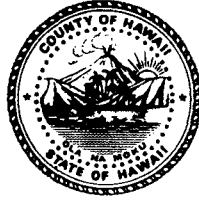


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **11 9** BILL NO. 3

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL – ONE ACRE (RA-1A) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-051:015.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-33, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiākea, South Hilo, Hawai'i, shall be Residential and Agricultural – One Acre (RA-1a):

Beginning at the southwest corner of this parcel of land, being also the southeast corner of Lot 13, Pana'ewa House Lots and on the northerly side of Lama Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 17,405.16 feet South and 14,860.46 feet East, thence running by azimuths measured clockwise from true South:

1. 161° 00' 538.29 feet along Grant S-13,961 to Yoshimasa and Akiyo Murayama Nakagawa, Isao and Fumie Omoto Nakagawa, Ernest Abraham and Eileen Yoshie Nakagawa Duvauchelle (Lot 13, Pana'ewa House Lots);
2. 251° 00' 221.25 feet along Grant S-13,969 to Procopio Sim Vesperas and Emily Kaiawe Vesperas (Lot 9, Pana'ewa House Lots);

- | | | | |
|----|----------|--------|--|
| 3. | 341° 00' | 538.29 | feet along Grant S-13,820 to Susumu and June Tomiko Nishimura Ishida (Lot 15, Pana'ewa House Lots); |
| 4. | 71° 00' | 221.25 | feet along Lama Street to the point of beginning and containing an area of 119,097 Square Feet or 2.734 Acres. |

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

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

- A. The applicant(s), its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

- B. The required water commitment payment for the three (3) additional units of water shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one hundred and eighty (180) days from the effective date of this ordinance.

- C. The applicant shall construct necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to, (a) the extension of approximately 530 lineal feet of 6-inch water main along Lama

Street, capable of providing water at adequate volume and pressure under peak-flow and fire-flow conditions, (b) service laterals that will accommodate a 5/8-inch meter fronting each additional dwelling, (c) possible installation of at least one fire hydrant, and (d) subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affecting the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

- D. Final Subdivision Approval of the subject property shall be secured within five (5) years from the effective date of this ordinance.
- E. All driveway connections to Lama Street shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- F. The applicant shall provide improvements to the subject property's entire Lama Street frontage consisting of, but not limited to, a paved shoulder (8-foot wide) and a paved swale (12-foot wide) conforming to the Department of Public Work's standard detail R-34, drainage improvements and any required utility relocation.
- G. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. If required, a drainage study shall be prepared and submitted to the Department of Public Works and any required drainage improvements shall be constructed, meeting the approval of the Department of Public Works prior to Final Subdivision Approval.
- H. The method of sewage disposal shall meet with the requirements of the State Department of Health.

- I. 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.

- J. 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.

- K. The applicant(s) shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

- L. 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(s), 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 applicant(s) should require an additional extension of time, the Planning Director shall submit the applicant(s)' request to the County Council for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

