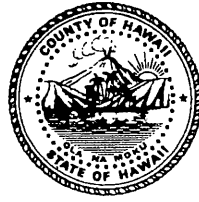


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 134

ORDINANCE NO. 22 42

AN ORDINANCE AMENDING SECTION 25-8-34 (PĀPA'IKOU-ONOMEA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – TWENTY ACRES (A-20a) TO FAMILY AGRICULTURAL – TWO ACRES (FA-2a) AT KALAOA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-7-008:130.

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

SECTION 1. Section 25-8-34, Article 8, Chapter 25 (Zoning) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Kalaoa, South Hilo, Hawai'i, shall be Family Agricultural – 2 Acres (FA-2a):

- 1. 0° 0' 00" 283.49 feet along A-2;
- 2. 78° 51' 00" 226.36 feet along the south side of Kalaoa Camp Road;
- 3. 10° 42' 00" 276.84 feet along other lands of Grant 2396 to Kaikaina;

Thence along the middle of Kahauiki Stream, the direct azimuth and distance being:

- 4. 103° 43' 29" 467.09 feet;
- 5. 173° 40' 00" 81.06 feet along Lot D;

Thence along a line 10' southeast of the top of gulch, the direct azimuth and distance being:

- | | | | | | |
|-----|------|-----|-----|--------|---|
| 6. | 60° | 01' | 55" | 391.61 | feet along Lot D; |
| 7. | 160° | 02' | 54" | 101.50 | feet along Lot B-1-A-1; |
| 8. | 74° | 34' | 30" | 207.73 | feet along same; |
| 9. | 91° | 34' | 00" | 61.53 | feet along same; |
| 10. | 91° | 29' | 20" | 39.21 | feet along Lot A-2; |
| 11. | 188° | 14' | 47" | 342.21 | feet along Lot D to the middle of Aukuu Stream; |

Thence along the middle of Aukuu Stream for the next four (4) courses, the direct azimuth and distance being:

- | | | | | | |
|-----|------|-----|-----|--------|---|
| 12. | 282° | 59' | 39" | 380.85 | feet; |
| 13. | 236° | 32' | 32" | 271.95 | feet; |
| 14. | 258° | 20' | 14" | 780.06 | feet to the point of beginning and containing an area of 9.581 acres, more or less. |

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 (2016 Edition, as amended), the County Council finds the following conditions are:

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

- (2) 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 applicant(s), its successor(s) or assign(s) (“Applicant”) shall be responsible for complying with all of the stated conditions of approval.
- B. The Applicant shall be responsible for complying with all requirements of Chapter 205, Hawai‘i Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
- C. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- D. The Applicant shall secure approval for and construct necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to, installation of a new service lateral and meter and remit the required facilities charges.
- E. The land area encompassing the access and utility easement shall not be included in the calculation of land area for purposes of subdividing the subject parcel.
- F. Restrictive covenants in the deeds of all proposed lots shall give notice that the terms of the zoning ordinance prohibit the construction of a second dwelling unit and condominium property regimes on each lot. Prior to the submittal of plans

for subdivision review, this restrictive covenant shall be recorded against the parent lot(s) with applicability to all lots subsequently created from the parent lot(s). This restriction may be removed by amendment of this ordinance by the County Council. A copy of the proposed covenant(s) shall be submitted to the Planning Director for review and approval prior to recordation with the State of Hawai'i Bureau of Conveyances, with a copy of the recorded document to be filed with the Planning Department along with the subdivision application.

- G. Prior to Final Subdivision Approval, the Applicant shall cancel the Additional Farm Dwelling Agreement (FDA-09-000255) and the Additional Farm Dwelling Agreement (FDA-18-000459) with the Planning Department.
- H. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties.
- I. All earthwork and grading activity shall conform to the Hawai'i County Code Chapter 10, Erosion and Sedimentation Control, and Chapter 27, Flood Control.
- J. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- K. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

L. The Applicant shall comply with all applicable County, State and Federal Laws, rules, regulations and requirements.

M. 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 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 Applicant should require an additional extension of time, the Planning Department shall submit the Applicant's request to 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. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

