

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 292
(Draft 2)

ORDINANCE NO. 96 103

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO - PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-10a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-30:10.

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

SECTION 1. Section 25-95E, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Puukapu, Waimea, South Kohala, Hawaii, shall be Agricultural (A-10a):

Beginning at the southeast corner of this parcel of land, being the south corner of Lot 1, of Kamuela Meadows (File Plan 650) and on the northerly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 7,749.78 feet North and 5,586.98 feet East, and running by azimuths measured clockwise from True South:

- 1. 73° 50' 223.30 feet along Mamalahoa Highway;
2. 114° 59' 483.70 feet along Upper Hamakua Ditch (40-ft. wide);
3. 166° 10' 2,764.59 feet along Portion of Lot 119, Grant 6820 to J. McCoy;
4. 256° 10' 600.00 feet along Lot 5, Hawaiian Home Lands;
5. 346° 10' 3,058.70 feet along Kamuela Meadows (File Plan 650) to the point of beginning and containing an area of 40.921 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 applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
- C. The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- D. Final Subdivision Approval of the proposed subdivision development shall be secured within five (5) years from the effective date of this ordinance.
- E. Roadway access(es) to the subject property shall be constructed in a manner meeting with the approval of the Department of Public Works, which may include the limitation of one access to the subject property.
- F. Roadway improvements within the Mamalahoa Highway shall be constructed in a manner meeting with the approval of the Department of Transportation.

- G. A drainage study of the project site, if required, shall be prepared for review and approval of the Department of Public Works, prior to submittal of plans for subdivision review.
- H. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the easements of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- I. 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).

- J. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning 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.

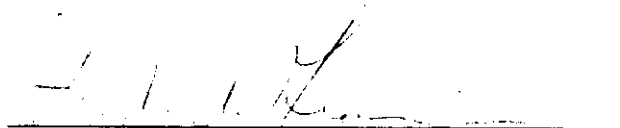
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

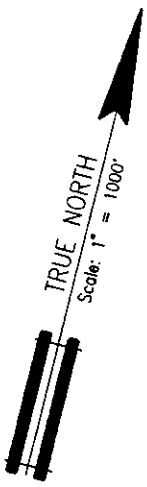
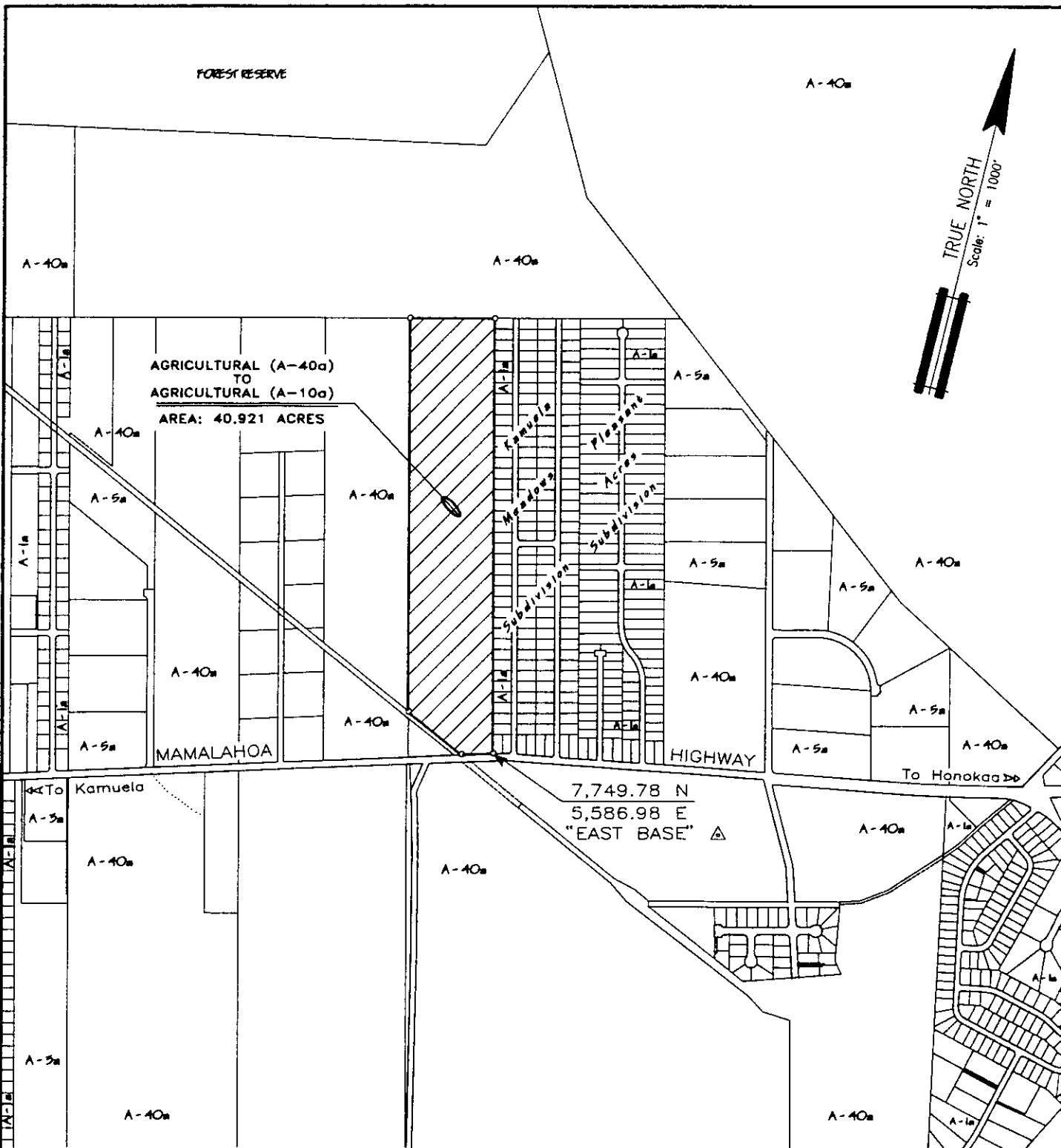
Hilo, Hawaii

