

COUNTY OF HAWAII STATE OF HAWAII

2002 JAN 11 AM 7 42



PLANNING DEPARTMENT
COUNTY OF HAWAII

BILL NO. 130

(Draft 2)

ORDINANCE NO. 02 3

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-5a) TO RESIDENTIAL AND AGRICULTURAL (RA-2a) AT OULI, WAIMEA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-2-11:15.

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 Hawai'i 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, Hawai'i, shall be Residential and Agricultural (RA-2a):

Beginning at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Lot 14 of this subdivision and being a point on the Southerly Side of Kanehoa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 11,333.75 feet North and 14,072.05 feet West and running by azimuths measured clockwise from True South:

- 1. 357° 28' 30" 897.48 feet along Lot 14 of Anekona Estates and along the remainder of Royal Patent 2237, Land Commission Award 8518-B, Apana 1 to James Young Kanehoa to a point;
- 2. 88° 29' 10" 84.05 feet along middle of Keanuiomano Stream and along Government Land (State of Hawai'i) to a point;
- 3. 100° 22' 30" 114.60 feet along middle of Keanuiomano Stream and along Government Land (State of Hawai'i) to a point;

4. 166° 20' 815.56 feet along Lots 17 and 16 of Anekona Estates and along the remainder of Royal Patent 2237, Land Commission Award 8518-B, Apana 1 to James Young Kanehoa to a point;
5. 253° 42' 157.03 feet along the Southerly side of Kanehoa Street to a point;

Thence, following along the Southerly side of Kanehoa Street on a curve to the right with a radius of 1,300.00 feet, the chord azimuth and distance being:

6. 258° 11' 20" 203.49 feet to the point of beginning and containing an area of 5.453 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 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 applicant shall secure Final Subdivision Approval within five (5) years from the effective date of this ordinance.
- D. Restrictive covenants in the deeds of all the proposed lots within the subject property shall prohibit the construction of a second dwelling unit and condominium property regimes 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.

- E. At the time improvements to the Route 19/Anekona Street or 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.
- F. 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.
- G. The applicants shall comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed subdivision within the subject property.
- H. 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.

- 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 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.
- 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:

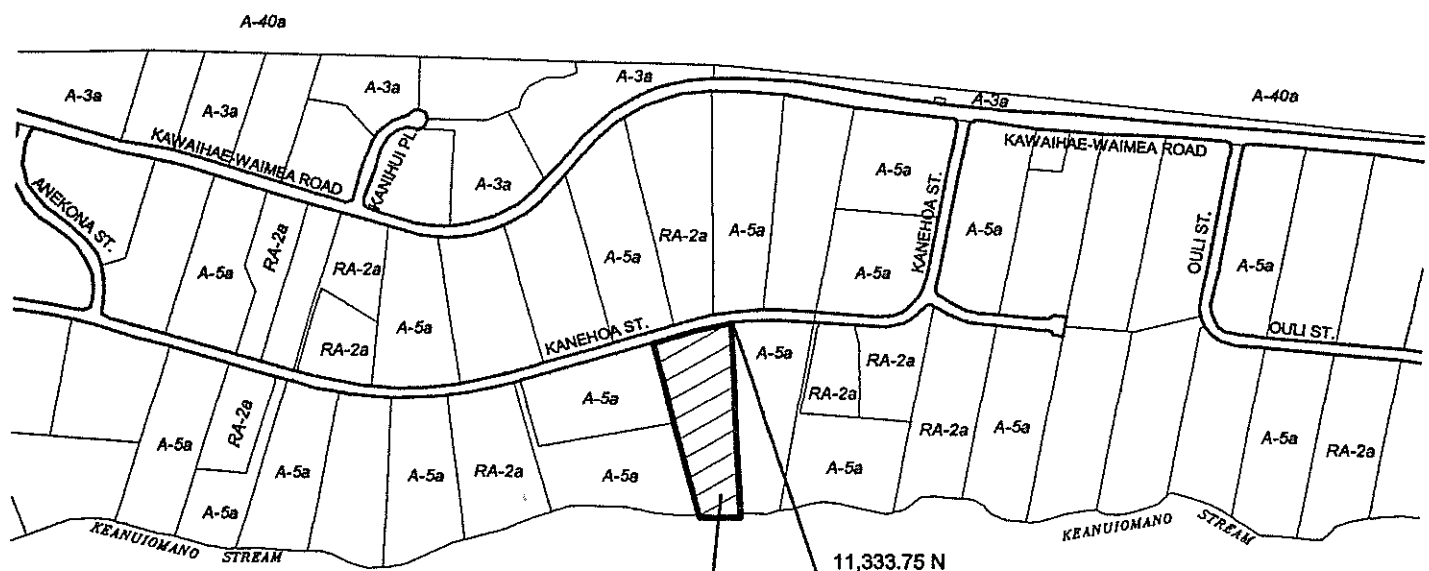
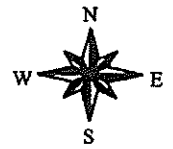

COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i

Date of Introduction: December 5, 2001
Date of 1st Reading: December 5, 2001
Date of 2nd Reading: December 19, 2001
Effective Date: January 8, 2002

APPROVED AS TO FORM AND LEGALITY

CORPORATION COUNSEL
DATED: _____



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

AREA = 5.453 Acres

11,333.75 N
14,072.05 W
"PUU PA"



AMENDMENT TO THE ZONING CODE

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

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 6-2-11:15

SEPT. 13, 2001

EXHIBIT "A"

(Clinton & Williams)

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: December 5, 2001
First Reading: December 5, 2001
Published: December 16, 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

Second Reading: December 19, 2001
To Mayor: December 21, 2001
Returned: January 4, 2002
Effective: January 8, 2002
Published: January 22, 2002

REMARKS: Returned unsigned 1/4/02

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			
	7	1	1	0

RECEIVED
 2002 JAN 4 AM 8 1
 COUNTY OF HAWAII



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 _____

Approved/Disapproved this _____ day
of _____, 20_____


 COUNCIL CHAIRMAN

 COUNTY CLERK

Bill No.: 130 (DRAFT 2)
Reference: C-412/PC-45
Ord No.: 02 3

MAYOR, COUNTY OF HAWAII

