

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 64
(Draft 5)

ORDINANCE NO. 99 77

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-2a) AT HIENALOLI 6TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-13:08.

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 Hienaloli 6th, North Kona, Hawaii, shall be Family Agricultural (FA-2a):

Beginning at a 1/2 inch pipe (found) at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Hualalai Memorial Park and a point on the Easterly side of Mamalahoa Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 410.14 feet North and 14,222.94 feet East and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along the Easterly side of Mamalahoa Highway:

- | | | | |
|----|----------|--------|----------------------------------|
| 1. | 154° 07' | 168.87 | feet to a 1/2 inch pipe (found); |
| 2. | 161° 50' | 107.27 | feet to a 1/2 inch pipe (found); |
| 3. | 130° 35' | 11.82 | feet to a 1/2 inch pipe (found); |
| 4. | 155° 25' | 43.73 | feet to a 1/2 inch pipe (found); |
| 5. | 146° 03' | 65.92 | feet to a 1/2 inch pipe (found); |
| 6. | 153° 36' | 52.37 | feet to a 1/2 inch pipe (found); |

- | | | | |
|-----|--------------|--------|---|
| 7. | 164° 59' | 99.68 | feet to a 1/2 inch pipe (found); |
| 8. | 267° 41' | 492.80 | feet along Lot 3-A of Land Court Application 1760 (Map 3 - Pending) to a 1/2 inch pipe (set); |
| 9. | 344° 33' 10" | 272.96 | feet along Lots 5 and 6 of Land Court Application 1760 (Map 2) to a 1/2 inch pipe (found); |
| 10. | 345° 59' | 221.30 | feet along Lot 6 of Land Court Application 1760 (Map 2) to a 1/2 inch pipe (found); |
| 11. | 84° 05' 20" | 400.54 | feet along Hualalai Memorial Park and along Royal Patent 7580, Land Commission Award 11,216, Apana 37 to M. Kekauonohi to the point of beginning and containing an area of 5.193 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 subdivision within the subject property shall be secured from the Planning Director.
- E. The entrance roadway sight distance and accesses to lots within the proposed subdivision shall comply with the requirements of the Subdivision Code and the approval of the Department of Public Works.
- F. A drainage study of the project site, 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.
- 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. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed subdivision within the subject property, including the Department of Health.
- I. Restrictive covenants in the deeds of all the proposed 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 shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances for any portion of the subject property. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

- J. 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.
- 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 applicant, 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

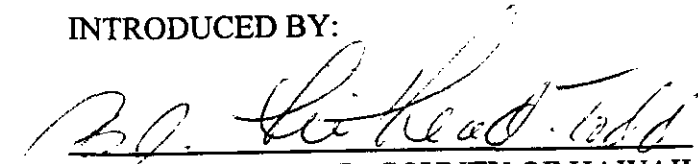
within one year may be extended for up to one additional year).

- L. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the 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.

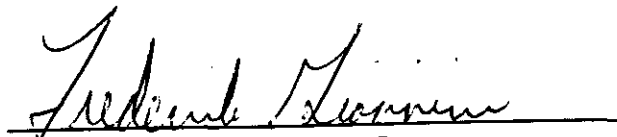
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

