

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 32
(Draft 2)

ORDINANCE NO. 01 41

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 KAPOHO AND HALEKAMAHINA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-4-73:27.

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

PARCEL 1:

Beginning at the southeastern corner of this parcel of land, also being at the eastern corner of Lot 64, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKU" being 3,068.80 feet North and 5,550.85 feet East and thence running by azimuths measured clockwise from true South:

- 1. 80° 30' 00" 229.72 feet along Lot 64;
2. 147° 41' 00" 180.92 feet along 40-foot road;

Thence, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

- 3. 192° 41' 00" 42.43 feet along road;
4. 237° 41' 00" 440.01 feet along other lands of L.C. Aw. 4452, Ap. 1 to H. Kalama;

- | | | | |
|----|--------------|-------------|---|
| 5. | 327° 41' 00" | 300.00 feet | along same; |
| 6. | 57° 41' 00" | 258.67 feet | along Lot 63 to the point of beginning and containing an area of 3.016 acres, more or less. |

PARCEL 2:

Beginning at the eastern corner of this parcel of land, also being at the southern corner of Lot 64-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "AKU" being 3,068.80 feet North and 5,550.85 feet East and thence running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|-------------|--|
| 1. | 57° 41' 00" | 211.74 feet | along Lot 63; |
| 2. | 147° 41' 00" | 89.08 feet | along a 40-foot road; |
| 3. | 260° 30' 00" | 229.72 feet | along Lot 64-A to the point of beginning and containing an area of 0.216 acre, 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 applicant 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. Comply with all applicable rules, regulations and requirements of the affected agencies for approval of the proposed development.
- 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

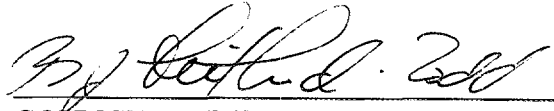
foreseen or are beyond the control of the applicant, its successors or assigns, and that are not the result of their fault or negligence.

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).
- 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:



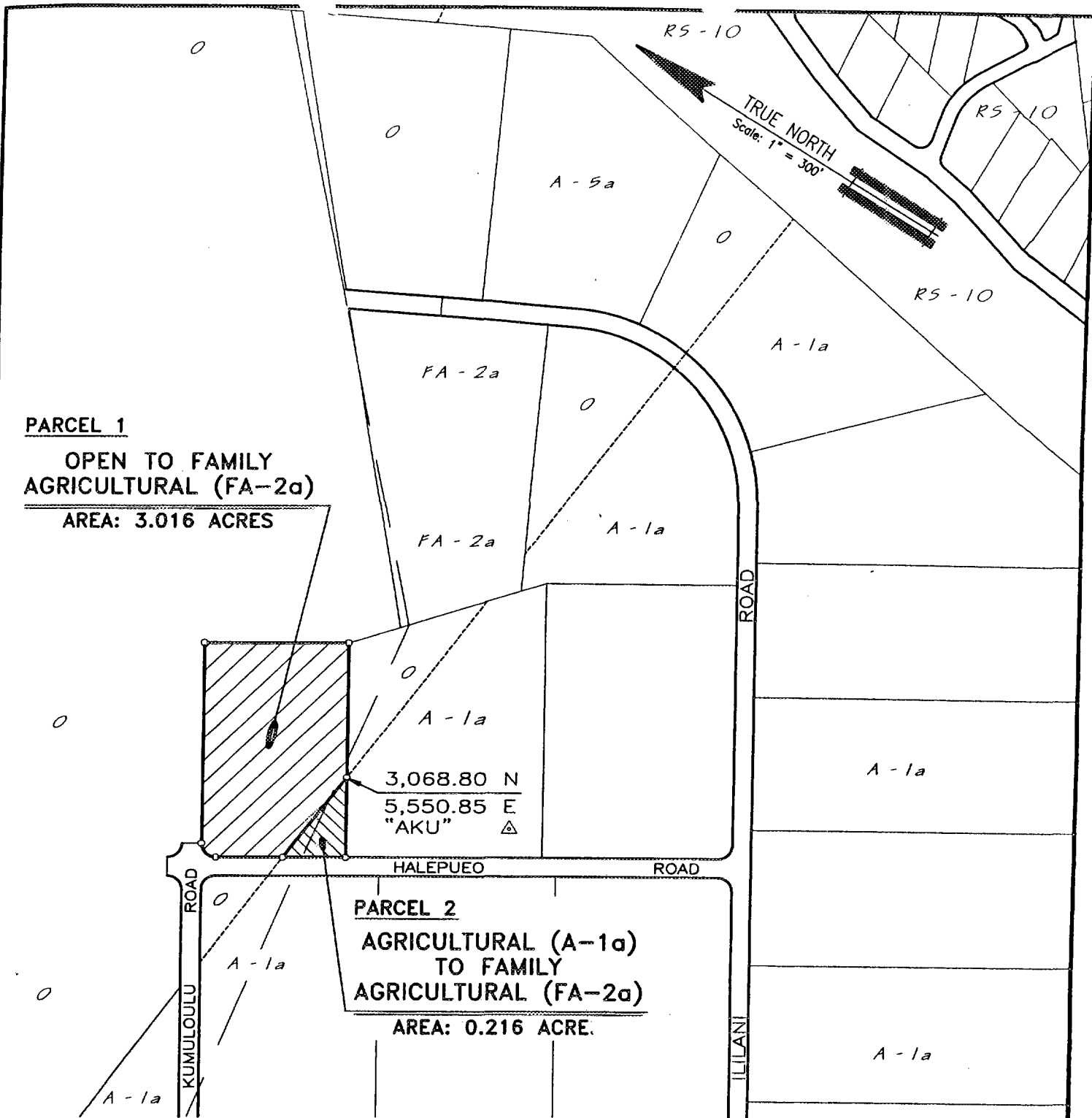
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 4, 2001
Date of 1st Reading: April 4, 2001
Date of 2nd Reading: April 18, 2001
Effective Date: May 1, 2001

APPROVED AS TO FORM AND LEGALITY

DEPUTY _____
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 KAPOHO & HALEKAMAHINA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 1-4-73: 27

JANUARY 8, 2001

EXHIBIT "A"

(JOSHUA K. LEO)



OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Draft 2

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: April 4, 2001
First Reading: April 4, 2001
Published: April 15, 2001

REMARKS: _____

Second Reading: April 18, 2001
To Mayor: April 20, 2001
Returned: May 1, 2001
Effective: May 1, 2001
Published: May 20, 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			
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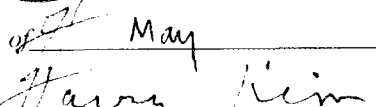
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd			X	
Pisicchio	X			
Safarik	X			
Tyler	X			
Yagong	X			
	8	0	1	0

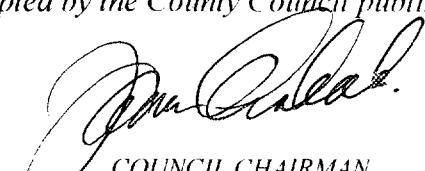
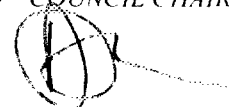
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 4/24/01

Approved/Disapproved this 1st day
of May, 20 01

MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 32 (Draft 2)
Reference: C-125.1/PC-17
Ord No.: 01 41