

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 279
(Draft 4)

ORDINANCE NO. 98 105

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 SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AND OPEN (O) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-29:13 TO 31, 33 TO 47, 49 TO 58 AND 2-4-60:1 TO 33.

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:

PARCEL 1:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the southeast corner of this parcel of land, and on the north side of Haihai Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 15,734.55 feet South and 3,635.14 feet East and running by azimuths measured clockwise from True South:

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|----|--------------|--------|--|
| 1. | 85° 40' | 788.00 | feet along the northeasterly side of Haihai Street; |
| 2. | 175° 40' | 242.00 | feet along Lot B-2, a portion of Grant 10,916 to William Machado; |
| 3. | 197° 36' 30" | 143.71 | feet along Lot 50-F, a portion of Grant 10,916 to William Machado; |

4. Thence along Lots 50-F, 50-E and 50-C, being portions of Grant 10,916 to William Machado, along a curve to the right with a radius of 225.00 feet, the chord azimuth and distance being:
155° 39' 20" 153.99 feet;
5. 175° 40' 175.00 feet along Lots 50-C and 50-B, being portions of Grant 10,916 to William Machado;
6. Thence along Lot 50-C, a portion of Grant 10,916 to William Machado, along a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
130° 40' 42.43 feet;
7. 85° 40' 60.00 feet along Lot 50-C, a portion of Grant 10,916 to William Machado;
8. 355° 40' 175.00 feet along Lot 50-C, a portion of Grant 10,916 to William Machado;
9. 85° 40' 91.00 feet along Lots 50-C and 50-D, being portions of Grant 10,916 to William Machado;
10. 175° 40' 910.23 feet along the east side of Komohana Street;
11. 236° 50' 415.52 feet along the northerly side of Ainaola Drive;
12. 327° 31' 126.80 feet along Lot 22-A, a portion of Camp 4-C;
13. 237° 31' 617.20 feet along Lots 22-A, 21-A, 20-A and 19-A, being portions of Camp 4-C and Lots 1, 2, 3 and 4 of Waiakea House Lots, 6th Series;
14. 355° 40' 387.88 feet along Maunakai Circle Subdivision, File Plan 1290;
15. 57° 31' 519.21 feet along Lot 33, Machado Acres Subdivision, Unit 1, File Plan 1279;

- | | | | |
|-----|--|--------|---|
| 16. | 327° 31' | 35.35 | feet along Lot 33, Machado Acres
Subdivision, Unit 1, File Plan 1279; |
| 17. | Thence along Lot 33, Machado Acres Subdivision, Unit 1, File Plan 1279, along
a curve to the right with a radius of 525.00
feet, the chord azimuth and distance being:
341° 35' 30" 255.35 feet; | | |
| 18. | 355° 40' | 438.31 | feet along Lot 33, Machado Acres
Subdivision, Unit 1, File Plan 1279 and
Lot 45 of Machado Acres Subdivision,
Unit 2, File Plan 1343; |
| 19. | 265° 40' | 379.00 | feet along Lot 45 and across the remainder
of Lot 45 of Machado Acres Subdivision,
Unit 2, File Plan 1343; |
| 20. | 355° 40' | 490.00 | feet along Maunakai Circle Subdivision, File
Plan 1290 and Lots J-1 and J-2, being
portions of Grant 11,265 to heirs of Virginia
C. Carey (Deceased) to the point of
beginning and containing an area of 25.948
acres. |

PARCEL 2:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be Open (O):

Beginning at the northwest corner of this parcel of land, being the southwest corner of Lot 17, Machado Acres Subdivision, Unit 1, File Plan 1279 and on the easterly side of Keone Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 14,565.42 feet South and 3,087.46 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 237° 31' | 519.21 | feet along Lots 17, 15, 14, 13, 12 and 11 of
Machado Acres Subdivision, Unit 1, File
Plan 1279; |
| 2. | 355° 40' | 962.12 | feet along Maunakai Circle Subdivision, File
Plan 1290; |

3. 85° 40' 379.00 feet across the remainder of Lot 45 and along Lots 40 to 44, inclusive of Machado Acres Subdivision, Unit 2, File Plan 1343;
4. 175° 40' 438.31 feet along the easterly side of Keone Street;
5. Thence along the easterly side of Keone Street, along a curve to the left with a radius of 525.00 feet, the chord azimuth and distance being:
161° 35' 30" 255.35 feet;
6. 147° 31' 35.35 feet along the easterly side of Keone Street to the point of beginning and containing an area of 7.692 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, and the Machado Acres Association shall be responsible for complying with all of the stated conditions of approval.
- B. The Machado Acres Association shall subdivide, if required, and dedicate the park site to the County of Hawaii within fifteen (15) years from the effective date of this ordinance.
- C. Prior to the dedication of the park site to the County of Hawaii, the Machado Acres Association shall be responsible to remove any encroachments and obstructions within the existing privately owned storm drainage easements, meeting with the approval of the Department of Public Works.
- D. 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 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.

- 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. Comply with all other applicable rules, regulations and requirements of the affected agencies for any development of the subject area, including the Department of Public Works, Department of Health and Department of Water Supply.

