

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 18

ORDINANCE NO. 01 20

AN ORDINANCE AMENDING SECTION 25-8-17 (HAINA-HONOKAA-KUKUIHAELE 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 KAAO HOMESTEADS, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-5-03:24 AND 124

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII

SECTION 1 Section 25-8-17, 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 Kaa0 Homesteads, Hamakua, Hawaii, shall be Residential and Agricultural (RA-2a).

Beginning at a pipe at the northwest corner of this parcel of land and on the southerly side of Hawaii Belt Road (S D R. 3(7)) the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAUHAU" being 1,625.47 feet North and 4,484.15 feet West and running by azimuths measured clockwise from True South:

Thence along the southerly side of the Hawaii Belt Road (S D R. 3(7)) along a curve to the left having a radius of 1,959.86 feet, the chord azimuth and distance being

- 1. 278° 36' 02" 467.85 feet to a pipe;
2. 294° 58' 83.46 feet along the southerly side of the Hawaii Belt Road (S. D. R. 3(7)) to a pipe near the top bank of Kahaupu Gulch, thence along

the top bank of Kahaupu Gulch, along State Land, for the next five (5) courses

3.	67° 52'	97 90	feet to a pipe;
4	39° 19'	192 54	feet to a pipe,
5	4° 52'	214 50	feet to a pipe;
6.	43° 30'	145 00	feet to a pipe,
7	7° 47'	386 00	feet to a pipe;
8.	114° 58'	1,040 00	feet along remainder of Grant 8846 to Claudina Gonsalves to pipe at the southeasterly side of Loke Street,
9	241° 09'	138.40	feet along the southeasterly side of Loke Street to a pipe;
10	261° 29'	37 60	feet along the southerly side of Loke to a pipe,
11.	281° 48'	44 90	feet along the southeasterly side of Loke Street to a pipe,
12.	238° 24'	167.00	feet along the southeasterly side of Loke Street to a pipe;
13.	216° 07'	245 00	feet along the southeasterly side of Loke Street to a pipe,
14.	246° 31'	230 80	feet along the southeasterly side of Loke Street to a pipe,
15.	217° 35'	142.39	feet along the southeasterly side of Loke Street to the point of beginning and containing an area of 13.6736 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, 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 for the proposed additional lots 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 change of zone ordinance
- D. Final Consolidation/Resubdivision Approval of the proposed subdivision development within the subject area shall be secured within five (5) years from the effective date of this change of zone ordinance
- E. Covenants in the deeds of all the subdivided lots within the subject area shall state that no variance from the minimum water requirements shall be granted to further subdivide the lots without improvements to the existing water system facilities, meeting with the standards of the Department of Water Supply. 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 in conjunction with the issuance of Final Consolidation/Resubdivision Approval. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances with a copy of the recorded covenant(s) to be filed with the Planning Department upon its receipt from the Bureau of Conveyances
- F. Restrictive covenant(s) in the deeds of all the proposed agricultural lots within the subject area shall prohibit the construction of an ohana or 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 Consolidation/Resubdivision Approval. A copy of the approved covenant(s) shall be recited in an instrument executed by the applicant and the County and recorded with the Bureau of Conveyances in conjunction with the issuance of Final Consolidation/Resubdivision Approval

- G. All grading and grubbing activities shall meet with the approval of the Department of Public Works.
- H. The wastewater treatment and disposal system shall meet with the approval of the Department of Health.
- I. Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls 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 sufficient mitigative measures have been taken.
- J. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessments of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- K. Comply with applicable laws, rules, regulations and requirements of other affected agencies for approval of the development within the subject area.

L 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** 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.
- 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 to any of the conditions, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

M 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:

