

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 6  
(Draft 2)

ORDINANCE NO. 97 14

AN ORDINANCE AMENDING SECTION 25-113 (SOUTH HILO DISTRICT ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT HAKALAU NUI, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-9-2:52 - 60 AND 2-9-4:87 - 91.

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

SECTION 1. Section 25-113, 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 Hakalau Nui, South Hilo, Hawaii, shall be Agricultural (A-10a):

Beginning at a pipe at the southeasterly corner of this parcel of land on the northerly side of Mountain or Chin Chuck Road and at a point on the westerly side of Hawaii Belt Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 21,065.30 feet North and 6,107.41 feet West, thence running by azimuths measured clockwise from True South:

- |    |          |              |  |
|----|----------|--------------|--|
| 1. | 69° 46'  | 783.42 feet  | along the northerly side of Mountain or Chin Chuck Road to a pipe; |
| 2. | 57° 31'  | 130.92 feet  | along the northerly side of Mountain or Chin Chuck Road to a pipe; |
| 3. | 52° 51'  | 227.58 feet  | along the northerly side of Mountain or Chin Chuck Road to a pipe; |
| 4. | 53° 00'  | 1024.04 feet | along the northerly side of Mountain or Chin Chuck Road to a pipe; |
| 5. | 47° 01'  | 493.43 feet  | along the northerly side of Mountain or Chin Chuck Road to a pipe; |
| 6. | 137° 01' | 120.00 feet  | along Water Tank Site to a pipe;                                   |
| 7. | 47° 01'  | 85.00 feet   | along Water Tank Site to a pipe;                                   |

8.	317° 01'	120.00 feet	along Water Tank Site to a pipe;
9.	47° 01'	240.14 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
10.	48° 31'	404.71 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
11.	56° 26'	212.35 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
12.	64° 41'	199.72 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
13.	68° 41'	401.93 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
14.	59° 11'	216.88 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
15.	49° 01'	199.32 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
16.	55° 26'	173.69 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
17.	61° 21'	363.67 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
18.	45° 01'	69.13 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
19.	35° 19'	1108.22 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
20.	30° 06'	562.63 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
21.	33° 31'	225.83 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
22.	37° 11'	243.86 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;

23.	44° 01'	187.38 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
24.	58° 56'	294.59 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
25.	59° 26'	646.65 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
26.	51° 21'	328.88 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
27.	59° 46'	175.94 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
28.	71° 31'	359.37 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
29.	75° 51'	219.39 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
30.	81° 51'	151.94 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
31.	76° 01'	174.91 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
32.	73° 31'	203.08 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
33.	61° 31'	238.43 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
34.	50° 16'	160.28 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
35.	46° 26'	243.42 feet	along the northerly side of Mountain or Chin Chuck Road to a pipe;
36.	146° 30'	317.02 feet	along the remainder of R.P. 7541, L.C. Aw. 11216, Ap. 42 to M. Kekauonohi to a pipe;

Thence along the remainder of R.P.  
7541, L.C. Aw. 11216, Ap. 42 to M.  
Kekauonohi and following the top of  
gulch for the next fifty-one (51) courses  
being;

37.	179° 46'	149.36 feet	to a pipe;
38.	201° 00'	228.00 feet	to a pipe;
39.	168° 00'	123.00 feet	to a pipe;
40.	228° 00'	254.00 feet	to a pipe;
41.	249° 00'	99.00 feet	to a pipe;
42.	263° 00'	144.00 feet	to a pipe;
43.	274° 00'	160.00 feet	to a pipe;
44.	285° 00'	225.00 feet	to a pipe;
45.	242° 00'	217.00 feet	to a pipe;
46.	246° 00'	171.00 feet	to a pipe;
47.	227° 30'	225.00 feet	to a pipe;
48.	211° 00'	200.00 feet	to a pipe;
49.	215° 00'	179.00 feet	to a pipe;
50.	203° 00'	227.00 feet	to a pipe;
51.	192° 30'	339.00 feet	to a pipe;
52.	204° 00'	197.00 feet	to a pipe;
53.	249° 00'	245.00 feet	to a pipe;
54.	230° 00'	358.00 feet	to a pipe;
55.	309° 00'	172.00 feet	to a pipe;
56.	214° 00'	251.65 feet	to a pipe;