Date of Introduction: August 23, 1996
Date of 1st Reading: August 23, 1996
Date of 2nd Reading: September 6, 1996
Effective Date: September 19, 1996

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 9/19/96



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95E (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO AGRICULTURAL (A-10a) AT PUUKAPU, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 6-4-30:10

JUNE 7, 1996

EXHIBIT "A"

(MAERTENS TRUST)

Bill 292



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

38 SEP 19 11 17
(DRAFT 2)

Introduced By: Takashi Domingo
 Date Introduced: August 23, 1996
 First Reading: August 23, 1996
 Published: N/A

REMARKS:

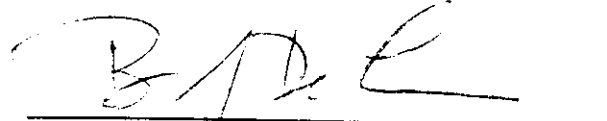
OFFICIAL ROLL CALL VOTE				
COUNT	AYES	NOES	ABS	EX
Arakaki			X	
Easley	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Van De Car		X		
Ray	X			
Smith	X			
	7	1	1	0

Second Reading: September 6, 1996
 To Mayor: September 11, 1996
 Returned: September 19, 1996
 Effective: September 19, 1996
 Published: September 30, 1996

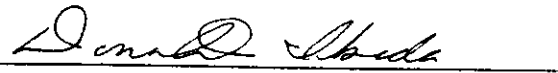
REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Easley	X			
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Van De Car		X		
Ray			X	
Smith	X			
	6	1	2	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

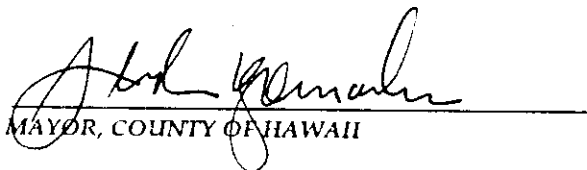


COUNCIL CHAIRMAN



COUNTY CLERK

Approved/Disapproved this 19 day
 of September, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 292 (Draft 2)
 Reference: C-1269/PC-137
 Ord. No.: 96 103