

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 53

ORDINANCE NO. 95 56

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 2-2-48:12.

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 properties described hereinafter as follows:

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

PARCEL 1:

Beginning at the northwest corner of this parcel of land and on the easterly side of Awa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 15,266.22 feet South and 13,655.97 feet East, thence running by azimuths measured clockwise from true South:

- 1. 251° 00' 1,014.60 feet along Grant 13,031 to Noboru Nakayama and Hatsuyo Nakahara Nakayama (Lot 1-A);
2. 341° 00' 644.00 feet along the remainder of Grant 13,032 to Yoshio Kami and Etsuko Okamoto Kami (Lot 1-A);

3. 71° 00' 1,014.60 feet along Grant 13,033 to Takeo and Sadame Matsuyama Watanabe;
4. 161° 00' 644.00 feet along Awa Street to the point of beginning and containing an area of 15.00 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, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed residential-agricultural subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- C. To provide sufficient pressure and domestic flow to the subject property, the applicants shall install a new water line from Makalika Street to the subject property in a manner meeting with the approval of the Department of Water Supply, prior to the issuance of Final Subdivision Approval for the proposed 4-lot subdivision.
- D. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be

encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

- E. 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 shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- F. 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, its 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.

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).
 5. Should the applicants require an additional extension of time, the Planning Director shall submit the applicants' request to the County Council for appropriate action.
- G. 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:

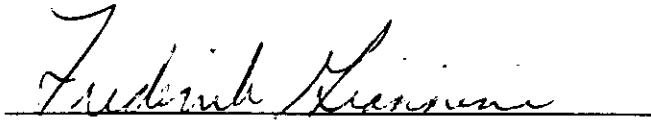


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

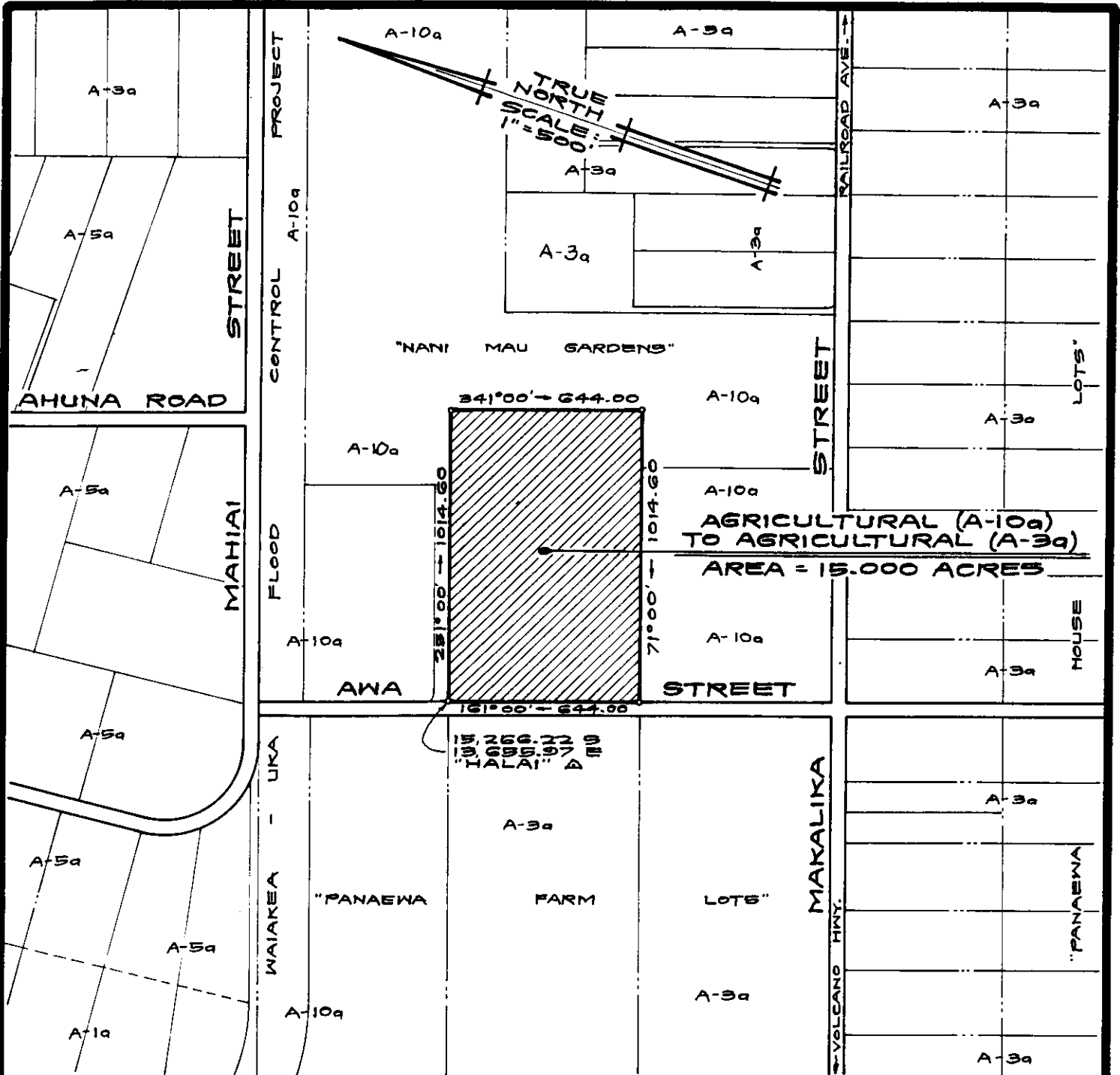
Date of Introduction: April 5, 1995
Date of 1st Reading: April 5, 1995
Date of 2nd Reading: April 19, 1995
Effective Date: April 26, 1995

APPROVED AS TO FORM AND LEGALITY:



CORPORATION COUNSEL

DATE: 4/24/95



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 : 12

JAN. 19, 1995

EXHIBIT "A"

(YOSHIO AND ETSUKO KAMI)

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

1995 APR 26 11 4 02

Introduced By: Keola Childs
 Date Introduced: April 5, 1995
 First Reading: April 5, 1995
 Published: N/A

REMARKS:

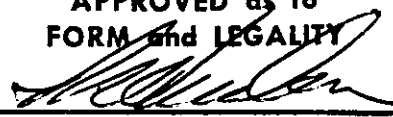
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
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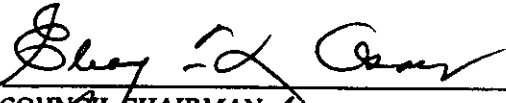
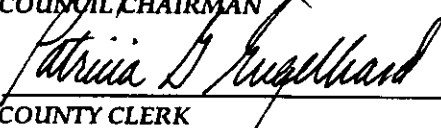
Second Reading: April 19, 1995
 To Mayor: April 20, 1995
 Returned: April 26, 1995
 Effective: April 26, 1995
 Published: May 3, 1995

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			
	9	0	0	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 APR 25 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved / Disapproved this 26 day
 of April, 1995.


 MAYOR, COUNTY OF HAWAII

Bill No.: 53
 Reference: C-234/PC-38
 Ord. No.: 95 56