

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 175
(Draft 2)

ORDINANCE NO. 98 13

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO FAMILY AGRICULTURAL (FA-3a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-48:7.

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

SECTION 1. Section 25-8-33, Article 8, 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 Family Agricultural (FA-3a):

Beginning at a 1-inch pipe at the east corner of this lot, the south corner of Lot 8 of Panaewa Farm Lots and on the northwesterly side of the 50-foot road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 16,940.76 feet south and 12,748.92 feet east, as shown on Government Survey Registered Map H. T. S. Plat 921, and running by azimuths measured clockwise from true South:

1. 71° 00' 1,035.26 feet along the northwesterly side of the 50-foot road to a 1-inch pipe;

2. Thence along Lot 10 of Panaewa Farm Lots, on a curve to the right with a radius of 5,289.58 feet, the chord azimuth and distance being:

160° 57' 07" 284.21 feet to a pipe;

3. Thence still along Lot 10 of Panaewa Farm Lots, on a curve to the right with a radius of 5,289.58 feet, the chord azimuth and distance being:

164° 01' 51" 284.21
feet to a 1-inch pipe;
4. Thence still along Lot 10 of Panaewa Farm Lots, on a curve to the right with a radius of 5,289.58 feet, the chord azimuth and distance being:

167° 06' 35" 284.21
feet to a 1-inch pipe;
5. 251° 00' 990.22 feet along Lot 10 of Panaewa Farm Lots to a 1-inch pipe;
6. 341° 00' 850.60 feet along Lots 7 and 8 of Panaewa Farm Lots to the point of beginning and containing an area of 20.00 acres, more or less.

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. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District for the agricultural zoned area within the subject property.

- C. Final Subdivision Approval of the proposed subdivision within the subject property shall be secured from the Planning Director within five (5) years from the effective date of this ordinance. The subdivision map shall delineate the 1,000-foot radius from the Panaewa Wells.
- D. Access(es) to the proposed development within the subject property from Makalika Street shall meet with the approval of the Department of Public Works.
- E. Restrictive covenants(s) in the deeds of all the proposed agricultural lots within the subject property shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the approved covenants(s) shall be recited in an instrument executed by the applicants and the County and recorded with the Bureau of Conveyances in conjunction with the issuance of Final Subdivision Approval.
- F. All new wastewater systems for each proposed lot within the subject property shall comply with the State Department of Health.
- G. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the State Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

- H. 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.
- I. 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 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 reason 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).
- J. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

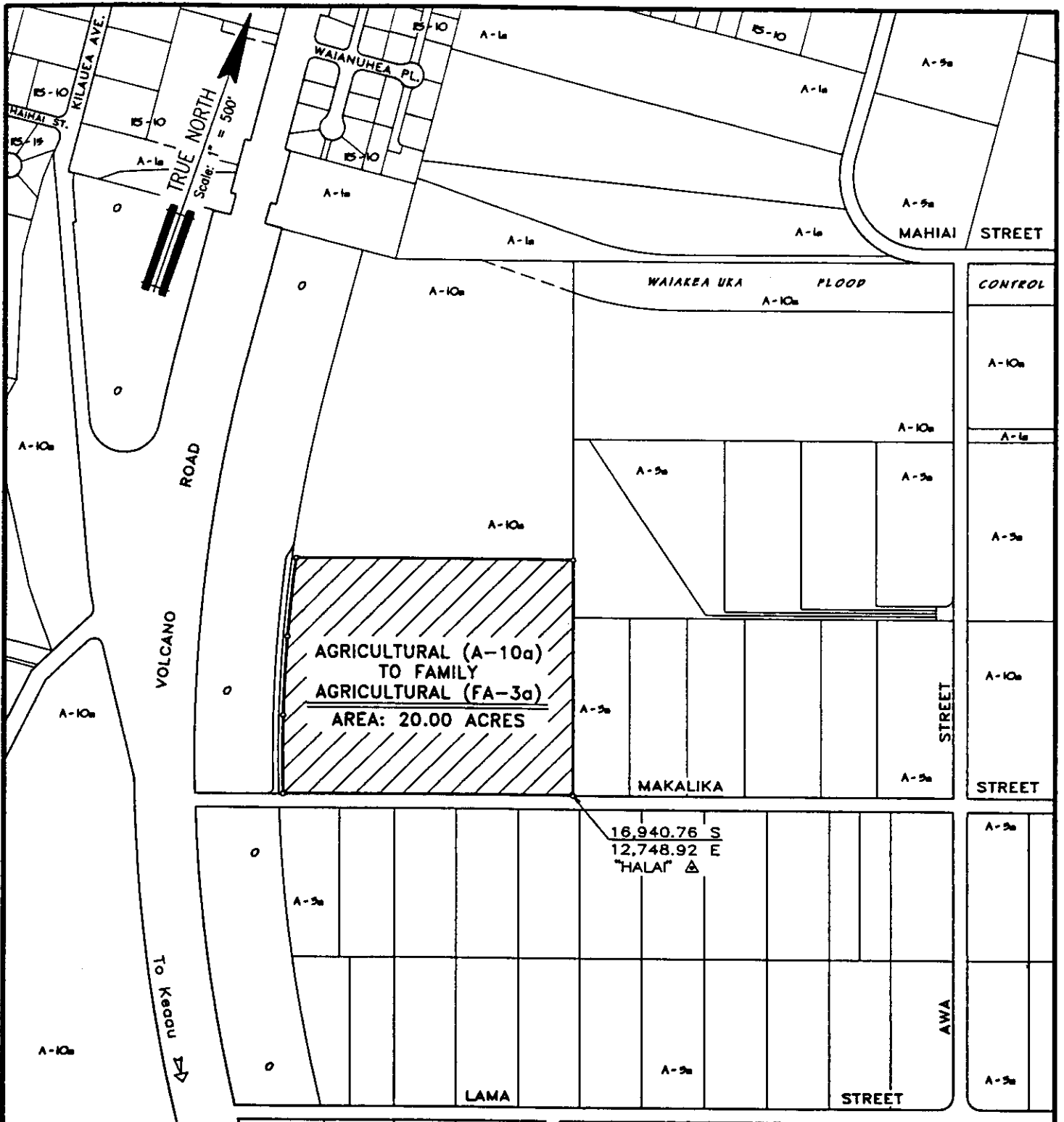
Hilo, Hawaii

Date of Introduction: February 4, 1998
Date of 1st Reading: February 4, 1998
Date of 2nd Reading: February 18, 1998
Effective Date: February 24, 1998

APPROVED AS TO FORM AND LEGALITY


DEPUTY CORPORATION COUNSEL

DATED: 2/23/98



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-10a) TO FAMILY AGRICULTURAL (FA-3a) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

1998 FEB 25 11 08 AM

(DRAFT 2)

Introduced By: COBobby Jean Leithead-Todd
Date Introduced: February 4, 1998
First Reading: February 4, 1998
Published: N/A

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

REMARKS:

Second Reading: February 18, 1998
To Mayor: February 20, 1998
Returned: February 25, 1998
Effective: February 24, 1998
Published: March 8, 1998

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds			X	
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

REMARKS:

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:

Frederick Lewis
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 2/23/98

Approved/Disapproved this 24 day
of February, 1998

Donald Blalock
MAYOR, COUNTY OF HAWAII

James Galala
COUNCIL CHAIRMAN
Donald Blalock
COUNTY CLERK

Bill No.: 175 (Draft 2)
Reference: C-615/PC-88
Ord. No.: 98 13