

D. L. V. 2

COUNTY OF HAWAII STATE OF HAWAII



PLANNING DEPARTMENT
COUNTY OF HAWAII

BILL NO. 116
(Draft 3)

ORDINANCE NO. 01 117

AN ORDINANCE 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-3a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a) AT OULI, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-05:18.

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, Waimea, South Kohala, Hawaii, shall be Residential and Agricultural (RA-2a):

Beginning at the southeast corner of this parcel of land, on the North side of Kawaihae Road (F.A.P.N.R.H. 11-C), being also the Southwest corner of Lot 19 of Waimea Landmark Estates, Unit 1 (File Plan 1507), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 12,457.03 feet North and 14,117.25 feet West and thence running by azimuths measured clockwise from true South:

1. Along the Northerly side of Kawaihae Road (F.A.P.N.R.H. 11-C), on a curve to the left with a radius of 746.30 feet, the chord azimuth and distance being:

65° 37' 25" 639.15 feet;
2. 40° 16' 10" 263.61 feet along the North side of Kawaihae Road (F.A.P.N.R.H. 11-C):
3. 151° 45' 356.31 feet along Lot 17 of Waimea Landmark Estates, Unit 1 (File Plan 1507);

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- | | | | |
|-----|------------|--------|----------------------------------------------------------------------------------------------------------------------------------------|
| 4. | 247° 50' | 50.00 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 5. | 200° 10' | 50.00 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 6. | 207° 00' | 30.47 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 7. | 238° 00' | 105.03 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 8. | 270° 40' | 70.00 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 9. | 251° 50' | 70.00 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 10. | 178° 40' | 50.00 | feet along Lot 15 of Waimea Landmark Estates, Unit 1 (File Plan 1507); |
| 11. | 271° 02' | 620.51 | feet along the Government Lands of Panoluukia; |
| 12. | 0° 58' 40" | 57.35 | feet along Lot 19 of Waimea Landmark Estates, Unit 1 (File Plan 1507) to the point of beginning and containing an area of 4.294 Acres; |

SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicants, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicants, its successors or assigns shall be responsible for complying with the requirements of Chapter 205, Hawai'i 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. The applicant shall secure Final Subdivision Approval within five (5) years from the effective date of this ordinance.
- E. 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.
- F. Access to the subject properties shall be through one common driveway which is in compliance with the requirements of the State Department of Transportation.
- G. As determined by the Planning Director in consultation with the Department of Transportation, the applicants shall pay their fair share of the required Route 19 improvements (Kawaihae Road) which directly affect their property.
- H. 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. When the DLNR-HPD finds sufficient mitigation measures have been taken, subsequent work on the project shall proceed.
- I. The applicants shall comply with all applicable laws, rules, regulations and requirements of affected agencies.

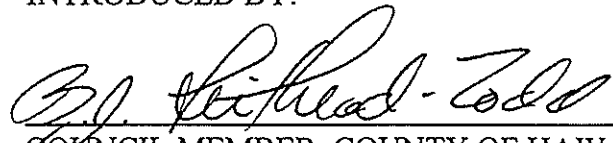
- J. Should the Hawai'i County Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- K. An initial extension of time 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 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).
 5. If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' 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 HAWAI'I

Hilo, Hawai'i

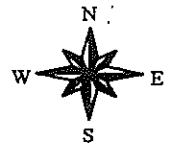
Date of Introduction: November 7, 2001
Date of 1st Reading: November 7, 2001
Date of 2nd Reading: November 21, 2001
Effective Date: November 30, 2001

