



COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 218

ORDINANCE NO. 98 60

AN ORDINANCE AMENDING SECTION 25-8-22 (PUNA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO FAMILY AGRICULTURAL (FA-1a) AT KEAAU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-6-141:10.

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

SECTION 1. Section 25-8-22, 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 Keaau, Puna, Hawaii, shall be Family Agricultural (FA-1a):

Land Court Application 1053
As shown on Map 81
Keaau, Puna, Island of Hawaii, Hawaii

DESCRIPTION

Beginning at the east corner of this parcel of land, being the north corner of Lot 1092-P, Land Court Application 1053 (Map 81) and on the westerly side of 40-foot Road (Lot 1092-U), Land Court Application 1053 (Map 81), thence running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|--------|---|
| 1. | 57° 04' 45" | 712.64 | feet along Lot 1092-P, Land Court Application 1053 (Map 81); |
| 2. | 147° 04' 45" | 414.01 | feet along Lot 1092-L, Land Court Application 1053 (Map 81); |
| 3. | 237° 04' 45" | 423.10 | feet along 60-foot Road (Lot 1092-K), Land Court Application 1053 (Map 81); |

- | | | | |
|----|--------------|--------|---|
| 4. | 327° 04' 45" | 180.00 | feet along Lot 1092-N, Land Court Application 1053 (Map 81); |
| 5. | 237° 04' 45" | 251.97 | feet along Lot 1092-N, Land Court Application 1053 (Map 81); |
| 6. | 317° 57' 30" | 237.01 | feet along 40-foot Road (Lot 1092-U), Land Court Application 1053 (Map 81) to the point of beginning and containing an area of 5.476 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 required water commitment payment shall be submitted 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.
- D. The applicant shall install applicable water system improvements meeting with the approval of the Department of Water Supply in conjunction with Final Subdivision Approval.

- E. 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.
- F. Kipimana Road shall be paved to a width of 20 feet from Volcano Highway up to the northern most driveway of the proposed subdivided lots, in conjunction with Final Subdivision Approval and meeting with the approval of the Department of Public Works and State Department of Transportation.
- G. Access(es) to the subject property shall be constructed in a manner meeting with the approval of the Department of Public Works.
- 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 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.
- I. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for 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 all other applicable rules, regulations and requirements of other affected agencies for the proposed development of the subject property, including the State Department of Transportation, State Department of Health and County Department of Water Supply.

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:

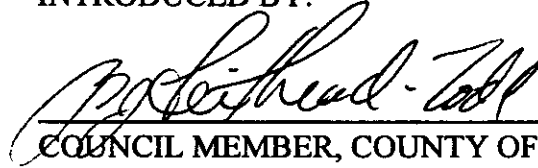
- 1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, its successors or assigns, and that are not the result of their fault or negligence.**
- 2. Granting of the time extension would not be contrary to the General Plan or Zoning 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:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

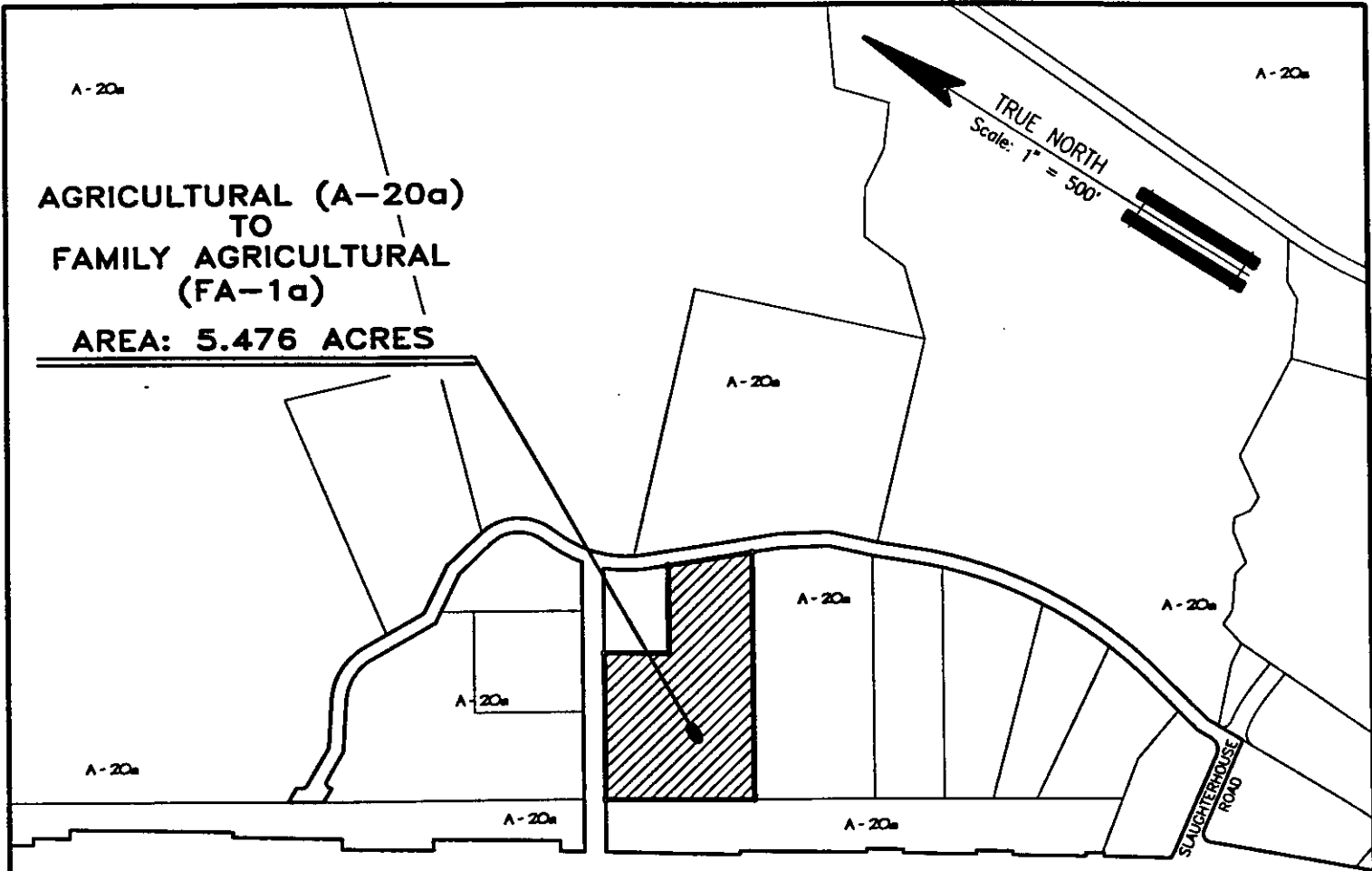
Date of Introduction: June 1, 1998
Date of 1st Reading: June 1, 1998
Date of 2nd Reading: June 16, 1998
Effective Date: July 2, 1998

