



ORDINANCE NO. 03 24

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 AGRICULTURAL (A-5a) AT KAPOHO AND HALEKAMAHINA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-4-73:3.

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 Agricultural (A-5a):

Beginning at the Northwest corner of this parcel of land, being also the Southwest corner of Lot 58 and on the Easterly side of Roadway Lot 84, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPOHO" being 3,052.53 feet North and 6,681.80 feet East and running by azimuths measured clockwise from True South:

- |    |          |             |  |
|----|----------|-------------|--|
| 1. | 260° 57' | 407.04 feet | along Lot 58 of Vacationland Hawaii Unit II, File Plan 920;  |
| 2. | 10° 00'  | 230.00 feet | along the remainder R.P. 7483, L.C. Aw. 4452 Apana 2 to H. Kalama;   |
| 3. | 95° 08'  | 363.15 feet | along the remainder of Lot 57 of Vacationland Hawaii, Unit II, File Plan 920 and along L.P. 8177, L.C. Aw. 8559 Apana 5 to C. Kanaina; |

Thence along the Easterly side of Roadway Lot 84 of Vacationland Hawaii, Unit II, File Plan 920 on a curve to the left with a radius of 420.00 feet, the chord azimuth and distance being:

4. 179° 51' 07" 129.98 feet to the point of beginning and containing an area of 1.545 Acres, more or less.

Beginning at the Northwest corner of this parcel of land on the Easterly side of Roadway Lot 84, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPOHO" being 2,922.54 feet North and 6,682.14 feet East and running by azimuths measured clockwise from True South:

1. 275° 08' 363.15 feet feet along the remainder of Lot 57 of Vacationland Hawaii Unit II, File Plan 920 and along R.P. 7483 L.C. Aw. 4452 Apana 2 to H. Kalama;
2. 10° 00' 529.06 feet along the remainder L.P. 8177, L.C. Aw. 8559 Apana 5 to C. Kanaina;
3. 132° 02' 502.15 feet along Lot 56 of Vacationland Hawaii, Unit II, File Plan 920;

Thence along the Easterly side of Roadway Lot 84 of Vacationland Hawaii, Unit II, File Plan 920 on a curve to the left with a radius of 420.00 feet, the chord azimuth and distance being:

4. 205° 23' 37" 240.54 feet to the point of beginning and containing an area of 3.461 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 applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.

- B. The applicants, 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. The applicants shall connect to the County water system prior to securing a building permit for a first farm dwelling.
- 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 applicants 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. The applicants shall comply with all applicable laws, rules, regulations and requirements of affected agencies.
- 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. 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.

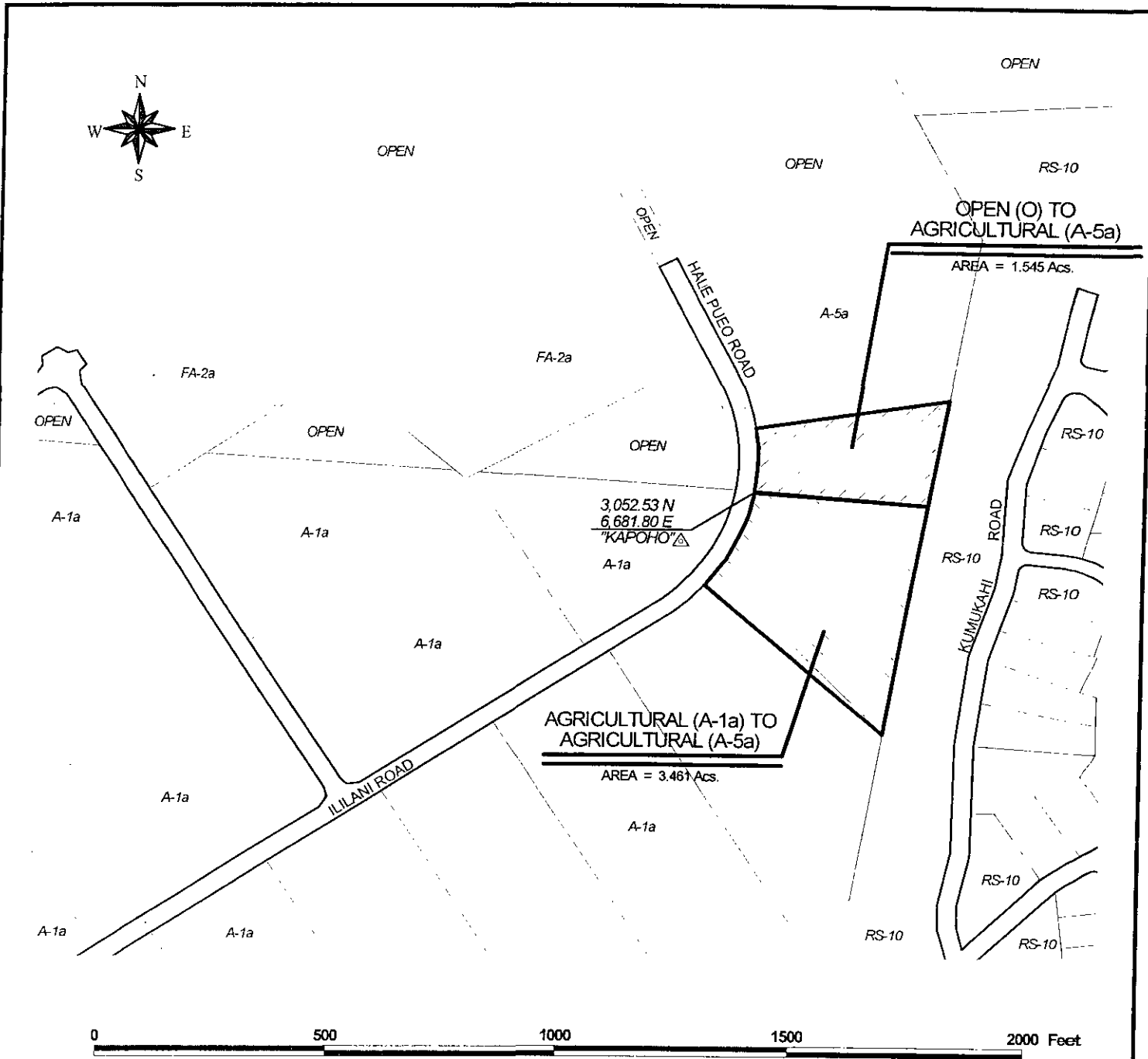
INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hi Lo, Hawaii

Date of Introduction: January 23, 2003  
Date of 1st Reading: January 23, 2003  
Date of 2nd Reading: February 5, 2003  
Effective Date: February 20, 2003

REFERENCE: Comm. 58.1



# AMENDMENT TO THE ZONING CODE

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 AGRICULTURAL (A-5a) AT KAPOHO AND HALEKAMAHINA, PUNA, HAWAII

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd  
Date Introduced: January 23, 2003  
First Reading: January 23, 2003  
Published: N/A

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: February 5, 2003  
To Mayor: February 11, 2003  
Returned: February 21, 2003  
Effective: February 20, 2003  
Published: March 2, 2003



REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson	X			
Leithead-Todd	X			
Reynolds	X			
Safarik	X			
Tyler	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:  
Patricia K. Foster  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date 2/12/03

  
COUNCIL CHAIRMAN  
  
COUNTY CLERK

Bill No.: 24 (Draft 2)  
Reference: C-58.1/PC-6  
Ord No.: 03 24

Approved/Disapproved this 20<sup>th</sup> day  
of February, 2003  
Harry Li  
MAYOR, COUNTY OF HAWAII