

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 317  
(Draft 2)

ORDINANCE NO. 06 127

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-1a) TO RESIDENTIAL AND AGRICULTURAL (RA- 5a) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-35 25

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 Residential and Agricultural (RA- 5a)

LAND SITUATED AT WAIAKEA, SOUTH HILO, ISLAND OF HAWAII,  
HAWAII

Being a portion of Grant 10,594 to Oteru Takehiro Koshiyama, being also a portion of Lot B, Waiakea Homesteads, 2<sup>nd</sup> Series

Beginning at the northeast corner of this parcel of land, being also the northwest corner of Lot B-2 and on the south side of Roadway Lot A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 17,549.61 feet South and 3,574.62 feet West, thence running by azimuths measured clockwise from true South

- |   |          |             |  |
|---|----------|-------------|--|
| 1 | 355° 40' | 177.00 feet | along the remainder of Grant 10,594 to Oteru Takehiro Koshiyama (Lot B-2), |
| 2 | 85° 40'  | 249.50 feet | along the remainder of Grant 10,594 to Oteru Takehiro Koshiyama (Lot B-5), |

- 3      175° 40'      157 00 feet      along the remainder of Grant 10,594 to Oteru Takehiro Koshiyama (Lot B-4),
- 4      265° 40'      25 00 feet      along the remainder of Grant 10,594 to Oteru Takehiro Koshiyama (Roadway Lot A),
- 5      Thence along same on a curve to the right with a radius of 20 00 feet, the chord azimuth and distance being 220° 40' 28 28 feet.
- 6      265° 40'      204 50 feet      along the remainder of Grant 10,594 to Oteru Takehiro Koshiyama (Roadway Lot A) to the point of beginning and containing an area of 43.576 Square Feet

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 applicants its successors or assigns shall be responsible for complying with all of the stated conditions of approval
- B      Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance
- C      Drainage improvements if required, shall be constructed meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval
- D      Access to the subject property from the private roadway off Kupulau Road shall meet with the requirements of the Department of Public Works
- E      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 mitigation measures have been taken.

- F Restrictive covenants in the deeds of all the proposed residential 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 covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
- G The applicants shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed subdivision within the subject property, including the Department of Public Works and Department of Health.
- H Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for 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 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 If the applicants should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action
- 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 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

*[Handwritten Signature]*  
COUNCIL MEMBER, COUNTY OF HAWAII

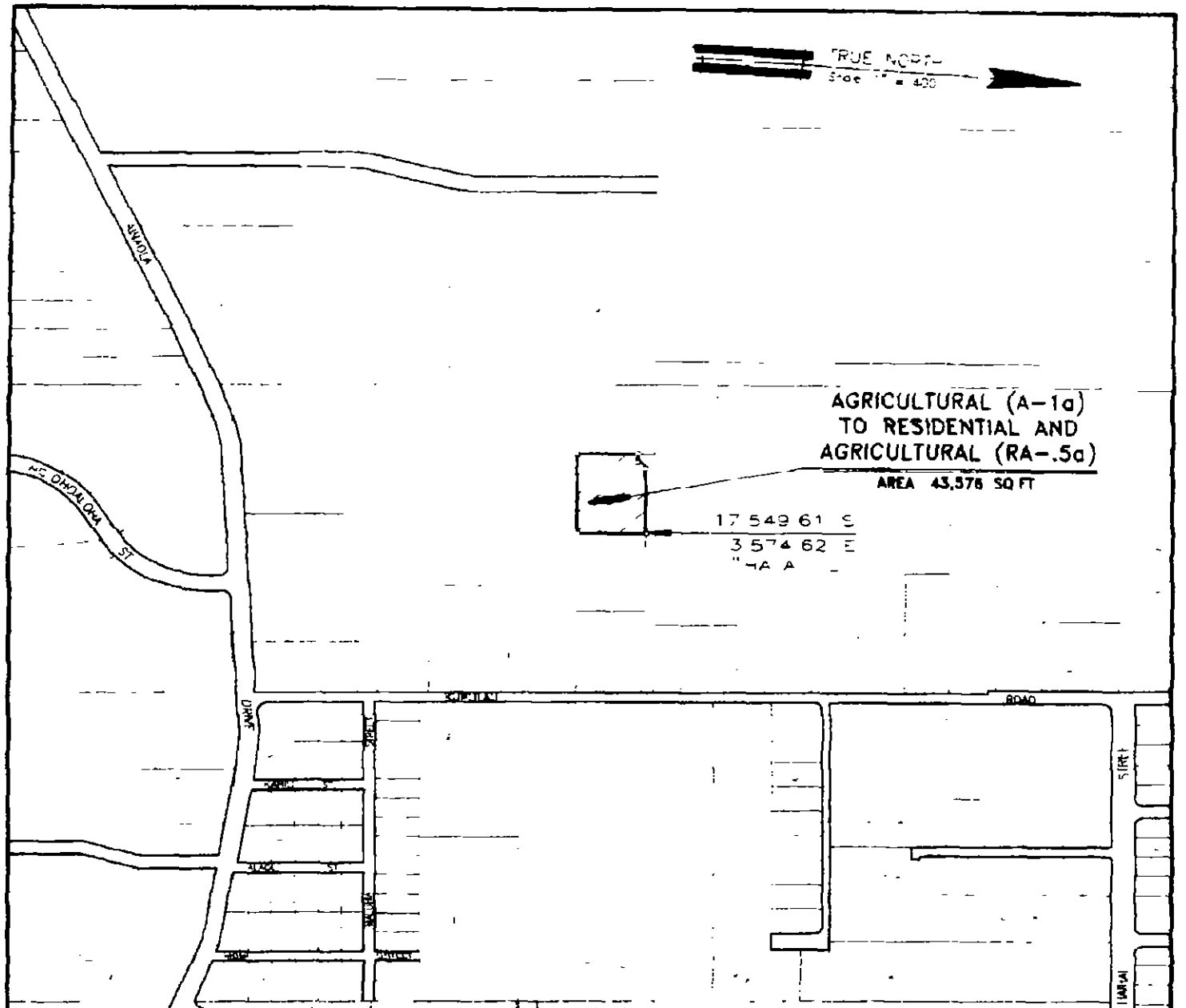
Hilo, Hawaii

Date of Introduction      October 18, 2000  
Date of 1st Reading      October 18, 2000  
Date of 2nd Reading      November 9, 2000  
Effective Date            November 24, 2000

APPROVED AS TO FORM AND LEGALITY

*[Handwritten Signature]*  
CORPORATION COUNSEL  
DATED 11/22/00

*deputy*



# 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-1a) TO RESIDENTIAL AND AGRICULTURAL (RA-.5a) AT WAIAKEA, SOUTH HILO, HAWAII

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

EXHIBIT "A"



OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hawaii

(Draft 2)

Introduced By Bobby Jean Leithead-Todd  
Date Introduced October 18, 2000  
First Reading October 18, 2000  
Published N/A

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading November 9, 2000  
To Mayor November 15, 2000  
Returned November 24, 2000  
Effective November 24, 2000  
Published December 4, 2000

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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	1	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	
	5	2	2	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

Bobby Jean Leithead-Todd  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date 11/22/00

[Signature]  
COUNCIL CHAIRMAN  
[Signature]  
COUNTY CLERK

Approved ~~Disapproved~~ this 24 day  
of November 2000

[Signature]  
MAYOR COUNTY OF HAWAII

Bill No 017 (Draft 2)  
Reference 0-919, PC-117  
Ord No 00 127