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PLANNING DEPARTMENT
COUNTY OF HAWAII



COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 345
(Draft 2)

ORDINANCE NO. 01 1

AN ORDINANCE AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a) AT OULI, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-11:28.

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

SECTION 1. Section 25-8-7, 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 Ouli, South Kohala, Hawaii, shall be Residential and Agricultural (RA-2a):

Beginning at the north corner of this parcel of land, being the east corner of Lot 29 and on the southwesterly side of Easement "22" (for road and utility purposes), being a portion of Lot 30, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 10,803.21 feet north and 17,773.84 feet west, thence running by azimuths measured clockwise from true South:

1. Following along Easement "22" (for road and utility purposes), being a portion of Lot 30, along a curve to the left with a radius of 45.00 feet, the chord azimuth and distance being:

298° 59' 46.69

2. 357° 44' 576.19 feet along Lot 27 to the middle of Keanuiomano Stream;

Thence following along the middle of Keanuiomano Stream, with all its windings, the direct azimuths and distances for the next three (3) courses being:

3.	74°	06'	10"	9.02	feet to a "+" on boulder;
4.	81°	23'	30"	245.47	feet to a "+" on boulder;
5.	76°	58'	20"	159.86	feet;
6.	164°	06'	48"	325.33	feet along Lot 4, portion of Royal Patent 2237, Land Commission Award 8518-B, Apana 1 to James Young Kanehoa;
7.	230°	10'	30"	563.21	feet along Lot 29 to the point of beginning and containing an area of 5.002 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 Rural 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 for the subdivision shall be secured within five (5) years from the effective date of this ordinance.

- E. Access to the subject property from Kanehoa Street shall meet with the requirements of the Department of Public Works.

- F. At the time improvements at the Route 19/Kanehoa Street intersection are made by the Department of Transportation, the applicants shall pay their fair share amount for the required improvements which will be determined by the Planning Director in consultation with the Department of Transportation.

- 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. Restrictive covenants in the deeds of all the proposed residential 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(s) shall be recited in an instrument executed by the applicant and the County Planning Director 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.

- I. 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.

- 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).
 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.
- 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

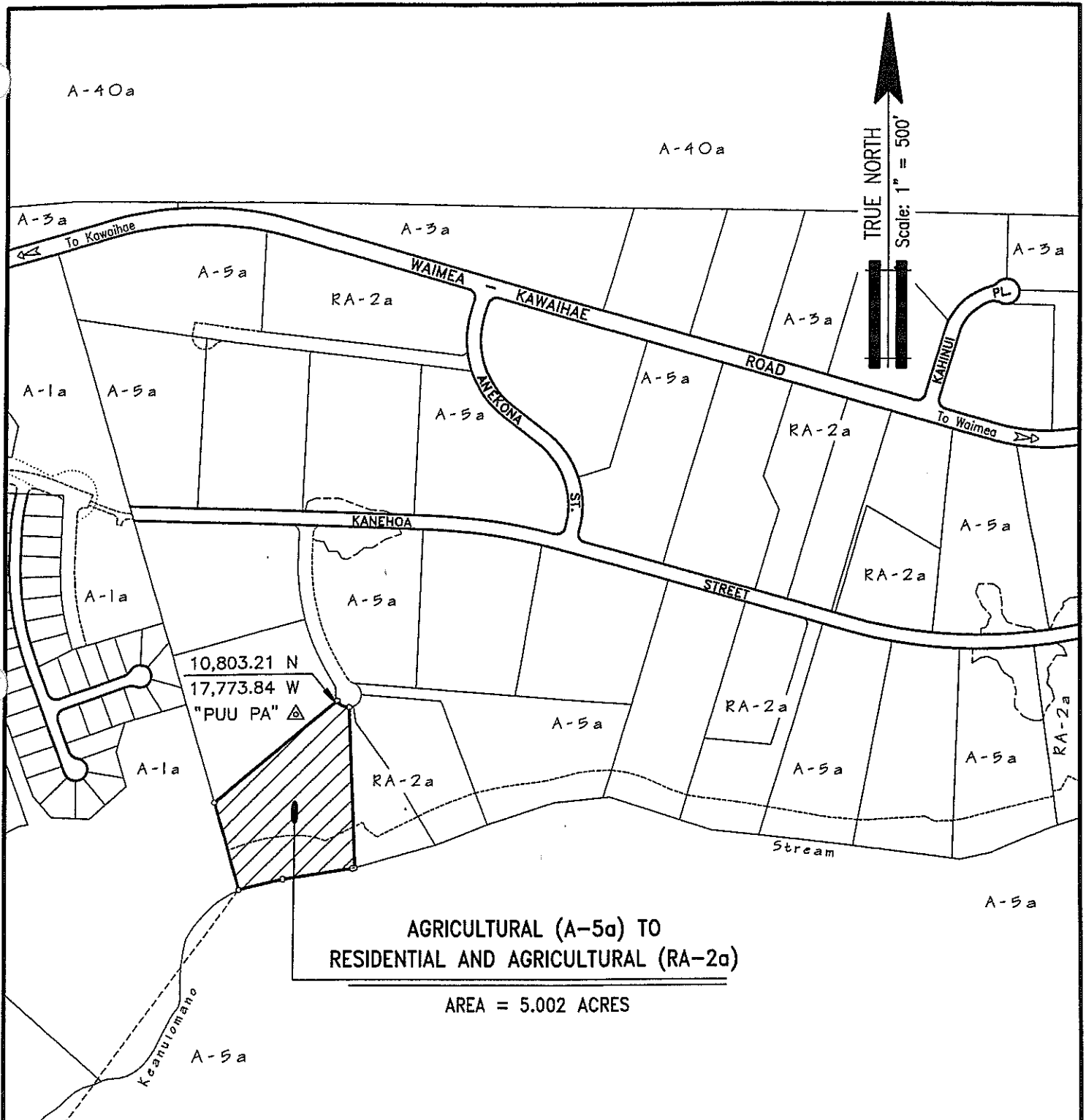
Hilo, Hawaii

Date of Introduction: November 29, 2000
Date of 1st Reading: November 29, 2000
Date of 2nd Reading: December 20, 2000
Effective Date: January 2, 2001

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL
DATED: 1/2/01



**AGRICULTURAL (A-5a) TO
RESIDENTIAL AND AGRICULTURAL (RA-2a)**

AREA = 5.002 ACRES

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICTS ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a) AT OULI, SOUTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii
 (Draft 2)

Introduced By: Bobby Jean Leithead-Todd (B/R)
 Date Introduced: November 29, 2000
 First Reading: November 29, 2000
 Published: N/A

REMARKS: _____

Second Reading: December 20, 2000
 To Mayor: December 22, 2000
 Returned: January 3, 2001
 Effective: January 2, 2001
 Published: January 16, 2001

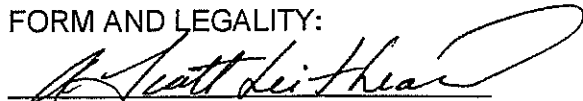
REMARKS: _____

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	1	1	0



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	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
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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.

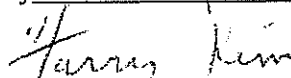
APPROVED AS TO
 FORM AND LEGALITY:


 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 1/2/01


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 2nd day
 of January, 2001


 MAYOR, COUNTY OF HAWAII

Bill No.: 345 (Draft 2)
 Reference: C-969/PC-121
 Ord. No.: 01 1

