

ORDINANCE NO. 99 83

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 OPEN (O) AND AGRICULTURAL (A-1a) TO FAMILY AGRICULTURAL (FA-2a) AT HALEKAMAHINA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-4-73:18.

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 Halekamahina, Puna, Hawaii, shall be Family Agricultural (FA-2a):

Beginning at a pipe found at the Eastern corner of this parcel of land, also being the Northern corner of Lot 61 of Vacationland Hawaii, Unit II, lying on the Southwest right-of-way of Ililani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPOHO" being 2,236.06 feet North and 6,571.54 feet East and thence running by azimuths measured clockwise from true South:

1. 62° 14' 00" 582.01 feet along Lot 61 of Vacationland Hawaii, Unit II to a pipe found;
2. 130° 05' 30" 263.16 feet along Lot 63 of Vacationland Hawaii, Unit II to a spike found;
3. 228° 00' 00" 702.77 feet along other lands of Royal Patent 7483, Land Commission Award 4452, Apana 2 to H. Kalama to a spike set;
4. 332° 14' 00" 416.54 feet along the Southwest right-of-way of Ililani Road to the point of beginning and containing an area of 4.885 Acres, more or less.

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.** Should the applicant, successors or assigns seek to further subdivide the subject property, lots shall be provided with a water system meeting with the approval of the Department of Water Supply prior to securing Final Subdivision Approval.
  
- D.** An archaeological study/survey of the subject property shall be prepared and submitted for review and approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD), and clearance shall be secured prior to any further land alteration activity. Should significant historical sites be found within the subject property which merit preservation or the implementation of mitigative measures, the applicants shall prepare and submit an archaeological preservation/mitigation plan for review and approval by the Planning Director, in consultation with the DLNR-HPD, prior to any further land alteration activity, whichever occurs first.

- E. Should any remains of historic sites, such as lava tubes, 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.
- F. The applicant shall comply with all applicable laws, rules, regulations and requirements of affected agencies.
- G. 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.
- H. 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).

I. 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: June 23, 1999  
Date of 1st Reading: June 23, 1999  
Date of 2nd Reading: July 8, 1999  
Effective Date: July 16, 1999

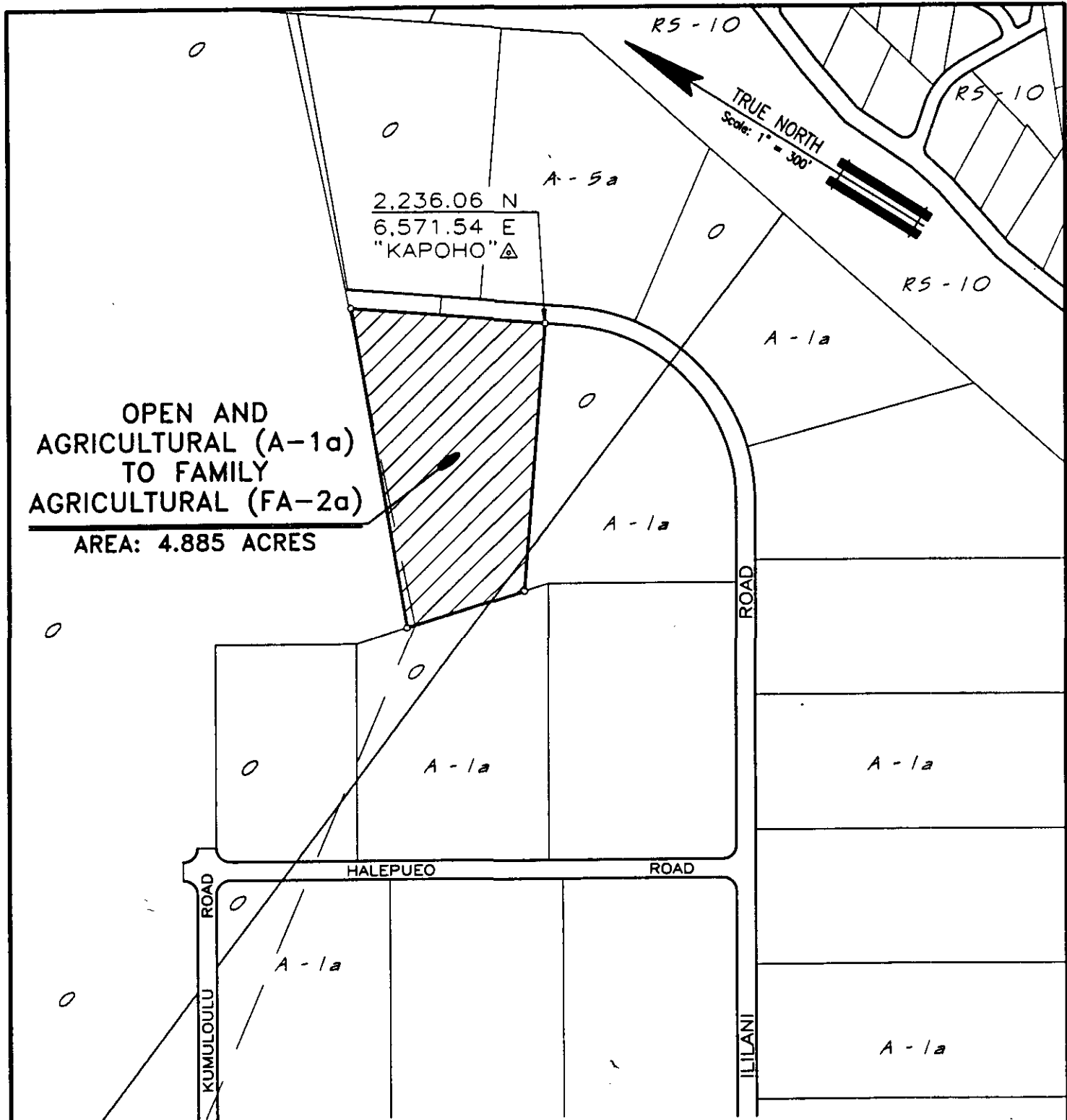
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REFERENCE: Comm. 281

APPROVED AS TO FORM AND LEGALITY

  
CORPORATION COUNSEL

DATED: \_\_\_\_\_



# AMENDMENT TO THE ZONING CODE

Vacationland Hawaii, Unit II, Halekamahina, Puna, Hawaii

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 OPEN (O) AND AGRICULTURAL (A-1a) TO FAMILY AGRICULTURAL (FA-2a) AT HALEKAMAHINA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 1-4-73: 18

APRIL 12, 1999

(LEIGH R. HILBERT)

EXHIBIT "A"

OFFICE OF THE COUNTY CLERK  
 County of Hawaii  
 Hilo, Hawaii

RECEIVED

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: June 23, 1999  
 First Reading: June 23, 1999  
 Published: N/A

REMARKS: \_\_\_\_\_  
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Second Reading: July 8, 1999  
 To Mayor: July 12, 1999  
 Returned: July 16, 1999  
 Effective: July 16, 1999  
 Published: August 2, 1999

REMARKS: \_\_\_\_\_  
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99 JUL 16 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

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

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

APPROVED AS TO  
 FORM AND LEGALITY:

[Signature]  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date JUL 15 1999

[Signature]  
 COUNCIL CHAIRMAN  
[Signature]  
 COUNTY CLERK

Approved/Disapproved this 16 day  
 of July, 1999  
[Signature]  
 MAYOR, COUNTY OF HAWAII

Bill No.: 80  
 Reference: C-281/PC-31  
 Ord. No.: 99 83