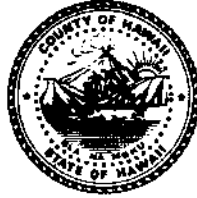


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 15 37 BILL NO. 25

AN ORDINANCE AMENDING SECTION 25-8-11 (LĀLĀMILO-PU'UKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – ONE ACRE (A-1a) TO SINGLE FAMILY RESIDENTIAL – 20,000 SQUARE FEET (RS-20) AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-5-011:030.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-11, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waimea Homesteads, South Kohala, Hawai'i, shall be Single Family Residential – 20,000 Square Feet (RS-20):

Beginning at the Northeast corner of this parcel of land, and on the westerly side of Lot 1 of Grant 7832 to A. W. Carter, Trustee the coordinates of which referred to Government Survey Triangulation Station "WAIMEA WEST BASE" being 108.83 feet North and 1749.27 feet West and running by azimuths measured clockwise from true South:

1. 325° 09' 155.39 feet along a portion of Lot 1, along a portion of Grant 7832 to A.W. Carter Trustee, to a pipe found set in concrete;
2. 235° 09' 295.00 feet along a portion of Lot 1, along a portion of Grant 7832 to A.W. Carter Trustee;

- | | | | | |
|----|----------|--------|------|---|
| 3. | 325° 09' | 18.17 | feet | along the westerly side of Spencer Road; |
| 4. | 55° 09' | 315.00 | feet | along a portion of Lot 21-B: 1, along a portion of Grant 6294 to J. Maguire to a pipe found set in concrete; |
| 5. | 74° 31' | 190.80 | feet | along a portion of Lot 21-B: 1, along the remainder of Grant 6294 to J. Maguire, along the remainder of Grant 7316 to Antone Perry to a pipe found set in concrete; |
| 6. | 145° 09' | 120.42 | feet | along a portion of Parcel 28 of Tax Map Key: 6-5-11, along a portion of Grant 6287 to A. Perry Jr.; |
| 7. | 238° 03' | 200.26 | feet | along the remainder of Lot 3-A: 1, along the remainder of Grant 7316 to Antone Perry to the point of beginning and containing an area of 0.813 Acre. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

- (1) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

- A. The applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Final Subdivision Approval of the proposed subdivision shall be secured from the Planning Director within five (5) years from the effective date of this ordinance.
- C. The required water commitment payment for the additional lot shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one hundred and eighty (180) days from the effective date of this ordinance. The applicants shall comply with all requirements in the Department of Water Supply, including the construction of all necessary water improvements prior to final subdivision approval.
- D. Prior to Final Subdivision Approval, the applicants shall reconstruct the driveway approach to Spencer Road. The driveway connection shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code and County standard details R-37 and R-38.
- E. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
- F. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.
- G. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- 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 – State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

- I. 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.
- J. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- 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, 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 Department shall submit the applicant's request to the Planning Commission and the County Council for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the 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, Hawai'i

