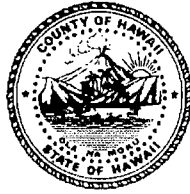


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 23 69 BILL NO. 61

AN ORDINANCE AMENDING SECTION 25-8-19 (NORTH HILO 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 AGRICULTURAL – FIVE ACRES (A-5a) AT 'Ō'ŌKALA, NORTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 3-9-001:024.

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

SECTION 1. Section 25-8-19, 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 'Ō'Ōkala, North Hilo, Hawai'i, shall be Agricultural – 5 acres (A-5a):

Beginning at the southwest corner of this parcel of land, being also the northwest corner of Lot 160, coordinates of which referred to Government Survey Triangulation Station "HUMU'ULA" being 6,653.92 feet north and 1,581.66 feet west and running by azimuths measured clockwise from True South:

1. 192° 33' 29" 569.82 feet along Parcel 05 of Tax Map Key: (3) 3-9-01, along remainder of Grant 2467 to Hanehane and Kaawapuupuole;

Thence along the top of bluff at seashore for the next eleven (11) courses:

2. 251° 49' 123.50 feet;

3.	236° 28'	54.70	feet;
4.	249° 16'	45.00	feet;
5.	291° 40'	146.80	feet;
6.	294° 16'	47.30	feet;
7.	293° 51'	86.70	feet;
8.	308° 06'	170.20	feet;
9.	305° 33'	61.80	feet;
10.	298° 00'	65.60	feet;
11.	296° 49'	154.60	feet;
12.	290° 39'	84.70	feet;
13.	300° 53'	83.30	feet to the middle of Alaialoa Gulch;
			Thence along Government (Crown) Land of 'Ō'ōkala and the Government Land of Manowaialee, along the middle of Alaialoa Gulch for the next twelve (12) courses:
14.	4° 42'	86.75	feet;
15.	7° 45'	83.70	feet;
16.	357° 51'	32.80	feet;
17.	31° 37'	124.30	feet;
18.	6° 02'	67.60	feet;
19.	31° 25'	72.80	feet;
20.	52° 03'	73.30	feet;
21.	26° 06'	60.60	feet;
22.	355° 04'	49.00	feet;

23.	350°	11'	84.30	feet;
24.	13°	27'	54.50	feet;
25.	66°	05'	49.80	feet;
26.	11°	39'	128.62	feet to the southeast corner of Lot 160;
				Thence along Lot 160, along Government (Crown) Land of 'Ō'ōkala and the Government Land of Manowaialee, on a curve to the right with a radius of 686.82 feet, the azimuth to the radius center being: 193° 51' 02", the chord azimuth and distance being;
27.	118°	14'	01"	341.22 feet;
28.	132°	37'	590.00	feet along Lot 160, along remainder of Grant 2467 to Hanehane and Kaawapuupuole;
				Thence along Lot 160, along remainder of Grant 2467 to Hanehane and Kaawapuupuole, on a curve to the left with radius of 1,462.66 feet, the chord azimuth and distance being;
29.	129°	53'	58"	138.68 feet to the point of beginning and containing an area of 20.027 acres.

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. Prior to applying for the subdivision, the Applicant shall secure the necessary access and utility easements through the lands located mauka of the subject property. A copy of the proposed access and utility easements 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.
- D. The Applicant is responsible for maintaining valid water commitments to support the proposed development until such time that required water facilities charges are paid in full.

- E. The Applicant shall construct necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to: 1) service laterals that will accommodate a 5/8-inch meter to front each lot, 2) water mains capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions; minimum diameter of mains shall be six (6) inches, and 3) subject to other agencies requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the application shall be responsible for the relocation and adjustment of the Department of Water Supply's affected water system facilities, should they be necessary.

- F. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a professional civil engineer licensed in the State of Hawai'i and submitted to the Department of Public Works. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of Final Subdivision Approval.

- G. All earthwork and grading activity shall conform to Hawai'i County Code Chapter 10, Erosion and Sedimentation Control, and Chapter 27 Flood Control.

- H. A National Pollutant Discharge Elimination System (NPDES) permit and an Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health before the commencement of construction activities.

- I. The method of sewage disposal shall meet with the requirements of the State Department of Health.

- 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 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.

- K. Should any state or federally listed or endangered species be found on the subject property, the Applicant shall comply with all applicable requirements of the Department of Land and Natural Resources - Division of Forestry and Wildlife.

- L. The Applicant shall comply with all applicable County, State and Federal codes, laws, rules, regulations, and requirements for the proposed development.

- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the property 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: September 6, 2023
Date of 1st Reading: September 20, 2023
Date of 2nd Reading: October 4, 2023
Effective Date: October 18, 2023

REFERENCE Comm. 388

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

COUNTY CLERK
 COUNTY OF HAWAII

2023 OCT 19 AM 8:18

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: September 6, 2023
 First Reading: September 20, 2023
 Published: September 29, 2023

REMARKS: _____
 POSTPONED: September 6, 2023

Second Reading: October 4, 2023
 To Mayor: October 13, 2023
 Returned: October 19, 2023
 Effective: October 18, 2023
 Published: November 3, 2023

REMARKS: _____

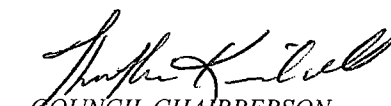
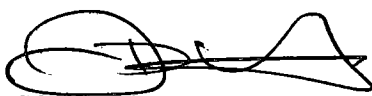
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
Galimba	X			
Inaba	X			
Kagiwada			X	
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Villegas	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Evans	X			
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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 18th day
 of October, 2023.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON

 COUNTY CLERK

Bill No.: 61
 Reference: C-388/LAAC-30
 Ord No.: 23 69