

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 86
(Draft 2)

ORDINANCE NO. 97 95

AN ORDINANCE AMENDING SECTION 25-8-11 (LALAMILO - PUUKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO FAMILY AGRICULTURAL (FA-3a) AT PUUKAPU HOMESTEADS, FIRST SERIES, PUUKAPU, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-01:35.

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

SECTION 1. Section 25-8-11, Article 8, 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 Homesteads, First Series, Puukapu, South Kohala, Hawaii, shall be Family Agricultural (FA-3a):

Beginning at the south corner of this parcel of land, being the east corner of Lot 42, Grant 4658 to Mrs. Lucy Hie and on the northerly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 511.0 feet North and 4,968.0 feet East, thence running by azimuths measured clockwise from True South:

- 1. 149° 07' 1,613.00 feet along Lot 42, Grant 4658 to Mrs. Lucy Hie;
- 2. 210° 12' 09" 439.97 feet along road;
- 3. 329° 07' 1,990.00 feet along Lot 78 and Lot 79, Grant 4549 to Heirs of Mrs. Emma Achi;
- 4. 82° 13' 418.70 feet along Mamalahoa Highway to the point of beginning and containing an area of 15.928 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 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 change of zone.
- D. 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.
- E. 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.
- F. Access(es) to the subject property from Mamalahoa Highway shall be constructed meeting with the approval of the Department of Public Works.
- G. 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.

- H. Restrictive covenant(s) in the deeds of all the proposed agricultural lots within the subject property shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenant(s) to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicants and the County and recorded with the Bureau of Conveyances in conjunction with the issuance of Final Subdivision Approval.

- I. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.

- J. 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).
- K. 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

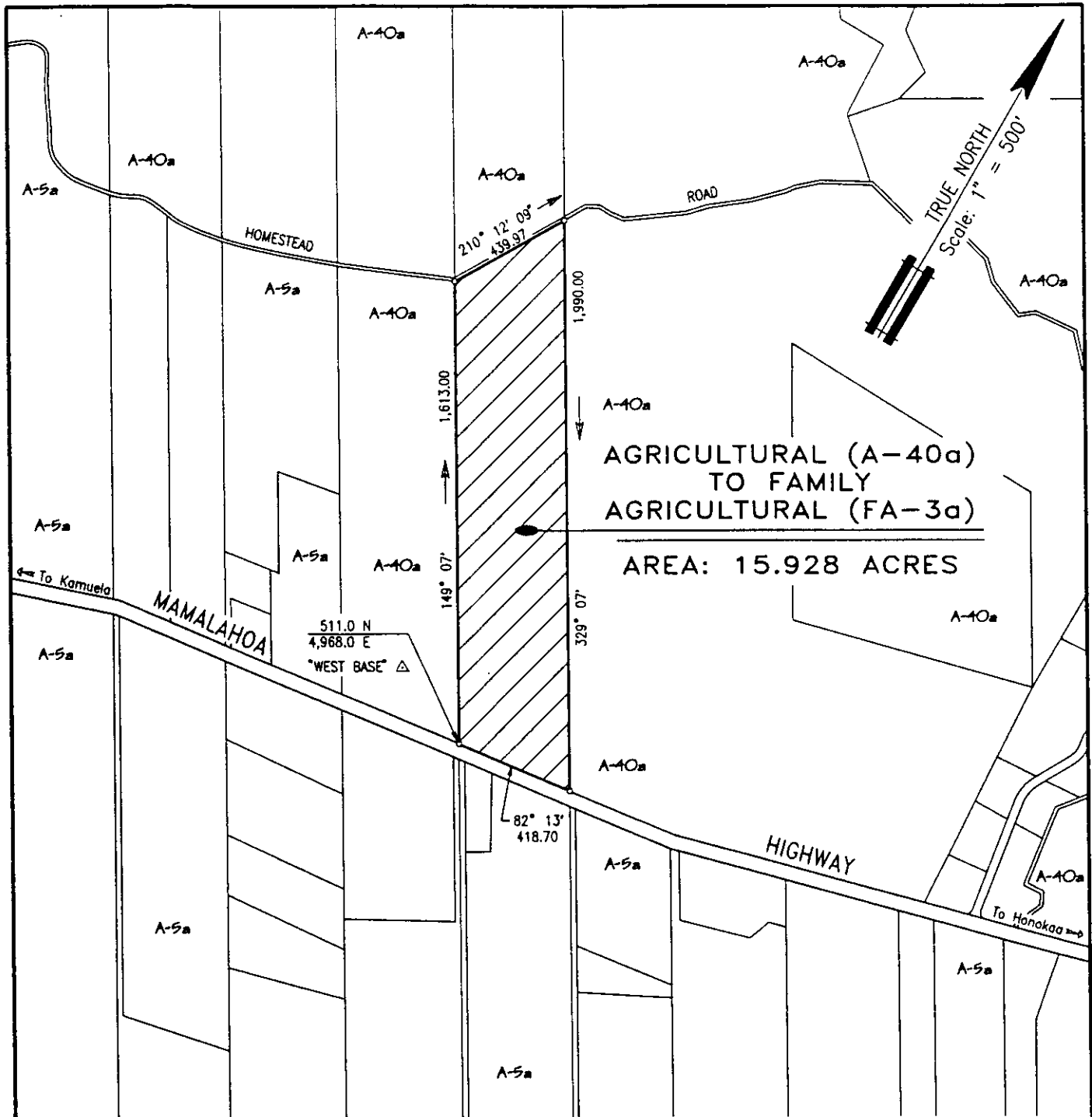
Date of Introduction: June 2, 1997
 Date of 1st Reading: June 2, 1997
 Date of 2nd Reading: June 18, 1997
 Effective Date: July 3, 1997

APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 6/23/97



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-40a) TO FAMILY AGRICULTURAL (FA-3a) AT PUUKAPU HOMESTEADS, FIRST SERIES, PUUKAPU, SOUTH KOHALA, 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: June 2, 1997
 First Reading: June 2, 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			
	9	0	0	0

Second Reading: June 18, 1997
 To Mayor: June 19, 1997
 Returned: July 3, 1997
 Effective: July 3, 1997
 Published: July 13, 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.

ETHICS AND LEGALITY:
Audrick Hannan
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date 6/23/97

Approved/Disapproved this 3 day
 of July, 1997

Atleiff
 MAYOR, COUNTY OF HAWAII

James G. Gable
 COUNCIL CHAIRMAN
Donald Speda
 COUNTY CLERK

Bill No.: 86 (Draft 2)
 Reference: C-301/PC-56
 Ord. No.: 97 95