

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 260

ORDINANCE NO. 00 78

AN ORDINANCE REPEALING ORDINANCE NO. 96 48 WHICH AMENDED SECTION 25-113 (SOUTH HILO DISTRICT ZONE MAP) AND 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 OPEN (O) AND AGRICULTURAL (A-20A) TO SINGLE FAMILY RESIDENTIAL (RS-7.5) AND NEIGHBORHOOD COMMERCIAL (CN-10) AT PUUEO, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-6-08:17, 26, 27, 29, 36, 39 AND PORTIONS OF 28, 31, 32, 33, 34, 37 AND 38 AND 2-6-29:14 AND 15.

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

SECTION 1. Ordinance No. 96 48 which amended Section 25-113, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is hereby repealed in its entirety.

"[Section 1. Section 25-113, 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 Puueo, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

Parcel "A":

Beginning at a Northeastly corner of this parcel of land, and being the Southeast corner of Parcel B, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 4,737.56 feet North and 839.74 feet East and thence running by azimuths measured clockwise from true South:

- 1. 161° 40' 18.86 feet along the remainder of Grant 185, Ap. 2 to B. Pitman;

2.	262°	27'		394.53	feet along Lot 1, same being also portions of Commissioners of Crown Lands to Thomas Spencer; Grant 185, Ap. 2 to B. Pitman and R.P. 4687, L.C. Aw. 4809, Ap.2 to Moses Lo;
3.	343°	45'		474.87	feet along the remainder of a portion of Commissioners of Crown Lands to Thomas Spencer;
4.	42°	22'		26.80	feet along Lot 2, being a portion of Commissioners of Crown Lands to Thomas Spencer;
5.	7°	59'	30"	27.00	feet along Lot 2, being a portion of Commissioners of Crown Lands to Thomas Spencer;
6.	360°	00'		67.35	feet along Lot 2, being a portion of Commissioners of Crown Lands to Thomas Spencer;
7.	67°	48'		64.80	feet along Lot 1, being a portion of Commissioners of Crown Lands to Thomas Spencer;
8.	101°	45'		106.90	feet along Lot 1, being a portion of Commissioners of Crown Lands to Thomas Spencer;
9.	88°	57'		164.00	feet along a portion of Grant 185, Ap. 2 to B. Pitman;
10.	351°	37'		283.00	feet along a portion of Grant 185, Ap. 2 to B. Pitman;
11.	358°	56'	40"	42.50	feet across Amaulu Road;
12.	358°	57'		67.54	feet along a portion of Grant 185, Ap. 2 to B. Pitman;
13.	268°	57'		163.49	feet along a portion of Grant 185, Ap. 2 to B. Pitman;

14.	177° 20'	59.98	feet along a portion of Grant 185, Ap. 2 to B. Pitman;
15.	267° 14'	30.19	feet along the South side of Amaulu Road;
16.	357° 31'	58.28	feet along Lot B, being a portion of Commissioners of Crown Lands to Thomas Spencer;
17.	0° 20'	48.70	feet along Lot 1, being a portion R.P. 4841, L.C.Aw. 8069 to Haaloa;
18.	20° 00'	132.59	feet along a portion of Grant 185, Ap. 2 to B. Pitman;
19.	14° 00'	254.00	feet along a portion of Grant 185, Ap. 2 to B. Pitman;

Thence the Agricultural District Boundary follows edge of agricultural field for the next seventeen (17) courses, the direct azimuths and distances between points along said meandering line being:

20.	91° 54'	200.00	feet;
21.	81° 43'	200.00	feet;
22.	84° 14'	200.00	feet;
23.	66° 00'	200.00	feet;
24.	69° 40'	200.00	feet;
25.	81° 30'	200.00	feet;
26.	74° 50'	200.00	feet;
27.	46° 50'	200.00	feet;
28.	32° 41'	200.00	feet;

