

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 214
(Draft 2)

ORDINANCE NO. 86 91

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, RELATING TO THE MODIFICATION OF CONDITIONS TO ORDINANCE NO. 83 63 WHICH RECLASSIFIED CERTAIN LANDS FROM UNPLANNED (U) TO SINGLE FAMILY RESIDENTIAL (RS-7.5), (RS-10), (RS-15); MULTIPLE FAMILY RESIDENTIAL (RM-3.0); NEIGHBORHOOD COMMERCIAL (CN-20) AND OPEN (O) AT KALOKO AND KOHANAIKI, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-09:19.

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

SECTION 1. Section 25-87, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to modify certain conditions of Section 2 of Ordinance No. 83-63 as follows:

"SECTION 2. This change in district classification is conditioned upon the following: (A) the zoning for the subject property shall be effective only after: (1) there are assurances satisfactory to the Departments of Water Supply and Planning, upon consultation with the State Department of Health, and the Division of Water and Land Development of the State Department of Land and Natural Resources, that a source of sufficient quality and quantity has been established within two years from the effective date of this ordinance; provided that a maximum one-year extension to the two-year time limit may be granted by the Planning Director with reasonable and sufficient justification; and (2) an agreement, accompanied by

an appropriate surety bond or other acceptable security, is executed with the Department of Water Supply for the actual development of a proven water source and its water transmission and distribution system within one year from the official date of compliance with condition A(1); provided that a one-year extension to the one-year time limit may be granted by the Planning Director with reasonable and sufficient justification;

(B) no subdivision of a portion of the land unless and until condition A has been complied with; (C) the Planning Director shall be mandated to initiate action for the repeal of this ordinance if conditions A or B have not been complied with;

(D) the petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval;

(E) an overall site plan showing the increments of development, proposed roadway, layout, location of park sites, and drainage system, in conformance with the conditions of the rezoning ordinance, shall be submitted for approval by the Planning Director within one year from the effective date of the ordinance; (F) the Single Family Residential zoned area shall be developed in four increments. The first increment shall consist of 85-100 acres of the Single Family zoned area north of the mauka-makai road; the second increment shall consist of the remainder of the Single Family Residential zoned area north of the mauka-makai road; the third increment shall consist of 100-120 acres of the land south of the mauka-makai road; and

the fourth increment shall consist of the remaining lands south of the mauka-makai road. The effective date of zoning for the second and subsequent increments shall be after development has occurred in the previous increment or increments, as determined by the Planning Director. 'Development' means that building permits have been issued for dwelling units and construction has been partially completed to the extent that roofs have been constructed on a minimum of twenty-five percent of the number of units proposed for the previous increment or combination of increments. In lieu of actual construction, the petitioner, may enter into an agreement with the Hawaii County Housing Agency to assure the County that the dwellings will be constructed within a given period. Such agreement shall be secured by a surety bond, certified check, or other security acceptable to Corporation Counsel and the Hawaii County Housing Agency. Upon final execution of such agreement and filing of the security with the Hawaii County Housing Agency, the zoning of the subsequent increment(s) may be deemed by the Planning Director to be effective prior to the actual construction of the dwellings in this previous increment(s); (G) the zoning of the lands to the south of the mauka-makai road shall not become effective until the land is reclassified into the urban district by the State Land Use Commission; (H) the Multiple Family Residential-3,000 square foot (RM-3.0) zoned area shall be developed in two increments. The first increment shall

