

COUNTY OF HAWAII      STATE OF HAWAII

BILL NO. 167  
(Draft 2)

ORDINANCE NO. 98 3

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO FAMILY AGRICULTURAL (FA-1A) AT HAMANAMANA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-3-53:49.

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

SECTION 1. Section 25-8-3, 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 Hamanamana, North Kona, Hawaii, shall be Family Agricultural (FA-1a):

Beginning at the Northwesterly corner of this parcel of land, being also an angle on the Southerly side of Homestead Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 3,134.31 feet South and 10,484.77 feet West and running by azimuths measured clockwise from True South:

- |    |              |        |   |
|----|--------------|--------|---|
| 1. | 270° 37' 10" | 152.76 | feet along the Southerly side of Homestead Road to a point;   |
| 2. | 359° 00'     | 595.36 | feet along Lots 48, 46, 45, 44, and 43 of Kalaoa View, along Lot 50 of Kalaoa View II and along the remainder of Grant 3969 to Piimauna to a point;   |
| 3. | 88° 47' 08"  | 152.69 | feet along Lots B-75, B-74 and B-73 of Kona Highlands, Section B (File Plan 1143) and along Grant 3027 to Heueu to a point;   |
| 4. | 179° 00'     | 600.25 | feet along Lot 1 of Keohole View Subdivision, Increment 1 and Grant 3740 to Serafin Lopes, the Easterly end of Ahulani Street, Lot 2 of Keohole View Subdivision, Increment 1 and Grant 3740 to Serafin |

Lopes and along the Southerly side of Homestead Road to the point of beginning and containing an area of 2.095 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 daily water usage calculations and 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. Further, the applicant shall install applicable water system improvements meeting with the approval of the Department of Water Supply in conjunction with Final Subdivision Approval.
- D. Final Subdivision Approval of the proposed agricultural subdivision 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. 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 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. Access(es) to the subject property from Hamanamana Street shall be constructed meeting with the approval of the Department of Public Works.
- H. The applicant shall make its fair share contribution to mitigate the potential regional impacts of the subject property with respect to parks and recreation, fire, police, solid waste and disposal facilities, and roads. The amount of the fair share contribution shall be the sum which is the product of multiplying the number of residential lots proposed to be subdivided by the amounts allocated hereinbelow for each such lot, and shall become due and payable prior to final subdivision approval for any portion of the subject property or its increments. If the subject property is subdivided in two or more increments, the amount of the fair share contribution due and payable prior to final subdivision approval of each increment shall be a sum calculated in the same manner according to the number of additional proposed residential lots in each such increment. The fair share contribution may be in a form of cash, land, facilities, or any combination thereof acceptable to the director in consultation with the affected agencies. The fair share contribution shall have a maximum combined value of **\$7,239.16 per lot**. Based upon the applicant's representation of intent to subdivide and develop up to two (2) residential lots, the indicated total fair share contribution is **\$14,478.32**, however, the total amount shall be increased or reduced in proportion with the actual number of subdivided lots according to the calculation and payment

provisions set forth in this Condition H. The fair share contribution shall be allocated as follows:

1. \$3,490.85 per lot for an indicated total of **\$6,981.71** to the County to support park and recreational improvements and facilities;
2. \$168.40 per lot, for an indicated total of **\$336.80** to the County to support police facilities;
3. \$332.61 per lot, for an indicated total of **\$665.22** to the County to support fire facilities;
4. \$145.62 per lot, for an indicated total of **\$291.24** to the County to support solid waste facilities; and
5. \$3,101.68 per lot, for an indicated total of **\$6,203.36** to the State or County to support road and traffic improvements.

The fair share contributions described above shall be adjusted annually beginning three years after the effective date of the change of zone, based on the percentage change in the Honolulu Consumer Price Index (HCPI). In lieu of paying the fair share contribution, the applicant may construct and contribute improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities, and roads within the region impacted by the proposed development, subject to the approval of the director. For purposes of administering Condition H, the fair market value of land contributed or the cost of any improvements required or made in lieu of the fair share contribution shall be subject to the review and approval of the director, upon consultation with the appropriate agencies.

- 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. Comply with applicable laws, rules, regulations and requirements of other affected agencies for approval of the proposed development within the subject property, including the Department of Health.
  
- K. 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).
  
