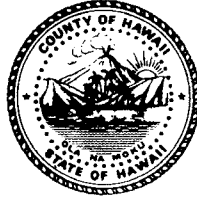


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 11 50 BILL NO. 34

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 SINGLE-FAMILY RESIDENTIAL – 40,000 SQUARE FEET (RS-40) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY 2-4-070:PORTION 001.

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 Single-Family Residential – 40,000 square feet (RS-40):

Beginning at the southwest corner of this parcel of land and on the east side of Lot 11, being a portion of Grant 11,608 to Raymond H. Sekido and Shizuke Sekido, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 13,334.17 feet South and 1,440.74 feet West, thence running by azimuths measured clockwise from True South:

- 1. 175° 40' 224.10 feet along Lot 11 and Lot 9, being portions of Grant 11,608 to Raymond H. Sekido and Shizuke Sekido;

Thence following along the remainder of Lot 721-A for the next eight (8) courses, the azimuths and distances being:

- 2. 269° 05' 204.90 feet;
- 3. 305° 40' 56.50 feet;

- 4. 358° 00' 21.00 feet;
- 5. 18° 30' 79.00 feet;
- 6. 39° 00' 53.00 feet;
- 7. 70° 30' 97.00 feet;
- 8. 62° 30' 29.00 feet;
- 9. 79° 30' 60.00 feet to the point of beginning and containing an area of 43,560 square feet.

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

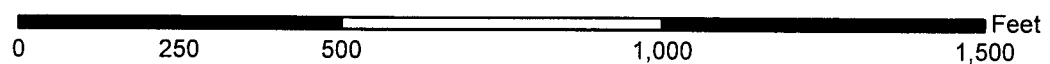
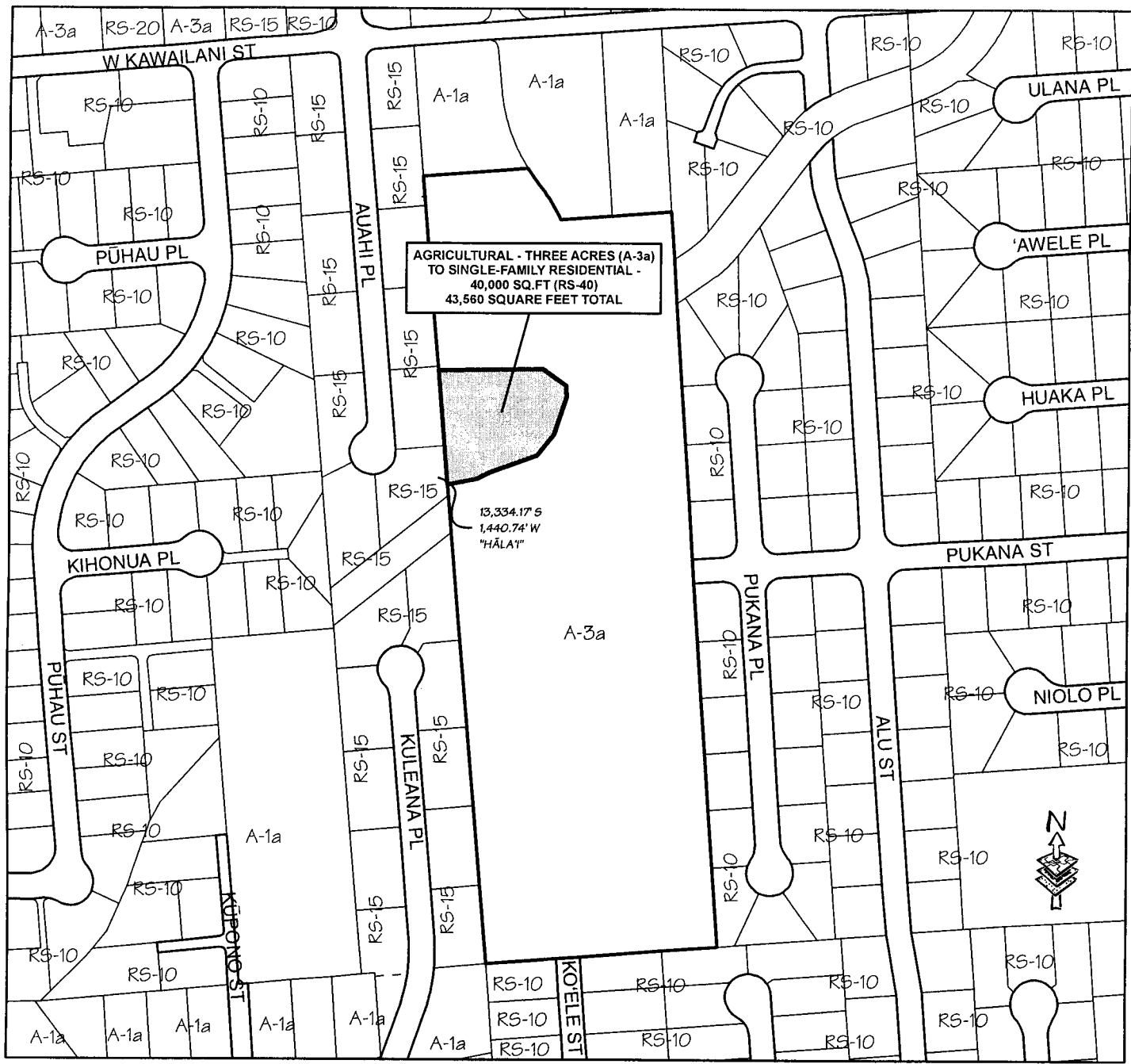
- (1) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one hundred eighty (180) days from the effective date of this ordinance.

