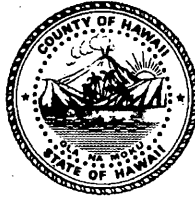


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 22 66 BILL NO. 158

AN ORDINANCE AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL-1 ACRE (A-1a) TO SINGLE-FAMILY RESIDENTIAL-15,000 SQUARE FEET (RS-15) AT WAIMEA, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-5-007:045-0001 AND 0002.

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

SECTION 1. Section 25-8-7, Article 8, Chapter 25 (Zoning Code) 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 Waimea, South Kohala, Hawai'i, shall be Single-Family Residential-15,000 square feet (RS-15):

Beginning at a 1/2 inch pipe (found) at the Northeasterly corner of this parcel of land, being also the Northwesterly corner of Lot B and being a point on the Southerly side of Lihipali Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WEST BASE" being 610.23 feet North and 4,116.75 feet West and running by azimuths measured clockwise from True South:

- |    |              |        |  |
|----|--------------|--------|--|
| 1. | 339° 32' 45" | 240.69 | feet along Lot B and along the remainder of Grant 12,788 to R.T. and G.G. Williams to a point;                           |
| 2. | 90° 22' 30"  | 171.35 | feet along Lot H and along the remainders of Grant 11,565 to C. Littlejohn and Grant 11,556 to A. Waterhouse to a point; |

- |    |          |        |   |
|----|----------|--------|---|
| 3. | 157° 59' | 175.33 | feet along Lot A and along the remainders of Grant 11,556 to A. Waterhouse and Grant 12,788 to R.T. and G.G. Williams to a rebar (found); |
| 4. | 247° 59' | 165.00 | feet along the Southerly side of Lihipali Road to the point of beginning and containing an area of 33,738 square feet.                    |

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, its successors or assigns ("Applicant") shall comply with all of the stated conditions of approval.
- B. Prior to issuance of Final Subdivision Approval, the Applicant shall designate, in writing, which lot within the proposed subdivision will be assigned each of the existing service meters and construct necessary water improvements to the

Department of Water Supply (DWS)'s affected water system facilities, should they be necessary.

- C. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- D. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties.
- E. All earthwork activities including grading, grubbing, and stockpiling shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
- F. All driveway connections to Lihipali Road shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
- G. Access to Lihipali Road, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works (DPW).
- H. A five (5)-foot-wide future road widening setback along the property's Lihipali Road frontage shall be delineated on plat maps submitted for the subdivision of the subject property. Upon the request of the DPW, the Applicant shall subdivide the land encumbered by the future road widening setback and dedicate it to the County of Hawai'i at no cost.
- I. The method of sewage disposal shall meet with the requirements of the State Department of Health (DOH).
- J. 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 (DLNR-SHPD) 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.

- K. 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.
- L. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the Fire Department, DPW, DWS, and DOH.
- 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 [1] year may be extended for up to one [1] additional year).
  5. If the Applicant should require an additional extension of time, the Planning Director shall submit the Applicant's request to the County Council for appropriate action.
- N. 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.