57.	188° 00'	141.00 feet	to a pipe;
58.	215° 00'	73.00 feet	to a pipe;
59.	250° 00'	55.00 feet	to a pipe;
60.	191° 00'	453.00 feet	to a pipe;
61.	200° 00'	209.00 feet	to a pipe;
62.	192° 00'	330.00 feet	to a pipe;
63.	187° 00'	220.00 feet	to a pipe;
64.	173° 00'	206.13 feet	to a pipe;
65.	188° 30'	367.00 feet	to a pipe;
66.	234° 30'	216.00 feet	to a pipe;
67.	267° 00'	147.00 feet	to a pipe;
68.	234° 00'	219.00 feet	to a pipe;
69.	210° 00'	341.00 feet	to a pipe;
70.	189° 00'	268.00 feet	to a pipe;
71.	167° 00'	320.00 feet	to a pipe;
72.	151° 30'	213.00 feet	to a pipe;
73.	210° 00'	125.00 feet	to a pipe;
74.	262° 00'	155.00 feet	to a pipe;
75.	248° 00'	523.00 feet	to a pipe;
76.	225° 45'	645.00 feet	to a pipe;
77.	277° 00'	299.00 feet	to a pipe;
78.	261° 15'	510.00 feet	to a pipe;
79.	244° 00'	172.00 feet	to a pipe;

80. 274° 00' 413.00 feet to a pipe;
81. 252° 30' 309.00 feet to a pipe;
82. 240° 00' 257.00 feet to a pipe;
83. 271° 00' 77.00 feet to a pipe;
84. 218° 30' 233.00 feet to a pipe;
85. 242° 30' 400.00 feet to a pipe;
86. 229° 30' 348.00 feet to a pipe;
87. 241° 00' 394.00 feet to a pipe;
88. 279° 00' 46.00 feet to a pipe;
89. 331° 17' 270.41 feet along the westerly side of Hawaii Belt Road to a pipe;
90. Thence along the westerly side of Hawaii Belt Road on a curve to the left with a radius of 2914.79 feet, the chord azimuth and distance being:  
322° 45' 30" 864.18 feet to a pipe;
91. 314° 14' 527.38 feet along the westerly side of Hawaii Belt Road to a pipe;
92. Thence along the westerly side of Hawaii Belt Road on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:  
341° 44' 92.35 feet to a pipe;
93. 9° 14' 107.19 feet along the westerly side of Hawaii Belt Road to a pipe;
94. Thence along the westerly side of Hawaii Belt Road on a curve to the right with a radius of 72.00 feet, the chord azimuth and distance being:  
39° 24' 72.36 feet to a pipe;

- |     |          |             |  |
|-----|----------|-------------|--|
| 95. | 69° 34'  | 204.91 feet | along the westerly side of Hawaii Belt Road to a pipe;   |
| 96. | 341° 23' | 27.20 feet  | along the westerly side of Hawaii Belt Road to the point of beginning and containing an Area of 391.914 Acres. |

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. Final Consolidation/Resubdivision Approval of the proposed subdivision development within the subject properties shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- D. In conjunction with Final Consolidation/Resubdivision Approval of the subject properties, all subdivision access(es), intersection improvements along Chin Chuck Road and drainage improvements shall be constructed meeting with the approval of the Department of Public Works. In addition, a 5-foot wide future road widening fronting the subject properties along Chin Chuck Road, shall be delineated on the subdivision plans. The 5-foot wide future road widening area shall be dedicated to the County of Hawaii upon its request and at no cost to the County.
- E. In conjunction with the submittal of subdivision plans for the subject properties, a revised Traffic Impact Analysis Report which includes mitigating intersection

roadway improvements at the intersection of the Hawaii Belt Highway, the Old Mamalahoa Highway and Chin Chuck Road, if applicable, shall be submitted for review and approval to the State Department of Transportation. Prior to Final Subdivision Approval of the subject properties, the applicant shall be responsible for constructing and/or paying for its pro rata share of any traffic mitigation measures required by the Traffic Impact Analysis Report for the subject properties.

- F. Should any 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 mitigative measures have been taken.
- G. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessments of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- H. Comply with all applicable laws, rules, regulations and requirements of other affected agencies for approval of the proposed project within the subject properties.
- 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:

  
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COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