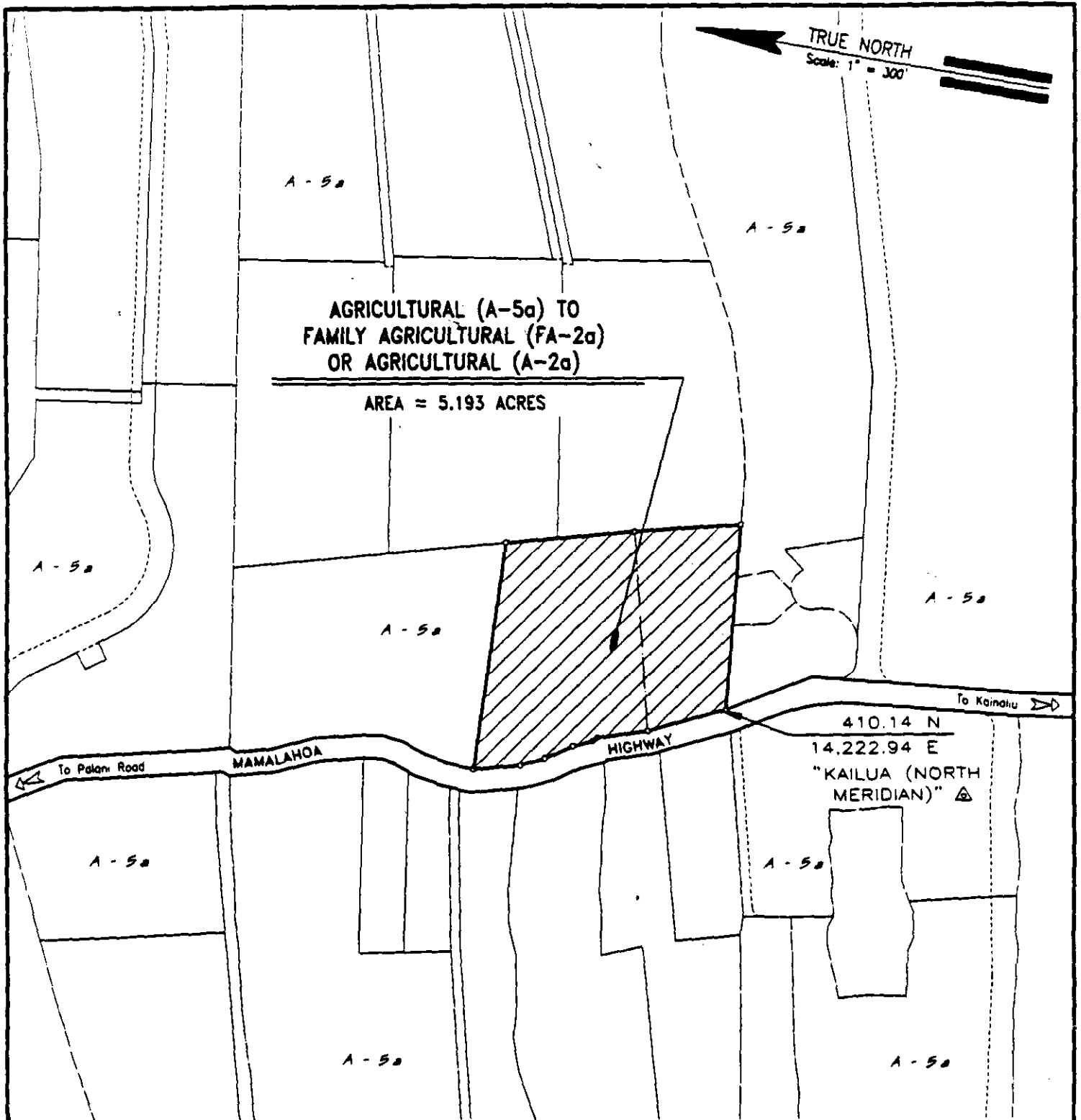
Hilo, Hawaii

Date of Introduction: May 25, 1999
Date of 1st Reading: May 25, 1999
Date of 2nd Reading: June 8, 1999
Effective Date: June 24, 1999

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DATED: 6/16/99



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 OR 25-87 (NORTH KONA ZONE MAP) ARTICLE 8 OR 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO FAMILY AGRICULTURAL (FA-2a) OR AGRICULTURAL (A-2a) AT HIENALOLI 6TH, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

RECEIVED

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: May 25, 1999
 First Reading: May 25, 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			
	7	2	0	0

Second Reading: June 8, 1999
 To Mayor: June 14, 1999
June 23, 1999
 Returned: _____
 Effective: June 24, 1999
 Published: July 6, 1999

REMARKS: _____

(DRAFT 5)

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	1	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 Leppin
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 6/16/99

Tom Arakaki
 COUNCIL CHAIRMAN

Don King
 COUNTY CLERK

Approved/Disapproved this 23 day

of June, 1999

Robert G. ...
 MAYOR, COUNTY OF HAWAII

Bill No.: 64 (Draft 5)

Reference: C-244/PC-24

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