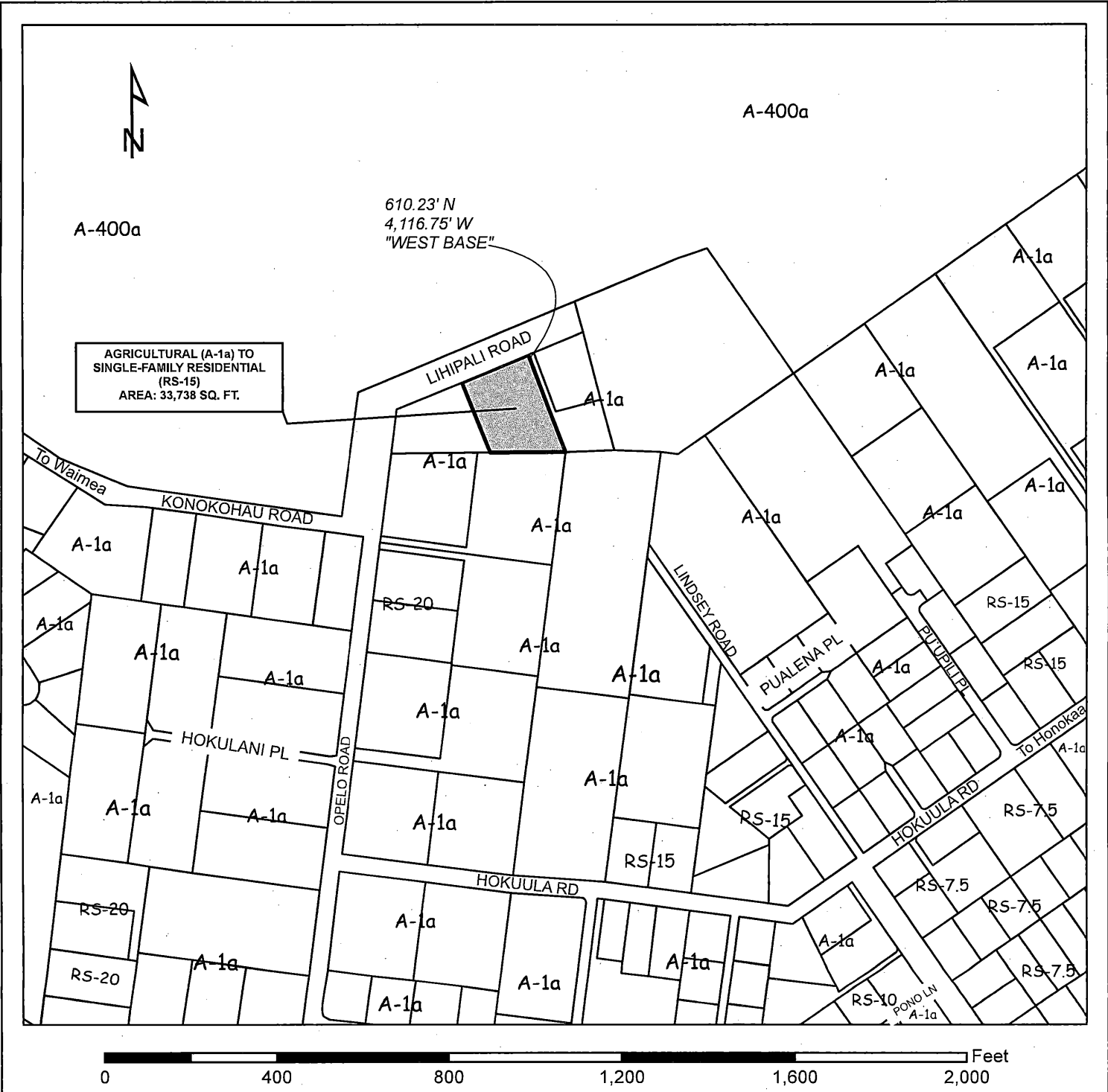
SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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

INTRODUCED BY:

  
\_\_\_\_\_  
COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i  
Date of Introduction: May 18, 2022  
Date of 1st Reading: May 18, 2022  
Date of 2nd Reading: June 1, 2022  
Effective Date: June 15, 2022



# **AMENDMENT TO THE ZONING CODE**

AMENDING SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT 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-1a) TO SINGLE-FAMILY RESIDENTIAL (RS-15) AT WAIMEA, SOUTH KOHALA, HAWAII

MAP PREPARED BY:  
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 6-5-007:045-0001 & 0002

DATE: December 10, 2021

EXHIBIT "A"

Dale Trefz  
Map: 1436

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

COUNTY CLERK  
 COUNTY OF HAWAII

2022 JUN 17 PM 4: 07

Introduced By: Ashley L. Kierkiewicz (B/R)  
 Date Introduced: May 18, 2022  
 First Reading: May 18, 2022  
 Published: May 27, 2022

REMARKS: \_\_\_\_\_  
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 \_\_\_\_\_  
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Second Reading: June 1, 2022  
 To Mayor: June 9, 2022  
 Returned: June 17, 2022  
 Effective: June 15, 2022  
 Published: July 1, 2022

REMARKS: \_\_\_\_\_  
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 \_\_\_\_\_  
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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			
	9	0	0	0

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	1	0

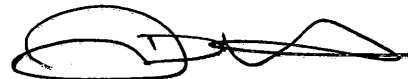
I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 15<sup>th</sup> day  
 of June, 2022

  
 MAYOR, COUNTY OF HAWAII



COUNCIL CHAIRPERSON



COUNTY CLERK

Bill No.: 158  
 Reference: C-743/PC-65  
 Ord No.: 22 66