APPROVED AS TO FORM AND LEGALITY

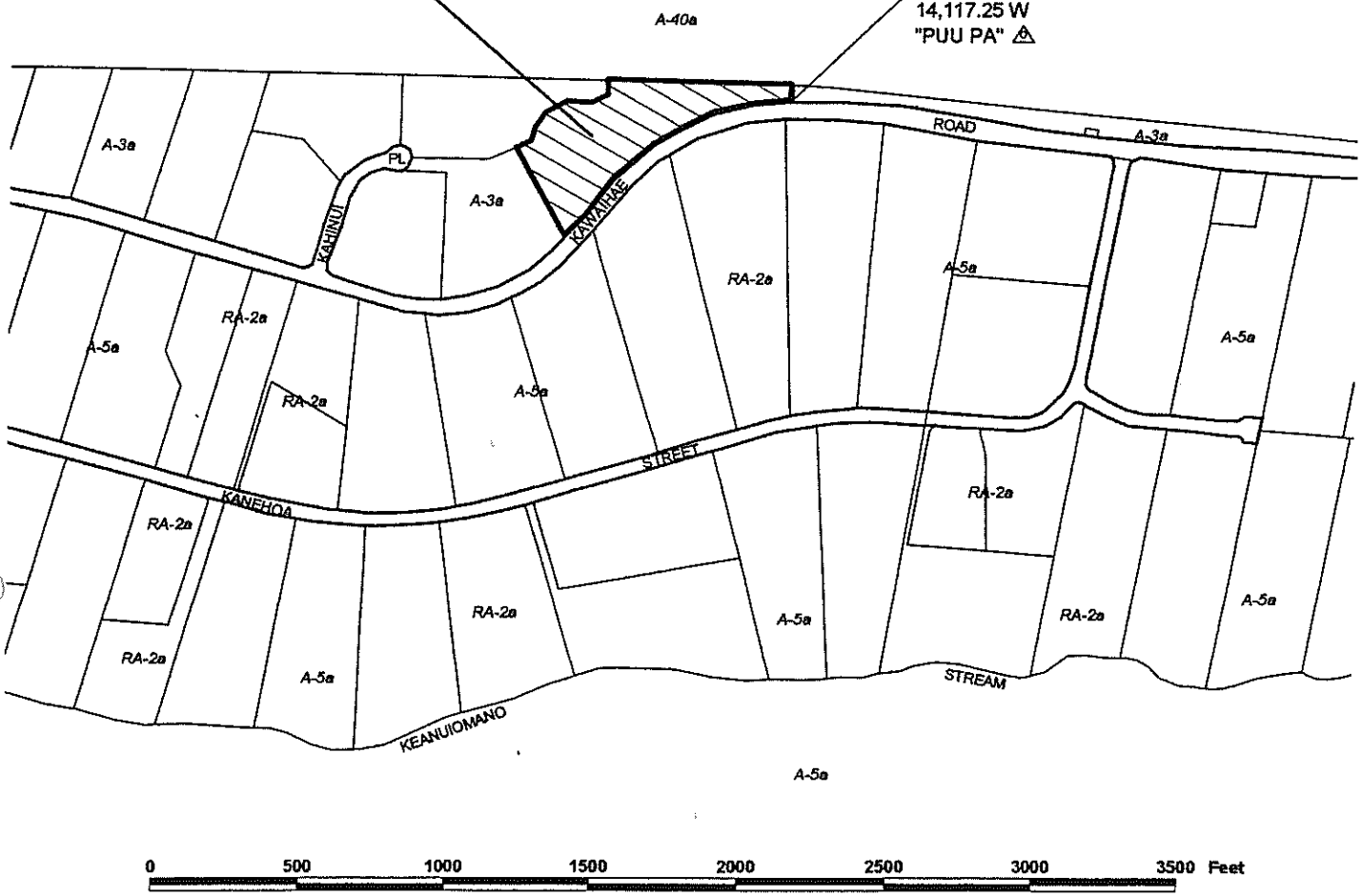

CORPORATION COUNSEL
DATED: 11-28-01

AGRICULTURAL (A-3a)
TO RESIDENTIAL AND
AGRICULTURAL (RA-2a)

AREA - 4.294 ACRES



12,457.03 N
14,117.25 W
"PUU PA" ▲



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-3a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a) AT OULI, WAIMEA, SOUTH KOHALA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 6-2-05:18

AUG. 22, 2001

EXHIBIT "A"

(De Luz)

OFFICE OF THE COUNTY CLERK
 County of Hawaii
Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: November 7, 2001
 First Reading: November 7, 2001
 Published: November 18, 2001

REMARKS: _____

| ROLL CALL VOTE | | | | |
|----------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Arakaki | X | | | |
| Chung | X | | | |
| Elarionoff | X | | | |
| Jacobson | | | | |
| Leithead-Todd | X | | | |
| Pisicchio | X | | | |
| Safarik | X | | | |
| Tyler | X | | | |
| Yagong | X | | | |
| | 8 | 1 | 0 | 0 |

Second Reading: November 21, 2001
 To Mayor: November 27, 2001
 Returned: December 3, 2001
 Effective: November 30, 2001
 Published: December 17, 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 | | | |
| | 8 | 1 | 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:

[Signature]
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 11-25-01

[Signature]
 COUNCIL CHAIRMAN

[Signature]
 COUNTY CLERK

Bill No.: 116 (Draft 3)
 Reference: C368.2/PC-42
 Ord No.: 01 117

(Approved/Disapproved) this 30th day
 of November, 2001

[Signature]
 MAYOR, COUNTY OF HAWAII

