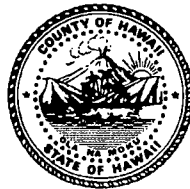


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. **23 23** BILL NO. 12

AN ORDINANCE AMENDING SECTION 25-8-6 (KAILUA-HONALU URBAN 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 – FIVE ACRES (A-5a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT KEAUHOU, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY: 7-7-008:062.

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

SECTION 1. Section 25-8-6, 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 Keauhou, North Kona, Hawai'i, shall be Family Agricultural District – One Acre (FA-1a):

Beginning at a spike in the concrete at the Southeasterly corner of this parcel of land, being also the Northeasterly corner of Lot 1 and being a point on the Westerly side of Kuakini Highway (F.A.P. No. S-229 (1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 18,439.04 feet South and 12,621.21 feet East, and running by azimuths measured clockwise from True South:

Thence, for the next four (4) courses following along the remainder of Grant 3019 to Ka'aipulu:

- | | | | |
|----|----------|--------|--|
| 1. | 72° 00' | 212.91 | feet along Lot 1 and Lot 2 to a ½ inch pipe in concrete (found); |
| 2. | 342° 00' | 238.37 | feet along Lot 2 to a ½ inch pipe in concrete (found); |

- | | | | |
|----|----------|--------|------------------------------|
| 3. | 72° 00' | 686.75 | feet along Lot 2 to a point; |
| 4. | 162° 00' | 334.35 | feet along Lot 1 to a point; |

Thence, for the next twenty-two (22) courses following along middle of stonewall and along Land Commission Award 4452, Apana 2 to H. Kalama:

- | | | | |
|-----|----------|-------|--|
| 5. | 257° 19' | 22.78 | feet along Lot 21 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 6. | 248° 14' | 42.85 | feet along Lot 21 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 7. | 252° 21' | 38.80 | feet along Lot 21 and Lot 20 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 8. | 257° 01' | 51.69 | feet along Lot 20 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 9. | 259° 26' | 27.50 | feet along Lot 20 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 10. | 252° 23' | 59.05 | feet along Lot 20 and Lot 19 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 11. | 248° 27' | 25.04 | feet along Lot 19 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 12. | 256° 03' | 35.68 | feet along Lot 19 of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |
| 13. | 260° 39' | 60.28 | feet along Lot 19 and the Southerly end of Roadway of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point; |

14.	263°	45'	21.59	feet along the Southerly end of Roadway of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) to a point;
15.	261°	59'	42.98	feet along the Southerly end of Roadway of Ali'i Heights, Unit 2, Phase IV (File Plan 2400) and along Lot 18-A of Ali'i Heights, Unit 2, Phase IV to a point;
16.	254°	20'	71.90	feet along Lot 18-A and Lot 22-A of Ali'i Heights, Unit 2, Phase IV to a point;

Thence, for the next five (5) courses following along Lot 22-A of Ali'i Heights, Unit 2, Phase IV:

17.	251°	56'	43.57	feet to a point;
18.	247°	18'	32.36	feet to a point;
19.	246°	57'	18.00	feet to a spike (found);
20.	257°	26'	40.12	feet to a point;
21.	252°	41'	26.07	feet to a point;
22.	259°	53'	39.02	feet along Lot 22-A and Lot 21-A of Ali'i Heights, Unit 2, Phase IV to a nail (found);

Thence, for the next three (3) courses following along Lot 21-A-1 of Ali'i Heights, Unit 2, Phase IV:

23.	253°	13'	24.03	feet to a spike (found);
24.	249°	36'	41.85	feet to a point;
25.	254°	07'	39.60	feet to a point;
26.	250°	38' 22"	98.24	feet along Lot 21-A-1 and Lot 18-A-1 of Ali'i Heights, Unit 2, Phase IV

- 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. The Applicant is responsible for maintaining valid water commitments to support the proposed subdivision until such time that required water facilities charges are paid in full.
- D. Prior to issuance of Final Subdivision Approval, the Applicant shall construct necessary water improvements, including, but not limited to, installation of a water meter fronting each proposed parcel, meeting with the approval of the Department of Water Supply.
- E. Final Subdivision Approval for the proposed subdivision shall be secured within five (5) years from the effective date of this ordinance.
- F. All development generated runoff shall be disposed of on site and not be directed toward any adjacent properties. A drainage study, if required, shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.
- G. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control of the Hawai'i County Code.
- H. Vehicular access to individual lots shall be prohibited from Kuakini Highway.

- I. All driveway connections and construction within the Pōmaika‘i Street Right-of-Way shall conform to Chapter 22, County Streets, of the Hawai‘i County Code.
- J. Access to Pōmaika‘i Street, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
- K. No structures shall be constructed within the existing 60-foot-wide road easement, established in 1987 as part of Subdivision No. 5535, unless the applicant is able to properly remove the easement.
- L. A National Pollutant Discharge Elimination System (NPDES) permit, if required, shall be secured from the State Department of Health before the commencement of ground disturbing activities.
- M. The Applicant shall be responsible for extending the County sewer system along Pōmaika‘i Street and installing a connection fronting each proposed parcel, meeting with the approval of the Department of Environmental Management, and prior to the issuance of Final Subdivision Approval.
- N. Prior to issuance of any building permits and/or ground-disturbing activities on the subject parcel and/or parcels created by the proposed subdivision, each individual lot owner shall conduct an Archeological Inventory Survey (AIS) and submit an AIS report, meeting with the approval of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD). Permit issuance shall not proceed until DLNR-SHPD notifies the Planning Department that the AIS and/or other requested documentation has been reviewed and accepted.

