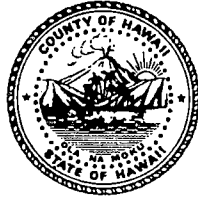


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 86
(DRAFT 2)

ORDINANCE NO. 23 97

AN ORDINANCE AMENDING SECTION 25-8-15 (HĀMĀKUA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM FAMILY AGRICULTURAL – 3 ACRES (FA-3a) TO AGRICULTURAL – 5 ACRES (A-5a) AT WAIMEA, HĀMĀKUA DISTRICT, HAWAI'I, COVERED BY TAX MAP KEY: 4-7-007:048.

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

SECTION 1. Section 25-8-15, 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, Hāmākua District, Hawai'i, shall be Agricultural – 5 Acres (A-5a):

Beginning at a ½ inch pipe (found) at the Northwesterly corner of this parcel of land, being also a point on the Southerly side of Old Belt Road (Old Māmalahoa Highway) and a point on the Northeasterly side of Homestead Road (Waokele Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA (EAST BASE)" being 7,387.76 feet North and 11,933.25 feet East and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along the Southerly side of Old Belt Road (Old Māmalahoa Highway):

1. 267° 21' 300.78 feet to a ½ inch pipe in concrete (found);

Thence, following on a curve to the left with a radius of 1,805.00 feet, the chord azimuth and distance being:

2. 265° 24' 122.84 feet to a ½ inch pipe in concrete (found);

3. 263° 27' 158.31 feet to a ½ inch pipe in concrete (found);

Thence, following on a curve to the left with a radius of 6,690.00 feet, the chord azimuth and distance being:

4. 262° 55' 45" 121.63 feet to a ¾ inch pipe in concrete (found);

5. 262° 24' 30" 111.74 feet to a ½ inch pipe in concrete (found);

Thence, following on a curve to the left with a radius of 3,255.00 feet, the chord azimuth and distance being:

6. 260° 59' 161.89 feet to a ¾ inch pipe in concrete (found);

7. 259° 33' 30" 1,042.12 feet to a ½ inch pipe in concrete (found);

8. 350° 14' 30" 1,546.36 feet along Lot 1-A and along the remainder of Land Commission Award 8559-B, Apana 2 to William C. Lunalilo (Certificate of Boundaries No. 33) to a ½ inch pipe in concrete (found);

9. 118° 44' 2,575.65 feet along the Northerly side of Homestead Road (Waokele Street) to the point of beginning and containing an area of 34.559 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 maintain valid water commitments to support the proposed development until such time that required water facilities charges are paid in full.
 - C. Prior to issuance of Final Subdivision Approval, the Applicant shall construct necessary water improvements meeting with the approval of the Department of Water Supply.
 - D. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control of the Hawai‘i County Code.
 - E. All driveway connections and construction within the Old Māmalahoa Highway and Waokele Street right-of-way shall conform to Chapter 22, County Streets, of the Hawai‘i County Code. Access to Old Māmalahoa Highway and Waokele Street, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works, Engineering Division.

- F. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works (DPW). Any recommended drainage improvements, if required, shall be constructed meeting with the approval of DPW prior to issuance of Final Subdivision Approval.
- G. The method of sewage disposal shall meet with the requirements of the State Department of Health.
- H. 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.
- I. Should any state or federally listed or endangered species be found on the subject property, the Applicant shall comply with all applicable requirements of Department of Land and Natural Resources- Division of Forestry and Wildlife and/or the United States Fish and Wildlife Service.
- J. 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.

- K. Final Subdivision Approval for the proposed subdivision shall be secured within ten (10) years from the effective date of this ordinance.
- L. If the applicant fails to fulfill any conditions of the zone change within the specified time limitations, the Planning Director or County Council may initiate the process for enactment of an ordinance reverting the affected property back to its original zoning designation or a more appropriate zoning designation in accordance with Section 25-2-43 of the Hawai'i County Code.
- M. An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.

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

Kona _____, Hawai'i
Date of Introduction: November 1, 2023
Date of 1st Reading: November 1, 2023
Date of 2nd Reading: November 15, 2023
Effective Date: December 6, 2023

REFERENCE Comm. 519.3

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

COUNTY CLERK
 COUNTY OF HAWAII

2023 DEC -7 AM 8:14

Introduced By: Dr. Holeka Goro Inaba (B/R)
 Date Introduced: November 1, 2023
 First Reading: November 1, 2023
 Published: November 10, 2023

REMARKS: _____

Second Reading: November 15, 2023
 To Mayor: December 4, 2023
 Returned: December 7, 2023
 Effective: December 6, 2023
 Published: December 29, 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	
	6	0	3	0

(Draft 2)

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			
	7	0	2	0

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 6th day
 of December, 2023.


 MAYOR, COUNTY OF HAWAII

Bill No.: 86 (Draft 2)
 Reference: C-519.3/LAAC-38
 Ord No.: 23 97