- C. Final Subdivision Approval for the proposed development shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- D. Access to the property shall conform to Chapter 22, County Streets, of the Hawai'i County Code
- E. 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 by a licensed civil engineer and submitted to the Department of Public Works. The recommended drainage improvements shall be constructed, meeting with the approval of the Department of Public Works prior to Final Subdivision Approval.
- F. The method of sewage disposal shall meet with the requirements of the Department of Health.
- G. Should any undiscovered 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.
- 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. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

- J. 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.
 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 Department 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 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.



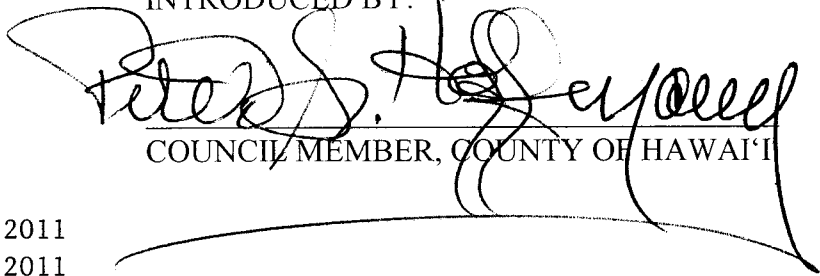
AMENDMENT TO THE ZONING CODE

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 SINGLE-FAMILY RESIDENTIAL - 40,000 SQ.FT (RS-40)
 AT WAIĀKEA, SOUTH HILO, HAWAI'I

MAP PREPARED BY:
 COUNTY OF HAWAI'I, PLANNING DEPARTMENT

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

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i
Date of Introduction: May 4, 2011
Date of 1st Reading: May 4, 2011
Date of 2nd Reading: May 17, 2011
Effective Date: June 8, 2011

REFERENCE **Comp.** 136

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

Introduced By: Pete Hoffmann
Date Introduced: May 4, 2011
First Reading: May 4, 2011
Published: N/A

REMARKS: _____
Meeting cancelled due to technical
complications - April 20, 2011

Second Reading: May 17, 2011
To Mayor: May 26, 2011
Returned: June 9, 2011
Effective: June 8, 2011
Published: June 18, 2011

REMARKS: _____

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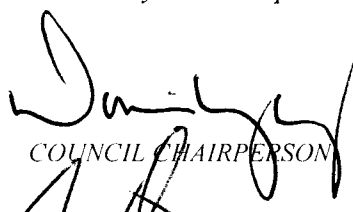
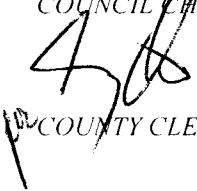
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Blas			X	
Ford	X			
Hoffmann	X			
Ikeda	X			
Onishi	X			
Pilago	X			
Smart	X			
Yagong	X			
Yoshimoto	X			
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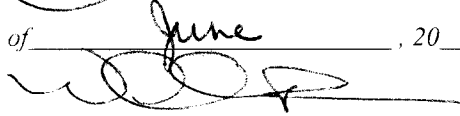
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAI'I

Date JUN - 1 2011


COUNCIL CHAIRPERSON

COUNTY CLERK

Approved/Disapproved this 8th day
of June, 20 11

MAYOR, COUNTY OF HAWAI'I

Bill No.: 34
Reference: C-136/PC-15
Ord No.: 11 50