REFERENCE: Comm. 794

APPROVED AS TO FORM AND LEGALITY

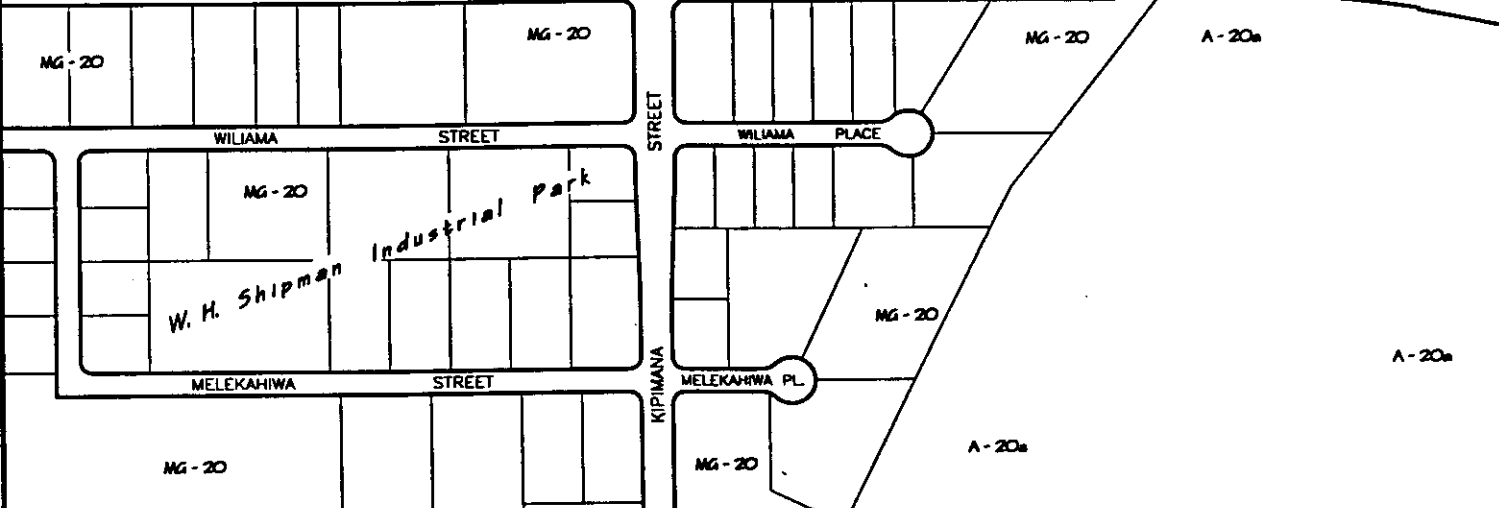


CORPORATION COUNSEL
DATED: _____



AGRICULTURAL (A-20a)
TO
FAMILY AGRICULTURAL
(FA-1a)
AREA: 5.476 ACRES

← To Hilo **VOLCANO ROAD** To Volcano →



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-22 (PUNA DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO FAMILY AGRICULTURAL (FA-1a) AT KEAAU, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

FILED ID

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: June 1, 1998
First Reading: June 1, 1998
Published: N/A

REMARKS:

*98 ROLL CALL VOTE 01

	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 16, 1998
To Mayor: June 19, 1998
Returned: July 2, 1998
Effective: July 2, 1998
Published: July 10, 1998

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:

Patricia K. Oka
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date JUN 23 1998

Approved/Disapproved this 24 day
of July 19 98

Bobby Jean Leithead-Todd
MAYOR, COUNTY OF HAWAII

James A. Akaka
COUNCIL CHAIRMAN
Donald Akaka
COUNTY CLERK

Bill No.: 218
Reference: C-794/PC-107
Ord. No.: 98 60