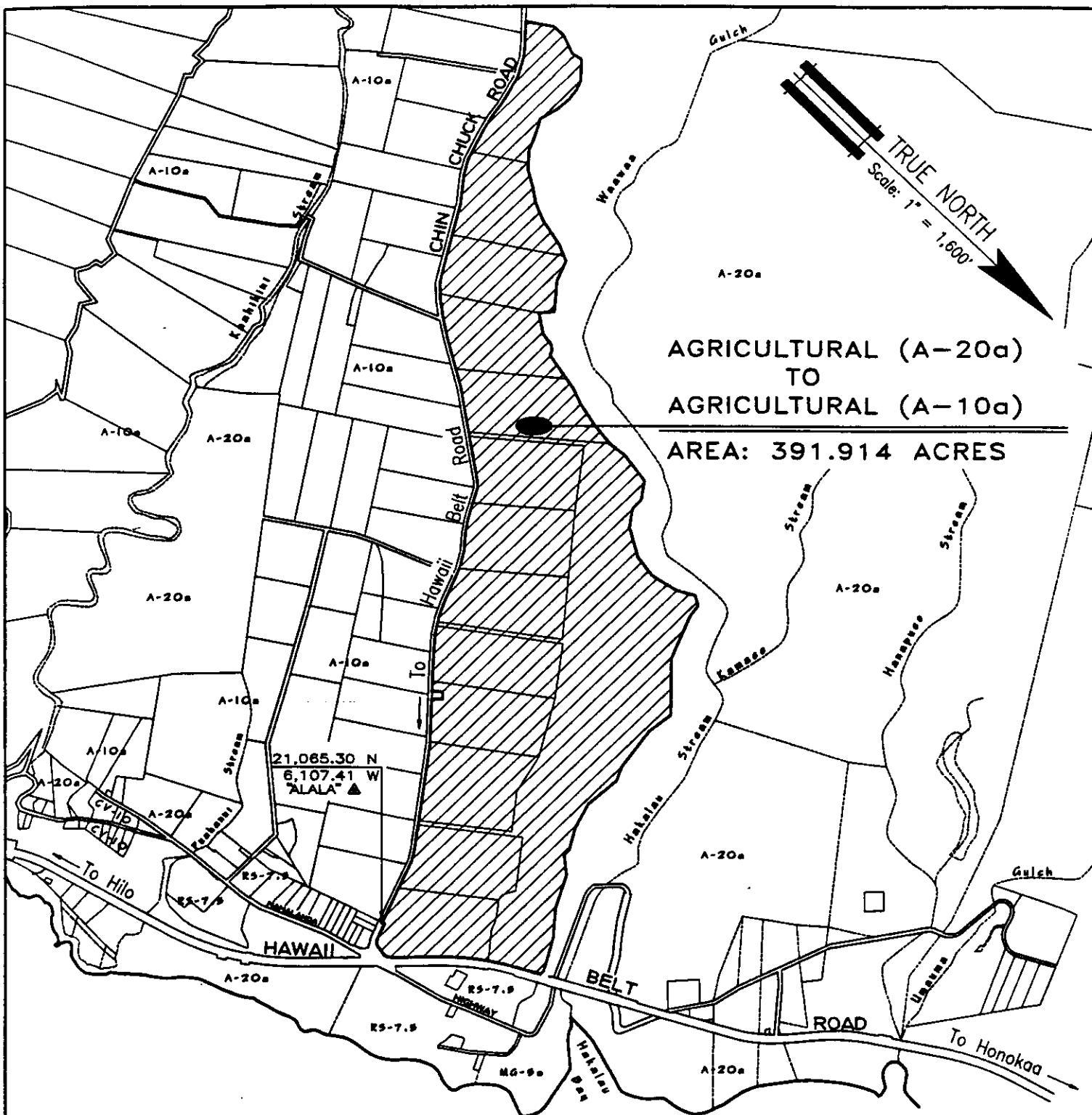
Date of Introduction: January 22, 1997  
Date of 1st Reading: January 22, 1997  
Date of 2nd Reading: February 7, 1997  
Effective Date: February 20, 1997

APPROVED AS TO FORM AND LEGALITY

  
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DEPUTY CORPORATION COUNSEL

DATED: 2/11/97

REFERENCE: Comm: 27.01



AGRICULTURAL (A-20a)  
TO  
AGRICULTURAL (A-10a)  
AREA: 391.914 ACRES

# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-113 (SOUTH HILO DISTRICT ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-10a) AT HAKALAU HUI, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: January 22, 1997  
 First Reading: January 22, 1997  
 Published: N/A

REMARKS:

*97 FEB 20 ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

Second Reading: February 7, 1997  
 To Mayor: February 11, 1997  
 Returned: February 20, 1997  
 Effective: February 20, 1997  
 Published: February 28, 1997

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo			X	
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

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

**APPROVED AS TO FORM AND LEGALITY:**

Fredrick Manning  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 2/11/97

John A. O'Connell  
 COUNCIL CHAIRMAN

Donald Skida  
 COUNTY CLERK

Approved / ~~Disapproved~~ this 20 day  
 of February, 1997

Steph Young  
 MAYOR, COUNTY OF HAWAII

Bill No.: 6 (Draft 2)

Reference: C-27/PC-3

Ord. No.: 97 14