29.	44° 20'	200.00	feet;
30.	29° 44'	200.00	feet;
31.	45° 50'	200.00	feet;
32.	50° 02'	200.00	feet;
33.	50° 12'	200.00	feet;
34.	71° 38'	200.00	feet;
35.	72° 52'	200.00	feet;
36.	70° 05'	210.00	feet;
37.	<p>Thence following along Lot 32 of Puueo Farm Lots, said lot being portions of Commissioners of Crown Lands to Thomas Spencer and Kamehameha IV to Thomas Miller and being also along the middle of stream, the direct azimuth and distance between points along said middle of stream being:</p> <p style="text-align: right;">111° 04' 20"      751.67 feet;</p> <p>Thence along Lot 31 of Puueo Farm Lots, said lot being portions of Kamehameha IV to Thomas Miller and Grant 185, Ap. 1 to B. Pitman and being also along the middle of a stream for the next four (4) courses, the direct azimuths and distances between points along said middle of stream being:</p>		
38.	109° 54'	400.20	feet;
39.	156° 18'	582.90	feet;
40.	87° 24'	157.00	feet;
41.	163° 34'	361.02	feet;

- |     |   |        |  |
|-----|---|--------|--|
| 42. | 111° 04'  | 281.16 | feet along Lot 31 of Puueo Farm Lots, same being also portions of Kamehameha IV to Thomas Miller and Grant 185, Ap. 1 to B. Pitman;  |
| 43. | 117° 50'  | 30.00  | feet along Lot 31 of Puueo Farm Lots, same being also portions of Kamehameha IV to Thomas Miller and Grant 185, Ap. 1 to B. Pitman;  |
| 44. | Thence along Lot 52 of Puueo Farm Lots, same being also portions of |        | Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman on a curve to the left with a radius of 1000.00 feet, the chord azimuth and distance being: |
|     |   |        | 194° 15'                    469.72 feet;   |
| 45. | 180° 40'  | 403.83 | feet along Lot 52 of Puueo Farm Lots, same being also portions of Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman;                          |
| 46. | 190° 06'  | 482.47 | feet along Lot 41 of Puueo Farm Lots, same being also portions of Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman;                          |
| 47. | Thence along Lot 41 of Puueo Farm Lots, same being also portions of |        | Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman, on a curve to the left with a radius of 250.00 feet, the chord azimuth and distance being: |
|     |   |        | 157° 34'   268.90 feet;  |

48. 125° 02' 214.60 feet along Lots 41 and 40 of Puueo Farm Lots, same being also portions of Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman;

49. Thence along Lot 41 of Puueo Farm Lots, same being also portions of Commissioners of Crown Lands to Thomas Spencer and Grant 185, Ap. 1 to B. Pitman, on a curve to the right with a radius of 160.00 feet the chord azimuth and distance being:

159° 13' 179.79 feet;

Thence along R. P. 4475, L.C.Aw. 7713, Ap. 17 to V. Kamamalu and also being along the middle of Pukihae Stream for the next twelve (12) courses, the direct azimuths and distances between points along said middle of stream being:

50.	269° 47'	425.18	feet;
51.	216° 01'	296.99	feet;
52.	225° 47'	550.86	feet;
53.	298° 01'	693.97	feet;
54.	325° 12'	310.19	feet;
55.	233° 02'	910.48	feet;
56.	296° 05'	460.59	feet;
57.	225° 49'	234.03	feet;
58.	282° 08'	478.00	feet;
59.	237° 44'	294.61	feet;
60.	290° 52'	862.78	feet;

61.	285° 52'	107.24	feet;
62.	26° 50'	450.75	feet along portions of Commissioners of Crown Lands to Thomas Spencer and portion of Grant 185, Ap. 2 to B. Pitman;
63.	94° 00'	51.52	feet along Lot 1, same being also portions of Commissioners of Crown Lands to Thomas Spencer; Grant 185, Ap. 2 to B. Pitman and R.P. 4687, L.C. Aw. 4809, Ap. 2 to Moses Lo;
64.	161° 40'	14.27	feet along the remainder of Grant 185, Ap. 2 to B. Pitman;
65.	113° 03'	312.21	feet along the remainders of Grant 185, Ap. 2 to B. Pitman and R.P. 4666, L.C.Aw. 4659, Ap. 1 to Papa;
66.	Thence along the remainders R.P. 4666, L.C.Aw. 4659, Ap. 1 to Papa and Grant 23 to B. Pitman, on a curve to the left with a radius of 355.00 feet, the chord azimuth and distance being:		
			85° 23' 30" 329.58 feet;
67.	57° 44'	109.15	feet along the remainder of Grant 23 to B. Pitman;
68.	Thence along the remainder of Grant 23 to B. Pitman, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:		
			16° 52' 30" 39.25 feet;
69.	Thence along the remainder of Grant 23 to B. Pitman, on a curve to the right with a radius of 425.00 feet, the chord azimuth and distance being:		
			343° 35' 45" 112.11 feet;