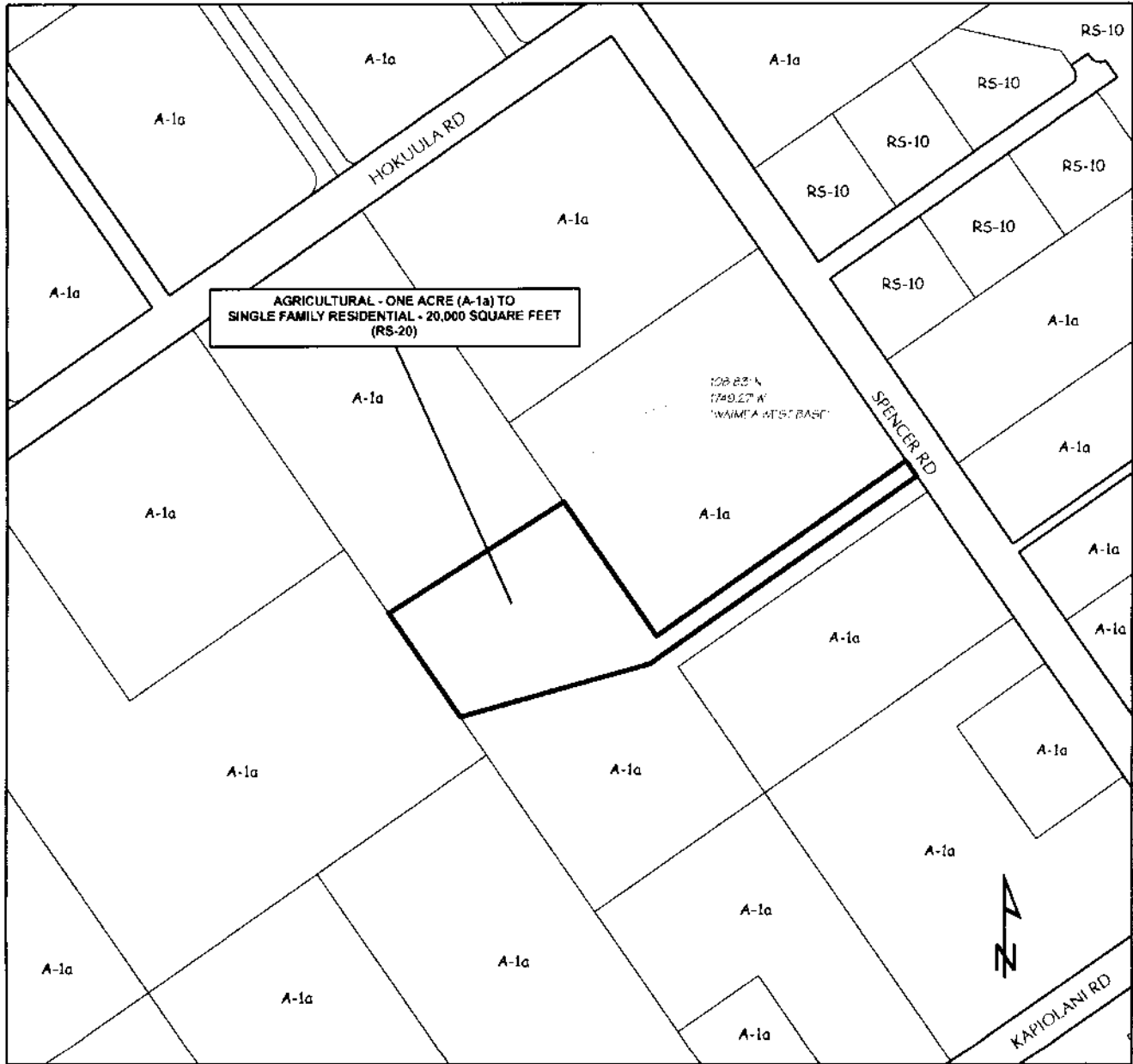
Date of Introduction: March 18, 2015

Date of 1st Reading: March 18, 2015

Date of 2nd Reading: April 1, 2015

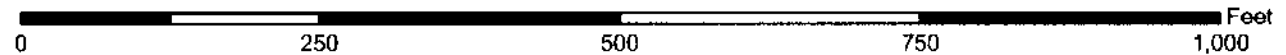
Effective Date: April 24, 2015

REFERENCE **Comm.** 123



AGRICULTURAL - ONE ACRE (A-1a) TO
SINGLE FAMILY RESIDENTIAL - 20,000 SQUARE FEET
(RS-20)

108.83' x
1749.27' W
WAIMEA HOMESTEADS



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-11 (LĀLĀMILO-PU'UKAPU ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983 (2005 EDITION),
BY CHANGING THE DISTRICT CLASSIFICATION FROM
AGRICULTURAL - ONE ACRE (A-1a) TO
SINGLE FAMILY RESIDENTIAL - 20,000 SQUARE FEET (RS-20)
AT WAIMEA HOMESTEADS, SOUTH KOHALA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: Greggor Ilagan
Date Introduced: March 18, 2015
First Reading: March 18, 2015
Published: March 28, 2015

REMARKS: _____

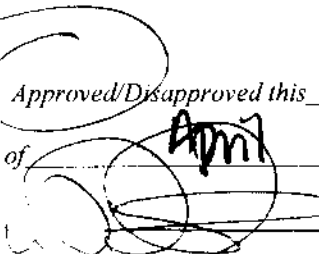
Second Reading: April 1, 2015
To Mayor: April 10, 2015
Returned: April 24, 2015
Effective: April 24, 2015
Published: May 2, 2015


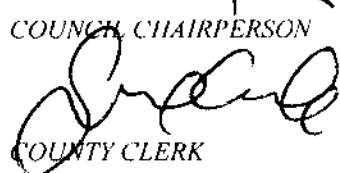
REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Ilagan	X			
Kanuha	X			
Onishi	X			
Paleka	X			
Poindexter	X			
Wille			X	
	8	0	1	0

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

Approved/Disapproved this 24th day
of April, 2015

MAYOR, COUNTY OF HAWAII


COUNCIL CHAIRPERSON

COUNTY CLERK

Bill No.: 25
Reference: C-123 / PC-13
Ord No.: 15 37