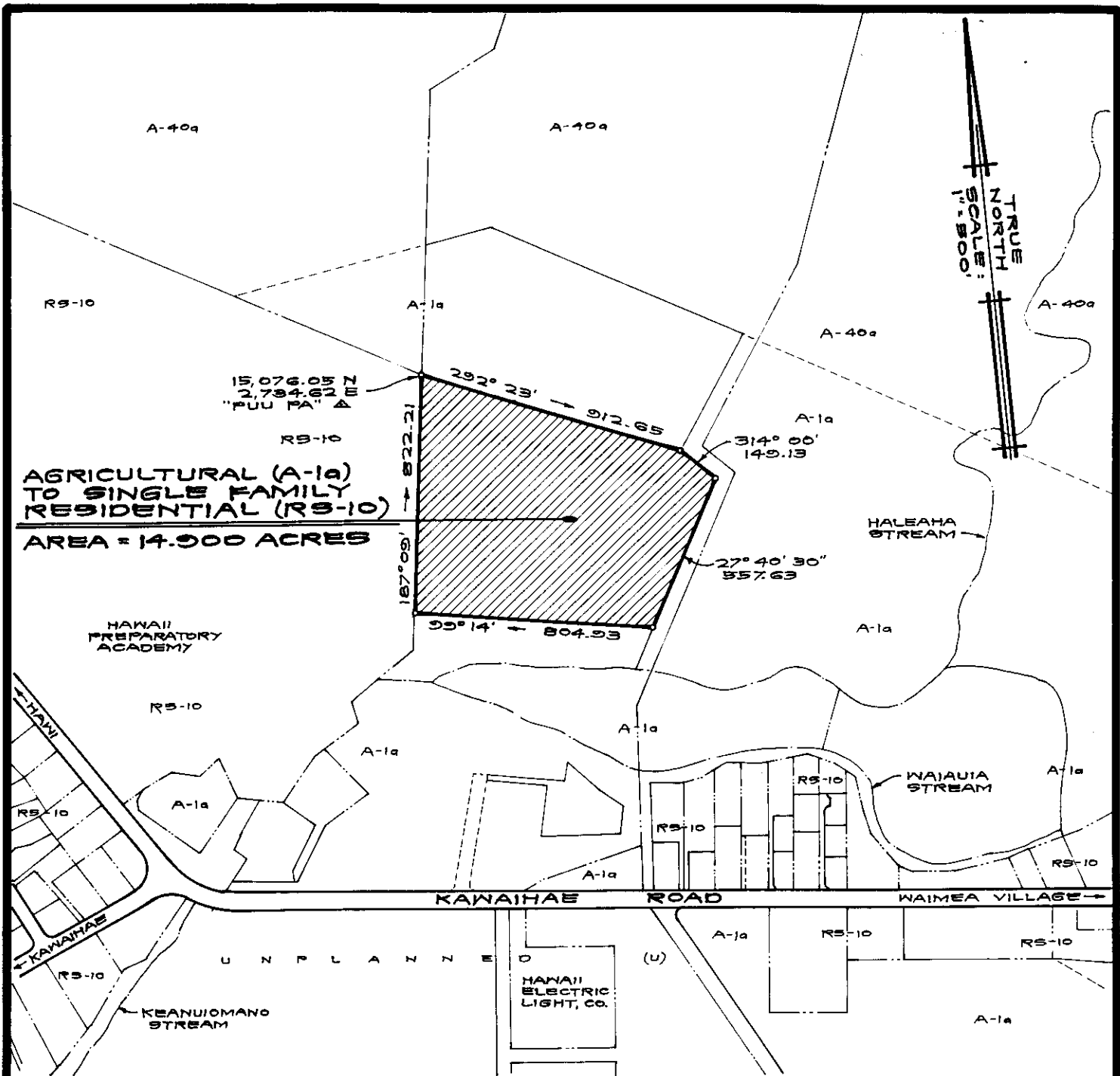
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: February 15, 1995
Date of 1st Reading: February 15, 1995
Date of 2nd Reading: March 1, 1995
Effective Date: March 7, 1995



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95 E (LALAMILO-PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT WAIAKA 1 AND WAIAKA 2, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 6-5-01 : PORTION OF 33

OCT. 7, 1994

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

195 MAR 7 PM 3 45

Introduced By: Keola Childs
 Date Introduced: February 15, 1995
 First Reading: February 15, 1995
 Published: N/A

REMARKS:

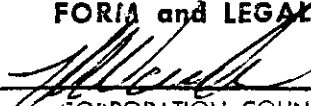
| ROLL CALL VOTE | | | | |
|----------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Arakaki | X | | | |
| Bonk-Abramson | X | | | |
| Childs | X | | | |
| De Lima | X | | | |
| Domingo | X | | | |
| Osorio | X | | | |
| Rath | X | | | |
| Ray | X | | | |
| Smith | X | | | |
| | 9 | 0 | 0 | 0 |

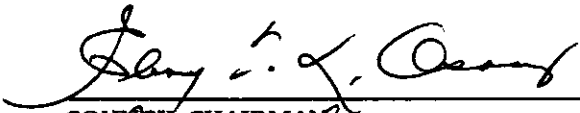
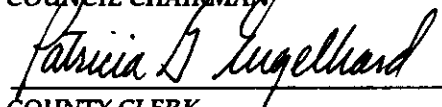
Second Reading: March 1, 1995
 To Mayor: March 2, 1995
 Returned: March 7, 1995
 Effective: March 7, 1995
 Published: March 15, 1995

REMARKS:

| ROLL CALL VOTE | | | | |
|----------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Arakaki | X | | | |
| Bonk-Abramson | X | | | |
| Childs | X | | | |
| De Lima | X | | | |
| Domingo | | | X | |
| Osorio | X | | | |
| Rath | X | | | |
| Ray | X | | | |
| Smith | X | | | |
| | 8 | 0 | 1 | 0 |

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

**APPROVED as to
 FORM and LEGALITY**

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAR 7 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved / Disapproved this 7th day
 of March, 1995.


 MAYOR, COUNTY OF HAWAII

Bill No.: 32
 Reference: C-156/PC-23
 Ord. No.: 95 36