consist of 15-18 acres of the Multiple Family Residential zoned land and the second increment, the remainder. The effective date of zoning for the subsequent increment shall be after 'development,' as defined in condition F, has occurred in the first increment as determined by the Planning Director; (I) the zoning for the Open and Neighborhood Commercial zoned lands shall become effective upon compliance with condition A; (J) [the construction of the mauka-makai road shall meet with the approval of the Chief Engineer and shall include the channelization of the intersection of the Hina-Lani/Hawaii Belt Highway intersection, meeting with the approval of the State Department of Transportation, and the provision of left-turn pockets for all intersections of the mauka-makai road within the subject property. These improvements, including the entire length of the road within the subject property, shall be constructed prior to or in conjunction with final subdivision approval of the first increment development for the Single Family or Multiple Family Residential zoned lands, whichever occurs first;] the petitioner shall construct the mauka-makai road within its property, including a fully channelized intersection with turning lanes at the Hawaii Belt Road and Hina-Lani Street intersection. The schedule for construction of the roadway improvements shall be the earlier of the

following: 1) prior to receipt of final subdivision approval of the first zoning increment unless the final subdivision approval is obtained through entering into an agreement with the county as set forth in sections 23-81 through 23-83, Hawaii County Code, requiring construction of the roadway improvements to commence by June 30, 1988 and be completed within two years thereafter; or 2) commence construction by June 30, 1988, and be completed within two years thereafter; provided, however, that should an improvement district be approved by the County Council involving any portion of the mauka-makai road through either the petitioner's or TSA International, Inc.'s property, the schedule for construction of the road may coincide with the improvement district schedule; (K) [the entire length of the mauka-makai road shall be completed, meeting with County dedicable standards, from the Hawaii Belt Highway to the Queen Kaahumanu Highway prior to or in conjunction with final subdivision approval of the second Single Family Residential increment or the effective date of rezoning for the second Multiple Family Residential increment, whichever occurs first;] the petitioner shall, if necessary, assist in the construction of the remaining portion of the mauka-makai road through TSA International, Inc.'s property. The petitioner's participation may be by way of either loans or loan guarantees to TSA International, Inc., or by purchase of county obligations;

(L) upon the Chief Engineer's determination of the right-of-way alignment for the entire mauka-makai road, the petitioner shall construct or agree to allow the construction of a County-approved roadway within that portion of the right-of-way within the subject property; (M) there shall be a minimum of one lateral access road developed to collector standards, meeting with approval of the Chief Engineer and Planning Director, which shall provide access across the subject property to the north and south property lines; (N) except for the secondary arterial and internal streets within the RS-15 zoned areas, all streets shall be constructed with curbs, gutters and sidewalks, including those RS-15 areas where the zone lines run through the street and where a continuation of a curb, gutter and sidewalk section would avoid telescoping of a roadway section. All utilities shall be installed underground; (O) two park areas shall be developed, one on each side of the mauka-makai road. Both park areas shall have a minimum land area of 5.0 acres each. Development and maintenance of the park sites shall be the responsibility of the petitioner. At a minimum, the development of the sites shall include grading, grassing, the installation of irrigation systems, and construction of restroom facilities. The development of the park sites to the north and south of the mauka-makai road shall

be completed prior to the effective date of rezoning for the second and fourth Single Family Residential increments, respectively; (P) the low and moderate income housing requirement imposed by the State Land Use Commission shall be complied with; (Q) a drainage system meeting with the approval of the Department of Public Works shall be provided; (R) an archaeological reconnaissance survey shall be conducted for the entire property and a report, including a map of sites found, shall be submitted in conjunction with the subdivision application for the first zoning increment; (S) intensive archaeological investigations shall be conducted for the two identified sites, i.e., the lava tube and agricultural walled complex, as recommended by the ARCH report, meeting with the approval of the Planning Director and the Historic Sites section of the Department of Land and Natural Resources, prior to grading, grubbing, or construction; (T) should any unanticipated archaeological sites be found during grubbing, grading or construction, work shall immediately stop and the Planning Department notified. Works shall not re-commence until clearance is given by the Planning Department; and (U) all other rules, regulations, and requirements shall be complied with. Should conditions D through U not be met, the rezoning of the property to its original or more appropriate designation may be initiated."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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:	July 16, 1986
Date of 1st Reading:	July 16, 1986
Date of 2nd Reading:	August 6, 1986
Effective Date:	August 19, 1986