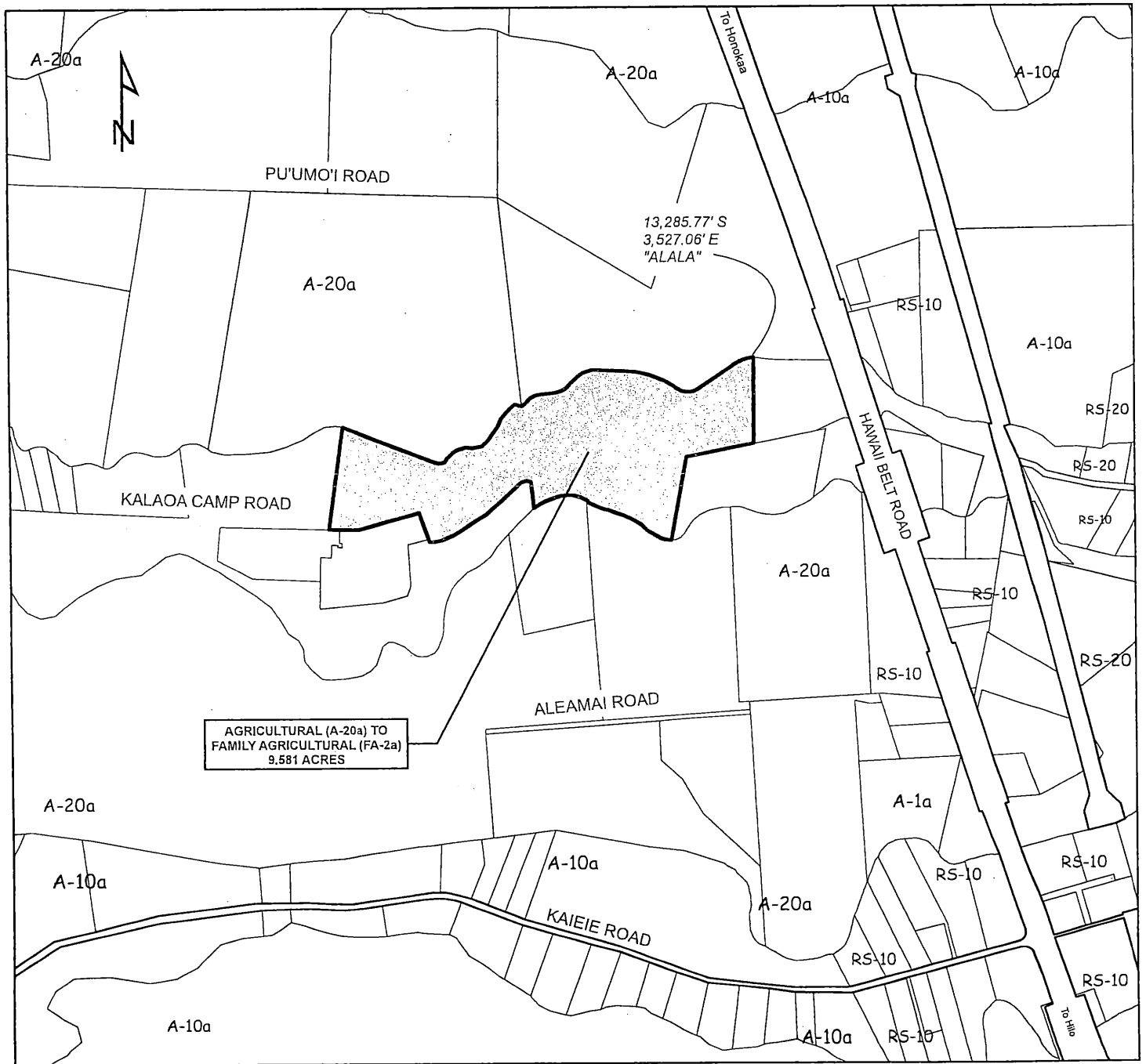
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

 Hilo , Hawai'i
Date of Introduction: March 23, 2022
Date of 1st Reading: March 23, 2022
Date of 2nd Reading: April 6, 2022
Effective Date: April 21, 2022

REFERENCE Comm. 656



AGRICULTURAL (A-20a) TO
FAMILY AGRICULTURAL (FA-2a)
9.581 ACRES

13,285.77' S
3,527.06' E
'ALALA'

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-34 (PAPAIKOU-ONOMEA ZONE MAP) ARTICLE 8,
CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED),
BY CHANGING THE DISTRICT CLASSIFICATION FROM
AGRICULTURAL (A-20a) TO FAMILY AGRICULTURAL (FA-2a)
AT KALAOA, SOUTH HILO, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 2-7-008:130

DATE: October 5, 2021
Garvin and Laura Goode
Map: 1431

EXHIBIT "A"

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

COUNTY CLERK
 COUNTY OF HAWAII

2022 APR 26 AM 11: 49

Introduced By: Ashley L. Kierkiewicz (B/R)
 Date Introduced: March 23, 2022
 First Reading: March 23, 2022
 Published: April 1, 2022

REMARKS:

Second Reading: April 6, 2022
 To Mayor: April 14, 2022
 Returned: April 26, 2022
 Effective: April 21, 2022
 Published: May 6, 2022

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung			X	
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball				X
Lee Loy	X			
Richards	X			
Villegas	X			
	7	0	1	1

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball				X
Lee Loy	X			
Richards	X			
Villegas	X			
	8	0	0	1

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



COUNCIL CHAIRPERSON



COUNTY CLERK

Approved/Disapproved this 21st day
 of April, 2022


 MAYOR, COUNTY OF HAWAII

Bill No.: 134
 Reference: C-656/PC-50
 Ord No.: 22 42