70. 351° 10' 30" 250.78 feet along the remainder of Grant 23 to B. Pitman;
71. Thence along the remainder of Grant 23 to B. Pitman, on a curve to the left with a radius of 775.00 feet, the chord azimuth and distance being:  
346° 11' 15" 130.71 feet;
72. 341° 21' 91.21 feet along the remainder of Grant 23 to B. Pitman;
73. Thence along the remainder of Grant 23 to B. Pitman, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:  
296° 21' 00" 42.43 feet;
74. 251° 21' 707.83 feet along the remainders of Grants 23 and 185, Ap. 2 to B. Pitman; to the point of beginning and containing a gross area of 297.299 acres and a net area of 276.314 acres (more or less), after deducting the following described Exclusions 1 and 2; (Refer to Parcel "A," Exclusions 1 and 2 as shown on Exhibit "A.")

**Exclusion 1:**

Beginning at the Northwest corner of this Exclusion, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 5532.23 feet North and 168.40 feet East and thence running by azimuths measured clockwise from true south:

1. 288° 15' 440.27 feet along remainder of Grant 185, Ap. 2 to B. Pitman;
2. 348° 00' 175.00 feet along remainder of Grant 185, Ap. 2 to B. Pitman;



3.	104° 00'	385.25	feet along remainder of R.P. 4666, L.C.Aw. 4659, Ap. 1 to Papa;
4.	159° 30'	230.45	feet along remainder of Grant 23 to B. Pitman to the point of beginning and containing an area of 1.604 Acres; and

**Exclusion 2:**

**Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3577.19 feet North and 162.63 feet West and thence running by azimuths measured clockwise from true South:**

1.	87° 00'	244.63	feet along remainder of Grant 23 to B. Pitman;
2.	357° 00'	100.00	feet along remainder of Grant 23 to B. Pitman;
3.	92° 00'	290.11	feet along remainder of Grant 23 to B. Pitman;
4.	183° 06'	268.25	feet along remainder of Grant 23 to B. Pitman;
5.	98° 30'	569.68	feet along remainder of Grant 23 to B. Pitman;
6.	186° 00'	770.59	feet along remainder of Grant 23 to B. Pitman;
7.	273° 30'	655.00	feet along remainder of Grant 23 to B. Pitman;
8.	354° 00'	490.00	feet along remainder of Grant 23 to B. Pitman;
9.	267° 11' 30"	307.48	feet along remainder of Grant 23 to B. Pitman;

- |     |              |        |   |
|-----|--------------|--------|---|
| 10. | 347° 18' 30" | 198.30 | feet along the remainder of Grant 23 to B. Pitman and across Amauulu Road;                |
| 11. | 267° 37'     | 179.77 | feet along the South side of Amauulu Road;  |
| 12. | 36° 50'      | 396.90 | feet along the remainder of Grant 23 to B. Pitman and containing an area of 19.381 Acres. |

The district classification of the following area situated at Puueo, South Hilo, Hawaii, shall be Neighborhood Commercial (CN-10):

Parcel "B":

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of Survey beginning, referred to Government Triangulation Station "Halai" being 4,737.56 feet North and 839.74 feet East, and running by azimuth measured clockwise from true South:

- |    |  |        |  |
|----|--|--------|--|
| 1. | 71° 21' 00"  | 707.83 | feet along the remainders of Grant 185, Ap. 2 and Grant 23 to B. Pitman; |
| 2. | Thence along the remainder of Grant 23 to B. Pitman, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  |        | 116° 21' 00" 42.43 feet;   |
| 3. | 161° 21' 00"   | 91.21  | feet along the remainder of Grant 23 to B. Pitman;                       |
| 4. | Thence along the remainder of Grant 23 to B. Pitman, on a curve to the right with a radius of 775.00 feet, the chord azimuth and distance being: |        | 166° 11' 15" 130.71 feet;  |
| 5. | 171° 10' 30"   | 250.78 | feet along the remainder of Grant 23 to B. Pitman;                       |

