

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 15
(Draft 2)

ORDINANCE NO. 97 37

AN ORDINANCE AMENDING SECTION 25-86 (NORTH AND SOUTH KONA 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-3a) AT KALAOA 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-02:02.

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

SECTION 1. Section 25-86, 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 Kalaoa 3rd, North Kona, Hawaii, shall be Agricultural (A-3a):

Beginning at a pipe at the southwest corner of this parcel of land, being also the northwest corner of Grant 991 to Kalimanauna and on the easterly side of Hawaii Belt Road, F.A.P. No. F 10 (5), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA", being 6,069.22 feet South and 8,373.01 feet West, thence running by azimuths measured clockwise from true South:

1. 156° 06' 23.81 feet along Hawaii Belt Road, F.A.P. No. F 10 (5) to a pipe in concrete;
Thence along the remainder of Grant 1605 to Kupono for the next six (6) courses, the direct azimuths and distances being:
2. 261° 14' 53.95 feet to a pipe in concrete;
3. 198° 13' 8.90 feet to a pipe in concrete;
4. 161° 03' 71.30 feet to a pipe in concrete;
5. 71° 03' 4.90 feet;
6. 161° 03' 42.50 feet to a spike in concrete;

7. 67° 27' 63.00 feet to a pipe in concrete;
8. 156° 06' 33.85 feet along Hawaii Belt Road, F.A.P. No. F 10
(5) to a pipe;
9. Thence along same on a curve to the right with a radius of 2,506.41 feet, the chord
azimuth and distance being:

 157° 36' 131.22 feet to a pipe;
10. Thence along Hawaii Belt Road, F.A.P. No. F 10 (5) on a curve to the right with a
radius of 1,869.86 feet, the chord
azimuth and distance being:

 159° 10' 59" 5.42 feet to a pipe;
11. 257° 00' 1,380.02 feet along the remainder of Grant 1605 to
Kupono to a pipe;
12. 272° 00' 918.74 feet along the remainder of Grant 1605 to
Kupono to a pipe;
13. 342° 36' 20" 260.00 feet along Grant 3764 to P. Nahulanui
(Lot 1) to a pipe in concrete;
14. 86° 45' 280.50 feet along Grant 991 to Kalimanauna (Lot 1)
to a pipe in concrete;
15. 89° 56' 40" 616.76 feet along Grant 991 to P. Kalimanauna
(Lot 1) to a pipe in concrete;
16. 77° 28' 657.92 feet along Grant 991 to P. Kalimanauna
(Lots 1 and 3) to a pipe in concrete;
17. 76° 29' 345.89 feet along Grant 991 to P. Kalimanauna
(Lot 3) to a pipe in concrete;
18. 78° 55' 15" 352.81 feet along Grant 991 to P. Kalimanauna
(Lot 3) to the point of beginning and
containing an area of 15.253 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 applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicant, 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 install applicable off-site water system improvements to the subject property, including but not limited to a minimum 4-inch waterline approximately 700 feet north of the subject property, meeting with the approval of the Department of Water Supply in conjunction with Final Subdivision Approval.
- D. 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 days from the effective date of this ordinance.
- E. Final Subdivision Approval of the proposed agricultural subdivision for no more than five lots shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- F. A drainage study of the subject property, if required, shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed [in a manner] meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.

- G. An archaeological study/survey of the subject property shall be prepared and submitted for review and approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD), prior to the submittal of plans for subdivision review or any land alteration activity of the subject property, whichever occurs first. Should significant historical sites be found within the subject property which merit preservation or the implementation of mitigative measures, the applicants shall prepare and submit an archaeological preservation/mitigation plan for review and approval by the Planning Director, in consultation with DLNR-HPD, prior to the issuance of Final Subdivision Approval or any land alteration activity of the subject property, whichever occurs first.
- H. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease, and the 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.
- I. Access(es) to the subject property from Mamalahoa Highway shall be constructed [in a manner] meeting with the approval of the Department of Public Works.
- J. The applicant shall prepare a Solid Waste Management Plan for the proposed development within the subject property meeting with the approval of the Department of Public Works, prior to Final Subdivision Approval.
- K. Comply with all applicable laws, rules, regulations and requirements of affected agencies, including those of the Departments of Health and Water Supply, for the approval of the proposed development within the subject property.

