

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 16 (Draft 2)

ORDINANCE NO. 97 74

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-10a) AT HONOKOHAU 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-5:2.

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 Honokohau 1st and 2nd, North Kona, Hawaii, shall be Agricultural (A-10a):

Beginning at the southwest corner of this parcel of land, being also the southeast corner of Honokohau Production Well and Reservoir Site and on the northerly side of Grant 3456 to George McDougall, the coordinates of said point of beginning referred to Government Triangulation Station "MOANUIAHEA", being 20,615.90 feet South and 3,656.55 feet West, thence running by azimuths measured clockwise from true South:

- 1. 169° 14' 20" 240.00 feet along the remainder of R.P. 6855, L.C. Aw. 9971, Ap. 9 to W.P. Leleiohoku (Honokohau Production Well and Reservoir Site);
2. 70° 28' 50" 189.00 feet along same;
3. 165° 12' 35" 43.90 feet along the remainder of R.P. 6855, L.C. Aw. 9971, Ap. 9 to W.P. Leleiohoku (Lot 10-B);
4. 157° 18' 05" 310.55 feet along same;
5. 248° 36' 35" 204.58 feet along R.P. 5230, L.C. Aw. 7870 to Kamohai;
6. 157° 50' 45" 209.50 feet along same;

7.	249°	10'	45"	922.14 feet	along Grant 3022, Ap. 1 to Kalua;
8.	247°	11'	45"	1,288.64 feet	along same;
9.	276°	06'	45"	189.80 feet	along same;
10.	167°	51'	15"	296.89 feet	along same;
11.	250°	31'		1,569.40 feet	along the remainder of R.P. 7587, L.C. Aw. 11216, Ap. 36 to M. Kekauonohi (Lot 3A - 1);
12.	337°	57'		473.88 feet	along same;
13.	17°	33'		55.70 feet	along same;
14.	30°	37'		154.60 feet	along same;
15.	67°	56'	57"	735.00 feet	along Kealakehe Mauka Tract;
16.	340°	01'	45"	550.00 feet	along same;
17.	54°	31'	45"	747.00 feet	along same;
18.	73°	44'	45"	543.00 feet	along same;
19.	180°	49'	45"	278.00 feet	along Grant 3456 to George McDougall;
20.	70°	28'	50"	1,990.87 feet	along same to the point of beginning and containing an area of 85.396 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 construct off-site water system improvements to the subject property, including but not limited to storage, transmission, booster pump, and distribution facilities meeting with the requirements of the Department of Water Supply in conjunction with the subdivision approval process. The applicant shall not apply for nor will be granted any variances from the Subdivision Code relating to water systems.
- D. The required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" shall be submitted by the applicant within ninety days from the effective date of this ordinance.
- E. Final Subdivision Approval of the proposed agricultural subdivision within the subject property 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 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 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 meeting with the approval of the Department of Public Works.
- J. Prior to Final Subdivision Approval, the applicant shall prepare a Solid Waste Management Plan for the development within the subject property meeting with the approval of the Department of Public Works.
- 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:

  
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 COUNCIL MEMBER, COUNTY OF HAWAII