M. J. Keli'i'iaha (BK)
COUNCIL MEMBER, COUNTY OF HAWAII

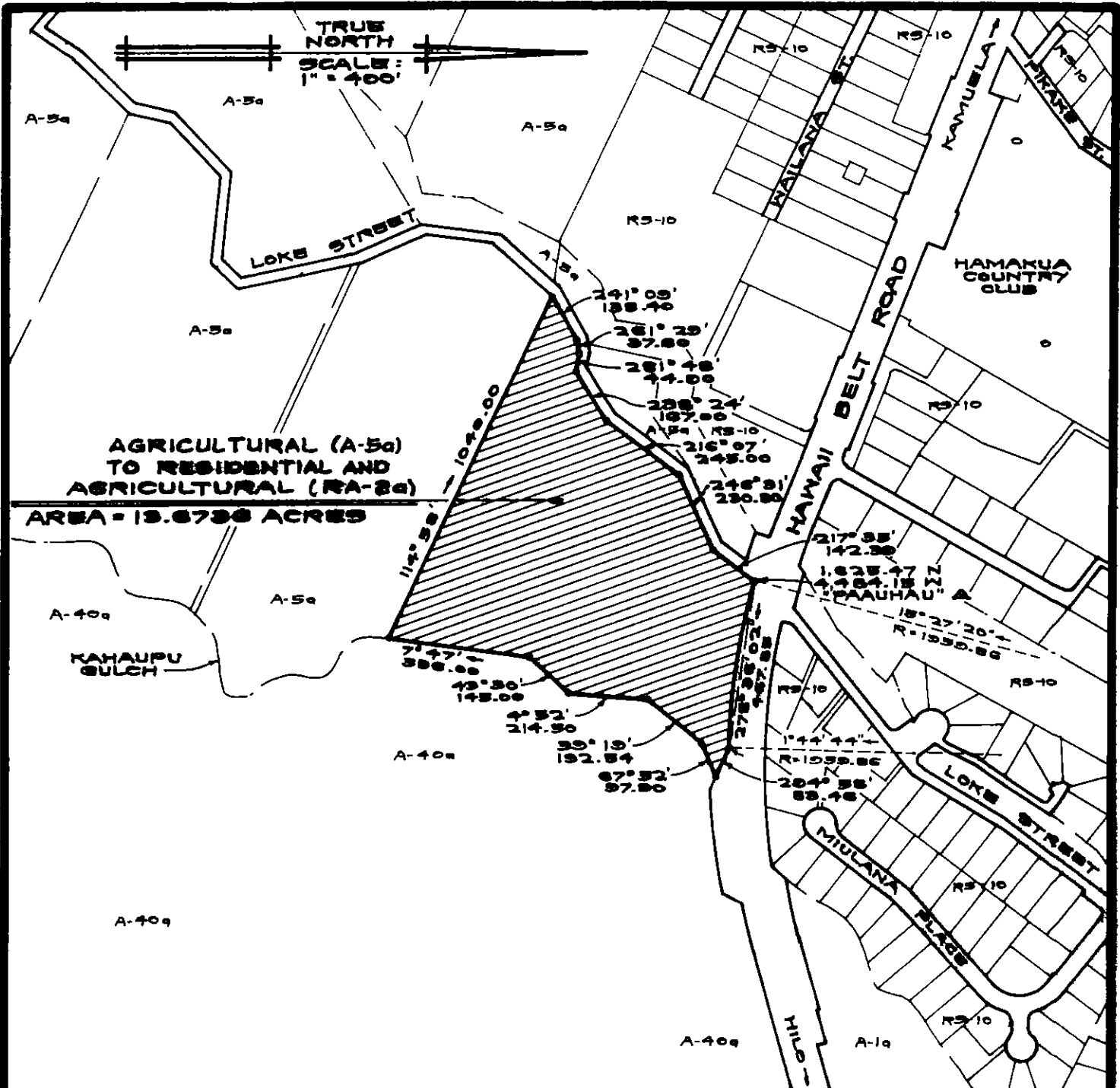
Hilo, Hawaii

Date of Introduction January 24, 2001
Date of 1st Reading: January 24, 2001
Date of 2nd Reading: February 5, 2001
Effective Date. February 13, 2001

REFERENCE: Comm. 61

APPROVED AS TO FORM AND LEGALITY

[Signature]
CORPORATION COUNSEL
DATED: *February 09, 2001*



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-17 (HAINA-HONOKAA-KUKUIHAELE 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 KAAO HOMESTEADS, HAMAKUA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 4-5-03 : 24 AND 124

OCT 10, 2000

EXHIBIT "A"

(DOROTHY SOUZA)

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd (B/R)
Date Introduced January 24, 2001
First Reading January 24, 2001
Published N/A

REMARKS _____

Second Reading February 5, 2001
To Mayor February 8, 2001
Returned February 13, 2001
Effective February 13, 2001
Published February 26, 2001

REMARKS _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Safarik	X			
Tyler	X			
Yagong	X			
	9	0	0	0



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	AYES	NOES	ABS	EX
Arakaki	X			
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Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Safarik	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:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date February 09, 2001


COUNCIL CHAIRMAN

COUNTY CLERK

~~Approved~~ Disapproved this 13th day
of February, 2001


MAYOR, COUNTY OF HAWAII

Bill No 18
Reference C-61
Ord No 01 20