

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 10
(Draft 3)

ORDINANCE NO. 99 48

AN ORDINANCE AMENDING ORDINANCE NO. 166 AND SECTION 25-8-19 (NORTH HILO DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO AGRICULTURAL (A-10a) AND AGRICULTURAL (A-20a) AT PAPAALOA, NORTH HILO, HAWAII, COVERED BY TAX MAP KEY 3-5-3:PORTION OF 27 AND 75 AND 3-5-4:PORTION OF 8.

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

SECTION 1. Section 25-8-19, Article 8, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

Parcel 1

The district classification of the following area situated at Papaaloa, North Hilo, Hawaii, shall be Agricultural (A-10a):

Beginning at the Southerly angle of this parcel of land being the Southerly corner of Grant 908 to Kapalehua, being also the Westerly corner of Grant 904 to Kapule and Nawahine along the Northerly side of the Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Papaaloa" being 773.89 feet North and 394.33 feet East, thence running by azimuths measured clockwise from True South;

1. 147° 45' 00" 1,068.03 feet along the Northeasterly side of the Government Road;
2. 183° 21' 30" 22.31 feet along the Easterly side of the Government Road;
3. 218° 59' 00" 121.73 feet along the Southeasterly side of the Government Road;
4. 224° 51' 00" 169.15 feet along the same;

- 5. 237° 16' 00" 162.68 feet along the same;
- 6. 251° 08' 00" 92.46 feet along the same;
- 7. 218° 44' 00" 136.08 feet along the same;
- 8. 264° 35' 00" 104.48 feet along the same;

Thence along the Southeasterly side of the Government Road on a curve to the left with a radius of 195.00 feet the chord azimuth and distance being:

- 9. 224° 59' 30" 248.55 feet;
- 10. 185° 24' 00" 68.36 feet along the Southeasterly side of the Government Road;

Thence along the Southeasterly side of the Government Road on a curve to the right with a radius of 60.00 feet the chord azimuth and distance being:

- 11. 228° 28' 00" 81.94 feet;
- 12. 271° 32' 00" 101.81 feet along the Southeasterly side of the Government Road;
- 13. 234° 03' 00" 103.77 feet along the same;
- 14. 215° 55' 00" 73.53 feet along the same;

Thence along the Southeasterly side of the Government Road on a curve to the right with a radius of 150.00 feet the chord azimuth and distance being:

- 15. 234° 24' 30" 95.15 feet;

16.	252°	54'	00"	74.94	feet along the Easterly side of the Government Road;
					Thence along the Easterly side of the Government Road on a curve to the left with a radius of 115.00 feet, the chord azimuth and distance being:
17.	218°	05'	30"	131.29	feet;
18.	183°	17'	00"	97.38	feet along the Easterly side of the Government Road;
					Thence along the Easterly side of the Government Road on a curve to the right with a radius of 85.00 feet, the chord azimuth and distance being:
19.	207°	28'	30"	69.66	feet;
20.	231°	40'	00"	50.24	feet along the Easterly side of the Government Road;
21.	220°	45'	00"	81.39	feet along the same;
22.	190°	58'	00"	170.35	feet along the same;
					Thence along the Easterly side of the Government Road on a curve to the right with a radius of 85.00 feet, the chord azimuth and distance being:
23.	218°	16'	00"	77.97	feet;
24.	245°	34'	00"	140.37	feet along the Southeasterly side of the Government Road;
25.	254°	56'	00"	127.65	feet along the same;
26.	242°	16'	00"	142.94	feet along the same;
					Thence along the Southerly side of the Government Road on a curve to the right

with a radius of 87.63 feet, the chord azimuth and distance being:

27.	274°	22'	30"	93.15	feet;
28.	306°	29'	00"	114.27	feet along the Southerly side of the Government Road;
29.	296°	38'	00"	46.00	feet along the same;
30.	288°	08'	00"	72.61	feet along the same;
Thence along the Southerly side of the Government Road on a curve to the left with a radius of 75.00 feet, the chord azimuth and distance being:					
31.	267°	19'	50"	53.27	feet;
32.	312°	57'	00"	80.46	feet along the remainder of Grant 908 to Kapalehua;
33.	15°	45'	00"	175.25	feet along the same;
34.	301°	20'	00"	97.38	feet along the same and along the remainder of Grant 904 to Kapule and Nawahine;
35.	20°	00'	00"	219.35	feet along the same;
36.	37°	00'	00"	287.94	feet along the remainder of Grant 904 to Kapule and Nawahine to the Northerly side of File Plan 1713, Papaaloa Subdivision, Increment 1A;
37.	166°	02'	00"	25.20	feet along the Northerly side of File Plan 1713, Papaaloa Subdivision, Increment 1A;
38.	140°	52'	30"	208.86	feet along the same;
39.	115°	43'	00"	443.43	feet along the same;
40.	25°	43'	00"	336.00	feet along the Westerly side of File

