

Roy
Roy

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 166

ORDINANCE NO. 99 161

AN ORDINANCE AMENDING SECTION 25-8-8 (UPOLU POINT - KAAUHUUHOMESTEADS ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) TO AGRICULTURAL (A-5a) AT HONOMAKAU, PUEHUEHU AND HANAULA, NORTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 5-4-2:14.

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

SECTION 1. Section 25-8-8, 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 Honomakau, Puehuehu and Hanaula, North Kohala, Hawaii, shall be Agricultural (A-5a):

Beginning at the southeast corner of this parcel of land, also being the southwest corner of Lot H on the north side of Kynnersley Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 6,840.60 feet north and 8,744.09 feet east and running by azimuths measured clockwise from true South:

- 1. 75° 23' 00" 1,314.12 feet along Kynnersley Road passing over a 1/2" pipe (at 164.12 feet) set at the top of Kapua Gulch;
- 2. 195° 37' 00" 182.22 feet along Lot G following along the top of Kapua Gulch;
- 3. 140° 08' 00" 123.77 feet along Lot G following along the top of Kapua Gulch;
- 4. 195° 13' 00" 575.40 feet along Lot G following along the top of Kapua Gulch;

- | | | | | | |
|----|------|-----|-----|----------|---|
| 5. | 236° | 48' | 00" | 314.43 | feet along Lot G following along the top of Kapua Gulch; |
| 6. | 156° | 52' | 00" | 194.45 | feet along Lot G following along the top of Kapua Gulch; |
| 7. | 280° | 13' | 34" | 1,150.39 | feet along Lot E passing over a 1/2" pipe (at 320.39 feet) set at the top of Kapua Gulch; |
| 8. | 286° | 08' | 00" | 180.00 | feet along Lot 66 of Kynnersley Road Tract 2, Block "F", File Plan 659; |

Thence along Lot 66 of Kynnersley Road Tract 2, Block "F", File Plan 659 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

- | | | | | | |
|-----|------|-----|-----|--------|--|
| 9. | 331° | 08' | 00" | 28.28 | feet; |
| 10. | 16° | 08' | 00" | 282.51 | feet along Kynnersley Road; |
| 11. | 106° | 08' | 00" | 136.95 | feet along Lot H; |
| 12. | 26° | 12' | 00" | 366.90 | feet along Lot H; |
| 13. | 282° | 00' | 00" | 17.87 | feet along Lot H to the point of beginning and containing an area of 27.286 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. 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 shall be secured from the Planning Director within five (5) years from the effective date of the ordinance.
- E. Access to the subject property from Kynnersley Road shall meet with the requirements of the Department of Public Works.
- F. All grading and grubbing activities shall comply with Chapter 10 of the Hawaii County Code.
- 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. 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.

- I. 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).
 5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.
- J. 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: December 1, 1999
Date of 1st Reading: December 1, 1999
Date of 2nd Reading: December 15, 1999
Effective Date: December 23, 1999

REFERENCE: Comm. 528

APPROVED AS TO FORM AND LEGALITY

CORPORATION COUNSEL

DATED: _____

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: December 1, 1999
First Reading: December 1, 1999
Published: N/A

REMARKS: _____

Second Reading: December 15, 1999
To Mayor: December 20, 1999
Returned: December 28, 1999
Effective: December 23, 1999
Published: January 10, 2000

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	1	0	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			
	7	1	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:

David M. ...
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date DEC 20 1999

Donald ...
COUNCIL CHAIRMAN
Donald ...
COUNTY CLERK

Approved/Disapproved this 25 day
of December, 1999

Abel ...
MAYOR, COUNTY OF HAWAII

Bill No.: Bill 166
Reference: C-528/PC-69
Ord. No.: 99 161

