

(Olson, Jamison, Barry) *Roy*

COUNTY OF HAWAII

STATE OF HAWAII

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COUNTY OF HAWAII

BILL NO. 327

ORDINANCE NO. 99 22

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 AGRICULTURAL (A-5a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-4-2:3.

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, Waimea, South Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the Northwesterly corner of this parcel of land, being also the Northeasterly corner of a private road parcel and being a point on the Southerly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 6,863.73 feet North and 2,716.87 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|----------|---|
| 1. | 253° 50' | 960.80 | feet along the Southerly side of Mamalahoa Highway to a point; |
| 2. | 346° 10' | 988.62 | feet along Lot 4 (Map 2) of Land Court Consolidation 167 to a point; |
| 3. | 256° 10' | 240.00 | feet along Lot 4 (Map 2) of Land Court Consolidation 167 to a point; |
| 4. | 346° 10' | 2,164.32 | feet along Lot 118 of Puukapu Homesteads, 2nd Series and along Grant 9708 to Joseph A. Aiau to a point; |
| 5. | 76° 10' | 1,200.00 | feet along Lot 4-B (Hawaiian Home Lands) of the Puukapu Pasture Lots to a point; |

6. 166° 10' 3,113.82 feet along Lots B-3, B-2 and private road parcel of Lot 112 of Puukapu Homesteads, 2nd Series and along Grant 7402 to Piko Bell to the point of beginning and containing an area of 80.9797 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 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. 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. Access to the subject property shall meet with the requirements of the Department of Public Works. The entrance roadway sight distance shall meet the requirements of the Statewide Design Manual.

- F. The applicant, successors or assigns shall dedicate a portion of the subject property along the entire subject property's Mamalahoa Highway frontage, if required by the County of Hawaii, for future road widening improvements.
- G. A Drainage Study shall be prepared and submitted for review and approval to the Department of Public Works.
- H. A Solid Waste Management Plan for the development shall be prepared and submitted for approval to the Department of Public Works prior to issuance of Final Subdivision Approval. A copy of the approved Plan shall be submitted to the Planning Department for its files.
- I. 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.
- J. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
- K. 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.

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 area 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

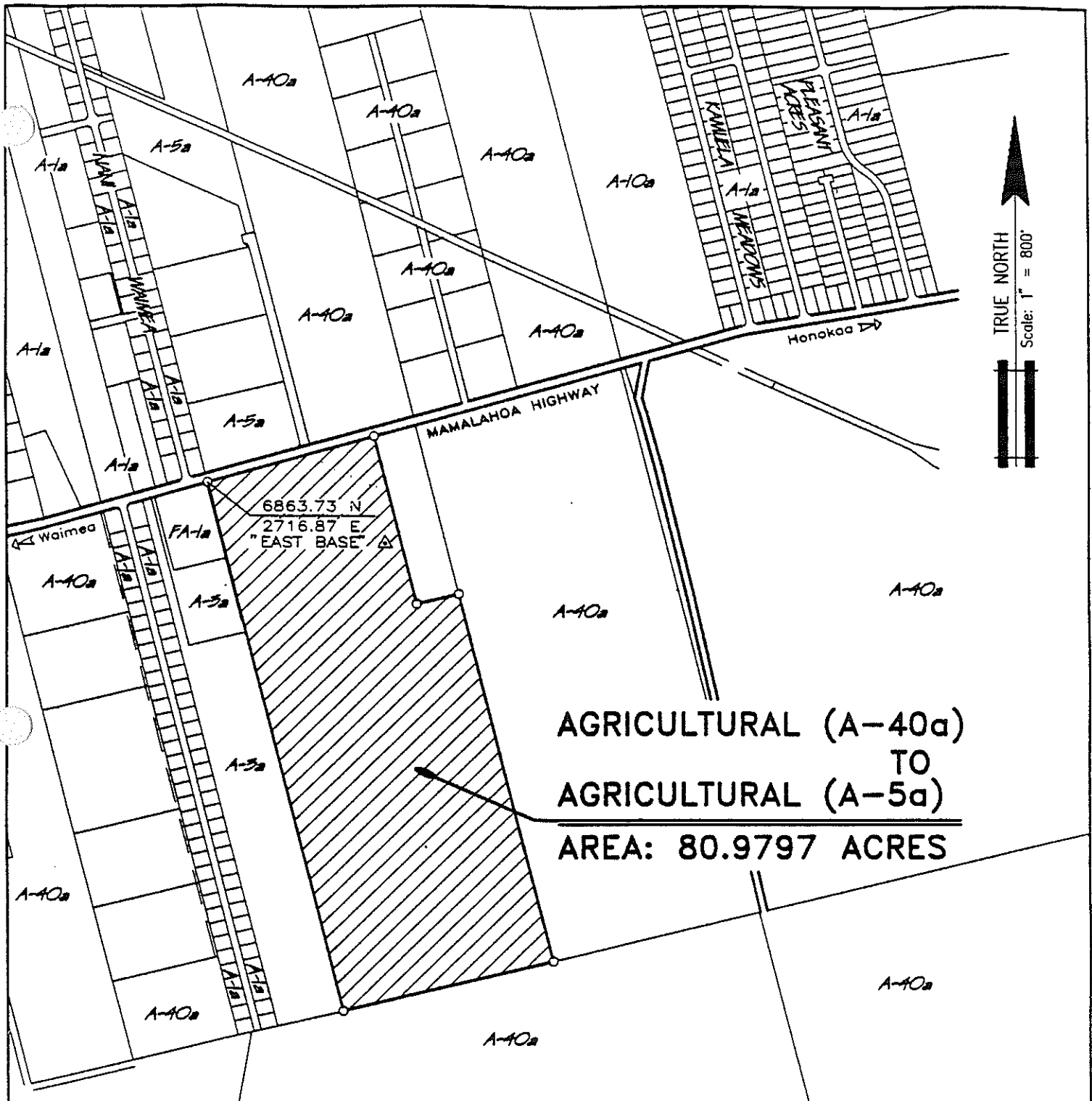
Date of Introduction: November 18, 1998
Date of 1st Reading: November 18, 1998
Date of 2nd Reading: February 17, 1999
Effective Date: February 28, 1999

REFERENCE: Comm. 1047

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 2/23/98



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 AGRICULTURAL (A-5a) AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd (B/R)
Date Introduced: November 18, 1998
First Reading: November 18, 1998
Published: N/A

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	0	1	0

Second Reading: February 17, 1999
To Mayor: February 19, 1999
Returned: March 4, 1999
Effective: February 28, 1999
Published: March 10, 1999

REMARKS: Deferred - 12/23/98

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Elarionoff	X			
Jacobson			X	
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	7	0	2	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 2/23/99

COUNCIL CHAIRMAN

COUNTY CLERK

Approved/Disapproved this 28 day
of February, 1999

MAYOR, COUNTY OF HAWAII

Bill No.: 327
Reference: PC-159/C-1047
Ord. No.: 99 22