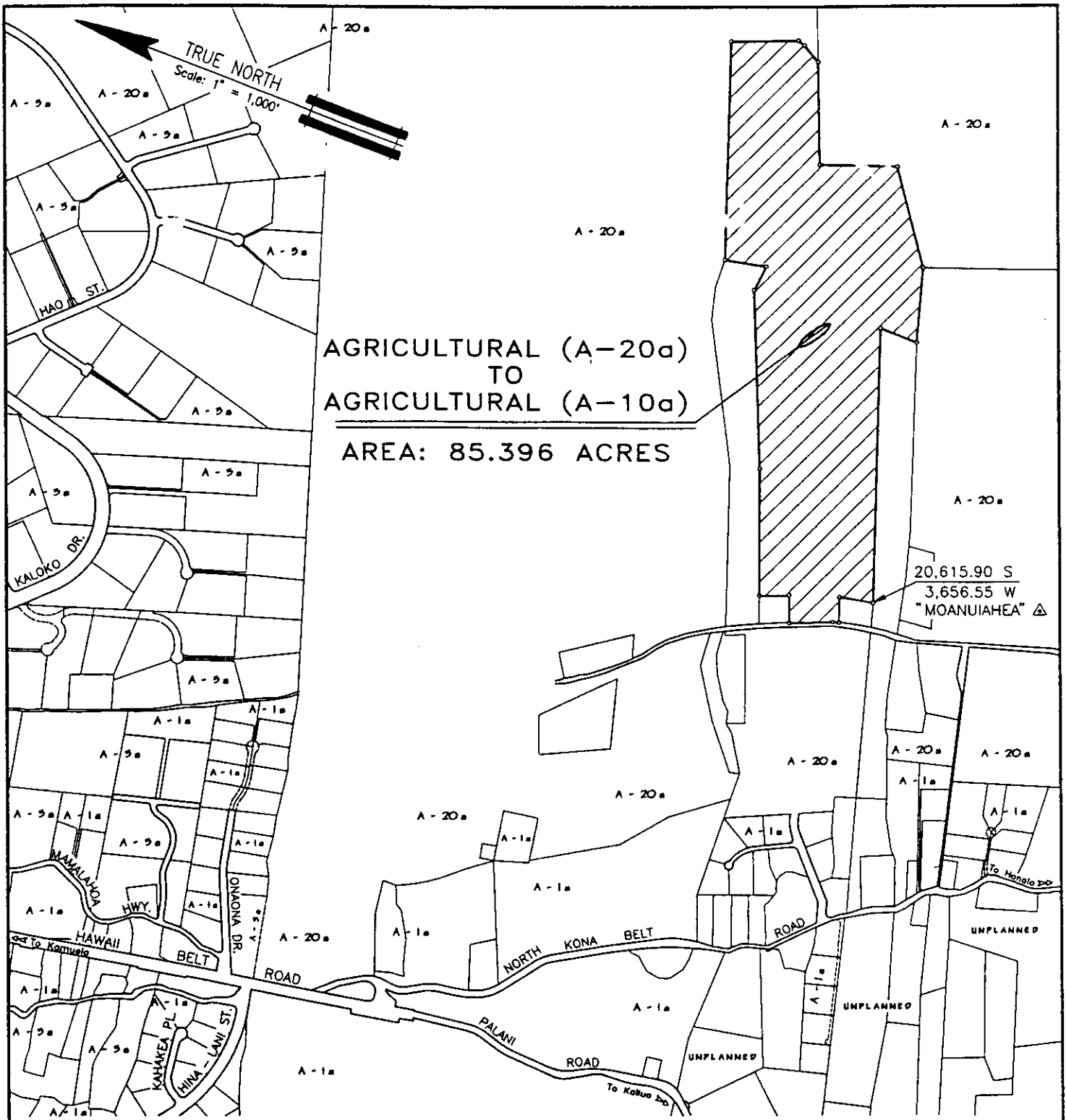
Hilo, Hawaii

Date of Introduction: May 20, 1997  
 Date of 1st Reading: May 20, 1997  
 Date of 2nd Reading: June 2, 1997  
 Effective Date: June 9, 1997

APPROVED AS TO FORM AND LEGALITY

  
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 DEPUTY CORPORATION COUNSEL

DATED: 6/4/97



AGRICULTURAL (A-20a)  
TO  
AGRICULTURAL (A-10a)

AREA: 85.396 ACRES

20,615.90 S  
3,656.55 W  
"MOANUIAHEA" Δ

# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-86 (NORTH AND SOUTH KONA DISTRICTS ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20) to AGRICULTURAL (A-10a) AT HONOKOHAU 1st AND 2nd, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 2)

97 JUN 9 AM 10 49

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: May 20, 1997  
 First Reading: May 20, 1997  
 Published: N/A

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

Second Reading: June 2, 1997  
 To Mayor: June 3, 1997  
 Returned: June 9, 1997  
 Effective: June 9, 1997  
 Published: June 17, 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			
	9	0	-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:**

*Fredrick Keenan*  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 6/4/97

Approved/Disapproved this 7 day  
 of June, 1997

*Bobby Jean Leithead-Todd*  
 MAYOR, COUNTY OF HAWAII

*James Keenan*  
 COUNCIL CHAIRMAN  
*Donald Akaka*  
 COUNTY CLERK

Bill No.: 16 (Draft 2)  
 Reference: C-61/PC-37  
 Ord. No.: 97 74