

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 571
(Draft 3)

ORDINANCE NO. 88 110

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-65 FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT PAIHAALOA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-7-04:96 (PORTION).

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

SECTION 1. The State Land Use Boundaries Map, H-65 for the County of Hawaii, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Paihaaloa, South Hilo, Hawaii, shall be Urban:

Beginning at the southwest corner of this parcel of land, the northeast corner of Lot 3 and the southeast corner of Lot 1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 16,144.71 feet South and 4,075.48 feet East and running by azimuths measured clockwise from True South:

- 1. 173° 20' 431.00 feet along Lot 1 being portion of Grant 754 to Kealohapauole to the middle of Puuolelo gulch;

Thence along the middle of Puuolelo gulch for the next four (4) courses, the direct azimuths and distances between points along said middle of gulch being:
- 2. 216° 03' 30.00 feet;
- 3. 235° 53' 21.00 feet;

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| 4. | 270°. 11' | 33.00 feet; |
| 5. | 303° 17' | 62.65 feet; |
| 6. | 358° 05' | 420.00 feet along Lot 3 being a portion of Grant 754 to Kealohapauole; |
| 7. | 83° 20' | 85.00 feet along the remainder of Grant 754 to Kealohapauole to the point of beginning and containing an area of 1.065 Acres, more or less. |

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 shall comply with all of the stated conditions of approval; (B) subdivision plans shall be submitted to the Planning Department within one year from the effective date of the boundary amendment; (C) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) prior to receipt of final subdivision approval, provisions to improve the right-of-way abutting the subject property, shall be approved by the Department of Public Works; (E) all other applicable laws, rules, regulations and requirements be complied with; (F) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the boundary amendment. The report shall address the status of the

development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and (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 applicants, 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 boundary amendment;
- 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);
- and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate the reclassification of the 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.

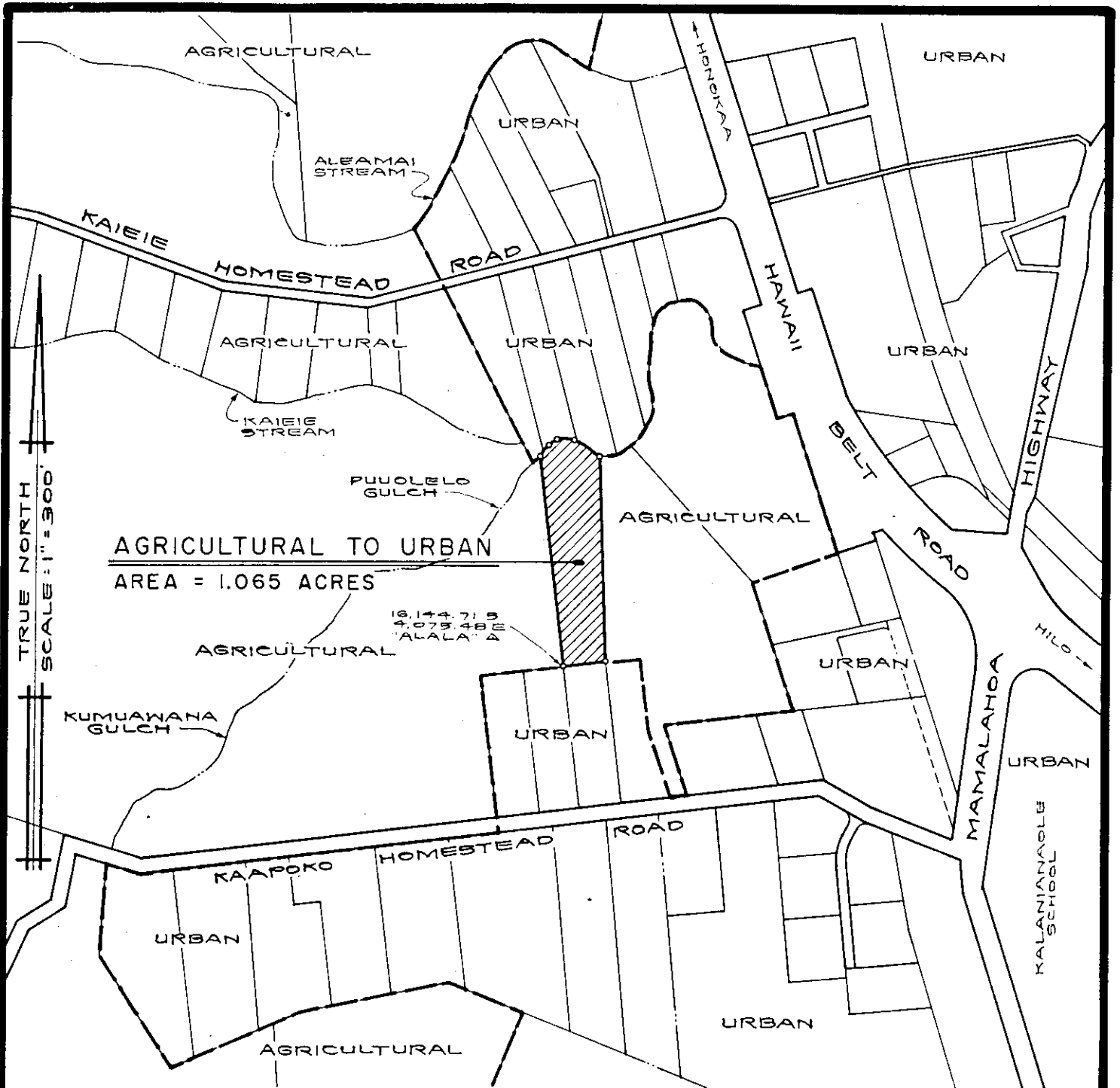
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: June 15, 1988
Date of 1st Reading: June 15, 1988
Date of 2nd Reading: July 20, 1988
Effective Date: July 29, 1988



AMENDMENT TO THE STATE LAND USE
BOUNDARIES MAP

AMENDING THE STATE LAND USE BOUNDARIES MAP, H-65 FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT PAIHAALO, SOUTH HILO, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 2-7-04: 96 (PORTION)

MAY 4, 1988

EXHIBIT "A"