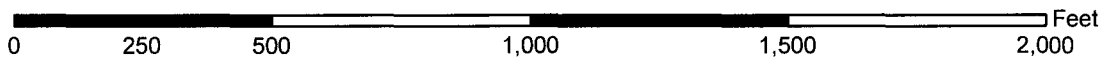
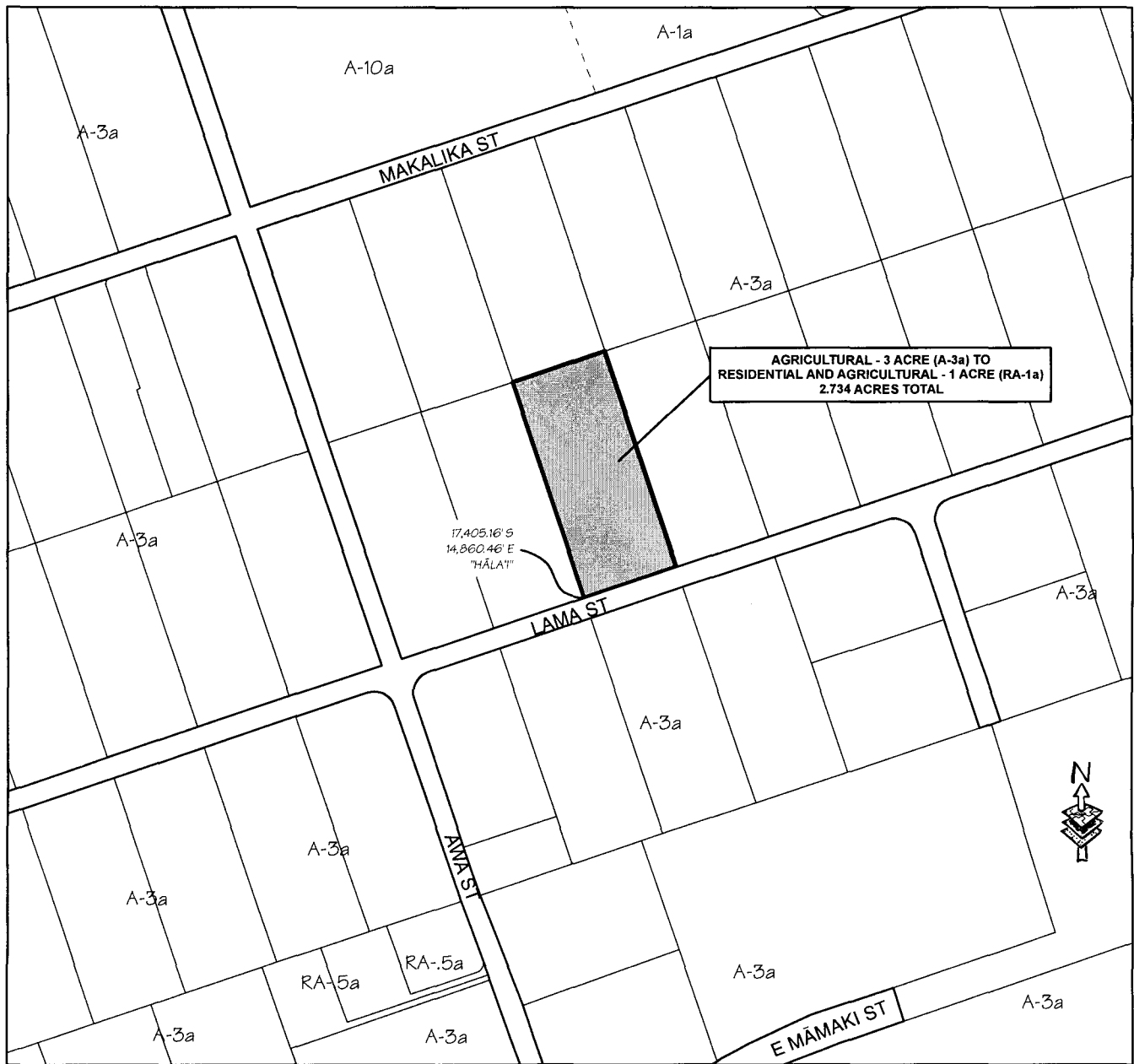
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

 Hilo , Hawai'i
Date of Introduction: January 20, 2011
Date of 1st Reading: January 20, 2011
Date of 2nd Reading: February 2, 2011
Effective Date: February 23, 2011

REFERENCE: Comm. 25



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 1983 (2005 EDITION),
 BY CHANGING THE DISTRICT CLASSIFICATION FROM
 AGRICULTURAL - THREE ACRES (A-3a)
 TO RESIDENTIAL AND AGRICULTURAL - ONE ACRE (RA-1a)
 AT WAIĀKEA, SOUTH HILO, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Hilo, Hawai'i

Introduced By: Pete Hoffmann
 Date Introduced: January 20, 2011
 First Reading: January 20, 2011
 Published: N/A

REMARKS: _____

Second Reading: February 2, 2011
 To Mayor: February 11, 2011
 Returned: February 23, 2011
 Effective: February 23, 2011
 Published: March 4, 2011

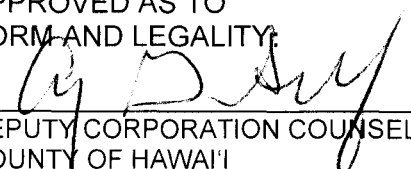
REMARKS: _____

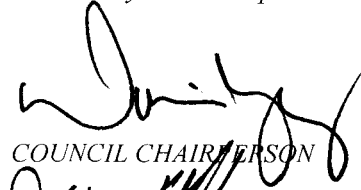
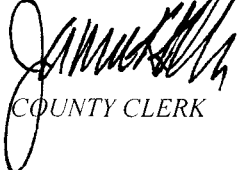
2011 FEB 23 10:00 AM

ROLL CALL VOTE				
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Ford	X			
Hoffmann			X	
Ikeda	X			
Onishi			X	
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
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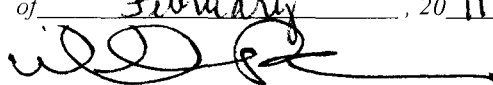
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Smart	X			
Yagong			X	
Yoshimoto	X			
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I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
 FORM AND LEGALITY:

 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date FEB 15 2011


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 3
 Reference: C-25/PC-3
 Ord No.: 11 9

Approved/Disapproved this 23rd day
 of February, 2011

 MAYOR, COUNTY OF HAWAII