6. Thence along the remainder of Grant 23 to B. Pitman, on a curve to the left with a radius of 425.00 feet, the chord azimuth and distance being:  
163° 35' 45" 112.11 feet;
7. Thence along the remainder of Grant 23 to B. Pitman, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:  
196° 52' 30" 39.25 feet;
8. 237° 44' 00" 109.15 feet along the remainder of Grant 23 to B. Pitman;
9. Thence along the remainders of Grant 23 to B. Pitman and R.P. 4666, L.C.Aw. 4659, Ap. 1 to Papa, on a curve to the right with a radius of 355.00 feet, the chord azimuth and distance being:  
265° 23' 30" 329.58 feet;
10. 293° 03' 00" 312.21 feet along the remainders of R.P. 4666, L.C.Aw. 4659, Ap. 1 to Papa and Grant 185, Ap. 2 to B. Pitman;
11. 341° 40' 00" 380.57 feet along the remainder of R.P. 4666, L.C.Aw. 4659, Ap.1 to Papa, to the point of beginning and containing an area of 9.7963 Acres, more or less. (Refer to Parcel "B" as shown on Exhibit "A.")

SECTION 2. 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 Puueo, South Hilo, Hawaii, shall be Single Family Residential (RS-7.5):

**Parcel "C":**

Beginning at the Northeast corner of this parcel of land, on the West side of Wainaku Street, the coordinates of said point of beginning, referred to Government Survey Triangulation Station "Halai" being 4,851.64 feet North and 1,559.40 feet East, and running by azimuth measured clockwise from true South:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 341° 40' | 313.19 | feet along the Westerly Side of Wainaku Street;   |
| 2. | 94° 00'  | 367.64 | feet along the Northerly side of Clem Akina Park, same being portion of Commissioners of Crown Lands to Thomas Spencer;   |
| 3. | 163° 45' | 236.77 | feet along the remainder of portion of Commissioners of Crown Lands to Thomas Spencer;  |
| 4. | 262° 27' | 337.41 | feet along Lot 1, same being portion of Commissioners of Crown Lands to Thomas Spencer; to the point of beginning and containing an area of 2.129 Acres, more or less. (Refer to Parcel "C" as shown on Exhibit "A.") |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

**SECTION 3.** These changes in district classification are conditioned upon the following:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
  
- B. Within three years from the enactment of this ordinance, the applicant shall provide assurance satisfactory to the Department of Water Supply and the Planning Director, upon consultation with the State Department of Health and the State Department of Land and Natural Resources, that a water source(s) of sufficient quality and quantity can be established. The effective date of the

changes in district classification(s) shall be the date on which the Planning Director has certified such assurances to be satisfactory. Such satisfactory assurance can be met by the actual drilling and testing of a well site of the water source or by the submittal of a hydrological study certifying that a water source(s) of sufficient quality and quantity can be established at the designated location(s). The actual development of the water source and its water transmission and distribution system shall be developed in conjunction with the subdivision approval process. Notwithstanding the provisions of Condition R, residential building permits shall not be issued until the approved water source is developed and its transmission and distribution system for such source to the subject property has been constructed. Residential building permits may be issued for model home complexes, provided that such model homes will not be occupied until the approved water source is developed.

- C. Subdivision plans for any portion of the project site shall be submitted to the Planning Department and Final Subdivision Approval shall be secured within five (5) years from the effective date of the rezoning as determined in Condition B of this ordinance. A master plan of the proposed development shall be submitted with plans for subdivision review. The proposed subdivision shall not exceed a maximum limit of 800 residential lots.
  
- D. Traffic signalization shall be installed by the applicant at the Wainaku Street/Wailuku Street intersection and the Hawaii Belt Road/Hau Street intersection as warranted by traffic studies which shall be submitted by the applicant every two years from the effective date of final subdivision approval for any residential or commercial portion of the subject property and meeting with the approval of the Department of Public Works.