Plan 1713, Papaaloa Subdivision,
Increment 1A;

41. 295° 43' 00" 351.00 feet along the Southerly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

42. 327° 22' 16" 120.25 feet along the same;

43. 346° 02' 00" 396.00 feet along the same;

44. 256° 02' 00" 123.00 feet along the Southeasterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

Thence along the Southeasterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A on a curve to the right with a
radius of 20.00 feet, the chord azimuth and
distance being:

45. 301° 02' 00" 28.28 feet;

46. 346° 02' 00" 123.00 feet along the Southwesterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

47. 256° 02' 00" 529.00 feet along the Southeasterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

48. 346° 02' 00" 407.03 feet along the Southwesterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

49. 233° 02' 00" 198.93 feet along the Southeasterly side of File
Plan 1713, Papaaloa Subdivision,
Increment 1A;

50. 260° 16' 00" 153.30 feet along the same;

51.	166°	02'	00"	410.62	feet along the Northeasterly side of File Plan 1713, Papaaloa Subdivision, Increment 1A;
					Thence along the Westerly top of Kaiwilahilahi Gulch for the next thirteen (13) courses, the direct azimuth and distance being:
52.	54°	31'	00"	103.00	feet;
53.	53°	02'	00"	173.00	feet;
54.	80°	16'	00"	178.00	feet;
55.	353°	37'	00"	467.31	feet;
56.	256°	02'	00"	94.72	feet along the remainder of Grant 904 to Kapule and Nawahine to the Westerly top of Kaiwilahilahi Gulch;
57.	22°	21'	00"	97.00	feet;
58.	37°	09'	00"	429.00	feet;
59.	18°	11'	00"	228.00	feet;
60.	37°	19'	00"	130.00	feet;
61.	63°	14'	00"	243.00	feet;
62.	35°	51'	00"	127.00	feet;
63.	10°	05'	00"	190.00	feet;
64.	61°	34'	00"	209.91	feet;
65.	51°	59'	00"	150.52	feet;
66.	120°	40'	00"	1,148.54	feet along the Northerly side of Grant 9017 to Samuel Kalele to the point of beginning and containing an area of 99.907 acres, more or less.

Parcel 2

The district classification of the following area situated at Papaaloa, North Hilo, Hawaii, shall be Agricultural (A-20a):

Beginning at the Easterly corner of this parcel of land along the Southwesterly side of Hawaii Belt Road SDR 3(5) along the Westerly top of Kaiwilahilahi Gulch, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Papaaloa" being 2,625.62 feet North and 2,926.28 feet East, thence running by azimuths measured clockwise from True South;

- | | | | | | |
|----|------|-----|-------|--------|---|
| 1. | 22° | 55' | 00" | 352.00 | feet along the Westerly top of Kaiwilahilahi Gulch; |
| 2. | 353° | 37' | 00" | 111.69 | feet along the same; |
| 3. | 76° | 02' | 00" | 94.72 | feet along the remainder of Grant 904 to Kapule and Nawahine to the Northeasterly side of File Plan 1713, Papaaloa Subdivision, Increment 1A; |
| 4. | 166° | 02' | 00" | 113.83 | feet along the Northeasterly side of File Plan 1713, Papaaloa Subdivision, Increment 1A to the Easterly side of Papaaloa Avenue; |
| | | | | | Thence along the Easterly side of Papaaloa Avenue on a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being: |
| 5. | 199° | 13' | 22" | 309.91 | feet; |
| 6. | 171° | 13' | 00" | 51.60 | feet along the Easterly side of Papaaloa Avenue; |
| | | | | | Thence along the Easterly side of Papaaloa Avenue on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being: |
| 7. | 182° | 51' | 55.2" | 48.46 | feet; |

Thence along the Easterly side of Papaaloa

Avenue on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

8. 248° 25' 27.5" 48.49 feet;