- L. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area within 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

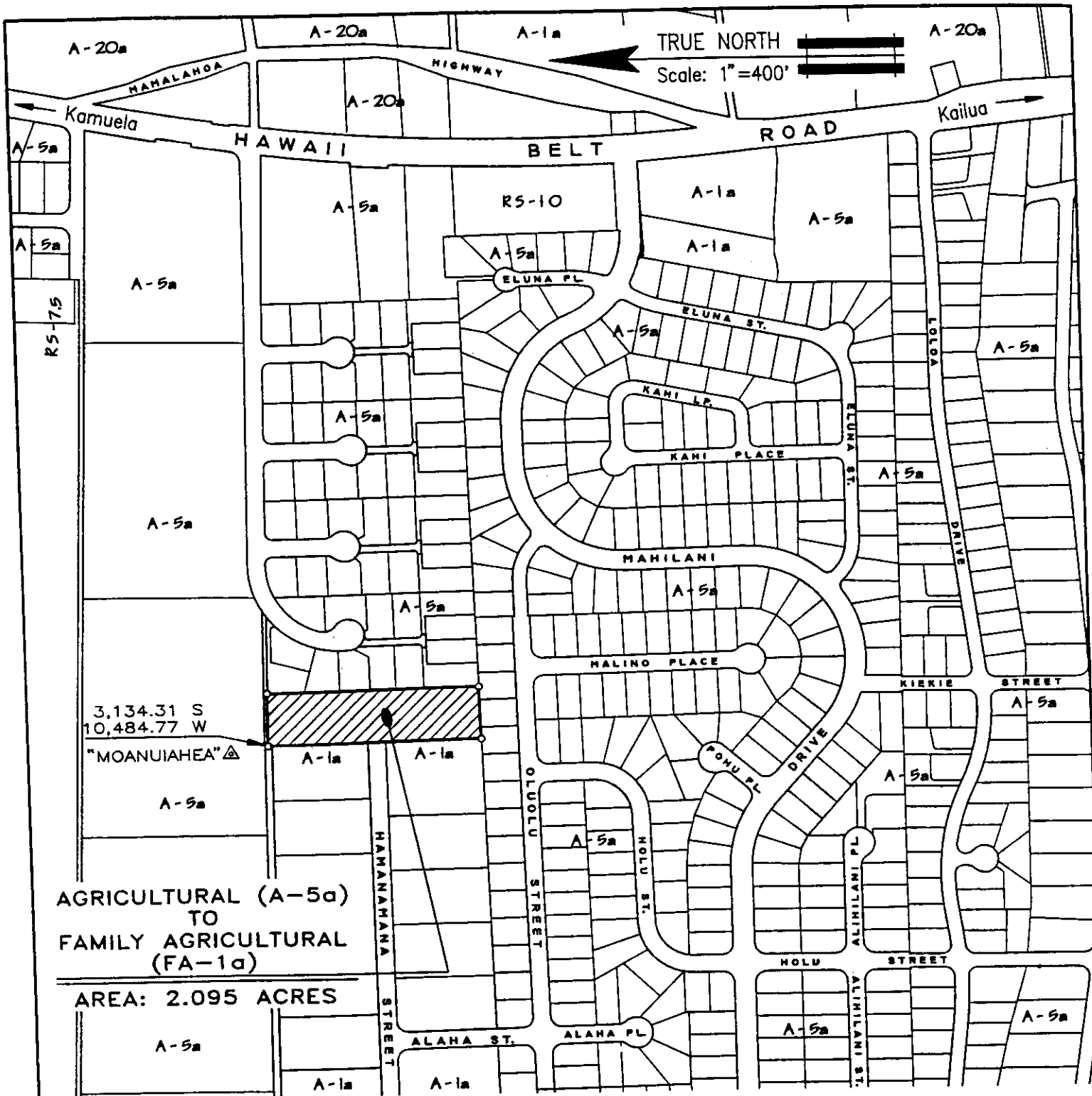
Hilo, Hawaii

Date of Introduction: December 17, 1997  
Date of 1st Reading: December 17, 1997  
Date of 2nd Reading: January 7, 1998  
Effective Date: January 19, 1998

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
CORPORATION COUNSEL

DATED: 1/9/98



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO FAMILY AGRICULTURAL (FA-1a) AT HAMANAMANA, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RECEIVED

(DRAFT 2)

98 JAN 20 PM 3 12

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: December 17, 1997  
 First Reading: December 17, 1997  
 Published: December 26, 1997

REMARKS:

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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: January 7, 1998  
 To Mayor: January 8, 1998  
 Returned: January 20, 1998  
 Effective: January 19, 1998  
 Published: January 26, 1998

REMARKS:

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	AYES	NOES	ABS	EX
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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.

AND LEGALITY:

Frederick Korman  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 1/21/98

Approved/Disapproved this 19 day  
 of January, 19 98

Steve Cahalo  
 MAYOR, COUNTY OF HAWAII

James A. ...  
 COUNCIL CHAIRMAN  
...  
 Dep. COUNTY CLERK

Bill No.: 167 (Draft 2)  
 Reference: C-575/PC-83  
 Ord. No.: 98 3