- O. 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 Department of Land and Natural Resources-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.
- P. 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, Department of Public Works, Department of Water Supply and Department of Health.
- Q. 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 Director shall submit the Applicant's request to the County Council for appropriate action.

R. 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.

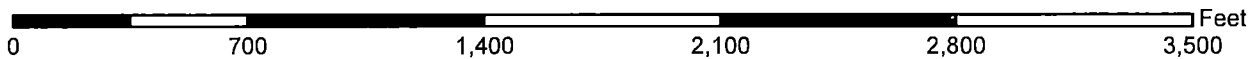
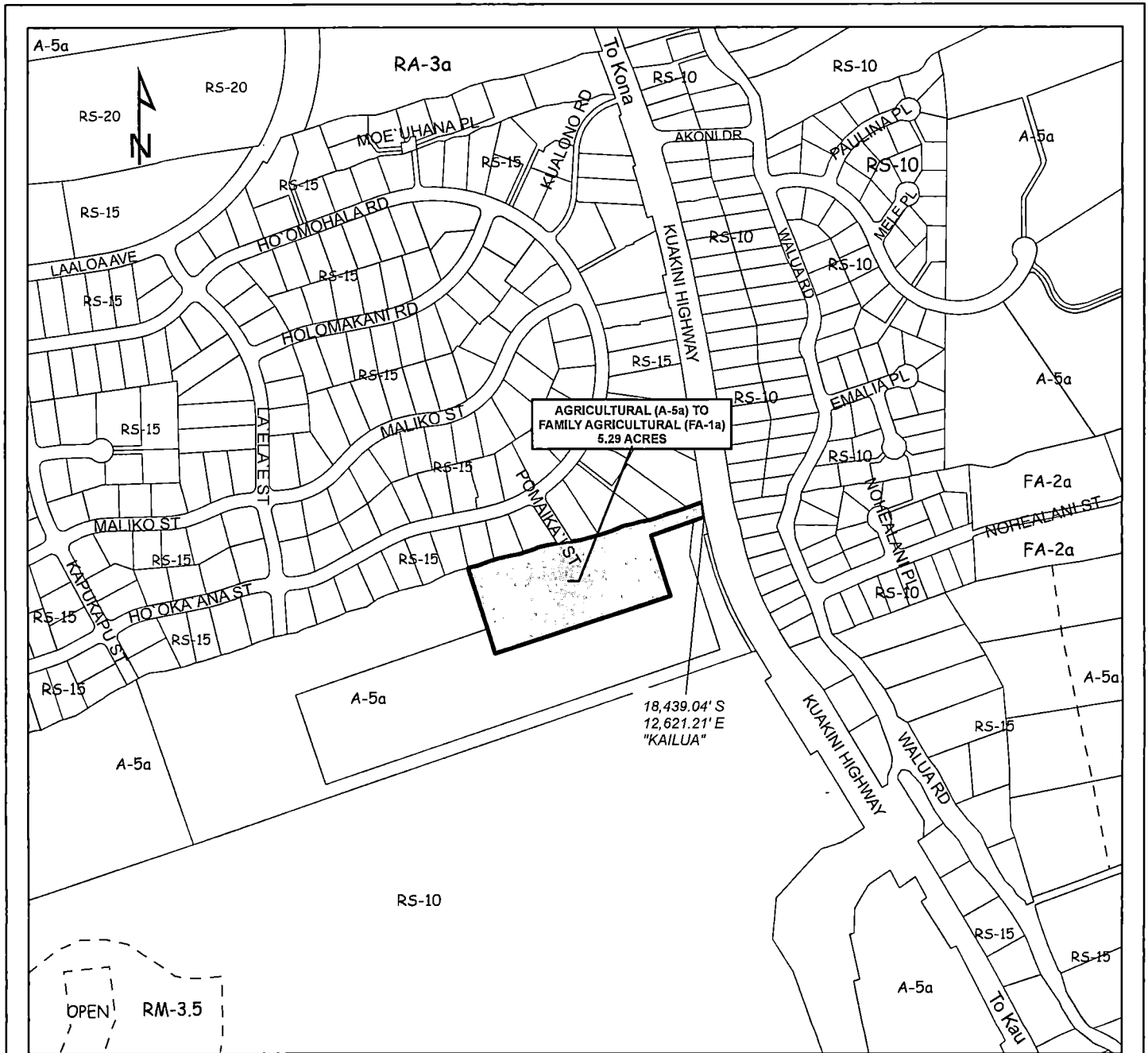
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

 Kona , Hawai'i
Date of Introduction: February 8, 2023
Date of 1st Reading: February 8, 2023
Date of 2nd Reading: February 22, 2023
Effective Date: March 8, 2023

REFERENCE Comm. 50



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-6 (KAILUA-HONALU URBAN 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-5a) TO FAMILY AGRICULTURAL (FA-1a)
AT KEAUHOU, NORTH KONA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 7-7-008:062

DATE: March 14, 2022

EXHIBIT "A"

Shawn Nakoa
Map: 1438

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

COUNTY CLERK
 COUNTY OF HAWAII

2023 MAR -1 PM 2:12

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: February 8, 2023
 First Reading: February 8, 2023
 Published: February 17, 2023

REMARKS: _____

Second Reading: February 22, 2023
 To Mayor: March 1, 2023
 Returned: March 9, 2023
 Effective: March 8, 2023
 Published: March 24, 2023

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS.	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder			X	
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada	X			
Kāneali'i-Kleinfelder			X	
Kierkiewicz	X			
Kimball	X			
Lee Loy	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 8th day
 of March, 2023.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 12
 Reference: C-50/LAAC-9
 Ord No.: 23 23