- L. 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, its 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).
- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

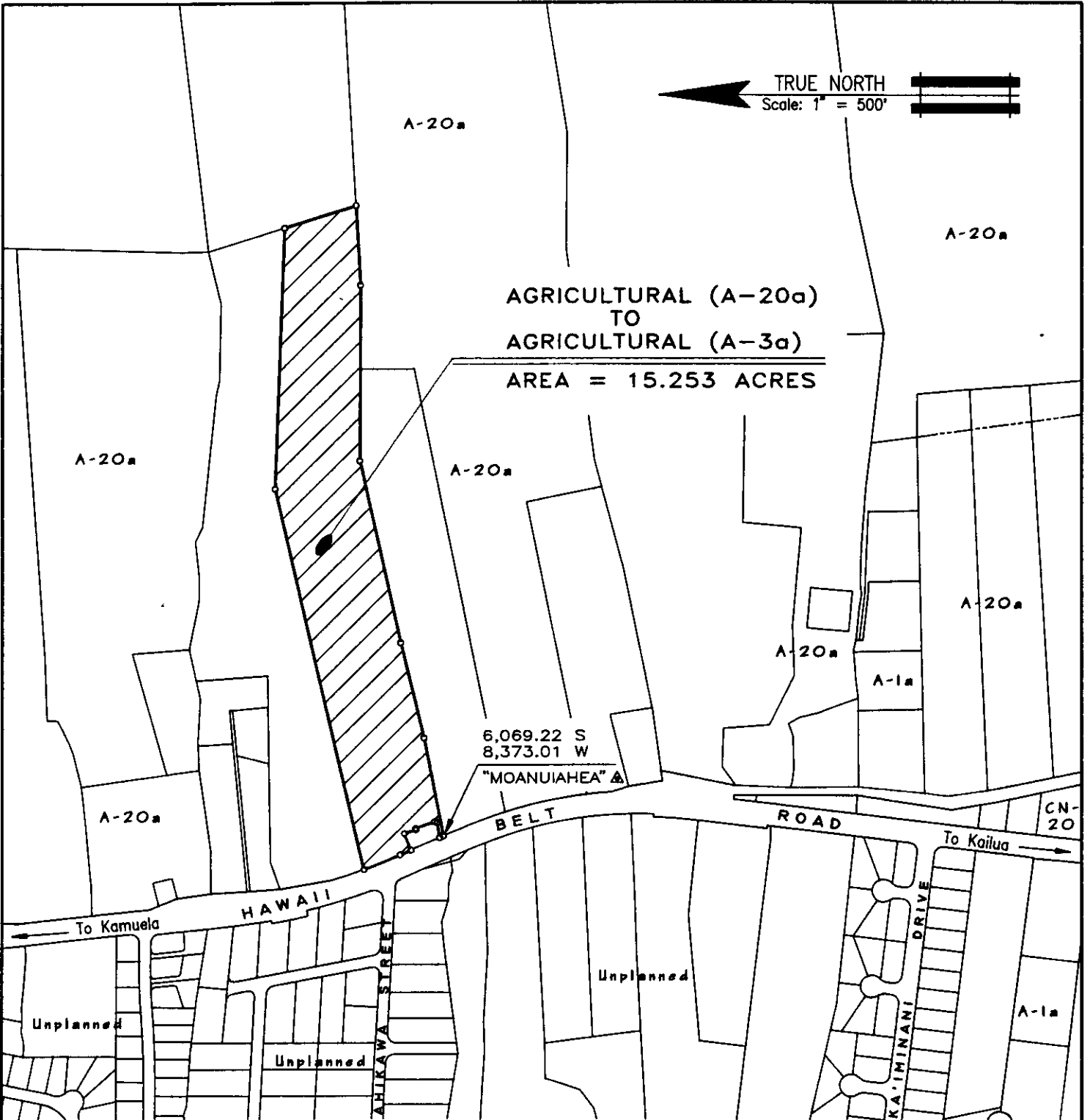
Date of Introduction: February 19, 1997
Date of 1st Reading: February 19, 1997
Date of 2nd Reading: March 7, 1997
Effective Date: March 13, 1997

APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 3/10/97



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-86 (NORTH AND SOUTH KONA 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-3a) AT KALAOA 3RD., NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

C-60/100

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 2) 97 MAR 13 PM 2 16

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: February 19, 1997
 First Reading: February 19, 1997
 Published: N/A

REMARKS:

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

Second Reading: March 7, 1997
 To Mayor: March 7, 1997
 Returned: March 13, 1997
 Effective: March 13, 1997
 Published: March 21, 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	1	0	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:

[Signature]
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 3/10/97

[Signature]
 COUNCIL CHAIRMAN

[Signature]
 COUNTY CLERK

Approved/Disapproved this 13 day
 of March, 19 97.

[Signature]
 MAYOR, COUNTY OF HAWAII

Bill No.: 15 (Draft 2)

Reference: C-60.01/PC-18

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