- E. Roadway improvements and access(es) to the subject property, including all plans and construction, shall meet with the approval/requirements of the Department of Public Works. In conjunction with final subdivision approval for any residential or commercial portion of the subject property, the applicant shall:**
- 1. Construct the main access corridor of the subject property to an 80-foot wide right-of-way with curb, gutter, and sidewalk improvements from its intersection with Wainaku Street, which location shall be determined by the Department of Public Works, up to and fronting that portion of the subject property that is being subdivided. All county dedicable standard roadways within the subject property shall be constructed with curb, gutter, and sidewalk improvements meeting with the approval of the Department of Public Works.**
  - 2. Construct the channelization and signalization at the project site's main access/Wainaku Street intersection no later than the occupancy of any residential unit.**
  - 3. To prevent the use of Amaulu Road as a vehicular thoroughfare, the applicant shall install a breakaway gate where the applicant's ownership of the subject property begins and meeting with the requirements of the Department of Public Works.**
  - 4. Provide off-street parking within the subject property to compensate for the loss of any off-street parking on Wainaku Street between Lehua Street and Iliahi Street.**

- F. To provide for future connections to adjacent properties, the applicant shall provide at least one 60-foot side right-of-way stub-out in addition to the main access corridor abutting to the subject property's western boundary, constructed to dedicable standards including curb, gutter and sidewalk improvements, to the parcels abutting the subject property's northern boundary prior to final subdivision approval for the affected portion of the subject property.
- G. All electrical and communication utilities lines within the road rights-of-way of the subject property shall be placed underground.
- H. The location of the school site, if applicable, shall meet with the approval of the Planning Director, in consultation with the State Department of Education and shall be reflected on the master plan of the subject property which will be submitted with plans for subdivision review.
- I. An overall Landscaping Master Plan, which includes landscaping along the property's frontages along Wainaku Street and the open areas along the Wailuku River, and a program of maintenance of the Landscaping Master Plan, shall be submitted with the subdivision plans for the proposed development to the Planning Director for review and approval, in consultation with the Chief Engineer prior to Final Subdivision Approval of any portion of the proposed development. The Landscaping Master Plan shall include mitigation measures to address potential visual impacts from the proposed development to any public road and adjacent properties (e.g. views from adjacent lots along the Wailuku River) through design controls, lot sizes, landscape buffers and provisions for open space view corridors. As represented by the applicant, measures controlling the architectural and landscape character within the project shall be incorporated as part of the project's Covenants, Conditions and Restrictions (CC&R's). A draft copy of the project CC&R's shall be submitted to the

Planning Director prior to final subdivision approval and a recorded copy shall be filed with the Planning Department.

- J. 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 in consultation with the Department of Land and Natural Resources-Historic Preservation Division when it finds that sufficient mitigative measures have been taken.
  
- K. To ensure the goals and policies of the housing element of the General Plan, the applicant shall secure the concurrence of the County Housing Agency that the applicant's affordable housing requirements have been mutually agreed to prior to final subdivision approval for any residential portion of the subject property.
  
- L. To ensure the goals and policies of the recreation element of the General Plan are implemented, the applicant shall:
  - 1. construct bike lanes, where appropriate, within the road rights-of-way to be dedicated to the County meeting with the approval of the Department of Public Works.
  
  - 2. designate approximately eight (8) acre of land for a public recreational park within the makai (east) portion of the subject property and contiguous to Clem Akina Park, for active and passive recreational uses which shall be dedicated and accepted by the County of Hawaii prior to the occupancy of any residential unit within the subject property. The configuration and the construction of improvements, including but not



limited to grading, grassing, fencing, the construction of multi-use ball fields, and parking shall meet with the approval of the Planning Department in consultation with the Departments of Parks and Recreation and Public Works, prior to the occupancy of any residential unit within the subject property.

3. submit drafts of documents for dedication of the 8-acre park site to the County of Hawaii in conjunction with final subdivision approval for any residential portion of the subject property.

M. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to parks and recreation, fire, police, solid waste disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed residential lots in each such increment. The fair share contribution may be in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies. In the event the fair share contribution is greater than is required of the increment (e.g. dedication of the park), the excess amount will be credited toward future increments of the subject property. The fair share contribution shall have a maximum combined value of **\$7,239.16 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to 800 residential lots, the indicated total fair share contribution is **\$5,791,328.00**, however, the total

amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment provisions set forth in this Condition M. The fair share contribution shall be allocated as follows:

1. \$3,490.85 per lot, for an indicated total of **\$2,792,680.00** to the County to support park and recreational improvements and facilities;
2. \$168.40 per lot, for an indicated total of **\$134,720.00** to the County to support police facilities;
3. \$332.61 per lot, for an indicated total of **\$266,088.00** to the County to support fire facilities;
4. \$145.62 per lot, for an indicated total of **\$116,496.00** to the County to support solid waste facilities;
5. \$3,101.68 per lot, for an indicated total of **\$2,481,344.00** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. The cost of constructing the improvements required in Conditions D, E, F, and L shall be credited against the sum specified in Condition M(1) for parks and recreation and in Condition M(5) for road and traffic improvements. For purposes of

administering Condition M, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to the review and approval of the Planning Director, upon consultation with the appropriate agencies.