Thence along the Southerly side of Hawaii Belt Road SDR 3(5) on a curve to the left with a radius of 3,324.05 feet, the chord azimuth and distance being:

9. 301° 18' 07" 119.81 feet to the point of beginning and containing an area of 1.087 acres, more or less.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. [Section 1 of this ordinance shall take effect forthwith upon the conditions that] This change in district classification is conditioned upon the following:

[(JAD)]. [the area be zoned in four (4) increments. The first three (3) increments shall each consist of a maximum of twenty-eight (28) acres, and the fourth increment, the remaining area. The effective date of zoning for subsequent increments shall be after development has occurred in the previous increment or combination of increments. Development is defined as building permits issued for single family residential dwelling units and construction partially completed - partially completed in the sense of having roofs on a minimum of twenty-five (25) per cent of the units for the previous increment or combination of increments;] The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.

[(JB)]. [the applicant, Laupahoehoe Sugar Company submit a subdivision plan for the first increment and secure tentative approval within one (1) year from the official date of approval of the change of zone, and also assume the responsibility of securing final subdivision approval for the first increment. The

applicant shall also be responsible for obtaining final subdivision approval for the subsequent increments.] Final Subdivision Approval shall be secured within five (5) years from the effective date of this amendment to the ordinance. All other concerns, such as drainage and roadway requirements, shall be considered at the time of subdivision approval[;].

[(C)]E. [the] The method of sewage disposal shall conform to the rules and regulations of the State Department of Health[;].

[(D)]E. [a channelized intersection with left turn storage lanes and deceleration and acceleration lanes be constructed at the entrance of the subdivision during the second increment. These roadway] Roadway improvements shall be completed prior to Final Subdivision Approval [sales of the lots within the second increment,] and shall meet with the approval of the State Department of Transportation, Highways Division[;].

[(E)]E. the connection of the existing Kihalani Camp Road to the Hawaii Belt Highway be eliminated upon construction of the channelized intersection;]

[(F)]E. [the] The applicant be responsible to provide a water system in accordance with the County of Hawaii Department of Water Supply standards[;].

[(G)]E. [a minimum area of seven (7) acres be set aside within the subject area for park and recreational purposes. The exact location shall be determined at the time of subdivision approval of the first increment. Minimum improvements shall be provided for at least four (4) acres of the park area prior to development of the second increment and the remaining three (3) acres shall be improved prior to the construction of the fourth increment. Minimum improvements shall include but not be limited to grading and grassing which meet the approval of the Parks

and Recreation Director. The park shall remain in private ownership and maintenance until such time that the applicant decides to dedicate the area and accepted by the County. There shall also be adequate assurance, as determined by the Corporation Counsel, for the maintenance of the private park by recorded covenant running with the land which shall include the following: (1) Obligate the subdividers, purchasers, occupants or association in the subdivision to maintain the private park in perpetuity; (2) Empower the County, through the Parks and Recreation Director, to enforce the covenants to maintain the private park, authorizing the performance of maintenance work by the County in the event of failure by the subdividers, purchasers, occupants or association in the subdivision to perform such work and permit the subjecting of the land and properties in the subdivision to a lien until the cost of work performed by the County has been reimbursed;] 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 Fee Ordinance.

[(H)]G. [the] The applicant work closely with the Soil Conservation Service to operationalize conservation practices relative to the topographic conditions of the proposed development[;].

[(I)]H. [a] A hydrologic/drainage study be made by the applicant and be submitted with the subdivision application for the first increment to the Planning Department. [Should the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.]

I. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property including the Department of Public Works, Department of Health and Department of Water Supply.

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 applicant, 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; and
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 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:

P.J. Littlewood Todd
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

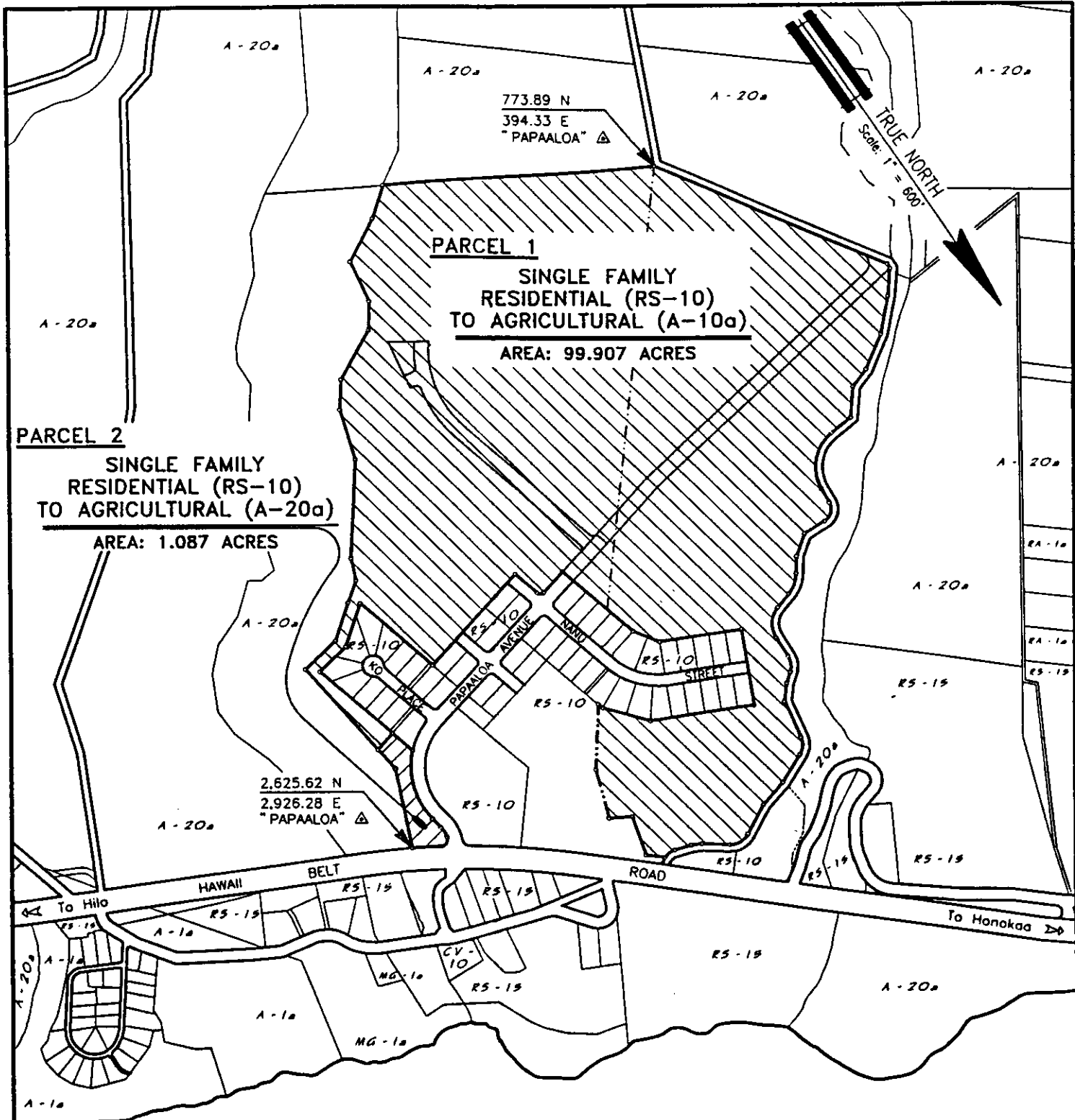
Date of Introduction: April 6, 1999
Date of 1st Reading: April 6, 1999
Date of 2nd Reading: April 21, 1999
Effective Date: May 4, 1999

REFERENCE: Comm. 43.002

APPROVED AS TO FORM AND LEGALITY

Fredrick S. Hanawa
CORPORATION COUNSEL

DATED: 4/26/99



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-19 (NORTH HILO DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO AGRICULTURAL (A-10a) AND AGRICULTURAL (A-20a) AT PAPAALOA, NORTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: April 6, 1999
 First Reading: April 6, 1999
 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			
	9	0	0	0

Second Reading: April 21, 1999
 To Mayor: April 23, 1999
 Returned: May 4, 1999
 Effective: May 4, 1999
 Published: May 19, 1999 (HTH & WHT)
May 24, 1999 (RFD Publications)

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			
	9	0	0	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:

Frederick Sappone
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 4/26/99

Janice A. ...
 COUNCIL CHAIRMAN
...
 COUNTY CLERK

Approved/Disapproved this 4 day
 of May, 19 99

...
 MAYOR, COUNTY OF HAWAII

Bill No.: 10 (Draft 3)
 Reference: C-43.002/PC-5
 Ord. No.: 99 48