

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 831

AN ORDINANCE AMENDING SECTION 7.09 (THE KAMUELA ZONE MAP), ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AND OPEN (O) AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-5-07:26.

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

SECTION 1. Section 7.09, Article 2, Chapter 8 (Zoning Code), of the Hawaii County Code, as amended, is further amended to add new subsections, to read as follows:

"7.09 (q-1). The district classification of the following area situated at Waimea Homesteads, South Kohala, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the North corner of this parcel of land, being also the North corner of Lot 2 and the East Corner of Lot 3, Block 3, of the Waimea Homesteads and on the Southwest side of Lindsey Road, the true azimuth and distance from the South corner of Lindsey and Hokuula Roads being 325° 09' 200.00 feet, and thence running by azimuths measured clockwise from true South:

1. 325° 09' 125.00 feet along the Southwestside of Lindsey Road;
2. 52° 46' 30" 283.07 feet along the remainder of Lot 2, Block 3 of the Waimea Homesteads;
3. 145° 09' 136.71 feet along the remainder of Lot 2, Block 3 of the Waimea Homesteads;
4. 235° 09' 282.82 feet along Lot 3, Block 3 of the Waimea Homesteads to the point of beginning and containing an area of 0.8496 Acres.

7.09 (q-2). The district classification of the following area situated at Waimea Homesteads, South Kohala, Hawaii, shall be Open (O):

Beginning at the South corner of this parcel of land, being also the Northwest corner of Lot 14 and the Southwest corner of Lot 4, Block 3, of the Waimea Homesteads, the true azimuth and distance from the South corner of Lindsey and Hokuula Roads being 22° 42' 48" 635.91 feet, and thence running by azimuths measured clockwise from True South:

1. 187° 30' 190.90 feet along Lot 4, Block 3, of the Waimea Homesteads;
2. 235° 09' 125.28 feet along Lot 3, Block 3 of the Waimea Homesteads;
3. 325° 09' 136.71 feet along the remainder of Lot 2, Block 3 of the Waimea Homesteads;
4. 52° 46' 30" 250.51 feet along the remainder of Lot 2, Block 3 of the Waimea Homesteads;
5. 114° 20' 7.00 feet along Lot 14, Block 3 of the Waimea Homesteads to the point of beginning and containing an area of 0.6189 Acres.

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

This subsection is conditioned upon the following:

(A) that the petitioner or his authorized representative shall be responsible for complying with all of the stated conditions of approval; (B) that subdivision plans shall be submitted [and tentative approval secured] within one (1) year from the effective date of the zone change.

Final subdivision [approval] plans shall be [secured] submitted within one (1) year from the effective date of tentative subdivision approval [thereafter]; (C) that the

petitioner and his authorized representative shall be solely responsible for the design and construction of adequate drainage facilities within the subject property which protect the subject property from inundation of surface waters or flood waters and which protect surrounding properties from an increase in flow of surface water generated by reason of the development of the subject property, and the petitioner and his authorized representative shall indemnify and hold the County harmless from and against any and all liability, loss, or damage the County may suffer as a result of any claim, demand, suit, costs, or judgment for personal injury or property damage against the County by reason of the development of or the drainage facilities within the subject property, including but not limited to any claim, demand, suit, costs, or judgment by reason of the County's approval of the subdivision plans for the subject property or the County's approval of the improvements constructed within the subject property; [(C)] (D) that the applicant shall participate in the pavement of Lindsey Road to a width of twenty (20) feet from the Lindsey Road-Kawaihae Road intersection to the northwestern end of the subject property meeting with the approval of the Chief Engineer prior to the issuance of final subdivision approval. Participation shall be in the form of a roadway improvement fee paid to the Finance Director of the County of Hawaii. The amount of said fee shall be the approximate equivalent of the petitioner's share of a privately initiated improvement district for Lindsey Road, covering roadway, drainage, and related improvements, as

determined by the Chief Engineer. Further, should an Improvement District or similar arrangements be initiated for the improvement of Lindsey Road, the petitioner shall automatically participate in such an arrangement. Should the individual share for the Improvement District exceed the amount originally contributed by the petitioner, then the petitioner shall contribute towards the difference; [(D)] (E) that single family dwellings shall be constructed on a minimum of one (1) of the proposed residential lots within three (3) years from the date of receipt of final subdivision approval; [(E)] (F) that a drainage system [in accordance with the standards of] as required by the Department of Public Works shall be installed; and [(F)] (G) that all other applicable rules, regulations, and requirements, including those of the Fire Department, Water Supply, and State Department of Health, be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated."

SECTION 2. Materials to be repealed is bracketed. New material is underscored. In printing this ordinance, the brackets, bracketed material, and underscoring need not be included.