- N. Restrictive covenants in the deeds of all the proposed residential lots shall prohibit the construction of an ohana or second dwelling unit on each lot within the subject property. A copy of the proposed covenant(s) shall be submitted to the Planning Department for review and approval and a copy of the approved covenant shall be recited in an instrument executed by the applicants and the County prior to final subdivision approval for any residential portion of the subject property. The Planning Director shall promptly deliver such document to the Bureau of Conveyances for recordation. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- O. A Drainage Study of the subject property shall be submitted to the Planning Director in conjunction with plans submitted for subdivision review for any residential or commercial portion of the subject property. A drainage system and improvements, as may be required, shall be constructed meeting with the approval of the Department of Public Works prior to issuance of Final Subdivision Approval for any portion of the subject property being subdivided into residential or commercial lots.
- P. A Solid Waste Management Plan shall be submitted and approved by the Department of Public Works prior to final subdivision approval for any portion of the subject property being subdivided into residential or commercial lots. The Plan shall include, but not be limited to, the management of construction

solid waste as well as operating and domestic solid waste generated by the proposed development.

- Q.** Wastewater from the subject property shall be disposed into and connected to the County's Hilo wastewater system meeting with the requirements and approval of the Department of Public Works.
  
- R.** In lieu of the actual construction of infrastructural improvements as conditioned above, the applicant may enter into an agreement with the Planning Director and the Department of Public Works and the Department of Water Supply, if applicable, to assure the County that the infrastructural improvements will be constructed together with the appropriate bond, surety or other security deemed acceptable to the Planning Director and approved by the Corporation Counsel. Upon execution of such agreement and filing of the security with the County, if applicable, Final Subdivision Approval for the subject property or portions thereof shall be granted prior to the actual construction of required infrastructural improvements.
  
- S.** 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.
  
- T.** 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).

U. Should any of the conditions not be 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 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.]”

SECTION 2. Material to be deleted is bracketed.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect 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: June 21, 2000