- G. 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 Zoning Code;

 - 3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and

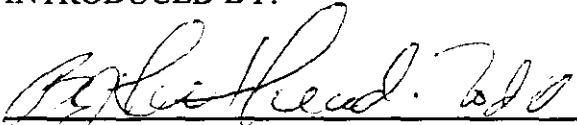
 - 4. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

H. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject 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:



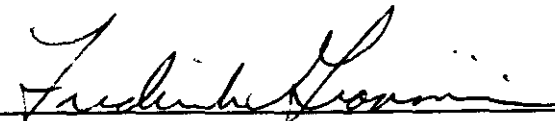
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 2, 1998
Date of 1st Reading: September 2, 1998
Date of 2nd Reading: October 7, 1998
Effective Date: October 19, 1998

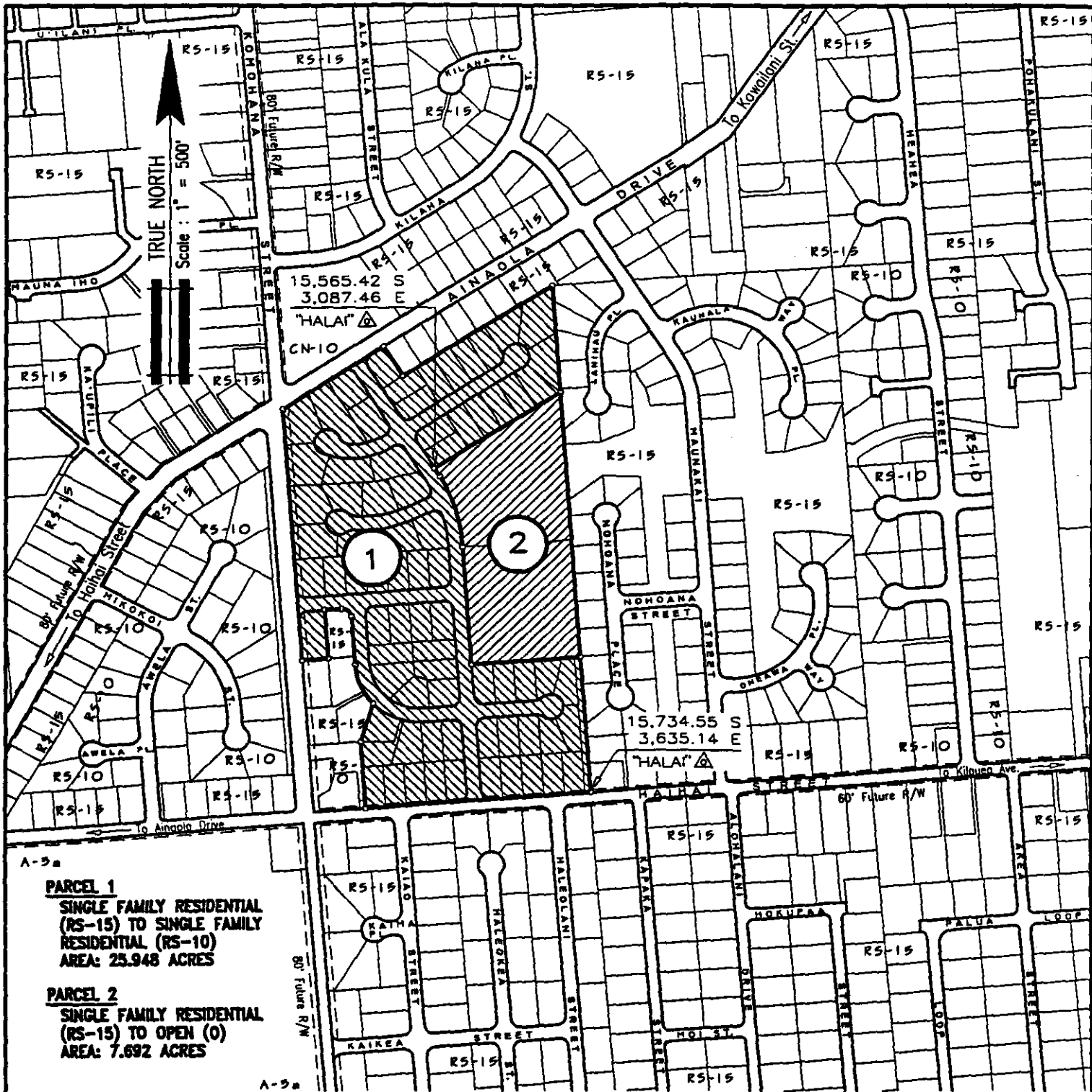
REFERENCE: Comm. 938.04

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 10/14/98



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 SINGLE FAMILY RESIDENTIAL (RS-15) TO SINGLE FAMILY RESIDENTIAL (RS-10) AND OPEN (O) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: September 2, 1998
First Reading: September 2, 1998
Published: N/A

REMARKS:

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

(DRAFT 4)

Second Reading: October 7, 1998
To Mayor: October 9, 1998
Returned: October 20, 1998
Effective: October 19, 1998
Published: October 27, 1998

REMARKS:

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			
	6	1	2	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:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 10/14/98

Approved/Disapproved this 19 day
of October 19 98


MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 279 (Draft 4)
Reference: C-938.02/PC-141
Ord. No.: 98 105