SECTION [2] 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

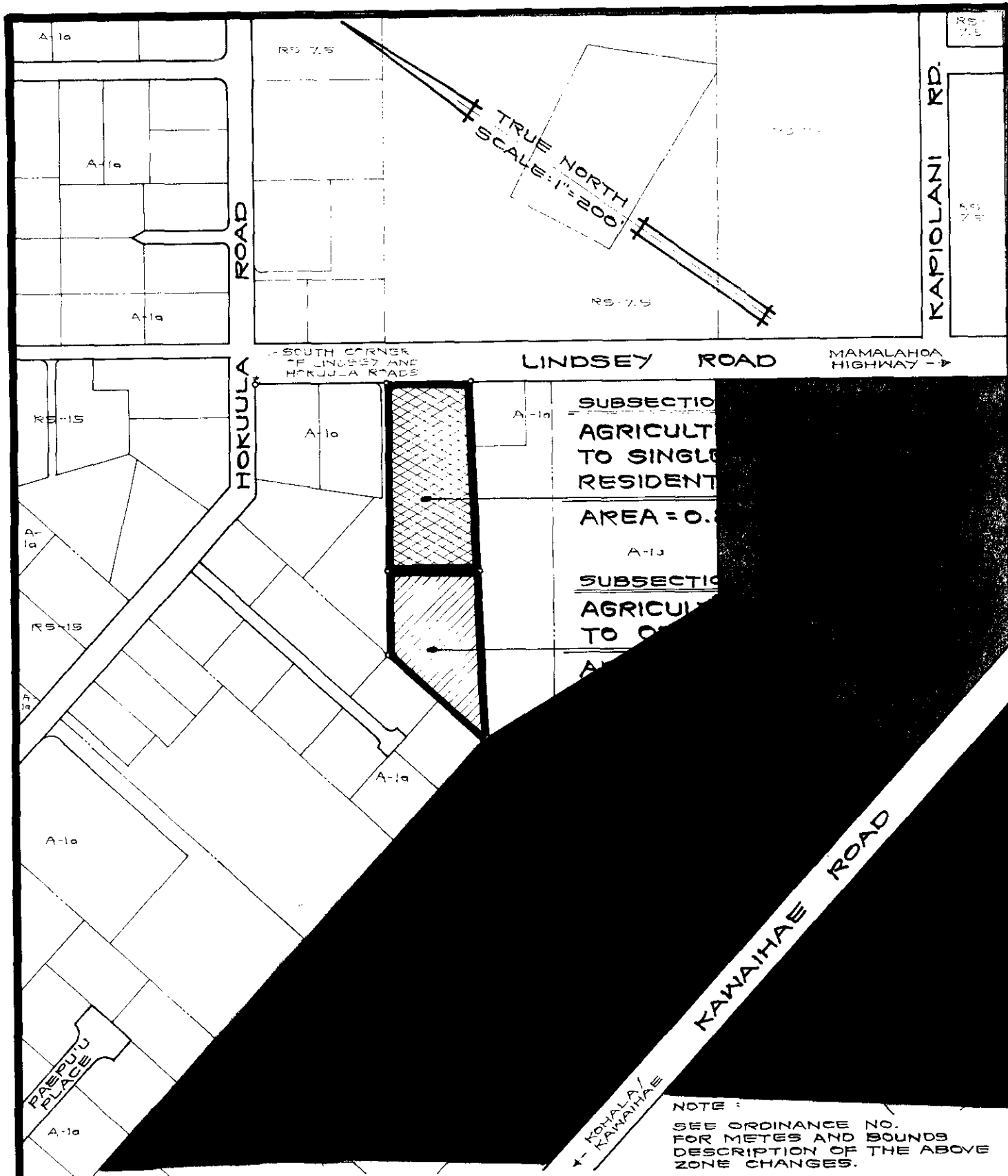
SECTION [3] 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 3, 1982
Date of Adoption: November 17, 1982
Effective Date: November 22, 1982



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 17 TO SECTION 7.09 (THE KAMUELA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO SINGLE FAMILY RESIDENTIAL (RS-10) AND OPEN (O) AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 25, 1981 & APRIL 29, 1982
 EFFECTIVE DATE :
 ORDINANCE NUMBER :
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 6-5-07 : 26

OCT. 1, 1982

EXHIBIT "A"

Hilo, Hawaii

Date: November 3, 1982

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
De Luz	X		
Domingo			X
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Publication Date: _____

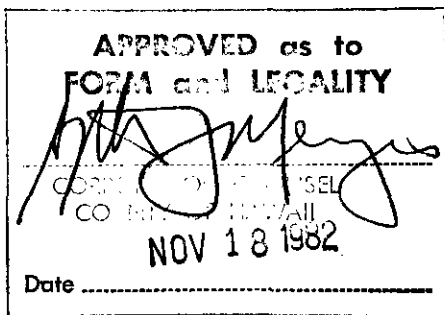
Hilo, Hawaii

Date: November 17, 1982

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg			X
De Luz	X		
Domingo	X		
Fujii	X		
Hale	X		
Kawahara	X		
Lai	X		
Schutte	X		
Chr. Yamashiro	X		
	8	0	1

Publication Date: NOV 29 1982

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.



Hal Gould
 Council Chairman

Yasuki Arakaki
 Dep. County Clerk

Approved/~~Disapproved~~ this 22nd day of
November, 1982.

Hal Gould
 Mayor, County of Hawaii

Bill No. 894 (REVISED)
 Reference: C-977/PC-151
 M.B. No. _____
 Ord. No. 831