Date of 1st Reading: June 21, 2000

Date of 2nd Reading: July 7, 2000

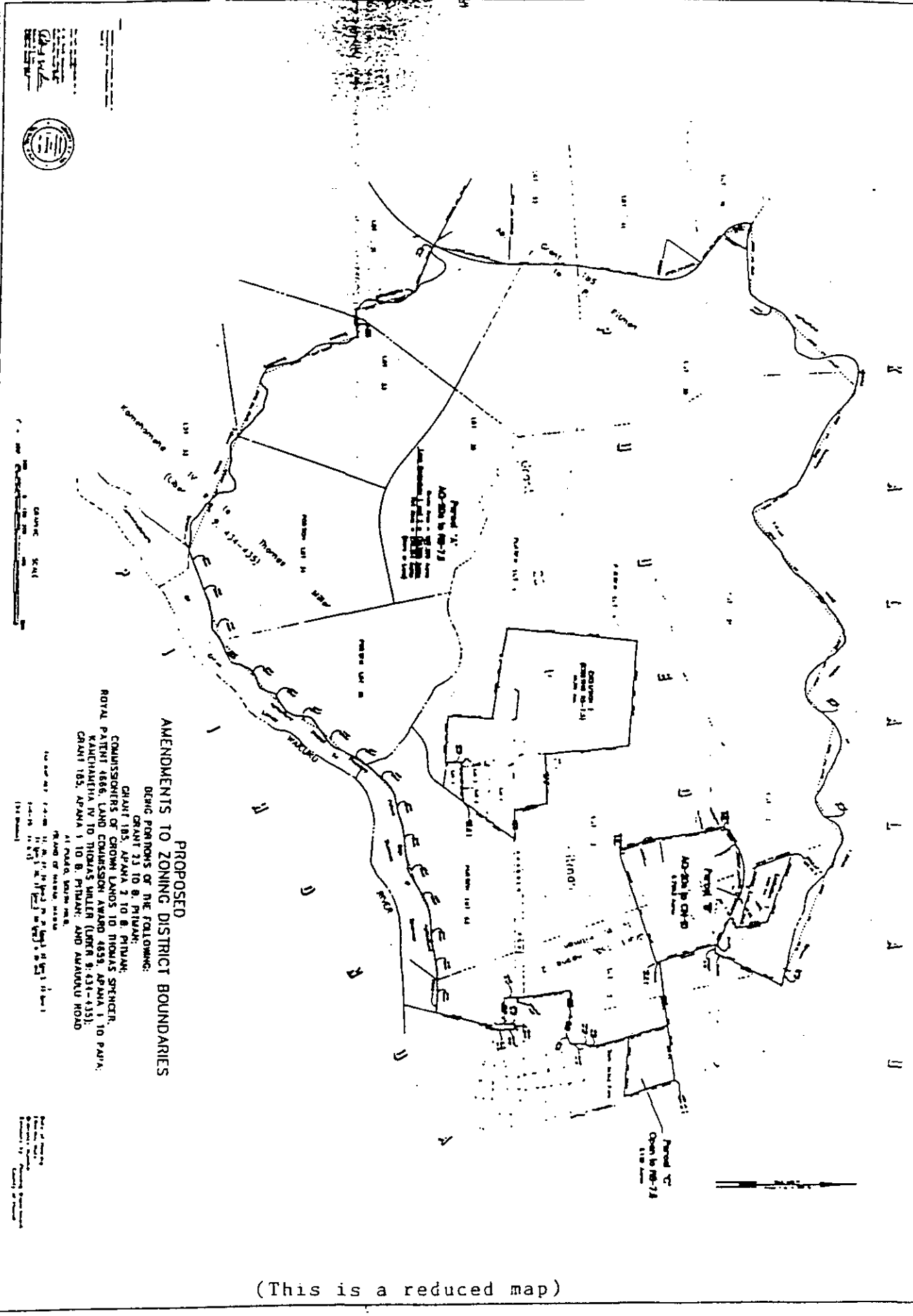
Effective Date: July 31, 2000

REFERENCE: Comm. 777

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CORPORATION COUNSEL

DATED: \_\_\_\_\_



**PROPOSED  
AMENDMENTS TO ZONING DISTRICT BOUNDARIES**  
 BEING PORTIONS OF THE FOLLOWING:  
 GRANT 23 TO B. PHILIP;  
 GRANT 183, APANA 1 TO B. PHILIP;  
 COMMISSIONERS OF GROWN LANDS TO THOMAS SPENCER,  
 ROYAL PATRI 4866, LAND COMMISSION AWARD 4833, APANA 1 TO PAPA,  
 VANUJAHENA IV TO THOMAS MILLER (UMR 9-431-435);  
 GRANT 183, APANA 1 TO B. PHILIP; AND AWAHOU ROAD  
 AT ROAD, SOUTH SIDE.

Scale  
 1" = 100 Feet

(This is a reduced map)

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Ms. Leithead-Todd  
Date Introduced: June 21, 2000  
First Reading: June 21, 2000  
Published: June 28, 2000 (HTH & WHT)  
July 3, 2000 (RFD Publ.)

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: July 7, 2000  
To Mayor: July 11, 2000  
Returned: July 18, 2000  
Effective: July 18, 2000  
Published: July 31, 2000

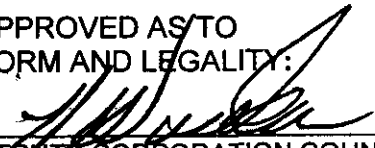
REMARKS: \_\_\_\_\_  
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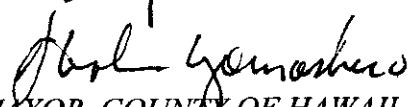
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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

APPROVED AS TO  
FORM AND LEGALITY:  
  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date 7/14/00

  
COUNCIL CHAIRMAN  
  
COUNTY CLERK

Approved/Disapproved this 18 day  
of July, 2000.  
  
MAYOR, COUNTY OF HAWAII

Bill No.: 260  
Reference: C-777/PC-101  
Ord. No.: 00 78